

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

1456 Cornell Avenue

Administrative Use Permit #ZP2014-0035

Project Description: To enlarge an existing 1,104 square foot single-family residence by constructing an approximately 915 square foot major residential second story addition, increasing the average height from 14 feet 8 inches to 24 feet 5 inches. An approximately 307 square foot addition to the ground floor is also proposed, pursuant to:

- Section 23D.28.030 to allow a major residential addition exceeding 600 sq. ft.; and
- Section 23D.28.070.C to construct a residential addition greater than 14 ft. in 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 March 24, 2015.

Attest: Greg Powell
Greg Powell, Principal Planner

March 24, 2015
Effective Date

ATTACHMENT 1

FINDINGS AND CONDITIONS

MARCH 2, 2015

1456 Cornell Avenue

Administrative Use Permit #ZP2014-0035

To enlarge an existing 1,104 square foot single-family residence by constructing an approximately 915 square foot major residential second story addition, increasing the average height from 14 feet 8 inches to 24 feet 5 inches. An approximately 307 square foot addition to the ground floor is also proposed.

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 23D.28.030 (Uses Permitted) and 090 (Findings), the proposed major residential addition may exceed 600 sq. ft. and 14 ft. 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 existing height of the residence is 14 ft. 8 in. and the proposed height is 24 ft. 5 in. While the addition will increase shadows at neighboring properties, these increases will not be significant, they will be on limited areas for limited times as described below:
 - 1450-1452 Cornell is to the north of the subject property and contains a single-story two-unit residential building at the rear of the lot and a detached two car garage at the front of the lot. In December, shadows

- currently exist at the residential building and the addition will increase shadows between approximately sunrise and 2:00 p.m. A large shadow will be cast in the morning hours, but the residential building will not be completely in shadow. In September, shadows are not currently cast on the residential building, and the addition will cast a small shadow from approximately sunrise to before noon.
- At the abutting property to the west at 1457 Stannage, in June, a small, new shadow will extend across the southeast corner of the residential building, from approximately sunrise to 10:00 a.m.; and
 - At the confronting property to the east at 1465 Cornell, in June, a sliver of shadow will be added to the existing shadow cast on this residence from approximately 2:00 p.m. to sunset.
- Air – The proposed addition will maintain the existing property line setbacks and will maintain existing building separations to buildings on adjacent lots. The distance to the nearest residential structure to the north at 1452 Cornell is approximately 17 ft. and the addition is approximately 16 ft. from the nearest residential structure to the south at 1460 Cornell. In addition, as part of this application the existing shed and a portion of the existing garage in the southwest corner of the property would be demolished. Adequate air circulation would be allowed between developments.
 - Views – The proposed addition will not block neighbors' views of any significant feature because there are no significant views as defined under Section 23F.04 (Definitions) in the vicinity of the addition. The proposed project will not exceed the full height limit allowed in the R-2 District and will not exceed the number of stories allowed; and
 - Privacy – The proposed addition includes a 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 are more than 92 ft. from the confronting structure to the east at 1457 Cornell and this distance is adequate to mitigate potential privacy impacts;
 - At the west (rear) elevation, the proposed second floor windows are approximately 36 ft. from the abutting residential structure at 1457 Stannage and this distance is adequate to mitigate potential privacy impacts; and
 - At the south (side) elevation, the proposed second floor windows are approximately 16 ft. from the abutting residential structure at 1460 Cornell and this distance is adequate to mitigate potential privacy impacts. In addition, an obscure casement window is proposed at the bathroom window; and
 - At the north (side) the proposed windows are in a study and the stairwell and are unlikely to create significant privacy impacts and the distance to the neighboring property at 1452 Cornell is approximately 17 ft. away and is adequate to mitigate potential privacy impacts. In addition, the windows at the stairwell are frosted windows, further mitigating potential privacy concerns.

- The proposed project retains the single-family residence character, and is consistent with the overall scale of the one- and two-story single-family residences in the neighborhood. The design incorporates several measures to break up the mass including a partial second story addition, the use of windows going diagonally at the north stairwell, and a change to a roof pitch at the north and south elevations.
 - The proposed project is consistent with the purposes of the R-2 District (Section 23D.28.020) because the project meets the General Plan policy by encouraging the development of low to medium density residential uses, characterized by a reasonably open and spacious single family home, contributing to a range of housing choices with a relatively large amount of open space while protecting adjacent properties from unreasonable obstruction of light and air (see Findings above).
 - As required by Section 23D.28.070 (Development Standards), this project is permissible because the subject property satisfies the development standards for lot coverage, maximum residential density, maximum building height, and minimum front, rear, and side 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.

