



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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## 1117 Euclid Avenue

### Administrative Use Permit #ZP2017-0013

**Project Description:** To construct 62-square-foot, second-story addition located on the side of an existing two-story dwelling.

- Section 23D.16.070.C to exceed the 14-foot average height limit for residential additions in the R-1 District.

### 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 May 2, 2017.

Attest: Steven Buckley May 2, 2017  
Steven Buckley, Land Use Planning Manager Effective Date

You may choose to file with the State and County either the enclosed Notice of Exemption or Notice of Determination (which ever applies). Pursuant to the California Environmental Quality Act (CEQA), Public Resources Code section 21167, the time in which a legal challenge will be accepted is shortened if this form is filed within 5 days of the effective date of the City's action.

# ATTACHMENT 1

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## FINDINGS AND CONDITIONS APRIL 7, 2017

### 1117 Euclid Avenue

#### Administrative Use Permit #ZP2017-0013

**To construct a 62-square-foot, second-story addition located on the side of an existing two-story dwelling**

#### PERMITS REQUIRED

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- Administrative Use Permit under BMC §23D.16.070.C to exceed the 14-foot average height limit for residential additions in the R-1 District.

#### 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 (“Existing Facilities”) of the CEQA Guidelines. 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

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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, 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 62-square-foot addition will not introduce new shadows cast upon adjacent dwellings because the addition will be the same height as the existing dwelling, and the existing dwelling is surrounded on all sides by trees that are taller than the dwelling itself, and which already cast significant shadows on the neighboring dwellings. Furthermore, the second-story addition will be located near the center of a 15,290-square-foot lot, with a distance range of 38’ to 62’ from the lot lines, so that any new shadows will not likely reach neighboring dwellings.
  - The addition will not significantly impact air access, because it will be constructed within the existing dwelling footprint and will not reduce the distance between the existing dwelling and adjacent dwellings.

- The addition will not significantly impact existing views or privacy for adjacent dwellings, because the existing dwelling is surrounded on all sides by dense vegetation that is taller than the dwelling itself, which obstructs direct view of the addition from neighboring properties, and which provides sufficient privacy to adjacent dwellings. Further, the addition will be constructed within the existing dwelling footprint, and will be located near the center of a large lot, at distances from adjacent dwellings that are unlikely to impact their privacy.
- The addition will conform with R-1(H) District development standards for main building height, setbacks, lot coverage, and usable open space.

## **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 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 #

**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, 4<sup>th</sup> 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 1947 Center Street, 3rd floor, 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.

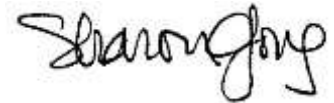
18. Public streets shall be swept (preferably with water sweepers) of all visible soil material carried from the site.

**Prior to Issuance of Occupancy Permit or Final Inspection:**

19. All construction at the subject property shall substantially conform to the approved Use Permit drawings or to modifications approved by the Zoning Officer.
20. All landscape, site and architectural improvements shall be completed per the attached approved drawings dated **March 3, 2017**.

**At All Times (Operation):**

21. 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.



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Prepared by: Sharon Gong  
For City of Berkeley Zoning Officer

