



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 #2014-0034

Property Address:

946 SPRUCE STREET

Permittee Name:

**ROBERT PENNELL/JARVIS
ARCHITECTS**

Use and/or Construction Permitted: To enlarge the existing 2,542 square foot, single-family dwelling by 95 square feet by enclosing a second floor balcony pursuant to:

- Section 23C.04.070.B to continue an existing non-conforming setback of 13'-7" where 20' is required along Spruce Street;
- Section 23D.16.070.C to allow an addition over 14-feet;
- Section 23E.96.070.B to allow an addition of 20-feet in the Hillside Overlay District.

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 30, 2014.

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

July 30, 2014
Effective Date

ATTACHMENT 1

FINDINGS AND CONDITIONS

JULY 8, 2014

946 SPRUCE STREET

Administrative Use Permit #AUP2014-0034

To enlarge the existing 2,542 square foot, single-family dwelling that is non-conforming to front yard setback (13'-7" existing, 20' required) by 95 square feet by enclosing a second floor balcony.

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:

- The existing use of the property is conforming as the site is zoned for residential use and is presently developed with a single-family residence;
- The alteration to the non-conforming wall will not further reduce the existing non-conforming yard nor would the alteration cause the building to exceed the maximum or calculated height limit;
- The new roofline would not exceed the height of the existing ridgeline;
- The addition of new floor area within the existing building footprint preserves the site's open space, provides an efficient means to add an additional bathroom on a site that is substandard as to lot depth and irregular in shape.
- The building is not a known historic resource; however the addition continues the existing building style and retains the character defining colors, and features; thus the addition is architecturally compatible with the age and style of the existing dwelling, and the addition will not radically change, obscure, or destroy potentially character-defining materials or features of this building.

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.

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:

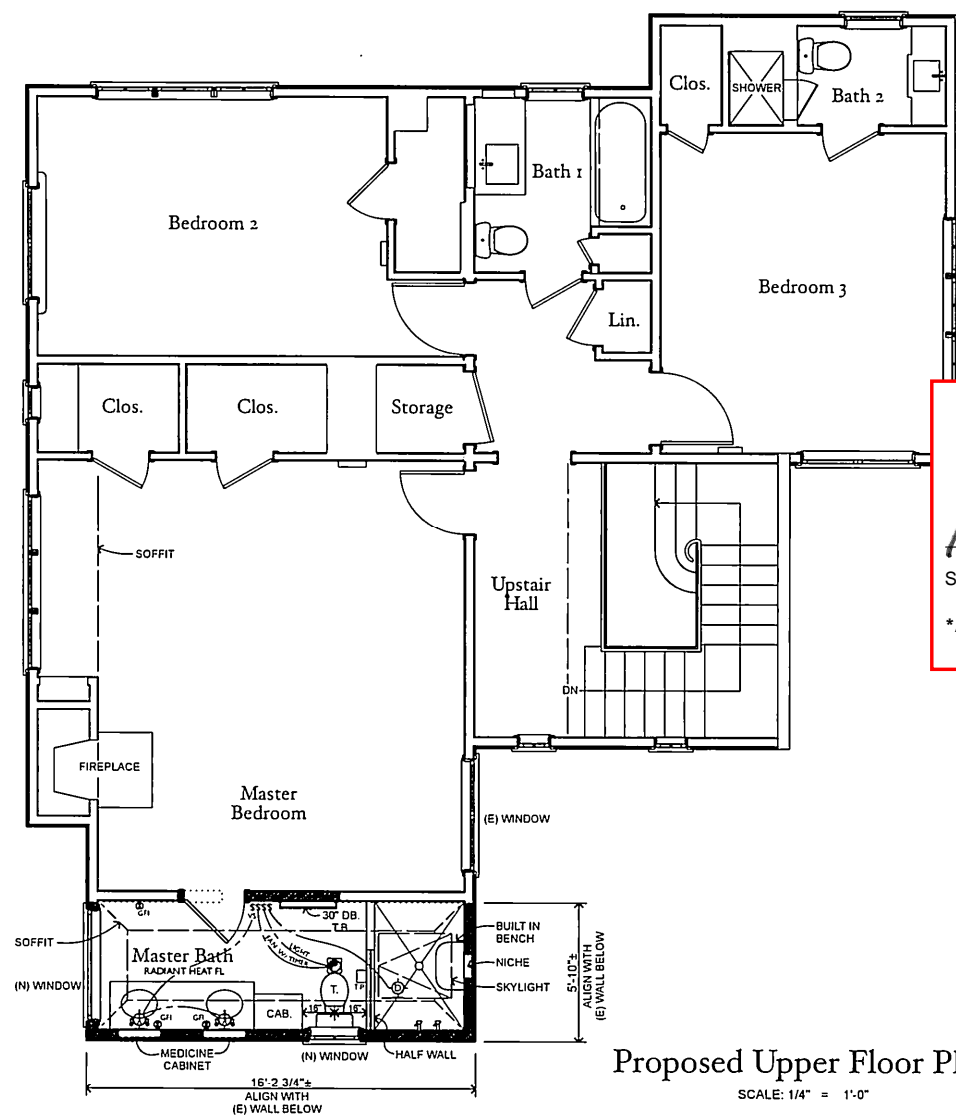
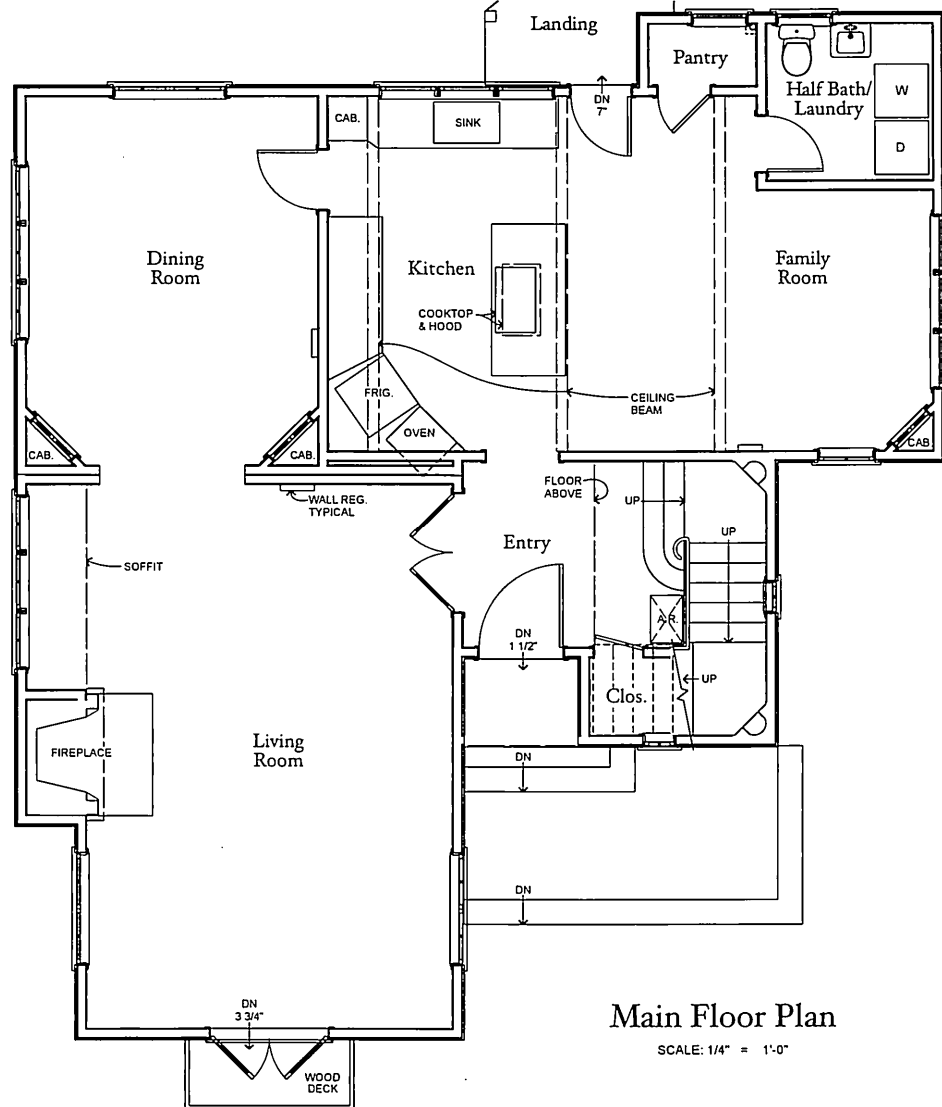
22. All landscape, site and architectural improvements shall be completed per the attached approved drawings dated **MARCH 17, 2014**, or as modified by the Zoning Officer.


