



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

1034 Delaware Street

Administrative Use Permit #ZP2016-0103

Project Description: To construct a new 188-square-foot two story addition with an average height of 19 feet at the rear of an existing two-story dwelling. The addition would create a bathroom and closet on each floor.

- Section 23D.20.070.C to construct an addition greater than 14-feet 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 July 13, 2016.

Attest: Carol Johnson
Carol Johnson, Land Use Planning Manger

July 13, 2016
Effective Date

ATTACHMENT 1

FINDINGS AND CONDITIONS

JUNE 22, 2016

1034 Delaware Street

Administrative Use Permit #ZP2016-0103

To construct a new 188-square-foot two story addition with an average height of 19 feet at the rear of an existing two-story dwelling. The addition would create a bathroom and closet on each floor.

PERMITS REQUIRED

- Administrative Use Permit under Section 23D.20.070.C to construct an addition greater than 14-feet in average height.

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 would 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, would 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 addition would maintain the existing five foot left (west) side yard setback, the approximately 29’ right (east) side yard setback, and the (south) 24’ rear yard setback. The addition exceeds the District setbacks and, therefore, air impacts to surrounding properties are determined to be insignificant in nature. In addition, the addition is not visible from the public right-of-way, thereby minimizing the impact to the neighborhood’s existing development pattern, which is predominantly two-story homes.
 - The project includes two new windows on the right side elevation facing the neighboring duplex property to the west (1030 and 1032 Delaware Street). As the proposed windows

will be located in a bathroom and are located high on the walls, privacy impacts on the neighboring properties is minimal.

- Shadow studies submitted with the application show the proposed addition's projected shadow angles and lengths that would occur throughout the year. The project is expected to cast additional shadows in the morning hours during the summer months on the southeastern (left) façade of the home to the right (1030 Delaware), and is expected to cast additional shadow in the evening hours during the winter months. The additional shading during the winter months falls on the one third of a bedroom window and blank wall. As the new shading will be limited to certain windows of the neighboring residence at limited times during the day; the shadowing impacts are deemed to be reasonable as well as expected in a dense semi-urban setting such as existing in Berkeley.
- The project will not obstruct or significantly reduce any prominent views of surrounding neighbors. Prominent views are generally considered to be views such as the Golden Gate or Bay Bridges, the Downtown San Francisco skyline, the bay, and Treasure Island.

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 attorney's 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. Project Liaison. The applicant shall provide the project planner with the name and telephone number of the individual empowered to manage complaints generated from the project. The individual’s name, telephone number, and responsibility for the project shall be posted at the project site for the duration of the project in a location easily visible to the public. The individual shall record all complaints received and actions taken in response, and submit written reports of such complaints and actions to the project planner on a weekly basis.

Project Liaison

_____ Name

_____ Phone #

Prior to Issuance of Any Building Permit:

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

During Construction: (If a building permit is required, keep all of these unless noted)

12. Transportation Construction Plan. The applicant and all persons associated with the project are hereby notified that a Transportation Construction Plan (TCP) is required for all phases of construction, particularly for the following activities:

- 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 relevant
- Significant truck activity.

The applicant shall secure the City Traffic Engineer’s approval of a TCP. Please contact the Office of Transportation at 981-7010, or 1947 Center Street, 3rd floor, and ask to speak to a traffic engineer. In addition to other requirements of the Traffic Engineer, this plan shall include the locations of material and equipment storage, trailers, worker parking, a schedule of site operations that may block traffic, and provisions for traffic control. The TCP shall be consistent with any other requirements of the construction phase.

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). Please note that the Zoning Officer and/or Traffic Engineer may limit off-site parking of construction-related vehicles if necessary to protect the health, safety or convenience of the surrounding neighborhood. A current copy of this Plan shall be available at all times at the construction site for review by City Staff.

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.

Prior to Issuance of Occupancy Permit or Final Inspection:

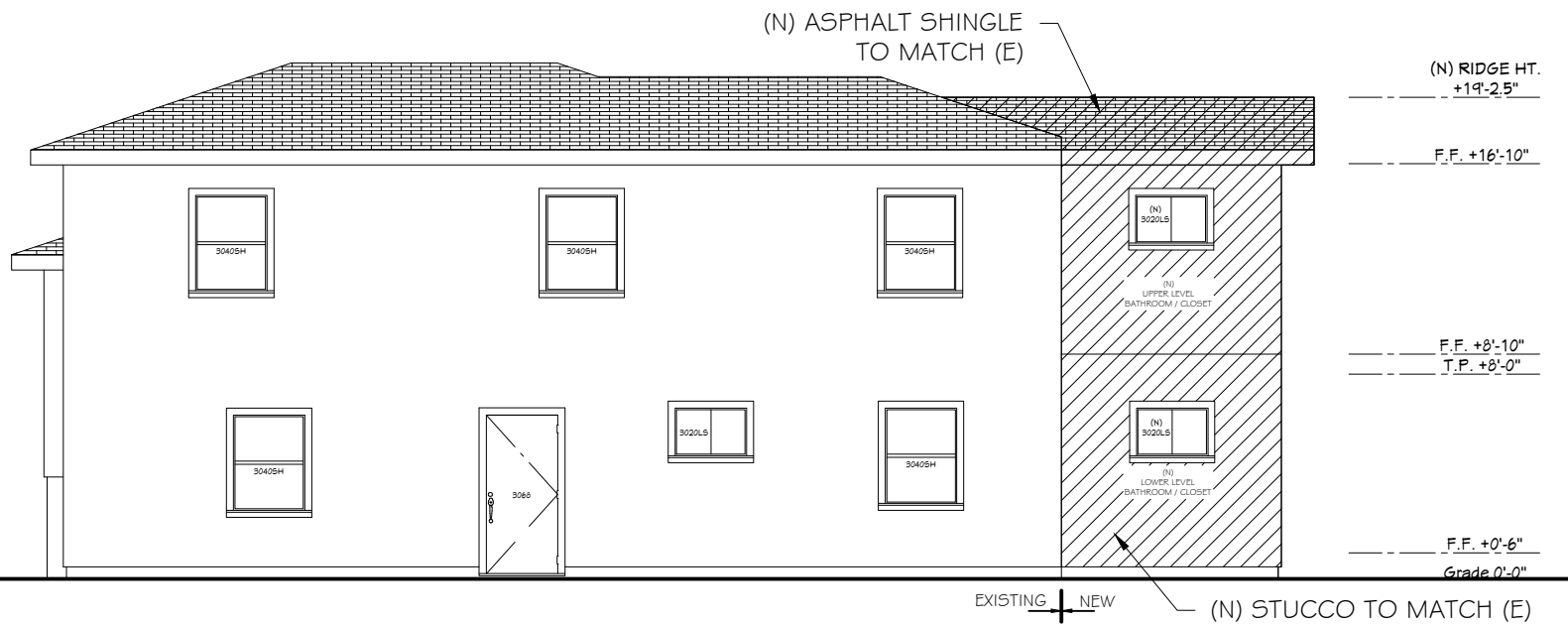
22. All construction at the subject property shall substantially conform to the approved Use Permit drawings or to modifications approved by the Zoning Officer.
23. All landscape, site and architectural improvements shall be completed per the attached approved drawings dated May 16, 2016.

