



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

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FOR BOARD ACTION  
APRIL 28, 2022

## 1151 Grizzly Peak Boulevard

### Administrative Use Permit ZP#2021-0088 to legalize two Accessory Buildings in the rear yard of a Single-Family Dwelling.

At the September 9, 2021 Zoning Adjustments Board (ZAB) meeting, Staff presented the proposed project followed by the applicant's presentation. After the ZAB heard public comment and discussed the project, and the item was continued to the December 9, 2021 hearing.

The Board directed the applicant and neighbor at 25 Stoddard Way to meet with a mediator to find a resolution to the issues discussed during public comment. The Board also directed the applicant to provide clarification of the relationship of the accessory buildings with the neighboring property and submit revised plans.

The applicant scheduled two meetings with SEEDS which were both canceled by SEEDS. The third scheduled meeting took place on November 13, 2021. Staff received updated materials and plans from the applicant on November 29, 2021. The project was continued to the January 13, 2022 meeting to allow time to review the resubmittal of application materials.

At the January 13, 2022 ZAB meeting, the ZAB held another public hearing and discussed potential options to reduce impacts to the neighboring property at 25 Stoddard Way. The item was continued to a date uncertain for "consideration of relocating the second structure up to 4 feet to the north, or some distance to the south, and to give both the applicant and the neighbor opportunities to illustrate how views might be improved or worsened with one of the other choices and for them to make arguments in favor of which choices they prefer...." The applicants and neighbor were also asked to consider the "reduction or removal of the overhang on structure one, and other minor mitigation measures like painting the roof or landscaping" so that ZAB can make a decision.

At the neighbor's attorney's request, and agreement from the applicants, the project was placed on the ZAB hearing agenda for April 28, 2022.

Both the applicant and the neighbor have provided additional information for the ZAB to consider, which is attached to this memo.

#### Attachments:

1. Staff Report with attachments, dated September 9, 2021
2. Findings and Conditions
3. Plans
4. Supplemental studies from applicant, received April 20, 2022
5. Memo: 1151 Grizzly Peak Accessory Building, Joe DeCredico for neighbor, dated April 12, 2022
6. New Correspondence
7. Notice of Public Hearing

**Staff Planner:** Samantha Updegrave, [supdegrave@cityofberkeley.info](mailto:supdegrave@cityofberkeley.info), (510) 981-7414



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  
SEPTEMBER 9, 2021

## 1151 Grizzly Peak Boulevard

Administrative Use Permit ZP#2021-0088 to legalize two Accessory Buildings in the rear yard of a Single-Family Dwelling.

### 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 (AUP) to construct accessory buildings, under Berkeley Municipal Code (BMC) Section 23D.08.005.

#### C. CEQA Recommendation:

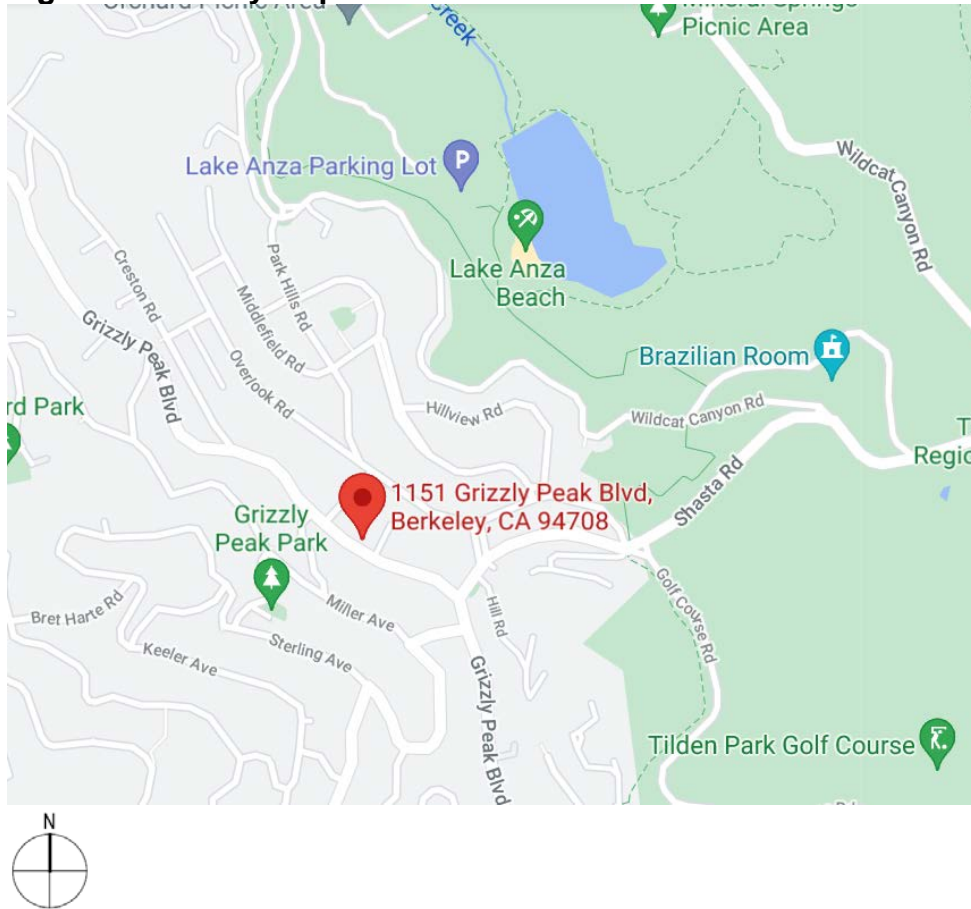
It is staff's recommendation that the project is categorically exempt pursuant to Section 15303 ("New Construction or Conversion of Small Structures") of the CEQA Guidelines. The determination is made by Zoning Adjustments Board (ZAB).

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.

#### A. Parties Involved:

- Applicant & Property Owner: Jeana Arabzadeh & Matt Jacobs,  
1151 Grizzly Peak Boulevard, Berkeley

**Figure 1: Vicinity Map**



**Figure 2: Area Map**

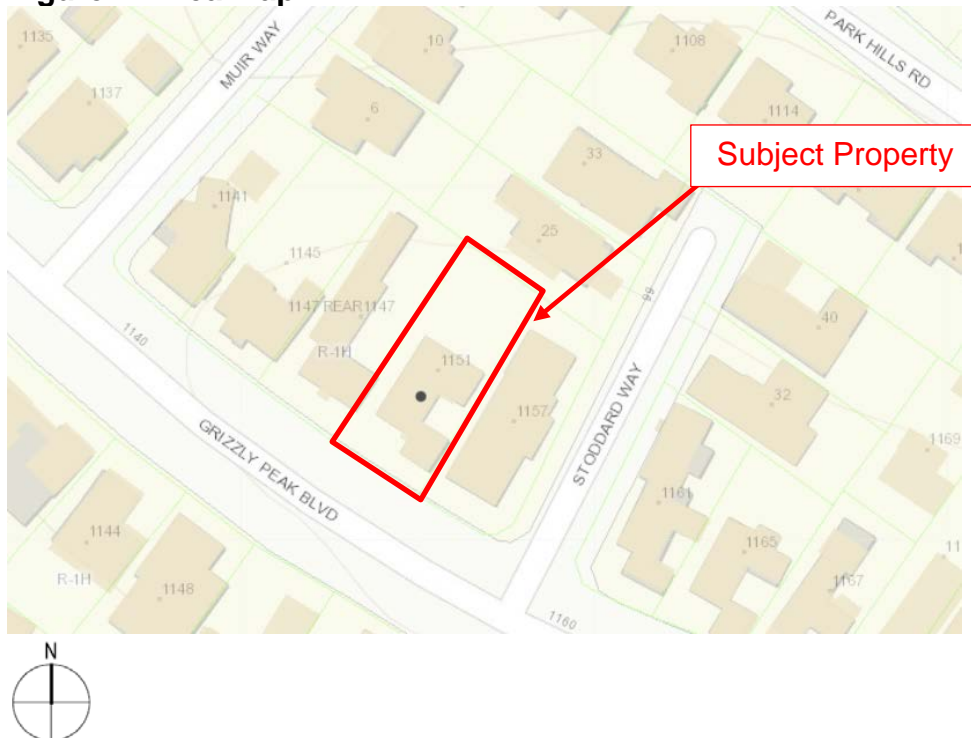
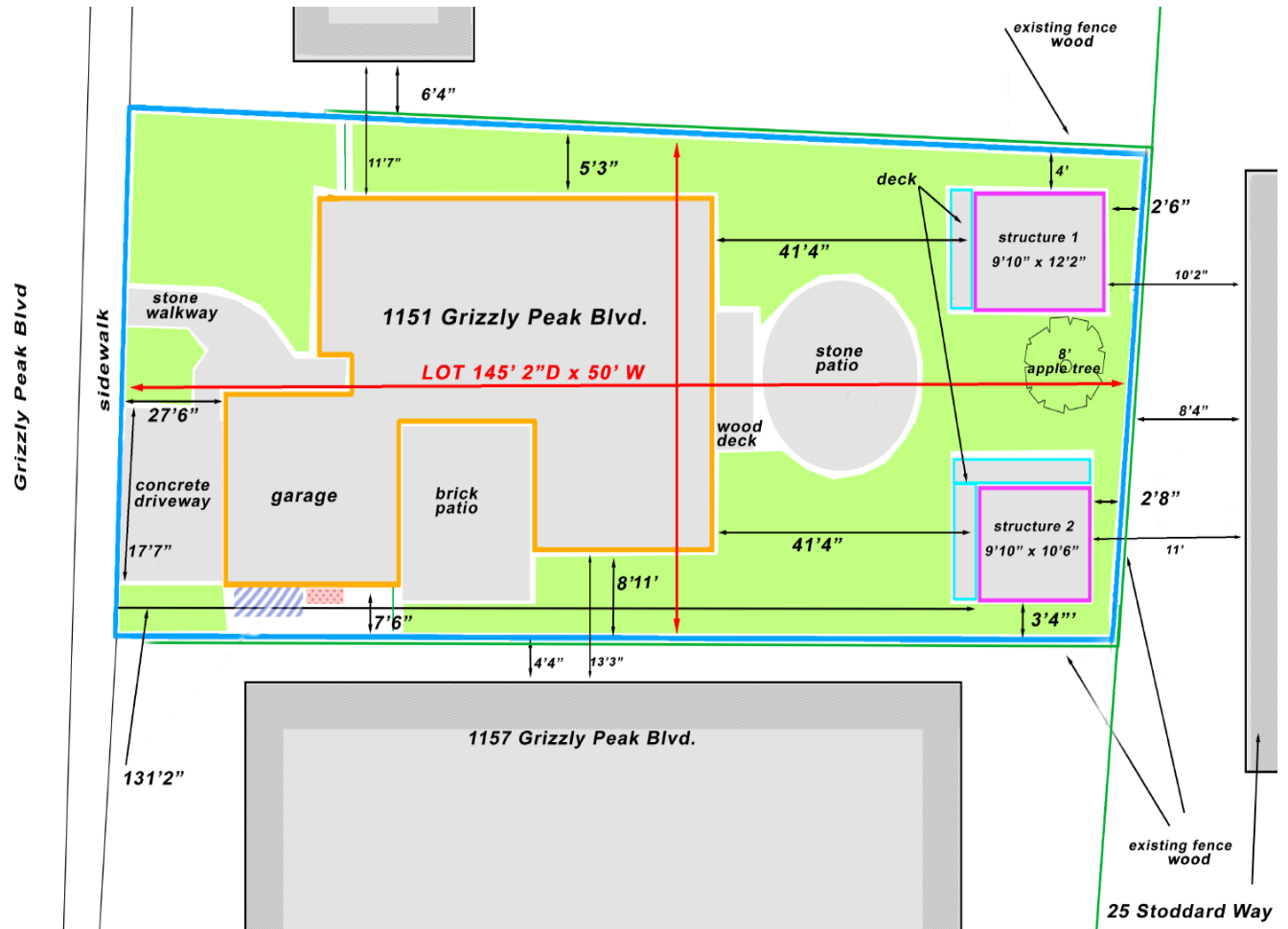


Figure 3: Site Plan



**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	Single-Family Dwellings	R-1(H)	LDR, Low Density Residential
	South			
	East			
	West			

**Table 2: Special Characteristics**

Characteristic	Applies to Project?	Explanation
Affordable Child Care Fee for qualifying non-residential projects (Per Resolution 66,618-N.S.)	No	The project would not include non-residential floor area and therefore the Affordable Housing and Childcare Mitigation Fees do not apply.
Affordable Housing Fee for qualifying non-residential projects (Per Resolution 66,617-N.S.)		
Affordable Housing Mitigations for rental housing projects (Per BMC 22.20.065)	No	This fee applies to projects that involve five or more dwelling units on the same lot. The applicant does not propose to create any new dwelling units, and thus is not subject to the Affordable Housing Mitigation Fee.
Creeks	No	There are no creeks on the site.
Natural Gas Prohibition (Per BMC 12.80.020)	Yes	This project includes the legalization of two new accessory buildings, however, natural gas is not proposed.
Historic Resources	No	There are no historic resources on the site.
Oak Trees	No	There are no Oak Trees on the project site.
Seismic Hazards (SHMA)	No	The site not located within an area susceptible to liquefaction, Fault Rupture, or Landslides as shown on the State Seismic Hazard Zones map.
Soil/Groundwater Contamination	No	There is no history of contamination on the project site and is not located within the City's Environmental Management Area, and is a not on a state Cortese List.

**Table 3: Project Chronology**

Date	Action
June 23, 2021	Application fees paid and deemed submitted
July 23, 2021	Application deemed complete
August 26, 2021	Public hearing notices mailed/posted
September 9, 2021	ZAB hearing

**Table 4: Development Standards**

<b>Standard</b> BMC Sections 23D.16.070-080; 23E.96.070-080; 23D.08.020; and 23.08.030		<b>Existing</b>	<b>Proposed (Total)</b>	<b>Permitted/Required</b>
<b>Lot</b>				
Lot Area (sq. ft.)		7,315	No Change	5,000 min
Gross Floor Area (sq. ft.)		1,713	1,936 (+223)	n/a
Dwelling Units		1	1	1 max
Lot Coverage (%)		23.4	26.5	40% max
Usable Open Space (sq. ft.)		> 400	> 400	400 sq. ft. min
Parking (Automobile)		2	No Change	1 min
<b>Accessory Building #1 (ceramics studio)</b>				
Average Building Height		-	9' 8"	10' max. (may be exceeded w/ AUP per 23D.08.010.B)
Building Setbacks	Front	-	> 130'	75' min. (may be decreased w/ AUP per 23D.08.010.B)
	Rear	-	2' 6"	0' – 4' min. if average height of building less than 10' (may be exceeded w/ AUP per 23D.08.010.B)
	Left Side	-	4' 1"	0' – 4' min. if average height of building less than 10' (may be exceeded w/ AUP per 23D.08.010.B)
	Right Side	-	> 36'	0' – 4' min. if average height of building less than 10' (may be exceeded w/ AUP per 23D.08.010.B)
<b>Accessory Building #2 (home office and gym)</b>				
Average Building Height		-	9'5"	10' max. (may be exceeded w/ AUP per 23D.08.010.B)
Building Setbacks	Front	-	> 130'	75' min (may be decreased w/ AUP per 23D.08.010.B)
	Rear	-	2' 8"	0' – 4' min. if average height of building less than 10' (may be exceeded w/ AUP per 23D.08.010.B)
	Left Side	-	> 36'	0' – 4' min. if average height of building less than 10' (may be exceeded w/ AUP per 23D.08.010.B)
	Right Side	-	3' 4"	0' – 4' min. if average height of building less than 10' (may be exceeded w/ AUP per 23D.08.010.B)

## II. Project Setting

- A. Neighborhood/Area Description:** The project site is in the North Berkeley hills in an area that is a mix of one-, two-, and three-story single-family dwellings. Lots in the neighborhood are generally rectangular with some irregularities due to existing slopes and curved roadways. The neighborhood hills generally slope downwards towards the southwest and provide primary views westward towards the San Francisco Bay. Given the hilly terrain and limited availability of on-street parking, the dwellings in the neighborhood tend to include attached one- or two-car garages within front yards
- B. Site Conditions:** The project site is generally rectangular, with its front property line along Grizzly Peak Boulevard, and is approximately 55 feet in width and approximately 142 feet in depth. The site slopes slightly upward from Grizzly Peak Boulevard to the rear of the property. There are no protected oak trees on the site. The lot conforms to the development standards for the zoning district, including density, height, yards, lot coverage, and useable open space.

## III. Project Description and Background

- A. Project Description:** The applicants are proposing to legalize two new detached Accessory Buildings in the rear yard that were fabricated off-site and installed without receiving the applicable use permit and Zoning approval.

The Accessory Buildings would be used as a ceramics studio, and a home office and exercise space for the owner-occupants of the residence. Because the project originated as a Code Enforcement case to legalize these buildings and the neighbor to the rear of the subject property (25 Stoddard Way) has raised concerns about the project, Land Use staff is preemptively referring this AUP request to the Zoning Adjustments Board. The applicants were invoiced double fees as the request is to legalize Accessory Buildings constructed without permits.

- B. Project Background:** In May 2021, the applicants installed two pre-fabricated custom-built Accessory Buildings within the rear yard of the subject property. Accessory Building #1 is 120 square feet in area, used as a ceramics studio and is located on the northeast corner of the rear yard of the property. Accessory Building #2 is 103 square feet in area, used as a home office and exercise space and is located on the southeast corner of the rear yard. The applicants stated that they installed both pre-fabricated buildings following the closure of their previously used ceramics studio, workplace office and gym in Berkeley due to the COVID-19 Pandemic.

A neighbor contacted the City regarding the installation of the Accessory Buildings on the subject lot. Code Enforcement staff investigated the subject property in March 2021 and found that the structures are *habitable*, and therefore considered to be Accessory Buildings.

BMC Section 23F (Definitions) differentiates between *Accessory Buildings* and *Accessory Structures*, based on the use of the structure and whether it is considered habitable or non-habitable space:

**Accessory Building:** A detached building containing habitable space, which is smaller in size than the main building on the same lot, and the use of which is incidental to the primary use of the lot.

**Accessory Structure:** A detached structure, other than an Accessory Building, in which non-habitable uses or activities other than the principal use of the property are conducted. Residential Accessory Structures include, but are not limited to, enclosed structures such as garages, carports, garden or tool sheds, and non-enclosed structures such as, but not limited to, fences, gazebos, ground-mounted satellite dishes, skateboard ramps and wheelchair ramps. Non-residential Accessory Structures may include, but are not limited to, storage buildings, garages, sheds and other outbuildings.

Accessory Buildings, regardless of whether they meet the standards for size, location, and height, require zoning review and AUP approval<sup>1</sup>, while Accessory Structures meeting those same standards are allowed outright. Based on the determination that these were Accessory Buildings, Code Enforcement staff directed the Applicants to submit an AUP to the Land Use Division. An application was submitted and accepted in June 2021.

In researching the project, Land Use staff found that the applicants had requested information from the Zoning Counter in August 2020 regarding the installation and construction of Accessory Structures, each under 120 square feet in area, and were directed to review and follow the development standards for Accessory Buildings and Structures in residential districts (BMC Sections 23D.08.020-030). However, it was not clear that the applicants were intending to install *habitable* structures that would meet the land use definition for Accessory Buildings, and the applicants were not informed that the issuance of an AUP by the Zoning Officer would be required to proceed.

The applicant is not requesting any additional AUP's to exceed the stated development standards of the Accessory Buildings and Structures. Additionally, as the subject property is not non-confirming due to lot coverage or density, a Use Permit application is not required.

#### IV. Community Discussion

- A. Neighbor/Community Concerns:** On August 26, 2021, the City mailed 126 public hearing notices to property owners and occupants, and to interested neighborhood organizations and the City posted notices within the neighborhood in three locations. At the time of this writing, staff has received one email communication regarding the project from the property owner of the property to the rear located at 25 Stoddard Way. See Attachment 5.

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<sup>1</sup> Additional AUPs may be granted to exceed these standards pursuant to BMC 23.08.010.B.

- B. Committee Review:** The project is located in a residential district; therefore, Design Review is not applicable to the project.

## V. Issues and Analysis

- A. Administrative Use Permit Approval for Accessory Buildings in Residential Districts:** Pursuant to BMC Section 23D.08.005.A.1, the two recently installed Accessory Buildings in the rear yard of the subject property without approval of a Zoning Permit must be authorized by an Administrative Use Permit.
- B. Development Standards for Accessory Buildings in Residential Districts:** BMC Sections 23D.08.020 and 23D.08.030 establish standards for the height and location of Accessory Buildings and Structures.

Per Table 4 above, the Accessory Buildings would meet or exceed all development standards required by BMC Sections 23D.08.020 and 23.08.030 including height limits and minimum setback distances. The Accessory Buildings would meet the required side setbacks which allow an Accessory Structure or Building up to 10 feet in average height within 4 feet of the side and rear property lines. They are setback 4 feet 2 inches and 3 feet 4 inches from the left- and right-side lot lines, respectively, and between 2 feet 6 inches – 2 feet 8 inches from the rear lot line. The Accessory Buildings are setback from the front property line by more than 75 feet.

The Accessory Buildings would meet the average height limit of 10-feet from grade. Accessory Building #1 would be used as a personal ceramic studio, and Accessory Building #2 would be used as a home office and gym. Neither contains bathroom facilities, and would not be used as dwelling units. Given the minimal windows facing the neighboring property, mature vegetation including trees, an existing wood fence, and the shadow studies provided by the applicant (See Attachment 3, Applicant Statement), it is not anticipated that the Accessory Buildings would be detrimental to the neighborhood or create significant impacts to light, air, views, or privacy.

Additionally, the Accessory Buildings also adhere to all site location and maximum length requirements (12 feet, 2 inches and 10 feet, 6 inches parallel to the side lot line where 24 feet is the maximum).

- C. General Plan Consistency:** The 2002 General Plan contains several policies applicable to the project, including the following:
1. Policy LU-7–Neighborhood Quality of Life, Action A: Require that new development be consistent with zoning standards and compatible with the scale, historic character, and surrounding uses in the area.
  2. Policy UD-16–Context: The design and scale of new or remodeled buildings should respect the built environment in the area, particularly where the character of the built environment is largely defined by an aggregation of historically and architecturally significant buildings.

3. Policy UD-24–Area Character: Regulate new construction and alterations to ensure that they are truly compatible with and, where feasible, reinforce the desirable design characteristics of the particular area they are in.
4. Policy UD-32–Shadows: New buildings should be designed to minimize impacts on solar access and minimize detrimental shadows.

Staff Analysis: The impacts to neighboring properties would occur on limited areas, and would be further reduced by the existing vegetation that currently creates shading and shadows. The Accessory Buildings would only partially shade a neighboring property to the west (1147 Grizzly Peak) for a few hours in the morning during the summer solstice, and the neighboring property to the north (25 Stoddard Way) for a few hours in the afternoon during the winter solstice, and will not result in a significant loss of direct sunlight on abutting residences. The Accessory Buildings are not expected to create significant privacy impacts to the immediate neighbors given that the average height is below 10 feet and the Accessory Building' windows do not face directly into the adjacent properties.

The existing Accessory Buildings to be legalized would meet or exceed all Zoning development standards. The design, scale and placement of windows and lighting do not cause impacts on the adjacent properties or neighborhood and would not impact quality of life or area character. The proposed uses (ceramic studio, home office and gym) are consistent with the type of low intensity residential use typically found in accessory buildings, will function as extensions of the main dwelling, and will not generate excessive noise, dust, odors, or other similar impacts

## VI. Recommendation

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 ZP#2021-0088 pursuant to Section 23B.32.030 and subject to the attached Findings and Conditions (see Attachment 1).

### Attachments:

1. Findings and Conditions
2. Project Plans, received June 23, 2021
3. Applicant Statement, received July 19, 2021
4. Notice of Public Hearing
5. Correspondence Received

**Staff Planner:** Loyal Nawfal, lnawfal@cityofberkeley.info, (510) 981-7424

# ATTACHMENT 1

## FINDINGS AND CONDITIONS

SEPTEMBER 9, 2021

### 1151 Grizzly Peak Boulevard

**Administrative Use Permit ZP#2021-0088 to legalize two Accessory Buildings in the rear yard of a Single-Family Dwelling.**

#### PERMITS REQUIRED

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- Administrative Use Permit (AUP) to construct Accessory Buildings, under Berkeley Municipal Code (BMC) Section 23D.08.005.

#### I. CEQA FINDINGS

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1. The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code §21000, et seq. and California Code of Regulations, §15000, et seq.) pursuant to Section 15303 of the CEQA Guidelines (“New Construction or Conversion of Small Structures”).
2. 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.

#### II. FINDINGS FOR APPROVAL

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1. 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 will continue to conform to the applicable provisions of the Single-Family Residential District, Hillside Overlay, R-1(H) standards (BMC Section 23D.28.070) for maximum residential density (one dwelling unit, where only one is allowed), height (10 feet average height without approval of an AUP), lot coverage (26.5 percent lot coverage, where the maximum allowed is 40 percent), usable open space (in excess of 1,000 square feet provided where a minimum of 400 square feet is required), and parking (two off-street parking spaces where one is required). No changes will be made to the existing single-family dwelling; setbacks and building height will remain the same;
  - B. The proposed legalized Accessory Buildings will meet the height limits per BMC Section 23D.08.020.A (9 feet, 8 inches and 9 feet, 5 inches respectively in average height proposed where no accessory building may exceed 10 feet in average height when any portion of the building or structure is within 4 feet of a lot line). They also will also meet the setback requirements per BMC Section 23D.08.030 as the Accessory

Buildings will not encroach on the front half of the lot depth and are more than 75 feet from the front lot line. Additionally, the Accessory Buildings height (9 feet, 8 inches and 9 feet, 5 inches respectively), will not create new sightlines into abutting neighboring dwellings, and are adjacent to mature vegetation. For the reasons stated above, the proposed project will not have substantial impacts on sunlight or air, or views (as defined by BMC Section 23F.04.010 (Definitions) of adjacent properties;

- C. The proposed uses (ceramic studio, home office and gym) will be consistent with the type of low intensity residential use typically found in accessory buildings, will function as extensions of the main dwelling, and will not generate excessive noise, dust, odors, or other similar impacts;
- D. Per Condition of Approval #11, a "Notice of Limitation on Use of Property" will be signed and recorded with the County which will stipulate that no part of the Accessory Buildings shall be used or converted to use as a dwelling unit, and that a kitchen (as defined under BMC Section 23F.04.010 (Definitions)), will not be installed; and
- E. The proposed project is required to meet current Building and Safety Code and therefore, would not present a safety hazard to the residents on site, on adjacent properties or within the neighborhood.

## 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 ZAB

Pursuant to BMC Section 23B.28.050.D, the ZAB 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 Permit:**

**11. Accessory Building:** All owners of record of the subject property shall sign and record with the Alameda County Clerk-Recorder a “Notice of Limitation on Use of Property” (available from Land Use Planning Division) and provide a recorded copy thereof to the project planner. This Notice of Limitation shall stipulate that no part of this accessory building shall be used or converted to use as a dwelling unit unless and until permission is requested of the City of Berkeley and authorized a Use Permit, Administrative Use Permit, or Zoning Certificate, whichever is applicable. This limitation shall include the explicit acknowledgment that a full bathroom and cooking facilities may be installed, as long as the cooking facilities do not constitute a Kitchen per BMC Section 23F.04.010 (Definitions). This limitation may not be revised or removed from this property without the prior written permission of the Zoning Officer of the City of Berkeley.

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

**12. 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.

- 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. Drainage plans shall be submitted for approval of the Building & Safety Division and Public Works Department, if required.
21. The applicant shall ensure that all excavation considers 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. 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.
24. 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.

**25. 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.

**26. 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:**

**27.** All construction at the subject property shall substantially conform to the approved Use Permit drawings or to modifications approved by the Zoning Officer.

**28.** All landscape, site and architectural improvements shall be completed per the attached approved drawings dated 4/7/2021.

**At All Times (Operation):**

**29.** 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.

**30. 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.

**31. Electrical Meter.** Only one electrical meter fixture may be installed per dwelling unit.

1151 GRIZZLY PEAK- ADMINISTRATIVE USE PERMIT #ZP2021-0088  
September 9, 2021

FINDINGS & CONDITIONS  
Page 8 of 8

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**32. Screening Required for Garbage Cans and Utility Meters.** All garbage cans must be effectively screened from view from the public right-of-way and surrounding properties.

---

Matt Jacobs

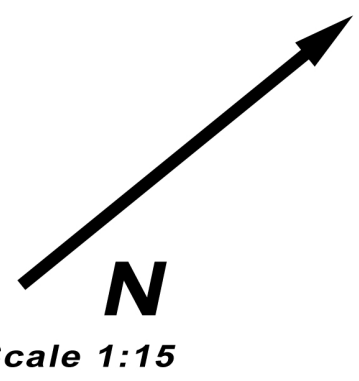
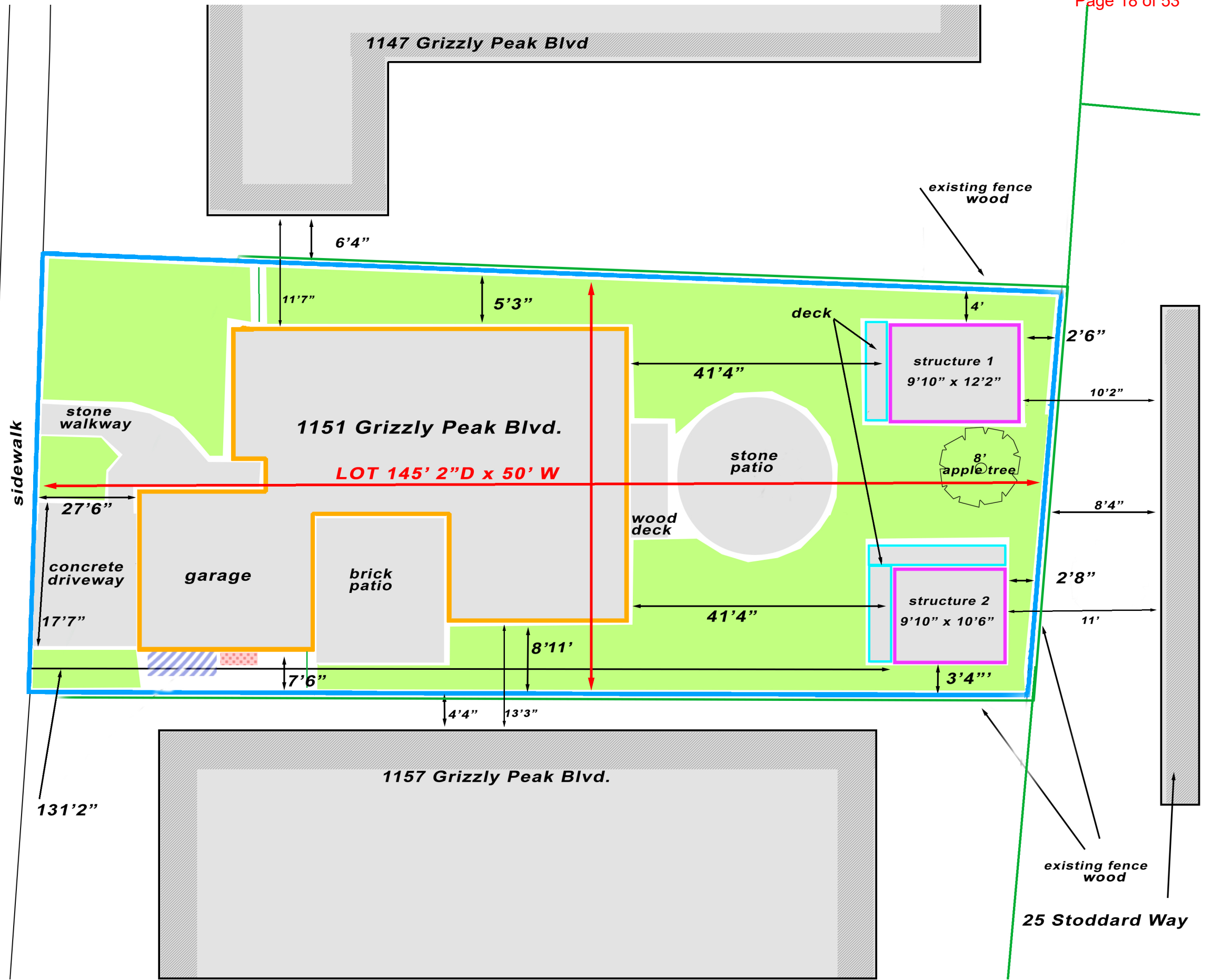
4/7/2021

1151 Grizzly Peak Blvd.  
Berkeley CA 94708

Legend:

- property line
- new structures
- existing home
- existing fence
- waste/garbage
- utilities:  
gas/electric
- landscaping

