



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

1635 Edith Street

Administrative Use Permit #ZP2014-0060

Project Description: (1) Expand a one-story, approximately 1,200 sq. ft. single-family residence with a new approximately 170 sq. ft. addition on the first story and a new approximately 900 sq. ft. second story resulting a two-story building of approximately 2,270 sq. ft.; and (2) demolish a detached garage at the rear of the property and locate the required parking space in the side yard. The residence will be relocated approximately ten inches to the south to comply with required side yard setback, pursuant to:

- Section 23C.04.070 to make alterations within non-conforming yard setbacks;
- Section 23D.28.020 to construct a major residential addition greater than 600 sq. ft.; and
- Section 23D.28.070 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 April 3, 2015.

Attest: Greg Powell
Greg Powell, Principal Planner

April 3, 2015
Effective Date

ATTACHMENT 1

FINDINGS AND CONDITIONS

MARCH 12, 2015

1635 Edith Street

Administrative Use Permit #AUP2014-0060

(1) Expand a one-story, approximately 1,200 sq. ft. single-family residence with a new approximately 170 sq. ft. addition on the first story and a new approximately 900 sq. ft. second story resulting a two-story building of approximately 2,270 sq. ft.; and (2) demolish a detached garage at the rear of the property and locate the required parking space in the side yard. The residence will be relocated approximately ten inches to the south to comply with required side yard setback.

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 prescribed under Sections 23D.28.070 (Development Standards), the subject property and proposed building expansion comply with the R-2 district’s minimum standards for rear and side yard setbacks and usable open space, as well as with the maximum standards for residential density, lot coverage and building heights (calculated in the feet and stories).
- As required under Sections 23D.12.080 (Site, Location and Screening for Uncovered Parking Spaces and Driveways) Paragraph B and 23D.28.080 (Parking) the subject property will provided one required, on-site parking space that meets the location and screening standards for residential zoning districts.
- The proposed residential addition will result in a total of four bedrooms on this parcel where only two currently exist. As permitted under Section 23D.16.060

(*Addition of Bedrooms on a Parcel*) this condition is permissible by right because the proposed number of bedrooms does not exceed four.

- A. While relocation of the subject building ten inches to the south will result in a 4-foot side yard setback on the north side of the property, meeting the R-2 district standards for minimum yard setback, this new location does not change the substandard front yard setback of 14 feet - 2 inches where a minimum of 20 feet is otherwise required. Continuation of this non-conforming aspect of the project is permitted under BMC Section 23C.04.050 (Continuance of Non-conforming Buildings and Structures).
- The new second story addition will step back from the first floor on the front (west) elevation and will achieve a 20-foot setback from the front property line. However, the proposed new front yard deck and railings represent an alteration within the existing, non-conforming front yard of 14 feet – 2 inches. As required under Section 23C.04.070 Paragraph B (Expansions of Non-conforming Buildings and Structures), this alteration is permissible because: (1) the single-family use of the subject property conforms to the R-2 district standards for Uses Permitted; (2) the proposed changes will not further reduce these setbacks; and (3) the resulting average building height of 28 feet will not exceed the R-2 district limit of 28 feet in average height.
 - The proposal will improve but not entirely correct the existing non-conforming bay window projection into the (north) side yard setback. The continuation of this aspect of the lawfully non-conforming building is permitted as of right under BMC Section 23C.04.050 (Continuance of Non-conforming Buildings and Structures) and this continuation with a slight improvement is found be preferable to the existing substandard condition.
 - The proposal to create a two-story main building where a single-story building current exists is found to be permissible for the reasons listed above and because it will be consistent with the existing development context in the immediate area of the project which is comprised of two- and three-story buildings. The architectural design of the addition and the project as whole, along the selection of proposed exterior materials, will result in a cohesive building.
 - Please see the findings below regarding access to sunlight and air, and changes to significant views.

