



Planning and Development Department
Land Use Planning Division

A D M I N I S T R A T I V E U S E P E R M I T

CITY OF BERKELEY ZONING ORDINANCE
Berkeley Municipal Code, Title 23

AUP #13-20000019

Property Address:

1746 VIRGINIA STREET

Permittee Name:

ALEX CHIAPPETTA

Use and/or Construction Permitted: address to convert an existing duplex into a single family dwelling pursuant to:

- Section 23C.08.030.B to eliminate a dwelling unit.

FINDINGS, CONDITIONS AND APPROVED PLANS ATTACHED

Following the expiration of the mandatory appeal period set forth in Section 23B.28.040 of the Berkeley Municipal Code, with no timely appeal being filed, the Administrative Use Permit described herein has been duly granted by the Zoning Officer on May 8, 2013.

Attest: Terry Blount
Terry Blount, AICP, Principal Planner
For Debbie Sanderson, Zoning Officer

May 8, 2013
Effective Date

ATTACHMENT 1

FINDINGS AND CONDITIONS

APRIL 17, 2013

1746 Virginia Street

Administrative Use Permit # 13-20000019

To convert an existing duplex into a single family dwelling.

CEQA FINDINGS

1. The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code §21000, et seq. and California Code of Regulations, §15000, et seq.) pursuant to Section 15301 of the CEQA Guidelines (“Existing Facilities”). Furthermore, none of the exceptions in CEQA Guidelines Section 15300.2 apply, as follows: (a) the site is not located in an environmentally sensitive area, (b) there are no cumulative impacts, (c) there are no significant effects, (d) the project is not located near a scenic highway, (e) the project site is not located on a hazardous waste site pursuant to Government Code Section 65962.5, and (f) the project will not affect any historical resource.

FINDINGS FOR APPROVAL

2. As required by Section 23B.28.050.A of the Zoning Ordinance, the project, under the circumstances of this particular case existing at the time at which the application is granted, will not be detrimental to the health, safety, peace, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood, or to the general welfare of the City because:
 - The project is located within the existing main building and includes only minor exterior changes to the building which do not require discretionary permits, therefore, the proposed elimination of the dwelling unit will not create new shadow, air, privacy or view impacts to neighboring properties;
 - The project will maintain the existing development scale, which is consistent with the scale of the existing residential buildings in the neighborhood;
 - Per Section 23C.08.030.B (Elimination of Dwelling Units and Accessory Dwelling Units), the subject property was originally constructed as a single family dwelling in 1908 and converted to a duplex in 1989, therefore the conversion of a duplex to a single family dwelling is permissible as the conversion will bring the building closer

to the original number of dwelling units that was present at the time it was first constructed; and

- As required by Section 23C.08.030, the unit to be eliminated at 1746 Virginia Street is not a controlled rental unit because the Rent Board established in a memorandum dated April 10, 2013 that the unit to be eliminated is “exempt” due its status as “owner-occupied” since 1979 and the unit has never been subject to the rent control provisions and is not a “controlled” rental unit, therefore, the application to eliminate the unit at 1746 Virginia Street and convert the building back into a single-family home does not result in the elimination of a “controlled” rental unit.
- As required under Section 23D.28.070 (Development Standards), this project is permissible because the subject property satisfies the development standards for lot coverage, required setbacks, maximum residential density, and maximum main building height.

STANDARD CONDITIONS

The following conditions, as well as all other applicable provisions of the Zoning Ordinance, apply to this Permit:

1. Conditions Shall be Printed on Plans

The conditions of this Permit shall be printed on the *second* sheet of each plan set submitted for a building permit pursuant to this Use Permit, under the title ‘Use Permit Conditions’. *Additional sheets* may also be used if the *second* sheet is not of sufficient size to list all of the conditions. The sheet(s) containing the conditions shall be of the same size as those sheets containing the construction drawings; 8-1/2” by 11” sheets are not acceptable.

