



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 #2014-0017

Property Address:

1155 COLUSA AVENUE

Permittee Name:

BRUCE E. BOYD

Use and/or Construction Permitted: This permit will conditionally authorize a project to remodel a two-story single-family residence, including (1) expanding the basement level approximately 220 sq. ft. by excavating existing crawlspace and relocating a required parking space; (2) removing and relocating windows and doors within non-conforming setbacks; and (3) constructing a new trellis over an existing deck to be rebuilt pursuant to:

- Section 23C.04.070.B to make alterations within multiple non-conforming yard setbacks;
- Section 23D.16.050 to create a total of five bedrooms on a property; and
- Section 23D.16.070.C to construct a residential addition greater than 14 ft. 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 June 18, 2014.

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

June 18, 2014
Effective Date

ATTACHMENT 1

FINDINGS AND CONDITIONS

MAY 27, 2014

1155 Colusa Avenue

Administrative Use Permit #AUP2014-0017

To remodel a two-story, single-family residence including: 1) expanding the basement level approximately 220 sq. ft. by excavating existing crawlspace and relocating a required parking space; 2) removing and relocating windows and doors within non-conforming setbacks; 3) constructing a new trellis over an existing deck to be rebuilt.

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 allowed under Section 23D.16.050 (Special Provisions: Addition of Bedrooms to Parcels), this proposal includes the creation of five distinct interior spaces that satisfy the definition of a “bedroom” for the purposes of Section 13.42.020 (Definitions). These spaces include three bedrooms on the upper level as well as a bedroom and sitting room on the lower level. The creation of five such spaces is consistent with the single-family use of this property and, therefore, is found to be appropriate and permissible for this location.
 - As prescribed under Section 23C.04.070 Paragraph B (Alteration of Non-conforming Building) the proposed building alterations within the non-conforming front yard setback of 15 ft. – 9 in. where a minimum of 20 ft. is required, within the rear yard setback of approximately 14 ft. – 7 in. where a minimum of 16 ft. is

otherwise required, and within the substandard side yard setback of 3 ft. – 1 in. where a minimum of 4 ft. is required, are permissible because:

- (1) The proposed changes will not further reduce the existing setbacks.
- (2) The single-family use of this property conforms to the District provisions for Uses Permitted (Section 23D.16.020).
- (3) The subject building conforms to the District standard for maximum building height.

- As required under Sections 23D.16.070 (Development Standards) and 080 (Parking), the subject property and building addition comply with the District's minimum standards for street side yard setback, Usable Open Space and off-street parking as well as with the maximum standards for residential density, lot coverage and building heights.

3. As required under Section 23D.16.090 (Findings) Paragraph B, this proposal is found to be permissible and non-detrimental with respect to potential impacts on *sunlight*, *air* and *views* for these reasons:

- The proposed building expansion and deck reconstruction with a new trellis will occur on the south elevation, facing Beverly Place. In this location they will not result in massing or privacy impacts for the abutting residential properties to the north (1151 Colusa) and south (1707 Beverly Place).
- The subject building will maintain its existing building-to-building separations from the adjacent developments thereby preserving the existing development pattern of the immediate area and avoiding impacts to "*air*".
- The proposed expansion of the building will occur at the basement level and will not result in changes to the existing *sunlight* and shadow pattern in the project vicinity.
- There are no protected *views* or view corridors as defined under Section 23F.04 (Definitions) to consider with this project.

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. All owners of record of the subject property shall sign and record with the Alameda County Clerk-Recorder a "Notice of Limitation on Use of Property" (available from Land Use Planning Division) and provide a recorded copy thereof to the project planner. This Notice of Limitation shall stipulate that no part of this single-family residence shall be converted to use as a second dwelling unit unless and until permission is requested of the City of Berkeley and authorized a Use Permit, Administrative Use Permit, or Zoning Certificate, whichever is applicable. This limitation may not be revised or removed from this property without the prior written permission of the Zoning Officer of the City of Berkeley.
13. Drainage plans shall be submitted for approval of the Building & Safety Division and Public Works Department, if required.
14. All required curb cuts shall be installed, and any superfluous curb cuts shall be abandoned and removed, in accordance with the standards of the Public Works Department and the City's Traffic Engineer.
15. All City trees in the public right-of-way shall be maintained as determined by the City Forester.

