

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 #2013-0130**

Property Address: **1303 GRIZZLY PEAK BLVD.**

Permittee Name: **ROY & SABRINA EYAL**

Use and/or Construction Permitted: to construct a second story, 256 square-foot residential addition that includes the expansion of a kitchen and creation of deck within 10 feet of the front property line (when 20 feet is required) pursuant to:

- Section 23D.16.070 to construct a residential addition greater than 14' in average height; and
- Section 23E.96.070 to reduce the required setback within the hillside overlay.

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 January 28, 2014.

Attest: Greg Powell  
Greg Powell, Senior Planner  
For Eric Angstadt, Zoning Officer

January 28, 2014  
Effective Date

# ATTACHMENT 1

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## FINDINGS AND CONDITIONS

JANUARY 7, 2014

### **1303 Grizzly Peak Blvd.**

**Administrative Use Permit #2013-0130 to construct a second story, 256 square-foot residential addition that includes the expansion of a kitchen and creation of deck within 10 feet of the front property line (when 20 feet is required).**

#### **CEQA FINDINGS**

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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**

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2. An Administrative Use Permit is required under BMC Section 23E.96.070.C (H District, Development Standards) for the expansion of an existing one-car garage within the required front yard. As required by Sections 23B.28.050.A and B 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.16.090.B (Findings), the Zoning Officer finds that the project should not be denied because the proposed addition would not unreasonably obstruct sunlight, air, or views, because it would not cast new shadows on the windows or a substantial area of open space of adjacent residences.
  - As required under Section 23D.16.080 (R-1 District, Parking), the project would not increase parking demand and provides parking in accordance with the minimum requirement.

- As required under Section 23E.96.070.B (H District, Development Standards), the height of the proposed garage is in keeping with the purposes of the Hillside Overlay District because:
  - Expanding the house within the required front yard allows the development of the hillside in a manner that is both in keeping with the neighborhood character and sensitive to the environmental hazards present in the Hillside District. The project site is steep in topography, and the creation of floor area within a portion of the lot that has already been excavated will reduce the need for grading and help prevent erosion of land.
  - The expansion of the dwelling at this location will allow for the full utilization of the property while preserving the hillside district character and minimizing and potential loss of views.

## **STANDARD CONDITIONS**

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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.

#### **SPECIAL CONDITIONS IMPOSED BY THE ZONING OFFICER**

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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.** Prior to submittal of a building permit, 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 Traffic Management Permit 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.
23. The height and location of the proposed structure, property lines and spot elevations shall be verified by a licensed surveyor or engineer on site after foundation forms are placed, but before pouring concrete or placing construction material in its permanent position. This verification shall be to the satisfaction of the Zoning Officer.

**Prior to Issuance of Occupancy Permit or Final Inspection:**

24. Prior to issuance of occupancy permit or final inspection, all construction at the subject property shall substantially conform to the approved Use Permit drawings or to modifications approved by the Zoning Officer.
25. All landscape, site and architectural improvements shall be completed per the attached approved drawings dated **OCTOBER 2, 2013**.

**At All Times (Operation):**

26. All exterior lighting shall be shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.

27. 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.
28. Noise and exterior lighting shall be controlled so as to prevent verified complaints from the surrounding neighborhood.



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Prepared by: Claudine Asbagh, Assistant Planner





# PLANNING & DEVELOPMENT

Land Use Planning, 2120 Milvia Street, Berkeley, CA 94704  
 Tel: 510.981.7410 TDD: 510.981.9603 Fax: 510.981.7420 Email: [Planning@ci.berkeley.ca.us](mailto:Planning@ci.berkeley.ca.us)

## TABULATION FORM

Project Address: 1303 Grizzly Peak Blvd Berkeley 94708 Date: 11/3/13  
 Applicant's Name: Roy and Sabrina Eyal  
R-1 (H)  
 Zoning District \_\_\_\_\_

