



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 #2014-0003

Property Address: **1220 MILVIA STREET**

Permittee Name: **DANIEL MASON**

Use and/or Construction Permitted: To construct a 725-square-foot, 3-story, approximately 27-foot-tall (average height) addition to the rear of an existing single-family dwelling pursuant to:

- Section 23D.28.030 – construct a Major Residential Addition (over 600 square feet);
- Section 23D.28.070.C – construct a Residential Addition over 14 feet 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 April 17, 2014.

Attest: Aaron Sage
Aaron Sage, Senior Planner
For Eric Angstadt, Zoning Officer

April 17, 2014
Effective Date

ATTACHMENT 1

FINDINGS AND CONDITIONS

MARCH 27, 2013

1220 Milvia Street

Administrative Use Permit #2014-0003

To construct a 725-square-foot, 3-story, approximately 27-foot-tall (average height) addition to the rear of an existing single-family dwelling

CEQA FINDINGS

1. The proposed addition 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(e) 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 proposed addition, 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:
 - The addition would not unreasonably reduce the amount of direct sunlight reaching the adjacent dwellings because it is a relatively minor increase to the existing volume of the building. Shadows from the project would primarily be cast toward the dwelling to the north, 1218 Milvia Street. While the addition would increase the amount of shading on this dwelling, adequate sunlight will continue to reach the adjacent dwelling for the following reasons:
 - The two dwellings are located approximately 12 feet apart, a relatively generous distance between two sides of dwellings.
 - The roof of the addition is hipped and has a relatively short ridge with slopes on three sides (including the north), thereby reducing the amount of shading to the north and northwest.

- The dwelling at 1218 Milvia Street is relatively long and has windows to the east and west of the area that would be most heavily shaded by the project, thereby making more sunlight available to the dwelling.
- The addition would not adversely affect any significant views, because it is located at the rear of an existing dwelling and will not exceed the current height of the dwelling, and because there are no dwellings immediately to the east whose westward views of the Bay would be affected. Furthermore, the topography of this area of Berkeley does not generally allow for significant long-distance views.
- The addition will be compatible with the architectural character and scale of the existing dwelling and of the surrounding neighborhood, because it utilizes the same materials and roof forms as the existing dwelling, does not exceed the current maximum height, and is located at the rear where it will not create any substantial change in the existing streetscape of the neighborhood.
- The expanded dwelling complies with all applicable standards for height, setbacks, lot coverage and parking. Furthermore, the project would not create more than four “bedrooms” on the parcel as defined in BMC Section 13.42.020.B, and therefore does not require additional discretionary review based on the number of bedrooms.

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 **FEBRUARY 24, 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.

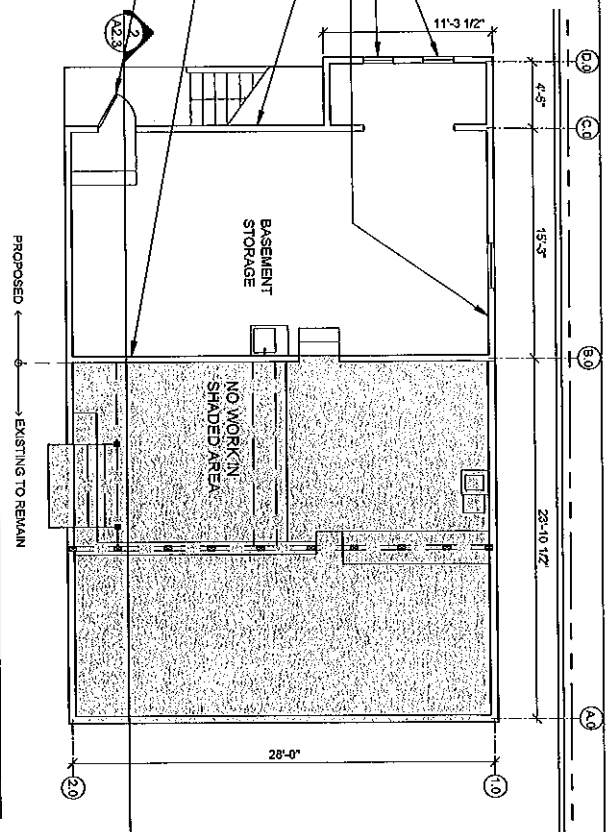


Prepared by: Aaron Sage, AICP
For Eric Angstadt, Planning Director

- (N) AWNING WINDOWS.
- (N) NORTH PROPERTY LINE WALL TO BE 1-HOUR RATED.
- (N) 2X4 STUD WALL W/ CEDAR SHAKE SHINGLES ON OUTSIDE FACE. NO SHEET ROCK ON INSIDE FACE AT THIS LEVEL. OF THE HOME. $\frac{3}{4}$ " PLYWOOD ON BOTH OUTSIDE AND INSIDE FACES OF WALLS AT THIS LEVEL. OF THE HOME.
- (E) STUD WALL AT GRID B.0 TO BE STRUCTURALLY UPGRADED TO SUPPORT ADDITIONAL LOADS FROM ABOVE. STRUCTURAL DESIGN TBD.
- (N) SINGLE PANEL EXTERIOR DOOR TO STORAGE AREA.

