



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 #2013-0111

Property Address:

1830 SONOMA AVENUE

Permittee Name:

SCOTT SULLIVAN

Use and/or Construction Permitted: to enlarge an existing 2,934 sq. ft. single family dwelling by constructing 151* sq. ft. to enlarge an existing third floor bedroom and bathroom, resulting in a new 3,085 sq. ft. dwelling, increasing the average height of the building from 21'2" to 25'11" pursuant to:

- Section 23D.16.070.C. to construct a residential addition exceeding 14' in height; and
- *Section 23D.16.030 to allow a major residential addition exceeding 600 sq. ft. (includes a prior by-right 527 sq. ft. addition for a total 678 sq. ft. addition).

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 November 19, 2013.

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

November 19, 2013
Effective Date

ATTACHMENT 1

FINDINGS AND CONDITIONS

OCTOBER 28, 2013

1830 Sonoma Avenue

Administrative Use Permit #2013-0111

To enlarge an existing 2,934 sq. ft. single family dwelling by constructing 151* sq. ft. to enlarge an existing third floor bedroom and bathroom, resulting in a new 3,085 sq. ft. dwelling, increasing the average height of the building from 21'2" to 25'11".

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.40.030 (Uses Permitted) and 090 (Findings), the proposed addition may exceed 14' in average height and the addition may exceed 600 sq. ft. *(includes a prior by-right 527 sq. ft. addition for a total 678 sq. ft. Major Residential Addition) do 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 is 21'2" and the proposed average height is 25'11". Because of the mass of the existing structure, shadows currently exist at the abutting properties, however the addition is not expected to significantly increase shadows at neighboring properties because the addition is below the existing ridge height large vegetation currently exist at

- these locations, therefore, the addition is not expected to create significant shadow impacts on adjacent properties;
2. Air – Because the proposed addition exceeds the district standards for minimum front, rear yard, and 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 addition is not expected to significantly block the adjacent neighbors' views of any significant features. The proposed addition will not exceed the full height limit allowed in the R-1 District, and will not exceed the number of stories allowed: and
 4. Privacy – The proposed addition includes new windows at the north (front) and east (side) elevations; however these features are not expected to create privacy impacts to the immediate neighbors given that the north facing window is approximately 37' from the front property line and the east facing windows are approximately 19' from the neighboring property at 1834 Sonoma.
- As required under Section 23D.40.070 (Development Standards), the project is permissible because the addition satisfies the development standards for minimum lot area, maximum residential density, maximum main building height, minimum yard setbacks, and minimum open space.

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.

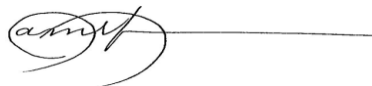
20. The applicant shall establish and maintain drainage patterns that do not adversely affect adjacent properties and rights-of-way.
21. The applicant shall ensure that all excavation takes into account surface and subsurface waters and underground streams so as not to adversely affect adjacent properties 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 **AUGUST 26, 2013**.

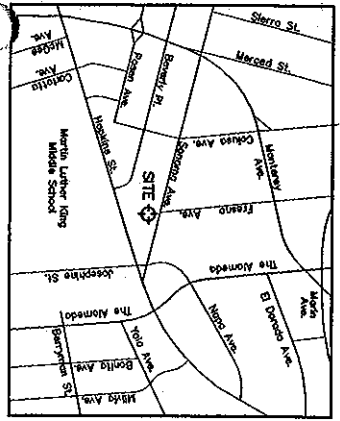
At All Times (Operation):

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

Vicinity Map



The Sherman House Lower Floor & Terrace Addition

1830 Sonoma Avenue
Berkeley, California

Project Information

Jurisdiction:
The City of Berkeley

Applicable Building Code:
2010 California Building Code
2010 California Residential Code
2010 Energy Code
2010 California Electric Code
2010 California Plumbing Code
2010 California Mechanical Code
2010 California Fire Code

Property Owner:
Jeremy Sherman
1830 Sonoma Avenue
Berkeley, California 94708

Construction:
Type V Non-Rated

Building Occupancy:
Single Family Residential

Project Description: A 151 sq. ft. addition to the Upper/3rd Floor of an existing 3 story, single family residence. The project includes expansion/remodel of an existing bedroom, closets, and bathroom.

Note: It is understood that a Sewer Lateral Certificate must be supplied to the Building Department prior to issuance of a Building Permit.

Tabulation Form	Existing	Proposed	Removals
No. of Dwelling Units	1	0	0
No. of Parking Spaces	0	0	0
Front Yard Setback	12.97'	12.97'	0
Left Yard Setback	10.42'	10.42'	0
Right Yard Setback	5.18'	5.18'	0
Rear Yard Setback	16.7'	16.7'	0
No. of Stories	3	3	0
Blind Height (Maximum)	28'-4"	28'-4"	0
Lot Area	5500 sq. ft.	5500 sq. ft.	0
Setback from Front	12.97'	12.97'	0
Setback from Left	10.42'	10.42'	0
Setback from Right	5.18'	5.18'	0
Setback from Rear	16.7'	16.7'	0
Lot Coverage	25.13%	25.13%	0
Unusable Open Space	4244 sq. ft.	4244 sq. ft.	0

RECEIVED
AUG 23 2013

LAND USE PLANNING

Drawing Index

Architectural Documents:

- Cover Sheet
- Site Plan & Area Map
- Survey
- 1st & 2nd Floor Plans
- 3rd Floor Plans
- Roof Plans
- Exist. Exterior Elevations
- New Exterior Elevations
- Schematic Section

APPROVED PLAN
DATE 10-24-13

PLANNING
DATE

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

Note: It is understood that a Sewer Lateral Certificate must be supplied to the Building Department prior to issuance of a Building Permit.

