



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 #2013-0129**

Property Address: **1177 KEITH AVENUE**

Permittee Name: **HEIDI TARVER**

Use and/or Construction Permitted: to alter the roof on an existing single family dwelling in order to increase the ceiling height in an existing attic to enlarge an existing bedroom by adding new flat dormers, maintaining the existing average height of 28'6" and construct approximately 188 sq. ft. to the second story for a new bathroom, resulting in a new 3,607 sq. ft. single-family residence pursuant to:

- Section 23D.16.070.C to construct a residential addition exceeding 14' in height; and
- Section 23E.96.070.B.1 to construct a residential addition exceeding 20' in height.

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 December 18, 2013.

Attest: Debbie Sanderson  
Debbie Sanderson, Zoning Officer

December 18, 2013  
Effective Date

# ATTACHMENT 1

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## FINDINGS AND CONDITIONS

NOVEMBER 27, 2013

### 1177 Keith Avenue

#### Administrative Use Permit #2013-0129

To alter the roof on an existing single family dwelling in order to increase the ceiling height in an existing attic to enlarge an existing bedroom by adding new flat dormers, maintaining the existing average height of 28'6" and construct approximately 188 sq. ft. to the second story for a new bathroom, resulting in a new 3,607 sq. ft. single-family residence.

#### CEQA FINDINGS

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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

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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.36.030 (Uses Permitted) and 090 (Findings), the proposed addition may exceed 14' in average height and 20' in maximum height because the increase in the building's height is found to be non-detrimental. The increase in the roof height does not create significant impacts to sunlight, air, or views, for the following reasons:
    1. Sunlight – The proposal includes filling in the space between two existing dormers, aligning the dormers to create additional living space. The proposal maintains the existing 28'6" average height and the maximum 33'6" maximum

- height and is not expected to significantly impact the existing shadows currently experienced at neighboring properties;
2. Air – Because the new proposal either meets or exceeds the District standards for minimum front, rear, and side setbacks, it is expected to provide adequate spatial separations between developments on abutting properties, thereby allowing for adequate circulation;
  3. Views – The proposed roof alteration is not expected to significantly block the adjacent neighbors' views of any significant features. The addition will not extend to the full height limit allowed in the R-1H District; and
  4. Privacy – The proposed roof alteration includes new windows at the eastern façade, however, these features are not expected to create significant privacy impacts to adjacent neighbors given that the building separations and proximities to adjacent neighbors are greater than the District standards for main buildings and are therefore found to be adequate and the distance from the subject property to the nearest residential structure the east at 1188 Cragmont Avenue is approximately 146' away.
- As required under Section 23E.96.020.D (Purposes), the modification in the maximum 20' height requirement is justified because the subject lot upslopes from Keith Avenue and the structure sits in the center of the lot (see rendering below, Figure 1).

FIGURE 1



- As allowed under BMC Chapter 17.08 the proposed addition is not located within 0-30' of the center line of an open creek or within 0-15' of the center line of a culverted creek and is therefore permissible.

## **STANDARD CONDITIONS**

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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.
13. If required, the applicant shall obtain a "Creek Permit" from the Public Works Department.

**During Construction:**

14. 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.
15. 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.
16. 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.
17. 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.
18. 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.
19. Trucks hauling debris, soil, sand, or other loose materials shall be covered or required to maintain at least two feet of board.

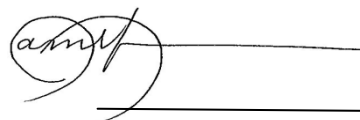
20. Public streets shall be swept (preferably with water sweepers) of all visible soil material carried from the site.
21. The applicant shall establish and maintain drainage patterns that do not adversely affect adjacent properties and rights-of-way.
22. The applicant shall ensure that all excavation takes into account surface and subsurface waters and underground streams so as not to adversely affect adjacent properties and rights-of-way.
23. 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:**

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 **OCTOBER 1, 2013**.