SITE PLAN

1117 EUCLID AVE.  
BERKELEY, CA 94708

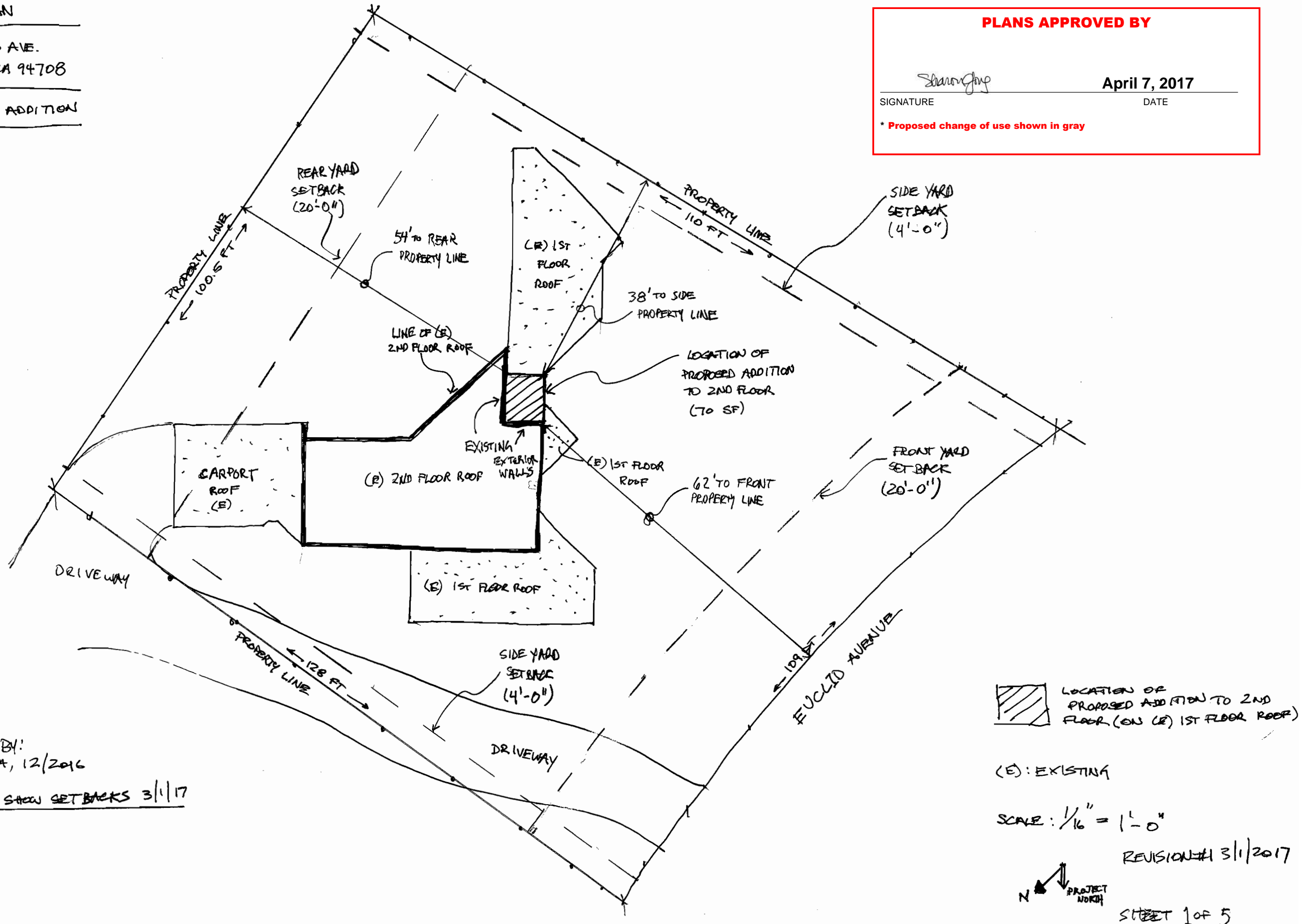
2ND FLOOR ADDITION

PLANS APPROVED BY

*Sharon Gung*  
SIGNATURE

April 7, 2017  
DATE

\* Proposed change of use shown in gray



PLANS PREPARED BY:  
PAUL D. DELVA, 12/2016

REVISED TO SHOW SETBACKS 3/1/17

LOCATION OF PROPOSED ADDITION TO 2ND FLOOR (ON (E) 1ST FLOOR ROOF)

(E): EXISTING

SCALE: 1/16" = 1'-0"

