



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 #13-2000072

Property Address: **920 SHATTUCK AVENUE**

Permittee Name: **INDIGO DESIGN GROUP**

Use and/or Construction Permitted: to legalize a 540 sq. ft. Accessory Dwelling Unit with tandem parking pursuant to:

- Section 23D.16.030 to allow the off-street parking requirement for an Accessory Dwelling Unit to be satisfied with tandem parking.

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

920 Shattuck Avenue

Administrative Use Permit #13-20000072

To legalize a 540 sq. ft. Accessory Dwelling Unit with tandem parking.

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.16.040 (Development Standards for Accessory Dwelling Units), the 540 sq. ft. Accessory Dwelling Unit which involves meeting the off-street parking requirement with tandem parking is permissible because:
 1. The gross floor area of the Accessory Dwelling Unit is 540 sq. ft. which is less than 25% of the floor area of the main house which is 2,180 sq. ft., and is more than 300 sq. ft. (required minimum size), but no more than 600 sq. ft. (maximum size permitted) (Sections 23D.16.040.B.1 and B.2);
 2. The Accessory Dwelling Unit is accessible from a roadway that meets the fire apparatus access road requirements (Section 23D.16.040.B.4);
 3. This permit is conditioned (see Condition #12 below) to restrict the Accessory Dwelling Unit from being sold independently of the main house, mandating that the owner shall not subdivide the land or air rights to enable sale or transfer of the Accessory Dwelling Unit, and that the owner shall reside in either the main dwelling or the Accessory Dwelling Unit (Sections 23D.16.040.B.3 and B.5); and

4. There is a separate entrance for the Accessory Dwelling Unit not located on the front of the existing building (Section 23D.16.040.C.1).
 - As required by Section 23D.16.040.F (Special Provisions) and 23D.16.090.C (Findings), the use of tandem parking to fulfill the required off-street parking is permissible because:
 1. To provide two non-tandem off-street parking spaces would reduce the required open space on the lot, remove landscaped open space, and be detrimental to the enjoyment of the residents on the property; and
 2. Condition of Approval #12 requires that the owner of the property reside in either the main dwelling or the Accessory Dwelling Unit, therefore the owner will be available on-site to ensure that the tandem parking is utilized.
 - As required by Section 23D.16.070 (Development Standards), this project is permissible because the subject property satisfies the development standards for lot coverage, maximum residential density, maximum building height, and required 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. All owners of record of the subject property shall sign and record with the Alameda County Clerk-Recorder a "Notice of Limitation on Use of Property" (available from Land Use Planning Division) and provide a recorded copy thereof to the project planner. This Notice of Limitation shall prohibit the Accessory Dwelling Unit from being sold independently of the main house, mandating that the owner shall not subdivide the land or air rights to enable sale or transfer of the Accessory Dwelling Unit, that the owner shall reside in either the main dwelling or the Accessory Dwelling Unit, and that one (1) on-site tandem parking space shall be provided for the resident(s) of the Accessory Dwelling Unit for the life of the unit. This limitation may not be revised or removed from this property without the prior written permission of the Zoning Officer of the City of Berkeley.
13. Drainage plans shall be submitted for approval of the Building & Safety Division and Public Works Department, if required.
14. 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 prior to issuance of a building permit.

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 in thickness 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 establish and maintain drainage patterns that do not adversely affect adjacent properties and rights-of-way.
23. 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.
24. 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:

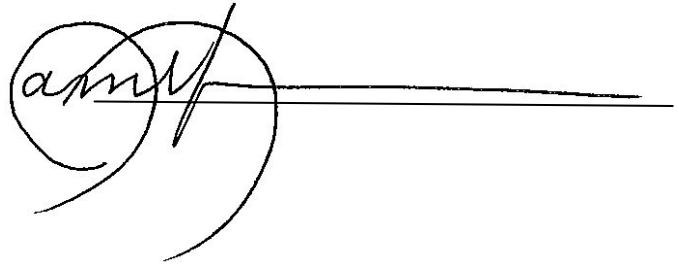
25. All construction at the subject property shall substantially conform to the approved Use Permit drawings or to modifications approved by the Zoning Officer.
26. All landscape, site and architectural improvements shall be completed per the attached approved drawings dated **OCTOBER 17, 2013**.

