

Planning and Development Department
Land Use Planning

U S E P E R M I T

CITY OF BERKELEY ZONING ORDINANCE
Berkeley Municipal Code Title 23

USE PERMIT # UP2014-0035

Property Address: **1016-1018 JONES STREET**

Permittee Name: **CALEB INMAN**

Use and/or Construction Permitted:

to move the existing one-story, 908 square foot, single-family dwelling to the back of the lot, add a 111 square-foot addition to the building, and place a new, two-story 1,488 square-foot single family dwelling at the front of the lot, resulting in six bedrooms on the parcel.

- Use Permit to establish a new dwelling unit, under BMC Section 23D.20.030; and
- Use Permit to add a sixth bedroom, under BMC Section 23D.20.050.

RESOLUTION, FINDINGS, CONDITIONS AND APPROVED PLANS ATTACHED

The Use Permit herein described has been duly granted by the City Council and is in effect on January 27, 2016.

RESOLUTION NO. 67,364–N.S.

AFFIRMING THE ZONING ADJUSTMENTS BOARD'S APPROVAL OF USE PERMIT 2014-0035 TO APPROVE A SECOND SINGLE-FAMILY DWELLING AT 1016-1018 JONES STREET AND DISMISSING THE APPEAL

WHEREAS, on June 12, 2014, Caleb Inman ("applicant") filed an application for a Use Permit to add a 1,631 square-foot two-story dwelling behind an existing 908 square-foot one-story dwelling, resulting in six bedrooms between the two dwellings on the parcel at 1016 Jones Street ("project"); and

WHEREAS, on February 17, 2015 the application was deemed complete and the project was determined to require two Use Permits; and

WHEREAS, on March 12, 2015, the Zoning Adjustments Board held a public hearing, considered the matter in accordance with BMC Section 23B.28.060, and asked the applicant to redesign the project with a two story dwelling at the front of the property and a one-story dwelling at the back of the property; and

WHEREAS, on June 10, 2015, revised plans were submitted by the applicant which moved the one-story dwelling with a 288 square-foot one story addition to the rear of the property, and proposed a new 1,488 square-foot, two-story building at the front of the property; and

WHEREAS, on September 4, 2015, the application was deemed complete and the project was determined to require two Use Permits; and

WHEREAS, on October 8, 2015, the Zoning Adjustments Board held a public hearing, considered the matter in accordance with BMC Section 23B.28.060, and approved the project; and

WHEREAS, on October 22, 2015, staff issued the notice of the Zoning Adjustments Board decision; and

WHEREAS, on November 2, 2015, Ed Herzog and Sally Pugh of 1012 Jones; Kathy Duenas and David Rink of 1015 Jones, Grant Morris of 1502 Tenth; Steve Glaeser of 1487 Tenth; Silvia Turchin and Aimee Boschart of 1011 Jones; Cameron Miyasake of 1008 Jones; Matt Freels of 1020 Jones; Denise Yip of 1007 Jones; and Maria Bogakos of 1504 – 1514 Jones filed an appeal of the Zoning Adjustments Board decision with the City Clerk; and

WHEREAS, on January 26, 2016, the Council considered the record of the proceedings before the Zoning Adjustments Board, and the staff report and correspondence presented to the Council, and, in the opinion of this Council, the facts stated in, or ascertainable from this information, do not warrant further hearing.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that it hereby adopts the findings made by the ZAB in Exhibit A, approves Use Permit No. UP2014-0035, and adopts the conditions in Exhibit A and the project plans in Exhibit B.

The foregoing Resolution was adopted by the Berkeley City Council on January 26, 2016 by the following vote:

Ayes: Capitelli, Droste, Moore, Worthington and Bates.

Noes: Arreguin and Maio.

Abstain: Wengraf.

Absent: Anderson.



Tom Bates, Mayor

Attest: 

Mark Numairville, City Clerk

ATTACHMENT 1

FINDINGS AND CONDITIONS

OCTOBER 8, 2015

MODIFIED BY COUNCIL ON JANUARY 26, 2016

1016-1018 Jones Street

Use Permit #UP2014-0035 to move the existing one-story, 908 square foot, single-family dwelling to the back of the lot, add a 111 square-foot addition to the building, and place a new, two-story 1,488 square-foot single family dwelling at the front of the lot, resulting in six bedrooms on the parcel.

