



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 #2014-0019

Property Address: **1625 SIXTY-THIRD STREET**

Permittee Name: **OLIVIA WRIGHT**

Use and/or Construction Permitted: To enlarge an existing 995 sq. ft. single-family dwelling by raising the structure to create 1,143 sq. ft. of habitable ground floor space for two new bedrooms, one new bathroom, media room, and a living room, increasing the average height from 17' to 25'9", resulting in a 2,081 sq. ft. (includes removing the ground floor laundry room) single-family residence, vertically extending a non-conforming 14'6" front yard setback where 15' is required pursuant to:

- Section 23D.32.070.C to construct a residential addition exceeding 14' in height;
- Section 23D.32.030 to allow a major residential addition exceeding 600 sq. ft.;
- Section 23C.04.070.B to vertically extend a non-conforming front yard setback of 14'9" where 15' is required; and
- Section 23D.32.050 to allow a fifth bedroom on a parcel.

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 20, 2014.

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

June 20, 2014
Effective Date

ATTACHMENT 1

FINDINGS AND CONDITIONS

MAY 29, 2014

1625 Sixty-Third Street

Administrative Use Permit #AUP2014-0019

To enlarge an existing 995 sq. ft. single-family dwelling by raising the structure to create 1,143 sq. ft. of habitable space for two new bedrooms, one new bathroom, a media room, and a living room, increasing the average height from 17' to 25'9", resulting in a 2,081 sq. ft. single-family residence (includes removing the ground floor laundry room), vertically extending a non-conforming 14'6" front yard setback where 15' is required.

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 required under Section 23C.04.070.B.1 (Expansions of Non-Conforming Buildings and Structures), the vertically extension and the new openings located within the existing 14'9" front yard setback, where 15' is required, does not further encroach into the required setback or exceed the height limit in the R-2A District.
- As required under Section 23D.32.030 (Uses Permitted) and 090 (Findings), the proposed major residential addition may exceed 600 sq. ft. and may exceed 14' in average height and does not create significant impacts to sunlight, air or views, and is found to be non-detrimental and permissible for the following reasons:

1. Sunlight – The existing average height is 17' and the proposed average height is 25'9". Because of the mass of the existing structure, shadows currently exist at the east at the abutting property to the 1627-63rd and to the west at 1621-63rd, however, the addition would not significantly increase shadows at neighboring properties for the following reasons:
 - At 1627-63rd, shadows would increase at the second floor dining room window the summer months in the evenings, in the fall in the afternoon, and in the winter months in the early afternoon. This loss of sunlight would occur for a small portion of the day during the months and times mentioned and the remainder of the day during the seasons, shadows at the abutting residential structure is not expected to increase; and
 - At 1621-63rd, shadows would increase at the second floor entry window in the fall in the mornings and in the winter months in the morning. This loss of sunlight would occur for a small portion of the day during the months and times mentioned and the remainder of the day during the seasons, shadows at the abutting residential structure is not expected to increase.
 2. Air – Because the proposed addition exceeds the district standards for minimum rear and side yard setbacks, the addition would retain the spatial separations that exist between developments on abutting properties, thereby allowing for adequate air circulation;
 3. Views – The addition will not significantly block the adjacent neighbors' views of any significant feature because there are no significant views as defined under Section 23F.04 (Definitions) in the vicinity of the subject site. The addition will not exceed the full height limit allowed in the R-2A District and will not exceed the maximum number of stories allowed; and
 4. Privacy – The project involves creating new windows and door openings, however, these features will not significantly impact privacy given that:
 - At the east elevation, the approximate 12' distance to the abutting property to the east at 1627-63rd would be adequate;
 - At the west elevation, the existence of a large tree and the approximate 10' distance to the abutting property to the west at 1621-63rd would be adequate;
 - At the north (rear) elevation, the distance from the addition to the rear setback is 68' and is more than sufficient; and
 - At the south (front) elevation, there will be no detriment as the distance to the confronting property to the south at 1618-63rd would be adequate.
- As required under Section 23D.32.050, the addition of a fifth bedroom on the subject parcel is not expected to be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the area or neighborhood of the proposal or to 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 existing single family residence will remain the same and the applicant has stated that the additional bedrooms are not intended for rental.

