



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

1350 Peralta Avenue

Administrative Use Permit #ZP2015-0145

Project Description: To construct a one story, 364-264 sq. ft. addition on the south east corner of a dwelling, thereby horizontally extending the non-conforming front yard setback (20' required, 11' existing) and the non-conforming south side-yard set-back (3'-8" required, 3-4" existing), pursuant to:

- Section 23C.04.070.B to horizontally extend non-conforming front yard and side yard set-backs.

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 October 24, 2015.

Attest: Carol Johnson
Carol Johnson, Land Use Planning Manger

October 24, 2015
Effective Date

ATTACHMENT 1

FINDINGS AND CONDITIONS SEPTEMBER 30, 2015

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To construct a one story, 264 sq. ft. addition on the south east corner of a dwelling, thereby horizontally extending the non-conforming front yard setback (20' required, 11' existing) and the non-conforming south side-yard set-back (3'-8" required, 3'-4" existing).

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 would 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, would 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:
 - A. Aside from the continuation of a non-conforming encroachment into the front and south-side yard setback, the project conforms to the development standards of the R-1A District in regards to height, stories, lot coverage, usable open space, and off-street parking as required by the BMC 23D.20.070 and .080 (R-1A Development Standards and Off Street Parking Requirements).
 - B. The residential addition would not detrimentally impact the air between buildings because the established neighborhood pattern is characterized by single-family dwellings on narrow lots, roughly 35' wide, with building separation ranging from approximately 5'-15'. The residential addition on the subject property would continue the 7'-8" building separation between the existing dwelling and the south abutting dwelling, which is in line with the compact neighborhood development pattern. Additionally, as mentioned in Finding for Approval #2-A, the new addition will not increase lot coverage beyond the district's development standards. The building foot-

print is 1,378 sq. ft and the proposed building foot-print is 1,742 sq. ft, which results in an increase from 31% building coverage to 38% building coverage where 40% is allowed by the BMC 23D.20.070 (R-1A Development Standards).

- C. A reasonable level of privacy for the abutting neighbor to the south will be preserved, as the addition is single-story with minimal new south-facing windows. The proposed project will add a 3' X 4' window and a 3'-5' X 6' window to the south wall abutting the neighboring property, neither of which have direct sightlines into neighboring windows.
 - D. Shadowing impacts from the proposed addition are minimal, as the proposed addition is single story and does not exceed the district's 14' by-right average height limit set by BMC 23D.20.070 Paragraph C.
 - E. The project will not impact neighborhood views because the topography of the neighborhood is relatively flat.
 - F. The addition will be constructed to match the colors and materials of the existing house and will, therefore, blend in with the existing character of the neighborhood.
 - G. For these reasons, the project is found to be permissible as it would not unreasonably obstruct sunlight, air or views as required under Section 23D.20.090 Paragraph B (R-1A Findings).
3. As required by the BMC Section 23C.04.070 paragraph B, the proposed horizontal extension of the non-conforming front-yard and south side-yard set-backs are found permissible because these expansions are consistent with the existing use of the property, the addition/enlargement and changes within the non-conforming setbacks would not further reduce the existing non-conforming south side-yard and front-yard set-backs, and the addition will not exceed the maximum or average height limits as described below
- A. The proposal to construct a residential addition is consistent with the single-family use of the subject property as the site is zoned for residential use and is presently developed with a single-family residence.
 - B. The dwelling is legal non-conforming in regards to its front and south side setbacks. The residential addition will not reduce the legal non-conforming south side yard beyond the existing condition, as the project will horizontally extend the existing 3'-4" south side yard setback 13' to the east. The legal non-conforming front yard setback will also not be reduced beyond the existing 11', as the residential addition will be set back 17' from the front yard property line. Additionally, the majority of houses along this section of Peralta Avenue have set-backs less than the 20' required by the BMC 23D.20.070, therefore horizontally extending the non-conforming front-yard set-back would be in line with the neighborhood character.
 - C. The proposed addition has an average roof height of 14', which does not exceed the 14' average height limit required by the BMC Section 23D.020.070 Paragraph C.

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. Plans submitted for a building permit shall include landscaping within the curbside planting strip (between curb and sidewalk) and between the sidewalk and the property line abutting the Peralta Street r-o-w. Subject to the City Forester's review and approval, street trees shall be installed along the project site per the spacing, species and maintenance plan set forth by the City Forester.

11. 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: _____

12. 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:

13. Drainage plans shall be submitted for approval of the Building & Safety Division and Public Works Department, if required.

During Construction:

14. 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.
15. 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.
16. 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.
17. 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.
18. 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.
19. Trucks hauling debris, soil, sand, or other loose materials shall be covered or required to maintain at least two feet of board.
20. Public streets shall be swept (preferably with water sweepers) of all visible soil material carried from the site.
21. The applicant shall establish and maintain drainage patterns that do not adversely affect adjacent properties and rights-of-way.
22. 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.
23. 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:

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 August 28, 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. Noise and exterior lighting shall be controlled so as to prevent verified complaints from the surrounding neighborhood.



