



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 #2014-0078

Property Address: **94 ROCK LANE**

Permittee Name: **MILAD SABETIMANI**

Use and/or Construction Permitted: To construct a two-story addition (360 s.f.) greater than 14 feet in average height on the north side of the single-family dwelling; construct a one-story addition (115 s.f.) on east side; raise the average height by two feet by lifting the house and replacing the foundation; and convert a portion of the unfinished basement to living space pursuant to:

- Section 23D.16.070.C to construct a residential addition greater than 14 ft. 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 October 21, 2014.

Attest: Carol Johnson
Carol Johnson, Land Use Planning Mgr.

October 21, 2014
Effective Date

ATTACHMENT 1

FINDINGS AND CONDITIONS

SEPTEMBER 29, 2014

94 Rock Lane

Administrative Use Permit #AUP2014-0078

To construct a two-story addition (360 s.f.) greater than 14 feet in average height on the north side of the single-family dwelling; construct a one-story addition (115 s.f.) on east side; raise the average height by two feet by lifting the house and replacing the foundation; and convert a portion of the unfinished basement to living space.

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:
 - A. The project conforms with the applicable Purposes of the R-2 District by proposing an addition to an existing single family dwelling that:
 - Is consistent with the existing pattern of low density development;
 - Maintains a large amount of usable open space on the lot; and
 - Does not obstruct access to light or air on adjacent properties.
3. As required by Section 23D.16.090.B, the Zoning Officer finds that the project would not unreasonably obstruct sunlight, air or views because the two story addition on the north side of the house is adjacent to the roadway (Poplar St) and therefore does not impact other properties; the proposed additional height of two feet resulting from lifting the house does not result in significant new shadow or view impacts; and, the existing building separation with the adjacent properties is unchanged.

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 September 17, 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: Jordan Harrison
For Carol Johnson, Land Use Planning Manager

PLANS APPROVED by

Jordan Hami

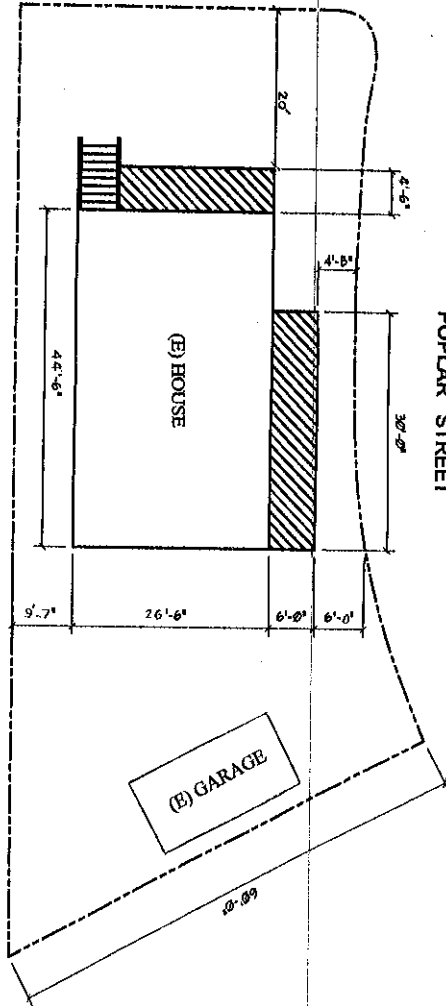
Sept. 29, 2014

SIGNATURE

DATE

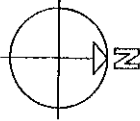
*AUP Findings and Conditions Attached

ROCK LANE



POPLAR STREET

SITE PLAN:
1/8" = 1'-0"



RECEIVED

SEP 17 2014

LAND USE PLANNING



PLANNING & DEVELOPMENT

Land Use Planning, 2225 Alameda Street, Berkeley, CA 94704
Tel: 510.862.1200 Fax: 510.862.1201 Email: planning@berkeley.gov

TABULATION FORM

Project Address: 94 Rock Lane, Berkeley, Ca

Date: 4-22-2014

Applicant's Name: Milad Sabetimani

Zoning District: R-1H

Please print in full the following numerical information for Use Permit, Variance, and other Zoning Ordinance related permit applications:

Existing	Proposed	Permitted/ Restricted
1	1	1
1	1	1
24'-6"	20'	20'
10'-5"	6'-3" to 4'-5"	7'
9'-7"	9'-7"	4'
46'	46'	15'
1.5	2	3
17'-9"	19'-9"	20'
20'	22'	35'
6,490	6,490	
1,084	2,270	
1,084	1,378	3,245
16.7	21.2	
5,406	5,112	1,298

TYPE OF CONSTRUCTION: VB
OCCUPANCY: R-2

ALL WORK SHALL COMPLY WITH:
CALIFORNIA BUILDING CODE, CURRENT EDITION
CALIFORNIA MECHANICAL CODE, CURRENT EDITION
CALIFORNIA ELECTRICAL CODE, CURRENT EDITION
CALIFORNIA PLUMBING CODE, CURRENT EDITION
TITLE 24 ENERGY REGULATIONS

SINGLE FAMILY RESIDENCE REMODEL

94 Rock Lane, Berkeley, Ca
Owner: Milad Sabetimani

SITE PLAN

4-26-2014
1/8" = 1'-0"
DL

PLANS APPROVED by

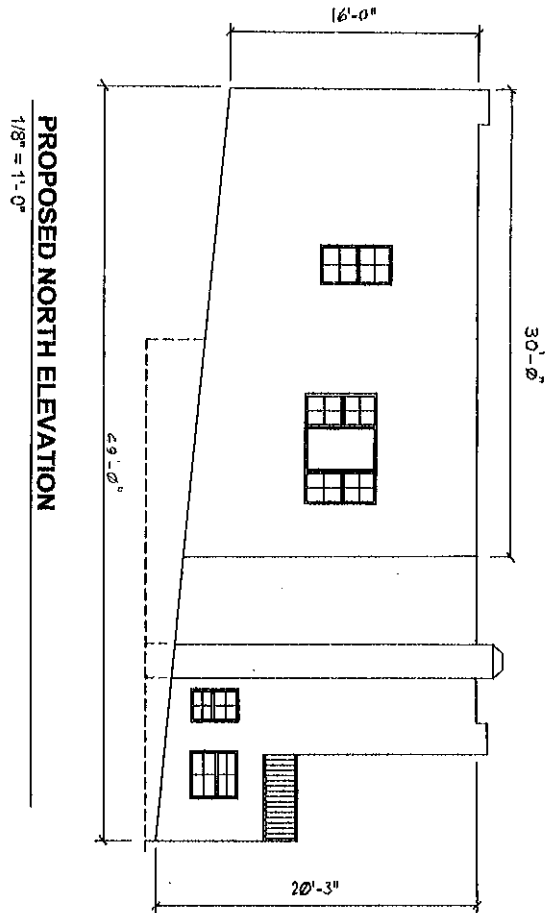
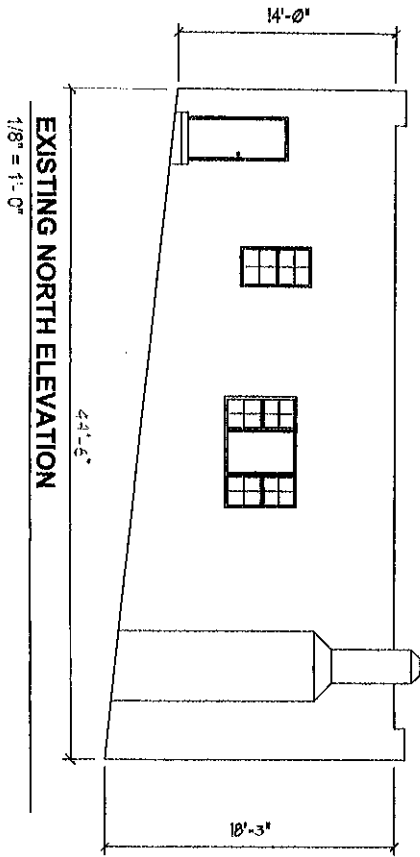
Gorda Hami