GENERAL NOTES FOR 1ST LEVEL:
 - CONTRACTOR TO ASSUME ELECTRICAL AND PLUMBING WORK WILL OCCUR AS REQUIRED FOR CONVENIENCE RECEPTACLES AND LIGHTING AND TO RELOCATE UTILITY SINK.

2 PROPOSED 1ST LEVEL PLAN



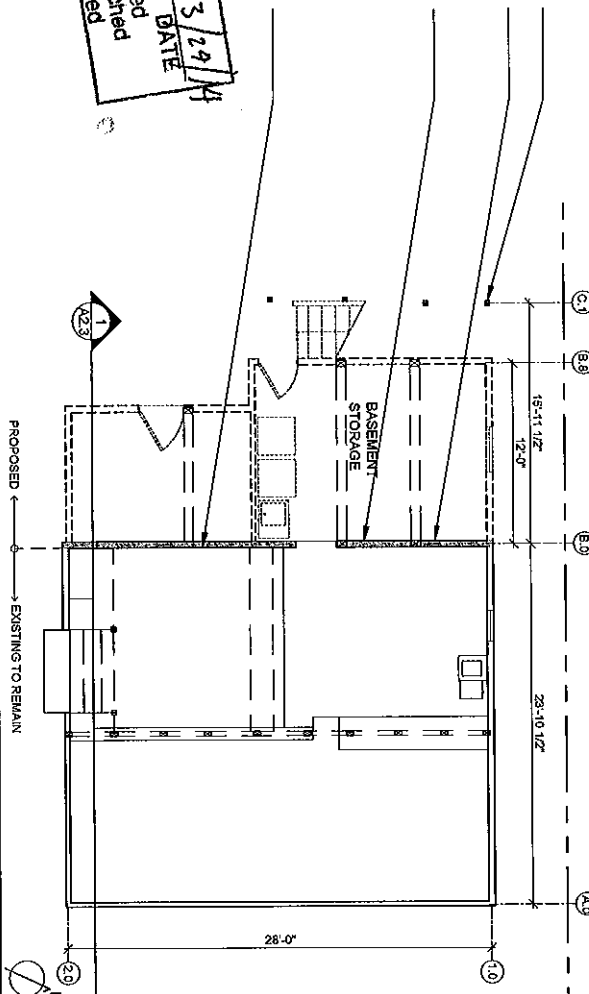
REMOVE ALL (E) STRUCTURE ALONG GRID C.1.

ALONG GRID B.0 SHEATHING TO BE REMOVED AND WALL TO BE PREPARED TO RECEIVE (N) STRUCTURAL INFILL, BUT WALL IS NOT TO BE REMOVED IN ENTIRETY.

REMOVE ALL EXISTING HOME VOLUME AND ASSOCIATED STRUCTURE, FINISHES, ETC. BACK TO GRID B.0.

NO WORK BEYOND GRID B.0 AT THIS LEVEL OF THE HOME.

1 EXISTING / DEMOLITION 1ST LEVEL PLAN



APPROVED PLAN
 DATE 3/29/14
 PLANNING
 D.R. Conditions Attached
 A.U.P. Conditions Attached
 U.B. Conditions Attached

LEMKIN / WALKER RESIDENCE
 1220 MILVIA STREET
 BERKELEY, CA 94709

DANIEL MASON - ARCHITECT
 379 61ST STREET
 OAKLAND, CA 94618

415.385.9683 CELL
 DMASON50@GMAIL.COM

DATE: 24 FEB 2014
 FOR: AUP Submitted

PLANS:
 BASEMENT LEVEL

A1.1

SCALE: $\frac{3}{8}$ " = 1'-0"

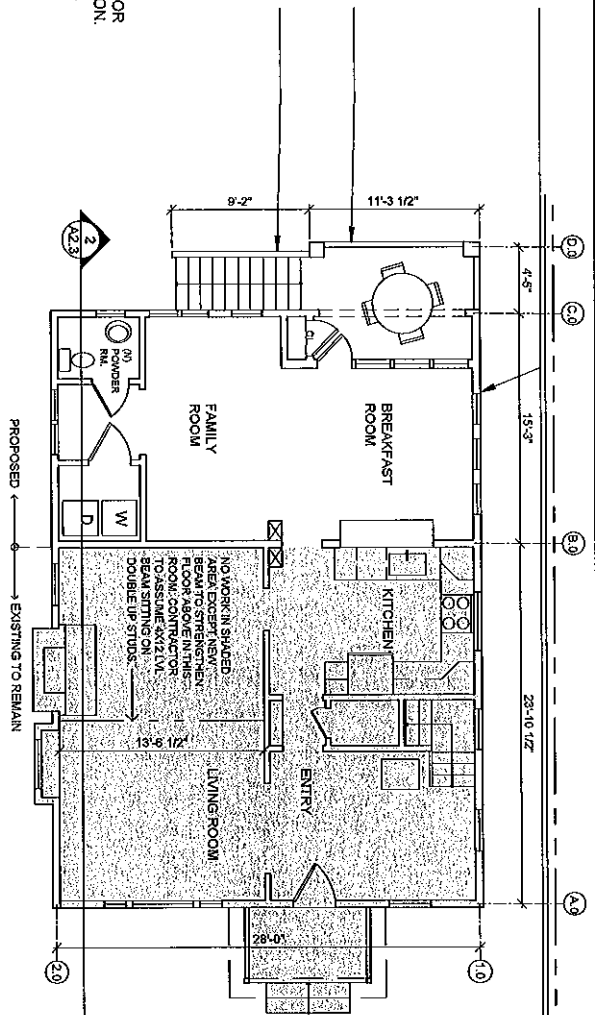
(N) 2X4 STUD @ 16" O.C. WALL FRAMING THROUGHOUT @ NEW CONSTRUCTION. EXTERIOR WALLS TO HAVE CEDAR SHAKE SHINGLES AND 3/4" PLYWD., INTERIOR WALL FACES TO HAVE 5/8" SHEETROCK (N) NORTH PROPERTY LINE WALL AT THIS LEVEL TO BE 1-HOUR RATED DUE TO P.L. PROXIMITY.

