



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

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## 1344 Oxford Street

### Administrative Use Permit #ZP2016-0132

**Project Description: To convert a duplex to a single-family home. To install a hot tub in the rear yard.**

- Section 23C.08.030.E to convert an existing duplex to a single-family dwelling; 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 January 10, 2017.

Attest: Carol Johnson  
Carol Johnson, Land Use Planning Manger

January 10, 2017  
Effective Date

# ATTACHMENT 1

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## FINDINGS AND CONDITIONS

DECEMBER 20, 2016

### 1344 Oxford Street

#### Administrative Use Permit #ZP2016-0132

**To convert a duplex to a single-family home. To install a hot tub in the rear yard.**

#### PERMITS REQUIRED

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- Administrative Use Permit under Section 23C.08.030.E to convert an existing duplex to a single-family dwelling; and
- Administrative Use Permit under Section 23D.08.060 to construct an unenclosed hot tub in a rear yard.

#### 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 and 15303 of the CEQA Guidelines (“Existing Facilities” and “New Construction of Small Structures”). 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

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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, 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:
  - The project is to convert to an existing duplex into a single-family dwelling. The project involves only minor exterior alterations to the existing building.. Therefore, the project will result in no changes to shadow, air, or views; and will have minimal, if any, impact on privacy or impact on neighborhood character.
  - The subject property has been the principal place of residence of the applicants for no less than two years.
  - The installation of the hot tub in the rear yard area of the subject property, approximately 1 foot from the rear property line, will not be detrimental to the abutting neighbors’

privacy because it will be screened from view on the north side by an existing 6-foot tall privacy fence located on the property line and is shielded by the subject dwelling on the east and west side.

- The hot tub will be subject to the conditions of this permit (# 25-29), which will ensure that neighbors are not adversely affected by noise, lighting, or drainage from the use of the pool. In particular, the operation of the pool equipment is subject to the controls imposed under the Berkeley Municipal Code (Chapter 13.40) as it relates to maximum noise levels.
  - The hot tub is a self-contained unit that includes the motor. Vegetation and fencing will further mitigate any sound and vibration from the motor so that it will not be audible over the property line.
3. Pursuant to Berkeley Municipal Code Section 23C.08.030.E, the main house was constructed circa 1904 as a single-family residence and converted into two units at a date unknown. The conversion of this duplex into a single-family dwelling is permissible as the conversion will restore the building to the original number of dwelling units that was present at the time it was first constructed.

## **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 attorney's fees that may result.

**ADDITIONAL CONDITIONS IMPOSED BY THE ZONING OFFICER**

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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. Project Liaison. The applicant shall provide the project planner with the name and telephone number of the individual empowered to manage 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.

**Project Liaison**

\_\_\_\_\_

Name

\_\_\_\_\_

Phone #

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

11. The applicant shall file an "Address Assignment Request Application" with the Permit Service Center (2120 Milvia Street) in order to remove the additional address associated with this Use Permit.

**During Construction:**

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

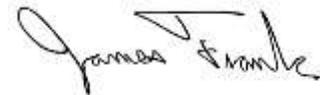
20. The applicant shall ensure that all excavation takes into account surface and subsurface waters and underground streams so as not to adversely affect adjacent properties and rights-of-way.

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

21. All construction at the subject property shall substantially conform to the approved Use Permit drawings or to modifications approved by the Zoning Officer.
22. All landscape, site and architectural improvements shall be completed per the attached approved drawings dated July 5, 2016.

**At All Times (Operation):**

23. 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.
24. The pump shall be mounted, enclosed and maintained to prevent noise from disturbing the occupants of neighboring properties.
25. The hot tub shall be drained into the sanitary sewer connection of the subject property, and not into any storm drain.
26. The hot tub shall be equipped with safety features in accordance with the California Building Code.
27. This permit shall be subject to review and modification as necessary to alleviate excessive noise or disturbance to the neighborhood.
28. 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) |



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Prepared by: Jim Frank  
For City of Berkeley Zoning Officer

