

Attachment 1

Exhibit A

Conditions of Approval
Use Permit # 05-10000043
2235 Derby Street

STANDARD CONDITIONS

1. Conditions Shall be Printed on Plans

The conditions of this Permit shall be printed on the first sheet of each plan set submitted for a building permit pursuant to this Use Permit, under the title 'Use Permit Conditions'. The second sheet may also be used if the first 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 exclude 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 for which this Permit is approved is permitted unless the Permit is modified by the Zoning Adjustments Board, in conformance with Section 23B.56.020.A.

Changes in the plans for the construction of a building or structure, may be modified prior to the completion of construction, in accordance with Section 23B.56.030.D. The Zoning Officer may approve changes to plans approved by the Board, consistent with the Board's policy adopted on May 24, 1978, which reduce the size of the project. The Zoning Officer may also approve a maximum two-foot variation to Board approved plans, provided, that such variation does not increase a structure's height, reduce the minimum distance to any property line, and/or does not conflict with any special objective sought by the Board. In the case of modifications to Use Permits for construction of, or additions of changes to single family homes which required Board review, the Zoning Officer shall follow Board policy adopted March 13, 1997, as follows:

- A. Upon applications for modifications to a home where a Use Permit has been granted, Staff shall review the Use Permit to determine if any explicit conditions were placed on the Use Permit that would be affected by the proposed modification.

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- B. If, prior to acting on a Building Permit, Staff becomes aware of controversy over an earlier application, Staff may choose to conduct a more detailed review of the record to determine if conditions were implied by the Board or offered by the applicant (but not included in the Use Permit conditions) that would be affected by the proposed modification (this does not imply that Staff will review the whole Use Permit record for all applications).
- C. If there are explicit conditions (#A) or implied conditions (#B) affected by the proposed modification, the project shall be brought back to the Board as a Use Permit Modification.
- D. If there are no explicit conditions that would be affected by the proposed modification, and if Staff is not otherwise aware of implied conditions, and the project would otherwise meet the requirements of the Zoning Ordinance, Staff will approve the Building Permit without Board or public review.

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

Except as expressly specified herein, the site plan, floor plans, building elevations and any additional information or representations submitted by the applicant during the Staff review and public hearing process leading to the approval of this Permit, whether oral or written, which indicated the proposed structure or manner of operation are deemed conditions of approval.

6. **Subject to all City and Other Regulations** (Section 23B.56.040)

The approved use and/or construction are subject to, and shall comply with, all applicable City Ordinances and laws and regulations of other governmental agencies.

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

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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.

ADDITIONAL CONDITIONS

Pursuant to BMC Section 23B.32.040.D, the Zoning Adjustments Board attaches the following conditions to this Permit:

Prior to Issuance of Any Building Permit

9. Prior to issuance of a building permit, 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 this record to the project planner upon request.

Noise Management Individual _____
Name Phone #

10. Prior to issuance of a building permit, the applicant shall complete a "Construction and Demolition Recycling Plan," submit the plan to the Solid Waste Management Division for approval, and attach the approved plan to the construction drawings. The plan is available at www.ci.berkeley.ca.us/onlineservice/forms.htm#planning (look under "Land Use Planning") or by contacting Land Use Planning at 510-981-7410. After completing the form contact Solid Waste Management at 981-6368 for approval.

City Monitor: Solid Waste Mgmt. Staff _____
Signature Date

11. Prior to issuance of a building permit, the applicant shall secure the City Traffic Engineer's approval of a construction traffic management plan. Please contact the Office of Transportation at 981-7010, or 1947 Center Street, 3rd floor, and ask to speak to a traffic engineer. In addition to other requirements of the Traffic Engineer, this plan shall include the locations of material and equipment storage, trailers, worker parking, a schedule of site operations that may block traffic, and provisions for traffic control. The City Zoning Officer and/or Traffic Engineer may limit off-site parking of construction-related vehicles if necessary to protect the health, safety, or convenience of the surrounding neighborhood.

