



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

1633 Posen Avenue

Administrative Use Permit #ZP2015-0242

Project Description: To construct a 951 square foot second story addition to and a hot tub in the rear yard of an existing single family residence, pursuant to:

- Section 23D.16.030 to construct a major (> 600 sq. ft.) residential addition; and
- Section 23D.16.070 to construct additions (front and rear units) greater than 14-feet in average height; and
- Section 23D.08.060 to construct an unenclosed hot tub in a rear yard.

FINDINGS, CONDITIONS AND APPROVED PLANS ATTACHED

Following the expiration of the mandatory appeal period set forth in Section 23B.28.040 of the Berkeley Municipal Code, with no timely appeal being filed, the Administrative Use Permit described herein has been duly granted by the Zoning Officer on April 26, 2016

Attest: Carol Johnson
Carol Johnson, Land Use Planning Manger

April 26, 2016
Effective Date

ATTACHMENT 1

FINDINGS AND CONDITIONS

APRIL 5, 2016

1633 Posen Avenue

Administrative Use Permit #ZP2015-0242

To construct a 951 square foot second story addition to and a hot tub in the rear yard of an existing single family residence.

PERMITS REQUIRED

- Administrative Use Permit under Section 23D.16.030 to construct a major (> 600 sq. ft.) residential addition; and
- Administrative Use Permit under Section 23D.16.070 to construct additions (front and rear units) greater than 14-feet in average height; and
- Administrative Use Permit under Section 23D.08.060 to construct an unenclosed hot tub in a 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 would not affect any historical resource.

FINDINGS FOR APPROVAL

2. As required by Section 23B.28.050.A of the Zoning Ordinance, the project, under the circumstances of this particular case existing at the time at which the application is granted, would not be detrimental to the health, safety, peace, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood, or to the general welfare of the City because:
 - Construction of proposed second floor addition and an unenclosed hot tub in the rear yard conforms to all R-1 district standards. The footprint of the existing single family home would not change. The front setback is 20-feet and rear setback is 51-feet, both where 20-feet is required. The west-side setback is 4-feet 3-inches and east-side setback is 4-feet, both where 4-feet is required. The new residence will cover 37% of the lot where 40% is allowed and provide in excess of the required 400 square feet of

open space which leaves a reasonable amount of space between structures so as not to impact air. Through the second floor addition, the average height of the structure would increase by 13-feet to 26-feet 8-inches, staying below the required 28-foot average height limit. Therefore it is determined not to be detrimental to the general welfare of the neighborhood.

- As described above the proposed project conforms to all R-1 district standards. There will be no changes to openings (windows and doors) on the existing first floor. New windows will be provided on each elevation of the proposed second floor. The neighboring dwellings to the east and west are each 9-feet away. The proposed second floor is positioned toward the rear of the existing dwelling which will minimize impacts on both 1631 and 1635 Posen. The existing second floor at 1635 is positioned toward the front so the bulk of the proposed addition would be behind this second floor. Similarly, the proposed addition would be behind the rear portion of 1635 Posen. Though the creation of habitable space on the second floor could create new privacy impacts to the east and west, the windows are not within the required 4-foot setbacks and the bulk of the addition is behind these neighboring structures. Therefore the privacy impacts are deemed not detrimental to the abutting residences.
- The additions would not affect any significant views in the neighborhood. (Significant views as defined by the Berkeley Municipal Code include views of the Berkeley Hills, San Francisco Bay, Mt. Tamalpais, or a significant landmark). This area is slightly sloping, developed with one-, two-, and three-story residences, and includes mature vegetation. Therefore the project will not be detrimental to views enjoyed by neighboring properties.
- The shadow studies supplied by the applicant detail the changes to shadows and light from the addition. The new shadows cast on 1631 Posen Avenue (neighbor to the west) would extend upward and shade approximately 2-inches of the bottom two windows on the second floor during June mornings. No other windows at 1631 Posen will have new shading. Approximately 1-foot of rear deck of 1631 Posen will receive new shadows during December at noon time. 1635 Posen will experience new shadows on the open rear yard during December mornings and on the rear kitchen windows during the afternoons of June. No other residential structures will experience new shadows. Due to these traits, light and shadow impacts to surrounding properties are determined not to be detrimental.
- The hot tub in the rear yard will be setback approximately 7-feet from the west-side property line and 40-feet from the rear (north) property line. The installation of the hot tub in the rear yard area of the subject property will not be detrimental to the abutting neighbors' privacy because it will be screened from view by the existing 6-foot perimeter fence and mature landscaping. There will be no changes to access of light, shadows, or air. 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. In particular, the operation of the hot tub equipment is subject to the controls imposed under the Berkeley Municipal Code (Chapter 13.40) as it relates to maximum noise levels and conditions of approval numbers 25-29.

3. Pursuant to Berkeley Municipal Code Section 23D.08.060.C, the Zoning Officer finds that the hot tub pump will be mounted and enclosed so that its sound is not audible over a property line of the adjacent lot. The pump is a self-contained unit that includes insulation on all sides to muffle any sound and vibration from the unit. Additionally, the vegetation and fencing will further mitigate any sound and vibration from the motor.

STANDARD CONDITIONS

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

1. Conditions Shall be Printed on Plans

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

2. Applicant Responsible for Compliance with Conditions

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

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

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

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

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

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

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

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

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

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

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

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

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

9. Indemnification Agreement

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

ADDITIONAL CONDITIONS IMPOSED BY THE ZONING OFFICER

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

- 10. The existing curb cut at the front of the property shall be removed and replaced with a new curb face and sidewalk that is compliant with current Berkeley standards.

Prior to Submittal of Any Building Permit:

- 11. 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: _____

- 12. 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.

During Construction:

13. Construction activity shall be limited to between the hours of 8:00 a.m. and 6:00 p.m. on Monday through Friday, and between 9:00 a.m. and noon on Saturday. No construction-related activity shall occur on Sunday or on any Federal Holiday.
14. If underground utilities leading to adjacent properties are uncovered and/or broken, the contractor involved shall immediately notify the Public Works Department and the Building & Safety Division, and carry out any necessary corrective action to their satisfaction.
15. Subject to approval of the Public Works Department, the applicant shall repair any damage to public streets and/or sidewalks by construction vehicles traveling to or from the project site.
16. All piles of debris, soil, sand, or other loose materials shall be covered at night and during rainy weather with plastic at least one-eighth millimeter in thickness and secured to the ground.
17. All active construction areas shall be watered at least twice daily, and all piles of debris, soil, sand or other loose materials shall be watered or covered.
18. Trucks hauling debris, soil, sand, or other loose materials shall be covered or required to maintain at least two feet of board.
19. Public streets shall be swept (preferably with water sweepers) of all visible soil material carried from the site.
20. The applicant shall establish and maintain drainage patterns that do not adversely affect adjacent properties and rights-of-way.
21. The applicant shall ensure that all excavation takes into account surface and subsurface waters and underground streams so as not to adversely affect adjacent properties and rights-of-way.
22. Any construction during the wet season shall require submittal of a soils report with appropriate measures to minimize erosion and landslides, and the developer shall be responsible for following these and any other measures required by the Building and Safety Division and the Public Works Department.

Prior to Issuance of Occupancy Permit or Final Inspection:

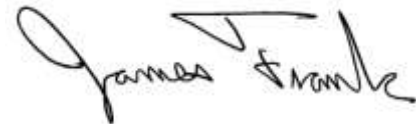
23. All construction at the subject property shall substantially conform to the approved Use Permit drawings or to modifications approved by the Zoning Officer.

24. All landscape, site and architectural improvements shall be completed per the attached approved drawings dated January 21, 2016.

