



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 #2014-0021

Property Address: **2800 DERBY STREET**

Permittee Name: **CHRISTINA CAMPOBASSO**

Use and/or Construction Permitted: To build a 74-square-foot second story addition and redesign the carport roof pursuant to:

- Section 23D.28.070.C to permit a residential addition over 14 feet in average height in the R-2 District; and,
- Section 23C.04.070.B to alter a portion of a building which encroaches into the rear yard setback.

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 June 13, 2014.

Attest: Sally Zarnowitz
Sally Zarnowitz, Senior Planner
For Eric Angstadt, Zoning Officer

June 13, 2014
Effective Date

ATTACHMENT 1

FINDINGS AND CONDITIONS

MAY 22, 2014

2800 Derby Street

Administrative Use Permit #AUP2014-0021

To build a 74-square-foot second story addition and redesign the carport roof.

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.28.030 (Uses Permitted), 23D.28.070.C (Development Standards) and 23D.28.090.B (Findings), the proposed residential addition may exceed 14 feet in average height because the addition and the building’s height are found to be non-detrimental. The height of the proposed addition does not create significant impacts to sunlight, air, or views as listed below:
 1. Sunlight – The proposed addition will enlarge the area of an existing dormer, extending it out to meet the existing exterior wall of the first floor below. The roof design of the dormer will change from a shed roof to a gabled roof, which will increase the average height of the dormer from 22 feet (to the top of the ridge) to 23 feet. This portion of the roof will still be below the height of the main roof, and will therefore only marginally impact the direct sunlight currently experienced at the property to the west at 2806 Derby Street. The addition will partially shade a living room window on the first floor in summer evenings and a bedroom window on the second floor in evenings during the fall. Because this loss of sunlight is for a small portion of the day, it is found to be non-detrimental.

2. Air – Because the proposed residential addition satisfies the district standards for minimum side, front and rear setbacks, it is expected to provide adequate spatial separations between developments on abutting properties, thereby allowing for adequate air circulation.
 3. Views – The proposed residential addition would not significantly block the adjacent neighbors' views of any significant features. The proposed addition will be less than the full height limit permitted in the R-2 District and the addition will not exceed the maximum number of stories allowed.
 4. Privacy – The proposed residential addition will have new windows on the north, south and east elevations. These new windows are not expected to create privacy impacts to the immediate neighbors because:
 - The window on the north elevation will increase in area, but will not move closer to the front yard setback;
 - The southern window will not change significantly in size from the existing window, and the setback from the rear property line will remain the same; and,
 - The two existing windows on the east elevation will be replaced by three smaller windows. The addition will move the east elevation 4'9" closer to the side-yard setback, putting these windows closer to the western neighbor's property (2806 Derby), but still maintaining a 24-foot separation from the neighboring house at 2806 Derby.
- As required under Section 23C.04.070.B.1 (Expansions of Non-Conforming Buildings and Structures), the vertical and horizontal extensions of the residential addition within the existing front yard setback are justified because they do not further encroach into the required setback or exceed the height limit in the R-2 District.
 - Since the shed is attached to the main building, it is subject to the same setback requirements as a main building. As required under Section 23C.04.070.B.1 (Expansions of Non-Conforming Buildings and Structures), the vertical extension of the shed roof within the existing 6'-7 ½" rear yard setback (where 20' is required) is justified because:
 - The addition would not encroach further into the required setback; or
 - The addition will change the roof design of the shed from a flat roof to a gabled roof. This change will increase the average height of the roof from 8'2 ¾" to approximately 8'6", which will not exceed the average height for additions in the R-2 District.
-

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 February 25, 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.



