



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

CITY OF BERKELEY ZONING ORDINANCE
Berkeley Municipal Code, Title 23

AUP #12-2000032

Property Address:

1482 KEONCREST DRIVE

Permittee Name:

DIETMAR LORENZ

Use and/or Construction Permitted: to construct a second-story, 578 square-foot residential addition that will increase the building's average height from 13' 11" to 23' 6" and the maximum height from 14' 8" to 24' 3" pursuant to:

- Section 23D.16.070 to construct a residential addition greater than 14' 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 April 17, 2013.

Attest: Terry Blount
Terry Blount, AICP, Principal Planner
For Debbie Sanderson, Zoning Officer

April 17, 2013
Effective Date

ATTACHMENT 1

FINDINGS AND CONDITIONS

MARCH 27, 2013

1482 Keoncrest Drive

Administrative Use Permit #13-20000032

To construct a second-story, 578 square-foot residential addition that will increase the building's average height from 13' 11" to 23' 6" and the maximum height from 14' 8" to 24' 3".

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:
 - As required under Section 23D.16.090.B (Findings), the Zoning Officer finds that the project should not be denied because the proposed addition would not unreasonably obstruct sunlight, air, or views, because it would not cast new shadows on the windows or a substantial area of open space of adjacent residences. The addition remains well outside of the required yards, and is located within the footprint of the existing dwelling in an area that is already developed with substantial vegetation that also filters views.
 - As required under Section 23D.16.070 (Development Standards), this project is permissible because the subject property satisfies the district standards for maximum residential density, maximum main building height, minimum front, rear, and side yard setbacks, maximum lot coverage and minimum open space.

- As required under Section 23D.16.080 (Parking), the project would not increase parking demand and existing parking is provided in accordance with the minimum requirement.

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 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: _____

- 11.** 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.

Prior to Issuance of Any Building Permit:

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

During Construction:

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.
22. 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:

23. All construction at the subject property shall substantially conform to the approved Use Permit drawings or to modifications approved by the Zoning Officer.
24. All landscape, site and architectural improvements shall be completed per the attached approved drawings dated **MARCH 11, 2013**.

At All Times (Operation):

25. All exterior lighting shall be shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.
26. This permit is subject to review, imposition of additional conditions, or revocation if factual complaint is received by the Zoning Officer that the maintenance or operation of this establishment is violating any of these or other required conditions or is detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the neighborhood or is detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.
27. Noise and exterior lighting shall be controlled so as to prevent verified complaints from the surrounding neighborhood.



Claudine Asbagh, Assistant Planner for
Debra Sanderson, Zoning Officer

SHAPIRO RESIDENCE REMODEL / ADDITION

1482 KEONCREST DRIVE, BERKELEY, CA 94702

PROJECT DESCRIPTION:
 SECOND FLOOR 578 SQ.FT. RESIDENTIAL ADDITION; INTERIOR
 REMODEL OF FIRST FLOOR WITH MINOR FACADE CHANGES;
 REBUILDING OF GARDEN ACCESS STAIR, FRONT PORCH
 IMPROVEMENT, NEW WEST DECK, AWNINGS AT EXTERIOR
 DOORS; NEW WEST FENCE WITH TRELIS.

PROJECT LOCATION:
 1482 KEONCREST DRIVE
 BERKELEY, CA 94702
 APN: 059 2286613600

PROJECT OWNER:
 ALIZA SHAPIRO
 1450 CATHERINE DRIVE
 BERKELEY, CA 94702

PARCEL CONDITION AND USE:
 PARCEL SIZE 4115 SF (PER SURVEY)
 ZONING DISTRICT: R-1
 USE: SINGLE FAMILY RESIDENCE
 LOT COVERAGE 1232 SF/4115 SF = 30% (NO CHANGE)

BUILDING:
 982 SF - EXISTING FIRST FLOOR
 250 SF - EXISTING ATTACHED GARAGE
 578 SF - PROPOSED SECOND FLOOR ADDITION
 1560 SF - RESULTING TOTAL LIVING SPACE

 R3 OCCUPANCY - SINGLE FAMILY DWELLING, 2-STORY
 CONSTRUCTION: TYPE V-B
 CODE COMPLIANCE: 2010 CRC
 2010 CALIFORNIA GREEN BUILDING CODE
 2008 T-24 ENERGY COMPLIANCE
 LOCAL CODES AND REGULATIONS

