



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 #2013-0132

Property Address: **1408 SPRING WAY**

Permittee Name: **CARL BRIDGERS**

Use and/or Construction Permitted: to alter a portion of a building within the required front yard that includes the enclosure of an existing 32 square foot entry porch and the addition of 25 square feet to an existing single family dwelling unit pursuant to:

Section 23C.04.070.B to alter a portion of a building within the required front 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 December 18, 2013.

Attest: Debbie Sanderson
Debbie Sanderson, Zoning Officer

December 18, 2013
Effective Date

ATTACHMENT 1

FINDINGS AND CONDITIONS

NOVEMBER 27, 2013

1408 Spring Way

Administrative Use Permit #AUP2013-0132

To alter a portion of a building within the required front yard that includes the enclosure of an existing 32 square foot entry porch and the addition of 25 square feet to an existing single family dwelling.

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 to alter a portion of a building within the required front yard that includes the enclosure of an existing 32 square foot entry porch and the addition of 25 square feet to an existing single family dwelling unit, 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 by Section 23D.96.070 (Development Standards) and 23D.96.090 (Findings), the project is permissible because the subject property satisfies the development standards for average building height, maximum building height, lot coverage, side yard setback (north) and rear yard setback in the R-1H District. Moreover, the project should not be denied because the proposal does 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 at the subject property will remain 17 feet 6 inches average and 24 feet in maximum height. The enclosure of an

existing 32 square foot entry porch and the 25 square foot addition is oriented at the northeast of the dwelling and the adjacent property at 1404 Spring Street is not expected to be impacted as both the enclosure and addition aligns with the existing front of the single family dwelling. Moreover, the height of the existing porch area will not change and the addition is less than 12' in average height;

2. Air – Because the proposed 32 square foot entry porch enclosure and 25 square foot addition aligns with the front of the existing single family dwelling and will not encroach further into the front yard setback and will maintain the existing 4'0" side yard setback, it is expected to retain adequate spatial separations between abutting properties, thereby allowing for adequate air circulation;
3. Views – The proposed entry porch enclosure and addition is not expected to significantly block the adjacent neighbor's views of any significant features as the entry porch is existing and the addition is less than 12' in average height. Furthermore, the proposal will not exceed the full height limit allowed in the R-1H District and will not exceed the number of stories allowed; and,
4. Privacy – The proposal involves enclosing an existing entry porch area and the addition of 25 square feet and is not expected to create significant privacy impacts to the immediate neighbors at 1404 Spring Way, as the proposal will not encroach into the existing 4'0" side yard setback and the mature vegetation along the front (east) and side (north) of the property will be maintained.

OTHER REQUIRED FINDINGS FOR APPROVAL

- As required by Section 23C.04.070 (Expansions of Non-conforming Building and Structures), the proposed enclosure of an existing 32 square foot entry porch and the expansion of 25 square feet within a non-conforming front setback is permissible because the proposal will align with the existing front of the building and will not encroach further into the front yard setback.

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.

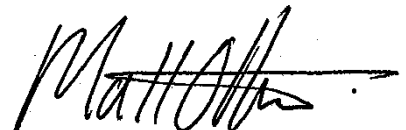
19. Public streets shall be swept (preferably with water sweepers) of all visible soil material carried from the site.
20. The applicant shall establish and maintain drainage patterns that do not adversely affect adjacent properties and rights-of-way.
21. The applicant shall ensure that all excavation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

Prior to Issuance of Occupancy Permit or Final Inspection:

22. All construction at the subject property shall substantially conform to the approved Use Permit drawings or to modifications approved by the Zoning Officer.
23. All landscape, site and architectural improvements shall be completed per the attached approved drawings dated **OCTOBER 15, 2013**.

At All Times (Operation):

24. All exterior lighting shall be shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.
25. 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.
26. Noise and exterior lighting shall be controlled so as to prevent verified complaints from the surrounding neighborhood.



