



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

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## 1436 Sixty-Seventh Street

### Administrative Use Permit #2014-0042

**Project Description:** To construct an approximately 12' tall Accessory Dwelling Unit (ADU) that would be four feet from the rear yard property line (where 20 is required), to allow two-car tandem parking, and to allow the length of this building to be approximately 28'-1½" long (where 24 is allowed) pursuant to:

- Section 23D.40.030 to allow the construction of an accessory dwelling unit that does not conform to the setbacks in Section 23D.40.070;
- Section 23D.40.060.F to allow tandem parking; and
- Section 23D.08.10.B to allow an accessory building to exceed 24' in length running parallel to a side lot line in Section 23D.08.050.

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 January 8, 2015.

Attest: Greg Powell  
Greg Powell, Principal Planner

January 8, 2015  
Effective Date

# ATTACHMENT 1

## FINDINGS AND CONDITIONS

DECEMBER 18, 2014

### 1436 SIXTY-SEVENTH STREET

#### Administrative Use Permit #AUP2014-0042

**To construct an approximately 12' tall Accessory Dwelling Unit (ADU) that would be four feet from the rear yard property line (where 20 is required), to allow two-car tandem parking, and to allow the length of this building to be approximately 28'-1½" long (where 24 is allowed).**

#### FINDINGS FOR APPROVAL

##### 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 ("new construction or conversion of small structures"). 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:
  - A. Per Section 23D.40.070 (Setbacks) the proposed project will replace the existing garage to construct a new accessory dwelling unit that would be four feet from the property lines to the south and to the west. This increases the building separation between the proposed building and the southern properties accessory building from approximately 12'-10" to 15'-10" and the separation between the western parcel's garage from no separation to four feet. The low height and improved separation of the proposed structure will mitigate shadow, air, and view impacts to the abutting properties.
  - B. The project applicant has carefully placed the windows to ensure that the project will not be detrimental to the abutting neighbor's privacy. There will be a small bathroom window that is 6' from the ground and a small kitchen window facing the western property's garage. There will be a second small bathroom window 6' from the ground

facing the southern parcel. Because of the small size and placement of the windows, there will not be significant impact to the abutting neighbor's privacy.

- C. The accessory building is consistent with the development pattern in the neighborhood in that several properties have detached accessory structures and/or main buildings in the rear yard areas.
  - D. The construction of the ADU will provide a dwelling unit that will contribute to the City's housing supply.
  - E. Per Sections 23D.40.090.E and 23D.40.060.F of the Zoning Officer finds that the tandem parking is permissible for the project as non-tandem parking would detrimentally reduce the availability of Useable Open Space on the lot. Additionally, the parking layout has been reviewed and approved by the Traffic Engineer, and the resident owner will oversee the parking, thereby limiting any potential detrimental effects of the tandem parking.
  - F. Per Section 23D.08.050 (Maximum Building Length) the proposed ADU would include a 4'-1½" porch that would extend the overall length beyond the 24' limit. The proposed extension would be 3'6" shorter in height than the accessory dwelling unit, and this lower height will limit the impact to the neighbor. Furthermore the existing property to the west has a garage that is 30' in length that runs along the fence that would screen the view of the ADU. Because of this, the impacts from the building's increased length to light, air, view, and privacy to the abutting neighbors will not be detrimental.
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## **STANDARD CONDITIONS**

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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.
13. The applicant shall file an "Address Assignment Request Application" with the Permit Service Center (2120 Milvia Street) for any address change or new address associated with this Administrative Use Permit. The new address(es) shall be assigned prior to issuance of a building permit.

**During Construction:**

14. 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.
15. 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.
16. 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.
17. 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.
18. 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.
19. Trucks hauling debris, soil, sand, or other loose materials shall be covered or required to maintain at least two feet of board.
20. Public streets shall be swept (preferably with water sweepers) of all visible soil material carried from the site.
21. The applicant shall establish and maintain drainage patterns that do not adversely affect adjacent properties and rights-of-way.
22. 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:**

23. All construction at the subject property shall substantially conform to the approved Use Permit drawings or to modifications approved by the Zoning Officer.
24. All landscape, site and architectural improvements shall be completed per the attached approved drawings dated August 17, 2014.

**At All Times (Operation):**

25. All exterior lighting shall be shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.
26. The resident owner shall oversee the tandem parking arrangement.
27. The owner shall not subdivide the land or air rights to enable sale or transfer of the accessory dwelling unit.



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Prepared by: Nicholas McIlroy, Zoning Adjustment Board Intern  
For Greg Powell, Principal Planner

# MACK-GANTZ ACCESSORY DWELLING UNIT

## PROJECT INFORMATION

SCOPE: DEMOLITION OF AN EXISTING CARPORT, NEW CONSTRUCTION OF AN ACCESSORY DWELLING UNIT WITH 1 BATHROOM, 1 KITCHEN, LIVING AREA AND 1 BEDROOM

