



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 #2013-0006

Property Address: **637 ARLINGTON AVENUE**

Permittee Name: **LALIA & MOHAMED BEN-MOHAMED**

Use and/or Construction Permitted: To legalize the construction of a 157 sq. ft. ground floor addition for a new family room and a 157 sq. ft. second story addition for a new master bathroom, maintaining the existing 17'5" average height.

- Section 23D.16.070.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 June 3, 2014.

Attest: Sally Zarnowitz
Sally Zarnowitz, Senior Planner
For Eric Angstadt, Zoning Officer

June 3, 2014
Effective Date

ATTACHMENT 1

FINDINGS AND CONDITIONS

MAY 12, 2014

637 Arlington Avenue

Administrative Use Permit #AUP2013-0006

To legalize the construction of a 157 sq. ft. ground floor addition for a new family room and a 157 sq. ft. second story addition for a new master bathroom, maintaining the existing 17'5" average height.

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 permitted under Section 23D.16.030 (Uses Permitted) and 090 (Findings), the proposed addition may exceed 14' in average height and the building's height is found to be non-detrimental and does not create significant impacts to sunlight, air, or views, and is consistent with the purposes of the Hillside District for the following reasons:

1. Sunlight – Although the height of the proposed addition is 17'6", the existing and proposed average height remains the same at 15'3". The addition is at the east and to the rear of the property where the existing mass of the dwelling and large trees currently cast shadows, however, the proposed addition will not significantly cast new shadows on neighboring residential structures because the distance between the proposed addition and nearby residential structure is adequate at approximately 50' from the abutting property to the north at 629

- Arlington Avenue and approximately 55' from the abutting property to the south at 639 Arlington Avenue;
2. Views – The proposed addition would not significantly block the adjacent neighbors' views of any significant features as defined under Section 23F.04 (Definitions). The proposed addition will not extend to the full height limit in the R-1H District and the addition will not exceed the maximum number of stories allowed;
 3. Privacy – The proposed addition would not significantly impact abutting neighbors' privacy given that the approximately 55' distance to the neighboring property to the south at 629 Arlington is adequate and the lot to the east at 1960 San Antonio is a undeveloped lot; and
 4. Air – Because the proposal satisfies the District requirements for minimum side and rear setbacks and the distances to neighboring properties exceed the District requirement for building separation, the addition is expected to provide adequate spatial separations between developments on abutting properties, thereby allowing for adequate air circulation;
- As required by Section 23D.16.070 (Development Standards), this project is permissible because the subject property satisfies the development standards for lot coverage, maximum residential density, maximum building height, and rear and side setbacks.
-

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.
13. Prior to issuance of a building permit, the applicant shall secure approval of any parcel merger and/or lot line adjustment associated with this Use Permit.

During Construction:

14. 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.
15. 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.
16. 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.
17. 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.
18. 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.
19. Trucks hauling debris, soil, sand, or other loose materials shall be covered or required to maintain at least two feet of board.
20. Public streets shall be swept (preferably with water sweepers) of all visible soil material carried from the site.
21. The applicant shall establish and maintain drainage patterns that do not adversely affect adjacent properties and rights-of-way.
22. 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.

23. 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:

24. All construction at the subject property shall substantially conform to the approved Use Permit drawings or to modifications approved by the Zoning Officer.

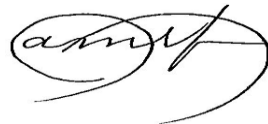
25. All landscape, site and architectural improvements shall be completed per the attached approved drawings dated **AUGUST 5, 2013, MARCH 21, 2014, AND APRIL 30, 2014.**

At All Times (Operation):

26. All exterior lighting shall be shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.

27. 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.

28. Noise and exterior lighting shall be controlled so as to prevent verified complaints from the surrounding neighborhood.