(N) DECK REDWOOD OR EQUIV. DECKING AND CEDAR RAILING.

(N) STAIR. ASSUME REDWOOD OR EQUIV. TREADS / RISERS AND CEDAR RAILING.

GENERAL NOTES FOR 2ND LEVEL:
 - CONTRACTOR TO ASSUME ELECTRICAL AND PLUMBING WORK WILL OCCUR AS REQUIRED FOR CONVENIENCE RECEPTACLES AND LIGHTING. (N) POWDER ROOM AND (N) WASHDRY LOCATION.
 - FLOORING IN NEW VOLUME TO MATCH OAK WOOD FLOORING IN REMAINDER OF 2ND LEVEL.
 - SEE ELEVATIONS FOR NEW WINDOW TYPES.
 - NEW FLOOR FRAMING TO BE 2X10 @ 16" O.C. RUNNING EAST TO WEST.

2 PROPOSED 2ND LEVEL PLAN



APPROVED PLAN
 DATE 3/24/14
 PLANNING CONDITIONS ATTACHED
 D.R. CONDITIONS ATTACHED
 A.U.P. CONDITIONS ATTACHED
 O.U.P. CONDITIONS ATTACHED

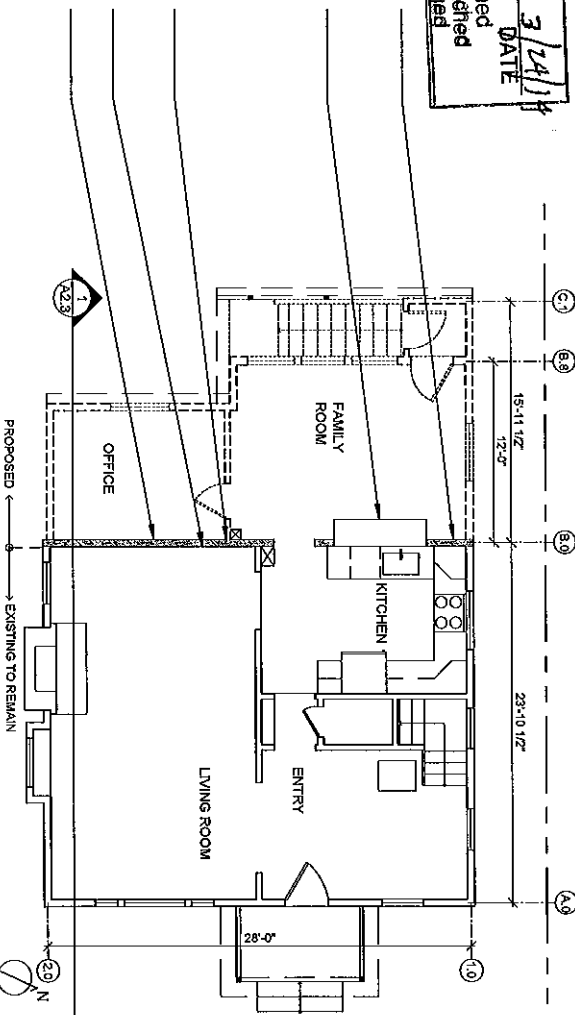
CONTRACTOR TO ASSUME SEALING OFF THIS LEVEL OF THE HOME ALONG BACK FACE OF GRID B.0 TO PREVENT DUST MIGRATION TO REMAINDER OF THIS LEVEL.

(E) KITCHEN COUNTER TO BE REMOVED, PROTECTED AND SAVED ON SITE FOR RE-INSTALL AFTER CONSTRUCTION WORK IS COMPLETE.

REMOVE ALL EXISTING HOME VOLUME AND ASSOCIATED STRUCTURE, FINISHES, ETC. BACK TO GRID B.0.

NO WORK BEYOND GRID B.0 AT THIS LEVEL OF THE HOME.
 FINISHES DOWN TO STUDS TO BE STRIPPED FROM WEST FACE OF WALL ALONG GRID B.0 IN PREPARATION FOR STRUCTURAL UPGRADE.