SHEET INDEX:
 A1.0 COVER SHEET
 A1.1 SITE PLAN WITH ROOF PLAN
 A2 FLOOR PLANS
 A3 ELEVATIONS
 A4 EXISTING ELEVATIONS & PLAN
 A5 SURVEY
 PA1 NEIGHBORS' SIGNATURES SITE PLAN*
 PA3 ELEVATIONS WITH EXISTING OUTLINE*
 PA4 ELEVATIONS & PERSPECTIVES*
 JUNE - 6/21 SHADOW STUDY
 SEP - 3/21 OR 9/21 SHADOW STUDY
 DEC - 12/21 SHADOW STUDY

*NOTE PRE-APPLICATION (PA) NEIGHBORS' SIGNATURE SET CONSISTED OF 6 SHEETS, ONLY TWO OF WHICH ARE INCLUDED HERE TO AVOID REDUNDANCE.



VICINITY MAP 1" = 50'

ABBREVIATIONS:
 (E) - EXISTING
 (N) - NEW
 (F) - FUTURE
 TYP. - TYPICAL
 U.O.N. - UNLESS OTHERWISE NOTED
 OPT. - OPTIONAL
 ABV. - ABOVE
 SF OR SQ.FT. - SQUARE FOOT
 MIN. - MINIMUM
 MAX. - MAXIMUM

APPROVED PLANS
 CURRENT PLANNING DATE
 D.R. Conditions Attached
 A.U.P. Conditions Attached
 U.P. Conditions Attached

David Stuenkel Associates
 Architects
 2177 Regatta Road, Suite 200, Berkeley, CA 94702
 415.841.2222
 www.dsa.com

DSA

Shapiro Residence
 Addition
 1482 Keoncrest Dr.
 Berkeley, CA 94702

 COVER SHEET
 Date: 08.08.13
 Project: 1308

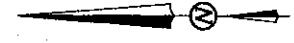
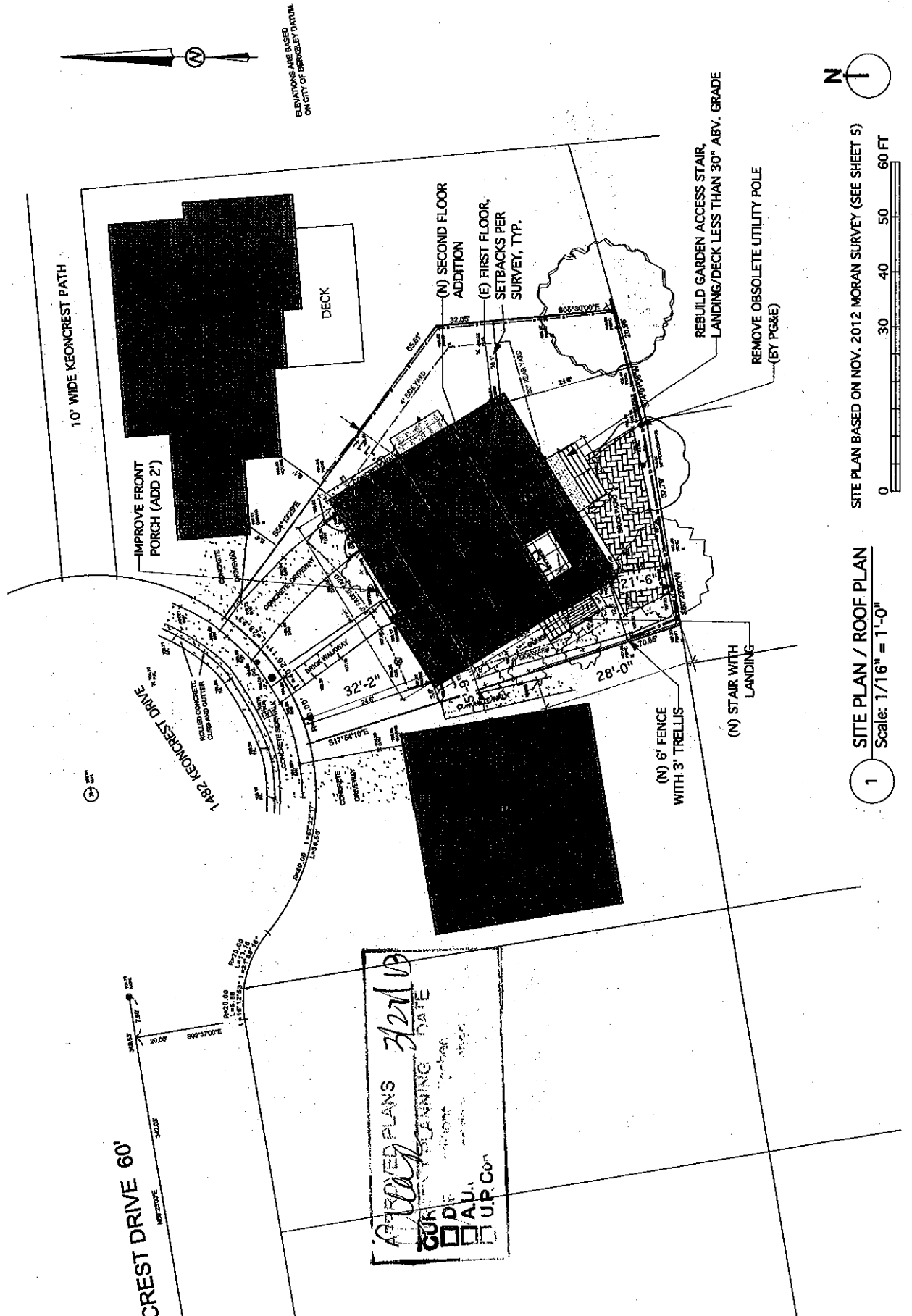
A1.0

