



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

1092 Sterling Avenue

Administrative Use Permit #ZP2015-0002

Project Description: To rebuild an approximately 195-square-foot, 8.5-foot tall deck within 10 feet of the centerline of an open creek and with a non-conforming 0' (where 3' is required) right (east) side yard setback, pursuant to:

- Section 17.08.052.B to rebuild a deck within ten feet of the centerline of an open creek.

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 July 2, 2015.

Attest: Shannon Allen
Shannon Allen, AICP, Principal Planner

July 2, 2015
Effective Date

ATTACHMENT 1

FINDINGS AND CONDITIONS

JUNE 10, 2015

1092 Sterling Avenue

Administrative Use Permit #ZP2015-0002

To rebuild an approximately 195-square-foot, 8.5-foot tall deck within 10 feet of the centerline of an open creek and with a non-conforming 0' (where 3' is required) right (east) side yard setback.

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:

The City issued a building permit for the rebuild of an existing deck (Building Permit #12-1399) in September 2012. The City issued a stop work order when it became apparent that pier installation was conducted within 10 feet of the centerline of an open creek, requiring Administrative Use Permit approval. The deck is replacing a structure that has been in existence for at least a decade. The project will provide a safer structure while protecting the stream bank, as described in more detail in Finding 3 below. Aside from temporary construction impacts, the project is not anticipated to have any detrimental impacts to the surrounding neighborhood.

3. As required by Section 17.08.052.D of the Berkeley Municipal Code, the City Engineer has reviewed the project plans and the associated Engineering Hydraulic and Geomorphic Channel Stability Assessment prepared by Clearwater Hydrology, dated May 7, 2013, and has concurred with the report's findings as described below:
 1. *The deck will not create, exacerbate, or prevent the abatement of, erosion and bank de-stabilization problems.*

The project has been conditioned to meet the Hydrology assessment recommendation to stabilize the channel using appropriate step-pool construction techniques and interplantings before the deck is reconstructed; the new deck could be finished with no substantial impact on channel stability. A final engineering design would determine the length and lateral right-of-way required to implement such a channel stabilization. Given the severity of the downstream slump failure and the remaining potential for channel scour/incision downstream of the walkbridge, a feasible step-pool design would likely require inclusion of 1-2 subgrade rock stops, extending both vertically into the more resistant mudstone formation and horizontally south toward the existing lower crib wall. Such a structure would protect upstream stabilization measures and would accommodate some additional channel scour immediately upstream of the 7 ft. headcut.

2. *The deck will not increase stormwater runoff into the creek.*

The deck would be of wood plank construction which would allow some rainfall to fall to the ground and be infiltrated. Any sheet flow off the deck surface during higher intensity storms would not measurably increase the peak flow conveyed by the tributary relative to the pre-project condition that included the former wood plank deck. The proposed deck surface area would remain unchanged from that of the pre-project condition.

3. *The deck's construction activities will not degrade water quality from increased sedimentation and particulates from disturbed soils; pollution from motor oil; or from the generally high level of toxics and trash around construction sites.*

As recommended in the Hydrology report, the project is conditioned to follow basic housekeeping measures such as the installation of a temporary silt fence between the active channel and the deck work area and daily clean-up of all construction materials from the work area. These measures should minimize any potential for discharge of contaminants to the tributary. No additional use or installation of concrete is planned for the deck reconstruction, nor will any mechanical equipment access be required.

4. *The deck will not eliminate or degrade significant in-stream or riparian corridor.*

The deck surface area and spatial configuration would remain unchanged by the reconstruction project. Furthermore, there is no native vegetation present on the north bank along that sub-reach of the tributary. If a channel stabilization project moves forward, one multi-trunked bay on the south bank would likely be removed. Otherwise, the vegetation that would be removed would be invasive non-natives, such as ivy and Himalayan blackberry. Moreover, any stabilization project would include the planting of native species such as willow, nine bark, dogwood, California blackberry, monkey flower and bee plant.

