

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 #13-20000044**

Property Address: **6456 MYSTIC STREET**

Permittee Name: **SRINIVASA & GETTHA RAJAGOPAL**

Use and/or Construction Permitted: to enlarge an existing single family residence from 2,260 square feet to 2,380 square feet by constructing a new second story addition and remodeling the existing second floor bathrooms and kitchen pursuant to:

- Section 23D.16.070 to allow a residential addition over 14 feet in average height; and
- Section 23E.96.070.B to construct a residential addition exceeding 20' in maximum 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 May 28, 2013.

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

May 28, 2013  
Effective Date

# ATTACHMENT 1

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## FINDINGS AND CONDITIONS

MAY 7, 2013

### 6456 Mystic Street

#### Administrative Use Permit #13-20000044

**To enlarge an existing, 2,260 square foot, 2-story, single family residence by expanding the second floor, increasing gross floor area of the residence by 250 square feet**

#### 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 of the CEQA Guidelines ("Existing Facilities"). As provided under CEQA Guidelines Section 15301(e), the addition will not involve significant amounts of hazardous substances, is located in an urbanized area, in a residential building, does not exceed 10,000 square feet in floor area, and is one a site zoned for residential uses. The project does not qualify as an exception to this Section for the following reasons:
  - There would be no cumulative impact of successive projects of the same type, in the same place over time that could create a significant environmental impact because the project is located in a fully developed residential area where new development is limited.
  - There are no unusual circumstances that could lead to a significant impact because the project involves the addition to a single-family residence and does not involve other changes to the property.
  - The project will not cause a substantial adverse change in the significance of the historical resource.
  - The project is not located near a scenic highway or listed hazardous waste site.

#### 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, 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.16.030 (Uses Permitted) and 23D.16.090 (Findings), and 23E.96.070.B (Development Standards), and 23E.96.020.B (Findings), the proposed addition may exceed 14 feet in average height and 20 feet in maximum height because the addition is found to be non-detrimental. The height of the proposed addition does not create significant impacts to sunlight, air, views, or privacy and is consistent with the purpose of the R-1H District for the following reasons:
  1. Sunlight – The proposed addition involves expanding the second floor footprint by 2 to 8 feet to be flush with the existing first floor footprint by shifting the back wall of the second floor towards the rear of the property, adding approximately 120 square feet of habitable space to the existing second floor bedrooms and allowing for expansion and remodeling of the second story bathrooms and remodeling of the first floor kitchen. The addition will be at the rear of the existing building, maintaining the existing 22'3" average building height. Due to the mass of the existing structure and existing vegetation, shadows currently exist at the properties to the east and west. The proposed addition is expected to marginally impact the direct sunlight currently experienced by adjacent properties; however, this loss is found to be non-detrimental because the minor loss of sunlight will occur for a small portion of the day, in the morning and summer months;
  2. Air – Because the proposal satisfies the district standards for minimum side and rear yard setbacks, it is expected to provide adequate spatial separations between developments on abutting properties, thereby allowing for adequate air circulation. Furthermore, the continuation of the existing, non-conforming front yard setback of 14 feet will not further reduce the existing non-conforming yard;
  3. Views – The proposed addition would not significantly block the adjacent neighbors' views of any significant features. The proposed addition will not increase the existing average building height or increase the number of stories; therefore the addition will not extend to the full height limit of the R-1H District or exceed the maximum number of stories allowed; and
  4. Privacy – The proposed addition would remove some existing second story windows and add new second story windows at the west and east (side) and north (rear) facades; however, these features are not expected to create privacy impacts to the immediate neighbors because:
    - The existing and proposed west and east side setbacks remain the same at 7'10" and 5,' respectively and the rear (north) setback will remain the same at 20'10;" and
    - The west and east façade windows are separated from the adjacent dwellings at 6450 Mystic Street and 6460 Mystic Street by approximately 10' and 17,' respectively
- As required by Section 23D.16.020 (Purposes) and Section 23D.16.070 (Development Standards), the project is permissible and is consistent with the purpose and development standards of the R-1H District because the proposed addition:
  1. Satisfies the development standards for lot coverage and maximum residential density and is within the range of existing square footages and floor area ratios in the area (Purpose A);