Grizzly Peak Blvd



25 Stoddard Way

Matt Jacobs

4/7/2021

1151 Grizzly Peak Blvd.  
Berkeley CA 94708

Legend:

property line 

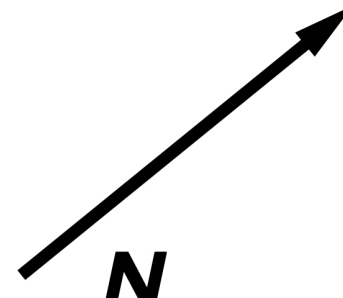
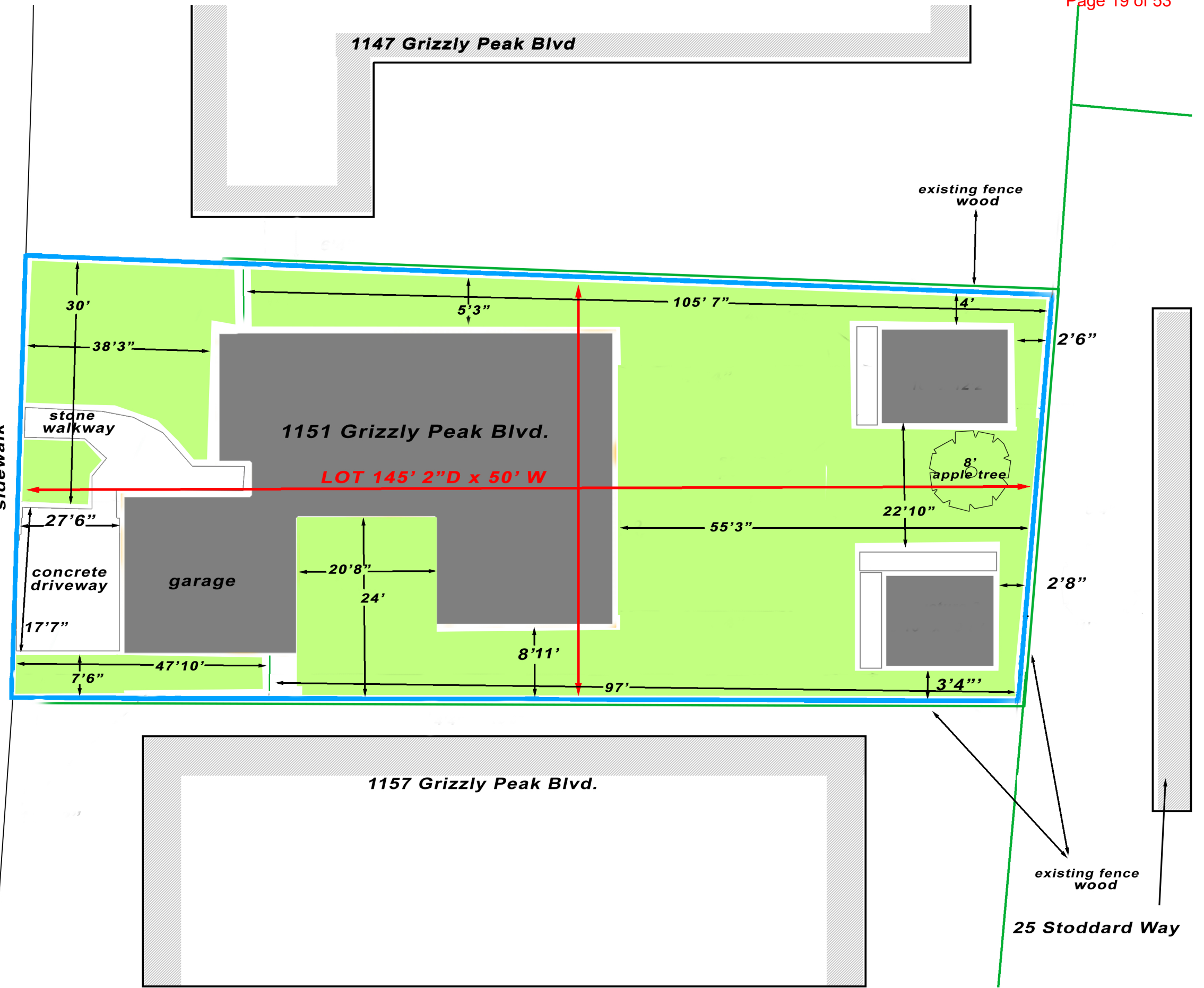
existing fence 

open space 

covered space 

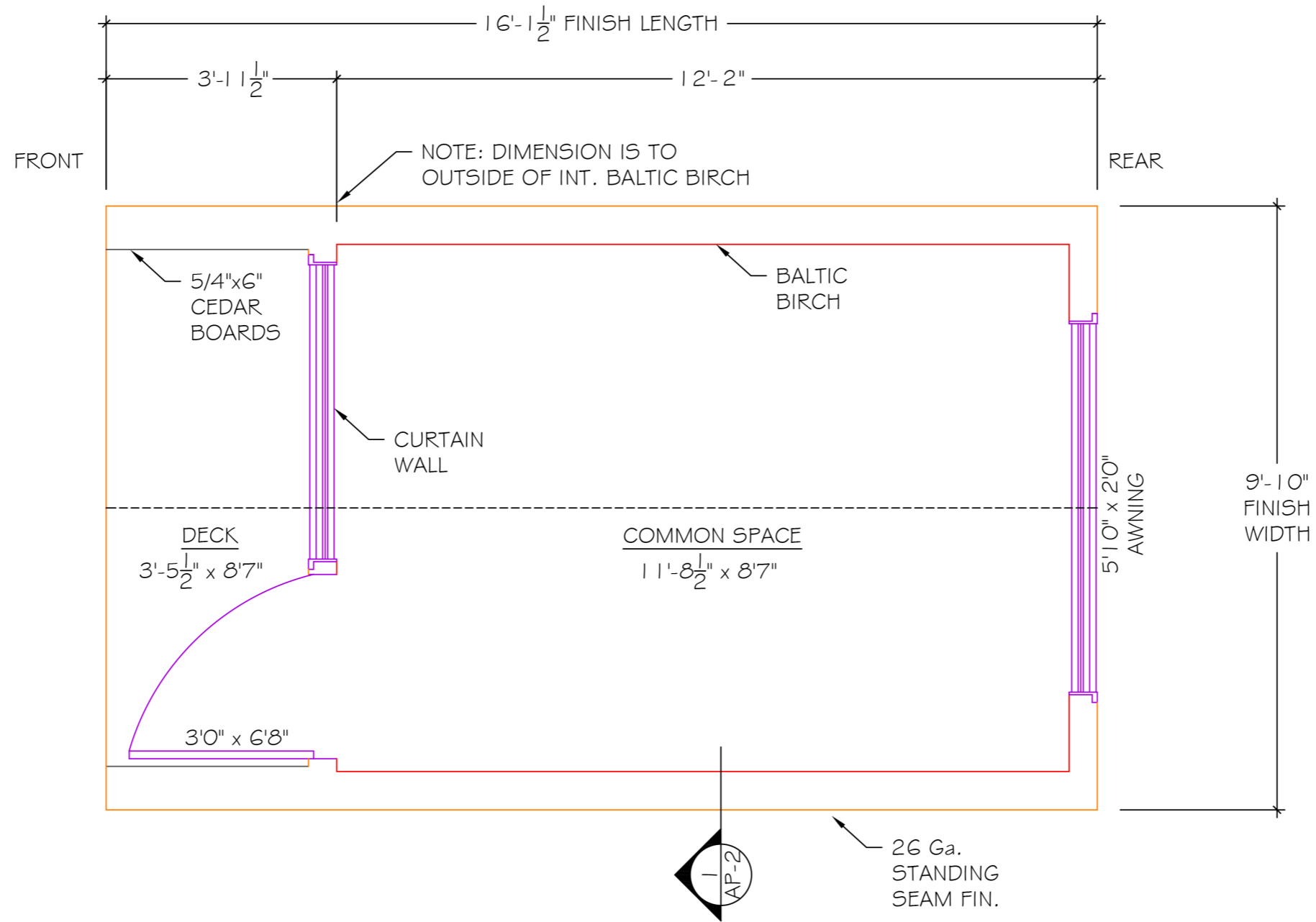
Grizzly Peak Blvd

sidewalk



**N**  
Scale 1:15

MONO  
 BASE



1 FLOORPLAN  
 AP-1 1/2" = 1'0"



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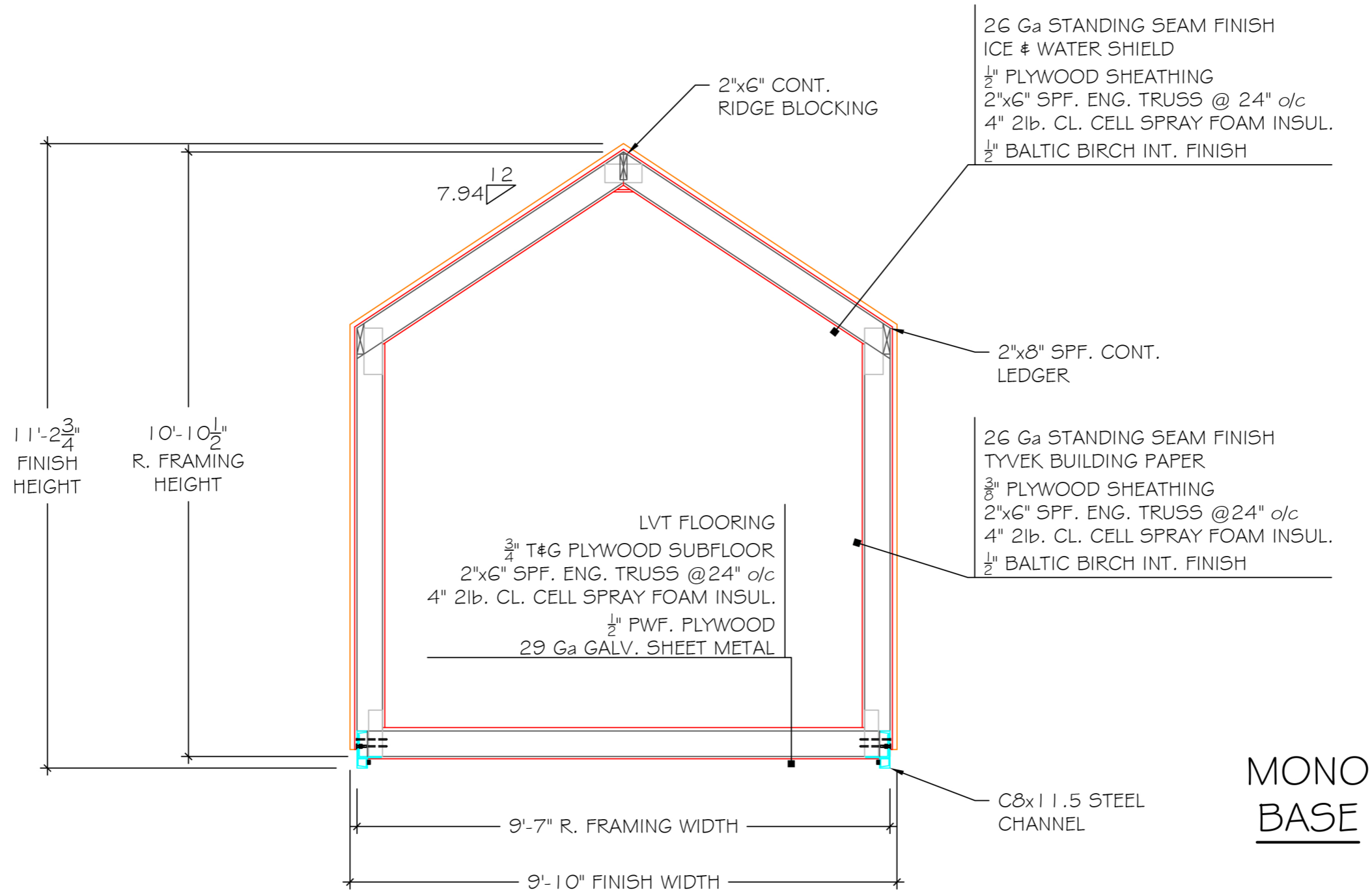
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PROJECT NO. MONO  
 CLIENT ARABZADEH  
 ADDRESS BERKELEY, CA

SCALE 1/2" = 1'0"  
 DRWN BY CDH  
 DATE 3/4/2021

SHEET NAME  
 FLOOR PLAN

SHEET NO.  
 AP-1



1 CROSS SECTION  
 AP-2 1/2" = 1'0"

NOTE: ALL CONSTRUCTION TO ADHERE TO A.B.C. 2019



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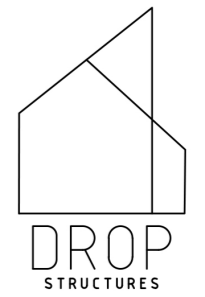
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SCALE 1/2" = 1'0"  
 DRWN BY CDH  
 DATE 3/4/2021

SHEET NAME  
 CROSS SECTION

SHEET NO.  
 AP-2



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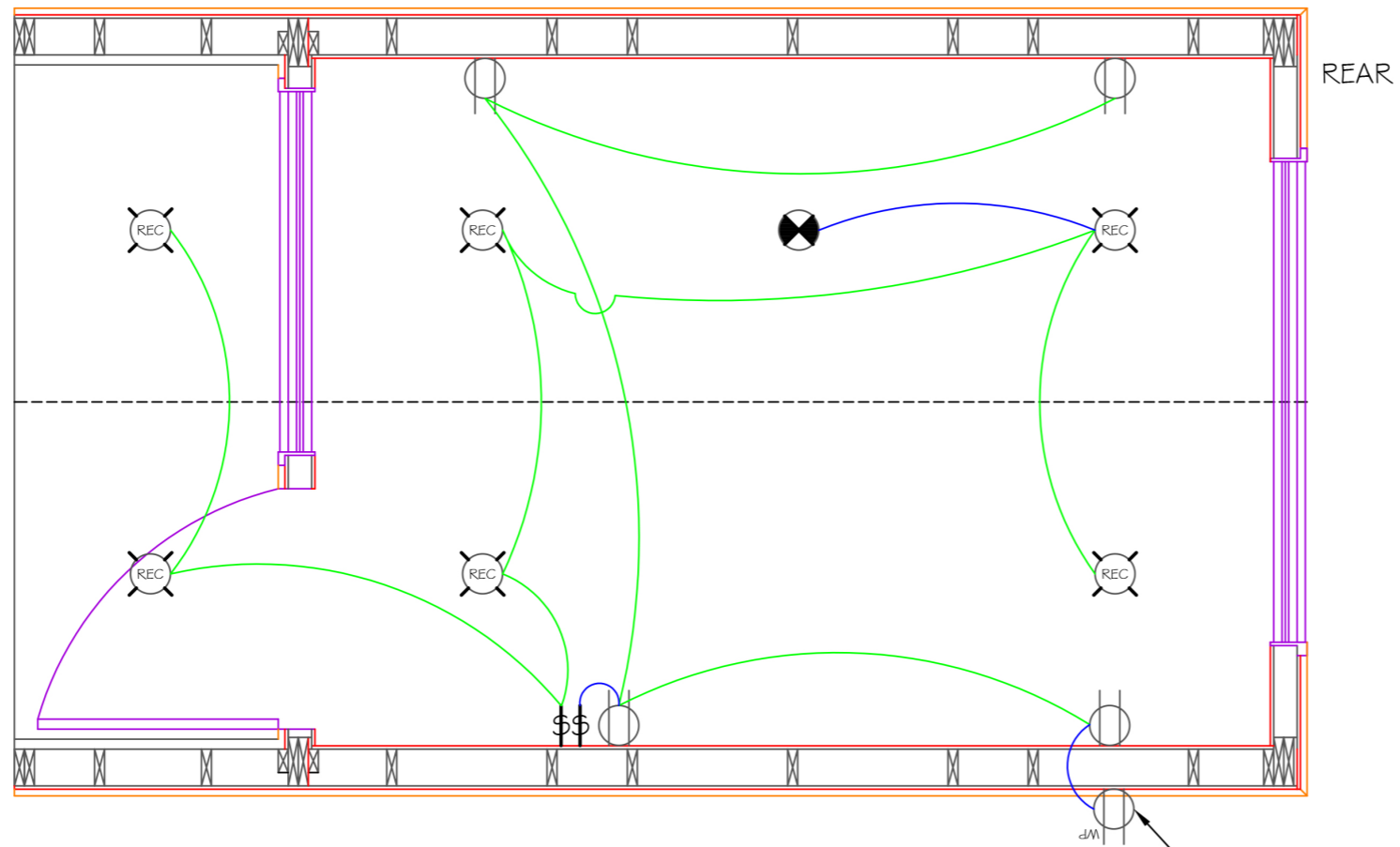
PROJECT NO. MONO  
 CLIENT ARABZADEH  
 ADDRESS BERKELEY, CA

SCALE 1/2" = 1'0"  
 DRWN BY CDH  
 DATE 3/4/2021

SHEET  
 NAME  
 ELECTRICAL  
 PLAN

SHEET  
 NO.  
 AP-3

MONO  
 BASE



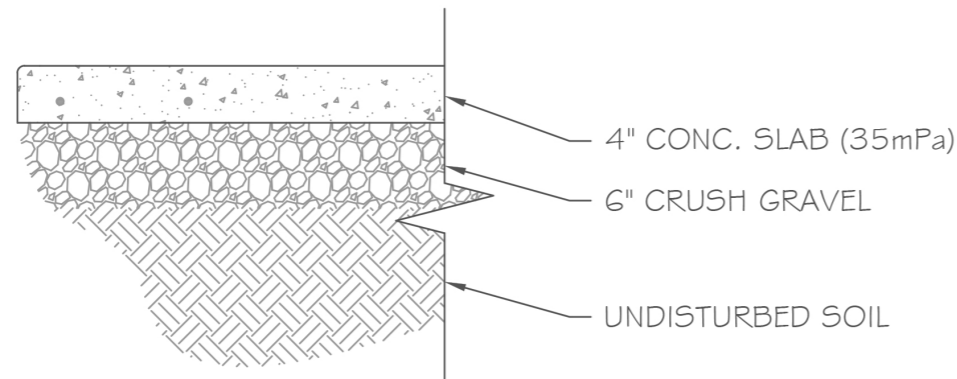
MAIN POWER  
 RECEPT  
 (125V - 15AMP)

ELECTRICAL LEGEND

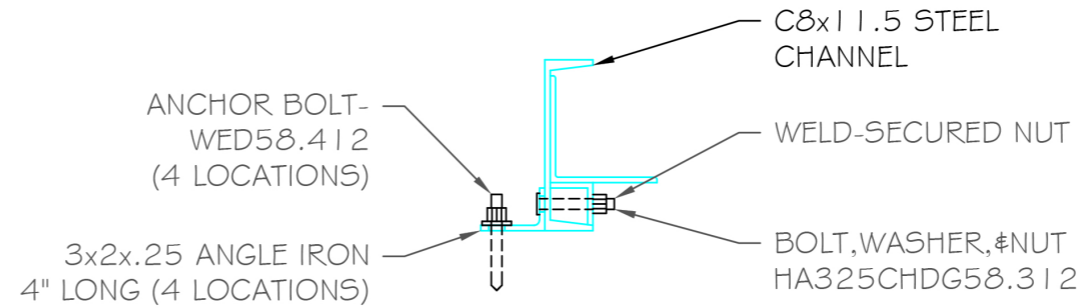
⌘	SINGLE SWITCH	SMOKE ALARM	⊗
⌘ <sup>3</sup>	3-WAY SWITCH	BATH FAN	⊞
⊞	DUPLEX OUTLET	TV/COMM. OUTLET	▽
⊞ <sup>GF1</sup>	GROUND FAULT OUTLET	RECESSED POT-LIGHT	⊗
⊞ <sup>WP</sup>	WEATHER PROOF OUTLET		

1  
 AP-3  
 ELECTRICAL PLAN  
 1/2" = 1'0"

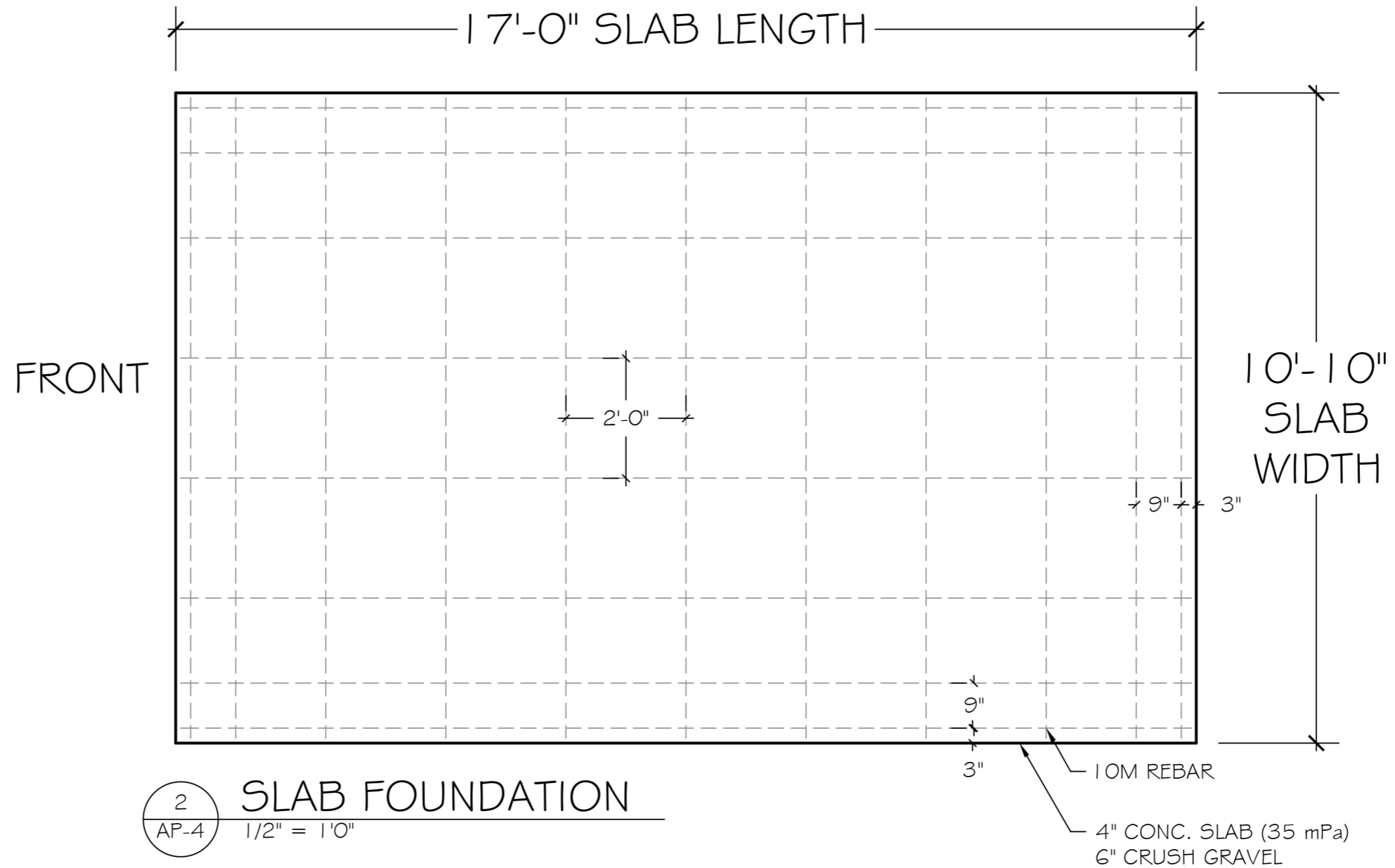
NOTE: ALL ELECTRICAL TO  
 ADHERE TO C.E.C 2018



1 SLAB FOUNDATION  
 AP-4 1" = 1'0"



3 ACHORAGE DETAIL  
 AP-4 1 1/2" = 1'0"



2 SLAB FOUNDATION  
 AP-4 1/2" = 1'0"



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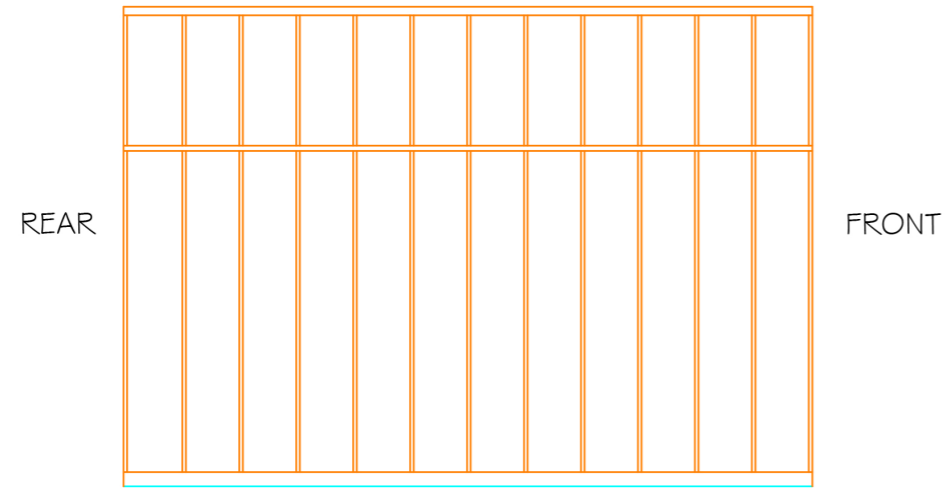
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PROJECT NO. MONO  
 CLIENT ARABZADEH  
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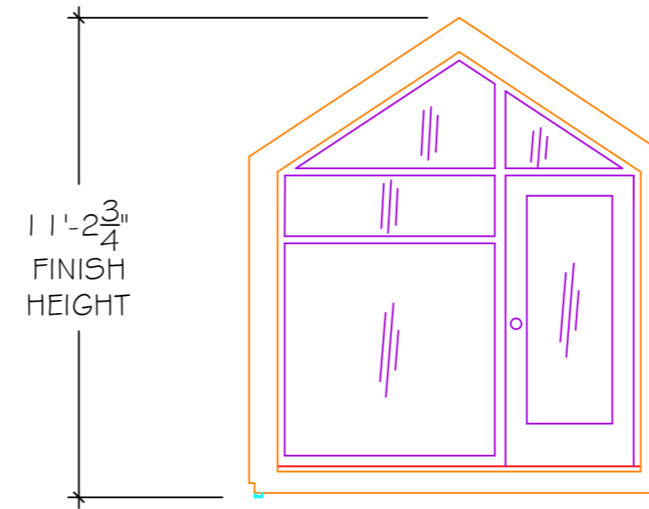
SCALE 1/2" = 1'0"  
 DRWN BY CDH  
 DATE 3/4/2021

SHEET  
 NAME  
 FOUNDATION  
 PLAN

SHEET  
 NO.  
 AP-4

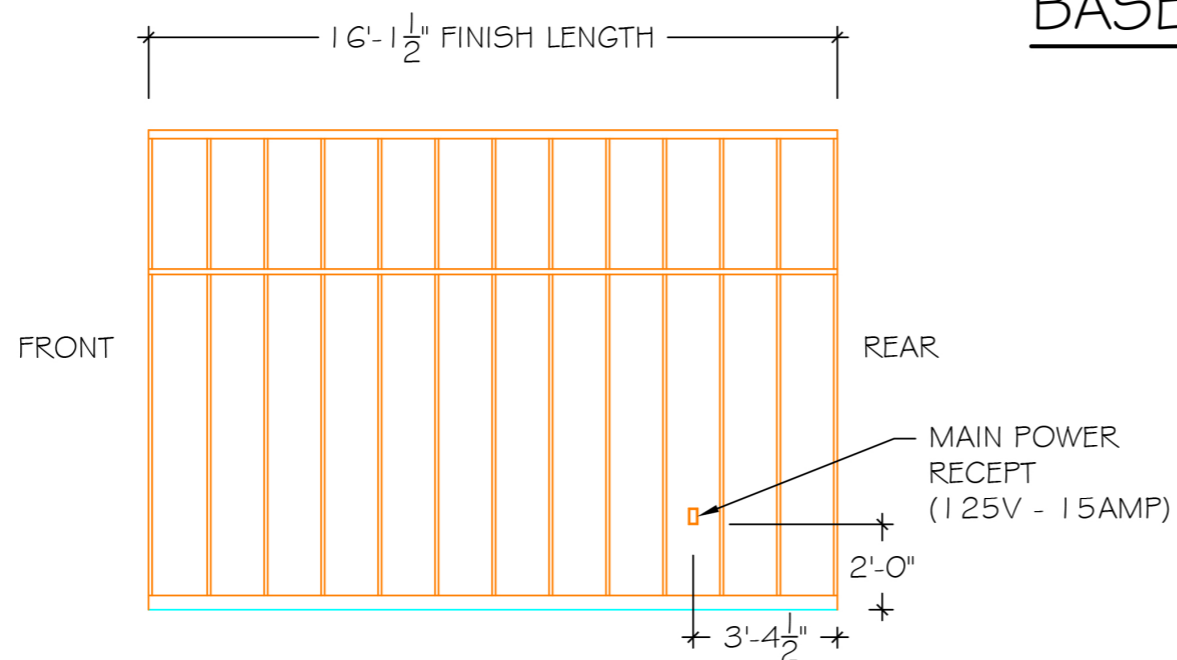


1  
 AP-5  
 LEFT ELEVATION  
 1/4" = 1'0"

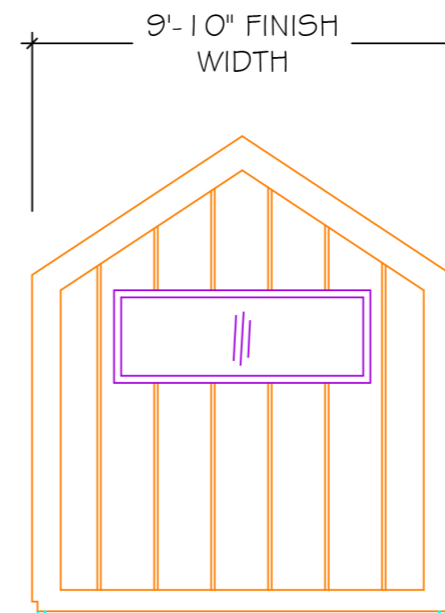


2  
 AP-5  
 FRONT ELEVATION  
 1/4" = 1'0"

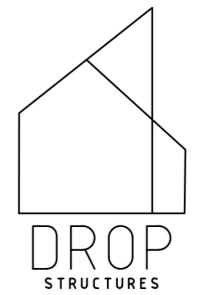
MONO  
BASE



3  
 AP-5  
 RIGHT ELEVATION  
 1/4" = 1'0"



4  
 AP-5  
 REAR ELEVATION  
 1/4" = 1'0"



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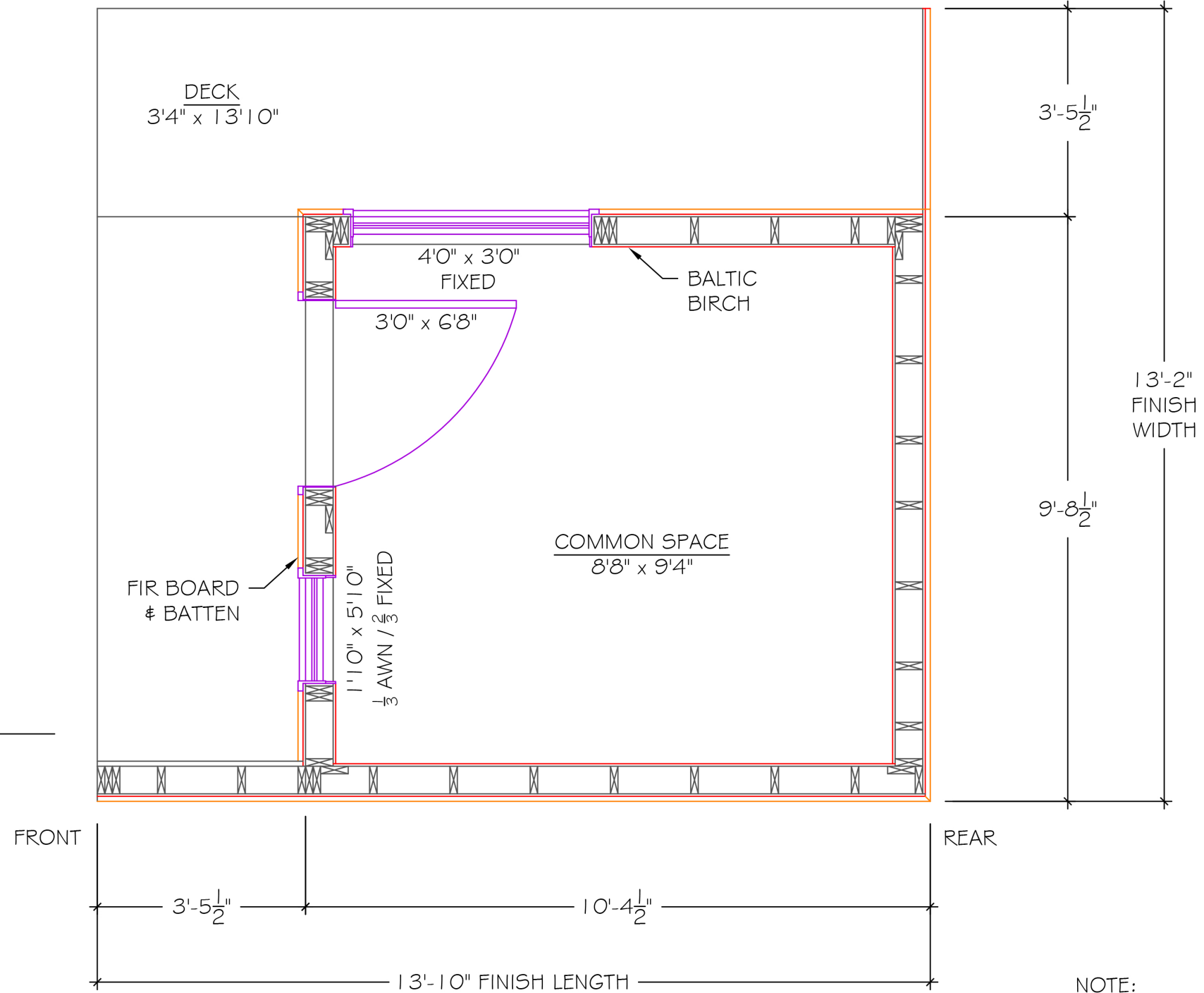
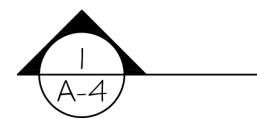
PROJECT NO. MONO  
 CLIENT ARABZADEH  
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SCALE 1/2" = 1'0"  
 DRWN BY CDH  
 DATE 3/5/2021

SHEET  
 NAME  
 EXTERIOR  
 ELEVATIONS

SHEET  
 NO.  
 AP-5

CUSTOM

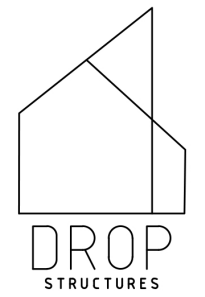


1  
A-1

**FLOORPLAN**

1/2" = 1'0"

NOTE:  
 ALL EXTERIOR  
 WALLS ARE SPF.  
 2"x6" @ 16" o/c



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 CLIENT JACOBS  
 ADDRESS BERKELEY, CA

SCALE 1/2" = 1'0"  
 DRWN BY CDH  
 DATE 2/8/2021

SHEET  
 NAME  
**FLOOR  
 PLAN**

SHEET  
 NO.  
**A-1**



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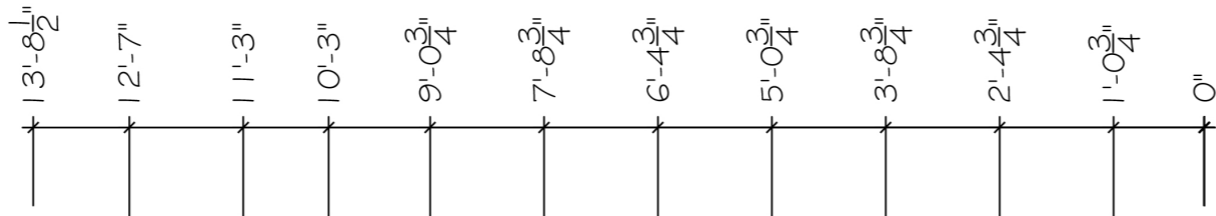
PROJECT NO. CUSTOM  
CLIENT JACOBS  
ADDRESS BERKELEY, CA

SCALE 1/2" = 1'0"  
DRWN BY CDH  
DATE 2/4/2021

SHEET NAME  
FLOOR FRAMING

SHEET NO.  
A-2

NOTE: DIMENSIONS ARE TO  
EDGE OF JOIST

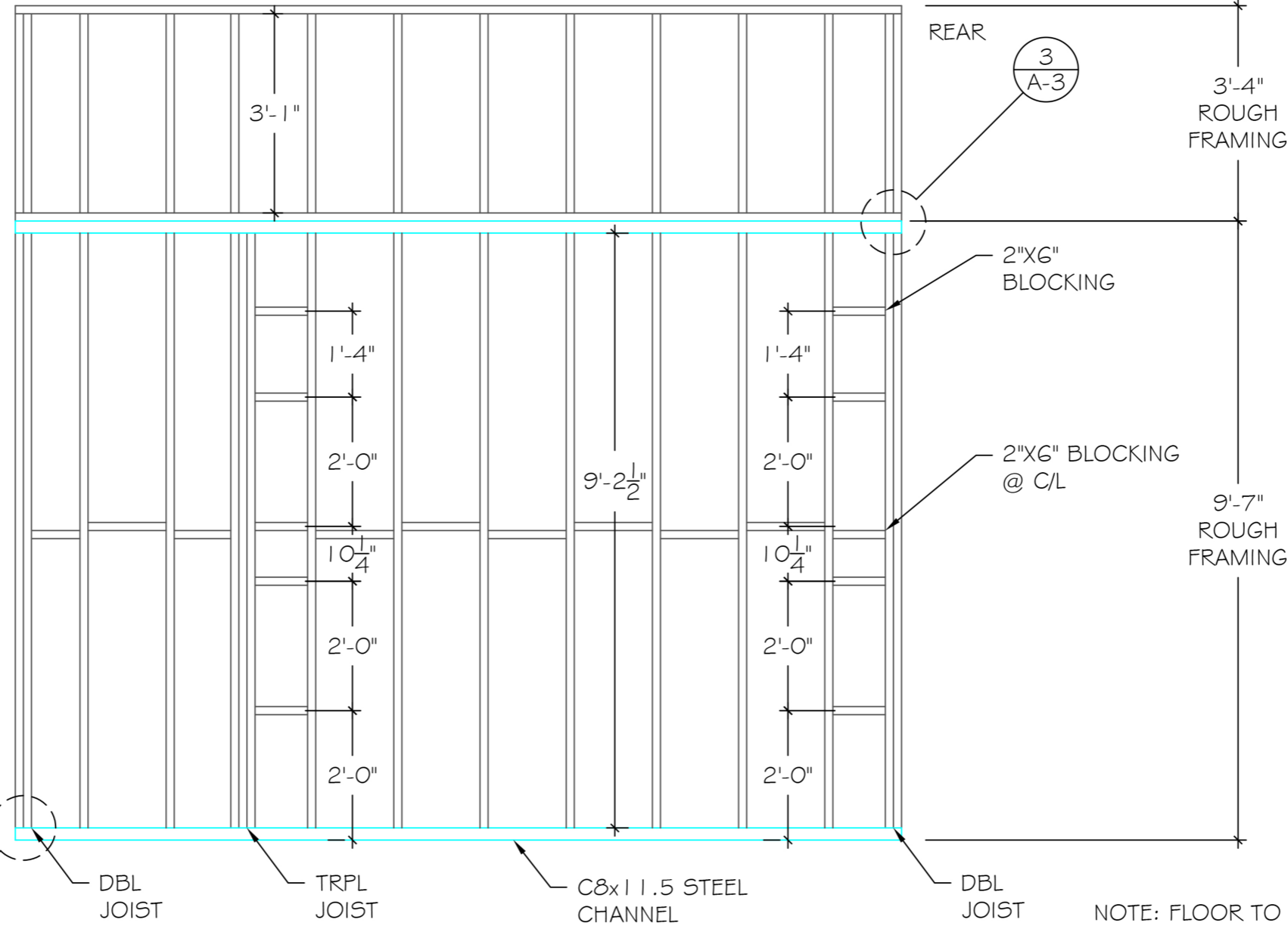


FRONT

REAR

NOTE: JOISTS - 2"X6" SPF  
No.2  
USE PWF IN DECK  
LOCATIONS

CUSTOM



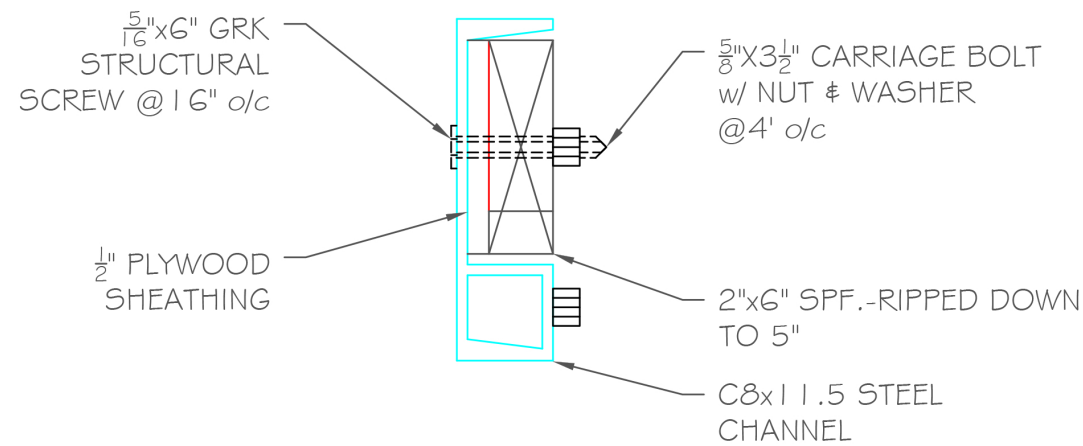
NOTE: FLOOR TO BE BUILT  
IN (2) SECTIONS AND  
ATTACHED ON SITE

1  
A-3

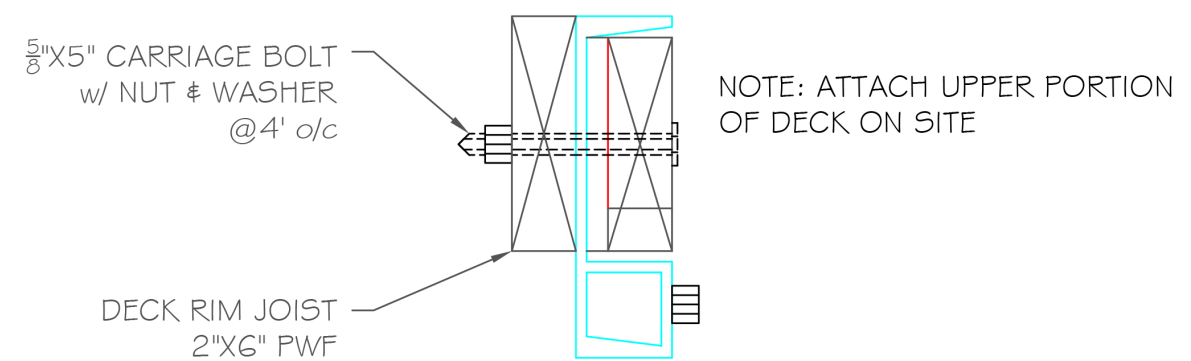
1  
A-2

FLOOR FRAMING

1/2" = 1'0"