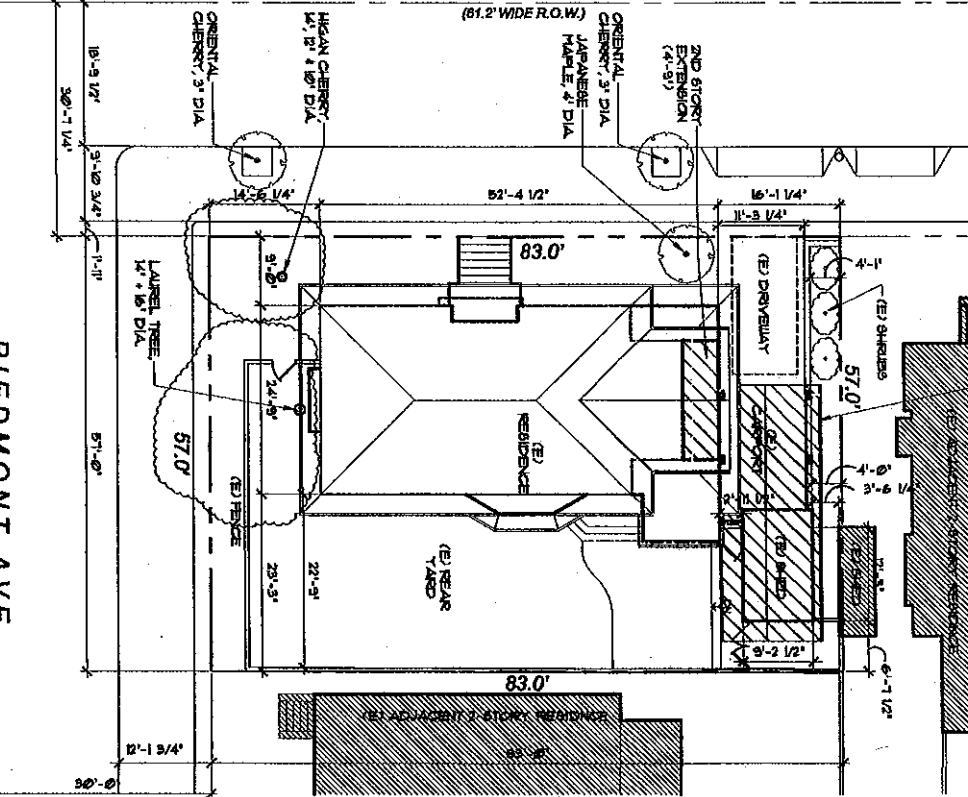
Prepared by: Elizabeth Greene
For Eric Angstadt, Planning Director

I HAVE REVIEWED THE PLANS FOR THE FOLLOWING PROJECT AT 2800 DERBY STREET COMPRISING OF A 74 SQ.FT. 2ND STORY RESIDENTIAL ADDITION, A 414 SQ.FT. KITCHEN RENOVATION, AND A 448 SQ.FT. CARPORT ROOF REPLACEMENT.

NEIGHBORHOOD SIGNATURES						
NAME	SIGNATURE	ADDRESS	RENTER OR OWNER	DATE	HAVE NO OBJECTIONS (STATE BRIEFLY)	HAVE NO COMMENT

NOTE
 ABUTTING NEIGHBORS ARE 2706 PIEDMONT AND 2806 DERBY.
 CONFRONTING NEIGHBORS ARE 2847 & 2700 PIEDMONT AND 2747 DERBY.
 NEARLY CONFRONTING NEIGHBORS ARE 2710 PIEDMONT AND 2819 DERBY.

DERBY ST.
 (81.2' WIDE R.O.W.)



