



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

115 El Camino Real

Administrative Use Permit #ZP2015-0004

Project Description: To construct a 315 square foot second-story residential addition that would be approximately 15 feet 4 inches in average height and reduce the 20 foot rear yard setback to approximately 5 feet for the addition of a new bedroom and bathroom.

- Section 23D.16.070 to construct an addition over 14'; and
- Section 23E.96.070 to reduce the rear yard setback.

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 June 16, 2015.

Attest: Shannon Allen
Shannon Allen, AICP, Principal Planner

June 16, 2015
Effective Date

ATTACHMENT 1

FINDINGS AND CONDITIONS

MAY 22, 2015

115 El Camino Real

Administrative Use Permit #ZP2015-0004

To construct a 315 square foot second-story residential addition that would be approximately 15 feet 4 inches in average height and reduce the 20 foot rear yard setback to approximately 5 feet for the addition of a new bedroom and bathroom.

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:
 - *Sunlight & Views* - The proposed addition would be small in size and would not increase the height of the existing residence. The addition would be at the rear (northeast) of the existing residence and would be approximately 32 feet from the nearest residence to the north (111 El Camino Real) and approximately 40 feet from the next nearest residence to the south (117 El Camino Real). This neighborhood currently includes two- and three-story homes and mature vegetation that cast shadows and filters views. The addition would not significantly obstruct sunlight or views, nor would it significantly cast shadows on an adjacent residence.
 - *Air* – The proposed addition would not have a significant impact to air (circulation), because there would be adequate separation between abutting neighbors (the closest would be approximately 32 feet).

- *Privacy* – The proposed addition would not have a significant impact to privacy because the proposed windows are obstructed by a fence on each side. Furthermore, the proposed window on the north side of the addition would be small in size and 5 feet above the floor, the three windows on the east (rear) would replace the existing three windows and are screened by mature foliage and the steep topography, and the proposed window on the south of the addition would be approximately 52 feet from the nearest residence.
 - The subject property is below the district standards for maximum residential density and maximum lot coverage, and provides more than the minimum of required open space.
 - While the addition will not be visible from the public right of way, the architecture and materials would match that of the existing residence.
3. Per 23E.96.070.C the rear yard setback may be reduced for the main building subject to the findings under Section 23E.96.090.B. The reduction to the rear yard setback (20 feet reduced to approximately 5 feet) would be consistent with the purposes of the Hillside District, because the steep topography limits where the addition could be located, the proposed location would preserve the landscaped open space to the south of the residence, and the proposed location would protect the abutting neighbors from view, privacy, sunlight and air impacts that would be created elsewhere on the site.
-

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 January 13, 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: Nicholas McIlroy, Assistant Planner
For Shannon Allen, Principal Planner, AICP

Karpf Residence Remodel - AUP Proposal

KARPF RESIDENCE

115 El Camino Real
Berkeley, CA 94705

115 El Camino Real
Berkeley, CA 94705

AUP Proposal Set
Nov 14, 2014

Project Description :
Addition of 315 sq. ft. to the rear of existing single family home with the purpose of adding a bedroom and bathroom. Location of proposed addition is in rear lot setback.

APN: 0064-42320-024			
Zone: R-H-1			
Bldg. Code: 2010 CA Residential Bldg. Code			
Construction Type: VB			
Occupancy Type: R-3			
			Permitted/ Required
	Proposed	Existing	
Units; Parking Spaces			
# of Dwelling Units	1	1	1 P
# of Parking Spaces	1	1	1 P
Yards & Height			
Front Yard Setback	21.5' +/-	21.5 +/-	20 R
Side Yard Setback Left (ft)	4.2 +/-	4.2 +/-	4 R
Side Yard Setback Right (ft)	31	31	4 R
Rear Yard Setback (ft)	5	17	16.8 R
Bldg. Height (# stories)	2	2	3 P
Avg. Bldg. Height (ft)	28	27.5	
Maximum Bldg. Height (ft)	+ 6"	Existing	
Areas			
Lot Area (square feet)	5,390	5,390	5000 R
Gross Floor Area (square feet)	2,429	2114	6,468 P
Building Footprint (square feet)	1,785	1,470	2,156 P
Lot Coverage:	33%	27%	40% P
Useable Open Space (square feet)	3,605	3,920	3,196 R

INDEX

- A0.0 - Cover Sheet
- A0.1 - Site Plan

- A1.0 - Existing 1st Floor Plan
- A1.1 - Existing & Proposed 2nd Floor Plan

- A2.0 - Existing & Proposed North Elevation
- A2.1 - Existing & Proposed South Elevation
- A2.2 - Existing & Proposed East Elevation
- A2.3 - Existing & Proposed West Elevation

Owners:
Glenn Karpf & Andrea
115 El Camino Real
Berkeley, CA 94705
(510) 547-7815

Documents Prepared By :
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Project Name :
KARPF Residence Addition
AUP Application
Draft Date:
Nov 14, 2014

File Name: 2010Remod_v149

Drawing Title :

COVER SHEET

Sheet # :