3. As required under Section 23D.28.090 (*Findings*) Paragraph B, the proposed major residential addition of approximately 1,100 sq. ft. is permissible and non-detrimental with respect to potential impacts on sunlight, air and views for these reasons:

- Sunlight – As illustrated in shadow studies received December 18, 2015 and then revised on March 2, 2015, the shadow fan of the expanded building is expected to reach the residences at 1633 Edith (single-family residence), 1734 Lincoln Street (single-family residence) and 1737 Virginia Street (multi-family residences). The potential impacts to 1734 Lincoln and 1737 Virginia will be limited to late afternoons during winter and will not occur during other times of the day nor will they persist throughout the year. Due to the solar orientation of the subject building and its proximity to the residence at 1633 Edith, the project will result in new shadows that will likely occur all day throughout winter; this condition will be limited to winter months will not occur at other times of the year.

- Air – The proposed second story will adhere to all prescribed yard setback standards for this Zoning district thereby achieving the minimum building-to-building separations from the nearest abutting residences and acceptable spatial separation standards, or *air*.
 - Views – There are no protected views or view corridors as defined in BMC Section 23F.04 (Definitions) to consider with this project. This area is generally flat, and includes one- and two-story buildings as well as mature vegetation.
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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.
23. The height and location of the proposed structure, property lines and spot elevations shall be verified by a licensed surveyor or engineer on site after foundation forms are placed, but before pouring concrete or placing construction material in its permanent position. This verification shall be to the satisfaction of the Zoning Officer.

Prior to Issuance of Occupancy Permit or Final Inspection:

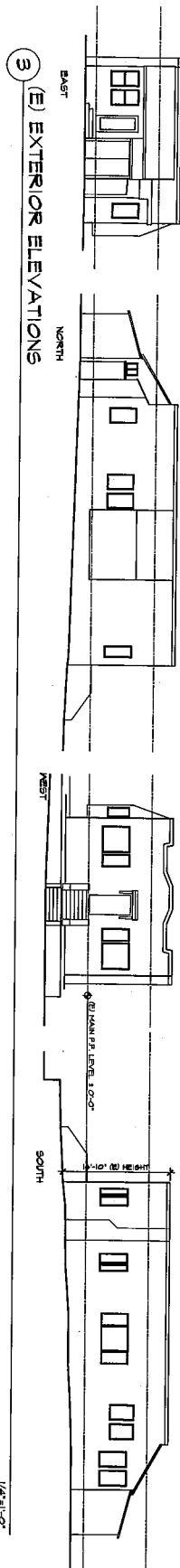
24. All construction at the subject property shall substantially conform to the approved Use Permit drawings or to modifications approved by the Zoning Officer.
25. All landscape, site and architectural improvements shall be completed per the attached approved drawings dated December 16, 2015.

At All Times (Operation):

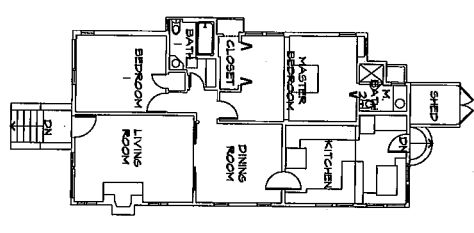
26. All exterior lighting shall be shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.
27. This permit is subject to review, imposition of additional conditions, or revocation if factual complaint is received by the Zoning Officer that the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



