



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 #2013-0148**

Property Address: **3011 DOHR STREET**

Permittee Name: **EMILY RUSCH & JOSHUA  
BUSWELL-CHARKOW**

Use and/or Construction Permitted: To enlarge an existing 1,096 sq. ft. single family dwelling by constructing a 446 sq. ft. second story addition for two new bedrooms and a bathroom, increasing the average height from 13'8 to 22'9", resulting in a 1,542 sq. ft. dwelling pursuant to:

- Section 23D.32.070.C to construct a residential addition exceeding 14' in 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 8, 2014.

Attest: Aaron Sage  
Aaron Sage, Senior Planner  
For Eric Angstadt, Zoning Officer

April 8, 2014  
Effective Date

# ATTACHMENT 1

## FINDINGS AND CONDITIONS

MARCH 18, 2014

### 3011 Dohr Street

#### Administrative Use Permit #AUP2013-0148

**To enlarge an existing 1,096 sq. ft. single family dwelling by constructing a 446 sq. ft. second story addition for two new bedrooms and a bathroom, increasing the average height from 13'8" to 22'9", resulting in a 1,542 sq. ft. dwelling.**

#### 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.

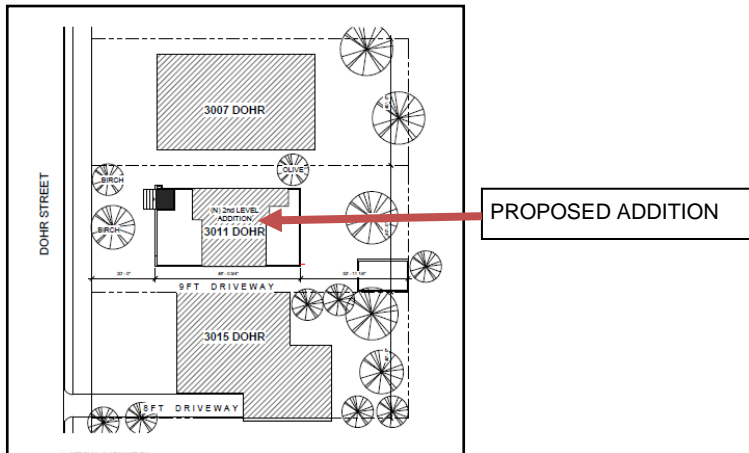
#### FINDINGS FOR APPROVAL

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.32.030 (Uses Permitted) and 090 (Findings), the proposed addition is permitted to exceed 14' in average height and does not create significant impacts to sunlight, air, or views, and is found to be non-detrimental and permissible for the following reasons:

1. Sunlight – The existing height of the residence is 13'8" and the proposed height is 22'9". The second story addition is centered on the existing home and massed to minimize solar impacts (see Figure 1 below). Shadows are expected to increase at the front yard and southern corner at the abutting property to the north, approximately 10' away at 3007 Dohr in the winter months in the morning, and at the rear yard and southeast corner at 3007 Dohr at sunset in the winter months. However, this loss of sunlight is found to be non-detrimental as the loss will occur for a few hours in the winter months;

Figure 1:



2. Air – Because the proposed addition meets or exceeds the district standards for minimum front, rear yard, and side yard setbacks, the project will retain the existing 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 (as defined by Section 23F.04-Definitions). The proposed project will not exceed the maximum height limit allowed in the R-2A District, and will not exceed the number of stories allowed; and
4. Privacy – The proposed addition includes new windows at the east (rear) and new windows at the north and south (side) elevations, however, these features are not expected to create significant privacy impacts to the immediate neighbors given that:
  - At the west elevation, the proposed second story windows are approximately 74' from the dwellings across the street at 3008 and 3010 Dohr and this distance is adequate;
  - At the south elevation, the proposed second floor bedroom window is 13' from the south side property line which is adequate and exceeds the District requirement of 8' separations for main buildings. The adjacent property to the south at 3015 Dohr is a single-story single family dwelling where views will be directed over the dwelling;
  - At the north elevation, one new bedroom is proposed, however, the window would not create significant privacy impacts because views will be directed over the single-story dwelling to the north at 3007 Dohr.
  - The proposed second story addition is 33'7" from the rear property line. The proposed windows at the rear would not create significant privacy impacts to abutting neighbors to the east at 3006 and 3010 Stanton Street because of the 33'7" distance to the rear property line and the approximately 45' and 62' distance to the nearest residential structures, respectively.

