



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 MODIFICATION #13-7000001

Property Address: **2725 SHASTA ROAD**

Permittee Name: **DOUGLAS AND SHARON FINDLAY**

Use and/or Construction Permitted: to construct a 1,250-square-foot, three-story addition at the left (north) side of an existing house reducing the required 4' side yard setback to 1'-3" side yard setback and the existing 10'-6" rear yard setback to 5', pursuant to:

- Section 23D.16.030 to construct a major (>600 sq. ft.) residential addition;
- Section 23D.16.070.C to construct a residential addition >14' in avg. height;
- Section 23E.96.070.B to construct a residential addition >20' in max. height; and
- Section 23E.96.070.C to reduce the rear and side yard setback in the Hillside Overlay 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 7, 2013.

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

May 7, 2013
Effective Date

ATTACHMENT 1

FINDINGS AND CONDITIONS

APRIL 16, 2013

2725 Shasta Road

Modification Administrative Use Permit #13-70000001

To construct a 1,250-square-foot, three-story addition at the left (north) side of an existing house reducing the required 4' side yard setback to 1'-3" side yard setback and the existing 10'-6" rear yard setback to 5'.

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:
 - The existing vegetation between homes provides adequate privacy for all neighbors.
 - As the majority of the addition will be adjacent to yard areas, adequate air will be retained between the homes.
 - Due to the placement of the neighboring homes, the steep topography, and the existing mature vegetation, the majority of new shading will fall on the rear yard areas to the properties directly to the north. Only in the winter evening hours will the shadows affect the rear portion of the building directly to the northeast; a home that already experiences shading from the mature vegetation. Therefore, the shadowing impacts are deemed non-detrimental.

- The addition will not affect any significant views in the neighborhood as the addition is built on a down-sloping lot, lower than the existing height of the main building; no significant view corridors enjoyed by neighbors will be affected.
 - The addition will be constructed in an architectural style and with colors and materials to match the existing home. The addition will be located at the side of the home behind the garage. As the lot slopes steeply down from the street level, the addition will be scarcely visible from the public right-of-way. Therefore, the addition will be compatible with the existing property and neighborhood character.
3. Pursuant to Berkeley Municipal Code Section 23E.96.070.B, the Zoning Officer finds that the construction of a second story addition greater than 20 feet in maximum height is consistent with the purposes of the Hillside Overlay District in that the addition will be lower than the existing maximum roof height, and will not impact significant views nor change the character of Berkeley's Hill District.
4. Pursuant to Berkeley Municipal Code Section 23E.96.070.C, the Zoning Officer finds that the reduction in both the side and rear yard setbacks is permissible in this situation due to the steep topography and irregular pattern of this Hillside Neighborhood. The lot, in itself, is substandard in length, and already has almost half the rear yard setback (10'-6") than currently required (20'). By allowing a further reduction in the rear and north side yard setbacks, the addition will be built as an "in-fill" between the existing garage and house, will have the least impact on neighboring properties.

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.

During Construction:

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.

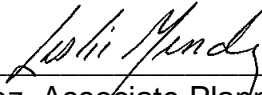
20. The applicant shall ensure that all excavation takes into account surface and subsurface waters and underground streams so as not to adversely affect adjacent properties and rights-of-way.
21. Any construction during the wet season shall require submittal of a soils report with appropriate measures 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:

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 **FEBRUARY 7, 2013**.

At All Times (Operation):