Matt Ottoson, Land Use Planner for
Debra Sanderson, Zoning Officer

APPROVED PLAN
 DATE 11/26/13
 PLANNING
 D.R. Conditions Attached
 A.U.P. Conditions Attached
 U.P. Conditions Attached

PROJECT DATA

Owner: Janin Residence
 PROJECT: 1408 Spring Way, Berkeley, CA
 ADDRESS: 059-23302063
 APN: R-1H
 ZONING: FZ-2 (1-hour rated exterior walls & temp. glass)
 FIRE ZONE: No
 FLOOD ZONE: No
 CREEK BUFFER: No
 FAULT RUPTURE: No
 LANDSLIDE: No
 LANDMARK: No
 USE: Residential
 CONSTRUCTION TYPE: V

UNITS & PARKING:	PERMITTED	REQUIRED	EXISTING	PROPOSED	CHANGE
# OF UNITS:	2 MAX	2	2	2	None
# OF PARKING:	2 MIN	2	2	2	None

YARDS & HEIGHT:	PERMITTED	REQUIRED	EXISTING	PROPOSED	CHANGE
SETBACKS:	20'-0" MIN.	> 4'-6"	> 4'-6"	4'-6"	None (R/R)
Front Yard	4'-0" MIN.	> 1'-6"	> 1'-6"	1'-6"	None
Side Yard (R/R)	20'-0" MIN.	> 6'-0"	> 6'-0"	6'-0"	None
REAR YARD	0' MIN.	> 2'	> 2'	2'	None
HEIGHT:	Average	> 17'-6"	> 17'-6"	17'-6"	None
Maximum	35'-0" MAX.	> 24'-0"	> 24'-0"	24'-0"	None
Addition	35'-0" MAX.	> 12'-0"	> 12'-0"	12'-0"	None

AREAS:	PERMITTED	REQUIRED	EXISTING	PROPOSED	CHANGE
SITE AREA:	5009 SF	> 4800 SF	4800 SF	4800 SF	None
FLOOR AREA:	1920 SF	> 1943 SF	1943 SF	1943 SF	+ 23 SF
Ground Floor	1920 SF	> 1943 SF	1943 SF	1943 SF	+ 23 SF
Total Floor Area	3940 SF	> 1943 SF	1943 SF	1943 SF	+ 23 SF
BUILDING FOOTPRINT: 1920 SF	> 1943 SF	> 1943 SF	1943 SF	1943 SF	+ 23 SF
SITE COVERAGE:	40.0%	> 27.9%	28.6%	28.6%	+ 0.8% max.
OPEN SPACE:	400 SF	< 520 SF	520 SF	520 SF	None
FAR	N/A	N/A	N/A	N/A	N/A

APPLICABLE CODES:
 2010 California Building Code, Volumes 1 & 2 (CBC)
 2010 California Residential Building Code (CRB)
 2010 California Electrical Code (CEC)
 2010 California Fire Code (CFC)
 2010 California Fire Code (CFC)
 2010 California Energy Code
 2010 California Energy Standards (CES)
 City of Berkeley Residential Energy Conservation Ordinance (RECO)
 City of Berkeley Street Light Ordinance
 All other applicable sections of the City of Berkeley Municipal Code and Zoning Ordinance.

RECEIVED
 OCT 15 2013
 LAND USE PLANNING
 COPY

PROJECT SCOPE:

The scope of work for this project consists of the removal of the existing kitchen at 1408 Spring Way and the addition of a new kitchen and living area. The existing kitchen is approximately 120 square feet and the proposed addition is approximately 120 square feet. The proposed addition will be constructed on the existing foundation and will be finished to match the existing kitchen. The proposed addition will be constructed on the existing foundation and will be finished to match the existing kitchen. The proposed addition will be constructed on the existing foundation and will be finished to match the existing kitchen.

