



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

CITY OF BERKELEY ZONING ORDINANCE
Berkeley Municipal Code, Title 23

AUP #ZP2014-0010

Property Address: **2846 WEBSTER STREET**

Permittee Name: **KRISTIN PERSONETT**

Use and/or Construction Permitted: To enlarge an existing 1,574 sq. ft. single family residence by adding approximately 365 for a second floor bedroom, resulting in a 1,939 sq. ft. residence, maintaining the existing average height of 29' pursuant to:

- Section 23D.16.070.C to construct a residential addition exceeding 14' in height.

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 November 11, 2014.

Attest: Carol Johnson
Carol Johnson, Land Use Planning Mgr.

November 11, 2014
Effective Date

ATTACHMENT 1

FINDINGS AND CONDITIONS

OCTOBER 20, 2014

2846 Webster

Administrative Use Permit #ZP2014-0010

To enlarge an existing 1,574 sq. ft. single family residence by adding approximately 365 for a second floor bedroom, resulting in a 1,939 sq. ft. residence, maintaining the existing average height of 29’.

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.

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, will 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:

- As required under Section 23D.16.030 (Uses Permitted) and 090 (Findings), the proposed addition is permitted to exceed 14’ in average height and does not create significant impacts to sunlight, air, or views, and is found to be non-detrimental and permissible for the following reasons:
 1. Sunlight – The existing and proposed height will remain at 29’. Because of the mass of the existing structure, shadows currently exist at the abutting properties to the east at 2850 Webster and to the west at 2844 Webster; however, the proposed addition will not significantly impact sunlight at these properties;
 2. Air – The proposed addition exceeds the District’s development standards for minimum front, rear, and side setbacks and the addition will be approximately 30’ from the nearest residential structure to the east at 2850 Webster and

approximately 8' from the nearest residential structure to the west at 2844 Webster; thereby allowing for adequate air circulation;

3. Views – The proposed addition would not significantly block the adjacent neighbors' views of any significant feature (as defined by Section 23F.04-Definitions). The proposed project will not exceed the maximum height limit allowed in the R-1 District, and will not exceed the number of stories allowed; and
4. Privacy – The proposed addition includes new windows and a dormer window at the west side elevation, a new dormer window at the east elevation, and new windows at the south (rear) elevation. These features are not expected to create significant privacy impacts to the immediate neighbors given that:
 - At the west side elevation, the proposed second story bedroom windows and dormer would be approximately 10' from the dwelling at 2844 Webster and this distance is adequate;
 - At the east side elevation the new dormer window is at the attic and would have no impact on the dwelling at 2850 Webster, approximately 30' away; and
 - At the south (rear) elevation, windows currently existing at the rear, the new windows will be slightly larger and closer to the rear property line, approximately 125' from the nearest residential structure to the south at 2841 Prince Street and this distance is adequate.

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.

Prior to Issuance of Any Building Permit:

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

During Construction:

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.
22. 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.
23. If evidence of a culverted creek is found during construction, halt all work immediately and contact the City of Berkeley Public Works Engineering Division for inspection.

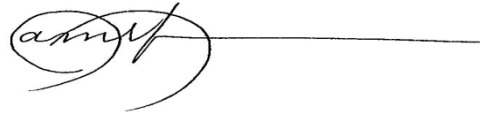
Prior to Issuance of Occupancy Permit or Final Inspection:

24. All construction at the subject property shall substantially conform to the approved Use Permit drawings or to modifications approved by the Zoning Officer.
25. All landscape, site and architectural improvements shall be completed per the attached approved drawings dated **AUGUST 6, 2014 AND SEPTEMBER 30, 2014.**

At All Times (Operation):