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.

GENERAL NON-DETRIMENT FINDING

2. Pursuant to Berkeley Municipal Code Section 23B.32.040, the Zoning Adjustments Board finds that the proposed project, under the circumstances of the particular case existing at the time at which the application is granted, will not be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the area or 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, for the following reasons:
 - A. This proposal meets the following Purposes of the R-1A district (BMC Section 23D.20.020):
 - o It recognizes and protects the existing pattern of low medium density residential area characterized by reasonable open and spacious type of development in accordance with Master Plan Policy. The height and massing of the new two-story dwelling at the front of the property is generally compatible with the other two-story dwellings in the area. The addition of a single-story dwelling at the back of the property is compatible with the development pattern of the immediate neighborhood.
 - o It protects adjacent properties from unreasonable obstruction of light and air. The two dwellings will meet the R-1A setback standards and will not create significant new shadows on the neighboring dwellings.
 - o It allows flexibility in the use of property for residential purposes by permitting two Dwelling Units on one lot under limited conditions. The property exceeds the 4,500 square-foot minimum lot size for a second dwelling. The proposal

will meet the R-1A development standards for setbacks, lot coverage, open space, and parking (BMC Sections 23D.20.070 and .080). The placement of the windows and the use of opaque materials on the windows will protect the privacy of the adjacent neighbors. The height of single-story dwelling at the back of the property will not create an unreasonable loss to a significant view.

- B. This proposal will create six bedrooms on this property, in the form of two three-bedroom dwellings. This type of dwelling is consistent with the other single-family dwellings in the area, and the number of bedrooms per dwelling will make the dwellings attractive to couples and families. The creation of six bedrooms on this property will not be detrimental to neighbors or the greater community.
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STANDARD CONDITIONS OF APPROVAL FOR ALL PROJECTS

1. Conditions Shall be Printed on Plans

The conditions of this Permit shall be printed on the first sheet of each plan set submitted for a building permit pursuant to this Use Permit, under the title 'Use Permit Conditions'. The second sheet may also be used if the first 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 approved is permitted unless the Permit is modified by the Zoning Adjustments Board, in conformance with Section 23B.56.020.A.

Changes in the plans for the construction of a building or structure may be modified prior to the completion of construction, in accordance with Section 23B.56.020.D. The Zoning Officer may approve changes to plans approved by the Board, consistent with the Board's policy adopted on May 24, 1978, which reduce the size of the project. The Zoning Officer may also approve a maximum two-foot variation to Board approved plans, provided that such variation does not increase a structure's height, reduce the minimum distance to any property line, and/or conflict with any special objective sought by the Board.

In the case of modifications to Use Permits for construction of, or additions or changes to, single-family homes which required Board review, the Zoning Officer shall follow Board policy adopted March 13, 1997, as follows:

- A. Upon applications for modifications to a home where a Use Permit has been granted, Staff shall review the Use Permit to determine if any explicit conditions were placed on the Use Permit that would be affected by the proposed modification.

- B. If, prior to acting on a Building Permit, Staff becomes aware of controversy over an earlier application, Staff may choose to conduct a more detailed review of the record to determine if conditions were implied by the Board or offered by the applicant (but not included in the Use Permit conditions) that would be affected by the proposed modification (this does not imply that Staff will review the whole Use Permit record for all applications).
- C. If there are explicit conditions (#A) or implied conditions (#B) affected by the proposed modification, the project shall be brought back to the Board as a Use Permit Modification.
- D. If there are no explicit conditions that would be affected by the proposed modification, and if Staff is not otherwise aware of implied conditions, and the project would otherwise meet the requirements of the Zoning Ordinance, Staff will approve the Building Permit without Board or public review.

5. Plans and Representations Become Conditions (Section 23B.56.030)

Except as expressly specified herein, the site plan, floor plans, building elevations and any additional information or representations submitted by the applicant during the Staff review and public hearing process leading to the approval of this Permit, whether oral or written, which indicated the proposed structure or manner of operation are deemed conditions of approval.

6. Subject to all City and Other Regulations (Section 23B.56.040)

The approved use and/or construction are subject to, and shall comply with, all applicable City Ordinances and laws and regulations of other governmental agencies.