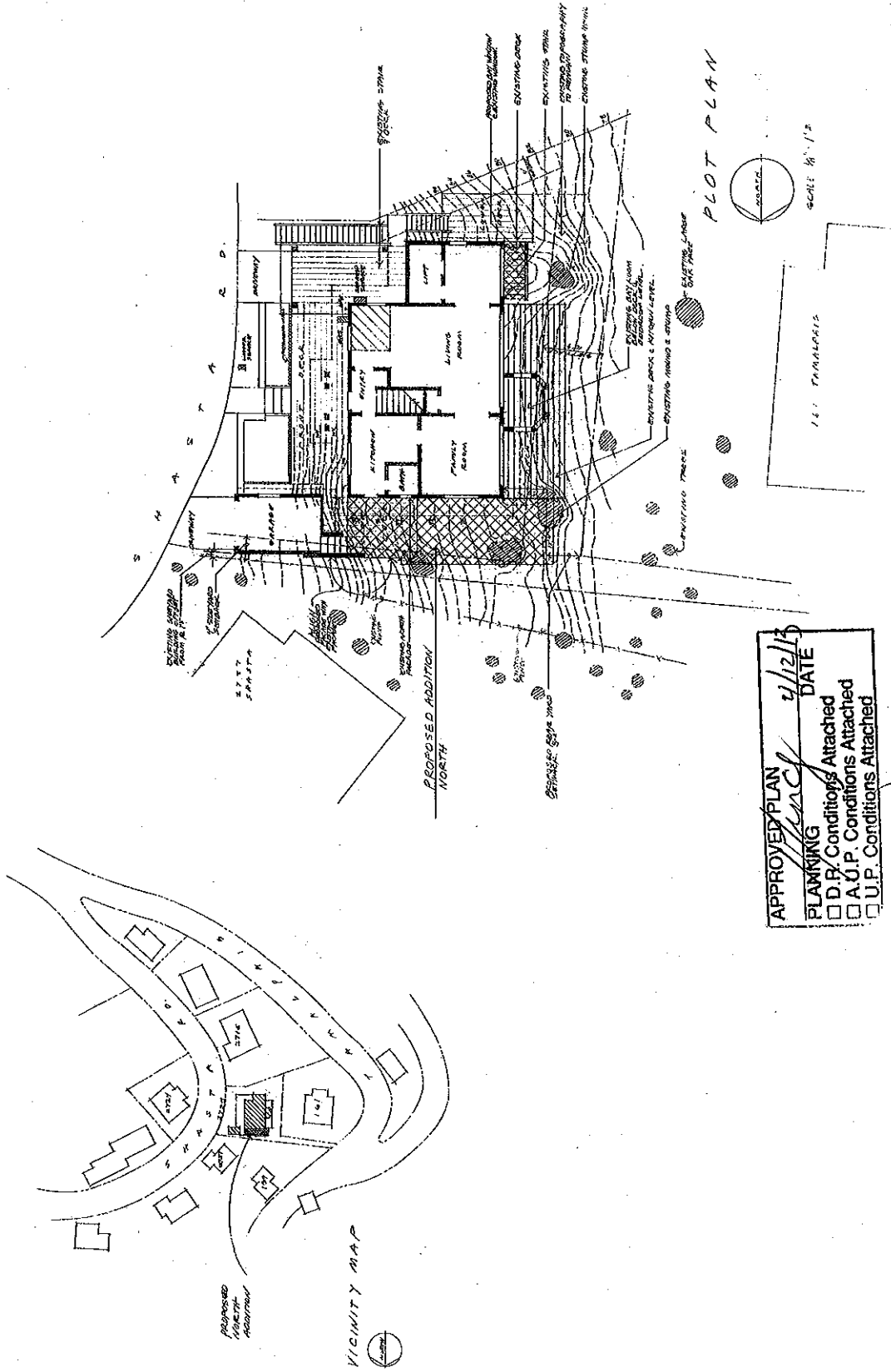
24. All exterior lighting shall be shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.



Prepared by Leslie Mendez, Associate Planner for
Debra Sanderson, Zoning Officer

ADMINISTRATIVE USE PERMIT

FINDLAY RESIDENCE



APPROVED PLAN *Findlay* 2/12/12
 DATE
 PLANNING
 D.R. Conditions Attached
 A.O.P. Conditions Attached
 U.P. Conditions Attached

PLOT PLAN

SCALE: 1/8" = 1'-0"

121 TAMALAKIS

PROPOSED ADDITION
NORTH

VICINITY MAP

COVERAGE AREA SUMMARY:

EXISTING MAIN HOUSE, GARAGE, BAY ROOM, AND OVERHANGS.
 MAIN HOUSE - 1033 SF.
 GARAGE - 209 SF.
 ROOF OVERHANGS - 253 SF.
 TOTAL EXISTING COVERAGE - 1500 SF. 31%

PROPOSED NORTH ADDITION COVERAGE AREAS.
 PROPOSED ADDITION COVERAGE - 310 SF.
 TOTAL PROPOSED SITE COVERAGE - 1811 SF. 37.5%

COMPARISON OF PREVIOUS AUP AND PROPOSED ADDITION DESIGN:

	EXISTING AUP	PROPOSED AUP
MAXIMUM BUILDING HEIGHT	35 FEET	35.5 FEET
AVERAGE BUILDING HEIGHT	28 FEET	27 FEET
TOTAL SITE COVERAGE	1731 SF - 34%	1811 SF - 37.5%
TOTAL BUILDING AREA	295 SF	1250 SF
REAR YARD SETBACK	10.5'	5'
NORTH SIDE YARD SETBACK*	Align w/ existing north facade	Align w/ existing north facade

* The north addition facade is aligned with and coincides with existing north facade. The setback from the existing north facade is equal to or greater than existing building setback.