2. Applicant Responsible for Compliance with Conditions

The applicant shall ensure compliance with all of the following conditions, including submittal to the project planner of required approval signatures at the times specified. Failure to comply with any condition may result in construction being stopped, issuance of a citation, and/or modification or revocation of the Use Permit.

3. Uses Approved Deemed to Exclude Other Uses (Section 23B.56.010)

- A. This Permit authorizes only those uses and activities actually proposed in the application, and excludes other uses and activities.
- B. Except as expressly specified herein, this Permit terminates all other uses at the location subject to it.

4. Modification of Permits (Section 23B.56.020)

No change in the use or structure for which this Permit is issued is permitted unless the Permit is modified by the Zoning Officer, except that the Zoning Officer may approve changes that do not expand, intensify, or substantially change the use or building.

5. Plans and Representations Become Conditions (Section 23B.56.030)

Except as specified herein, the site plan, floor plans, building elevations and/or any additional information or representations, whether oral or written, indicating the proposed structure or manner of operation submitted with an application or during the approval process are deemed conditions of approval.

6. Subject to All Applicable Laws and Regulations (Section 23B.56.040)

The approved use and/or construction is subject to, and shall comply with, all applicable City Ordinances and laws and regulations of other governmental agencies. Prior to construction, the applicant shall identify and secure all applicable permits from the Building and Safety Division, Public Works Department and other affected City divisions and departments.

7. Exercised Permit for Use Survives Vacancy of Property (Section 23B.56.080)

Once a Permit for a use is exercised and the use is established, that use is legally recognized, even if the property becomes vacant, except as set forth in Standard Condition #8, below.

8. Exercise and Lapse of Permits (Section 23B.56.100)

- A. A permit for the use of a building or a property is exercised when, if required, a valid City business license has been issued, and the permitted use has commenced on the property.
- B. A permit for the construction of a building or structure is deemed exercised when a valid City building permit, if required, is issued, and construction has lawfully commenced.
- C. A permit may be declared lapsed and of no further force and effect if it is not exercised within one year of its issuance, except that permits for construction or alteration of structures or buildings may not be declared lapsed if the permittee has: (1) applied for a building permit; or, (2) made substantial good faith efforts to obtain a building permit and begin construction, even if a building permit has not been issued and/or construction has not begun.

9. Indemnification Agreement

The applicant shall hold the City of Berkeley and its officers harmless in the event of any legal action related to the granting of this Permit, shall cooperate with the City in defense of such action, and shall indemnify the City for any award of damages or attorneys fees that may result.

ADDITIONAL CONDITIONS IMPOSED BY THE ZONING OFFICER

Pursuant to BMC 23B.28.050.D, the Zoning Officer attaches the following additional conditions to this Permit:

Prior to Submittal of Any Building Permit:

10. The applicant shall provide the project planner with the name and telephone number of the individual empowered to manage construction noise from the project. The individual's name, telephone number, and responsibility for noise management shall be posted at the project site for the duration of construction in a location easily visible to the public. The individual shall record all noise complaints received and actions taken in response, and submit written reports of such complaints and actions to the project planner on a weekly basis. **Individual Responsible for Noise Management:**

Name: _____ Phone: _____

11. The applicant and all persons associated with the project are hereby notified that a Transportation Management Permit (TMP) would be required under any of the following circumstances:

- Alterations, closures, or blockages to sidewalks or pedestrian paths
- Alterations, closures, or blockages to vehicle travel lanes (including bicycle lanes)
- Storage of building materials, dumpsters, debris anywhere in the public ROW
- Provision of exclusive contractor parking on-street
- Significant truck activity.

Contact the Permit Service Center (PSC) at 2120 Milvia Street or 981-7500 for details on obtaining Construction/No Parking Permits (and associated signs and accompanying dashboard permits). Public Works Traffic Engineering (981-6400) reviews all submitted TMP requests.