- The proposed project retains the character of small single-family dwellings and protects adjacent properties from unreasonable obstruction of light and air, is compatible with existing low density residential structures in the surrounding neighborhood, is not expected to be detrimental to the immediate neighborhood, and is therefore an appropriate development of this site (Section 23D.32.020-Purposes). Other two-storied structures in the vicinity include 3047 Dohr, 3051 Dohr, 3053 Dohr, and 1417 Prince to the south, and 3006 Stanton to the east.
-

## **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 **NOVEMBER 21, 2013 AND MARCH 12, 2014.**

**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: Pamela Johnson  
For Eric Angstadt, Planning Director

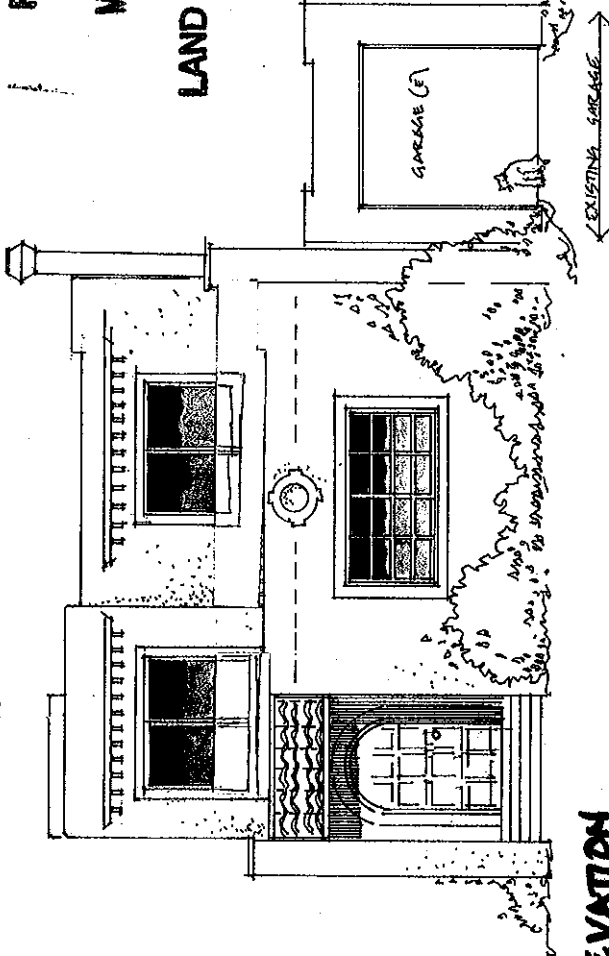


APPROVED PLAN  
 3.12.14  
 DATE  
 PLANNING  
 D.B. Conditions Attached  
 A.U.P. Conditions Attached  
 U.P. Conditions Attached