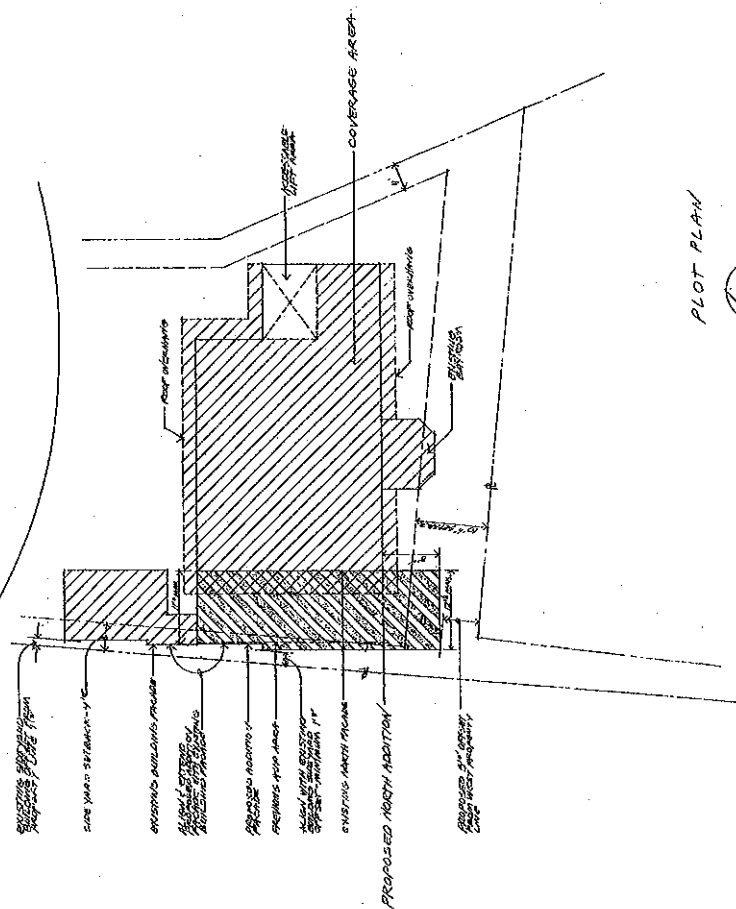
FINDLAY RESIDENCE
 2725 SHASTA ROAD, BERKELEY, CA 94708
 December 1, 2012

NEIGHBORS SIGNATURES

The neighbors identified below have reviewed the proposed AUP plans and comments describing the Findlay residence project at 2725 Shasta rd. The project includes approximately 1100 sf of additional floor area within a 3-story addition on the rear of the existing residence. The proposed addition extends into the rear and side yard setbacks. The proposed project design does not change views or shadows and will extend the materials, trim and character of the existing residence.

ADDRESS	NAME	SIGNATURE	OWNER	DATE	OBJECTIVE VERBOS	COMMENTS
2714 SHASTA RD.	Mr. [Signature]	[Signature]	3-A-1-1-1-1	12-20-12	None	None
2722 SHASTA RD.	Mr. [Signature]	[Signature]	3-A-1-1-1-1	7/16/12	None	None
2724 SHASTA RD.	Mr. [Signature]	[Signature]	3-A-1-1-1-1	2011	None	None
2726 SHASTA RD.	Mr. [Signature]	[Signature]	3-A-1-1-1-1	12/12/12	None	None
2728 SHASTA RD.	Mr. [Signature]	[Signature]	3-A-1-1-1-1	12/12/12	None	None

APPROVED PLAN
 [Signature]
 PLANNING
 DATE: 4/12/12
 P.R. Conditions Attached
 A.U.P. Conditions Attached
 U.P. Conditions Attached