Prepared by: Amanda Wallace, Assistant Planner
For Greg Powell, Principal Planner

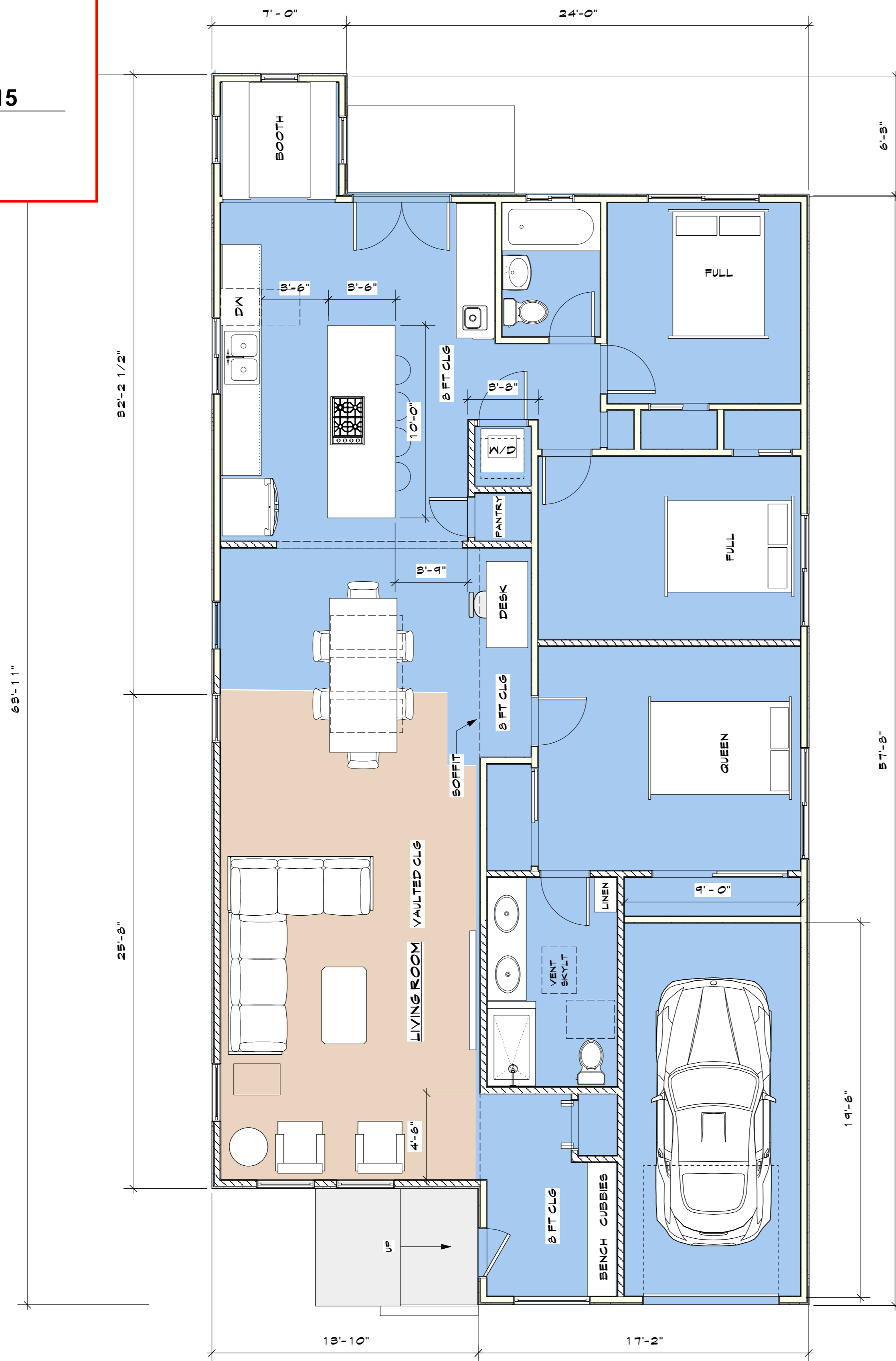
PLANS APPROVED by

Sept. 30, 2015

SIGNATURE

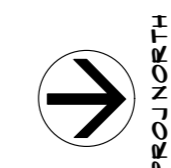
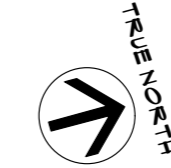
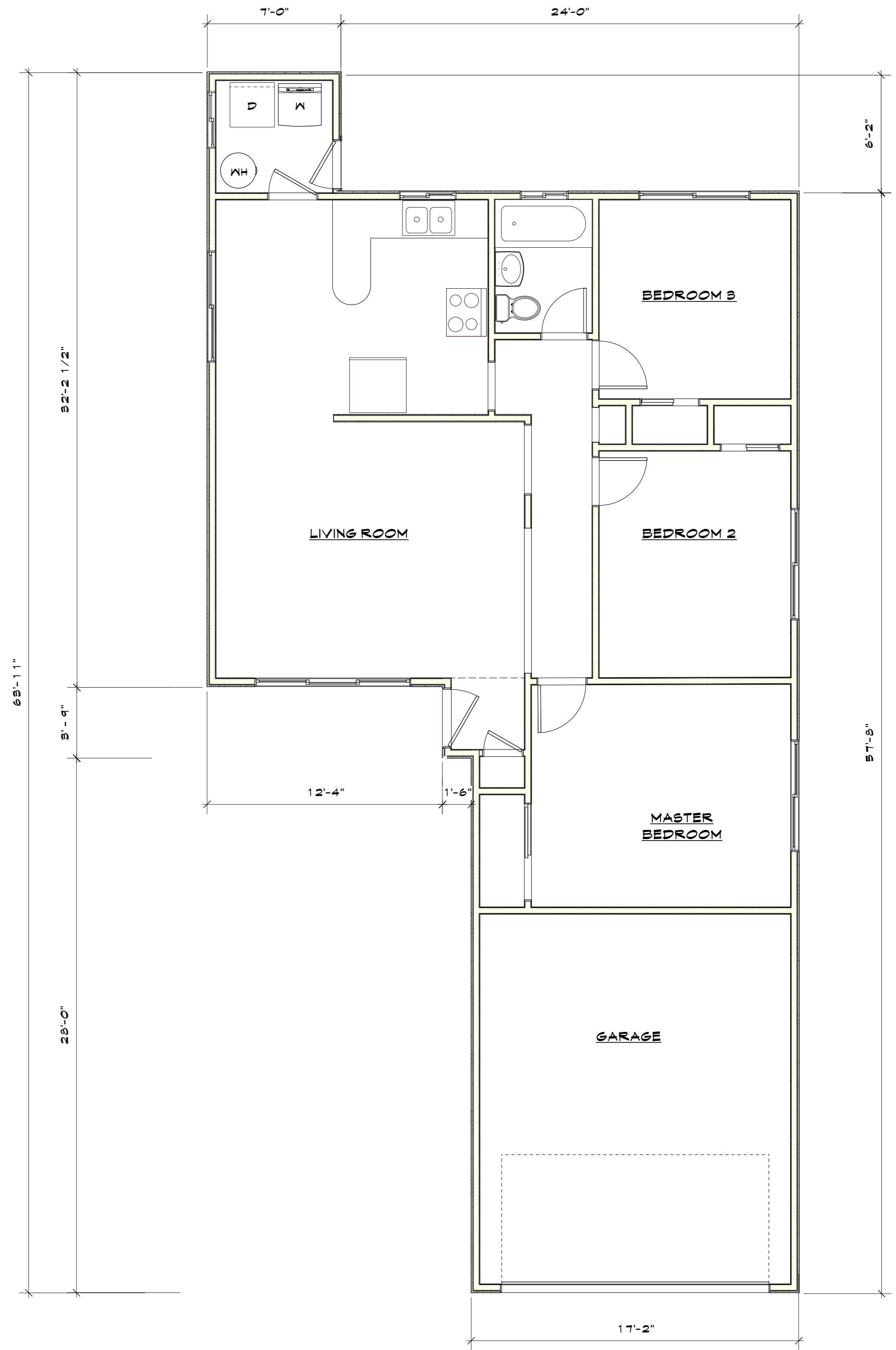
DATE

***AUP Findings and Conditions Attached**



1 NEW FLOOR PLAN
1/4" = 1'-0"

EXISTING AREA
NEW AREA



1 EXISTING FLOOR PLAN
1/4" = 1'-0"

NEW PLANS
EXISTING PLANS

RENOVATION FOR
MOLLY & RYAN HERNANDEZ
1350 PERALTA AVE BERKELEY CA 415.722.9479

ZONING REV 27 AUG 15
REV ZONING 16 JUNE 15
DATE 15 JUNE 15
SCALE AS NOTED

VSMLK Architecture
Berkeley, CA 94707-2628
1074 Spruce Street
510.910.9232
vsmlk@mac.com
Craig Griffin, Architect lic. no. 19503
Certified Green Building Professional

