



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

1432 Spruce Street Administrative Use Permit #ZP2016-0168

Project Description: To 1) raise an existing single-family dwelling by 3 feet resulting in an average height of 22.5 feet that will vertically extend a non-conforming front yard setback; 2) expand an existing basement to establish a 900 square-foot Accessory Dwelling Unit (ADU) and 436 square-foot workshop; 3) demolish an existing 190 square foot garage and establish one uncovered, off-street parking space within the rear yard setback.

- Section 23D.32.070 to construct a major (> 600 sq. ft.) residential addition; and
- Section 23D.28.070.C to construct an addition greater than 14-feet in average height; and
- Section 23E.96.070 to construct an addition greater than 20-feet in maximum height; and
- Section 23C.04.070.B to make alterations within a non-conforming front yard setback; and
- Section 23.10.040.B to construct an accessory dwelling unit that is over 750 square-feet.

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 April 13, 2017.

Attest: Steven Buckley
Steven Buckley, Land Use Planning Manager

April 13, 2017
Effective Date

You may choose to file with the State and County either the enclosed Notice of Exemption or Notice of Determination (which ever applies). Pursuant to the California Environmental Quality Act (CEQA), Public Resources Code section 21167, the time in which a legal challenge will be accepted is shortened if this form is filed within 5 days of the effective date of the City's action.

ATTACHMENT 1

FINDINGS AND CONDITIONS

MARCH 23, 2017

1432 Spruce Street

Administrative Use Permit #ZP2016-0168

To 1) raise an existing single-family dwelling by 3 feet resulting in an average height of 22.5 feet that will vertically extend a non-conforming front yard setback; 2) expand an existing basement to establish a 900 square-foot Accessory Dwelling Unit (ADU) and 436 square-foot workshop; 3) demolish an existing 190 square foot garage and establish one uncovered, off-street parking space within the rear yard setback.

PERMITS REQUIRED

- Administrative Use Permit under Section 23D.32.070 to construct a major (> 600 sq. ft.) residential addition; and
- Administrative Use Permit under Section 23D.28.070.C to construct an addition greater than 14-feet in average height; and
- Administrative Use Permit under Section 23E.96.070 to construct an addition greater than 20-feet in maximum height; and
- Administrative Use Permit under Section 23C.04.070.B to vertically extend a building within a non-conforming front yard setback; and
- Administrative Use Permit under Section 23.10.040.B to construct an accessory dwelling unit that is over 750 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 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 proposed project conforms to the applicable provisions of the Berkeley Municipal Code including height, minimum on-site parking, lot coverage, and usable open space. The raising of the dwelling will occur within the non-conforming front yard setback (east) of 13 feet where 15 feet is required. As required under Section 23C.04.070.B, C, and E (Expansions of Non-Conforming Building and Structures), the proposal to vertically extend the existing, non-conforming front yard setback in this manner is permissible because: 1) the single-family dwelling with an ADU use of the subject property conforms to the R-2A District standards for Uses-Permitted (2) the vertical extension will not further reduce the affected setbacks; (3) the proposed second story addition is approximately 22.5 feet in average height will not exceed the 28 foot maximum; and (4) with the demolition of the garage, lot coverage will be reduced to 38%, not exceeding the 40% maximum.
 - The expansion of the existing basement will include 477 of excavation at the front (east) of the dwelling and 190 of expansion at the north-west (rear). The new Accessory Dwelling Unit will be larger than the 750 square-feet that BMC Section 23D.10.040.B allows but complies with all other applicable development standards say something how it is smaller than the main dwelling. The ADU will expand housing opportunities for Berkeley Residents and the residential density will remain consistent with the R-2AH District standards. Given that all setbacks and useable open space will remain the same, air will not be effected.
 - With the height increase of 3 feet the average height will increase from approximately 19.5 feet to 22.5 feet staying below 28 feet in average height and 35 feet in maximum height. The shadow studies supplied by the applicant detail the changes to shadows and light from the addition to the main building. 1430 Spruce (north) will experience new shadowing during December mornings but those effects will disappear in the afternoons. Such effects, being limited in duration are found to be non-detrimental.
 - The immediate neighborhood has other two and three story dwellings and therefore the project will be in keeping the character of the neighborhood.
 - This area is generally flat, developed with one-, two-, and three-story residences, and includes mature vegetation therefore no protected views will be effected.
 - The unenclosed parking spot that is within the required rear setback is screened by an existing 6 foot tall perimeter fence.
3. In accordance with BMC 23C.04.070.B, raising the building will extend the existing non-conforming front yard, however, it will not further reduce the front yard setback nor exceed the maximum height allowed in the R-2AH District. Therefore the proposed project is found to be in compliance with BMC 23C.04.070.B.

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. All owners of record of the subject property shall sign and record with the Alameda County Clerk-Recorder a “Notice of Limitation on Use of Property” (available from Land Use Planning Division) and provide a recorded copy thereof to the project planner. This Notice of Limitation shall stipulate the limitations on the Accessory Dwelling Unit under BMC §23D.10.040.A, that either the primary Dwelling Unit or the Accessory Dwelling Unit be occupied by the owner of the subject property. Non-occupancy of an owner for periods of up to three years is allowed before the property will be found to be in non-compliance with this requirement. 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.
- 12. Drainage plans shall be submitted for approval of the Building & Safety Division and Public Works Department, if required.
- 13. The applicant shall file an “Address Assignment Request Application” with the Permit Service Center (1947 Center Street) for any address change or new address associated with this Use Permit. The new address(es) shall be assigned prior to issuance of a building permit.

During Construction: (If a building permit is required, keep all of these unless noted)

14. 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 1947 Center 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.

15. 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.
16. 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.
17. 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.
18. 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.
19. 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.
20. Trucks hauling debris, soil, sand, or other loose materials shall be covered or required to maintain at least two feet of board.

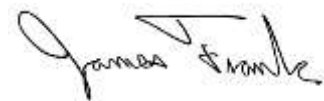
21. Public streets shall be swept (preferably with water sweepers) of all visible soil material carried from the site.
22. The applicant shall establish and maintain drainage patterns that do not adversely affect adjacent properties and rights-of-way.
23. The applicant shall ensure that all excavation 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:

24. ADU. 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.
25. All construction at the subject property shall substantially conform to the approved Use Permit drawings or to modifications approved by the Zoning Officer.
26. All landscape, site and architectural improvements shall be completed per the attached approved drawings dated March 16, 2017.

At All Times (Operation):

27. 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.
28. Drainage Patterns. 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.
29. Electrical Meter. Only one electrical meter fixture may be installed per dwelling unit.
30. The owner shall not subdivide the land or air rights to enable sale or transfer of the accessory dwelling unit.