At All Times (Operation):

- 25. All exterior lighting shall be shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.
- 26. The pump shall be mounted, enclosed and maintained to prevent noise from disturbing the occupants of neighboring properties.
- 27. The hot tub shall be drained into the sanitary sewer connection of the subject property, and not into any storm drain.
- 28. The hot tub shall be equipped with safety features in accordance with Chapter 31B, Division II of the California Building Code.
- 29. This permit shall be subject to review and modification as necessary to alleviate excessive noise or disturbance to the neighborhood.
- 30. Mechanical operation and use 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)
	10:00 p.m. - 7:00 a.m.	45 (dBA)



Prepared by: Jim Frank, Assistant Planner
For Shannon Allen, Principal Planner, AICP

LAND USE PLANNING

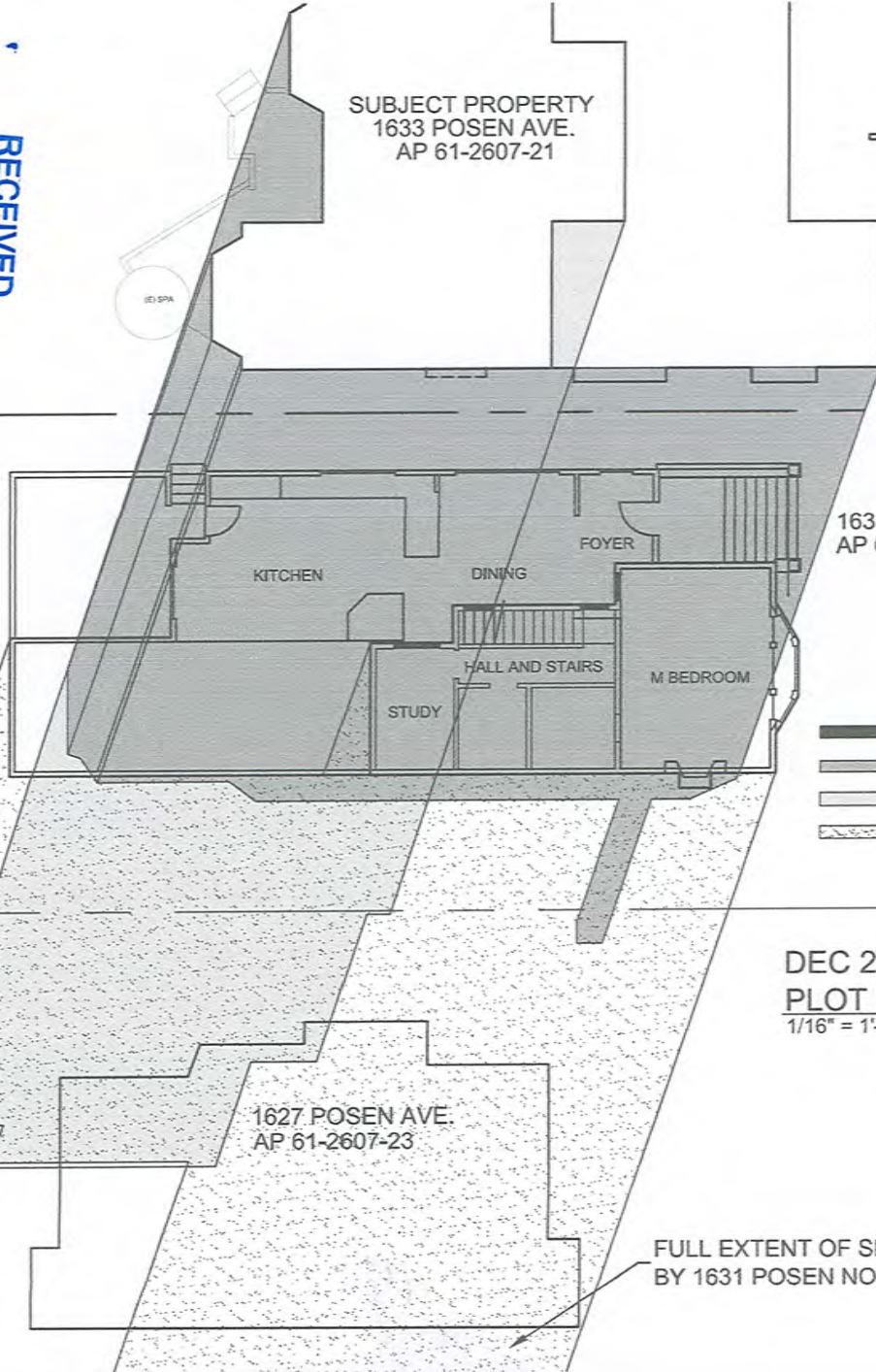
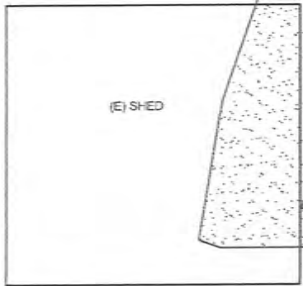
JAN 21 2016

RECEIVED

SUBJECT PROPERTY
1633 POSEN AVE.
AP 61-2607-21

1631 POSEN AVE.
AP 61-2607-22

1627 POSEN AVE.
AP 61-2607-23



- EXISTING AFFECTED WINDOWS
- EXISTING SHADOW
- PROPOSED SHADOW
- SHADOW BY 1631 POSEN AVE.

PLANS APPROVED by

 SIGNATURE DATE
 April 5, 2016
 *AUP Findings and Conditions Attached

DEC 21 - 2 HRS AFTER SUNRISE
PLOT PLAN WITH SHADOW STUDY
1/16" = 1'-0"



FULL EXTENT OF SHADOW CAST BY 1631 POSEN NOT SHOWN

PLANS APPROVED by

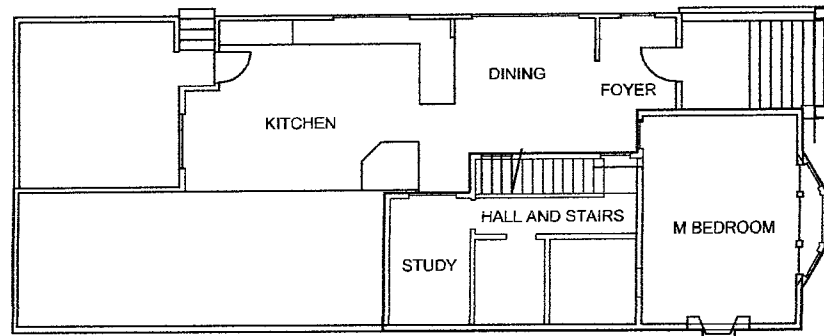
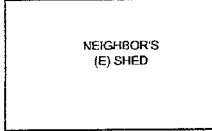
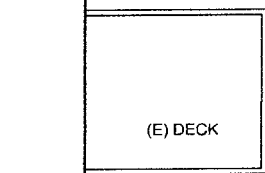
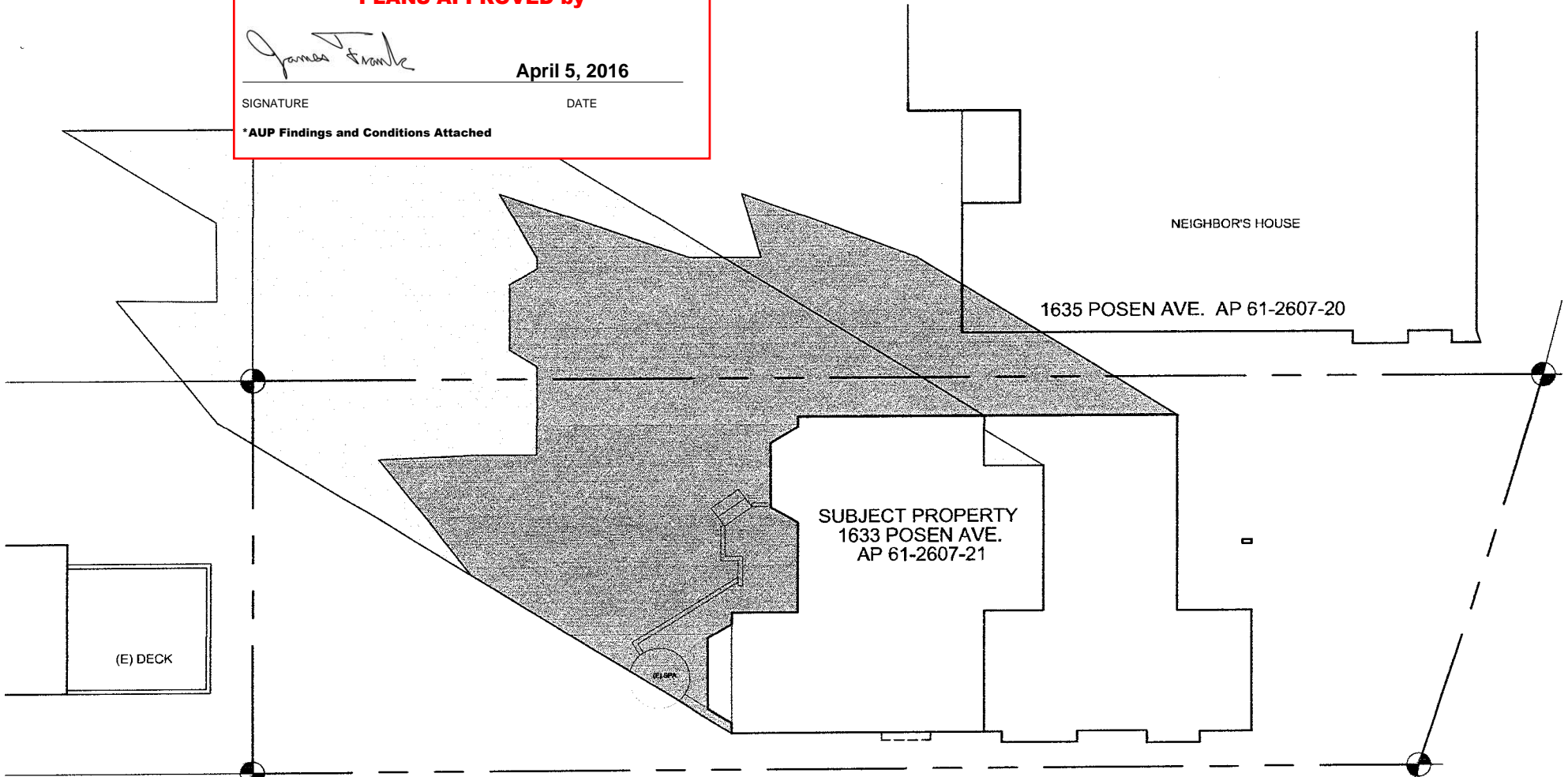
James Frank

