

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 #2014-0016

Property Address:

584 CRAGMONT AVENUE

Permittee Name:

KAREN SALERNO

Use and/or Construction Permitted: to construct a two-story, approximately 18.5-foot tall addition to the southwest (left rear) corner of the existing house to create a 51-square-foot dining room expansion, with storage space on the ground floor; and to install an unenclosed hot tub in the rear yard area adjacent to the existing home pursuant to:

- Section 23D.16.070.C to construct a residential addition >14' in average height; and
- Section 23D.08.060.C to install an unenclosed hot tub.

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 May 21, 2014.

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

May 21, 2014
Effective Date

ATTACHMENT 1

FINDINGS AND CONDITIONS

APRIL 28, 2014

584 Cragmont Avenue

Administrative Use Permit #AUP2014-0016

To construct a two-story, approximately 18.5-foot tall addition to the southwest (left rear) corner of the existing house to create a 51-square-foot dining room expansion, with storage space on the ground floor; and to install an unenclosed hot tub in the rear yard area adjacent to the existing home.

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 Sections 15301 and 15303 of the CEQA Guidelines (“Existing Facilities” and “New Construction or Conversion of Small Structures”). 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:
 - The project meets all development standards of the district. Therefore, impacts to the air and privacy of the neighboring properties are determined to be minimal.
 - As the 18.5-foot tall addition will fill in the southwest corner of the house and will be built flush with the existing side and rear elevations, the project will create minimal shading impacts, will not affect any significant views enjoyed by neighboring properties, and will not change the character of the neighborhood as it will not be visible from the public right-of-way.
 - The installation of the hot tub in the rear yard area of the subject property will not be detrimental to the abutting neighbors’ privacy because it will be screened from view by existing fencing wall and mature landscaping.

- The hot tub is a self-contained unit that has a low decibel rating by the manufacturer. The tub has a wood skirt with insulation on all sides to muffle any sound and vibration from the unit. Additionally, the vegetation and fencing will further mitigate any sound and vibration from the motor so that it will not be audible over the property line.
- No grading is required for installation of the hot tub.
- The hot tub will be subject to the conditions of this permit, which will ensure that neighbors are not adversely affected by noise, lighting, or drainage from the use of the pool. In particular, the operation of the pool equipment is subject to the controls imposed under the Berkeley Municipal Code (Chapter 13.40) as it relates to maximum noise levels.

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.

During Construction:

12. 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.
13. 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.
14. 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.
15. 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.
16. 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.
17. Trucks hauling debris, soil, sand, or other loose materials shall be covered or required to maintain at least two feet of board.
18. Public streets shall be swept (preferably with water sweepers) of all visible soil material carried from the site.
19. The applicant shall establish and maintain drainage patterns that do not adversely affect adjacent properties and rights-of-way.

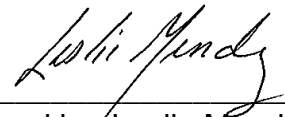
20. The applicant shall ensure that all excavation takes into account surface and subsurface waters and underground streams so as not to adversely affect adjacent properties and rights-of-way.
21. Any construction during the wet season shall require submittal of a soils report with appropriate measures 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:

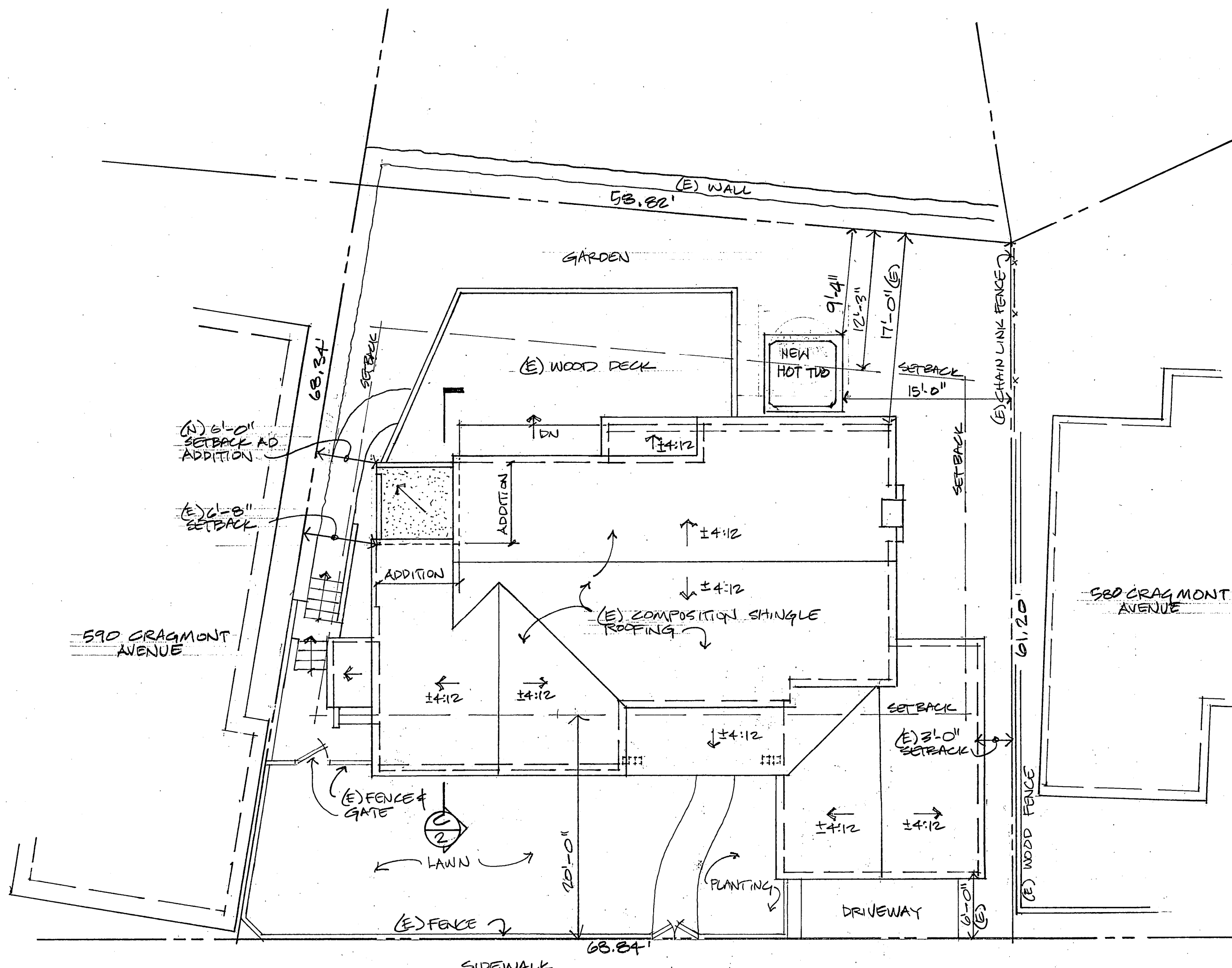
22. All construction at the subject property shall substantially conform to the approved Use Permit drawings or to modifications approved by the Zoning Officer.
23. All landscape, site and architectural improvements shall be completed per the attached approved drawings dated **February 5, 2014**.

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.



Prepared by: Leslie Mendez
For Eric Angstadt, Planning Director



PLANS APPROVED by

SIGNATURE *Lohi Mendy* DATE **April 25, 2014**

*AUP Findings and Conditions Attached

PROJECT DATA:
 KAREN AND JIM SALERNO
 584 CRAGMONT AVENUE
 BERKELEY, CA 94708
 510.693.0345
 jsalerno7@att.net

APN: 063 2952 017 00
 ZONE: R-1H
 LOT SIZE: 4160 S.F.

