



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 #2013-0156

Property Address: **915 OXFORD STREET**

Permittee Name: **LISA SILVA**

Use and/or Construction Permitted: to alter the roof on an existing single family dwelling (maintaining the existing 24' average height) in order to add an interior staircase to allow access to a proposed roof deck measuring 15'3" from grade to the top of the guardrail and 17'10" from grade to the top of the privacy screen pursuant to:

- Section 23D.16.070.C to construct a residential addition exceeding 14' in height;
- Section 23D.16.070.C to construct a residential deck 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 February 27, 2014.

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

February 27, 2014
Effective Date

FINDINGS AND CONDITIONS

915 Oxford Street

Administrative Use Permit #2013-0156

To alter the roof on an existing single family dwelling (maintaining the existing 24' average height) in order to add an interior staircase to allow access to a proposed roof deck measuring 15'3" from grade to the top of the guardrail and 17'10" from grade to the top of the privacy screen.

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.16.030 (Uses Permitted) and 090 (Findings), the proposed roof alteration and roof deck 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 and the proposed roof deck do not create significant impacts to sunlight, air, or views, for the following reasons:
 1. Sunlight – The proposal includes a slight alteration in the roof and a roof deck over the existing living room. The existing and average height of the dwelling remain the same at 24' and the modification to the existing roof and the roof deck are 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 and the roof deck are 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 deck proposed includes a privacy screen. In addition the distance from the structure to abutting properties exceed the District requirements for main building separations, and is therefore found to be adequate.
- 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 Oxford Street and at the rear (north) the proposed addition is approximately 19'8" from grade, however, due to the topography, the addition is approximately 25' in height when measured from the front (south).

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.

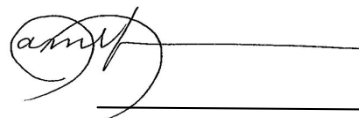
20. The applicant shall establish and maintain drainage patterns that do not adversely affect adjacent properties and rights-of-way.
21. The applicant shall ensure that all excavation takes into account surface and subsurface waters and underground streams so as not to adversely affect adjacent properties 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 **DECEMBER 11, 2013 AND JANUARY 27, 2014.**

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.



Pamela Johnson, Assistant Planner for
Eric Angstadt, Director of Planning

File: G:\LANDUSE\Project by Address\Oxford\915\AUP2013-0156\Working\FC_915 Oxford

APPROVED PLAN
PM 2-4-14
 PLANNING DATE
 D.F. Conditions Attached
 A.U.P. Conditions Attached
 U.P. Conditions Attached

RECEIVED
 DEC 11 2013

APPLICABLE CODES

- 2010 CALIFORNIA BUILDING CODE
- 2010 CALIFORNIA ELECTRICAL CODE
- 2010 CALIFORNIA MECHANICAL CODE
- 2010 CALIFORNIA PLUMBING CODE
- 2010 CALIFORNIA ENERGY CODE
- 2010 CALIFORNIA FIRE CODE
- AMERICANS WITH DISABILITIES ACT
- CALIFORNIA ENVIRONMENTAL QUALITY ACT

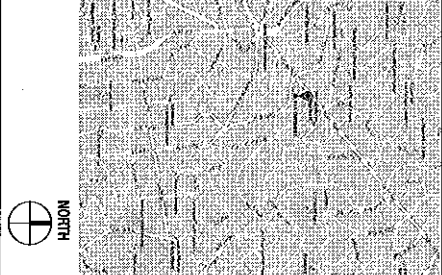
CONTACTS

Victoria Kahn and Helena Silverberg
 916 Oxford Street
 Berkeley, CA 94707

ARCHITECTURAL/ CONTRACTOR

Friedman Brueggemeier Design Build
 Contact Lea Silva
 924 Carlton Street
 Berkeley, CA 94710
 T: 510.848.3390 / F: 510.848.3335
 E: lisa@fbdsgnbuild.com

LOCATION MAP
 N.T.S.



PROJECT DATA:

ADDRESS: 915 OXFORD STREET
 BERKELEY, CA 94707

PROJECT DESCRIPTION: NEW ROOF TOP DECK.

