



Planning and Development Department
Land Use Planning Division

A D M I N I S T R A T I V E U S E P E R M I T

CITY OF BERKELEY ZONING ORDINANCE
Berkeley Municipal Code, Title 23

AUP #12-20000148

Property Address: **1609 JOSEPHINE STREET**

Permittee Name: **RICK HAIER**

Use and/or Construction Permitted: to convert an existing duplex into a single family dwelling and install an unenclosed hot tub in the rear yard pursuant to:

- Section 23C.08.030.B to eliminate a dwelling unit; and
- Section 23D.08.060.C to install an unenclosed hot tub.

FINDINGS, CONDITIONS AND APPROVED PLANS ATTACHED

Following the expiration of the mandatory appeal period set forth in Section 23B.28.040 of the Berkeley Municipal Code, with no timely appeal being filed, the Administrative Use Permit described herein has been duly granted by the Zoning Officer on March 20, 2013.

Attest: Terry Blount
Terry Blount, AICP, Principal Planner
For Debbie Sanderson, Zoning Officer

March 20, 2013
Effective Date

ATTACHMENT 1

FINDINGS AND CONDITIONS

FEBRUARY 27, 2013

1609 Josephine Street

Administrative Use Permit #12-20000146

To convert an existing duplex into a single family dwelling and install an unenclosed hot tub in the rear yard.

CEQA FINDINGS

1. The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code §21000, et seq. and California Code of Regulations, §15000, et seq.) pursuant to Section 15301 of the CEQA Guidelines ("Existing Facilities"). Furthermore, none of the exceptions in CEQA Guidelines Section 15300.2 apply, as follows: (a) the site is not located in an environmentally sensitive area, (b) there are no cumulative impacts, (c) there are no significant effects, (d) the project is not located near a scenic highway, (e) the project site is not located on a hazardous waste site pursuant to Government Code Section 65962.5, and (f) the project will not affect any historical resource.

FINDINGS FOR APPROVAL

2. As required by Section 23B.28.050.A of the Zoning Ordinance, the project, under the circumstances of this particular case existing at the time at which the application is granted, will not be detrimental to the health, safety, peace, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood, or to the general welfare of the City because:
 - The project is located within the existing main building and includes only minor exterior changes to the building which do not require discretionary permits, therefore, the proposed elimination of the dwelling unit will not create new shadow, air, privacy or view impacts to neighboring properties;
 - The project will maintain the existing development scale, which is consistent with the scale of the existing residential buildings in the neighborhood;
 - Per Section 23C.08.030.B (Elimination of Dwelling Units and Accessory Dwelling Units), the subject property was originally constructed as a single family dwelling in 1908 and converted to a duplex in 1989, therefore the conversion of a duplex to a single family dwelling is permissible as the conversion will bring the building closer

to the original number of dwelling units that was present at the time it was first constructed; and

- As required by Section 23C.08.030, the unit to be eliminated at 1611 Josephine is not a controlled rental unit because the Rent Board established in a memorandum dated February 7, 2013 that the unit to be eliminated is “exempt” due to being constructed after the commencement of rent control in 1980 and the other unit at 1609 Josephine has been owner-occupied beginning December 31, 1979, therefore, the application to eliminate the unit at 1611 Josephine and convert the building at 1609 Josephine back into a single-family home does not result in the elimination of a “controlled” rental unit.

- The installation of an unenclosed hot tub within the rear yard will not be detrimental to abutting neighbor’s privacy because:
 - 1) The hot tub will have a separation of approximately 43’ from the closest abutting residential structures to the south at 1613 Josephine and approximately 45’ to the property to the north at 1607 Josephine, and approximately 78’ to the property to the rear at 1608 Martin Luther King Jr. Way;
 - 2) There is an existing 6’ tall fence along the perimeter at the property line; and
 - 3) There is an existing accessory structure at the far northeast corner of the lot and existing vegetation in the rear yard that contribute to screening the hot tub from neighboring properties.

- As required by Section 23D.08.060.C, the installation of the hot tub is permissible because this location is found to be non-detrimental. Distances to neighboring residential structures is found to be adequate and the hot tub pump is fully insulated with layers of high density polyurethane foam for minimal sound transmission and will not generate noise at a level sufficient to disturb neighbors.

- The enclosure will minimize the potential for significant noise impacts. Nonetheless, operation of the hot tub pump is subject to the controls imposed under the Berkeley Municipal Code (Section 13) as it relates to maximum noise levels. (Restrictions included in conditions of approval #32).

- The installation of the hot tub will be subject to the conditions of this permit, which will ensure that neighbors are not adversely affected by noise, lighting, or drainage from the use of the hot tub.

- As required under Section 23D.28.070 (Development Standards), this project is permissible because the subject property satisfies the development standards for lot coverage, required setbacks, maximum residential density, and maximum main building height.