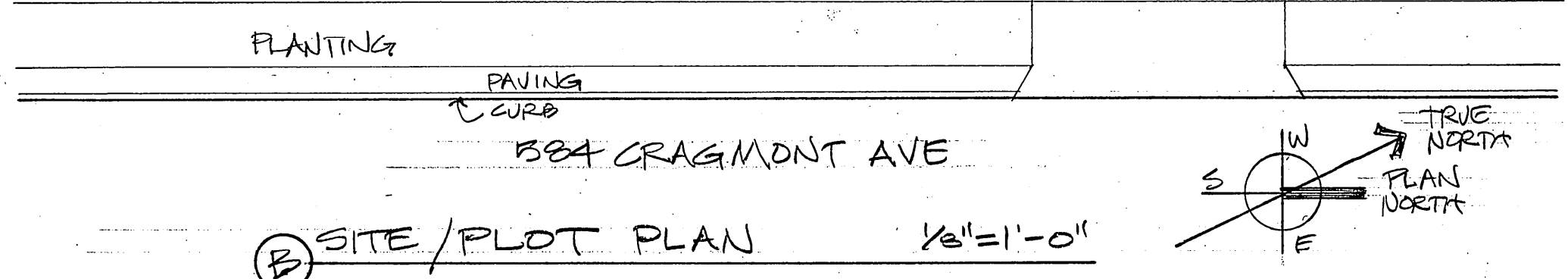
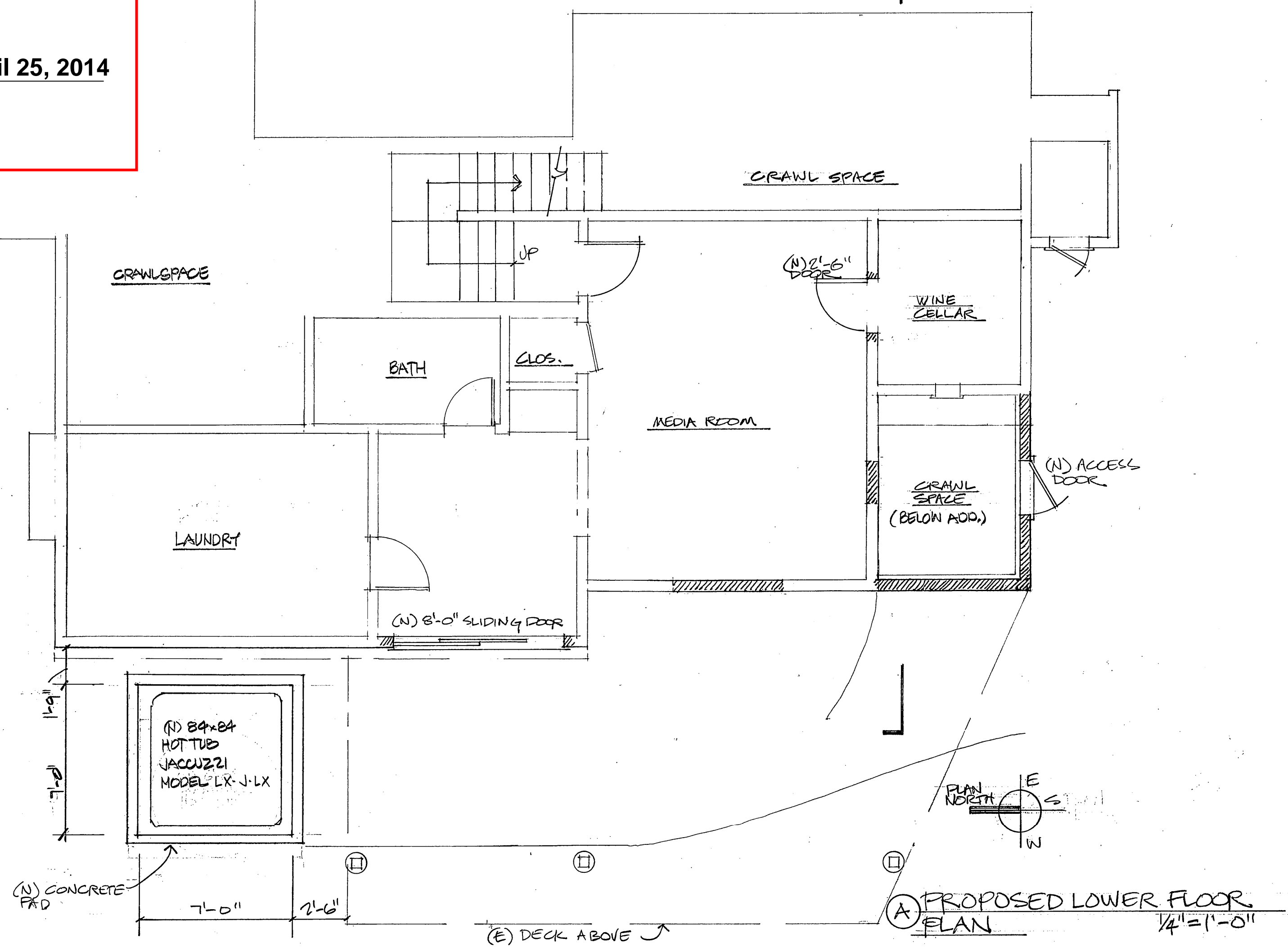
FLOOR AREAS: EXISTING / PROPOSED
 2574 S.F. / 2625 S.F. (51 S.F. NEW)

LOT COVERAGE: 1368 S.F. 32.9% / 1419 S.F. 34.1%
 FRONT YARD: 6' 0" / NO CHANGE
 RIGHT SIDYARD: 3' 0" / NO CHANGE
 LEFT SIDYARD: 6' 8" / 6' 0"
 REAR YARD: 17' 0" / NO CHANGE
 HEIGHT:
 AVE. HEIGHT: 24' 6" / NO CHANGE
 MAX. HEIGHT: 29' 8" / NO CHANGE
 MAX. HT. AT ADDITION: 19' 0"
 # OF STORIES: 3 / NO CHANGE
 PARKING: 2 in garage / NO CHANGE

SCOPE OF WORK:
 51 S.F. ADDITION TO DINING ROOM ON MAIN FLOOR
 NEW SELF CONTAINED HOT TUB IN BACK YARD.