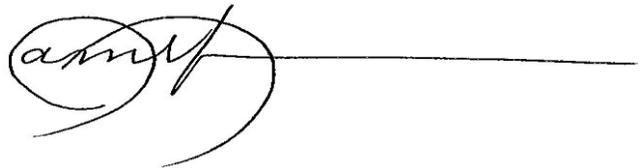
19. Public streets shall be swept (preferably with water sweepers) of all visible soil material carried from the site.
20. The applicant shall establish and maintain drainage patterns that do not adversely affect adjacent properties and rights-of-way.
21. The applicant shall ensure that all excavation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

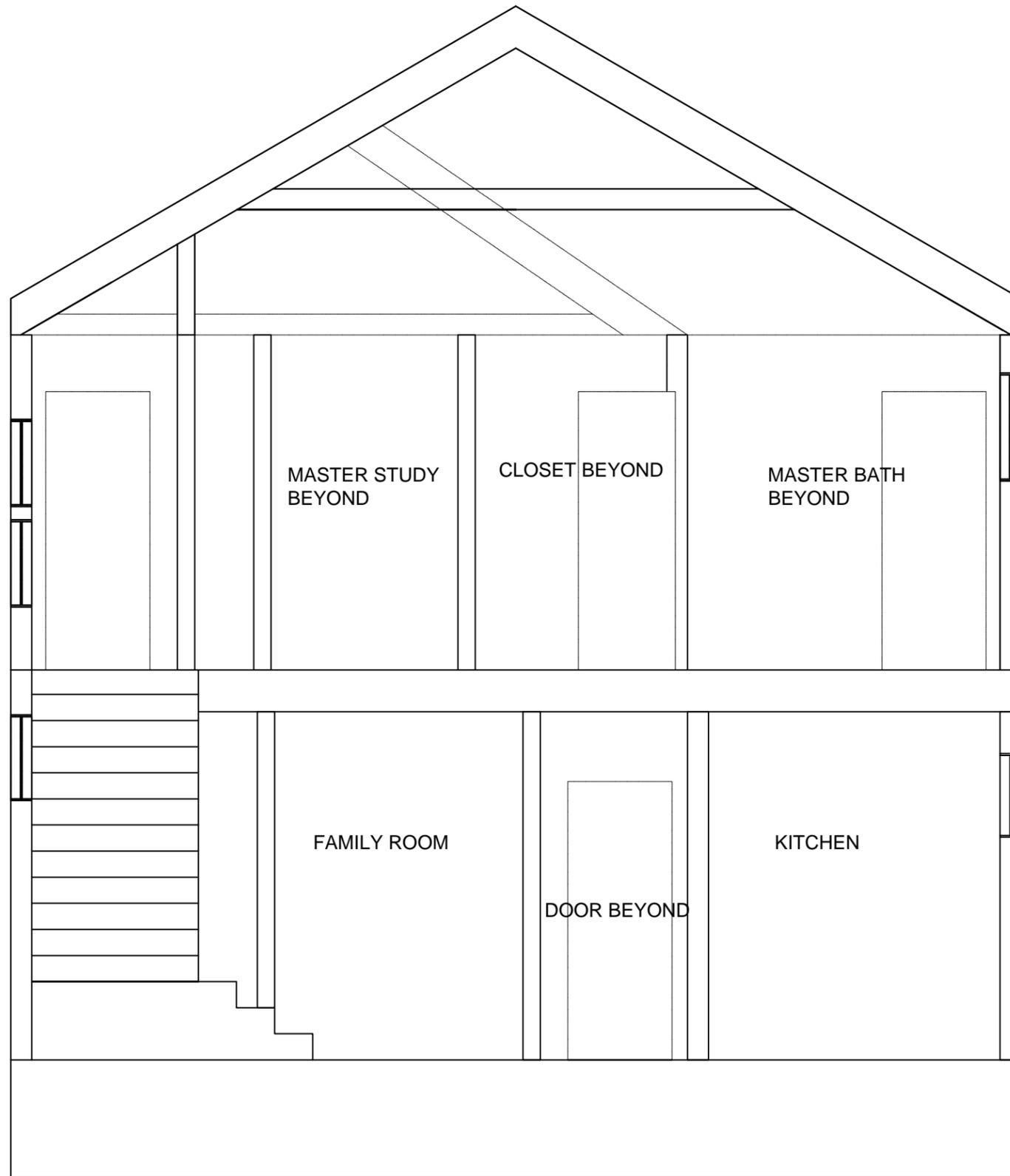
23. All construction at the subject property shall substantially conform to the approved Use Permit drawings or to modifications approved by the Zoning Officer.
24. All landscape, site and architectural improvements shall be completed per the attached approved drawings dated **February 9, 2015**.

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 Shannon Allen, AICP, Principal Planner



PLANS APPROVED by
amf
February 9, 2015
SIGNATURE DATE
***AUP Findings and Conditions Attached**

