



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 #13-2000069

Property Address: **2758 PIEDMONT AVENUE**

Permittee Name: **ALISON KEEN/SLANT STUDIO**

Use and/or Construction Permitted: to alter a portion of a building within the required front, rear and side yard including: the 1'6" ft. vertical extension of a portion of the west wall from 20' to 21'6" in height (side); the addition of 4 new windows (rear & side); the excavation of 1'4" ft at the basement level (front); and, to remove an existing carport to create an uncovered parking space (rear) pursuant to:

- Section 23D.28.070 to construct an addition greater than 14 feet in average height;
- Section 23D.12.080 to establish an uncovered off street parking space within a required rear yard; and
- Section 23C.04.070 to alter a portion of a building within a required yard.

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 August 23, 2013.

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

August 23, 2013
Effective Date

ATTACHMENT 1

FINDINGS AND CONDITIONS

AUGUST 1, 2013

2758 Piedmont Avenue

Administrative Use Permit #13-20000069

To alter a portion of a building within the required front, rear and side yard including: the 1'6" ft. vertical extension of a portion of the west wall from 20' to 21'6" in height (side); the addition of 4 new windows (rear & side); the excavation of 1'4" ft at the basement level (front); and, to remove an existing carport to create an uncovered parking space (rear).

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:
 - As required by Section 23D.28.070 (Development Standards) and 23D.28.090 (Findings), the project is permissible because the subject property satisfies the development standards for maximum building height, lot coverage and interior side yard setback (west) in the R-2 District. Moreover, the project should not be denied because the proposal does not create significant impacts to sunlight, air, or views, and is found to be non-detrimental and permissible for the following reasons:
 1. Sunlight – The existing average height at the subject property will remain 25 feet average and 28 feet in maximum height. The roof alteration of the sleeping porch is oriented at the west (side) of the building and the adjacent property at

- 2747 Stuart Street is not expected to be impacted due to the minimal 1'6" height increase to the existing roof of the sleeping porch.
2. Air – Because the proposed roof alteration meets or exceeds the district standards for minimum side yard setbacks, it is expected to provide adequate spatial separations between developments of abutting properties, thereby allowing for adequate air circulation;
 3. Views - The proposed roof alteration is not expected to significantly block the adjacent neighbors' views of any significant features. The proposal will not exceed the full height limit allowed in the R-2 District and will not exceed the number of stories allowed; and
 4. Privacy - The proposal involves altering the existing roof height of the sleeping porch at the west elevation and is not expected to create significant privacy impacts to the immediate neighbors at 2747 Stuart Street due to the removal of an existing west facing window of the sleeping porch and due to the retaining of a 14'5" separation of the sleeping porch to the property line of the neighbors to the north at 2754 Piedmont Avenue. Moreover, the addition of four new windows is not expected to create significant privacy issues as the proposal maintains the existing separation between dwellings at 2754 Piedmont Avenue (rear) and at 2747 Stuart Street (side) and due to the subject lot containing mature vegetation at both the rear and side to filter views.
- As required by Section 23D.12.080 (Site Location and Screening of Uncovered Parking Spaces and Driveways), the removal of an existing carport to create an uncovered parking space within the rear yard is found to be non-detrimental. The uncovered parking space will be located at the rear of the property, approximately 2 feet from the rear property line, and approximately 15 feet from the west (side) property line. The proposal includes the retention of an existing and required 2-foot wide landscape strip between the proposed parking space and the rear property line. Additionally, the proposed uncovered parking space will meet all applicable standards as determined by the City's Traffic Engineer.
 - As required by Section 23C.04.070 (Expansions of Non-conforming Building and Structures), the proposed excavation of 1'4" of a portion of the basement within a non-conforming front setback is permissible because it will not encroach further into the front setback.
 - As required by Section 23C.04.070 (Expansions of Non-conforming Building and Structures), the addition of four windows, three on the north elevation (rear) and one on the west elevation (side), is permissible because it does not further reduce the existing non-conforming front and rear setbacks.

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.

During Construction:

13. 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.
14. 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.
15. 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.
16. 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.
17. 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.
18. Trucks hauling debris, soil, sand, or other loose materials shall be covered or required to maintain at least two feet of board.
19. Public streets shall be swept (preferably with water sweepers) of all visible soil material carried from the site.

