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**1449 GRIZZLY PEAK BOULEVARD**  
**Administrative Use Permit #ZP2019-0111**  
**Prepared: June 12, 2020**

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# Z O N I N G A D J U S T M E N T S B O A R D S T A F F R E P O R T

FOR BOARD ACTION  
MARCH 12, 2020

## 1449 Grizzly Peak Road

**Appeal of Zoning Officer's Decision to approve Administrative Use Permit #ZP2019-0111 to alter a 5,526 square-foot residential parcel by 1) constructing a 500 square-foot major residential addition on the third story of an existing 2,791 square-foot, three-story single-family dwelling, which will increase the average building height and maximum building height by approximately 2'; 2) constructing the fifth bedroom on the parcel; and 3) constructing a perimeter fence four feet from the rear property line and on the side property lines that will be from 6'-2" to 8'-7" in height.**

### I. Background

#### A. Land Use Designations:

- General Plan: LDR – Low Density Residential
- Zoning: R-1(H) – Single-Family Residential District, Hillside Overlay

#### B. Zoning Permits Required:

- Administrative Use Permit pursuant to Berkeley Municipal Code (BMC) Section 23D.16.030 to construct a major residential addition (cumulative);
- Administrative Use Permit pursuant to BMC Section 23D.16.050.A to construct a fifth bedroom on the parcel;
- Administrative Use Permit pursuant to BMC Section 23D.16.070.C to construct an addition which would exceed fourteen feet in average height;
- Administrative Use Permit pursuant to BMC Section 23E.96.070.B to construct an addition which would exceed twenty feet in maximum height for a building located within the "H" Hillside Overlay District; and
- Administrative Use Permit pursuant to BMC Section 23D.08.060.A.2 to construct a fence over six feet in height.

**C. CEQA Determination:** Categorically exempt pursuant to Section 15301 of the CEQA Guidelines ("Existing Facilities").

#### D. Parties Involved:

- Applicant: Lillian Mitchell, 1708 Martin Luther King Jr. Way, Suite B, Berkeley

ZONING ADJUSTMENTS BOARD  
MARCH 12, 2020

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- Owner: Rodrigo Ubillus, 1449 Grizzly Peak Boulevard, Berkeley
- Appellant: Pamela Sihvola, 1476 Summit Road, Berkeley

**Figure 1: Vicinity Map**

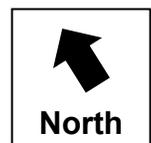
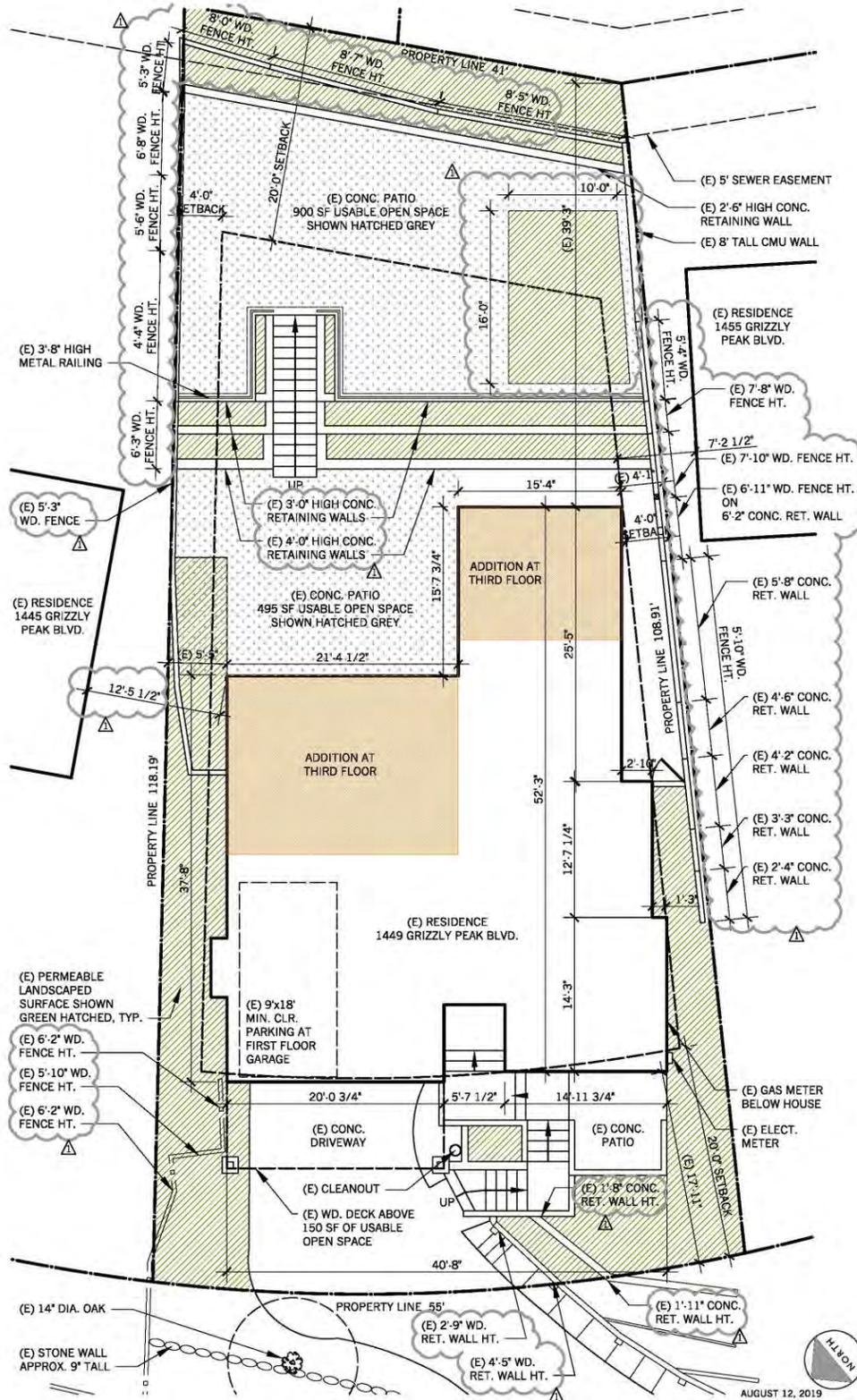


Figure 2: Site Plan



Grizzly Peak Boulevard

**Table 1: Land Use Information**

Location		Existing Use	Zoning District	General Plan Designation
Subject Property		Single-family dwelling	R-1(H)	LDR (Low Density Residential)
Surrounding Properties	North			
	South			
	East			
	West			

**Table 2: Special Characteristics**

Characteristic	Applies to Project?	Explanation
Creeks (Per BMC Section 17.08.045)	No	The project is not within a creek buffer zone.
Green Building Score	No	The project does not involve a new main dwelling unit. The Green Building Checklist is not required.
Housing Accountability Act (Per Gov't Code Section 65589.5(j))	No	The project is an addition to an existing residential building and is therefore not a "housing development project" as defined by Government Code.
Historic Resources	No	The project does not involve demolition of an existing residential building that is greater than 40 years old.
Oak Trees (BMC Section 6.52.010)	Yes	An existing, protected Coast Live Oak tree was removed from the project site at some point after the construction approved under AUP#13-20000050. A Code Enforcement case was opened in January 2020, pursuant to BMC Section 6.52.010.
Rent Controlled Units (Per BMC Chapter 13.76)	No	There are no units subject to the Rent Control Ordinance at this site.
Residential Preferred Parking (RPP) (Per BMC Chapter 14.72)	No	The Residential Preferred Parking Program does not apply to the site.
Seismic Hazards Mapping Act (Per State Hazards Mapping Act)	Yes	The project is located within an area susceptible to landslide.
Soil/Groundwater Contamination	No	The project site is not located in the City's Hazards Management Area and the site is not on any list maintained pursuant to the Cortese List.

**Table 3: Project Chronology**

Date	Action
June 19, 2019	Application submitted
July 18, 2019	Application deemed incomplete
August 12, 2019	Revised application submitted
August 30, 2019	Application deemed incomplete
October 29, 2019	Revised application submitted/Application deemed complete
November 20, 2019	Notice of Administrative Decision issued
December 11, 2019	Application appealed
February 27, 2020	Public hearing notices mailed/posted
March 12, 2020	ZAB hearing

**Table 4: Development Standards**

Standard		Existing	Change	Proposed	Permitted/ Required
BMC Sections 23D.16.070-080					
Lot Area (sq. ft.)		5,526	-	5,526	5,000 min.
Gross Floor Area (sq. ft.)		2,791	+500	3,291	N/A
Dwelling Units (Parcel)		1	-	1	1 max.
Bedrooms (Parcel)		4	+1	5	4 max. (without AUP or UPPH)
Building Height	Maximum	26'-6"	+2'-3"	28'-9"	35' max.
	Average	22'-6"	+2'-2"	24'-8"	14' max. for residential additions (28' max. average height w/AUP)
	Stories	3	-	3	3 max.
Building Setbacks	Front	17'-11"	-	17'-11"	20' min.
	Rear	39'-3"	-	39'-3"	20' min.
	Left (North) Side	5'-5"	-	5'-5"	4' min.
	Right (South) Side	4'-1"	-	4'-1"	4' min.
Lot Coverage (%)		30	-	30	40 max.
Usable Open Space (sq. ft.)		1,545	-	1,545	400 min. (400 per unit)
Automobile Parking		1	-	1	1 min.

## II. Project Setting

**A. Neighborhood/Area Description:** The project site is located in the Terrace View neighborhood of North Berkeley on the east side of Grizzly Peak Boulevard between Avenida Drive and Senior Avenue. The neighborhood primarily consists of two- and three-story single-family dwellings, separated by driveways leading to garages in the front yard and landscaping. The area slopes toward the west and includes mature vegetation along the street and between buildings.

**B. Site Conditions:** The project site slopes to the east, is rectangular in shape, and 55' wide by 118.19' deep. As noted above, the lot is currently developed with a 3-story single-family dwelling. The main building exceeds the rear and side yard setback requirements and provides a 17'-11" front yard setback, where 20' is required. There is one off-street parking space located in an existing garage in the front portion of the property at the first floor.

## III. Project Description

The project approved by the Zoning Officer would construct a 500 sq. ft. addition, comprised of an approximately 200 square foot addition and an approximately 300

addition. The addition would extend the existing third story at the rear of the dwelling, where an unenclosed roof deck and flat roof currently exist. The addition would increase the height of the dwelling by 2'-3" in maximum height (2'-2" average height) for a new maximum height of 28'-9" and a new average height of 24'-8". The new floor area would consist of a bedroom (the fifth on the parcel), bathroom and walk-in closet.

While the approved project is less than 600 square feet (which in certain circumstances could be approved with a Zoning Certificate, see BMC 23D.16.030), it is considered a major residential addition because the cumulative square footage added to the existing dwelling since October 31, 1991, is 1,056 sq. ft.<sup>1</sup> On May 23, 2014, the Planning Division issued AUP#13-20000050 to construct a two-story, 556 sq. ft. addition to a 1,515 sq. ft. single-family dwelling.

The site plan submitted on June 19, 2019 for the residential addition showed an existing, approximately 1,395 sq. ft. split-level concrete patio connected by a staircase and retaining wall, surrounded by an existing fence ranging from 6 feet to 8'-3" in height. During the initial 30-day review, staff determined that the retaining wall required a building permit, which had not been obtained prior to its construction. Staff requested the applicant submit a building permit application to properly permit the retaining wall. In response, the applicant submitted a building permit application to the Permit Service Center on October 29, 2019, and the building permit is ready to issue as of February 13, 2020.<sup>2</sup>

#### IV. Community Discussion

**A. Neighbor/Community Concerns:** Prior to submitting this application to the City, a pre-application poster was erected by the applicant. The applicant also notified owners and occupants of all confronting and abutting properties, including the appellant. On July 15 and July 23, 2019, Staff received letters from the appellant stating concerns that are similar to the appeal points listed below, and discussed those concerns with the appellant (See Attachment 3). On November 20, 2019, Staff posted the Notice of Administrative Decision at the site and two nearby locations and sent notices to abutting and confronting property owners and occupants and to interested neighborhood groups.

**B. Zoning Officer's Decision to Approve:** The Zoning Officer determined that the proposed project will not be detrimental to those living and working in the neighborhood because it will meet the R-1(H) district standards for maximum residential density, height, minimum rear and side setbacks, lot coverage, usable open space and parking, and because the minor nature and location of the proposed addition will not create detrimental air, views, light, or privacy impacts (see Attachment 1). In addition, the project will not extend the non-conforming front yard setback. The addition of the fifth bedroom on the parcel will provide more room for residents at the single-family residence and will not result in an increase in dwelling unit density. The perimeter fence, ranging from 6'-2" to 8'-3" in height, is not expected to create

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<sup>1</sup> Berkeley Municipal Code Section 23F.04.010, Addition, Major Residential.

<sup>2</sup> Building Permit No. B2019-04688

significant changes to the existing sunlight or privacy conditions in the immediate vicinity of the project, as the fence is located on a sloping hillside, below the existing sightlines to the San Francisco Bay from the properties directly to the rear, and will thus not block views.

An appeal of the administrative decision was filed on December 11, 2019.

- C. Public Notice:** On December 31, 2019, January 31, 2020, and February 13, 2020, Staff notified the appellant that the public hearing date had been tentatively scheduled for March 12, 2020, and requested confirmation of their availability to attend the hearing. The City received confirmation that the notification was delivered. The City did not receive any communication from the appellant in response to the notifications. On February 27, 2020, the City mailed public hearing notices to all adjacent property owners and occupants within 300 feet of the subject property, and to interested neighborhood organizations. Staff also posted the Notice of Public Hearing at two locations within the immediate vicinity of the subject site. At the time of this writing, Staff has received no other communication from the public regarding this project.

## V. Appeal Issues and Analysis

- A. Appeal Issue 1 – “Construction Creep”.** The appellant believes the proposed project would appear to represent "construction creep" and a violation of the premise of the previous permit AUP #13-20000050, dated May 1, 2014, which was approved after City Planning & Development recommended negotiations and mediation among the applicant and the neighbors to modify the project and define the limits of construction and its impacts on the abutting neighbors (page 1).” See Attachment 4, page 1, bullet 1.

Staff Analysis: The 2019 application is a new and distinct application from that approved and constructed five years earlier in 2014. In addition, as noted above, while the approved project is less than 600 square feet (which in certain circumstances could be approved with a Zoning Certificate, see BMC 23D.16.030), it is considered a major residential addition because the *cumulative* square footage added to the existing dwelling since October 31, 1991, is 1,056 square feet. As per the definition of Addition, Major Residential (BMC Section 23F.04.010), Floor area from all residential additions since October 31, 1991, with two exceptions, shall count towards the calculation of gross floor area for the purposes of this definition. The project conforms to the development standards of the R-1(H) district, and meets the findings for non-detriment as summarized above as described in the findings and conditions (Attachment 1). Negotiations and mediations among the applicant and neighbors is addressed under Appeal Point 5.

- B. Appeal Issue 2 – Oak Tree removal:** The appellant contends that a protected Oak Tree was removed from the rear yard, in violation of the conditions of approval for AUP #13-20000050 (Attachment 4, page 1, bullet 2).

Staff Analysis: According to the appellant, a Coast Live Oak Tree was removed from the southwest corner of the property sometime after construction approved pursuant to AUP #13-20000050 was completed, most likely during the unpermitted construction of the concrete patio and retaining wall (see Attachment 2, page 3A and Attachment 5). Staff conferred with the City's consulting arborist, who confirmed the tree is a Coast Live Oak, based on site photos submitted by the appellant, and is therefore subject to the provisions of BMC Chapter 6.52 (Moratorium on the Removal of Coast Live Oak Trees), which states that there are "no permits and no exceptions to its removal unless it is an emergency or passed by Ordinance". The City has recently executed a contract with a consulting Arborist to enhance the review of proposed projects that include demolition and or/construction activity near a protected Coast Live Oak, as well as to improve the enforcement process. In addition, the Land Use Planning Division supports the Parks, Recreation and Waterfront Department in their current efforts to consider an update to the Tree Ordinance. In response to the arborist's confirmation, a Code Enforcement Case was opened on January 29, 2020, pursuant to BMC Section 1.20.020, which provides that any violation of any ordinance of the City may be charged as an infraction; the penalty by fine for the first violation is \$100.<sup>3</sup>

Since the protected Oak Tree is subject to Code Enforcement, staff recommends the ZAB dismiss this appeal point.

- C. Appeal Issue 3 – Construction in the rear yard:** The appellant contends that a concrete structure was constructed in the rear yard, in violation of the conditions of approval for AUP #13-20000050 (Attachment 4, page 1, bullets 1 and 2).

Staff Analysis: As discussed in the Project Description (Section III) above, during initial 30-day review of the AUP#2019-0111, staff determined that the retaining wall in the rear yard was constructed without the necessary building permits. In response, staff requested the applicant apply for a building permit to correct the unpermitted work; the applicant submitted a building permit on October 29, 2019, which is ready to issue as of February 13, 2020. According to the appellant, construction of the concrete patio and retaining wall violates the Conditions of Approval pursuant to AUP #13-20000050 (See Attachment 5). The scope of work approved under that AUP did not include the concrete patio and retaining wall, nor did the associated building permit. The building permit associated with AUP #13-20000050 was finalized, indicating that construction was completed in compliance with the Conditions of Approval. As construction of the retaining wall and patio occurred after the building permit was finalized, it is not considered a violation of the Conditions of Approval, and is rather considered unpermitted work that must either be removed or properly permitted.

Since the unpermitted construction of the retaining wall occurred separately from the scope of work approved under AUP #13-20000050, and the applicant has since applied for a building permit to legalize the unpermitted work, which is ready to issue, staff recommends the ZAB dismiss this appeal point.

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<sup>3</sup> [The removal of the subject Protected Live Oak Tree is being enforced through](#) Code Enforcement Case No. 121000747356.

- D. Appeal Issue 4 – Roof deck:** The appellant asks staff to explain why a permit was granted for a roof deck facing the Summit Road neighbors “without informing the neighbors who are impacted.” (Attachment 4, page 1, bullet 3).

Staff Analysis: The roof deck was permitted as a revision to the approved Administrative Use Permit plans (AUP #13-20000050) during the Building Permit application process to add a “roof terrace over an existing flat roof” (B2014-04403-REV2). The roof deck is approximately 310 square feet, and setback 5’-5” from the side (northwest) property line and 55’ from the rear property line. It includes a railing which is located below the roof line of the addition approved under the previous AUP at a height of 12’-10”, where the roof line is at a height of 18’-7” at the rear. Planning Staff determined the revision was a minor change, consistent with AUP #13-20000050 Condition of Approval #4: “the Zoning Officer may approve changes that do not expand, intensify, or substantially change the use or building.” Also, the approved project (ZP2019-0111) includes replacement of the existing roof terrace with a new bedroom and bathroom at the third level. Therefore, Staff recommends that the ZAB dismiss this appeal point.

- E. Appeal Issue 5 – Exterior Materials:** The appellant contends that during the review process for AUP#13-20000050, “mediation discussion included a commitment by the applicant to choose a building color to blend with the environment - note the stark bright white facade remains on the house and continues to reflect sunlight in a blinding and obtrusive manner.” (Attachment 4, page 1, bullet 4).

- F. Staff Analysis:** The project plans approved under the previous AUP indicated stucco as the exterior material on the new third floor and wood siding to remain on the existing second floor. Although the approved building permit plans indicate stucco on both the second and third floors, the change of exterior materials is considered minor as it does not “expand, intensify or substantially change the use or building” pursuant to standard Condition of Approval #4. Further, the change in exterior materials complies with Condition of Approval #24 (AUP#13-20000050), which states “All construction at the subject property shall substantially conform to the approved Use Permit drawings or to modifications approved by the Zoning Officer.”

Mediation is a tool that the Planning Division encourages applicants and neighbors to utilize through a private third-party early in the design process, in order to identify and resolve issues of concern. However, participation in mediation is voluntary, and compliance with any private party agreements reached in mediation cannot be enforced by the City unless the commitments made in mediation are incorporated into a Condition of Approval. Further, Planning Staff determined that the stucco exterior did not result in a significant aesthetic impact (i.e., light and glare), and was therefore determined to be non-detrimental. Since the appellant has not provided additional evidence to suggest the non-detriment finding cannot be made based on impacts to light and glare from the stucco exterior materials at the second and third stories, staff recommends the ZAB dismiss this appeal point.

- G. Appeal Issue 6 – Sewer easement encroachment:** The appellant asks staff to confirm whether a “boundary survey [was] done in order to determine the exact location of the rear property line to determine its location with respect to the City's sewer easement? Did the backyard concrete construction, in fact, encroach upon the City's sewer easement? Did, also, the recently constructed rear fence encroach upon the City's sewer easement?” (Attachment 4, page 2, bullet 5).

Staff Analysis: A boundary survey was completed prior to the submittal of the zoning permit application, and the existing 8'-3"- tall fence encroaches on a portion of the sewer easement. However, the fence does not require an encroachment permit pursuant to BMC Section 16.18.020, and Public Works Staff approved the location of the fence as part of the current building permit application, as the fence can be easily removed in the event the sanitary sewer needs to be accessed; therefore, staff recommends the ZAB dismiss this appeal point.

- H. Appeal Issue 7 – Maximum Building Height:** The appellant asks staff to explain why the proposed increase in the maximum building height by 2'-3" was approved by the Zoning Officer without a public hearing, “If the approved AUP #13-2000050 specifically stipulated that the maximum ceiling of the structure would be 8 ft.?” (Attachment 4, page 2, bullet 6).

Staff Analysis: The Conditions of Approval for AUP #13-2000050 are applicable to the previously approved project, which has been constructed, and do not carry over to the current, approved project (ZP2019-0111), including the maximum allowable building height.

The proposed project requires the Administrative Use Permits listed on page 1 of this Staff Report. The application process requires multiple forms of neighbor notification: a yellow poster must be installed at the front of the project site, and the applicant must notify all abutting and confronting neighbors by obtaining signatures on the site plan prior to submitting an application. The Notice of Administrative Decision is posted on-site and mailed to property owners within 300 feet; the Decision may be appealed for a period of 21 days after it is posted. A public hearing is not required for approval of an AUP. Staff recommends the ZAB dismiss this appeal point.

- I. Appeal Issue 8 – Major Residential Addition:** The appellant asks staff to explain “how is it legal that the Planning Department allows the applicant to over-double the residence size from the original 1,515 sq. ft. to 3,291 sq. ft. in a piecemeal fashion without scheduling a Public Hearing?” (Attachment 4, page 2, bullet 7).

Staff Analysis: As described in Appeal Point 1, cumulative projects are addressed in the Berkeley Municipal Code. As described in Appeal Point 7, the project requires several AUPs; however the AUP process does not require a public hearing. Staff recommends that the ZAB dismiss this appeal point.

## VI. Recommendation

The appeal points discussed above are focused on process, and no evidence has been provided to dispute any finding of non-detriment for this project. Because of the project's consistency with the Zoning Ordinance and General Plan, and minimal impact on surrounding properties, staff recommends that the Zoning Adjustments Board: **APPROVE Administrative Use Permit #ZP2019-0111** pursuant to Section 23B.28.060.C.1 and subject to the attached Findings and Conditions (see Attachment 1) and **DISMISS the Appeal**.

### Attachments:

1. Findings and Conditions, ZP#2019-0111, November 20, 2019
2. Project Plans, received August 12, 2019
3. Neighbor Comment Letters, received July 17, and July 23, 2019
4. Letter of Appeal, received December 11, 2019
5. AUP #13-20000050, effective May 23, 2014
6. Notice of Public Hearing

**Staff Planner:** Ashley James, [ajames@cityofberkeley.info](mailto:ajames@cityofberkeley.info), (510) 981-7458



# N O T I C E O F A D M I N I S T R A T I V E D E C I S I O N

## 1449 Grizzly Peak Boulevard

Administrative Use Permit #ZP2019-0111

To alter a 5,526 square-foot residential parcel by 1) constructing a 500 square-foot major residential addition on the third story of an existing 2,791 square-foot, three-story single-family dwelling, which will increase the average building height by 2'-2" and the maximum building height by 2'-3, resulting in a 3,291 square-foot, three-story, single-family dwelling with an average building height of 24'-8" and a maximum building height of 28'-9", 2) constructing the fifth bedroom on the parcel, and 3) constructing a perimeter fence four feet from the rear property line and on the side property lines that will be from 6'-2" to 8'-7" in height.

**ZONING OFFICER DECISION:** The Zoning Officer of the City of Berkeley has APPROVED the following permits pursuant to Berkeley Municipal Code (BMC) Section 23B.28.050, and based on the attached findings and conditions (attachment 1) and plans (attachment 2):

- Administrative Use Permit pursuant to Berkeley Municipal Code (BMC) Section 23D.16.030 to construct a major residential addition (cumulative);
- Administrative Use Permit pursuant to BMC Section 23D.16.050.A to construct a fifth bedroom on the parcel;
- Administrative Use Permit pursuant to BMC Section 23D.16.070.C to construct an addition which would exceed fourteen feet in average height;
- Administrative Use Permit pursuant to BMC Section 23E.96.070.B to construct an addition which would exceed twenty feet in maximum height for a building located within the "H" Hillside Overlay District; and
- Administrative Use Permit pursuant to BMC Section 23D.08.060.A.2 to construct a fence over six feet in height.

**DATE NOTICE IS ISSUED: November 20, 2019**

**APPEAL PERIOD:** November 21, 2019 to December 11, 2019

**ATTACHMENTS:**

1. Findings and Conditions
2. Project Plans, dated received August 12, 2019

**FOR FURTHER INFORMATION:**

All application materials for this project are available online at: <http://www.cityofberkeley.info/zoningapplications> and at the Permit Service Center, Third Floor, at 1947 Center Street, between 8:30 AM to 4 PM Monday, Wednesday - Friday & 8:30 AM to 2:30 PM Tuesday (closed 2<sup>nd</sup> Friday of every month). Questions about the project should be directed to the project planner, Ashley James, at (510) 981-7458 or [ajames@cityofberkeley.info](mailto:ajames@cityofberkeley.info).

**PUBLIC NOTICE, PURSUANT TO BMC SECTION 23B.28.040 B&C:**

This Notice of Administrative Decision was:

1. Forwarded to the Zoning Adjustments Board and sent to the Main Library;
2. Posted at three visible locations in the vicinity of the subject property and at a bulletin board at the Zoning counter.
3. Mailed to neighborhood and community organizations for which the project falls within their expressed area of interest, as set forth in BMC Section [23B.24.060](#);
4. Mailed to owners and residents of properties abutting and confronting the subject property.

The validity of the proceedings, however, shall not be affected by the failure of any such property owner, occupant or neighborhood or community organization to receive such mailed notice.

**TO APPEAL THIS DECISION, PURSUANT TO BMC SECTION 23B.28.060:**

To appeal this decision, you must:

1. Submit a letter clearly and concisely setting forth the grounds for the appeal, along with the required fee (see below) to the Zoning Officer, at the Permit Service Center, 1947 Center Street, 3rd Floor, Berkeley.
2. The appeal and required fee (see below) must be received prior to 4:00 p.m. on the last day of the appeal period shown above (if the close of the appeal period falls on a weekend or holiday, then the appeal period expires the following business day).
3. Submit the required fee to the Permit Service Center (see above; checks and money orders must be payable to 'City of Berkeley'):
  - a. The basic fee for appeals of a Zoning Officer decision to the Zoning Adjustments Board is \$200. This fee may be reduced to \$75 if the appeal is signed by persons who lease or own at least 35 percent of the parcels or dwelling units within 300 feet of the project site, or at least 20 such persons (not including dependent children), whichever is less.
  - b. The fee for appeals of affordable housing projects (defined as projects which provide 50 percent or more affordable units for households earning 80% or less of Area Median Income) is \$500, which may not be reduced.
  - c. The fee for all appeals by Applicants is \$2500.

If an appeal is filed, the Zoning Officer shall set the matter for consideration by the Zoning Adjustments Board. An appeal stays the issuance and exercise of the AUP until a decision is rendered or the appeal is withdrawn. If no appeal is received, the permit will be issued on the first business day following expiration of the appeal period, and the project may proceed at that time.

**NOTICE CONCERNING YOUR LEGAL RIGHTS:**

If you object to this decision, the following requirements and restrictions apply:

1. If you challenge this decision in court, you may be limited to raising only those issues you or someone else raised in an appeal of the decision.
2. You must appeal to the Zoning Adjustments Board within twenty (20) days after the Notice of Decision of the action of the Zoning Officer is mailed. It is your obligation to notify the Land Use Planning Division in writing of your desire to receive a Notice of Decision when it is completed.
3. Pursuant to Code of Civil Procedure Section 1094.6(b) and Government Code Section 65009(c)(1), no lawsuit challenging a City decision, as defined by Code of Civil Procedure Section 1094.6(e), regarding a use permit, variance or other permit may be filed more than ninety (90) days after the date the decision becomes final, as defined in Code of Civil Procedure Section 1094.6(b). Any lawsuit not filed within that ninety (90) day period will be barred.
4. Pursuant to Government Code Section 66020(d)(1), notice is hereby given to the applicant that the 90-day protest period for any fees, dedications, reservations, or other exactions included in any permit approval begins upon final action by the City, and that any challenge must be filed within this 90-day period.
5. If you believe that this decision or any condition attached to it denies you any reasonable economic use of the subject property, was not sufficiently related to a legitimate public purpose, was not sufficiently

ATTACHMENT 1  
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NOTICE OF ADMINISTRATIVE DECISION  
Administrative Use Permit #ZP2019-0111

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proportional to any impact of the project, or for any other reason constitutes a "taking" of property for public use without just compensation under the California or United States Constitutions, your appeal of this decision must including the following information:

- A. That this belief is a basis of your appeal.
- B. Why you believe that the decision or condition constitutes a "taking" of property as set forth above.
- C. All evidence and argument in support of your belief that the decision or condition constitutes a "taking" as set forth above.

If you do not do so, you will waive any legal right to claim that your property has been taken, both before the City and in court.

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# ATTACHMENT 1

## FINDINGS AND CONDITIONS

NOVEMBER 20, 2019

### 1449 Grizzly Peak Boulevard

#### Administrative Use Permit #ZP2019-0111

To alter a 5,526 square-foot residential parcel by 1) constructing a 500 square-foot major residential addition on the third story of an existing 2,791 square-foot, three-story single-family dwelling, which will increase the average building height by 2'-2" and the maximum building height by 2'-3, resulting in a 3,291 square-foot, three-story, single-family dwelling with an average building height of 24'-8" and a maximum building height of 28'-9", 2) constructing the fifth bedroom on the parcel, and 3) constructing a perimeter fence four feet from the rear property line and on the side property lines that will be from 6'-2" to 8'-7" in height.

#### PERMITS REQUIRED

- Administrative Use Permit pursuant to Berkeley Municipal Code (BMC) Section 23D.16.030 to construct a major residential addition (cumulative);
- Administrative Use Permit pursuant to BMC Section 23D.16.050.A to construct a fifth bedroom on the parcel;
- Administrative Use Permit pursuant to BMC Section 23D.16.070.C to construct an addition which would exceed fourteen feet in average height;
- Administrative Use Permit pursuant to BMC Section 23E.96.070.B to construct an addition which would exceed twenty feet in maximum height for a building located within the "H" Hillside Overlay District; and
- Administrative Use Permit pursuant to BMC Section 23D.08.060.A.2 to construct a fence over six feet in height.

#### 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 (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 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 subject property is equal to or below the Single-Family Residential (R-1H) standards (BMC Section 23D.16.070-.080) for maximum residential density, height, setbacks, lot coverage, useable open space, and off-street parking (one main dwelling unit, where one main dwelling unit is allowed, average height of 24'-8" where 28' is the maximum, 5'-5" side (north) yard setback where 4' is the minimum, 4'-1" side (south) yard setback where 4' is the minimum, and 39'-3" rear yard setback where 20' is the minimum, 30% lot coverage where 40% is the maximum, 1,545 sq. ft. of usable open space where 400 sq. ft. is the minimum, and one off-street parking space where one is required). The subject property has a legally non-conforming front yard setback of 17'-1" where 20' is the minimum; however, the project would not extend or worsen this non-conformity. The subject property is equal to or below the Hillside Overlay District standards (BMC Section 23E.96.070) for maximum height for all residential additions of 28'-9" where 35' is the maximum. Therefore, the residential addition will be compatible with the existing property and neighborhood character;
- B. Privacy: Though the project includes new window openings on the addition to the third floor, these new windows on the front, northeast-side and rear are not expected to be detrimental to the privacy of neighbors because they would be located in walls that exceed all required yards; the new windows on the front of the building at the third floor would be setback 21'-1" from the front property line, where 20' is required. The building to building separation from the subject dwelling to abutting dwelling to the southeast at 1480 Summit Road is approximately 58', the dwelling to the southwest at 1455 Grizzly Peak Boulevard is approximately 9', and the dwelling to the northeast at 1445 Grizzly Peak Boulevard is approximately 14'-6". This separation, along with new openings that will mostly not directly face any windows in neighboring dwellings, will limit new privacy impacts;
- C. The addition to the main building will be constructed with proportions, scale and roof slopes that match the existing;
- D. While the project increases the number of bedrooms as defined in BMC Section 13.42.020.B on this parcel from four to five, the additional bedrooms will be added to an existing single-family residence. The addition of a fifth bedroom will provide more room for residents at the single-family residence and will not result in an increase in dwelling unit density; and
- E. The proposed perimeter fence will be from 6'-2" in height at the front of the property to 8'-3" in height at the rear of the property, and will be setback approximately 6' from the northwest property line at the front of the property, at the property line along the side yards, and setback approximately 4' from the rear property line. The fence will be located approximately 19' from the building located to the northeast at 1476 Summit Road, and 17' from the building located to the southeast at 1480 Summit Road. The fence will be constructed in an architectural style with colors and materials that are consistent with the surrounding buildings and fences. Due to its location, solar orientation, limited scale, and the presence of mature trees and other vegetation, the proposed fence is not

expected to create significant changes to the existing sunlight or privacy conditions in the immediate vicinity of this project. No new sight lines will be created to or from neighboring buildings, as the fence is located on a sloping hillside, below the existing sightlines to the San Francisco Bay from the properties directly to the rear of the property, and will thus not block views.

3. Pursuant to BMC Section 23D.16.090.B, the Zoning Officer finds that the major residential addition would not unreasonably obstruct sunlight, air, or views for the following reasons:
- A. Sunlight: The 500 sq. ft. addition to the existing third floor and the perimeter fence will not result in a significant loss of direct sunlight on neighboring dwellings. Shadow studies submitted by the applicant document the addition's projected shadow angles and lengths at three times throughout the day during the summer and winter solstice.
- Two hours before sunset on the winter solstice, shadows on the west side of the dwelling at 1445 Grizzly Peak Boulevard will increase and cover portions of four living room windows and a portion of the entryway door.
  - Two hours before sunset on the summer solstice, the shadows on the west side of the dwelling at 1445 Grizzly Peak Boulevard will increase and cover a living room window.
  - Because the impacts to neighboring properties will occur on limited areas, and will only partially shade a neighboring building for a limited time during the year, and only for a few hours of the day, the residential addition will not result in a significant loss of direct sunlight on abutting residences, and these shading impacts are not deemed detrimental;
- B. Air: The addition is found to be consistent with the existing development and building-to-building separation pattern – or air – in this R-1H neighborhood because the addition is an expansion of the existing third story, where a maximum of three are allowed. The minimum 4 ft. required side yard setbacks will be maintained; and
- C. Views: Berkeley Municipal Code Section 23F.04.010 defines view corridors as: a significant view of the Berkeley Hills, San Francisco Bay, Mt. Tamalpais, or a significant landmark such as the Campanile, Golden Gate Bridge, and Alcatraz. The dwellings to the east (1476 and 1480 Summit Road) are placed higher on the hill and have views of the Berkeley Hills and a partial view San Francisco Bay which is occluded by several mature trees in the yards of parcels across Grizzly Peak Boulevard from the subject property. Further, the proposed addition would not obstruct any existing partial views of the San Francisco Bay, as documented in the pictures of the story poles provided by the applicant. The dwellings to the west (1448 and 1446 Grizzly Peak Boulevard) are placed lower on the hill and have views of the Bay but the steep upsloping topography and the placement of the existing dwellings to the west occlude the Berkeley Hills. Further, the proposed addition would be located at the rear of the existing building on the third floor, and would match the existing roofline at the front of the building, therefore not obstructing views of the Berkeley Hills.

4. As required by BMC Section 23E.96.090.B, the Zoning Officer finds that the addition above the 20' maximum height that applies to additions is consistent with the purposes of the Hillside Overlay District as the height occurs in part because of the slope of this site, the proposed addition and fence will not adversely compromise the quality and character of this hillside parcel and its immediate environs, nor will it adversely impact views available from neighboring residences and parcels. The project maintains the original pattern and design of the lot and preserves westward views of the San Francisco Bay from the original building and its neighbors, as described above, in Section 3.

## 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 (BMC 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 (BMC 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.

### 5. Plans and Representations Become Conditions (BMC 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 (BMC 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 (BMC 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 (BMC 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 harmless, defend, and indemnify the City of Berkeley and its officers, agents, and employees against any and all liability, damages, claims, demands, judgments or other losses (including without limitation, attorney's fees, expert witness and consultant fees and other litigation expenses), referendum or initiative relating to, resulting from or caused by, or alleged to have resulted from, or caused by, any action or approval associated with the project. The indemnity includes without limitation, any legal or administrative challenge, referendum or initiative filed or prosecuted to overturn, set aside, stay or otherwise rescind any or all approvals granted in connection with the Project, any environmental determination made for the project and granting any permit issued in accordance with the project. This indemnity includes, without limitation, payment of all direct and indirect costs associated with any action specified herein. Direct and indirect costs shall include, without limitation, any attorney's fees, expert witness and consultant fees, court costs, and other litigation fees. City shall have the right to select counsel to represent the City at Applicant's expense in the defense of any action specified in this condition of approval. City shall take reasonable steps to promptly notify the Applicant of any claim, demand, or legal actions that may create a claim for indemnification under these conditions of approval.

**ADDITIONAL CONDITIONS IMPOSED BY THE ZONING OFFICER**

Pursuant to BMC Section 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 include in all building permit plans and post onsite the name and telephone number of an individual empowered to manage construction-related 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. **Please designate the name of this individual below:**

**Project Liaison** \_\_\_\_\_

Name

Phone #

**Standard Construction-related Conditions Applicable to all Projects:**

- 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, pedestrian paths or vehicle travel lanes (including bicycle lanes);
  - Storage of building materials, dumpsters, debris anywhere in the public ROW;
  - Provision of exclusive contractor parking on-street; or
  - 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, 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 1947 Center 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.
22. Halt Work/Unanticipated Discovery of Tribal Cultural Resources. In the event that cultural resources of Native American origin are identified during construction, all work within 50 feet of the discovery shall be redirected. The project applicant and project construction contractor shall notify the City Planning Department within 24 hours. The City will again contact any tribes who have requested consultation under AB 52, as well as contact a qualified archaeologist, to evaluate the resources and situation and provide recommendations. If it is determined that the resource is a tribal cultural resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with State guidelines and in consultation with Native American groups. If the resource cannot be avoided, additional measures to avoid or reduce impacts to the resource and to address tribal concerns may be required.
23. Archaeological Resources (Ongoing throughout demolition, grading, and/or construction). Pursuant to CEQA Guidelines Section 15064.5(f), "provisions for historical or unique archaeological resources accidentally discovered during construction" should be instituted. Therefore:
  - A. In the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant and/or lead agency shall consult with a qualified archaeologist, historian or paleontologist to assess the significance of the find.
  - B. If any find is determined to be significant, representatives of the project proponent and/or lead agency and the qualified professional would meet to determine the appropriate avoidance measures or other appropriate measure, with the ultimate

- determination to be made by the City of Berkeley. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and/or a report prepared by the qualified professional according to current professional standards.
- C. In considering any suggested measure proposed by the qualified professional, the project applicant shall determine whether avoidance is necessary or feasible in light of factors such as the uniqueness of the find, project design, costs, and other considerations.
- D. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation measures for cultural resources is carried out.
- E. If significant materials are recovered, the qualified professional shall prepare a report on the findings for submittal to the Northwest Information Center.
- 24. Human Remains (Ongoing throughout demolition, grading, and/or construction).** In the event that human skeletal remains are uncovered at the project site during ground-disturbing activities, all work shall immediately halt and the Alameda County Coroner shall be contacted to evaluate the remains, and following the procedures and protocols pursuant to CEQA Guidelines Section 15064.5 (e)(1) . If the County Coroner determines that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to Health and Safety Code Section 7050.5(c), and all excavation and site preparation activities shall cease within a 50-foot radius of the find until appropriate arrangements are made. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance and avoidance measures (if applicable) shall be completed expeditiously.
- 25. Paleontological Resources (Ongoing throughout demolition, grading, and/or construction).** In the event of an unanticipated discovery of a paleontological resource during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist (per Society of Vertebrate Paleontology standards [SVP 1995, 1996]). The qualified paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the City determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project on the qualities that make the resource important, and such plan shall be implemented. The plan shall be submitted to the City for review and approval.
- Prior to Issuance of Occupancy Permit or Final Inspection:**
- 26.** All construction at the subject property shall substantially conform to the approved Use Permit drawings or to modifications approved by the Zoning Officer.
- 27.** All landscape, site and architectural improvements shall be completed per the attached approved drawings dated August 12, 2019.

**At All Times (Operation):**

28. 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.
29. Drainage Patterns. 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.
30. Electrical Meter. Only one electrical meter fixture may be installed per dwelling unit.



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Prepared by: Ashley James  
For Greg Powell, Zoning Officer

**mitche||  
holladay**  
 architects

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 suite b  
 berkeley, ca 94709

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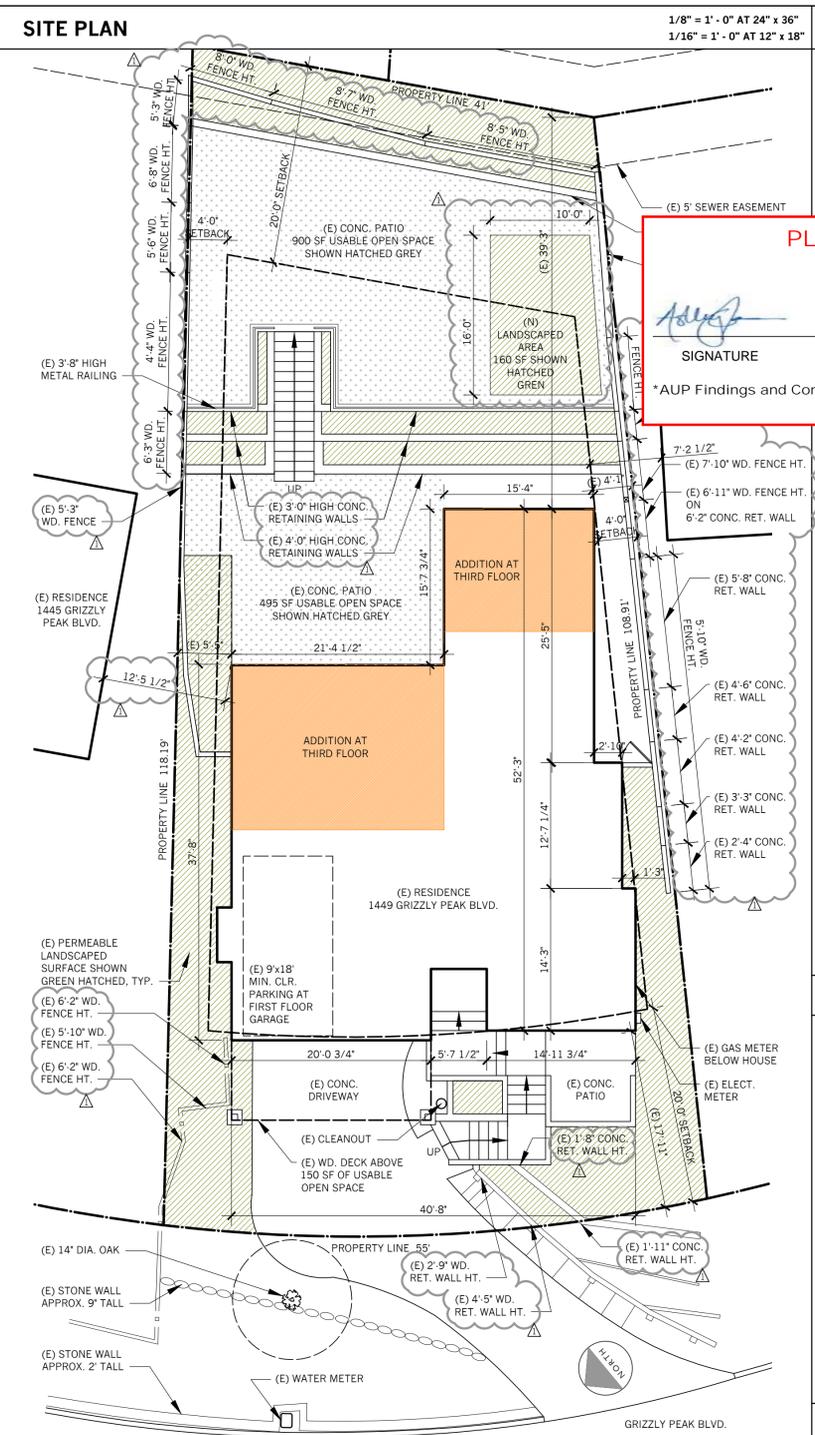
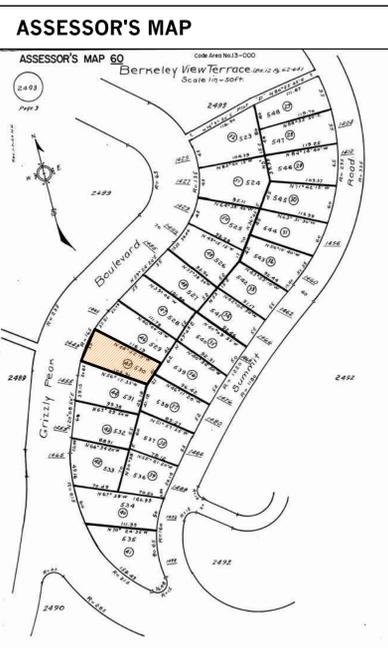
**UBILLUS  
RESIDENCE  
ADDITION**

1449 GRIZZLY PEAK BLVD.  
 BERKELEY, CA 94708

CONSULTANTS

- ### BEST MANAGEMENT PRACTICES
- SAND, DIRT, AND SIMILAR MATERIALS MUST BE STORED AT LEAST 10 FEET FROM CATCH BASINS, AND COVERED WITH A TARP DURING WET WEATHER OR WHEN RAIN IS FORECAST.
  - SWEEP STREETS AND OTHER PAVED AREAS DAILY. DO NOT WASH DOWN STREETS OR WORK AREAS WITH WATER.
  - RECYCLE ALL ASPHALT, CONCRETE, AND AGGREGATE BASE MATERIAL FROM DEMOLITION ACTIVITIES.
  - CHECK DUMPSTERS REGULARLY FOR LEAKS AND TO MAKE SURE THEY DON'T OVERFLOW. REPAIR OR REPLACE LEAKING DUMPSTERS PROMPTLY.
  - LABEL ALL HAZARDOUS MATERIALS AND HAZARDOUS WASTES (SUCH AS PESTICIDES, PAINTS, THINNERS, SOLVENTS, FUEL, OIL, AND ANTIFREEZE) IN ACCORDANCE WITH CITY, STATE, AND FEDERAL REGULATIONS.
  - STORE HAZARDOUS MATERIALS AND WASTES IN SECONDARY CONTAINMENT AND COVER THEM DURING WET WEATHER.
  - BE SURE TO ARRANGE FOR APPROPRIATE DISPOSAL OF ALL HAZARDOUS WASTES.
  - WHEN SPILLS OR LEAKS OCCUR (HAZARDOUS OR NON-HAZARDOUS), CONTAIN THEM IMMEDIATELY AND BE PARTICULARLY CAREFUL TO PREVENT LEAKS AND SPILLS FROM REACHING THE GUTTER, STREET, OR STORM DRAIN. NEVER WASH SPILLED MATERIAL INTO A GUTTER, STREET, STORM DRAIN, OR CREEK.
  - REPORT ANY HAZARDOUS MATERIALS SPILLS IMMEDIATELY! DIAL 911 OR YOUR LOCAL EMERGENCY RESPONSE NUMBER.
  - DO NOT CLEAN VEHICLES OR EQUIPMENT ON-SITE USING SOAPS, SOLVENTS, DEGREASERS, STEAM CLEANING EQUIPMENT, ETC.
  - KEEP EXCAVATED SOIL ON THE SITE WHERE IT IS LEAST LIKELY TO COLLECT IN THE STREET. TRANSFER TO DUMP TRUCKS SHOULD TAKE PLACE ON THE SITE, NOT IN THE STREET.
  - USE FIBER ROLLS, SILT FENCES, OR OTHER CONTROL MEASURES TO MINIMIZE THE FLOW OF SILT OFF THE SITE. SEE SITE PLAN FOR SPECIFIC MEASURES.
  - SHOVEL, ABSORB, OR VACUUM SAW-CUT SLURRY AND PICK UP ALL WASTE AS SOON AS YOU ARE FINISHED IN ONE LOCATION OR AT THE END OF EACH WORK DAY (WHICHEVER IS SOONER).
  - IF SAW CUT SLURRY ENTERS A CATCH BASIN, CLEAN IT UP IMMEDIATELY.
  - PROTECT GUTTERS, DITCHES, AND DRAINAGE COURSES WITH SAND/GRAVEL BAGS, OR EARTHEN BERMS.
  - BE SURE TO STORE CONCRETE, GROUT, AND MORTAR UNDER COVER AND AWAY FROM DRAINAGE AREAS. THESE MATERIALS MUST NEVER REACH A STORM DRAIN.
  - WASH OUT CONCRETE EQUIPMENT/TRUCKS OFF-SITE.
  - WASH OUT EXCESS OIL-BASED PAINT BEFORE CLEANING BRUSHES IN THINNER.
  - PAINT OUT EXCESS WATER-BASED PAINT BEFORE RINSING BRUSHES, ROLLERS, OR CONTAINERS IN A SINK. IF YOU CAN'T USE A SINK, DIRECT WASH WATER TO A DIRT AREA AND SPADE IN IT.
  - PAINT OUT EXCESS OIL-BASED PAINT BEFORE CLEANING BRUSHES IN THINNER.
  - FILTER PAINT THINNERS AND SOLVENTS FOR REUSE WHENEVER POSSIBLE. DISPOSE OF OIL-BASED PAINT SLUDGE AND USEABLE THINNER AS HAZARDOUS WASTE.

- ### GENERAL NOTES
- ALL WORK SHALL CONFORM TO THE CALIFORNIA RESIDENTIAL CODE, 2016 EDITION; CALIFORNIA PLUMBING CODE, 2016 EDITION; CALIFORNIA MECHANICAL CODE, 2016 EDITION; CALIFORNIA ELECTRICAL CODE, 2016 EDITION; 2016 ENERGY CODE; CITY OF BERKELEY ORDINANCES, ALAMEDA COUNTY REQUIREMENTS AND ALL OTHER APPLICABLE CODES AND ORDINANCES.
  - THE CONTRACTOR SHALL VERIFY ALL CONDITIONS AND DIMENSIONS ON THE SITE PRIOR TO BEGINNING WORK. CONTRACTOR SHALL FAMILIARIZE HIM/HERSELF WITH VERTICAL AND LATERAL LOAD TRANSFER THROUGH FRAMING TO FOUNDATION. DIMENSIONS, FOUNDATION LAYOUT, FRAMING LAYOUT, LOAD TRANSFER THROUGH NEW AND EXISTING FRAMING TO FOUNDATION LOCATION OF BEAMS, BRACING, ETC. SHOULD ALL BE VERIFIED PRIOR TO ACTUAL CONSTRUCTION. VARIANCE BETWEEN THE DRAWINGS AND THE ACTUAL SITE CONDITIONS, AND ANY ERRORS OR OMISSIONS FOUND IN THE DRAWINGS, SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT BEFORE PROCEEDING WITH THE WORK. UPON DISCOVERY OF UNFORESEEN CONDITIONS ON THE SITE, THE CONTRACTOR SHALL STOP THE WORK AND REQUEST ADDITIONAL INFORMATION FROM THE ARCHITECT. THE CONTRACTOR SHALL NOTIFY THE ARCHITECT WHEN THE EXISTING STRUCTURE HAS BEEN EXPOSED.
  - DURING DEMOLITION CONTRACTOR IS TO CAP ALL ELECTRICAL OUTLETS, SWITCHES AND UTILITIES PER CODE. NOTIFY OWNER 24 HOURS PRIOR TO ANY INTERRUPTION IN POWER OR UTILITIES.
  - BRACE AND SUPPORT EXTERIOR AND INTERIOR WALLS AS NECESSARY PRIOR TO REMOVAL OF EXISTING STRUCTURE. SO AS TO PREVENT ANY MOVEMENT OF THE EXISTING STRUCTURE. THE GENERAL CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR PROVIDING ADEQUATE SHORING AND BRACING DURING CONSTRUCTION FOR VERTICAL AND LATERAL LOADS AS REQUIRED FOR THE PROTECTION OF LIFE AND PROPERTY DURING CONSTRUCTION.
  - WRITTEN DIMENSIONS SHOWN IN THE DRAWINGS ARE TO FACE OF FINISH UNLESS OTHERWISE NOTED; THEY SHALL HAVE PRECEDENCE OVER ANY SCALED DIMENSIONS. THE CONTRACTOR SHALL NOT USE SCALED DIMENSIONS. DETAIL DRAWINGS HAVE PRECEDENCE OVER MORE GENERAL DRAWINGS.
  - THE CONTRACTOR SHALL GUARANTEE ALL NEW WORK AGAINST LEAKS FOR A PERIOD OF TWO YEARS FOLLOWING COMPLETION OF THE WORK.
  - THE CONTRACTOR SHALL BE RESPONSIBLE FOR RESTORING TO ORIGINAL CONDITION, AT HIS OWN EXPENSE, ANY DAMAGE DONE BY HIM OR HIS AGENTS TO THE EXISTING BUILDINGS OR GROUNDS.
  - THE CONTRACTOR SHALL INSTALL ALL PRODUCTS AND MATERIALS IN ACCORDANCE WITH THE MANUFACTURER'S SPECIFICATIONS AND IN ACCORDANCE WITH THE LATEST EDITION OF TRADE STANDARDS, PUBLISHED BY THE TRADE ASSOCIATIONS.
  - THE CONTRACTOR SHALL COMPLY WITH ALL APPLICABLE PORTIONS OF TITLE 24 OF THE CALIFORNIA ADMINISTRATIVE CODE.
  - DIMENSIONS, LOCATIONS OF DOORS, PARTITIONS, CABINET WORK AND SIMILAR FEATURES TO BE VERIFIED ON SITE.
  - IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO COORDINATE LAYOUT OF ALL THE VARIOUS COMPONENTS OF THE CONSTRUCTION AS REQUIRED TO ACCOMMODATE THE ELECTRICAL LAYOUT INDICATED. SPECIAL ATTENTION SHOULD BE GIVEN TO FRAMING LAYOUT TO AVOID CUTTING AND REFRAMING TO ACHIEVE PROPER LOCATIONS FOR FIXTURES.
  - THE ARCHITECT DOES NOT ASSUME RESPONSIBILITY FOR CONSTRUCTION MEANS, METHODS, TECHNIQUES, SEQUENCE OR PROCEDURES OF CONSTRUCTION, OR SAFETY PRECAUTIONS, WHICH ARE TO REMAIN THE RESPONSIBILITY OF THE GENERAL CONTRACTOR.
  - THE ARCHITECT DOES NOT PROVIDE EVALUATION FOR THE EXISTENCE OF HAZARDOUS MATERIAL NOR ASSUME RESPONSIBILITY FOR THEIR MANAGEMENT. SHOULD THE CONTRACTOR ENCOUNTER ANY HAZARDOUS MATERIALS IN THE PERFORMANCE OF HIS WORK, THE CONTRACTOR SHALL NOTIFY THE OWNER IMMEDIATELY AND PROCEED WITH WORK ONLY IN COMPLIANCE WITH APPLICABLE HAZARDOUS MATERIAL HANDLING REGULATIONS.
  - DIVERT CONSTRUCTION AND DEMOLITION WASTE AS FOLLOWS:  
 A. DIVERT ALL CARDBOARD, CONCRETE, ASPHALT AND METALS.  
 B. DIVERT 25% C&D WASTE, EXCLUDING ALL CARDBOARD, CONCRETE, ASPHALT, AND METALS.



### DRAWING INDEX

- A-0.0 COVER SHEET
- A-1.0 DEMO PLANS AND EXISTING ELEVATIONS
- A-2.0 PROPOSED FLOOR PLAN AND ROOF PLAN
- A-3.0 PROPOSED EXTERIOR ELEVATIONS
- A-4.0 SECTION

**PLANS APPROVED by**

*Adrian*  
SIGNATURE

**November 20, 2019**  
DATE

\*AUP Findings and Conditions Attached

### PROJECT DATA

CLIENTS:  
 CHERYL AND RODRIGO UBILLUS  
 1449 GRIZZLY PEAK BLVD.  
 BERKELEY, CA 94708

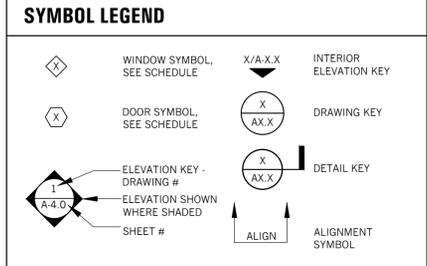
PROJECT SCOPE:  
 REAR ADDITION OF 500 SQ. FT. AT THE THIRD FLOOR, INCLUDING A BEDROOM, BATHROOM, AND WALK-IN CLOSET.

ZONING: R1-H  
 APN: 60-2493-45  
 FLOOD ZONE: NO  
 FIRE ZONE: 2  
 LANDSLIDE ZONE: YES  
 FIRE SPRINKLERS: NONE  
 OCCUPANCY: R-3  
 CONSTRUCTION TYPE: V-B  
 AVG. LOT SLOPE: 15%

### TABULATION FORM

	Existing	Proposed	Permitted/ Required
<b>Units, Parking Spaces &amp; Bedrooms</b>			
Number of Dwelling Units (U)	1	1	
Number of Parking Spaces (P)	1	1	
Number of Bedrooms (B)	4	5	
<b>Yield and Height</b>			
Front Yard Setback (Feet)	17'-11"	NA	20
Side Yard Setback (Feet)	5'-5"	NA	4
Left (Feet)	4'-1"	NA	4
Right (Feet)	39'-3"	NA	20
Rear Yard Setback (Feet)	3	3	3
Building Height* (8 Stories)	22'-6"	24'-8"	14
Average* (Feet)	26'-6"	28'-9"	20
Maximum* (Feet)	5,526	NA	NA
<b>Areas</b>			
Lot Area (Square-Feet)	2,791	3,291	NA
Gross Floor Area* (Square-Feet)	1,659	NA	NA
Total Area Covered by All Floors (Square-Feet)			
Building Footprint* (Square-Feet)			
Total of All Structures (Square-Feet)			
Lot Coverage* (Footprint/Lot Area) (%)			
Usable Open Space* (Square-Feet)			
Floor Area Ratio* Non-Residential only (Except ES-R)			

\*See Definitions - Zoning Ordinance Title 23F. Revised: 09/15



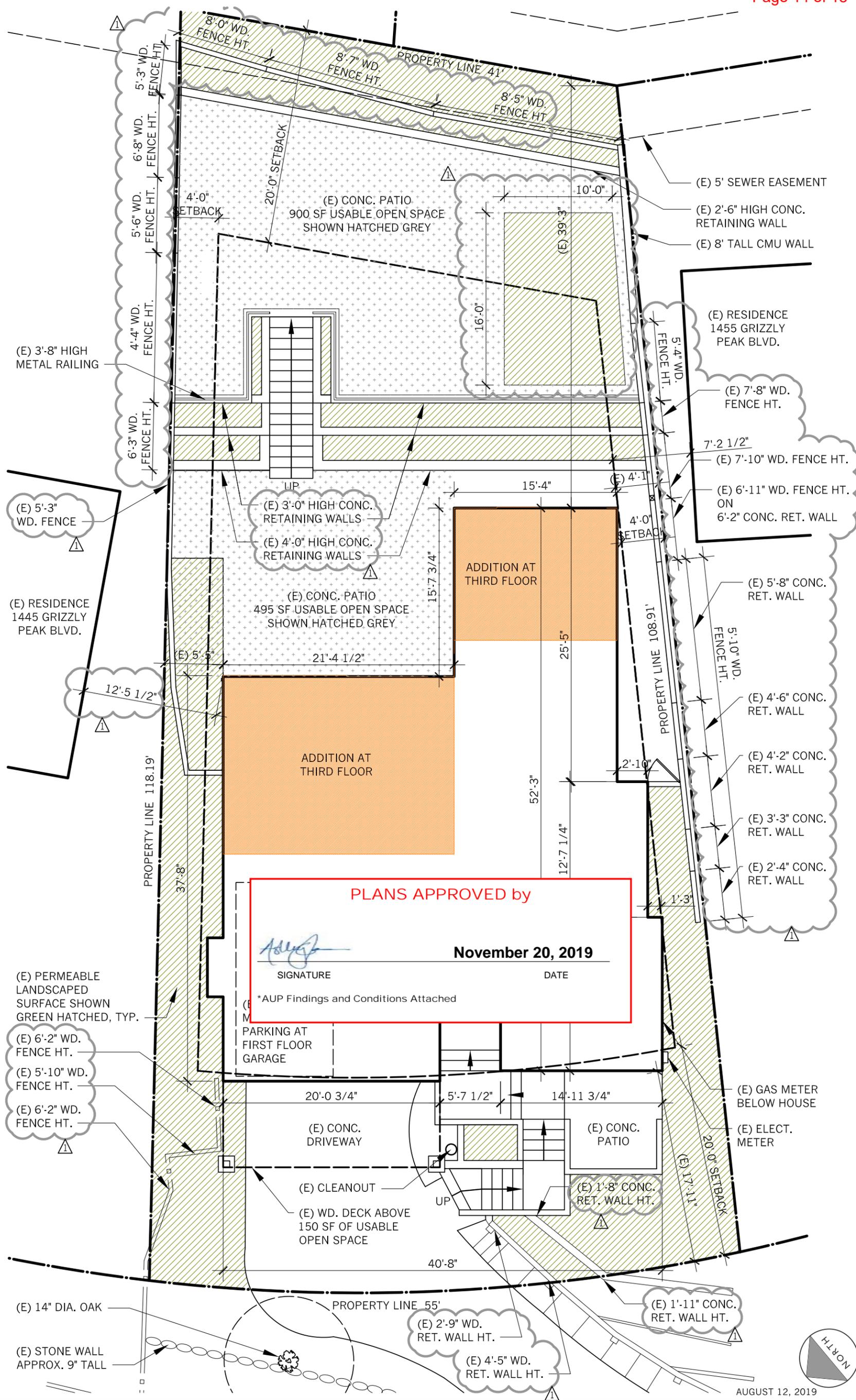
### NEIGHBOR'S SIGNATURES

I HAVE REVIEWED THE DRAWINGS FOR THE PROPOSED ADDITION AT 1449 GRIZZLY PEAK BLVD, WHICH INCLUDES 500 SF AT THE SECOND FLOOR.

NAME (PRINTED)	SIGNATURE	ADDRESS	OWNER YES/NO	DATE	HAVE NO OBJECTIONS	COMMENTS OR OBJECTIONS (PLEASE STATE BRIEFLY)
		1444 GRIZZLY PEAK BLVD.				
		1445 GRIZZLY PEAK BLVD.				
		1446 GRIZZLY PEAK BLVD.				
		1448 GRIZZLY PEAK BLVD.				
		1452 GRIZZLY PEAK BLVD.				
		1455 GRIZZLY PEAK BLVD.				
		1476 SUMMIT RD.				
		1480 SUMMIT RD.				

**COVER SHEET**

A - 0.0



mitche||  
holladay

architects

1708 martin luther king jr way  
suite b  
berkeley, ca 94709

510.705.1061

UBILLUS  
RESIDENCE  
ADDITION

1449 GRIZZLY PEAK BLVD.  
BERKELEY, CA 94708

CONSULTANTS

ISSUE	DATE
AUP SUBMITTAL	06/03/2019
AUP RESPONSE	08/12/2019

DEMO PLANS  
AND EXISTING  
ELEVATIONS

A - 1.0

PLANS APPROVED by

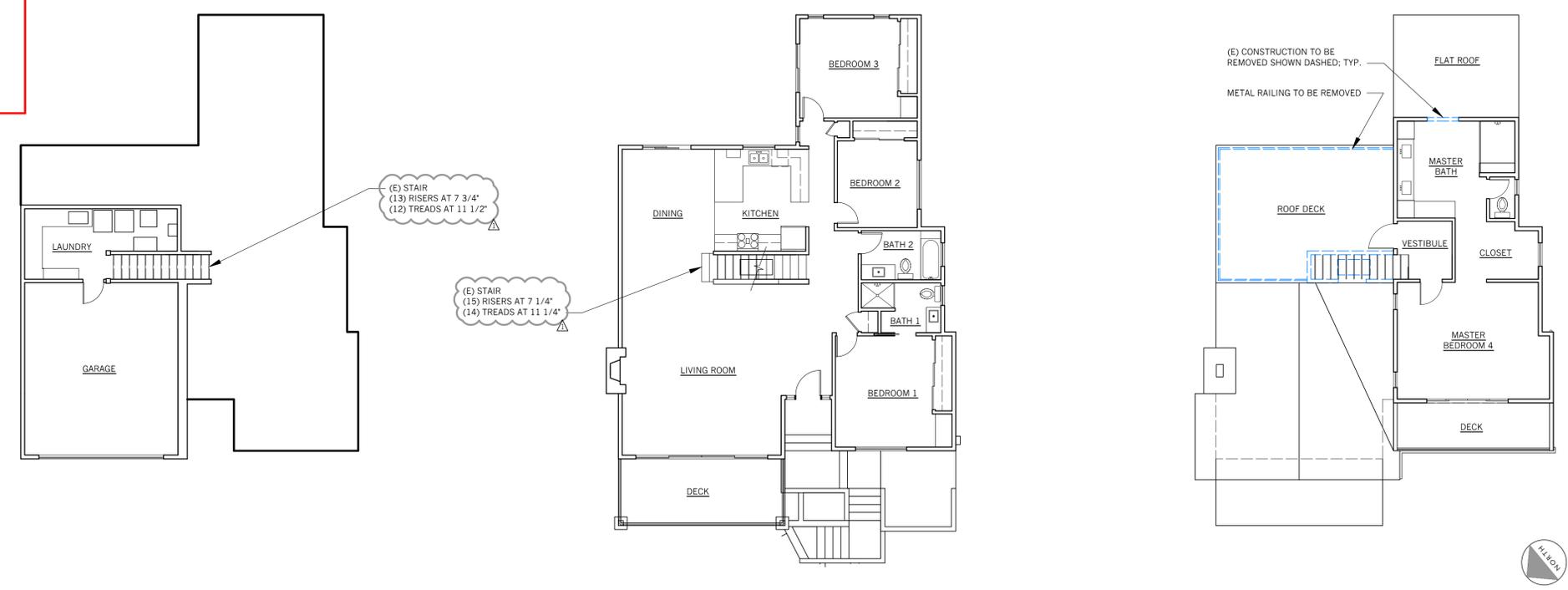
*Adley*

November 20, 2019

SIGNATURE

DATE

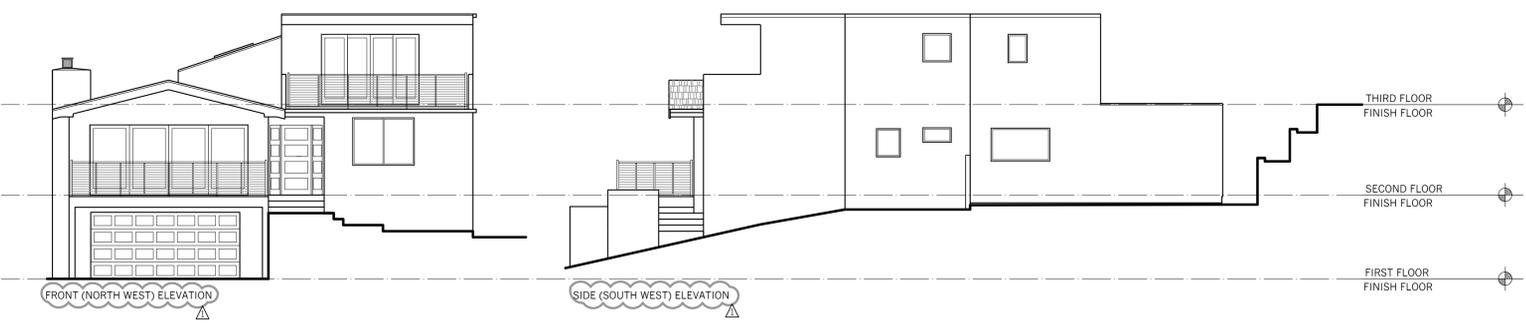
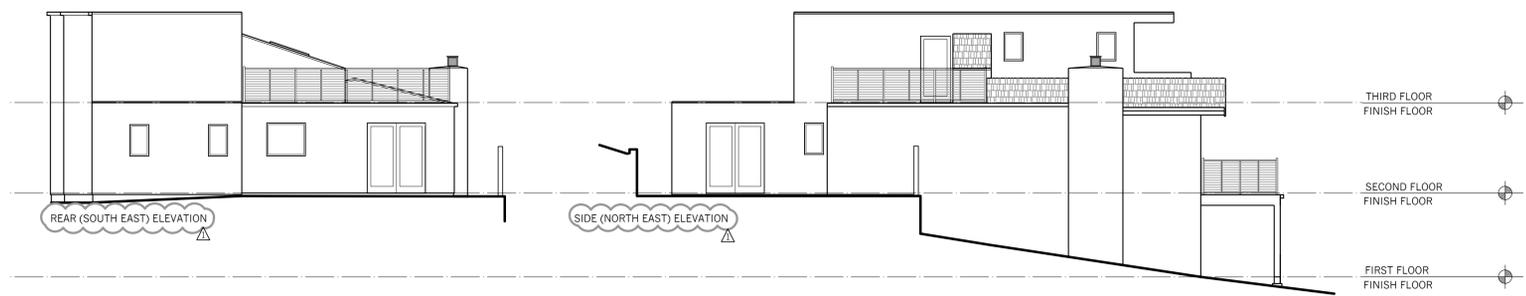
\*AUP Findings and Conditions Attached



1 FIRST FLOOR  
A1.0 NO WORK 1/8" = 1'-0"

2 SECOND FLOOR  
A1.0 NO WORK 1/8" = 1'-0"

3 THIRD FLOOR  
A1.0 SHOWING DEMOLITION 1/8" = 1'-0"



4 EXISTING EXTERIOR ELEVATIONS  
A1.0 1/8" = 1'-0"

NOTE: DRAWING SCALE WILL BE 1/16"=1'-0" IF PRINTED TO FIT A 12" X 18" SHEET SIZE



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**UBILLUS  
RESIDENCE  
ADDITION**

1449 GRIZZLY PEAK BLVD.  
BERKELEY, CA 94708

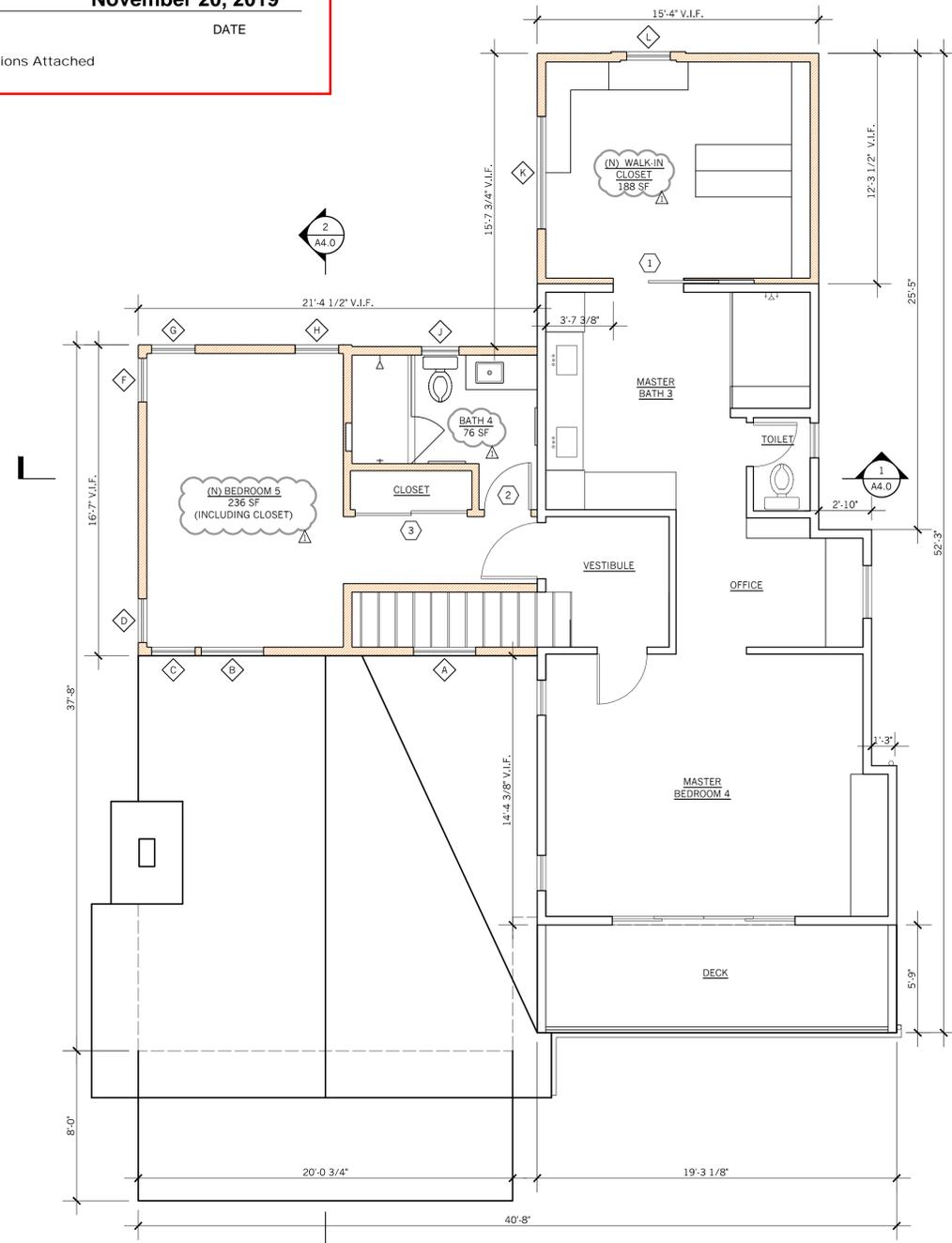
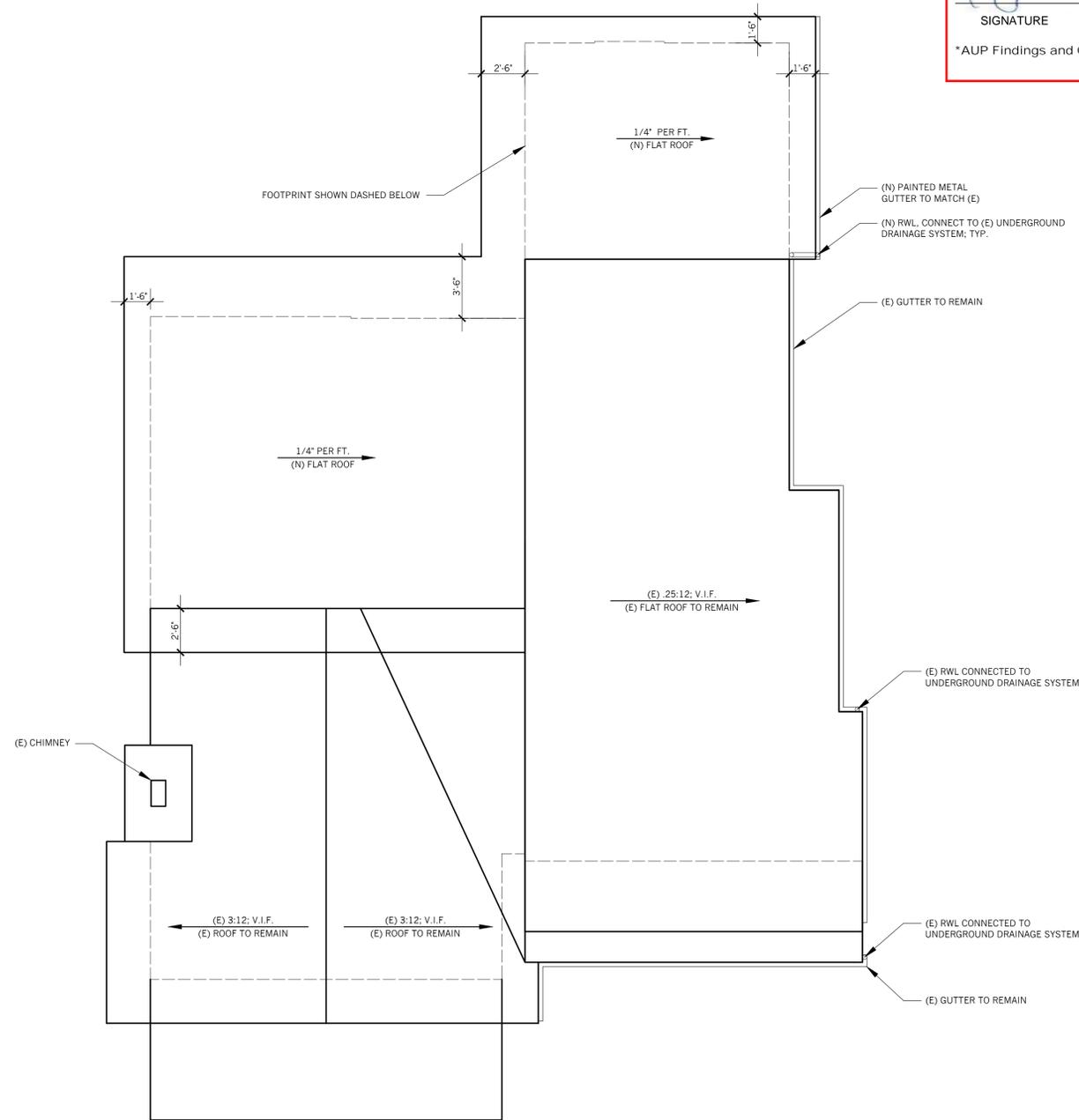
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**PLANS APPROVED by**

*Adley* **November 20, 2019**

SIGNATURE DATE

\*AUP Findings and Conditions Attached



WALL TYPE KEY	
(E) WALLS TO REMAIN	
(N) FULL HEIGHT WALL	
(N) 1-HR CONSTRUCTION	

- FLOOR PLAN NOTES:
1. THE TERMINATION OF ALL ENVIRONMENTAL AIR DUCTS SHALL BE A MINIMUM OF 3 FEET FROM ANY OPENINGS INTO THE BUILDING. DUCT TERMINATIONS (I.E. DRYERS, BATH AND UTILITY FANS, ETC.) MUST BE 3 FEET AWAY FROM DOORS, WINDOWS, OPENING SKYLIGHTS, OR ATTIC VENTS (PER CMC 504.5)
  2. VERIFY OR INSTALL AUTOMATIC GAS SHUT-OFF VALVES.
  3. ALL NEW HOT WATER SUPPLY PIPING 3/4" OR GREATER SHALL BE INSULATED PER CEC SECTION 150.0(j)(2)ii.
  4. ALL NEW HOT WATER SUPPLY PIPING FROM THE HEATING SOURCE TO THE KITCHEN FIXTURES SHALL BE INSULATED PER CEC SECTION 150.0(j)(2)vi.

**2**  
**A2.0** ROOF

1/4" = 1'-0"

**1**  
**A2.0** THIRD FLOOR  
AREA OF WORK

NOTE: DRAWING SCALE WILL BE 1/8"=1'-0" IF PRINTED TO FIT A 12" X 18" SHEET SIZE

ISSUE	DATE
AUP SUBMITTAL	06/03/2019
AUP RESPONSE	08/12/2019

**PROPOSED  
FLOOR PLAN  
AND  
ROOF PLAN**

**A - 2.0**



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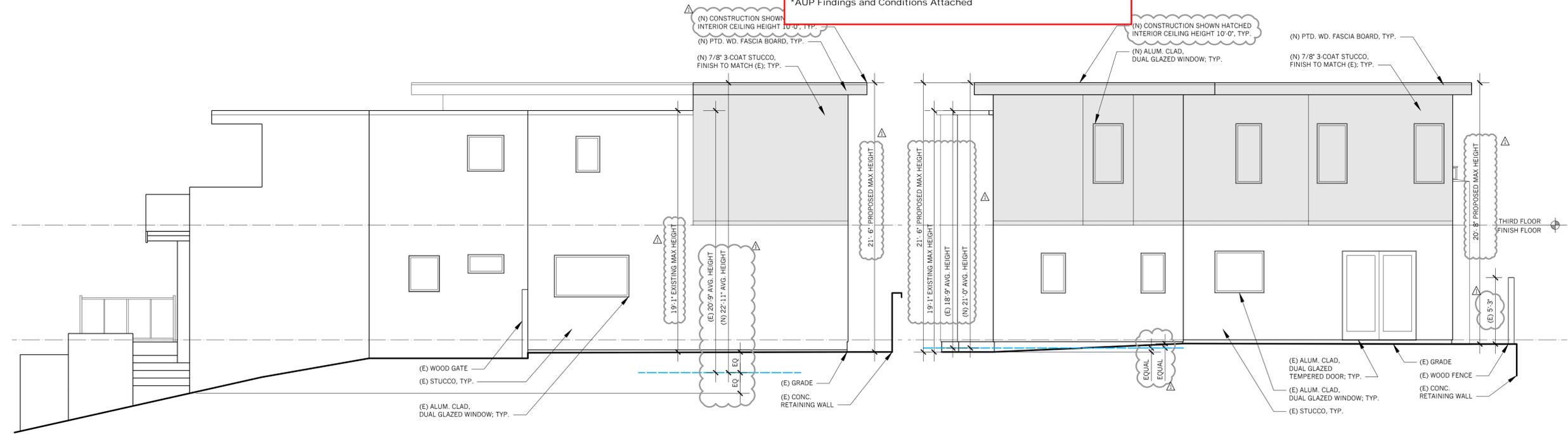
510.705.1061

UBILLUS RESIDENCE ADDITION

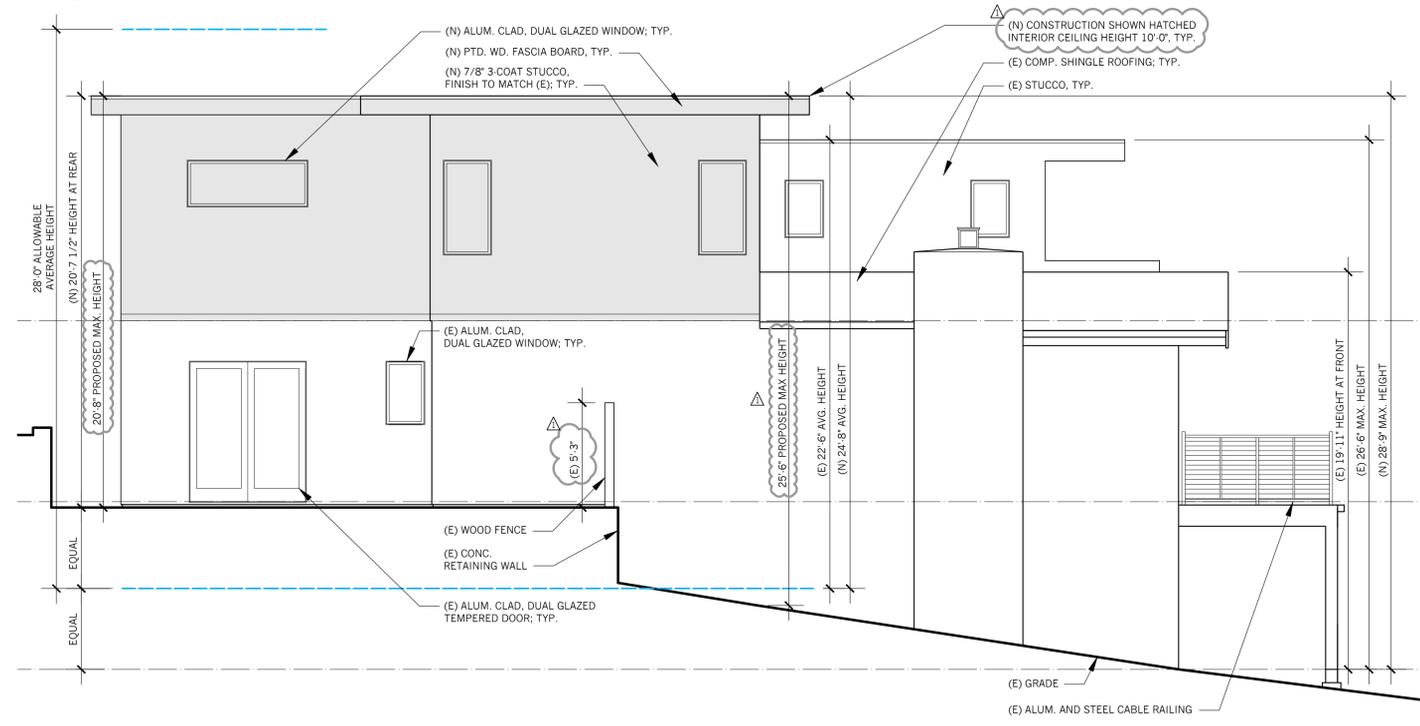
1449 GREZLY PEAK BLVD. BERKELEY, CA 94708

CONSULTANTS

PLANS APPROVED by [Signature] November 20, 2019 SIGNATURE DATE \*AUP Findings and Conditions Attached



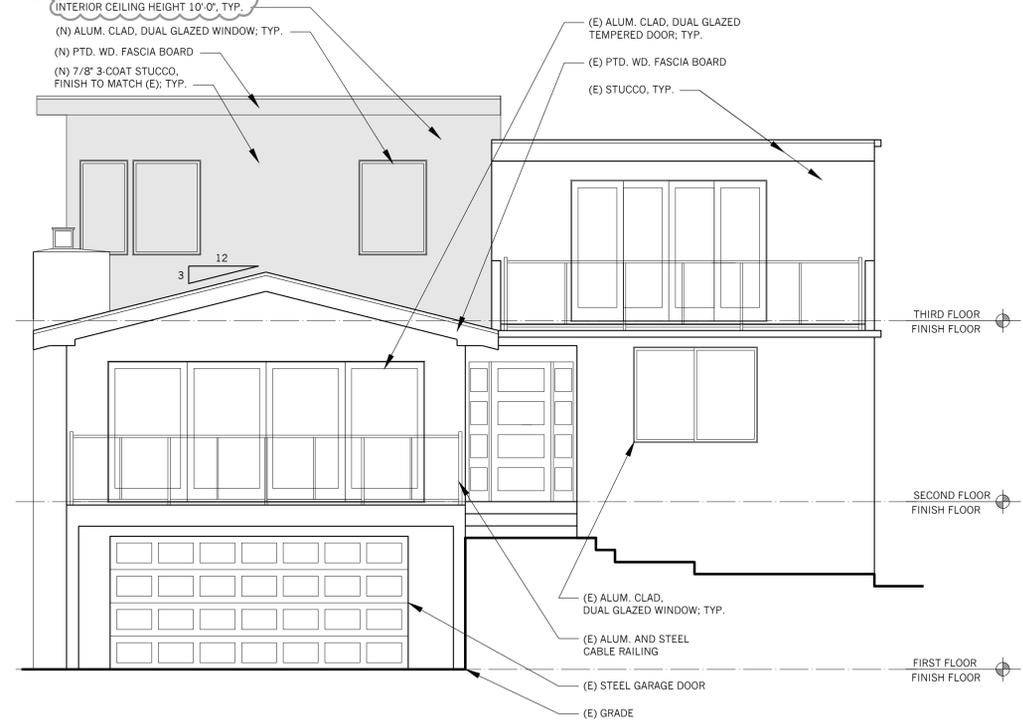
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4 SIDE (NORTH EAST) ELEVATION 1/4" = 1'-0"



1 REAR (SOUTH EAST) ELEVATION 1/4" = 1'-0"



3 FRONT (NORTH WEST) ELEVATION 1/4" = 1'-0"

NOTE: DRAWING SCALE WILL BE 1/8"=1'-0" IF PRINTED TO FIT A 12" X 18" SHEET SIZE

Table with columns for ISSUE and DATE, listing AUP SUBMITTAL and AUP RESPONSE dates.

PROPOSED EXTERIOR ELEVATIONS

A - 3.0

**PLANS APPROVED by**

*[Signature]* **November 20, 2019**

SIGNATURE DATE

\*AUP Findings and Conditions Attached

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holladay

architects

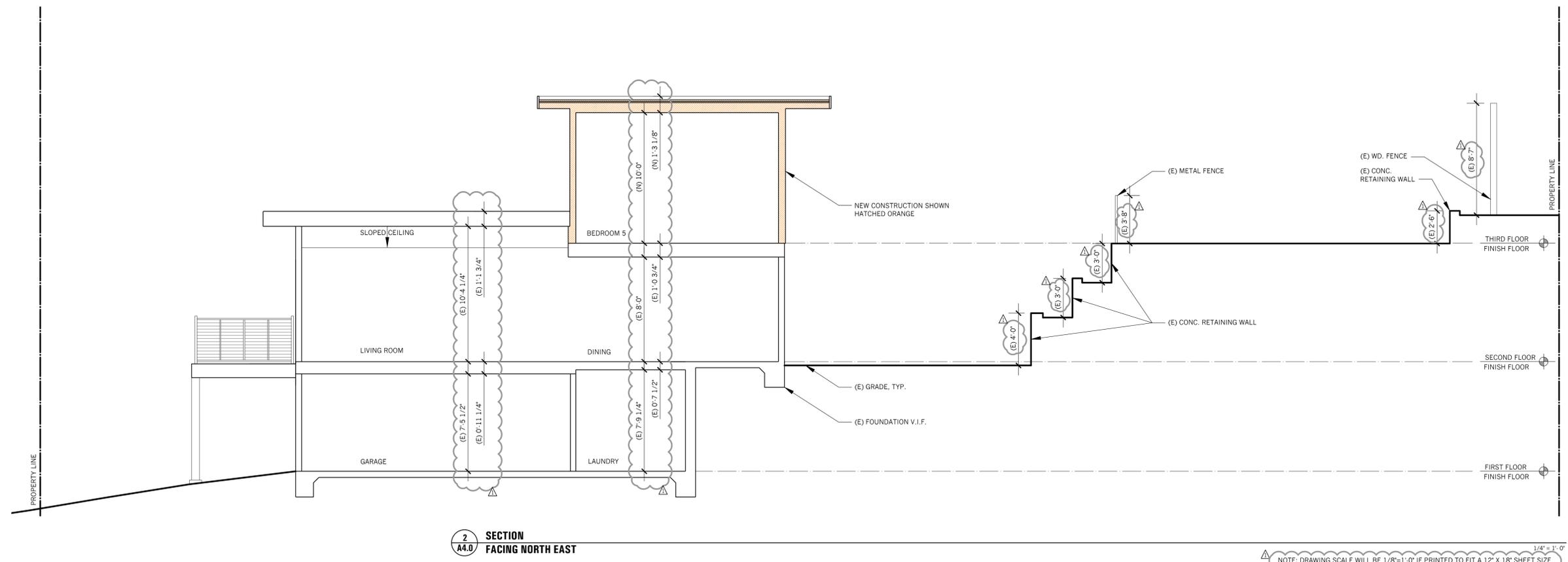
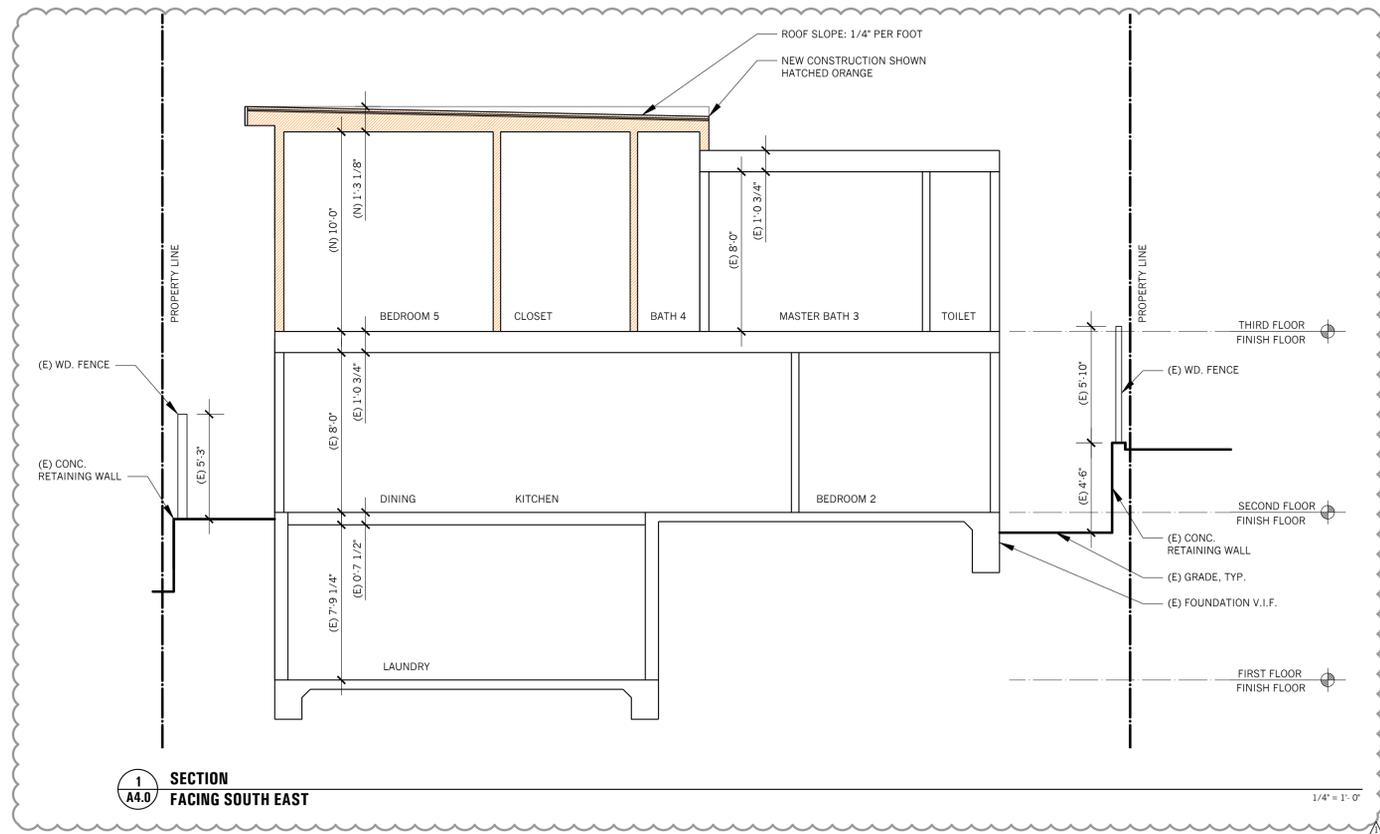
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suite b  
berkeley, ca 94709

510.705.1061

**UBILLUS  
RESIDENCE  
ADDITION**

1449 GREZZLY PEAK BLVD.  
BERKELEY, CA 94708

CONSULTANTS



ISSUE	DATE
AUP SUBMITTAL	08/03/2019
AUP RESPONSE	08/12/2019

**SECTION**

**A - 4.0**

NOTE: DRAWING SCALE WILL BE 1/8"=1'-0" IF PRINTED TO FIT A 12" X 18" SHEET SIZE



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UBILLUS  
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1449 GRIZZLY PEAK BLVD.  
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CONSULTANTS

ISSUE DATE

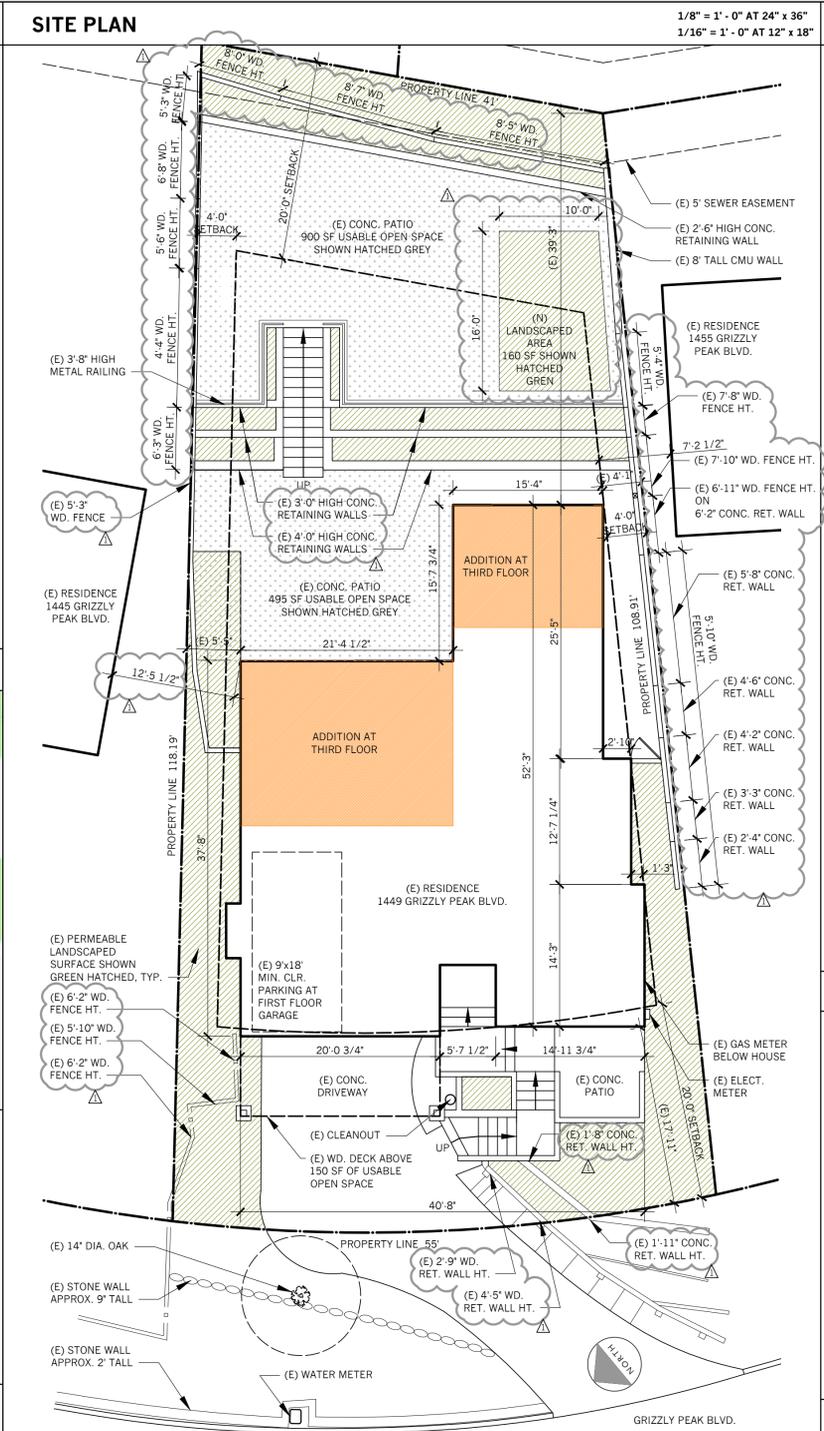
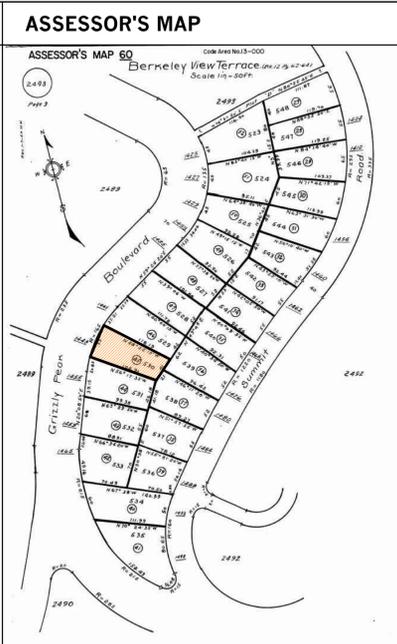
AIP SUBMITTAL 08/03/2019  
AIP RESPONSE 08/12/2019

COVER SHEET

A - 0.0

- ### BEST MANAGEMENT PRACTICES
- SAND, DIRT, AND SIMILAR MATERIALS MUST BE STORED AT LEAST 10 FEET FROM CATCH BASINS, AND COVERED WITH A TARP DURING WET WEATHER OR WHEN RAIN IS FORECAST.
  - SWEEP STREETS AND OTHER PAVED AREAS DAILY. DO NOT WASH DOWN STREETS OR WORK AREAS WITH WATER.
  - RECYCLE ALL ASPHALT, CONCRETE, AND AGGREGATE BASE MATERIAL FROM DEMOLITION ACTIVITIES.
  - CHECK DUMPSTERS REGULARLY FOR LEAKS AND TO MAKE SURE THEY DON'T OVERFLOW. REPAIR OR REPLACE LEAKING DUMPSTERS PROMPTLY.
  - LABEL ALL HAZARDOUS MATERIALS AND HAZARDOUS WASTES (SUCH AS PESTICIDES, PAINTS, THINNERS, SOLVENTS, FUEL, OIL, AND ANTIFREEZE) IN ACCORDANCE WITH CITY, STATE, AND FEDERAL REGULATIONS.
  - STORE HAZARDOUS MATERIALS AND WASTES IN SECONDARY CONTAINMENT AND COVER THEM DURING WET WEATHER.
  - BE SURE TO ARRANGE FOR APPROPRIATE DISPOSAL OF ALL HAZARDOUS WASTES.
  - WHEN SPILLS OR LEAKS OCCUR (HAZARDOUS OR NON-HAZARDOUS), CONTAIN THEM IMMEDIATELY AND BE PARTICULARLY CAREFUL TO PREVENT LEAKS AND SPILLS FROM REACHING THE GUTTER, STREET, OR STORM DRAIN. NEVER WASH SPILLED MATERIAL INTO A GUTTER, STREET, STORM DRAIN, OR CREEK.
  - REPORT ANY HAZARDOUS MATERIALS SPILLS IMMEDIATELY! DIAL 911 OR YOUR LOCAL EMERGENCY RESPONSE NUMBER.
  - DO NOT CLEAN VEHICLES OR EQUIPMENT ON-SITE USING SOAPS, SOLVENTS, DEGREASERS, STEAM CLEANING EQUIPMENT, ETC.
  - KEEP EXCAVATED SOIL ON THE SITE WHERE IT IS LEAST LIKELY TO COLLECT IN THE STREET. TRANSFER TO DUMP TRUCKS SHOULD TAKE PLACE ON THE SITE, NOT IN THE STREET.
  - USE FIBER ROLLS, SILT FENCES, OR OTHER CONTROL MEASURES TO MINIMIZE THE FLOW OF SILT OFF THE SITE. SEE SITE PLAN FOR SPECIFIC MEASURES.
  - SHOVEL, ABSORB, OR VACUUM SAW-CUT SLURRY AND PICK UP ALL WASTE AS SOON AS YOU ARE FINISHED IN ONE LOCATION OR AT THE END OF EACH WORK DAY (WHICHEVER IS SOONER).
  - IF SAW CUT SLURRY ENTERS A CATCH BASIN, CLEAN IT UP IMMEDIATELY.
  - PROTECT GUTTERS, DITCHES, AND DRAINAGE COURSES WITH SAND/GRAVEL BAGS, OR EARTHEN BERMS.
  - BE SURE TO STORE CONCRETE, GROUT, AND MORTAR UNDER COVER AND AWAY FROM DRAINAGE AREAS. THESE MATERIALS MUST NEVER REACH A STORM DRAIN.
  - WASH OUT CONCRETE EQUIPMENT/TRUCKS OFF-SITE.
  - NEVER RINSE PAINT BRUSHES OR MATERIALS IN A GUTTER OR STREET.
  - PAINT OUT EXCESS WATER-BASED PAINT BEFORE RINSING BRUSHES, ROLLERS, OR CONTAINERS IN A SINK. IF YOU CAN'T USE A SINK, DIRECT WASH WATER TO A DIRT AREA AND SPADE IN IT.
  - PAINT OUT EXCESS OIL-BASED PAINT BEFORE CLEANING BRUSHES IN THINNER.
  - FILTER PAINT THINNERS AND SOLVENTS FOR REUSE WHENEVER POSSIBLE. DISPOSE OF OIL-BASED PAINT SLUDGE AND USEABLE THINNER AS HAZARDOUS WASTE.

- ### GENERAL NOTES
- ALL WORK SHALL CONFORM TO THE CALIFORNIA RESIDENTIAL CODE, 2016 EDITION; CALIFORNIA PLUMBING CODE, 2016 EDITION; CALIFORNIA MECHANICAL CODE, 2016 EDITION; CALIFORNIA ELECTRICAL CODE, 2016 EDITION; 2016 ENERGY CODE; CITY OF BERKELEY ORDINANCES, ALAMEDA COUNTY REQUIREMENTS AND ALL OTHER APPLICABLE CODES AND ORDINANCES.
  - THE CONTRACTOR SHALL VERIFY ALL CONDITIONS AND DIMENSIONS ON THE SITE PRIOR TO BEGINNING WORK. CONTRACTOR SHALL FAMILIARIZE HIM/HERSELF WITH VERTICAL AND LATERAL LOAD TRANSFER THROUGH FRAMING TO FOUNDATION. DIMENSIONS, FOUNDATION LAYOUT, FRAMING LAYOUT, LOAD TRANSFER THROUGH NEW AND EXISTING FRAMING TO FOUNDATION LOCATION OF BEAMS, BRACING, ETC. SHOULD ALL BE VERIFIED PRIOR TO ACTUAL CONSTRUCTION. VARIANCE BETWEEN THE DRAWINGS AND THE ACTUAL SITE CONDITIONS, AND ANY ERRORS OR OMISSIONS FOUND IN THE DRAWINGS, SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT BEFORE PROCEEDING WITH THE WORK. UPON DISCOVERY OF UNFORESEEN CONDITIONS ON THE SITE, THE CONTRACTOR SHALL STOP THE WORK AND REQUEST ADDITIONAL INFORMATION FROM THE ARCHITECT. THE CONTRACTOR SHALL NOTIFY THE ARCHITECT WHEN THE EXISTING STRUCTURE HAS BEEN EXPOSED.
  - DURING DEMOLITION CONTRACTOR IS TO CAP ALL ELECTRICAL OUTLETS, SWITCHES AND UTILITIES PER CODE. NOTIFY OWNER 24 HOURS PRIOR TO ANY INTERRUPTION IN POWER OR UTILITIES.
  - BRACE AND SUPPORT EXTERIOR AND INTERIOR WALLS AS NECESSARY PRIOR TO REMOVAL OF EXISTING STRUCTURE. SO AS TO PREVENT ANY MOVEMENT OF THE EXISTING STRUCTURE. THE GENERAL CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR PROVIDING ADEQUATE SHORING AND BRACING DURING CONSTRUCTION FOR VERTICAL AND LATERAL LOADS AS REQUIRED FOR THE PROTECTION OF LIFE AND PROPERTY DURING CONSTRUCTION.
  - WRITTEN DIMENSIONS SHOWN IN THE DRAWINGS ARE TO FACE OF FINISH UNLESS OTHERWISE NOTED; THEY SHALL HAVE PRECEDENCE OVER ANY SCALED DIMENSIONS. THE CONTRACTOR SHALL NOT USE SCALED DIMENSIONS. DETAIL DRAWINGS HAVE PRECEDENCE OVER MORE GENERAL DRAWINGS.
  - THE CONTRACTOR SHALL GUARANTEE ALL NEW WORK AGAINST LEAKS FOR A PERIOD OF TWO YEARS FOLLOWING COMPLETION OF THE WORK.
  - THE CONTRACTOR SHALL BE RESPONSIBLE FOR RESTORING TO ORIGINAL CONDITION, AT HIS OWN EXPENSE, ANY DAMAGE DONE BY HIM OR HIS AGENTS TO THE EXISTING BUILDINGS OR GROUNDS.
  - THE CONTRACTOR SHALL INSTALL ALL PRODUCTS AND MATERIALS IN ACCORDANCE WITH THE MANUFACTURER'S SPECIFICATIONS AND IN ACCORDANCE WITH THE LATEST EDITION OF TRADE STANDARDS, PUBLISHED BY THE TRADE ASSOCIATIONS.
  - THE CONTRACTOR SHALL COMPLY WITH ALL APPLICABLE PORTIONS OF TITLE 24 OF THE CALIFORNIA ADMINISTRATIVE CODE.
  - DIMENSIONS, LOCATIONS OF DOORS, PARTITIONS, CABINET WORK AND SIMILAR FEATURES TO BE VERIFIED ON SITE.
  - IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO COORDINATE LAYOUT OF ALL THE VARIOUS COMPONENTS OF THE CONSTRUCTION AS REQUIRED TO ACCOMMODATE THE ELECTRICAL LAYOUT INDICATED. SPECIAL ATTENTION SHOULD BE GIVEN TO FRAMING LAYOUT TO AVOID CUTTING AND REFRAMING TO ACHIEVE PROPER LOCATIONS FOR FIXTURES.
  - THE ARCHITECT DOES NOT ASSUME RESPONSIBILITY FOR CONSTRUCTION MEANS, METHODS, TECHNIQUES, SEQUENCE OR PROCEDURES OF CONSTRUCTION, OR SAFETY PRECAUTIONS, WHICH ARE TO REMAIN THE RESPONSIBILITY OF THE GENERAL CONTRACTOR.
  - THE ARCHITECT DOES NOT PROVIDE EVALUATION FOR THE EXISTENCE OF HAZARDOUS MATERIAL NOR ASSUME RESPONSIBILITY FOR THEIR MANAGEMENT. SHOULD THE CONTRACTOR ENCOUNTER ANY HAZARDOUS MATERIALS IN THE PERFORMANCE OF HIS WORK, THE CONTRACTOR SHALL NOTIFY THE OWNER IMMEDIATELY AND PROCEED WITH WORK ONLY IN COMPLIANCE WITH APPLICABLE HAZARDOUS MATERIAL HANDLING REGULATIONS.
  - DIVERT CONSTRUCTION AND DEMOLITION WASTE AS FOLLOWS:  
A. DIVERT ALL CARDBOARD, CONCRETE, ASPHALT AND METALS.  
B. DIVERT 25% C&D WASTE, EXCLUDING ALL CARDBOARD, CONCRETE, ASPHALT, AND METALS.