1 PROPOSED 2ND FLOOR PLAN
A-3 1/4"=1'

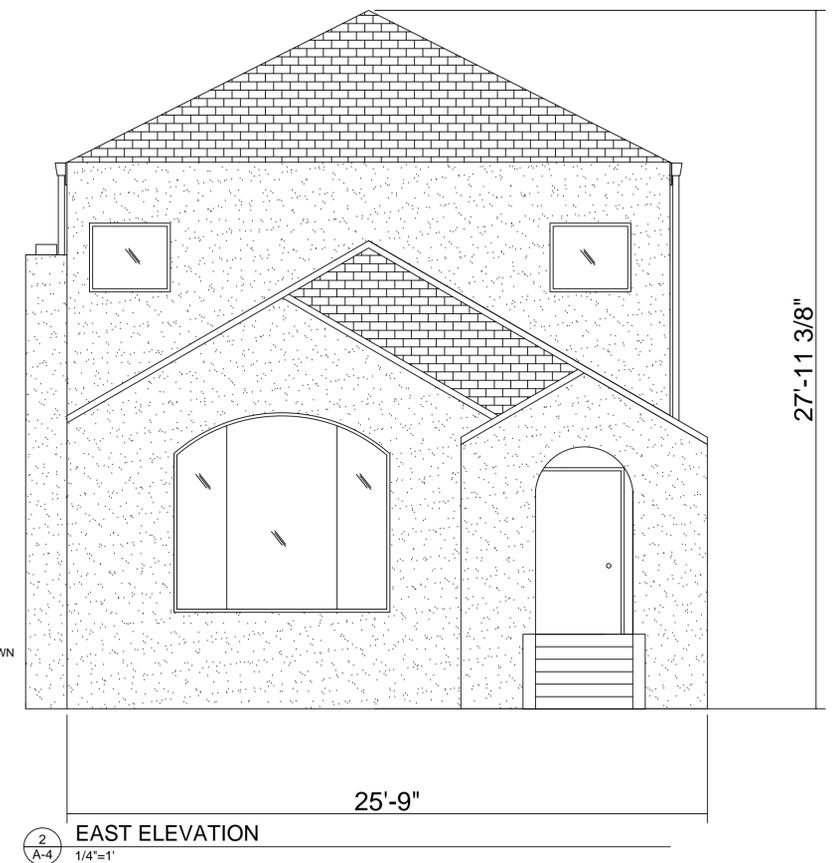
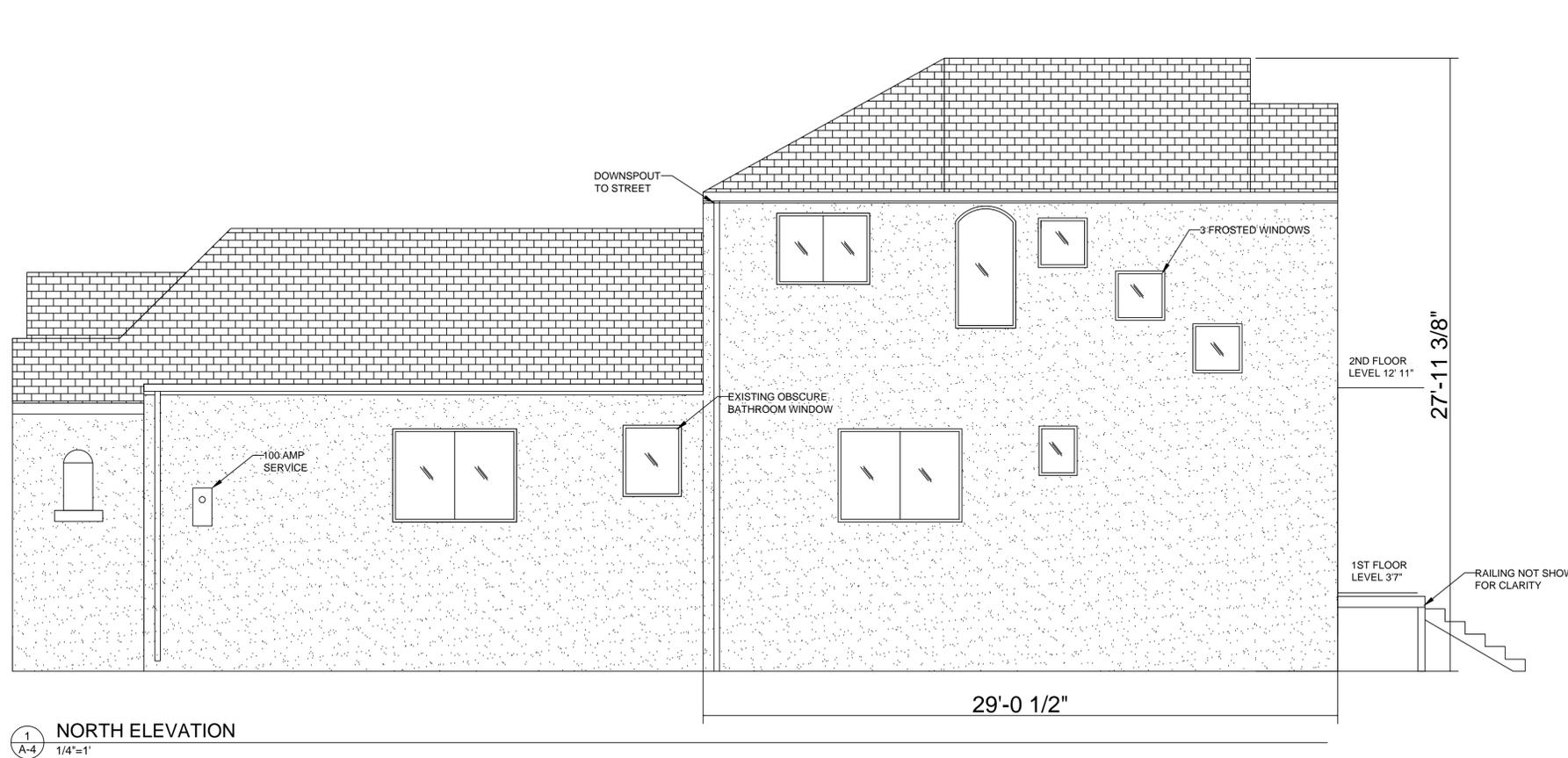