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 **MAY 1, 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: Pamela Johnson
For Carol Johnson, Zoning Officer

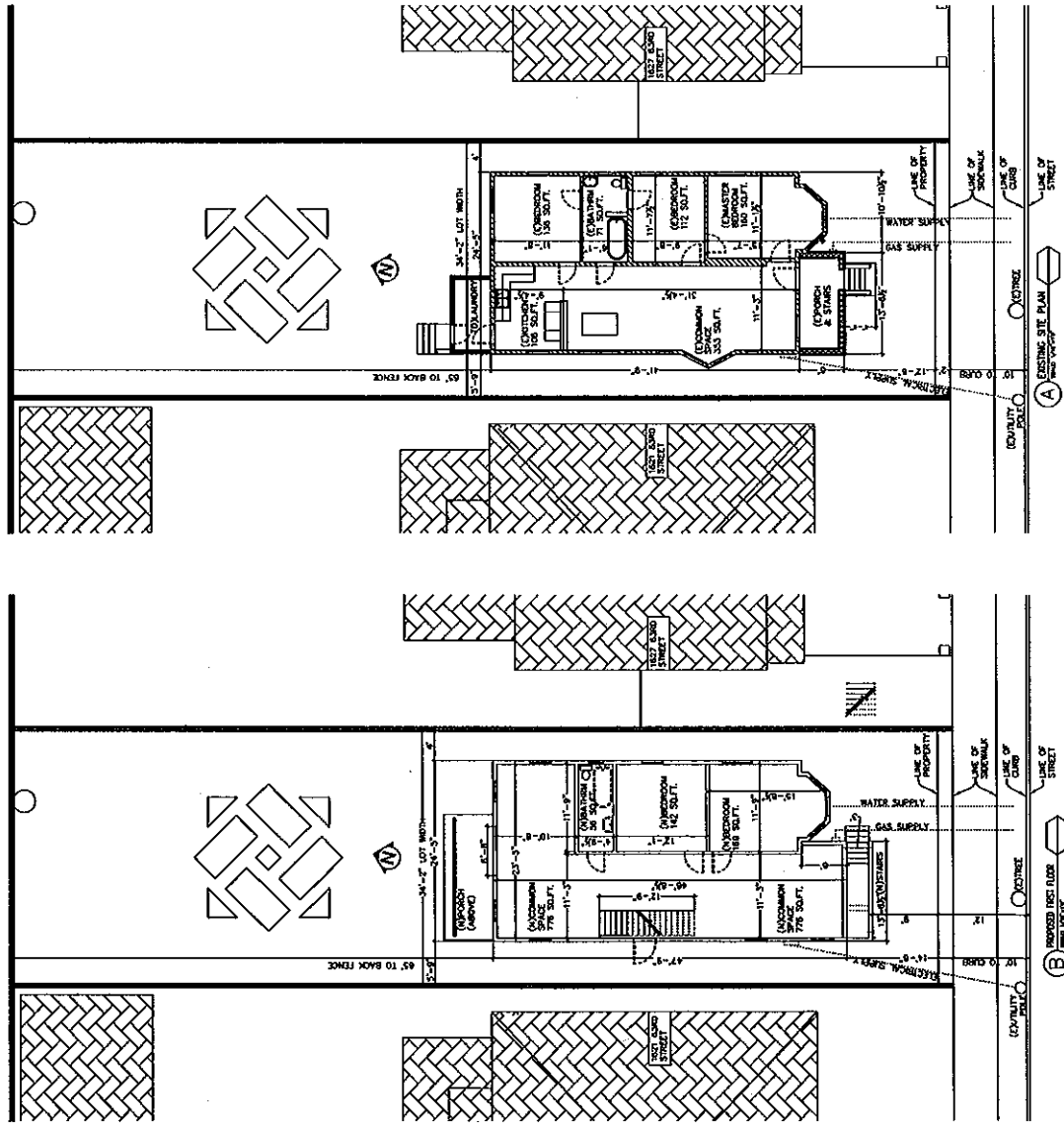
APPROVED PLANS
 5-15-14
CURRENT PLANNING DATE
 D.R. Conditions Attached
 A.U.P. Conditions Attached
 U.P. Conditions Attached

