

Planning and Development Department
Land Use Planning

U S E P E R M I T

CITY OF BERKELEY ZONING ORDINANCE
Berkeley Municipal Code Title 23

USE PERMIT # UP2014-0013

Property Address: **1334 ½ PARKER STREET**

Permittee Name: **ALEX CHIAPPETTA**

Use and/or Construction Permitted:

to enclose a covered porch and covered balcony located in the rear yard setback on a site which is over lot density.

- Use Permit to permit a residential addition on a lot that is non-conforming due to density, under BMC Section 23C.04.070.E
- Administrative Use Permit to alter a portion of a building which encroaches into a non-conforming yard, under BMC Section 23C.04.070.B

FINDINGS, CONDITIONS AND APPROVED PLANS ATTACHED

The Use Permit herein described has been duly granted by the Zoning Adjustments Board and is in effect on September 23, 2014.

ATTACHMENT 1

FINDINGS AND CONDITIONS

JUNE 26, 2014

1334½ Parker Street

Use Permit UP20014-0013 to enclose a covered porch and covered balcony located in the rear yard setback on a site which is over lot density

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.

GENERAL NON-DETRIMENT FINDING

2. Pursuant to Berkeley Municipal Code Section 23B.32.040, the Zoning Adjustments Board finds that the proposed project, under the circumstances of the particular case existing at the time at which the application is granted, will not be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the area or 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, for the following reasons:
 - A. The proposal would enclose a rear corner of the house which is already under the roof of the house. It would not expand the house beyond the existing footprint, nor increase the height of the building. The roof line of the building would not change. The addition of walls enclosing the balcony would not add significant shadow because of the existing roof and the placement of the new walls in relation to the existing walls of the dwelling. The new windows will not significantly change the privacy currently enjoyed by the eastern and northern neighbors. There are no prominent views that would be obstructed by enclosing the porch and balcony. The location of the addition at the back of the building means that it will not have an impact on the existing streetscape.

OTHER REQUIRED FINDINGS

3. Pursuant to Berkeley Municipal Code Section 23C.04.070.E (Expansions of Non-conforming Buildings and Structures), the Zoning Adjustments Board finds that the enlargement of the building is justified because it will not increase the residential density or exceed the height limit for the district. This project would enclose a 134 square-foot area that is already under the existing roof. It would not exceed the district's 28-foot average height limit, nor create an additional unit.
4. Pursuant to Berkeley Municipal Code Section 23C.04.070.B (Expansions of Non-conforming Buildings and Structures), the Zoning Adjustments Board finds that the addition to the building is justified because the existing residential use of the property conforms to the zoning district, and the enlargement will not further reduce the existing non-conforming rear yard nor exceed the maximum height limits. The back of the house, including the porch and balcony, is currently located three feet into the rear yard setback. Enclosing the porch and balcony and adding the new stairs will not further reduce this non-conforming setback, nor exceed the height limit.

STANDARD CONDITIONS OF APPROVAL FOR ALL PROJECTS

1. Conditions Shall be Printed on Plans

The conditions of this Permit shall be printed on the first sheet of each plan set submitted for a building permit pursuant to this Use Permit, under the title 'Use Permit Conditions'. The second sheet may also be used if the first 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 approved is permitted unless the Permit is modified by the Zoning Adjustments Board, in conformance with Section 23B.56.020.A.

Changes in the plans for the construction of a building or structure may be modified prior to the completion of construction, in accordance with Section 23B.56.020.D. The Zoning Officer may approve changes to plans approved by the Board, consistent with the Board's policy adopted on May 24, 1978, which reduce the size of the project. The Zoning Officer may also approve a maximum two-foot variation to Board approved plans, provided that such variation does not increase a structure's height, reduce the minimum distance to any property line, and/or conflict with any special objective sought by the Board. In the case of modifications to Use Permits for construction of, or additions or changes to, single-family homes which required Board review, the Zoning Officer shall follow Board policy adopted March 13, 1997, as follows:

- A. Upon applications for modifications to a home where a Use Permit has been granted, Staff shall review the Use Permit to determine if any explicit conditions were placed on the Use Permit that would be affected by the proposed modification.
- B. If, prior to acting on a Building Permit, Staff becomes aware of controversy over an earlier application, Staff may choose to conduct a more detailed review of the record to determine if conditions were implied by the Board or offered by the applicant (but not included in the Use Permit conditions) that would be affected by the proposed modification (this does not imply that Staff will review the whole Use Permit record for all applications).
- C. If there are explicit conditions (#A) or implied conditions (#B) affected by the proposed modification, the project shall be brought back to the Board as a Use Permit Modification.
- D. If there are no explicit conditions that would be affected by the proposed modification, and if Staff is not otherwise aware of implied conditions, and the project would otherwise meet the requirements of the Zoning Ordinance, Staff will approve the Building Permit without Board or public review.

5. Plans and Representations Become Conditions (Section 23B.56.030)

Except as expressly specified herein, the site plan, floor plans, building elevations and any additional information or representations submitted by the applicant during the Staff review and public hearing process leading to the approval of this Permit, whether oral or written, which indicated the proposed structure or manner of operation are deemed conditions of approval.

6. Subject to all City and Other Regulations (Section 23B.56.040)

The approved use and/or construction are subject to, and shall comply with, all applicable City Ordinances and laws and regulations of other governmental agencies.

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. 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 OF APPROVAL

Pursuant to BMC Section 23B.32.040.D, the Zoning Adjustments Board attaches the following conditions to this Permit:

Prior to Issuance of Any Building Permit

10. Prior to issuance of a building permit, 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 this record to the project planner upon request.

Noise Management Individual _____
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.

During Construction:

12. Prior to any excavation, grading, clearing, or other activities involving soil disturbance during the rainy season (between October 15 and April 15), the applicant shall obtain approval of an erosion prevention plan by the Building and Safety Division and the Public Works Department. The applicant shall be responsible for following these and any other measures required by the Building and Safety Division and the Public Works Department.

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 thick 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 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.

Prior to Final Inspection or Issuance of Occupancy Permit:

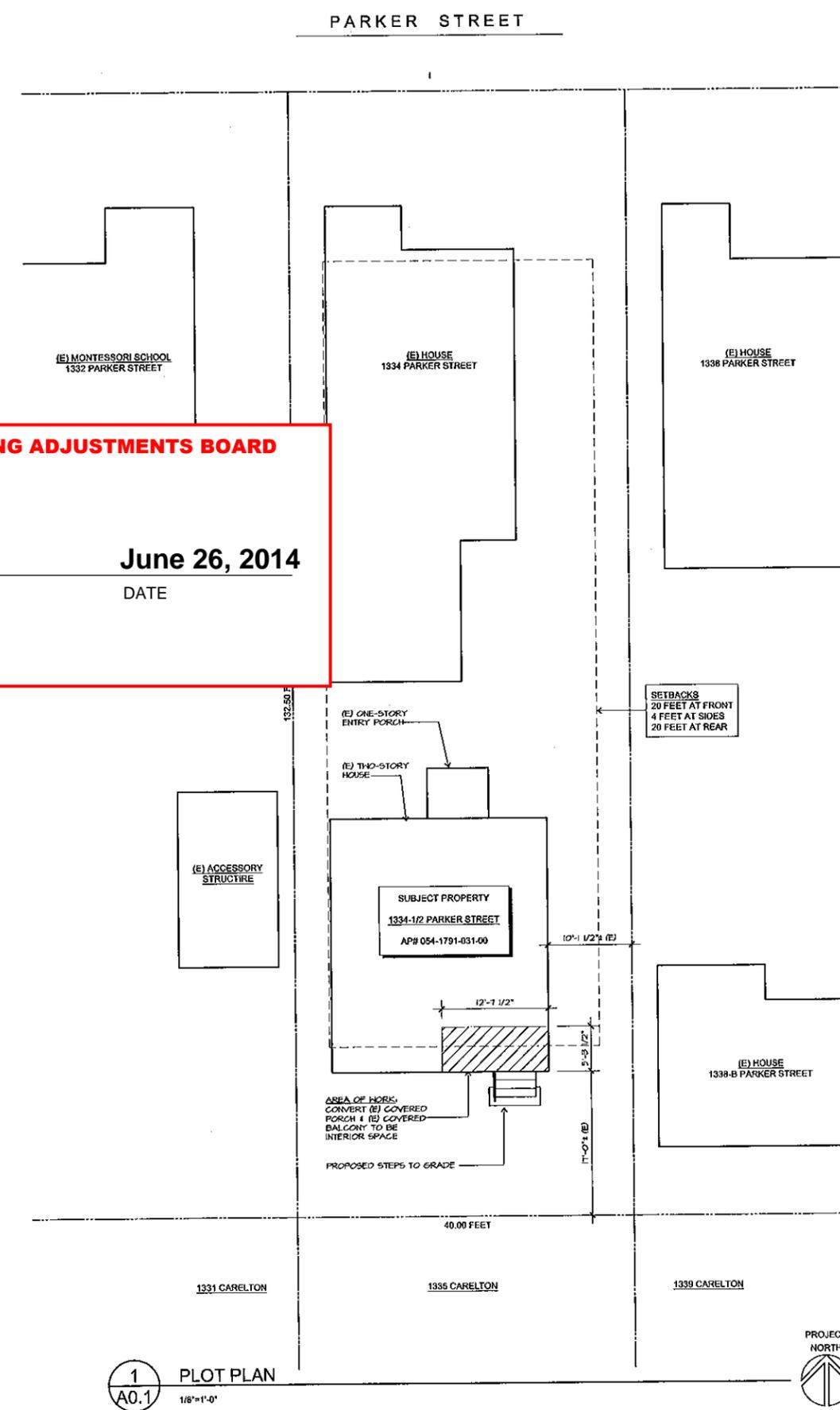
21. The project shall conform to the plans and statements in the Use Permit.
22. All landscape, site and architectural improvements shall be completed per the attached approved drawings dated May 1, 2014.

