

Planning and Development Department
Land Use Planning

U S E P E R M I T

CITY OF BERKELEY ZONING ORDINANCE
Berkeley Municipal Code Title 23

USE PERMIT # 13-1000009

Property Address: **1020 ADDISON STREET**

Permittee Name: **AVRAM "BENE" SKLARE**

Use and/or Construction Permitted:

to raise an existing two-story single-family dwelling by 3 feet, 3 inches in order to create a second dwelling unit on the lower level.

- Use Permit to create new dwelling unit, under BMC Section 23D.20.030.A
- Administrative Use Permit to vertically extend nonconforming front and side yards, under BMC Section 23C.04.070.B
- Administrative Use Permit to allow uncovered parking spaces within required street side yard, under BMC Section 23D.12.080.B
- Administrative Use Permit to allow residential addition over 14 feet in height, under BMC Section 23D.20.070.C

FINDINGS, CONDITIONS AND APPROVED PLANS ATTACHED

The Use Permit herein described has been duly granted by the Zoning Adjustments Board and is in effect on July 3, 2013.

ATTACHMENT 1

FINDINGS AND CONDITIONS

JUNE 13, 2013

1020 Addison Street

Use Permit #13-1000009 to raise an existing two-story single-family dwelling by 3 feet, 3 inches in order to create a second dwelling unit on the lower level. Project includes vertical extension of nonconforming front and side yards, uncovered parking spaces within required street side yard, and residential addition over 14 feet in height.

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 adversely affect any historical resource.

GENERAL NON-DETRIMENT FINDING

2. Pursuant to Berkeley Municipal Code Section 23B.32.040, the Zoning Adjustments Board finds that the proposed project, under the circumstances of the particular case existing at the time at which the application is granted, will not be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the area or 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, for the following reasons:
 - A. As discussed in an Historic Resource Evaluation (HRE) prepared for the project, the project would be consistent with the Secretary of the Interior’s Standards for the Treatment of Historic Properties and therefore would not have an adverse impact on the historical significance of the building. Features that would harmonize the proposed addition with the existing building include 12-inch exterior wood siding, a painted wood “water table”, double hung windows with wood trim, and a rebuilt front stairway with railing matching the existing stairway. These features would help ensure that the project is recognizable as a later addition to the original structure, but without clashing with or detracting from the existing architectural character. The lower floor would remain visually subordinate to the upper floor by utilizing a lower ceiling height, wider trim, and smaller windows (which are still aligned with those of the upper floor on the front façade).

- B. Due to the increased height, the project would cast additional shadows on the adjacent properties to the west and south. However, these shadows would not be excessive due to the separation provided from the adjacent residential buildings. The dwelling at 1016 Addison Street is, and would remain, approximately 12 feet from the subject building, and this distance is greater than the 8-foot separation that is typical from having two abutting 4-foot side yards. The buildings at 2112 Tenth Street would be approximately 40 feet from the subject building after it is moved 6 feet to the south. Due to these distances, adequate sunlight would continue to reach these buildings. In addition, the project would be well within the height limit of 28 feet.
- C. The proposed uncovered parking area within the required street side yard would not substantially detract from the visual character of the neighborhood because (1) the parking area would be located away from the front of the building in order to maintain landscaping and walkways between the sidewalk and the building; (2) a gate would be provided to screen vehicles when parked; and (3) the parking is located on the longer Tenth Street frontage of the site, rather than the Addison Street frontage, and therefore has less visual impact on the overall frontage.
- D. The project is consistent with applicable General Plan and West Berkeley Plan policies, because it is sensitive to the architectural character of the existing building, has minimal shadow impacts on neighbors, and maintains a size and scale that is consistent with the existing neighborhood character. Furthermore, the project would create a new dwelling unit within one block of existing bus lines on University and San Pablo Avenues, help achieve the City's housing production goals by establishing an additional dwelling unit, achieve a score of 68 points on the GreenPoint Rated checklist, and would be inherently "green" by utilizing an existing urban site and retaining the existing building.

STANDARD CONDITIONS OF APPROVAL FOR ALL PROJECTS

1. Conditions Shall be Printed on Plans

The conditions of this Permit shall be printed on the first sheet of each plan set submitted for a building permit pursuant to this Use Permit, under the title 'Use Permit Conditions'. The second sheet may also be used if the first 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 approved is permitted unless the Permit is modified by the Zoning Adjustments Board, in conformance with Section 23B.56.020.A.

Changes in the plans for the construction of a building or structure may be modified prior to the completion of construction, in accordance with Section 23B.56.020.D. The Zoning Officer may approve changes to plans approved by the Board, consistent with the Board's policy adopted on May 24, 1978, which reduce the size of the project. The Zoning Officer may also approve a maximum two-foot variation to Board approved plans, provided that such variation does not increase a structure's height, reduce the minimum distance to any property line, and/or conflict with any special objective sought by the Board. In the case of modifications to Use Permits for construction of, or additions or changes to, single-family homes which required Board review, the Zoning Officer shall follow Board policy adopted March 13, 1997, as follows:

- A. Upon applications for modifications to a home where a Use Permit has been granted, Staff shall review the Use Permit to determine if any explicit conditions were placed on the Use Permit that would be affected by the proposed modification.
- B. If, prior to acting on a Building Permit, Staff becomes aware of controversy over an earlier application, Staff may choose to conduct a more detailed review of the record to determine if conditions were implied by the Board or offered by the applicant (but not included in the Use Permit conditions) that would be affected by the proposed modification (this does not imply that Staff will review the whole Use Permit record for all applications).
- C. If there are explicit conditions (#A) or implied conditions (#B) affected by the proposed modification, the project shall be brought back to the Board as a Use Permit Modification.
- D. If there are no explicit conditions that would be affected by the proposed modification, and if Staff is not otherwise aware of implied conditions, and the project would otherwise meet the requirements of the Zoning Ordinance, Staff will approve the Building Permit without Board or public review.