PROJECT DRAWINGS:

- Sheet A1: Project Information & Vicinity Map
- Sheet A2: Site Plan & Construction Map
- Sheet A3: Existing Lower Level Floor Plan
- Sheet A4: Proposed First Level Floor Plan
- Sheet A5: Existing First Level Floor Plan
- Sheet A6: Existing Building Elevations
- Sheet A7: Proposed Building Elevations

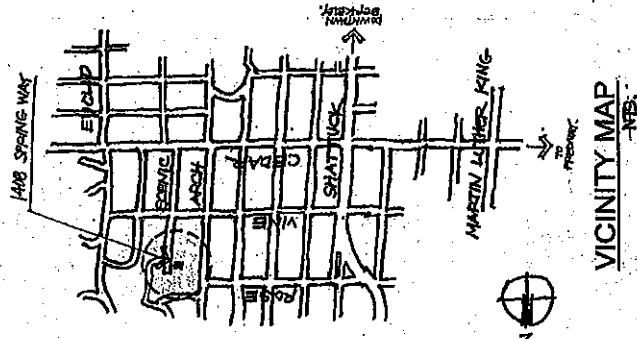
PROJECT TEAM:

OWNER: Adnan Janin
 1408 Spring Way
 Berkeley, CA 94708

ARCHITECT: Carl Bridges
 2338 Harper Street
 Berkeley, CA 94703
 (415) 802-8441
 carl@carlbridges.com

STRUCTURAL: S.O. Ong & Associates
 1534 Park Blvd.
 Oakland, CA 94608
 Aliza Gama St. Ong
 (510) 444-7450
 sso@soandco.com

CONTRACTOR: Rob Atwood Construction
 6 Paloma Drive
 Corte Madera, CA 94925
 (415) 324-8953
 Rob@robawood.com



REVISIONS	BY

CARL BRIDGES, ARCHITECT
 2338 Harper Street, Berkeley, CA 94703
 (415) 802-8441

KITCHEN REMODEL AND ADDITION
 Janin Residence, 1408 Spring Way, Berkeley, CA 94708

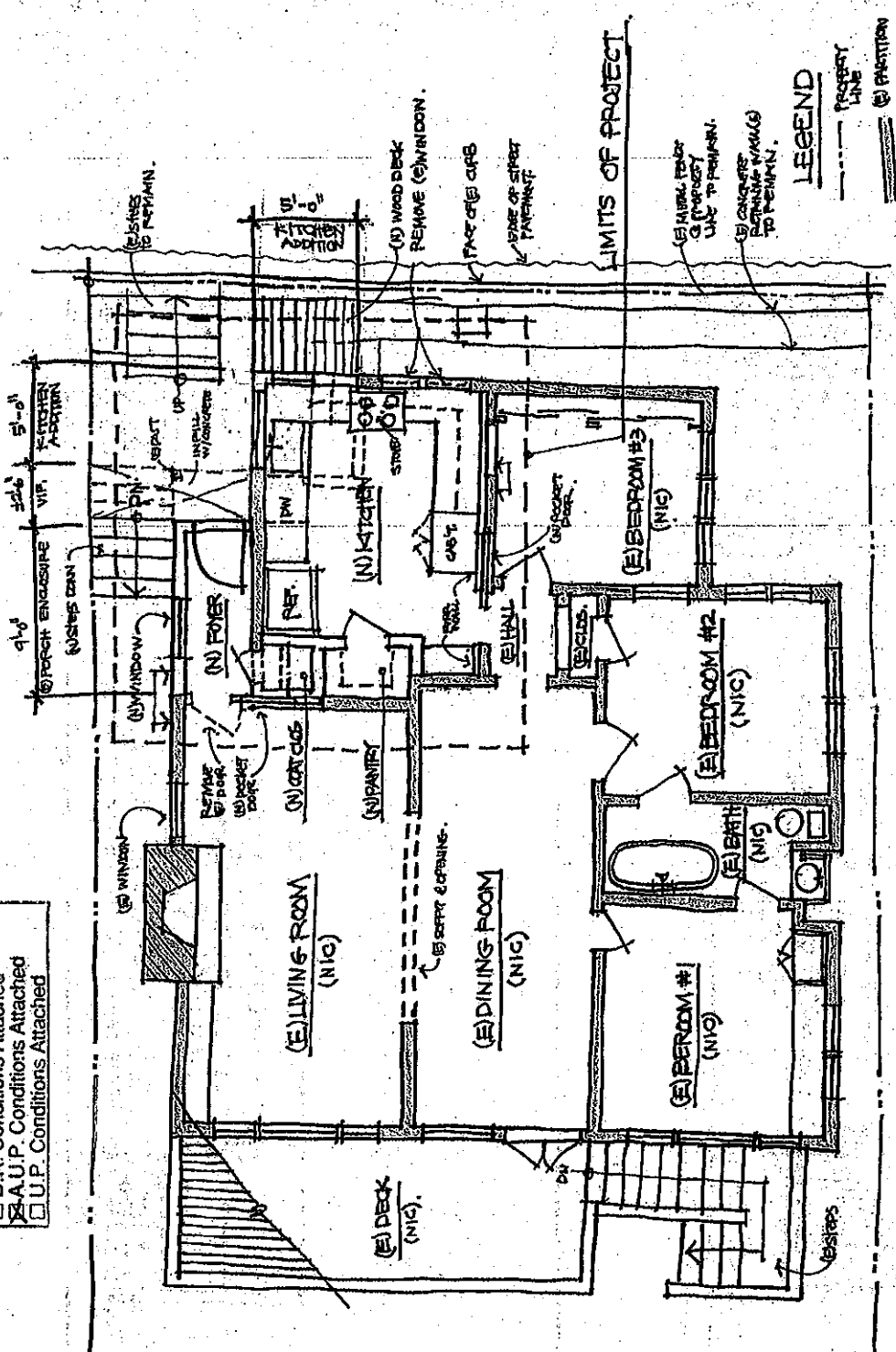
Date: APRIL 2013
 Scale: AS NOTED
 Drawn:
 Job:
 Sheet: A1
 CS 7 Sheets