During Construction:

16. 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.
17. 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.
18. 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.
19. 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.

20. 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.
21. Trucks hauling debris, soil, sand, or other loose materials shall be covered or required to maintain at least two feet of board.
22. Public streets shall be swept (preferably with water sweepers) of all visible soil material carried from the site.
23. The applicant shall establish and maintain drainage patterns that do not adversely affect adjacent properties and rights-of-way.
24. 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.
25. 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:

26. All construction at the subject property shall substantially conform to the approved Use Permit drawings or to modifications approved by the Zoning Officer.
27. All landscape, site and architectural improvements shall be completed per the attached approved drawings dated May 20, 2014.

At All Times (Operation):

28. All exterior lighting shall be shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.
29. 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.

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



Prepared by: Fatema Crane, Associate Planner
For Eric Angstadt, Planning Director

Attachment:
Project Plans dated received May 20, 2014

1155 COLUSA AVE REMODELING PROJECT INFORMATION TABULATION

| ITEM | EXISTING | PROPOSED | PERMITTED/ REQUIRED |
|---------------------------|-----------|-----------|------------------------|
| PARKING SPACES | | | |
| # OF DWELLING UNITS | 1 | 1 | 1 |
| # OF PARKING SPACES | 1 | 1 | 1 |
| YARDS & SETBACKS | | | |
| FRONT YARD SETBACK | 15.40' | 15.40' | 20' |
| SIDE YARD SETBACK (LEFT) | 3.11' | 3.11' | 4' |
| SIDE YARD SETBACK (RIGHT) | 10.12' | 10.92' | 7' (1) |
| REAR YARD SETBACK | 14.62' | 14.62' | 16' (2) |
| BUILDING HEIGHT | 2 STORIES | 2 STORIES | 2 STORIES |
| AVERAGE | 18.62' | 18.167' | 28' |
| MAXIMUM | 23.62' | 23.62' | 35' |
| AREAS | | | |
| LOT AREA (SF) | 4,000 | 4,000 | 5,000 |
| GROSS FLOOR AREA (SF) | 1,886 | 2,440 | |
| NUMBER OF BEDROOMS | 4 | 5 | 5 |
| BUILDING FOOTPRINT (SF) | 1,563.55 | 1,616 | 1,600 |
| LOT COVERAGE (%) | 39 | 40.4 | 40 |
| USEABLE OPEN SPACE (SF) | 866 | 950 | 400 |

