

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

1358 Hearst Avenue

44Administrative Use Permit #ZP2015-0066

Project Description: Construct a two-story addition at southwest (rear) corner of an existing single-family residence to increase the gross floor area by 84 square feet, pursuant to:

- Section 23D.28.070.C to construct a residential addition greater than 14 feet in height in the R-2 District.

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 7described herein has been duly granted by the Zoning Officer on September 17, 2015.

Attest: Carol Johnson
Carol Johnson, Land Use Planning Manger

September 17, 2015
Effective Date

ATTACHMENT 1

FINDINGS AND CONDITIONS

AUGUST 26, 2015

1358 Hearst Avenue

Administrative Use Permit #ZP2015-0044

Construct a two-story addition at southwest (rear) corner of an existing single-family residence to increase the gross floor area by 84 square feet.

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:
 - 1) As required under Section 23D.28.030 (Uses Permitted), 23D.28.070.C (Development Standards) and 23D.28.090.B (Findings), the proposed residential addition may exceed 14 feet in average height because the addition and the building’s height are found to be non-detrimental. The height of the proposed addition does not create significant impacts to sunlight, air or views as listed below:
 - a) Sunlight – The proposed two-story addition at the rear of the existing two-story, single-family residence, would increase the building footprint by approximately 46 square feet, and increase the gross floor area by 84 square feet. The roof of the addition will not extend beyond the roof ridgeline of the existing building; it will not increase the average height of the building or the number of stories of the existing building. The addition would “fill in” the southwest corner of the building and would not protrude beyond the existing side and rear building elevations. Therefore, the addition would only marginally reduce the direct sunlight currently experienced at the property to the west at 1354 Hearst Avenue, along its east-facing side elevation. The greatest increase in shading would occur during the morning for 1-2 hours during the winter season; multiple windows along the residence would receive partial shading

as the shadow moves across the eastern elevation. Because this minimal loss of sunlight is for a small portion of the day, and would be spread over multiple windows along the residence, thereby decreasing its total impact to any single room of the residence, the shading is found to be non-detrimental.

- b) Air – The addition will not change the side, front, or rear setbacks and meets the district standards; therefore, it would provide adequate spatial separations between developments on the abutting properties and allow for adequate air circulation.
 - c) Views – The proposed residential addition would not substantially change the neighbor's views of any significant features. The proposed addition will be less than the full height limit permitted in the R-2 District and the addition will not exceed the maximum number of stories allowed.
 - d) Privacy – The proposed project would construct new windows on the east, west, and south elevations. These new windows are not expected to create privacy impacts to the immediate neighbors because the proposed windows would be in generally similar locations to existing windows, having similar setbacks from property lines as existing conditions, except for the new two-story addition; however, the windows on the addition would be set back approximately 9 feet from the closest (west) property line, consistent with the setback along the existing building. Although some windows would be somewhat larger than the existing windows, the adjacent residences to the east and west are single-story buildings and the new windows would not face directly into these residences. In addition, the new windows would not have views directly into neighboring windows because of the varied heights and existing fencing/vegetation.
- 2) In addition to the two-story addition, the applicant will make changes to the building façade on the south elevation by replacing the existing back door with a sliding back door, demolish the existing deck and construct a new deck. These modifications to the residence would be consistent with the district requirements and allowed by-right.
-

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 attorney's 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 July 17, 2015.
25. The frontyard fence is erected within the City's right-of-way. The fence shall be removed from the right-of-way or an encroachment permit shall be obtained from the City. If the fence is removed, the landscaping shall be planted in this area along the right-of-way and paving shall be prohibited.

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



Prepared by: Melinda Schulze
For Greg Powell, Principal Planner

GILL RESIDENCE

PLANS APPROVED by



August 26, 2015

SIGNATURE

DATE

***AUP Findings and Conditions Attached**

ION



deeds design
510.649.1365

ARCHITECT:
Sarah E. Deeds

SCOPE OF WORK:

- TWO-STORY ADDITION AT SW CORNER OF (E) HOUSE (84 SF TOTAL INCREASE IN GROSS SF, 47 SF INCREASE IN LOT COVERAGE)
- (N) DECK
- RELOCATE WATER HEATER
- REMODEL BOTH FLOORS
- PAINT EXTERIOR

PROJECT INFO:

OCCUPANCY GROUP R3
TYPE VB CONSTRUCTION
NO AUTOMATIC FIRE SPRINKLERS

TABLE OF CONTENTS:

1. NOTES
2. EXISTING SITEPLAN
- 2A. PROPOSED SITEPLAN
3. EXISTING AND PROPOSED PLANS
4. EXISTING AND PROPOSED EXTERIOR ELEVATIONS
5. SHADOW STUDYS
6. LOT COVERAGE DIMENSIONS & OPEN SPACE DIAGRAM

ABBREVIATIONS:

(N) = new
(E) = existing
WH = water heater
Conc. = concrete
S.S. = stainless steel
W/ = with
D.S. = downspout
T.B.D. = to be determined
V.I.F. = verify in field
min = minimum
max = maximum
SF = square foot

NOTE:

- 1) DRIVEWAY MUST BE CLEARED COMPLETELY SO THAT A CAR CAN PASS
- 2) FRONT FENCE MUST BE MOVED INSIDE FRONT PROPERTY LINE

