



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 #ZP2014-0009**

Property Address: **1326 ARCH STREET**

Permittee Name: **BENNETT CHRISTOPHERSON**

Use and/or Construction Permitted: To construct a roof deck with a maximum height of approximately 26 feet (to the top of railings) over the existing porte cochere pursuant to:

- Section 23D.16.070.C to construct a residential addition >14' avg. height; and
- Section 23E.96.070.B to construct a residential addition >20' max. height in the H Overlay

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 14, 2014.

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

October 14, 2014  
Effective Date

# ATTACHMENT 1

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## FINDINGS AND CONDITIONS

SEPTEMBER 22, 2014

### 1326 Arch Street

#### Administrative Use Permit ZP2014-0009

**To construct a roof deck with a maximum height of approximately 26 feet (to the top of railings) over the existing porte cochere.**

#### 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”). 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

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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:
  - The existing porte cochere has a non-conforming side yard setback as it is built to the property line. The proposed roof deck will be set in four feet (4') from the side property line, and conforms to all other District setbacks. The massing of the deck is limited to 42-inch tall railings that will be a solid wall along the sides and rear, and will only have open rails facing the front yard area (55 feet from the front property line). Impacts to light, air, and privacy of the neighboring properties are, therefore, determined to be minimal. Additionally, the proposed deck will not affect any significant views enjoyed by neighboring properties.
  - The proposed deck is well designed and is compatible with the house's existing architecture.
  - The project will meet current Building and Safety Code and, therefore, will not present a safety hazard to the residents.

3. Pursuant to Berkeley Municipal Code Section 23E.96.070.B, the Zoning Officer finds that the construction of roof deck railings that exceed 20 feet in maximum height (as measured from the grade below) is consistent with the purposes of the Hillside Overlay District in that due to the minimal massing resulting from the 42-inch railings, the project will not change the character of Berkeley's hill Districts and their immediate environs and there will be no impact to neighboring views.
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## 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.

**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.

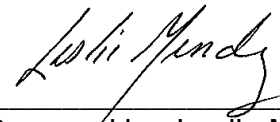
21. Any construction during the wet season shall require submittal of a soils report with appropriate measures to minimize erosion and landslides, and the developer shall be responsible for following these and any other measures required by the Building and Safety Division and the Public Works Department.

**Prior to Issuance of Occupancy Permit or Final Inspection:**

22. All construction at the subject property shall substantially conform to the approved Use Permit drawings or to modifications approved by the Zoning Officer.
23. All landscape, site and architectural improvements shall be completed per the attached approved drawings dated January 2, 2014 (received August 5, 2014).