RECEIVED

MAR 12 2014

LAND USE PLANNING

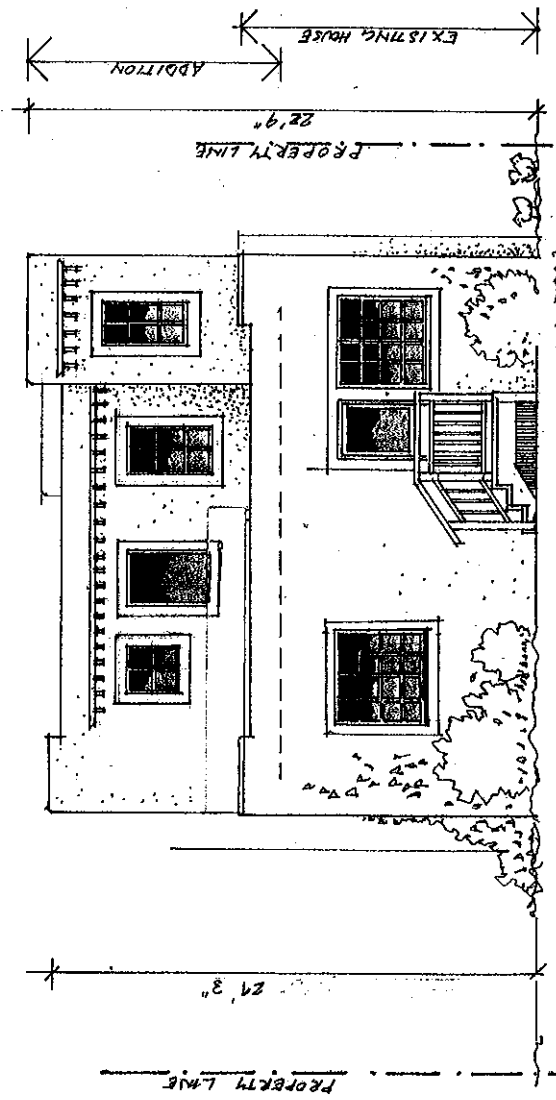


1. PROPOSED WEST ELEVATION

RECEIVED

MAR 12 2014

LAND USE PLANNING



2. PROPOSED EAST ELEVATION

JISWELL CHARROW RESIDENCE  
 3033 Dolan Street  
