



Planning and Development Department  
Land Use Planning

# U S E P E R M I T

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CITY OF BERKELEY ZONING ORDINANCE  
Berkeley Municipal Code Title 23

## USE PERMIT # UP2013-0049

Property Address: **524 GRIZZLY PEAK BLVD.**

Permittee Name: **MARK and SHARON DANKS**

**Use and/or Construction Permitted:**

to construct an approximately 32.2-foot tall, 663-square-foot, four-story addition at the rear left (southern) corner of an existing house, which is non-conforming for height (four stories, where three is allowed)

- Use Permit to construct a sixth bedroom on a parcel, under BMC Section 23D.16.030 and .050
- Administrative Use Permit for construction of a major (>600 sq. ft.) residential addition, under BMC Section 23D.16.030
- Administrative Use Permit for construction of a residential addition > 14' in average height, under BMC Section 23D.16.070.C
- Administrative Use Permit for extension of a non-conforming height, number of stories and maximum height, under BMC 23C.04.070.B
- Administrative Use Permit for construction of a residential addition greater than 20' in maximum height in the Hillside Overlay District, under BMC 23E.96.070.B

**FINDINGS, CONDITIONS AND APPROVED PLANS ATTACHED**

The Use Permit herein described has been duly granted by the Zoning Adjustments Board and is in effect on June 13, 2014.

# ATTACHMENT 1

## FINDINGS AND CONDITIONS

MAY 22, 2014

### **524 Grizzly Peak Boulevard**

**Use Permit 2013-0049 to construct an approximately 32.2-foot tall, 663-square-foot, four-story addition at the rear left (southern) corner of an existing house, which is non-conforming for height (four stories, where three is allowed)**

#### 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.

#### GENERAL NON-DETRIMENT FINDING

2. Pursuant to Berkeley Municipal Code Section 23B.32.040, the Zoning Adjustments Board finds that the proposed project, under the circumstances of the particular case existing at the time at which the application is granted, will not be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the area or 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, for the following reasons:
  - A. The subject parcel is located on the downhill (southwest) side of the street; the proposed addition matches the home’s existing roof ridge height and cascades down the topography to the rear. As such, the project will have minimal, if any, view impacts to the uphill properties. Additionally, the addition’s setback and angling in from the south (left) property line, assures that the significant views enjoyed by the neighboring property to the southeast (left) are minimally impacted.
  - B. The proposed project would not unreasonably impact the air between neighbors, because the addition meets or exceeds all setbacks of the District. The addition is located at the rear of the existing house and will maintain a 50+ foot rear yard setback and a ±23.5-foot right side yard setback. Although the existing 3.8-foot left yard setback is non-conforming, the addition, at its closest point, will be constructed four feet from the property line and will angle in to 9 feet at the rear most corner of the main and lower levels. The attic level is setback ±11.75 feet from the left side property line and the garden shed at the ground level maintains a ±10.75-foot left side yard setback.

- C. The addition would not be detrimental to abutting neighbor's privacy because the new windows are angled towards the rear yard areas of the subject site and the neighboring property. The new, slightly enlarged deck is located in the same location as existing, and would create no new privacy impacts.
  
- D. Due to the addition's location at the rear southeast corner of the existing house, the project will create minimal shadowing impacts and will only affect the neighboring property to the east (530 Grizzly Peak Boulevard) during the late afternoon hours in the summer months; for the remainder of the year, shading impacts will be limited to the subject site's own property. Shadowing impacts are, therefore, deemed non-detrimental.
  
- E. The addition will be constructed in an architectural style and with colors and materials to match the existing home. As the addition is located at the rear of the existing home, there will be no visual impacts from the public right-of-way. The project will, therefore, be compatible with the existing property and neighborhood character.
  
- F. As required under Section 23D.16.050, the addition of a sixth bedroom on the subject parcel is not expected to be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the area or neighborhood of the proposal or to be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or the neighborhood or to the general welfare of the City because the existing single family residents will remain the same and the applicant has stated that the proposed bedroom is not intended for rental and is for use by the existing residents.

#### OTHER REQUIRED FINDINGS

- 3. Pursuant to Berkeley Municipal Code Section 23E.96.070.B, the construction of an addition greater than 20 feet in maximum height is consistent with the purposes of the Hillside Overlay District in that the addition will match the existing roof ridge height, and will maintain the existing average and maximum height of the house. The addition will, therefore, not impact significant views nor change the character of Berkeley's Hillside District.
  
- 4. Pursuant to Berkeley Municipal Code Section 23C.04.070.B, the extension of a building that is non-conforming for height (four stories, where three is permitted; and 36.4 maximum height where 35 feet is permitted) is permissible because the addition will not further reduce existing non-conforming yards; or exceed the calculated height limits. Due to a change in roof slope, the project will actually reduce the maximum height of the home (from 38.2 to 36.8 feet).

## STANDARD CONDITIONS OF APPROVAL FOR ALL PROJECTS

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### 1. **Conditions Shall be Printed on Plans**

The conditions of this Permit shall be printed on the first sheet of each plan set submitted for a building permit pursuant to this Use Permit, under the title 'Use Permit Conditions'. The second sheet may also be used if the first 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 approved is permitted unless the Permit is modified by the Zoning Adjustments Board, in conformance with Section 23B.56.020.A.

Changes in the plans for the construction of a building or structure may be modified prior to the completion of construction, in accordance with Section 23B.56.020.D. The Zoning Officer may approve changes to plans approved by the Board, consistent with the Board's policy adopted on May 24, 1978, which reduce the size of the project. The Zoning Officer may also approve a maximum two-foot variation to Board approved plans, provided that such variation does not increase a structure's height, reduce the minimum distance to any property line, and/or conflict with any special objective sought by the Board. In the case of modifications to Use Permits for construction of, or additions or changes to, single-family homes which required Board review, the Zoning Officer shall follow Board policy adopted March 13, 1997, as follows:

- A. Upon applications for modifications to a home where a Use Permit has been granted, staff shall review the Use Permit to determine if any explicit conditions were placed on the Use Permit that would be affected by the proposed modification.

- B. If, prior to acting on a Building Permit, staff becomes aware of controversy over an earlier application, staff may choose to conduct a more detailed review of the record to determine if conditions were implied by the Board or offered by the applicant (but not included in the Use Permit conditions) that would be affected by the proposed modification (this does not imply that staff will review the whole Use Permit record for all applications).
- C. If there are explicit conditions (#A) or implied conditions (#B) affected by the proposed modification, the project shall be brought back to the Board as a Use Permit Modification.
- D. If there are no explicit conditions that would be affected by the proposed modification, and if Staff is not otherwise aware of implied conditions, and the project would otherwise meet the requirements of the Zoning Ordinance, staff will approve the Building Permit without Board or public review.

**5. Plans and Representations Become Conditions (Section 23B.56.030)**

Except as expressly specified herein, the site plan, floor plans, building elevations and any additional information or representations submitted by the applicant during the Staff review and public hearing process leading to the approval of this Permit, whether oral or written, which indicated the proposed structure or manner of operation are deemed conditions of approval.

**6. Subject to all City and Other Regulations (Section 23B.56.040)**

The approved use and/or construction are subject to, and shall comply with, all applicable City Ordinances and laws and regulations of other governmental agencies.

