



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

1145 Grizzly Peak Boulevard

Administrative Use Permit #ZP2016-0195

Project Description: To add 91 square feet on the first floor and 495 square feet on the second floor of a 1,929 square foot, 2-story, single family dwelling.

- Section 23D.16.070.C for a residential addition over 14 feet in average height;
- Section 23E.96.070.B for a residential addition over 20 feet in average height in the hillside overlay district.

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 April 11, 2017.

Attest: Steven Buckley April 11, 2017
Steven Buckley, Land Use Planning Manager Effective Date

You may choose to file with the State and County either the enclosed Notice of Exemption or Notice of Determination (which ever applies). Pursuant to the California Environmental Quality Act (CEQA), Public Resources Code section 21167, the time in which a legal challenge will be accepted is shortened if this form is filed within 5 days of the effective date of the City's action.

ATTACHMENT 1

FINDINGS AND CONDITIONS

MARCH 21, 2017

1145 Grizzly Peak Boulevard

Administrative Use Permit #ZP2016-0195

To add 91 square feet on the first floor and 495 square feet on the second floor of a 1,929 square foot, 2-story, single family dwelling.

PERMITS REQUIRED

- Administrative Use Permit under BMC 23D.16.070.C for a residential addition over 14 feet in average height.
- Administrative Use Permit under BMC 23E.96.070.B for a residential addition over 20 feet in average height in the hillside overlay district.

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 would 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, 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:
 - The subject property is equal to or below the Single-Family Residential District (R-1) standards (BMC 23D.16.070) for maximum residential density, height, and maximum lot coverage (1 dwelling unit per lot, average building height of 23’3” where the maximum allowed is 28’, and 24% lot coverage, where the maximum allowed is 40%). In addition, all existing and proposed construction on this site would meet or exceed required setbacks.
 - The proposed project retains the single-family residential character, and is consistent with the overall scale of the one- and two-story single family residences in the neighborhood. The addition will be constructed in an architectural style and with colors and materials that will match existing materials, proportions, scale and roof slopes.

3. Pursuant to Berkeley Municipal Code Section 23D.16.070, the Zoning Officer finds that the proposed addition would not unreasonably obstruct sunlight, air, or views for the following reasons:
- Sunlight: The shadow studies submitted by the applicant document the proposed addition's project shadow angles and lengths that will occur two to three times during the year. The addition will create an incremental increase in shadows on the dwelling to the east at 1147 Grizzly Peak Boulevard, which will occur in the evening hours during the summer months, but the increased shading will not affect any windows. The addition will also create new shadows on the dwelling to the west at 1141 Grizzly Peak Boulevard. For this dwelling, new shading will affect a kitchen window in the morning hours during the winter months, but not any other windows. Because impacts to the neighboring properties will be limited to only one window for a few hours a day and limited to certain months of the year, the project will not result in a significant loss of direct sunlight on the abutting residences, and these shading impacts are not deemed detrimental.
 - Air: The proposal is found to be consistent with the existing development and building-to-building separation pattern – or air – in this R-1 neighborhood because the addition will adhere to the minimum front, side, and rear yard standards and useable open space requirement, and because it proposes only two stories where as many as three stories are allowed.
 - Views: The proposal is not expected to obscure or affect significant views because, as described above, the addition is minor in nature and maintains or exceeds required setbacks. In addition, the project maintains the original lot pattern and design and preserves the southward views from the original building and its neighbors, while not obstructing any view from the northeast.
 - Privacy: The project maintains the privacy of the abutting neighbors. Although the applicant proposes new windows on the second floor, these openings are not expected to cause privacy impacts to the immediate neighbors because they would not face directly into the neighboring windows. No new windows are proposed on the east elevation, which faces the closest neighbor at 1147 Grizzly Peak Boulevard. In addition, as described above, the proposed project will meet or exceed minimum setback requirements.
4. Pursuant to Berkeley Municipal Code Section 23E.96.090.B, the Zoning Officer finds that the construction of a project greater than 20 feet in maximum height is consistent with the purposes of the Hillside Overlay District and will not adversely compromise the quality and character of this hillside parcel and it's immediate environs, nor will it adversely impact views available from neighboring residences and parcels, as described above, in Section 3, *Views*.

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 attorney’s 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. Project Liaison. The applicant shall provide the project planner with the name and telephone number of the individual empowered to manage complaints generated from the project. The individual’s name, telephone number, and responsibility for the project shall be posted at the project site for the duration of the project in a location easily visible to the public. The individual shall record all complaints received and actions taken in response, and submit written reports of such complaints and actions to the project planner on a weekly basis.

Project Liaison

_____ Name

_____ Phone #

During Construction:

- 11. Transportation Construction Plan. The applicant and all persons associated with the project are hereby notified that a Transportation Construction Plan (TCP) is required for all phases of construction, particularly for the following activities:

- Alterations, closures, or blockages to sidewalks or pedestrian paths or 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.

The applicant shall secure the City Traffic Engineer’s approval of a TCP. Please contact the Office of Transportation at 981-7010, or 1947 Center Street, 3rd floor, and ask to speak to a traffic engineer. In addition to other requirements of the Traffic Engineer, this plan shall

include the locations of material and equipment storage, trailers, worker parking, a schedule of site operations that may block traffic, and provisions for traffic control. The TCP shall be consistent with any other requirements of the construction phase.

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). Please note that the Zoning Officer and/or Traffic Engineer may limit off-site parking of construction-related vehicles if necessary to protect the health, safety or convenience of the surrounding neighborhood. A current copy of this Plan shall be available at all times at the construction site for review by City Staff.

12. 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.
13. 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.
14. 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.
15. 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.
16. 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.
17. Trucks hauling debris, soil, sand, or other loose materials shall be covered or required to maintain at least two feet of board.
18. Public streets shall be swept (preferably with water sweepers) of all visible soil material carried from the site.
19. The applicant shall establish and maintain drainage patterns that do not adversely affect adjacent properties and rights-of-way.
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.
21. 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:

22. All construction at the subject property shall substantially conform to the approved Use Permit drawings or to modifications approved by the Zoning Officer.
23. All landscape, site and architectural improvements shall be completed per the attached approved drawings dated December 5, 2016.

At All Times (Operation):

24. All exterior lighting shall be energy efficient where feasible; and shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.



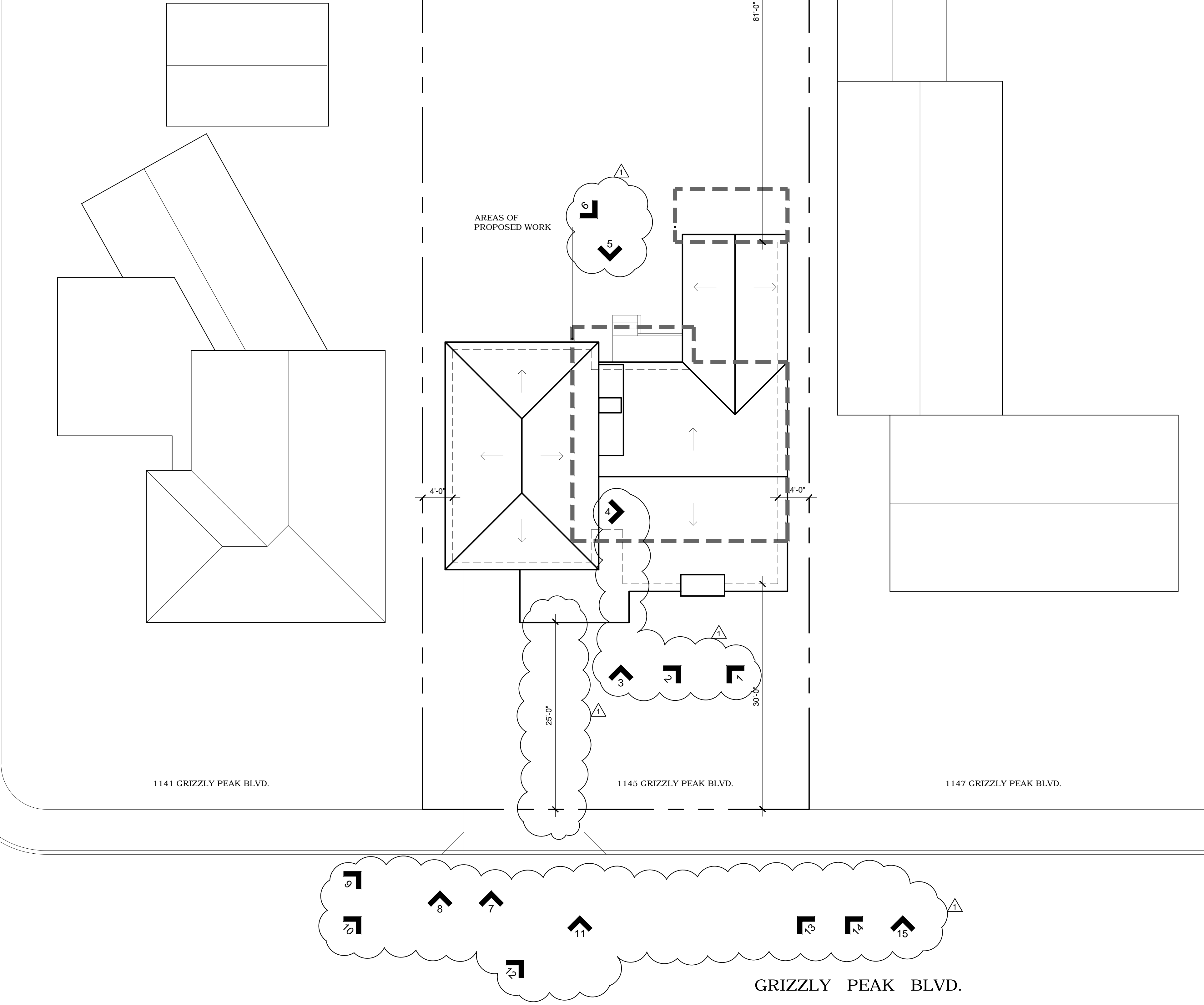
Prepared by: Lucy Sundelson, Assistant Planner
For Greg Powell, Principal Planner

PLANS APPROVED by

[Signature] **March 21, 2017**

SIGNATURE DATE

***AUP Findings and Conditions Attached**



PROJECT DATA

ADDRESS:	1145 GRIZZLY PEAK BOULEVARD
CONSTRUCTION TYPE:	V
LOT SQUARE FOOTAGE:	7,055.5 S.F.
(E) 1ST LEVEL SQUARE FOOTAGE:	1,373.2 S.F.
(N) 1ST LEVEL SQUARE FOOTAGE:	1,469.3 S.F.
(E) 2ND LEVEL SQUARE FOOTAGE:	556.3 S.F.
(N) 2ND SPLIT LEVEL SQUARE FOOTAGE:	495.0 S.F.
TOTAL 2ND LEVEL SQUARE FOOTAGE:	1,051.3 S.F.

CODES:
 ALL CONSTRUCTION TO CONFORM TO THE 2013 CALIFORNIA BUILDING CODE, CONSISTING OF THE: 2013 CALIFORNIA BUILDING CODE (CBC), 2013 CALIFORNIA MECHANICAL CODE (CMC), 2013 CALIFORNIA PLUMBING CODE (CPC), 2013 CALIFORNIA FIRE CODE (CFC), 2013 CALIFORNIA ELECTRICAL CODE (CEC), AS WELL AS 2013 CALIFORNIA ENERGY STANDARDS AND ALL OTHER APPLICABLE LOCAL ORDINANCES AS ADOPTED AND AMENDED BY THE CITY OF BERKELEY. THE CONTRACTOR SHALL BE THOROUGHLY RESPONSIBLE FOR THE SATISFACTORY COMPLETION OF THE WORK IN ACCORDANCE WITH THESE PROJECT PLANS AND SPECIFICATIONS.

SCOPE OF WORK

GROUND FLOOR:
 -KITCHEN REMODEL AND 35 S.F. EXPANSION AT REAR/ FACING REAR YARD
 -BEDROOM EXTENSION OF 61 S.F.- EXPANSION TO SINGLE STORY ROOM AT REAR OF HOUSE, FACING REAR YARD
 -NEW DECK AT REAR YARD

SECOND FLOOR:
 -MASTER SUITE ADDITION OF 495 S.F.. THIS ADDITION IS A SPLIT LEVEL OFF THE (E) SECOND LEVEL.