Client:	
Project:	
Location:	
Date:	
Scale:	
Sheet:	

Shapiro Residence
Addition
1482 Keoncrest Dr.
Berkeley, CA 94702

SITE PLAN / ROOF PLAN
Project No.: 0208
Date: 04/14/15

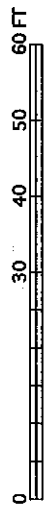
A1.1



ELEVATIONS ARE BASED
ON CITY OF BERKELEY DATUM

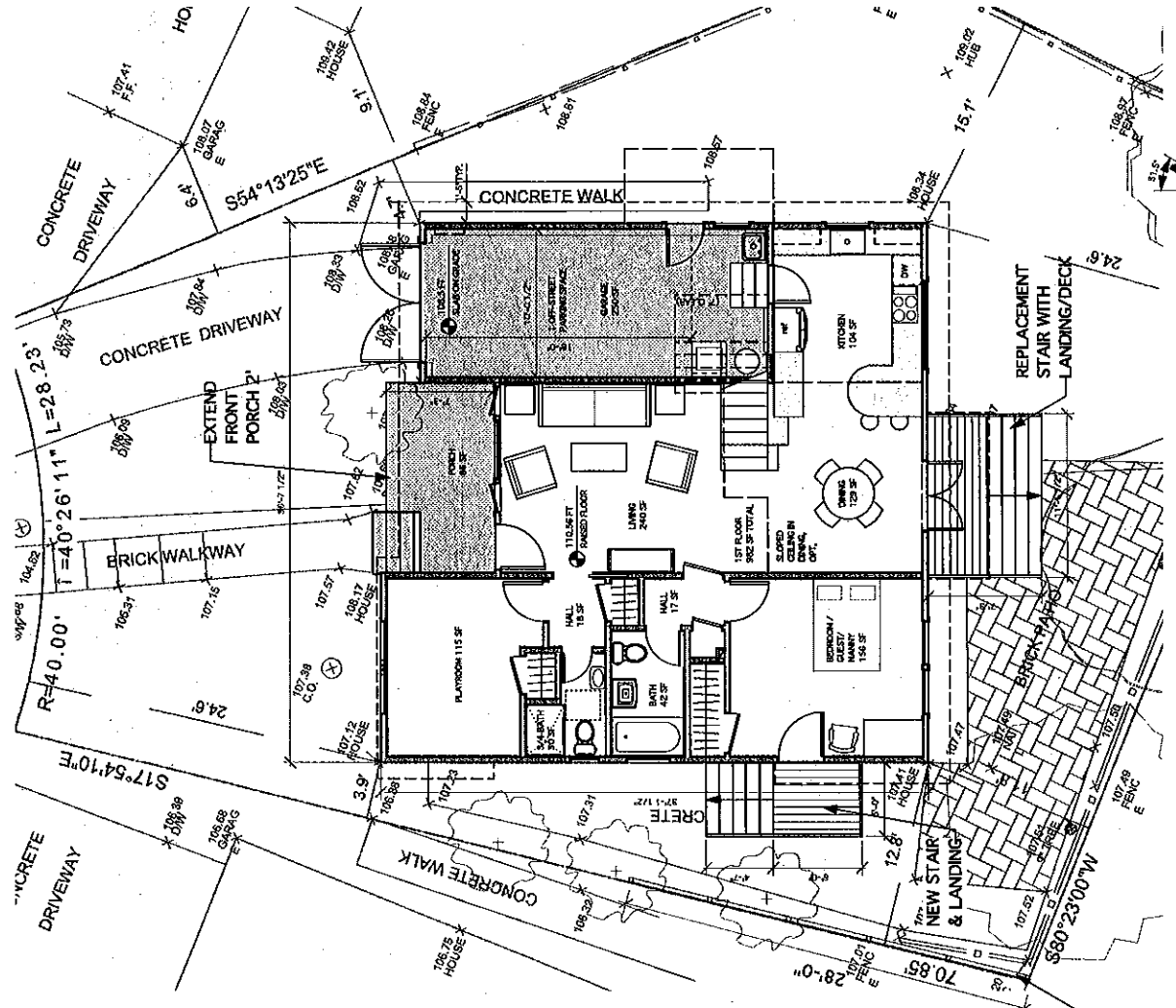


SITE PLAN BASED ON NOV. 2012 MORAN SURVEY (SEE SHEET 5)



