



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 #2013-0081**

Property Address: **1226 JOSEPHINE STREET**

Permittee Name: **DAVID MOFFAT & WENDY WALKER**

Use and/or Construction Permitted: to convert an existing 219 square foot, single-story, one-car garage into a home office and studio space pursuant to:

- Section 23D.08 to construct an accessory building;
- Section 23D.08.020 to construct an accessory structure that measures more than 10' in average height within 4' of a property line; and
- Section 23D.08.050 to construct an accessory structure that measures greater than 24' along a side property line.

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 November 19, 2013.

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

November 19, 2013  
Effective Date

# ATTACHMENT 1

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## FINDINGS AND CONDITIONS

OCTOBER 28, 2013

### 1226 Josephine Street

#### Administrative Use Permit #2013-0081

To convert an existing 219 square foot, single-story, one-car garage into a home office and studio space.

#### 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 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

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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:
  - As required under Section 23D.08.A and 23D.08.010.B (Accessory Buildings), the creation of an accessory building that contains habitable space at this location is found to be non-detrimental. The project would not unreasonably obstruct sunlight, air, or views, nor will it cast significant shadows on the windows or a substantial area of open space of adjacent residences because the structure is located on the south side of the property and will cast shadows on the subject lot. When finished, the building will have a gabled roof with a clerestory and an average height of approximately 11' 6".
  - The creation of habitable space within an existing accessory structure is expected to create little or no privacy impacts to the immediate neighbors given that the windows and doors are oriented towards the center of the parcel, away from adjacent dwellings. The clerestory windows will allow light in the building and preserve privacy for the adjacent properties.

- The conversion of the garage is permissible because the applicant has provided one off-street parking in the side yard setback.

## **STANDARD CONDITIONS**

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

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

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

### **2. Applicant Responsible for Compliance with Conditions**

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

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

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

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

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

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

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

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

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

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

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

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

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

**9. Indemnification Agreement**

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

**ADDITIONAL CONDITIONS IMPOSED BY THE ZONING OFFICER**

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

**Prior to Submittal of Any Building Permit:**

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

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

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

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

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

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

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

12. The applicant will obtain the appropriate demolition permits in order to remove the existing carport located to the east of the existing garage.
13. Prior to issuance of a building permit, 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 by a Use Permit, Administrative Use Permit, or Zoning Certificate, whichever is applicable. This limitation shall include the explicit acknowledgment that no shower, tub, or kitchen facilities may be installed in this habitable accessory building. 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.
14. Drainage plans shall be submitted for approval of the Building & Safety Division and Public Works Department, if required.

**During Construction:**

15. 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.
16. 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.

17. 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.
18. 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.
19. 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.
20. Trucks hauling debris, soil, sand, or other loose materials shall be covered or required to maintain at least two feet of board.
21. Public streets shall be swept (preferably with water sweepers) of all visible soil material carried from the site.
22. The applicant shall establish and maintain drainage patterns that do not adversely affect adjacent properties and rights-of-way.
23. 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.
24. 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:**

25. All construction at the subject property shall substantially conform to the approved Use Permit drawings or to modifications approved by the Zoning Officer.
26. All landscape, site and architectural improvements shall be completed per the attached approved drawings stamped **RECEIVED SEPTEMBER 20, 2013**.

**At All Times (Operation):**

27. All exterior lighting shall be shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.
28. 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