APN: 61-258805400

APPROX. LOT SIZE: 5,500 SQ.FT.

ZONING: R-1H

FIRE ZONE: FZ-2

FRONT YARD SETBACK: 20FT.

BACK YARD SETBACK: 20FT.

SIDE YARD SETBACK: 4FT.

AREA OF NEW CONSTRUCTION: 16 SQ.FT.

AVERAGE HEIGHT OF NEW CONSTRUCTION: 24'-0"

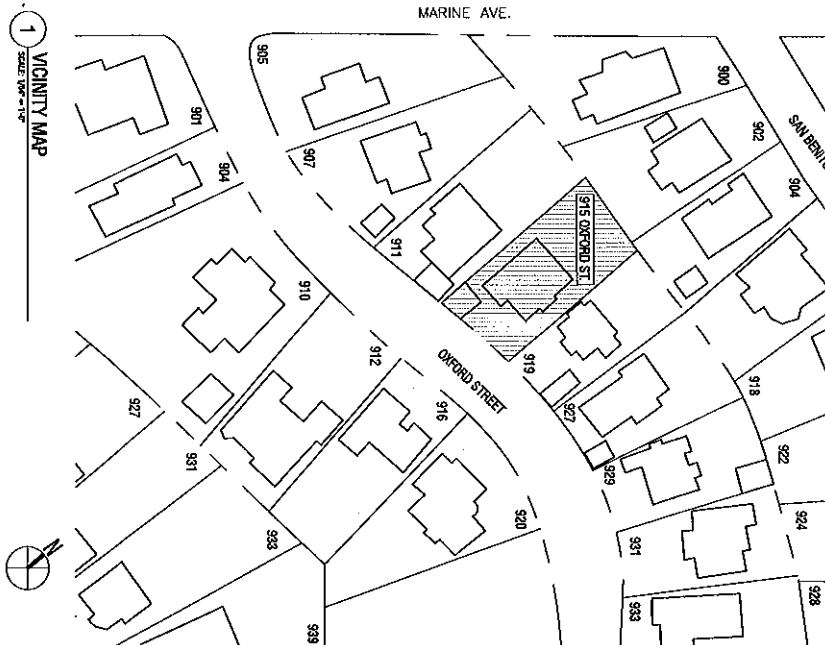
GENERAL NOTES:

1. THE CONTRACTOR SHALL SECURE ALL PERMITS.
2. THE OWNER SHALL PAY FOR PLAN CHECK AND PERMIT FEES.
3. EACH SUBCONTRACTOR SHALL COMPLY WITH GOVERNMENT CODES AND THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR SUCH COMPLIANCE.
4. THE GENERAL CONTRACTOR SHALL CALL FOR ALL ARCHITECTURAL, STRUCTURAL, AND GOVERNMENTAL INSPECTIONS AS REQUIRED.
5. THE CONTRACTOR SHALL GUARANTEE WORKMANSHIP AND MATERIALS FOR A PERIOD OF ONE YEAR AFTER SUBSTANTIAL COMPLETION, INSPECTION AND ACCEPTANCE OF HIS WORK.
6. DO NOT SCALE DRAWINGS. CONTRACTOR SHALL VERIFY ALL DIMENSIONS. IF DISCREPANCIES ARE FOUND, THE ARCHITECT SHALL BE NOTIFIED IMMEDIATELY.
7. THE DIMENSIONS SHOWN ON PLANS, SECTIONS AND DETAILS ARE TO FACE OF FORM, GRID LINE, OR FACE OF CONCRETE, UNLESS OTHERWISE NOTED.
8. WRITTEN DIMENSIONS AND NOTES TAKE PRECEDENCE OVER SCALED DIMENSIONS AND LINE DRAWINGS.
9. DISPOSE OF ALL DEBRIS AND SUPERFLUOUS MATERIALS FROM THE SITE AND EXCAVATIONS IN A LEGAL MANNER, MAINTAIN ALL PARTS OF THE PROJECT IN A CLEAN AND ORDERLY CONDITION.