At All Times (Operation):

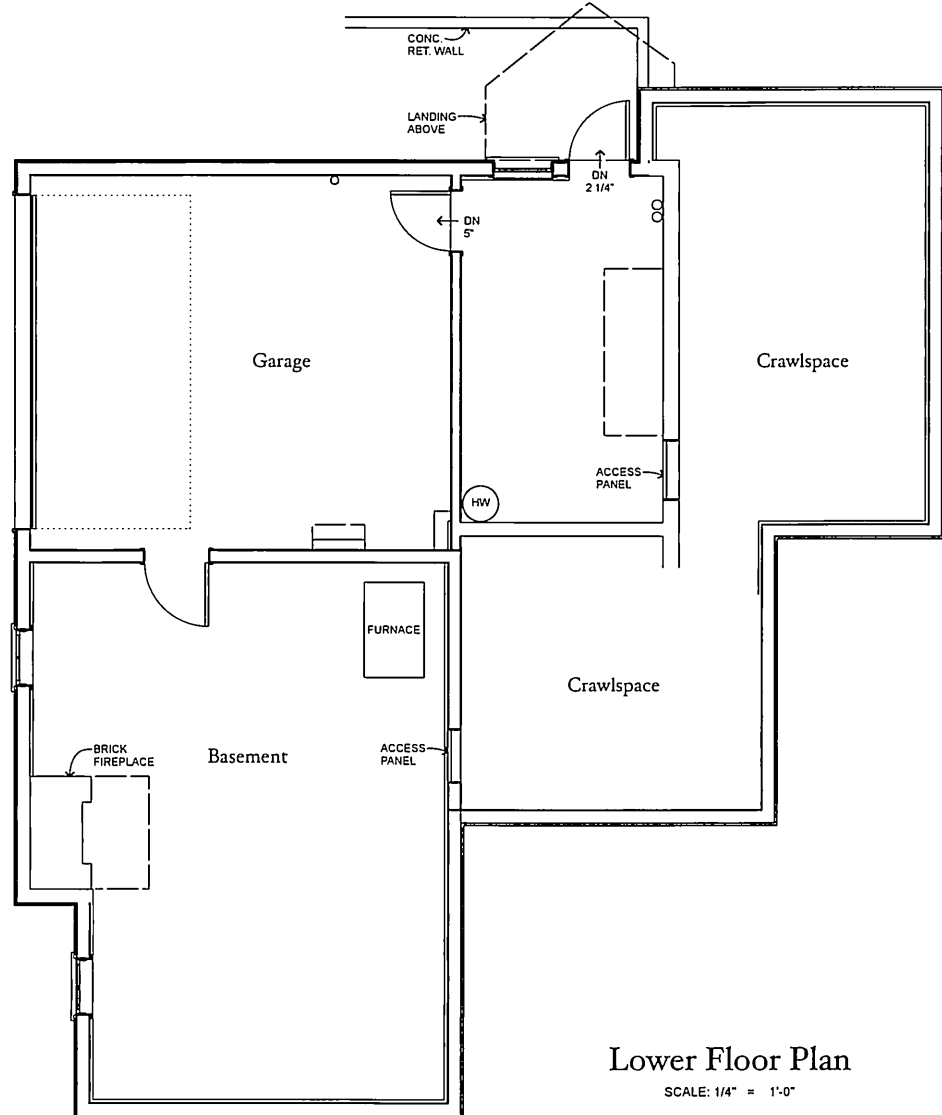
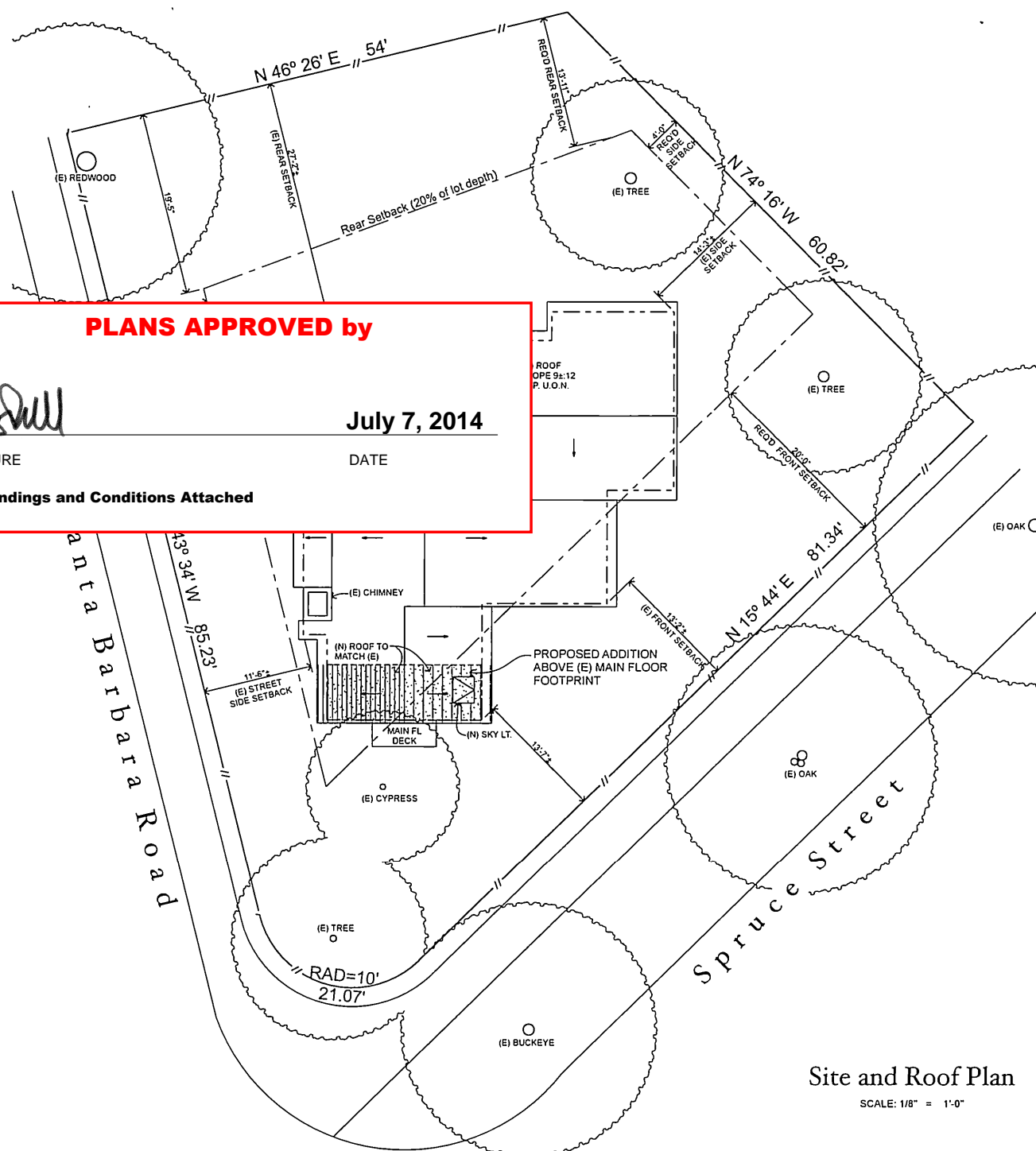
23. All exterior lighting shall be shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.



