

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 # 13-1000025

Property Address: **1511 ADA STREET**

Permittee Name: **JOHN CROWL**

Use and/or Construction Permitted:

to construct an approximately 98 sq. ft. second story addition to an existing 1,417 sq. ft. single family dwelling for an expanded master bedroom and new bathroom addition, increasing the average height from 15'10" to 16'1" where the subject lot is legally non-conforming for residential density and an Administrative Use Permit to allow a hot tub.

- Use Permit, under BMC Section 23C.04.070.E to allow a residential addition when the subject lot is legally non-conforming for residential density;
- Administrative Use Permit, under BMC Section 23D.16.070.C to allow a residential addition to exceed 14' in average height; and
- Administrative Use Permit, under BMC Section 23D.08.060.C to allow an unenclosed hot tub.

FINDINGS, CONDITIONS AND APPROVED PLANS ATTACHED

The Use Permit herein described has been duly granted by the Zoning Adjustments Board and is in effect on August 15, 2013.

ATTACHMENT 1

FINDINGS AND CONDITIONS

JULY 25, 2013

1511 Ada Street

Use Permit #13-1000025 to construct an approximately 98 sq. ft. second story addition to an existing 1,417 sq. ft. single family dwelling for an expanded master bedroom and new bathroom addition, increasing the average height from 15'10" to 16'1" where the subject lot is legally non-conforming for residential density and an Administrative Use Permit to allow a hot tub.

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 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. As required under Section 23D.16.070 (Development Standards) and Section 23D.16.090 (Findings), the Zoning Adjustments Board finds that the residential addition may exceed 14' in average height and is found to be non-detrimental and does not create significant impacts to sunlight, air, or views for the following reasons:
 - (1) Sunlight – The existing average height is 15'1" and the proposed average height is 16'1". The addition is at the northwest (rear) of the property where the existing mass of the dwelling and large trees currently cast shadows; however, the proposed 3" increase in the average height is not expected to significantly cast new shadows on neighboring residential structures;

- (2) Air – Because the proposal satisfies the District standards for minimum rear and west side (location of the addition) setback requirements, the addition is expected to provide adequate spatial separation between developments on abutting properties, thereby allowing for adequate air circulation;
- (3) Views – The proposed addition will not significantly block the adjacent neighbors' views of any significant features. The proposed addition will not extend to the full height limit in the R-1 District and the addition will not exceed the maximum number of stories; and
- (4) Privacy – The proposed addition is not expected to significantly impact abutting neighbors' privacy given that the new bay window is facing the rear yard and the new side (west) facing window is approximately 18' from the closest abutting residential structure to the west at 1507 Ada Street.

B. As required under Section 23C.04.070.E, the Zoning Adjustment Board finds that the proposed 98 sq. ft. addition will not increase the residential density or exceed the R-1 District height limit.

OTHER REQUIRED FINDINGS

3. Pursuant to Berkeley Municipal Code Section 23B.28.050.A and 23D.08.060.C, the Zoning Adjustments Board finds that the installation of the unenclosed hot tub located on an existing deck at the rear of the structure is not expected to create significant impacts to neighboring properties as the hot tub is approximately 14' from the neighboring property to the east at 1517 Ada, there is an existing fence between the subject properties, and the hot tub is insulated and does not generate noise levels sufficient to disturb neighbors. In addition, the operation of the hot tub is subject to controls imposed under the Berkeley Municipal Code (Section 13) as it relates to maximum noise levels (restrictions included in conditions of approval).

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 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 #

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. 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.
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 thick 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 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:

21. The project shall conform to the plans and statements in the Use Permit.
22. All landscape, site and architectural improvements shall be completed per the attached approved drawings dated April 10, 2013.

At All Times:

- 23. All exterior lighting shall be shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.
- 24. 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.
- 25. Signage and any other exterior modifications, including but not limited to landscaping and lighting, shall be subject to Design Review and/or Landmarks Preservation Commission approval.