Date: 2 Aug. 2013

SCOTT
SULLIVAN
Architect

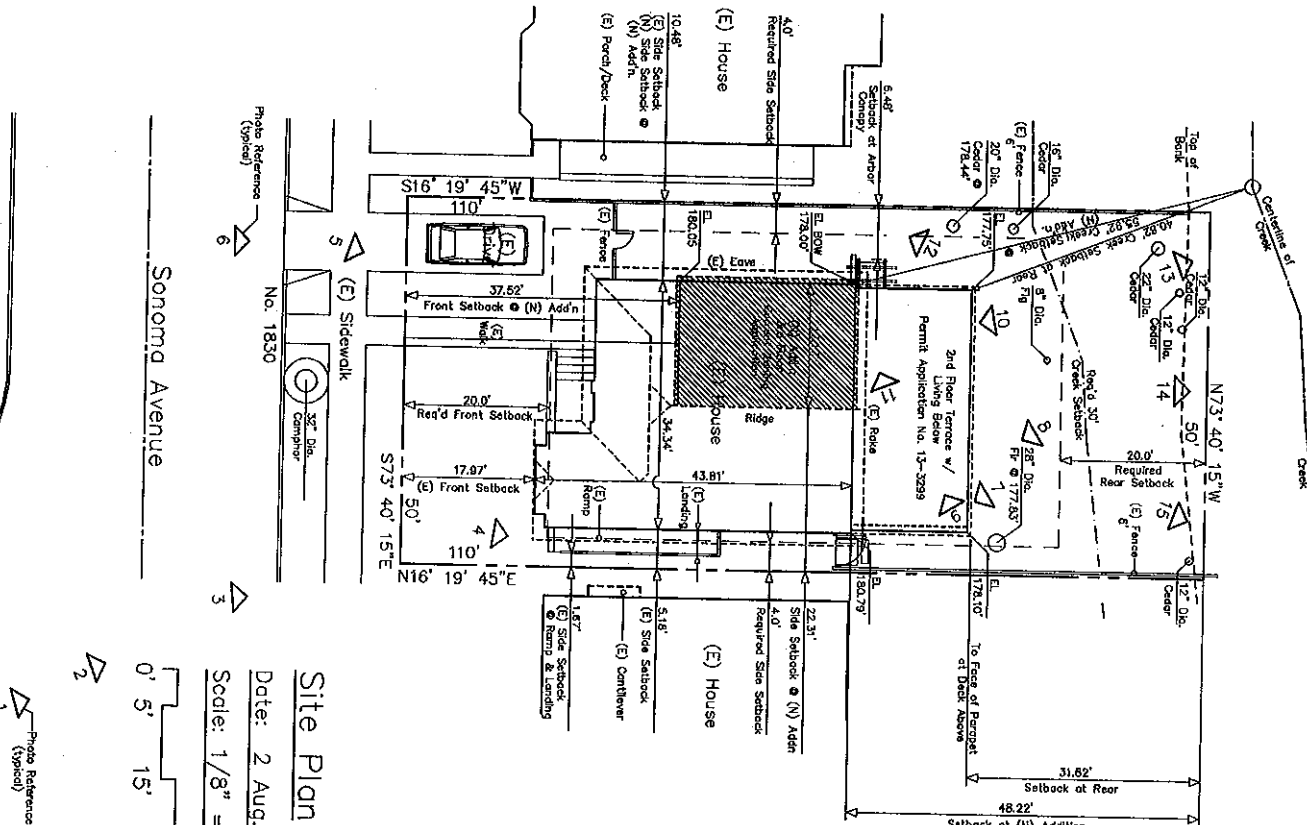
5659 Cabot Drive
Oakland, CA 94611
Tel 510.339.8844

The Sherman House
Lower Floor & Terrace Addition
1830 Sonoma Avenue
Berkeley, California

Revisions

Cover Sheet

1



Site Plan
 Date: 2 Aug. 2013
 Scale: 1/8" = 1'-0"

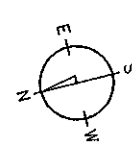
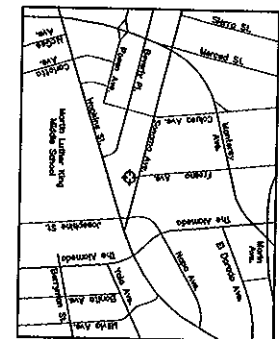


Photo Reference (typical)



Area Map

Scale: Not to Scale

APPROVED PLAN
 PLANING
 DATE
 10.24.13

- D.F. Conditions Attached
- A.U.P. Conditions Attached
- U.P. Conditions Attached

The Sherman House
 Upper / 3rd Floor Addition
 1830 Sonoma Avenue
 Berkeley, California