 Berkeley CA 94702



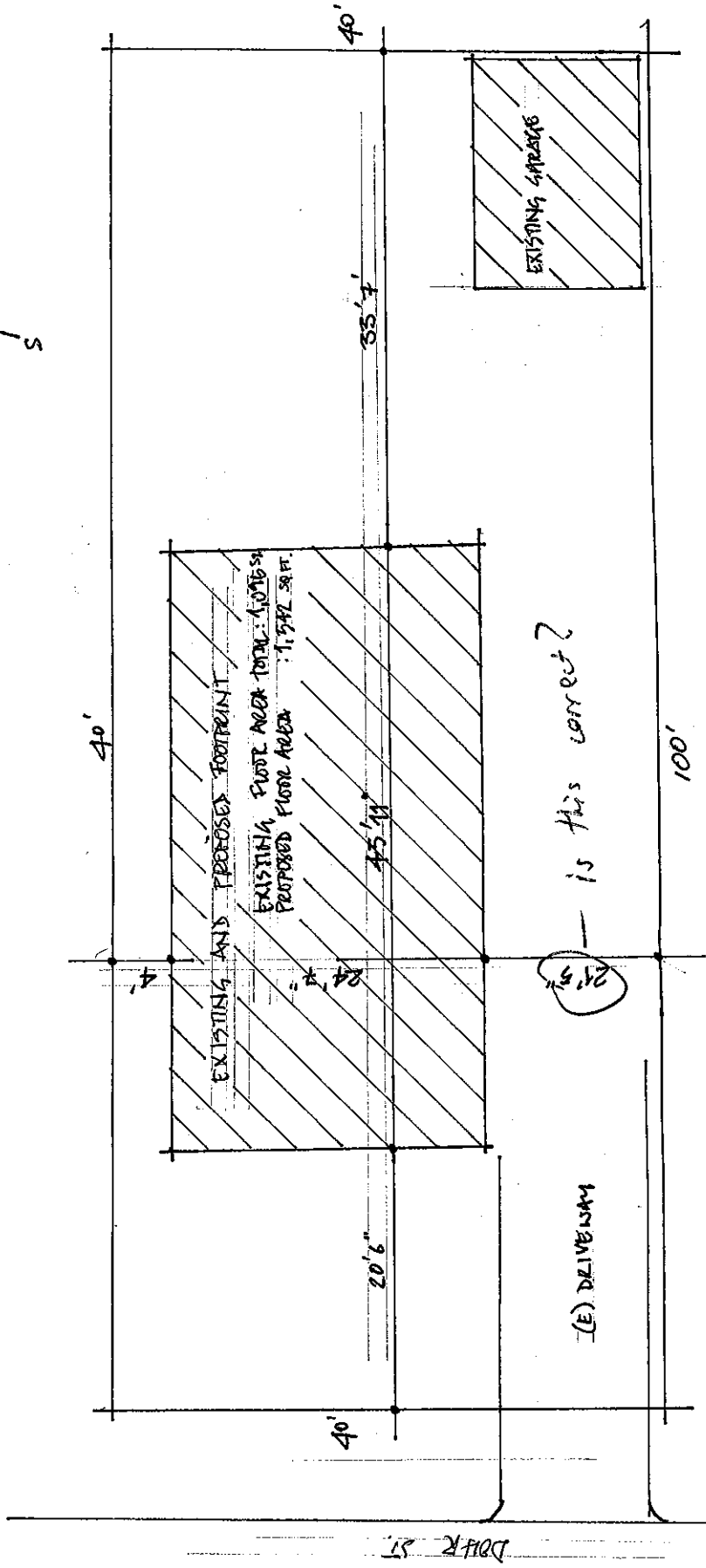
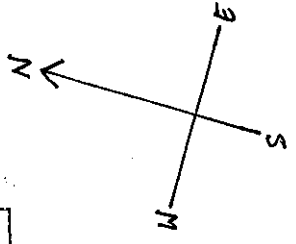
Blue Dog Construction and Renovation  
 887 Oak Street, Lafayette CA 94549  
 510-260-6658  
 www.bluedogrenovation.com