1 EXISTING / DEMOLITION 2ND LEVEL PLAN



LEMKIN / WALKER RESIDENCE
 1220 MILVIA STREET
 BERKELEY, CA 94709

DANIEL MASON - ARCHITECT
 379 81ST STREET
 OAKLAND, CA 94618
 415.385.9683 CELL
 DMASON60@GMAIL.COM

DATE: 24 FEB 2014
 FOR: AUP Submittal

PLANS: LEVEL 1

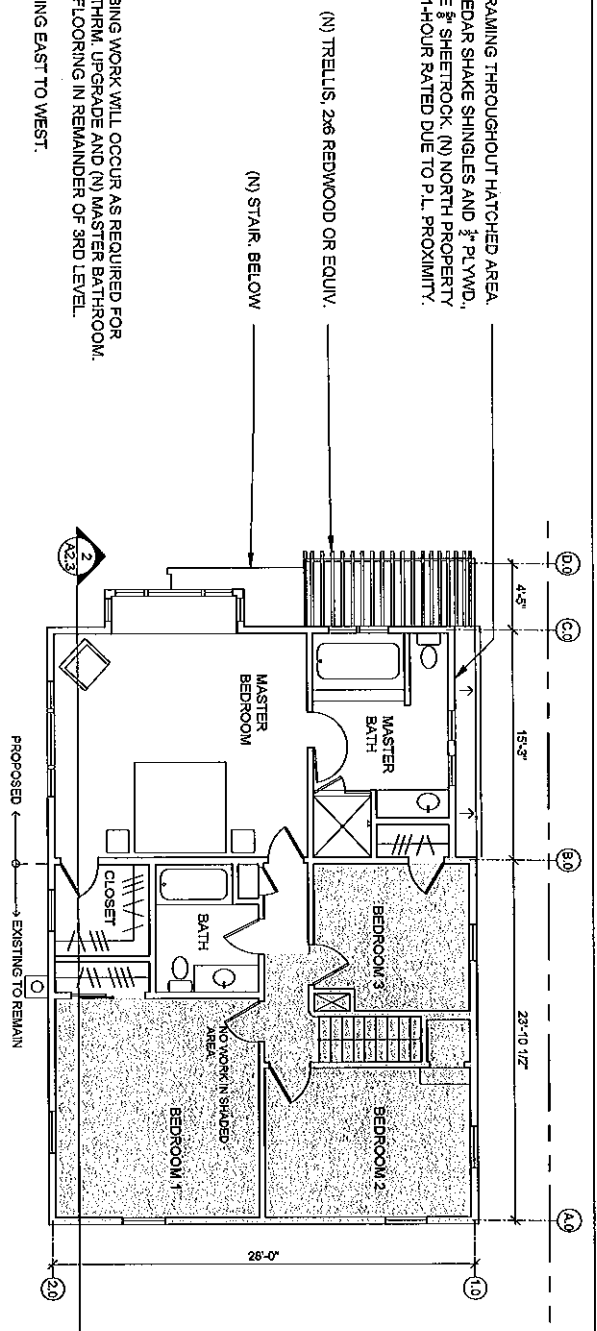
A1.2

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

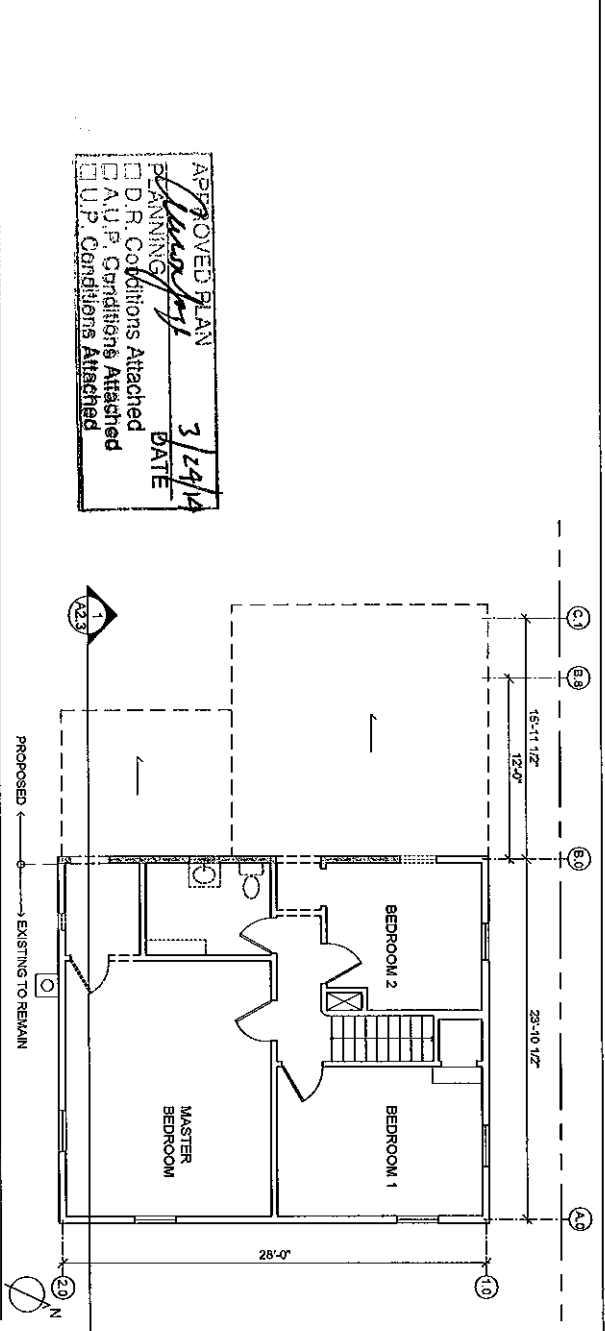
(N) 2X4 STUD @ 16" O.C. WALL FRAMING THROUGHOUT HATCHED AREA.
 EXTERIOR WALLS TO HAVE CEDAR SHAKE SHINGLES AND 3/4" PLYWD.
 INTERIOR WALL FACES TO HAVE 5/8" SHEETROCK. (N) NORTH PROPERTY
 LINE WALL AT THIS LEVEL TO BE 1-HOUR RATED DUE TO P.L. PROXIMITY.

