



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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## 1641 Harmon Street

### Administrative Use Permit #ZP2015-0023

**Project Description:** To construct a 532-square-foot, 17.5-foot tall, two-story addition at the rear of an existing house, pursuant to:

- Section 23D.32.070.C to construct a residential addition >14' in average 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 April 28, 2015.

Attest: Shannon Allen  
Shannon Allen, Principal Planner, AICP

April 28, 2015  
Effective Date

# ATTACHMENT 1

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## FINDINGS AND CONDITIONS

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### 1641 Harmon Street

#### Administrative Use Permit #ZP2015-0023

**To construct a 532-square-foot, 17.5-foot tall, two-story addition at the rear of an existing house.**

#### CEQA FINDINGS

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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

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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:
  - The project meets all development standards of the district and is oriented towards the subject site’s rear yard area. Therefore, impacts to the air and privacy of the neighboring properties are determined to be minimal.
  - Shadow studies submitted by the applicant show that the majority of new shading will fall on the subject property. Some new shadow will fall on the rear yard area of the property to the west (1639 Harmon) during the early morning hours. As the new shading will not occur throughout the day and will not affect the residence, shadowing impacts are determined to be minimal.
  - The proposed addition will not affect any significant views enjoyed by neighboring properties. This area is developed with two- and three-story buildings, and includes mature vegetation.
  - The addition, which will be constructed in an architectural style and with colors and materials to match the existing home, is located on the rear building of the existing lot and will not be minimally visible from the public right-of-way. Therefore, the addition will be compatible with the existing property and neighborhood character.

## **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.

**During Construction:**

12. 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.
13. 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.
14. 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.
15. 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.
16. 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.
17. Trucks hauling debris, soil, sand, or other loose materials shall be covered or required to maintain at least two feet of board.
18. Public streets shall be swept (preferably with water sweepers) of all visible soil material carried from the site.
19. The applicant shall establish and maintain drainage patterns that do not adversely affect adjacent properties and rights-of-way.
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.
21. 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.

**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 August 24, 2014.

**At All Times (Operation):**

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



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Prepared by: Leslie Mendez  
For Shannon Allen, AICP, Principal Planner

CODE SUMMARY AND DATA

Construction Type

Occupancy:

Stories: 1

Building Codes: 2010 California Residential Code
2010 California Building Code
2010 edition of California Energy Code,
Electrical Code
Plumbing Code
Mechanical Code
and all ammended by City of Berkeley, CA

SCOPE OF WORK

- One story addition at rear of home consisting of:
. extension of Master Bedroom.
. One bathroom.
. Laundry Room
. Replace bath fixtures at existing bathroom.
. Rear porch and stairs accessing back yard.

GENERAL NOTES

- 1. Verify all dimensions on drawings with actual field conditions.
2. All dimensions to face of framing unless otherwise noted.
3. These drawings and specifications may not be used for construction unless approved by Building Department with appropriate permits and with permission from Owner.

OWNER INFORMATION

Adrian Yacub and Maria Rabinovich
1641 Harmon Street
Berkeley, CA
(510) 919-7828

DOCUMENT MAKER INFORMATION

Michael Dinga
11 Cherry Court
Novato, CA 94945
(510) 243-5401

Handwritten signature and date 9.26.14

SHEET INDEX

- 1 Scope of Work and Summary of Data
Construction Type
Occupancy
Building Codes
Scope of Work
General Notes
2 Neighbor Signatures
3 Site Plan
4 Roof Plan
5 Floor Plan
Electrical Plan
Mechanical Plan
Window Schedule
Door Schedule
Electrical Schedule
Mechanical Schedule
6 Elevations
7 Foundation Plan
Main Floor Framing Plan
Roof Framing Plan
8 Sections
9 Details

PLANS APPROVED by

Handwritten signature of Leslie Mendy

April 6, 2015

SIGNATURE

DATE

\*AUP Findings and Conditions Attached

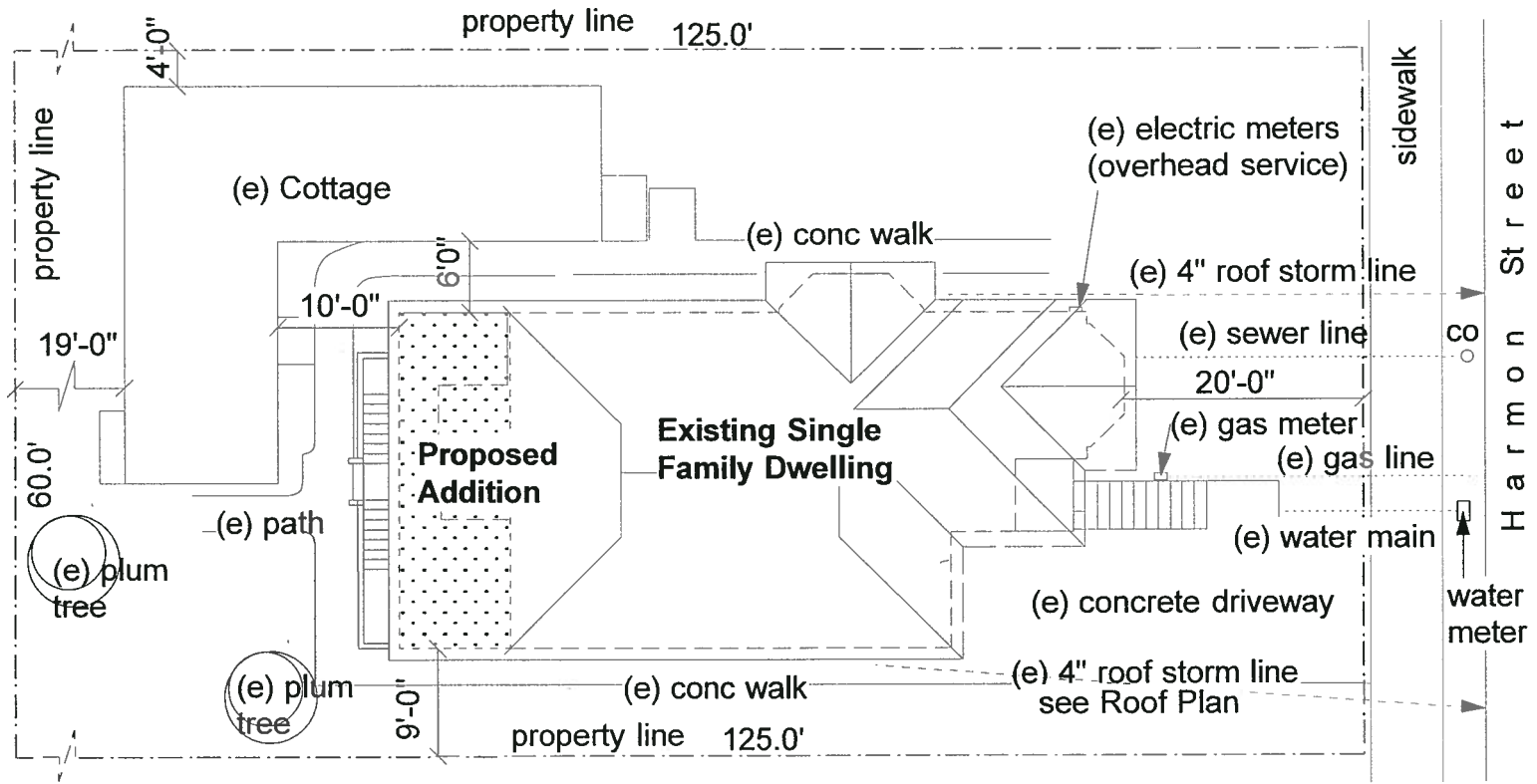
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date: 8/24/14
revision: \_\_\_\_\_