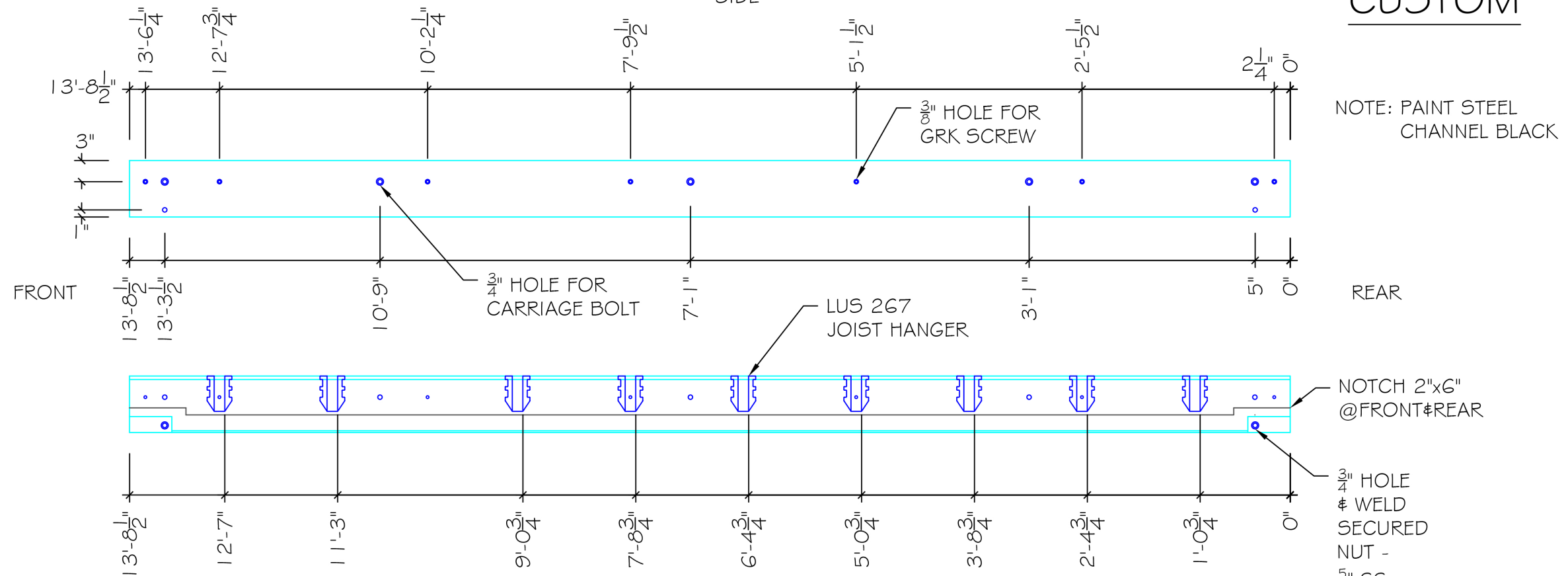


1 STEEL DETAIL  
A-3 3" = 1'0"



3 STEEL DETAIL  
A-3 3" = 1'0"

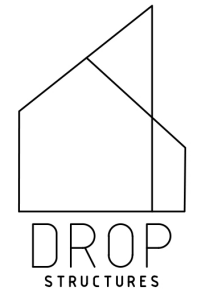
NOTE: ALL MEASUREMENTS START @ REAR MIRROR FOR OPPOSITE SIDE



2 STEEL ELEVATION  
A-3 3/4" = 1'0"

NOTE: DIMENSIONS FOR JOIST HANGER ARE TO INSIDE MEASUREMENT

CUSTOM



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REV.	DESCRIPTION
1/5/2021	ADDED DIMS FOR WELDED ON NUT (CDH)

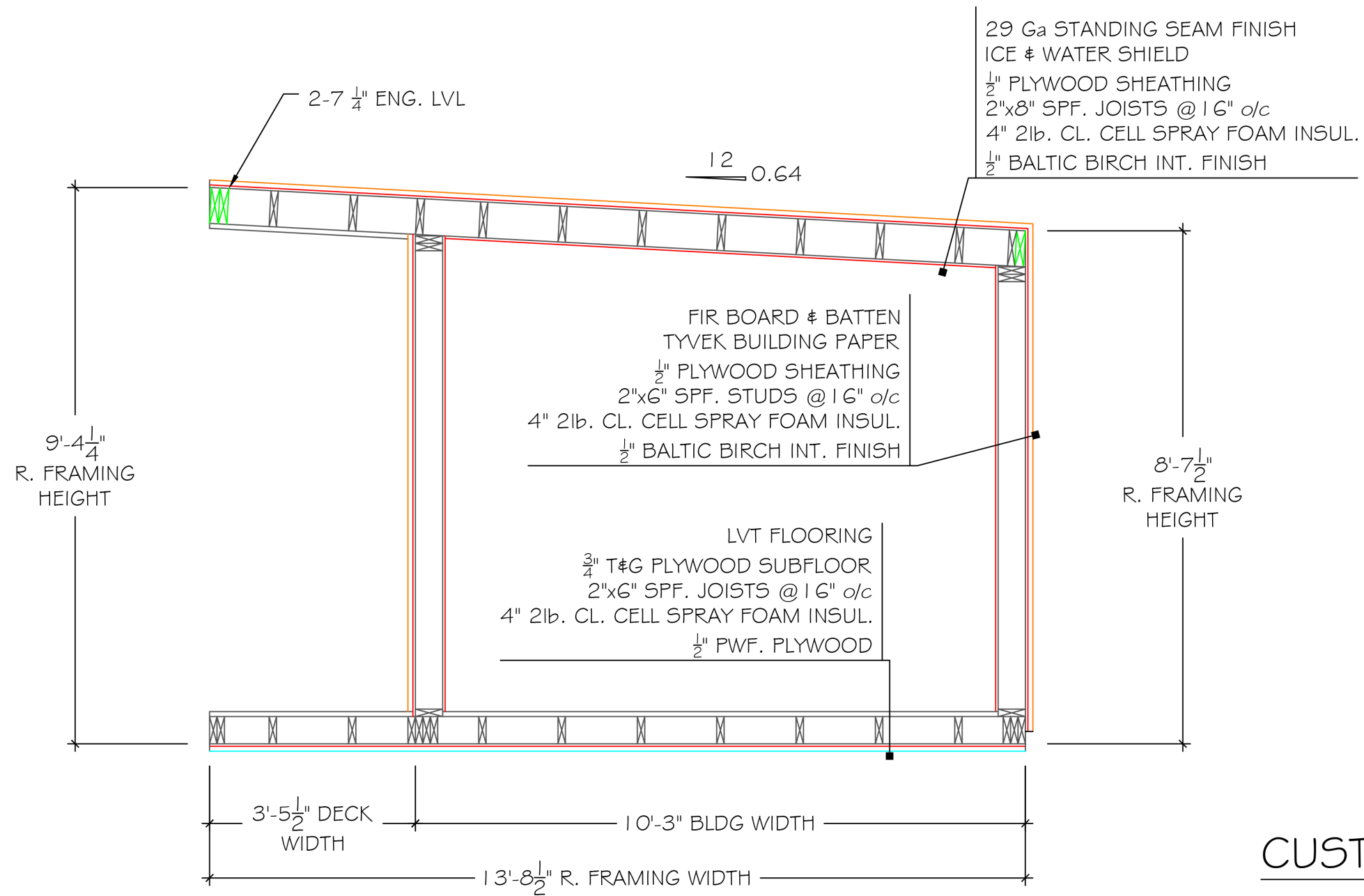
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PROJECT NO. CUSTOM  
CLIENT JACOBS  
ADDRESS BERKELEY, CA

SCALE AS SHOWN  
DRWN BY CDH  
DATE 2/4/2021

SHEET NAME  
STEEL DETAIL

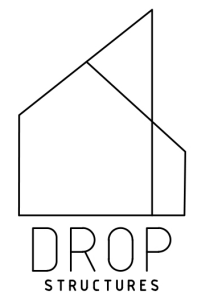
SHEET NO.  
A-3



CUSTOM

1 CROSS SECTION  
 A-4 1/2" = 1'0"

NOTE: ALL CONSTRUCTION TO ADHERE TO A.B.C. 2019



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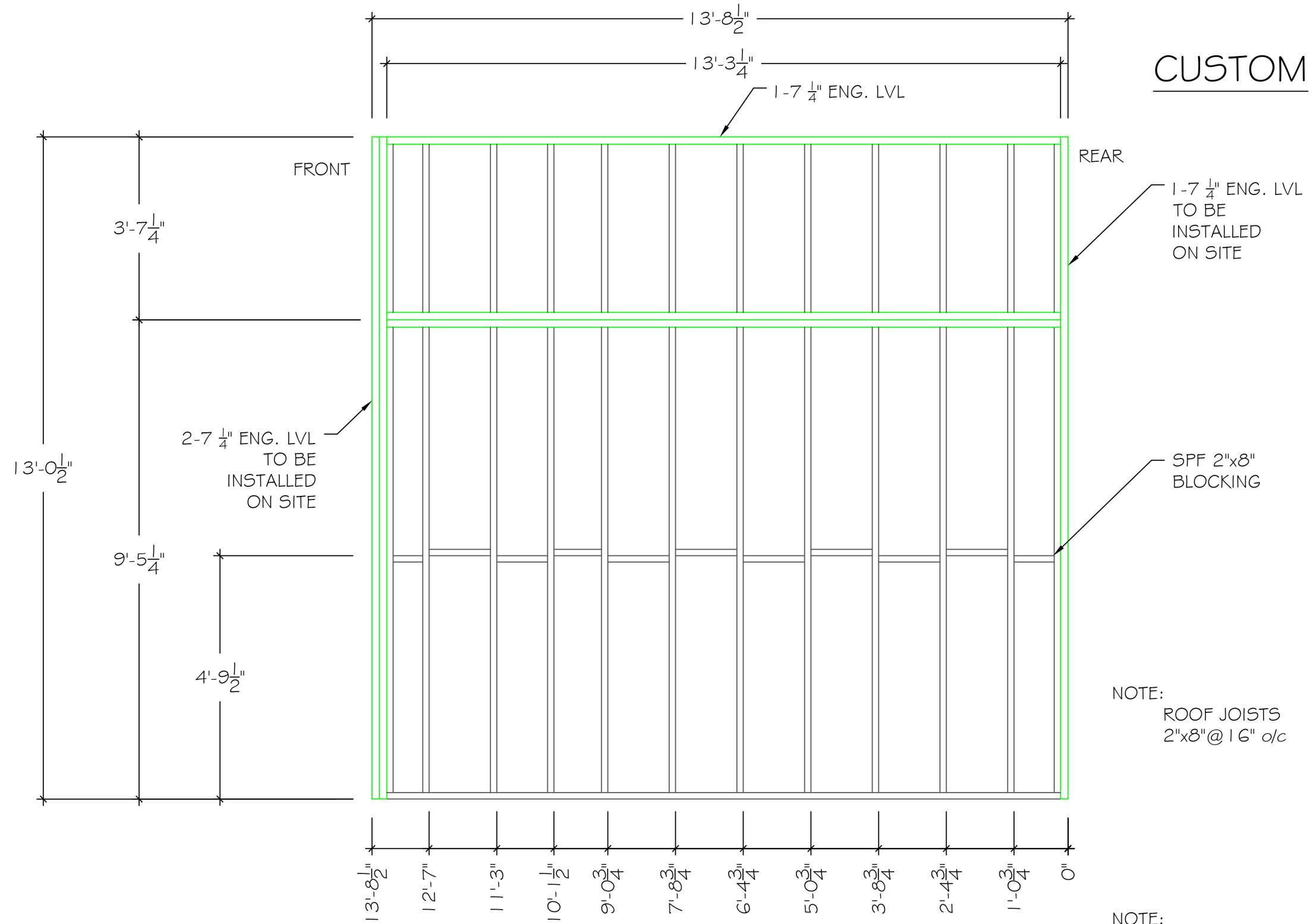
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PROJECT NO. CUSTOM  
 CLIENT JACOBS  
 ADDRESS BERKELEY, CA

SCALE 1/2" = 1'0"  
 DRWN BY CDH  
 DATE 1/14/2021

SHEET NAME  
 CROSS SECTION

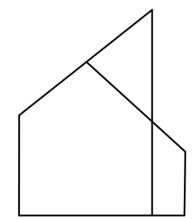
SHEET NO.  
 A-4



**1**  
 A-5 **ROOF JOIST PLAN**  
 1/2" = 1'0"

NOTE:  
 ROOF JOISTS  
 2"x8"@16" o/c

NOTE:  
 ROOF TO BE BUILT  
 IN (2) SECTIONS  
 AND ASSEMBLED  
 ON SITE



**DROP**  
 STRUCTURES

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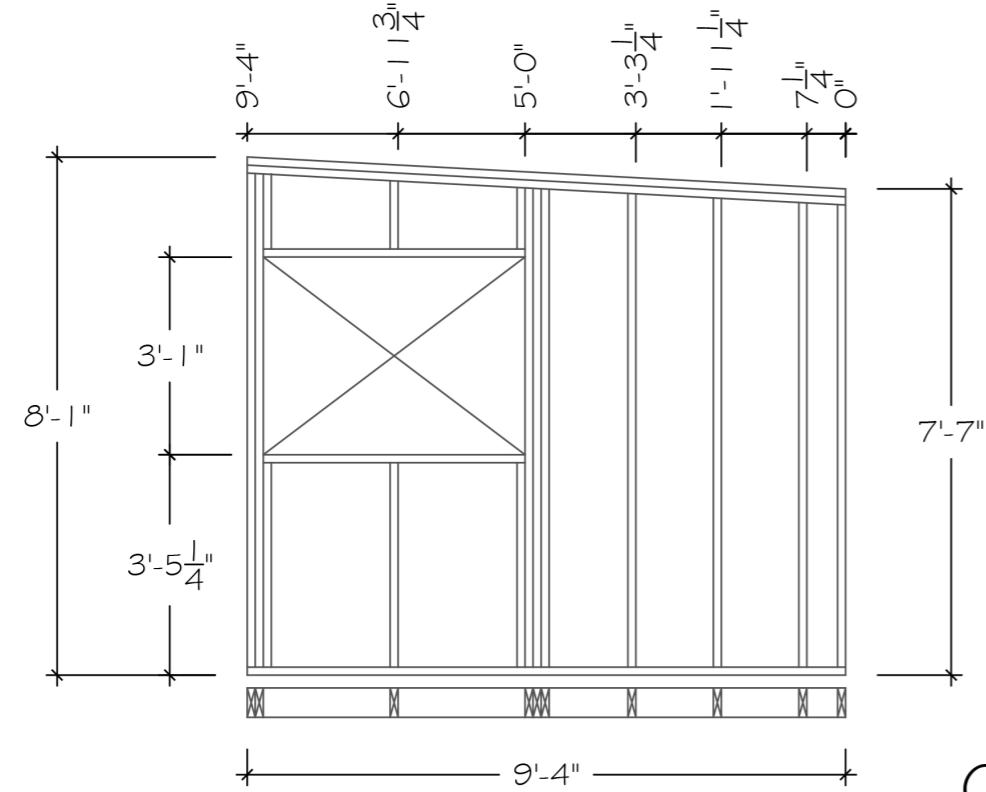
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 CLIENT JACOBS  
 ADDRESS BERKELEY, CA

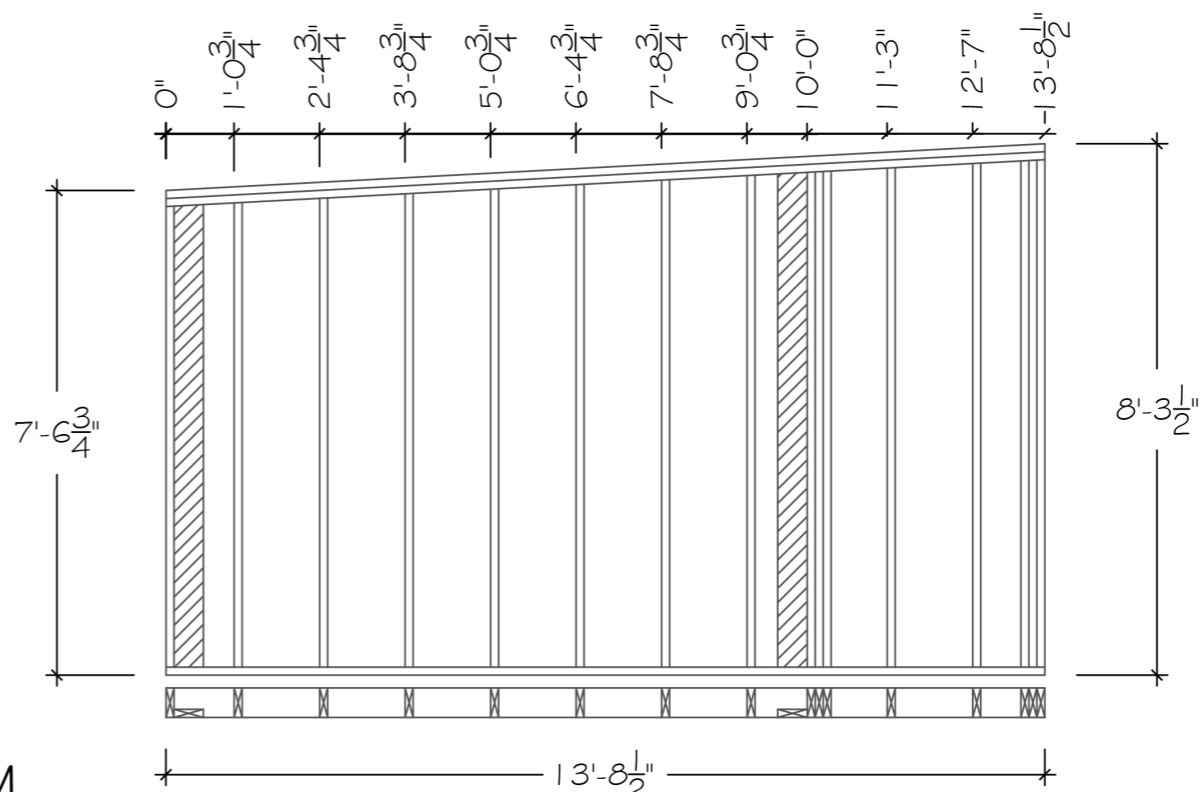
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 DRWN BY CDH  
 DATE 2/2/2021

SHEET  
 NAME  
**ROOF  
 JOIST  
 PLAN**

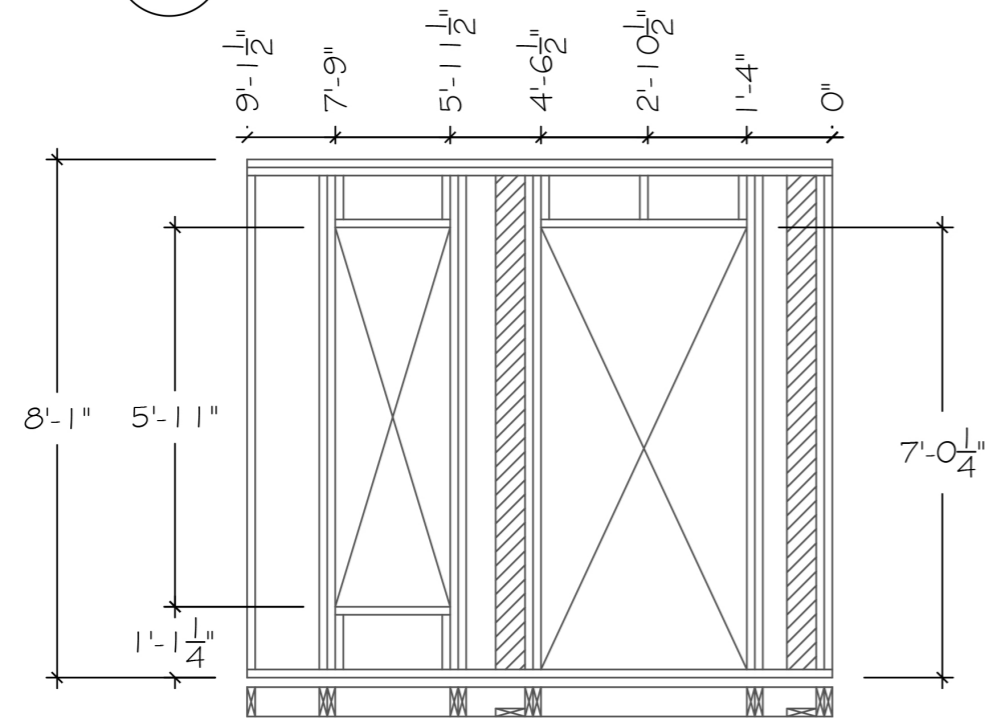
SHEET  
 NO.  
**A-5**



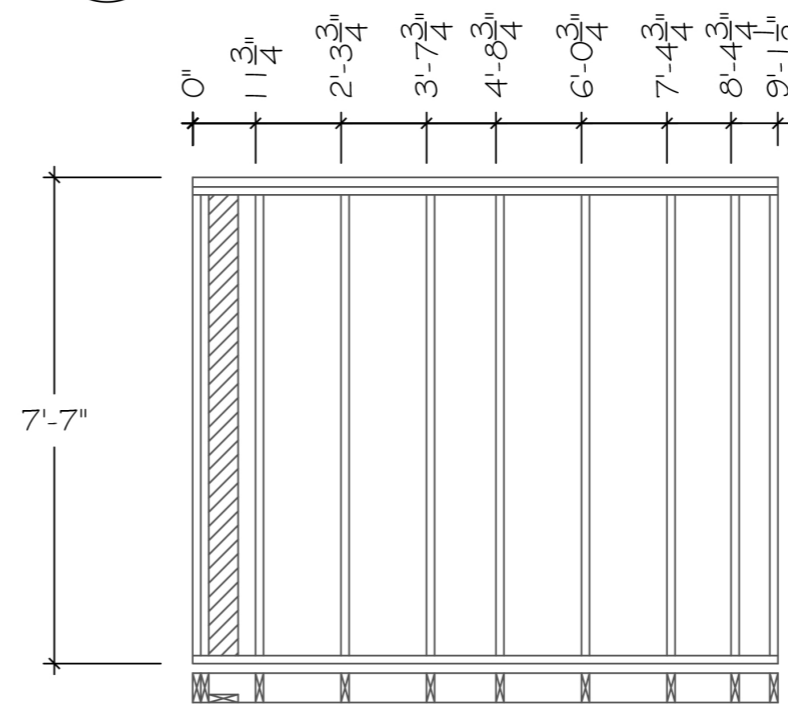
1 LEFT INT. ELEV  
 A-6 3/8" = 1'0"



2 RIGHT INT. ELEV  
 A-6 3/8" = 1'0"



3 FRONT INT. ELEV  
 A-6 3/8" = 1'0"



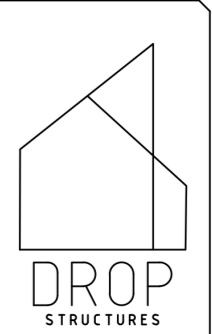
4 REAR INT. ELEV  
 A-6 3/8" = 1'0"

**CUSTOM**

NOTE:  
 DO NOT SHEATH  
 WALLS

CROSS BRACE  
 INTERIOR ONLY AND  
 LEAVE ALLOWANCE  
 FOR WALLS TO BE  
 TIED TOGETHER

NOTE:  
 ALL WALLS TO BE  
 CONSTRUCTED OF  
 SPF No. 2 or better



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REV.	DESCRIPTION

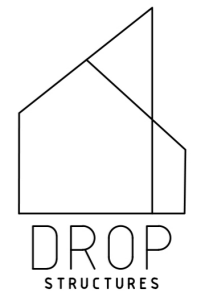
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 CLIENT JACOBS  
 ADDRESS BERKELEY, CA

SCALE 3/8" = 1'0"  
 DRWN BY CDH  
 DATE 2/2/2021

SHEET  
 NAME  
 INTERIOR  
 WALL  
 LAYOUTS

SHEET  
 NO.  
 A-6



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 ADDRESS BERKELEY, CA

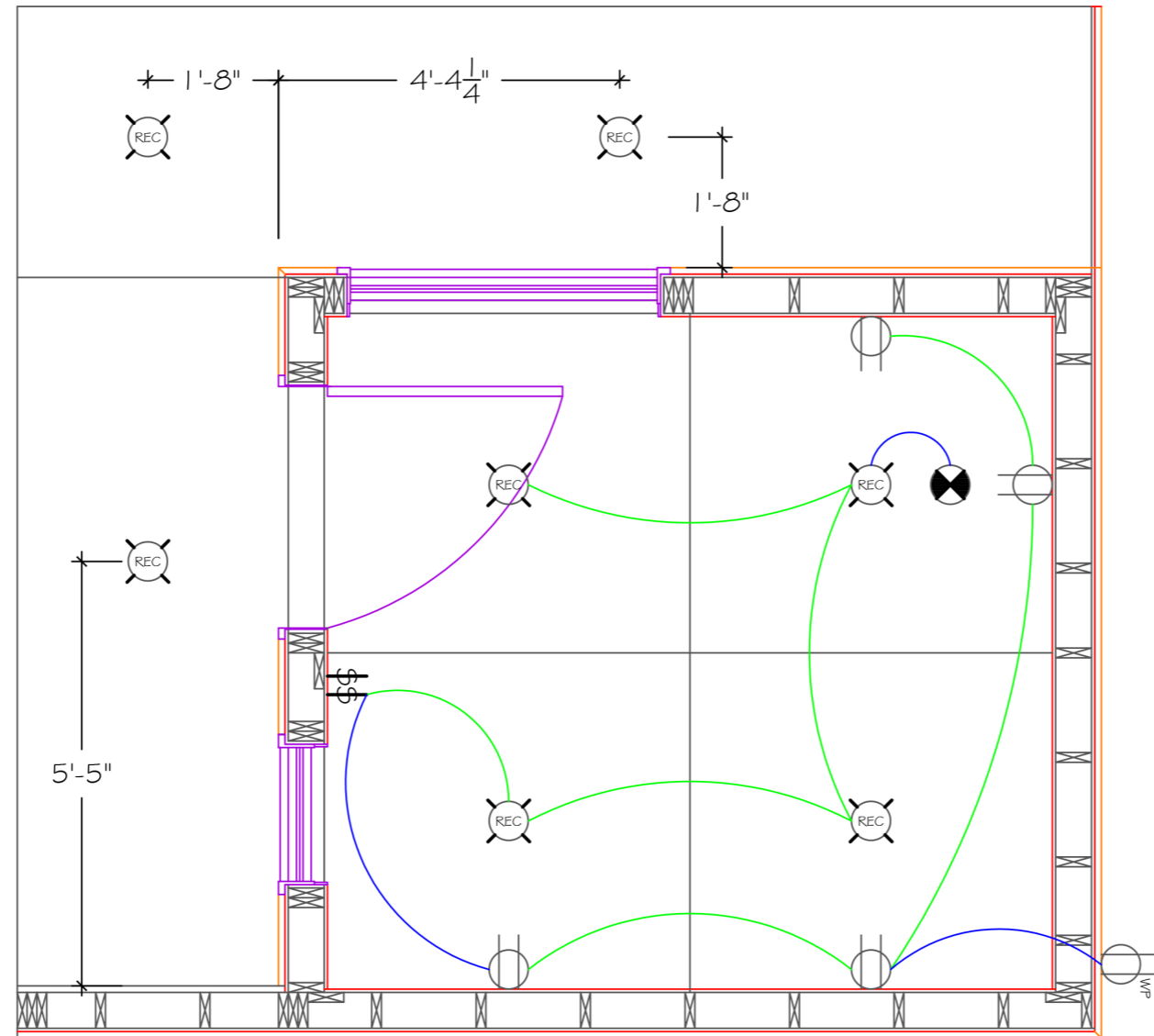
SCALE 1/2" = 1'0"  
 DRWN BY CDH  
 DATE 2/8/2021

SHEET NAME  
 ELECTRICAL PLAN

SHEET NO.  
 A-7

CUSTOM

FRONT



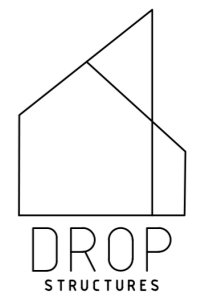
REAR

ELECTRICAL LEGEND

\$	SINGLE SWITCH	SMOKE ALARM	
\$ <sup>3</sup>	3-WAY SWITCH	BATH FAN	
	DUPLEX OUTLET	TV/COMM. OUTLET	
GF1	GROUND FAULT OUTLET	RECESSED POT-LIGHT	
WP	WEATHER PROOF OUTLET		

1 ELECTRICAL PLAN  
 A-7 1/2" = 1'0"

NOTE: ALL ELECTRICAL TO  
 ADHERE TO C.E.C 2018



#3 3320 18 AVE N  
 LETHBRIDGE, AB  
 Ph. 587.787.1656  
 www.dropstructures.ca

REV.	DESCRIPTION

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 WITHOUT WRITTEN  
 CONSENT.

PROJECT NO. CUSTOM  
 CLIENT JACOBS  
 ADDRESS BERKELEY, CA

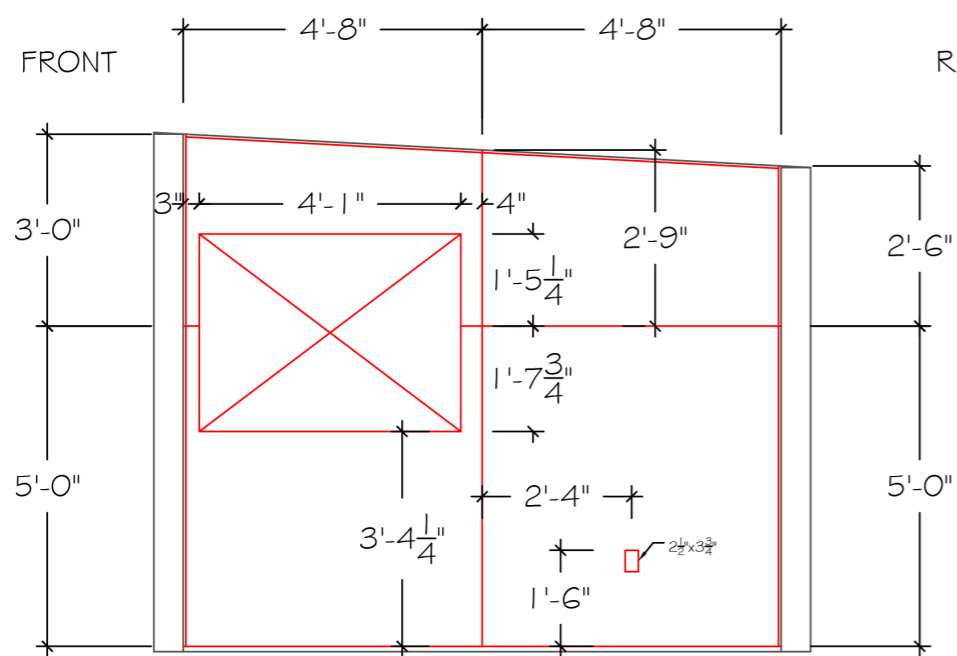
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 DRAWN BY CDH  
 DATE 2/8/2021

SHEET NAME  
 INTERIOR ELEVATION

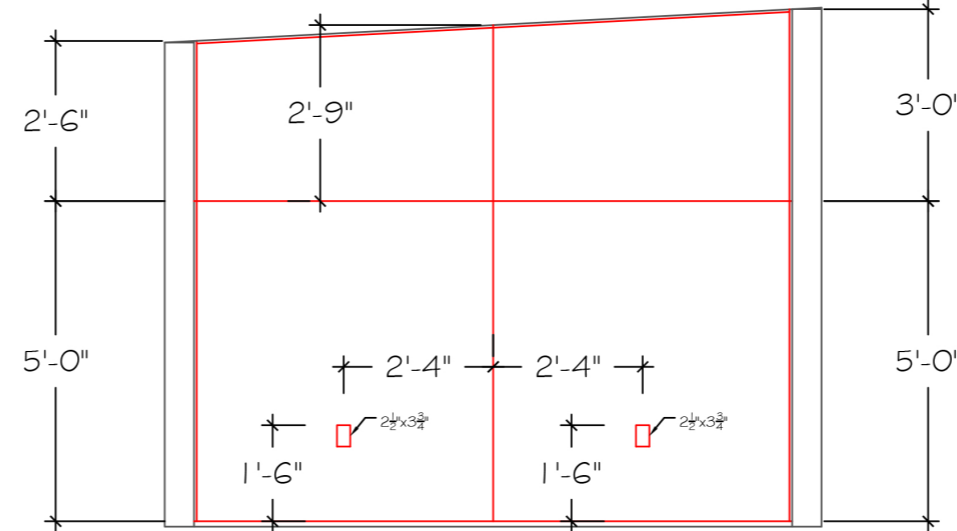
SHEET NO.  
 A-8

CUSTOM

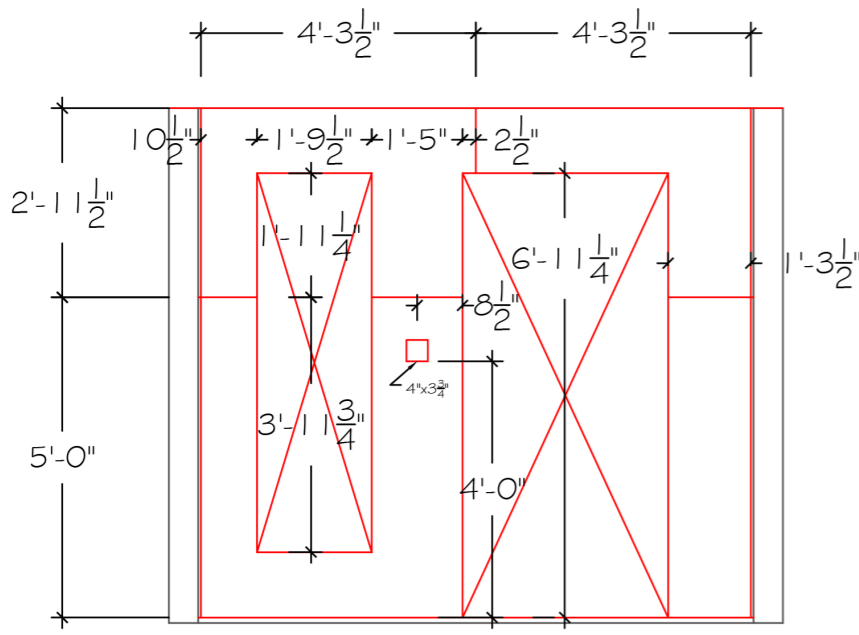
NOTE: INSTALL SIDE WALL  
 BIRCH FIRST, FOLLOED BY  
 REAR & FRONT WALLS.  
 FINISHING WITH CEILING  
  
 REAR & FRONT WALLS TO  
 INCLUDE 1" TRIM  
 ALL-AROUND



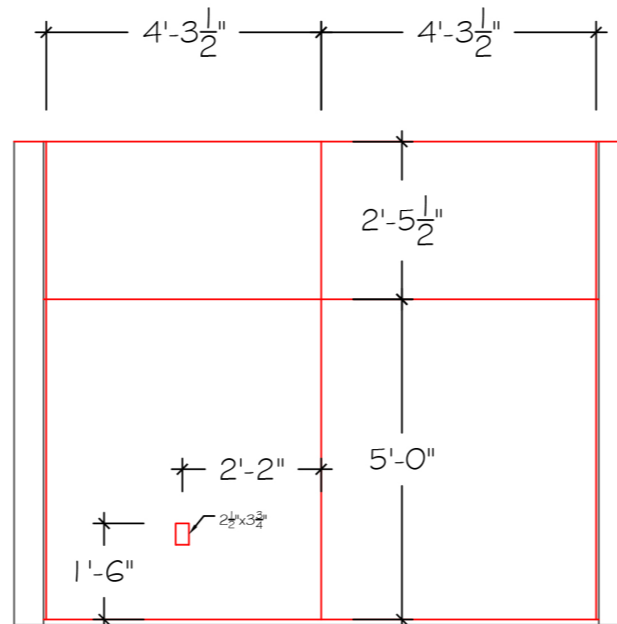
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 A-8 3/8" = 1'0"



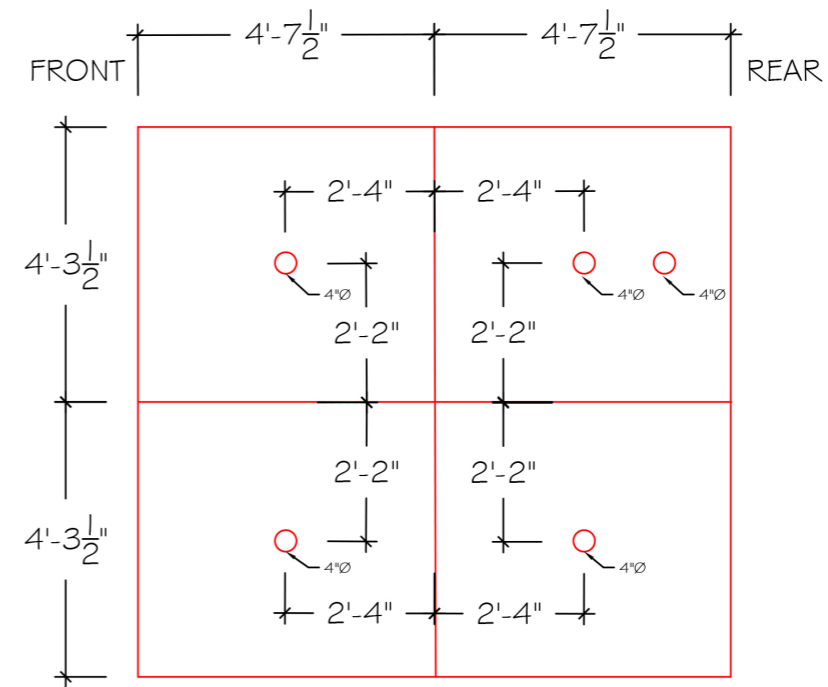
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 A-8 3/8" = 1'0"



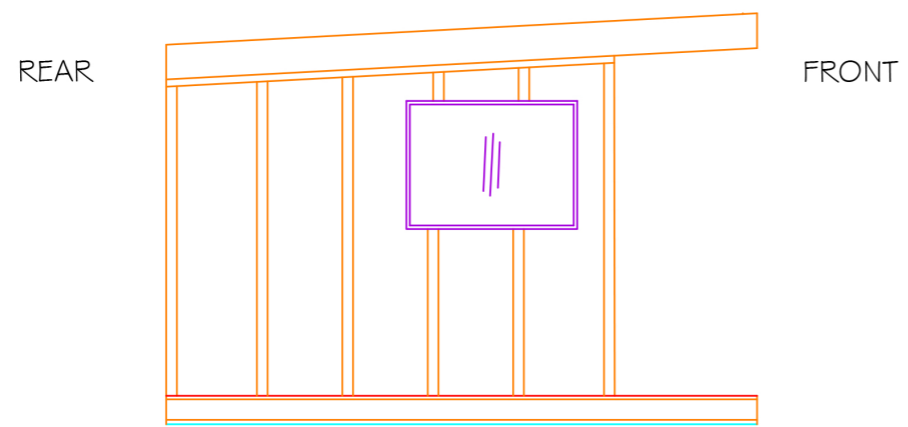
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 A-8 3/8" = 1'0"