PIEDMONT AVE.
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 FEB 25 2014

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

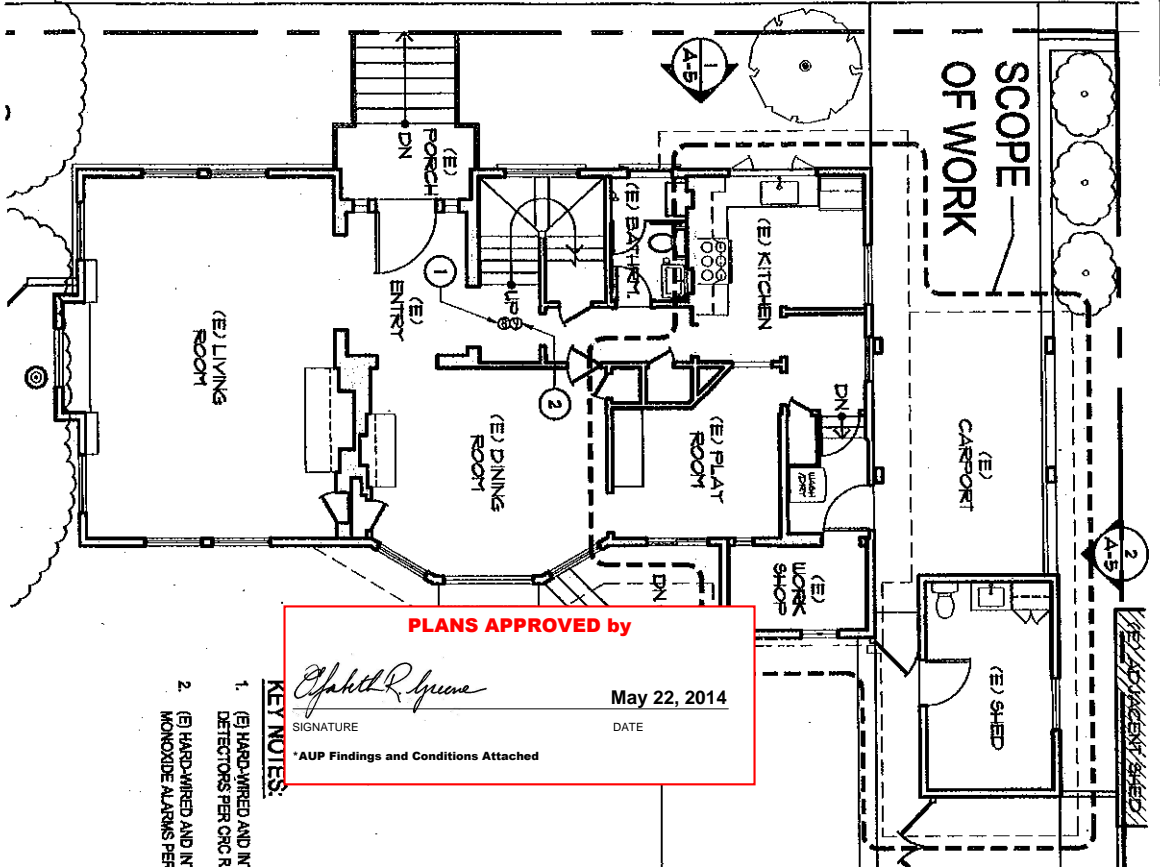
1 SITE PLAN

LAND USE PLANNING

1 1ST FLOOR REFERENCE PLAN



2 2ND FLOOR REFERENCE PLAN



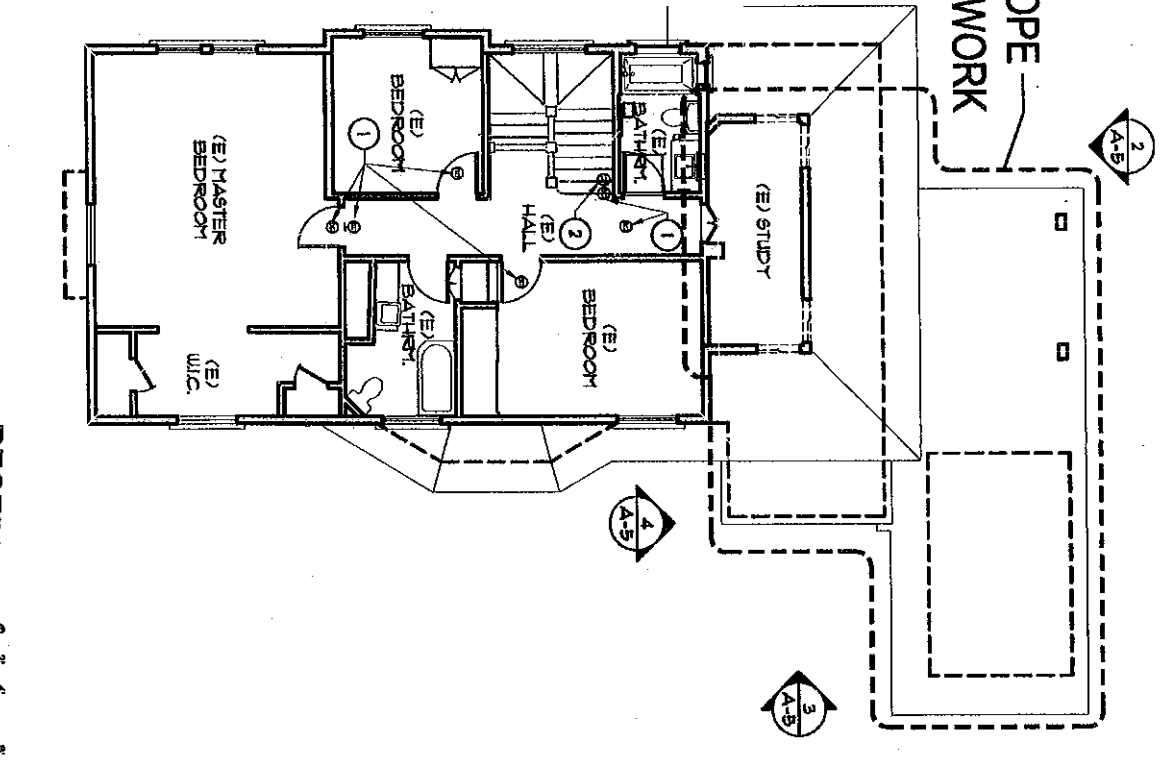
PLANS APPROVED by

Elahktl R. Spence May 22, 2014

SIGNATURE DATE

*AUP Findings and Conditions Attached

- KEY NOTES:**
1. (E) HARDWIRED AND INTERCONNECTED SMOKE DETECTORS PER CRC R314.
 2. (E) HARDWIRED AND INTERCONNECTED CARBON MONOXIDE ALARMS PER CRC 315.2.



