



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 #2013-0155

Property Address:

1316 SHATTUCK AVENUE

Permittee Name:

**KELLY & ABRAMSON
ARCHITECTURE**

Use and/or Construction Permitted: to eliminate of one of the two existing dwelling units and restore the original single-family use of the subject building and property; construct a single-story addition of approximately 340-sq. ft. with an average height of 15 ft. at the rear of the building; and install an approximately 9.75-ft. tall trellis and 6-ft. tall fence in the front yard setback at this property pursuant to:

- Section 23C.08.030 Paragraph B to eliminate a dwelling unit;
- Section 23D.08.060 Paragraph A.2 to construct an unenclosed accessory structure that are greater than 6 ft. in height; and
- Section 23D.32.070 Paragraph 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 July 3, 2014.

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

July 3, 2014
Effective Date

ATTACHMENT 1

FINDINGS AND CONDITIONS

JUNE 11, 2014

1316 Shattuck Avenue

Administrative Use Permit #AUP2013-0155

To eliminate one of the two existing dwelling units and restore the original single-family use of the subject building and property; construct a single-story addition of approximately 340-sq. ft. with an average height of 15 ft. at the rear of the building; and install an approximately 9.75-ft. tall trellis and 6-ft. tall fence in the front yard setback at this property.

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 prescribed by Paragraph B of Section 23C.080.30 (Demolition and Dwelling Unit Controls) the proposal to eliminate one of the two existing dwelling units at this property is found to be permissible because this elimination will restore the single-family use of property as it was originally constructed in 1922 under Building Permit #12143.
- Section 23D.080.060 (Fences and Other Accessory Structures) the proposed installation of a 9.75-ft. trellis and 6-ft. fence in the required front yard setback is found to be permissible as these structures are designed to be visually penetrable and, therefore, will not completely obstruct sightlines for pedestrians and motorists at the interface of the private property and public right-of-way.

- As required under Sections 23D.20.070 (Development Standards) and 080 (Parking), this project is permissible as it complies with the District's minimum standards for lot area, yard setbacks, Usable Open Space and off-street parking as well as with the standards for maximum residential density, lot coverage and building heights. Notably, this project will maintain a pre-existing parking space in the front yard setback
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:
- *Sunlight* - The proposed addition of approximately 300 sq. ft. with an average height of 15 ft. will occur at the rear of the main building and will be separated from neighboring main buildings by a boundary fence of approximately 7 ft. in height. Given this location and its limited height of only a single story, the proposed addition will have minimal presence and impact within common sightlines and will not significantly alter the existing shading and sunlight pattern in the project area.
 - *Air* - As cited previously, the addition will adhere to the District standards for yard setbacks and, thereby, will achieve adequate spatial and building-to-building separations.
 - *Views* - There are no projected views or view corridors as defined in Section 23F.04 to consider with this proposal.
-

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. The applicant shall file an "Address Assignment Request Application" with the Permit Service Center (2120 Milvia Street) for any address change or new address associated with this Use Permit. The new address(es) shall be assigned prior to issuance of a building 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:

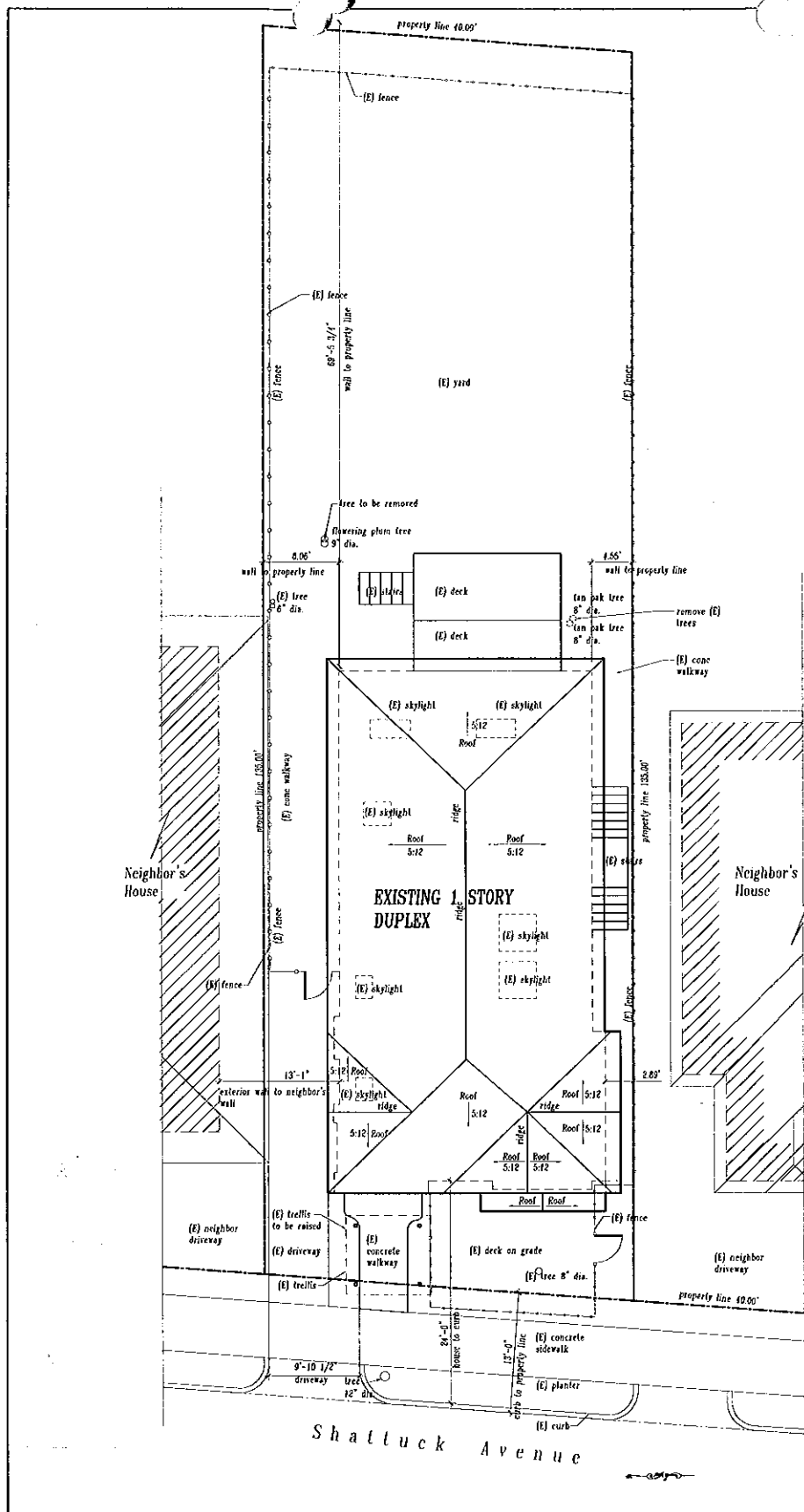
24. All construction at the subject property shall substantially conform to the approved Use Permit drawings or to modifications approved by the Zoning Officer.
25. All landscape, site and architectural improvements shall be completed per the attached approved drawings dated June 3, 2014.

At All Times (Operation):

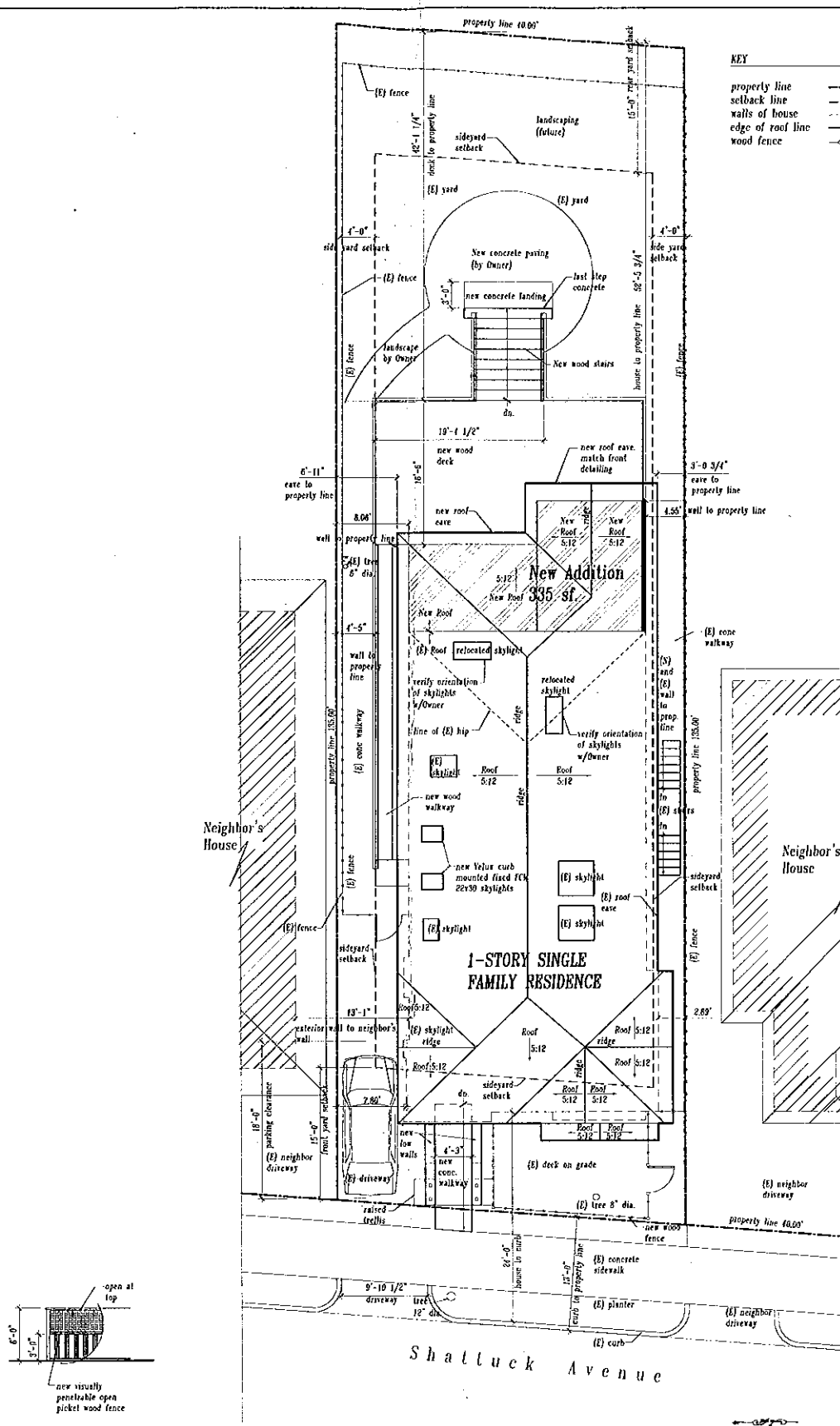
26. All exterior lighting shall be shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.
27. This permit is subject to review, imposition of additional conditions, or revocation if factual complaint is received by the Zoning Officer that the 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: M. Fatema Crane
For Eric Angstadt, Planning Director