- ### DRAWING INDEX
- A.0.0 COVER SHEET
  - A.1.0 DEMO PLANS AND EXISTING ELEVATIONS
  - A.2.0 PROPOSED FLOOR PLAN AND ROOF PLAN
  - A.3.0 PROPOSED EXTERIOR ELEVATIONS
  - A.4.0 SECTION

### PROJECT DATA

CLIENTS:  
CHERYL AND RODRIGO UBILLUS  
1449 GRIZZLY PEAK BLVD.  
BERKELEY, CA 94708

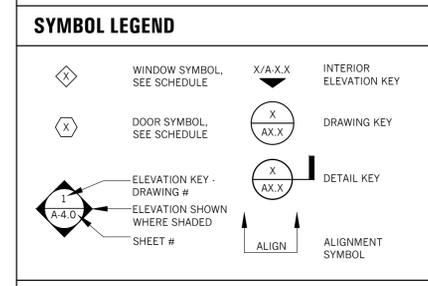
PROJECT SCOPE:  
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ZONING: R1-H  
APN: 60-2493-45  
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FIRE ZONE: 2  
LANDSLIDE ZONE: YES  
FIRE SPRINKLERS: NONE  
OCCUPANCY: R-3  
CONSTRUCTION TYPE: V-B  
AVG. LOT SLOPE: 15%

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Side Yard Setbacks (Facing property)			
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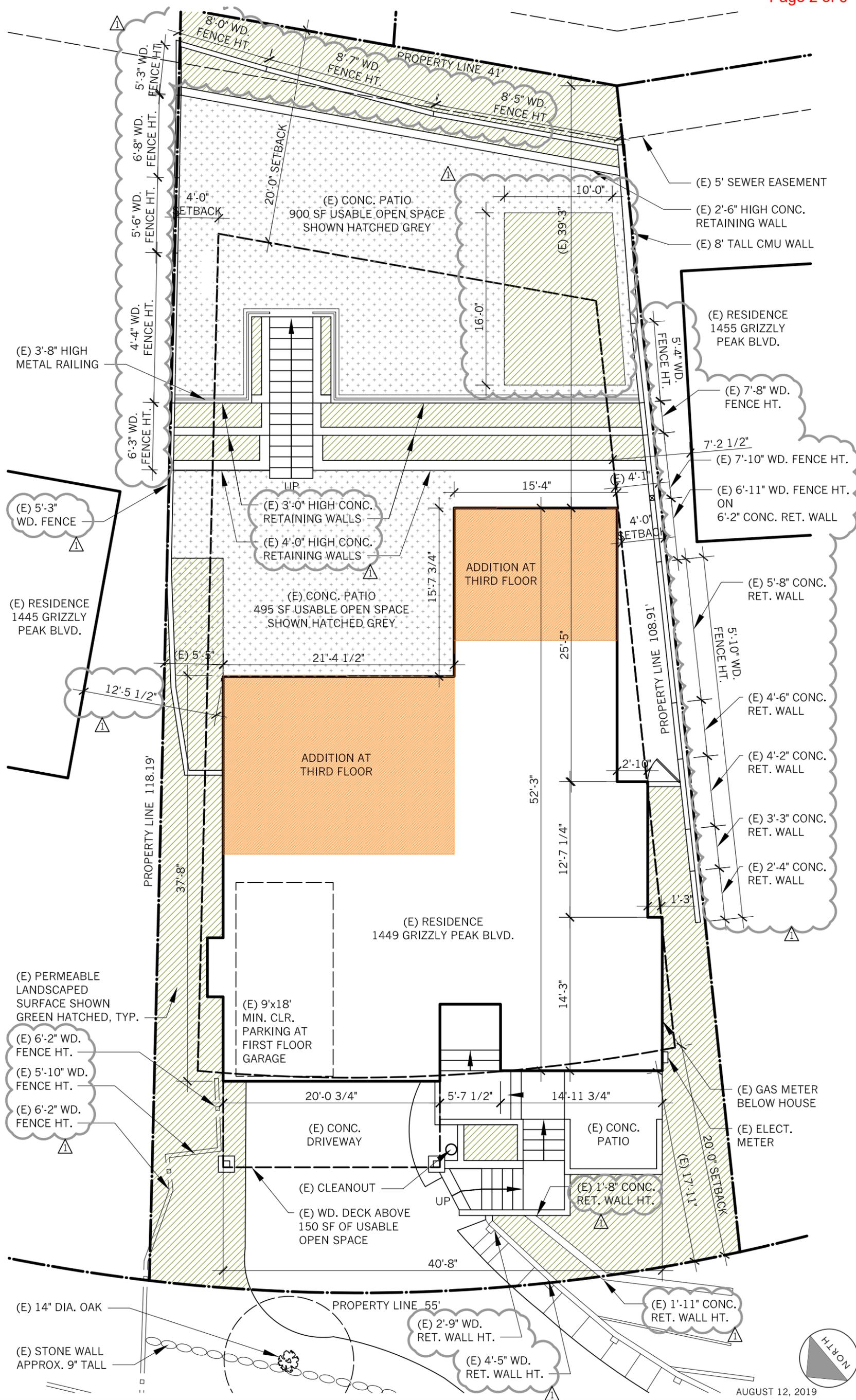
\*See Definitions - Zoning Ordinance Title 23F. Revised: 05/15



### NEIGHBOR'S SIGNATURES

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		1452 GRIZZLY PEAK BLVD.				
		1455 GRIZZLY PEAK BLVD.				
		1476 SUMMIT RD.				
		1480 SUMMIT RD.				



AUGUST 12, 2019

**UBILLUS SITE PLAN**

SCALE: 1/8" = 1'-0" AT 11" X 17"  
SCALE: 1/16" = 1'-0" AT 8.5" X 11"

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holladay

architects

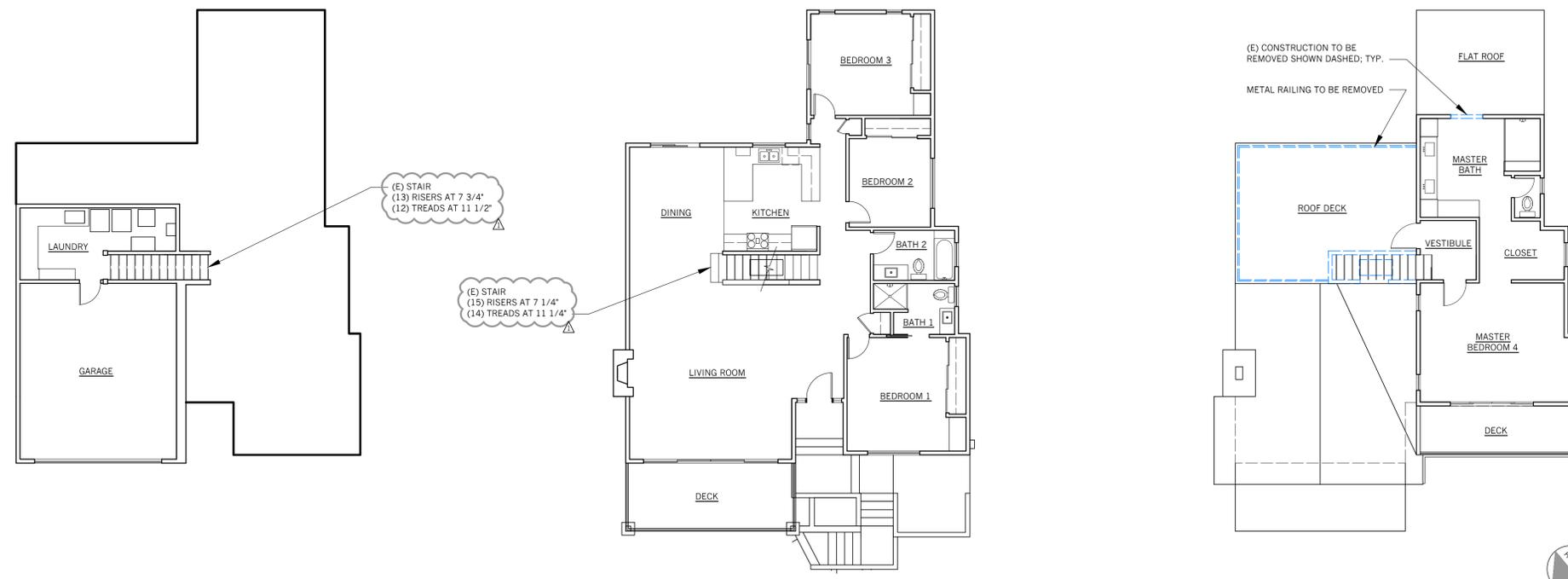
1708 martin luther king jr way  
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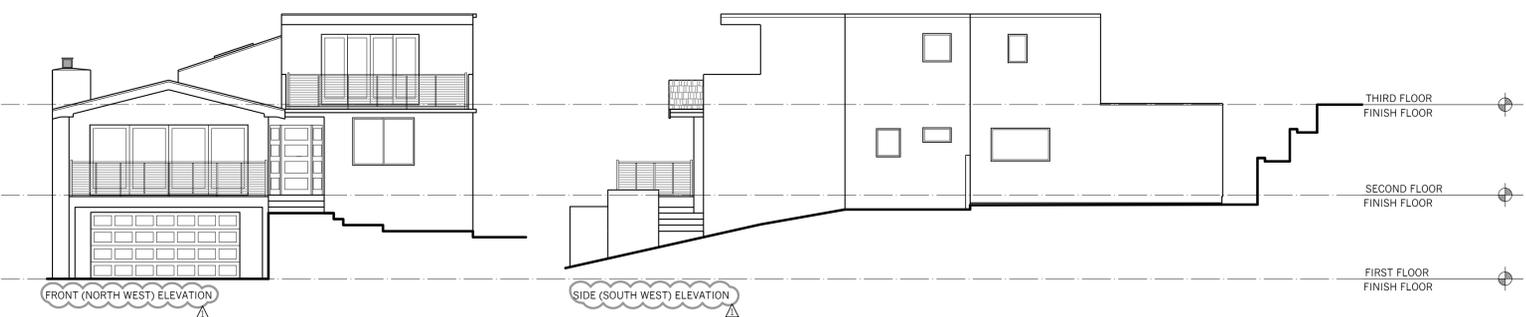
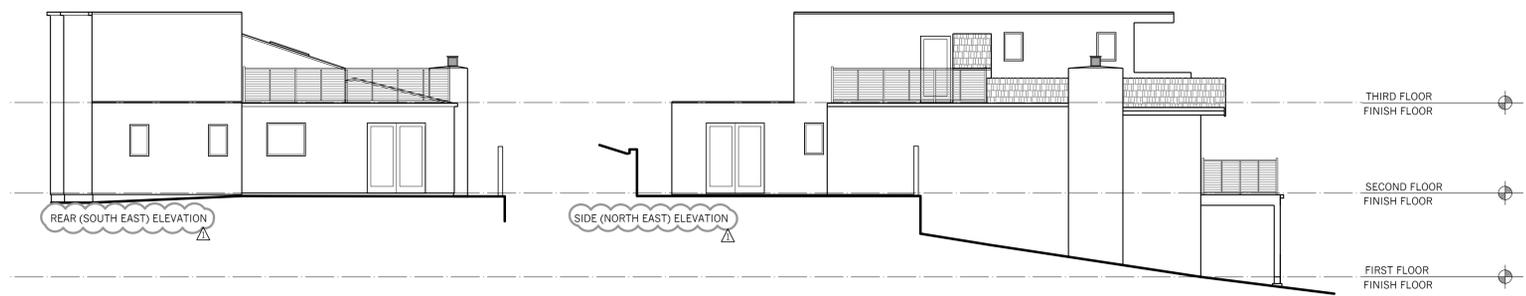
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1 FIRST FLOOR  
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A1.0 NO WORK 1/8" = 1'-0"

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A1.0 SHOWING DEMOLITION 1/8" = 1'-0"



4 EXISTING EXTERIOR ELEVATIONS 1/8" = 1'-0"

NOTE: DRAWING SCALE WILL BE 1/16"=1'-0" IF PRINTED TO FIT A 12" X 18" SHEET SIZE

ISSUE	DATE
A/P SUBMITTAL	06/03/2019
A/P RESPONSE	08/12/2019

DEMO PLANS  
AND EXISTING  
ELEVATIONS

A - 1.0

mitche||  
holladay

architects

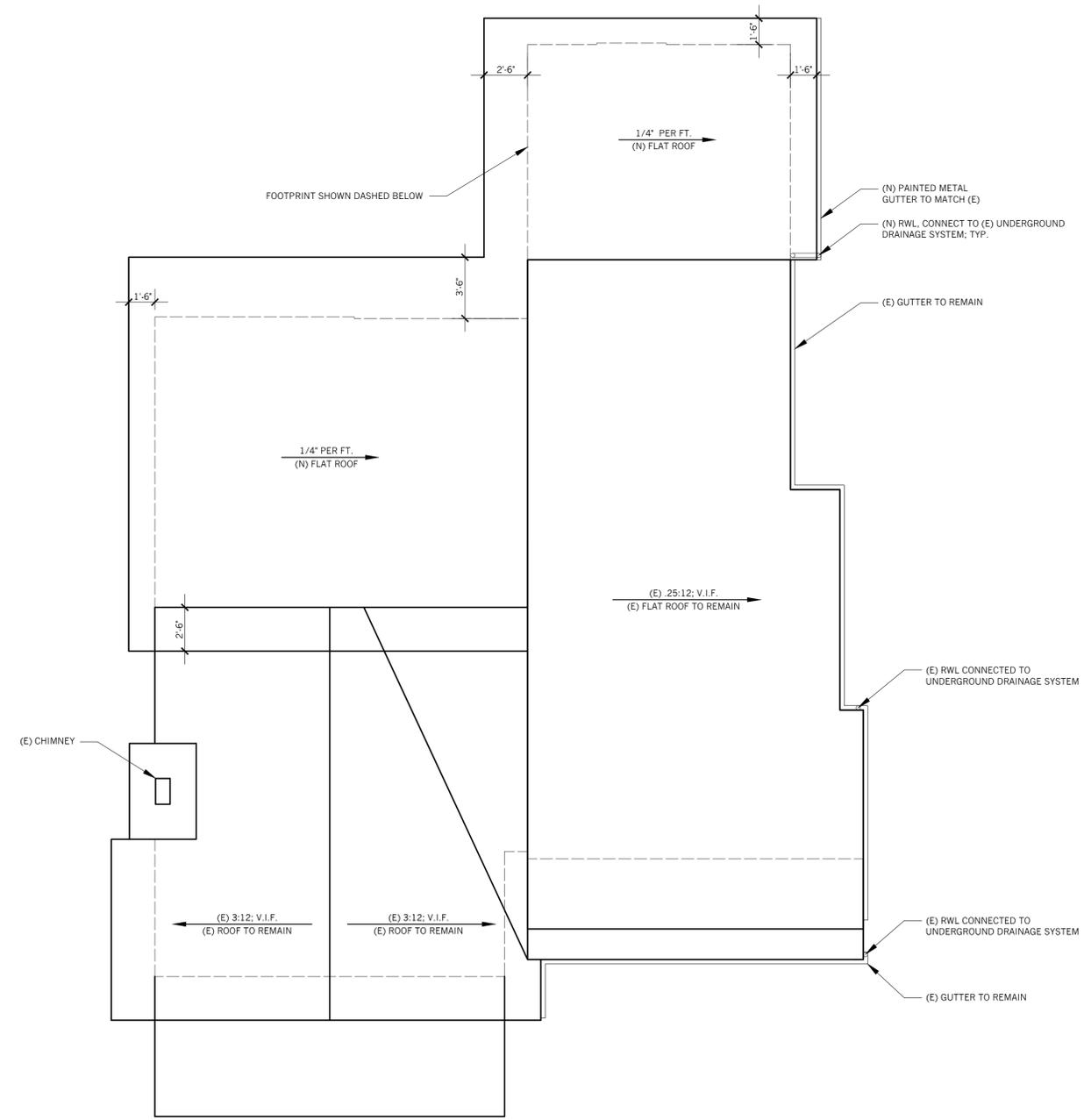
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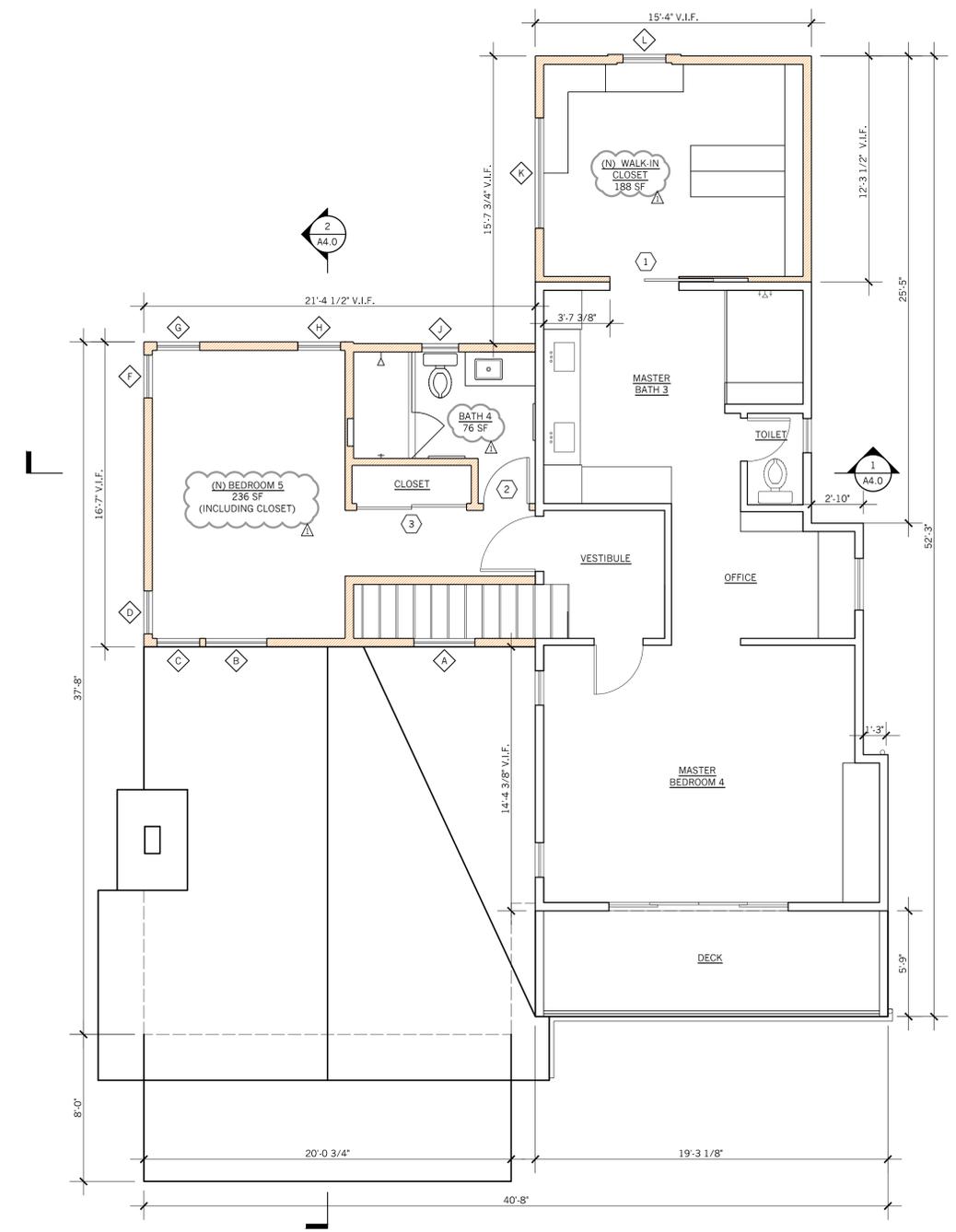
1449 GRIZZLY PEAK BLVD.  
BERKELEY, CA 94708

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2 ROOF  
A2.0

1/4" = 1'-0"



1 THIRD FLOOR  
AREA OF WORK  
A2.0

NOTE: DRAWING SCALE WILL BE 1/8"=1'-0" IF PRINTED TO FIT A 12" X 18" SHEET SIZE

WALL TYPE KEY		FLOOR PLAN NOTES: 1. THE TERMINATION OF ALL ENVIRONMENTAL AIR DUCTS SHALL BE A MINIMUM OF 3 FEET FROM ANY OPENINGS INTO THE BUILDING. DUCT TERMINATIONS (I.E. DRYERS, BATH AND UTILITY FANS, ETC.) MUST BE 3 FEET AWAY FROM DOORS, WINDOWS, OPENING SKYLIGHTS, OR ATTIC VENTS (PER CMC 504.5) 2. VERIFY OR INSTALL AUTOMATIC GAS SHUT-OFF VALVES. 3. ALL NEW HOT WATER SUPPLY PIPING 3/4" OR GREATER SHALL BE INSULATED PER CEC SECTION 150.0(j)(2)ii. 4. ALL NEW HOT WATER SUPPLY PIPING FROM THE HEATING SOURCE TO THE KITCHEN FIXTURES SHALL BE INSULATED PER CEC SECTION 150.0(j)(2)vi.
(E) WALLS TO REMAIN		
(N) FULL HEIGHT WALL		
(N) 1-HR CONSTRUCTION		

ISSUE	DATE
A/P SUBMITTAL	06/03/2019
A/P RESPONSE	08/12/2019

PROPOSED  
FLOOR PLAN  
AND  
ROOF PLAN

A - 2.0



architects

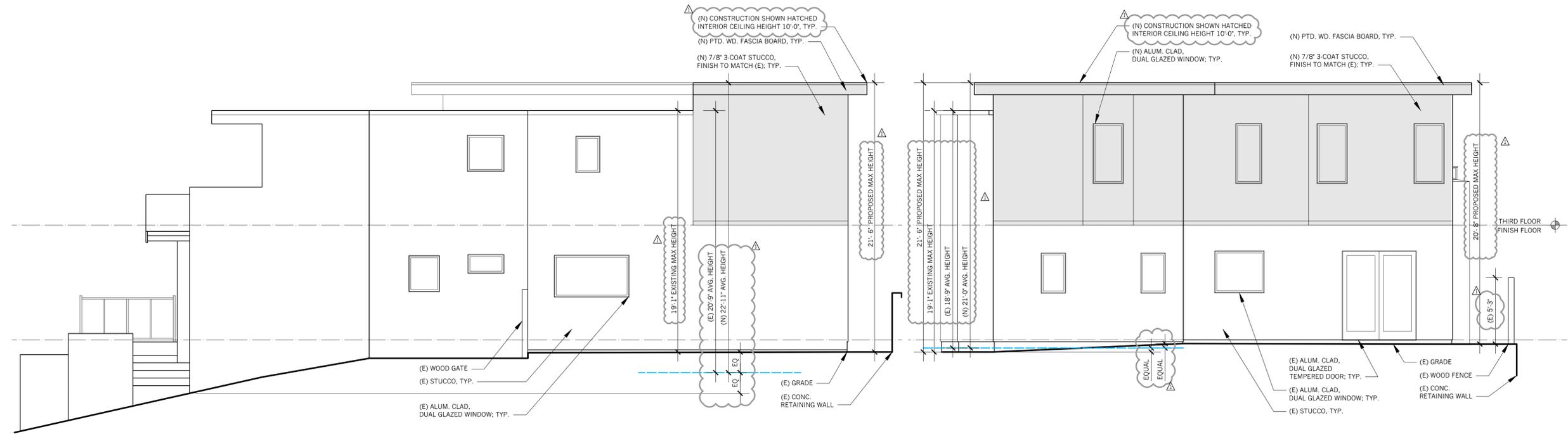
1708 martin luther king jr way  
suite b  
berkeley, ca 94709

510.705.1061

### UBILLUS RESIDENCE ADDITION

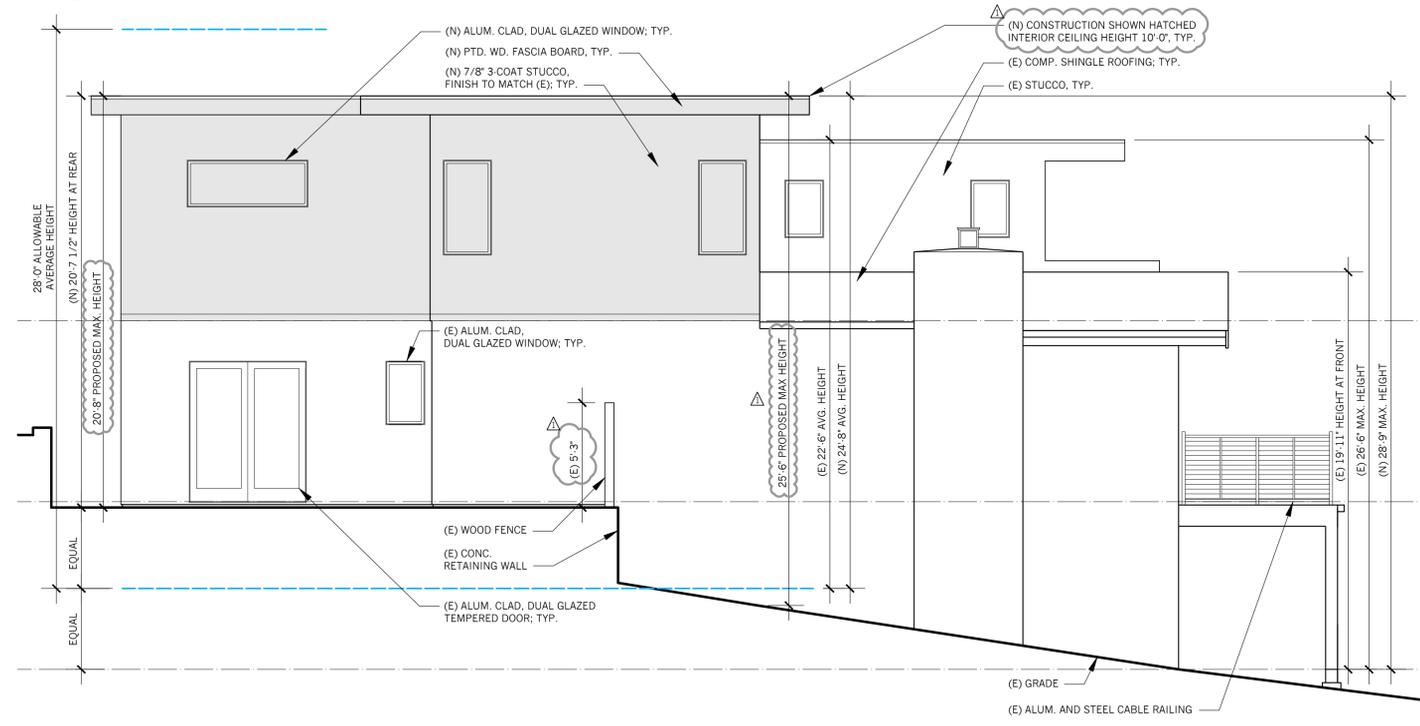
1449 GREZLY PEAK BLVD.  
BERKELEY, CA 94708

CONSULTANTS



**2**  
A3.0 SIDE (SOUTH WEST) ELEVATION

1/4" = 1'-0"

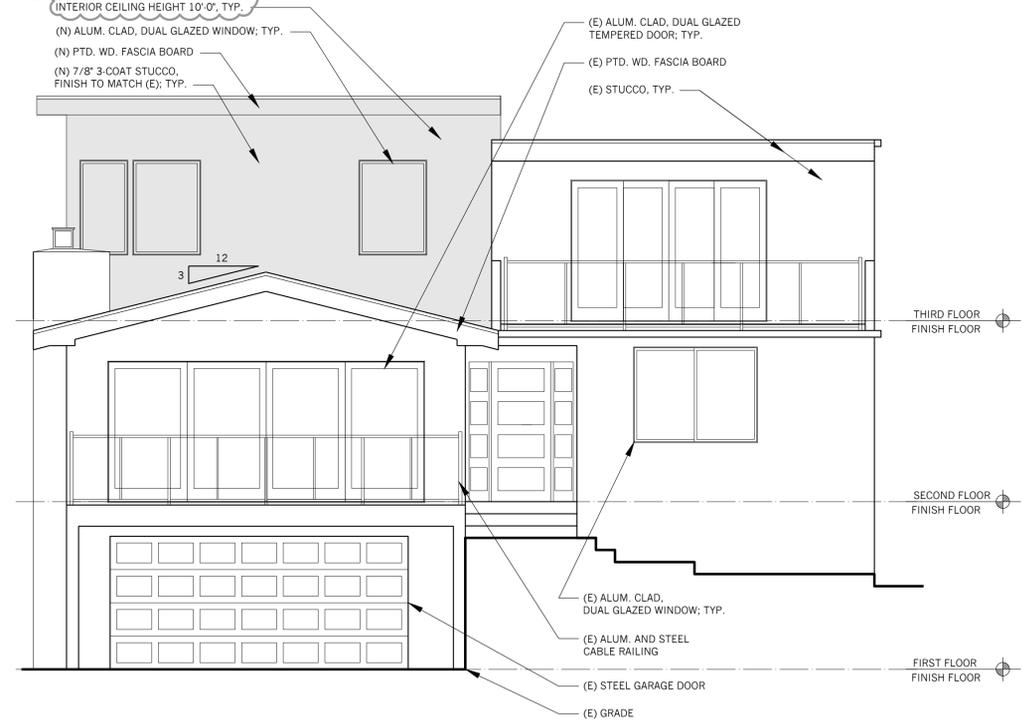


**4**  
A3.0 SIDE (NORTH EAST) ELEVATION

1/4" = 1'-0"

**1**  
A3.0 REAR (SOUTH EAST) ELEVATION

1/4" = 1'-0"



**3**  
A3.0 FRONT (NORTH WEST) ELEVATION

1/4" = 1'-0"

NOTE: DRAWING SCALE WILL BE 1/8"=1'-0" IF PRINTED TO FIT A 12" X 18" SHEET SIZE

ISSUE	DATE
▲ P. SUBMITTAL	08/03/2019
▲ P. RESPONSE	08/12/2019

### PROPOSED EXTERIOR ELEVATIONS

# A - 3.0

mitche||  
holladay

architects

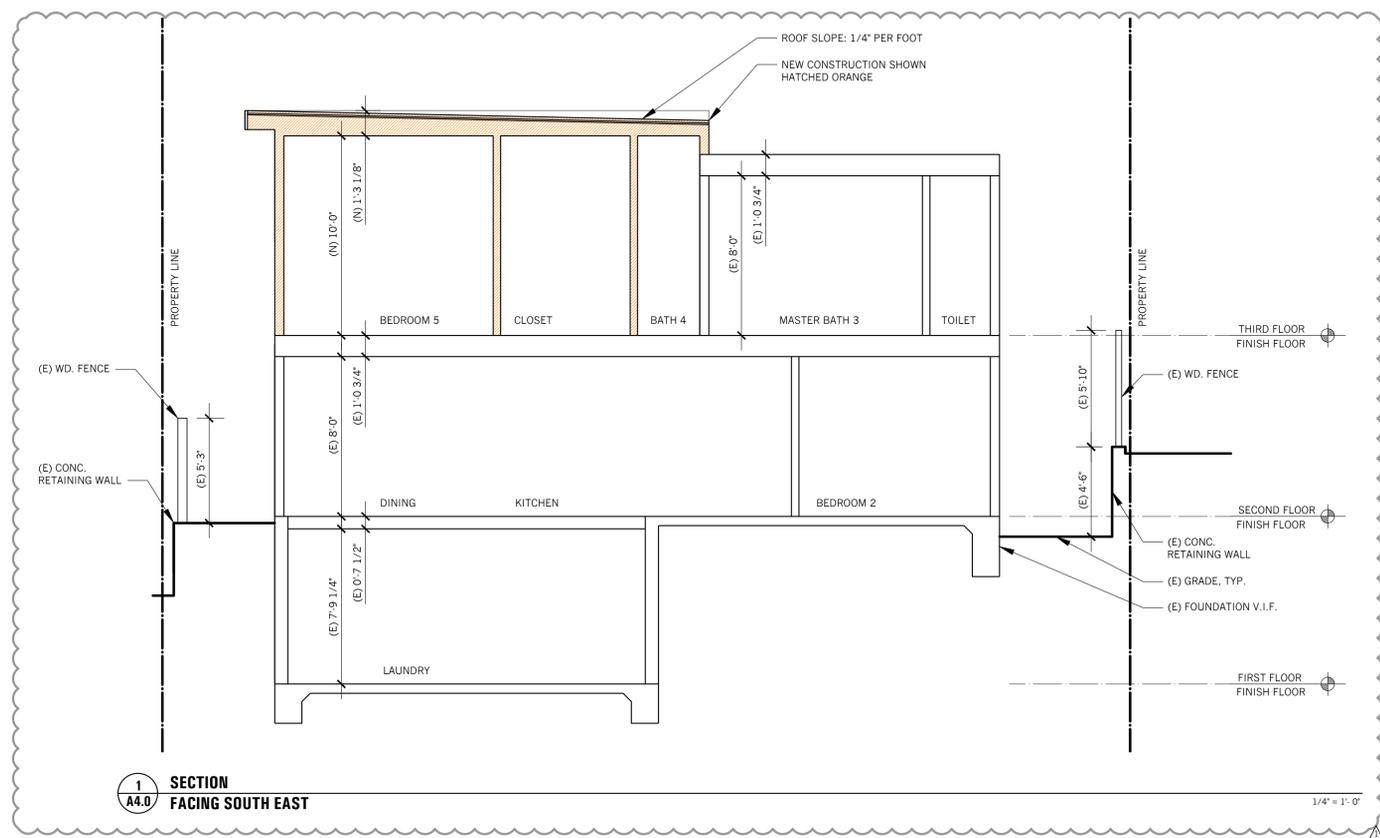
1708 martin luther king jr way  
suite b  
berkeley, ca 94709

510.705.1061

UBILLUS  
RESIDENCE  
ADDITION

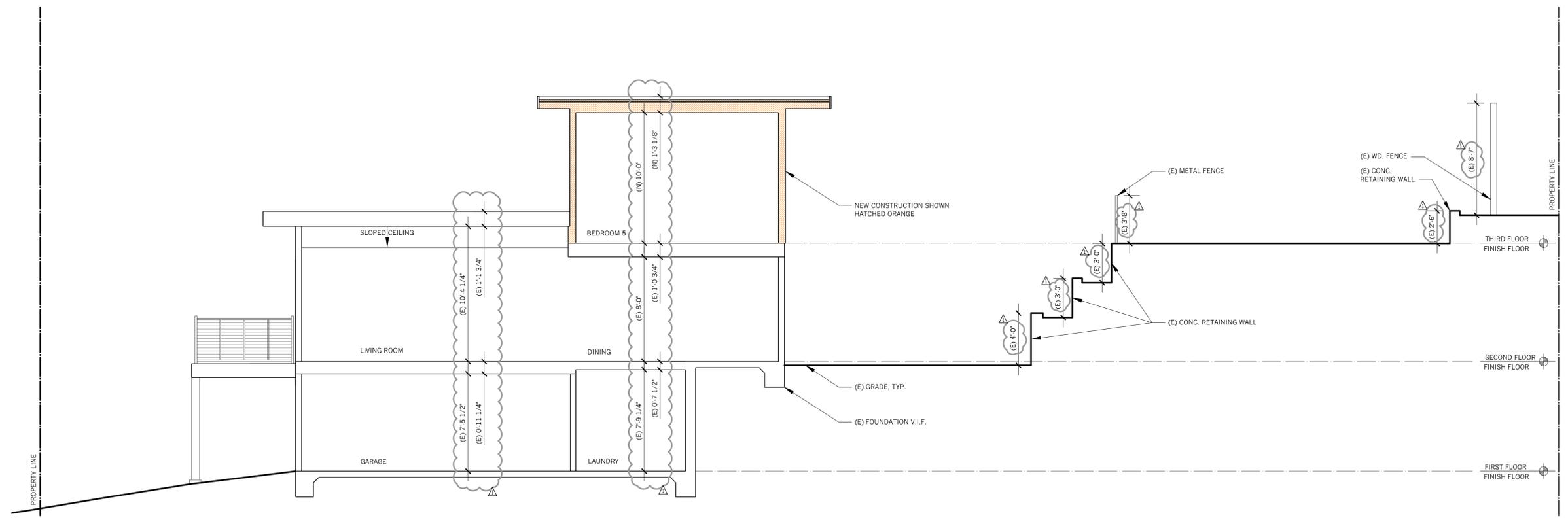
1449 GREZZLY PEAK BLVD.  
BERKELEY, CA 94708

CONSULTANTS



1 SECTION  
A4.0 FACING SOUTH EAST

1/4" = 1'-0"



2 SECTION  
A4.0 FACING NORTH EAST

1/4" = 1'-0"

NOTE: DRAWING SCALE WILL BE 1/8"=1'-0" IF PRINTED TO FIT A 12" X 18" SHEET SIZE

ISSUE	DATE
▲ P SUBMITTAL	08/03/2019
▲ P RESPONSE	08/12/2019

SECTION

A - 4.0

**URGENT**

PERMIT SERVICE CENTER

JUL 17 2019

RECEIVED BY: AJAshley James, AICP  
Associate PlannerCity of Berkeley  
Planning and Development  
1947 Center Street, 2nd Floor  
Berkeley, CA 94704

July 15, 2019

Re: 1449 Grizzly Peak Blvd.  
proposed second/third story additions (500 sq. ft.)

As a follow-up to our discussion on June 27, 2019, I am submitting the following comments, concerns and modification requests to the current proposed plans regarding the above referenced project.

We, the abutting neighbors on Summit Road continue to be the most impacted by the current proposed plans. This proposal represents CONSTRUCTION CREEP, ie. serial permit applications and construction during the past 6-7 years (since 2013, see attachment 1), including potentially unpermitted, illegal work.

Background:

In 2014 Summit Road neighbors successfully mediated a compromise with the help of Seeds Community Resolution staff (case # 10250), and the applicant agreed to modify the project to protect our views to the west by reducing some of the mass of the addition with a maximum ceiling height of 8 feet. (2013 application for additions)

Attachment 2. includes the list of neighbors' concerns and attachment 3. represents the resolution to these concerns.

On May 1, 2014 the City issued an AUP # 13-20000050 (see attachment 4.)

The permit specified that all construction shall conform <sup>to</sup> the approved UP drawings (section 24) and that all landscape, site and architectural improvements be completed per approved drawings dated March 5, 2014. (section 25). See p.5 of the Notice of Administrative Decision-Findings and Conditions, (attachment 4.).

The above referenced drawings specified the following: 1. (E) rear yard: NO CHANGE, 2. (E) rear deck NO CHANGE 3. (E) 2 retaining walls to remain.(Page 1.), and on page 3. (E) wood siding to remain.

Attachment 5. shows the building (and portions of the rear yard) as completed. The bright white color is blinding and obtrusive - this is the view from our living room.

I met with the applicant Rodrigo Ubillus in May of 2018. He promised to remedy our concerns regarding the blinding brightness of the building color by 1. installing dark grey tiles on the deck, matching the color of the dark grey shingles on the existing peak roof, and by 2. painting the east facing wall same grey color.

During mediation he had promised that the building color will <sup>be</sup> one to "blend with the surrounding nature", which did not happen.

1. So we ask that the color of the entire second/third floor be painted to match the grey/brown color of the existing peak roof and that the same roofing material/color be rolled out on all the flat roof areas. This would remedy the blinding, obtrusive brightness of the structure,

In addition, the proposed project goes against the agreement neighbors reached with the applicant in 2014 (see attachment 3.), specifically regarding the maximum ceiling height of 8 feet.

2. So we ask that the plans be modified so that the maximum ceiling height for the 5th bedroom and the 4th bathroom will be 8 feet. We also ask that the ceiling height for the walk-in closet be reduced to 7.5 feet. These modifications will still give the applicant the square footage they are requesting. (See attachments 6A and 6B).

3. We also ask that this project be put on hold until all the issues related to the 2014 permit have been resolved, including clarifying any code enforcement issues/permit issues with regard to the rear yard now completely covered with concrete. Attachment 7. shows the project site prior to the construction of the first addition, with the vegetation and deck in the rear yard still intact. Attachment 8 (A,B,C) show the concrete structures in the rear yard.

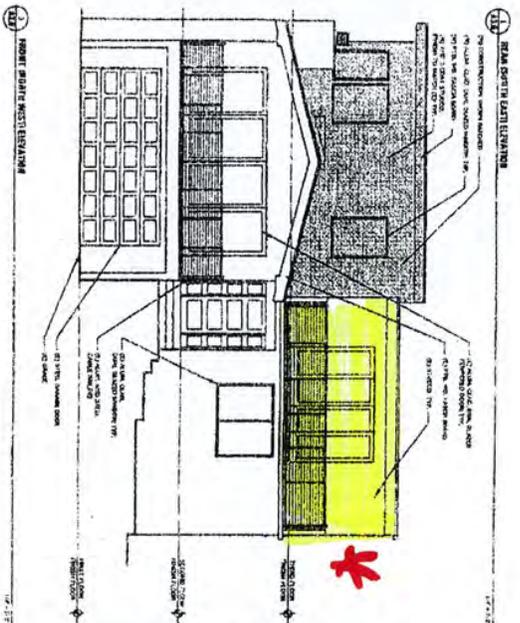
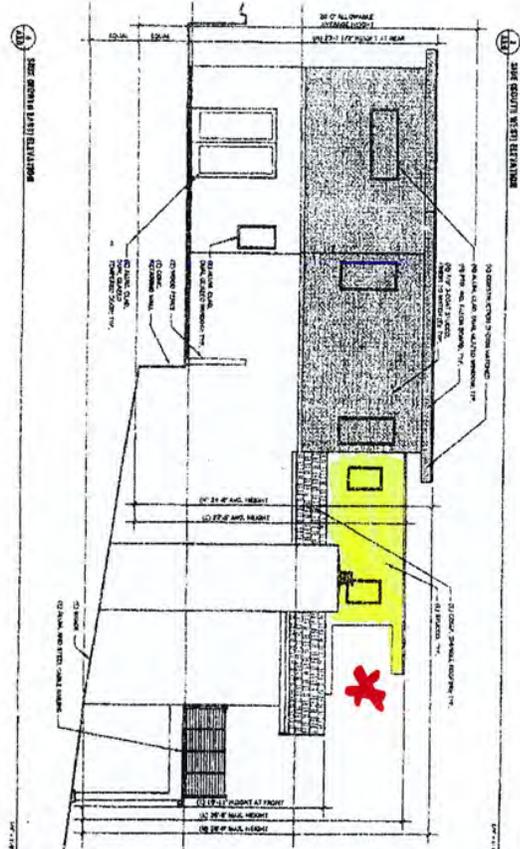
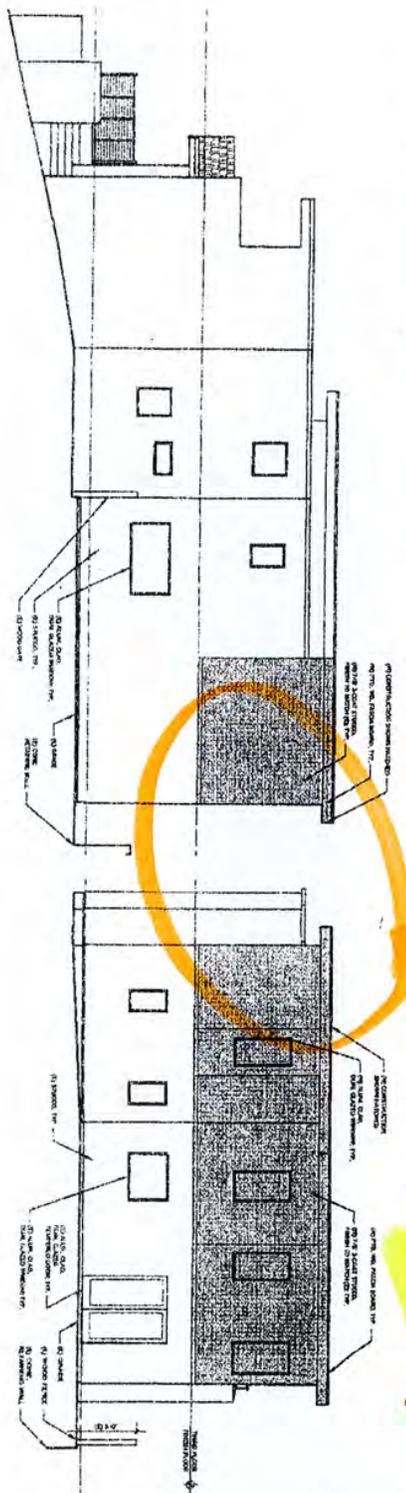
Sincerely,

  
Pamela Sihvola  
1476 Summit Road  
Berkeley, CA 94708

PS. Attachment 9 A and B show plans for a deck replacement at rear, dated 1/25/2018, and still indicating (E) REAR YARD, NO CHANGE

NO INDICATION OF CEILING HEIGHTS  
PAUS FOR NEW ADDITIONS -  
(INDEQUATE/DEFICIENT)

REDUCE TO 8' AS  
IN 2014 ADDITION \*



A.

UNELIUS  
RESIDENCE  
ADDITION

A-3.0  
PROPOSED  
EXTERIOR  
ELEVATIONS



5.

EXISTING PROPERTY LINE NOT CORRECT -  
FENCE SHOULD BE APPROX. 6" INSIDE  
1449 PROPERTY LINE  
PLEASE CHECK OR DO A SURVEY

**BEST MANAGEMENT PRACTICES**

1. EROSION CONTROL: EROSION CONTROL MEASURES SHALL BE INSTALLED PRIOR TO THE START OF CONSTRUCTION AND MAINTAINED THROUGHOUT CONSTRUCTION. EROSION CONTROL MEASURES SHALL BE INSTALLED PRIOR TO THE START OF CONSTRUCTION AND MAINTAINED THROUGHOUT CONSTRUCTION.
2. SEDIMENT CONTROL: SEDIMENT CONTROL MEASURES SHALL BE INSTALLED PRIOR TO THE START OF CONSTRUCTION AND MAINTAINED THROUGHOUT CONSTRUCTION.
3. SLOPE PROTECTION: SLOPE PROTECTION MEASURES SHALL BE INSTALLED PRIOR TO THE START OF CONSTRUCTION AND MAINTAINED THROUGHOUT CONSTRUCTION.
4. STORMWATER MANAGEMENT: STORMWATER MANAGEMENT MEASURES SHALL BE INSTALLED PRIOR TO THE START OF CONSTRUCTION AND MAINTAINED THROUGHOUT CONSTRUCTION.
5. TREE PROTECTION: TREE PROTECTION MEASURES SHALL BE INSTALLED PRIOR TO THE START OF CONSTRUCTION AND MAINTAINED THROUGHOUT CONSTRUCTION.
6. AIR POLLUTION CONTROL: AIR POLLUTION CONTROL MEASURES SHALL BE INSTALLED PRIOR TO THE START OF CONSTRUCTION AND MAINTAINED THROUGHOUT CONSTRUCTION.
7. NOISE CONTROL: NOISE CONTROL MEASURES SHALL BE INSTALLED PRIOR TO THE START OF CONSTRUCTION AND MAINTAINED THROUGHOUT CONSTRUCTION.
8. LIGHT POLLUTION CONTROL: LIGHT POLLUTION CONTROL MEASURES SHALL BE INSTALLED PRIOR TO THE START OF CONSTRUCTION AND MAINTAINED THROUGHOUT CONSTRUCTION.
9. WASTE MANAGEMENT: WASTE MANAGEMENT MEASURES SHALL BE INSTALLED PRIOR TO THE START OF CONSTRUCTION AND MAINTAINED THROUGHOUT CONSTRUCTION.
10. SAFETY: SAFETY MEASURES SHALL BE INSTALLED PRIOR TO THE START OF CONSTRUCTION AND MAINTAINED THROUGHOUT CONSTRUCTION.

**GENERAL NOTES**

1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
2. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
3. THE CONTRACTOR SHALL PROTECT ALL EXISTING UTILITIES AND STRUCTURES.
4. THE CONTRACTOR SHALL MAINTAIN THE SITE IN A SAFE AND SOUND CONDITION AT ALL TIMES.
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
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11. THE CONTRACTOR SHALL PROTECT ALL EXISTING UTILITIES AND STRUCTURES.
12. THE CONTRACTOR SHALL MAINTAIN THE SITE IN A SAFE AND SOUND CONDITION AT ALL TIMES.
13. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
14. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
15. THE CONTRACTOR SHALL PROTECT ALL EXISTING UTILITIES AND STRUCTURES.
16. THE CONTRACTOR SHALL MAINTAIN THE SITE IN A SAFE AND SOUND CONDITION AT ALL TIMES.
17. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
18. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
19. THE CONTRACTOR SHALL PROTECT ALL EXISTING UTILITIES AND STRUCTURES.
20. THE CONTRACTOR SHALL MAINTAIN THE SITE IN A SAFE AND SOUND CONDITION AT ALL TIMES.

**ASSESSOR'S MAP**

**VICINITY MAP**

**SITE PLAN**

**DRAWING INDEX**

NO. 1	GENERAL NOTES
NO. 2	EXISTING SITE PLAN
NO. 3	PROPOSED SITE PLAN
NO. 4	PROPOSED CONSTRUCTION
NO. 5	PROPOSED UTILITIES
NO. 6	PROPOSED LANDSCAPE
NO. 7	PROPOSED SIGNAGE
NO. 8	PROPOSED FENCE
NO. 9	PROPOSED DRIVEWAY
NO. 10	PROPOSED WALKWAY
NO. 11	PROPOSED BIKEWAY
NO. 12	PROPOSED LIGHTING
NO. 13	PROPOSED SECURITY
NO. 14	PROPOSED ACCESS
NO. 15	PROPOSED EROSION CONTROL
NO. 16	PROPOSED SEDIMENT CONTROL
NO. 17	PROPOSED SLOPE PROTECTION
NO. 18	PROPOSED STORMWATER MANAGEMENT
NO. 19	PROPOSED TREE PROTECTION
NO. 20	PROPOSED AIR POLLUTION CONTROL
NO. 21	PROPOSED NOISE CONTROL
NO. 22	PROPOSED LIGHT POLLUTION CONTROL
NO. 23	PROPOSED WASTE MANAGEMENT
NO. 24	PROPOSED SAFETY

**PROJECT DATA**

OWNER: [Name]  
 PROJECT NAME: [Name]  
 PROJECT ADDRESS: [Address]  
 PROJECT CITY: [City]  
 PROJECT STATE: [State]  
 PROJECT ZIP: [Zip]

**TABULATION FORM**

NO.	DESCRIPTION	DATE	BY	CHECKED
1	GENERAL NOTES	03/12/2020	[Name]	[Name]
2	EXISTING SITE PLAN	03/12/2020	[Name]	[Name]
3	PROPOSED SITE PLAN	03/12/2020	[Name]	[Name]
4	PROPOSED CONSTRUCTION	03/12/2020	[Name]	[Name]
5	PROPOSED UTILITIES	03/12/2020	[Name]	[Name]
6	PROPOSED LANDSCAPE	03/12/2020	[Name]	[Name]
7	PROPOSED SIGNAGE	03/12/2020	[Name]	[Name]
8	PROPOSED FENCE	03/12/2020	[Name]	[Name]
9	PROPOSED DRIVEWAY	03/12/2020	[Name]	[Name]
10	PROPOSED WALKWAY	03/12/2020	[Name]	[Name]
11	PROPOSED BIKEWAY	03/12/2020	[Name]	[Name]
12	PROPOSED LIGHTING	03/12/2020	[Name]	[Name]
13	PROPOSED SECURITY	03/12/2020	[Name]	[Name]
14	PROPOSED ACCESS	03/12/2020	[Name]	[Name]
15	PROPOSED EROSION CONTROL	03/12/2020	[Name]	[Name]
16	PROPOSED SEDIMENT CONTROL	03/12/2020	[Name]	[Name]
17	PROPOSED SLOPE PROTECTION	03/12/2020	[Name]	[Name]
18	PROPOSED STORMWATER MANAGEMENT	03/12/2020	[Name]	[Name]
19	PROPOSED TREE PROTECTION	03/12/2020	[Name]	[Name]
20	PROPOSED AIR POLLUTION CONTROL	03/12/2020	[Name]	[Name]
21	PROPOSED NOISE CONTROL	03/12/2020	[Name]	[Name]
22	PROPOSED LIGHT POLLUTION CONTROL	03/12/2020	[Name]	[Name]
23	PROPOSED WASTE MANAGEMENT	03/12/2020	[Name]	[Name]
24	PROPOSED SAFETY	03/12/2020	[Name]	[Name]

A-0.0

COVER SHEET

UNIL LUS RESIDENCE ADDITION

C.

PLEASE CHECK IF



FILING THE EXISTENCE WITH YARD WITH CONCERNS WITH  
PAUSE 1. WITH PERMITS 2. IS CODE COMPLIANT OR 3. POTENTIALLY

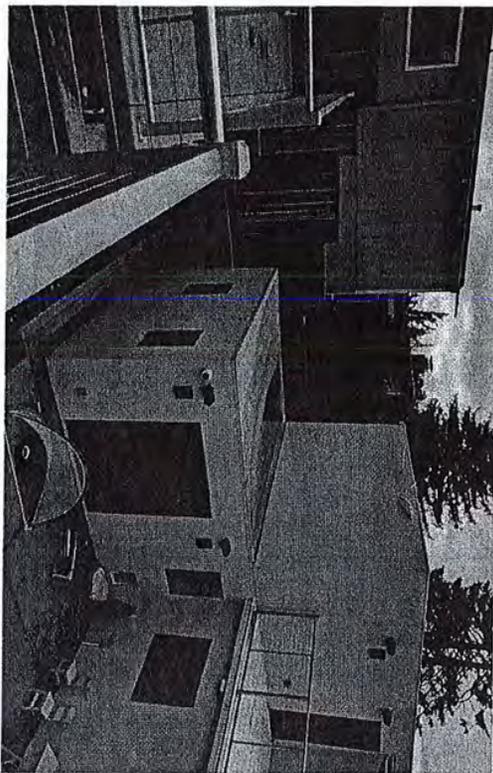
DATE/LOCATION - D.



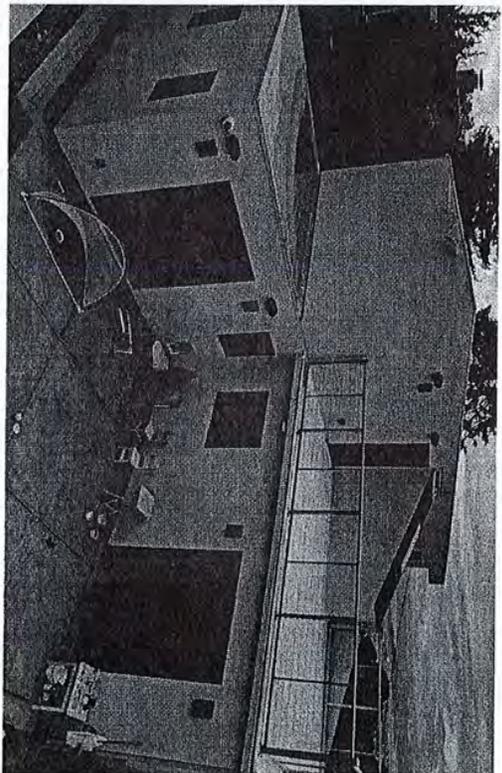
1476 - 1110 1480 SUNSHINE RD. NEIGHBORS PROJ. SUBJECT PROPERTY.



1445 GRICEL, PE-1 BL. D. NEIGHBOR PROJ. SUBJECT PROPERTY.



1455 GRICEL, PE-1 BL. D. PROJ. SUBJECT PROPERTY.

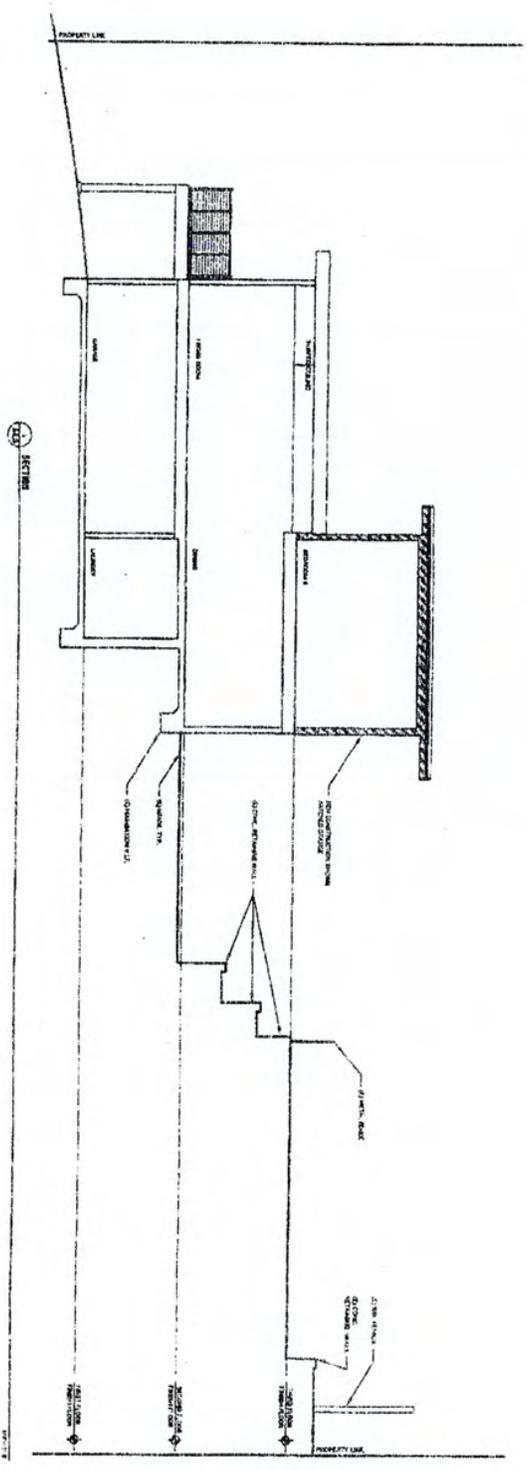


1449 GRICEL, PE-1 BL. D. SUBJECT PROPERTY. -PE-1 OF A.O.P.I

mitchell  
holladay architects

1708 martin luther king jr way, suite b  
berkeley, ca 94709

*SECTION DRAWING INADEQUATE*



A-4.0

SECTION

SECTION

SECTION

SECTION

SECTION

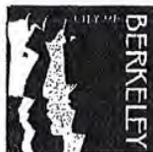
SECTION

SECTION



*E.*

ATTACHMENT 1.



**PLANNING & DEVELOPMENT**

Land Use Planning, 2120 Milvia Street, Berkeley, CA 94704  
 Tel: 510.861.7410 TDD: 510.861.7474 Fax: 510.861.7420  
 Email: [landuse@cityofberkeley.info](mailto:landuse@cityofberkeley.info)

DATE STAMP HERE  
 LAND USE PLANNING  
 APR 15 2013

**I.A Zoning Project Application Form**

Effective May 1, 2007.

- For:  Administrative Use Permits (AUP)  
 Use Permits (UP)  
 Variances (VAR)  
 Alteration Permit (LPC)  
 Design Review (DRC)  
 Modifications (MOD AUP, MOD UP)

Intake Planner Harrison

- Project Address: 1449 Grizzly Peak Blvd. Unit/Suite #: N/A  
 Project Description: We are proposing a 599 sq. ft addition to an existing 1,515 sq. ft. home. 84 sq. ft on main level and 515 sq. ft. master bedroom & bath on a new upper level.
- Property Owner Name (Print) Robert & Cheryl Ubillus  
 Owner's Mailing Address: 1449 Grizzly Peak Blvd.  
Berkeley, CA 94705  
 Daytime Phone # 831-750-0257 FAX # \_\_\_\_\_ E-mail: randcubillus@aol.com
- Applicant Name (or write same): ~~Robert~~ Ryan Ferguson  
 Applicant's Mailing Address: 564 Gregory Drive  
Vacaville, CA 95687  
 Daytime Phone # 560 499 9135 FAX # 707 454 3800 E-mail: rg.ferguson@gmail

**Submittal Requirements Checklist -- Instructions:**

- Complete the checklist below and sign the bottom of page 2.
- For each item you check "yes", provide the submittal requirement indicated in the right-hand column. Refer to the document **1. Zoning Project Submittal Requirements** for further instructions.
- Label each item with the Submittal Requirement # (i.e., III.A.2) and the project address; attach to this application form.
- Submit to a Planner with the appropriate application fee. Call 981-7410 to make an appointment.

Does the project include:	No	Yes	Application Requirement
1. Converting existing Rental or Tenant In Common (TIC) Units to Condominiums?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	• Refer to the "Condominium Conversion Procedures: Guide for Applicants".
2. Demolition of, or exterior modifications to, a designated City of Berkeley landmark, structure of merit, historic district or building registered with the National Historic registry?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	• Refer to the "Landmark Preservation Commission: Structural Alteration Permit and Design Review Submittal Requirements".

ATTACHMENT 2.

Claudine Asbagh, Assistant Planner

City of Berkeley  
 Planning and Development  
 2120 Milvia Street  
 Berkeley, CA 94704

May 15, 2013

RE: 1449 Grizzly Peak Blvd.  
 proposed second story addition.

Dear Ms. Asbagh,

Thank you for your message of April 24, 2013, and the information you provided on May 9, 2013.

As we discussed, we, the most heavily impacted, abutting neighbors on Summit Road, have serious concerns regarding the above referenced project (as proposed), especially regarding the design of the second story addition, and its impact on our views to the west.

Due to these concerns we are asking for the following changes to the design (see Attachment 1., areas marked in blue):

1. The reconfiguration of portions of the proposed upstairs closet/staircase area, in such a way that the view obstructing components be removed (see east (rear) and west (front) elevation drawings in Attachment 1.)
2. The redesign of the second story roof from a proposed gable to a flat roof, as is the current roof design of this mid-century home, with a maximum 8 ft. ceiling height. See south (right) and north (left) elevation drawings in Attachment 1.

In conclusion, we ask that the project be put on hold until these issues are addressed in full, and a resolution reached among all parties.

Sincerely,

*Catherine Feucht*  
 Catherine Feucht  
 1480 Summit Road  
 Berkeley, CA 94708  
*Pamela Sinyora*  
 Pamela Sinyora  
*Luis Garcia*  
 Luis Garcia  
 1476 Summit Road  
 Berkeley, CA 94708

RECEIVED

MAY 16 2013

LAND USE PLANNING

ATTACHMENT 3.

Rodrigo Ubillus  
1449 Grizzly Peak Blvd.  
Berkeley, CA 94708

March 4, 2014

Re: Proposed second story addition  
and remodel @ 1449 Grizzly Peak Blvd.

Mr. Rodrigo Ubillus,

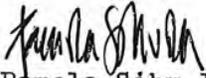
Thank you for the 2 plan sheets and your note I received on  
February 27, 2014.

As you requested I am enclosing the 2 plan sheets with neighbors'  
signatures, reflecting the principal points of agreement, as shown  
on plan sheet 3, dated 2/26/2014 (Attachment 1.) and on stacked  
stair section drawing (Attachment 2.) for the above referenced  
proposed project:

1. 8 ft. ceiling height
2. Flat roofs throughout
3. Stacked stair with a 7 ft. head height

When you are ready to submit the final, complete set of plans to  
the city, could you also please, email the set to us via Patrick,  
as a pdf-file, to: [info@sheahan-quandt.com](mailto:info@sheahan-quandt.com).

Sincerely,

  
Pamela Sihvola  
1476 Summit Rd.  
Berkeley, CA 94708

PS. We look forward to receiving the information and quotes for the  
tree cutting project as soon as possible. Thank you.

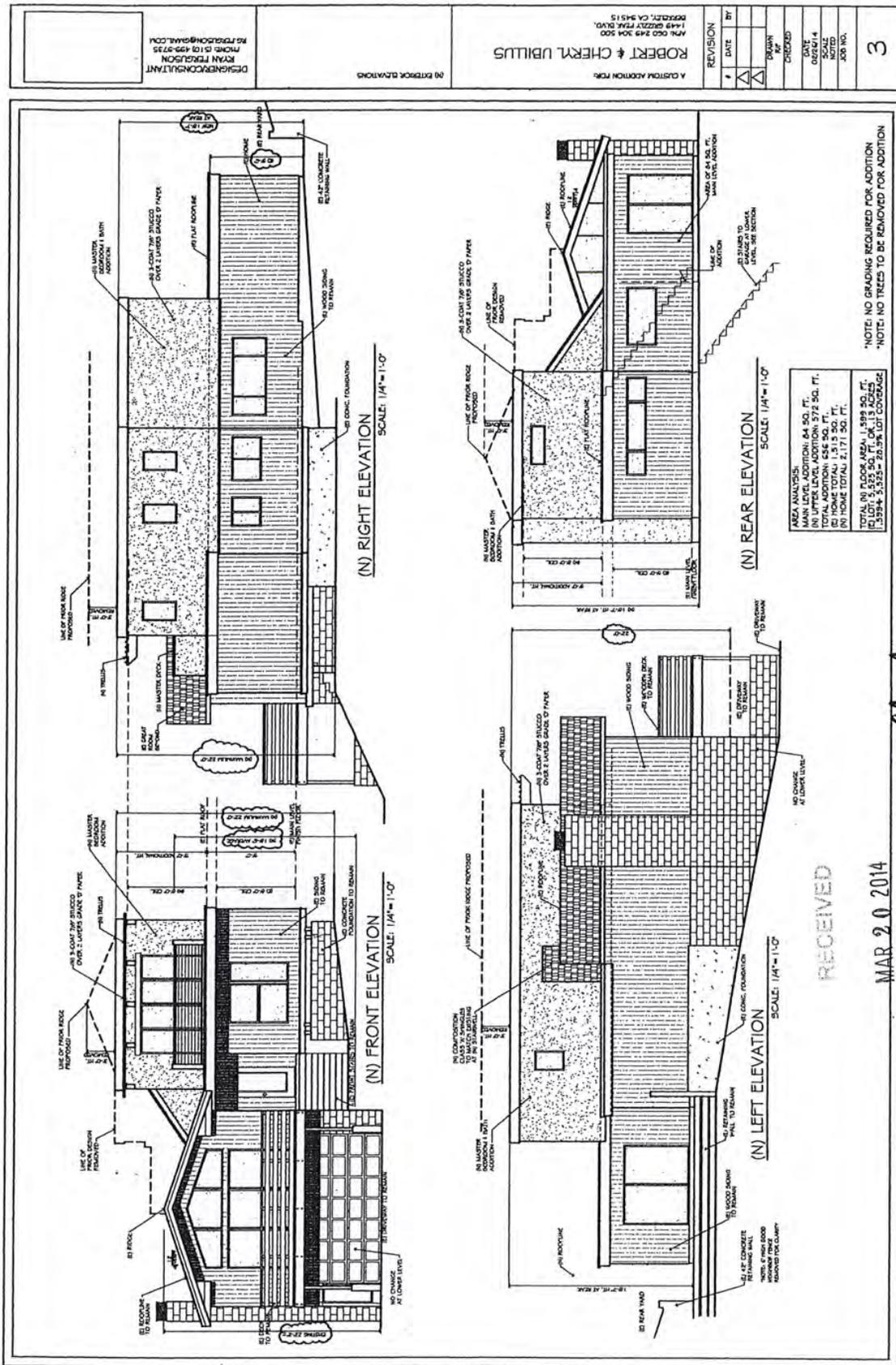
cc: Victor Herbert, Zoning Mediations

RECEIVED

MAR 20 2014

LAND USE PLANNING

ATTACHMENT 1.



1476 SUMMIT RD. BERKELEY, CA 94708

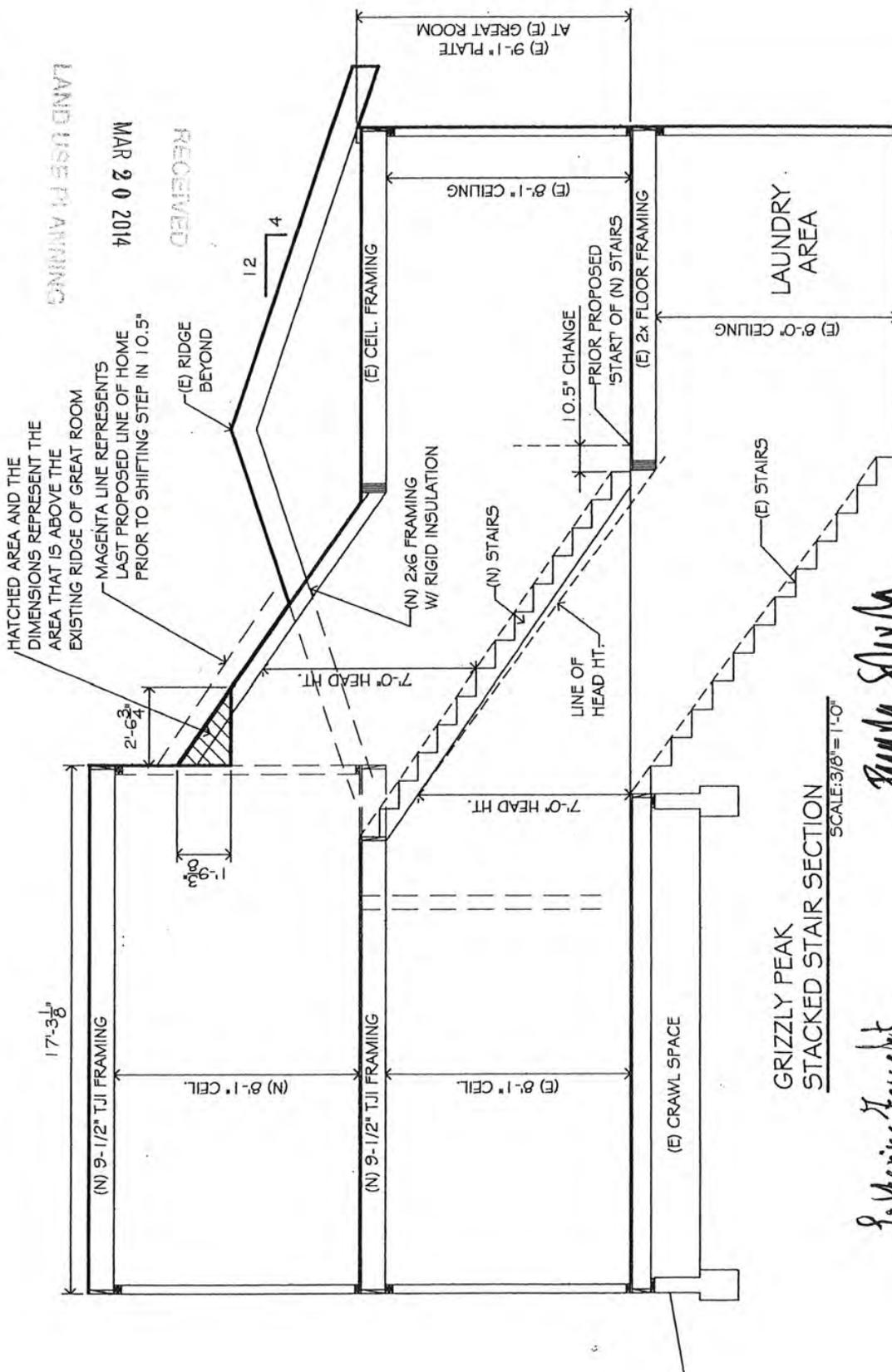
RECEIVED  
 MAR 20 2014

LAND USE PLANNING

Pamela Shulva  
 Luis Garcia

Catherine Kennedy  
 1480 Summit Rd. Berkeley

ATTACHMENT 2.



LAND USE PLANNING

MAR 20 2014

RECEIVED

GRIZZLY PEAK  
STACKED STAIR SECTION

SCALE: 3/8" = 1'-0"

*Lo Menic-Forebat*  
1480 Summit Rd.  
Berkeley

*Randa Shiva*  
*Luis Garcia*  
1476 SUMMIT RD. BERKELEY. CA 94708

*ATTACHMENT 4.***ATTACHMENT 1****FINDINGS AND CONDITIONS**

MAY 1, 2014

**1449 Grizzly Peak Blvd.****Administrative Use Permit #13-2000050**

To construct a two-story, 556 square foot residential addition that will increase the building's average and maximum heights from 14' 6" to 18' 6" and from 17' to 22' respectively.

**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.

**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, 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:
  - The proposed addition would not unreasonably obstruct sunlight, air, or views, because it would not cast new shadows on the windows of adjacent residences. The addition remains well outside of the required yards, and is located within the general footprint of the existing dwelling in an area that is already developed with substantial vegetation that also filters views.
  - The project consists of a two story addition that will maintain the flat roof lines of the existing dwelling to maintain the views of adjacent neighbors located uphill from the site.
  - The subject property satisfies the district standards for maximum residential density, maximum main building height, minimum front, rear, and side yard setbacks, maximum lot coverage and minimum open space.
  - The project would not increase parking demand and existing parking is provided in accordance with the minimum requirement.

---

**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.

**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. 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 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.

**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.

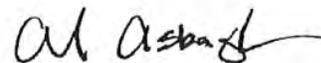
22. Any construction during the wet season shall require submittal of a soils report with appropriate measures to minimize erosion and landslides, and the developer shall be responsible for following these and any other measures required by the Building and Safety Division and the Public Works Department.
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. 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 **March 5, 2014**.

**At All Times (Operation):**

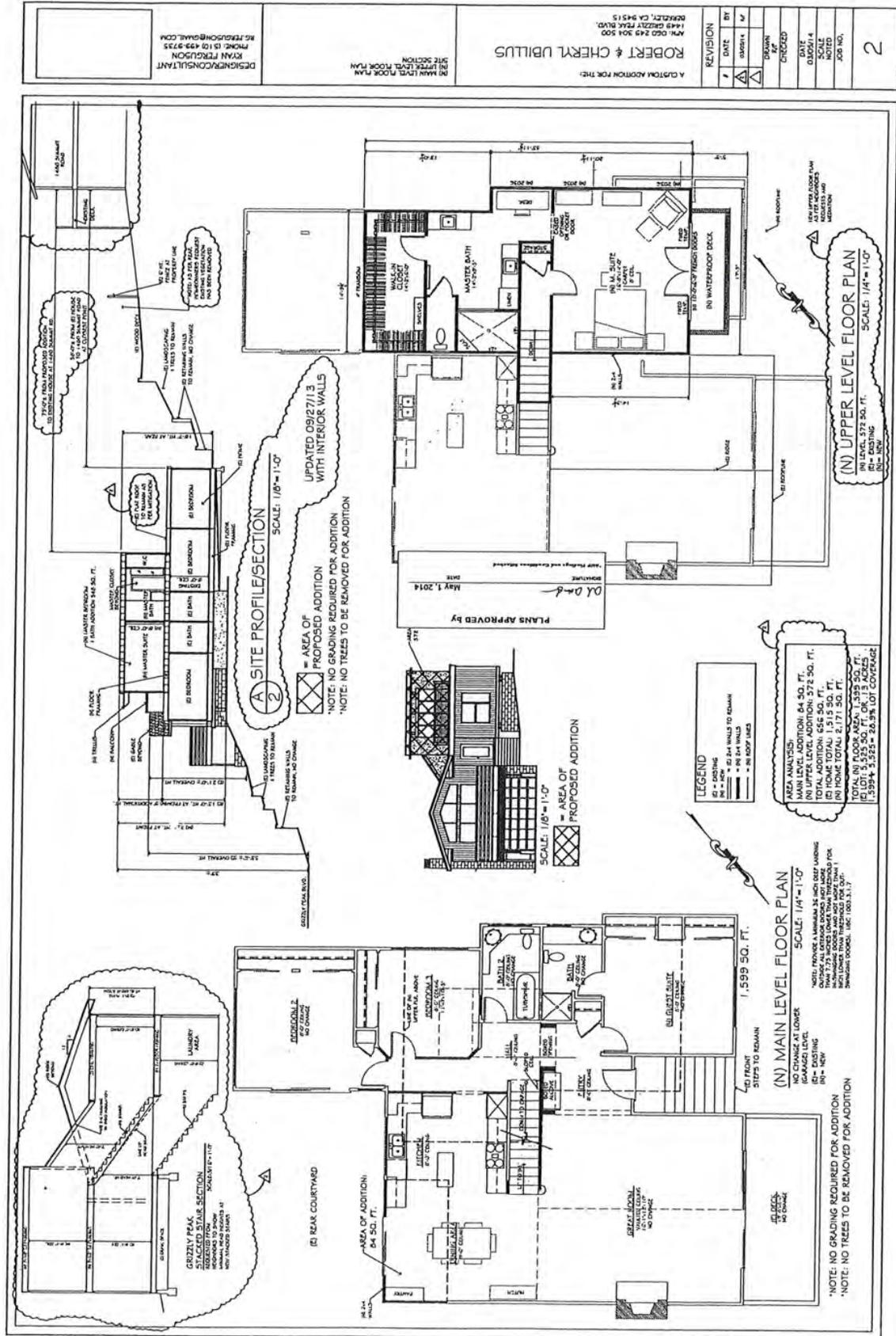
26. All exterior lighting shall be shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.
27. This permit is subject to review, imposition of additional conditions, or revocation if factual complaint is received by the Zoning Officer that the 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.

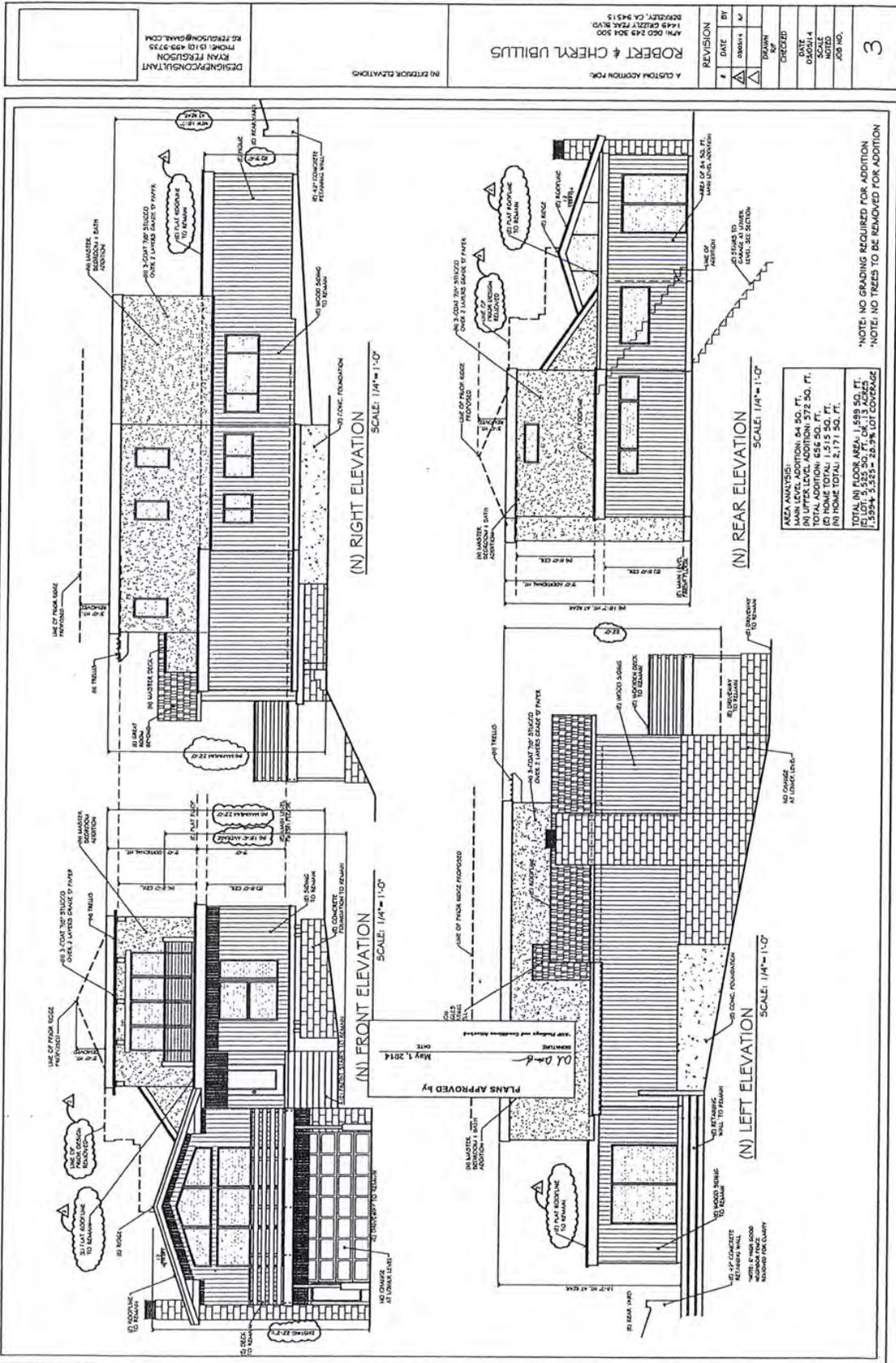


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Prepared by: Claudine Asbagh  
For Eric Angstadt, Planning Director







A CUSTOM ADDITION FOR  
 ROBERT & CHERYL UBILLUS  
 1448 GARDEN VIEW BLVD  
 BERKELEY, CA 94715

DESIGNER/CONSULTANT  
 RYAN FERGUSON  
 PHONE: (510) 859-3725  
 RS.FERGUSON@GMAIL.COM

NO EXTERIOR ELEVATIONS

CREATED: 05/01/14  
 DATE: 05/01/14  
 SCALE: AS NOTED  
 JOB NO.: 3

ATTACHMENT 5.

VIEW OF 1449 GRIZZELY PEAK BLVD.  
FROM 1476 SUMMIT ROAD LIVING ROOM WINDOW



ATTACHMENT 6.A

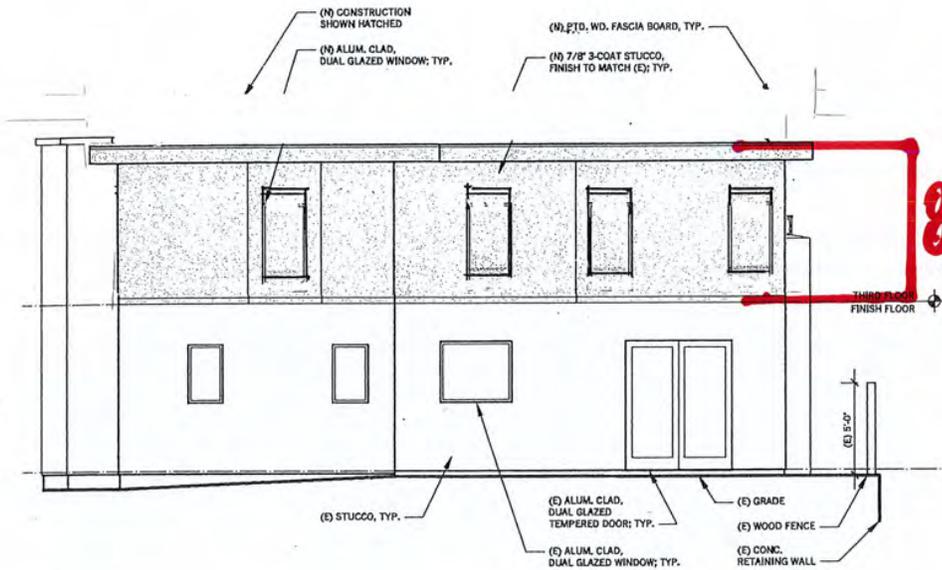
- PAINT COLOR FOR THE ENTIRE 3<sup>RD</sup> STORY AND ALL ROOFS SHOULD MATCH THE EXISTING SHINGLE ROOF COLOR TO BLEND WITH THE SURROUNDING NATURE (AS APPLICANT PROMISED DURING MEDIATION FOR THE FIRST ADDITION)



- PROPOSED: ● BEDROOM (#5) & BATH (#4) ~ MAX. CEILING HEIGHT: 8 FT. (AS IN MAY 1, 2014 APPROVED PLANS FOR THE PREVIOUS ADDITION)
- CLOSET CEILING HEIGHT 7.5 FT.

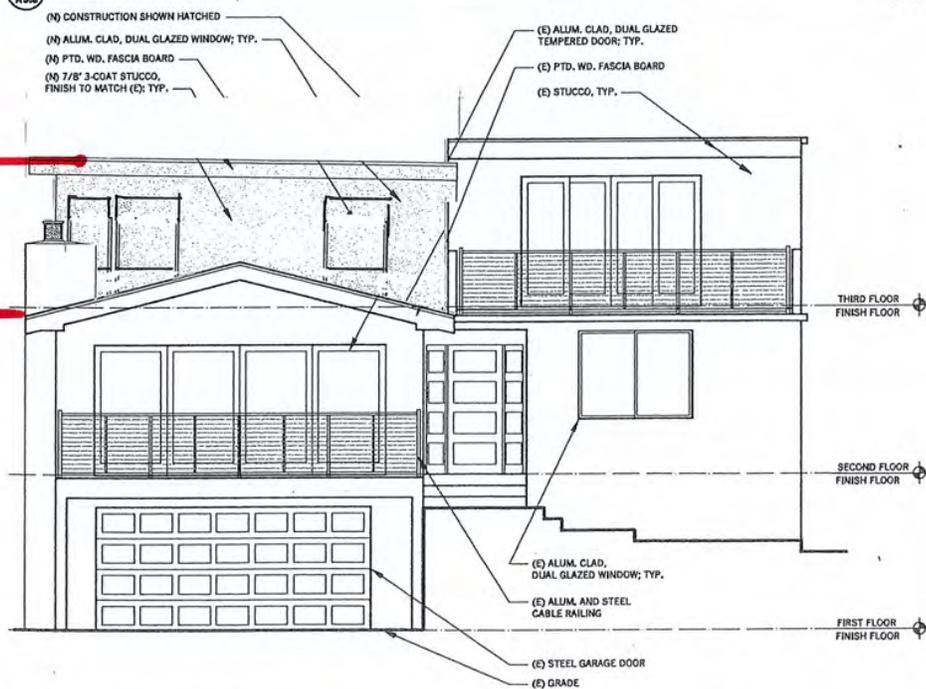
ATTACHMENT  
6B

MAXIMUM CEILING HEIGHT 8 FT.



8 FT.

1 REAR (SOUTH EAST) ELEVATION



8 FT.

3 FRONT (NORTH WEST) ELEVATION

mitche  
holladay

ARCHITECTS

2700 Market Street, Suite 200  
Berkeley, CA 94708

510.725.1200

UBILLUS  
RESIDENCE  
ADDITION

1449 GREEZLY PEAK BLVD.  
BERKELEY, CA 94708

CONSULTANTS

ISSUE	DATE
ALP SUBMITTAL	09/03/19

PROPOSED  
EXTERIOR  
ELEVATIONS

A - 3.0

ATTACHMENT 7. (A= PROJECT SITE)



ATTACHMENT 8A



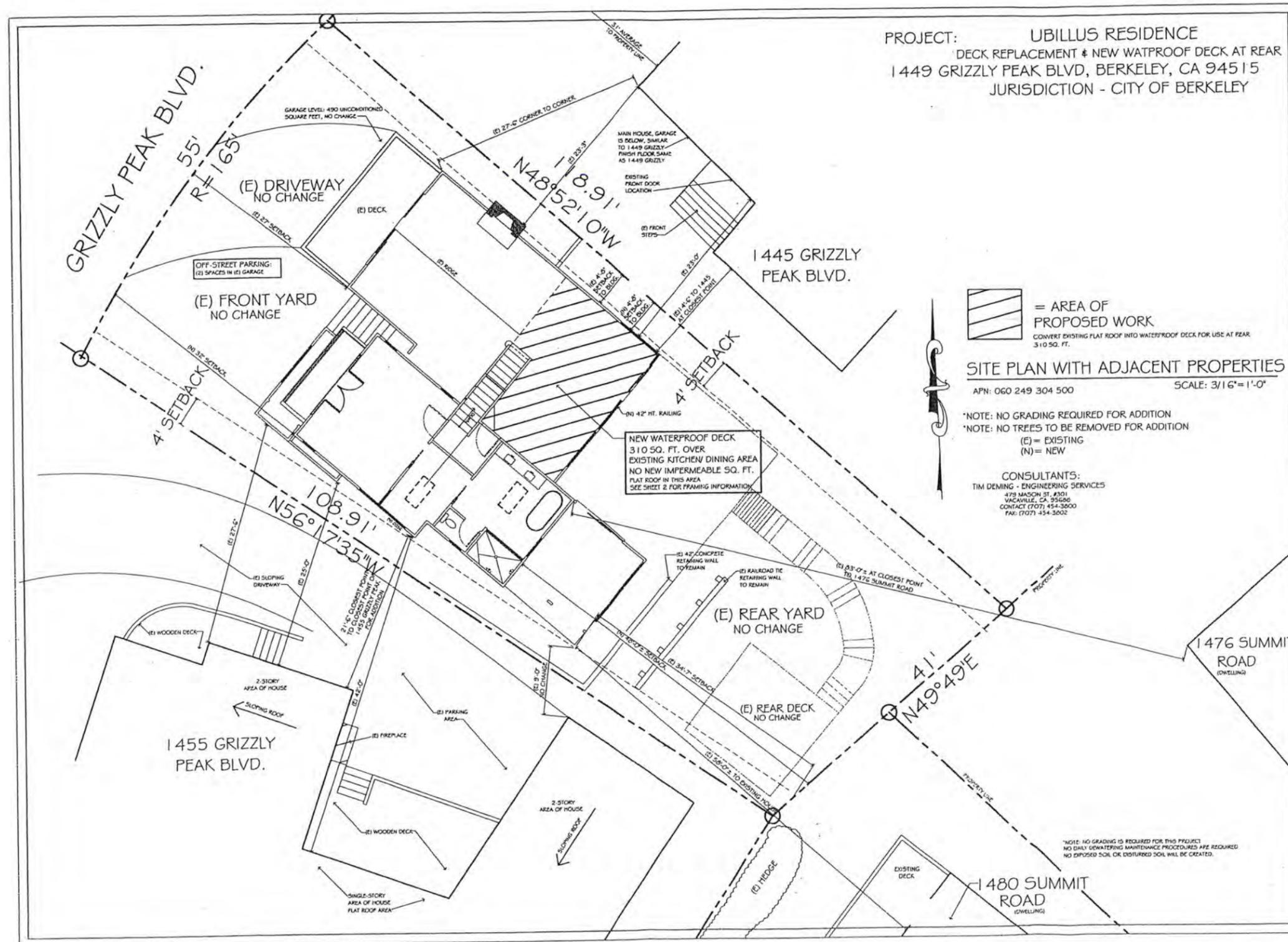
ATTACHMENT B.B.



ATTACHMENT B.C.



ATTACHMENT 9A.



ENGINEERING SERVICES  
TIM DENING  
479 MASON ST., #301  
WACKVILLE, CA 95686  
CONTACT: (707) 454-3000  
DENING@ESBCCONLINE.COM

RYAN FERGUSON  
PHONE: (510) 499-9735  
R.F. FERGUSON@GMAIL.COM

SITE PLAN WITH NEW DECK LOCATION

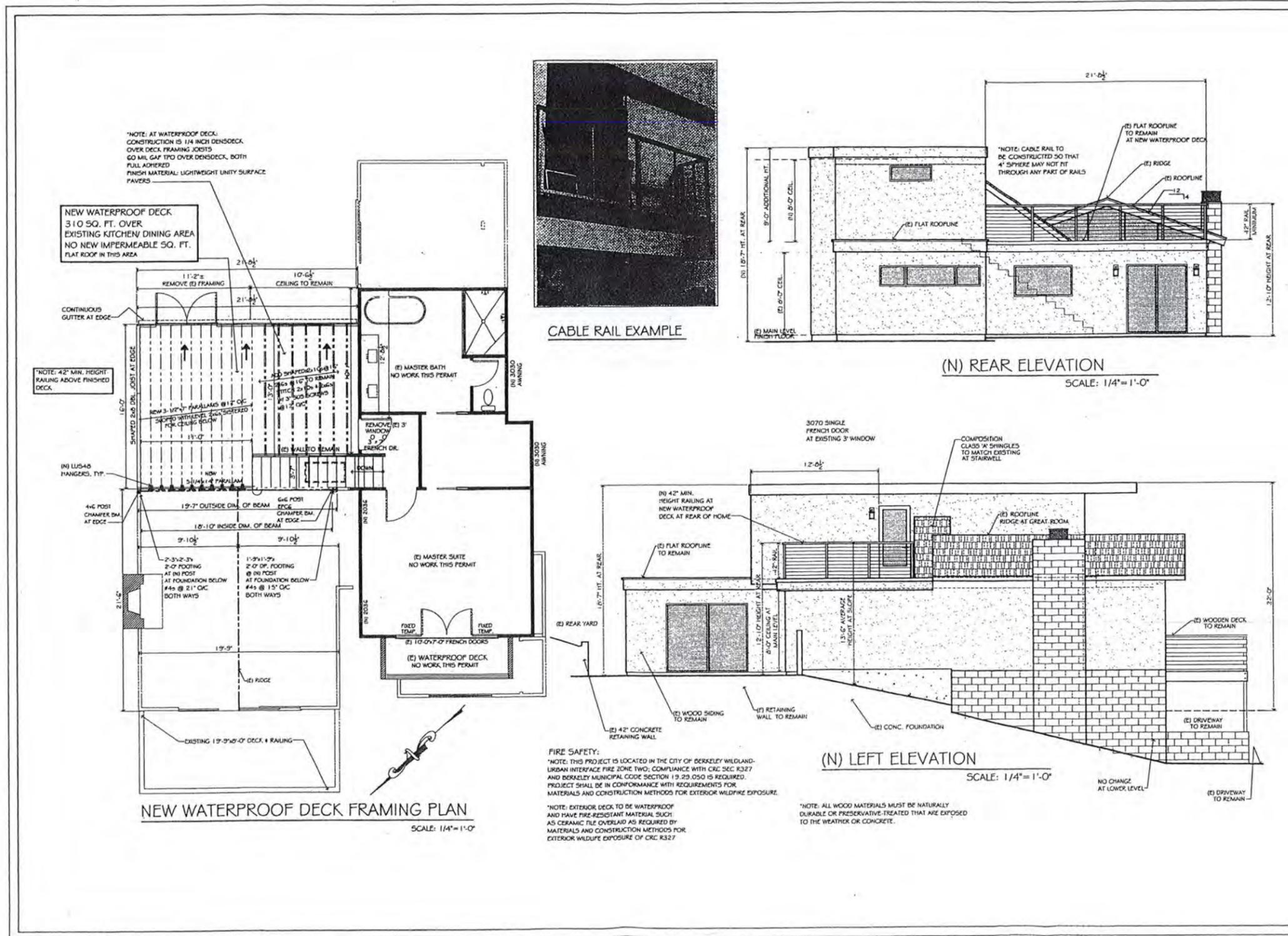
A NEW REAR WATERPROOF DECK AT EXISTING FLAT ROOF FOR:

ROBERT & CHERYL UBILLUS  
APN: 060 249 304 500  
1449 GRIZZLY PEAK BLVD.  
BERKELEY, CA 94708

REVISION		
#	DATE	BY
1		
2		

DRAWN: R/F  
CHECKED: [ ]  
DATE: 01/25/18  
SCALE: NOTED  
JOB NO.:

ATTACHMENT 9B.



ENGINEERING SERVICES  
THE DESIGN GROUP  
172 MARIN BLVD., SUITE 200  
EMERYVILLE, CA 94608  
CONTACT: (925) 454-3000  
EMAIL: info@designgroup.net

DESIGNER/CONSULTANT  
RYAN FERGUSON  
PHONE: (510) 499-9735  
RG.FERGUSON@GMAIL.COM  
INSOURCE DESIGN



WATERPROOF DECK AT REAR FRAMING WITH DECK  
NEW REAR AND SIDE ELEVATIONS WITH DECK

A NEW REAR WATERPROOF DECK AT EXISTING FLAT ROOF FOR:  
**ROBERT & CHERYL UBILLUS**  
APN: 060 249 304 500  
1449 GRIZZLY PEAK BLVD.  
BERKELEY, CA 94708

REVISION		
#	DATE	BY
1		
2		

DRAWN: R/F  
CHECKED:  
DATE: 01/25/18  
SCALE: NOTED  
JOB NO.

**URGENT**

DATE 7/18.2019

NO. OF PAGES 3  
(Including Cover Page)

**MESSAGE TO:**

NAME ASHLEY JAMES, AICP ASSOCIATE PLANNER

COMPANY CITY OF BERKELEY PLANNING & DEVELOPMENT

E-MAIL FAX# ajames@CityofBerkeley.info

NOTES PER YOUR REQUEST (7/17.2019) I AM ENCLOSED A PHOTO (F) OF 1449 GAZZLY PERU BLVD. (VIEW FROM 1476 SUMMIT RD.) SHOWING THE REAR YARD BEFORE THE FINAL CONCRETE POUR AND BEFORE THE PROTECTED LIVE OAK (ON THE LEFT) WAS CUT DOWN

**MESSAGE FROM:**

NAME PAMELA SIHVOLA

THE SECOND PHOTO (G) SHOWS THE SAME AREA (IN SPRING TIME) PRIOR TO ANY CONSTRUCTION, WITH ORIGINAL PLANTINGS OF A PERSIMMON TREE, MAGNOLIA, JAPANESE MAPLES, FRUIT TREES, ETC. IN THE REAR YARD.

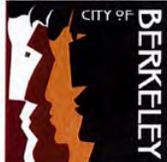


PHOTO OF 1449 GARZELY PERLE BLVD. REAR YARD PRIOR TO ANY CONSTRUCTION, SHOWING ORIGINAL PLANTINGS OF A PERSIMMON TREE, MAGNOLIA, FRUIT TREES, JAPANESE MAPLES ETC. (6)



— PHOTO OF 1449 GULLY PEARL BLVD. REAR YARD BEFORE FINAL CONCRETE POUR AND BEFORE THE PROTECTED LIVE OAK (ON THE LEFT) WAS CUT DOWN.

(F)



# I. ZONING PROJECT APPLICATION FORM

*(This box for staff use only.)*

ZP201 \_\_\_\_\_  
 Administrative Use Permit  
 Use Permit / Variance  
 Modification of any of the Above

PLN201 9 - 0072  
 Pre-Application

Intake Planner: Alison Lenci

RECEIVED  
DATE STAMP HERE

DEC 11 2019

LAND USE PLANNING

• **Project Address:** 1449 GRIZZY PEAK Unit/Suite #: \_\_\_\_\_

Project Description: \_\_\_\_\_

APPEAL OF AUP# ZP2019 - 0111

( See Attached )

• **Property Owner Name:** \_\_\_\_\_

Owner's Mailing Address: \_\_\_\_\_

Phone #: \_\_\_\_\_  Home  Mobile  Business E-mail: \_\_\_\_\_

• **Applicant Name** (or write "same"): PAMELA SIHVOJA

Applicant's Mailing Address: 1476 SUMMIT ROAD, BERKELEY, CA 94708

Phone #: (510) 697-0525  Home  Mobile  Business E-mail: NO/CORRESPOND VIA USPS

**For projects involving only the following four items and none of the items on pages 2-3 of this form, please refer to the handout indicated in the right-hand column instead of filling out this form.**

1. Converting existing Rental or Tenant In Common (TIC) Units to Condominiums?	Refer to the "Condominium Conversion Procedures: Guide for Applicants"
2. Demolition of, or exterior alterations to, a designated City of Berkeley Landmark, Structure of Merit, or structure in a City Historic District (or interior alterations to such buildings if publicly owned)?	Refer to the "Landmark Preservation Commission: Structural Alteration Permit and Design Review Submittal Requirements"
3. Application to designate a City Landmark, Structure of Merit or Historic District?	Refer to the "Landmark, Structure of Merit or Historic District Designation Form"
4. Exterior changes (including signs) to (1) any structure (new or existing) in a non-residential zoning district OR (2) a commercial or mixed-use building in the R-4 District?	Refer to the Design Review Submittal Packet

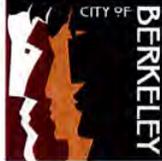
Continued on Page 2

## PLANNING & DEVELOPMENT

Land Use Planning Division, 1947 Center Street, 2<sup>nd</sup> Floor, Berkeley, CA 94704

Tel: 510.981.7410 TDD: 510.981.6903

Fax: 510.981.7420 Email: [Planning@CityofBerkeley.info](mailto:Planning@CityofBerkeley.info)

	<h1>I. ZONING PROJECT APPLICATION FORM</h1>
Page 2 of 4	

## Submittal Requirements Checklist – Instructions

1. Complete the checklist below and **sign the bottom of page 3**. (*Owner must also sign, or provide a letter authorizing the applicant to sign on the owner's behalf.*)
2. For each question for which you check "yes", review the Zoning Project Submittal Requirements to learn more and to provide the item indicated in the right-hand column.
3. **Submit a pdf copy of the entire application, along with the paper application to the Planner at the Permit Service Center, Zoning Counter.**

Does the project include:	No	Yes	Handout / Application Requirement
1. Any work requiring an Administrative Use Permit, Use Permit, Variance, or Modification of any these permits?	<input type="checkbox"/>	<input type="checkbox"/>	Required For All Projects
2. Any new structure(s), addition(s), demolition(s), exterior alteration(s), or change(s) of use?	<input type="checkbox"/>	<input type="checkbox"/>	Required For All Projects Involving Construction
3. A new main building, OR a new accessory building/structure or main building addition within 2 feet of a required setback?	<input type="checkbox"/>	<input type="checkbox"/>	Boundary/Topographic Survey
4. More than 50 cubic yards of grading?	<input type="checkbox"/>	<input type="checkbox"/>	Grading Plan
5. A request to waive or reduce required parking?	<input type="checkbox"/>	<input type="checkbox"/>	Parking Survey
6. (1) a building over three stories in height, (2) a Density Bonus, (3) an FAR over 2.0, (4) over 10,000 sq. ft. of gross floor area; OR any wireless installation	<input type="checkbox"/>	<input type="checkbox"/>	Photo Simulations
7. A new main building or an addition exceeding 14 feet in average height in the 'H' Overlay District?	<input type="checkbox"/>	<input type="checkbox"/>	Section Drawings Story Poles
8. A new main building or an addition exceeding 14 feet in average height on a site adjacent to a residential use?	<input type="checkbox"/>	<input type="checkbox"/>	Shadow Study
9. A new main building (except accessory buildings/structures)?	<input type="checkbox"/>	<input type="checkbox"/>	Street Strip Elevation
10. Creation of (1) 5 or more dwelling or live/work units, or (2) additional condominium units resulting in 5 or more condominium units on the site?	<input type="checkbox"/>	<input type="checkbox"/>	Housing Affordability Statement Applicant Anti-Discriminatory Housing Policies
11. Under Government Code Section 65915: a. A request for a Density Bonus? b. A request for any concessions or incentives in addition to a Density Bonus?	<input type="checkbox"/>	<input type="checkbox"/>	Housing Affordability Statement Additional Incentives or Concessions Documents
12. Creation of (1) 10 or more dwelling units, (2) 5,000 sq. ft. of floor area, OR (3) 25 or more peak hour vehicle trips (based on ITE trip generation rates)?	<input type="checkbox"/>	<input type="checkbox"/>	Traffic Impact Analysis
13. Creation or replacement of 2,500 square feet or more of impervious surface area? (Includes additions and new buildings but not routine maintenance and re-surfacing).	<input type="checkbox"/>	<input type="checkbox"/>	Stormwater Requirements Checklist
14. Any new dwelling unit(s), or addition or renovation of 10,000 sq. ft. or more of non-residential space?	<input type="checkbox"/>	<input type="checkbox"/>	Green Building Checklist Energy Efficiency Analysis <i>(nonresidential mixed-use only)</i>
15. 2,500 sq. ft. or more of new landscape area or 2,500 sq. ft. or more of rehabilitated landscape?	<input type="checkbox"/>	<input type="checkbox"/>	Berkeley Water Efficient and Bay Friendly Landscape Requirements
16. A new building on a site with a history of soil and/or groundwater contamination or within Environmental Management Areas?	<input type="checkbox"/>	<input type="checkbox"/>	Phase I or II Assessment
17. A new building or addition in a liquefaction, landslide, or fault zone shown on the "Environmental Constraints Map"	<input type="checkbox"/>	<input type="checkbox"/>	Seismic Hazard Investigation
18. Federal funding, either directly or through the City of Berkeley Housing Trust Fund?	<input type="checkbox"/>	<input type="checkbox"/>	Area of Potential Effects (APE) Statement
19. A new business, or a new commercial space with tenant/operator already selected? ( <b>Does not include</b> home occupations.)	<input type="checkbox"/>	<input type="checkbox"/>	Zoning Use Questionnaire



# I. ZONING PROJECT APPLICATION FORM

Page 3 of 4

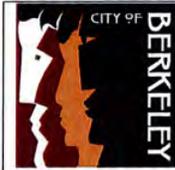
<b>You must disclose whether or not any of the following are true of the project:</b>	<b>No</b>	<b>Yes</b>
<ul style="list-style-type: none"> <li>Over 7,500 square feet of office, retail, restaurant, hotel, lodging, manufacturing, light industrial, research and development, warehouse or storage? If so, Affordable Child Care and Affordable Housing Fees apply. Refer to Council Resolutions #66,618-N.S. &amp; #66,617-N.S.</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>Any new commercial or industrial building, more than five or more Dwelling Units; or an addition or more than 10,000 square feet. If so, Percent for Public Art on Private Projects Program applies, per BMC Chapter 23C.23.</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>Project involves the elimination or rehabilitation of any dwelling units, and/or are any of the dwelling units on the property controlled rental units? If so, your application will be referred to the Rent Stabilization Board. No action is required on your part. You may contact them at (510) 981-7368 if you have any questions.</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>Construction activity within the drip line of a Coast Live Oak tree with circumference over 18" at 4'-6" above ground (or 26" aggregate circumference for multi-trunked trees)? If so, the Moratorium on the removal of Coast Live Oaks Ordinance applies, per BMC Chapter 6.52.</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>Removal of 25% or more of a main building's exterior walls and roof (including replacement of existing structural members)? If so, the Demolition Ordinance may apply, per BMC Chapter 23C.08.</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>Smoke Shops or Drug Paraphernalia?</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>Cultivation, Distribution, Manufacture or Sale of Cannabis?</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>Demolition or substantial change of a building &gt;40 years old? If so, the Demolition Ordinance will apply, per BMC Chapter 23C.08, as well as Section 15300.2 of the CEQA Guidelines.</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>Construction on a parcel that is within 40' of an open creek or 25' of a culverted creek? If so, the Preservation and Restoration of Natural Watercourses Ordinance applies, per BMC Chapter 17.08</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>

*Under penalty of perjury, I certify that:*  
**(1) the above information is true and complete to the best of my knowledge, and**  
**(2) the attached paper and electronic copies of this application are the same.**  
*(\*Owner's signature, or signed letter authorizing applicant to apply on owner's behalf, is required for all applications.)*

Applicant Signature: \_\_\_\_\_ Owner's Signature: \_\_\_\_\_

Printed: \_\_\_\_\_ Printed: \_\_\_\_\_

Date: \_\_\_\_\_ Date: \_\_\_\_\_



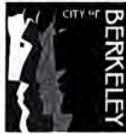
# I. ZONING PROJECT APPLICATION FORM

Page 4 of 4

*(This page is for staff use only.)*

Zoning District(s):

Zoning Section	Description
1. 23 _____	UP/AUP to
2. 23 _____	UP/AUP to
3. 23 _____	UP/AUP to
4. 23 _____	UP/AUP to
5. 23 _____	UP/AUP to
6. 23 _____	UP/AUP to
7. 23 _____	UP/AUP to
8. 23 _____	UP/AUP to
9. 23 _____	UP/AUP to



**CITY OF BERKELEY**

Permit Service Center  
1947 Center St, 3rd floor  
Berkeley, CA 94704

**Receipt Date:**

12/11/2019

**Receipt Number:**

594727

**RECEIPT  
PLN2019-0072**

**Applicant Information**

Pamela Sihvola  
1476 SUMMIT RD  
BERKELEY CA 94708-2215

**Property Information**

Parcel Number: 060 249304500

**Project Information**

Type: Planning  
Group: Special Request  
Category: NA  
Sub-Category: Appeal  
Project:  
Work Description: Appeal of AUP #ZP2019-0111 for 1449 Grizzly Peak Blvd.

**Location**

1449 GRIZZLY PEAK Blvd  
BERKELEY, CA 94708

**Received**

**DEC 11 2019**

**Land Use Planning**

<b>Payor:</b> Pamela E Sihvola	<b>Payment Status:</b> Paid	<b>Date Printed:</b> 12/11/2019
<b>Cashier:</b> RASMITH	<b>Payment Method:</b> Check	<b>Check #:</b> 6358
<b>Fees:</b>		<b>Amount</b>
APPL010 - APPEAL of AUP - Non Applicant		\$200.00
	<b>Total:</b>	<b>\$200.00</b>

**Property Address:**  
1449 GRIZZLY PEAK Blvd  
BERKELEY, CA 94708



Permit Service Center  
Building and Safety Division  
1947 Center St. 3rd Floor  
Berkeley, CA 94704

# INVOICE

Date: 12/11/19

Invoice #: 419843

Record #: PLN2019-0072

Bill to:

Address: 1449 GRIZZLY PEAK  
BLVD

Pamela Sihvola  
1476 SUMMIT RD  
BERKELEY CA 94708-2215

Received

DEC 11 2019

Land Use Planning

Date Assessed	Invoiced Fee Item	Fee	Paid	Balance
12/11/2019	APPEAL of AUP - Non Applicant APPL010	\$200.00	\$0.00	\$200.00
<b>Totals:</b>		\$200.00	\$0.00	\$200.00



RECEIVED

DEC 11 2019

PERMIT SERVICE CENTER

LAND USE PLANNING

DEC 11 2019

Zoning Officer  
 Permit Service Center  
 1947 Center Street, 3<sup>rd</sup> Floor  
 Berkeley, CA 94704

RECEIVED BY: \_\_\_\_\_

December 11, 2019

Re: AUP #ZP2019-0111  
 1449 Grizzly Peak Boulevard, Berkeley CA 94708

Appeal of Administrative Decision to Issue a Permit for AUP #ZP2019-0111,  
 dated November 20, 2019, and, therefore, a Request for a Public Hearing Before  
 the Zoning Adjustments Board (ZAB)

Dear Zoning Officer:

We are appealing the above referenced decision for the following reason:

- This proposed project would appear to represent “construction creep” and a violation of the premise of the previous permit AUP #13-20000050, dated May 1, 2014, which was approved after City Planning & Development recommended negotiations and mediation among the applicant and the neighbors to modify the project and define the limits of construction and its impacts on the abutting neighbors.

The following questions need to be addressed by ZAB, on behalf of the affected public, in consideration of the fact that the property applicant(s) have already proceeded to alter the property and are currently requesting Permits that would over-double the original size of the building in a piecemeal fashion thus to circumvent a Public Hearing

- Was the Permit Department informed of the demolition of the entire back yard, including the removal of a mature California Live Oak, and the construction of a massive concrete structure covering the entire area? In violation of the specific language in the approved AUP #13-20000050?
- Why was a permit granted for a roof deck facing the Summit Road neighbors, who were party to the AUP #13-20000050 mediation resolution, without informing those neighbors who are impacted?
- Mediation discussion included a commitment by the applicant to choose a building color to blend with the environment – note the stark bright white façade remains on the house and continues to reflect sunlight in a blinding and obtrusive manner.

- In accordance with Planning Department Staff statement, was a boundary survey done in order to determine the exact location of the rear property line to determine its location with respect to the City's sewer easement? Did the backyard concrete construction, in fact, encroach upon the City's sewer easement? Did, also, the recently constructed rear fence encroach upon the City's sewer easement?
- If the approved AUP #13-20000050 specifically stipulated that the maximum ceiling of the structure would be 8 ft., how might it be approvable that the maximum building height will be allowed to be increased by 2 ft. 3 inches (27 inches), per AUP #ZP2019-0111, without a Public Hearing?
- Furthermore, how is it legal that the Planning Department allows the applicant to over-double the residence size from the original 1,515 sq. ft. to 3,291 sq. ft. in a piecemeal fashion without scheduling a Public Hearing?

In conclusion, the above questions are relevant and warrant a Public Hearing before Permit AUP #ZP2019-0111 might be issued. Therefore, we are formally appealing the administrative decision and request a Public Hearing before the ZAB.

Sincerely,



Pamela Sihvola,

1476 Summit Road, Berkeley CA 94708



Kathleen Wasser

1435 Grizzly Pk., Berkeley, CA 94708

ATTACHMENT 1B.



PROPOSED TV PROJECT (IN 4+4M) @ 1449 GR FWD. WILL INCREASE THE ORIGINAL RESIDENCE FROM 1919 ㎡ TO 3291 ㎡ (= +1776 ㎡) I.E. +117.25% WITHOUT A PUBLIC HEARING DUE TO DELIBERATE PIECEMEALING OF THE DEVELOPMENT

ATTACHMENT 1A.



