



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 #2013-0083

Property Address: **110 POPLAR AVENUE**

Permittee Name: **HYER ARCHITECTURE**

Use and/or Construction Permitted: to convert a portion of an existing two-car garage into a studio to:

- Section 23C.04.070.B to allow an alteration of a portion of a building which encroaches into a non-conforming 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 29, 2013.

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

August 29, 2013
Effective Date

ATTACHMENT 1

FINDINGS AND CONDITIONS

AUGUST 7, 2013

110 Poplar Avenue

Administrative Use Permit #2013-0083

To convert a portion of an existing two-car garage into a studio.

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 construction of a dividing wall to divide the existing two-car into a one-car garage and studio is expected to create little or no privacy impacts to the abutting and confronting neighbors, and is therefore found to be non-detrimental.
 - As required under Section 23C.04.070.B.1 (Expansions of Non-Conforming Buildings and Structures), the alterations (construction of dividing wall) within the non-conforming west (front) setback which has an existing and proposed 10'6" minimum setback where 20' is required, does not further encroach into the setback.
 - The City of Berkeley's Transportation Division has approved the drawings to reduce the existing garage to a one-car garage.
 - As required under Section 23D.28.070 (Development Standards), this project is permissible because the subject property satisfies the development standards for

lot coverage, maximum residential density, maximum building height, and rear and side yard setback requirements.

- All abutting and confronting neighbors have indicated on the plan set and by e-mail with no objections.

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.

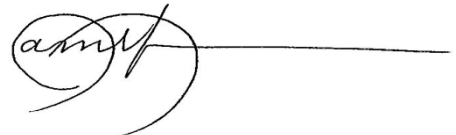
20. The applicant shall establish and maintain drainage patterns that do not adversely affect adjacent properties and rights-of-way.
21. The applicant shall ensure that all excavation takes into account surface and subsurface waters and underground streams so as not to adversely affect adjacent properties 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 dated **JULY 2, 2013 AND AUGUST 6, 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: Pamela Johnson, Assistant Planner for
Debra Sanderson, Zoning Officer

GENERAL NOTES

- 1. The proposed site is located on the east side of the site, adjacent to the existing parking lot. The Contractor shall coordinate with the City of Berkeley, CA regarding all necessary permits and approvals.
2. The proposed site is located on the east side of the site, adjacent to the existing parking lot. The Contractor shall coordinate with the City of Berkeley, CA regarding all necessary permits and approvals.
3. All work shall be completed within the established time frame. Any non-compliance with the schedule shall be subject to the Contractor's liability.
4. The Contractor shall provide all necessary permits and approvals for the proposed site.
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20. The Contractor shall provide all necessary permits and approvals for the proposed site.

PROJECT SUMMARY

CONVERT EXISTING 2 CAR GARAGE INTO 1 CAR GARAGE AND AMTRAK STOPS. NO CHANGE TO BUILDING FOOTPRINT

FIRE DETECTION SYSTEM

Smoke detectors as required by code.

PROJECT DATA

Address: 110 Poplar Street, Berkeley, CA 94702

ADDRESS: 110 POPLAR STREET

PROJECT NUMBER: 03-2013-01

ZONING: R-1H

PERMIT TYPE: 03

TYPE OF CONTRACT: Type VB

NUMBER OF SHEETS: 2

DATE: 02/24/13

DRAWING NUMBER: 1-104-F

DATE: 1/14/13

PROJECT NUMBER: 03-2013-01

ZONING: R-1H

PERMIT TYPE: 03

TYPE OF CONTRACT: Type VB

NUMBER OF SHEETS: 2

DATE: 02/24/13

DRAWING NUMBER: 1-104-F

DATE: 1/14/13

PROJECT NUMBER: 03-2013-01

ZONING: R-1H

PERMIT TYPE: 03

TYPE OF CONTRACT: Type VB

NUMBER OF SHEETS: 2

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ZONING: R-1H

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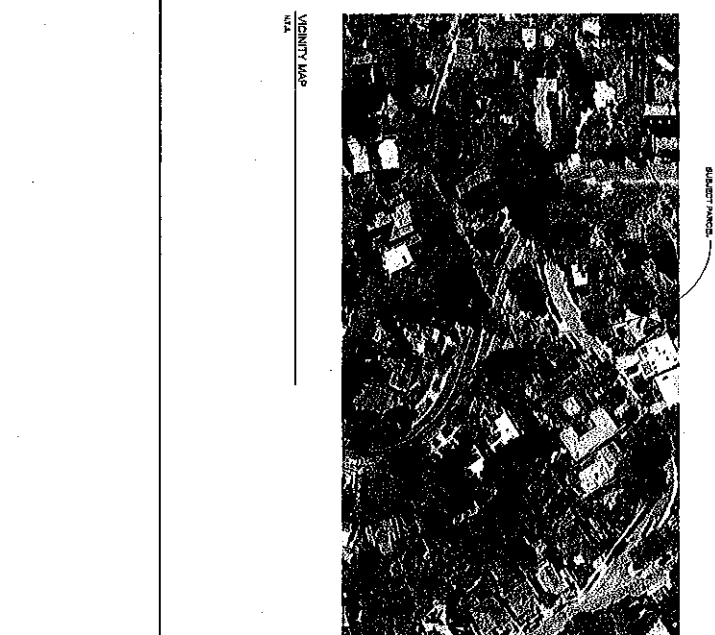
DRAWING NUMBER: 1-104-F

DATE: 1/14/13

PROJECT NUMBER: 03-2013-01

ZONING: R-1H

Table with 2 columns: ABBREVIATIONS and SYMBOLS. Lists various construction terms and their corresponding symbols.