**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. 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 OF APPROVAL

Pursuant to BMC Section 23B.32.040.D, the Zoning Adjustments Board attaches the following conditions to this Permit:

#### **Prior to Issuance of Any Building Permit**

10. Prior to issuance 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 this record to the project planner upon request.

Noise Management Individual \_\_\_\_\_  
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.

**During Construction:**

12. Prior to any excavation, grading, clearing, or other activities involving soil disturbance during the rainy season (between October 15 and April 15), the applicant shall obtain approval of an erosion prevention plan by the Building and Safety Division and the Public Works Department. The applicant shall be responsible for following these and any other measures required by the Building and Safety Division and the Public Works Department.
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 thick 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 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.

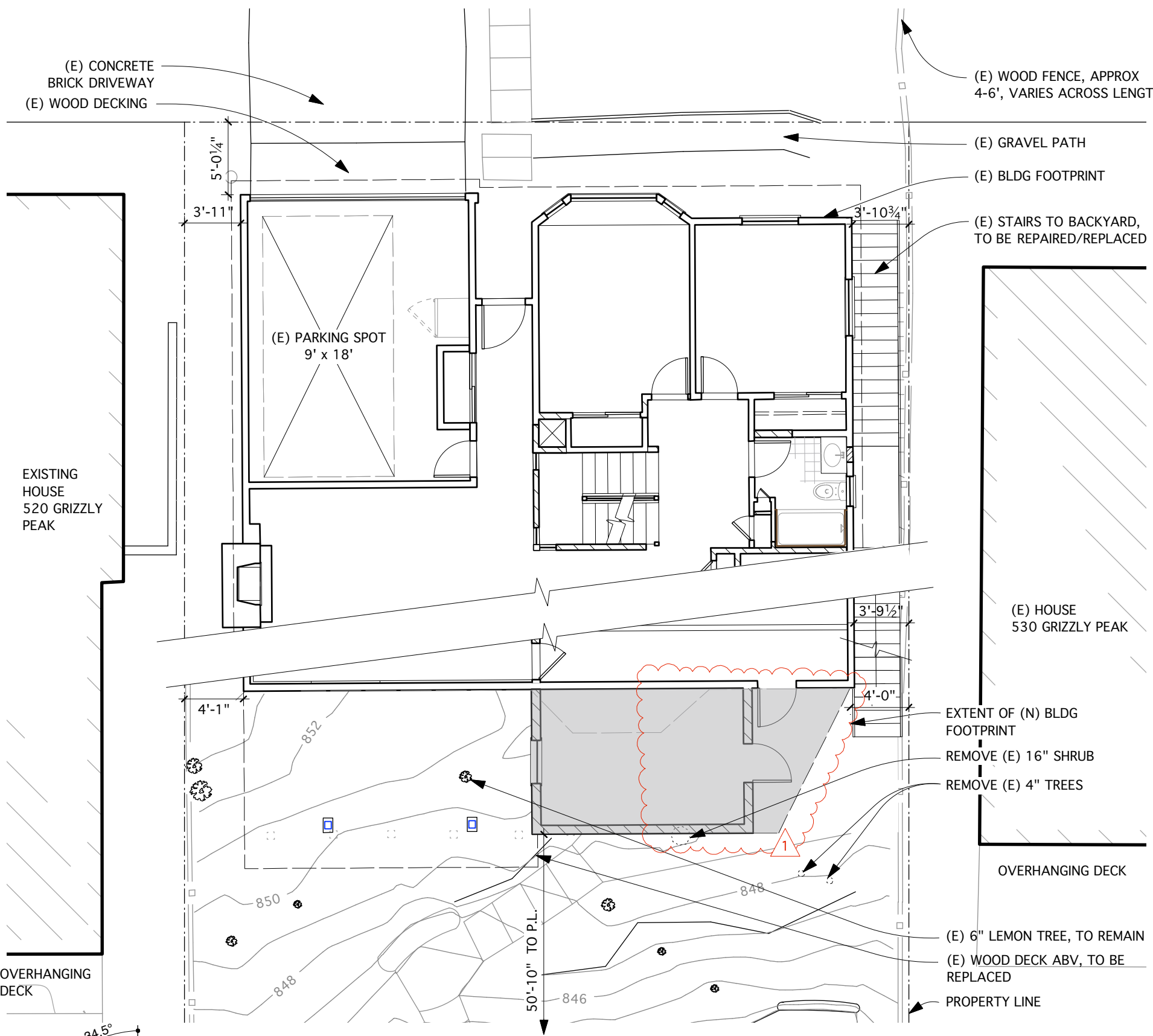
**Prior to Final Inspection or Issuance of Occupancy Permit:**

21. The project shall conform to the plans and statements in the Use Permit.
22. All landscape, site and architectural improvements shall be completed per the attached approved drawings dated April 7, 2014.

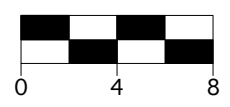
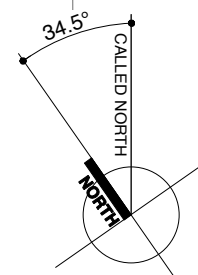
**At All Times:**

23. All exterior lighting shall be shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.
24. The applicant shall establish and maintain drainage patterns that do not adversely affect adjacent properties and rights-of-way. Drainage plans shall be submitted for approval of the Building & Safety Division and Public Works Department, if required.





**B** SITE PLAN  
1/8" = 1'

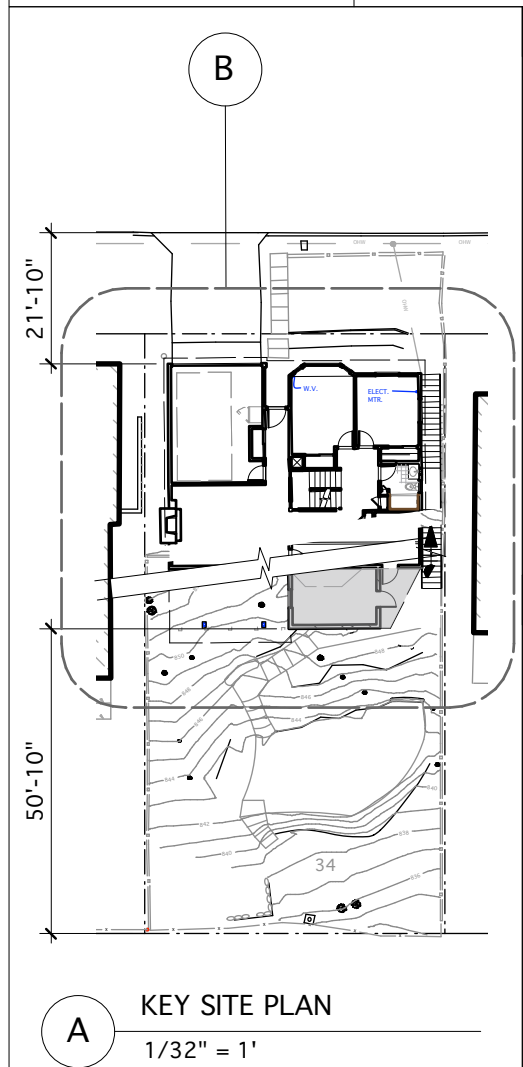


I have reviewed the plans for a 663 SF residential addition on 4 existing stories (38'-2 1/2" max. building height) at 524 Grizzly Peak Boulevard.