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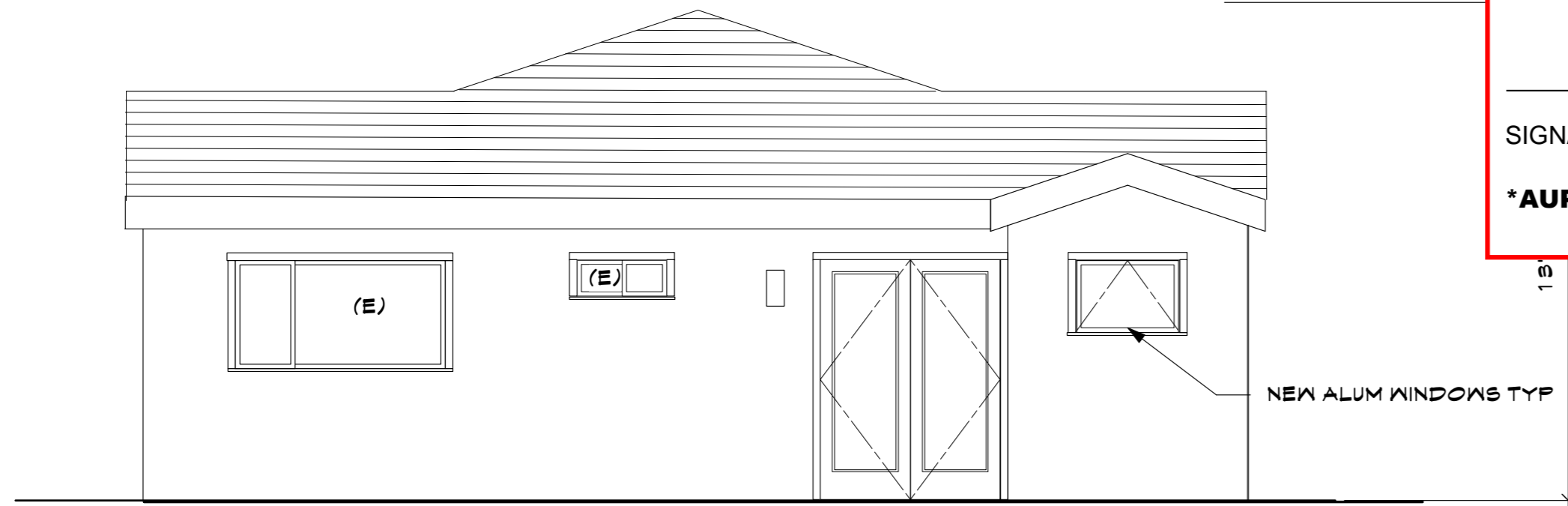
PLANS APPROVED by

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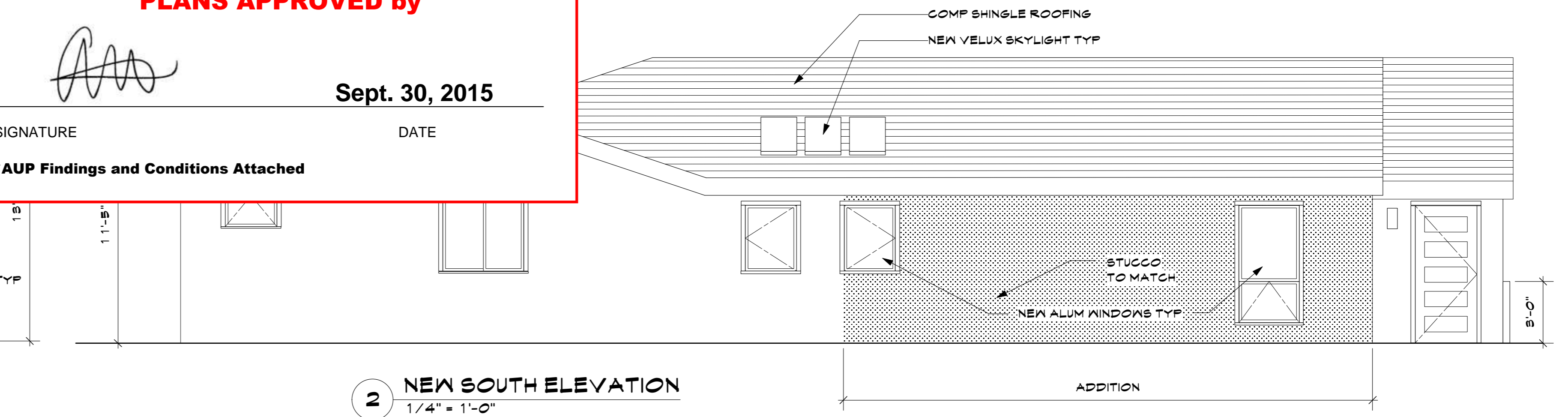
Sept. 30, 2015