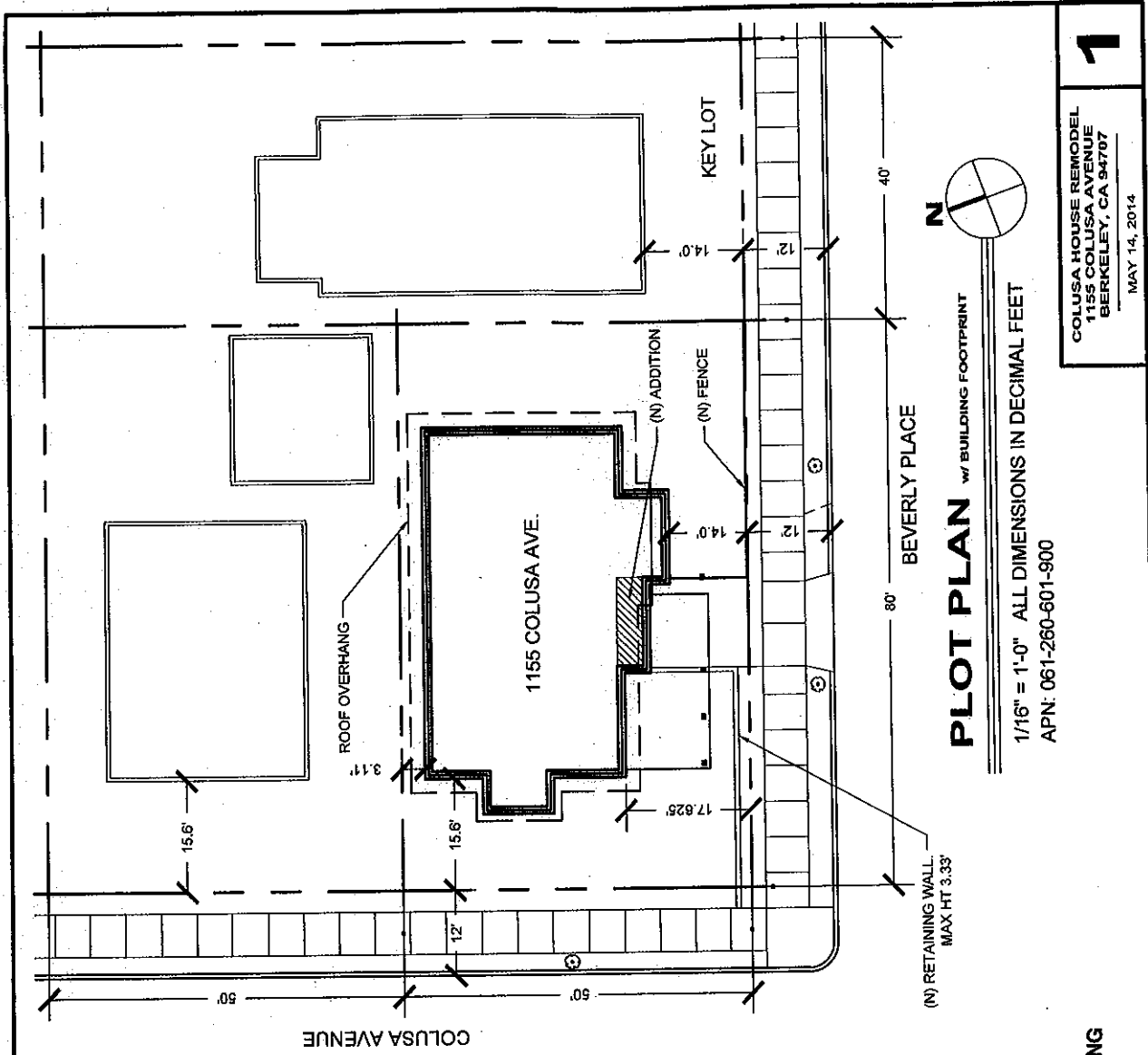
(1) - BASED ON KEY LOT FRONT SETBACK OF 14'. MEASURED IN FIELD
 (2) - 20% OF 80' LOT DEPTH

APPROVED PLANS 05/23/14
 CURRENT PLANNING DATE
 DR Conditions Attached P4
 AUP Conditions Attached 1/6
 U.P. Conditions Attached