BUILDING INFORMATION:
 OCCUPANCY: R-3
 BUILDING TYPE: V-B
 SPRINKLERED: NO

BUILDING CODES:
 2013 CALIFORNIA RESIDENTIAL CODE
 2013 CALIFORNIA ELECTRICAL CODE
 2013 CALIFORNIA PLUMBING CODE
 2013 CALIFORNIA MECHANICAL CODE
 2013 CALIFORNIA FIRE CODE
 2013 CALIFORNIA ENERGY CODE
 2013 CALIFORNIA STRUCTURAL CODE



Below are the results of the sound test performed by engineering:

SPA OPERATING CONDITION	SOUND READINGS	
	NORMAL TO SPA	ALONG 45° CORNER LINE
PUMP #1 ON LOW (FILTERING), PUMP #2 AND BLOWER OFF	60DB	49.2DB
PUMP #1 AND PUMP #2 ON HIGH, BLOWER OFF	64DB	55DB
BOTH PUMPS ON HIGH AND BLOWER ON	54.6DB	58DB

- LEGEND**
- EXISTING WALL
 - - - REMOVED WALL
 - ▨ NEW WALL
 - ⊙ SECTION KEY
 - ⚠ WINDOW KEY
 - Ⓐ DOOR KEY
 - P-1 PLUMBING KEY
 - ⊙ CEILING LIGHT
 - ⊙ RECESSED LIGHT
 - ⊙ WALL SCONCE
 - ⊙ FLUORESCENT LIGHT
 - ⊙ SMOKE DETECTOR
 - ⊙ FAN OR FAN/LIGHT
 - ⊙ SWITCH
 - ⊙ DIMMER SWITCH
 - ⊙ DUPLEX OUTLET
 - ⊙ WALL REGISTER
 - ⊙ FLOOR REGISTER
 - ⊙ CEILING REGISTER
 - ⊙ HOSE BIBB
 - ⊙ NATURAL GAS
 - ⊙ TELEPHONE
 - ⊙ TELEVISION
 - ⊙ DATA
 - ⊙ PHOTOGRAPH/MOTION SENSOR
 - ⊙ OCCUPANCY SENSOR
 - ⊙ CARBON MONOXIDE ALARM

I HAVE REVIEWED THE PLANS FOR A 51 SQ. FT. ADDITION TO 584 CRAGMONT AVENUE & HOT TUB

ADDRESS	NAME	SIGNATURE	DATE	NO OBJECTION	I HAVE OBJECTIONS	COMMENTS
591 SPRUCE	ERTUG YURDUTERLIZ	<i>Ertug</i>	1/25/14	X		
588 SPRUCE	VACANT					Registered letter sent to owner soliciting comments
558 SPRUCE	<i>Scott Lancaster</i>	<i>Scott Lancaster</i>	1/25/14	X		
580 CRAGMONT	<i>Linda Marshel</i>	<i>Linda Marshel</i>	1/25/14	X		
585 CRAGMONT	ARETIE CALIAGAS	<i>Aretie</i>	1/27/14	X		
590 CRAGMONT	Frederich Schlosser	<i>Frederich</i>	1/22/14	X		
5 ALAMEDA AVE	<i>Julie + Frank Gractel</i>	<i>Julie + Frank</i>	Jan. 25, 2014	X		no comment

