



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

829 The Alameda

Administrative Use Permit #ZP2015-0001

Project Description: To construct a new 364 square foot, single car garage with a roof deck that would have an average height of 11' 2", pursuant to:

- Section 23D.08.020.B to construct an accessory structure greater than 10' in average height within 4 feet of a property line; and
- Section 23D.08.030.A to construct an accessory structure within the front half of a lot.

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 May 6, 2015.

Attest: Shannon Allen
Shannon Allen, Principal Planner, AICP

May 6, 2015
Effective Date

ATTACHMENT 1

FINDINGS AND CONDITIONS

APRIL 14, 2015

829 The Alameda

Administrative Use Permit #AUP2015-0001

To construct a new 364 square foot, single car garage with a roof deck that would have an average height of 11' 2" within the front yard setback and within the front 50% of the lot.

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 15303 of the CEQA Guidelines ("New Construction or Conversion of Small Structures"). 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:

- The subject property is equal to or below the district standards for maximum residential density and maximum lot coverage. With the exception of the front yard setback, it would exceed required setbacks,
- The garage would be located 1' from the front (west) property line, 8' 9" from the southern property line, 14' from the northern property line, and have an average height of approximately 11' 2". Due to the sloped terrain, lot configuration and the orientation of the buildings, the proposed structure would not unreasonably obstruct sunlight, air, or views, nor would it cast new shadows on the windows or a substantial area of open space of adjacent residences.
- The new garage with a roof deck would not create significant privacy concerns as it is located in a developed urban area that includes substantial mature vegetation that will filter views. The deck of the garage is located adjacent to a busy thoroughfare and down slope from neighboring residences.

- Providing an off-street parking space in this location allows for development in a manner consistent with the neighborhood character (where detached garages located at the front of the lot are prevalent).
- The proposed garage has been reviewed by the City's Traffic Engineer to ensure that the sighting and access for cars entering and exiting the garage will not pose hazards to pedestrians.
- Conditions of Approval # 13-15 will ensure that the California Coast Live Oak Tree that is located within 10 feet of the proposed garage will not be endangered by construction.

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.
13. **Coast Live Oaks.** The Arborist Report, prepared by Peter K. Rudy and dated December 15, 2014, shall be incorporated into the building permit plans.
14. **Coast Live Oaks.** Protective fencing shall be installed according to the arborist report prepared by Peter Rudy, Licensed Arborist and dated December 15, 2014.

During Construction:

15. **Coast Live Oaks.** Construction shall adhere to the requirements of the Arborist Report, and any subsequent recommendations required to ensure the continued health of the Coast Live oak trees
16. 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.
17. 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.
18. 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.

19. 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.
20. 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.
21. Trucks hauling debris, soil, sand, or other loose materials shall be covered or required to maintain at least two feet of board.
22. Public streets shall be swept (preferably with water sweepers) of all visible soil material carried from the site.
23. The applicant shall establish and maintain drainage patterns that do not adversely affect adjacent properties and rights-of-way.
24. 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.
25. 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:

26. All construction at the subject property shall substantially conform to the approved Use Permit drawings or to modifications approved by the Zoning Officer.
27. All landscape, site and architectural improvements shall be completed per the attached approved drawings dated January 6, 2015.