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. 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 OF APPROVAL

Pursuant to BMC Section 23B.32.040.D, the Zoning Adjustments Board attaches the following conditions to this Permit:

Prior to Issuance of Any Building Permit

10. Prior to applying for a building permit, the applicant shall file an "Address Assignment Request Application" with the Permit Service Center (2120 Milvia Street) for any address change or new address associated with this Use Permit. The new address(es) shall be assigned and entered into the City's database prior to the applicant's submittal of a building permit application.
11. Prior to issuance of a building permit, the applicant shall complete and submit an updated *Draft GreenPoint Checklist* to the project planner with comments on any revisions to the project that affect the project's green building score.
12. Prior to issuance of a building permit, 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 this record to the project planner upon request.

Noise Management Individual _____

Name

Phone #

13. 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.

14. A survey of the property's east property line shall be submitted with the plans in order to verify that the buildings are no closer than 4 feet to the east side property line, and that the bay window on the east side of the front house is no closer than 3 feet to the east property line.
15. The plans shall show that the bay window on the west side of the front dwelling does not exceed 25% of the length of the west wall as measured on the ground floor.
16. The plans shall include the color rendering presented at the October 8, 2015 ZAB meeting. The rendering shall call out the name and model number of the materials to be used. In particular, the material colors shall match the color palette shown on the rendering, the siding should be comprised of stained wood, and the stucco shall have an integral grey color with a smooth-troweled surface. The driveway on the rendering will be modified as outlined in Condition 17.
17. The plans shall clearly show that the portion of the driveway between the sidewalk and the façade of the house shall consist of pavers separated by a typical gap of five-inch landscaped areas. The portion of the driveway alongside the house and into the rear yard shall consist of concrete strips with landscaping between them.
18. A memo from the City's Traffic Engineer shall be submitted with the plans in order to verify that the driveway and curb-cut shown on the plans are as narrow as possible.
19. Prior to issuance of a building permit, all owners of record of the subject property shall either:
 - A) Sign and record with the Alameda County Clerk-Recorder a "Notice of Limitation on Use of Property" (available from Current Planning Division) and provide a recorded copy thereof to the project planner. This Notice of Limitation shall stipulate that no parking shall be permitted on the left half of the driveway within 20 feet of the front (north) property line. This limitation may not be revised or removed from this property without the prior written permission of the Zoning Officer of the City of Berkeley; OR
 - B) Finalize a Condo Map that contains CC&Rs with a prohibition on parking in the above mentioned location.

During Construction:

- 19.20.** Prior to any excavation, grading, clearing, or other activities involving soil disturbance during the rainy season (between October 15 and April 15), the applicant shall obtain approval of an erosion prevention plan by the Building and Safety Division and the Public

Works Department. The applicant shall be responsible for following these and any other measures required by the Building and Safety Division and the Public Works Department.

~~20-21.~~ 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.

~~21-22.~~ 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.

~~22-23.~~ 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.

~~23-24.~~ 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 thick and secured to the ground.

~~24-25.~~ 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.

~~25-26.~~ Trucks hauling debris, soil, sand, or other loose materials shall be covered or required to maintain at least two feet of board.

~~26-27.~~ Public streets shall be swept (preferably with water sweepers) of all visible soil material carried from the site.

~~27-28.~~ 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.

Prior to Final Inspection or Issuance of Occupancy Permit:

~~28-29.~~ The project shall conform to the plans and statements in the Use Permit.

~~29-30.~~ All landscape, site and architectural improvements shall be completed per the attached approved drawings dated August 31, 2015 and the rendering dated October 8, 2015, and specific landscaping plans to be approved during the building permit process.

~~30-31.~~ Prior to issuance of an occupancy permit or final inspection approval, the applicant shall update, sign, and submit an *As-Built GreenPoint Checklist* reflecting final as-built conditions, including the total green building score, to the project planner.

31-32. Prior to issuance of occupancy permit or final inspection, the addresses of both units shall be displayed at the front of the property so as to be clearly visible from the public right-of-way.

At All Times:

32-33. All exterior lighting shall be shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.

33-34. The applicant shall establish and maintain drainage patterns that do not adversely affect adjacent properties and rights-of-way. Drainage plans shall be submitted for approval of the Building & Safety Division and Public Works Department, if required.

34-35. Any replacement of windows that are shown in the plans to be completely or partially opaque shall be replaced by windows that match the opacity shown in the plans.