**At All Times (Operation):**

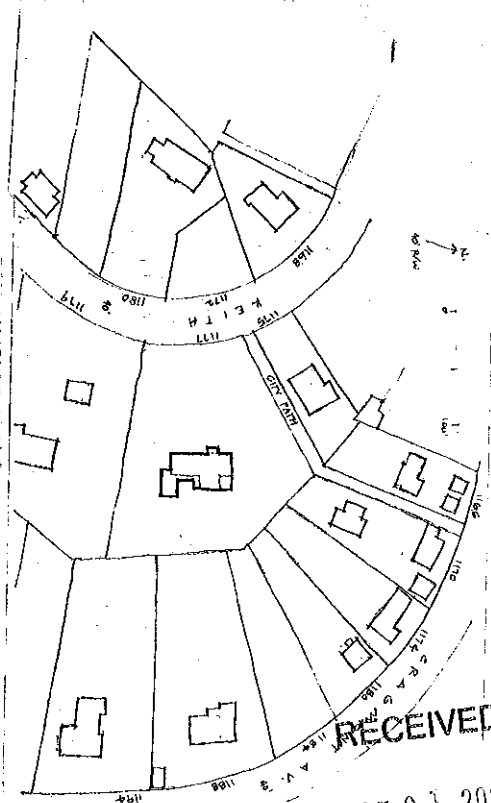
26. All exterior lighting shall be shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.
27. This permit is subject to review, imposition of additional conditions, or revocation if factual complaint is received by the Zoning Officer that the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



Pamela Johnson, Assistant Planner for  
Debra Sanderson, Zoning Officer

File: G:\LANDUSE\Project by Address\Keith\1177\AUP2013-0129\Working\FC\_1179 Keith

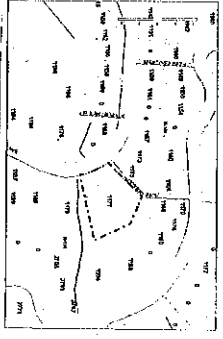




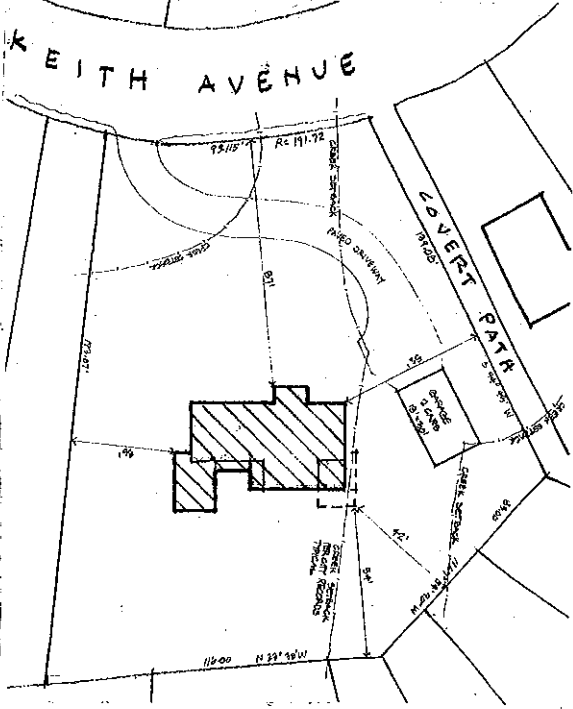
RECEIVED  
OCT 01 2013

LAND USE PLANNING

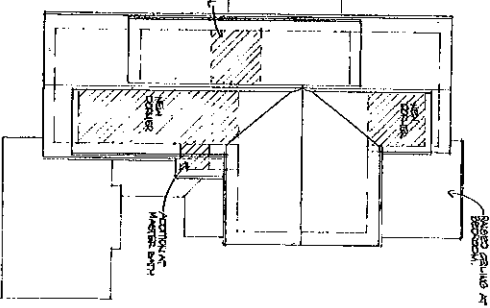
ADDRESS	OWNER	STRUCTURE	DATE	REMARKS (USE, COLLECTION, SITE, ETC.)
1184 KEITH	John Thompson	Garage	9/1/13	
1182 KEITH	Bernita Bradley	Garage	4/1/10	
1180 KEITH	Eric Bailey	Garage	9/2/13	
1178 KEITH	Paul Ferguson	Garage	9/11/13	
1176 KEITH	Paul Ferguson	Garage	9/11/13	
1174 KEITH	Paul Ferguson	Garage	9/11/13	
1172 KEITH	Paul Ferguson	Garage	9/11/13	
1170 KEITH	Paul Ferguson	Garage	9/11/13	
1168 KEITH	Paul Ferguson	Garage	9/11/13	
1166 KEITH	Paul Ferguson	Garage	9/11/13	
1164 KEITH	Paul Ferguson	Garage	9/11/13	



- APPROVED PLAN
- PLANNING
- DR Conditions Attached
- A.U.P. Conditions Attached
- U.P. Conditions Attached