RECEIVED
 MAY 20 2014

BRUCE E. BOYD ARCHITECTS & PLANNERS
 17894 TYLER FORBES ROAD
 NEVADA CITY, CALIFORNIA 95959
 530-265-5280 BEBOYD@MAC.COM

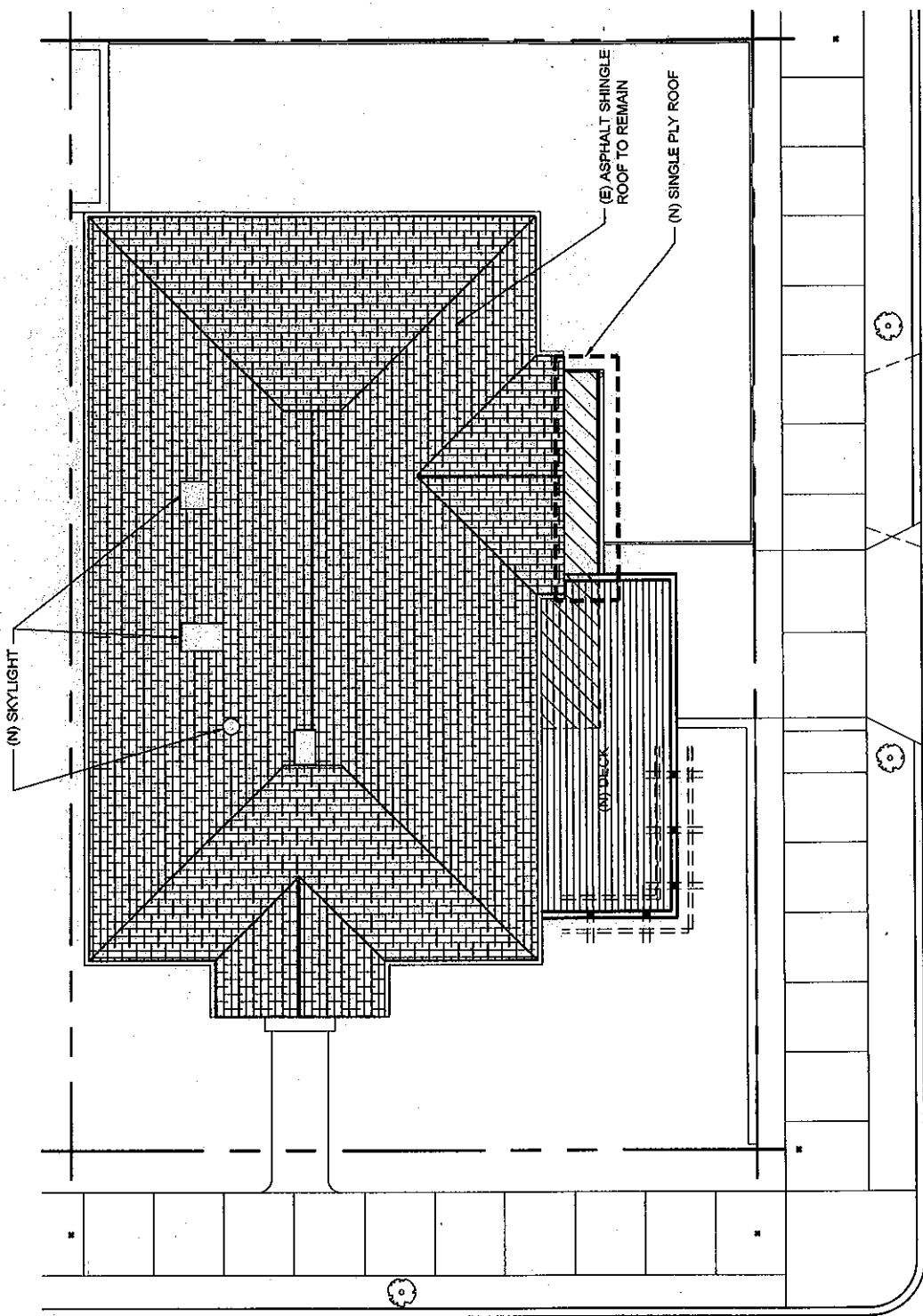
LAND USE PLANNING



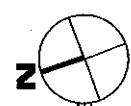
PLOT PLAN w/ BUILDING FOOTPRINT
 1/16" = 1'-0" ALL DIMENSIONS IN DECIMAL FEET
 APN: 061-260-601-900