1625 63RD STREET
 BERKELEY, CA 94703
 2014

No.	Rev.	Date
1	1	4/7/14

SITE PLANS

1625 63RD STREET
 2014
 AS NOTED
A1.01



PROJECT STATEMENT AND NEIGHBORING SIGNATURES

Signature	Address	Home or Rental	Have No Objections	Have No Objections	Have No Objections	Have No Objections	Have No Objections	Have No Objections	Have No Objections	Have No Objections	Have No Objections	Have No Objections

NOTE: The above signatures tell the city that we have informed the neighbors of the proposed project - it in no way implies that a neighbor "approves" of a project unless the neighbor checks the column headed "Have No Objections."

APPROVED PLANS

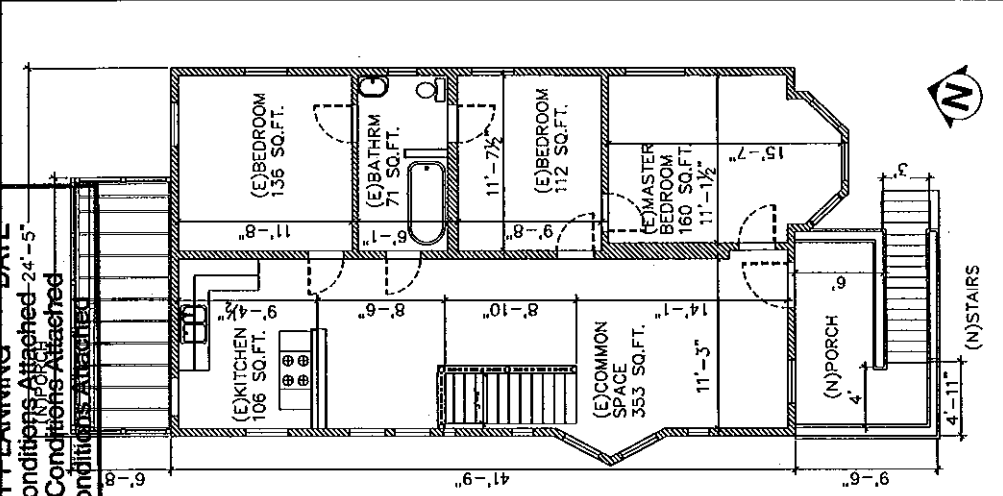
5-15-14

CURRENT PLANNING DATE

D.R. Conditions Attached - 24'-5"