Prepared by: Jim Frank
For City of Berkeley Zoning Officer

ASSESSOR'S MAP 59

Code Area Nos. 15-000

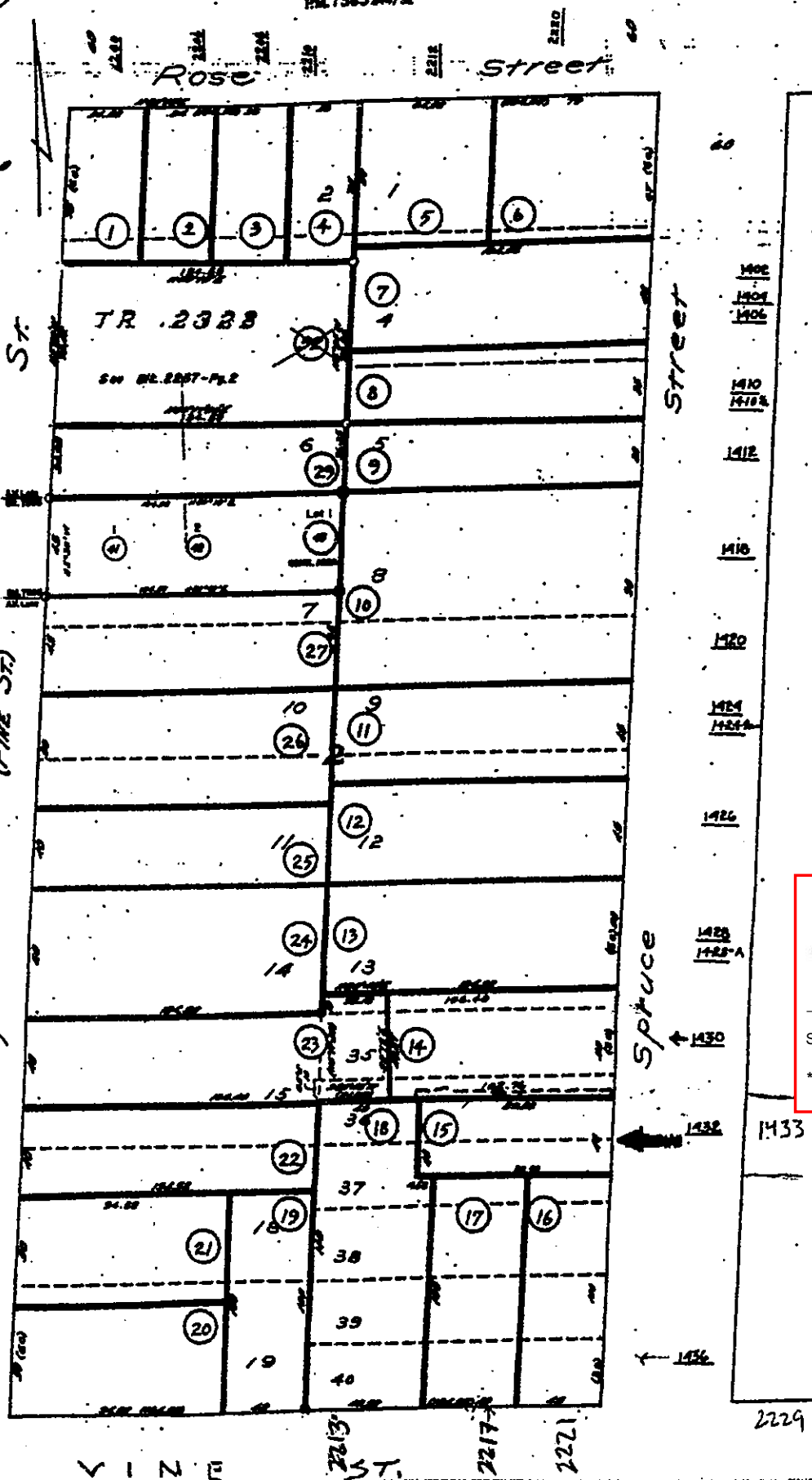
T.M. Antiehl's Map of Villa Lots in Berkley
 Map of Resubdivision
 of a portion of the plot entitled
 "T.M. Antiehl's Map of Villa Lots of Berkley"
 P.M. 7385244/72

2257

Scale: 1" = 40'

BK. 60

Corrected 10-24-11
 Act 7-23-11
 11-17-11



I HAVE REVIEWED THE PLANS FOR RAISING 1432 SPRUCE THREE FEET AND BUILDING A NEW 800 SQ. SECONDARY RESIDENTIAL UNIT BELOW

NAME	SIGNATURE	ADDRESS	DATE	RENT OR OWNER	COMMENT
John Remenach	<i>John Remenach</i>	1436 SPRUCE	6/29/16	O	No Objections
Linda Bergmeyer	<i>Linda Bergmeyer</i>	1430 SPRUCE	8/19/16	O	No objections
RICHARD STEWART NEISA YOUNG	<i>Richard Stewart</i>	2217 VINE ST	7.3.16	O	No objections
Michael Thomas	<i>Michael Thomas</i>	2213 VINE ST	7/8/16	O	No objections
Gregory J. Thomas	<i>Gregory J. Thomas</i>	1433 SPRUCE ST	6/24/16	R	No Objections
		1436 SPRUCE ST			No
Fred Dabowitz	<i>Fred Dabowitz</i>	1431 SPRUCE ST	8/19/16	O	No objection
MIRIAM WEISSEL	<i>Miriam Weissel</i>	VINE ST 1433 SPRUCE	2/25/16	R	No objections
GEOFF BACON	<i>Geoff Bacon</i>	2226 VINE	08/24/16	R	No objection
		2229 VINE			VACANT

PLANS APPROVED BY

James Frank

March 23, 2017

SIGNATURE

DATE

*AUP Findings and Conditions Attached

INDEX

- [1 VICINITY MAP & SIGNATURES
- [2 PLOT PLAN
- [3 EXISTING STREET LEVEL 4 ATTIC PLAN]
- [5 EXISTING BASEMENT LEVEL
- [6 PROPOSED BASEMENT LEVEL
- [7 STREET ELEVATIONS EXISTING & PROPOSED
- [8 BACKYARD ELEVATIONS EXISTING & PROPOSED
- [9 SOUTH ELEVATION EXISTING
- [10 SOUTH ELEVATION PROPOSED
- [11 NORTH ELEVATION EXISTING
- [12 NORTH ELEVATION PROPOSED