A0.0

PLANS APPROVED by



May 22, 2015

SIGNATURE

DATE

***AUP Findings and Conditions Attached**

KARPF RESIDENCE

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Berkeley, CA 94705

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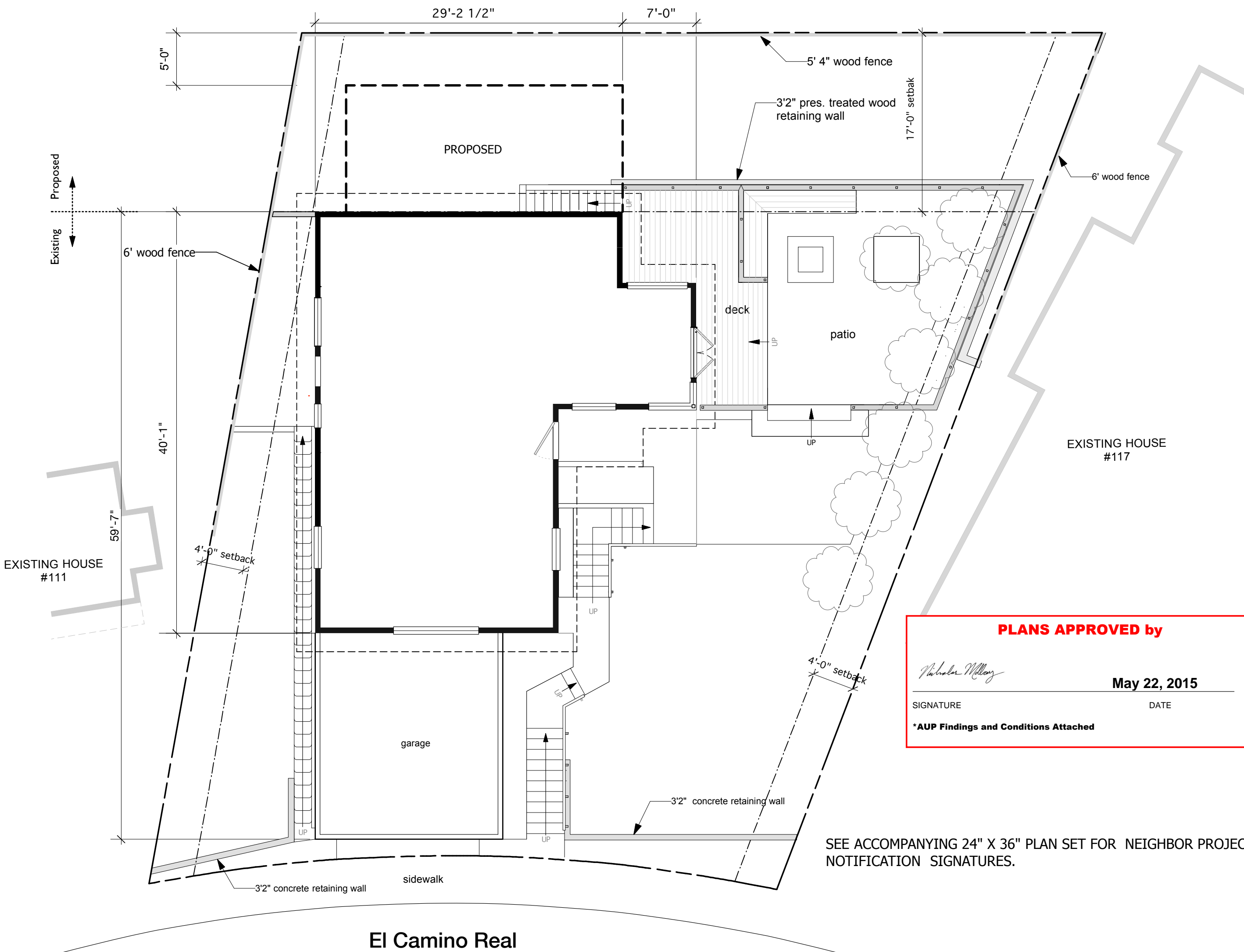
Drawing Title :

SITE PLAN

Sheet # :

A0.1

SCALE: 1/8" = 1' - 0"



PLANS APPROVED by

Nicholas Wilkey **May 22, 2015**

SIGNATURE DATE

***AUP Findings and Conditions Attached**

SEE ACCOMPANYING 24" X 36" PLAN SET FOR NEIGHBOR PROJECT NOTIFICATION SIGNATURES.

El Camino Real

KARPF RESIDENCE

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Drawing Title :

1st FLOOR PLAN

Sheet # :

A1.0

SCALE: 1/8" = 1' - 0"