AUP 29 JAN 2014

job address
 KITCHEN RENDEL FOR
 KAREN AND JIM SALERNO
 584 CRAGMONT AVE
 BERKELEY CA

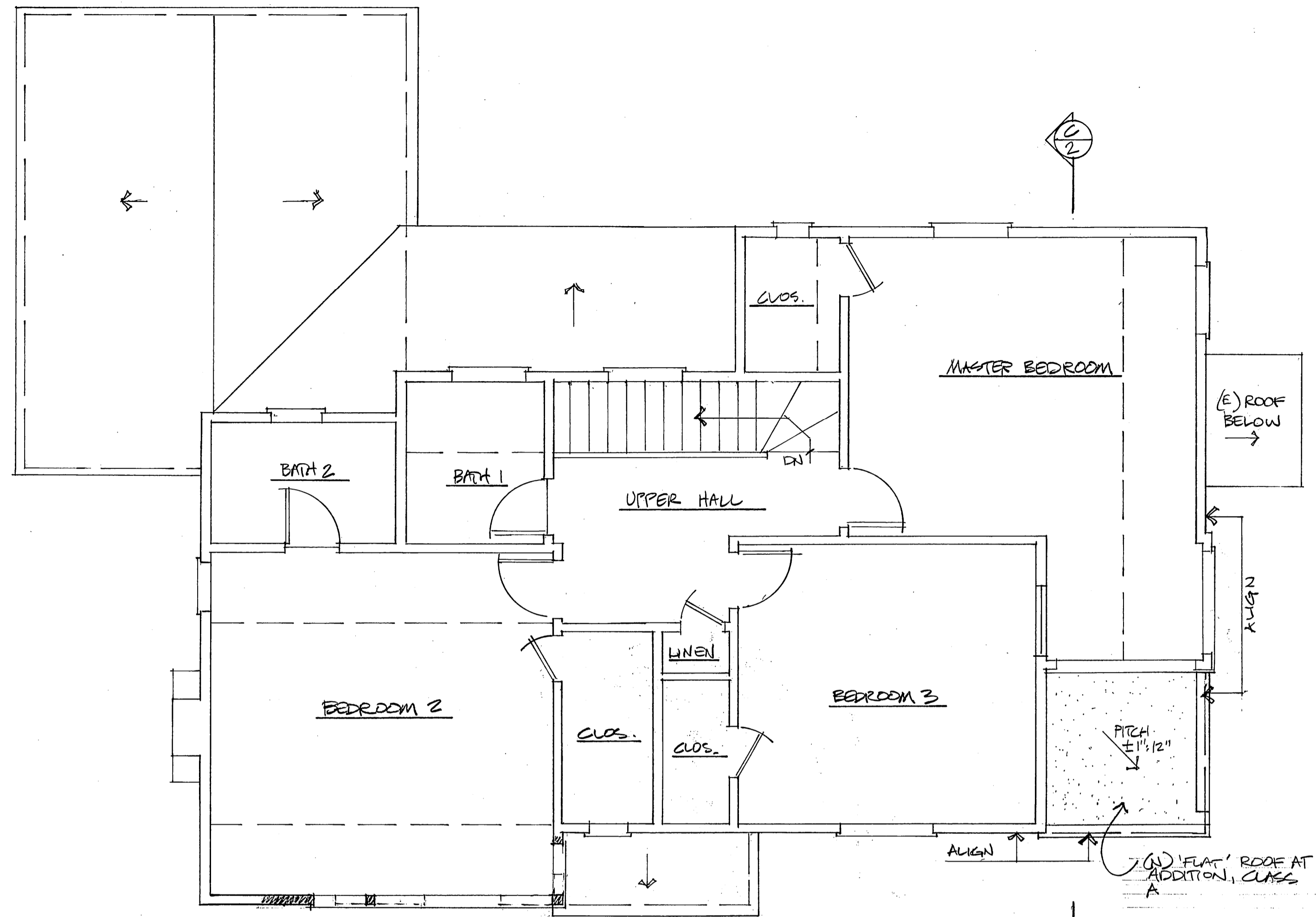
drawn by
 JKH

Jarvis architects
 5278 College Avenue (510) 654-6755
 Oakland, California
 94618-1415 fax: 654-3424

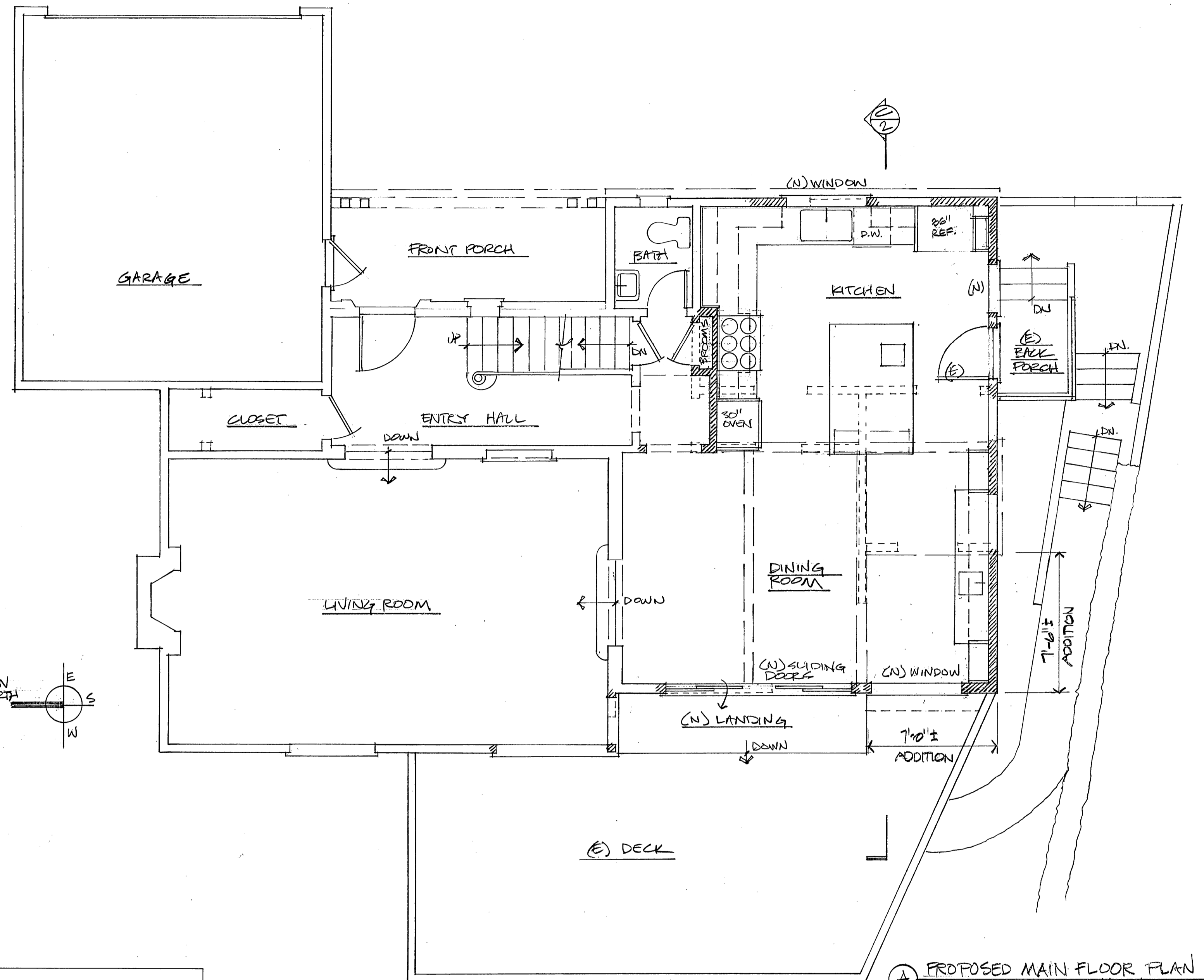
drawing title
 PROPOSED
 LOWER FLOOR PLAN
 SITE / PLOT PLAN