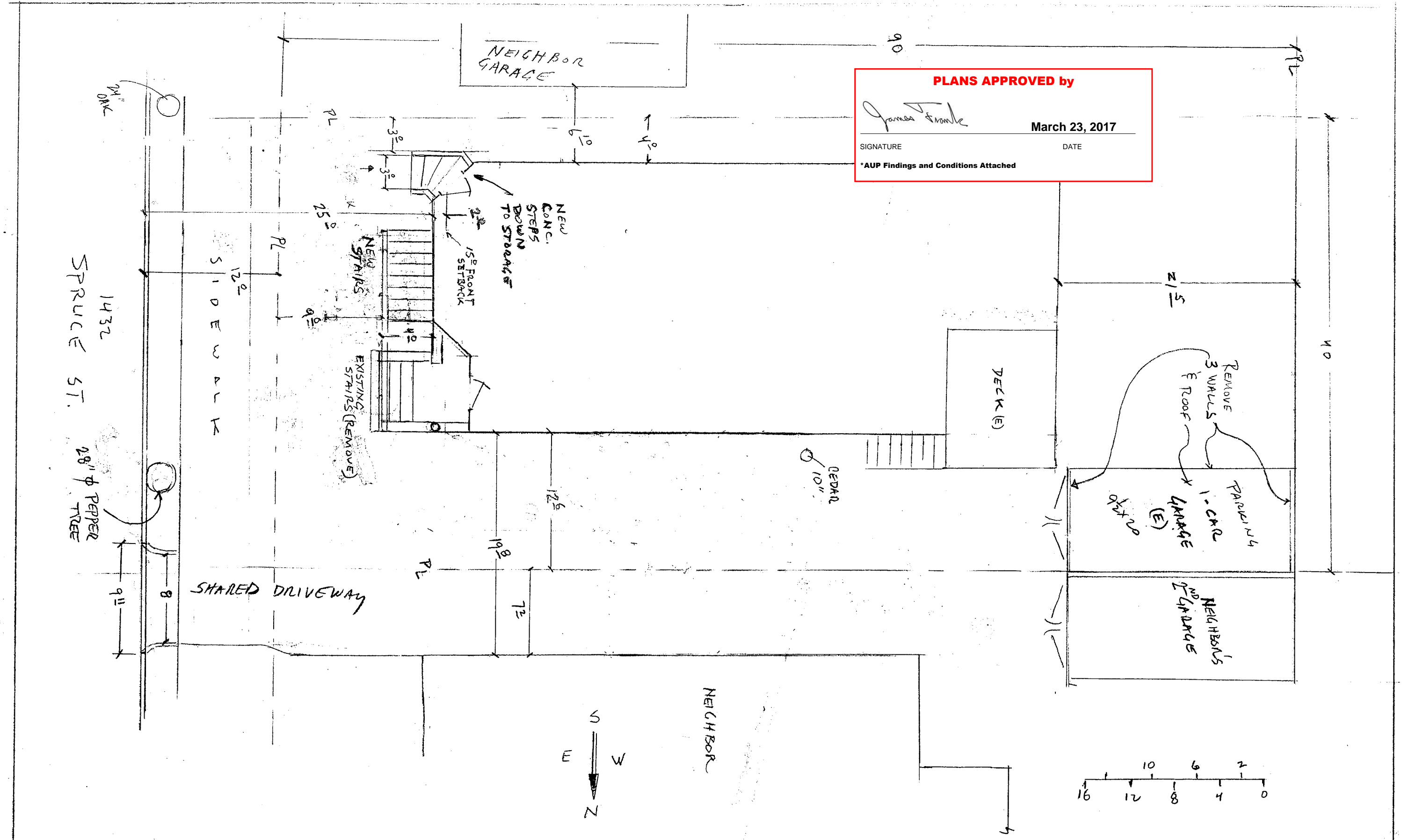
1432 SPRUCE STREET
 MARC ASHKENAS RESIDENCE

LIFT HOUSE 3 FEET BUILD
 A NEW SECONDARY UNIT UNDER
 EXISTING RESIDENCE

DESIGN: AMMC
 Ashkenas
 MASHKENAS@gmail.com
 510.813.0514

REVISIONS
 5/1/16 ORIGINAL
 11/18/16 ADDRESS
 TO INDEX

1

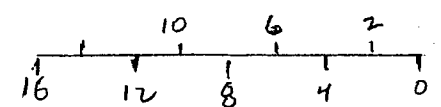


PLANS APPROVED by

James Frank March 23, 2017

SIGNATURE DATE

*AUP Findings and Conditions Attached



1432 SPRUCE ST MARC ASHKENAS RESIDENCE	PLOT PLAN	WIDEN DRIVEWAY ; PROPOSED PARKING ; EXTEND FRONT STAIRWAY	DESIGN : MARC ASHKENAS DESIGN BUILD, CO. (510) 813-0514	REVISIONS 5/1/16 ORIGINAL 11/18/16 REVISE FRONT STEPS 3/13/17 REMOVE 2ND PARKING 3/14/17 ADD STEPS DOWN 3/15/17 REVISE " "	2
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PLANS APPROVED by