GENERAL NOTES FOR 3RD LEVEL:
 - CONTRACTOR TO ASSUME ELECTRICAL AND PLUMBING WORK WILL OCCUR AS REQUIRED FOR
 CONVENIENCE RECEPTACLES AND LIGHTING. (E) BATHRM. UPGRADE AND (N) MASTER BATHROOM.
 - FLOORING IN NEW VOLUME TO MATCH OAK WOOD FLOORING IN REMAINDER OF 3RD LEVEL.
 - SEE ELEVATIONS FOR NEW WINDOW TYPES.
 - NEW FLOOR FRAMING TO BE 2X10 @ 16" O.C. RUNNING EAST TO WEST.

2 PROPOSED 3RD LEVEL PLAN



1 EXISTING / DEMOLITION 3RD LEVEL PLAN



APPROVED PLAN
 DATE 3/29/14
 DR. Conditions Attached
 A.U.P. Conditions Attached
 O.P. Conditions Attached

LEMKIN / WALKER RESIDENCE
 1220 MILVIA STREET
 BERKELEY, CA 94709

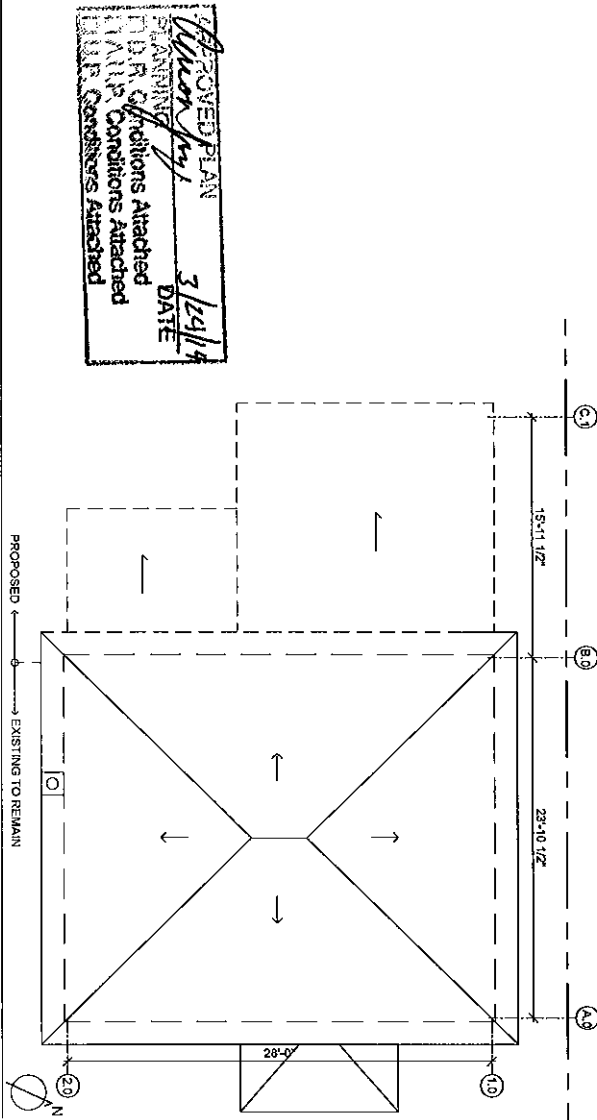
DANIEL MASON - ARCHITECT
 379 61ST STREET
 OAKLAND, CA 94618
 415.385.9883 CELL
 DMASON60@GMAIL.COM

PLANS: LEVEL 2
A1.3
 SCALE: 1/8" = 1'-0"