The TMP may include designation of a specific truck haul route. Meter heads (if in the construction area) shall be removed only by City staff. Contact the site inspector 72 hours in advance of required removal so arrangements can be made.

Prior to Issuance of Any Building Permit:

12. Drainage plans shall be submitted for approval of the Building & Safety Division and Public Works Department, if required.
13. The applicant shall file an "Address Assignment Request Application" with the Permit Service Center (2120 Milvia Street) for the elimination of the address of the second dwelling unit associated with this Use Permit.

During Construction:

14. Construction activity shall be limited to between the hours of 8:00 a.m. and 6:00 p.m. on Monday through Friday, and between 9:00 a.m. and noon on Saturday. No construction-related activity shall occur on Sunday or on any Federal Holiday.
15. If underground utilities leading to adjacent properties are uncovered and/or broken, the contractor involved shall immediately notify the Public Works Department and the

Building & Safety Division, and carry out any necessary corrective action to their satisfaction.

16. Subject to approval of the Public Works Department, the applicant shall repair any damage to public streets and/or sidewalks by construction vehicles traveling to or from the project site.
17. All piles of debris, soil, sand, or other loose materials shall be covered at night and during rainy weather with plastic at least one-eighth millimeter in thickness and secured to the ground.
18. All active construction areas shall be watered at least twice daily, and all piles of debris, soil, sand or other loose materials shall be watered or covered.
19. Trucks hauling debris, soil, sand, or other loose materials shall be covered or required to maintain at least two feet of board.
20. Public streets shall be swept (preferably with water sweepers) of all visible soil material carried from the site.
21. The applicant shall establish and maintain drainage patterns that do not adversely affect adjacent properties and rights-of-way.
22. The applicant shall ensure that all excavation takes into account surface and subsurface waters and underground streams so as not to adversely affect adjacent properties and rights-of-way.
23. Any construction during the wet season shall require submittal of a soils report with appropriate measures to minimize erosion and landslides, and the developer shall be responsible for following these and any other measures required by the Building and Safety Division and the Public Works Department.

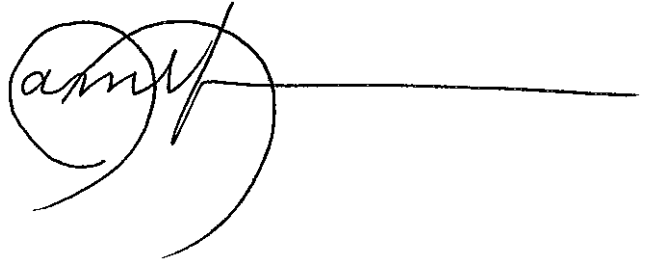
Prior to Issuance of Occupancy Permit or Final Inspection:

24. All construction at the subject property shall substantially conform to the approved Use Permit drawings or to modifications approved by the Zoning Officer.
25. All landscape, site and architectural improvements shall be completed per the attached approved drawings dated **FEBRUARY 12, 2013**.

At All Times (Operation):

26. All exterior lighting shall be shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.

27. This permit is subject to review, imposition of additional conditions, or revocation if factual complaint is received by the Zoning Officer that the maintenance or operation of this establishment is violating any of these or other required conditions or is detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the neighborhood or is detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.
28. Noise and exterior lighting shall be controlled so as to prevent verified complaints from the surrounding neighborhood.

A handwritten signature in black ink, appearing to read 'amj', is written over a horizontal line. The signature is enclosed within a circular scribble.