ORIGINAL 1515 FT RESIDENCE @ 1449 GUEZZY PEAR BLVD. IN 2014-15.

(SEE NEXT PAGE →)

ATTACHMENT 1A.



ATTACHMENT 1B.



ATTACHMENT 3A



ATTACHMENT 3C.



A D D E N D U M

To Letter of Appeal  
for AUP # ZP2019-0111

PERMIT SERVICE CENTER

DEC 11 2019

RECEIVED BY: \_\_\_\_\_

Zoning Officer  
Permit Service Center  
1947 Center Street, 3rd. Floor  
Berkeley, CA 94704

**RECEIVED**

12/11/2019

DEC 11 2019

Dear Zoning Officer,

**LAND USE PLANNING**

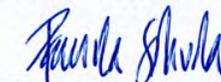
At the request of a member of the Planning Staff, I have submitted a Request for Service with the City of Berkeley's Code Enforcement Division. The request is for determining whether the massive, multi-level concrete structure, covering most of the rear yard at 1449 Grizzly Peak Boulevard, was constructed with proper zoning, building, grading and/or other applicable permits, and also whether this structure encroaches upon the City of Berkeley's Sewer Easement, located at the rear of the property. Was a proper boundary survey done to determine the location of the rear property line with respect to the City's Sewer Easement? (Please see Attachment 1.)

We are also asking that the issue of this massive concrete structure be included in the Public Hearing we are requesting before ZAB.

I am also enclosing a copy of my original comment letter regarding the proposed additions (a 4th. major project in the last 4+ years!) describing 2 major matters of concern: 1. The blinding glare of the bright, white structure, and the 2. over two feet of additional height proposed for the new additions, against the agreement reached in 2014 and made part of the conditions of Permit # AUP#13-20000050, (Attachment 2.)

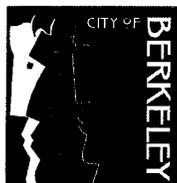
we are therefore respectfully asking that this item, with all its outstanding issues and concerns be deferred to the City's Mediation Services at Seeds Community Resolution Center.

Sincerely,



Pamela Sihvola  
1476 Summit Road  
Berkeley, CA 94708

ATTACHMENT 1.



Office of the City Manager  
Neighborhood Services-Enforcement Division

**City of Berkeley Code Enforcement Request for Service**

Problem Property Information:

RODRIGO UBILLUS

(510) 773-4835

Owner or Property Manager

Telephone Number

1449 GRIZZLY PEAR BLVD., BERKELEY, CA 94708

Address

COMPLAINT: (Use additional page as needed)

**PLEASE INVESTIGATE AND DETERMINE WHETHER THE MASSIVE MULTI-LEVEL CONCRETE STRUCTURE, COVERING MOST OF THE REAR YARD AT THE ABOVE REFERENCED LOCATION, WAS BUILT WITH PROPER ZONING, BUILDING, GRADING AND/OR OTHER APPLICABLE PERMITS (ATTACHMENTS 1A & 1B) - PLEASE SEE ENCLOSED LETTER AND ALL OTHER ATTACHMENTS, FOR MORE INFORMATION.**

Complainant's Information (Required):

PAMELA SIHVOLA

(510) 697-0525

Print Name

Telephone Number

1476 SUMMIT RD. BERKELEY, CA 94708

Address

*Pamela Sihvola*

12/11. 2019

Signature

Date

For Code Enforcement Use ONLY

Assigned to: \_\_\_\_\_ Assigned By: \_\_\_\_\_ Date Assigned: \_\_\_\_\_

Staff notes:

City of Berkeley  
Code Enforcement Division

2180 Milvia Street, 1st. Floor  
Berkeley, CA 94704

Attn: Wanda Drouillard  
Code Enforcement Officer

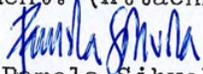
December 11, 2019

Dear Ms. Drouillard,

I am enclosing the attached Code Enforcement Request for Service form regarding property at 1449 Grizzly Peak Blvd.  
Berkeley, CA 94708

1. Please investigate and determine whether the massive, multi-level concrete structure, covering most of the rear yard area at the above referenced location, was built with proper zoning, building, grading and/or other applicable permits. (Attachments 1A and 1B)
2. Also please investigate and determine whether this structure encroaches on the City of Berkeley's Sewer Easement, located at the rear of the property. Please, also review if a boundary survey of the rear property line was done for this project. If none found, please, → request a formal survey of the rear property line with respect to the City's Sewer Easement. (Attachment 2.)

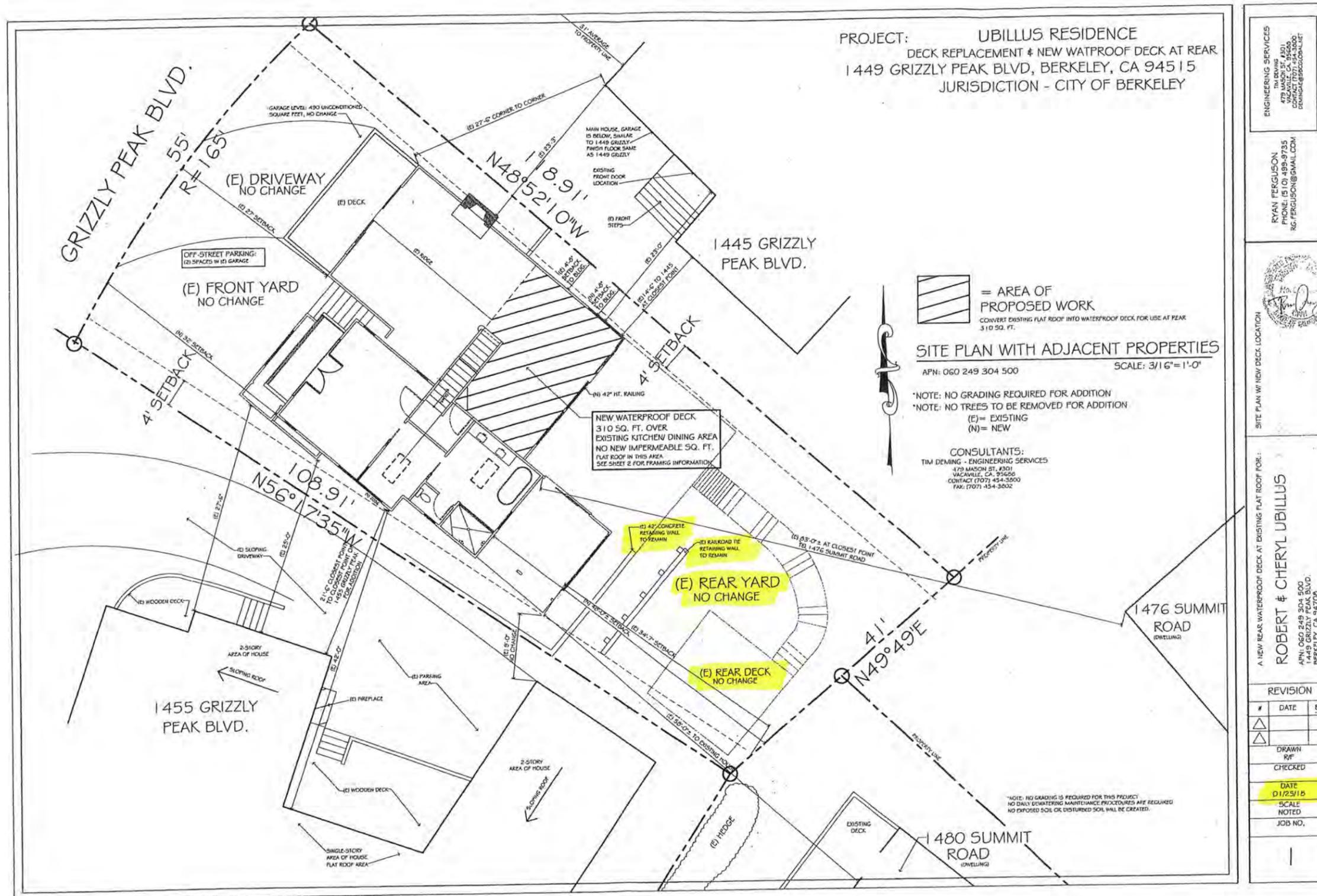
Sincerely,

  
Pamela Sihvola  
1476 Summit Rd.  
Berkeley, CA 94708

PS. Attachment 3A shows the rear yard prior to any construction. Attachment 3B is a Site Plan, dated 1/25/2018, (part of an application for a new roof deck), and shows the rear yard with no changes proposed. Attachment 3C is an aerial photo of the property (marked with red and the letter A) showing the original rear yard and its vegetation.



ATTACHMENT 3B



ATTACHMENT 7.**URGENT**

PERMIT SERVICE CENTER

JUL 17 2019

RECEIVED BY: AJAshley James, AICP  
Associate PlannerCity of Berkeley  
Planning and Development  
1947 Center Street, 2nd Floor  
Berkeley, CA 94704

July 15, 2019

Re: 1449 Grizzly Peak Blvd.  
proposed second/third story additions (500 sq. ft.)

As a follow-up to our discussion on June 27, 2019, I am submitting the following comments, concerns and modification requests to the current proposed plans regarding the above referenced project.

We, the abutting neighbors on Summit Road continue to be the most impacted by the current proposed plans. This proposal represents CONSTRUCTION CREEP, i.e. serial permit applications and construction during the past 6-7 years (since 2013, see attachment 1), including potentially unpermitted, illegal work.

Background:

In 2014 Summit Road neighbors successfully mediated a compromise with the help of Seeds Community Resolution staff (case # 10250), and the applicant agreed to modify the project to protect our views to the west by reducing some of the mass of the addition with a maximum ceiling height of 8 feet. (2013 application for additions)

Attachment 2. includes the list of neighbors' concerns and attachment 3. represents the resolution to these concerns.

On May 1, 2014 the City issued an AUP # 13-20000050 (see attachment 4.)

The permit specified that all construction shall conform <sup>to</sup> the approved UP drawings (section 24) and that all landscape, site and architectural improvements be completed per approved drawings dated March 5, 2014. (section 25). See p.5 of the Notice of Administrative Decision-Findings and Conditions, (attachment 4.).

The above referenced drawings specified the following: 1. (E) rear yard: NO CHANGE, 2. (E) rear deck NO CHANGE 3. (E) 2 retaining walls to remain. (Page 1.), and on page 3. (E) wood siding to remain.

Attachment 5 shows the building (and portions of the rear yard) as completed. The bright white color is blinding and obtrusive - this is the view from our living room.

I met with the applicant Rodrigo Ubillus in May of 2018. He promised to remedy our concerns regarding the blinding brightness of the building color by 1. installing dark grey tiles on the deck, matching the color of the dark grey shingles on the existing peak roof, and by 2. painting the east facing wall same grey color.

During mediation he had promised that the building color will <sup>be</sup> to "blend with the surrounding nature", which did not happen.

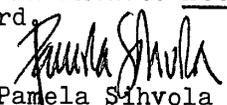
1. So we ask that the color of the entire second/third floor be painted to match the grey/brown color of the existing peak roof and that the same roofing material/color be rolled out on all the flat roof areas. This would remedy the blinding, obtrusive brightness of the structure,

2. In addition, the proposed project goes against the agreement neighbors reached with the applicant in 2014 (see attachment 3.), specifically regarding the maximum ceiling height of 8 feet.

3. So we ask that the plans be modified so that the maximum ceiling height for the 5th bedroom and the 4th bathroom will be 8 feet. We also ask that the ceiling height for the walk-in closet be reduced to 7.5 feet. These modifications will still give the applicant the square footage they are requesting. (See attachments 6A and 6B).

We also ask that this project be put on hold until all the issues related to the 2014 permit have been resolved, including clarifying any code enforcement issues/permit issues with regard to the rear yard now completely covered with concrete. Attachment 7 shows the project site prior to the construction of the first addition, with the vegetation and deck in the rear yard still intact. Attachment 8 (A,B,C) show the concrete structures in the rear yard.

Sincerely,

  
Pamela Sihvola  
1476 Summit Road  
Berkeley, CA 94708

PS. Attachment 9 A and B show plans for a deck replacement at rear, dated 1/25/2018, and still indicating (E) REAR YARD, NO CHANGE

ATTACHMENT 3.

Rodrigo Ubillus  
1449 Grizzly Peak Blvd.  
Berkeley, CA 94708

March 4, 2014

Re: Proposed second story addition  
and remodel @ 1449 Grizzly Peak Blvd.

Mr. Rodrigo Ubillus,

Thank you for the 2 plan sheets and your note I received on  
February 27, 2014.

As you requested I am enclosing the 2 plan sheets with neighbors'  
signatures, reflecting the principal points of agreement, as shown  
on plan sheet 3, dated 2/26/2014 (Attachment 1.) and on stacked  
stair section drawing (Attachment 2.) for the above referenced  
proposed project:

1. 8 ft. ceiling height
2. Flat roofs throughout
3. Stacked stair with a 7 ft. head height

When you are ready to submit the final, complete set of plans to  
the city, could you also please, email the set to us via Patrick,  
as a pdf-file, to: info@sheahan-quandt.com.

Sincerely,

  
Pamela Sihvola  
1476 Summit Rd.  
Berkeley, CA 94708

PS. We look forward to receiving the information and quotes for the  
tree cutting project as soon as possible. Thank you.

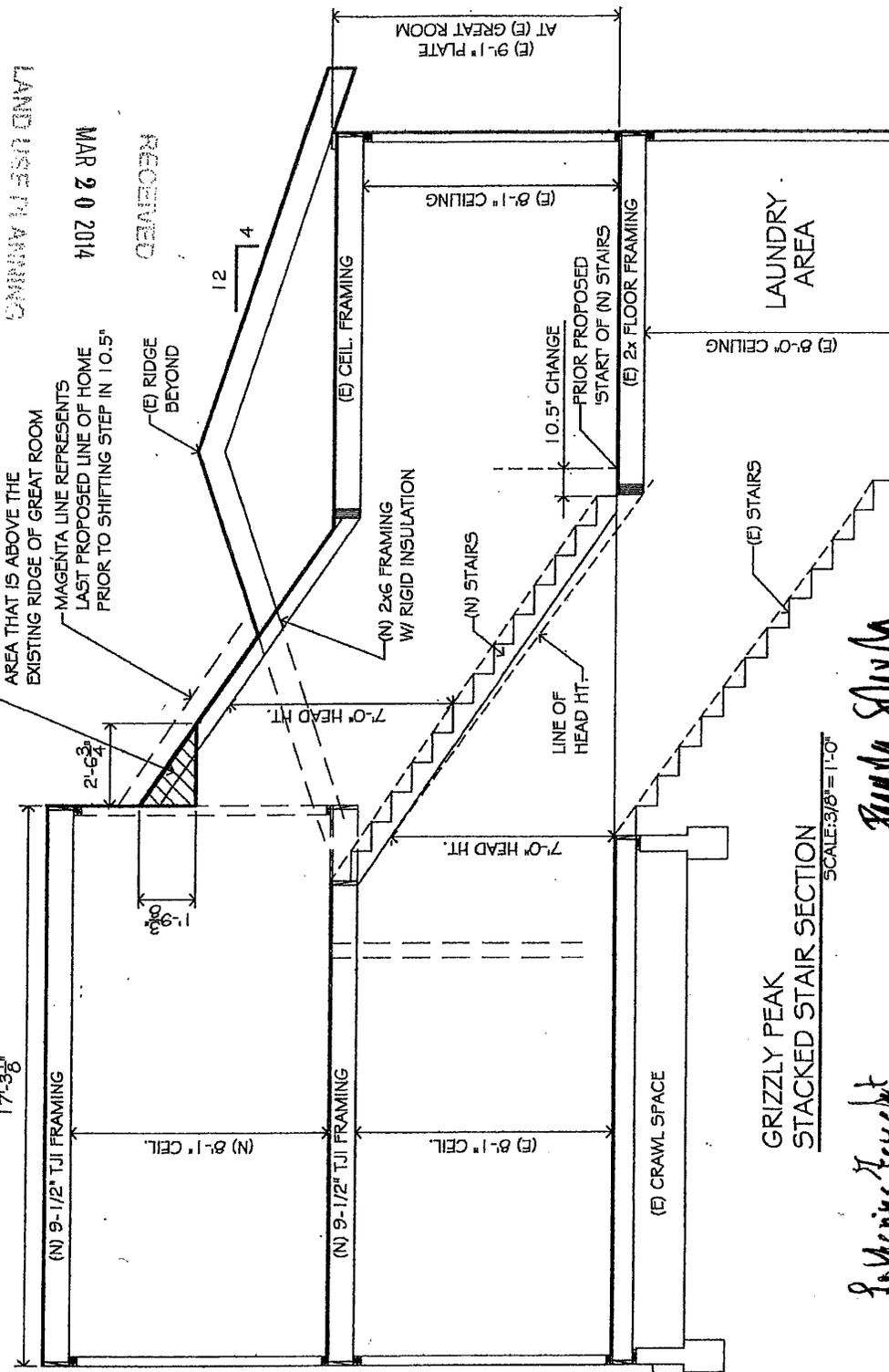
cc: Victor Herbert, Zoning Mediations

RECEIVED

MAR 20 2014

LAND USE PLANNING

ATTACHMENT 2.



HATCHED AREA AND THE DIMENSIONS REPRESENT THE AREA THAT IS ABOVE THE EXISTING RIDGE OF GREAT ROOM

MAGENTA LINE REPRESENTS LAST PROPOSED LINE OF HOME PRIOR TO SHIFTING STEP IN 10.5"

MAR 20 2014

RECEIVED

GRIZZLY PEAK STACKED STAIR SECTION

SCALE: 3/8" = 1'-0"

*Anna Shiva*  
*Luis Garcia*  
 1476 SUMMIT RD. BERKELEY, CA 94708

*Stephen Forcst*  
 1480 Summit Rd.  
 Berkeley

ATTACHMENT 1.

**AREA ANALYSIS:**  
 (N) TOTAL ADDITION: 45,450 SF.  
 (N) UTILITY ADDITION: 372 SQ. FT.  
 TOTAL ADDITION: 45,822 SQ. FT.  
 (N) HOME TOTAL: 2,177 SQ. FT.  
 TOTAL (N) HOME TOTAL: 4,354 SQ. FT.  
 TOTAL (N) HOME TOTAL: 2,177 SQ. FT.  
 TOTAL (N) HOME TOTAL: 2,177 SQ. FT.

**REVISION**

#	DATE	BY
1		
2		
3		

DESIGNED BY: RYAN PETERSON  
 RYAN PETERSON ARCHITECTS  
 1445 S. BRIDLE PATH, SUITE 200  
 BERKELEY, CA 94708

PREPARED BY: ROBERT & CHERYL WRILLUS  
 1445 S. BRIDLE PATH, SUITE 200  
 BERKELEY, CA 94708

**(N) FRONT ELEVATION**  
 SCALE: 1/4" = 1'-0"

**(N) LEFT ELEVATION**  
 SCALE: 1/4" = 1'-0"

**(N) RIGHT ELEVATION**  
 SCALE: 1/4" = 1'-0"

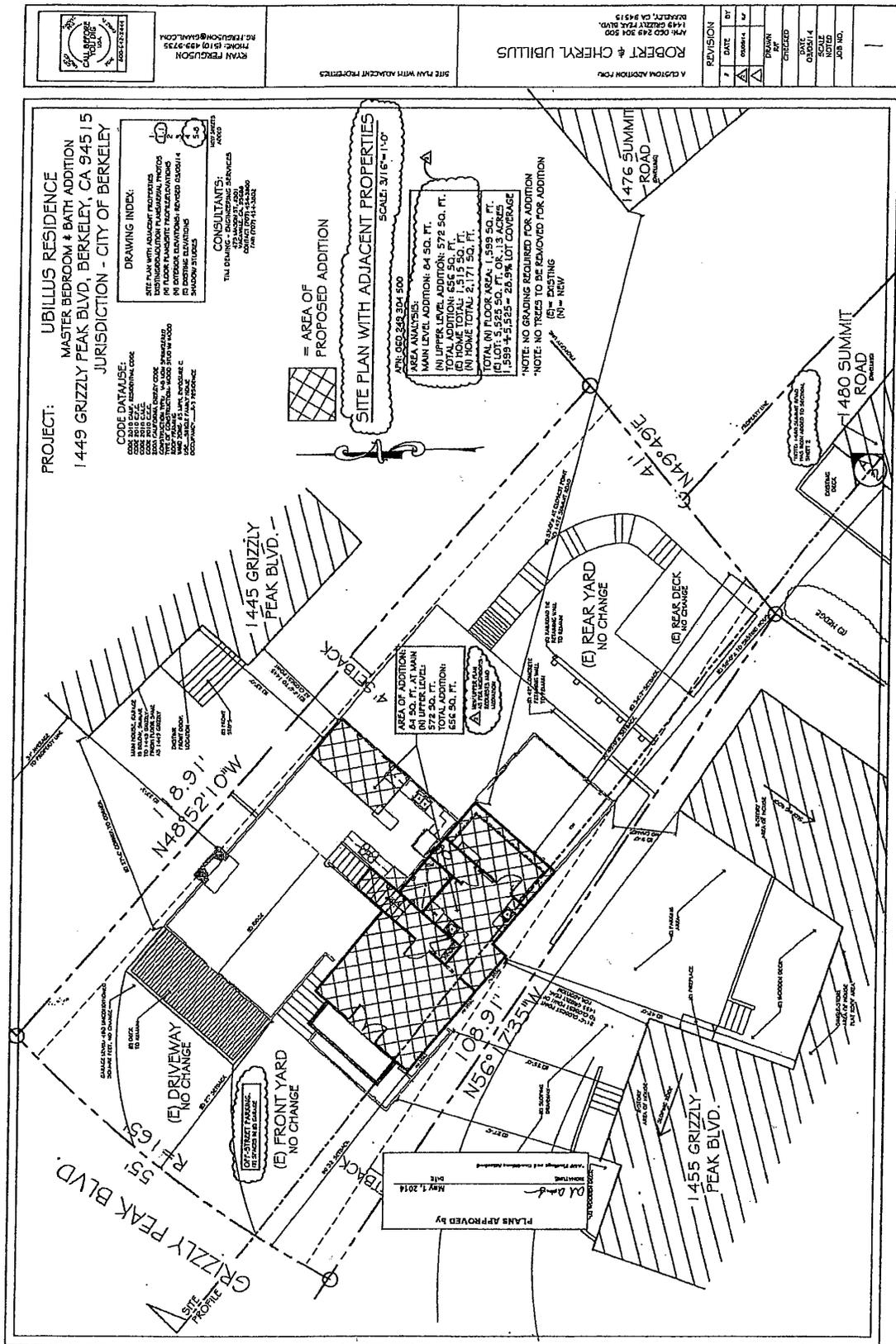
**(N) REAR ELEVATION**  
 SCALE: 1/4" = 1'-0"

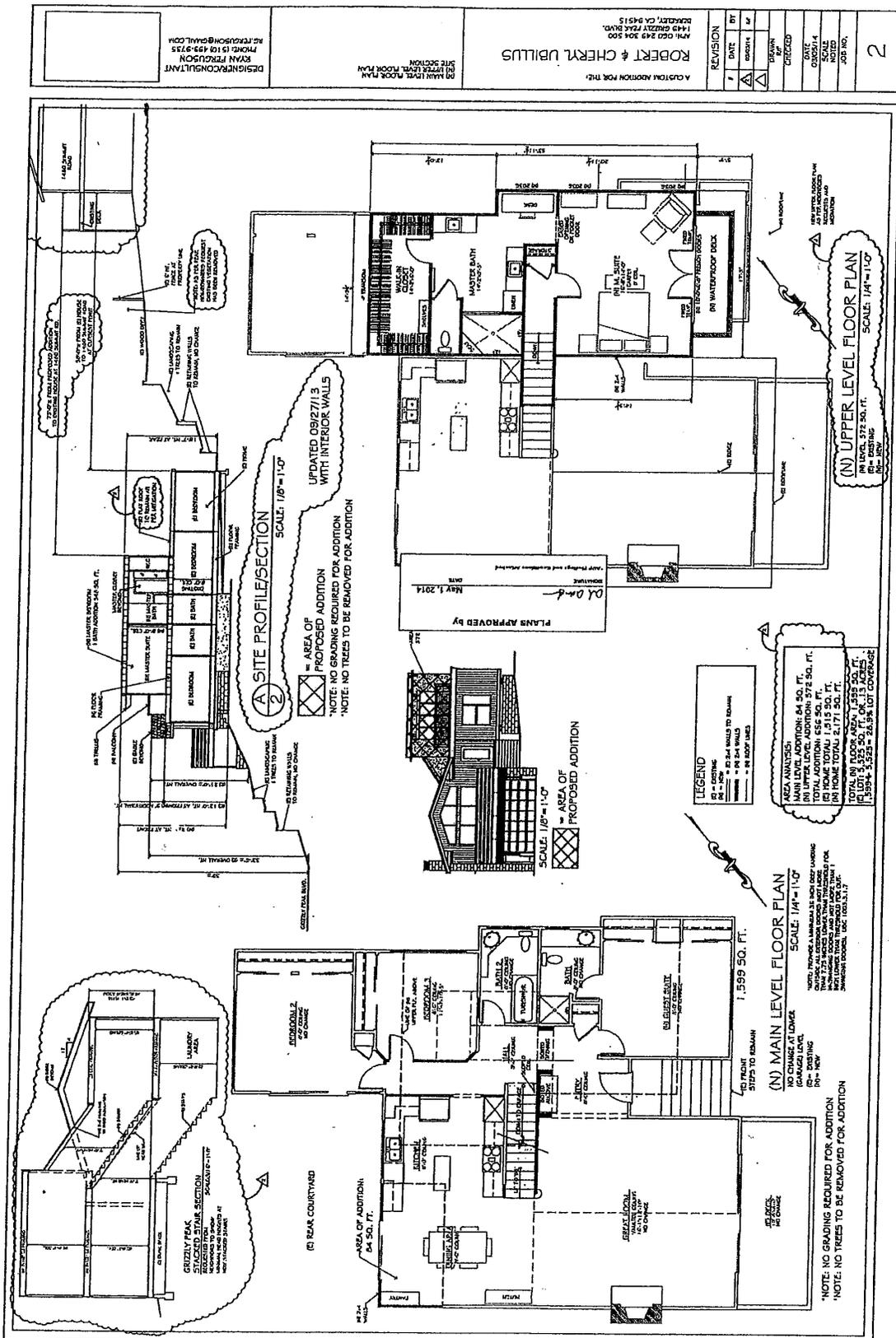
NOTE: NO GRADING REQUIRED FOR ADDITION.  
 \*NOTE: NO TREES TO BE REMOVED FOR ADDITION.

RECEIVED  
 MAR 20 2014

LAND USE PLANNING  
 TAMARA JAVILA  
 LUIS GARCIA

1476 SUMMIT RD. BERKELEY, CA 94708  
 Catherine Bendit  
 1480 Summit Rd.  
 Berkeley







# N O T I C E O F A D M I N I S T R A T I V E D E C I S I O N

## 1449 Grizzly Peak Blvd.

### Administrative Use Permit #13-20000050

**To construct a two-story, 556 square foot residential addition that will increase the building's average and maximum heights from 14' 6" to 18' 6" and from 17' to 22' respectively.**

**ZONING OFFICER DECISION:** The Zoning Officer of the City of Berkeley has APPROVED, pursuant to Zoning Ordinance Section 23B.28.050 and subject to the attached findings and conditions (attachment 1), and based on the attached approved plans (attachment 2), an Administrative Use Permit pursuant to:

- Section 23D. 16.070 to construct a residential addition greater than 14' in average height.

**DATE OF DECISION:** May 1, 2014

**APPEAL PERIOD:** May 2, 2014 to May 22, 2014

#### ATTACHMENTS:

1. Findings and Conditions
2. Project Plans, dated March 5, 2014

#### FOR FURTHER INFORMATION:

All application materials for this project are available online at: <http://www.cityofberkeley.info/zoningapplications> and at the Permit Service Center, Second Floor, at 2120 Milvia Street, between 8:30 a.m. and 4 p.m., Monday through Friday (closed the 2<sup>nd</sup> Friday of every month). Questions about the project should be directed to the project planner, **Claudine Asbagh**, at (510) 981-7424 or [casbagh@cityofberkeley.info](mailto:casbagh@cityofberkeley.info).

#### PUBLIC NOTICE, PURSUANT TO SECTION 23B.28.040 B&C OF THE BERKELEY MUNICIPAL CODE:

This Notice of Administrative Decision was:

1. Forwarded to the Zoning Adjustments Board and sent to the Main Library;
2. Posted at three visible locations in the vicinity of the subject property and at a bulletin board at the Zoning counter.
3. Mailed to neighborhood and community organizations for which the project falls within their expressed area of interest, as set forth in Section [23B.24.060](#);
4. Mailed to owners and residents of properties abutting and confronting the subject property -or- when for a major residential additions in the R-1(H) District, or any project within the C-T District, to property owners and residents in a 300 foot radius.

The validity of the proceedings, however, shall not be affected by the failure of any such property owner, occupant or neighborhood or community organization to receive such mailed notice.

**TO APPEAL THIS DECISION, PURSUANT TO SECTION 23B.28.060 OF THE BERKELEY MUNICIPAL CODE:**

To appeal this decision, you must:

1. Submit a letter clearly and concisely setting forth the grounds for the appeal, along with the required fee (see below) to the Zoning Officer, at the Permit Service Center, 2120 Milvia Street, 1<sup>st</sup> Floor, Berkeley.
2. The appeal and required fee (see below) must be received prior to 4:00 p.m. on the last day of the appeal period shown above (if the close of the appeal period falls on a weekend or holiday, then the appeal period expires the following business day).
3. Submit the required fee to the Permit Service Center (see above; checks and money orders must be payable to 'City of Berkeley'):
  - a. The basic fee for appeals of a Zoning Officer decision to the Zoning Adjustments Board is \$200. This fee may be reduced to \$75 if the appeal is signed by persons who lease or own at least 35 percent of the parcels or dwelling units within 300 feet of the project site, or at least 20 such persons (not including dependent children), whichever is less.
  - b. The fee for appeals of affordable housing projects (defined as projects which provide 50 percent or more affordable units for households earning 80% or less of Area Median Income) is \$500, which may not be reduced.
  - c. The fee for all appeals by Applicants is \$2500.

If an appeal is filed, the Zoning Officer shall set the matter for consideration by the Zoning Adjustments Board. An appeal stays the issuance and exercise of the AUP until a decision is rendered or the appeal is withdrawn. If no appeal is received, the permit will be issued on the first business day following expiration of the appeal period, and the project may proceed at that time.

**NOTICE CONCERNING YOUR LEGAL RIGHTS:**

If you object to this decision, the following requirements and restrictions apply:

1. If you challenge this decision in court, you may be limited to raising only those issues you or someone else raised in an appeal of the decision.
2. You must appeal to the Zoning Adjustments Board within twenty (20) days after the Notice of Decision of the action of the Zoning Officer is mailed. It is your obligation to notify the Land Use Planning Division in writing of your desire to receive a Notice of Decision when it is completed.
3. Pursuant to Code of Civil Procedure Section 1094.6(b) and Government Code Section 65009(c)(1), no lawsuit challenging a City decision, as defined by Code of Civil Procedure Section 1094.6(e), regarding a use permit, variance or other permit may be filed more than ninety (90) days after the date the decision becomes final, as defined in Code of Civil Procedure Section 1094.6(b). Any lawsuit not filed within that ninety (90) day period will be barred.
4. Pursuant to Government Code Section 66020(d)(1), notice is hereby given to the applicant that the 90-day protest period for any fees, dedications, reservations, or other exactions included in any permit approval begins upon final action by the City, and that any challenge must be filed within this 90-day period.
5. If you believe that this decision or any condition attached to it denies you any reasonable economic use of the subject property, was not sufficiently related to a legitimate public purpose, was not sufficiently proportional to any impact of the project, or for any other reason constitutes a "taking" of property for public use without just compensation under the California or United States Constitutions, your appeal of this decision must including the following information:
  - A. That this belief is a basis of your appeal.
  - B. Why you believe that the decision or condition constitutes a "taking" of property as set forth above.
  - C. All evidence and argument in support of your belief that the decision or condition constitutes a "taking" as set forth above.

If you do not do so, you will waive any legal right to claim that your property has been taken, both before the City and in court.

# ATTACHMENT 1

---

## FINDINGS AND CONDITIONS

MAY 1, 2014

### 1449 Grizzly Peak Blvd.

#### Administrative Use Permit #13-20000050

**To construct a two-story, 556 square foot residential addition that will increase the building's average and maximum heights from 14' 6" to 18' 6" and from 17' to 22' respectively.**

#### 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.

#### 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, 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:
  - The proposed addition would not unreasonably obstruct sunlight, air, or views, because it would not cast new shadows on the windows of adjacent residences. The addition remains well outside of the required yards, and is located within the general footprint of the existing dwelling in an area that is already developed with substantial vegetation that also filters views.
  - The project consists of a two story addition that will maintain the flat roof lines of the existing dwelling to maintain the views of adjacent neighbors located uphill from the site.
  - The subject property satisfies the district standards for maximum residential density, maximum main building height, minimum front, rear, and side yard setbacks, maximum lot coverage and minimum open space.
  - The project would not increase parking demand and existing parking is provided in accordance with the minimum requirement.

---

**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 attorneys 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. 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 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.

**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. 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 **March 5, 2014**.

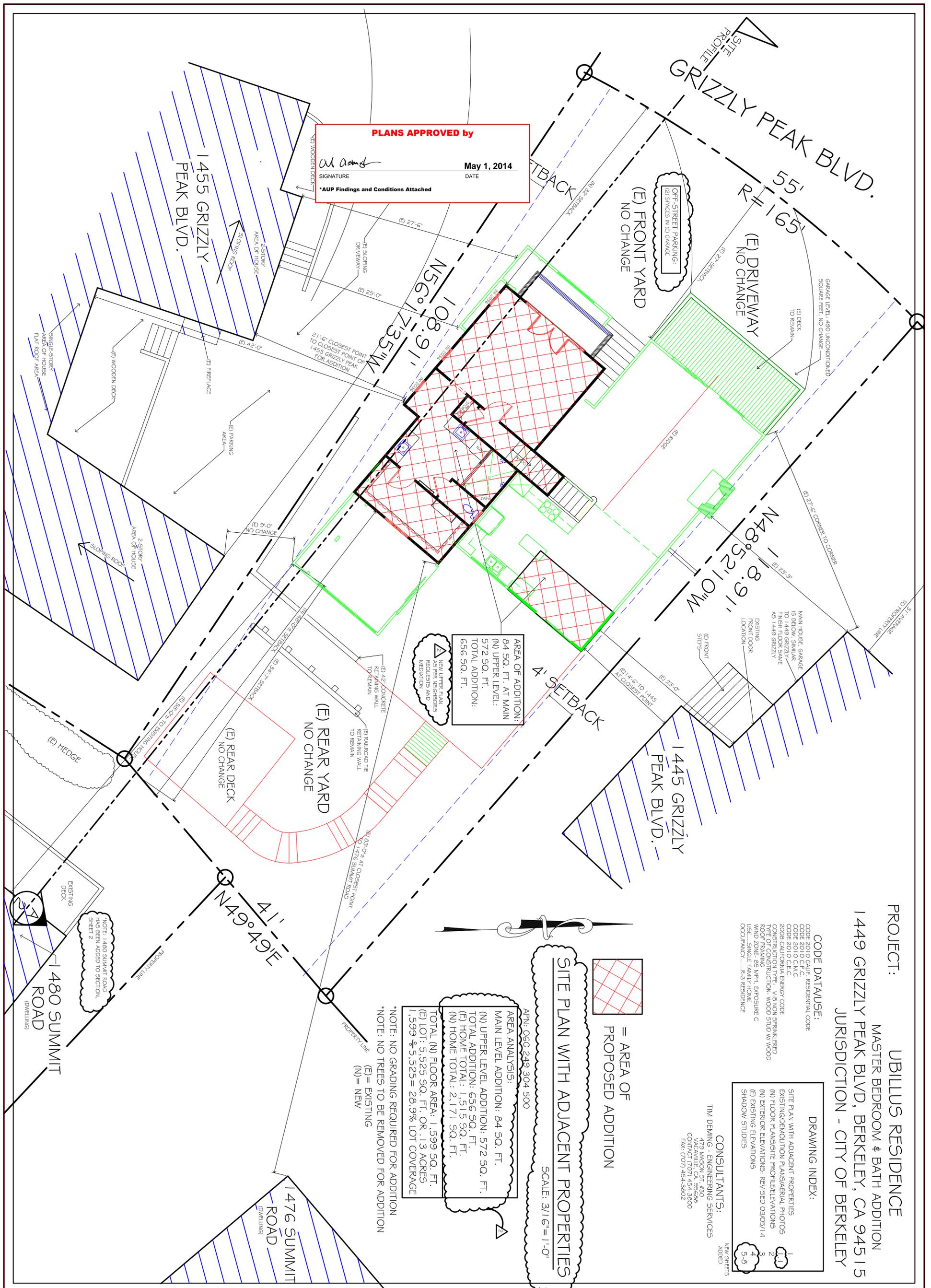
**At All Times (Operation):**

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  
For Eric Angstadt, Planning Director



PROJECT: UBILLUS RESIDENCE  
 MASTER BEDROOM & BATH ADDITION  
 1 449 GRIZZLY PEAK BLVD, BERKELEY, CA 945 15  
 JURISDICTION - CITY OF BERKELEY

CODE DATAUSE:  
 CODE 2010 CAUSE, RESIDENTIAL CODE  
 CODE 2010 C.P.C.  
 CODE 2010 C.M.C.  
 CODE 2010 C.E.C.  
 2008 CALIFORNIA ENERGY CODE  
 CONSTRUCTION TYPE: V-B NON SPARKLETERED  
 TYPE OF CONSTRUCTION: WOOD STUD W/ WOOD  
 WIND ZONE: 95 MPH, EXPOSURE C  
 USE: SINGLE FAMILY HOME  
 OCCUPANCY: R-3 RESIDENCE

DRAWING INDEX:  
 1 SITE PLAN WITH ADJACENT PROPERTIES  
 2 EXISTING/DEMOLITION PLANS/AERIAL PHOTOS  
 3 (N) FLOOR PLANS/SITE PROFILES/ELEVATIONS  
 4 (N) EXTERIOR ELEVATIONS: REVISED 03/05/14  
 5 (E) EXISTING ELEVATIONS  
 6 SHADOW STUDIES

CONSULTANTS:  
 TIM DEMING - ENGINEERING SERVICES  
 479 MASON ST. #301  
 VACAVILLE, CA, 95686  
 CONTACT (707) 454-3800  
 FAX: (707) 454-3802

SITE PLAN WITH ADJACENT PROPERTIES  
 SCALE: 3/16" = 1'-0"  
 APN: 060-249-304-500

AREA ANALYSIS:  
 MAIN LEVEL ADDITION: 84 SQ. FT.  
 (N) UPPER LEVEL ADDITION: 572 SQ. FT.  
 TOTAL ADDITION: 656 SQ. FT.  
 (E) HOME TOTAL: 1,515 SQ. FT.  
 (N) HOME TOTAL: 2,171 SQ. FT.  
 TOTAL (N) FLOOR AREA: 1,599 SQ. FT.  
 (E) LOT: 5,525 SQ. FT. OR .13 ACRES  
 1,599 ÷ 5,525 = 28.9% LOT COVERAGE

\*NOTE: NO GRADING REQUIRED FOR ADDITION  
 \*NOTE: NO TREES TO BE REMOVED FOR ADDITION  
 (E) = EXISTING  
 (N) = NEW

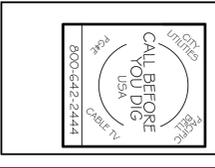
PLANS APPROVED by  
 al Assad  
 SIGNATURE  
 May 1, 2014  
 DATE  
 \*AUP Findings and Conditions Attached

#	DATE	BY	REVISION
1	03/05/14	RF	

A CUSTOM ADDITION FOR:  
**ROBERT & CHERYL UBILLUS**  
 APN: OGO 249 304 500  
 1 449 GRIZZLY PEAK BLVD.  
 BERKELEY, CA 945 15

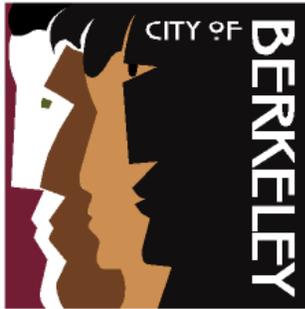
SITE PLAN WITH ADJACENT PROPERTIES

RYAN FERGUSON  
 PHONE: (510) 499-9735  
 RG.FERGUSON@GMAIL.COM









Z O N I N G  
A D J U S T M E N T S  
B O A R D

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NOTICE OF PUBLIC HEARING

## 1449 Grizzly Peak Boulevard

**Appeal of Zoning Officer's Decision to approve Administrative Use Permit #ZP2019-0111 to alter a 5,526 square-foot residential parcel by 1) constructing a 500 square-foot major residential addition on the third story of an existing 2,791 square-foot, three-story single-family dwelling, which will increase the average building height and maximum building height by approximately 2'; 2) constructing the fifth bedroom on the parcel; and 3) constructing a perimeter fence four feet from the rear property line and on the side property lines that will be from 6'-2" to 8'-7" in height.**

The Zoning Adjustments Board of the City of Berkeley will hold a public hearing on the above matter, pursuant to Zoning Ordinance Section 23B.32.020, on **March 12, 2020** at the **Berkeley Unified School District meeting room, 1231 Addison Street**, (wheelchair accessible). The meeting starts at 7:00 p.m.

### A. Land Use Designations:

- General Plan: LDR – Low Density Residential
- Zoning: R-1(H) – Single-Family Residential District, Hillside Overlay

### B. Zoning Permits Required:

- Administrative Use Permit pursuant to Berkeley Municipal Code (BMC) Section 23D.16.030 to construct a major residential addition (cumulative);
- Administrative Use Permit pursuant to BMC Section 23D.16.050.A to construct a fifth bedroom on the parcel;
- Administrative Use Permit pursuant to BMC Section 23D.16.070.C to construct an addition which would exceed fourteen feet in average height;
- Administrative Use Permit pursuant to BMC Section 23E.96.070.B to construct an addition which would exceed twenty feet in maximum height for a building located within the "H" Hillside Overlay District; and
- Administrative Use Permit pursuant to BMC Section 23D.08.060.A.2 to construct a fence over six feet in height.

**C. CEQA Determination:** Categorically exempt pursuant to Section 15301 of the CEQA Guidelines ("Existing Facilities").

### D. Parties Involved:

- Applicant Lillian Mitchell, 1708 Martin Luther King Jr. Way, Suite B, Berkeley
- Property Owner Rodrigo Ubillus, 1449 Grizzly Peak Boulevard, Berkeley

1449 GRIZZLY PEAK BOULEVARD  
Page 2 of 4

NOTICE OF PUBLIC HEARING  
Posted FEBRUARY 27, 2020

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- Appellant Pamela Sihvola, 1476 Summit Road, Berkeley

**Further Information:**

All application materials are available at the Land Use Planning Division, during normal office hours or online at: <http://www.cityofberkeley.info/zoningapplications>. The Zoning Adjustments Board agenda and all agenda materials regarding this project will be available online 6 days prior to this meeting at: <http://www.cityofberkeley.info/zoningadjustmentsboard>.

Questions about the project should be directed to the project planner, Ashley James, at (510) 981-7458 or [ajames@cityofberkeley.info](mailto:ajames@cityofberkeley.info).

Written comments or a request for a Notice of Decision should be directed to the Zoning Adjustments Board Secretary at [zab@cityofberkeley.info](mailto:zab@cityofberkeley.info).

**Communication Disclaimer:**

Communications to Berkeley boards, commissions or committees are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission or committee, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the secretary of the relevant board, commission or committee. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the secretary to the relevant board, commission or committee for further information.

**Communications and Reports:**

Written comments must be directed to the ZAB Secretary at the Land Use Planning Division (Attn: ZAB Secretary), or via e-mail to: [zab@cityofberkeley.info](mailto:zab@cityofberkeley.info). All materials will be made available via the Zoning Adjustments Board Agenda page online at this address: <https://www.cityofberkeley.info/zoningadjustmentboard/>.

**Correspondence received by 8:00 AM, on the Thursday before this public hearing, will be provided with the agenda materials provided to the Board.** Note that if you submit a document of more than 10 pages, or in color, or with photos, you must provide 15 copies. Correspondence received after this deadline will be conveyed to the Board in the following manner:

- **Correspondence received by Noon Tuesday**, the week of this public hearing, will be conveyed to the Board in Supplemental Communications and Reports #1, which is released the end of the day Tuesday, two days before the public hearing;
- **Correspondence received by Noon Wednesday**, the week of this public hearing, will be conveyed to the Board in Supplemental Communications and Reports #2, which is released the end of the day Wednesday, one day before the public hearing; or
- **Correspondence received by 3 PM Thursday** will be given to the Zoning Adjustment Board just prior to the public hearing.

Members of the public may submit written comments themselves at the meeting. To distribute correspondence at the meeting, please provide 15 copies and submit to the Zoning Adjustments Board Clerk. Correspondence received later, and after the meeting, will be posted to the web site following the meeting.

**Accessibility Information / ADA Disclaimer:**

This meeting is being held in a wheelchair accessible location. To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6342 (V) or 981-6345 (TDD) at least three business days before the meeting date. Please refrain from wearing scented products to this meeting.

**SB 343 Disclaimer:**

Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available for public inspection at the Land Use Planning Division, during regular business hours.

**Notice Concerning Your Legal Rights:**

If you object to a decision by the Zoning Adjustments Board regarding a land use permit project, the following requirements and restrictions apply:

1. If you challenge the decision of the City in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Zoning Adjustments Board at, or prior to, the public hearing.
2. You must appeal to the City Council within fourteen (14) days after the Notice of Decision of the action of the Zoning Adjustments Board is mailed. It is your obligation to notify the Land Use Planning Division in writing of your desire to receive a Notice of Decision when it is completed.
3. Pursuant to Code of Civil Procedure Section 1094.6(b) and Government Code Section 65009(c)(1), no lawsuit challenging a City Council decision, as defined by Code of Civil Procedure Section 1094.6(e), regarding a use permit, variance or other permit may be filed more than ninety (90) days after the date the decision becomes final, as defined in Code of Civil Procedure Section 1094.6(b). Any lawsuit not filed within that ninety (90) day period will be barred.
4. Pursuant to Government Code Section 66020(d)(1), notice is hereby given to the applicant that the 90-day protest period for any fees, dedications, reservations, or other exactions included in any permit approval begins upon final action by the City, and that any challenge must be filed within this 90-day period.
5. If you believe that this decision or any condition attached to it denies you any reasonable economic use of the subject property, was not sufficiently related to a legitimate public purpose, was not sufficiently proportional to any impact of the project, or for any other reason constitutes a "taking" of property for public use without just compensation under the California or United States Constitutions, the following requirements apply:
  - A. That this belief is a basis of your appeal.
  - B. Why you believe that the decision or condition constitutes a "taking" of property as set forth above.
  - C. All evidence and argument in support of your belief that the decision or condition constitutes a "taking" as set forth above.

If you do not do so, you will waive any legal right to claim that your property has been taken, both before the City Council and in court.

ROUGHLY EDITED COPY

BERKELEY ZAB MEETING  
REMOTE BROADCAST CAPTIONING  
THURSDAY, MARCH 12, 2020

Services provided by:  
QuickCaption, Inc.  
4927 Arlington Avenue  
Riverside, CA 92504  
Telephone - 951-779-0787  
Fax Number - 951-779-0980  
[quickcaption@gmail.com](mailto:quickcaption@gmail.com)  
[www.quickcaption.com](http://www.quickcaption.com)

\* \* \* \* \*

This text is being provided in a rough draft format.  
Communication Access Realtime Translation (CART) is provided in  
order to facilitate communication accessibility and **may not be  
totally verbatim record of the proceedings.**

\* \* \* \* \*

>> S. O'KEEFE: WE'LL START THE GRIZZLY PEAK PROJECT IN A MOMENT. I WANT TO MAKE SURE EVERYONE WHO WANTS TO SPEAK ON THIS HAS FILLED OUT A SPEAKER CARD. I DON'T HAVE ANY. OF COURSE, WE'LL HEAR FROM -- WE DON'T HAVE ANYBODY. WE'LL HEAR FROM THE APPELLANT AND APPLICANT, IF ANYONE ELSE WOULD LIKE TO SPEAK, LET US KNOW NOW. WE'LL START AS SOON AS DOHEE GETS BACK. WE'RE GOING TO START. SO THIS IS 1449 GRIZZLY PEAK BOULEVARD. WE'LL START WITH THE STAFF REPORT. IT'S AN APPEAL, BY THE WAY.

>> GOOD EVENING, ZAB MEMBERS. THIS IS AN APPEAL OF THE ZONING OFFICER'S DECISION TO APPROVE THE ADMINISTRATIVE USE PERMIT BP 2019-0111 THIS IS A 500 SQUARE FOOT RESIDENTIAL CONDITION ON A THIRD STOREY OF A 7,091 SQUARE FOOT SINGLE-FAMILY DWELLING. INCREASE THE BUILDING HEIGHT BY THREE FEET AND CONSTRUCT A FIFTH BEDROOM FROM 6 FEET TWO INCHES TO 8'7" IN HEIGHT. THE PROPERTY HAS A LAND USE DESIGNATION OF LOW DENSITY RESIDENTIAL AND IS IN THE SINGLE FAMILY HILLSIDE OVERLAY ZONING DISTRICT. THE PROJECT REQUIRED A ADMINISTRATIVE USE PERMIT. THE FIFTH BEDROOM ON THE PARCEL, ADDITION ABOVE 14 FEET IN AVERAGE HEIGHT AND 7 FEET IN MAXIMUM HEIGHT AND CONSTRUCT A FENCE. THE CEQA DETERMINATION MADE IT EXEMPT UNDER THE EXISTING FACILITY SECTION. THE PLAN IS UP ON THE PROJECTOR. THE PROJECT APPROVED BY THE ZONING OFFICER EXTENDED THE EXISTING THIRD STOREY YOU'LL A SEE AT THE REAR OF THE DWELLING WHICH WAS A FLAT ROOF AND ROOF DECK INCREASING THE HEIGHT TO 28 FEET. WHILE THE APPROVED

PROJECT IS LESS THAN 600 SQUARE FEET WHICH OTHERWISE WOULD BE APPROVED WITH A ZONING CERTIFICATE, BECAUSE THERE WAS CUMULATIVE SQUARE FOOT ADDED OF 1,056 SQUARE FEET, THIS REQUIRED AN AUP FOR A MAJOR ADDITION. THE SITE PLAN SUBMITTED FOR THE APPLICATION ON JUNE 19TH SHOWED AN EXISTING APPROXIMATELY 1,390-FOOT SQUARE FEET PATIO IN THE BACKYARD SURROUNDED BY A FENCE FROM 6 FEET TO 8 FEET IN HEIGHT. STAFF DETERMINED THE RETAINING WALL REQUIRED A BUILDING PERMIT. SO STAFF REQUESTED THAT THE APPLICANT APPLY FOR THE BUILDING PERMIT WHICH THEY DID AND IT'S READY FOR ISSUE. AND BEFORE SUBMITTING THE APPLICATION, THE APPLICANT NOTIFIED ALL OWNERS AND OCCUPANTS AND THE APPELLANT IS THE PROPERTY OWNER AT THE REAR OF THE PROPERTY 1476 SUMMIT ROAD. AND STAFF HAS RECEIVED LETTERS FROM THE APPELLANT STATING THEIR CONCERNS JULY 15TH AND 23RD AND DISCUSSED THOSE CONCERNS WITH THEM. AND THE NOTICE OF DECISION WAS POSTED ON NOVEMBER 20TH AND THE APPEAL WAS FILED ON DECEMBER 11TH. THE DECISION TO APPROVE THE PERMIT WAS BASED ON THE FINDING OF NON-DETRIMENT BECAUSE THE PROJECT MET THE R-1(H) DISTRICT STANDARD AND WOULD NOT CREATE DETRIMENTAL IMPACTS. THE FENCE WOULD NOT CREATE A SIGNIFICANT CHANGES. IT'S LOCATED ON A SLOPING HILLSIDE AND SLOPES TO THE WEST WHICH IS BELOW THE EXISTING SIGHT LINES TO THE BAY AND PROPERTIES TO THE REAR. YOU'LL SEE IN SECTION 5 OF THE STAFF REPORT THERE IS A TOTAL OF 8 APPEAL POINTS WHICH I WILL BRIEFLY SUMMARIZE AND ARE ANALYZED IN MORE DETAIL IN THE STAFF REPORT.

THE FIRST APPEAL ISSUE IS THE CONCERN THAT THE PROJECT REPRESENTS CONSTRUCTION FROM WHAT WAS APPROVED UNDER PREVIOUS AUP IN 2014. THAT THERE WERE NEGOTIATIONS AND MEDIATIONS AMONG THE APPLICANT AND NEIGHBORS AT THAT TIME. AND IN RESPONSE TO THIS APPEAL POINTS, STAFF BELIEVES THE APPLICATION IS A NEW AND DIFFERENT APPLICATION THAN WHAT WAS APPROVED AND CONSTRUCTED FIVE YEARS PREVIOUSLY AND THAT THE PROJECT IN 2019 CONFORMS TO THE DEVELOPMENT STANDARDS OF THE DISTRICT AND LEAVES THE FINDINGS FOR NON-DETRIMENT. APPEAL ISSUE TWO IS BILLION A OAK TREE. STAFF CONSULTED WITH AN ARBORIST THAT WE HAVE ON CONTRACT AND DETERMINED THAT THE OAK TREE WAS PROTECTED AND OPENED A CODE ENFORCEMENT CASE ON JANUARY 29TH. APPEAL ISSUE THREE, CONTENTS THERE WAS A CONCRETE STRUCTURE CONSTRUCTED IN THE REAR YARD WHICH VIOLATED CONDITIONS OF APPROVAL FOR THE PREVIOUS AUP AND DURING LIKE I SAID PREVIOUSLY, THE INITIAL 30-DAY REVIEW STAFF DID NOTE THAT THE CONCRETE PATIO AND RETAINING WALL REQUIRED A BUILDING PERMIT. THE APPLICANT HAS SINCE APPLIED FOR THE PERMIT WHICH IS READY TO ISSUE. APPEAL ISSUE FOUR, QUESTIONS THE APPROVAL OF A ROOF DECK FACING THE NEIGHBORS TO THE REAR ALONG SUMMIT ROAD WITHOUT INFORMING THE NEIGHBORS IMPACTED. THAT WAS DONE RESEARCH FOR BUILDING PERMIT ASSOCIATED WITH THE AUP APPROVED IN 2014 AND DURING THE BUILDING PERMIT APPLICATION PROCESS, THE ROOF TERRACE IS CONSIDERED A MINOR CHANGE WHICH MEETS STANDARDS CONDITIONS OF APPROVAL FOR MINOR CHANGES THAT

WOULD NOT EXPAND INTENSIFIER IT CHANGE THE USE OF THE BUILDING AND UNDER THE CURRENT AUP APPROVED AT THE END OF 2019, THE ROOF TERRACE WOULD BE REPLIES PLACED WITH A NEW BEDROOM AND BATHROOM. UNDER APPEAL ISSUE FIVE, THIS CONTENTS THAT THE MEDIATION DISCUSSION FOR THE AUP APPROVED IN 2014 INCLUDED A COMMITMENT TO CHOOSE A BUILDING COLOR THAT BLENDED WITH THE ENVIRONMENT RATHER THAN THE WHITE STUCCO THAT WAS CONSTRUCTED. AND THE APPROVED BUILDING PERMIT PLANS UNDER THE AUP DID INDICATE STUCCO ON THE SECOND AND THIRD FLOORS, THE CHANGE OF THE MATERIAL FROM WHAT WAS DISCUSSED IN MEDIATION IS ALSO CONSIDERED MINOR AGAIN UNDER CONDITION OF APPROVAL NUMBER FOUR WHICH WOULD NOT CHANGE THE USE OR THE BUILDING. DURING THAT TIME, STAFF DETERMINED THAT THE STUCCO WOULD NOT RESULT IN A SIGNIFICANT DETRIMENTAL IMPACT TO LIGHTING GLARE. THE REPEAL ISSUE 6, THIS WAS A QUESTION FOR STAFF TO CONFIRM WHETHER A BOUNDARY SURVEY WAS COMPLETED TO DETERMINE IF THE FENCE WAS CONSTRUCTED OVER A SEWER EASEMENT. THE FENCE DOES ENCROACH ON A PORTION OF THE SEWER EASEMENT, BUT AFTER TALKING WITH PUBLIC WORK STAFF, THAT FENCE IS APPROVED BECAUSE IT CAN BE REMOVED IF THEY NEED TO ACCESS THE SANITARY SEWER. UNDER APPEAL ISSUE 7, THIS QUESTIONS THE APPROVAL OF THE INCREASE IN THE MAXIMUM BUILDING HEIGHT BY 2'3" ABOVE WHAT WAS APPROVED UNDER THE AUP IN 2014 WITHOUT A PUBLIC HEARING. AND THE CONDITIONS OF APPROVAL FOR THAT PROJECT DO NOT CARRY OVER TO THE CURRENT APPROVED PROJECT INCLUDING THE MAXIMUM HEIGHT. AND

ADMINISTRATIVE USE PERMITS REQUIRE MULTIPLE FORMS OF NEIGHBORHOOD NOTIFICATION AND A PUBLIC HEARING IS NOT REQUIRED FOR A APPROVAL OF AN ADMINISTRATIVE USE PERMIT. AND APPEAL ISSUE NUMBER 8 QUESTIONS APPROVAL OF THE CUMULATIVE ADDITION FROM THE ORIGINAL SIZE OF THE HOUSE WHICH IS 1,516 SQUARE FEET TO BE APPROVED 3,091 SQUARE FOOT. THIS PROJECT REQUIRES SEVERAL AUPS FOR A MAJOR RESIDENTIAL EDITION THAT IS CUMULATIVE AND AUP DOES NOT REQUIRE A PUBLIC HEARING. IN CONCLUSION, THE APPEAL POINTS FOCUS ON PROCESS, BUT THERE IS NO EVIDENCE TO DISPUTE ANY FINDING OF NON-DETRIMENT. BECAUSE OF THE CONSISTENCY WITH THE ZONING ORDINANCE AND GENERAL PLAN AND MINIMAL IMPACTS ON SURROUNDING PROPERTIES WE RECOMMEND APPROVAL AND DISMISSAL OF THE APPEAL.

>> S. O'KEEFE: QUESTIONS FOR STAFF. SEEING NONE. WITH APPEALS, WE BRING THE APPELLANT UP FIRST. AND LET THE APPLICANT RESPOND. IS THE APPELLANT HERE? HELLO. WE'LL GIVE YOU THREE MINUTES.

>> I'M SORRY, I WAS ABLE TO -- DO YOU ALL HAVE THIS PACKET? IT WAS NOT IN YOUR PACKET.

>> S. O'KEEFE: I HAVE IT. DO DOES EVERYONE HAVE IT?

>> YOU GOT IT. SO I WOULD LIKE TO -- WE HAVE A FEW PHOTOS AND IT HAS BASICALLY MY CURRENT POINTS THAT I WOULD LIKE THIS COMMISSION TO ADDRESS. FIRST I WANT TO THANK THE CITY PLANNING STAFF AND ZONING ADJUSTMENTS BOARD FOR PROVIDING THIS FIRST

OPPORTUNITY FOR A PUBLIC HEARING ON A PROJECT THAT STARTED OVER SIX YEARS AGO. SINCE 2014, THERE HAVE BEEN FOUR SEPARATE STAGES OF DEVELOPMENT AND DEMOLITION AT THE SITE. SOME WITH PERMITS, SOME WITHOUT PERMITS RESULTING IN AN EXPANSION OF A 1515 SQUARE FOOT HOUSE TO THE PROPOSED 3,091 SQUARE FOOT THREE STOREY STRUCTURE OVER DOUBLING THE SIZE OF THE ORIGINAL HOUSE. THE HISTORY OF THE DEVELOPMENT IS OUTLINED IN OUR LETTER OF JULY 15, 2019 WHICH IS ALSO PART OF YOUR PACKET. AND THE CONTINUATION OF THE MAIN CONCERNS ARE INCLUDED IN THE APPEAL LETTER DATED DECEMBER 11TH, 2019. I LIVED IN THE NEIGHBORHOOD FOR OVER A QUARTER OF A CENTURY. THE NEIGHBORHOOD WAS BUILT AFTER THE SECOND WORLD WAR CONSISTS MAINLY OF MODEST SINGLE-FAMILY HOMES. MANY ORIGINALLY BUILT FOR LAB SCIENTISTS AND IT WAS BUILT WITH THE G.I. BUILD FUNDS BY HOME-COMING SERVICE MEN. THE NEIGHBORHOOD IS NEXT TO FIELD AND REGIONAL PARK. THE HOMES IN THE COMMUNITY WERE BUILT RESPECTING NATURE. USING COLORS AND MATERIALS REFLECTING THE NATURAL SURROUNDINGS. MANY OF MY NEIGHBORS ARE ORIGINAL RESIDENTS NOW IN THEIR LATE 80S AND 90S. THE LOTS HERE ARE MOST STANDARD, NARROW 50 X 100 FEET WITH REAR YARDS OF GRIZZLY PEAK PROPERTIES ABUTTING THE FRONT YARDS OF SUMMIT ROAD RESIDENCES. IN ADDITION TO THE TOPOGRAPHY OF THE HILLSIDE, INCREASES THE IMPACTS TO SUMMIT ROAD RESIDENTS AS YOU CAN SEE IN THE FIRST PHOTO OFFER THE PROPOSED PROJECT. AND IF YOU LOOK AT THE FIRST PHOTO, IT ACTUALLY SHOWS THE VERY STARK,

BRIGHT, WHITE COLOR OF THE STUCCO. THAT IS THE MAIN -- THIS IS A VIEW FROM MY MAIN LIVING ROOM, DINING ROOM WINDOW. IT IS EXTREMELY DETRIMENTAL TO THE WELL-BEING OF OUR EVERY DAY EXISTENCE. SO I AM -- SO THAT IS GOING TO BE ONE OF THE ISSUES THAT I HAVE ADDRESSED AT THE END OF THE LETTER. I AM NOT OPPOSING THE APPLICANT'S RIGHT TO BUILD THESE TWO NEW THIRD-STOREY ADDITIONS, BUT PRESENTING AN OPPORTUNITY TO POSITIVELY MITIGATE THE IMPACTS OF THE STRUCTURES HEIGHT, MASS AND COLOR AS VIEWED FROM SUMMIT ROAD.

>> S. O'KEEFE: I'LL GIVE YOU ONE MORE MINUTE TO FINISH.

>> I JUST HAVE THIS PARAGRAPH. THE STREET VIEW OF 1449 GRIZZLY PEAK BOULEVARD WHICH IS THE SECOND PHOTO IN THE PACKET. THIS IS THE GOOGLE STREET VIEW AND SHOWS THE INCORPORATION AT THE FRONT ENTRANCE AND IN THE AREAS UNDER THE OVERHANG OF THE ROOF. AS A MITIGATION PROPOSAL, I AM SUBMITTING TWO PHOTOS OF AWARD-WINNING HOMES WHERE A WOOD OF SIMILAR COLOR WAS INCORPORATED AS THE SIDING OF THE BUILDING'S THIRD FLOOR. PHOTO NUMBER FOUR AND PHOTO NUMBER FIVE ARE SHOWING A WHITE STUCCO BUILDING WITH AN IPE WOOD COLOR THIRD STOREY SIDING AND CLADDING. WITH THE ADDITION OF THE IPE WOOD COLOR SIDING ON THE THIRD FLOOR ADDITIONS AND WITH THE ROOF COLOR OF SIMILAR TONE, THE GLARE OF THE CURRENT STARK WHITE BRIGHT STRUCTURE WOULD BE MITIGATED AND THE STRUCTURE WOULD BLEND WITH THE NATURAL SETTING WHICH HAD BEEN THE PROMISE OF THE APPLICANT ALREADY AT THE 2014

MEDIATION MEETING.

>> S. O'KEEFE: YOUR IT TIME HAS ELAPSED.

>> I JUST HAVE WITHIN MORE PARAGRAPH.

>> S. O'KEEFE: WE HAVE THE LETTER AND WE READ IT.

>> BUT I WANT TO SPEAK.

>> S. O'KEEFE: NO. I'M SORRY. THIS IS I GAVE YOU THREE  
MINUTES AND GAVE YOU ONE MORE MINUTE AND YOU'VE A EXCEEDED THAT.

>> THE LAST PARAGRAPH.

>> S. O'KEEFE: SUMMARIZE IT IN TWO SENTENCE.

>> IN CLOSING I'M THANKFUL FOR THE BOARD IN ALLOWING ME TO  
PRESENT THIS AND ASKING THAT YOU ADD THE FOLLOWING CONDITIONS TO  
THE AUP AS LISTED. THIRD FLOOR SIDING TO BE IPE WOOD COLOR. ROOF  
COLOR SIMILAR IN TONE TO THE THIRD FLOOR SIDING COLOR AND LASTLY  
THE MAXIMUM CEILING HEIGHT -- THIS IS A COMPROMISE -- TO BE 9  
FEET. AND I WOULD VERY MUCH APPRECIATE YOUR POSITIVE DECISION ON  
THESE THREE CONDITIONS TO BE ADDED TO THE PERMIT. AND THEN I AM  
HAPPY TO DEFEND THE APPLICANT TO GET HIS PERMIT.

>> I. TREGUB: CAN I ASK A QUESTION. MAYBE THIS IS FOR THE  
APPLICANT.

>> S. O'KEEFE: IS IT FOR THE APPELLANT OR APPLICANT?

>> I. TREGUB: APPELLANT CLAIMED MAXIMUM CEILING HEIGHT  
SHOULD BE 9 FEET. I WONDER WHAT IT IS NOW.

>> S. O'KEEFE: MAYBE THE APPLICANT CAN ANSWER THAT  
QUESTION. CAN THE APPLICANT COME UP, PLEASE. I WAS GOING TO GIVE

YOU THREE MINUTES.

>> MY NAME IS LILLIAN MITCHELL. I'M THE ARCHITECT FOR MY CLIENT THE PROPERTY OWNER. LIKE EVERYONE ELSE, WOULD I LIKE TO THANK THE ZAB BOARD AND FOR THE STAFF REPORT. LOOKING AT THIS, THE QUESTIONS THAT I HEARD JUST ASKED THAT CEILING LIGHTS AT 9 FEET. WE HAD TO -- THE ROOF HEIGHT LOOKS A LITTLE HIGHER BECAUSE OF TRYING TO MAKE THE ROOF SLOPE WORK OUT ON A FLAT WORK SITUATION. OUR INTERIOR CEILING HEIGHT IS AT 9 FEET. I'M HAPPY TO ANSWER ANY QUESTIONS.

>> S. O'KEEFE: LET'S LET IGOR CONTINUE.

>> I. TREGUB: SO THERE ARE TWO OTHER REQUESTS, THE THIRD FLOOR SIDING TO BE IPE WOOD COLOR AND THE ROOF COLOR SIMILAR TO THE THIRD FLOOR COLOR AND I WANTED TO ASK HOW THE APPLICANT FEELS ABOUT THIS.

>> WE DID DISCUSS IT. I DON'T KNOW THAT IT'S APPROPRIATE FOR IT TO BE A CONDITION OF APPROVAL FROM ZAB. BUT I'M HAPPY TO DISCUSS IT WITH MY CLIENT.

>> S. O'KEEFE: OKAY.

>> I. TREGUB: IS YOUR CLIENT HERE?

>> S. O'KEEFE: WHY DON'T YOU COME UP AND ANSWER THE QUESTION.

>> I DON'T KNOW IF I WANT TO DO THAT. LAST TIME I DID THAT, IT CAUSED ME ISSUES. WHEN THE ORIGINAL PERMIT -- WHEN THE ORIGINAL PERMIT WAS APPROVED, I HAD WOOD SIDING WHEN I OPENED

THE HOME TO MAKE SURE THE FOUNDATION WAS STRONG ENOUGH TO GO UP AND PUT THE NEW BEDROOM UPSTAIRS, THERE WERE RATS AND DIFFERENT THINGS HAPPENING. I HAD TO REPLACE ALL OF THE SIDING. IF YOU LOOK AT THE PHOTO THAT SHE GAVE YOU, I DON'T IMPACT HER VIEW AT ALL. ALL THE OTHER NEIGHBORS ARE FINE WITH THE PROJECT. WE GET ALONG GREAT. TWO HOUSES DOWN, ANOTHER HOME GOT STUCCO ON THE SIDING.

>> S. O'KEEFE: I THINK YOU'VE ANSWERED THE QUESTION.

>> I. TREGUB: THE FIRST OF MY QUESTIONS -- THE SECOND ONE WAS THE ROOF COLOR. CAN YOU SPEAKING TO THAT.

>> IT WAS RECOMMENDED BY A ROOFER. ALL IT IS THE SINGLE PLY. THE ROOF IS ALMOST SEMI FLAT. THAT'S JUST -- I CAN'T DIDN'T WANT TO PUT TILE OR ANYTHING ELSE.

>> S. O'KEEFE: THAT'S YOUR ANSWER.

>> I HAVE HUNDREDS OF THOUSANDS OF DOLLARS INTO THE HOME.

>> S. O'KEEFE: THANK YOU FOR ANSWERING THE QUESTION. I THINK IGOR, ARE YOU FINISHED? MATTHEW.

>> MY QUESTION WAS THE SAME. YOU HAD.

>> T. CLARKE: WHY DO YOU HAVE TO HAVE THE WALLS WHITE?

>> FOR THE HEAT.

>> T. CLARKE: SO YOU'RE ONLY DOING WHITE.

>> BECAUSE IF I REPLACE --

>> S. O'KEEFE: I'M TALKING ABOUT THE PAINT COLOR ON THE STUCCO.

>> IT'S AN ACRYLIC STUCCO THAT COMES LIKE THAT.

>> BUT YOU DIDN'T BUILT IT LIKE THAT.

>> THE REST OF THE HOME IS BUILT. SO I WOULD JUST CHANGE ONE BEDROOM TO BE ONE COLOR AND THE REST OF THE HOME IS TO ANOTHER COLOR.

>> S. O'KEEFE: SO HE'S SAYING NO. YOU'RE SAYING IT'S THE COLOR. IT DOESN'T HAVE ANYTHING DO WITH THE RATS. THE COLOR DOESN'T HAVE ANYTHING DO WITH THE RATS, DOES IT? I GUESS THE WOOD COLOR, SHE REQUESTED IPE WOOD COLOR.

>> I HAVE IPE IN THE HOME.

>> T. CLARKE: THE OTHER QUESTION I HAVE IS ABOUT THE DEMOLITION OF THE CALIFORNIA LIVE OAK AND IF YOU COULD EXPLAIN WHY YOU DEMOLISHED THAT WITHOUT A PERMIT.

>> THAT WAS THE FAULT OF MY CONTRACTOR. I DO APOLOGIZE AND I WILL BE HAPPY DO WHATEVER PENALTY OR WHATEVER I HAVE TO DO ABOUT IT. THERE IS NO GREAT RESPONSE FOR IT. I DO HAVE NORTHERLY LIVE OAK IN THE FRONT OF THE HOME WHICH I'VE MEASURED AND HAD A SURVEYOR MAKE SURE IT'S OKAY TO BE REMOVED OR KEPT THERE. IT WAS LARGER THAN THE ONE IN THE BACKYARD. A BERKELEY HILL'S -- MY BACKYARD CONSISTS OF THREE RETAINING WALLS BASED OUT OF ROCK. WHAT I ACTUALLY DID IS I PUT REAL RETAINING WALLS BECAUSE IF YOU HAVE A ROCK RETAINING WALL, THEY ALL COME APART AND DIRT COMES THROUGH.

>> S. O'KEEFE: IT SOUND LIKE IT'S BEEN REFERRED TO CODE

ENFORCEMENT SO THAT'S OUTSIDE OF OUR -- DO YOU HAVE ANY MORE QUESTIONS FOR HIM? CHARLES.

>> C. KAHN: YOU KNOW, WHEN WE HAVE NEIGHBORS HAVE CONCERNS, WE TRY TO ACCOMMODATE THEIR CONCERNS IF POSSIBLE. SO IT'S NOT A REQUIREMENT, THIS IS AN ADJUSTMENTS BOARD. ACTUALLY LILLIAN, I THINK THAT SHEET A-4 SHOWS INTERIOR 10-FOOT CLEAR CEILING HEIGHT THAT MIGHT BE IN ERROR. IF YOU'RE WILLING TO HAVE 9-FOOT CEILINGS IN THAT BEDROOM, I APPRECIATE THAT YOU'RE ACCOMMODATING HALF OF THE REQUEST. ARE YOU WILLING TO HAVE A 9-FOOT CEILING?

>> I'M FINE WITH THAT.

>> C. KAHN: IT GIVES US A CHANCE TO LET THE APPELLANT KNOW THAT WE'VE HEARD THEM AND TRIED TO MEET THEM HALFWAY. THANKS AND I APPRECIATE YOUR POINT ABOUT NOT WANTING ONE PART OF THE HOUSE A DIFFERENT COLOR FROM THE REST. MAYBE YOU CAN TALK TO YOUR NEIGHBOR ABOUT HAVING SOME PLANTING THAT MIGHT HELP WITH THE FEW ISSUES. I DON'T KNOW WHAT YOU COULD DO.

>> DID I DO THAT. I'VE ACTUALLY ON THE BACK OF THE FENCE I PUT EIGHT OR NINE DIFFERENT TREES TO GIVE HER MORE GREENERY. THE ISSUE WITH THE FENCE THAT IT'S 8 FEET, IT'S AN ABUTTING FENCE TO HER. IT WAS AN AGREEMENT BETWEEN HER AND I.

>> C. KAHN: I'M NOT TOO CONCERNED ABOUT THAT.

>> ANY OTHER QUESTIONS? PATRICK.

>> THAT WAS RESOLVED BY CHARLES' QUESTION.

>> I WANT TO CONFIRM SOMETHING YOU SAID EARLIER. THE REASON

WHY YOU'RE GOING WITH THAT COLOR IS BECAUSE IT REFLECT HEAT  
BETTER IN.

>> THE ROOFING, THE ROOFER SAID THAT REFLECTS HEAT. I  
DIDN'T WANT IT WHITE TO BE HONEST WITH YOU. MY ROOFER  
RECOMMENDED IT BECAUSE OF THE HEAT REFLECTION AND THE HOME GETS  
THE SUN ALL DAY LONG. THE REST OF THE HOMES THAT. I DON'T FEEL  
LIKE I SHOULD CHANGE THE WHOLE ROOF. IT WOULD BE A \$15,000  
ROOFING PROBLEM. IF MY NEIGHBORS CAN HELP ME WITH THAT, GREAT,  
BUT SO FAR THAT HASN'T BEEN THE CASE.

>> S. O'KEEFE: OKAY. SEEING NO MORE QUESTIONS FOR THE  
APPLICANT, YOU CAN HAVE A SEAT. WE HAVE NO SPEAKER CARDS ON THIS  
ITEM. I WANT TO MAKE SURE NO ONE FROM THE AUDIENCE WOULD LIKE TO  
COME AND SPEAK. THIS IS YOUR CHANCE. WITH THAT, WE'LL CLOSE THE  
PUBLIC HEARING AND BRING IT BACK FOR BOARD COMMENT. TERESA.

>> T. CLARKE: YES, I POINT OUT TO PAGE 9 OF 26, THE PHOTO  
OF THE STOREY POLES. IF EVERYBODY COULD GO TO THAT. WHAT TIME IT  
SHOWS IS THE ADDITION. THIS IS THE ADDITION ON HERE. DOES  
EVERYBODY SEE THAT? IT'S ATTACHMENT 4. ATTACHMENT 4, PAGE 9 OF  
26. AND TO WHAT I SEE THERE ARE TWO NEW PIECES OF VOLUME BEING  
ADDED. I SEE THAT THOSE ARE GOING TO -- IF THOSE ARE PAINTED  
BRIGHT WHITE, YOU CAN'T EVEN SEE THE REST OF THE BUILDING. THIS  
IS FACING THE BACK OF THE PROPERTY. THIS IS THE VIEW THAT THE  
APPELLANT CAN CONCERNED ABOUT BECAUSE IF THIS IS ALL GOING TO BE  
AS BRIGHT WHITE AS THE OTHER ONE, IT IS PRETTY BRIGHT. I DON'T

KNOW WHY THIS COULD BE A DIFFERENT COLOR. IT'S IN THE BACKYARD. I DON'T BUY THE ARGUMENT YOU CAN'T PAINT IT A DIFFERENT COLOR. THAT'S A MINOR REQUEST TO SOFTEN THE BRIGHT COLOR OF THE BUILDING. SO I WOULD RECOMMEND THAT THE APPLICANT AGREE TO SOME KIND OF MODEST CHANGE IN THE COLOR. IT DOESN'T NEED TO BE IPE WOOD BUT IT DOESN'T NEED TO BE AS REFLECTIVE. I UNDERSTAND ABOUT THE COOL ROOF. BASICALLY WHAT A COOL ROOF IS USUALLY REFLECTIVE. IF YOU DON'T HAVE INSULATION IN YOUR OLDER HOUSE, WHICH HE MAY OR MAY NOT, THEN YOU NEED THAT COOL ROOF BECAUSE THAT'S GOING TO REFLECT THE HEAT. IN THE NEW CONSTRUCTION WHICH THEY'RE DOING HERE, I DON'T SEE WHY THE ROOF COLOR COULDN'T BE LESS THAN A WHITE BRIGHT. THERE ARE A COUPLE OF DIFFERENT TYPES OF COOL ROOFS THAT YOU CAN USE THAT WOULDN'T BE SO STARK WHITE. THERE IS A COUPLE OF DIFFERENT TYPES. THERE ONE THAT IS GRAY AND HAS A SIMILAR REFLECTION FACTOR AND I'M SURE THE ARCHITECT CAN FIND THAT FOR THE APPLICANT. SO I WOULD RECOMMEND THAT THE APPLICANT DO THOSE TWO THINGS. TONE DOWN THE WHITE WITH A DIFFERENT COLOR ON THE BACK. WHERE IT'S MOST VISIBLE. I DON'T THINK THAT'S A BIG ASK, REALLY.

>> S. O'KEEFE: CHARLES. THAT'S A MOTION AND A SECOND AND CHARLES WOULD LIKE TO COMMENT.

>> C. KAHN: I THINK YOUR POINTS ARE VALID SO FAR AS THE ROOF IS CONCERNED. I THINK THAT ONLY PEOPLE THAT ARE GOING TO SEE THE NEW ROOFS ARE THE APPELLANT. I DON'T THINK THE APPLICANT

WILL SEE THE ROOFS. I THINK GOING WITH A DARKER COLOR THERE THAT IS NOT SO GLARING ACCOMMODATES THE APPELLANT WITHOUT NEGATIVELY IMPACTING THE APPLICANT. BUT I CAN'T SEE CHANGING THE BUILDING MASS BECAUSE THAT WILL BE VISIBLE FROM THEIR BACKYARD AS I SEE IT HERE. I THINK THAT IT IS A LITTLE BIT OF A BIG ASK TO TELL YOUR NEIGHBOR WHAT COLOR TO PAINT THEIR BUILDING. IF THEY CAN SEE IT AND DOESN'T WANT TO DO IT THAT COLOR, IT DOESN'T FEEL RIGHT NO ME.

>> WE CAN'T CONDITION PAINT COLOR. WHAT I WAS SAYING AS A GOOD FAITH GESTURE, A RECOMMENDATION THAT THE APPLICANT DO THAT.

>> C. KAHN: I THINK WE COULD PUT IN A THAN THE ROOFING MATERIAL BE REVIEWED BY STAFF THAT IT'S BRIGHTNESS NOT BE SO SEVERE. CERTAINLY WE CAN MAKE THE REQUEST. I HAVE NO TROUBLE WITH THAT.

>> CAN I CLARIFY. IS THE MOTION THEN THAT THE CEILING BE LOWER THAN 9 FEET THAT THE APPLICANT HAVE A COOL ROOF WITH A LESS REFLECTIVE COLOR AND THAT WE SUGGEST THE APPLICANT CONSIDER A DIFFERENT PAINT COLOR, IS THAT WHAT THE MAKER AND SECONDER OF THE MOTION INTENDED?

>> T. CLARKE: I DIDN'T HAVE ANY CONCERN ABOUT THE HEIGHT, BUT I'M OKAY WITH THE HEIGHT BECAUSE IT SOUNDED LIKE THE ARCHITECT WAS OKAY WITH THAT SO I WOULD BE FINE WITH THAT.

>> DID YOU WANT THE HEIGHT TO STAY AS IT IS ON THE PLANS?

>> T. CLARKE: I WASN'T CONCERNED ABOUT THE HEIGHT. I'M OKAY

IF EVERYONE ELSE WANTS THAT.

>> I WOULD LIKE YOU TO INCLUDE THAT AND I THINK WE CAN CALL THE QUESTION AND KEEP MOVING.

>> COULD SOMEONE REPEAT THE QUESTION.

>> ARCHITECT STOOD THERE AS I RECALL. IT WASN'T A CONCERN OF MINE.

>> S. O'KEEFE: IGOR.

>> I. TREGUB: I'M ON BOARD WITH ALL THREE.

>> S. O'KEEFE: RECOMMENDATION AND LOWERING THE HEIGHT TO 9 FEET.

>> ENSURING THAT IT IS 9 FEET.

>> THOUGH CLARIFY, WE ARE A MAKING IT A CONDITION TO BE 9 FEET, WE'RE REQUESTING NON-BINDING TO LOOK AT CHANGING THE COLOR FOR THE ROOF COLOR OR THE FLOOR?

>> SECOND STOREY ADDITION, NOT THE ROOF. THIRD STOREY.

>> I'M TRYING TO LINE THESE UP. WE'RE SAYING -- SO THE SECOND FLOOR WOULD BE -- IS THERE A THIRD PART OF THIS MOTION?

>> THAT THE ROOF NOT BE THIS BRIGHT.

>> ROOF NOT BE THIS RIGHT AND OTHER COLORS WE'RE ASKING TO BE CHANGED.

>> I'M SAYING JUST THE NEW ROOF. NOT THE OLD ROOF, JUST THE NEW. AS HE POINTED OUT, IT'S NOT RIGHT TO HAVE TO REPLACE THE ENTIRE ROOF FOR THAT.

>> THESE ARE NOT GOING TO AFFECT THE ABILITY TO BE A HEAT

ISLAND.

>> THERE IS ANOTHER COLOR, THERE IS MORE THAN ONE COLOR.  
THERE IS STARK WHITE AND THERE IS KIND OF A LESS WHITE.

>> THIS IS A LOT OF DISCUSSION ON SOMETHING WE DON'T HAVE  
ANY CONTROL OVER.

>> I THINK I'LL SUPPORT THIS.

>> CALL THE QUESTION.

>> PATRICK, FURTHER COMMENT?

>> I WOULD LIKE TO -- SINCE I WAS THERE IN 2014 DISCUSSING  
THIS PROJECT IN ITS PREVIOUS EXPANSION, AND I HAVE BEEN AT THE  
APPELLANT'S HOUSE. I HAVE SEEN THAT VIEW. AND THIS LITTLE POCKET  
OF THE HILLS IS ACTUALLY QUITE DENSE. SEVERAL HOUSES IN CLOSE  
PROXIMITY. THERE IS A LETTER INCLUDED HERE FROM ANOTHER CLOSE BY  
NEIGHBOR SUPPORTING THE CONCERNS RAISED BY THE APPELLANT. IN THE  
MEDIATION IN 2014, THERE WERE SEVERAL NEIGHBORS SURROUNDING  
NEIGHBORS ALL VOICING THE SAME CONCERNS. PART OF THAT MEDIATION  
WAS A PROMISE BY THE DEVELOPER TO DO DARK COLORS FOR THE  
PROPOSED ADDITION. THAT HELPED LEAD TO A SUCCESSFUL OUTCOME FOR  
THE MEDIATION AND EVENTUALLY THE APPROVAL AT THAT TIME. SO I  
JUST WANT TO ASK THAT THE APPELLANT HONOR THE INTENT OF THE  
ORIGINAL MEDIATION BECAUSE THE ISSUES ARE THERE, THEY'RE ALL THE  
SAME. THE IMPACT REALLY IS VERY INTENSE FROM THE APPELLANT'S  
HOUSE AND NOT ONLY THE APPELLANT'S BUT ALSO THE HOUSES TO EITHER  
SIDE OF THE APPELLANT. ALL THE HOUSES UPHILL -- SEVERAL HOUSES

HAVE A PROMINENT VIEW OF THIS PROJECT. I THINK IT'S A REASONABLE  
ASK ON ALL POINTS BY THE APPELLANT. I'M NOT SURE WHY WE CAN  
ASK -- CONDITION A DARKER ROOF COLOR BUT NOT A DARKER WALL  
COLOR. STAFF. CAN YOU CLARIFY? IS THAT NOT WITHIN OUR PURVIEW?

>> SO WHAT I WOULD ASK ZAB TO CONSIDER IS HOW ANY  
CONDITIONS ON THIS PROJECT OR OTHERS RELATES TO THE FINDINGS  
THAT ARE REQUIRED TO BE MADE. FINDINGS AROUND VIEWS, PRIVACY,  
AIR, LIGHT, IF YOU FIND AREAS OF DETRIMENT RELATED TO THOSE THAT  
ARE ANALYZED FOR RESIDENTIAL PROJECTS, THAT'S HOW I WOULD ASK  
THE ZAB TO CONSIDER. THE OTHER PIECE IS THAT WE DO NOT HAVE  
RESIDENTIAL DESIGN GUIDELINES IN THE CITY OF BERKELEY.

>> WELL, I WILL COUCH THAT IN TERMS OF DETRIMENT. BASED  
UPON MY FIRST-HAND OBSERVATION OF THIS SITE, I THINK THIS  
INTENSELY BRIGHT WHITE STRUCTURE WHICH IS PROPOSED TO BE  
SIGNIFICANTLY EXPANDED THAT MUCH CLOSER TO THE APPELLANT  
IS -- IT IS A SERIOUS DETRIMENT TO THE VIEW AND CONSEQUENTLY THE  
QUALITY OF LIFE. IT'S EXTREMELY BRIGHT. LOOK AT THE BACKGROUND  
AROUND THE PHOTOGRAPH. TREES ARE DARK, CITY THE IS DARK. THE  
CONTRAST IS INTENSE AND I THINK THAT CONSTITUTES DETRIMENT. I  
DON'T THINK IT'S UNREASONABLE TO ASK FOR A MODERATION IN COLOR.

>> S. O'KEEFE: OKAY. FURTHER COMMENTS?

>> PATRICK AND I OFTEN DON'T AGREE, BUT I DO AGREE WITH HIM  
ON THIS POINT. I THINK THAT THE FINDING VIEWS ARE A  
CONSIDERATION. AND WE USUALLY THINK OF VIEWS IN TERMS OF

OBSTRUCTION OF VIEWS. BUT A GLARING CONDITION AND IT DOES APPEAR TO BE GLARING AND WE HAVE PATRICK'S FIRSTHAND TESTIMONY THAT IT IS GLARING. I THINK IT'S GOOD NEIGHBORLINESS AND COURTESY NOT TO PERPETUATE THAT. I COULD SUPPORT A REQUEST THAT THE ARCHITECT WORK WITH THE APPLICANT AND STAFF TO FIND A COLOR WHICH IS LESS GLARING THAN THE WHITE CURRENTLY ON THE BUILDING FOR THESE TWO ADDITIONS. JUST FOR THE ADDITION UNLESS THEY WANT TO PAINT THE WHOLE THING. THAT'S AT THEIR DISCRETION.

>> WHEN YOU SAY REQUEST, DO WE MEAN REQUEST OR CONDITION OF THE PERMIT?

>> I THINK PATRICK WAS ASKING FOR A CONDITION AND I SUPPORT HIM IN THAT.

>> S. O'KEEFE: SO I'D LIKE TO HEAR FROM THE MOTION MAKER AND SECONDER WHICH IS IGOR.

>> I MADE THE MOTION AND I THINK IT'S OKAY TO CONDITION IT IF STAFF THINKS WE CAN. I DIDN'T THINK WE COULD CONDITION A PAINT COLOR ON A RESIDENTIAL. I THINK BECAUSE OF THE GLARE, IT HAS MORE WEIGHT.

>> I. TREGUB: I'M FINE WITH ADDING THAT AS A CONDITION.

>> S. O'KEEFE: DO YOU WANT TO COMMENT?

>> I WORRY ABOUT A CONDITION THAT STAFF WOULD NEGOTIATE SOME AGREEMENT BETWEEN TWO NEIGHBORS THAT HAVEN'T AGREED FOR 10 YEARS. I'M NOT CONFIDENT IN MY NEGOTIATING SKILLS TO THAT LEVEL. SHOULD WE REFER TO ANN BURNS?

>> I'M GUESSING DENISE HAS BETTER LANGUAGE ON HOW TO GET TO A YES THAT DOESN'T INVOLVE STAFF.

>> I THINK THE ARCHITECTS ON THE BOARD SHOULD RECOMMEND A COLOR AND LIGHT GRAY AND ASK THE APPLICANT TO PAINT IT THAT COLOR. YOU GUYS HAVE AN IDEA OF WHAT WORKS, YOU SHOULD SUGGEST IT AND ASK THE APPLICANT AND WE SHOULD WRAP THIS UP.

>> S. O'KEEFE: I LIKE THAT SUGGESTION. ARCHITECT? SHOULD -- DOHEE, I'M GOING TO LET THEM THINK ABOUT THIS. ARCHITECTS WHAT DO YOU THINK? PATRICK?

>> P. SHEAHAN: I THINK THE SUGGESTION FROM THE APPELLANT IN THE FIRST PLACE -- THAT'S NOT MY COMMENT, JUST TO POINT THAT OUT. IN LIEU OF THAT, YOU COULD VALUE MATCH A COLOR TO THAT. AND THAT WOULD GIVE YOU, I THINK, A MEDIUM, WARM BROWN GRAY.

>> S. O'KEEFE: CHARLES.

>> I APPRECIATE SHANNON'S POINT. IT WAS NEBULOUS VERBAL DESCRIPTION AND HARD TO ENFORCE. SO -- BUT I'M NOT PREPARED TO SPECIFY A PARTICULAR COLOR OR IMPOSE THAT. WHILE I AGREE WITH THE PRINCIPLE THAT GOOD NEIGHBORLINESS WOULD DICTATE THAT THIS NEIGHBOR TRY TO REDUCE THE GLARE, AND I DON'T THINK YOU SHOULD HAVE TO MAKE US MAKE YOU DO IT. I THINK IT'S THE RIGHT THING DO. I SEE NODDING. THAT IS GOOD TO SEE. SO ARE YOU WILLING TO CONSIDER GOING WITH A COLOR THAT IS LESS GLARING WHITE? IT COULD BE A PALE GREEN OR GRAY. SOMETHING THAT BLENDS IN WITH THE ENVIRONMENT. FOR THOSE TWO PIECES.

>> [OFF MIC]

>> S. O'KEEFE: SIR, WOULD YOU MIND COMING UP -- WE'D LIKE TO GET YOUR COMMENTS ON THE RECORD.

>> IT'S BEEN DISCUSSED THAT WE WOULD TONE THE STRUCTURE DOWN SO IT DOESN'T LOOK LIKE AN ERECT CEMENT BUILDING. WE CAN HAVE A COUPLE OF OPTIONS WITH TONING IT DOWN.

>> LILLIAN SERVES ON DESIGN REVIEW AND DOES A GREAT JOB. I THINK THE NEIGHBOR'S CONCERNS WILL BE IN GOOD HANDS.

>> I AGREE.

>> NOW IT GOES BACK TO THE ORIGINAL MOTION THAT THIS IS A RECOMMENDATION FROM ZAB NOT ENFORCED BY STAFF BUT WITH THE GOOD FAITH HOPE THAT THE APPLICANT FOLLOWS THROUGH WITH HIS PLEDGE TO WORK WITH THE NEIGHBORS.

>> LILLIAN HAS A GOOD SENSE OF COLOR.

>> SHE IS TRYING TO HELP ME PUT IPE ON THE WALLS.

>> AND I UNDERSTAND IT'S EXPENSIVE.

>> YOUR SHIRT IS A HANDSOME COLOR, GO WITH THAT.

>> S. O'KEEFE: THANK YOU, WE'LL CLOSE THE PUBLIC HEARING. I'M COMFORTABLE WITH THAT. ANY OTHER COMMENTS -- DO WE UNDERSTAND WHAT THE MOTION IS? DOHEE WANTED TO SPEAK.

>> D. KIM: I JUST WANT TO SAY THAT I'M NOT COMFORTABLE WITH ADDING A CONDITION OF APPROVAL BECAUSE THE PURVIEW OF ZAB DOESN'T SEEM TO BE ADDING THIS ADDITIONAL LEGAL --

>> S. O'KEEFE: WE'RE MAKING IT A SUGGESTION.

>> I WANT TO MAKE SURE, IS IT A SUGGESTION ONLY?

>> S. O'KEEFE: GREAT, SO YOU'RE GOOD. LET'S VOTE. CAN WE  
VOTE?

>> I'M SORRY, I WANT TO MAKE SURE. CONDITIONAL OF APPROVAL  
FOR THE 9-FOOT CEILING HEIGHT. CONDITION OF APPROVAL THAT THE  
ROOF BE NOT AS BRIGHT AND A RECOMMENDATION FOR THE CHANGE OF THE  
COLOR OF THE THIRD STOREY ADDITION.

>> S. O'KEEFE: THANK YOU FOR -- THAT'S GOOD TO GET THAT  
CLEAR. CAN WE DO A ROLL CALL.

>> PINKSTON.

>> YES.

>> KIM.

>> YES.

>> TREGUB.

>> YES.

>> SHEAHAN.

>> YES.

>> CLARKE.

>> YES.

>> LEWIS.

>> YES.

>> VICE CHAIR KAHN.

>> YES.

>> AND CHAIR O'KEEFE.

>> S. O'KEEFE: YES, THE MOTION PASSES. WE SAID APPROVED, BUT IT'S A DENIAL OF THE APPEAL AND UPHOLDING OF THE ORIGINAL AUP. THERE WE GO AS MANNED YOU HAVE YOUR AUP AND IT'S APPEALABLE TO THE CITY COUNCIL.

>> I. TREGUB: JUST TO CLARIFY UPHOLDING OF THE AUP WITH NEW CONDITIONS.

>> YES AS WE JUST VOTED ON. THANK YOU VERY MUCH. YOU MAY GO. NOW WE'LL TAKE A BREAK. IT GOT DARK. KEY WE MAKE SURE THAT NO ONE IS OUTSIDE FOR KITTREDGE AND WE'LL TAKE A BRIEF BREAK WHILE WE MAKE SURE EVERYONE IS IN THE ROOM -- IT'S TELEGRAPH, I APOLOGIZE.

>> IS IT FIVE MINUTES OR SHORTER?

>> KEVIN: I THINK IT'S -- IT DOESN'T SEEM LIKE --

>> I'M FINE WITH SHORTER. I WANTED TO CLARIFY.

>> S. O'KEEFE: I'VE RECEIVED AN E-MAIL THAT BERKELEY SCHOOLS ARE CLOSED.

>> ARE WE KICKED OUT?

>> NO, BUT I DON'T HAVE TO GO TO WORK TOMORROW. IAN, YOU HAVE TO GO TO SCHOOL TOMORROW. ELEMENTARY SCHOOLS ARE CLOSED STARTING MONDAY. DO YOU NEED CHILD CARE TOMORROW? YOU DO STARTING MONDAY.

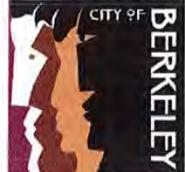
>> SO IS IT -- SO IS IT NEXT WEEK THERE WOULD NORMALLY BE SCHOOL? I'M CURIOUS.

>> S. O'KEEFE: TWO WEEKS OF SCHOOL ARE CANCELED AND OUR

SPRING BREAK IS MARCH 30TH THROUGH APRIL --

>> THAT'S A WEEK LATER THAN UC BERKELEY DOES IT. I THINK THAT'S WHEN BCC DOES.

>> S. O'KEEFE: ARE WE READY TO BEGIN? NOT QUITE? JUST TO WARN EVERYONE. WE'LL HAVE TO TAKE A CAPTIONER BREAK IN 30 MINUTES BUT MAYBE WE'LL BE DONE BY THEN. I JUST WANT TO WARRANT SPEAKERS, SINCE THERE ARE QUITE A FEW SPEAKER CARDS, I'M GOING TO LIMIT YOUR TIME. BUT I'LL BE FLEXIBLE. I SEE THERE ARE FOUR PEOPLE THAT WOULD LIKE TO GO TOGETHER. AS I SAID WE'LL TRY TO SHORT THEN MEET BUT RESPECT THE PROCESS. I WOULD NORMALLY GIVE ONE MINUTE PER PERSON BUT IF YOU WANT TO BE FLEXIBLE. NORMALLY WE DON'T DO CEDING TIME BUT WE'LL DO THAT TO MAKE UP FOR THE ONE MINUTE. IF YOU HAVE A TEAM THAT YOU WANT TO GO TOGETHER, YOU CAN HAVE FOUR MINUTES IF THERE ARE FOUR. FIGURE THAT OUT WHILE WE'RE DOING STAFF REPORT. OKAY. ARE WE READY?

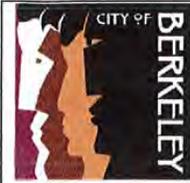
	<h1 style="margin: 0;">I. ZONING PROJECT APPLICATION FORM</h1>	<p style="color: blue; font-weight: bold; font-size: 1.2em;">RECEIVED</p> <p style="color: red; font-weight: bold; font-size: 0.8em;">JUN 19 2019</p>
<p>ZP2019-0111</p> <p><input checked="" type="checkbox"/> Administrative Use Permit  <input type="checkbox"/> Use Permit / Variance  <input type="checkbox"/> Modification of any of the Above</p>	<p><i>(This box for staff use only.)</i></p> <p>PLN201 - _____  <input type="checkbox"/> Pre-Application</p> <p>Intake Planner: <u>LM M</u></p>	<p>DATE STAMP HERE</p> <p style="font-size: 1.5em; color: blue; font-weight: bold;">LAND USE PLANNING</p>

- **Project Address:** 1449 GRIZZLY PEAK BLVD Unit/Suite #: \_\_\_\_\_  
 Project Description: REAR ADDITION OF 500 SQ. FT. AT THE THIRD FLOOR INCLUDING A BEDROOM, BATHROOM, AND WALK-IN CLOSET
  
- **Property Owner Name:** Rodrigo Ubillus  
 Owner's Mailing Address: 1449 Grizzly Peak Blvd., Berkeley, CA 94708  
 Phone #: \_\_\_\_\_  Home  Mobile  Business E-mail: \_\_\_\_\_
  
- **Applicant Name** (or write "same"): Lillian Mitchell, architect  
 Applicant's Mailing Address: 1708 Martin Luther King Jr Way, Suite B, Berkeley, CA 94709  
 Phone #: 510-682-3355  Home  Mobile  Business E-mail: LILLIAN@MITCHELLHOLLADAY.COM

<b>For projects involving <u>only</u> the following four items and <u>none</u> of the items on pages 2-3 of this form, please refer to the handout indicated in the right-hand column <u>instead</u> of filling out this form.</b>	
1. Converting existing Rental or Tenant In Common (TIC) Units to Condominiums?	Refer to the "Condominium Conversion Procedures: Guide for Applicants"
2. Demolition of, or exterior alterations to, a designated City of Berkeley Landmark, Structure of Merit, or structure in a City Historic District (or interior alterations to such buildings if publicly owned)?	Refer to the "Landmark Preservation Commission: Structural Alteration Permit and Design Review Submittal Requirements"
3. Application to designate a City Landmark, Structure of Merit or Historic District?	Refer to the "Landmark, Structure of Merit or Historic District Designation Form"
4. Exterior changes (including signs) to (1) any structure (new or existing) in a non-residential zoning district OR (2) a commercial or mixed-use building in the R-4 District?	Refer to the Design Review Submittal Packet
<b>Continued on Page 2</b>	

## PLANNING & DEVELOPMENT

Land Use Planning Division, 1947 Center Street, 2<sup>nd</sup> Floor, Berkeley, CA 94704  
 Tel: 510.981.7410 TDD: 510.981.6903  
 Fax: 510.981.7420 Email: [Planning@CityofBerkeley.info](mailto:Planning@CityofBerkeley.info)

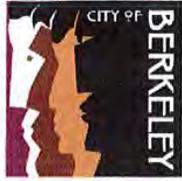


# I. ZONING PROJECT APPLICATION FORM

## Submittal Requirements Checklist – Instructions

1. Complete the checklist below and **sign the bottom of page 3.** (*Owner must also sign, or provide a letter authorizing the applicant to sign on the owner's behalf.*)
2. For each question for which you check "yes", review the Zoning Project Submittal Requirements to learn more and to provide the item indicated in the right-hand column.
3. **Submit a pdf copy of the entire application, along with the paper application to the Planner at the Permit Service Center, Zoning Counter.**

Does the project include:	No	Yes	Handout / Application Requirement
1. Any work requiring an Administrative Use Permit, Use Permit, Variance, or Modification of any these permits?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Required For All Projects
2. Any new structure(s), addition(s), demolition(s), exterior alteration(s), or change(s) of use?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Required For All Projects Involving Construction
3. A new main building, OR a new accessory building/structure or main building addition within 2 feet of a required setback?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Boundary/Topographic Survey
4. More than 50 cubic yards of grading?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Grading Plan
5. A request to waive or reduce required parking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Parking Survey
6. (1) a building over three stories in height, (2) a Density Bonus, (3) an FAR over 2.0, (4) over 10,000 sq. ft. of gross floor area; OR any wireless installation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Photo Simulations
7. A new main building or an addition exceeding 14 feet in average height in the 'H' Overlay District?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Section Drawings Story Poles
8. A new main building or an addition exceeding 14 feet in average height on a site adjacent to a residential use?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Shadow Study
9. A new main building (except accessory buildings/structures)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Street Strip Elevation
10. Creation of (1) 5 or more dwelling or live/work units, or (2) additional condominium units resulting in 5 or more condominium units on the site?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Housing Affordability Statement Applicant Anti-Discriminatory Housing Policies
11. Under Government Code Section 65915: a. A request for a Density Bonus? b. A request for any concessions or incentives in addition to a Density Bonus?	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	Housing Affordability Statement Additional Incentives or Concessions Documents
12. Creation of (1) 10 or more dwelling units, (2) 5,000 sq. ft. of floor area, OR (3) 25 or more peak hour vehicle trips (based on ITE trip generation rates)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Traffic Impact Analysis
13. Creation or replacement of 2,500 square feet or more of impervious surface area? (Includes additions and new buildings but not routine maintenance and re-surfacing).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Stormwater Requirements Checklist
14. Any new dwelling unit(s), or addition or renovation of 10,000 sq. ft. or more of non-residential space?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Green Building Checklist Energy Efficiency Analysis (nonresidential mixed-use only)
15. 2,500 sq. ft. or more of new landscape area or 2,500 sq. ft. or more of rehabilitated landscape?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Berkeley Water Efficient and Bay Friendly Landscape Requirements
16. A new building on a site with a history of soil and/or groundwater contamination or within Environmental Management Areas?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Phase I or II Assessment
17. A new building or addition in a liquefaction, landslide, or fault zone shown on the "Environmental Constraints Map"	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Seismic Hazard Investigation
18. Federal funding, either directly or through the City of Berkeley Housing Trust Fund?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Area of Potential Effects (APE) Statement
19. A new business, or a new commercial space with tenant/operator already selected? ( <b>Does not include</b> home occupations.)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Zoning Use Questionnaire



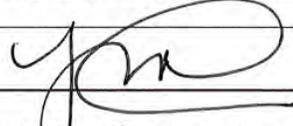
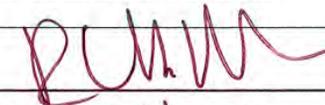
# I. ZONING PROJECT APPLICATION FORM

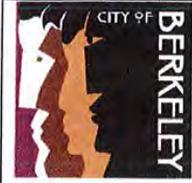
You must disclose whether or not any of the following are true of the project:	No	Yes
<ul style="list-style-type: none"> <li>Over 7,500 square feet of office, retail, restaurant, hotel, lodging, manufacturing, light industrial, research and development, warehouse or storage? If so, Affordable Child Care and Affordable Housing Fees apply. Refer to Council Resolutions #66,618-N.S. &amp; #66,617-N.S.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>Any new commercial or industrial building, more than five or more Dwelling Units; or an addition or more than 10,000 square feet. If so, Percent for Public Art on Private Projects Program applies, per BMC Chapter 23C.23.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>Project involves the elimination or rehabilitation of any dwelling units, and/or are any of the dwelling units on the property controlled rental units? If so, your application will be referred to the Rent Stabilization Board. No action is required on your part. You may contact them at (510) 981-7368 if you have any questions.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>Construction activity within the drip line of a Coast Live Oak tree with circumference over 18" at 4'-6" above ground (or 26" aggregate circumference for multi-trunked trees)? If so, the Moratorium on the removal of Coast Live Oaks Ordinance applies, per BMC Chapter 6.52.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>Removal of 25% or more of a main building's exterior walls and roof (including replacement of existing structural members)? If so, the Demolition Ordinance may apply, per BMC Chapter 23C.08.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>Smoke Shops or Drug Paraphernalia?</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>Cultivation, Distribution, Manufacture or Sale of Cannabis?</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>Demolition or substantial change of a building &gt;40 years old? If so, the Demolition Ordinance will apply, per BMC Chapter 23C.08, as well as Section 15300.2 of the CEQA Guidelines.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>Construction on a parcel that is within 40' of an open creek or 25' of a culverted creek? If so, the Preservation and Restoration of Natural Watercourses Ordinance applies, per BMC Chapter 17.08</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

*Under penalty of perjury, I certify that:*

- (1) the above information is true and complete to the best of my knowledge, and**
- (2) the attached paper and electronic copies of this application are the same.**

*(\*Owner's signature, or signed letter authorizing applicant to apply on owner's behalf, is required for all applications.)*

Applicant Signature: 	Owner's Signature: 
Printed: <u>LORI BOCKHOLT, MITCHELL HOLIDAY ARCH.</u>	Printed: <u>R. Ubillus</u>
Date: <u>June 19, 2019</u>	Date: <u>6-5-19</u>

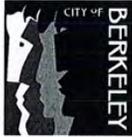


# I. ZONING PROJECT APPLICATION FORM

*(This page is for staff use only.)*

Zoning District(s):

Zoning Section	Description
1. 23 <u>D.16.030</u>	UP/AUP to <u>MRA</u>
2. 23 <u>D.16.070.c</u>	UP/AUP to <u>over 14' AVG</u>
3. 23 <u>E.96.070.B</u>	UP/AUP to <u>over 20' MAX</u>
4. 23 <u>D.16.050.A</u>	UP/AUP to <u>5th bedroom</u>
5. 23 _____	UP/AUP to
6. 23 _____	UP/AUP to
7. 23 _____	UP/AUP to
8. 23 _____	UP/AUP to
9. 23 _____	UP/AUP to



**CITY OF BERKELEY**

Permit Service Center  
1947 Center St, 3rd floor  
Berkeley, CA 94704

**Receipt Date:**

6/19/2019

**Receipt Number:**

584670

**RECEIPT  
ZP2019-0111**

**Applicant Information**

Lillian Mitchell  
1708 MARTIN LUTHER KING JR  
WAY STE B  
BERKELEY CA 94709-2150

**Property Information**

Parcel Number: 060 249304500

**Project Information**

Type: Planning  
Group: Zoning Permit  
Category: NA  
Sub-Category: NA

**Location**

1449 GRIZZLY PEAK Blvd  
BERKELEY, CA 94708

Project:

Work Description: To construct an approximately 500 square foot  
second and third story additions

**Received**

**JUN 19 2019**

**Land Use Planning**

<b>Payor:</b> Lori Bockholt	<b>Payment Status:</b> Paid	<b>Date Printed:</b> 6/19/2019
<b>Cashier:</b> RASMITH	<b>Payment Method:</b> Credit Card	<b>Auth:</b> 019654
<b>Fees:</b>		<b>Amount</b>
AUP010 - AUP Base Tier 1 - Most Complex projects in or adjacent to Residential District		\$2800.00
AUP080 - AUP: Additional Administrative Use Permits		\$800.00
AUP110 - Records Management		\$50.00
CPF1 - Community Planning Fee		\$540.00
	<b>Total:</b>	<b>\$4190.00</b>

**Property Address:**  
1449 GRIZZLY PEAK Blvd  
BERKELEY, CA 94708



Permit Service Center  
Building and Safety Division  
1947 Center St. Third Floor  
Berkeley, CA 94704

# INVOICE

Date: 6/19/2019 3:42:03 PM

Invoice #: 410528

Record #: ZP2019-0111

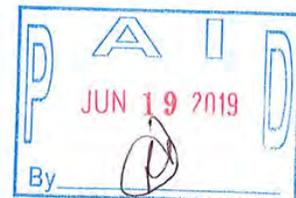
Bill to:

Address: 1449 GRIZZLY PEAK  
BLVD

Lillian Mitchell  
1708 MARTIN LUTHER KING JR WAY STE B  
BERKELEY CA 94709-2150

**Received**  
**JUN 19 2019**  
**Land Use Planning**

Date Assessed	Invoiced Fee Item	Fee	Paid	Balance
6/19/2019	Records Management AUP110	\$50.00	\$0.00	\$50.00
6/19/2019	Community Planning Fee CPF1	\$540.00	\$0.00	\$540.00
6/19/2019	AUP: Additional Administrative Use Permits AUP080	\$800.00	\$0.00	\$800.00
6/19/2019	AUP Base Tier 1 - Most Complex projects in or adjacent to Residential District AUP010	\$2,800.00	\$0.00	\$2,800.00
<b>Totals:</b>		<b>\$4,190.00</b>	<b>\$0.00</b>	<b>\$4,190.00</b>



June 19, 2019

Leslie Mendez  
Planning & Development Department  
City of Berkeley

Re: Application Statement  
1449 Grizzly Peak Blvd.  
Berkeley, CA 94708

The attached permit application proposes to construct a 500 sq. ft. second/third floor addition to an existing 2,791 sq. ft., 3-story residence located at 1449 Grizzly Peak Blvd. The new addition is located at two existing roof decks and therefore, does not expand the existing footprint of the residence. It includes a new walk-in closet, bedroom, and bath.

The design and finishes at the addition have been chosen to match or compliment the finishes at the existing residence. The proposed finishes at the addition include stucco and aluminum clad wood windows which will match the existing siding and windows. The new roof will be flat with deep overhangs to also match the existing roofing.

The property is located in R-1H zoning. The proposed construction meets all zoning requirements. The addition has a maximum average height of 24'-8" (28' maximum allowed) and the lot coverage of 30% (40% maximum) will remain the same. The new addition is within the required setbacks (20' at rear/front and 4' at side yards).

The addition maintains the existing character of the house and the owner has either obtained signatures from all of the adjacent and abutting property owners or sent them plans via certified mail (after attempting to obtain their signatures in person).

Sincerely,

Mitchell Holladay Architects

mitche||  
holladay architects

1708 martin luther king jr way, suite b  
berkeley, ca 94709

## PROPOSED DEVELOPMENT



### PROJECT INFORMATION

1449 GRIZZLY PEAK BLVD.  
Rear addition of 500 sq. ft. at the third floor,  
including a bedroom, bathroom, and walk-in  
closet.