A.U.P. Conditions Attached

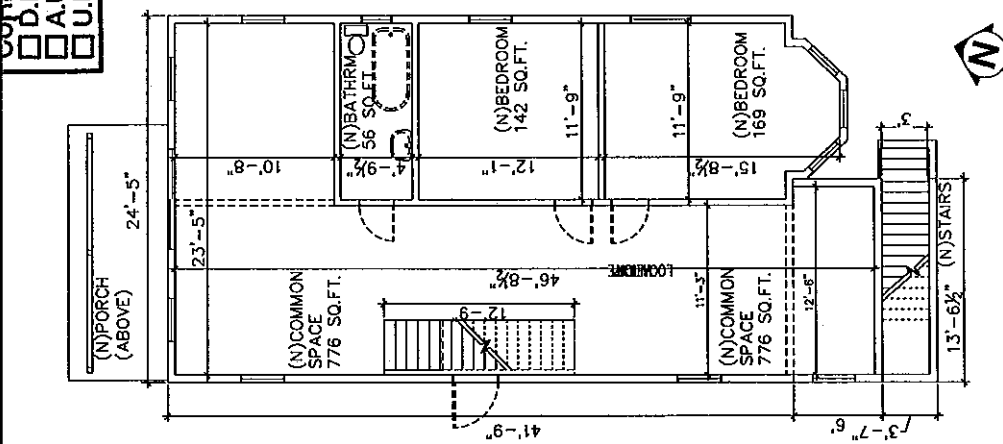
U.P. Conditions Attached



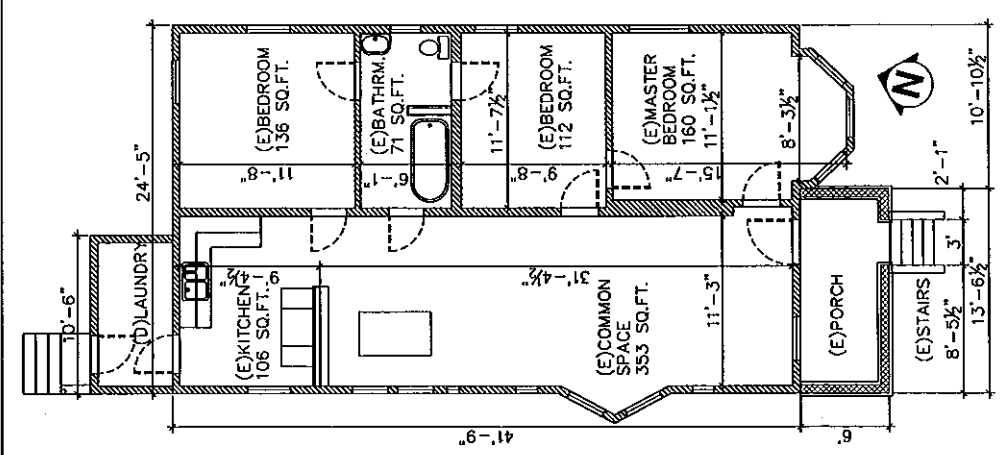
(E) PROPOSED 2ND FLOOR PLAN
 SCALE: 1/8"=1'-0"

LEGEND:
 DOTTED LINE: EXISTING WALLS
 SOLID LINE: NEW WALLS
 HATCHED: 2"X4
 HATCHED: ADJACENT HOUSES
 DASHED: SEAM ABOVE

NOTES:
 1. ALL DOORS ARE TO BE 3'-0" CLEARANCE.
 2. ALL DOORS ARE TO BE 3'-0" CLEARANCE.
 3. ALL DOORS ARE TO BE 3'-0" CLEARANCE.
 4. ALL DOORS ARE TO BE 3'-0" CLEARANCE.



(D) PROPOSED 1ST FLOOR PLAN
 SCALE: 1/8"=1'-0"



(C) EXISTING 1ST FLOOR PLAN
 SCALE: 1/8"=1'-0"