PLOT PLAN



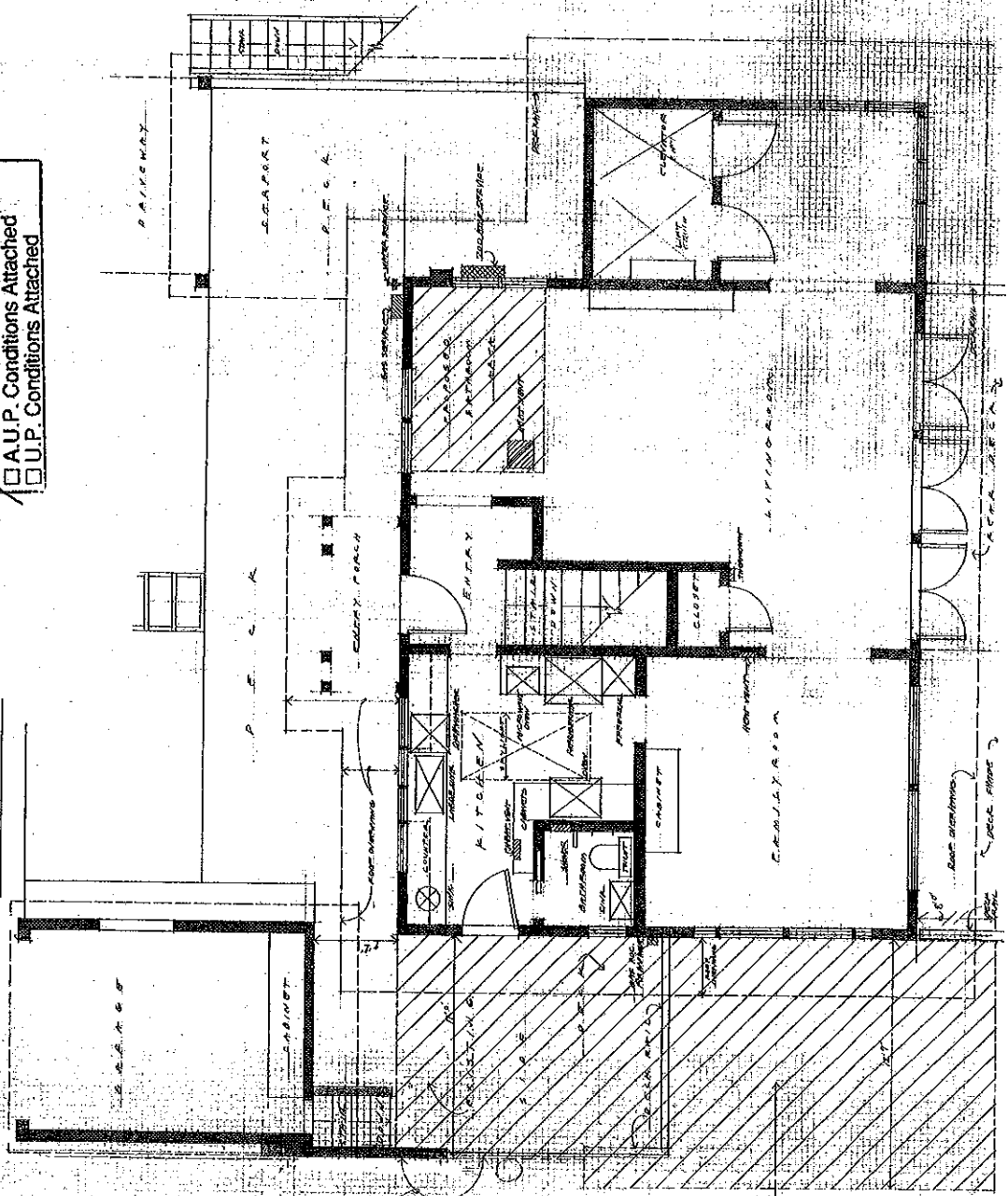
FINDLAY RESIDENCE

ADMINISTRATIVE USE PERMIT

FINDLAY RESIDENCE

ADMINISTRATIVE USE PERMIT

APPROVED PLAN
 NAME: 4/12/13
 DATE: 4/12/13
 PLANNING
 D.R. Conditions Attached
 A.U.P. Conditions Attached
 U.P. Conditions Attached



EXISTING FLOOR PLAN

SCALE 1/8" = 1'-0"