At All Times (Operation):

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

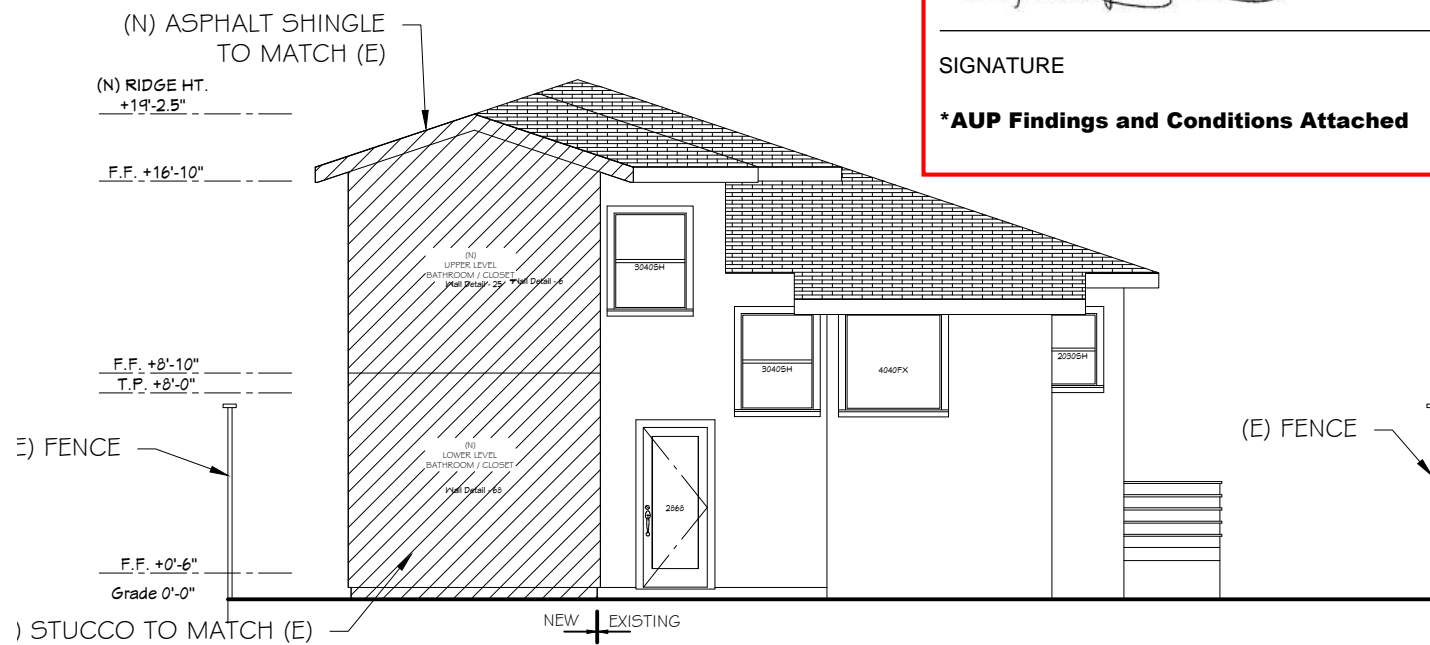


Prepared by: Immanuel Bereket
For City of Berkeley Zoning Officer
Reviewed by Leslie Mendez, Senior Planner



East (Right) Elevation

1/8" = 1'-0"



South (Rear) Elevation

1/8" = 1'-0"