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 secure any required permits from regional, State, and/or federal water agencies.
- 11. 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: _____
- 12. 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:

13. All recommended measures as identified in the Clearwater Hydrology report, dated May 7, 2013, shall be implemented including:
 - A stabilization project shall be designed and implemented to arrest the upstream expansion of the 7 ft. headcut and the loss of the southwestern portion of the property, and to protect the residence from the collateral effects of continued channel incision. Prior to any design effort, we recommend that 2-3 soil borings be drilled along the channel overbank areas, within 3-5 ft. of the channel top of bank, in order to better define the presence and depth of the mudstone formation. Confirmation of the depth of this formation along channel sub-reaches currently underlain by alluvium will inform the manner in which the stabilization design secures the channel against upstream headcut migration.
 - The project shall incorporate basic housekeeping measures such as the installation of a temporary silt fence between the active channel and the deck work area and daily clean-up of all construction materials from the work area should minimize any potential for discharge of contaminants to the tributary.
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.
23. 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:

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 25, 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.



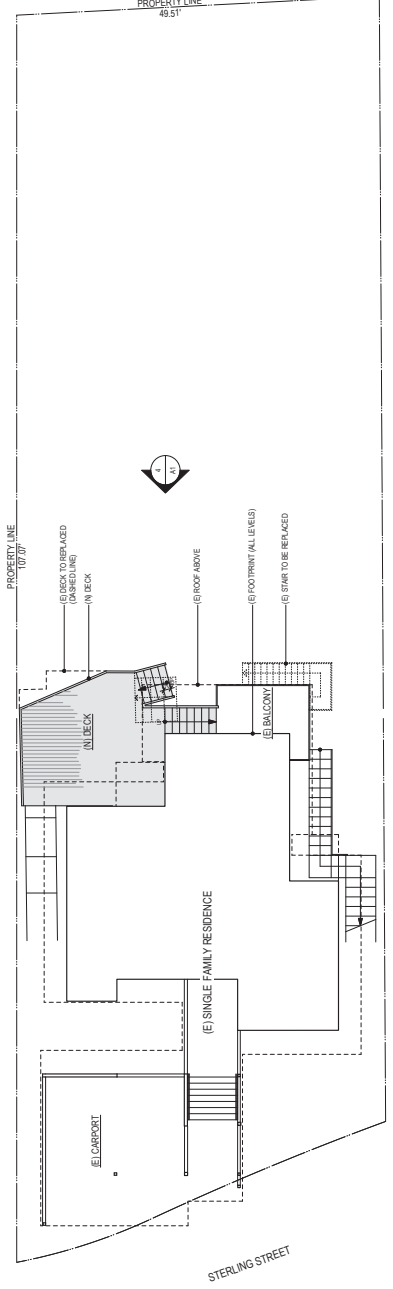
Prepared by: Leslie Mendez, Associate Planner
For Shannon Allen, Principal Planner, AICP

PLANS APPROVED by

Lishi Mendy **June 10, 2015**

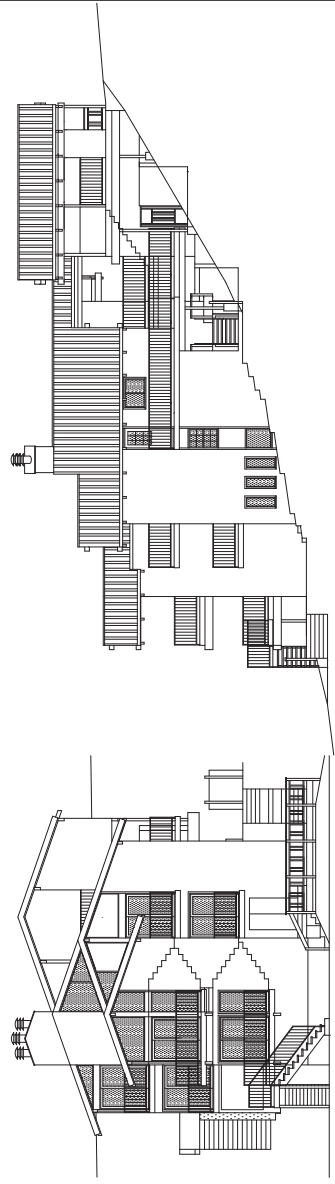
SIGNATURE DATE

***AUP Findings and Conditions Attached**



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

PROPOSED SITE PLAN (WITHOUT LINE OF EXISTING)