At All Times (Operation):

27. All exterior lighting shall be shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.
28. 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.

- 29.** Noise and exterior lighting shall be controlled so as to prevent verified complaints from the surrounding neighborhood.

A handwritten signature in black ink, appearing to read 'amj', is written over a horizontal line. The signature is stylized and cursive.

Pamela Johnson, Assistant Planner for
Debra Sanderson, Zoning Officer

I SITE PLAN

PROPOSED 1/16"=1'-0" x

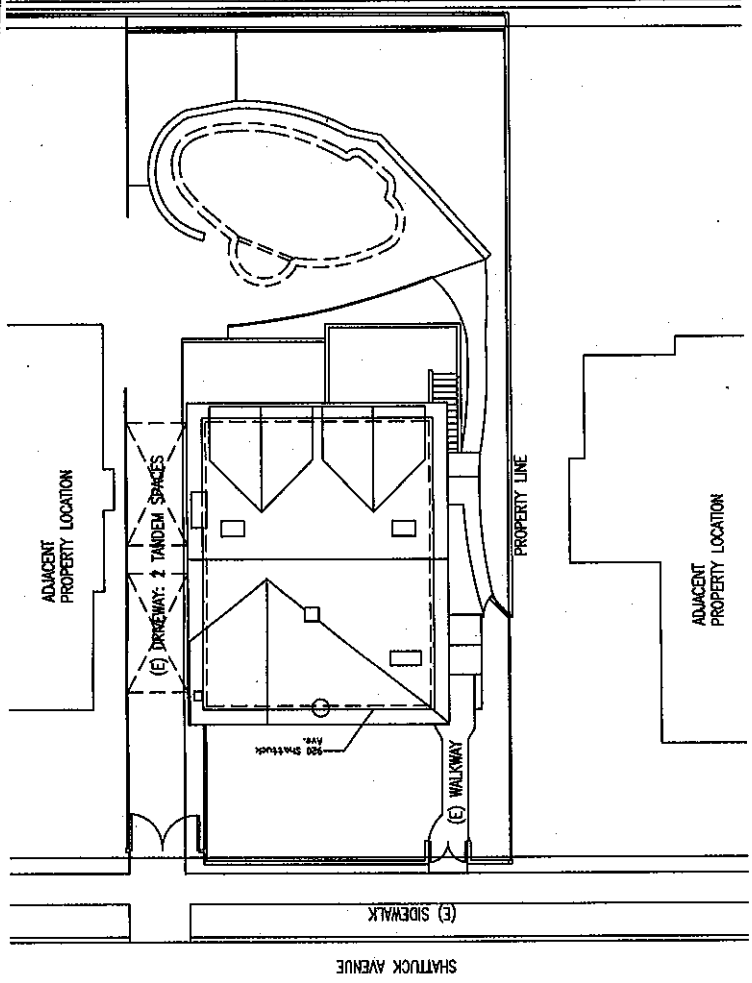
APPROVED PLAN
SPRMA 10.24.13
 PLANNING DATE
 D.R. Conditions Attached
 A.U.P. Conditions Attached
 U.P. Conditions Attached

920 SHATTUCK AVE
 Beds: 4
 Baths: 3.0
 Sft: 2,180
 Lot: 5,500
 PROPOSED BUILDING: NO CHANGE
 EXISTING PARKING: 1 OFFSTREET PARKING SPACE
 PROPOSED PARKING: 2 TANDEM OFFSTREET PARKING SPACES
 ZONING: R2A
 EXISTING USE: SINGLE FAMILY