CONDITIONS BY PROJECT TYPE

HOT TUB CONDITIONS

- 26. The pump shall be mounted, enclosed and maintained to prevent noise from disturbing the occupants of neighboring properties.
- 27. The hot tub shall be drained into the sanitary sewer connection of the subject property, and not into any storm drain.
- 28. The hot tub shall be equipped with safety features in accordance with Chapter 31B, Division II of the California Building Code.
- 29. This permit shall be subject to review and modification as necessary to alleviate excessive noise or disturbance to the neighborhood.
- 30. Mechanical operation and use must adhere to the exterior noise standard of the Berkeley Municipal Code section 13.40.050, limiting noise levels from the property line for any 30 minute period to:

| | | |
|--------------|------------------------|----------|
| R-1 District | 7:00 a.m. - 10:00 p.m. | 55 (dBA) |
| | 10:00 p.m. - 7:00 a.m. | 45 (dBA) |

PLANS APPROVED by
ZONING ADJUSTMENTS BOARD

Max Dull JULY 25, 2013

Site Plan
scale: 1/16" = 1 foot

area of addition
 area of project

4284 Appian Way
El Sobrante, CA 94809
Phone: 510 222-1722
John Crowl, Contractor
License no. 303798
crowlco@comcast.net

PROJECT
Alexander Bedroom Expansion
Addition with New Bathroom

Location: 1511 Ada St
Berkeley, CA 94703

Owner: Joan Alexander

Drawn By: John Crowl
Date: March 31, 2013

DRAWING INDEX
A-1 Site Plan, Neighborhood
Signatures, Data
A-2 House floor plan, master
bedroom, bathroom plan
A-3 West Elevations,
North Elevations
A-4 East Elevations

GENERAL NOTES
The project involves a 98 sf
addition to the existing master
bedroom at the rear of 1511 Ada
Street. A new bathroom will be
added into the new space. This
will provide a badly needed
second bathroom in what is now
a one bathroom home.

There will be none to insignificant
impact to neighboring properties.

Exterior finishes: Stucco wall
finish, composition shingle roofing,
wood detailing, will match existing.

Interior finishes: Trim and
finishes will match existing
craftsman style.

Zoning: R-1

Neighborhood Signatures

I have reviewed the plans for a 98 s.f. bedroom expansion addition with new bathroom at 1511 Ada St.

| Name | Signature | Address | Renter or Owner | Date | Have no objections | Have objections (please state briefly) | Have no comment |
|------|-----------|---------|-----------------------|------|-----------------------|--|--------------------|
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| DATA TABLE | | |
|--|----------|----------|
| | Existing | Proposed |
| Addition Area | | 98 sf |
| Lot Area | 7998sf | 7898 sf |
| Gross Floor Area 1511 Ada | 1417sf | 1515sf |
| Building Footprint Total all structures | 1802sf | 1900sf |
| Lot Coverage (footprint /lot area) inc. garage and 1509 | 23% | 24% |
| Usable Open Space | 6096sf | 5598sf |