At All Times:

23. All exterior lighting shall be shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.
24. The applicant shall establish and maintain drainage patterns that do not adversely affect adjacent properties and rights-of-way. Drainage plans shall be submitted for approval of the Building & Safety Division and Public Works Department, if required.



I HAVE REVIEWED THE PLANS FOR THE PROPOSED IN-FILL ADDITION AT 1334 1/2 PARKER STREET					
NAME	SIGNATURE	ADDRESS	DATE	HAVE NO OBJECTIONS	HAVE OBJECTIONS (BRIEFLY STATE)



ABBREVIATIONS

ADJ	ADJUSTABLE	DU	DUPLICATE	NEH	NOT IN CONTRACT NUMBER
ALUM	ALUMINUM	INC	IN CONTRACT NUMBER	OF	OVER
ARCH	ARCHITECTURE	NO	NO	OC	ON CENTER
ASPH	ASPHALT	OR #	OR #	OD	CUTTER DIAMETER
BD	BOARD	OF	OVER	OFCI	OTHER FURNISHED, CONTRACTOR INSTALLED
BDLO	BUILDING	OFOI	OTHER FINISHED, OWNER INSTALLED	OPNS	OPENING
BLK	BLOCK	PL	PLATE	PL	PLYWOOD
BLUG	BLOCKING	PLYND	PLYWOOD	PT	PRESSURE TREATED
BH	BEAM	PT	POINT	R	RADIUS
B.O.	BOTTOM OF	RA	RETURN AIR	RA	RETURN AIR
BU	BUILT-UP	REF	REFERENCE	REG	REGISTER
CLB	CEILING	REQ	REQUIRED	RET	RETURN
CLR	CLEAR	RH	ROOM	RH	ROOM
CNTL	CONTROL	S	SOUTH	S	SOUTH
CONG	CONCRETE	SA	SHELF AIR	SA	SHELF AIR
CONT	CONTINUOUS	SAD	SEE ARCHITECTURAL DRAWING	SA	SEE ARCHITECTURAL DRAWING
CTR	CENTER	SED	SEE ELECTRICAL DRAWING	SED	SEE ELECTRICAL DRAWING
DEL	DOUBLE	SEFL	SEE FLOOR	SEFL	SEE FLOOR
DF	DOUBLE FIR	SHT	SHEET	SHT	SHEET
DH	DOWN	SHTG	SHEATHING	SHTG	SHEATHING
DP	DOUBLE POLE	SKD	SEE KITCHEN DRAWING	SKD	SEE KITCHEN DRAWING
DS	DOWNSPOUT	SLD	SEE LIGHTING DRAWING	SLD	SEE LIGHTING DRAWING
DYS	DRAWING	SP	SEE MECHANICAL DRAWING	SP	SEE MECHANICAL DRAWING
(E)	EXISTING	SFD	SEE PLUMBING DRAWING	SFD	SEE PLUMBING DRAWING
E	EAST	SG	SQUARE	SG	SQUARE
EA	EACH	SS	SINGLE SHELF	SS	SINGLE SHELF
ELEG	ELECTRICAL	STD	SEE STRUCTURAL DRAWING	STD	SEE STRUCTURAL DRAWING
ELEV	ELEVATION	STD	STANDARD	STD	STANDARD
EG	EQUAL	T&G	TONGUE AND GROOVE	T&G	TONGUE AND GROOVE
EXP	EXPOSED	TO	TOP OF	TO	TOP OF
EXT	EXTERIOR	TOFF	TOP OF FINISH FLOOR	TOFF	TOP OF FINISH FLOOR
FF	FRESH FLOOR	TOP	TOP OF	TOP	TOP OF
FN	FIBER	TOS	TOP OF SLAB	TOS	TOP OF SLAB
FL	FLOOR	TP	TOILET PAPER HOLDER	TP	TOILET PAPER HOLDER
FOC	FACE OF CONCRETE	TR	TYPICAL	TR	TYPICAL
FOF	FACE OF FINISH	UN	UNLESS OTHERWISE NOTED	UN	UNLESS OTHERWISE NOTED
FOS	FACE OF STUD	VERT	VERTICAL	VERT	VERTICAL
FOP	FACE OF PLYWOOD	VIF	VERIFY IN FIELD	VIF	VERIFY IN FIELD
FURN	FURNACE	H	HEAT	H	HEAT
GA	GALVANIZED	HN	HINT	HN	HINT
GB	GROUND	HO	HOLE	HO	HOLE
GYP	GYP'SUM BOARD	HO	HOLE	HO	HOLE
HB	HOSE BIB	HO	HOLE	HO	HOLE
HC	HOLLOW CORE	HO	HOLE	HO	HOLE
HD	HEADER	HO	HOLE	HO	HOLE
HR STL	HOT-ROLLED STEEL	HO	HOLE	HO	HOLE
HVAC	HEATING, VENTILATING, AND AIR CONDITIONING	HO	HOLE	HO	HOLE
HI	HOT WATER HEATER	HO	HOLE	HO	HOLE
ICFV	INTEGRAL COLOR PLASTER VENEER	HO	HOLE	HO	HOLE
INSUL	INSULATION	HO	HOLE	HO	HOLE
INT	INTERIOR	HO	HOLE	HO	HOLE
LAM	LAMINATE	HO	HOLE	HO	HOLE
LT	LIGHT	HO	HOLE	HO	HOLE
MANF	MANUFACTURER	HO	HOLE	HO	HOLE
MAX	MAXIMUM	HO	HOLE	HO	HOLE
MC	MEDICINE CABINET	HO	HOLE	HO	HOLE
MECH	MECHANICAL	HO	HOLE	HO	HOLE
MEMB	MEMBRANE	HO	HOLE	HO	HOLE
MH	MIMIMUM	HO	HOLE	HO	HOLE
MIL	METAL	HO	HOLE	HO	HOLE