DRAWING INDEX

A0	PROJECT INFO, VICINITY MAP, SITE PLAN
A1	PROPOSED SITE PLAN, NEIGHBOR SIGNATURES
A2	SHADOW STUDY
A3	EXISTING & PROPOSED GROUND FLOOR PLANS
A4	EXISTING & PROPOSED SECOND FLOOR PLANS
A5	EXISTING EXTERIOR ELEVATIONS
A6	PROPOSED EXTERIOR ELEVATIONS
A7	BUILDING SECTION

PROJECT DIRECTORY

OWNER: NATASHA LIBINA & ALISTAIR SINCLAIR
 1145 GRIZZLY PEAK BOULEVARD
 BERKELEY, CA 94708
 P. (510) 435-1965
 E. NATASHA.LIBINA@GMAIL.COM
 SINCLAIR@BERKELEY.EDU

ARCHITECT: SAID-JON EGHBAL
 482 WESLEY AVENUE
 OAKLAND, CA 94606
 P. (510) 922-9722
 F. (510) 922-9723
 E. SJE@SJEGBAL.COM

STRUCTURAL ENGINEER: BAILEY ENGINEERING
 1271 WASHINGTON AVE., PMB #800
 SAN LEANDRO, CA 94577
 P. (510) 689-4087
 E. STRUCTURALGUY@COMCAST.NET

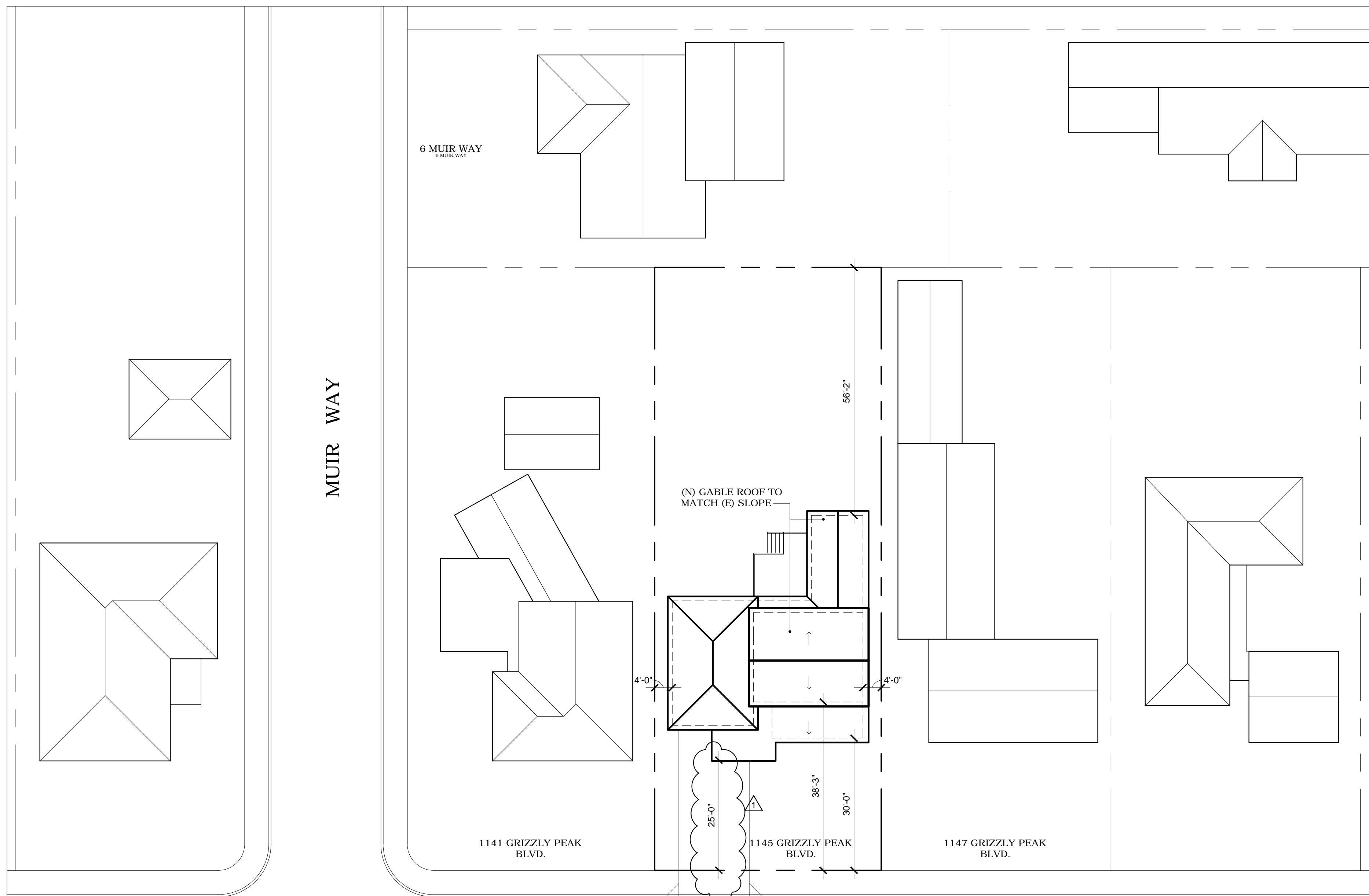
SAID-JON EGHBAL
 482 WESLEY AVENUE
 OAKLAND 94606
 v. 510.922.9722
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 e. sje@sjeghbal.com

1145 GRIZZLY PEAK BLVD. BERKELEY, CA 94708

SUBMITTAL : DATE :
 AUP SUBMITTAL: 07 OCT '16
 ▲ PLANNING CORRECTIONS 05 DEC '15

SHEET:
PROJECT INFO, VICINITY MAP SITE PLAN

A0



PROPOSED SITE PLAN
SCALE: 1/16" = 1'-0"

NEIGHBOR SIGNATURES

I HAVE REVIEWED THE PLANS FOR A 96 SQUARE FOOT GROUND FLOOR ADDITION AT THE REAR YARD AND A 495 SQUARE FOOT SECOND FLOOR SPLIT LEVEL ADDITION. THE SECOND FLOOR ADDITION IS A SPLIT LEVEL AND THE TOTAL BUILDING HEIGHT IS 22'-6" (AVERAGE HEIGHT) ABOVE GRADE.

NAME (PRINTED)	SIGNATURE	ADDRESS	DATE	HAVE OBJECTIONS? (PLEASE BRIEFLY STATE) IF NO OBJECTIONS OR NO COMMENT, LEAVE BLANK
		1140 GRIZZLY PEAK BLVD.		
		1141 GRIZZLY PEAK BLVD.		
		1144 GRIZZLY PEAK BLVD.		
		1147 GRIZZLY PEAK BLVD.		
		1148 GRIZZLY PEAK BLVD.		
		6 MUIR WAY		

PLANS APPROVED by

[Signature] March 21, 2017

SIGNATURE DATE

***AUP Findings and Conditions Attached**

SAID-JON EGHBAL
482 WESLEY AVENUE
OAKLAND 94606
v. 510.922.9722
f. 510.922.9723
e. sje@seghbal.com

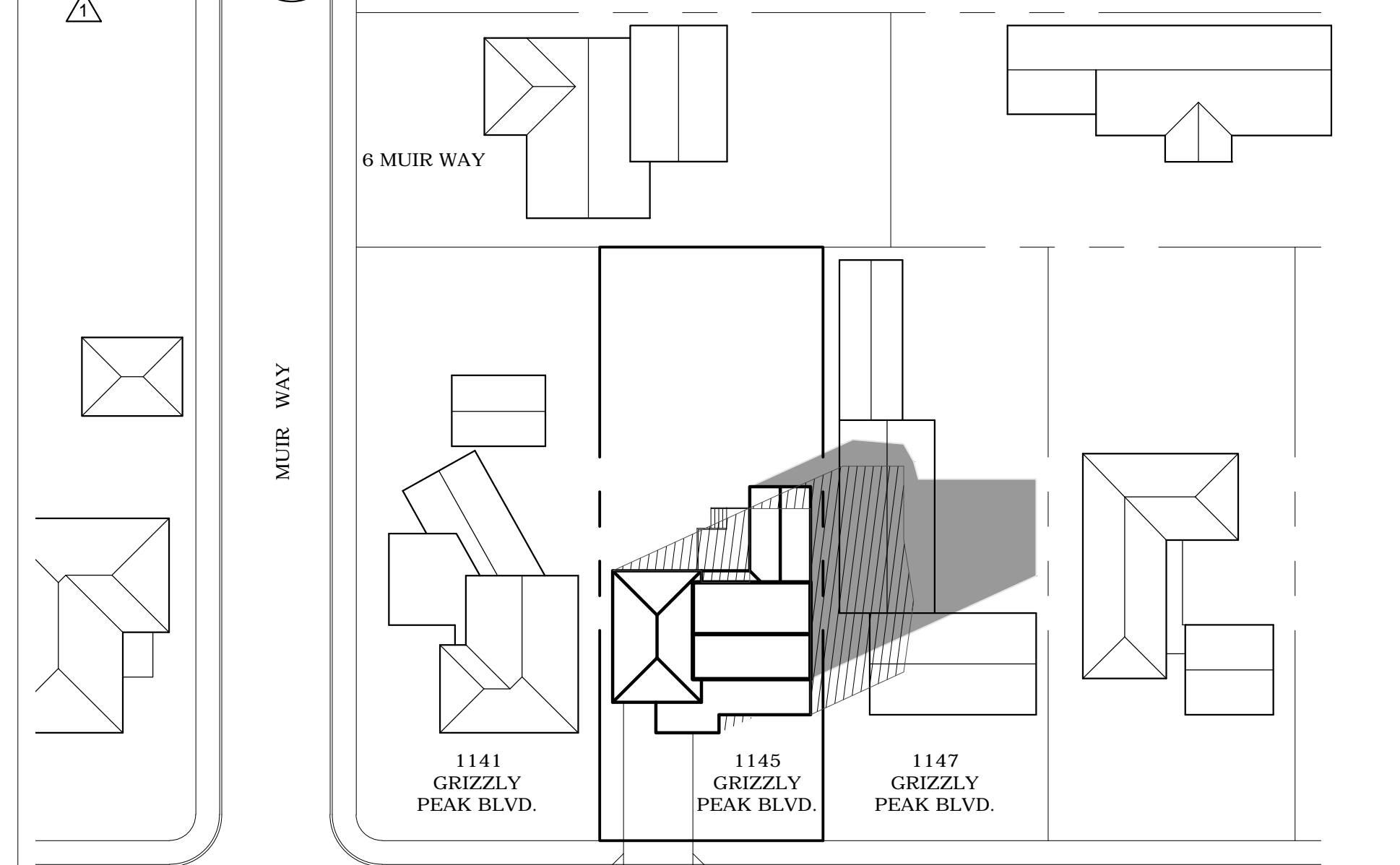
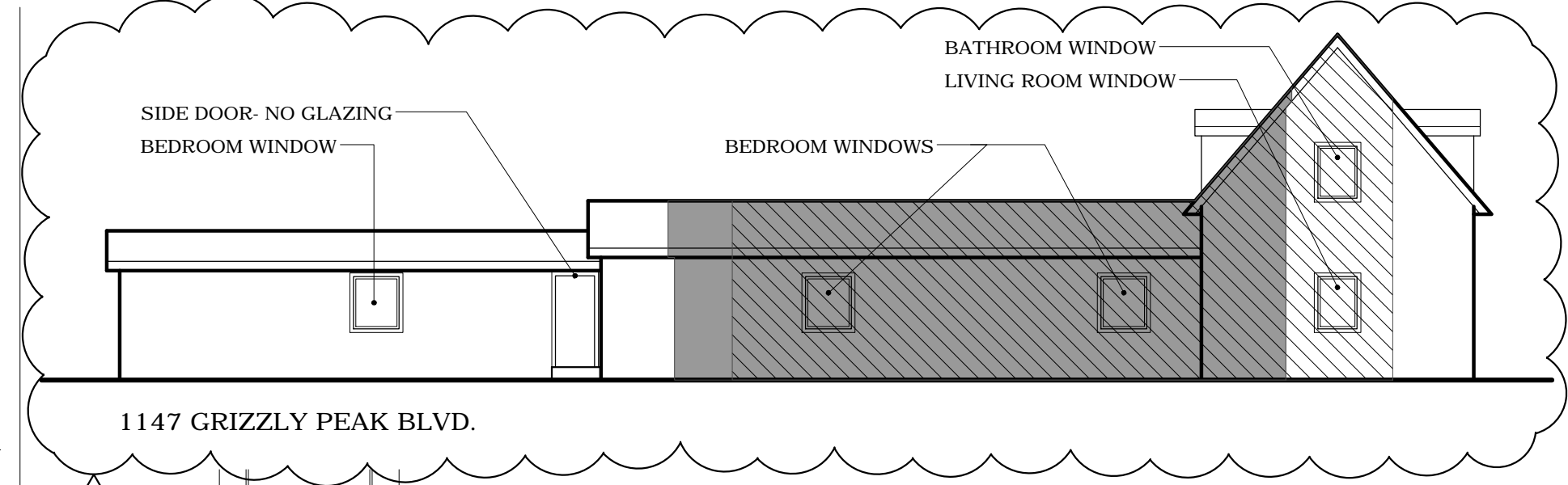
**1145 GRIZZLY PEAK BLVD.
BERKELEY, CA 94708**