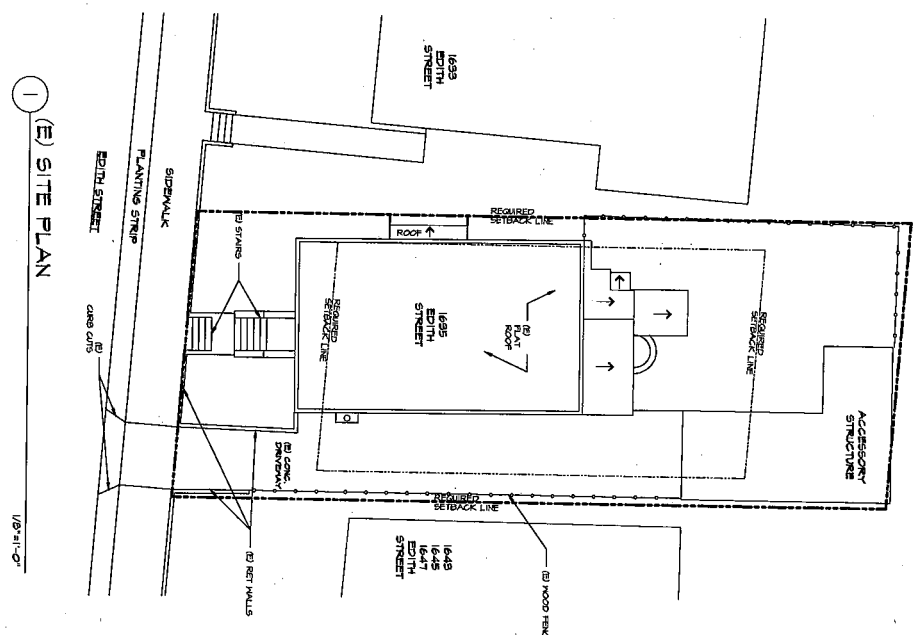
Prepared by: Fatema Crane, Associate Planner
For Shannon Allen, AICP, Principal Planner