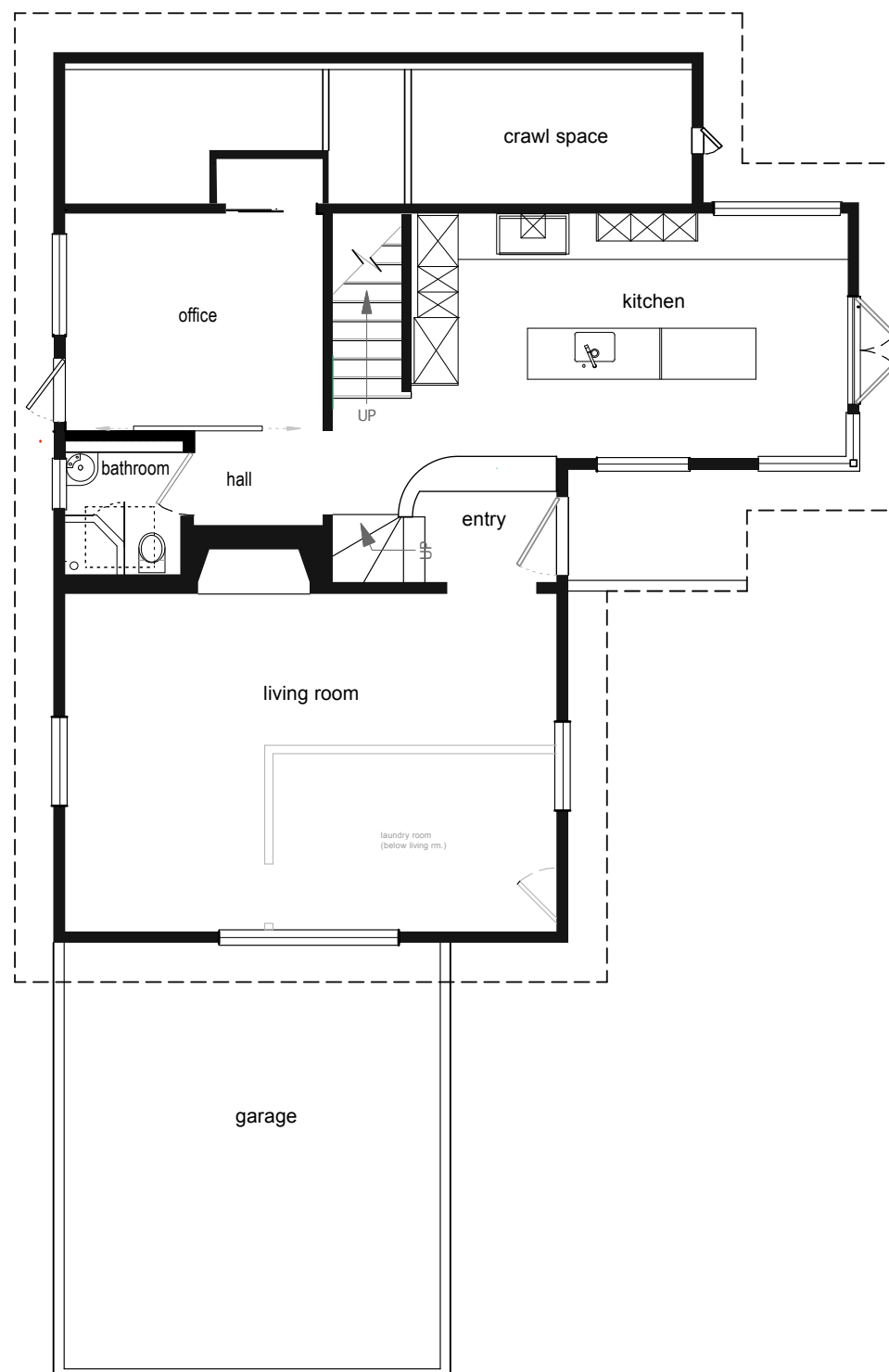
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1 1st Floor - Existing

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Drawing Title :

2nd FLOOR PLAN

Sheet # :

A1.1

SCALE: 1/8" = 1' - 0"