3 Existing Roof & Site Plan



1 New Front Ext. Elevation

2 New Fence

KEY

property line	-----
setback line	-----
walls of house	-----
edge of roof line	-----
wood fence	-----

Notes and Specifications

- The intent of these Documents is to show all items necessary to complete the Project. For items, methods and/or materials not shown, the minimum requirements of the current edition of the California Building Code shall govern. All work and construction shall comply with all regulations and safety requirements.
- The Contractor shall inform the Architect in writing of any discrepancies or omissions noted in the documents. He shall additionally inform the Architect of any variations needed in order to conform to codes, rules and regulations.
- Typical details and notes on these Documents shall apply unless we specifically show or note that otherwise. Details not fully shown or noted shall be similar to details shown for similar conditions.
- It shall be the Contractor's sole responsibility to design and provide adequate shoring and bracing, etc., as required for the protection of life and property during the construction of this structure.
- The Architect will not be responsible for any changes in the Drawings or Specifications unless approved before construction.
- All demolitions required and necessarily shown on the Drawings. The Contractor shall verify in the field and be responsible for all demolition work necessary to complete the Project. The contractor shall visit the site during the bid process to become familiar with the site. No change orders shall increase the construction cost for items that are visible from the site inspections.
- All work performed by the Contractor shall conform to 2013 California Residential Building Code, Plumbing, Electric, Mechanical, Fire, Energy Code and the City of Berkeley building code.
- All dimensions shall be as indicated on the Drawings or as clarified by the Architect.
- Dimensions shall not be determined by scaling the Drawings.
- Doors installed adjacent to perpendicular walls shall be located 3'-1/2" from face of flanking wall studs unless otherwise shown.
- All new finishes are to align flush with existing finishes, if any.
- The Contractor shall take all necessary precautions in protecting areas adjacent to new construction from noise, debris and dust throughout the performance of the Agreement.
- The contractor shall be responsible for construction in conformance with the approved plans, specifications, and all code requirements under which the plans and specifications were prepared.

APPROVED PLANS 06/06/14
CURRENT PLANNING DATE
 D.R. Conditions Attached
 A.U.P. Conditions Attached
 U.P. Conditions Attached

Scope of Work

- A new 335 sq. ft. addition with a New Bathroom, New Bedroom, New Dining Room, and New Deck.
- Removal of front unit kitchen.
- The construction of a connecting hallway to convert a Duplex to a Single Family Residence.

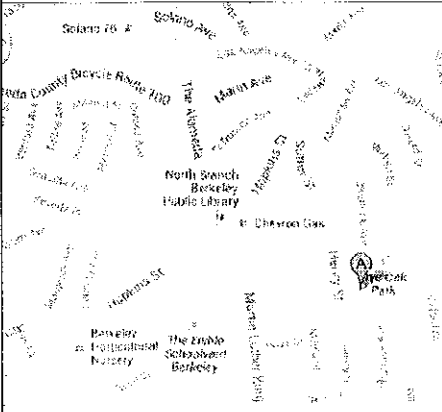
Drawing Index

A101	Site, Roof Plan	SI	Floor Framing, Foundation Plans
A201	Existing and New Floor Plans	K	Sections
A301-A303	New and Existing Exterior Elevations		
A501	New Interior Elevations		
A801	Details		
A910	Doors and Windows		
ER001	Electrical, Mechanical		

Site Data

Occupancy: R3 (single family)
 Stories: 1
 Construction type: V-B (no fire rated construction required)
 APN: 60-2455-8
 Lot Square Footage: 5,345 Sq. Ft.
 Zoning: R-2.5 (Residential with Hillside Overlay)
 Fire Zone: 2
 Flood Zone: No
 Setbacks: see plan
 (E) Main Floor: 1487 SF
 New Addition: 335 SF
 New Total: 1822 SF
 Per Table 210.02.030, Addition to be 15% of lot or 600 Sq.Ft. whichever is less
 Lot Square Footage: 5,345 Sq. Ft.
 15% x 5,345 Sq. Ft. = 802 Sq. Ft.
 Therefore, Addition to be 600 Sq. Ft. or less
 New Addition = 335 Sq. Ft., which is less than 600 Sq. Ft., so addition complies with City of Berkeley requirements.
 Overall Building Height = 20'-3"