RECEIVED

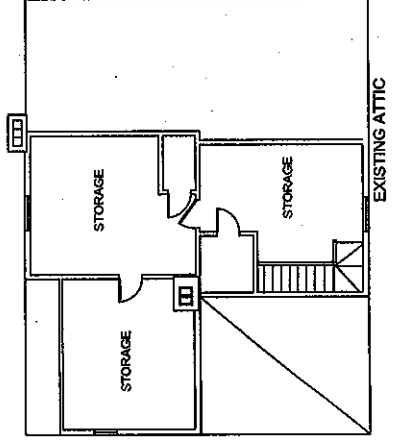
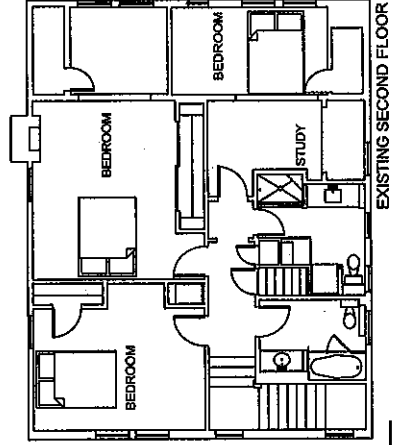
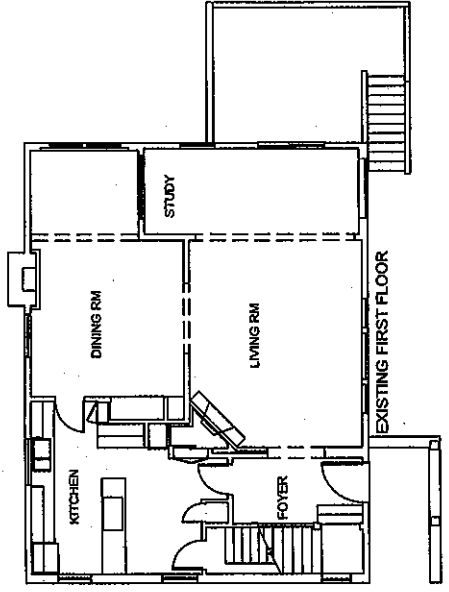
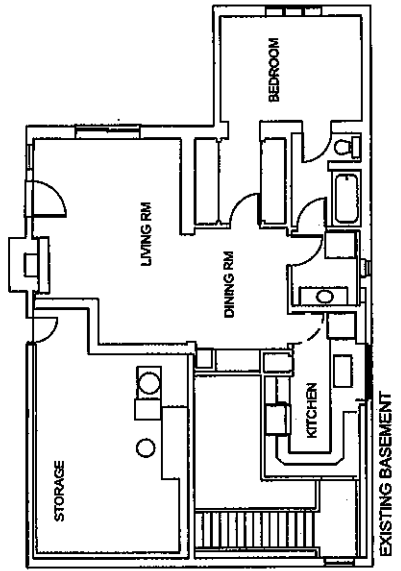
OCT 17 2013

LAND USE PLANNING



<p>ADMINISTRATIVE USE PERMIT 920 SHATTUCK AVE BERKELEY CA APN: 061 258602800</p>	<p>PROJECT SCOPE This application is for the Zoning Approval of a discretionary permit (AUP) to allow an existing 2 story building with an existing habitable basement unit to legalize two offstreet tandem parking spaces. No exterior construction or site construction is proposed with this application. No change to building or off street parking is proposed with this application.</p>	<p>CONTENTS 11X17 PACKET CONTENTS: A1- SITE PLAN A2- SANBORN MAP A3- PARCEL MAP SURVEY A4- PARCEL CONDITIONS REPORT AND PERMIT HISTORY A5- EXISTING FLOOR PLAN A6- PARKING PLAN A7-8- FLOOR PLANS</p>	<p>INDiGO design group phn: 510-697-4289 fax: 510-655-3705 www.indigo-design-group.com indigodesigngroup@gmail.com</p>
--	--	--	---

A1



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

NOTE:
 NO CHANGE TO BUILDING
 OR FLOOR PLANS



1 FLOOR

EXISTING PLAN 3/16" = 1'-0" x

ADMINISTRATIVE USE PERMIT
 920 SHATTUCK AVE
 BERKELEY CA

PROJECT SCOPE

This application is for the Zoning Approval of a discretionary permit (AUP) to allow an existing 2 story building with an existing habitable basement unit to legalize two offstreet tandem parking spaces. No exterior construction or site construction is proposed with this application. No change to building or off street parking is proposed with this application.