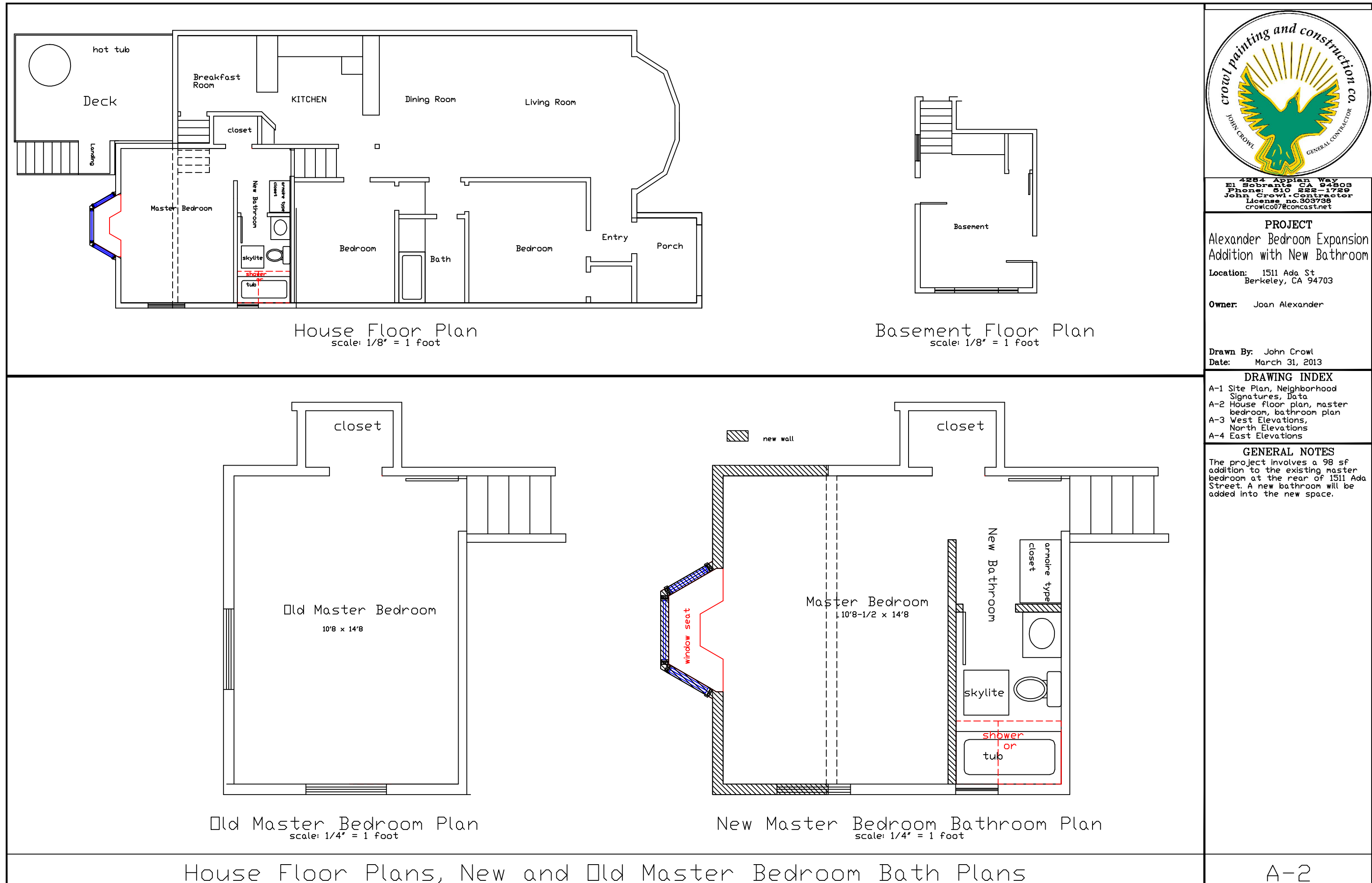
Site Plan, Neighborhood Signatures, Data