**At All Times (Operation):**

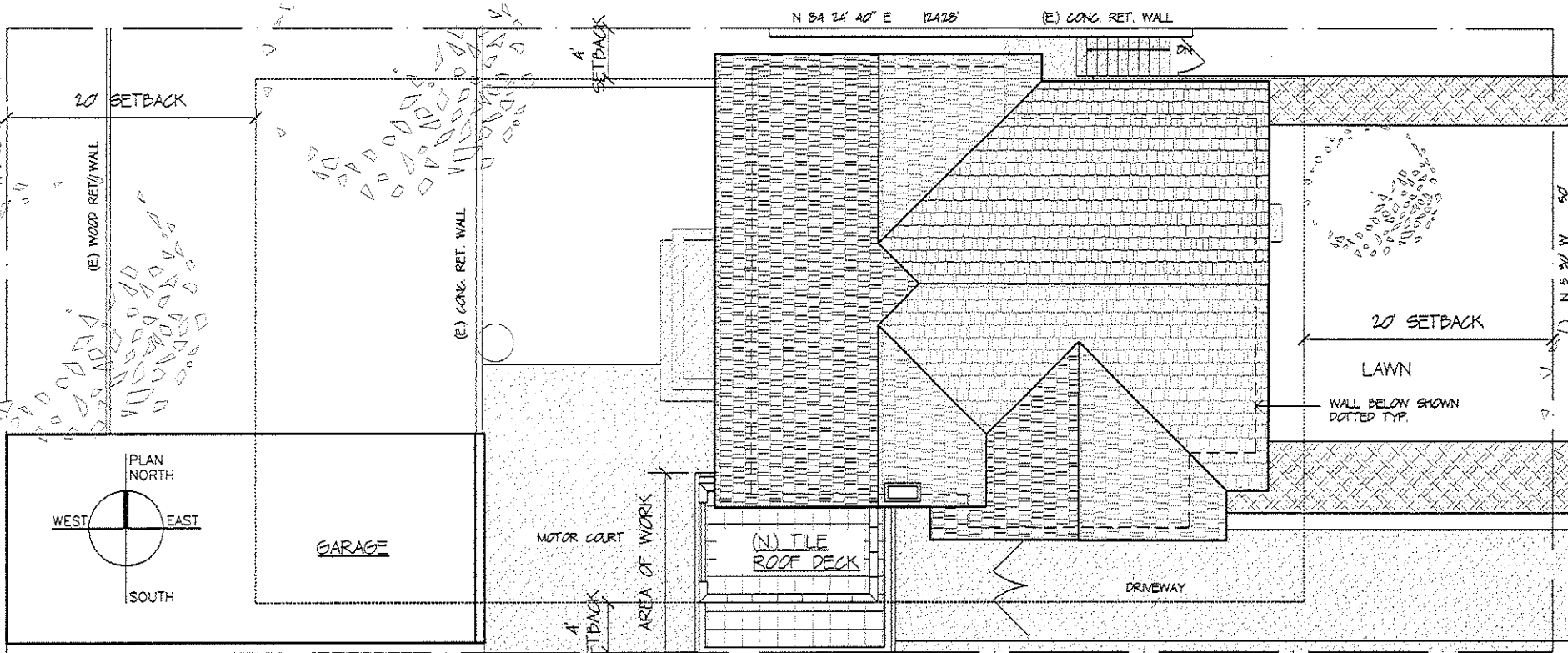
24. All exterior lighting shall be shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.



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Prepared by: Leslie Mendez  
For Carol Johnson, Land Use Planning Manager

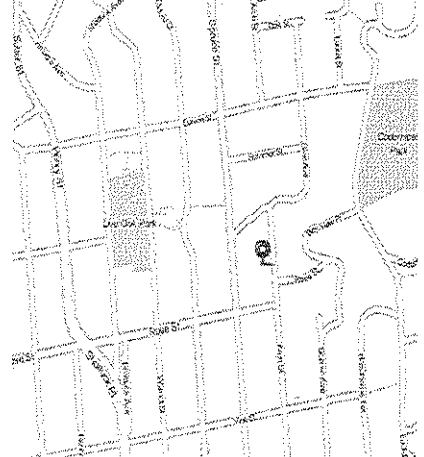
These drawings constitute the original unpublished work of Bennett Christopherson Architect, and may not be duplicated or used without the consent of Bennett Christopherson Architect.



I HAVE REVIEWED THE PLANS FOR A ROOF DECK AT 1326 ARCH ST.

NAME (PRINTED)	SIGNATURE	ADDRESS	RENTER OR OWNER	DATE	HAVE NO OBJECTIONS	HAVE OBJECTIONS (PLEASE STATE BRIEFLY)	HAVE NO COMMENT
<b>PLANS APPROVED by</b>							
	<i>Lolita Mendy</i>			<b>Sept. 22, 2014</b>			
	SIGNATURE			DATE			
	<b>*AUP Findings and Conditions Attached</b>						