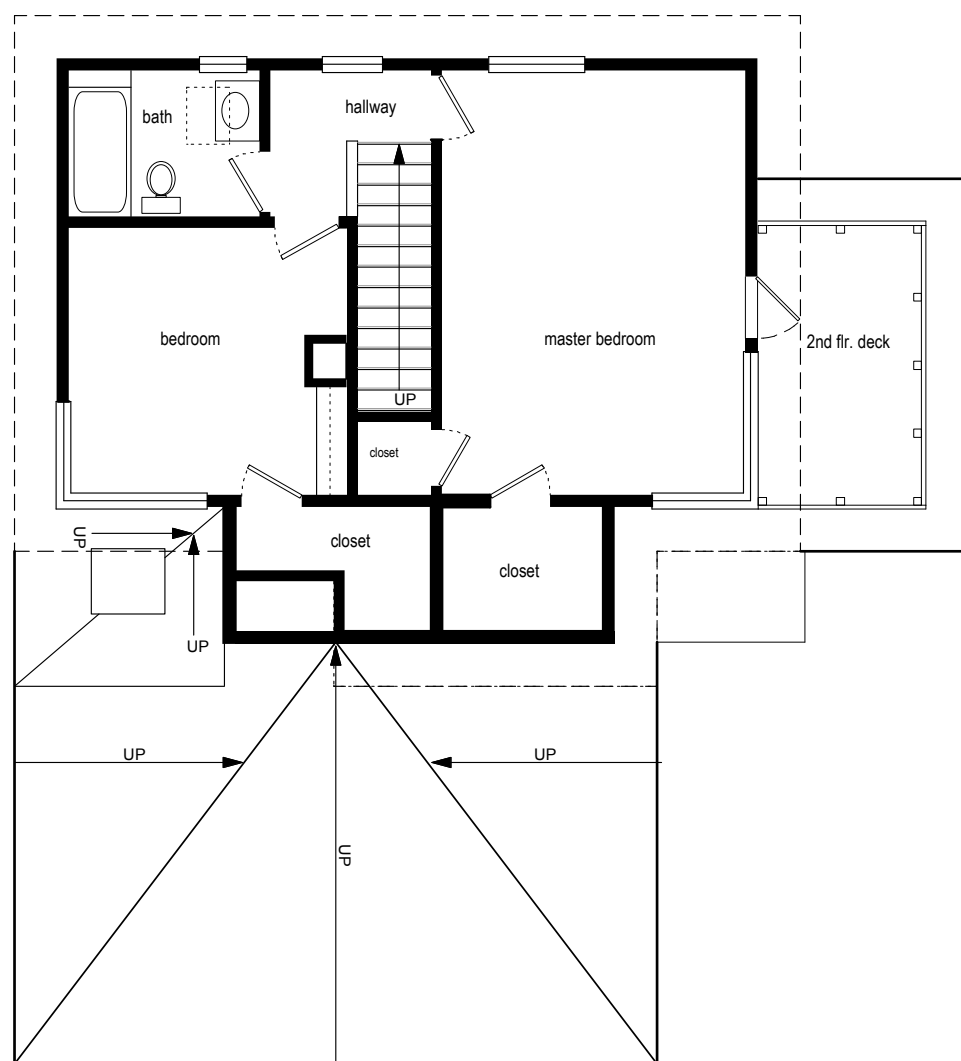
PLANS APPROVED by

May 22, 2015

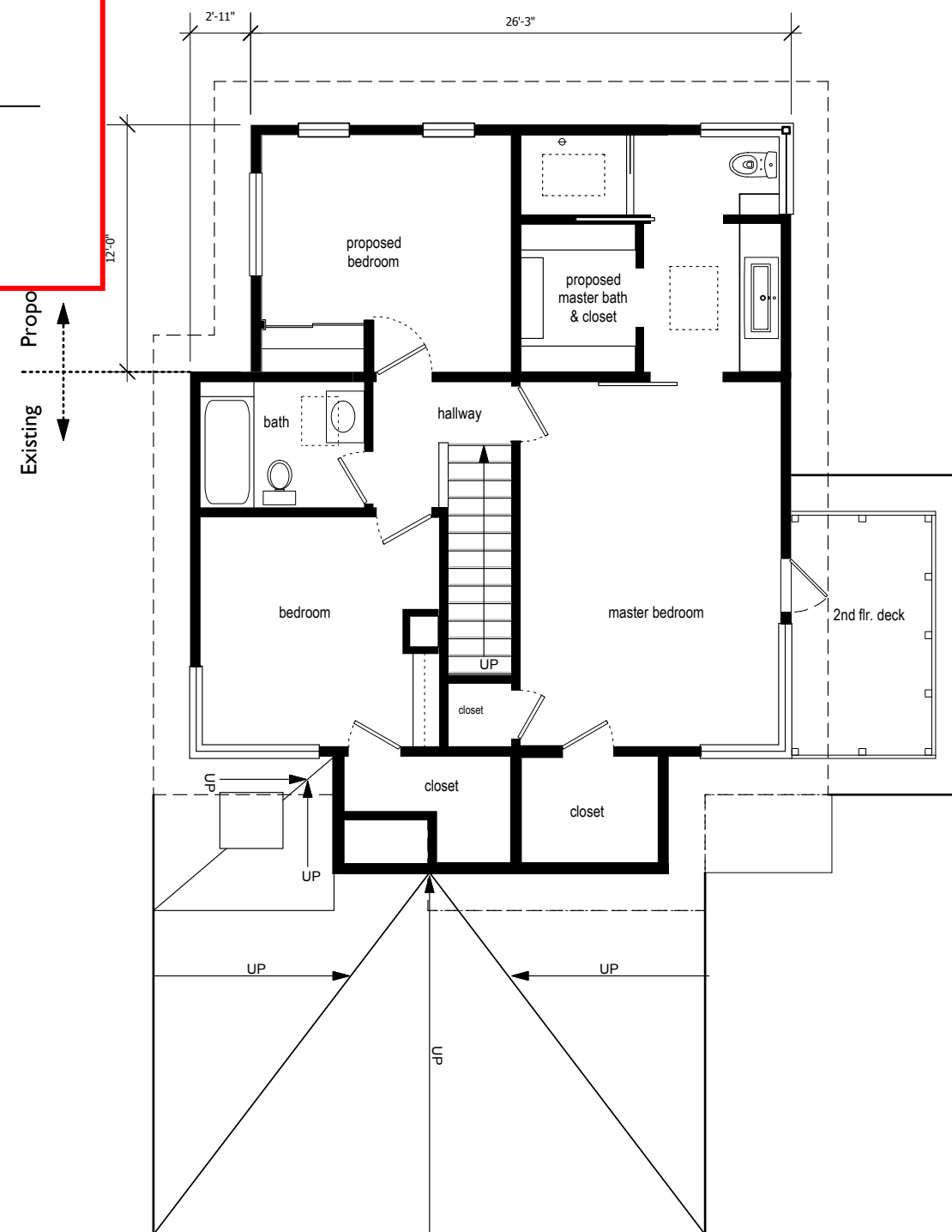
SIGNATURE

DATE

***AUP Findings and Conditions Attached**



1 2nd Floor - Existing



2 2nd Floor - Proposed

KARPF RESIDENCE