# CONSTANTINE & DELBANCO RESIDENCE

## REMODELS

### 1344 OXFORD STREET

### BERKELEY, CA

alex chiappetta  
architecture

(510) 849.1698

www.acastudio.com



**PLANS APPROVED by**

*James Frank* December 20, 2016

SIGNATURE DATE

**\*AUP Findings and Conditions Attached**

#### ABBREVIATIONS

ADJ	ADJUSTABLE	(N)	NEW
ALUM	ALUMINUM	(NIC)	NOT IN CONTRACT
ARCH	ARCHITECTURE	(NR OR #)	NUMBER
ASPH	ASPHALT	(O)	OVER
BD	BOARD	(OC)	ON CENTER
BDLG	BUILDING	(OD)	OUTER DIAMETER
BLK	BLOCK	(OFI)	OWNER FURNISHED, CONTRACTOR INSTALLED
BLKG	BLOCKING	(OFI)	OWNER FURNISHED, OWNER INSTALLED
BM	BEAM	(OFNS)	OWNER INSTALLED OPENING
B.O.	BOTTOM OF	(PL)	PLATE
BU	BUILT-UP	(PLYND)	PLYWOOD
CLG	CEILING	(PT)	PRESSURE TREATED
CLR	CLEAR	(PT)	POINT
CNTL	CONTROL	(R)	RADIUS
CONG	CONCRETE	(RA)	RETURN AIR
CONT	CONTINUOUS	(RDND)	REDWOOD
CTR	CENTER	(REF)	REFERENCE
DBL	DOUBLE	(REG)	REGISTER
DF	DOUBLE FIR	(REQ)	REQUIRED
DM	DIMENSION	(RET)	RETURN
DN	DOWN	(RM)	ROOM
DP	DOUBLE POLE	(S)	SOUTH
DS	DOWNSPOUT	(SA)	SUPPLY AIR
DWG	DRAWING	(SAD)	SEE ARCHITECTURAL DRAWING
(E)	EXISTING	(SED)	SEE ELECTRICAL DRAWING
EA	EAST	(SF)	SUBFLOOR
ELEC	ELECTRICAL	(SHT)	SHEET
ELEV	ELEVATION	(SHTS)	SHEATHING
EQ	EQUAL	(SKD)	SEE KITCHEN DRAWING
EXP	EXPOSED	(SLD)	SEE LIGHTING DRAWING
EXT	EXTERIOR	(SMD)	SEE MECHANICAL DRAWING
FDN	FOUNDATION	(SPD)	SEE PLUMBING DRAWING
FF	FINISH FLOOR	(SQ)	SQUARE
FIN	FINISH	(SS)	SINGLE SHELF
FL	FLOOR	(SSD)	SEE STRUCTURAL DRAWING
FOC	FACE OF CONCRETE	(STP)	STANDARD
FOF	FACE OF FINISH	(T&G)	TONGUE AND GROOVE
FOS	FACE OF STUD	(TOFF)	TOP OF
FOP	FACE OF PLYWOOD	(TOP)	TOP OF FINISH FLOOR
FURN	FURNACE	(TOS)	TOP OF SLAB
GA	GAUSE	(TR)	TOILET PAPER HOLDER
GALV	GALVANIZED	(TR)	TOWEL RACK
GND	GROUND	(TYP)	TYPICAL
GYP	GYPSPUM BOARD	(UON)	UNLESS OTHERWISE NOTED
HB	HOSE BIB	(VERT)	VERTICAL
HC	HOLLOW CORE	(VIF)	VERIFY IN FIELD
HDR	HEADER	(W)	WEST
HR STL	HOT-ROLLED STEEL	(W)	WITH
HVAC	HEATING, VENTILATING, AND AIR CONDITIONING	(WO)	WITHOUT
HK	HOT WATER HEATER	(WC)	WATER CLOSET
ICPV	INTEGRAL COLOR PLASTER VENEER	(W)	WOOD
INSUL	INSULATION	(WIND)	WINDOW
INT	INTERIOR	(WP)	WATERPROOF
LAM	LAMINATE		
LT	LIGHT		
MANUF	MANUFACTURER		
MAX	MAXIMUM		
MC	MEDICINE CHEST		
MECH	MECHANICAL		
MEMB	MEMBRANE		
MIN	MINIMUM		
MTL	METAL		