SHEET INDEX

- A0 TITLE SHEET AND VICINITY MAP
- A1 EXISTING AND PROPOSED SITE PLAN
- A2 EXISTING FIRST FLOOR AND BASEMENT PLAN
- A3 EXISTING AND PROPOSED SECOND FLOOR PLAN
- A4 EXISTING AND PROPOSED BUILDING SECTION
- A5 PROPOSED ELEVATIONS
- A6 PROPOSED ELEVATIONS

VICINITY MAP
 1 SCALE: 1/8" = 1'-0"



LAND USE PLAN

Project No.	11-13-2013
Revision	12-06-13
REVISIONS SUMMARY	
APP. SUBMITTAL	

Project Title:
KAHN SILVERBERG RESIDENCE
 916 OXFORD STREET
 BERKELEY, CA 94707

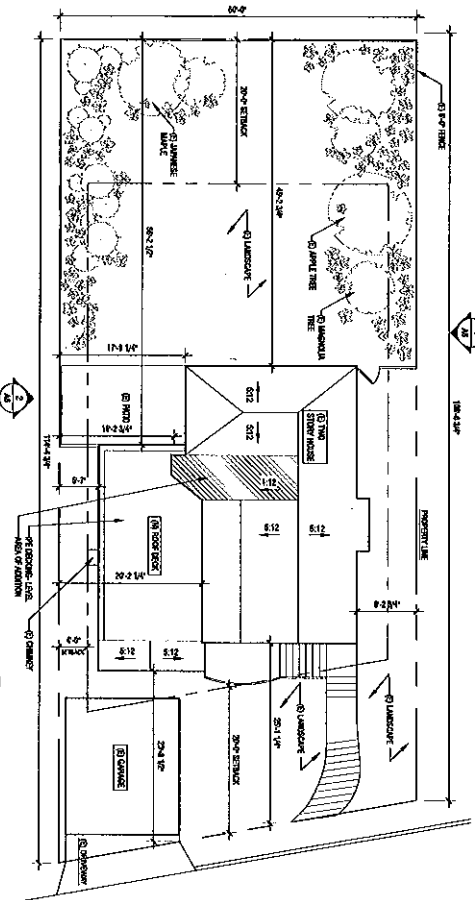
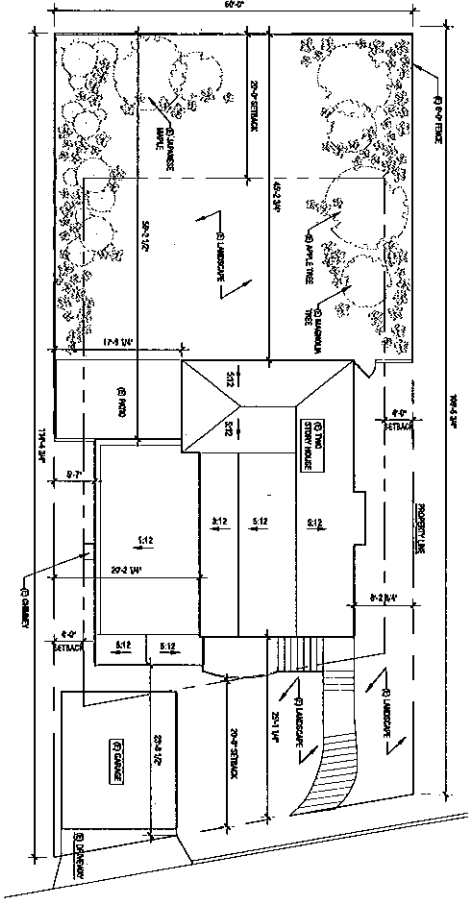
Sheet Title:
 TITLE SHEET AND VICINITY MAP
 AS SHOWN