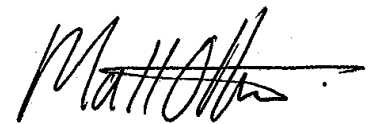
20. The applicant shall establish and maintain drainage patterns that do not adversely affect adjacent properties and rights-of-way.
21. The applicant shall ensure that all excavation takes into account surface and subsurface waters and underground streams so as not to adversely affect adjacent properties and rights-of-way.
22. 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:

23. All construction at the subject property shall substantially conform to the approved Use Permit drawings or to modifications approved by the Zoning Officer.
24. All landscape, site and architectural improvements shall be completed per the attached approved drawings received by **JUNE 18, 2013**.

At All Times (Operation):

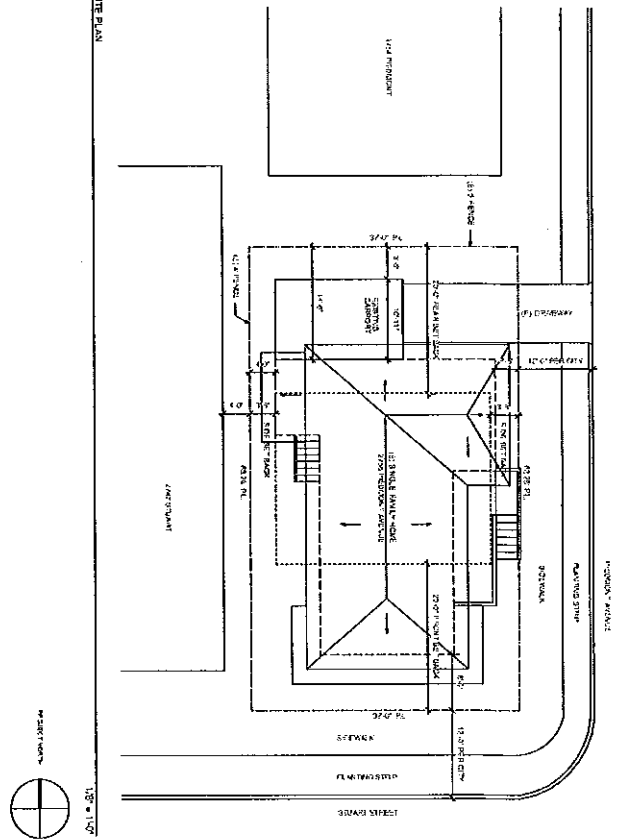
25. All exterior lighting shall be shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.
26. This permit is subject to review, imposition of additional conditions, or revocation if factual complaint is received by the Zoning Officer that the 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.
27. Noise and exterior lighting shall be controlled so as to prevent verified complaints from the surrounding neighborhood.



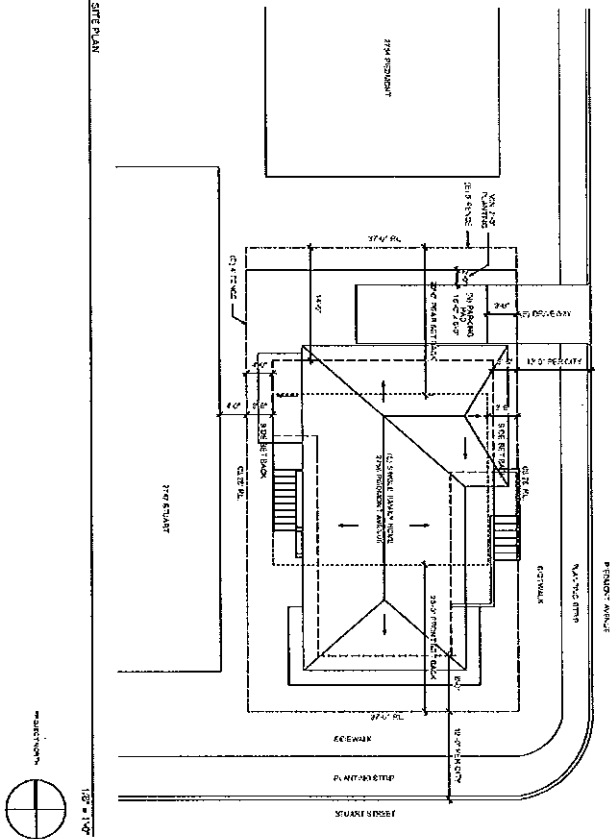
Prepared by: Matthew Ottoson, Land
Use Planning Intern/ ZAB Clerk for
Debra Sanderson, Zoning Officer