Drawing	Scale	Date
AD2.4	1/4"=1'	02/20/13
PROPOSED EAST/WEST ELEVATIONS		

RECEIVED  
 NOV 21 2013

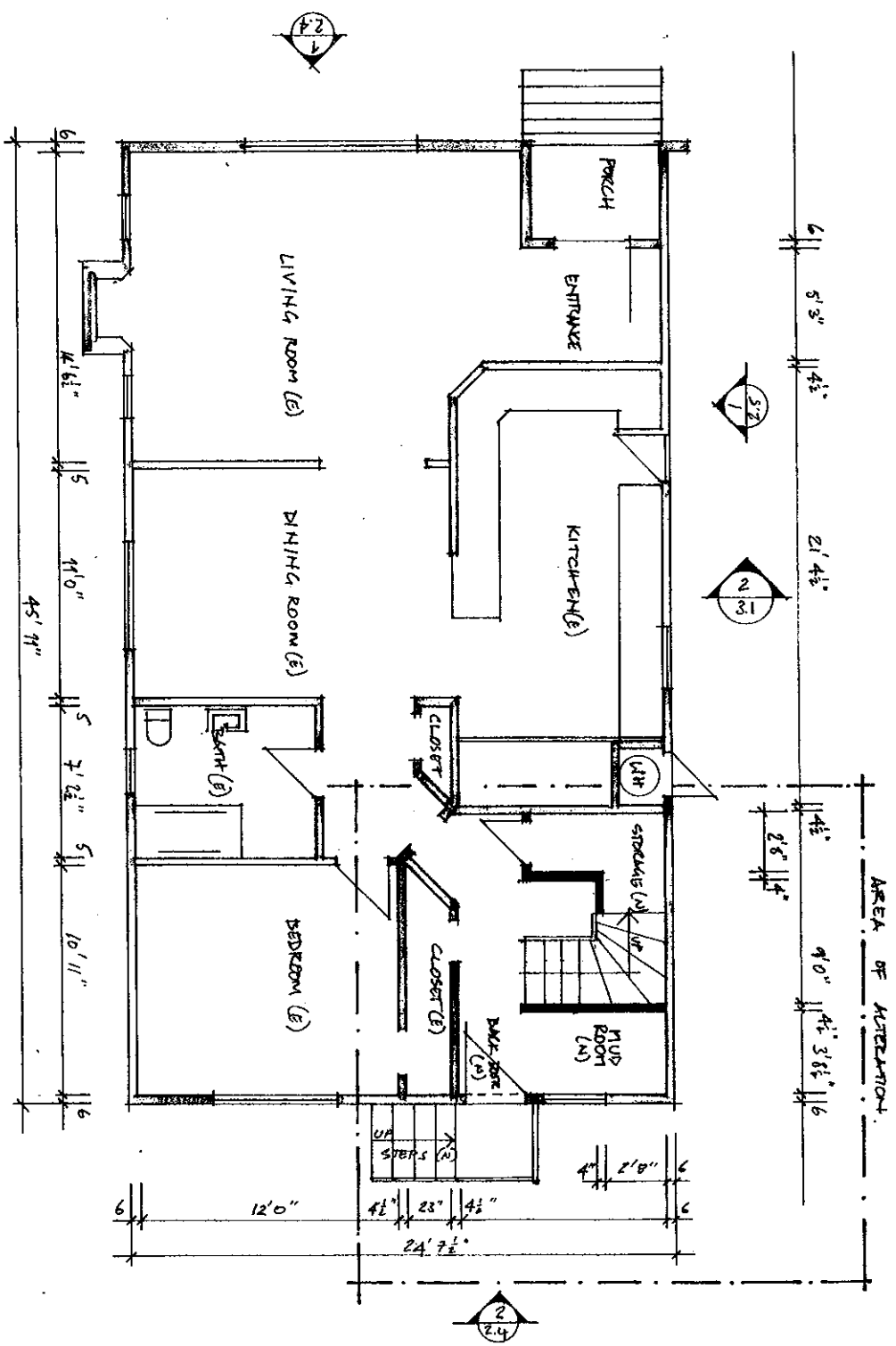
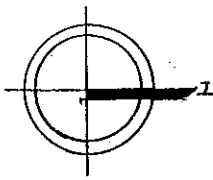
LAND USE PLANNING

APPROVED PLAN  
 3-12-14 DATE  
 PLANNING  
 D.R. Conditions Attached  
 A.U.P. Conditions Attached  
 U.P. Conditions Attached

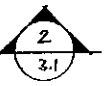


BUREAU/CHARLEEN RESIDENCE  
 3011 DOHR ST, BERKELEY, CA 94702  
 ADDITION OF A SECOND STORY ADDITION  
 SCALE 1/8" = 1'  
 PARCEL AREA 4,000 SQ FT.  
 EXISTING FLOOR AREA 1,016 SQ FT  
 PROPOSED FOOTPRINT UNCHANGED  
 PROPOSED NEW FLOOR AREA 1,542 SQ FT.

APPROVED PLAN  
 3.12.14  
 DATE  
 PLANNING  
 D.R. Conditions Attached  
 A.U.P. Conditions Attached  
 U.P. Conditions Attached



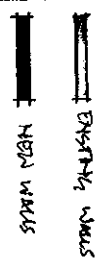
**PROPOSED FIRST FLOOR PLAN**



Drawing	Scale	Date
AD1.3	3/4" = 1'	02/20/13
PROPOSED GROUND FLOOR PLAN		

**BLUE DOG**  
 Blue Dog Construction and Renovation  
 887 Oak Street, Lafayette, CA 94549  
 510-260-6058  
[www.bluedogconstruction.com](http://www.bluedogconstruction.com)