Sept. 29, 2014

SIGNATURE

DATE

***AUP Findings and Conditions Attached**



A2

NORTH ELEVATIONS

SINGLE FAMILY RESIDENCE REMODEL

94 Rock Lane, Berkeley, Ca

Owner: Milad Sabetimani

PLANS APPROVED by

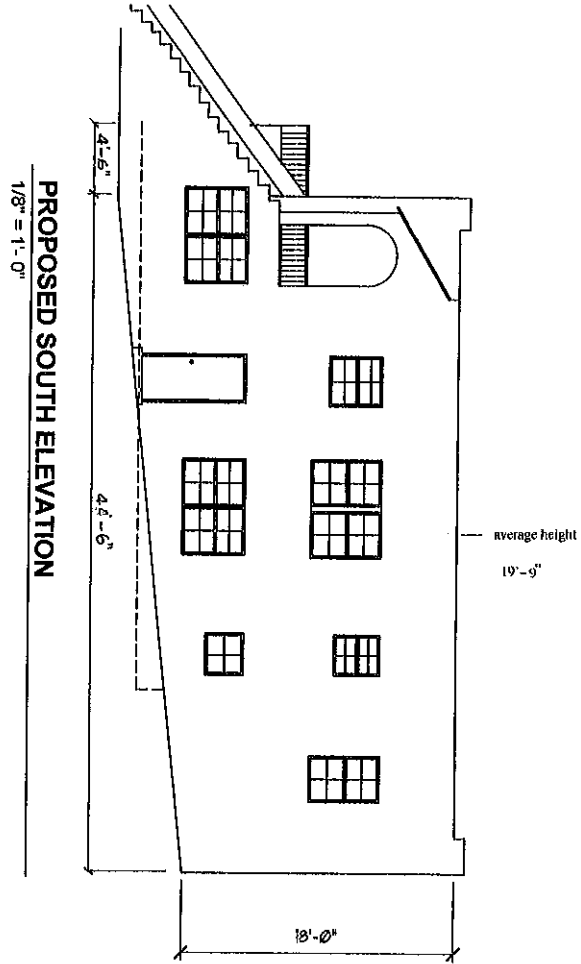
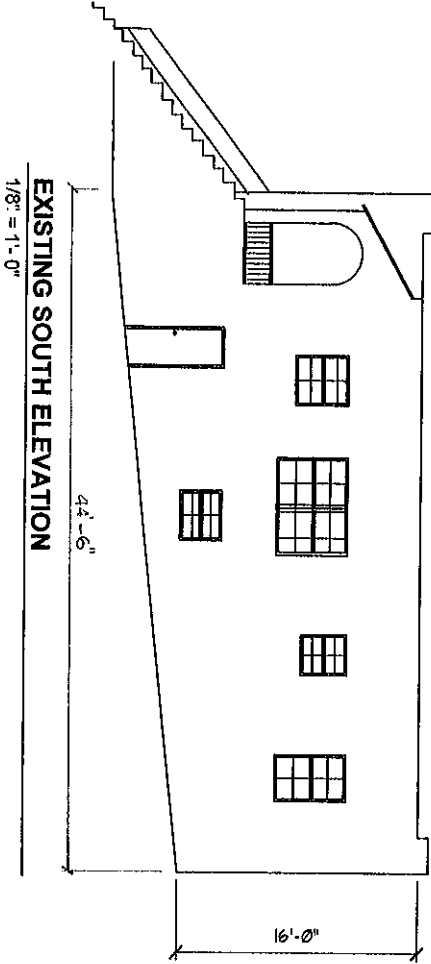
Jordan Hemi