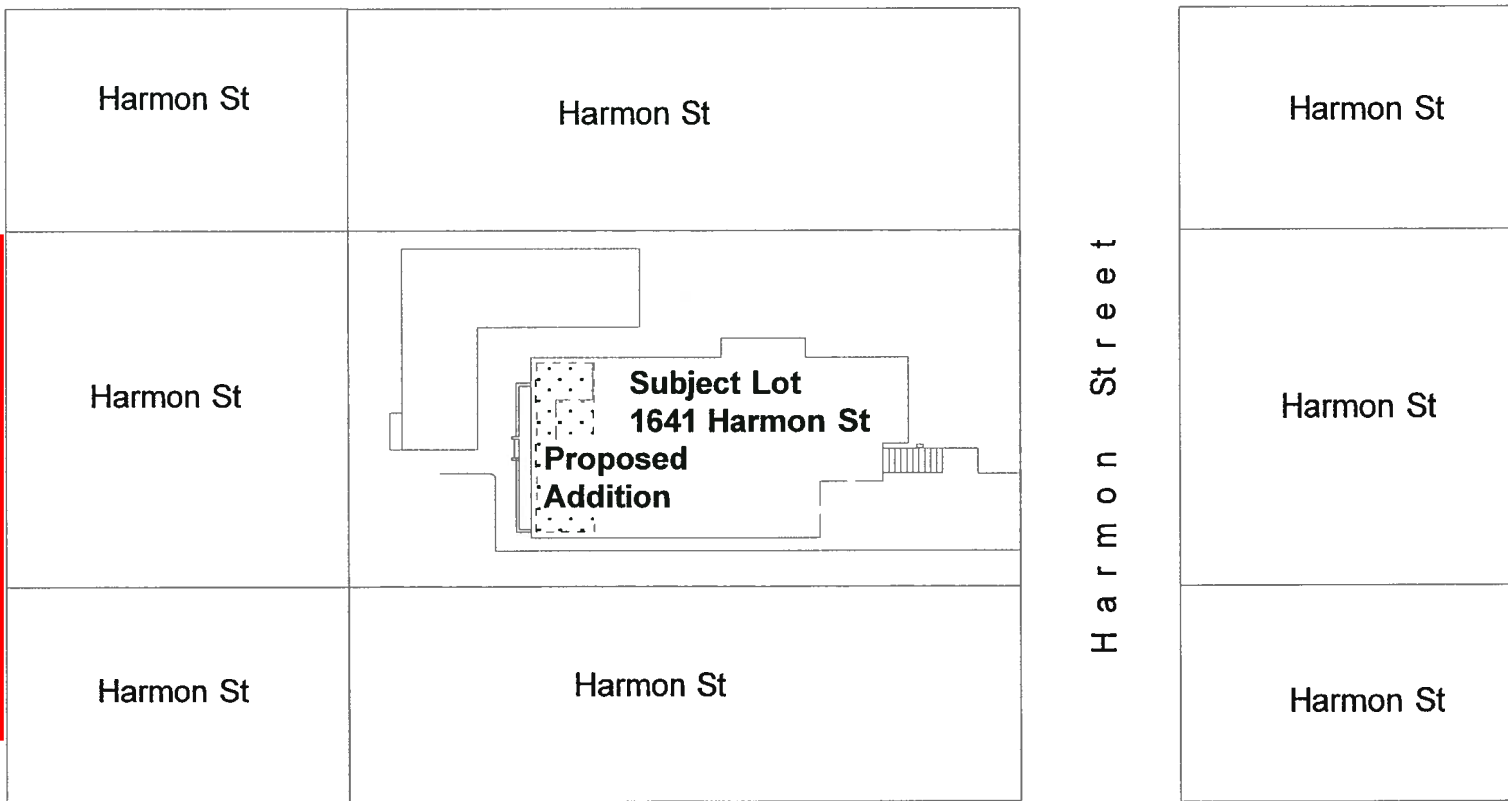
**STATEMENT AND NEIGHBORHOOD SIGNATURES**

I have reviewed the plans for a 1 story addition to the rear of the home at 1641 Harmon Street, Berkeley, CA

Name (printed)	Signature	Address	Rent or Owner	Date	Have no Objections	Have Objections (please state briefly)	No Comment
John Hawari	<i>[Signature]</i>	1637 Harmon	Owner	10/2/14	✓		
Joanna Brewer	<i>[Signature]</i>	1636 Harmon	owner	10/1/14	✓		
JENSE PEREZ	<i>[Signature]</i>	1642 Harmon #5	Tenant	10/04/14	✓		
Cari Lewis	<i>[Signature]</i>	1642 Harmon #3	Tenant	10/04/14	✓		
Brendan Stein	<i>[Signature]</i>	1645 Harmon	owner	10/04/14	✓		
Bruce Valde	<i>[Signature]</i>	3210 King	owner	10/3			✓
Alfonso Bojita	<i>[Signature]</i>	1641 Harmon Apt C	tenant	10/4	✓		✓
Judith Isaksen	<i>[Signature]</i>	1642 Harmon	owner	10/16	✓		
BECK KENT	<i>[Signature]</i>	1642 #1	renter	12/19	✓		
Kelly Wilhelm	<i>[Signature]</i>	1642 Harmon St Apt. 2	Rent	10/25	✓		✓
Karen Crawford	<i>[Signature]</i>	1642 Harmon St	Rent	10/25	✓		