**BUSWELL CHARKOW RESIDENCE**  
 3011 Dohr Street  
 Berkeley CA 94702

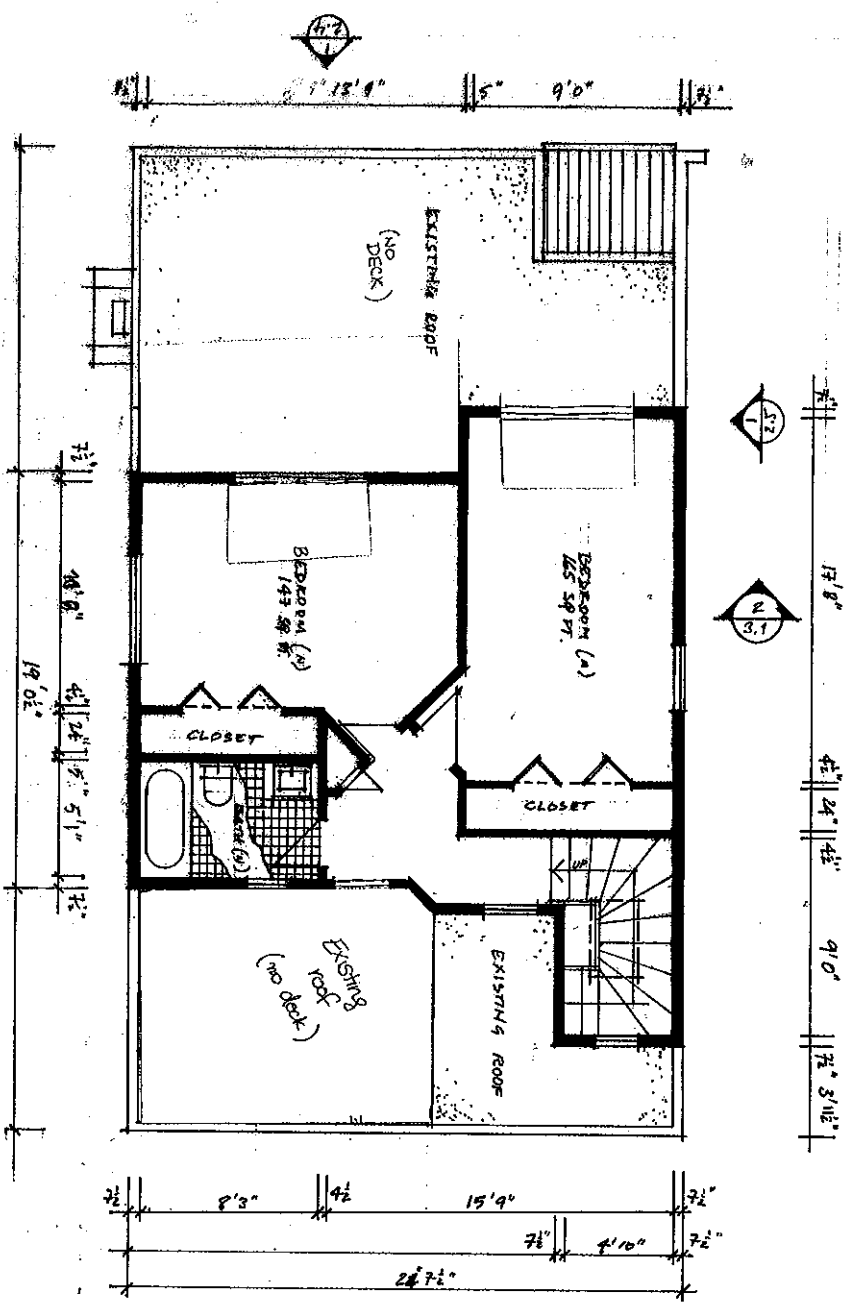
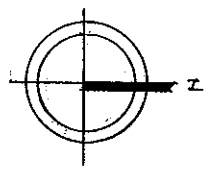


APPROVED PLAN 3.12.14  
 PLANING  
 D.R. Conditions Attached  
 A.U.P. Conditions Attached  
 U.P. Conditions Attached

