

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 #2013-0136**

Property Address:

**669 ENSENADA AVENUE**

Permittee Name:

**DANIEL HANO**

Use and/or Construction Permitted: to construct a second-story, 595 square-foot, residential addition that will increase the building's average height from 15' 8" to 24' 3" and increase the building's maximum height from 19' 2" to 26' 3" pursuant to:

- Section 23D.16.070 to construct a residential addition greater than 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 March 20, 2014.

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

March 20, 2014  
Effective Date

# ATTACHMENT 1

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## FINDINGS AND CONDITIONS

FEBRUARY 26, 2014

### 669 Ensenada Avenue

#### Administrative Use Permit #2013-0136

**To construct a second-story, 595 square-foot residential addition that will increase the building's average height from 15' 8" to 24' 3" and increase the building's maximum height from 19' 2" to 26' 3".**

#### 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.16.090.B (Findings), the Zoning Officer finds that the project should not be denied because the proposed addition would not unreasonably obstruct sunlight, air, or views, nor will it cast new shadows on the windows or a substantial area of open space of adjacent residences. The addition remains well outside of the required yards, and is located within the general footprint of the existing dwelling in an area that is already developed with substantial vegetation that also filters views.
  - Story poles erected at the site illustrate that the building will not block the views uphill neighbors located at 630 Colusa Avenue.
  - As required under Section 23D.16.070 (Development Standards), this project is permissible because the subject property satisfies the district standards for

maximum residential density, maximum main building height, minimum front, rear, and side yard setbacks, maximum lot coverage and minimum open space.

- As required under Section 23D.16.080 (Parking), the project would not increase parking demand and existing parking is provided in accordance with the minimum requirement.

## **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.

**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 **OCTOBER 18, 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.



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Greg Powell, Acting Principal Planner for  
Eric Angstadt, Zoning Officer



Prepared by: Claudine Asbagh, Assistant Planner

RECEIVED

OCT 18 2013



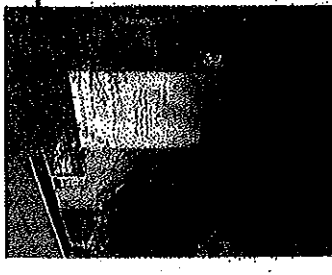
McClutcheon  
1818 W. 14th Street  
Berkeley, CA 94707  
Tel: 415.863.1141  
Fax: 415.863.1142

FORRES & GOLD  
Addition  
669 Ensenada Ave.  
Berkeley, CA 94707

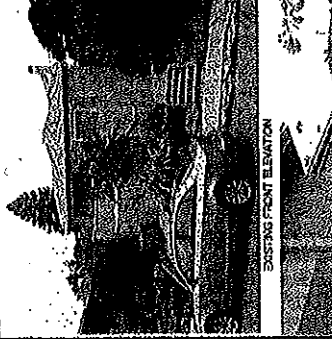
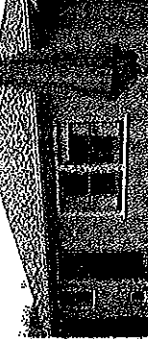
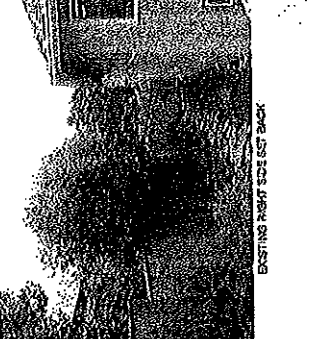
OWNER: FORRES & GOLD  
ARCHITECT: FORRES & GOLD  
DATE: 10/18/13

**ADDRESS:** 669 Ensenada Ave  
**APN:** 052-075-012  
**ZONING:** R1  
**BUILDING TYPE:** VN  
**PERMITS:** None  
**SPACING SPACES:** (No Change)  
**NUMBER BEDROOMS:** (No Change)  
**LOT SIZE:** (No Change)  
**EXISTING BUILDING FOOTPRINT:** 44,170 SQ. FT.  
**PROPOSED BUILDING FOOTPRINT:** 44,595 SQ. FT.  
**ADDITION SQ. FT.:** 425  
**EXISTING LOT COVERAGE:** 34.9%  
**PROPOSED LOT COVERAGE:** 34.2%