Tabulation Form for 1358 Hearst Avenue

APN: 057 207402700

Zoning: R2

	Existing	Proposed	Permitted/required	Notes
# Dwelling Units	1	1	1	
# Parking Spaces	1	1	1	
# Stories	2	2	3	
Average Height	21'-7"	21'-7"	-	
Max Height	23'-7"	23'-7"	-	
Lot Area	3605 SF	3605 SF	-	
Gross Floor Area	1443 SF	1527 SF	-	
Building Footprint (Incl porch)	1102 SF	1148 SF		
Garage	288 SF	288 SF		
Total Footprint	1390 SF	1436 SF	1460 SF	
Lot Coverage	39%	40%	40%	
Useable Open Space	1209 SF	1163 SF	400 SF	
Front Setback	unchanged	unchanged	20'	
Side Setback (addition)	-	9'-0"	3'-6"	
Rear Setback (addition)	-	35'-3"	20'	

**GILL RESIDENCE ADDITION
1358 HEARST AVENUE
BERKELEY, CALIFORNIA, 94702**

JULY 17, 2015

1

PLANS APPROVED by



August 26, 2015

SIGNATURE

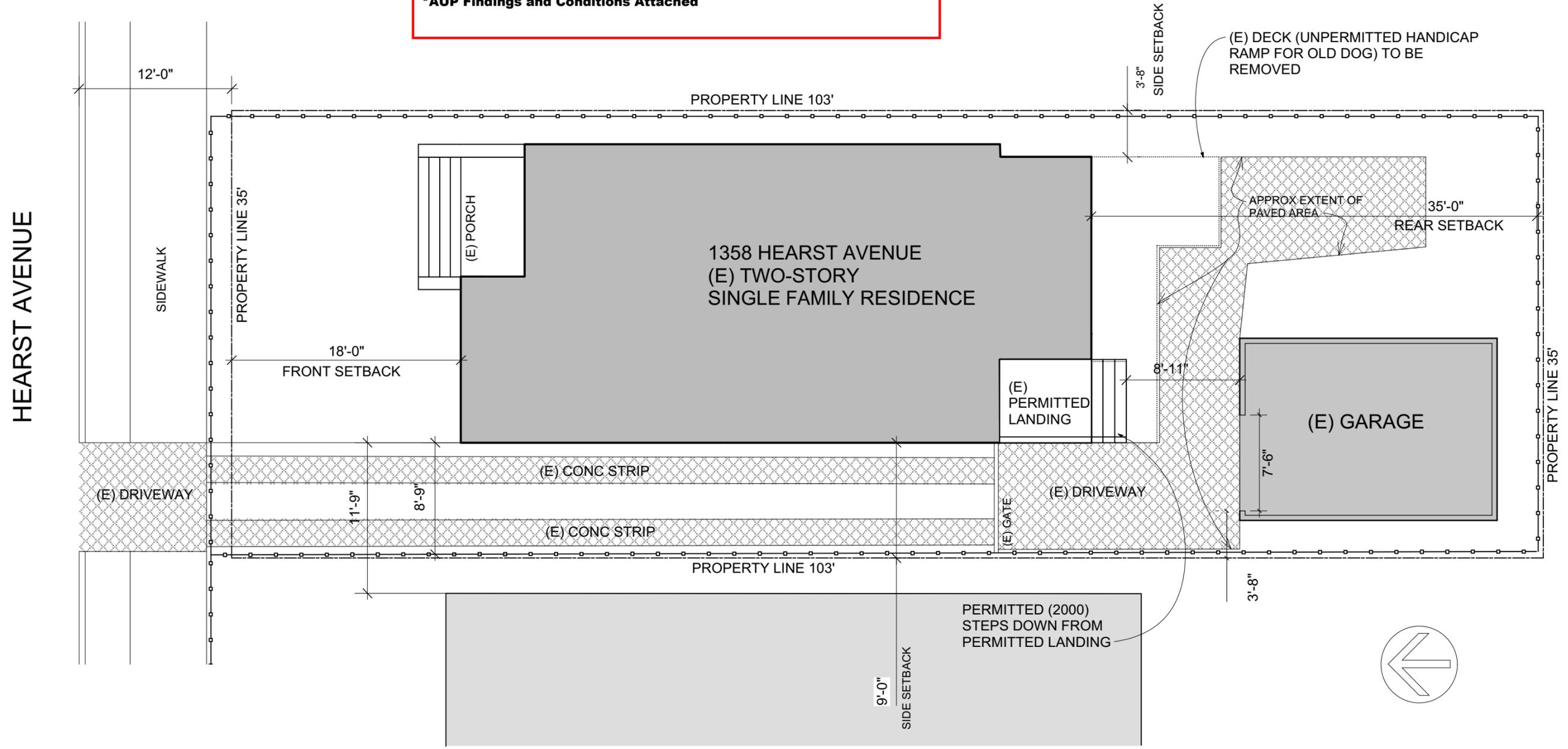
DATE

***AUP Findings and Conditions Attached**



deeds design
510.649.1365

ARCHITECT:
Sarah E. Deeds



GILL RESIDENCE ADDITION
1358 HEARST AVENUE
BERKELEY, CALIFORNIA, 94702

JULY 17, 2015

2 Existing Siteplan
Scale: 1/8" = 1'-0"

NOTE: NO RECENT SURVEY WAS COMPLETED PROPERTY LINES SHOWN ARE BASED ON PARCEL MAP & FENCE LOCATIONS + PLANNERS DETERMINATION THAT THE FRONT PROPERTY LINE IS 12' FROM THE FACE OF CURB

