



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 #2013-0146

Property Address: **2137 BROWNING STREET**

Permittee Name: **RUDABEH PAKRAVAN**

Use and/or Construction Permitted: to enlarge an existing 1,749 sq. ft. single-family dwelling by constructing a 600 sq. ft. major residential third story addition to create three new bedrooms and two bathrooms, resulting in a 2, 349 sq. ft. single-family dwelling, increasing the maximum height from 17'2" to 26'5" pursuant to:

- Section 23D.28.030 to allow a major residential addition; and
- Section 23D.28.070.C to construct a residential addition exceeding 14' in average 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 February 6, 2014.

Attest: Greg Powell
Greg Powell, Senior Planner
For Eric Angstadt, Zoning Officer

February 6, 2014
Effective Date

ATTACHMENT 1

FINDINGS AND CONDITIONS

JANUARY 16, 2014

2137 Browning Street

Administrative Use Permit #2013-0146

To enlarge an existing 1,749 sq. ft. single-family dwelling by constructing a 600 sq. ft. major residential, third story addition to create three new bedrooms and two bathrooms, resulting in a 2,349 sq. ft. single-family dwelling, increasing the maximum height from 17'2" to 26'5".

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.16.090 (Findings), the Zoning Officer finds that the proposed major residential addition may exceed 14' in average height and exceed 600 sq. ft. and should not be denied because the building's height and the addition is found to be non-detrimental. The height of the proposed addition does not create significant impacts to sunlight, air, views or privacy, and is consistent with the purposes of the R-2 District for the following reasons:
 1. Sunlight – The proposed third story, major residential addition is for the construction of three new bedrooms and two new bathrooms, located within the footprint of an existing, two-story single family dwelling. The proposed addition is expected to marginally impact the direct sunlight currently

experienced at neighboring residential structures, however, this loss is found to be non-detrimental because the loss of sunlight will occur for only a small portion of the day, in the morning and afternoon during the winter months, specifically at 2133 Browning Street to the north;

2. Air – Because the proposed addition meets or exceeds the district standards for minimum side and rear setbacks, it is expected to provide adequate spatial separations between developments on abutting properties, thereby allowing for adequate air circulation. Altering or changing of the existing non-conforming 18' front setback is not a part of the proposed project and as such will not further encroach into the required front setback;
 3. Views – The third story addition is not expected to significantly block the adjacent neighbors' views of any significant features. The third story addition will not exceed the full height limit allowed in the R-2 District and will not exceed the maximum number of stories allowed; and
 4. Privacy – The proposed third story addition includes new windows on the north, south, east and west elevations, however, these features are not expected to create significant privacy impacts to the immediate neighbors given that the windows are not located within any of the required front, rear or side yard setbacks. Moreover, the windows located on the third story of the north and south elevations are separated from the adjacent dwellings at 2133 Browning Street and 2141 Browning Street by more than 9'.
- As required by Section 23D.28.070 (Development Standards), this project is permissible because the subject property satisfies the district standards for lot coverage, maximum residential density, maximum building height, minimum rear and side yard setbacks, maximum lot coverage 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.

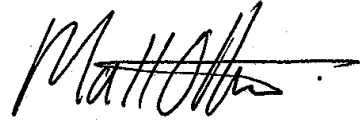
19. Public streets shall be swept (preferably with water sweepers) of all visible soil material carried from the site.
20. The applicant shall establish and maintain drainage patterns that do not adversely affect adjacent properties and rights-of-way.
21. The applicant shall ensure that all excavation 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 received by **DECEMBER 20, 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: Matt Ottoson, Land Use
Planner/ZAB Clerk for Eric Angstadt,
Planning Director

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BROWNING RESIDENCE

GENERAL NOTES

- All work shall comply with the General Regulations of the City of Berkeley and the California Building Code (CBC).
- The Contractor shall be responsible for obtaining all necessary permits from the appropriate agencies.
- The Contractor shall ensure that all work is completed in accordance with the approved plans and specifications.
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RECO MEASURES