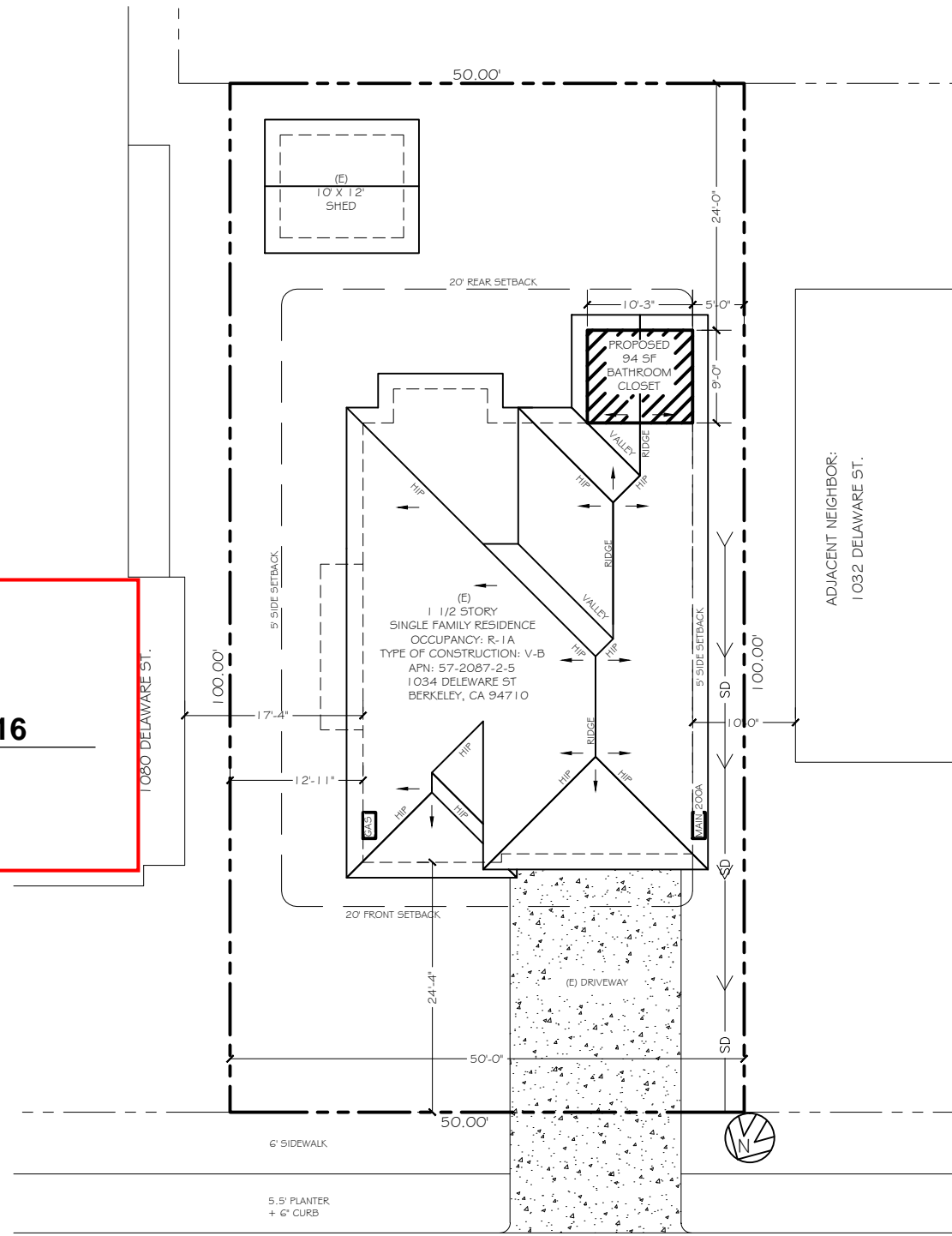
PLANS APPROVED by

[Signature]

June 22, 2016

SIGNATURE _____ DATE _____

***AUP Findings and Conditions Attached**



Plot Plan

1/16" = 1'-0"

REVISIONS	BY

1) PLOT PLAN
2) ELEVATIONS

HABBERT, RACHEL
1034 DELAWARE ST.
BERKELEY, CA 94710
APN: 57-2087-2-5

Date	11/27/15
Scale	-----
Drawn	-----
Job	HABBERT ADDITION
Sheet	AUP5
5 of 10	Sheets