2014

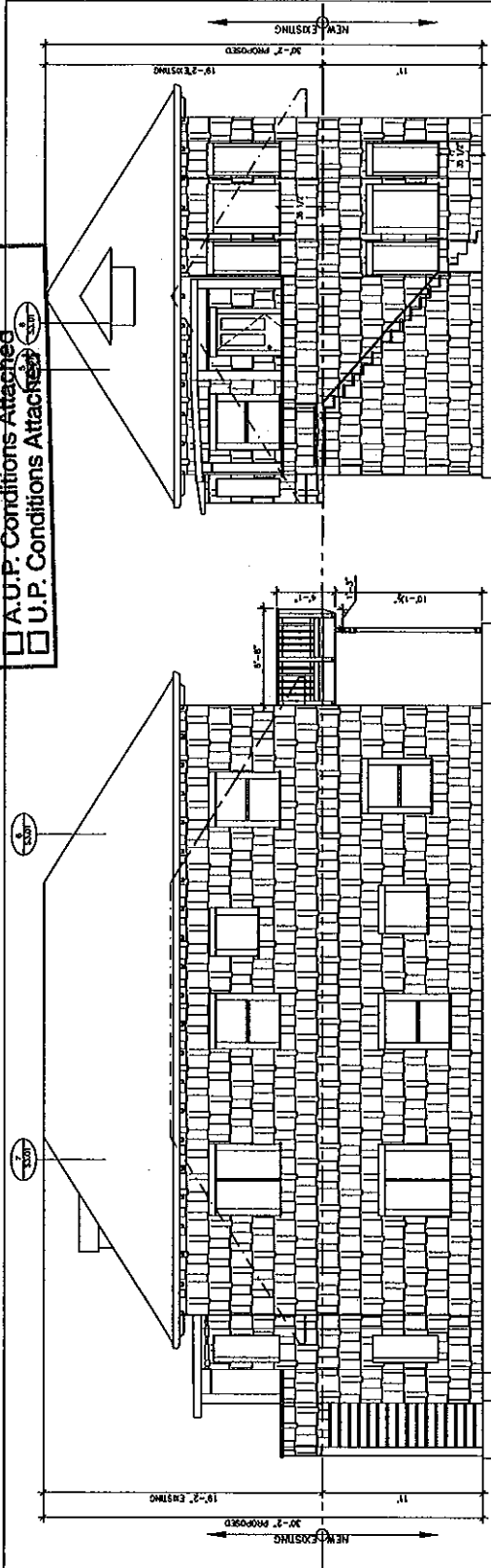
1625 63RD STREET
BERKELEY, CA
94703

No.	Revisions/Notes	Date
1	REVISED PER CITY	4/7/14

PROPOSED ELEVATIONS

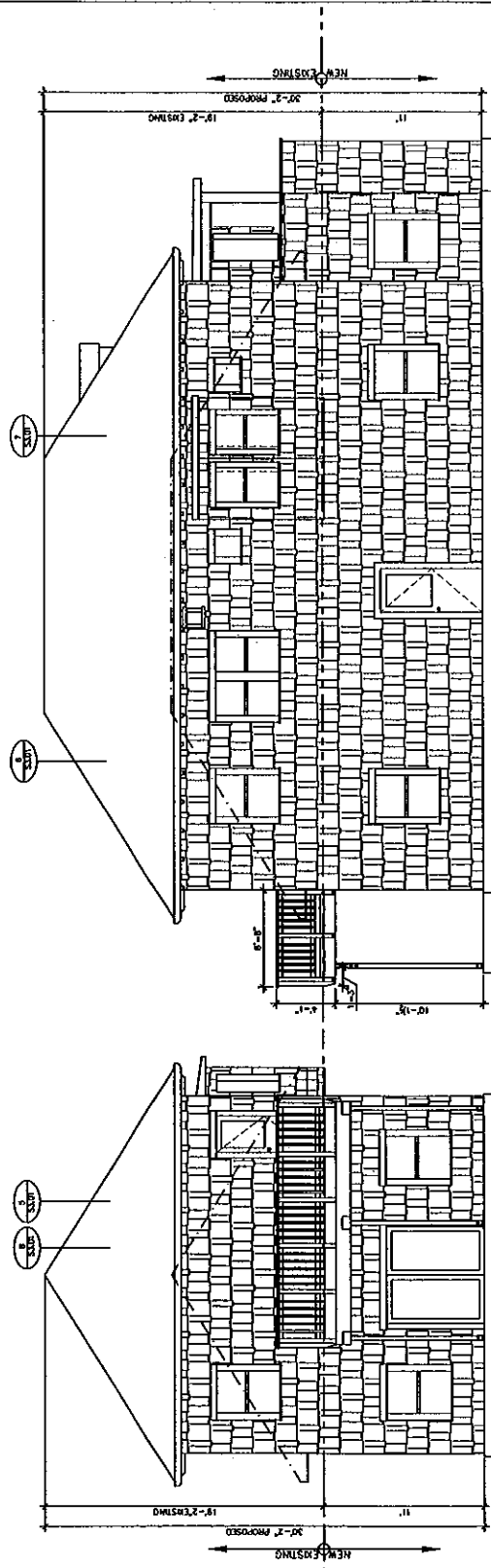
DATE	2/22/2014
BY	KAB
CHECKED	AS NOTED
SCALE	A2.01