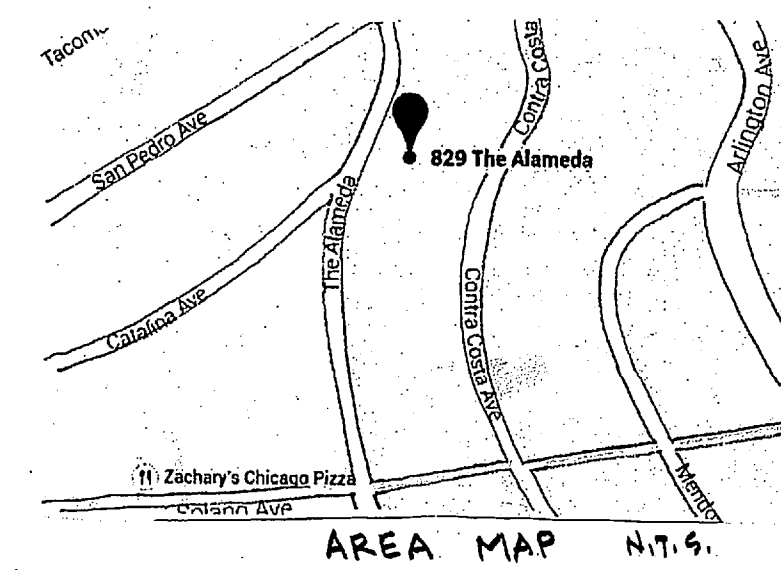
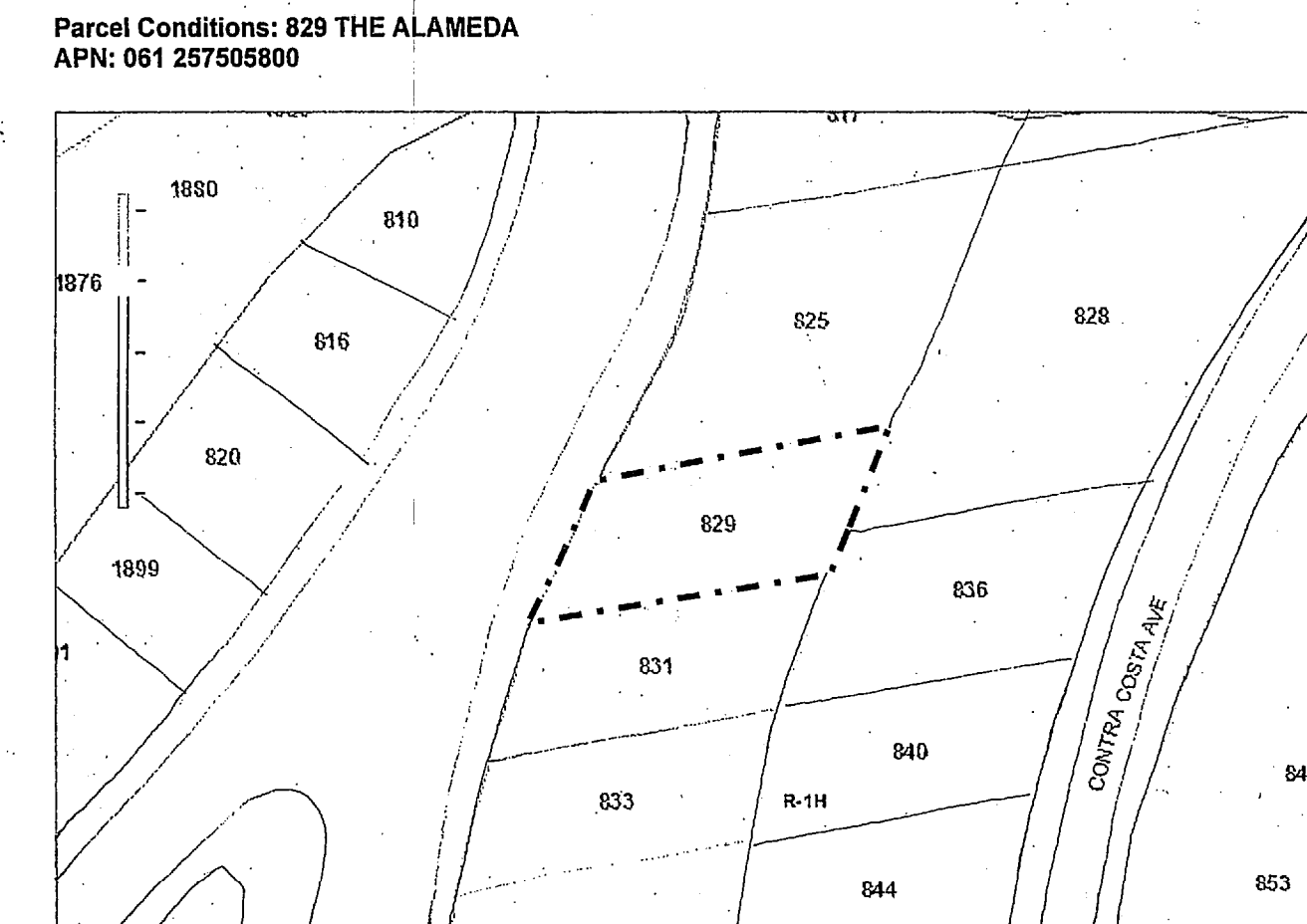
