



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 #2014-0074

Property Address: **1400 TENTH STREET**

Permittee Name: **JASON KALDIS ARCHITECT, INC.**

Use and/or Construction Permitted: To enlarge an existing 959 sq. ft. single-family dwelling by 1) adding an 816 sq. ft. second story major residential addition for a new master bedroom, closets, bathroom, and study, 2) increasing the average height from 13'1" to 26'8", 3) vertically extending a non-conforming 17'4" rear yard setback where 19'6" is required, 4) vertically extending a non-conforming 4'11" street side setback where 7'6" is required, 5) increasing the average height of the existing attached garage from 9'7" to 12'5", vertically extending the existing non-conforming 14'11" front yard setback where 20' is required, and 6) vertically extending the existing non-conforming 2'11" south side setback where 3'3" is required, pursuant to:

- Section 23D.20.030 to allow a major residential addition exceeding 600 sq. ft.;
- Section 23D.20.070.C to construct a residential addition over 14' in height;
- Section 23C.04.070.B to vertically and horizontally extend a non-conforming rear yard setback of 17'4" where 19'6" is required, and vertically extending a non-conforming 4'11" north street side setback where 7'6" is required; and
- Section 23C.04.070.B to vertically extending the existing non-conforming 14'11" front yard setback where 20' is required and vertically extending the existing 2'11" south side setback where 3'3" is required.

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 August 26, 2014.

Attest: Carol Johnson
Carol Johnson, Land Use Planning Mgr.

August 26, 2014
Effective Date

ATTACHMENT 1

FINDINGS AND CONDITIONS

AUGUST 1, 2014

1400 Tenth Street

Administrative Use Permit #AUP2014-0074

To enlarge an existing 959 sq. ft. single-family dwelling by 1) adding an 816 sq. ft. second story major residential addition for a new master bedroom, closets, bathroom, and study, 2) increasing the average height from 13'1" to 26'8", 3) vertically extending a non-conforming 17'4" rear yard setback where 19'6" is required, 4) vertically extending a non-conforming 4'11" street side setback where 7'6" is required, 5) increasing the average height of the existing attached garage from 9'7" to 12'5", vertically extending the existing non-conforming 14'11" front yard setback where 20' is required, and 6) vertically extending the existing 2'11" south side setback where 3'3" 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 vertical extension of the existing 17'4" rear (where 20' is required), the existing 4'11" street side (where 7'6") is required, the existing 14'11" front (where 20' is required), and the existing 2'11" south side (where 3'3" is required) setbacks do not further encroach into the required setbacks or exceed the height limit in the R-1A District.

- As required under Section 23D.20.030 (Uses Permitted) and 090 (Findings), the proposed major residential addition may exceed 600 sq. ft. and 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 subject property is located on the corner between Tenth and Camelia Streets. The existing height of the residence is 13'1" and the proposed height is 26'8". The addition will not significantly increase shadows at neighboring properties for the following reasons:
 - At the abutting property to the south at 1402 Tenth Street, new shadows will increase in the evenings during the summer months and new shadows are not expected for the remainder of the year; and
 - At the abutting property to the west at 1020 Camelia Street, new shadows will increase at the garage for a few hours in the morning during the winter months and new shadows will not affect the living space.
- Air – The proposed addition will not be unreasonably detrimental to the abutting properties to the south and east because the addition maintains the existing non-conforming setbacks and building separations. The distance to the nearest residential structure to the south at 1402 Tenth Street is approximately 9'10" and the addition is approximately 25' from the nearest residential structure to the west at 1020 Camelia Street; thereby allowing for adequate air circulation;
- Views – The proposed addition will not block views of any significant feature because there are no significant views as defined under Section 23F.04 (Definitions). The proposed project will not exceed the full height limit allowed in the R-1A District and will not exceed the number of stories allowed; and
- Privacy – The proposed addition includes a new front deck, measuring 12'5" in height from grade to the top of the guardrail, and new windows, however these features are not expected to create significant privacy impacts to the immediate neighbors given that:
 - At the east (front) elevation, the proposed second floor windows, new door, and garage roof deck are more than 97' from the confronting structure to the east at 1030 Camelia and this distance is adequate to mitigate potential privacy impacts;
 - At the west (rear) elevation, the proposed second floor windows are approximately 25' from the abutting residential structure at 1020 Camelia and this distance is adequate to mitigate potential privacy impacts; and
 - At the south (side) elevation, the proposed second floor windows are relatively small in size for rooms used as closet and bathroom spaces and are unlikely to create significant privacy impacts. In addition, the applicant proposes obscure glass or window covering for privacy at these locations.
- As required by Section 23D.20.070 (Development Standards), this project is permissible because the subject property satisfies the development standards for lot coverage, maximum residential density, maximum building height, and does not further encroach into the required setbacks, is therefore found to be an appropriate development of the property.

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.