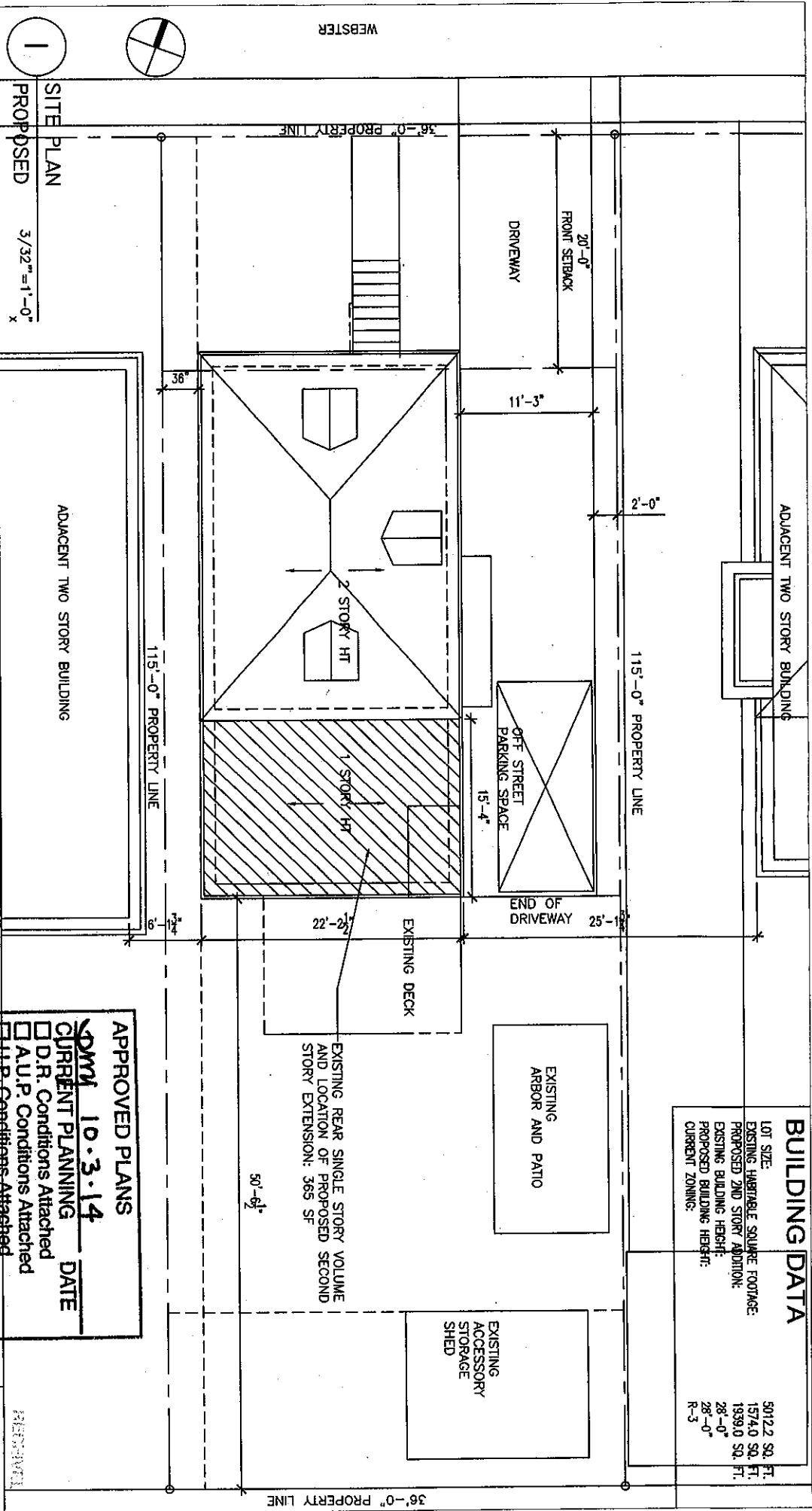
26. All exterior lighting shall be shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.

- 27.** This permit is subject to review, imposition of additional conditions, or revocation if factual complaint is received by the Zoning Officer that the maintenance or operation of this establishment is violating any of these or other required conditions or is detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the neighborhood or is detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.
- 28.** Noise and exterior lighting shall be controlled so as to prevent verified complaints from the surrounding neighborhood.

A handwritten signature in black ink, appearing to read 'Pamela Johnson', is written over a horizontal line. The signature is stylized and cursive.