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

		<i>Existing</i>	<i>Proposed</i>	<i>Permitted/ Required</i>
<b>Units; Parking Spaces</b>		1	1	1
Number of Dwelling Units	(#)			
Number of Parking Spaces	(#)	Garage-2, Driveway-2	Garage-2, Driveway-2	1
<b>Yards and Height</b>				
Front Yard Setback	(ft.)	North-20, South-18	North-12, South-10	20
Side Yard Setbacks: (facing property)	Left: (ft.)	5	5	4
	Right: (ft.)	8	8	4
Rear Yard Setback	(ft.)	68	68	20
Building Height*	(# Stories)	2	2	3
Average*	(ft.)	25.5	25.5	28
Maximum*	(ft.)	28	28	
<b>Areas</b>				
Lot Area	(SqFt.)	6345	6345	5000
Gross Floor Area* Total Area Covered by All Floors	(SqFt.)	2110	2366	
Building Footprint* Total of All Structures	(SqFt.)	1548	1804	
Lot Coverage* (Footprint/Lot Area)	(%)	24.4%	28.4%	40%
Useable Open Space*	(SqFt.)	>4000	>4000	400
Floor Area Ratio* Non-Residential Projects only (except ES-R)		NA	NA	

\*See Definitions – Zoning Ordinance Title 23F.

Revised: 09/02  
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APPROVED PLAN  
DATE 6-6-13  
PLANNING  
 D.P. Conditions Attached  
 U.P. Conditions Attached  
 U.P. Conditions Attached

JANCI Residential (Part 6 of 8) 07-1R

Name	Size	Volume	Use	Year Bld
1st Floor	1200	1200	Residential	2012
2nd Floor	1200	1200	Residential	2012
Total	2400	2400		

Area	Code	Area	Code	Area	Code
1st Floor	1200	2nd Floor	1200	Total	2400

Area	Code	Area	Code	Area	Code
1st Floor	1200	2nd Floor	1200	Total	2400

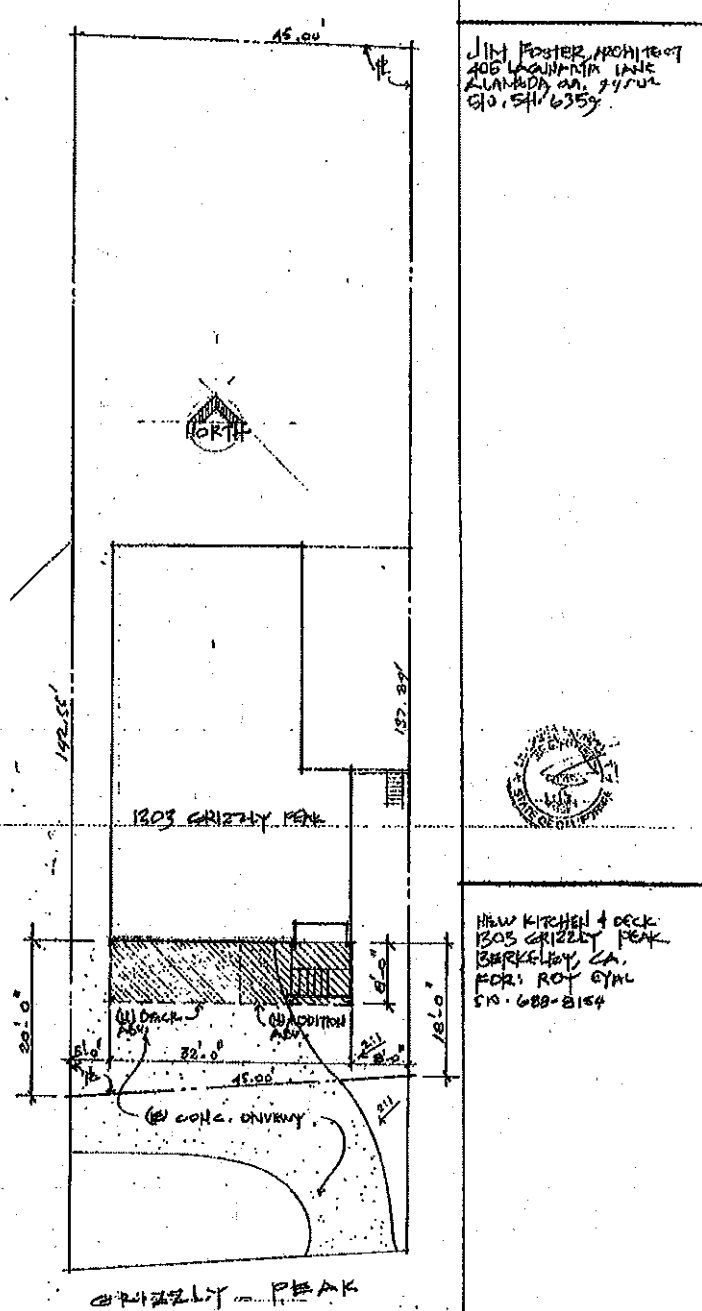
Area	Code	Area	Code	Area	Code
1st Floor	1200	2nd Floor	1200	Total	2400