GENERAL NOTES

- PROJECT ADDRESS: 1334 1/2 Parker Street
 A.P. NUMBER: AP# 054-225600300
 ZONING: R-1
 APPLICABLE CODES: 2014 Berkeley Municipal Code
 OCCUPANCY: R-3
 TYPE OF CONSTRUCTION: TYPE V-B
 LOCAL REQ'S: FIRE ZONE 3
- All work and materials shall be in accordance with the latest rules and regulations of the National Board of Underwriters, the latest editions of the National Electrical Code, the National Plumbing and Mechanical Code, the Uniform Building Code, and all applicable Local and State Laws and Ordinances. Nothing on the drawings shall be construed to permit work not conforming to these codes.
 - All work shall be performed in conformance to all requirements of the State of California Energy Commission (Title 24) Energy Efficiency Standards for New Buildings. Refer to specific regulations and mandatory features and devices as noted in the energy performance calculations included elsewhere in these documents.
 - All plan notes imply the words "the Contractor shall . . ." or "the Contractor shall install . . ." which ever is applicable. Items labeled "EXISTING," "EXTD.," or "(E)" are existing and shall remain. All other items and notes not labeled or identified as existing shall be considered new and shall be provided by the Contractor.
 - All dimensions take precedent over scale. The Contractor shall not scale the drawings with the intent of determining exact placement or location of particular assemblies.
 - Contractor shall verify all dimensions and conditions in field. Report any discrepancies to Architect for resolution. Discrepancies between Architect's, Engineer's or Manufacturer's construction details shall be resolved to satisfy the most stringent requirement.
 - The Contractor shall be solely responsible for all bracing and shoring required during construction until construction is complete. The Contractor shall not store construction material or operate construction equipment in a manner such that the design live loads of the structure are exceeded.

SHEET INDEX

- BUILDING PERMIT SUBMITTAL
 A0.1 COVER SHEET AND PLOT PLAN
 A2.1 EXISTING & PROPOSED FLOOR PLANS & EXTERIOR ELEVATIONS

PLANS APPROVED BY ZONING ADJUSTMENTS BOARD

Alex Chiappetta
SIGNATURE

June 26, 2014
DATE

* Findings and Conditions Attached

PROJECT DESCRIPTION

- (E) COVERED PORCH & CLOSET AT FIRST FLOOR AND (E) COVERED BALCONY AT SECOND FLOOR ARE TO BE IN-FILLED/CONVERTED TO INTERIOR SPACE.
- PROPOSED REAR PORCH TO BE IN-FILLED/CONVERTED TO INTERIOR SPACE.
- EAST-FACING WINDOW AT MASTER BEDROOM TO BE REPLACED.

SHEET NOTES

- 1334 1/2 IS THE STRUCTURE AT THE REAR (SOUTH) OF THIS PROPERTY. IT IS AN INDEPENDENT DWELLING UNIT.
- NO CHANGE TO OVERALL (E) BUILDING FOOTPRINT--THE SPACES TO BE CONVERTED ARE ALREADY CONSIDERED PART OF THE LOT COVERAGE.
- ANY WORK IN THE PUBLIC RIGHT OF WAY SHALL REQUIRE A SEPARATE ENCROACHMENT PERMIT.
- ALL PARKING AND MATERIAL STORAGE WILL BE ON SITE. EXCEPT, AT CONTRACTOR'S OPTION, CONTRACTOR MAY OBTAIN A CONSTRUCTION PARKING PERMIT FOR SUBJECT ADDRESS FRONTAGE FOR A PORTION OF, OR FOR THE DURATION OF, THE WORK.

PROJECT DATA

	EXISTING	PROPOSED	TOTALS
SITE AREA	5800		3005.6
BUILDING AREA (1334 1/2)			
FIRST FLOOR, INTERIOR/CONDITIONED	648	161	769
SECOND FLOOR, INTERIOR/CONDITIONED	648	161	769
TOTAL (FOR 1334 1/2 ONLY)	1346	134	1530
FRONT HOUSE (1334) FOOTPRINT	1068		1068
REAR HOUSE (1334 1/2) FOOTPRINT	808		808
TOTAL FOOTPRINTS	1876	NO CHANGE	1876
LOT COVERAGE %	35.5%		35.5%
BLDG. HT.			