**SCOPE OF WORK:**  
500 SF Additional Entry, Replacing 2 Bedrooms on Main Level to (N) Level.  
Add 1 Bedroom, Dressing Room  
11x10 (N) Side Tube  
11x10 (N) Side Tube  
11x10 (N) Side Tube  
**CURRENT CODE:**  
2011 CBC, CFC, CPG, CVC, CWC, CXC  
**ASAP:**  
1. All work shall be in accordance with the LDC and all other applicable codes, rules, regulations and provisions of the City of Berkeley and any other applicable codes, rules, regulations and provisions of the City of Berkeley.  
2. Drawings shall not be signed by the Contractor until all necessary permits have been obtained from the City of Berkeley and all other applicable codes, rules, regulations and provisions of the City of Berkeley.  
3. Details shall be submitted to the City of Berkeley for review and approval. The Contractor shall be responsible for obtaining all necessary permits from the City of Berkeley and all other applicable codes, rules, regulations and provisions of the City of Berkeley.  
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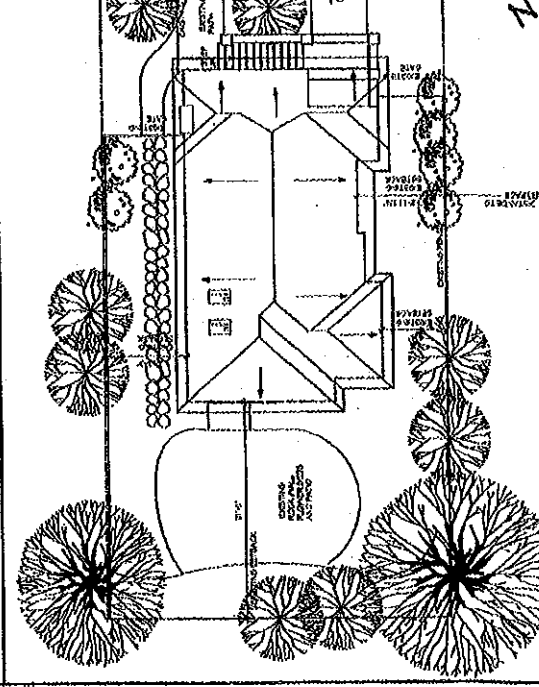
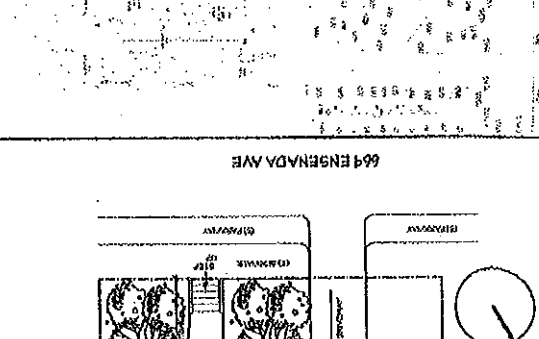
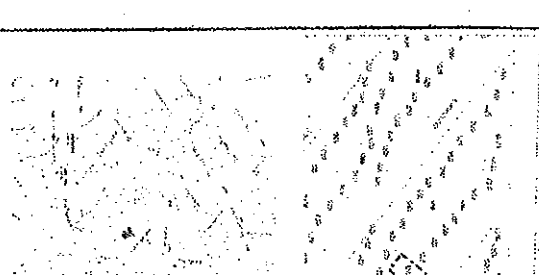


**4 GENERAL NOTES**

**5 PROJECT DATA**

LABORATION FORM

Item	Description	Quantity	Unit	Price	Total
1	Excavation	100	cu yd	15.00	1500.00
2	Foundation	100	sq ft	10.00	1000.00
3	Structural Steel	100	lb	0.50	50.00
4	Concrete	100	cu yd	120.00	12000.00
5	Rebar	100	lb	0.50	50.00
6	Formwork	100	sq ft	2.00	200.00
7	Paint	100	gal	1.00	100.00
8	Roofing	100	sq ft	1.00	100.00
9	Insulation	100	sq ft	1.00	100.00
10	Electrical	100	hr	10.00	1000.00
11	Plumbing	100	hr	10.00	1000.00
12	Mechanical	100	hr	10.00	1000.00
13	Interior Finishes	100	hr	10.00	1000.00
14	Exterior Finishes	100	hr	10.00	1000.00
15	Site Work	100	hr	10.00	1000.00
16	Permitting	100	hr	10.00	1000.00
17	Design	100	hr	10.00	1000.00
18	Construction Management	100	hr	10.00	1000.00
19	Other	100	hr	10.00	1000.00
20	Total				20000.00