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FEB 25 2014

LAND USE PLANNING

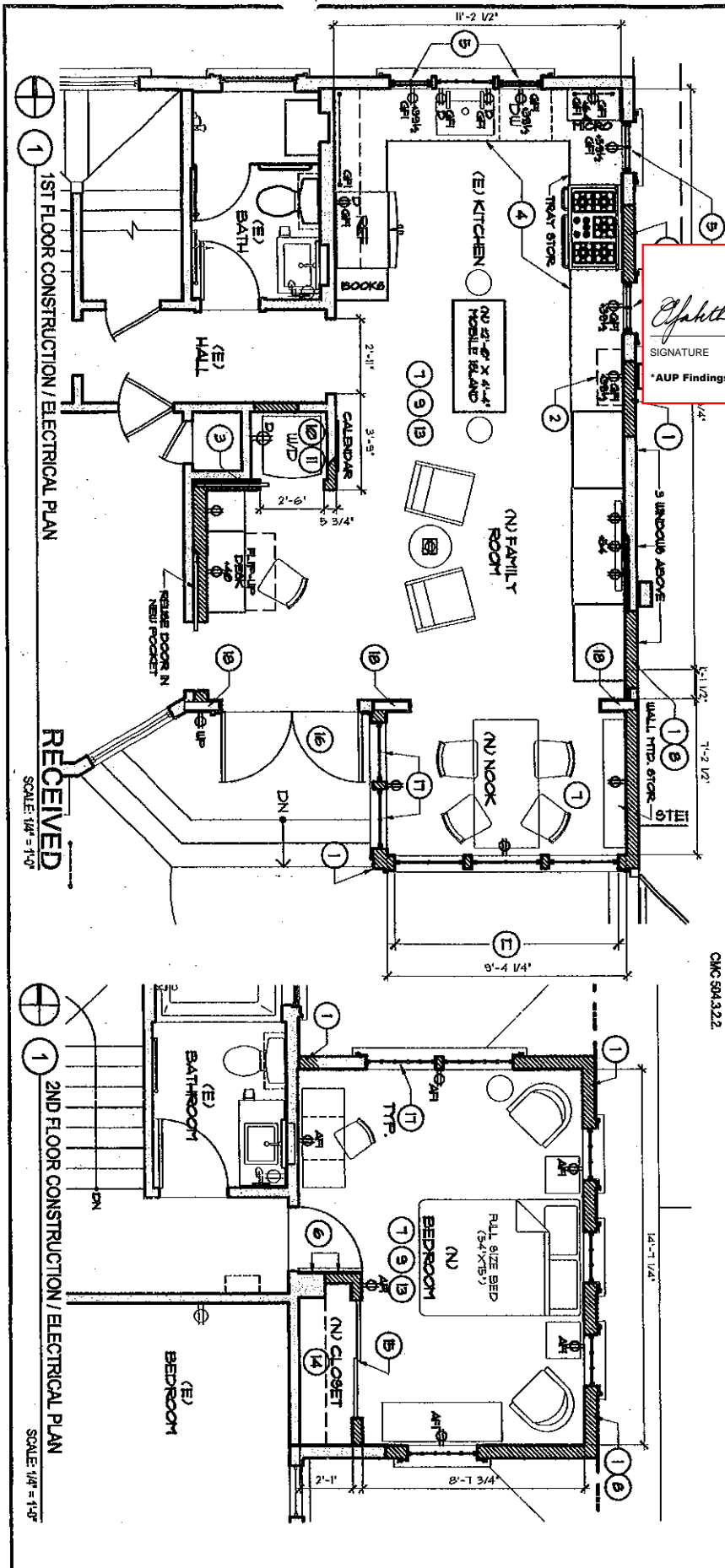
A-0.2

REFERENCE PLANS

10/30/13

2ND STORY EXTENSION & KITCHEN RENOVATION
CAMPBASSO / MOREHOUSE RESIDENCE
 2000 DERBY STREET BERKELEY, CA 94705 BLOCK: 1074 LOT: 16

MOREHOUSE DESIGN
 624 TERRACE AVE. HALF MOON BAY, CA 94019
 PH/FX 650-728-9265 E: BRYMORE@YAHOO.COM



PLANS APPROVED by

Chahid R. Lyons

May 22, 2014

SIGNATURE DATE

*AUP Findings and Conditions Attached

KEY NOTES:

1. EXTERIOR WALL W/ 2X4 STUDS AT 16" O.C. W/ R-13 FOAMULTRIX-FREE INSULATION. MATCH EXTERIOR AND INTERIOR FINISHES WITH EXISTING.
2. (N) FLOATING FSC WOOD SHELVES.
3. (N) 30" X 80" WOOD POCKET DOOR, STAINED TO MATCH EXISTING. PROVIDE HAFLE POCKET DOOR KIT AND POCKET DOOR HARDWARE AS SELECTED BY OWNER.
4. (N) BASE CABINETS AND COUNTERTOPS SEE ELEVATIONS.
5. (N) DOUBLE HUNG WINDOW, WITH LOW E II TAMPERS SAFETY GLASS.