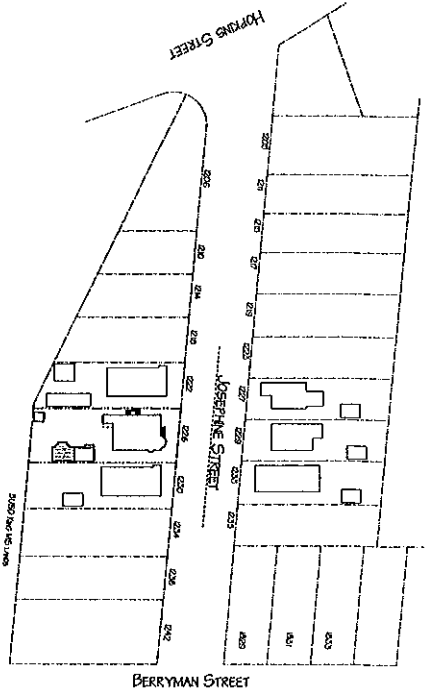
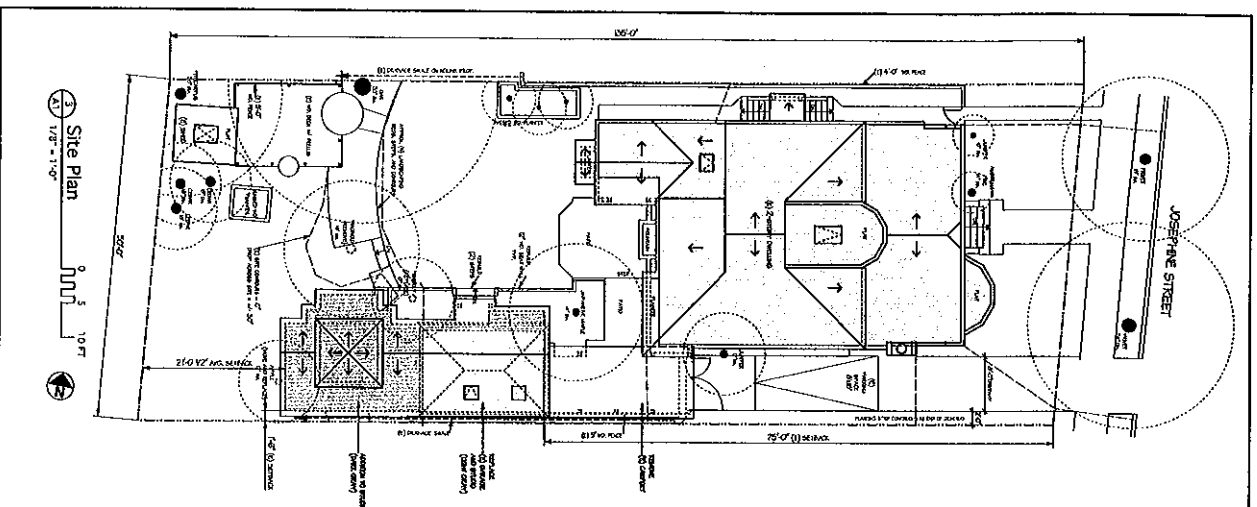
of this establishment is violating any of these or other required conditions or is detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the neighborhood or is detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.

- 29.** Noise and exterior lighting shall be controlled so as to prevent verified complaints from the surrounding neighborhood. .



Claudine Asbagh, Assistant Planner for  
Debbie Sanderson, Zoning Officer



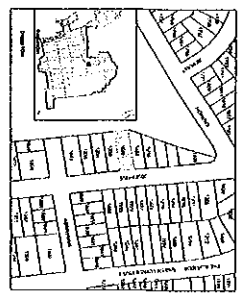


Neighborhood Plan / Adjacent Structures 0 25 75 FT

**Project Description**  
 Replace an existing 220-sq-ft, accessory building with a new 230-sq-ft, accessory building.  
 Index  
 A1 COVER SHEET  
 A2 PLANS, SCHEDULES  
 A3 ELEVATIONS  
 A4 SECTIONS, ETC.  
 A5 RENDRINGS

**Neighborhood Endorsements**  
 Have reviewed the plans by David Moffatt and Wendy Walker to replace an existing 220-sq-ft, accessory building with a new 230-sq-ft, accessory building and replace the roof of an existing adjacent carport at 1226 Josephine St.