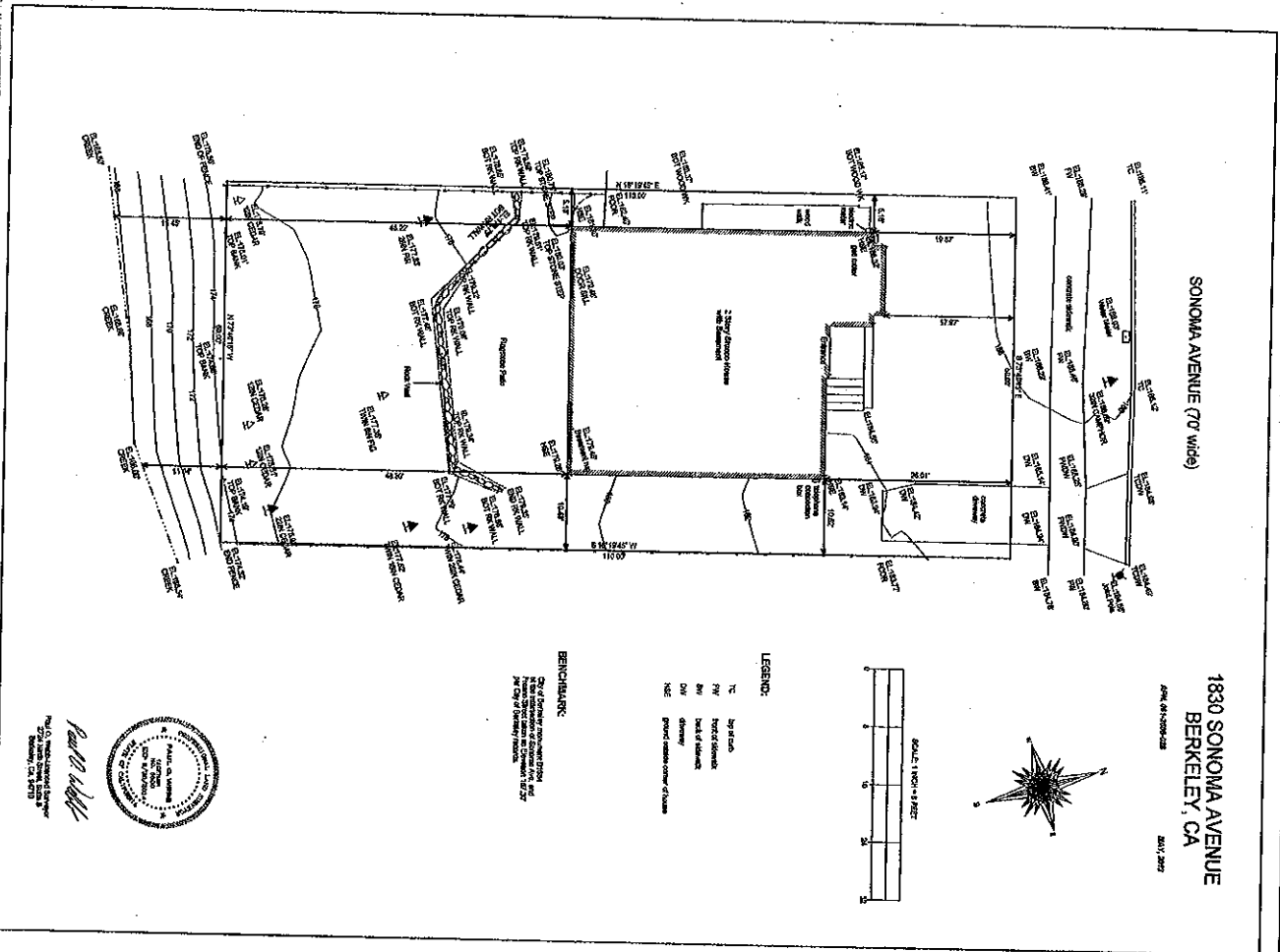
SCOTT SULLIVAN architect
 5659 Cabot Drive
 Oakland, CA 94611
 Tel. 510.339.8844

Revisions

Site Plan & Area Map

APPROVED PLAN
SDM
 PLANNING
 DATE 10-24-13

D.F. Conditions Attached
 A.U.P. Conditions Attached
 U.P. Conditions Attached



Paul W. Williams
 Paul W. Williams, Surveyor
 No. 17, State of California
 Berkeley, CA 94712

SCOTT SULLIVAN
 architect

• • •

5659 Cabot Drive
 Oakland, CA 94611
 Tel. 510.339.8844

The Sherman House
 Upper / 3rd Floor Addition

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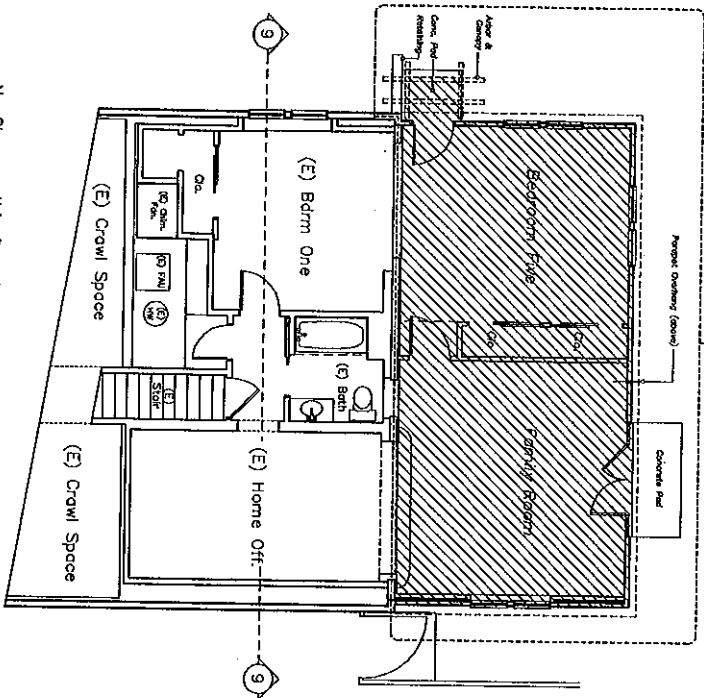
1830 Sonoma Avenue
 Berkeley, California

Revisions

Survey (by Others)

3

This Addition under separate Bldg. Permit Application No. 13-3299 (Outside of notice in attached plan)