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ABBREVIATIONS

Symbol	Abbreviation	Description
	SECTION MARKER	SECTION MARKER
	DETAIL MARKER	DETAIL MARKER
	DETAIL SHEET MARKER	DETAIL SHEET MARKER
	SECTION SHEET MARKER	SECTION SHEET MARKER
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SYMBOLS

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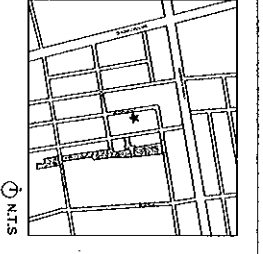
PROJECT DATA

FIELD NAME	VALUE
PROJECT LOCATION	3107 BROWNING STREET, BERKELEY, CALIFORNIA 94701
PROJECT DESCRIPTION	RENOVATION OF THE EXISTING 1,943 SF BROWNING RESIDENCE TO INCLUDE: RE-BUILDING AND REFINISHING THE KITCHEN, BATH, AND HALLS; UP-DATING THE ELECTRICAL AND MECHANICAL SYSTEMS TO MEET CURRENT CODES.
OWNER	3107 BROWNING STREET, BERKELEY, CALIFORNIA 94701
DESIGNER	RUDABEH PAKRATAN ARCHITECTURAL GROUP INC. 1306 13TH STREET, BERKELEY, CALIFORNIA 94701. TEL: (925) 841-4939. EMAIL: info@rudabeh.com
CONTRACTOR	NO CONTRACTOR LISTED

PROJECT DIRECTORY

OWNER	3107 BROWNING STREET, BERKELEY, CALIFORNIA 94701
DESIGNER	RUDABEH PAKRATAN ARCHITECTURAL GROUP INC. 1306 13TH STREET, BERKELEY, CALIFORNIA 94701. TEL: (925) 841-4939. EMAIL: info@rudabeh.com
CONTRACTOR	NO CONTRACTOR LISTED

LOCATION MAP



DRAWING INDEX

NO.	DESCRIPTION
A01	COVER SHEET
A02	GENERAL NOTES
A03	RENOVATION PLAN
A04	ELECTRICAL PLAN
A05	MECHANICAL PLAN
A06	REVISIONS

APPROVED PLAN 01/15/14
DATE
 P.L.R. Conditions Attached
 P.A.U.P. Conditions Attached
 U.P. Conditions Attached