Friedman Brueggemeier

924 Carlton Street
 Berkeley, CA 94710
 T: 510.848.3390
 F: 510.848.3335

Drawn: 91
 Checked: LS
 Approved: **A0**

APPROVED PLAN	DATE
PLANNING	2.4.14
<input type="checkbox"/> P.R. Conditions Attached	
<input type="checkbox"/> A.U.P. Conditions Attached	
<input type="checkbox"/> U.P. Conditions Attached	



KAIN SILVERBERG RESIDENCE
 515 OXFORD STREET
 BERKELEY, CA 94707

Project Title: EXISTING AND PROPOSED SITE PLAN
 Scale: 1/8" = 1'-0"

Sheets: A1

Drawn: MH
 Checked: LS

284 Colburn Street
 Berkeley, CA 94710
 T. 510.848.8380
 F. 510.848.8335

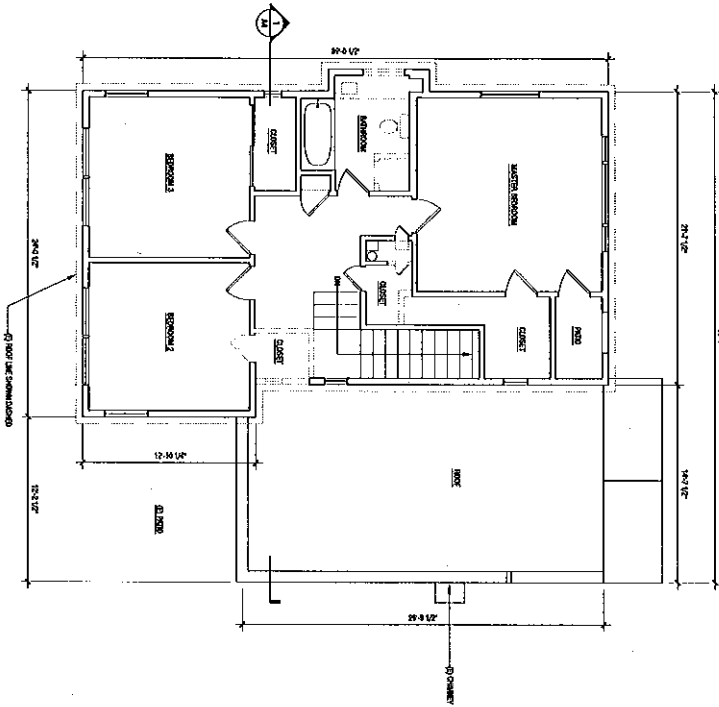
Frederick J. Brueggemeier

Plan No. Revision Date
 NEGROSS SSM/0125 11.18.2013
 ALP SIB/0111 12.06.13

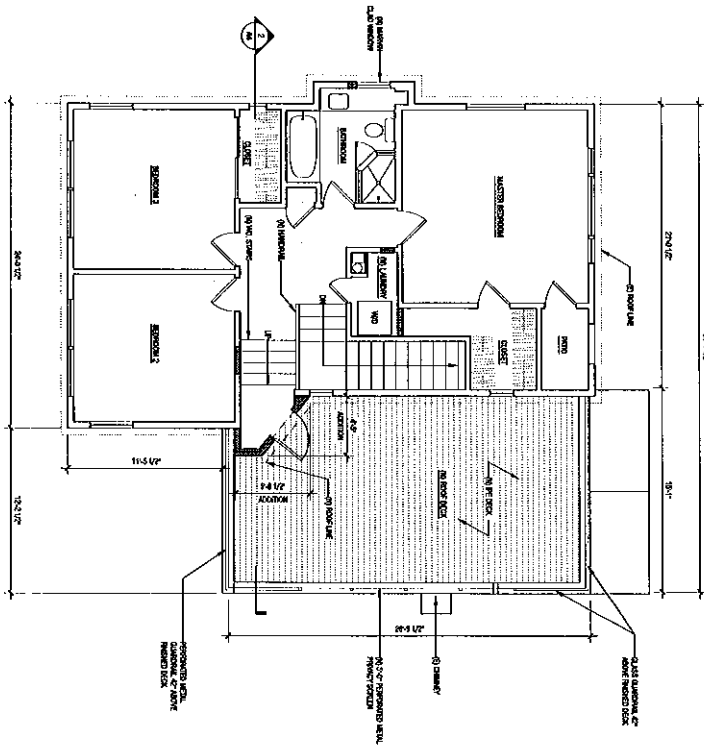
Sheet: S100

These drawings were prepared by the architect for the purpose of illustrating the proposed project. The architect does not warrant the accuracy of the information provided herein. The architect shall not be responsible for any errors or omissions in these drawings. The architect shall not be responsible for any delays or interruptions in the construction of the project. The architect shall not be responsible for any damages or injuries resulting from the use of these drawings. The architect shall not be responsible for any costs or expenses incurred by the client in