PLANS APPROVED by

August 26, 2015

SIGNATURE

DATE

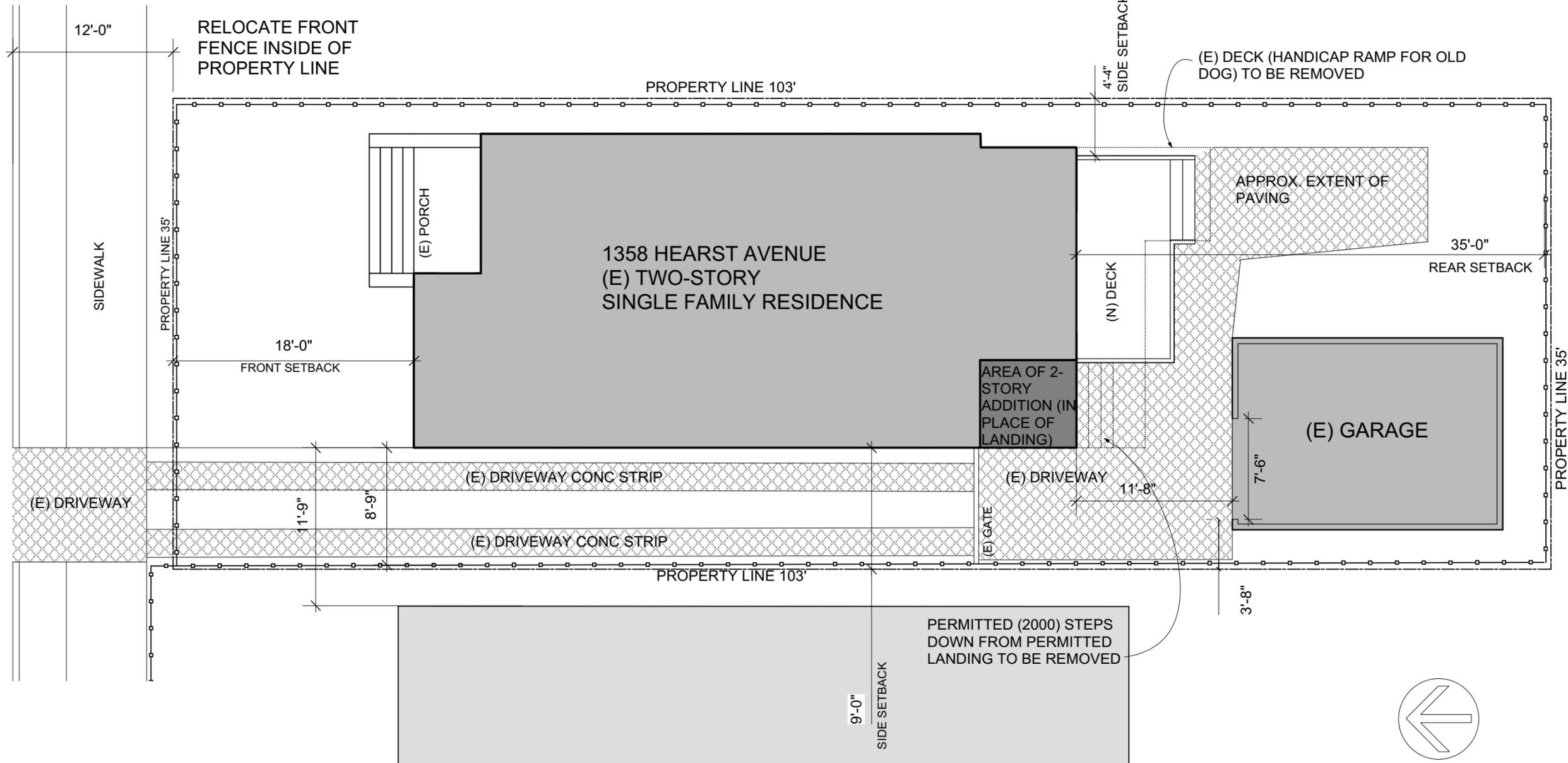
***AUP Findings and Conditions Attached**



deeds design
510.649.1365

ARCHITECT:
Sarah E. Deeds

HEARST AVENUE



GILL RESIDENCE ADDITION
1358 HEARST AVENUE
BERKELEY, CALIFORNIA, 94702

JULY 17, 2015

3

Proposed Siteplan
Scale: 1/8" = 1'-0"

NOTE: NO RECENT SURVEY WAS COMPLETED PROPERTY LINES SHOWN ARE BASED ON PARCEL MAP & FENCE LOCATIONS + PLANNERS DETERMINATION THAT THE FRONT PROPERTY LINE IS 12' FROM THE FACE OF CURB