April 5, 2016

SIGNATURE




DATE

***AUP Findings and Conditions Attached**



1631 POSEN AVE.
AP 61-2607-22

**DEC 21
2 HRS BEFORE SUNSET**

-  EXISTING AFFECTED WINDOWS
-  EXISTING SHADOW
-  PROPOSED SHADOW

PLOT PLAN WITH SHADOW STUDY 1633 POSEN AVE. AP 61-2607-21
1/16" = 1'-0"

PLANS APPROVED by

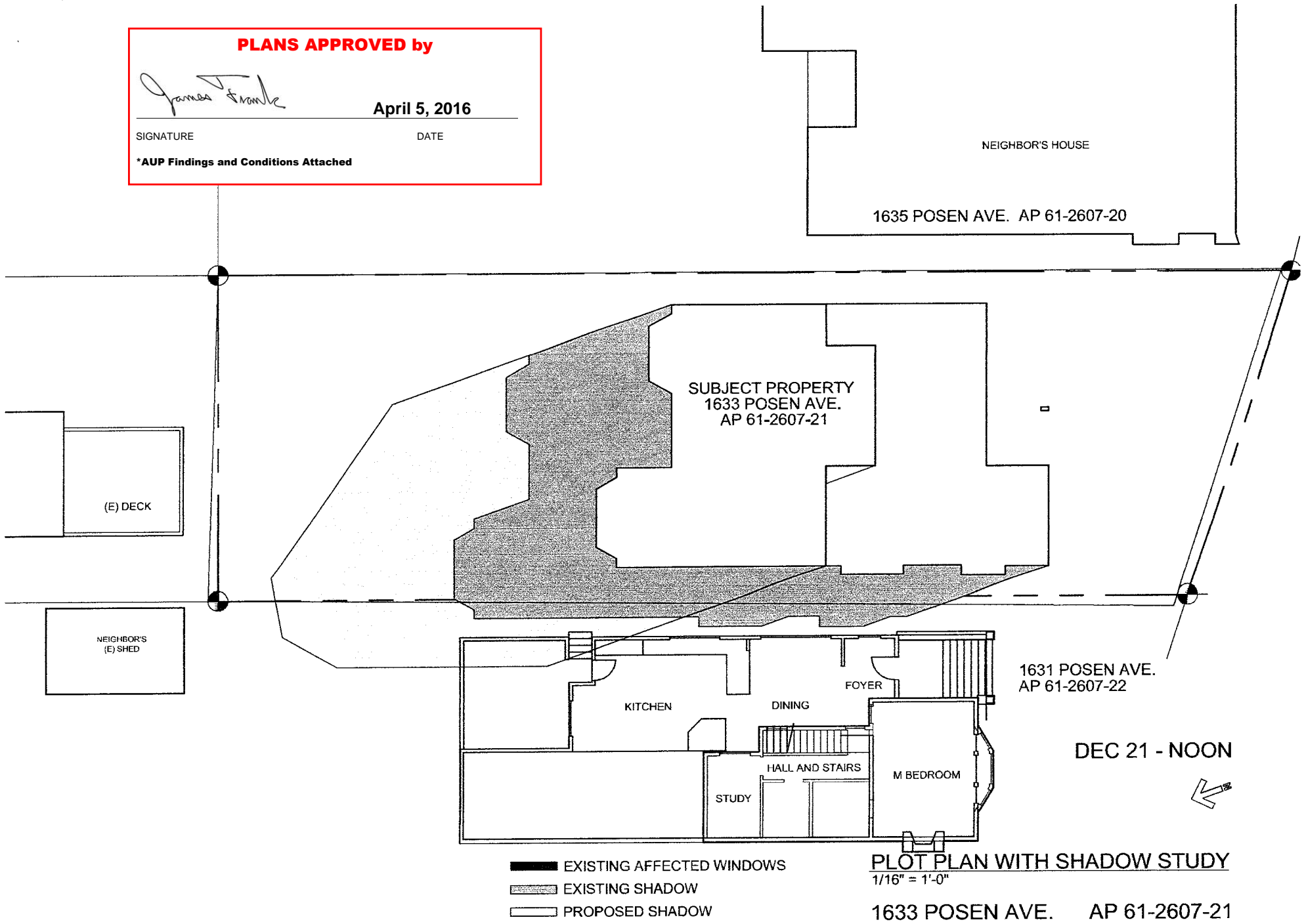
James Frank

April 5, 2016

SIGNATURE

DATE

***AUP Findings and Conditions Attached**



NEIGHBOR'S HOUSE

1635 POSEN AVE. AP 61-2607-20

SUBJECT PROPERTY
1633 POSEN AVE.
AP 61-2607-21

(E) DECK

NEIGHBOR'S
(E) SHED

1631 POSEN AVE.
AP 61-2607-22

KITCHEN

DINING

FOYER

DEC 21 - NOON



STUDY

HALL AND STAIRS

M BEDROOM

EXISTING AFFECTED WINDOWS

EXISTING SHADOW

PROPOSED SHADOW

PLOT PLAN WITH SHADOW STUDY

1/16" = 1'-0"