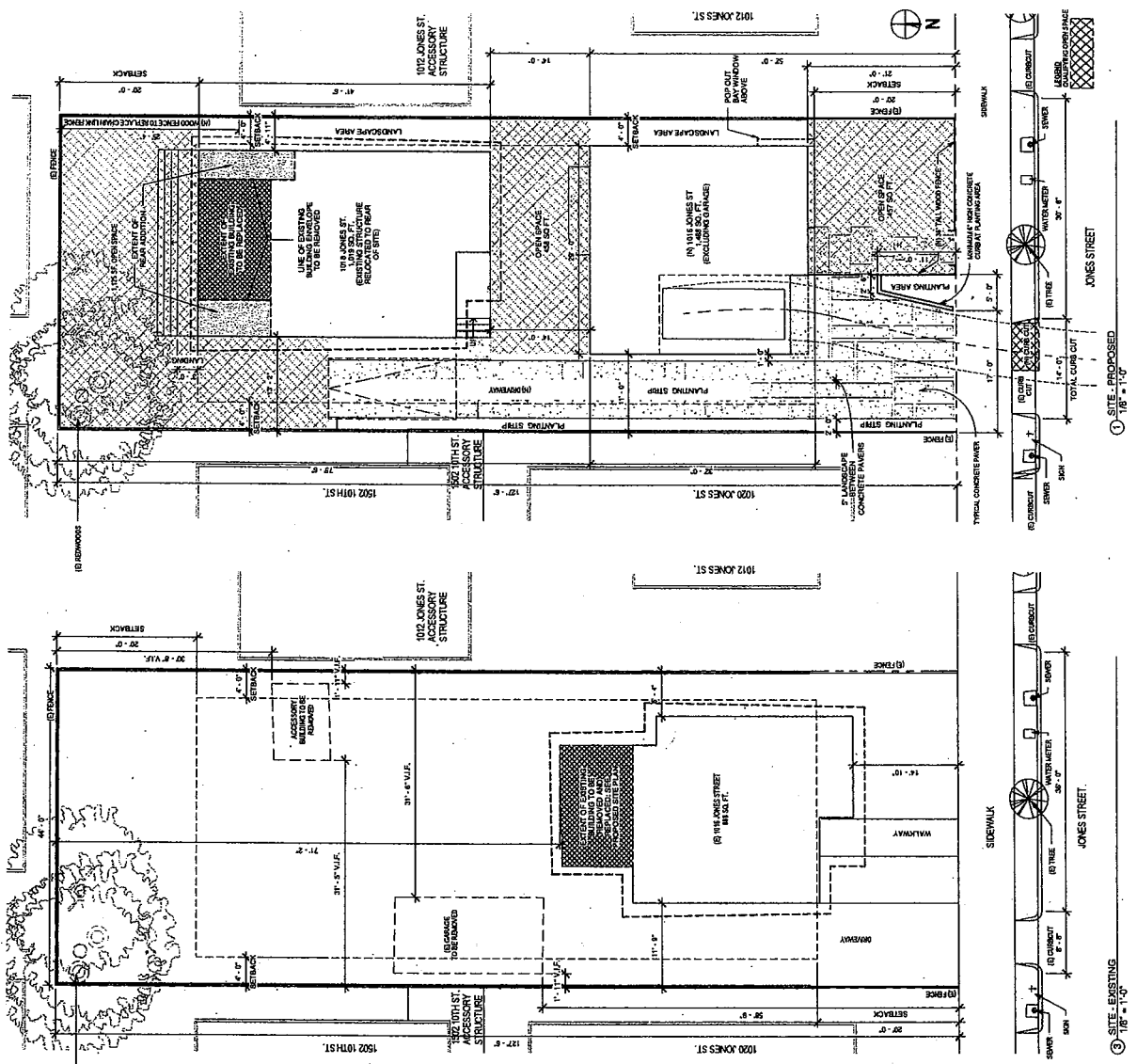
35-36. Only one electrical meter fixture may be installed per dwelling unit.