(E) NORTH ELEVATION - 1/8" = 1'-0" (E) EAST ELEVATION - 1/8" = 1'-0"

I HAVE REVIEWED THESE PLANS FOR THE DECK REMODEL FOR THE PROPERTY LOCATED ON 1092 STERLING AVENUE.

| NAME (PRINTED) | SIGNATURE | ADDRESS | OWNER OR OWNER | DATE | HAVE NO OBJECTIONS | HAVE OBJECTIONS (REASON HERE) | HAVE NO COMMENTS |
|----------------|-----------|---------|----------------|------|--------------------|-------------------------------|------------------|
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NEIGHBORS SIGNATURES

- APPLICABLE CODES
- 2013 CALIFORNIA BUILDING CODE (CBC) / 2012 IBC
 - 2013 CALIFORNIA ELECTRICAL CODE (CEC) / 2011 NEC
 - 2013 CALIFORNIA MECHANICAL CODE (CMC) / 2012 IMC
 - 2013 CALIFORNIA PLUMBING CODE (CPC) / 2012 UPC
 - 2013 CALIFORNIA GREEN BUILDING STANDARDS CODE (CALGREEN)
 - 2013 BUILDING ENERGY EFFICIENCY STANDARDS CODE (CALGREEN)
 - CITY OF BERKELEY MUNICIPAL CODE
- DRAWING LIST
- A0.0 SITE PLAN, ZONING INFO, NOTES
 - S1 SURVEY
 - A1.0 PARTIAL PLAN AND ELEVATIONS

APPLICABLE CODES

- NEW/DECK STRUCTURE (E) LOCATION, W/ APPROX. SAME FOOTPRINT (NEW TO BE REDUCED)
- NEW STAIRS TO CONNECT (E) LOWERLANDING TO DECK.

PROJECT DESCRIPTION

APN: 063-2804-025
ZONING: R-1H
TYPE OF CONSTRUCTION: V

OWNERS: JED HARRIS, WENDY MARTIN, BERKELEY, CA 94708, TEL 415.517.8037

CONTACT: SHERMAN ARCHITECTURE, 1511 VALLEY ROAD, BERKELEY, CA 94707, TEL 510.526.4330

STRUCTURAL ENGINEER: JURJ KOWMENDANT, 2700 UNIVERSITY AVENUE, BERKELEY, CA 94704, TEL 510.843.2116, GJK@igsd.com

GEOTECHNICAL ENGINEER: WILLIAM LANGRISHEN, Langrishen Geotechnical Group, 1034 Richmond Street, Emeryville, CA 94608, 510.558.8370 fax, www.langrishengeotech.com