**7 TABULAR EXPLANATIONS**  
CURRENT PLANNING DATE  
D.P.R. Conditions Attached  
E.A.U.P. Conditions Attached  
E.U.P. Conditions Attached

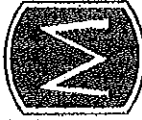
**2 VICINITY MAP** NOT TO SCALE

**3 EXISTING SITE PLAN** SCALE 1/8"=1'-0"

**1 (E) PROJECT PHOTOS:**

COVER SHEET  
A1.1





**McCUTCHEON**  
 ARCHITECTS  
 1501 AVENUE 23  
 BERKELEY, CA 94707  
 TEL: 415.841.2222  
 FAX: 415.841.2222

Professional Seal and Stamp area for the architect, including the name and title of the professional.

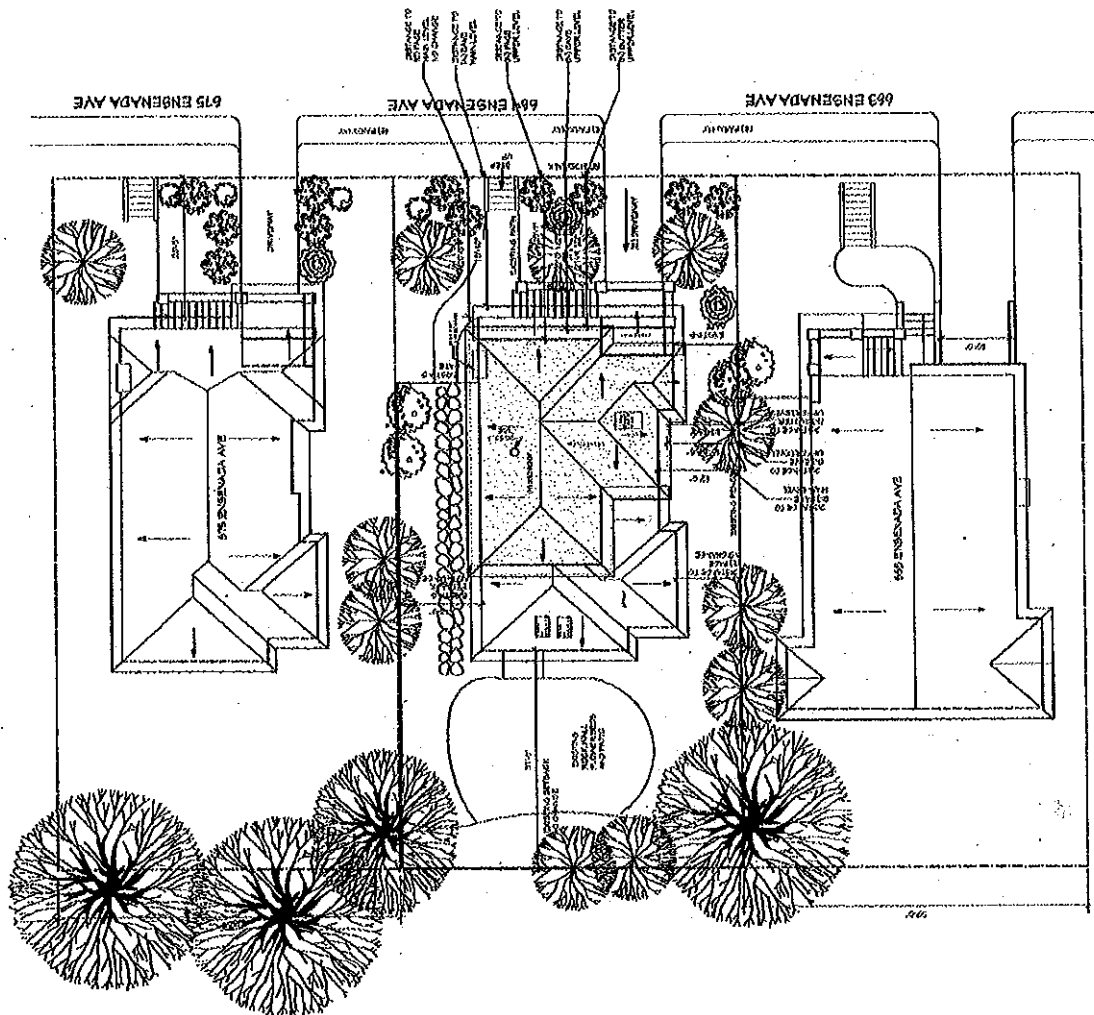
**Torres & Gold**  
 Addition  
 669 Esenbada Ave.  
 Berkeley, CA, 94707