DATE: 24 FEB 2014
 FOR: AUP Submittal

1

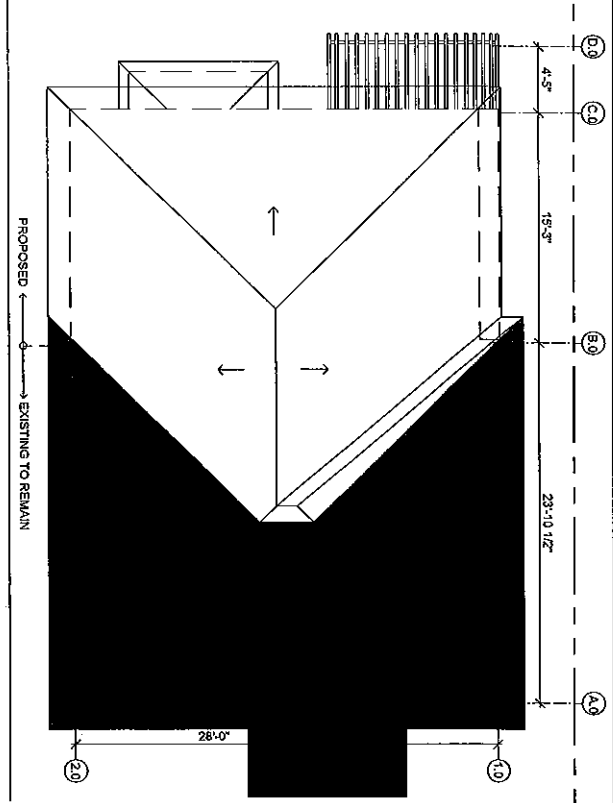
EXISTING / DEMOLITION ROOF PLAN



APPROVED PLAN
 DATE 3/29/14
 CONDITIONS ATTACHED
 CONDITIONS ATTACHED
 CONDITIONS ATTACHED
 CONDITIONS ATTACHED

2

PROPOSED ROOF PLAN



SCALE: 3/8" = 1'-0"

A1.4

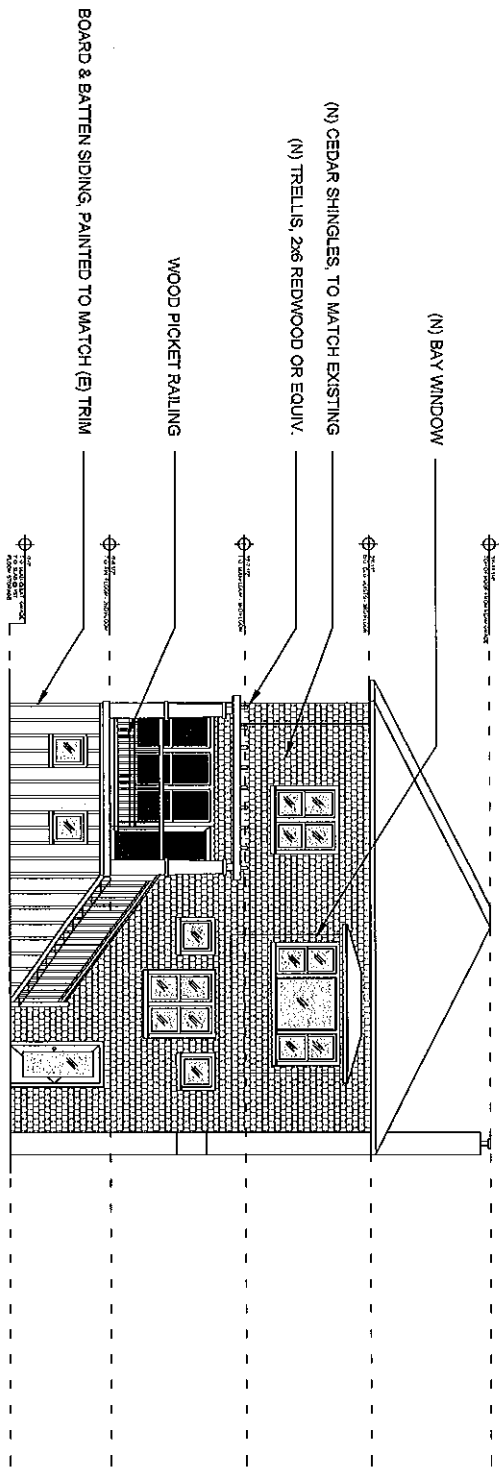
PLANS: ROOF

DATE: 24 FEB 2014
FOR: AUP Submittal

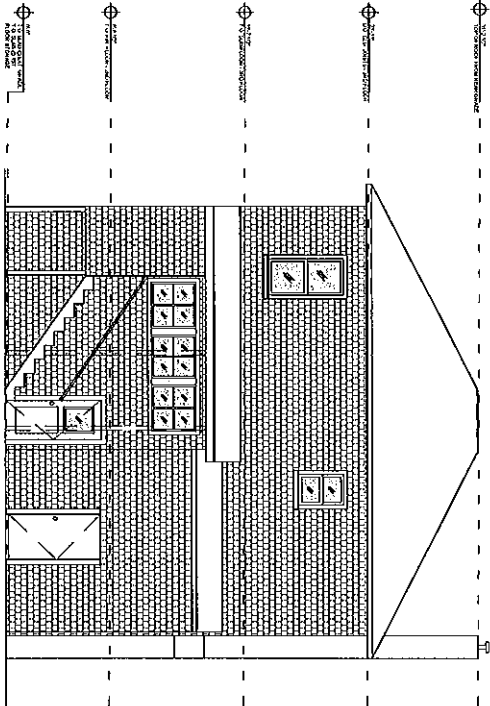
LEMKIN / WALKER RESIDENCE
1220 MILVIA STREET
BERKELEY, CA 94709