**SITE PLAN**  
1/16" = 1' - 0"  
REF NORTH



**ABUTTING AND CONFRONTING LOTS**  
Not to Scale

**PLANS APPROVED by**

*[Signature]*

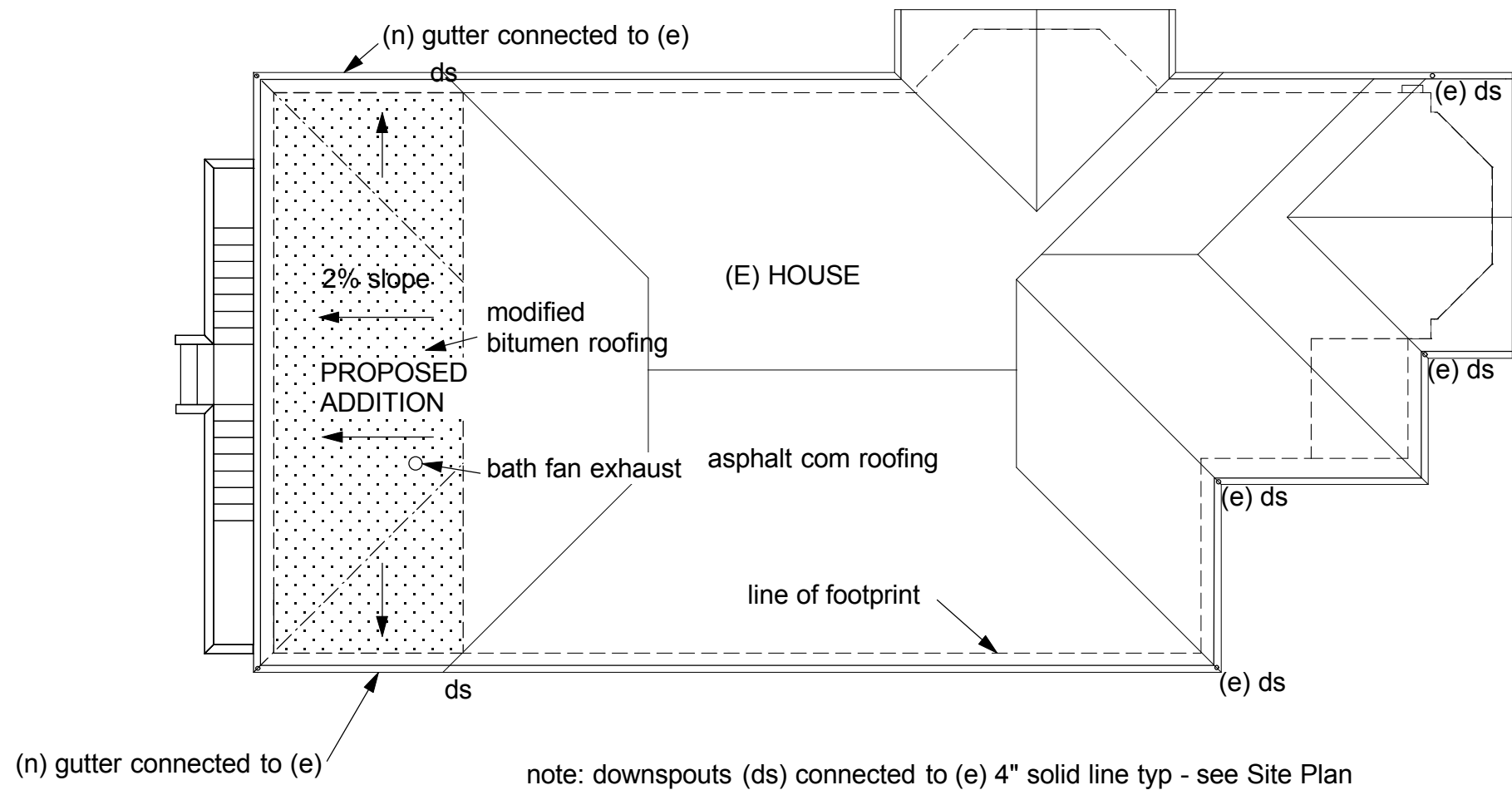
**April 6, 2015**

SIGNATURE

DATE

**\*AUP Findings and Conditions Attached**





**ROOF PLAN**  
1/8" = 1' - 0"

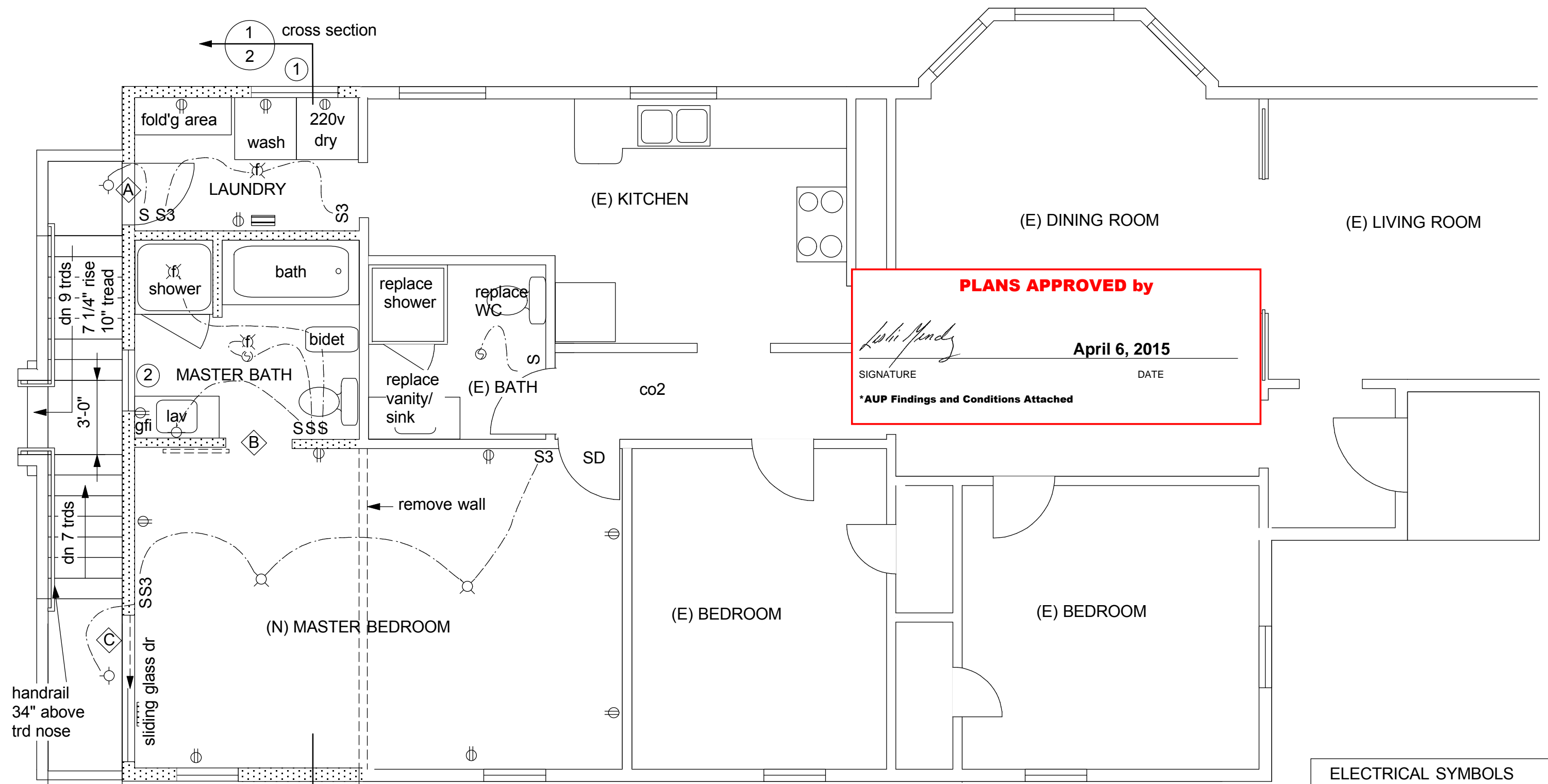
**PLANS APPROVED by**

*Lorli Mundy*

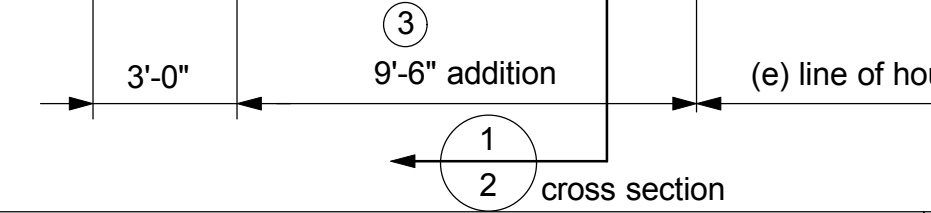
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SIGNATURE DATE

**\*AUP Findings and Conditions Attached**



**FLOOR PLAN**  
**1/4" = 1'-0"**

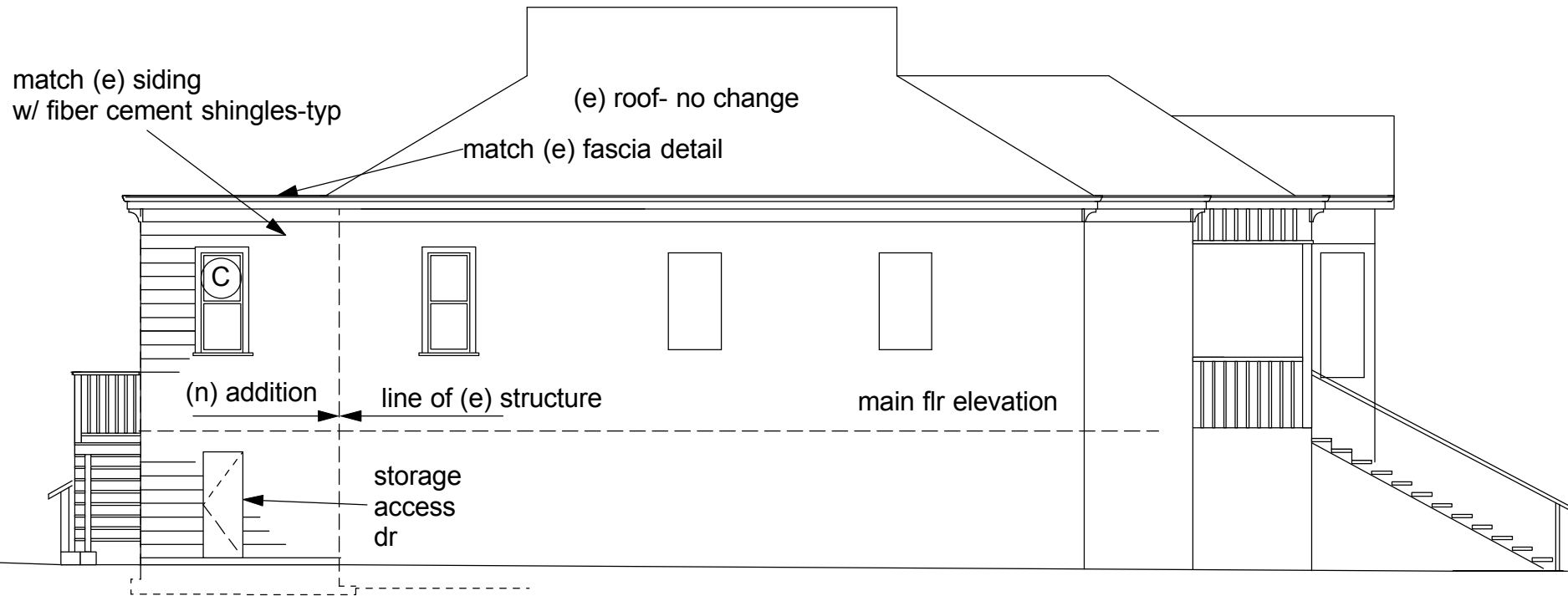


WINDOW SCHEDULE				DOOR SCHEDULE			
key	size	type	specifications	key	size	type	specifications
①	3'-0"x4'-0"	double hung	wood clad double glazed low e	⋄A	3'-0"x6'-8"	single lt french	wood clad double glazed low e
②	2'-6"x4'-0"	double hung	wood clad double glazed low e	⋄B	2'-8"x6'-8"	surface m'nt sld'g	wood custom finished s. c.
③	2'-6"x5'-0"	double hung	wood clad double glazed low e	⋄C	6'-0"x6'-8"	sliding patio	wood clad double glazed low e

note: Manufacture Jen Weld or equal

MECHANICAL SYMBOLS			
key	symbol	description	key
	⊕	duplex outlet	⊕ gfi
	⊕ gfi	ground fault duplex outlet	⊙
	⊙	ceiling mounted light fixture	⊙
	⊙	wall mounted light fixture	⊙
	⊙	flourescent fixture	⊙
	⊙	exhaust fan	S
	S	single pole switch	S3
	S3	3 way switch	