Pamela Johnson, Assistant Planner for
Debra Sanderson, Zoning Officer

File: G:\LANDUSE\Project by Address\Virginia\1746\AUP 13-20000019\Working\FC_1746 Virginia

RECEIVED
 MAR 2 2013
 LAND USE PLANNING

alex chiappetta
 architecture

133 parker street
 berkeley ca 94702
 (510) 788-5522
 www.alexchiappetta.com

201403
 PROJECT NO.
 1746 VIRGINIA STREET
 REMODEL
 LYMAN NICHOLSON
 RESIDENCE

REMODELS

1746 Virginia Street
 Berkeley

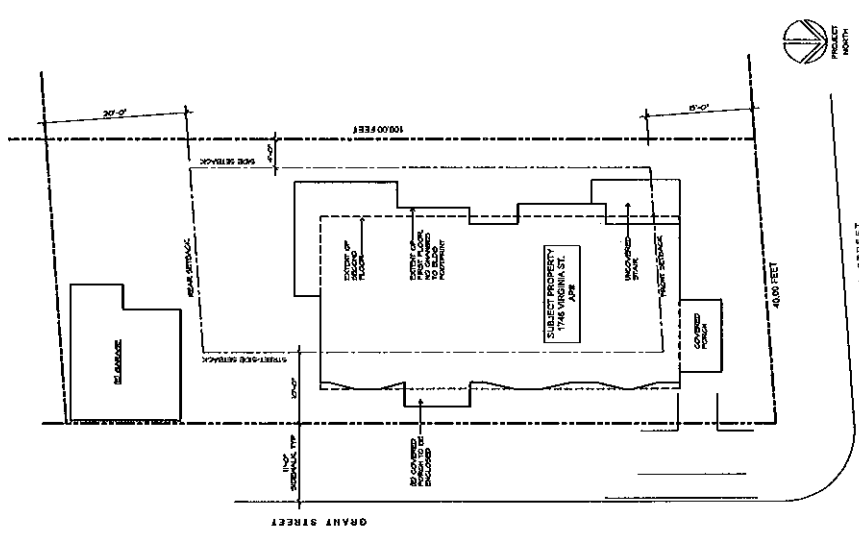
AP# 059-2160-001

Project No.
 COVER SHEET &
 ROOFPLOT PLAN

DATE: AS NOTED
 SHEET NO. 1250
 PROJECT NORTH

A0.1

NOT FOR CONSTRUCTION



1 PLOT PLAN
 A0.1
 VIRGINIA STREET
 GRAY STREET
 10TH STREET

DATE	REVISION	DESCRIPTION

GENERAL NOTES

PROJECT ADDRESS: 1746 Virginia Street (East 1000 East 50)

AP# NUMBER: APR 059-2160-001

ZONING: R-2A

APPLICABLE CODES: 2010 Berkeley Residential Code

OCCUPANCY: R-3

TYPE OF CONSTRUCTION: TYPE V-A

LOCAL ORDINANCES: FIRE ZONE 3

1. All work shall be performed in accordance with all requirements of the Berkeley Residential Code and all applicable local and State laws, rules and regulations, and all applicable codes and standards that apply to work not contained in these codes.

2. All work shall be performed in accordance with all requirements of the California Building Code, all applicable local and State laws, rules and regulations, and all applicable codes and standards that apply to work not contained in these codes.

3. All work shall be performed in accordance with all requirements of the International Building Code, all applicable local and State laws, rules and regulations, and all applicable codes and standards that apply to work not contained in these codes.

4. All dimensions shall be finished over finish.

5. Contractor shall verify all dimensions and conditions in this Report before beginning work. It is the responsibility of the Contractor to verify all dimensions and conditions in this Report before beginning work. It is the responsibility of the Contractor to verify all dimensions and conditions in this Report before beginning work.

6. All work shall be completed and ready for occupancy within the time frame specified in the Schedule of Values. The Contractor shall not be held responsible for any delays in completion of the project.

7. The Contractor shall be responsible for obtaining all necessary permits and approvals from the appropriate authorities.

8. The Contractor shall be responsible for maintaining access to all adjacent properties and utilities throughout the project.

9. The Contractor shall be responsible for protecting all existing structures and utilities that remain on the site.

10. The Contractor shall be responsible for providing adequate site access for all emergency services.

11. The Contractor shall be responsible for maintaining the site in a safe condition throughout the project.

12. The Contractor shall be responsible for maintaining the site in a clean and sanitary condition throughout the project.