STANDARD CONDITIONS

The following conditions, as well as all other applicable provisions of the Zoning Ordinance, apply to this Permit:

1. Conditions Shall be Printed on Plans

The conditions of this Permit shall be printed on the *second* sheet of each plan set submitted for a building permit pursuant to this Use Permit, under the title 'Use Permit Conditions'. *Additional sheets* may also be used if the *second* sheet is not of sufficient size to list all of the conditions. The sheet(s) containing the conditions shall be of the same size as those sheets containing the construction drawings; 8-1/2" by 11" sheets are not acceptable.

2. Applicant Responsible for Compliance with Conditions

The applicant shall ensure compliance with all of the following conditions, including submittal to the project planner of required approval signatures at the times specified. Failure to comply with any condition may result in construction being stopped, issuance of a citation, and/or modification or revocation of the Use Permit.

3. Uses Approved Deemed to Exclude Other Uses (Section 23B.56.010)

- A. This Permit authorizes only those uses and activities actually proposed in the application, and excludes other uses and activities.
- B. Except as expressly specified herein, this Permit terminates all other uses at the location subject to it.

4. Modification of Permits (Section 23B.56.020)

No change in the use or structure for which this Permit is issued is permitted unless the Permit is modified by the Zoning Officer, except that the Zoning Officer may approve changes that do not expand, intensify, or substantially change the use or building.

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

Except as specified herein, the site plan, floor plans, building elevations and/or any additional information or representations, whether oral or written, indicating the proposed structure or manner of operation submitted with an application or during the approval process are deemed conditions of approval.

6. Subject to All Applicable Laws and Regulations (Section 23B.56.040)

The approved use and/or construction is subject to, and shall comply with, all applicable City Ordinances and laws and regulations of other governmental agencies. Prior to construction, the applicant shall identify and secure all applicable permits from the Building and Safety Division, Public Works Department and other affected City divisions and departments.

7. Exercised Permit for Use Survives Vacancy of Property (Section 23B.56.080)

Once a Permit for a use is exercised and the use is established, that use is legally recognized, even if the property becomes vacant, except as set forth in Standard Condition #8, below.

8. Exercise and Lapse of Permits (Section 23B.56.100)

- A. A permit for the use of a building or a property is exercised when, if required, a valid City business license has been issued, and the permitted use has commenced on the property.
- B. A permit for the construction of a building or structure is deemed exercised when a valid City building permit, if required, is issued, and construction has lawfully commenced.
- C. A permit may be declared lapsed and of no further force and effect if it is not exercised within one year of its issuance, except that permits for construction or alteration of structures or buildings may not be declared lapsed if the permittee has: (1) applied for a building permit; or, (2) made substantial good faith efforts to obtain a building permit and begin construction, even if a building permit has not been issued and/or construction has not begun.

9. Indemnification Agreement

The applicant shall hold the City of Berkeley and its officers harmless in the event of any legal action related to the granting of this Permit, shall cooperate with the City in defense of such action, and shall indemnify the City for any award of damages or attorneys fees that may result.

ADDITIONAL CONDITIONS IMPOSED BY THE ZONING OFFICER

Pursuant to BMC 23B.28.050.D, the Zoning Officer attaches the following additional conditions to this Permit:

Prior to Submittal of Any Building Permit:

- 10.** The applicant shall provide the project planner with the name and telephone number of the individual empowered to manage construction noise from the project. The individual's name, telephone number, and responsibility for noise management shall be posted at the project site for the duration of construction in a location easily visible to the public. The individual shall record all noise complaints received and actions taken in response, and submit written reports of such complaints and actions to the project planner on a weekly basis. **Individual Responsible for Noise Management:**

Name: _____ Phone: _____

- 11.** The applicant and all persons associated with the project are hereby notified that a Transportation Management Permit (TMP) would be required under any of the following circumstances:

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

- Alterations, closures, or blockages to vehicle travel lanes (including bicycle lanes)
- Storage of building materials, dumpsters, debris anywhere in the public ROW
- Provision of exclusive contractor parking on-street
- Significant truck activity.

Contact the Permit Service Center (PSC) at 2120 Milvia Street or 981-7500 for details on obtaining Construction/No Parking Permits (and associated signs and accompanying dashboard permits). Public Works Traffic Engineering (981-6400) reviews all submitted TMP requests.

The TMP may include designation of a specific truck haul route. Meter heads (if in the construction area) shall be removed only by City staff. Contact the site inspector 72 hours in advance of required removal so arrangements can be made.

Prior to Issuance of Any Building Permit:

12. Drainage plans shall be submitted for approval of the Building & Safety Division and Public Works Department, if required.
13. The applicant shall file an "Address Assignment Request Application" with the Permit Service Center (2120 Milvia Street) for the elimination of the address of the second dwelling unit associated with this Use Permit.