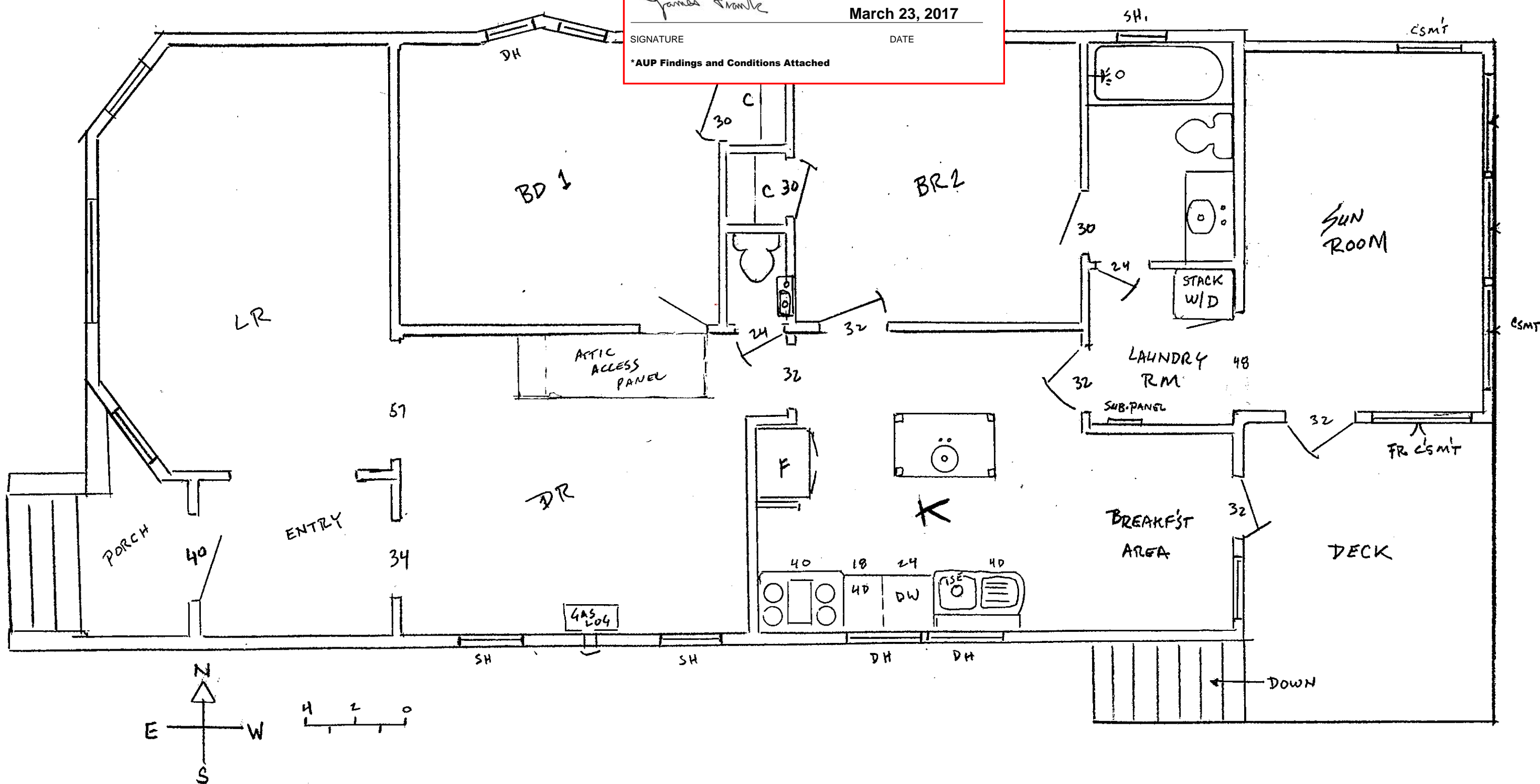
James Frankle

March 23, 2017

SIGNATURE

DATE

*AUP Findings and Conditions Attached



1432 SPRUCE STREET
MARC ASHKENAS RESIDENCE

EXISTING STREET LEVEL
FLOOR PLAN

DESIGN;
MASHKENAS@gmail.com
510-813-6514

REVISIONS
5/1/16 ORIGINAL
11/18/16 SHOW ATTIC ACCESS

3

PLANS APPROVED by

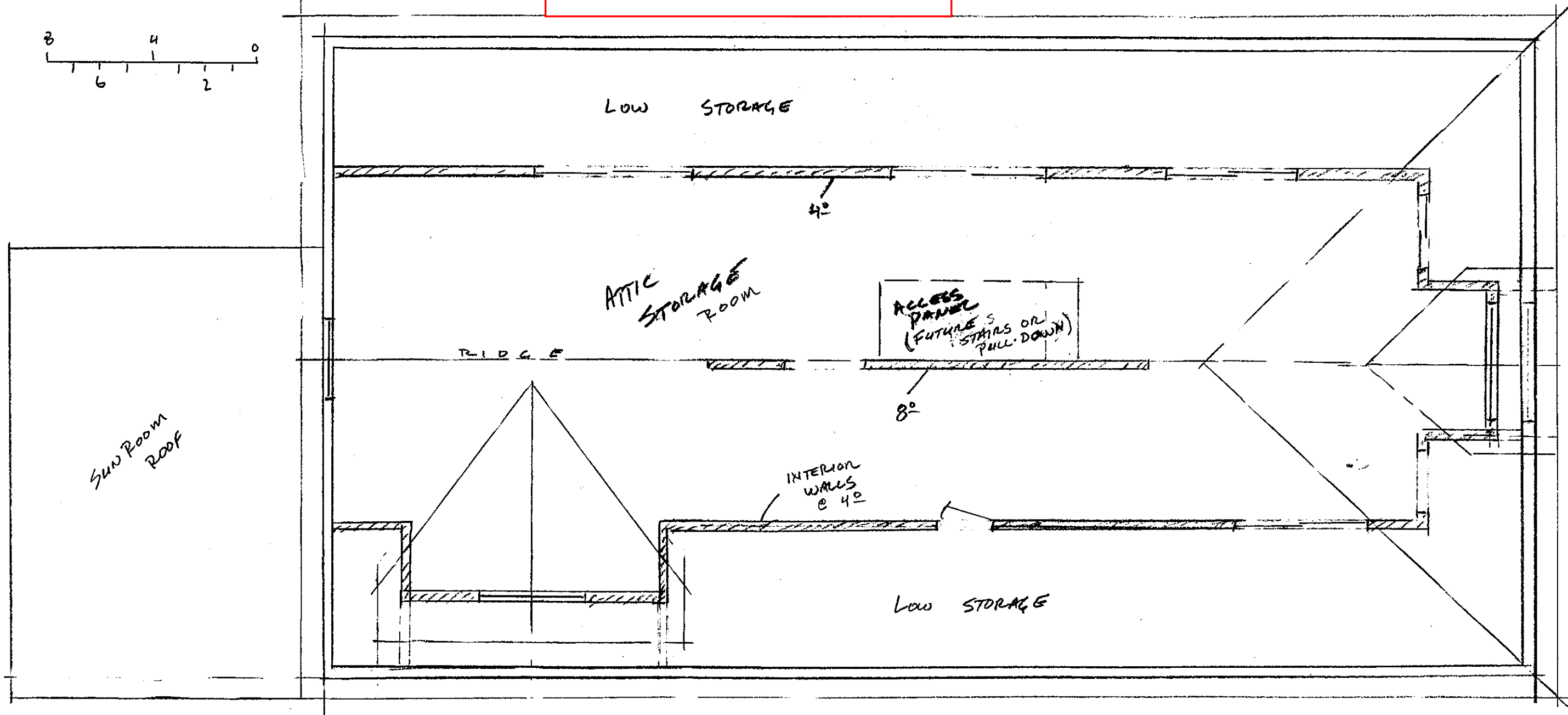
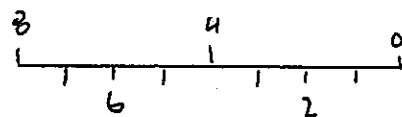
James Frankle