Print Name	Signature	Address	Role	Date	Comments



Project Location  
 No Scale

Parcel #: 60-2445-7  
 Zoning: design, R-2

**lot coverage calculation**  
 220 sq. ft. existing accessory building  
 219 sq. ft. addition to accessory building  
 507 sq. ft. total new accessory building  
 existing building footprint  
 1580 sq. ft. residence  
 75 sq. ft. shed  
 2198 sq. ft. total new building footprint  
 6722 sq. ft. lot size  
 equals 32.7 percent lot coverage

**LAND USE PLANNING**

RECEIVED  
 SEP 20 2013

STUDIO / ACCESSORY BUILDING REMODEL  
 1226 JOSEPHINE ST.  
 BERKELEY, CA  
 Wendy Walker  
 David Moffatt  
 510.824.4855

DAVID MOFFATT  
 ARCHITECT  
 3222 UNIVERSITY ST., #10  
 BERKELEY, CA  
 510.841.1003  
 DMOP@MHOFFAT.CO

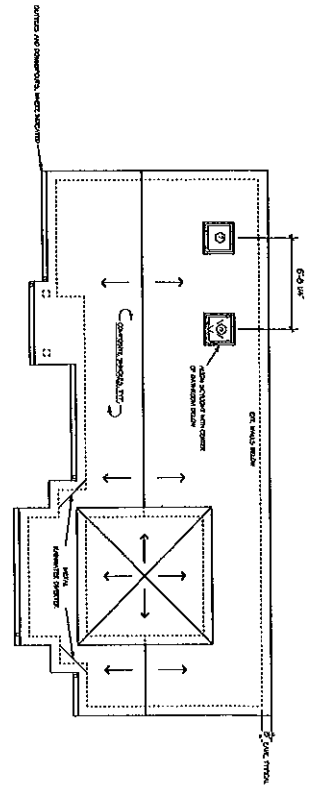
MAY 30 2013  
 REVISIONS  
 SEPTEMBER 19, 2013

**General Notes**

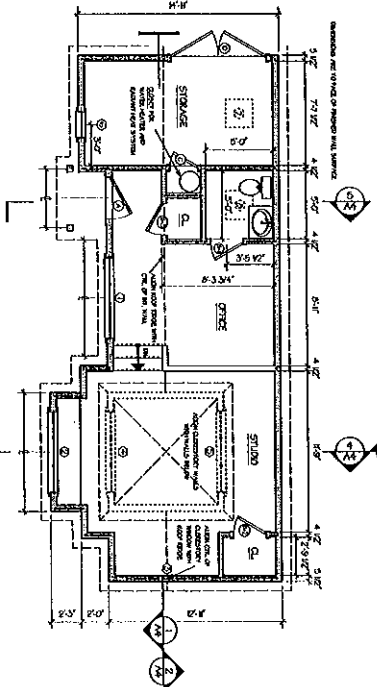
- All work shall conform to the 2010 California Residential Code, to the California Plumbing, Mechanical, and Electrical Codes, and to all local codes and ordinances. Permitted, licensed, and authorized trades shall be used. All work shall be completed in accordance with the applicable codes and ordinances, each stepping stage, and on each additional story of the dwelling. Carbon monoxide alarm shall be installed outside each bedroom, and 30 feet or one bedroom on each story.
- The contractor shall provide all permits, fees and inspection required to complete the project.
- The contractor shall verify all conditions and dimensions on the site prior to beginning work. Violations between the drawings and actual site conditions, and any errors or omissions found in the drawings, shall be brought to the attention of the owner before proceeding with the work. The contractor shall provide all necessary information for the owner.
- Within drawings shown on the drawings shall have precedence over general dimensions.
- The contractor shall not use scaled dimensions. Detail drawings shall have precedence over general dimensions.
- The contractor shall coordinate structural drawings with architectural drawings and field conditions, and bring any discrepancies immediately to the attention of the owner.
- The contractor shall coordinate with the owner and other trades to coordinate the construction and completion of the work, from foundation through final trim and finish installation in accordance with the drawings.
- The contractor shall install all products and materials in accordance with manufacturer's recommendations.
- The contractor shall provide emergency enclosures as required to subsequently protect the building and its contents during construction and provide protection from the weather.
- The contractor shall provide reference and coordination of all subcontractors and subcontractors related work, and provide any and all notices, statements, accounts, and individual items as required to complete the work fully, properly and correctly.
- The contractor shall also not responsible for construction safety, excavation, protection of existing structures, utility relocation, or any other work that requires a separate permit and/or shall relate to original condition at the time the owner provides the drawings and information on the project.
- Upon completion, the contractor shall ensure that all areas has been professionally cleaned, and all debris, trash, and equipment removed from the project. All interior spaces are to be clean, dry, and ready for occupancy. The contractor shall provide the owner with the original copies of all permits, and provide the owner with the original copy of the building and equipment installed as part of the project.
- The contractor shall warranty all new work against leaks for a minimum of two years.