2. Retains usable open space that is in excess of the R-1 District minimum (Purpose B);
  3. Would not decrease any setbacks or increase the overall building height, allowing for continued variation in overall rear and side yard setbacks and height, thereby minimizing the potential bulk of the building (Purpose C); and
- As required under Section 23E.96.020.D (Purposes), the modification in the maximum 20' height requirement is justified because the proposed addition is at the rear of the existing building, where the lot slopes slightly, and would maintain the 22'3" average building height and the addition is designed to be in proportion and scale to the existing building.

## **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 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.** Prior to submittal of a building permit, 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.

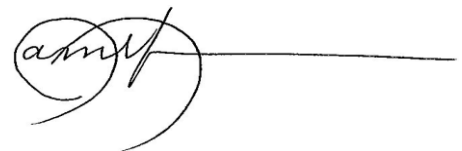
19. Public streets shall be swept (preferably with water sweepers) of all visible soil material carried from the site.
20. The applicant shall establish and maintain drainage patterns that do not adversely affect adjacent properties and rights-of-way.
21. The applicant shall ensure that all excavation 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 1, 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.



Prepared by: Theresa Wallace, LSA Associates/  
Pamela Johnson, Assistant Planner for Debra Sanderson, Zoning Officer  
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LAND USE PLANNING  
RAJAGOPAL RESIDENCE  
ADDITION/REMODEL  
6456 MYSTIC STREET  
BERKELEY, CALIFORNIA

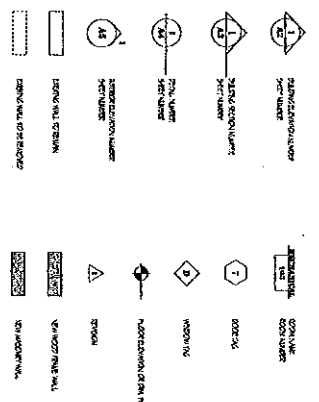
APPROVED PLAN 5.3.13  
DATE  
 PLANNING  
 DR. Conditions Attached  
 A.U.P. Conditions Attached  
 U.P. Conditions Attached



GENERAL NOTES:

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA BUILDING CODE, THE CALIFORNIA ELECTRICAL CODE, THE CALIFORNIA MECHANICAL CODE, THE CALIFORNIA PLUMBING CODE, THE CALIFORNIA FIRE CODE, THE CALIFORNIA ENERGY CODE, AND THE CALIFORNIA ENVIRONMENTAL HEALTH AND SAFETY CODE.
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ARCHITECTURAL SYMBOLS:



DIRECTORY:

1. 2013 BIRCHWOOD DRIVE, BERKELEY, CA 94704  
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VICINITY MAP: N



ABBREVIATIONS:

1	AD	ADULT DAY CARE
2	AG	AGRICULTURE
3	AL	ALCOHOL BEVERAGE
4	AM	AMUSEMENT
5	AN	ANIMALS
6	AP	APARTMENT
7	AR	ARTS AND RECREATION
8	AS	ASSEMBLY
9	AT	ATTRACTION
10	AV	AUTOMOBILE
11	BA	BANK
12	BC	BUSINESS COMMERCIAL
13	BD	BUSINESS DEVELOPMENT
14	BE	BUSINESS EDUCATION
15	BF	BUSINESS FINANCIAL
16	BH	BUSINESS HEALTH CARE
17	BI	BUSINESS INFORMATION
18	BJ	BUSINESS JOURNALISM
19	BK	BUSINESS KITCHEN
20	BL	BUSINESS LABOR
21	BM	BUSINESS MANAGEMENT
22	BN	BUSINESS NATURE
23	BO	BUSINESS OFFICE
24	BP	BUSINESS PROFESSIONAL
25	BQ	BUSINESS QUARTERS
26	BR	BUSINESS RESEARCH
27	BS	BUSINESS SERVICES
28	BT	BUSINESS TECHNOLOGY
29	BV	BUSINESS VENTURE
30	BW	BUSINESS WORK
31	BX	BUSINESS XEROX
32	BY	BUSINESS YOUTH
33	BZ	BUSINESS ZONE
34	CA	CAR
35	CB	CARBUSINESS
36	CC	CARRETTAGE
37	CD	CARPOOLING
38	CE	CARPOOLING
39	CF	CARPOOLING
40	CG	CARPOOLING
41	CH	CARPOOLING
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43	CJ	CARPOOLING
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87	EB	CARPOOLING
88	EC	CARPOOLING
89	ED	CARPOOLING
90	EE	CARPOOLING
91	EF	CARPOOLING
92	EG	CARPOOLING
93	EH	CARPOOLING
94	EI	CARPOOLING
95	EJ	CARPOOLING
96	EK	CARPOOLING
97	EL	CARPOOLING
98	EM	CARPOOLING
99	EN	CARPOOLING
100	EO	CARPOOLING