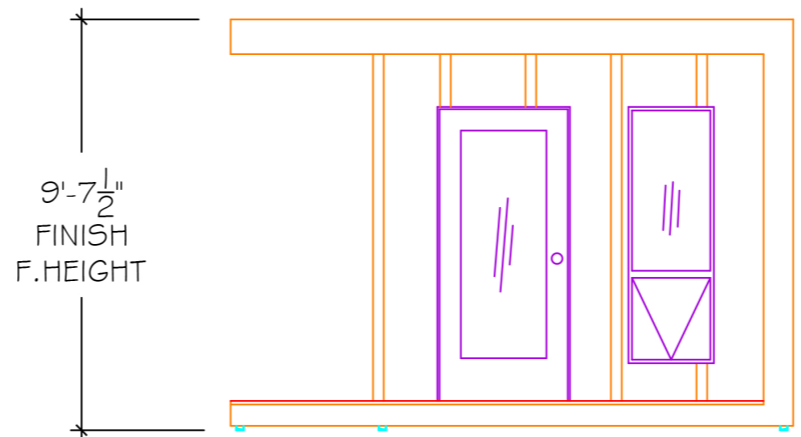
4 R. INT. ELEVATION  
 A-8 3/8" = 1'0"



5 RC PLAN  
 A-8 3/8" = 1'0"

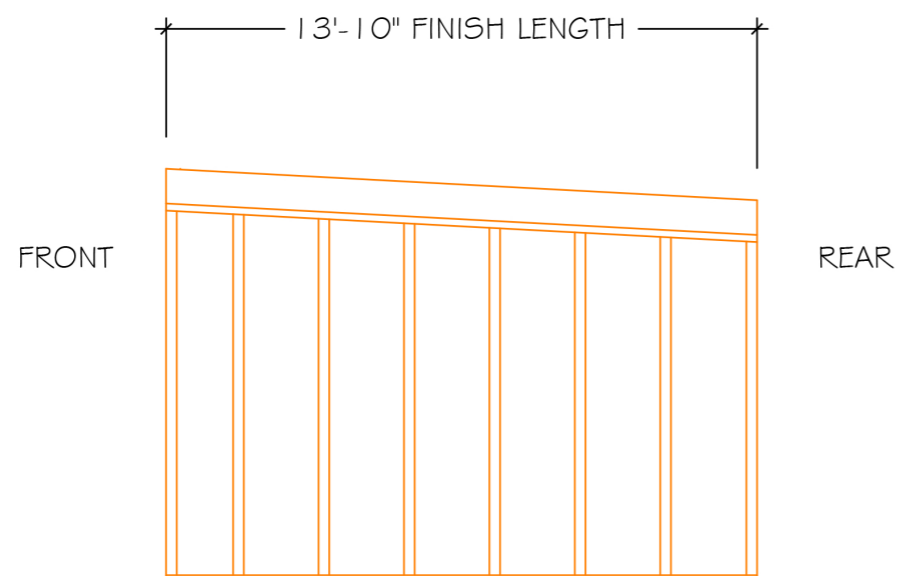


1  
 A-9  
 LEFT ELEVATION  
 1/4" = 1'0"

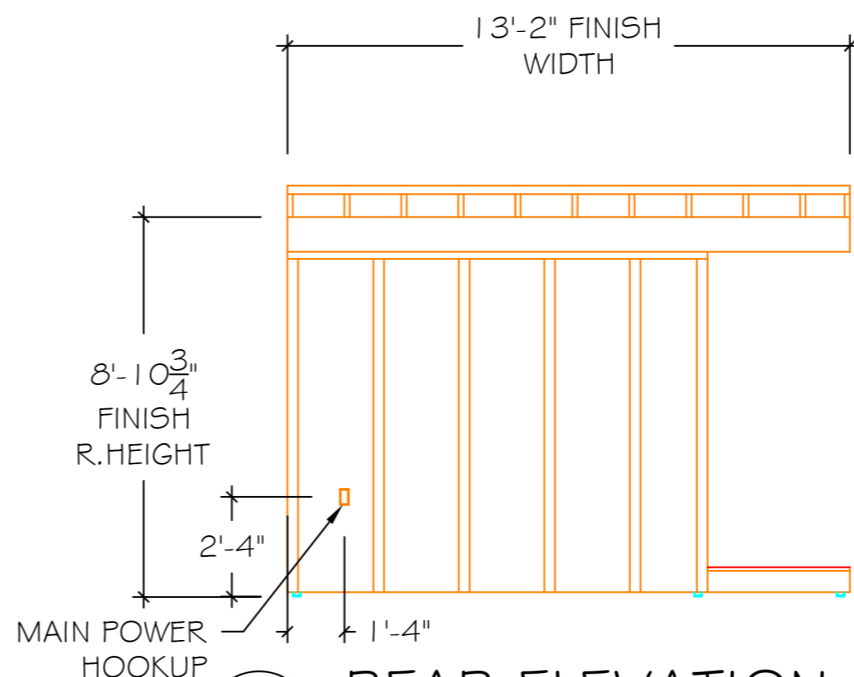


2  
 A-9  
 FRONT ELEVATION  
 1/4" = 1'0"

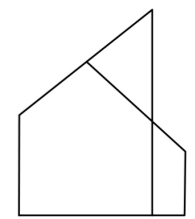
CUSTOM



3  
 A-9  
 RIGHT ELEVATION  
 1/4" = 1'0"



4  
 A-9  
 REAR ELEVATION  
 1/4" = 1'0"



DROP  
 STRUCTURES

#3 3320 18 AVE N  
 LETHBRIDGE, AB  
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PROJECT NO. CUSTOM  
 CLIENT JACOBS  
 ADDRESS BERKELEY, CA

SCALE 1/4" = 1'0"  
 DRWN BY CDH  
 DATE 2/8/2021

SHEET  
 NAME  
 EXTERIOR  
 ELEVATIONS

SHEET  
 NO.  
 A-9

## Introduction

In May 2020, due to the COVID-19 Pandemic we decided to look into placing two Accessory Structures in our backyard. The units were to serve several functions.

1. Home Office for Matt Jacobs as his office closed to on-site work.
2. Jeana Arabzadeh lost use of The Potter's Studio, a ceramics co-op she was a member of for 3 years.
3. A space for exercise due to the closing of Ironworks Gym in Berkeley.

## Permits

In August 2020, Jeana, researching the project went to the planning department to determine if we needed permits or not. Jeana emailed [permits@cityofberkeley.info](mailto:permits@cityofberkeley.info) and when she received Leslie Mendez's following email with the information regarding set-backs and height requirements, we believed we had all the information we needed to legally proceed.

Our general understanding from the department was that if a backyard structure was 120 square feet or less, permits were not required.

For example, were Tuff Shed's from Home Depot under 120 square feet placed on the property, they would be legal Accessory Structures.

This was our simple and honest understanding then.

From: **Mendez, Leslie** <[L.Mendez@cityofberkeley.info](mailto:L.Mendez@cityofberkeley.info)>  
Date: Wed, Aug 19, 2020 at 12:52 PM  
Subject: FW: 1151 Grizzly Peak Blvd. Electrical and plumbing permit request  
To: [jeana@jeon@gmail.com](mailto:jeana@jeon@gmail.com) <[jeana@jeon@gmail.com](mailto:jeana@jeon@gmail.com)>

Hello Jeana,

The standards for accessory structures, can be found in BMC 23D.08. Setbacks are set by height of structure as well as other citing requirements. In addition, all covered areas (including covered porches et. al.) may not exceed 40% of the lot size.

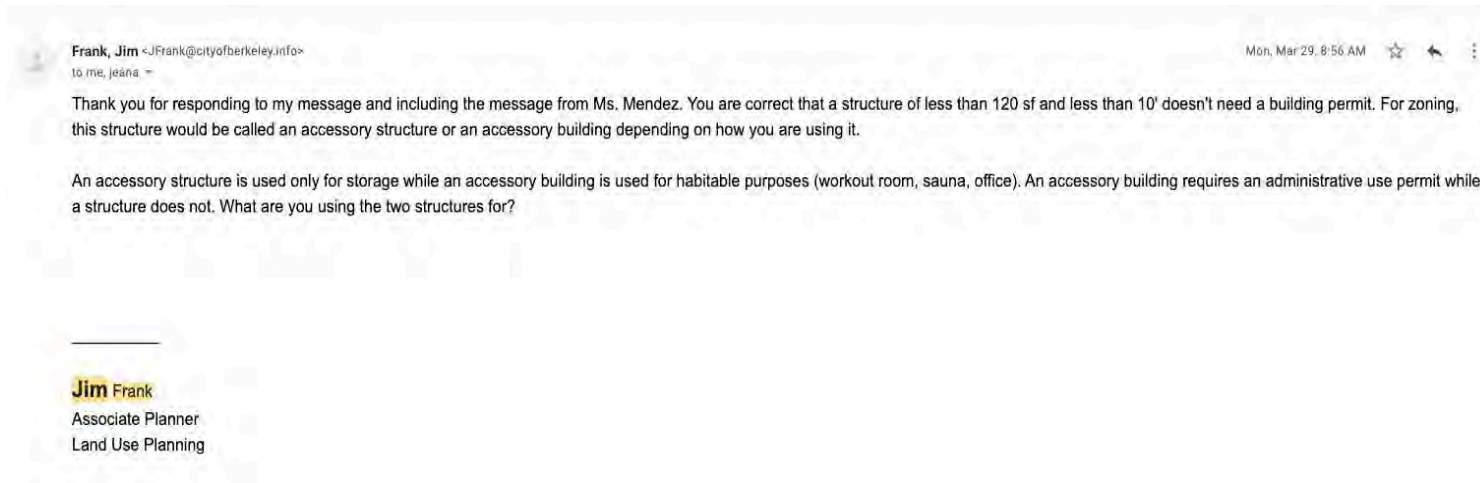
### 23D.08.020 Height Limits for Accessory Buildings or Structures

- A. No accessory building or enclosed accessory structure may exceed ten feet in average height when any portion of the building or structure is within four feet of a lot line.
- B. No accessory building or enclosed accessory structure may exceed 12 feet in average height when any portion of the building or structure is between four and ten feet of a lot line.
- C. No accessory building or enclosed accessory structure may exceed 24 feet in average height, unless a Variance is obtained. (Ord. 6478-NS § 4 (part), 1999)

### 23D.08.030 Setback Requirements for Accessory Building or Structures

- A. No accessory building or enclosed accessory structure located on an interior lot may be erected or expanded in a manner which encroaches upon the front half of the lot depth.
- B. No accessory building or enclosed accessory structure located on a through lot shall be erected or expanded so as to encroach upon that 25% of the lot portion that is nearest to either abutting street.
- C. No accessory building or enclosed accessory structure on a corner lot may be erected or expanded so as to project into the existing or required front yard to a greater extent than the setback existing or required on the adjacent lot, whichever is smaller; nor may it be located closer to either street line than the main building constructed on the subject lot.
- D. No accessory building or enclosed accessory structure that is within 75 feet of the front lot line may be erected or expanded so as to encroach closer than four feet to the side lot line, when abutting another lot. Any such building or structure which is located in excess of 75 feet from the front lot line such a building or structure may encroach closer than four feet to the side lot line subject to the fire isolation requirements, including setbacks and/or fire resistance wall requirements, of the Berkeley Building Code.
- E. No detached accessory building or enclosed accessory structure may be erected or expanded to be within five feet of an alley. (Ord. 6478-NS § 4 (part), 1999)

What we did not understand from Leslie Mendez's email, or any time between inception, construction and installation that there was a distinction based on use, differentiating an ACCESSORY STRUCTURE from an ACCESSORY BUILDING.



Upon receiving Jim Frank's email we began the Application process. Applying on April 15, 2021 we submitted plan views of the site, complete construction drawings for both units, and the application payment in the amount of \$4190.

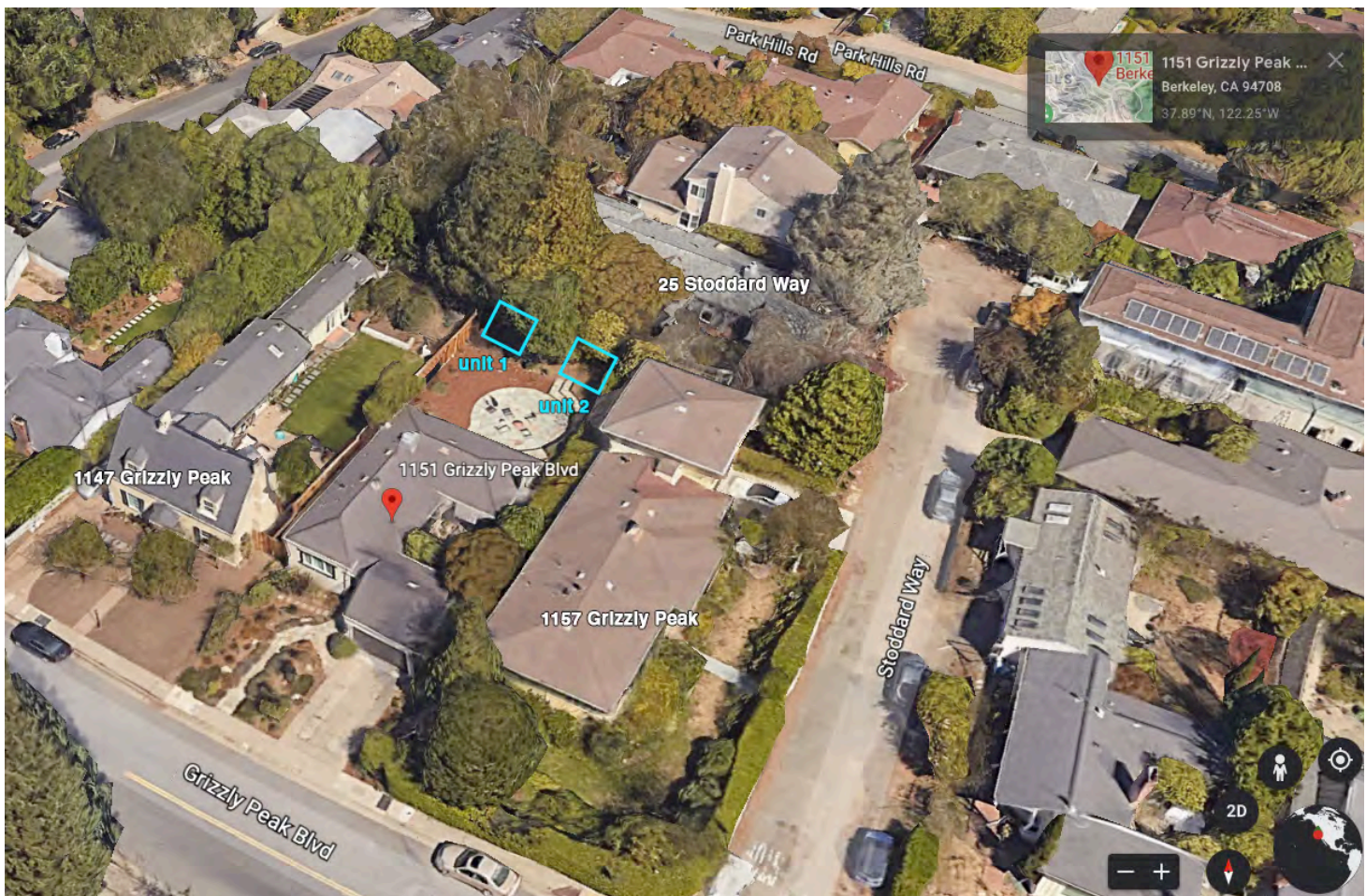
## Construction

Originally, we planned to build the outdoor structures ourselves, purchasing plans and determining material costs. Ultimately, we realized we did not have the time to execute the structures to the level of quality, attention to detail and design that we wished. As a result, we decided to look into prefabricated options.

In August, 2020, we contracted with Drop Structures to build one of their prefab 120 sq.ft. Mono units and a smaller custom structure 103 sq.ft. in size.

The 120 sq.ft. Mono Mini will be referred to as Unit 1 and is placed in the North corner of the yard.

The 103 sq.ft. custom unit will be referred to as Unit 2 and is placed in the North East corner of the yard.





UNIT 1

UNIT 2

## Considerations

### Noise Reduction

By using a crane to place the units in a four hour time frame on a single day we would be able to reduce the amount of noise that would be caused by an extended on-site construction period.

### Design

Overall, Drop Structures was willing to work with us to address our desires regarding customization. Our final designs were based on Berkeley building codes, privacy, footprint, size, height and relationship to adjacent properties.

### Unit 1 Design

Drop Structures Mono design comes standard with large glass windows going from floor to roof on two sides. We felt from that design privacy would be an issue between ourselves and the property to our back, 25 Stoddard Way. As a result we chose to have the entire back wall of the unit enclosed. To allow some light in the unit we opted for a 21" wide window running top to bottom toward the back of the unit on the East facing wall, perpendicular to 25 Stoddard.



### Unit 2 Design

The first thing we decided regarding Unit 2 was to reduce it's height. Unit 2 would be at a higher elevation than Unit 1. We felt the pitched roof design of the Unit 1 Mono would not work as the maximum height of the that design would be too intrusive and block our neighbor's views at 25 Stoddard Way.

To address the issue we designed the building to have a roof with a very shallow pitch, roughly 2.75 degrees.

The interior ceiling height was reduced. The front interior wall measuring 8'. The rear wall measures 7'6"

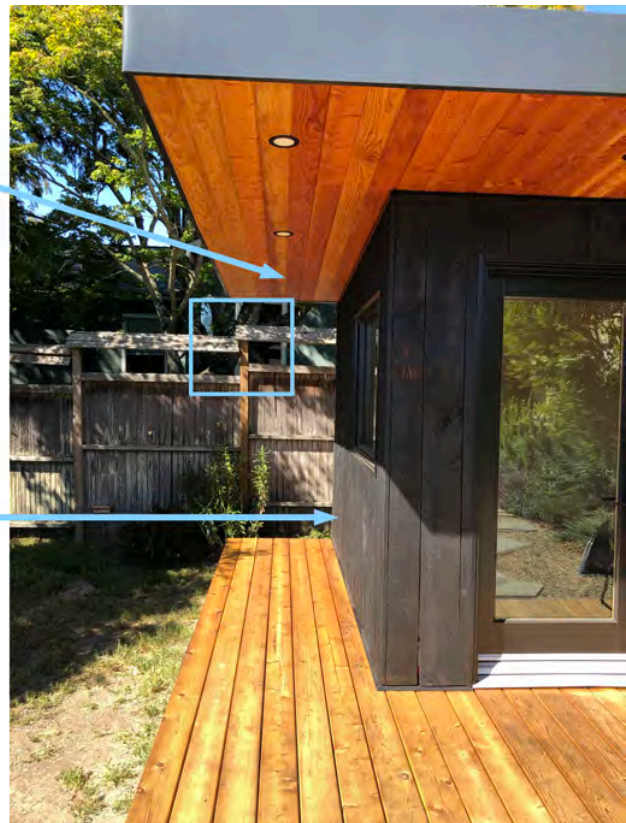
An exterior soffit light closest to the back of unit was removed to reduce light spilling onto 25 Stoddard Way.

The square footage was reduced by 14% from 120 sq. ft. to 103 sq. ft.

25 Stoddard way has a wall directly behind the unit with one set of windows. The trunk and branches from a large maple tree on that property occlude much of that windows views. Unit 2 was specifically placed to avoid further blocking any views from that window.

Third light removed from soffit  
to reduce amount shining into  
neighboring property

Structure's scale and orientation  
designed to not impede view from  
neighboring window

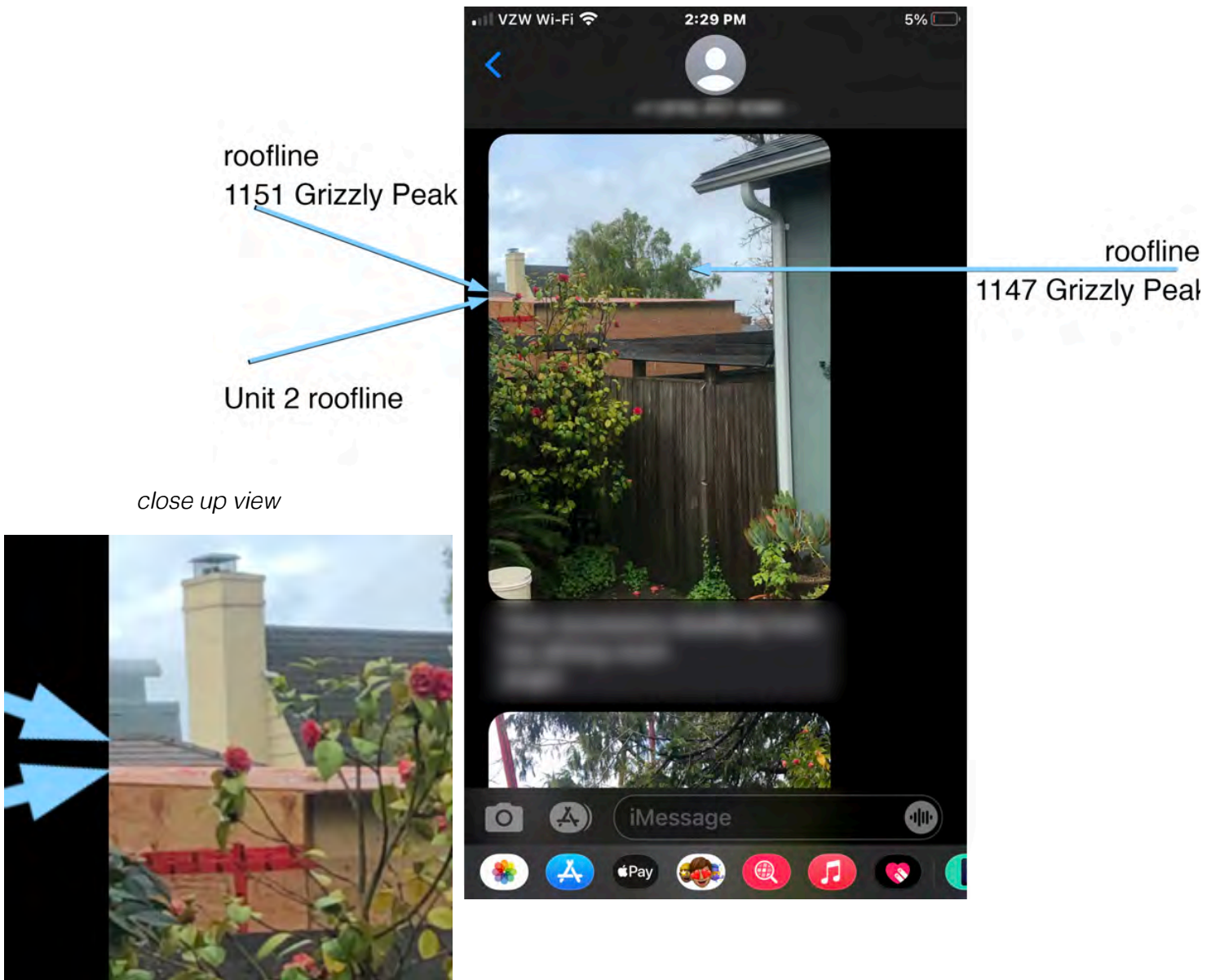


By lowering the pitch and ceiling heights of Unit 2, the view of the horizon from within 25 Stoddard Way was not occluded.

Unit 2's roofline is lower than the roofline's of existing homes at 1151 and 1147 Grizzly Peak Blvd.

Photo taken by neighbor from the dining room at 25 Stoddard Way. The photo was sent to us via text. Phone number and comments have been redacted.

When we saw this photo we were very happy to see that, as planned, Unit 2 had not obstructed the skyline view.



To Whom it May Concern,

Our company, Drop Structures, specializes in designing and building prefabricated structures and delivering them across North America. In August of 2020 our clients, Matt Jacobs and Jeana Arabzadeh, contracted us to build for them our most popular model, the Mono. The structure was ordered and built with as requested with a framed wall in place of the standard rear glass curtain wall. This configuration greatly decreases the natural light potential within the structure; however, it was communicated by the clients that this change was to be made in consideration of their neighbors' privacy.

We were also asked to create a second, completely custom structure for Matt and Jeana. The configuration is completely unique and distinct from any of our standard models in that the structure has: 1. a significantly reduced ceiling height; 2. a significantly reduced roof pitch; 3. reduced interior square footage compared to our smallest standard structure and; 4. omitted deck lighting.

The pandemic and the accompanying shift to working at home for many people had the effect of creating a huge influx of new business for us in 2020, and the extra time and work to fit in a completely custom design was not what we were necessarily prepared for. We are primarily in the business of making prefabricated structures according to our own pre-designed blueprints. With this in mind, we let Matt and Jeana know that while we were willing to undertake the project, that level of customization would require considerably more time to design and build than one of our standard structures, with a corresponding increase in cost.

It was communicated clearly to us from the beginning that the clients' willingness to wait several months longer for the build to be completed and delivered, to accept additional cost, and to compromise on the available interior space and potential natural light in the structures was all due to their concern for the privacy of their neighbors and the visual impact that the structures might have on the adjacent properties. In addition, elements of the exterior lighting on the structures were omitted once they arrived on site; this was also done with consideration for the impact that the lights might have upon the neighbor's enjoyment of their own property.

In summary, the entire design, build, and delivery process for this project was undertaken with neighbors' comfort and potential concerns in mind at considerable expense to our clients regarding the cost, convenience, and functionality of the two structures that were built for and delivered to them.

We hope that this information has been helpful.

Thank you,



July 14, 2021

Luke Thiessen

Logistics and Quality Control, Drop Structures

## SAFETY

Each unit has a 10 year smoke detector installed

Each unit is equipped with a UL rated Fire Extinguisher.

Power is supplied by NEMA (National Electrical Manufacturers Association) 5-15 UL rated 12 guage extension cords. Given permission by the city, ultimately we would prefer to run underground dedicated 15 amp service to each unit.

Based on documentation we found on-line, the understanding was we could build directly against the fence line to any and all sides of the property. However, we decided that would not be a good idea in the event of a fire, possibly limiting fire department access to any surrounding properties.

## SITE PREPPARATION

These structures are designed with a 2"x2" steel beam under them running the length of the unit. This design allows them to be placed on concrete blocks, slabs or directly on the ground.

For foundations, each unit received 1' wide slabs of concrete running the same length as the 2x2 steel beams. A 4" deep layer of gravel was compacted and 3.5" of rebar reinforced concrete was poured.



Where Unit 2 was placed, two Camellia trees were removed.

One roughly 21' tall

One roughly 16' tall

The base of these trees were both 5' from our back property line. Both trees were roughly 8-10' in diameter.

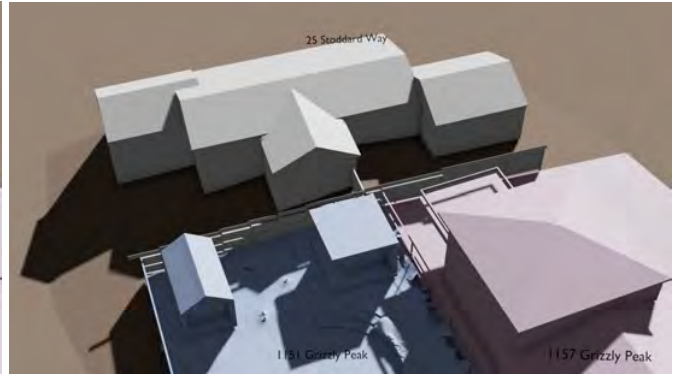
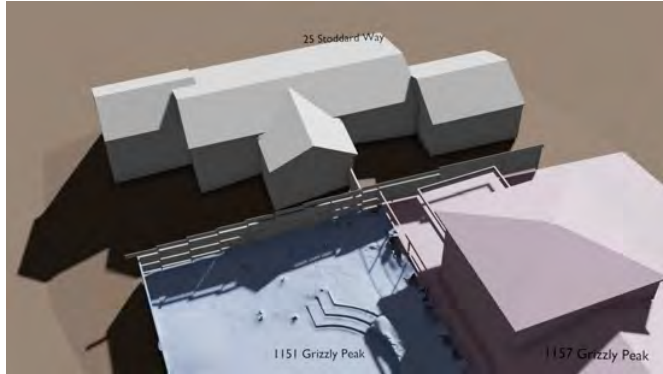


# SUN STUDY : WITHOUT VEGETATION

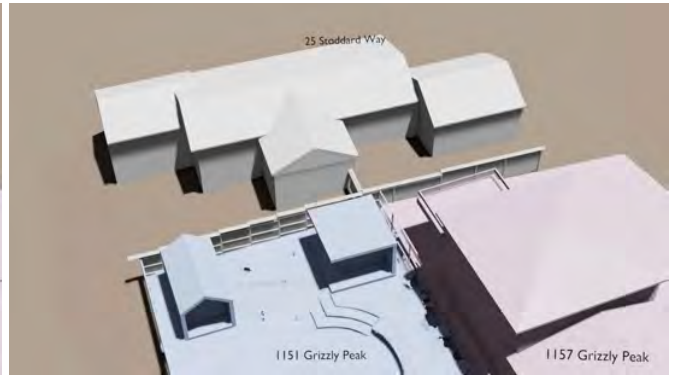
## Summer Solstice

BEFORE

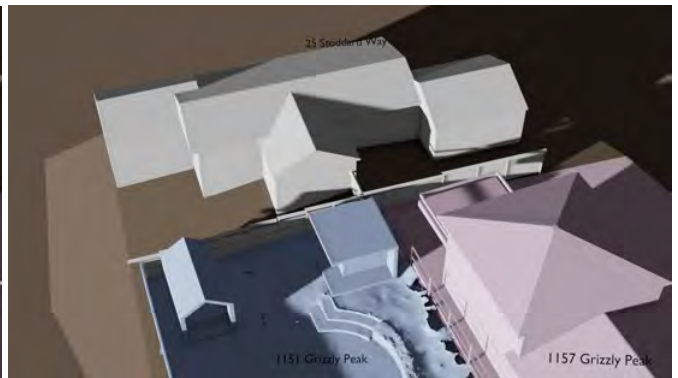
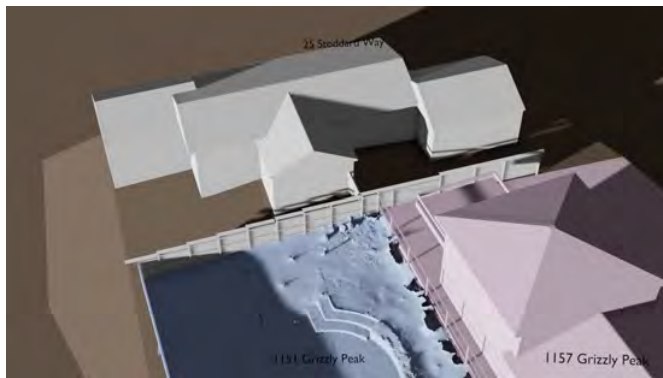
AFTER



July 21 7:47 AM



July 21 Noon



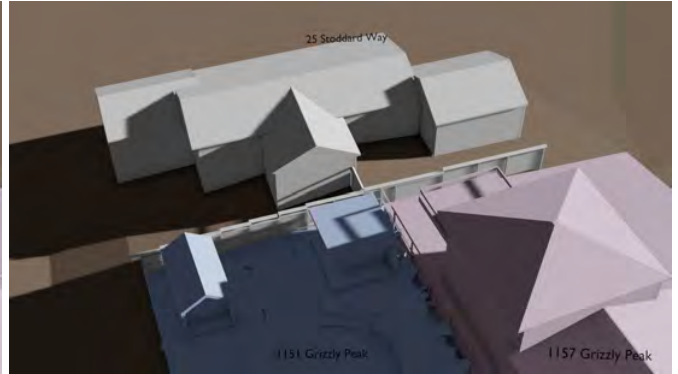
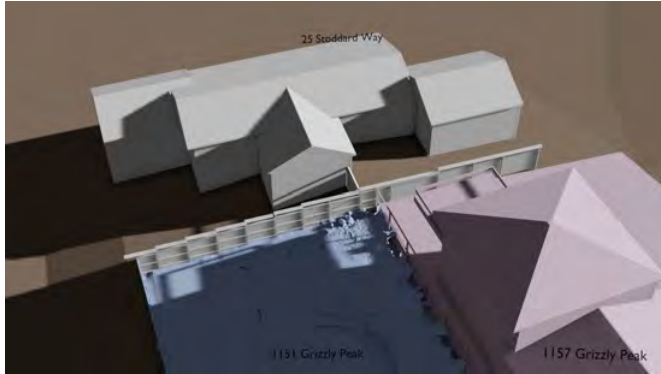
July 21 6:36 PM

# SUN STUDY : WITHOUT VEGETATION

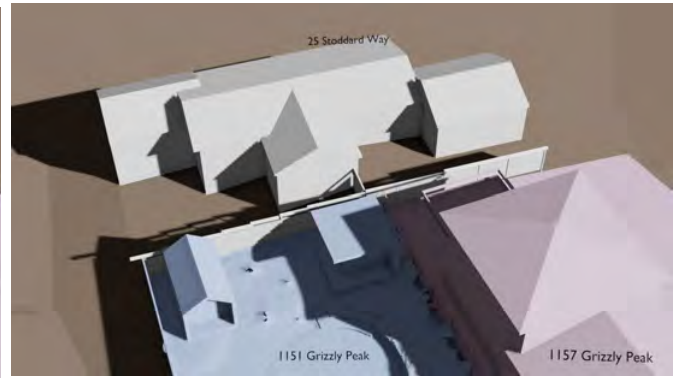
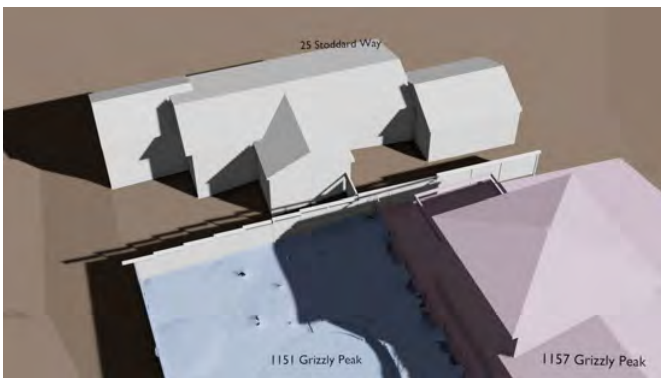
## Winter Solstice

BEFORE

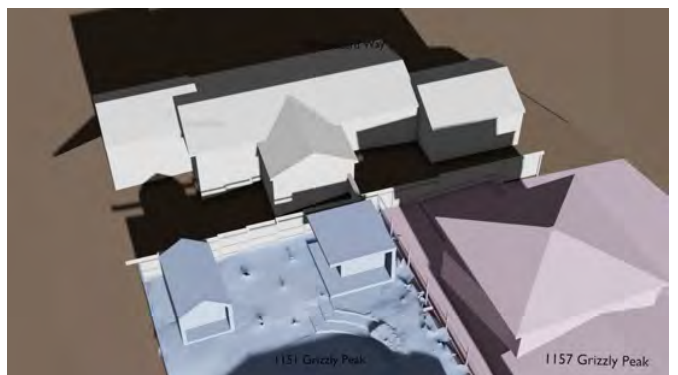
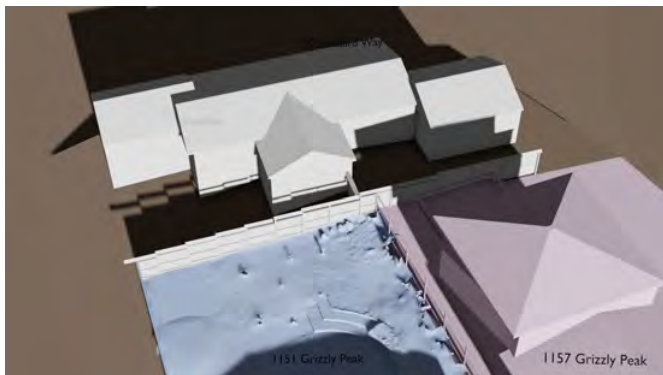
AFTER



December 21 9:21 AM



December 21 Noon



December 21 2:53 PM

## VEGETATION

We understand there is a complaint from the resident at 25 Stoddard Way regarding the loss of light created by the addition of our Additional Building Structures. We think that if that is the case, a broader look at the existing vegetation on that property and the surrounding properties needs to be taken into consideration to reflect how surrounding trees are the main contributors to lack of sun exposure at 25 Stoddard Way.

In removing the two Camellia trees (see page 10 image), we reduced the overall height of shadow casting objects by roughly 8-12 feet from site prep to final installation. The Camellia's used to cast shadows year-round. Camellia trees are non-deciduous evergreen trees. They do not lose their leaves in winter.

Presently, on the North side of 1151 Grizzly Peak Blvd, there is only one Apple tree next to Unit 1 measuring roughly 22' high and a 15' Pittosporum hedge along the fence line at 1157 Grizzly Peak.