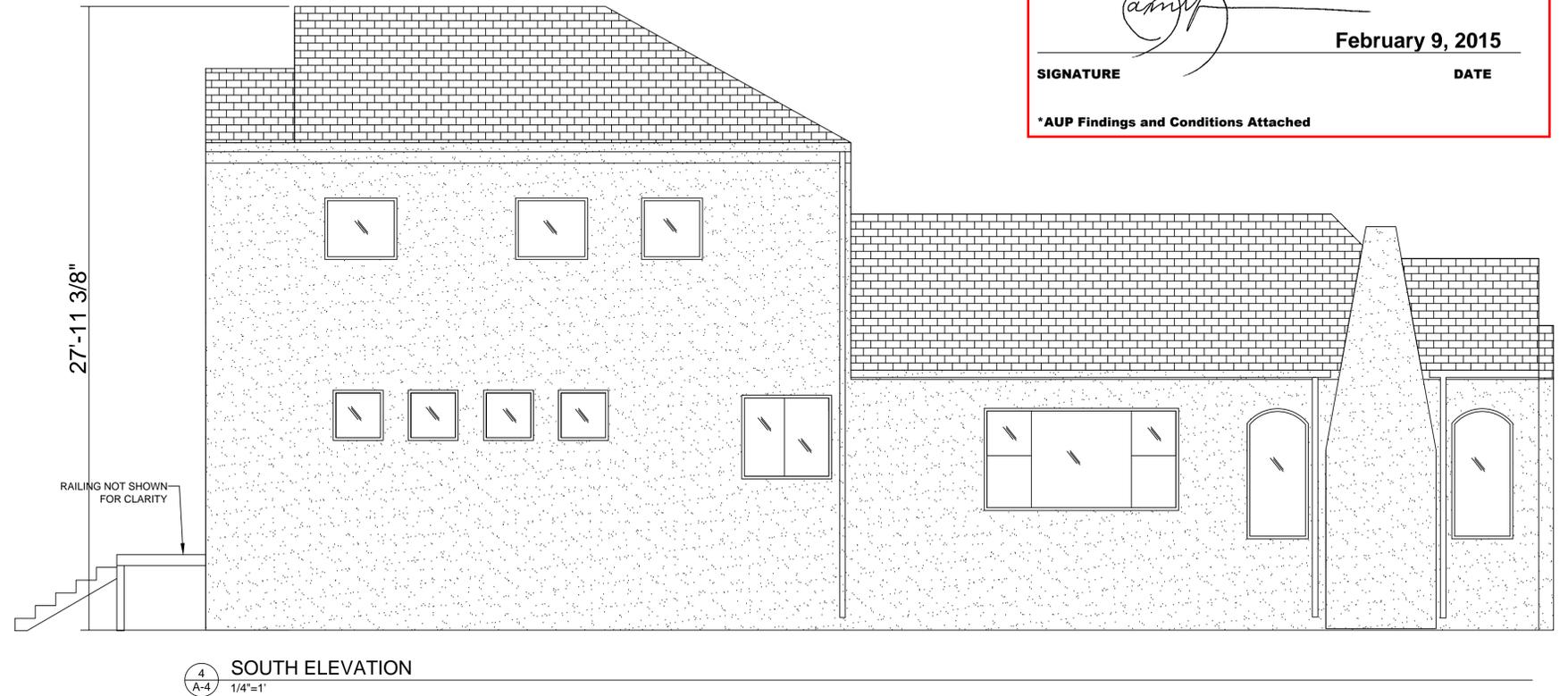
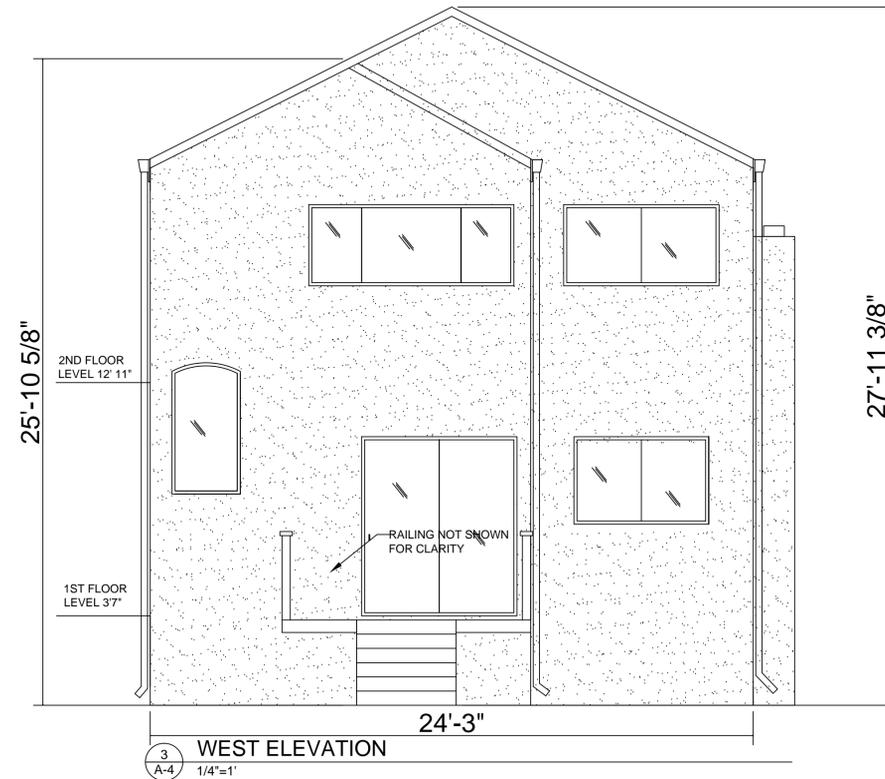
PLANS APPROVED by