Prepared by: Pamela Johnson
For Eric Angstadt, Planning Director

APPROVED PLANS
 5.1.14
 DATE
 CURRENT PLANNING
 D.R. Conditions Attached
 A.U.P. Conditions Attached
 U.P. Conditions Attached

EXHIBIT 'A'
LOT LINE ADJUSTMENT
 A PORTION OF RANCHOS OF V. & D. PERALTA (17 M 12)
 AND PARCEL A, LOT LINE ADJUSTMENT (2009-152351)
 LOCATED AT 637 ARLINGTON AVENUE
 AND 1960 SAN ANTONIO AVENUE,
 CITY OF BERKELEY, COUNTY OF ALAMEDA, CALIFORNIA
 MARCH 2014 SCALE: 1" = 30'

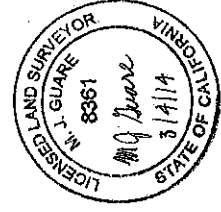
BASIS OF BEARINGS:
 THE BEARING OF N 48°19'22" W BETWEEN
 THE MONUMENTS FOUND IN SAN ANTONIO
 AVENUE AS SHOWN ON RECORD OF SURVEY
 NO. 381 (7 RS 54) WAS TAKEN AS THE
 BASIS OF BEARINGS FOR THIS MAP.

37
 38
 SPRING COURT
 (16 | M 15)

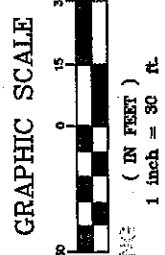
SAN ANTONIO AVENUE
 (NOT A DEDICATED ROAD)

OWNERS:
 BEN MOHAMED
 637 ARLINGTON AVENUE
 BERKELEY, CA 94707
 510\778-3301
 MONUMENT PROPERTIES 5, LLC
 901 CORPORATE CENTER DRIVE, SUITE 524
 MONTEREY PARK, CA 91754
 323\263-2632

ARLINGTON AVENUE
 (80' WIDE)



- LEGEND**
- FOUND CITY MONUMENT IN STANDARD CASING
 - PROPERTY BOUNDARY
 - NEW PARCEL LINE
 - OLD PARCEL LINE (TO BE REMOVED)
 - EASEMENT LINES
 - RIGHT OF WAY / EXISTING PARCEL LINES
 - MONUMENT TIE LINE
 - () RECORD DATA PER (2004-066942)
OR AS NOTED



MORAN ENGINEERING, INC.

CIVIL ENGINEERS / LAND SURVEYORS
 1930 SHATTUCK AVENUE, SUITE A
 BERKELEY, CALIFORNIA 94704
 (510) 848-1930
 ARLINGTON MOHAMED-LOLAD.WG JOB NO. 13-8754

SCANNED
 MAR 21 2014

SITE PLANNING NOTES:

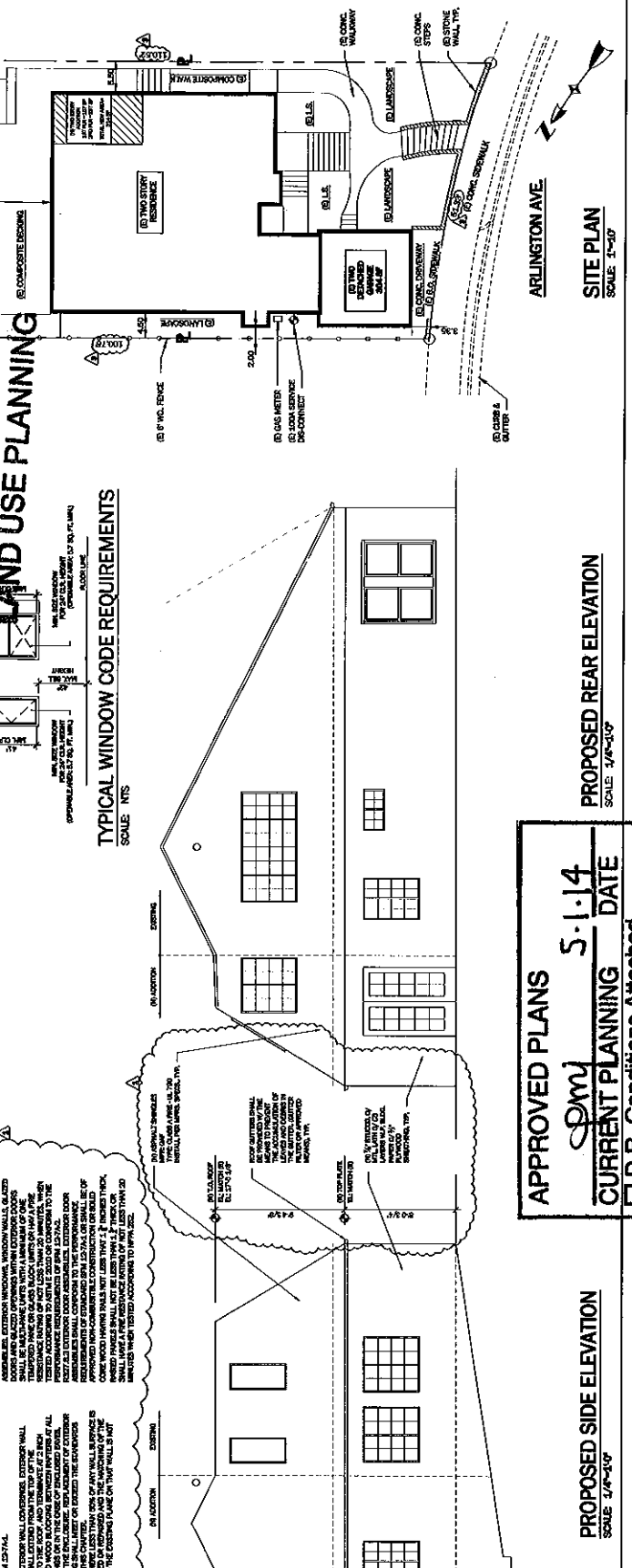
11. THE CONTRACTOR SHALL PROVIDE FOR ACCESS AND EGRESS FOR PRIVATE PROPERTY ADJACENT TO WORK THROUGHOUT THE PERIOD OF CONSTRUCTION.
12. TRAFFIC CONTROL, MAINTENANCE AND OPERATION SHALL COMPLY WITH THE FOLLOWING STATE STANDARD SPECIFICATIONS: SECTION 670 - TRAFFIC CONTROL DEVICES, PUBLIC CONVENIENCES AND SECTION 620 - CONSTRUCTION AREA TRAFFIC CONTROL DEVICES.
13. MANHOLES, WATER VALVE BOXES AND CLEAN-OUT FRAMES AND COVERS SHALL BE BROUGHT TO FINISHED GRADE BY THE CONTRACTOR AFTER PAVING IS COMPLETED.
14. THE CONTRACTOR SHALL OBTAIN AN EXCAVATION PERMIT FROM THE DEPARTMENT OF PUBLIC WORKS FOR ANY WORK WITHIN THE CITY'S RIGHT-OF-WAY OR STREETS.
15. A STREET EXCAVATION PERMIT MUST BE OBTAINED FROM THE DEPARTMENT OF PUBLIC WORKS PRIOR TO PERFORMING ANY WORK WITHIN CITY STREETS OR RIGHT-OF-WAY. ALL EXCAVATIONS SHALL BE COMPLETED PRIOR TO THE START OF CONSTRUCTION. ALL EXCAVATIONS SHALL BE COMPLETED PRIOR TO THE START OF CONSTRUCTION. ALL EXCAVATIONS SHALL BE COMPLETED PRIOR TO THE START OF CONSTRUCTION.
16. PRIOR TO BUILDING PERMIT ISSUANCE, THE CONTRACTOR SHALL OBTAIN AN ENDORSEMENT PERMIT FROM THE DEPARTMENT OF PUBLIC WORKS FOR ALL WORK PROPOSED IN THE PUBLIC RIGHT-OF-WAY.
17. CONSTRUCTION INSPECTION SHALL BE COORDINATED WITH THE DEPARTMENT OF PUBLIC WORKS AND NO CONSTRUCTION SHALL BE PERMITTED FROM THE APPROVED SET OF PLANS.