2A

PLANS APPROVED by

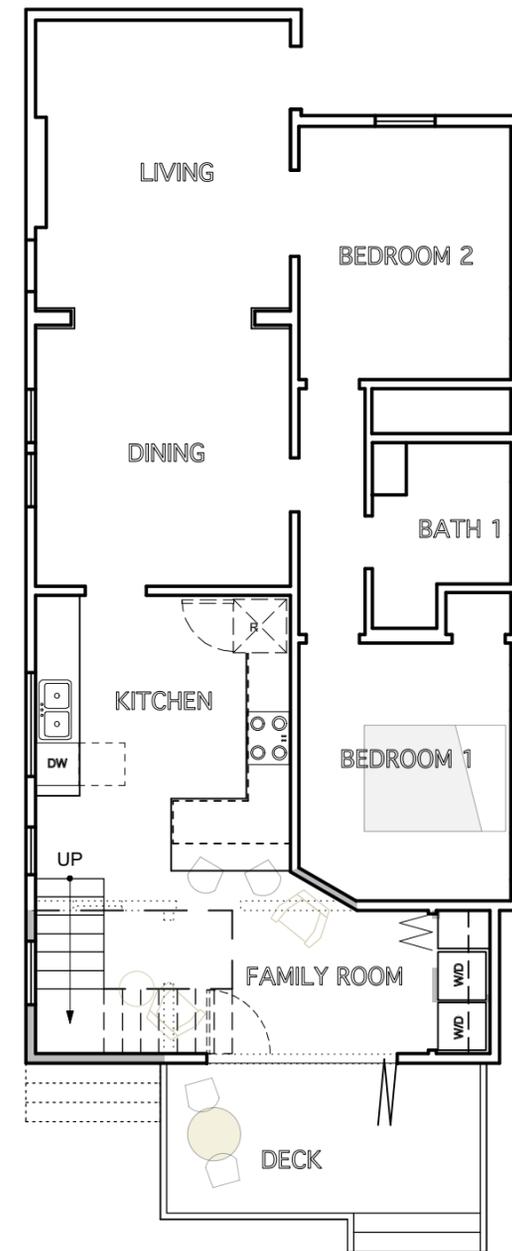
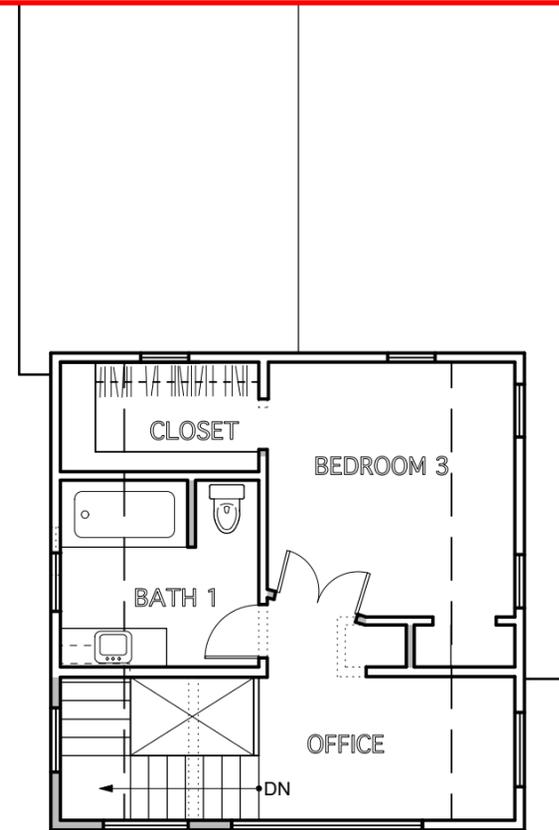
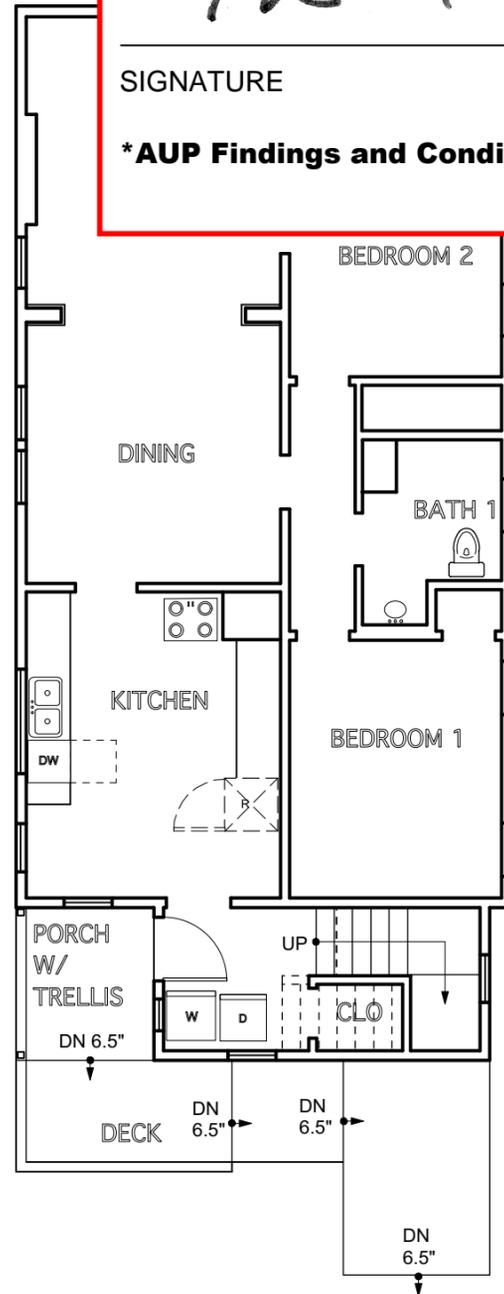
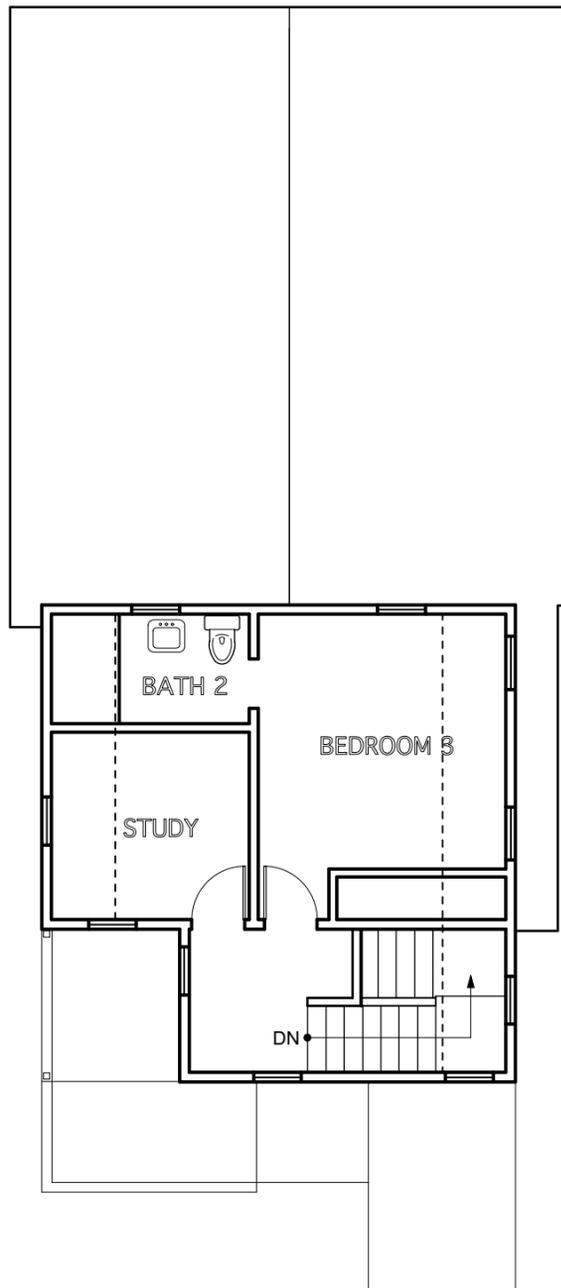