6. (N) 30" X 80" WOOD DOOR, STAINED TO MATCH EXISTING. PROVIDE 3 HINGES AND LOCKING DOOR HARDWARE AS SELECTED BY OWNER.
7. (N) FLOORING, TBD.
8. VERIFY R-13 INSULATION AT EXTERIOR WALLS.
9. ALL PAINTED SURFACES TO BE LOW OR NO V.O.C. <50 PPM.
10. PROVIDE (N) LAUNDRY CLOSET WITH GRF OUTLET ON DEDICATED CIRCUIT PER MANUFACTURERS INSTRUCTIONS.
11. VENT DRYER TO EXTERIOR W/ RIGID DUCT W/ INSECT SCREEN AND DAMPER. VENT TO TERMINATE OUTSIDE BUILDING MIN. 3' FROM ANY OPENING. DUCT LENGTH TO BE MAX OF 14' PER CMC S04.3.2.2.
12. (N) CLOSET STORAGE SYSTEM.
13. ALL ADDED / REPLACED 125 VOLT, 15 AMP AND 20 AMP RECEPTACLES SHALL BE LISTED TAMPER-RESISTANT RECEPTACLES PER NEC ARTICLE 408.11.
14. (N) CLOSET STORAGE SYSTEM.
15. PAIR OF 2'-4" X 6'-0" SLIDING CLOSET DOORS ON HEAVY DUTY TRACK.
16. (N) 5'-0" X 8'-0" DOUBLE GLAZED FRENCH DOOR AND 18" HIGH DOUBLE GLAZED TRANSOM WITH LOW E II TAMPERS SAFETY GLASS. SEE ELEVATIONS.
17. (N) DOUBLE GLAZED WINDOW, WITH LOW E II TAMPERS SAFETY GLASS.
18. SIMPSON STRONG WALL, S.S.D.