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Berkeley, CA 94705

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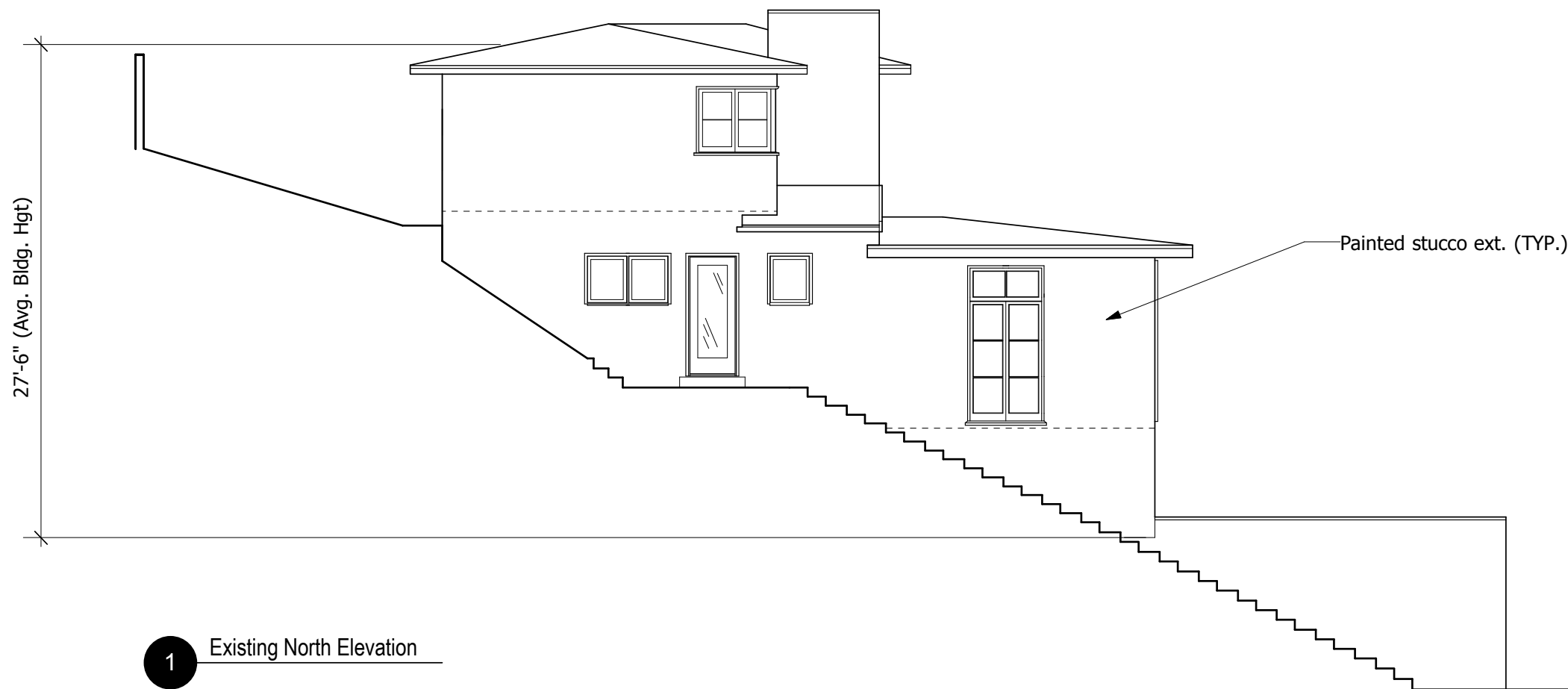
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**NORTH
ELEVATION**

Sheet # :

A2.0

SCALE: 1/8" = 1' - 0"