### APPLICANT INFORMATION:

MITCHELL HOLLADAY ARCHITECTS  
1705 Martin Luther King Jr. Way, Suite B  
Berkeley, CA 94709  
(510) 705-1061  
contact: Lillian Mitchell, architect, lead ap

For more information check the Planning Department Web  
Page: [www.ci.berkeley.ca.us/planning](http://www.ci.berkeley.ca.us/planning) or call 510-981-7410

Public Notices:







1445 GRIZZLY PEAK BLVD. NEIGHBOR



1449 GRIZZLY PEAK BLVD. SUBJECT PROPERTY



1455 GRIZZLY PEAK BLVD. NEIGHBOR



1455 GRIZZLY PEAK BLVD. NEIGHBOR VIEW UP DRIVEWAY



1476 AND 1480 SUMMIT RD. NIEGHBORS FROM SUBJECT PROPERTY



1445 GRIZZLY PEAK BLVD. NEIGHBOR FROM SUBJECT PROPERTY



1455 GRIZZLY PEAK BLVD. FROM SUBJECT PROPERTY



1449 GRIZZLY PEAK BLVD. SUBJECT PROPERTY AREA OF WORK

mitchell  
holladay architects

1708 martin luther king jr way, suite b  
berkeley, ca 94709



# PLANNING & DEVELOPMENT

Land Use Planning, 2120 Milvia Street, Berkeley, CA 94704  
Tel: 510.981.7410 TDD: 510.981.7474 Fax: 510.981.7420  
Email: [Planning@ci.berkeley.ca.us](mailto:Planning@ci.berkeley.ca.us)

## II.E. HAZARDOUS WASTE AND SUBSTANCES STATEMENT

Pursuant to the Permit Streamlining Act (PSA), a development permit application may not be accepted as complete unless and until the applicant has submitted a signed statement indicating whether the proposed project site or any alternative site(s) is on the lists of hazardous waste sites compiled pursuant to Government Code Section 65962.5 by the California Secretary for Environmental Protection.

Data lists / maps are available at the following websites (check multiple lists and categories):

<http://www.calepa.ca.gov/SiteCleanup/CorteseList/>

<http://www.envirostor.dtsc.ca.gov/public/>

<https://geotracker.waterboards.ca.gov/>

---

### Applicant's Information:

Name: Lori Bockholt, Mitchell Holladay Architects

Street Address: 1708B Martin Luther King Jr. Way

City, State, Zip Code: Berkeley, CA 94709

Phone Number: 510.705.1061

### Project Information:

Address: 1449 Grizzly Peak Blvd.

City, State, Zip Code: Berkeley, CA 94708

Assessor's book, page, and parcel number: 60-2493-45

### Specify any list pursuant to Section 65962.5 of the Government Code:

none

Regulatory identification number: \_\_\_\_\_

Date of list: \_\_\_\_\_

### Applicant's verification:

Signature: \_\_\_\_\_ Date: 06.19.2019

Kevin >  
walk-through review of your proposed work as review of your paper plans.

Thank you. Can you put signed by phone 📞

As one of your immediate neighbors, I reviewed your proposed work on your home and have no objection. Signed Kevin Kelly 1448 Grizzly Peak Blvd Berkeley Date 6/11/19 (by iPhone text)

Thanks for contact info. Add Kristy's cell: [\(707\) 972-5057](tel:(707)972-5057)  
Regards to you and your wonderful family.

Thank you  
Ok I'll add Kristy. Please tell her we say hello

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Total \$20.40  
 Credit Card Remitd \$20.40  
 (Card Name:VISA)  
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 (Approval #:018080)  
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 (AID:A000000031010 Chip)  
 (AL:Visa Credit)  
 (PIN:Not Required)

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YOUR OPINION COUNTS

Bill #: 840-59450119-3-3076756-2  
 Clerk: 87

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 94707-9991  
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 Postage \$1.60  
 Total Postage and Fees \$5.10

Sent To *Stephan Volk*  
 Street and Apt. No., or PO Box No.  
*1446 Grizzly Peak Blvd.*  
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*Berkeley CA 94708*

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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 Adult Signature Restricted Delivery \$0.00  
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 Total Postage and Fees \$5.10

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*Berkeley CA 94708*

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*RECEIVED JUN 19 2019 LANDSCAPE and Use Planning*



architects

1708 martin luther king jr way  
suite b  
berkeley, ca 94709

510.705.1061

**UBILLUS  
RESIDENCE  
ADDITION**

1449 GRIZZLY PEAK BLVD.  
BERKELEY, CA 94708

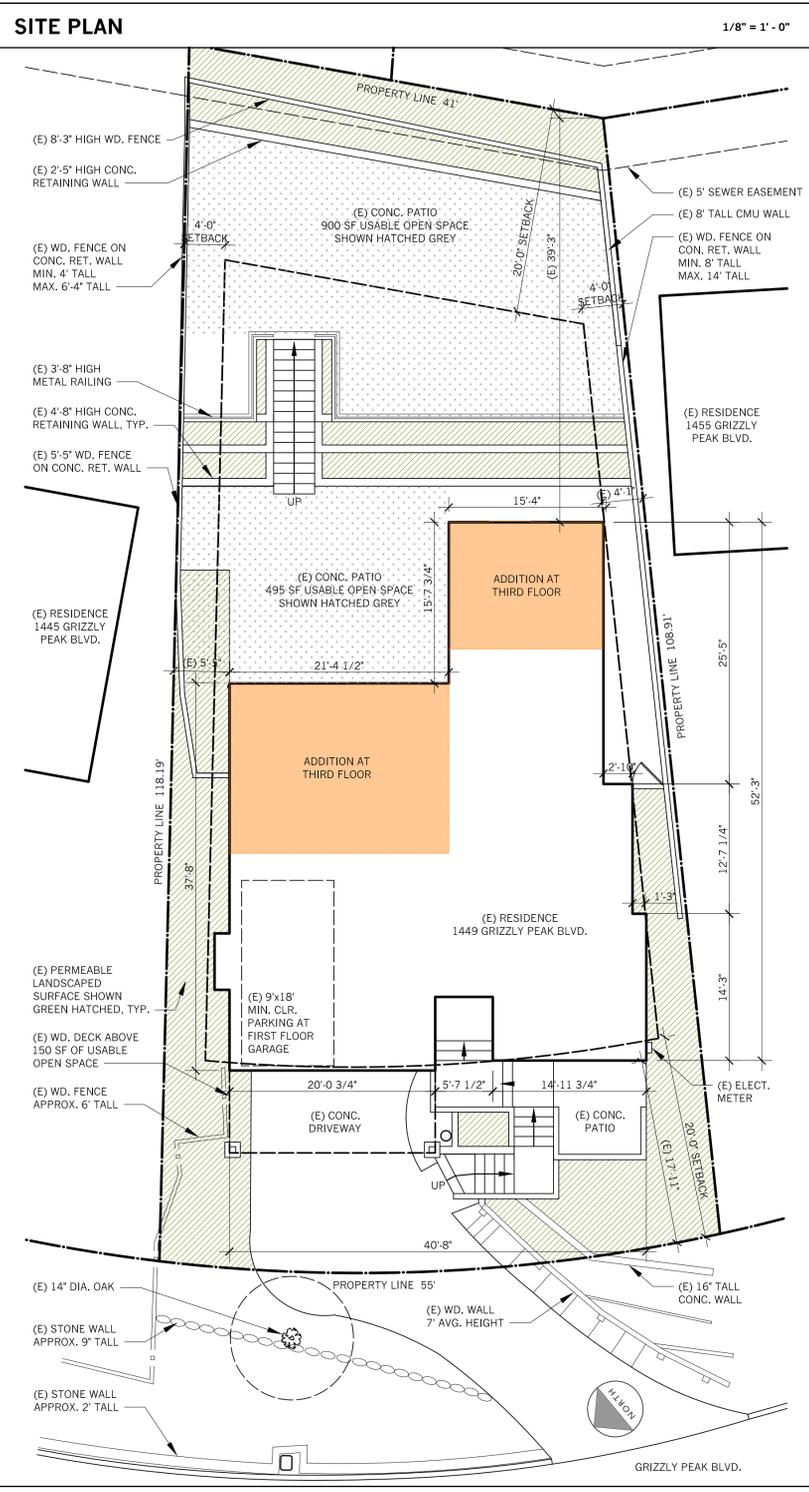
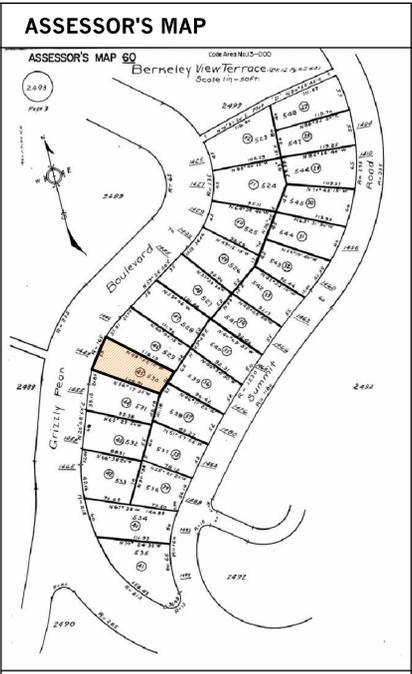
CONSULTANTS

**BEST MANAGEMENT PRACTICES**

- SAND, DIRT, AND SIMILAR MATERIALS MUST BE STORED AT LEAST 10 FEET FROM CATCH BASINS, AND COVERED WITH A TARP DURING WET WEATHER OR WHEN RAIN IS FORECAST.
- SWEEP STREETS AND OTHER PAVED AREAS DAILY. DO NOT WASH DOWN STREETS OR WORK AREAS WITH WATER.
- RECYCLE ALL ASPHALT, CONCRETE, AND AGGREGATE BASE MATERIAL FROM DEMOLITION ACTIVITIES.
- CHECK DUMPSTERS REGULARLY FOR LEAKS AND TO MAKE SURE THEY DON'T OVERFLOW. REPAIR OR REPLACE LEAKING DUMPSTERS PROMPTLY.
- LABEL ALL HAZARDOUS MATERIALS AND HAZARDOUS WASTES (SUCH AS PESTICIDES, PAINTS, THINNERS, SOLVENTS, FUEL, OIL, AND ANTIFREEZE) IN ACCORDANCE WITH CITY, STATE, AND FEDERAL REGULATIONS.
- STORE HAZARDOUS MATERIALS AND WASTES IN SECONDARY CONTAINMENT AND COVER THEM DURING WET WEATHER.
- BE SURE TO ARRANGE FOR APPROPRIATE DISPOSAL OF ALL HAZARDOUS WASTES.
- WHEN SPILLS OR LEAKS OCCUR (HAZARDOUS OR NON-HAZARDOUS), CONTAIN THEM IMMEDIATELY AND BE PARTICULARLY CAREFUL TO PREVENT LEAKS AND SPILLS FROM REACHING THE GUTTER, STREET, OR STORM DRAIN. NEVER WASH SPILLED MATERIAL INTO A GUTTER, STREET, STORM DRAIN, OR CREEK.
- REPORT ANY HAZARDOUS MATERIALS SPILLS IMMEDIATELY! DIAL 911 OR YOUR LOCAL EMERGENCY RESPONSE NUMBER.
- DO NOT CLEAN VEHICLES OR EQUIPMENT ON-SITE USING SOAPS, SOLVENTS, DEGREASERS, STEAM CLEANING EQUIPMENT, ETC.
- KEEP EXCAVATED SOIL ON THE SITE WHERE IT IS LEAST LIKELY TO COLLECT IN THE STREET. TRANSFER TO DUMP TRUCKS SHOULD TAKE PLACE ON THE SITE, NOT IN THE STREET.
- USE FIBER ROLLS, SILT FENCES, OR OTHER CONTROL MEASURES TO MINIMIZE THE FLOW OF SILT OFF THE SITE. SEE SITE PLAN FOR SPECIFIC MEASURES.
- SHOVEL, ABSORB, OR VACUUM SAW-CUT SLURRY AND PICK UP ALL WASTE AS SOON AS YOU ARE FINISHED IN ONE LOCATION OR AT THE END OF EACH WORK DAY (WHICHEVER IS SOONER).
- IF SAW CUT SLURRY ENTERS A CATCH BASIN, CLEAN IT UP IMMEDIATELY.
- PROTECT GUTTERS, DITCHES, AND DRAINAGE COURSES WITH SAND/GRAVEL BAGS, OR EARTHEN BERMS.
- BE SURE TO STORE CONCRETE, GROUT, AND MORTAR UNDER COVER AND AWAY FROM DRAINAGE AREAS. THESE MATERIALS MUST NEVER REACH A STORM DRAIN.
- WASH OUT CONCRETE EQUIPMENT/TRUCKS OFF-SITE.
- NEVER RINSE PAINT BRUSHES OR MATERIALS IN A GUTTER OR STREET.
- PAINT OUT EXCESS WATER-BASED PAINT BEFORE RINSING BRUSHES, ROLLERS, OR CONTAINERS IN A SINK. IF YOU CANNOT USE A SINK, DIRECT WASH WATER TO A DIRT AREA AND SPADE IN IT.
- PAINT OUT EXCESS OIL-BASED PAINT BEFORE CLEANING BRUSHES IN THINNER.
- FILTER PAINT THINNERS AND SOLVENTS FOR REUSE WHENEVER POSSIBLE. DISPOSE OF OIL-BASED PAINT SLUDGE AND USEABLE THINNER AS HAZARDOUS WASTE.

**GENERAL NOTES**

- ALL WORK SHALL CONFORM TO THE CALIFORNIA RESIDENTIAL CODE, 2016 EDITION; CALIFORNIA PLUMBING CODE, 2016 EDITION; CALIFORNIA MECHANICAL CODE, 2016 EDITION; CALIFORNIA ELECTRICAL CODE, 2016 EDITION; 2016 ENERGY CODE; CITY OF BERKELEY ORDINANCES, ALAMEDA COUNTY REQUIREMENTS AND ALL OTHER APPLICABLE CODES AND ORDINANCES.
- THE CONTRACTOR SHALL VERIFY ALL CONDITIONS AND DIMENSIONS ON THE SITE PRIOR TO BEGINNING WORK. CONTRACTOR SHALL FAMILIARIZE HIM/HERSELF WITH VERTICAL AND LATERAL LOAD TRANSFER THROUGH FRAMING TO FOUNDATION. DIMENSIONS, FOUNDATION LAYOUT, FRAMING LAYOUT, LOAD TRANSFER THROUGH NEW AND EXISTING FRAMING TO FOUNDATION LOCATION OF BEAMS, BRACING, ETC. SHOULD ALL BE VERIFIED PRIOR TO ACTUAL CONSTRUCTION. VARIANCE BETWEEN THE DRAWINGS AND THE ACTUAL SITE CONDITIONS, AND ANY ERRORS OR OMISSIONS FOUND IN THE DRAWINGS, SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT BEFORE PROCEEDING WITH THE WORK. UPON DISCOVERY OF UNFORESSEEN CONDITIONS ON THE SITE, THE CONTRACTOR SHALL STOP THE WORK AND REQUEST ADDITIONAL INFORMATION FROM THE ARCHITECT. THE CONTRACTOR SHALL NOTIFY THE ARCHITECT WHEN THE EXISTING STRUCTURE HAS BEEN EXPOSED.
- DURING DEMOLITION CONTRACTOR IS TO CAP ALL ELECTRICAL OUTLETS, SWITCHES AND UTILITIES PER CODE. NOTIFY OWNER 24 HOURS PRIOR TO ANY INTERRUPTION IN POWER OR UTILITIES.
- BRACE AND SUPPORT EXTERIOR AND INTERIOR WALLS AS NECESSARY PRIOR TO REMOVAL OF EXISTING STRUCTURE, SO AS TO PREVENT ANY MOVEMENT OF THE EXISTING STRUCTURE. THE GENERAL CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR PROVIDING ADEQUATE SHORING AND BRACING DURING CONSTRUCTION FOR VERTICAL AND LATERAL LOADS AS REQUIRED FOR THE PROTECTION OF LIFE AND PROPERTY DURING CONSTRUCTION.
- WRITTEN DIMENSIONS SHOWN IN THE DRAWINGS ARE TO FACE OF FINISH UNLESS OTHERWISE NOTED; THEY SHALL HAVE PRECEDENCE OVER ANY SCALED DIMENSIONS. THE CONTRACTOR SHALL NOT USE SCALED DIMENSIONS. DETAIL DRAWINGS HAVE PRECEDENCE OVER MORE GENERAL DRAWINGS.
- THE CONTRACTOR SHALL GUARANTEE ALL NEW WORK AGAINST LEAKS FOR A PERIOD OF TWO YEARS FOLLOWING COMPLETION OF THE WORK.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR RESTORING TO ORIGINAL CONDITION, AT HIS OWN EXPENSE, ANY DAMAGE DONE BY HIM OR HIS AGENTS TO THE EXISTING BUILDINGS OR GROUNDS.
- THE CONTRACTOR SHALL INSTALL ALL PRODUCTS AND MATERIALS IN ACCORDANCE WITH THE MANUFACTURER'S SPECIFICATIONS AND IN ACCORDANCE WITH THE LATEST EDITION OF TRADE STANDARDS, PUBLISHED BY THE TRADE ASSOCIATIONS.
- THE CONTRACTOR SHALL COMPLY WITH ALL APPLICABLE PORTIONS OF TITLE 24 OF THE CALIFORNIA ADMINISTRATIVE CODE.
- DIMENSIONS, LOCATIONS OF DOORS, PARTITIONS, CABINET WORK AND SIMILAR FEATURES TO BE VERIFIED ON SITE.
- IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO COORDINATE LAYOUT OF ALL THE VARIOUS COMPONENTS OF THE CONSTRUCTION AS REQUIRED TO ACCOMMODATE THE ELECTRICAL LAYOUT INDICATED. SPECIAL ATTENTION SHOULD BE GIVEN TO FRAMING LAYOUT TO AVOID CUTTING AND REFRAMING TO ACHIEVE PROPER LOCATIONS FOR FIXTURES.
- THE ARCHITECT DOES NOT ASSUME RESPONSIBILITY FOR CONSTRUCTION MEANS, METHODS, TECHNIQUES, SEQUENCE OR PROCEDURES OF CONSTRUCTION, OR SAFETY PRECAUTIONS, WHICH ARE TO REMAIN THE RESPONSIBILITY OF THE GENERAL CONTRACTOR.
- THE ARCHITECT DOES NOT PROVIDE EVALUATION FOR THE EXISTENCE OF HAZARDOUS MATERIAL NOR ASSUME RESPONSIBILITY FOR THEIR MANAGEMENT. SHOULD THE CONTRACTOR ENCOUNTER ANY HAZARDOUS MATERIALS IN THE PERFORMANCE OF HIS WORK, THE CONTRACTOR SHALL NOTIFY THE OWNER IMMEDIATELY AND PROCEED WITH WORK ONLY IN COMPLIANCE WITH APPLICABLE HAZARDOUS MATERIAL HANDLING REGULATIONS.
- DIVERT CONSTRUCTION AND DEMOLITION WASTE AS FOLLOWS:  
A. DIVERT ALL CARDBOARD, CONCRETE, ASPHALT AND METALS.  
B. DIVERT 25% C&D WASTE, EXCLUDING ALL CARDBOARD, CONCRETE, ASPHALT, AND METALS.



**DRAWING INDEX**

A-0.0	COVER SHEET
A-1.0	DEMO PLANS AND EXISTING ELEVATIONS
A-2.0	PROPOSED FLOOR PLAN AND ROOF PLAN
A-3.0	PROPOSED EXTERIOR ELEVATIONS
A-4.0	SECTION

**PROJECT DATA**

CLIENTS:  
CHERYL AND RODRIGO UBILLUS  
1449 GRIZZLY PEAK BLVD.  
BERKELEY, CA 94708

PROJECT SCOPE:  
REAR ADDITION OF 500 SQ. FT. AT THE THIRD FLOOR, INCLUDING A BEDROOM, BATHROOM, AND WALK-IN CLOSET.

ZONING:	R1-H
APN:	60-2493-45
FLOOD ZONE	NO
FIRE ZONE	2
LANDSLIDE ZONE	YES
FIRE SPRINKLERS	NONE
OCCUPANCY:	R-3
CONSTRUCTION TYPE:	V-B
AVG. LOT SLOPE:	15%

**SYMBOL LEGEND**

	WINDOW SYMBOL, SEE SCHEDULE		INTERIOR ELEVATION KEY
	DOOR SYMBOL, SEE SCHEDULE		DRAWING KEY
	ELEVATION KEY - DRAWING #		DETAIL KEY
	ELEVATION SHOWN WHERE SHADED		ALIGNMENT SYMBOL
	SHEET #		

**NEIGHBOR'S SIGNATURES**

I HAVE REVIEWED THE DRAWINGS FOR THE PROPOSED ADDITION AT 1449 GRIZZLY PEAK BLVD, WHICH INCLUDES 500 SF AT THE SECOND FLOOR.

NAME (PRINTED)	SIGNATURE	ADDRESS	OWNER YES/NO	DATE	HAVE NO OBJECTIONS	COMMENTS OR OBJECTIONS (PLEASE STATE BRIEFLY)
		1444 GRIZZLY PEAK BLVD.				
		1445 GRIZZLY PEAK BLVD.				
		1446 GRIZZLY PEAK BLVD.				
		1448 GRIZZLY PEAK BLVD.				
		1452 GRIZZLY PEAK BLVD.				
		1455 GRIZZLY PEAK BLVD.				
		1476 SUMMIT RD.				
		1480 SUMMIT RD.				

**TABULATION FORM**

	Existing	Proposed	Permitted/Required
<b>Units, Parking Spaces &amp; Bedrooms</b>			
Number of Dwelling Units	1	1	
Number of Parking Spaces	1	1	
Number of Bedrooms (R-1, R-1A, R-2, R-2A, and R-3 only)	4	5	
<b>Yards and Height</b>			
Front Yard Setback (Feet)	17'-11"	NA	20
Side Yard Setback (Feet)			
Left (Feet)	5'-5"	NA	4
Right (Feet)	4'-1"	NA	4
Rear Yard Setback (Feet)	35'-3"	NA	20
Building Height* (# Stories)	3	3	3
Average* (Feet)	22'-0"	24'-0"	14
Maximum* (Feet)	26'-0"	28'-0"	20
<b>Areas</b>			
Lot Area (Square-Feet)	5,526	NA	NA
Gross Floor Area* (Square-Feet)	2,791	3,291	NA
Total Area Covered by All Floors (Square-Feet)			
Building Footprint* (Square-Feet)	1,659	NA	NA
Total of All Structures (Square-Feet)			
Lot Coverage* (%) (Footprint/Lot Area)	30%	NA	40%
Useable Open Space* (Square-Feet)	1,545	NA	400
Floor Area Ratio* (Non-Residential only) (Exceed ES-R)	NA	NA	NA

\*See Definitions - Zoning Ordinance Title 23F. Revised: 05/15

ISSUE	DATE
AUP SUBMITTAL	06/03/2019

**COVER SHEET**

**A - 0.0**

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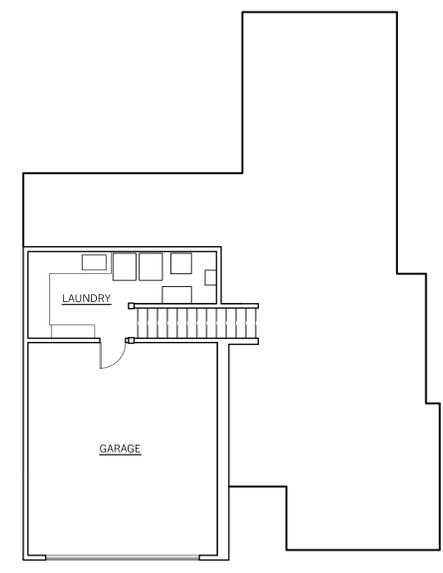
1708 martin luther king jr way  
suite b  
berkeley, ca 94709

510.705.1061

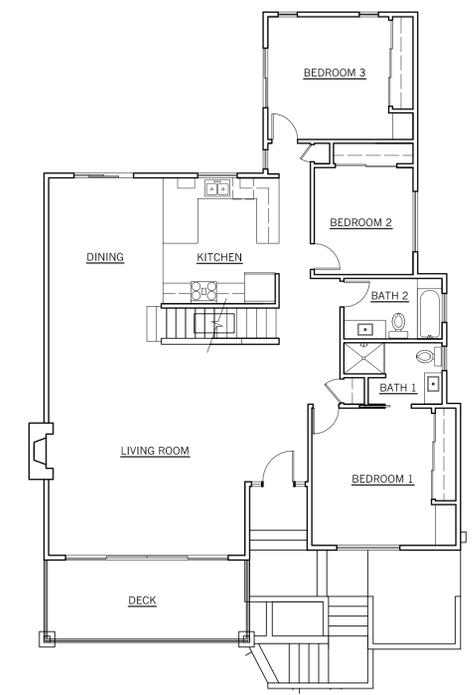
**UBILLUS  
RESIDENCE  
ADDITION**

1449 GRIZZLY PEAK BLVD.  
BERKELEY, CA 94708

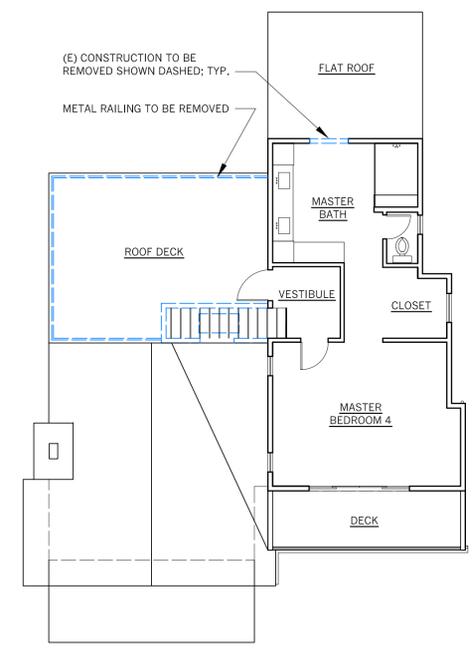
CONSULTANTS



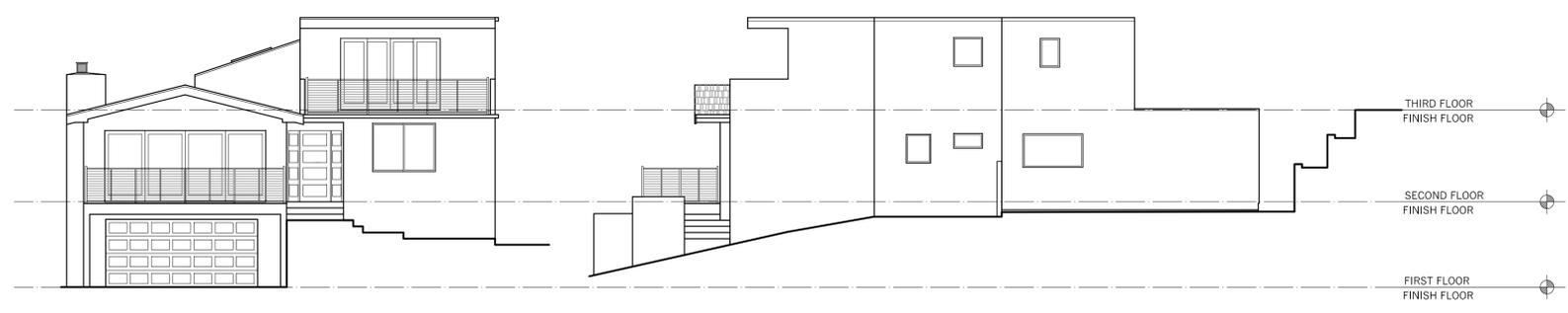
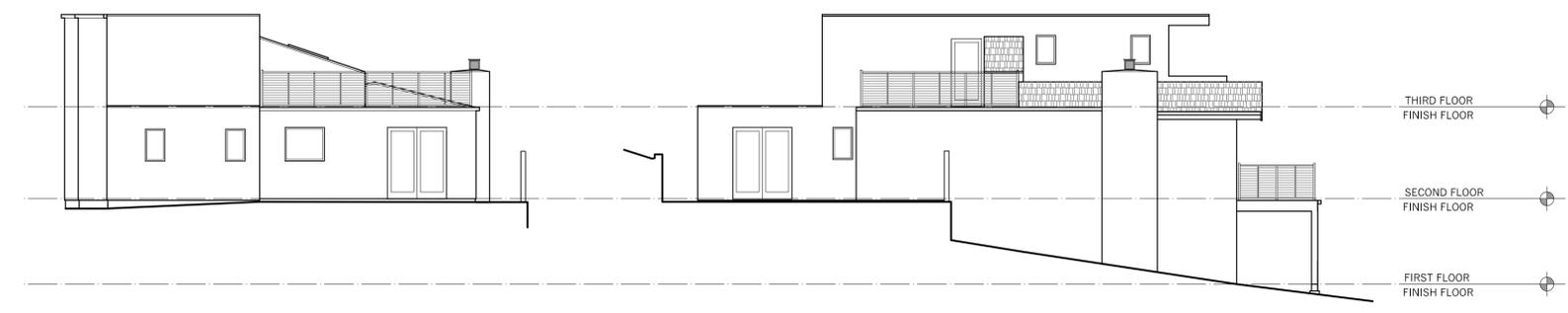
**1**  
A1.0 **FIRST FLOOR**  
NO WORK  
1/8" = 1'-0"



**2**  
A1.0 **SECOND FLOOR**  
NO WORK  
1/8" = 1'-0"



**3**  
A1.0 **THIRD FLOOR**  
SHOWING DEMOLITION  
1/8" = 1'-0"



**4**  
A1.0 **EXISTING EXTERIOR ELEVATIONS**  
1/8" = 1'-0"

ISSUE	DATE
AUP SUBMITTAL	08/03/2019

**DEMO PLANS  
AND EXISTING  
ELEVATIONS**

**A - 1.0**

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**UBILLUS  
RESIDENCE  
ADDITION**

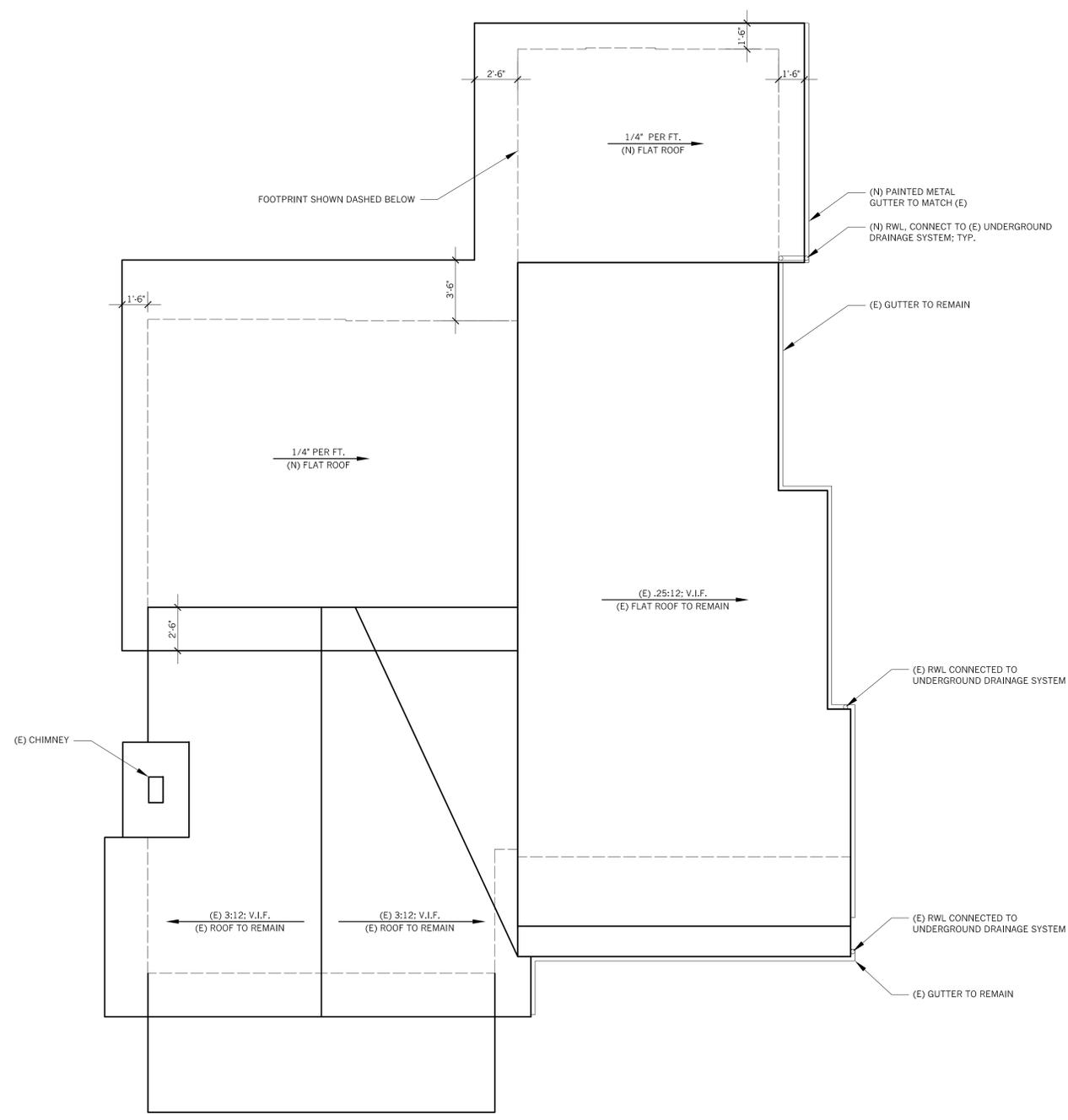
1449 GRIZZLY PEAK BLVD.  
BERKELEY, CA 94708

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ISSUE	DATE
AUP SUBMITTAL	06/03/2019

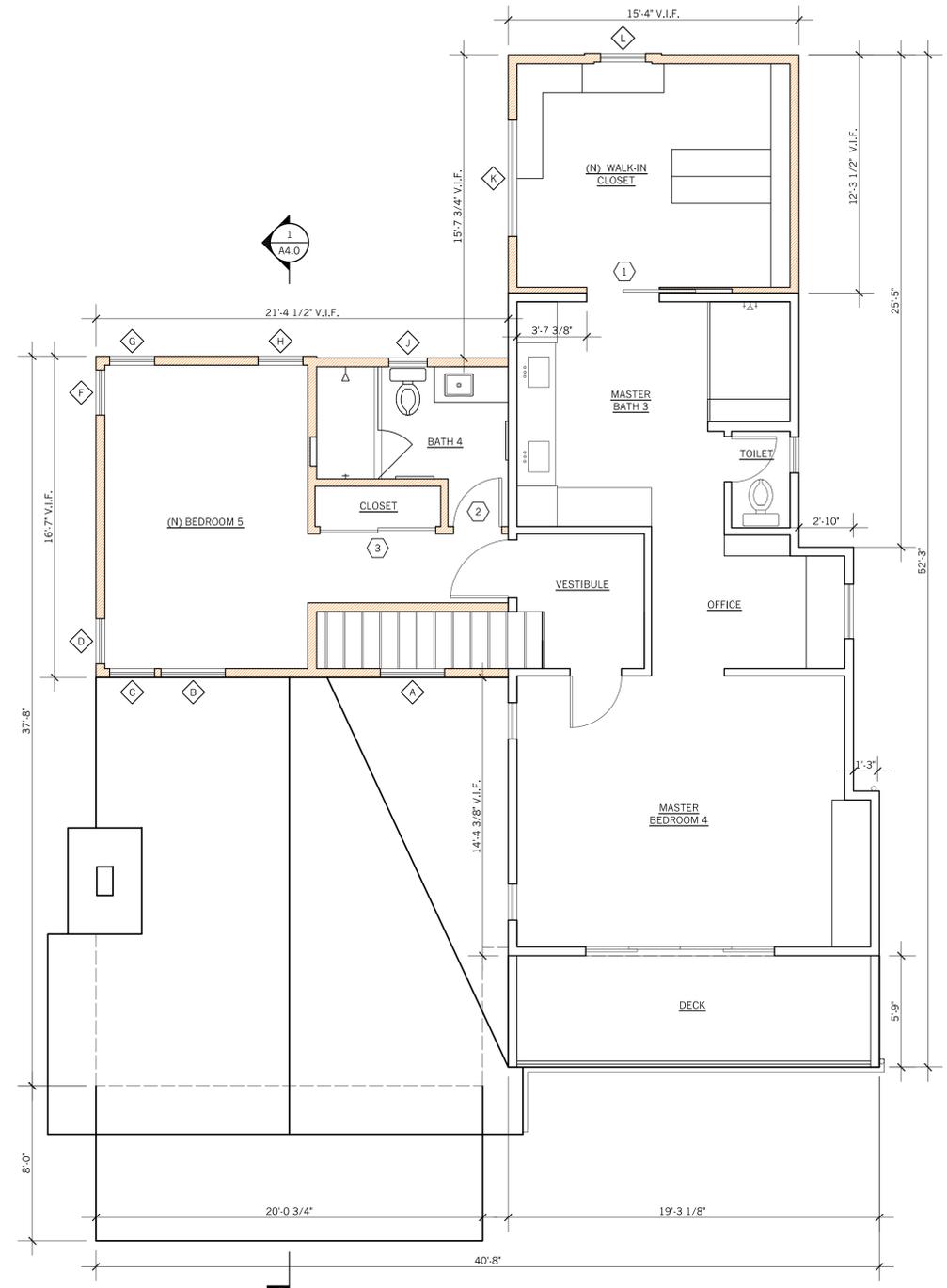
**PROPOSED  
FLOOR PLAN  
AND  
ROOF PLAN**

**A - 2.0**



**2**  
**A2.0** **ROOF**

1/4" = 1'-0"



**1**  
**A2.0** **THIRD FLOOR  
AREA OF WORK**

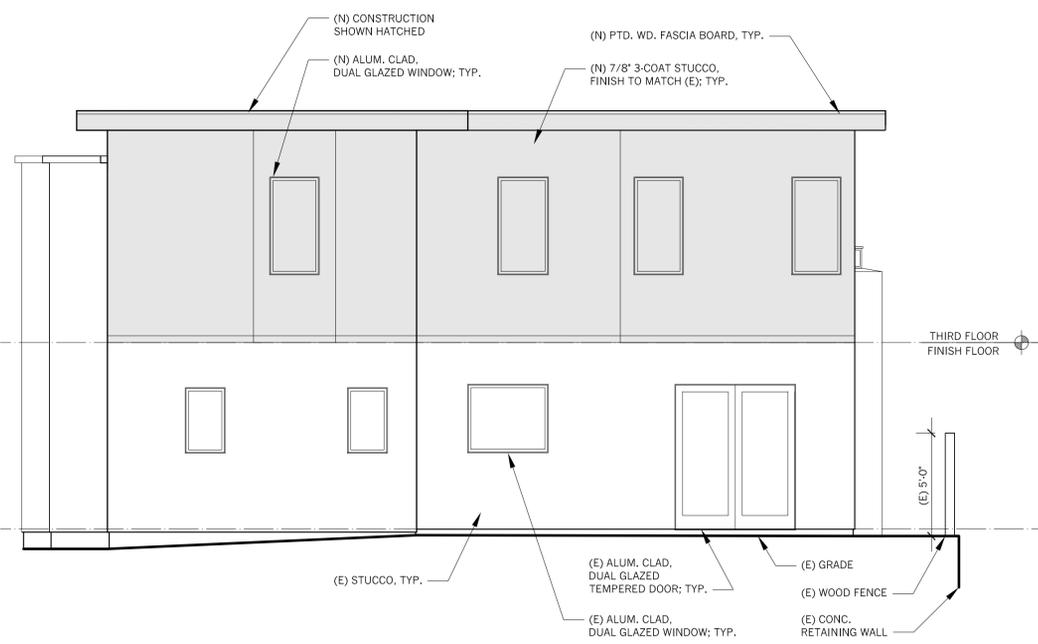
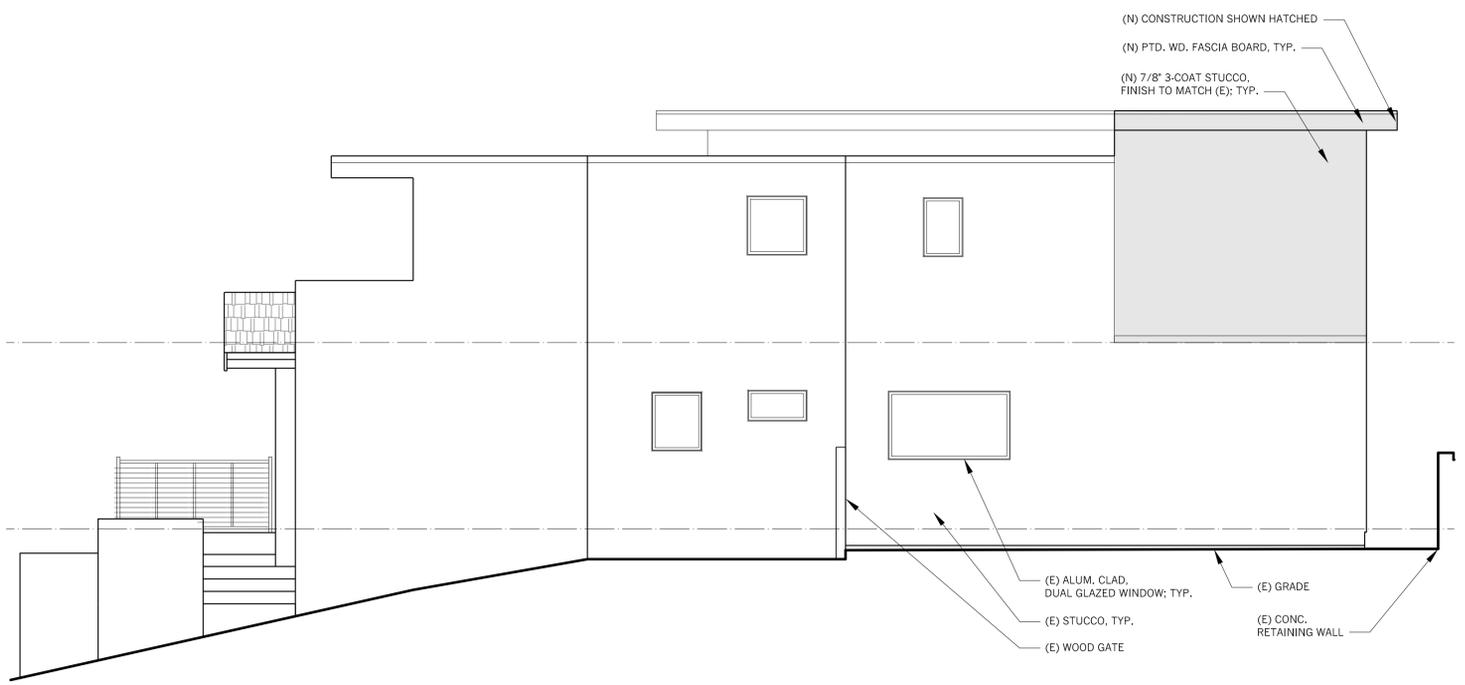
1/4" = 1'-0"

WALL TYPE KEY		FLOOR PLAN NOTES: 1. THE TERMINATION OF ALL ENVIRONMENTAL AIR DUCTS SHALL BE A MINIMUM OF 3 FEET FROM ANY OPENINGS INTO THE BUILDING. DUCT TERMINATIONS (I.E. DRYERS, BATH AND UTILITY FANS, ETC.) MUST BE 3 FEET AWAY FROM DOORS, WINDOWS, OPENING SKYLIGHTS, OR ATTIC VENTS (PER CMC 504.5) 2. VERIFY OR INSTALL AUTOMATIC GAS SHUT-OFF VALVES. 3. ALL NEW HOT WATER SUPPLY PIPING 3/4" OR GREATER SHALL BE INSULATED PER CEC SECTION 150.0(j)(2)ii. 4. ALL NEW HOT WATER SUPPLY PIPING FROM THE HEATING SOURCE TO THE KITCHEN FIXTURES SHALL BE INSULATED PER CEC SECTION 150.0(j)(2)vi.
(E) WALLS TO REMAIN		
(N) FULL HEIGHT WALL		
(N) 1-HR CONSTRUCTION		

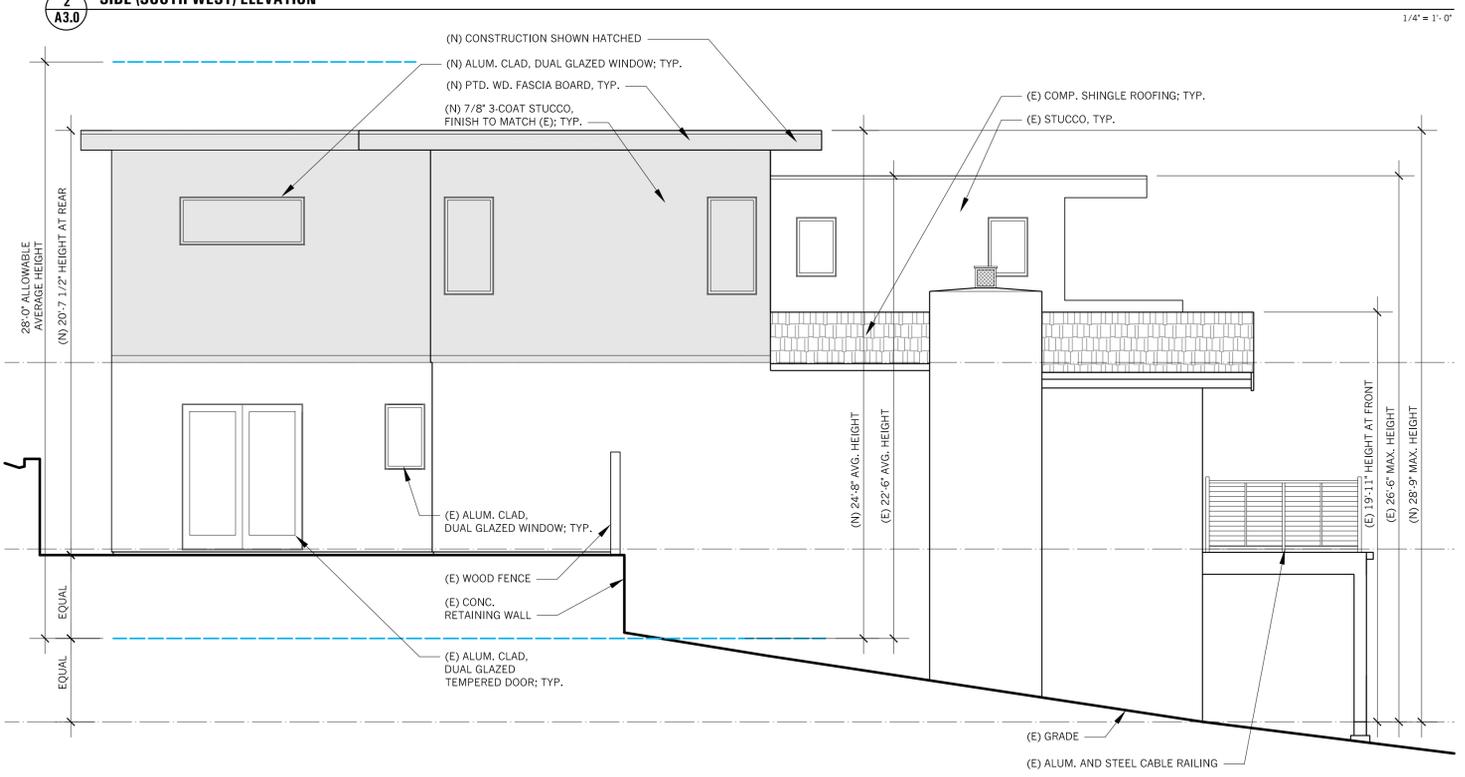
**UBILLUS  
RESIDENCE  
ADDITION**

1449 GRIZZLY PEAK BLVD.  
BERKELEY, CA 94708

CONSULTANTS

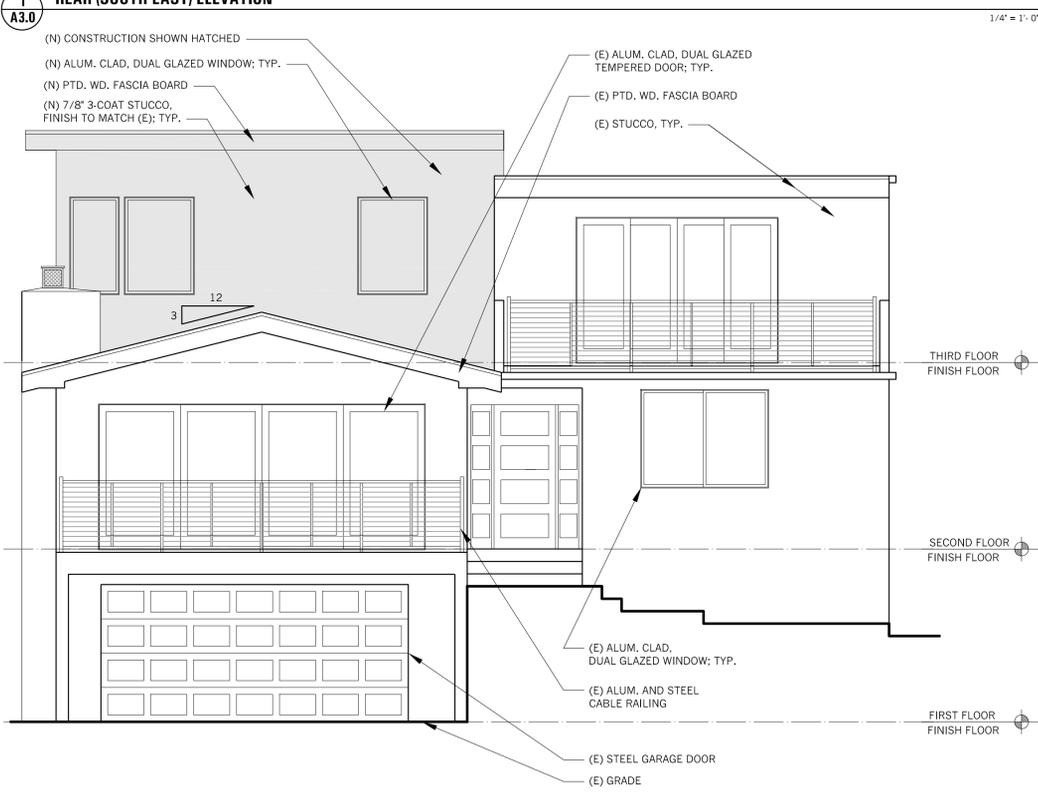


**2**  
**A3.0** SIDE (SOUTH WEST) ELEVATION



**4**  
**A3.0** SIDE (NORTH EAST) ELEVATION

**1**  
**A3.0** REAR (SOUTH EAST) ELEVATION



**3**  
**A3.0** FRONT (NORTH WEST) ELEVATION

ISSUE	DATE
AUP SUBMITTAL	06/03/2019

**PROPOSED  
EXTERIOR  
ELEVATIONS**

**A - 3.0**

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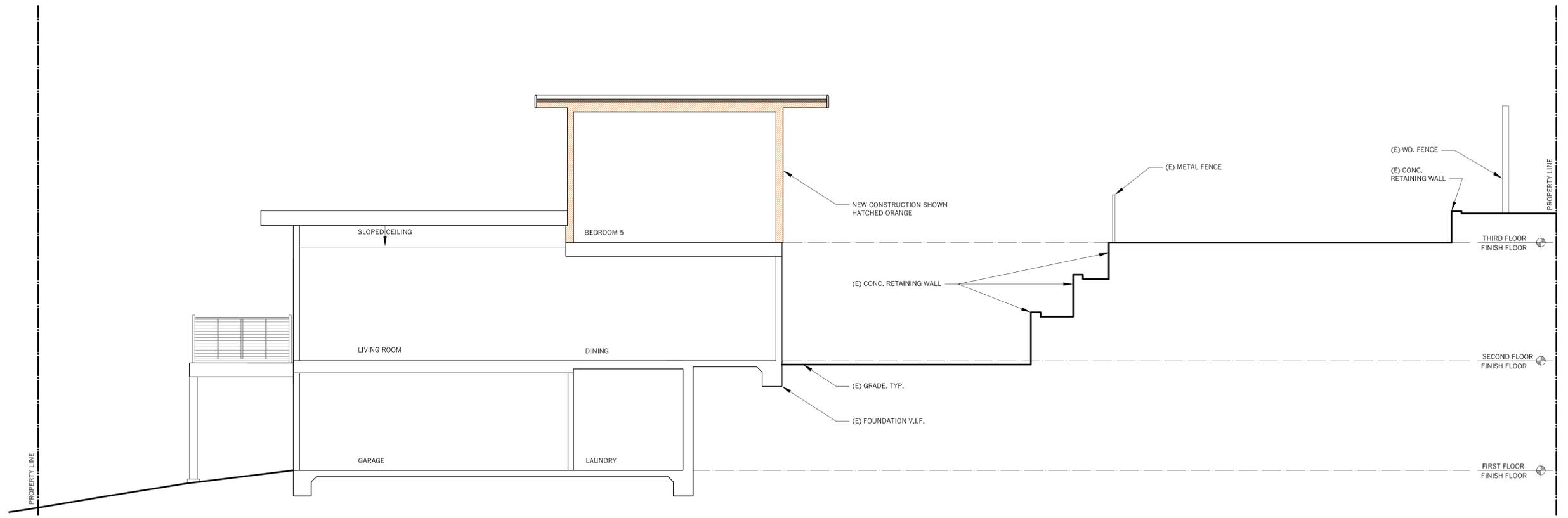
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suite b  
berkeley, ca 94709

510.705.1061

**UBILLUS  
RESIDENCE  
ADDITION**

1449 GRIZZLY PEAK BLVD.  
BERKELEY, CA 94708

CONSULTANTS



**1 SECTION**  
A4.0

1/4" = 1'-0"

ISSUE	DATE
AJP SUBMITTAL	08/03/2019

**SECTION**

**A - 4.0**





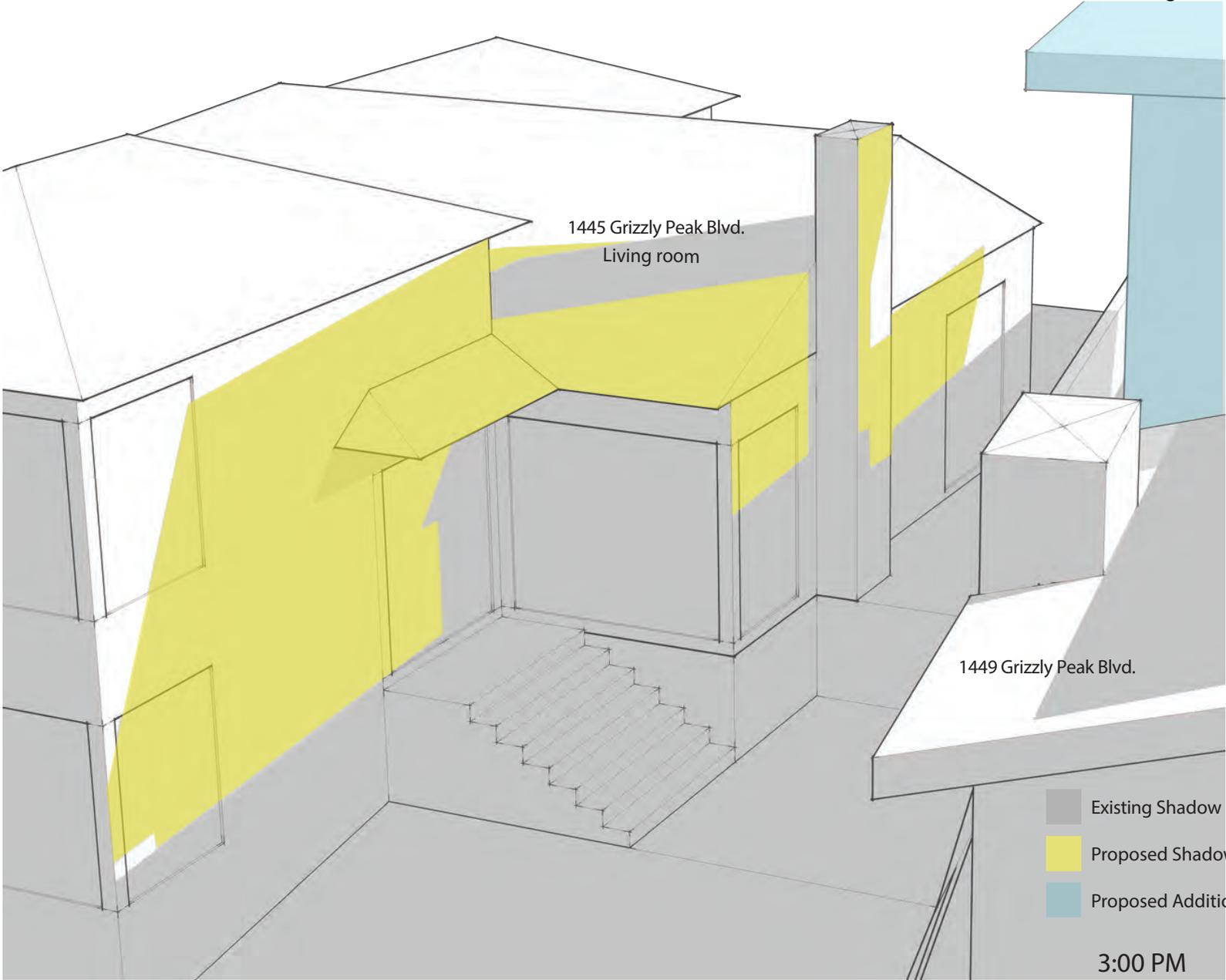


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Winter Solstice Shadow Study December 21st

All buildings being shadowed are shown on the diagram.



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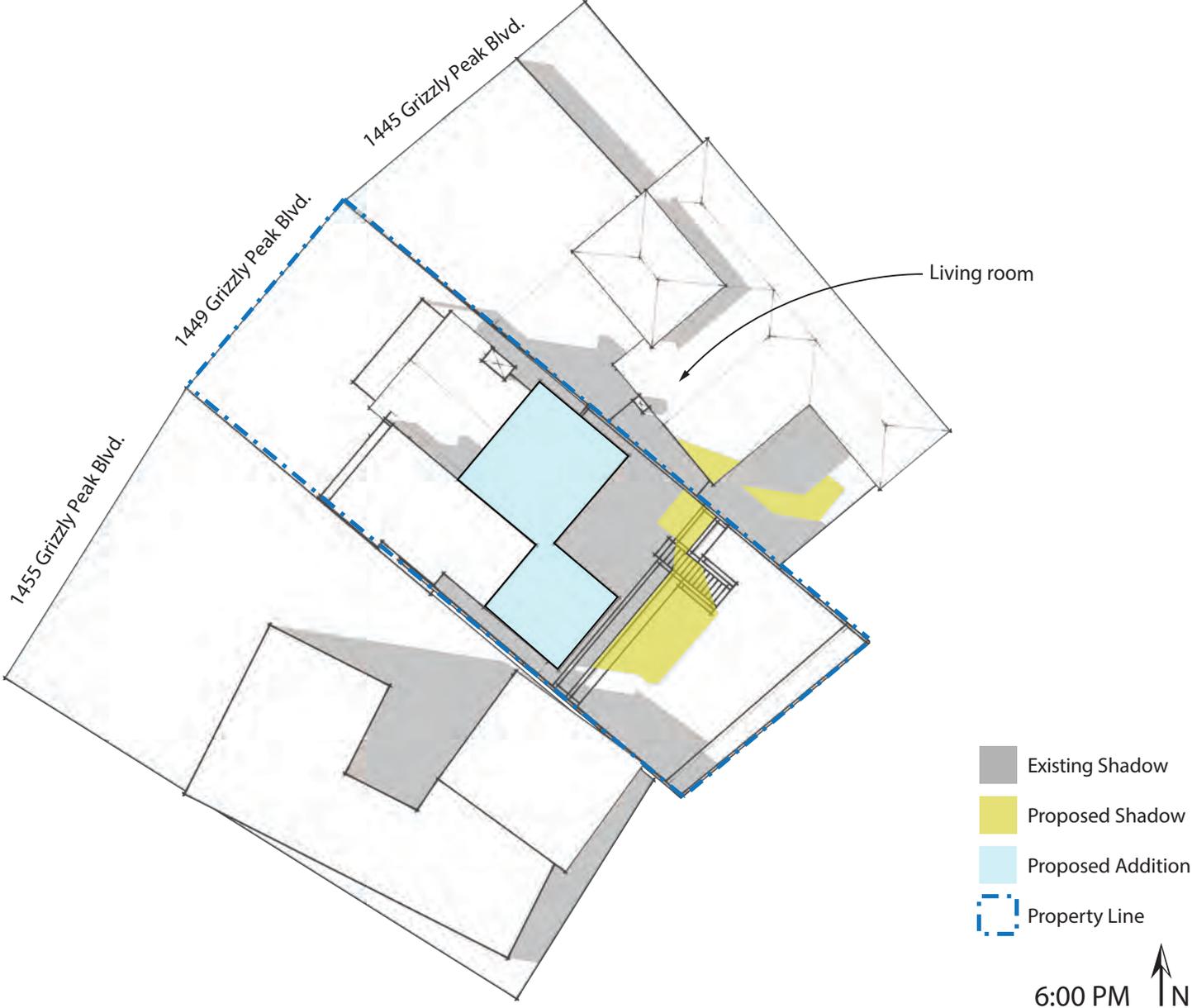
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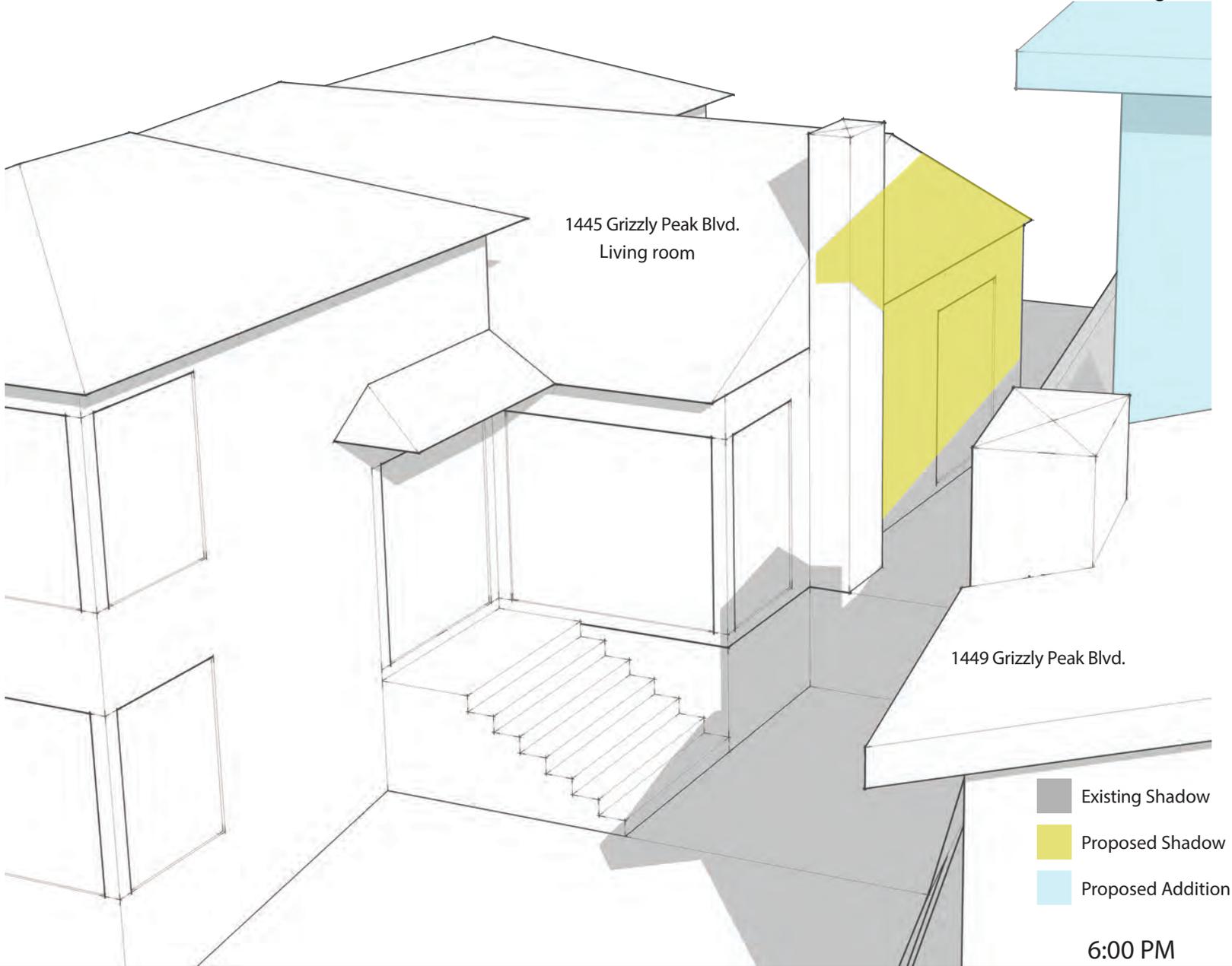
Winter Solstice Shadow Study December 21st

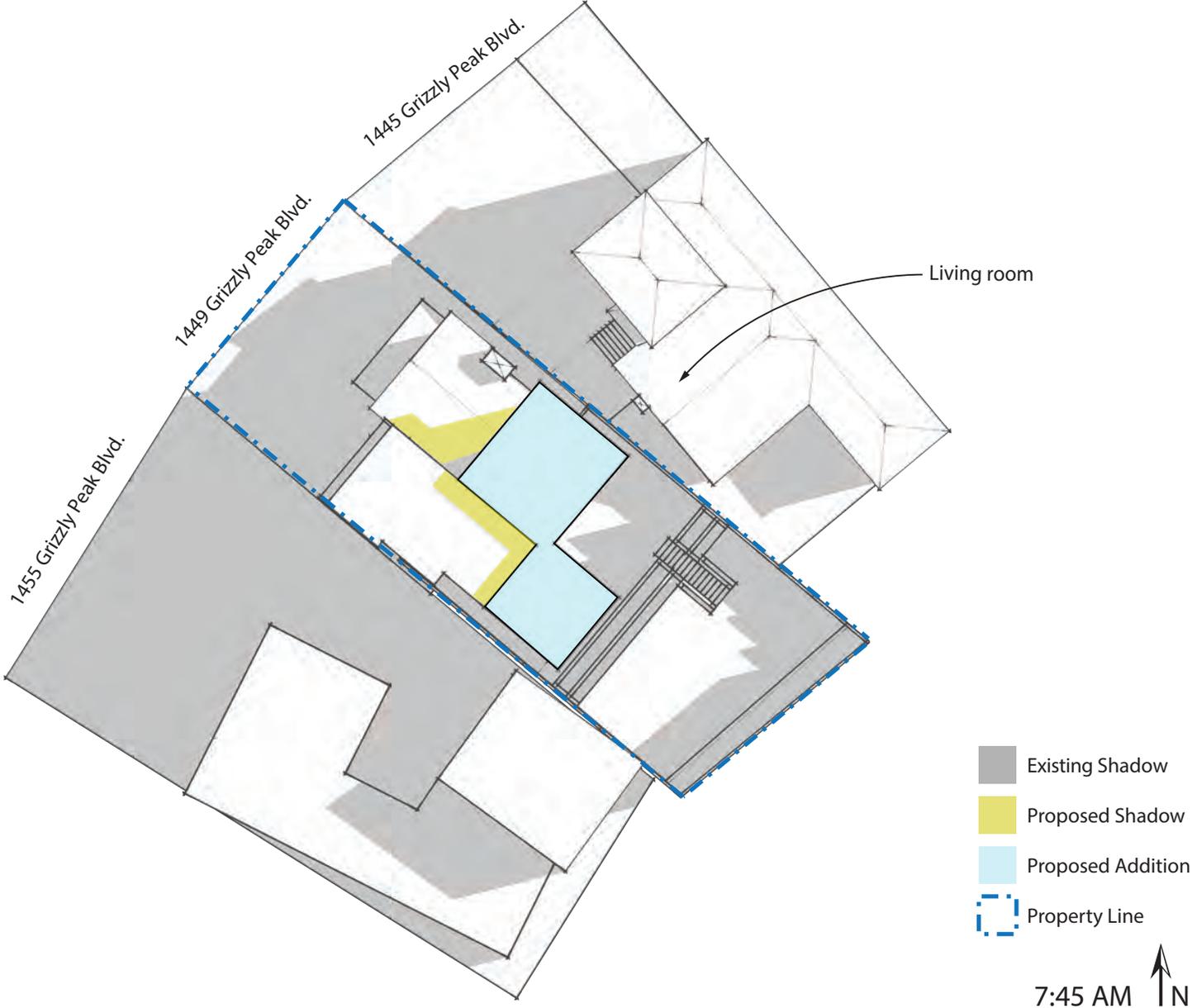
All buildings being shadowed are shown on the diagram.



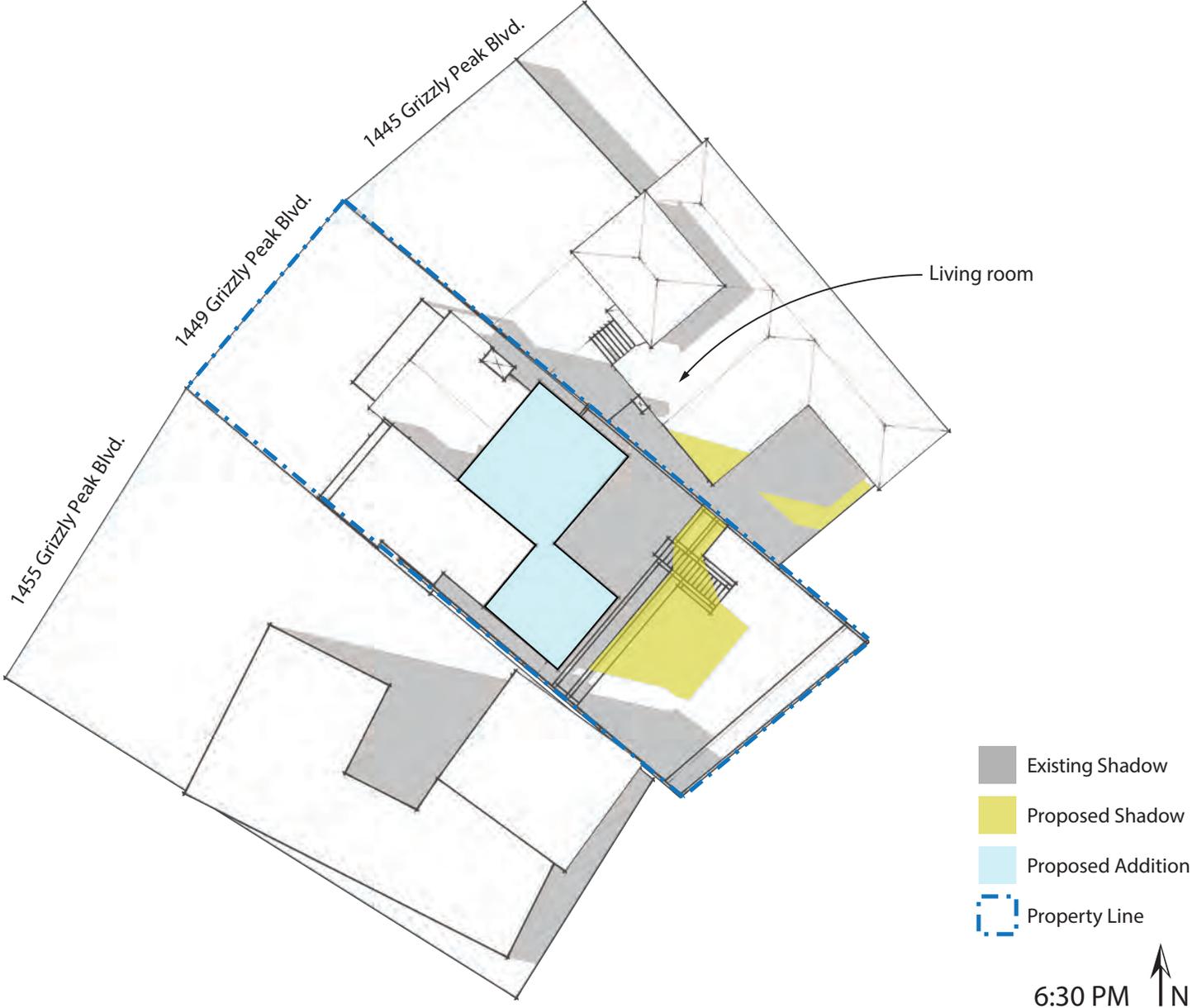


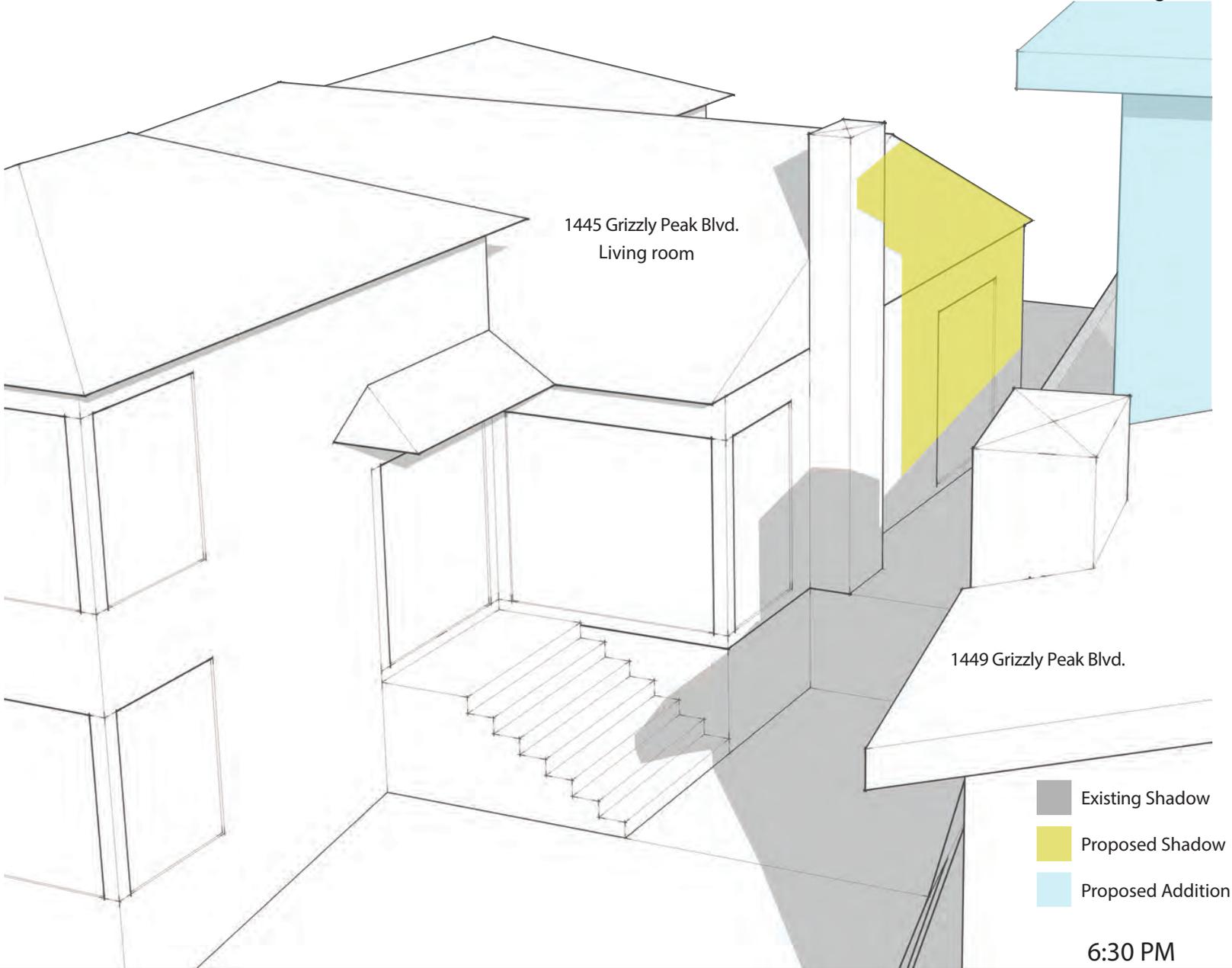










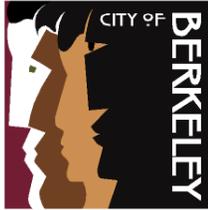


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Application Date Shadow Study June 14th

All buildings being shadowed are shown on the diagram.



Planning & Development Department  
Land Use Planning Division

June 26, 2019

Lillian Mitchell  
1708 Martin Luther King Jr. Way, Suite B  
Berkeley, CA 94709

Sent via email:  
[lillian@mitchellholladay.com](mailto:lillian@mitchellholladay.com)

RE: 1449 Grizzly Peak Blvd., Application #ZP2019-0111

Administrative Use Permit to:

*Construct an approximately 500 square foot second and third story additions.*

Dear Applicant:

On behalf of the City of Berkeley, I would like to introduce myself as the project planner for the above referenced application. Your application is currently being reviewed by City departments, including the Building and Safety and Planning departments, as well as other interested parties, for their comments and to ensure that the project is complete as submitted. If any questions arise, City staff will either contact you in writing or via the telephone at the phone number supplied on the application you submitted. It is also prudent to expect site visits by various staff members over the course of the City's review of your project. These visits will be from the public right-of-way, unless an appointment is made with you in advance.

If you have any questions or concerns, please feel free to contact me at 510-981-7425 or [ajames@cityofberkeley.info](mailto:ajames@cityofberkeley.info). If I have any questions, I will contact you within 30 days of your application date to follow-up with the status of the project and to request any additional information needed to complete the application. Please note that due to staffing reductions and the level of permit activity, applicants should be prepared to expect longer processing times than in the past. Answers to frequently asked questions related to Administrative Use Permits, including "what is the process" and "how long does it take" can be found on the City's website at: [http://www.ci.berkeley.ca.us/Planning\\_and\\_Development/Land\\_Use\\_Division/Administrative\\_Use\\_Permit.aspx](http://www.ci.berkeley.ca.us/Planning_and_Development/Land_Use_Division/Administrative_Use_Permit.aspx)

Please know that this application is subject to the Permits Streamlining Act, Government Code Section 65921, which (1) sets forth various time limits within which state and local government agencies must either approve or disapprove permits and (2) providing that these time limits may be extended once (and only once) by agreement between the parties.

I look forward to working with you.

Sincerely,

Ashley James  
Associate Planner

**URGENT**

PERMIT SERVICE CENTER

JUL 17 2019

RECEIVED BY: AJ

Ashley James, AICP  
Associate Planner

City of Berkeley  
Planning and Development  
1947 Center Street, 2nd Floor  
Berkeley, CA 94704

July 15, 2019

Re: 1449 Grizzly Peak Blvd.  
proposed second/third story additions (500 sq. ft.)

As a follow-up to our discussion on June 27, 2019, I am submitting the following comments, concerns and modification requests to the current proposed plans regarding the above referenced project.

We, the abutting neighbors on Summit Road continue to be the most impacted by the current proposed plans. This proposal represents CONSTRUCTION CREEP, ie. serial permit applications and construction during the past 6-7 years (since 2013, see attachment 1), including potentially unpermitted, illegal work.

Background:

In 2014 Summit Road neighbors successfully mediated a compromise with the help of Seeds Community Resolution staff (case # 10250), and the applicant agreed to modify the project to protect our views to the west by reducing some of the mass of the addition with a maximum ceiling height of 8 feet. (2013 application for additions)

Attachment 2. includes the list of neighbors' concerns and attachment 3. represents the resolution to these concerns.

On May 1, 2014 the City issued an AUP # 13-20000050 (see attachment 4.)

The permit specified that all construction shall conform <sup>to</sup> the approved UP drawings (section 24) and that all landscape, site and architectural improvements be completed per approved drawings dated March 5, 2014. (section 25). See p.5 of the Notice of Administrative Decision-Findings and Conditions, (attachment 4.).

The above referenced drawings specified the following: 1. (E) rear yard: NO CHANGE, 2. (E) rear deck NO CHANGE 3. (E) 2 retaining walls to remain.(Page 1.), and on page 3. (E) wood siding to remain.

Attachment 5. shows the building (and portions of the rear yard) as completed. The bright white color is blinding and obtrusive - this is the view from our living room.

I met with the applicant Rodrigo Ubillus in May of 2018. He promised to remedy our concerns regarding the blinding brightness of the building color by 1. installing dark grey tiles on the deck, matching the color of the dark grey shingles on the existing peak roof, and by 2. painting the east facing wall same grey color.

During mediation he had promised that the building color will <sup>be</sup> to "blend with the surrounding nature", which did not happen.

1.

So we ask that the color of the entire second/third floor be painted to match the grey/brown color of the existing peak roof and that the same roofing material/color be rolled out on all the flat roof areas. This would remedy the blinding, obtrusive brightness of the structure,

In addition, the proposed project goes against the agreement neighbors reached with the applicant in 2014 (see attachment 3.), specifically regarding the maximum ceiling height of 8 feet.

2.

So we ask that the plans be modified so that the maximum ceiling height for the 5th bedroom and the 4th bathroom will be 8 feet. We also ask that the ceiling height for the walk-in closet be reduced to 7.5 feet. These modifications will still give the applicant the square footage they are requesting. (See attachments 6A and 6B).

3.

We also ask that this project be put on hold until all the issues related to the 2014 permit have been resolved, including clarifying any code enforcement issues/permit issues with regard to the rear yard now completely covered with concrete. Attachment 7. shows the project site prior to the construction of the first addition, with the vegetation and deck in the rear yard still intact. Attachment 8 (A,B,C) show the concrete structures in the rear yard.

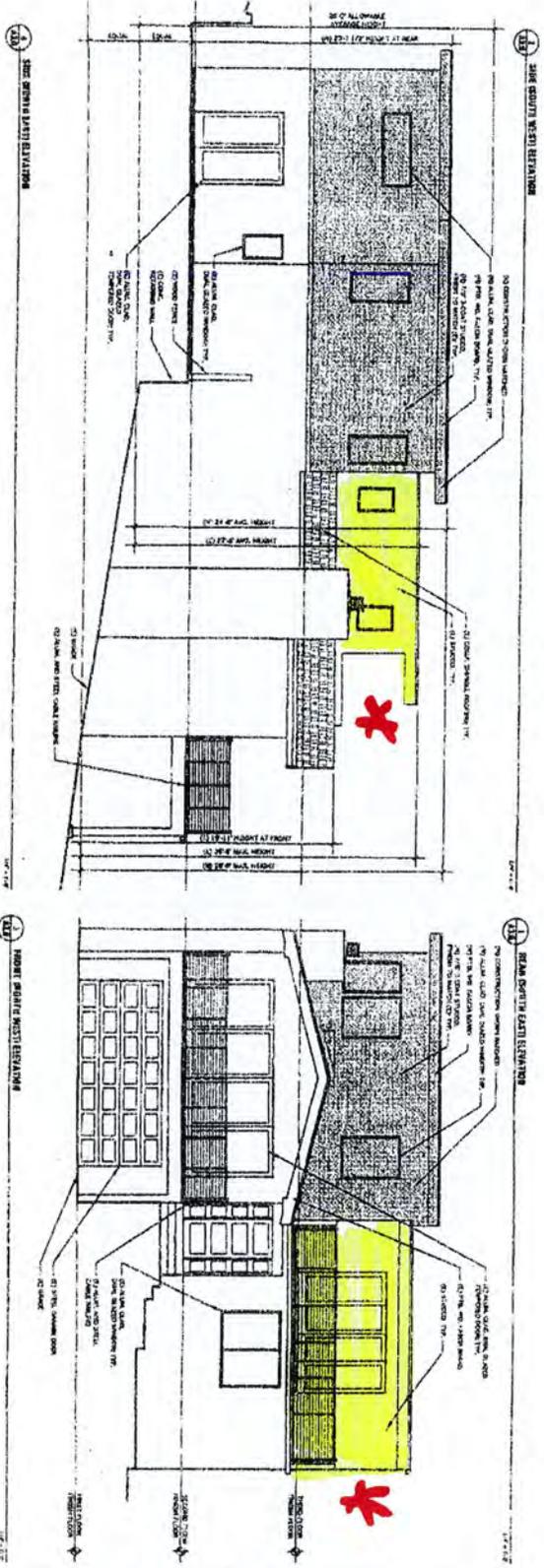
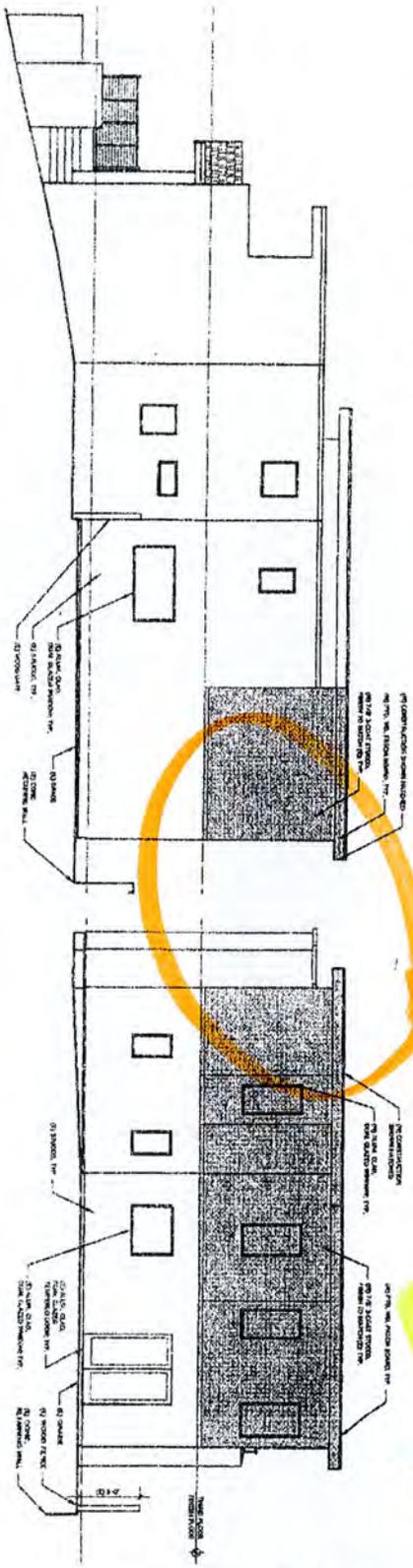
Sincerely,

  
Pamela Sihvola  
1476 Summit Road  
Berkeley, CA 94708

PS. Attachment 9 A and B show plans for a deck replacement at rear, dated 1/25/2018, and still indicating (E) REAR YARD, NO CHANGE

**NO INDICATION OF CEILING HEIGHTS**  
**PHAS FOR NEW ADDITIONS -**  
**(INADEQUATE/DEFICIENT)**

**REDUCE TO 8' AS**  
**IN 2014 ADDITION \***



**A.**

USBL LUIS  
RESIDENCE  
ADDITION

A - 3.0  
PROPOSED  
EXTERIOR  
ELEVATIONS



B.

ENTERN PROPERTY LINE NOT CORRECT -  
FENCE SHOULD BE APPROX. 6" INSIDE  
1449 PROPERTY LINE  
PLEASE CHECK OR DO A SURVEY

**BEST MANAGEMENT PRACTICES**

1. THE ASSessor SHALL CONDUCT VISUAL INSPECTIONS OF THE PROPERTY TO IDENTIFY BEST MANAGEMENT PRACTICES (BMPs) THAT ARE IN PLACE TO PREVENT POLLUTION FROM THE PROPERTY. THE ASSessor SHALL RECORD THE TYPE, LOCATION, AND CONDITION OF EACH BMP. THE ASSessor SHALL ALSO RECORD THE TYPE, LOCATION, AND CONDITION OF EACH BMP THAT IS NOT IN PLACE OR IS IN NEED OF MAINTENANCE. THE ASSessor SHALL ALSO RECORD THE TYPE, LOCATION, AND CONDITION OF EACH BMP THAT IS IN PLACE BUT IS NOT MAINTAINED PROPERLY. THE ASSessor SHALL ALSO RECORD THE TYPE, LOCATION, AND CONDITION OF EACH BMP THAT IS IN PLACE BUT IS NOT MAINTAINED PROPERLY. THE ASSessor SHALL ALSO RECORD THE TYPE, LOCATION, AND CONDITION OF EACH BMP THAT IS IN PLACE BUT IS NOT MAINTAINED PROPERLY.

**GENERAL NOTES**

1. THE ASSessor SHALL CONDUCT VISUAL INSPECTIONS OF THE PROPERTY TO IDENTIFY BEST MANAGEMENT PRACTICES (BMPs) THAT ARE IN PLACE TO PREVENT POLLUTION FROM THE PROPERTY. THE ASSessor SHALL RECORD THE TYPE, LOCATION, AND CONDITION OF EACH BMP. THE ASSessor SHALL ALSO RECORD THE TYPE, LOCATION, AND CONDITION OF EACH BMP THAT IS NOT IN PLACE OR IS IN NEED OF MAINTENANCE. THE ASSessor SHALL ALSO RECORD THE TYPE, LOCATION, AND CONDITION OF EACH BMP THAT IS IN PLACE BUT IS NOT MAINTAINED PROPERLY. THE ASSessor SHALL ALSO RECORD THE TYPE, LOCATION, AND CONDITION OF EACH BMP THAT IS IN PLACE BUT IS NOT MAINTAINED PROPERLY.

**ASSESSOR'S MAP**

**VICINITY MAP**

**SITE PLAN**

**DRAWING INDEX**

NO. 1	COVER SHEET
NO. 2	GENERAL NOTES
NO. 3	ASSESSOR'S MAP
NO. 4	VICINITY MAP
NO. 5	SITE PLAN

**PROJECT DATA**

OWNER: [Name]  
PROJECT: [Name]  
ADDRESS: [Address]

**TABULATION FORM**

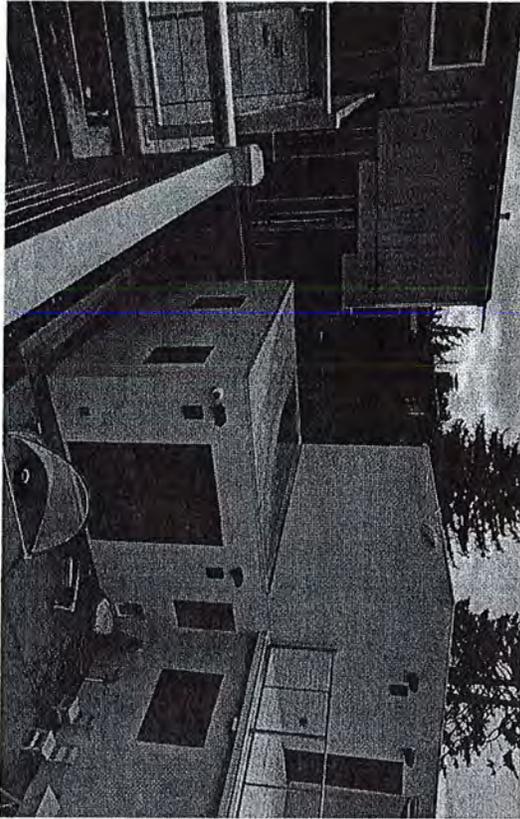
NO.	DESCRIPTION	DATE	BY
1	COVER SHEET		
2	GENERAL NOTES		
3	ASSESSOR'S MAP		
4	VICINITY MAP		
5	SITE PLAN		



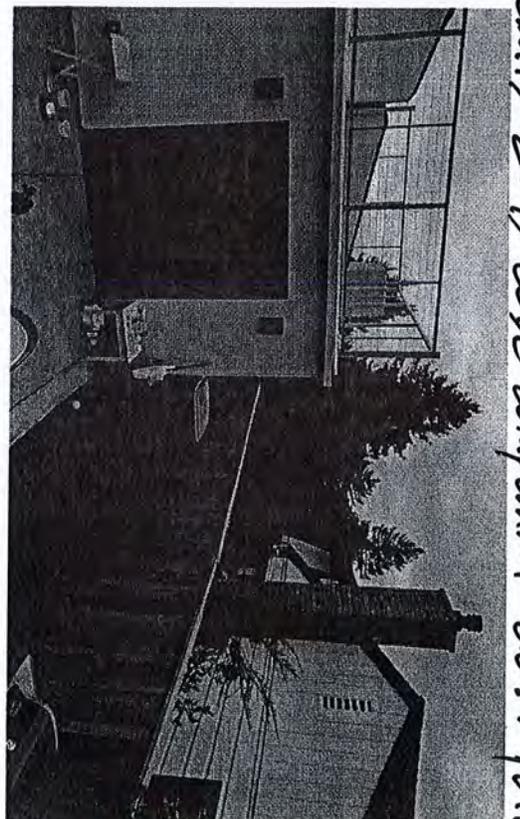
PLEASE CHECK IF

✓ FINISH THE ENTIRE BENCH YARD WITH CONCRETE WITH  
POUSE 1. WITH PERMITS 2. IS CODE COMPLIANT OR 3. POTENTIALLY  
D. D. DELEGATED

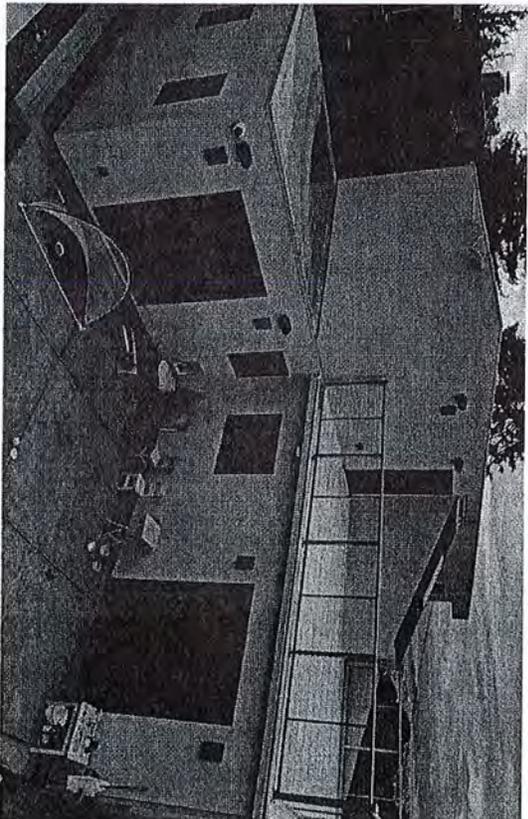
1480 SUNLIGHT RD. NEIGHBORS PROJ. SUBJECT PROPERTY.



1436 GRAVEL, PE-1 BL. D. PROJ. SUBJECT PROPERTY.



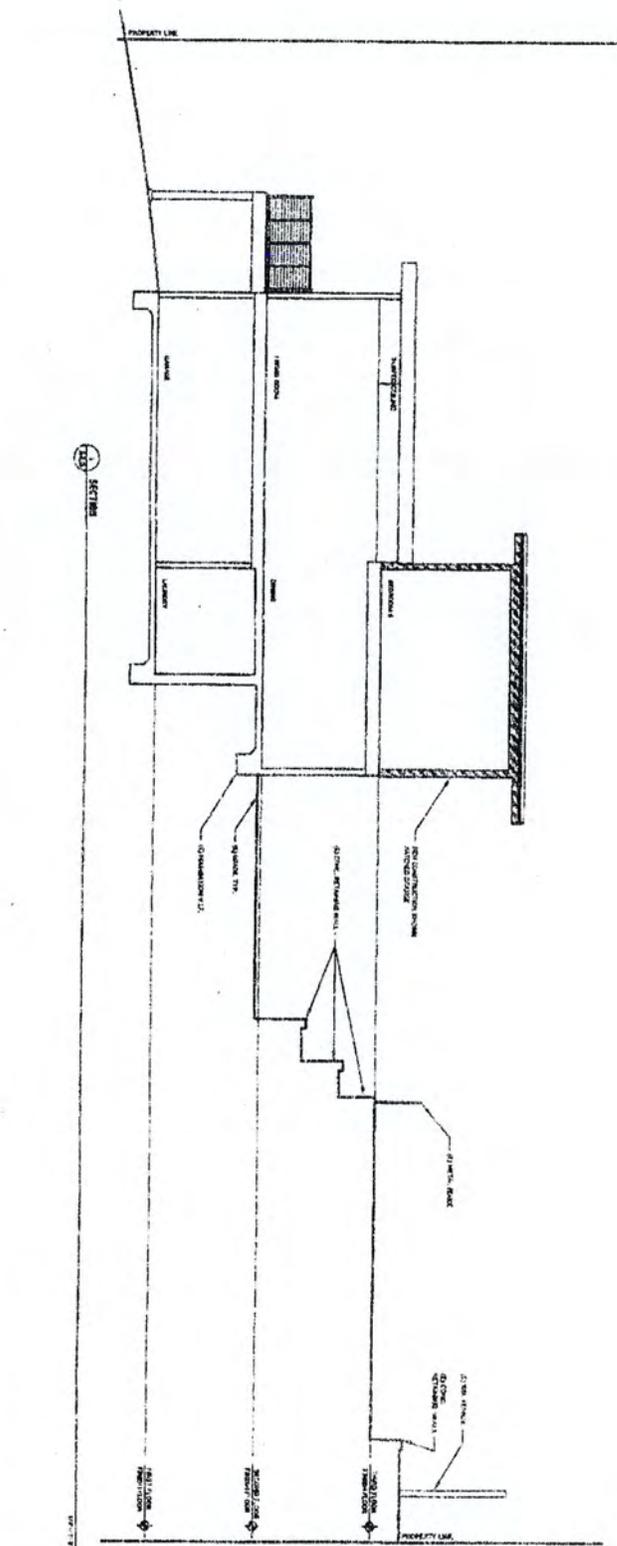
1445 GRAVEL, PE-1 BL. D. NEIGHBOR PROJ. SUBJECT PROPERTY.



1449 GRAVEL, PE-1 BL. D. SUBJECT PROPERTY. -PE- OF A.O.P.I

mitche  
holladay architects  
1708 martin luther king jr way, suite 1b  
berkeley, ca 94709

SECTION DRAWING INADEQUATE



A-4.0

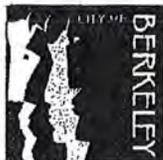
SECTION

DATE  
BY  
CHECKED

JOHNSON  
RESIDENCE  
ADDITION

E.

ATTACHMENT 1.



# PLANNING & DEVELOPMENT

Land Use Planning, 2120 Milvia Street, Berkeley, CA 94704  
Tel: 510.881.7410 TDD: 510.881.7474 Fax: 510.881.7420  
Email: [landuse@berkeley.gov](mailto:landuse@berkeley.gov)

DATE STAMP HERE  
LAND USE PLANNING  
APR 15 2013

## I.A Zoning Project Application Form

Effective May 1, 2007.

- For:  Administrative Use Permits (AUP)  
 Use Permits (UP)  
 Variances (VAR)  
 Alteration Permit (LPC)  
 Design Review (DRC)  
 Modifications (MOD AUP, MOD UP)

Intake Planner Harrison

- Project Address: 1449 Grizzly Peak Blvd. Unit/Suite #: N/A  
 Project Description: We are proposing a 599 sq. ft addition to an existing 1,515 sq. ft. home. 84 sq. ft on main level and 515 sq. ft. master bedroom & bath on a new upper level.
- Property Owner Name (Print) Robert & Cheryl Ubillus  
 Owner's Mailing Address: 1449 Grizzly Peak Blvd.  
Berkeley, CA 94705  
 Daytime Phone # 831-750-0257 FAX # \_\_\_\_\_ E-mail: randcubillws@aol.com
- Applicant Name (or write same): ~~Robert~~ Ryan Ferguson  
 Applicant's Mailing Address: 564 Gregory Drive  
Vacaville, CA 95687  
 Daytime Phone # 510 499 9135 FAX # 707 454 3800 E-mail: rg.ferguson@gmail

### Submittal Requirements Checklist -- Instructions:

- Complete the checklist below and sign the bottom of page 2.
- For each item you check "yes", provide the submittal requirement indicated in the right-hand column. Refer to the document **1. Zoning Project Submittal Requirements** for further instructions.
- Label each item with the Submittal Requirement # (i.e., III.A.2) and the project address; attach to this application form.
- Submit to a Planner with the appropriate application fee. Call 981-7410 to make an appointment.

Does the project include:	No	Yes	Application Requirement
1. Converting existing Rental or Tenant In Common (TIC) Units to Condominiums?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	• Refer to the "Condominium Conversion Procedures: Guide for Applicants".
2. Demolition of, or exterior modifications to, a designated City of Berkeley landmark, structure of merit, historic district or building registered with the National Historic registry?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	• Refer to the "Landmark Preservation Commission: Structural Alteration Permit and Design Review Submittal Requirements".

ATTACHMENT 2.

Claudine Asbagh, Assistant Planner

City of Berkeley  
Planning and Development  
2120 Milvia Street  
Berkeley, CA 94704

May 15, 2013

RE: 1449 Grizzly Peak Blvd.  
proposed second story addition.

Dear Ms. Asbagh,

Thank you for your message of April 24, 2013, and the information you provided on May 9, 2013.

As we discussed, we, the most heavily impacted, abutting neighbors on Summit Road, have serious concerns regarding the above referenced project (as proposed), especially regarding the design of the second story addition, and its impact on our views to the west.

Due to these concerns we are asking for the following changes to the design (see Attachment 1., areas marked in blue):

1. The reconfiguration of portions of the proposed upstairs closet/staircase area, in such a way that the view obstructing components be removed (see east (rear) and west (front) elevation drawings in Attachment 1.)
2. The redesign of the second story roof from a proposed gable to a flat roof, as is the current roof design of this mid-century home, with a maximum 8 ft. ceiling height. See south (right) and north (left) elevation drawings in Attachment 1.

In conclusion, we ask that the project be put on hold until these issues are addressed in full, and a resolution reached among all parties.

Sincerely,

*Catherine Feucht*  
Catherine Feucht  
1480 Summit Road  
Berkeley, CA 94708  
*Pamela Sinyora*  
Pamela Sinyora  
*Luis Garcia*  
Luis Garcia  
1476 Summit Road  
Berkeley, CA 94708

RECEIVED

MAY 15 2013

LAND USE PLANNING

ATTACHMENT 3.

Rodrigo Ubillus  
1449 Grizzly Peak Blvd.  
Berkeley, CA 94708

March 4, 2014

Re: Proposed second story addition  
and remodel @ 1449 Grizzly Peak Blvd.

Mr. Rodrigo Ubillus,

Thank you for the 2 plan sheets and your note I received on  
February 27, 2014.

As you requested I am enclosing the 2 plan sheets with neighbors'  
signatures, reflecting the principal points of agreement, as shown  
on plan sheet 3, dated 2/26/2014 (Attachment 1.) and on stacked  
stair section drawing (Attachment 2.) for the above referenced  
proposed project:

1. 8 ft. ceiling height
2. Flat roofs throughout
3. Stacked stair with a 7 ft. head height

When you are ready to submit the final, complete set of plans to  
the city, could you also please, email the set to us via Patrick,  
as a pdf-file, to: info@sheahan-quandt.com.

Sincerely,

  
Pamela Sihvola  
1476 Summit Rd.  
Berkeley, CA 94708

PS. We look forward to receiving the information and quotes for the  
tree cutting project as soon as possible. Thank you.

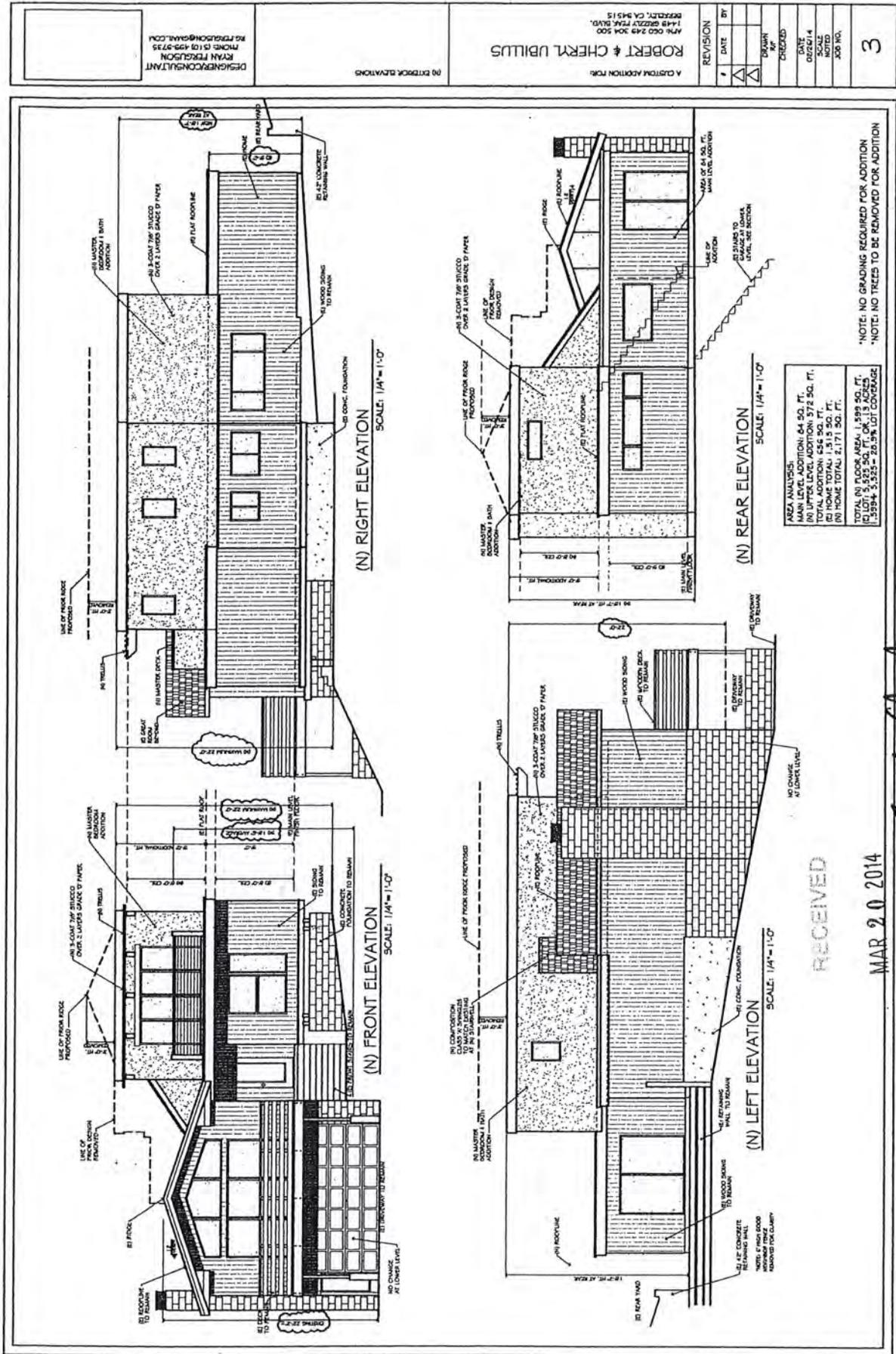
cc: Victor Herbert, Zoning Mediations

RECEIVED

MAR 20 2014

LAND USE PLANNING

ATTACHMENT 1.



1476 SUMMIT RD. BERKELEY, CA 94706

Tamara Shulva  
Luis Garcia

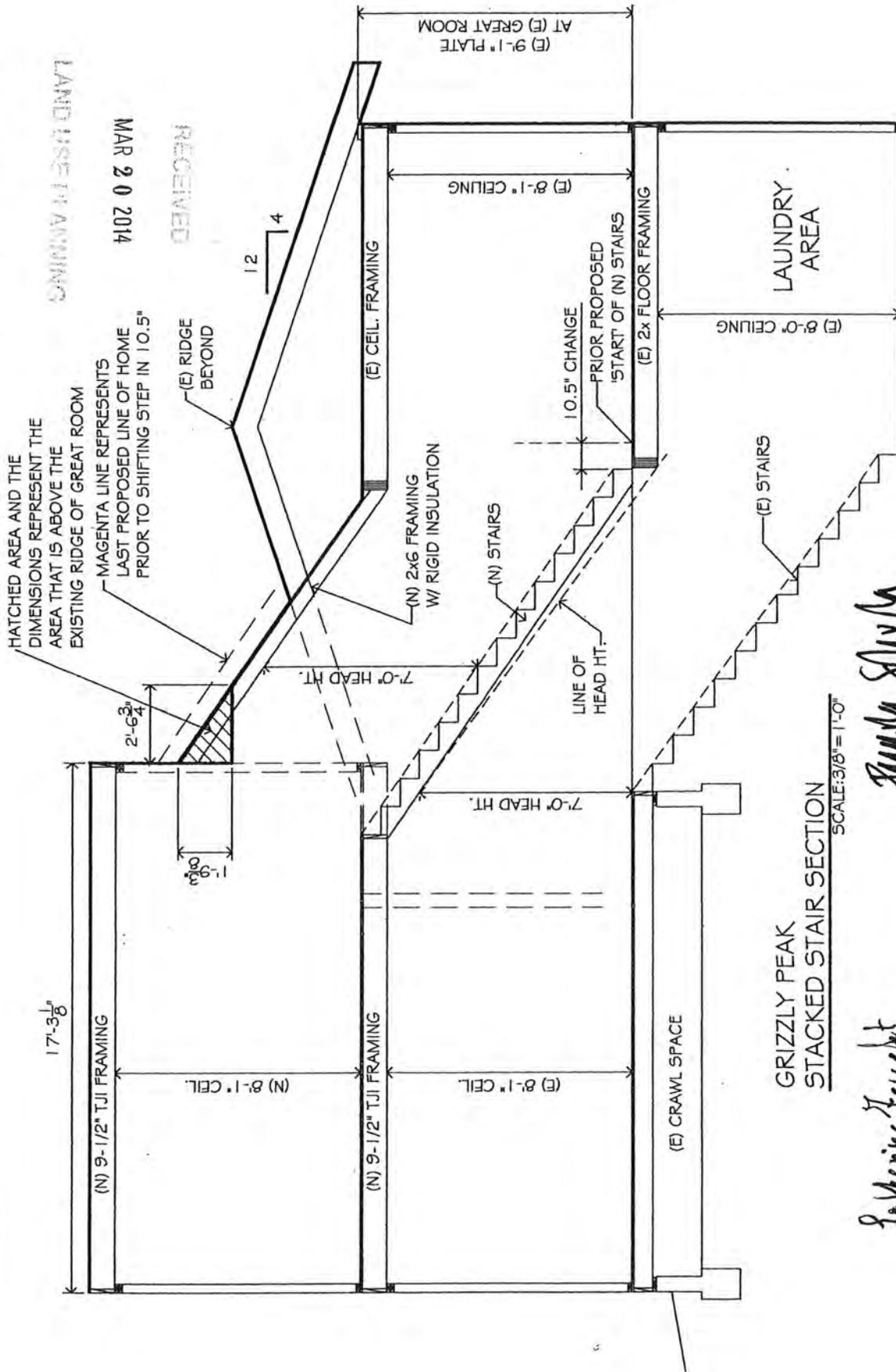
RECEIVED

MAR 20 2014

Catherine Bendish  
1476 Summit Rd. Berkeley

LAND USE PLANNING

ATTACHMENT 2.



GRIZZLY PEAK  
STACKED STAIR SECTION  
SCALE: 3/8" = 1'-0"

*LaVene Forest*  
 1480 Summit Rd.  
 Berkeley

*Paula Shum*  
 Luis Garcia  
 1476 Summit Rd. Berkeley, CA 94708

ATTACHMENT 4.

## ATTACHMENT 1

### FINDINGS AND CONDITIONS

MAY 1, 2014

## 1449 Grizzly Peak Blvd.

### Administrative Use Permit #13-20000050

To construct a two-story, 556 square foot residential addition that will increase the building's average and maximum heights from 14' 6" to 18' 6" and from 17' to 22' respectively.

#### 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.

#### 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, 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:
  - The proposed addition would not unreasonably obstruct sunlight, air, or views, because it would not cast new shadows on the windows of adjacent residences. The addition remains well outside of the required yards, and is located within the general footprint of the existing dwelling in an area that is already developed with substantial vegetation that also filters views.
  - The project consists of a two story addition that will maintain the flat roof lines of the existing dwelling to maintain the views of adjacent neighbors located uphill from the site.
  - The subject property satisfies the district standards for maximum residential density, maximum main building height, minimum front, rear, and side yard setbacks, maximum lot coverage and minimum open space.
  - The project would not increase parking demand and existing parking is provided in accordance with the minimum requirement.