8 SUMMARY: Residential (Page 1 of 3) 07-1R

For the standards must comply with all applicable mandatory requirements...  
The structure is a single-story detached single-unit residential building...  
The structure is a single-story detached single-unit residential building...  
The structure is a single-story detached single-unit residential building...

8 SUMMARY: Residential (Page 2 of 3) 07-1R

07/12/2013

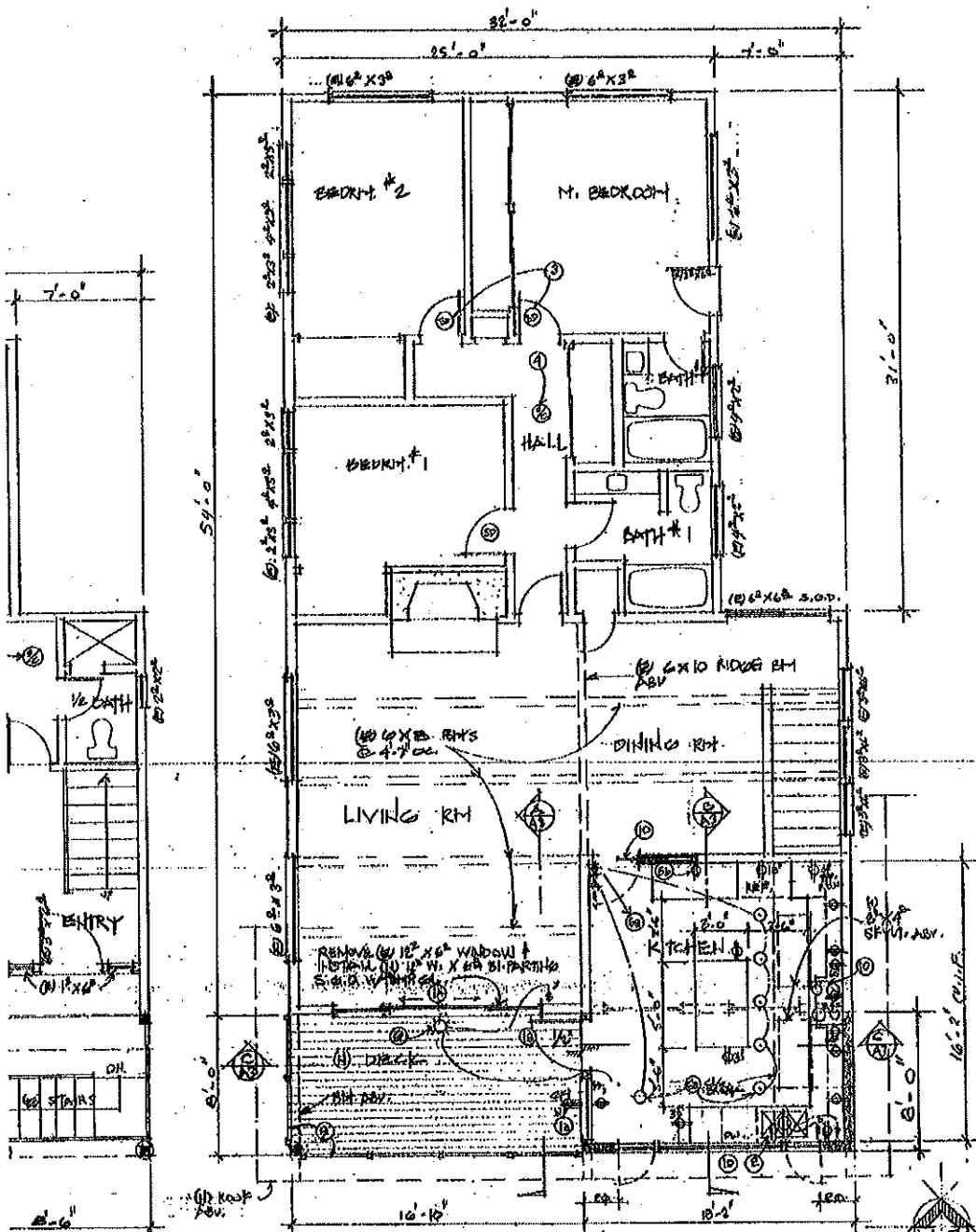


JIM FOSTER ARCHITECT  
408 LACINATA LANE  
ALAMOGON, CA 94502  
916.541.6353

NEW KITCHEN & DECK  
1303 GRIZZLY PEAK  
BERKELEY, CA.  
FOR: ROY CYM  
510-688-8164



APPROVED *[Signature]* DATE 6-6-9  