APPROVED PLAN
 1/13/13
 DATE
 PLANNING
 D.R. Conditions Attached
 U.P. Conditions Attached
 U.P. Conditions Attached

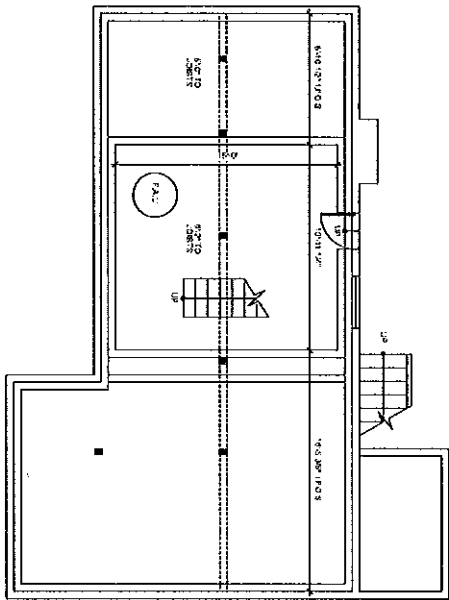
1 EXISTING SITE PLAN



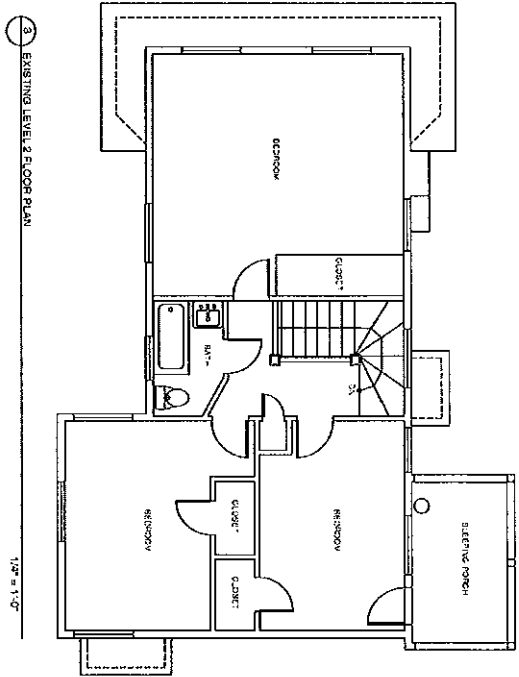
2 PROPOSED SITE PLAN



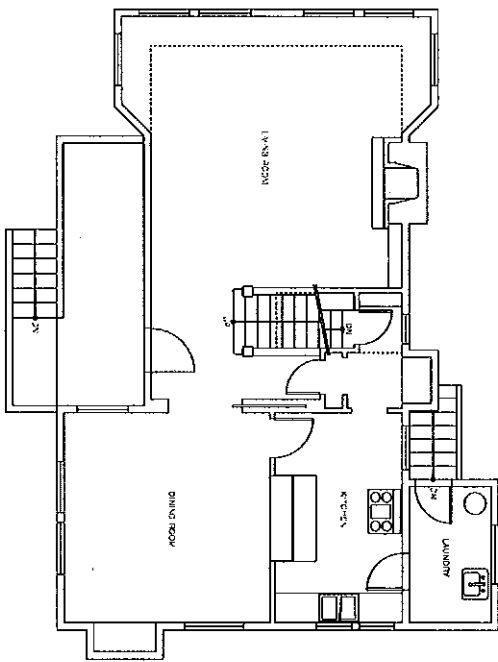
MOVES PLAN
 DATE 8/1/13
 PLANNING
 FOR Conditions Attached
 Z.U.P. Conditions Attached
 U.P. Conditions Attached



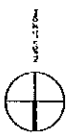
1 EXISTING BASEMENT PLAN
1/8" = 1'-0"