Prepared by: Greg Powell
For Eric Angstadt, Planning Director



PLANS APPROVED by

 SIGNATURE July 7, 2014
 DATE
***AUP Findings and Conditions Attached**



Legend

- NEW (N) WALLS
- EXISTING (E) WALLS TO REMAIN
- EXISTING (E) WALLS, REMOVED
- LINE ABOVE
- LINE BELOW OR BEYOND

PROJECT DATA:
 APN: 061 2590 008 00
 ZONE: R-1 H
 LOT SIZE: 6240 S.F.
 FLOOR AREA: 2542 S.F. / 2637 S.F.
 FRONT YARD: 13' 2" / NO CHANGE
 RIGHT SIDEYARD: 14' 3" / NO CHANGE
 LEFT SIDEYARD: 11' 6" / NO CHANGE
 REAR YARD: 27' 2" / NO CHANGE
 LOT COVERAGE: 1243 S.F. 19.9% / NO CHANGE
 HEIGHT:
 AVE. HEIGHT: 27' 0" / NO CHANGE
 AT ADDITION - 24'-0"
 MAX. HEIGHT: 33' 0" / NO CHANGE
 AT ADDITION - 27'-0"
 # OF STORIES: 3 / NO CHANGE
 PARKING: 2 in garage / NO CHANGE