1633 POSEN AVE. AP 61-2607-21

PLANS APPROVED by

James Frank

April 5, 2016

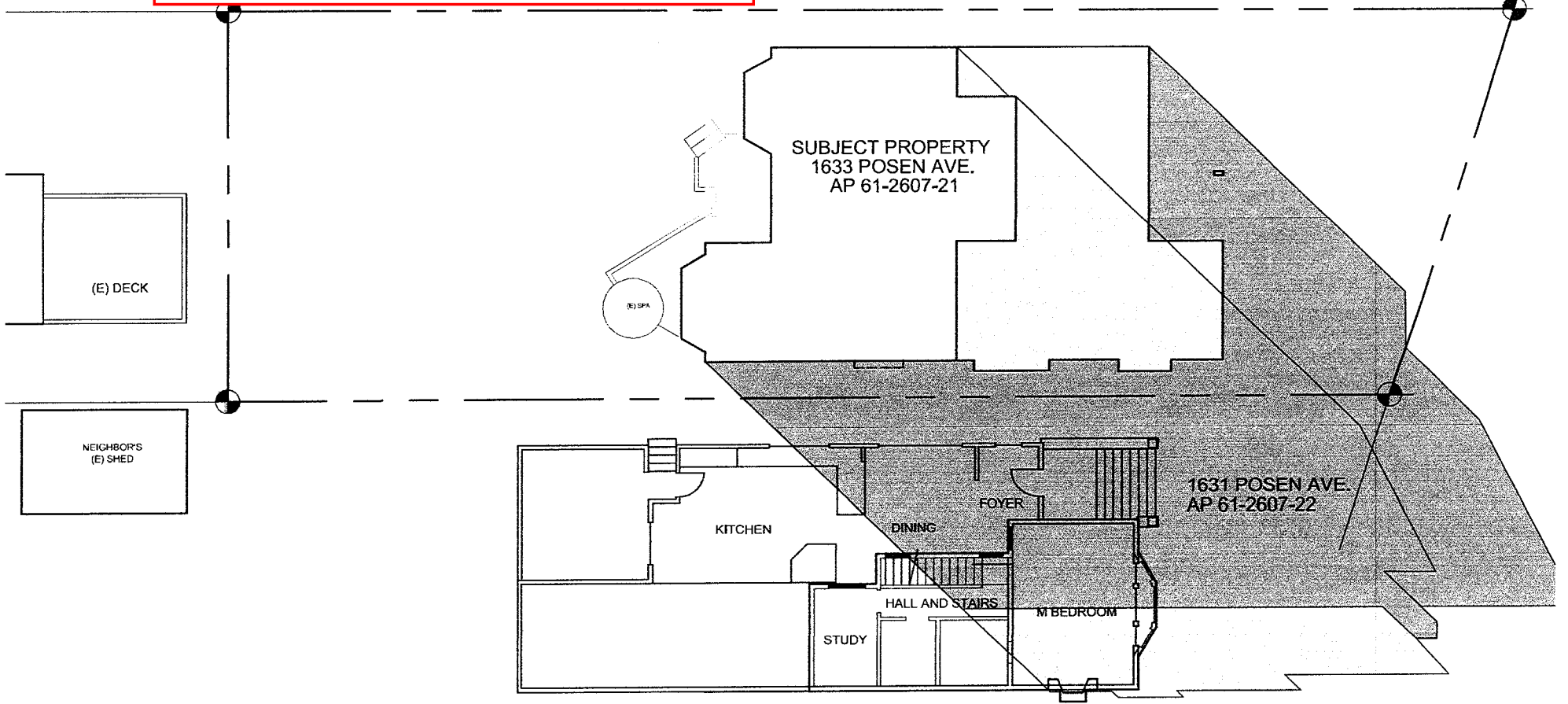
SIGNATURE

DATE




***AUP Findings and Conditions Attached**

NEIGHBOR'S HOUSE

1635 POSEN AVE. AP 61-2607-20



JUNE 21 - 2 HRS AFTER SUNRISE

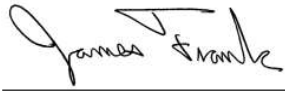
-  EXISTING AFFECTED WINDOWS
-  EXISTING SHADOW
-  PROPOSED SHADOW

PLOT PLAN WITH SHADOW STUDY
1/16" = 1'-0"