SITE PLAN 1-02-13



ROOF PLAN 11/21/13

APPROVED PLAN  
DATE 11-22-13

JAMES ARCHITECTS  
 1001 GARDEN STREET  
 BERKELEY, CA 94704  
 415.841.1111  
 www.jamesarchitects.com

PROJECT DATA  
 1184 KEITH AVENUE  
 BERKELEY, CA 94704  
 2013-09-11

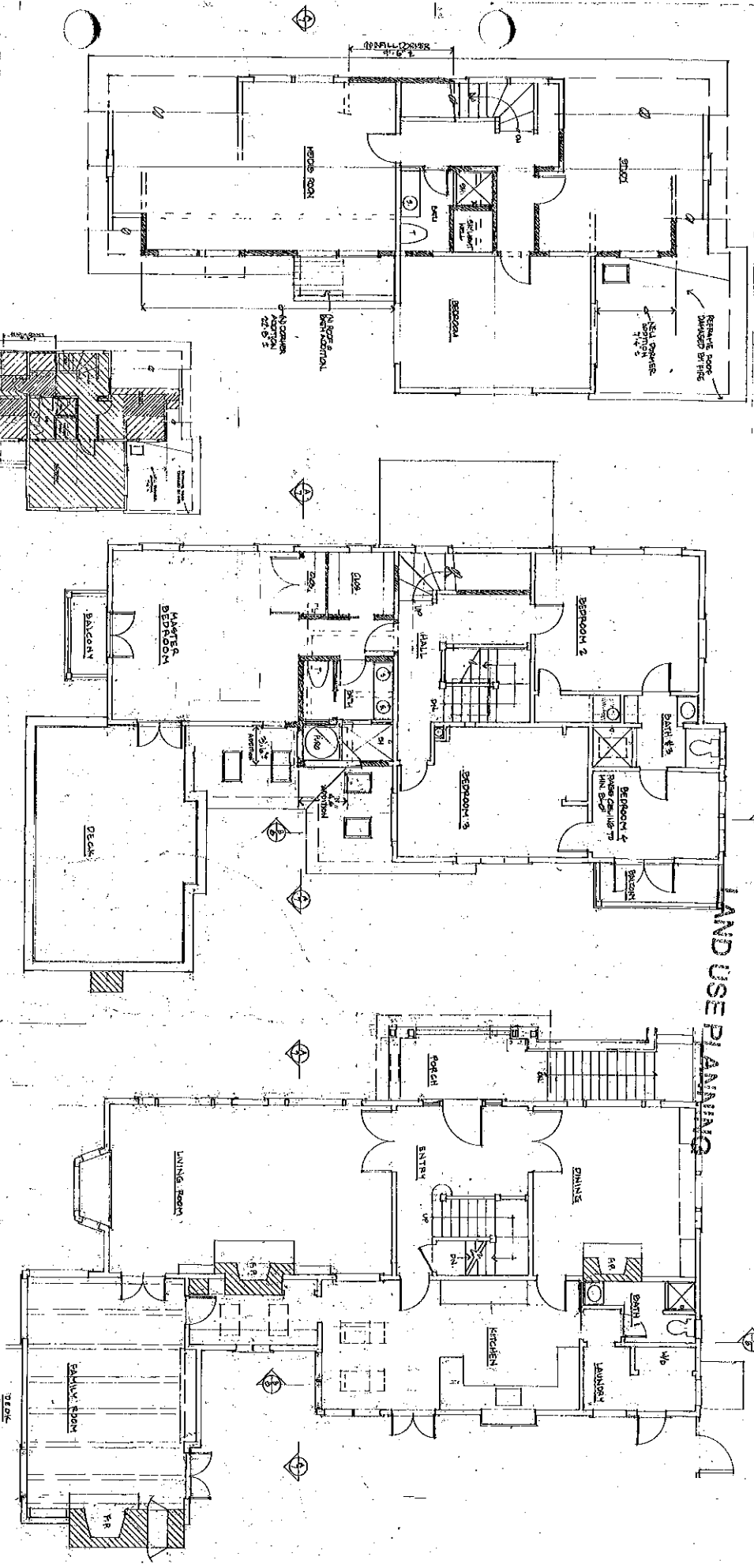
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 PERMITTED: 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

SCOPE OF WORK:  
 - ADD WORK TO THE EXISTING ARCHITECTURAL PLAN TO ALLOW FOR THE CONSTRUCTION OF A GARAGE ON THE SECOND FLOOR OF THE BUILDING.  
 - ADD WORK TO THE EXISTING ARCHITECTURAL PLAN TO ALLOW FOR THE CONSTRUCTION OF A GARAGE ON THE SECOND FLOOR OF THE BUILDING.  
 - ADD WORK TO THE EXISTING ARCHITECTURAL PLAN TO ALLOW FOR THE CONSTRUCTION OF A GARAGE ON THE SECOND FLOOR OF THE BUILDING.