sheet
1

job number
 1379



PROPOSED UPPER FLOOR PLAN
1/4" = 1'-0"



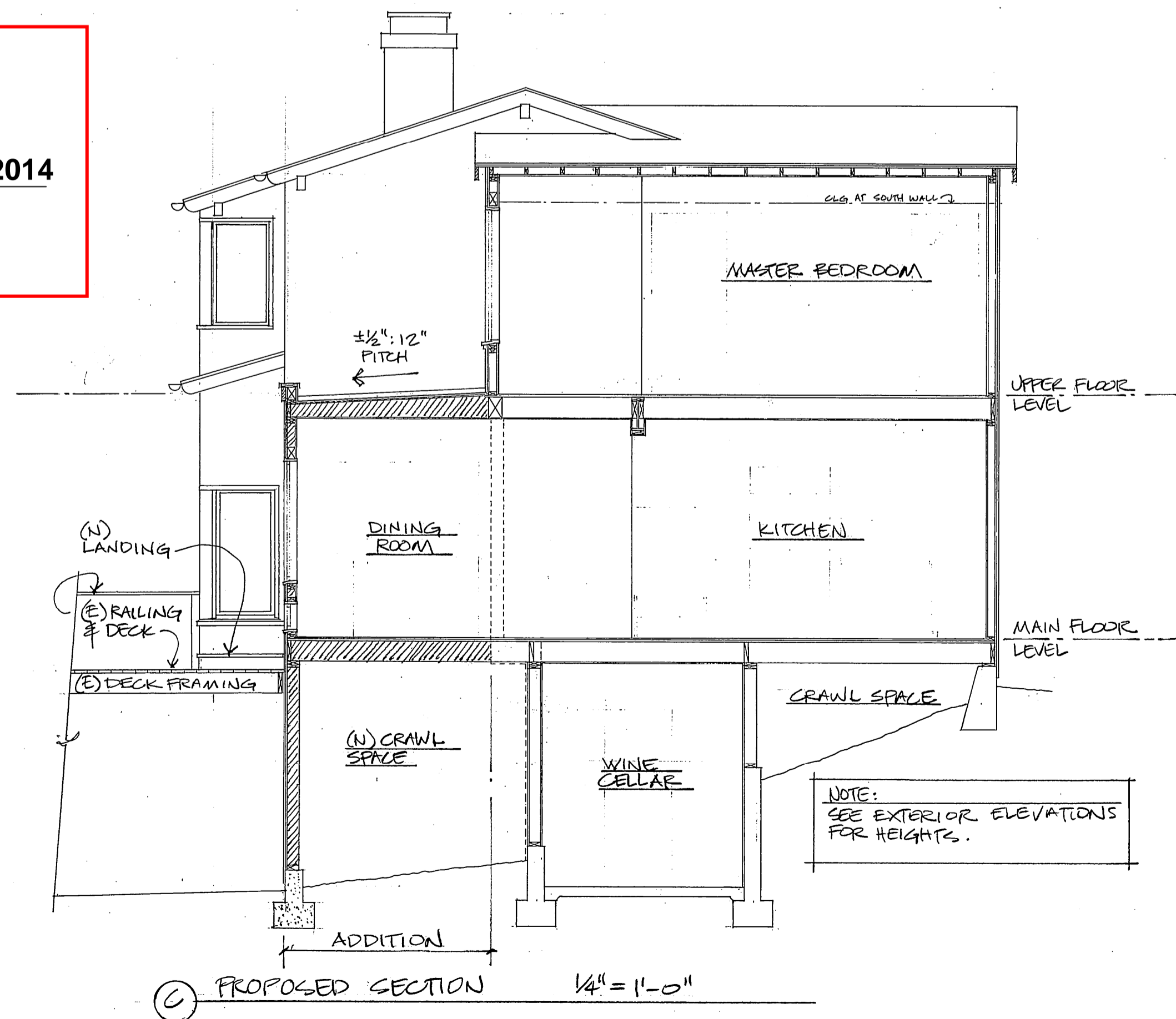
PROPOSED MAIN FLOOR PLAN
1/4" = 1'-0"