1633 POSEN AVE. AP 61-2607-21

PLANS APPROVED by

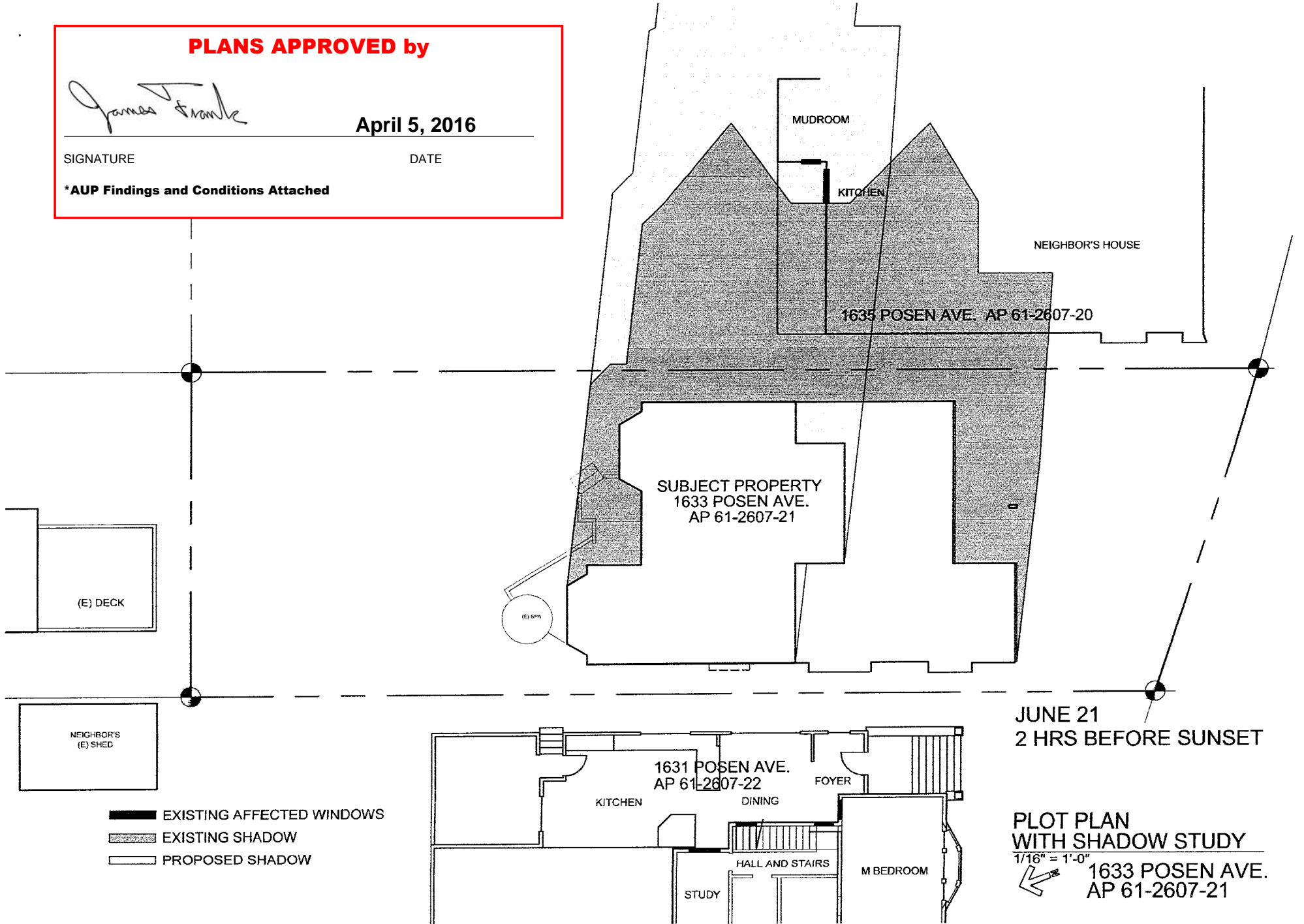


April 5, 2016

SIGNATURE

DATE

***AUP Findings and Conditions Attached**



JUNE 21
2 HRS BEFORE SUNSET

**PLOT PLAN
WITH SHADOW STUDY**
1/16" = 1'-0"
1633 POSEN AVE.
AP 61-2607-21

PLANS APPROVED by

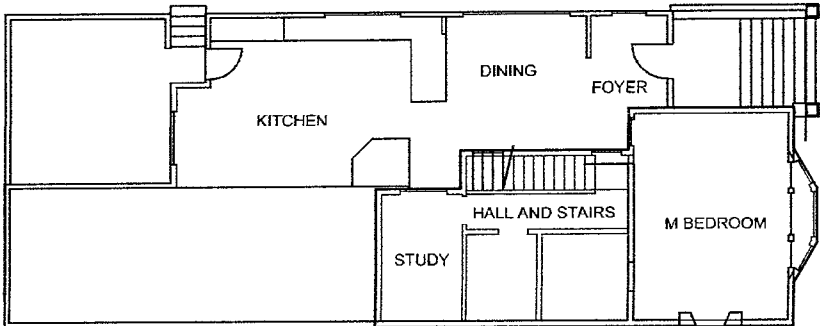
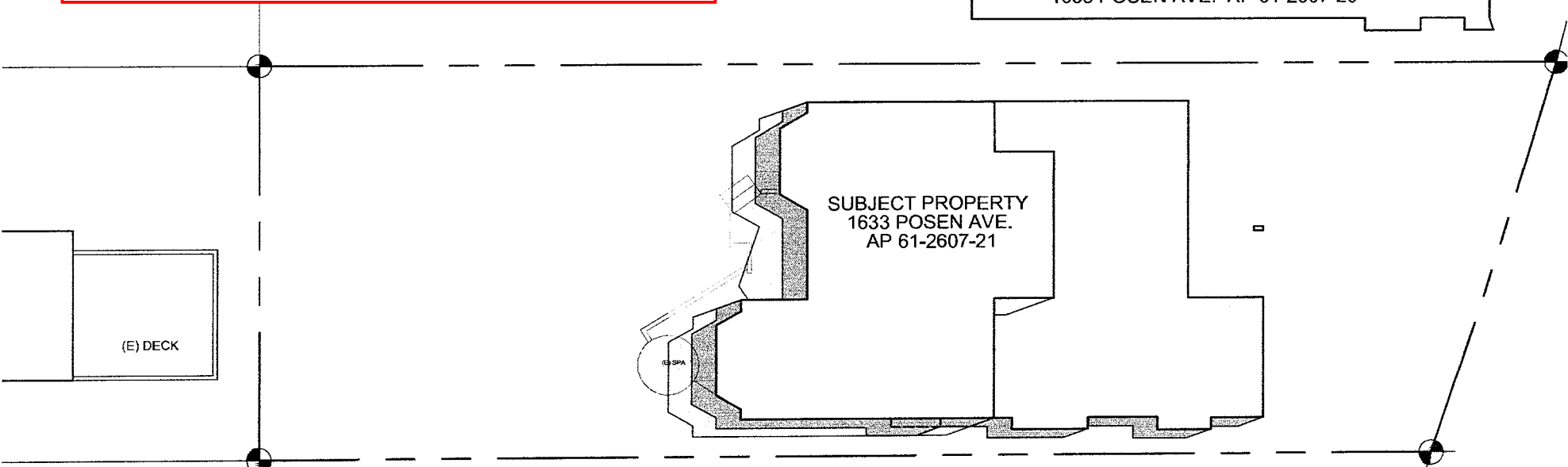
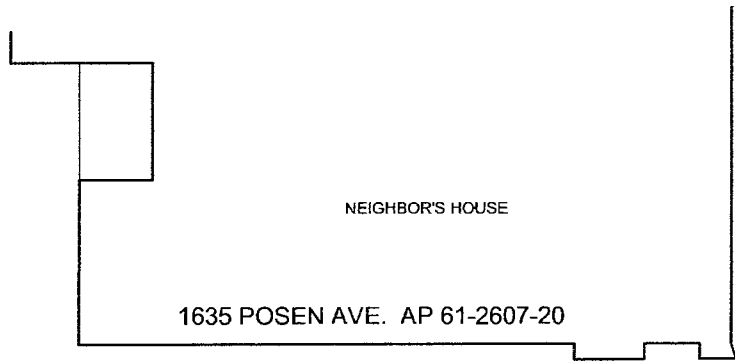
James Frank

April 5, 2016

SIGNATURE

DATE




***AUP Findings and Conditions Attached**



1631 POSEN AVE.
AP 61-2607-22

JUNE 21 NOON



-  EXISTING AFFECTED WINDOWS
-  EXISTING SHADOW
-  PROPOSED SHADOW

PLOT PLAN WITH SHADOW STUDY 1633 POSEN AVE. AP 61-2607-21
1/16" = 1'-0"

PLANS APPROVED by

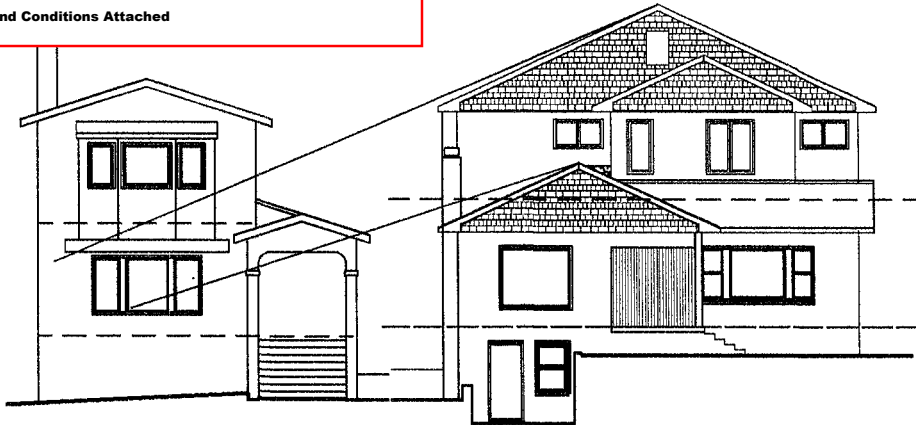
James Frank

April 5, 2016

SIGNATURE

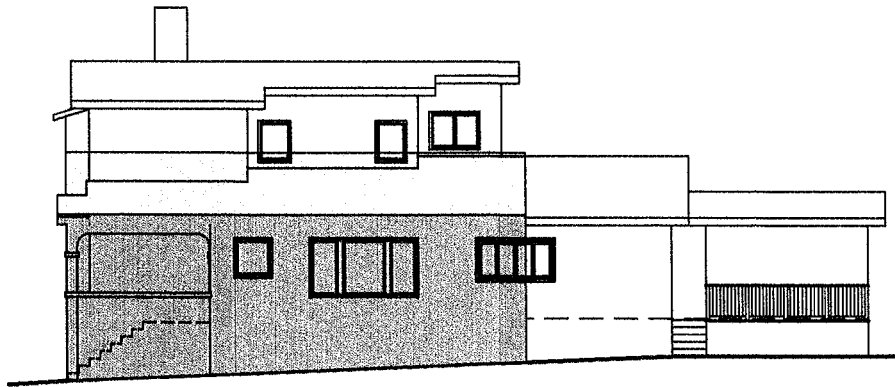
DATE

***AUP Findings and Conditions Attached**



1631 POSEN
NORTH ELEVATIONS
1/16" = 1'-0"

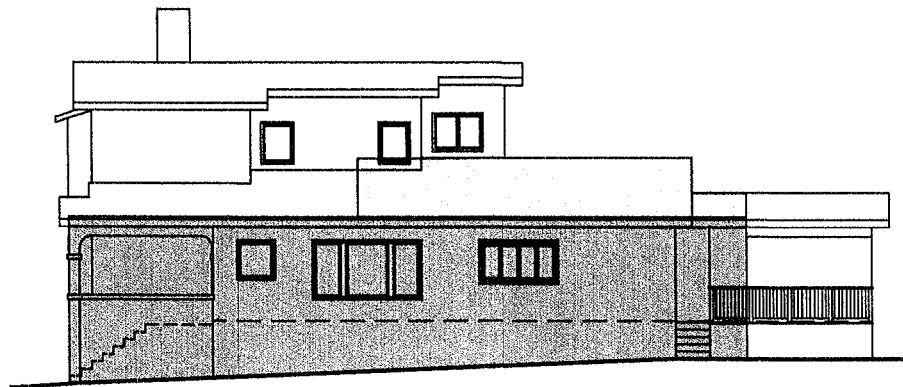
SUBJECT PROPERTY 1633 POSEN
STREET VIEW



1631

EXISTING SHADOW
PROPOSED SHADOW

EAST ELEVATION - JUNE 21 - 2 HOURS AFTER SUNRISE
1/16" = 1'-0"