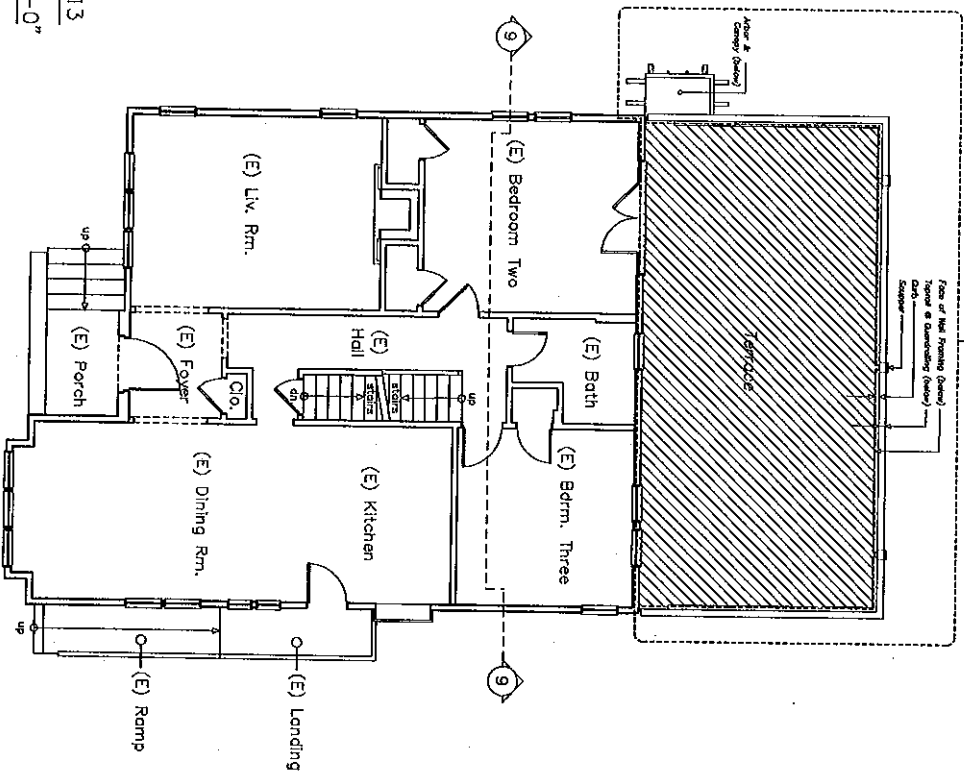
No Changes this floor beyond those noted w/
Permit Application Number: 13-3299

1st/Lower Floor Plan: Existing

Includes Addition under separate Building Permit Application No: 13-3299.

APPROVED PLAN
DATE: 10-24-13
PLANNING: DMJ
 D.F.R. Conditions Attached
 A.U.P. Conditions Attached
 U.P. Conditions Attached

This Addition under separate Bldg. Permit Application No. 13-3299 (Outside of notice in attached plan)



No Changes this floor beyond those noted w/
Permit Application Number: 13-3299

2nd/Main Floor Plan: Existing

Includes Addition under separate Building Permit Application No: 13-3299.

Date: 2 Aug. 2013
Scale: 1/4" = 1'-0"
0' 5' 10' 15'

SCOTT SULLIVAN architect
 5659 Cabot Drive
 Oakland, CA 94611
 Tel. 510.339.8844

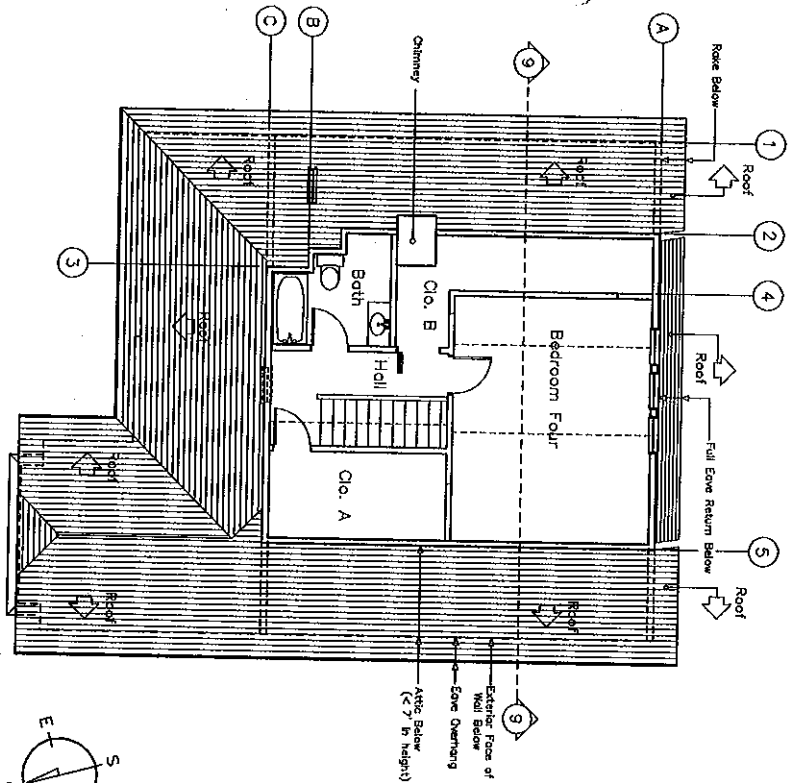
The Sherman House
 Upper / 3rd Floor Addition
 1830 Sonoma Avenue
 Berkeley, California

Revisions

1st & 2nd Floor Plans

APPROVED PLAN **b-24-13**
 PLANNING **SM**
 D.R. Conditions Attached
 A.U.P. Conditions Attached
 U.P. Conditions Attached