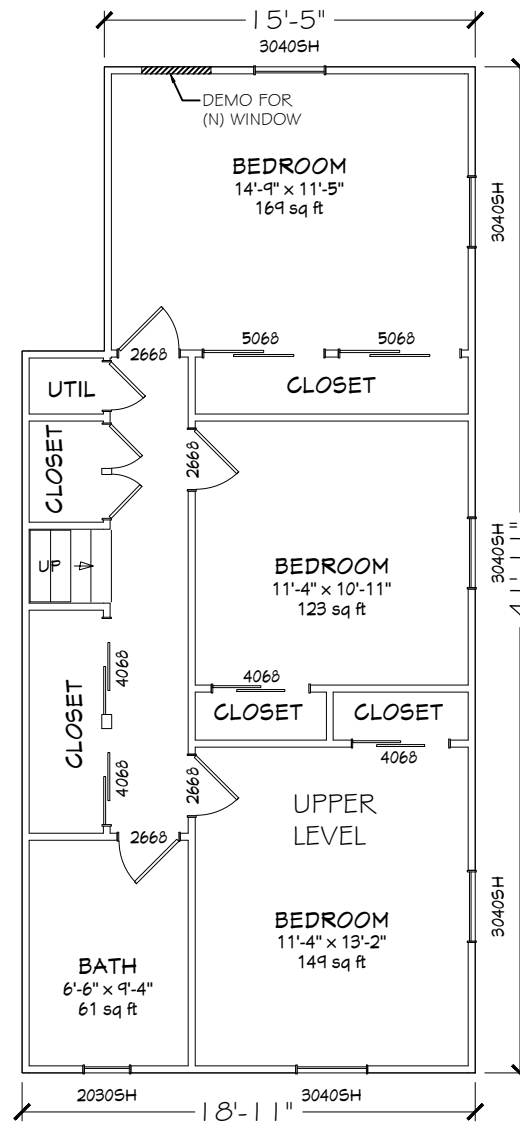
PLANS APPROVED by

June 22, 2016

SIGNATURE

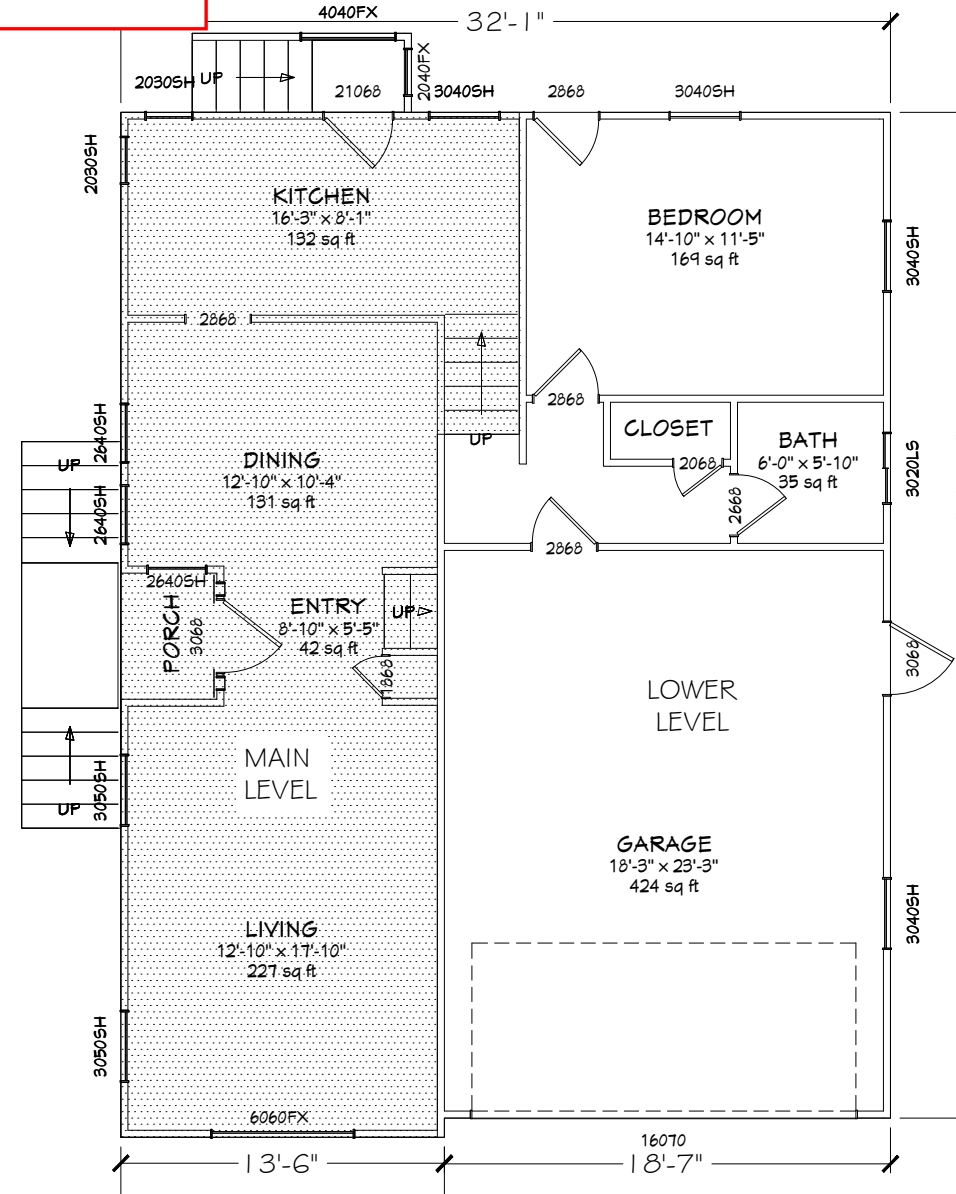
DATE

***AUP Findings and Conditions Attached**



Existing Upper Floor Plan

1/8" = 1'-0"



Existing Lower Floor Plan

1/8" = 1'-0"