SUBMITTAL : DATE :
AUP SUBMITTAL: 07 OCT '16
▲ PLANNING CORRECTIONS 05 DEC '15

SHEET:
**PROPOSED SITE PLAN,
NEIGHBOR SIGNATURES**

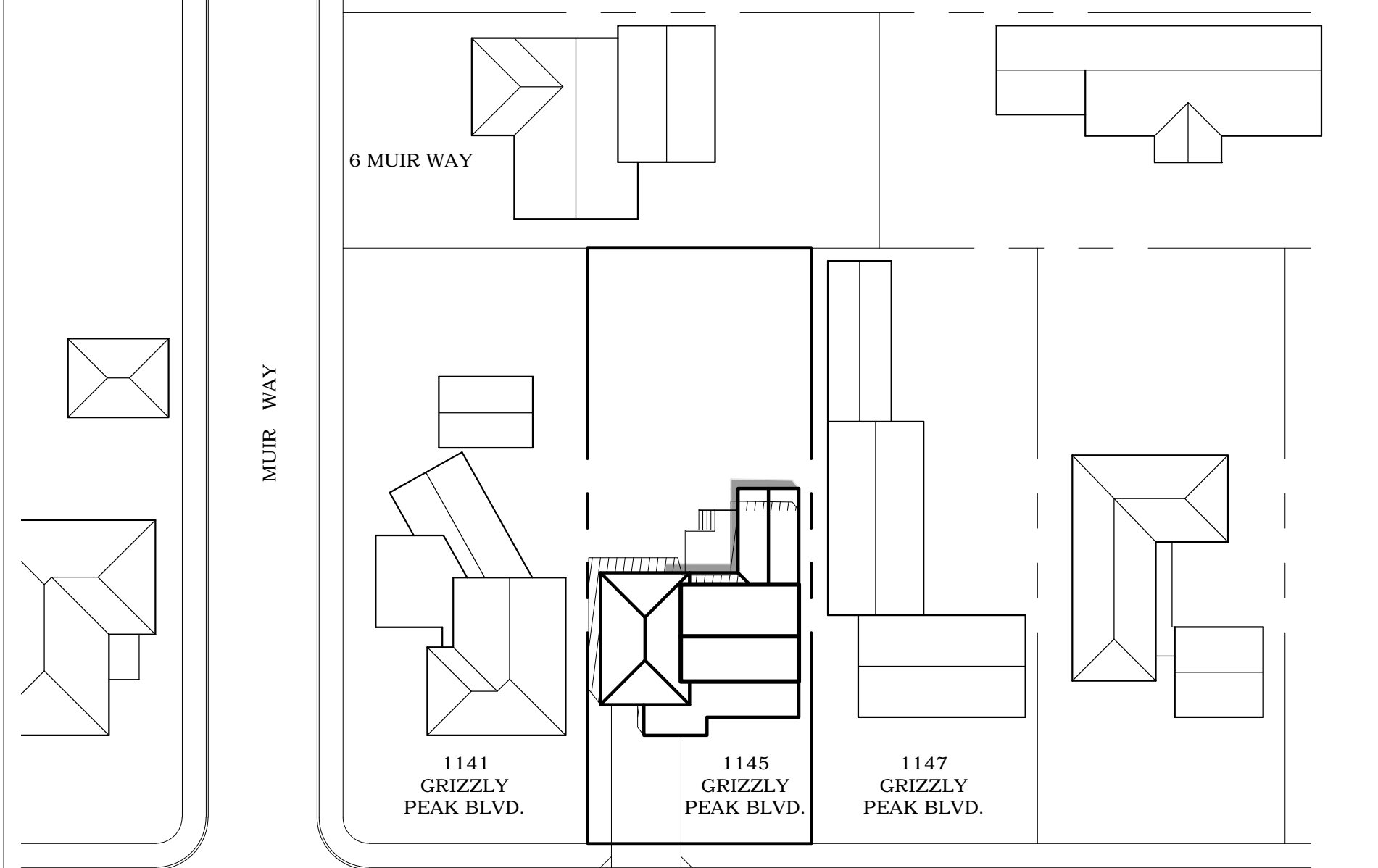
SAID-JON EGHBAL
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 e. sje@seghbal.com

1145 GRIZZLY PEAK BLVD.
 BERKELEY, CA 94708

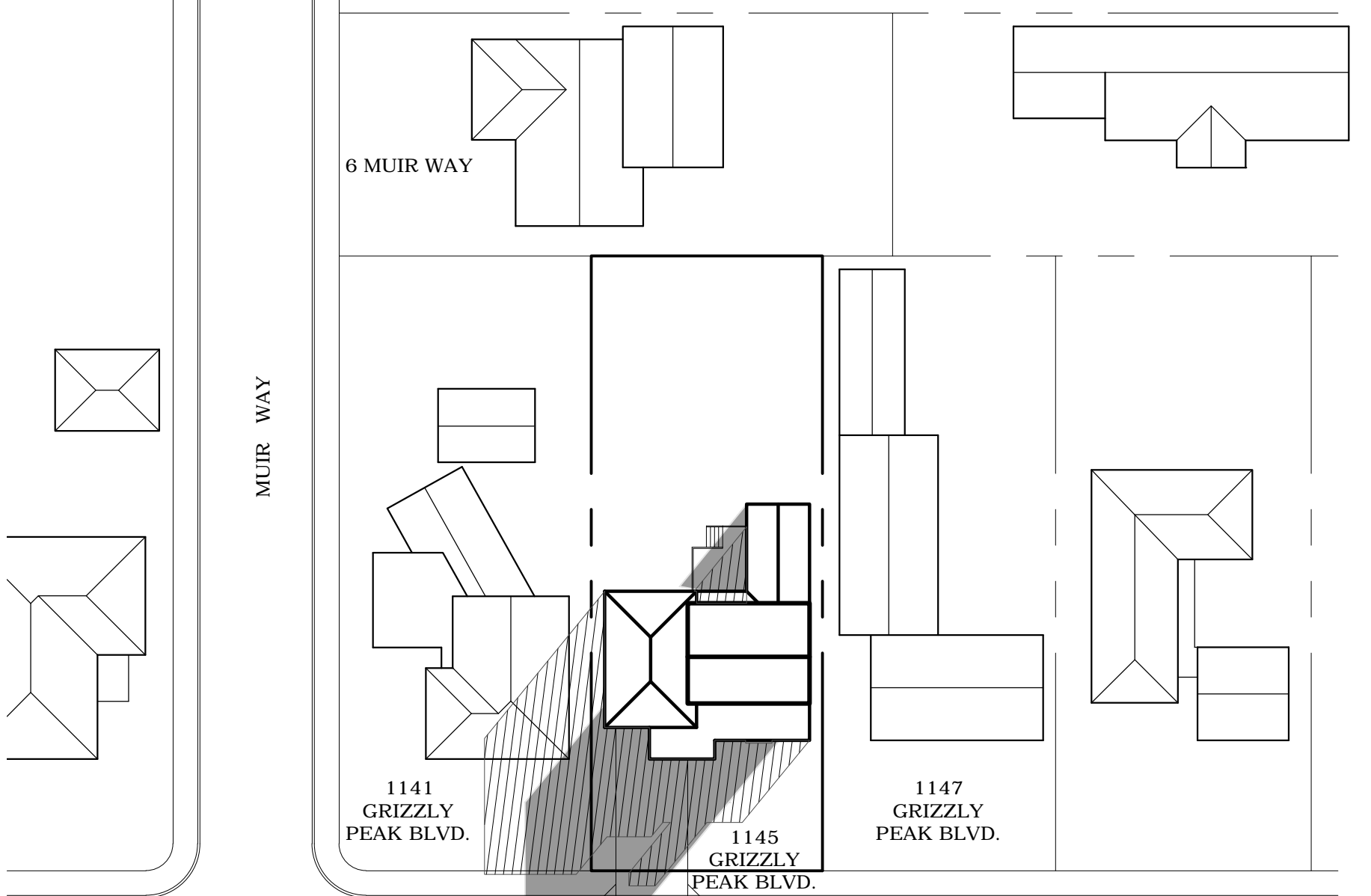
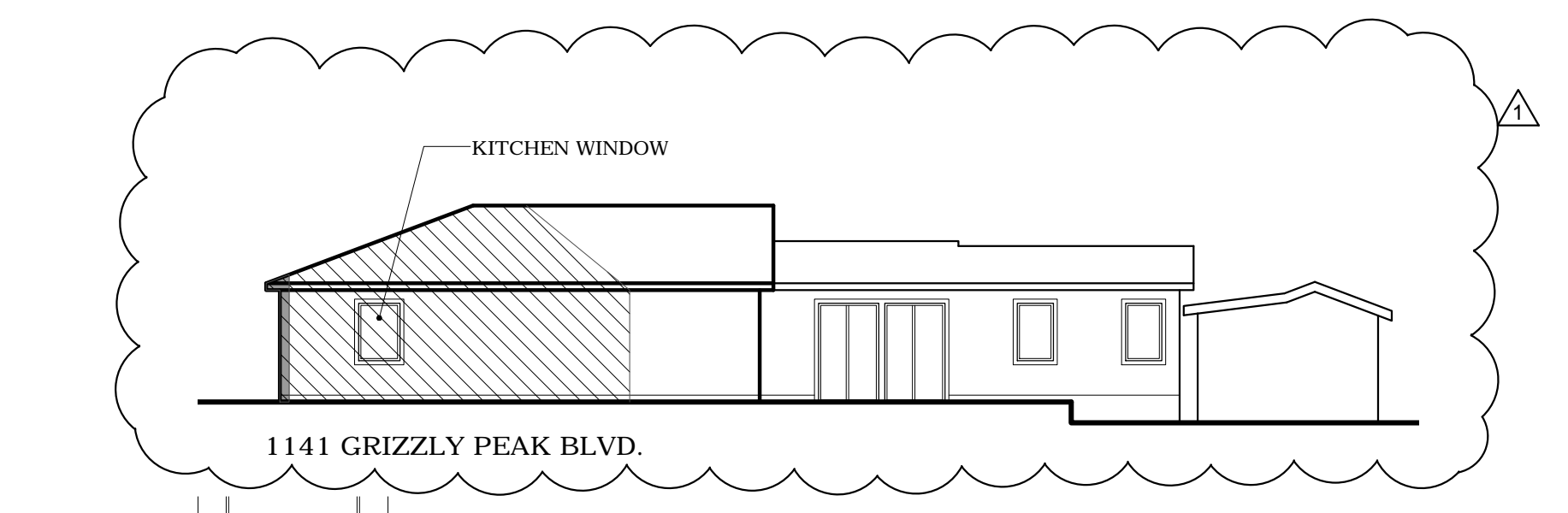