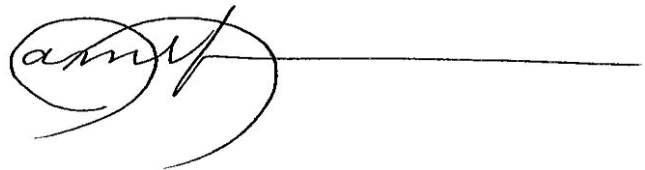
19. Public streets shall be swept (preferably with water sweepers) of all visible soil material carried from the site.
20. The applicant shall establish and maintain drainage patterns that do not adversely affect adjacent properties and rights-of-way.
21. The applicant shall ensure that all excavation 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 **June 19, 2014**.

At All Times (Operation):

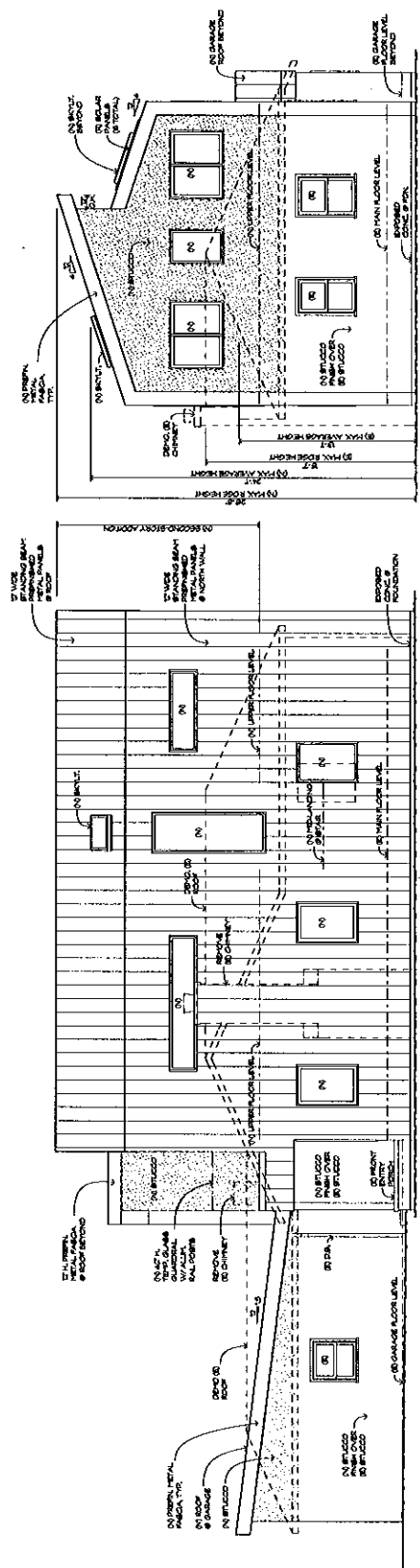
25. All exterior lighting shall be shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.
26. This permit is subject to review, imposition of additional conditions, or revocation if factual complaint is received by the Zoning Officer that the 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

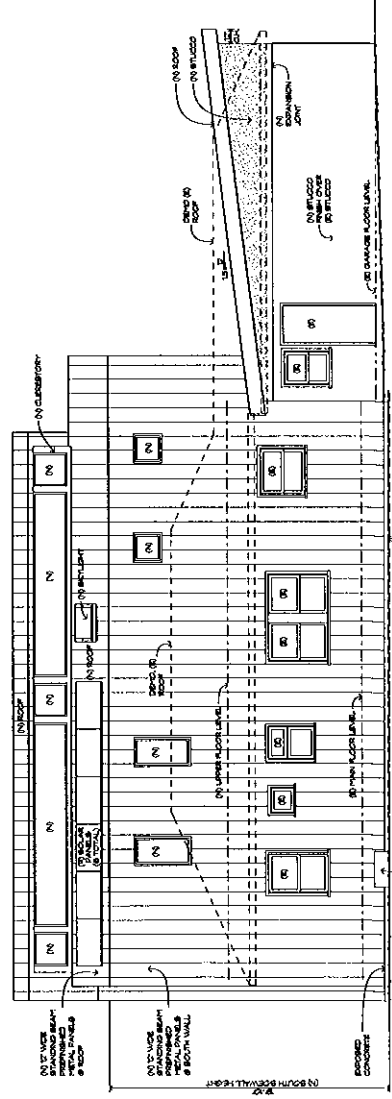
APPROVED PLANS
 DATE 7.8.14
 CURRENT PLANNING CONDITIONS ATTACHED
 D.I.R. CONDITIONS ATTACHED
 A.U.P. CONDITIONS ATTACHED
 U.P. CONDITIONS ATTACHED

- 1. ALL EXTERIOR WALLS TO BE FINISHED WITH BRICKWORK
- 2. ALL EXTERIOR WALLS TO BE FINISHED WITH BRICKWORK
- 3. ALL EXTERIOR WALLS TO BE FINISHED WITH BRICKWORK
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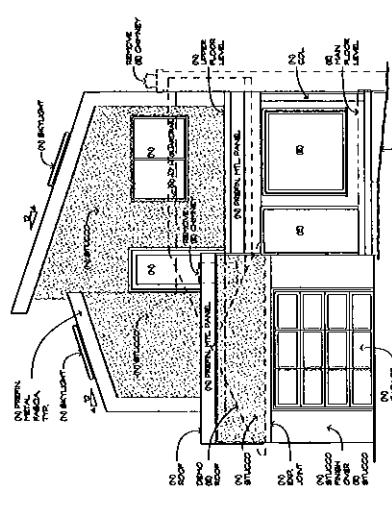