1 Existing North Elevation

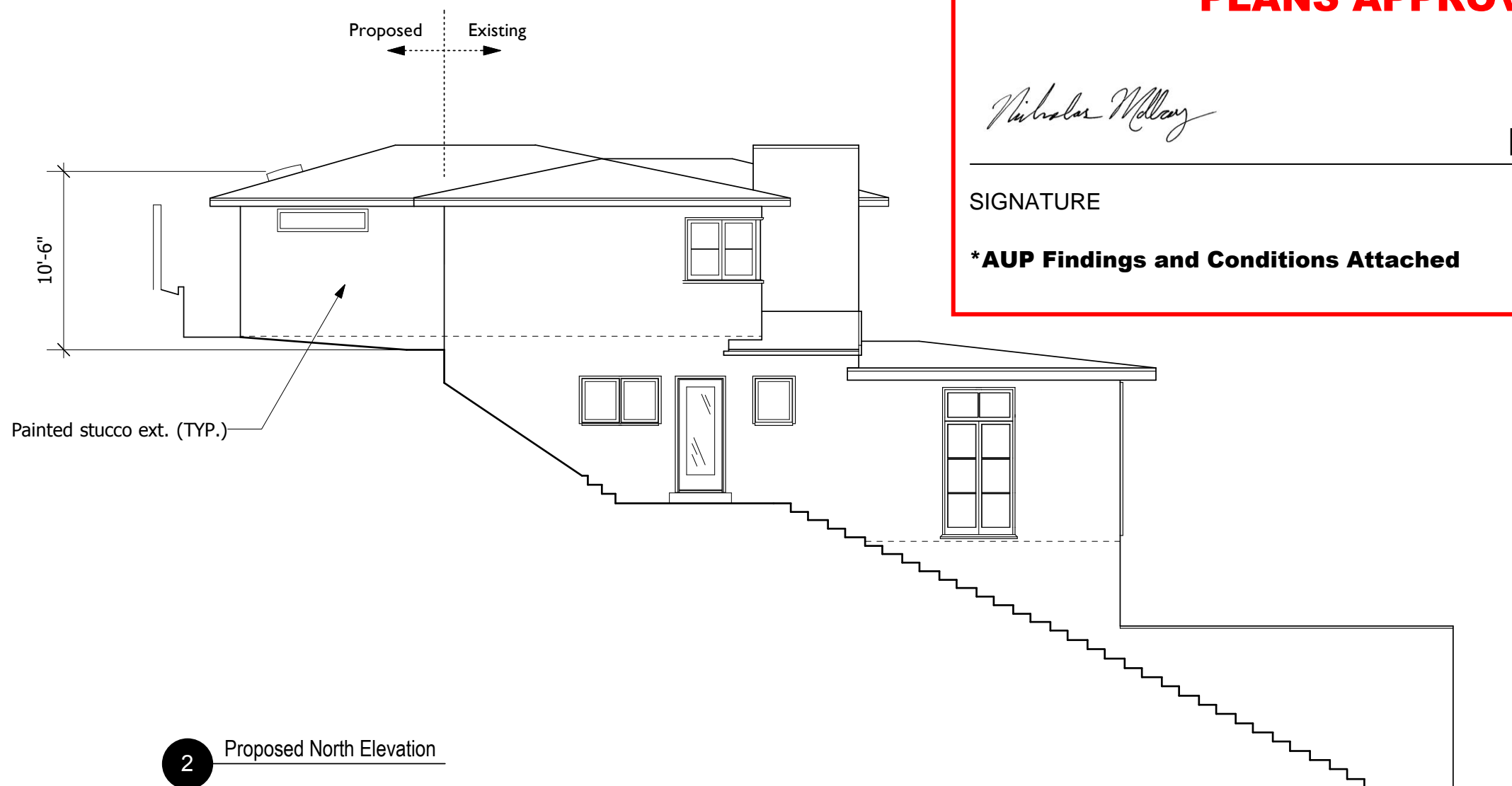
PLANS APPROVED by

Nicholas Molloy

May 22, 2015

SIGNATURE DATE

***AUP Findings and Conditions Attached**



2 Proposed North Elevation

LEGEND

- Finished floor elevation
- Ext. - Exterior
- TYP. - Typical

KARPF RESIDENCE

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Berkeley, CA 94705

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Nov 14, 2014

File Name: 2010Remod_v149

Drawing Title :

**SOUTH
ELEVATION**

Sheet # :

A2.1

SCALE: 1/8" = 1' - 0"