4 JUNE 21- 2 HOURS BEFORE SUNSET
 SCALE: 1/32" = 1'-0"

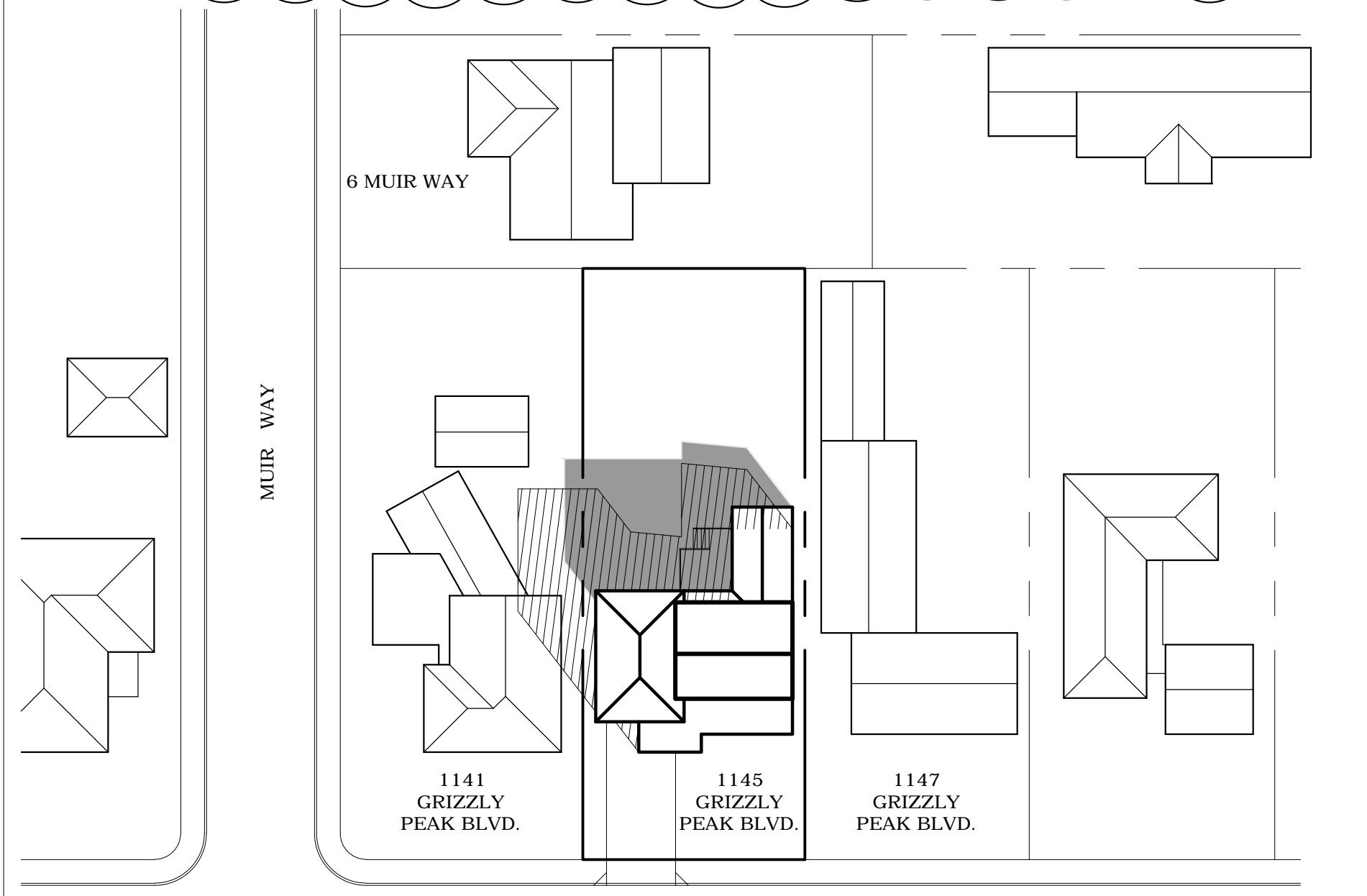
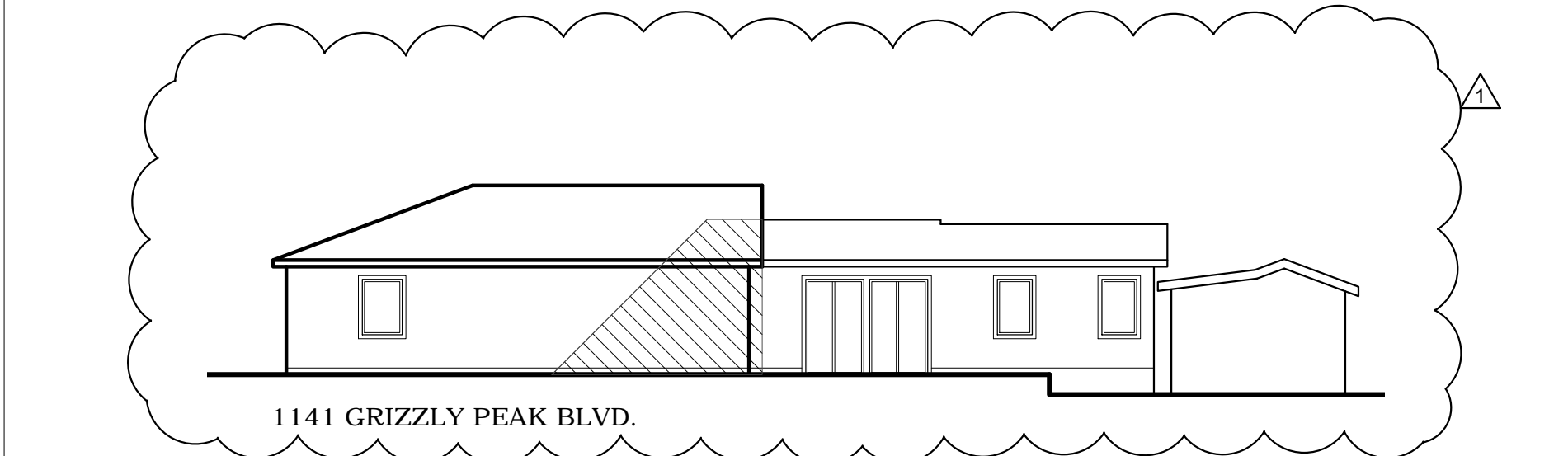
NOTE:
 THIS SHADOW STUDY ANALYSES WORST CASE SCENARIOS. IT DOES NOT INDICATE THE MASS OF NEIGHBORING BUILDINGS, TREES AND FENCES. THIS STUDY ONLY GIVES MASS TO 1145 GRIZZLY PEAK BLVD.'S (E) STRUCTURE AND PROPOSED ADDITION.



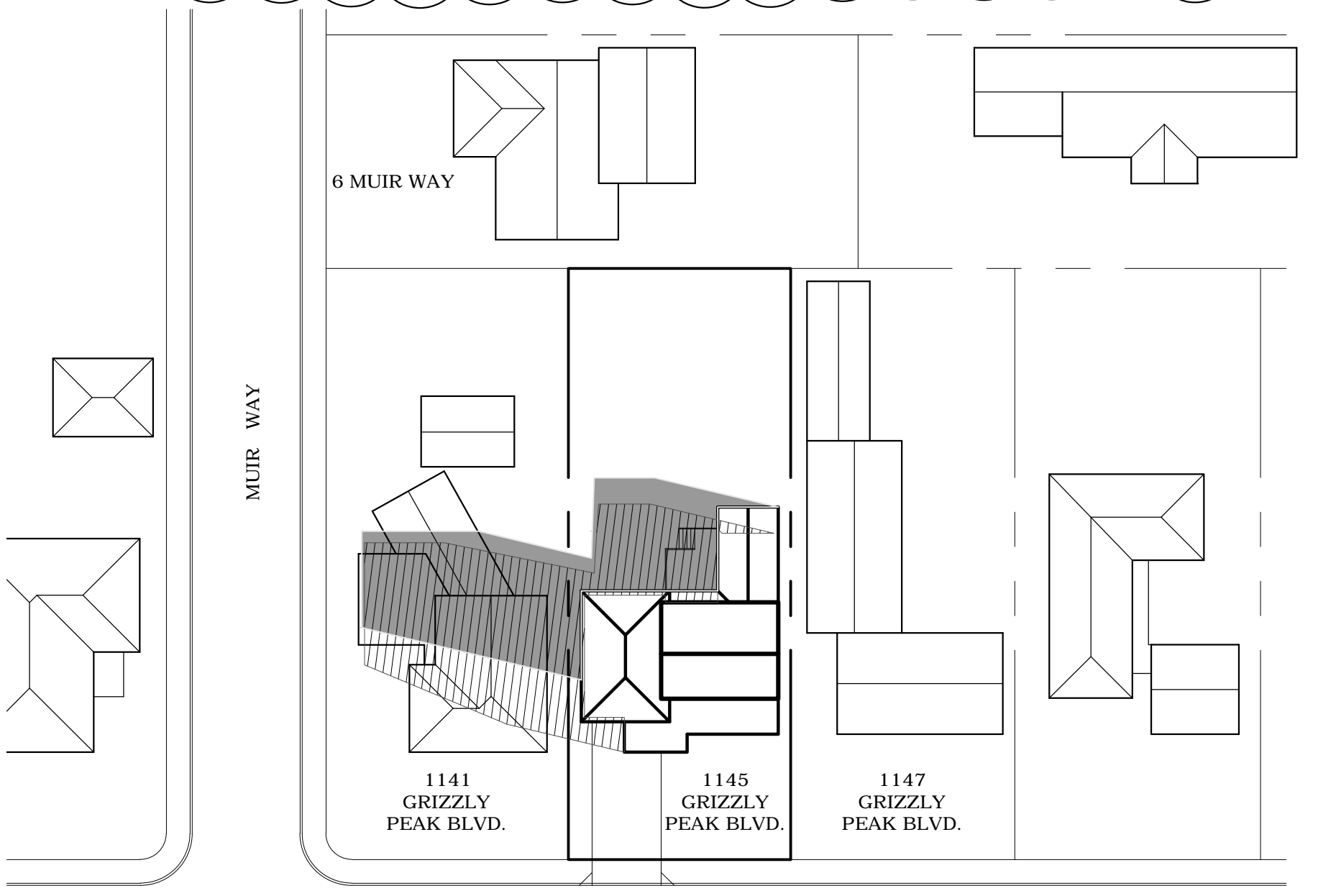
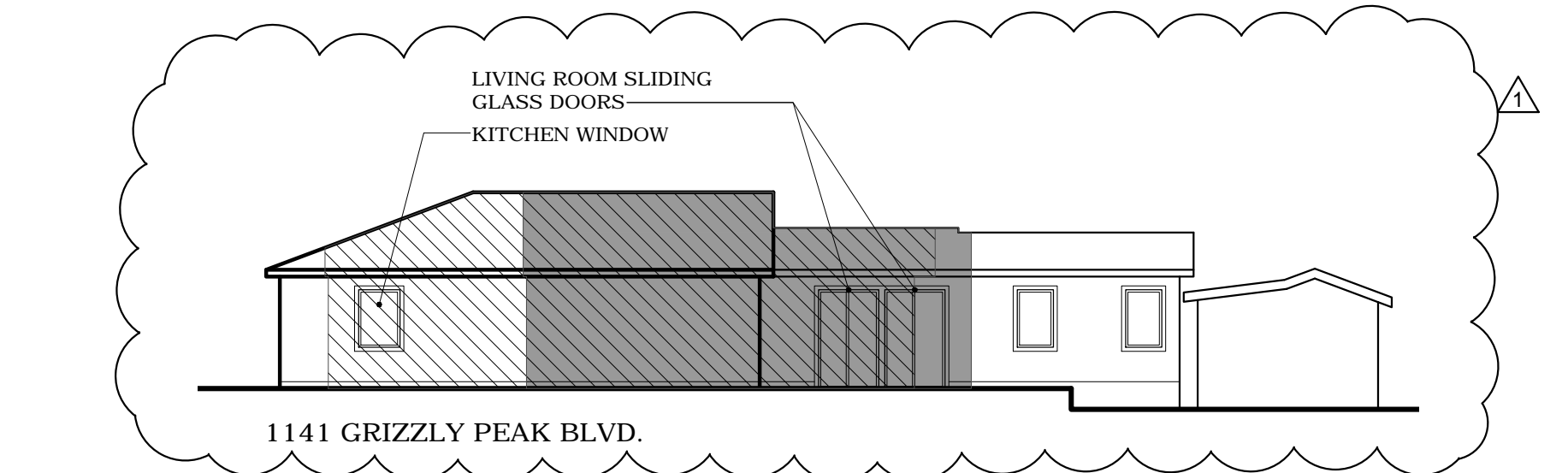
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 SCALE: 1/32" = 1'-0"



6 JUNE 21- 2 HOURS AFTER SUNRISE
 SCALE: 1/32" = 1'-0"

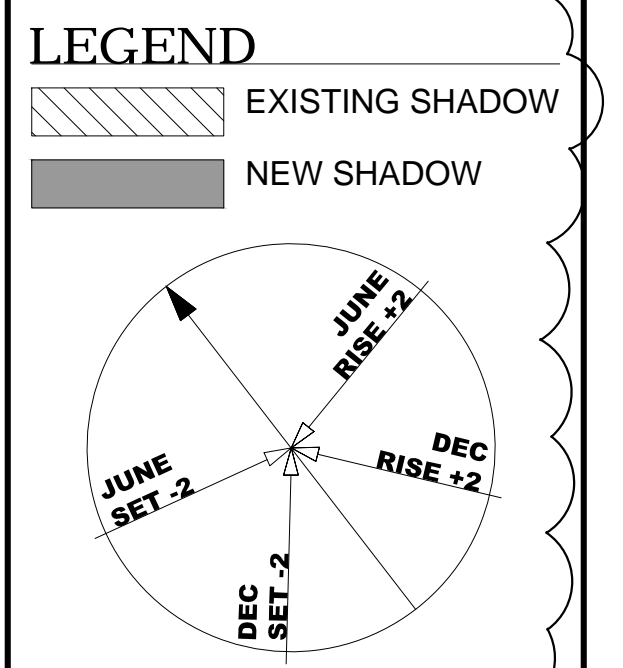


2 DECEMBER 21- NOON
 SCALE: 1/32" = 1'-0"



3 DECEMBER 21- 2 HOURS AFTER SUNRISE
 SCALE: 1/32" = 1'-0"

PLANS APPROVED by
[Signature]
 SIGNATURE
 March 21, 2017
 DATE
 *AUP Findings and Conditions Attached