August 26, 2015

SIGNATURE

DATE

***AUP Findings and Conditions Attached**



4 2ND FLOOR PLAN
Scale: 1/8" = 1'-0"

3 1ST FLOOR PLAN
Scale: 1/8" = 1'-0"

2 2ND FLOOR PLAN
Scale: 1/8" = 1'-0"

1 1ST FLOOR PLAN
Scale: 1/8" = 1'-0"

EXISTING FLOOR PLANS

PROPOSED FLOOR PLANS

WALL KEY	
	NEW
	DEMO
	EXISTING



deeds design
510.649.1365

ARCHITECT:
Sarah E. Deeds

GILL RESIDENCE ADDITION
1358 HEARST AVENUE
BERKELEY, CALIFORNIA, 94702

JULY 17, 2015

3



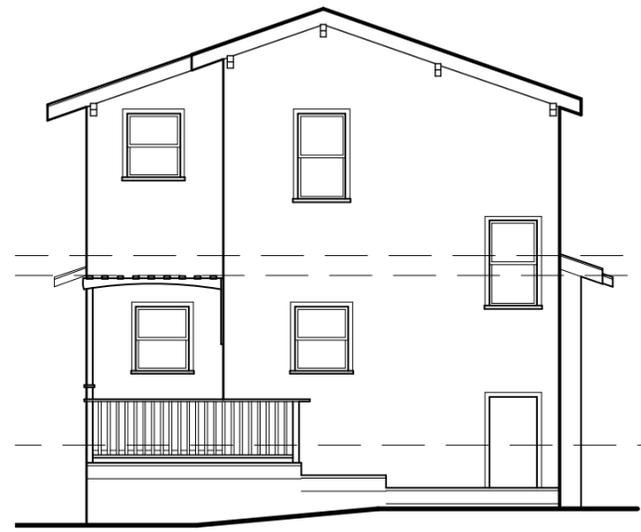
deeds design
510.649.1365

ARCHITECT:
Sarah E. Deeds

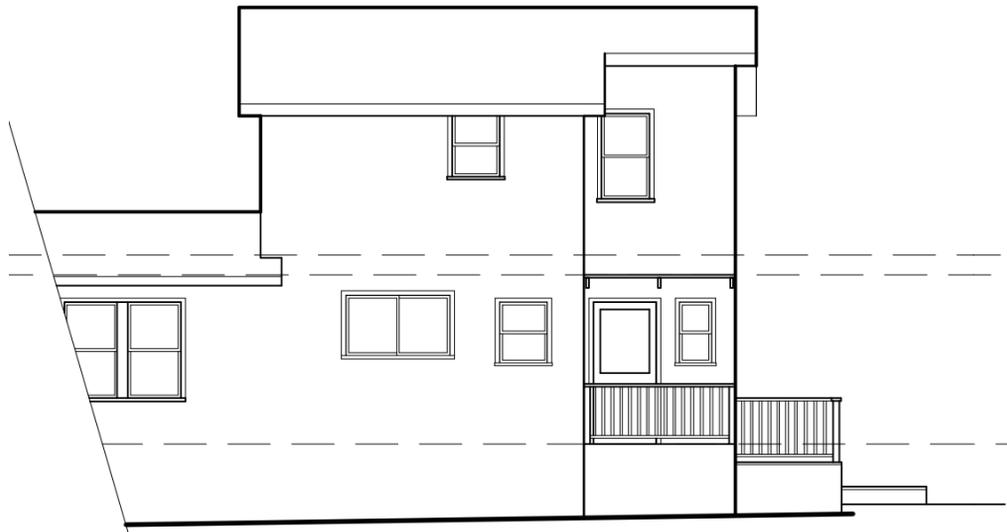
GILL RESIDENCE ADDITION
1358 HEARST AVENUE
BERKELEY, CALIFORNIA, 94702

