

EXHIBIT A

Conditions of Approval
Use Permit # 04-10000158
1617 Seventh Street

STANDARD CONDITIONS

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

9. Conditions Shall be Printed on Plans

The following conditions shall be printed on the first sheet, or on the next sheet thereafter as may be practical, of each plan set submitted for a building permit pursuant to this Use Permit, under the title 'City of Berkeley Conditions of Approval'.

10. 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.

11. 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.

12. 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.

13. 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.

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

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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.

15. 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.

16. 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.

ADDITIONAL CONDITIONS

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

Prior to Issuance of Any Building Permit

17. 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 written reports of such complaints and actions to the project planner on a weekly basis.

Individual Responsible for Noise Management:

Name: _____

Phone: _____

18. Prior to issuance of a building permit, the applicant shall secure approval of a "Construction and Demolition Recycling Plan" and attach the approved plan to the building permit job set. Please obtain plan by downloading a copy from

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<http://www.ci.berkeley.ca.us/onlineservice/forms.htm#planning> or by contacting the Current Planning Division at 981-7410. Once you've completed the form contact Solid Waste Management at 981-6368 for approval.

City Monitor: Solid Waste Mgmt. Staff _____
Signature Date

19. Prior to issuance of a building permit, the applicant shall secure the City Traffic Engineer's approval of a construction traffic management plan. 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. Call 981-CITY (2489) for Traffic Engineer contact information.

City Monitor: Traffic Engineer _____
Signature Date

20. Prior to the issuance of a Building Permit, the applicant shall
- Engage the services of a licensed arborist to develop a plan that will insure that the redwood tree near the (front) north west corner of the property will not be damaged as to undermine its long-term viability.
 - Incorporate protection measures from this plan into the Building Permit notes and require adherence to the plan of all workers on the site.
 - A copy of the plan shall be supplied to the Current Planning Division.

City Monitor: Project Planner _____
Signature Date

21. 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 Accessory Building" (available from Current Planning Division) and provide a copy of same to the project planner.

City Monitor: Project Planner _____
Signature Date

During Construction

22. 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.
23. 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.

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24. 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.
25. 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.
26. 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.
27. Trucks hauling debris, soil, sand, or other loose materials shall be covered or required to maintain at least two feet of board.
28. Public streets shall be swept (preferably with water sweepers) of all visible soil material carried from the site.

Prior to Issuance of Occupancy Permit or Final Inspection:

29. Prior to issuance of occupancy permit or final inspection, all construction at the subject property shall substantially conform to the approved Use Permit drawings or to modifications approved by the Zoning Officer.
30. All landscape, site and architectural improvements shall be completed per the attached approved drawings dated October 18, 2004.

At All Times:

31. All exterior lighting shall be shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.
32. 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.
33. 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.
34. The proposed accessory building shall not be used as a dwelling unit.

EXHIBIT B

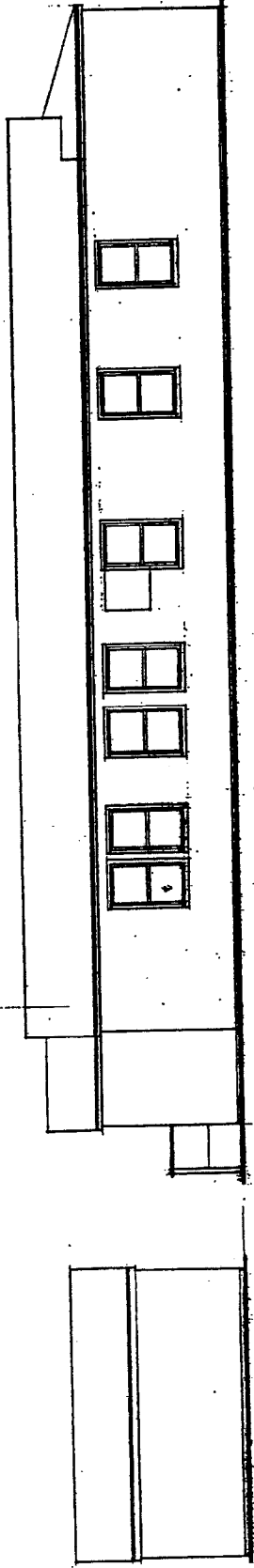
Project Plans
Use Permit # 04-10000158
1617 Seventh Street