## 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 attorneys 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. 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 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.

**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.

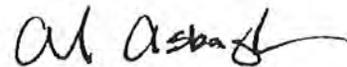
22. Any construction during the wet season shall require submittal of a soils report with appropriate measures to minimize erosion and landslides, and the developer shall be responsible for following these and any other measures required by the Building and Safety Division and the Public Works Department.
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. 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 **March 5, 2014**.

**At All Times (Operation):**

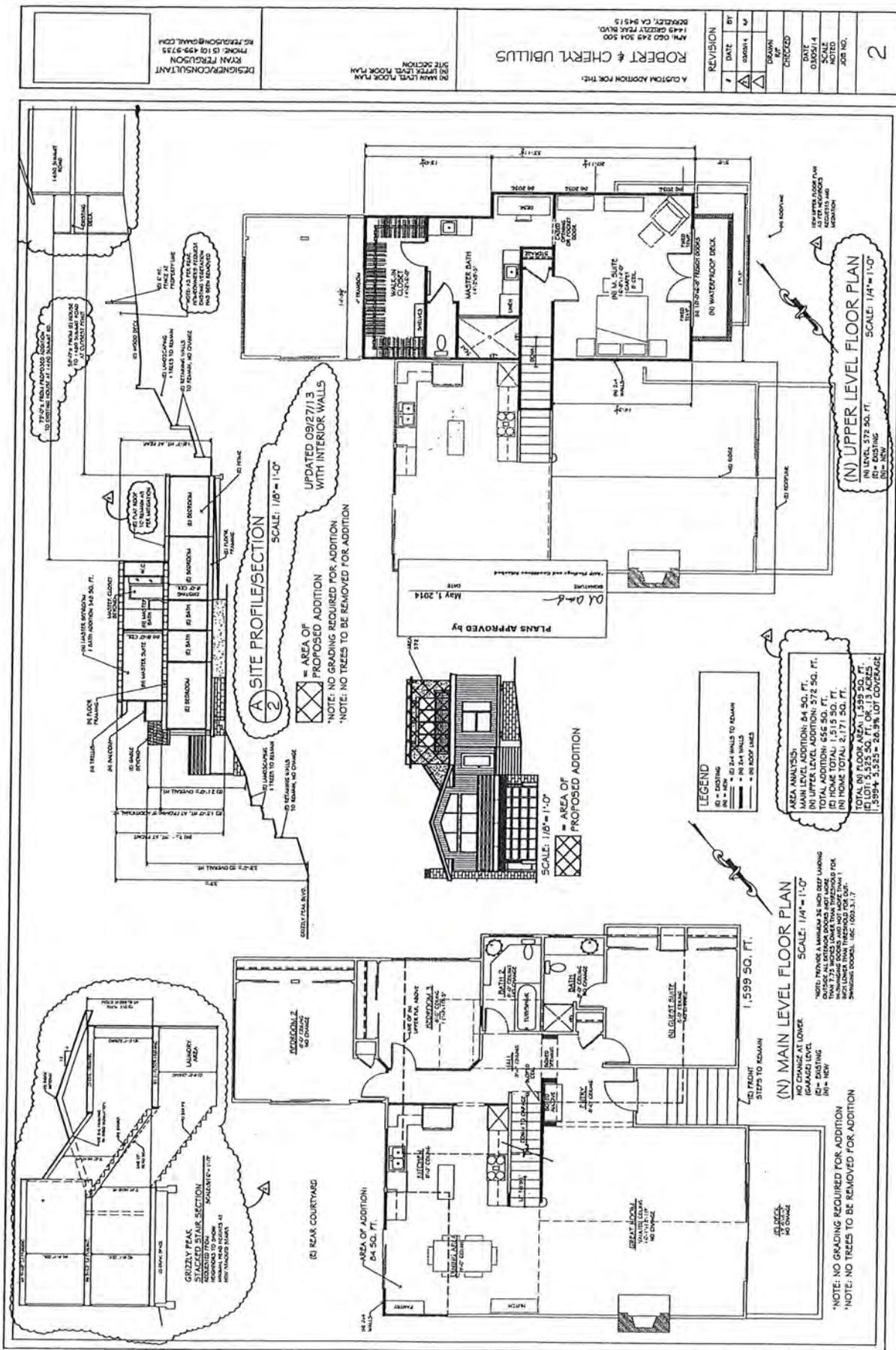
26. All exterior lighting shall be shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.
27. This permit is subject to review, imposition of additional conditions, or revocation if factual complaint is received by the Zoning Officer that the 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  
For Eric Angstadt, Planning Director



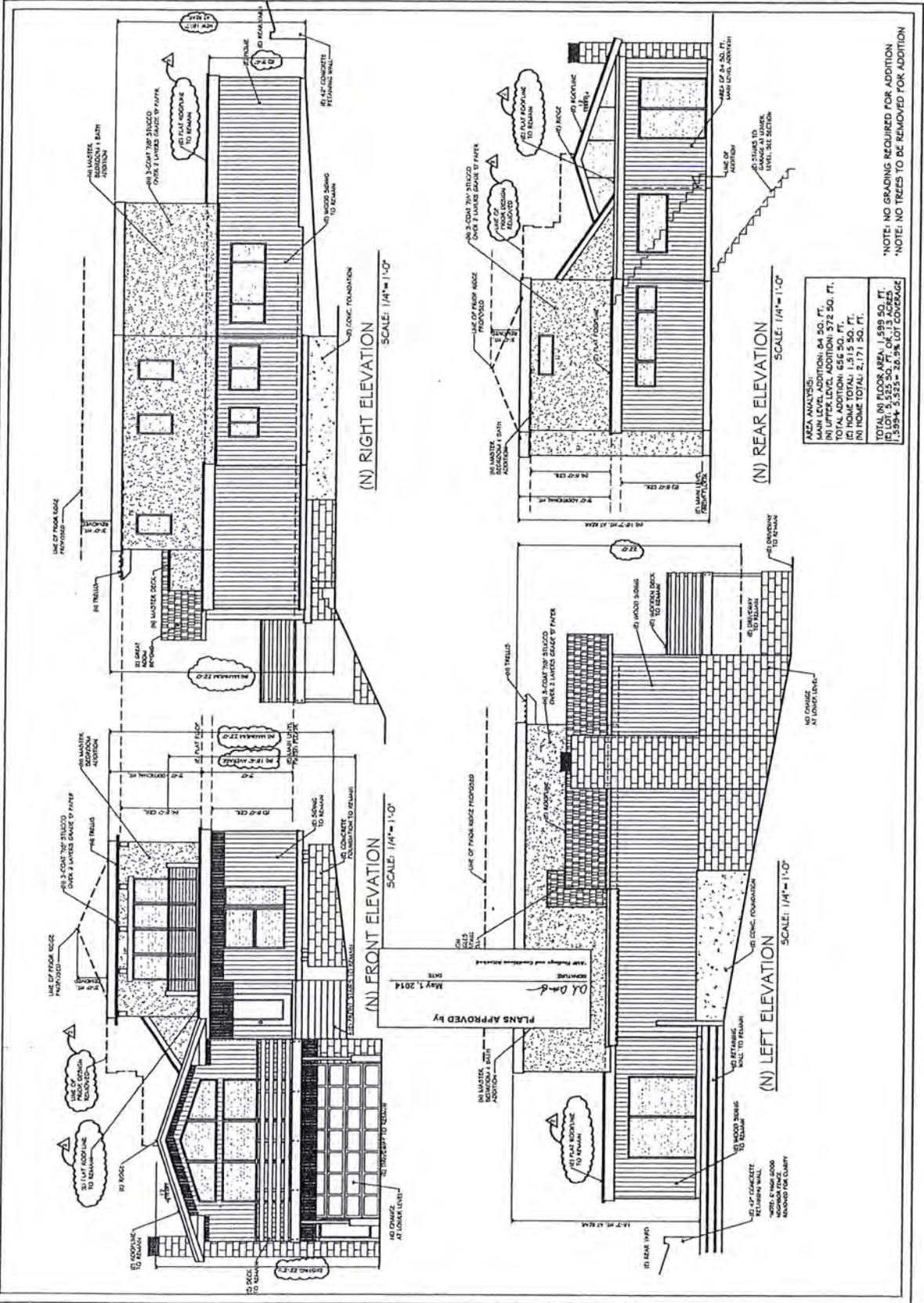


DESIGNER/CONSULTANT  
RYAN PETERSON  
1510 439 9735  
RYP@RYANPCON.COM

DATE: 05/01/14  
SCALE: NOTED  
JOB NO. 3

REVISION  
BY: [Signature]  
DATE: 05/01/14  
SCALE: NOTED  
JOB NO. 3

A CUSTOM ADDITION FOR  
ROBERT & CHERYL UBILLUS  
1443 GREAT PEAK BLVD  
DUBLIN, CA 94568



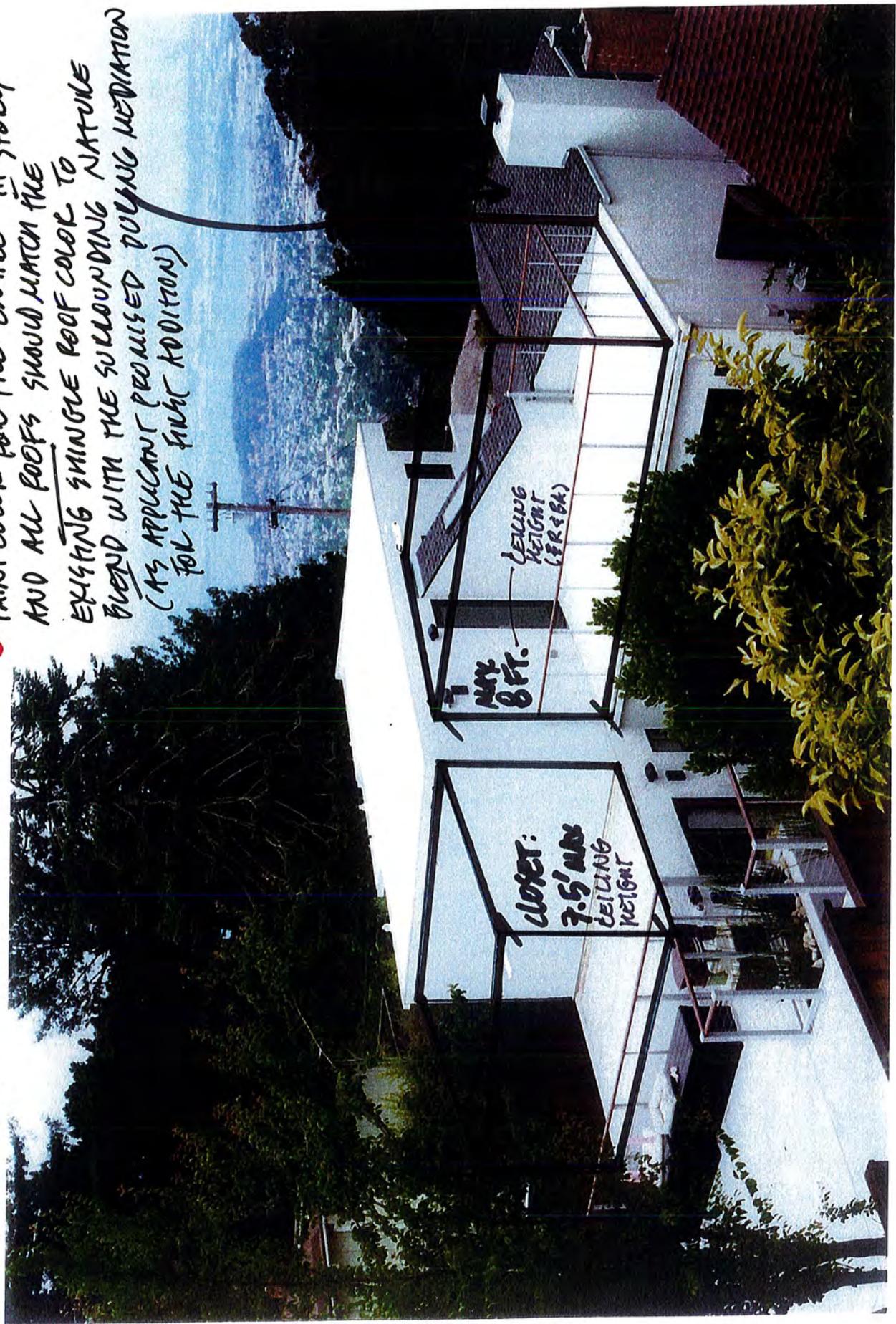
ATTACHMENT 5.

VIEW OF 1449 GRIEZZLY PEAK BLVD.  
FROM 1476 SUMMIT ROAD LIVING ROOM WINDOW



ATTACHMENT 6.A

● PAINT COLOR FOR THE ENTIRE 3<sup>RD</sup> STORY AND ALL ROOFS SHOULD MATCH THE EXISTING SHINGLE ROOF COLOR TO BLEND WITH THE SURROUNDING NATURE (AS APPLICANT PROMISED DURING MEDIATION FOR THE FIGHT ADDITION)



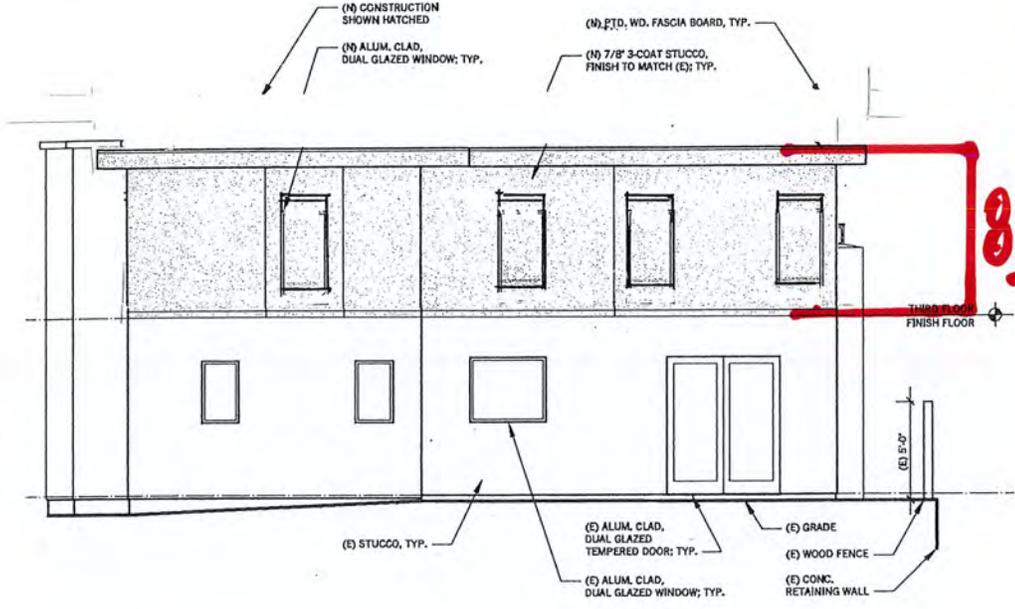
PROPOSED: ● BEDROOM (#5) & BATH (#4) ~ MAX. CEILING HEIGHT: 8 FT. (AS IN MAY 1, 2014 APPROVED PLANS FOR THE PREVIOUS ADDITION)  
● CLOSET CEILING HEIGHT 7.5 FT.

ATTACHMENT  
6B

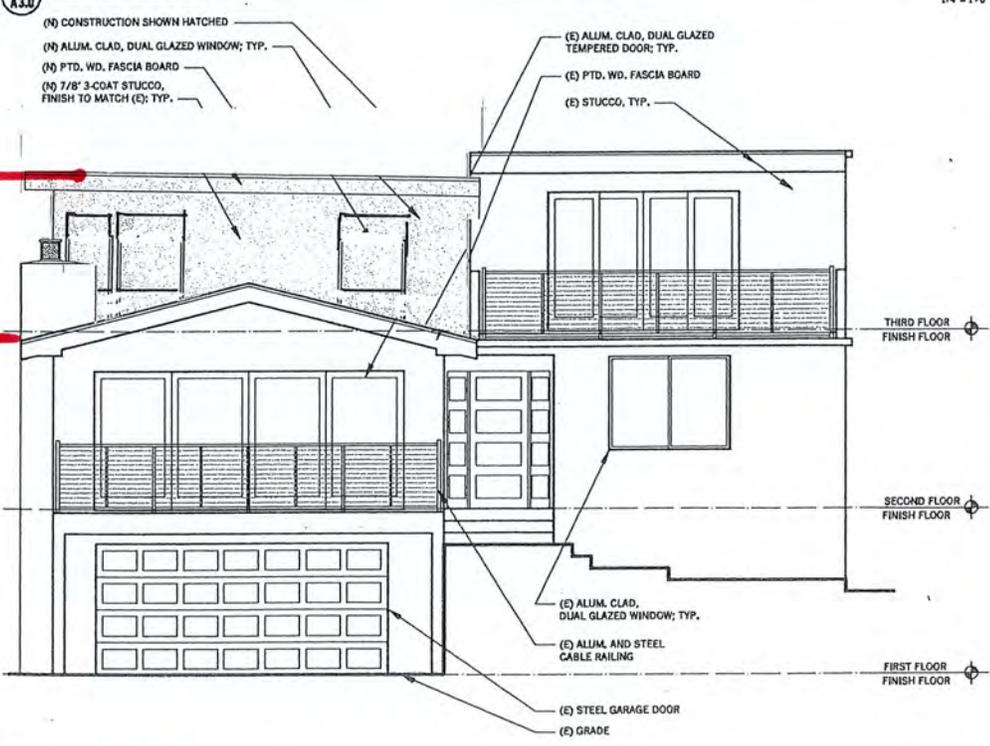
MAXIMUM CEILING HEIGHT 8 FT.

mitche  
 holiday  
 architects  
 1778 Market Street, Suite 200  
 Berkeley, CA 94704  
 510.725.1051

UBILLUS  
 RESIDENCE  
 ADDITION  
 1448 GRIZZLY PEAK BLVD.  
 BERKELEY, CA 94708  
 CONSULTANTS



1 REAR (SOUTH EAST) ELEVATION



3 FRONT (NORTH WEST) ELEVATION

ISSUE	DATE
ALP SUBMITTAL	06/03/19

PROPOSED  
 EXTERIOR  
 ELEVATIONS

A - 3.0

ATTACHMENT 7. (A= PROJECT SITE)



ATTACHMENT 8A



ATTACHMENT 8 B.

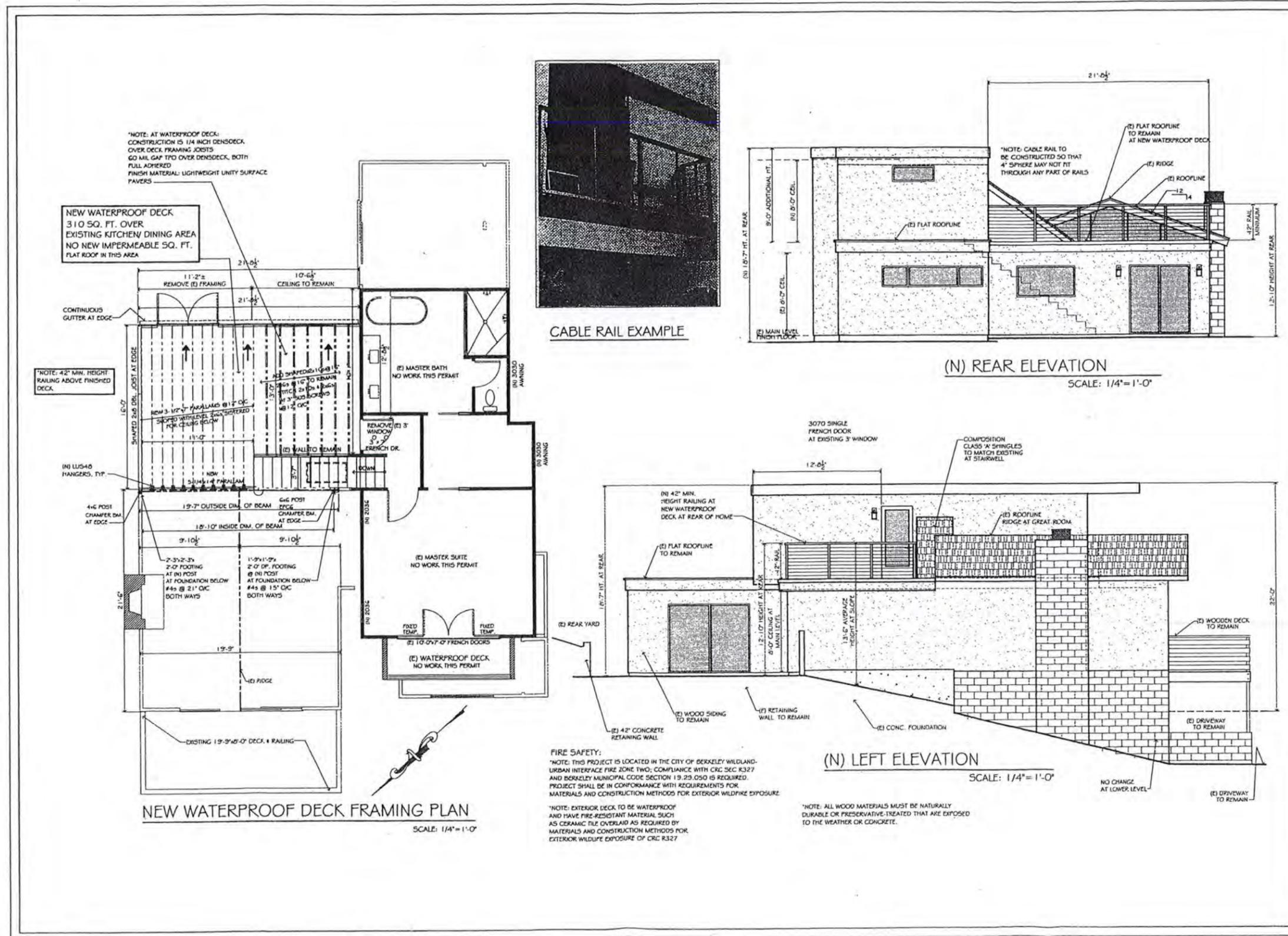


ATTACHMENT B.C.



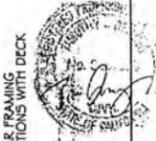


ATTACHMENT 9B.



ENGINEERING SERVICES  
479 MARSH ST. #301  
VALLEJO, CA 94590  
COMMING@GMAIL.COM

DESIGNER/CONSULTANT  
RYAN FERGLUSON  
PHONE: (510) 499-9735  
RG.FERGLUSON@GMAIL.COM  
INSOURCE DESIGN



WATERPROOF DECK AT REAR FRAMING  
NEW REAR AND SIDE ELEVATIONS WITH DECK

A NEW REAR WATERPROOF DECK AT EXISTING FLAT ROOF FOR:  
**ROBERT & CHERYL UBILLUS**  
AP# 060 249 304 500  
1449 BRITZLY PEAK BLVD.  
BERKELEY, CA 94708

REVISION

#	DATE	BY
1		
2		

DRAWN R/P  
CHECKED  
DATE 01/25/18  
SCALE NOTED  
JOB NO.

2

**URGENT**

DATE 7/18.2019

NO. OF PAGES 3  
(Including Cover Page)

**MESSAGE TO:**

NAME ASHLEY JAMES, AICP ASSOCIATE PLANNER

COMPANY CITY OF BERKELEY PLANNING & DEVELOPMENT

E-MAIL ~~FAX#~~ ajames@CityofBerkeley.info

NOTES PER YOUR REQUEST (7/17.2019) I AM ENCLOSED A PHOTO (F) OF 1449 GUILLY PEARL BLVD. (VIEW FROM 1476 SUMMIT RD.) SHOWING THE REAR YARD BEFORE THE FINAL CONCRETE POUR AND BEFORE THE PROTECTED LIVE OAK (ON THE LEFT) WAS CUT DOWN

**MESSAGE FROM:**

NAME PAMELA SIHVOLA

THE SECOND PHOTO (G) SHOWS THE SAME AREA (IN SPRING TIME) PRIOR TO ANY CONSTRUCTION, WITH ORIGINAL PLANTINGS OF A PEACHMONGER TREE, MAGNOLIA, JAPANESE MAPLES, FRUIT TREES, ETC. IN THE REAR YARD.

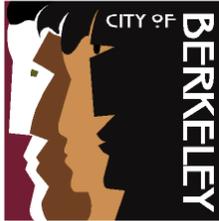


PHOTO OF 1449 GALEZZY PEARL BLVD. REAR YARD PRIOR TO ANY CONSTRUCTION, SHOWING ORIGINAL PLANTINGS OF A PERSIMMON TREE, MAGNOLIA, FRUIT TREES, JAPANESE MAPLES ETC. (6)



— PHOTO OF 1449 GULLY PEARL BLVD. REAR YARD BEFORE FINAL CONCRETE POUR AND BEFORE THE PROTECTED LIVE OAK (ON THE LEFT) WAS CUT DOWN.

(F)



Planning and Development  
Land Use Planning Division

July 18, 2019

Lillian Mitchell  
1708 Martin Luther King Jr. Way, Suite B  
Berkeley, CA 94709

Sent via email to:  
[lillian@mitchellholladay.com](mailto:lillian@mitchellholladay.com)

**Re: Application for Administrative Use Permit #ZP2019-0111 for 1449 Grizzly Peak Blvd.**

Ms. Mitchell,

The Land Use Division has reviewed the above referenced application, submitted on June 19, 2019, to construct an approximately 500 square-foot addition at the second and third stories to an existing 2,791 square-foot single-family home. Staff has determined that the application is incomplete. Please review the comments below, as well as the list of items required to complete the application. Staff is unable to take further action on the project until all the items listed below are corrected and/or submitted.

**Application** – The application includes the following approval requests:

1. Administrative Use Permit under BMC 23D.16.030, to construct a major residential addition;
2. Administrative Use Permit under BMC 23D.16.070.C, to construct an addition which would exceed fourteen feet in average height;
3. Administrative Use Permit under BMC 23E.96.070.B, to construct an addition which would exceed twenty feet in maximum height for a building located within the “H” Hillside Overlay District; and
4. Administrative Use Permit under BMC 23D.16.050.A, to construct a fifth bedroom on the parcel.

**Items Required for Submittal or Correction:**

1. Application Submittal Requirements. The following required items were missing from the application submittal, and must be submitted for application completeness:
  - a. Applicant Statement. This application proposes a major addition to a residence located in the R-1 District, Hillside Overlay. The applicant statement asserts the proposed project meets all zoning requirements. However, it appears the existing retaining walls located outside the front property line, as well as the existing concrete patio and perimeter fence at the side and rear property lines do not meet current zoning requirements for accessory buildings and structures and usable open space. Further, the addition exceeds the maximum allowed building height of twenty feet. Please revise the applicant statement to address these discrepancies between existing conditions, current zoning regulations, and describe how the proposal is consistent with the purposes of the H District (refer

to BMC Section 23E.96.020). Pursuant to BMC Section 23D.08.060.A.2, an Administrative Use Permit is required to construct a fence above six feet in height.

- b. Pre-Application Poster. The pre-application poster is not legible in the photo provided; please re-submit the photo so that the text is legible and staff can confirm the project information.
- c. Neighbor Pre-Application Contact. Required for residential projects in residential zones. The site plan must have a signature block with neighbors' signatures. Certified mail receipts have been submitted with the application for the neighbors at 1446 and 1455 Grizzly Peak Blvd, as well as 1476 and 1480 Summit Rd; however, notification via certified mail should only be provided as a last resort. Therefore, please provide a record of the date(s) and time(s) you attempted to contact these neighbors in person.

Guidelines and Instructions are available at:

[https://www.cityofberkeley.info/uploadedFiles/Online\\_Service\\_Center/Planning/Guideline\\_ID\\_Neighbors\\_Signatures\\_Instructions.pdf](https://www.cityofberkeley.info/uploadedFiles/Online_Service_Center/Planning/Guideline_ID_Neighbors_Signatures_Instructions.pdf),

- d. Site Photographs. The site photographs submitted show the subject property and each adjacent building individually. Please re-submit the required site photographs in a format that shows the entire project site and adjacent buildings together. Include adjacent buildings to the rear of the property. Grayscale is preferred.
- e. Plans.
  - i. All plans must be formatted so that all images and text are legible on an 8 ½" by 11" sheet of paper. As is, the site plan is illegible at that size. Please provide the site plan on a separate sheet and at a minimum scale of 1/16" on 12" x 18" size paper.
  - ii. On each sheet, please add a note below the scale size indicating the scale and both full and reduced size for greater clarity (i.e., 1/4" scale at 24" x 36", 1/8" scale at 12" x 18").
  - iii. On the Tabulation Form, the existing usable open space is 1,545 square feet in size. Per BMC Section 23D.04.050.F, at least 40% of the total area required as usable open space, exclusive of balconies above the first floor, shall be a landscaped area. As shown on the site plan, 9% of the total usable open space is landscaped area. Please revise the Tabulation Form and site plan, as necessary, to meet this requirement.
  - iv. On the Site Plan, provide the distance from the building to each of the adjacent residences.
  - v. On the Site Plan, provide the actual, rather than the approximate, height of all fences by measuring the vertical distance from the lowest existing grade point within a three foot radius of any point of such fence, to the highest point of the fence. (BMC Section 23D.08.060.A.2)
  - vi. All plans must be fully dimensioned; label the dimensions of each room on the floor plans.
  - vii. On the Building Elevations, please indicate the following:
    - 1. Label the existing Building Elevations on Sheet A-1.0.
    - 2. Average height on the side (southwest) and rear (southeast) perspectives.
    - 3. Please hatch all areas of new construction, as noted on the plans.

4. Provide the ceiling height of the addition at the third floor.
- viii. On the Section drawings, please indicate the following:
  1. Perspective direction (i.e., south, north).
  2. Height of the existing fences and retaining walls located in the rear yard. The height of the fence is determined by measuring the vertical distance from the lowest existing grade point within a three foot radius of any point of the fence to its highest point (BMC Section 23D.08.060.A.2).
  3. Floor-to-ceiling heights and framing, as well as staircases.
  4. Adjacent uphill buildings where views may be affected (which are 1476 and 1480 Summit Road). Show existing and proposed grades, and distance from the existing building and the proposed addition to adjacent buildings.
- f. Boundary Survey. Provide a boundary survey, which will help confirm the location of the existing perimeter fence and extent of the concrete patio in the rear yard on the property.
- g. Shadow Study. Revise the shadow study to include the following information:
  - i. The elevation drawings must show all rooms within structures that the shadows from the proposed project will hit. Per the shadow study, the proposed addition will shade additional windows at 1445 Grizzly Peak Boulevard during the Winter Solstice (December 21, 3:00 PM). Indicate the use of those windows.
  - ii. Include a photo of the structures to be affected showing the existing shadows at the application date (or there about) to corroborate the accuracy of the shadow study.

Please follow the shadow study guidelines found here:  
[https://www.cityofberkeley.info/uploadedFiles/Online\\_Service\\_Center/Planning/Guideline%20III.A.7%20Shadow%20Study%20Instructions.pdf](https://www.cityofberkeley.info/uploadedFiles/Online_Service_Center/Planning/Guideline%20III.A.7%20Shadow%20Study%20Instructions.pdf)
- h. Story Poles. Provide additional photos of the story poles from multiple angles, in order adequately show potential impacts to neighbors' views. The single photo submitted with the application appears to have been taken from the rear yard within the subject property. Provide photos showing the story poles from at least two locations on the property and from Summit Road. Submit documentation to show that the locations and elevations of the story poles accurately depicts the proposed project, such as a measuring stick showing height of the story poles.

### Advisory Comments

1. Planning Division Comments. Previously, you applied for an Administrative Use Permit (AUP #13-20000050) on April 15, 2013 to construct a 599 square-foot addition to an existing 1,515 square-foot home, consisting of an 84 square-foot addition on the main level and a new 515 square-foot second level. The conditions of approval for AUP #13-20000050 included maintaining the existing wood siding at the main level and constructing a new second level with a stucco exterior. In addition, the existing landscaping, wood deck and retaining walls in the rear yard were to remain as existing. However, according to the application materials submitted on June 19, 2019 the existing exterior material is stucco and the rear yard consists of a 1,395 square-foot concrete

patio, connected by concrete stairs and surrounded by a perimeter fence ranging in height from 5 feet, 5 inches to 14 feet. Please submit a copy of the finalized, signed Building Permit Planset confirming these changes were approved by Planning staff.

In addition, Building and Safety Division staff have reviewed the submitted plans and determined the existing retaining wall in the rear yard requires a building permit. Please contact the Permit Service Center at (510) 981-7500 for more information.

Finally, I have attached a comment letter received on July 17, 2019, from the resident at 1476 Summit Road. Please review and consider the comments as you move forward in the preliminary site plan and design process.

2. Department Comments. This application may be routed to other city departments for comments. These comments will be forwarded to you when they are received. Please respond to **all** department comments, and include revisions and response with your next submittal to Planning. Further revisions to the application may be required based upon your response to these items.

Revised submittal items should be submitted in both paper (two 11x17 sets) and electronic form (CD or flash drive), to my attention, to the Permit Service Center at 1947 Center Street, 3rd floor. Please submit responses to **all** requested items at once, and not incrementally. Also, please be aware that if you do not take action on the above items within 60 days, the application may be deemed withdrawn and returned to you.

Should you have questions regarding this letter or your application, please feel free to contact me.

Sincerely,



Ashley James  
Associate Planner  
(510) 981-7458  
[ajames@cityofberkeley.info](mailto:ajames@cityofberkeley.info)

Attachment 1 : Comment Letter, Pamela Siholva, 1476 Summit Road, received 7-17-19.

**URGENT**

PERMIT SERVICE CENTER

JUL 17 2019

RECEIVED BY: AJ

Ashley James, AICP  
Associate Planner

City of Berkeley  
Planning and Development  
1947 Center Street, 2nd Floor  
Berkeley, CA 94704

July 15, 2019

Re: 1449 Grizzly Peak Blvd.  
proposed second/third story additions (500 sq. ft.)

As a follow-up to our discussion on June 27, 2019, I am submitting the following comments, concerns and modification requests to the current proposed plans regarding the above referenced project.

We, the abutting neighbors on Summit Road continue to be the most impacted by the current proposed plans. This proposal represents CONSTRUCTION CREEP, ie. serial permit applications and construction during the past 6-7 years (since 2013, see attachment 1), including potentially unpermitted, illegal work.

Background:

In 2014 Summit Road neighbors successfully mediated a compromise with the help of Seeds Community Resolution staff (case # 10250), and the applicant agreed to modify the project to protect our views to the west by reducing some of the mass of the addition with a maximum ceiling height of 8 feet. (2013 application for additions)

Attachment 2. includes the list of neighbors' concerns and attachment 3. represents the resolution to these concerns.

On May 1, 2014 the City issued an AUP # 13-20000050 (see attachment 4.)

The permit specified that all construction shall conform <sup>to</sup> the approved UP drawings (section 24) and that all landscape, site and architectural improvements be completed per approved drawings dated March 5, 2014. (section 25). See p.5 of the Notice of Administrative Decision-Findings and Conditions, (attachment 4.).

The above referenced drawings specified the following: 1. (E) rear yard: NO CHANGE, 2. (E) rear deck NO CHANGE 3. (E) 2 retaining walls to remain.(Page 1.), and on page 3. (E) wood siding to remain.

Attachment 5. shows the building (and portions of the rear yard) as completed. The bright white color is blinding and obtrusive - this is the view from our living room.

I met with the applicant Rodrigo Ubillus in May of 2018. He promised to remedy our concerns regarding the blinding brightness of the building color by 1. installing dark grey tiles on the deck, matching the color of the dark grey shingles on the existing peak roof, and by 2. painting the east facing wall same grey color.

During mediation he had promised that the building color will <sup>be</sup> one to "blend with the surrounding nature", which did not happen.

1.

So we ask that the color of the entire second/third floor be painted to match the grey/brown color of the existing peak roof and that the same roofing material/color be rolled out on all the flat roof areas. This would remedy the blinding, obtrusive brightness of the structure,

In addition, the proposed project goes against the agreement neighbors reached with the applicant in 2014 (see attachment 3.), specifically regarding the maximum ceiling height of 8 feet.

2.

So we ask that the plans be modified so that the maximum ceiling height for the 5th bedroom and the 4th bathroom will be 8 feet. We also ask that the ceiling height for the walk-in closet be reduced to 7.5 feet. These modifications will still give the applicant the square footage they are requesting. (See attachments 6A and 6B).

3.

We also ask that this project be put on hold until all the issues related to the 2014 permit have been resolved, including clarifying any code enforcement issues/permit issues with regard to the rear yard now completely covered with concrete. Attachment 7. shows the project site prior to the construction of the first addition, with the vegetation and deck in the rear yard still intact. Attachment 8 (A,B,C) show the concrete structures in the rear yard.

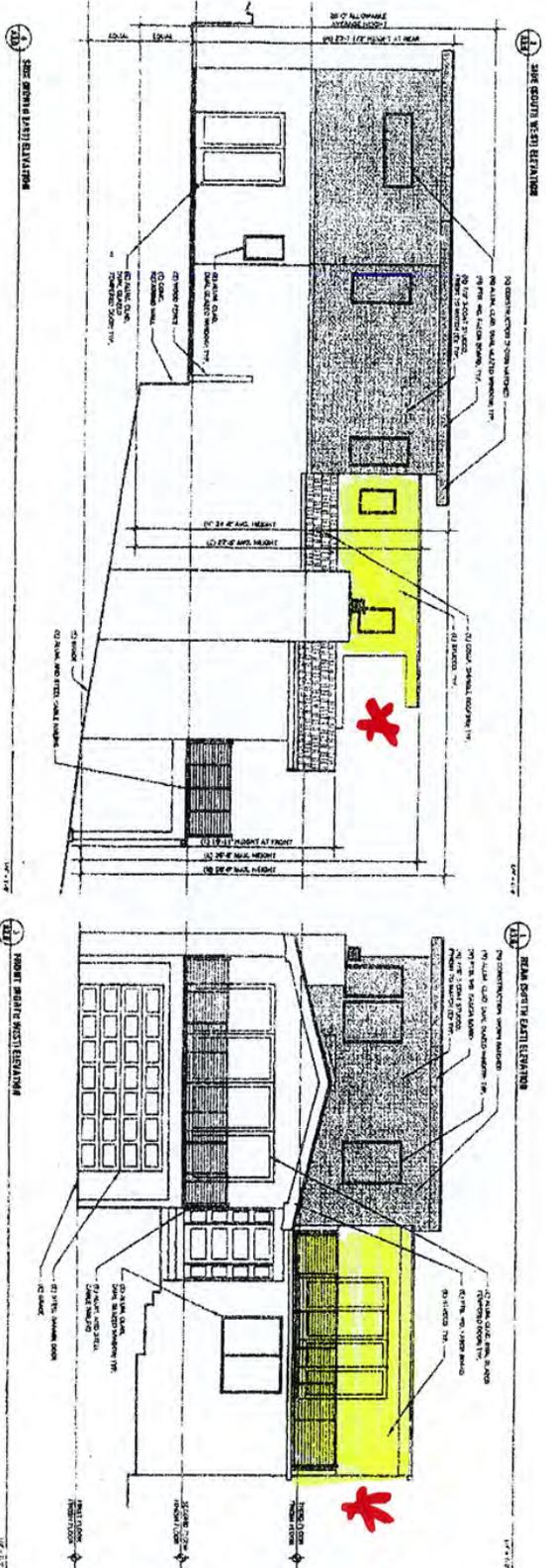
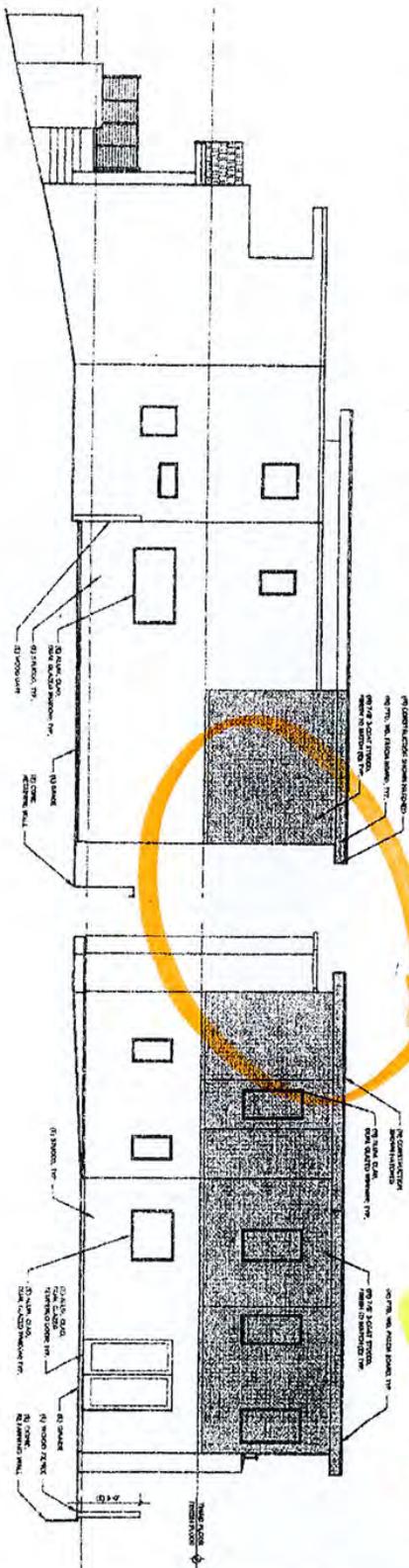
Sincerely,

  
Pamela Sihvola  
1476 Summit Road  
Berkeley, CA 94708

PS. Attachment 9 A and B show plans for a deck replacement at rear, dated 1/25/2018, and still indicating (E) REAR YARD, NO CHANGE

NO INDICATION OF CEILING HEIGHTS  
FOR NEW ADDITIONS —  
(INADEQUATE / DEFICIENT)

REDUCE TO 8' AS  
IN 2014 ADDITION \*



A.

USE LIST  
REFERENCE  
ADDITION

A-3.0  
PROPOSED  
EXTERIOR  
ELEVATIONS



B.







ATTACHMENT 1.



# PLANNING & DEVELOPMENT

Land Use Planning, 2120 Milvia Street, Berkeley, CA 94704  
Tel: 510.881.7410 TDD: 510.881.7474 Fax: 510.881.7420  
Email: [landuse@cityofberkeley.info](mailto:landuse@cityofberkeley.info)

DATE STAMP HERE  
LAND USE PLANNING  
APR 15 2013

## I.A Zoning Project Application Form

Effective May 1, 2007.

- For:
- Administrative Use Permits (AUP)
  - Use Permits (UP)
  - Variances (VAR)
  - Alteration Permit (LPC)
  - Design Review (DRC)
  - Modifications (MOD AUP, MOD UP)

Intake Planner Harrison

- Project Address: 1449 Grizzly Peak Blvd. Unit/Suite #: N/A  
Project Description: We are proposing a 999 sq. ft addition to an existing 1,515 sq. ft. home. 84 sq. ft on main level and 515 sq. ft. master bedroom & bath on a new upper level.
- Property Owner Name (Print) Robert & Cheryl Ubillus  
Owner's Mailing Address: 1449 Grizzly Peak Blvd.  
Berkeley, CA 94915  
Daytime Phone # 831-750-0257 FAX # \_\_\_\_\_ E-mail: randcubillws@aol.com
- Applicant Name (or write same): ~~Robert~~ Ryan Ferguson  
Applicant's Mailing Address: 564 Gregory Drive  
Vacaville, CA 95687  
Daytime Phone # 510 499 9135 FAX # 707 454 3800 E-mail: rg.ferguson@gmail

### Submittal Requirements Checklist -- Instructions:

1. Complete the checklist below and sign the bottom of page 2.
2. For each item you check "yes", provide the submittal requirement indicated in the right-hand column. Refer to the document **1. Zoning Project Submittal Requirements** for further instructions.
3. Label each item with the Submittal Requirement # (i.e., III.A.2) and the project address; attach to this application form.
4. Submit to a Planner with the appropriate application fee. Call 981-7410 to make an appointment.

Does the project include:	No	Yes	Application Requirement
1. Converting existing Rental or Tenant In Common (TIC) Units to Condominiums?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	• Refer to the "Condominium Conversion Procedures: Guide for Applicants".
2. Demolition of, or exterior modifications to, a designated City of Berkeley landmark, structure of merit, historic district or building registered with the National Historic registry?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	• Refer to the "Landmark Preservation Commission: Structural Alteration Permit and Design Review Submittal Requirements".

ATTACHMENT 2.

Claudine Asbagh, Assistant Planner

City of Berkeley  
Planning and Development  
2120 Milvia Street  
Berkeley, CA 94704

May 15, 2013

RE: 1449 Grizzly Peak Blvd.  
proposed second story addition.

Dear Ms. Asbagh,

Thank you for your message of April 24, 2013, and the information you provided on May 9, 2013.

As we discussed, we, the most heavily impacted, abutting neighbors on Summit Road, have serious concerns regarding the above referenced project (as proposed), especially regarding the design of the second story addition, and its impact on our views to the west.

Due to these concerns we are asking for the following changes to the design (see Attachment 1., areas marked in blue):

1. The reconfiguration of portions of the proposed upstairs closet/staircase area, in such a way that the view obstructing components be removed (see east (rear) and west (front) elevation drawings in Attachment 1.)
2. The redesign of the second story roof from a proposed gable to a flat roof, as is the current roof design of this mid-century home, with a maximum 8 ft. ceiling height. See south (right) and north (left) elevation drawings in Attachment 1.

In conclusion, we ask that the project be put on hold until these issues are addressed in full, and a resolution reached among all parties.

Sincerely,

*Catherine Feucht*  
Catherine Feucht  
1480 Summit Road  
Berkeley, CA 94708  
*Pamela Sinyora*  
Pamela Sinyora  
*Luis Garcia*  
Luis Garcia  
1476 Summit Road  
Berkeley, CA 94708

RECEIVED

MAY 16 2013

LAND USE PLANNING

ATTACHMENT 3.

Rodrigo Ubillus  
1449 Grizzly Peak Blvd.  
Berkeley, CA 94708

March 4, 2014

Re: Proposed second story addition  
and remodel @ 1449 Grizzly Peak Blvd.

Mr. Rodrigo Ubillus,

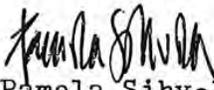
Thank you for the 2 plan sheets and your note I received on  
February 27, 2014.

As you requested I am enclosing the 2 plan sheets with neighbors'  
signatures, reflecting the principal points of agreement, as shown  
on plan sheet 3, dated 2/26/2014 (Attachment 1.) and on stacked  
stair section drawing (Attachment 2.) for the above referenced  
proposed project:

1. 8 ft. ceiling height
2. Flat roofs throughout
3. Stacked stair with a 7 ft. head height

When you are ready to submit the final, complete set of plans to  
the city, could you also please, email the set to us via Patrick,  
as a pdf-file, to: info@sheahan-quandt.com.

Sincerely,

  
Pamela Sihvola  
1476 Summit Rd.  
Berkeley, CA 94708

PS. We look forward to receiving the information and quotes for the  
tree cutting project as soon as possible. Thank you.

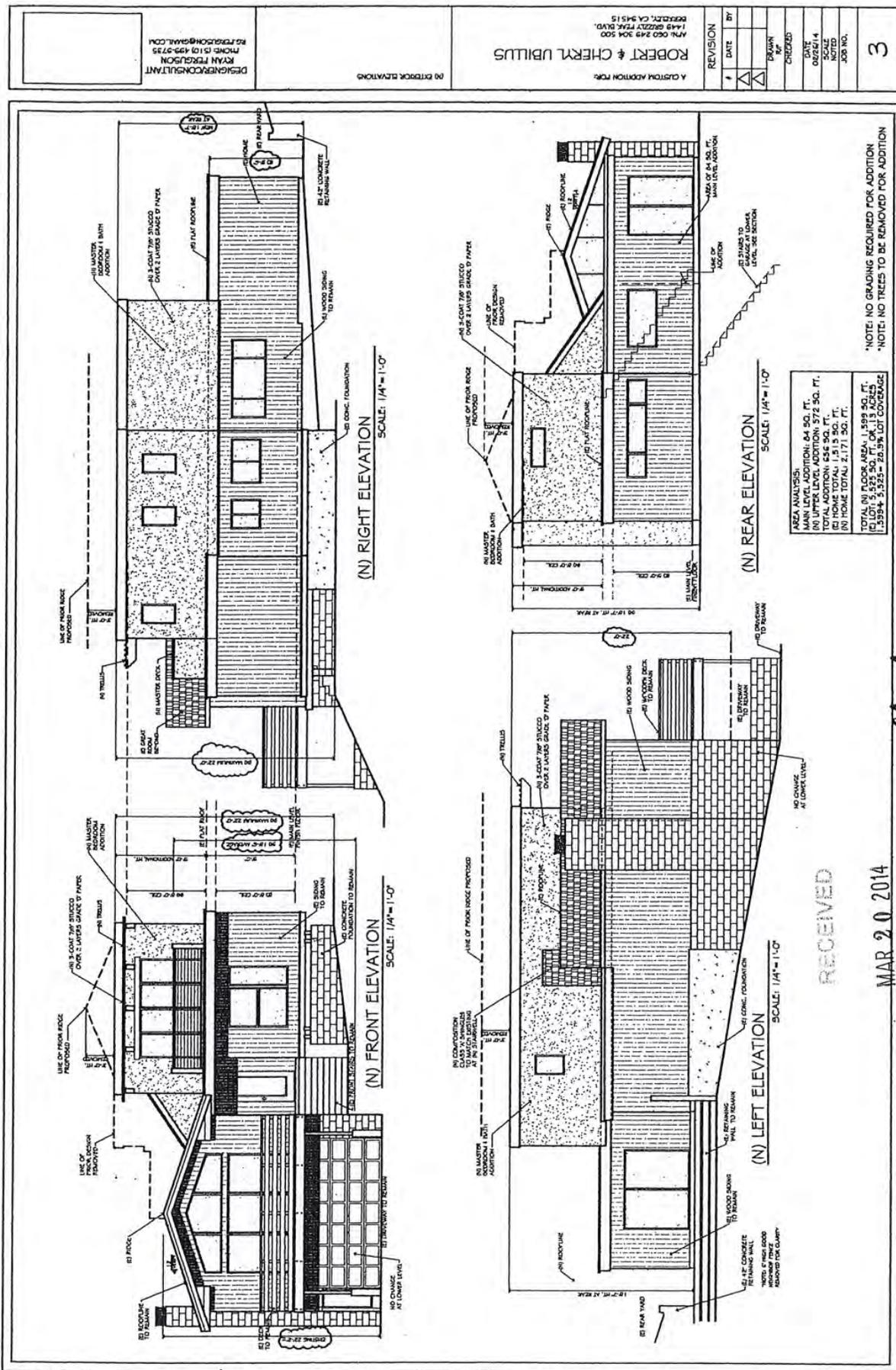
cc: Victor Herbert, Zoning Mediations

RECEIVED

MAR 20 2014

LAND USE PLANNING

ATTACHMENT 1.



1476 SUMMIT RD. BERKELEY, CA 94706

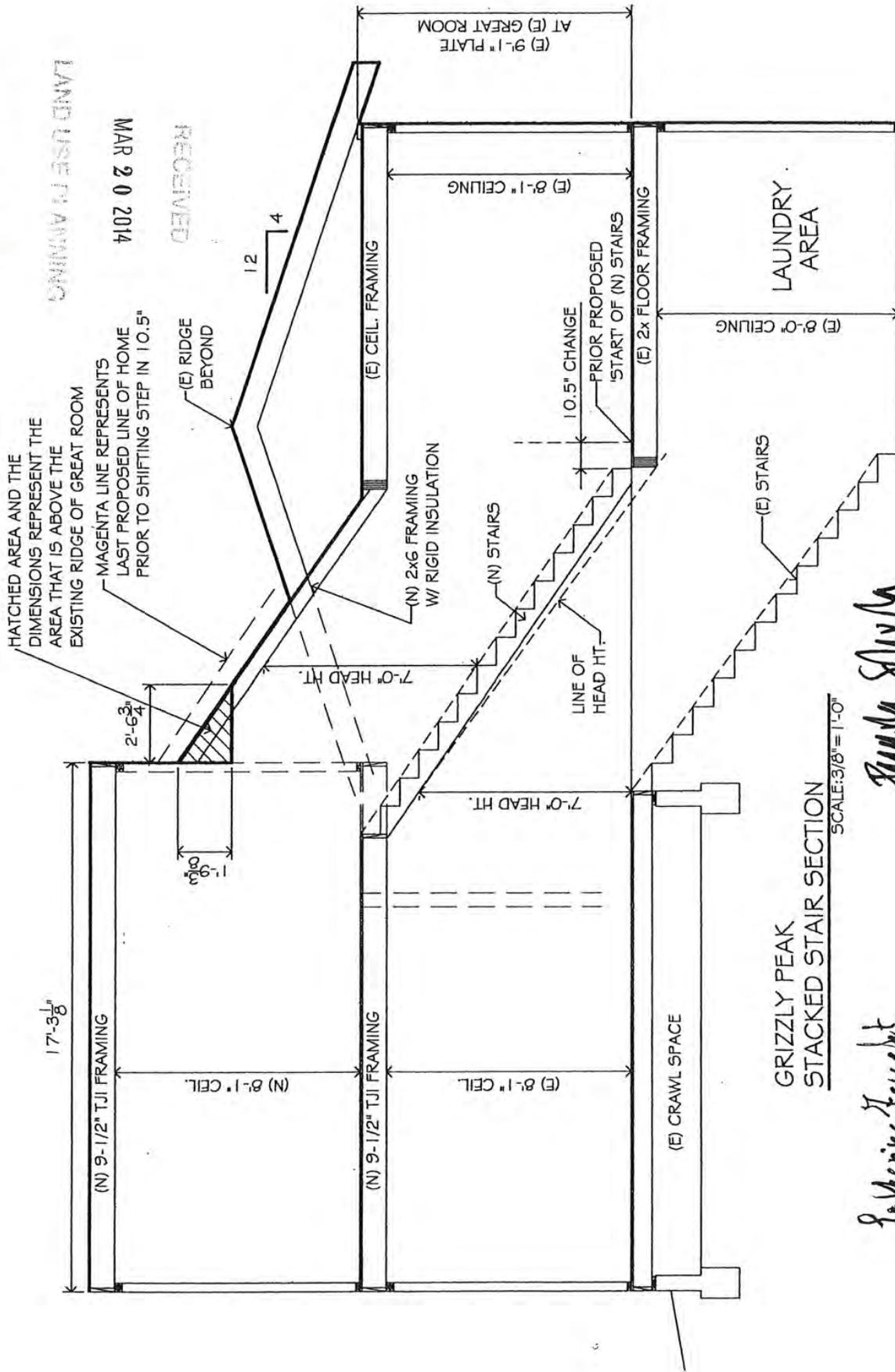
Tamara Shulva  
 LAND USE PLANNING

Luis Garcia

RECEIVED  
 MAR 20 2014

Catherine Bendish  
 1476 Summit Rd. Berkeley

ATTACHMENT 2.



GRIZZLY PEAK  
STACKED STAIR SECTION  
SCALE: 3/8" = 1'-0"

*Paula Silva*  
*Luis Garcia*  
1476 SUMMIT RD. BERKELEY, CA 94708

*LaVene Forest*  
1480 Summit Rd.  
Berkeley

ATTACHMENT 4.

# ATTACHMENT 1

## FINDINGS AND CONDITIONS

MAY 1, 2014

### 1449 Grizzly Peak Blvd.

#### Administrative Use Permit #13-20000050

To construct a two-story, 556 square foot residential addition that will increase the building's average and maximum heights from 14' 6" to 18' 6" and from 17' to 22' respectively.

#### 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.

#### 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, 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:
  - The proposed addition would not unreasonably obstruct sunlight, air, or views, because it would not cast new shadows on the windows of adjacent residences. The addition remains well outside of the required yards, and is located within the general footprint of the existing dwelling in an area that is already developed with substantial vegetation that also filters views.
  - The project consists of a two story addition that will maintain the flat roof lines of the existing dwelling to maintain the views of adjacent neighbors located uphill from the site.
  - The subject property satisfies the district standards for maximum residential density, maximum main building height, minimum front, rear, and side yard setbacks, maximum lot coverage and minimum open space.
  - The project would not increase parking demand and existing parking is provided in accordance with the minimum requirement.

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## 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.

**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. 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 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.

**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.

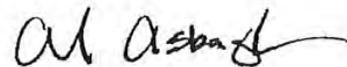
22. Any construction during the wet season shall require submittal of a soils report with appropriate measures to minimize erosion and landslides, and the developer shall be responsible for following these and any other measures required by the Building and Safety Division and the Public Works Department.
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. 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 **March 5, 2014**.

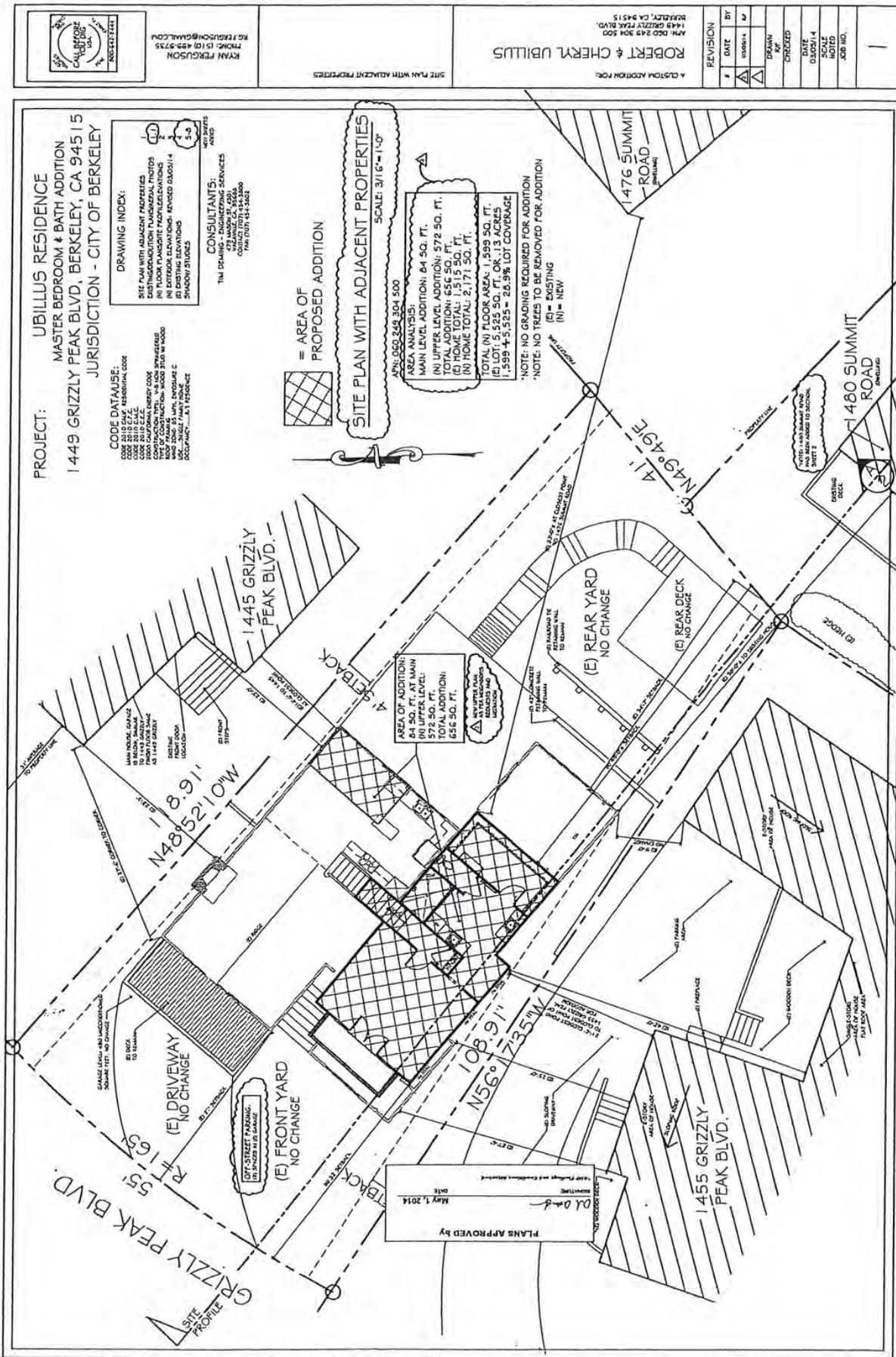
**At All Times (Operation):**

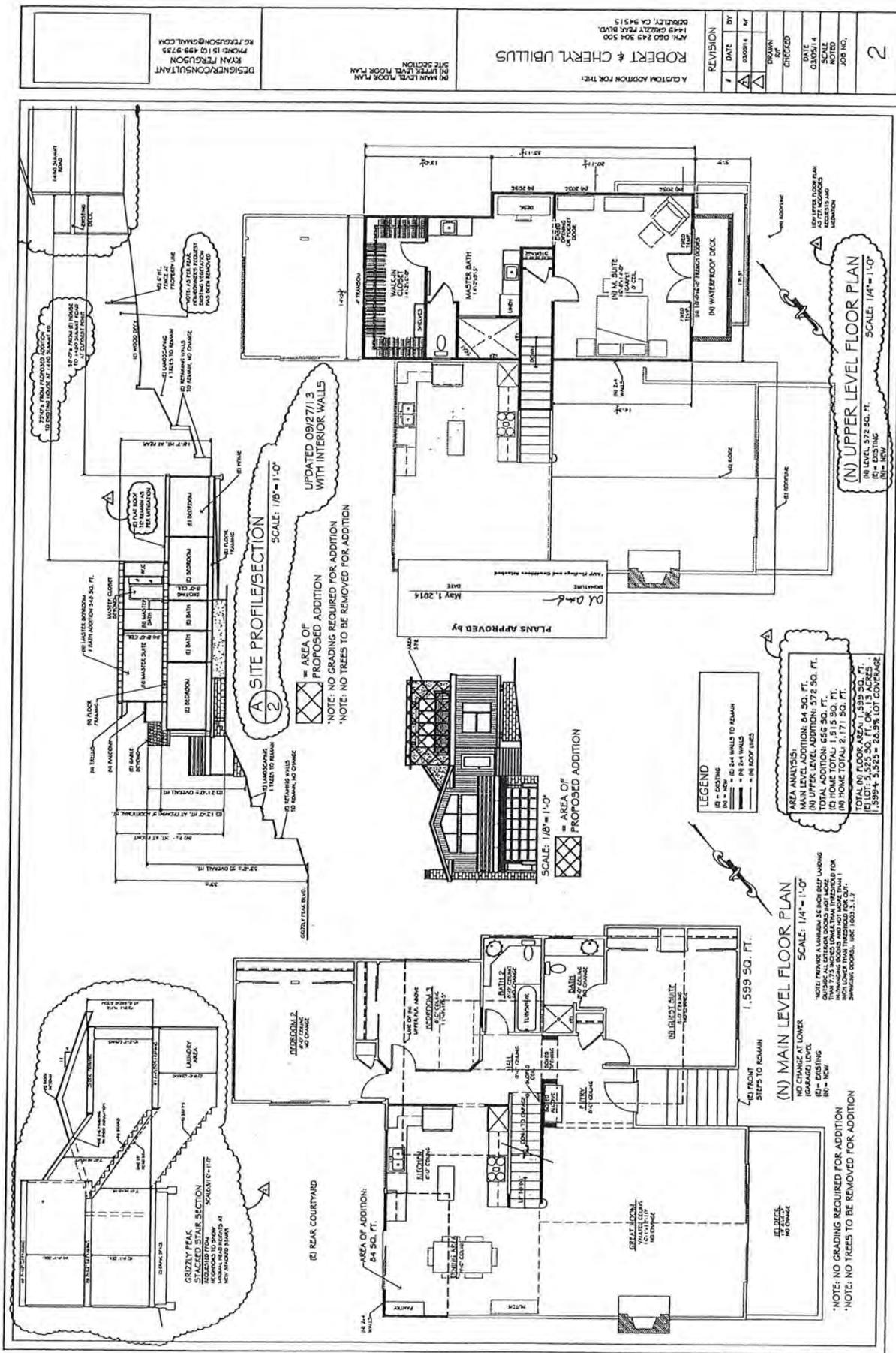
26. All exterior lighting shall be shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.
27. This permit is subject to review, imposition of additional conditions, or revocation if factual complaint is received by the Zoning Officer that the 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.



---

Prepared by: Claudine Asbagh  
For Eric Angstadt, Planning Director





REVISION	DATE	BY
1	05/14/14	RYAN PERGUSON
2	05/14/14	RYAN PERGUSON
3	05/14/14	RYAN PERGUSON
4	05/14/14	RYAN PERGUSON
5	05/14/14	RYAN PERGUSON
6	05/14/14	RYAN PERGUSON
7	05/14/14	RYAN PERGUSON
8	05/14/14	RYAN PERGUSON
9	05/14/14	RYAN PERGUSON
10	05/14/14	RYAN PERGUSON

DESIGNER/CONSULTANT  
RYAN PERGUSON  
PHONE: (510) 439-9735  
R27R0508@GMAIL.COM

IN MAIN LEVEL FLOOR PLAN  
SITE SECTION

A CUSTOM OPTION FOR THE:  
ROBERT & CHERYL UBILLUS

APR 06 2 49 304 500  
1440 BOKLEY BLVD  
BOKLEY, CA 94515

2

(N) UPPER LEVEL FLOOR PLAN  
SCALE: 1/4" = 1'-0"  
(N) LEVEL: 572.50, FT.  
(E) LOT: 5,222.50, FT. OR 1.3 ACRES  
(N) - NEW

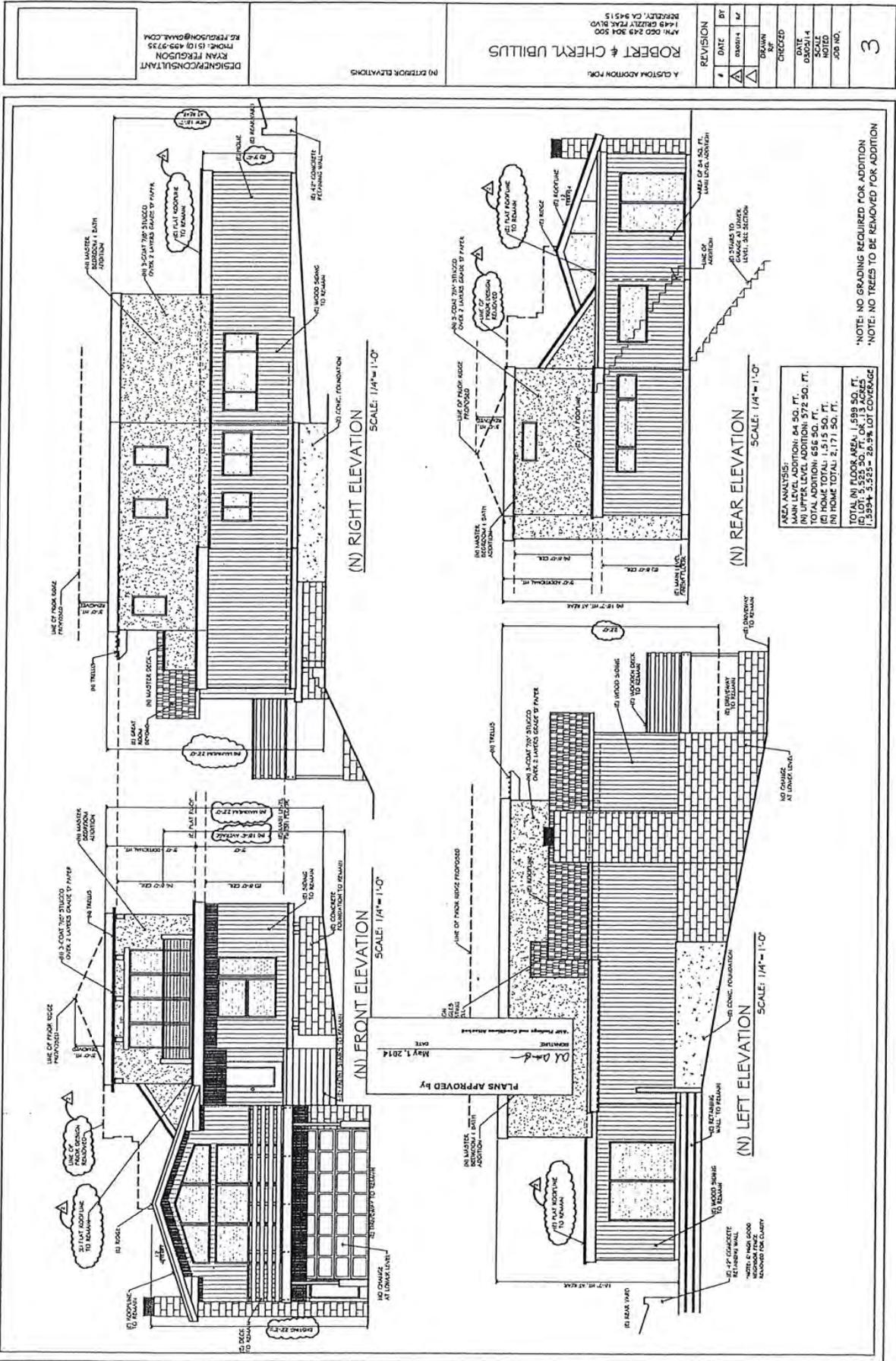
AREA ANALYSIS:  
(N) LOT: 5,222.50, FT. OR 1.3 ACRES  
(N) UPPER LEVEL ADDITION: 84.65, FT.  
(N) UPPER LEVEL ADDITION: 372.50, FT.  
TOTAL ADDITION: 656.50, FT.  
(E) HOME TOTAL: 1,511.50, FT.  
(N) HOME TOTAL: 2,171.50, FT.  
TOTAL (N) FLOOR AREA: 1,599.50, FT.  
(E) LOT: 5,222.50, FT. OR 1.3 ACRES  
1,599.5 - 5,222.5 = 28.5% LOT COVERAGE

PLANS APPROVED BY  
DATE: May 1, 2014  
SIGNATURE: [Signature]

(N) MAIN LEVEL FLOOR PLAN  
SCALE: 1/4" = 1'-0"  
NO CHANGE AT LOWER (GARAGE) LEVEL.  
NOTE: FINISHES & MATERIALS AS NOTED DEEP WORKING SHALL BE 7.5' BELOW FINISH GRADE. FINISH GRADE SHALL BE 1.0' BELOW FINISH GRADE. SEE 1003.3.1.1.

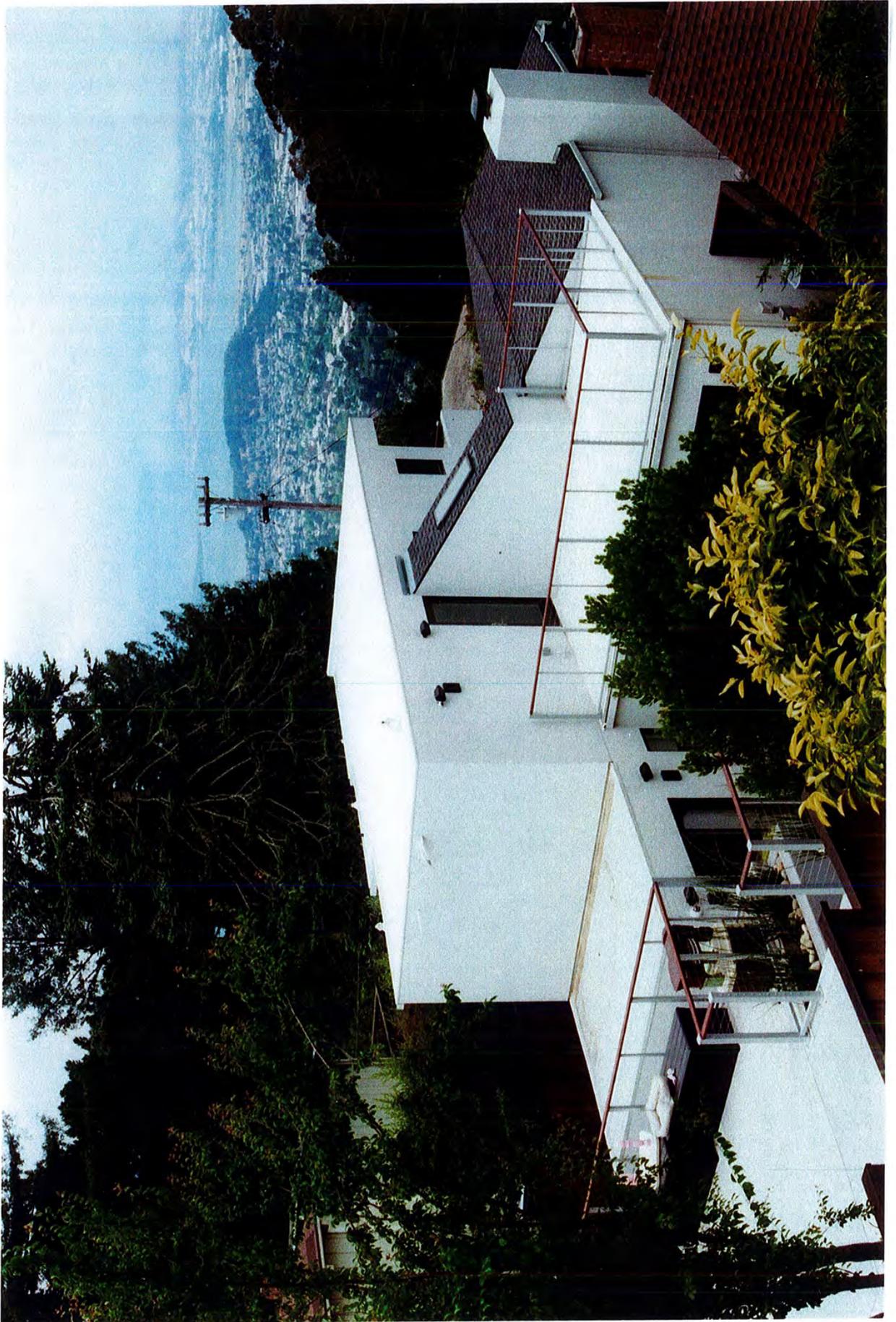
AREA OF ADDITION:  
64 SQ. FT.

NOTE: NO GRADING REQUIRED FOR ADDITION  
NOTE: NO TREES TO BE REMOVED FOR ADDITION



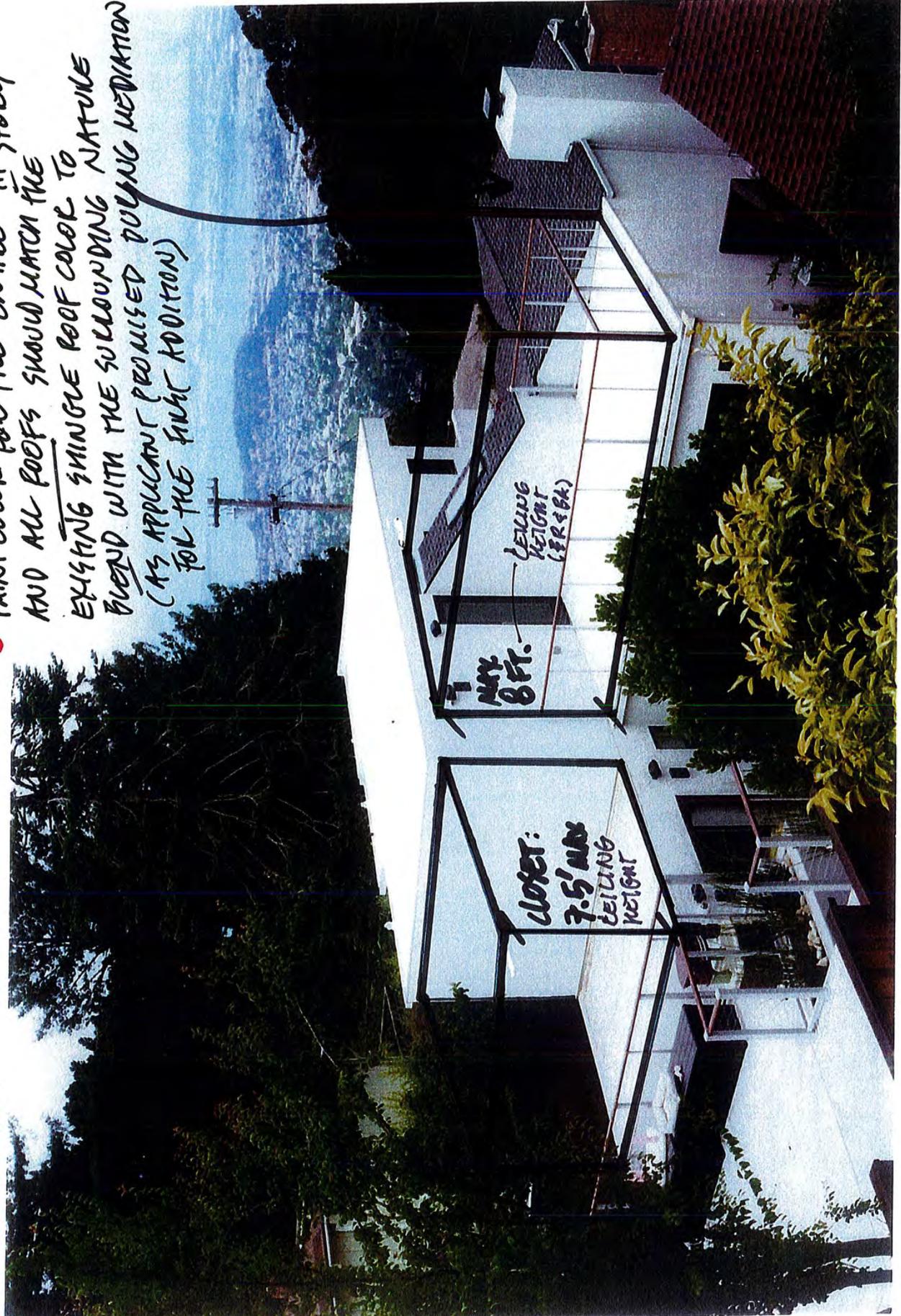
ATTACHMENT 5.

VIEW OF 1449 GRIEZZLY PEAK BLVD.  
FROM 1476 SUMMIT ROAD LIVING ROOM WINDOW



ATTACHMENT 6.A

● PAINT COLOR FOR THE ENTIRE 3<sup>RD</sup> STORY AND ALL ROOFS SHOULD MATCH THE EXISTING SHINGLE ROOF COLOR TO BLEND WITH THE SURROUNDING NATURE (AS APPLICANT PROMISED DURING MEDIATION FOR THE FIRST ADDITION)



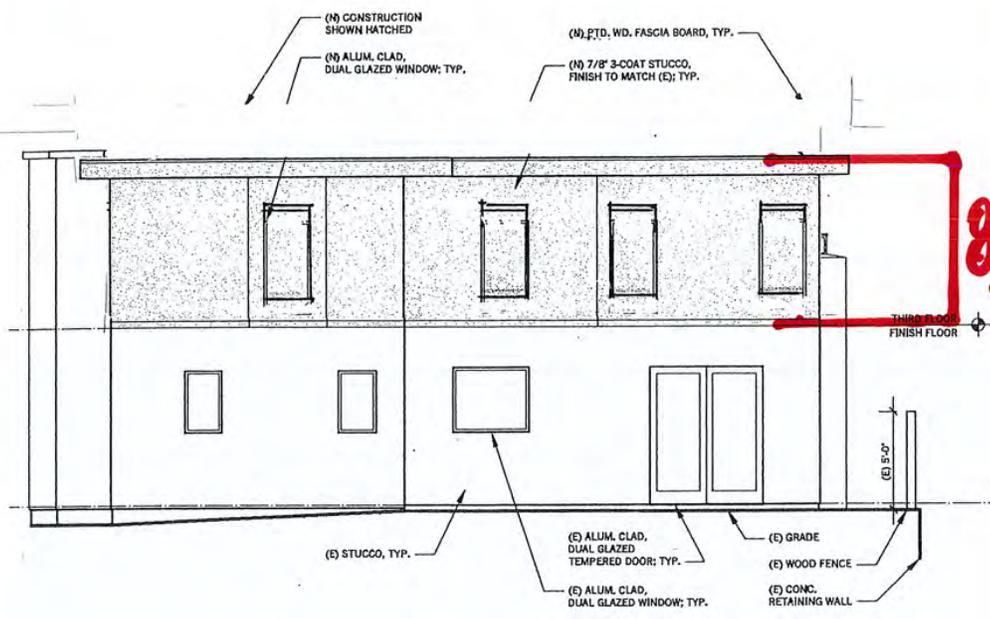
PROPOSED: ● BEDROOM (#5) & BATH (#4) ~ MAX. CEILING HEIGHT: 8 FT. (AS IN MAY 1, 2014 APPROVED PLANS FOR THE PREVIOUS ADDITION)  
● CLOSET CEILING HEIGHT 7.5 FT.

ATTACHMENT  
6B

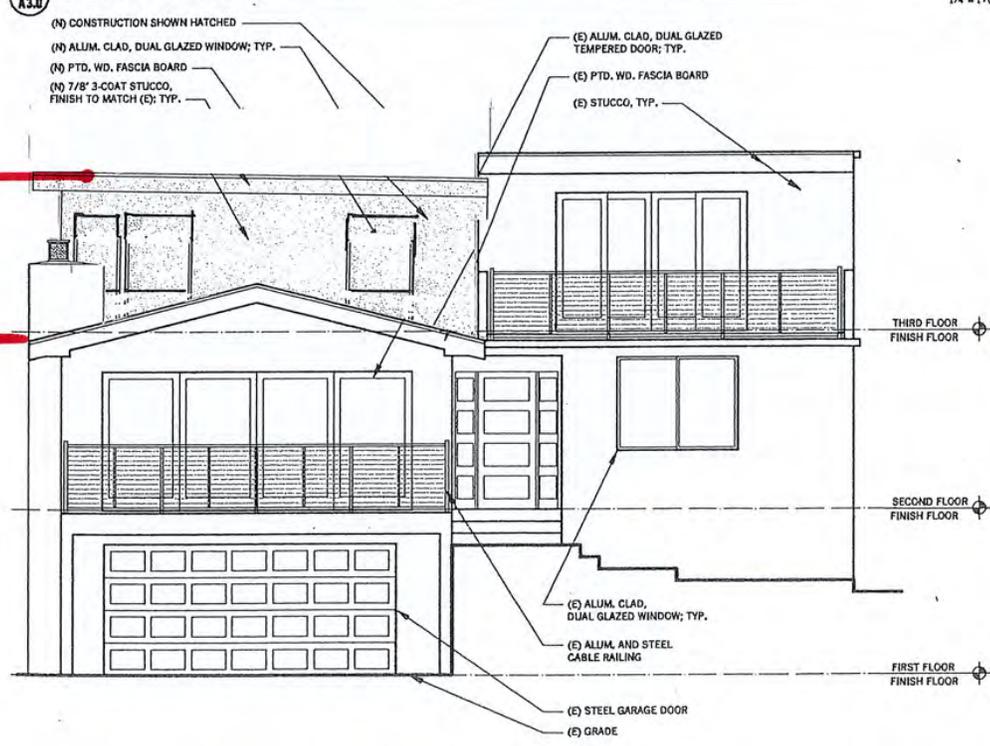
MAXIMUM CEILING HEIGHT 8 FT.

mitche  
holladay  
architects  
1728 martin luther king jr way  
suite 2  
berkeley, ca 94709  
510.728.1051

UBILLUS  
RESIDENCE  
ADDITION  
1449 GRIZZLY PEAK BLVD.  
BERKELEY, CA 94708  
CONSULTANTS



1 REAR (SOUTH EAST) ELEVATION



3 FRONT (NORTH WEST) ELEVATION

ISSUE	DATE
ALP 12/16/2014	06/03/2019

PROPOSED  
EXTERIOR  
ELEVATIONS

A - 3.0

ATTACHMENT 7. (A= PROJECT SITE)



ATTACHMENT 8A



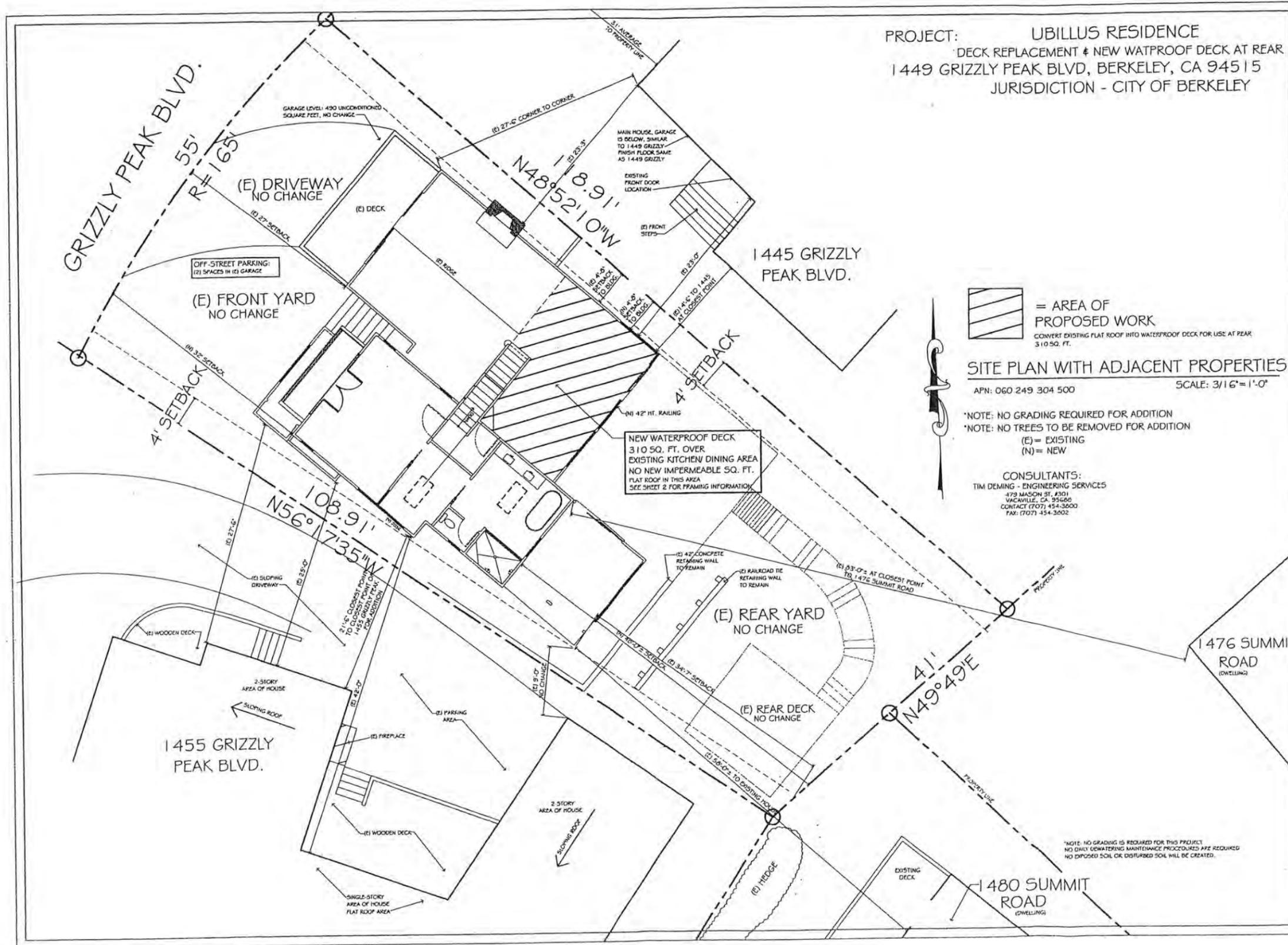
ATTACHMENT 8 B.



ATTACHMENT B.C.



ATTACHMENT 9A



ENGINEERING SERVICES  
 TIM DEMING  
 479 MASON ST. #301  
 VACAVILLE, CA 95680  
 CONTACT (707) 454-3000  
 EMAIL: TD@TIMDEMING.COM

RYAN FERGUSON  
 PHONE: (510) 499-9735  
 EMAIL: R.F.FERGUSON@GMAIL.COM

SITE PLAN W/ NEW DECK LOCATION

SITE PLAN W/ NEW DECK AT EXISTING FLAT ROOF FOR:

**ROBERT & CHERYL UBILLUS**  
 APN: 060 249 304 500  
 1449 GRIZZLY PEAK BLVD.  
 BERKELEY, CA 94708

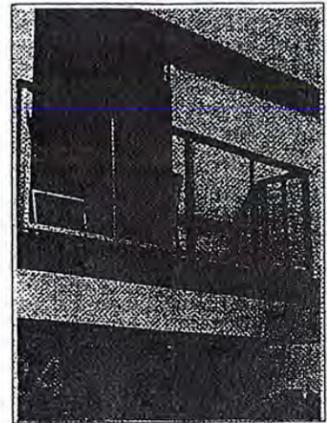
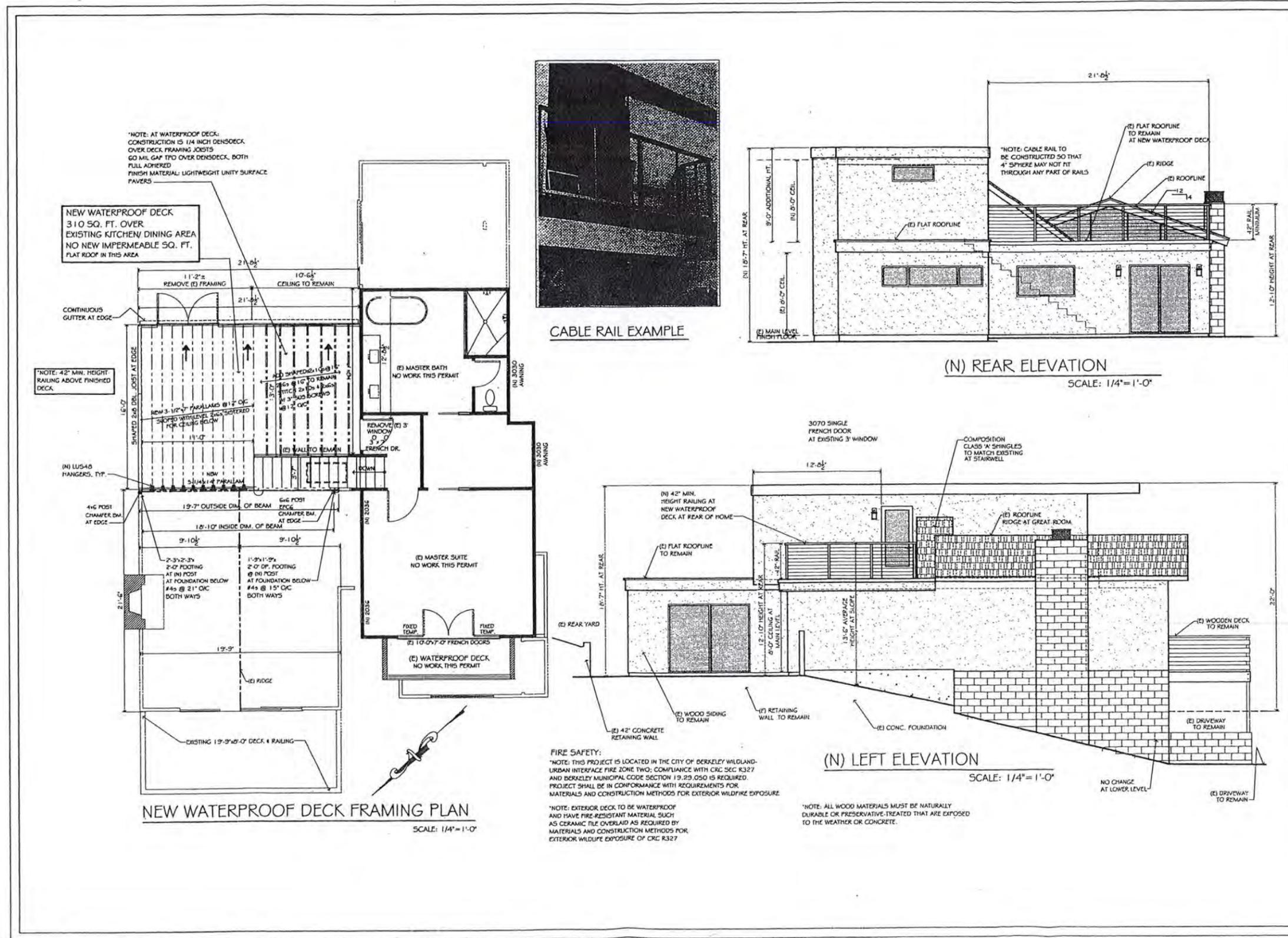
REVISION		
#	DATE	BY
1		

DRAWN R/F  
 CHECKED

DATE 01/25/16  
 SCALE NOTED  
 JOB NO. 1

\*NOTE: NO GRADING IS REQUIRED FOR THIS PROJECT  
 NO DAILY DEWATERING MAINTENANCE PROCEDURES ARE REQUIRED  
 NO EXPOSED SOIL OR DISTURBED SOIL WILL BE CREATED.

ATTACHMENT 9B.



CABLE RAIL EXAMPLE

**FIRE SAFETY:**  
 \*NOTE: THIS PROJECT IS LOCATED IN THE CITY OF BERKELEY WILDLAND-URBAN INTERFACE FIRE ZONE TWO. COMPLIANCE WITH CRC SEC. R327 AND BERKELEY MUNICIPAL CODE SECTION 19.29.050 IS REQUIRED. PROJECT SHALL BE IN CONFORMANCE WITH REQUIREMENTS FOR MATERIALS AND CONSTRUCTION METHODS FOR EXTERIOR WILDFIRE EXPOSURE.  
 \*NOTE: EXTERIOR DECK TO BE WATERPROOF AND HAVE FIRE-RESISTANT MATERIAL SUCH AS CERAMIC TILE OVERLAIN AS REQUIRED BY MATERIALS AND CONSTRUCTION METHODS FOR EXTERIOR WILDFIRE EXPOSURE OF CRC R327

\*NOTE: ALL WOOD MATERIALS MUST BE NATURALLY DURABLE OR PRESERVATIVE-TREATED THAT ARE EXPOSED TO THE WEATHER OR CONCRETE.

ENGINEERING SERVICES  
 479 WASH ST. #301  
 VALLEJO, CA 94590  
 COMMERCIAL@RFGCONSULT.COM

DESIGNER/CONSULTANT  
 RYAN FERGUSON  
 PHONE: (510) 499-9735  
 RG.FERGUSON@GMAIL.COM  
 INSCALE DESIGN



WATERPROOF DECK AT REAR FRAMING  
 NEW REAR AND SIDE ELEVATIONS WITH DECK

A NEW REAR WATERPROOF DECK AT EXISTING FLAT ROOF FOR:

ROBERT & CHERYL UBILLUS  
 APN: 060 249 504 500  
 1449 GRIZZLY PEAK BLVD.  
 BERKELEY, CA 94708

REVISION		
#	DATE	BY
1		
2		

DRAWN R/F  
 CHECKED  
 DATE 01/25/18  
 SCALE NOTED  
 JOB NO.

**URGENT**

DATE 7/18.2019

NO. OF PAGES 3  
(Including Cover Page)

**MESSAGE TO:**

NAME ASHLEY JAMES, AICP ASSOCIATE PLANNER

COMPANY CITY OF BERKELEY PLANNING & DEVELOPMENT

E-MAIL ~~FAX#~~ ajames@CityofBerkeley.info

NOTES PER YOUR REQUEST (7/17.2019) I AM ENCLOSED A PHOTO (F) OF 1449 GUILLY PEARL BLVD. (VIEW FROM 1476 SUMMIT RD.) SHOWING THE REAR YARD BEFORE THE FINAL CONCRETE POUR AND BEFORE THE PROTECTED LIVE OAK (ON THE LEFT) WAS CUT DOWN

**MESSAGE FROM:**

NAME PAMELA SIHVOLA

THE SECOND PHOTO (G) SHOWS THE SAME AREA (IN SPRING TIME) PRIOR TO ANY CONSTRUCTION, WITH ORIGINAL PLANTINGS OF A PEACH TREE, MAGNOLIA, JAPANESE MAPLES, FRUIT TREES, ETC. IN THE REAR YARD.



PHOTO OF 1449 GALEZZY PEARL BLVD. REAR YARD PRIOR TO ANY CONSTRUCTION, SHOWING ORIGINAL PLANTINGS OF A PERSIMMON TREE, MAGNOLIA, FRUIT TREES, JAPANESE MAPLES ETC. (6)



— PHOTO OF 1449 GULLY PEARL BLVD. REAR YARD BEFORE FINAL CONCRETE POUR AND BEFORE THE PROTECTED LIVE OAK (ON THE LEFT) WAS CUT DOWN.

(F)

**URGENT**

DATE 7/18.2019

NO. OF PAGES 3  
(Including Cover Page)

**MESSAGE TO:**

NAME ASHLEY JAMES, AICP ASSOCIATE PLANNER

COMPANY CITY OF BERKELEY PLANNING & DEVELOPMENT

E-MAIL FAX# ajames@CityofBerkeley.info

NOTES PER YOUR REQUEST (7/17.2019) I AM ENCLOSED  
A PHOTO (F) OF 1449 GUILLY PERU BLVD. (VIEW FROM  
1476 SUMMIT RD.) SHOWING THE REAR YARD BEFORE  
THE FINAL CONCRETE POUR AND BEFORE THE PROTECTED  
LIVE OAK (ON THE LEFT) WAS CUT DOWN

**MESSAGE FROM:**

NAME PAMELA SITHOUA

THE SECOND PHOTO (G) SHOWS THE SAME AREA  
(IN SPRING TIME) PRIOR TO ANY CONSTRUCTION,  
WITH ORIGINAL PLANTINGS OF A PERSIMMON  
TREE, MAGNOLIA, JAPANESE MAPLES, FRUIT TREES, ETC.  
IN THE REAR YARD.

Received  
JUL 23 2019  
Land Use Planning



PHOTO OF 1449 GULLZZLY PERU BLVD. REAR YARD BEFORE FINN CONCRETE POUR  
AND BEFORE THE PROTECTED LIVE OAK (ON THE LEFT) WAS CUT DOWN.

Received (F)

JUL 23 2019

Land Use Planning



(6)

PHOTO OF 1449 GALEZZY PEARL BLVD. FROM YARD PRIOR TO ANY CONSTRUCTION, SHOWING  
EXISTING PLANTINGS OF A PENNSYLVANIA TREE, MAGNOLIA, FRUIT TREES, JAPANESE MAPLES  
ETC.

JUL 23 2019

Land Use Planning

**James, Ashley**

---

**From:** Masterworks Fine Art-Rodrigo Ubillus <rod@masterworksfineart.com>  
**Sent:** Thursday, August 8, 2019 2:36 PM  
**To:** James, Ashley; 'Lillian Mitchell'  
**Cc:** 'Masterworks Fine Art-Rodrigo Ubillus'; randcubillus@aol.com  
**Subject:** Photos from neighbors home  
**Attachments:** Proposed structure 1.jpg; Proposed structure 2.jpg

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi Ashley,

I wanted to share 2 photos of the neighbors view.

The first photo is from the front of the neighbors home, in their living room. It is a photo which Pamela provided you. All I did was shade the areas in red which would be the new structure. You can clearly see that she is not impacted or affected by this. This photo is labeled proposed structure 1.

The second photo is a photo which I took myself from Pamela's front door. This is right next to the living room but maybe 10 feet further away from my home but it is closer to my home as it is 15 feet left toward my home as the neighbor's home is not directly behind my home but more off and to the left. You can see in this photo which I included the railing so you can see (human height) where the photo is being taken from. Pardon the photo as it was in the afternoon and a foggy day but you can see that there is a tree between my proposed structure and Pamela's home which blocks a part of the structure. Also I am not blocking any city views from this angle. The foliage/trees I am blocking is extremely limited and shouldn't be an issue or obstruction whatsoever. This photo I am labeling proposed structure 2.

It is hard to get more photos as we are not on speaking terms but her photos she provided really should show enough.

Please, I need to get this process continuing to move forward. Let me know how I can help and or what you need from me.

Thanks.

Rod Ubillus

Masterworks Fine Art, Inc.  
13470 Campus Drive  
Oakland, CA 94619  
t 510.777.9970 | 800.805.7060

f 510.777.9972  
e [rod@masterworksfineart.com](mailto:rod@masterworksfineart.com)  
w [www.masterworksfineart.com](http://www.masterworksfineart.com)













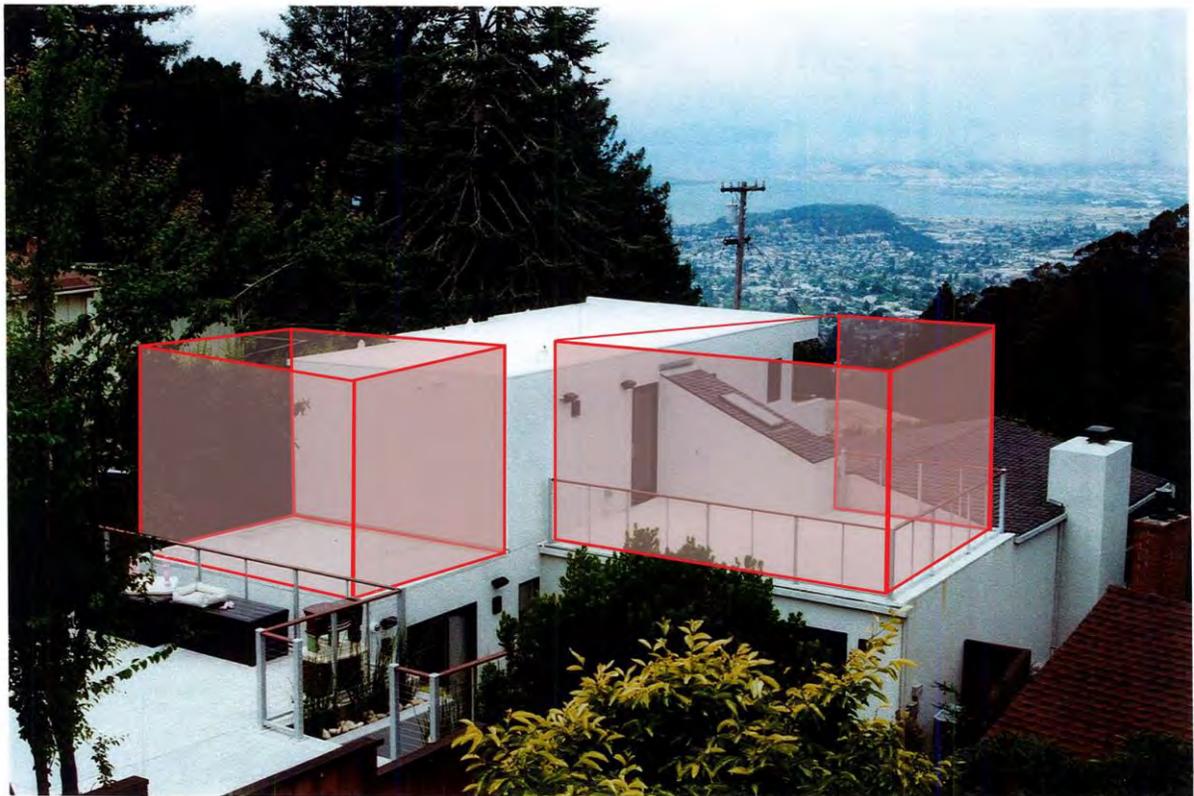




**PROPOSED STRUCTURE DEPICTED IN RED**  
Original photo of the house was provided by resident of 1476 Summit Road

*VIEW OF 1449 GRIZZLY PEAR BLVD.  
FROM 1476 SUMMIT ROAD LIVING ROOM WINDOW*

*ATTACHMENT 5.*





AUP Correction Response Letter-- FIRST REVIEW

Application #: ZP2019-0111

1449 Grizzly Peak Blvd.  
Berkeley, CA 94708

July 18, 2019



**Items Required for Submittal or Correction:**

**1. Application Submittal Requirements.** The following required items were missing from the application submittal, and must be submitted for application completeness:

**a. Applicant Statement.** This application proposes a major addition to a residence located in the R-1 District, Hillside Overlay. The applicant statement asserts the proposed project meets all zoning requirements. However, it appears the existing retaining walls located outside the front property line, as well as the existing concrete patio and perimeter fence at the side and rear property lines do not meet current zoning requirements for accessory buildings and structures and usable open space. Further, the addition exceeds the maximum allowed building height of twenty feet. Please revise the applicant statement to address these discrepancies between existing conditions, current zoning regulations, and describe how the proposal is consistent with the purposes of the H District (refer to BMC Section 23E.96.020). Pursuant to BMC Section 23D.08.060.A.2, an Administrative Use Permit is required to construct a fence above six feet in height.

[Please see revised applicant statement, enclosed.](#)

**b. Pre-Application Poster.** The pre-application poster is not legible in the photo provided; please re-submit the photo so that the text is legible, and staff can confirm the project information.

[Additional photos submitted with the text legible.](#)

**c. Neighbor Pre-Application Contact.** Required for residential projects in residential zones. The site plan must have a signature block with neighbors' signatures. Certified mail receipts have been submitted with the application for the neighbors at 1446 and 1455 Grizzly Peak Blvd, as well as 1476 and 1480 Summit Rd; however, notification via certified mail should only be provided as a last resort. Therefore, please provide a record of the date(s) and time(s) you attempted to contact these neighbors in person.

[Please see attached email from property owner which outlines his attempts to contact his neighbors 1455 and 1446 Grizzly Peak Blvd.. Please also see attached email from neighbor at 1480 Summit Blvd stating no objections to the project. The property owner spoke with the neighbor at 1476 Summit about the project in person. She elected to keep a copy of the drawings, and has sent a letter to you with her comments.](#)

**d. Site Photographs.** The site photographs submitted show the subject property and each adjacent building individually. Please re-submit the required site photographs in a format that shows the entire project site and adjacent buildings together. Include adjacent buildings to the rear of the property. Grayscale is preferred.

[Due to site constraints and vegetation growth it is currently not possible to take unobstructed pictures showing both the neighbor and subject property in the same photograph from Grizzly Peak Blvd. Additional images from the area of work showing the rear neighbors and images of those lots from Summit Road included.](#)

**e. Plans.**

i. All plans must be formatted so that all images and text are legible on an 8½" by 11" sheet of paper. As is, the site plan is illegible at that size. Please provide the site plan on a separate sheet and at a minimum scale of 1/16" on 12" x 18" size paper.

Separate Site Plan provided at 1/8" scale on 11x17 paper.

ii. On each sheet, please add a note below the scale size indicating the scale and both full and reduced size for greater clarity (i.e., 1/4" scale at 24" x 36", 1/8" scale at 12" x 18")

Notes added to clarify drawing scales.

iii. On the Tabulation Form, the existing usable open space is 1,545 square feet in size. Per BMC Section 23D.04.050.F, at least 40% of the total area required as usable open space, exclusive of balconies above the first floor, shall be a landscaped area. As shown on the site plan, 9% of the total usable open space is landscaped area. Please revise the Tabulation Form and site plan, as necessary, to meet this requirement.

Usable open space required to be 400 sf according to Table 1 in the zoning guide. 160 sf min of landscape area to be shown within the usable open space requirement – see revised site plan on sheet A-0.0.

iv. On the Site Plan, provide the distance from the building to each of the adjacent residences.

Site Plan revised to show distances to adjacent residences. We do not have access to the rear neighbor's properties and the topography makes it challenging to get an accurate measurement to the rear neighbor's houses.

v. On the Site Plan, provide the actual, rather than the approximate, height of all fences by measuring the vertical distance from the lowest existing grade point within a three foot radius of any point of such fence, to the highest point of the fence. (BMC Section 23D.08.060.A.2)

Site Plan updated to show exact fence heights. We are requesting that the existing fences that exceed 6' in height be allowed to remain as part of this AUP application.

vi. All plans must be fully dimensioned; label the dimensions of each room on the floor plans.

SF of the addition noted on the plans in the area of work.

vii. On the Building Elevations, please indicate the following:

1. Label the existing Building Elevations on Sheet A-1.0.

Labels added to existing building elevations.

2. Average height on the side (southwest) and rear (southeast) perspectives.

Average height added to the side and rear perspectives.

3. Please hatch all areas of new construction, as noted on the plans.

Areas of new construction shown hatched on the elevations.

4. Provide the ceiling height of the addition at the third floor.

Ceiling height added to the elevations.

viii. On the Section drawings, please indicate the following:

1. Perspective direction (i.e., south, north).

Perspective direction added to sections.

2. Height of the existing fences and retaining walls located in the rear yard. The height of the fence is determined by measuring the vertical distance from the lowest existing grade point within a three foot radius of any point of the fence to its highest point (BMC Section 23D.08.060.A.2.)

Fence heights added to section drawing.

3. Floor-to-ceiling heights and framing, as well as staircases.

Floor to ceiling heights and framing dimensions added.

See A-1.0 for existing staircase dimensions, no changes proposed.

4. Adjacent uphill buildings where views may be affected (which are 1476 and 1480 Summit Road). Show existing and proposed grades, and distance from the existing building and the proposed addition to adjacent buildings.

No grade changes proposed in this permit. One neighbor is hostile, and the other is elderly and is not well. We do not have access to the neighbor's properties to provide this information.

**f. Boundary Survey.** Provide a boundary survey, which will help confirm the location of the existing perimeter fence and extent of the concrete patio in the rear yard on the property.

Property line as surveyed is shown in the site plan, extent of concrete patio shown accurately reflects what exists on site. Rear yard retaining walls to be reviewed in a separate permit.

**g. Shadow Study.** Revise the shadow study to include the following information:

i. The elevation drawings must show all rooms within structures that the shadows from the proposed project will hit. Per the shadow study, the proposed addition will shade additional windows at 1445 Grizzly Peak Boulevard during the Winter Solstice (December 21, 3:00 PM). Indicate the use of those windows.

Use of rooms where windows are shaded indicated on shadow study drawing.

ii. Include a photo of the structures to be affected showing the existing shadows at the application date (or there about) to corroborate the accuracy of the shadow study.

Photo added to corroborate shadows.

**h. Story Poles.** Provide additional photos of the story poles from multiple angles, in order adequately show potential impacts to neighbors' views. The single photo submitted with the application appears to have been taken from the rear yard within the subject property. Provide photos showing the story poles from at least two locations on the property and from Summit Road. Submit documentation to show that the locations and elevations of the story poles accurately depicts the proposed project, such as a measuring stick showing height of the story poles.

Additional photos of the story poles, photos showing a measuring tape against the height of the story poles, and neighbor provided photo with area of view obstruction highlighted provided. It is clear from the image provided by the neighbor that the proposed addition does not significantly block any portion of the neighbor's view of SF or the bay. Photos provided from Summit Road, however due to site conditions there is no view of the story poles from Summit Road.

## Advisory Comments

**1. Planning Division Comments.** Previously, you applied for an Administrative Use Permit (AUP #13-20000050) on April 15, 2013 to construct a 599 square-foot addition to an existing 1,515 square-foot home, consisting of an 84 square-foot addition on the main level and a new 515 square-foot second level. The conditions of approval for AUP #13-20000050 included maintaining the existing wood siding at the main level and constructing a new second level with a stucco exterior. In addition, the existing landscaping, wood deck and retaining walls in the rear yard were to remain as existing. However, according to the application materials submitted on June 19, 2019 the existing exterior material is stucco and the rear yard consists of a 1,395 square-foot concrete patio, connected by concrete stairs and surrounded by a perimeter fence ranging in height from 5 feet, 5 inches to 14 feet. Please submit a copy of the finalized, signed Building Permit Planset confirming these changes were approved by Planning staff.