JULY 17, 2015

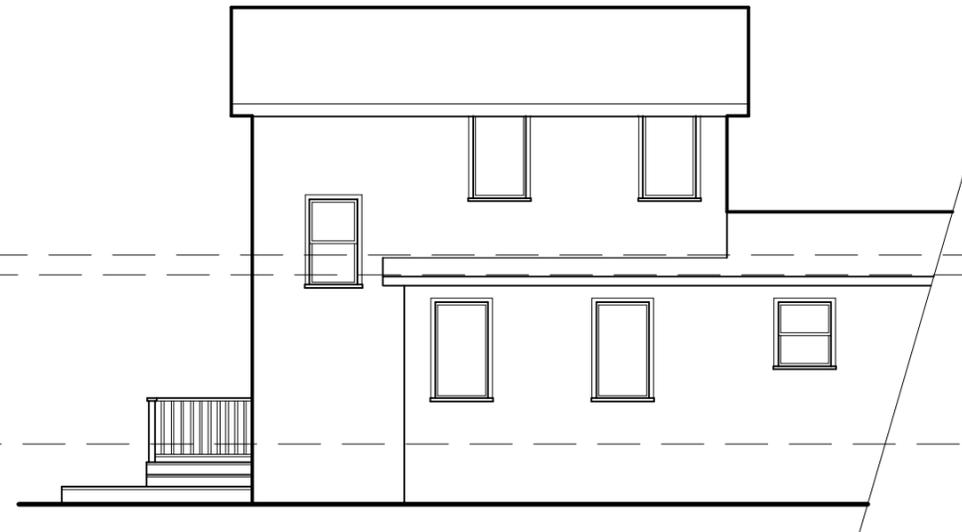
4



6 EXISTING SOUTH ELEVATION
Scale: 1/8" = 1'-0"



5 EXISTING WEST ELEVATION
Scale: 1/8" = 1'-0"



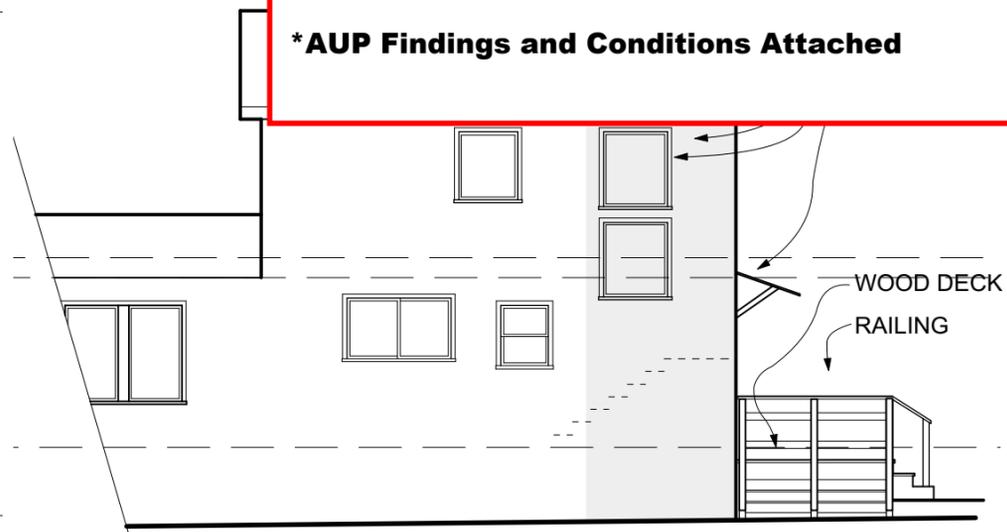
4 EXISTING EAST ELEVATION
Scale: 1/8" = 1'-0"

PLANS APPROVED by

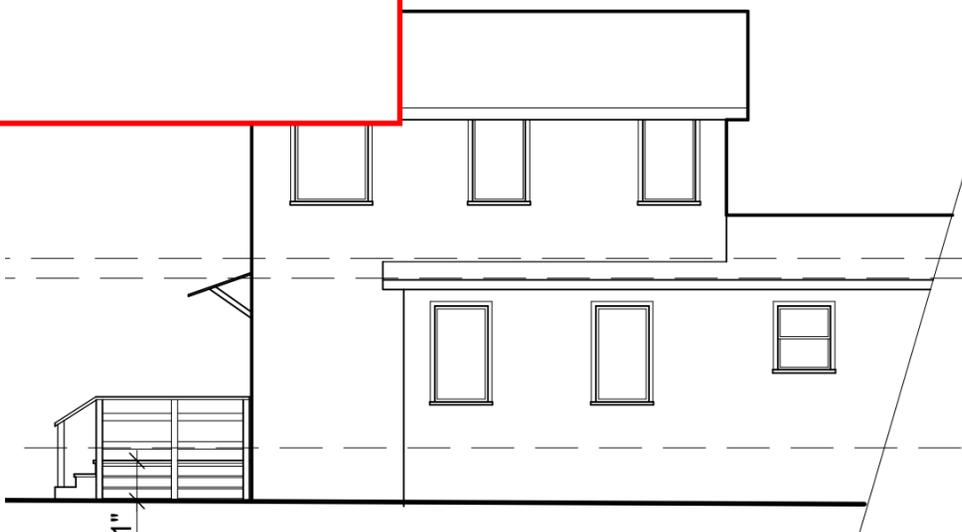
August 26, 2015
SIGNATURE DATE
***AUP Findings and Conditions Attached**