REVISION #1 3/1/2017



**PLANS APPROVED BY**

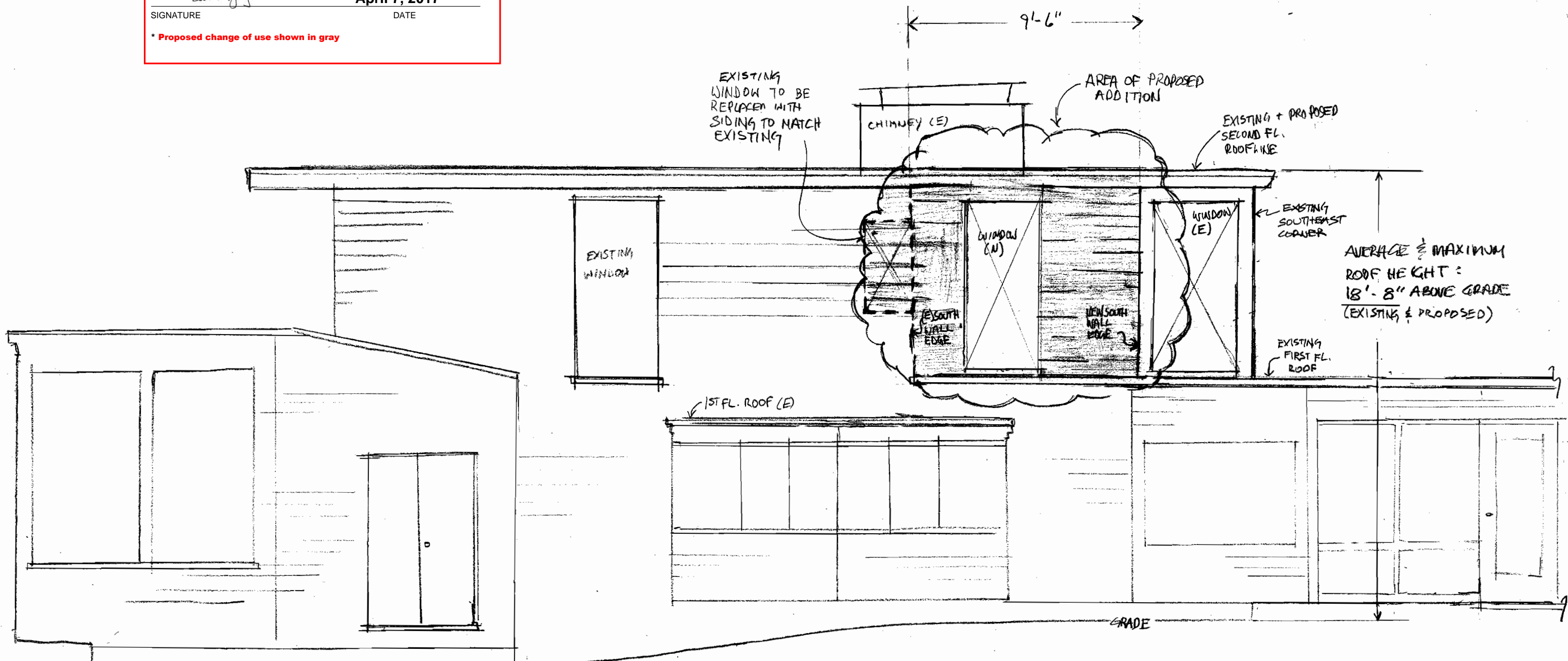
SIGNATURE *Sharon Gung*

DATE April 7, 2017

SIGNATURE

DATE

\* Proposed change of use shown in gray



1117 EUCLID AVE., BERKELEY, CA 94708  
DECEMBER 2016 ADDITION

PAUL DELVA & MALEE LEEADON, OWNERS/APPLICANTS  
(510) 833-3485

PLAN REVISION #1 3/1/17

WEST ELEVATION

SCALE: 1/4" = 1'-0"