N 84 24' 40" E 12428' (E) WOOD GRAPE STAKE FENCE



**LAND USE PLANNING**

**SITE PLAN**  
 1/8" = 1'-0"  
 AUG 10 2014

IMPROVEMENTS FOR  
**DAVID FEINBERG**  
 1326 ARCH STREET  
 BERKELEY, CA  
 SITE PLAN 1/2/14

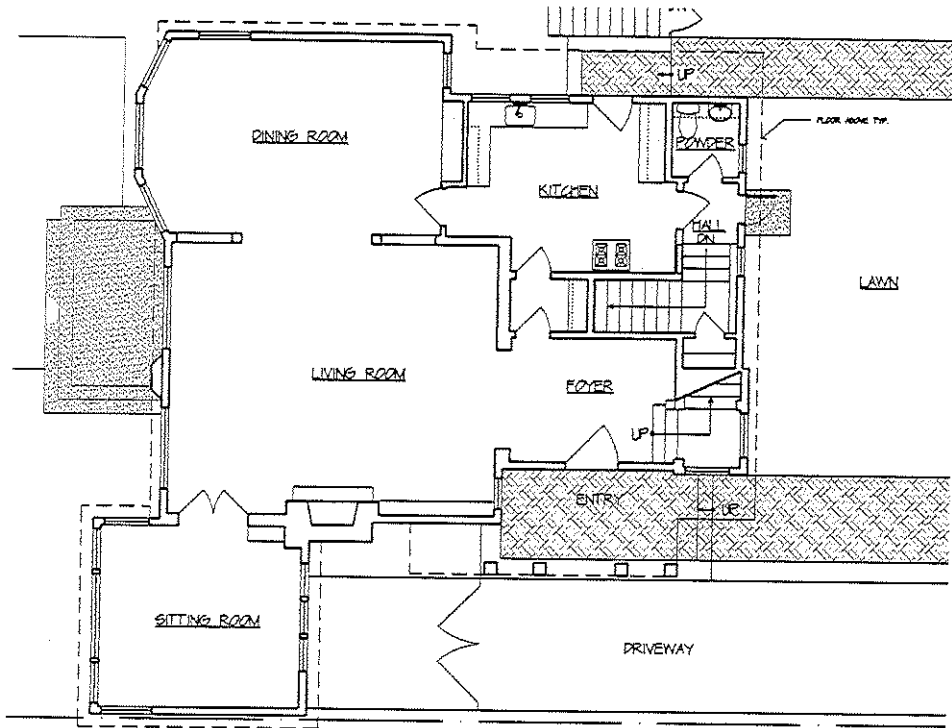
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**Bennett Christopherson**  
 Architect

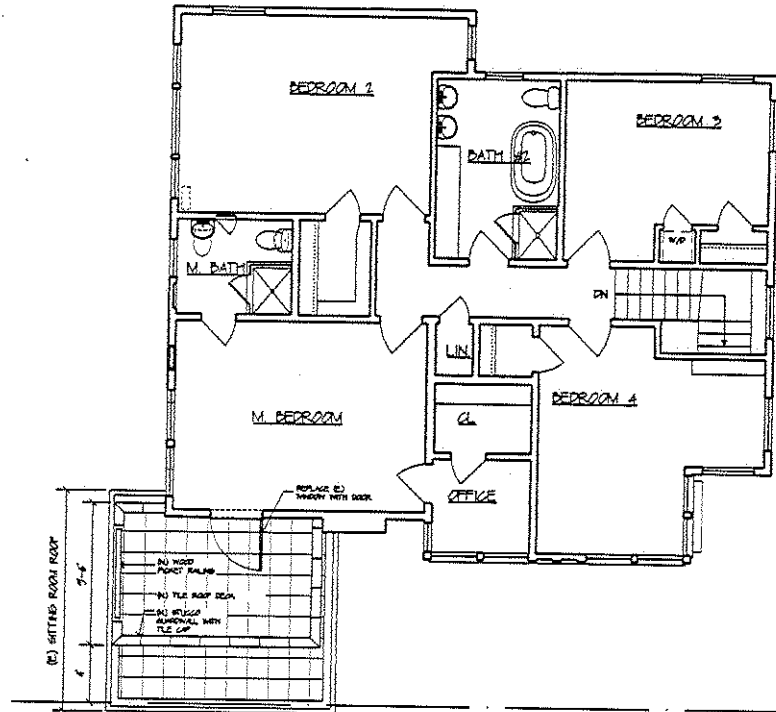
6101 Colby Street Oakland CA 94618

Telephone 510.383.8900  
 Facsimile 510.636.8668  
 Mobile 510.341.9337

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2
2
**MAIN FLOOR PLAN**  
 1/8" = 1'-0"  
 PLAN NORTH  
 WEST EAST  
 SOUTH



1
2
**UPPER FLOOR PLAN**  
 1/8" = 1'-0"  
 PLAN NORTH  
 WEST EAST  
 SOUTH

NAME (PRINTED)	SIGNATURE	ADDRESS	RENTER OR OWNER	DATE	HAVE NO OBJECTIONS	HAVE OBJECTIONS (PLEASE STATE BRIEFLY)	HAVE A COMMENT