3 PROPOSED SOUTH ELEVATION
Scale: 1/8" = 1'-0"



2 PROPOSED WEST ELEVATION
Scale: 1/8" = 1'-0"



1 PROPOSED EAST ELEVATION
Scale: 1/8" = 1'-0"



deeds design
5 1 0 . 6 4 9 . 1 3 6 5

ARCHITECT :
Sarah E. Deeds

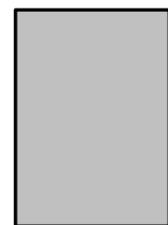
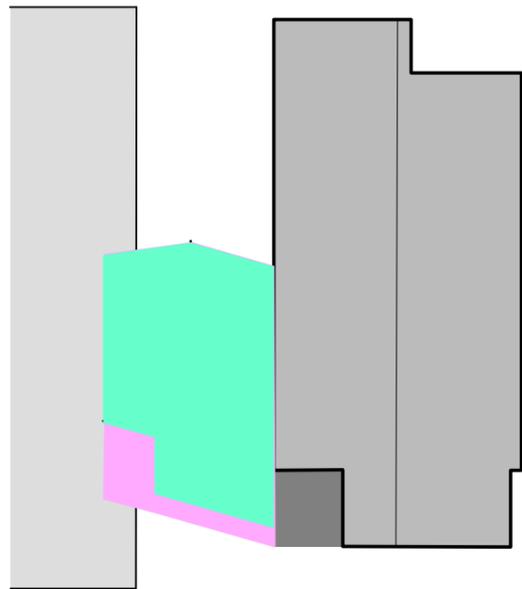
PLANS APPROVED by

August 26, 2015

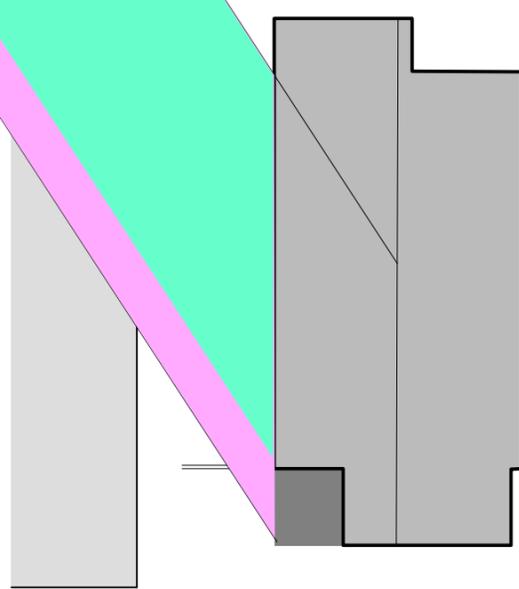
SIGNATURE

DATE

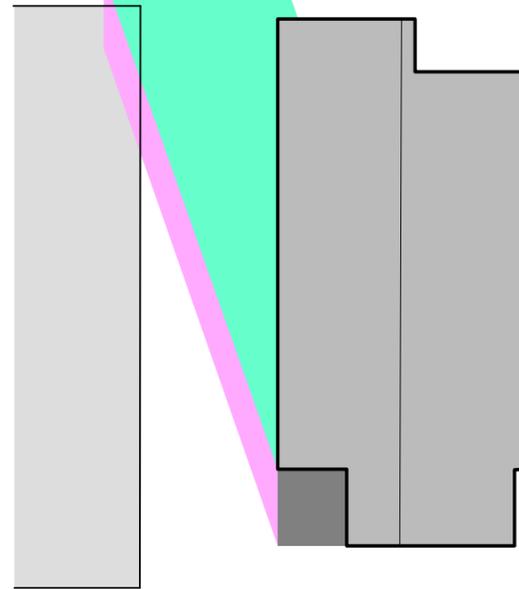
***AUP Findings and Conditions Attached**