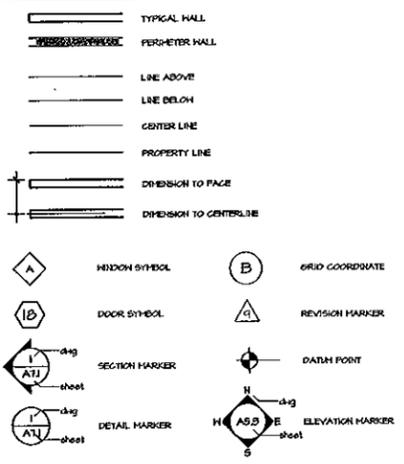
PROJECT DIRECTORY

BUILDING OWNER: Phil Morton & Paula Buel
1334 1/2 Parker Street
Berkeley CA, 94702

STRUCTURAL ENGINEER: tbc

ARCHITECT: Alex Chiappetta
Alex Chiappetta Architecture
(510) 844-1698 phone

SYMBOLS



Morton/Buel Residence

REMODELS

1334 1/2 Parker St.
Berkeley

AP#
054-1791-031-00

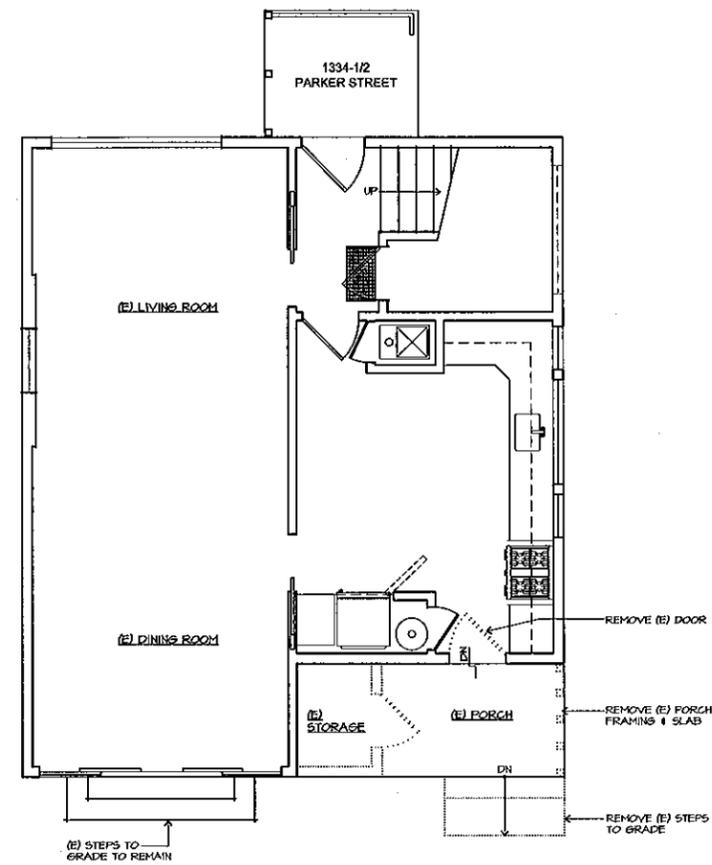
COVER SHEET & PLOT PLAN

