

Notice of Exemption

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

From: (Public Agency): Planning & Development Dept
City of Berkeley, 1947 Center St.
Berkeley, Ca 94704
(Address)

County Clerk
County of: Alameda
1106 Madison St.
Oakland, Ca 94607

Project Title: New accessory elevator structure

Project Applicant: Sticks & Stones Inc.

Project Location - Specific: 2754 Shasta Rd.

Project Location - City: Berkeley Project Location - County: Alameda

Description of Nature, Purpose and Beneficiaries of Project:
To construct a new detached 78 sq. ft. elevator w/ max. height of 19'6" connecting street level to entrance level of residence to bypass exist. stairs.

Name of Public Agency Approving Project: Planning & Development Dept. Berkeley

Name of Person or Agency Carrying Out Project: Sticks & Stones Inc.

Exempt Status: (check one):

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption. State type and section number: CEQA Guidelines Sec. 15301 & 15303
- Statutory Exemptions. State code number: _____

Reasons why project is exempt: a) site not located in environmentally sensitive area, b) no cumulative impacts, c) no significant effects, d) project not located near scenic highway, e) project not located on hazardous waste site f) does not affect historical resource

Lead Agency
Contact Person: Steven Buckley Area Code/Telephone/Extension: 510-981-7410

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature: [Signature] Date: 7/31/19 Title: Applicant

Signed by Lead Agency Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Governor's Office of Planning & Research
Date Received for filing at OPR: _____

AUG 05 2019

STATE CLEARINGHOUSE

ATTACHMENT 1

FINDINGS AND CONDITIONS

JANUARY 14, 2019

2754 Shasta Road

Administrative Use Permit #ZP2018-0133

To construct a new detached 78 sq. ft. elevator with a maximum height of 19 ft. 6 in. within the front half of a lot with an existing 2,800 sq. ft. two-story single-family residence.

PERMITS REQUIRED

- Administrative Use Permit pursuant to Berkeley Municipal Code (BMC) Section 23D.08.010.B to construct an accessory structure that exceeds 10 ft. in average height within 4 ft. of a lot line; and
- Administrative Use Permit pursuant to BMC Section 23D.08.010.B to construct an accessory structure within the front half of the lot.

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 CEQA Guidelines Section 15301 and 15303 ("Existing Facilities" and "New Construction or Conversion of Small Structures"). 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 would not affect any historical resource.

FINDINGS FOR APPROVAL

2. As required by BMC Section 23B.28.050.A, the project, under the circumstances of this particular case existing at the time at which the application is granted, would 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 development at the subject property would be equal to or below the Single-Family Residential District (R-1) standards (BMC 23D.16.070) for maximum residential density and maximum lot coverage (one dwelling unit on the lot, where only one dwelling unit is allowed and 17% lot coverage, where the maximum allowed is 40%), and the subject property preserves more than 3,000 sq. ft. of usable open space where a minimum of 400 sq. ft. is required per dwelling. The development at the subject property is also equal to or below the Hillside Overlay District standards (BMC 23E.96.070) for building height and number of stories allowed (average building height of 15', where the average can

- C. **Privacy:** The new accessory structure would maintain the privacy of the abutting neighbors. The new accessory structure would be constructed 0'-6" from the front yard property line, 17' from the side yard property line to the east, 10' from the side yard property line to the west, and 131' from the rear yard property line. The accessory structure would function as an elevator to provide the owners with even-level access to their existing residence, which is located approximately 11' above street level. The elevator door would open into the owner's lot and would not face directly into any of the neighboring dwellings. Therefore, the new accessory structure is not expected to cause privacy impacts to the immediate neighbors.
- D. **Views:** The subject property is located in an area of Berkeley where significant west facing views and views of the Berkeley Hills to the east, as defined in BMC Chapter 23F.04, may be enjoyed by properties in the area. However, the subject property and the neighboring buildings are situated higher in elevation than the new accessory structure and therefore, the new structure would not obstruct any west facing views, or views of the Berkeley Hills, looking east, that may be enjoyed by neighboring properties. Therefore, no significant views as defined in BMC Chapter 23F.04 would be affected by this project.
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