DATE: 02/20/2014

DATE: 02/20/2014  
 SHEET: 1 OF 1  
**A1.2**  
 SITE PLAN

APPROVED BY: *Wemy* 2/20/2014  
 CURRENT PLAN NO. 1  
 U.P. CONSIDERS AIRBORNE  
 U.P. CONSIDERS AIRBORNE

1/2



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



**MCCUTCHEON**  
 ARCHITECTS  
 1515 VAN NATA  
 SUITE 100  
 BERKELEY, CA 94707  
 TEL: 415.841.1111  
 FAX: 415.841.1112  
 WWW.MCCUTCHEON.COM

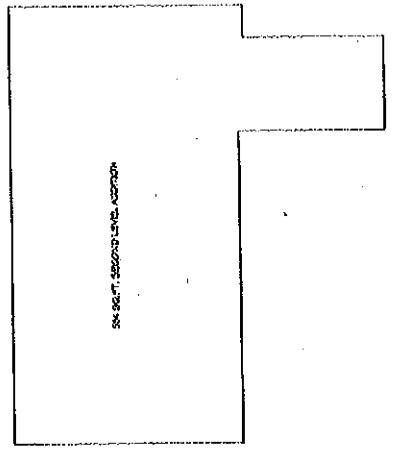
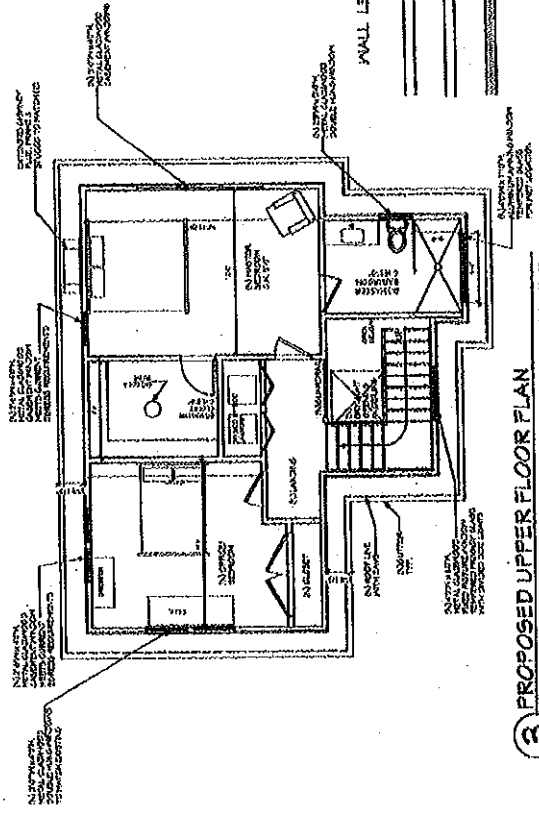
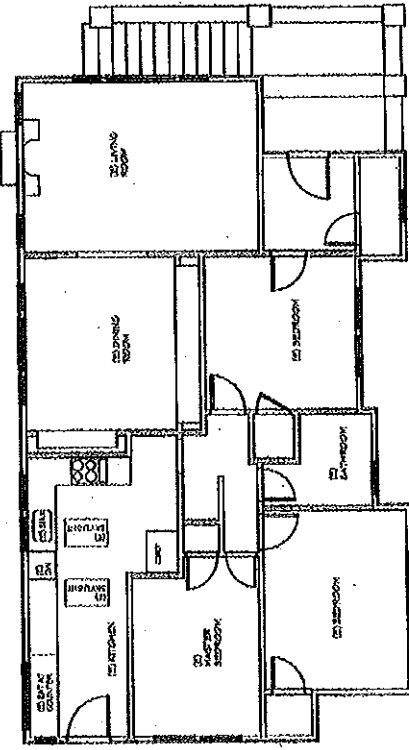
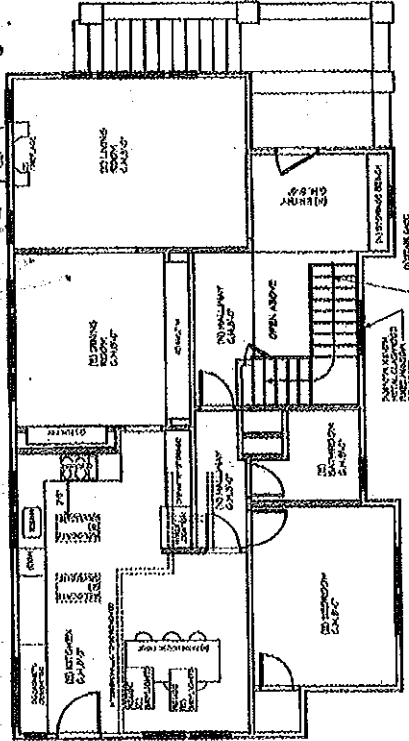
PROJECT: 270226  
 CONSULTANT:  
 DATE: 02/08/14  
 DRAWING NO.: 02-013, 02-002 FOR A/P