February 9, 2015

SIGNATURE

DATE

*AUP Findings and Conditions Attached



PLANS APPROVED by

[Signature]

February 9, 2015

SIGNATURE _____ DATE _____

***AUP Findings and Conditions Attached**

I HAVE REVIEWED THE PLANS FOR A TWO-STORY, 968 S.F. ADDITION AT 1456 CORNELL AVE.

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

GENERAL NOTES

- ALL WORK SHALL CONFORM TO THE MINIMUM STANDARDS OF THE 2010 EDITION OF THE CALIFORNIA RESIDENTIAL CODE, AND THE CITY OF EL CERRITO. IT IS ASSUMED THAT THE CONTRACTOR IS ACQUAINTED WITH SUCH CODES. NOTHING IN THESE PLANS SHALL BE CONSTRUED AS TO PERMIT WORK NOT IN COMPLIANCE WITH STATE AND CITY CODES.
- ANY CONFLICTS DISCOVERED IN THE DRAWINGS OR BETWEEN THE DRAWINGS AND WRITTEN MATERIAL, AND ANY SUBSTANTIAL OMISSIONS MUST BE BROUGHT TO THE ATTENTION OF THE DESIGNER FOR CLARIFICATION BEFORE CONSTRUCTION BEGINS. ANY CONFLICTS THAT ARE DISCOVERED AFTER CONSTRUCTION BEGINS WILL BECOME THE RESPONSIBILITY OF THE CONTRACTOR. DO NOT SCALE DRAWINGS FOR CONSTRUCTION, WRITTEN DIMENSIONS GOVERN.
- IT IS THE PURPOSE OF THESE DRAWINGS TO SHOW THE GENERAL ARRANGEMENT OF REMODELING AND ADDITIONS TO THE EXISTING STRUCTURE. ASSUMPTIONS HAVE BEEN MADE REGARDING THE STRUCTURE AND ARCHITECTURAL CONDITIONS OF EXISTING WALLS, FLOORS, AND CEILINGS, WHICH WILL NEED TO BE VERIFIED AND PERHAPS MODIFIED AS THESE CONDITIONS ARE REVEALED DURING CONSTRUCTION. NEITHER THE DESIGNER NOR THE CONTRACTOR ASSUMES ANY RESPONSIBILITY FOR THE EXISTING STRUCTURE.

PROJECT DESCRIPTION

THE PROJECT INCLUDES:

- TWO STORY ADDITION OF 968 S.F., 1ST FLOOR ADDS 304 S.F. TO EXISTING FOOTPRINT. 2ND STORY WILL COVER 304 S.F. (NEW) AND BE BUILT BACK OVER EXISTING HOUSE COVERING APPROXIMATELY 664 S.F.
- EXISTING HEIGHT OF BUILDING APPROXIMATELY 20'. NEW HEIGHT WILL BE APPROXIMATELY 27'7".
- 1ST FLOOR WILL BE A FAMILY ROOM AND LAUNDRY. 2ND FLOOR WILL BE MASTER BEDROOM AND MASTER BATHROOM.