A-1

PLANS APPROVED by
ZONING ADJUSTMENTS BOARD

McDull

JULY 25, 2013



4884 Appian Way
El Sobrante, CA 94809
Phone: 510 822-1729
John Crowl, Contractor
License no. 803798
crowlco@comcast.net

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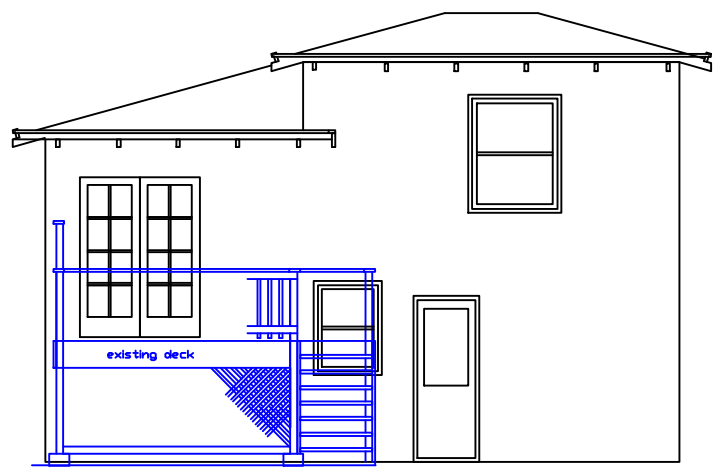
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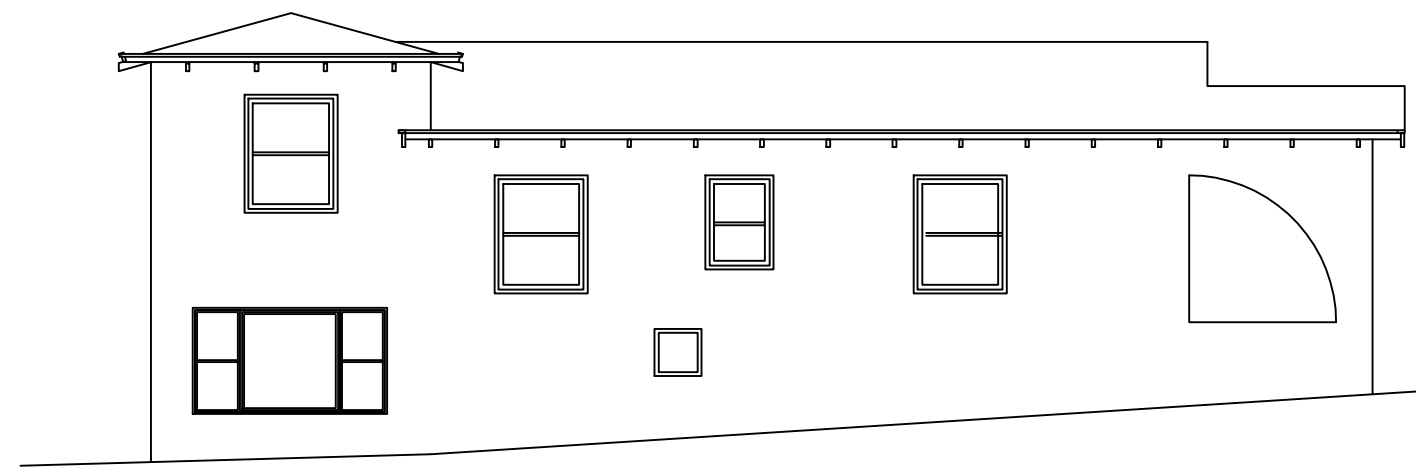
A-2