REVISIONS BY

1) EXISTING FLOOR PLANS

HABBERT, RACHEL
1034 DELAWARE ST.
BERKELEY, CA 94710
APN: 57-2087-2-5

Date 11/27/15

Scale -----

Drawn -----

Job HABBERT ADDITION

Sheet AUP6

6 of 10 Sheets

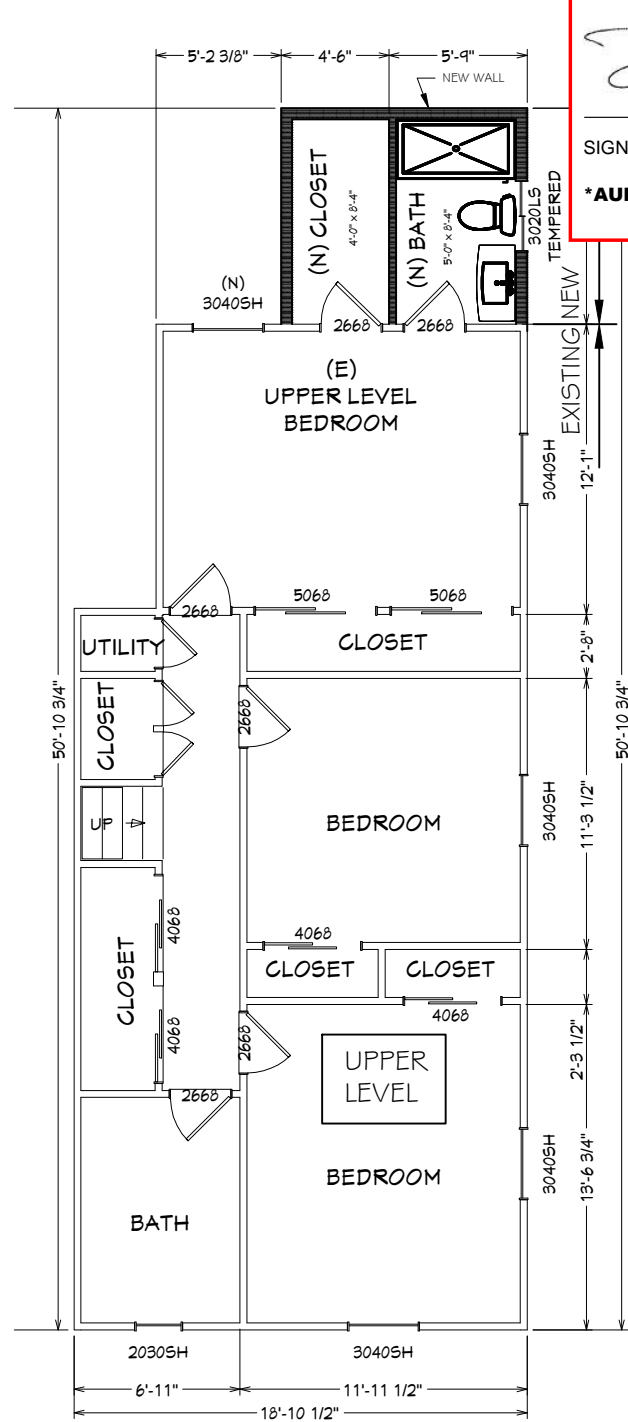
PLANS APPROVED by

June 22, 2016

SIGNATURE

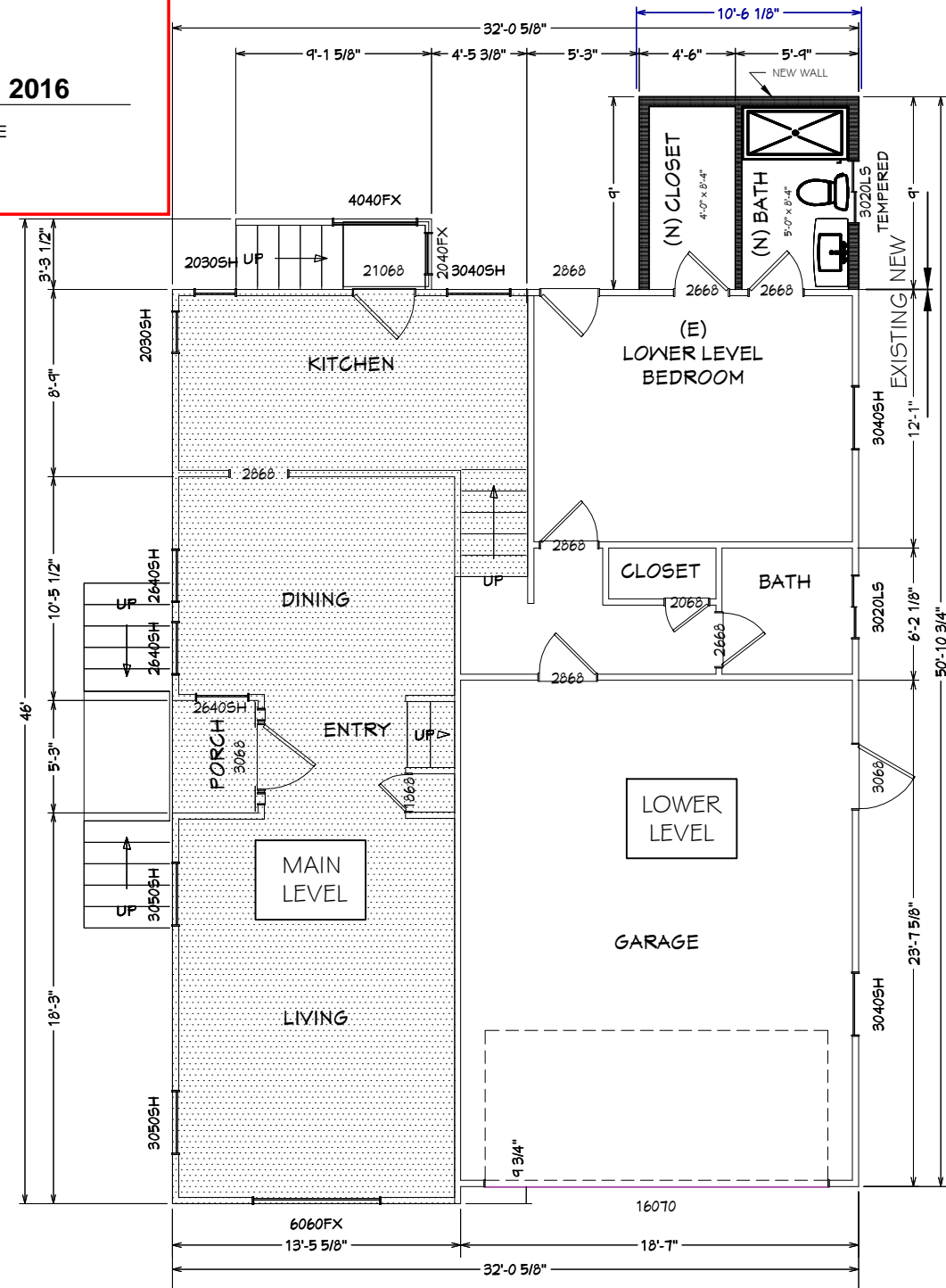
DATE

***AUP Findings and Conditions Attached**



Proposed Upper Floor Plan

1/8" = 1'-0"



Proposed Lower Floor Plan

1/8" = 1'-0"

REVISIONS BY

1) PROPOSED FLOOR PLANS

HABBERT, RACHEL
1034 DELAWARE ST.
BERKELEY, CA 94710
APN: 57-2087-2-5

Date 11/27/15

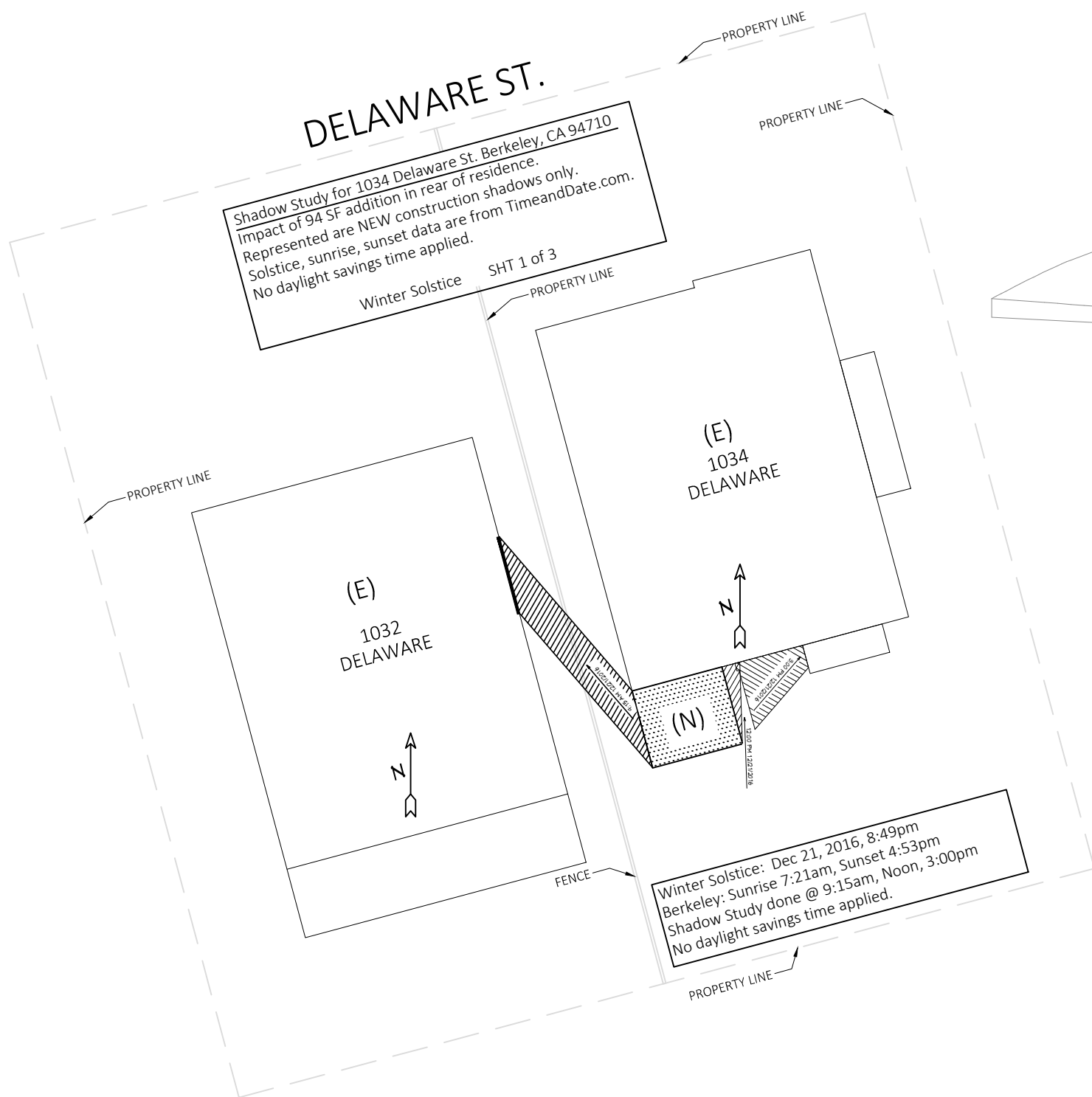
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Drawn