March 23, 2017

SIGNATURE

DATE

*AUP Findings and Conditions Attached



1432 SPRUCE STREET
MARC ASHKENAS
RESIDENCE

ATTIC PLAN
EXISTING

DRAWING 1
MARC ASHKENAS
510 813-0514

REVISION 3
ORIGINAL 11/13/16

4

PLANS APPROVED by

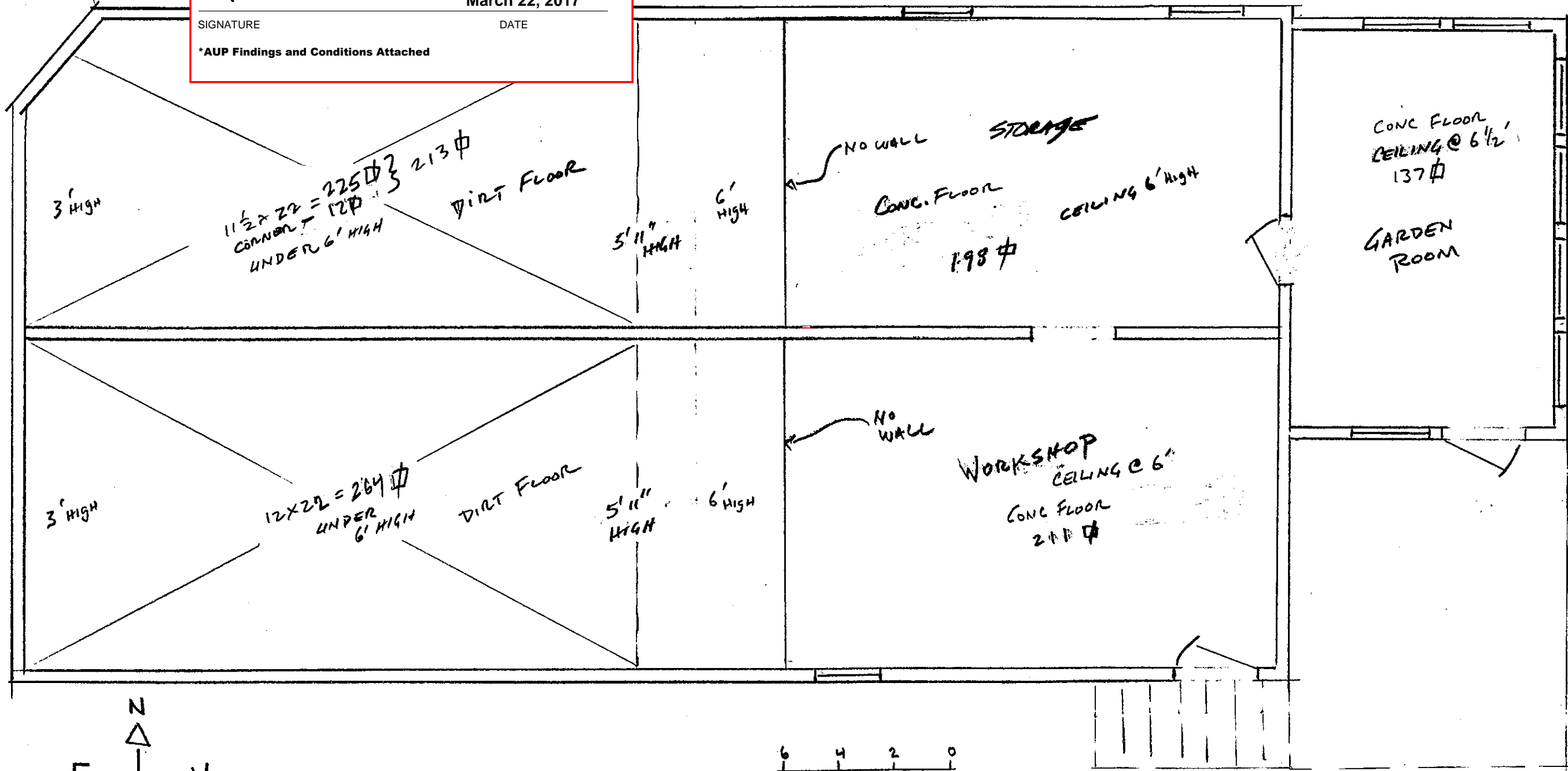
M. Ashkenas

March 22, 2017

SIGNATURE

DATE

*AUP Findings and Conditions Attached



1432 SPRUCE STREET
MARC ASHKENAS RESIDENCE

EXISTING BASEMENT LEVEL

3 ROOMS

DESIGN: *M. Ashkenas*
MASHKENAS@GMAIL.COM
510.813.0514

REVISIONS
5/1/16 ORIG
11/18/16 ADD ϕ + RE. NUMBER

5

PLANS APPROVED by

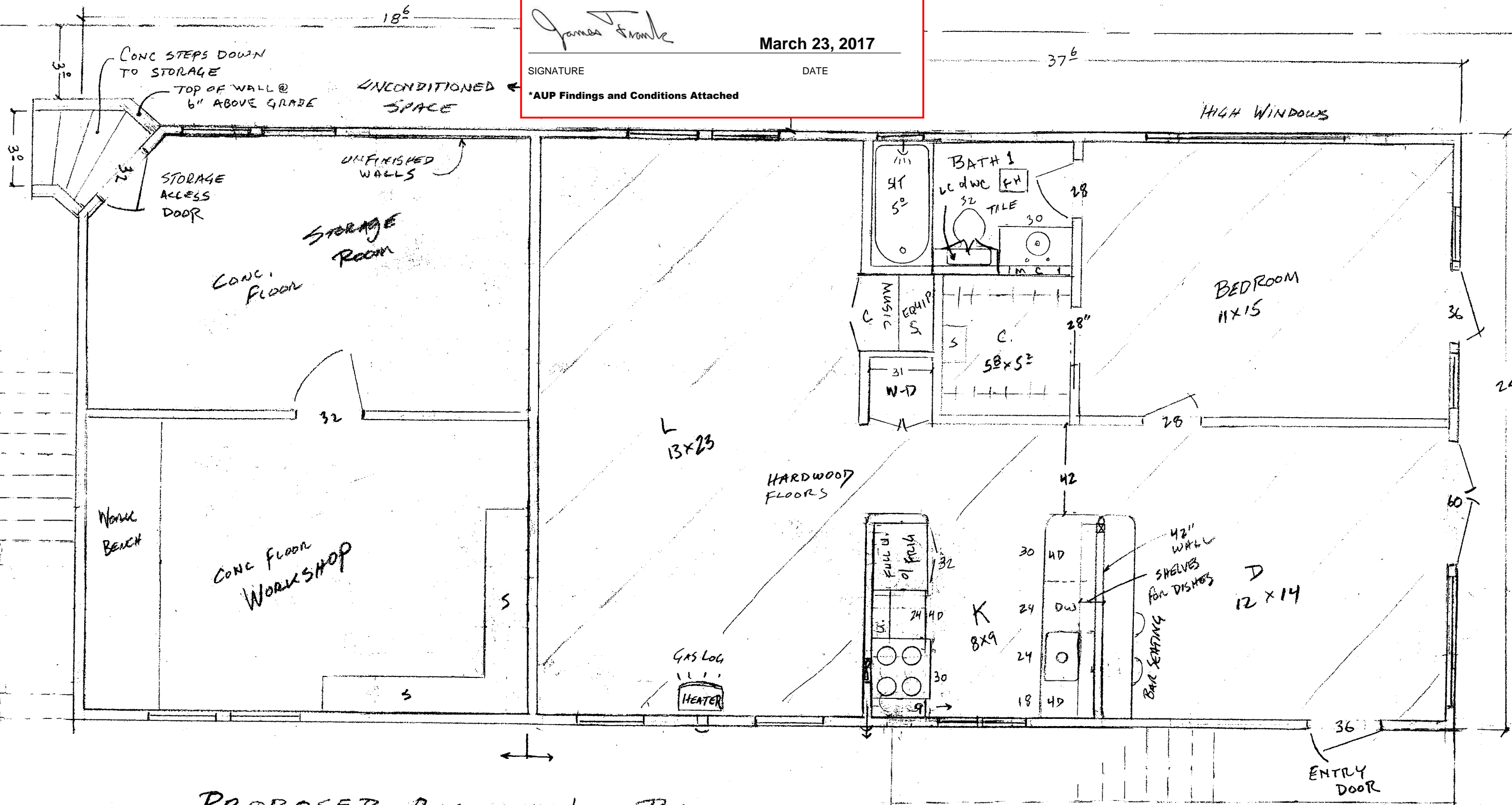
James Frankle

March 23, 2017

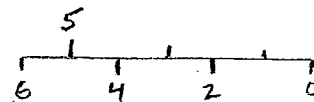
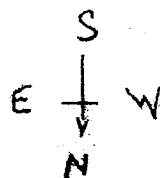
SIGNATURE

