



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

2308 Ward Street

Administrative Use Permit #ZP2015-0225

Project Description: To lift an existing one-story, single-family residence, to create a new lower story for a total of two stories, and to construct a new two-story addition at the rear of the subject building, resulting in an average building height of 24 ft – 1 in, and approximately 2,500-sq. ft. of total floor area.

- Section 23D.28.030 to construct a major (> 600 sq. ft.) residential addition
- Section 23D.28.070.C to construct an addition greater than 14 feet in average height
- Section 23C.04.070.B to vertically extend a non-conforming front yard required

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 September 13, 2016.

Attest: Carol Johnson
Carol Johnson, Land Use Planning Manger

September 13, 2016
Effective Date

ATTACHMENT 1

FINDINGS AND CONDITIONS

AUGUST 23, 2016

2308 Ward Street

Administrative Use Permit #ZP2015-0225

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PERMITS REQUIRED

- To construct a major (> 600 sq. ft.) residential addition, under BMC Section 23D.28.030
- To construct an addition greater than 14 feet in average height under BMC Section 23D.28.070.C
- To vertically extend a non-conforming front yard required setback under BMC Section 23C.04.070.B.

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 for the following reasons:
 - A. The request to construct a residential addition is permissible because the proposed project and the subject property will adhere to the R-2 district standards for maximum residential density, lot coverage and building height (measured in feet and stories), and will satisfy the minimum standards for side and rear yard setbacks, usable open space and off-street parking.

- B. The proposal to vertically extend the lawfully non-conforming, substandard front yard setback of 15 ft - 6 in, where a minimum of 20 ft is otherwise required, is found to be permissible (see Finding #3, below) and non-detrimental because new vertical mass of the building (totaling 24 ft – 1 in in average height) will be mitigated and off-set by the width of the Ward Street right-of-way (60 ft. wide).
 - C. The proposed floor plans and the request to create a total of four bedrooms are permissible as-of-right in accordance with BMC Section 23D.32.050 (Creation of Bedrooms on a Parcel), and are found to be consistent with the permitted single-family residential use of the property.
 - D. The continued use of the property as a single-family residential (SFR) is a use permitted in the R-2 (BMC 23D.32.030) and is consistent with the district Purposes (23D.32.020). Other uses, such as a mini-dorm or the creation of an Accessory Dwelling Unit, may be permissible as-of-right in this zoning district. These uses, however, are not part of this request for new construction.
3. Pursuant to Berkeley Municipal Code Section 23C.04.070 Paragraph A, the proposal to vertically extend the lawfully non-conforming, substandard front yard setback only 15 ft - 6 in where a minimum of 20 ft is otherwise required is found to be permissible because: 1) the proposed extension will not further reduce the existing, non-conforming yard setback; 2) the residential use of the property is consistent with the use permitted in the R-2 district; and 3) the proposed average building height of 24 ft – 1 in complies with the R-2 district limits for building height.
 4. Pursuant to Berkeley Municipal Code Section 23D.32.090 Paragraph B, the proposal to construct a major residential addition totaling approximately 1,330 sq. ft. in the R-2 district is permissible and non-detrimental with respect to potential impacts on sunlight, *air* and views for these reasons:
 - A. Sunlight. Shadow studies provided with this application indicate that the proposed second-story building addition will create shadows on the immediately adjacent residences at 2306 Ward (abutting on the west side) during the morning hours primarily on the west elevation of that affected building, and at 2310 Ward (abutting on the east side) during the late afternoon primarily on the east elevation of that building. These potential impacts are found to be non-detrimental because they will be limited in duration and the affected residences will continue to receive direct sunlight at all other times of the day and throughout the year. These potential impacts are found to be reasonable given this project's urban infill development context where new construction is likely to create sunlight impacts due to the close proximity of the buildings in this neighborhood, their north-south solar orientation and lateral relationship to one another.
 - B. Air. The proposal it is found be consistent with the existing development and building-to-building separation pattern – or *air* – in this R-2 neighborhood because it: 1) will adhere to the minimum side and rear yard standards and usable open space requirement, 2) proposes only two stories where as many as three stories are allowed; and 3) is located in a neighborhood of predominantly two-story buildings where some three-stories buildings also exist.