3 (E) EXTERIOR ELEVATIONS



2 (E) FLOOR PLAN

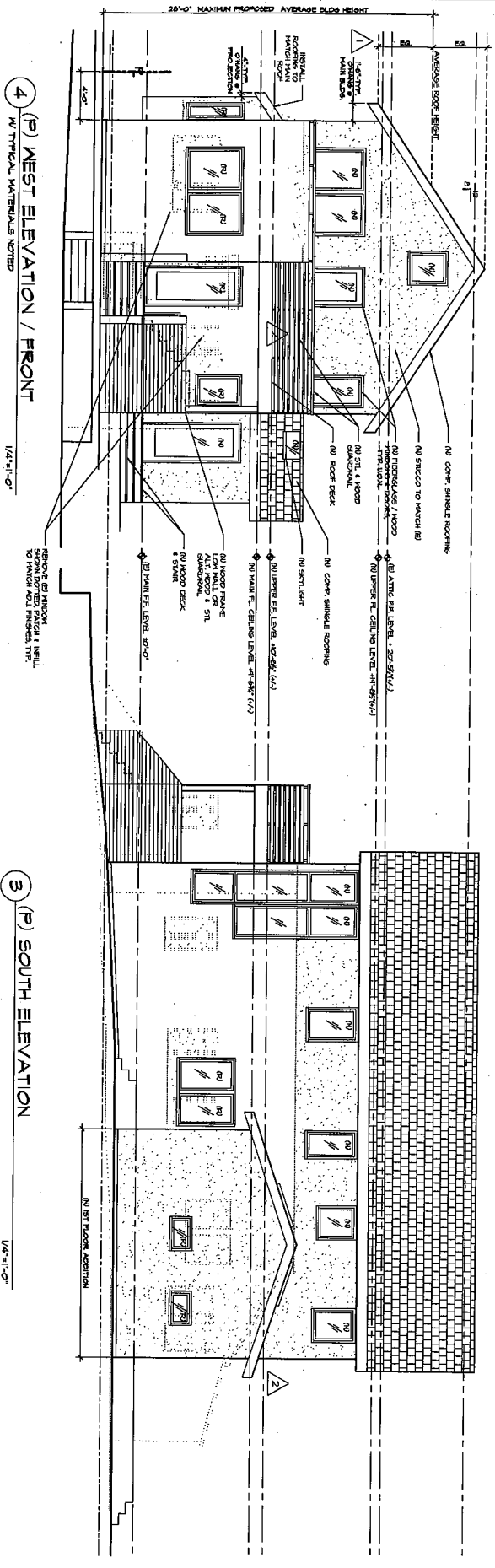


1 (E) SITE PLAN

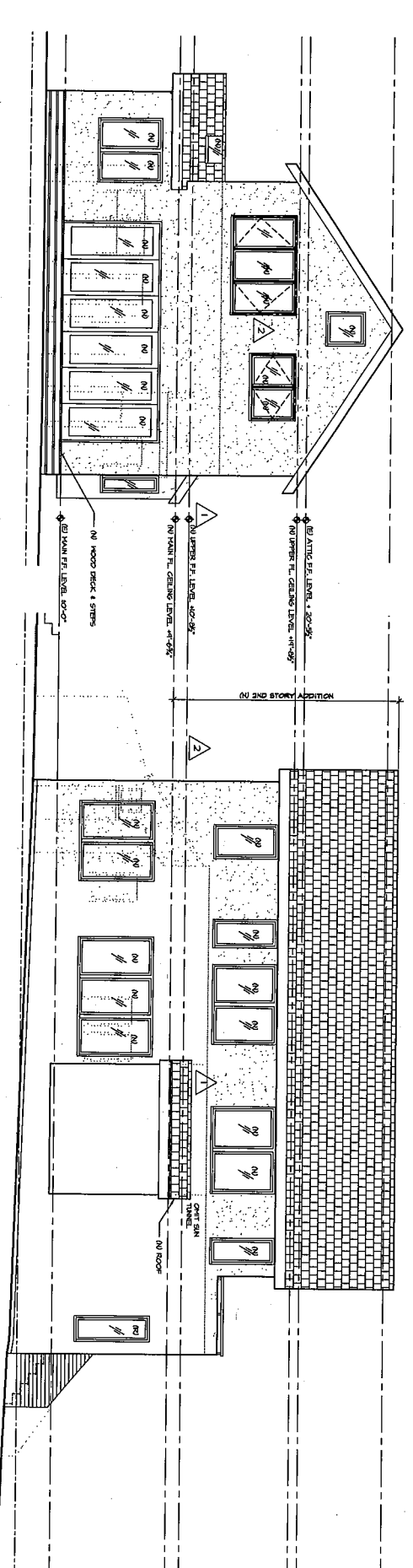
APPROVED PLAN
 PLANNING
 D.R. Conditions Attached
 A.U.P. Conditions Attached 2/4
 U.P. Conditions Attached
 DATE 03/19/15

	REMODEL / ADDITION TARANTINO RESIDENCE 1695 EDITH STREET BERKELEY CA 94705	 DESIGN GROUP ARCHITECTURE INTERIORS 1486C SOLANO AVENUE ALBANY, CALIFORNIA 94705 TEL: 510.526.2720 FAX: 510.524.7036 info@sognoesigndesigngroup.com www.sognoesigndesigngroup.com	REVISIONS NO. DESCRIPTION DATE
	AS-BUILT PLAN, SITE PLAN, & SECTION BY: TARANTINO DATE: 03/19/15		NO. 2014-10-10 AS NOTED BY: AIO