3rd/Upper Floor Plan: Existing

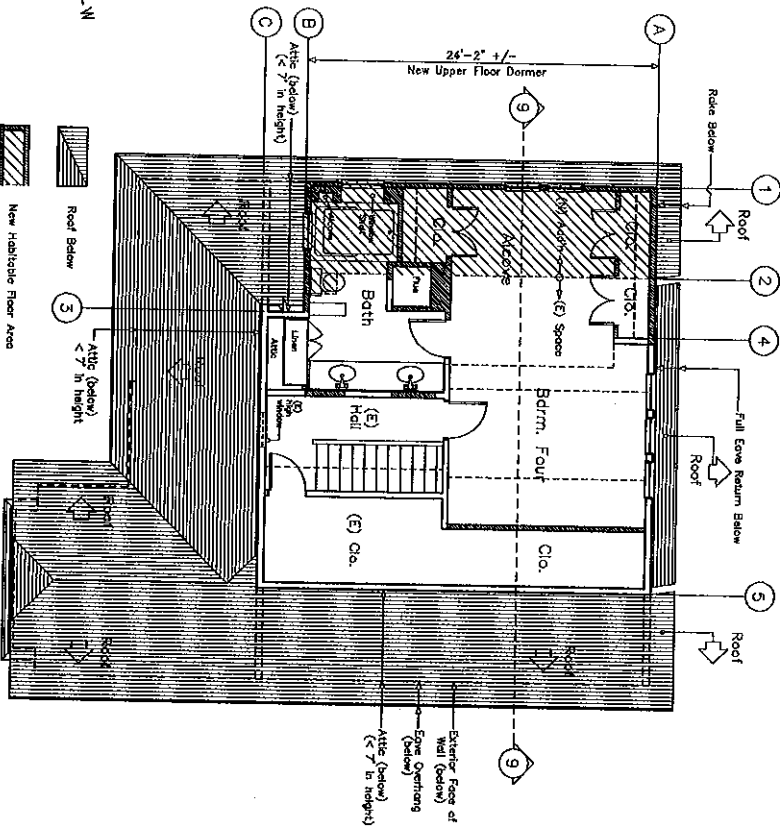


Date: 2 Aug 2013

Scale: 1/4" = 1'-0"



3rd/Upper Floor Plan: Proposed



New Wall Construction
 New Habitable Floor Area
 Roof Balcony
 Attic (below) < 7' in height

Revisions

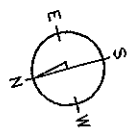
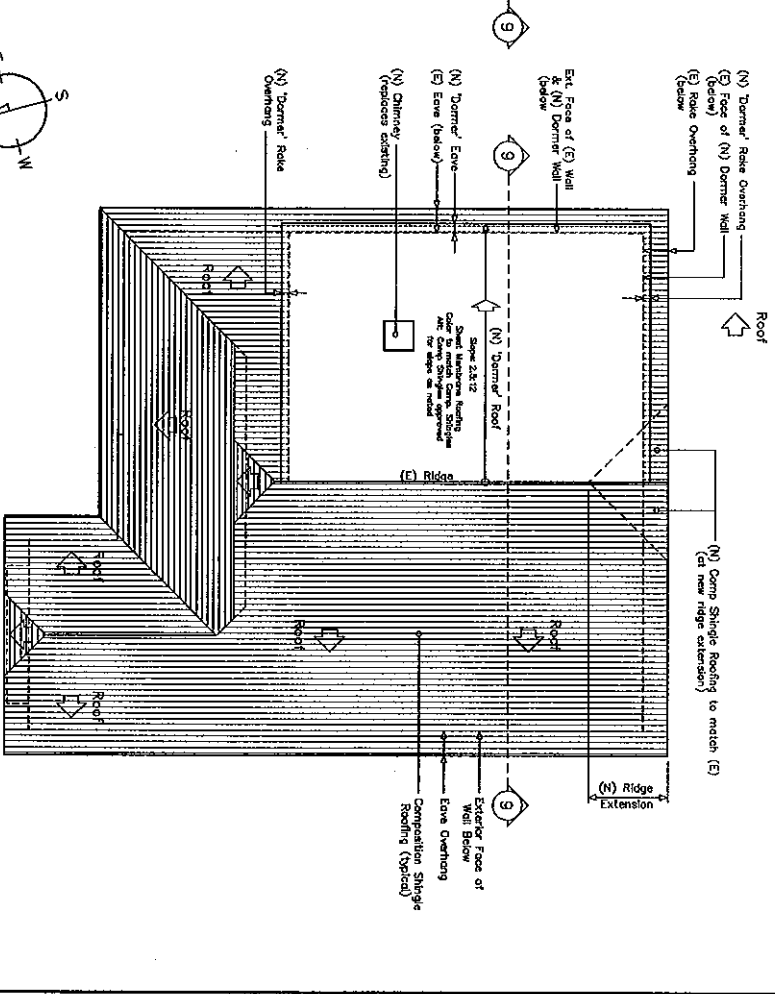
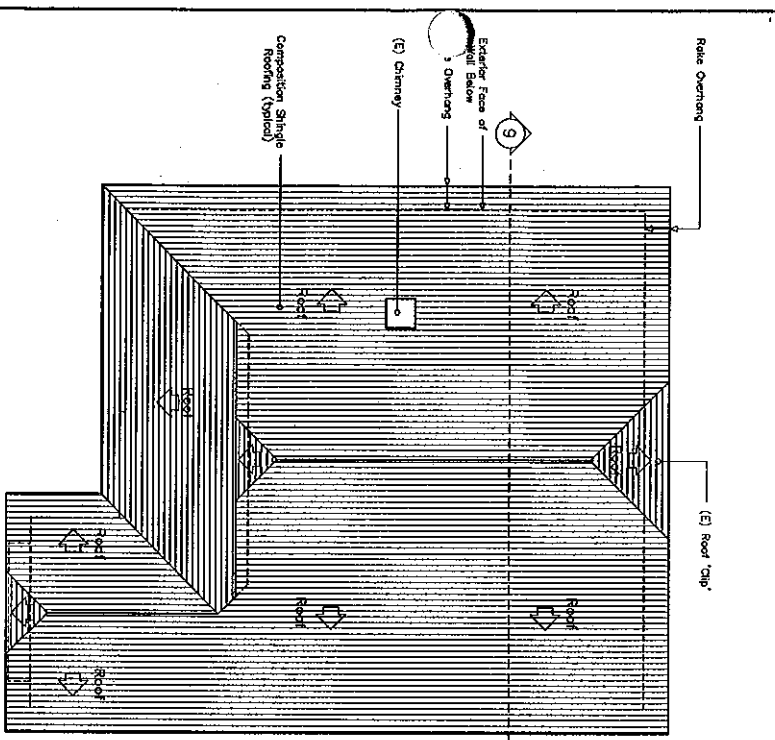
3rd Floor Plans