Sept. 29, 2014

SIGNATURE

DATE

***AUP Findings and Conditions Attached**



REVISIONS

PLANS APPROVED by

Jordan Hani

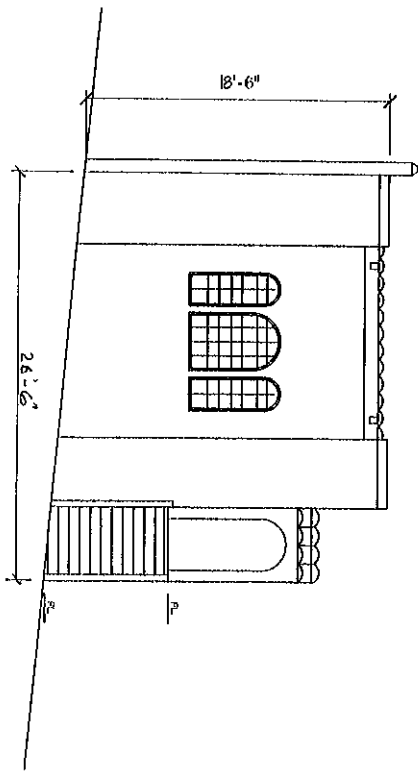
Sept. 29, 2014

SIGNATURE

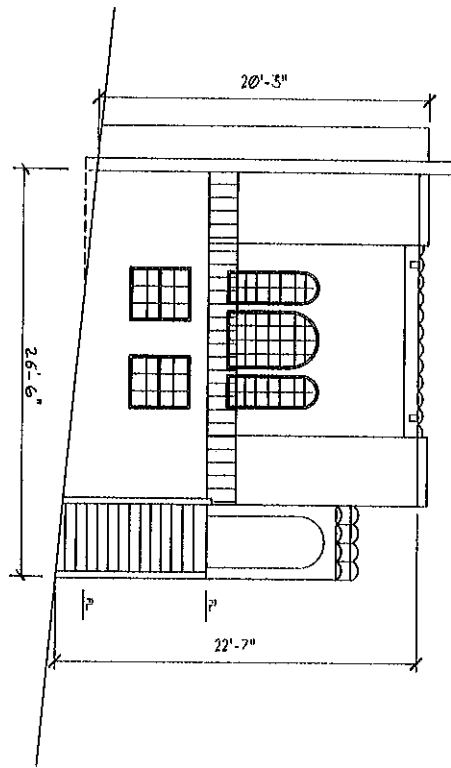
DATE

***AUP Findings and Conditions Attached**

EXISTING WEST ELEVATION
1/8" = 1'-0"



PROPOSED WEST ELEVATION
1/8" = 1'-0"



PLANS APPROVED by

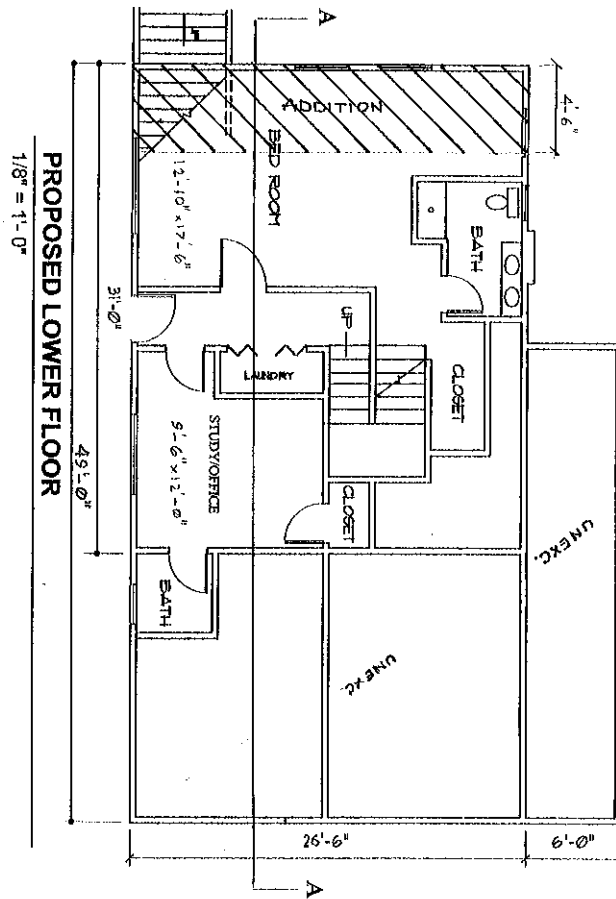
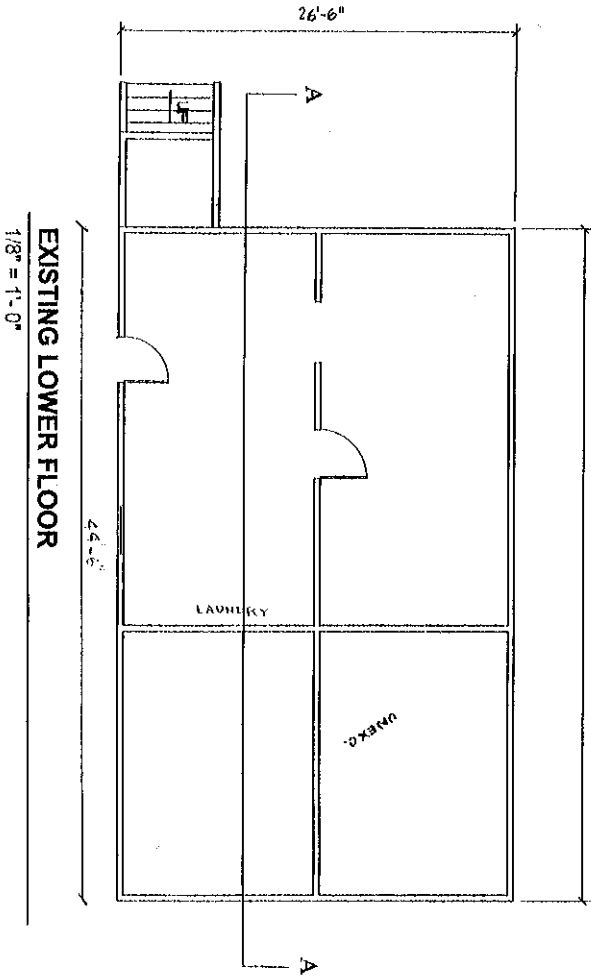
Jordan Klein