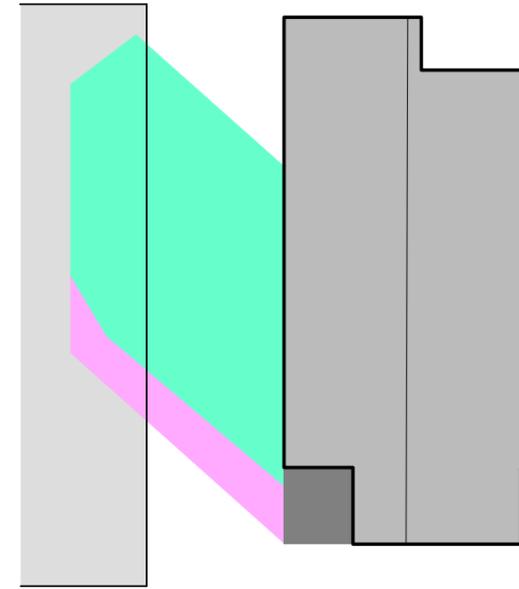
JUNE 21 9 AM



DEC 21 9 AM



DEC 21 10 AM



MAR 21 9 AM



GILL RESIDENCE ADDITION
1358 HEARST AVENUE
BERKELEY, CALIFORNIA, 94702

JULY 17, 2015

PLANS APPROVED by

August 26, 2015

SIGNATURE

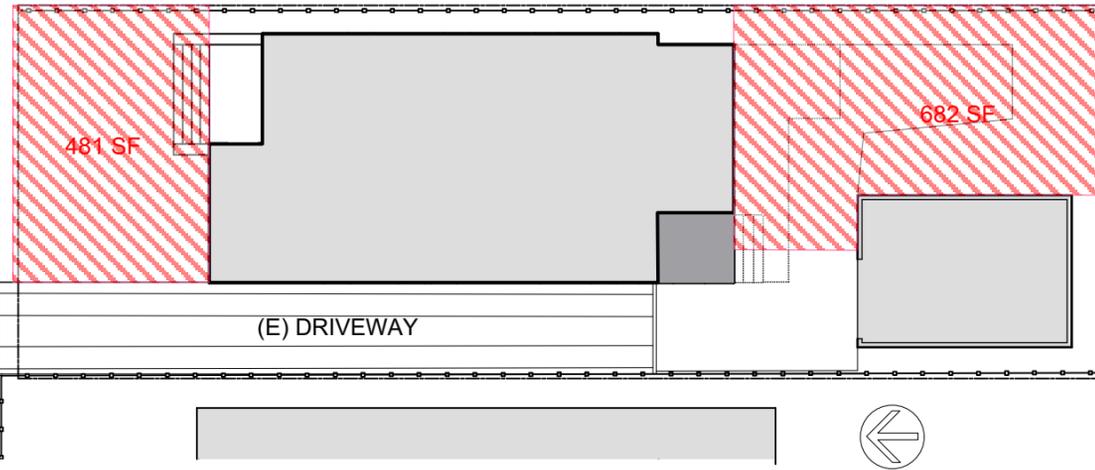
DATE

*AUP Findings and Conditions Attached

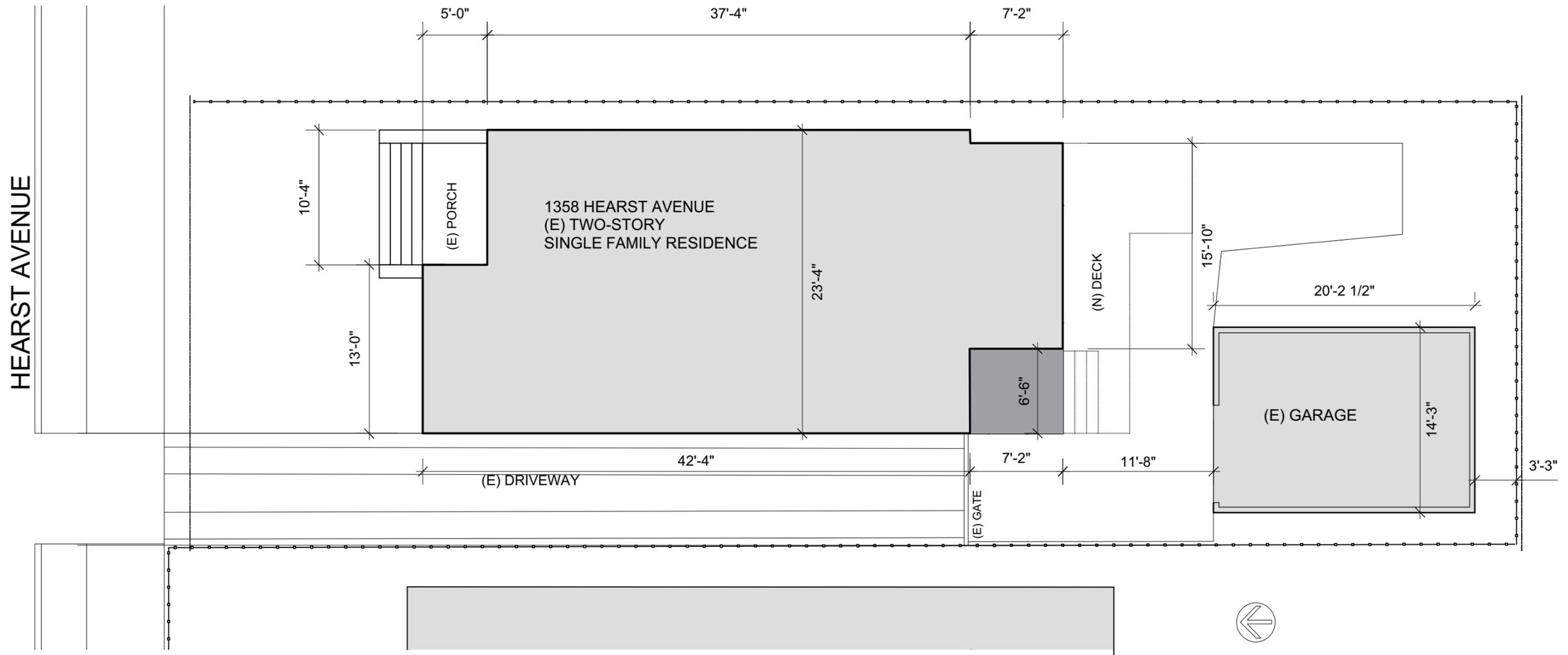


deeds design
510.649.1365

ARCHITECT:
Sarah E. Deeds



1 OPEN SPACE
Scale: 1/16" = 1'-0"



3 LOT COVERAGE
Scale: 1/8" = 1'-0"

GILL RESIDENCE ADDITION
1358 HEARST AVENUE
BERKELEY, CALIFORNIA, 94702

JULY 17, 2015

6