1 SITE PLAN / ROOF PLAN
Scale: 1/16" = 1'-0"

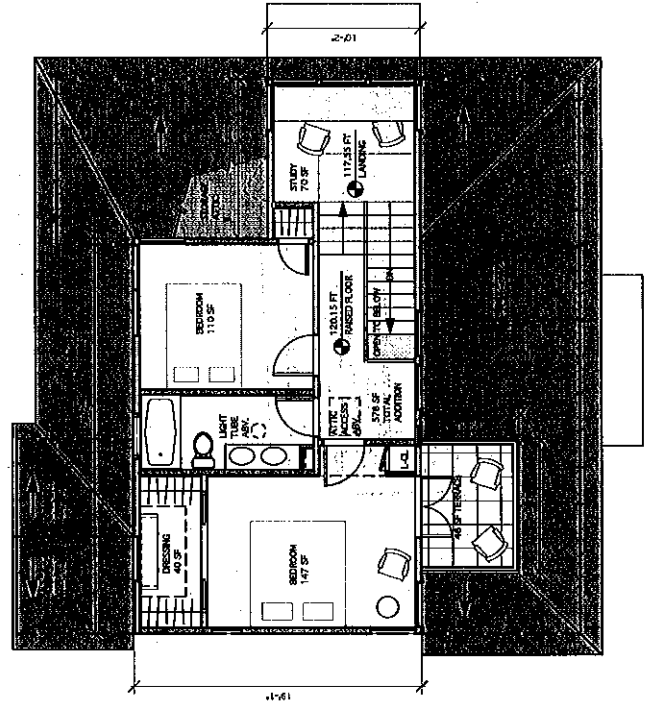
APPROVED PLANS 3/22/15
DATE
OUR DRAWING DATE
UP CON



1 FIRST FLOOR (REMODEL WITHIN EXISTING FOOTPRINT)
Scale: 1/8" = 1'-0"

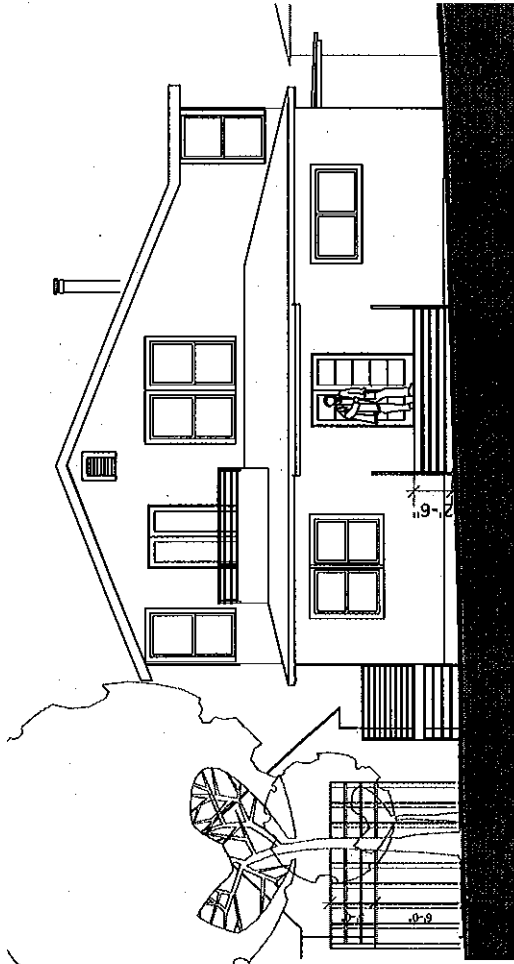
APPROVED PLANS
DATE: 3/27/18

CURRENT PLANNING
 D.R. Conditions Attached
 A.U.P. Conditions Attached
 U.P. Conditions Attached

