



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 #2014-0044**

Property Address: **1212 PERALTA AVENUE**

Permittee Name: **RONALD & CATHERINE RICE**

Use and/or Construction Permitted: This permit will conditionally authorize construction of a new second story addition of approximately 1,200 sq. ft. of floor area on an existing one-story, single family-residence, resulting in a total of 2,400 sq. ft. of floor area and a new average building height of 25 ft. and two stories pursuant to:

- Section 23C.04.070 to vertically expand a non-conforming yard setback;
- Section 23D.20.030 to construct a residential addition greater than 600 sq. ft.;
- Section 23D.20.070.C to construct a residential addition greater than 14 ft. in average 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 October 2, 2014.

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

October 2, 2014  
Effective Date

# ATTACHMENT 1

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## FINDINGS AND CONDITIONS

SEPTEMBER 11, 2014

### 1212 Peralta Avenue

#### Administrative Use Permit #AUP2014-0044

**To construct a new second story addition of approximately 1,200 sq. ft. of floor area on an existing one-story, single family-residence, resulting in a total of 2,400 sq. ft. of floor area and a new average building height of 25 ft. and two stories.**

#### CEQA FINDINGS

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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”).

#### FINDINGS FOR APPROVAL

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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:
  - A. The proposed size and scale of subject main building are consistent with the R-1A District parameters for residential development. The project will complement the existing built context where a range of building sizes and styles create a varied and visually interesting neighborhood.
  - B. The existing garage parking space with access from Telvin alley will remain and an additional parking space will be created in the required side yard setback with access from Peralta Street, resulting in two on-site parking spaces for the subject single-family residence. In accordance with Sections 23D.12.080 (*Site, Location and Screening for Uncovered Parking Spaces*) and 23D.20.090 (*Parking*), the proposal to create an additional parking space in the required side yard setback is permissible by-right because the new space satisfies all site, location and screening standards.
  - C. As permitted under Section 23D.20.060 (*Addition of Bedrooms on a Parcel*) the proposal to create a third bedroom in the existing two-bedroom, single-family residence is permissible by-right because the proposed number of bedrooms does not exceed four.
  - D. As prescribed under Section 23D.20.070 (*Development Standards*) this proposal is permissible where it complies with the R-1A District Development Standards for maximum for residential density, Lot Coverage and building heights as well as with the minimum standards for side and rear yard setbacks and Useable Open Space.

3. As required under Section 23C.04.070 (*Expansions of Non-conforming Buildings and Structures*) Paragraph B, the proposed vertical extension of the existing, non-conforming front yard setback of 11 ft. – 6 inches, where a minimum of 20 ft. is otherwise required, is permissible because:
    - A. The single-family use of the subject property conforms to the R-1A District standards for *Uses Permitted* under Section 23D.20.020;
    - B. The extension will not further reduce the substandard front yard setback; and
    - C. The resulting average building height of 25 ft. does not exceed the R-1A District limit of 28 ft. in average height prescribed in Section 23D.020.070 (*Development Standards*) Paragraph C.
  
  4. As required under Section 23D.20.090 (*Findings*) Paragraph B, the proposed second-story addition is found to be permissible and non-detrimental with respect to potential impacts on *sunlight, air* and *views* for these reasons:
    - A. *Sunlight* - Shadow Studies submitted on April 16 and May 30, 2014 estimate that the new second story will have minimal impact on adjacent residences. Specifically, the addition will obscure the southern dining and family room windows at 1210 Peralta from morning to midday during winter; but the addition will not affect these rooms at other times of the day or throughout the remainder of the year. This change in the sunlight pattern is found to be minimal and reasonable and, therefore, non-detrimental.
    - B. *Air* - As discussed previously, this proposal adheres to the minimum side and rear yard setback standards for the R-1A District and thereby provides adequate building-to-building separations between the subject residence and the nearest main buildings at 1210 and 1216 Peralta.
    - C. *Views* - There are no protected views or view corridors as defined under Section 23F.04 (*Definitions*) to consider with this project.
-

## **STANDARD CONDITIONS**

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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. All curbs and curb cuts shall be constructed per the standards and specifications of the Public Works Department. Curb cuts no longer utilized shall be restored per the Public Works Department specifications.