DATE

*AUP Findings and Conditions Attached



PROPOSED BASEMENT LEVEL PLAN



1432 SPRUCE ST. BERKELEY
MARC ASHKENAS RESIDENCE

NEW DWELLING UNDER
EXISTING RESIDENCE

WORKSHOP AND STORAGE
RELOCATED AND BUILD
NEW SECONDARY UNIT

DESIGN: Marc Ashkenas
MASHKENAS@gmail.com
510.813.0514

REVISIONS
5/1/16 ORIGINAL
11/18/16 REMOVE FRONT WIND.
+ RE. NUMBER
REMOVE 2ND HEATER

PLANS APPROVED by

James Frank

March 23, 2017

SIGNATURE

DATE

*AUP Findings and Conditions Attached

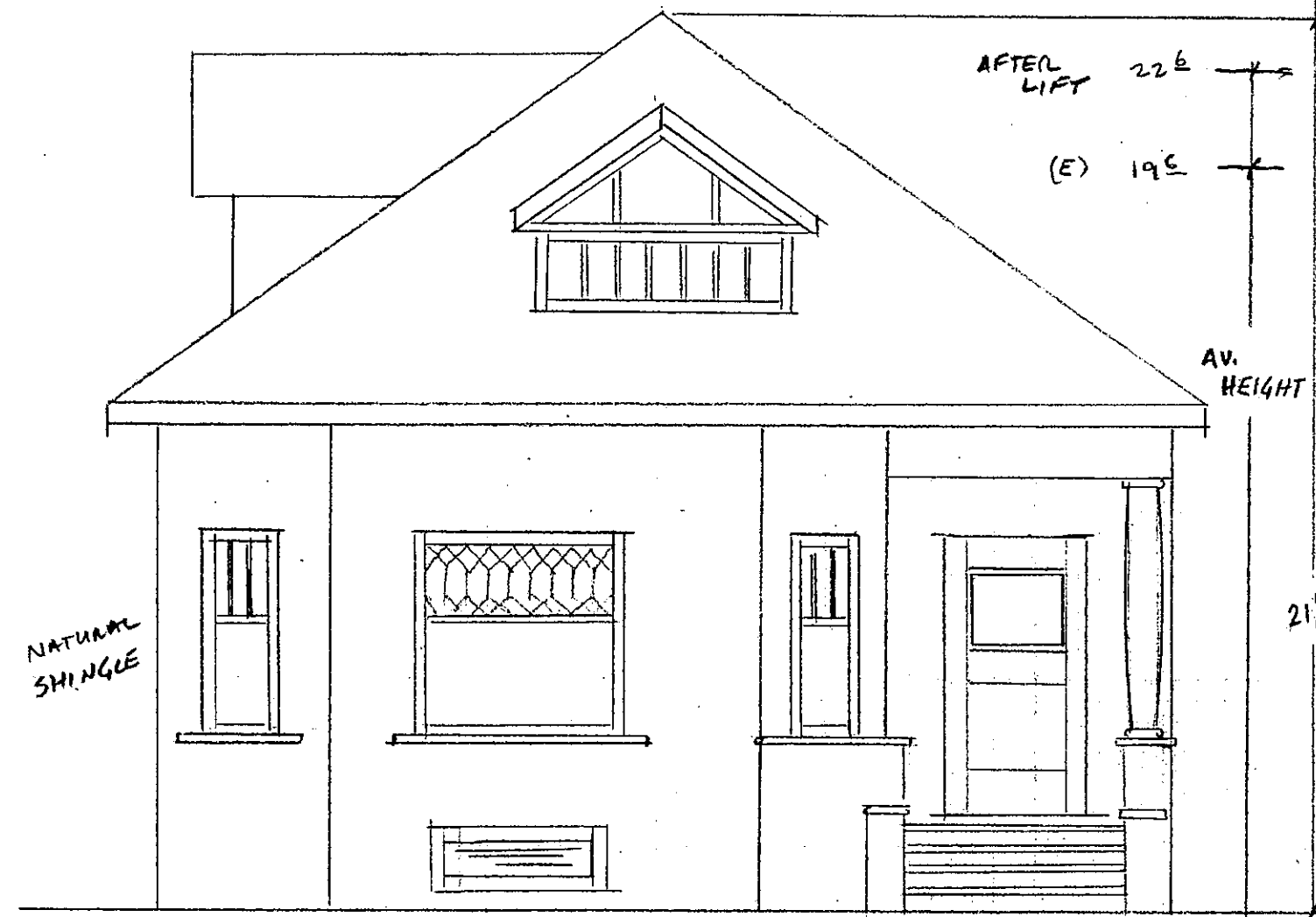
HOUSE
3'

AFTER LIFT 22'6"

(E) 19'6"

AV. HEIGHT

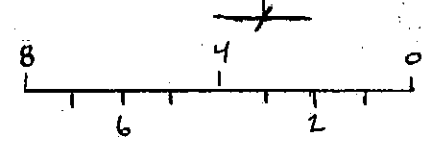
2 1/2'



