522 Cragmont Avenue

Administrative Use Permit #ZP2016-0131

Project Description: To expand an existing 6 feet 4 inch wide bay window to 11 feet 9 inches on the south (rear) facade that is 19 feet in height and reconstruct a deck approximately 16 feet above grade and approximately 4 feet east of the original location.

- Section 23.16.070 to construct a residential addition greater than 14 ft. 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 November 29, 2016.

Attest: Carol Johnson
Carol Johnson, Land Use Planning Manager

November 29, 2016

Effective Date
522 Cragmont

Administrative Use Permit #ZP2016-0131

To expand an existing 6 feet 4 inch wide bay window to 11 feet 9 inches on the south (rear) facade that is 19 feet in height and reconstruct a deck approximately 16 feet above grade and approximately 4 feet east of the original location.

PERMITS REQUIRED

- Administrative Use Permit under section 23D.16.070 to exceed 14 feet in average height for an addition.

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 widened bay projection and new deck will comply with all development standards of the R-1H District. The additions will be constructed in an architectural style and with colors to match the existing home and the deck will maintain approximately the same footprint. Therefore the additions will be compatible with the existing property and neighborhood character.

- The proposed deck exceeds the minimum standards for projection allowances into yards prescribed in Section 23D.040.030 (Yard & Building Separations for Main Buildings). The deck will provide a 20.5-foot side yard setback to the west property line and 4-foot side yard setback to the east property line where a 3 foot side yard setback is required.
The deck will also provide approximately 80 feet to the rear yard setback where a minimum of 14 feet is required after projections in the R-1H zoning district. These conditions will therefore ensure adequate air circulation.

- The reconstructed deck will be four feet closer to the east property line while meeting the required 4-foot side yard setback and will not provide a direct line of site to adjacent openings therefore privacy impacts will not be detrimental.

- Any new shadows from the widened bay projection and relocated deck will be minimal due to the volume of the three story main dwelling. Additionally, the deck will not be an enclosed structure, therefore any new shadows will not be detrimental.

- The proposed scope of work will not impact any protected views or view corridors as defined under Section 23F.04.

**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.

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**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 #: _________________________

**During Construction:** (If a building permit is required, keep all of these unless noted)
11. **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.

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.

Prior to Issuance of Occupancy Permit or Final Inspection:
21. All construction at the subject property shall substantially conform to the approved Use Permit drawings or to modifications approved by the Zoning Officer.

22. All landscape, site and architectural improvements shall be completed per the attached approved drawings dated August 4, 2016.

At All Times (Operation):
23. 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: Charles Enchill
For City of Berkeley Zoning Officer

Reviewed by Leslie Mendez, Senior Planner
3. EXISTING UPPER FLOOR PLAN (No work on this level, included for reference only)

1. EXISTING LOWER FLOOR (No work on this level, included for reference only)

2. EXISTING / DEMO MAIN FLOOR PLAN
1. EXISTING

2. PROPOSED DEMO EAST ELEVATION

3. PROPOSED DEMO SOUTH ELEVATION

Scale: N=1/4P

Existing Elevations

Lower Level
Main Level
Upper Level

Berkeley, CA 94708

Weaver-Ryan Residence
522 Cragmont Avenue

Sheet 1 of 2

Fischer Architecture

Rev. 1 8/4/2016

A1.1

Plans Approved by

November 8, 2016

ASE Findings and Conditions Attached
<table>
<thead>
<tr>
<th>Plan</th>
<th>Description</th>
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**Legend**
- New Wall
- Existing Wall

**Notes**
- New wall to remain.
- Existing wall to be removed.

**Dimensions**
- 2'-7" (window)
- 11'-9" (wall)
- 11'-4" (wall)
- 10'-9" (wall)
- 25'-7" (wall)
- 13'-4" (wall)
- 2'-7" (window)
- 4' (wood fence)
- 5'-6" (curb cut and driveway)

**Areas**
- Powder pantry/stor.
- Living Room
- Dining Room
- Entry Vestibule
- Kitchen
- Utility stor.
- Sink
- Open shelves/hood above wall
- Built-in toilet
- Range
- Utility garage
- Remove wall, flush frame beam above
- Provide blocking and power for retractable shade above (E)
- Stair (A3.0)
- Deck
- BBQ area/outdoor cooking (n.i.c.)
- Provide gas line
- New painted steel railing
- Re-built and extend existing bay
- New folding door system
- Window (n)
- Brick wall
- Wood fence (e)
- Brick wall (e)
- Curb cut and driveway (e)
- Planter 8'-8" existing/proposed fill in (e)
- Window (P)
- Window (L)

**Location**
- Berkeley, CA 94704

**Dates**
- 6/30/2016: AUP Submittal
- 11/8/2016: AUP Approved

**Notes**
- "AUP Findings and Conditions Attached"