APPROVED PLANS
 DMV 5.15.14
 DATE
 CURRENT PLANNING
 D.R. Conditions Attached
 I.A.U.P. Conditions Attached
 U.P. Conditions Attached



1 East ELEVATION PROPOSED
 SCALE: 1/8"=1'-0"

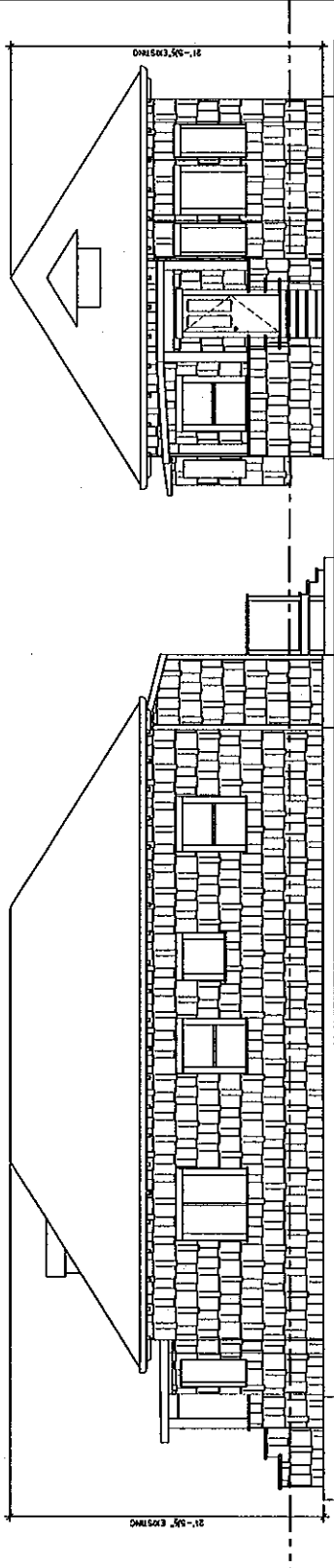
2 South ELEVATION PROPOSED
 SCALE: 1/8"=1'-0"



3 North ELEVATION PROPOSED
 SCALE: 1/8"=1'-0"

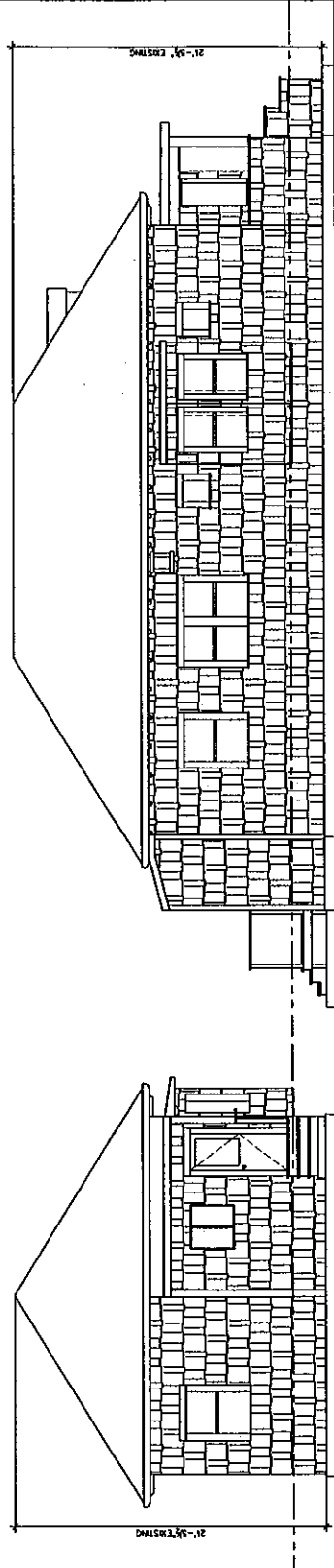
4 West ELEVATION PROPOSED
 SCALE: 1/8"=1'-0"