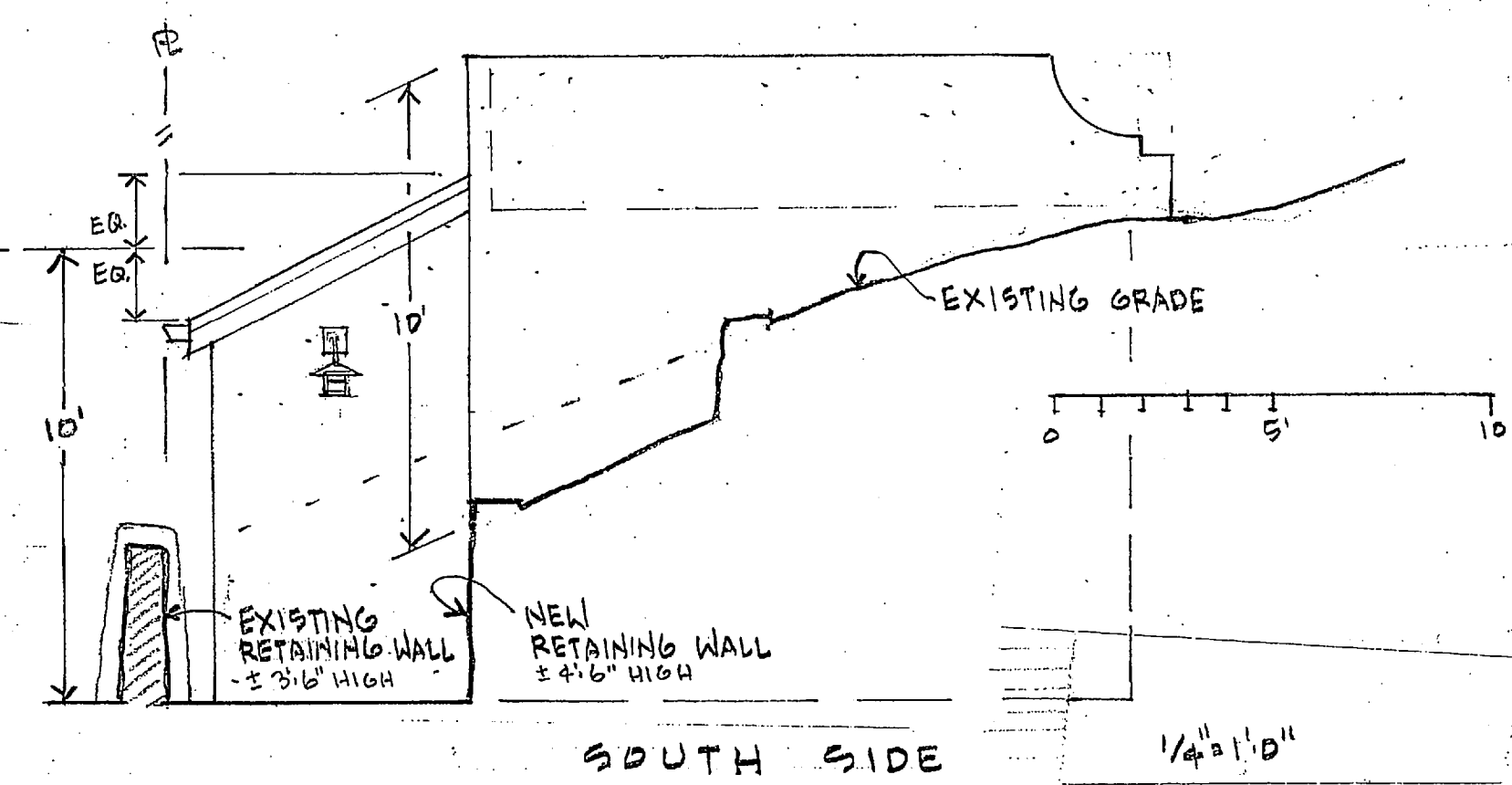
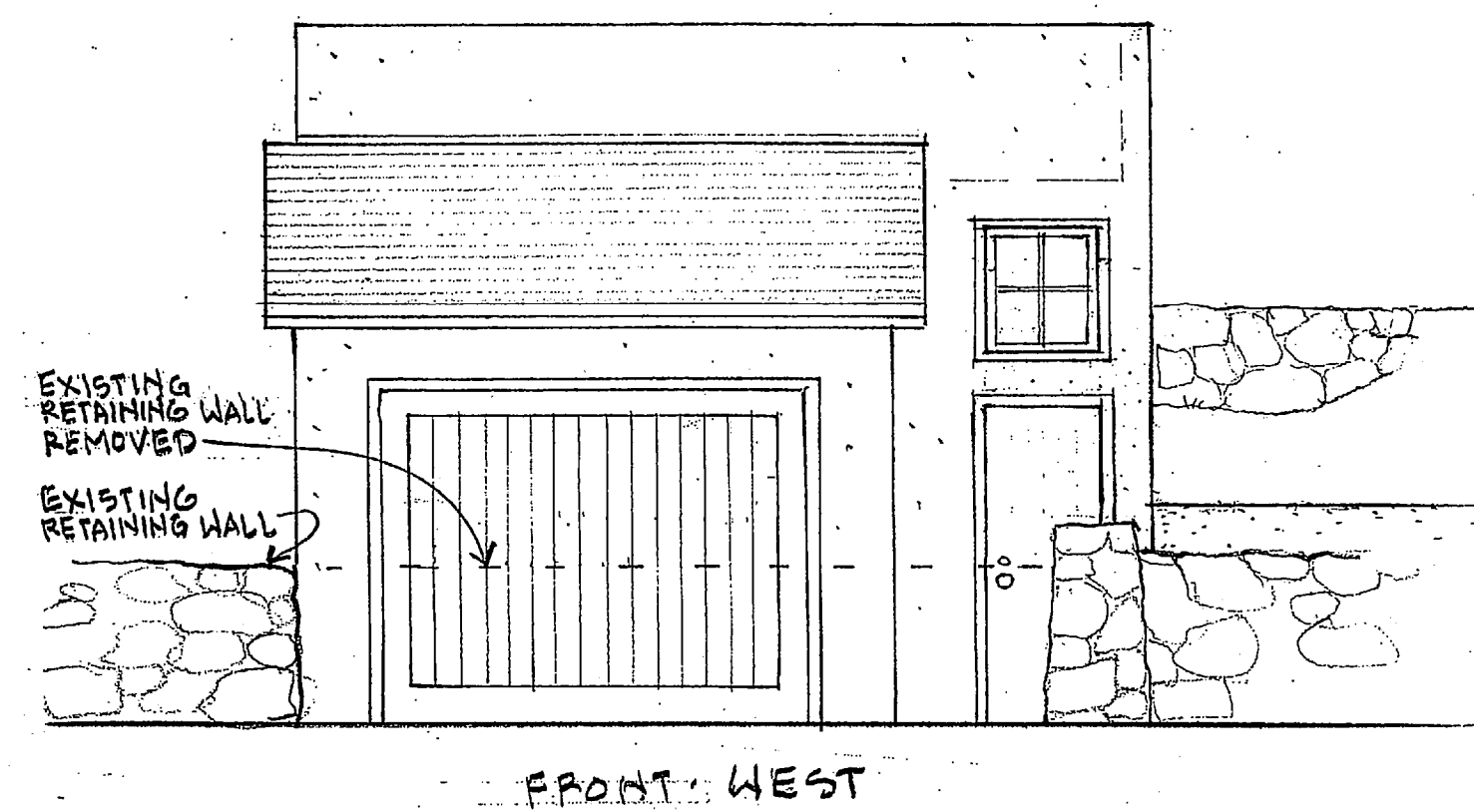