13. The Contractor shall be responsible for maintaining the site in a safe condition throughout the project.

14. The Contractor shall be responsible for maintaining the site in a clean and sanitary condition throughout the project.

PROJECT DESCRIPTION

1746 VIRGINIA STREET
 BERKELEY, CA 94702

AP# 059-2160-001

DATE: AS NOTED

PROJECT: REMODEL

1. ADDITIONAL WORK SHALL BE REQUIRED TO COMPLETE THE PROJECT AS SHOWN ON THE PLANS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING ALL DIMENSIONS AND CONDITIONS IN THIS REPORT BEFORE BEGINNING WORK. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY ALL DIMENSIONS AND CONDITIONS IN THIS REPORT BEFORE BEGINNING WORK.

2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AUTHORITIES.

3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING ACCESS TO ALL ADJACENT PROPERTIES AND UTILITIES THROUGHOUT THE PROJECT.

4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING STRUCTURES AND UTILITIES THAT REMAIN ON THE SITE.

5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING ADEQUATE SITE ACCESS FOR ALL EMERGENCY SERVICES.

6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING THE SITE IN A SAFE CONDITION THROUGHOUT THE PROJECT.

7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING THE SITE IN A CLEAN AND SANITARY CONDITION THROUGHOUT THE PROJECT.

PROJECT DIRECTORY

ARCHITECTS:
 Alex Chiappetta Architecture
 133 Parker Street
 Berkeley, CA 94702
 (510) 788-5522

GENERAL CONTRACTOR:
 TBD

STRUCTURAL ENGINEER:
 James L. Furr
 5000 Redwood Road, Suite 200
 Emeryville, CA 94608
 (925) 468-8822

ABBREVIATIONS

AC: ARCHITECT

CC: COMMERCIAL CODE

CB: CALIFORNIA BUILDING CODE

CD: CALIFORNIA DEVELOPMENT CODE

CB: CALIFORNIA BUILDING CODE

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GENERAL NOTES

1. ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH ALL REQUIREMENTS OF THE BERKELEY RESIDENTIAL CODE AND ALL APPLICABLE LOCAL AND STATE LAWS, RULES AND REGULATIONS, AND ALL APPLICABLE CODES AND STANDARDS THAT APPLY TO WORK NOT CONTAINED IN THESE CODES.

2. ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH ALL REQUIREMENTS OF THE CALIFORNIA BUILDING CODE, ALL APPLICABLE LOCAL AND STATE LAWS, RULES AND REGULATIONS, AND ALL APPLICABLE CODES AND STANDARDS THAT APPLY TO WORK NOT CONTAINED IN THESE CODES.

3. ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH ALL REQUIREMENTS OF THE INTERNATIONAL BUILDING CODE, ALL APPLICABLE LOCAL AND STATE LAWS, RULES AND REGULATIONS, AND ALL APPLICABLE CODES AND STANDARDS THAT APPLY TO WORK NOT CONTAINED IN THESE CODES.

4. ALL DIMENSIONS SHALL BE FINISHED OVER FINISH.

5. CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS IN THIS REPORT BEFORE BEGINNING WORK. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY ALL DIMENSIONS AND CONDITIONS IN THIS REPORT BEFORE BEGINNING WORK.

6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AUTHORITIES.

7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING ACCESS TO ALL ADJACENT PROPERTIES AND UTILITIES THROUGHOUT THE PROJECT.

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9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING ADEQUATE SITE ACCESS FOR ALL EMERGENCY SERVICES.

10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING THE SITE IN A SAFE CONDITION THROUGHOUT THE PROJECT.

11. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING THE SITE IN A CLEAN AND SANITARY CONDITION THROUGHOUT THE PROJECT.