Sept. 29, 2014

SIGNATURE

DATE

***AUP Findings and Conditions Attached**



PLANS APPROVED by

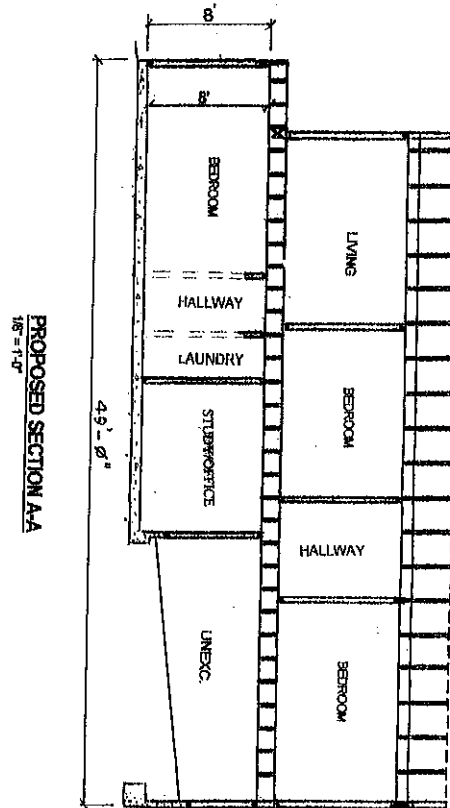
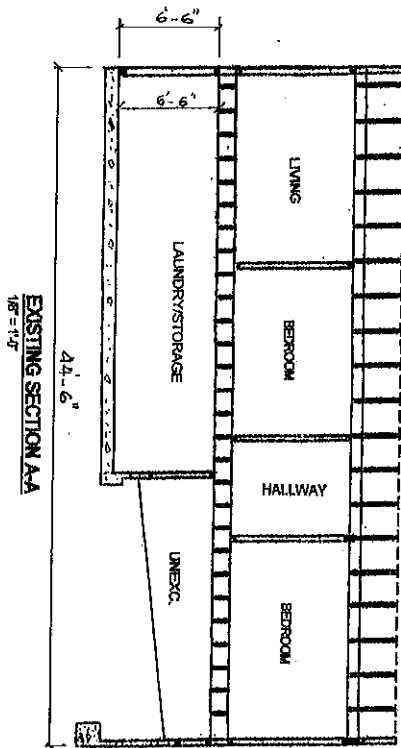
Gonda Amin