1ST FLOOR CONSTRUCTION / ELECTRICAL PLAN

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SCALE: 1/4" = 1'-0"

2ND FLOOR CONSTRUCTION / ELECTRICAL PLAN

SCALE: 1/4" = 1'-0"

LAND USE PLANNING

FEB 25 2014

A-2

CONSTRUCTION / ELECTRICAL PLAN

10/30/13

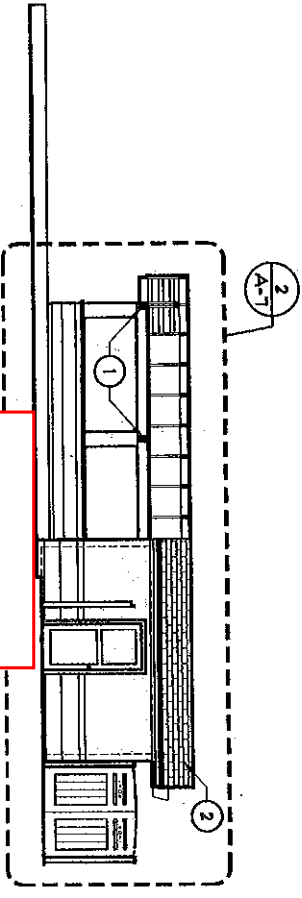
2ND STORY EXTENSION & KITCHEN RENOVATION
CAMPOBASSO / MOREHOUSE RESIDENCE
2860 DERRY STREET BERKELEY, CA 94705 BLOCK: 1074 LOT: 16

MOREHOUSE DESIGN
624 TERRACE AVE. • HALF MOON BAY, CA 94019
PH/FX 650-728-8265 • E: BRYMORE@TAHOODOTCOM

NOTES:

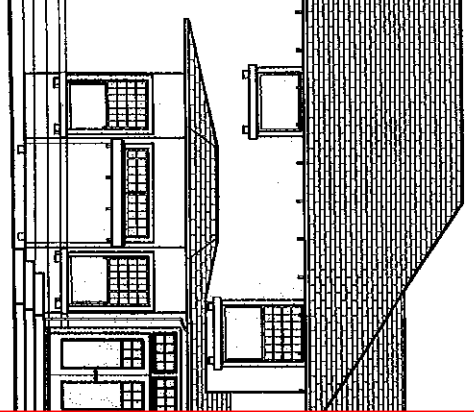
1. PROVIDE (2) 2X8 WOOD TENSION CHORDS
2. (N) COMPOSITION SHINGLE ROOFING OVER NO.15 ASPHALT-SATURATED FELT OVER 1/2" EXT. GRADE PLYWOOD ON 2X6 RAFTERS AT 24" O.C. MATCH EXISTING ADJACENT RESIDENCE. (APPROX. 4.5:12).
3. CONVERT (E) WALL (2X6 AT 16" O.C.) TO 1-HOUR RATED W/ TYPE "X" GYP. BOARD.
4. (N) COMPOSITION SHINGLE ROOFING OVER NO.15 ASPHALT-SATURATED FELT OVER 1/2" EXT. GRADE PLYWOOD ON 2X10 RAFTERS AT 24" O.C. MATCH EXISTING ADJACENT ROOF SLOPE (APPROX. 8.25:12). PROVIDE 1" VENT CHUTES IN EACH CATHEDRAL RAFTER BAY. PROVIDE DENIM R30 INSULATION OVER VENT CHUTES. PROVIDE RIDGE VENT AT THESE RAFTER BAYS. SEE ROOF DETAILS TO MEET NEW ROOF STRUCTURE.
5. EXTEND EXISTING WALL REMAINING AND SIDING MATERIAL TO MEET NEW ROOF STRUCTURE.