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

Except as expressly specified herein, the site plan, floor plans, building elevations and any additional information or representations submitted by the applicant during the Staff review and public hearing process leading to the approval of this Permit, whether oral or written, which indicated the proposed structure or manner of operation are deemed conditions of approval.

6. Subject to all City and Other Regulations (Section 23B.56.040)

The approved use and/or construction are subject to, and shall comply with, all applicable City Ordinances and laws and regulations of other governmental agencies.

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. 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 OF APPROVAL

Pursuant to BMC Section 23B.32.040.D, the Zoning Adjustments Board attaches the following conditions to this Permit:

Prior to Issuance of Any Building Permit

10. Prior to applying for a building permit, the applicant shall file an "Address Assignment Request Application" with the Permit Service Center (2120 Milvia Street) for any address change or new address associated with this Use Permit. The new address(es) shall be assigned and entered into the City's database prior to the applicant's submittal of a building permit application.
11. Prior to issuance of a building permit, the applicant shall complete and submit an updated *Draft GreenPoint Checklist* to the project planner with comments on any revisions to the project that affect the project's green building score.
12. Prior to issuance of a building permit, 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 this record to the project planner upon request.

 Noise Management Individual _____
Name Phone #
13. 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.

14. Prior to issuance of a building permit, the applicant shall submit a report to the Building and Safety Division and the Zoning Officer by a qualified acoustic engineer certifying that the interior residential portions of the project will achieve interior noise levels of no more than 45 Ldn (Average Day-Night Levels). If the adopted Building Code imposes a more restrictive standard for interior noise levels, the report shall certify compliance with this standard.

During Construction:

15. 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.
16. 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.
17. 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.
18. 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 thick and secured to the ground.
19. 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.
20. Trucks hauling debris, soil, sand, or other loose materials shall be covered or required to maintain at least two feet of board.
21. Public streets shall be swept (preferably with water sweepers) of all visible soil material carried from the site.
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.

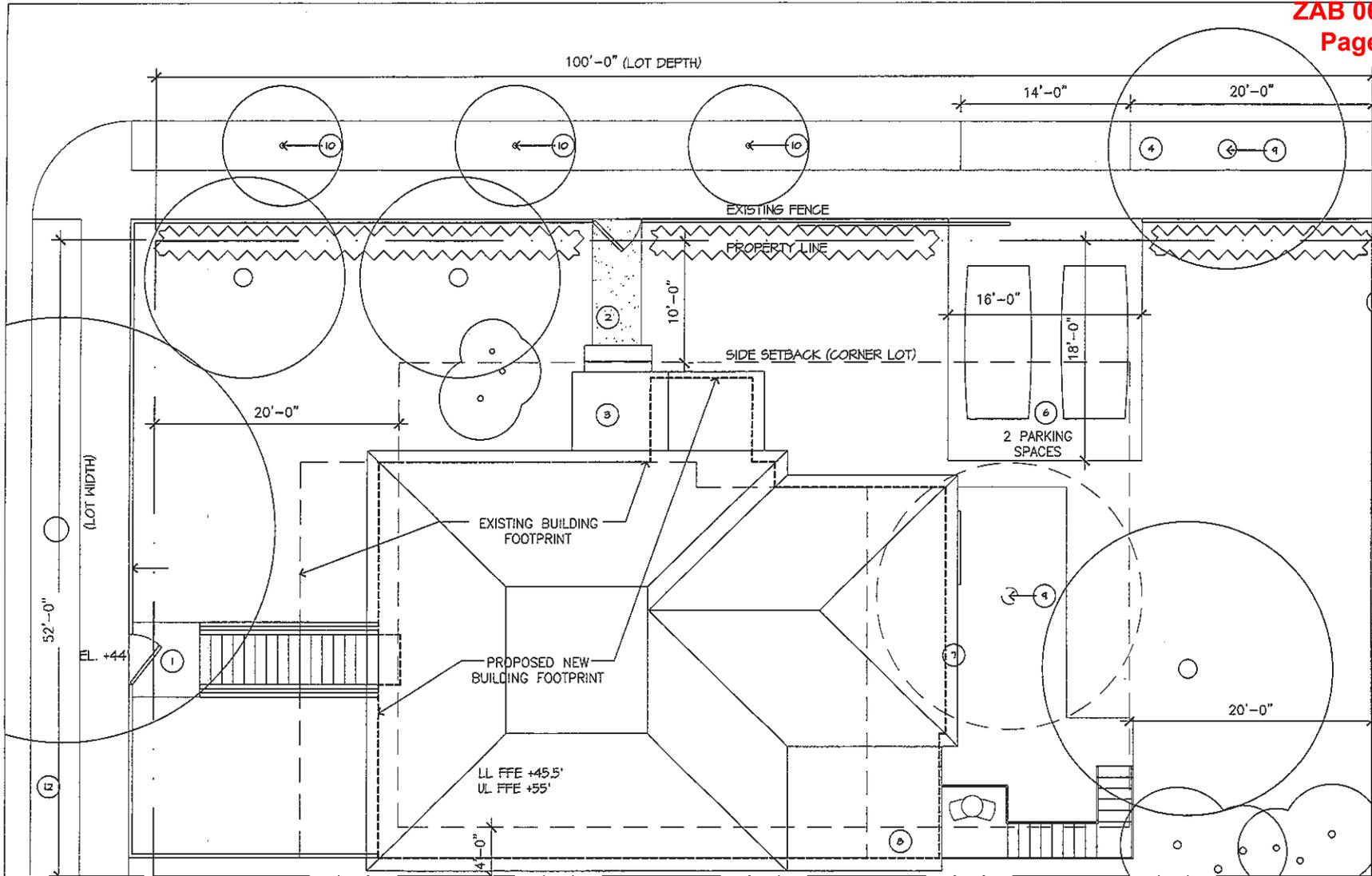
Prior to Final Inspection or Issuance of Occupancy Permit:

23. The project shall conform to the plans and statements in the Use Permit.
24. All landscape, site and architectural improvements shall be completed per the attached approved drawings dated November 5, 2012.