RECEIVED

OCT 01 2013

LAND USE PLANNING



THIRD FLOOR

SECOND FLOOR

FIRST FLOOR PLAN

THIRD FLOOR (AND) MEN'S PLAN  
1/8"=1'-0"

- SHADED FLOOR AREA
- NEW FLOOR AREA NOT SHOWN
- NEW FLOOR AREA AND DECKS
- NEW FLOOR AREA AND DECKS



FIRST FLOOR PLAN

NEED PLAN APPROVED PLAN  
 DATE 11-22-13  
 PLANING  
 D.M. Conditions Attached  
 A.U.P. Conditions Attached  
 U.P. Conditions Attached

APP SUBMITTAL - 29 SEPT. 2013

JARVIS ARCHITECTS  
 2000 S. 10TH AVENUE  
 SUITE 100  
 DENVER, CO 80202

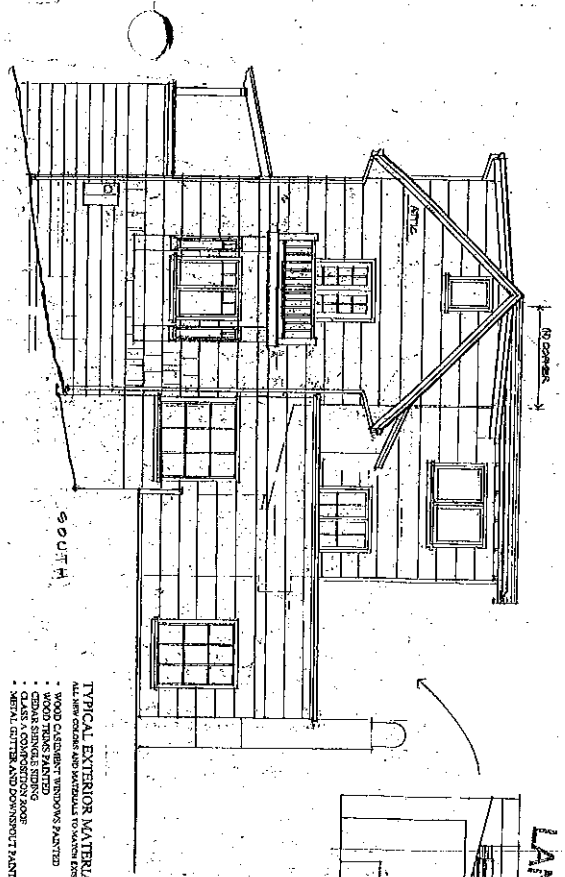
FLOOR PLANS  
 1/8"=1'-0"