During Construction:

14. Construction activity shall be limited to between the hours of 8:00 a.m. and 6:00 p.m. on Monday through Friday, and between 9:00 a.m. and noon on Saturday. No construction-related activity shall occur on Sunday or on any Federal Holiday.
15. If underground utilities leading to adjacent properties are uncovered and/or broken, the contractor involved shall immediately notify the Public Works Department and the Building & Safety Division, and carry out any necessary corrective action to their satisfaction.
16. Subject to approval of the Public Works Department, the applicant shall repair any damage to public streets and/or sidewalks by construction vehicles traveling to or from the project site.
17. All piles of debris, soil, sand, or other loose materials shall be covered at night and during rainy weather with plastic at least one-eighth millimeter in thickness and secured to the ground.
18. All active construction areas shall be watered at least twice daily, and all piles of debris, soil, sand or other loose materials shall be watered or covered.
19. Trucks hauling debris, soil, sand, or other loose materials shall be covered or required to maintain at least two feet of board.

20. Public streets shall be swept (preferably with water sweepers) of all visible soil material carried from the site.
21. The applicant shall establish and maintain drainage patterns that do not adversely affect adjacent properties and rights-of-way.
22. The applicant shall ensure that all excavation takes into account surface and subsurface waters and underground streams so as not to adversely affect adjacent properties and rights-of-way.
23. Any construction during the wet season shall require submittal of a soils report with appropriate measures to minimize erosion and landslides, and the developer shall be responsible for following these and any other measures required by the Building and Safety Division and the Public Works Department.

Prior to Issuance of Occupancy Permit or Final Inspection:

24. All construction at the subject property shall substantially conform to the approved Use Permit drawings or to modifications approved by the Zoning Officer.
25. All landscape, site and architectural improvements shall be completed per the attached approved drawings dated **NOVEMBER 15, 2012 AND JANUARY 15, 2013.**

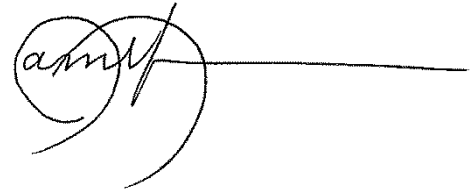
At All Times (Operation):

26. All exterior lighting shall be shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.
27. This permit is subject to review, imposition of additional conditions, or revocation if factual complaint is received by the Zoning Officer that the maintenance or operation of this establishment is violating any of these or other required conditions or is detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the neighborhood or is detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.
28. Noise and exterior lighting shall be controlled so as to prevent verified complaints from the surrounding neighborhood.
29. The hot tub pump shall be mounted, enclosed and maintained to prevent noise from disturbing the occupants of neighboring properties.
30. The hot tub shall be drained into the sanitary sewer connection of the subject property, and not into any storm drain or within the yard. The hot tub shall be equipped with

safety features in accordance with Chapter 31B, Division 11 of the California Building Code.

- 31. The design and use of the hot tub facility shall be subject to review and modification as necessary to alleviate excessive noise or disturbance to the neighborhood.
- 32. The mechanical operation and use of the hot tub must adhere to the exterior noise standard of the Berkeley Municipal Code Section 13.40.050, limiting noise levels from the property line for any 30 minute period to:

R-1 District	7:00 a.m. – 10:00 p.m.	55 (dBA)
	19:00 p.m. – 7:00 a.m.	45 (dBA)



Pamela Johnson, Associate Planner for
Debra Sanderson, Zoning Officer

RECEIVED

JAN 15 2013

LAND USE PLANNING

APPROVED PLAN DATE **2-26-13**
 PLANNING
 D.P. Conditions Attached
 A.U.P. Conditions Attached
 U.P. Conditions Attached

PROJECT DATA

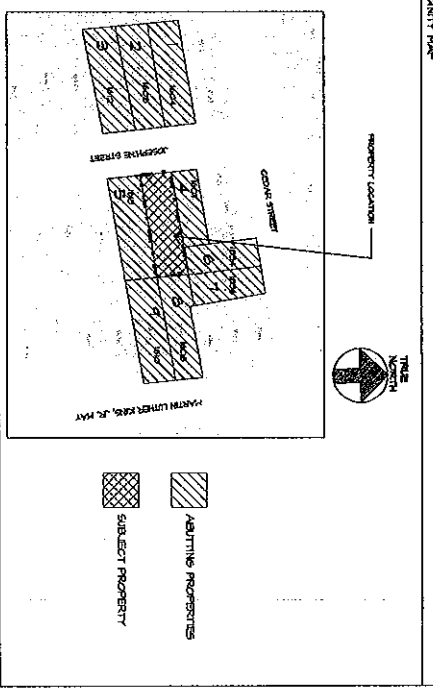
CLIENT	TRANS PARTNERS I, David Zlatchin	PROJECT	TRANS PARTNERS I, David Zlatchin
ADDRESS	1604 JOSEPHINE STREET, BERKELEY	PROJECT TYPE	REMODEL
CITY	BERKELEY, CA 94704	DATE	2/26/13
OWNER	TRANS PARTNERS I, David Zlatchin	SCALE	AS SHOWN