GENERAL NOTES FOR IMPROVEMENTS:

1. ALL BUILDINGS ON THE SITE TO BE IMPROVED BY THE CONTRACTORS OPERATING SHALL BE KEPT TO A MINIMUM AS PER THE CITY OF BERKELEY SPECIFICATIONS.
2. ALL EXISTING WOOD SIGNING IN DISREPAIR OR THE EXISTING STORM DRAINAGE SHALL BE USED BY THE CONTRACTOR TO PROVIDE ACCESS TO THE SITE. THE COLOR OF THE PAINT SHALL BE APPROVED BY CITY OF BERKELEY PRIOR TO START OF WORK.
3. A PRE-CONSTRUCTION MEETING SHALL BE HELD AT THE SITE 48 HOURS PRIOR TO THE START OF WORK WITH THE CITY ENGINEER, PUBLIC WORKS, AND THE CONTRACTORS, ENGINEER, CITY INSPECTOR, OR THEIR REPRESENTATIVE.
4. ALL DUST AND EMISSION CONTROL SHALL BE MAINTAINED AT ALL TIMES TO MEET THE CITY OF BERKELEY OCCUPANCE AND IMPACT REQUIREMENTS.
5. ALL WORK TO BE DONE IN CONFORMANCE WITH THE CITY OF BERKELEY OCCUPANCE AND IMPACT REQUIREMENTS SHALL BE COMPLETED PRIOR TO THE START OF CONSTRUCTION.
6. ALL DUST AND EMISSION CONTROL SHALL BE MAINTAINED AT ALL TIMES TO MEET THE CITY OF BERKELEY OCCUPANCE AND IMPACT REQUIREMENTS.
7. ALL WORK SHALL BE DONE BETWEEN THE HOURS OF 7:00 AM AND 5:00 PM, MONDAY THROUGH FRIDAY AND SATURDAY. NO WORK SHALL BE ALLOWED ON SUNDAY OR FEDERAL HOLIDAYS.
8. THE CONTRACTOR IS RESPONSIBLE FOR MAINTAINING EXISTING STREETS, SURROUNDING LANDSCAPE AND OTHER IMPROVEMENTS WITH A SMOOTH TRANSITION IN PAVING, CURBS, SIDEWALKS, SIGNAGE, SIGNALS, ETC. AND MAINTAINING ALL EXISTING UTILITIES AND SERVICES IN PLACE OR CROSS-SLOPED. LOW SPOTS OR HAZARDOUS CONDITIONS.
9. ALL EXISTING UTILITIES AND SERVICES SHALL BE MAINTAINED AND PROTECTED. ANY DAMAGE SHALL BE COMPLETELY RESTORED TO THE SATISFACTION OF THE LOCAL AGENCY ENGINEER, AT THE CONTRACTORS SOLE EXPENSE.
10. ANY RELOCATION OF PUBLIC UTILITIES SHALL BE COMPLETED IN ACCORDANCE WITH ANY AND ALL REQUIREMENTS OF THE UTILITY COMPANY AND INCLUDE PERMITS, FEES, AND INSURANCE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS, FEES, AND INSURANCE. THE OWNER SHALL PAY THE COST OF ALL SAND FEES, REVIEWS, PERMITS, ETC.

RECEIVED
'AUG 05 2013

LAND USE PLANNING



APPROVED PLANS
DATE: 5-1-14
CURRENT PLANNING DATE: 5-1-14
D.R. Conditions Attached
A.U.P. Conditions Attached
U.P. Conditions Attached