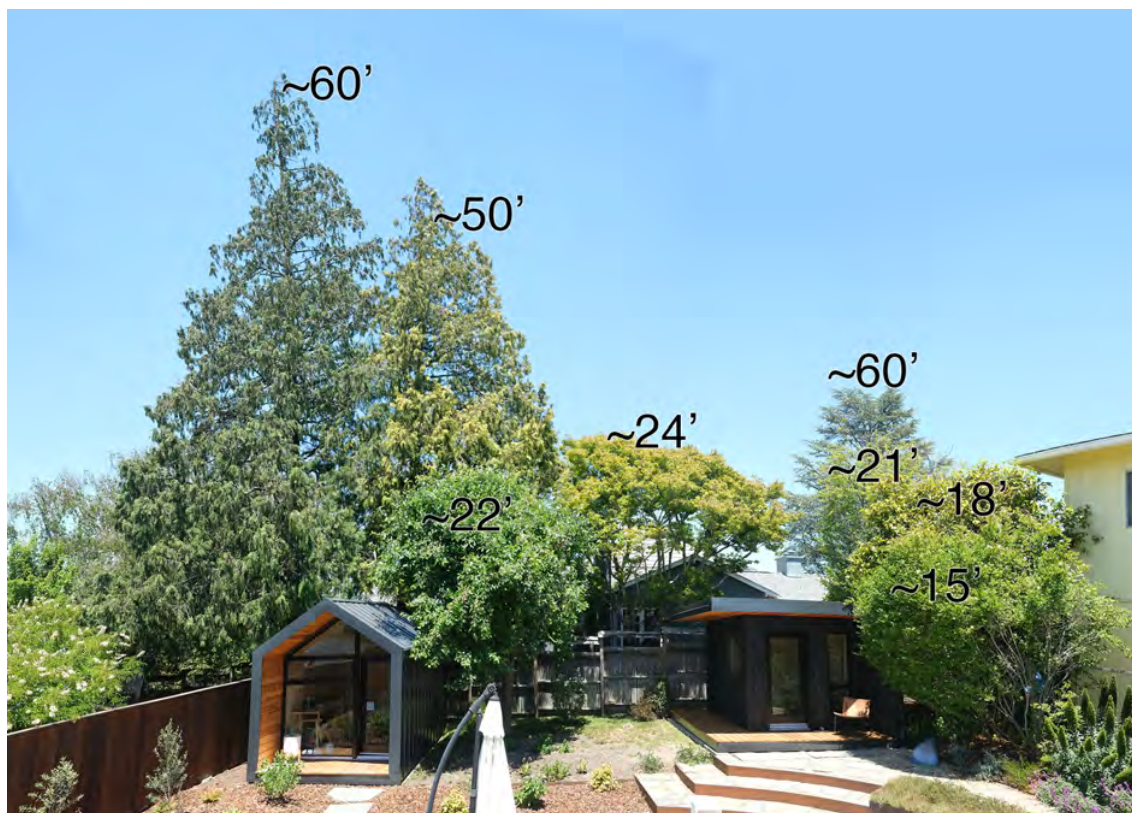
At 25 Stoddard Way, four very large trees cause an abundance of shadows all times of year for that and surrounding properties including ours.

On the North East side

1. One evergreen tree roughly 60' tall.

On the Southwest side

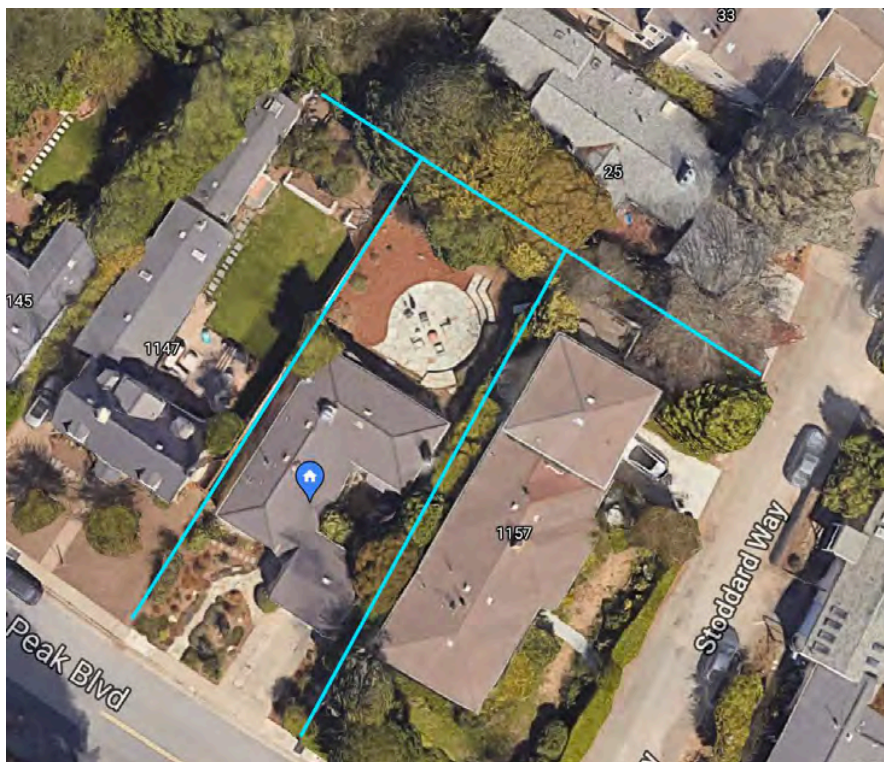
2. One evergreen (Sycamore?) roughly 60' tall
3. One evergreen roughly (Sycamore?) 50' tall
4. One Maple tree roughly 24' tall



The Maple trunk on the South side of the 25 Stoddard property blocks several windows on that property.



The trees on the South side of 25 Stoddard Way encroach onto our property and 1147 by anywhere from 6-12'

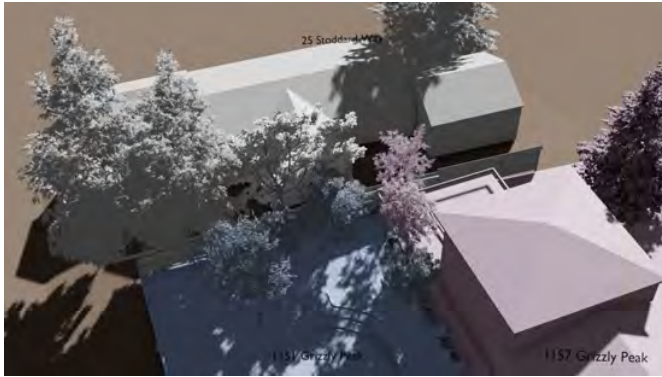


# SUN STUDY : WITH VEGETATION

## Summer Solstice

BEFORE

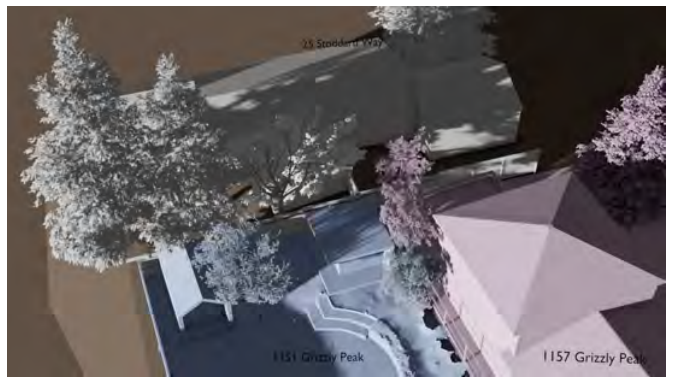
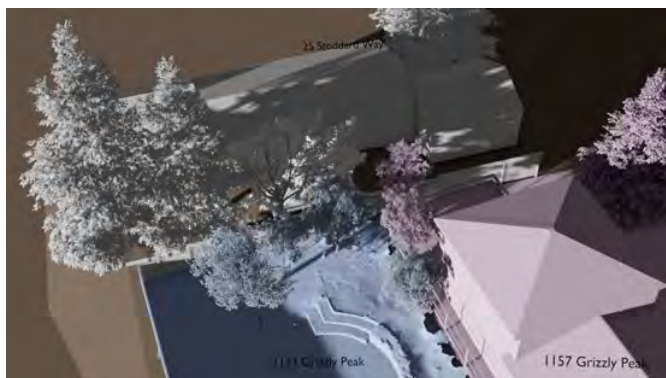
AFTER



July 21 7:47 AM



July 21 Noon



July 21 6:36 PM

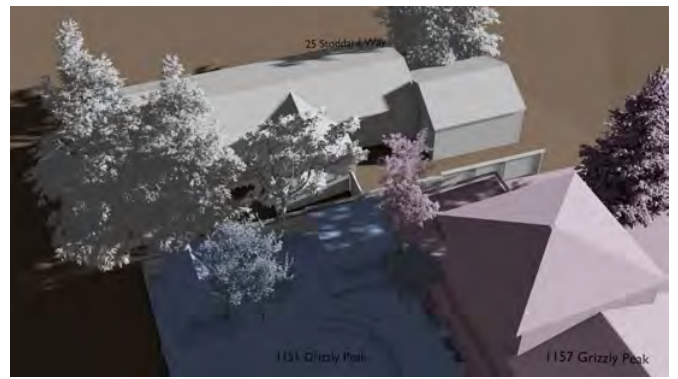
# SUN STUDY : WITH VEGETATION

## Winter Solstice

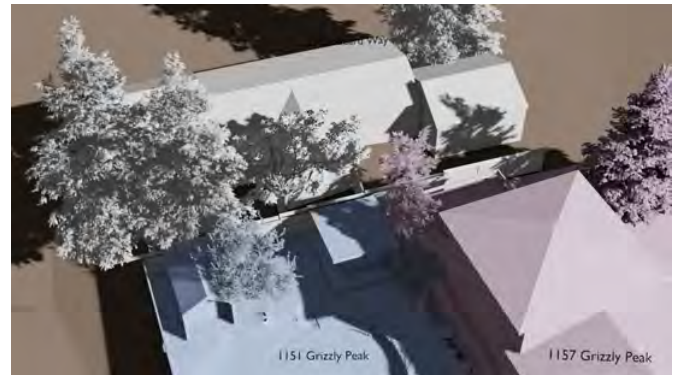
BEFORE



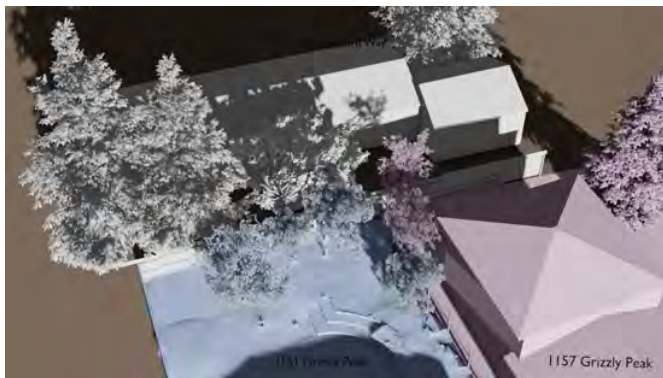
AFTER



December 21 9:21 AM



December 21 Noon



December 21 2:53 PM



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

## 1151 Grizzly Peak Boulevard

### Administrative Use Permit ZP#2021-0088 to legalize two Accessory Buildings in the rear yard of a Single-Family Dwelling.

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 September 9, 2021, conducted via Zoom, see the Agenda for details:

[https://www.cityofberkeley.info/uploadedFiles/Planning\\_and\\_Development/Level\\_3\\_-\\_ZAB/2021-09-09\\_ZAB\\_Agenda.pdf](https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_ZAB/2021-09-09_ZAB_Agenda.pdf). The meeting starts at 7:00 p.m.

**PUBLIC ADVISORY:** This meeting will be conducted exclusively through videoconference and teleconference. Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, and the Shelter-in-Place Order, and to ensure the health and safety of the public by limiting human contact that could spread the COVID-19 virus, there will not be a physical meeting location available.

**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 (AUP) to construct accessory buildings, under Berkeley Municipal Code (BMC) Section 23D.08.005.

**C. CEQA Determination:** It is staff's recommendation that the project is categorically exempt pursuant to Section 15303 ("New Construction or Conversion of Small Structures") of the CEQA Guidelines. The determination is made by Zoning Adjustments Board (ZAB).

**D. Parties Involved:**

- Applicant & Property Owner: Jeana Arabzadeh & Matt Jacobs,  
1151 Grizzly Peak Boulevard, 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, Loyal Nawfal, at (510) 981-7424 or [lnawfal@cityofberkeley.info](mailto:lnawfal@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.

---

## Nawfal, Layal

---

**Subject:** FW: Letter to the city about the new structures at 1151 Grizzly Peak

-----Original Message-----

From: Joan Wager <joanwager2004@comcast.net>

Sent: Thursday, June 17, 2021 10:40 AM

To: Nawfal, Layal <LNawfal@cityofberkeley.info>

Subject: Letter to the city about the new structures at 1151 Grizzly Peak

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

To the City of Berkeley,

I was shocked when my neighbors on March 19 at 1151 Grizzly Peak had a crane deliver two large structures that were installed against the fence line blocking my space, light and small horizon sunset view. They informed me five days prior on a scrap of paper deposited inside my mailbox, that a crane would deliver two accessory buildings for an art studio and workout studio, approved by the city of Berkeley .

There was no prior consultation with me about the placement of these structures and their impact on me and my property. There are also other places on their property where these buildings could have been placed without impacting me.

When I saw the large size of these buildings I cried out in disbelief "these are horrible" and their reply was "approved by the city of Berkeley".

I cannot believe that the city of Berkeley would have approved this encroachment on not only my property, space, light and view but also my well being in my home.

Thank you for reviewing this egregious situation and restoring my space light and view allowing me continue living in my home at 25 Stoddard Way unmolested..

Sincerely,  
Joan Wager

Sent from my iPad

# ATTACHMENT 1

## FINDINGS AND CONDITIONS

JANUARY 13, 2022

# 1151 Grizzly Peak Boulevard

## Administrative Use Permit ZP#2021-0088 to legalize two Accessory Buildings in the rear yard of a Single-Family Dwelling.

### PERMITS REQUIRED

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- Administrative Use Permit (AUP) to construct Accessory Buildings, under Berkeley Municipal Code (BMC) Section 23D.08.005.

### I. CEQA FINDINGS

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1. The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code §21000, et seq. and California Code of Regulations, §15000, et seq.) pursuant to Section 15303 of the CEQA Guidelines (“New Construction or Conversion of Small Structures”).
2. 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.

### II. FINDINGS FOR APPROVAL

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1. 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 will continue to conform to the applicable provisions of the Single-Family Residential District, Hillside Overlay, R-1(H) standards (BMC Section 23D.28.070) for maximum residential density (one dwelling unit, where only one is allowed), height (10 feet average height without approval of an AUP), lot coverage (26.5 percent lot coverage, where the maximum allowed is 40 percent), usable open space (in excess of 1,000 square feet provided where a minimum of 400 square feet is required), and parking (two off-street parking spaces where one is required). No changes will be made to the existing single-family dwelling; setbacks and building height will remain the same;
  - B. The proposed legalized Accessory Buildings will meet the height limits per BMC Section 23D.08.020.A (9 feet, 8 inches and 9 feet, 5 inches respectively in average height proposed where no accessory building may exceed 10 feet in average height when any portion of the building or structure is within 4 feet of a lot line). They also will also meet the setback requirements per BMC Section 23D.08.030 as the Accessory

1151 GRIZZLY PEAK- ADMINISTRATIVE USE PERMIT #ZP2021-0088  
January 13, 2022

FINDINGS & CONDITIONS  
Page 2 of 7

Buildings will not encroach on the front half of the lot depth and are more than 75 feet from the front lot line. Additionally, the Accessory Buildings height (9 feet, 8 inches and 9 feet, 5 inches respectively), will not create new sightlines into abutting neighboring dwellings, and are adjacent to mature vegetation. For the reasons stated above, the proposed project will not have substantial impacts on sunlight or air, or views (as defined by BMC Section 23F.04.010 (Definitions) of adjacent properties;

- C. The proposed uses (ceramic studio, home office and gym) will be consistent with the type of low intensity residential use typically found in accessory buildings, will function as extensions of the main dwelling, and will not generate excessive noise, dust, odors, or other similar impacts;
- D. Per Condition of Approval #11, a "Notice of Limitation on Use of Property" will be signed and recorded with the County which will stipulate that no part of the Accessory Buildings shall be used or converted to use as a dwelling unit, and that a kitchen (as defined under BMC Section 23F.04.010 (Definitions)), will not be installed; and
- E. The proposed project is required to meet current Building and Safety Code and therefore, would not present a safety hazard to the residents on site, on adjacent properties or within the neighborhood.

## 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 ZAB**

Pursuant to BMC Section 23B.28.050.D, the ZAB 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 Permit:**

11. Accessory Building: All owners of record of the subject property shall sign and record with the Alameda County Clerk-Recorder a "Notice of Limitation on Use of Property" (available from Land Use Planning Division) and provide a recorded copy thereof to the project planner. This Notice of Limitation shall stipulate that no part of this accessory building shall be used or converted to use as a dwelling unit unless and until permission is requested of the City of Berkeley and authorized a Use Permit, Administrative Use Permit, or Zoning Certificate, whichever is applicable. This limitation shall include the explicit acknowledgment that a full bathroom and cooking facilities may be installed, as long as the cooking facilities do not constitute a Kitchen per BMC Section

23F.04.010 (Definitions). This limitation may not be revised or removed from this property without the prior written permission of the Zoning Officer of the City of Berkeley.

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

**12. 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.

- 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. Drainage plans shall be submitted for approval of the Building & Safety Division and Public Works Department, if required.
21. The applicant shall ensure that all excavation considers 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. 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.
24. 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.
25. 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.

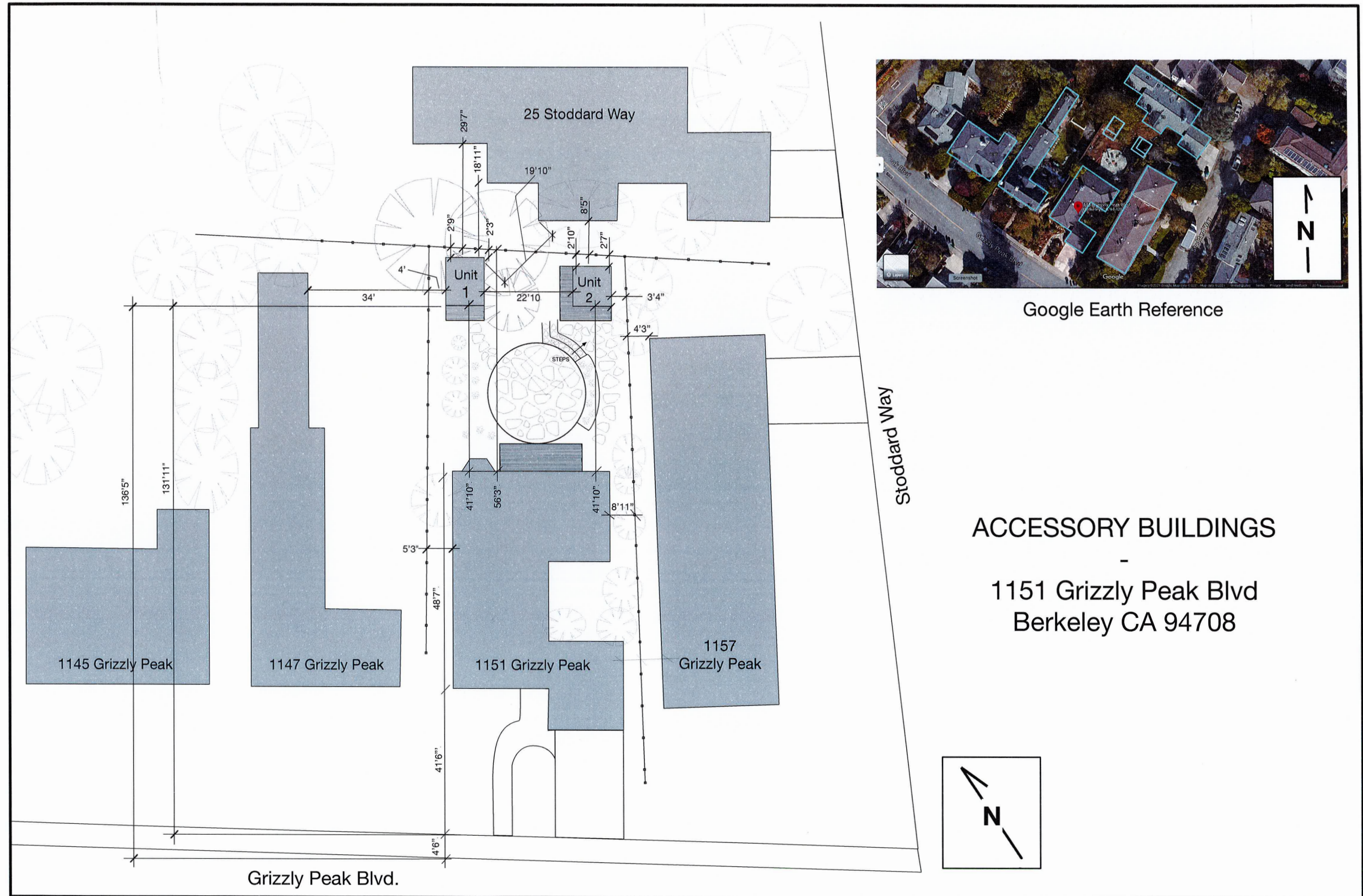
26. Paleontological Resources (Ongoing throughout demolition, grading, and/or construction). In the event of an unanticipated discovery of a paleontological resource during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by 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.

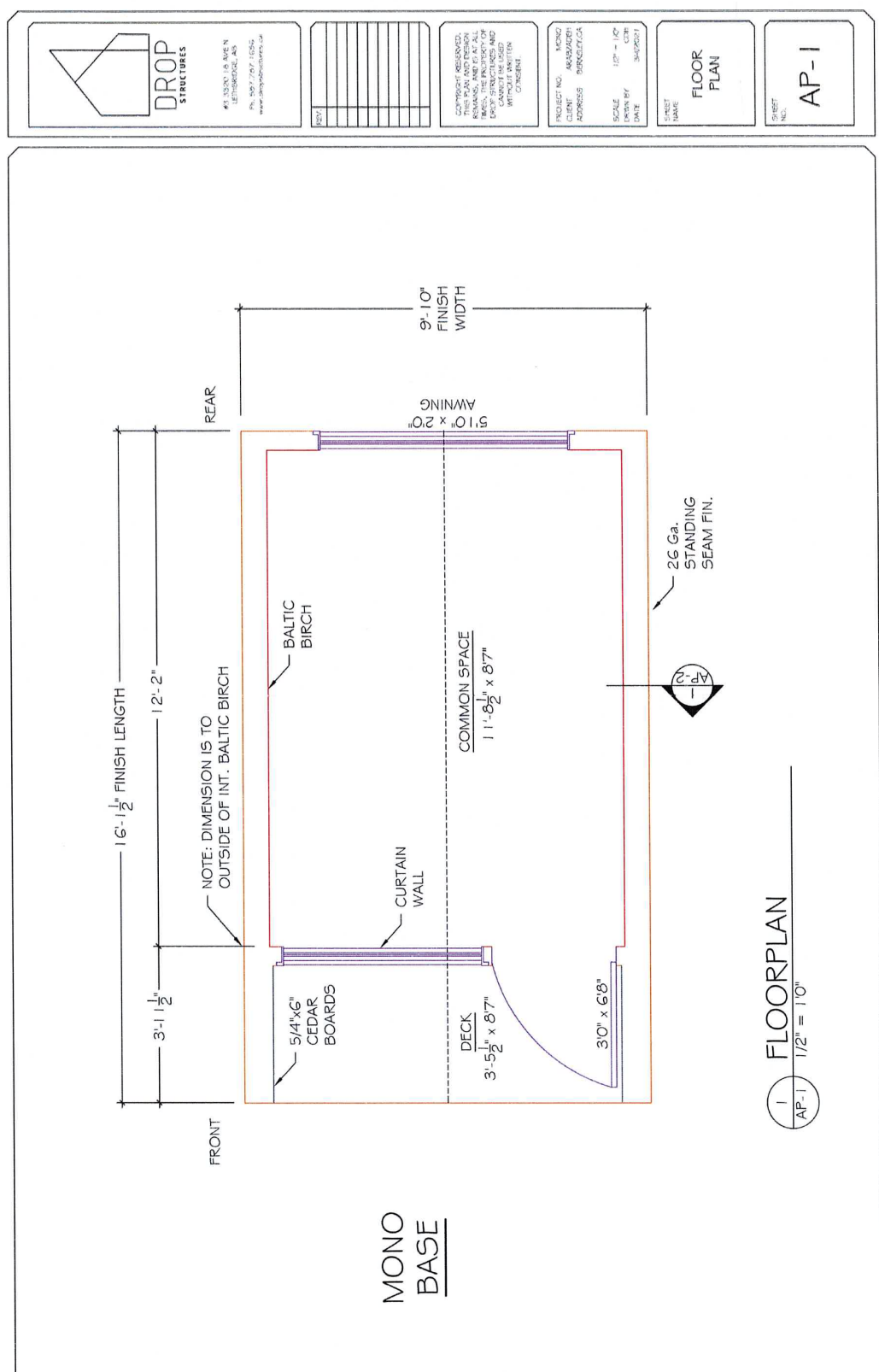
**Prior to Issuance of Occupancy Permit or Final Inspection:**

27. All construction at the subject property shall substantially conform to the approved Use Permit drawings or to modifications approved by the Zoning Officer.
28. All landscape, site and architectural improvements shall be completed per the attached approved drawings submitted with the revised applicant statement received November 29, 2021.

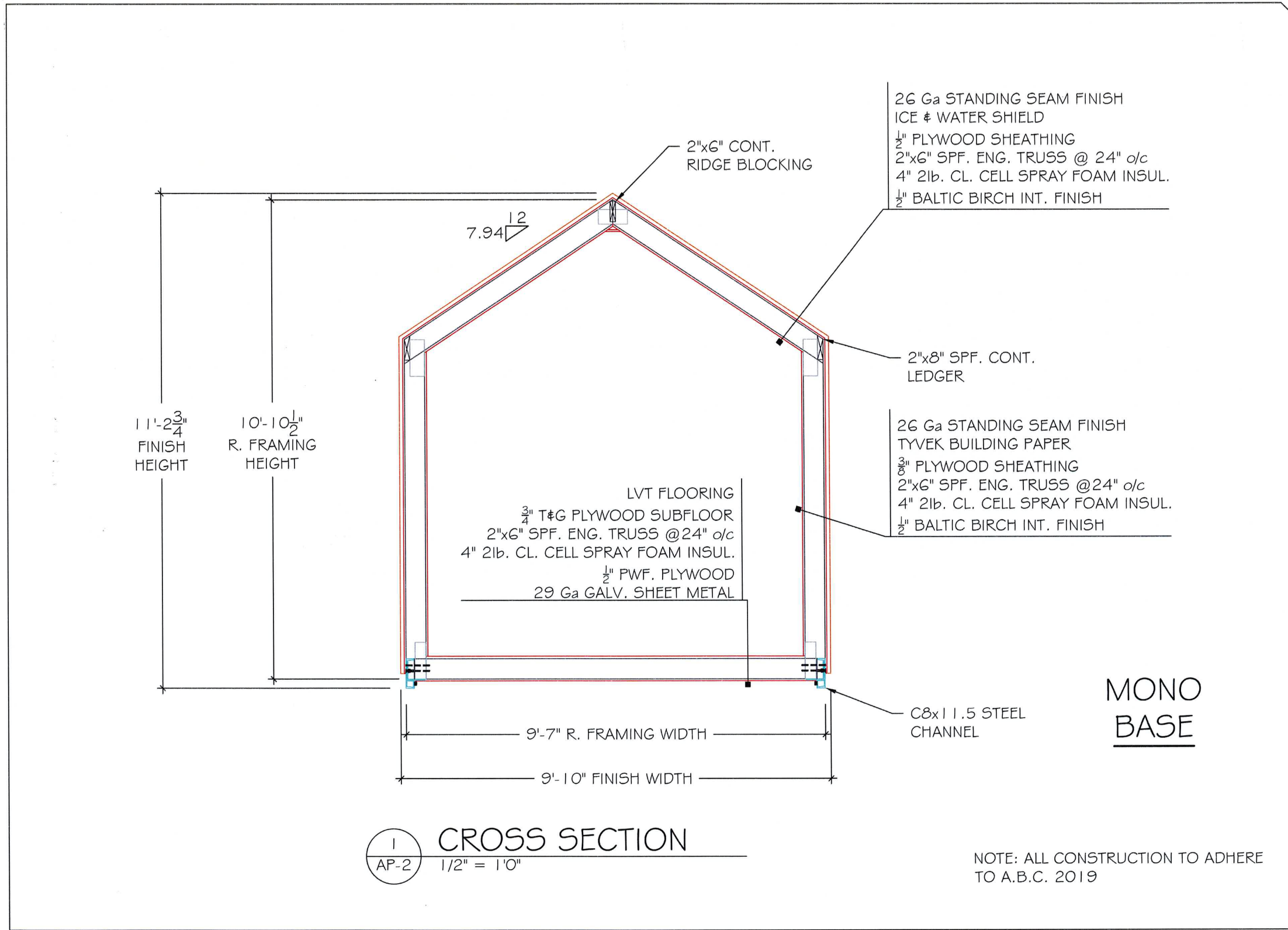
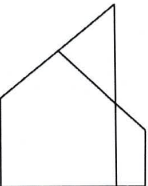
**At All Times (Operation):**

29. 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.
30. 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.
31. Electrical Meter. Only one electrical meter fixture may be installed per dwelling unit.
32. Screening Required for Garbage Cans and Utility Meters. All garbage cans must be effectively screened from view from the public right-of-way and surrounding properties.
-





<p><b>DROP STRUCTURES</b>        #13330 N. R. AVE. N.        LITTLETON, CO 80120        PH: 303.729.7150        www.dropstructures.com</p>		<p>CONTRACT RESERVED:        ALL RIGHTS RESERVED. NO        REPRODUCTION OR        TRANSMISSION IN ANY        FORM OR BY ANY        MEANS, THE PROPERTY OF        DROP STRUCTURES, INC.        WITHOUT WRITTEN        CONSENT.</p>
<p>PROJECT NO. 4000000001        CLIENT: BENTLEY        ADDRESS: BENTLEY</p>	<p>SCALE: 1/2" = 1'0"        DRAWN BY: CEF        DATE: 04/28/2022</p>	<p>DATE: 04/28/2022</p>
<p>FLOOR PLAN</p>		<p>AP-1</p>

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 Ph. 587.787.1656  
 www.dropstructures.ca

REV.	DESCRIPTION

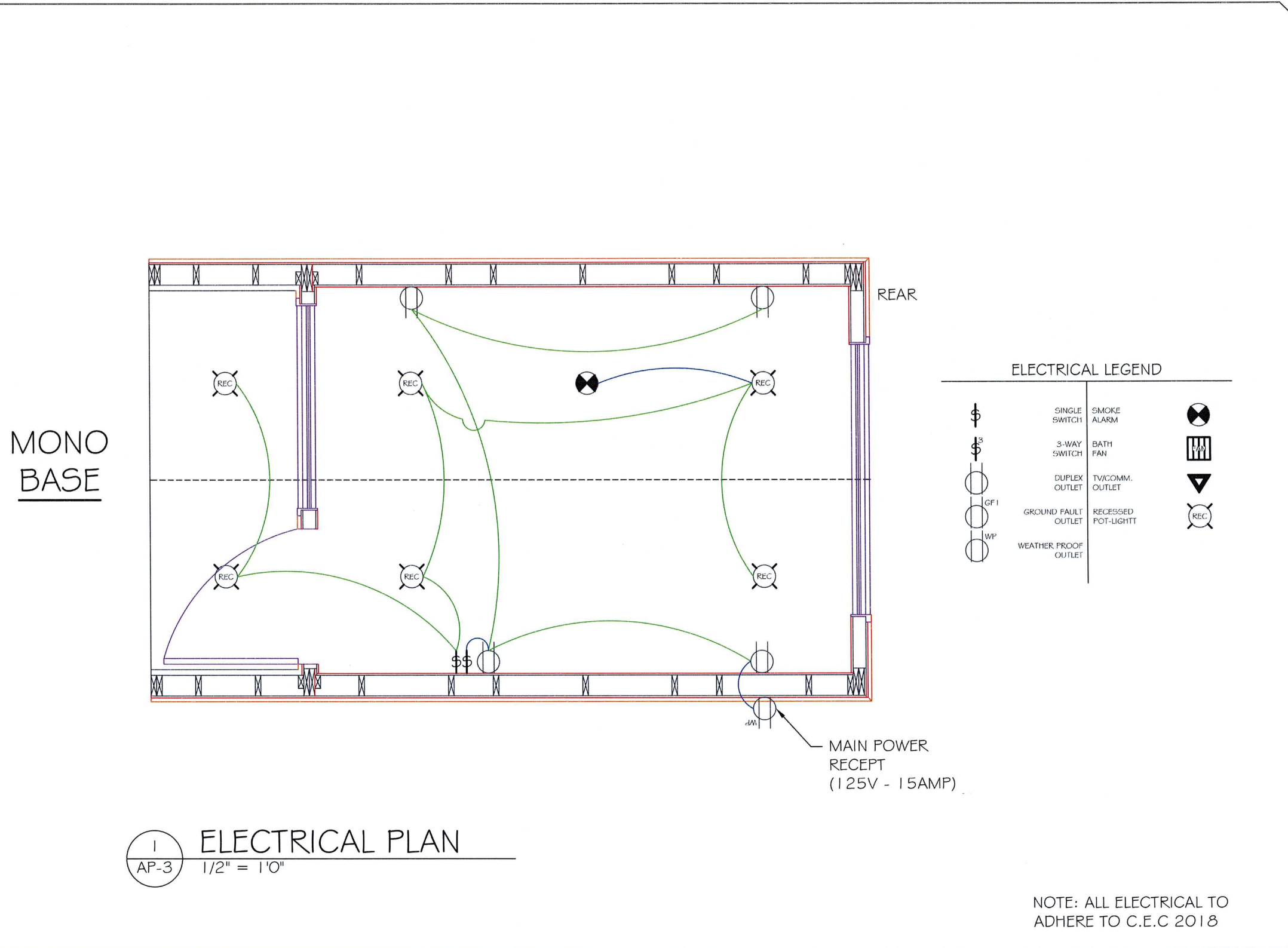
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PROJECT NO. MONO  
 CLIENT ARABZADEH  
 ADDRESS BERKELEY, CA

SCALE 1/2" = 1'0"  
 DRWN BY CDH  
 DATE 3/4/2021

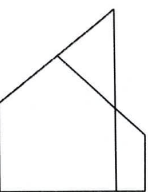
SHEET NAME  
**CROSS SECTION**

SHEET NO.  
**AP-2**



ELECTRICAL LEGEND

⌘	SINGLE SWITCH	☼	SMOKE ALARM
⌘ <sup>3</sup>	3-WAY SWITCH	🌀	BATH FAN
⊖	DUPLEX OUTLET	▽	TV/COMM. OUTLET
⊖ <sup>GFI</sup>	GROUND FAULT OUTLET	⊘	RECESSED POT-LIGHT
⊖ <sup>WP</sup>	WEATHER PROOF OUTLET		



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REV.	DESCRIPTION

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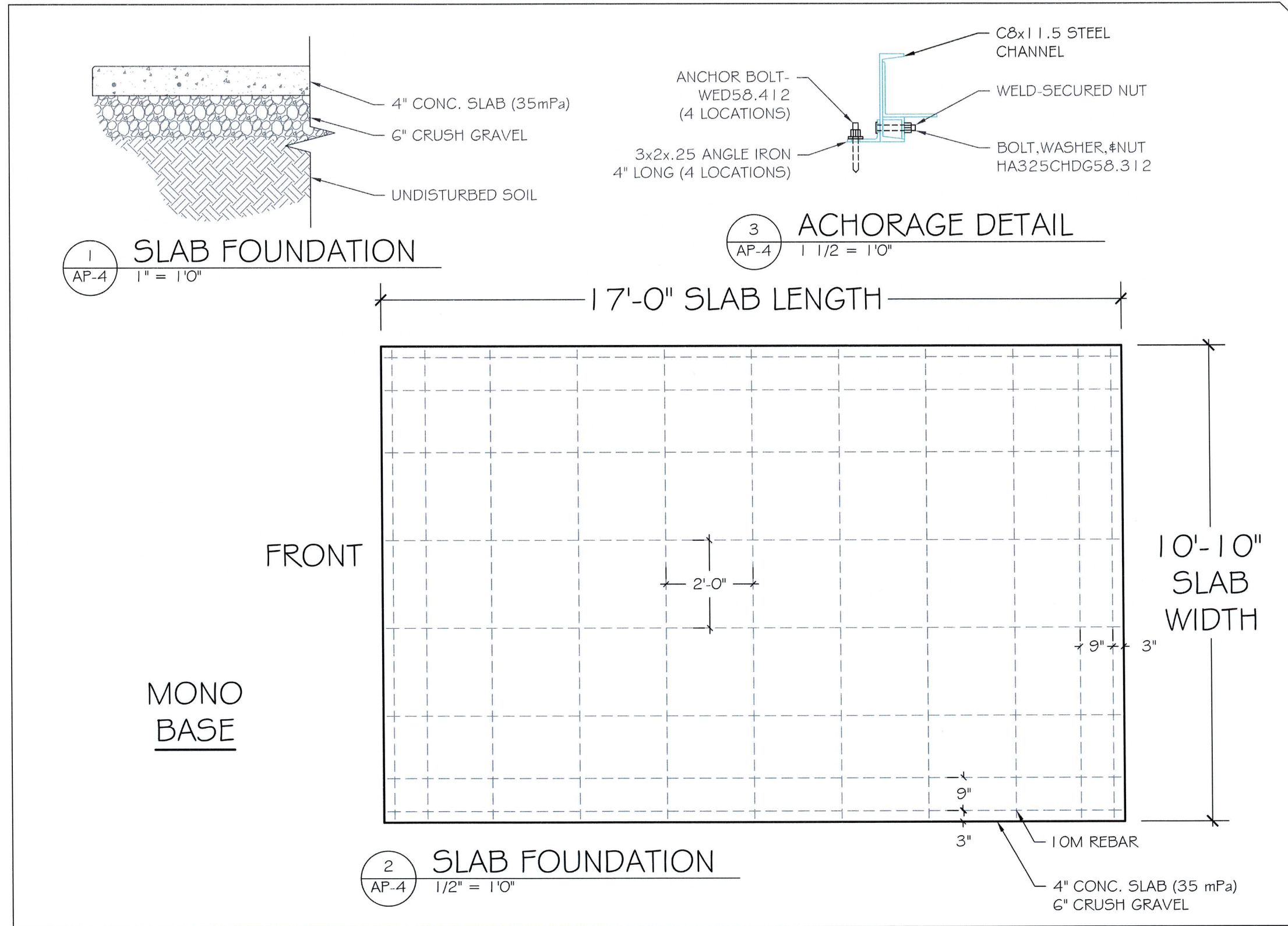
PROJECT NO. MONO  
 CLIENT ARABZADEH  
 ADDRESS BERKELEY, CA