PROJECT CONTACT:

iNDiGO
 design group

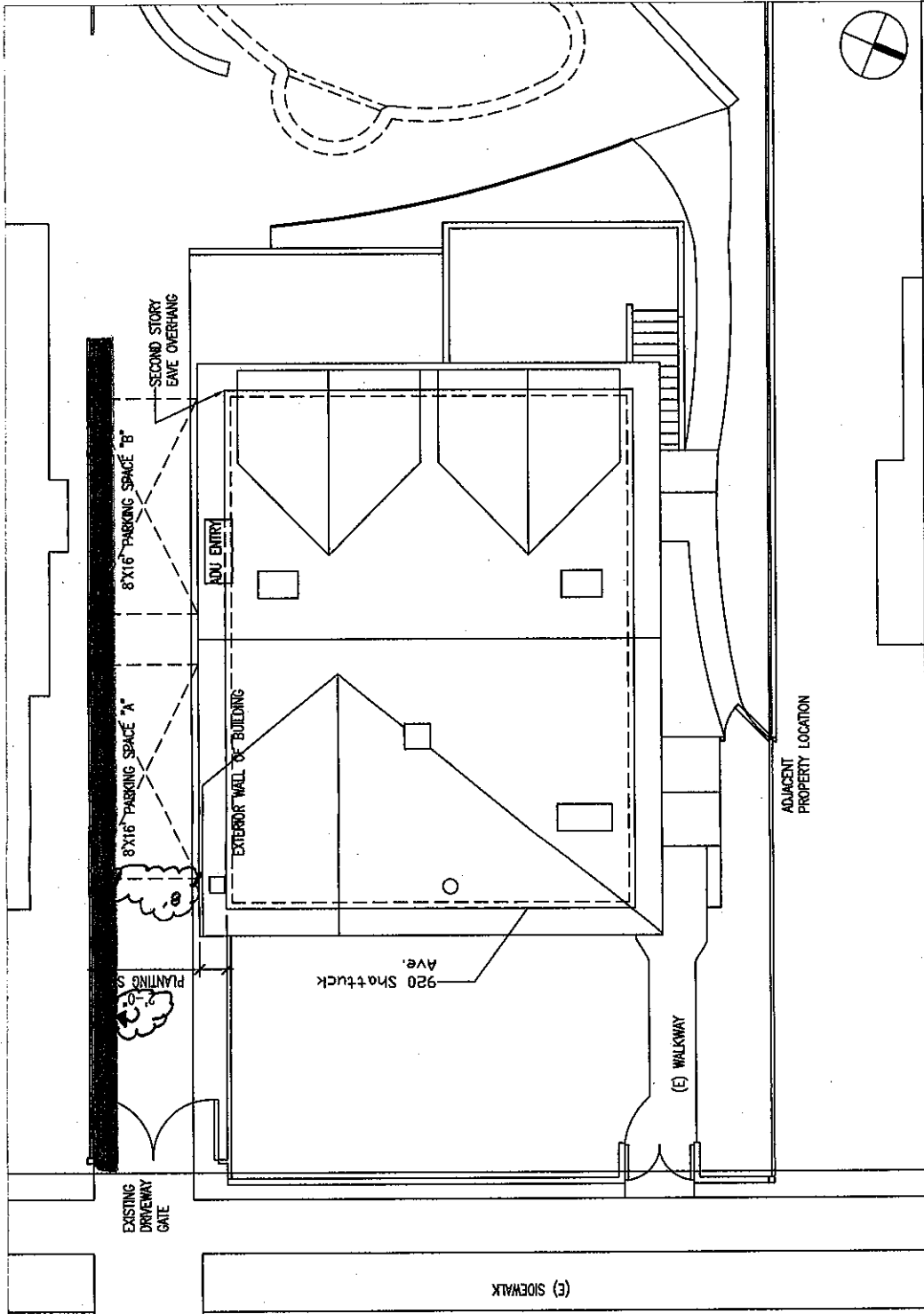
phn: 510-697-4289 fax: 510-655-3705
 www.indigo-design-group.com indigodesigngroup@gmail.com