APPROVED PLAN 8.5.13 DATE
PLANNING
PR Conditions Attached
AUP Conditions Attached
UP Conditions Attached

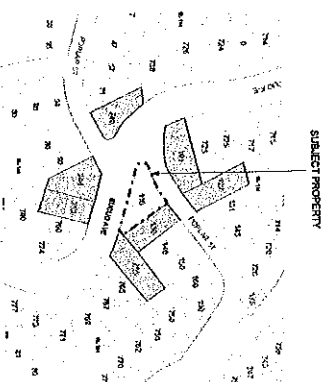
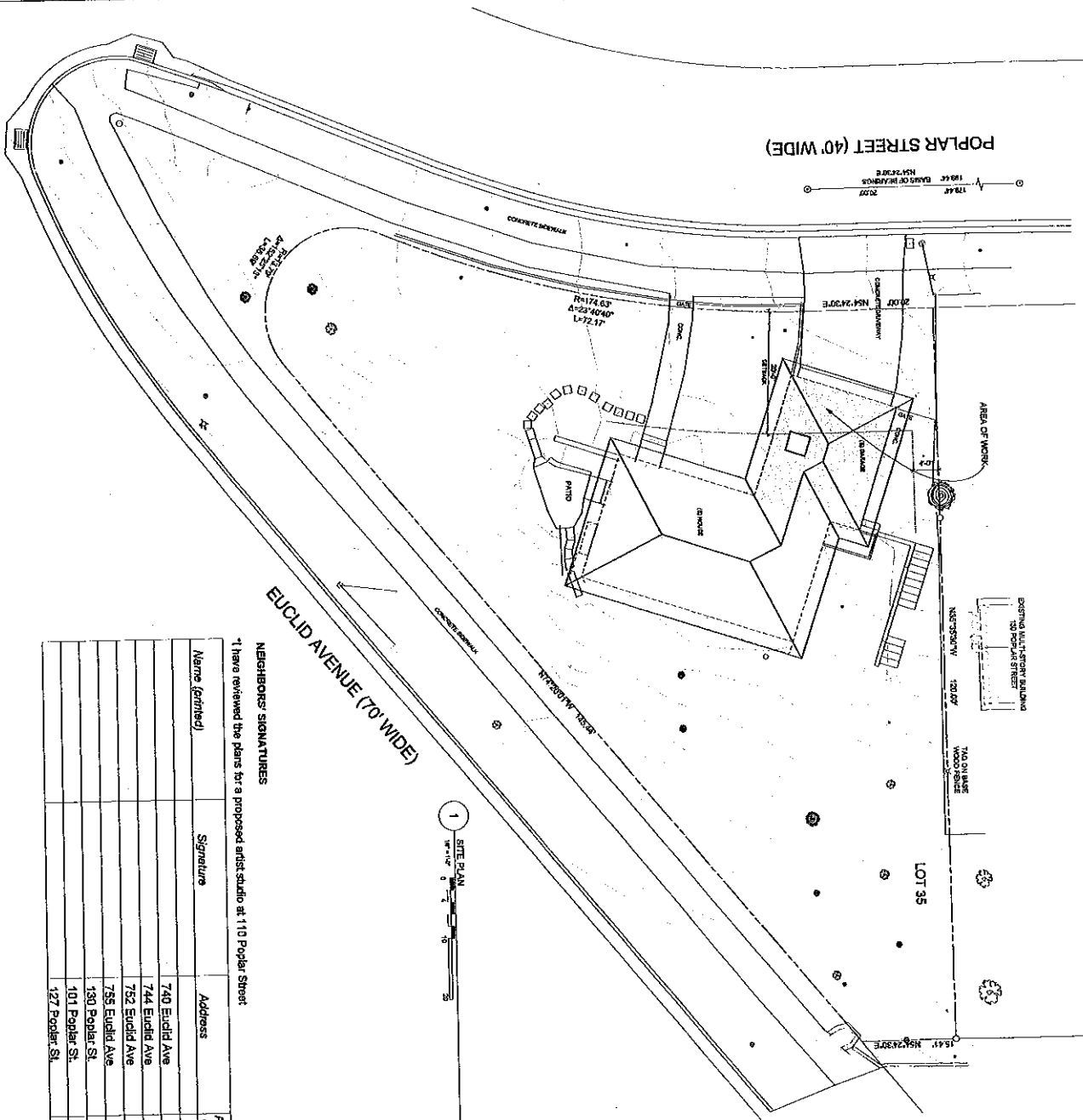
RECEIVED
JUL 02 2013
LAND USE PLANNING

HYER ARCHITECTURE
263 Amherst Avenue
Berkeley, CA 94702
949.854.1200



Karen and Tom Tripp Residence
110 Poplar St.
Berkeley, CA 94707

Table with 2 columns: PROJECT DATA and VARIETY MAP. Includes project name and map reference.