 PLANNING  D.R. Council Attached  
 A.U.P. 3 Attached  
 U.P. Council Attached



JIM FOSTER, ARCHITECT  
 435 LINDSEY BLVD.  
 ALHAMBRA, CA 91801  
 615.641.6557

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NEW KITCHEN + DECK  
 BOB CRISTOFI PEAK  
 BERKELEY CA.  
 FOR: ROY BYAL  
 916.882.2154

APPROVED PLAN  
 PLANNING  
 D.F. Conditions Attached  
 A.U.P. Conditions Attached  
 U.P. Conditions Attached

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 DATE

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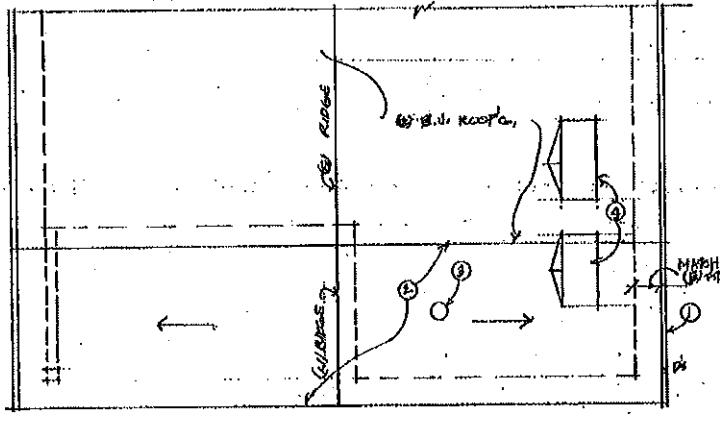
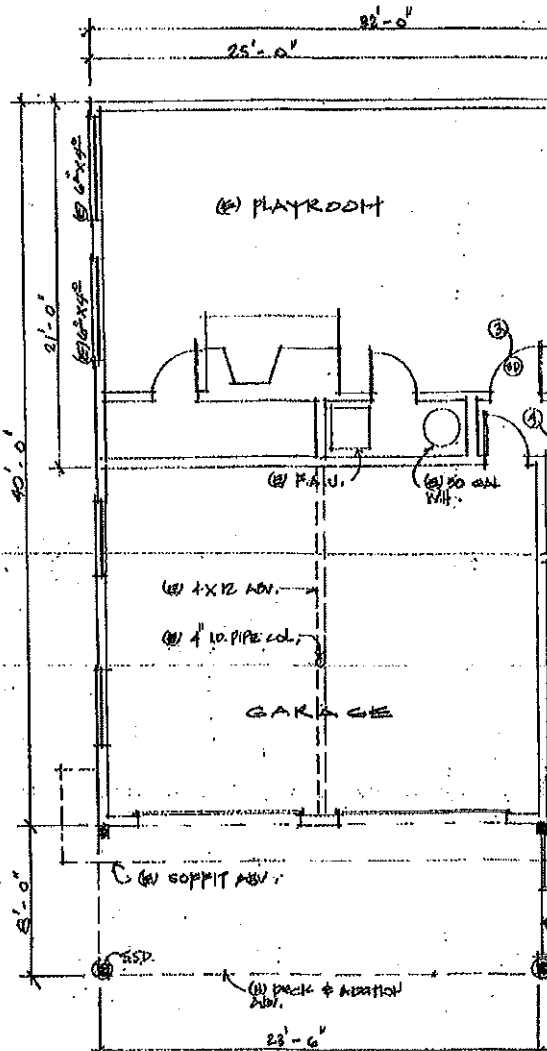
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LAND USE PLANNING