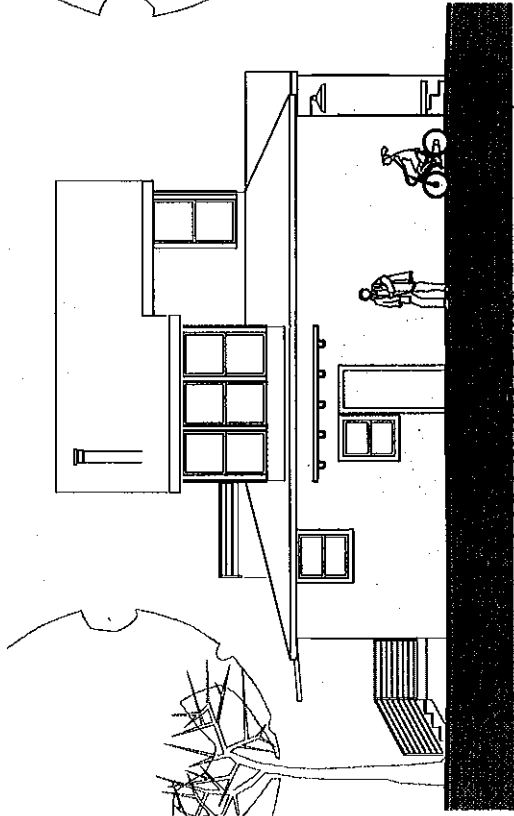


2 SECOND FLOOR (PROPOSED ADDITION)
Scale: 1/8" = 1'-0"

NEW 6' FENCE
WITH 3' TRELLIS

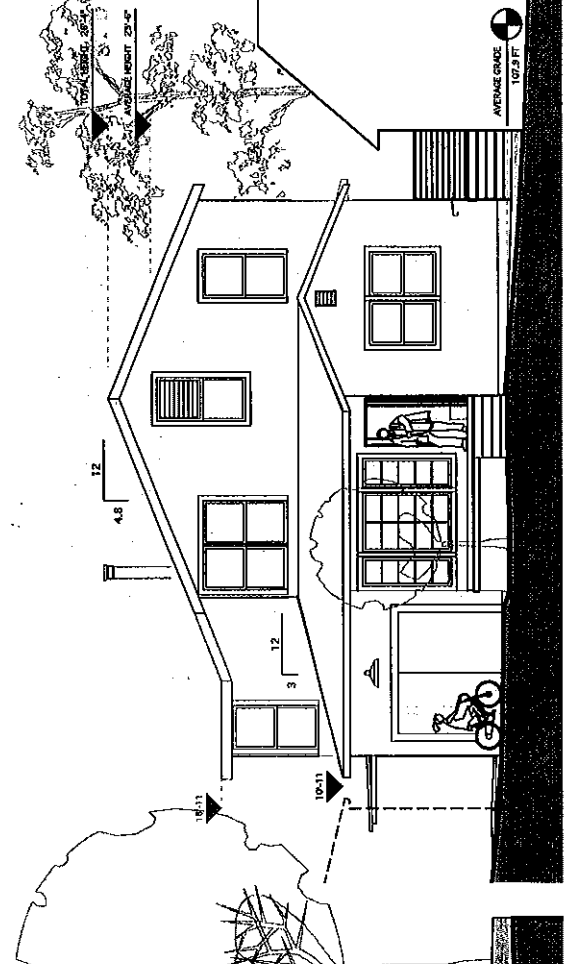


2 SOUTH
 Scale: 1/8" = 1'-0"

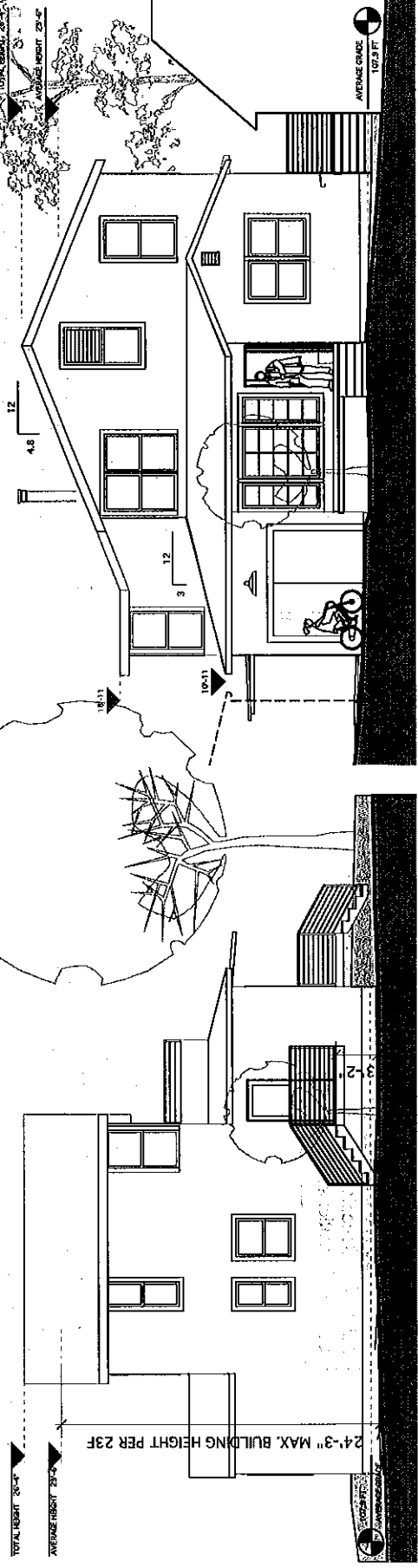