A5

1 SITE PLAN - PARKING

PROPOSED 1/8" = 1'-0" x

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



A6

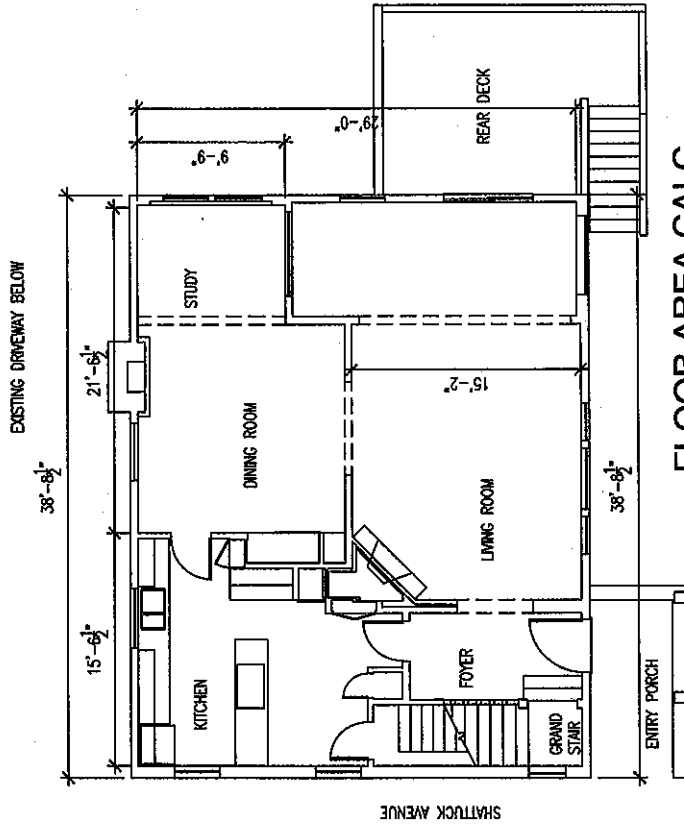
PROJECT SCOPE
 This application is for the Zoning Approval of a discretionary permit (AUP) to allow an existing 2 story building with an existing habitable basement unit to legalize two offstreet tandem parking spaces. No exterior construction or site construction is proposed with this application. No change to building or off street parking is proposed with this application.

ADMINISTRATIVE USE PERMIT
 920 SHATTUCK AVE
 BERKELEY CA
 APN: 061 258602800

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

1 MAIN FLOOR

(E) FLOOR PLAN/8"=1'-0" x



FLOOR AREA CALC.

MAIN FLOOR: 1165 SF
 SECOND FLOOR: 1165 SF
 TOTAL: 2330 SF PER ENVELOPE
 PUBLIC RECORD: 2180 SF
 ADU: 540 SF
 ADU IS LESS THAN 25% OF MAIN HOUSE FLOOR AREA