COLUSA HOUSE REMODEL
 1155 COLUSA AVENUE
 BERKELEY, CA 94707
 MAY 14, 2014





2
 COLLUSA HOUSE REMODEL
 17894 TYLER AVENUE
 BERKELEY, CA 94707
 MAY 14, 2014



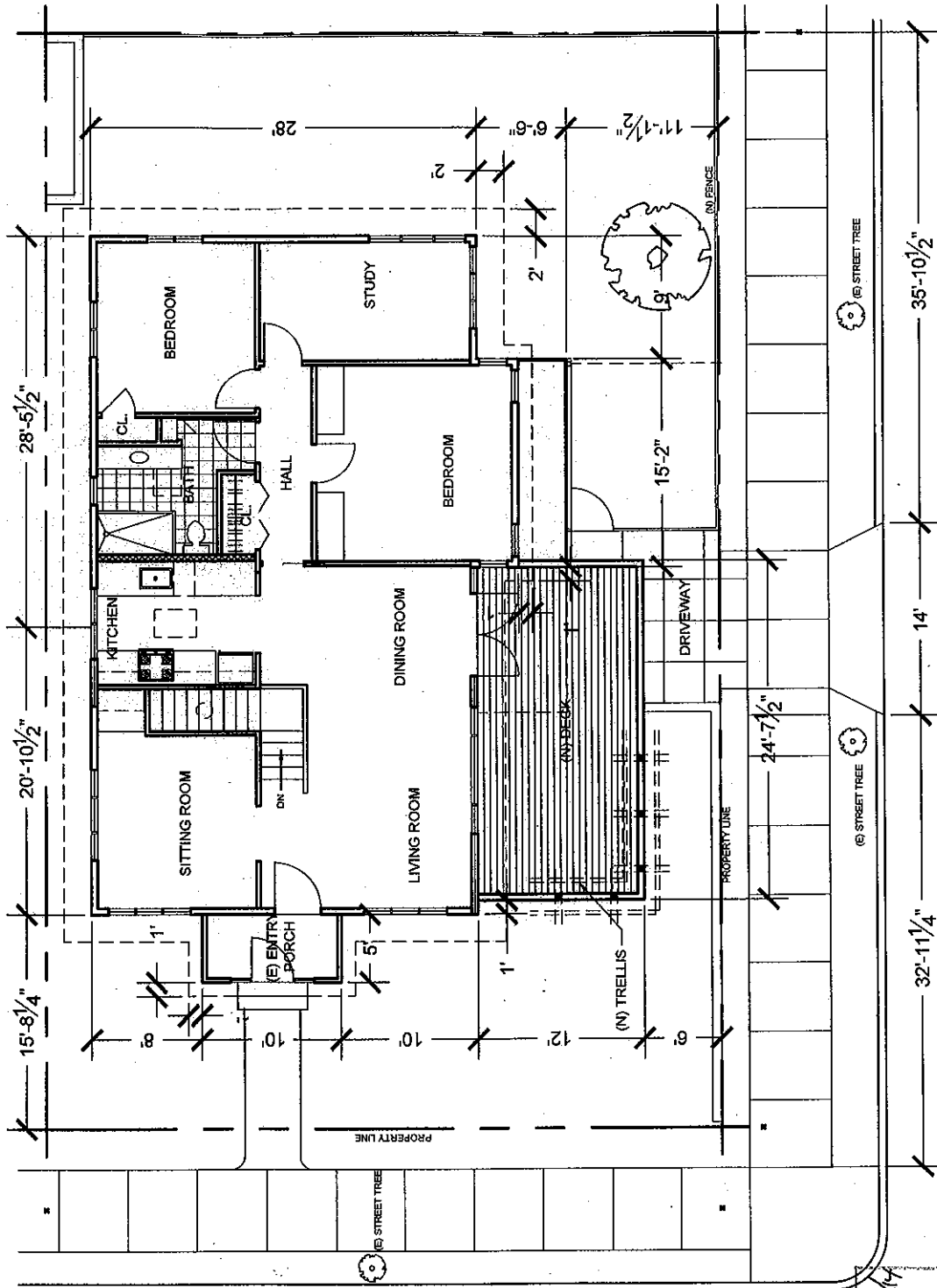
ROOF PLAN

1/8" = 1'-0"

APPROVED PLANS 05/23/14
 CURRENT PLAN DATE 2/6
 D.R. Conditions Attached
 A.U.P. Conditions Attached
 U.S. Conditions Attached