3 EXISTING LEVEL 2 FLOOR PLAN
1/8" = 1'-0"



2 EXISTING LEVEL 1 FLOOR PLAN
1/8" = 1'-0"



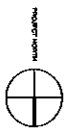
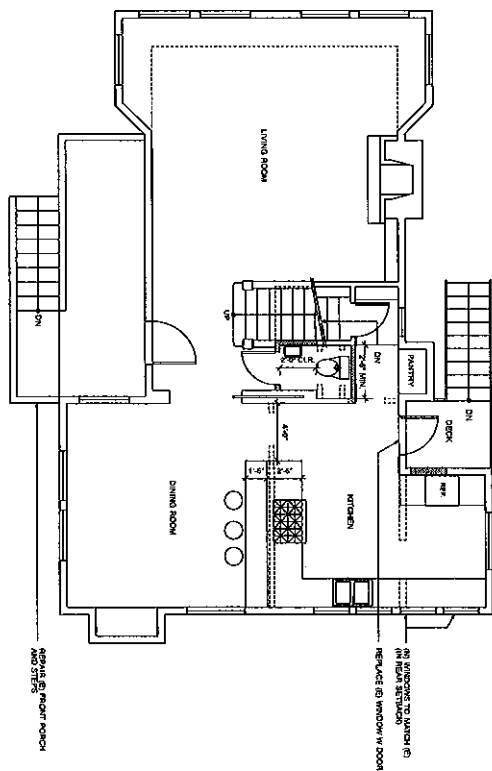
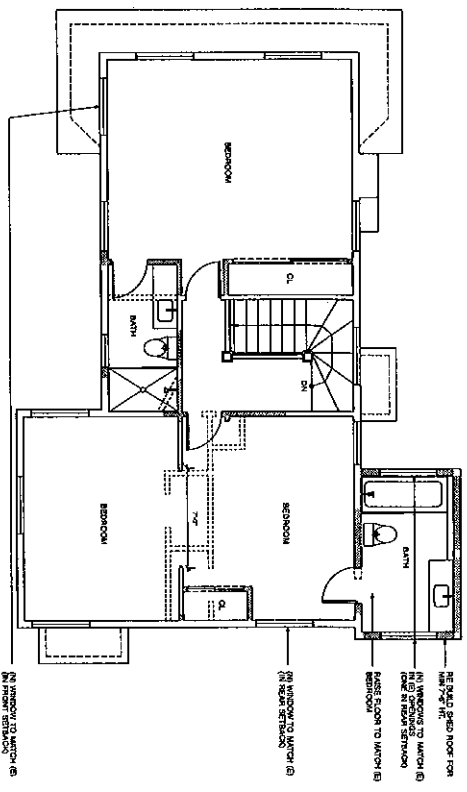
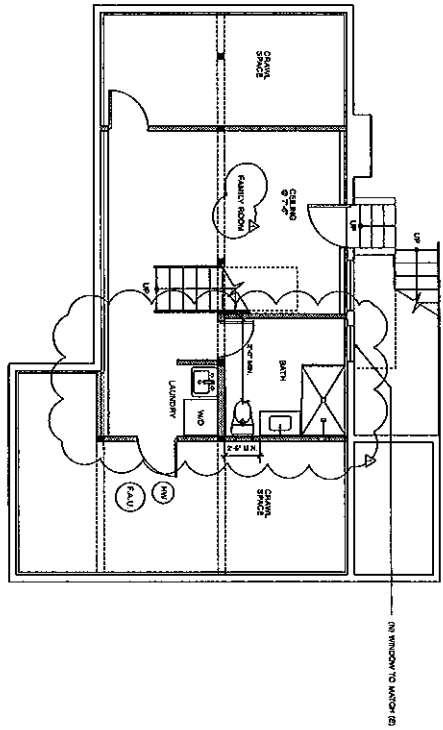
WALL LEGEND	
	1) WALL TO REMAIN
	2) WALL TO BE REMOVED
	3) WALL TO BE ADDED

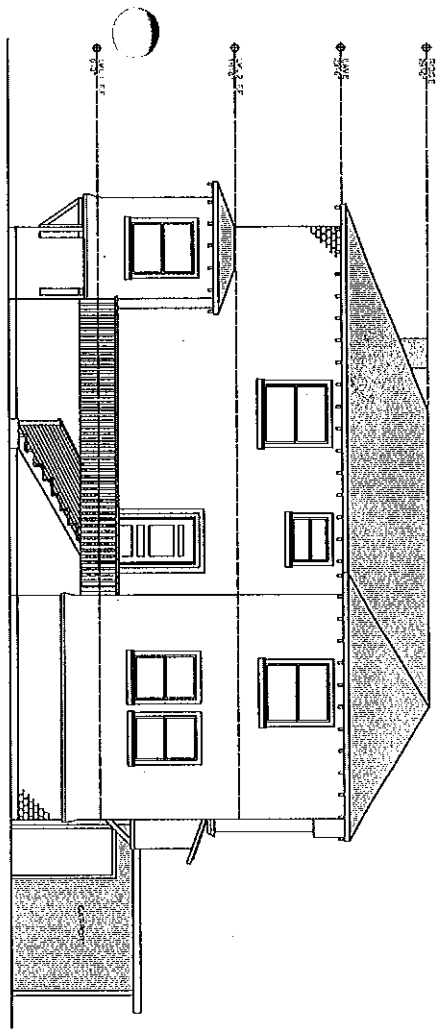
APPROVED BY: *[Signature]* 6/1/13
 DATE
 PLANNING
 D.R. Conditions Attached
 A.U.P. Conditions Attached
 U.P. Conditions Attached