Check with local authority
 whether 400 sq. ft. max.
 applies

ADDITION AREA

REAR PORCH

REAR PORCH

REAR PORCH

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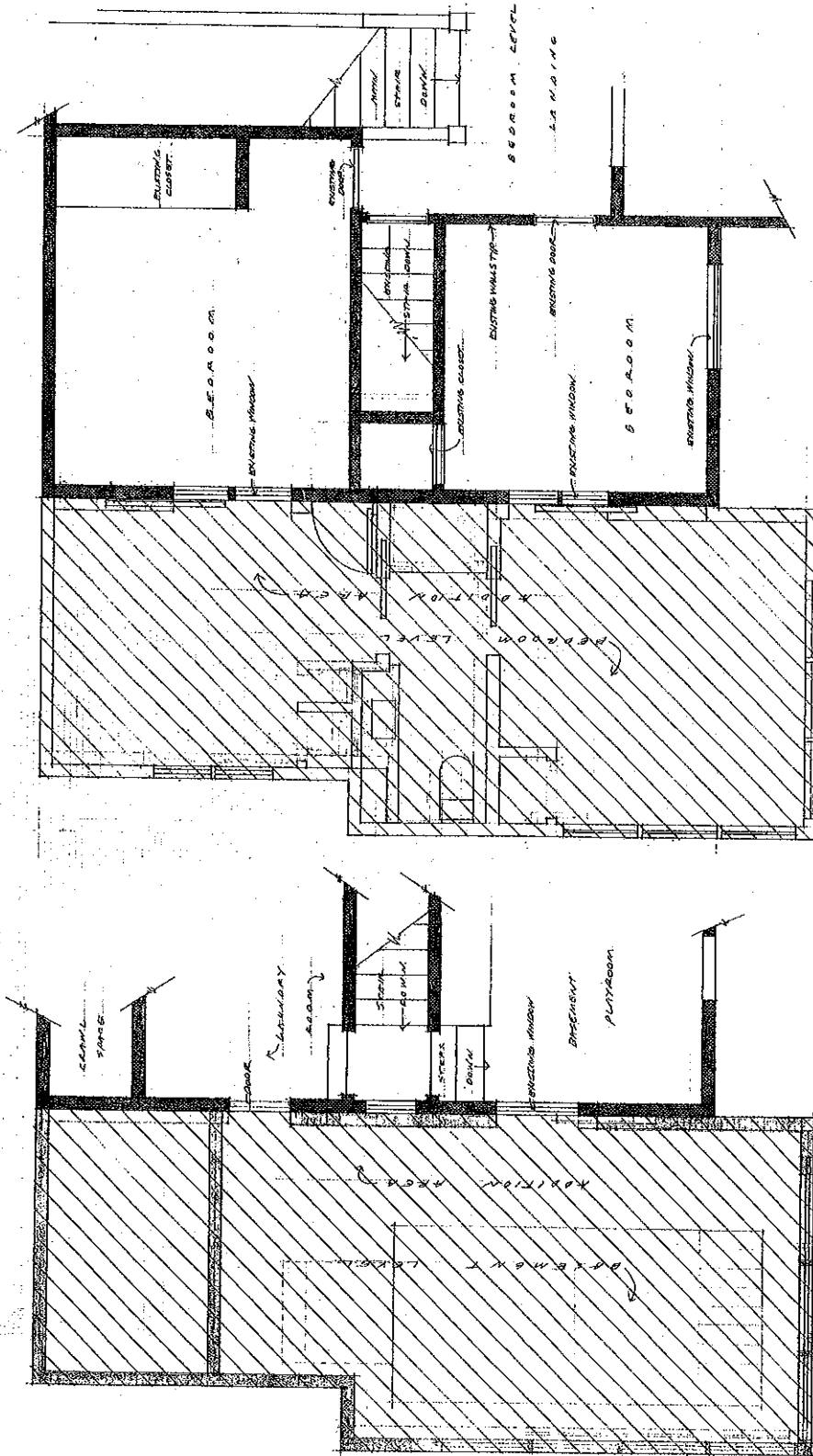
REAR PORCH

REAR PORCH

ADMINISTRATIVE USE PERMIT

FINDLAY RESIDENCE

APPROVED PLAN *4/12/12*
 PLANNING *[Signature]*
 O.R. Conditions Attached
 A.U.P. Conditions Attached
 U.P. Conditions Attached