DATE 10-25-2013  
 P. M. Gendions Attached  
 P. M. Gendions Attached

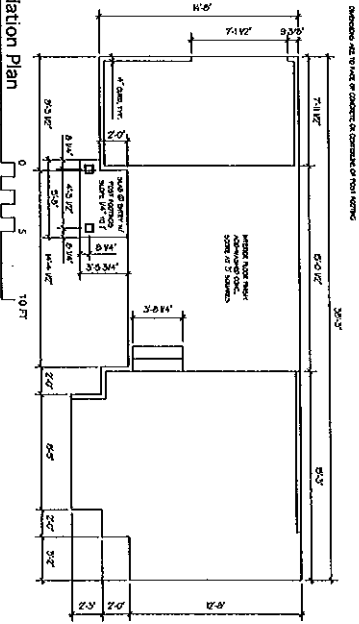
SCALE VARIOUS  
 SHEET A1 OF 5  
 COVER SHEET



1 Roof Plan  
1/4" = 1'-0"

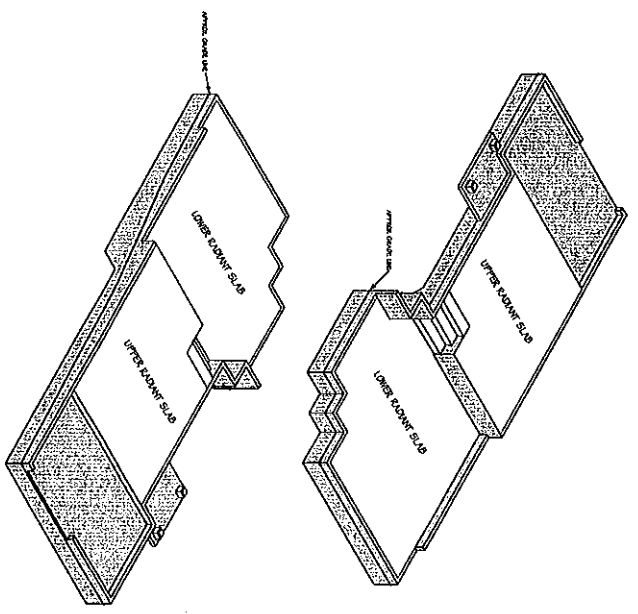


2 Floor Plan  
1/4" = 1'-0"



3 Foundation Plan  
1/4" = 1'-0"

ID	Window	Height	Operation	Material	Glazing	Manufacturer	Model No.	Comments
1	6'0" x 6'0"	6'0"	Fixed	Aluminum	Clear	WINDOOR	WINDOOR 6000	6'0" x 6'0" SECTION
2	6'0" x 6'0"	6'0"	Fixed	Aluminum	Clear	WINDOOR	WINDOOR 6000	6'0" x 6'0" SECTION
3	6'0" x 6'0"	6'0"	Fixed	Aluminum	Clear	WINDOOR	WINDOOR 6000	6'0" x 6'0" SECTION
4	6'0" x 6'0"	6'0"	Fixed	Aluminum	Clear	WINDOOR	WINDOOR 6000	6'0" x 6'0" SECTION
5	6'0" x 6'0"	6'0"	Fixed	Aluminum	Clear	WINDOOR	WINDOOR 6000	6'0" x 6'0" SECTION
6	6'0" x 6'0"	6'0"	Fixed	Aluminum	Clear	WINDOOR	WINDOOR 6000	6'0" x 6'0" SECTION
7	6'0" x 6'0"	6'0"	Fixed	Aluminum	Clear	WINDOOR	WINDOOR 6000	6'0" x 6'0" SECTION
8	6'0" x 6'0"	6'0"	Fixed	Aluminum	Clear	WINDOOR	WINDOOR 6000	6'0" x 6'0" SECTION
9	6'0" x 6'0"	6'0"	Fixed	Aluminum	Clear	WINDOOR	WINDOOR 6000	6'0" x 6'0" SECTION
10	6'0" x 6'0"	6'0"	Fixed	Aluminum	Clear	WINDOOR	WINDOOR 6000	6'0" x 6'0" SECTION