PROJECT DIRECTORY

ZONING INFO



PLANS APPROVED by

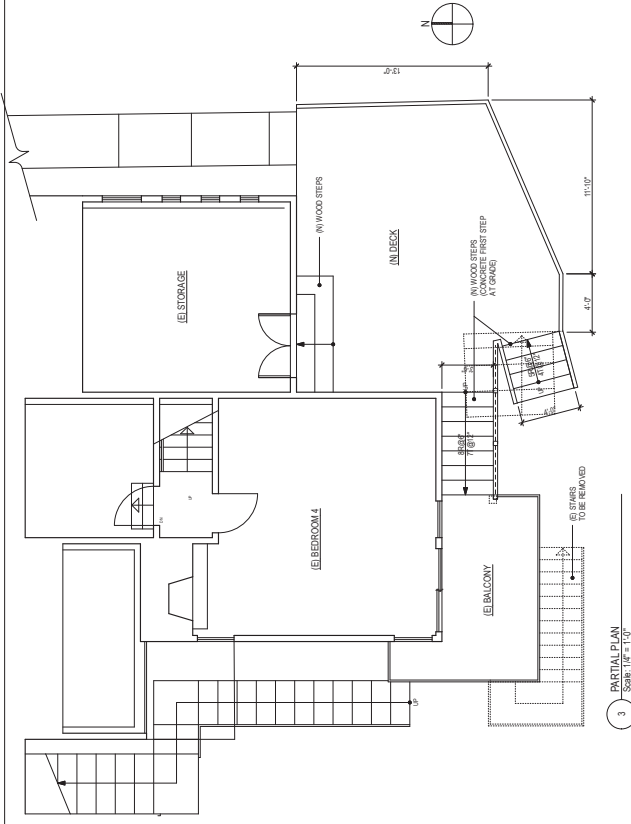
Lili Mendy

June 10, 2015

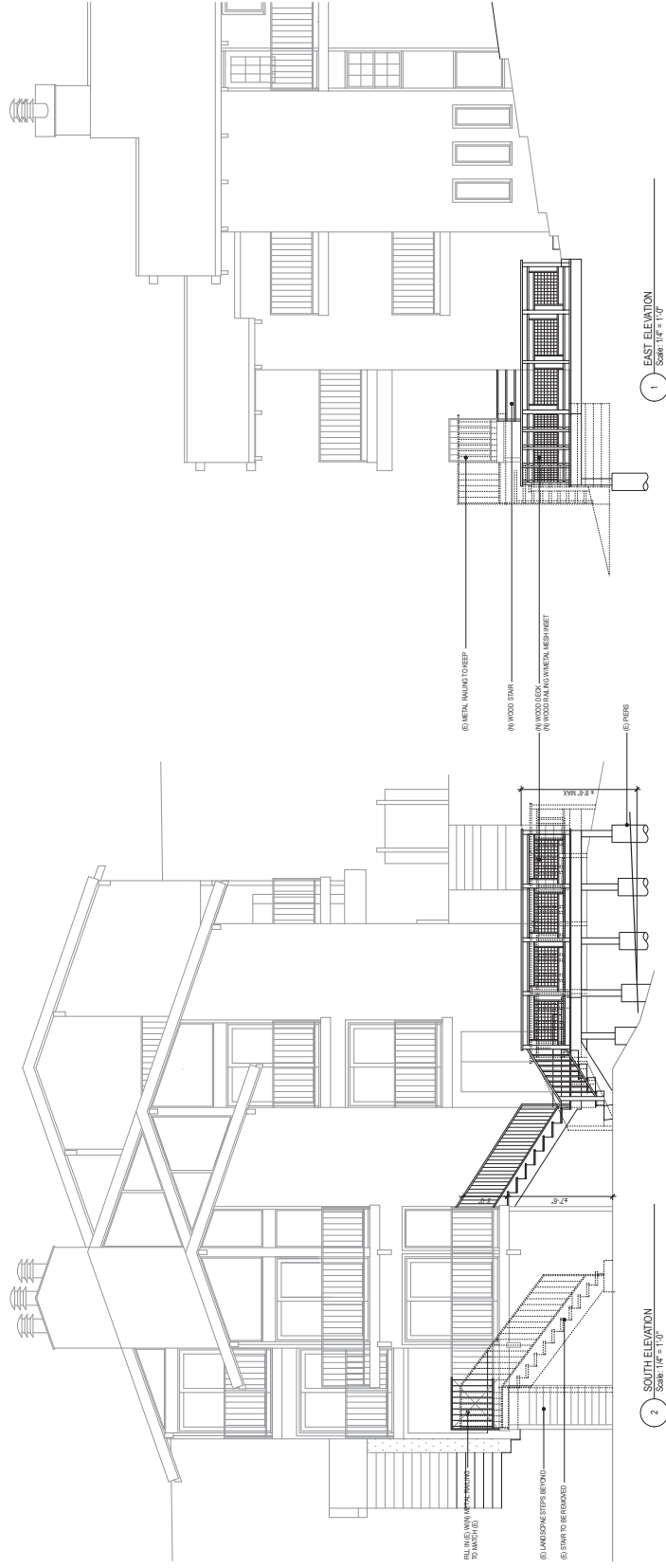
SIGNATURE

DATE

***AUP Findings and Conditions Attached**



3 PARTIAL PLAN
Scale: 1/4" = 1'-0"

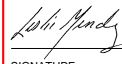


1 EAST ELEVATION
Scale: 1/4" = 1'-0"

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

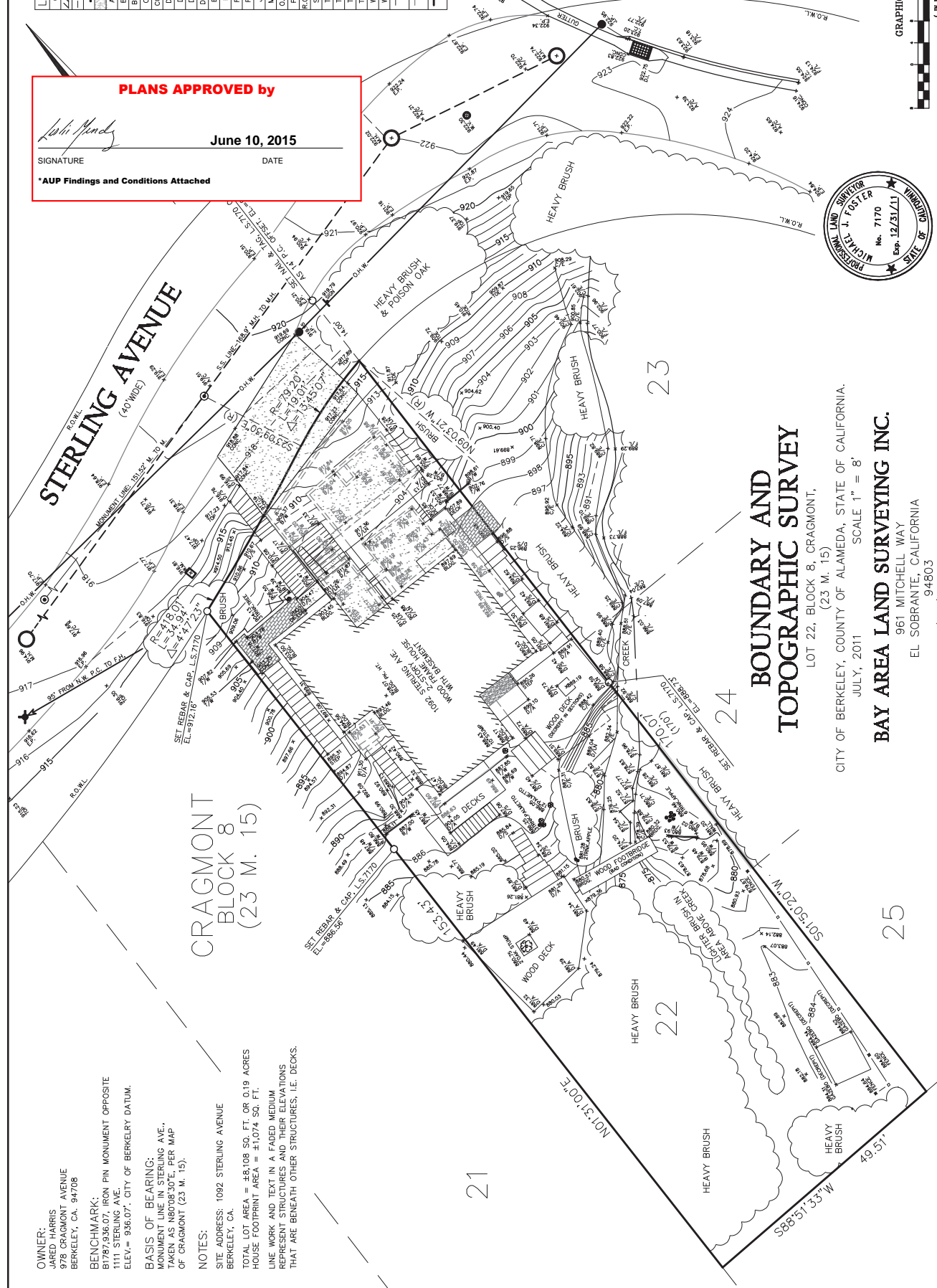
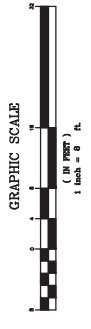
| LEGEND | |
|--------|--------------------------|
| ⊕ | FD WELL MONUMENT |
| ▭ | BUILDING EXTERIOR WALL |
| ▭ | WOOD FENCE |
| ⚡ | FIRE HYDRANT |
| ⬮ | CONCRETE SURFACE |
| ▲ | ASPHALT CROWN |