RECEIVED

MAR 12 2014

LAND USE PLANNING



PROPOSED SECOND FLOOR PLAN



BUSWELL CHARROW RESIDENCE  
 3011 Dohr Street  
 Berkeley CA 94712

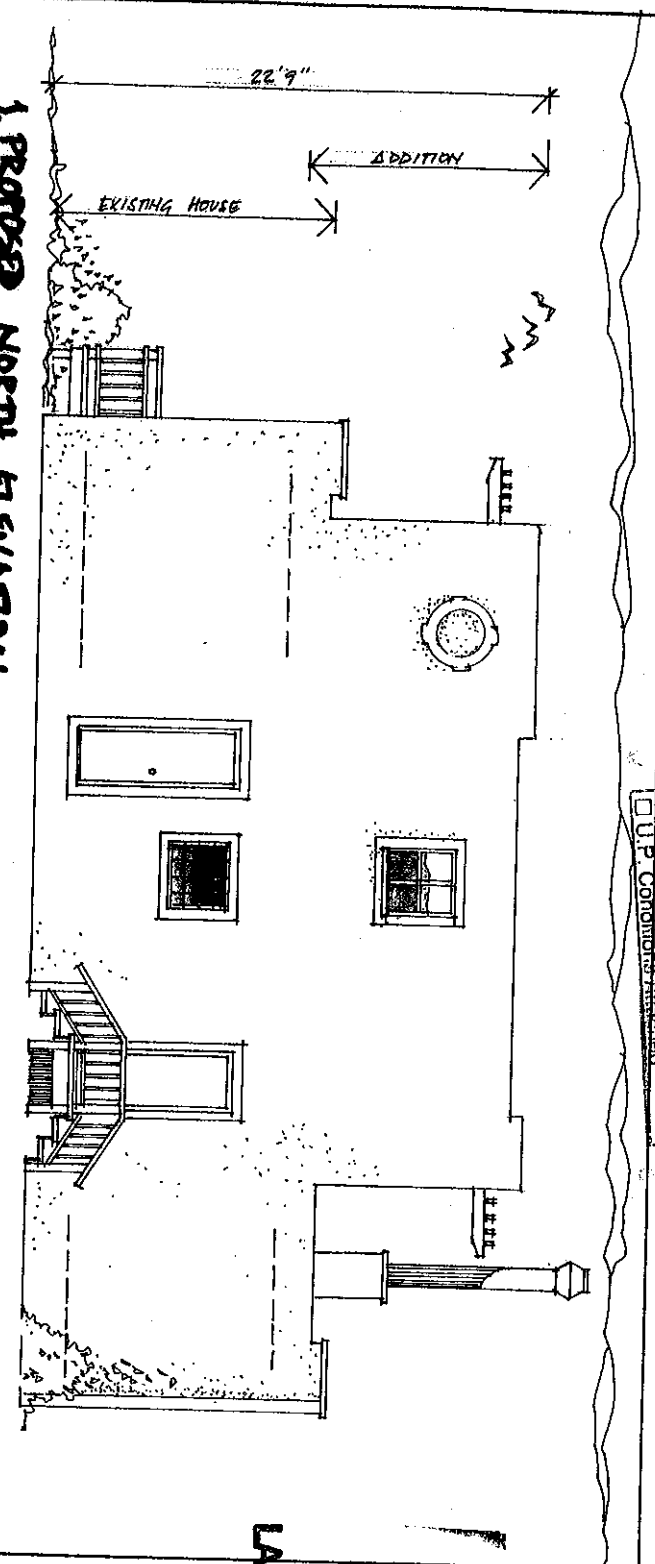


Blue Dog Construction and Renovation  
 887 Oak Street, Lafayette CA 94549  
 510-260-6058  
 www.bluedogrenovation.com