ZONING: CSA

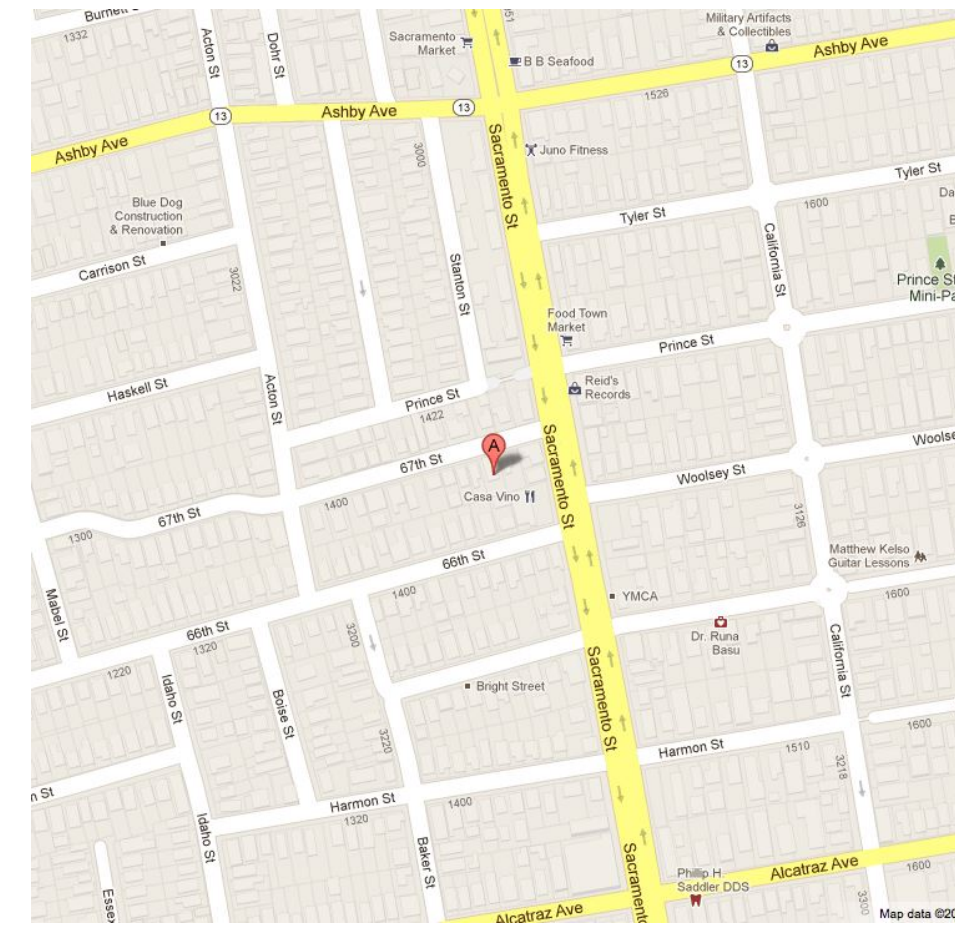
OCCUPANCY: R-3, SINGLE FAMILY RESIDENTIAL

CONSTRUCTION: TYPE V-B

SQ. FT.: LOT: 100'-0" X 50'-0", 5,000 SQ.FT. (NO CHANGE)  
EXISTING MAIN HOUSE: 2,248 SQ.FT. (NO CHANGE)  
PROPOSED ADU: 497.5 SQ.FT. (< 25% OF MAIN HOUSE)

PARCEL NO.: 52-1540-36

## VICINITY MAP



## SHEET INDEX

### ARCHITECTURAL

- A1.1 COVER SHEET & SITE PLAN
- A1.2 EXISTING AND PROPOSED SITE PLANS
- A2.1 PROPOSED FLOOR PLAN
- A3.1 ELEVATIONS

**PLANS APPROVED BY**

*Nicholas Molloy*

**December 17, 2014**

SIGNATURE

DATE

\*AUP Findings and Conditions Attached

# PLANNING DEPARTMENT SUBMITTAL

## ABBREVIATIONS

ACOUS. Acoustical	LAM. Laminated
A.D. Area Drain	LAV. Lavatory
ADJ. Adjustable	LVR. Louver
A.F.F. Above Finish Floor	L.P. Low Point
AGGR. Aggregate	M.C. Medicine Cabinet
ARCH. Architectural	MECH. Mechanical
ASPH. Asphalt	MIN. Minimum
AWN. Awning	MIR. Mirror
	MET. Metal
	M.P.R. Multi Purpose Room
	(N) New
	N.I.C. Not In Contract
	N.T.S. Not To Scale
	OBS. Obscure
	O.C. On Center
	O.D. Outside Diameter
	OPNG. Opening
	P.LAM. Plastic Laminated
	P.L. Property Line
	PL. Steel Plate
	PLAS. Plaster
	PLYWD. Plywood
	PT. Point
	QTY. Quantity
	R. Riser
	RAD. Radius
	RET. Retaining
	RET. AIR Return Air
	R.D. Round
	R.D. Roof Drain
	REF. Refrigerator
	REG. Register
	REINF. Reinforced
	REQ'D. Required
	R.O. Rough Opening
	RWD. Redwood
	R.W.L. Rain Water Leader
	SAG. Supply Air Grill
	S.V. Sheet Vinyl
	S.H. Single Hung
	SHT. Sheet
	SHWR. Shower
	SIM. Similar
	SM. Sheet Metal
	SKY. Skylight
	SL. Slider
	SL. GL. DR. Sliding Glass Door
	SQ. Square
	S.S.D. See Structural Drawings
	ST. STL. Stainless Steel
	STD. Standard
	STL. Steel
	STG. Storage
	STRUC. Structural
	T. Tread
	T.C. Top Of Curb
	TEMP. GL. Tempered Glass
	TJ. Truss Joist
	T.O. Top Of
	T.O.C. Top Of Concrete
	T.P.D. Toilet Paper Dispenser
	TYP. Typical
	TW. Top Of Wall
	TS. Tube Steel
	U.O.N. Unless Otherwise Noted
	VERT. Vertical
	V.I.F. Verify In Field
	W. With
	W.C. Water Closet
	WD. Wood
	WDW. Window
	WP. Waterproof
	W.P. Work Point
	YD. Yard