- C. Views. Due to the project's location in a relatively level area of Berkeley, the proposed new construction will not obscure or affect significant views or view corridors – as defined under BMC Section 23F.04 – from nearby residences.

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. Project Liaison. The applicant shall provide the project planner with the name and telephone number of the individual empowered to manage complaints generated from the project. The individual's name, telephone number, and responsibility for the project shall be posted at the project site for the duration of the project in a location easily visible to the public. The individual shall record all complaints received and actions taken in response, and submit written reports of such complaints and actions to the project planner on a weekly basis.

Project Liaison

_____ Name

_____ Phone #

Prior to Issuance of Any Building Permit:

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

During Construction:

- 12. Transportation Construction Plan.** The applicant and all persons associated with the project are hereby notified that a Transportation Construction Plan (TCP) is required for all phases of construction, particularly for the following activities:
- 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 relevant
 - Significant truck activity.

The applicant shall secure the City Traffic Engineer's approval of a TCP. Please contact the Office of Transportation at 981-7010, or 1947 Center Street, 3rd floor, and ask to speak to a traffic engineer. In addition to other requirements of the Traffic Engineer, this plan shall include the locations of material and equipment storage, trailers, worker parking, a schedule of site operations that may block traffic, and provisions for traffic control. The TCP shall be consistent with any other requirements of the construction phase.

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). Please note that the Zoning Officer and/or Traffic Engineer may limit off-site parking of construction-related vehicles if necessary to protect the health, safety or convenience of the surrounding neighborhood. A current copy of this Plan shall be available at all times at the construction site for review by City Staff.

- 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.

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 January 3, 2016.

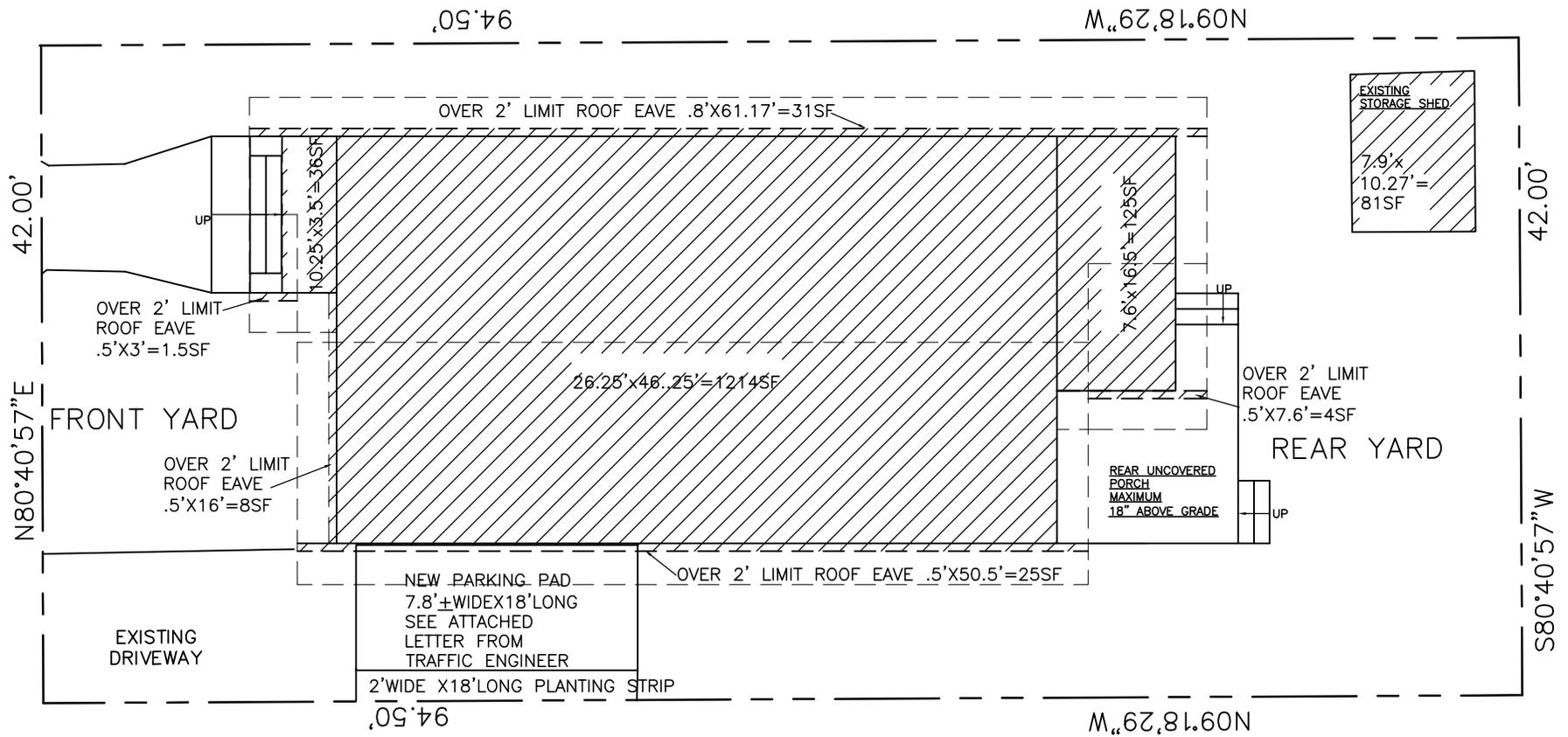
At All Times (Operation):