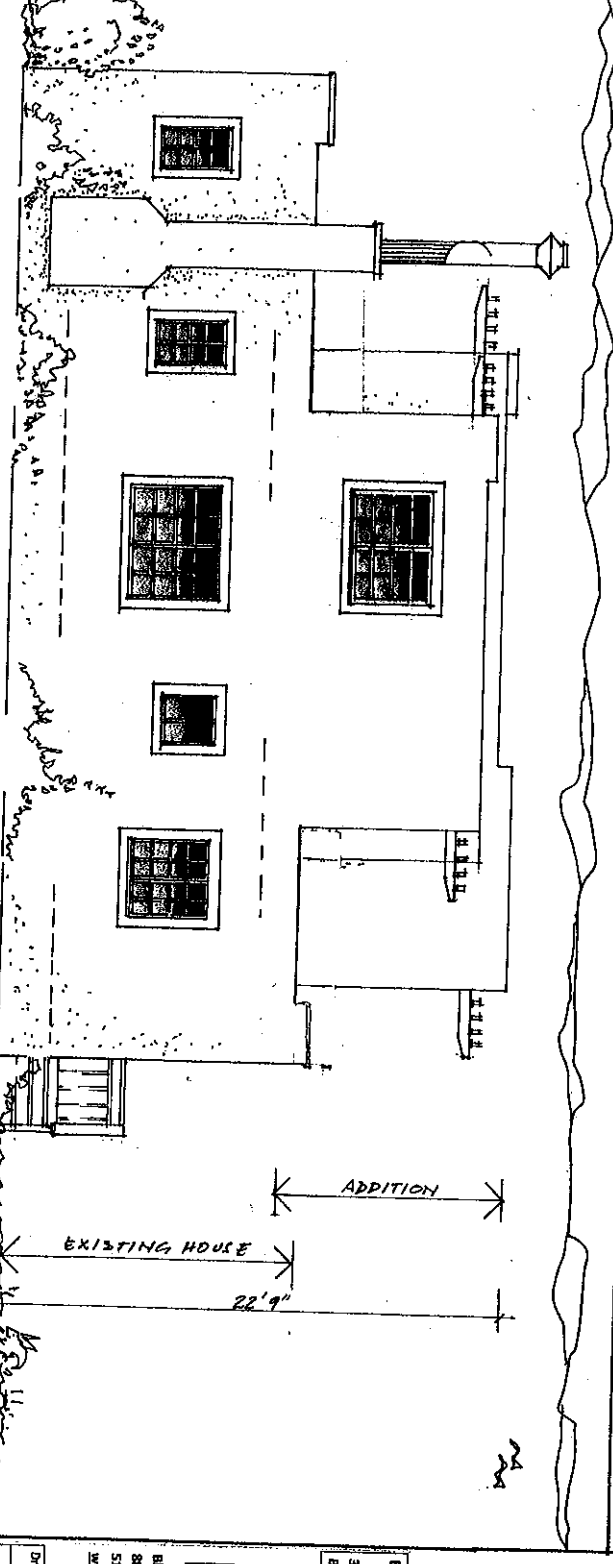
Drawing	Scale	Date
AD1.4	1/4"=1'	02/20/13
PROPOSED SECOND FLOOR PLAN		

APPROVED PLAN	DATE
PLANNING	
<input type="checkbox"/> D.R. Conditions Attached	
<input type="checkbox"/> A.U.P. Conditions Attached	
<input type="checkbox"/> U.P. Conditions Attached	

**1. PROPOSED NORTH ELEVATION**



**2. PROPOSED SOUTH ELEVATION**



**RECEIVED**  
MAR 12 2014

**LAND USE PLANNING**

**BUSWELL CHARKOW RESIDENCE**  
3011 Dohr Street  
Berkeley CA 94702

**BLUEDOG**  
Blue Dog Construction and Renovation  
887 Oak Street, Lafayette CA 94549  
510-280-6088  
www.bluedogrenovation.com

Drawing	Scale	Date
AD2.5	3/4"=1'	02/20/13
PROPOSED NORTH/SOUTH ELEVATIONS		