ELECTRICAL SYMBOLS			
key	symbol	description	key
	⊕	duplex outlet	⊕ gfi
	⊕ gfi	ground fault duplex outlet	⊙
	⊙	ceiling mounted light fixture	⊙
	⊙	wall mounted light fixture	⊙
	⊙	flourescent fixture	⊙
	⊙	exhaust fan	S
	S	single pole switch	S3
	S3	3 way switch	



**WEST ELEVATION**  
1/8" = 1'-0"



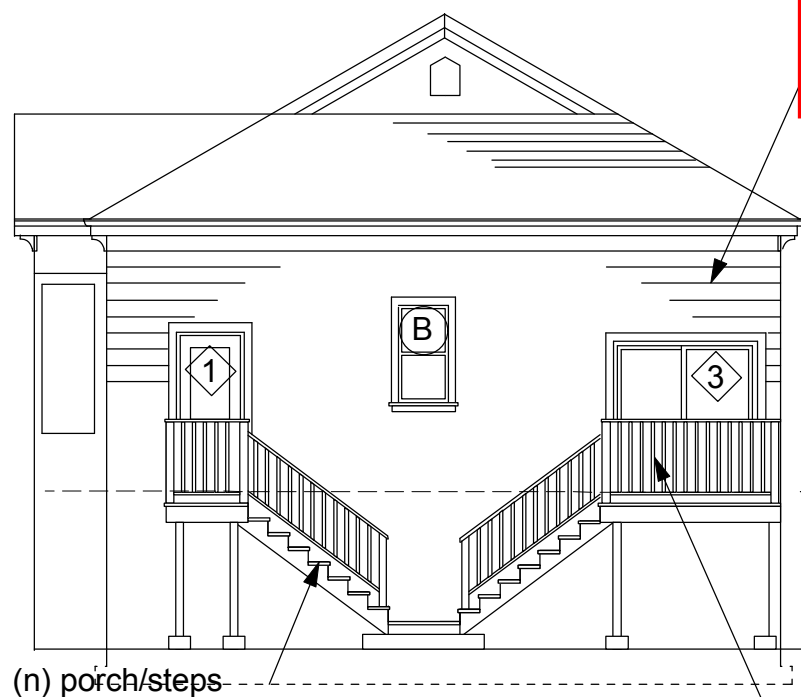
**SOUTH ELEVATION**

**PLANS APPROVED by**

*Lisli Mendy* **April 6, 2015**

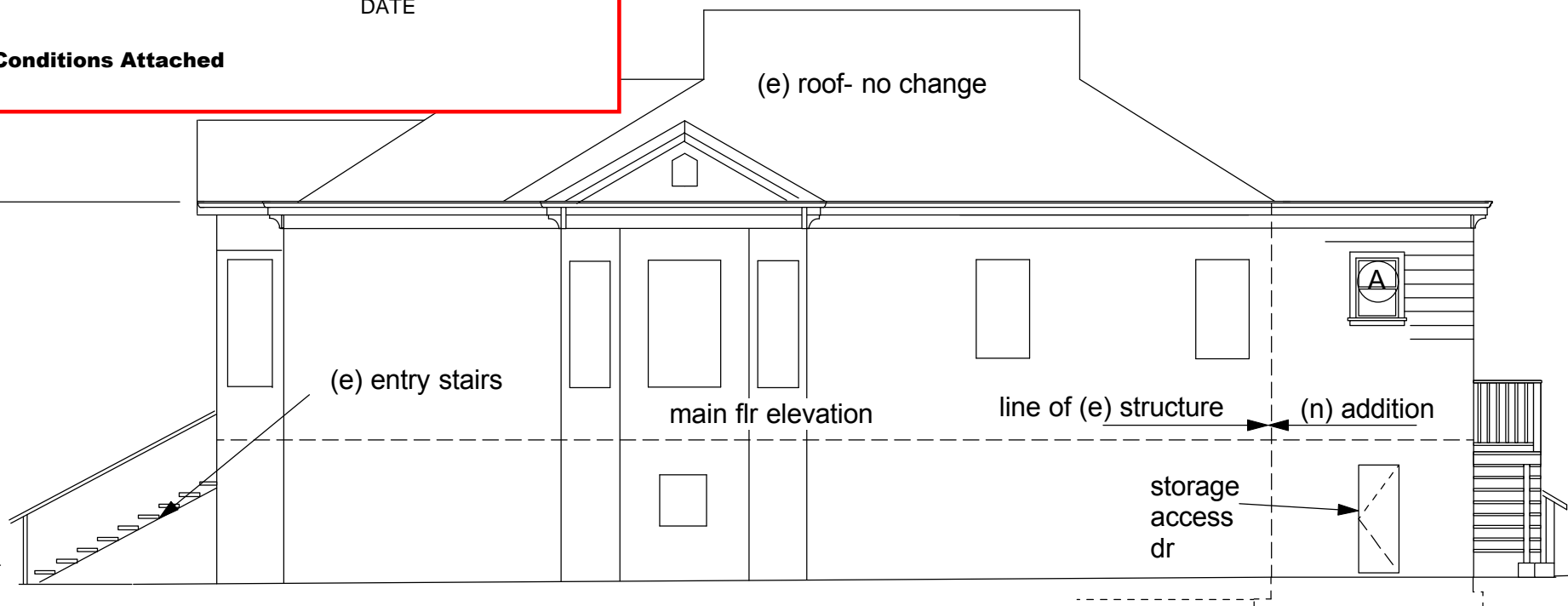
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**\*AUP Findings and Conditions Attached**