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



Prepared by: Fatema Crane, Senior Planner
For City of Berkeley Zoning Officer

Reviewed by Leslie Mendez, Senior Planner



LOT COVERAGE CALCULATION DIAGRAM



SCALE: $\frac{3}{32}'' = 1' - 0''$

LEGEND:



COVERED BUILDING STRUCTURE ON SITE

----- PROPERTY LINES

----- ROOF EAVE ABOVE

PLANS APPROVED BY

Di

SIGNATURE August 23, 2016

DATE

* AUP Findings and Conditions Attached

SUMMARY OF LOT COVERAGE CALCULATION

EXISTING

MAIN HOUSE:	1214SF+36SF=1250SF
STORAGE SHED AT REAR YARD:	81SF
OVER 2' LIMIT ROOF EAVE:	60SF
TOTAL	1391SF
THE LOT AREA ON RECORD	3990SF
PERCENTAGE OF PROPOSED LOT COVERAGE	35%

PROPOSED

MAIN HOUSE:	1214SF+36SF+125SF=1411SF
STORAGE SHED AT REAR YARD:	81SF
OVER 2' LIMIT ROOF EAVE:	70SF
TOTAL	1562SF
THE LOT AREA ON RECORD	3990SF
PERCENTAGE OF PROPOSED LOT COVERAGE	39%

INTRODUCTION

THE EXISTING LOT HAS AN ONE-STORY SINGLE FAMILY HOUSE OF ABOUT 1175 SQUARE FEET WITH THREE BEDROOMS AND ONE BATH. THE PRESENT PROJECT PROPOSES TO REMODEL THE EXISTING HOUSE WITH FOUR BEDROOMS, FOUR BATHS OF ABOUT TOTAL 2507 SQUARE FEET. THE EXISTING HOUSE SHALL BE ELEVATED AS THE SECOND FLOOR TO ACCOMMODATE ONE MASTER SUITE, ONE BEDROOM, A BATH, A LAUNDRY, A FAMILY ROOM. THERE SHALL BE A NEW STAIR AT THE REAR OF THE HOUSE TO CONNECT THE NEW GROUND FLOOR TO THE LIFTED EXISTING FLOOR. THE NEW GROUND LEVEL SHALL HAVE ONE MASTER SUITE, A BEDROOM, A BATH, A LIVING ROOM, A DINING ROOM, A KITCHEN, AND A BREAKFAST AREA. THE GENERAL EXISTING HOUSE EXTERIOR ENVELOPE, THE STUCCO AND WOOD DETAILS, SHALL BE PRESERVED, EXCEPT THE CHANGE OF WINDOWS AND DOORS. THE STUCCO, WINDOW AND DOOR TRIM DETAILS AT THE NEW GROUND FLOOR SHALL MATCH THOSE OF THE EXISTING AT THE NEW SECOND FLOOR.