1631

EXISTING SHADOW
PROPOSED SHADOW

EAST ELEVATION - DEC 21 - 2 HOURS AFTER SUNRISE
1/16" = 1'-0"

TABULATION FORM

Project Address: 1633 Posen Avenue Date: _____
 Applicant's Name: Peter Gleick and Nicki Norman
 Zoning District: R-1
 Please print in ink the following numerical information for your Administrative Use Permit, Use Permit, or Variance application:

	Existing	Proposed	Permitted Required
Units, Parking Spaces & Bedrooms			
Number of Dwelling Units (#)	1	1	
Number of Parking Spaces (#)	0	0	1
Number of Bedrooms (#) (R-1, R-1A, R-2, R-2A, and R-3 only)	3	4	
Yards and Height			
Front Yard Setback (Feet)	20'	20'	20'
Side Yard Setbacks: (facing property)			
Left: (Feet)	4'-3"	4'-3"	4'
Right: (Feet)	4'-3"	4'-3"	4'
Rear Yard Setback (Feet)	51'-9"	51'-9"	20'
Building Height* (# Stories)	1	2	
Average* (Feet)	13'-8"	26'-8"	28'
Maximum* (Feet)	19'-0"	32'-3"	35'
Areas			
Lot Area (Square-Feet)	5160 SF	5160 SF	
Gross Floor Area* (Square-Feet)	1703 SF	948 SF	
Total Area Covered by All Floors (Square-Feet)	1932 SF	1932 SF	
Building Footprint* (Square-Feet)	1932 SF	1932 SF	
Lot Coverage* (Footprint/Lot Area) (%)	37%	37%	40%
Useable Open Space* (Square-Feet)	3228 SF	3228 SF	
Floor Area Ratio* Non-Residential only (Except ES-R)			

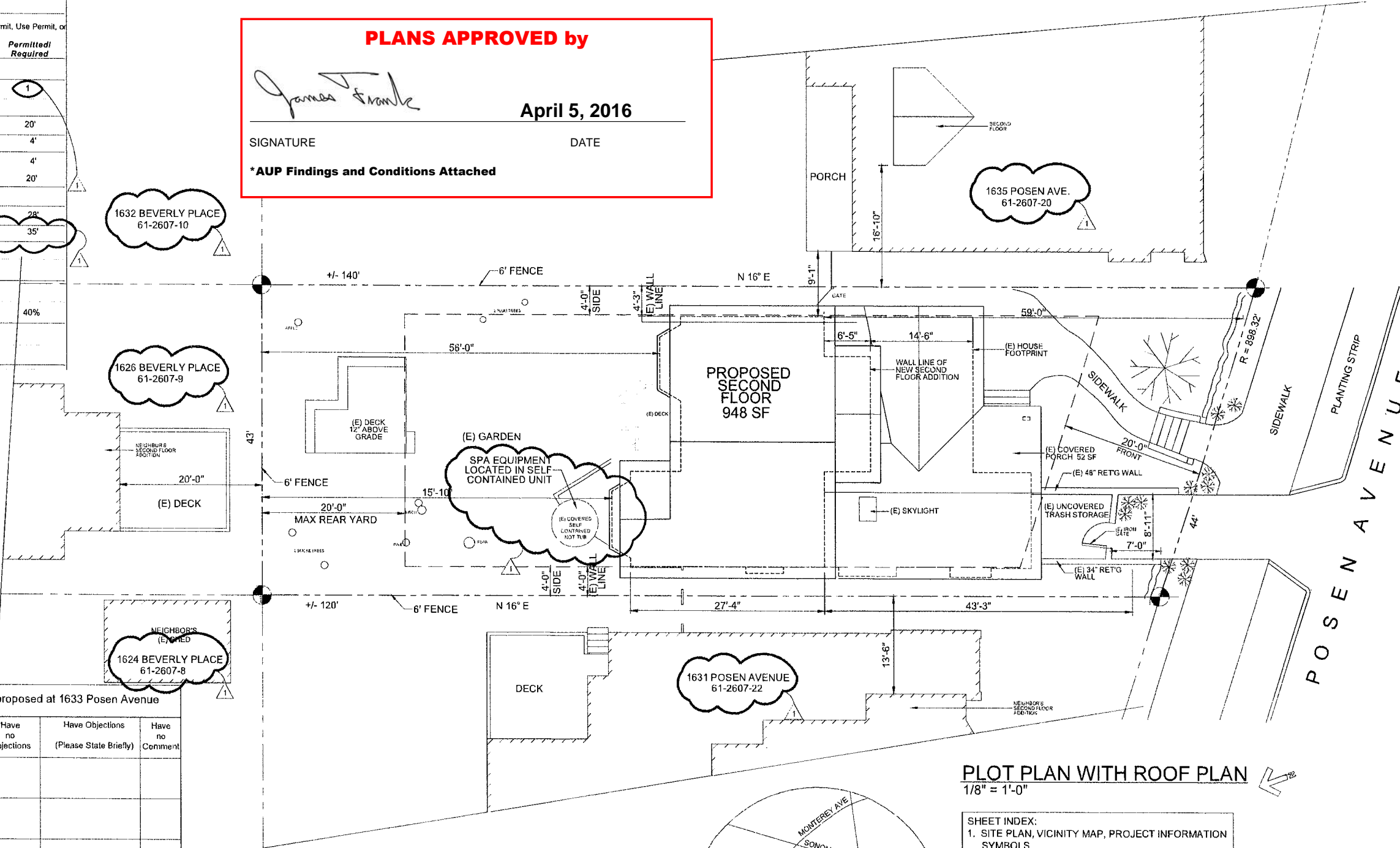
PLANS APPROVED by

James Frankle

April 5, 2016

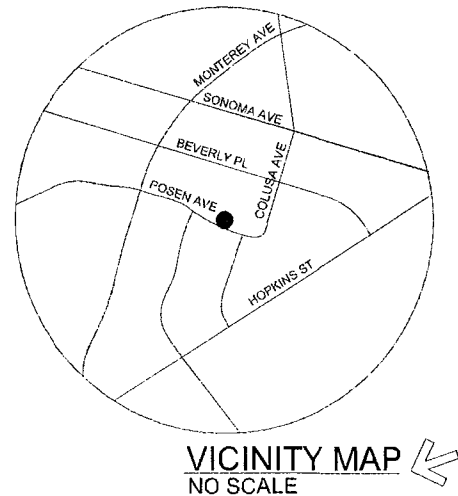
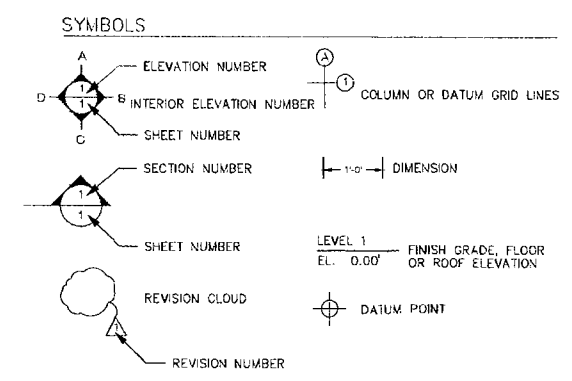
SIGNATURE _____ DATE _____

***AUP Findings and Conditions Attached**



I have reviewed the plans for a Second Floor Addition proposed at 1633 Posen Avenue

Name	Signature	Address	Renter or Owner	Date	Have no Objections	Have Objections (Please State Briefly)	Have no Comment
John Heller Emily Payne		1635 Posen Ave.					
William Hawk Joan Gallagher		1631 Posen Ave.					
Tracy Mills Elizabeth Desmond		1200 Colusa Ave.					
Allison DeRuntz		1640 Posen Ave.					
Daniel & Rebecca Leshowitz		1630 Posen Ave.					
Larry Goldman P Hammond		1632 Beverly Pl.					
Ed King Leslie Sakai		1626 Beverly Pl.					
Todd Lenz Sonja Leno-Rashid		1624 Beverly Pl.					