STREET ELEVATION EXISTING



STREET ELEVATION PROPOSED

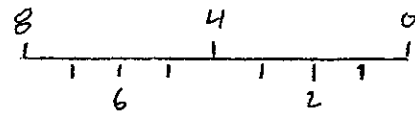


1432 SPRUCE ST, BERKELEY
MARC ASHKENAS RESIDENCE

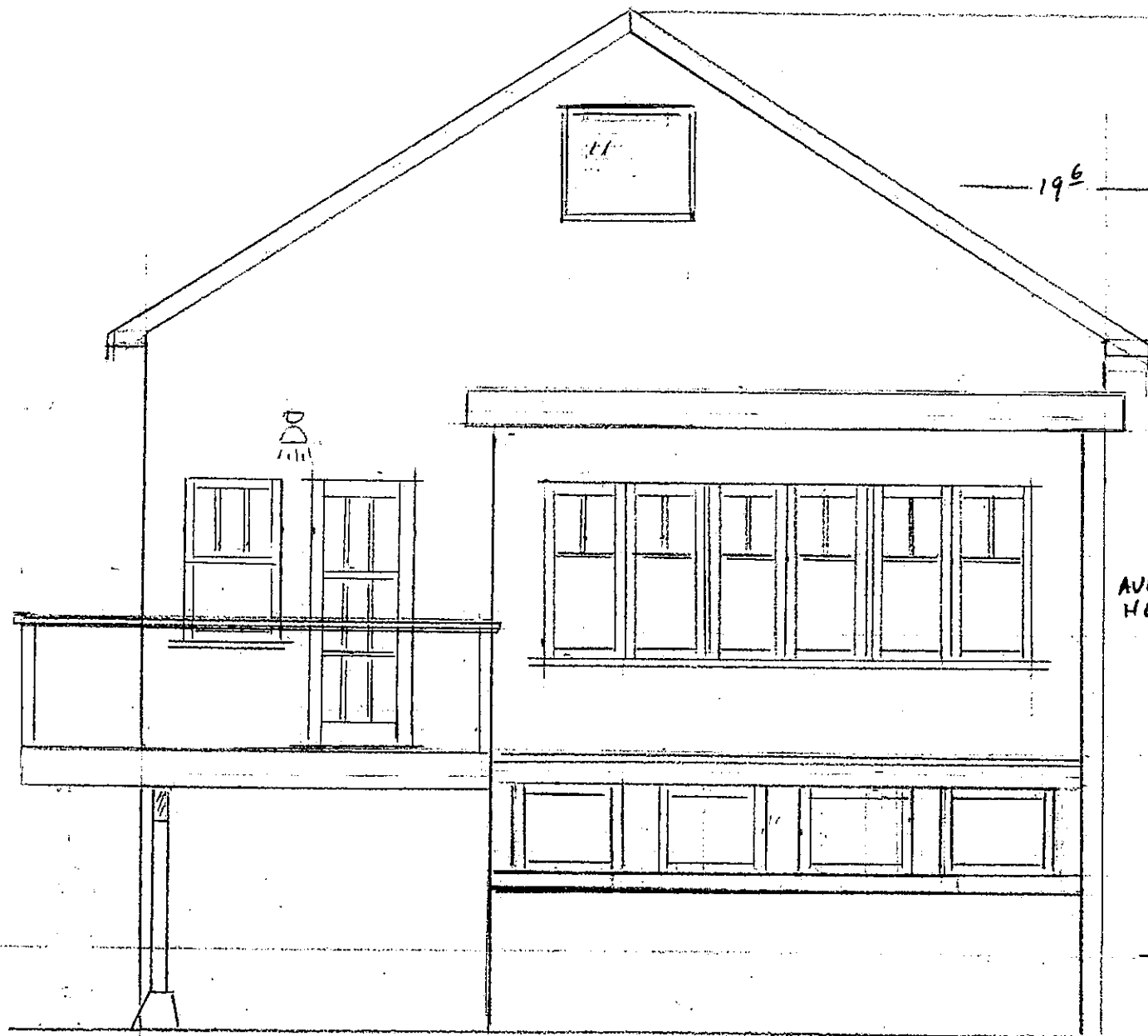
LIFT BUILDING 3' AND EXCAVATE 4' TO CREATE A
NEW SECONDARY UNIT AND RELOCATE WORKSHOP STORAGE

DESIGN: Marc Ashkenas
MRS.ASHKENAS@GMAIL.COM
510.813.6514

REVISIONS
5/1/16 ORIGINAL
11/18/16 CHANGE FRONT STEPS
RE-NUMBERED
3/13/17 ADD AV. HEIGHT



PLANS APPROVED by
James Frank
 March 23, 2017
 SIGNATURE DATE
 *AUP Findings and Conditions Attached



EXISTING

AVERAGE HEIGHT

25'6"