Job HABBERT ADDITION

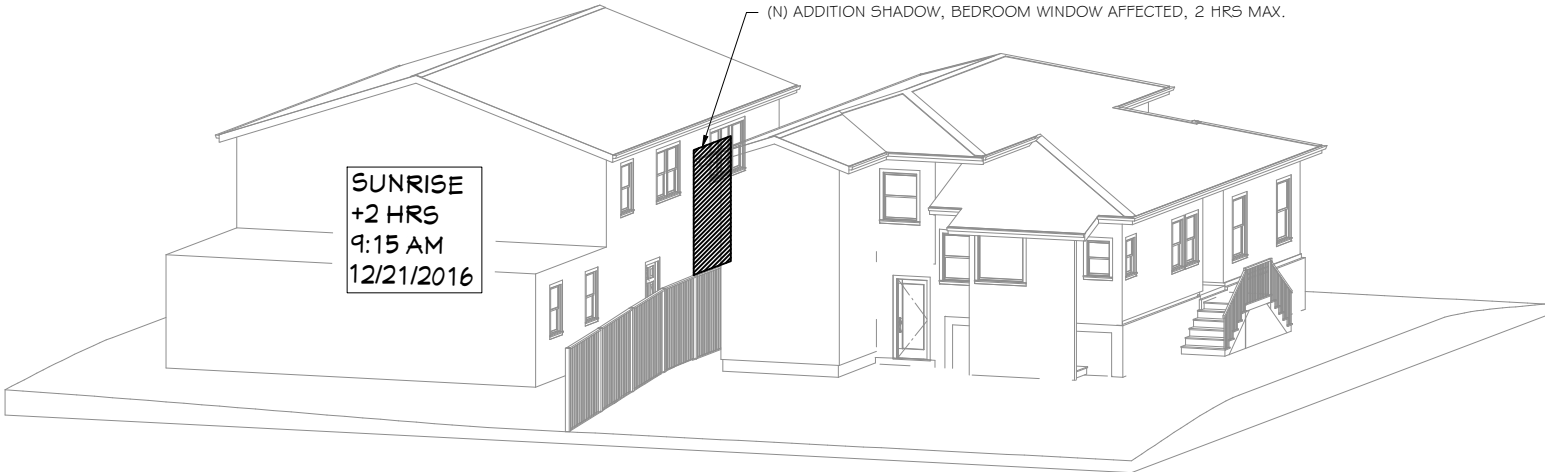
Sheet AUP7

7 of 10 Sheets



Shadow Study (Winter Solstice)

1/16" = 1'-0"



Shadow Aerial (Winter Solstice)