SHEET NOTES

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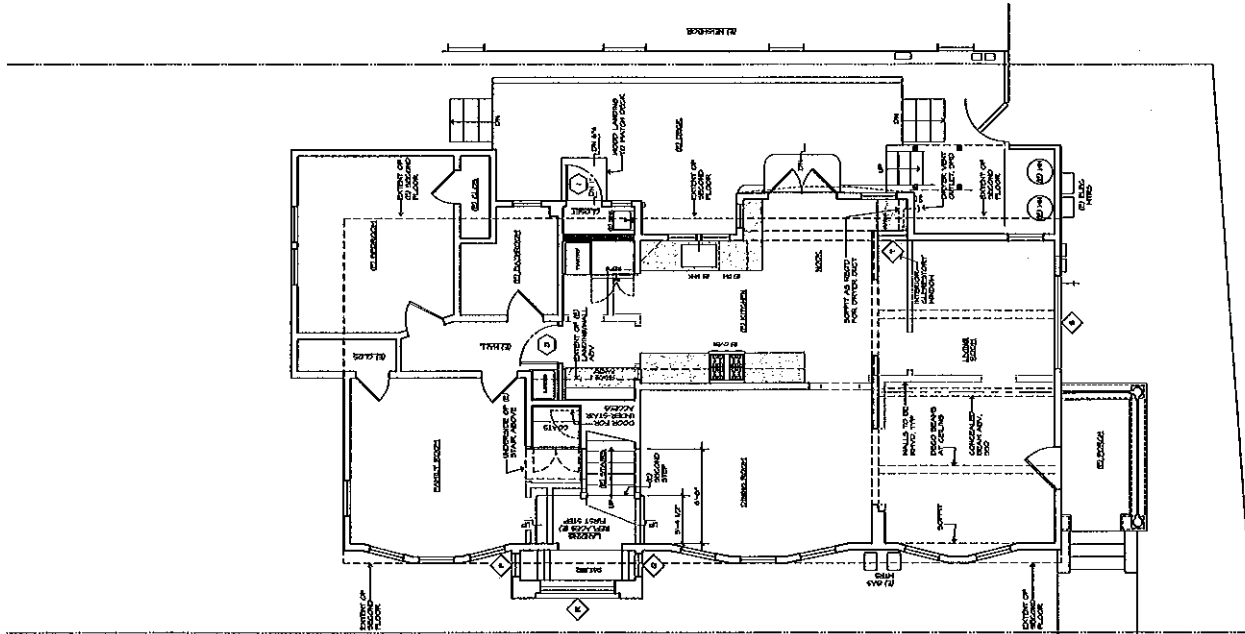
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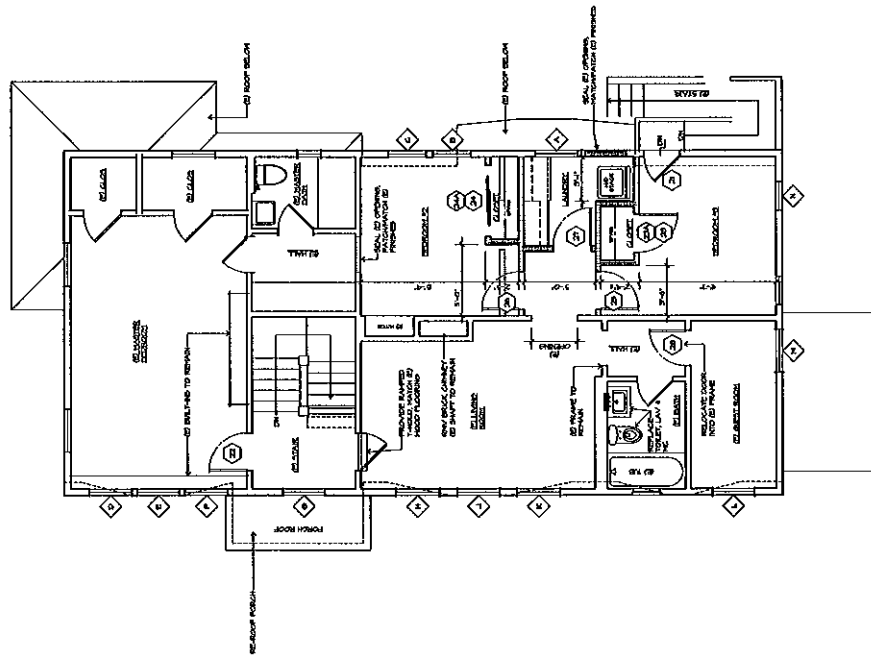
PROJECT DATA