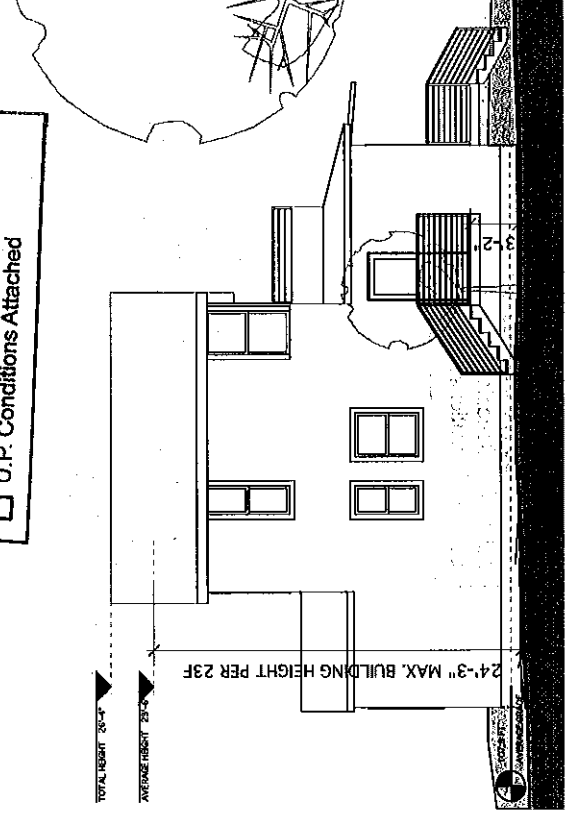


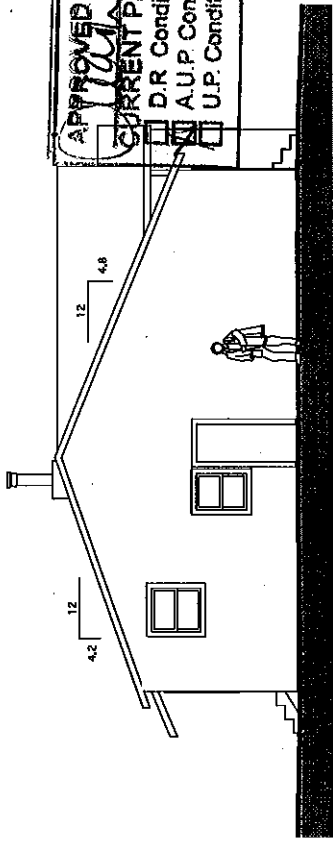
3 WEST
 Scale: 1/8" = 1'-0"

DATE: 3/27/13
 CURRENT DRAWING
 D.R. Conditions Attached
 A.U.P. Conditions Attached
 U.P. Conditions Attached