ARCHITECTURAL LEGEND

.....	EXISTING WALL	.....	EXISTING WALL
-----	EXISTING WALL - EXTERIOR	.....	EXISTING WALL
.....	EXISTING WALL - INTERIOR	.....	EXISTING WALL
.....	EXISTING WALL - EXTERIOR	.....	EXISTING WALL
.....	EXISTING WALL - INTERIOR	.....	EXISTING WALL

ABBREVIATIONS

AW	APPROVED WALL	EV	ELECTRICAL
AV	APPROVED WALL - VERTICALLY	EV	ELECTRICAL
AW	APPROVED WALL	EV	ELECTRICAL
AW	APPROVED WALL	EV	ELECTRICAL

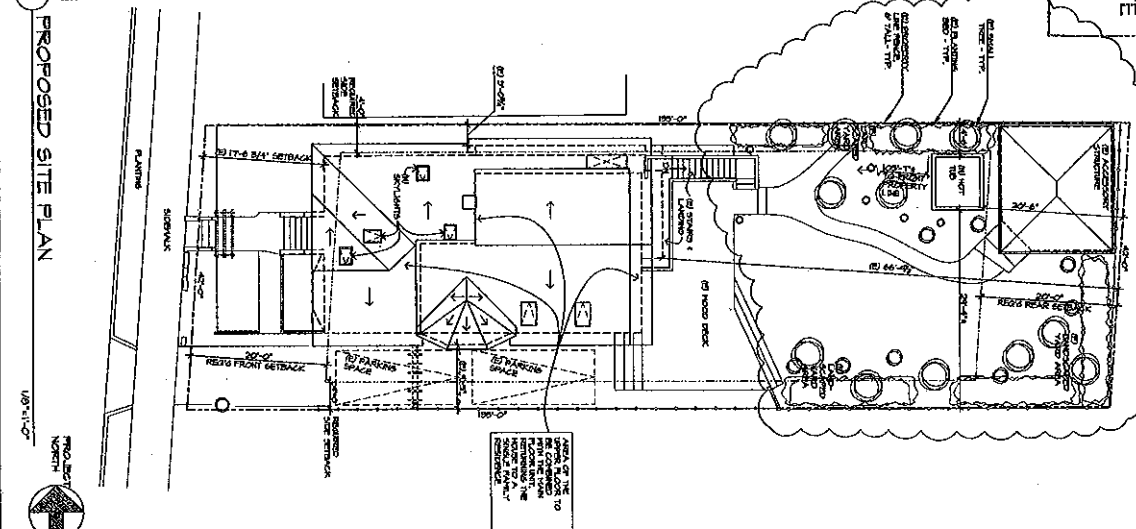


NEIGHBORHOOD QUANTIFIERS OF APPROVAL
 I HAVE REVIEWED THE MAP TO COMPLETE THE LITERS IN LOW RISE PLAT (1604 JOSEPHINE STREET) BACK TO A SINGLE UNIT AS PART OF THE ORIGINAL MAIN HOUSE AT 1604 JOSEPHINE STREET, BERKELEY, CA 94704 AND ADD A HOT TUB IN THE BACK YARD.

NAME	SIGNATURE	MAILING ADDRESS	NOTES OR OWNER	DATE	HAVE NO OBJECTIONS	HAVE DESCRIPTION OF EASES ON THE PROPERTY	HAVE NO COMMENT
1		1604 JOSEPHINE STREET, BERKELEY, CA 94704					
2		1604 JOSEPHINE STREET, BERKELEY, CA 94704					
3		1604 JOSEPHINE STREET, BERKELEY, CA 94704					
4		1604 JOSEPHINE STREET, BERKELEY, CA 94704					
5		1604 JOSEPHINE STREET, BERKELEY, CA 94704					
6		1604 JOSEPHINE STREET, BERKELEY, CA 94704					
7		1604 JOSEPHINE STREET, BERKELEY, CA 94704					
8		1604 JOSEPHINE STREET, BERKELEY, CA 94704					
9		1604 JOSEPHINE STREET, BERKELEY, CA 94704					
10		1604 JOSEPHINE STREET, BERKELEY, CA 94704					

APPLICABLE BUILDING CODES

- 2006 CALIFORNIA BUILDING CODE
- 2006 CALIFORNIA ELECTRICAL CODE
- 2006 CALIFORNIA MECHANICAL CODE
- 2006 CALIFORNIA PLUMBING CODE
- 2006 CALIFORNIA FIRE CODE
- 2006 CALIFORNIA LANDMARK PRESERVATION CODE
- 2006 CALIFORNIA HISTORIC LANDMARK PRESERVATION CODE
- 2006 CALIFORNIA HISTORIC PRESERVATION CODE
- 2006 CALIFORNIA HISTORIC ARCHITECTURE CODE
- 2006 CALIFORNIA HISTORIC ARCHITECTURE PRESERVATION CODE