MR. JAMES TRODGE
 1617 SEVENTH STREET
 BERKELEY, CALIFORNIA 94710
 PHONE 845 08-0710

Addition & Remodel

DATE: 01/14/04
 SCALE: 1/4" = 1'-0"
 DRAWN BY: J. B. BROWN
 CHECKED BY: J. B. BROWN
 PROJECT NO.: 04-010

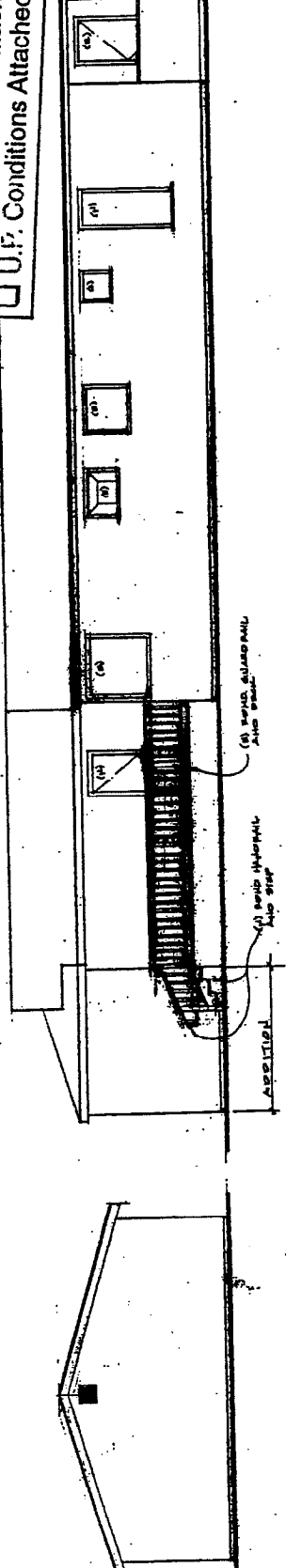
4 of 6



GARAGE - SIDE NORTH 1/4" = 1'-0"

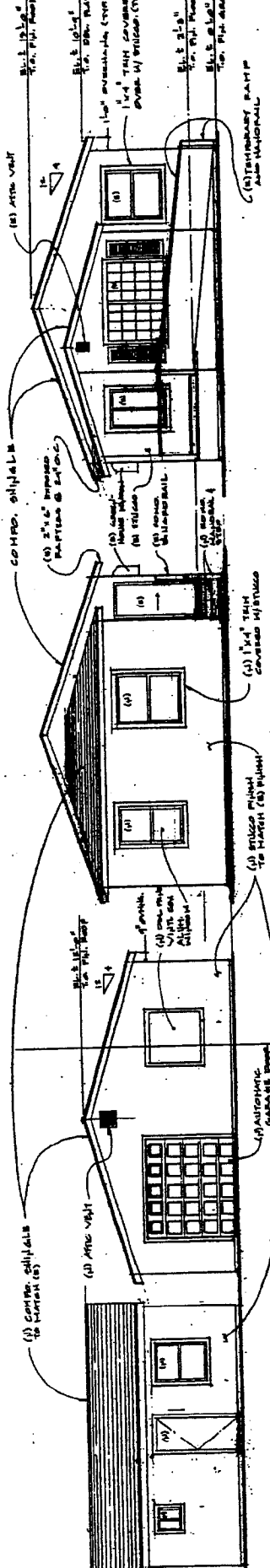
ELEVATION SIDE SOUTH 1/4" = 1'-0"

APPROVED PLAN
 DATE 12/12/04
 CURRENT PLANNING
 D.P. Conditions Attached
 A.U.P. Conditions Attached
 U.P. Conditions Attached 3/43



GARAGE - REAR EAST 1/4" = 1'-0"

ELEVATION SIDE NORTH 1/4" = 1'-0"



ELEVATION REAR EAST 1/4" = 1'-0"

ELEVATION FRONT 1/4" = 1'-0"

GARAGE ELEVATION 1/4" = 1'-0"