PLANS APPROVED by

Luli Mendy

SIGNATURE DATE **April 25, 2014**

***AUP Findings and Conditions Attached**



PROPOSED SECTION
1/4" = 1'-0"

AUP 29 JAN 2014

job address
KITCHEN REMODEL FOR
KAREN AND JIM SALERNO
584 Cragmont Ave
Berkeley, CA

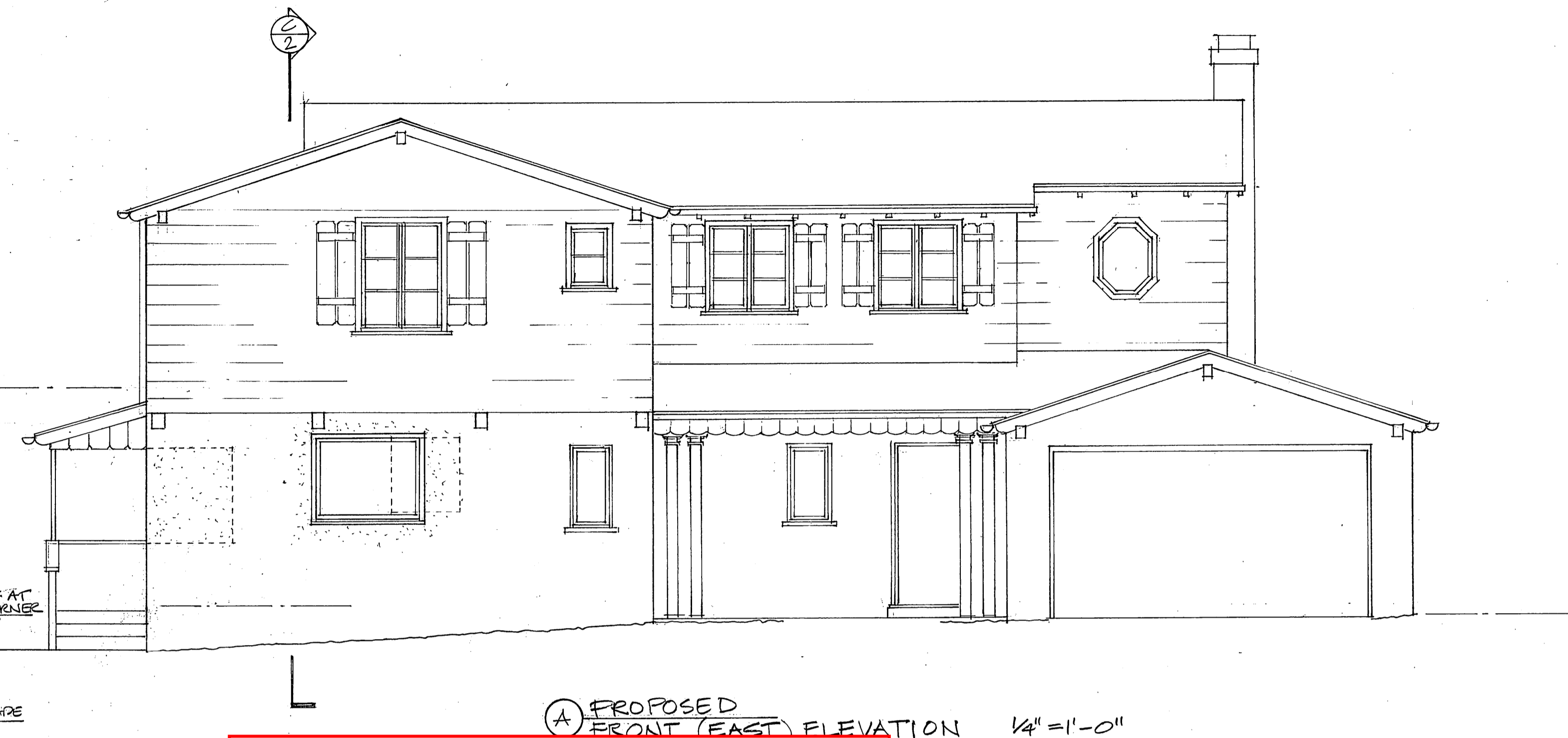
date
RH

Jarvis architects
5278 College Avenue (510) 654-6755
Oakland, California
94618-1415 fax: 654-3424