## DESIGN TEAM

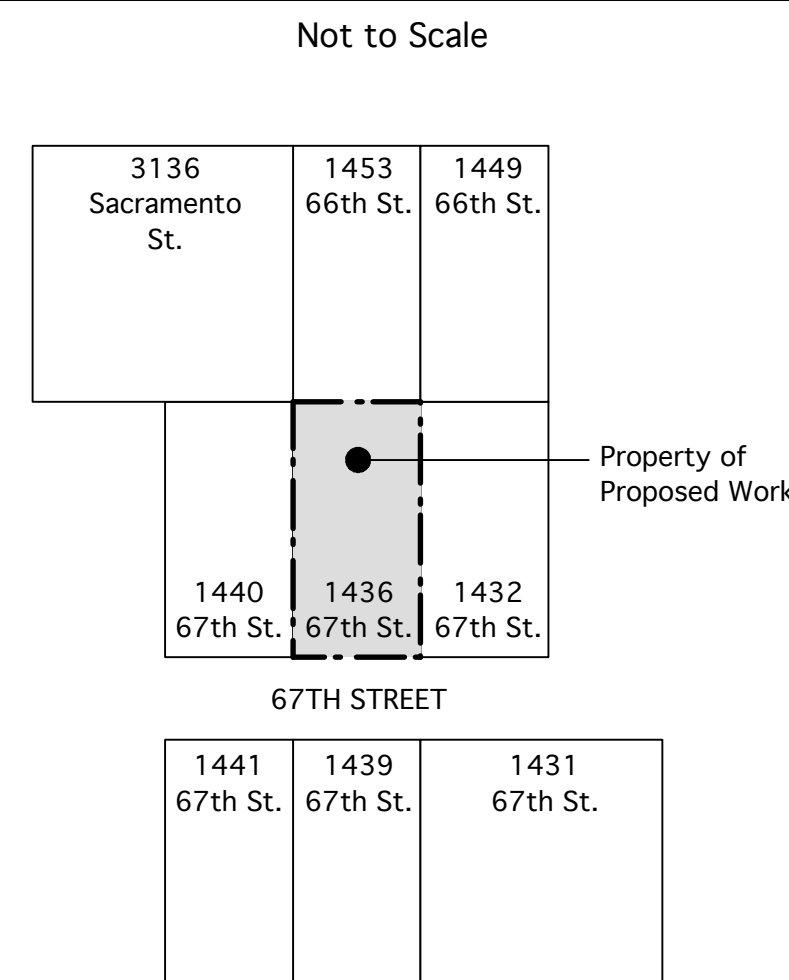
OWNER: **CLAIRE MACK & DAVID GANTZ**

1436 67TH STREET,  
BERKELEY, CA 94702  
TEL. 415.637.9404  
EMAIL: davidgantz3d@gmail.com  
mackhellcat@yahoo.com

## GENERAL NOTES

- WRITTEN DIMENSIONS TAKE PRECEDENCE OVER SCALE DIMENSIONS.
- DIMENSIONS ARE TO FACE OF STUD UNLESS OTHERWISE NOTED.
- NOTED UNIT SQUARE FOOTAGE FIGURES ARE APPROXIMATE. FOR TRUE SIZE, MEASURE FINISHED UNIT IN FIELD.
- REFER TO STRUCTURAL DRAWINGS FOR STRUCTURAL MEMBER SYMBOLS.
- REFER TO ARCHITECTURAL DRAWINGS FOR ARCHITECTURAL SYMBOLS.
- REFER TO ELECTRICAL DRAWINGS FOR ELECTRICAL AND COMMUNICATIONS SYMBOLS.

## MAP OF ABUTTING & CONFRONTING LOTS



## NEIGHBORHOOD SIGNATURES

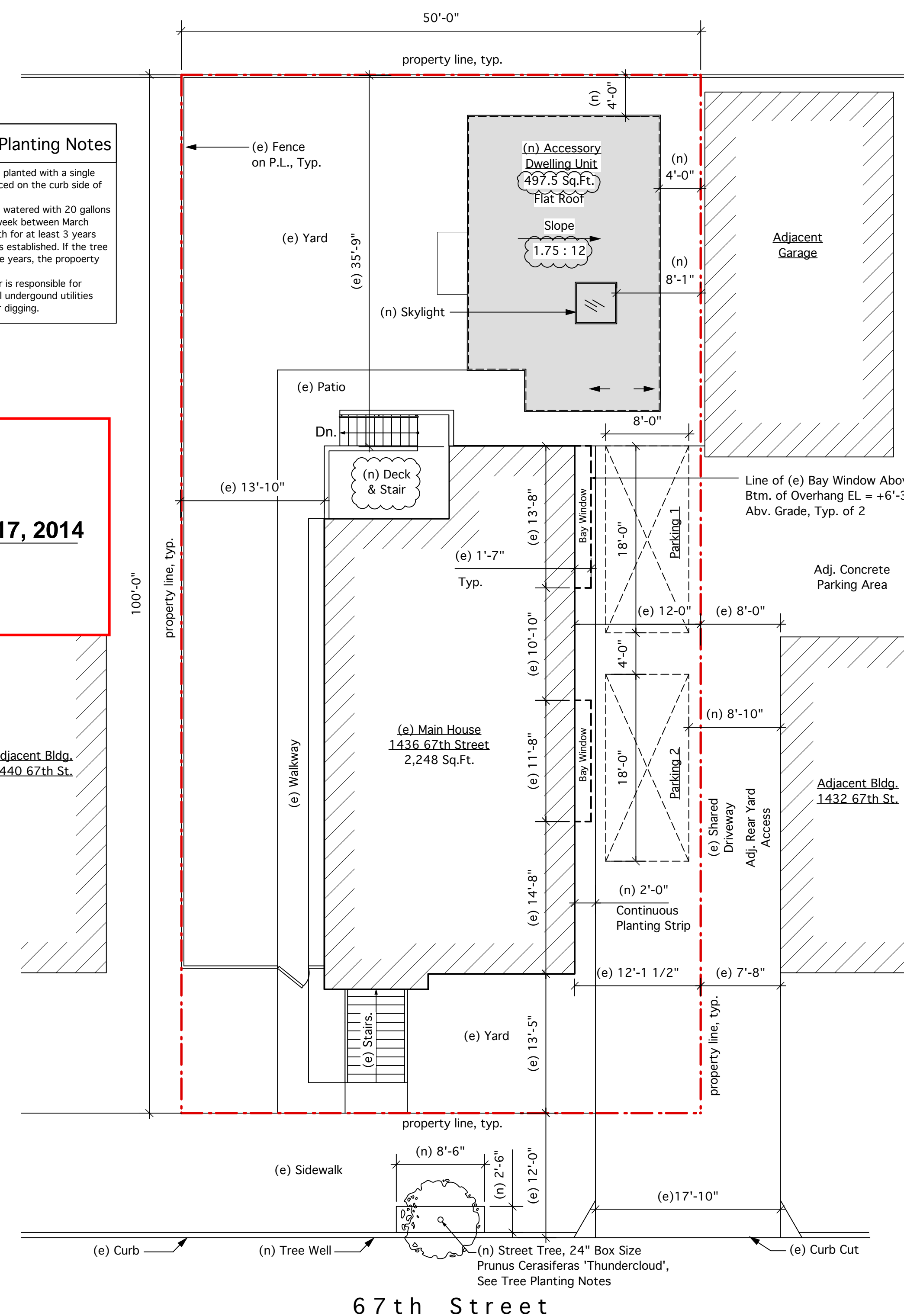
### NEIGHBORHOOD STATEMENT:

I have reviewed the plans for a 447 Sq.Ft., 12'-0" Ht., Accessory Dwelling Unit at the rear of the property at 1436 67th Street.

NAME	SIGNATURE	ADDRESS	RENTER/OWNER	DATE	HAVE NO OBJECTIONS	HAVE OBJECTIONS (Please State Briefly)	HAVE NO COMMENT
		3136 Sacramento Street					
		1453 66th Street					
		1449 66th Street					
		1440 67th Street					
		1432 67th Street					
		1441 67th Street					
		1439 67th Street					
		1431 67th Street					

Mack-Gantz  
ADU

1436 67th Street,  
Berkeley, CA 94702



**1 SITE PLAN**  
Scale: 1/8" = 1'-0"

COVER  
&  
SITE PLAN

ISSUE	DESCRIPTION	DATE
	SCHEMATIC DESIGN	4.18.13
	DESIGN DEVELOPMENT	5.5.13
	NEIGHBORHOOD SIGNATURES	9.8.13
	PLANNING/ ZONING SUBMITTAL	1.16.14
	RESPONSE TO PLANNING/ ZONING COMMENTS	5.21.14
	PLANNING/ ZONING RESUBMITTAL	8.17.14

DATE: 8.17.14

SHEET NO. **A1.1**



**PLANS APPROVED by**

*Nicholas M. Kelly*