By AC Date AS NOTED
Date 04/30/14 Job 1314

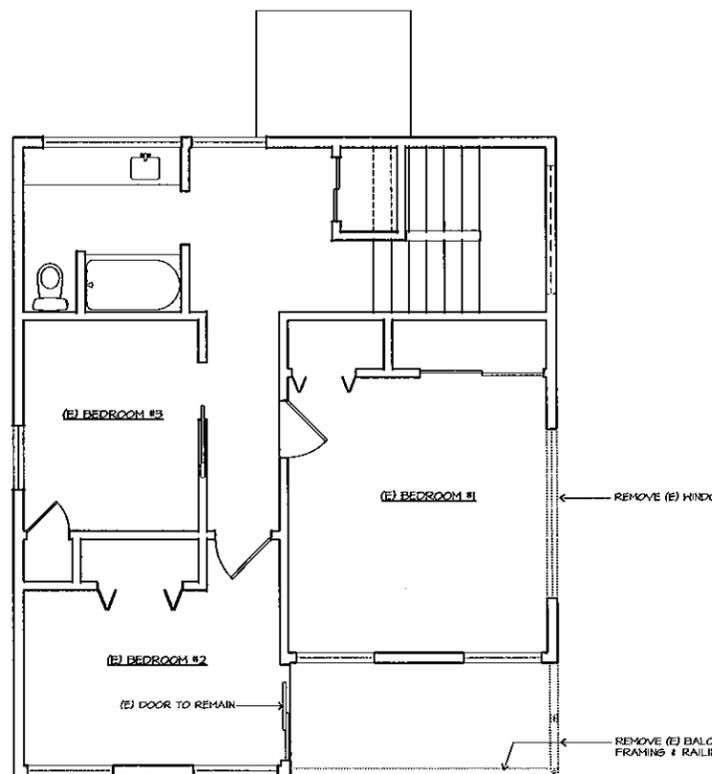
A0.1

1 PLOT PLAN
A0.1 1/8"=1'-0"

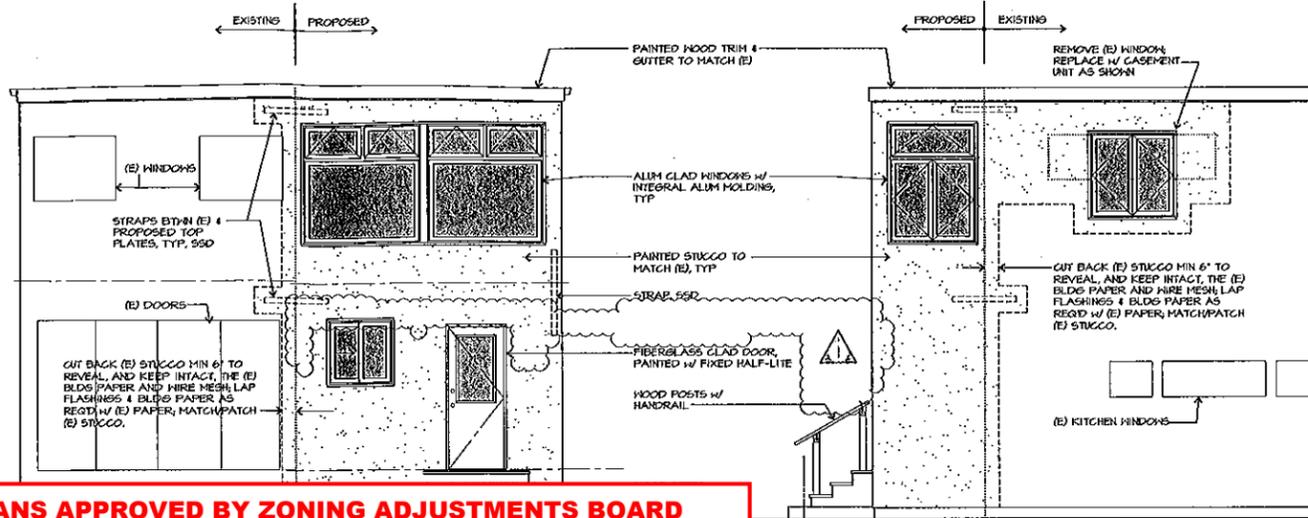




6 EXISTING FIRST FLOOR PLAN
A2.1



5 EXISTING SECOND FLOOR PLAN
A2.1



3 EAST ELEVATION
A2.1

PLANS APPROVED BY ZONING ADJUSTMENTS BOARD

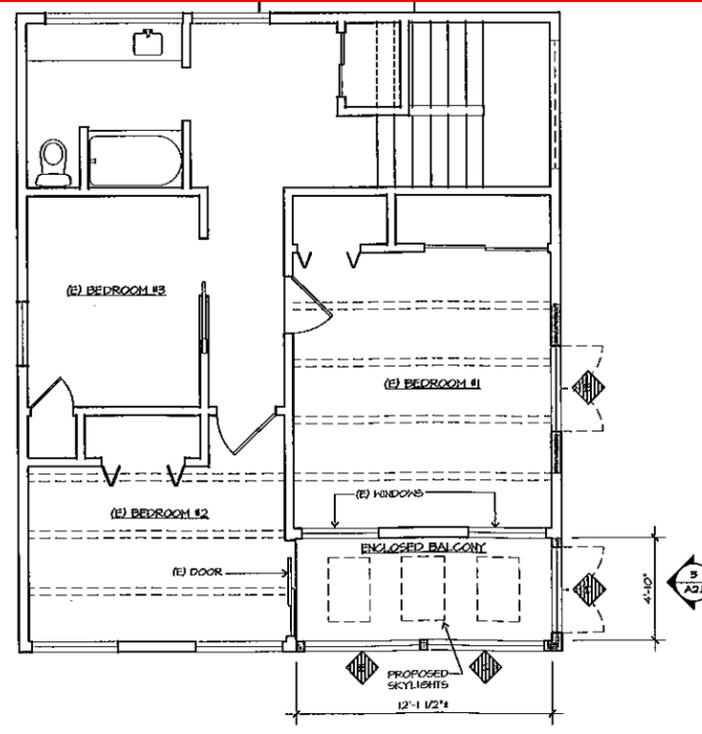
Alex Chiappetta

June 26, 2014

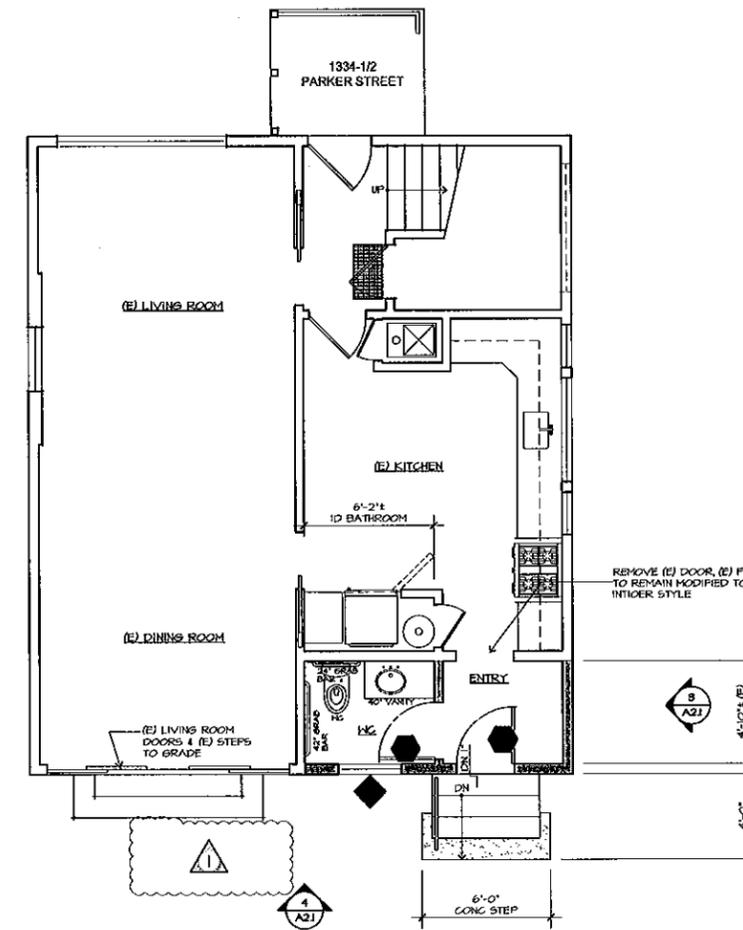
SIGNATURE

DATE

* Findings and Conditions Attached



2 PROPOSED SECOND FLOOR PLAN
A2.1



1 PROPOSED FIRST FLOOR PLAN
A2.1

04/30/14	RESUBMITAL TO PLANNING, DELETE TRELLIS
02/12/14	NEIGHBORS MEETING
Revisions	

Morton/Buel
Residence

REMODELS

1334 1/2 Parker St.
Berkeley

AP#
054-1791-031-00

Driving Title

FLOOR PLANS &
EXTERIOR
ELEVATIONS

by AC Scale 1/4"=1'-0"

Date 04/30/14 Job 1314

Drawing No.

A2.1