drawing title
PROPOSED MAIN & UPPER
FLOOR PLANS, SECTION

sheet
2

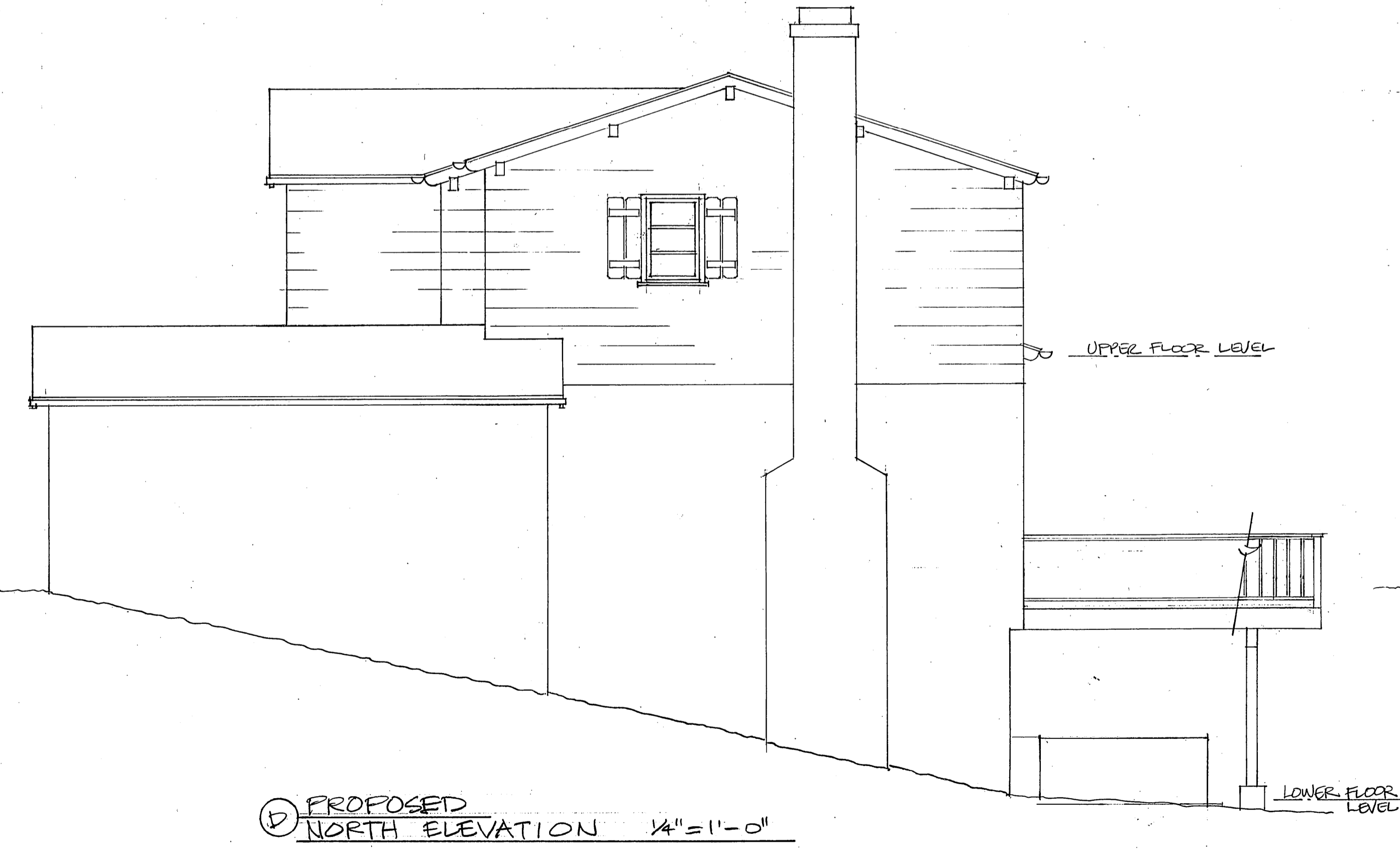
job number
1379



PLANS APPROVED by

SIGNATURE *L. M. Hardy* DATE **April 25, 2014**

*AUP Findings and Conditions Attached



AUP 29 JAN 2014

job address	date
KITCHEN REMODEL FOR KAREN AND JIM SALERNO 584 Cragmont Ave Berkeley, CA	1/29/14
drawn by	RH

Jarvis architects
5278 College Avenue (510) 654-6755
Oakland, California
94618-1415 fax: 654-3424

drawing title	sheet
PROPOSED EXTERIOR ELEVATIONS	3
job number	1379