PROJECT STATISTICS:

NO.	DESCRIPTION	AREA	PERCENT	DATE
1	FOUNDATION	1,000 SF	10%	1/10/12
2	FLOORING	2,000 SF	20%	2/10/12
3	WALLS	3,000 SF	30%	3/10/12
4	CEILING	4,000 SF	40%	4/10/12
5	MECHANICAL	5,000 SF	50%	5/10/12
6	ELECTRICAL	6,000 SF	60%	6/10/12
7	PLUMBING	7,000 SF	70%	7/10/12
8	PAINT	8,000 SF	80%	8/10/12
9	FINISHES	9,000 SF	90%	9/10/12
10	LANDSCAPE	10,000 SF	100%	10/10/12

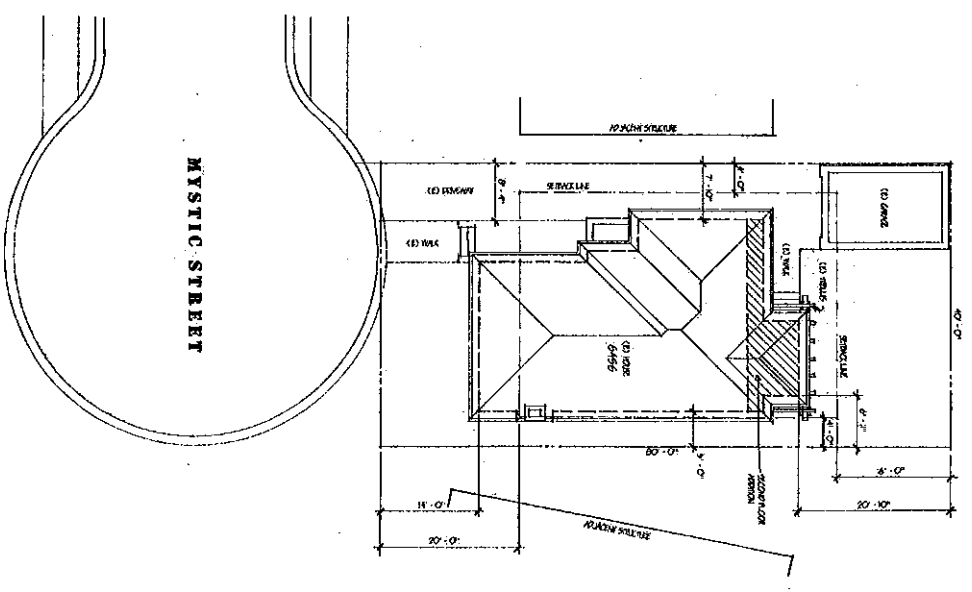
RAJAGOPAL RESIDENCE  
ADDITION/REMODEL  
6456 MYSTIC STREET  
OAKLAND, CALIFORNIA

COSTS SHEET

NO.	DESCRIPTION	AMOUNT
1	FOUNDATION	100,000
2	FLOORING	200,000
3	WALLS	300,000
4	CEILING	400,000
5	MECHANICAL	500,000
6	ELECTRICAL	600,000
7	PLUMBING	700,000
8	PAINT	800,000
9	FINISHES	900,000
10	LANDSCAPE	1,000,000
11	TOTAL	5,000,000