**Torres & Gold**  
 Addition  
 659 Kensington Ave.  
 Berkeley, CA, 94707

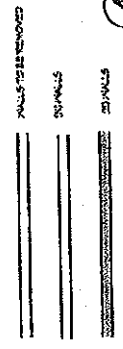
(E) AND (N)  
 FLOOR PLANS

**A2**

*Handwritten note:* 3/20/14

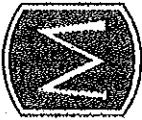


**WALL LEGEND**



*Handwritten:* 3/20/14

**CURRENT PLANNING DATE**  
 D.R. Conditions Attached  
 A.U.P. Conditions Attached  
 U.P. Conditions Attached



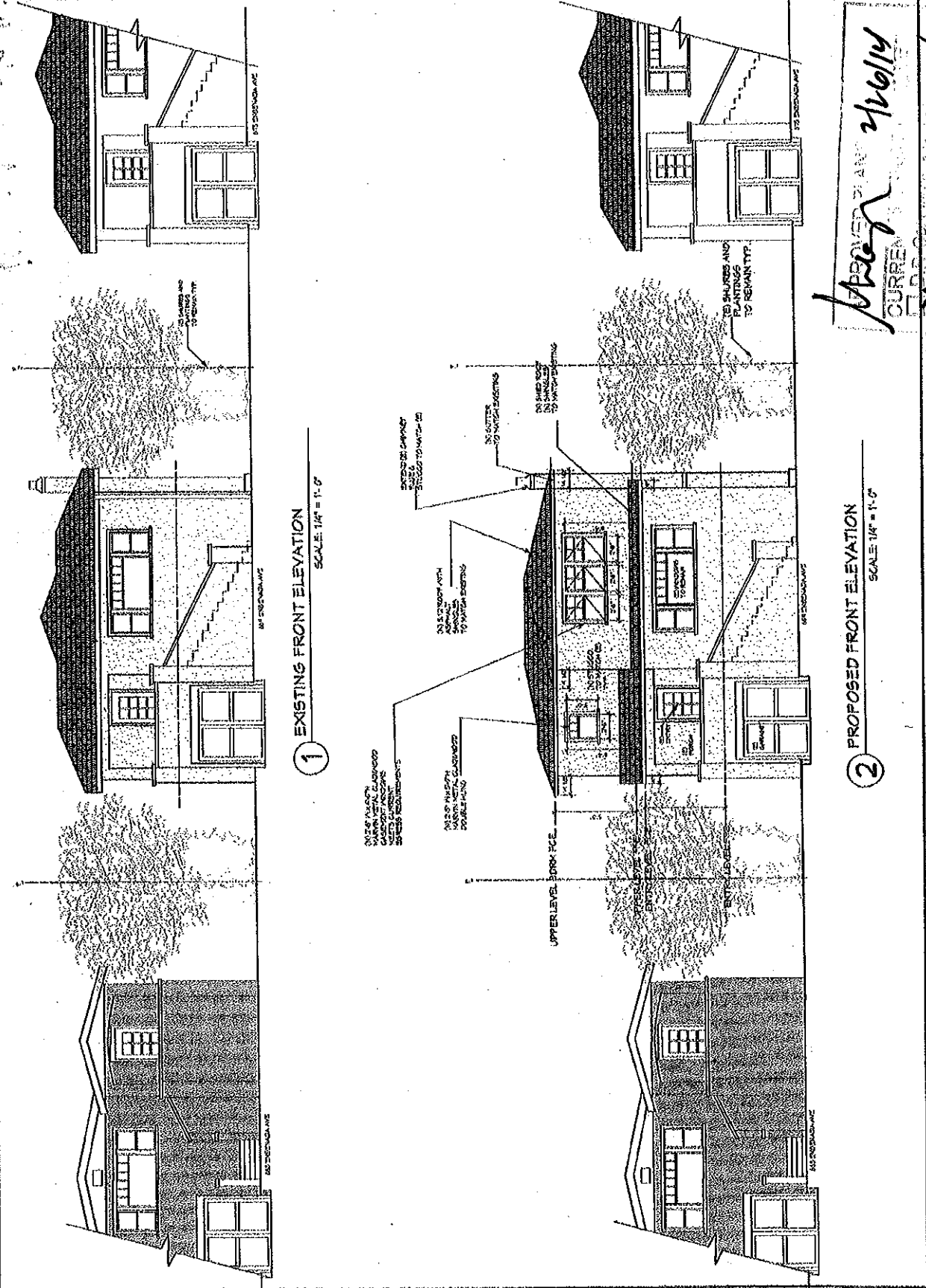
**McClutcheon**  
 ARCHITECTS  
 1410 AVENUE 10  
 BERKELEY, CA 94707  
 TEL: 415.841.1111  
 WWW.MCCLUTCHEON.COM