connection with the use of these drawings. The architect shall not be responsible for any legal or financial consequences resulting from the use of these drawings. The architect shall not be responsible for any other matters not specifically mentioned in these drawings.

APPROVED PLAN
 PLANING *pmj* 2.4.14 DATE
 D.R. Conditions Attached
 A.U.P. Conditions Attached
 U.P. Conditions Attached



2 EXISTING SECOND FLOOR PLAN
 SCALE: 1/8" = 1'-0"



1 PROPOSED SECOND FLOOR
 SCALE: 1/8" = 1'-0"



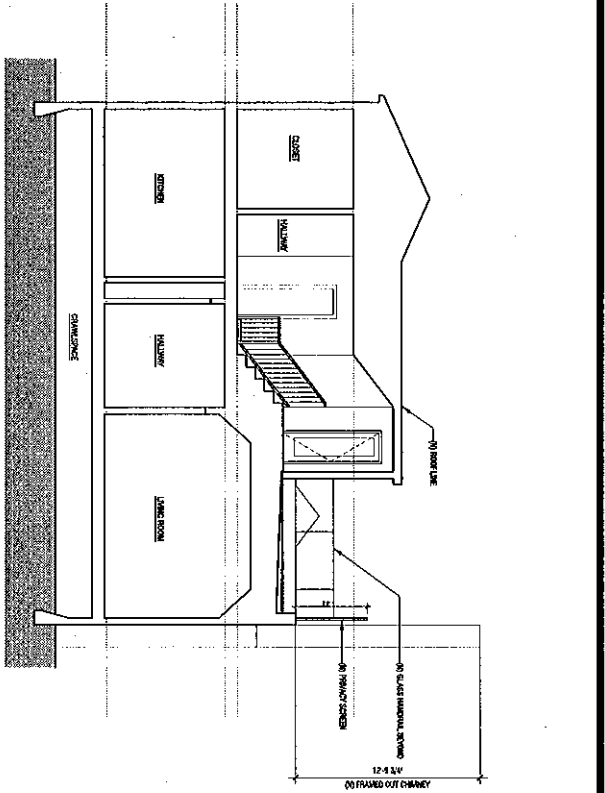
LEGEND
 ———— 0' WALL
 - - - - - 6" WALL
 - - - - - 12" WALL
 - - - - - 18" WALL
 - - - - - 24" WALL

NOTES:
 1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
 2. ALL WALLS ARE TO BE FINISHED WITH 5/8" GYPSUM BOARD OVER 1/2" SHEETROCK.
 3. ALL FLOORS ARE TO BE FINISHED WITH 3/4" T&G FLOORING OVER 1/2" SHEETROCK.
 4. ALL CEILING ARE TO BE FINISHED WITH 5/8" GYPSUM BOARD OVER 1/2" SHEETROCK.
 5. ALL DOORS ARE TO BE FINISHED WITH 1 3/4" SOLID CORE DOORS.
 6. ALL WINDOWS ARE TO BE FINISHED WITH 2 1/2" ALUMINUM WINDOWS.
 7. ALL STAIRS ARE TO BE FINISHED WITH 3/4" T&G FLOORING OVER 1/2" SHEETROCK.
 8. ALL STAIRS ARE TO BE FINISHED WITH 5/8" GYPSUM BOARD OVER 1/2" SHEETROCK.
 9. ALL STAIRS ARE TO BE FINISHED WITH 1 3/4" SOLID CORE DOORS.
 10. ALL STAIRS ARE TO BE FINISHED WITH 2 1/2" ALUMINUM WINDOWS.