NEW

1432 SPRUCE ST
 BERKELEY CA 94709

MARC ASHKENAS
 RESIDENCE

BACKYARD (WEST)
 ELEVATION

NEW GARDEN
 FLAT

DESIGN:
Marc Ashkenas
 (510) 813-0514

REVISIONS
 12/13/15 ORIGINAL
 11/18/16 RE-NUMBER
 3/10/17 AV. HEIGHT

8

PLANS APPROVED by

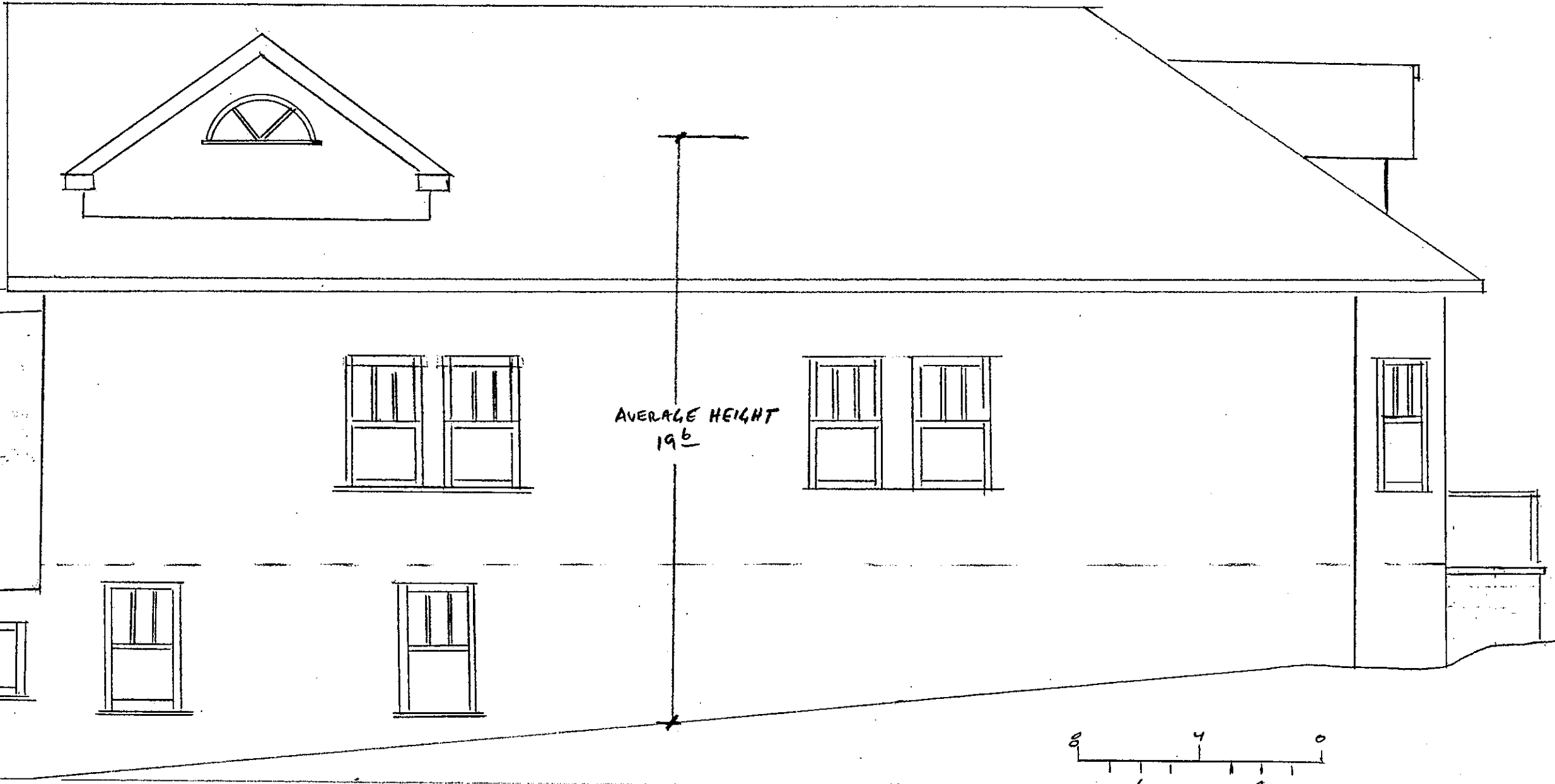
James Frank

March 23, 2017

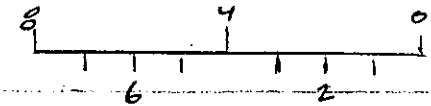
SIGNATURE

DATE

*AUP Findings and Conditions Attached



AVERAGE HEIGHT
196



EXISTING SOUTH ELEVATION

1432 SPRUCE STREET BERKELEY
MARC ASHKENAS RESIDENCE

DESIGN: Marc Ashkenas
MASHKENAS@gmail.com
510.813.0514

REVISIONS
5/1/16 ORIGINAL
11/13/16 RE. NUMBER
2/10/17 AV HEIGHT

PLANS APPROVED by

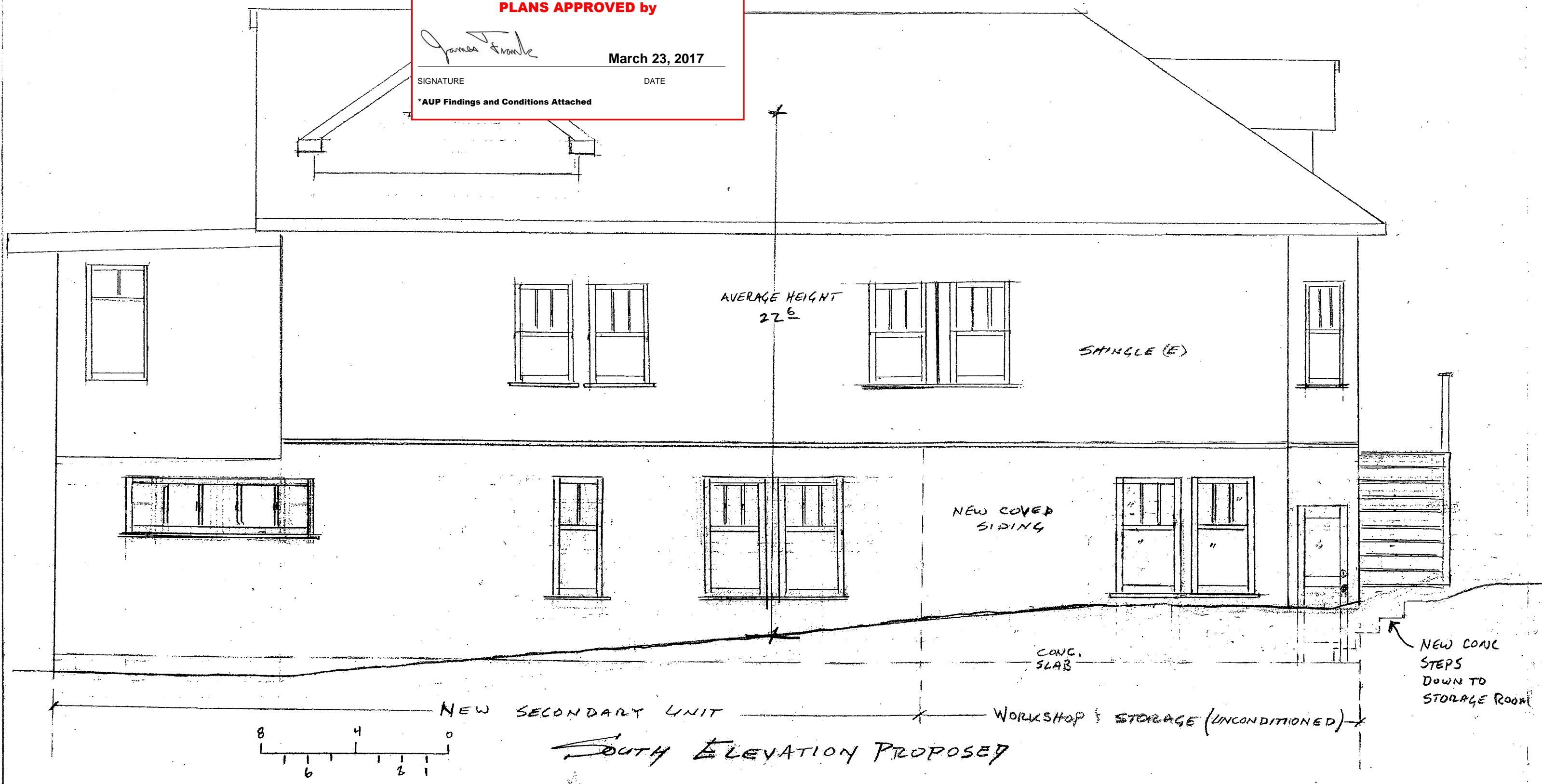
James Frank

March 23, 2017

SIGNATURE

DATE

*AUP Findings and Conditions Attached



AVERAGE HEIGHT
22.6

SHINGLE (E)

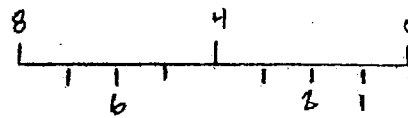
NEW COVERED
SIDING

CONC.
SLAB

NEW CONC
STEPS
DOWN TO
STORAGE ROOM

NEW SECONDARY UNIT

WORKSHOP & STORAGE (UNCONDITIONED)



SOUTH ELEVATION PROPOSED

MARC ASHKENAS
RESIDENCE

1432 SPRUCE ST
BERKELEY, CA 94709

NEW SECONDARY UNIT
& RELOCATED WORKSHOP & STORAGE

DESIGN
MARC ASHKENAS
510-813-0514

REVISIONS
 5/1/16 ORIGINAL
 11/18/16 RE-NUMBER
 3/10/17 AV. HEIGHT
 3/14/17 ADD DOOR & CONC. STEPS
 3/15/17 REVISE " " "

10