Prepared by: Pamela Johnson
For Carol Johnson, Zoning Officer

BUILDING DATA	
LOT SIZE:	50122 SQ. FT.
EXISTING HABITABLE SQUARE FOOTAGE:	1574.0 SQ. FT.
PROPOSED 2ND STORY ADDITION:	1939.0 SQ. FT.
EXISTING BUILDING HEIGHT:	28'-0"
PROPOSED BUILDING HEIGHT:	28'-0"
CURRENT ZONING:	R-3



INDIGO
design group

phn: 510-697-4289 fax: 510-655-3705
www.indigo-design-group.com indigodesigngroup@gmail.com

SITE PLAN
PROPOSED 3/32" = 1'-0" x

ZONING PERMIT
2846 WEBSTER STREET
BERKELEY CA

PROJECT CONTACT:

- CONTENTS**
- 11X17 PACKET CONTENTS:
 - A1- SITE PLAN
 - A2- SWIMDOCK MAP
 - A3- PARCEL CONDITIONS REPORT AND PERMIT HISTORY
 - A3- FLOOR PLANS
 - A4- A6 - ELEVATIONS
 - A7-A11 - SHADOW STUDIES

APPROVED PLANS
DATE 10.3.14

CURRENT PLANNING
 D.R. Conditions Attached
 A.U.P. Conditions Attached

PROJECT SCOPE
E.U.P. Conditions Attached

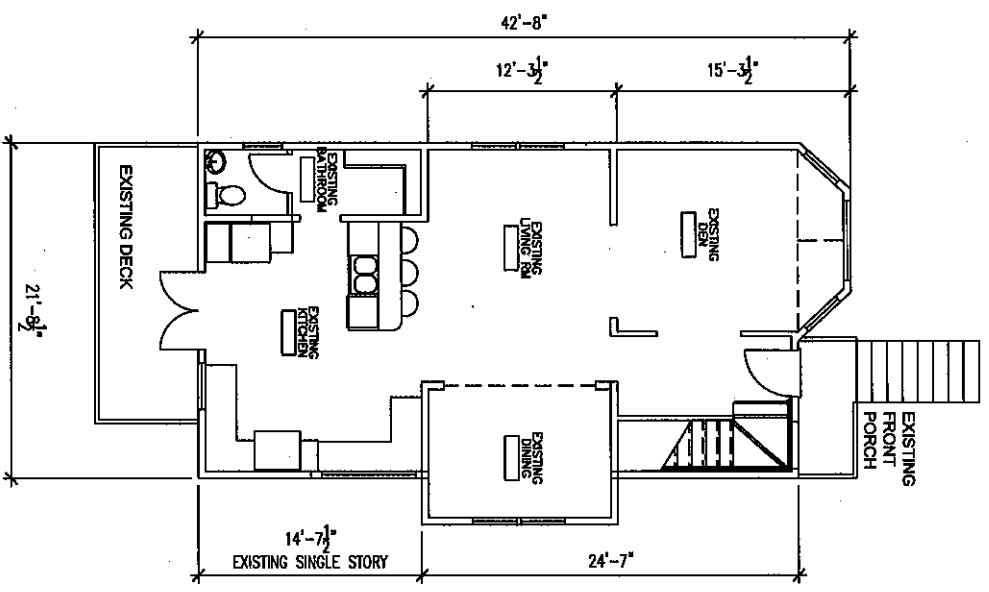
This application is for the Zoning Approval of a discretionary permit (AUP) to allow an existing 2 LAND USE PLANNING story home to expand with a rear second story addition over an existing single story volume.