APPROVED PLAN  
 PLANNING *pmj* DATE 5-3-13  
 D.R. Conditions Attached  
 A.U.P. Conditions Attached  
 C.P. Conditions Attached

W. F. HODGSON / ARCHITECT



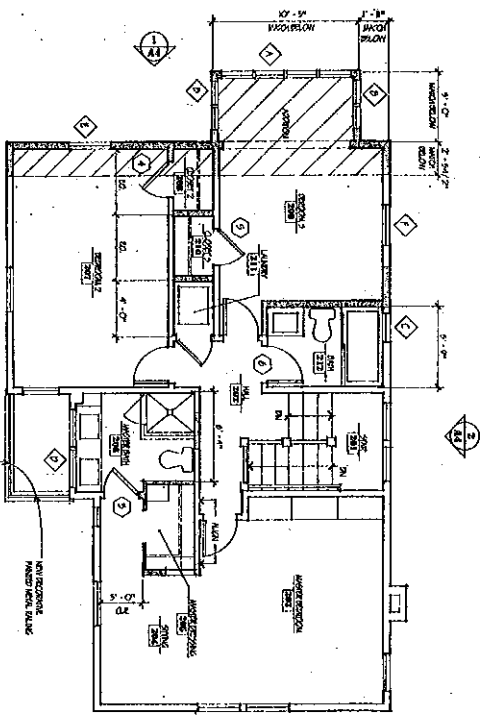
1 PROPOSED SITE ROOF PLAN

NOTES:  
 1. ALL DIMENSIONS ARE IN FEET AND INCHES.  
 2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.  
 3. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.  
 4. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE ROADWAY UNLESS OTHERWISE NOTED.

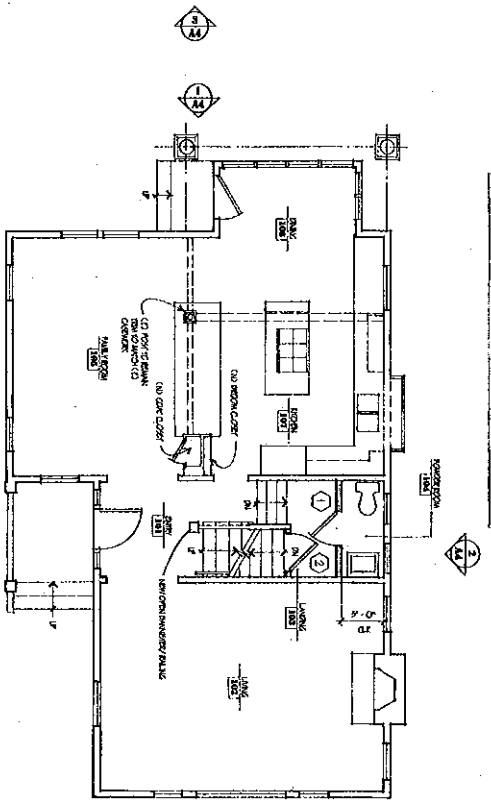
RAYA GOPEL RESIDENCE ADDITION/REMODEL 6855 MYSTIC STREET BERKELEY, CALIFORNIA	
PROJECT NO.	2012-001
DATE	5/3/13
PROPOSED SITE/ROOF PLAN	
SCALE	AS SHOWN
DESIGNED BY	W.F.H.
DRAWN BY	W.F.H.
CHECKED BY	W.F.H.
DATE	5/3/13
PROJECT NO.	2012-001
DATE	5/3/13
A2	

APPROVED PLAN 5-3-13  
 DATE  
 PLANING *Smy*  
 D.R. Conditions Attached  
 A.U.P. Conditions Attached  
 U.P. Conditions Attached

W.F. HOLLAND / ARCHITECT



2 PROPOSED 2ND FLOOR PLAN

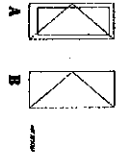


1 PROPOSED 1ST FLOOR PLAN

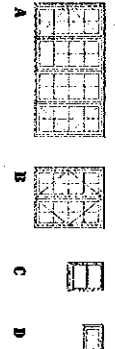
NOTE: ALL DIMENSIONS TO FACE UNLESS OTHERWISE NOTED. ALL DIMENSIONS TO FACE UNLESS OTHERWISE NOTED. ALL DIMENSIONS TO FACE UNLESS OTHERWISE NOTED.