**December 17, 2014**

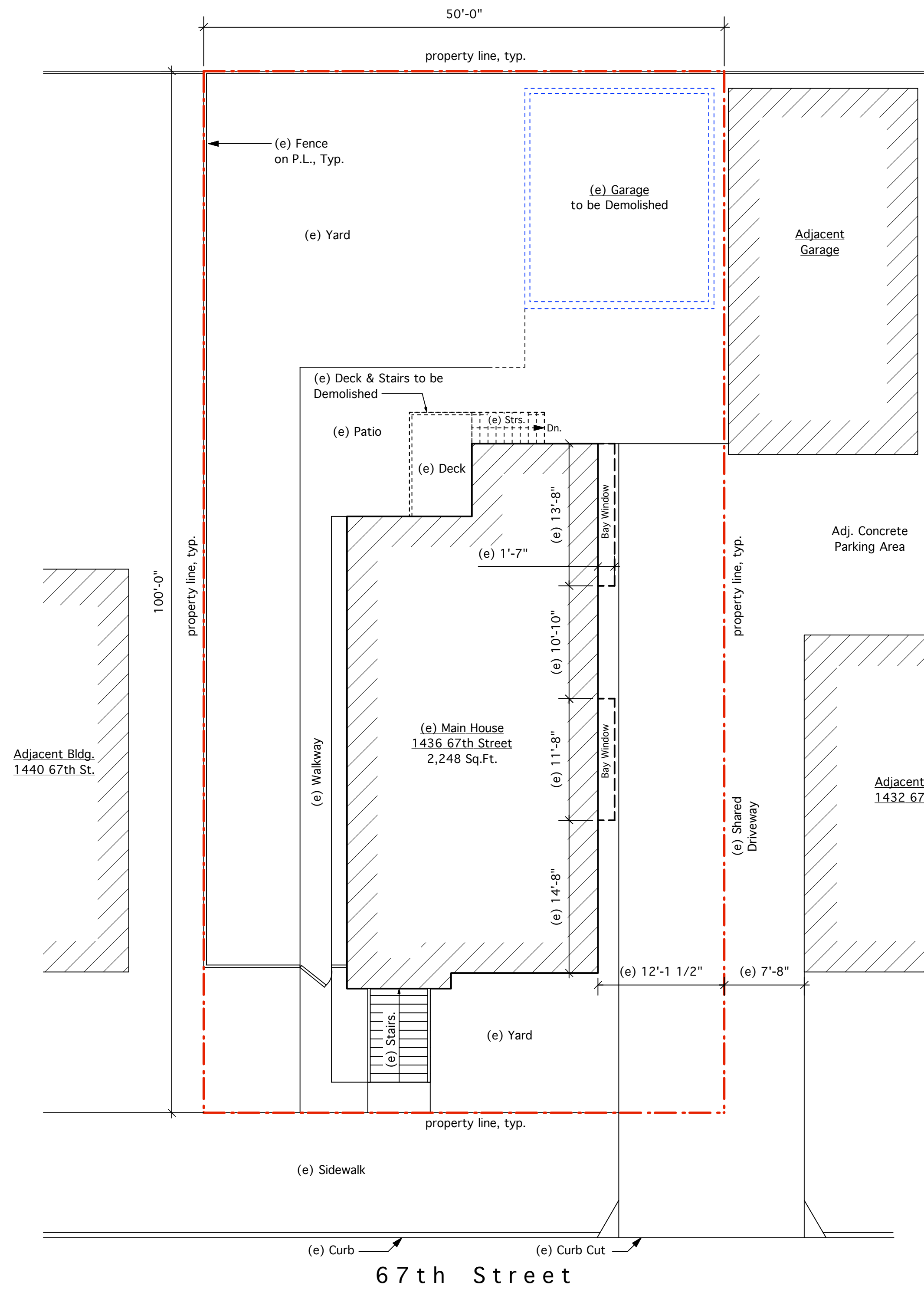
SIGNATURE

DATE

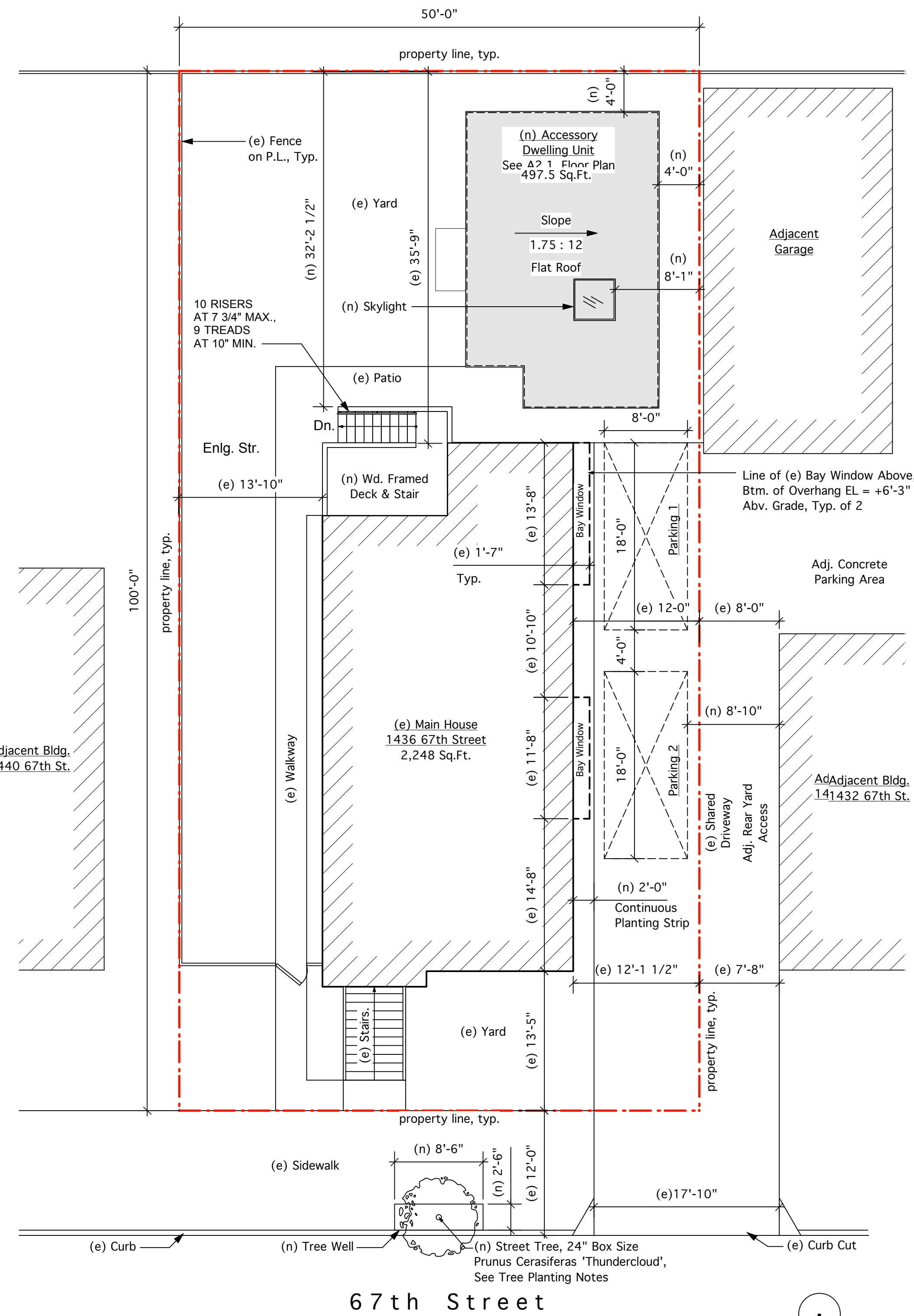
\*AUP Findings and Conditions Attached

**Mack-Gantz  
ADU**

1436 67th Street,  
Berkeley, CA 94702



**2** EXISTING/ DEMO SITE PLAN  
Scale: 1/8" = 1'-0"



**1** PROPOSED SITE/ ROOF PLAN  
Scale: 1/8" = 1'-0"

**Street Tree Planting Notes**

1. Street tree shall be planted with a single steel Reddy Stake placed on the curb side of the tree.
2. Street tree shall be watered with 20 gallons of water once every week between March 15th and October 15th for at least 3 years until the tree becomes established. If the tree is not living after three years, the property owner shall replace it.
3. The property owner is responsible for having USA identify all underground utilities prior to any cutting or digging.