1018 JONES STREET
 BERKELEY, CA 94710

NO.	DESCRIPTION	DATE
1	PLANNING SUBMITTAL	

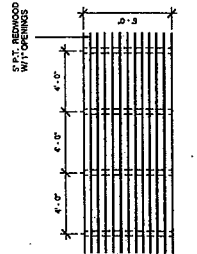
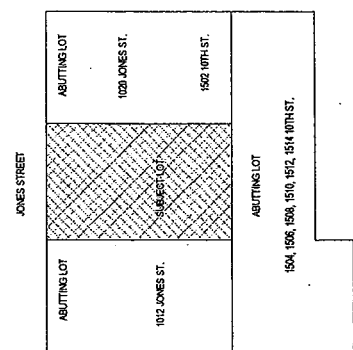
Project Number	PO1082
Date	October 8, 2015
Drawn by	SON
Checked by	MBTT
A1.0	
Title	
As Indicated	



HAVE REVIEWED THE PLANS FOR A MINOR LOT SUBDIVISION AND NEW CONSTRUCTION OF A SINGLE-FAMILY RESIDENCE, 871 SQUARE FOOT, 33' HIGH RESIDENTIAL ADDITIONAL FRONT LOT OF 1018 JONES STREET.

NAME (PRINT)	SIGNATURE	ADDRESS	REVIEW OWNER	DATE	NO OBJECTIONS	HAVE OBJECTIONS (PLEASE STATE BRIEFLY)	HAVE NO COMMENTS
		1011 JONES ST.	R. O.	/ / /			
		1012 JONES ST.	R. O.	/ / /			
		1013 JONES ST.	R. O.	/ / /			
		1014 JONES ST.	R. O.	/ / /			
		1015 JONES ST.	R. O.	/ / /			
		1016 JONES ST.	R. O.	/ / /			
		1017 JONES ST.	R. O.	/ / /			
		1018 JONES ST.	R. O.	/ / /			
		1019 JONES ST.	R. O.	/ / /			
		1020 JONES ST.	R. O.	/ / /			
		1021 JONES ST.	R. O.	/ / /			
		1022 10TH ST.	R. O.	/ / /			
		1581 10TH ST.	R. O.	/ / /			

1011 JONES ST.	1015 JONES ST.	1480 10TH ST.
CONFRONTING LOT	CONFRONTING LOT	CONFRONTING LOT



① SITE EXISTING
 1/8" = 1'-0"

② SITE PROPOSED
 1/8" = 1'-0"

③ NEW FENCING DETAILS
 1/4" = 1'-0"