11	6'0" x 6'0"	6'0"	Fixed	Aluminum	Clear	WINDOOR	WINDOOR 6000	6'0" x 6'0" SECTION
12	6'0" x 6'0"	6'0"	Fixed	Aluminum	Clear	WINDOOR	WINDOOR 6000	6'0" x 6'0" SECTION
13	6'0" x 6'0"	6'0"	Fixed	Aluminum	Clear	WINDOOR	WINDOOR 6000	6'0" x 6'0" SECTION
14	6'0" x 6'0"	6'0"	Fixed	Aluminum	Clear	WINDOOR	WINDOOR 6000	6'0" x 6'0" SECTION
15	6'0" x 6'0"	6'0"	Fixed	Aluminum	Clear	WINDOOR	WINDOOR 6000	6'0" x 6'0" SECTION
16	6'0" x 6'0"	6'0"	Fixed	Aluminum	Clear	WINDOOR	WINDOOR 6000	6'0" x 6'0" SECTION
17	6'0" x 6'0"	6'0"	Fixed	Aluminum	Clear	WINDOOR	WINDOOR 6000	6'0" x 6'0" SECTION
18	6'0" x 6'0"	6'0"	Fixed	Aluminum	Clear	WINDOOR	WINDOOR 6000	6'0" x 6'0" SECTION
19	6'0" x 6'0"	6'0"	Fixed	Aluminum	Clear	WINDOOR	WINDOOR 6000	6'0" x 6'0" SECTION
20	6'0" x 6'0"	6'0"	Fixed	Aluminum	Clear	WINDOOR	WINDOOR 6000	6'0" x 6'0" SECTION



4 Radiant Floor Locator  
1/4" = 1'-0"

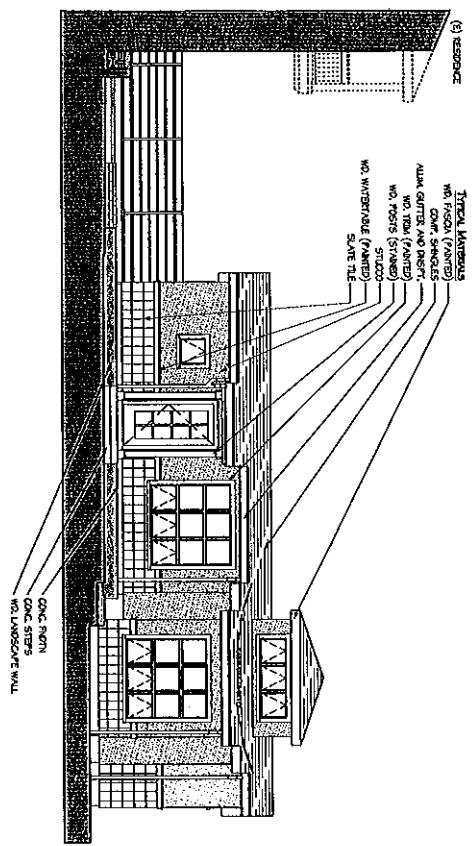
PLANNING DATE 10-25-13  
 G.D.R. Conditions Attached  
 S.A.U.P. Conditions Attached  
 C.U.P. Conditions Attached

STUDIO/  
ACCESSORY BUILDING  
REMODEL  
1226  
JOSEPHINE ST.  
BERKELEY, CA 94703  
 For  
VENNY WALKER  
DAVID MORFAT  
510-824-4455