| ⊘ | B/W BASE OF WALL |
| — | BRDS. BUILDING CORNER |
| ⊗ | C/E CREEK EDGE |
| ▲ | CONC. CONCRETE POINT |
| ⊕ | D/A DECK ANGLE POINT |
| ⊕ | D/L DRAIN INLET |
| ⊕ | D/L DECK LANDING |
| ⊕ | D/LN DECK LINE |
| ⊕ | E.P. EDGE OF PAVEMENT |
| ⊕ | E.L. ELEVATION |
| ⊕ | F.H. FIRE HYDRANT |
| ⊕ | F/L FLOW LINE |
| ⊕ | J.P. POINT POLE |
| ⊕ | M.H. MANHOLE |
| ⊕ | O.H.W. OVERHEAD WIRE |
| ⊕ | P.C. PROPERTY CORNER |
| ⊕ | R.O.W. RIGHT-OF-WAY LINE |
| ⊕ | S.S. SANITARY SEWER |
| ⊕ | T.C. TOP OF CURB |
| ⊕ | T.O. TOP OF BANK |
| ⊕ | T/W TOP OF WALL |
| ⊕ | W.M. WATER METER |
| ⊕ | W.V. WATER VALVE |
| ⊕ | ADJACENT LOT LINE |
| ⊕ | HIDDEN LINES |
| ⊕ | PROPERTY LINE |