**PLANS APPROVED by**

SIGNATURE

Sept. 22, 2014  
 DATE

\*AUP Findings and Conditions Attached

2

**IMPROVEMENTS FOR  
 DAVID FEINBERG  
 1326 ARCH STREET  
 BERKELEY, CA**  
 FLOOR PLANS 1/2/14

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**Bennett Christopherson  
 Architect**  
 6101 Colby Street Oakland CA 94618  
 Telephone 510.382.8900  
 Facsimile 510.636.8668  
 Mobile 510.541.9331



**TABULATION FORM**

Project Address: 1326 ARCH ST. Date: 12/30/13  
 Applicant's Name: BENNETT CHRISTOPHERSON, ARCHITECT  
 Zoning District: 2-1H

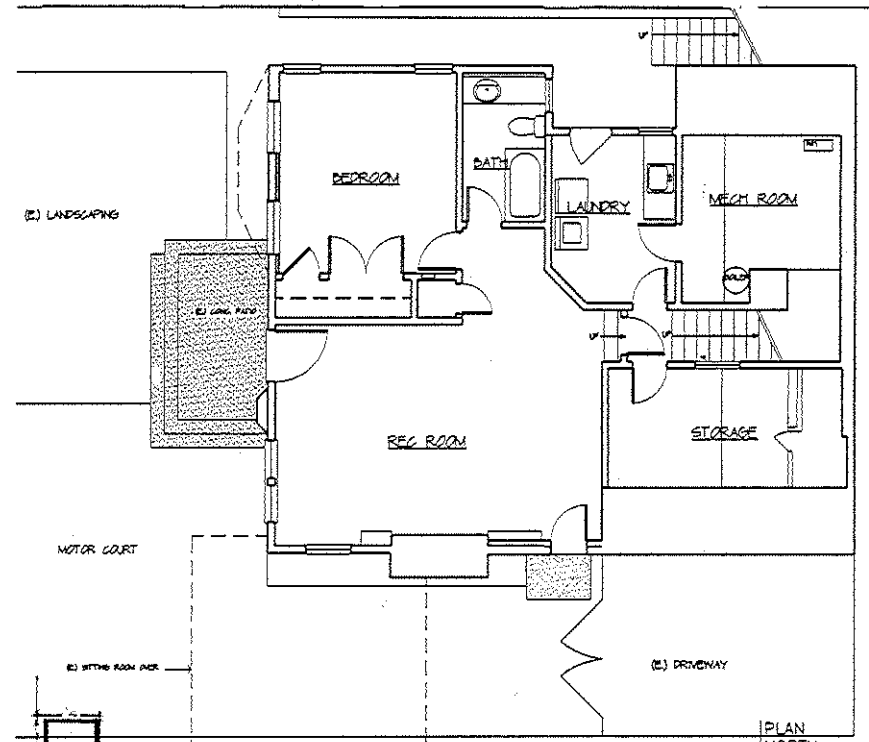
Please print in ink the following numerical information for Use Permit, Variance, and other Zoning Ordinance related permit applications:

	Existing	Proposed	Permitted/Required
<b>Units; Parking Spaces</b>			
Number of Dwelling Units (U)	1	1	1
Number of Parking Spaces (P)	2	2	1
<b>Yards and Height</b>			
Front Yard Setback (ft.)	24	24	20
Side Yard Setbacks (facing property)			
Left (ft.)	0	0	4
Right (ft.)	4	4	4
Rear Yard Setback (ft.)	0	0	20
Building Height* (Stories)	3	3	3
Average* (ft.)	35	35	38
Maximum* (ft.)	37	37	
<b>Areas</b>			
Lot Area (SqFt.)	6200	6200	5040
Gross Floor Area* (SqFt.)	4044	4044	
Total Area Covered by All Floors (SqFt.)	2168	2168	
Lot Coverage* (Footprint/Lot Area) (%)	35	35	40
Useable Open Space* (SqFt.)	2760	2760	400
Floor Area Ratio* (Non-Residential Projects only, except ES-R)			

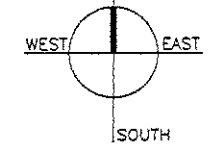
\*See Definitions - Zoning Ordinance Title 22F.