THE EXISTING SHED AT REAR YARD SHALL REMAIN. THERE IS NO CHANGE TO THE EXISTING STREET CURB AND DRIVEWAY.

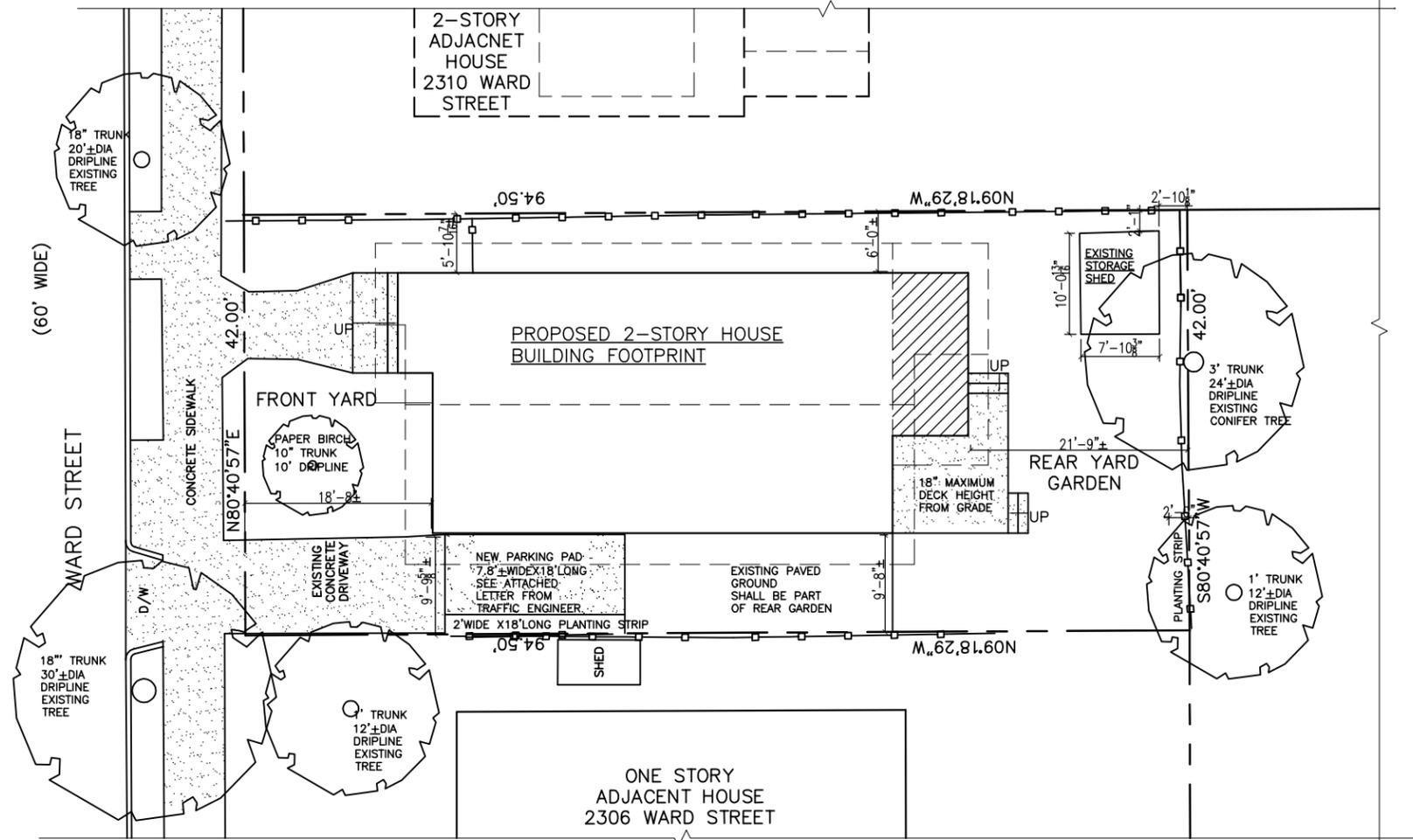
DRAWING INDEX

- SHEET 1: INTRODUCTON SITE PLAN, ZONING DATA
- SHEET 2: PROPOSED GROUND FLOOR PLAN
- SHEET 3: PROPOSED SECOND FLOOR PLAN, EXISTING FLOOR PLAN
- SHEET 4: HOUSE ELEVATIONS

PROPOSED ZONING TABULATION DATA

ZONING DISTRICT: R2

	EXISTING	PROPOSED	PERMITTED/ REQUIRED
UNITS: PARKING SPACES			
NUMBER OF DWELLING UNITS (#)	1	1	1
NUMBER OF PARKING SPACES (#)	1	1	1
YARDS AND HEIGHT			
FRONT YARD SETBACK (FT)	15±(PORCH)	15±(PORCH)	20
SIDE YARD SETBACKS LEFT: (FT)	5.9±	5.9±	4
RIGHT: (FT)	9.7±	9.7±	4
REAR YARD SETBACK (FT)	29.5±	21.75±	20
BUILDING HEIGHT (# STORIES)	1	2	2
AVERAGE (FT)	15.6±	24.1±	28
MAXIMUM (FT)	18±	26.5±	35
AREA			
LOT AREA (SQFT)	3990	3990	
GROSS FLOOR AREA (SQFT)	1175	2507	
BUILDING FOOTPRINT (SQFT)	1391	1562	1596
LOT COVERAGE (%)	35	39	40
USEABLE OPEN SPACE (SQFT)	1597	1408	400



SITE PLAN WITH ROOF LAYOUT

SCALE 1/16"=1'-0"

NOTE:
 1. HOUSE DIMENSIONS ON SITE PLAN ARE MEASURED TO THE EXTERIOR STUCCO SURFACE AND NEED TO BE VERIFIED BEFORE CONSTRUCTION.
 2. SITE DATA ARE BASED ON THE SURVEY MAP DONE BY MORAN ENGINEERING, JOB NO. 15-9198, DATED JULY 2015.

LEGEND:

- — — — — PROPERTY LINES
- - - - - ROOF ABOVE
- - - - - EXISTING FENCE
- [Hatched Box] HOUSE ADDITION
- [Dotted Box] CONCRETE PAVING

TO THE NEIGHBORS: PLEASE PROVIDE YOUR INFORMATION AND RESPONSES FOR THE PROJECT IN THE BLANK BOXES BELOW.

I have reviewed the plans for the 1332 square feet, 24.1' average high residential addition at 2308 Ward St.

NAME (PRINTED)	SIGNATURE	ADDRESS	RENTER OR OWNER	DATE	HAVE NO OBJECTIONS	HAVE OBJECTIONS (PLEASE STATE BRIEFLY)