City Monitor: Traffic Engineer _____
Signature Date

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12. Prior to the issuance of a Building Permit, the applicant shall present to the City's Toxics Management Division and the Zoning Officer, for review and approval, a plan to identify and remediate any lead or asbestos on the subject property, in the area of the existing building, subject to removal, that might pose an unreasonable risk to human health and safety. The site shall be remediated, with respect to lead and asbestos, to the satisfaction of the Toxics Management Division prior to initiation of construction activities on site.

City Monitor: Toxics Division Staff _____
Signature Date

City Monitor: Project Planner, Land Use Planning Division

Signature Date

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.
14. The height and location of the proposed structure, property lines and spot elevations shall be verified by a licensed surveyor or engineer on site after foundation forms are placed, but before pouring concrete or placing construction material in its permanent position. This verification shall be to the satisfaction of the Zoning Officer.
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 thick 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.

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Prior to Issuance of Occupancy Permit or Final Inspection:

21. The project shall conform to the plans and statements in the Use Permit.
22. All landscape, site and architectural improvements shall be completed per the attached approved drawings dated February 3, 2005.

At All Times:

23. All exterior lighting shall be shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.
24. The applicant shall establish and maintain drainage patterns that do not adversely affect adjacent properties and rights-of-way. Drainage plans shall be submitted for approval of the Building & Safety Division and Public Works Department, if required.
25. 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.

Exhibit B

Project Plans
2235 Derby Street
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Stamped July 5, 2005

NO.	LOCATION	DATE	TIME	DATE	TIME	NO.	LOCATION	DATE	TIME	NO.	LOCATION	DATE	TIME
1	101	1/1/12	12:00	1/1/12	12:00	1	101	1/1/12	12:00	1	101	1/1/12	12:00
2	101	1/1/12	12:00	1/1/12	12:00	2	101	1/1/12	12:00	2	101	1/1/12	12:00
3	101	1/1/12	12:00	1/1/12	12:00	3	101	1/1/12	12:00	3	101	1/1/12	12:00
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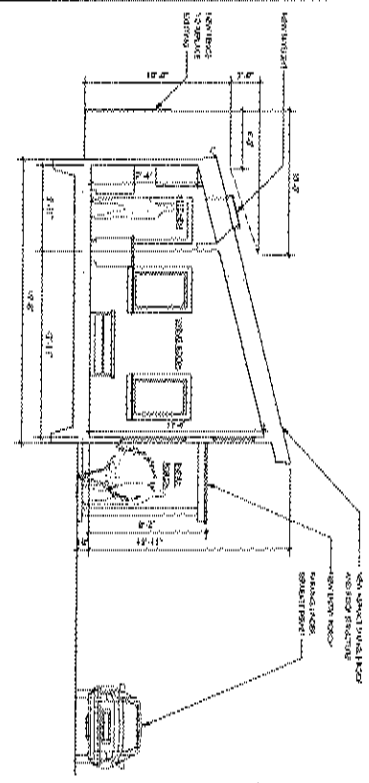
- DOOR SCHEDULE ENTRIES**
1. ALL DOORS ARE TO BE OPENED AT ALL TIMES.
 2. ALL DOORS ARE TO BE KEPT OPEN AT ALL TIMES.
 3. ALL DOORS ARE TO BE KEPT OPEN AT ALL TIMES.
 4. ALL DOORS ARE TO BE KEPT OPEN AT ALL TIMES.
 5. ALL DOORS ARE TO BE KEPT OPEN AT ALL TIMES.
 6. ALL DOORS ARE TO BE KEPT OPEN AT ALL TIMES.
 7. ALL DOORS ARE TO BE KEPT OPEN AT ALL TIMES.
 8. ALL DOORS ARE TO BE KEPT OPEN AT ALL TIMES.
 9. ALL DOORS ARE TO BE KEPT OPEN AT ALL TIMES.
 10. ALL DOORS ARE TO BE KEPT OPEN AT ALL TIMES.