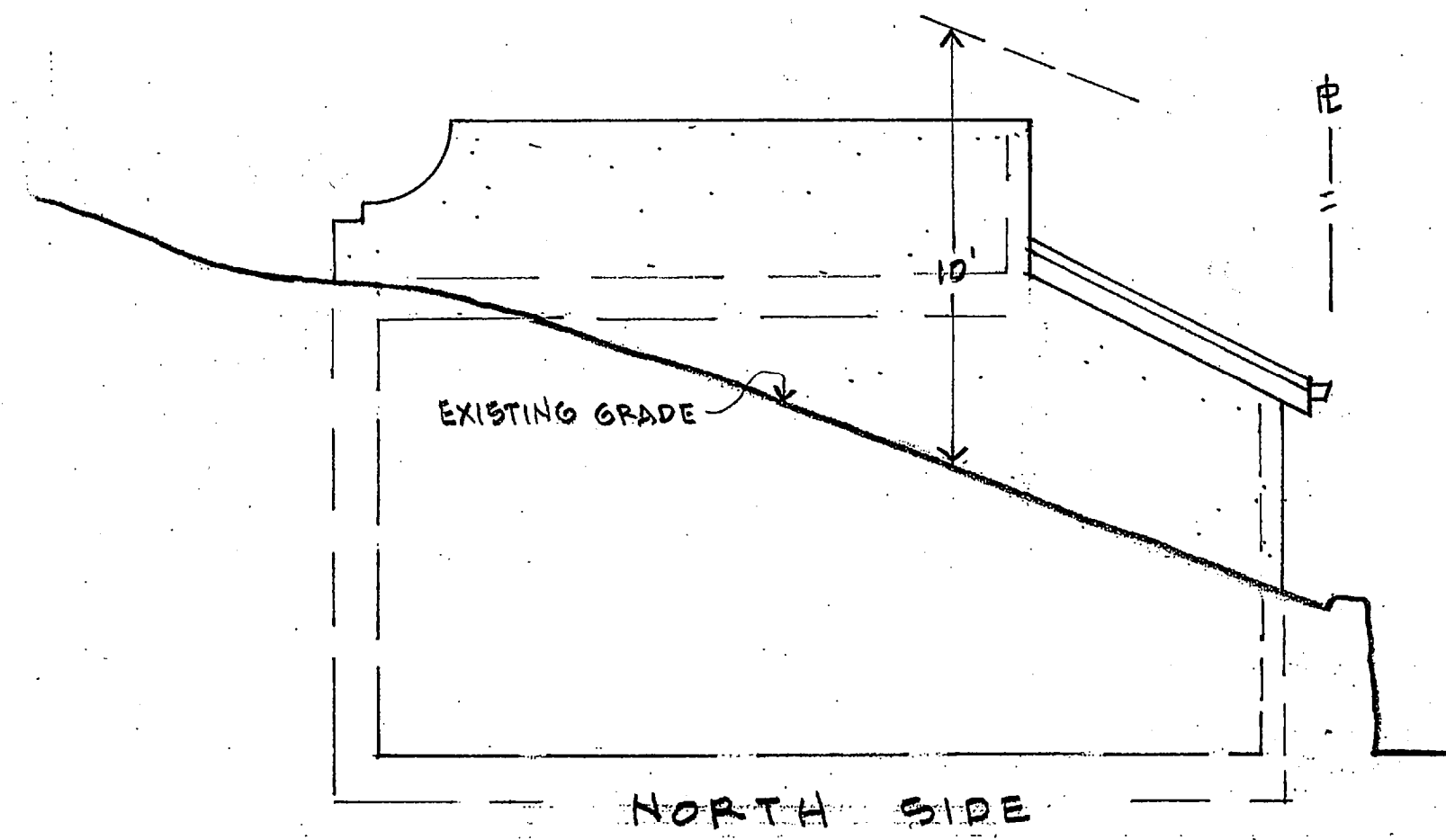
At All Times (Operation):