Sept. 29, 2014

SIGNATURE

DATE

***AUP Findings and Conditions Attached**



Dec. 21

June 21

Dec. 21

June 21

2 hrs after sunrise

2 hrs after sunrise

2 hrs after sunrise

2 hrs after sunrise

Noon

Noon

Noon

Noon

PLANS APPROVED by

Judith Klein

Sept. 29, 2014

SIGNATURE

DATE

*AUP Findings and Conditions Attached

2 hrs before sunset

2 hrs before sunset

2 hrs before sunset

2 hrs before sunset

PROPOSED SHADOWS

EXISTING SHADOWS

SHADOW STUDY

SINGLE FAMILY RESIDENCE REMODEL

94 Rook Lane, Berkeley, Ca

Owner: Mlad Sabetman

A9

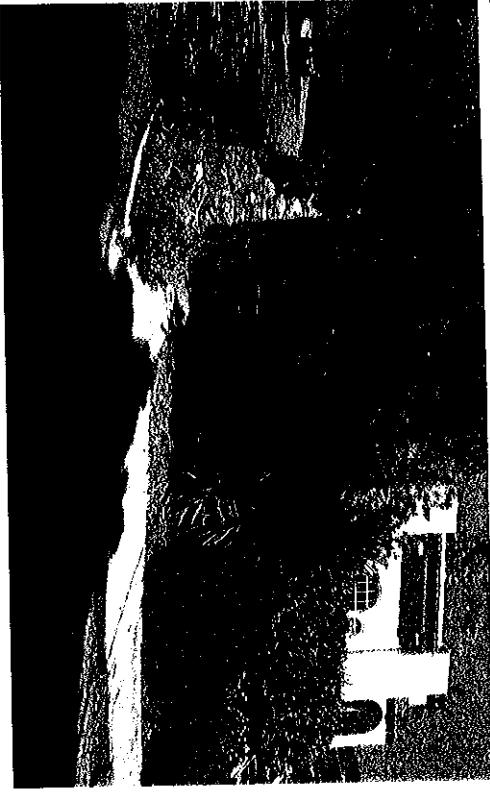
DATE	10/14/14
SCALE	1/4" = 1'-0"
BY	DL

NO.	1
DATE	
BY	
REVISION	

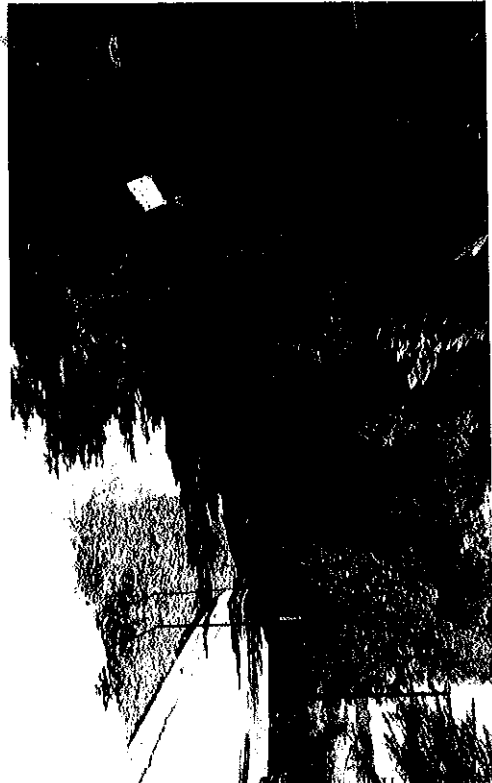
Norht. Side



West Side



NO-rth. Side



West Side



PLANS APPROVED by
John Klein Sept. 29, 2014
 SIGNATURE DATE
 *AUP Findings and Conditions Attached

A10
 14-004
 10/1/14
 DL

PROPERTY PICTURES

SINGLE FAMILY RESIDENCE REMODEL
 94 Rock Lane, Berkeley, Ca
 Owner: Milad Sabetimanl