Vicinity Map



KELLY &
 ABRAMSON
 ARCHITECTURE

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 Piedmont, California 94610
 Tel: (510) 836-0719 Fax: (510) 893-3093
 rob@kellyabramson.com

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The Stillwater Residence
 1316 Shattuck Ave
 Berkeley, CA 94709

RECEIVED

JUN 03 2014

LAND USE PLANNING

Scale 1/8"=1'-0"
 Drawn By
 Job Number 15113
 Drawing Number

A101

APPROVED PLANS 06/06/14
CURRENT PLANNING DATE
 D.R. Conditions Attached
 A.U.P. Conditions Attached 2/5
 U.P. Conditions Attached

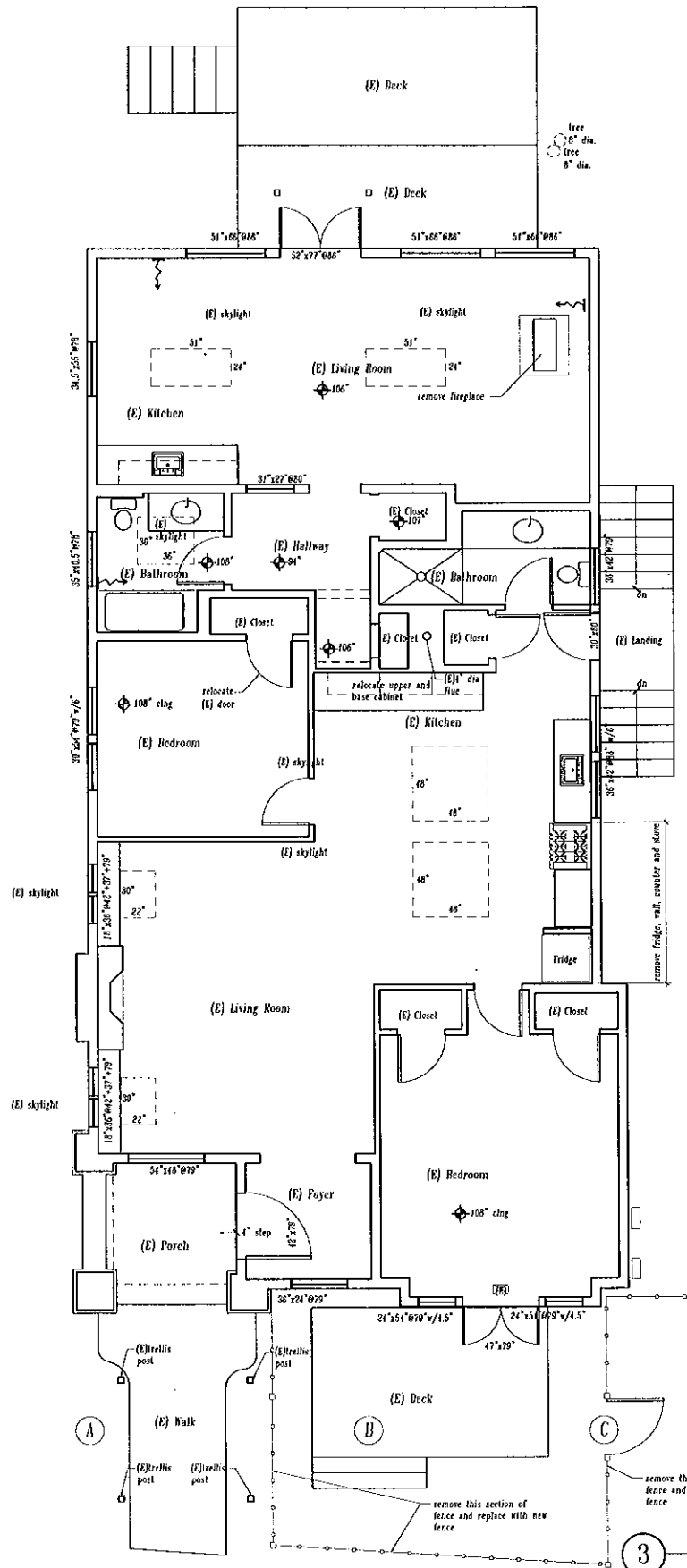
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 Revisions _____ Date _____