SCALE 1/2" = 1'0"  
 DRWN BY CDH  
 DATE 3/4/2021

SHEET NAME  
**ELECTRICAL PLAN**

SHEET NO.  
**AP-3**

NOTE: ALL ELECTRICAL TO ADHERE TO C.E.C 2018



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REV.	DESCRIPTION

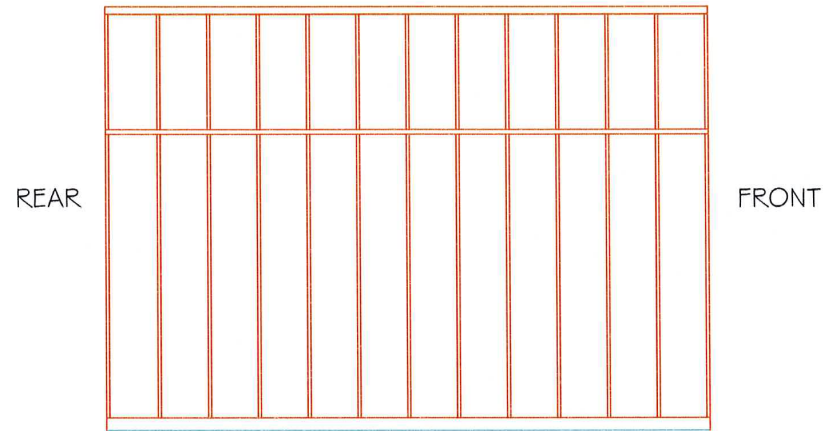
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PROJECT NO. MONO  
 CLIENT ARABZADEH  
 ADDRESS BERKELEY, CA

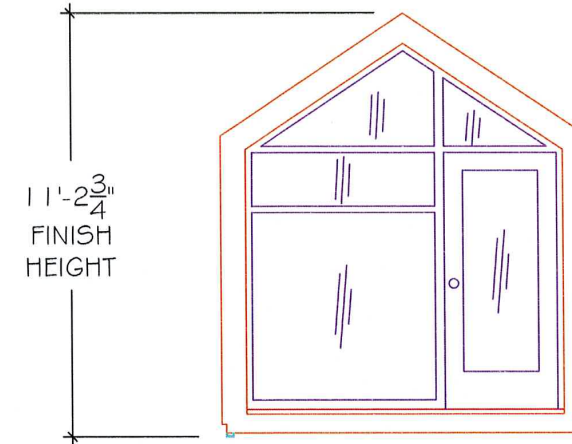
SCALE 1/2" = 1'0"  
 DRWN BY CDH  
 DATE 3/4/2021

SHEET NAME  
**FOUNDATION PLAN**

SHEET NO.  
**AP-4**

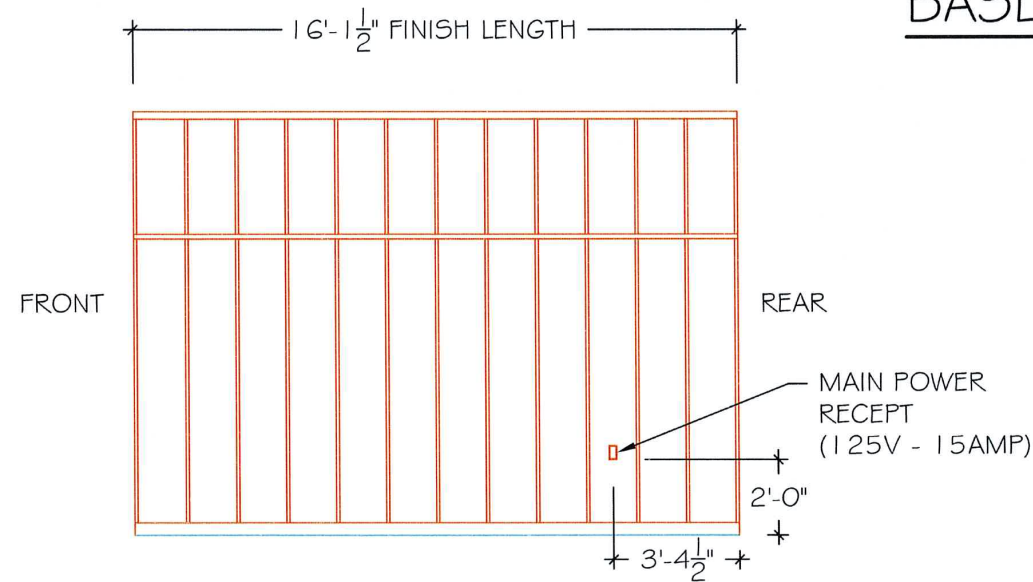


1 LEFT ELEVATION  
 AP-5 1/4" = 1'0"

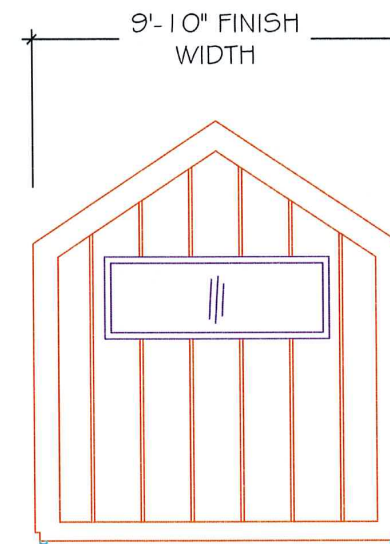


2 FRONT ELEVATION  
 AP-5 1/4" = 1'0"

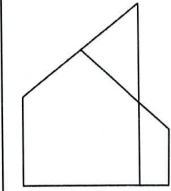
MONO  
BASE



3 RIGHT ELEVATION  
 AP-5 1/4" = 1'0"



4 REAR ELEVATION  
 AP-5 1/4" = 1'0"



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REV.	DESCRIPTION

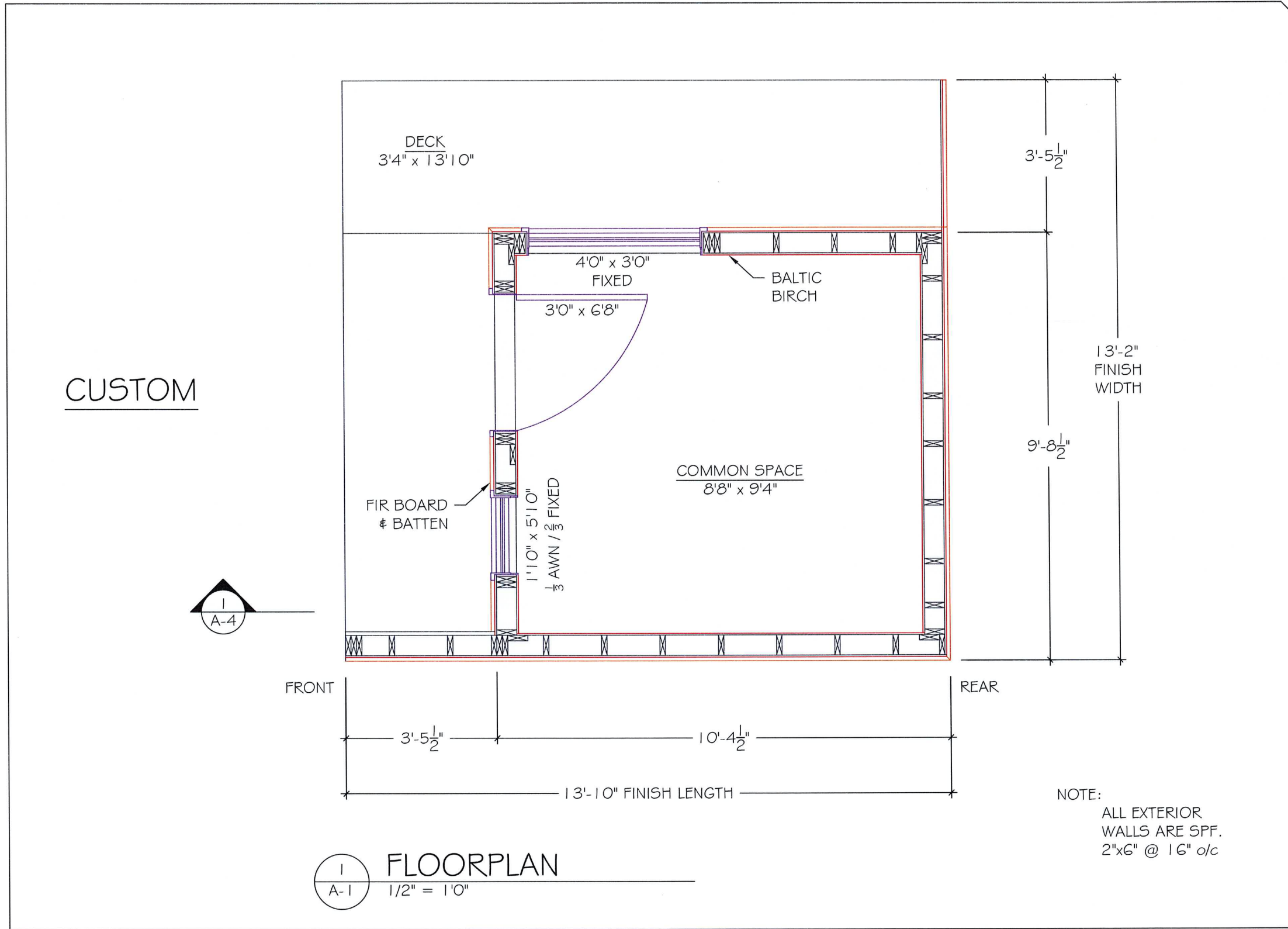
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 WITHOUT WRITTEN  
 CONSENT.

PROJECT NO. MONO  
 CLIENT ARABZADEH  
 ADDRESS BERKELEY, CA

SCALE 1/2" = 1'0"  
 DRWN BY CDH  
 DATE 3/5/2021

SHEET  
 NAME  
 EXTERIOR  
 ELEVATIONS

SHEET  
 NO.  
 AP-5



**DROP STRUCTURES**

#3 3320 18 AVE N  
 LETHBRIDGE, AB  
 Ph. 587.787.1656  
 www.dropstructures.ca

REV.	DESCRIPTION

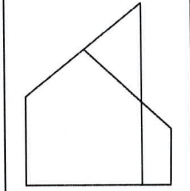
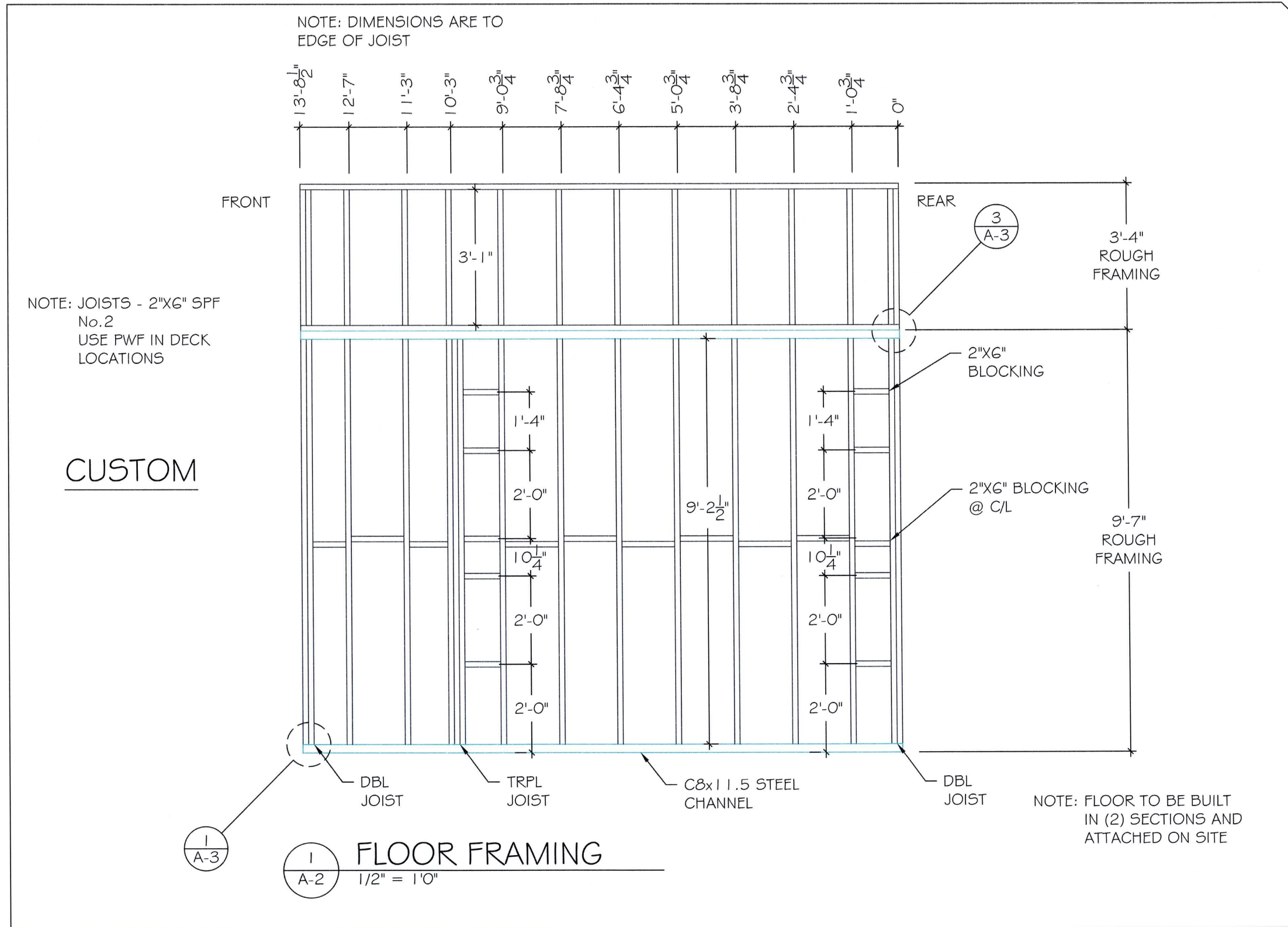
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PROJECT NO. CUSTOM  
 CLIENT JACOBS  
 ADDRESS BERKELEY, CA

SCALE 1/2" = 1'0"  
 DRWN BY CDH  
 DATE 2/8/2021

SHEET NAME  
**FLOOR PLAN**

SHEET NO.  
**A-1**



**DROP**  
STRUCTURES

#3 3320 18 AVE N  
LETHBRIDGE, AB  
Ph. 587.787.1656  
www.dropstructures.ca

REV.	DESCRIPTION

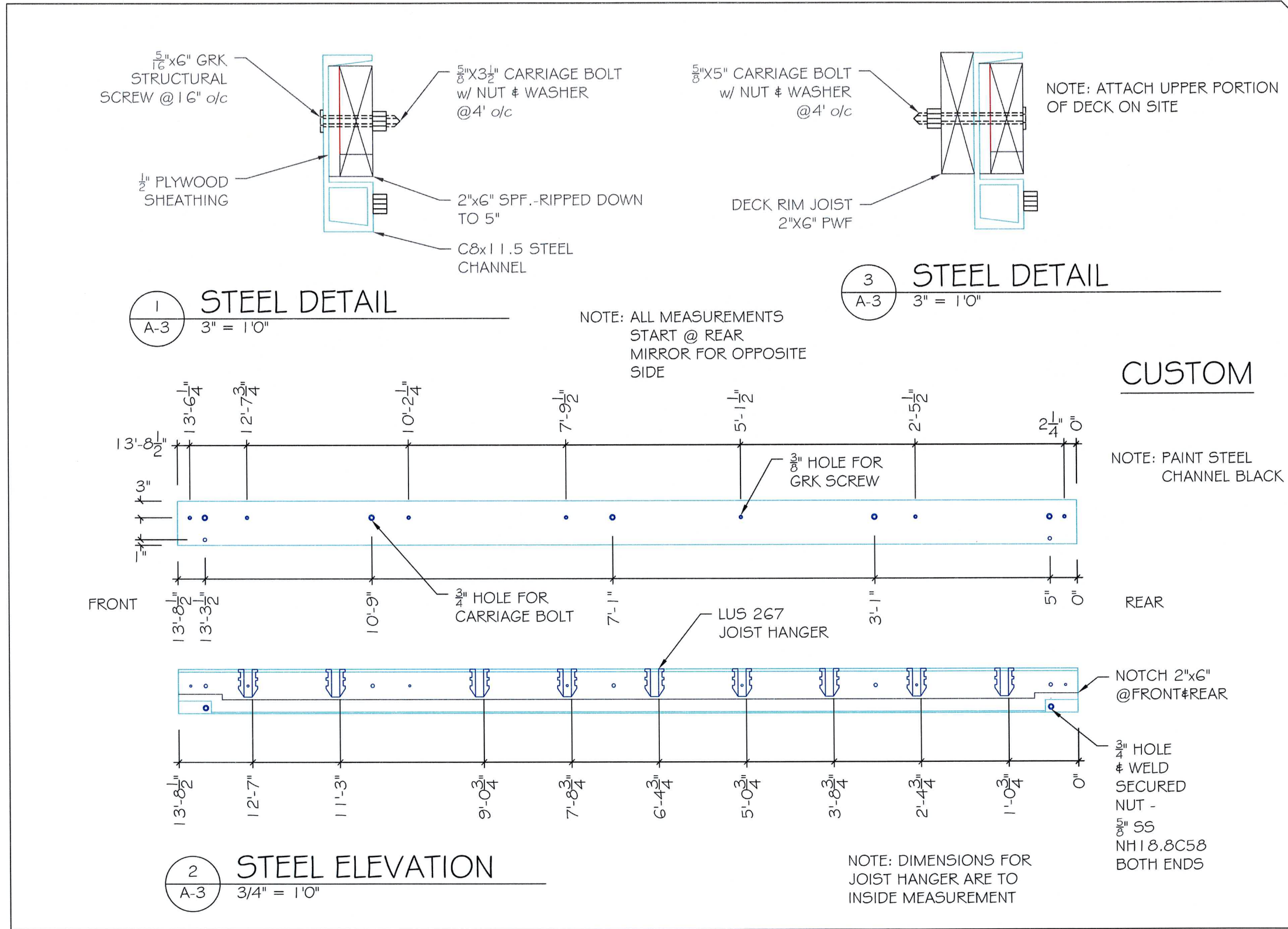
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PROJECT NO. CUSTOM  
 CLIENT JACOBS  
 ADDRESS BERKELEY, CA

SCALE 1/2" = 1'0"  
 DRWN BY CDH  
 DATE 2/4/2021

SHEET NAME  
**FLOOR FRAMING**

SHEET NO.  
**A-2**



**DROP STRUCTURES**

#3 3320 18 AVE N  
LETHBRIDGE, AB  
Ph. 587.787.1656  
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REV.	DATE	DESCRIPTION
1/8/2021		ADDED DIMS FOR WELDED ON NUT BOTH

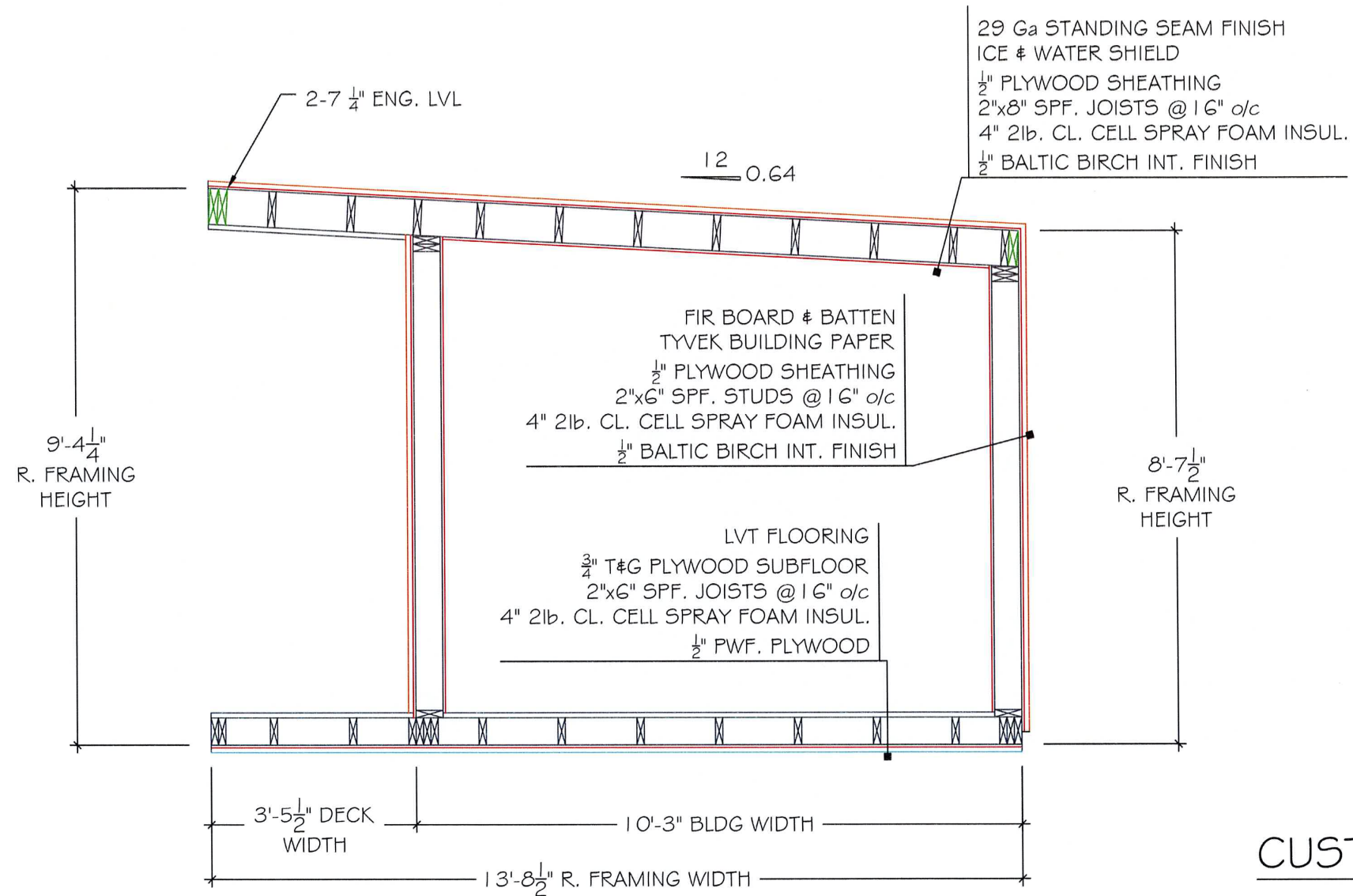
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PROJECT NO. CUSTOM  
CLIENT JACOBS  
ADDRESS BERKELEY, CA

SCALE AS SHOWN  
DRWN BY CDH  
DATE 2/4/2021

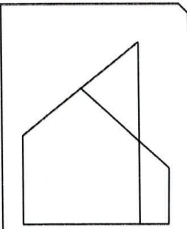
SHEET NAME  
**STEEL DETAIL**

SHEET NO.  
**A-3**



1 CROSS SECTION  
 A-4 1/2" = 1'0"

NOTE: ALL CONSTRUCTION TO ADHERE TO A.B.C. 2019



DROP STRUCTURES

#3 3320 18 AVE N  
 LEITHBRIDGE, AB  
 Ph. 587.787.1656  
 www.dropstructures.ca

REV.	DESCRIPTION

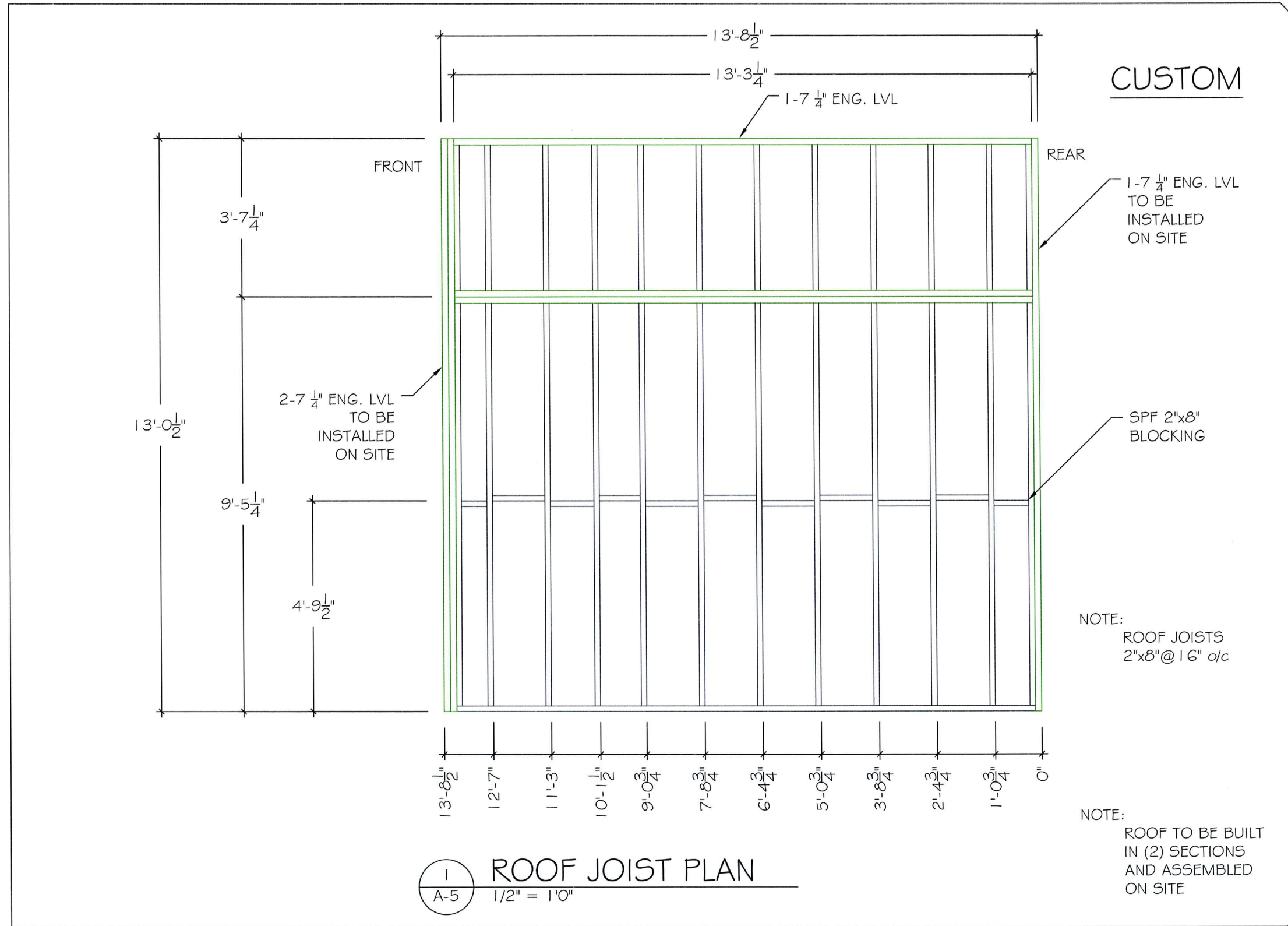
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PROJECT NO. CUSTOM  
 CLIENT JACOBS  
 ADDRESS BERKELEY, CA

SCALE 1/2" = 1'0"  
 DRWN BY CDH  
 DATE 1/14/2021

SHEET NAME  
 CROSS SECTION

SHEET NO.  
 A-4



**DROP STRUCTURES**

#3 3320 16 AVE N  
 LEITHBRIDGE, AB  
 Ph. 587.787.1656  
 www.dropstructures.ca

REV.	DESCRIPTION

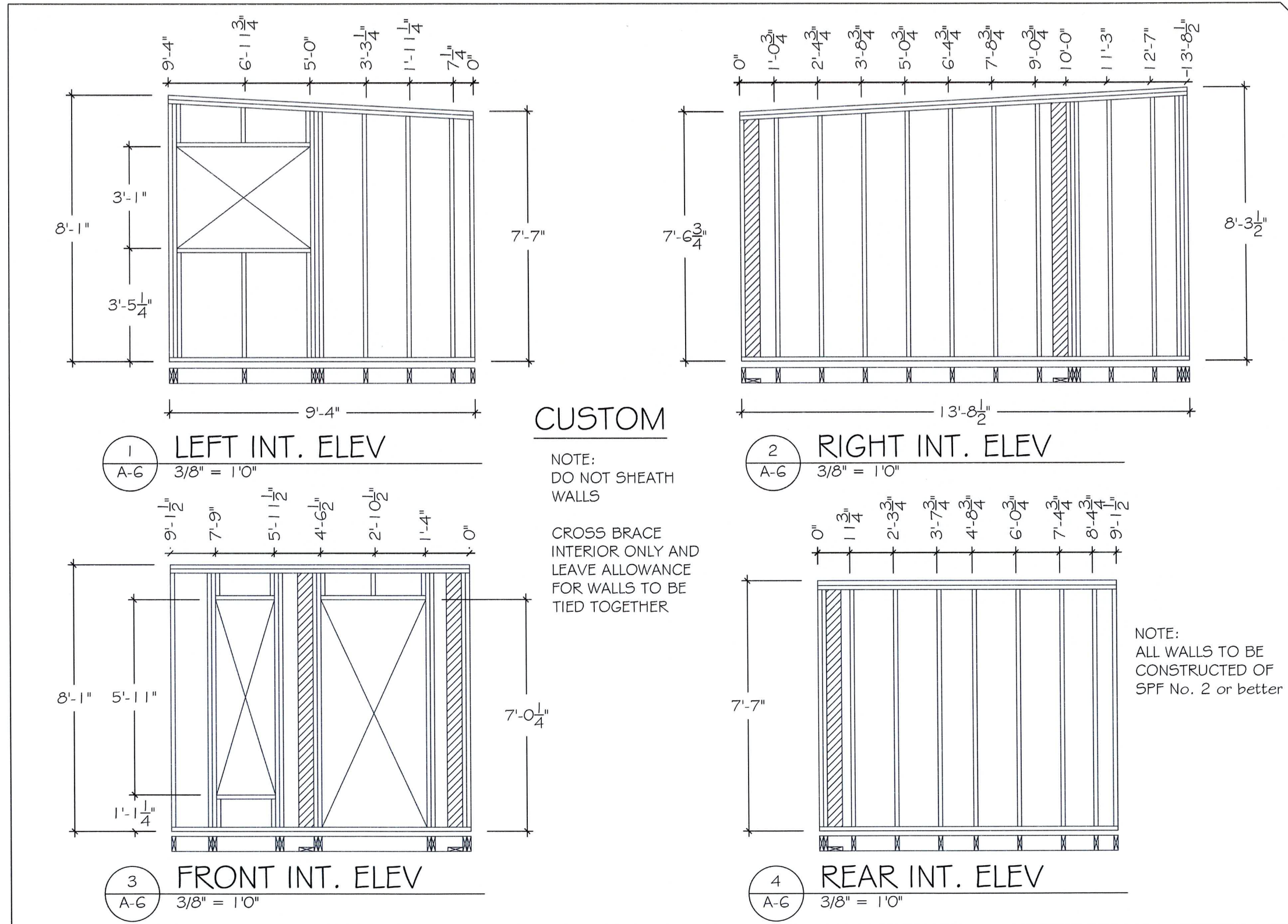
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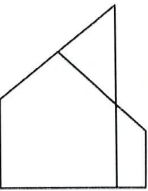
PROJECT NO. CUSTOM  
 CLIENT JACOBS  
 ADDRESS BERKELEY, CA

SCALE 1/2" = 1'0"  
 DRWN BY CDH  
 DATE 2/2/2021

SHEET NAME  
**ROOF JOIST PLAN**

SHEET NO.  
**A-5**





**DROP**  
STRUCTURES

#3 3320 18 AVE N  
LETHBRIDGE, AB  
Ph. 587.787.1656  
www.dropstructures.ca

REV.	DESCRIPTION

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PROJECT NO. CUSTOM  
CLIENT JACOBS  
ADDRESS BERKELEY, CA

SCALE 3/8" = 1'0"  
DRWN BY CDH  
DATE 2/2/2021

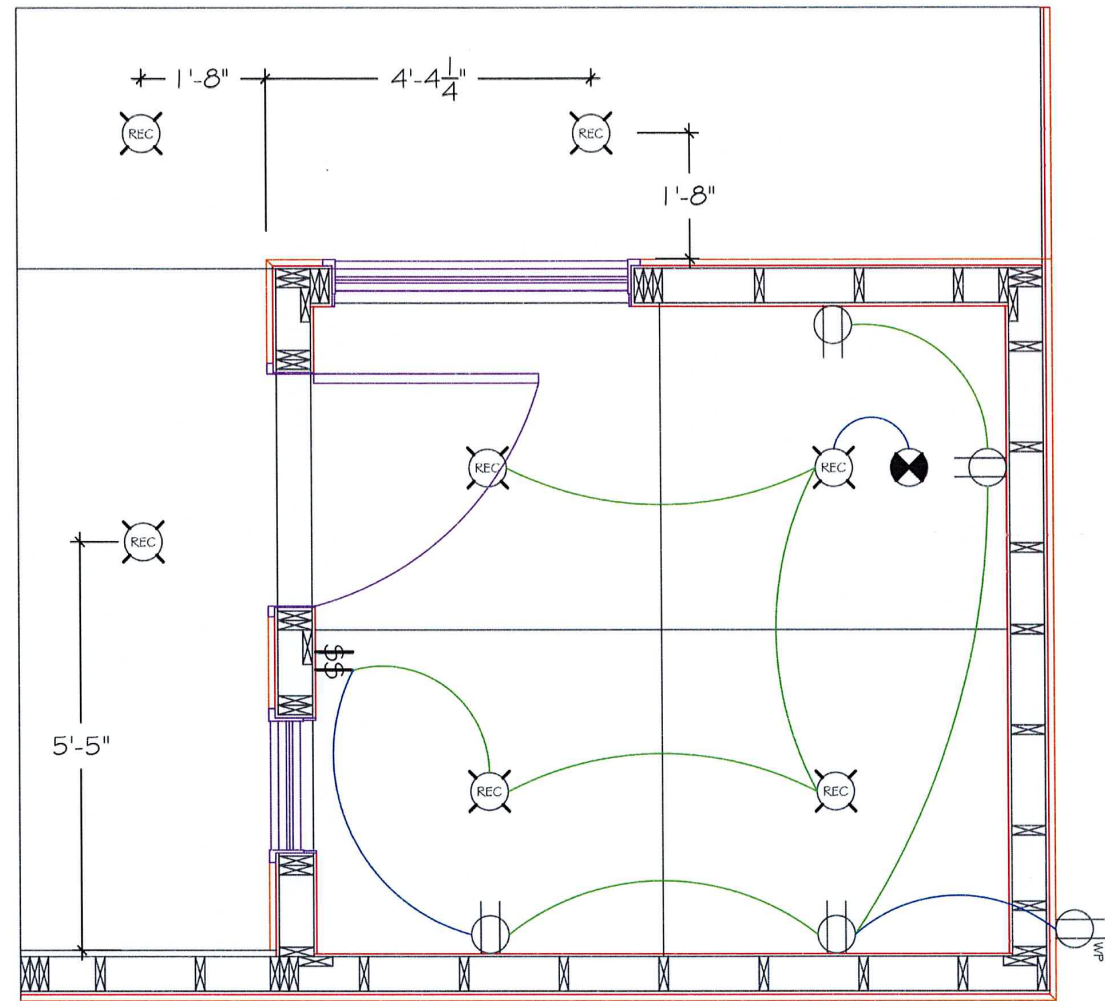
SHEET NAME  
**INTERIOR WALL LAYOUTS**

SHEET NO.  
**A-6**

CUSTOM

FRONT

REAR

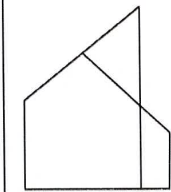


ELECTRICAL LEGEND

Ⓢ	SINGLE SWITCH	SMOKE ALARM	⊗
Ⓢ <sup>3</sup>	3-WAY SWITCH	BATH FAN	⊞
⊡	DUPLEX OUTLET	TV/COMM. OUTLET	▽
⊡ <sup>GF1</sup>	GROUND FAULT OUTLET	RECESSED POT-LIGHT	⊗ <sup>REC</sup>
⊡ <sup>WP</sup>	WEATHER PROOF OUTLET		

1  
 A-7  
 ELECTRICAL PLAN  
 1/2" = 1'0"

NOTE: ALL ELECTRICAL TO ADHERE TO C.E.C 2018



DROP  
 STRUCTURES

#3 3320 18 AVE N  
 LEITHBRIDGE, AB  
 Ph. 587.787.1656  
 www.dropstructures.ca

REV.	