**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 July 24, 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.



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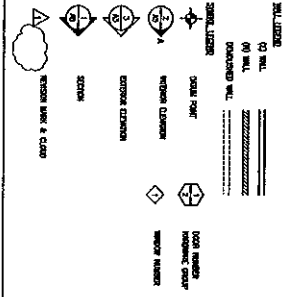
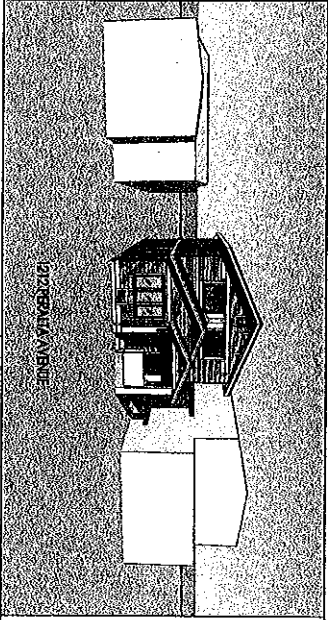
Prepared by: Fatema Crane, Associate Planner  
For Carol Johnson, Land Use Planning Manager

RECEIVED

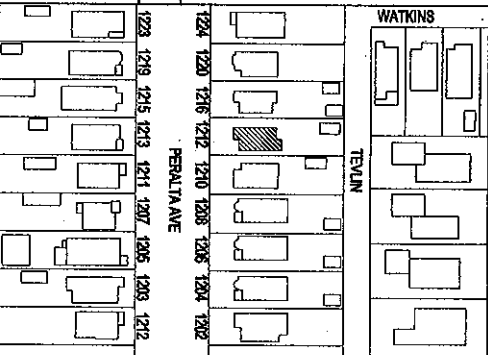
JUL 24 2014

LAND USE PLANNING

**APPROVED PLAN** 08/28/14  
 DATE: 8/28/14  
 PLANNING  
 DPR Conditions Attached  
 XAUP Conditions Attached  
 DUP Conditions Attached  
 V4



2013 California Residential Code  
 2013 California Green Building Standards Code  
 2013 California Electrical Code  
 2013 California Plumbing Code  
 2013 California Mechanical Code



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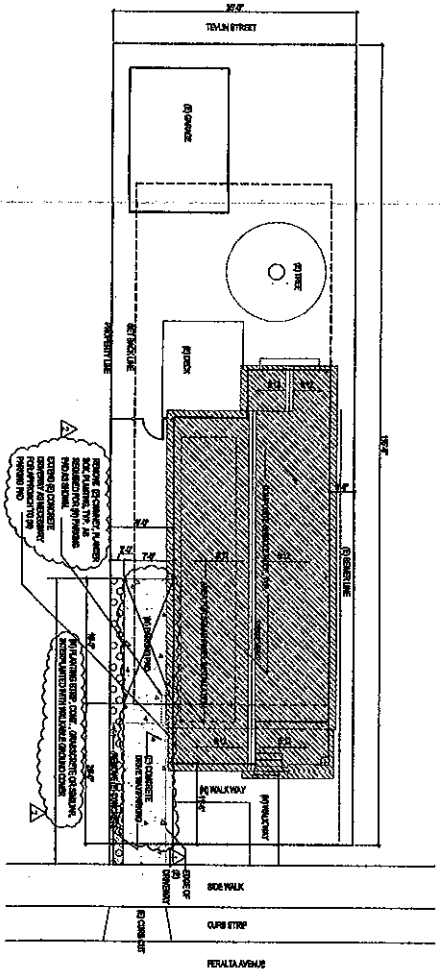
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 ADDRESS: 1212 PERALTA AVE  
 ZONING DESIGNATION: R-1A  
 APN: 060 241700800  
 CONSTRUCTION TYPE: TYPE V4  
 YEAT BUILT: 1984  
 (E) PARKING: OFF STREET (GARAGE)  
 LOT AREA: 4025 SF  
 PROJECT DESCRIPTION: 2ND STORY ADDITION OVER (E) 1200 SF HOUSE WITHOUT AN INCREASE TO THE (E) FOOT PRINT.