AUP Submittal 06_02_14

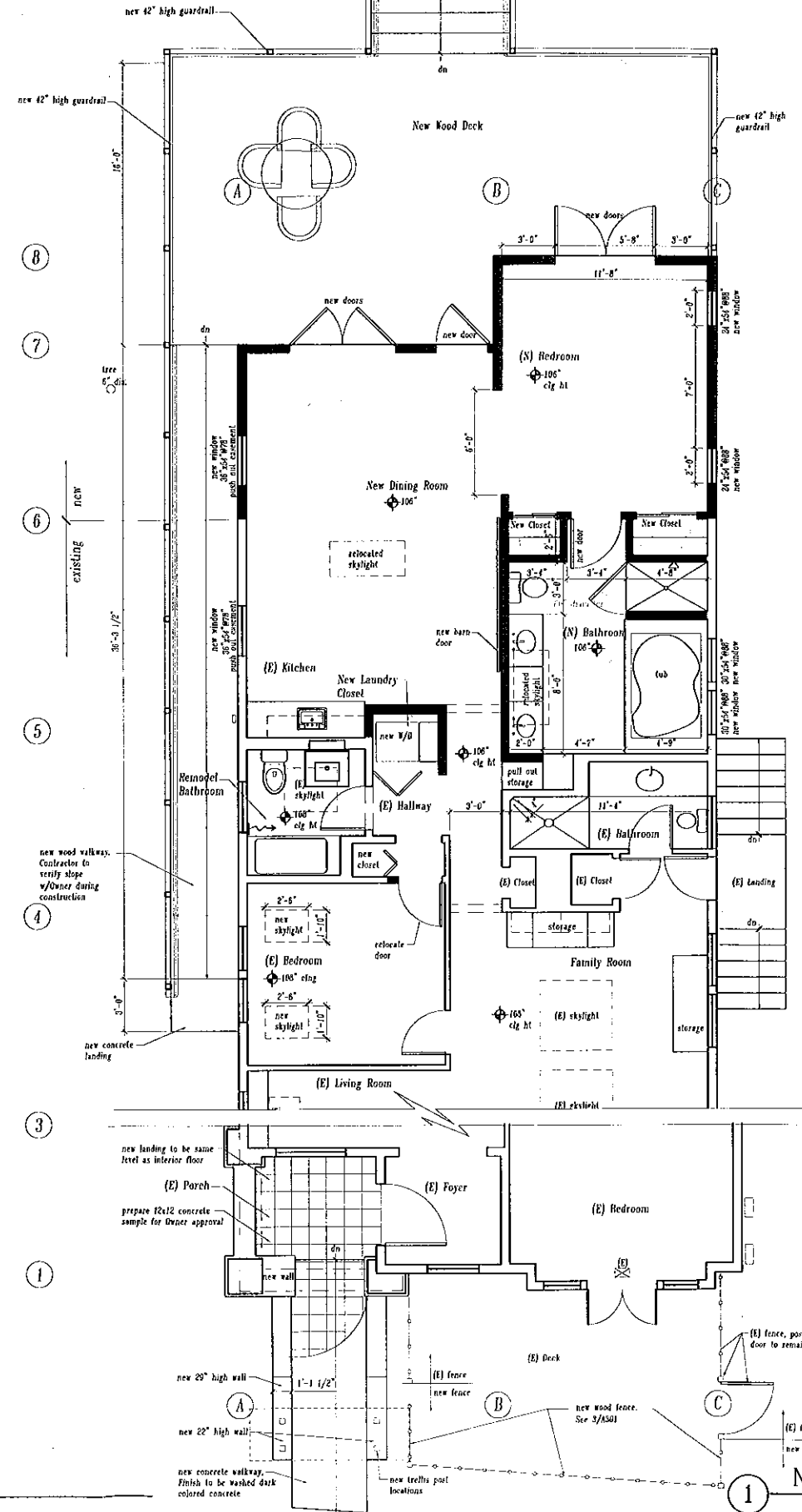
The
 Stillwater
 Residence
 1316 Shattuck Ave
 Berkeley, CA 94709
 (415) 516-1512

Drawing Title
 Floor Plans,
 Existing & New
 Scale 1/4"=1'-0"
 Drawn By
 Job Number 15313
 Drawing Number

A201



Existing Floor Plan



New Floor Plan

APPROVED PLANS 06/06/14
CURRENT PLANNING DATE
 D.R. Conditions Attached
 A.U.P. Conditions Attached 3/5
 U.P. Conditions Attached