We reviewed the building permit set we have on file dated 11/29/14 and the elevations show wood siding, so it is our assumption that the AUP dated 03/15/13 also had wood siding. We would like to include the stucco siding for approval in this permit.

A separate building permit application will be submitted for the existing retaining walls and concrete stairs in the rear yard.

In addition, Building and Safety Division staff have reviewed the submitted plans and determined the existing retaining wall in the rear yard requires a building permit. Please contact the Permit Service Center at (510) 981-7500 for more information.

We have started consultations with structural engineers to begin putting together an application for a building permit for the existing retaining walls and concrete stairs in the rear yard.

Finally, I have attached a comment letter received on July 17, 2019, from the resident at 1476 Summit Road. Please review and consider the comments as you move forward in the preliminary site plan and design process.

The neighbor's letter has been reviewed and their comments are being considered. At this point in time, however, we'd like to move forward with the application as currently presented, and hope to work with the neighbor at 1476 Summit Road on her concerns.

**2. Department Comments.** This application may be routed to other city departments for comments. These comments will be forwarded to you when they are received. Please respond to **all** department comments, and include revisions and response with your next submittal to Planning. Further revisions to the application may be required based upon your response to these items.

Noted.

This concludes our responses to the AUP correction letter – FIRST REVIEW received July 18th regarding our application for an AUP permit for 1449 Grizzly Peak Blvd. Please feel free to contact us for further clarification on any of these items at 510.705.1061.

June 19, 2019  
*Revised July 31, 2019*

Ashley James  
Planning & Development Department  
City of Berkeley

Re: Application Statement  
1449 Grizzly Peak Blvd.  
Berkeley, CA 94708

The attached permit application proposes to construct a 500 sq. ft. second/third floor addition to an existing 2,791 sq. ft., 3-story residence located at 1449 Grizzly Peak Blvd. The new addition is located at two existing roof decks and therefore, does not expand the existing footprint of the residence. It includes a new walk-in closet, bedroom, and bath.

The design and finishes at the addition have been chosen to match or compliment the finishes at the existing residence. The proposed finishes at the addition include stucco and aluminum clad wood windows which will match the existing siding and windows. The new roof will be flat with deep overhangs to also match the existing roofing.

The property is located in R-1H zoning. The addition has an average height of 24'-8" *at the northeast side, and an average height of 21'-0" at the rear (28' maximum allowed in R-1 zoning). The addition has a maximum height of 25'-6" measured from grade at the northeast side, and a maximum height of 21'-6" at the rear. The maximum allowable height for all residential additions within the H overlay District is 20'. We are requesting the additional height under this AUP application per Section 23D.08.010 B and 23E.96.090B. Like many properties in the H overlay District, this property has a relatively steep topography and has rear abutting neighbors that are at much higher elevation. Because of the topography of this property and the neighboring properties, the additional requested height will not block any views for the rear neighbors (see attached photo provided by the neighbor at 1476 Summit Road showing the story poles). The neighbor to the northeast who would be the only neighbor affected by shadows created by the new addition has no objections to the project moving forward.*

*We are further requesting that the existing fences that are above 6' height be allowed to remain, as a part of the AUP application.*

The lot coverage of 30% (40% maximum) will remain the same. The new addition is within the required setbacks (20' at rear/front and 4' at side yards). *The property currently has almost 1,400 s.f. of useable open space, well over the required 400 s.f.. With this revised application we are creating 160 s.f. of landscaped area within the existing useable open*

*space, meeting the requirement of 40% landscaped area of the required open space per 23D.04.050 F. See revised Site Plan on sheet A-0.0.*

The addition maintains the existing character of the house and the owner has either obtained signatures from all of the adjacent and abutting property owners or sent them plans via certified mail (after attempting to obtain their signatures in person). *For the neighbor at 1480 Summit Road, please see enclosed copy of email correspondence regarding the proposed project – stating no objections. Also enclosed is an email from the property owner stating his repeated attempts to contact the neighbors at 1455 Grizzly Peak Blvd, and at 1446 Grizzly Peak Blvd as well.*

*Please let us know if you have any further questions.*

Sincerely,

A handwritten signature in black ink, appearing to read "Lillian Mitchell".

Lillian Mitchell, architect, leed ap  
Mitchell Holladay Architects



1476 SUMMIT RD. NIEGHBOR FROM SUBJECT PROPERTY



1480 SUMMIT RD. NIEGHBOR FROM SUBJECT PROPERTY



1480 SUMMIT ROAD STREET VIEW



1476 SUMMIT ROAD STREET VIEW

mitche  
holladay architects

1708 martin luther king jr way, suite b  
berkeley, ca 94709



1476 SUMMIT RD. NIEGHBOR FROM SUBJECT PROPERTY



1480 SUMMIT RD. NIEGHBOR FROM SUBJECT PROPERTY



1480 SUMMIT ROAD STREET VIEW



1476 SUMMIT ROAD STREET VIEW

mitche||  
holladay architects

1708 martin luther king jr way, suite b  
berkeley, ca 94709



VIEW FROM FENCE BETWEEN 1480 SUMMIT ROAD AND SUBJECT PROPERTY



VIEW FROM FENCE BETWEEN 1476 SUMMIT ROAD AND SUBJECT PROPERTY



STORY POLE HEIGHT SHOWN AS 11'- 4"



PHOTO PROVIDED BY NEIGHBOR AT 1476 SUMMIT ROAD  
PORTION OF VIEW TO BE OBSTRUCTED SHOWN YELLOW

mitche||  
holladay architects

1708 martin luther king jr way, suite b  
berkeley, ca 94709



1449 GRIZZLY PEAK BLVD. YELLOW POSTER



PHOTO TAKEN AT 11:35 AM ON 7/23/2019 TO VERIFY SHADOW STUDY SHADOWS



1449 GRIZZLY PEAK BLVD. YELLOW POSTER



1449 GRIZZLY PEAK BLVD. YELLOW POSTER



Lillian Mitchell <lillian@mitchellholladay.com>

---

**(no subject)**

1 message

---

**Masterworks Fine Art- Rodrigo Ubillus** <rod@masterworksfineart.com>

Mon, Jul 29, 2019 at 9:16 AM

To: Lillian Mitchell <lillian@mitchellholladay.com>

Hi Lillian,

This is to confirm that I went to 1455 in 3 separate occasions and I didn't find anyone there. The tenants that live there are always at work.

I also went to 1446 and nobody lives in the home. Mr. Volkmer the owner now lives in point Richmond and the house I vacant. I called his cell phone 2 times and home phone once and no response.

Please move forward.

Thanks

Sent from my iPhone



Lillian Mitchell <lillian@mitchellholladay.com>

---

## Fwd: 1449 Grizzly Peak Renovation

1 message

---

**Masterworks Fine Art- Rodrigo Ubillus** <rod@masterworksfineart.com>

Sat, Jul 27, 2019 at 9:47 PM

To: Lillian Mitchell <lillian@mitchellholladay.com>

Sent from my iPhone

Begin forwarded message:

**From:** Michel McCoy <michelmccoy@rocketmail.com>

**Date:** July 27, 2019 at 6:22:43 PM PDT

**To:** Rod Ubillus <rod@masterworksfineart.com>

**Cc:** "Adriana Quintero Esq." <aqlaw@outlook.com>

**Subject:** Re: **1449 Grizzly Peak Renovation**

Rod,

My name is Michel McCoy of [647 San Luis Road, Berkeley](#). I am the trustee of my 94 year-old aunt, Catherine Feucht of [1480 Summit Road, Berkeley](#), and also have power of attorney. Our lawyer, who drew up all of the legal arrangements, is Adriana Quintero, who is local. I have been at my aunt's house recently and have observed the posts that have been put up describing the highest elevations of the proposed improvement to your home. As long as these are true to the plans (it is hard looking at the plans to actually understand the work easily), I have no objections to your moving ahead with the work. Of course, my chief concern is my aunt potentially losing her view of the bay, which could affect her property value. However, the posts do not rise sufficiently from my observation to create a such a problem, so as long as these are true to the plans, I have no objections. I understand your need to create room for a growing family.

Best, Michel

On Jul 25, 2019, at 6:21 PM, Rod Ubillus <rod@masterworksfineart.com> wrote:

Dear Michel,

I hope your wife's is well and her spirits are up. Can you please review email and reply.

Dear Michel,

Sorry for the intrusion. The city is requesting that I send you this email. I didn't want to use the past emails as some were personal.

The city wants me to receive a signature or email that you know that I am submitting and application for a building permit and that you approve of me doing the project. My home address is [1449 Grizzly Peak Blvd. Berkeley CA 94708](#).

I am also confirming that you are the Trustee for you aunt whom is my neighbor Catherine Feucht at [1489 Summit rd. Berkeley](#).

Could you please reply in this email. I am attaching the plans for construction so you can see.

My very best,

Rod

Rod Ubillus

Masterworks Fine Art, Inc.  
13470 Campus Drive  
Oakland, CA 94619  
t 510.777.9970 | 800.805.7060  
f 510.777.9972  
e [rod@masterworksfineart.com](mailto:rod@masterworksfineart.com)  
w [www.masterworksfineart.com](http://www.masterworksfineart.com)

<UBILLUS A-1.0 demo plan.pdf><UBILLUS A-3.0 exterior elevations A-3.pdf><UBILLUS A-2.0 proposed floor plans.pdf><UBILLUS A-0.0 cover sheet site plan A-0.pdf>





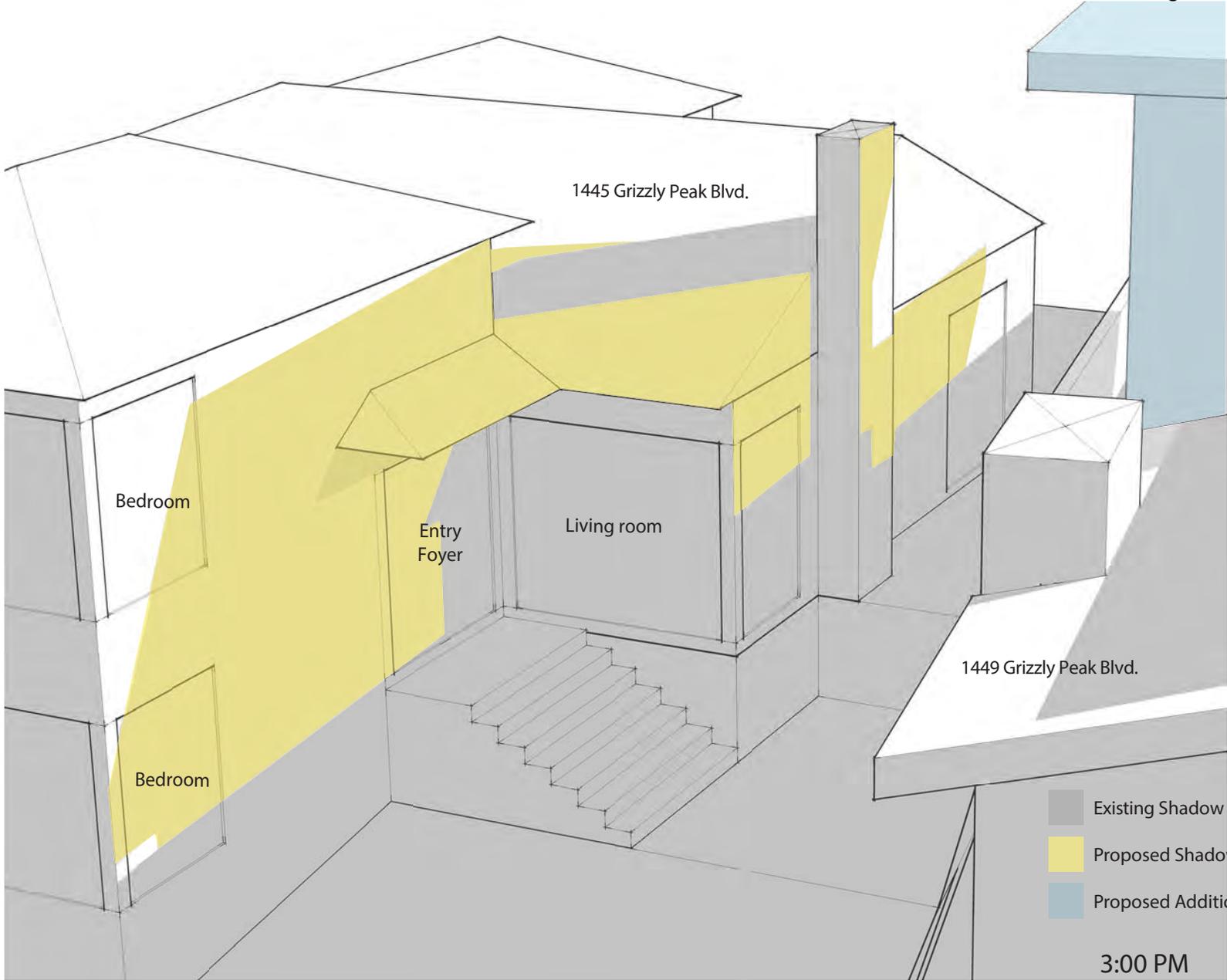


mitche||  
holladay architects

1708 martin luther king jr way, suite b  
berkeley, ca 94709

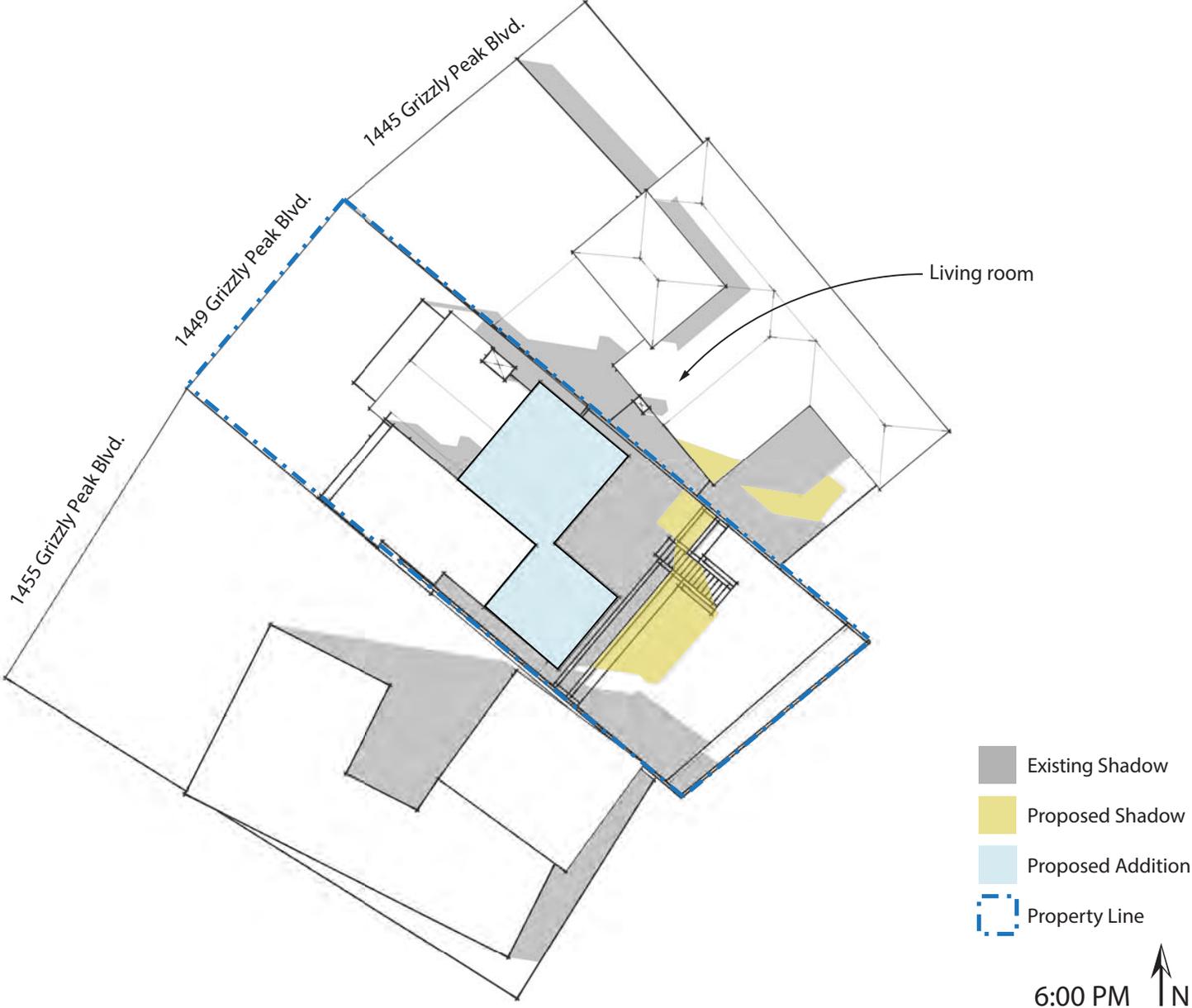
Winter Solstice Shadow Study December 21st

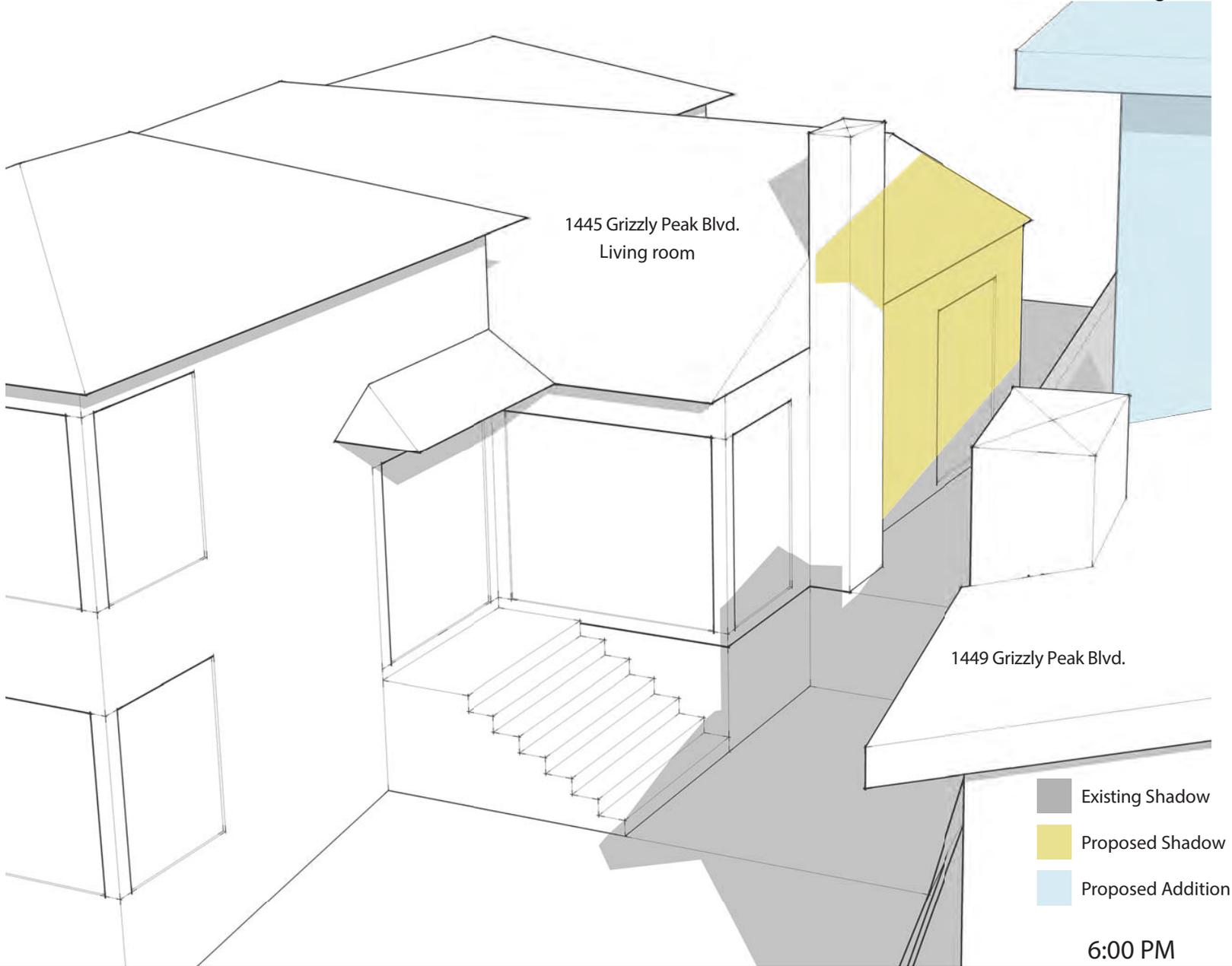
All buildings being shadowed are shown on the diagram.





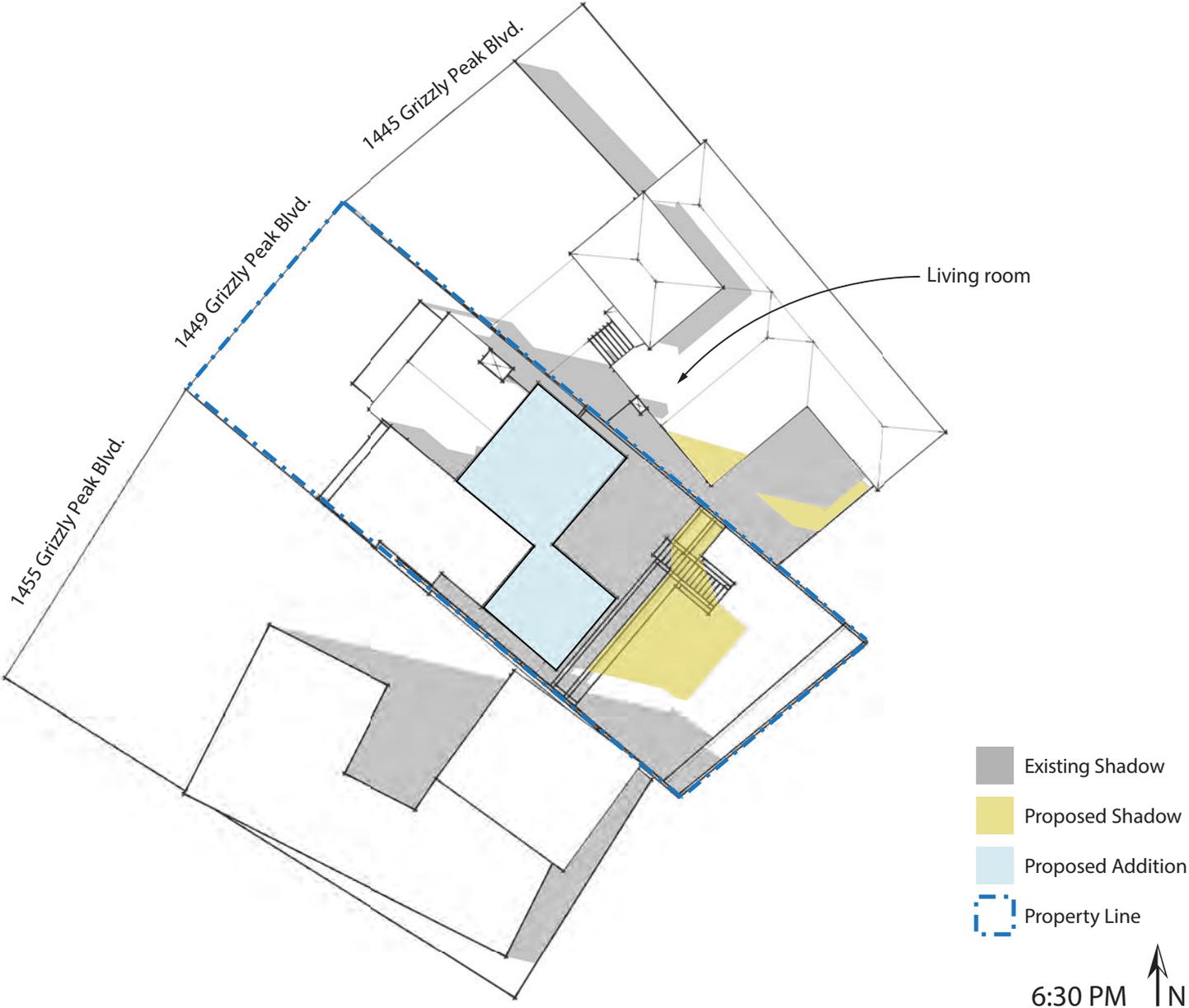


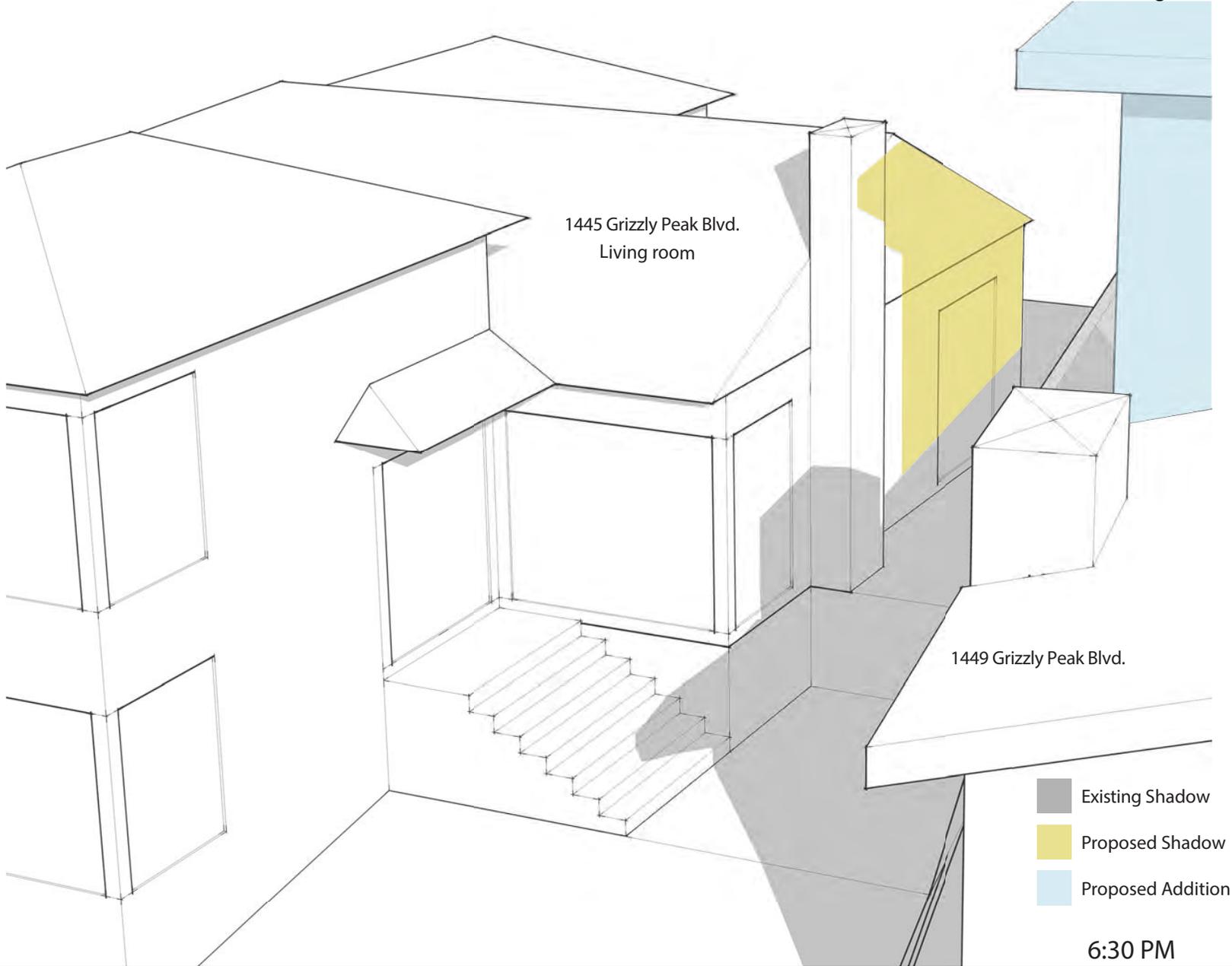










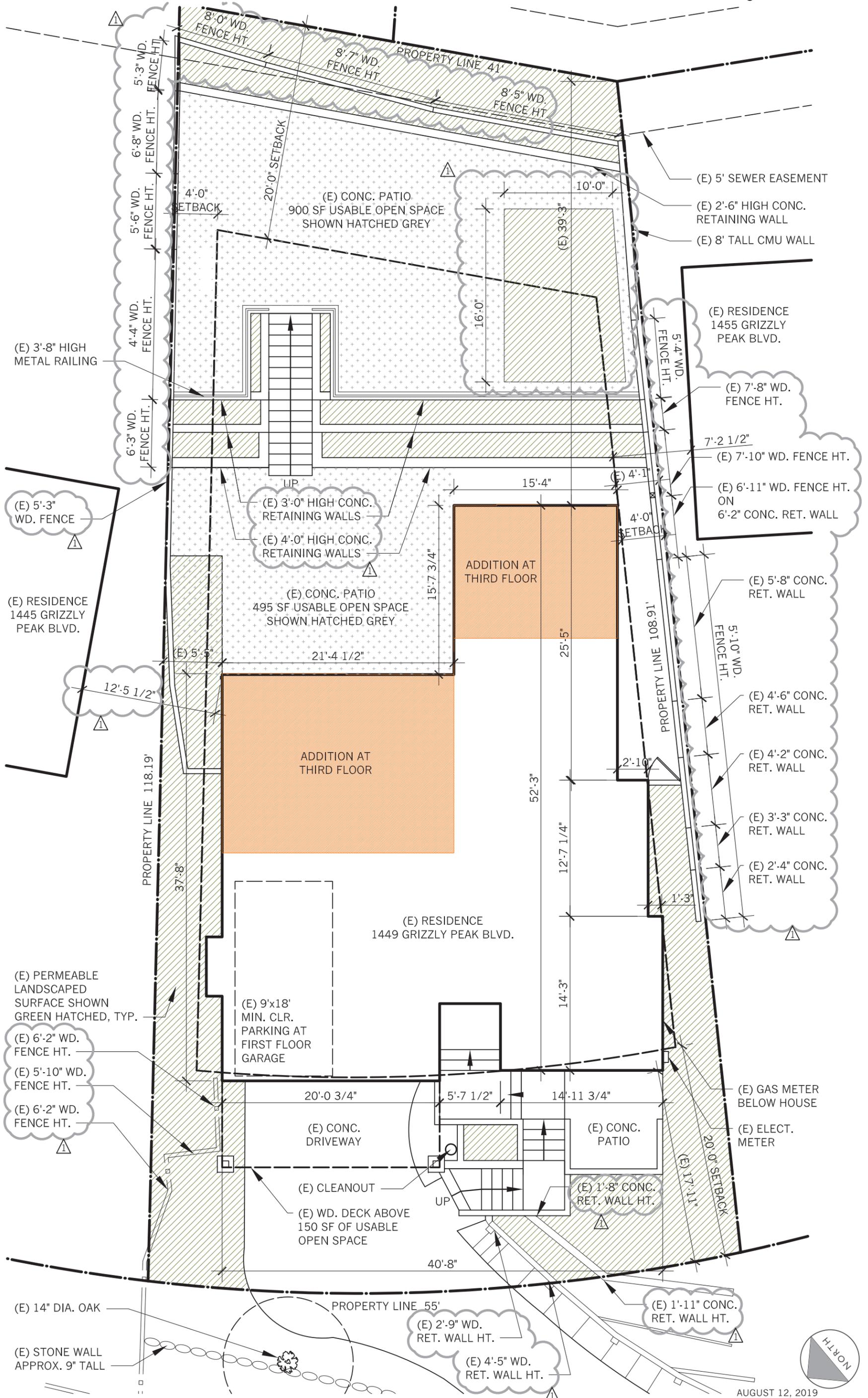


mitche||  
holladay architects

1708 martin luther king jr way, suite b  
berkeley, ca 94709

Application Date Shadow Study June 14th

All buildings being shadowed are shown on the diagram.



AUGUST 12, 2019





1708 martin luther king jr way  
suite b  
berkeley, ca 94709  
510.705.1061

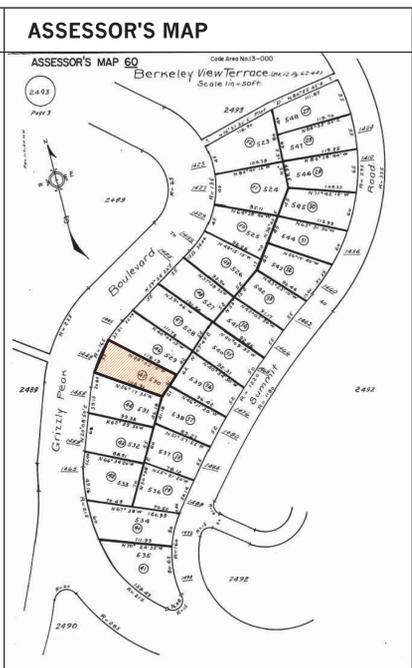
**UBILLUS RESIDENCE ADDITION**

1449 GRIZZLY PEAK BLVD.  
BERKELEY, CA 94708

CONSULTANTS

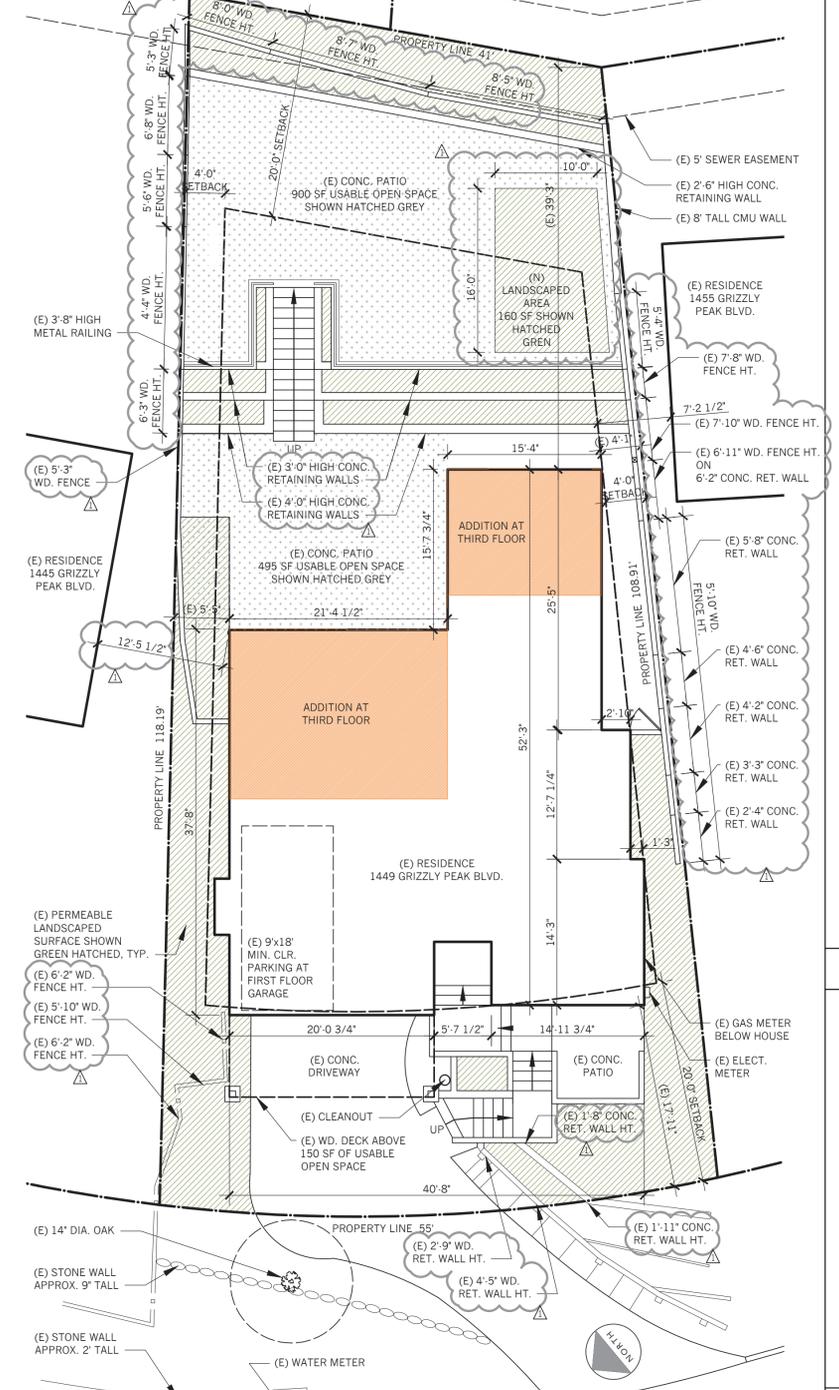
- ### BEST MANAGEMENT PRACTICES
- SAND, DIRT, AND SIMILAR MATERIALS MUST BE STORED AT LEAST 10 FEET FROM CATCH BASINS, AND COVERED WITH A TARP DURING WET WEATHER OR WHEN RAIN IS FORECAST.
  - SWEEP STREETS AND OTHER PAVED AREAS DAILY. DO NOT WASH DOWN STREETS OR WORK AREAS WITH WATER.
  - RECYCLE ALL ASPHALT, CONCRETE, AND AGGREGATE BASE MATERIAL FROM DEMOLITION ACTIVITIES.
  - CHECK DUMPSTERS REGULARLY FOR LEAKS AND TO MAKE SURE THEY DON'T OVERFLOW. REPAIR OR REPLACE LEAKING DUMPSTERS PROMPTLY.
  - LABEL ALL HAZARDOUS MATERIALS AND HAZARDOUS WASTES (SUCH AS PESTICIDES, PAINTS, THINNERS, SOLVENTS, FUEL, OIL, AND ANTIFREEZE) IN ACCORDANCE WITH CITY, STATE, AND FEDERAL REGULATIONS.
  - STORE HAZARDOUS MATERIALS AND WASTES IN SECONDARY CONTAINMENT AND COVER THEM DURING WET WEATHER.
  - BE SURE TO ARRANGE FOR APPROPRIATE DISPOSAL OF ALL HAZARDOUS WASTES.
  - WHEN SPILLS OR LEAKS OCCUR (HAZARDOUS OR NON-HAZARDOUS), CONTAIN THEM IMMEDIATELY AND BE PARTICULARLY CAREFUL TO PREVENT LEAKS AND SPILLS FROM REACHING THE GUTTER, STREET, OR STORM DRAIN. NEVER WASH SPILLED MATERIAL INTO A GUTTER, STREET, STORM DRAIN, OR CREEK.
  - REPORT ANY HAZARDOUS MATERIALS SPILLS IMMEDIATELY! DIAL 911 OR YOUR LOCAL EMERGENCY RESPONSE NUMBER.
  - DO NOT CLEAN VEHICLES OR EQUIPMENT ON-SITE USING SOAPS, SOLVENTS, DEGREASERS, STEAM CLEANING EQUIPMENT, ETC.
  - KEEP EXCAVATED SOIL ON THE SITE WHERE IT IS LEAST LIKELY TO COLLECT IN THE STREET. TRANSFER TO DUMP TRUCKS SHOULD TAKE PLACE ON THE SITE, NOT IN THE STREET.
  - USE FIBER ROLLS, SILT FENCES, OR OTHER CONTROL MEASURES TO MINIMIZE THE FLOW OF SILT OFF THE SITE. SEE SITE PLAN FOR SPECIFIC MEASURES.
  - SHOVEL, ABSORB, OR VACUUM SAW CUT SLURRY AND PICK UP ALL WASTE AS SOON AS YOU ARE FINISHED IN ONE LOCATION OR AT THE END OF EACH WORK DAY (WHICHEVER IS SOONER!).
  - IF SAW CUT SLURRY ENTERS A CATCH BASIN, CLEAN IT UP IMMEDIATELY.
  - PROTECT GUTTERS, DITCHES, AND DRAINAGE COURSES WITH SAND/GRAVEL BAGS, OR EARTHEN BERMS.
  - BE SURE TO STORE CONCRETE, GROUT, AND MORTAR UNDER COVER AND AWAY FROM DRAINAGE AREAS. THESE MATERIALS MUST NEVER REACH A STORM DRAIN.
  - WASH OUT CONCRETE EQUIPMENT/TRUCKS OFF-SITE.
  - NEVER RINSE PAINT BRUSHES OR MATERIALS IN A GUTTER OR STREET.
  - PAINT OUT EXCESS WATER-BASED PAINT BEFORE RINSING BRUSHES, ROLLERS, OR CONTAINERS IN A SINK. IF YOU CAN'T USE A SINK, DIRECT WASH WATER TO A DIRT AREA AND SPADE IN IT.
  - PAINT OUT EXCESS OIL-BASED PAINT BEFORE CLEANING BRUSHES IN THINNER.
  - FILTER PAINT THINNERS AND SOLVENTS FOR REUSE WHENEVER POSSIBLE. DISPOSE OF OIL-BASED PAINT SLUDGE AND USEABLE THINNER AS HAZARDOUS WASTE.

- ### GENERAL NOTES
- ALL WORK SHALL CONFORM TO THE CALIFORNIA RESIDENTIAL CODE, 2016 EDITION; CALIFORNIA PLUMBING CODE, 2016 EDITION; CALIFORNIA MECHANICAL CODE, 2016 EDITION; CALIFORNIA ELECTRICAL CODE, 2016 EDITION; 2016 ENERGY CODE; CITY OF BERKELEY ORDINANCES, ALAMEDA COUNTY REQUIREMENTS AND ALL OTHER APPLICABLE CODES AND ORDINANCES.
  - THE CONTRACTOR SHALL VERIFY ALL CONDITIONS AND DIMENSIONS ON THE SITE PRIOR TO BEGINNING WORK. CONTRACTOR SHALL FAMILIARIZE HIM/HERSELF WITH VERTICAL AND LATERAL LOAD TRANSFER THROUGH FRAMING TO FOUNDATION. DIMENSIONS, FOUNDATION LAYOUT, FRAMING LAYOUT, LOAD TRANSFER THROUGH NEW AND EXISTING FRAMING TO FOUNDATION LOCATION OF BEAMS, BRACING, ETC. SHOULD ALL BE VERIFIED PRIOR TO ACTUAL CONSTRUCTION. VARIANCE BETWEEN THE DRAWINGS AND THE ACTUAL SITE CONDITIONS, AND ANY ERRORS OR OMISSIONS FOUND IN THE DRAWINGS, SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT BEFORE PROCEEDING WITH THE WORK. UPON DISCOVERY OF UNFORESEEN CONDITIONS ON THE SITE, THE CONTRACTOR SHALL STOP THE WORK AND REQUEST ADDITIONAL INFORMATION FROM THE ARCHITECT. THE CONTRACTOR SHALL NOTIFY THE ARCHITECT WHEN THE EXISTING STRUCTURE HAS BEEN EXPOSED.
  - DURING DEMOLITION CONTRACTOR IS TO CAP ALL ELECTRICAL OUTLETS, SWITCHES AND UTILITIES PER CODE. NOTIFY OWNER 24 HOURS PRIOR TO ANY INTERRUPTION IN POWER OR UTILITIES.
  - BRACE AND SUPPORT EXTERIOR AND INTERIOR WALLS AS NECESSARY PRIOR TO REMOVAL OF EXISTING STRUCTURE SO AS TO PREVENT ANY MOVEMENT OF THE EXISTING STRUCTURE. THE GENERAL CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR PROVIDING ADEQUATE SHORING AND BRACING DURING CONSTRUCTION FOR VERTICAL AND LATERAL LOADS AS REQUIRED FOR THE PROTECTION OF LIFE AND PROPERTY DURING CONSTRUCTION.
  - WRITTEN DIMENSIONS SHOWN IN THE DRAWINGS ARE TO FACE OF FINISH UNLESS OTHERWISE NOTED. THEY SHALL HAVE PRECEDENCE OVER ANY SCALED DIMENSIONS. THE CONTRACTOR SHALL NOT USE SCALED DIMENSIONS. DETAIL DRAWINGS HAVE PRECEDENCE OVER MORE GENERAL DRAWINGS.
  - THE CONTRACTOR SHALL GUARANTEE ALL NEW WORK AGAINST LEAKS FOR A PERIOD OF TWO YEARS FOLLOWING COMPLETION OF THE WORK.
  - THE CONTRACTOR SHALL BE RESPONSIBLE FOR RESTORING TO ORIGINAL CONDITION, AT HIS OWN EXPENSE, ANY DAMAGE DONE BY HIM OR HIS AGENTS TO THE EXISTING BUILDINGS OR GROUNDS.
  - THE CONTRACTOR SHALL INSTALL ALL PRODUCTS AND MATERIALS IN ACCORDANCE WITH THE MANUFACTURER'S SPECIFICATIONS AND IN ACCORDANCE WITH THE LATEST EDITION OF TRADE STANDARDS, PUBLISHED BY THE TRADE ASSOCIATIONS.
  - THE CONTRACTOR SHALL COMPLY WITH ALL APPLICABLE PORTIONS OF TITLE 24 OF THE CALIFORNIA ADMINISTRATIVE CODE.
  - DIMENSIONS, LOCATIONS OF DOORS, PARTITIONS, CABINET WORK AND SIMILAR FEATURES TO BE VERIFIED ON SITE.
  - IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO COORDINATE LAYOUT OF ALL THE VARIOUS COMPONENTS OF THE CONSTRUCTION AS REQUIRED TO ACCOMMODATE THE ELECTRICAL LAYOUT INDICATED. SPECIAL ATTENTION SHOULD BE GIVEN TO FRAMING LAYOUT TO AVOID CUTTING AND REFRAMING TO ACHIEVE PROPER LOCATIONS FOR FIXTURES.
  - THE ARCHITECT DOES NOT ASSUME RESPONSIBILITY FOR THE EXISTENCE OF HAZARDOUS MATERIAL NOR ASSUME RESPONSIBILITY FOR THEIR MANAGEMENT. SHOULD THE CONTRACTOR ENCOUNTER ANY HAZARDOUS MATERIALS IN THE PERFORMANCE OF HIS WORK, THE CONTRACTOR SHALL NOTIFY THE OWNER IMMEDIATELY AND PROCEED WITH WORK ONLY IN COMPLIANCE WITH APPLICABLE HAZARDOUS MATERIAL HANDLING REGULATIONS.
  - DIVERT CONSTRUCTION AND DEMOLITION WASTE AS FOLLOWS:  
A. DIVERT ALL CARDBOARD, CONCRETE, ASPHALT AND METALS.  
B. DIVERT 25% C&D WASTE, EXCLUDING ALL CARDBOARD, CONCRETE, ASPHALT, AND METALS.

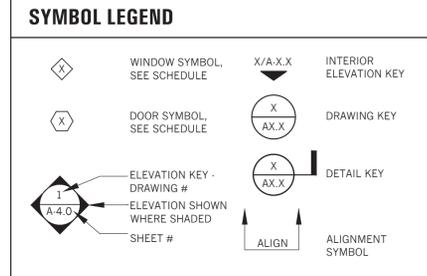


### SITE PLAN

1/8" = 1'-0" AT 24" x 36"  
1/16" = 1'-0" AT 12" x 18"



- ### DRAWING INDEX
- A-0.0 COVER SHEET
  - A-1.0 DEMO PLANS AND EXISTING ELEVATIONS
  - A-2.0 PROPOSED FLOOR PLAN AND ROOF PLAN
  - A-3.0 PROPOSED EXTERIOR ELEVATIONS
  - A-4.0 SECTION



### PROJECT DATA

CLIENTS:  
CHERYL AND RODRIGO UBILLUS  
1449 GRIZZLY PEAK BLVD.  
BERKELEY, CA 94708

PROJECT SCOPE:  
REAR ADDITION OF 500 SQ. FT. AT THE THIRD FLOOR, INCLUDING A BEDROOM, BATHROOM, AND WALK-IN CLOSET.

ZONING: R1-H  
APN: 60-2493-45  
FLOOD ZONE: NO  
FIRE ZONE: 2  
LANDSLIDE ZONE: YES  
FIRE SPRINKLERS: NONE  
OCCUPANCY: R-3  
CONSTRUCTION TYPE: V-B  
AVG. LOT SLOPE: 15%

### NEIGHBOR'S SIGNATURES

I HAVE REVIEWED THE DRAWINGS FOR THE PROPOSED ADDITION AT 1449 GRIZZLY PEAK BLVD. WHICH INCLUDES 500 SF AT THE SECOND FLOOR.

NAME (PRINTED)	SIGNATURE	ADDRESS	OWNER YES/NO	DATE	HAVE NO OBJECTIONS	COMMENTS OR OBJECTIONS (PLEASE STATE BRIEFLY)
		1444 GRIZZLY PEAK BLVD.				
		1445 GRIZZLY PEAK BLVD.				
		1446 GRIZZLY PEAK BLVD.				
		1448 GRIZZLY PEAK BLVD.				
		1452 GRIZZLY PEAK BLVD.				
		1455 GRIZZLY PEAK BLVD.				
		1476 SUMMIT RD.				
		1480 SUMMIT RD.				

### TABULATION FORM

	Existing	Proposed	Permitted/Required
<b>Units, Parking Spaces &amp; Bedrooms</b>			
Number of Dwelling Units (F)	1	1	
Number of Parking Spaces (F)	1	1	
Number of Bedrooms (F)	4	5	
<b>Yards and Height</b>			
Front Yard Setback (Feet)	17'-11"	NA	20
Side Yard Setbacks (Feet)			
Left (Feet)	5'-5"	NA	4
Right (Feet)	4'-1"	NA	4
Rear Yard Setback (Feet)	39'-3"	NA	20
Building Height* (# Stories)	3	3	3
Average* (Feet)	22'-8"	24'-8"	14
Maximum* (Feet)	28'-8"	28'-8"	20
<b>Areas</b>			
Lot Area (Square-Feet)	5,528	NA	NA
Gross Floor Area* (Square-Feet)	2,791	3,291	NA
Total Area Covered by All Floors (Square-Feet)	1,659	NA	NA
Building Footprint* (Square-Feet)	1,659	NA	NA
Lot Coverage* (Footprint/Lot Area) (%)	30%	NA	40%
Usable Open Space* (Square-Feet)	1,545	NA	400
Floor Area Ratio* Non-Residential only (Except ES-R)	NA	NA	NA

\*See Definitions - Zoning Ordinance Title 23F. Revised: 03/15

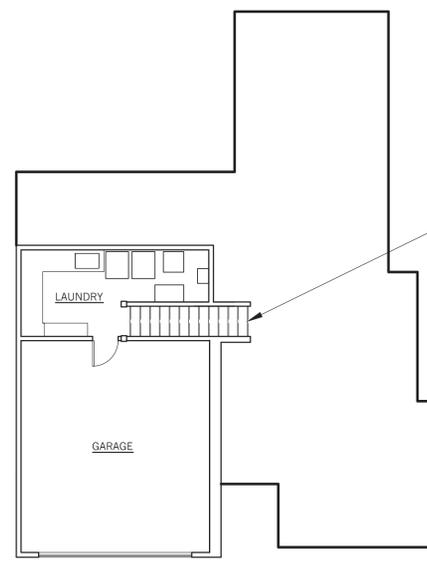
COVER SHEET

A - 0.0

**UBILLUS  
RESIDENCE  
ADDITION**

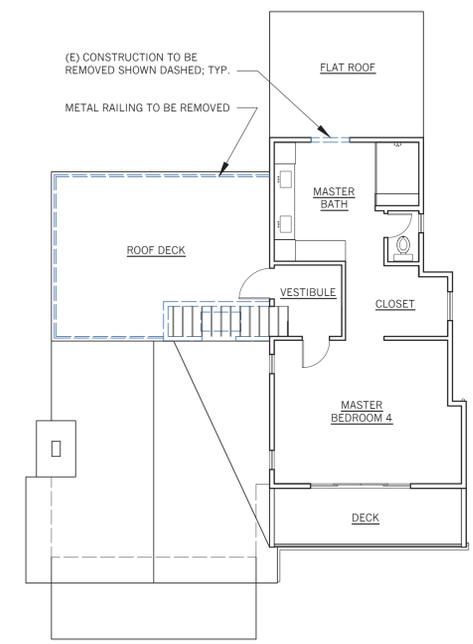
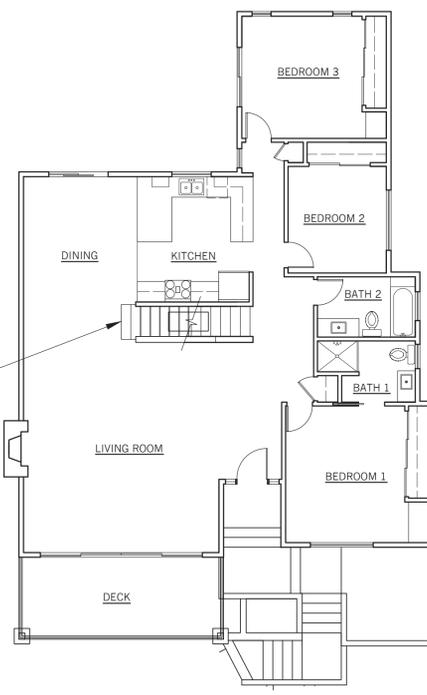
1449 GRIZZLY PEAK BLVD.  
BERKELEY, CA 94708

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(E) STAIR  
(13) RISERS AT 7 3/4"  
(12) TREADS AT 11 1/2"

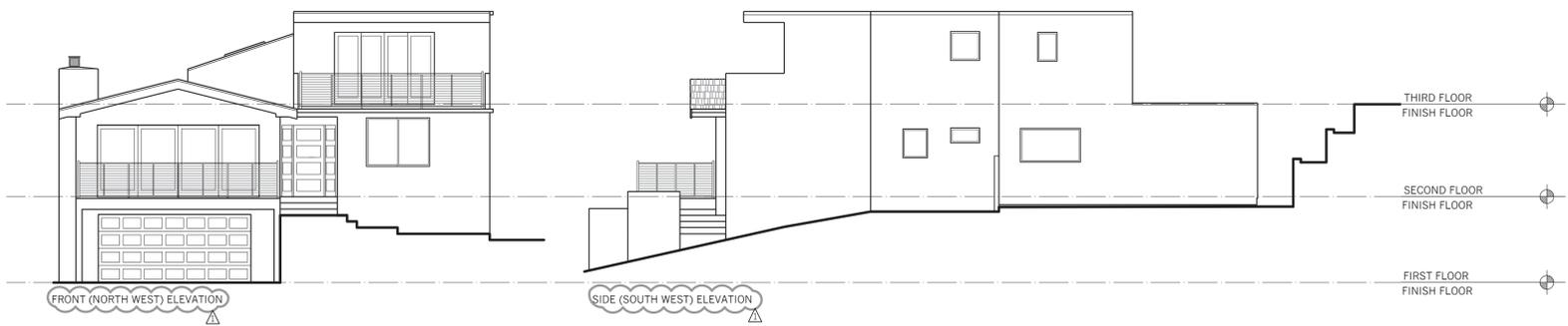
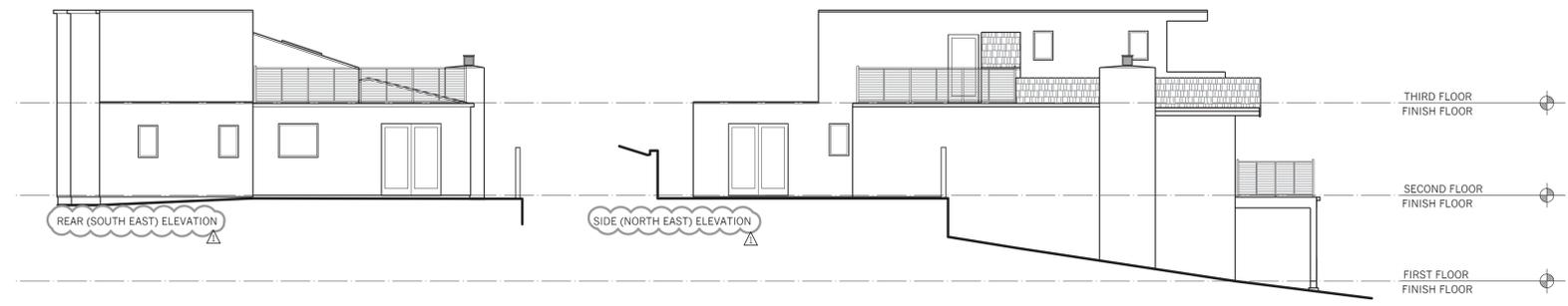
(E) STAIR  
(15) RISERS AT 7 1/4"  
(14) TREADS AT 11 1/4"



**1**  
A1.0 **FIRST FLOOR**  
NO WORK  
1/8" = 1'-0"

**2**  
A1.0 **SECOND FLOOR**  
NO WORK  
1/8" = 1'-0"

**3**  
A1.0 **THIRD FLOOR**  
SHOWING DEMOLITION  
1/8" = 1'-0"



**4**  
A1.0 **EXISTING EXTERIOR ELEVATIONS**  
1/8" = 1'-0"

NOTE: DRAWING SCALE WILL BE 1/16"=1'-0" IF PRINTED TO FIT A 12" X 18" SHEET SIZE

ISSUE	DATE
AUP SUBMITTAL	06/03/2019
AUP RESPONSE	08/12/2019

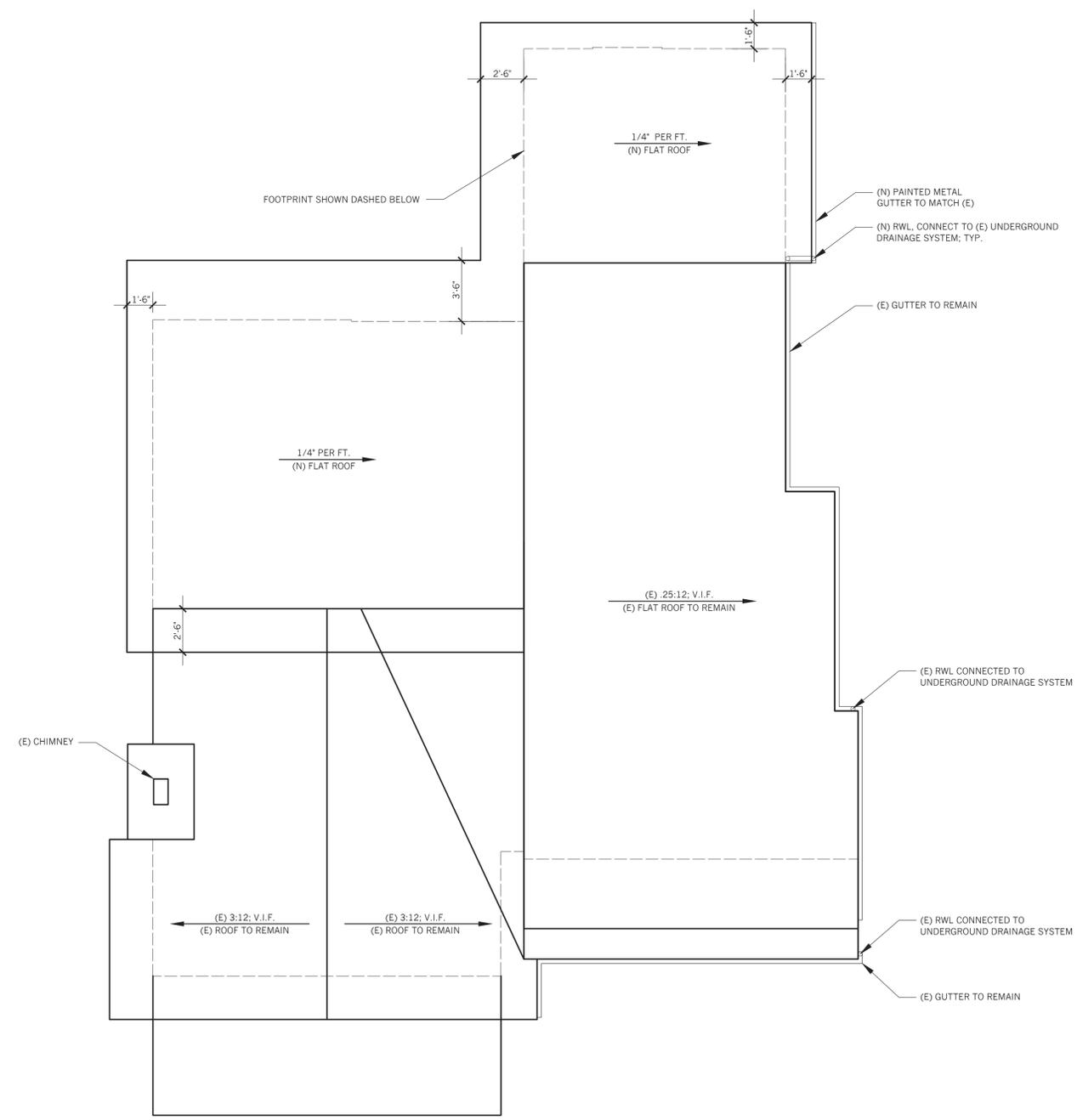
**DEMO PLANS  
AND EXISTING  
ELEVATIONS**

**A - 1.0**

UBILLUS  
RESIDENCE  
ADDITION

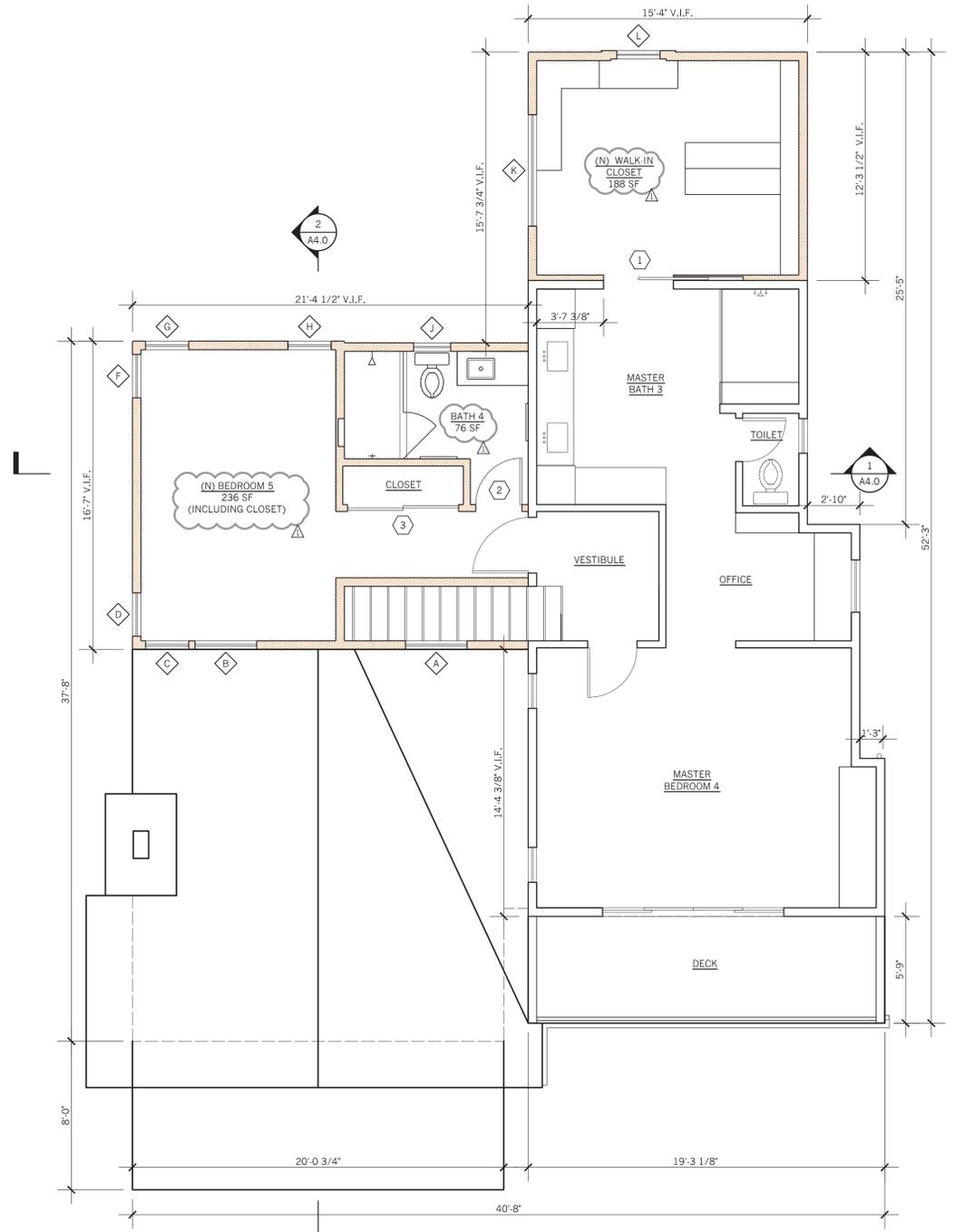
1449 GRIZZLY PEAK BLVD.  
BERKELEY, CA 94708

CONSULTANTS



2 ROOF  
A2.0

1/4" = 1'-0"



1 THIRD FLOOR  
A2.0 AREA OF WORK

1/4" = 1'-0"

NOTE: DRAWING SCALE WILL BE 1/8"=1'-0" IF PRINTED TO FIT A 12" X 18" SHEET SIZE

WALL TYPE KEY	
(E) WALLS TO REMAIN	
(N) FULL HEIGHT WALL	
(N) 1-HR CONSTRUCTION	

- FLOOR PLAN NOTES:
1. THE TERMINATION OF ALL ENVIRONMENTAL AIR DUCTS SHALL BE A MINIMUM OF 3 FEET FROM ANY OPENINGS INTO THE BUILDING. DUCT TERMINATIONS (I.E. DRYERS, BATH AND UTILITY FANS, ETC.) MUST BE 3 FEET AWAY FROM DOORS, WINDOWS, OPENING SKYLIGHTS, OR ATTIC VENTS (PER CMC 504.5)
  2. VERIFY OR INSTALL AUTOMATIC GAS SHUT-OFF VALVES.
  3. ALL NEW HOT WATER SUPPLY PIPING 3/4" OR GREATER SHALL BE INSULATED PER CEC SECTION 150.0(j)2iii.
  4. ALL NEW HOT WATER SUPPLY PIPING FROM THE HEATING SOURCE TO THE KITCHEN FIXTURES SHALL BE INSULATED PER CEC SECTION 150.0(j)2.vi.

ISSUE	DATE
AUP SUBMITTAL	06/03/2019
AUP RESPONSE	08/12/2019

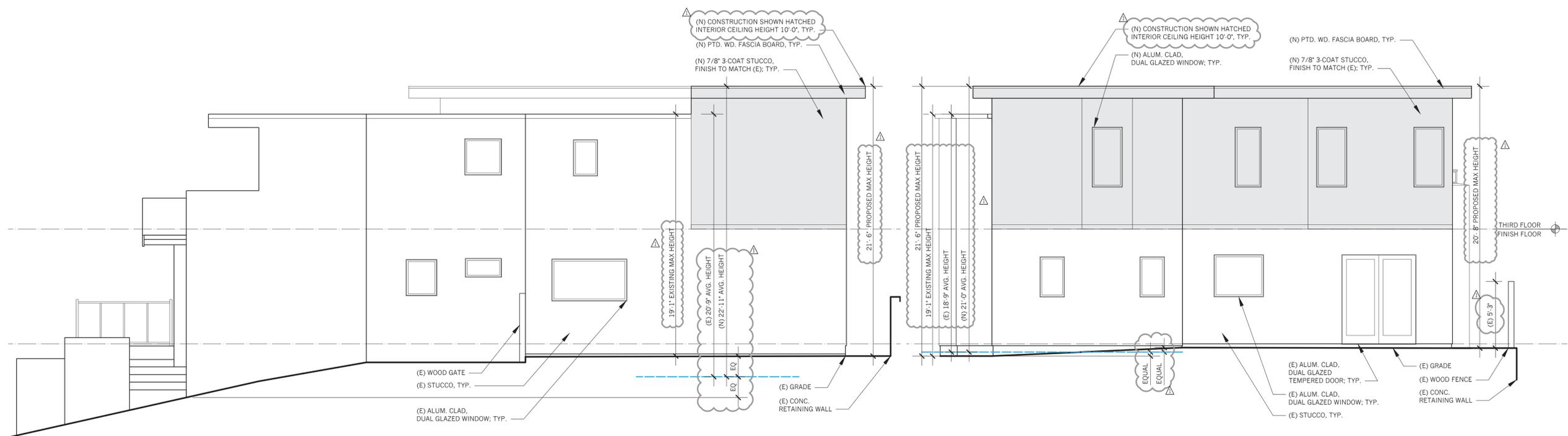
PROPOSED  
FLOOR PLAN  
AND  
ROOF PLAN

A - 2.0

UBILLUS  
RESIDENCE  
ADDITION

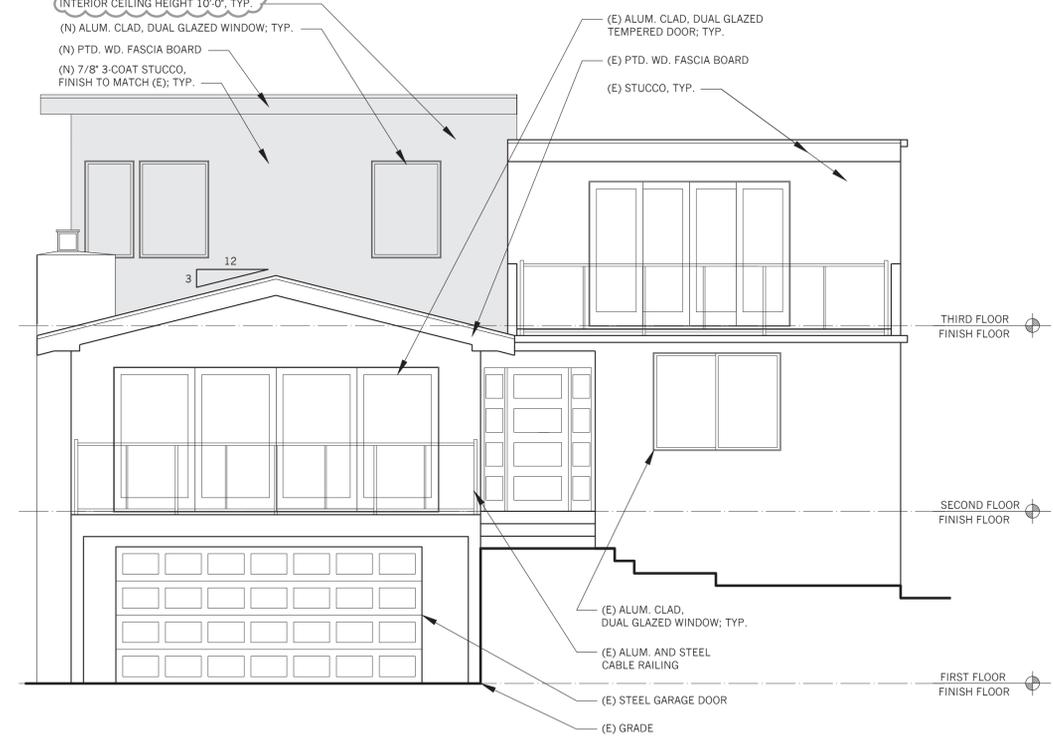
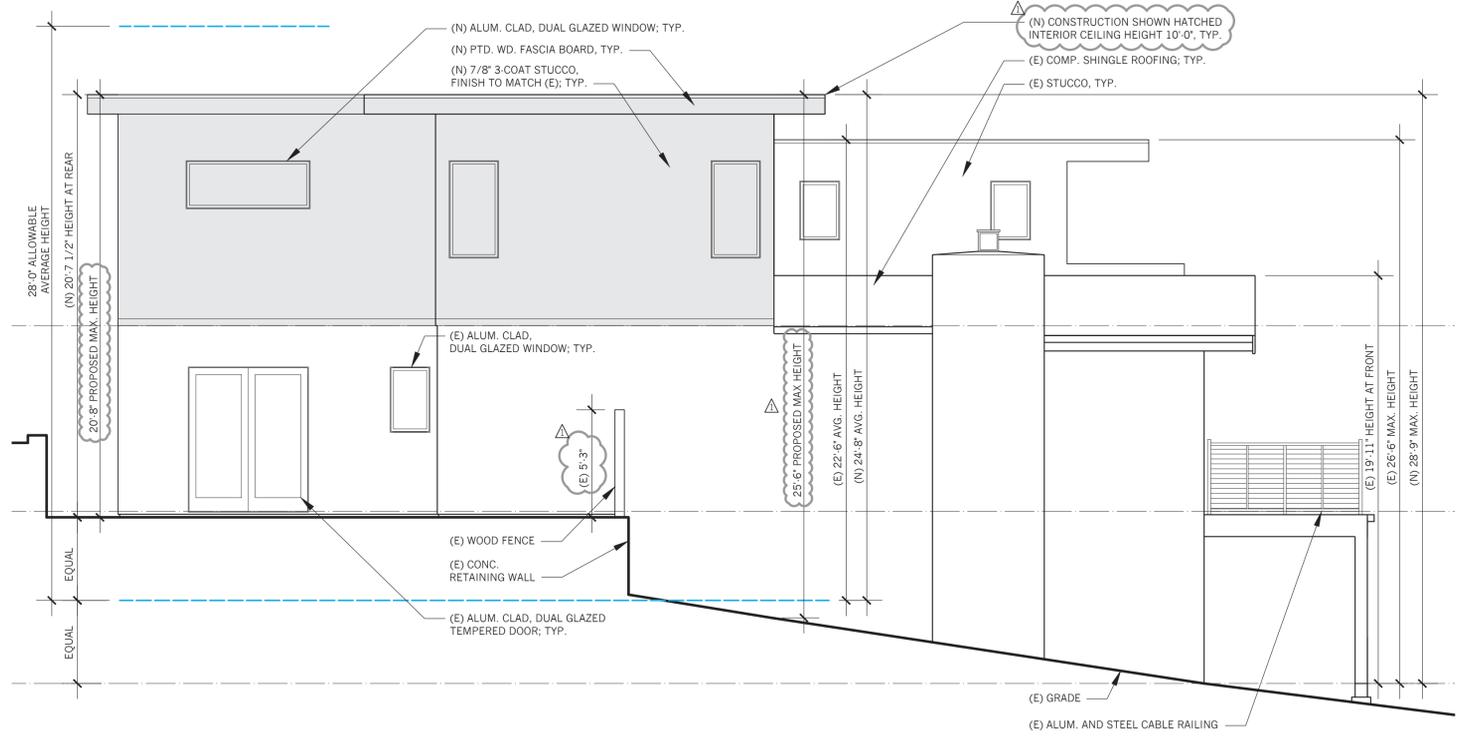
1449 GRIZZLY PEAK BLVD.  
BERKELEY, CA 94708

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2 SIDE (SOUTH WEST) ELEVATION

1 REAR (SOUTH EAST) ELEVATION



4 SIDE (NORTH EAST) ELEVATION

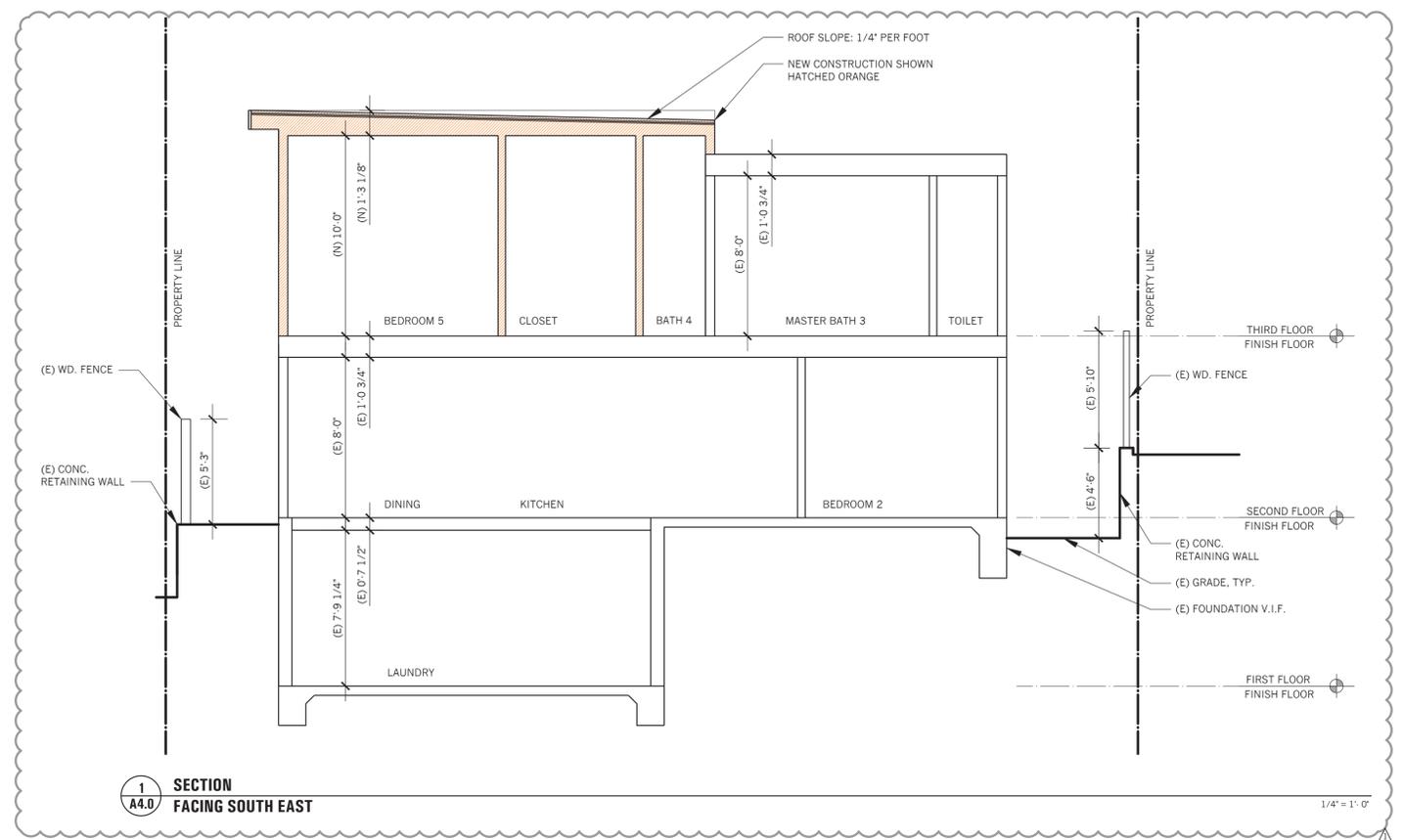
3 FRONT (NORTH WEST) ELEVATION

NOTE: DRAWING SCALE WILL BE 1/8"=1'-0" IF PRINTED TO FIT A 12" X 18" SHEET SIZE

ISSUE	DATE
AUP SUBMITTAL	06/03/2019
AUP RESPONSE	08/12/2019

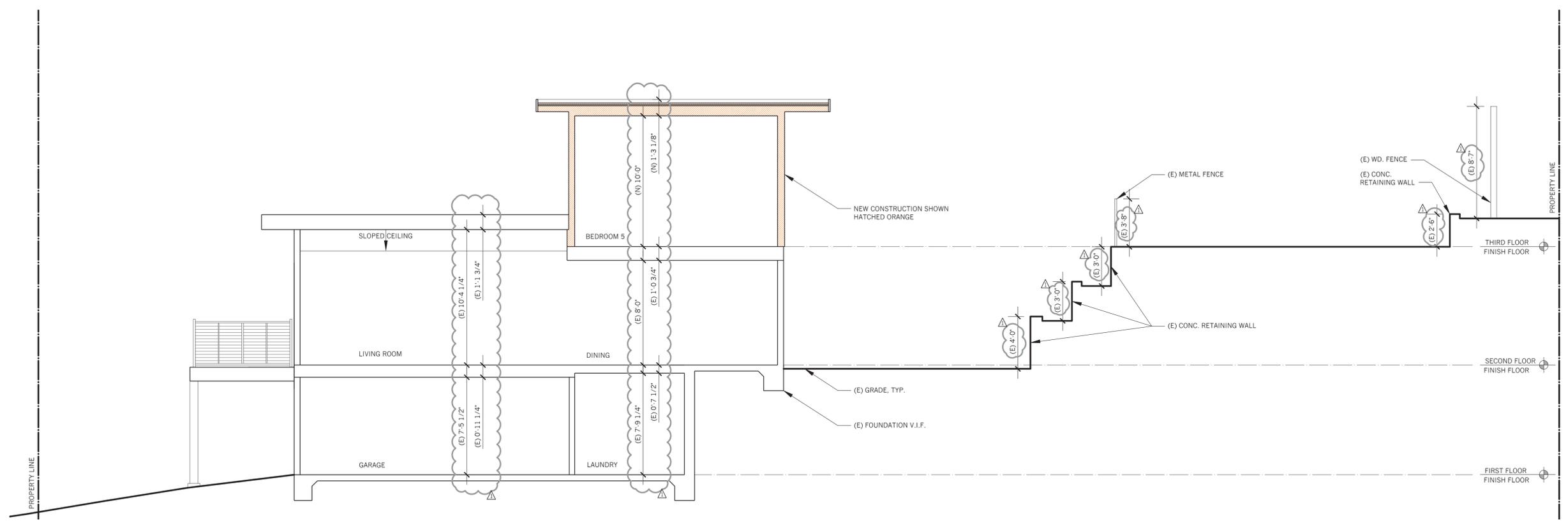
PROPOSED  
EXTERIOR  
ELEVATIONS

A - 3.0



1 SECTION  
A4.0 FACING SOUTH EAST

1/4" = 1'-0"



2 SECTION  
A4.0 FACING NORTH EAST

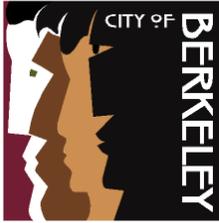
1/4" = 1'-0"

NOTE: DRAWING SCALE WILL BE 1/8"=1'-0" IF PRINTED TO FIT A 12" X 18" SHEET SIZE

ISSUE	DATE
AUP SUBMITTAL	06/03/2019
AUP RESPONSE	08/12/2019

SECTION

A - 4.0



Planning and Development  
Land Use Planning Division

August 30, 2019

Lillian Mitchell  
1708 Martin Luther King Jr. Way, Suite B  
Berkeley, CA 94709

Sent via email to:  
[lillian@mitchellholladay.com](mailto:lillian@mitchellholladay.com)

**Re: Application for Administrative Use Permit #ZP2019-0111 for 1449 Grizzly Peak Blvd.**

Ms. Mitchell,

The Land Use Division has reviewed the above referenced application, submitted on August 12, 2019, to construct an approximately 500 square-foot addition at the second and third stories to an existing 2,791 square-foot single-family home. Staff has determined that the application is incomplete. Please review the comments below, as well as the list of items required to complete the application. Staff is unable to take further action on the project until all the items listed below are corrected and/or submitted.

**Application** – The application includes the following approval requests:

1. Administrative Use Permit under BMC Section 23D.16.030, to construct a major residential addition;
2. Administrative Use Permit under BMC Section 23D.16.070.C, to construct an addition which would exceed fourteen feet in average height;
3. Administrative Use Permit under BMC Section 23E.96.070.B, to construct an addition which would exceed twenty feet in maximum height for a building located within the “H” Hillside Overlay District;
4. Administrative Use Permit under BMC Section 23D.16.050.A, to construct a fifth bedroom on the parcel; and
5. Administrative Use Permit under BMC Section 23D.08.060.A.2, to construct a fence over six feet in height.
6. Administrative Use Permit under BMC Section 23D.08.060.B, to construct an unenclosed accessory structure within a required setback.

**Items Required for Submittal or Correction:**

1. Application Submittal Requirements. The following required items were missing from the application submittal, and must be submitted for application completeness:
  - a. Applicant Fees. The revised site plan indicates the existing perimeter fence height exceeds six feet; pursuant to BMC Section 23D.08.060.A.2, an Administrative Use Permit is required. In addition, the existing retaining wall is located within the minimum side yard setbacks; pursuant to BMC Section 23D.08.060.B, an Administrative Use Permit is required. As such, the proposed project is subject to the following additional fees:

- i. \$460: Additional Use Permit to construct a fence over six feet in height; and
- ii. \$460: Additional Use Permit to construct an unenclosed accessory structure (retaining wall) within a required setback.

Therefore, the total project cost is \$5,110. At project in-take, however, you were charged \$4,190 and therefore, must remit payment for the remaining \$920. You can send a check made out to the City of Berkeley for this amount and I can process the payment. However, if you wish to pay by other means or receive a receipt, I have included an invoice for your convenience. You may pay cash, credit or check at the Permit Service Center cashier (1947 Center St. 3rd Floor), or call (510) 981-7518 to pay with a credit card over the phone. You will have to reference your permit number (ZP2019-0111). The Permit Service Center's hours are Monday – Friday, 8:30am – 4:00pm.

### Advisory Comments

1. Planning Division Comments. Please continue working with the Building and Safety Division in a good-faith effort to obtain a building permit in a quick manner for the unpermitted work which has previously occurred to construct the retaining wall, which is considered an unenclosed accessory structure, in the rear yard. In order to substantiate this effort, a Building Permit application must be submitted prior to notice of decision regarding this Administrative Use Permit.
2. Department Comments. This application may be routed to other city departments for comments. These comments will be forwarded to you when they are received. Please respond to **all** department comments, and include revisions and response with your next submittal to Planning. Further revisions to the application may be required based upon your response to these items.

Revised submittal items should be submitted in both paper (two 11x17 sets) and electronic form (CD or flash drive), to my attention, to the Permit Service Center at 1947 Center Street, 3rd floor. Please submit responses to **all** requested items at once, and not incrementally. Also, please be aware that if you do not take action on the above items within 60 days, the application may be deemed withdrawn and returned to you.

Should you have questions regarding this letter or your application, please feel free to contact me.

Sincerely,



Ashley James  
Associate Planner  
(510) 981-7458  
[ajames@cityofberkeley.info](mailto:ajames@cityofberkeley.info)



Planning and Development Department  
Land Use Planning Division  
1947 Center Street, 2<sup>nd</sup> Floor  
Berkeley, CA 94704

Post and Mail Date:  
November 20, 2019

## NOTICE OF ADMINISTRATIVE DECISION

**AUP #ZP2019-0111 -- APPROVED**  
**1449 Grizzly Peak Boulevard**

To alter a 5,526 square-foot residential parcel by 1) constructing a 500 square-foot major residential addition on the third story of an existing 2,791 square-foot, three-story single-family dwelling, which will increase the average building height by 2'-2" and the maximum building height by 2'-3, resulting in a 3,291 square-foot, three-story, single-family dwelling with an average building height of 24'-8" and a maximum building height of 28'-9", 2) constructing the fifth bedroom on the parcel, and 3) constructing a perimeter fence four feet from the rear property line and on the side property lines that will be from 6'-2" to 8'-7" in height.

**Appeal Period: November 21, 2019 to December 11, 2019** (see reverse)

**All application materials may be viewed online:**

[www.cityofberkeley.info/zoningapplications](http://www.cityofberkeley.info/zoningapplications), or in person at the Permit Service Center at 1947 Center Street, 3<sup>rd</sup> Floor, open 8:30 AM to 4 PM Monday, Wednesday - Friday & 8:30 AM to 2:30 PM Tuesday (closed 2<sup>nd</sup> Friday of every month).

«NAME1»  
«NAME2»  
«ADDRESS1», «ADDRESS2»

**TO APPEAL THIS DECISION (see Section 23B.28.060 of the Berkeley Municipal Code):**

1. Submit a letter clearly and concisely setting forth the grounds for the appeal to the Zoning Officer, at the Permit Service Center, 1947 Center Street, 3<sup>rd</sup> Floor, Berkeley. You may contact the Land Use Planning Division by phone at (510) 981-7410 if you have any questions.
2. The appeal must be received prior to 4:00 p.m. on the last day of the appeal period shown above (if the close of the appeal period falls on a weekend or holiday, then the appeal period expires the following business day).
3. Submit the required fee (checks and money orders must be payable to 'City of Berkeley'):
  - A. The basic fee for appeals of a Zoning Officer decision to the Zoning Adjustments Board is \$200. This fee may be reduced to \$75 if the appeal is signed by persons who lease or own at least 35 percent of the parcels or dwelling units within 300 feet of the project site, or at least 20 such persons (not including dependent children), whichever is less.
  - B. The fee for appeals of affordable housing projects (defined as projects which provide 50 percent or more affordable units for households earning 80% or less of Area Median Income) is \$500, which may not be reduced.
  - C. The fee for all appeals by Applicants is \$2500.

If no appeal is received, the permit will be issued on the first business day following expiration of the appeal period, and the project may proceed at that time.

**NOTICE CONCERNING YOUR LEGAL RIGHTS:**

If you object to this decision, the following requirements and restrictions apply:

1. If you challenge this decision in court, you may be limited to raising only those issues you or someone else raised in an appeal of the decision.
  2. You must appeal to the Zoning Adjustments Board within twenty (20) days after the Notice of Decision of the action of the Zoning Officer is mailed. It is your obligation to notify the Land Use Planning Division in writing of your desire to receive a Notice of Decision when it is completed.
  3. Pursuant to Code of Civil Procedure Section 1094.6(b) and Government Code Section 65009(c)(1), no lawsuit challenging a City decision, as defined by Code of Civil Procedure Section 1094.6(e), regarding a use permit, variance or other permit may be filed more than ninety (90) days after the date the decision becomes final, as defined in Code of Civil Procedure Section 1094.6(b). Any lawsuit not filed within that ninety (90) day period will be barred.
  4. Pursuant to Government Code Section 66020(d)(1), notice is hereby given to the applicant that the 90-day protest period for any fees, dedications, reservations, or other exactions included in any permit approval begins upon final action by the City, and that any challenge must be filed within this 90-day period.
  5. If you believe that this decision or any condition attached to it denies you any reasonable economic use of the subject property, was not sufficiently related to a legitimate public purpose, was not sufficiently proportional to any impact of the project, or for any other reason constitutes a "taking" of property for public use without just compensation under the California or United States Constitutions, your appeal of this decision must including the following information:
    - A. That this belief is a basis of your appeal.
    - B. Why you believe that the decision or condition constitutes a "taking" of property as set forth above.
    - C. All evidence and argument in support of your belief that the decision or condition constitutes a "taking" as set forth above.
- If you do not do so, you will waive any legal right to claim that your property has been taken, both before the City and in court.

1449 Grizzly Peak Blvd

85 notices

mailed out 11-20-19

NAME1	NAME2	ADDRESS1	ADDRESS2
Berkeley Hills Progressive Neighbors	861 REGAL RD	BERKELEY CA 94708	
Fairlawn-Avenida-Senior-Harvard Neighborhood Association	251 FAIRLAWN DR	BERKELEY CA 94708	
Grizzly Arcade Mutual Protection Association	5 ARCADE AVE	BERKELEY CA 94708	
Lower Summit Road Neighborhood Association	1540 SUMMIT RD	BERKELEY CA 94708	
North East Berkeley Association	P.O. BOX 7477	BERKELEY CA 94707	
Olympus Street Area Neighborhood Group	1515 OLYMPUS AVE	BERKELEY CA 94708	
Summit Road Neighborhood Watch Group	1365 SUMMIT RD	BERKELEY CA 94708	
Campus-Parnassus Neighborhood Group	27 AVENIDA RD	BERKELEY CA 94708	
University of California, Facilities Services	A&E Building, Room 300 University of California Berkeley	Berkeley, CA 94720-1382	
Bananas Inc.	5232 CLAREMONT AVE	OAKLAND CA 94618	
Berkeley Central Library	2090 KITTREDGE STREET	BERKELEY CA 94704	
Adams Broadwell Joseph & Cardoza	601 GATEWAY BLVD. Su 1000	SOUTH SAN FRANCISCO CA 94080	
Public Notice Journal	PO Box 330356	San Francisco, CA 94133	
HENDRIKSE NORBERT & LIU SANDRA TRS	10 SUMMIT LN	BERKELEY CA	94708
ANDERSON JANET L	100 AVENIDA DR	BERKELEY CA	94708
GUPTA VIJAY K & MANJUBALA V TRS	10134 RIEDEL PL	CUPERTINO CA	95014
FELDMAN BELLA TR	12 SUMMIT LN	BERKELEY CA	94708
SMART CAROL A & WATERS LESLIE	124 AVENIDA DR	BERKELEY CA	94708
FAIZBAKHS CHANGIZ & LIGHVANI SOHELIA ETAL	1285 CAMPUS DR	BERKELEY CA	94708
WILLIAMSON KIMBERLY A & TRISTAN P ETAL	130 AVENIDA DR	BERKELEY CA	94708
MORRELL ROSE E TR	1408 GRIZZLY PEAK BLVD	BERKELEY CA	94708
HINSHAW JODY K TR	1412 GRIZZLY PEAK BLVD	BERKELEY CA	94708
CRANLEY CHRISTOPHER & DANAE	1416 GRIZZLY PEAK BLVD	BERKELEY CA	94708
MONTES EDUARDO & BARADAR FOROOZA	1420 GRIZZLY PEAK BLVD	BERKELEY CA	94708
LEE KATHERINE J & FRIEDMAN JEFFREY E TRS	1425 GRIZZLY PEAK BLVD	BERKELEY CA	94708
BECTARTE REGIS & VANNIEKERT EMMA TRS	1427 GRIZZLY PEAK BLVD	BERKELEY CA	94708
J P T TRUST	1427 SUMMIT RD	BERKELEY CA	94708
BLOCK ALAN & WHITE RUTH E TRS	1431 SUMMIT RD	BERKELEY CA	94708
HAKIMAFZAL KEYUMARS	1433 GRIZZLY PEAK BLVD	BERKELEY CA	94708
SAARNI BETTY J & DEODDONE BARBARA S TRS	1434 GRIZZLY PEAK BLVD	BERKELEY CA	94708
WASSER DAVID TR & WASSER KATHLEEN TR	1435 GRIZZLY PEAK BLVD	BERKELEY CA	94708
JOYNT JENNIFER	1435 SUMMIT RD	BERKELEY CA	94708
LOTTMANN ANDREW C	1438 GRIZZLY PEAK BLVD	BERKELEY CA	94708
FALK JEROME B JR & NANCY E TRS	1440 SUMMIT RD	BERKELEY CA	94708
MICIC DARKO & RAZIJA	1441 SUMMIT RD	BERKELEY CA	94708
TONKYRO DENNIS O & KATHERINE M TRS	1444 GRIZZLY PEAK BLVD	BERKELEY CA	94708
TOKUNAGA TETSU K & WAN JIAMIN TRS	1445 GRIZZLY PEAK BLVD	BERKELEY CA	94708
BAUMANN ULF D & ALEXIS Z	1447 SUMMIT RD	BERKELEY CA	94708
KELLY KEVIN T & KRISTY A TRS	1448 GRIZZLY PEAK BLVD	BERKELEY CA	94708
ADELMAN ROBERTO U & UBILLUS LUIS R	1449 GRIZZLY PEAK BLVD	BERKELEY CA	94708
ROELINK HENK & SCOTT KRISTIN	1452 GRIZZLY PEAK BLVD	BERKELEY CA	94708
THREADGOLD ERIC & RUTH	1453 SUMMIT RD	BERKELEY CA	94708

1449 Grizzly Peak Blvd

85 notices

mailed out 11-20-19

WEINER REBECCA B	1456 SUMMIT RD	BERKELEY CA	94708
NEMATOLLAHI ALBERT R & FERNANDEZ MARIOLA	1457 SUMMIT RD	BERKELEY CA	94708
GREENWALD RUTH N	1459 GRIZZLY PEAK BLVD	BERKELEY CA	94708
MURRAY KATHERINE A & MATTHEW J	1460 SUMMIT RD	BERKELEY CA	94708
RICHARD KATHRYN TR	1462 SUMMIT RD	BERKELEY CA	94708
HAMMOND TIMOTHY T	1465 GRIZZLY PEAK BLVD	BERKELEY CA	94708
SHINDEL ALAN W & ROWEN TAMI S TRS	1466 GRIZZLY PEAK BLVD	BERKELEY CA	94708
BIAGIOLI MARIO & RAVETTO KRISTINE	1466 SUMMIT RD	BERKELEY CA	94708
KAMI FRANK T & MIYOKO TRS	1468 SUMMIT RD	BERKELEY CA	94708
SIHVOLA PAMELA TR	1476 SUMMIT RD	BERKELEY CA	94708
STROCK HALLIE & VANSTEEN JOSEPH R TRS	148 AVENIDA DR	BERKELEY CA	94708
FEUCHT CATHERINE TR	1480 SUMMIT RD	BERKELEY CA	94708
BRYDON IRENE W & RICHARD G TRS	1484 SUMMIT RD	BERKELEY CA	94708
GLICKMAN STEPHEN E & KRISTA E	1488 SUMMIT RD	BERKELEY CA	94708
YAU PHILIP & WONG ANNA	1489 SUMMIT RD	BERKELEY CA	94708
SHAMASH WINIFRED & SMITH LLOYD M ETAL	1492 SUMMIT RD	BERKELEY CA	94708
KAZEROUNI MOHAMMAD D & BAYANI NORA	1498 SUMMIT RD	BERKELEY CA	94708
GREENWOOD JOHN & WHEELER CYNTHIA	2373 LOMA PARK CT	SAN JOSE CA	95124
ZAYTUNA COLLEGE	2401 LE CONTE AVE	BERKELEY CA	94709
BECKER JERRY T & EMILY W	435 MANGELS AVE	SAN FRANCISCO CA	94127
AKBULUT SELMAN	48 SENIOR AVE	BERKELEY CA	94708
FREY JEFFREY	5511 CENTER ST	CHEVY CHASE MD	20815
PFLAUMER MICHAEL W & ANDREA G	6 SUMMIT LN	BERKELEY CA	94708
VOLKER STEPHAN C & STEPHAN C	602 CYPRESS POINT RD	RICHMOND CA	94801
STRAUSS GEORGE & ELIZABETH TRS	6100 HARBORD DR	OAKLAND CA	94611
CHEUNG ROSANA K	617 S OLIVE ST, #710	LOS ANGELES CA	90014
TREIMAN ROBERT & GILLI	928 19TH ST, #102	SANTA MONICA CA	90403
OCCUPANT(S)	0 AVENIDA DR	BERKELEY CA	94708
OCCUPANT(S)	0 GRIZZLY PEAK BLVD	BERKELEY CA	94708
OCCUPANT(S)	0 SUMMIT RD	BERKELEY CA	94708
OCCUPANT(S)	12 SUMMIT LN 1	BERKELEY CA	94708
OCCUPANT(S)	12 SUMMIT LN 2	BERKELEY CA	94708
OCCUPANT(S)	122 AVENIDA DR	BERKELEY CA	94708
OCCUPANT(S)	140 AVENIDA DR	BERKELEY CA	94708
OCCUPANT(S)	1429 GRIZZLY PEAK BLVD	BERKELEY CA	94708
OCCUPANT(S)	1430 GRIZZLY PEAK BLVD	BERKELEY CA	94708
OCCUPANT(S)	1441 GRIZZLY PEAK BLVD	BERKELEY CA	94708
OCCUPANT(S)	1446 GRIZZLY PEAK BLVD	BERKELEY CA	94708
OCCUPANT(S)	1455 GRIZZLY PEAK BLVD	BERKELEY CA	94708
OCCUPANT(S)	1460 GRIZZLY PEAK BLVD	BERKELEY CA	94708
OCCUPANT(S)	1468 GRIZZLY PEAK BLVD	BERKELEY CA	94708
OCCUPANT(S)	8 SUMMIT LN	BERKELEY CA	94708
Lillian Mitchell	1708 Martin Luther King Jr. Way	Berkeley CA	94709



N O T I C E O F  
A D M I N I S T R A T I V E  
D E C I S I O N

## 1449 Grizzly Peak Boulevard

Administrative Use Permit #ZP2019-0111

To alter a 5,526 square-foot residential parcel by 1) constructing a 500 square-foot major residential addition on the third story of an existing 2,791 square-foot, three-story single-family dwelling, which will increase the average building height by 2'-2" and the maximum building height by 2'-3, resulting in a 3,291 square-foot, three-story, single-family dwelling with an average building height of 24'-8" and a maximum building height of 28'-9", 2) constructing the fifth bedroom on the parcel, and 3) constructing a perimeter fence four feet from the rear property line and on the side property lines that will be from 6'-2" to 8'-7" in height.

**ZONING OFFICER DECISION:** The Zoning Officer of the City of Berkeley has APPROVED the following permits pursuant to Berkeley Municipal Code (BMC) Section 23B.28.050, and based on the attached findings and conditions (attachment 1) and plans (attachment 2):

- Administrative Use Permit pursuant to Berkeley Municipal Code (BMC) Section 23D.16.030 to construct a major residential addition (cumulative);
- Administrative Use Permit pursuant to BMC Section 23D.16.050.A to construct a fifth bedroom on the parcel;
- Administrative Use Permit pursuant to BMC Section 23D.16.070.C to construct an addition which would exceed fourteen feet in average height;
- Administrative Use Permit pursuant to BMC Section 23E.96.070.B to construct an addition which would exceed twenty feet in maximum height for a building located within the "H" Hillside Overlay District; and
- Administrative Use Permit pursuant to BMC Section 23D.08.060.A.2 to construct a fence over six feet in height.

**DATE NOTICE IS ISSUED:** November 20, 2019

**APPEAL PERIOD:** November 21, 2019 to December 11, 2019

**ATTACHMENTS:**

1. Findings and Conditions
2. Project Plans, dated received August 12, 2019

**FOR FURTHER INFORMATION:**

All application materials for this project are available online at: <http://www.cityofberkeley.info/zoningapplications> and at the Permit Service Center, Third Floor, at 1947 Center Street, between 8:30 AM to 4 PM Monday, Wednesday - Friday & 8:30 AM to 2:30 PM Tuesday (closed 2<sup>nd</sup> Friday of every month). Questions about the project should be directed to the project planner, Ashley James, at (510) 981-7458 or [ajames@cityofberkeley.info](mailto:ajames@cityofberkeley.info).

**PUBLIC NOTICE, PURSUANT TO BMC SECTION 23B.28.040 B&C:**

This Notice of Administrative Decision was:

1. Forwarded to the Zoning Adjustments Board and sent to the Main Library;
2. Posted at three visible locations in the vicinity of the subject property and at a bulletin board at the Zoning counter.
3. Mailed to neighborhood and community organizations for which the project falls within their expressed area of interest, as set forth in BMC Section [23B.24.060](#);
4. Mailed to owners and residents of properties abutting and confronting the subject property.

The validity of the proceedings, however, shall not be affected by the failure of any such property owner, occupant or neighborhood or community organization to receive such mailed notice.

**TO APPEAL THIS DECISION, PURSUANT TO BMC SECTION 23B.28.060:**

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To appeal this decision, you must:

1. Submit a letter clearly and concisely setting forth the grounds for the appeal, along with the required fee (see below) to the Zoning Officer, at the Permit Service Center, 1947 Center Street, 3rd Floor, Berkeley.
2. The appeal and required fee (see below) must be received prior to 4:00 p.m. on the last day of the appeal period shown above (if the close of the appeal period falls on a weekend or holiday, then the appeal period expires the following business day).
3. Submit the required fee to the Permit Service Center (see above; checks and money orders must be payable to 'City of Berkeley'):
  - a. The basic fee for appeals of a Zoning Officer decision to the Zoning Adjustments Board is \$200. This fee may be reduced to \$75 if the appeal is signed by persons who lease or own at least 35 percent of the parcels or dwelling units within 300 feet of the project site, or at least 20 such persons (not including dependent children), whichever is less.
  - b. The fee for appeals of affordable housing projects (defined as projects which provide 50 percent or more affordable units for households earning 80% or less of Area Median Income) is \$500, which may not be reduced.
  - c. The fee for all appeals by Applicants is \$2500.

If an appeal is filed, the Zoning Officer shall set the matter for consideration by the Zoning Adjustments Board. An appeal stays the issuance and exercise of the AUP until a decision is rendered or the appeal is withdrawn. If no appeal is received, the permit will be issued on the first business day following expiration of the appeal period, and the project may proceed at that time.

**NOTICE CONCERNING YOUR LEGAL RIGHTS:**

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If you object to this decision, the following requirements and restrictions apply:

1. If you challenge this decision in court, you may be limited to raising only those issues you or someone else raised in an appeal of the decision.
2. You must appeal to the Zoning Adjustments Board within twenty (20) days after the Notice of Decision of the action of the Zoning Officer is mailed. It is your obligation to notify the Land Use Planning Division in writing of your desire to receive a Notice of Decision when it is completed.
3. Pursuant to Code of Civil Procedure Section 1094.6(b) and Government Code Section 65009(c)(1), no lawsuit challenging a City decision, as defined by Code of Civil Procedure Section 1094.6(e), regarding a use permit, variance or other permit may be filed more than ninety (90) days after the date the decision becomes final, as defined in Code of Civil Procedure Section 1094.6(b). Any lawsuit not filed within that ninety (90) day period will be barred.
4. Pursuant to Government Code Section 66020(d)(1), notice is hereby given to the applicant that the 90-day protest period for any fees, dedications, reservations, or other exactions included in any permit approval begins upon final action by the City, and that any challenge must be filed within this 90-day period.
5. If you believe that this decision or any condition attached to it denies you any reasonable economic use of the subject property, was not sufficiently related to a legitimate public purpose, was not sufficiently

1449 GRIZZLY PEAK BOULEVARD  
Page 3 of 3

NOTICE OF ADMINISTRATIVE DECISION  
Administrative Use Permit #ZP2019-0111

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proportional to any impact of the project, or for any other reason constitutes a “taking” of property for public use without just compensation under the California or United States Constitutions, your appeal of this decision must including the following information:

- A. That this belief is a basis of your appeal.
- B. Why you believe that the decision or condition constitutes a "taking" of property as set forth above.
- C. All evidence and argument in support of your belief that the decision or condition constitutes a “taking” as set forth above.

If you do not do so, you will waive any legal right to claim that your property has been taken, both before the City and in court.

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# ATTACHMENT 1

## FINDINGS AND CONDITIONS NOVEMBER 20, 2019

### 1449 Grizzly Peak Boulevard

#### Administrative Use Permit #ZP2019-0111

To alter a 5,526 square-foot residential parcel by 1) constructing a 500 square-foot major residential addition on the third story of an existing 2,791 square-foot, three-story single-family dwelling, which will increase the average building height by 2'-2" and the maximum building height by 2'-3, resulting in a 3,291 square-foot, three-story, single-family dwelling with an average building height of 24'-8" and a maximum building height of 28'-9", 2) constructing the fifth bedroom on the parcel, and 3) constructing a perimeter fence four feet from the rear property line and on the side property lines that will be from 6'-2" to 8'-7" in height.

#### PERMITS REQUIRED

- Administrative Use Permit pursuant to Berkeley Municipal Code (BMC) Section 23D.16.030 to construct a major residential addition (cumulative);
- Administrative Use Permit pursuant to BMC Section 23D.16.050.A to construct a fifth bedroom on the parcel;
- Administrative Use Permit pursuant to BMC Section 23D.16.070.C to construct an addition which would exceed fourteen feet in average height;
- Administrative Use Permit pursuant to BMC Section 23E.96.070.B to construct an addition which would exceed twenty feet in maximum height for a building located within the "H" Hillside Overlay District; and
- Administrative Use Permit pursuant to BMC Section 23D.08.060.A.2 to construct a fence over six feet in height.

#### 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 (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 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 subject property is equal to or below the Single-Family Residential (R-1H) standards (BMC Section 23D.16.070-.080) for maximum residential density, height, setbacks, lot coverage, useable open space, and off-street parking (one main dwelling unit, where one main dwelling unit is allowed, average height of 24'-8" where 28' is the maximum, 5'-5" side (north) yard setback where 4' is the minimum, 4'-1" side (south) yard setback where 4' is the minimum, and 39'-3" rear yard setback where 20' is the minimum, 30% lot coverage where 40% is the maximum, 1,545 sq. ft. of usable open space where 400 sq. ft. is the minimum, and one off-street parking space where one is required). The subject property has a legally non-conforming front yard setback of 17'-1" where 20' is the minimum; however, the project would not extend or worsen this non-conformity. The subject property is equal to or below the Hillside Overlay District standards (BMC Section 23E.96.070) for maximum height for all residential additions of 28'-9" where 35' is the maximum. Therefore, the residential addition will be compatible with the existing property and neighborhood character;
- B. Privacy: Though the project includes new window openings on the addition to the third floor, these new windows on the front, northeast-side and rear are not expected to be detrimental to the privacy of neighbors because they would be located in walls that exceed all required yards; the new windows on the front of the building at the third floor would be setback 21'-1" from the front property line, where 20' is required. The building to building separation from the subject dwelling to abutting dwelling to the southeast at 1480 Summit Road is approximately 58', the dwelling to the southwest at 1455 Grizzly Peak Boulevard is approximately 9', and the dwelling to the northeast at 1445 Grizzly Peak Boulevard is approximately 14'-6". This separation, along with new openings that will mostly not directly face any windows in neighboring dwellings, will limit new privacy impacts;
- C. The addition to the main building will be constructed with proportions, scale and roof slopes that match the existing;
- D. While the project increases the number of bedrooms as defined in BMC Section 13.42.020.B on this parcel from four to five, the additional bedrooms will be added to an existing single-family residence. The addition of a fifth bedroom will provide more room for residents at the single-family residence and will not result in an increase in dwelling unit density; and
- E. The proposed perimeter fence will be from 6'-2" in height at the front of the property to 8'-3" in height at the rear of the property, and will be setback approximately 6' from the northwest property line at the front of the property, at the property line along the side yards, and setback approximately 4' from the rear property line. The fence will be located approximately 19' from the building located to the northeast at 1476 Summit Road, and 17' from the building located to the southeast at 1480 Summit Road. The fence will be constructed in an architectural style with colors and materials that are consistent with the surrounding buildings and fences. Due to its location, solar orientation, limited scale, and the presence of mature trees and other vegetation, the proposed fence is not

expected to create significant changes to the existing sunlight or privacy conditions in the immediate vicinity of this project. No new sight lines will be created to or from neighboring buildings, as the fence is located on a sloping hillside, below the existing sightlines to the San Francisco Bay from the properties directly to the rear of the property, and will thus not block views.

3. Pursuant to BMC Section 23D.16.090.B, the Zoning Officer finds that the major residential addition would not unreasonably obstruct sunlight, air, or views for the following reasons:
  - A. Sunlight: The 500 sq. ft. addition to the existing third floor and the perimeter fence will not result in a significant loss of direct sunlight on neighboring dwellings. Shadow studies submitted by the applicant document the addition's projected shadow angles and lengths at three times throughout the day during the summer and winter solstice.
    - a. Two hours before sunset on the winter solstice, shadows on the west side of the dwelling at 1445 Grizzly Peak Boulevard will increase and cover portions of four living room windows and a portion of the entryway door.
    - b. Two hours before sunset on the summer solstice, the shadows on the west side of the dwelling at 1445 Grizzly Peak Boulevard will increase and cover a living room window.
    - c. Because the impacts to neighboring properties will occur on limited areas, and will only partially shade a neighboring building for a limited time during the year, and only for a few hours of the day, the residential addition will not result in a significant loss of direct sunlight on abutting residences, and these shading impacts are not deemed detrimental;
  - B. Air: The addition is found to be consistent with the existing development and building-to-building separation pattern – or air – in this R-1H neighborhood because the addition is an expansion of the existing third story, where a maximum of three are allowed. The minimum 4 ft. required side yard setbacks will be maintained; and
  - C. Views: Berkeley Municipal Code Section 23F.04.010 defines view corridors as: a significant view of the Berkeley Hills, San Francisco Bay, Mt. Tamalpais, or a significant landmark such as the Campanile, Golden Gate Bridge, and Alcatraz. The dwellings to the east (1476 and 1480 Summit Road) are placed higher on the hill and have views of the Berkeley Hills and a partial view San Francisco Bay which is occluded by several mature trees in the yards of parcels across Grizzly Peak Boulevard from the subject property. Further, the proposed addition would not obstruct any existing partial views of the San Francisco Bay, as documented in the pictures of the story poles provided by the applicant. The dwellings to the west (1448 and 1446 Grizzly Peak Boulevard) are placed lower on the hill and have views of the Bay but the steep upsloping topography and the placement of the existing dwellings to the west occlude the Berkeley Hills. Further, the proposed addition would be located at the rear of the existing building on the third floor, and would match the existing roofline at the front of the building, therefore not obstructing views of the Berkeley Hills.