**EXISTING &  
PROPOSED  
SITE PLANS**

ISSUE	DESCRIPTION	DATE
	SCHEMATIC DESIGN	4.18.13
	DESIGN DEVELOPMENT	5.5.13
	NEIGHBORHOOD SIGNATURES	9.8.13
	PLANNING/ ZONING SUBMITTAL	1.16.14
	RESPONSE TO PLANNING/ ZONING COMMENTS	5.21.14
	PLANNING/ ZONING RESUBMITTAL	8.17.14

DATE: 8.17.14

SHEET NO.

**A1.2**

**PLANS APPROVED by**

*Nicholas McKay*

**December 17, 2014**

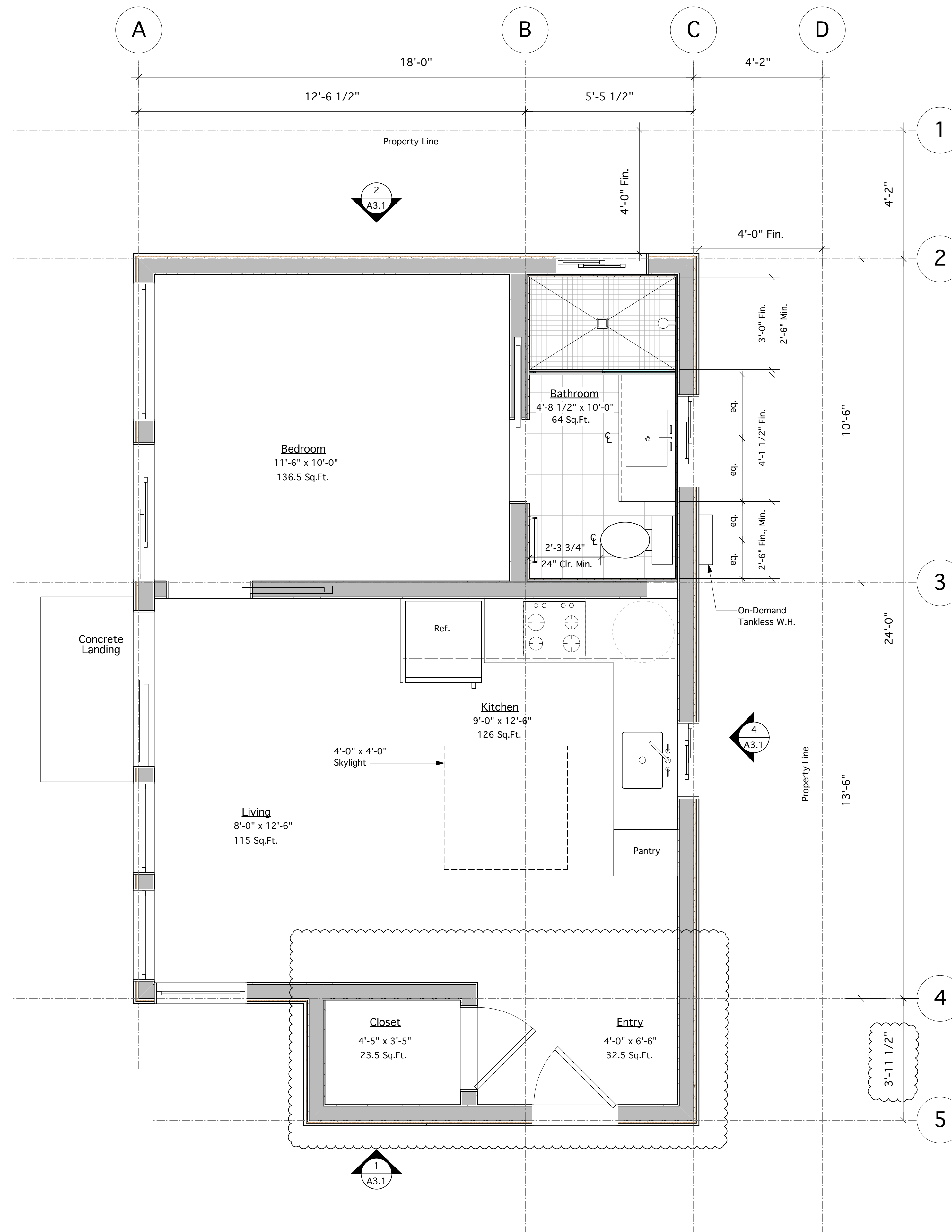
SIGNATURE

DATE

**\*AUP Findings and Conditions Attached**

**Mack-Gantz  
ADU**

1436 67th Street,  
Berkeley, CA 94702



**1** PROPOSED PLAN - 497.5 Sq.Ft.  
Scale: 1/2" = 1'-0"

**PROPOSED  
PLAN**

ISSUE	DESCRIPTION	DATE
	SCHEMATIC DESIGN	4.18.13
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**PLANS APPROVED by**