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 Revisions Date

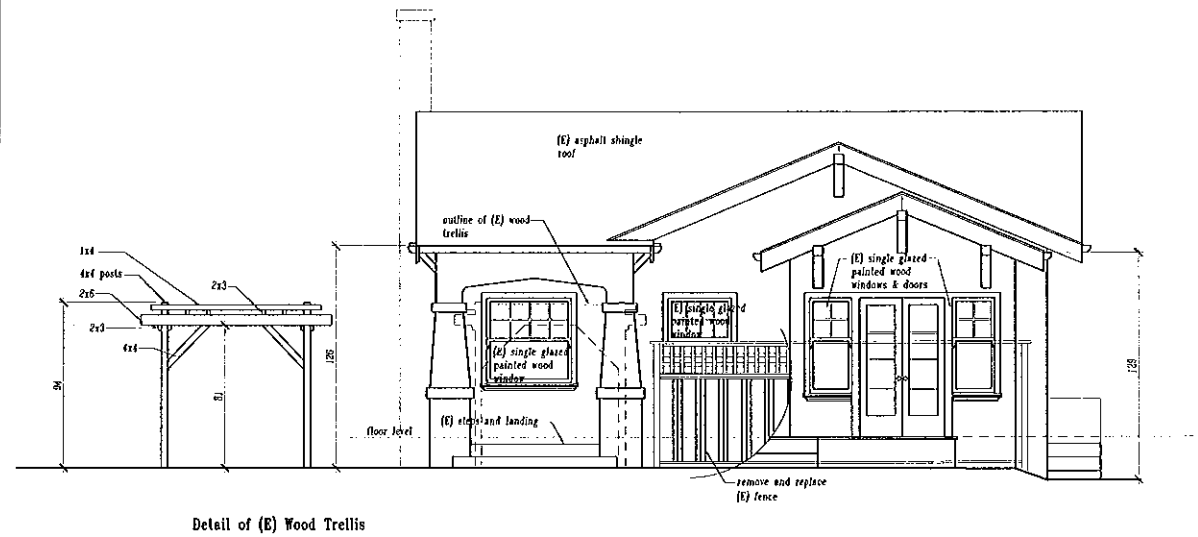
AUP Submittal 06_02_14

The Stillwater Residence

1316 Shattuck Ave
 Berkeley, CA 94709
 (415) 516-4542

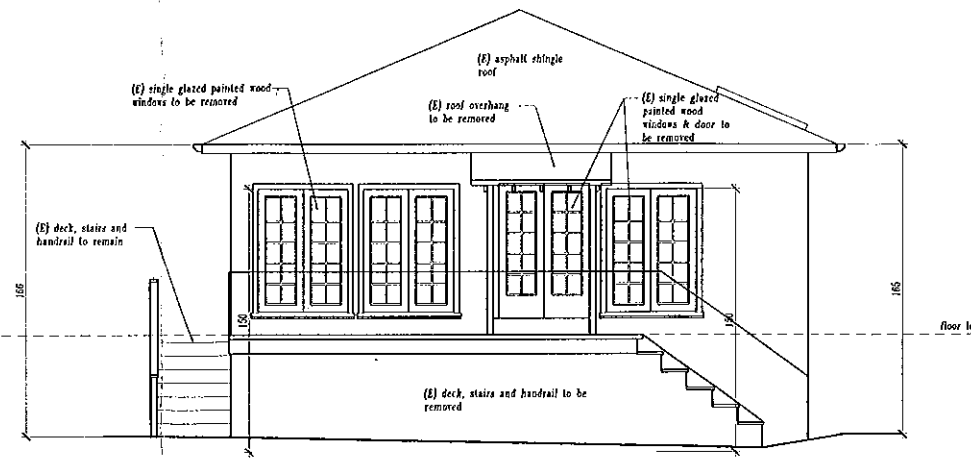
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Exterior Elevations
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 Drawing Number