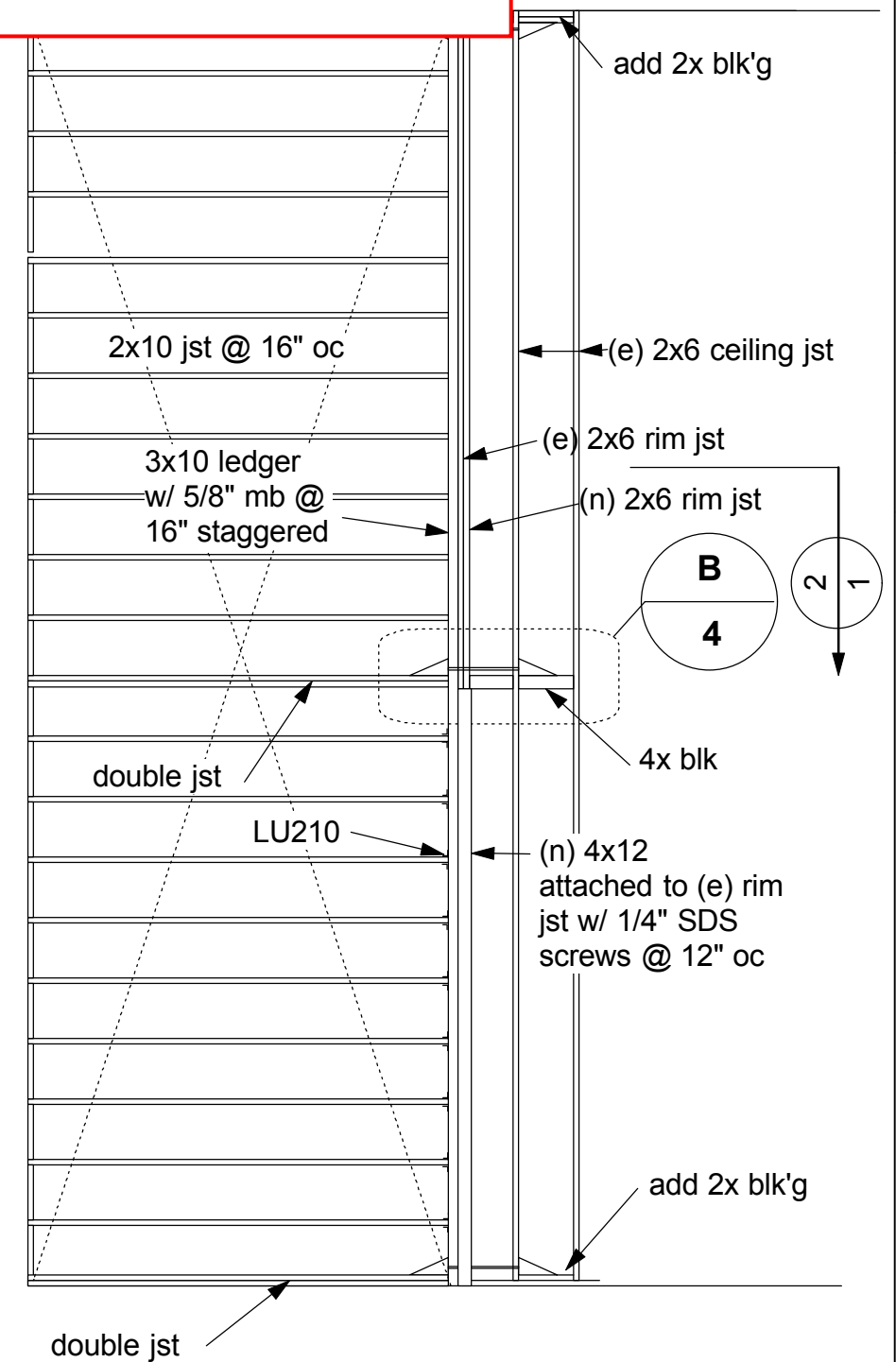
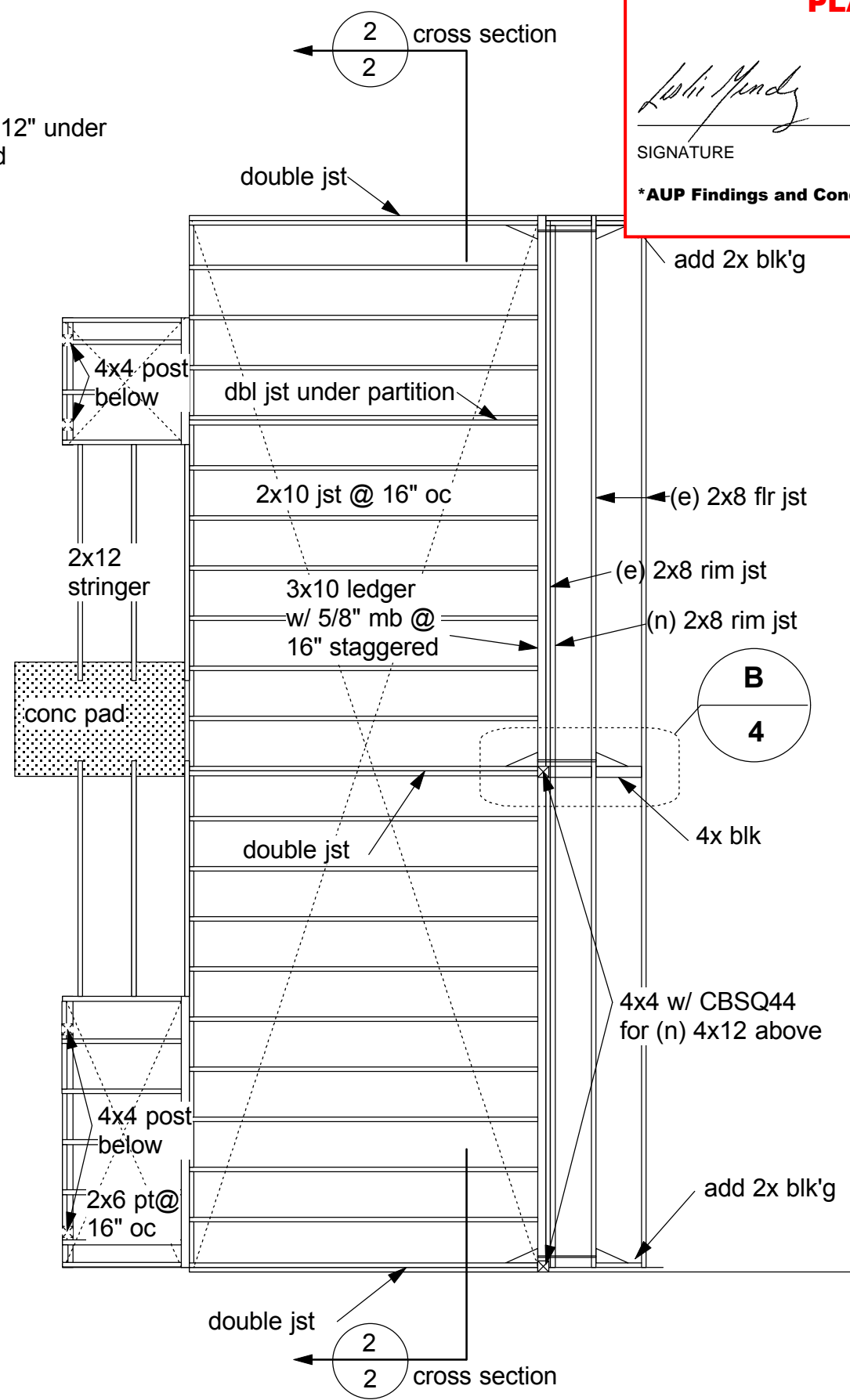