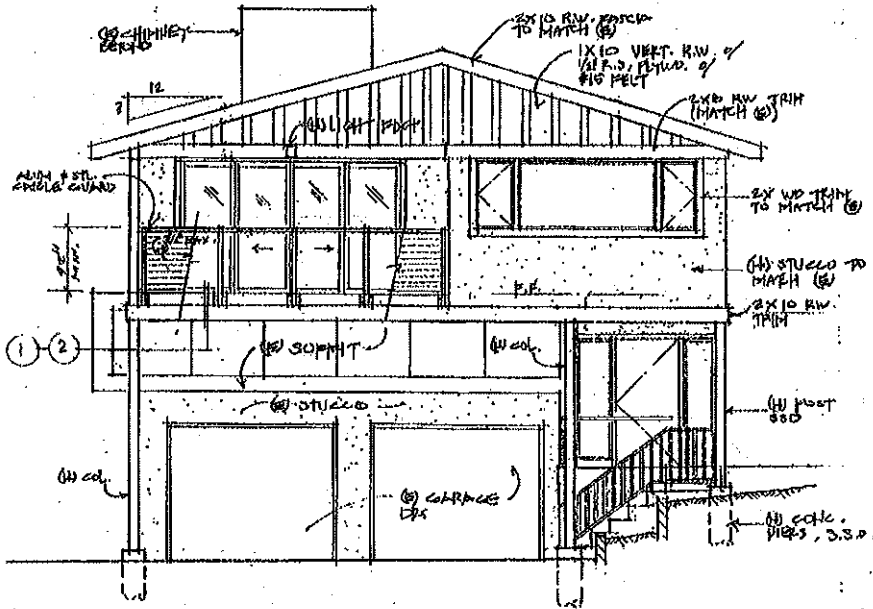
<p>§15001.1 High efficacy luminaires or LED Light Engine with integral High Efficacy luminaire shall be no lower than the minimum required by Table 150-2 and it shall be a high efficacy luminaire as specified by §15001.2.</p> <p>§15001.2 The number of permanently installed high efficacy luminaires shall be controlled as specified by §15001.3.</p> <p>§15001.3 Permanently installed high efficacy and night lights integral to a permanently installed luminaire or fixture shall contain only high efficacy lamps powered by a minimum wattage specified in Table 150-2 and shall not contain a low voltage lamp holder OR shall be rated to consume no more than five watts of power as determined by §15001.4 and shall not contain a dimmer switch.</p> <p>§15001.4 Electrical devices in a luminaire or fixture shall meet the applicable requirements of §15001.5.</p> <p>§15001.5 All electrical devices and controls shall meet the applicable requirements of §15001.6.</p> <p>§15001.6 A minimum of 40 percent of the total rated wattage of permanently installed lighting in detached shall be high efficacy.</p> <p>EXCEPTION 1: Up to 60 watts for dwelling units less than or equal to 2,500 sq ft and 100 watts for dwelling units larger than 2,500 sq ft may be exempt from the 40% high efficacy requirement if all low efficacy luminaires in the luminaire are controlled by a manual on/off switch, a timer, a smart energy management system (SEMS), or a radio wave programmable control system and all permanently installed luminaires in garages, laundry rooms, closets greater than 70 square feet, and utility rooms are high efficacy and controlled by a manual on/off switch.</p> <p>EXCEPTION 2: Permanently installed lighting that is exempt to comply shall use no more than 20 watts of power per linear foot of luminaire fixture.</p>
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MANDATORY MEASURES SUMMARY: Residential (Page 3 of 3) MR-1R  
 Project Name: Royal Estate Residence  
 Date: 7/12/2013