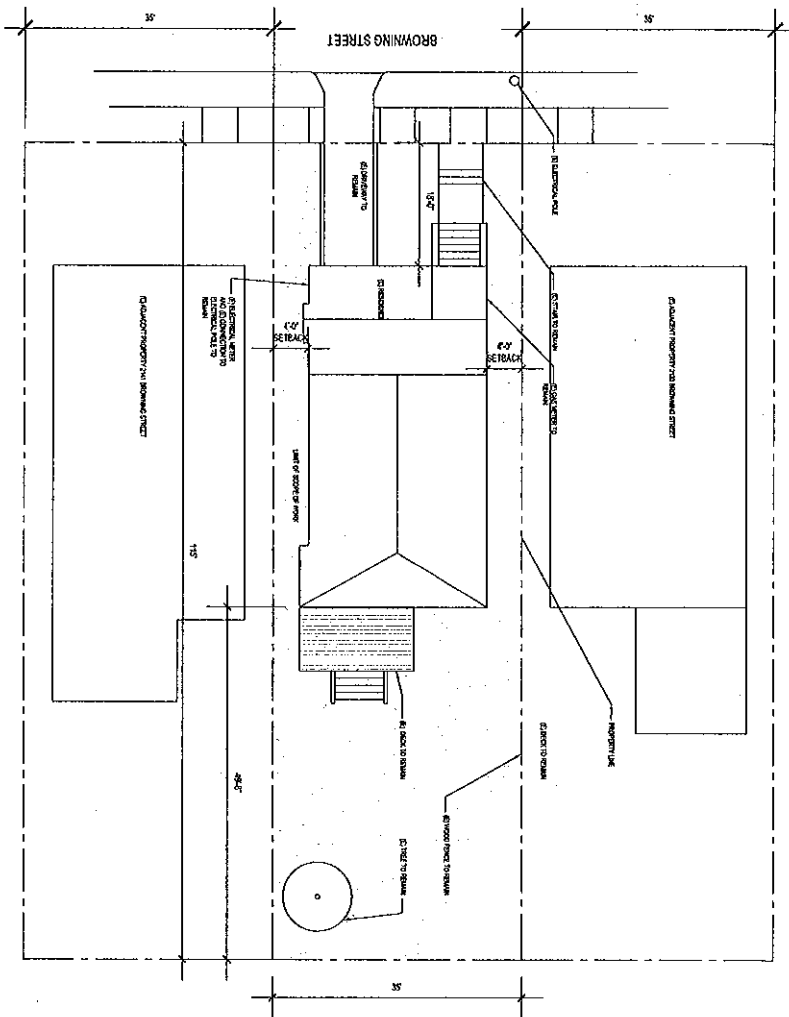
BROWNING RESIDENCE

3107 BROWNING STREET

BERKELEY, CALIFORNIA

RECEIVED

PROJECT NO.	JL	CHECKED	RP
DATE	11/20/13	ISSUE	PLANNING SUBMITTAL 01/15/14
DESIGNER	RUDABEH PAKRATAN ARCHITECTURAL GROUP INC.	CONTRACTOR	NO CONTRACTOR LISTED
OWNER	3107 BROWNING STREET, BERKELEY, CALIFORNIA 94701	rudabeh pakratan studio 1306 13TH STREET, BERKELEY, CALIFORNIA 94701 TEL: (925) 841-4939 EMAIL: info@rudabeh.com	
SHEET TITLE	COVER SHEET	SHEET NO.	A0.1



RECEIVED

DEC 20 2013

LAND USE PLANNING

APPROVED PLAN	01/15/14
DATE	DAVE
PLANNING	
<input type="checkbox"/> D.R. Conditions Attached	
<input checked="" type="checkbox"/> A.U.P. Conditions Attached	
<input type="checkbox"/> U.P. Conditions Attached	