SEP 30 2010

A1

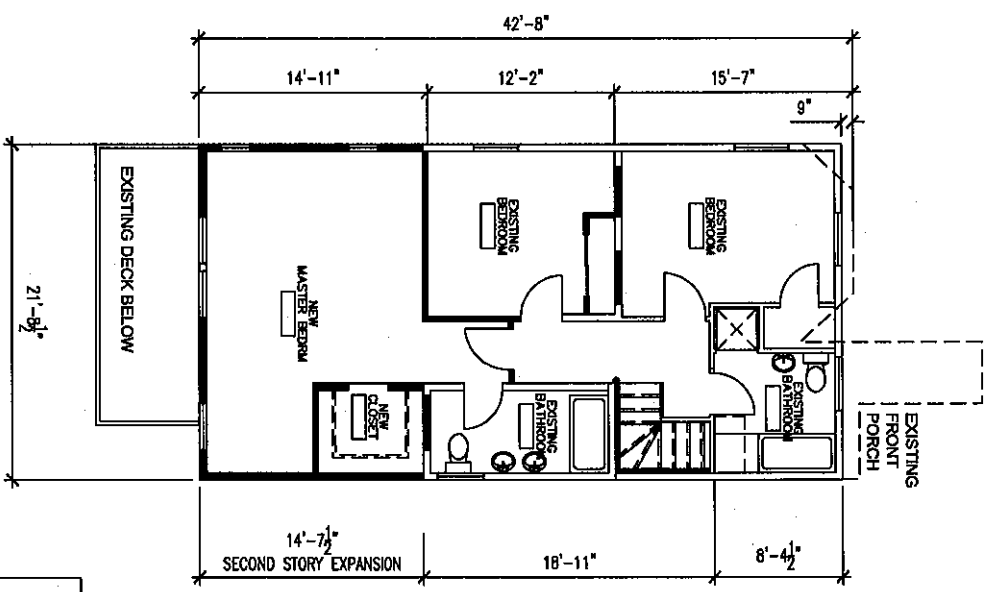
1

FLOOR PLAN - EXISTING
FLOOR 01
1/8"=1'-0" x



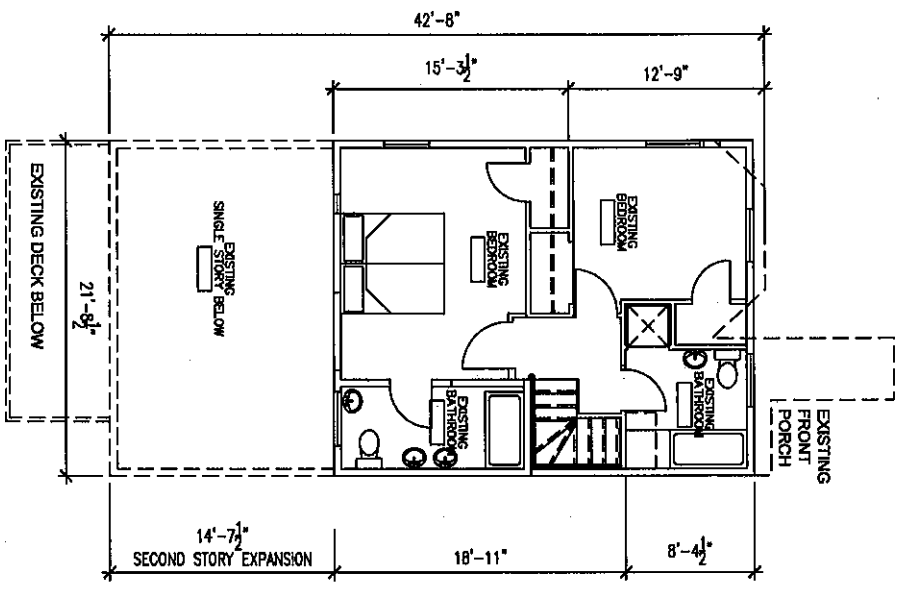
2

FLOOR PLAN - PROPOSED
FLOOR 02
NOTE: NEW WALLS SHOWN FILED
1/8"=1'-0" x



3

FLOOR PLAN - EXISTING
FLOOR 02
1/8"=1'-0" x



PROJECT SCOPE
This application is for the Zoning Approval of a discretionary permit (AUP) to allow an existing 2 story home to expand with a rear second story addition over an existing single story volume.

APPROVED PLANS
 D.R. Conditions Attached
 A.U.P. Conditions Attached
 U.P. Conditions Attached