PROJECT DATA

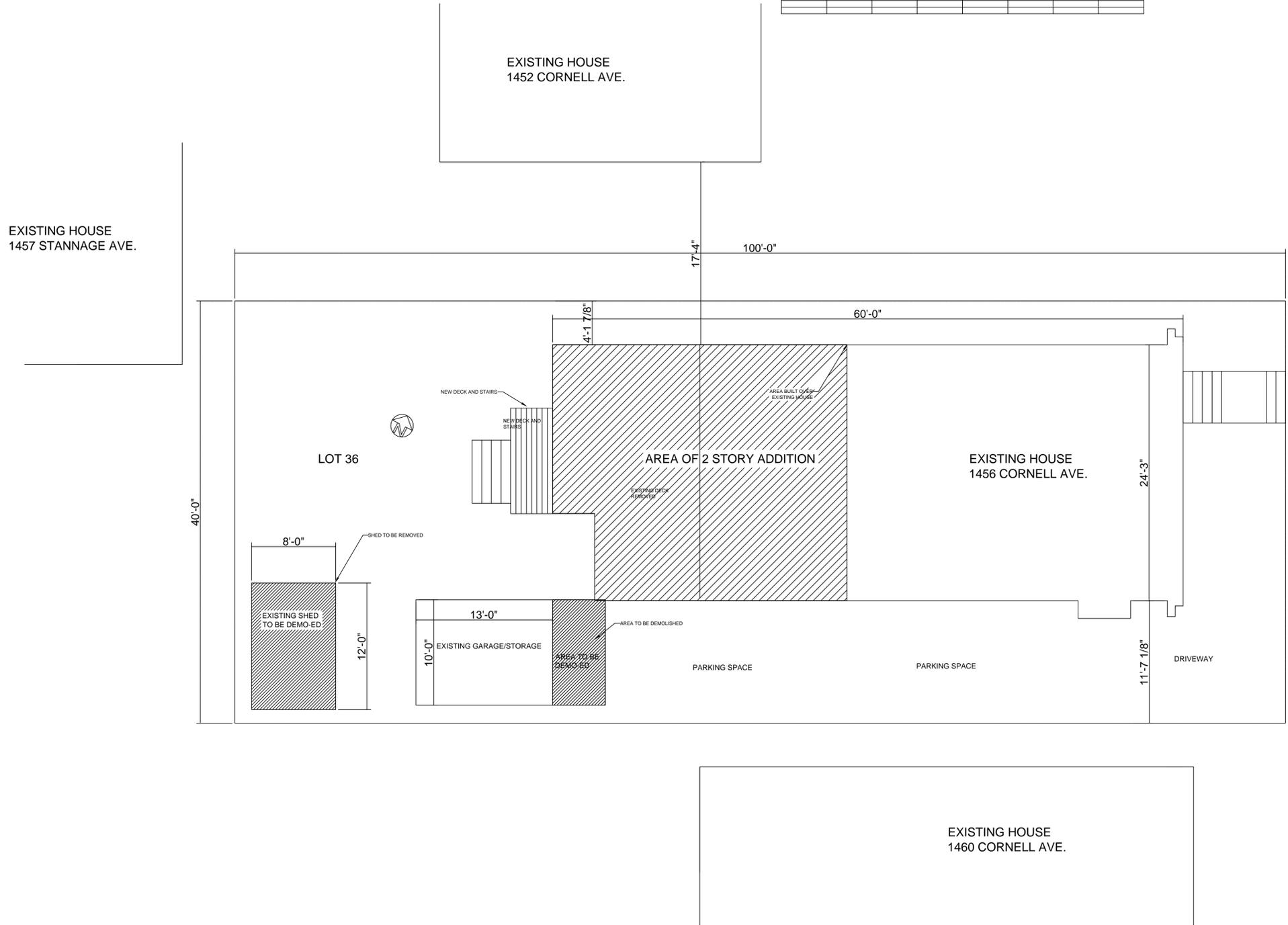
1. ASSESSOR'S PARCEL NUMBER:		
2. OCCUPANCY:		R-2
3. STORIES		1
4. SQUARE FOOTAGE	EXISTING HOUSE	1,104 s.f.
	GARAGE	180 s.f.
	EXISTING SHED	96 s.f.
	2-STORY ADDITION	914.56 s.f.
	TOTAL NEW (FOOTPRINT)	306.5 s.f.
	TOTAL FOOTPRINT (AFTER DEMO)	1540.5 s.f.
	LOT SIZE	4,000 s.f.
	LOT COVERAGE	38.51%

INDEX OF DRAWINGS

- A0 SITE PLAN, PROJECT DATA, NEIGHBORHOOD SIGNATURES
- A1 EXISTING FLOOR PLAN
- A2 PROPOSED FLOOR PLAN
- A3 EXTERIOR ELEVATIONS