APPROVED PLAN
 DATE 8-5-13
 PAVING Conditions Attached
 R.P. Conditions Attached
 U.P. Conditions Attached

NEIGHBORS' SIGNATURES

I have reviewed the plans for a proposed artist studio at 110 Poplar Street

Name (printed)	Signature	Address	Renter / Owner	Date	Have No Objections	Have Objections (Please state briefly)	Have No Comment
		740 Euclid Ave					
		744 Euclid Ave					
		752 Euclid Ave					
		755 Euclid Ave					
		130 Poplar St.					
		101 Poplar St.					
		127 Poplar St.					

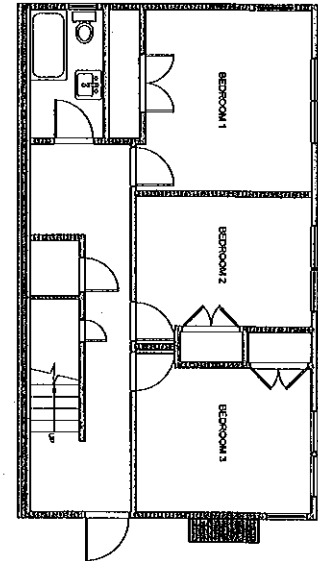
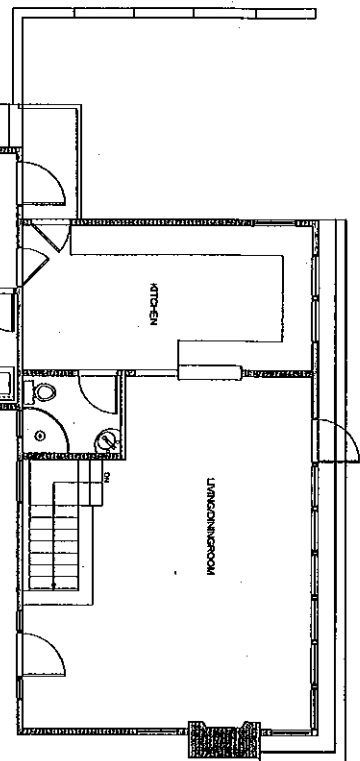
A1.0

Karen and Tom Tripp Residence
 110 Poplar St.
 Berkeley, CA 94707



HYER ARCHITECTURE
 283 Emherat Avenue
 Kensington ca 94708
 510.527.1916 (t.f.)

DATE	
TIME	
BY	
FOR	



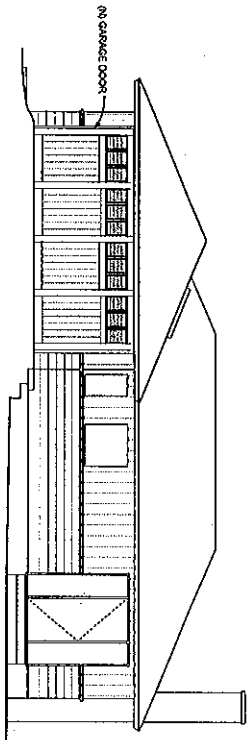
3 PROPOSED UPPER FLOOR PLAN

4 LOWER FLOOR PLAN (no changes)

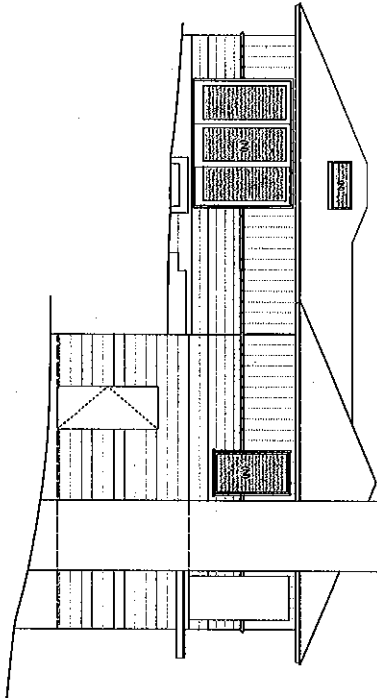
APPROVED PLAN
 DATE 8.6.13
 PLANNING
 D.R. Conditions Attached
 A.U.P. Conditions Attached
 E.U.P. Conditions Attached

RECEIVED
 AUG 06 2013

LAND USE PLANNING



1 PROPOSED NORTH ELEVATION



2 PROPOSED WEST ELEVATION