EXISTING CONDITIONS EXCEPT AS INDICATED WITHIN →

REVISION #1 3/1/2017

PROPOSED ADDITION

SHEET 2 OF 5



PLANS APPROVED BY

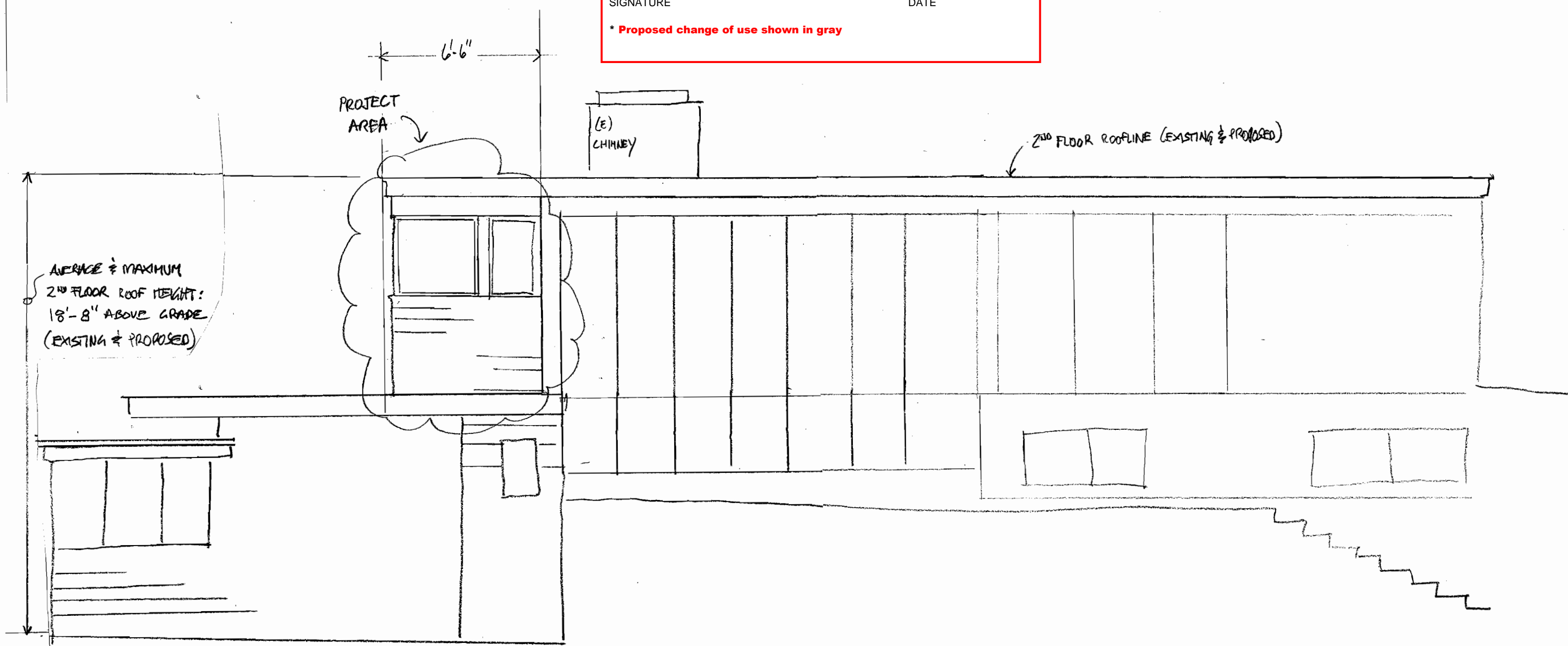
*Sharon G...*

April 7, 2017

SIGNATURE

DATE

\* Proposed change of use shown in gray



SOUTH ELEVATION - EXISTING CONDITIONS

1117 EUCLID AVE., BERKELEY, CA 94708

ADDITIONS - SPRING 2017

PAUL DELVA & MALEE WEEAPHAN • (510) 833-3495

SCALE 1/4" = 1'-0"