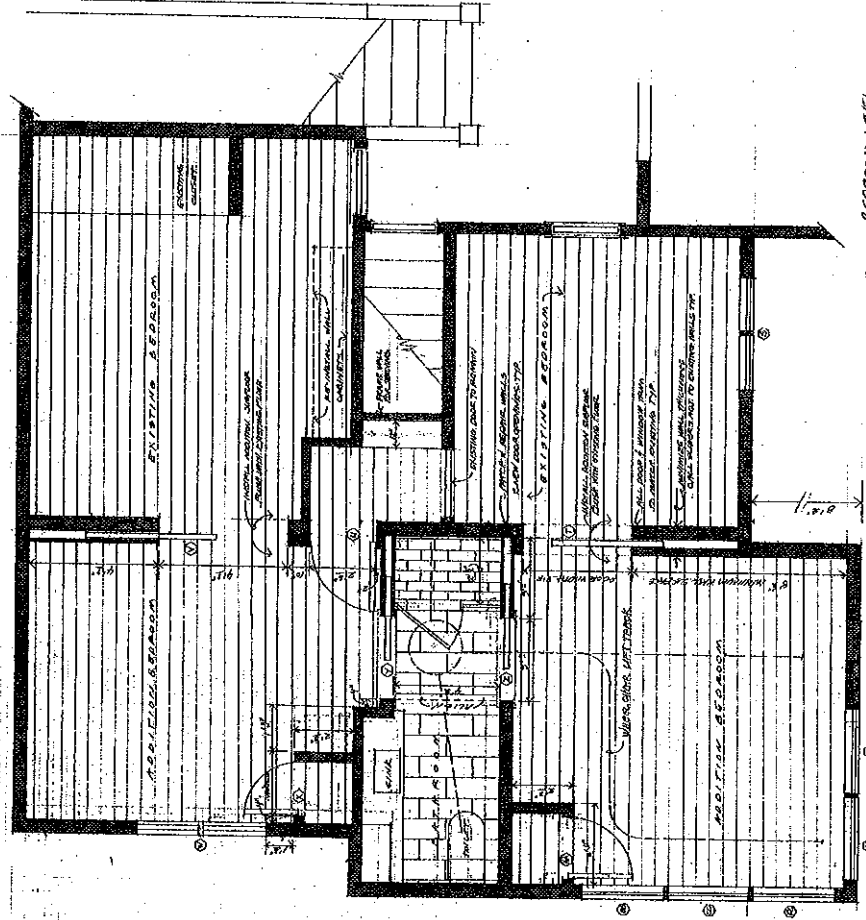
EXISTING BEDROOM LEVEL PLAN
SCALE 1/2" = 1'-0"

EXISTING BASEMENT LEVEL PLAN
SCALE 1/2" = 1'-0"

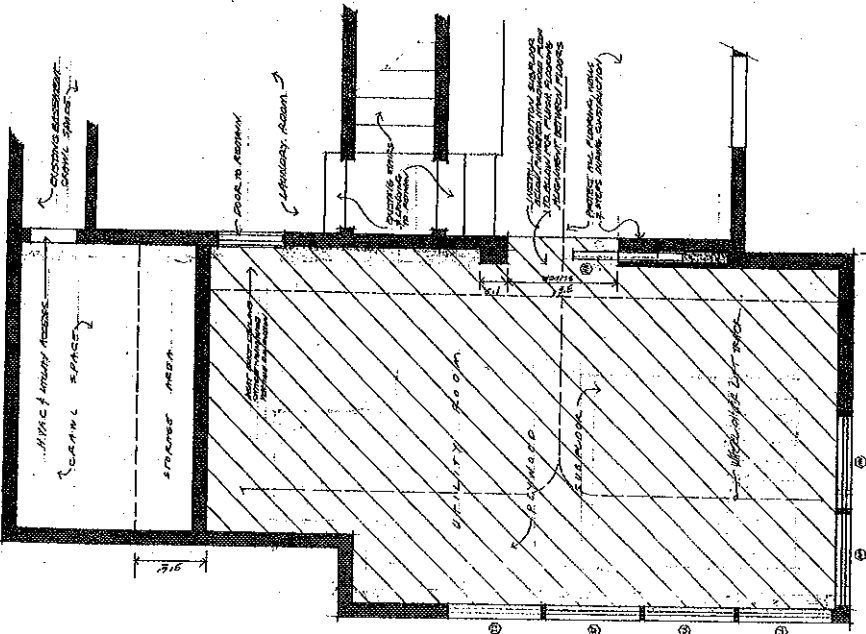
ADMINISTRATIVE USE PERMIT

FINDLAY RESIDENCE

APPROVED PLAN
 4/12/13
 DATE
 P.L.R. Conditions Attached
 A.U.P. Conditions Attached
 U.P. Conditions Attached