NO.	DESCRIPTION	QTY	UNIT
1	CEILING		
2	FLOOR		
3	WALL		
4	DOOR		
5	WINDOW		
6	PAINT		
7	GLASS		
8	IRON		
9	BRASS		
10	WOOD		
11	STONE		
12	MARBLE		
13	CERAMIC		
14	CONCRETE		
15	PLASTER		
16	GYP. BOARD		
17	ACoustic		
18	INSULATION		
19	ROOFING		
20	MECHANICAL		
21	ELECTRICAL		
22	PLUMBING		
23	HEATING		
24	Cooling		
25	Lighting		
26	Fixtures		
27	Hardware		
28	Decorative		
29	Specialty		
30	Other		

NO.	DESCRIPTION	QTY	UNIT
1	DOOR		
2	DOOR		
3	DOOR		
4	DOOR		
5	DOOR		
6	DOOR		
7	DOOR		
8	DOOR		
9	DOOR		
10	DOOR		
11	DOOR		
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28	DOOR		
29	DOOR		
30	DOOR		



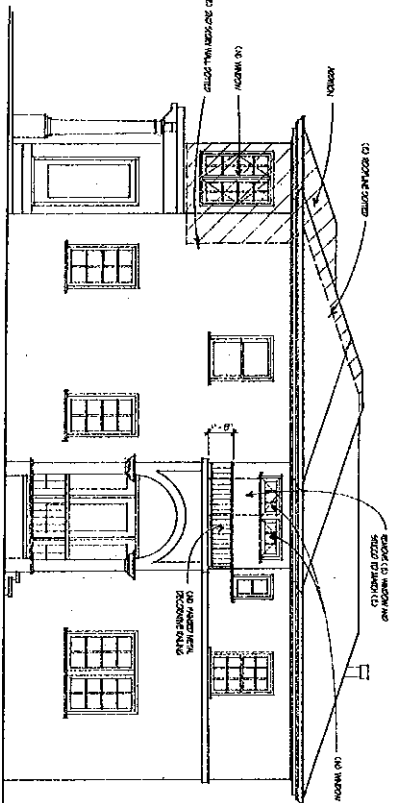
NO.	DESCRIPTION	QTY	UNIT
1	WINDOW		
2	WINDOW		
3	WINDOW		
4	WINDOW		
5	WINDOW		
6	WINDOW		
7	WINDOW		
8	WINDOW		
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29	WINDOW		
30	WINDOW		



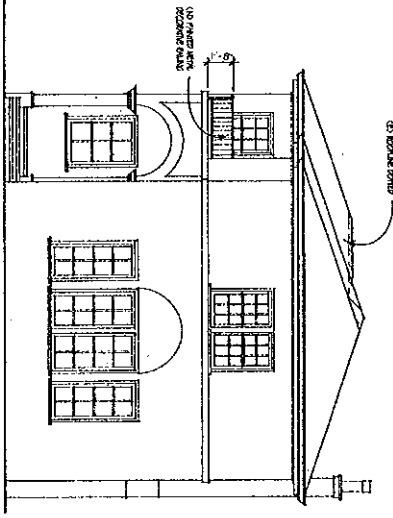
RAJAGOPAL RESIDENCE  
 ADDITION/REMODEL  
 6456 MYSTIC STREET  
 BERKELEY, CALIFORNIA  
 PROJ. 157/2ND FLS. PLANS  
 DATE: 5/1/13  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]  
 APPROVED BY: [Name]  
**A3**

APPROVED PLAN  
 5-3-13  
 DATE  
 PLANING  
 D.P.R. Conditions Attached  
 A.B.U. Conditions Attached  
 D.U.P. Conditions Attached