CURRENT PLANNING DATE
 10.14.14
 BERKELEY CA

ZONING PERMIT
2846 WEBSTER STREET
BERKELEY CA

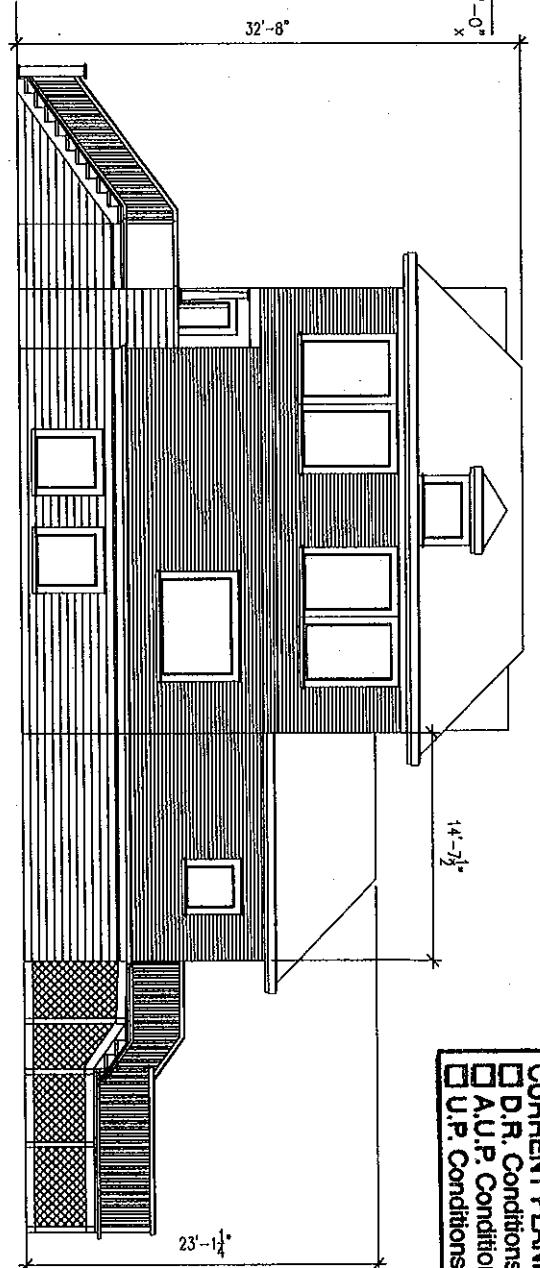
INDIGO design group
 phn: 510-697-4299 fax: 510-655-3705
 www.indigo-design-group.com indigodesigngroup@gmail.com

PROJECT CONTACT:

A3

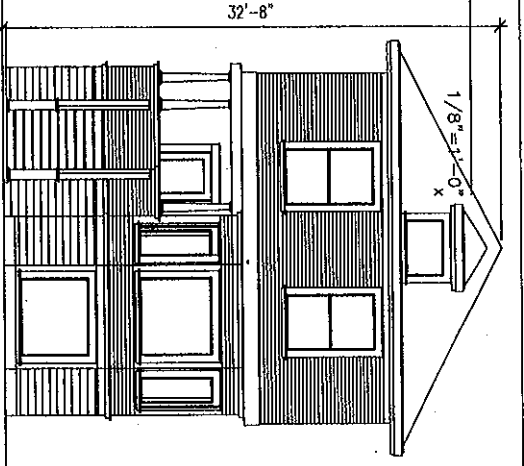


1 EXISTING ELEVATION
SIDE
1/8"=1'-0" x

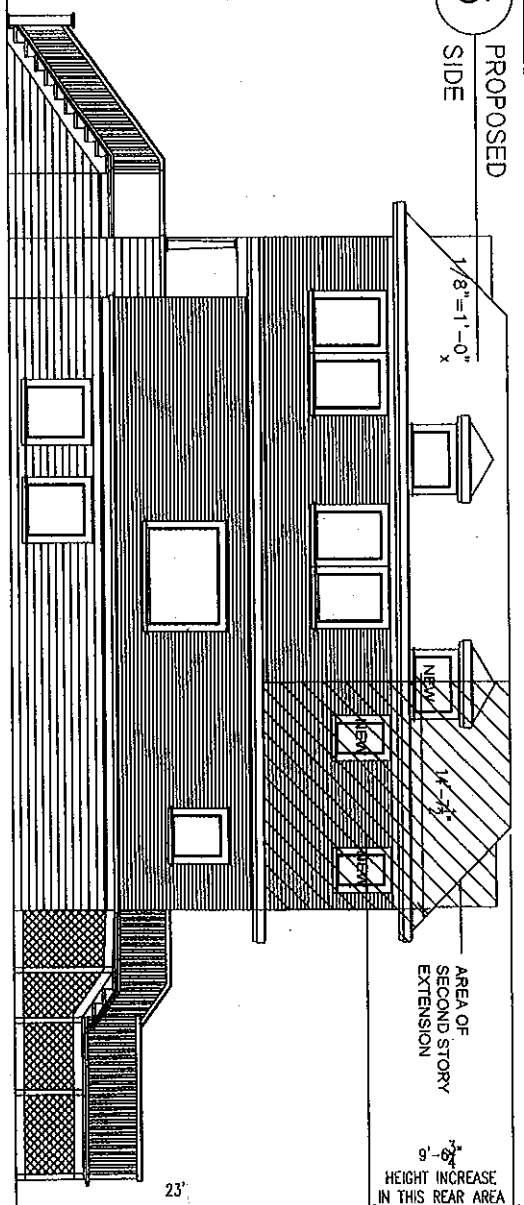


APPROVED PLANS
pmj 10.3.14
CURRENT PLANNING DATE
 D.P. Conditions Attached
 A.U.P. Conditions Attached
 U.P. Conditions Attached