SIGNATURE _____ DATE _____

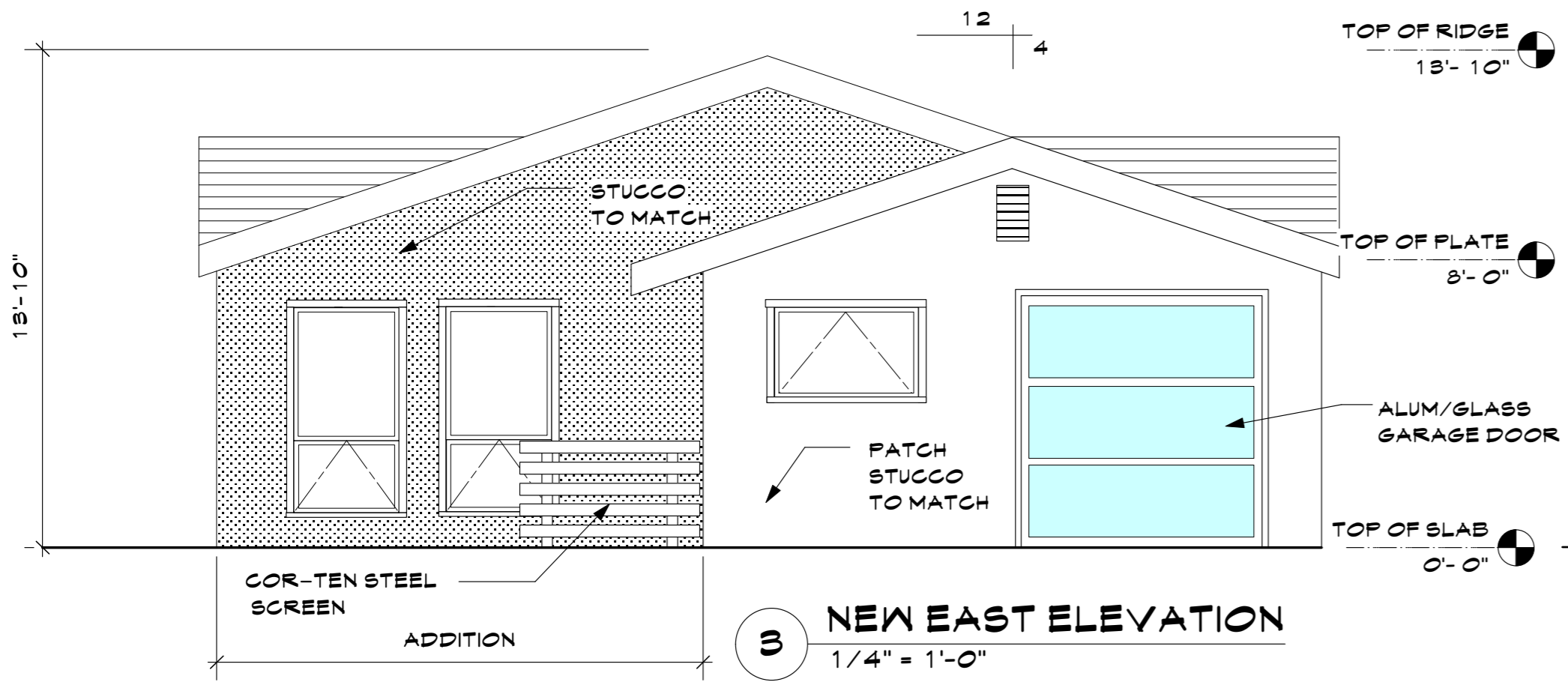
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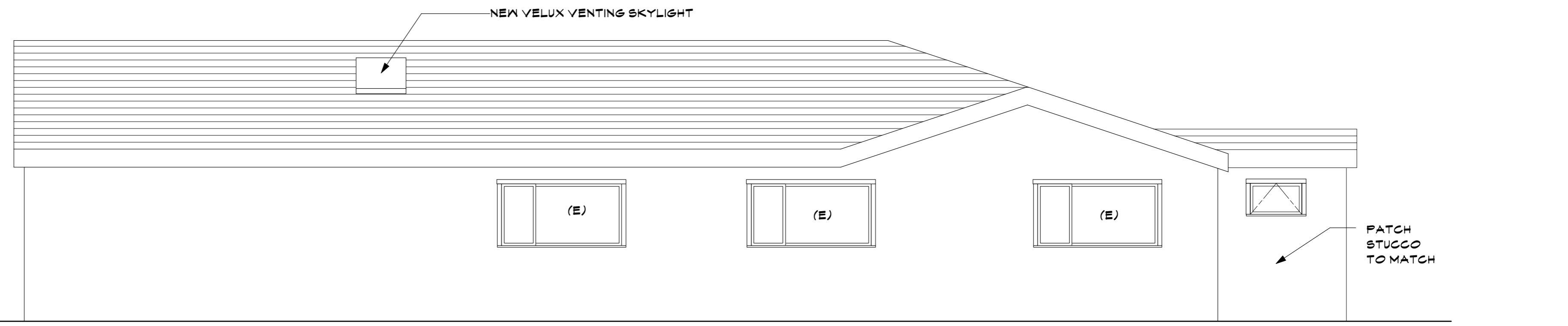
1 NEW WEST ELEVATION
1/4" = 1'-0"