SUBMITTAL : DATE :
 AUP SUBMITTAL: 07 OCT '16
 PLANNING CORRECTIONS 05 DEC '15

SHEET:
SHADOW STUDY

A2

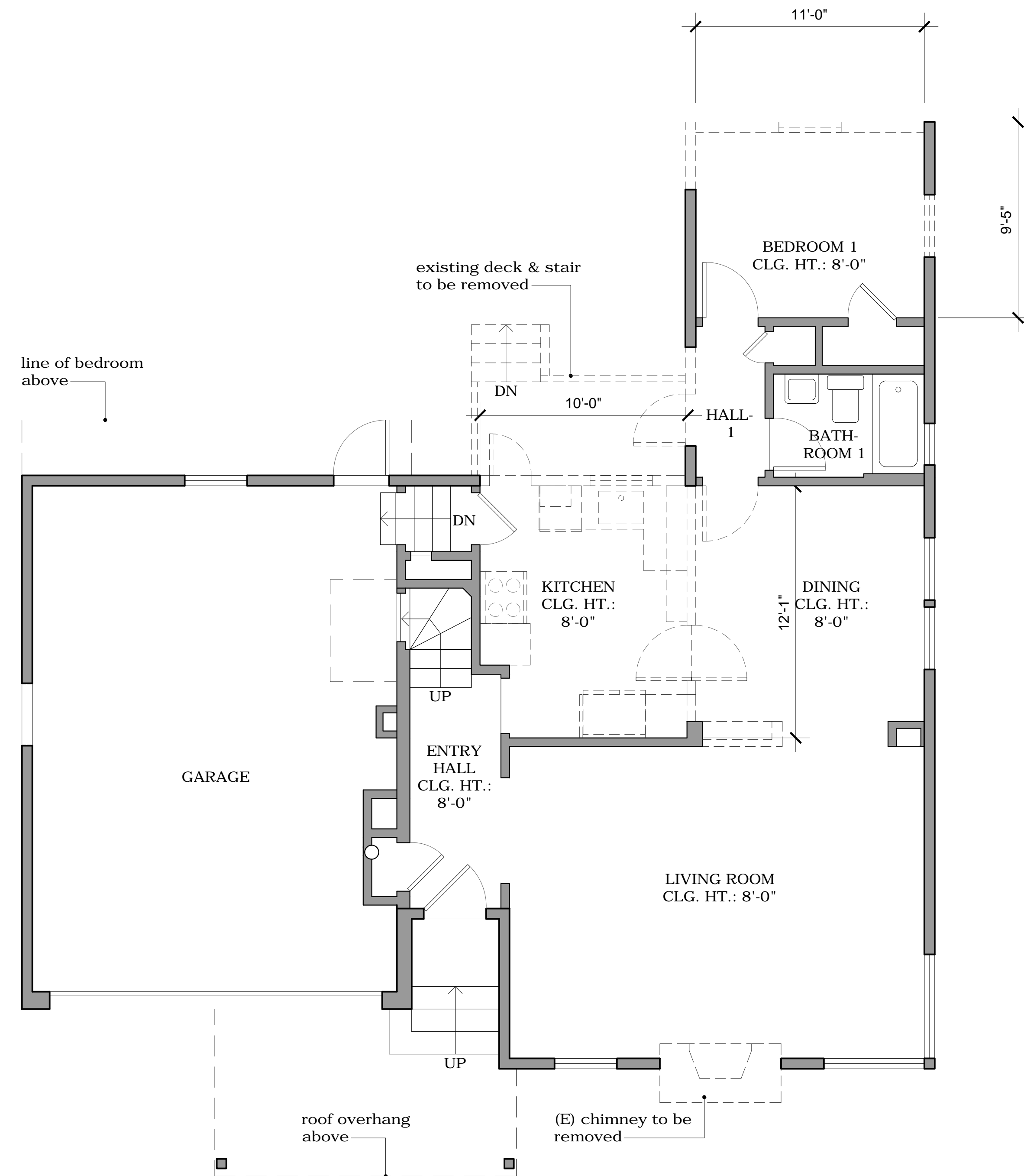
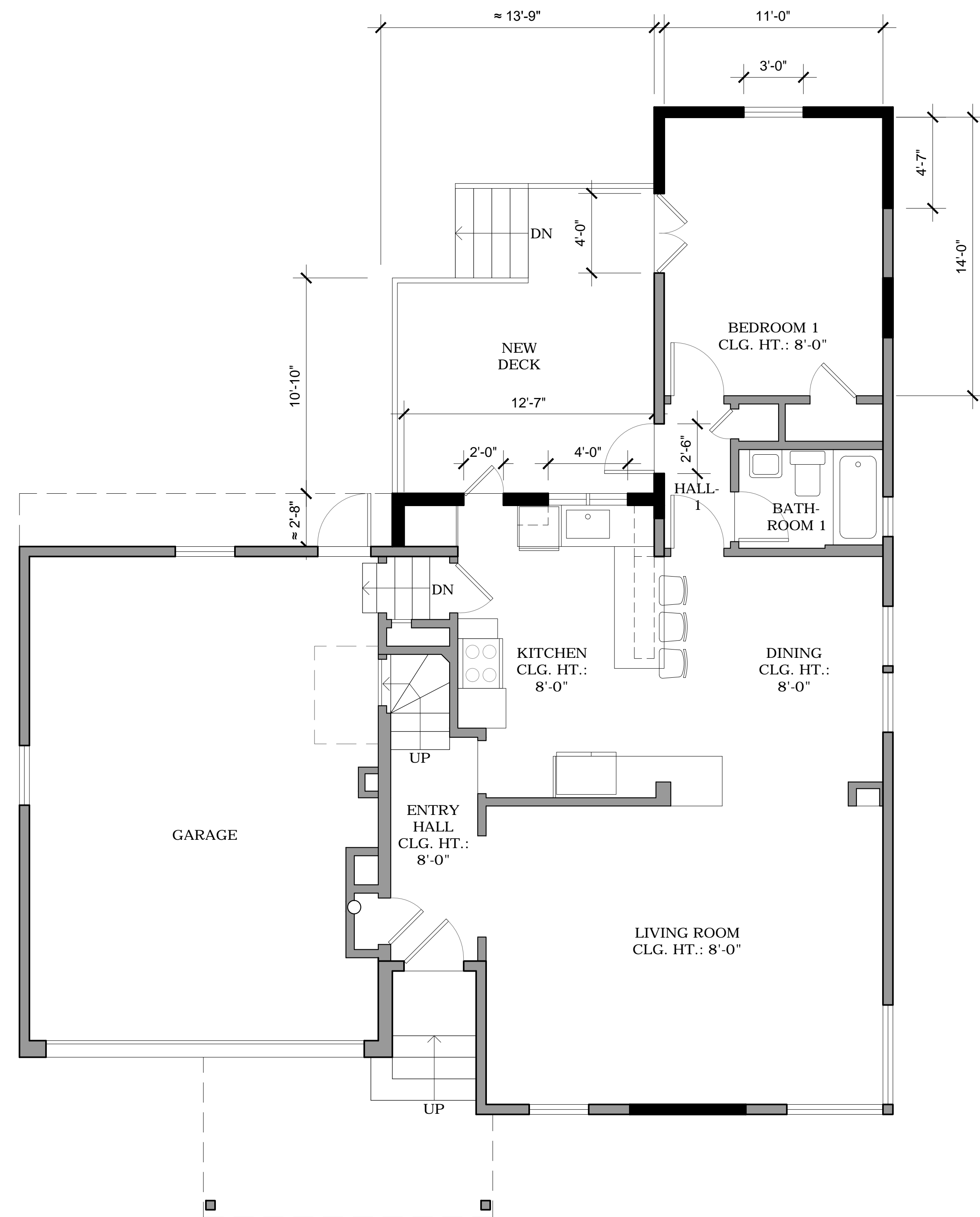
PLANS APPROVED by

[Signature] March 21, 2017

SIGNATURE DATE

*AUP Findings and Conditions Attached

**1145 GRIZZLY PEAK
 BLVD.
 BERKELEY, CA 94708**



SUBMITTAL : DATE :
 AUP SUBMITTAL: 07 OCT '16

SHEET:
**EXISTING &
 PROPOSED
 GROUND
 FLOOR PLANS**

PROPOSED GROUND FLOOR PLAN
 SCALE: 1/4" = 1'-0"

EXISTING GROUND FLOOR PLAN
 SCALE: 1/4" = 1'-0"