A301

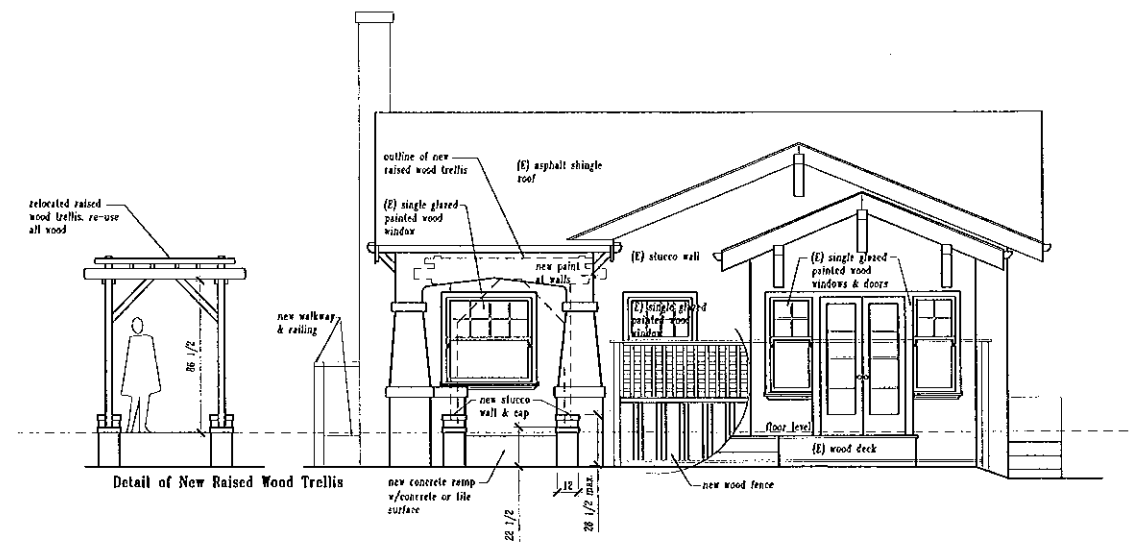


Detail of (E) Wood Trellis

4 Existing Front Elevation

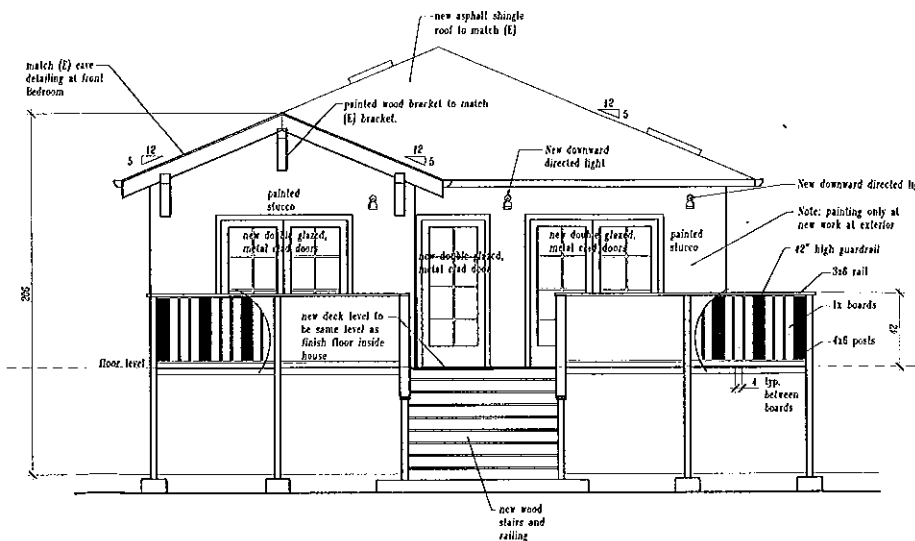


1 Existing Rear Elevation



Detail of New Raised Wood Trellis

3 New Front Elevation



2 New Rear Elevation

APPROVED PLANS 06/06/14
 CURRENT PLANNING DATE
 D.R. Conditions Attached
 A.U.P. Conditions Attached 4/5
 U.P. Conditions Attached

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 Revisions _____ Date _____

AUP Submittal 06_02_14

The
 Stillwater
 Residence

1316 Shattuck Ave
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 (415) 516-4542

Drawing Title

Exterior Elevations

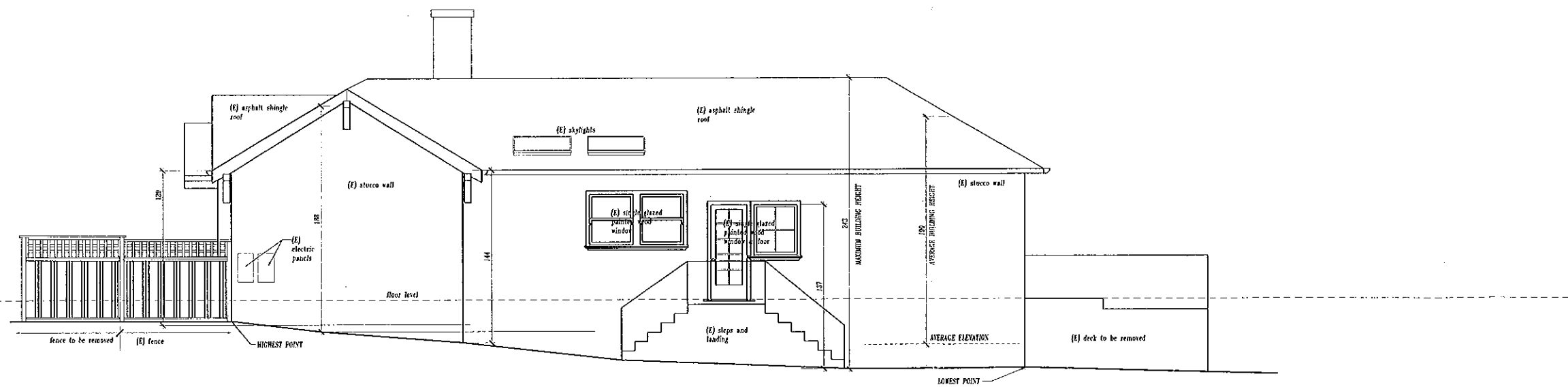
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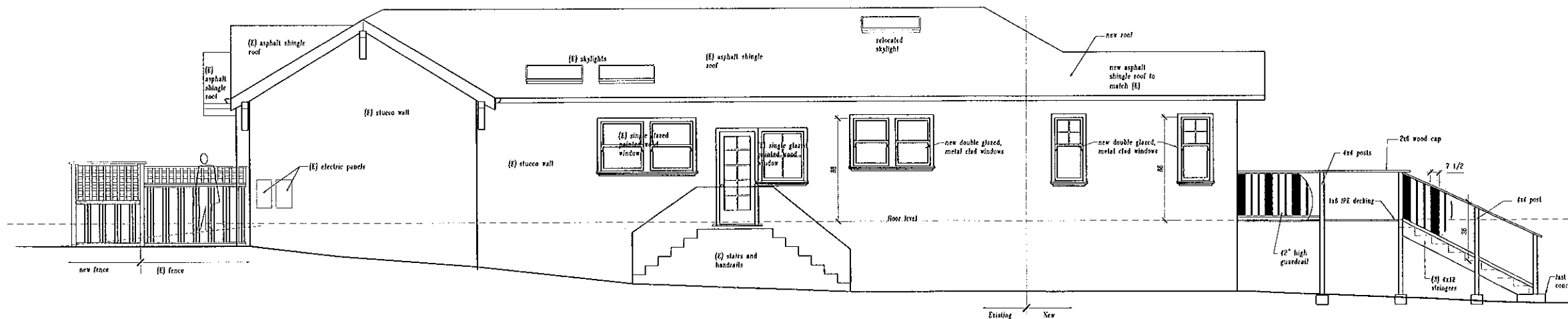
Job Number 15313