PLANS APPROVED BY

SIGNATURE

August 23, 2016

DATE

* AUP Findings and Conditions Attached

REVISIONS
1-3, 2016

PROJECT ADDRESS: 2308 WARD ST BERKELEY, CALIFORNIA

PROJECT: HOUSE REMODEL

SHEET TITLE: INTRODUCTION SITE PLAN, ZONING DATA

ARCHITECT: Y. M. CHUNG 2416 DODDGE AVE. PINOLE, CA 94564 TEL: 510-364-4539

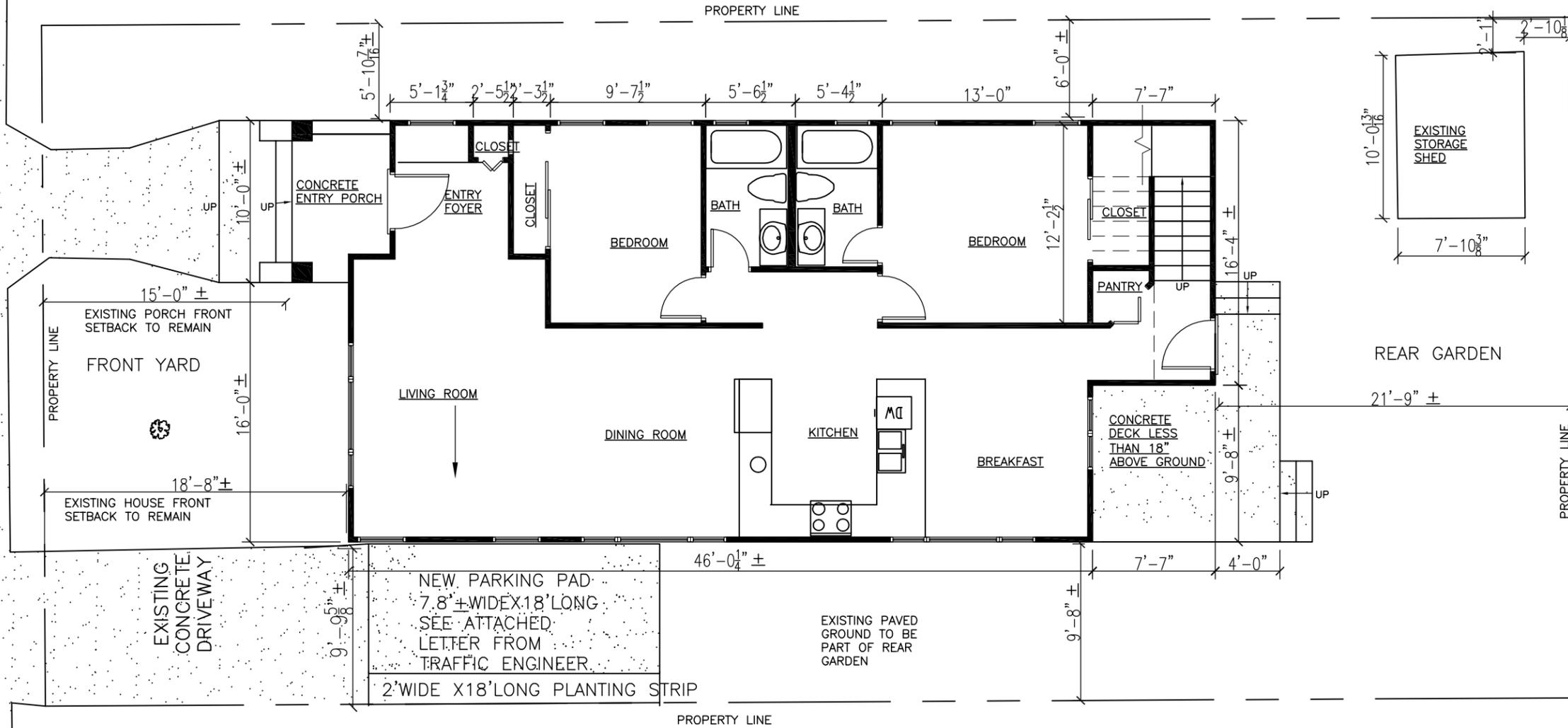
DATE: 9-21, 2015
SCALE: 1/16"=1'-0"
DRAWN: Y.M.CHUNG
JOB: 0515
SHEET OF: 1
SHEETS: 4

WARD STREET

EXISTING CURBCUT

D/W

CONCRETE SIDEWALK



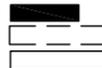
GROUND FLOOR PLAN

SCALE 1/8"=1'-0"



LEGEND

- NEW WALLS
- EXISTING WALL TO BE REMOVED
- EXISTING WALL TO REMAIN



NOTE: HOUSE DIMENSIONS ARE MEASURED TO THE FACE OF STUDS, YARD DIMENSIONS ARE MEASURED TO THE FACE OF EXTERIOR STUCCO FINISHES AND SHALL BE VERIFIED BEFORE CONSTRUCTION.