25. Prior to issuance of an occupancy permit or final inspection approval, the applicant shall update, sign, and submit an *As-Built GreenPoint Checklist* reflecting final as-built conditions, including the total green building score, to the project planner.

At All Times:

26. All exterior lighting shall be shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.
27. The applicant shall establish and maintain drainage patterns that do not adversely affect adjacent properties and rights-of-way. Drainage plans shall be submitted for approval of the Building & Safety Division and Public Works Department, if required.
28. Only one electrical meter fixture may be installed per dwelling unit.



REVISIONS

#	DATE	ISSUE

BENE & AISHA'S RESIDENCE
1020 ADDISON ST.
BERKELEY, CA

PROPOSED
SITE PLAN

DATE: 11.5.12

DRAWN BY: CHRIS HALL

A100

PROPOSED IMPROVEMENTS:

- | | |
|--|---|
| 1. NEW STAIR TO UPPER UNIT A | 6. PROPOSED OFF-STREET PARKING SPACE |
| 2. NEW ENTRY GATE & PATH TO LOWER UNIT B | 7. NEW UNIT B PATIO |
| 3. NEW ENTRY PORCH | 8. NEW REAR ENTRY STAIR AND DECK (UNIT A) |
| 4. PROPOSED 14' CURB CUT | 9. SAVE EXISTING TREE |
| 5. MAINTAIN PLANTING AREA (SCREENING) | 10. PROPOSED NEW TREE PLANTED BY APPLICANT |
| | 11. NEW FENCE AND GATE |
| | 12. EXISTING CURB CUT AND PARKING SPACE TO BE REMOVED |

PROPOSED SITE PLAN

**PLANS APPROVED by
ZONING ADJUSTMENTS BOARD**

Jerry Blount
JUNE 13, 2013

1020
ADDISON ST.

**PLANS APPROVED by
ZONING ADJUSTMENTS BOARD**

Judy Blount

JUNE 13, 2013

REVISIONS

#	DATE	ISSUE

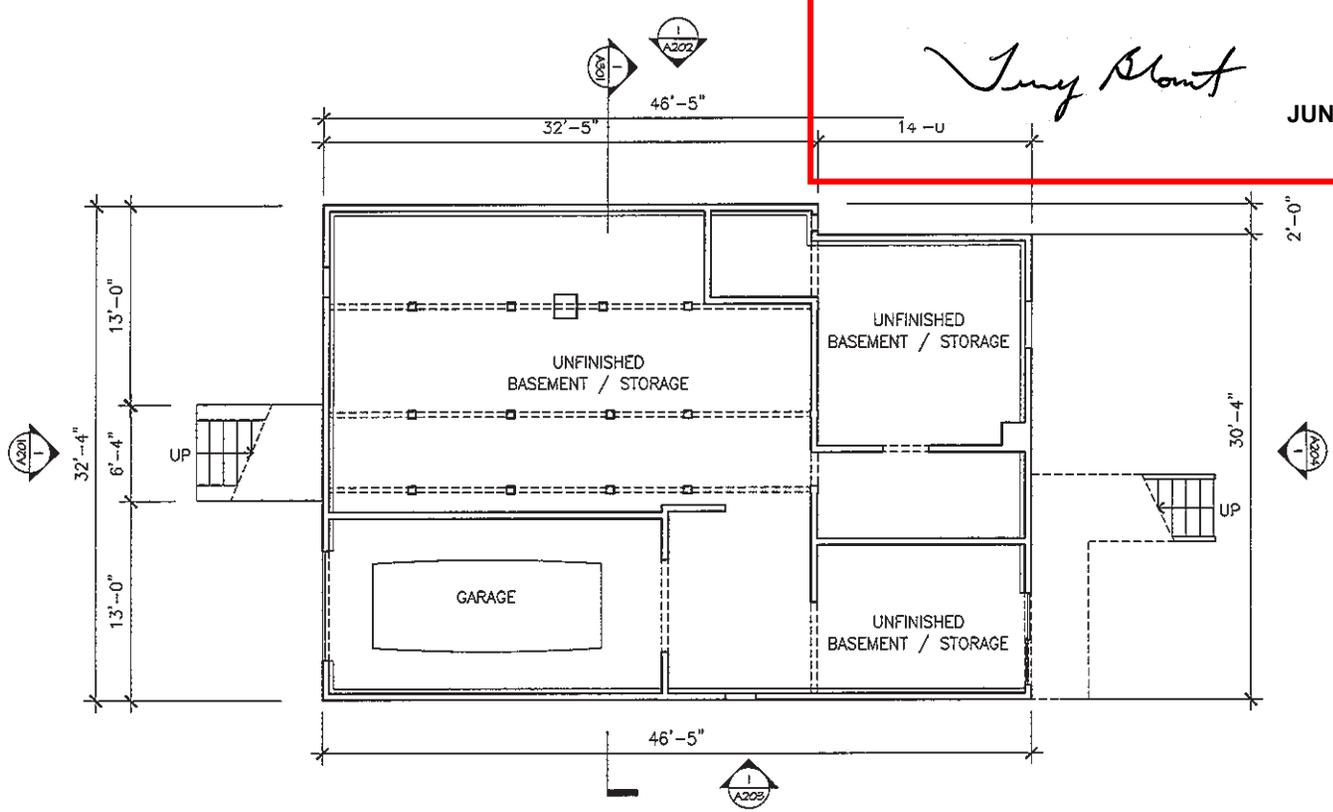
BENE & AISHA'S RESIDENCE
1020 ADDISON ST.
BERKELEY, CA