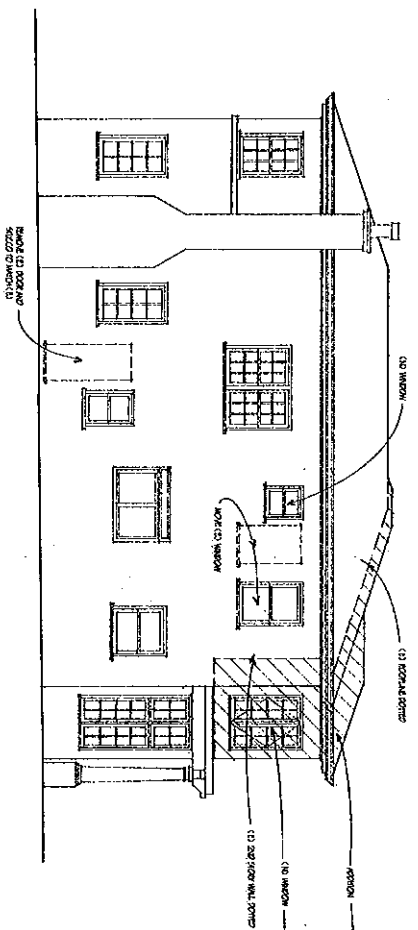
W. F. DUNN / ARCHITECT



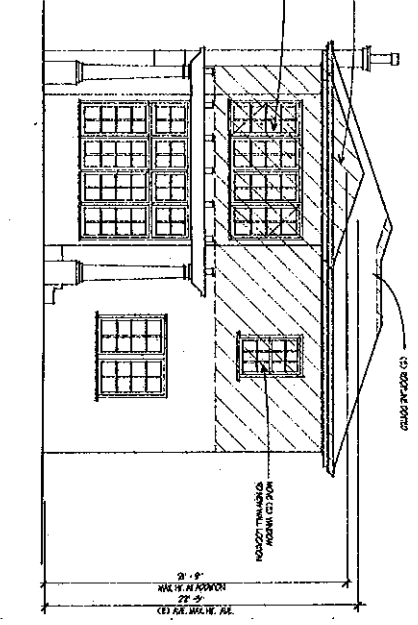
1 PROPOSED WEST ELEVATION



1 PROPOSED SOUTH ELEVATION



2 PROPOSED EAST ELEVATION



1 PROPOSED NORTH ELEVATION

- EXISTING EXTERIOR MATERIALS:**
- ROOF: CHAMPION SHINGLES
  - WALLS: STUCCO
  - PAINT: WHITE
  - DOORS: WOOD
  - WINDOWS: WOOD
  - TRIM: WOOD
  - ROOF: CHAMPION SHINGLES
  - WALLS: STUCCO
  - PAINT: WHITE
  - DOORS: WOOD
  - WINDOWS: WOOD
  - TRIM: WOOD
- PROPOSED EXTERIOR MATERIALS:**
- ROOF: CHAMPION SHINGLES
  - WALLS: STUCCO
  - PAINT: WHITE
  - DOORS: WOOD
  - WINDOWS: WOOD
  - TRIM: WOOD