PLANS APPROVED by


SIGNATURE

June 10, 2015
DATE

*AUP Findings and Conditions Attached



CRAGMONT
BLOCK 8
(23 M. 15)

BOUNDARY AND
TOPOGRAPHIC SURVEY

LOT 22, BLOCK 8, CRAGMONT,
CITY OF BERKELEY, COUNTY OF ALAMEDA, STATE OF CALIFORNIA.
JULY, 2011
SCALE 1" = 8'

BAY AREA LAND SURVEYING INC.

961 MITCHELL WAY
EL SOBRANTE, CALIFORNIA
94803

OWNER:
JARED HARRIS
978 CRAGMONT AVENUE
BERKELEY, CA. 94708

BENCHMARK:
B1787936.07, IRON PIN MONUMENT OPPOSITE
1111 STERLING AVE.
ELEV = 936.07', CITY OF BERKELEY DATUM.

BASIS OF BEARING:
MONUMENT LINE IN STERLING AVE.,
TAKEN AS 180°05.30'E, PER MAP
OF CRAGMONT (23 M. 15).

NOTES:
SITE ADDRESS: 1092 STERLING AVENUE
BERKELEY, CA.
TOTAL LOT AREA = ±8,108 SQ. FT. OR 0.19 ACRES
HOUSE FOOTPRINT AREA = ±1,074 SQ. FT.
LINE WORK AND TEXT IN A FADED MEDIUM
REPRESENT STRUCTURES AND THEIR ELEVATIONS
THAT ARE BENEATH OTHER STRUCTURES, I.E. DECKS.