<p>§15001.7 Permanently installed luminaires in bedrooms, attached and detached garages, laundry rooms, closets and utility rooms shall be high efficacy.</p> <p>EXCEPTION 1: Permanently installed low efficacy luminaires shall be allowed provided that they are controlled by a manual on/off switch or comply with the applicable requirements of §15001.6.</p> <p>EXCEPTION 2: Permanently installed low efficacy luminaires in closets less than 70 square feet are not required to be controlled by a manual on/off switch.</p> <p>§15001.8 Permanently installed luminaires located in rooms or areas other than in bedrooms, bathrooms, garages, laundry rooms, closets, and utility rooms shall be high efficacy luminaires. EXCEPTION 1: Permanently installed low efficacy luminaires shall be allowed provided they are controlled by a manual on/off switch that complies with the applicable requirements of §15001.6. EXCEPTION 2: Lighting in detached storage buildings less than 700 square feet shall not be controlled by a manual on/off switch.</p> <p>§15001.9 Luminaires installed in a residential unit shall be for general illumination and shall be controlled by a manual on/off switch. Luminaires or other manually recognized lighting fixtures shall have a label that certifies the luminaire is compliant with the applicable requirements of §15001.10 and shall be sealed with a gasket or seal between the luminaire housing and gasket.</p> <p>§15001.10 Luminaires providing outdoor lighting, including lighting for private patios in houses, shall be controlled by a manual on/off switch and shall be high efficacy. EXCEPTION 1: Permanently installed outdoor low efficacy luminaires shall be allowed provided that they are controlled by a manual on/off switch, a motion sensor not having an override or bypass switch that disables the motion sensor, and one of the following controls: a photocell or a timer; a photocell or timer that disables the motion sensor; a photocell or timer that does not have an override or bypass switch that disables the photocell or timer; or a photocell or timer that does not have an override or bypass switch that disables the photocell or timer. EXCEPTION 2: Outdoor lighting fixtures provided that the motion sensor is automatically resettable within 30 hours. EXCEPTION 3: Permanently installed luminaires for or around swimming pools, water features, or other locations subject to Article 680 of the California Electrical Code need not be high efficacy luminaires.</p> <p>§15001.11 Signs shall be installed address signs shall comply with Section 145.02, OR shall contain a screw-base socket, and consume no more than 20 watts of power as determined by §15001.4.</p> <p>§15001.12 Lighting for parking garages shall comply with the applicable requirements of Sections 145.02, 145.03, 145.04, and 145.05. Lighting for parking garages for 8 or more vehicles shall comply with the applicable requirements of Sections 145.02, 145.03, 145.04, and 145.05.</p> <p>§15001.13 Permanently installed lighting in a detached, commercial or industrial building shall be controlled by a manual on/off switch and shall be high efficacy luminaires. EXCEPTION 1: Permanently installed low efficacy luminaires shall be allowed provided that they are controlled by a manual on/off switch or comply with the applicable requirements of §15001.6.</p>
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APPROVED PLAN  
 DATE 1-6-13  
 PLANNING  
 D.P. Conditions Attached  
 A.U.P. Conditions Attached  
 U.P. Conditions Attached



SOUTH (FRONT) ELEVATION

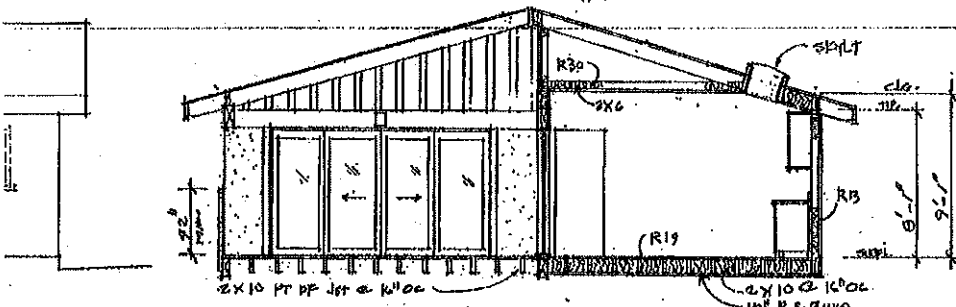
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JIM FOOTER ARCHITECT  
 405 LAUREL ST. W.  
 ALAMOGONTO, CA 94502  
 P.O. BOX 6353