EXISTING
BASEMENT
FLOOR PLAN

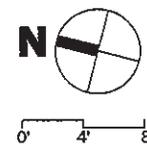
DATE: 11.5.12

DRAWN BY: CHRIS HALL

A101



A101 EXISTING BASEMENT PLAN



1020
 ADDISON ST.

**PLANS APPROVED by
 ZONING ADJUSTMENTS BOARD**

Jerry Blount

JUNE 13, 2013

REVISIONS

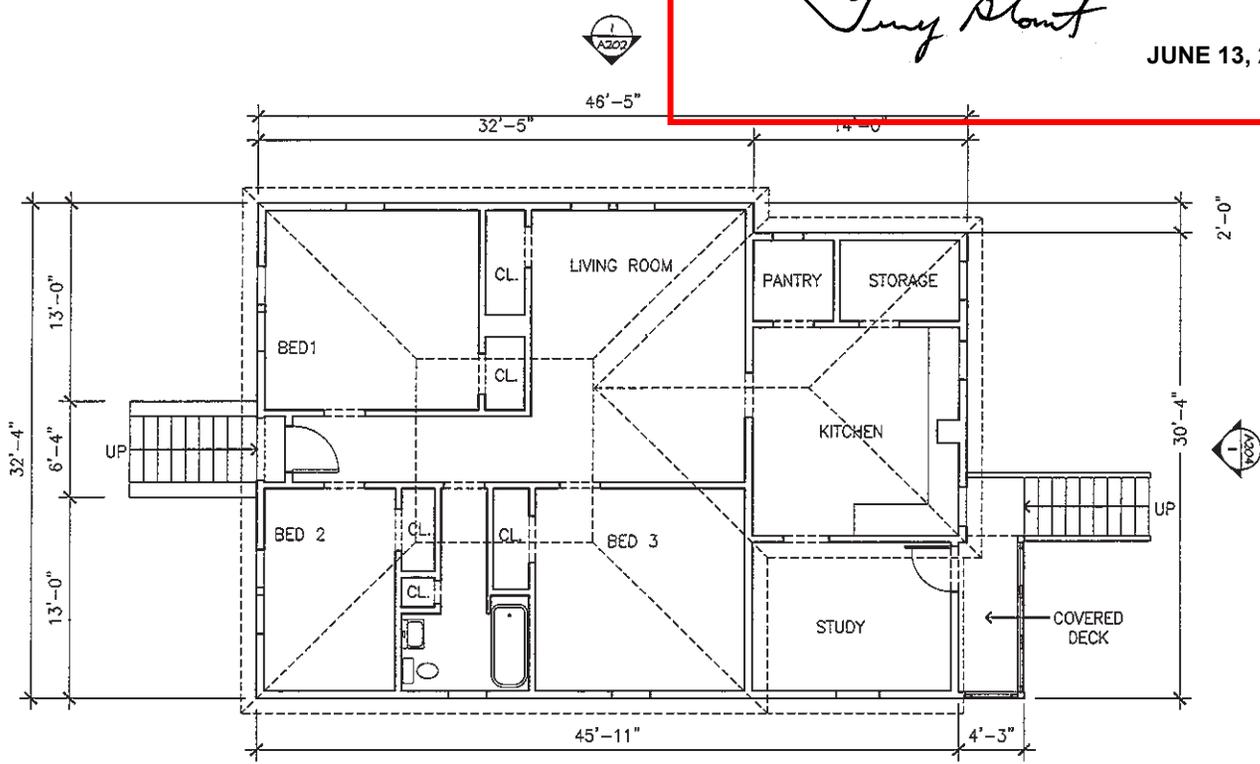
#	DATE	ISSUE

BENE & AISHA'S RESIDENCE
 1020 ADDISON ST.
 BERKELEY, CA

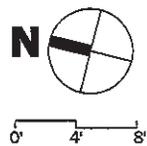
PROPOSED
 UPPER LEVEL
 FLOOR PLAN

DATE: 11.5.12
 DRAWN BY: CHRIS HALL

A102



1 EXISTING UPPER LEVEL PLAN
 A102



PLANS APPROVED by