PLANS APPROVED by



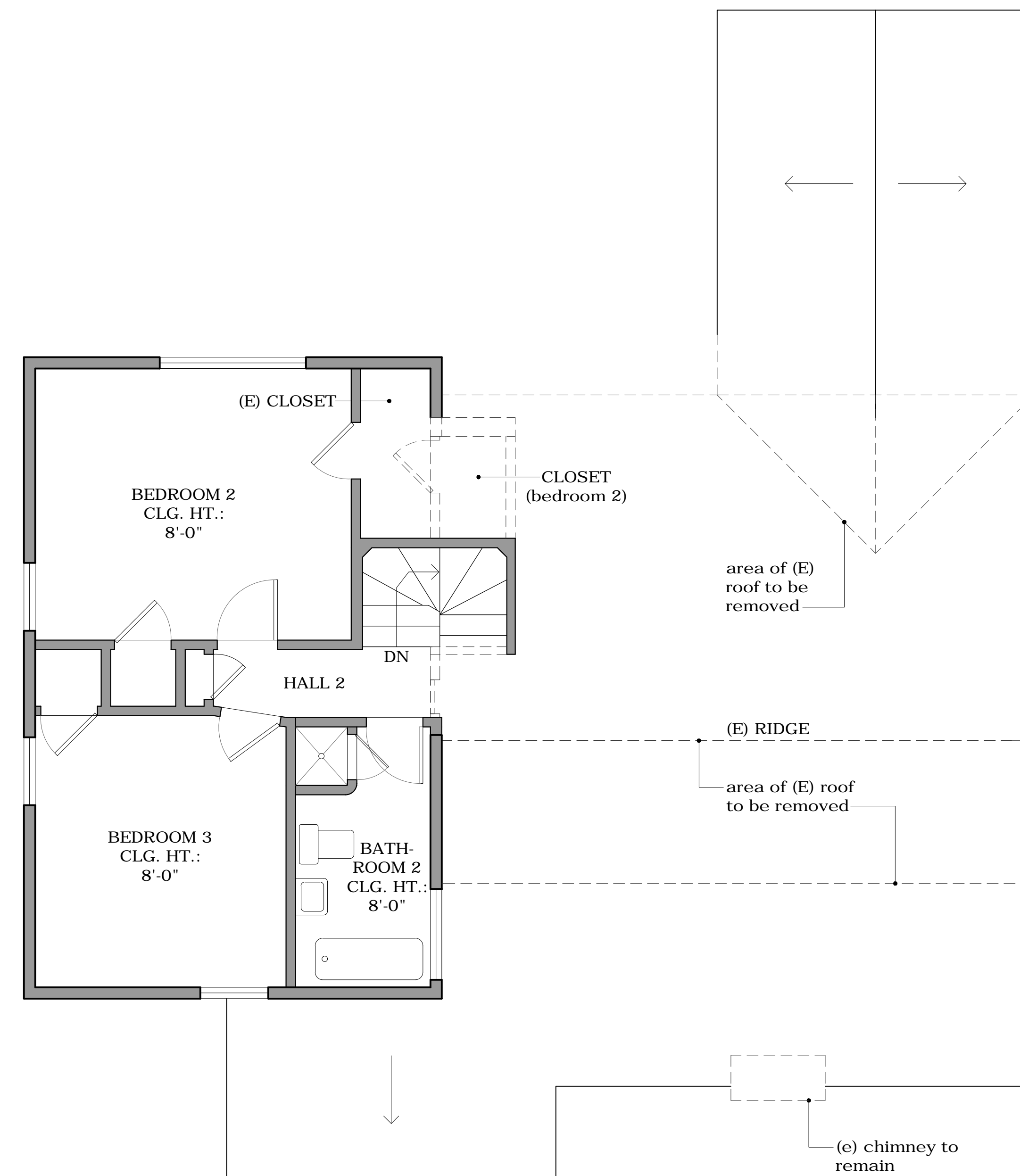
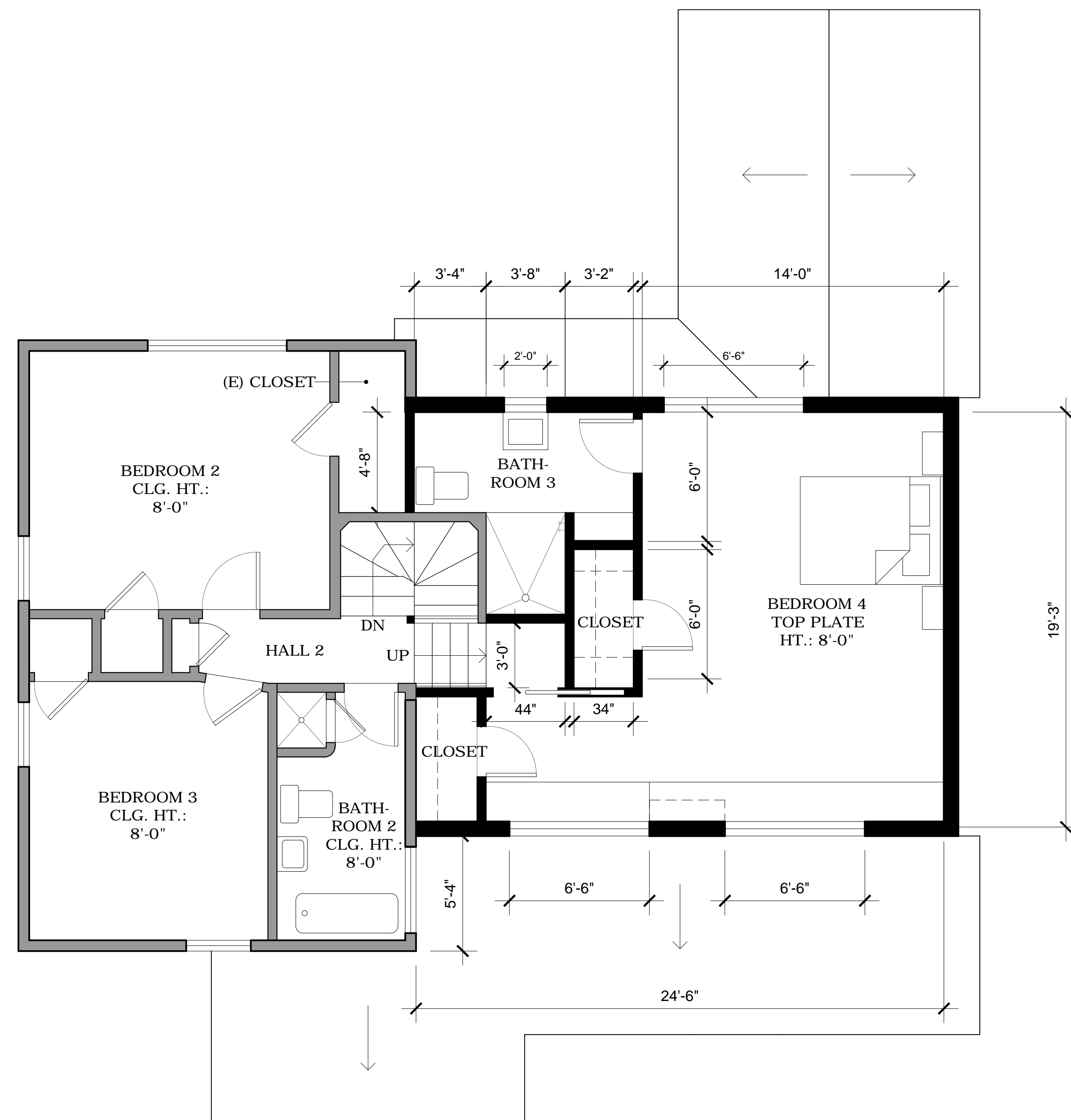
SIGNATURE

March 21, 2017

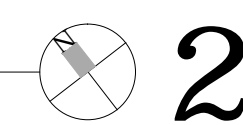
DATE

*AUP Findings and Conditions Attached

1145 GRIZZLY PEAK
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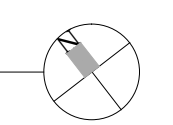


PROPOSED SECOND FLOOR PLAN
SCALE: 1/4" = 1'-0"



2

EXISTING SECOND FLOOR PLAN