PLANS APPROVED BY

SIGNATURE

August 23, 2016

DATE

* AUP Findings and Conditions Attached

REVISIONS

1-3, 2016

PROJECT: HOUSE REMODEL

PROJECT ADDRESS: 2308 WARD ST BERKELEY, CALIFORNIA

SHEET TITLE: GROUND FLOOR PLAN

ARCHITECT Y. M. CHUNG 2416 DODDGE AVE. PINOLE, CA 94564 TEL: 510-364-4539

DATE 9-21, 2015

SCALE 1/8"=1'-0"

DRAWN Y.M.CHUNG

JOB 0515

SHEET 2

OF 2

SHEETS 4

4

TYPICAL EXTERIOR FINISHES

1. ROOF: COMPOSITION SHINGLE ROOFING TO MATCH EXISTING
2. ROOF ACCESSORY ELEMENTS: ROOF EAVE WOOD FACIA AND CORBEL TO MATCH EXISTING
3. WALL: STUCCO TO MATCH EXISTING
4. WOOD TRIM ON WALL: PAINTED REDWOOD
5. WINDOW & DOOR: MILGARD VINYL, LOW-E
6. WINDOW TRIM: PAINTED REDWOOD TRIM
7. PAINTED ALUMINUM GUTTER AND DOWNSPOUT