2

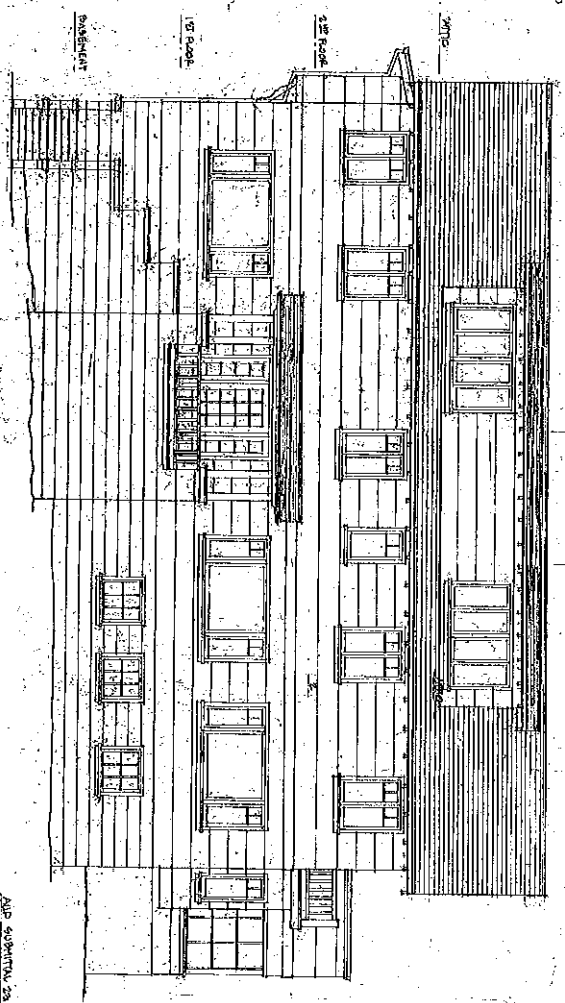
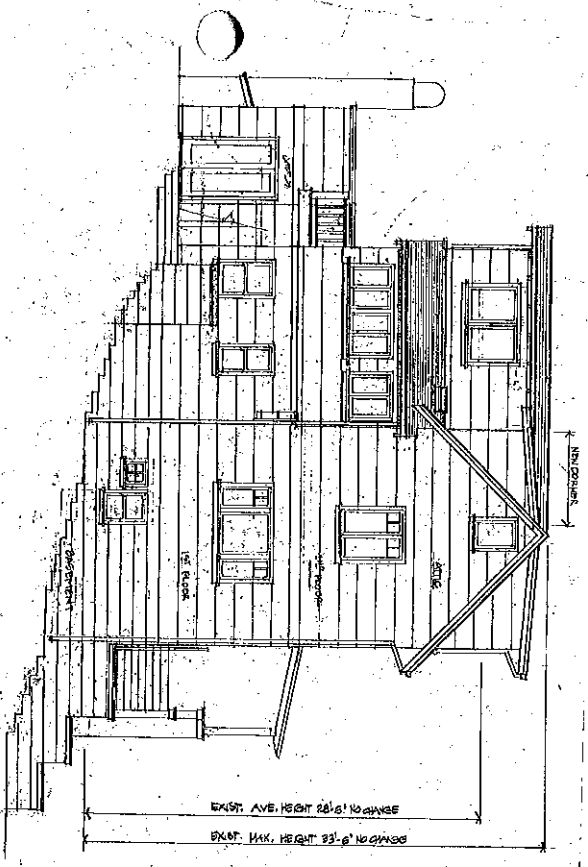
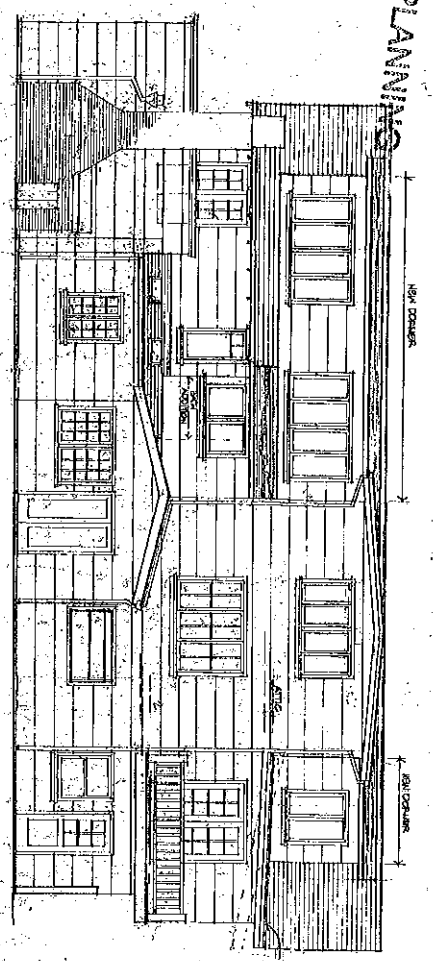
1/8"=1'-0"

OCT 01 2013

LAND USE PLANNING



TYPICAL EXTERIOR MATERIALS  
ALL NEW EXCEPT FOR MATERIALS TO MATCH EXISTING  
• WOOD CLADDING  
• WOOD CASING  
• GLASS SILING  
• CLASS 2 COMPOSITION ROOF  
• METAL GUTTERS AND DOWNSPOUT PAINTED



APPROVED PLAN  
DATE 11-22-13  
DRAWN BY [Signature]  
CHECKED BY [Signature]  
DATE 11-22-13  
PROJECT [Signature]

APP SUBMITTED 23 SEPT 2013  
REVISIONS:  
1. [Signature]  
2. [Signature]  
3. [Signature]  
JAMES ARCHITECTS  
3000 S. 10TH AVE. SUITE 100  
DENVER, CO 80202  
7726