



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 #13-2000060

Property Address: **1858 THOUSAND OAKS BLVD.**

Permittee Name: **RICHARD & MARIKO ROBERTS**

Use and/or Construction Permitted: to enlarge an existing 2,471 sq. ft. single family dwelling by constructing approximately 121 sq. ft. to the main floor for an expanded kitchen and dining room, constructing approximately 34 sq. ft. to the second floor for a bathroom extension, constructing approximately 115 sq. ft. to the existing garage, for a total 270 sq. ft. addition, resulting in a 2,741 sq. ft. residence, maintaining the existing 25'3" average height, pursuant to:

- Section 23D.16.070 to allow a residential addition exceeding 14' in 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 September 18, 2013.

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

Sept, 18, 2013
Effective Date

ATTACHMENT 1

REVISED FINDINGS AND CONDITIONS
AUGUST 28, 2013

1858 Thousand Oaks Blvd.

Administrative Use Permit #13-20000060

To enlarge an existing 2,471 sq. ft. single family dwelling by constructing approximately 121 sq. ft. to the main floor for an expanded kitchen and dining room, constructing approximately 34 sq. ft. to the second floor for a bathroom extension, constructing approximately 115 sq. ft. to the existing garage, for a total 270 sq. ft. addition, resulting in a 2,741 sq. ft. residence, maintaining the existing 25'3" average height.

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"). 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

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 main floor at the east façade by replacing an existing deck with an expanded kitchen area and expanding the existing second floor bathroom to be flush with the main floor. The addition will maintain the existing 25’3” average height of the building. 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, during winter;
 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;
 3. Views – The proposed addition would not significantly block the adjacent neighbors’ views of any significant features. The proposed addition is lower than the existing roof and 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 includes new windows at the west and east side elevations; however, these features are not expected to create privacy impacts to the immediate neighbors given that:
 - The new dining room windows at the west elevation will consist of obscure glass; and
 - The west façade windows are separated from the adjacent dwelling at 1854 by approximately 15’ from the proposed dining room expansion and approximately 9’ away from the proposed garage expansion and the east façade windows are separated from the property to the east at 1866 Thousand Oaks by approximately 8’.
- 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 side and rear of the existing building, where the lot slopes slightly, and would maintain the 25’3” average building height and the addition is designed to be in proportion and scale to the existing building.

- As required under Section 23D.16.070 (Development Standards), this project is permissible because the subject property satisfies the development standards for lot coverage, maximum residential density, and maximum building height.

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. 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.
- 13. All owners of record of the subject property shall sign and record with the Alameda County Clerk-Recorder a “Notice of Limitation on Use of Property” (available from Land Use Planning Division) and provide a recorded copy thereof to the project planner. This Notice of Limitation shall state that obscure glass must be maintained at the dining room windows at the west elevation and that if the existing pitched roof at southwest corner of the property is changed to a flat roof, such roof shall not be used as a deck without approval by the Zoning Officer. This limitation may not be revised or removed from this property without the prior written permission of the Zoning Officer of the City of Berkeley.

During Construction

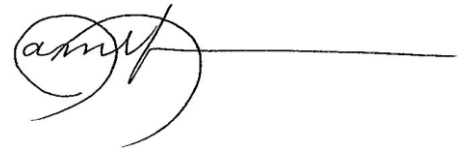
14. Construction activity shall be limited to between the hours of 8:00 a.m. and 6:00 p.m. on Monday through Friday, and between 9:00 a.m. and noon on Saturday. No construction-related activity shall occur on Sunday or on any Federal Holiday.
15. If underground utilities leading to adjacent properties 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.
16. 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.
17. 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.
18. 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.
19. Trucks hauling debris, soil, sand, or other loose materials shall be covered or required to maintain at least two feet of board.
20. Public streets shall be swept (preferably with water sweepers) of all visible soil material carried from the site.
21. The applicant shall establish and maintain drainage patterns that do not adversely affect adjacent properties and rights-of-way.
22. 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.
23. 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:

24. All construction at the subject property shall substantially conform to the approved Use Permit drawings or to modifications approved by the Zoning Officer.
25. All landscape, site and architectural improvements shall be completed per the attached approved drawings dated **MARCH 1, 2013 AND REVISED AUGUST 27, 2013.**

At All Times (Operation):

26. All exterior lighting shall be shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.
27. 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.
28. Noise and exterior lighting shall be controlled so as to prevent verified complaints from the surrounding neighborhood.
29. Obscure glass shall be maintained at the dining room windows at the west elevation.
30. If the existing pitched roof at the southwest corner of the property is changed to a flat roof, such roof shall not be used as a deck without prior approval by the Zoning Officer.

A handwritten signature in black ink, appearing to read 'amj', enclosed within a circular scribble. A long horizontal line extends to the right from the end of the signature.

Prepared by: Pamela Johnson, Assistant Planner for
Debra Sanderson, Zoning Officer

