

Notice of Exemption

To: Office of Planning and Research  
P.O. Box 3044, Room 113  
Sacramento, CA 95812-3044

County Clerk

County of: ALAMEDA  
1106 MADISON ST  
OAKLAND CA 94607

Land Use Planning  
From: (Public Agency): CITY of Berkeley  
1947 Center St  
Berkeley, CA 94704  
(Address)

Project Title: 1236 DWIGHT WAY AVE #ZP2019-0136

Project Applicant: MELISSA HARMON

Project Location - Specific: 1236 DWIGHT WAY, BERKELEY, CA 94702

Project Location - City: Berkeley Project Location - County: Alameda

Description of Nature, Purpose and Beneficiaries of Project:

TO ALTER A 4000 SQ FT RESIDENTIAL PARCEL BY LEGALIZING THE CONSTRUCTION OF A 331 SQ FT HABITABLE ACCESSORY BUILDING IN THE REAR YARD.

Name of Public Agency Approving Project: CITY OF BERKELEY

Name of Person or Agency Carrying Out Project: MELISSA HARMON

Exempt Status: (check one):

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption. State type and section number: \_\_\_\_\_
- Statutory Exemptions. State code number: \_\_\_\_\_

15300.  
NONE OF THE EXCEPTIONS CEQA APPLY  
CA CODE OF REGS 15000  
CEQA PUBLIC RESOURCES CODE 21000

Reasons why project is exempt: CONVERSION OF SMALL STRUCTURES CEQA 15303

PROJECT IS CATEGORICALLY EXEMPT ALSO BY CEQA 15300.2 @  
NOT IN ENVIRONMENTALLY SENSITIVE AREA @ NO CUMULATIVE IMPACTS  
© NO SIGNIFICANT EFFECTS @ NOT NEAR SCENIC HIGHWAY @ NOT IN HAZMAT  
NO HISTORICAL IMPACT @ SITE

Lead Agency  
Contact Person: Steve Buckley Area Code/Telephone/Extension: 510 981 7410  
LAND USE CITY of Berkeley

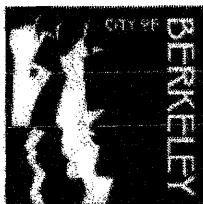
If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project?  Yes  No

Signature: [Signature] Date: 1/30/2020 Title: OWNER  
MELISSA HARMON  
 Signed by Lead Agency  Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.  
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: \_\_\_\_\_



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

## 1236 Dwight Way

**Administrative Use Permit # ZP2019-0136**

**To alter a 4,000 sq. ft. residential parcel with an existing 808 sq. ft. one-story single family dwelling by legalizing the construction of a 331 sq. ft. habitable accessory building in the rear yard with an average height of 9 ft.**

- Administrative Use Permit pursuant to BMC Section 23D.08.005.A.1 to legalize an existing accessory building.

**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 January 28, 2020.

Attest: Steven Buckley January 28, 2020  
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

## FINDINGS AND CONDITIONS

JANUARY 6, 2020

### 1236 Dwight Way

#### Administrative Use Permit #ZP2019-0136

To alter a 4,000 sq. ft. residential parcel with an existing 808 sq. ft. one-story single family dwelling by legalizing the construction of a 331 sq. ft. habitable accessory building in the rear yard with an average height of 9 ft.

#### PERMITS REQUIRED

- Administrative Use Permit pursuant to Berkeley Municipal Code (BMC) Section 23D.08.005.A.1 to legalize an existing accessory building.

#### 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 CEQA Guidelines Section 15303 of the CEQA Guidelines ("New Construction or Conversion of Small Structures"). 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 BMC Section 23B.28.050.A, 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:
  - A. The subject property will continue to conform to the applicable provisions of the Restricted Two-Family Residential District (R-2) standards (BMC Section 23D.28.070) for maximum residential density (one dwelling unit, where only one dwelling unit is allowed), height (26 ft. average height where 28 ft. is allowed), lot coverage (28% lot coverage proposed, where the maximum allowed is 40%), usable open space (approximately 1,200 sq. ft. provided where a minimum of 400 sq. ft. is required), and parking (one off-street parking space provided where one space is required). No changes will be made to the existing single family dwelling; setbacks and building height will remain the same;
  - B. The proposed accessory building meets the height limits per BMC Section 23D.08.020.A (9 ft. in average height proposed where no accessory building may exceed 10 ft. in average height when any portion of the building or structure is within 4 ft. of a lot line), and setback requirements per BMC Section 23D.08.030 (the accessory building does