DANIEL MASON - ARCHITECT
379 61ST STREET
OAKLAND, CA 94618
415.385.9683 CELL
DMASON50@GMAIL.COM

PROVE PLAN
 DRAWINGS
 DATE: 3/29/14
 Conditions Attached
 Conditions Attached
 Conditions Attached



2 PROPOSED WEST ELEVATION



1 EXISTING WEST ELEVATION

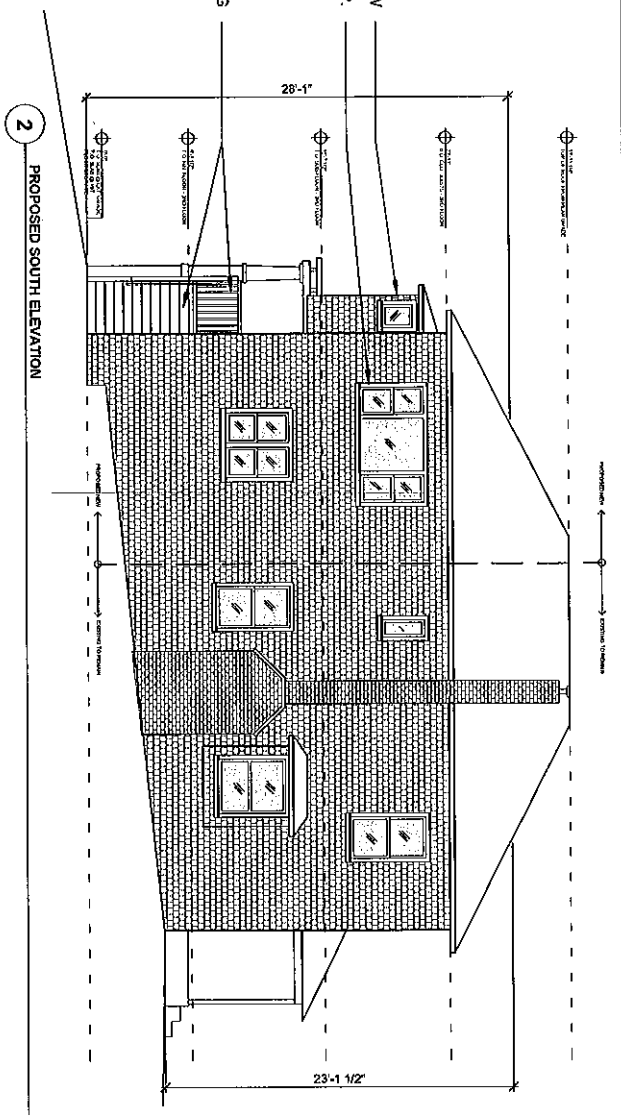
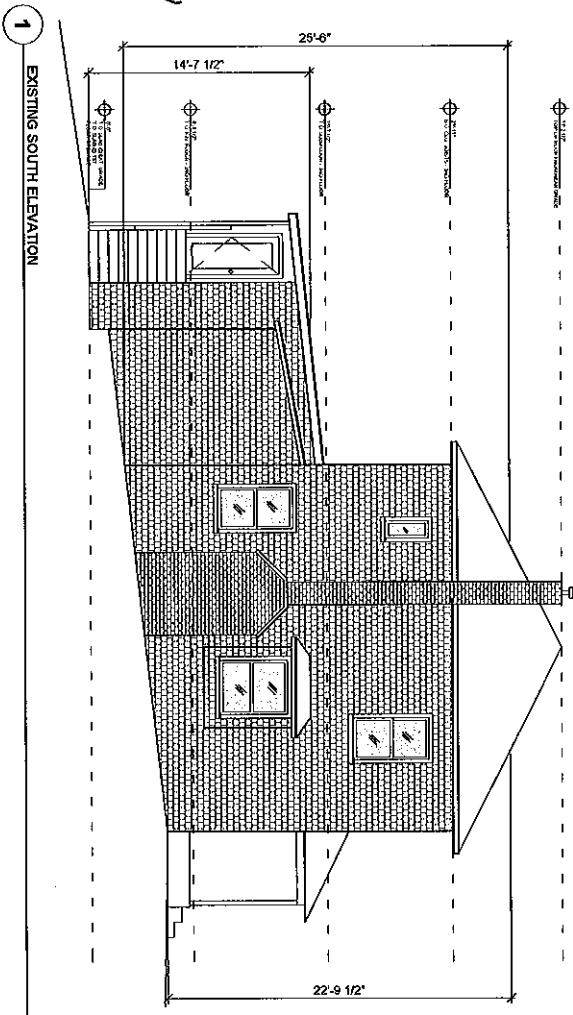
DANIEL MASON - ARCHITECT
 379 61ST STREET
 OAKLAND, CA 94618
 415.385.9683 CELL
 DMASON50@GMAIL.COM