ZONING ADJUSTMENTS BOARD

Jury Blount

JUNE 13, 2013

REVISIONS

#	DATE	ISSUE

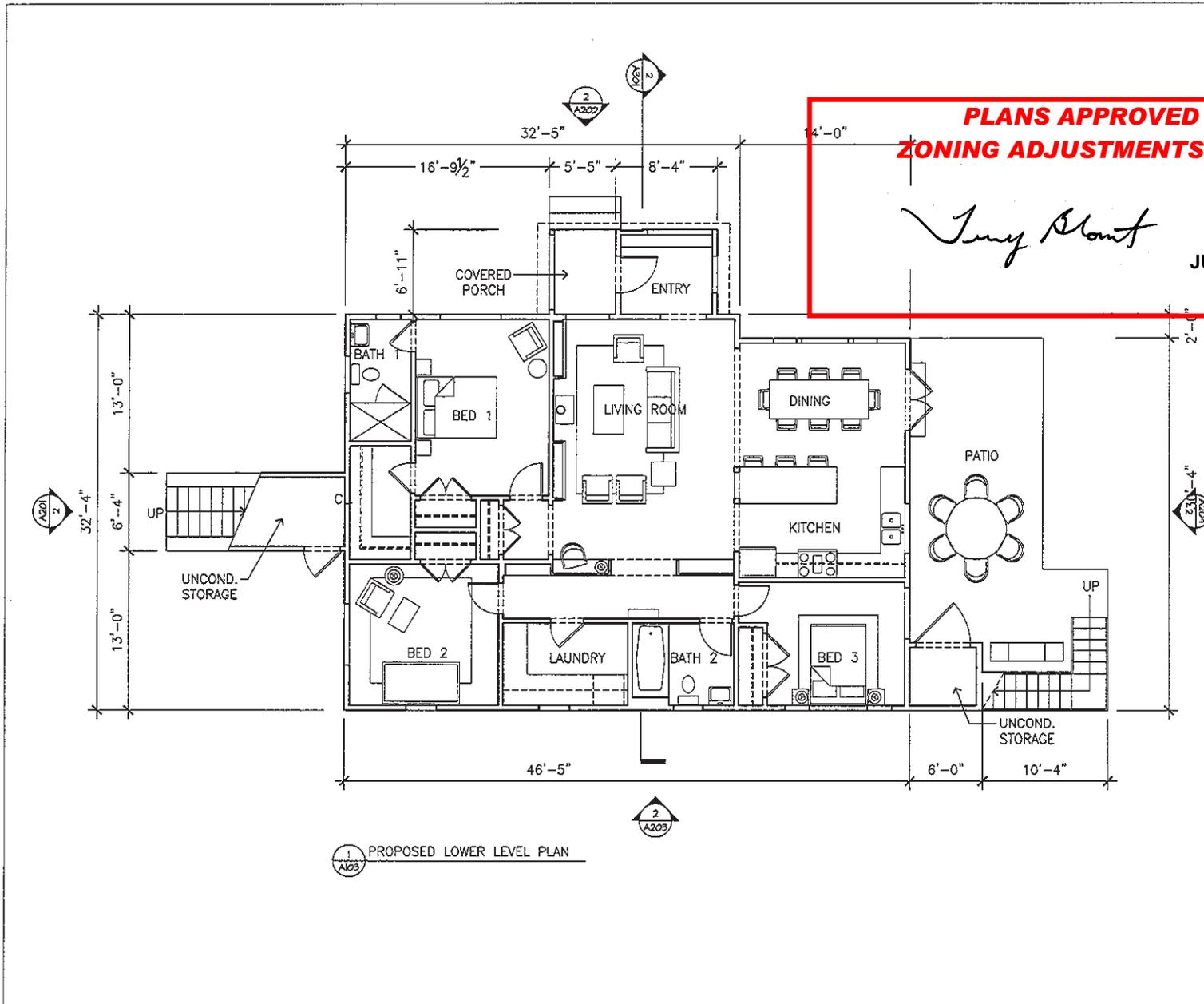
BENE & AISHA'S RESIDENCE
1020 ADDISON ST.
BERKELEY, CA

PROPOSED
LOWER LEVEL
FLOOR PLAN

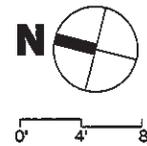
DATE: 11.5.12

DRAWN BY: CHRIS HALL

A103



1 A103 PROPOSED LOWER LEVEL PLAN



1020
ADDISON ST.

**PLANS APPROVED by
ZONING ADJUSTMENTS BOARD**

Judy Blount

JUNE 13, 2013

REVISIONS

#	DATE	ISSUE

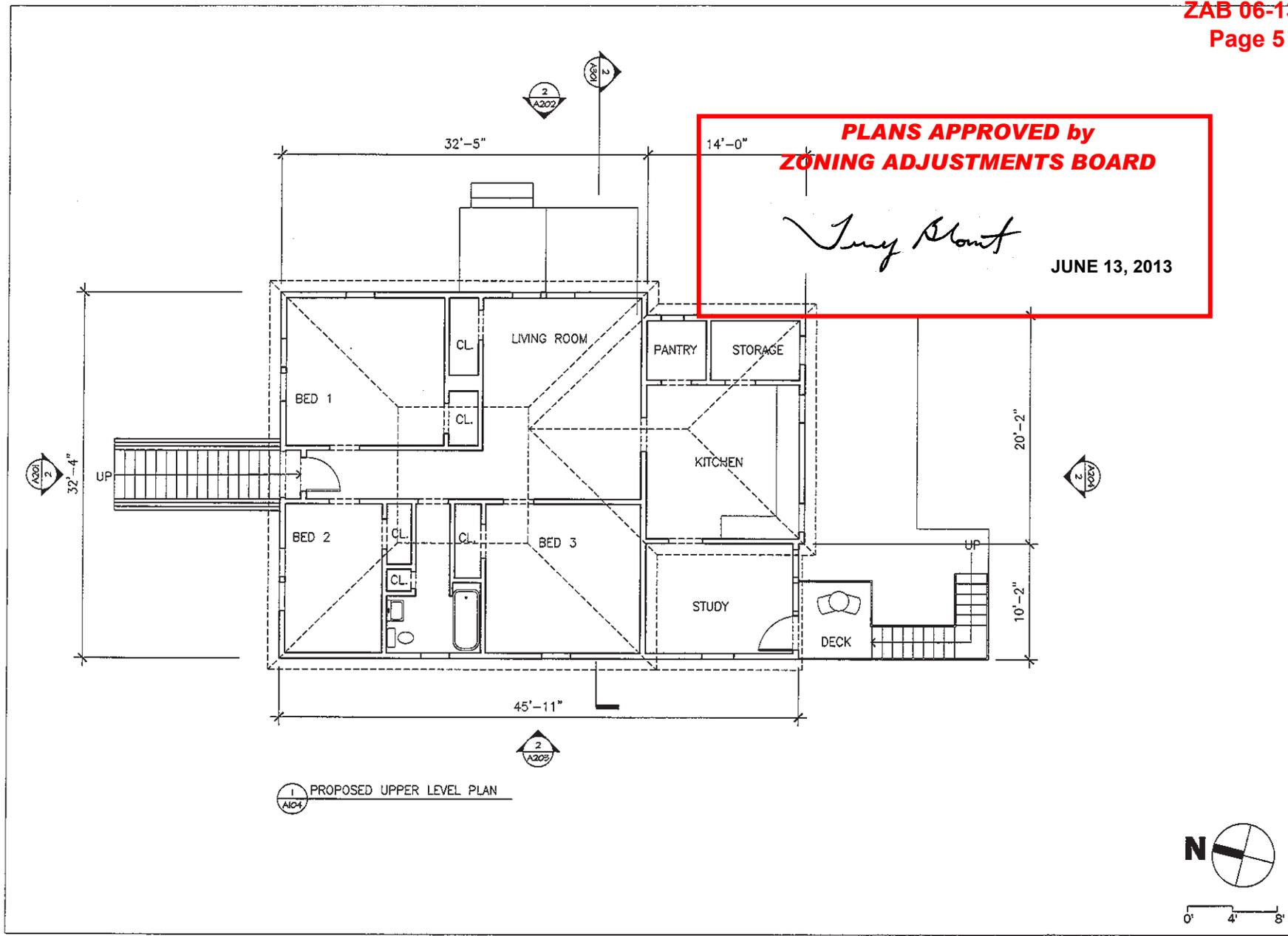
BENE & AISHA'S RESIDENCE
1020 ADDISON ST.
BERKELEY, CA