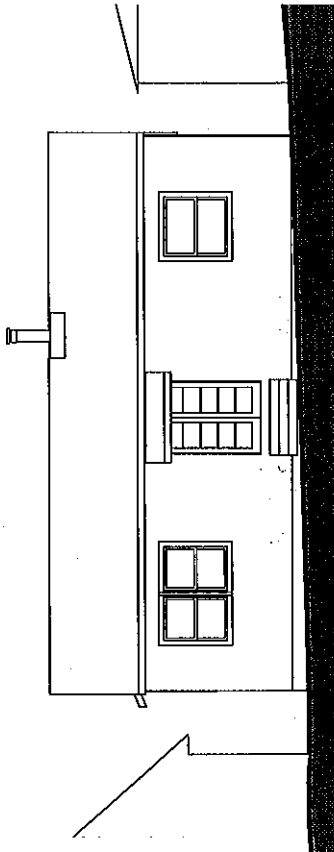


4 NORTH
 Scale: 1/8" = 1'-0"

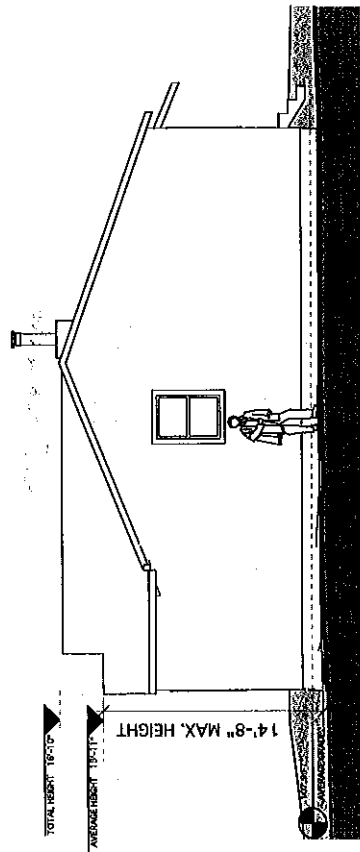




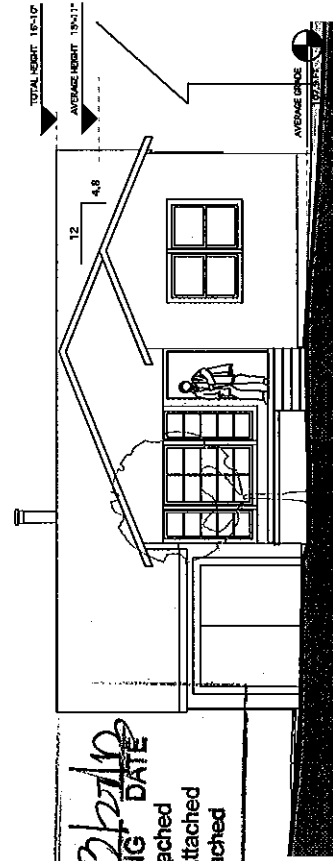
1 EAST Scale: 1/8" = 1'-0"



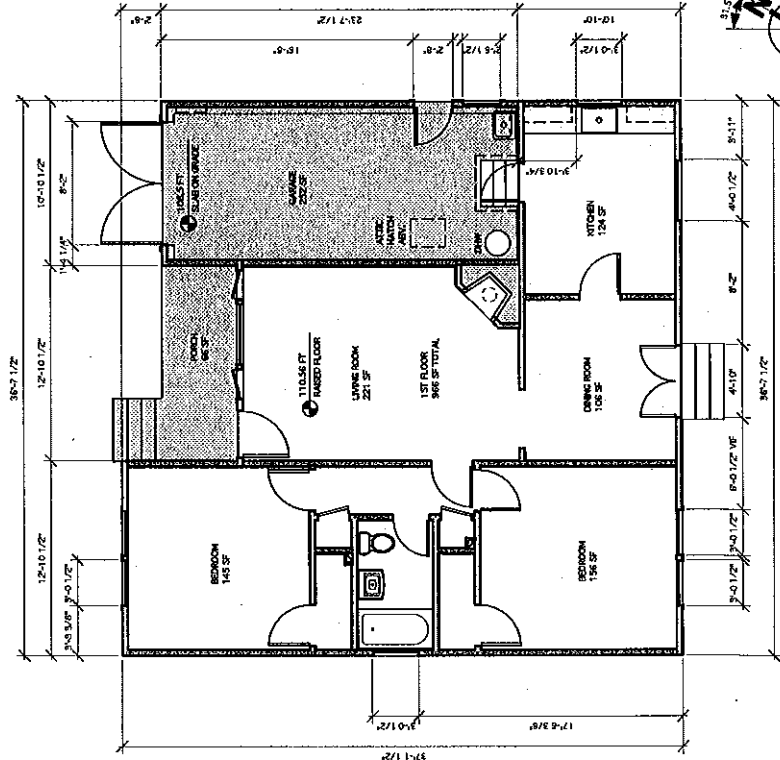
2 SOUTH Scale: 1/8" = 1'-0"