APPROVED PLANS
 2004 5.15.14
 CURRENT PLANNING DATE
 D.R. Conditions Attached
 A.U.P. Conditions Attached
 U.P. Conditions Attached



9 WEST ELEVATION: EXISTING
 SCALE: 1/8"=1'-0"

10 NORTH ELEVATION: EXISTING
 SCALE: 1/8"=1'-0"



11 SOUTH ELEVATION: EXISTING
 SCALE: 1/8"=1'-0"

12 EAST ELEVATION: EXISTING
 SCALE: 1/8"=1'-0"

2014

1625 63RD STREET
 BERKELEY, CA
 94703

No.	Revisions/Notes	Date
1	REVISED FOR CITY	5/17/14

DATE: _____

EXISTING ELEVATIONS

DATE: 2/22/2014
 DRAWN BY: AS NOTED
 SHEET: A2.02

2014

1625 63RD STREET
BERKELEY, CA
94703

No.	REV:	DATE:
1	REV: PER CITY:	4/17/14
	Revised/Name:	
	Date:	

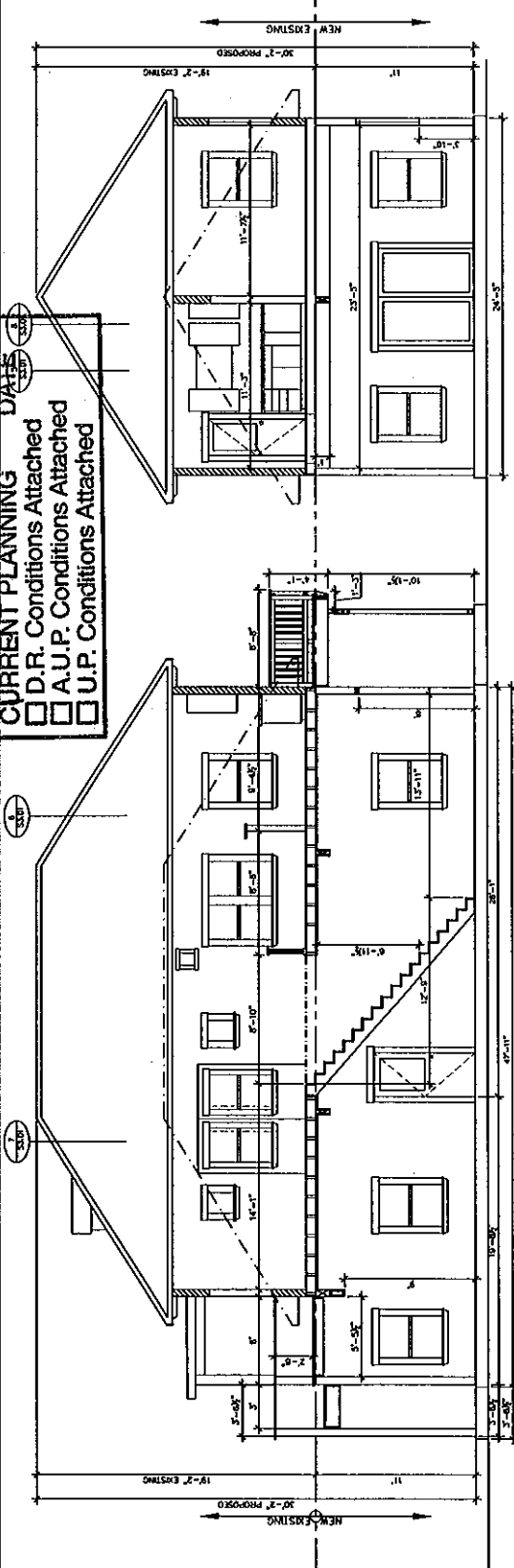
SECTIONS

SCALE:	AS NOTED
NO.:	33.01
DATE:	2/20/14

APPROVED PLANS

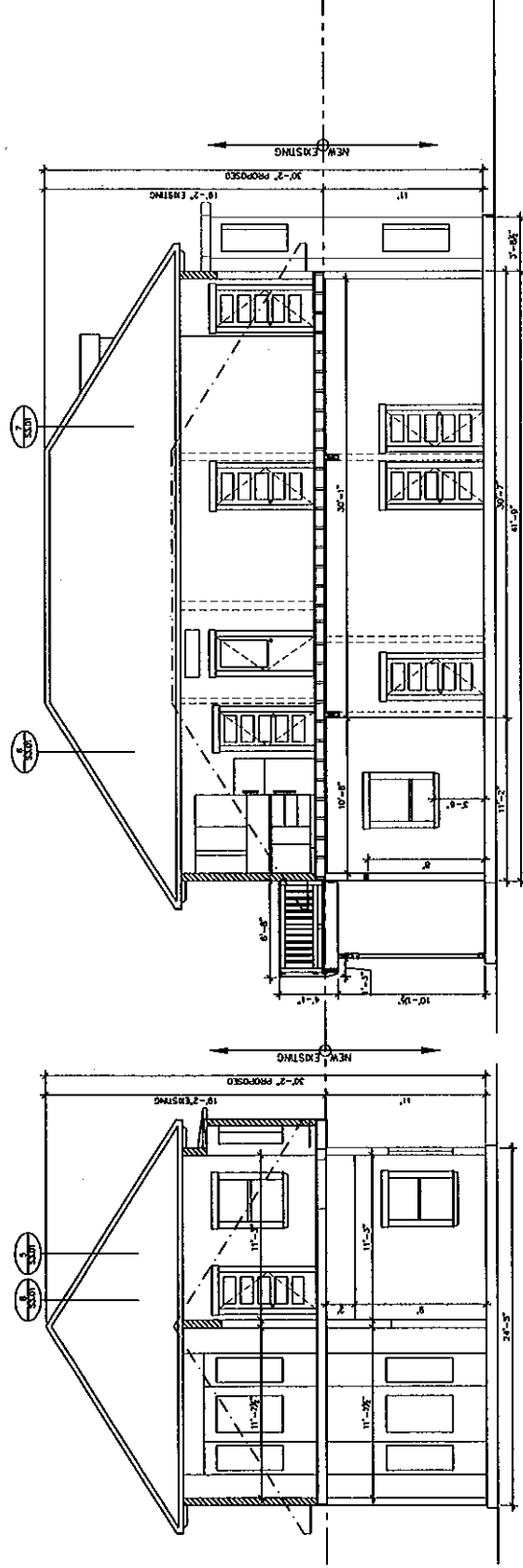
5.16.14

DATE:	5.16.14
CURRENT PLANNING DATES:	5.16.14
<input type="checkbox"/> D.R. Conditions Attached	
<input type="checkbox"/> A.U.P. Conditions Attached	
<input type="checkbox"/> U.P. Conditions Attached	



WEST SECTION PROPOSED
SCALE: 1/8"=1'-0"

NORTH SECTION PROPOSED
SCALE: 1/8"=1'-0"



SOUTH SECTION PROPOSED
SCALE: 1/8"=1'-0"

EAST SECTION PROPOSED
SCALE: 1/8"=1'-0"