1 Existing South Elevation

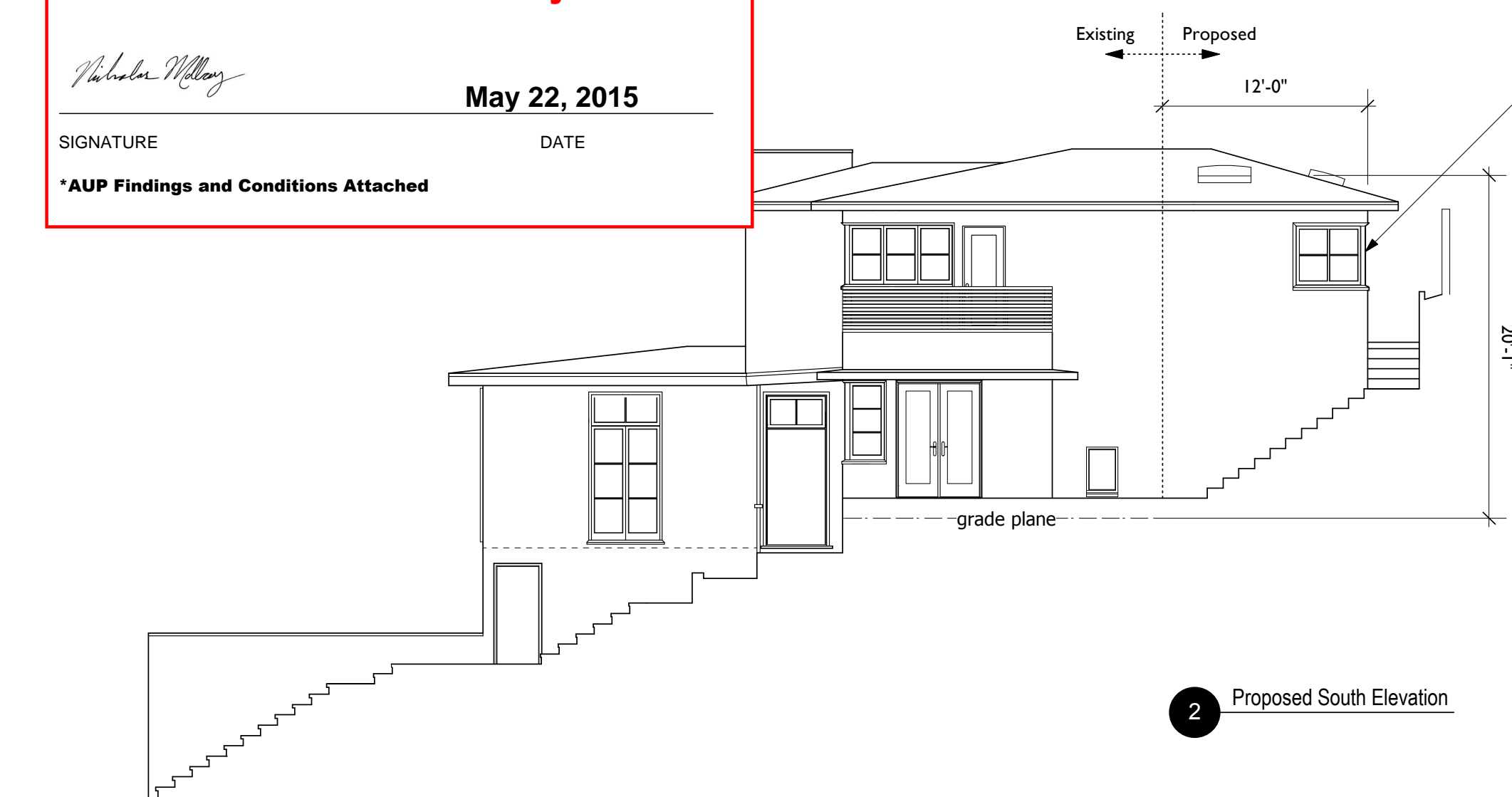
PLANS APPROVED by

Nicholas Molloy

May 22, 2015

SIGNATURE DATE

***AUP Findings and Conditions Attached**



2 Proposed South Elevation

LEGEND

- Finished floor elevation
- Ext. - Exterior
- TYP. - Typical

KARPF RESIDENCE

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Berkeley, CA 94705

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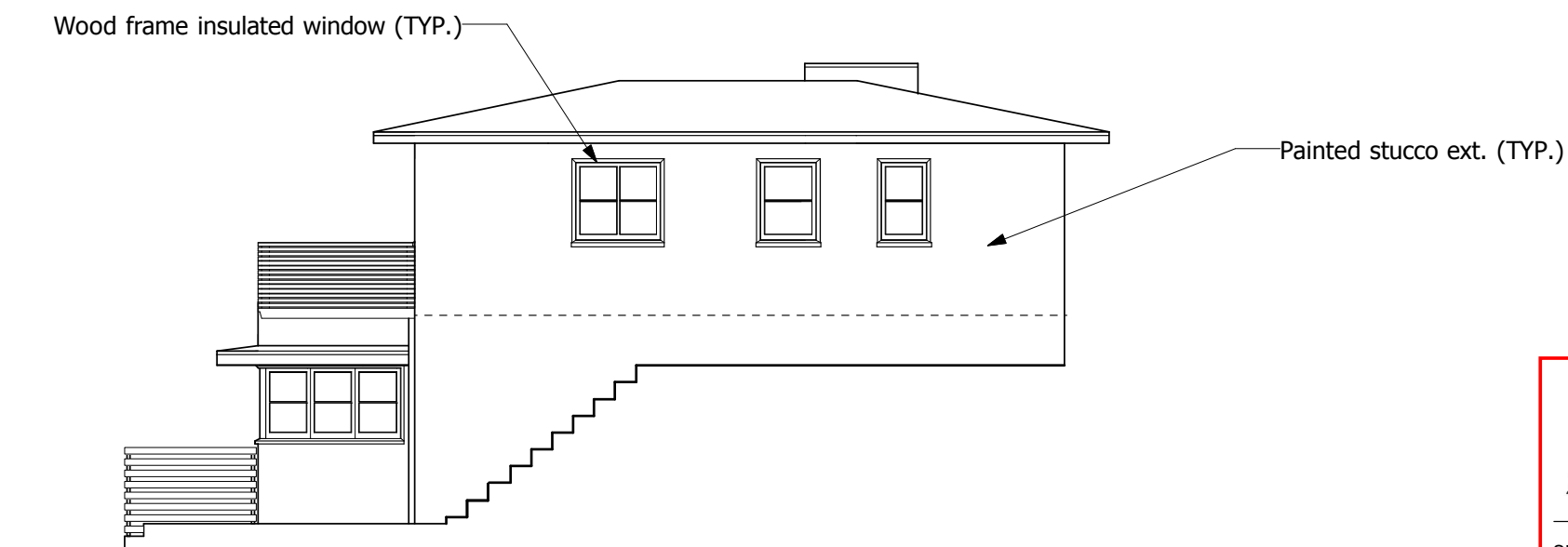
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**EAST
ELEVATION**

Sheet # :

A2.2

SCALE: 1/8" = 1' - 0"