3 WEST Scale: 1/8" = 1'-0"



4 NORTH Scale: 1/8" = 1'-0"



1 EXISTING FLOOR PLAN Scale: 1/8" = 1'-0"



Planning and Development Department
Land Use Planning Division
2120 Milvia Street, 2nd Floor
Berkeley, CA 94704

Post and Mail Date:
March 27, 2013

NOTICE OF ADMINISTRATIVE DECISION

AUP #12-2000032 – APPROVED 1482 KEONCREST DRIVE

To construct a second-story, 578 square-foot residential addition that will increase the building's average height from 13'11" to 23'6" and the maximum height from 14'8" to 24'3".

Appeal Period: March 27, 2013 to April 8, 2013 (see reverse)

To review application materials go to www.cityofberkeley.info/zoningapplications or visit the Permit Service Center (Zoning Counter) at 2120 Milvia Street, open 8:30 AM to 4 PM Monday – Friday (closed 2nd & 4th Fridays of every month)

«NAME1»
«NAME2»
«ADDRESS1»
«ADDRESS2»

TO APPEAL THIS DECISION (see Section 23B.28.060 of the Berkeley Municipal Code):

1. Submit a letter clearly and concisely setting forth the grounds for the appeal to the Zoning Officer, at the Permit Service Center, 2120 Milvia Street, Berkeley, or by fax to (510) 981-7420. The Land Use Planning Division's phone number is (510) 981-7410.
2. The appeal must be received prior to 4:00 p.m. on the last day of the appeal period shown above (if the close of the appeal period falls on a weekend or holiday, then the appeal period expires the following business day).
3. Submit the required fee (checks and money orders must be payable to 'City of Berkeley'):
 - a. The basic fee for appeals of a Zoning Officer decision to the Zoning Adjustments Board is \$200. This fee may be reduced to \$75 if the appeal is signed by persons who lease or own at least 35 percent of the parcels or dwelling units within 300 feet of the project site, or at least 20 such persons (not including dependent children), whichever is less.
 - b. The fee for appeals of affordable housing projects (defined as projects which provide 50 percent or more affordable units for households earning 80% or less of Area Median Income) is \$500, which may not be reduced.
 - c. The fee for all appeals by Applicants is \$2500.

If no appeal is received, the permit will be issued on the first business day following expiration of the appeal period, and the project may proceed at that time.

NOTICE CONCERNING YOUR LEGAL RIGHTS:

If you object to this decision, the following requirements and restrictions apply:

1. If you challenge this decision in court, you may be limited to raising only those issues you or someone else raised in an appeal of the decision.
2. You must appeal to the Zoning Adjustments Board within twenty (20) days after the Notice of Decision of the action of the Zoning Officer is mailed. It is your obligation to notify the Land Use Planning Division in writing of your desire to receive a Notice of Decision when it is completed.
3. Pursuant to Code of Civil Procedure Section 1094.6(b) and Government Code Section 65009(c)(1), no lawsuit challenging a City decision, as defined by Code of Civil Procedure Section 1094.6(e), regarding a use permit, variance or other permit may be filed more than ninety (90) days after the date the decision becomes final, as defined in Code of Civil Procedure Section 1094.6(b). Any lawsuit not filed within that ninety (90) day period will be barred. Pursuant to Government Code Section 66020(d)(1), notice is hereby given to the applicant that the 90-day protest period for any fees, dedications, reservations, or other exactions included in any permit approval begins upon final action by the City, and that any challenge must be filed within this 90-day period.
5. If you believe that this decision or any condition attached to it denies you any reasonable economic use of the subject property, was not sufficiently related to a legitimate public purpose, was not sufficiently proportional to any impact of the project, or for any other reason constitutes a "taking" of property for public use without just compensation under the California or United States Constitutions, your appeal of this decision must include the following information:
 - A. That this belief is a basis of your appeal.
 - B. Why you believe that the decision or condition constitutes a "taking" of property as set forth above.
 - C. All evidence and argument in support of your belief that the decision or condition constitutes a "taking" as set forth above.

If you do not do so, you will waive any legal right to claim that your property has been taken, both before the City and in court.