EXISTING SITE PLAN 1

rudابه pakravan
studio

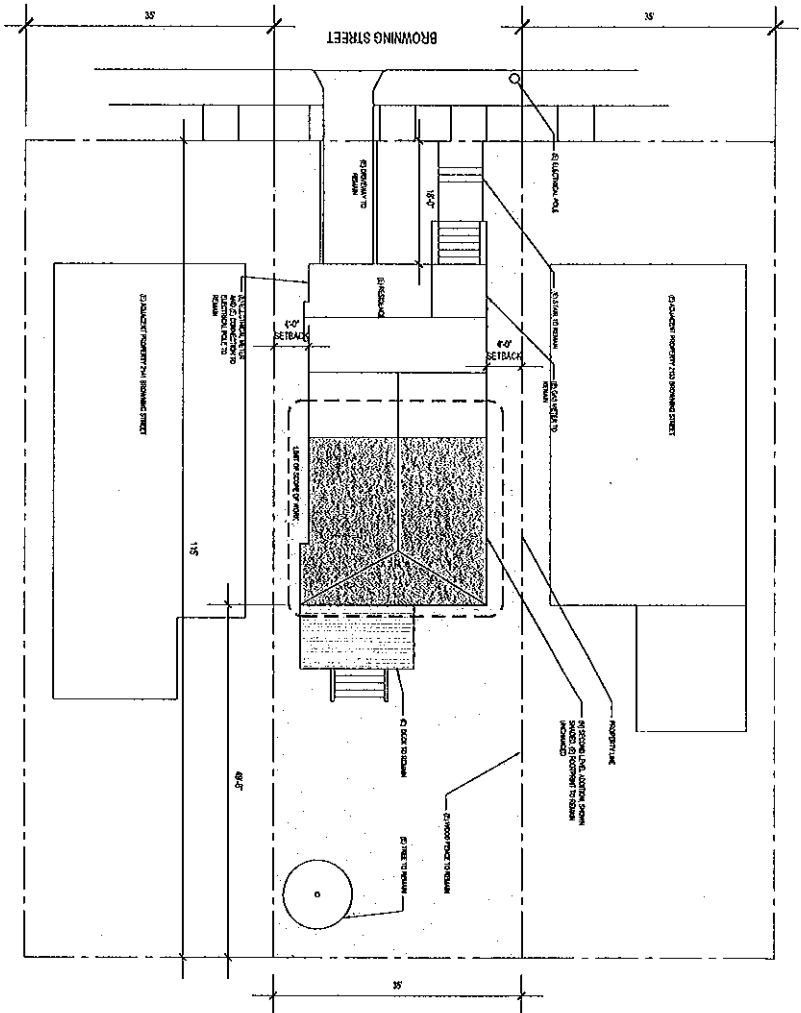
323.428.4958
www.rudabehpakravan.com
rudabeh@rudabehpakravan.com

PROJECT NO. 1306
DRAWN JL
CHECKED RP

BROWNING RESIDENCE
2137 BROWNING STREET
BERKELEY, CALIFORNIA

SHEET NO. A1.0A
EXISTING SITE PLAN

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DATE: _____

DATE	DESCRIPTION	APPROVED	DATE	DESCRIPTION	APPROVED

APPROVED PLAN
DATE 11/5/14
PLANNING
 D.R. Conditions Attached
 A.U.P. Conditions Attached
 C.U.P. Conditions Attached

PROPOSED SITE PLAN
RECEIVED
DEC 20 2013
LAND USE PLANNING

DATE	ISSUE
11.04.2013	PLANNING SUBMITTAL ALP

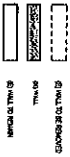
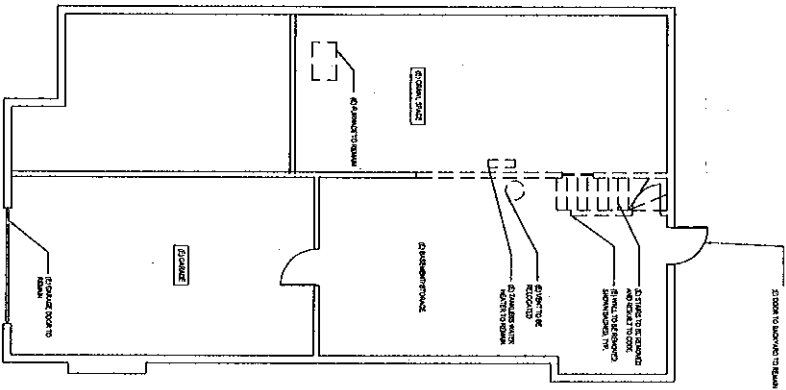
rudabeh pakravan
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rudabeh@rudabehpakravan.com