2 EXISTING
FRONT
NO CHANGE TO
FRONT OF BUILDING



3 PROPOSED
SIDE



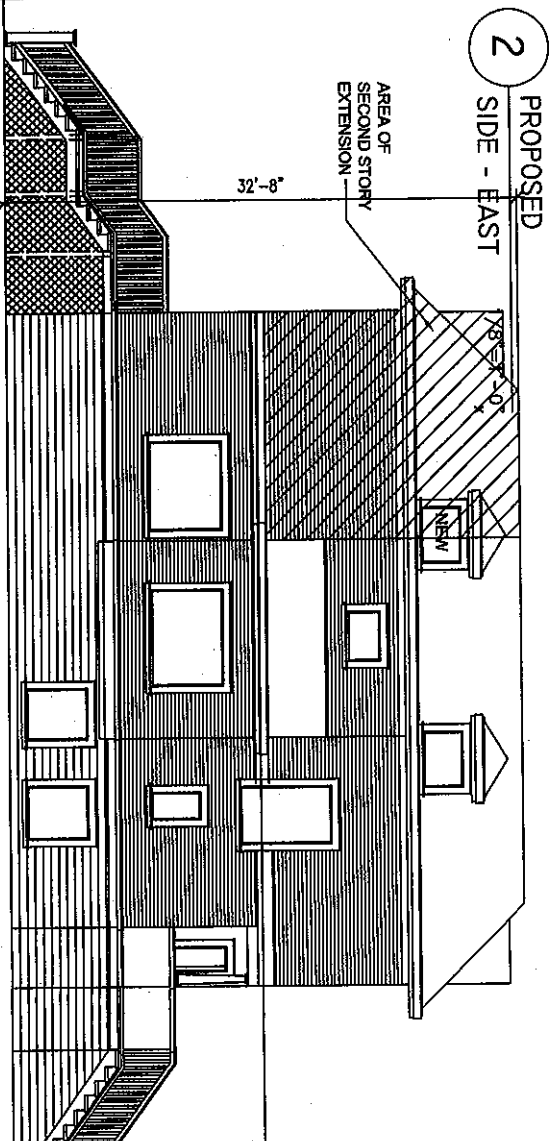
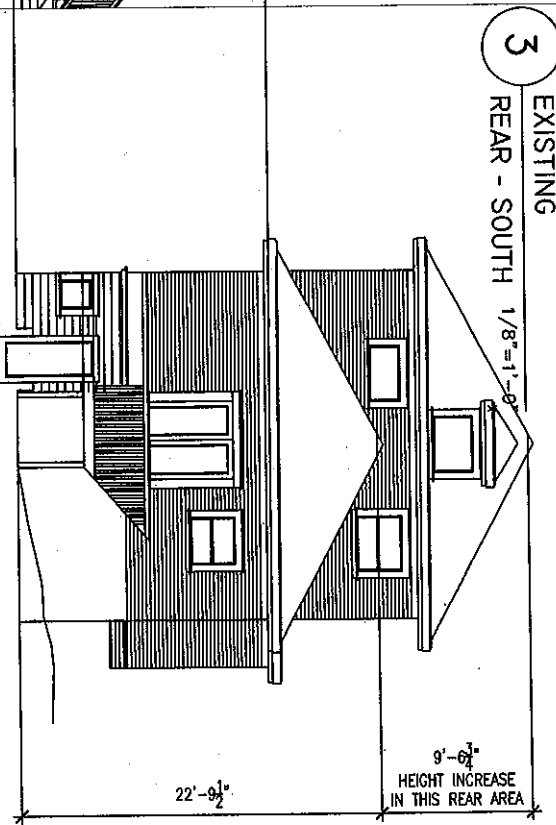
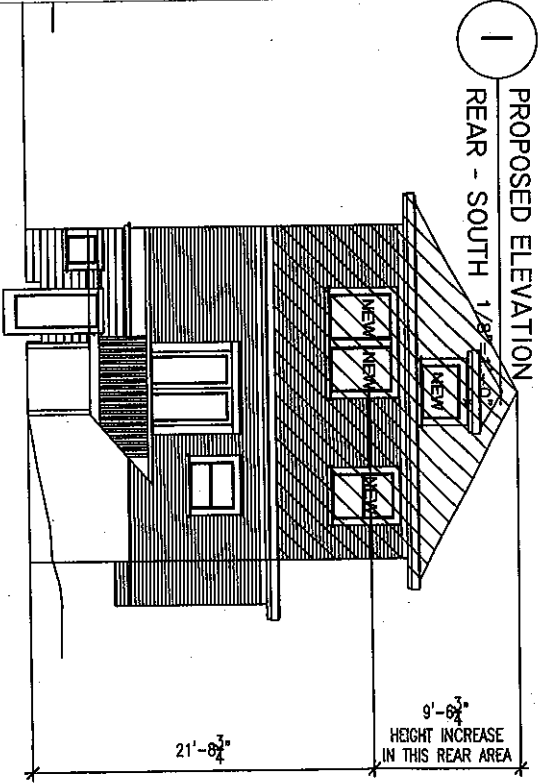
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design group
ph: 510-697-4289 fax: 510-655-3705
www.indigo-design-group.com indigodesigngroup@gmail.com