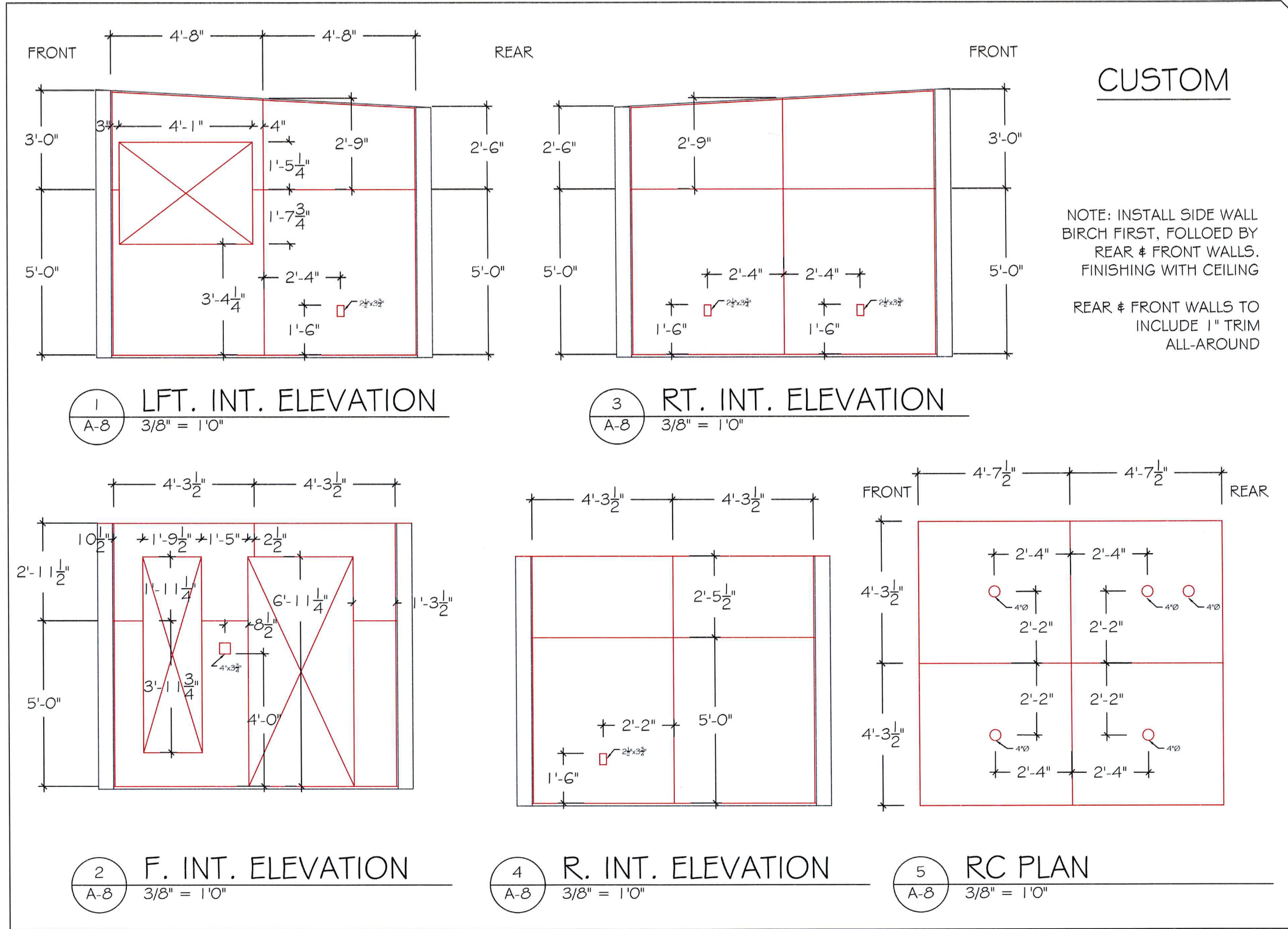
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PROJECT NO. CUSTOM  
 CLIENT JACOBS  
 ADDRESS BERKELEY, CA

SCALE 1/2" = 1'0"  
 DRWN BY CDH  
 DATE 2/8/2021

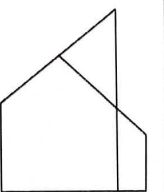
SHEET NAME  
 ELECTRICAL PLAN

SHEET NO.  
 A-7



CUSTOM

NOTE: INSTALL SIDE WALL BIRCH FIRST, FOLLOED BY REAR & FRONT WALLS. FINISHING WITH CEILING  
REAR & FRONT WALLS TO INCLUDE 1" TRIM ALL-AROUND



**DROP STRUCTURES**

#3 3320 18 AVE N  
LETHBRIDGE, AB  
Ph. 587.787.1656  
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REV.	DESCRIPTION

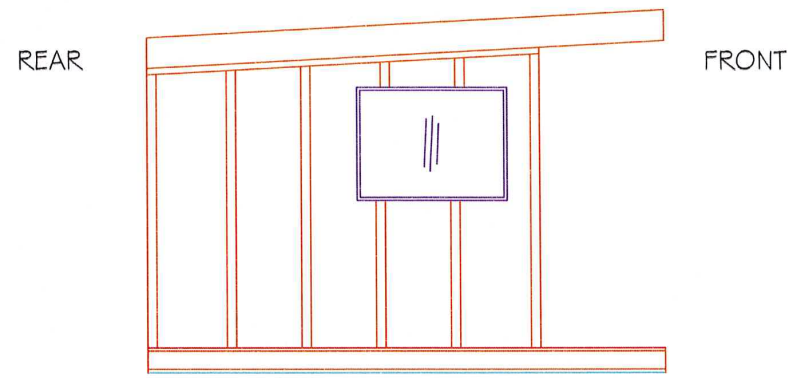
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PROJECT NO. CUSTOM  
CLIENT JACOBS  
ADDRESS BERKELEY, CA

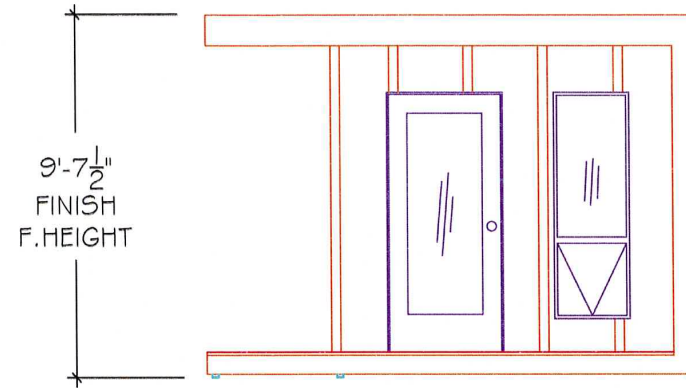
SCALE 3/8" = 1'0"  
DRWN BY CDH  
DATE 2/8/2021

SHEET NAME  
**INTERIOR ELEVATION**

SHEET NO.  
**A-8**

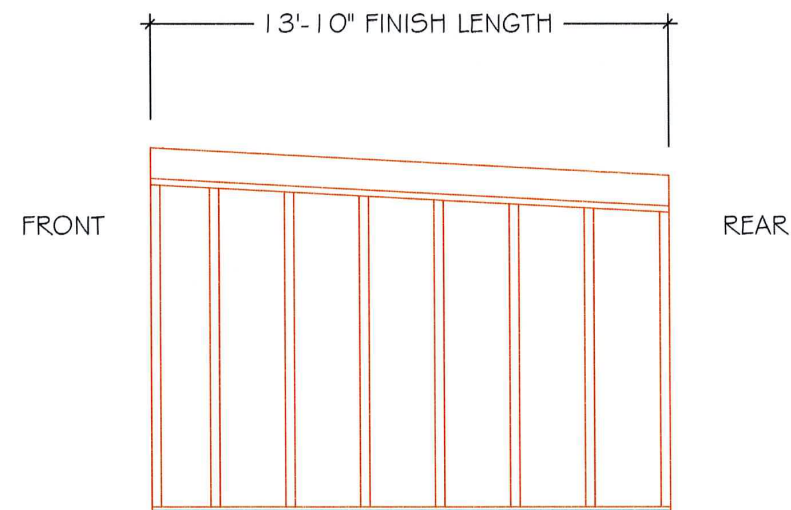


1 LEFT ELEVATION  
 A-9 1/4" = 1'0"

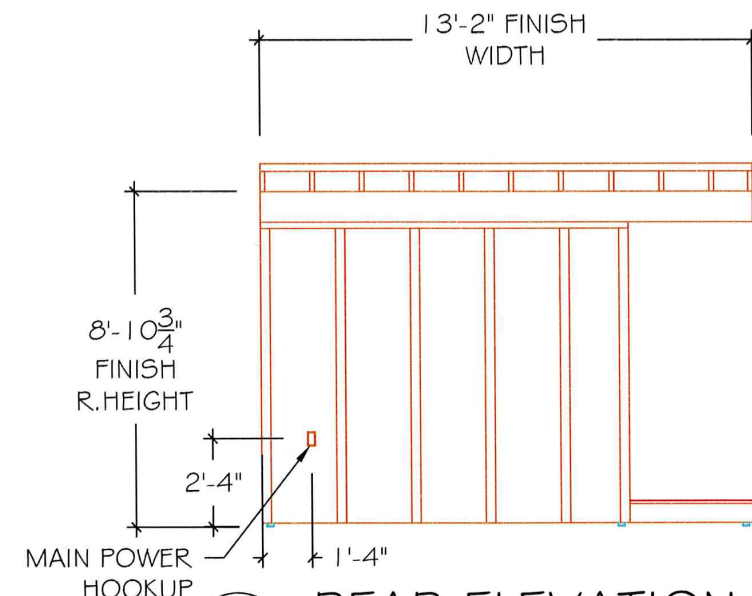


2 FRONT ELEVATION  
 A-9 1/4" = 1'0"

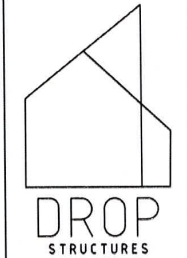
CUSTOM



3 RIGHT ELEVATION  
 A-9 1/4" = 1'0"



4 REAR ELEVATION  
 A-9 1/4" = 1'0"



DROP  
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REV.	DESCRIPTION

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CONSENT.

PROJECT NO. CUSTOM  
CLIENT JACOBS  
ADDRESS BERKELEY, CA

SCALE 1/4" = 1'0"  
DRWN BY CDH  
DATE 2/8/2021

SHEET  
NAME  
EXTERIOR  
ELEVATIONS

SHEET  
NO.  
A-9

1151 GRIZZLY PEAK BLVD

We are once again requesting that ZAB approve the Accessory Buildings we placed on our property.

1. The Department of Planning & Development staff report recommends the permit be approved based on all criteria they use for such determinations.
2. We have paid all associated fees and penalties required for the units to be permitted.
3. We have submitted all plans and documentation ZAB and the Department of Planning & Development require for permitting approval.
4. The buildings we placed on our property are within code guidelines and meet and exceed all development specifications detailed in BMC Sections 23D.08.020 and 23.08.030, including height limits and minimum setback distances.

**Rebuttal to the complaint filed by Joan Wager at 25 Stoddard Way**

We believe the complaint filed against us by our neighbor Joan Wager at 25 Stoddard Way is without merit. To this we would like to remind ZAB, Ms. Wager claims that light, air and space have been affected by our Accessory Buildings. We believe that the level of detriment being described has been misrepresented based on the facts.

- Our Structures have no impact on the **space** at 25 Stoddard Way. They in no way encroach on that property.
- Our Structures have in no way impacted the **air** at 25 Stoddard Way. Air continues to flow freely and the quality of the atmosphere remains unchanged.
- Our Structures have not created a significant change to the **light** that reaches 25 Stoddard Way. This fact is corroborated by the Department of Planning & Development staff report and the Sun Studies provided.

**Photographic evidence provided by Joan Wager:**

We would like to remind ZAB that Ms. Wager has not produced a photo of the views she claims were so gravely affected by the addition of the Accessory Buildings. At our property at 1151 Grizzly Peak we are blessed with a limited view of the Bay Area. We have dozens of photos of our view we have captured over the years. Why are there no photos of the view from 25 Stoddard Way?

**Historical information regarding 25 Stoddard Way:**

In the process of filing the complaint, Ms. Wager has misrepresented the light and views available at that property before our Units were installed. As stated by Ms. Wager multiple times, she purchased her home at 25 Stoddard Way because it was level, with no stairs. She did not buy the home for the light or views. Please see the attached photos and descriptions of the property as advertised on the MLS when she chose to purchase the home. The property is described as "Views: None" and "secluded."

See Pages: 3-4

**Neighborhood perspective on Light, Air and Space.**

We have owned our property at 1151 Grizzly Peak Blvd. for 14 years and since the beginning we have maintained a healthy, peaceful, and mutually respectful relationships with our neighbors. We are appreciative of our neighbors who have invested so much time and energy into making this neighborhood a friendly one with gatherings, meetings, writing letters of support and attending the ZAB hearings.

We think it is important to shed light on the relationship Ms. Wager has with her neighbors regarding light, air and space. See letters from immediate neighbors included in this submission. Since moving in, Ms. Wager has made a point to make her own changes to the

neighborhood often with complete disregard to her neighbor's light and space and more importantly their privacy, right to manage their own properties, and even disabilities.

See Attached Letters.

In her September statement, Ms Wager wrote, "I like attending local neighborhood meetings and functions and want to know my neighbors and nourish the community in which I live." What we have come to understand from our experience, and from those around us is that her encounters with neighbors have only been self serving. We feel Ms. Wager's grievances in this case is just another in the list of issues she has had with her neighbors since she moved in.

Our personal experience with Ms. Wager shows her desire to change the light air and space of her property which she wasn't satisfied with but chose to purchase. Upon first meeting Ms. Wager made an inquiry to removing our backyard apple tree as she stated she doesn't get any light at her property. Since then she claims she didn't make that comment. She did. She has said she would never suggest cutting down a fruit bearing tree; however, in our last ZAB meeting she proposed moving one of our Structures in a direction that would do just that.

**Sun Studies and Photographic references:**

We have submitted requisite Sun Studies with our application submission. Our findings were substantiated by the Department of Planning & Development staff report. In those studies it is clear that the site preparation and removal of trees and branches from our property facilitated placement of these Buildings. It is also clear that as a result we created more light than was previously available at 25 Stoddard Way for both the patio and South facing windows, having the greatest effect during the winter months when the sun sets to the south west.

We have furthered our Sun Studies. A site survey was created with the Leika RTC 360 laser scanner. The survey data gathered was used to create 3D models to study the relationship between buildings, foliage, light and the photographic reference submitted to ZAB. In other words, we used the latest technology available to accurately represent the location of all buildings trees, and foliage in the neighborhood to determine the sun's effects. We then used the photos Ms. Wager provided in her complaint to show the best representation of our accessory building's site preparation and installation before and after.

See Pages: 5-19

**Development in our neighborhood and the City of Berkeley**

When we stated our reason for placing our accessory buildings on our property, Ms. Wager claimed that an art studio, place to work and maintain health are not essential reasons for increased habitable space. To this we could not disagree more. We developed our property based on our needs, we also believe it is within the rights of our neighbors to do likewise on their properties. We needed to adapt to the pandemic as economically as possible due to covid-19 pandemic closures and we are not alone in needing more habitable space in which to make our livings.

To our North, there is a second story addition already approved by the city at 1145 Grizzly Peak Blvd. Likewise our immediate neighbor at 1147 Grizzly Peak Blvd. has architectural plans for a second story addition. While this addition would certainly affect the light at our property we respect our neighbor's right to develop their property. As the 54th largest city in the United States with a population density of 11,500 people per square mile, Berkeley needs to accommodate growth and that means more habitable space which is what we created. Our accessory buildings provide a safe place to work to afford the high cost of living.

**Zillow** Edit Save Share More

3 bd | 2 ba | 1,539 sqft  
 25 Stoddard Way, Berkeley, CA 94708

● **Off market** | Zestimate®: **\$1,582,600** | Rent Zestimate®: **\$4,964/mo**  
 Est. refi payment: \$6,777/mo **Refinance your loan**

Home value | Owner tools | **Home details** | Neighborhood details

**Property**

- Spa included: Yes
- Exterior features: Stucco
- View description: None**

**Construction details**

**Type and style**

- Home type: SingleFamily

**Material information**

- Construction materials: wood frame
- Roof: Composition

**Condition**

- Year built: 1940

**Community and Neighborhood Details**

Location

**Zillow** Edit Save Share More

3 bd | 2 ba | 1,539 sqft  
 25 Stoddard Way, Berkeley, CA 94708

● **Off market** | Zestimate®: **\$1,582,600** | Rent Zestimate®: **\$4,964/mo**  
 Est. refi payment: \$6,777/mo **Refinance your loan**

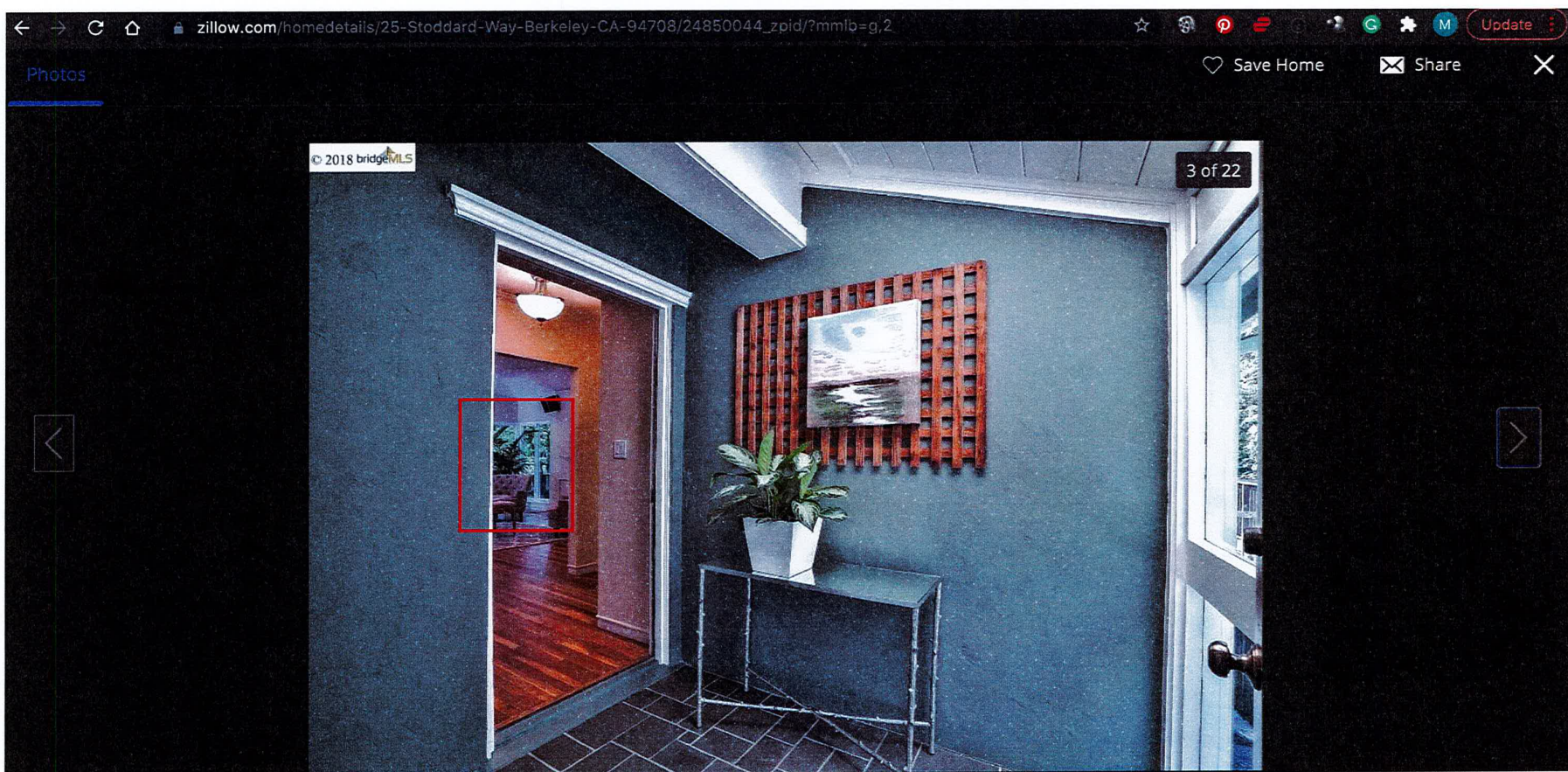
Home value | Owner tools | **Home details** | Neighborhood details

Bedrooms, Main Entry, 2 Baths, Master Bedrm Suite - 1, No Steps to Entry

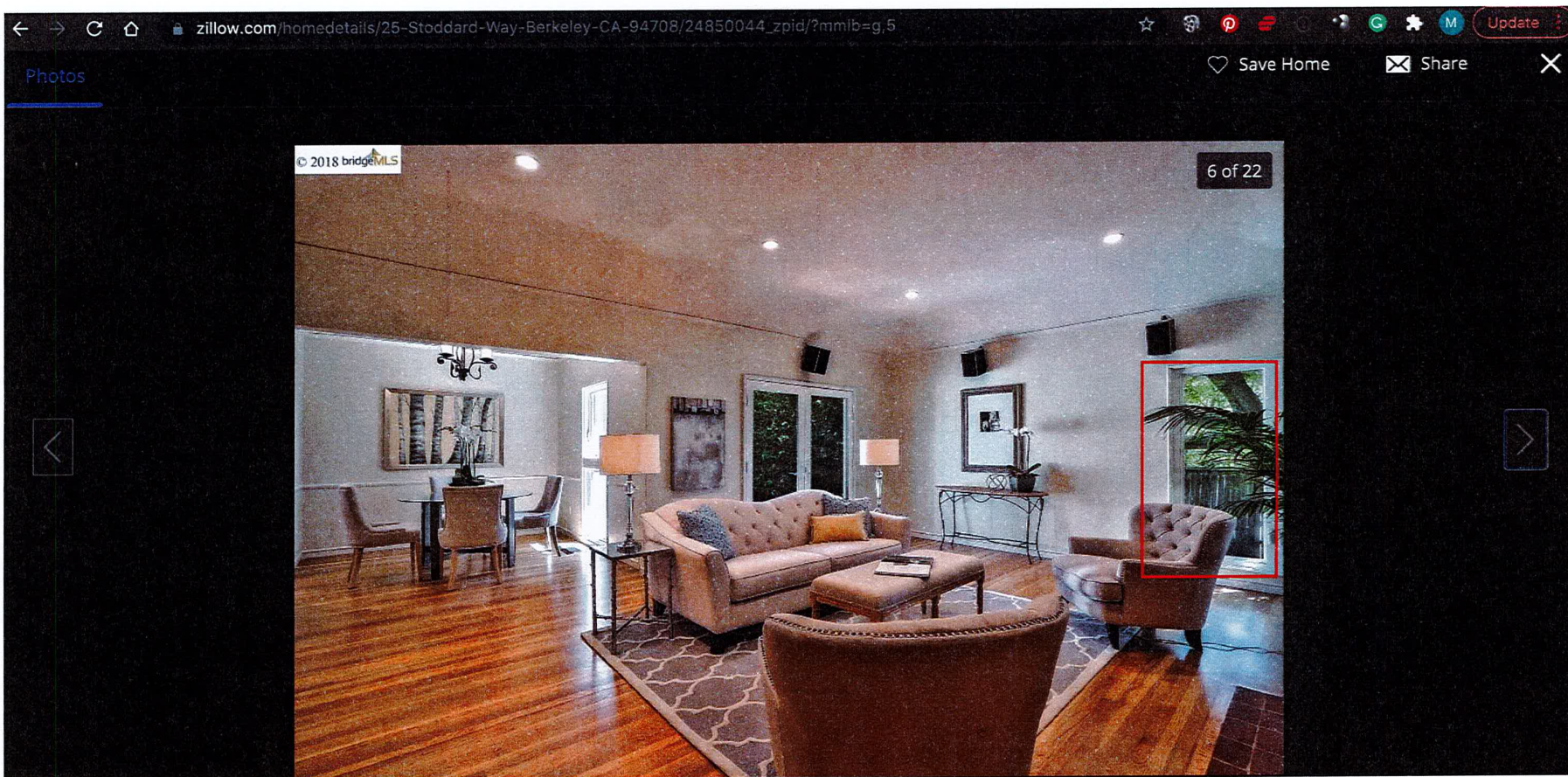
- WATER/SEWER: Sewer System - Public, Water - Public
- YARD DESCRIPTION: Deck(s), Patio, Back Yard, Fenced, Front Yard, Garden/Play, Side Yard
- Garage (Y/N): Yes
- Source: Public Records
- EQUIPMENT ADDITIONAL: Garage Door Opener, Tankless Water Heater
- LAUNDRY: In Garage, Dryer, Washer

High School District: Berkeley (947) 644-6504

- LOT DESCRIPTION: Premium Lot, Secluded**
- POOL: Spa
- Area: Berkeley Map Area 1
- STYLE: Bungalow
- Dist/Neighborhood/Subdiv: BERKELEY HILLS
- Elementary School District: Berkeley (510) 644-6504
- Point of Sale Ordinance: Yes



This view from the MLS is the only image that shows the extent of coverage through the living room window. The view is verdant and overgrown with only a view of our mature apple tree and 25 Stoddard's Redwood trees.



This image taken from the MLS shows the view facing south before we removed 2 camellia trees. These trees created year-round shade at 25 Stoddard Way both inside the living room and onto the outdoor patio.

SUN STUDY - SUMMER SOLSTICE

JULY 21 7:47 AM



JULY 21 NOON



JULY 21 6:36 PM



PLEASE NOTE IMAGES ON LEFT REPRESENT LANDSCAPE AFTER WE REMOVED ~~THE~~ TREES AND TRIMMING OF APPLE TREE

2

5

SUN STUDY - WINTER SOLSTICE

DECEMBER 21 9:21 AM



DECEMBER 21 NOON



DECEMBER 21 2:53 PM



PLEASE NOTE IMAGES ON LEFT REPRESENT LANDSCAPE AFTER WE REMOVED ~~THE~~ 2  
TREES AND TRIMMING OF APPLE TREE

SUN STUDY - SUMMER SOLSTICE

JULY 21 7:47 AM



JULY 21 NOON



JULY 21 6:36 PM



PLEASE NOTE IMAGES ON LEFT REPRESENT LANDSCAPE AFTER WE REMOVED 2 TREES

SUN STUDY - WINTER SOLSTICE

DECEMBER 21 9:21 AM



DECEMBER 21 NOON



DECEMBER 21 2:53 PM



PLEASE NOTE IMAGES ON LEFT REPRESENT LANDSCAPE AFTER WE REMOVED 2 TREES

PHOTOS TAKEN JUST PRIOR TO SITE PREP

North Facing toward  
Unit 1



North/East Facing toward  
Unit 2



# Unit 1

As requested, the following renders show the impact the movement of Unit 1 would have on the purported view to the West from 25 Stoddard Way.

The change to the quality of light is insignificant as shown in these images and sun studies, and is corroborated by the photos posted on the MLS. There is no real detriment caused by the installation of this Unit and it should not be moved.



25 Stoddard Way reference photo  
submitted by Joan Wager



Render of tree coverage before site prep and installation.  
Through the tree cover a significant portion of the view is  
blocked by 1147 and 1140 Grizzly Peak Blvd roofs.



25 Stoddard Way Reference Photo  
Submitted by Joan Wager



Render of tree coverage before site prep and installation.  
Through the tree cover a significant portion of the view is  
blocked by 1147 and 1140 Grizzly Peak Blvd roofs.

CURRENT LOCATION

2' NORTH WEST

4' NORTH WEST



Please note that by trimming branches from the North side of our Apple tree we were able to facilitate putting Unit 1 in place. Should we be directed to move Unit 1, our tree will grow back and fill in the space remaining.

CURRENT LOCATION



3' NORTH



# Unit 2

In the last hearing it was proposed that the overhang from Unit 2 be removed.  
The following renderings show that the impact to sunlight and views actually improved when trees were removed.

These renders show changes to the purported views to the South and West from the living room window and patio at 25 Stoddard Way.



25 Stoddard Way Reference Photo  
Submitted by Joan Wager

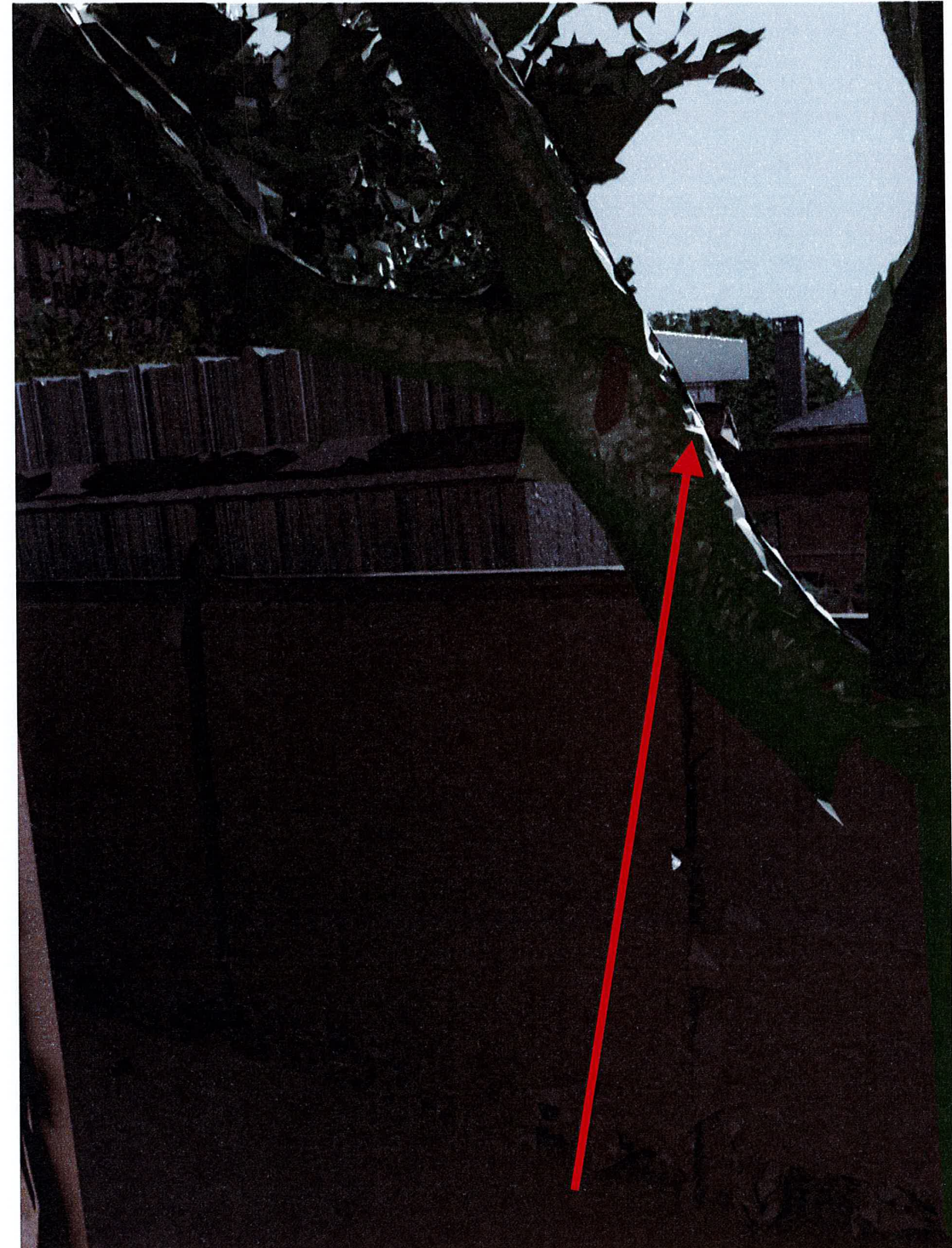


Render of tree coverage before site prep and installation.  
Through the tree cover a significant portion of the view is  
blocked by 1157 and 1151 Grizzly Peak Blvd roofs.

This is a view from 25 Stoddard that faces South. In relation to this angle, the sun is at it's highest in the sky Year round. Removal of the trees we cut down during site prep has allowed for greater view into the distance as well as more ambient light.



Render with Roof on Unit 2



Render with Roof Removed on Unit 2

Removal of the roof overhand will only result in showing trees and our chimney. The distant tree line and roof line of surrounding buildings are higher than Unit 2 roofline.



25 Stoddard Way Reference Photo  
Submitted by Joan Wager



Render of tree coverage before site prep and installation.  
Through the tree cover a significant portion of the view is  
blocked by 1147 Grizzly Peak Blvd roof.



Present Roofline



Roof overhang removed

Note: The roof overhang that has been proposed to be removed is structural to other parts of the roof and supports the roof facing away from 25 Stoddard.



04.12.2022

Chair Charles Kahn  
Zoning Adjustments Board ("ZAB") Members  
1947 Center Street  
Berkeley, CA 94704  
Email: ZAB@CityofBerkeley.info

## ZAB MEETING, APRIL 24, 2022

### Memo: 1151 Grizzly Peak Accessory Building Memo

On February 19, 2022, I met Joan Wager at her property on 25 Stoddard Way to discuss the issues arising from the unpermitted installation of two habitable accessory building on the adjacent property at 1151 Grizzly Peak Blvd. Specifically, I was asked to analyze the existence and extent of the detriments to Ms. Wager's air, light and view caused by these unpermitted buildings and to recommend modifications that would best mitigate that impact.

#### Impact of the unpermitted buildings on the existing views at 25 Stoddard Way; Relationship to Planning Code Requirements; errors in Staff Report conclusions.

The configuration of the 25 Stoddard Way house is such that there is a sliver view towards the Marin Headlands and in particular winter sunsets. This view is both from the kitchen and dining room looking through the living room and from the living room. The location that the Drop Structure Mono unit was placed at 1151 Grizzly Peak Blvd, approximately 2'-6" from the rear property line and 4' from the north side property line, completely obstructs this view. It also significantly reduces the amount of natural lighting into the house during the low sun winter days.

The Berkeley Planning Ordinance does not require side lot line setbacks for accessory structures less than 10' in height, however, in the AUP findings, it must be found that the structures do not have a detrimental effect on the light, air and views of the surrounding properties. Finding B in the staff report states that this is the case when clearly it is not.

#### Material factual errors in Applicants' materials, negating all validity to any conclusions based on them.

From the photos in the applicant package, the foundations for the units are two linear concrete slabs for the north unit. From the site plan in the applicant package, the apple tree shown between the two accessory buildings is not dimensioned and not accurately placed. In fact, the site diagram submitted by the applicant is grossly inaccurate, mis-scaled, and as such has no validity in either determining the actual location of buildings on the site, any detriment caused by them, or in making accurate findings.

#### Methodology and calculations undertaken to rectify Applicants' errors in order provide accurate analysis of existing detriment and modifications to remedy the detriment.

To determine the inaccuracy of the site plan, I employed a methodology of underlaying the applicant's site in a CAD file and utilizing the applicant's dimensions, show how the drawings completely misrepresent the actual site conditions. See Exhibit A.



From my field measurements, there is approximately 12'-9" between the trunk of the apple tree and the deck and overhang of the south accessory building. From the site plan, this building is 3'-4" from the south property line and there is approximately 41' between it and the main house per the applicants' dimensions. We must rely on these dimensions, however suspect they may be, as the 1151 homeowners cut off all communication with Joan Wager.

Recommended reasonable modifications to best mitigate the unreasonable impacts to 25 Stoddard Way

At the previous ZAB meeting, Commissioner Kahn suggested moving the north structure 4' further north as a solution. Because of the errors in Applicants' materials combined with my on-site observations and calculations, I have concluded that this solution does not achieve the desired outcome as it still places the structure fully within the view from the living room and continues to block light into the building. See Exhibit B.

Instead, based on my review of the structures, the applicable ordinances and my review of the ZAB file materials, I recommend either of the two mitigations described below to restore the views and light to 25 Stoddard Way.

1. Move the north structure to the south between the apple tree and the south structure. There is approximately 12'-9" between the trunk of the tree and the deck of the south structure and the width of the north structure is 9'-10" wide based on the manufacturer's specifications. If the homeowners at 1151 Grizzly Peak Blvd. think that would bring the structures too close to each other, the south structure that is 3'-4" from the south property line could be moved closer to that property line and still meet the zoning ordinance requirements. Benefits to 25 Stoddard Way: This would both restore the view back to 25 Stoddard Way and restore privacy for both properties since currently there is a direct line of site between both properties primary living spaces. See exhibit B.
2. Move the north structure between the south structure and the primary house as there is 41 feet of space and the Mono structure is just over 16' in length per the manufacturer's specifications. This solution is preferred by Joan Wager as it would bring the view and light considerations as close to was previously there as possible. It would also allow the homeowners at 1151 Grizzly Peak to orient and place the structure in many possible configurations without impacting the surrounding homeowners and provide plenty of air and light for the structures. See Exhibit C.

Neither of these recommended mitigations will cause more hardship on Applicants than the Board

suggested mitigation: Regarding big move vs. little move of the structure. Wherever the structure is moved it will require the following:

1. Pouring of new slab pad foundations.
2. Rerouting electrical lines. There is no heat allowed.
3. Utilizing a crane to lift the structure and move it to its new location.



3

Given this, I do not believe it places a hardship on the 1151 homeowners to move the structure to one of the two proposed locations. These three items would be necessary even if the building were only moved 4 feet to the north.

Regarding the landscape that the 1151 homeowners installed after the buildings, it is a plan that can be easily altered as it is primarily stone paving work. In addition, we believe that both proposed solutions can be achieved with little to no impact on the existing landscaping.

#### CONCLUSIONS

1. The 1151 homeowners' site plan is grossly inaccurate and cannot be used to make an analysis or findings.
2. The solution to move the building 4 feet to the north is not acceptable to Joan Wager as it will not restore the most impacted portions of her view.
3. The preferred solution is solution 2 which moves the structure to an area between the south structure and the house.