NTS

PLANS APPROVED by

[Signature] **June 22, 2016**

SIGNATURE DATE

***AUP Findings and Conditions Attached**

REVISIONS	BY

1) SHADOW STUDY

HABBERT, RACHEL
 1034 DELAWARE ST.
 BERKELEY, CA 94710
 APN: 57-2087-2-5

Date 11/27/15

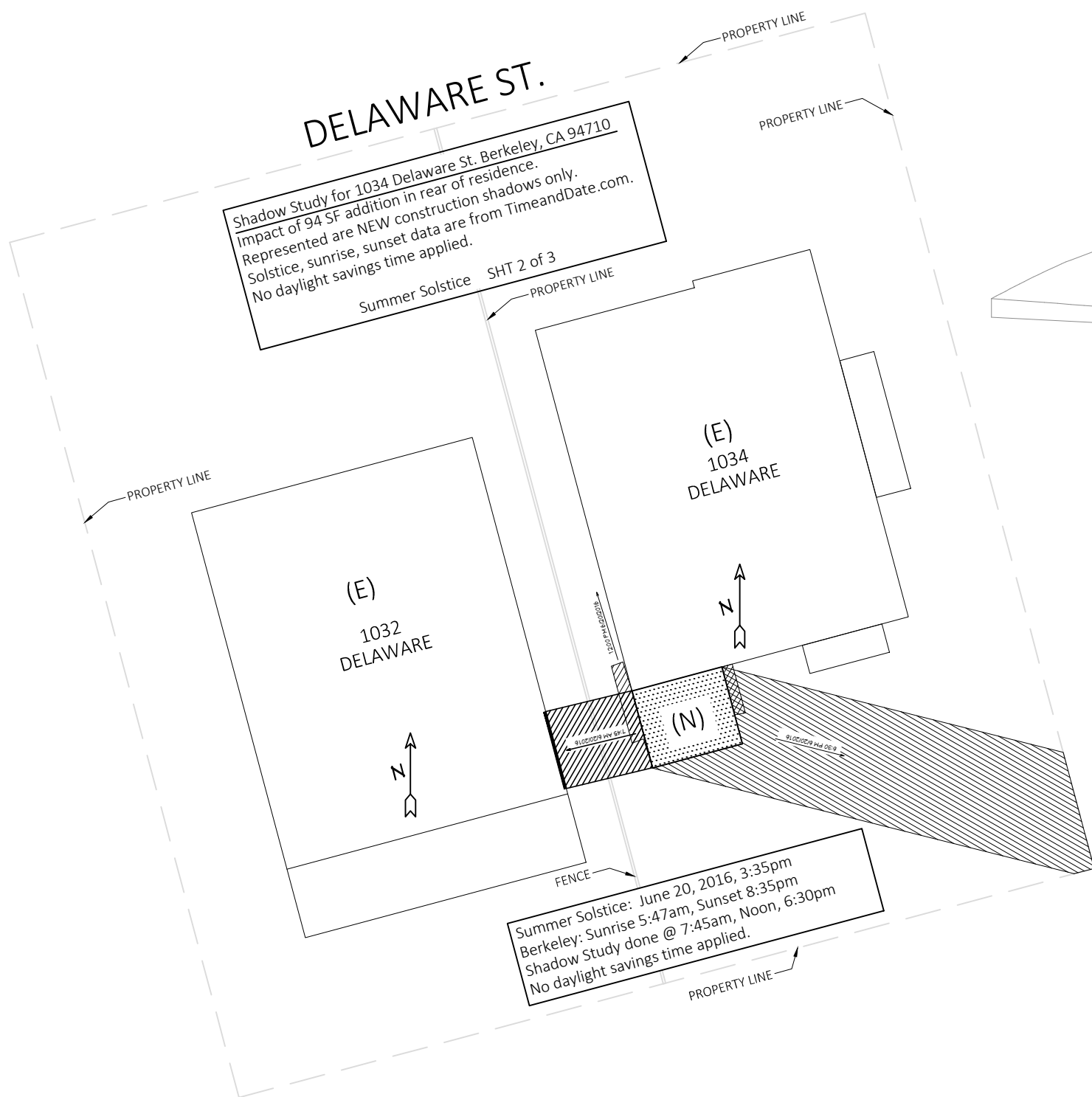
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Drawn -----

Job HABBERT ADDITION

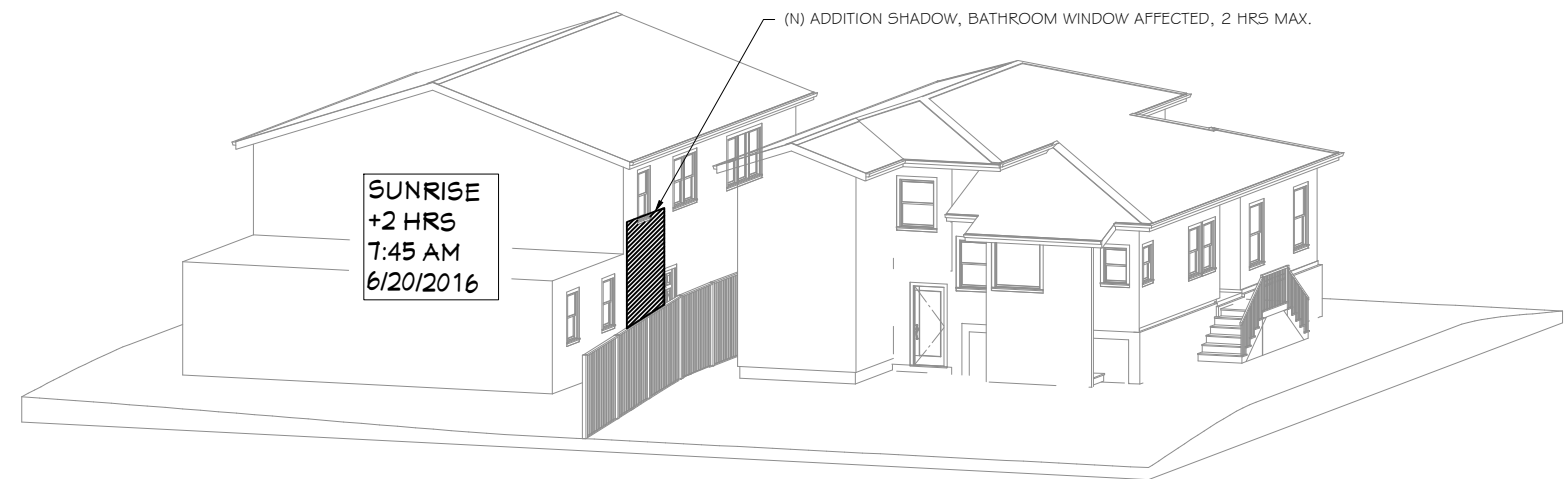
Sheet AUP8

8 of 10 Sheets



Shadow Study (Summer Solstice)

1/16" = 1'-0"



Shadow Aerial (Summer Solstice)

NTS

PLANS APPROVED by

[Signature]