PROJECT DESCRIPTION

**PLANNING & DEVELOPMENT**  
 TABULATION FORM  
 Project Address: \_\_\_\_\_  
 Applicant's Name: \_\_\_\_\_  
 Zoning District: \_\_\_\_\_  
 Project Site: \_\_\_\_\_  
 Please refer to the following amended information for the zoning, variance, and other zoning ordinance interpretation specifications:

Under Review	Condition	Approved	Permitted	Conditional
(0)	1	1	11	11
(0)	1	1	11	11
(0)	115	115	30	30
(0)	42	42	35	35
(0)	33	33	35	35
(0)	47	47	30	30
(0)	1	2	1	1
(0)	2	2	30	30
(0)	2	2	30	30
(0)	5	5	30	30
(0)	42	42	115	115
(0)	300	300	400	400
(0)	100	100	100	100
(0)	37	37	40	40
(0)	200	200	2000	2000
(0)	100	100	100	100

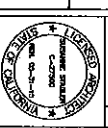
PROJECT TABULATION FORM



PROJECT NORTH

SITE AND ROOF PLAN

A1.0

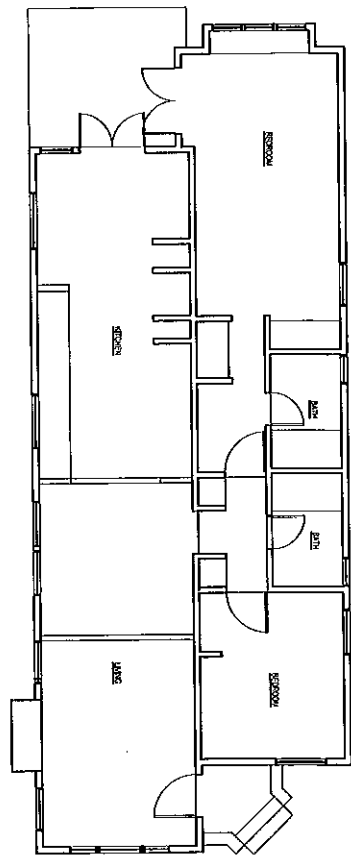


**RECEIVED** JUL 24 2014  
 LAND USE PLANNING

PLANNING & DEVELOPMENT  
 1515 POLK AVENUE, 4TH FLOOR, SAN FRANCISCO, CA 94109  
 TEL: 415.774.8200 FAX: 415.774.3474  
 WWW.PDANDC.COM