DOOR SCHEDULE AND NOTES

NOT USED

NOT USED

BUILDING SECTION



PLANS APPROVED BY BOARD OF ADJUSTMENT

Date 7/15/15 Signature DRS 2 of 3

WALKWAY

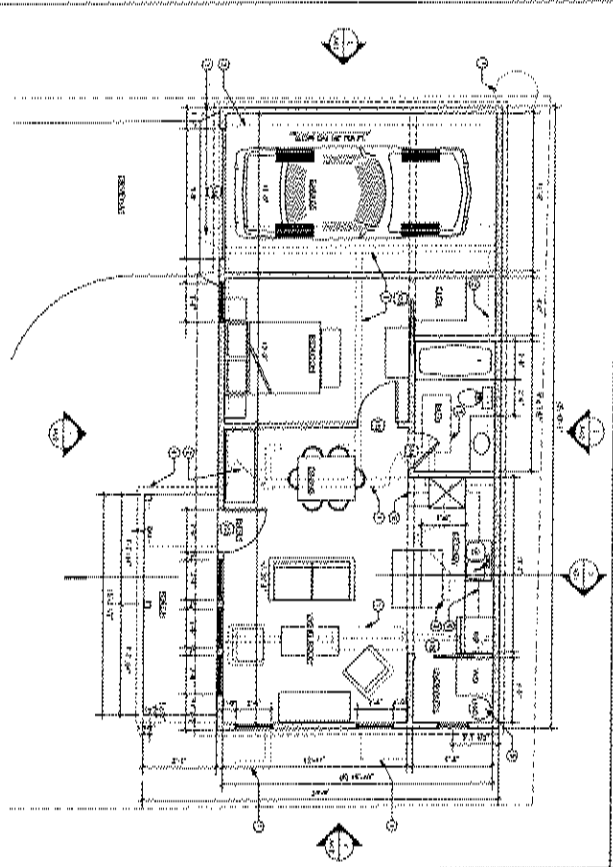
GRASSY OPEN SPACES
LANDSCAPING
NEW AND EXISTING

- FLOOR FINISHES**
1. POLISHED CONCRETE
 2. POLISHED CONCRETE
 3. POLISHED CONCRETE
 4. POLISHED CONCRETE
 5. POLISHED CONCRETE
 6. POLISHED CONCRETE
 7. POLISHED CONCRETE
 8. POLISHED CONCRETE
 9. POLISHED CONCRETE
 10. POLISHED CONCRETE