NORTH EXTERIOR ELEVATION
 SCALE 1:50

WEST EXTERIOR ELEVATION
 SCALE 1:50



SOUTH EXTERIOR ELEVATION
 SCALE 1:50



EAST EXTERIOR ELEVATION
 SCALE 1:50

ALP SUBMITTAL SHEET
 DRAWING NO. 1000-0000-0000
 PROJECT NO. 1000-0000-0000
 SHEET NO. 3
 DATE 7.8.14

JASON KALDIS ARCHITECT INC.
 1000-0000-0000
 1000-0000-0000
 1000-0000-0000

REGISTERED ARCHITECT
 1000-0000-0000
 1000-0000-0000
 1000-0000-0000

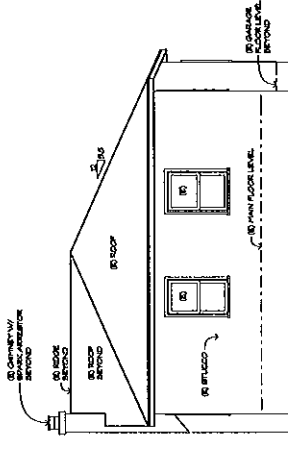
APPROVED PLANS

dmj

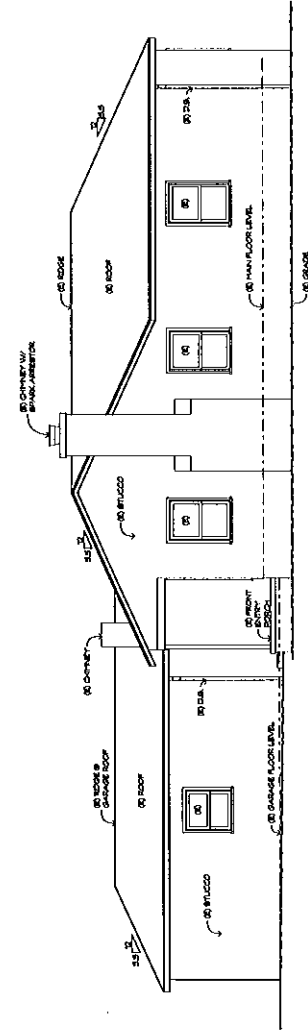
7.8.14

CURRENT PLANNING DATE

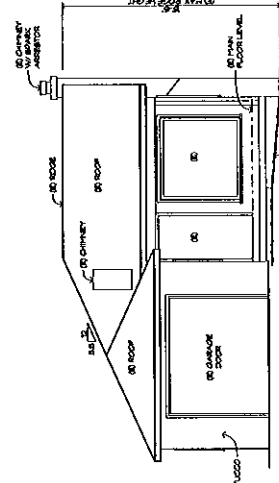
- D.R. Conditions Attached
- A.U.P. Conditions Attached
- U.P. Conditions Attached



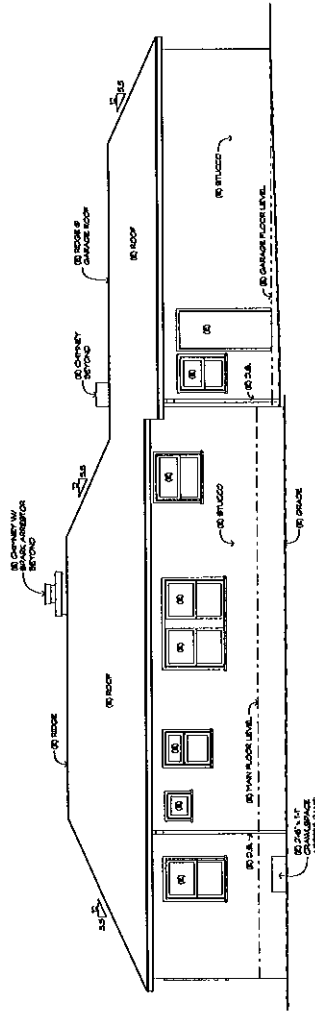
WEST EXTERIOR ELEVATION
SCALE: 1/8" = 1'-0"



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



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



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

TYPICAL EXTERIOR EXTERIOR MATERIALS

- TO ASPHALT COMPACTOR SHINGLE ROOF
- TO VINYL SIDING
- TO STUCCO PAINTED
- TO WOOD VINYL & ALUMINUM WINDOWS
- TO WOOD TRIMS, PAINTED
- TO WOOD DOORS

ALSO SUBMITTAL 6/26/14

SECOND STORY ADDITION FOR 1400 TRINITY ROAD, SAN JOSE, CALIFORNIA 95128

JASON RADIS ARCHITECT, INC.
1400 TRINITY ROAD, SUITE 100
SAN JOSE, CALIFORNIA 95128

PROJECT NO. 1400 TRINITY ROAD, SUITE 100
SHEET NO. SA
DATE: 7/8/14