SYMBOLS

	DOOR NUMBER		PROPERTY LINE
	WINDOW NUMBER		EXISTING WALL
	DETAIL		DEMOLITION
			NEW WALL
			AREA OF ADDITION



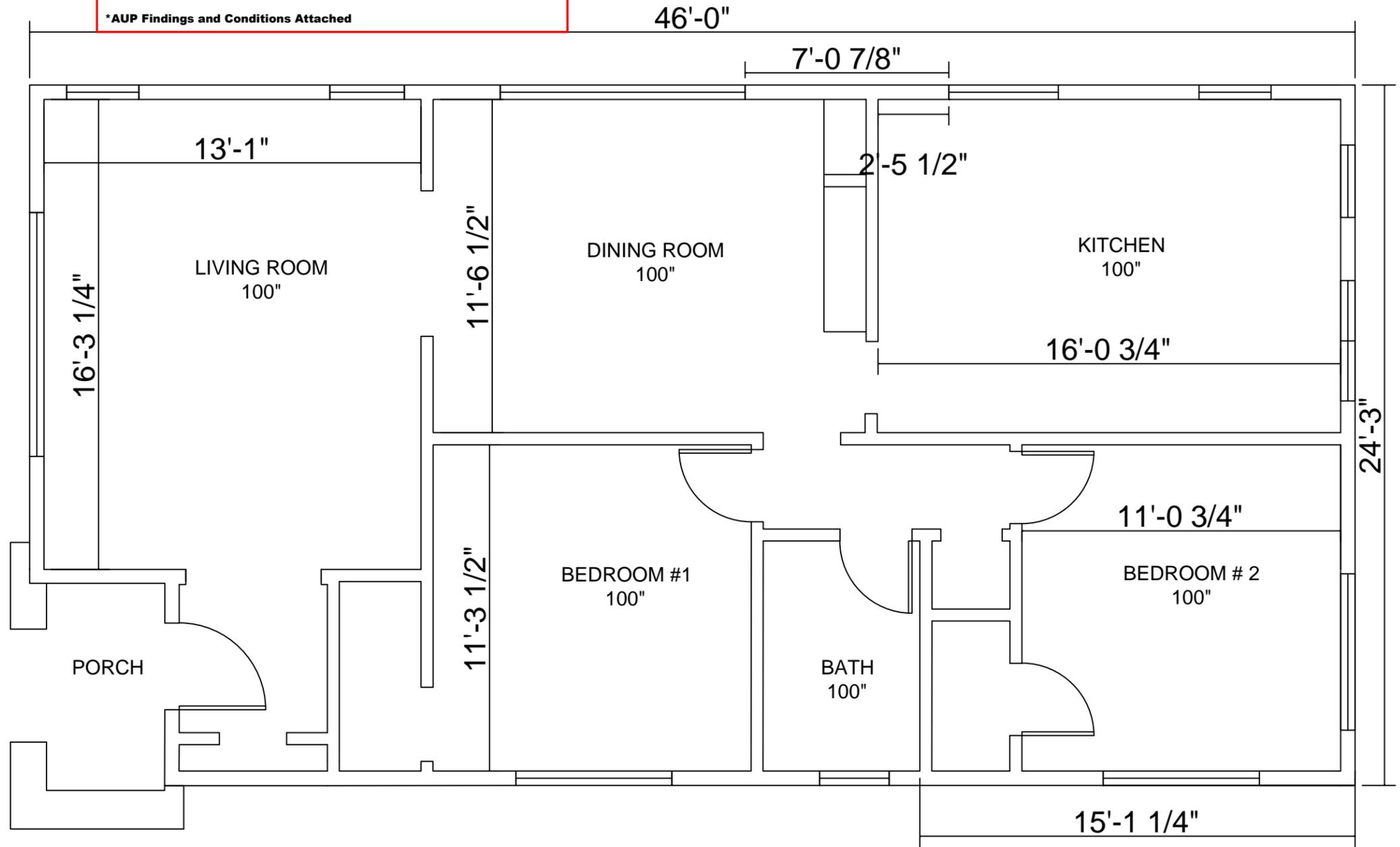
PLANS APPROVED by

[Signature]