Revised: 09/02  
 if formatted use planning/tabulation\_form.doc

Zoning/General Plan	Regulation Applies
Adm. District	No
Conservation District/Jan. Jan. District	No
General Plan Area	LDR
General Map Area	R-1H
General District	
Seismic Safety	
Earthquake Early Warning (Seismic) Zone	No
Landslide (Seismic Hazard) Mitigation Act	Yes
Landslide (Geologic Hazard) Mitigation Act	No
Unincorporated Historic Building Inventory	No
Historic Preservation	
Landmarks or Structures of Merit	No
Environmental Safety	
Cross-Border	No
Environmental Management Area	No
Site Zone	2
Flood Zone (Floodway or SFH)	No
Additional Parcel Info	
Parcel Larger than or equal to 10,000 Square Feet	No
Parcel Larger than or equal to 5,000 Square Feet	No
Recreational Area	No



1  
3  
BASEMENT FLOOR PLAN  
1/8" = 1'-0"



IMPROVEMENTS FOR  
 DAVID FEINBERG  
 1326 ARCH STREET  
 BERKELEY, CA  
 FLOOR PLAN 1/2/14

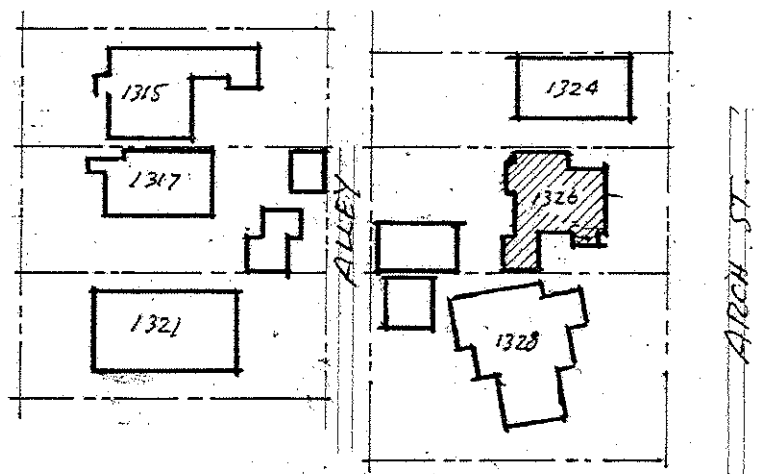
**PLANS APPROVED by**  
*Lohi Mendy*  
 SIGNATURE  
 Sept. 22, 2014  
 DATE  
 \*AUP Findings and Conditions Attached

**3**  
 Bennett Christopherson  
 Architect  
 Colby Street Oakland CA 94618

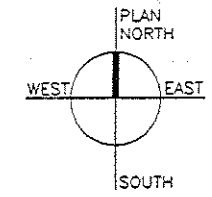
Telephone 510.383.8900  
 Facsimile 510.636.8668  
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Land Use Planning, 2120 Minna Street, Berkeley, CA 94704  
 Tel: 510.891.7429 TDD: 510.891.9203 Fax: 510.891.7420 Email: [planning@bennettchristopherson.com](mailto:planning@bennettchristopherson.com)



2  
3  
VICINITY MAP (FROM SANBORN MAP)  
1" = 50'



PLANS APPROVED by

*Lesli Mendy*

Sept. 22, 2014

SIGNATURE

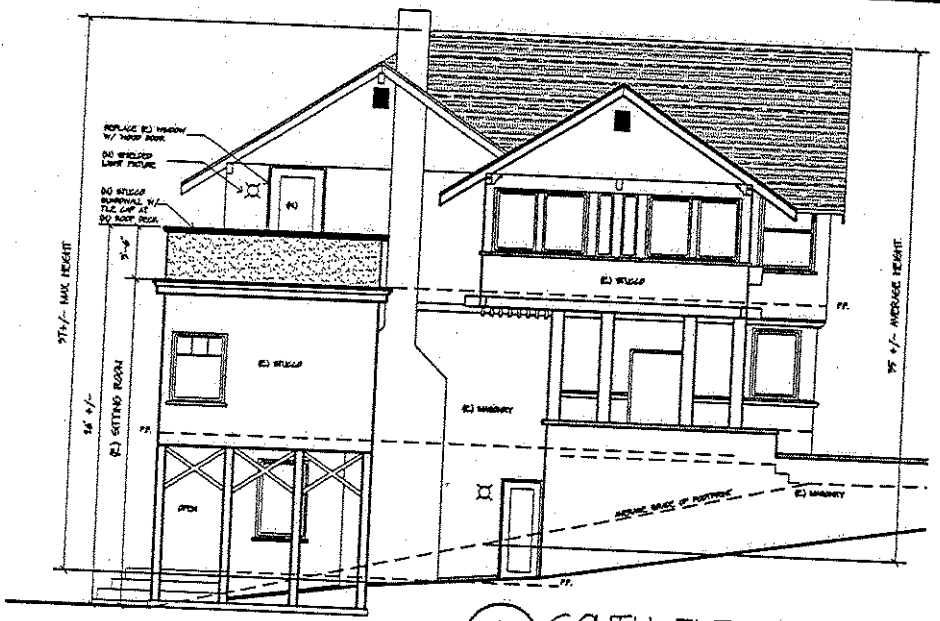
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\*AUP Findings and Conditions Attached