Thank you

ATTACHMENTS:

Matt Jacobs  
 4/7/2021  
 1151 Grizzly Peak Blvd.  
 Berkeley CA 94708

- Legend:
- property line
  - new structures
  - existing home
  - existing fence
  - waste/garbage
  - utilities:  
gas/electric
  - landscaping

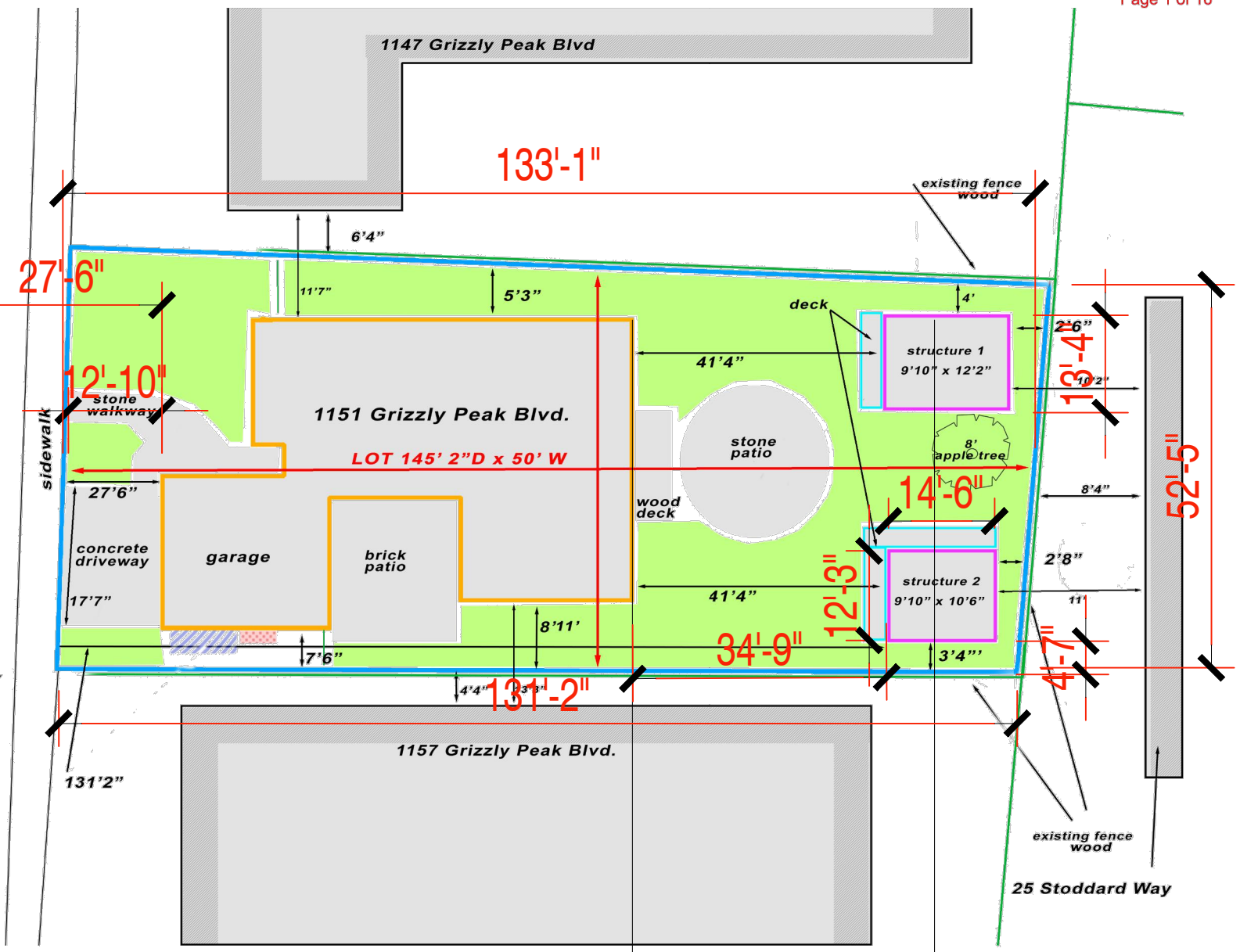
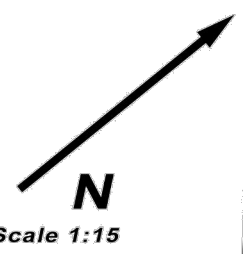
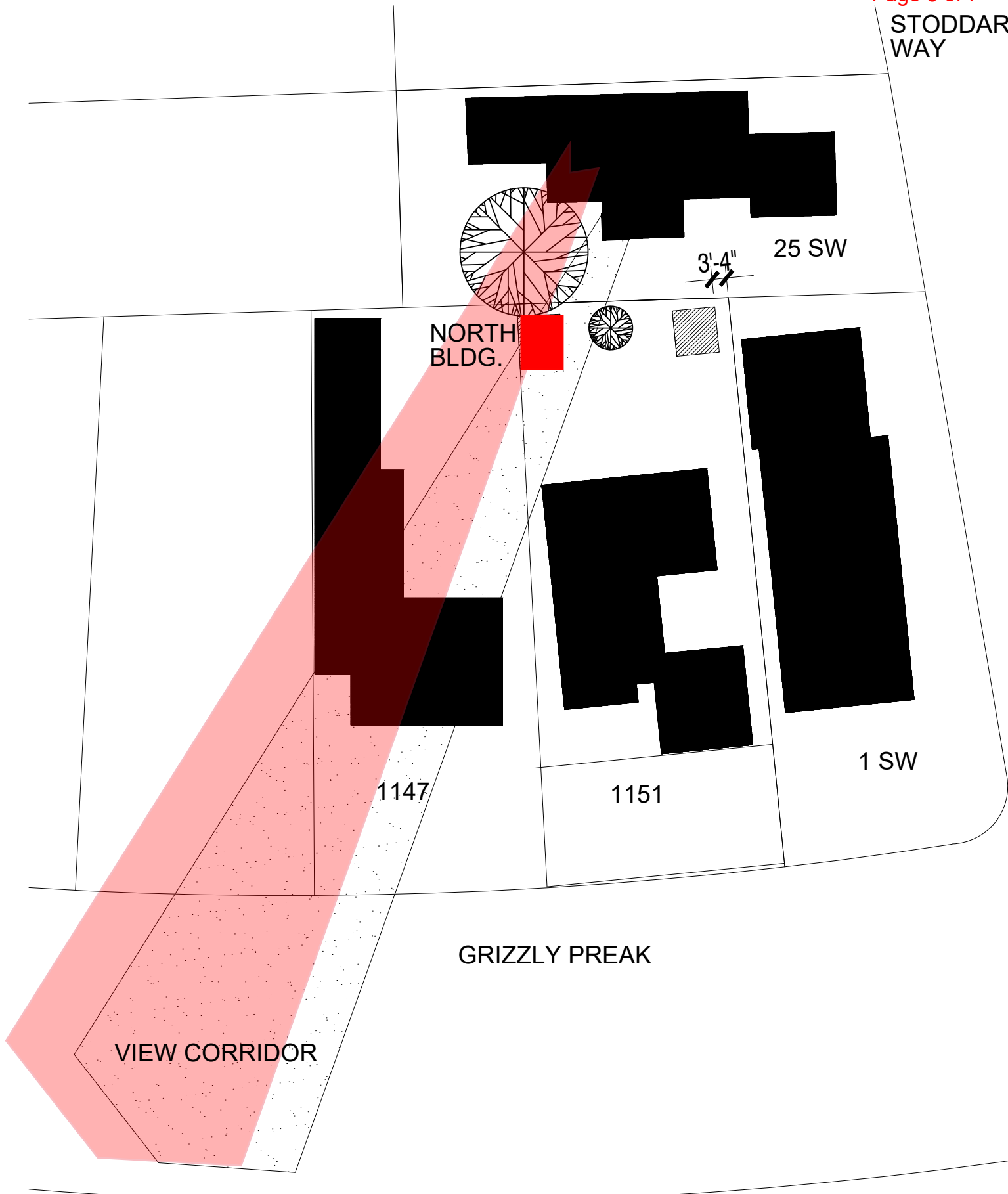
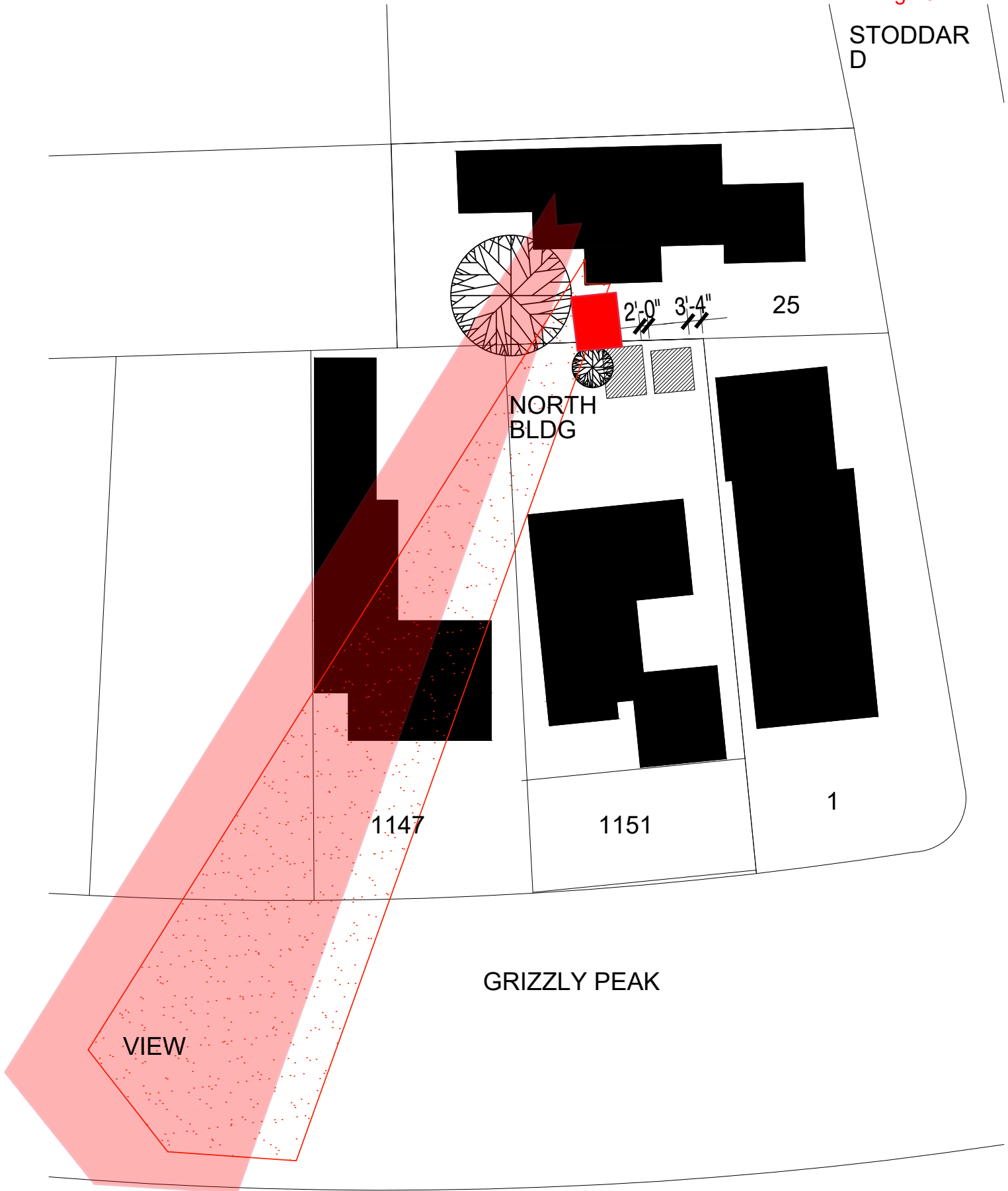


EXHIBIT A

STODDARD  
WAY

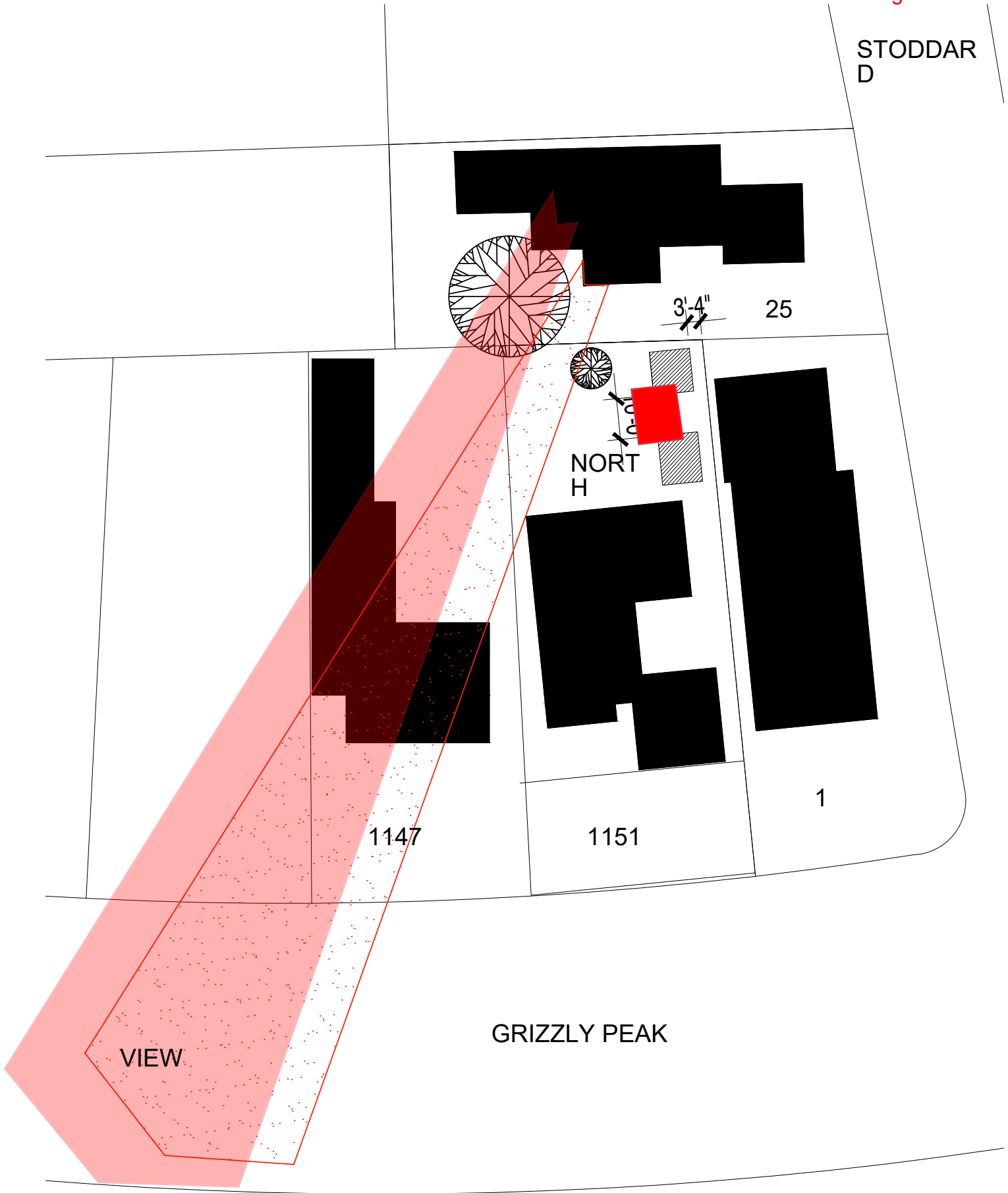


STODDARD  
D



EXHIBIT

STODDARD  
D



EXHIBIT

**From:** [Updegrave, Samantha](#)  
**To:** [Zoning Adjustments Board \(ZAB\)](#)  
**Cc:** [Updegrave, Samantha](#)  
**Subject:** Invitations from Applicant and Neighbor re: 1151 Grizzly Peak in advance of April 28, 2022 ZAB hearing  
**Date:** Tuesday, April 12, 2022 9:59:09 AM  
**Attachments:** [image.png](#)  
[2022-04-28\\_ZAB\\_applicant\\_invit\\_1151\\_Grizzly\\_Peak\\_Invitation\\_to\\_ZAB\\_members\\_for\\_Accessory\\_Structure\\_Permit.pdf](#)  
[2022-04-28\\_ZAB\\_neighbor\\_invit\\_25\\_Stoddard\\_Invitation\\_to\\_ZAB\\_members\\_to\\_25\\_Stoddard.pdf](#)  
[image.png](#)

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Good morning, ZAB.

At the January 13, 2022 ZAB meeting, some members expressed interest in visiting one or both of these sites. Both the applicants (1151 Grizzly Peak) and the neighbor (25 Stoddard) provided written invitations that I've attached to this email.

A few reminders:

ZAB members are not required to conduct site visits but may choose to do so at their discretion.

Avoid unintentional "serial meetings... in which a quorum of a legislative body communicates with each other, directly or indirectly, through whatever medium, to develop collective concurrence" (Refer to Chapter IV Public Meetings, Section B of the [2019 Commissioner's Manual](#) for more information). Please be mindful of expressing opinions to the parties that may be relayed directly or indirectly to other members of ZAB.

Please feel free to reach out with any questions. The packets with the full staff report, findings and conditions, plans, and communications for this and other projects on the agenda will be provided on April 21, 2022, one week prior to the hearing.

Best,  
Samantha

**Samantha Updegrave**, LEED AP (she/her/they)  
Zoning Officer, Principal Planner  
Planning and Development, Land Use Division  
1947 Center St., 2<sup>nd</sup> Floor, Berkeley, CA 94704  
**Phone:** (510) 981.7414  
**Website:** [www.cityofberkeley.info](http://www.cityofberkeley.info)  
**Email:** [supdegrave@cityofberkeley.info](mailto:supdegrave@cityofberkeley.info)

***REDUCED LAND USE HOURS: Zoning counter services are available at the [Permit Service Center \(PSC\)](#) between 8:30 am – 1:30 pm (final check in at 1:00 pm) Monday through Thursday.*** To limit the spread of COVID-19, face masks and social distancing are required when visiting our offices, and some Planning staff continue to work remotely.

***All permit-related and Zoning services are available online. Please visit us online for more information***

**From:** [jeana arabzadeh](#)  
**To:** [Updegrave, Samantha](#)  
**Subject:** 1151 Grizzly Peak Invite to ZAB members for Accessory Structure viewing  
**Date:** Monday, March 28, 2022 7:32:20 PM

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**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear ZAB Members,

We are writing to invite you to see the Accessory Buildings at our home at 1151 Grizzly Peak Blvd., Berkeley.

During our last hearing interest was expressed to come see the units to best determine the course of action in our permitting process.

Please let us know a time and day if you are available as we welcome the opportunity to have you over. We work from home and are flexible on weekday and weekend visits.

Our next scheduled hearing is April 28th.

Best regards,

Matt Jacobs & Jeana Arabzadeh

[jakexyzabc@gmail.com](mailto:jakexyzabc@gmail.com)

510-681-4309

--

jeana

RENA RICKLES  
ATTORNEY AT LAW

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1970 BROADWAY, SUITE 1200  
OAKLAND, CA 94612  
TEL: (510) 452-1600 • FAX: (510) 451-4115

April 11, 2022

Charles Kahn, Chairperson  
Zoning Adjustments Board ("ZAB")  
Attn: ZAB Secretary, 1947 Center Street, Second Floor, Berkeley CA 94704.  
1947 Center Street  
Berkeley, CA 94704  
**Via email: [ZAB@CityofBerkeley.info](mailto:ZAB@CityofBerkeley.info)**

Re: 1151 Grizzly Peak; INVITATION FOR SITE VISIT 25 STODDARD

Dear Chair Kahn and ZAB Members:

On behalf of Joan Wager, I am inviting each of you to visit 25 Stoddard, Joan Wager's home in order to see the actual impact of the two accessory buildings to her pre-existing air, light and view.

We are asking for this because it became apparent at the last hearing, that because of the unique angles involved, how difficult it is to assess mitigations that would actually reduce the impact.

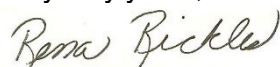
Joan can be reached either by email [joanwager2004@comcast.net](mailto:joanwager2004@comcast.net) or by phone/text @510-457-6360. Please let her know which of the below times and dates that you will be coming. If none of these dates or times work for you, please call her directly to set up an alternative time that works for both of you.

- Thursday, April 21<sup>st</sup> between 10:30-12:30; or 4:00-6:00 PM;
- Saturday, April 23<sup>rd</sup> between 11:00-12:30;
- Monday, April 25<sup>th</sup> between 4:00-6:00PM; or,
- Wednesday April 26<sup>th</sup> between 4:00-6:00 PM.

Covid—Safety protocols:

- Joan has had her vaccinations, including booster and will wear a N-95 or equivalent mask. There will not be any one else in the house.
- Joan requests that each of you wear a N-95 or equivalent mask.

Very truly yours,



1151 GRIZZLY PEAK BLVD.

Marian and Desmond Simpson  
33 Stoddard Way  
Berkeley CA 94708  
12<sup>th</sup> April, 2022

To the Zoning Adjustments Board -

This letter is in response to a request for support from Jeana Arabzadeh and Matthew Jacobs, concerning their dispute with our common neighbor Ms. Joan Wager. I will not make an exhaustive list of our contacts with Ms. Wager – most of which, however, have been difficult – but will explain several requests of hers that have struck us as stepping over the line, and caused us stress.

When Ms. Wager first moved in, she had a lot of requests to make of her neighbors, even those across the street. Many of these involved cutting trees, shrubs, hedges to accommodate her need for a clear view in all directions. It really made us wonder why she had bought a house in the middle of a block. She asked us specifically to take some branches off our big silver birch in the backyard, to cut back our camellias, (although she later complained that cutting the camellias left her with nothing but a wall to look at), and to take off lower branches of the maple, also in the backyard, so she could see through to Tilden Park. We did some of this, without finding it objectionable, but we were puzzled later to also note that the branch of the birch that we had agree to cut had somehow vanished without any notification to us –we didn't pursue it, since she was a very recent move-in, thinking perhaps she had, or would claim she had, misunderstood our agreement to take it off. On further reflection, someone – probably the tree man she had working for her at the time – must have committed trespass in our yard to take off the branch, which was lengthy. We have cast a wary eye on Ms. Wager ever since.

Ms. Wager made several calls to me, concerning our backyard. The first one was to tell me that our painters had left equipment under the birch – which they had, and what of it as they were not finished with the job? Workmen cleaned up an area of white pebbles, and she called to say she approved of the way they looked now, as though they were somehow something she shared with us. I found these calls unnecessary and somewhat intrusive, and I was very annoyed when I found out recently that she had taken another neighbor to look out of her window, and asked her to be shocked at the state of our backyard. I would like to point out that we bought our house in 1973, have raised four children and numerous pets in it, undoubtedly making an huge amount of noise and clutter in the process, and no one ever has gone after us like this, or made us feel so lacking in privacy in our own space. But things went further downhill from there.

Tim, our disabled son who lives with us, is unfortunately a serious hoarder, with a penchant for scattering stuff around. He is also a clever artist who builds art from junk. So things tend to appear at random in the yard, and on the back deck. This area, the

backyard, is visible to absolutely nobody at all, excepting only for Ms. Wager, who has a single bedroom window that overlooks it. Apparently she looks out of it quite frequently, and expects us to keep our yard up to public park standards and beyond. So she called me and complained that Tim had left a pile of boxes in the yard, and more stuff on the deck, where she could see it. She actually snapped at me, "Well, are you going to make him clean it up?" as if I was some recalcitrant teen slacking on her homework. When I attempted to explain Tim's problems, she came back with a sneering "Oh, you're very defensive." At that point, I lost it, told her in so many words to mind her own business, and put down the phone.

I very much wish, considering Ms. Wager's all too apparent dissatisfaction with her house and its surroundings, that she had been more open with her realtor – explained that she had an enormous need for open views and light, and could not tolerate the slightest disorder around her. I would happily have explained Tim's problems, emphasized that my husband and I and his medical team constantly combat but cannot fully solve them, and she would have realized that she simply could not live next door to him. It might have saved a lot of trouble all around.

Some time soon, we are going to have to have our back deck rebuilt. We are dreading the anticipated battles with Ms. Wager over the design, especially as we would like to raise the railing at her end, to protect it from her unfriendly gaze and give ourselves a little privacy.

Also concerning Tim, she called to complain that he kept his bedroom light on at night, and it was keeping her awake, because her drapes were insufficient to keep the light out. The solution to this would seem obvious - thicker drapes! - but hers was different, and it really alarmed me. She actually demanded to be given Tim's cell phone number, so she could call in the middle of the night, wake him up and tell him to turn his light off! I felt very much attacked by this proposition. No way was I going to give a neighbor, particularly one whose stability I had doubts about, permission to disturb my household any time of the night that she felt the urge to do so, and I said so. I do not think that most rational people would make such a request of their neighbors. In fact, we have two neighbors on our other side, in Park Hills, who have strings of lights in their yards, and one never turns them off. We installed heavy blinds and left it at that.

I spent some time considering whether to research Ms Wager's professional qualifications, and letting her licensing board know that she was behaving this way with a disabled person, but I never actually did that.

I would like to say in addition, that while Ms Wager has high standards for my backyard, she does not appear to carry those over to the street she lives on. She owns a double garage and a parking pad, but has taken one of the very few spaces on our little street for the use of her car. She has one parking space on the street outside her fence which is

overgrown with a spreading buddleia bush – I’ve asked her to keep it cut back, but it doesn’t happen, and it makes it hard to use when necessary. The space is part of the street, not part of her property, but she treats it that way. When my husband parked there one day and got out on the buddleia side, I had her on the phone instantly, complaining that he had trodden on some seeds she had planted. He hadn’t. He’s careful about that stuff. She simply made an assumption and worked herself up over it. She claimed that the very small flowerbed in front of the buddleia was the only possible space she owned where she could plant anything. Well, I know that yard quite well, having been on friendly terms with previous owners, and I can attest that that is not at all true. She has allowed a stray shrub to root itself at the corner of her parking pad, so basically in the street, and it is now ten to twelve feet high. No telling how wide it will end up and be a hazard. And the most unpleasant thing is that her three garbage cans sit out on the street permanently, and are never taken inside – sometimes blowing over in the wind too. I may be a terrible snob, but I do feel that they lower the tone of our street quite badly.

You will understand, then, that I have some sympathy for Jeana and Matt. I don’t know a lot about their contacts with Ms. Wager, and I have not been into their backyard, but if they have faced similar issues to mine, I am prepared to say that they should have a fair hearing from the city that takes their opponent’s unusual take on her rights versus those of others into account.

Signed,

Marian Simpson

April 13, 2022

Dear Zoning Adjustments Board,

My name is Mona Halaby and I reside at 1157 Grizzly Peak Blvd. in Berkeley on the corner of Stoddard Way. I am Jeana Arabzadeh and Matt Jacobs' neighbor on the Grizzly Peak side and Joan Wager's neighbor on the Stoddard Way side.

I am writing in support of Jeana and Matt and their backyard units. I have tried to befriend Joan Wager when she first moved into our neighborhood by inviting her over to my house for tea and to welcome her into our neighborhood. It's important to me to have cordial relations with my neighbors.

Sadly, Joan has not only complained about Jeana and Matt's two structures, but she's also complained about other issues with different neighbors. In my case, she's complained to my son, who was parking his car in our driveway, asking him to park his car farther into the driveway, as it made it difficult for her to make a U-turn in our driveway. Yes, "our" driveway! Ever since Joan has moved next door to us, she's parked her car on Stoddard Way across from my driveway and uses it daily to make U-turns to get out to Grizzly Peak. She never talked to me about it in advance to check if that was all right with me. I wish she had been more considerate and thoughtful.

Jeana and Matt are within the city codes and have been as accommodating as possible. I hope you can all see that and can help solve this situation in their favor.

Sincerely,  
Mona Halaby

April 12, 2022

David and Tana Scott  
1147 Grizzly Peak Blvd.  
Berkeley, CA 94708

Dear Berkeley ZAB,

We are neighbors directly to the North of Matt and Jeana, and West of Joan's, at 1147 Grizzly Peak Boulevard. We have no issue with the sheds that Matt and Jeana put on their property and feel they are aesthetically pleasing and thoughtfully placed. We can see both sheds from every rear-facing window in our home as well as from our back yard.

We would like to submit this letter to help give more perspective on the neighborhood dynamic, as Joan says she has an issue with Matt and Jeana's sheds interfering with her "light, air, and space". Based on our experience with her, Joan has no problem interfering with others' enjoyment of their light, air, and space.

One of the earliest times we remember speaking with Joan after she moved to the neighborhood, she had come to our door while we were remodeling our home. Because our house was, at times, only secured from street access by plywood sheets, we would keep several security lights on. Joan had stopped by to inform us that she would like the lights turned off at night because she could see them from her window. Additionally, she has made it a point to complain about the bedroom lights in our children's rooms, which are usually off by 10PM.

Joan also has a large evergreen tree growing on her property that overhangs our yard. It leaves debris on our lawn, blocks the light from our back garden, and comes in contact with our trampoline. We have asked Joan repeatedly to trim it back, but she refuses, stating it would change the way the "filtered light" comes through to her yard. By contrast, our neighbors to the North pay their gardener to come on our side of the fence and clean up any debris that may have fallen from their trees into our yard.

Joan is also the only neighbor to refuse to collaboratively repair/rebuild an adjoining fence. Each of our other neighbors split the costs and labor with us to repair or replace our fences. Joan refused, even though her fence is collapsing, citing that her view of Marin and the lighting might be altered if we repaired the fence. To be clear, there is no view of Marin from the fenceline, and we offered to replace the fence - at our sole cost for labor - at the same height and style as the existing fence.

These are just a few brief examples of Joan's attitude towards us, which we have had confirmed by others who live in the area. To us, it has always felt as if Joan thinks the neighborhood should be shaped around her exclusive convenience and enjoyment. We feel like this case is just another example of her being unwilling to acknowledge and accept that she lives in close proximity to other people who have a desire to improve their homes and spaces.

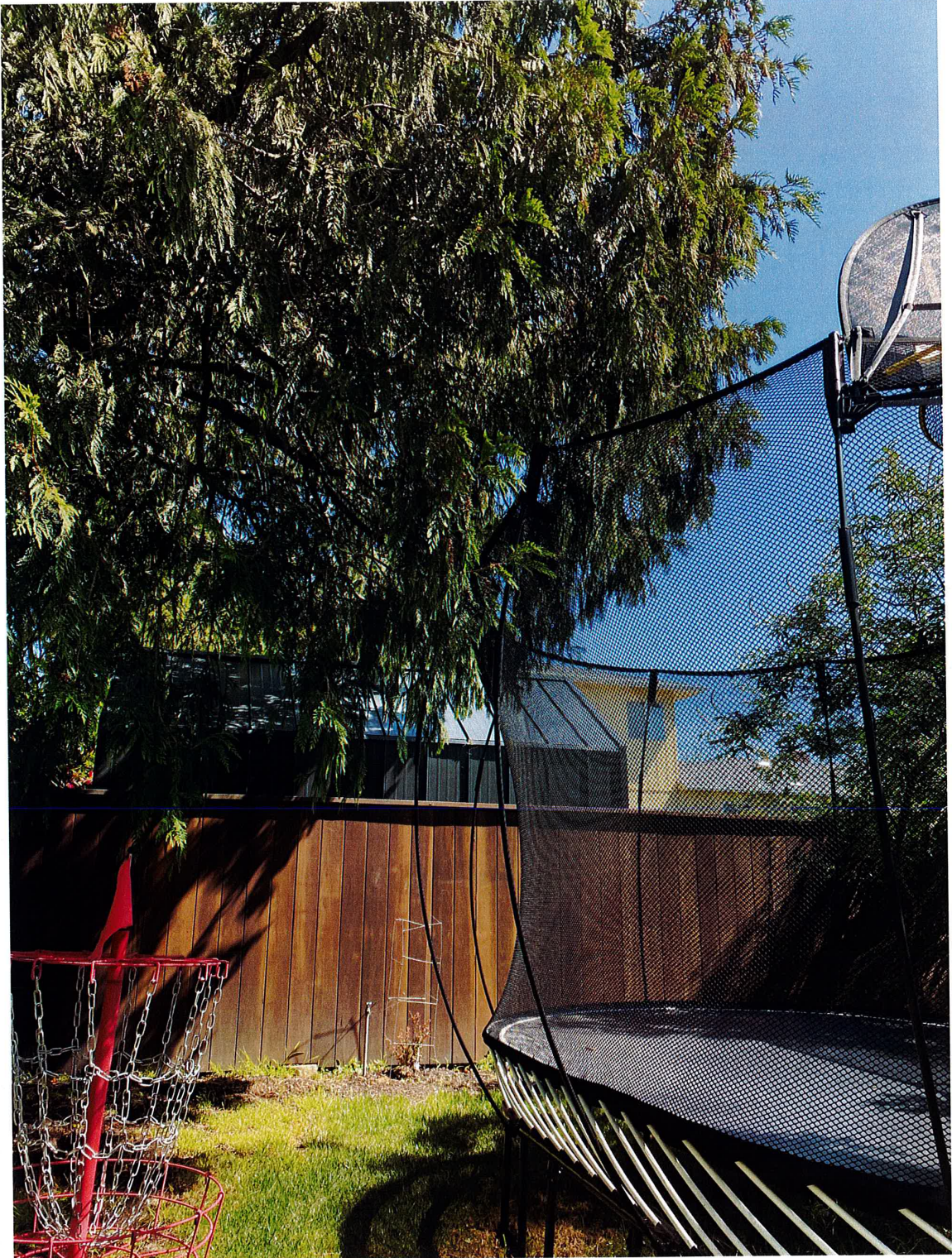
Thank you,

David and Tana Scott  
1147 Grizzly Peak Blvd.  
Berkeley, CA 94708

Attached Photos:

- 1, 2 - show interference of Joan's tree with our trampoline and back yard
- 3, 4 - show Joan's "view" of Marin
- 5 - shows collapsing fence and the height of the fence replaced to the south with Matt & Jeana (note: the fence we proposed to Joan is several inches shorter than the existing fence)











*Erin Meadows and Anthony Barrueta*  
1148 Grizzly Peak Blvd  
Berkeley California 94708

April 18, 2022

Zoning Adjustments Board  
Planning and Development Department  
Land Use Planning Division  
1947 Center Street, 2<sup>nd</sup> Floor  
Berkeley, CA 94704

**Re: 1151 Grizzly Peak Blvd, Use Permit #ZP2021-0088**

Dear Board Members:

We write in support of Jeana Arabzadeh and Matt Jacobs in the matter concerning the accessory buildings in the rear yard of their single-family dwelling. We believe that in light of the extensive review of this case, the behavior of the parties involved, and the facts on the ground, the fairest and most reasonable outcome is to legalize the buildings consistent with the staff's recommendation.

In listening to the board's prior deliberations, some board members raised questions about Jeana and Matt's failure to consult with the complaining neighbor before placing the buildings. We would make two observations: 1/ there is absolutely nothing about the placement of the buildings that is not within Matt and Jeana's rights or city requirements. Moving the buildings for the preference of the neighbor would be generous, but the current placement frankly does not meaningfully impinge on her enjoyment of her property, other than in her own mind. Nor would moving them materially change things. The fact that the buildings are a visible reminder of their existence is not a reason to move them. 2/ Neighborly behavior is a two way street. The truth is that Jeana in particular felt intimidated by the complaining neighbor based on interactions prior to these events, and that created a deterrent to the kind of open communication that one might hope would lead to an amicable resolution. In all likelihood, however, it had the potential to lead to the kind of conflict that appears to have been unavoidable in this case.

Regarding the question of infringement of enjoyment of the light, air and views — and having visited the property at the invitation of the complaining neighbor — we strongly believe that the two buildings do not significantly affect any "view" that the neighbor has raised, and in fact, the clearance of vegetation would have increased light and space for her. The notion that there was a clear view of the Marin headlands from the time the complaining neighbor acquired the property seems highly uncertain — given that the property listing excluded reference to a view, and the line of sight from the neighbor's property to the headlands runs through the rooves of at least two neighboring homes. If there was in fact a sliver of a view, the difference between it and the current view has been grossly overstated in these proceedings.

None of this is to say that no one could have conducted themselves better in this matter. As any social worker should know, interpersonal relations involve emotions and no one can be expected to handle every interaction perfectly. On balance here, though, Matt and Jeana sought appropriate guidance from

Re: Use Permit #ZP-2021-0088  
Page 2

the city, a miscommunication resulted in action in advance of permission, and they did not attempt or intend to “pull one over” on anyone. Further, substantively they are well within their legal rights to place the buildings as they have, the buildings are not an “eyesore”, and the discussion of views that the complaining neighbor has brought before the board has been at best overstated and borders on being misleading. Matt and Jeana have offered appropriate accommodations and have been extremely patient with a difficult review process. It’s time to bring this to a close and allow all of the neighbors to get on with their lives.

We know there has been quite a lot of conjecture and commentary among the board about how the individuals involved have conducted themselves, and what justice looks like. We appreciate the desire of the board to do justice. In seeking to do so, it’s important that the Board, like any decisionmaking body, be aware of the limitations of its full knowledge of interactions between and among neighbors. We think it’s important not to assume that either a neighbor’s claims or an applicant’s explanations represent the complete nuance of a situation. We are confident that the board will give appropriate credence to all testimony, and that decisions will be made with an effort to avoid bias and be based on the law and facts before it.

We appreciate your service to the city and your consideration of these comments.

Sincerely,

/s/

Erin Meadows and Anthony Barrueta

April 13, 2022

Jeana Arabzadeh  
1151 Grizzly Peak  
Berkeley, CA 94708

Dear Jeana,

I am most sorry to hear about your situation with our mutual neighbor, Joan Wager. Unfortunately, she does not appear to be happy in life in general. I have to say that I was very surprised when I found out that she had purchased the house in the first place.

The first time that I had seen Joan was at one of the open house's when the house was put up for sale. She was looking at the house and walking around with the real estate agent. For the entire time that she was in the house, she was complaining and pointing out all of the things that she found wrong with the house. She did not like being able to see into your yard from her house. I remember looking out and not seeing any issues. You were fixing up the back yard at the time and I thought it would look nice in the end. She can see into your yard and the roof line of the other neighbor. She had many other concerns with the house. I remember talking to the agent afterwards and did not think that she would have made an offer on the house.

My understanding is that she lived in a house that had many steps and it was too hard for her to manage as she was getting older. She also had some nice views that I believe that she really misses. This house doesn't have any views. She has taken it upon herself to let the neighborhood know what she doesn't like and what everyone should be doing. She cut one of the neighbor's plants with out asking their permission because she didn't like seeing it when she looked out the window. We live on a small dead end street. There are two very healthy trees at the end of the block that actually are very pleasant to look at especially when they are in bloom. She asked my husband to cut off many branches so that she could see through the trees. That view would be of more trees in the distance. My husband declined as these trees are healthy and the branch removal would not be in the best interest in the health of the trees. She has also been telling other neighbors how she wants them to change their yards. Currently, she had a tree growing in the front corner of her driveway that is going to be a problem as it gets bigger. Neighbors have spoken to her about removing it as it's roots are going to be a problem with the street. The City doesn't maintain our street and the neighbors take care of the street. She has declined removing it.

It is extremely stressful to be in your situation. We are a small street and her behavior is not making it comfortable for the neighbors to want to engage with her. It is very unfortunate that she has created a situation that alienates her from her neighbors. I believe that she misses her old house and views. She is making her unhappiness everyone else's problem.

My understanding is that you received approval from the Planning Department, so while she may not like it, I do not see where this is a problem. Please let us know if we can be of any other assistance.

Sincerely,



Ariane Terlet  
40 Stoddard Way  
Berkeley, CA 94708



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

## 1151 Grizzly Peak Boulevard

### Administrative Use Permit ZP#2021-0088 to legalize two Accessory Buildings in the rear yard of a Single-Family Dwelling.

The Zoning Adjustments Board of the City of Berkeley will hold a public hearing on the above matter, pursuant to Zoning Ordinance Section 23.406.040.D, on April 28, 2022, **conducted via Zoom, see the Agenda for details at:**

[https://www.cityofberkeley.info/uploadedFiles/Planning\\_and\\_Development/Level\\_3\\_-\\_ZAB/2022-04-28\\_ZAB\\_Agenda.pdf](https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_ZAB/2022-04-28_ZAB_Agenda.pdf). The meeting starts at 7:00 p.m.

**PUBLIC ADVISORY:** This meeting will be conducted exclusively through videoconference and teleconference. Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, and the Shelter-in-Place Order, and to ensure the health and safety of the public by limiting human contact that could spread the COVID-19 virus, there will not be a physical meeting location available.

**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 (AUP) to construct accessory buildings, under Berkeley Municipal Code (BMC) Section 23D.08.005.

**C. CEQA Determination:** It is staff's recommendation that the project is categorically exempt pursuant to Section 15303 ("New Construction or Conversion of Small Structures") of the CEQA Guidelines. The determination is made by Zoning Adjustments Board (ZAB).

**D. Parties Involved:**

- Applicant & Property Owner: Jeana Arabzadeh & Matt Jacobs,  
1151 Grizzly Peak Boulevard, 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, Samantha Updegrave, at (510) 981-7414 or [supdegrave@cityofberkeley.info](mailto:supdegrave@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.