February 9, 2015

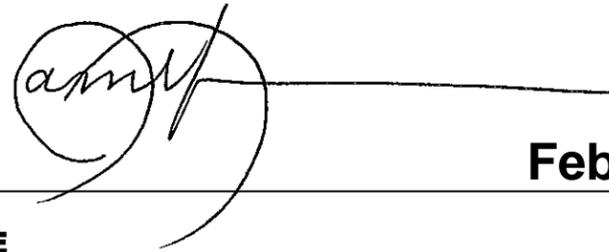
SIGNATURE DATE

***AUP Findings and Conditions Attached**



1
A-1 EXISTING FLOOR PLAN--DePerez/Zimmerman
1/4"=1'0"

PLANS APPROVED by

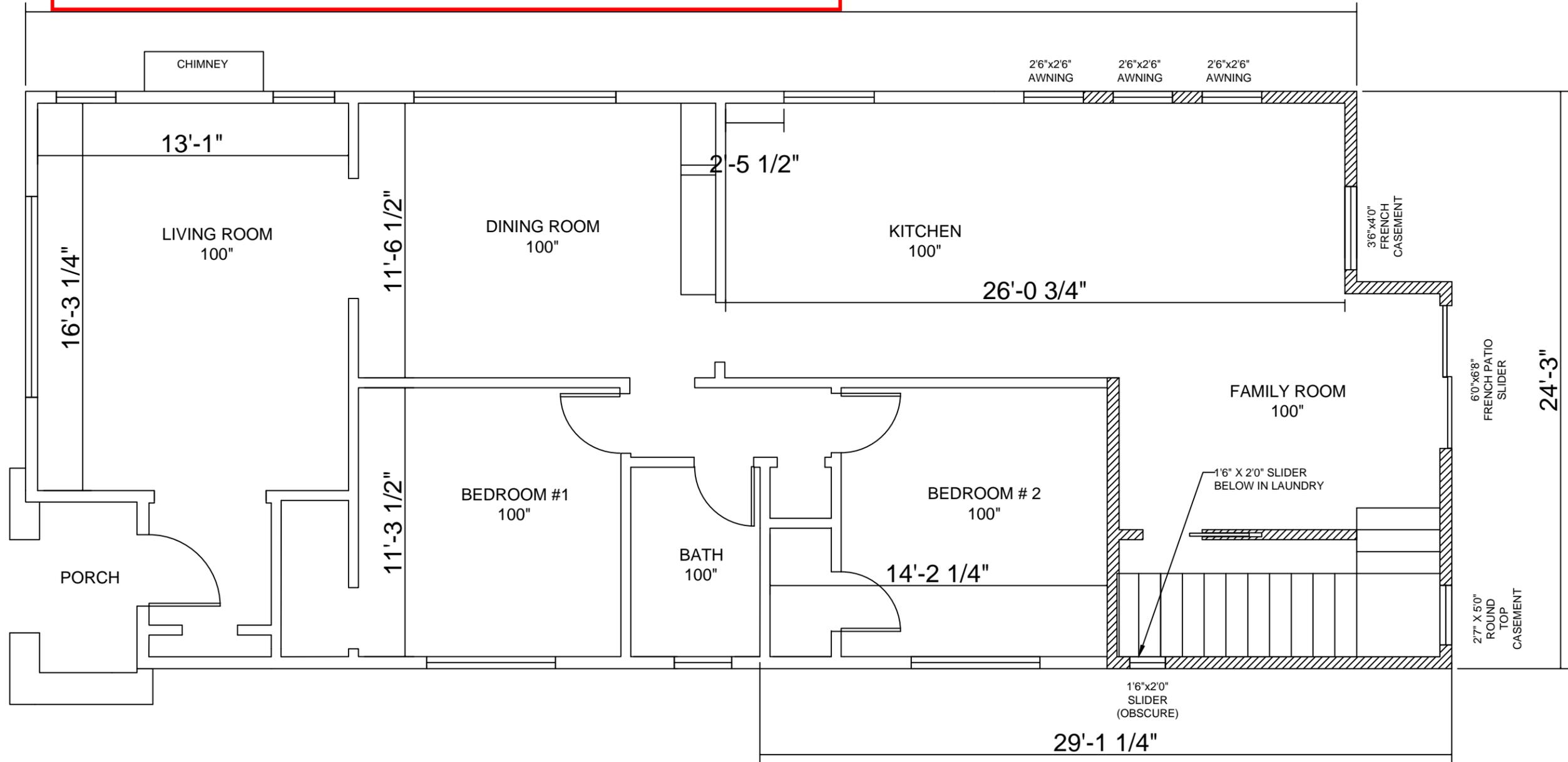


February 9, 2015

SIGNATURE

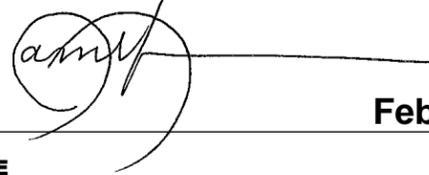
DATE

***AUP Findings and Conditions Attached**



1 PROPOSED 1ST FLOOR
A-2 1/4"=1'0"

PLANS APPROVED by

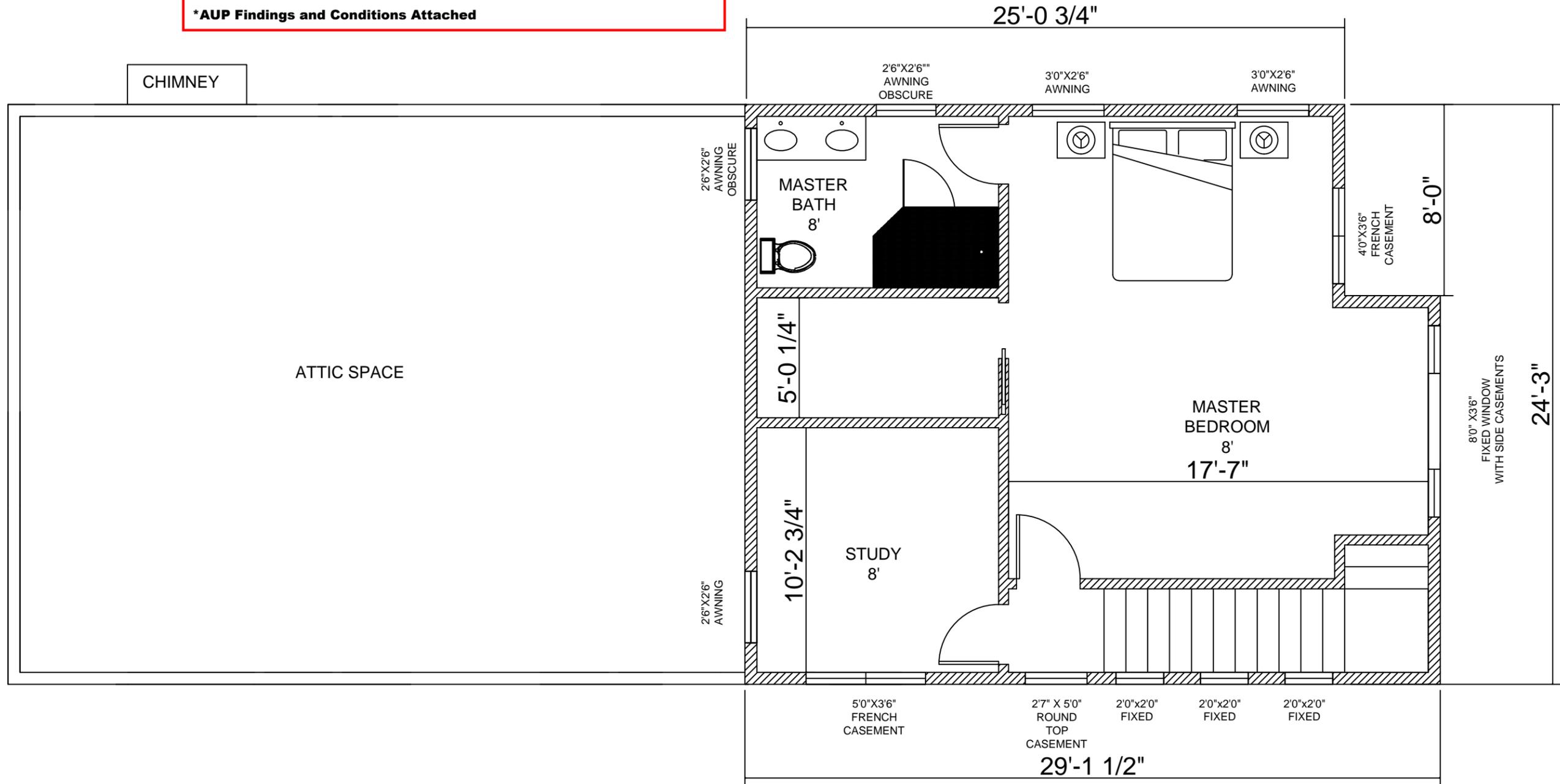


February 9, 2015

SIGNATURE

DATE

***AUP Findings and Conditions Attached**



1 PROPOSED 2ND FLOOR PLAN
A-3 1/4"=1'