4 (N) WEST SECTION / ELEVATION



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

3 (N) SOUTH ELEVATION



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

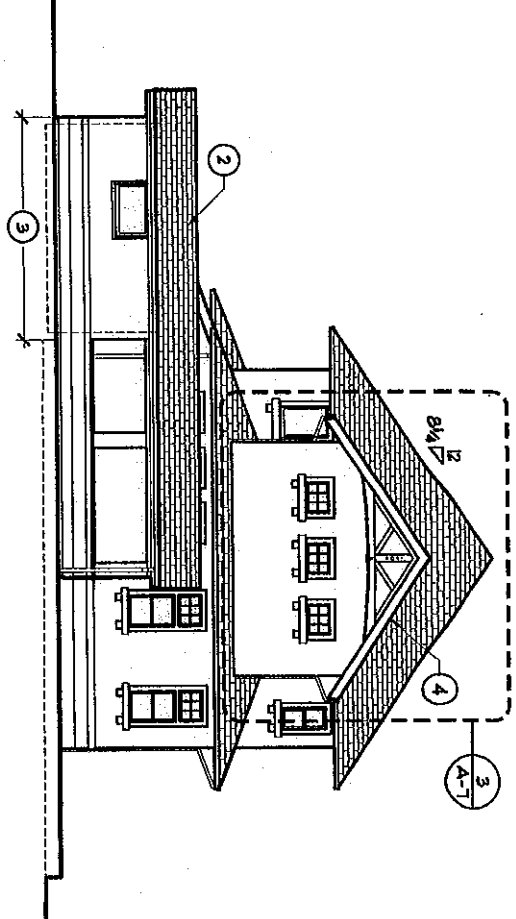
PLANS APPROVED by

Elizabeth R. Greene **May 22, 2014**

SIGNATURE DATE

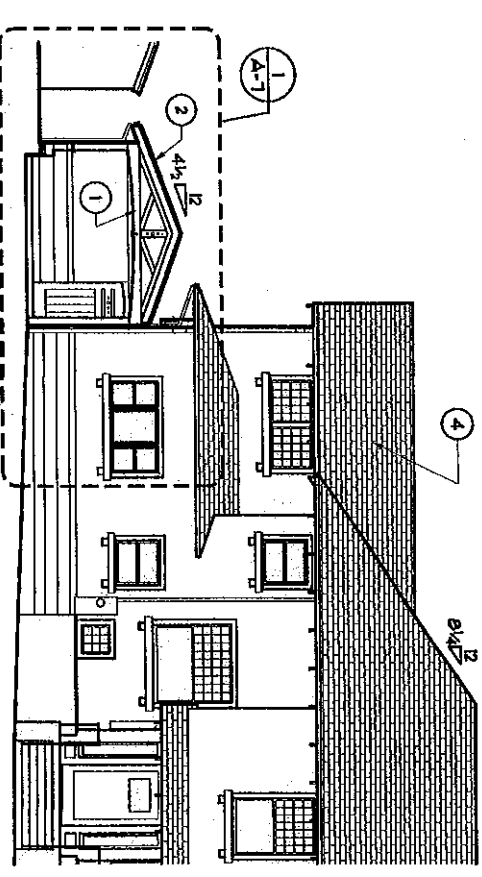
*AUP Findings and Conditions Attached

2 (N) EAST ELEVATION



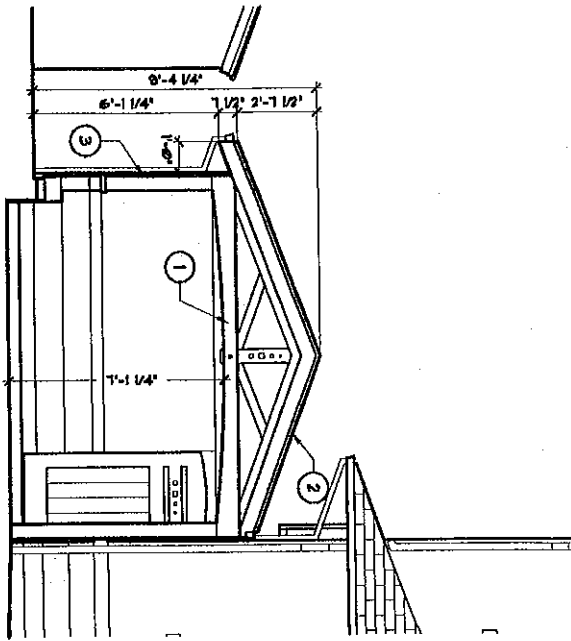
SCALE: 1/8" = 1'-0"

1 (N) NORTH ELEVATION



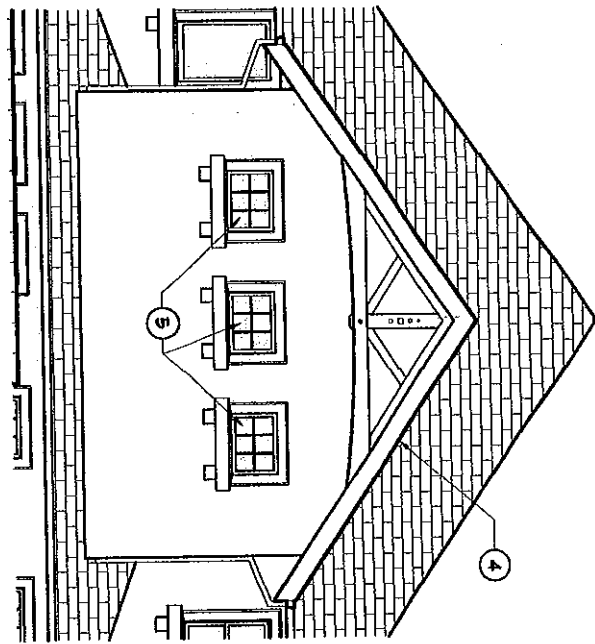
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FEB 25 2014