SCOPE OF WORK:
 MASTER BATHROOM ADDITION (95 SQ. FT.) WITHIN THE EXISTING BALCONY FOOTPRINT. NEW WALLS ALIGN WITH THE (E) MAIN FLOOR WALLS BELOW.

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
 Wildland Urban Interface Requirements including all city amendments

Parties Involved:

OWNER: Jason McGatlin & Patrick Golier
 946 Spruce Street
 Berkeley, CA 94707
 (415) 623-1334

ARCHITECT: JARVIS ARCHITECTS
 5278 College Avenue
 Oakland, CA 94618
 Contact: Robin
 rpennell@jarvisarchitects.com
 (510) 654-6755
 (510) 654-3424 fax

Sheet Index

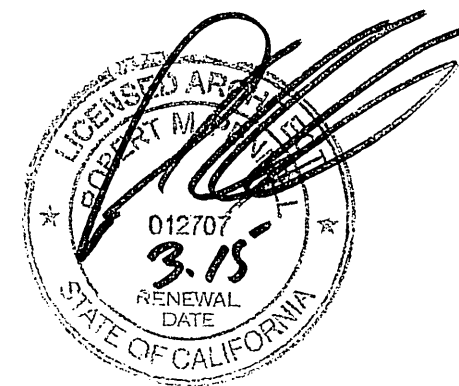
- 1 Cover Sheet, Floor Plans, Site and R
- 2 Exterior Elevations, Parcel Map

Neighbor's Signatures

I HAVE REVIEWED THE PLANS FOR THE SECOND FLOOR BATHROOM ADDITION AT 946 SPRUCE ST.

ADDRESS	NAME	SIGNATURE	DATE	NO OBJECTIONS	HAVE OBJECTIONS (STATE BRIEFLY)
937 SPRUCE ST.	Diane Jackson		2/22	X	
938 SPRUCE ST.	Scott Meyer		2/20	X	
941 SPRUCE ST.	Victor Wang		3/02	X	# Trimming down trees to gain better views
948 SPRUCE ST.	Barbara Finney		2/22	X	
954 SPRUCE ST.					
958 SPRUCE ST.	Josiah Bashore		2/12	X	
968 SPRUCE ST.	Ben & Sarah				
978 SPRUCE ST.					