BASEMENT LEVEL
 FLOOR PLAN
 SCALE 1/4" = 1'-0"
 NORTH



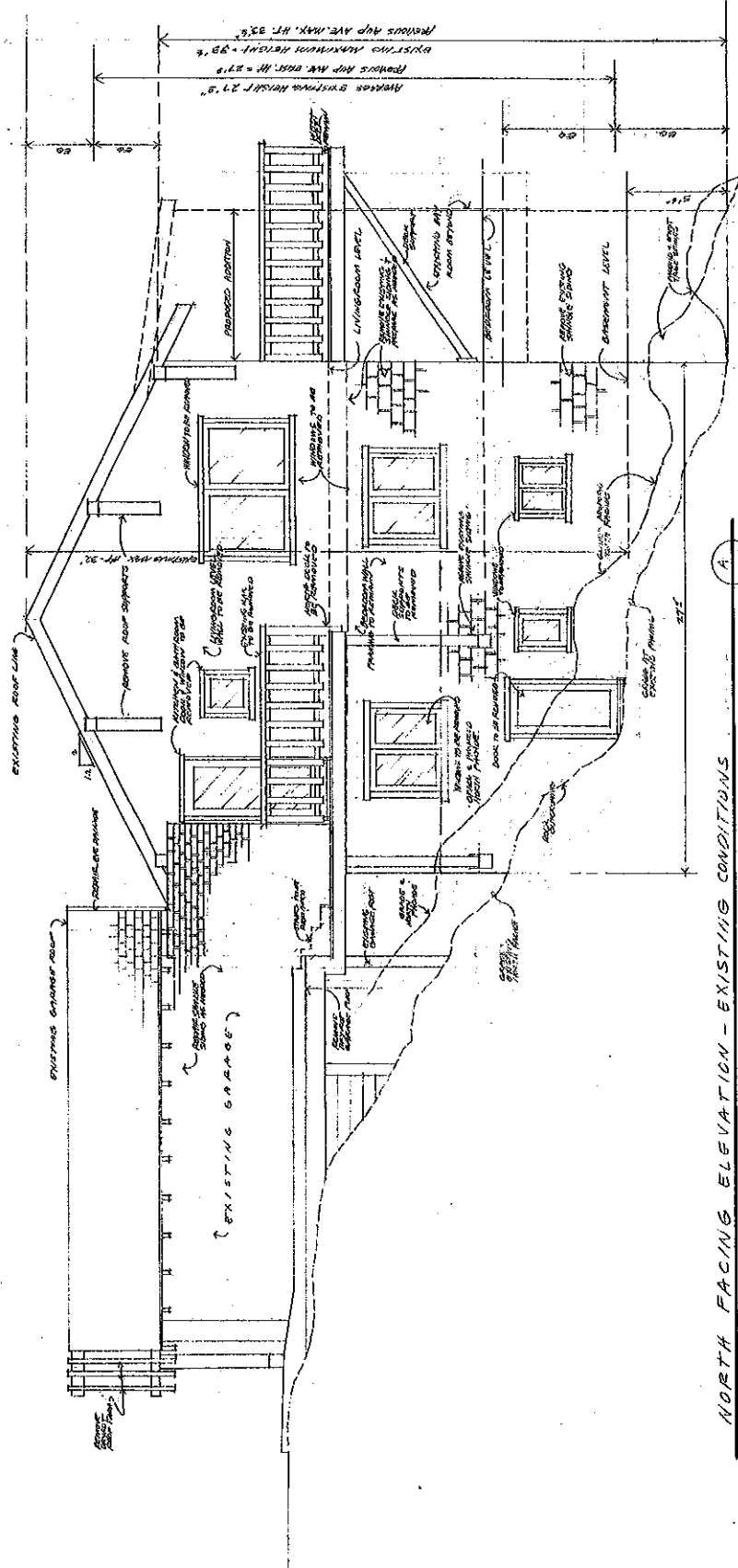
BASEMENT LEVEL
 FLOOR PLAN
 SCALE 1/4" = 1'-0"
 NORTH

FINDLAY RESIDENCE

ADMINISTRATIVE USE PERMIT

APPROVED PLAN
[Signature]
DATE: 4/12/12

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



A

NORTH FACING ELEVATION - EXISTING CONDITIONS
Scale: 3/8" = 1'-0"