1018 JONES STREET
 BERKELEY, CA 94710

1016 JONES ST. - (P)
 FLOOR PLANS

Project Name: 1016 JONES ST. - (P)
 Date: AUGUST 15, 2018
 City: BERKELEY, CA

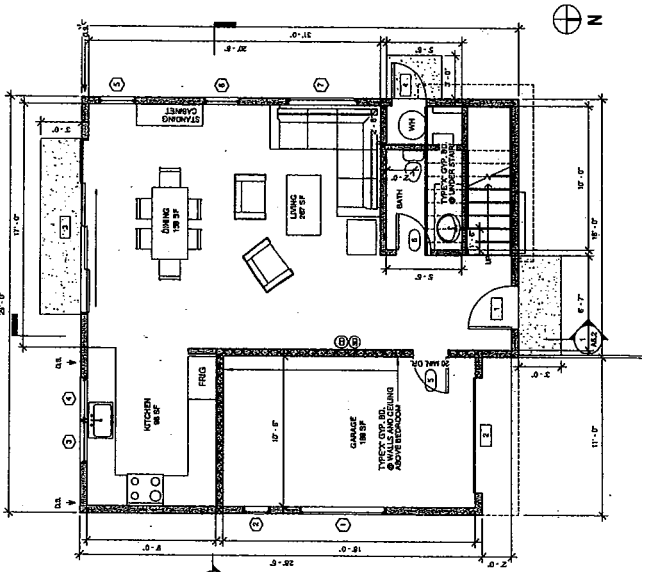
A2.0

1016 Door Schedule

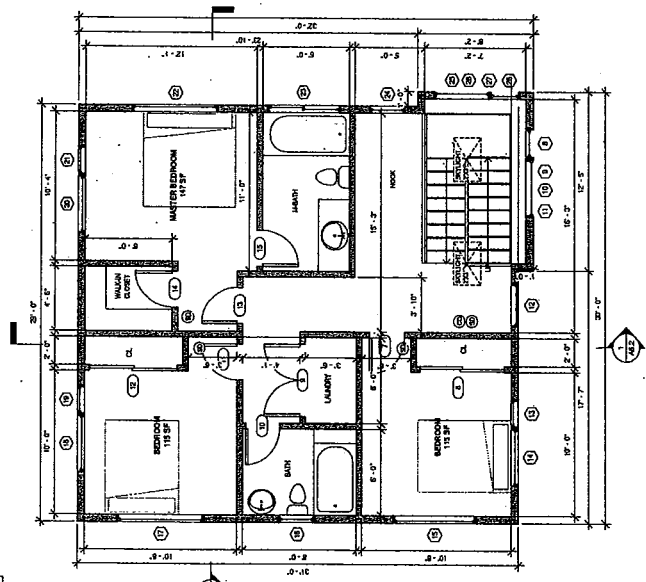
Mark	Level	Width	Height	Comments
1	LEVEL 1	3'-0"	8'-0"	
2	GRADE	8'-0"	8'-0"	
3	LEVEL 1	12'-0"	8'-0"	TEMPERED
4	LEVEL 1	2'-6"	8'-0"	TEMPERED
5	LEVEL 1	2'-6"	8'-0"	20 MIN. DRL.
6	LEVEL 2	2'-5"	8'-0"	
7	LEVEL 2	8'-0"	8'-0"	
8	LEVEL 2	8'-0"	8'-0"	LOUVERED
9	LEVEL 2	8'-0"	8'-0"	
10	LEVEL 2	8'-0"	8'-0"	
11	LEVEL 2	8'-0"	8'-0"	
12	LEVEL 2	8'-0"	8'-0"	
13	LEVEL 2	8'-0"	8'-0"	
14	LEVEL 2	8'-0"	8'-0"	
15	LEVEL 2	8'-0"	8'-0"	

1016 Window Schedule

Mark	Level	Head Height	Width	Height	Comments
1	LEVEL 1	8'-0"	8'-0"	2'-0"	
2	LEVEL 1	8'-0"	5'-0"	2'-0"	
3	LEVEL 1	8'-0"	5'-0"	4'-0"	
4	LEVEL 1	8'-0"	5'-0"	4'-0"	
5	LEVEL 1	8'-0"	2'-6"	5'-0"	
6	LEVEL 1	8'-0"	2'-6"	5'-0"	
7	LEVEL 1	8'-0"	2'-6"	5'-0"	
8	LEVEL 1	13'-6"	4'-0"	5'-0"	
9	LEVEL 1	13'-6"	4'-0"	5'-0"	
10	LEVEL 2	8'-0"	2'-0"	5'-0"	
11	LEVEL 2	8'-0"	4'-0"	5'-0"	
12	LEVEL 2	8'-0"	3'-0"	5'-0"	
13	LEVEL 2	8'-0"	4'-0"	5'-0"	
14	LEVEL 2	8'-0"	4'-0"	5'-0"	
15	LEVEL 2	8'-0"	8'-0"	2'-0"	
16	LEVEL 2	8'-0"	2'-6"	5'-0"	
17	LEVEL 2	8'-0"	6'-0"	2'-0"	
18	LEVEL 2	8'-0"	4'-0"	5'-0"	
19	LEVEL 2	8'-0"	2'-0"	5'-0"	
20	LEVEL 2	8'-0"	2'-0"	5'-0"	
21	LEVEL 2	8'-0"	2'-0"	5'-0"	
22	LEVEL 2	8'-0"	5'-0"	2'-0"	TEMPERED
23	LEVEL 2	8'-0"	2'-6"	5'-0"	
24	LEVEL 1	13'-6"	4'-0"	5'-0"	
25	LEVEL 1	13'-6"	4'-0"	5'-0"	
26	LEVEL 2	8'-0"	4'-0"	5'-0"	
27	LEVEL 2	8'-0"	2'-0"	5'-0"	
28	LEVEL 2	8'-0"	2'-0"	5'-0"	
29	ROOF PEAK	2'-0"	3'-0"	5'-0"	SEE ELEVATION
30	ROOF PEAK	2'-0"	3'-0"	5'-0"	SEE ELEVATION



1 LEVEL 1
 1/8" = 1'-0"



2 LEVEL 2
 1/8" = 1'-0"