| Name (printed) | Signature       | Renter or Owner | Date         | Have no objections | Have objections (Please state briefly) | Have no comment |
|----------------|-----------------|-----------------|--------------|--------------------|--|-----------------|
|                | <i>G. Smith</i> |                 | MAY 22, 2014 |                    |  |                 |

**PLANS APPROVED by  
ZONING ADJUSTMENTS BOARD**

*G. Smith*  
MAY 22, 2014



**A** KEY SITE PLAN  
1/32" = 1'

**PROJECT DATA**

|  |   |
|--|---|
| LOCATION:  | 524 Grizzly Peak Blvd<br>Berkeley, CA 94708 |
| ASSESSOR PARCEL NUMBER:                          | 063-295301100                               |
| ZONING:  | R-1H  |
| OCCUPANCY:                                       | R-3   |
| CONSTRUCTION TYPE:                               | V   |
| (E) AVG BUILDING HEIGHT:                         | 24'-7 1/4"                                  |
| (N) AVG ADDITION HEIGHT:                         | 32'-4 1/2" <sup>1</sup>                     |
| (E) MAX BUILDING HEIGHT:                         | 38'-2 1/2"                                  |
| (N) MAX BUILDING HEIGHT:                         | 38'-2 1/2"                                  |
| PARKING SPACES: 1 EXISTING TO REMAIN (IN GARAGE) |   |

**DRAWING LEGEND**

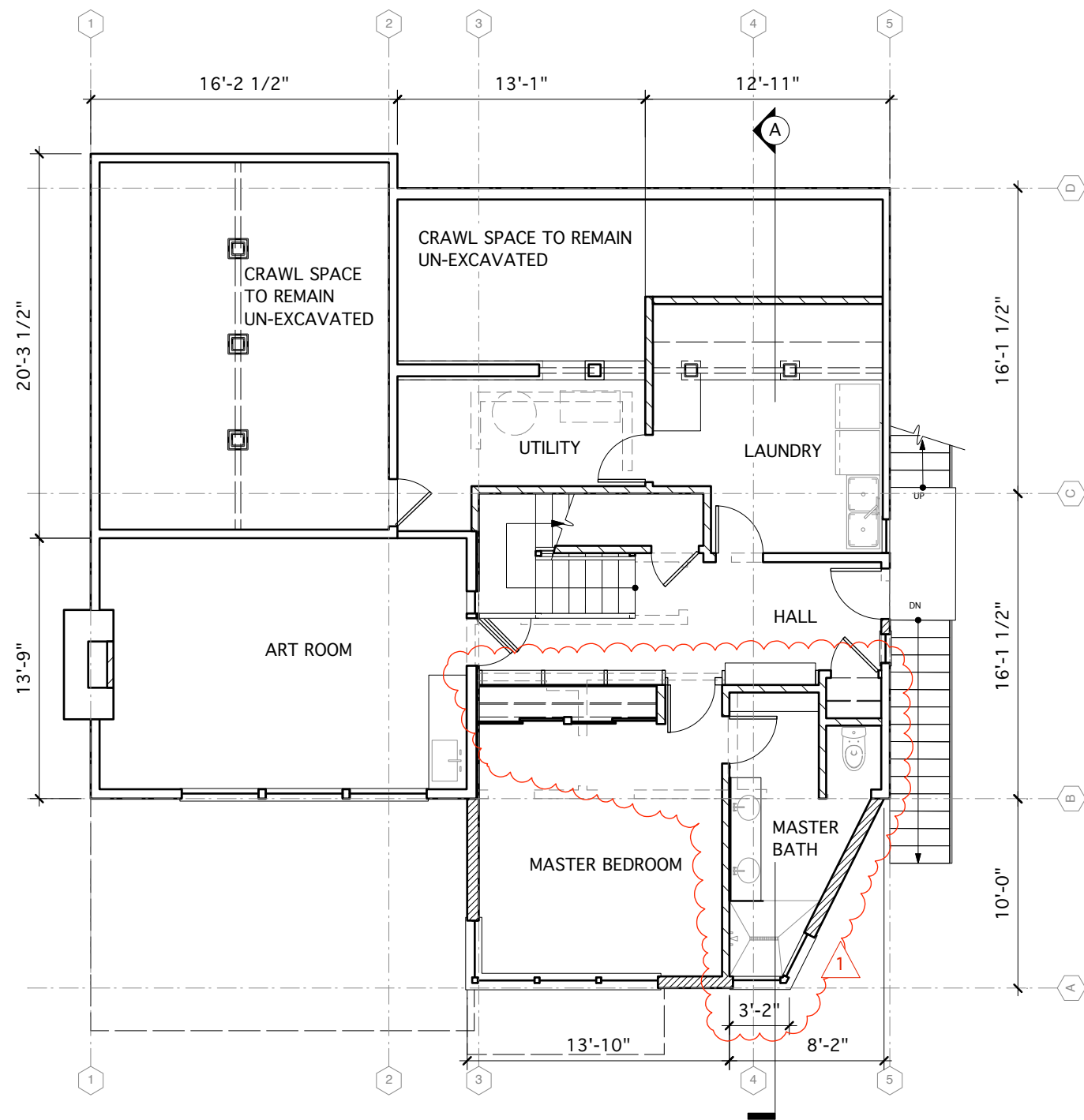
|  |                      |
|--|----------------------|
|  | (E) BLDG             |
|  | (N) ADDITION         |
|  | (E) NEIGHBORING BLDG |