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FIRST FLOOR PLAN

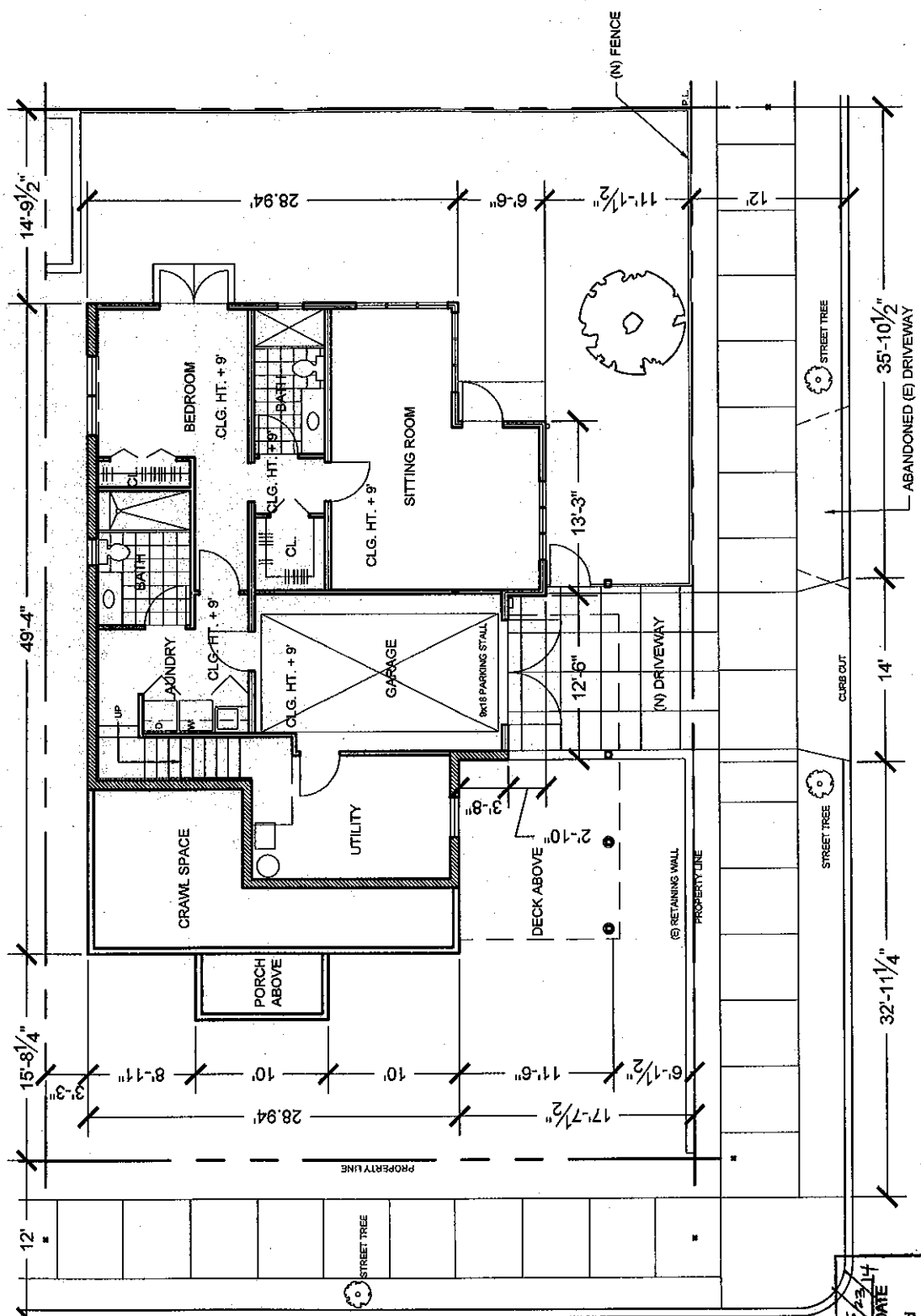
1/8" = 1'-0" OCC: R-1 BLDG TYPE: V-NH

COLUSA HOUSE REMODEL
 1155 COLUSA AVENUE
 BERKELEY, CA 94707
 MAY 14, 2014

APPROVED PLANS 05/13/14
 CURRENT PLAN DATE
 B.S. Contractors Addressed
 A.B.P. Contractors Addressed
 U.P. Contractors Addressed

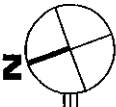
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4