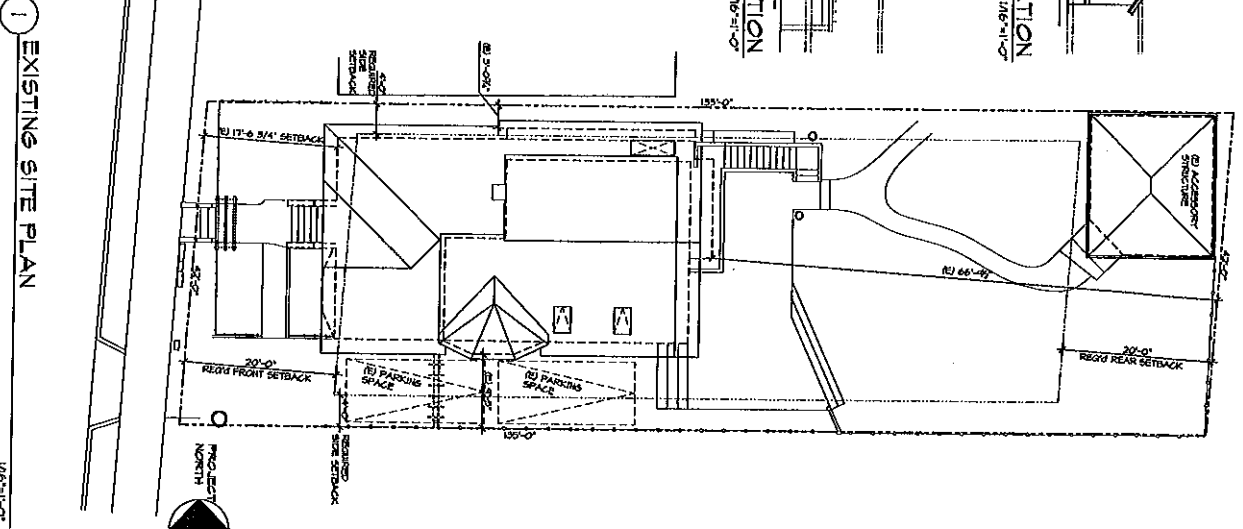
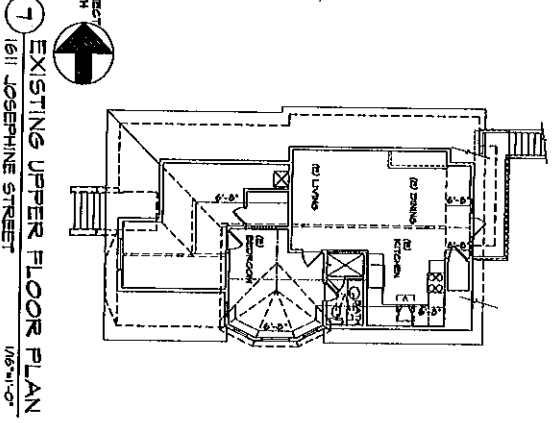
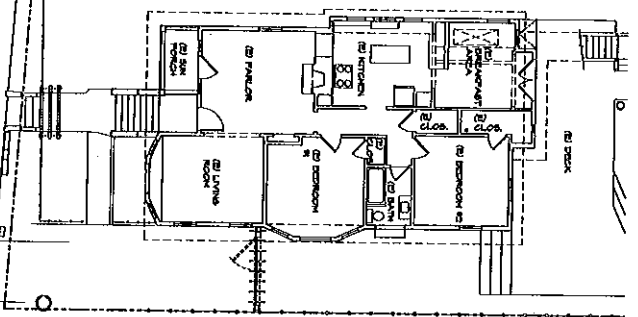
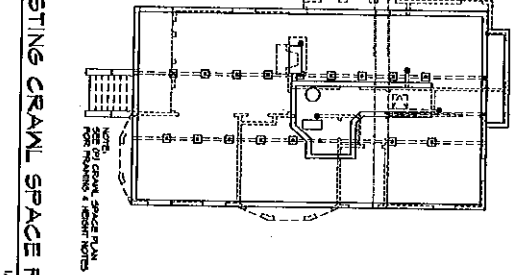
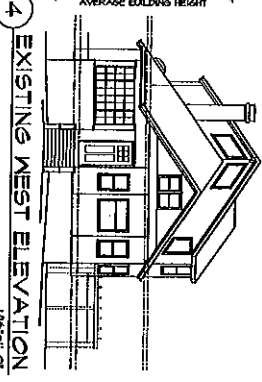
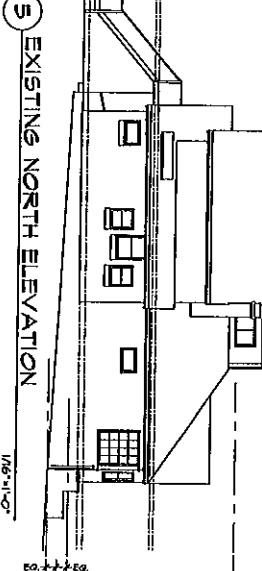
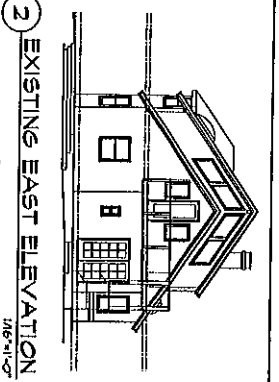
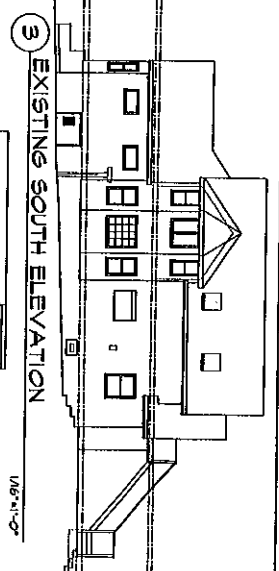