ZONING PERMIT
2846 WEBSTER STREET
BERKELEY CA

PROJECT SCOPE
This application is for the Zoning Approval of a discretionary permit (AUP) to allow an existing 2 story home to expand with a rear second story addition over an existing single story volume.

A4

APPROVED PLANS
DMJ 10.3.14
 CURRENT PLANNING DATE
 D.R. Conditions Attached
 A.U.P. Conditions Attached
 U.P. Conditions Attached



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 design group

phn: 510-687-4289
 fax: 510-655-3705
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ZONING PERMIT
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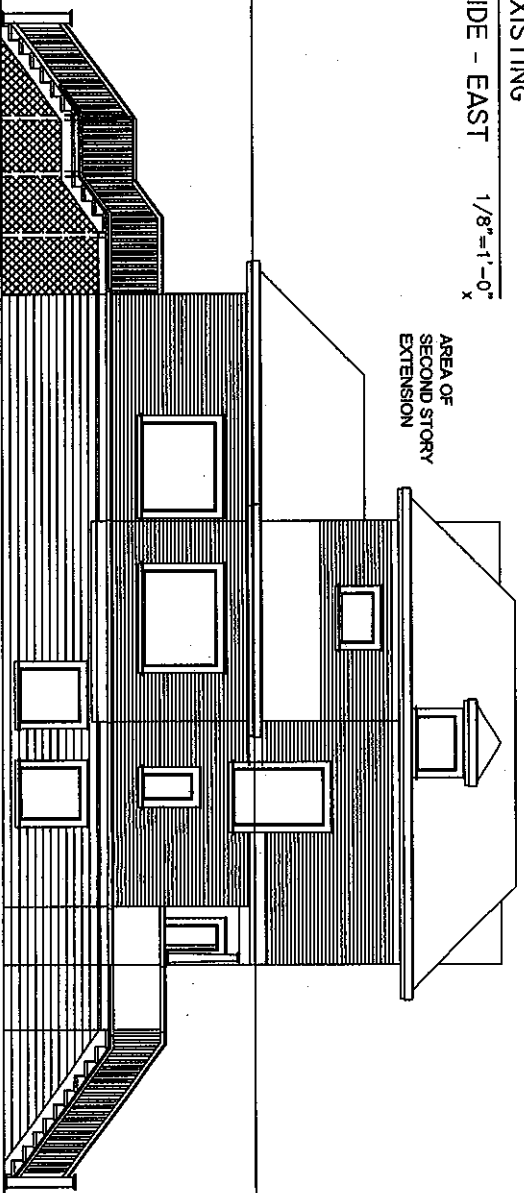
PROJECT SCOPE
 This application is for the Zoning Approval of a discretionary permit (AUP) to allow an existing 2 story home to expand with a rear second story addition over an existing single story volume.

A5

APPROVED PLANS
 DMJ 10.3.14
 CURRENT PLANNING DATE
 D.R. Conditions Attached
 A.U.P. Conditions Attached
 U.P. Conditions Attached

1 EXISTING
 SIDE - EAST 1/8"=1'-0" x

AREA OF
 SECOND STORY
 EXTENSION



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 design group
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ZONING PERMIT
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 BERKELEY CA

PROJECT SCOPE
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A6