PROJECT NO. 1306
DRAWN JL
CHECKED RP

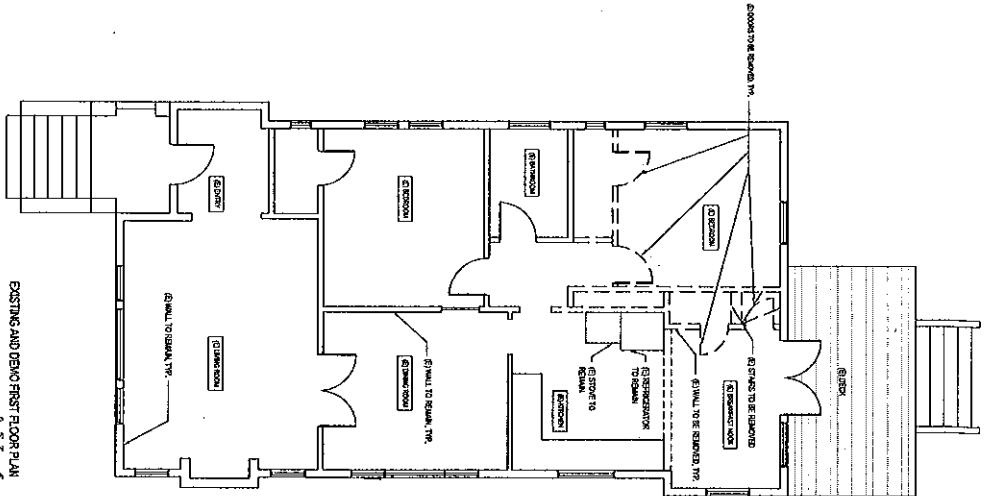
BROWNING RESIDENCE
2137 BROWNING STREET
BERKELEY, CALIFORNIA

SHEET TITLE	SHEET NO.
PROPOSED SITE PLAN	A1.0

COMPONENT OF A LAND QUALITY CONTROL USE OF THESE DOCUMENTS IS PROHIBITED WITHOUT THE WRITTEN CONSENT OF THE DESIGNER.



EXISTING AND DEMO BASEMENT PLAN



EXISTING AND DEMO FIRST FLOOR PLAN

APPROVED PLAN
 DATE 01/5/14
 PLANNING
 DR. Conditions Attached
 SAUP. Conditions Attached
 CUP. Conditions Attached

NOV 14 2013

RECEIVED

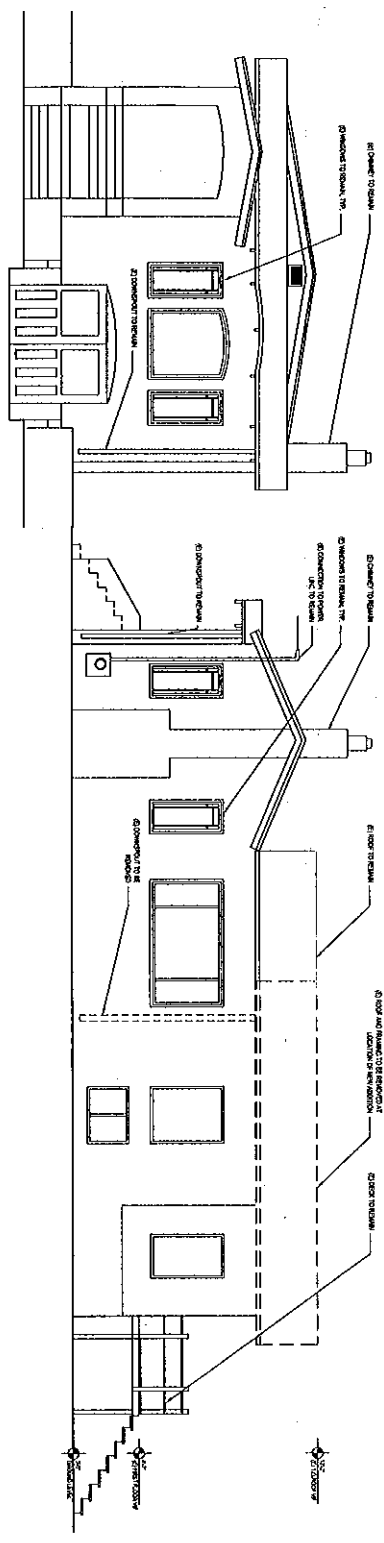
LAND USE PLANNING

DATE	SCALE
11/20/13	PLANNING SUBMITTAL AUP

_rudابه pakravan studio	
323-422-4558 www.rudabehpakravan.com rudabeh@rudabehpakravan.com	
PROJECT NO. 1306	DRAWN BY J.LEE
	CHECKED BY R.P.