RECEIVED

JUN 18 2013

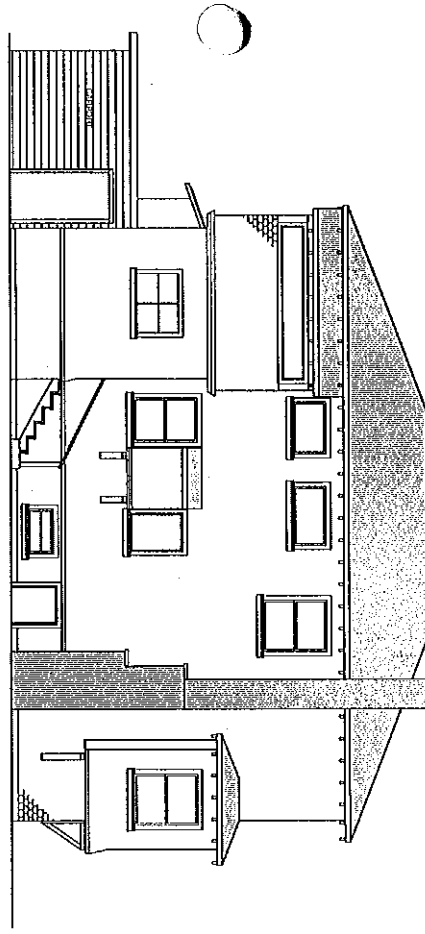
LAND USE PLANNING





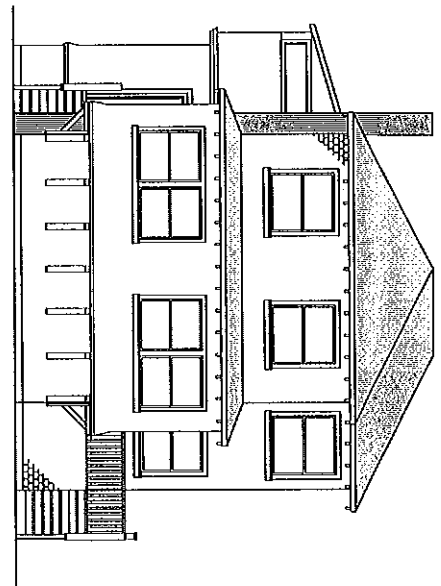
1/4" = 1'-0"

APPROVED PLAN: *2/1/13*
 DATE: *2/1/13*
 PLANNING
 D.P. Conditions Attached
 A.U.P. Conditions Attached
 U.P. Conditions Attached



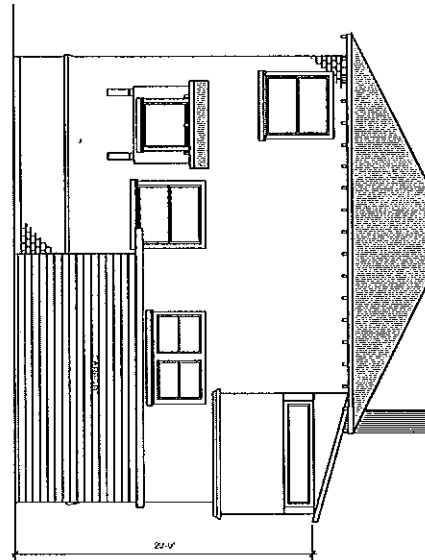
1/4" = 1'-0"

3 EXISTING WEST ELEVATION



1/4" = 1'-0"

