2629 Regent Street

Administrative Use Permit #ZP2015-0214

Project Description: To change the size and location of two openings and add three new openings (windows) within the required 4-foot, north, side yard setback of an existing multi-family (4-units) residence, pursuant to:

- Section 23C.04.070.B to make alterations (modified windows) within a non-conforming side 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 February 24, 2016.

Attest:  Carol Johnson  February 24, 2016
  Carol Johnson, Land Use Planning Manager  Effective Date
2629 Regent Street

Administrative Use Permit #ZP2015-0214

To change the size and location of two openings and add three new openings (windows) within the required 4-foot, north, side yard setback of an existing multi-family (4-units) residence.

PERMITS REQUIRED

- Administrative Use Permit under Section 23C.04.070.B to make alterations (modified windows) within a non-conforming side yard setback.

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 (“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:

- The existing multi-family residence is setback 2-feet 10-inches (where 4-feet is required) from the north side property line. In conjunction with an interior renovation project on the ground floor, the size and location of two existing openings (windows) will be changed and three openings (windows) will added within the setback. One of the existing openings is being lowered from a maximum height of approximately 10-feet 7-inches to 9-feet 9-inches and shifted to the east. The other existing opening would be raised from a maximum height of approximately 9-feet 9-inches to 11-feet and shifted to the east. One new opening would be created with a maximum height of 11-feet. Two new openings toward the rear of the building would be created at a maximum height of 9-feet 8-inches. One opening would be closed. This north elevation is screened by a 6-foot tall perimeter fence and mature vegetation. The northern residence (2625-27
Regent) is approximately 17-feet away and separated by a driveway. Changes to the openings are not expected to have an impact on the privacy of the neighboring residents.

- Changes to the openings will not further reduce the non-conforming side yard setback or otherwise modify the structure’s existing setbacks, height, or massing. There will be no new impacts to the light, air, and views of the neighboring properties. The new windows will match the existing windows and thus maintain the character of the neighborhood.

- As part of this project, the applicant will demolish the eastern half (approximately 376 square feet) of an existing storage shed in the rear yard. Removal of this portion of the shed will reduce the lot coverage from 42.5% to 40% where 40% is required. Currently the parcel has five off-street parking spots where four are required. As part of the project one space will be converted into secure bike parking while the other four will remain and receive new doors.

3. Pursuant to Berkeley Municipal Code Section 23C.04.070.B, the Zoning Officer finds that the alteration (expanded and new window openings) of a portion of a building located within non-conforming side yard setback is permissible as the new openings will not further reduce the non-conforming setbacks nor would it affect the existing height of the structure.

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.

During Construction:

12. 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.

13. 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.

14. 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.

15. 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.

16. 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.
17. Trucks hauling debris, soil, sand, or other loose materials shall be covered or required to maintain at least two feet of board.

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

19. The applicant shall establish and maintain drainage patterns that do not adversely affect adjacent properties and rights-of-way.

20. 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.

21. 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:

22. All construction at the subject property shall substantially conform to the approved Use Permit drawings or to modifications approved by the Zoning Officer.

23. All landscape, site and architectural improvements shall be completed per the attached approved drawings dated December 10, 2015.

At All Times (Operation):

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

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

Prepared by: Jim Frank, Assistant Planner
For Shannon Allen, Principal Planner, AICP
PLANS APPROVED by

February 3, 2016

SIGNATURE

DATE

*AUP Findings and Conditions Attached

PROPOSED SOUTH ELEVATION (NORTH SIM.)

A3.1

PROPOSED SECTION UNIT 1

PROPOSED B:=ELEVATION

UNIVERSITY OF CALIFORNIA

Berkley, CA 94704

TIERNEY CONNER

DESIGN BANGC

WILSON FURMAN ARCHITECTS

NORTH SIM.

SCALE:

1" = 1'-0"
PLANS APPROVED by

February 3, 2016

SIGNATURE

DATE

*AUP Findings and Conditions Attached
*AUP Findings and Conditions Attached