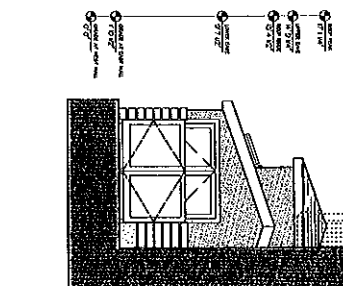
DAVID MORFAT  
2312 NINTH ST. #8  
BERKELEY, CA 94710  
510-841-1902  
dmorfo@wwo.com

MAY 30, 2013  
REVISIONS:  
SEPTEMBER 19, 2013

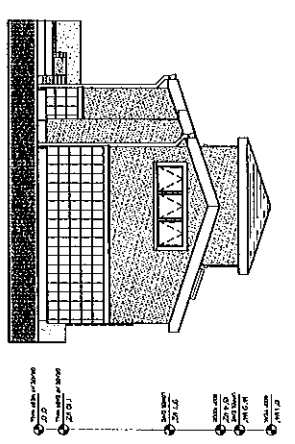
PLANS  
SCALE 1/4" = 1'  
SHEET A2 OF 5



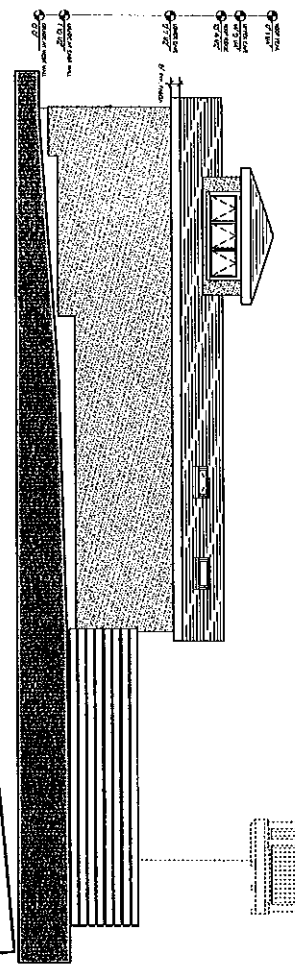
TYPICAL MATERIALS  
 NO. 1 PLYSOL (PAINTED)  
 NO. 2000 SINGLES  
 ALUM. GRILLS AND INSERTS  
 NO. 1000 (PAINTED)  
 NO. 1000S (PAINTED)  
 NO. 1000S (STUCCO)  
 NO. WATERSHIELD (PAINTED)  
 SLATE TILE



2 East Elevation / Elev.-Section  
 1/4" = 1'-0"



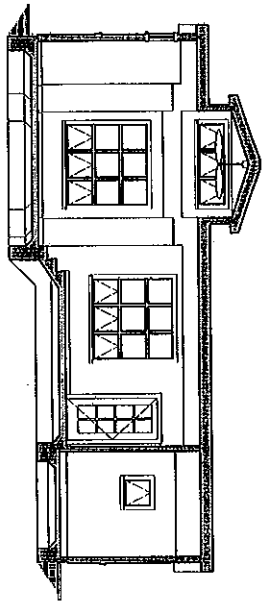
3 West Elevation  
 1/4" = 1'-0"



4 South Elevation  
 1/4" = 1'-0"

APPROVED PLAN  
 16-25-13  
 DATE  
 D.R. Conditions Attached  
 A.U.P. Conditions Attached  
 A.U.P. Conditions Attached

<p>STUDIO/          ACCESSORY BUILDING          REMODEL          JOSEPHINE ST.          1226          BERKELEY, CA          94703          POB          VANCEY WALKER          STUDIO ARCHITECTS          3105244855</p>	<p>DAVID MORFAT          ARCHITECT          2212 NINTH ST. #8          BERKELEY, CA 94710          5108411802          DMORFAT@YANAL.COM</p>	<p>MAY 20, 2013          REVISIONS:          SEPTEMBER 19, 2013</p>
<p>ELEVATIONS</p>		
<p>SCALE          1/4" = 1'</p>		
<p>SHEET  <b>A3</b>          OF 5</p>		