PLANS APPROVED by

Gonda Henin

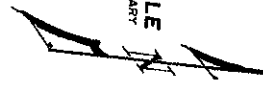
Sept. 29, 2014

SIGNATURE

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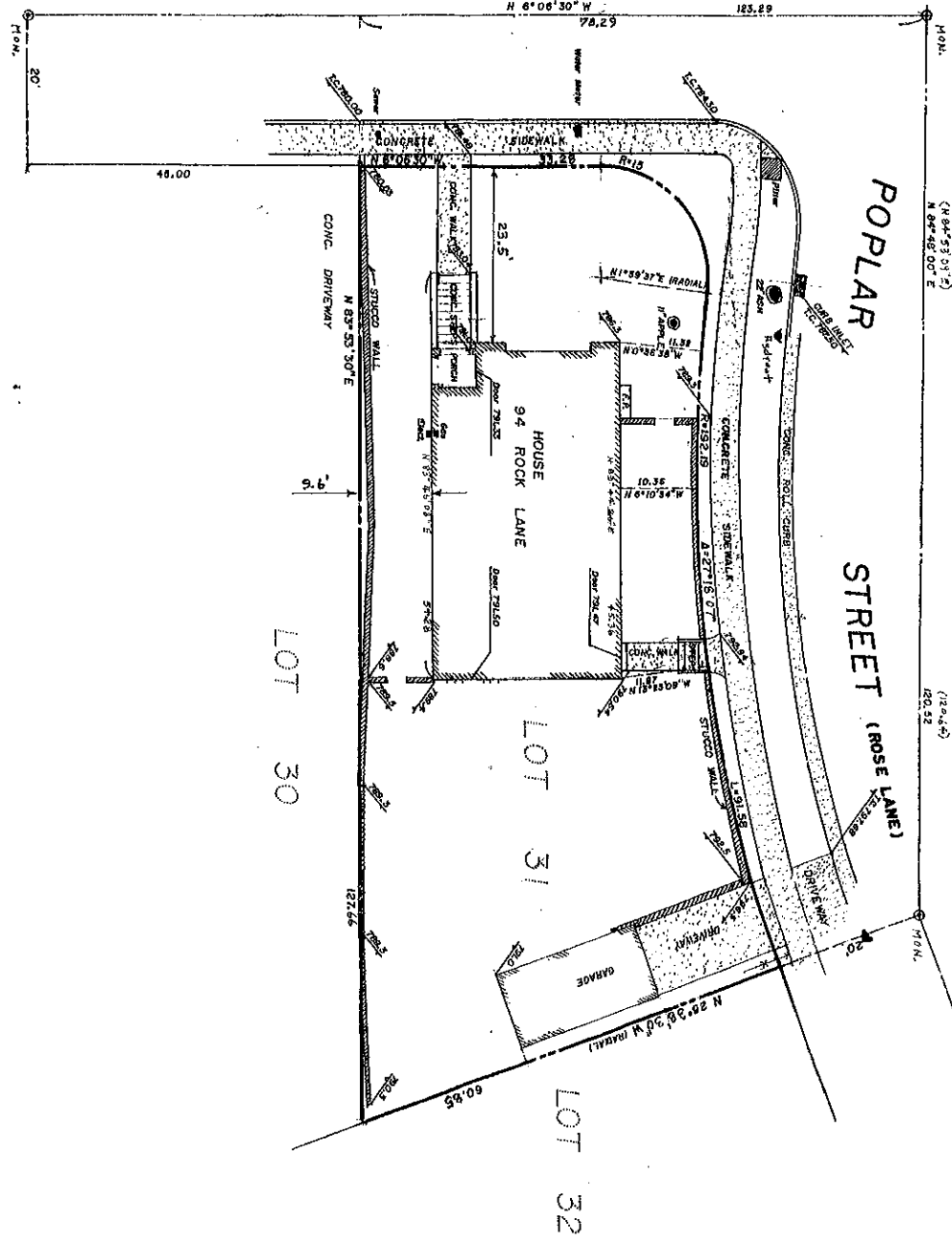
*AUP Findings and Conditions Attached

SCALE
1"=8'
FEBRUARY
2014



ROCK LANE

POPLAR STREET (ROSE LANE)



HOUSE LOCATION SURVEY
IN THE CITY OF BERKELEY
ALAMEDA COUNTY - CALIFORNIA
COUNTY RECORDS
BRUCE W. STARR
LAND SURVEY
P.O. BOX 2253, CASTRO VALLEY, CA 94546
Ph. (415) 885-
Distoconsians acc. per Record - closure #0.10
ELEVATION DATUM IS APPROX - MSL NAHD FIELD GDS.