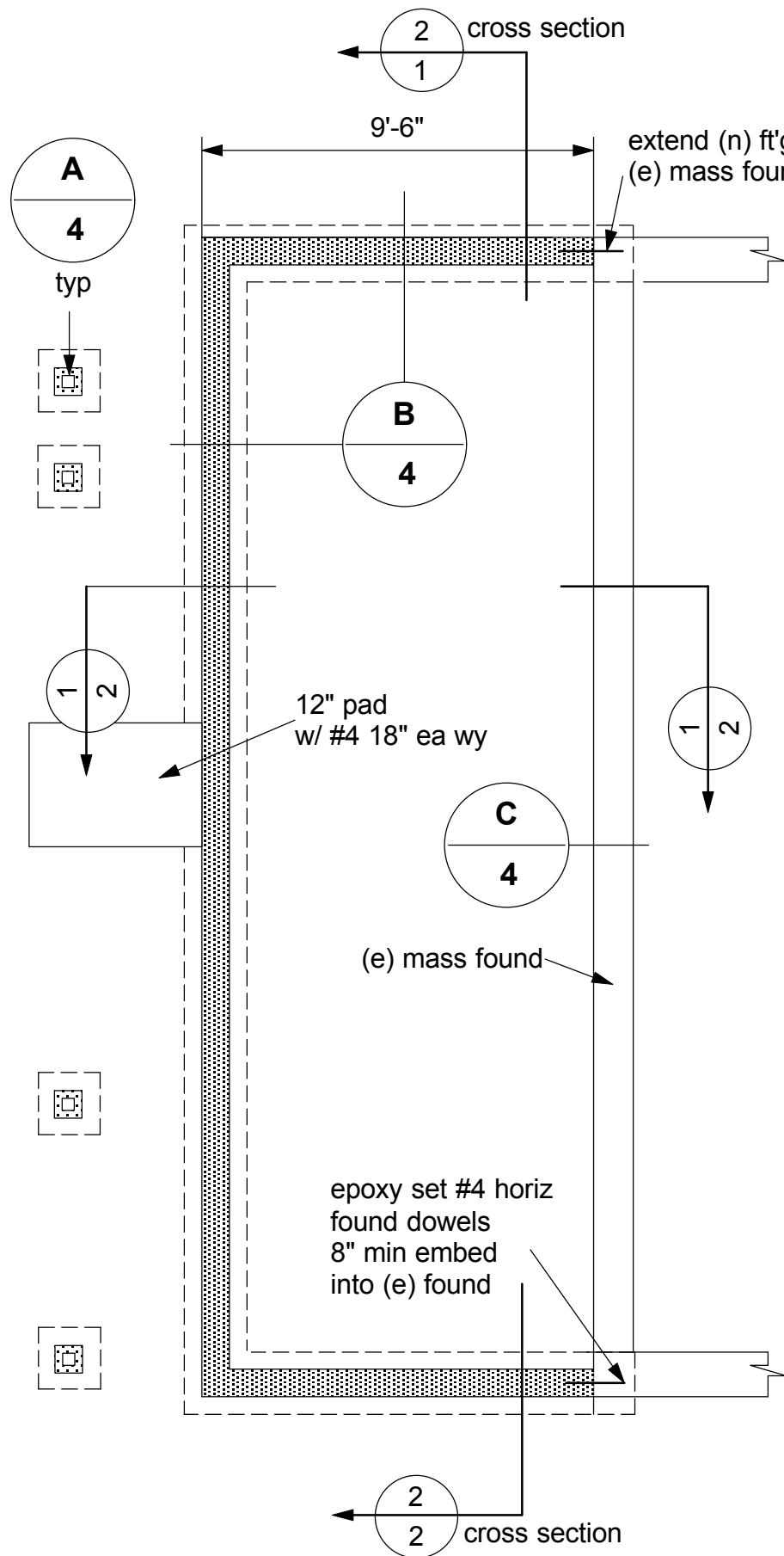