28. All exterior lighting shall be shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.
29. 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.

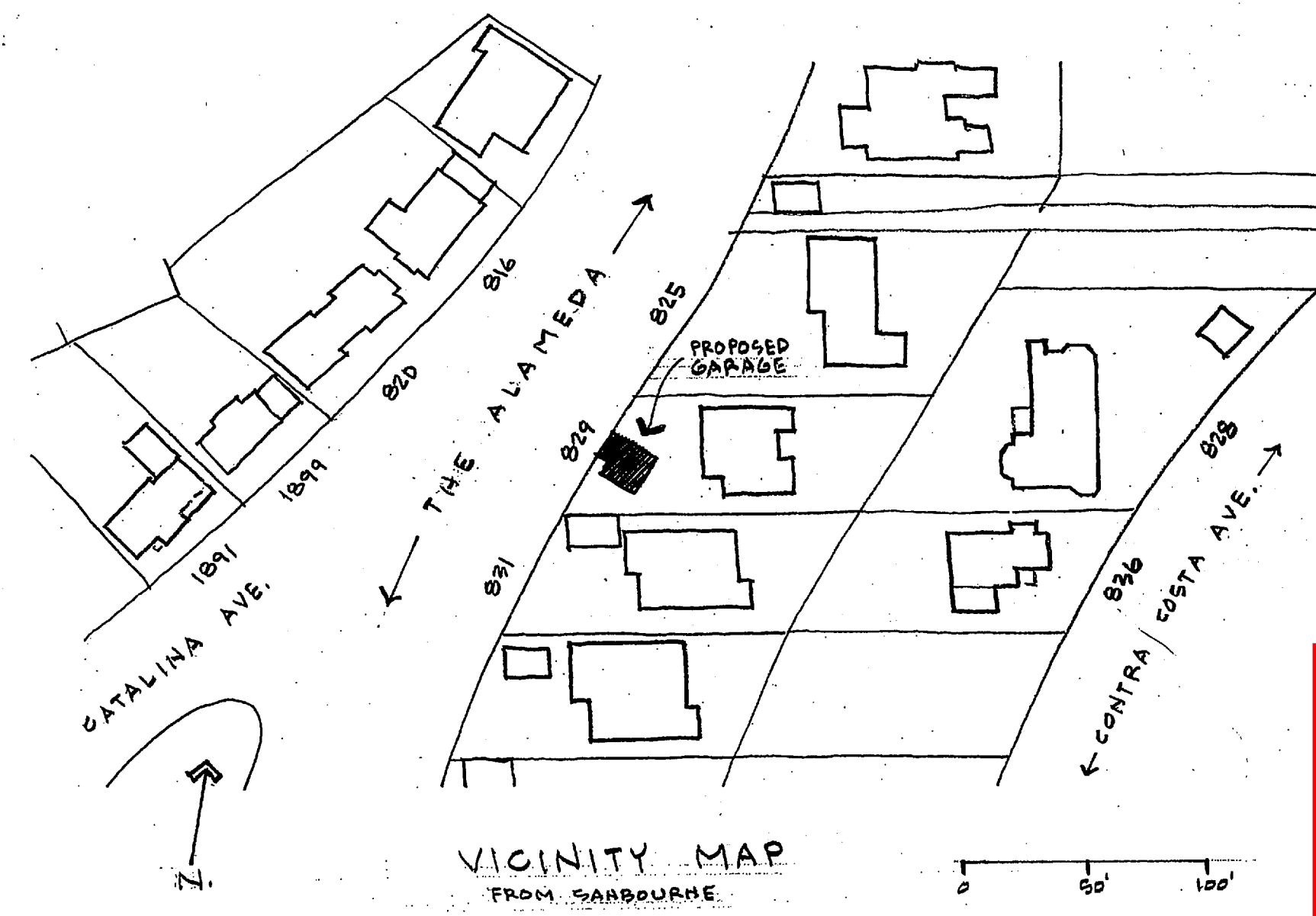