PROPOSED
UPPER LEVEL
FLOOR PLAN

DATE: 11.5.12

DRAWN BY: CHRIS HALL

A104



1 PROPOSED UPPER LEVEL PLAN
A104

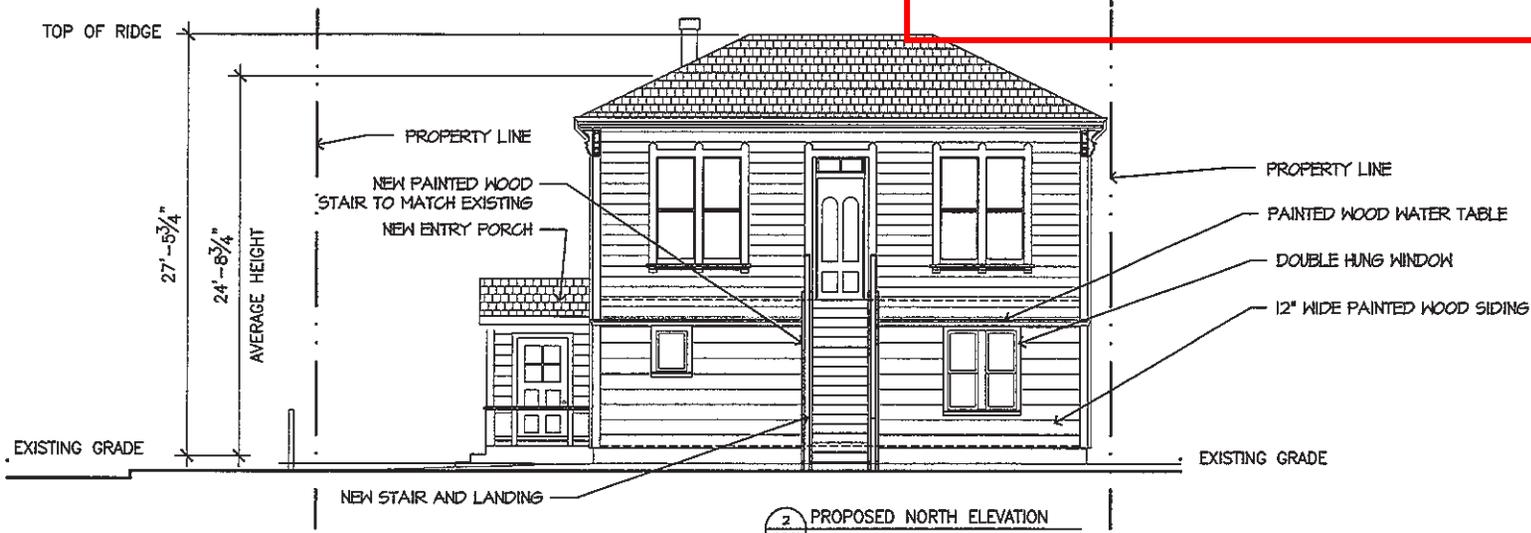


PLANS APPROVED BY
ZONING ADJUSTMENTS BOARD

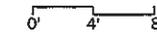
Judy Mont

JUNE 13, 2013

1 EXISTING NORTH ELEVATION
A201



2 PROPOSED NORTH ELEVATION
A201



REVISIONS

#	DATE	ISSUE

BENE & AISHA'S RESIDENCE
1020 ADDISON ST.
BERKELEY, CA

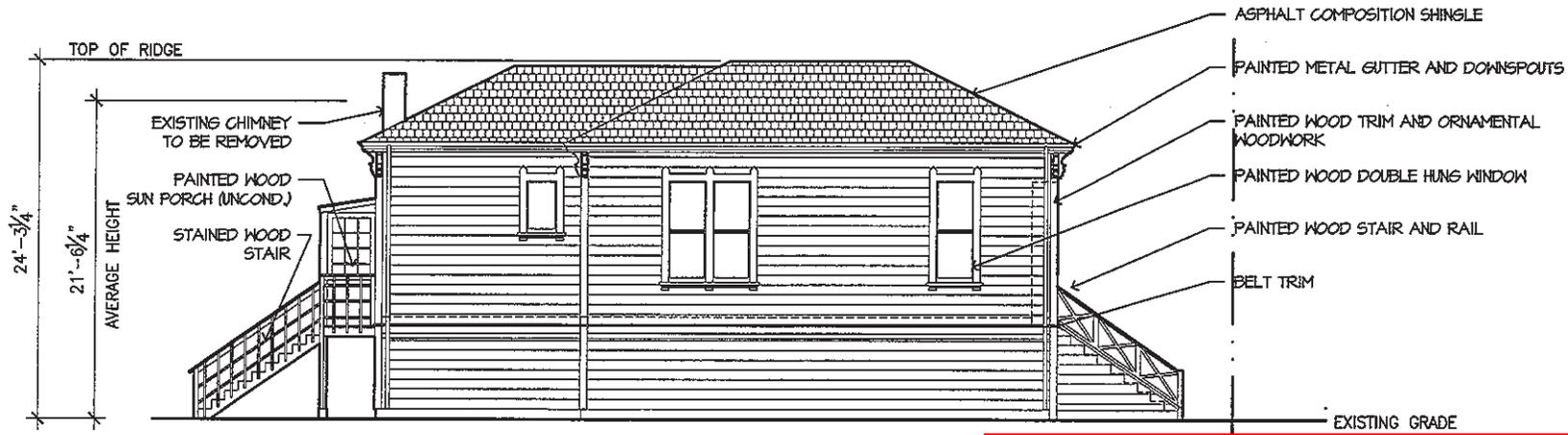
EXISTING & PROPOSED ELEVATIONS

DATE: 11.5.12

DRAWN BY: CHRIS HALL

A201

1020
ADDISON ST.

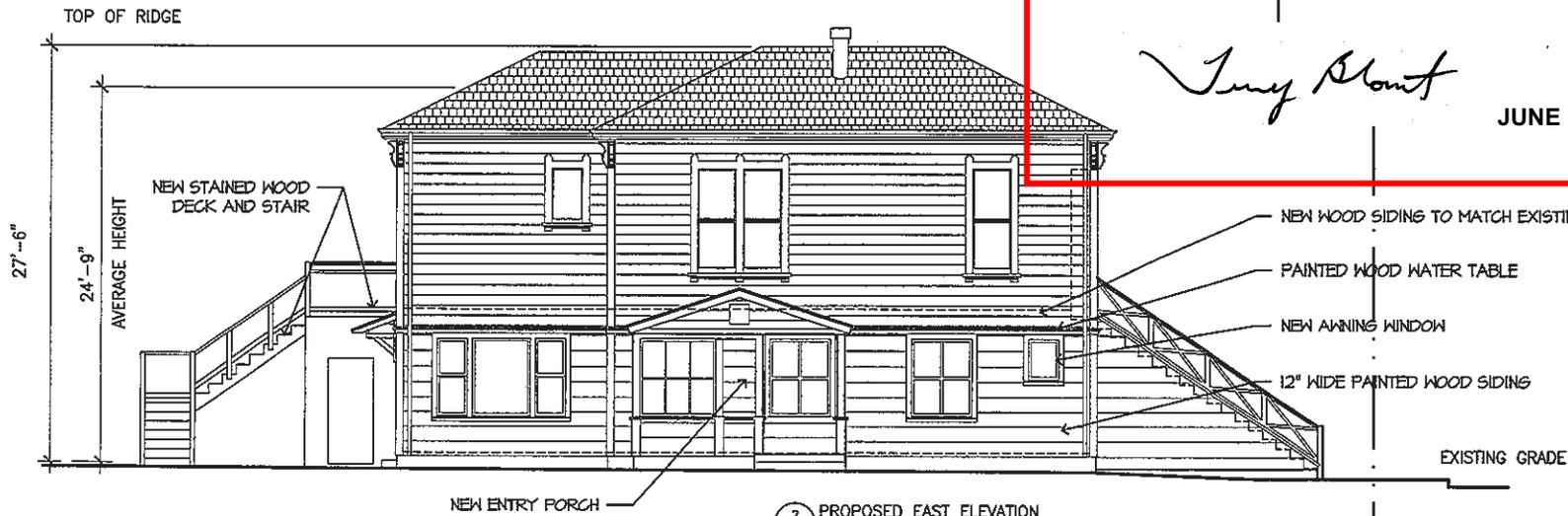


1 EXISTING EAST ELEVATION
A202