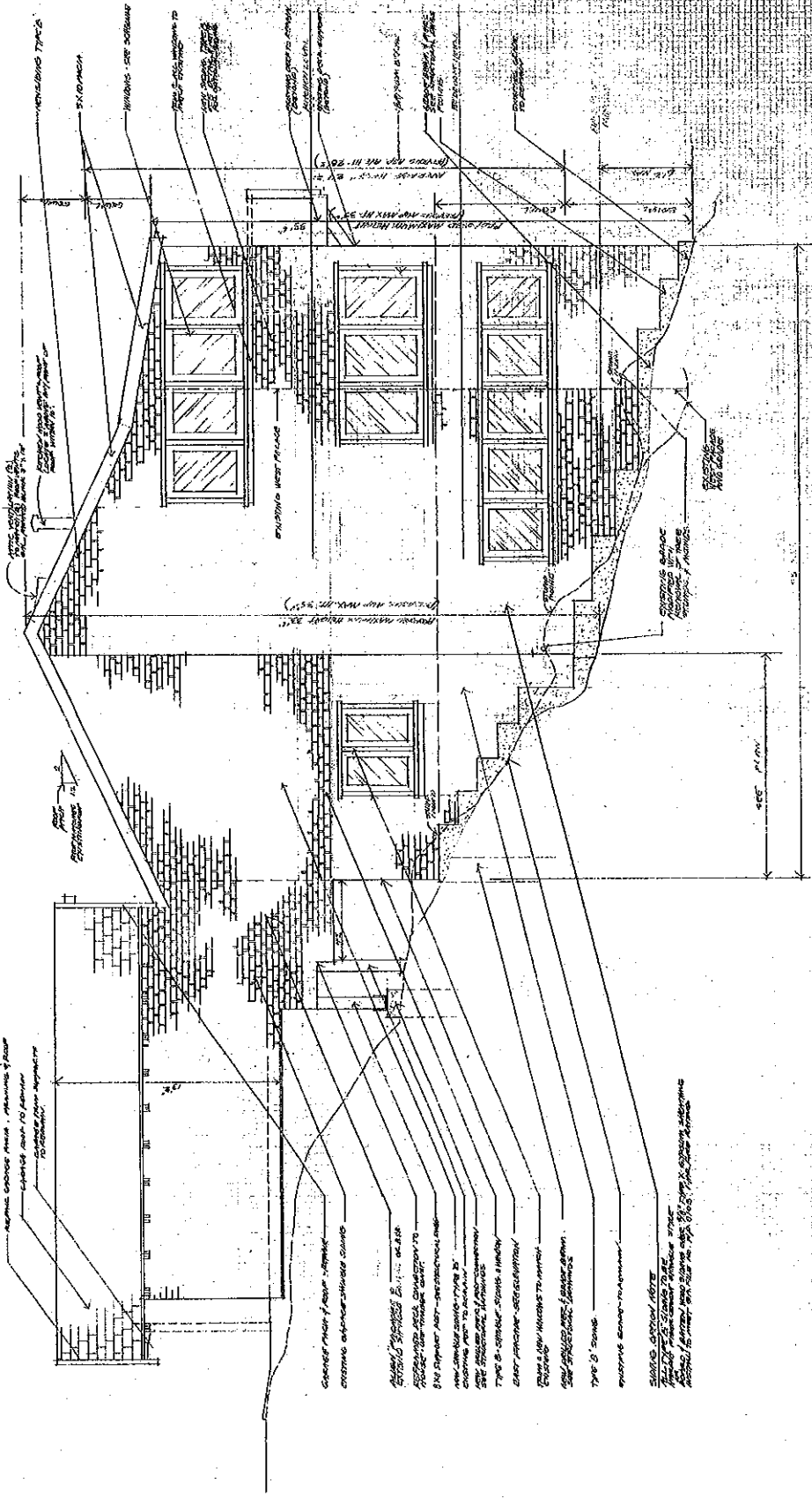
DRAWING NAME: *Findlay Residence*

ADMINISTRATIVE USE PERMIT

FINDLAY RESIDENCE

APPROVED PLAN
 [Signature]
 PLANNING DATE
 4/12/13
 D.R. Conditions Attached
 A.U.P. Conditions Attached
 U.P. Conditions Attached

ADIP-BUILDING HEIGHT NOTES:
 1. BUILDING HEIGHT SHALL BE MEASURED TO THE FINISHED ROOF LINE.
 2. BUILDING HEIGHT SHALL BE MEASURED TO THE FINISHED ROOF LINE.
 3. BUILDING HEIGHT SHALL BE MEASURED TO THE FINISHED ROOF LINE.



PROPOSED NORTH ELEVATION
 SCALE 3/8" = 1'-0"

STARTS DETAIL NOTE
 SEE SHEET A-10 FOR
 DETAILS OF ROOF AND
 CHIMNEY. SEE SHEET
 A-11 FOR DETAILS OF
 FLOOR AND WALLS.

TYPE 3 STONE
 EXISTING CONCRETE FOUNDATION

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 TYPE 3 STONE

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