COLUSA HOUSE REMODEL
 1155 COLUSA AVENUE
 BERKELEY, CA 94707
 MAY 14, 2014

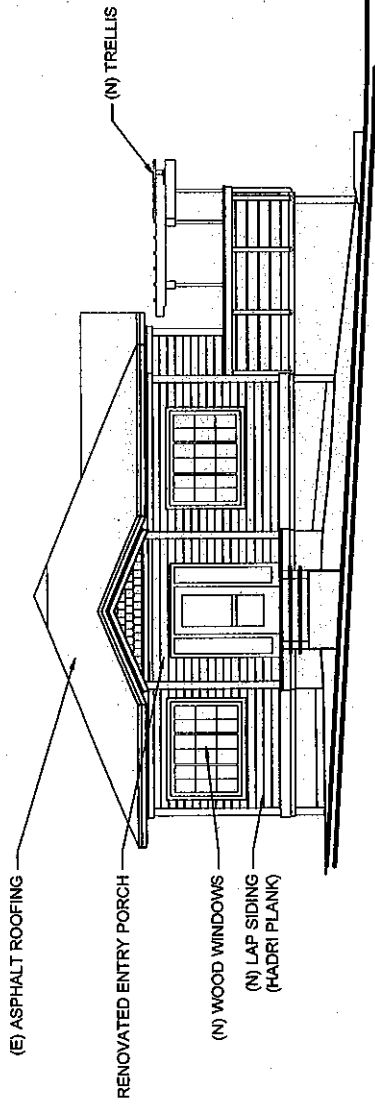


GROUND FLR. PLAN

1/8" = 1'-0" OCC: R-1 BLDG TYPE: V-NH

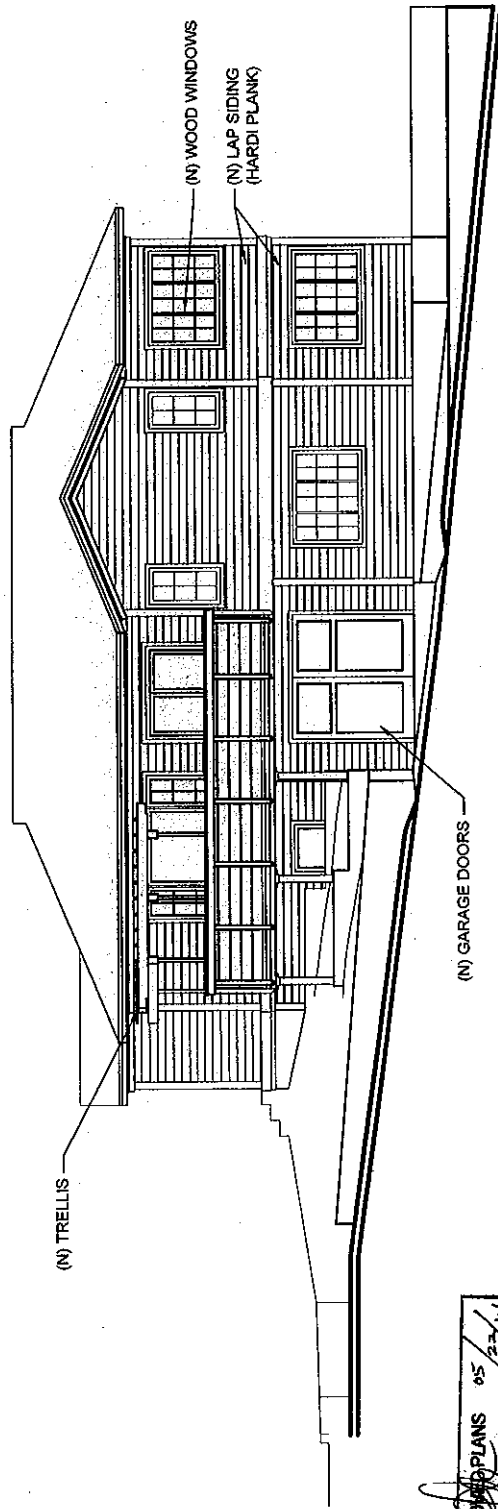
APPROVED PLANS 05 23 14
 CURRENT PLANNING DATE
 DR Conditions Attached
 AUP Conditions Attached
 U.P. Conditions Attached

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WEST ELEVATION

1/8" = 1'-0"