**PLANS APPROVED by
ZONING ADJUSTMENTS BOARD**

Judy Blount

JUNE 13, 2013



2 PROPOSED EAST ELEVATION
A202

REVISIONS

#	DATE	ISSUE

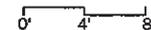
BENE & AISHA'S RESIDENCE
1020 ADDISON ST.
BERKELEY, CA

EXISTING &
PROPOSED
ELEVATIONS

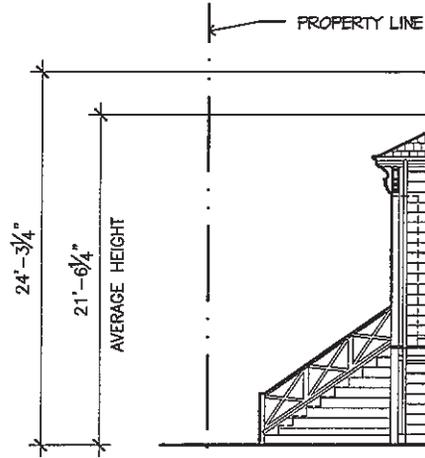
DATE: 11.5.12

DRAWN BY: CHRIS HALL

A202



1020
ADDISON ST.



1 EXISTING WEST ELEVATION
A203

- ASPHALT COMPOSITION SHINGLE
- EXISTING CHIMNEY TO BE REMOVED
- PAINTED METAL GUTTER AND DOWNSPOUTS
- PAINTED WOOD TRIM AND ORNAMENTAL WOODWORK
- PAINTED WOOD DOUBLE HUNG WINDOW
- PAINTED WOOD SUN PORCH (UNCONDITIONED)
- BELT TRIM
- STAINED WOOD STAIR