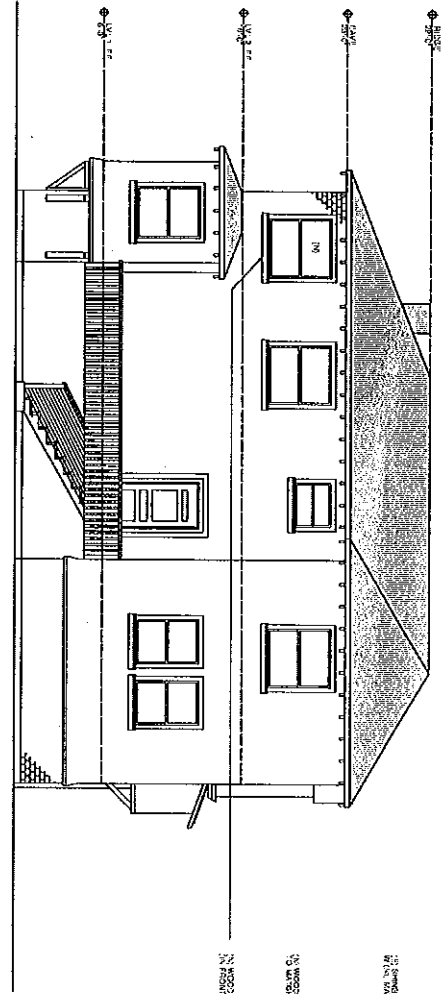
2 EXISTING SOUTH ELEVATION



1/4" = 1'-0"

4 EXISTING NORTH ELEVATION

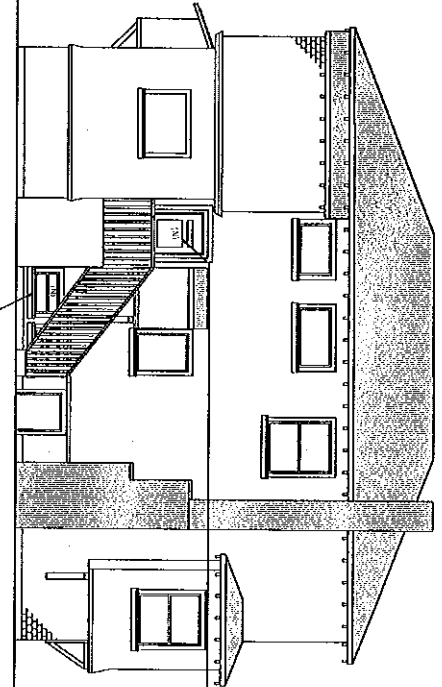
PROPOSED PLAN
 PLANNING
 D.R. Conditions Attached
 A.U.P. Conditions Attached
 C.U.P. Conditions Attached
 DATE 8/11/13



1/4" = 1'-0"

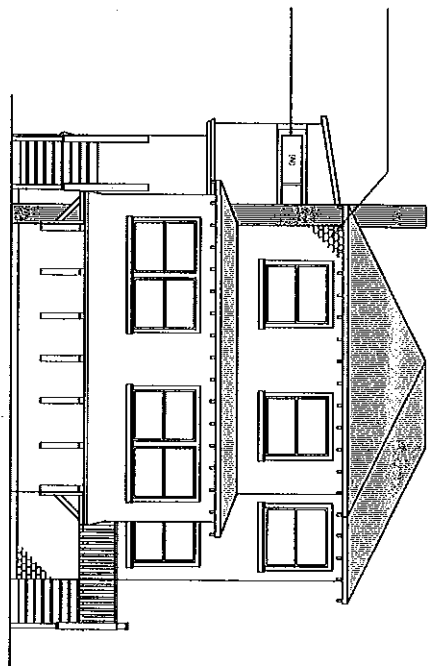
1. IN ROOM WINDOW TO PORCH
 2. IN ROOM WINDOW TO PORCH
 3. IN ROOM WINDOW TO PORCH
 4. IN ROOM WINDOW TO PORCH

3 PROPOSED WEST ELEVATION



1/4" = 1'-0"

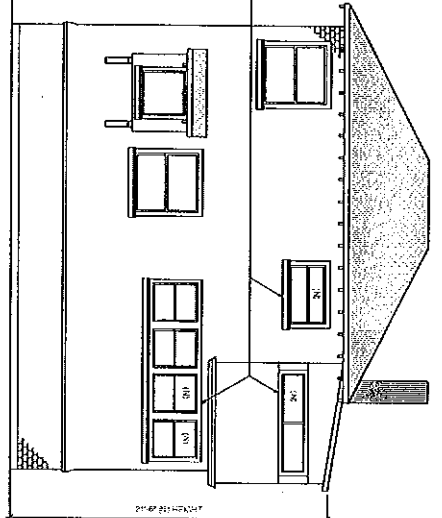
1. IN ROOM WINDOW TO PORCH
 2. IN ROOM WINDOW TO PORCH
 3. IN ROOM WINDOW TO PORCH
 4. IN ROOM WINDOW TO PORCH