Master Bathroom Addition for 946 Spruce Street Berkeley



Issue for: AUP Application 3/17/2014

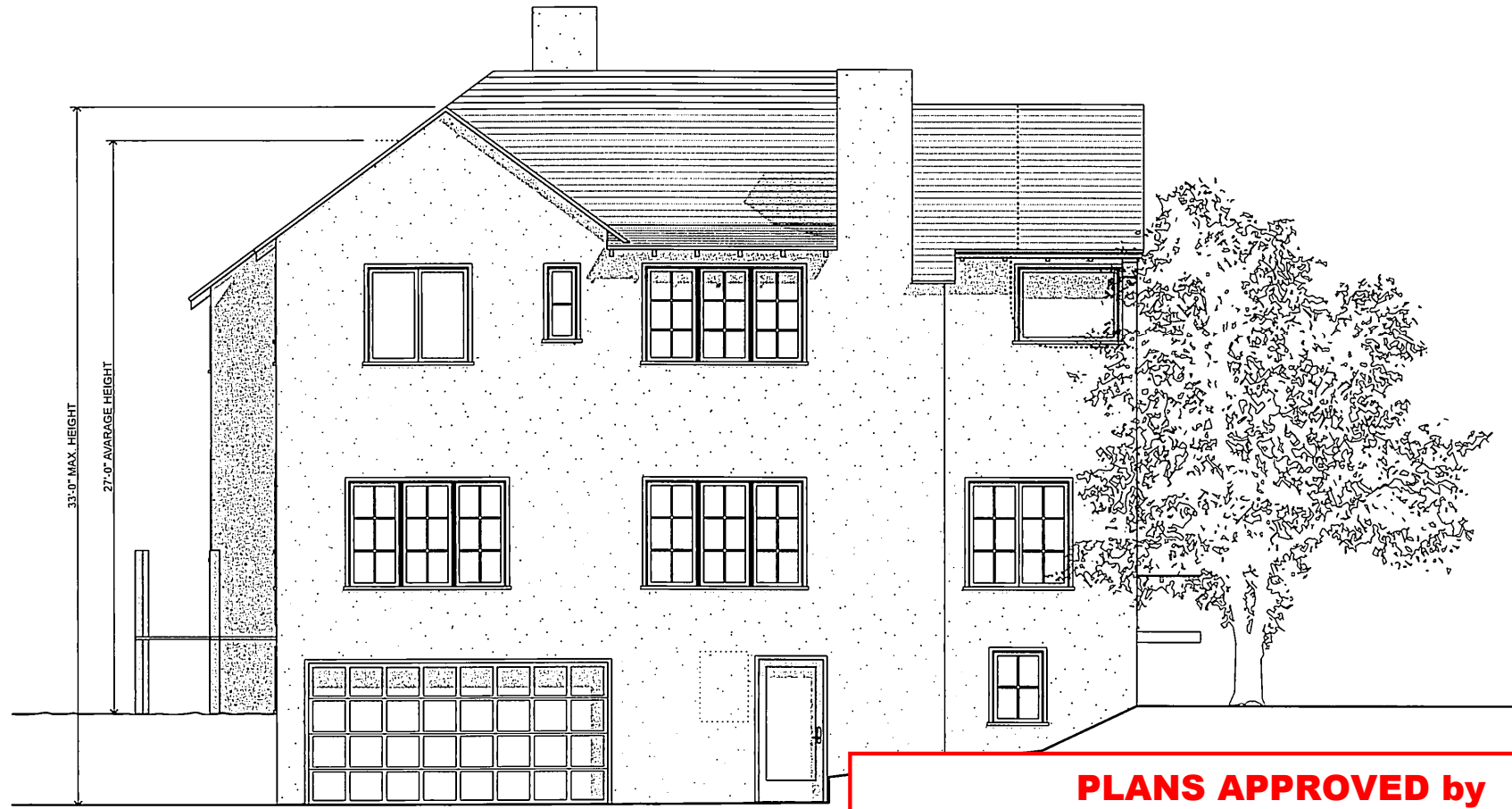
Jason McGatlin & Patrick Golier
 946 Spruce Street
 Berkeley, CA 94707