Dwg. No. **A1.0**  
Scale: AS NOTED  
Date: 11.20.2013

**Residence Site Plan**  
Danks Residence Addition  
524 Grizzly Peak Blvd, Berkeley CA 94708

**ARKIN · TILT ARCHITECTS**  
1101 Eighth Street, Suite 180, CA 94710  
T: (510) 528-9830 info@arkintilt.com

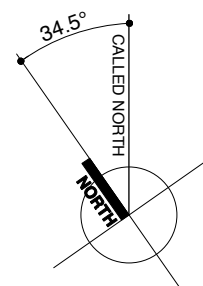
<sup>1</sup> 04.02.2014



**B** LOWER LEVEL PLAN  
SCALE: 1/8" = 1'-0"

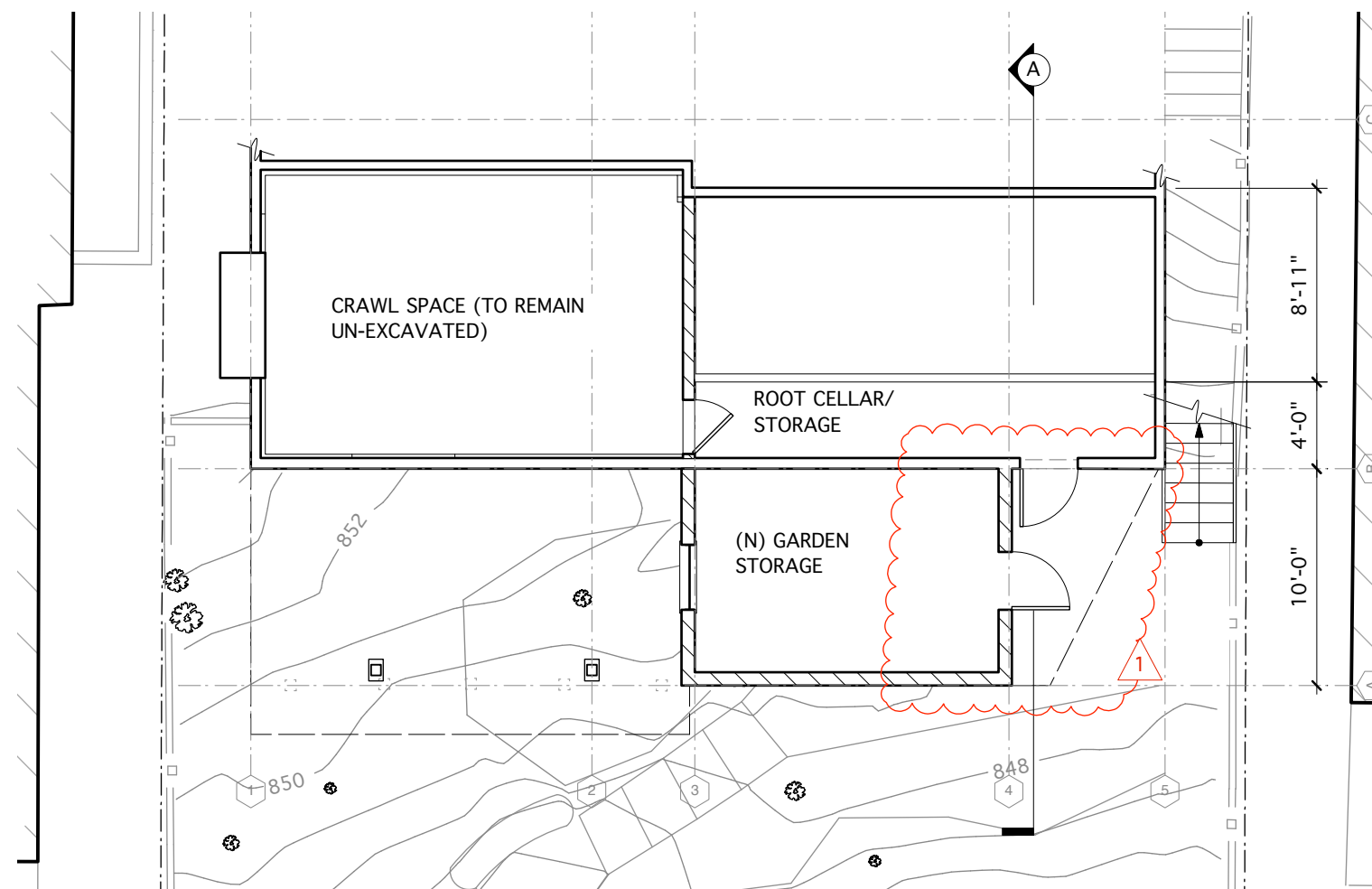
**WALL LEGEND**

- (E) WALL TO REMAIN
- (E) WALL TO BE REMOVED
- 2x4 INSULATED
- 2x4 UNINSULATED
- 2x6 INSULATED
- 2x6 UNINSULATED



**PLANS APPROVED by  
ZONING ADJUSTMENTS BOARD**

*G. Smith*  
MAY 22, 2014

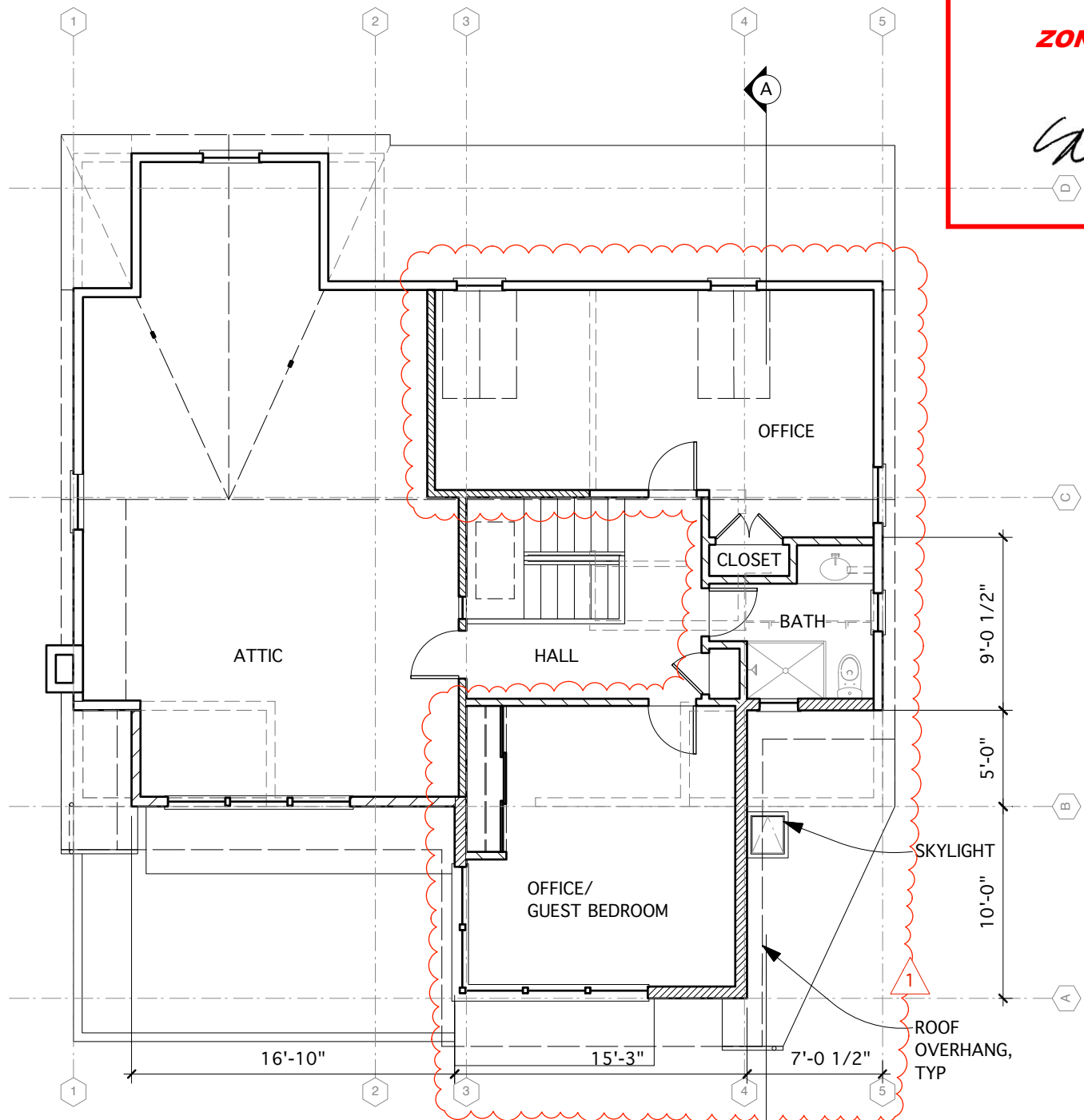


**A** CRAWL SPACE LEVEL PLAN  
SCALE: 1/8" = 1'-0"