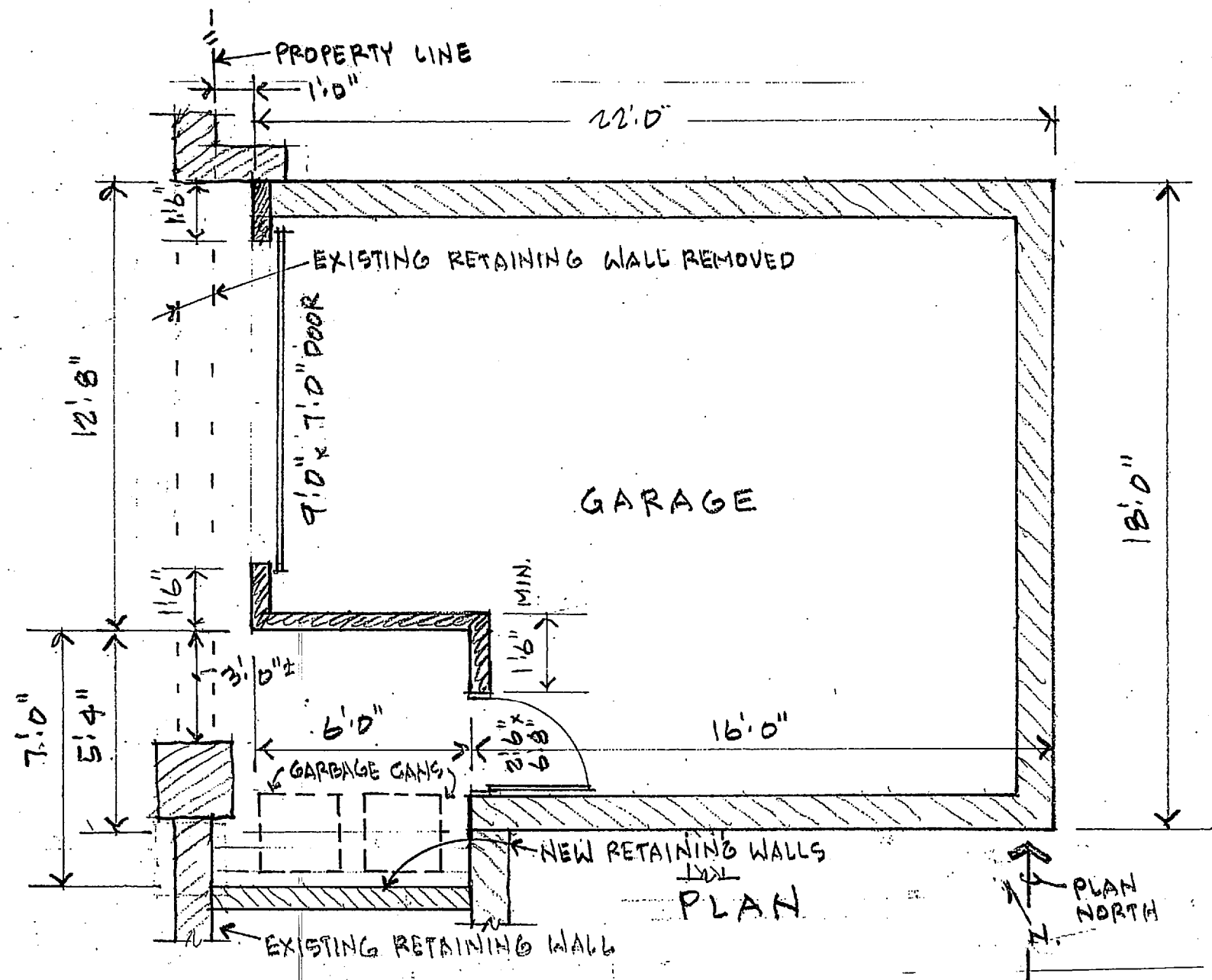
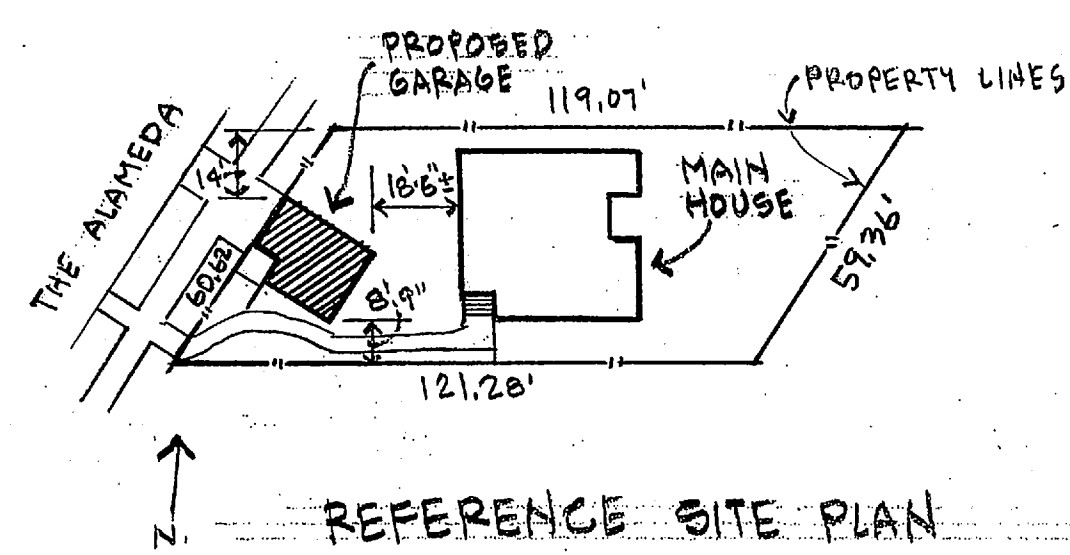
30. Noise and exterior lighting shall be controlled so as to prevent verified complaints from the surrounding neighborhood.