Architectural drawings are prepared to a certain standard of accuracy and are not to be used for construction without the supervision of a licensed architect. The drawings are prepared on the basis of the information provided by the client and are not to be used for any other purpose without the written consent of the architect. The drawings are prepared on the basis of the information provided by the client and are not to be used for any other purpose without the written consent of the architect.

**Torres & Gold**  
 Addition  
 669 Kensington Ave.  
 Berkeley, CA, 94707

OCTOBER 19, 2014 15:02 FOR A3.1

(S) & M  
 EXTERIOR  
 ELEVATIONS  
**A3.1**



*Approved*  
 CURRENT  
 APPROVED BY  
 2/16/14  
 U.P. Conditions - 4/7  
 U.P. Conditions - 4/7





**MECHANICAL**  
 3333 AVENUE 101  
 SUITE 100  
 BERKELEY, CA 94707  
 TEL: 415.841.1100  
 WWW.MECHANICAL.COM

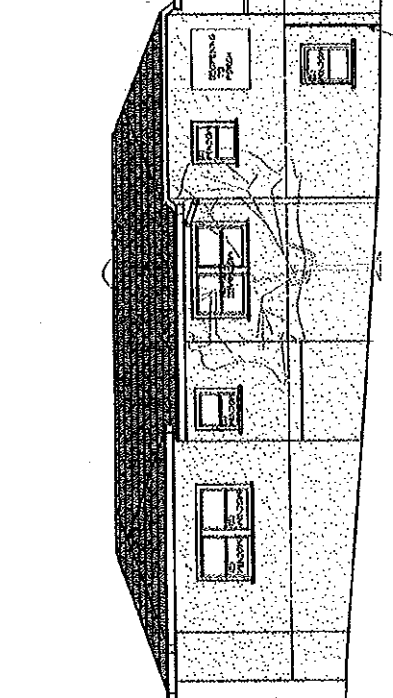
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**Torres & Gold**  
 Addition  
 669 Kensington Ave.  
 Berkeley, CA 94707