4. As required by BMC Section 23E.96.090.B, the Zoning Officer finds that the addition above the 20' maximum height that applies to additions is consistent with the purposes of the Hillside Overlay District as the height occurs in part because of the slope of this site, the proposed addition and fence will not adversely compromise the quality and character of this hillside parcel and its immediate environs, nor will it adversely impact views available from neighboring residences and parcels. The project maintains the original pattern and design of the lot and preserves westward views of the San Francisco Bay from the original building and its neighbors, as described above, in Section 3.

## **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 (BMC 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 (BMC 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.

### **5. Plans and Representations Become Conditions (BMC 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 (BMC 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 (BMC 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 (BMC 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 harmless, defend, and indemnify the City of Berkeley and its officers, agents, and employees against any and all liability, damages, claims, demands, judgments or other losses (including without limitation, attorney's fees, expert witness and consultant fees and other litigation expenses), referendum or initiative relating to, resulting from or caused by, or alleged to have resulted from, or caused by, any action or approval associated with the project. The indemnity includes without limitation, any legal or administrative challenge, referendum or initiative filed or prosecuted to overturn, set aside, stay or otherwise rescind any or all approvals granted in connection with the Project, any environmental determination made for the project and granting any permit issued in accordance with the project. This indemnity includes, without limitation, payment of all direct and indirect costs associated with any action specified herein. Direct and indirect costs shall include, without limitation, any attorney's fees, expert witness and consultant fees, court costs, and other litigation fees. City shall have the right to select counsel to represent the City at Applicant's expense in the defense of any action specified in this condition of approval. City shall take reasonable steps to promptly notify the Applicant of any claim, demand, or legal actions that may create a claim for indemnification under these conditions of approval.

**ADDITIONAL CONDITIONS IMPOSED BY THE ZONING OFFICER**

Pursuant to BMC Section 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 include in all building permit plans and post onsite the name and telephone number of an individual empowered to manage construction-related 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. **Please designate the name of this individual below:**

**Project Liaison**

\_\_\_\_\_  
Name

\_\_\_\_\_  
Phone #

**Standard Construction-related Conditions Applicable to all Projects:**

- 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, pedestrian paths or vehicle travel lanes (including bicycle lanes);
  - Storage of building materials, dumpsters, debris anywhere in the public ROW;
  - Provision of exclusive contractor parking on-street; or
  - 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, 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 1947 Center 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.
22. Halt Work/Unanticipated Discovery of Tribal Cultural Resources. In the event that cultural resources of Native American origin are identified during construction, all work within 50 feet of the discovery shall be redirected. The project applicant and project construction contractor shall notify the City Planning Department within 24 hours. The City will again contact any tribes who have requested consultation under AB 52, as well as contact a qualified archaeologist, to evaluate the resources and situation and provide recommendations. If it is determined that the resource is a tribal cultural resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with State guidelines and in consultation with Native American groups. If the resource cannot be avoided, additional measures to avoid or reduce impacts to the resource and to address tribal concerns may be required.
23. Archaeological Resources (Ongoing throughout demolition, grading, and/or construction). Pursuant to CEQA Guidelines Section 15064.5(f), "provisions for historical or unique archaeological resources accidentally discovered during construction" should be instituted. Therefore:
  - A. In the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant and/or lead agency shall consult with a qualified archaeologist, historian or paleontologist to assess the significance of the find.
  - B. If any find is determined to be significant, representatives of the project proponent and/or lead agency and the qualified professional would meet to determine the appropriate avoidance measures or other appropriate measure, with the ultimate

determination to be made by the City of Berkeley. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and/or a report prepared by the qualified professional according to current professional standards.

- C. In considering any suggested measure proposed by the qualified professional, the project applicant shall determine whether avoidance is necessary or feasible in light of factors such as the uniqueness of the find, project design, costs, and other considerations.
- D. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation measures for cultural resources is carried out.
- E. If significant materials are recovered, the qualified professional shall prepare a report on the findings for submittal to the Northwest Information Center.

**24. Human Remains (Ongoing throughout demolition, grading, and/or construction).** In the event that human skeletal remains are uncovered at the project site during ground-disturbing activities, all work shall immediately halt and the Alameda County Coroner shall be contacted to evaluate the remains, and following the procedures and protocols pursuant to CEQA Guidelines Section 15064.5 (e)(1) . If the County Coroner determines that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to Health and Safety Code Section 7050.5(c), and all excavation and site preparation activities shall cease within a 50-foot radius of the find until appropriate arrangements are made. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance and avoidance measures (if applicable) shall be completed expeditiously.

**25. Paleontological Resources (Ongoing throughout demolition, grading, and/or construction).** In the event of an unanticipated discovery of a paleontological resource during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist (per Society of Vertebrate Paleontology standards [SVP 1995,1996]). The qualified paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the City determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project on the qualities that make the resource important, and such plan shall be implemented. The plan shall be submitted to the City for review and approval.

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

- 26.** All construction at the subject property shall substantially conform to the approved Use Permit drawings or to modifications approved by the Zoning Officer.
- 27.** All landscape, site and architectural improvements shall be completed per the attached approved drawings dated August 12, 2019.

**At All Times (Operation):**

- 28.** 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.
- 29.** Drainage Patterns. 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.
- 30.** Electrical Meter. Only one electrical meter fixture may be installed per dwelling unit.



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Prepared by: Ashley James  
For Greg Powell, Zoning Officer



1708 martin luther king jr way  
suite b  
berkeley, ca 94709

510.705.1061

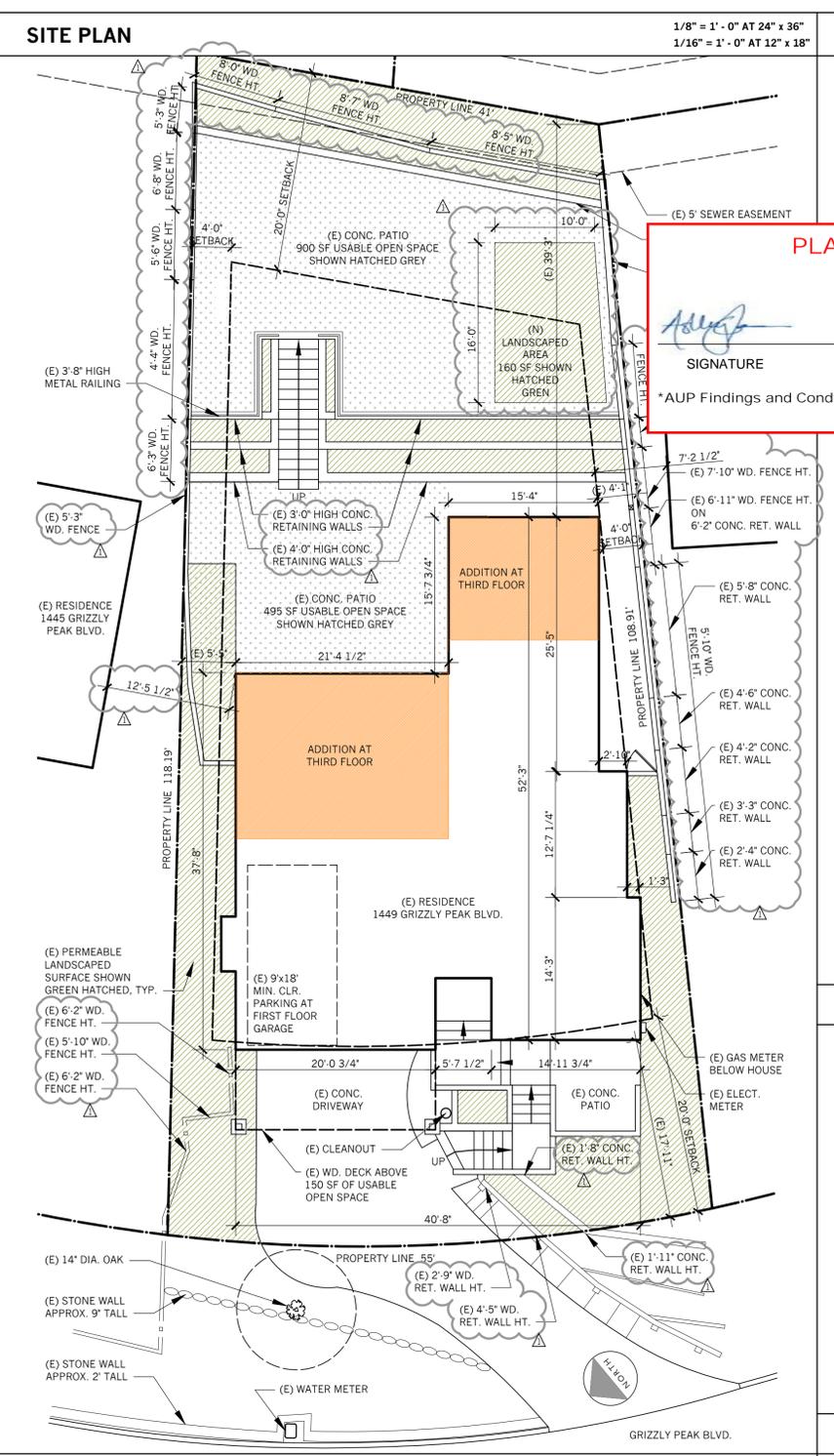
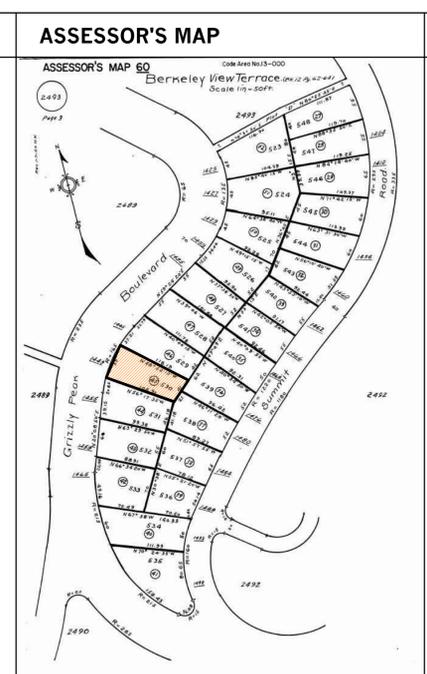
**UBILLUS  
RESIDENCE  
ADDITION**

1449 GRIZZLY PEAK BLVD.  
BERKELEY, CA 94708

CONSULTANTS

- ### BEST MANAGEMENT PRACTICES
- SAND, DIRT, AND SIMILAR MATERIALS MUST BE STORED AT LEAST 10 FEET FROM CATCH BASINS, AND COVERED WITH A TARP DURING WET WEATHER OR WHEN RAIN IS FORECAST.
  - SWEEP STREETS AND OTHER PAVED AREAS DAILY. DO NOT WASH DOWN STREETS OR WORK AREAS WITH WATER.
  - RECYCLE ALL ASPHALT, CONCRETE, AND AGGREGATE BASE MATERIAL FROM DEMOLITION ACTIVITIES.
  - CHECK DUMPSTERS REGULARLY FOR LEAKS AND TO MAKE SURE THEY DON'T OVERFLOW. REPAIR OR REPLACE LEAKING DUMPSTERS PROMPTLY.
  - LABEL ALL HAZARDOUS MATERIALS AND HAZARDOUS WASTES (SUCH AS PESTICIDES, PAINTS, THINNERS, SOLVENTS, FUEL, OIL, AND ANTIFREEZE) IN ACCORDANCE WITH CITY, STATE, AND FEDERAL REGULATIONS.
  - STORE HAZARDOUS MATERIALS AND WASTES IN SECONDARY CONTAINMENT AND COVER THEM DURING WET WEATHER.
  - BE SURE TO ARRANGE FOR APPROPRIATE DISPOSAL OF ALL HAZARDOUS WASTES.
  - WHEN SPILLS OR LEAKS OCCUR (HAZARDOUS OR NON-HAZARDOUS), CONTAIN THEM IMMEDIATELY AND BE PARTICULARLY CAREFUL TO PREVENT LEAKS AND SPILLS FROM REACHING THE GUTTER, STREET, OR STORM DRAIN. NEVER WASH SPILLED MATERIAL INTO A GUTTER, STREET, STORM DRAIN, OR CREEK.
  - REPORT ANY HAZARDOUS MATERIALS SPILLS IMMEDIATELY! DIAL 911 OR YOUR LOCAL EMERGENCY RESPONSE NUMBER.
  - DO NOT CLEAN VEHICLES OR EQUIPMENT ON-SITE USING SOAPS, SOLVENTS, DEGREASERS, STEAM CLEANING EQUIPMENT, ETC.
  - KEEP EXCAVATED SOIL ON THE SITE WHERE IT IS LEAST LIKELY TO COLLECT IN THE STREET. TRANSFER TO DUMP TRUCKS SHOULD TAKE PLACE ON THE SITE, NOT IN THE STREET.
  - USE FIBER ROLLS, SILT FENCES, OR OTHER CONTROL MEASURES TO MINIMIZE THE FLOW OF SILT OFF THE SITE. SEE SITE PLAN FOR SPECIFIC MEASURES.
  - SHOVEL, ABSORB, OR VACUUM SAW-CUT SLURRY AND PICK UP ALL WASTE AS SOON AS YOU ARE FINISHED IN ONE LOCATION OR AT THE END OF EACH WORK DAY (WHICHEVER IS SOONER).
  - IF SAW CUT SLURRY ENTERS A CATCH BASIN, CLEAN IT UP IMMEDIATELY.
  - PROTECT GUTTERS, DITCHES, AND DRAINAGE COURSES WITH SAND/GRAVEL BAGS, OR EARTHEN BERMS.
  - BE SURE TO STORE CONCRETE, GROUT, AND MORTAR UNDER COVER AND AWAY FROM DRAINAGE AREAS. THESE MATERIALS MUST NEVER REACH A STORM DRAIN.
  - WASH OUT CONCRETE EQUIPMENT/TRUCKS OFF-SITE.
  - NEVER RINSE PAINT BRUSHES OR MATERIALS IN A GUTTER OR STREET.
  - PAINT OUT EXCESS WATER-BASED PAINT BEFORE RINSING BRUSHES, ROLLERS, OR CONTAINERS IN A SINK. IF YOU CAN'T USE A SINK, DIRECT WASH WATER TO A DIRT AREA AND SPADE IN IT.
  - PAINT OUT EXCESS OIL-BASED PAINT BEFORE CLEANING BRUSHES IN THINNER.
  - FILTER PAINT THINNERS AND SOLVENTS FOR REUSE WHENEVER POSSIBLE. DISPOSE OF OIL-BASED PAINT SLUDGE AND USEABLE THINNER AS HAZARDOUS WASTE.

- ### GENERAL NOTES
- ALL WORK SHALL CONFORM TO THE CALIFORNIA RESIDENTIAL CODE, 2016 EDITION; CALIFORNIA PLUMBING CODE, 2016 EDITION; CALIFORNIA MECHANICAL CODE, 2016 EDITION; CALIFORNIA ELECTRICAL CODE, 2016 EDITION; 2016 ENERGY CODE; CITY OF BERKELEY ORDINANCES, ALAMEDA COUNTY REQUIREMENTS AND ALL OTHER APPLICABLE CODES AND ORDINANCES.
  - THE CONTRACTOR SHALL VERIFY ALL CONDITIONS AND DIMENSIONS ON THE SITE PRIOR TO BEGINNING WORK. CONTRACTOR SHALL FAMILIARIZE HIM/HERSELF WITH VERTICAL AND LATERAL LOAD TRANSFER THROUGH FRAMING TO FOUNDATION. DIMENSIONS, FOUNDATION LAYOUT, FRAMING LAYOUT, LOAD TRANSFER THROUGH NEW AND EXISTING FRAMING TO FOUNDATION LOCATION OF BEAMS, BRACING, ETC. SHOULD ALL BE VERIFIED PRIOR TO ACTUAL CONSTRUCTION. VARIANCE BETWEEN THE DRAWINGS AND THE ACTUAL SITE CONDITIONS, AND ANY ERRORS OR OMISSIONS FOUND IN THE DRAWINGS, SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT BEFORE PROCEEDING WITH THE WORK. UPON DISCOVERY OF UNFORESEEN CONDITIONS ON THE SITE, THE CONTRACTOR SHALL STOP THE WORK AND REQUEST ADDITIONAL INFORMATION FROM THE ARCHITECT. THE CONTRACTOR SHALL NOTIFY THE ARCHITECT WHEN THE EXISTING STRUCTURE HAS BEEN EXPOSED.
  - DURING DEMOLITION CONTRACTOR IS TO CAP ALL ELECTRICAL OUTLETS, SWITCHES AND UTILITIES PER CODE. NOTIFY OWNER 24 HOURS PRIOR TO ANY INTERRUPTION IN POWER OR UTILITIES.
  - BRACE AND SUPPORT EXTERIOR AND INTERIOR WALLS AS NECESSARY PRIOR TO REMOVAL OF EXISTING STRUCTURE SO AS TO PREVENT ANY MOVEMENT OF THE EXISTING STRUCTURE. THE GENERAL CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR PROVIDING ADEQUATE SHORING AND BRACING DURING CONSTRUCTION FOR VERTICAL AND LATERAL LOADS AS REQUIRED FOR THE PROTECTION OF LIFE AND PROPERTY DURING CONSTRUCTION.
  - WRITTEN DIMENSIONS SHOWN IN THE DRAWINGS ARE TO FACE OF FINISH UNLESS OTHERWISE NOTED; THEY SHALL HAVE PRECEDENCE OVER ANY SCALED DIMENSIONS. THE CONTRACTOR SHALL NOT USE SCALED DIMENSIONS. DETAIL DRAWINGS HAVE PRECEDENCE OVER MORE GENERAL DRAWINGS.
  - THE CONTRACTOR SHALL GUARANTEE ALL NEW WORK AGAINST LEAKS FOR A PERIOD OF TWO YEARS FOLLOWING COMPLETION OF THE WORK.
  - THE CONTRACTOR SHALL BE RESPONSIBLE FOR RESTORING TO ORIGINAL CONDITION, AT HIS OWN EXPENSE, ANY DAMAGE DONE BY HIM OR HIS AGENTS TO THE EXISTING BUILDINGS OR GROUNDS.
  - THE CONTRACTOR SHALL INSTALL ALL PRODUCTS AND MATERIALS IN ACCORDANCE WITH THE MANUFACTURER'S SPECIFICATIONS AND IN ACCORDANCE WITH THE LATEST EDITION OF TRADE STANDARDS, PUBLISHED BY THE TRADE ASSOCIATIONS.
  - THE CONTRACTOR SHALL COMPLY WITH ALL APPLICABLE PORTIONS OF TITLE 24 OF THE CALIFORNIA ADMINISTRATIVE CODE.
  - DIMENSIONS, LOCATIONS OF DOORS, PARTITIONS, CABINET WORK AND SIMILAR FEATURES TO BE VERIFIED ON SITE.
  - IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO COORDINATE LAYOUT OF ALL THE VARIOUS COMPONENTS OF THE CONSTRUCTION AS REQUIRED TO ACCOMMODATE THE ELECTRICAL LAYOUT INDICATED. SPECIAL ATTENTION SHOULD BE GIVEN TO FRAMING LAYOUT TO AVOID CUTTING AND REFRAMING TO ACHIEVE PROPER LOCATIONS FOR FIXTURES.
  - THE ARCHITECT DOES NOT ASSUME RESPONSIBILITY FOR CONSTRUCTION MEANS, METHODS, TECHNIQUES, SEQUENCE OR PROCEDURES OF CONSTRUCTION, OR SAFETY PRECAUTIONS, WHICH ARE TO REMAIN THE RESPONSIBILITY OF THE GENERAL CONTRACTOR.
  - THE ARCHITECT DOES NOT PROVIDE EVALUATION FOR THE EXISTENCE OF HAZARDOUS MATERIAL NOR ASSUME RESPONSIBILITY FOR THEIR MANAGEMENT. SHOULD THE CONTRACTOR ENCOUNTER ANY HAZARDOUS MATERIALS IN THE PERFORMANCE OF HIS WORK, THE CONTRACTOR SHALL NOTIFY THE OWNER IMMEDIATELY AND PROCEED WITH WORK ONLY IN COMPLIANCE WITH APPLICABLE HAZARDOUS MATERIAL HANDLING REGULATIONS.
  - DIVERT CONSTRUCTION AND DEMOLITION WASTE AS FOLLOWS:  
A. DIVERT ALL CARDBOARD, CONCRETE, ASPHALT AND METALS.  
B. DIVERT 25% C&D WASTE, EXCLUDING ALL CARDBOARD, CONCRETE, ASPHALT, AND METALS.



### DRAWING INDEX

A-0.0	COVER SHEET
A-1.0	DEMO PLANS AND EXISTING ELEVATIONS
A-2.0	PROPOSED FLOOR PLAN AND ROOF PLAN
A-3.0	PROPOSED EXTERIOR ELEVATIONS
A-4.0	SECTION

**PLANS APPROVED by**

*[Signature]*

**November 20, 2019**

SIGNATURE DATE

\*AUP Findings and Conditions Attached

### SYMBOL LEGEND

	WINDOW SYMBOL, SEE SCHEDULE		INTERIOR ELEVATION KEY
	DOOR SYMBOL, SEE SCHEDULE		DRAWING KEY
	ELEVATION KEY - DRAWING #		DETAIL KEY
	ELEVATION SHOWN WHERE SHADED		ALIGNMENT SYMBOL
	SHEET #		

### PROJECT DATA

CLIENTS:  
CHERYL AND RODRIGO UBILLUS  
1449 GRIZZLY PEAK BLVD.  
BERKELEY, CA 94708

PROJECT SCOPE:  
REAR ADDITION OF 500 SQ. FT. AT THE THIRD FLOOR, INCLUDING A BEDROOM, BATHROOM, AND WALK-IN CLOSET.

ZONING: R1-H  
APN: 60-2493-45  
FLOOD ZONE: NO  
FIRE ZONE: 2  
LANDSLIDE ZONE: YES  
FIRE SPRINKLERS: NONE  
OCCUPANCY: R-3  
CONSTRUCTION TYPE: V-B  
AVG. LOT SLOPE: 15%

### NEIGHBOR'S SIGNATURES

I HAVE REVIEWED THE DRAWINGS FOR THE PROPOSED ADDITION AT 1449 GRIZZLY PEAK BLVD. WHICH INCLUDES 500 SF AT THE SECOND FLOOR.

NAME (PRINTED)	SIGNATURE	ADDRESS	OWNER YES/NO	DATE	HAVE NO OBJECTIONS	COMMENTS OR OBJECTIONS (PLEASE STATE BRIEFLY)
		1444 GRIZZLY PEAK BLVD.				
		1445 GRIZZLY PEAK BLVD.				
		1446 GRIZZLY PEAK BLVD.				
		1448 GRIZZLY PEAK BLVD.				
		1452 GRIZZLY PEAK BLVD.				
		1455 GRIZZLY PEAK BLVD.				
		1476 SUMMIT RD.				
		1480 SUMMIT RD.				

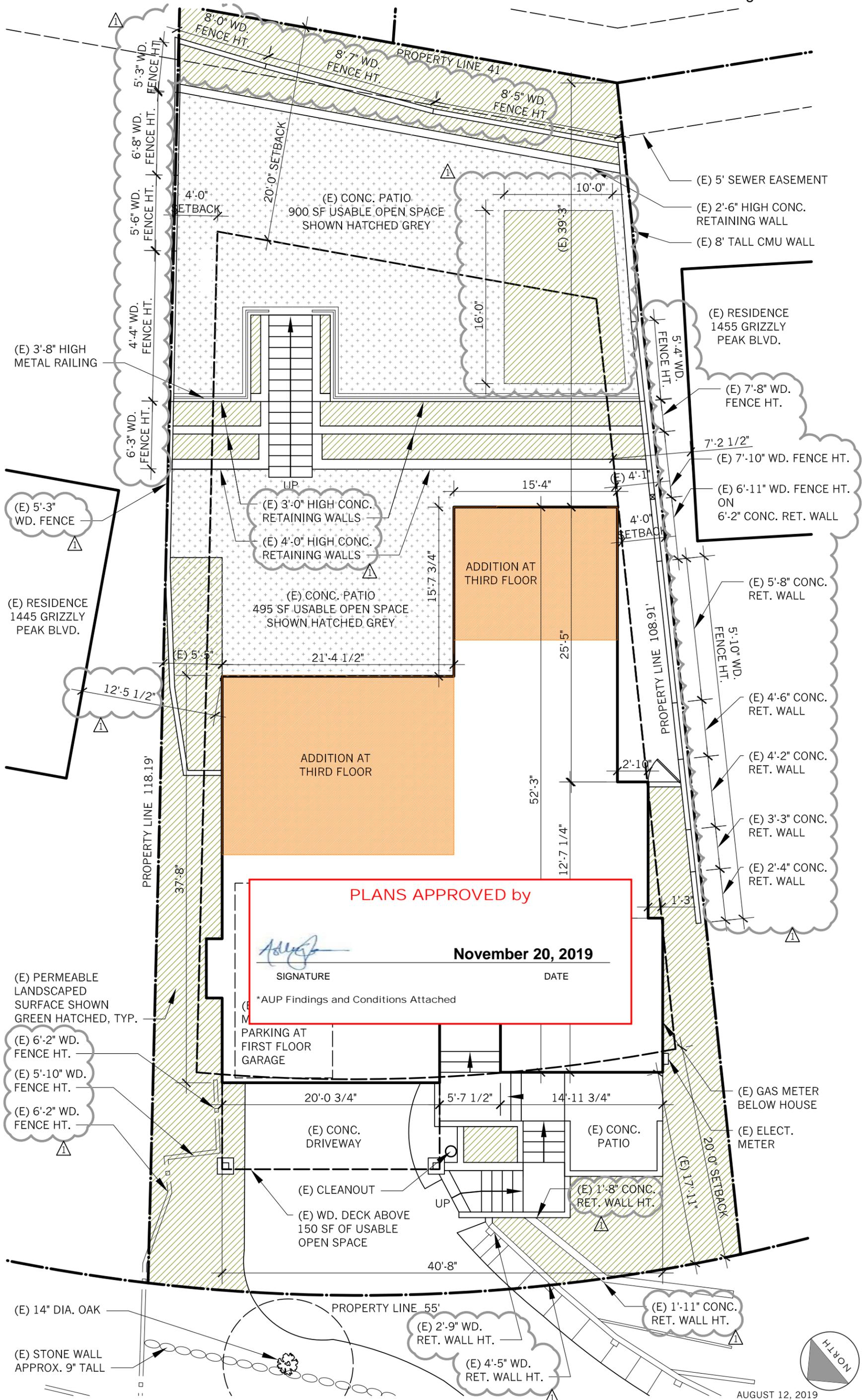
### TABULATION FORM

	Existing	Proposed	Permitted/Required
Units, Parking Spaces & Bedrooms			
Number of Dwelling Units (#)	1	1	
Number of Parking Spaces (#)	1	1	
Number of Bedrooms (#)	4	5	
Yards and Height			
Front Yard Setback (Feet)	17'-11"	NA	20
Side Yard Setback: (Steep property)			
Left (Feet)	5'-5"	NA	4
Right (Feet)	4'-1"	NA	4
Rear Yard Setback (Feet)	39'-3"	NA	20
Building Height* (# Stories)	3	3	3
Average* (Feet)	22'-6"	24'-8"	14
Maximum* (Feet)	26'-6"	28'-9"	20
Areas			
Lot Area (Square-Feet)	5,528	NA	NA
Gross Floor Area* (Square-Feet)	2,791	3,291	NA
Total Area Covered by All Floors (Square-Feet)	1,659	NA	NA
Building Footprint* (Square-Feet)	1,659	NA	NA
Total of All Structures (Square-Feet)	1,659	NA	NA
Lot Coverage* (Floorplan/Total Area) (%)	30%	NA	40%
Usable Open Space* (Square-Feet)	1,545	NA	400
Floor Area Ratio* Non-Residential only (Except ES-R)	NA	NA	NA

\*See Definitions - Zoning Ordinance Title 23F. Revised: 08/15

**COVER SHEET**

**A - 0.0**



AUGUST 12, 2019

PLANS APPROVED by

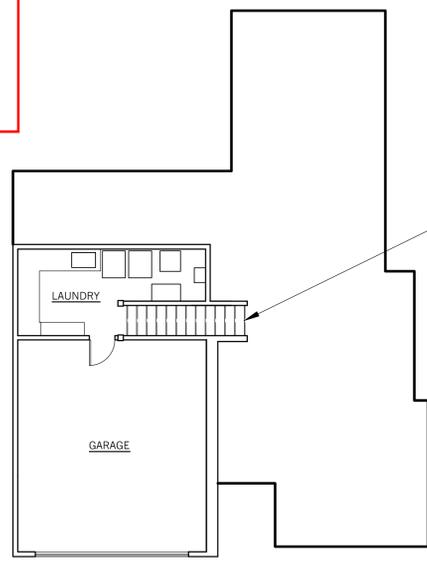
*[Signature]*

SIGNATURE

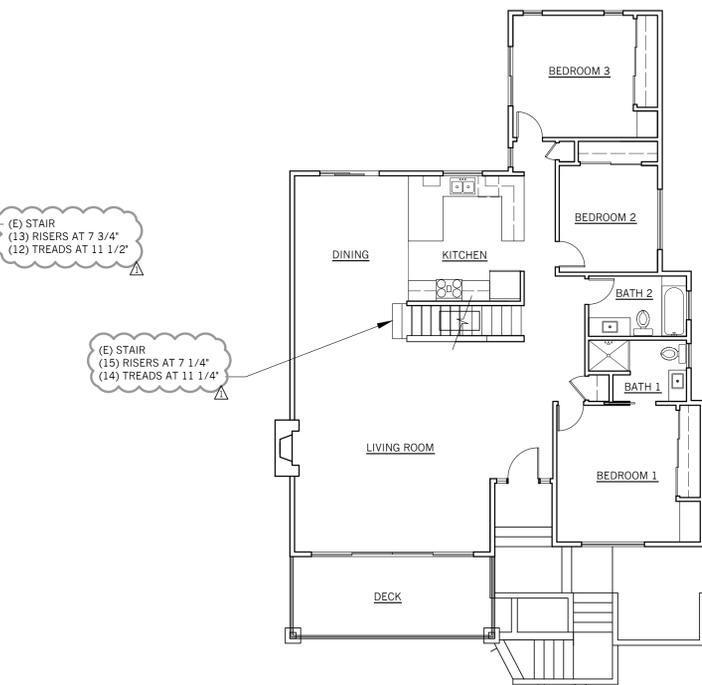
DATE

November 20, 2019

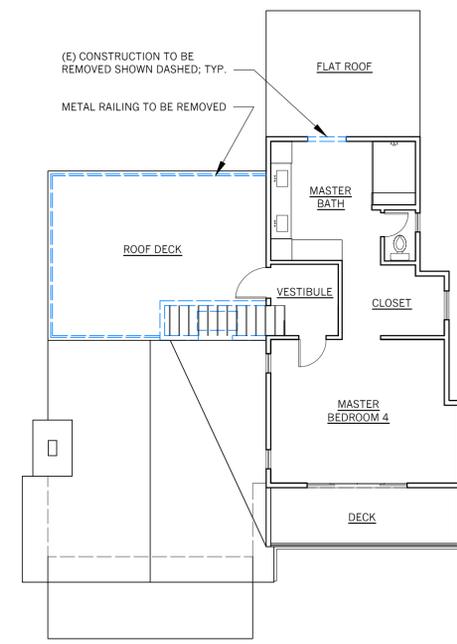
\*AUP Findings and Conditions Attached



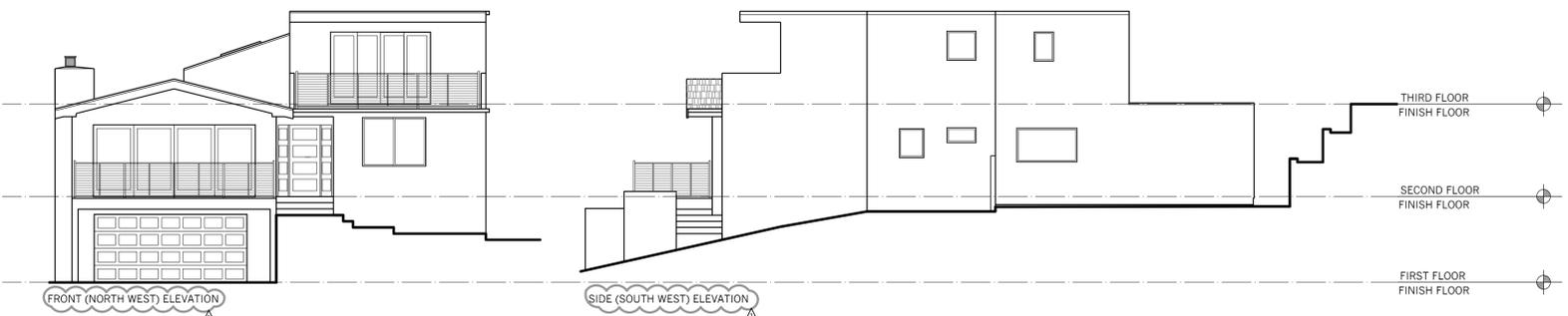
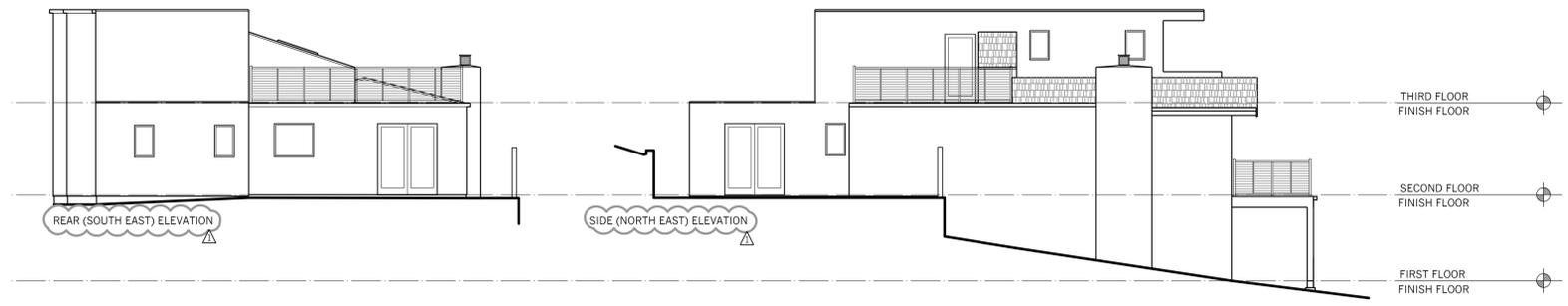
1 FIRST FLOOR  
A1.0 NO WORK  
1/8" = 1'-0"



2 SECOND FLOOR  
A1.0 NO WORK  
1/8" = 1'-0"



3 THIRD FLOOR  
A1.0 SHOWING DEMOLITION  
1/8" = 1'-0"



4 EXISTING EXTERIOR ELEVATIONS  
A1.0  
1/8" = 1'-0"

NOTE: DRAWING SCALE WILL BE 1/16"=1'-0" IF PRINTED TO FIT A 12" X 18" SHEET SIZE

ISSUE	DATE
AUP SUBMITTAL	06/03/2019
AUP RESPONSE	08/12/2019

DEMO PLANS  
AND EXISTING  
ELEVATIONS

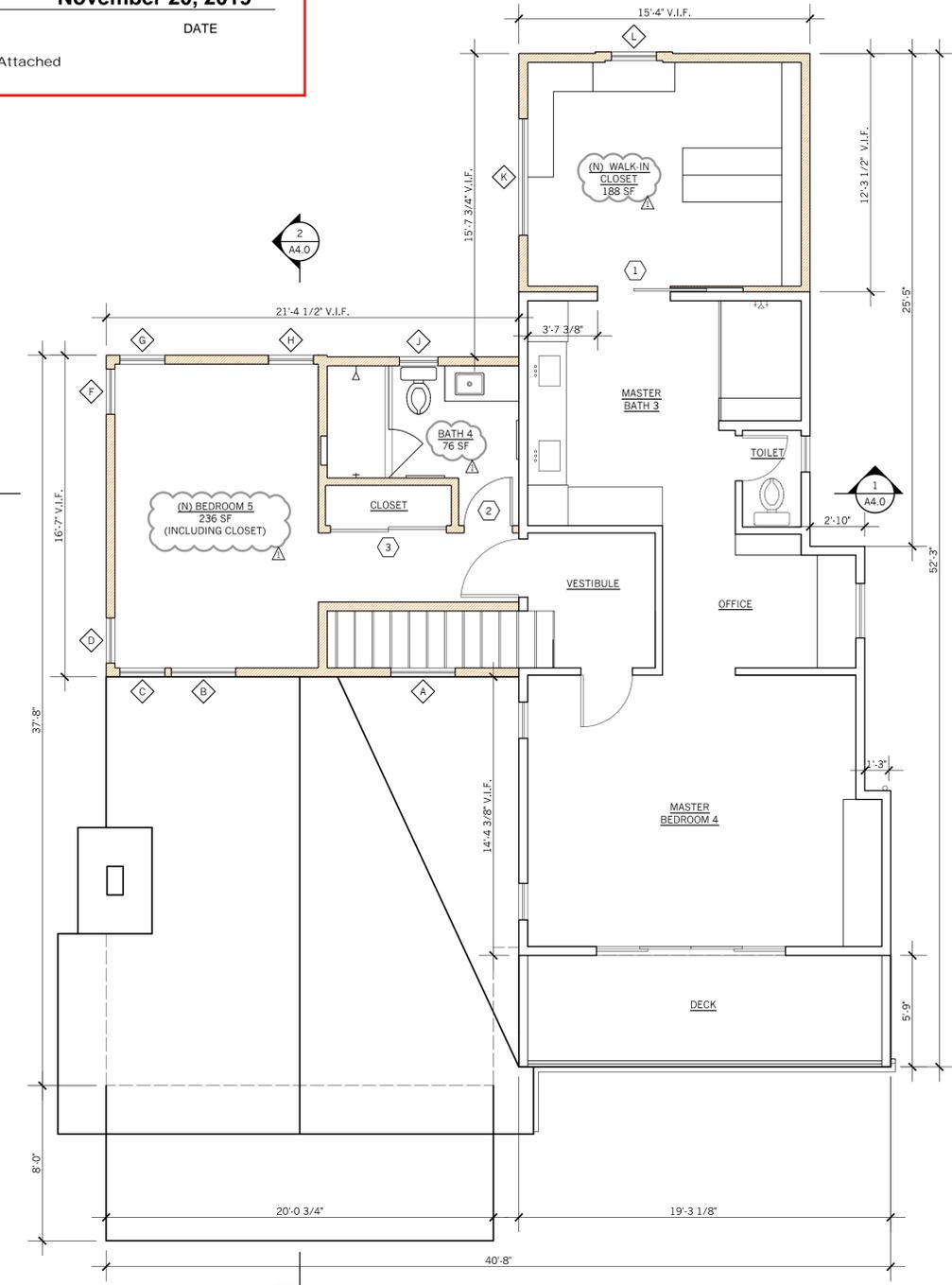
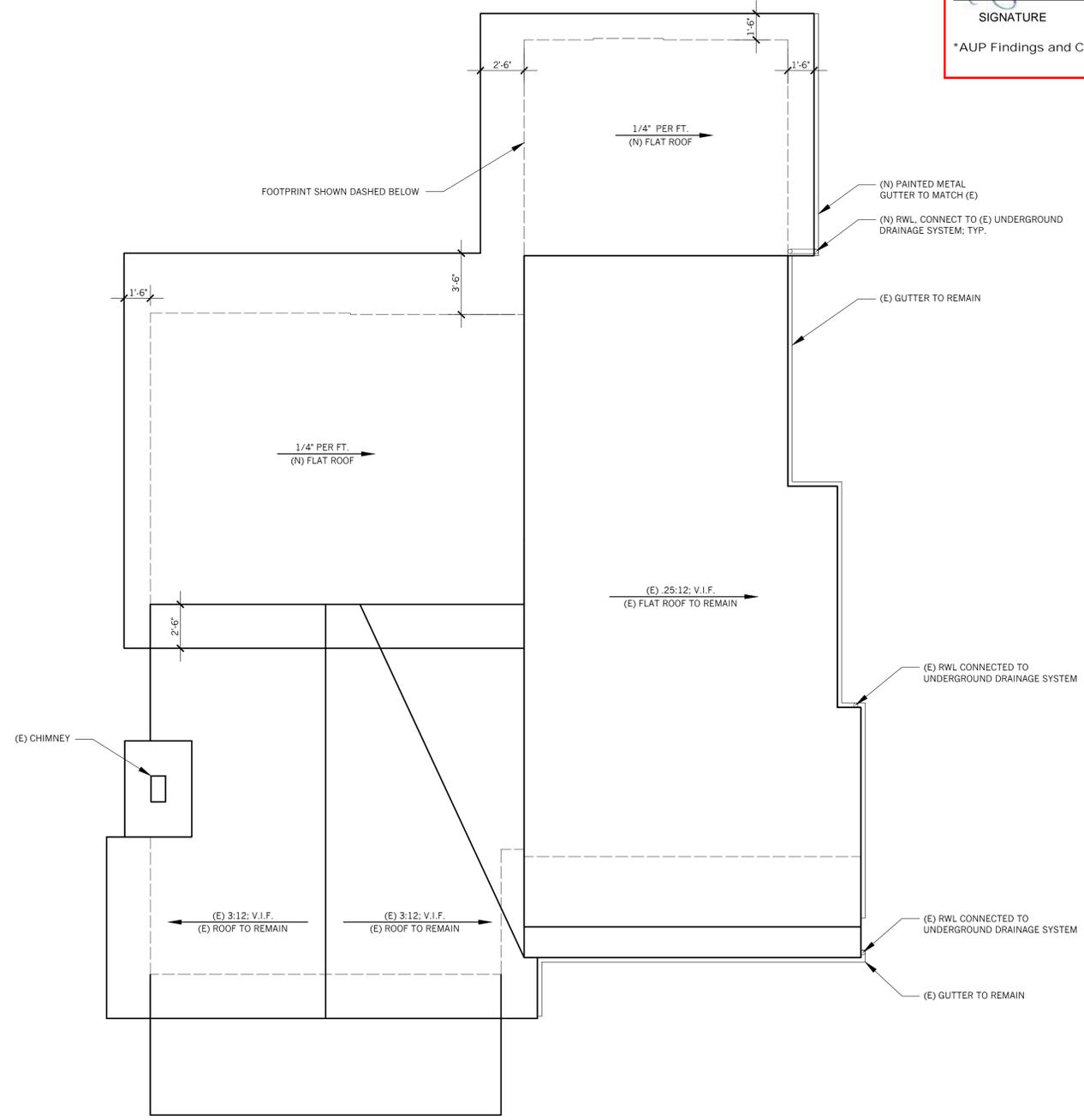
A - 1.0

PLANS APPROVED by

*[Signature]* **November 20, 2019**

SIGNATURE DATE

\*AUP Findings and Conditions Attached



WALL TYPE KEY	
(E) WALLS TO REMAIN	
(N) FULL HEIGHT WALL	
(N) 1-HR CONSTRUCTION	

- FLOOR PLAN NOTES:
1. THE TERMINATION OF ALL ENVIRONMENTAL AIR DUCTS SHALL BE A MINIMUM OF 3 FEET FROM ANY OPENINGS INTO THE BUILDING. DUCT TERMINATIONS (I.E. DRYERS, BATH AND UTILITY FANS, ETC.) MUST BE 3 FEET AWAY FROM DOORS, WINDOWS, OPENING SKYLIGHTS, OR ATTIC VENTS (PER CMC 504.5)
  2. VERIFY OR INSTALL AUTOMATIC GAS SHUT-OFF VALVES.
  3. ALL NEW HOT WATER SUPPLY PIPING 3/4" OR GREATER SHALL BE INSULATED PER CEC SECTION 150.0(j)(2)iii.
  4. ALL NEW HOT WATER SUPPLY PIPING FROM THE HEATING SOURCE TO THE KITCHEN FIXTURES SHALL BE INSULATED PER CEC SECTION 150.0(j)(2)vi.

**2**  
A2.0 ROOF

1/4" = 1'-0"

**1**  
A2.0 THIRD FLOOR  
AREA OF WORK

NOTE: DRAWING SCALE WILL BE 1/8"=1'-0" IF PRINTED TO FIT A 12" X 18" SHEET SIZE

ISSUE	DATE
AUP SUBMITTAL	06/03/2019
AUP RESPONSE	08/12/2019

**PROPOSED  
FLOOR PLAN  
AND  
ROOF PLAN**

**A - 2.0**



PLANS APPROVED by

  
 SIGNATURE

**November 20, 2019**  
 DATE

\*AUP Findings and Conditions Attached

mitche  
holladay

architects

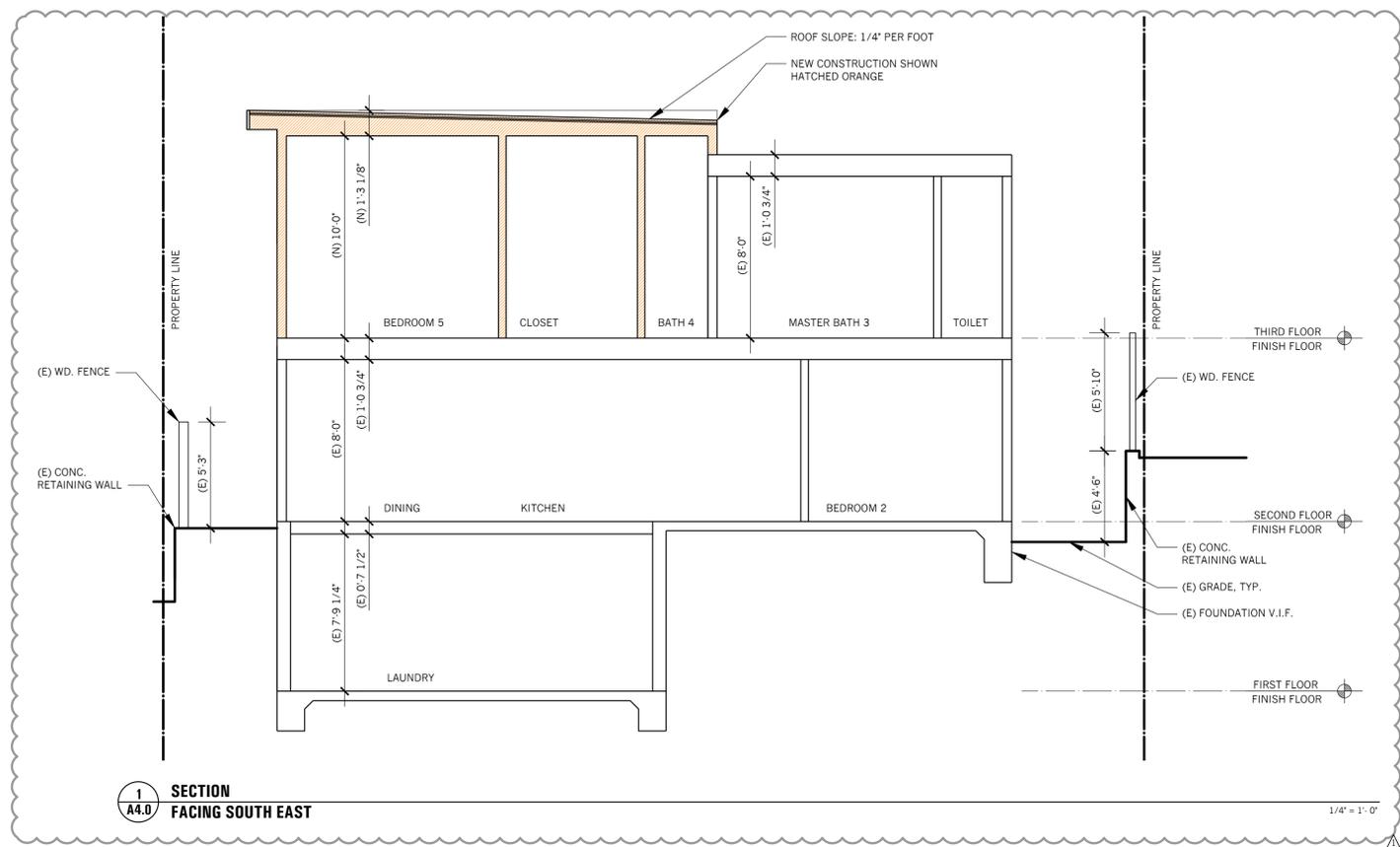
1708 martin luther king jr way  
suite b  
berkeley, ca 94709

510.705.1061

**UBILLUS  
RESIDENCE  
ADDITION**

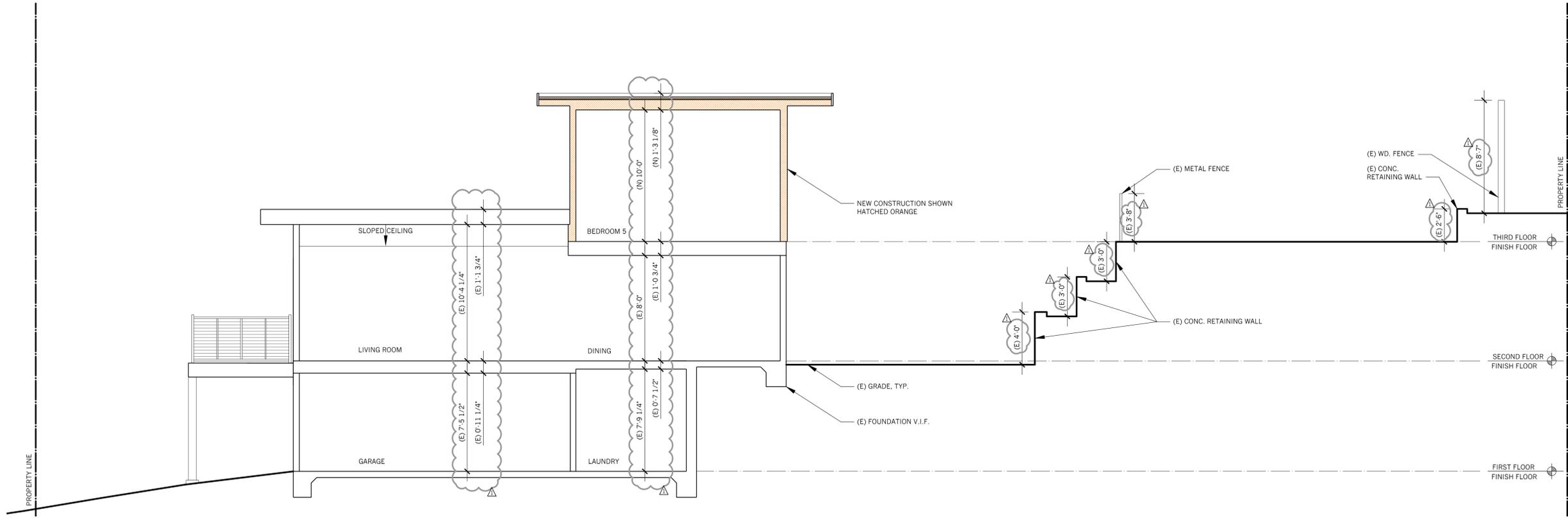
1449 GRIZZLY PEAK BLVD.  
BERKELEY, CA 94708

CONSULTANTS



**1 SECTION  
A4.0 FACING SOUTH EAST**

1/4" = 1'-0"



**2 SECTION  
A4.0 FACING NORTH EAST**

1/4" = 1'-0"

NOTE: DRAWING SCALE WILL BE 1/8"=1'-0" IF PRINTED TO FIT A 12" X 18" SHEET SIZE

ISSUE	DATE
AUP SUBMITTAL	06/03/2019
AUP RESPONSE	08/12/2019

**SECTION**

**A - 4.0**

RECEIVED

DEC 11 2019

PERMIT SERVICE CENTER

LAND USE PLANNING

DEC 11 2019

Zoning Officer  
Permit Service Center  
1947 Center Street, 3<sup>rd</sup> Floor  
Berkeley, CA 94704

RECEIVED BY: \_\_\_\_\_

December 11, 2019

Re: AUP #ZP2019-0111  
1449 Grizzly Peak Boulevard, Berkeley CA 94708

Appeal of Administrative Decision to Issue a Permit for AUP #ZP2019-0111, dated November 20, 2019, and, therefore, a Request for a Public Hearing Before the Zoning Adjustments Board (ZAB)

Dear Zoning Officer:

We are appealing the above referenced decision for the following reason:

- This proposed project would appear to represent “construction creep” and a violation of the premise of the previous permit AUP #13-20000050, dated May 1, 2014, which was approved after City Planning & Development recommended negotiations and mediation among the applicant and the neighbors to modify the project and define the limits of construction and its impacts on the abutting neighbors.

The following questions need to be addressed by ZAB, on behalf of the affected public, in consideration of the fact that the property applicant(s) have already proceeded to alter the property and are currently requesting Permits that would over-double the original size of the building in a piecemeal fashion thus to circumvent a Public Hearing

- Was the Permit Department informed of the demolition of the entire back yard, including the removal of a mature California Live Oak, and the construction of a massive concrete structure covering the entire area? In violation of the specific language in the approved AUP #13-20000050?
- Why was a permit granted for a roof deck facing the Summit Road neighbors, who were party to the AUP #13-20000050 mediation resolution, without informing those neighbors who are impacted?
- Mediation discussion included a commitment by the applicant to choose a building color to blend with the environment – note the stark bright white façade remains on the house and continues to reflect sunlight in a blinding and obtrusive manner.

- In accordance with Planning Department Staff statement, was a boundary survey done in order to determine the exact location of the rear property line to determine its location with respect to the City's sewer easement? Did the backyard concrete construction, in fact, encroach upon the City's sewer easement? Did, also, the recently constructed rear fence encroach upon the City's sewer easement?
- If the approved AUP #13-20000050 specifically stipulated that the maximum ceiling of the structure would be 8 ft., how might it be approvable that the maximum building height will be allowed to be increased by 2 ft. 3 inches (27 inches), per AUP #ZP2019-0111, without a Public Hearing?
- Furthermore, how is it legal that the Planning Department allows the applicant to over-double the residence size from the original 1,515 sq. ft. to 3,291 sq. ft. in a piecemeal fashion without scheduling a Public Hearing?

In conclusion, the above questions are relevant and warrant a Public Hearing before Permit AUP #ZP2019-0111 might be issued. Therefore, we are formally appealing the administrative decision and request a Public Hearing before the ZAB.

Sincerely,



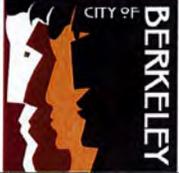
Pamela Sihvola,

1476 Summit Road, Berkeley CA 94708



Kathleen Wasser

1435 Grizzly Pk., Berkeley, CA 94708



# I. ZONING PROJECT APPLICATION FORM

*(This box for staff use only.)*

ZP201 \_\_\_\_\_ - \_\_\_\_\_      PLN201 9 - 0072

Administrative Use Permit       Pre-Application

Use Permit / Variance

Modification of any of the Above      Intake Planner: Alison Lenci

**RECEIVED**  
DATE STAMP HERE  
**DEC 11 2019**  
**LAND USE PLANNING**

• **Project Address:** 1449 GRIZZY PEAK      Unit/Suite #: \_\_\_\_\_

Project Description: \_\_\_\_\_  
APPEAL OF AUP#ZP2019 - 0111

\_\_\_\_\_

( See Attached )

\_\_\_\_\_

• **Property Owner Name:** \_\_\_\_\_

Owner's Mailing Address: \_\_\_\_\_

Phone #: \_\_\_\_\_  Home  Mobile  Business      E-mail: \_\_\_\_\_

• **Applicant Name** (or write "same"): PAMELA SIHVOCA

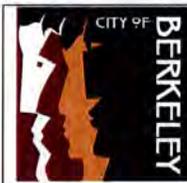
Applicant's Mailing Address: 1476 SUMMIT ROAD, BERKELEY, CA 94708

Phone #: (510) 697-0525  Home  Mobile  Business      E-mail: NO/RESPOND VIA USPS

<b>For projects involving <u>only</u> the following four items and <u>none</u> of the items on pages 2-3 of this form, please refer to the handout indicated in the right-hand column <u>instead</u> of filling out this form.</b>	
1. Converting existing Rental or Tenant In Common (TIC) Units to Condominiums?	Refer to the "Condominium Conversion Procedures: Guide for Applicants"
2. Demolition of, or exterior alterations to, a designated City of Berkeley Landmark, Structure of Merit, or structure in a City Historic District (or interior alterations to such buildings if publicly owned)?	Refer to the "Landmark Preservation Commission: Structural Alteration Permit and Design Review Submittal Requirements"
3. Application to designate a City Landmark, Structure of Merit or Historic District?	Refer to the "Landmark, Structure of Merit or Historic District Designation Form"
4. Exterior changes (including signs) to (1) any structure (new or existing) in a non-residential zoning district OR (2) a commercial or mixed-use building in the R-4 District?	Refer to the Design Review Submittal Packet

**Continued on Page 2**

**PLANNING & DEVELOPMENT**  
Land Use Planning Division, 1947 Center Street, 2<sup>nd</sup> Floor, Berkeley, CA 94704  
Tel: 510.981.7410 TDD: 510.981.6903  
Fax: 510.981.7420 Email: [Planning@CityofBerkeley.info](mailto:Planning@CityofBerkeley.info)



# I. ZONING PROJECT APPLICATION FORM

## Submittal Requirements Checklist – Instructions

1. Complete the checklist below and **sign the bottom of page 3.** (*Owner must also sign, or provide a letter authorizing the applicant to sign on the owner's behalf.*)
2. For each question for which you check "yes", review the Zoning Project Submittal Requirements to learn more and to provide the item indicated in the right-hand column.
3. **Submit a pdf copy of the entire application, along with the paper application to the Planner at the Permit Service Center, Zoning Counter.**

Does the project include:	No	Yes	Handout / Application Requirement
1. Any work requiring an Administrative Use Permit, Use Permit, Variance, or Modification of any these permits?	<input type="checkbox"/>	<input type="checkbox"/>	Required For All Projects
2. Any new structure(s), addition(s), demolition(s), exterior alteration(s), or change(s) of use?	<input type="checkbox"/>	<input type="checkbox"/>	Required For All Projects Involving Construction
3. A new main building, OR a new accessory building/structure or main building addition within 2 feet of a required setback?	<input type="checkbox"/>	<input type="checkbox"/>	Boundary/Topographic Survey
4. More than 50 cubic yards of grading?	<input type="checkbox"/>	<input type="checkbox"/>	Grading Plan
5. A request to waive or reduce required parking?	<input type="checkbox"/>	<input type="checkbox"/>	Parking Survey
6. (1) a building over three stories in height, (2) a Density Bonus, (3) an FAR over 2.0, (4) over 10,000 sq. ft. of gross floor area; OR any wireless installation	<input type="checkbox"/>	<input type="checkbox"/>	Photo Simulations
7. A new main building or an addition exceeding 14 feet in average height in the 'H' Overlay District?	<input type="checkbox"/>	<input type="checkbox"/>	Section Drawings Story Poles
8. A new main building or an addition exceeding 14 feet in average height on a site adjacent to a residential use?	<input type="checkbox"/>	<input type="checkbox"/>	Shadow Study
9. A new main building (except accessory buildings/structures)?	<input type="checkbox"/>	<input type="checkbox"/>	Street Strip Elevation
10. Creation of (1) 5 or more dwelling or live/work units, or (2) additional condominium units resulting in 5 or more condominium units on the site?	<input type="checkbox"/>	<input type="checkbox"/>	Housing Affordability Statement Applicant Anti-Discriminatory Housing Policies
11. Under Government Code Section 65915: a. A request for a Density Bonus? b. A request for any concessions or incentives in addition to a Density Bonus?	<input type="checkbox"/>	<input type="checkbox"/>	Housing Affordability Statement Additional Incentives or Concessions Documents
12. Creation of (1) 10 or more dwelling units, (2) 5,000 sq. ft. of floor area, OR (3) 25 or more peak hour vehicle trips (based on ITE trip generation rates)?	<input type="checkbox"/>	<input type="checkbox"/>	Traffic Impact Analysis
13. Creation or replacement of 2,500 square feet or more of impervious surface area? (Includes additions and new buildings but not routine maintenance and re-surfacing).	<input type="checkbox"/>	<input type="checkbox"/>	Stormwater Requirements Checklist
14. Any new dwelling unit(s), or addition or renovation of 10,000 sq. ft. or more of non-residential space?	<input type="checkbox"/>	<input type="checkbox"/>	Green Building Checklist Energy Efficiency Analysis <i>(nonresidential mixed-use only)</i>
15. 2,500 sq. ft. or more of new landscape area or 2,500 sq. ft. or more of rehabilitated landscape?	<input type="checkbox"/>	<input type="checkbox"/>	Berkeley Water Efficient and Bay Friendly Landscape Requirements
16. A new building on a site with a history of soil and/or groundwater contamination or within Environmental Management Areas?	<input type="checkbox"/>	<input type="checkbox"/>	Phase I or II Assessment
17. A new building or addition in a liquefaction, landslide, or fault zone shown on the "Environmental Constraints Map"	<input type="checkbox"/>	<input type="checkbox"/>	Seismic Hazard Investigation
18. Federal funding, either directly or through the City of Berkeley Housing Trust Fund?	<input type="checkbox"/>	<input type="checkbox"/>	Area of Potential Effects (APE) Statement
19. A new business, or a new commercial space with tenant/operator already selected? ( <b>Does not include</b> home occupations.)	<input type="checkbox"/>	<input type="checkbox"/>	Zoning Use Questionnaire



# I. ZONING PROJECT APPLICATION FORM

Page 3 of 4

<b>You must disclose whether or not any of the following are true of the project:</b>	<b>No</b>	<b>Yes</b>
<ul style="list-style-type: none"> <li>Over 7,500 square feet of office, retail, restaurant, hotel, lodging, manufacturing, light industrial, research and development, warehouse or storage? If so, Affordable Child Care and Affordable Housing Fees apply. Refer to Council Resolutions #66,618-N.S. &amp; #66,617-N.S.</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>Any new commercial or industrial building, more than five or more Dwelling Units; or an addition or more than 10,000 square feet. If so, Percent for Public Art on Private Projects Program applies, per BMC Chapter 23C.23.</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>Project involves the elimination or rehabilitation of any dwelling units, and/or are any of the dwelling units on the property controlled rental units? If so, your application will be referred to the Rent Stabilization Board. No action is required on your part. You may contact them at (510) 981-7368 if you have any questions.</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>Construction activity within the drip line of a Coast Live Oak tree with circumference over 18" at 4'-6" above ground (or 26" aggregate circumference for multi-trunked trees)? If so, the Moratorium on the removal of Coast Live Oaks Ordinance applies, per BMC Chapter 6.52.</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>Removal of 25% or more of a main building's exterior walls and roof (including replacement of existing structural members)? If so, the Demolition Ordinance may apply, per BMC Chapter 23C.08.</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>Smoke Shops or Drug Paraphernalia?</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>Cultivation, Distribution, Manufacture or Sale of Cannabis?</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>Demolition or substantial change of a building &gt;40 years old? If so, the Demolition Ordinance will apply, per BMC Chapter 23C.08, as well as Section 15300.2 of the CEQA Guidelines.</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>Construction on a parcel that is within 40' of an open creek or 25' of a culverted creek? If so, the Preservation and Restoration of Natural Watercourses Ordinance applies, per BMC Chapter 17.08</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>

*Under penalty of perjury, I certify that:*

**(1) the above information is true and complete to the best of my knowledge, and**

**(2) the attached paper and electronic copies of this application are the same.**

*(\*Owner's signature, or signed letter authorizing applicant to apply on owner's behalf, is required for all applications.)*

Applicant Signature: \_\_\_\_\_

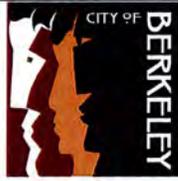
Owner's Signature: \_\_\_\_\_

Printed: \_\_\_\_\_

Printed: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_



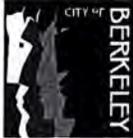
# I. ZONING PROJECT APPLICATION FORM

Page 4 of 4

*(This page is for staff use only.)*

Zoning District(s):

Zoning Section	Description
1. 23 _____	UP/AUP to
2. 23 _____	UP/AUP to
3. 23 _____	UP/AUP to
4. 23 _____	UP/AUP to
5. 23 _____	UP/AUP to
6. 23 _____	UP/AUP to
7. 23 _____	UP/AUP to
8. 23 _____	UP/AUP to
9. 23 _____	UP/AUP to



**CITY OF BERKELEY**

Permit Service Center  
1947 Center St, 3rd floor  
Berkeley, CA 94704

**Receipt Date:**

12/11/2019

**Receipt Number:**

594727

**R E C E I P T**  
**PLN2019-0072**

**Applicant Information**

Pamela Sihvola  
1476 SUMMIT RD  
BERKELEY CA 94708-2215

**Property Information**

Parcel Number: 060 249304500

**Project Information**

Type: Planning  
Group: Special Request  
Category: NA  
Sub-Category: Appeal  
Project:  
Work Description: Appeal of AUP #ZP2019-0111 for 1449 Grizzly Peak Blvd.

**Location**

1449 GRIZZLY PEAK Blvd  
BERKELEY, CA 94708

**Received**

**DEC 11 2019**

**Land Use Planning**

<b>Payor:</b> Pamela E Sihvola	<b>Payment Status:</b> Paid	<b>Date Printed:</b> 12/11/2019
<b>Cashier:</b> RASMITH	<b>Payment Method:</b> Check	<b>Check #:</b> 6358
<b>Fees:</b>		<b>Amount</b>
APPL010 - APPEAL of AUP - Non Applicant		\$200.00
<b>Total:</b>		<b>\$200.00</b>

**Property Address:**  
1449 GRIZZLY PEAK Blvd  
BERKELEY, CA 94708



Permit Service Center  
Building and Safety Division  
1947 Center St. 3rd Floor  
Berkeley, CA 94704

# INVOICE

Date: 12/11/19

Invoice #: 419843

Record #: PLN2019-0072

Bill to:

Address: 1449 GRIZZLY PEAK  
BLVD

Pamela Sihvola  
1476 SUMMIT RD  
BERKELEY CA 94708-2215

Received

DEC 11 2019

Land Use Planning

Date Assessed	Invoiced Fee Item	Fee	Paid	Balance
12/11/2019	APPEAL of AUP - Non Applicant APPL010	\$200.00	\$0.00	\$200.00
<b>Totals:</b>		\$200.00	\$0.00	\$200.00



RECEIVED

DEC 11 2019

PERMIT SERVICE CENTER

LAND USE PLANNING

DEC 11 2019

Zoning Officer  
Permit Service Center  
1947 Center Street, 3<sup>rd</sup> Floor  
Berkeley, CA 94704

RECEIVED BY: \_\_\_\_\_

December 11, 2019

Re: AUP #ZP2019-0111  
1449 Grizzly Peak Boulevard, Berkeley CA 94708

Appeal of Administrative Decision to Issue a Permit for AUP #ZP2019-0111, dated November 20, 2019, and, therefore, a Request for a Public Hearing Before the Zoning Adjustments Board (ZAB)

Dear Zoning Officer:

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- This proposed project would appear to represent “construction creep” and a violation of the premise of the previous permit AUP #13-20000050, dated May 1, 2014, which was approved after City Planning & Development recommended negotiations and mediation among the applicant and the neighbors to modify the project and define the limits of construction and its impacts on the abutting neighbors.

The following questions need to be addressed by ZAB, on behalf of the affected public, in consideration of the fact that the property applicant(s) have already proceeded to alter the property and are currently requesting Permits that would over-double the original size of the building in a piecemeal fashion thus to circumvent a Public Hearing

- Was the Permit Department informed of the demolition of the entire back yard, including the removal of a mature California Live Oak, and the construction of a massive concrete structure covering the entire area? In violation of the specific language in the approved AUP #13-20000050?
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- In accordance with Planning Department Staff statement, was a boundary survey done in order to determine the exact location of the rear property line to determine its location with respect to the City's sewer easement? Did the backyard concrete construction, in fact, encroach upon the City's sewer easement? Did, also, the recently constructed rear fence encroach upon the City's sewer easement?
- If the approved AUP #13-20000050 specifically stipulated that the maximum ceiling of the structure would be 8 ft., how might it be approvable that the maximum building height will be allowed to be increased by 2 ft. 3 inches (27 inches), per AUP #ZP2019-0111, without a Public Hearing?
- Furthermore, how is it legal that the Planning Department allows the applicant to over-double the residence size from the original 1,515 sq. ft. to 3,291 sq. ft. in a piecemeal fashion without scheduling a Public Hearing?

In conclusion, the above questions are relevant and warrant a Public Hearing before Permit AUP #ZP2019-0111 might be issued. Therefore, we are formally appealing the administrative decision and request a Public Hearing before the ZAB.

Sincerely,



Pamela Sihvola,  
1476 Summit Road, Berkeley CA 94708



Kathleen Wasser  
1435 Grizzly Pk., Berkeley, CA 94708

ATTACHMENT 1B.



PROPOSED TV PROJECT (IN 4+4R) @ 1449 GP FUND. WILL INCREASE THE ORIGINAL RESIDENCE FROM 1919  $\text{sq ft}$  TO 3291  $\text{sq ft}$  (= +1776  $\text{sq ft}$ ) I.E. + 117.25% WITHOUT A PUBLIC HEARING DUE TO DELIBERATE PIECE MEASURING OF THE DEVELOPMENT

ATTACHMENT 1A.



ORIGINALLY 1515 FT RESIDENCE @ 1449 GULLY PEAR BLVD. IN 2014-15.

(SEE NEXT PAGE →)

ATTACHMENT 1A.



ATTACHMENT 1B.



ATTACHMENT 3A



ATTACHMENT 3C.



A D D E N D U M

PERMIT SERVICE CENTER

To Letter of Appeal  
for AUP # ZP2019-0111

DEC 11 2019

RECEIVED BY: \_\_\_\_\_

Zoning Officer  
Permit Service Center  
1947 Center Street, 3rd. Floor  
Berkeley, CA 94704

**RECEIVED**

12/11/2019

DEC 11 2019

Dear Zoning Officer,

**LAND USE PLANNING**

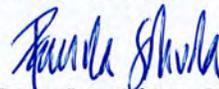
At the request of a member of the Planning Staff, I have submitted a Request for Service with the City of Berkeley's Code Enforcement Division. The request is for determining whether the massive, multi-level concrete structure, covering most of the rear yard at 1449 Grizzly Peak Boulevard, was constructed with proper zoning, building, grading and/or other applicable permits, and also whether this structure encroaches upon the City of Berkeley's Sewer Easement, located at the rear of the property. Was a proper boundary survey done to determine the location of the rear property line with respect to the City's Sewer Easement?  
(Please see Attachment 1.)

We are also asking that the issue of this massive concrete structure be included in the Public Hearing we are requesting before ZAB.

I am also enclosing a copy of my original comment letter regarding the proposed additions (a 4th. major project in the last 4+ years!) describing 2 major matters of concern: 1. The blinding glare of the bright, white structure, and the 2. over two feet of additional height proposed for the new additions, against the agreement reached in 2014 and made part of the conditions of Permit # AUP#13-20000050,  
(Attachment 2.)

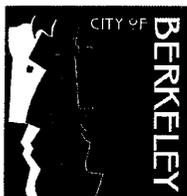
we are therefore respectfully asking that this item, with all its outstanding issues and concerns be deferred to the City's Mediation Services at Seeds Community Resolution Center.

Sincerely,



Pamela Sihvola  
1476 Summit Road  
Berkeley, CA 94708

ATTACHMENT 1.



Office of the City Manager  
Neighborhood Services-Enforcement Division

### City of Berkeley Code Enforcement Request for Service

Problem Property Information:

RODRIGO UBILLUS

(510) 773-4835

Owner or Property Manager

Telephone Number

1449 GRIZZLY PEARL BLVD., BERKELEY, CA 94708

Address

COMPLAINT: (Use additional page as needed) **PLEASE INVESTIGATE AND DETERMINE WHETHER THE MASSIVE MULTI-LEVEL CONCRETE STRUCTURE, COVERING MOST OF THE REAR YARD AT THE ABOVE REFERENCED LOCATION, WAS BUILT WITH PROPER ZONING, BUILDING, GRADING AND/OR OTHER APPLICABLE PERMITS (ATTACHMENTS 1A & 1B) - PLEASE SEE ENCLOSED LETTER AND ALL OTHER ATTACHMENTS, FOR MORE INFORMATION.**

Complainant's Information (Required):

PAMELA SIHVOLA

(510) 697-0525

Print Name

Telephone Number

1476 SUMMIT RD. BERKELEY, CA 94708

Address

*Pamela Sihvola*

12/11. 2019

Signature

Date

For Code Enforcement Use ONLY

Assigned to: \_\_\_\_\_ Assigned By: \_\_\_\_\_ Date Assigned: \_\_\_\_\_

Staff notes:

City of Berkeley  
Code Enforcement Division

2180 Milvia Street, 1st. Floor  
Berkeley, CA 94704

Attn: Wanda Drouillard  
Code Enforcement Officer

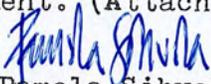
December 11, 2019

Dear Ms. Drouillard,

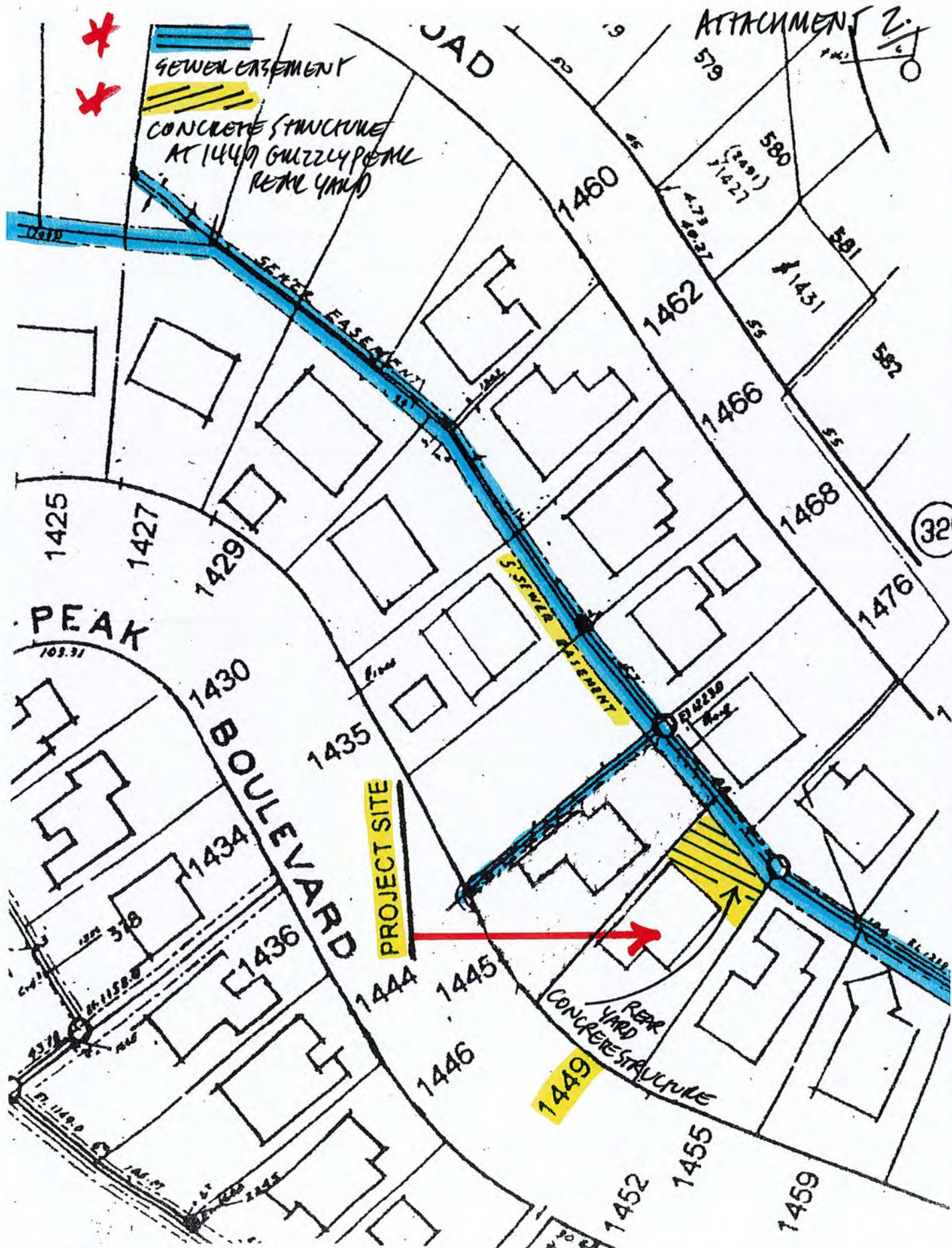
I am enclosing the attached Code Enforcement Request for Service form regarding property at 1449 Grizzly Peak Blvd.  
Berkeley, CA 94708

1. Please investigate and determine whether the massive, multi-level concrete structure, covering most of the rear yard area at the above referenced location, was built with proper zoning, building, grading and/or other applicable permits. (Attachments 1A and 1B)
2. Also please investigate and determine whether this structure encroaches on the City of Berkeley's Sewer Easement, located at the rear of the property. Please, also review if a boundary survey of the rear property line was done for this project. If none found, please, → request a formal survey of the rear property line with respect to the City's Sewer Easement. (Attachment 2.)

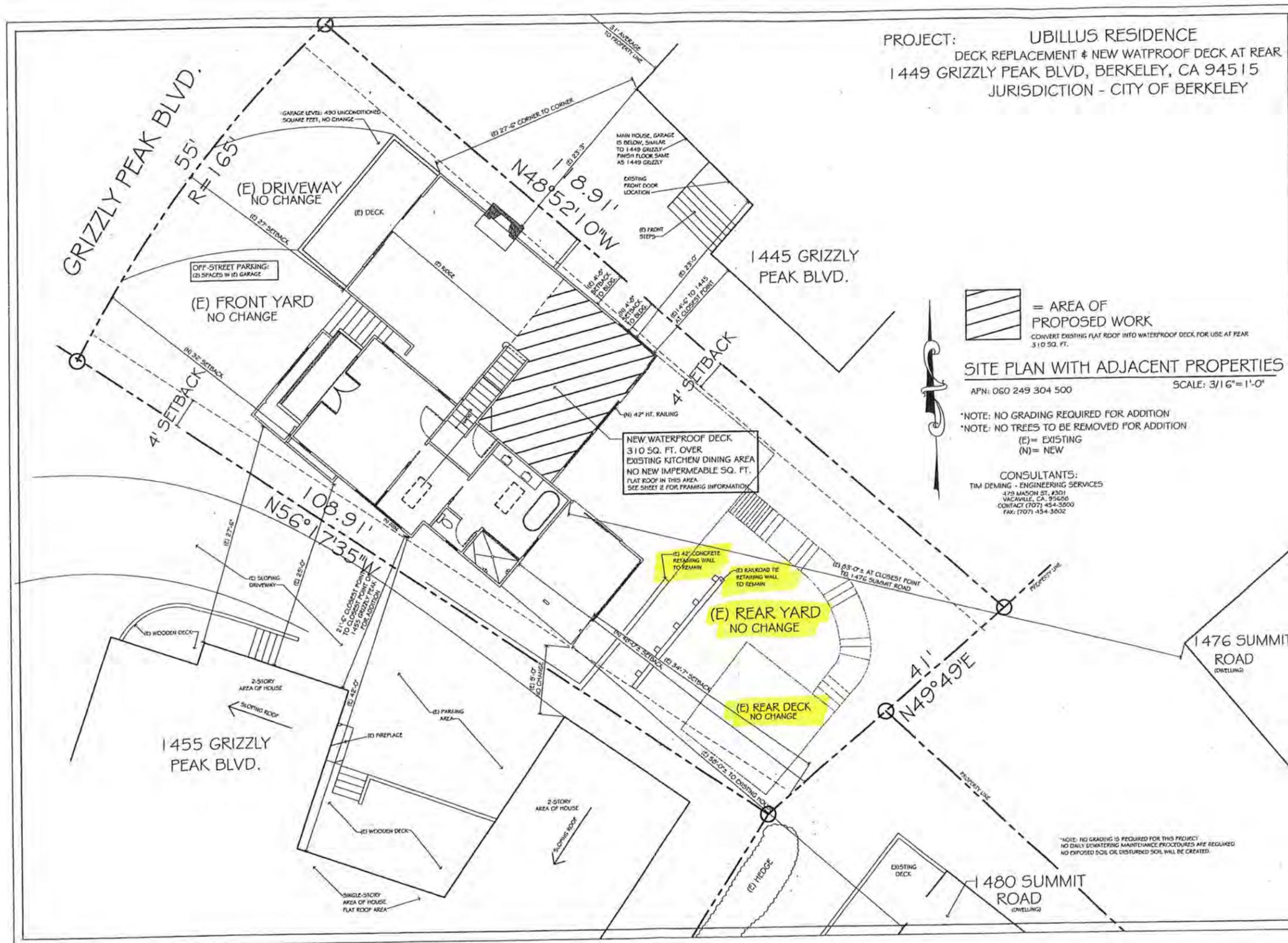
Sincerely,

  
Pamela Sihvola  
1476 Summit Rd.  
Berkeley, CA 94708

PS. Attachment 3A shows the rear yard prior to any construction. Attachment 3B is a Site Plan, dated 1/25/2018, (part of an application for a new roof deck), and shows the rear yard with no changes proposed. Attachment 3C is an aerial photo of the property (marked with red and the letter A) showing the original rear yard and its vegetation.



ATTACHMENT 3B



PROJECT: UBILLUS RESIDENCE  
DECK REPLACEMENT & NEW WATERPROOF DECK AT REAR  
1449 GRIZZLY PEAK BLVD, BERKELEY, CA 94515  
JURISDICTION - CITY OF BERKELEY

= AREA OF PROPOSED WORK  
CONVERT EXISTING FLAT ROOF INTO WATERPROOF DECK FOR USE AT REAR  
310 SQ. FT.

SITE PLAN WITH ADJACENT PROPERTIES  
APN: 060 249 304 500 SCALE: 3/16"=1'-0"

\*NOTE: NO GRADING REQUIRED FOR ADDITION  
\*NOTE: NO TREES TO BE REMOVED FOR ADDITION  
(E)= EXISTING  
(N)= NEW

CONSULTANTS:  
TIM DEMING - ENGINEERING SERVICES  
479 MASON ST., #301  
VACAVILLE, CA, 95608  
CONTACT: (707) 454-5500  
FAX: (707) 454-3802

ENGINEERING SERVICES  
TIM DEMING  
479 MASON ST., #301  
VACAVILLE, CA 95608  
CONTACT: (707) 454-5500  
DEMING@BSECREGIONAL.NET

RYAN FERGUSON  
PHONE: (510) 499-9735  
RG.FERGUSON@GMAIL.COM

SITE PLAN W/ NEW DECK LOCATION

A NEW REAR WATERPROOF DECK AT EXISTING FLAT ROOF FOR:

ROBERT & CHERYL UBILLUS  
APN: 060 249 304 500  
1449 GRIZZLY PEAK BLVD.  
BERKELEY, CA 94708

REVISION		
#	DATE	BY
1		
2		

DRAWN  
R/F

CHECKED

DATE  
01/25/15

SCALE  
NOTED

JOB NO.  
1

\*NOTE: NO GRADING IS REQUIRED FOR THIS PROJECT  
NO DAILY DEWATERING MAINTENANCE PROCEDURES ARE REQUIRED  
NO EXPOSED SOIL OR DISTURBED SOIL WILL BE CREATED.

ATTACHMENT 7.

**URGENT**

PERMIT SERVICE CENTER

JUL 17 2019

RECEIVED BY: AJ

Ashley James, AICP  
Associate Planner

City of Berkeley  
Planning and Development  
1947 Center Street, 2nd Floor  
Berkeley, CA 94704

July 15, 2019

Re: 1449 Grizzly Peak Blvd.  
proposed second/third story additions (500 sq. ft.)

As a follow-up to our discussion on June 27, 2019, I am submitting the following comments, concerns and modification requests to the current proposed plans regarding the above referenced project.

We, the abutting neighbors on Summit Road continue to be the most impacted by the current proposed plans. This proposal represents CONSTRUCTION CREEP, i.e. serial permit applications and construction during the past 6-7 years (since 2013, see attachment 1), including potentially unpermitted, illegal work.

Background:

In 2014 Summit Road neighbors successfully mediated a compromise with the help of Seeds Community Resolution staff (case # 10250), and the applicant agreed to modify the project to protect our views to the west by reducing some of the mass of the addition with a maximum ceiling height of 8 feet. (2013 application for additions)

Attachment 2, includes the list of neighbors' concerns and attachment 3 represents the resolution to these concerns.

On May 1, 2014 the City issued an AUP # 13-20000050 (see attachment 4.)

The permit specified that all construction shall conform <sup>to</sup> the approved UP drawings (section 24) and that all landscape, site and architectural improvements be completed per approved drawings dated March 5, 2014. (section 25). See p.5 of the Notice of Administrative Decision-Findings and Conditions, (attachment 4.).

The above referenced drawings specified the following: 1. (E) rear yard: NO CHANGE, 2. (E) rear deck NO CHANGE 3. (E) 2 retaining walls to remain. (Page 1.), and on page 3. (E) wood siding to remain.

Attachment 5. shows the building (and portions of the rear yard) as completed. The bright white color is blinding and obtrusive - this is the view from our living room.

I met with the applicant Rodrigo Ubillus in May of 2018. He promised to remedy our concerns regarding the blinding brightness of the building color by 1. installing dark grey tiles on the deck, matching the color of the dark grey shingles on the existing peak roof, and by 2. painting the east facing wall same grey color.

During mediation he had promised that the building color will <sup>be</sup> one to "blend with the surrounding nature", which did not happen.

1.

So we ask that the color of the entire second/third floor be painted to match the grey/brown color of the existing peak roof and that the same roofing material/color be rolled out on all the flat roof areas. This would remedy the blinding, obtrusive brightness of the structure,

In addition, the proposed project goes against the agreement neighbors reached with the applicant in 2014 (see attachment 3.), specifically regarding the maximum ceiling height of 8 feet.

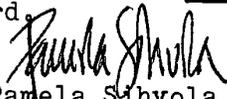
2.

So we ask that the plans be modified so that the maximum ceiling height for the 5th bedroom and the 4th bathroom will be 8 feet. We also ask that the ceiling height for the walk-in closet be reduced to 7.5 feet. These modifications will still give the applicant the square footage they are requesting. (See attachments 6A and 6B).

3.

We also ask that this project be put on hold until all the issues related to the 2014 permit have been resolved, including clarifying any code enforcement issues/permit issues with regard to the rear yard now completely covered with concrete. Attachment 7. shows the project site prior to the construction of the first addition, with the vegetation and deck in the rear yard still intact. Attachment 8 (A,B,C) show the concrete structures in the rear yard.

Sincerely,

  
Pamela Sihvola  
1476 Summit Road  
Berkeley, CA 94708

PS. Attachment 9 A and B show plans for a deck replacement at rear, dated 1/25/2018, and still indicating (E) REAR YARD, NO CHANGE

ATTACHMENT 3.

Rodrigo Ubillus  
1449 Grizzly Peak Blvd.  
Berkeley, CA 94708

March 4, 2014

Re: Proposed second story addition  
and remodel @ 1449 Grizzly Peak Blvd.

Mr. Rodrigo Ubillus,

Thank you for the 2 plan sheets and your note I received on  
February 27, 2014.

As you requested I am enclosing the 2 plan sheets with neighbors'  
signatures, reflecting the principal points of agreement, as shown  
on plan sheet 3, dated 2/26/2014 (Attachment 1.) and on stacked  
stair section drawing (Attachment 2.) for the above referenced  
proposed project:

1. 8 ft. ceiling height
2. Flat roofs throughout
3. Stacked stair with a 7 ft. head height

When you are ready to submit the final, complete set of plans to  
the city, could you also please, email the set to us via Patrick,  
as a pdf-file, to: info@sheahan-quandt.com.

Sincerely,

  
Pamela Sihvola  
1476 Summit Rd.  
Berkeley, CA 94708

PS. We look forward to receiving the information and quotes for the  
tree cutting project as soon as possible. Thank you.

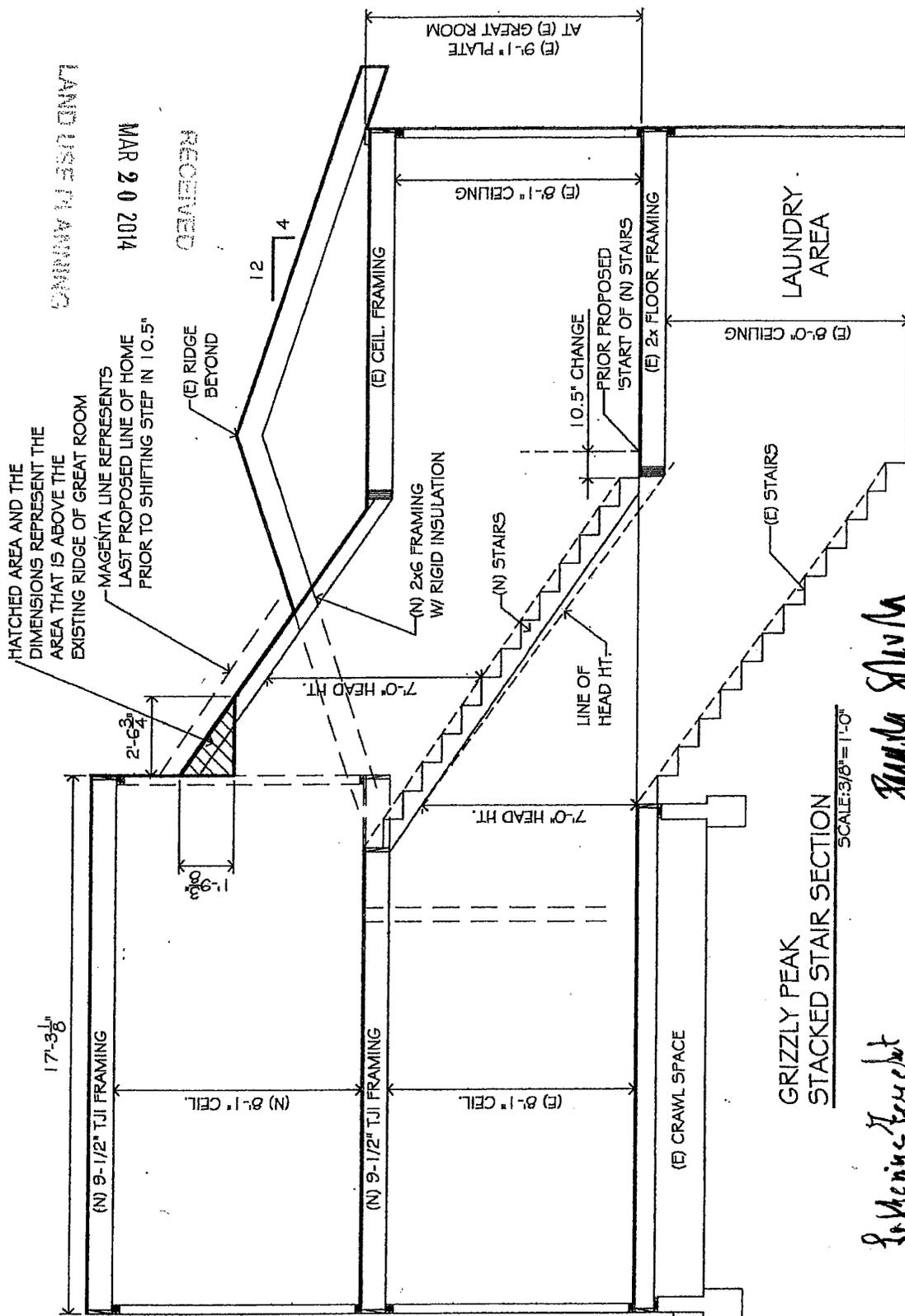
cc: Victor Herbert, Zoning Mediations

RECEIVED

MAR 20 2014

LAND USE PLANNING

ATTACHMENT 2.



LAND USE PLANNING

MAR 20 2014

RECEIVED

GRIZZLY PEAK  
STACKED STAIR SECTION  
SCALE: 3/8" = 1'-0"

*Amela Slavin*  
*Luis Garcia*  
*1476 SUMMIT RD. BERKELEY, CA 94708*

*Lynette Forchet*  
*1480 Summit Rd.*  
*Berkeley*

ATTACHMENT 1.

DESIGNER/CONSULTANT  
KIM TAYLOR  
KIM TAYLOR ARCHITECTS  
1419 24th ST. #200  
BERKELEY, CA 94715

A CUSTOM ARCHITECT FOR  
ROBERT & CHERYL UBILLUS

REVISION  
# DATE BY

1  
2  
3

CREATED  
DATE  
08/22/14  
SCALE  
1/4" = 1'-0"  
JOB NO.  
1476

AREA ANALYSIS:  
MAIN LEVEL ADDITION: 84 SQ. FT.  
(N) UPPER LEVEL ADDITION: 572 SQ. FT.  
TOTAL ADDITION: 656 SQ. FT.  
(R) HOME TOTAL: 2,171 SQ. FT.

TOTAL LOT AREA: 8,992 SQ. FT.  
(R) HOME: 1,515 SQ. FT. (16.6% LOT COVERAGE)  
(R) HOME: 5,477 SQ. FT. (61.4% LOT COVERAGE)

\*NOTE: NO GRADING REQUIRED FOR ADDITION  
\*NOTE: NO TREES TO BE REMOVED FOR ADDITION

AREA ANALYSIS:  
MAIN LEVEL ADDITION: 84 SQ. FT.  
(N) UPPER LEVEL ADDITION: 572 SQ. FT.  
TOTAL ADDITION: 656 SQ. FT.  
(R) HOME TOTAL: 2,171 SQ. FT.

TOTAL LOT AREA: 8,992 SQ. FT.  
(R) HOME: 1,515 SQ. FT. (16.6% LOT COVERAGE)  
(R) HOME: 5,477 SQ. FT. (61.4% LOT COVERAGE)

\*NOTE: NO GRADING REQUIRED FOR ADDITION  
\*NOTE: NO TREES TO BE REMOVED FOR ADDITION

(N) FRONT ELEVATION  
SCALE: 1/4" = 1'-0"

(N) REAR ELEVATION  
SCALE: 1/4" = 1'-0"

(N) LEFT ELEVATION  
SCALE: 1/4" = 1'-0"

(N) RIGHT ELEVATION  
SCALE: 1/4" = 1'-0"

1476 SUMMIT RD. BERKELEY, CA 94708

LAND USE PLANNING

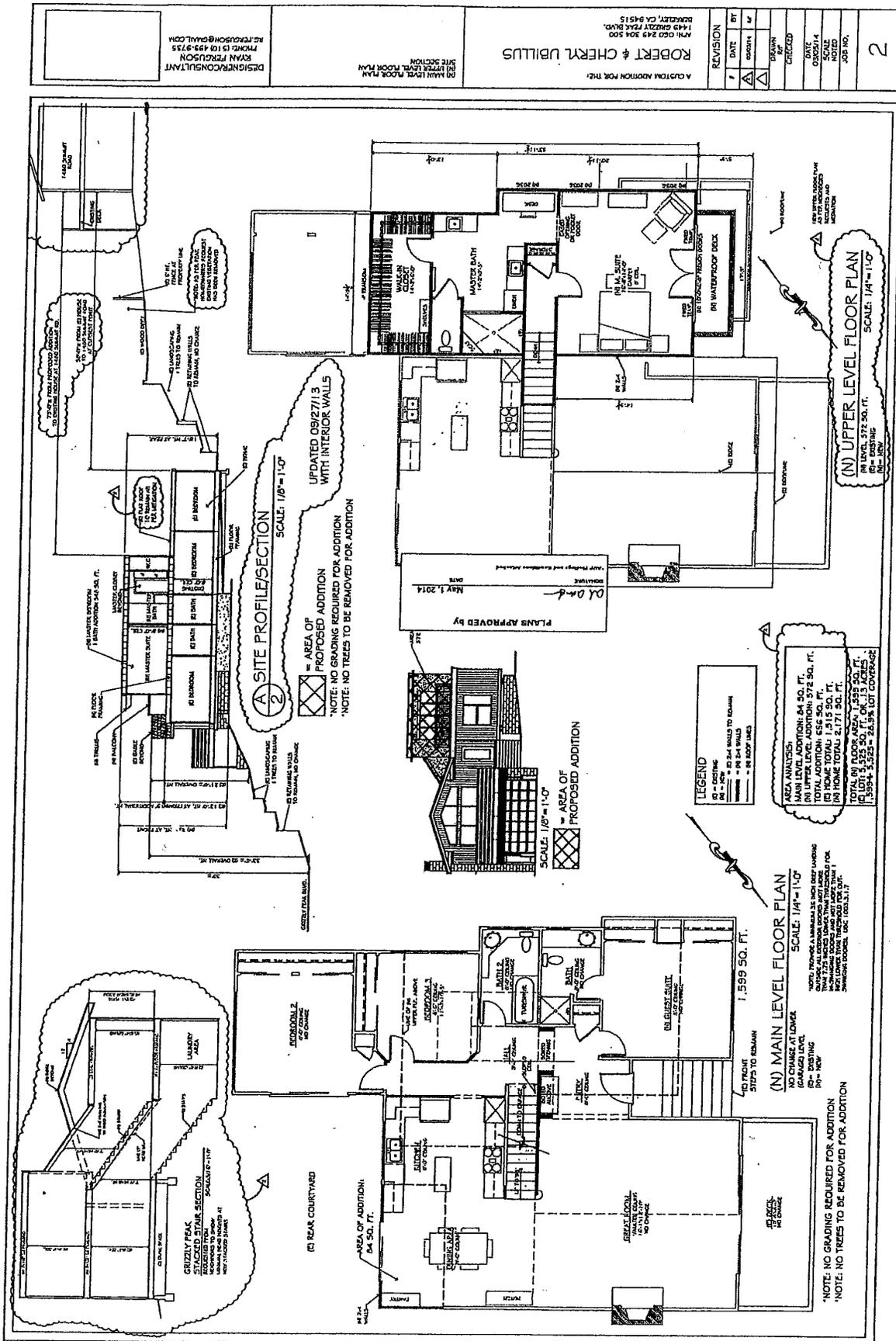
RECEIVED

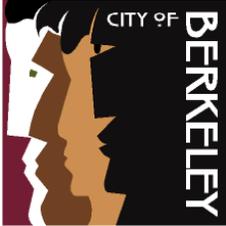
MAR 20 2014

Patricia Houch  
1480 Summit Rd.  
Berkeley

Tamara Shubin  
Luis Garcia







Planning and Development Department  
Land Use Planning Division

December 31, 2019

Pamela Siholva  
1476 Summit Road  
Berkeley, CA 94708

Dear Ms. Sihvola,

RE: Letter of Appeal – 1449 Grizzly Peak Boulevard (ZP2019-0111)

This letter responds to your appeal of the Zoning Officer's decision to approve ZP2019-0111 at 1449 Grizzly Peak Boulevard. The appeal is tentatively scheduled for the March 12, 2020 Zoning Adjustments Board (ZAB) meeting, held at the Berkeley Unified School District Board Room, 1231 Addison Street starting at 7:00 PM. Please confirm your availability to attend this meeting. If you are not able to attend, provide a detailed explanation, as well as your availability so that staff can reschedule the hearing in an expeditious manner. The ZAB meets on the second and fourth Thursdays of the month.

The staff report will respond to each appeal point in your letter and will be available for your review on February 25, 2020 at the Land Use Planning Division, 1947 Center Street, 2<sup>nd</sup> Floor.

Please call with any questions, my direct phone line is (510) 981-7458.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ashley James".

Ashley James  
Associate Planner



Planning and Development Department  
Land Use Planning Division  
1947 Center Street, 2<sup>nd</sup> Floor  
Berkeley, CA 94704

## ZONING ADJUSTMENTS BOARD NOTICE OF PUBLIC HEARING

**SUBJECT:** 1449 Grizzly Peak Boulevard - Appeal  
Administrative Use Permit #ZP2019-0111

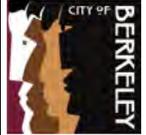
**WHEN:** Thursday, March 12, 2020.  
Meeting starts at 7:00 pm.

**WHERE:** Berkeley Unified School District, Board Room  
1231 Addison Street, Berkeley  
*Wheelchair Accessible*

«NAME1»

«NAME2»

«ADDRESS1» «ADDRESS2»

	<p><b>SUBJECT: 1449 Grizzly Peak Boulevard.</b> Appeal of Zoning Officer's Decision to approve Administrative Use Permit #ZP2019-0111 to alter a 5,526 square-foot residential parcel by 1) constructing a 500 square-foot major residential addition on the third story of an existing 2,791 square-foot, three-story single-family dwelling, which will increase the average building height and maximum building height by approximately 2'; 2) constructing the fifth bedroom on the parcel; and 3) constructing a perimeter fence four feet from the rear property line and on the side property lines that will be from 6'-2" to 8'-7" in height.</p> <p><b>CEQA STATUS:</b> Categorically exempt pursuant to Section 15301 of the CEQA Guidelines ("Existing Facilities").</p>
<p><b>NOTICE CONCERNING YOUR LEGAL RIGHTS:</b> If you challenge the decision of the City in court, you may be limited to raising only those issues you or someone else raised at the public hearing or in written correspondence delivered to the Board at, or prior to, the public hearing.</p> <p><b>Post and Mail Date: February 27, 2020</b></p>	<p><b>All persons are welcome to attend the hearing and will be given an opportunity to address the Board. Comments may be made verbally at the public hearing and/or in writing before the hearing. The Board may limit the time granted to each speaker.</b></p> <p>Send written comments to the Land Use Planning Division (Attn: ZAB Secretary), 1947 Center Street, Second Floor, Berkeley, CA 94704 or via e-mail to: <a href="mailto:zab@cityofberkeley.info">zab@cityofberkeley.info</a>. To ensure inclusion in the agenda materials to be published the week prior to this hearing, please submit correspondence by 8:00 AM Thursday. For any correspondence submitted after Thursday, submit 15 copies for staff to deliver to the Board at its meeting. For more information, call the Land Use Planning division (510) 981-7410.</p> <p>This meeting is being held in a wheelchair accessible location. To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6418(V) or 981-6347(TDD) at least three business days before the meeting date. Please refrain from wearing scented products to this meeting.</p> <p><b>PLEASE NOTE:</b> If your contact information is included in any communication to the Board, it will become part of the public record, and will be accessible on the City Website.</p>
	<p>All application materials are available at the Land Use Planning Division, during normal office hours or online at <a href="http://www.cityofberkeley.info/zoningapplications">http://www.cityofberkeley.info/zoningapplications</a>. The Zoning Adjustments Board agenda and all agenda materials regarding this project will be available online 6 days prior to this meeting at: <a href="http://www.cityofberkeley.info/zoningadjustmentsboard">http://www.cityofberkeley.info/zoningadjustmentsboard</a>.</p>

1449 Grizzly Peak Blvd

81 notices

mailed out 02-27-20

NAME1	NAME2	ADDRESS1	ADDRESS2
Berkeley Hills Progressive Neighbors	861 REGAL RD	BERKELEY CA 94708	
Fairlawn-Avenida-Senior-Harvard Neighborhood Association	251 FAIRLAWN DR	BERKELEY CA 94708	
Grizzly Arcade Mutual Protection Association	5 ARCADE AVE	BERKELEY CA 94708	
Lower Summit Road Neighborhood Association	1540 SUMMIT RD	BERKELEY CA 94708	
North East Berkeley Association	P.O. BOX 7477	BERKELEY CA 94707	
Olympus Street Area Neighborhood Group	1515 OLYMPUS AVE	BERKELEY CA 94708	
Summit Road Neighborhood Watch Group	1365 SUMMIT RD	BERKELEY CA 94708	
Campus-Parnassus Neighborhood Group	27 AVENIDA RD	BERKELEY CA 94708	
University of California, Facilities Services	A&E Building, Room 300 University of California Berkeley	Berkeley, CA 94720-1382	
Bananas Inc.	5232 CLAREMONT AVE	OAKLAND CA 94618	
Berkeley Central Library	2090 KITTREDGE STREET	BERKELEY CA 94704	
Adams Broadwell Joseph & Cardoza	601 GATEWAY BLVD. Su 1000	SOUTH SAN FRANCISCO CA 94080	
Public Notice Journal	PO Box 330356	San Francisco, CA 94133	
HENDRIKSE NORBERT & LIU SANDRA TRS	10 SUMMIT LN	BERKELEY CA	94708
ANDERSON JANET L	100 AVENIDA DR	BERKELEY CA	94708
GUPTA VIJAY K & MANJUBALA V TRS	10134 RIEDEL PL	CUPERTINO CA	95014
FELDMAN BELLA TR	12 SUMMIT LN	BERKELEY CA	94708
TREIMAN ROBERT & GILLI	122 AVENIDA DR	BERKELEY CA	94708
SMART CAROL A & WATERS LESLIE	124 AVENIDA DR	BERKELEY CA	94708
FAIZBAKSH CHANGIZ & LIGHVANI SOHELIA ETAL	1285 CAMPUS DR	BERKELEY CA	94708
WILLIAMSON KIMBERLY A & TRISTAN P ETAL	130 AVENIDA DR	BERKELEY CA	94708
MORRELL ROSE E TR	1408 GRIZZLY PEAK BLVD	BERKELEY CA	94708
HINSHAW JODY K TR	1412 GRIZZLY PEAK BLVD	BERKELEY CA	94708
CRANLEY CHRISTOPHER & DANAE	1416 GRIZZLY PEAK BLVD	BERKELEY CA	94708
MONTES EDUARDO & BARADAR FOROOZA	1420 GRIZZLY PEAK BLVD	BERKELEY CA	94708
LEE KATHERINE J & FRIEDMAN JEFFREY E TRS	1425 GRIZZLY PEAK BLVD	BERKELEY CA	94708
BECTARTE REGIS & VANNIEKERT EMMA TRS	1427 GRIZZLY PEAK BLVD	BERKELEY CA	94708
J P T TRUST	1427 SUMMIT RD	BERKELEY CA	94708
BLOCK ALAN & WHITE RUTH E TRS	1431 SUMMIT RD	BERKELEY CA	94708
HAKIMAFZAL KEYUMARS	1433 GRIZZLY PEAK BLVD	BERKELEY CA	94708
SAARNI BETTY J & DEODDONE BARBARA S TRS	1434 GRIZZLY PEAK BLVD	BERKELEY CA	94708
WASSER DAVID TR & WASSER KATHLEEN TR	1435 GRIZZLY PEAK BLVD	BERKELEY CA	94708
JOYNT JENNIFER	1435 SUMMIT RD	BERKELEY CA	94708
LOTTMANN ANDREW C	1438 GRIZZLY PEAK BLVD	BERKELEY CA	94708
FALK JEROME B JR & NANCY E TRS	1440 SUMMIT RD	BERKELEY CA	94708
MICIC DARKO & RAZIJA J TRS	1441 SUMMIT RD	BERKELEY CA	94708
TONKYRO DENNIS O & KATHERINE M TRS	1444 GRIZZLY PEAK BLVD	BERKELEY CA	94708
TOKUNAGA TETSU K & WAN JIAMIN TRS	1445 GRIZZLY PEAK BLVD	BERKELEY CA	94708
BAUMANN ULF D & ALEXIS Z	1447 SUMMIT RD	BERKELEY CA	94708
KELLY KEVIN T & KRISTY A TRS	1448 GRIZZLY PEAK BLVD	BERKELEY CA	94708
ADELMAN ROBERTO U & UBILLUS LUIS R	1449 GRIZZLY PEAK BLVD	BERKELEY CA	94708
ROELINK HENK & SCOTT KRISTIN	1452 GRIZZLY PEAK BLVD	BERKELEY CA	94708

1449 Grizzly Peak Blvd

81 notices

mailed out 02-27-20

ROAN TIMOTHY R & VICKI L	1453 SUMMIT RD	BERKELEY CA	94708
WEINER REBECCA B	1456 SUMMIT RD	BERKELEY CA	94708
NEMATOLLAHI ALBERT R & FERNANDEZ MARIOLA	1457 SUMMIT RD	BERKELEY CA	94708
GREENWALD RUTH N	1459 GRIZZLY PEAK BLVD	BERKELEY CA	94708
MURRAY KATHERINE A & MATTHEW J	1460 SUMMIT RD	BERKELEY CA	94708
RICHARD KATHRYN TR	1462 SUMMIT RD	BERKELEY CA	94708
HAMMOND TIMOTHY T	1465 GRIZZLY PEAK BLVD	BERKELEY CA	94708
SHINDEL ALAN W & ROWEN TAMI S TRS	1466 GRIZZLY PEAK BLVD	BERKELEY CA	94708
BIAGIOLI MARIO & RAVETTO KRISTINE	1466 SUMMIT RD	BERKELEY CA	94708
KAMI FRANK T & MIYOKO TRS	1468 SUMMIT RD	BERKELEY CA	94708
SIHVOLA PAMELA TR	1476 SUMMIT RD	BERKELEY CA	94708
STROCK HALLIE & VANSTEEN JOSEPH R TRS	148 AVENIDA DR	BERKELEY CA	94708
FEUCHT CATHERINE TR	1480 SUMMIT RD	BERKELEY CA	94708
BRYDON IRENE W & RICHARD G TRS	1484 SUMMIT RD	BERKELEY CA	94708
GLICKMAN STEPHEN E & KRISTA E	1488 SUMMIT RD	BERKELEY CA	94708
YAU PHILIP & WONG ANNA	1489 SUMMIT RD	BERKELEY CA	94708
INGHAM WINIFRED S & SMITH DAVID ETAL	1492 SUMMIT RD	BERKELEY CA	94708
KAZEROUNI MOHAMMAD D & BAYANI NORA	1498 SUMMIT RD	BERKELEY CA	94708
GREENWOOD JOHN & WHEELER CYNTHIA	2373 LOMA PARK CT	SAN JOSE CA	95124
ZAYTUNA COLLEGE	2401 LE CONTE AVE	BERKELEY CA	94709
BECKER JERRY T & EMILY W	435 MANGELS AVE	SAN FRANCISCO CA	94127
AKBULUT SELMAN	48 SENIOR AVE	BERKELEY CA	94708
FREY JEFFREY	5511 CENTER ST	CHEVY CHASE MD	20815
PFLAUMER MICHAEL W & ANDREA G	6 SUMMIT LN	BERKELEY CA	94708
VOLKER STEPHAN C & STEPHAN C	602 CYPRESS POINT RD	RICHMOND CA	94801
STRAUSS GEORGE & ELIZABETH TRS	6100 HARBORD DR	OAKLAND CA	94611
CHEUNG ROSANA K	617 S OLIVE ST, #710	LOS ANGELES CA	90014
OCCUPANT(S)	12 SUMMIT LN 1	BERKELEY CA	94708
OCCUPANT(S)	12 SUMMIT LN 2	BERKELEY CA	94708
OCCUPANT(S)	140 AVENIDA DR	BERKELEY CA	94708
OCCUPANT(S)	1429 GRIZZLY PEAK BLVD	BERKELEY CA	94708
OCCUPANT(S)	1430 GRIZZLY PEAK BLVD	BERKELEY CA	94708
OCCUPANT(S)	1441 GRIZZLY PEAK BLVD	BERKELEY CA	94708
OCCUPANT(S)	1446 GRIZZLY PEAK BLVD	BERKELEY CA	94708
OCCUPANT(S)	1455 GRIZZLY PEAK BLVD	BERKELEY CA	94708
OCCUPANT(S)	1460 GRIZZLY PEAK BLVD	BERKELEY CA	94708
OCCUPANT(S)	1468 GRIZZLY PEAK BLVD	BERKELEY CA	94708
OCCUPANT(S)	8 SUMMIT LN	BERKELEY CA	94708
Lillian Mitchell	1708 M L King Jr. Way, Suite B	Berkeley CA	94709



Planning and Development Department  
Land Use Planning Division

**PROOF OF SERVICE**

DATE: April 14, 2020

TO: Whom It May Concern

FROM: Melinda Jacob, OSII

SUBJECT: **ADMINISTRATIVE USE PERMIT #ZP2019-0111 – 1449 GRIZZLY PEAK BLVD.**

I, the undersigned, certify that I am employed in the City of Berkeley, County of Alameda, California; that I am over eighteen years of age; that I am not a party to the within action; and that my business address is 1947 Center Street, Berkeley, California 94704. On this date, I served the following documents:

**ZONING ADJUSTMENTS BOARD NOTICE OF DECISION**

On the parties stated below by placing true copies thereof in sealed envelope(s) addressed as shown below by the following means of service:

Lillian Mitchell  
1708 M L King Jr. Way  
Suite B  
Berkeley, CA 94709

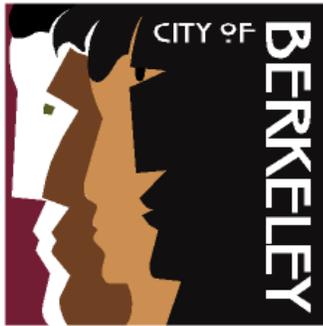
Rodrigo Ubillus  
1449 Grizzly Peak Blvd.  
Berkeley, CA 94708

Pamela Shivola  
1476 Summit Road  
Berkeley, CA 94708

- By First Class Mail - I am readily familiar with the City's practice for collecting and processing of correspondence for mailing. Under the practice, the correspondence is deposited with the U.S. Postal Service on the same day as collected, with First Class postage thereon fully prepaid, in Berkeley, California, for mailing to the addressee following ordinary business practices.
- By Personal Service - I caused each such envelope to be given to the City of Berkeley mail service person to personally deliver to the office of the addressee.