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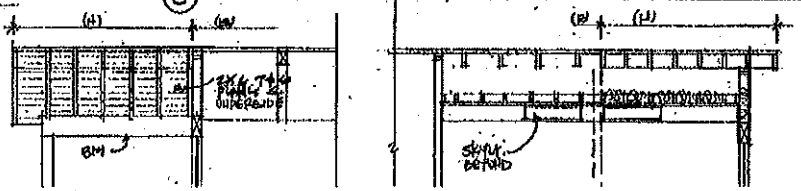
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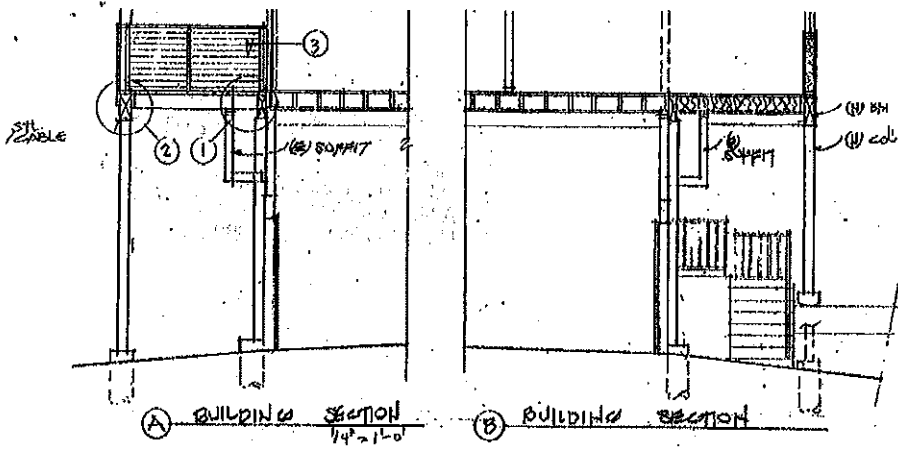
LAND USE PLANNING