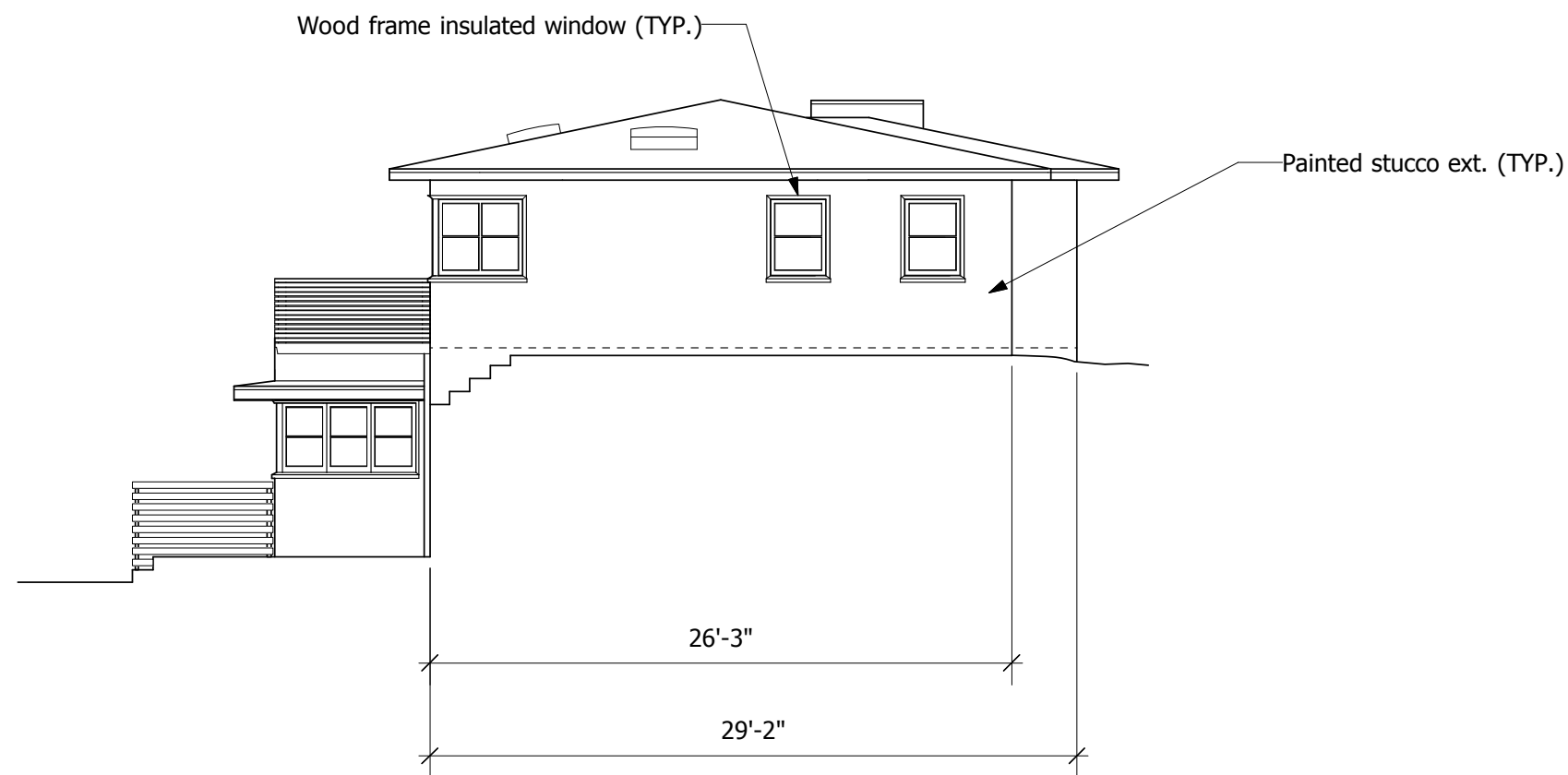
1 Existing West Elevation

PLANS APPROVED by

Nicholas Molloy **May 22, 2015**

SIGNATURE DATE

***AUP Findings and Conditions Attached**



2 Proposed West Elevation

LEGEND

- Finished floor elevation
- Ext. - Exterior
- TYP. - Typical

KARPF RESIDENCE

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Berkeley, CA 94705

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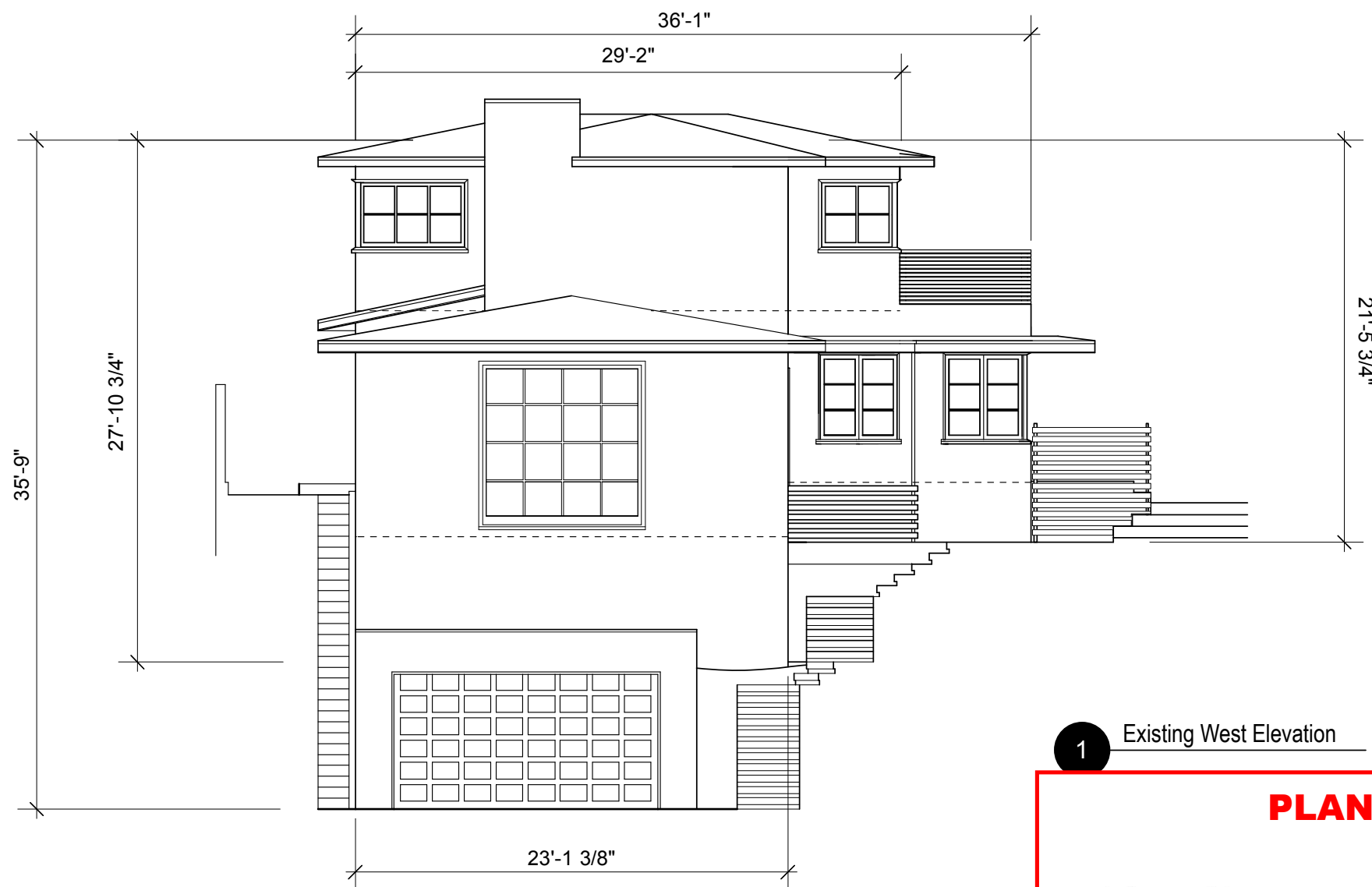
Drawing Title :

**WEST
ELEVATION**

Sheet # :

A2.3

SCALE: 1/8" = 1' - 0"



1 Existing West Elevation

PLANS APPROVED by

Nicholas Maloney

May 22, 2015

SIGNATURE

DATE

***AUP Findings and Conditions Attached**



2 Proposed West Elevation

LEGEND

----- Finished floor elevation
Ext. - Exterior
TYP. - Typical