#### GENERAL NOTES

PROJECT ADDRESS 1344 OXFORD STREET

A.P. NUMBER AP# 60-2466-03

ZONING R-2A

APPLICABLE CODES 2014 Berkeley Municipal Code

OCCUPANCY R-3

TYPE OF CONSTRUCTION TYPE V-B

LOCAL REG'S FIRE ZONE 2

- All work and materials shall be in accordance with the latest rules and regulations of the National Board of Underwriters, the latest editions of the National Electrical Code, the National Plumbing and Mechanical Code, the Uniform Building Code, and all applicable Local and State Laws and Ordinances. Nothing on the drawings shall be construed to permit work not conforming to these codes.
- All work shall be performed in conformance to all requirements of the State of California Energy Commission (Title 24) Energy Efficiency Standards for New Buildings. Refer to specific regulations and mandatory features and devices as noted in the energy performance calculations included elsewhere in these documents.
- All plan notes imply the words "the Contractor shall . . ." or "the Contractor shall install . . .," which ever is applicable. Items labeled "EXISTING," "EXTG.," or "(E)" are existing and shall remain. All other items and notes not labeled or identified as existing shall be considered new and shall be provided by the Contractor.
- All dimensions take precedent over scale. The Contractor shall not scale the drawings with the intent of determining exact placement or location of particular assemblies.
- Contractor shall verify all dimensions and conditions in field. Report any discrepancies to Architect for resolution. Discrepancies between Architect's, Engineer's or Manufacturer's construction details shall be resolved to satisfy the most stringent requirement.
- The Contractor shall be solely responsible for all bracing and shoring required during construction until construction is complete. The Contractor shall not store construction material or operate construction equipment in a manner such that the design live loads of the structure are exceeded.

#### SHEET INDEX

A0.1 COVER SHEET AND PLOT PLAN

A2.1 (E) & PROPOSED PLANS

#### PROJECT DESCRIPTION

1. (E) DUPLEX TO BE RESTORED TO ITS ORIGINAL USE AS A SINGLE FAMILY RESIDENCE.

2. (E) KITCHENETTE AT NORTHWEST CORNER OF THE HOUSE IS TO BE REMOVED AND SPACE TO BE USED AS A WALK-IN CLOSET.

3. MISC CHANGES TO WINDOWS/DOORS WHICH ARE LOCATED IN THE REQUIRED REAR AND SIDE YARDS.

4. (E) HOT TUB AT NORTH SIDE TO BE LEGALIZED.

NOTE: THE PROPERTY IS CURRENTLY FULLY OWNER-OCCUPIED (ONE FAMILY); THERE ARE NO (E) TENANTS. NO OCCUPANTS ARE TO BE DISPLACED BY THIS PROPOSAL.

#### SHEET NOTES

1. ANY WORK IN THE PUBLIC RIGHT OF WAY SHALL REQUIRE A SEPARATE ENCROACHMENT PERMIT.

2. ALL PARKING AND MATERIAL STORAGE WILL BE ON SITE, EXCEPT, AT CONTRACTOR'S OPTION, CONTRACTOR MAY OBTAIN A CONSTRUCTION PARKING PERMIT FOR SUBJECT ADDRESS FRONTAGE FOR A PORTION OF, OR FOR THE DURATION OF, THE WORK.

#### PROJECT DATA

	EXISTING	ADD/DUCT	TOTALS
SITE AREA	3142		3142
<b>BUILDING AREAS</b>			
GARAGE	166		166
FIRST FLOOR, CONDITIONED SPACE	1714		1714
SECOND FLOOR, CONDITIONED SPACE	634	N/C	634
<b>TOTAL CONDITIONED FLOOR AREA</b>	<b>2535</b>		<b>2535</b>
<b>LOT COVERAGE</b>			
HOUSE*	1462		1462
<b>TOTAL FOOTPRINTS</b>	<b>1462</b>	N/C	<b>1462</b>
LOT COVERAGE %	62%		62%
BUILDING HEIGHT (MAX)			

\*INCLUDES GARAGE AND COVERED PORCHES.