PLANS APPROVED by
ZONING ADJUSTMENTS BOARD

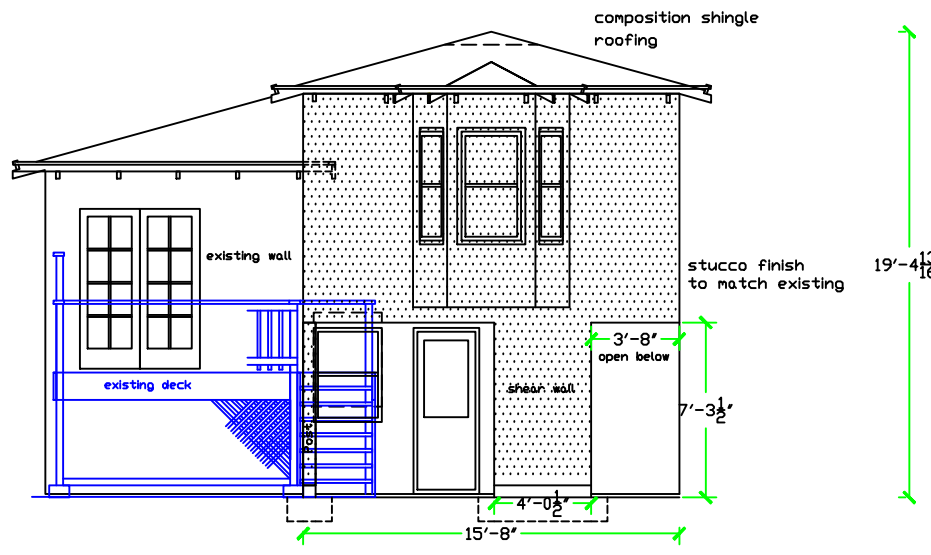
Maxwell JULY 25, 2013



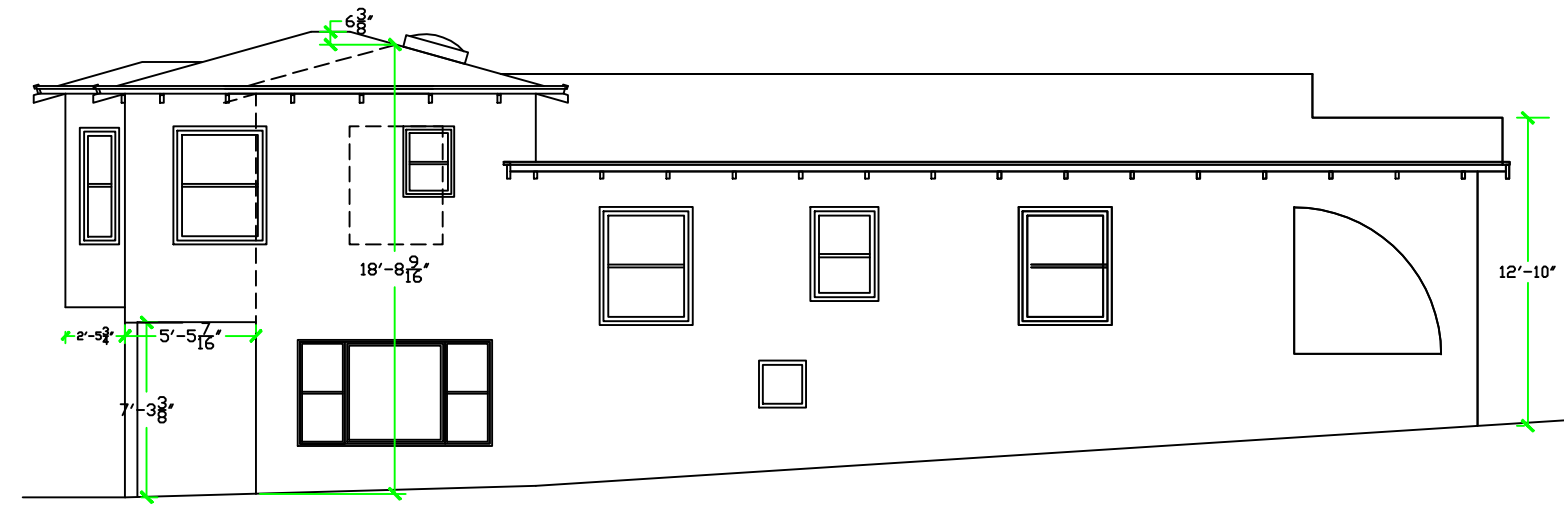
Old North Elevation
scale: 1/8" = 1foot



Old West Elevation
scale: 1/8" = 1foot



New North Elevation
scale: 1/8" = 1foot



New West Elevation
scale: 1/8" = 1foot



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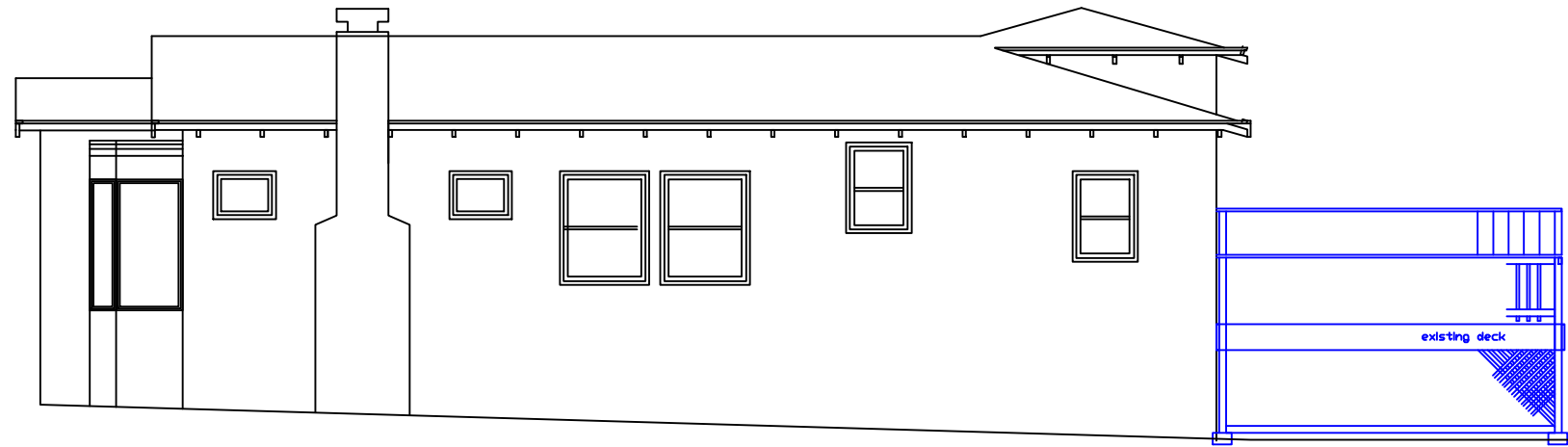