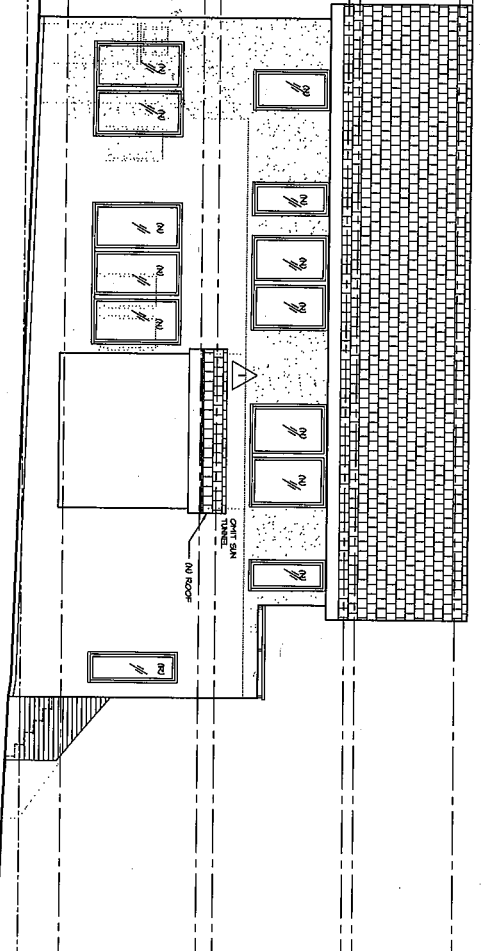
AUP SET



4 (P) WEST ELEVATION / FRONT
1/4" = 1'-0"
W/TYPICAL MATERIALS NOTED



2 (P) EAST ELEVATION
1/4" = 1'-0"



1 (P) NORTH ELEVATION
1/4" = 1'-0"

3 (P) SOUTH ELEVATION
1/4" = 1'-0"

APPROVED PLAN
DATE 03/10/15
PLANNING
 D.P. Conditions Attached
 A.U.P. Conditions Attached
 U.P. Conditions Attached

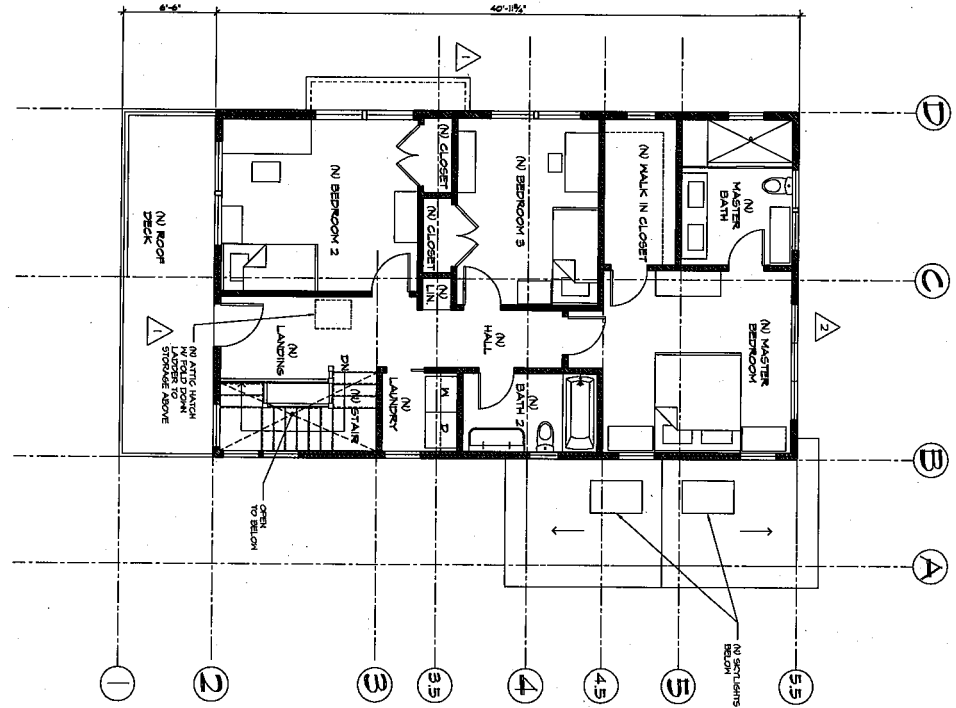
GENERAL NOTES:
- ALL FINISHES TO REMAIN - UNLESS NOTED
- ALL FINISHES TO REMAIN - UNLESS NOTED