TRANS PARTNERS I, David Zlatchin
 1604 JOSEPHINE STREET
 BERKELEY, CA 94704
 TEL: 510.526.2720
 FAX: 510.526.2720
 INFO@SOGNODESIGNGROUP.COM
 WWW.SOGNODESIGNGROUP.COM

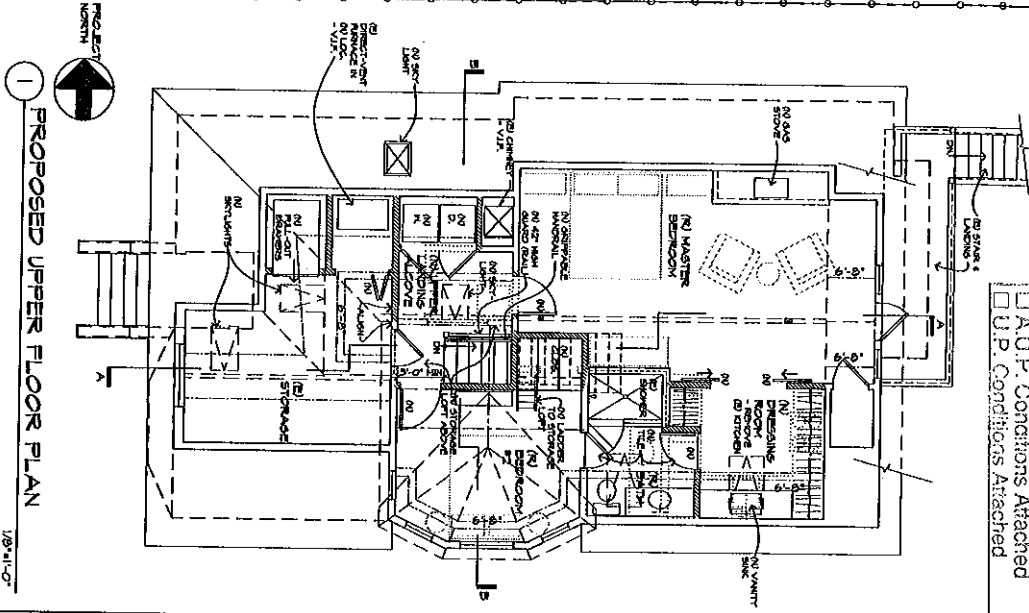
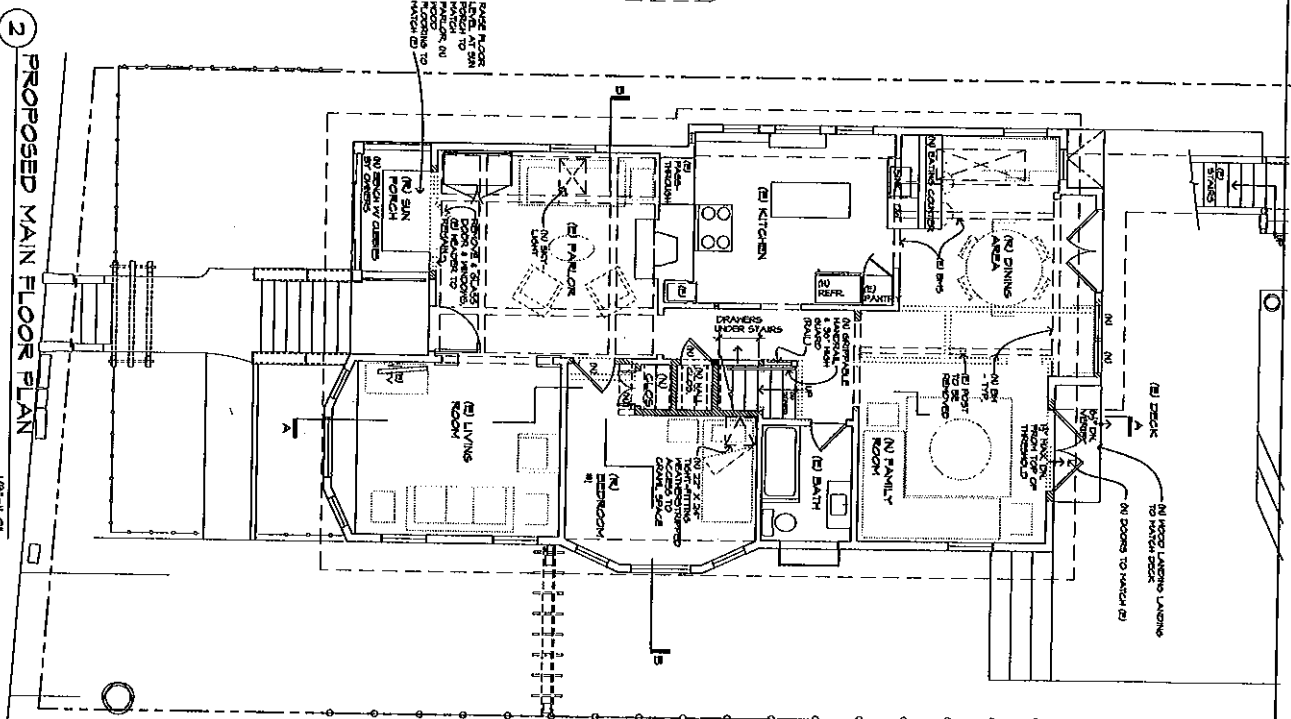
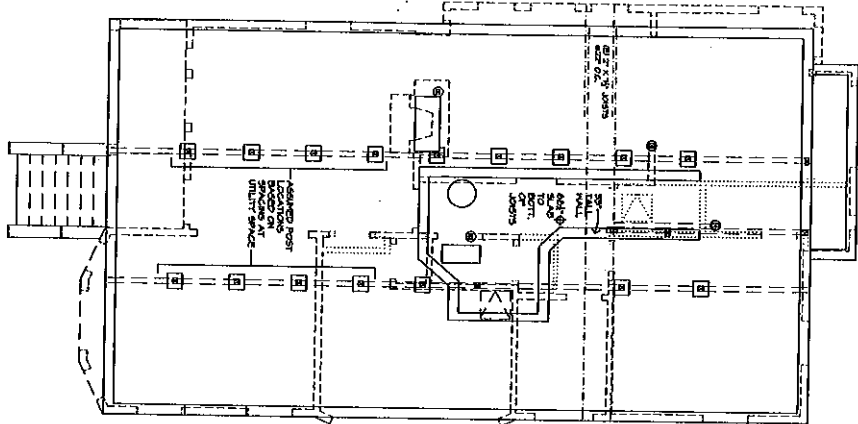
AUP: REMODEL
 TIANA WERTHEIM & DAVID ZLATCHIN
 1604 JOSEPHINE STREET
 BERKELEY, CA