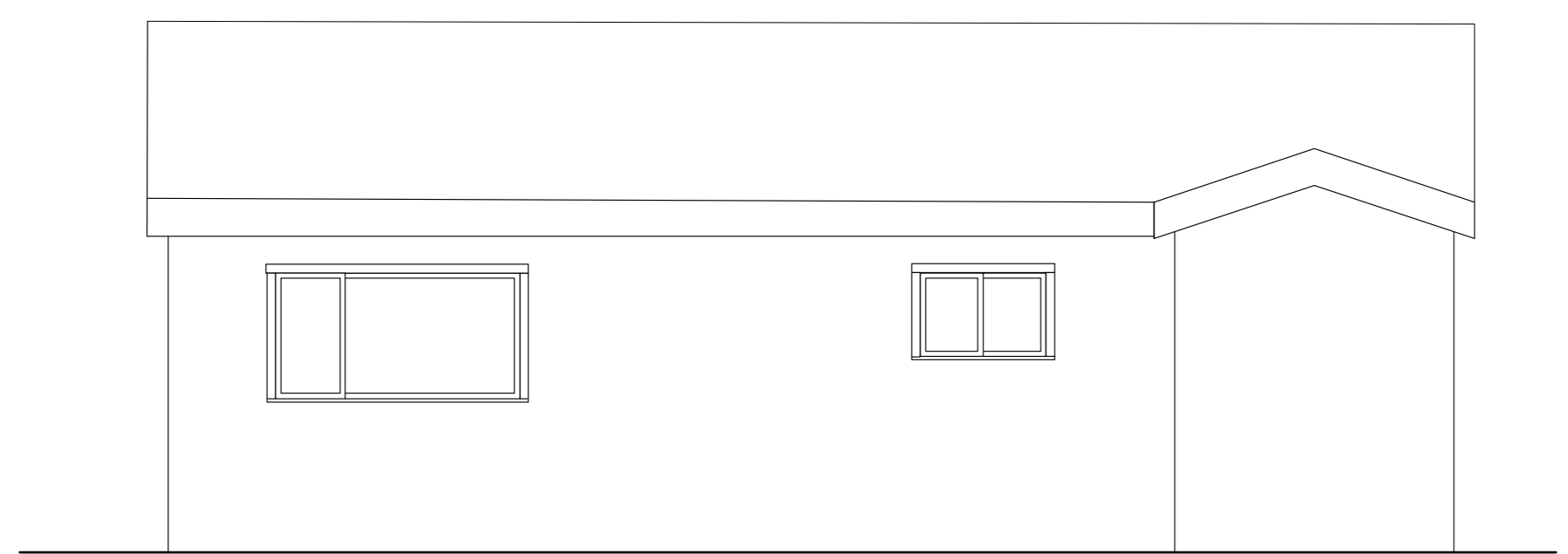
2 NEW SOUTH ELEVATION
1/4" = 1'-0"



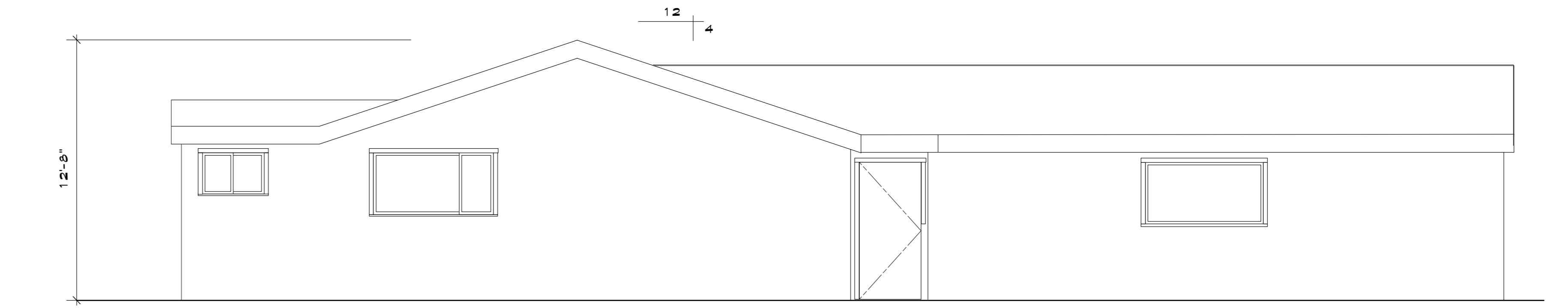
3 NEW EAST ELEVATION
1/4" = 1'-0"