2 PROPOSED SOUTH ELEVATION

1/4" = 1'-0"

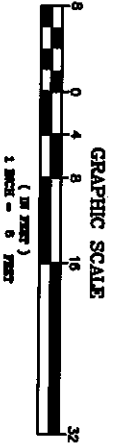
4 PROPOSED NORTH ELEVATION



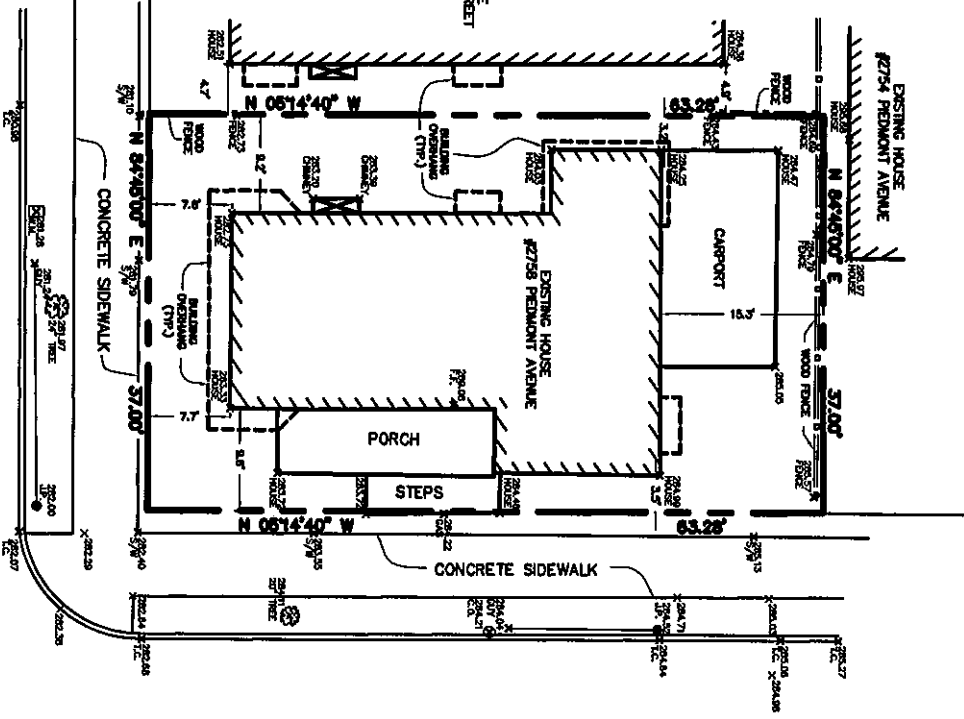
1/4" = 1'-0"

APPROVED PLAN
 PLANNING DATE 8/11/13
 D.R. Conditions Attached
 A.U.P. Conditions Attached
 U.P. Conditions Attached

ELEVATIONS ARE BASED ON
 CITY OF BERKELEY DATUM



STUART STREET
 (60' WIDE)



PIEDMONT AVENUE
 (60' WIDE)

LEGEND	
C.O.	CLEAN OUT
D/W	DRIVEWAY
F.F.	FINISH FLOOR
J.P.	JOINT POLE
S/W	SEWALK
T.C.	TOP OF CURB
W.M.	WATER METER

RECEIVED
 MAY 30 2013
 LAND USE PLANNING

HOUSE LOCATION SURVEY

A PORTION OF LOT 12, BLOCK A, PROSPECT HILL TRACT (1 M 147)
 AND A PORTION OF LOT 67, BLOCK B, UNIVERSITY VILLA TRACT IN
 PLOT NO. 77, V. AND D. PERALTA RANCHO
 LOCATED AT 2758 PIEDMONT AVENUE
 CITY OF BERKELEY, COUNTY OF ALAMEDA, CALIFORNIA
 MAY 22, 2013 SCALE: 1" = 8'

MORAN ENGINEERING, INC.

CIVIL ENGINEERS \ LAND SURVEYORS
 1930 SHATTUCK AVENUE, SUITE A
 BERKELEY, CALIFORNIA 94704
 (510) 848-1930