



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 #13-20000025

Property Address: **1924 FAIRVIEW STREET**

Permittee Name: **KRISTIN PERSONETT**

Use and/or Construction Permitted:
to relocate a two-story, 2,165 square-foot, single family dwelling from the front (northwest) of the lot to the rear (southeast) of the lot.

- Administrative Use Permit to allow the relocation of a building that is greater than 14' in average height, under Zoning Ordinance Section 23D.32.070.

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 August 28, 2013.

ATTACHMENT 1

FINDINGS AND CONDITIONS

AUGUST 8, 2013

1924 Fairview Street

Administrative Use Permit #13-20000025

To relocate a two-story, 2,165 square-foot single family dwelling from the front (northwest) of the lot to the rear (southeast) of the lot. No other changes to the building are proposed as part of this application.

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 under Section 23D.32.090.B (Findings), the Zoning Officer finds that the project should not be denied because the proposed relocation of the building would not unreasonably obstruct sunlight, air, or views, because it would not cast significant shadows on the windows or a substantial area of open space of adjacent residences. The addition remains outside of the required yards, and is located over 50’ from the nearest dwellings in an area that is already developed with existing and proposed vegetation that also filters views.
 - As required under Section 23D.32.070 (Development Standards), this project is permissible because the subject property satisfies the district standards for maximum residential density, maximum main building height, minimum yard setbacks, maximum lot coverage and minimum open space.

- As required under Section 23D.12.080 (Parking), the project would not increase parking demand and parking is provided in accordance with the minimum requirement.

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.
23. The height and location of the proposed structure, property lines and spot elevations shall be verified by a licensed surveyor or engineer on site after foundation forms are placed, but before pouring concrete or placing construction material in its permanent position. This verification shall be to the satisfaction of the Zoning Officer.

Prior to Issuance of Occupancy Permit or Final Inspection:

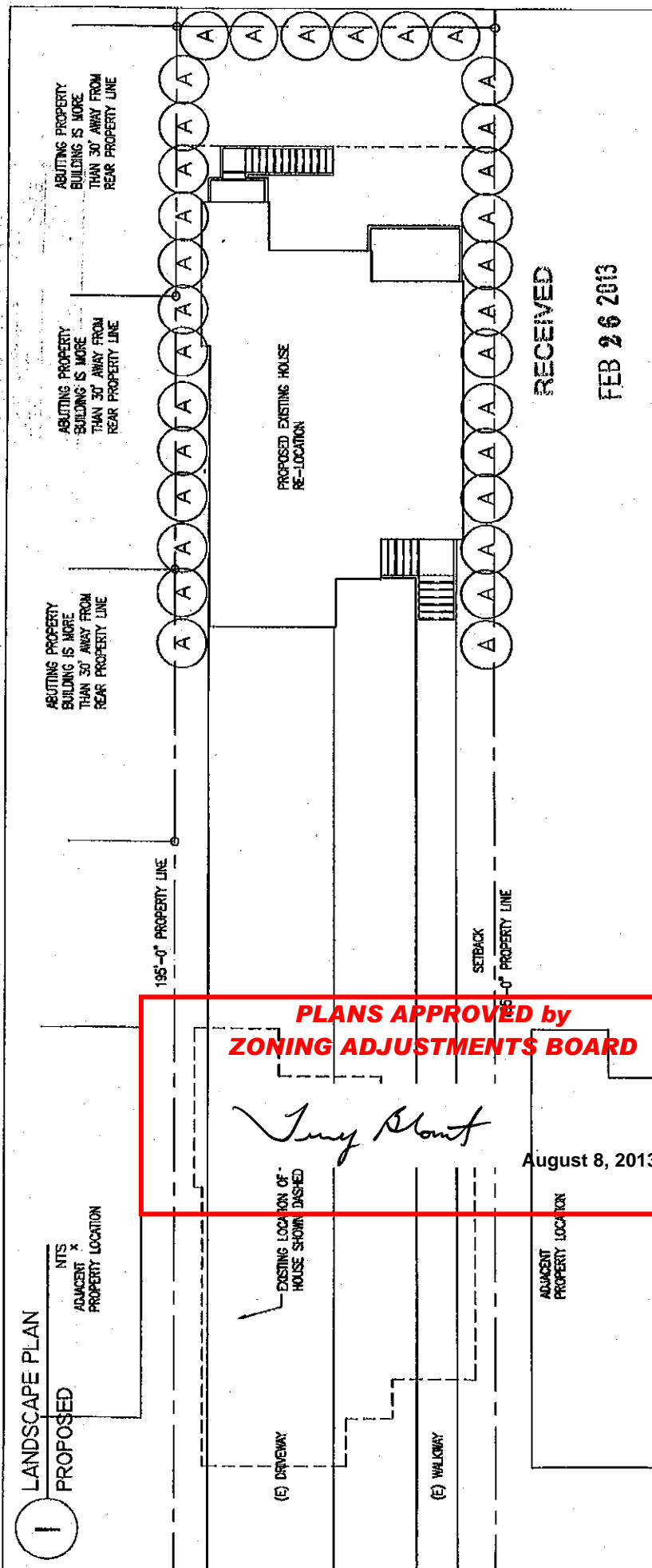
24. All construction at the subject property shall substantially conform to the approved Use Permit drawings or to modifications approved by the Zoning Officer.
25. All landscape, site and architectural improvements shall be completed per the attached approved drawings dated **FEBRUARY 26, 2013**.