The Sherman House
 Upper / 3rd Floor Addition

1830 Sonoma Avenue
 Berkeley, California

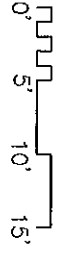
SCOTT
 SULLIVAN
 architect

5659 Cabot Drive
 Oakland, CA 94611
 Tel. 510.339.8844



Date: 2 Aug. 2013

Scale: 1/4" = 1'-0"



Roof Plan: Existing

Roof Plan: Proposed

APPROVED PLAN
 PLANNING *SPM* DATE 10-24-13
 D.R. Conditions Attached
 A.U.P. Conditions Attached
 U.P. Conditions Attached

SCOTT SULLIVAN architect

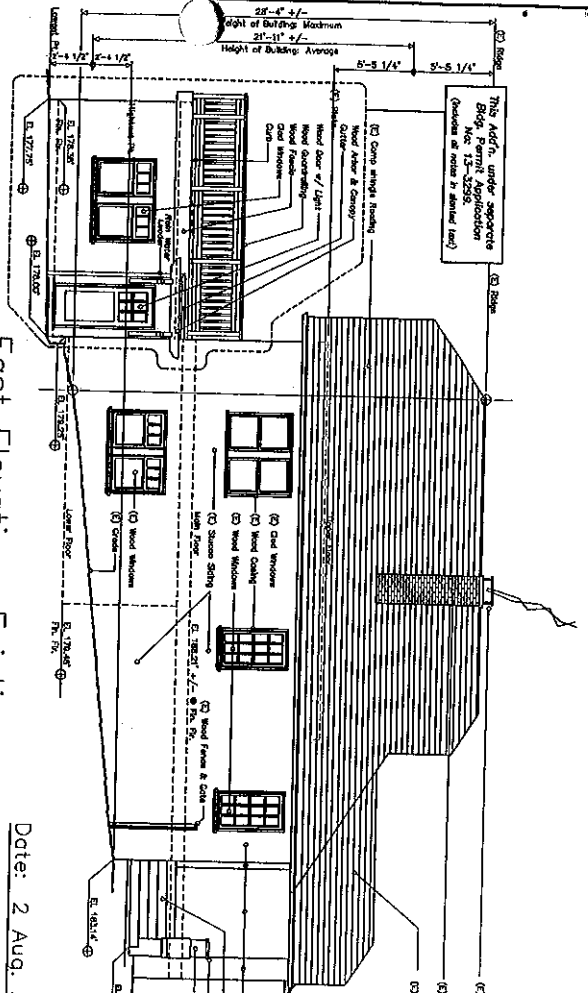
5659 Cabot Drive
 Oakland, CA 94611
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The Sherman House
 Upper / 3rd Floor Addition

1830 Sonoma Avenue
 Berkeley, California

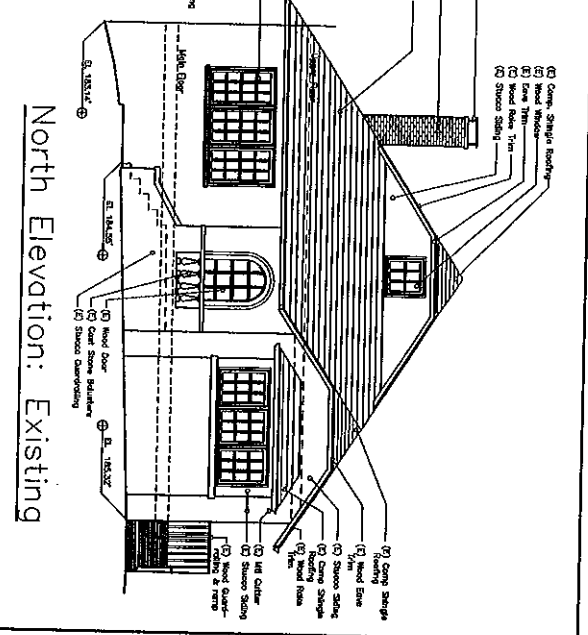
Revisions

Roof Plans

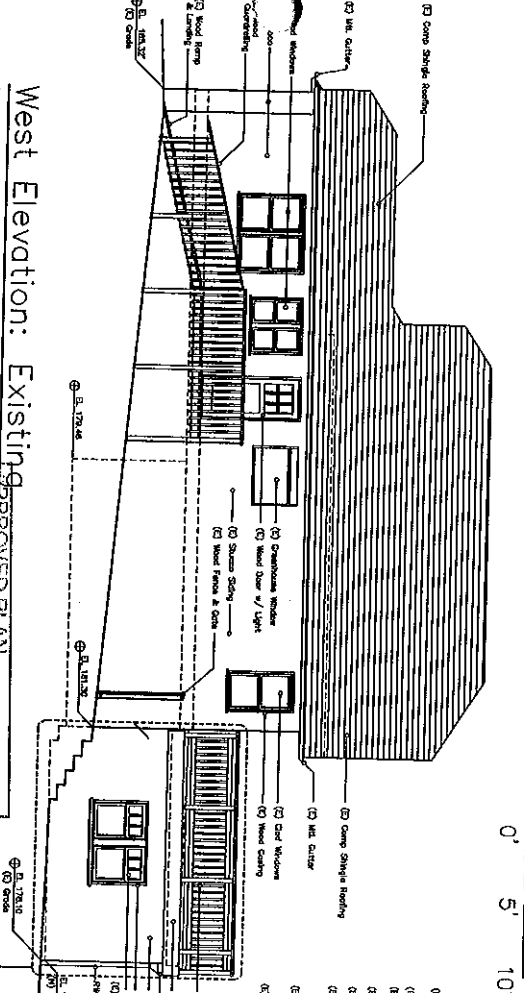


East Elevation: Existing

Includes Addition under separate Permit Application No: 13-3299.