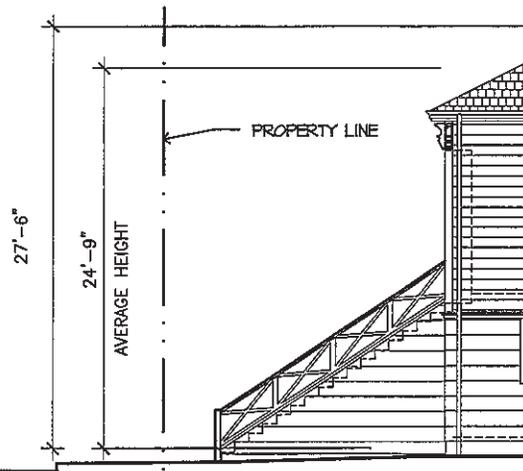
REVISIONS		
#	DATE	ISSUE

BENE & AISHA'S RESIDENCE
1020 ADDISON ST.
BERKELEY, CA

PLANS APPROVED by
ZONING ADJUSTMENTS BOARD

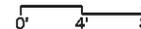
Judy Stout

JUNE 13, 2013



2 PROPOSED WEST ELEVATION
A203

- PAINTED WOOD WATER TABLE
- 12' WIDE PAINTED WOOD SIDING
- NEW STAINED WOOD DECK AND STAIR



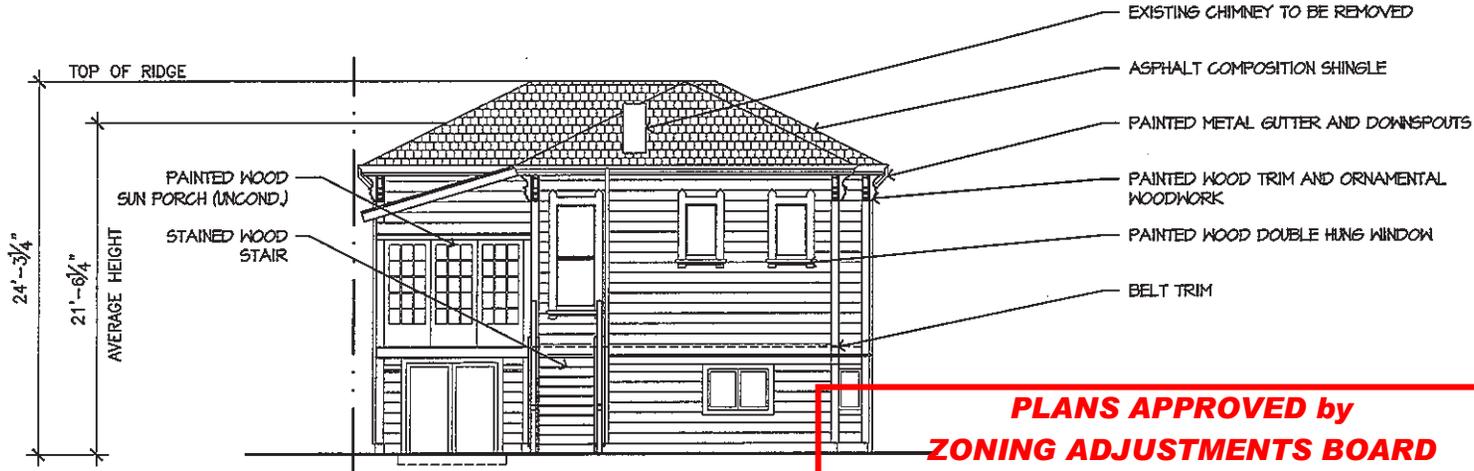
EXISTING &
PROPOSED
ELEVATIONS

DATE: 11.5.12

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A203

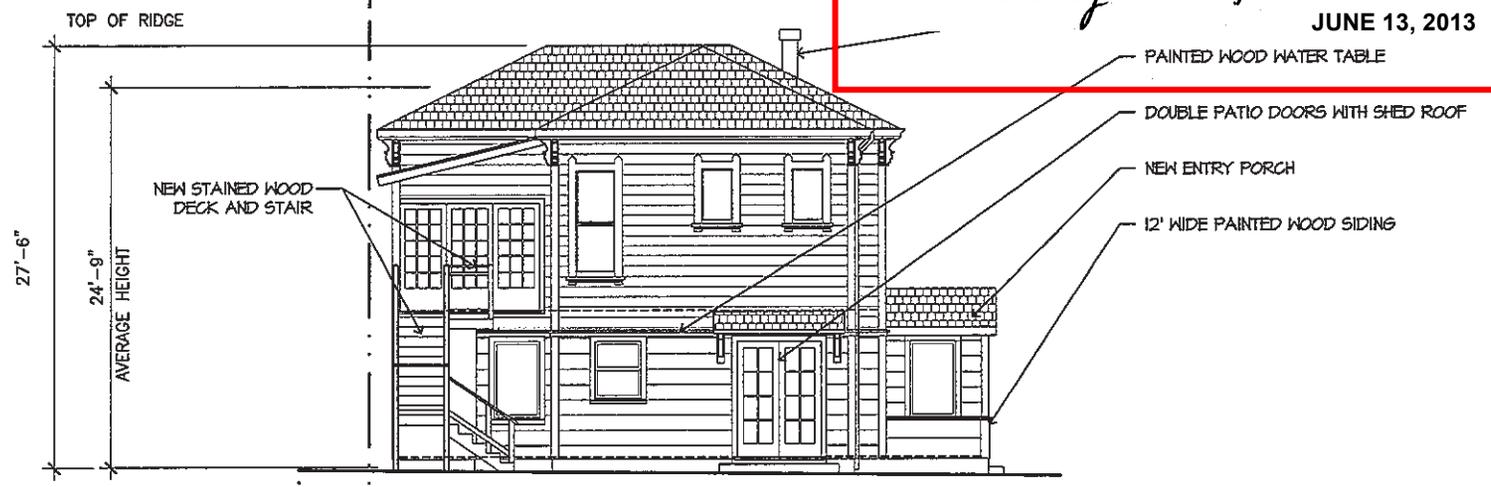
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ADDISON ST.



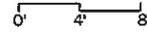
1 EXISTING SOUTH ELEVATION
A204

PLANS APPROVED by
ZONING ADJUSTMENTS BOARD

Judy Blount
JUNE 13, 2013



2 PROPOSED SOUTH ELEVATION
A204



REVISIONS

#	DATE	ISSUE

BENE & AISHA'S RESIDENCE
1020 ADDISON ST.
BERKELEY, CA

EXISTING & PROPOSED ELEVATIONS

DATE: 11.5.12

DRAWN BY: CHRIS HALL

A204