June 22, 2016

SIGNATURE

DATE

*AUP Findings and Conditions Attached

REVISIONS BY

1) SHADOW STUDY

HABBERT, RACHEL
1034 DELAWARE ST.
BERKELEY, CA 94710
APN: 57-2087-2-5

Date 11/27/15

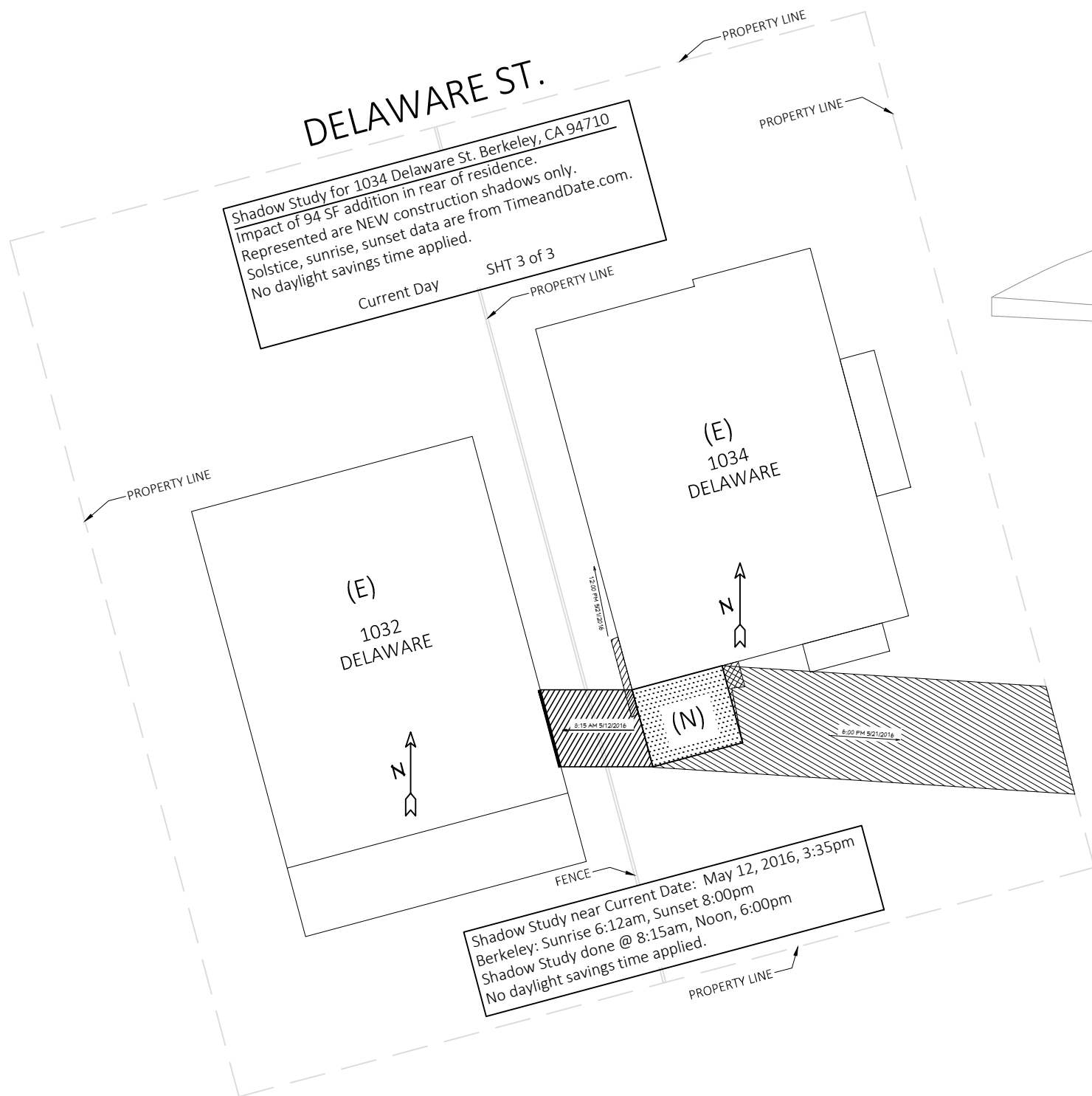
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Drawn -----

Job HABBERT ADDITION

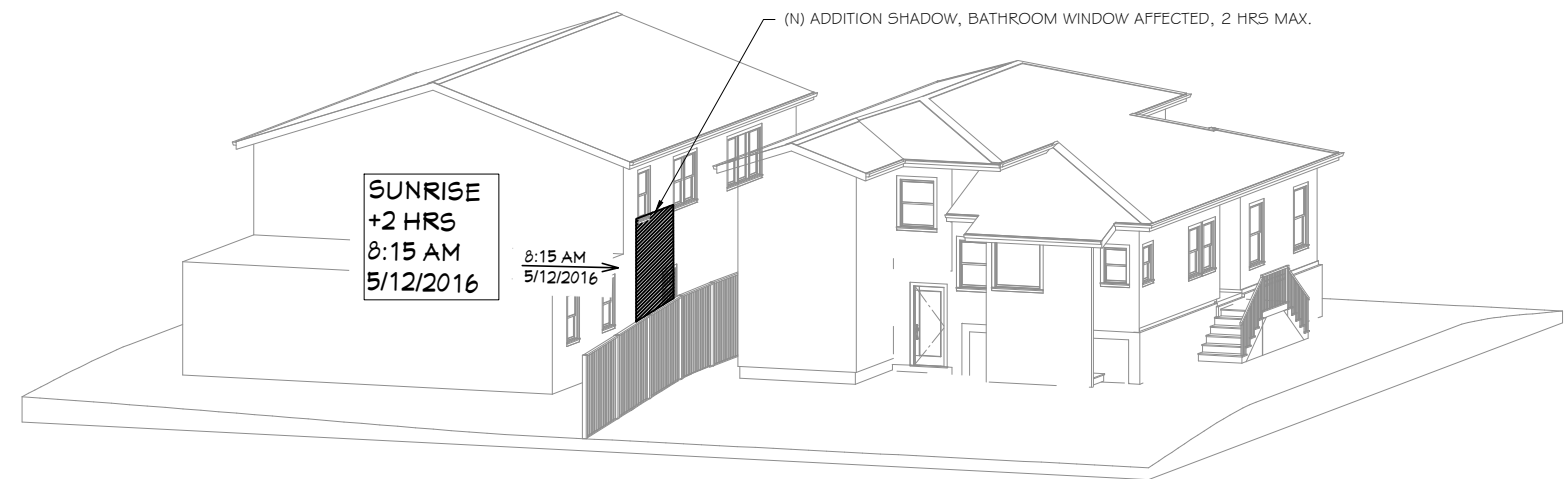
Sheet AUP9

9 of 10 Sheets



Shadow Study (Current Date)


1/16" = 1'-0"



Shadow Aerial (Current Date)

NTS

PLANS APPROVED by



June 22, 2016

SIGNATURE DATE

***AUP Findings and Conditions Attached**

REVISIONS BY

1) SHADOW STUDY

HABBERT, RACHEL
 1034 DELAWARE ST.
 BERKELEY, CA 94710
 APN: 57-2087-2-5

Date 11/27/15

Scale -----

Drawn

Job HABBERT ADDITION

Sheet AUP10

10 of 10 Sheets