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.



Claudine Asbagh, Assistant Planner for
Debbie Sanderson, Zoning Officer



PLANS APPROVED by ZONING ADJUSTMENTS BOARD

Judy Blount

August 8, 2013

RECEIVED
FEB 26 2013

LANDSCAPE NOTES

- PLANTING NOTES:
1. ALL PLANT MATERIAL SHALL BE APPROVED PRIOR TO INSTALLATION AND WILL BE REJECTED IF NOT IN ACCORDANCE TO INDUSTRY STANDARDS.
 3. ALL PROPOSED PLANTING AREAS SHALL BE CLEARED OF ANY WEEDS AND DEBRIS PRIOR TO SOIL PREPARATION. IN THE CASE OF PERNICIOUS WEEDS, A SYSTEMIC HERBICIDE SHALL BE APPLIED PRIOR TO CLEARING.
 3. NO SOIL PREPARATION SHALL TAKE PLACE WHERE SOIL IS CONTAMINATED BY CEMENT, PLASTER, OR PAINT, OR OTHER CONSTRUCTION DEBRIS. UPON NOTIFICATION OF THE OWNER, ALL CONTAMINATED SOIL SHALL BE REMOVED AND REPLACED W/ SANDY LOAM CAPABLE OF SUSTAINING HEALTHY PLANT LIFE AND CONTAINING NO NOXIOUS WEEDS OR DEBRIS.

LAND USE PLANNING

4. SOIL PREPARATION AND IRRIGATION IS NOT TO OCCUR WITHIN A 4' RADIUS OF ANY DRIP LINES OF EXISTING TREES.
 5. ALL PLANTING OPERATIONS SHALL BE PERFORMED BY A QUALIFIED PERSON FAMILIAR WITH THIS TYPE OF WORK AND UNDER THE SUPERVISION OF A LANDSCAPE FOREMAN.
 6. ALL PLANT SUBSTITUTIONS ARE TO BE PRE APPROVED BY THE CITY OF BERKELEY.
 7. THE LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR IRRIGATION AND DRAINAGE.
- IRRIGATION NOTES:
 1. ALL AREAS TO BE MULCHED AFTER PLANTING
 2. ALL IRRIGATION TO BEELED PLANTING WATER CONSERVATION AS APPROVED BY PLANNING WATER