SCALE: 1/4" = 1'-0"



1

SHEET:
EXISTING &
PROPOSED
SECOND
FLOOR PLANS

SUBMITTAL : DATE :
AUP SUBMITTAL: 07 OCT '16

A4

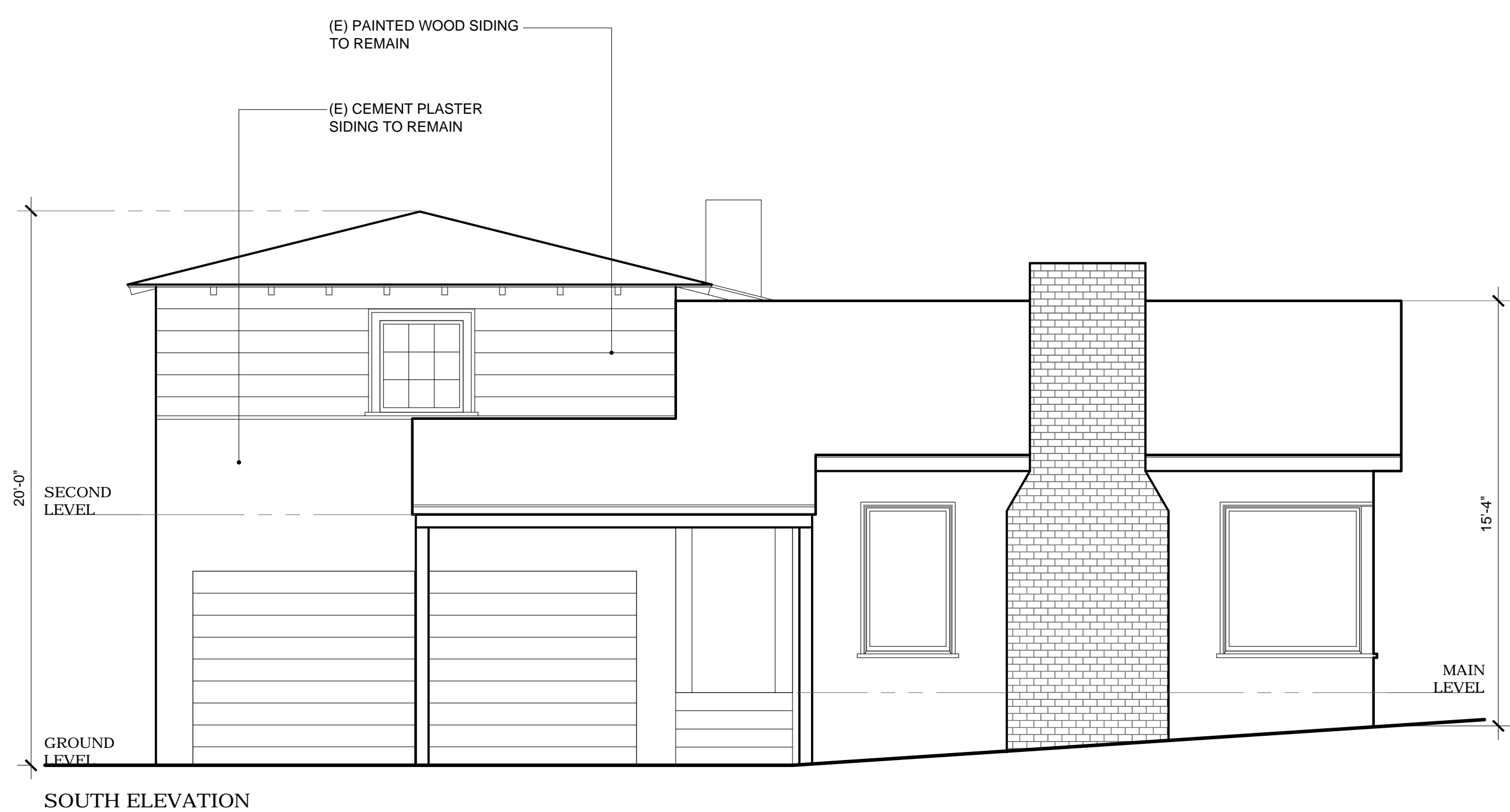
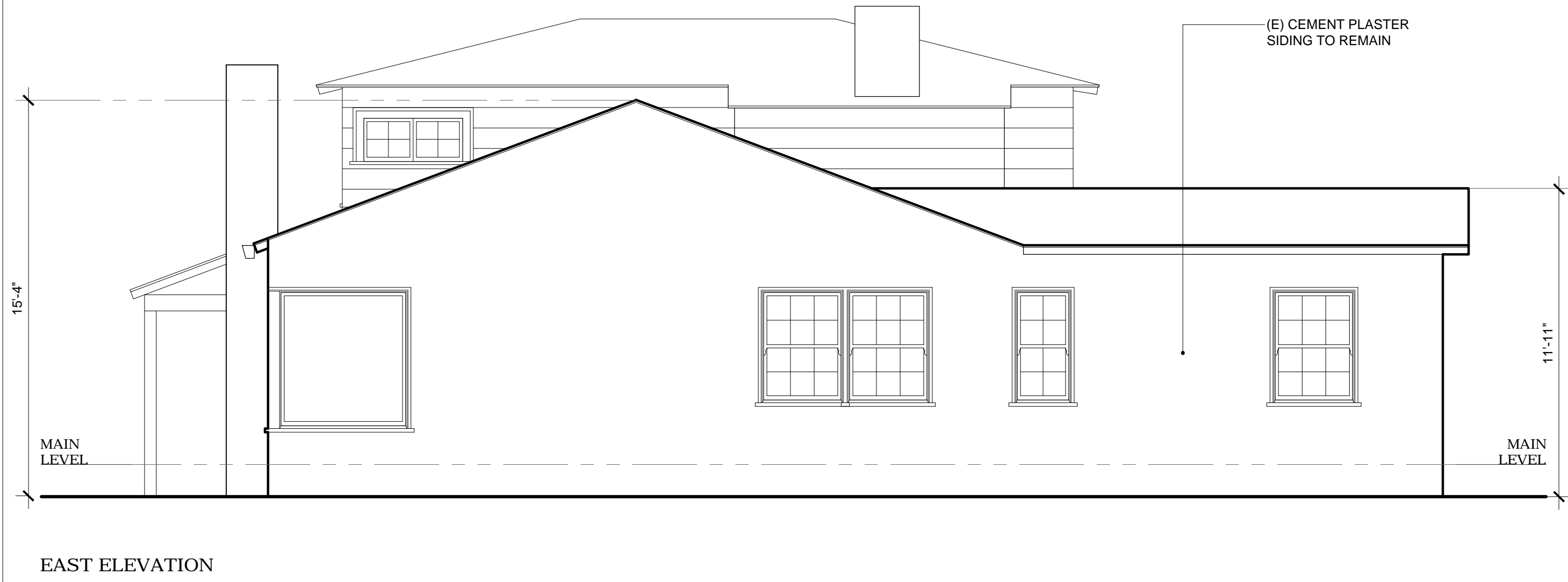
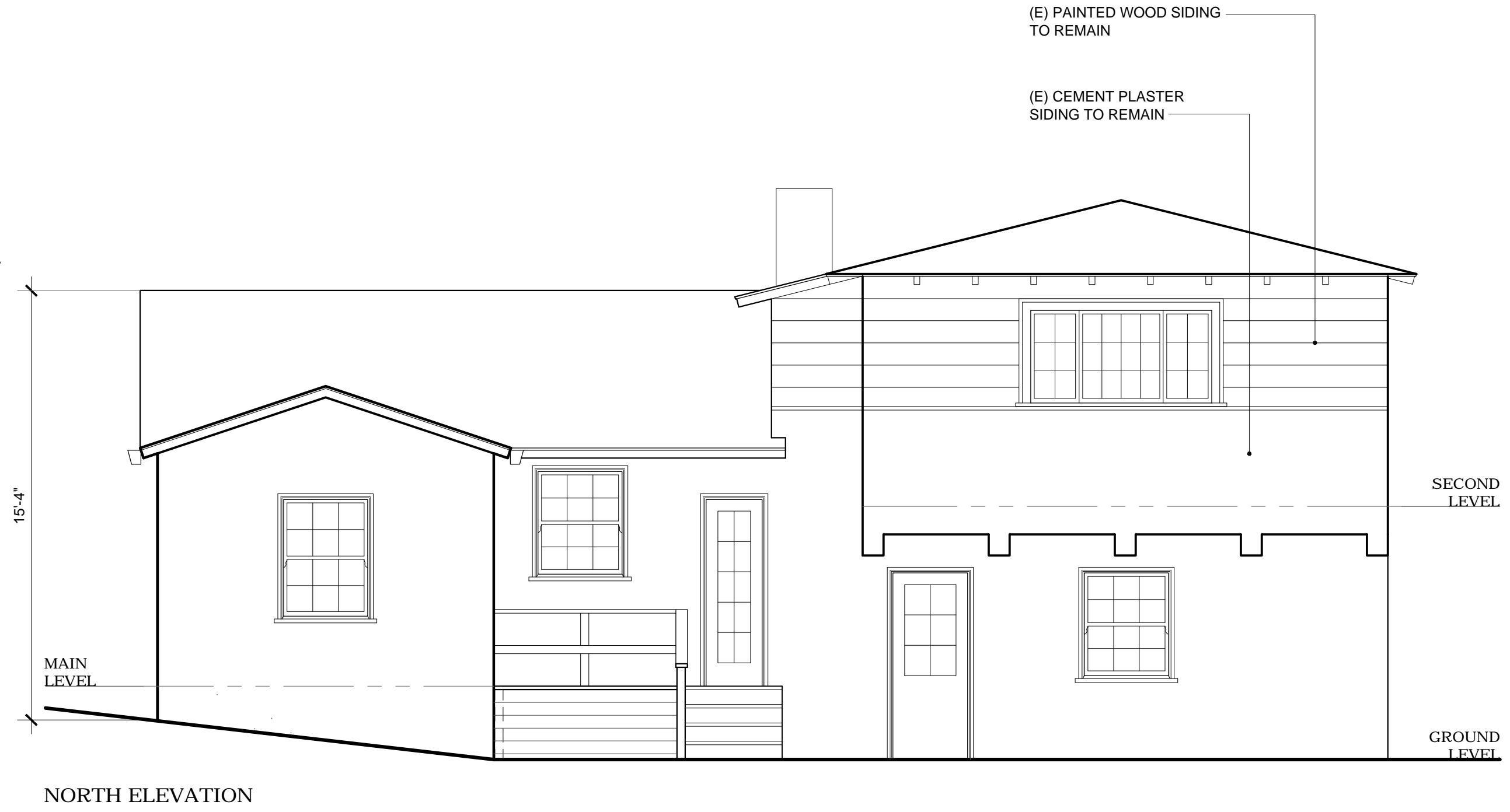
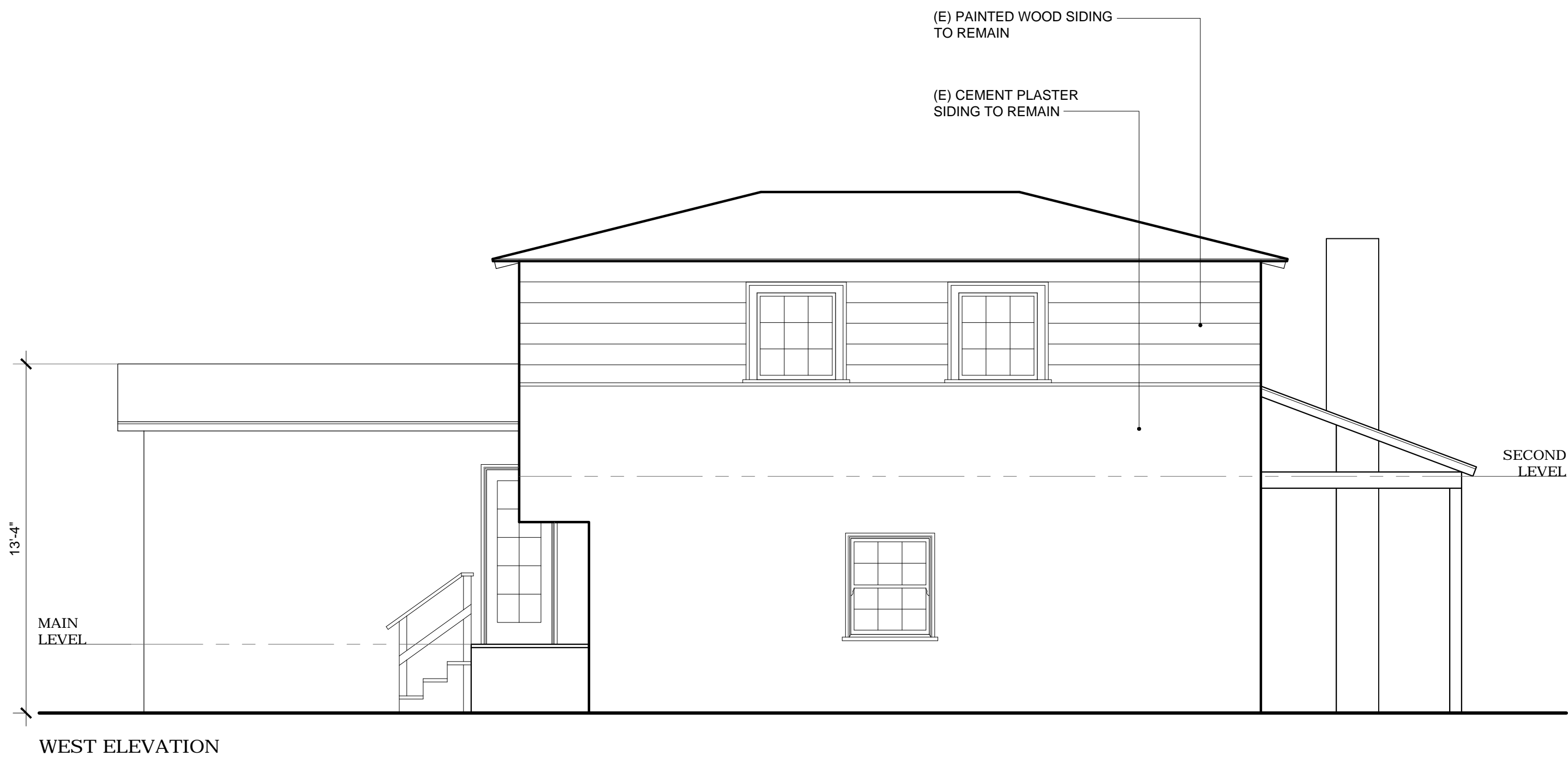
SAID-JON EGBAL
 482 WESLEY
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 v. 510.922.9722
 f. 510.922.9723
 e. sje@sjeghbal.com