FLOOR PLAN KEY AND NOTES

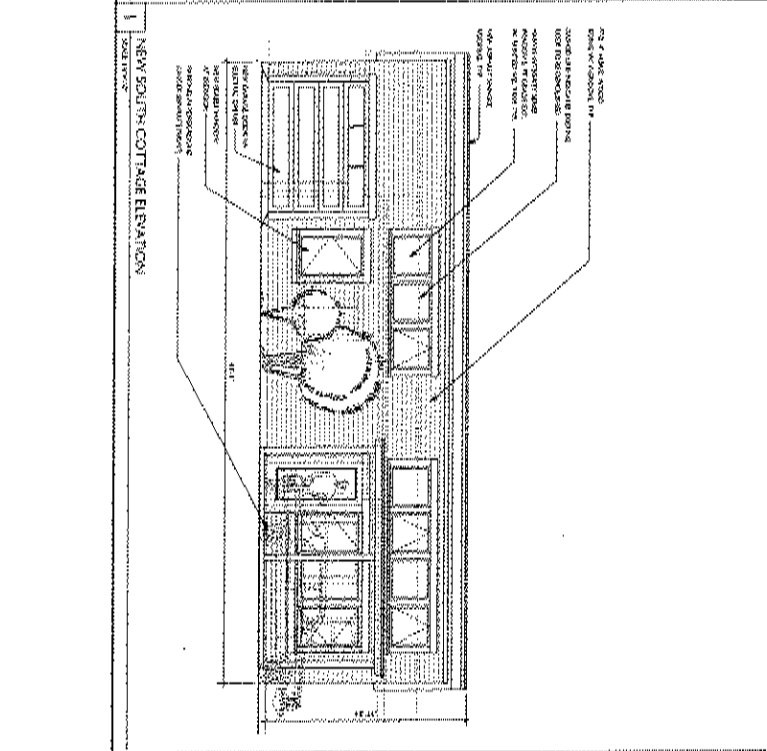
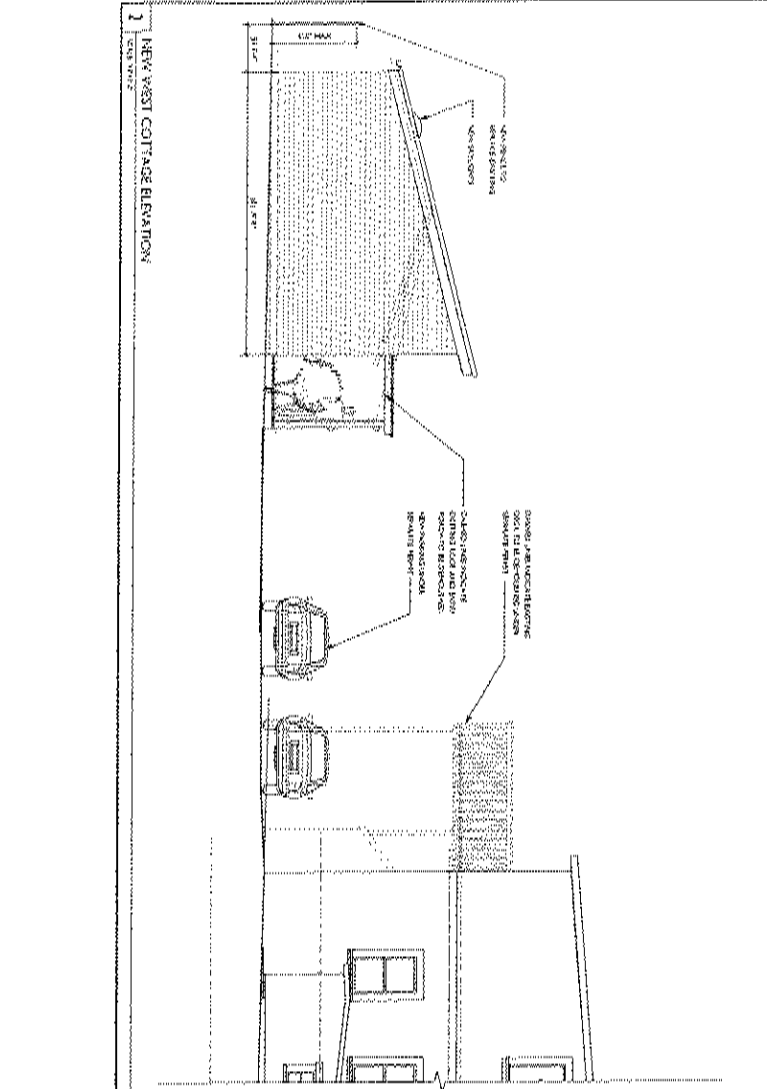
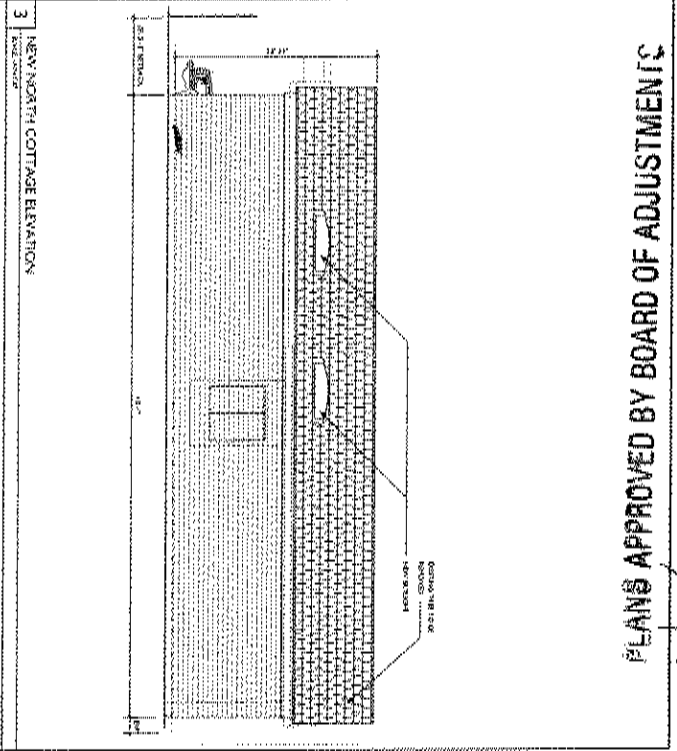
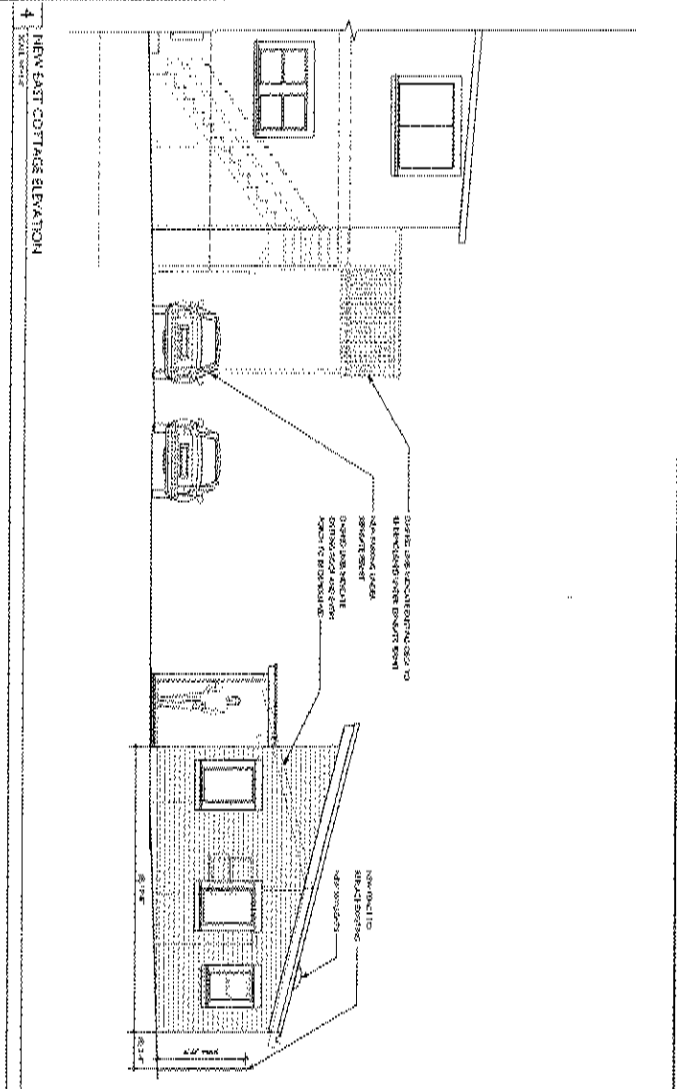
NOT USED

NEW FIRST FLOOR PLANS



PLANS APPROVED BY BOARD OF ADJUSTMENTS

2/5/05 Date
 [Signature] Signature
 3/3



DERBY STREET COTTAGE
 2235 DERBY STREET
 BERKELEY, CA 94705
 SCALE: 1/4" = 1'-0"
 DATE: 2/5/05

A4.0
 SCALE: 1/4" = 1'-0"
 DATE: 2/5/05