Prepared by: Claudine Asbagh, Associate Planner
For Shannon Allen, AICP, Principal Planner



- TYPICAL EXTERIOR MATERIALS:
- ASPHALT COMP. SHINGLES AT FRONT ROOF
 - EPOXY COATING AT ROOF DECK
 - CEMENT PLASTER WALLS, PAINTED
 - WOOD GARAGE DOOR, DOOR, WINDOW AND TRIMS, PAINTED
 - METAL GUTTER AND DOWNSPOUT, PAINTED



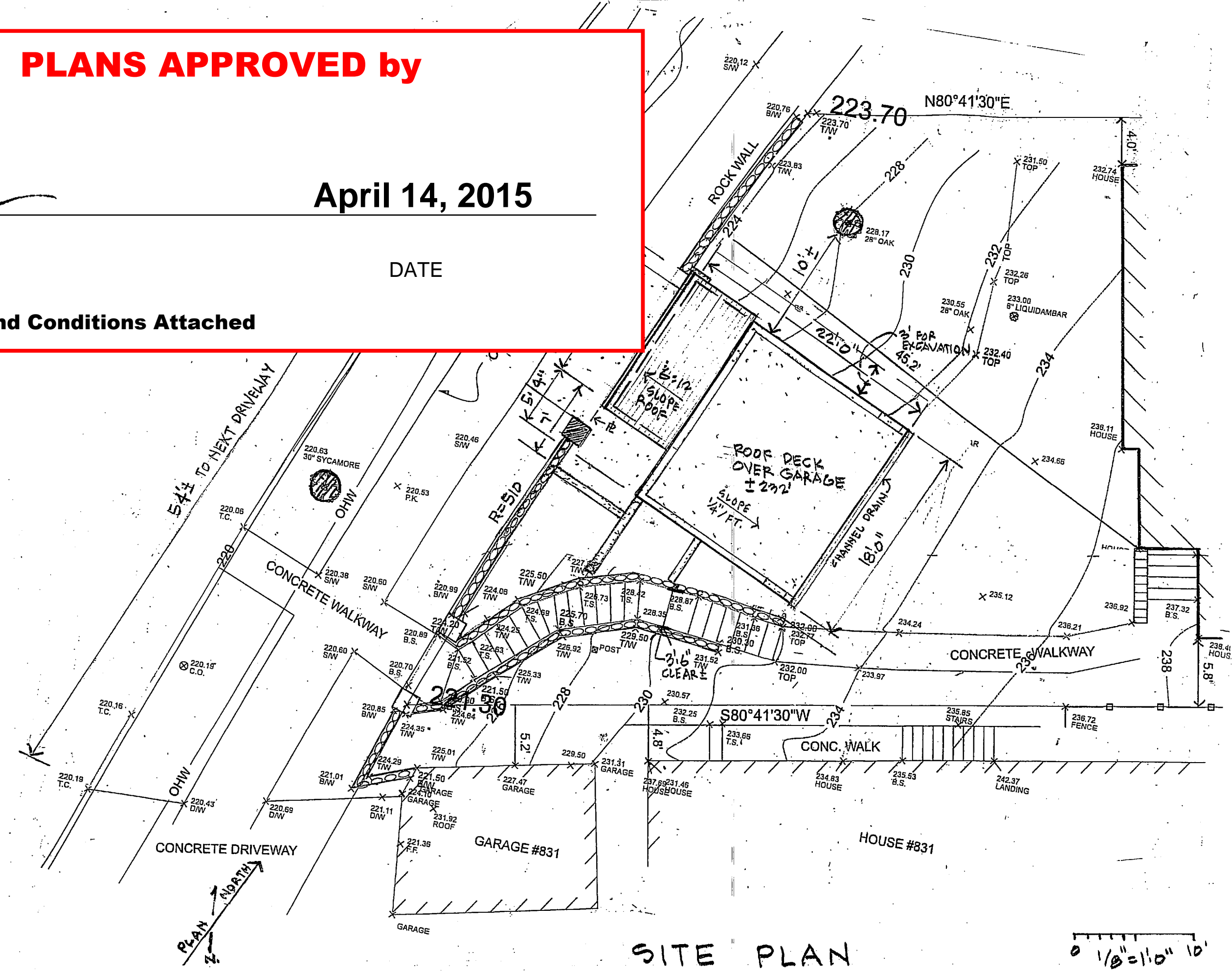
PLANS APPROVED by

Al Aswad

April 14, 2015

SIGNATURE _____ DATE _____

***AUP Findings and Conditions Attached**



Zoning/General Plan	Regulation Applies
Arts District	No
Commercial District with Use Quotas	No
General Plan Area	LDR
Zoning District	R-1H
Seismic Safety	
Earthquake Fault Rupture (Alquist-Priolo) Zone	No
Landslide (Seismic Hazards Mapping Act)	No
Liquefaction (Seismic Hazards Mapping Act)	No
Historic Preservation	
Landmarks or Structure of Merit	No
Environmental Safety	
Creek Buffer	No
Environmental Management Area	No
Fire Zone	2
Flood Zone (100-year or 1%)	No
Additional Parcel Info	
Parcel Larger than or equal to 10,000 Square Feet	No
Parcel Larger than or equal to one acre (43,560 square feet)	No
Redevelopment Area	No

PLANNING & DEVELOPMENT
 Land Use Planning, 2129 Milvia Street, Berkeley, CA 94704
 Tel: 510.841.7410 TDD: 510.981.9603 Fax: 510.981.7420 Email: Planning@berkeleyca.gov

TABULATION FORM

Project Address: **829 THE ALAMEDA** Date: _____
 Applicant's Name: **DAN VIELE**
 Zoning District: **R-1H**

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

	Existing	Proposed	Permitted/Required
Units: Parking Spaces			
Number of Dwelling Units	1	1	1
Number of Parking Spaces	0	1	1
Yards and Height			
Front Yard Setback	-	1'	4'
Side Yard Setbacks (facing property)			
Left: (ft.)	-	± 14'0"	4'
Right: (ft.)	-	± 8'9"	4'