PLOT PLAN WITH ROOF PLAN
1/8" = 1'-0"

SHEET INDEX:
 1. SITE PLAN, VICINITY MAP, PROJECT INFORMATION SYMBOLS
 2. EXISTING AND PROPOSED FLOOR PLANS EXISTING AND PROPOSED EXTERIOR ELEVATION

PARCEL INFORMATION:

LOT SIZE: 5160 SF
 ZONING: R-1
 OCCUPANCY TYPE: CBC V-N

AREA CALCULATIONS:	EXISTING	PROPOSED	TOTAL
GROSS FLOOR AREA:	1703 SF	948 SF	2651 SF
BUILDING FOOTPRINT:	1932 SF	0	NO CHANGE
USABLE OPEN SPACE:	3228 SF		NO CHANGE

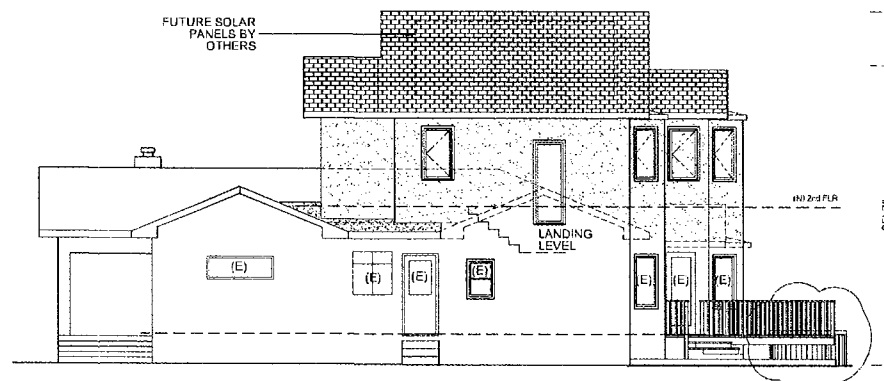
AUP SUBMITTAL REVISION

REVISION	DATE
1	11/4/2015
2	1/19/2015

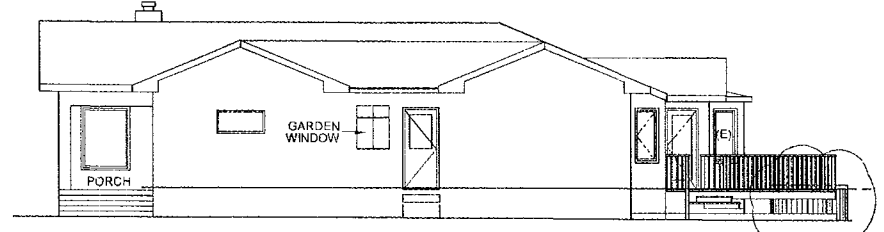
Donna Warrington
Architect
128 H Lane
Novato, Ca. 94945
415 892 1665
415 892 1665
donnawarrington@gmail.com

Norman-Gleick Residence
1633 Posen Street
Berkeley, Ca. 94707
Assessor's Parcel No. 61-2607-21

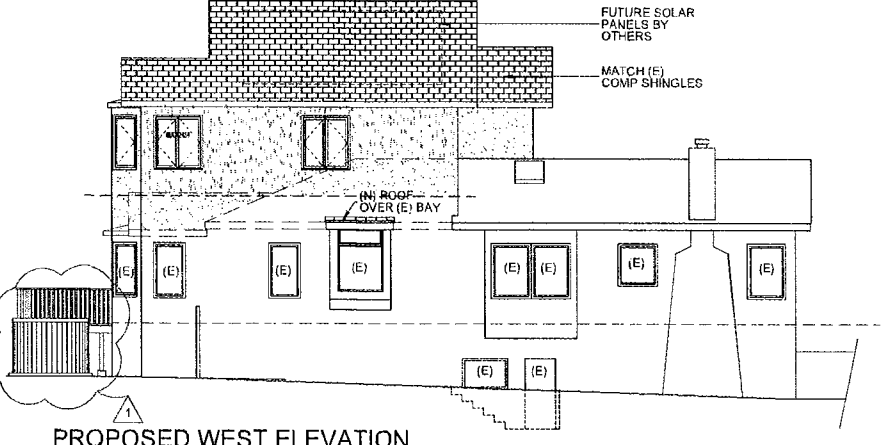
Plot Plan with Roof Plan, Sheet Index
VICINITY MAP, SYMBOLS LEGEND



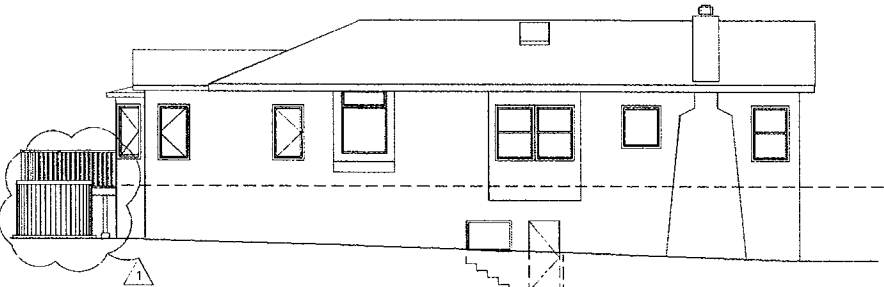
PROPOSED EAST ELEVATION
1/8" = 1'-0"



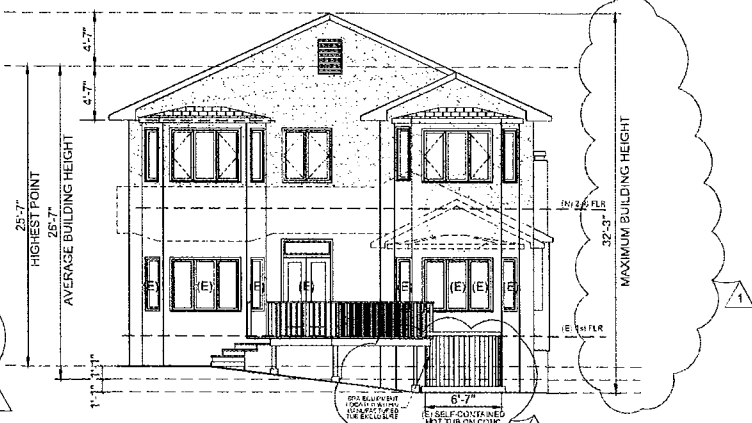
EXISTING EAST ELEVATION
1/8" = 1'-0"



PROPOSED WEST ELEVATION
1/8" = 1'-0"