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North and West Elevations

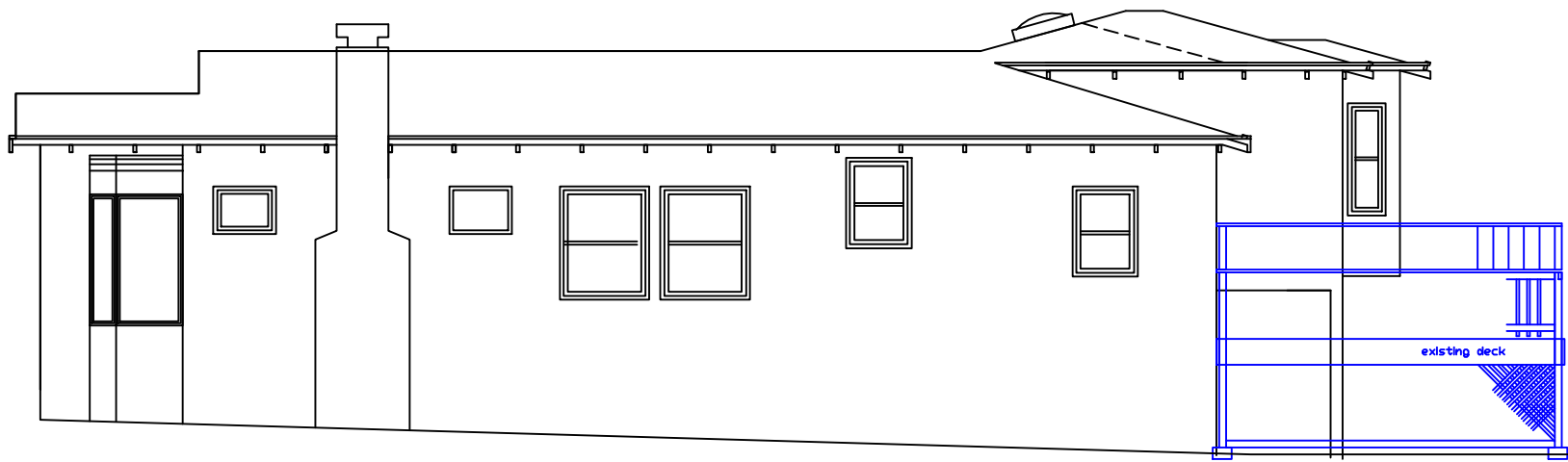
A-3

PLANS APPROVED by
 ZONING ADJUSTMENTS BOARD

Maxwell JULY 25, 2013



Old East Elevation
 scale: 1/8" = 1foot



New East Elevation
 scale: 1/8" = 1foot

New and Old East Elevations



4224 Appian Way
 El Sobrante CA 94808
 Phone: 510 222-1722
 John Crowl, Contractor
 License no. 303738
 crowlco@comcast.net

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A-4