

# Laurie Capitelli

Berkeley City Council  
District 5

ACTION CALENDAR  
November 15, 2005

To: Honorable Mayor and  
Members of the City Council

From: Councilmember Laurie Capitelli

Subject: Amending "By Right" Residential Additions and Definition of a Story in  
the Zoning Ordinance

## RECOMMENDATION

That the Council refer this issue to the Planning Commission, and request that the commission review and refine the requirements allowing a residential addition to be approved "by right" and include the following requirements for these projects: 1. Any such project must conform to all existing zoning regulations, and not extend or "improve" upon existing, non-conforming setbacks. 2. There are no auxiliary roof appendages (trellis, deck, pergola). (If included, they would require an AUP.) 3. Any necessary roof penetration with a component that protrudes above the roof, such as a chimney, can be approved by right only if it is the minimum size as required by the UBC. (Anything larger requires an AUP.) 4. The finished building cannot be taller than 24' total measured from the lowest grade point on the original structure.

## FINANCIAL IMPLICATIONS

Staff time to prepare analyses and to work with the Planning Commission.

## BACKGROUND

It is true that many projects approved "by right" have become highly contentious, particularly in the hill areas where views can be obliterated by a relatively small second story addition. While I sympathize with the intent of the item introduced by Councilmembers Olds and Wozniak, and I agree there should be some adjustment to the zoning regulations in order to minimize these situations, I disagree that increasing staff discretion is the best alternative. Homeowners deserve some opportunity to remodel and add on to their homes in a limited way without the added time and expense of applying for an AUP.

This proposal objectively narrows the by right window, particularly surrounding auxiliary additions to the roof and overall building height. These limits, along with staff's current

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interpretation limiting the total accumulative square footage, would minimize view-blocking additions approved without neighborhood consent without increasing the burden on property owners and Planning staff.

## CONTACT PERSON

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