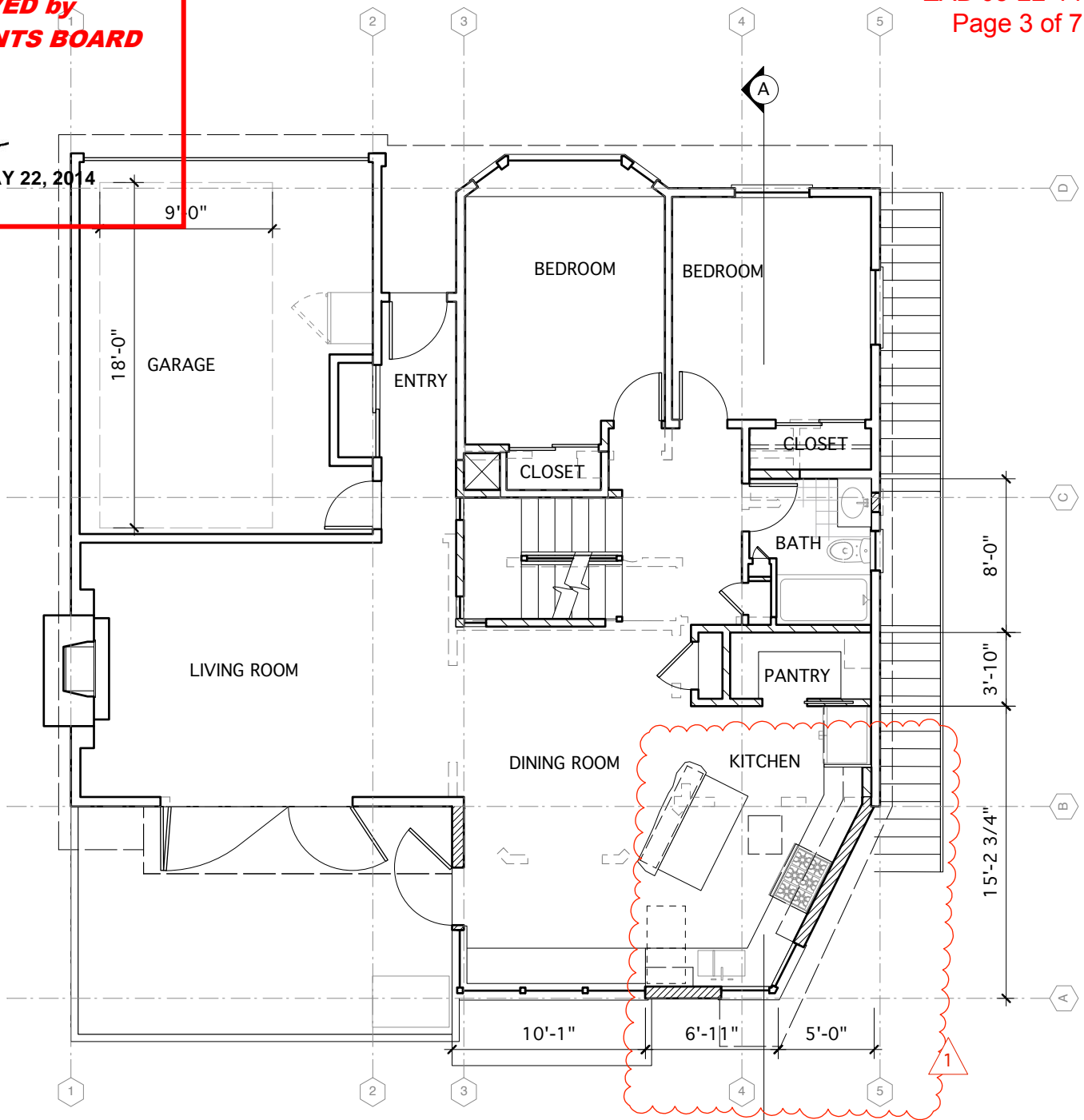
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|-------------------------|--|--|
| Dwg. No.<br><b>A2.1</b> | <b>Crawl &amp; Lower Level Floor Plans</b> |  |
| Scale:<br>1/8" = 1'-0"  | Danks Residence Addition                   |  |
| Date:<br>11.20.2013     | 524 Grizzly Peak Blvd, Berkeley CA 94708   | ARKIN · TILT ARCHITECTS<br>1101 Eighth Street, Suite 180, CA 94710<br>T: (510) 528-9830 info@arkintilt.com |

04.02.2014

**PLANS APPROVED by**  
**ZONING ADJUSTMENTS BOARD**  
  
 MAY 22, 2014


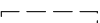






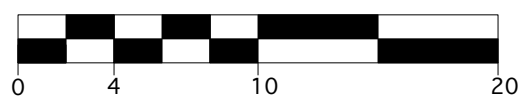
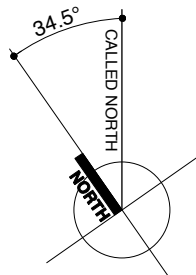
**B** ATTIC LEVEL PLAN  
SCALE: 1/8" = 1'-0"