PLANS APPROVED BY

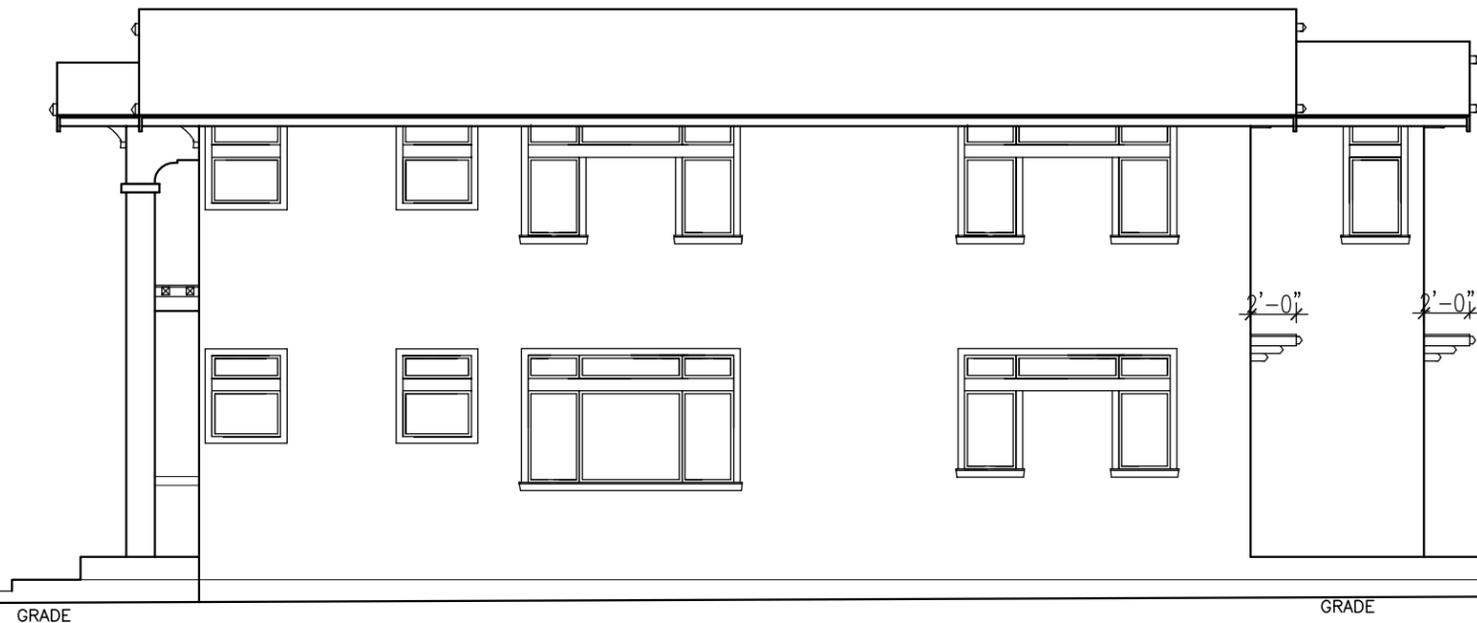


August 23, 2016

SIGNATURE

DATE

* AUP Findings and Conditions Attached



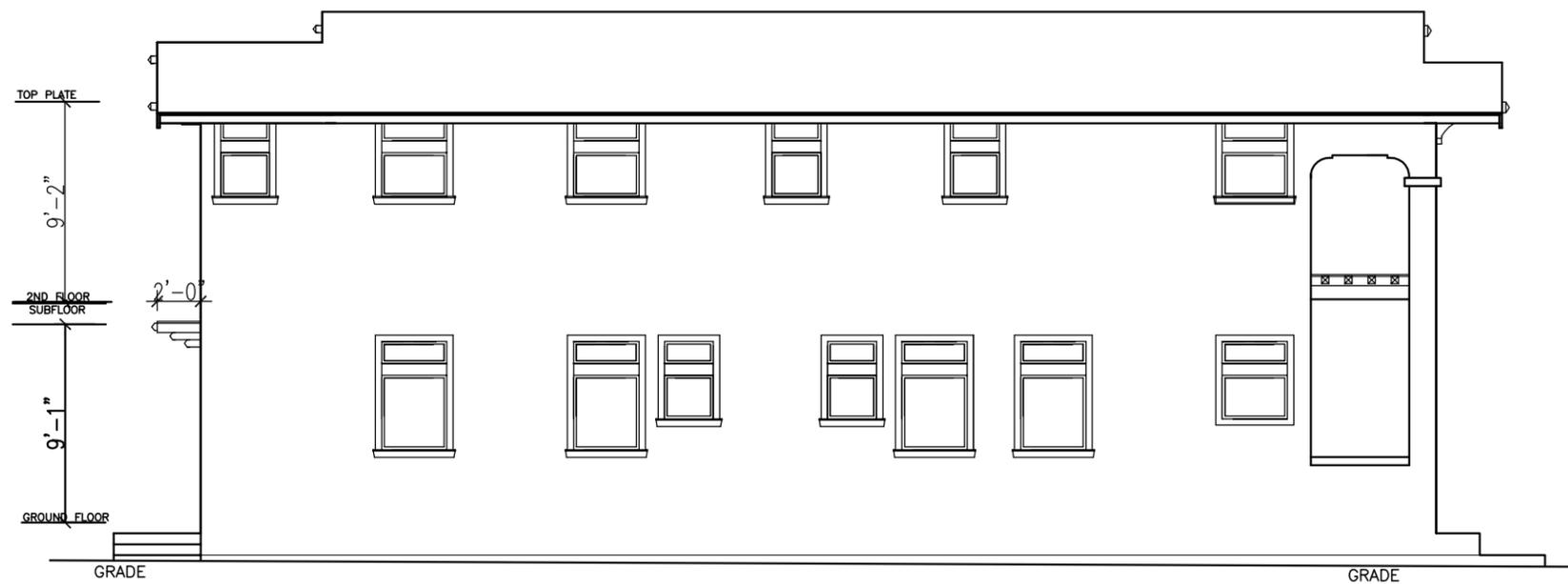
RIGHT (WEST) ELEVATION



FRONT (NORTH) ELEVATION



REAR (SOUTH) ELEVATION



LEFT (EAST) ELEVATION

REVISIONS

1-3, 2016

PROJECT:
HOUSE
REMODEL

PROJECT ADDRESS:
2308 WARD ST
BERKELEY, CALIFORNIA

SHEET TITLE:
ELEVATIONS

ARCHITECT
Y. M. CHUNG
2416 DODDGE AVE.
PINDLE, CA 94564
TEL: 510-364-4539

DATE
9-21, 2015

SCALE
1/8"=1'-0"

DRAWN
Y.M.CHUNG

JOB
0515

SHEET
OF 4

SHEETS
4