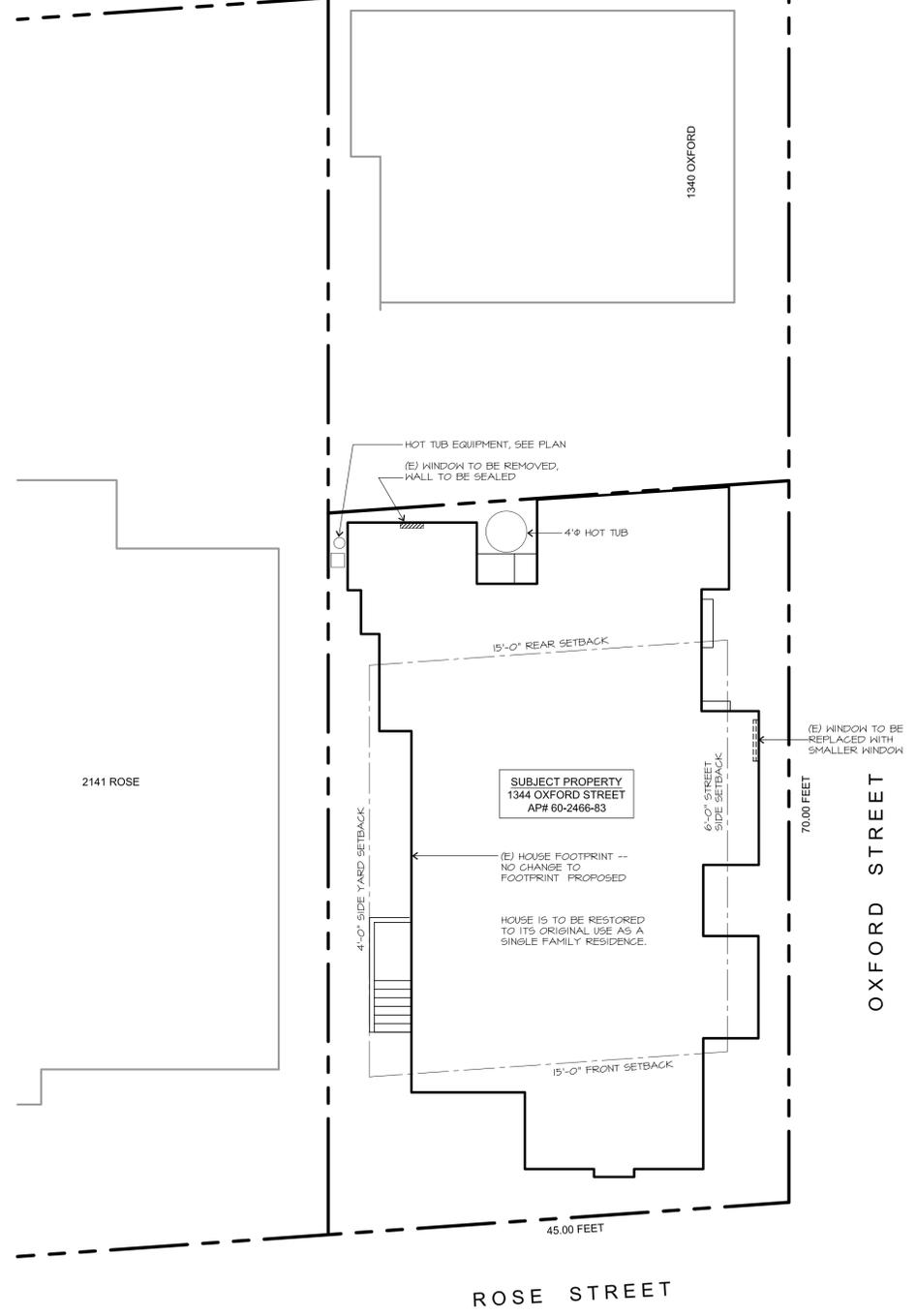
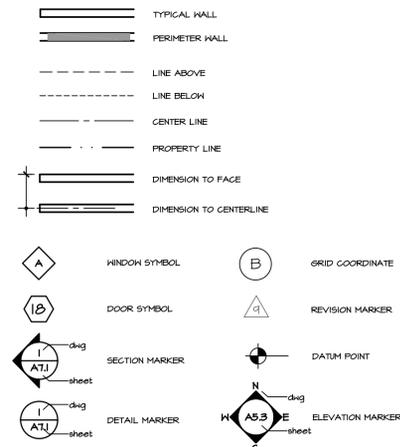
#### PROJECT DIRECTORY

**BUILDING OWNERS** SACHU CONSTANTINE & SUZANNE DELBANCO  
1344 OXFORD STREET  
Berkeley CA, 94704

**STRUCTURAL ENGINEER** TBD

**ARCHITECT**  
Alex Chiappetta  
Alex Chiappetta Architecture  
(510) 849-1698 phone

#### SYMBOLS



1 SITE PLAN  
A0.1 1/8" = 1'-0"

7/1/16	AUP SUBMITTAL
5/3/16	PRE-APP NEIGHBOR MTG & AUP SUBMITTAL

Revisions

Constantine & Delbanco Residence

#### REMODELS

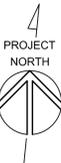
1344 Oxford Street  
Berkeley  
AP# 60-2466-83