SOUTH ELEVATION

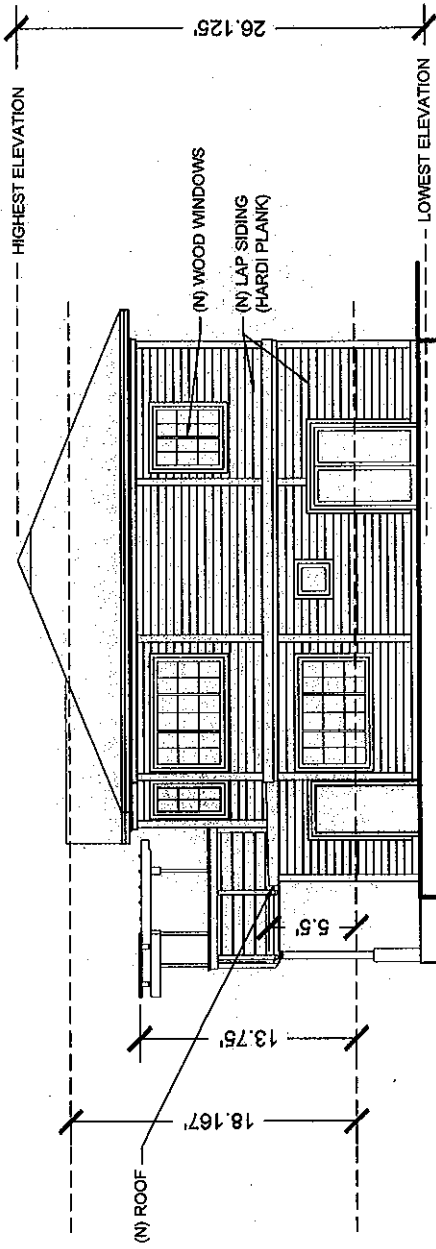
1/8" = 1'-0"

APPROVED PLANS 05/22/14
 CURRENT PLANNING DATE
 D.R. Conditions Attached
 A.U.P. Conditions Attached
 U.P. Conditions Attached

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5
 COLUSA HOUSE REMODEL
 1155 COLUSA AVENUE
 BERKELEY, CA 94707
 MAY 14, 2014

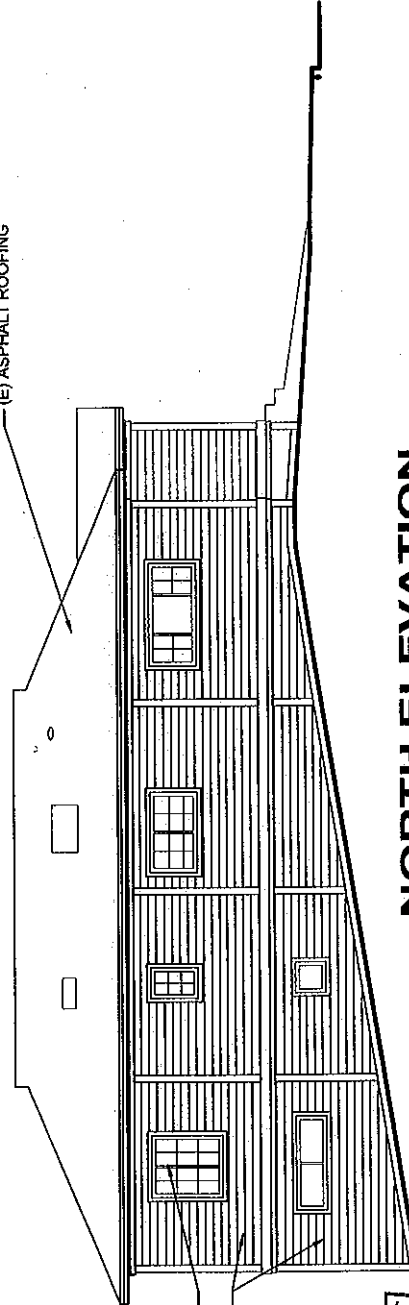




EAST ELEVATION

1/8" = 1'-0"

(E) ASPHALT ROOFING



NORTH ELEVATION

1/8" = 1'-0"

APPROVED PLANS 05/24/14
 CURRENT PLANNING DATE
 D.R. Conditions Attached
 A.U.P. Conditions Attached
 U.P. Conditions Attached

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