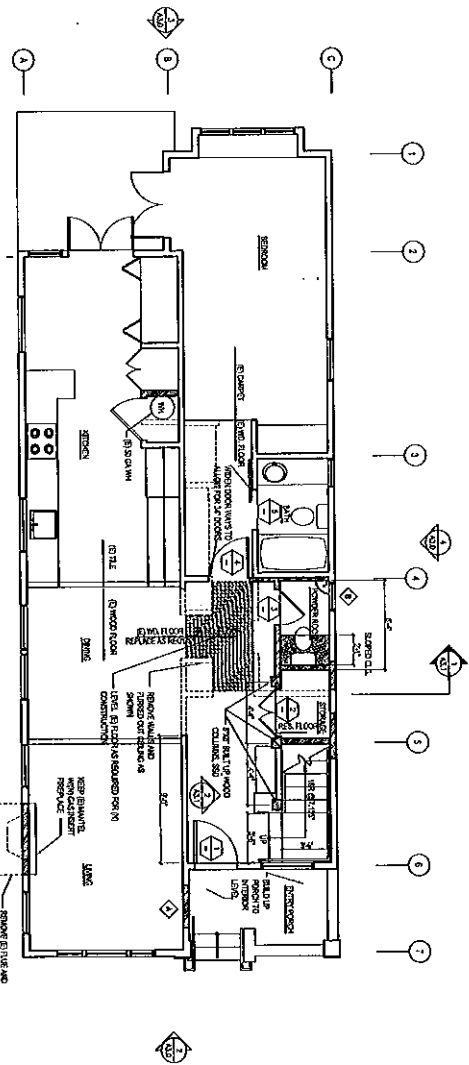


APPROVED PLAN  
 DATE 01/28/14  
 PLANNING  
 D.R. Conditions Attached  
 A.U.P. Conditions Attached 2/4  
 U.P. Conditions Attached



EXISTING FLOOR PLAN

project north 1/28/14 A2.1



PROPOSED FIRST FLOOR PLAN AND DEMOLITION PLAN

project north 1/28/14 A2.1

THESE PLANS ARE THE PROPERTY OF STADLER & ARCHITECTURE. ANY REUSE OR REPRODUCTION OF THESE PLANS WITHOUT THE WRITTEN PERMISSION OF STADLER & ARCHITECTURE IS STRICTLY PROHIBITED.

A2.1  
 1 of 1 SHEET

EXISTING AND IN FIRST FLOOR PLAN  
 SCALE: AS SHOWN  
 DRAWN: [Name]

DATE: [Date]  
 PROJECT: [Project Name]

CONSULTANT:  
 STADLER & ARCHITECTURE  
 1212 PERALTA AVE  
 BERKELEY, CA 94706  
 TEL: 415.841.1111  
 WWW.STADLER-ARCH.COM

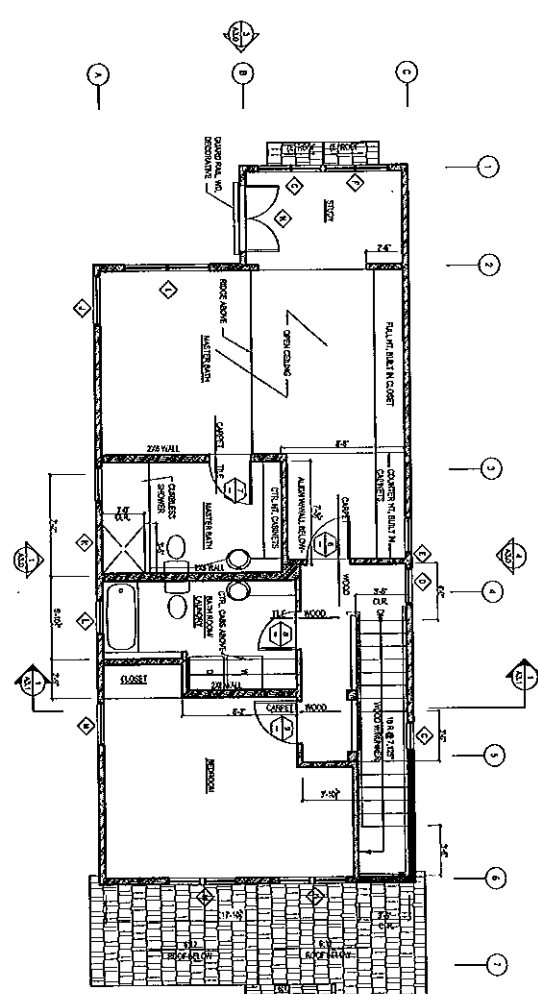


DATE: 01/28/14	PROJECT: RICE RESIDENCE
SCALE: AS SHOWN	DATE: 01/28/14
DRAWN: [Name]	PROJECT: RICE RESIDENCE
CHECKED: [Name]	DATE: 01/28/14
DATE: 01/28/14	PROJECT: RICE RESIDENCE