APPROVED PLAN *amy* 10.24.13 DATE

PLANNING

D.R. Conditions Attached

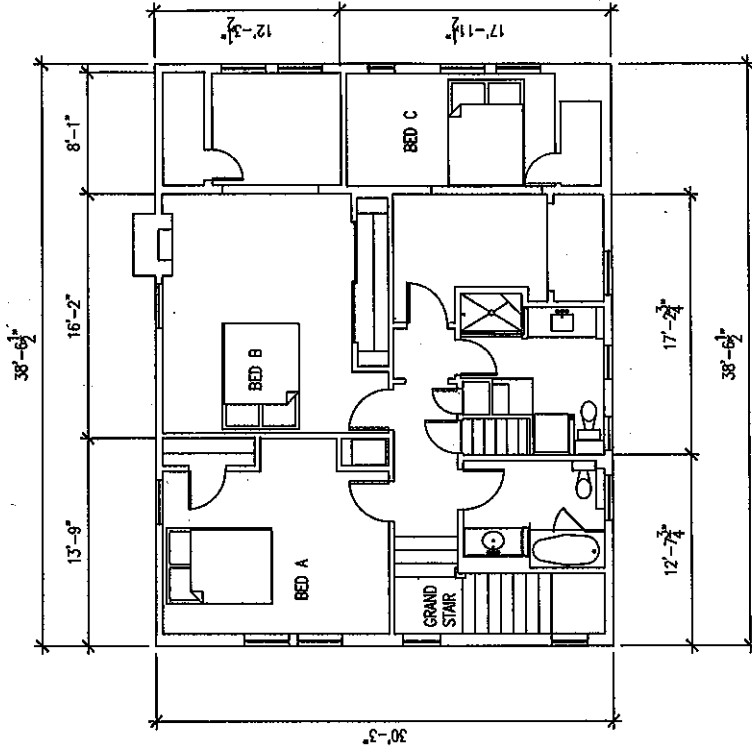
A.U.P. Conditions Attached

U.P. Conditions Attached



1 SECONDN FLOOR

(E) FLOOR PLAN/8"=1'-0" x



ADMINISTRATIVE USE PERMIT
 920 SHATTUCK AVE
 BERKELEY CA
 APN: 061 258602800

PROJECT SCOPE
 This application is for the Zoning Approval of a discretionary permit (AUP) to allow an existing 2 story building with an existing habitable basement unit to legalize two offstreet tandem parking spaces. No exterior construction or site construction is proposed with this application. No change to building or off street parking is proposed with this application.

A7

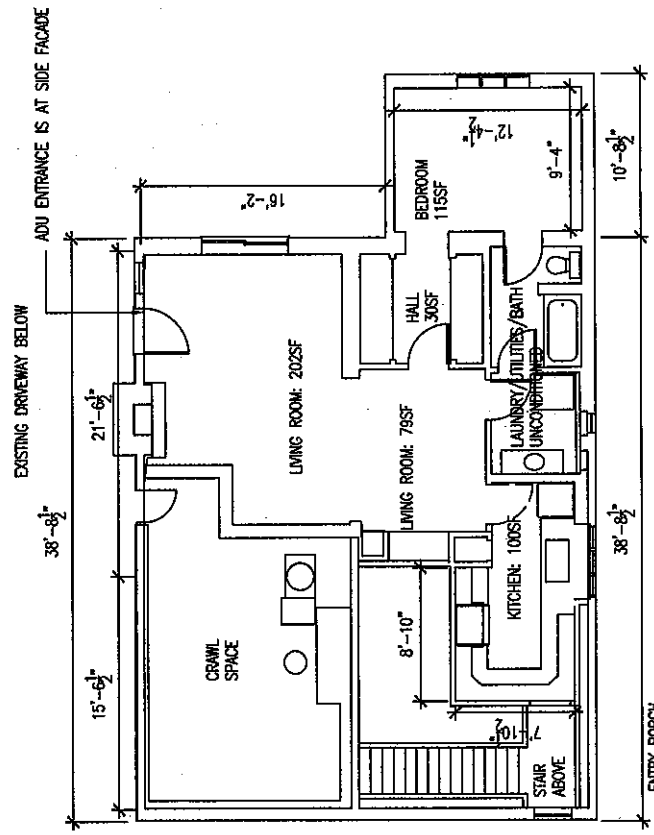
PROJECT CONTACT:

iNDiGO design group

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

LOWER FLOOR
(E) ADU

1/8" = 1'-0" x



FLOOR AREA CALC.

MAIN FLOOR: 1165 SF
SECOND FLOOR: 1165 SF
TOTAL: 2330 SF PER ENVELOPE
PUBLIC RECORD: 2180 SF
ADU: 540 SF
ADU IS LESS THAN 25% OF MAIN HOUSE FLOOR AREA

APPROVED PLAN
SPANNING
DATE: **10.24.13**
 R. Conditions Attached
 A.U.P. Conditions Attached
 U.P. Conditions Attached

<p>PROJECT SCOPE</p> <p>This application is for the Zoning Approval of a discretionary permit (ADU) to allow an existing 2 story building with an existing habitable basement unit to legalize two offstreet tandem parking spaces. No exterior construction or site construction is proposed with this application. No change to building or off street parking is proposed with this application.</p>	<p>ADMINISTRATIVE USE PERMIT 920 SHATTUCK AVE BERKELEY CA APN: 061 258602800</p>	<p>PROJECT CONTACT:</p> <p>iNDiGo design group</p> <p>phn: 510-697-4289 fax: 510-655-3705 www.indigo-design-group.com indigodesigngroup@gmail.com</p>
--	--	--