REVISIONS BY	

CARL BRIDGERS, ARCHITECT
 2838 Harper Street, Berkeley, CA 94708
 (415) 802-9441

KITCHEN REMODEL AND ADDITION
 Janin Residence, 1408 Spring Way, Berkeley, CA 94708

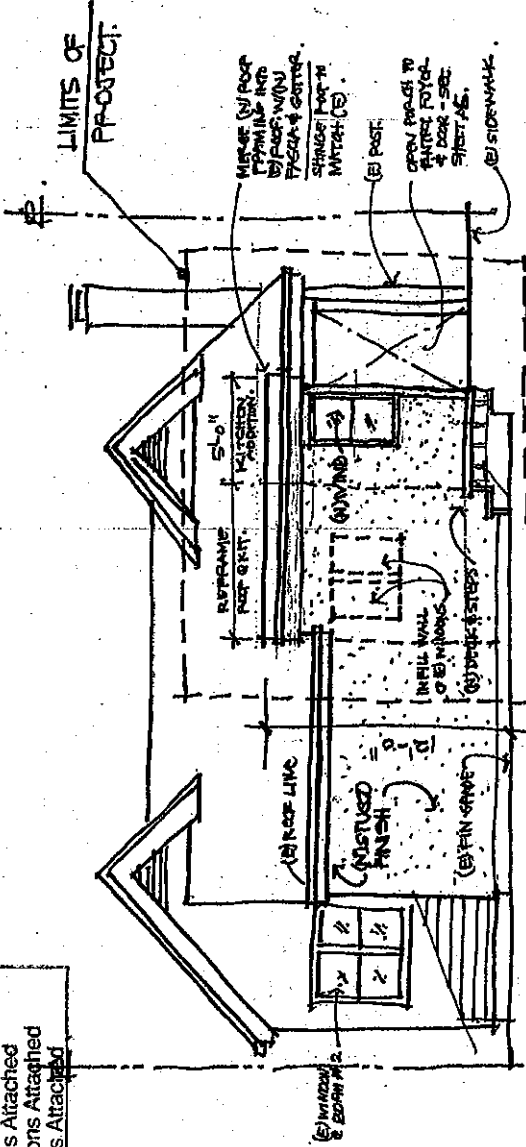
Date	
Scale	
Drawn	
Job	
Sheet	A5
Of	5



PROPOSED FIRST FLOOR PLAN

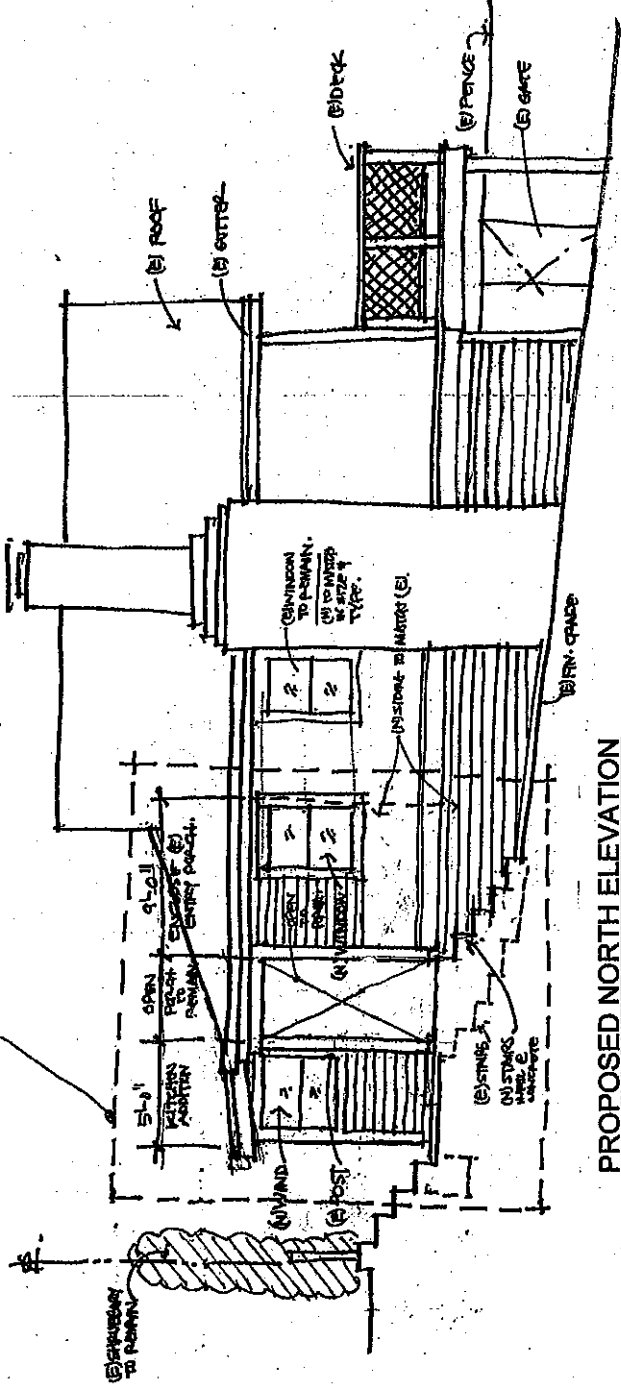
APPROVED PLAN
 11/26/13
 DATE
 PLANNING
 D.R. Conditions Attached
 S.A.U.P. Conditions Attached
 U.P. Conditions Attached

APPROVED PLAN
Carroll
 DATE 11/26/13
 PLANNING
 D.R. Conditions Attached
 A.U.P. Conditions Attached
 U.P. Conditions Attached



PROPOSED EAST ELEVATION

LIMITS OF PROJECT



PROPOSED NORTH ELEVATION

REVISIONS BY	

CARL BRIDGERS, ARCHITECT
 2938 Harper Street, Berkeley, CA 94708
 (415) 802-8441

KITCHEN REMODEL AND ADDITION
 Janin Residence, 1408 Spring Way, Berkeley, CA 94708

Date: 11/26/13
 Scale: 1/4" = 1'-0"
 Drawn:
 Job:
 Sheet: A7
 Of: 5 Sheets