PLANS APPROVED by

[Signature] March 21, 2017

SIGNATURE DATE

***AUP Findings and Conditions Attached**



**1145 GRIZZLY PEAK
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SUBMITTAL : DATE :
 AUP SUBMITTAL: 07 OCT '16

SHEET:
**EXISTING
 EXTERIOR
 ELEVATIONS**

A5

PLANS APPROVED by

March 21, 2017

SIGNATURE

DATE

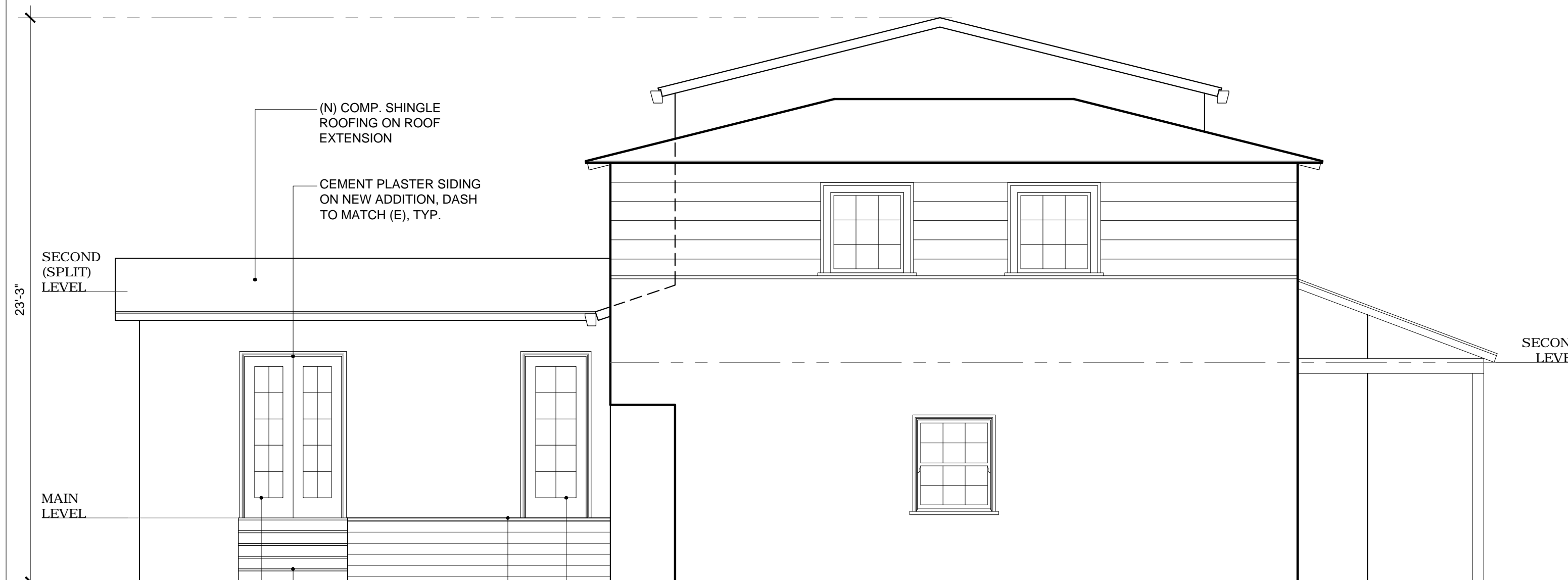
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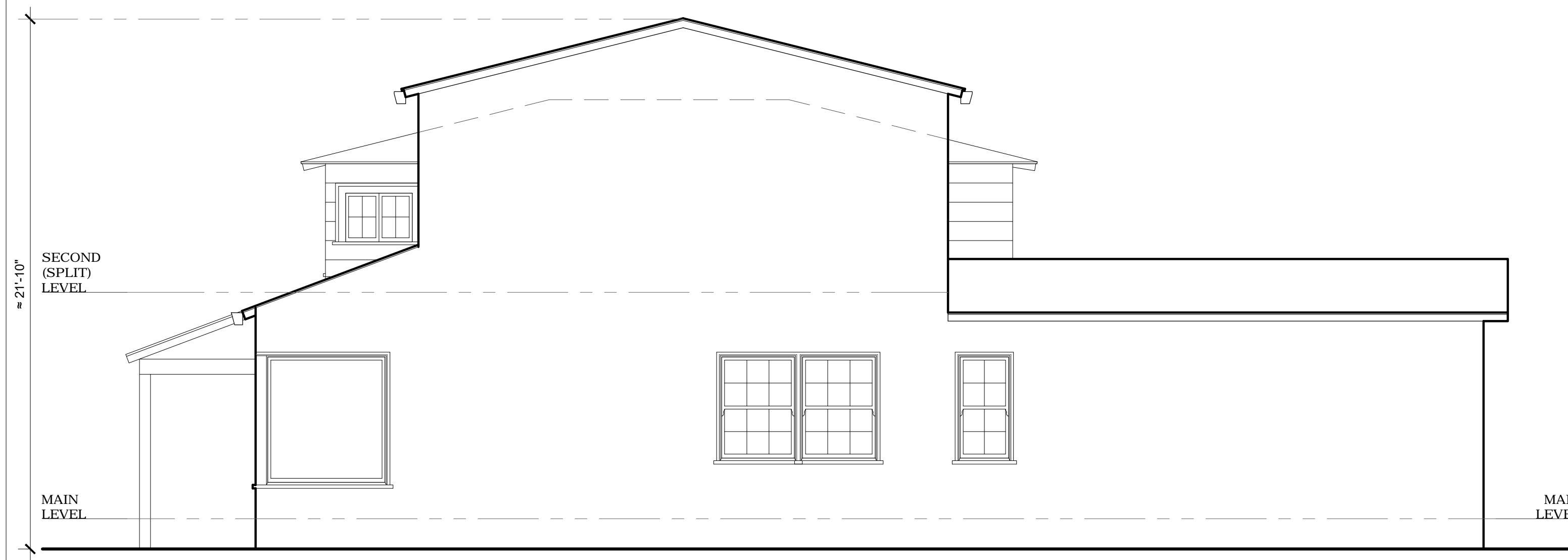
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SHEET:
**PROPOSED
EXTERIOR
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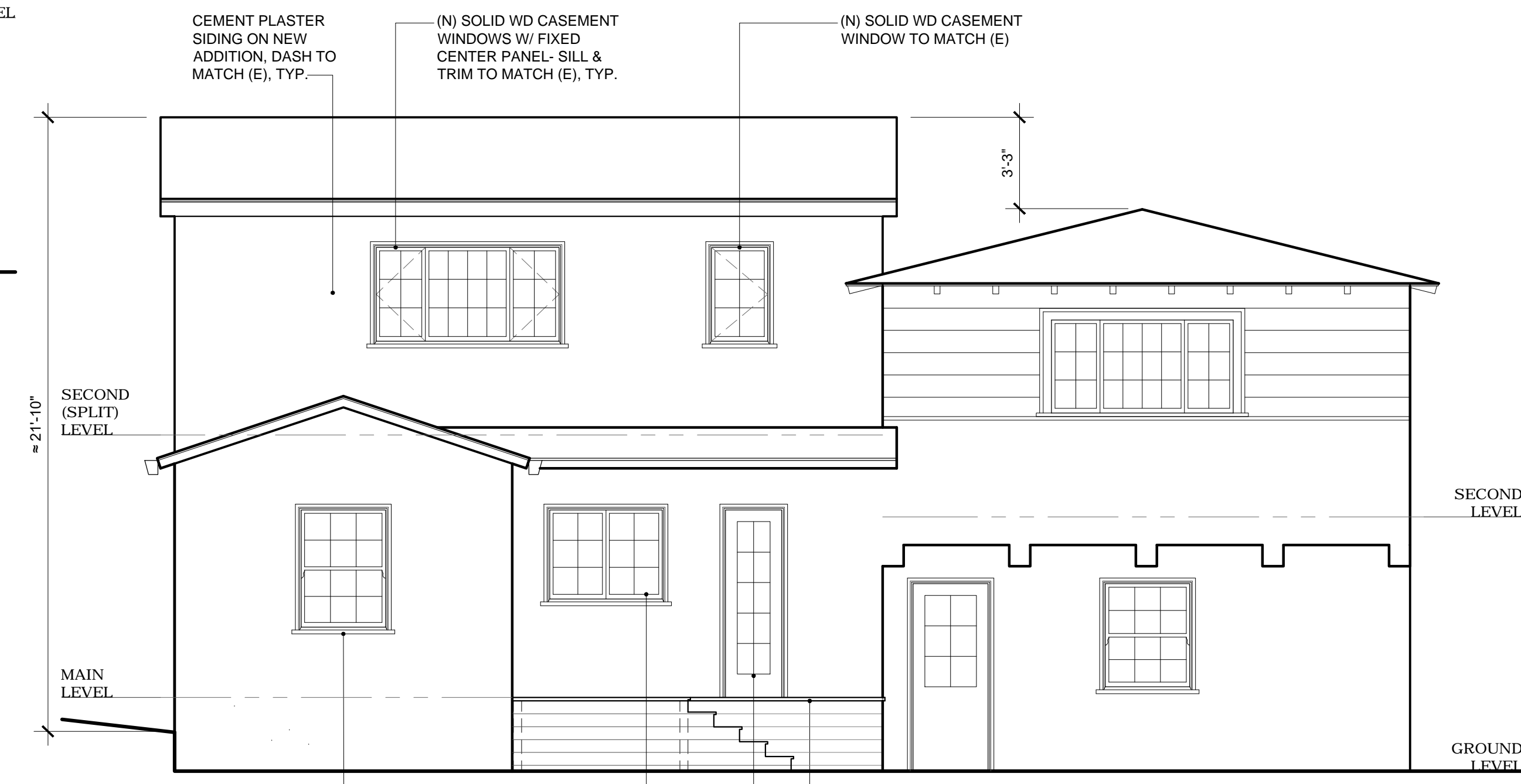
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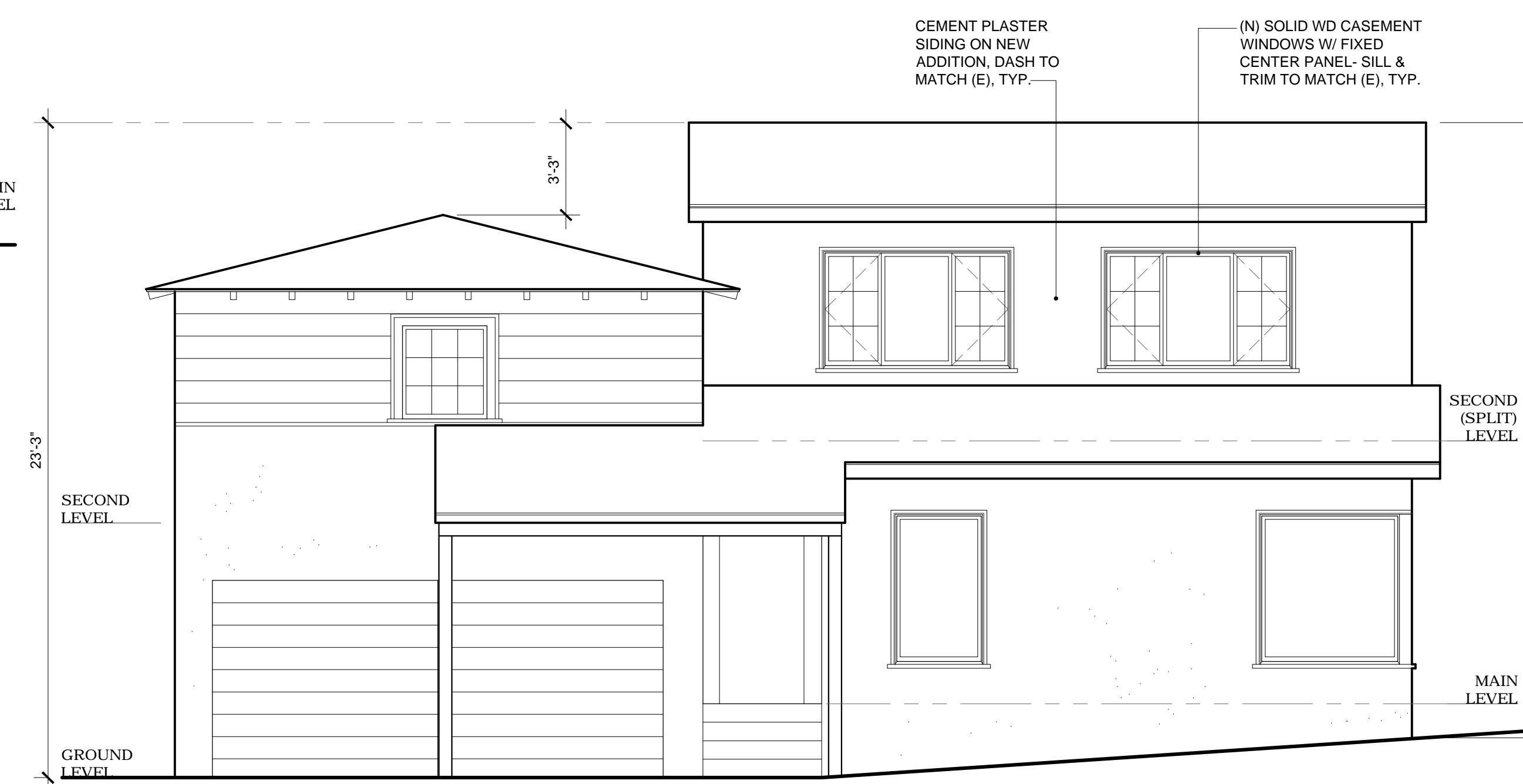
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(N) SOLID WD. DECK
(N) SOLID WD. TRUE DIVIDED LIGHT FRENCH DOORS, TO MATCH (E)
RE-PURPOSE (E) KITCHEN DOOR, RELOCATE TO (N) OPENING



MAIN LEVEL



(N) SOLID WD. CASEMENT WINDOW TO MATCH (E)
RE-PURPOSE (E) BEDROOM WIN., RELOCATE TO (N) OPENING
(N) SOLID WD. DECK
RE-PURPOSE (E) KITCHEN DOOR, RELOCATE TO (N) OPENING



SECOND LEVEL
GROUND LEVEL

SAID-JON EGBAL
482 WESLEY
AVENUE
OAKLAND 94606

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f. 510.922.9723
e. sje@sjeghbal.com

PLANS APPROVED by



March 21, 2017

SIGNATURE

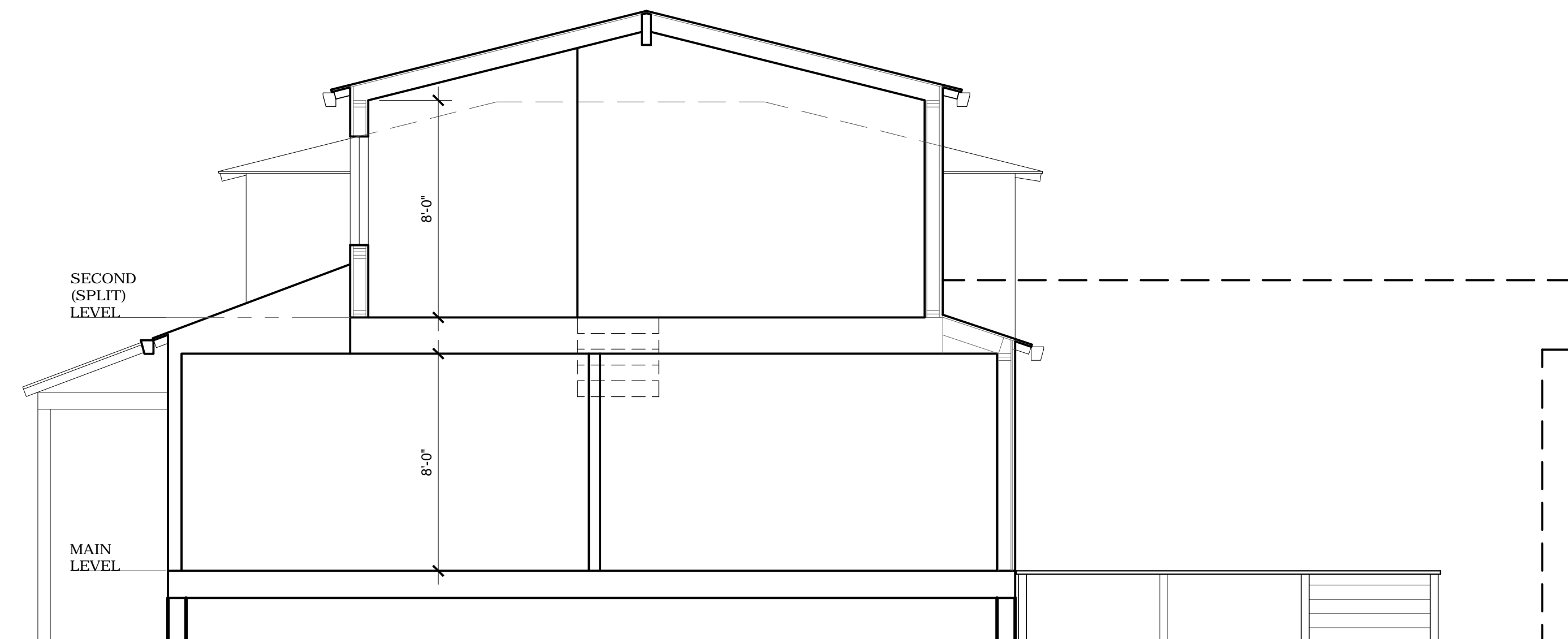
DATE

***AUP Findings and Conditions Attached**

**1145 GRIZZLY PEAK
BLVD.
BERKELEY, CA 94708**

SUBMITTAL : DATE :
AUP SUBMITTAL: 07 OCT '16

SHEET:
**BUILDING
SECTION**



PROPOSED BUILDING SECTION
SCALE: 1/4" = 1'-0"

1

A7