Drawing Title

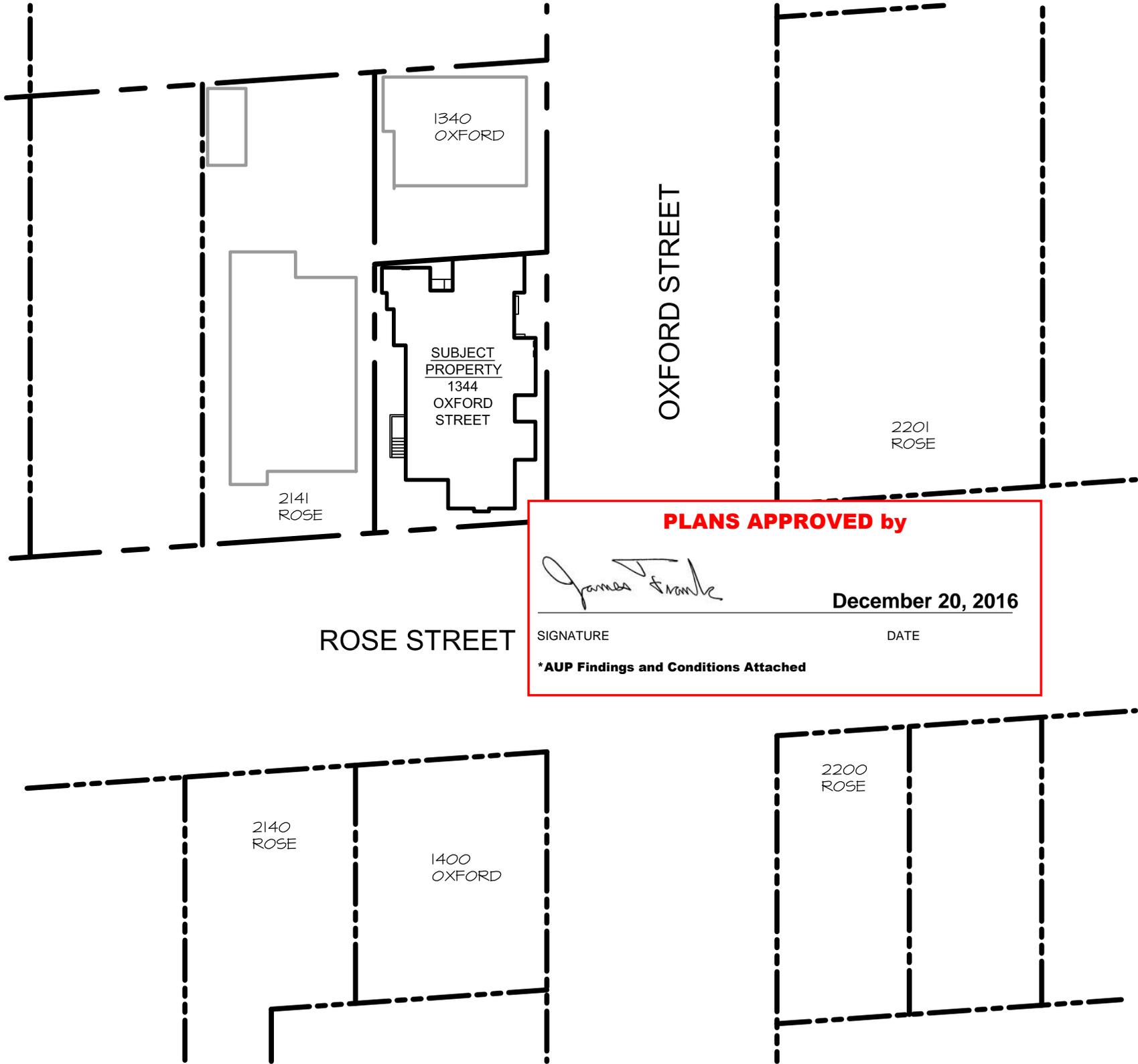
COVER SHEET & SITE PLAN

By AC State AS NOTED  
Date 7/1/16 Job 1633  
Drawing No.

A0.1







**PLANS APPROVED by**

*James J. Frank*

**December 20, 2016**

SIGNATURE

DATE

**\*AUP Findings and Conditions Attached**

PROJECT  
NORTH



PARCEL MAP

NTS