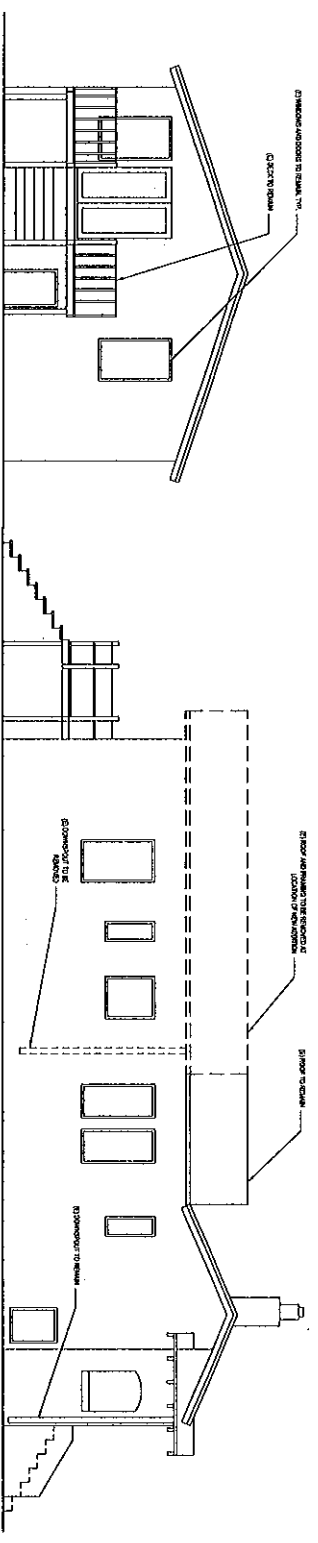
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2137 BROWNING STREET BERKELEY, CALIFORNIA	
SHEET TITLE EXISTING AND DEMO PLAN	SHEET NO. A1.1

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EXISTING WEST ELEVATION

EXISTING SOUTH ELEVATION



EXISTING EAST ELEVATION

EXISTING NORTH ELEVATION

APPROVED PLAN: 01/15/14
DATE
 PLANNING
 D.R. Conditions Attached
 CAUP Conditions Attached
 CUP Conditions Attached