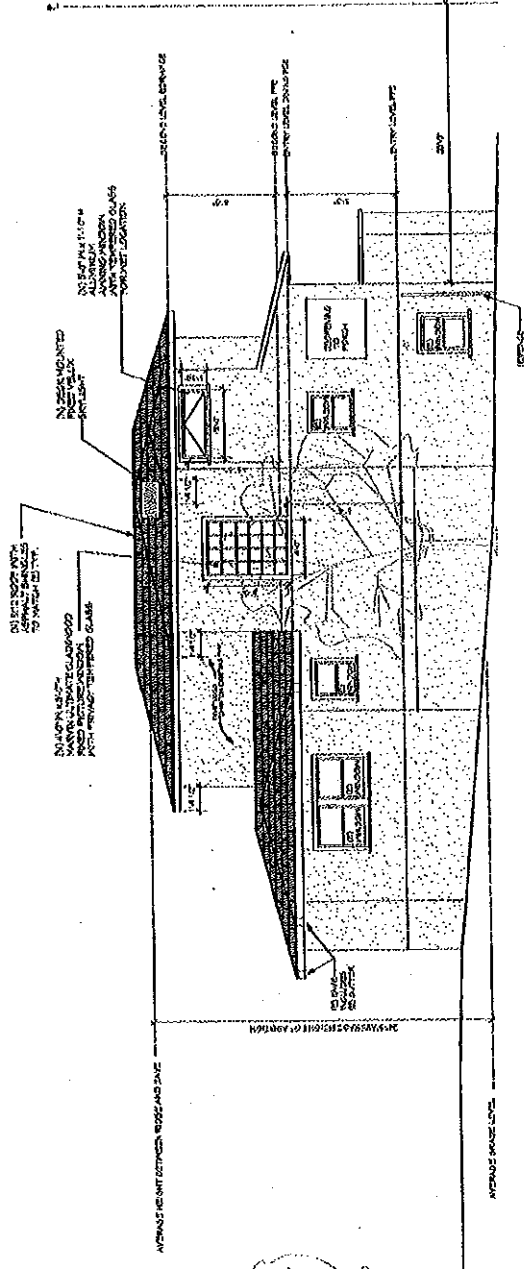
OCTOBER 2013, ISSUE FOR AIR

MECHANICAL CONTRACTORS  
 (E) & (M)  
 EXTERIOR  
 ELEVATIONS  
**A3.3**

*Handwritten:* **Approved by Permit**  
 DEPARTMENT OF PERMITTING  
 1500 CALIFORNIA AVENUE, SUITE 100  
 OAKLAND, CA 94612  
 TEL: 415.774.2200  
 FAX: 415.774.2201  
 WWW.DPP.CA.GOV



**1** EXISTING LEFT SIDE ELEVATION  
 SCALE: 1/8" = 1'-0"



**2** PROPOSED LEFT SIDE ELEVATION  
 SCALE: 1/8" = 1'-0"

*Handwritten:* 7/10/13



**McClutcheon**  
ARCHITECTURAL  
1000 MARKET STREET  
SAN FRANCISCO, CA 94102  
415.774.3333  
www.mcclutcheon.com

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**Torres & Gold**  
Addition  
669 Kinsman Ave.  
Berkeley, CA 94707

Project: 2013-020

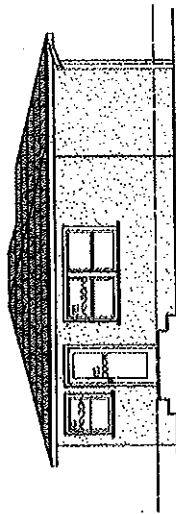
DATE: 02/26/14

DATE: 02/26/14  
DATE: 02/26/14  
DATE: 02/26/14

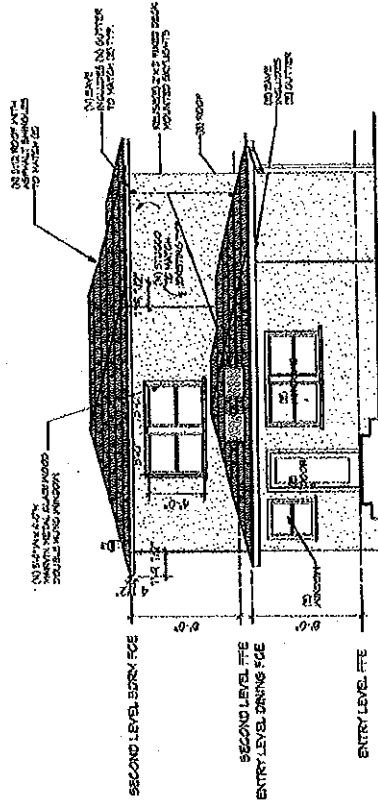
**A3.4**

APPROVED PLANS  
CURRENT PLANS  
D.R. CONDITIONS ARE MET  
U.P. CONDITIONS ARE MET  
U.P. CONDITIONS ARE MET

2/26/14  
7/2



1 EXISTING REAR ELEVATION  
SCALE: 1/4" = 1'-0"



2 PROPOSED REAR ELEVATION  
SCALE: 1/4" = 1'-0"