REVISION #1 - 3/1/2017

SHEET 3 OF 5

PLANS APPROVED BY

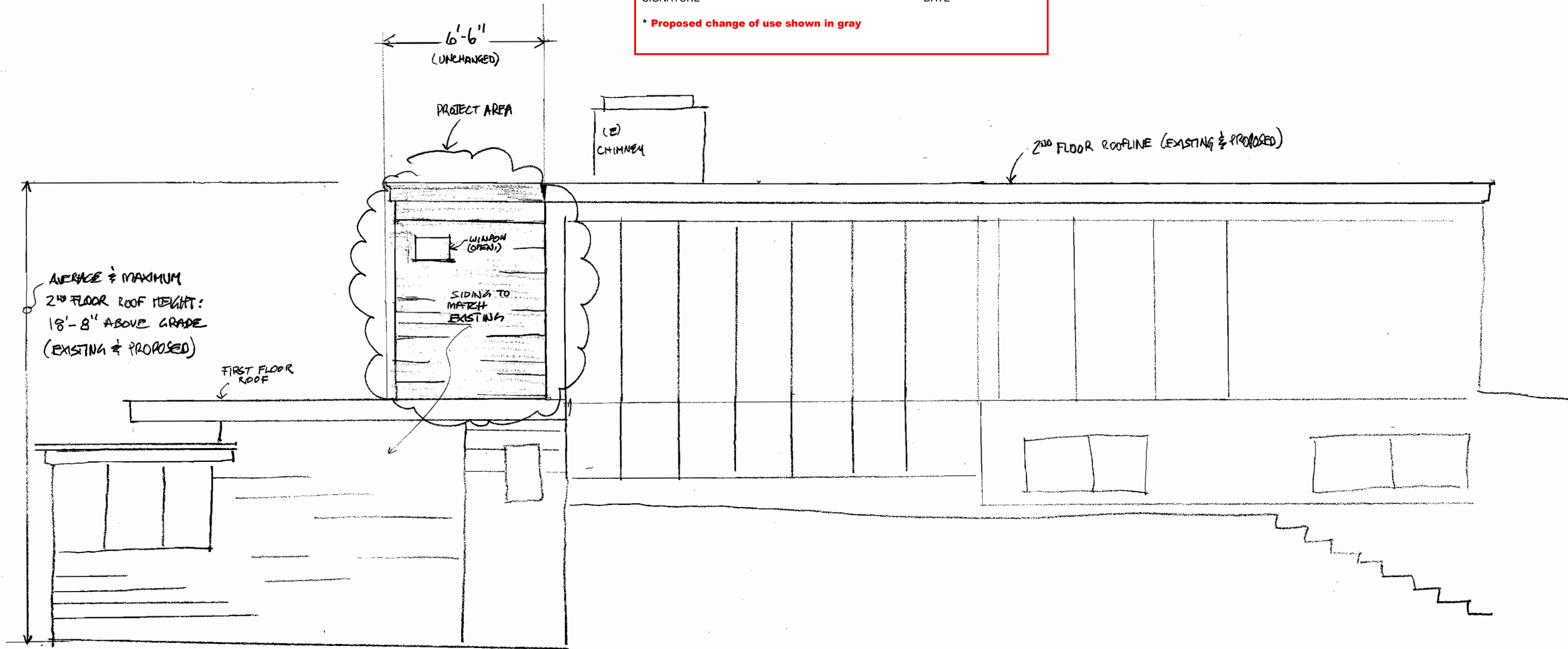
*Sharon Gump*

April 7, 2017

SIGNATURE

DATE

\* Proposed change of use shown in gray



SOUTH ELEVATION - PROPOSED CONDITIONS

117 EUCLID AVE, BERKELEY, CA 94708

ADDITIONS - SPRING 2017

PAUL DELVA & MALEE WEEATHAN : (510) 833-3495

SCALE  $1/4" = 1'-0"$

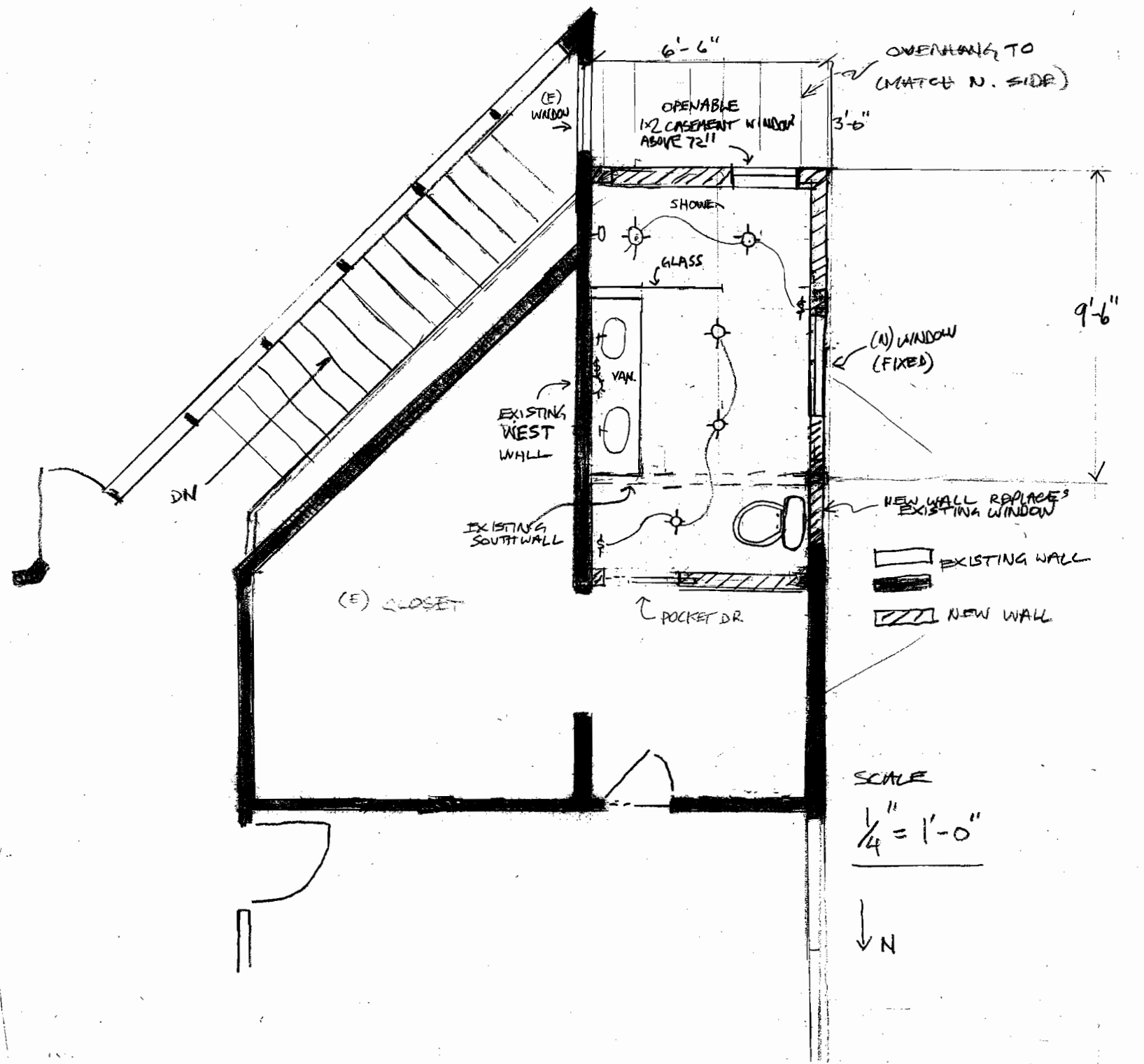