KEY

- (A) CEANOTHUS T. "BLUE BLOSSOM"
COMMON NAME: CALIFORNIA NATIVE LILAC
SIZE: 1 GALLON
TYPE: EVERGREEN SHRUB

A5

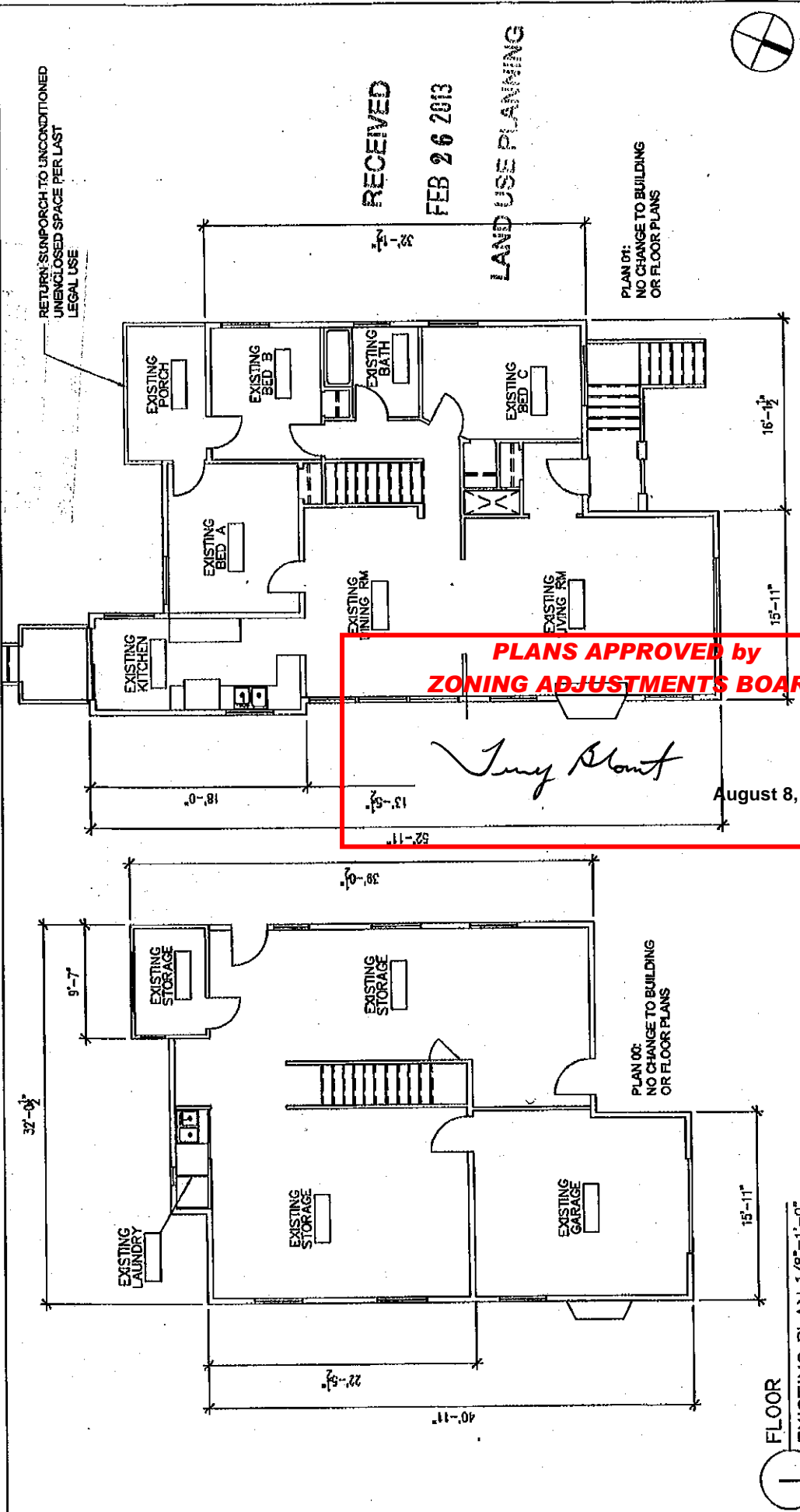
**ZONING PERMIT
1924 FAIRVIEW ST
BERKELEY CA**

**INDIGO
design group**

phnt: 510-697-4289 fax: 510-655-3705
www.indigo-design-group.com indigodesigngroup@gmail.com

PROJECT CONTACT:

PLANNING DATE: 4-16-13
 D.R. Conditions Attached
 A.U.P. Conditions Attached
 U.P. Conditions Attached



RECEIVED
FEB 26 2013
LAND USE PLANNING

PLAN 01:
NO CHANGE TO BUILDING
OR FLOOR PLANS

PLAN 00:
NO CHANGE TO BUILDING
OR FLOOR PLANS

RETURN SUNPORCH TO UNCONDITIONED
UNENCLOSED SPACE PER LAST
LEGAL USE

PLANS APPROVED by
ZONING ADJUSTMENTS BOARD

Terry Blount
August 8, 2013

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

PROJECT SCOPE

This application is for the Zoning Approval of a discretionary permit (AUP) to allow an existing 1 unit, 2 story building to be relocated with a new foundation to the rear of the existing lot with current zoning standard compliance. No exterior building alterations, tenant relocation, additional parking or change of use is required for this permit.

APPROVED BY *[Signature]* **DATE** *8/10/13*

D.R. Conditions Attached
 A.U.P. Conditions Attached
 U.P. Conditions Attached

A6

ZONING PERMIT
1924 FAIRVIEW ST
BERKELEY CA

PROJECT CONTACT:

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