**A** MAIN LEVEL PLAN  
SCALE: 1/8" = 1'-0"

**WALL LEGEND**

-  (E) WALL TO REMAIN
-  (E) WALL TO BE REMOVED
-  2x4 INSULATED
-  2x4 UNINSULATED
-  2x6 INSULATED
-  2x6 UNINSULATED

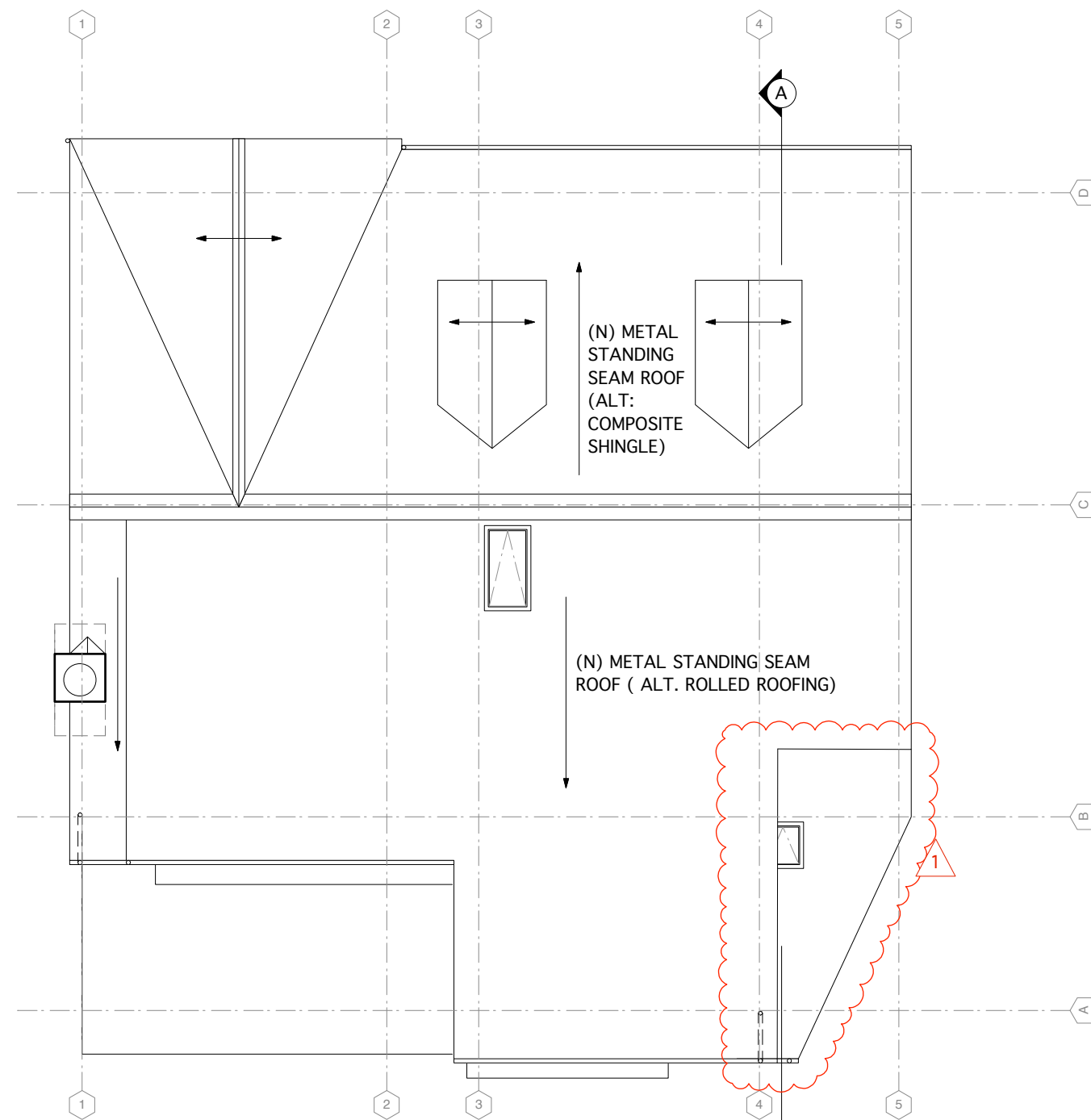


|          |              |   |  |
|----------|--------------|---|--|
| Dwg. No. | <b>A2.2</b>  | <b>Main &amp; Attic Level Floor Plans</b>   |  |
| Scale:   | 1/8" = 1'-0" | Danks Residence Addition  |  |
| Date:    | 11.20.2013   | 524 Grizzly Peak Blvd, Berkeley CA 94708  |  |
|          |              |  <b>ARKIN·TILT ARCHITECTS</b><br>1101 Eighth Street, Suite 180, CA 94710<br>T: (510) 528-9830 info@arkintilt.com |  |

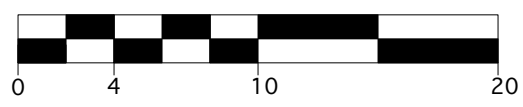
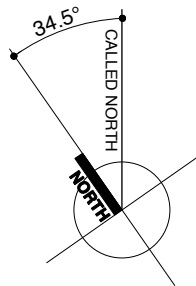
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**PLANS APPROVED by  
 ZONING ADJUSTMENTS BOARD**

*C. Smith*  
 MAY 22, 2014



**A** ROOF PLAN  
 SCALE: 1/8" = 1'-0"



|                         |  |   |
|-------------------------|--|---|
| Dwg. No.<br><b>A2.3</b> | <b>Roof Plan</b>                         |  <b>ARKIN·TILT ARCHITECTS</b><br>1101 Eighth Street, Suite 180, CA 94710<br>T: (510) 528-9830 info@arkintilt.com |
| Scale:<br>1/8" = 1'-0"  | Danks Residence Addition                 |   |
| Date:<br>11.20.2013     | 524 Grizzly Peak Blvd, Berkeley CA 94708 |   |

**1** 04.02.2014

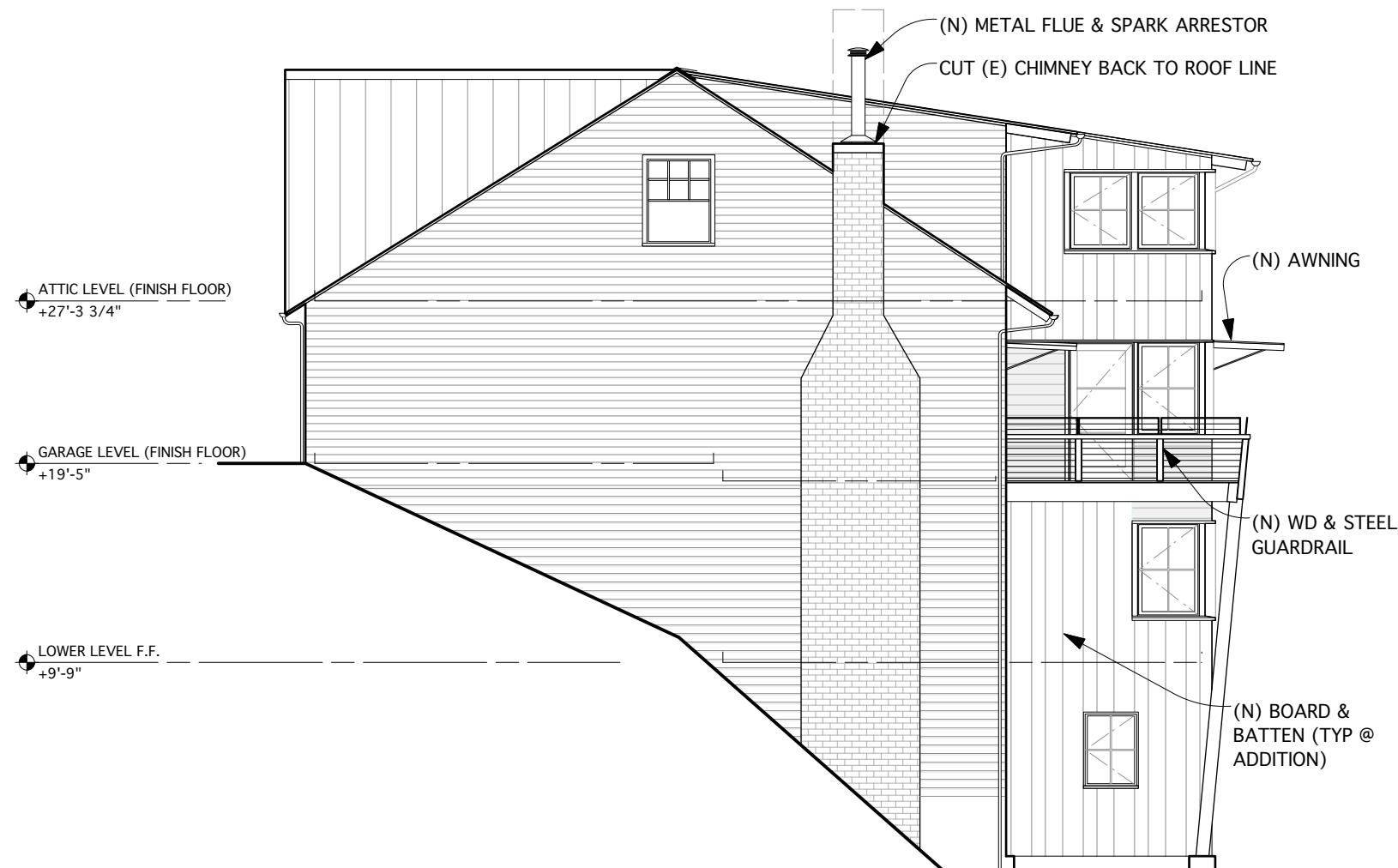
**PLANS APPROVED by  
ZONING ADJUSTMENTS BOARD**