A3.0

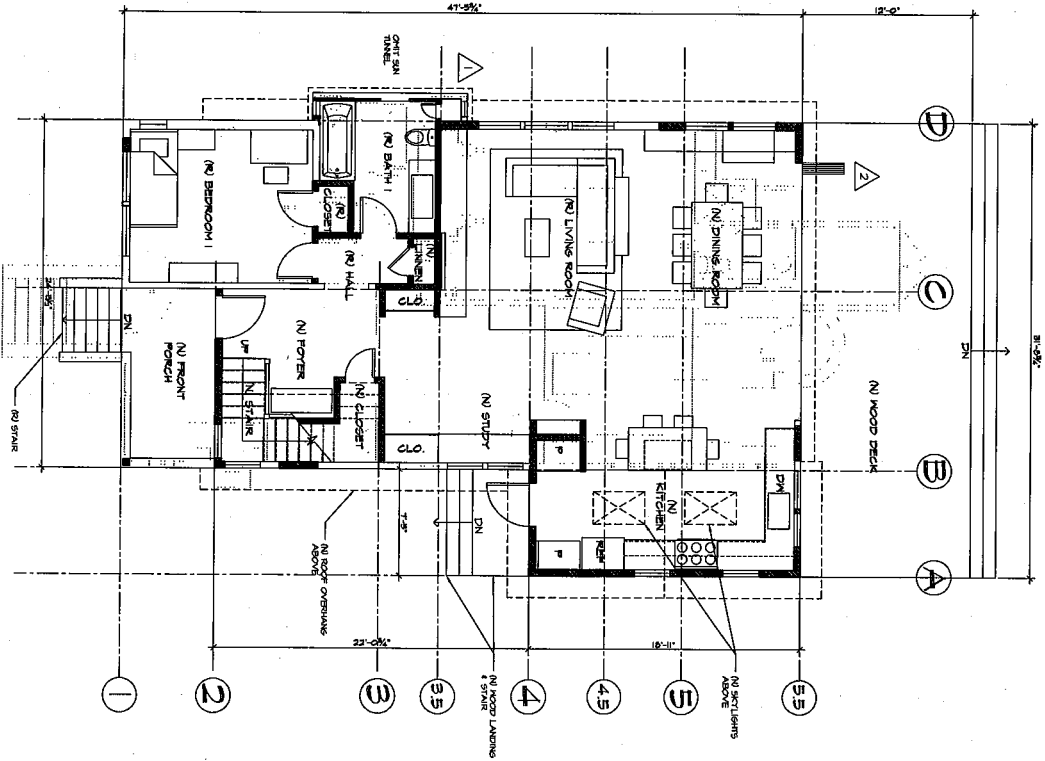
REMODEL / ADDITION
TARANTINO RESIDENCE
1635 EDITH STREET
BERKELEY CA 94709

Sogno
DESIGN GROUP ARCHITECTURE INTERIORS
1496C SOLANO AVENUE
ALBANY, CALIFORNIA 94706
TEL: 510.528.2720
FAX: 510.524.7036
info@sognodesigngroup.com
www.sognodesigngroup.com

NO.	REVISION	DATE



2 (P) SECOND FLOOR PLAN
1/8" = 1'-0"



1 (P) FIRST FLOOR PLAN
1/8" = 1'-0"



GENERAL NOTES:
- ALL DIMS. FOR (FACE OF FINISH) - U.O.N.
- ALL WINDOWS (B) TO REMAIN - U.O.N.

PLANNING
 D.R. Conditions Attached
 A.U.P. Conditions Attached
 U.P. Conditions Attached
 DATE: 03/10/15

A2.0

DATE	2014-10-10
BY	AS NOTED
CHK	AK
APP	TARRANTINO

REMODEL / ADDITION
 TARANTINO RESIDENCE
 1635 EDITH STREET
 BERKELEY CA 94709

Sogno
 DESIGN GROUP ARCHITECTURE INTERIORS

1486C SOLANO AVENUE
 ALBANY, CALIFORNIA 94706
 TEL: 510.526.2720
 FAX: 510.524.7036
 info@sognodesigngroup.com
 www.sognodesigngroup.com

REVISIONS	DATE
1	
2	
3	
4	
5	

AUP SET