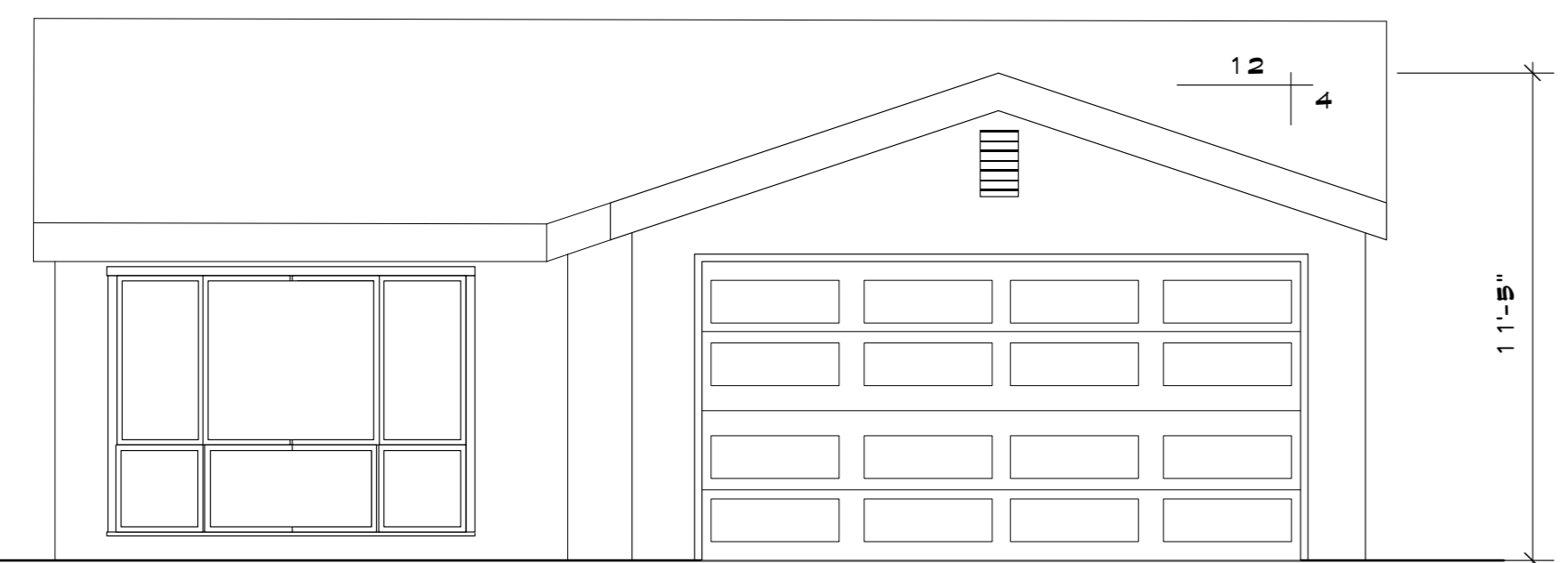
4 NEW NORTH ELEVATION
1/4" = 1'-0"



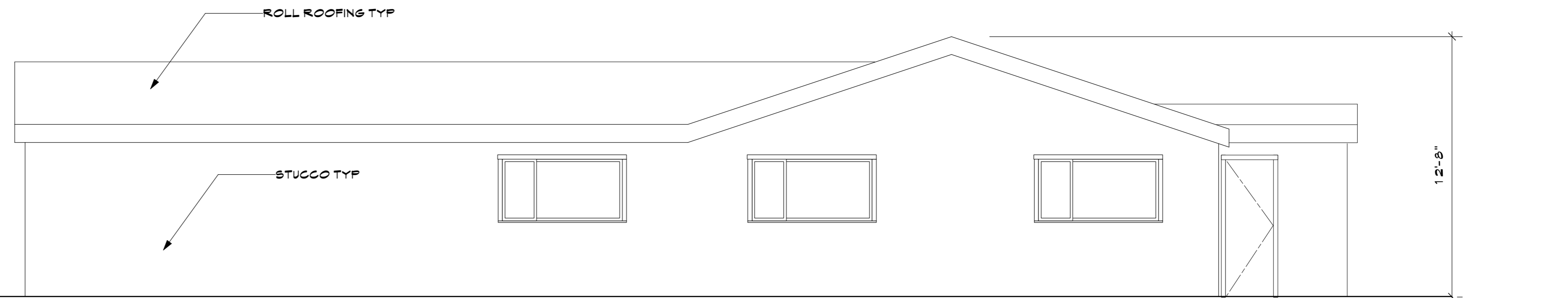
5 EXISTING WEST ELEVATION
1/4" = 1'-0"