*G. Smith*

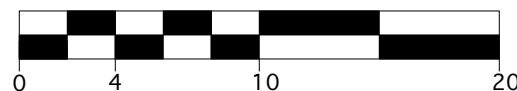
MAY 22, 2014




**B** NORTH ELEVATION  
1/8" = 1'



**A** WEST ELEVATION  
1/8" = 1'

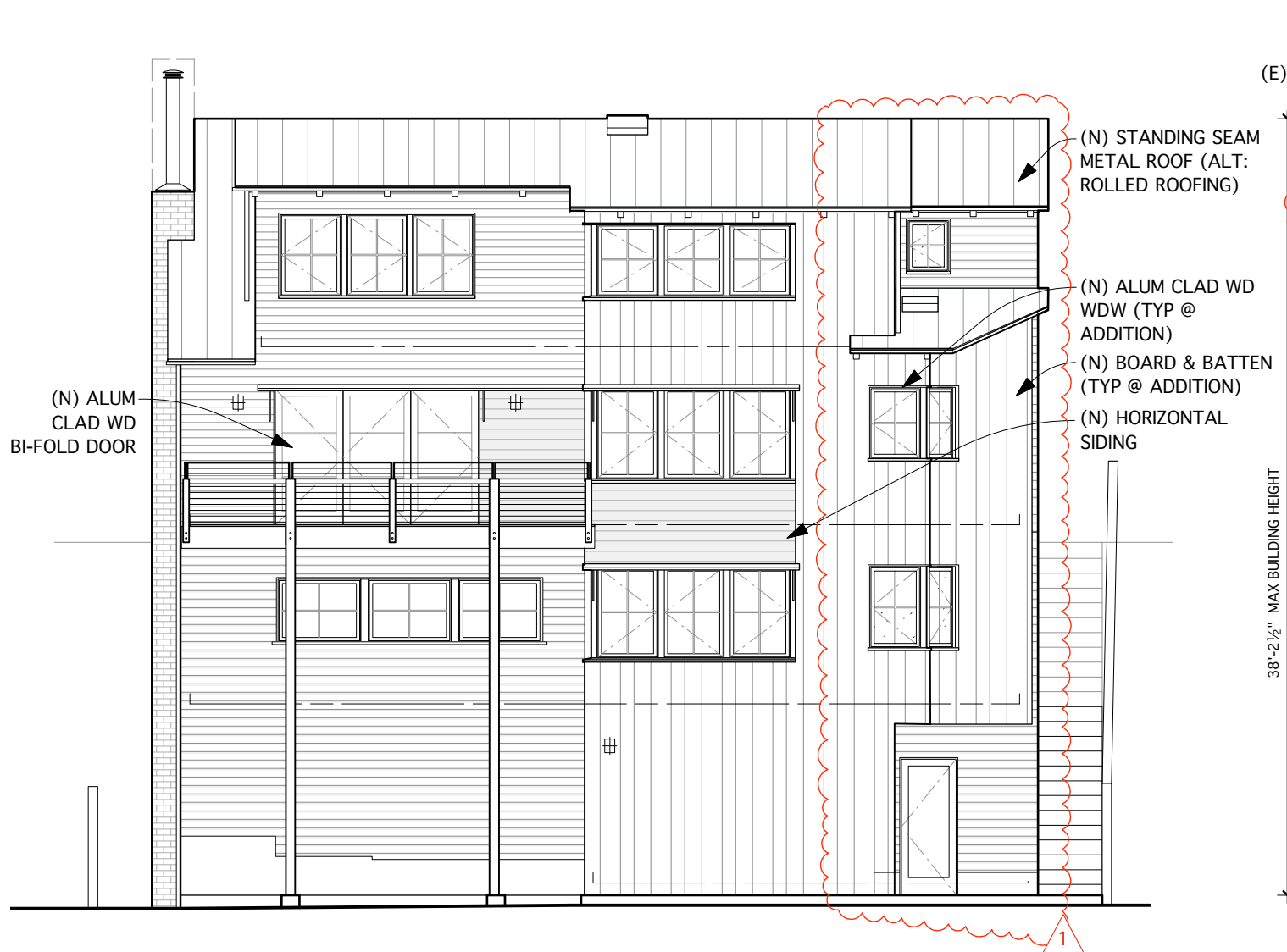


|                         |  |   |
|-------------------------|--|---|
| Dwg. No.<br><b>A3.1</b> | <b>Residence Elevations</b>              |  <b>ARKIN·TILT ARCHITECTS</b><br>1101 Eighth Street, Suite 180, CA 94710<br>T: (510) 528-9830 info@arkintilt.com |
| Scale:<br>1/8" = 1'-0"  | Danks Residence Addition                 |   |
| Date:<br>11.20.2013     | 524 Grizzly Peak Blvd, Berkeley CA 94708 |   |