RICE RESIDENCE  
 2N STORY ADDITION  
 1212 PERALTA AVE  
 BERKELEY, CA 94706

Stadler &  
 Architecture /Interior Design  
 1160 Polaris Ave, Berkeley, CA 94705 415.841.1111

APPROVED PLAN  
 DATE 08/28/14  
 D.R. Conditions Attached  
 A.U.P. Conditions Attached  
 U.P. Conditions Attached



SECOND FLOOR PLAN

NO.	SYMBOL	DESCRIPTION	UNIT	LOCATION	QUANTITY	REMARKS	DATE	BY	CHECKED
1	1	DOOR	30'x14'	BRN	1	BRN			
2	2	DOOR	30'x14'	BRN	1	BRN			
3	3	DOOR	30'x14'	BRN	1	BRN			
4	4	DOOR	30'x14'	BRN	1	BRN			
5	5	DOOR	30'x14'	BRN	1	BRN			
6	6	DOOR	30'x14'	BRN	1	BRN			
7	7	DOOR	30'x14'	BRN	1	BRN			
8	8	DOOR	30'x14'	BRN	1	BRN			
9	9	DOOR	30'x14'	BRN	1	BRN			
10	10	DOOR	30'x14'	BRN	1	BRN			

ALL WINDOWS SHOWN TO BE EITHER HORIZONTAL SQUARE OR SL.

NO.	SYMBOL	DESCRIPTION	UNIT	LOCATION	QUANTITY	REMARKS	DATE	BY	CHECKED
1	1	WINDOW	36'x14'	BRN	1	BRN			
2	2	WINDOW	36'x14'	BRN	1	BRN			
3	3	WINDOW	36'x14'	BRN	1	BRN			
4	4	WINDOW	36'x14'	BRN	1	BRN			
5	5	WINDOW	36'x14'	BRN	1	BRN			
6	6	WINDOW	36'x14'	BRN	1	BRN			
7	7	WINDOW	36'x14'	BRN	1	BRN			
8	8	WINDOW	36'x14'	BRN	1	BRN			
9	9	WINDOW	36'x14'	BRN	1	BRN			
10	10	WINDOW	36'x14'	BRN	1	BRN			