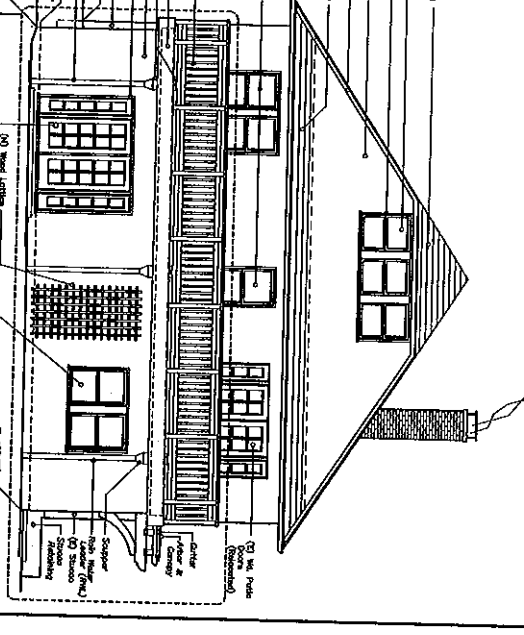


North Elevation: Existing



West Elevation: Existing

Includes Addition under separate Building Permit Application No: 13-3299.



South Elevation: Existing

Includes Addition under separate Building Permit Application No: 13-3299.

Date: 2 Aug. 2013
 Scale: 1/4" = 1'-0"
 0' 5' 10' 15'

APPROVED PLAN
 ID: 24.13
 DATE: 10.24.13
 PLANNING: DPM
 DR. Conditions Attached
 A.U.P. Conditions Attached
 U.P. Conditions Attached

This Addn. under separate app'n Permit Application No: 13-3299. (Indicates all notes in detailed set)

This Addn. under separate app'n Permit Application No: 13-3299. (Indicates all notes in detailed set)

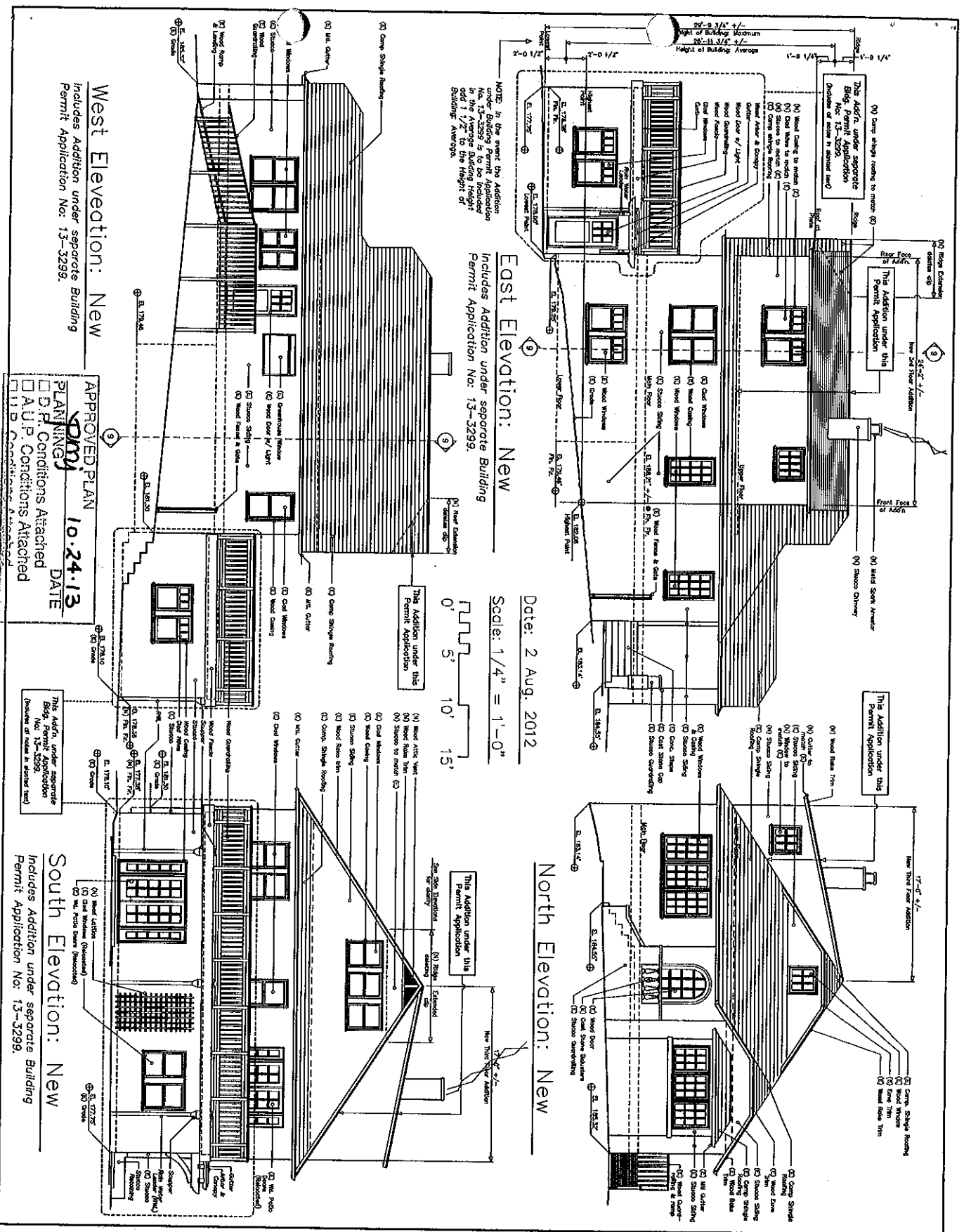
The Sherman House
 Upper / 3rd Floor Addition
 1830 Sonoma Avenue
 Berkeley, California