6 EXISTING SOUTH ELEVATION
1/4" = 1'-0"



7 EXISTING EAST ELEVATION
1/4" = 1'-0"



8 EXISTING NORTH ELEVATION
1/4" = 1'-0"

RENOVATION FOR
MOLLY & RYAN HERNANDEZ
1950 PERALTA AVE BERKELEY CA 4 15.7.22.9479

NEW ELEVATIONS
EXIST ELEVATIONS

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Craig Griffin, Architect Lic. no. 19503
Certified Green Building Professional

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VSMLK Architecture
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PLANS APPROVED by

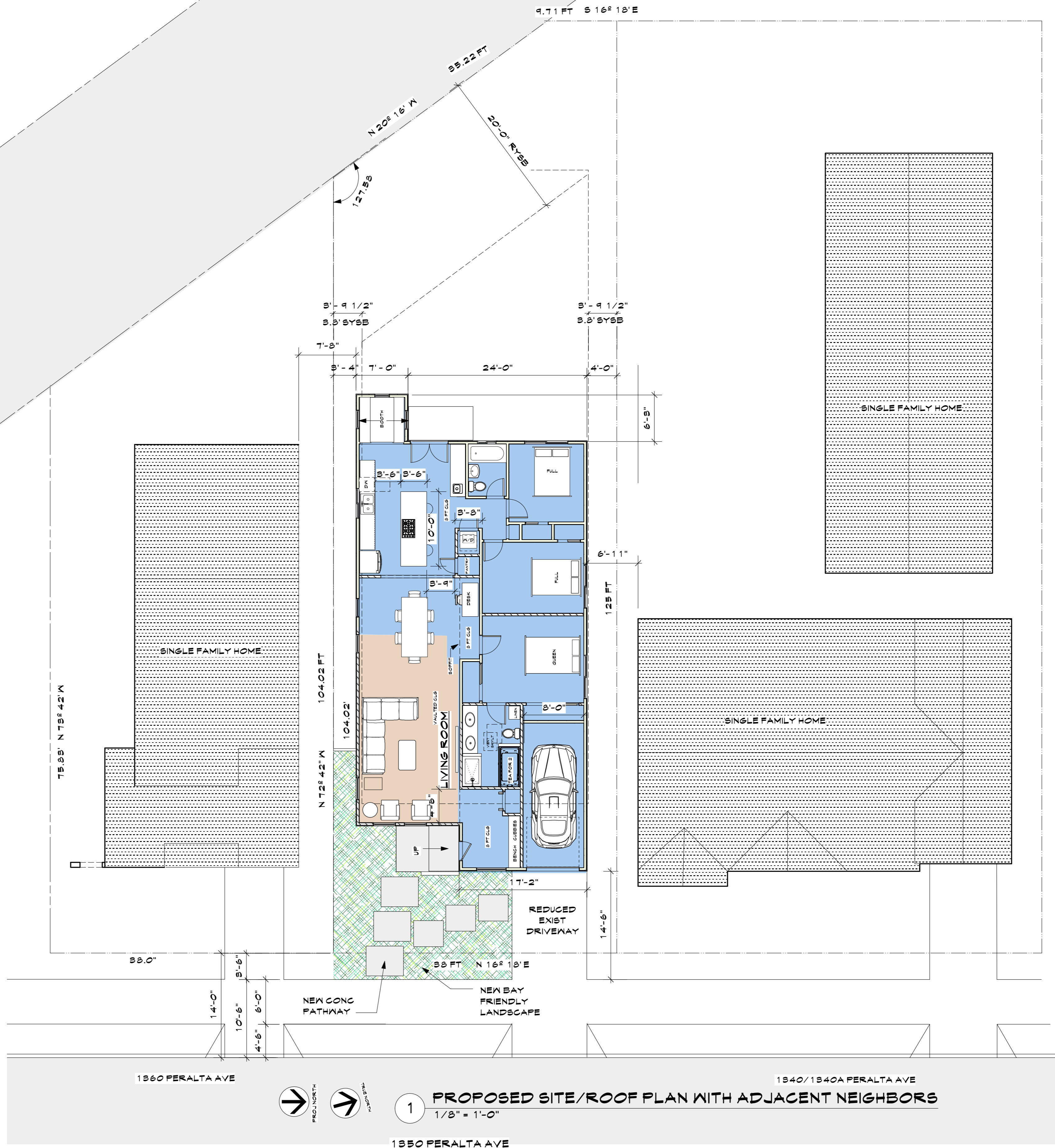
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SIGNATURE

DATE

***AUP Findings and Conditions Attached**

BART TRACK RIGHT OF WAY/
OHLONE PARKWAY



1 PROPOSED SITE/ROOF PLAN WITH ADJACENT NEIGHBORS
1/8" = 1'-0"

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ADJACENT NEIGHBOR
PLAN

N4