Rear Yard Setback	(ft.)	-	-
Building Height*	(# Stories)	-	-
Average*	(ft.)	6'	10'
Maximum*	(ft.)	-	-
Areas			
Lot Area	(SqFt.)	6,360	NO CHANGE
Gross Floor Area*	(SqFt.)	1,829	NO CHANGE
Total Area Covered by All Floors	(SqFt.)	1,829	NO CHANGE
Building Footprint*	(SqFt.)	1,829	2,544
Total of All Structures	(SqFt.)	1,829	2,544
Lot Coverage* (Footprint/Lot Area)	(%)	29	40
Useable Open Space*	(SqFt.)	4,531	4,167
Floor Area Ratio* (Non-Residential Projects only (except SS-13))		-	-

*See Definitions - Zoning Ordinance Title 23F. Revised: 09/02 g:\form\land use planning\tabulation_form.doc

I have reviewed the plans for a new 364 square foot detached garage at 829 the Alameda

ADDRESS	NAME	SIGNATURE	RENT/OWN	DATE	NO OBJECTIONS	HAVE OBJECTIONS STATE BRIEFLY	NO COMMENTS
816 the Alameda	Spencer Silva	<i>[Signature]</i>	Rent	12/8	Yes	N/A	N/A
820 the Alameda	KAC MENCOC	<i>[Signature]</i>	own	12/9	Yes - no objections	-	-
1899 Catalina Ave.	Shirant occupants are notified and would prefer not to sign anything	<i>[Signature]</i>	Rent	12/8	Yes	N/A	N/A
1891 Catalina Ave.	Vera Okeas	<i>[Signature]</i>	Rent	12/8	Yes	N/A	N/A
825 the Alameda	Maryse Young	<i>[Signature]</i>	own	12/14	Yes	-	-
831 the Alameda	Dave Ro Initeky	<i>[Signature]</i>	own	12/8	Yes - no objections	N/A	N/A
828 Contra Costa Ave.	Jay Keasling	<i>[Signature]</i>	own	12/14	No objections	N/A	N/A
836 Contra Costa Ave.	Sam Katam	<i>[Signature]</i>	own	12/14	No objections	N/A	N/A

A.N.P. SUBMISSION 12.4.14

NEW GARAGE FOR DAN VIELE & CLAUDIA STANGER 829 THE ALAMEDA BERKELEY

drawn by JL

Jarvis architects

5278 College Avenue • (510) 654-6755
 Oakland, California 94618-1415 Fax: 654-3124

SITE PLANS, PLAN, EXTERIOR ELEVATIONS & PROJECT INFO

sheet 1 OF 1
job number 1451