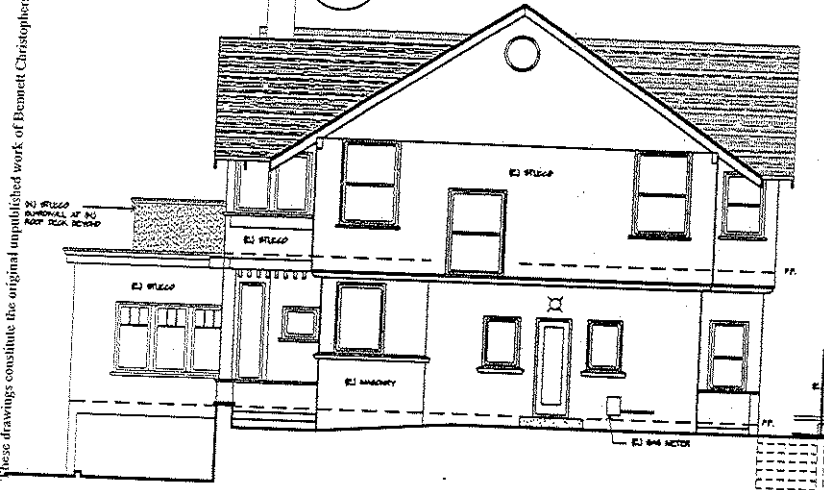
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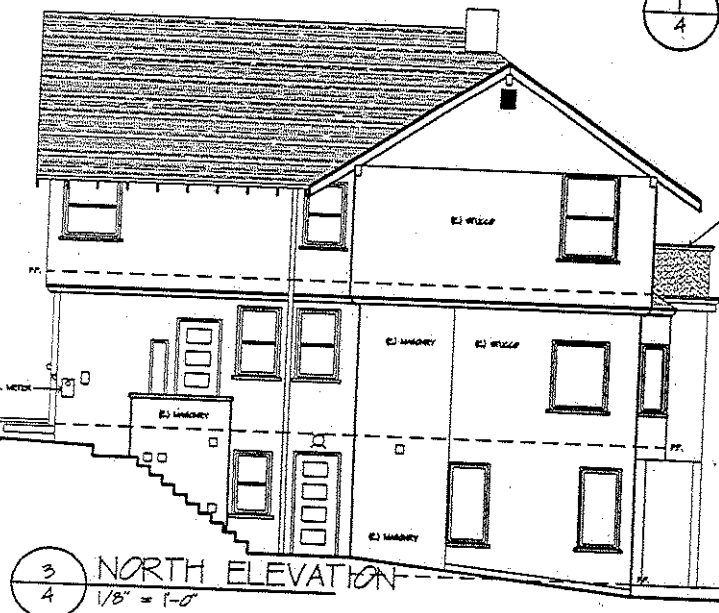
2 WEST ELEVATION  
4 1/8" = 1'-0"



1 SOUTH ELEVATION  
4 1/8" = 1'-0"



4 EAST ELEVATION  
4 1/8" = 1'-0"



3 NORTH ELEVATION  
4 1/8" = 1'-0"

4

IMPROVEMENTS FOR  
DAVID FEINBERG  
1326 ARCH STREET  
BERKELEY, CA  
ELEVATIONS 1/2/14

Bennett Christopherson  
Architect

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