ITEM	QUANTITY	UNITS	REMARKS
CEILING	1	sq ft	
FLOOR	1	sq ft	
ROOF	1	sq ft	
WALL	1	sq ft	
TOTAL			

APPROVED PLAN
 DATE 4-16-13
 P. R. Conditions Attached
 A.U.P. Conditions Attached
 U.P. Conditions Attached



1 PROPOSED FIRST FLOOR PLAN
A2.1



2 PROPOSED SECOND FLOOR PLAN
A2.1

INSULATION SCHEDULE	
1. ATTIC/FLOOR	1/2" R-19 INS. BATT w/ FLOOR TILL
2. BASEMENT WALL	R-10 BATT TYPICAL
3. EXTERIOR WALL	1/2" R-19 INS. BATT w/ FLOOR TILL
4. INTERIOR WALL	5/8" R-13 INS. BATT
5. CEILING	5/8" R-13 INS. BATT
6. FLOOR	5/8" R-13 INS. BATT
7. ROOF	5/8" R-13 INS. BATT
8. WINDOW	5/8" R-13 INS. BATT
9. DOOR	5/8" R-13 INS. BATT
10. STAIR	5/8" R-13 INS. BATT
11. PORCH	5/8" R-13 INS. BATT
12. BALCONY	5/8" R-13 INS. BATT
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PLAN NOTES:

- SEE SHEET A4.1 FOR ACCT. DRAWINGS.
- SEE SHEET A4.2 FOR ACCT. DRAWINGS.
- SEE SHEET A4.3 FOR ACCT. DRAWINGS.
- SEE SHEET A4.4 FOR ACCT. DRAWINGS.
- SEE SHEET A4.5 FOR ACCT. DRAWINGS.
- SEE SHEET A4.6 FOR ACCT. DRAWINGS.
- SEE SHEET A4.7 FOR ACCT. DRAWINGS.
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WALL TYPES/LEGEND:

- 1. EXTERIOR WALL
- 2. INTERIOR WALL
- 3. PARTITION WALL
- 4. GLASS WALL
- 5. CONCRETE WALL
- 6. MASONRY WALL
- 7. CMU WALL
- 8. BRICK WALL
- 9. BLOCK WALL
- 10. STUCCO WALL
- 11. PLASTER WALL
- 12. GYP. BOARD WALL
- 13. INSULATED WALL
- 14. VENEER WALL
- 15. CLADDING WALL
- 16. METAL WALL
- 17. WOOD WALL
- 18. STONE WALL
- 19. TILE WALL
- 20. TERRAZZO WALL
- 21. MARBLE WALL
- 22. GRANITE WALL
- 23. QUARTZ WALL
- 24. SLATE WALL
- 25. SCHIST WALL
- 26. GNEISS WALL
- 27. METAMORPHIC WALL
- 28. SEDIMENTARY WALL
- 29. IGV. WALL
- 30. METAVOLCANIC WALL
- 31. METASEDIMENTARY WALL
- 32. METAMETAMORPHIC WALL
- 33. METAMETAVOLCANIC WALL
- 34. METAMETASEDIMENTARY WALL
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APPROVED PLAN 4-16-13
 PLANNING DATE
 D.R. Conditions Attached
 A.U.P. Conditions Attached
 U.P. Conditions Attached