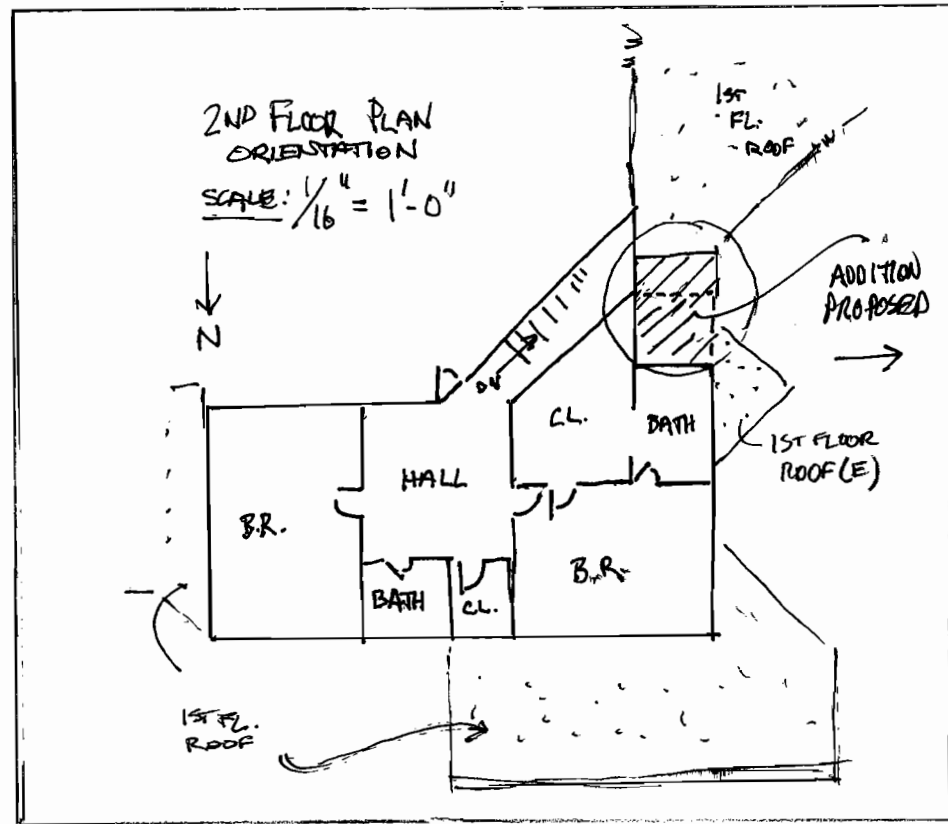
REVISION #1 - 3/1/2017

SHEET 4 = 5

PLANS APPROVED BY

SIGNATURE *Sharon Goy* DATE April 7, 2017

\* Proposed change of use shown in gray



1117 EUCLID AVENUE  
BERKELEY, CA 94708

APPLICATION FOR ADMINISTRATIVE USE PERMIT

DECEMBER 2016

\* REVISED TO SHOW INTERIOR DETAIL 3/1/17

PLANS PREPARED BY PAUL D. DELVA, OWNER

SECOND-FLOOR PLAN - DETAIL OF AFFECTED AREA

REVISION #1 - 3/1/2017