AO
 01/8/2012
 AS NOTED
 BY TISH

APPROVED PLAN
 PLANING
 DATE 2.26.13
 D.R. Conditions Attached
 A.U.P. Conditions Attached
 H.P. Conditions Attached



REVISIONS NO. DATE BY 1 2 3	AUP 14960 Solano Avenue Albany, California 94706 tel: 510.528.2720 fax: 510.524.7038 info@sognodesigngroup.com www.sognodesigngroup.com	REMODEL / ADDITION TIANA WERTHEIM & DAVID ZLATCHIN 1604 JOSEPHINE STREET BERKELEY, CA	ARCHITECT CONSULTING FLOOR PLANS & ELEVATIONS DATE 02-15-2013 AS NOTED 2/1 2/1 WERTHEIM	A
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APPROVAL PLAN

DATE: 2-26-13

PLANNING: DMJ

D.R. Conditions Attached

A.U.P. Conditions Attached

U.P. Conditions Attached

PROPOSED FLOOR PLANS

AUP: REMODEL

TIANA WERTHEIM & DAVID ZLATCHIN

1604 JOSEPHINE STREET

BERKELEY, CA

04-18-2012

AS NOTED

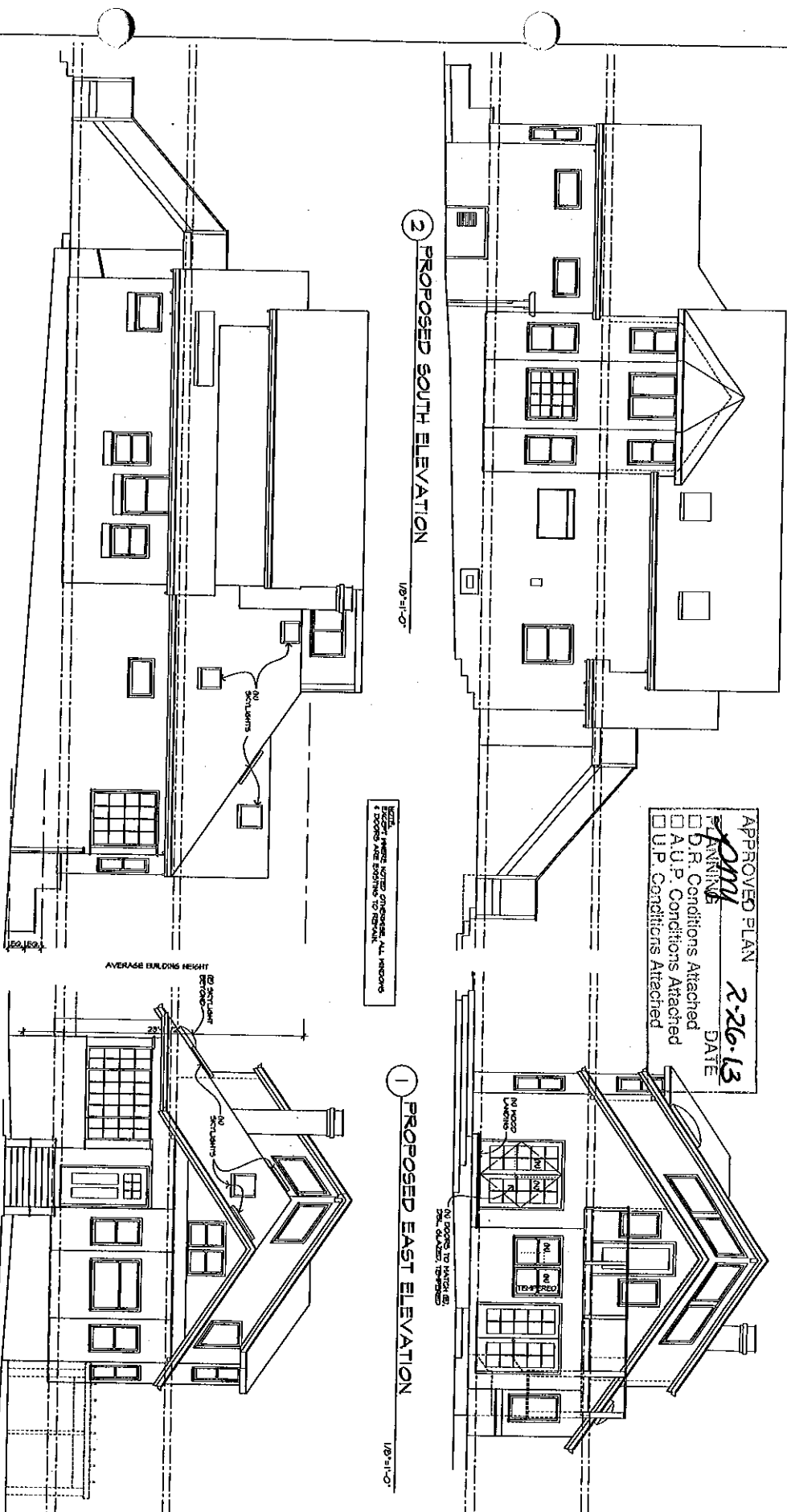
RM / RM

WESTERN

A2

Sogno Design Group

1496C Colono Avenue
Albany, California 94706
tel: 510.528.2720 fax: 510.524.7036
info@sognodesigngroup.com
www.sognodesigngroup.com



APPROVED PLAN
 PLANING *DM*
 DATE 2-26-13

D.R. Conditions Attached
 A.U.P. Conditions Attached
 U.P. Conditions Attached

NOTE: HEIGHT MEASUREMENTS SHOWN, ALL HEIGHTS & ROOMS ARE SUBJECT TO REVISION.

4 PROPOSED NORTH ELEVATION

1/8"=1'-0"

2 PROPOSED SOUTH ELEVATION

1/8"=1'-0"

1 PROPOSED EAST ELEVATION

1/8"=1'-0"

3 PROPOSED WEST ELEVATION

1/8"=1'-0"

AVERAGE BUILDING HEIGHT
 23'-0"

PROPOSED EXTERIOR ELEVATIONS AUP: REMODEL TIANA KERTHEIM & DAVID ZLATCHIN 1604 JOSEPHINE STREET BERKELEY, CA		1498C Solano Avenue Albany, California 94706 tel: 510.526.2720 fax: 510.524.7036 info@sognodesigngroup.com www.sognodesigngroup.com
		09-13-2012 AS NOTED AS NOTED AS NOTED AS NOTED AS NOTED
AS AS		