© BUILDING SECTION

NEW KITCHEN & DECK  
 1800s GAZEBO PEAK.  
 BERKELEY, CA  
 FOR: KOT ETAL





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APPROVED PLAN	<i>[Signature]</i>	DATE
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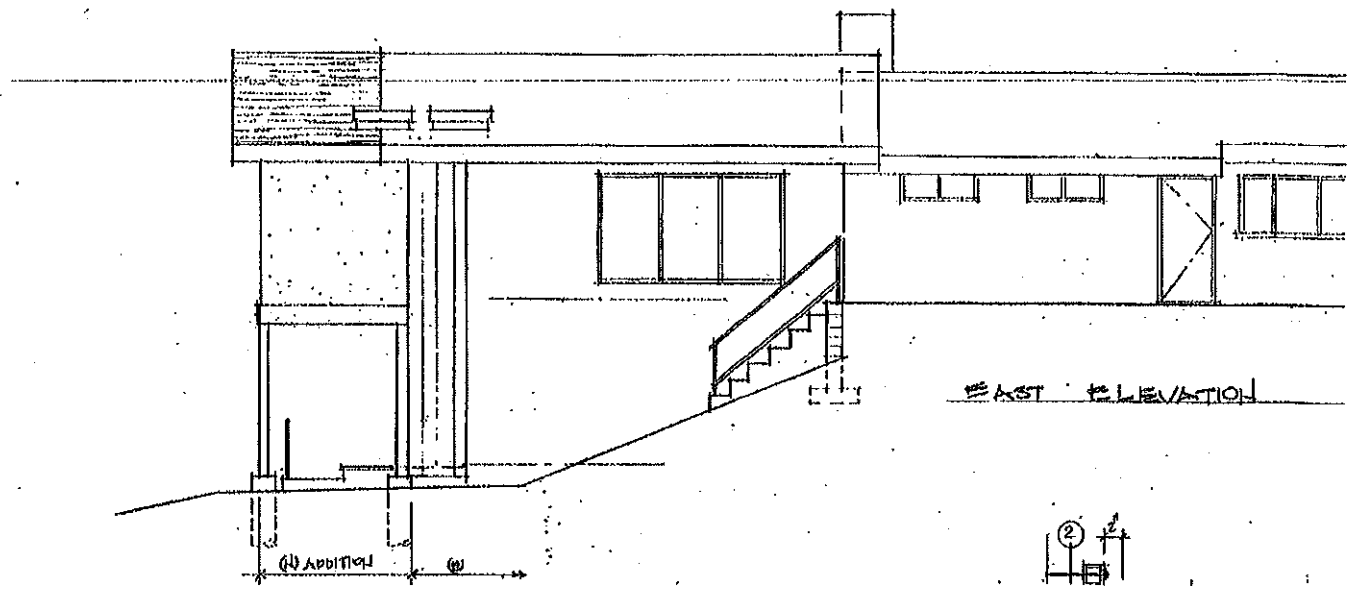
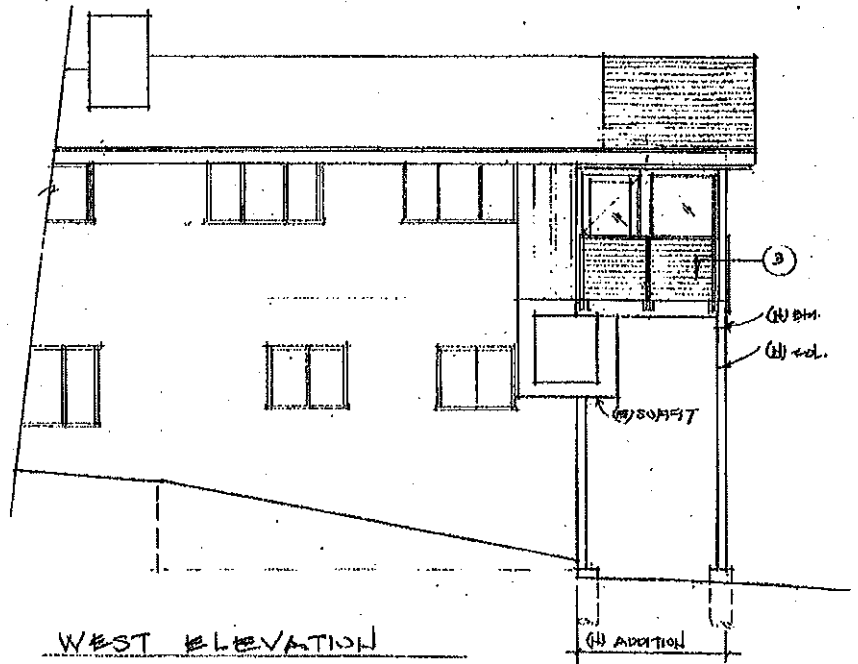
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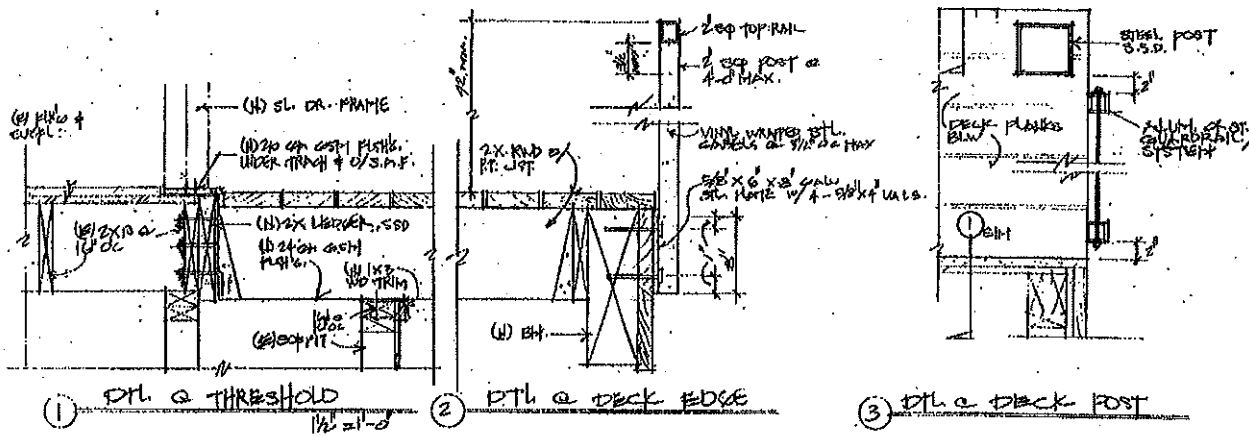
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LAND USE PLANNING





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*Cover* 1.4.13  
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