I declare under penalty of perjury that the foregoing is true and correct. Executed on April 14, 2020 at Berkeley, California.

Melinda Jacob, OSII



Z O N I N G  
A D J U S T M E N T S  
B O A R D  
NOTICE OF DECISION

DATE OF BOARD DECISION: March 12, 2020  
DATE NOTICE MAILED: April 14, 2020  
APPEAL PERIOD EXPIRATION: April 28, 2020  
EFFECTIVE DATE OF PERMIT (Barring Appeal or Certification)<sup>1</sup>: April 29, 2020

## 1449 Grizzly Peak Boulevard

Appeal of Zoning Officer's Decision to approve Administrative Use Permit #ZP2019-0111 to alter a 5,526 square-foot residential parcel by 1) constructing a 500 square-foot major residential addition on the third story of an existing 2,791 square-foot, three-story single-family dwelling, which will increase the average building height by 2'-2" and the maximum building height by 2'-3, resulting in a 3,291 square-foot, three-story, single-family dwelling with an average building height of 24'-8" and a maximum building height of 28'-9", 2) constructing the fifth bedroom on the parcel, and 3) constructing a perimeter fence four feet from the rear property line and on the side property lines that will be from 6'-2" to 8'-7" in height.

The Zoning Adjustments Board of the City of Berkeley, after conducting a public hearing, **DISMISSED** the appeal and **APPROVED** the following permits:

- Administrative Use Permit pursuant to Berkeley Municipal Code (BMC) Section 23D.16.030 to construct a major residential addition (cumulative);
- Administrative Use Permit pursuant to BMC Section 23D.16.050.A to construct a fifth bedroom on the parcel;
- Administrative Use Permit pursuant to BMC Section 23D.16.070.C to construct an addition which would exceed fourteen feet in average height;
- Administrative Use Permit pursuant to BMC Section 23E.96.070.B to construct an addition which would exceed twenty feet in maximum height for a building located within the "H" Hillside Overlay District; and
- Administrative Use Permit pursuant to BMC Section 23D.08.060.A.2 to construct a fence over six feet in height.

<sup>1</sup> Pursuant to BMC Section 23B.32.090, the City Council may certify any ZAB decision for review during the 14-day appeal period after the notice of the ZAB's decision is issued. Certification has the same effect as an appeal. However, BMC Section 1.04.070 suspends or "tolls" the Council's deadline to certify when the Council is on recess. Thus, in cases where the 14-day appeal period is scheduled to *end* during a Council recess, the certification deadline is extended past the end of the recess for the remainder of the appeal period. In cases where the appeal period *begins* during a Council recess, the certification deadline is extended until 14 days after the first Council meeting after the recess. *Extension of the certification deadline has no effect on the appeal deadline.*

**APPLICANT:** Lillian Mitchell, 1708 Martin Luther King Jr. Way, Suite B, Berkeley

**APPELLANTS:** Pamela Sihvola, 1476 Summit Road, Berkeley CA 94708

**PROPERTY OWNER:** Rodrigo Ubillus, 1449 Grizzly Peak Boulevard, Berkeley CA 94708

**ZONING DISTRICT:** R-1(H) – Single-Family Residential District, Hillside Overlay

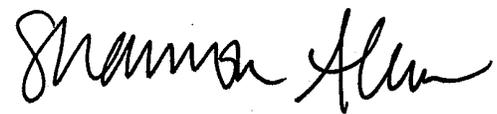
**ENVIRONMENTAL REVIEW STATUS:** Categorically exempt pursuant to Section 15301 of the CEQA Guidelines (“Existing Facilities”).

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**FINDINGS, CONDITIONS AND APPROVED PLANS ARE ATTACHED TO THIS NOTICE**

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	Yes	No	Abstain	Absent
CLARK	X			
KAHN	X			
KIM	X			
O'KEEFE	X			
LEWIS	X			
PINKSTON	X			
SHEAHAN	X			
TREGUB	X			
<b>BOARD VOTE:</b>	<b>8</b>	<b>0</b>	<b>0</b>	<b>0</b>



ATTEST:

Shannon Allen, Zoning Adjustments Board  
Secretary

**PUBLICATION OF NOTICE:**

Pursuant to BMC Section 23B.32.050, this notice shall be mailed to the applicant at the mailing address stated in the application and to any person who requests such notification by filing a written request with the Zoning Officer on or before the date of the Board action. This notice shall also be filed with the City Clerk. In addition, the notice shall be forwarded to the Zoning Adjustments Board and to the Main Library. The notice shall also be posted at a bulletin board at the Zoning Counter. The City Clerk shall make the notice available to interested members of the Council and the public.

**FURTHER INFORMATION:**

Questions about the project should be directed to the project planner, Ashley James, at (510) 981-7458 or [ajames@cityofberkeley.info](mailto:ajames@cityofberkeley.info). All project application materials, including full-size plans, may be viewed online at <https://aca.cityofberkeley.info/Community/> or in the Permit Service Center at the Zoning Counter at 1947 Center Street, Third Floor, during normal office hours.

**TO APPEAL THIS DECISION (see Section 23B.32.050 of the Berkeley Municipal Code):**

Please note that the new methods for appeal submittals described below are put in place to comply with the requirements of the Shelter In Place Order and shall be effective for the duration of Shelter In Place requirements.

1. Mail your complete appeal to the City Clerk Department, 2180 Milvia Street, Berkeley, CA 94704 with payment of fees by check or money order included. Appeals submitted by mail must be postmarked on or before the deadline date for filing the appeal.

OR

2. E-mail your complete appeal to the Planning Department, [planning@cityofberkeley.info](mailto:planning@cityofberkeley.info) and include a telephone number where you can be reached during the day. Planning Department

staff will call you within three business days to obtain credit card information over the phone for payment of required fees.

- A. The fee for persons other than the applicant is \$500. This fee may be reduced to \$100 if the appeal is signed by persons who lease or own at least 50 percent of the parcels or dwelling units within 300 feet of the project site, or at least 25 such persons (not including dependent children), whichever is less.
- B. The fee for all appeals by Applicants is \$2,500.

If no appeal is received, the permit will be issued on the first business day following expiration of the appeal period, and the project may proceed at that time.

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**NOTICE CONCERNING YOUR LEGAL RIGHTS:**

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If you object to this decision, the following requirements and restrictions apply:

1. If you challenge this decision in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Zoning Adjustments Board at, or prior to, the public hearing.
2. You must appeal to the City Council within fourteen (14) days after the Notice of Decision of the action of the Zoning Adjustments Board is mailed. It is your obligation to notify the Land Use Planning Division in writing of your desire to receive a Notice of Decision when it is completed.
3. Pursuant to Code of Civil Procedure Section 1094.6(b) and Government Code Section 65009(c)(1), no lawsuit challenging a City Council decision, as defined by Code of Civil Procedure Section 1094.6(e), regarding a use permit, variance or other permit may be filed more than ninety (90) days after the date the decision becomes final, as defined in Code of Civil Procedure Section 1094.6(b). Any lawsuit not filed within that ninety (90) day period will be barred.
4. Pursuant to Government Code Section 66020(d)(1), notice is hereby given to the applicant that the 90-day protest period for any fees, dedications, reservations, or other exactions included in any permit approval begins upon final action by the City, and that any challenge must be filed within this 90-day period.
5. If you believe that this decision or any condition attached to it denies you any reasonable economic use of the subject property, was not sufficiently related to a legitimate public purpose, was not sufficiently proportional to any impact of the project, or for any other reason constitutes a "taking" of property for public use without just compensation under the California or United States Constitutions, your appeal of this decision must include the following information:
  - A. That this belief is a basis of your appeal.
  - B. Why you believe that the decision or condition constitutes a "taking" of property as set forth above.
  - C. All evidence and argument in support of your belief that the decision or condition constitutes a "taking" as set forth above.

If you do not do so, you will waive any legal right to claim that your property has been taken, both before the City Council and in court.

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# ATTACHMENT 1

## FINDINGS AND CONDITIONS APPROVED BY ZAB ON MARCH 12, 2020

### 1449 Grizzly Peak Boulevard

#### Administrative Use Permit #ZP2019-0111

To alter a 5,526 square-foot residential parcel by 1) constructing a 500 square-foot major residential addition on the third story of an existing 2,791 square-foot, three-story single-family dwelling, which will increase the average building height by 2'-2" and the maximum building height by 2'-3, resulting in a 3,291 square-foot, three-story, single-family dwelling with an average building height of 24'-8" and a maximum building height of 28'-9", 2) constructing the fifth bedroom on the parcel, and 3) constructing a perimeter fence four feet from the rear property line and on the side property lines that will be from 6'-2" to 8'-7" in height.

#### PERMITS REQUIRED

- Administrative Use Permit pursuant to Berkeley Municipal Code (BMC) Section 23D.16.030 to construct a major residential addition (cumulative);
- Administrative Use Permit pursuant to BMC Section 23D.16.050.A to construct a fifth bedroom on the parcel;
- Administrative Use Permit pursuant to BMC Section 23D.16.070.C to construct an addition which would exceed fourteen feet in average height;
- Administrative Use Permit pursuant to BMC Section 23E.96.070.B to construct an addition which would exceed twenty feet in maximum height for a building located within the "H" Hillside Overlay District; and
- Administrative Use Permit pursuant to BMC Section 23D.08.060.A.2 to construct a fence over six feet in height.

#### 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 (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 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 subject property is equal to or below the Single-Family Residential (R-1H) standards (BMC Section 23D.16.070-.080) for maximum residential density, height, setbacks, lot coverage, useable open space, and off-street parking (one main dwelling unit, where one main dwelling unit is allowed, average height of 24'-8" where 28' is the maximum, 5'-5" side (north) yard setback where 4' is the minimum, 4'-1" side (south) yard setback where 4' is the minimum, and 39'-3" rear yard setback where 20' is the minimum, 30% lot coverage where 40% is the maximum, 1,545 sq. ft. of usable open space where 400 sq. ft. is the minimum, and one off-street parking space where one is required). The subject property has a legally non-conforming front yard setback of 17'-1" where 20' is the minimum; however, the project would not extend or worsen this non-conformity. The subject property is equal to or below the Hillside Overlay District standards (BMC Section 23E.96.070) for maximum height for all residential additions of 28'-9" where 35' is the maximum. Therefore, the residential addition will be compatible with the existing property and neighborhood character;
- B. Privacy: Though the project includes new window openings on the addition to the third floor, these new windows on the front, northeast-side and rear are not expected to be detrimental to the privacy of neighbors because they would be located in walls that exceed all required yards; the new windows on the front of the building at the third floor would be setback 21'-1" from the front property line, where 20' is required. The building to building separation from the subject dwelling to abutting dwelling to the southeast at 1480 Summit Road is approximately 58', the dwelling to the southwest at 1455 Grizzly Peak Boulevard is approximately 9', and the dwelling to the northeast at 1445 Grizzly Peak Boulevard is approximately 14'-6". This separation, along with new openings that will mostly not directly face any windows in neighboring dwellings, will limit new privacy impacts;
- C. The addition to the main building will be constructed with proportions, scale and roof slopes that match the existing;
- D. While the project increases the number of bedrooms as defined in BMC Section 13.42.020.B on this parcel from four to five, the additional bedrooms will be added to an existing single-family residence. The addition of a fifth bedroom will provide more room for residents at the single-family residence and will not result in an increase in dwelling unit density; and
- E. The proposed perimeter fence will be from 6'-2" in height at the front of the property to 8'-3" in height at the rear of the property, and will be setback approximately 6' from the northwest property line at the front of the property, at the property line along the side yards, and setback approximately 4' from the rear property line. The fence will be located approximately 19' from the building located to the northeast at 1476 Summit Road, and 17' from the building located to the southeast at 1480 Summit Road. The fence will be constructed in an architectural style with colors and materials that are consistent with the surrounding buildings and fences. Due to its location, solar orientation, limited scale, and the presence of mature trees and other vegetation, the proposed fence is not

expected to create significant changes to the existing sunlight or privacy conditions in the immediate vicinity of this project. No new sight lines will be created to or from neighboring buildings, as the fence is located on a sloping hillside, below the existing sightlines to the San Francisco Bay from the properties directly to the rear of the property, and will thus not block views.

3. Pursuant to BMC Section 23D.16.090.B, the Zoning Officer finds that the major residential addition would not unreasonably obstruct sunlight, air, or views for the following reasons:
  - A. Sunlight: The 500 sq. ft. addition to the existing third floor and the perimeter fence will not result in a significant loss of direct sunlight on neighboring dwellings. Shadow studies submitted by the applicant document the addition's projected shadow angles and lengths at three times throughout the day during the summer and winter solstice.
    - a. Two hours before sunset on the winter solstice, shadows on the west side of the dwelling at 1445 Grizzly Peak Boulevard will increase and cover portions of four living room windows and a portion of the entryway door.
    - b. Two hours before sunset on the summer solstice, the shadows on the west side of the dwelling at 1445 Grizzly Peak Boulevard will increase and cover a living room window.
    - c. Because the impacts to neighboring properties will occur on limited areas, and will only partially shade a neighboring building for a limited time during the year, and only for a few hours of the day, the residential addition will not result in a significant loss of direct sunlight on abutting residences, and these shading impacts are not deemed detrimental;
  - B. Air: The addition is found to be consistent with the existing development and building-to-building separation pattern – or air – in this R-1H neighborhood because the addition is an expansion of the existing third story, where a maximum of three are allowed. The minimum 4 ft. required side yard setbacks will be maintained; and
  - C. Views: Berkeley Municipal Code Section 23F.04.010 defines view corridors as: a significant view of the Berkeley Hills, San Francisco Bay, Mt. Tamalpais, or a significant landmark such as the Campanile, Golden Gate Bridge, and Alcatraz. The dwellings to the east (1476 and 1480 Summit Road) are placed higher on the hill and have views of the Berkeley Hills and a partial view San Francisco Bay which is occluded by several mature trees in the yards of parcels across Grizzly Peak Boulevard from the subject property. Further, the proposed addition would not obstruct any existing partial views of the San Francisco Bay, as documented in the pictures of the story poles provided by the applicant. The dwellings to the west (1448 and 1446 Grizzly Peak Boulevard) are placed lower on the hill and have views of the Bay but the steep upsloping topography and the placement of the existing dwellings to the west occlude the Berkeley Hills. Further, the proposed addition would be located at the rear of the existing building on the third floor, and would match the existing roofline at the front of the building, therefore not obstructing views of the Berkeley Hills.

4. As required by BMC Section 23E.96.090.B, the Zoning Officer finds that the addition above the 20' maximum height that applies to additions is consistent with the purposes of the Hillside Overlay District as the height occurs in part because of the slope of this site, the proposed addition and fence will not adversely compromise the quality and character of this hillside parcel and its immediate environs, nor will it adversely impact views available from neighboring residences and parcels. The project maintains the original pattern and design of the lot and preserves westward views of the San Francisco Bay from the original building and its neighbors, as described above, in Section 3.

## **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 (BMC 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 (BMC 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.

### **5. Plans and Representations Become Conditions (BMC 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 (BMC 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 (BMC 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 (BMC 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 harmless, defend, and indemnify the City of Berkeley and its officers, agents, and employees against any and all liability, damages, claims, demands, judgments or other losses (including without limitation, attorney's fees, expert witness and consultant fees and other litigation expenses), referendum or initiative relating to, resulting from or caused by, or alleged to have resulted from, or caused by, any action or approval associated with the project. The indemnity includes without limitation, any legal or administrative challenge, referendum or initiative filed or prosecuted to overturn, set aside, stay or otherwise rescind any or all approvals granted in connection with the Project, any environmental determination made for the project and granting any permit issued in accordance with the project. This indemnity includes, without limitation, payment of all direct and indirect costs associated with any action specified herein. Direct and indirect costs shall include, without limitation, any attorney's fees, expert witness and consultant fees, court costs, and other litigation fees. City shall have the right to select counsel to represent the City at Applicant's expense in the defense of any action specified in this condition of approval. City shall take reasonable steps to promptly notify the Applicant of any claim, demand, or legal actions that may create a claim for indemnification under these conditions of approval.

**ADDITIONAL CONDITIONS IMPOSED BY THE ZONING OFFICER**

Pursuant to BMC Section 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 include in all building permit plans and post onsite the name and telephone number of an individual empowered to manage construction-related 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. **Please designate the name of this individual below:**

**Project Liaison**

\_\_\_\_\_  
Name

\_\_\_\_\_  
Phone #

**Prior to Issuance of Any Building and Safety Permit (Demolition or Construction)**

- 11.** The applicant shall revise the approved plans to indicate the following:
- The maximum ceiling height of the addition shall be no higher than 9'.
  - The roof material of the addition shall be a darker color than the proposed white, subject to review by staff.
- 12.** The ZAB recommends that the exterior color of the addition at the third story be darker than the proposed white.

**Standard Construction-related Conditions Applicable to all Projects:**

- 13. 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, pedestrian paths or vehicle travel lanes (including bicycle lanes);
  - Storage of building materials, dumpsters, debris anywhere in the public ROW;
  - Provision of exclusive contractor parking on-street; or
  - 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, 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 1947 Center 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.

- 14.** 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.

15. 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.
16. 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.
17. 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.
18. 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.
19. Trucks hauling debris, soil, sand, or other loose materials shall be covered or required to maintain at least two feet of board.
20. Public streets shall be swept (preferably with water sweepers) of all visible soil material carried from the site.
21. The applicant shall establish and maintain drainage patterns that do not adversely affect adjacent properties and rights-of-way.
22. 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.
23. 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.
24. Halt Work/Unanticipated Discovery of Tribal Cultural Resources. In the event that cultural resources of Native American origin are identified during construction, all work within 50 feet of the discovery shall be redirected. The project applicant and project construction contractor shall notify the City Planning Department within 24 hours. The City will again contact any tribes who have requested consultation under AB 52, as well as contact a qualified archaeologist, to evaluate the resources and situation and provide recommendations. If it is determined that the resource is a tribal cultural resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with State guidelines and in consultation with Native American groups. If the resource cannot be avoided, additional measures to avoid or reduce impacts to the resource and to address tribal concerns may be required.
25. Archaeological Resources (Ongoing throughout demolition, grading, and/or construction). Pursuant to CEQA Guidelines Section 15064.5(f), "provisions for historical or unique

archaeological resources accidentally discovered during construction” should be instituted. Therefore:

- A. In the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant and/or lead agency shall consult with a qualified archaeologist, historian or paleontologist to assess the significance of the find.
- B. If any find is determined to be significant, representatives of the project proponent and/or lead agency and the qualified professional would meet to determine the appropriate avoidance measures or other appropriate measure, with the ultimate determination to be made by the City of Berkeley. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and/or a report prepared by the qualified professional according to current professional standards.
- C. In considering any suggested measure proposed by the qualified professional, the project applicant shall determine whether avoidance is necessary or feasible in light of factors such as the uniqueness of the find, project design, costs, and other considerations.
- D. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation measures for cultural resources is carried out.
- E. If significant materials are recovered, the qualified professional shall prepare a report on the findings for submittal to the Northwest Information Center.

**26. Human Remains (Ongoing throughout demolition, grading, and/or construction).** In the event that human skeletal remains are uncovered at the project site during ground-disturbing activities, all work shall immediately halt and the Alameda County Coroner shall be contacted to evaluate the remains, and following the procedures and protocols pursuant to CEQA Guidelines Section 15064.5 (e)(1) . If the County Coroner determines that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to Health and Safety Code Section 7050.5(c), and all excavation and site preparation activities shall cease within a 50-foot radius of the find until appropriate arrangements are made. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance and avoidance measures (if applicable) shall be completed expeditiously.

**27. Paleontological Resources (Ongoing throughout demolition, grading, and/or construction).** In the event of an unanticipated discovery of a paleontological resource during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist (per Society of Vertebrate Paleontology standards [SVP 1995, 1996]). The qualified paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the City determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project on the qualities that make the resource important, and such plan shall be implemented. The plan shall be submitted to the City for review and approval.

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

28. All construction at the subject property shall substantially conform to the approved Use Permit drawings or to modifications approved by the Zoning Officer.
29. All landscape, site and architectural improvements shall be completed per the attached approved drawings dated August 12, 2019.

**At All Times (Operation):**

30. 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.
31. Drainage Patterns. 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.
32. Electrical Meter. Only one electrical meter fixture may be installed per dwelling unit.



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Prepared by: Ashley James  
For Greg Powell, Zoning Officer



architects

1708 martin luther king jr way  
suite b  
berkeley, ca 94709

510.705.1061

UBILLUS  
RESIDENCE  
ADDITION

1449 GRIZZLY PEAK BLVD.  
BERKELEY, CA 94708

CONSULTANTS

ISSUE DATE

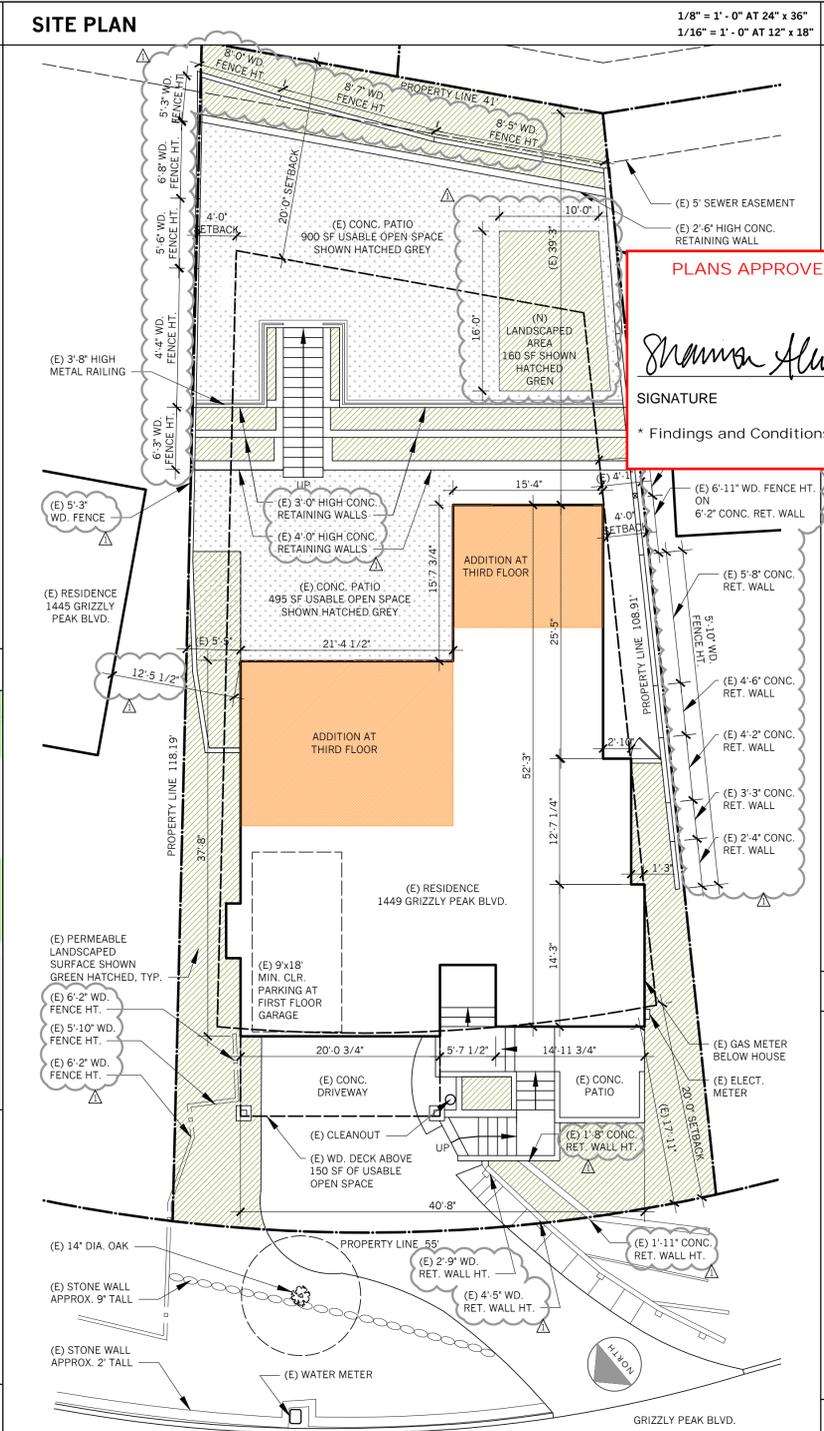
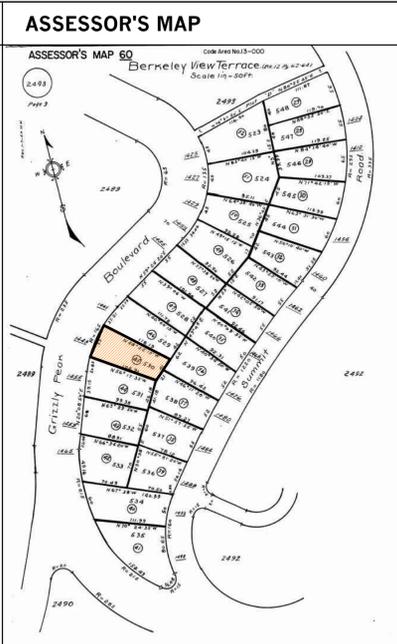
AIP SUBMITTAL 08/03/2019  
AIP RESPONSE 08/12/2019

COVER SHEET

A - 0.0

- ### BEST MANAGEMENT PRACTICES
- SAND, DIRT, AND SIMILAR MATERIALS MUST BE STORED AT LEAST 10 FEET FROM CATCH BASINS, AND COVERED WITH A TARP DURING WET WEATHER OR WHEN RAIN IS FORECAST.
  - SWEEP STREETS AND OTHER PAVED AREAS DAILY. DO NOT WASH DOWN STREETS OR WORK AREAS WITH WATER.
  - RECYCLE ALL ASPHALT, CONCRETE, AND AGGREGATE BASE MATERIAL FROM DEMOLITION ACTIVITIES.
  - CHECK DUMPSTERS REGULARLY FOR LEAKS AND TO MAKE SURE THEY DON'T OVERFLOW. REPAIR OR REPLACE LEAKING DUMPSTERS PROMPTLY.
  - LABEL ALL HAZARDOUS MATERIALS AND HAZARDOUS WASTES (SUCH AS PESTICIDES, PAINTS, THINNERS, SOLVENTS, FUEL, OIL, AND ANTIFREEZE) IN ACCORDANCE WITH CITY, STATE, AND FEDERAL REGULATIONS.
  - STORE HAZARDOUS MATERIALS AND WASTES IN SECONDARY CONTAINMENT AND COVER THEM DURING WET WEATHER.
  - BE SURE TO ARRANGE FOR APPROPRIATE DISPOSAL OF ALL HAZARDOUS WASTES.
  - WHEN SPILLS OR LEAKS OCCUR (HAZARDOUS OR NON-HAZARDOUS), CONTAIN THEM IMMEDIATELY AND BE PARTICULARLY CAREFUL TO PREVENT LEAKS AND SPILLS FROM REACHING THE GUTTER, STREET, OR STORM DRAIN. NEVER WASH SPILLED MATERIAL INTO A GUTTER, STREET, STORM DRAIN, OR CREEK.
  - REPORT ANY HAZARDOUS MATERIALS SPILLS IMMEDIATELY! DIAL 911 OR YOUR LOCAL EMERGENCY RESPONSE NUMBER.
  - DO NOT CLEAN VEHICLES OR EQUIPMENT ON-SITE USING SOAPS, SOLVENTS, DEGREASERS, STEAM CLEANING EQUIPMENT, ETC.
  - KEEP EXCAVATED SOIL ON THE SITE WHERE IT IS LEAST LIKELY TO COLLECT IN THE STREET. TRANSFER TO DUMP TRUCKS SHOULD TAKE PLACE ON THE SITE, NOT IN THE STREET.
  - USE FIBER ROLLS, SILT FENCES, OR OTHER CONTROL MEASURES TO MINIMIZE THE FLOW OF SILT OFF THE SITE. SEE SITE PLAN FOR SPECIFIC MEASURES.
  - SHOVEL, ABSORB, OR VACUUM SAW-CUT SLURRY AND PICK UP ALL WASTE AS SOON AS YOU ARE FINISHED IN ONE LOCATION OR AT THE END OF EACH WORK DAY (WHICHEVER IS SOONER).
  - IF SAW CUT SLURRY ENTERS A CATCH BASIN, CLEAN IT UP IMMEDIATELY.
  - PROTECT GUTTERS, DITCHES, AND DRAINAGE COURSES WITH SAND/GRAVEL BAGS, OR EARTHEN BERMS.
  - BE SURE TO STORE CONCRETE, GROUT, AND MORTAR UNDER COVER AND AWAY FROM DRAINAGE AREAS. THESE MATERIALS MUST NEVER REACH A STORM DRAIN.
  - WASH OUT CONCRETE EQUIPMENT/TRUCKS OFF-SITE.
  - NEVER RINSE PAINT BRUSHES OR MATERIALS IN A GUTTER OR STREET.
  - PAINT OUT EXCESS WATER-BASED PAINT BEFORE RINSING BRUSHES, ROLLERS, OR CONTAINERS IN A SINK. IF YOU CAN'T USE A SINK, DIRECT WASH WATER TO A DIRT AREA AND SPADE IN IT.
  - PAINT OUT EXCESS OIL-BASED PAINT BEFORE CLEANING BRUSHES IN THINNER.
  - FILTER PAINT THINNERS AND SOLVENTS FOR REUSE WHENEVER POSSIBLE. DISPOSE OF OIL-BASED PAINT SLUDGE AND USEABLE THINNER AS HAZARDOUS WASTE.

- ### GENERAL NOTES
- ALL WORK SHALL CONFORM TO THE CALIFORNIA RESIDENTIAL CODE, 2016 EDITION; CALIFORNIA PLUMBING CODE, 2016 EDITION; CALIFORNIA MECHANICAL CODE, 2016 EDITION; CALIFORNIA ELECTRICAL CODE, 2016 EDITION; 2016 ENERGY CODE; CITY OF BERKELEY ORDINANCES, ALAMEDA COUNTY REQUIREMENTS AND ALL OTHER APPLICABLE CODES AND ORDINANCES.
  - THE CONTRACTOR SHALL VERIFY ALL CONDITIONS AND DIMENSIONS ON THE SITE PRIOR TO BEGINNING WORK. CONTRACTOR SHALL FAMILIARIZE HIM/HERSELF WITH VERTICAL AND LATERAL LOAD TRANSFER THROUGH FRAMING TO FOUNDATION. DIMENSIONS, FOUNDATION LAYOUT, FRAMING LAYOUT, LOAD TRANSFER THROUGH NEW AND EXISTING FRAMING TO FOUNDATION LOCATION OF BEAMS, BRACING, ETC. SHOULD ALL BE VERIFIED PRIOR TO ACTUAL CONSTRUCTION. VARIANCE BETWEEN THE DRAWINGS AND THE ACTUAL SITE CONDITIONS, AND ANY ERRORS OR OMISSIONS FOUND IN THE DRAWINGS, SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT BEFORE PROCEEDING WITH THE WORK. UPON DISCOVERY OF UNFORESEEN CONDITIONS ON THE SITE, THE CONTRACTOR SHALL STOP THE WORK AND REQUEST ADDITIONAL INFORMATION FROM THE ARCHITECT. THE CONTRACTOR SHALL NOTIFY THE ARCHITECT WHEN THE EXISTING STRUCTURE HAS BEEN EXPOSED.
  - DURING DEMOLITION CONTRACTOR IS TO CAP ALL ELECTRICAL OUTLETS, SWITCHES AND UTILITIES PER CODE. NOTIFY OWNER 24 HOURS PRIOR TO ANY INTERRUPTION IN POWER OR UTILITIES.
  - BRACE AND SUPPORT EXTERIOR AND INTERIOR WALLS AS NECESSARY PRIOR TO REMOVAL OF EXISTING STRUCTURE. SO AS TO PREVENT ANY MOVEMENT OF THE EXISTING STRUCTURE. THE GENERAL CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR PROVIDING ADEQUATE SHORING AND BRACING DURING CONSTRUCTION FOR VERTICAL AND LATERAL LOADS AS REQUIRED FOR THE PROTECTION OF LIFE AND PROPERTY DURING CONSTRUCTION.
  - WRITTEN DIMENSIONS SHOWN IN THE DRAWINGS ARE TO FACE OF FINISH UNLESS OTHERWISE NOTED; THEY SHALL HAVE PRECEDENCE OVER ANY SCALED DIMENSIONS. THE CONTRACTOR SHALL NOT USE SCALED DIMENSIONS. DETAIL DRAWINGS HAVE PRECEDENCE OVER MORE GENERAL DRAWINGS.
  - THE CONTRACTOR SHALL GUARANTEE ALL NEW WORK AGAINST LEAKS FOR A PERIOD OF TWO YEARS FOLLOWING COMPLETION OF THE WORK.
  - THE CONTRACTOR SHALL BE RESPONSIBLE FOR RESTORING TO ORIGINAL CONDITION, AT HIS OWN EXPENSE, ANY DAMAGE DONE BY HIM OR HIS AGENTS TO THE EXISTING BUILDINGS OR GROUNDS.
  - THE CONTRACTOR SHALL INSTALL ALL PRODUCTS AND MATERIALS IN ACCORDANCE WITH THE MANUFACTURER'S SPECIFICATIONS AND IN ACCORDANCE WITH THE LATEST EDITION OF TRADE STANDARDS, PUBLISHED BY THE TRADE ASSOCIATIONS.
  - THE CONTRACTOR SHALL COMPLY WITH ALL APPLICABLE PORTIONS OF TITLE 24 OF THE CALIFORNIA ADMINISTRATIVE CODE.
  - DIMENSIONS, LOCATIONS OF DOORS, PARTITIONS, CABINET WORK AND SIMILAR FEATURES TO BE VERIFIED ON SITE.
  - IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO COORDINATE LAYOUT OF ALL THE VARIOUS COMPONENTS OF THE CONSTRUCTION AS REQUIRED TO ACCOMMODATE THE ELECTRICAL LAYOUT INDICATED. SPECIAL ATTENTION SHOULD BE GIVEN TO FRAMING LAYOUT TO AVOID CUTTING AND REFRAMING TO ACHIEVE PROPER LOCATIONS FOR FIXTURES.
  - THE ARCHITECT DOES NOT ASSUME RESPONSIBILITY FOR CONSTRUCTION MEANS, METHODS, TECHNIQUES, SEQUENCE OR PROCEDURES OF CONSTRUCTION, OR SAFETY PRECAUTIONS, WHICH ARE TO REMAIN THE RESPONSIBILITY OF THE GENERAL CONTRACTOR.
  - THE ARCHITECT DOES NOT PROVIDE EVALUATION FOR THE EXISTENCE OF HAZARDOUS MATERIAL NOR ASSUME RESPONSIBILITY FOR THEIR MANAGEMENT. SHOULD THE CONTRACTOR ENCOUNTER ANY HAZARDOUS MATERIALS IN THE PERFORMANCE OF HIS WORK, THE CONTRACTOR SHALL NOTIFY THE OWNER IMMEDIATELY AND PROCEED WITH WORK ONLY IN COMPLIANCE WITH APPLICABLE HAZARDOUS MATERIAL HANDLING REGULATIONS.
  - DIVERT CONSTRUCTION AND DEMOLITION WASTE AS FOLLOWS:  
A. DIVERT ALL CARDBOARD, CONCRETE, ASPHALT AND METALS.  
B. DIVERT 25% C&D WASTE, EXCLUDING ALL CARDBOARD, CONCRETE, ASPHALT, AND METALS.



### DRAWING INDEX

- A-0.0 COVER SHEET
- A-1.0 DEMO PLANS AND EXISTING ELEVATIONS
- A-2.0 PROPOSED FLOOR PLAN AND ROOF PLAN
- A-3.0 PROPOSED EXTERIOR ELEVATIONS
- A-4.0 SECTION

**PLANS APPROVED BY ZONING ADJUSTMENTS BOARD**

*Shirana Alon*      **March 12, 2020**

SIGNATURE      DATE

\* Findings and Conditions Attached

### PROJECT DATA

CLIENTS:  
CHERYL AND RODRIGO UBILLUS  
1449 GRIZZLY PEAK BLVD.  
BERKELEY, CA 94708

PROJECT SCOPE:  
REAR ADDITION OF 500 SQ. FT. AT THE THIRD FLOOR, INCLUDING A BEDROOM, BATHROOM, AND WALK-IN CLOSET.

ZONING: R1-H  
APN: 60-2493-45  
FLOOD ZONE: NO  
FIRE ZONE: 2  
LANDSLIDE ZONE: YES  
FIRE SPRINKLERS: NONE  
OCCUPANCY: R-3  
CONSTRUCTION TYPE: V-B  
AVG. LOT SLOPE: 15%

### TABULATION FORM

	Existing	Proposed	Permitted/ Required
<b>Units, Parking Spaces &amp; Bedrooms</b>			
Number of Dwelling Units (U)	1	1	
Number of Parking Spaces (P)	1	1	
Number of Bedrooms (B)	4	5	
<b>Yield and Height</b>			
Front Yard Setback (Feet)	17'-11"	NA	20
Side Yard Setback (Feet)	5'-5"	NA	4
Left (Feet)	4'-1"	NA	4
Right (Feet)	39'-3"	NA	20
Rear Yard Setback (Feet)	3	3	3
Building Height* (8 Stories)	22'-6"	24'-8"	14
Average* (Feet)	26'-6"	28'-9"	20
Maximum* (Feet)	5,526	NA	NA
<b>Areas</b>			
Lot Area (Square-Feet)	2,791	3,291	NA
Gross Floor Area* (Square-Feet)	1,659	NA	NA
Total Area Covered by All Floors (Square-Feet)			
Building Footprint* (Square-Feet)			
Total of All Structures (Square-Feet)			
Lot Coverage* (Footprint/Lot Area) (%)	30%	NA	40%
Usable Open Space* (Square-Feet)	1,545	NA	400
Floor Area Ratio* Non-Residential only (Except ES-R)	NA	NA	NA

\*See Definitions - Zoning Ordinance Title 23F.      Revised: 05/15

### SYMBOL LEGEND

	WINDOW SYMBOL, SEE SCHEDULE		INTERIOR ELEVATION KEY
	DOOR SYMBOL, SEE SCHEDULE		DRAWING KEY
	ELEVATION KEY - DRAWING #		DETAIL KEY
	ELEVATION SHOWN WHERE SHADED		ALIGNMENT SYMBOL
	SHEET #		

### NEIGHBOR'S SIGNATURES

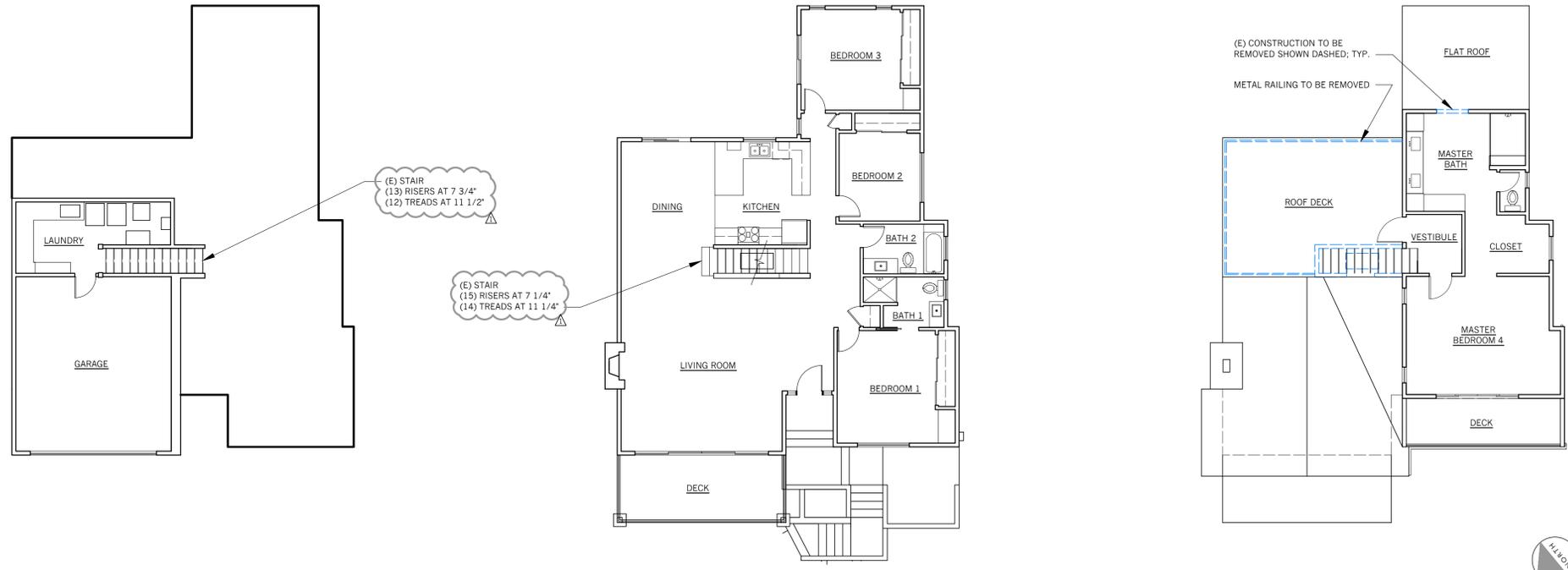
I HAVE REVIEWED THE DRAWINGS FOR THE PROPOSED ADDITION AT 1449 GRIZZLY PEAK BLVD, WHICH INCLUDES 500 SF AT THE SECOND FLOOR.

NAME (PRINTED)	SIGNATURE	ADDRESS	OWNER YES/NO	DATE	HAVE NO OBJECTIONS	COMMENTS OR OBJECTIONS (PLEASE STATE BRIEFLY)
		1444 GRIZZLY PEAK BLVD.				
		1445 GRIZZLY PEAK BLVD.				
		1446 GRIZZLY PEAK BLVD.				
		1448 GRIZZLY PEAK BLVD.				
		1452 GRIZZLY PEAK BLVD.				
		1455 GRIZZLY PEAK BLVD.				
		1476 SUMMIT RD.				
		1480 SUMMIT RD.				

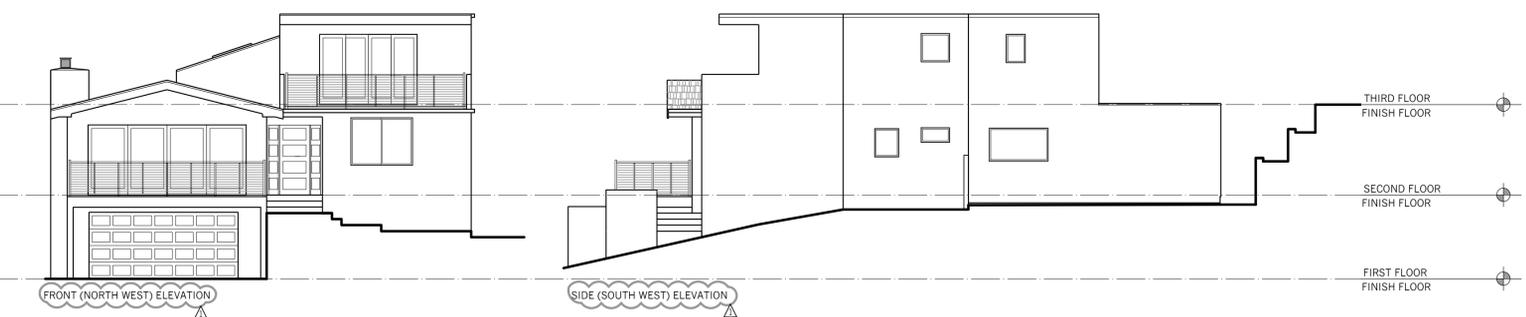
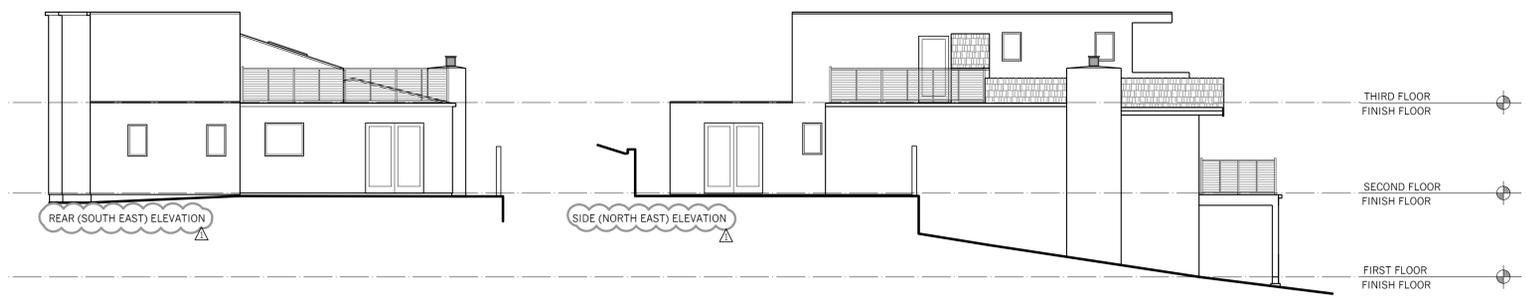


PLANS APPROVED BY ZONING ADJUSTMENTS BOARD

*Shanna Alu* **March 12, 2020**  
 SIGNATURE DATE  
 \* Findings and Conditions Attached



**1** **FIRST FLOOR** **NO WORK** 1/8" = 1'-0"  
**2** **SECOND FLOOR** **NO WORK** 1/8" = 1'-0"  
**3** **THIRD FLOOR** **SHOWING DEMOLITION** 1/8" = 1'-0"



**4** **EXISTING EXTERIOR ELEVATIONS** 1/8" = 1'-0"  
 NOTE: DRAWING SCALE WILL BE 1/16"=1'-0" IF PRINTED TO FIT A 12" X 18" SHEET SIZE



1708 martin luther king jr way  
 suite b  
 berkeley, ca 94709

510.705.1061

**UBILLUS  
 RESIDENCE  
 ADDITION**

1449 GRIZZLY PEAK BLVD.  
 BERKELEY, CA 94708

CONSULTANTS

ISSUE	DATE
ALP SUBMITTAL	06/03/2019
ALP RESPONSE	08/12/2019

**DEMO PLANS  
 AND EXISTING  
 ELEVATIONS**

**A - 1.0**

PLANS APPROVED BY ZONING ADJUSTMENTS BOARD

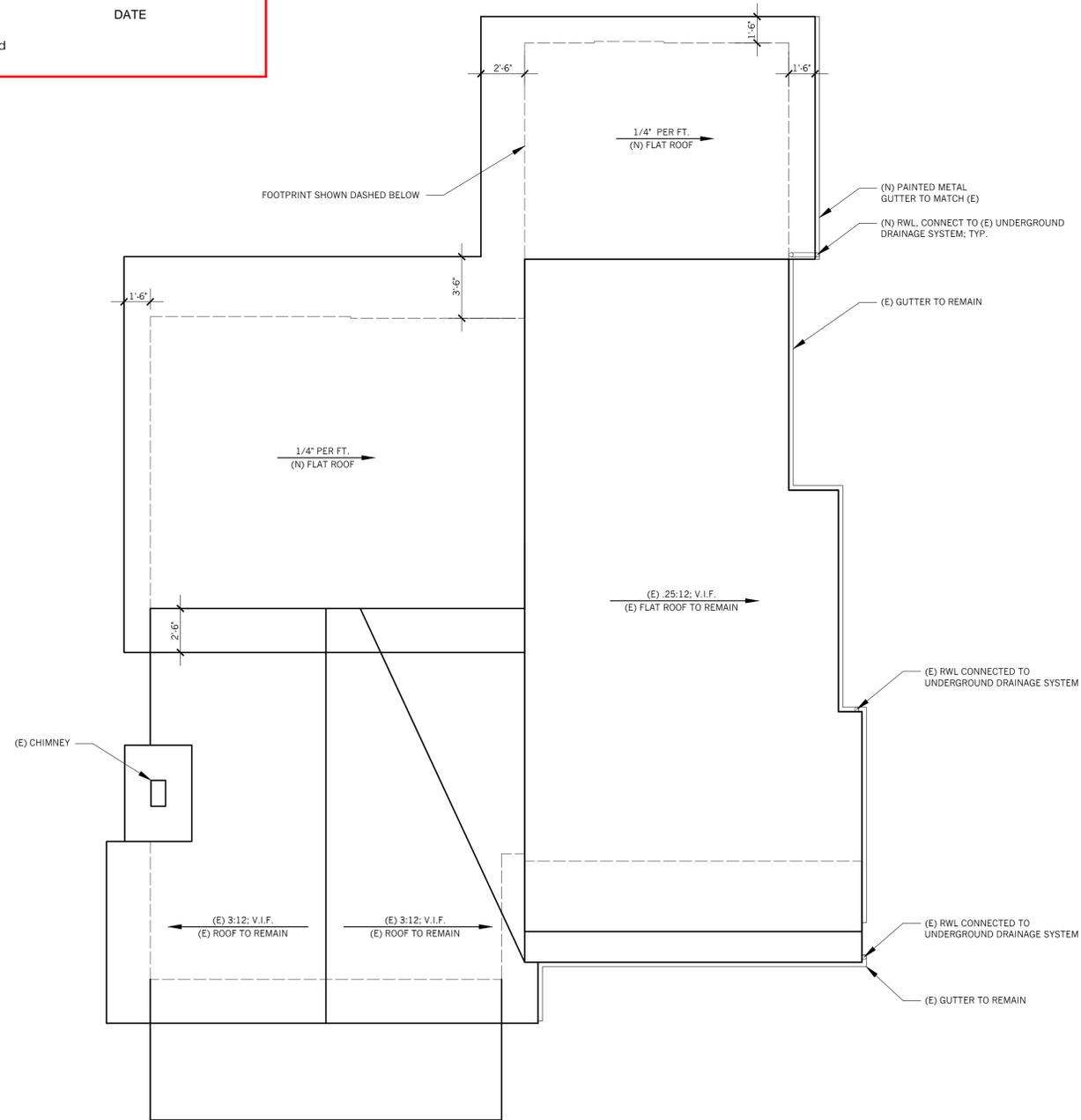
*Shanna Alu*

March 12, 2020

SIGNATURE

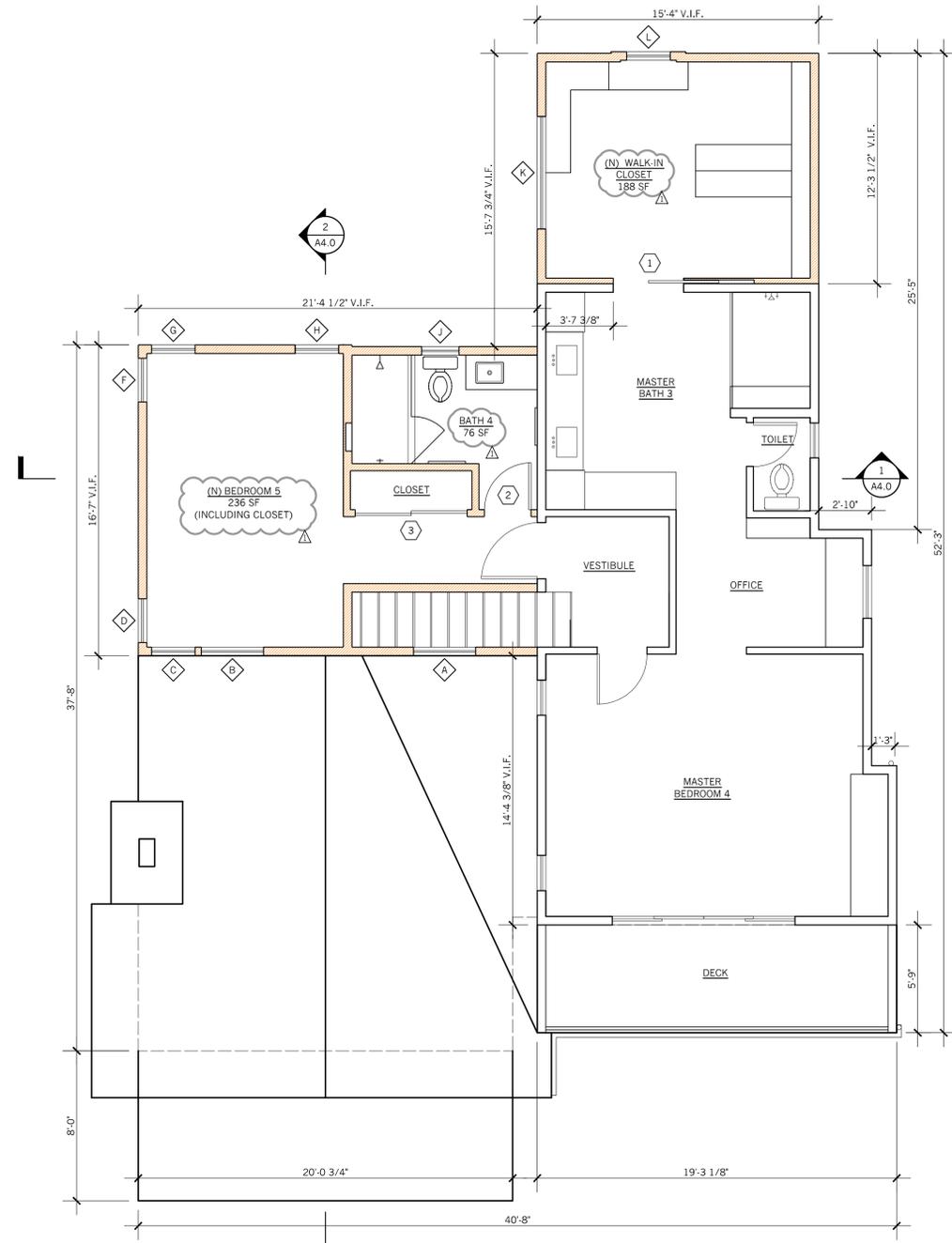
DATE

\* Findings and Conditions Attached



2 ROOF  
 A2.0

1/4" = 1'-0"



1 THIRD FLOOR  
 AREA OF WORK  
 A2.0

NOTE: DRAWING SCALE WILL BE 1/8"=1'-0" IF PRINTED TO FIT A 12" X 18" SHEET SIZE

WALL TYPE KEY		FLOOR PLAN NOTES: 1. THE TERMINATION OF ALL ENVIRONMENTAL AIR DUCTS SHALL BE A MINIMUM OF 3 FEET FROM ANY OPENINGS INTO THE BUILDING. DUCT TERMINATIONS (I.E. DRYERS, BATH AND UTILITY FANS, ETC.) MUST BE 3 FEET AWAY FROM DOORS, WINDOWS, OPENING SKYLIGHTS, OR ATTIC VENTS (PER CMC 504.5) 2. VERIFY OR INSTALL AUTOMATIC GAS SHUT-OFF VALVES. 3. ALL NEW HOT WATER SUPPLY PIPING 3/4" OR GREATER SHALL BE INSULATED PER CEC SECTION 150.0(j)2iii. 4. ALL NEW HOT WATER SUPPLY PIPING FROM THE HEATING SOURCE TO THE KITCHEN FIXTURES SHALL BE INSULATED PER CEC SECTION 150.0(j)2.vi.
(E) WALLS TO REMAIN		
(N) FULL HEIGHT WALL		
(N) 1-HR CONSTRUCTION		



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 suite b  
 berkeley, ca 94709

510.705.1061

UBILLUS  
 RESIDENCE  
 ADDITION

1449 GRIZZLY PEAK BLVD.  
 BERKELEY, CA 94708

CONSULTANTS

ISSUE	DATE
A/P SUBMITTAL	06/03/2019
A/P RESPONSE	08/12/2019

PROPOSED  
 FLOOR PLAN  
 AND  
 ROOF PLAN

A - 2.0



1708 martin luther king jr way  
 suite b  
 berkeley, ca 94709

510.705.1061

**UBILLUS  
 RESIDENCE  
 ADDITION**

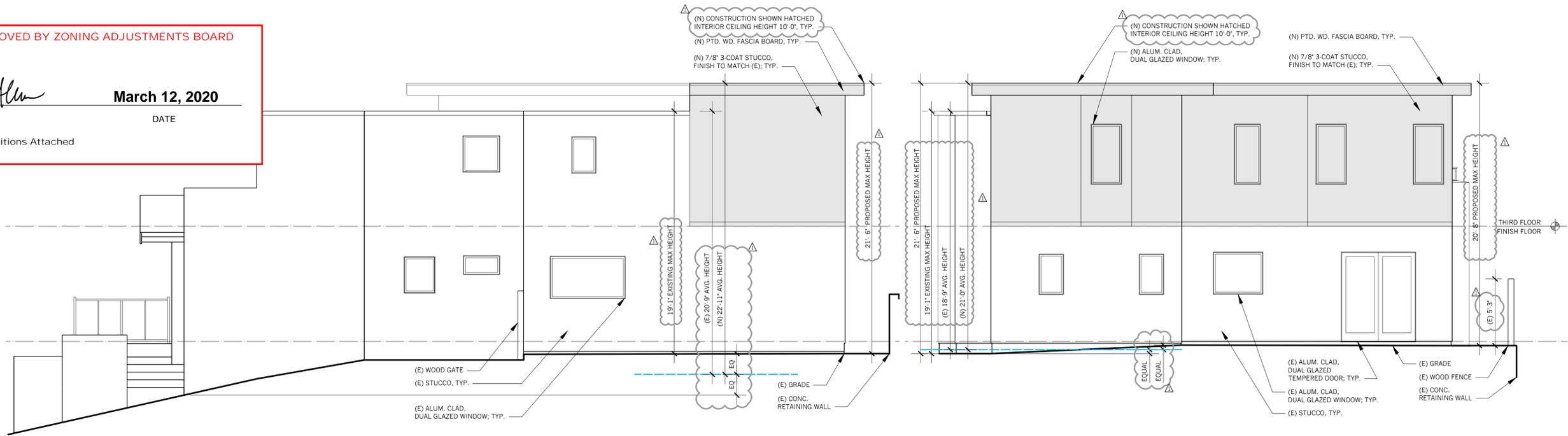
1449 GREZLY PEAK BLVD.  
 BERKELEY, CA 94708

CONSULTANTS

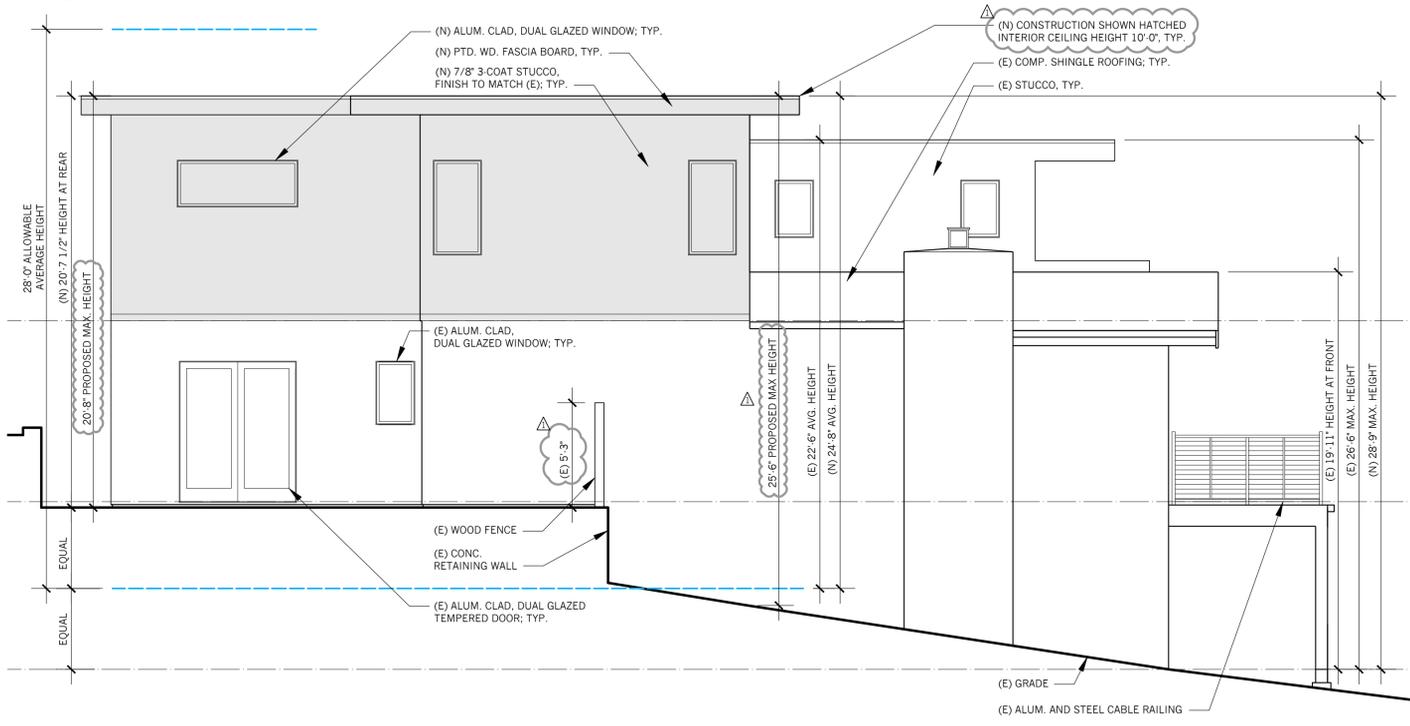
**PLANS APPROVED BY ZONING ADJUSTMENTS BOARD**

*Shanna Alam* **March 12, 2020**  
 SIGNATURE DATE

\* Findings and Conditions Attached

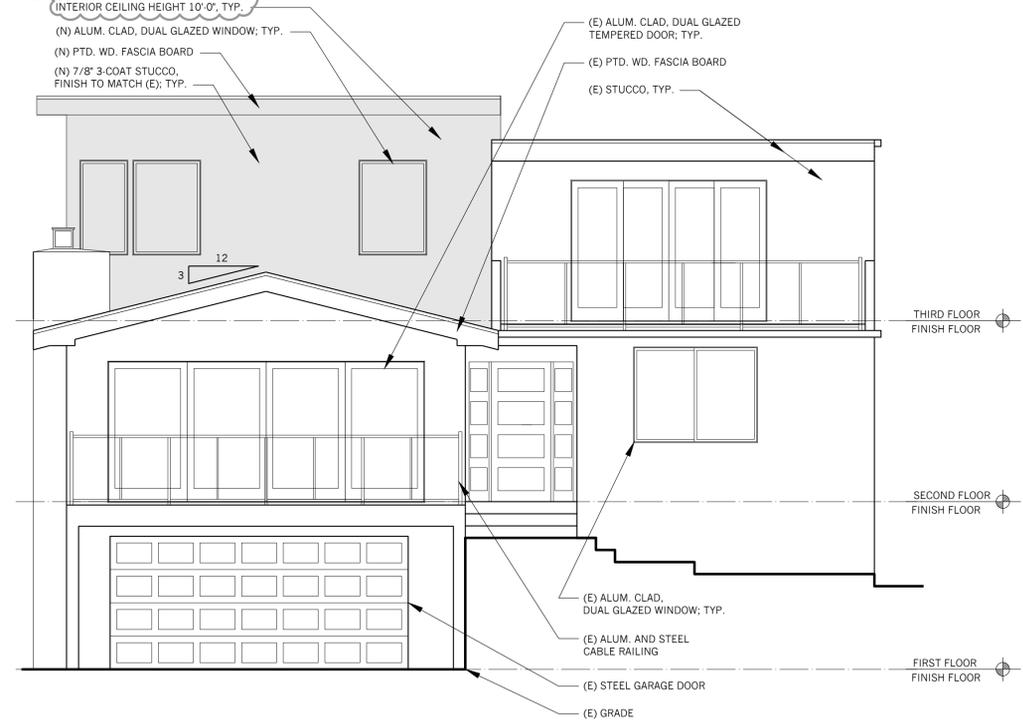


**2 SIDE (SOUTH WEST) ELEVATION**  
 A3.0



**4 SIDE (NORTH EAST) ELEVATION**  
 A3.0

**1 REAR (SOUTH EAST) ELEVATION**  
 A3.0



**3 FRONT (NORTH WEST) ELEVATION**  
 A3.0

NOTE: DRAWING SCALE WILL BE 1/8"=1'-0" IF PRINTED TO FIT A 12" X 18" SHEET SIZE

**PROPOSED  
 EXTERIOR  
 ELEVATIONS**

ISSUE	DATE
ALP SUBMITTAL	08/03/2019
ALP RESPONSE	08/12/2019

**A - 3.0**



RECEIVED  
APR 28 2020  
CITY OF BERKELEY  
CITY CLERK DEPARTMENT

URGENT

City Clerk Department  
City of Berkeley

2180 Milvia Street  
Berkeley, CA 94704

April 27, 2020

Attn: Ashley James  
Associate Planner

Re: Appeal to the Berkeley City Council pertaining to ZAB's  
Decision of March 12, 2020 re: AUP #ZP2019-0111 for  
1449 Grizzly Peak Boulevard, Berkeley, CA 94708

Dear Sirs,

Please enclosed find a check in the amount of \$500.00 (#6371),  
as the fee to formally appeal the above referenced ZAB Decision.  
(Attachment 1.)

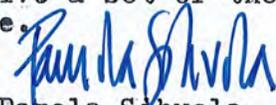
I am specifically referring to Conditions #11 and #12 (page 6 of 9),  
which were discussed at length at the March 12, 2020 ZAB meeting -  
and to the staff's shortcomings in recording the discussions and  
decisions:

Since the originally proposed color for the new addition is a  
glaring, intense bright white and determined by ZAB members to  
be a serious detriment to the neighbors to the east on Summit Road -  
the color for the roof and new siding (at least on the east facing  
walls) was determined to be a darker tone, similar to the brown  
IPE wood color already a feature of the house design on the front  
side, facing west. (Attachment 2., original packet for the Public  
Hearing).

Also discussions included a reference to staff to negotiate with  
neighbors, in the spirit of neighborliness, when the revised plans,  
with a couple of color suggestions are ready for review.

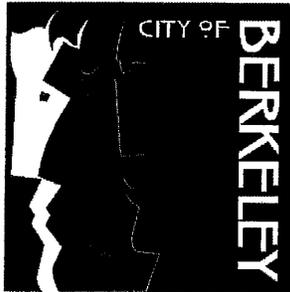
Thus, I am respectfully asking to receive a set of the revised plans  
via mail, as soon as they are available.

Thank you, Sincerely,

  
Pamela Sihvola  
1476 Summit Road  
Berkeley, CA 94708

PS. In addition to the enclosed  
attachments, the Appeal consists of the entire Administrative Record  
for the project, as well as the video and transcript of the March 12, 2020  
ZAB Public Hearing.

ATTACHMENT 1.



Z O N I N G  
A D J U S T M E N T S  
B O A R D  
NOTICE OF DECISION

DATE OF BOARD DECISION: March 12, 2020  
DATE NOTICE MAILED: April 14, 2020  
APPEAL PERIOD EXPIRATION: April 28, 2020  
EFFECTIVE DATE OF PERMIT (Barring Appeal or Certification)<sup>1</sup>: April 29, 2020

## 1449 Grizzly Peak Boulevard

Appeal of Zoning Officer's Decision to approve Administrative Use Permit #ZP2019-0111 to alter a 5,526 square-foot residential parcel by 1) constructing a 500 square-foot major residential addition on the third story of an existing 2,791 square-foot, three-story single-family dwelling, which will increase the average building height by 2'-2" and the maximum building height by 2'-3, resulting in a 3,291 square-foot, three-story, single-family dwelling with an average building height of 24'-8" and a maximum building height of 28'-9", 2) constructing the fifth bedroom on the parcel, and 3) constructing a perimeter fence four feet from the rear property line and on the side property lines that will be from 6'-2" to 8'-7" in height.

The Zoning Adjustments Board of the City of Berkeley, after conducting a public hearing, **DISMISSED** the appeal and **APPROVED** the following permits:

- Administrative Use Permit pursuant to Berkeley Municipal Code (BMC) Section 23D.16.030 to construct a major residential addition (cumulative);
- Administrative Use Permit pursuant to BMC Section 23D.16.050.A to construct a fifth bedroom on the parcel;
- Administrative Use Permit pursuant to BMC Section 23D.16.070.C to construct an addition which would exceed fourteen feet in average height;
- Administrative Use Permit pursuant to BMC Section 23E.96.070.B to construct an addition which would exceed twenty feet in maximum height for a building located within the "H" Hillside Overlay District; and
- Administrative Use Permit pursuant to BMC Section 23D.08.060.A.2 to construct a fence over six feet in height.

<sup>1</sup> Pursuant to BMC Section 23B.32.090, the City Council may certify any ZAB decision for review during the 14-day appeal period after the notice of the ZAB's decision is issued. Certification has the same effect as an appeal. However, BMC Section 1.04.070 suspends or "tolls" the Council's deadline to certify when the Council is on recess. Thus, in cases where the 14-day appeal period is scheduled to *end* during a Council recess, the certification deadline is extended past the end of the recess for the remainder of the appeal period. In cases where the appeal period *begins* during a Council recess, the certification deadline is extended until 14 days after the first Council meeting after the recess. *Extension of the certification deadline has no effect on the appeal deadline.*

ZONING ADJUSTMENTS BOARD  
April 14, 2020

449 GRIZZLY PEAK BOULEVARD  
Page 2 of 4

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**APPLICANT:** Lillian Mitchell, 1708 Martin Luther King Jr. Way, Suite B, Berkeley

**APPELLANTS:** Pamela Sihvola, 1476 Summit Road, Berkeley CA 94708

**PROPERTY OWNER:** Rodrigo Ubillus, 1449 Grizzly Peak Boulevard, Berkeley CA 94708

**ZONING DISTRICT:** R-1(H) – Single-Family Residential District, Hillside Overlay

**ENVIRONMENTAL REVIEW STATUS:** Categorically exempt pursuant to Section 15301 of the CEQA Guidelines (“Existing Facilities”).

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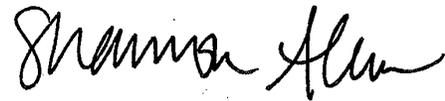
**FINDINGS, CONDITIONS AND APPROVED PLANS ARE ATTACHED TO THIS NOTICE**

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ZONING ADJUSTMENTS BOARD  
April 14, 2020

449 GRIZZLY PEAK BOULEVARD  
Page 3 of 4

	Yes	No	Abstain	Absent
CLARK	x			
KAHN	x			
KIM	x			
O'KEEFE	x			
LEWIS	x			
PINKSTON	x			
SHEAHAN	x			
TREGUB	x			
<b>BOARD VOTE:</b>	<b>8</b>	<b>0</b>	<b>0</b>	<b>0</b>



**ATTEST:**  
Shannon Allen, Zoning Adjustments Board  
Secretary

**PUBLICATION OF NOTICE:**

Pursuant to BMC Section 23B.32.050, this notice shall be mailed to the applicant at the mailing address stated in the application and to any person who requests such notification by filing a written request with the Zoning Officer on or before the date of the Board action. This notice shall also be filed with the City Clerk. In addition, the notice shall be forwarded to the Zoning Adjustments Board and to the Main Library. The notice shall also be posted at a bulletin board at the Zoning Counter. The City Clerk shall make the notice available to interested members of the Council and the public.

**FURTHER INFORMATION:**

Questions about the project should be directed to the project planner, Ashley James, at (510) 981-7458 or [ajames@cityofberkeley.info](mailto:ajames@cityofberkeley.info). All project application materials, including full-size plans, may be viewed online at <https://aca.cityofberkeley.info/Community/> or in the Permit Service Center at the Zoning Counter at 1947 Center Street, Third Floor, during normal office hours.

**TO APPEAL THIS DECISION (see Section 23B.32.050 of the Berkeley Municipal Code):**

Please note that the new methods for appeal submittals described below are put in place to comply with the requirements of the Shelter In Place Order and shall be effective for the duration of Shelter In Place requirements.

1. Mail your complete appeal to the City Clerk Department, 2180 Milvia Street, Berkeley, CA 94704 with payment of fees by check or money order included. Appeals submitted by mail must be postmarked on or before the deadline date for filing the appeal.  
**OR**

2. E-mail your complete appeal to the Planning Department, [planning@cityofberkeley.info](mailto:planning@cityofberkeley.info) and include a telephone number where you can be reached during the day. Planning Department

ZONING ADJUSTMENTS BOARD  
April 14, 2020

449 GRIZZLY PEAK BOULEVARD  
Page 4 of 4

staff will call you within three business days to obtain credit card information over the phone for payment of required fees.

- A. The fee for persons other than the applicant is \$500. This fee may be reduced to \$100 if the appeal is signed by persons who lease or own at least 50 percent of the parcels or dwelling units within 300 feet of the project site, or at least 25 such persons (not including dependent children), whichever is less.
- B. The fee for all appeals by Applicants is \$2,500.

If no appeal is received, the permit will be issued on the first business day following expiration of the appeal period, and the project may proceed at that time.

**NOTICE CONCERNING YOUR LEGAL RIGHTS:**

If you object to this decision, the following requirements and restrictions apply:

- 1. If you challenge this decision in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Zoning Adjustments Board at, or prior to, the public hearing.
- 2. You must appeal to the City Council within fourteen (14) days after the Notice of Decision of the action of the Zoning Adjustments Board is mailed. It is your obligation to notify the Land Use Planning Division in writing of your desire to receive a Notice of Decision when it is completed.
- 3. Pursuant to Code of Civil Procedure Section 1094.6(b) and Government Code Section 65009(c)(1), no lawsuit challenging a City Council decision, as defined by Code of Civil Procedure Section 1094.6(e), regarding a use permit, variance or other permit may be filed more than ninety (90) days after the date the decision becomes final, as defined in Code of Civil Procedure Section 1094.6(b). Any lawsuit not filed within that ninety (90) day period will be barred.
- 4. Pursuant to Government Code Section 66020(d)(1), notice is hereby given to the applicant that the 90-day protest period for any fees, dedications, reservations, or other exactions included in any permit approval begins upon final action by the City, and that any challenge must be filed within this 90-day period.
- 5. If you believe that this decision or any condition attached to it denies you any reasonable economic use of the subject property, was not sufficiently related to a legitimate public purpose, was not sufficiently proportional to any impact of the project, or for any other reason constitutes a "taking" of property for public use without just compensation under the California or United States Constitutions, your appeal of this decision must including the following information:
  - A. That this belief is a basis of your appeal.
  - B. Why you believe that the decision or condition constitutes a "taking" of property as set forth above.
  - C. All evidence and argument in support of your belief that the decision or condition constitutes a "taking" as set forth above.

If you do not do so, you will waive any legal right to claim that your property has been taken, both before the City Council and in court.

# ATTACHMENT 1

## FINDINGS AND CONDITIONS APPROVED BY ZAB ON MARCH 12, 2020

### 1449 Grizzly Peak Boulevard

#### Administrative Use Permit #ZP2019-0111

To alter a 5,526 square-foot residential parcel by 1) constructing a 500 square-foot major residential addition on the third story of an existing 2,791 square-foot, three-story single-family dwelling, which will increase the average building height by 2'-2" and the maximum building height by 2'-3", resulting in a 3,291 square-foot, three-story, single-family dwelling with an average building height of 24'-8" and a maximum building height of 28'-9", 2) constructing the fifth bedroom on the parcel, and 3) constructing a perimeter fence four feet from the rear property line and on the side property lines that will be from 6'-2" to 8'-7" in height.

#### PERMITS REQUIRED

- Administrative Use Permit pursuant to Berkeley Municipal Code (BMC) Section 23D.16.030 to construct a major residential addition (cumulative);
- Administrative Use Permit pursuant to BMC Section 23D.16.050.A to construct a fifth bedroom on the parcel;
- Administrative Use Permit pursuant to BMC Section 23D.16.070.C to construct an addition which would exceed fourteen feet in average height;
- Administrative Use Permit pursuant to BMC Section 23E.96.070.B to construct an addition which would exceed twenty feet in maximum height for a building located within the "H" Hillside Overlay District; and
- Administrative Use Permit pursuant to BMC Section 23D.08.060.A.2 to construct a fence over six feet in height.

#### 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 (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 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 subject property is equal to or below the Single-Family Residential (R-1H) standards (BMC Section 23D.16.070-.080) for maximum residential density, height, setbacks, lot coverage, useable open space, and off-street parking (one main dwelling unit, where one main dwelling unit is allowed, average height of 24'-8" where 28' is the maximum, 5'-5" side (north) yard setback where 4' is the minimum, 4'-1" side (south) yard setback where 4' is the minimum, and 39'-3" rear yard setback where 20' is the minimum, 30% lot coverage where 40% is the maximum, 1,545 sq. ft. of usable open space where 400 sq. ft. is the minimum, and one off-street parking space where one is required). The subject property has a legally non-conforming front yard setback of 17'-1" where 20' is the minimum; however, the project would not extend or worsen this non-conformity. The subject property is equal to or below the Hillside Overlay District standards (BMC Section 23E.96.070) for maximum height for all residential additions of 28'-9" where 35' is the maximum. Therefore, the residential addition will be compatible with the existing property and neighborhood character;
- B. Privacy: Though the project includes new window openings on the addition to the third floor, these new windows on the front, northeast-side and rear are not expected to be detrimental to the privacy of neighbors because they would be located in walls that exceed all required yards; the new windows on the front of the building at the third floor would be setback 21'-1" from the front property line, where 20' is required. The building to building separation from the subject dwelling to abutting dwelling to the southeast at 1480 Summit Road is approximately 58', the dwelling to the southwest at 1455 Grizzly Peak Boulevard is approximately 9', and the dwelling to the northeast at 1445 Grizzly Peak Boulevard is approximately 14'-6". This separation, along with new openings that will mostly not directly face any windows in neighboring dwellings, will limit new privacy impacts;
- C. The addition to the main building will be constructed with proportions, scale and roof slopes that match the existing;
- D. While the project increases the number of bedrooms as defined in BMC Section 13.42.020.B on this parcel from four to five, the additional bedrooms will be added to an existing single-family residence. The addition of a fifth bedroom will provide more room for residents at the single-family residence and will not result in an increase in dwelling unit density; and
- E. The proposed perimeter fence will be from 6'-2" in height at the front of the property to 8'-3" in height at the rear of the property, and will be setback approximately 6' from the northwest property line at the front of the property, at the property line along the side yards, and setback approximately 4' from the rear property line. The fence will be located approximately 19' from the building located to the northeast at 1476 Summit Road, and 17' from the building located to the southeast at 1480 Summit Road. The fence will be constructed in an architectural style with colors and materials that are consistent with the surrounding buildings and fences. Due to its location, solar orientation, limited scale, and the presence of mature trees and other vegetation, the proposed fence is not

expected to create significant changes to the existing sunlight or privacy conditions in the immediate vicinity of this project. No new sight lines will be created to or from neighboring buildings, as the fence is located on a sloping hillside, below the existing sightlines to the San Francisco Bay from the properties directly to the rear of the property, and will thus not block views.

3. Pursuant to BMC Section 23D.16.090.B, the Zoning Officer finds that the major residential addition would not unreasonably obstruct sunlight, air, or views for the following reasons:
  - A. Sunlight: The 500 sq. ft. addition to the existing third floor and the perimeter fence will not result in a significant loss of direct sunlight on neighboring dwellings. Shadow studies submitted by the applicant document the addition's projected shadow angles and lengths at three times throughout the day during the summer and winter solstice.
    - a. Two hours before sunset on the winter solstice, shadows on the west side of the dwelling at 1445 Grizzly Peak Boulevard will increase and cover portions of four living room windows and a portion of the entryway door.
    - b. Two hours before sunset on the summer solstice, the shadows on the west side of the dwelling at 1445 Grizzly Peak Boulevard will increase and cover a living room window.
    - c. Because the impacts to neighboring properties will occur on limited areas, and will only partially shade a neighboring building for a limited time during the year, and only for a few hours of the day, the residential addition will not result in a significant loss of direct sunlight on abutting residences, and these shading impacts are not deemed detrimental;
  - B. Air: The addition is found to be consistent with the existing development and building-to-building separation pattern – or air – in this R-1H neighborhood because the addition is an expansion of the existing third story, where a maximum of three are allowed. The minimum 4 ft. required side yard setbacks will be maintained; and
  - C. Views: Berkeley Municipal Code Section 23F.04.010 defines view corridors as: a significant view of the Berkeley Hills, San Francisco Bay, Mt. Tamalpais, or a significant landmark such as the Campanile, Golden Gate Bridge, and Alcatraz. The dwellings to the east (1476 and 1480 Summit Road) are placed higher on the hill and have views of the Berkeley Hills and a partial view San Francisco Bay which is occluded by several mature trees in the yards of parcels across Grizzly Peak Boulevard from the subject property. Further, the proposed addition would not obstruct any existing partial views of the San Francisco Bay, as documented in the pictures of the story poles provided by the applicant. The dwellings to the west (1448 and 1446 Grizzly Peak Boulevard) are placed lower on the hill and have views of the Bay but the steep upsloping topography and the placement of the existing dwellings to the west occlude the Berkeley Hills. Further, the proposed addition would be located at the rear of the existing building on the third floor, and would match the existing roofline at the front of the building, therefore not obstructing views of the Berkeley Hills.

4. As required by BMC Section 23E.96.090.B, the Zoning Officer finds that the addition above the 20' maximum height that applies to additions is consistent with the purposes of the Hillside Overlay District as the height occurs in part because of the slope of this site, the proposed addition and fence will not adversely compromise the quality and character of this hillside parcel and its immediate environs, nor will it adversely impact views available from neighboring residences and parcels. The project maintains the original pattern and design of the lot and preserves westward views of the San Francisco Bay from the original building and its neighbors, as described above, in Section 3.

#### **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 (BMC 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 (BMC 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.

**5. Plans and Representations Become Conditions (BMC 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 (BMC 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 (BMC 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 (BMC 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 harmless, defend, and indemnify the City of Berkeley and its officers, agents, and employees against any and all liability, damages, claims, demands, judgments or other losses (including without limitation, attorney's fees, expert witness and consultant fees and other litigation expenses), referendum or initiative relating to, resulting from or caused by, or alleged to have resulted from, or caused by, any action or approval associated with the project. The indemnity includes without limitation, any legal or administrative challenge, referendum or initiative filed or prosecuted to overturn, set aside, stay or otherwise rescind any or all approvals granted in connection with the Project, any environmental determination made for the project and granting any permit issued in accordance with the project. This indemnity includes, without limitation, payment of all direct and indirect costs associated with any action specified herein. Direct and indirect costs shall include, without limitation, any attorney's fees, expert witness and consultant fees, court costs, and other litigation fees. City shall have the right to select counsel to represent the City at Applicant's expense in the defense of any action specified in this condition of approval. City shall take reasonable steps to promptly notify the Applicant of any claim, demand, or legal actions that may create a claim for indemnification under these conditions of approval.

**ADDITIONAL CONDITIONS IMPOSED BY THE ZONING OFFICER**

Pursuant to BMC Section 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 include in all building permit plans and post onsite the name and telephone number of an individual empowered to manage construction-related 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. **Please designate the name of this individual below:**

Project Liaison

Name

Phone #

**Prior to Issuance of Any Building and Safety Permit (Demolition or Construction)**

- 11. The applicant shall revise the approved plans to indicate the following:
  - The maximum ceiling height of the addition shall be no higher than 9'.
  - The roof material of the addition shall be a darker color than the proposed white, subject to review by staff.
- 12. The ZAB recommends that the exterior color of the addition at the third story be darker than the proposed white.



**Standard Construction-related Conditions Applicable to all Projects:**

13. 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, pedestrian paths or vehicle travel lanes (including bicycle lanes);
  - Storage of building materials, dumpsters, debris anywhere in the public ROW;
  - Provision of exclusive contractor parking on-street; or
  - 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, 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 1947 Center 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.

- 14. 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.

15. 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.
16. 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.
17. 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.
18. 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.
19. Trucks hauling debris, soil, sand, or other loose materials shall be covered or required to maintain at least two feet of board.
20. Public streets shall be swept (preferably with water sweepers) of all visible soil material carried from the site.
21. The applicant shall establish and maintain drainage patterns that do not adversely affect adjacent properties and rights-of-way.
22. 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.
23. 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.
24. Halt Work/Unanticipated Discovery of Tribal Cultural Resources. In the event that cultural resources of Native American origin are identified during construction, all work within 50 feet of the discovery shall be redirected. The project applicant and project construction contractor shall notify the City Planning Department within 24 hours. The City will again contact any tribes who have requested consultation under AB 52, as well as contact a qualified archaeologist, to evaluate the resources and situation and provide recommendations. If it is determined that the resource is a tribal cultural resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with State guidelines and in consultation with Native American groups. If the resource cannot be avoided, additional measures to avoid or reduce impacts to the resource and to address tribal concerns may be required.
25. Archaeological Resources (Ongoing throughout demolition, grading, and/or construction). Pursuant to CEQA Guidelines Section 15064.5(f), "provisions for historical or unique

archaeological resources accidentally discovered during construction” should be instituted. Therefore:

- A. In the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant and/or lead agency shall consult with a qualified archaeologist, historian or paleontologist to assess the significance of the find.
- B. If any find is determined to be significant, representatives of the project proponent and/or lead agency and the qualified professional would meet to determine the appropriate avoidance measures or other appropriate measure, with the ultimate determination to be made by the City of Berkeley. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and/or a report prepared by the qualified professional according to current professional standards.
- C. In considering any suggested measure proposed by the qualified professional, the project applicant shall determine whether avoidance is necessary or feasible in light of factors such as the uniqueness of the find, project design, costs, and other considerations.
- D. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation measures for cultural resources is carried out.
- E. If significant materials are recovered, the qualified professional shall prepare a report on the findings for submittal to the Northwest Information Center.

**26. Human Remains (Ongoing throughout demolition, grading, and/or construction).** In the event that human skeletal remains are uncovered at the project site during ground-disturbing activities, all work shall immediately halt and the Alameda County Coroner shall be contacted to evaluate the remains, and following the procedures and protocols pursuant to CEQA Guidelines Section 15064.5 (e)(1) . If the County Coroner determines that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to Health and Safety Code Section 7050.5(c), and all excavation and site preparation activities shall cease within a 50-foot radius of the find until appropriate arrangements are made. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance and avoidance measures (if applicable) shall be completed expeditiously.

**27. Paleontological Resources (Ongoing throughout demolition, grading, and/or construction).** In the event of an unanticipated discovery of a paleontological resource during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist (per Society of Vertebrate Paleontology standards [SVP 1995, 1996]). The qualified paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the City determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project on the qualities that make the resource important, and such plan shall be implemented. The plan shall be submitted to the City for review and approval.

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

28. All construction at the subject property shall substantially conform to the approved Use Permit drawings or to modifications approved by the Zoning Officer.
29. All landscape, site and architectural improvements shall be completed per the attached approved drawings dated August 12, 2019.

**At All Times (Operation):**

30. 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.
31. Drainage Patterns. 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.
32. Electrical Meter. Only one electrical meter fixture may be installed per dwelling unit.



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Prepared by: Ashley James  
For Greg Powell, Zoning Officer

Late Communications  
Zoning Adjustments Board

MAR 12 2020  
**RECEIVED**  
at Meeting

ATTACHMENT 2.

**URGENT**

AGENDA  
ITEM #3  
12  
March 13, 2020

Shoshana O'Keefe, Chairperson  
Members of the City of Berkeley's  
Zoning Adjustments Board (ZAB)

c/o ZAB Secretary Shannon Allen  
1947 Center Street, 2nd. Floor  
Berkeley, CA 94704

Re: Public Hearing: 1449 Grizzly Peak Boulevard  
Berkeley, CA 94708

AUP # ZP2019-0111

Chairperson O'Keefe and Members of the Zoning Adjustments Board,

First I want to thank the City's Planning Staff and the Zoning Adjustments Board for providing this first opportunity for a Public Hearing on a project that started over 6 years ago.

Since 2014 there have been 4 separate stages of development and demolition at the site, some with permits, some without permits, resulting in an expansion of a 1515 sq.ft. house to the proposed 3291 sq.ft. 3-story structure, i.e. over doubling the size of the original house.

The history of the development is outlined in our letter of July 15, 2019 (Attachment 1.) and the continuation of the main concerns are included in the Appeal letter, dated December 11, 2019. (Attachment 2.)

I have lived in this neighborhood for over a quarter of a century. The neighborhood was built after the II World War, and consists mainly of modest, single-family homes, many originally built for UC and Lawrence Lab scientists, some houses also built with GI Bill funds by home-coming service men.

The neighborhood is next to the Tilden Regional Park - and the homes in the community were built respecting nature, using colors and materials reflecting the natural surroundings. Many of my neighbors are original residents, now in their late 80s and 90s.

The lots here are mostly standard, narrow 50'x100', with rear yards of Grizzly Peak properties abutting the front yards of Summit Road residences. In addition the topography of the hillside increases impacts to Summit Road residents, as you can see in the photo of the proposed project (Attachment 3.)

I am not opposing the applicant's right to build these 2 new III story additions, but presenting an opportunity to positively mitigate the impacts of the structure's height, mass and color, as viewed from Summit Road.

The street view of 1449 Grizzly Peak Blvd. shows the incorporation of IPE wood at the front entrance and in the areas under the overhang of the roof (Attachment 4./Google Maps)

As a mitigation proposal I am submitting 2 photos of an award-winning home, where IPE wood (or wood of similar color) was incorporated as the siding/cladding of the building's III floor.(Attachment 5A&B)

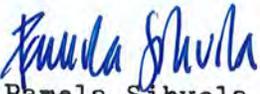
With the addition of IPE wood color siding on the III floor additions and with a roof color of similar tone, the glare of the current stark, bright white structure would be mitigated and the structure would blend with the natural setting, which had been the promise of the applicant already at the 2014 Mediation meeting and reiterated at a spring 2018 meeting.

Lastly I am also presenting a compromise as to the height of the 2 new additions; since our 2014 Mediation meetings were successful, and we reached an agreement that the addition height was to be 8ft. I am respectfully asking that the requested new height of the addition be split in half and that the new ceiling height be 9 ft. This would reduce the mass of the building and with the new siding color would reduce the impacts.

In closing, I am thankful to the Board for allowing me to present these mitigation proposals, and respectfully asking that you add the following conditions to AUP # ZP2019-0111, as listed above and below:

1. III floor siding to be IPE wood color, as IPE wood is already a feature of the house design
2. Roof color similar in tone to the III floor siding color
3. Maximum ceiling height to be 9 ft.

Sincerely,

  
Pamela Sihvola  
1476 Summit Road  
Berkeley, CA 94709



PROPOSED IV PROJECT (IN 4+ YRS) @ 1449 GP BND WILL INCREASE THE ORIGINAL  
RESIDENCE FROM 1515 SF TO 3291 SF (= +1776 SF) I.E. +117.25%. DUE TO  
PIECE MEASURING THE DEVELOPMENT <sup>THRU</sup> WITHOUT ANY PUBLIC HEARINGS

1449 Grizzly Peak Blvd - Google Maps

3/8/2020

Google Maps 1449 Grizzly Peak Blvd



Image capture: Mar 2019

ATTACHMENT 5A

HAWAII

▶ AWARD-WINNING HOMES

# HOME

## + REMODELING

FREE | NOVEMBER 2018

### DESIGNING A MASTERPIECE

Inside a vibrant home built to entertain



HAWAIIHOMEMAG.COM

HOME

An East Oahu family establishes a home  
as colorful and inviting as they are.

BY TYLER SHIROMA // PHOTOS BY PANAIVIZ



**URGENT**

PERMIT SERVICE CENTER

JUL 17 2019

RECEIVED BY: AJ

Ashley James, AICP  
Associate Planner

City of Berkeley  
Planning and Development  
1947 Center Street, 2nd Floor  
Berkeley, CA 94704

July 15, 2019

Re: 1449 Grizzly Peak Blvd.  
proposed second/third story additions (500 sq. ft.)

As a follow-up to our discussion on June 27, 2019, I am submitting the following comments, concerns and modification requests to the current proposed plans regarding the above referenced project.

We, the abutting neighbors on Summit Road continue to be the most impacted by the current proposed plans. This proposal represents CONSTRUCTION CREEP, i.e. serial permit applications and construction during the past 6-7 years (since 2013, see attachment 1), including potentially unpermitted, illegal work.

Background:

In 2014 Summit Road neighbors successfully mediated a compromise with the help of Seeds Community Resolution staff (case # 10250), and the applicant agreed to modify the project to protect our views to the west by reducing some of the mass of the addition with a maximum ceiling height of 8 feet. (2013 application for additions)

Attachment 2 includes the list of neighbors' concerns and attachment 3 represents the resolution to these concerns.

On May 1, 2014 the City issued an AUP # 13-20000050 (see attachment 4.)

The permit specified that all construction shall conform <sup>to</sup> the approved UP drawings (section 24) and that all landscape, site and architectural improvements be completed per approved drawings dated March 5, 2014. (section 25). See p.5 of the Notice of Administrative Decision-Findings and Conditions, (attachment 4.).

The above referenced drawings specified the following: 1. (E) rear yard: NO CHANGE, 2. (E) rear deck NO CHANGE 3. (E) 2 retaining walls to remain.(Page 1.), and on page 3. (E) wood siding to remain.

Attachment 5. shows the building (and portions of the rear yard) as completed. The bright white color is blinding and obtrusive - this is the view from our living room.

I met with the applicant Rodrigo Ubillus in May of 2018. He promised to remedy our concerns regarding the blinding brightness of the building color by 1. installing dark grey tiles on the deck, matching the color of the dark grey shingles on the existing peak roof, and by 2. painting the east facing wall same grey color.

During mediation he had promised that the building color will <sup>be</sup> one to "blend with the surrounding nature", which did not happen.

1.

So we ask that the color of the entire second/third floor be painted to match the grey/brown color of the existing peak roof and that the same roofing material/color be rolled out on all the flat roof areas. This would remedy the blinding, obtrusive brightness of the structure,

In addition, the proposed project goes against the agreement neighbors reached with the applicant in 2014 (see attachment 3.), specifically regarding the maximum ceiling height of 8 feet.

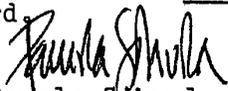
2.

So we ask that the plans be modified so that the maximum ceiling height for the 5th bedroom and the 4th bathroom will be 8 feet. We also ask that the ceiling height for the walk-in closet be reduced to 7.5 feet. These modifications will still give the applicant the square footage they are requesting. (See attachments 6A and 6B).

3.

We also ask that this project be put on hold until all the issues related to the 2014 permit have been resolved, including clarifying any code enforcement issues/permit issues with regard to the rear yard now completely covered with concrete. Attachment 7. shows the project site prior to the construction of the first addition, with the vegetation and deck in the rear yard still intact. Attachment 8 (A,B,C) show the concrete structures in the rear yard.

Sincerely,

  
Pamela Sihvola  
1476 Summit Road  
Berkeley, CA 94708

PS. Attachment 9 A and B show plans for a deck replacement at rear, dated 1/25/2018, and still indicating (E) REAR YARD, NO CHANGE

Zoning Officer  
Permit Service Center  
1947 Center Street, 3<sup>rd</sup> Floor  
Berkeley, CA 94704

December 11, 2019

Re: AUP #ZP2019-0111  
1449 Grizzly Peak Boulevard, Berkeley CA 94708

Appeal of Administrative Decision to Issue a Permit for AUP #ZP2019-0111, dated November 20, 2019, and, therefore, a Request for a Public Hearing Before the Zoning Adjustments Board (ZAB)

Dear Zoning Officer:

We are appealing the above referenced decision for the following reason:

- This proposed project would appear to represent “construction creep” and a violation of the premise of the previous permit AUP #13-20000050, dated May 1, 2014, which was approved after City Planning & Development recommended negotiations and mediation among the applicant and the neighbors to modify the project and define the limits of construction and its impacts on the abutting neighbors.

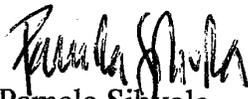
The following questions need to be addressed by ZAB, on behalf of the affected public, in consideration of the fact that the property applicant(s) have already proceeded to alter the property and are currently requesting Permits that would over-double the original size of the building in a piecemeal fashion thus to circumvent a Public Hearing

- Was the Permit Department informed of the demolition of the entire back yard, including the removal of a mature California Live Oak, and the construction of a massive concrete structure covering the entire area? In violation of the specific language in the approved AUP #13-20000050?
- Why was a permit granted for a roof deck facing the Summit Road neighbors, who were party to the AUP #13-20000050 mediation resolution, without informing those neighbors who are impacted?
- Mediation discussion included a commitment by the applicant to choose a building color to blend with the environment – note the stark bright white façade remains on the house and continues to reflect sunlight in a blinding and obtrusive manner.

- In accordance with Planning Department Staff statement, was a boundary survey done in order to determine the exact location of the rear property line to determine its location with respect to the City's sewer easement? Did the backyard concrete construction, in fact, encroach upon the City's sewer easement? Did, also, the recently constructed rear fence encroach upon the City's sewer easement?
- If the approved AUP #13-20000050 specifically stipulated that the maximum ceiling of the structure would be 8 ft., how might it be approvable that the maximum building height will be allowed to be increased by 2 ft. 3 inches (27 inches), per AUP #ZP2019-0111, without a Public Hearing?
- Furthermore, how is it legal that the Planning Department allows the applicant to over-double the residence size from the original 1,515 sq. ft. to 3,291 sq. ft. in a piecemeal fashion without scheduling a Public Hearing?

In conclusion, the above questions are relevant and warrant a Public Hearing before Permit AUP #ZP2019-0111 might be issued. Therefore, we are formally appealing the administrative decision and request a Public Hearing before the ZAB.

Sincerely,



Pamela Silvola,

1476 Summit Road, Berkeley CA 94708



Kathleen Wasser

1435 Grizzly Pk., Berkeley, CA 94708

To: Pamela Schivola

Regarding: 1449 Grizzly Peak

Administrative Use Permit ZP2019-0111

6-1-2020

Dear Pamela,

I hope you are well during these times.

I'd like to make an effort and work with you on your appeal of my permit. As it came up in the ZAB, I am attaching in this letter mailed to you the color we will use for the new TPO roof structure.

I am also attaching sample colors of the color we have in mind for the new structure. We WILL stay within this range of darkness which I think will address your concern.

Colors codes from Benjamin Moore are:

HC-168

2134-20

2131-10

2120-30

HC-155

Please give me a call directly. 510-773-4835.

Thanks,  Rod Ubillus

1449 grizzly peak blvd.

Berkeley CA 94708xd

6-3-2020

Dear Ashley,

I have sent Pamela a letter with color samples. As we have not finalized the color, I placed colors to which we will stay near that shade or color value. I am attaching those colors to this letter so it can be shown that they are much darker gray colors. I am also attaching to this letter the color of TPO roofing I will use in the new addition roof as per the request of the ZAB board.

As the City knows, that Pamela is extremely hard to get a hold of, I am attaching the receipt from the postal office showing that I did mail this letter certified yesterday June 2<sup>nd</sup> and it'll be arriving to her home today June 3<sup>rd</sup>.

Furthermore, I want to make known 2 homes near Pamela's home which are modern looking homes like mine and that they are white. Also, one more newly built home (last 3 years) of another home in the neighborhood with similar style as mine.

While I know it is Pamela's right to appeal, I want to make known of 2 homes in our very close vicinity which the City approved and they did not enforce a color change or choosing the color of the home for the owner because a neighbor didn't like the color the owners picked. It is our right to choose the color of our home, especially if nearby neighbor used a similar color palette. While I will add some gray's and darker colors to my new construction, which I provided. I want to protect my rights, especially as the City approve 2 brand new builds with similar home style and colors. It would be atrocious for us all to spend our money time and resources arguing a color of a home. Please note that our neighbor, 1 home down from me and 1 home down from Pamela just built a home that is larger, taller and whiter than mine. Directly below Pamela's. Lastly, for the record, my home is not white is light gray which you can see in the photo of my home in this document.

Thank you for your time.

Rod Ubillus

Receipt from postal service (letter to Pamela)

10:38 cns.usps.com

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**Label Summary**

[View Label](#)

We are sorry but a communication error has occurred. Please retry your request or print at a later time from Shipping History.

**Return Address**  
CHERYL UBILLUS  
1449 GRIZZLY PEAK BLVD  
BERKELEY, CA 94708-2201

**Delivery Address**  
PAMELA SIHVOLA  
1475 SUMMIT RD  
BERKELEY, CA 94708

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**Package**

Tracking #:	9405 5036 9930 0402 1650 23
Shipping Date:	06/02/2020
Exp. Delivery Date:	06/03/2020
ZIP Code™:	94708
Package Weight:	0 lb. 4 oz.
Contents Value:	\$20.00

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**Service**

Priority Mail® 1-Day:	\$7.50
Insurance:	Free

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**Total:** \$7.50

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**Payment Method**  
VISA-2673

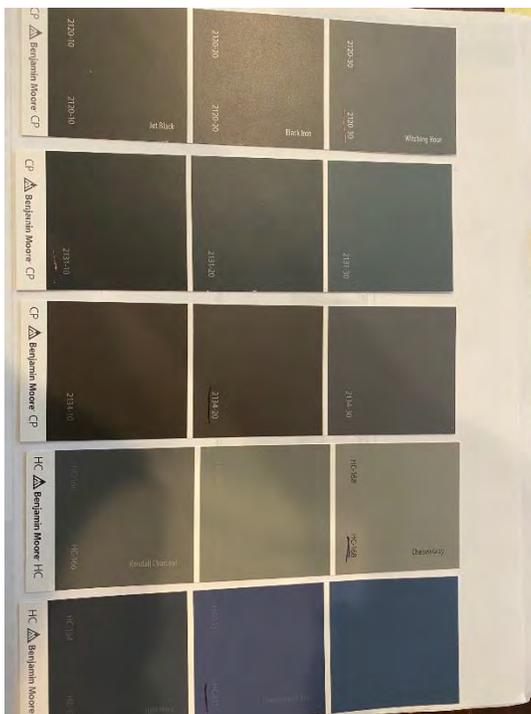
You have until 11:59 PM Central Time of the ship date to print your label.

[View Label](#)

Color which will be used for new construction roof, TPO gray.



These are the shades of gray which I will stay near. Similar color value and shade of gray.



Example 1:

1441 Grizzly Peak Blvd. which is the home right in front and 1 home to the left of Pamela's. (My home is right in front of Pamela's but one home to the right) Also, this home is on the same side of the street as mine and it there is 1 home separating me and 1441.

This is a photo of the lot of land before the home was build. They are still building it.



This is a photo of the home now built. As you can see, this home is white, taller than mine and a brand new construction, approved by the City of Bekrleey. They did not get any color restrictions. The home is modern as is mine. The use permit for that home is Use Permit #ZP2015-0089

Example 2:

This home is on Pamela's street. It is 3-5 homes from her home.1453 Summit rd.

I just want to point out that this home is modern and white, my home looks similar as well.



Example 3:

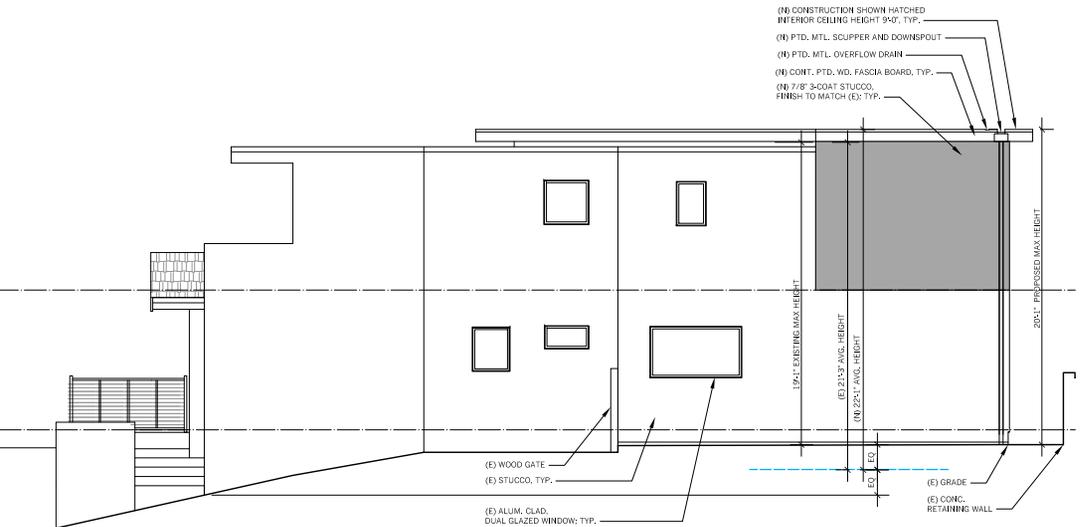
This is a home 2 blocks away on grizzly peak. Address is 1234 Grizzly peak. This was a completely new built home in 2016. It was an empty lot before. But you can see this is also a very modern home in white. Similar style to mine.



This is a photo of my home taken yesterday. (all photos were taken yesterday or today)

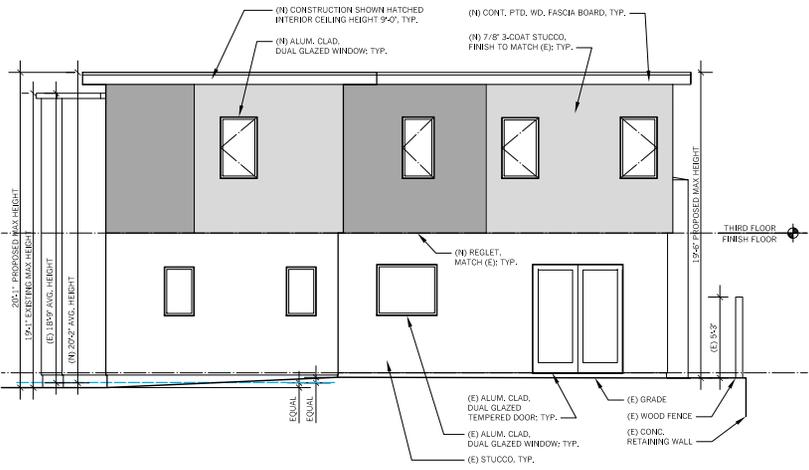


ISSUE	DATE
APP SUBMITTAL	06/03/2019
APP REVISIONS	08/22/2019
PLANNING PERMIT	04/02/2020



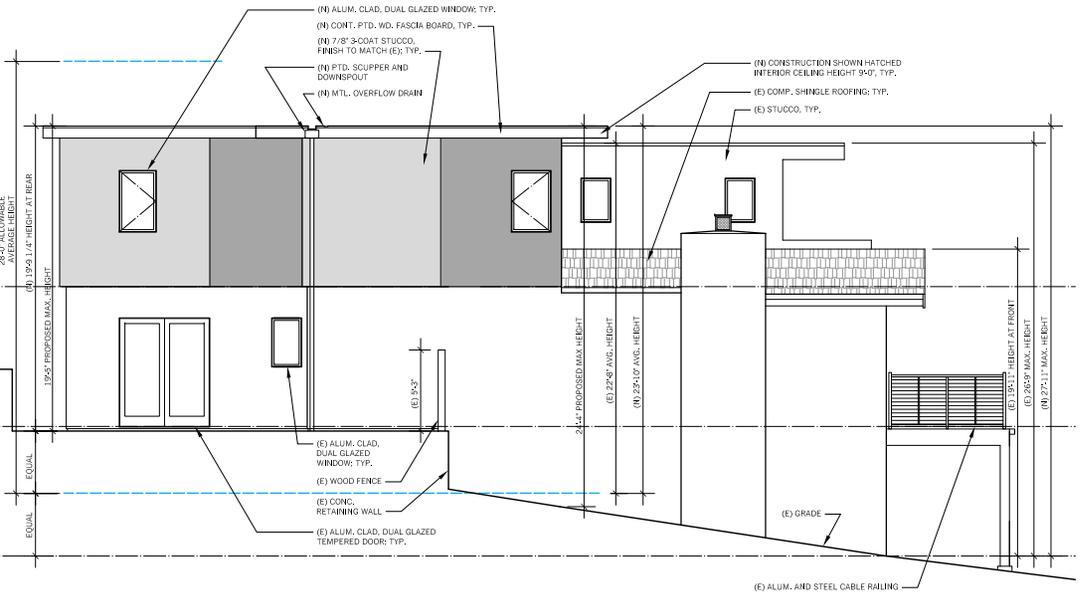
2 SOUTH ELEVATION

1/4" = 1'-0"



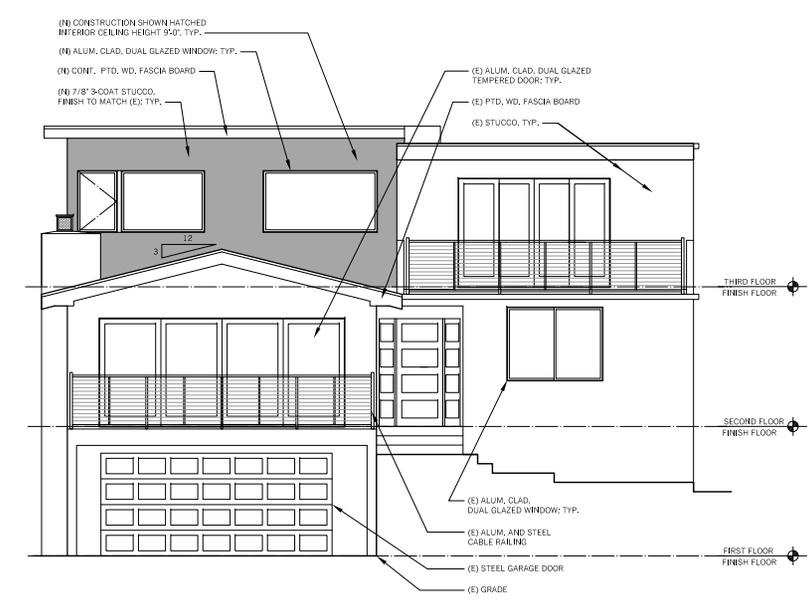
1 EAST ELEVATION

1/4" = 1'-0"



4 NORTH ELEVATION

1/4" = 1'-0"



3 WEST ELEVATION

1/4" = 1'-0"

NOTE: DRAWING SCALE WILL BE 1/8"=1'-0" IF PRINTED TO FIT A 12" X 18" SHEET SIZE