LEMKIN / WALKER RESIDENCE
 1220 MILVIA STREET
 BERKELEY, CA 94709

DATE: 24 FEB 2014
 FOR: AUP Submittal

ELEVATIONS:
 WEST
A2.0
 SCALE: 3/8" = 1'-0"

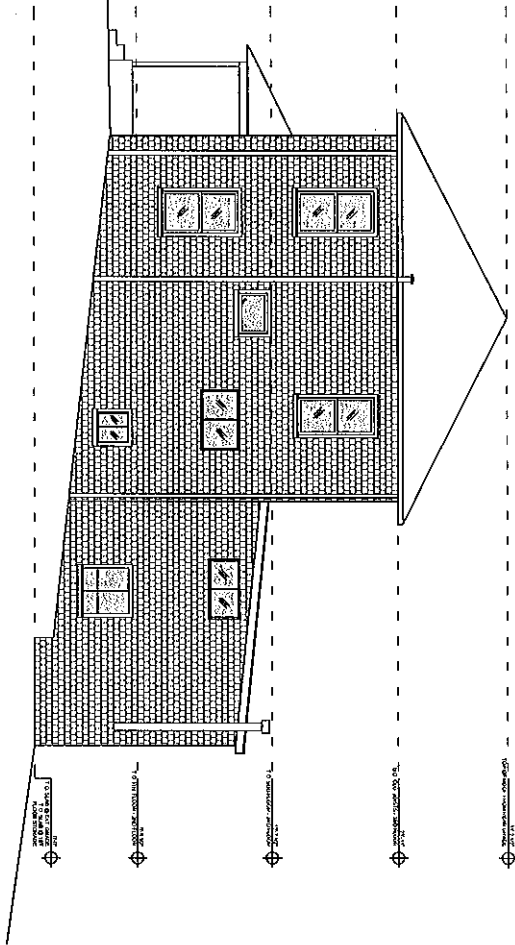
RECEIVED
 3/24/14
 DATE
 CONDITIONS ATTACHED
 A.U.P. CONDITIONS ATTACHED
 CONDITIONS ATTACHED



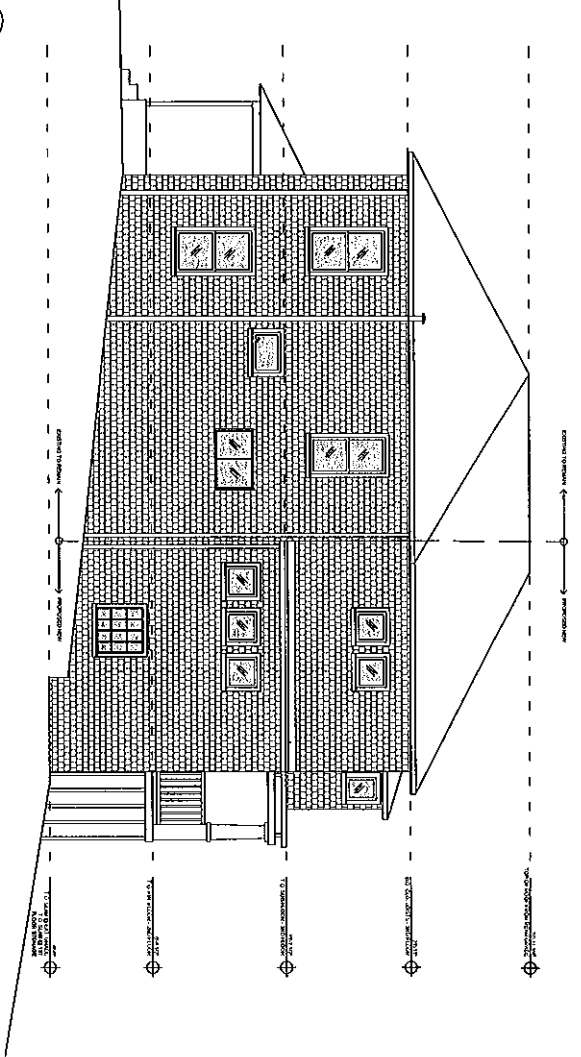
ELEVATIONS: SOUTH A2.1 SCALE: 3/8" = 1'-0"	DATE: 10 JAN 2014 FOR: AUP Submittal	LEMKIN / WALKER RESIDENCE 1220 MILVIA STREET BERKELEY, CA 94709	DANIEL MASON - ARCHITECT 379 61ST STREET OAKLAND, CA 94618 415.385.9683 CELL DMASON50@GMAIL.COM
--	---	--	---

APPROVED PLAN
Walker
 DATE 3/24/14
 PLANNING
 D.R. Conditions Attached
 A.U.P. Conditions Attached
 U.P. Conditions Attached

1 EXISTING NORTH ELEVATION



2 PROPOSED NORTH ELEVATION



SCALE: 3/8" = 1'-0"

ELEVATIONS:
 NORTH
A2.2

DATE: 24 FEB 2014
 FOR: ALP Submittal

LEMKIN / WALKER RESIDENCE
1220 MILVIA STREET
BERKELEY, CA 94709

DANIEL MASON - ARCHITECT
 379 61ST STREET
 OAKLAND, CA 94618
 415.385.9683 CELL
 DMASON60@GMAIL.COM