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

Drawing Title: Cover Sheet, Floor Plans, Site and Roof Plan

Sheet: 1

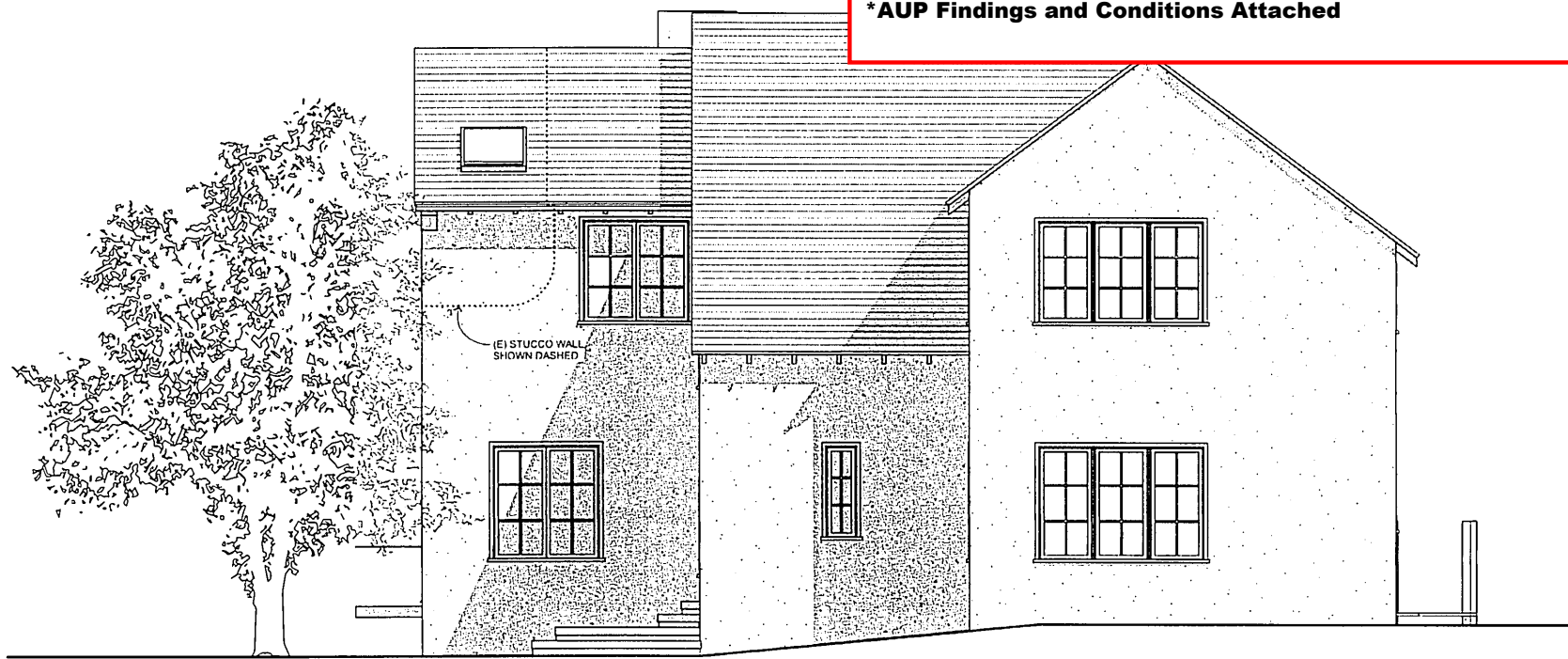
Number: 1374



West Elevation
SCALE 1/4" = 1'-0"



South Elevation
SCALE 1/4" = 1'-0"



East Elevation
SCALE 1/4" = 1'-0"

PLANS APPROVED by

Maxwell

July 7, 2014

SIGNATURE

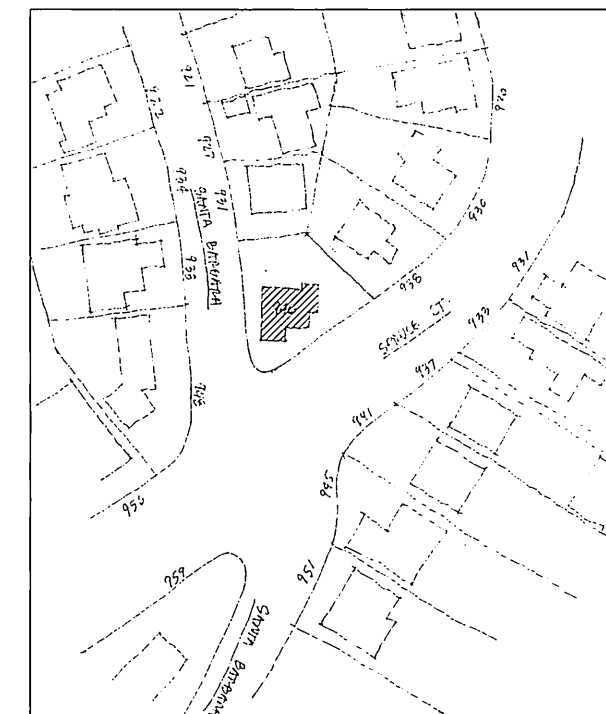
DATE

***AUP Findings and Conditions Attached**

Typical Exterior Materials

- CLASS 'A', COMPOSITION SHINGLE ROOF TO MATCH (E)
- PAINTED GSM GUTTERS AND DOWNSPOUTS
- 3 COAT, 7/8" CEMENT PLASTER
- DOUBLE GLAZED, CLAD WOOD WINDOWS AND DOORS W/ SIMULATED DIVIDED LITES
- PAINTED WOOD EAVES, BARGE BOARDS AND TRIMS

Vicinity Map



Issue for: AUP Application 3/17/2014

Jason McGatlin & Patrick Golier
946 Spruce Street
Berkeley, CA 94707

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

Drawing Set: Exterior Elevations, Parcel Map

Sheet: **2**

Job Number: 1374