RECEIVED
 NOV 14 2013

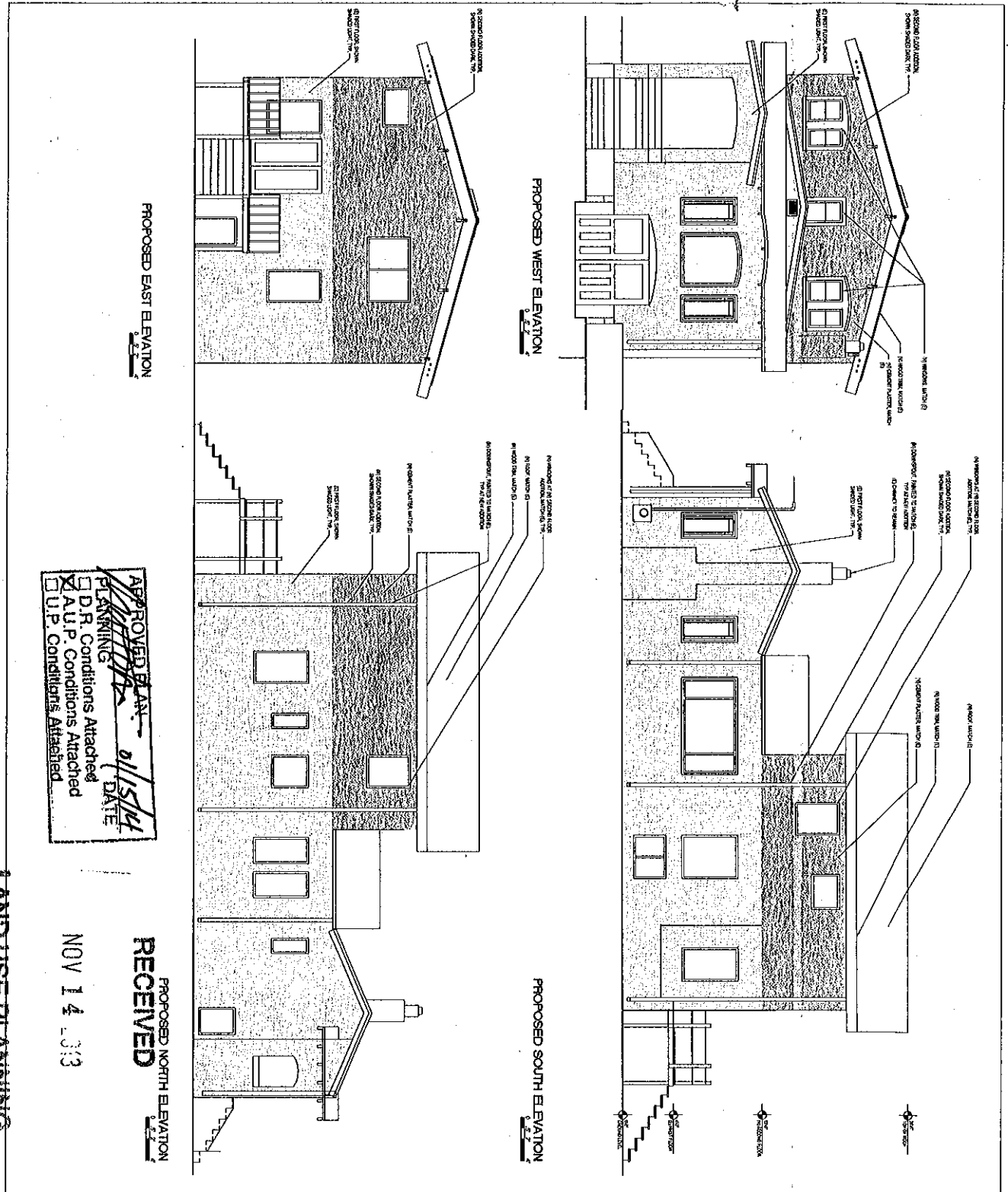
LAND USE PLANNING

DATE	ISSUE
11.20.2013	PLANNING SUBMITTAL (A1)

rudabeh pakravan		studio	
323.428.4958		www.rudabehpakravan.com	
rudabeh@rudabehpakravan.com			
PROJECT NO.	DRAWN	CHECKED	
1306	JL	RP	

BROWNING RESIDENCE	
2137 BROWNING STREET BERKELEY, CALIFORNIA	
SHEET TITLE	SHEET NO.
EXISTING AND DEMO ELEVATIONS	A2.1

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APPROVED PLAN
 DATE: 01/15/14
 D.R. Conditions Attached
 A.U.P. Conditions Attached
 U.P. Conditions Attached

PROPOSED NORTH ELEVATION RECEIVED
 NOV 14 2013

LAND USE PLANNING

SHEET TITLE		SHEET NO.	
PROPOSED DEMO ELEVATIONS		A2.2	
<p>BROWNING RESIDENCE 2137 BROWNING STREET BERKELEY, CALIFORNIA</p>			
<p>rudabeh pakravan studio 323. 428. 4588 www.rudabehpakravan.com rudabeh@rudabehpakravan.com</p>			
PROJECT NO.	DRAWN	CHECKED	
1306	JL	RP	
DATE	ISSUE		
	PLANNING SCHEMATIC A1.1		