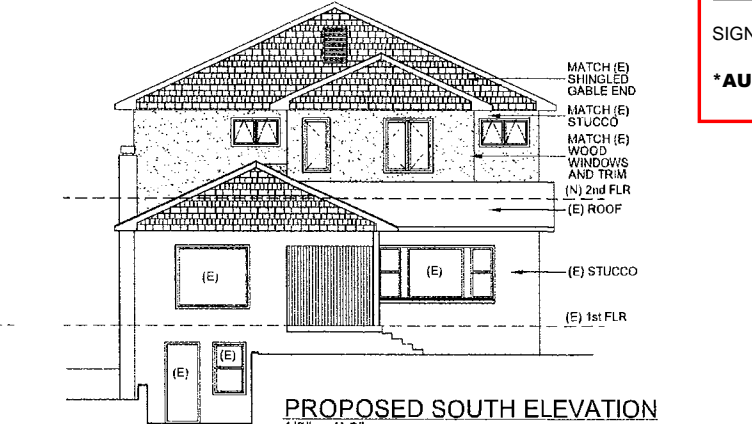
EXISTING WEST ELEVATION
1/8" = 1'-0"



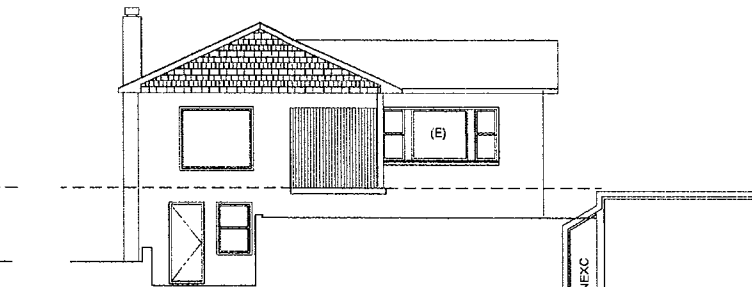
PROPOSED NORTH ELEVATION



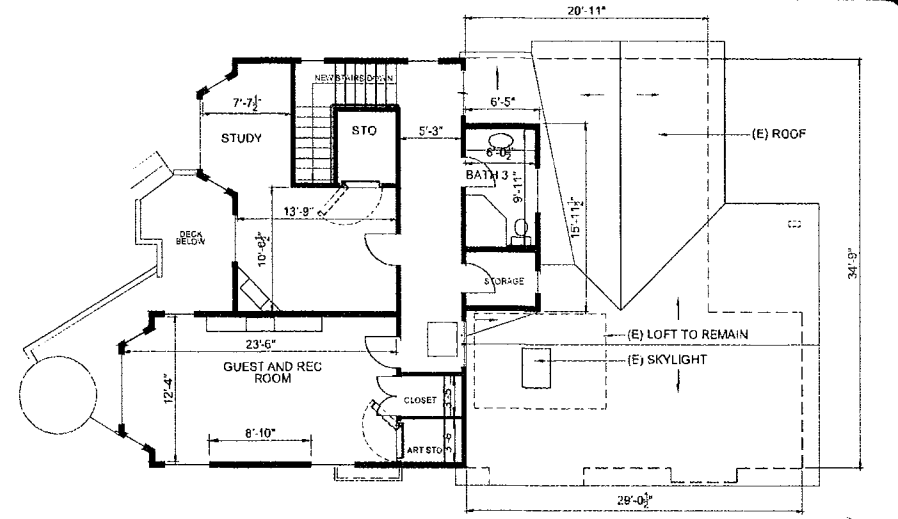
EXISTING NORTH ELEVATION



PROPOSED SOUTH ELEVATION
1/8" = 1'-0"



EXISTING SOUTH ELEVATION
1/8" = 1'-0"



PROPOSED NEW SECOND FLOOR PLAN AND LOWER ROOF PLAN
1/8" = 1'-0" 948 SF

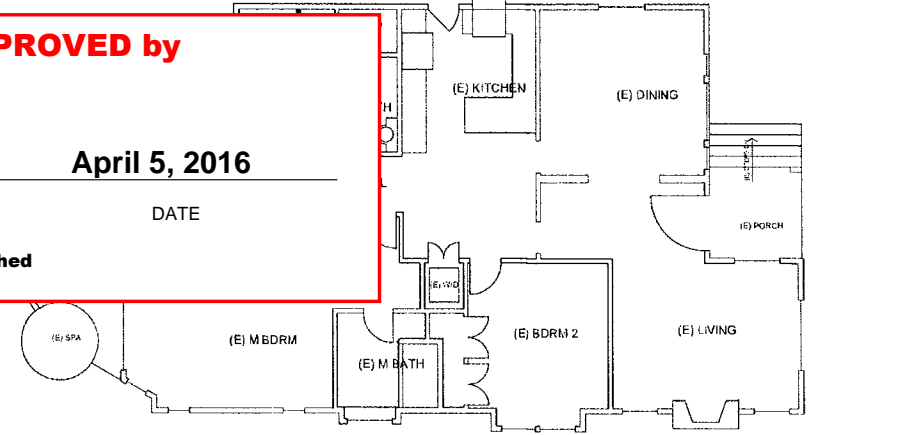
PLANS APPROVED by

James Frank

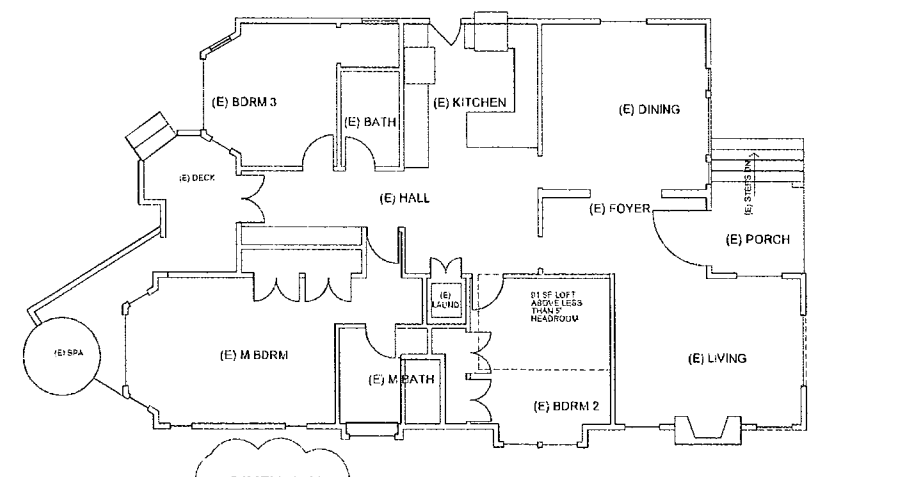
April 5, 2016

SIGNATURE DATE

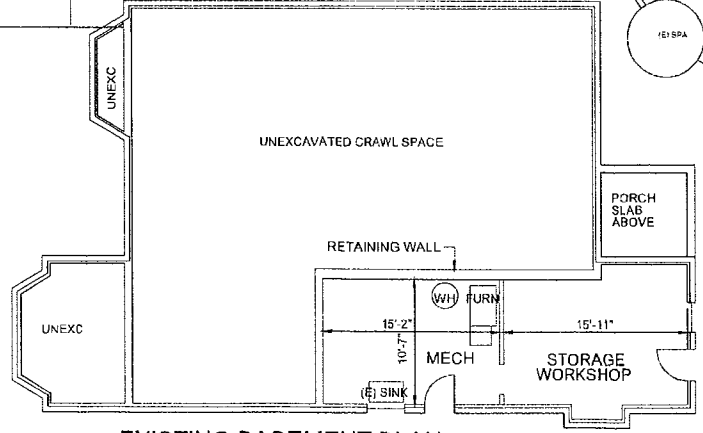
***AUP Findings and Conditions Attached**



PROPOSED FIRST FLOOR PLAN
1/8" = 1'-0"



EXISTING FIRST FLOOR PLAN
1/8" = 1'-0"



EXISTING BASEMENT PLAN
1/8" = 1'-0" NO CHANGES

Donna Warrington
Architect
128-H Lane
415 882 1665
donnawarrington@gmail.com

EXISTING FLOOR PLANS
EXISTING EXTERIOR ELEVATIONS
PROPOSED FLOOR PLANS
PROPOSED EXTERIOR ELEVATIONS

Norman-Gleick Residence
1633 Posen Street
Berkeley, Ca. 94707
Assessor's Parcel No. 51-2807-21



AUP SUBMITTAL
REVISION