Drawing Number

A302



1 Existing Right Elevation



4 New Right Elevation

APPROVED PLANS 06/06/14
 CURRENT PLANNING DATE
 D.R. Conditions Attached
 A.U.P. Conditions Attached 5/5
 U.P. Conditions Attached

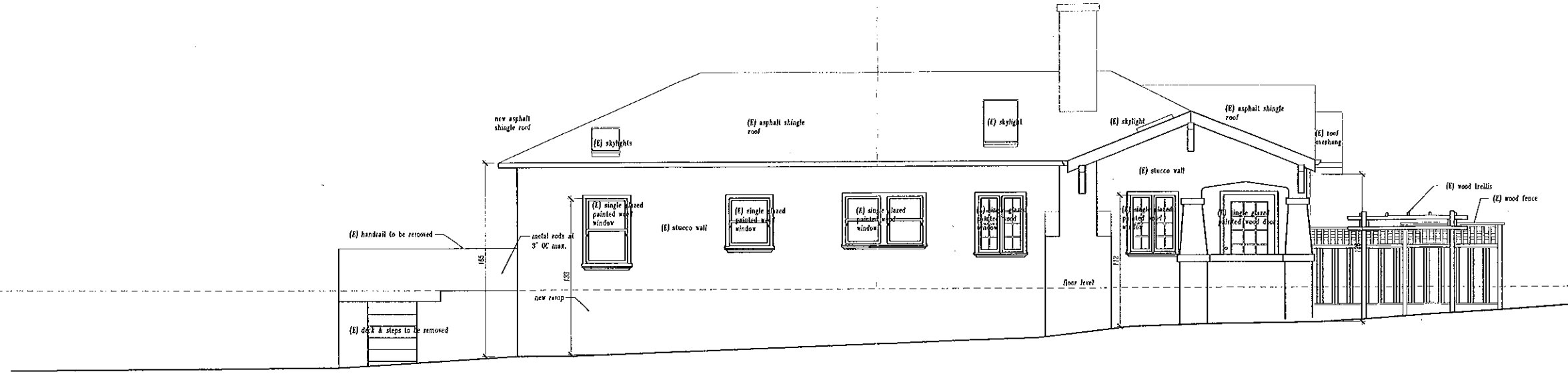
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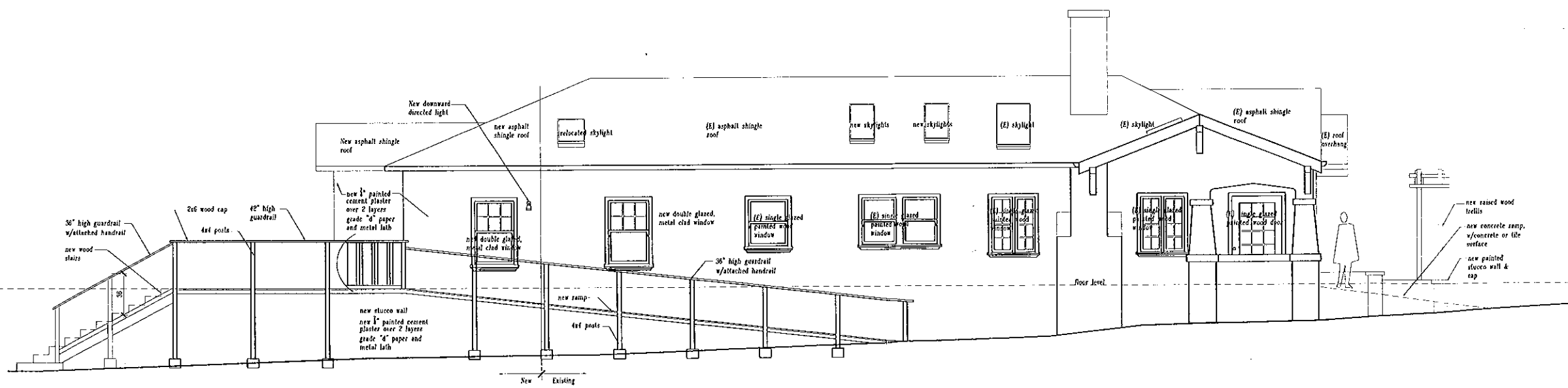
The
 Stillwater
 Residence
 1316 Shattuck Ave
 Berkeley, CA 94709
 (415) 516-4542

Drawing Title
 Exterior Elevations
 Scale 1/4" = 1'-0"
 Drawn By _____
 Job Number 15313
 Drawing Number _____

A303



3 Existing Left Elevation



4 New Left Elevation