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 Tel. 510.339.8944

Revisions

Existing Elevations

7



West Elevation: New
Includes Addition under separate Building Permit Application No. 13-3299.

East Elevation: New
Includes Addition under separate Building Permit Application No. 13-3299.

North Elevation: New

South Elevation: New
Includes Addition under separate Building Permit Application No. 13-3299.

APPROVED PLAN
DATE 10-24-13
PLANING
DATE 10-24-13
A.U.P. Conditions Attached
A.U.P. Conditions Attached

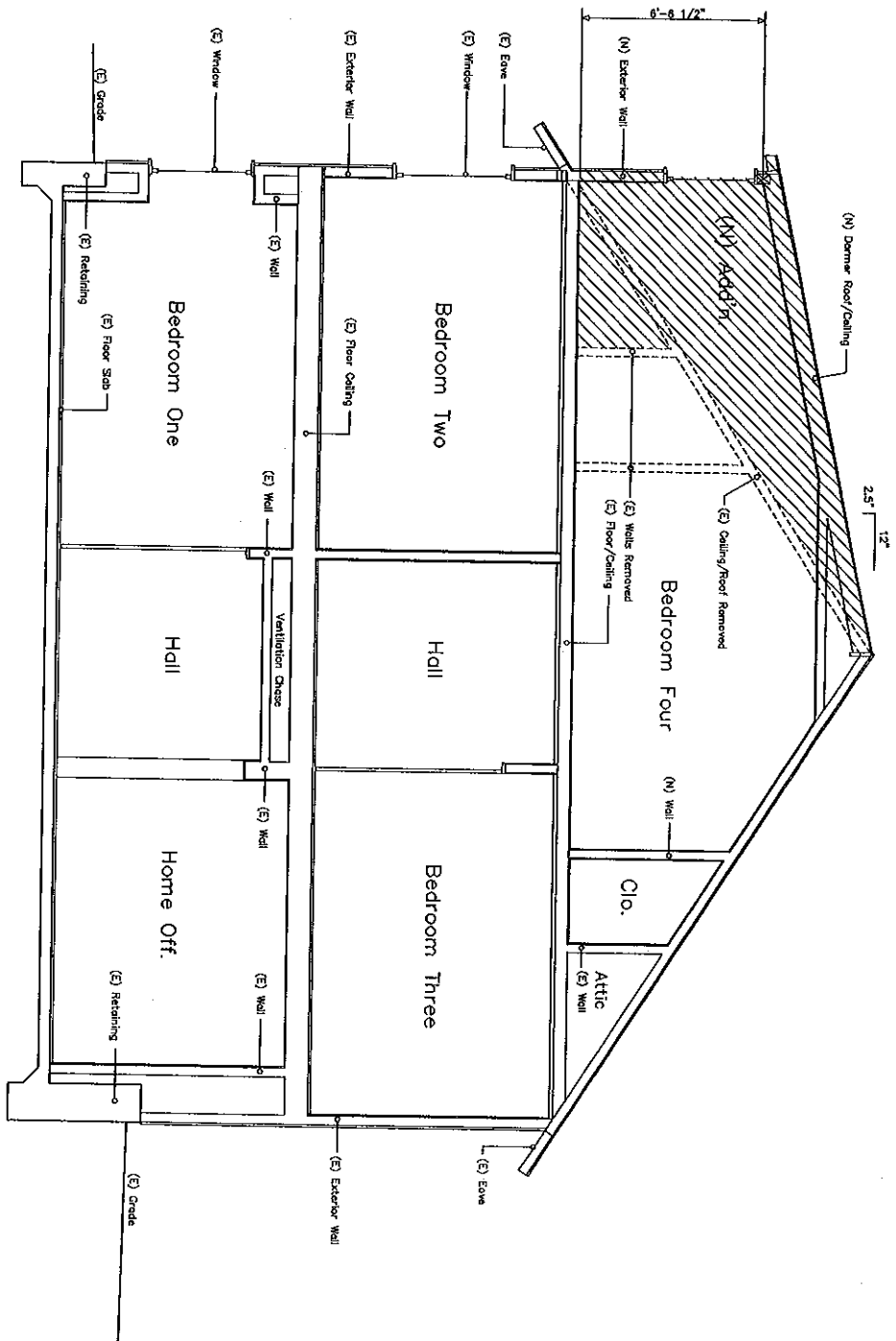
**The Sherman House
Upper / 3rd Floor Addition**

1830 Sonoma Avenue
Berkeley, California

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architect**
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Tel 510.839.8844

Revisions

Proposed Elevations



Schematic Section

Date: 2 Aug. 2013

Scale: 1/2" = 1'-0"



APPROVED PLAN
 PLANNING **DM** 10-24-13
 DATE
 D.P. Conditions Attached
 A.U.P. Conditions Attached
 U.P. Conditions Attached

**The Sherman House
 Upper / 3rd Floor Addition**

1830 Sonoma Avenue
 Berkeley, California

**SCOTT
 SULLIVAN
 architect**

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 Tel. 510.339.8844

Revisions

Section