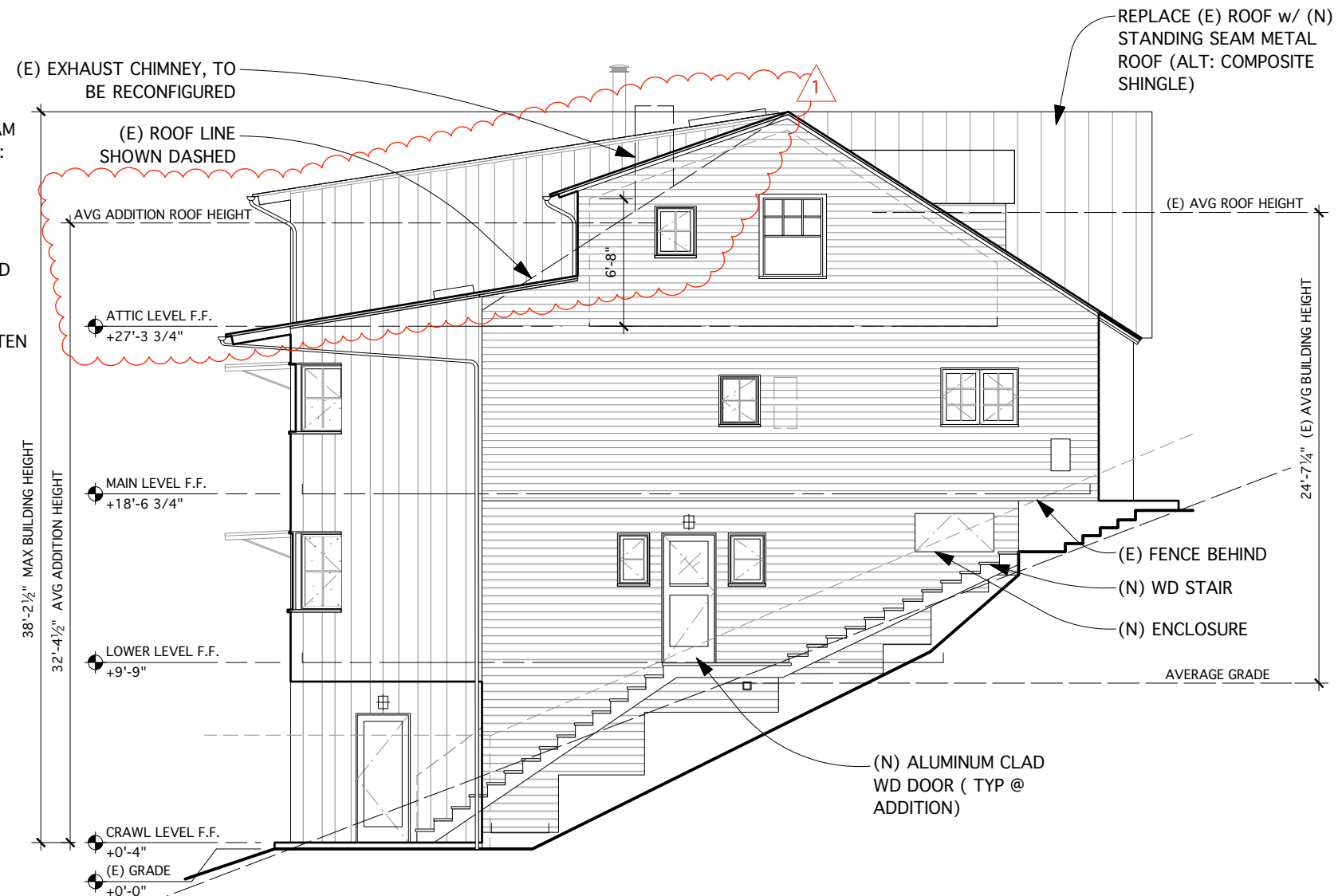
1 04.02.2014

**PLANS APPROVED by**  
**ZONING ADJUSTMENTS BOARD**

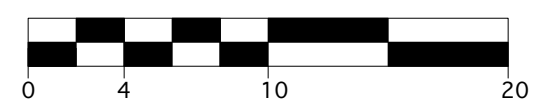
*G. Smith*  
MAY 22, 2014



**B** SOUTH ELEVATION  
1/8" = 1'

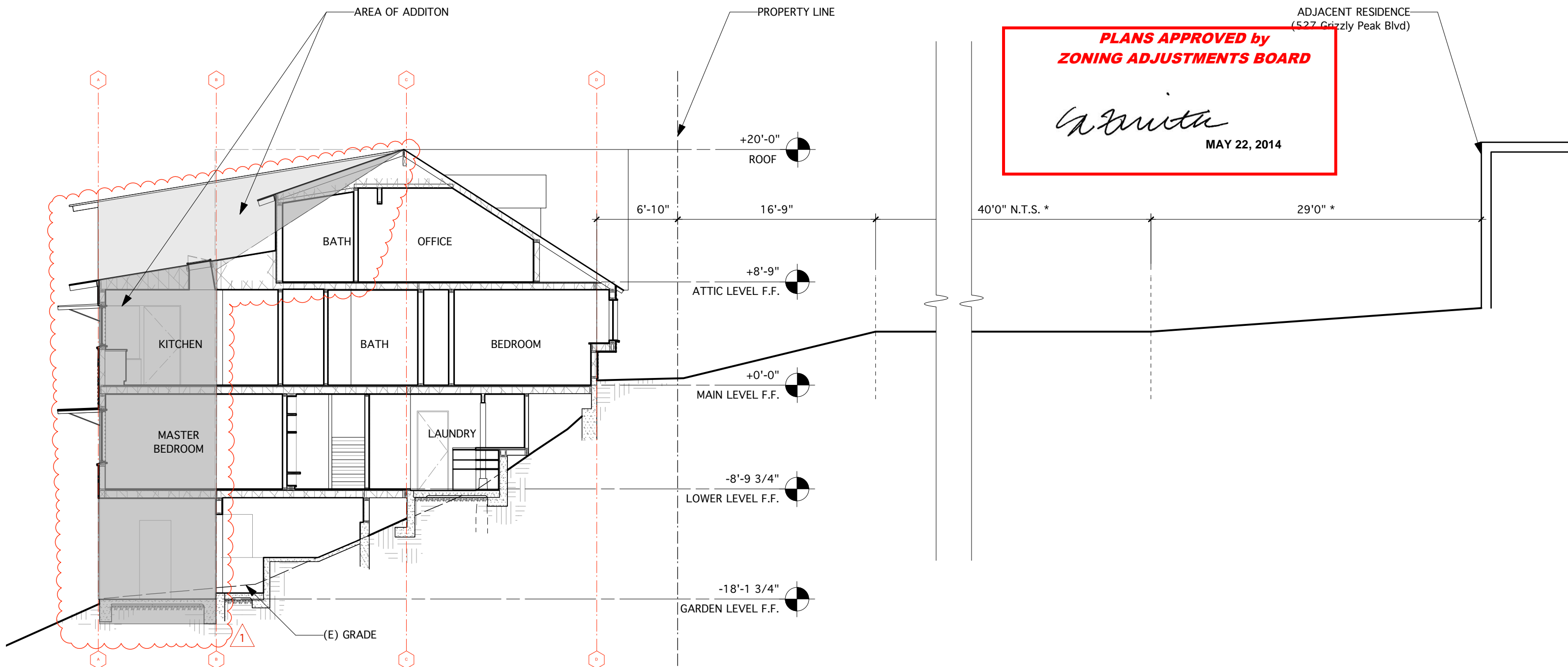


**A** EAST ELEVATION  
1/8" = 1'



|                         |   |  |
|-------------------------|---|--|
| Dwg. No.<br><b>A3.2</b> | <b>Residence Elevations</b>   |  |
| Scale:<br>1/8" = 1'-0"  | Danks Residence Addition  |  |
| Date:<br>11.20.2013     | 524 Grizzly Peak Blvd, Berkeley CA 94708  |  |
|                         | <b>ARKIN·TILT ARCHITECTS</b><br>1101 Eighth Street, Suite 180, CA 94710<br>T: (510) 528-9830 info@arkintilt.com |  |

**1** 04.02.2014




**PLANS APPROVED by  
ZONING ADJUSTMENTS BOARD**

*W. Smith*  
MAY 22, 2014

**1 LONGITUDINAL SECTION**  
A4.1 SCALE: 1/8" = 1'-0"

\* DIMENSIONS FROM GOOGLE EARTH

|                         |  |   |
|-------------------------|--|---|
| Dwg. No.<br><b>A4.1</b> | <b>Residence Section</b>                 |   |
| Scale:<br>1/8" = 1'-0"  | Danks Residence Addition                 |   |
| Date:<br>01.10.2014     | 524 Grizzly Peak Blvd, Berkeley CA 94708 |   |
| <b>1</b> 04.02.2014     | References                               |  <b>ARKIN · TILT ARCHITECTS</b><br>1101 Eighth Street, Suite 180, CA 94710<br>T: (510) 528-9830 info@arkintilt.com |