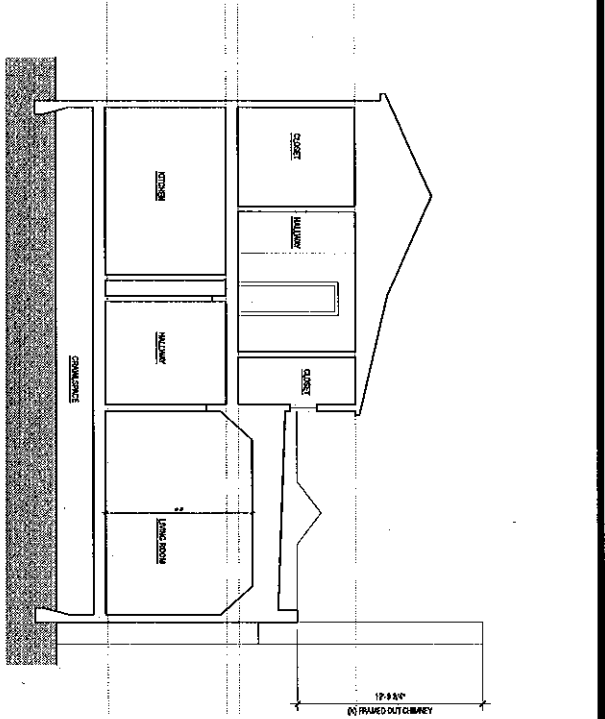
<p>Project Title KAHN SILVERBERG RESIDENCE 915 OXFORD STREET BERKELEY, CA 94707</p>	<p>Sheet Title EXISTING AND PROPOSED SECOND FLOOR PLAN</p>	<p>Scale 1/8" = 1'-0"</p>	<p>Client KSI</p> <p>Architect U2</p>	<p>Project No. A3</p>
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Frederickson
bradysguy
 324 Carleton Street
 Berkeley, CA 94710
 1.910.846.2391
 1.910.846.3335

APPROVED PLAN
 DMJ
 2-4-14
 DATE
 PLANNING
 D.R. Conditions Attached
 A.U.P. Conditions Attached
 C.U.P. Conditions Attached



2 PROPOSED SECTION
 SCALE: 1/8" = 1'-0"



1 EXISTING SECTION
 SCALE: 1/8" = 1'-0"

NOTES:
 1. CONSULT THE CITY OF BERKELEY PLANNING DEPARTMENT FOR ALL APPLICABLE ORDINANCES AND REGULATIONS.
 2. THIS PLAN IS THE PROPERTY OF FRIEDMAN BRUEGGEMEYER AND IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON.
 3. ANY REVISIONS TO THIS PLAN MUST BE APPROVED BY FRIEDMAN BRUEGGEMEYER.
 4. THIS PLAN IS NOT TO BE USED FOR ANY OTHER PROJECT OR SITE WITHOUT THE WRITTEN CONSENT OF FRIEDMAN BRUEGGEMEYER.