LAND USE PLANNING



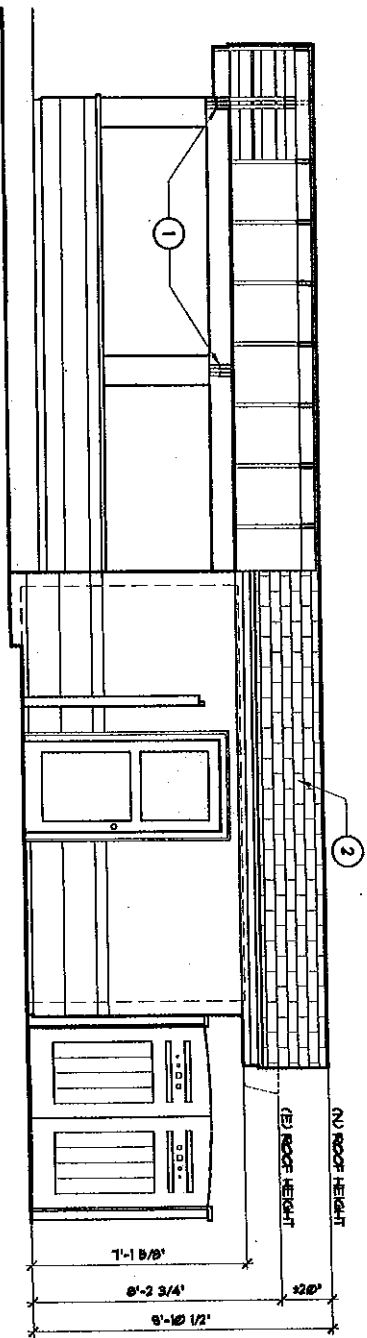
1 (N) NORTH ELEVATION

SCALE: 1/4" = 1'-0"



3 (E) EAST ELEVATION

SCALE: 1/4" = 1'-0"



2 (W) WEST SECTION / ELEVATION

SCALE: 1/4" = 1'-0"

NOTES:

1. PROVIDE (2) 2X8 WOOD TENSION CHORDS.
2. (N) COMPOSITION SHINGLE ROOFING OVER NO. 15 ASPHALT-SATURATED FELT OVER 1/2" EXT. GRADE PLYWOOD ON 2X6 RAFTERS AT 24" O.C. MATCH EXISTING ROOF SLOPES OVER ADJACENT RESIDENCE. (APPROX. 4.5/12). S.S.D.
3. CONVERT (E) WALL (2X4s AT 16" O.C.) TO 1-HOUR RATED W/ TYPE X GYP. BOARD.
4. (N) COMPOSITION SHINGLE ROOFING OVER NO. 15 ASPHALT-SATURATED FELT OVER 1/2" EXT. GRADE PLYWOOD ON 2X10 RAFTERS AT 24" O.C. MATCH EXISTING ADJACENT ROOF SLOPE (APPROX. 8.25/12). PROVIDE 1" VENT CHUTES IN EACH CATHEDRAL RAFTER BAY. PROVIDE DENIM R30 INSULATION OVER VENT CHUTES. PROVIDE RIDGE VENT AT THESE RAFTER BAYS. SEE ROOF DETAILS S.S.D.
5. (N) DOUBLE GLAZED WINDOW, WITH LOW E II TEMPERED SAFETY GLASS.

PLANS APPROVED by

Patrick R. Lyone

SIGNATURE

May 22, 2014

DATE

*AUP Findings and Conditions Attached

RECEIVED

FEB 25 2014

LAND USE PLANNING

A-7

ENLARGED EXTERIOR ELEVATIONS

10/30/13

2ND STORY EXTENSION & KITCHEN RENOVATION
CAMPOBASSO / MOREHOUSE RESIDENCE
2800 DERBY STREET BERKELEY, CA 94705 BLOCK: 1074 LOT: 10

MOREHOUSE DESIGN
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