**NORTH ELEVATION**

42" balcony rail  
w/ balister spacing 4" max



**EAST ELEVATION**



**PLANS APPROVED by**

*Lohi Mundy*

April 6, 2015

SIGNATURE DATE

**\*AUP Findings and Conditions Attached**

drawn by MD

date: 8/24/14  
revision: \_\_\_\_\_

ADDITION  
1641 Harmon Street  
Berkeley, CA

**PLANS APPROVED by**

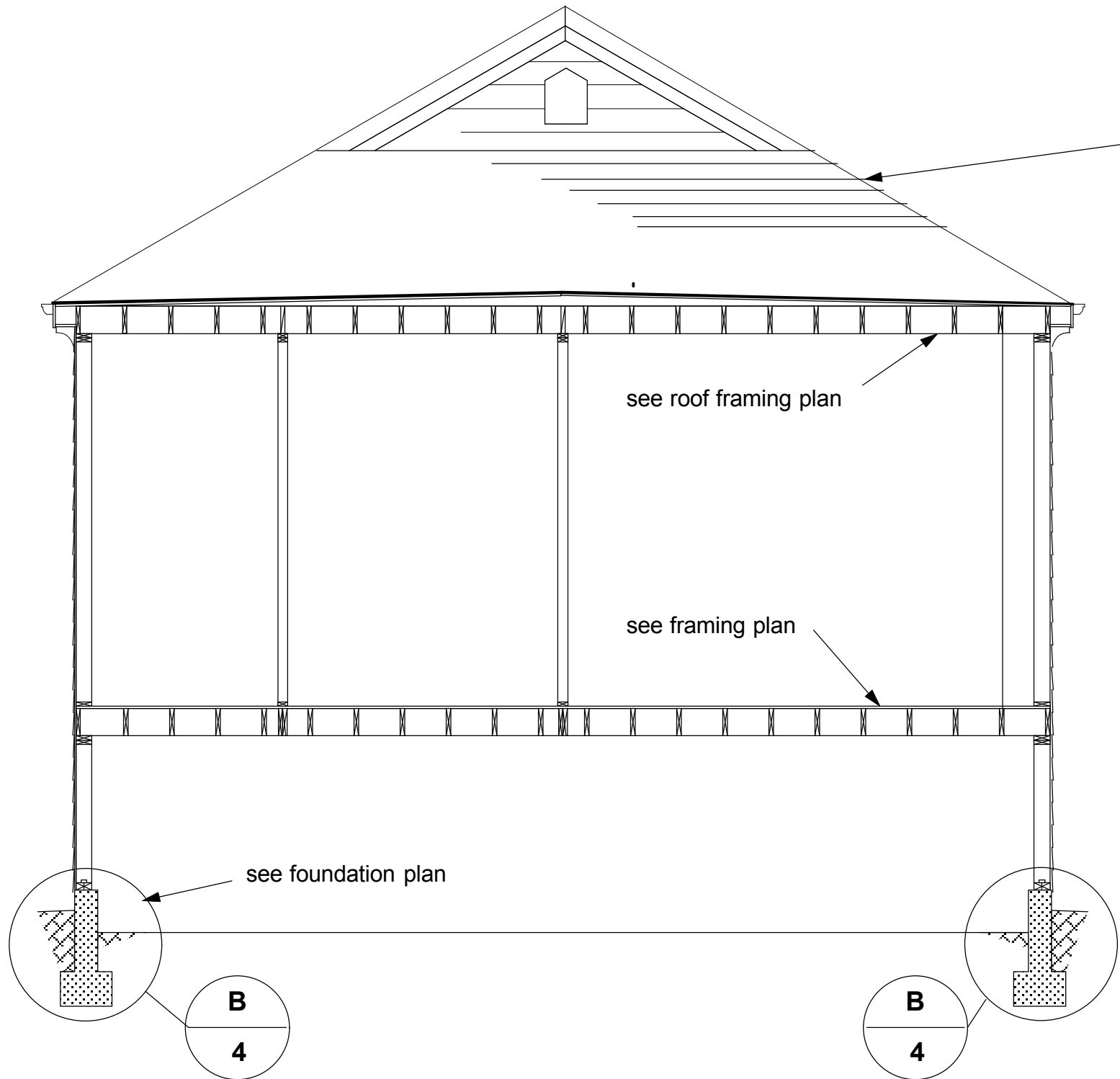
*Loli Mendy*

**April 6, 2015**

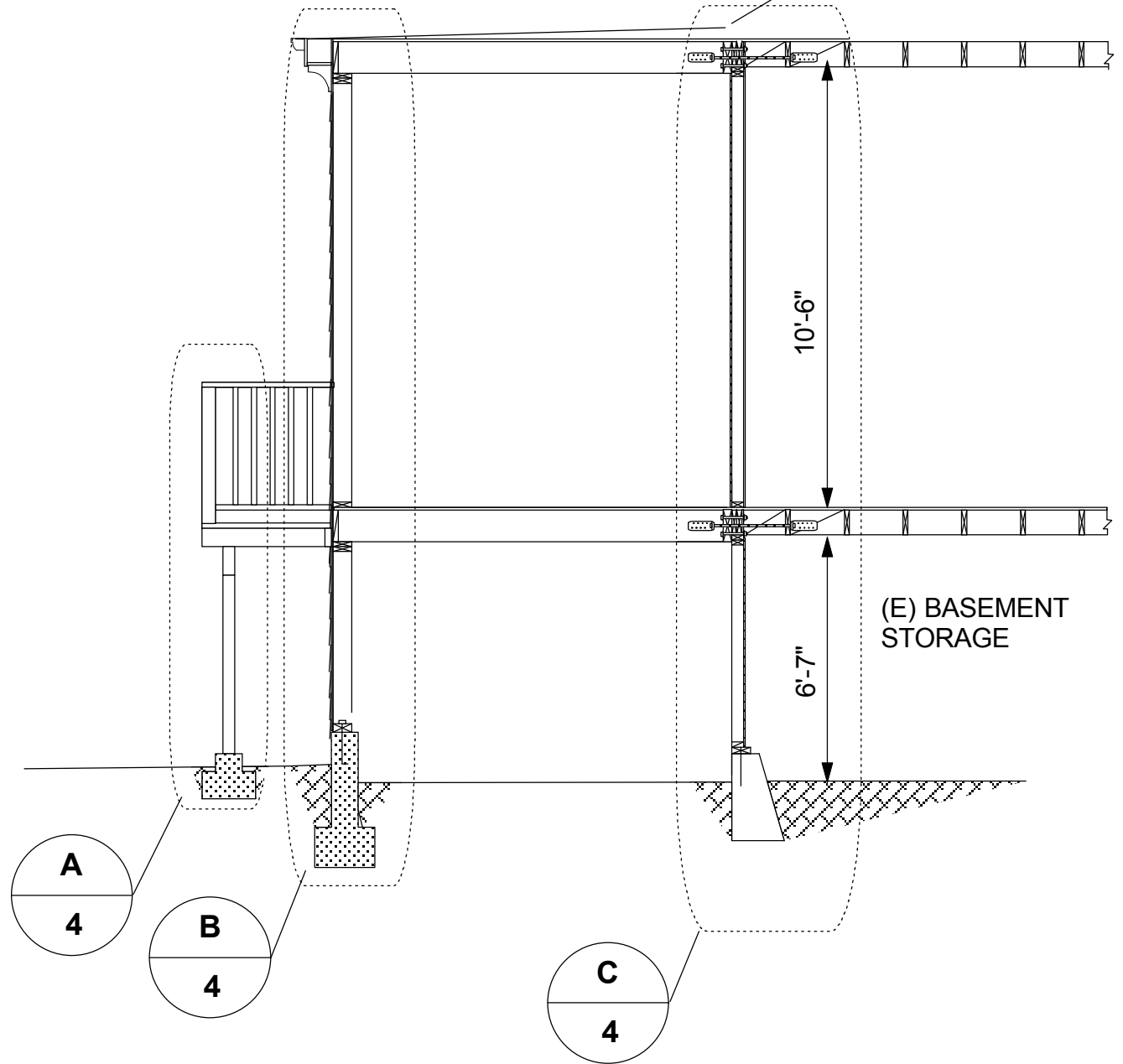
SIGNATURE

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(e) structure



**1 LONGITUDINAL SECTION**  
1/4" = 1'-0"

**2 CROSS SECTION**