Rev. No. Revision Date
 1. REVISIONS 11/13/2013
 A.P. SHERIDAN 12/26/13

Project Title
**KAHN-SILVERBERG
 RESIDENCE**
 915 OXFORD STREET
 BERKELEY, CA 94707

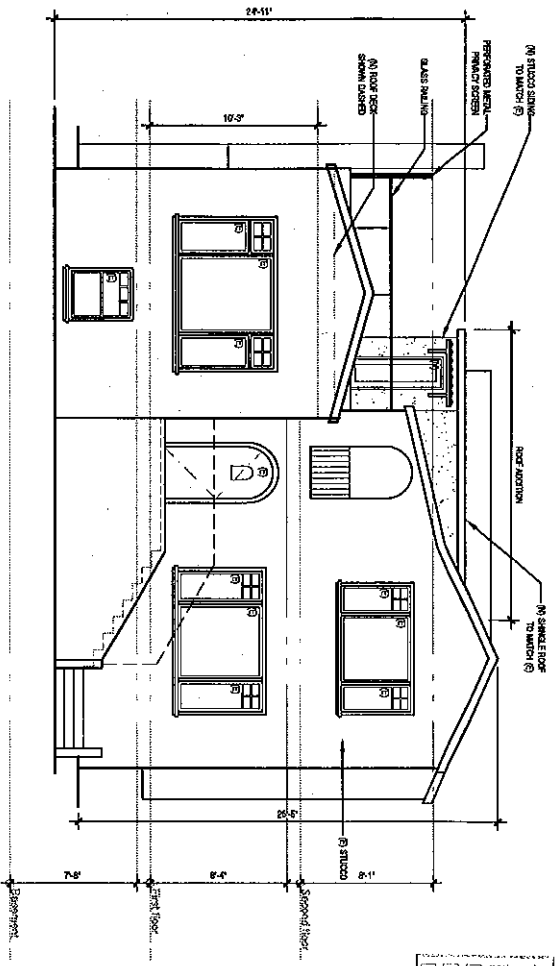
Sheet Title
 EXISTING AND PROPOSED
 SECTIONS

Scale
 1/8" = 1'-0"

**Friedman
 Brueggemeier**
 524 Carlton Street
 Berkeley, CA 94710
 1.510.846.3390
 1.510.846.3355

Drawn:	KJ
Checked:	LS
Approved:	

A4

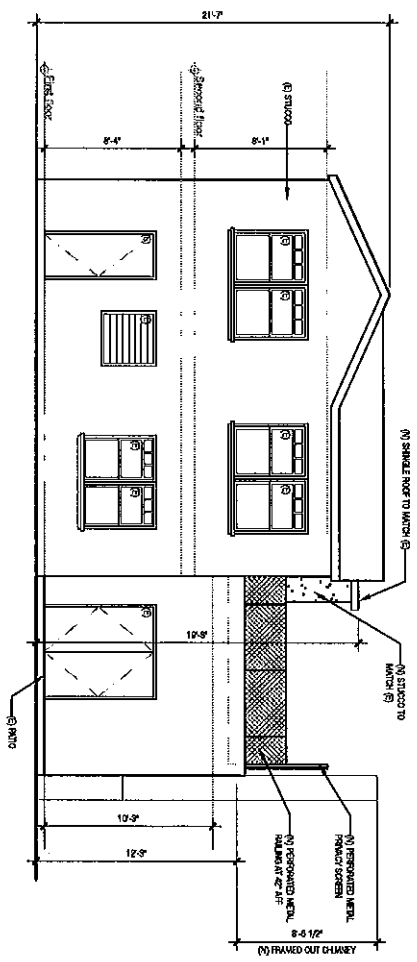


2 SOUTH ELEVATION
SCALE: 1/8" = 1'-0"

APPROVED PLAN
DATE 2-4-14
PLANNING
D.H. Conditions Attached
A.U.P. Conditions Attached
U.P. Conditions Attached

RECEIVED
JAN 27 2014

LAND USE PLANNING



1 NORTH ELEVATION
SCALE: 1/8" = 1'-0"

Notes: Structures to be demolished and their foundations shall be removed on the day the work shall be started. The applicant shall be responsible for obtaining all necessary permits and approvals from the City of Berkeley. The applicant shall be responsible for obtaining all necessary permits and approvals from the City of Berkeley.

Rev. No.	Revision	Date
1	NEIGHBORS SIGNATURES	11.13.2013
2	ALP SIGNATURES	12.05.13

Project Title
KAHN-SILVERBERG RESIDENCE
915 OXFORD STREET
BERKELEY, CA 94707

Shed Title
PROPOSED EXTERIOR ELEVATIONS

Scale
1/8" = 1'-0"

FP
Friedman
Bruggemeier
224 Oakford Street
Berkeley, CA 94710
1.510.848.8990
1.510.848.8935

Drawn	KS	A5
Checked	LS	
Approved		