PROJECT NORTH

project north 1/17-1/17 422



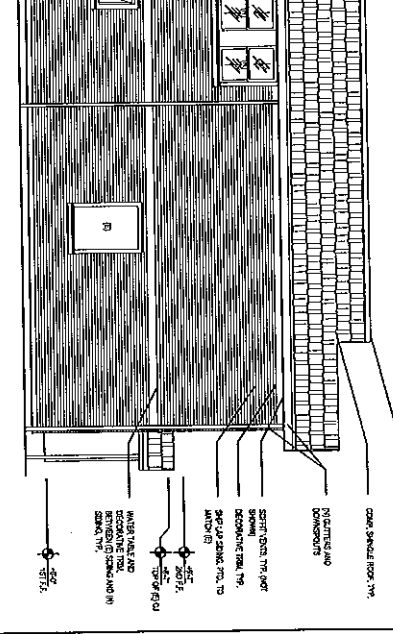
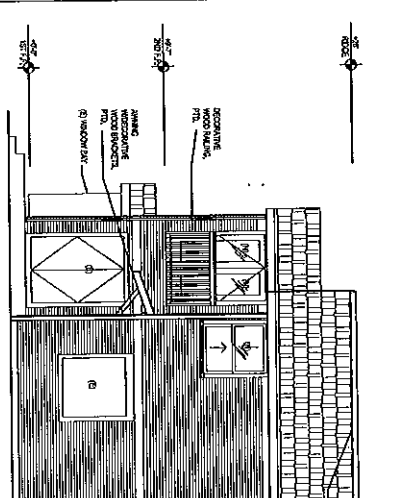
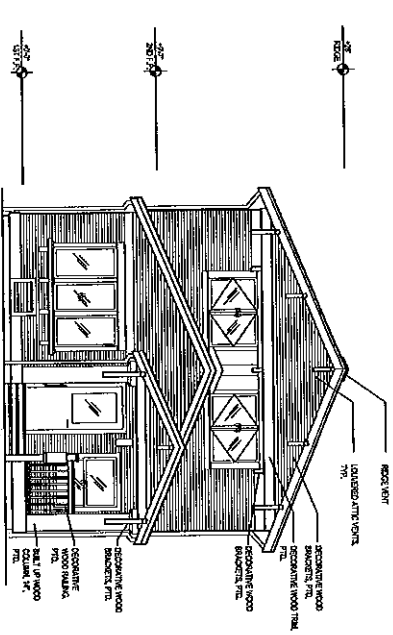
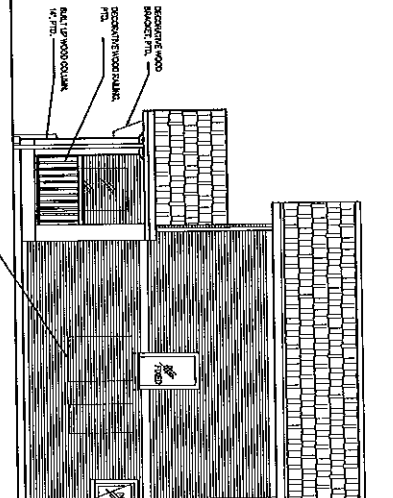
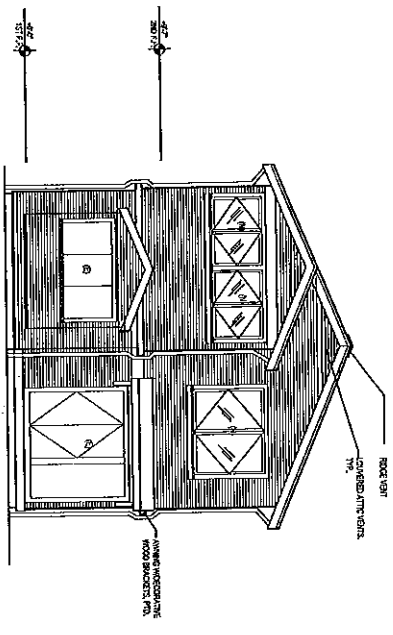
RICE RESIDENCE  
 2N STORY ADDITION  
 1212 PERALTA AVE  
 BERKELEY, CA 94706

Stadler &  
 Architecture /Interior Design

DATE 08/28/14  
 DRAWN BY [Name]  
 CHECKED BY [Name]  
 PROJECT NO. 1212 PERALTA AVE

2ND FLOOR PLAN SCHEDULES  
 1 of 4 SHEETS  
 A2.2

APPROVED PLAN  
 PLANNING  
 D.R. Conditions Attached  
 A.U.P. Conditions Attached  
 U.P. Conditions Attached  
 DATE 08/28/14



THE OWNER OF THIS RESIDENCE HAS BEEN ADVISED BY THE ARCHITECT THAT THE ARCHITECT'S RESPONSIBILITY IS LIMITED TO THE DESIGN AND CONSTRUCTION OF THE BUILDING AS SHOWN ON THESE PLANS. THE ARCHITECT DOES NOT WARRANT THE ACCURACY OF THE INFORMATION PROVIDED HEREON.

1/2" = 1'-0" A3.0

EXTERIOR ELEVATIONS  
 SCALE: AS SHOWN  
 DRAWN

1/2" = 1'-0" A3.0

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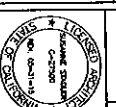
1/2" = 1'-0" A3.0

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RICE RESIDENCE  
 2N STORY ADDITION  
 1212 PERALTA AVE  
 BERKELEY, CA 94706

Stadler &  
 Architecture /Interior Design

1000 Broadway, Suite 1000, Berkeley, CA 94706



PROFESSIONAL ENGINEER  
 STATE OF CALIFORNIA  
 LICENSE NO. 45821  
 EXPIRES 08/28/14