**RAJAGOPAL RESIDENCE**  
 ADDITION/REMODEL  
 6456 MYSTIC STREET  
 BERKELEY, CALIFORNIA

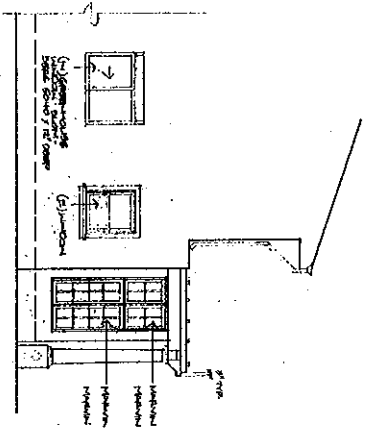
PROPOSED EXT. ELEVATIONS

DATE	5/3/13
SCALE	1/8" = 1'-0"
PROJECT NO.	1111
CLIENT	RAJAGOPAL RESIDENCE
ARCHITECT	W. F. DUNN / ARCHITECT

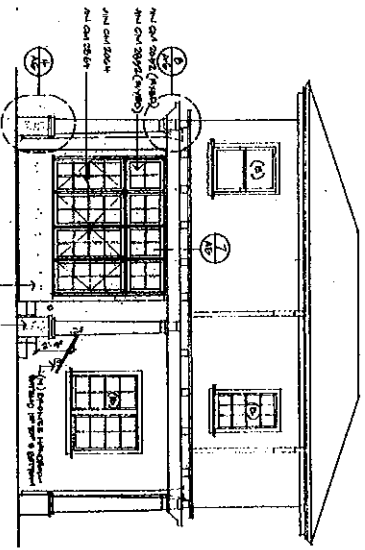
1111

APPROVED PLAN  
 5-3-13  
 DATE  
 PLANING  
 DMJ  
 D.R. Conditions Attached  
 A.U.P. Conditions Attached  
 U.P. Conditions Attached

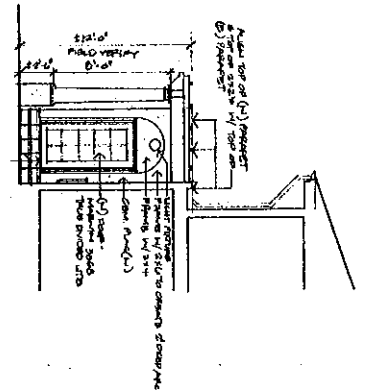
WM F. HOLLAND / ARCHITECT



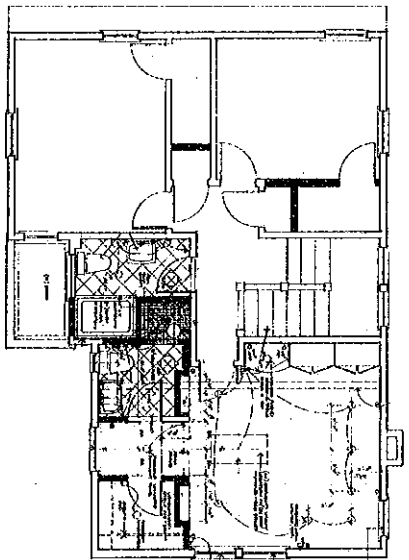
5 PARTIAL EXISTING EAST ELEVATION



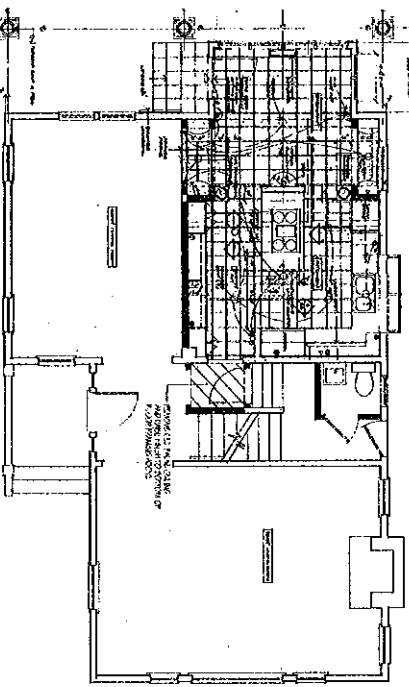
4 PARTIAL EXISTING NORTH ELEVATION



3 PARTIAL EXISTING WEST ELEV./SECT.



2 2ND FLOOR EXISTING/DEMO PLAN



1 1ST FLOOR EXISTING/DEMO PLAN

EXISTING WALL  
 DEMO WALL  
 DEMO WINDOW

RAYGONAL RESIDENCE 1435 LANTANA STREET BERKELEY, CALIFORNIA	
EXIST. PLANS/ELEVATIONS	DATE
NO. 001	2013
NO. 002	
NO. 003	
NO. 004	
NO. 005	
NO. 006	
NO. 007	
NO. 008	
NO. 009	
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NO. 098	
NO. 099	
NO. 100	

EXISTING WALL  
 DEMO WALL  
 DEMO WINDOW