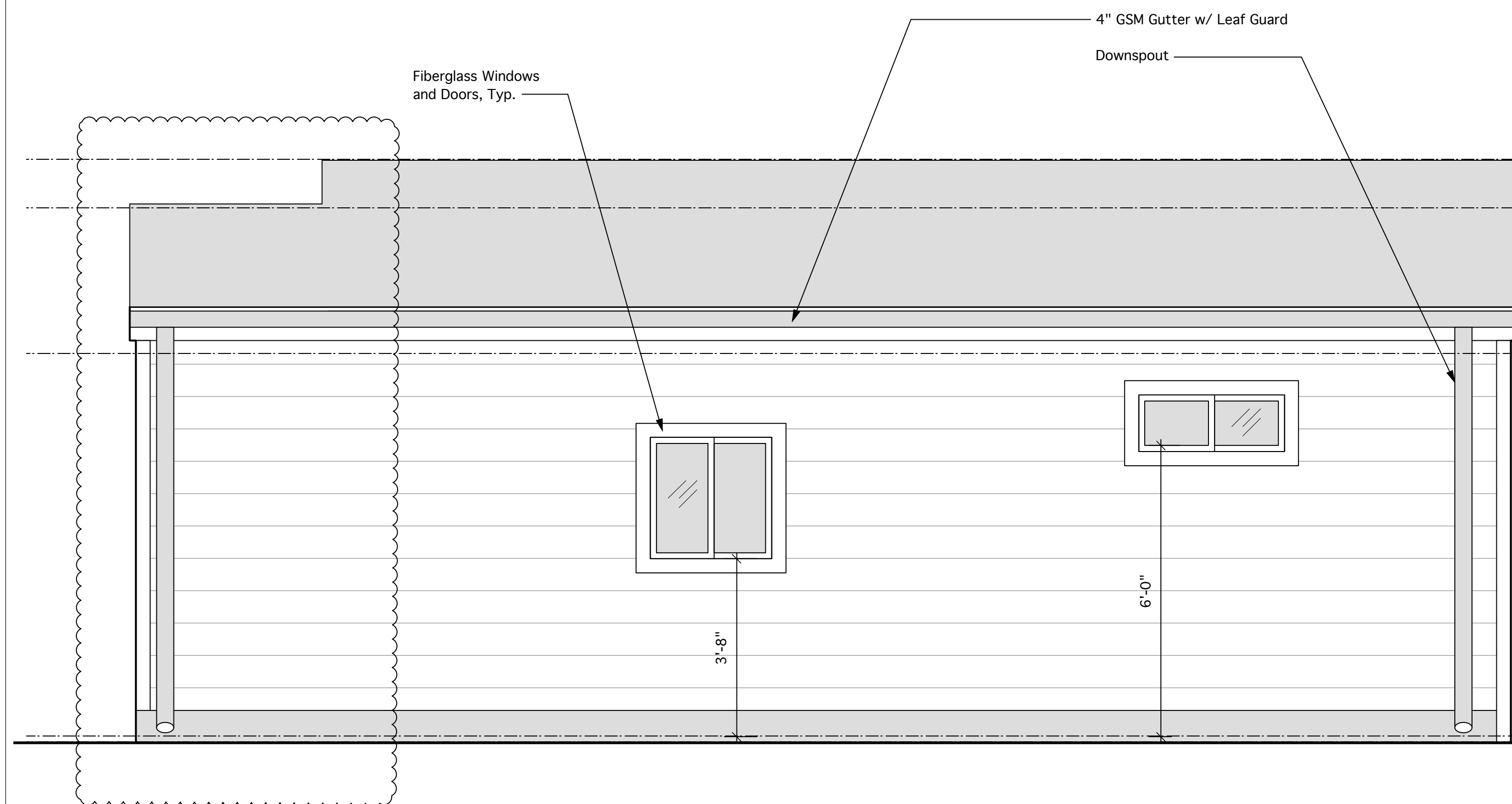
*Nicholas Milroy*

**December 17, 2014**

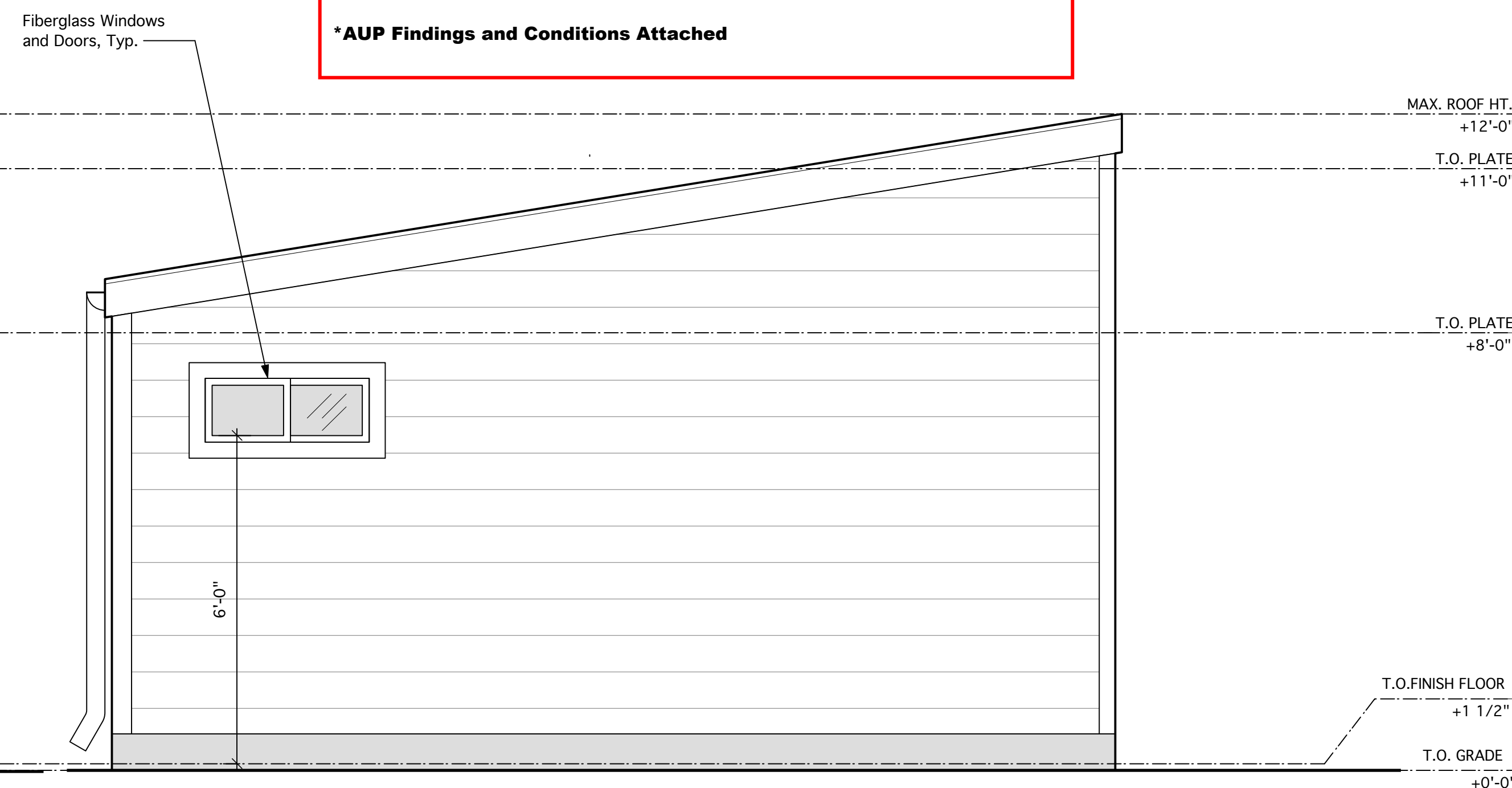
SIGNATURE

DATE

**\*AUP Findings and Conditions Attached**



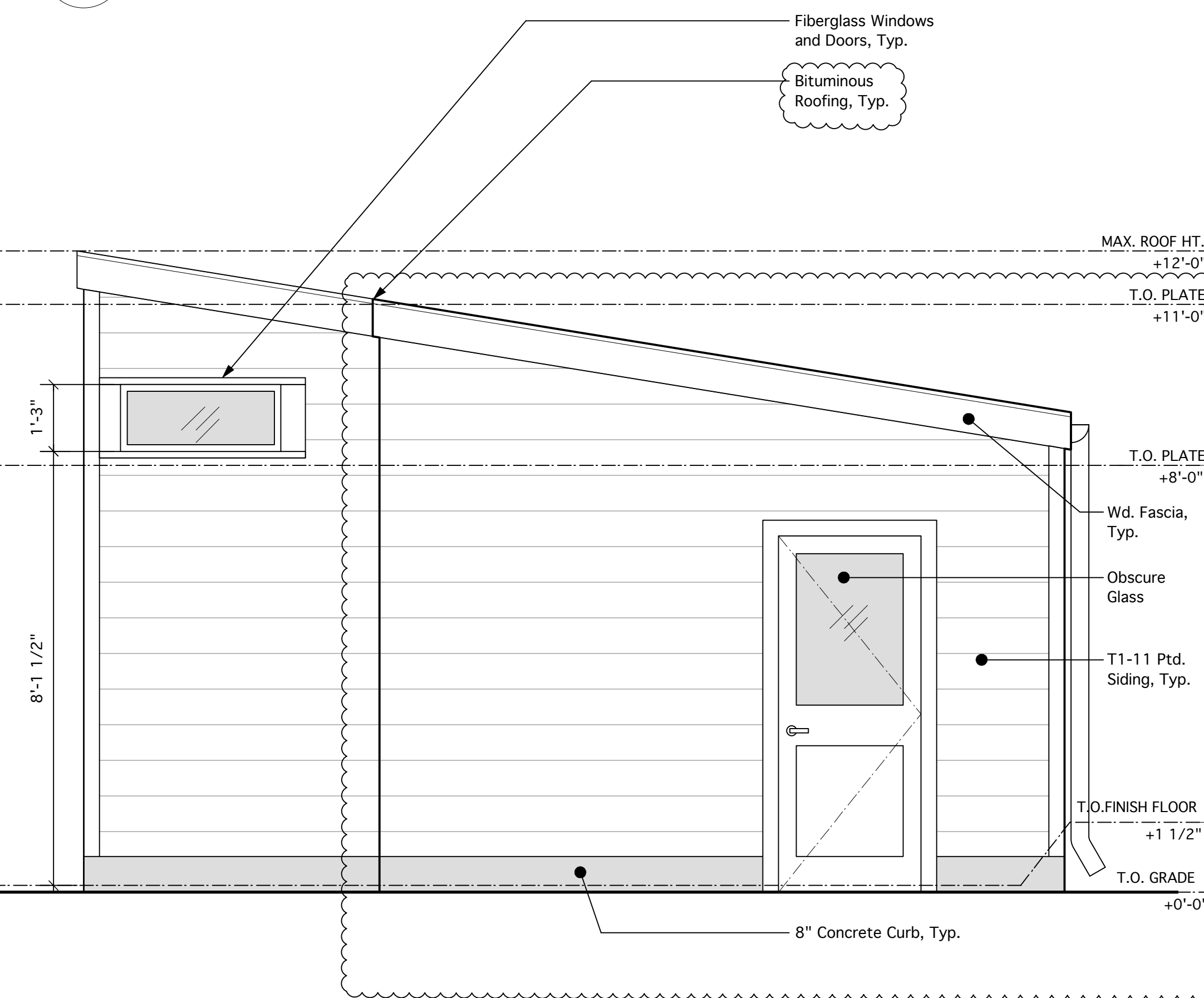
**4 WEST ELEVATION**  
Scale: 1/2" = 1'-0"



**2 SOUTH ELEVATION**  
Scale: 1/2" = 1'-0"



**3 EAST ELEVATION**  
Scale: 1/2" = 1'-0"



**1 NORTH ELEVATION**  
Scale: 1/2" = 1'-0"

MAX. ROOF HT. +12'-0"  
T.O. PLATE +11'-0"  
T.O. PLATE +8'-0"  
T.O. FINISH FLOOR +1 1/2"  
T.O. GRADE +0'-0"

MAX. ROOF HT. +12'-0"  
T.O. PLATE +11'-0"  
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**PROPOSED ELEVATIONS**

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DATE: 8.17.14

SHEET NO.

**A3.1**