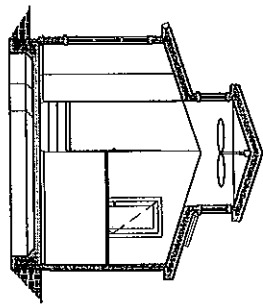


2 East-West Section (View North) 1/4" = 1'-0" 10 FT

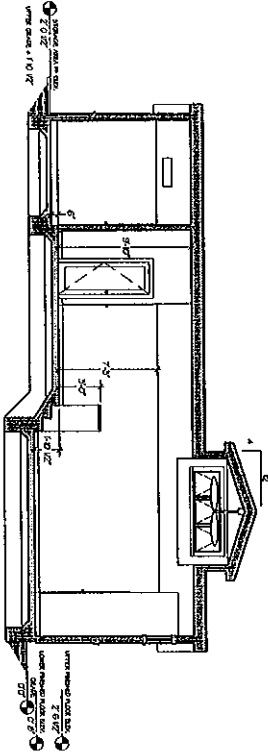
**TYPICAL EXT. WALL CONSTRUCTION**  
 PAINTED STUDO ABOVE  
 SLATE TILE, INSERT OVER STUDO, BELOW  
 2x DOW, VERTICAL  
 8x8 WOOD JOIST  
 2x4 STUDS, 12" o.c.  
 1/2" GYPS. BO.  
 1/2" GYPS. BO.

**TYPICAL INT. WALL CONSTRUCTION**  
 1/2" GYPS. BO.  
 2x4 STUDS, 12" o.c.  
 1/2" GYPS. BO.

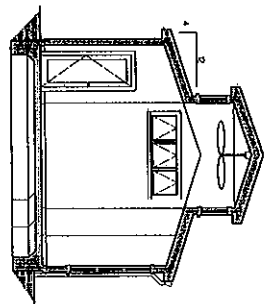
**TYPICAL ROOF CONSTRUCTION**  
 1/2" GYPS. BO.  
 2x10 rafters, 24" o.c.  
 2x12 RIB ROOF  
 5x5 DOW, VERTICAL  
 2x4 STUDS, 12" o.c.  
 1/2" GYPS. BO.



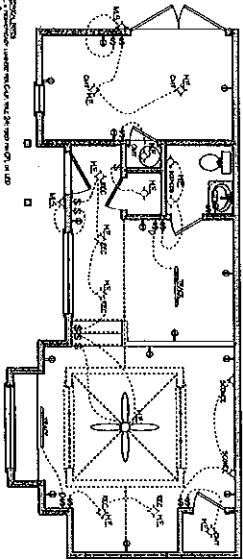
3 North-South Section (View East) 1/4" = 1'-0" 10 FT



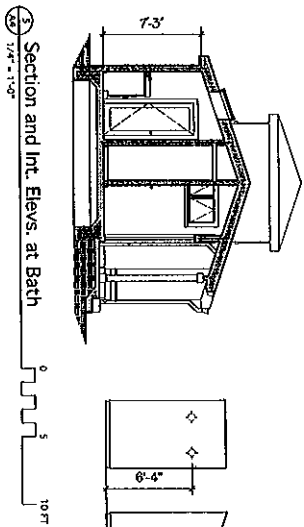
2 East-West Section (View South) 1/4" = 1'-0" 10 FT



3 North-South Section (View West) 1/4" = 1'-0" 10 FT



4 Electrical Plan 1/4" = 1'-0" 10 FT



5 Section and Int. Elevs. at Bath 1/4" = 1'-0" 10 FT

STUDIO/  
 ACCESSORY BUILDING  
 REMODEL

1226  
 JOSEPHINE ST.

Berkeley, CA  
 94703

FOR  
 VICTOR WALLACE  
 DAVID MORFAT  
 510-224-4855

DAVID MORFAT  
 ARCHITECT  
 2813 NINTH ST. #8  
 BERKELEY, CA 94710  
 510-841-1922  
 DMORFAT@MORFAT.COM

MAY 30, 2013

SECTIONS

SEPTEMBER 19, 2013

SECTIONS,  
 ETC.

SCALE  
 1/4" = 1'

SHEET

A4

OF 5

DATE 02-13  
 V.P. PLAN  
 PLANNING  
 D.R. Conditions Attached  
 A.U.P. Conditions Attached  
 U.P. Conditions Attached