



Planning and Development Department
Land Use Planning

U S E P E R M I T

CITY OF BERKELEY ZONING ORDINANCE
Berkeley Municipal Code Title 23

USE PERMIT MODIFICATION # 12-70000015

Property Address: **2811 COLLEGE AVENUE**

Permittee Name: **THOMAS DOLAN ARCHITECTURE**

Use and/or Construction Permitted:

Use Permit Modification amending Use Permit #4007 to change the ground floor of an existing non-conforming medical office building into a skin care salon.

- Use Permit to change an existing non-conforming use to another non-conforming use, under BMC Section 23C.04.060.A.

FINDINGS, CONDITIONS AND APPROVED PLANS ATTACHED

The Use Permit herein described has been duly granted by the Zoning Adjustments Board and is in effect on February 4, 2013.

ATTACHMENT 1

FINDINGS AND CONDITIONS

DECEMBER 20, 2012

2811 College Avenue

Use Permit Modification #12-70000015 amending Use Permit #4007 to change the ground floor of an existing non-conforming medical office building into a skin care salon.

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 15303 of the CEQA Guidelines (“New Construction or Conversions 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 will not affect any historical resource.

GENERAL NON-DETRIMENT FINDING

2. Pursuant to Berkeley Municipal Code Section 23B.32.040, the Zoning Adjustments Board finds that the proposed project, under the circumstances of the particular case existing at the time at which the application is granted, will not be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the area or 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, for the following reasons:
 - A. The proposed skin care salon will not increase the intensity of use for the site because the salon functions in much the same way as the existing medical offices. The salon will be owned and operated by the applicant—no other employees will be present and all services provided by the salon are by appointment only.
 - B. The project does not include change of uses that will require additional parking, nor does it involve the creation of additional square footage. The conversion, therefore, will not exceed the amount and intensity of use that can be served by the available traffic capacity and potential parking supply.
 - C. The permit and all activity on the site will be subject to the standard conditions of approval designed to reduce impacts to adjacent properties.

STANDARD CONDITIONS OF APPROVAL FOR ALL PROJECTS

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 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 approved is permitted unless the Permit is modified by the Zoning Adjustments Board, in conformance with Section 23B.56.020.A.

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.

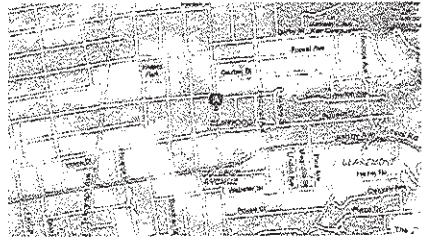
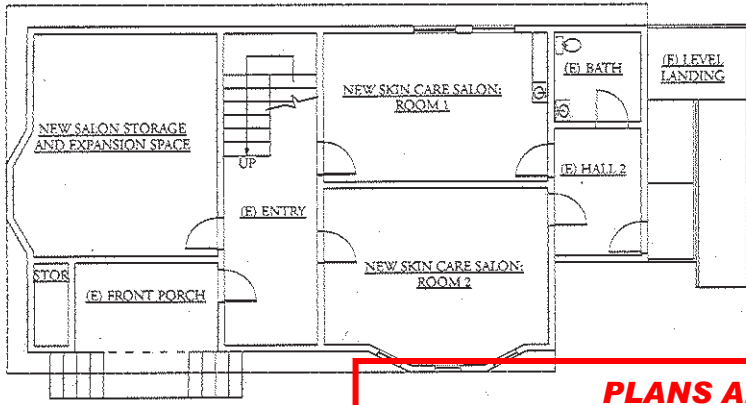
8. Exercise and Lapse of Permits (Section 23B.56.100)

- 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 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. 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.

At All Times (Operation):

- 10. Hours of operation are limited to Tuesday – Sunday 10:30 A.M. to 6:00 P.M.
- 11. Any plans for exterior alterations or signs are subject to the approval of the planning director.
- 12. All exterior lighting shall be shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.
- 13. Landscaped areas shall incorporate automatic irrigation and drainage facilities adequate to assure healthy growing conditions for plants.



2 VICINITY PLAN
3/16 * 1/4"

PLANS APPROVED by
ZONING ADJUSTMENTS BOARD

Jerry Blount

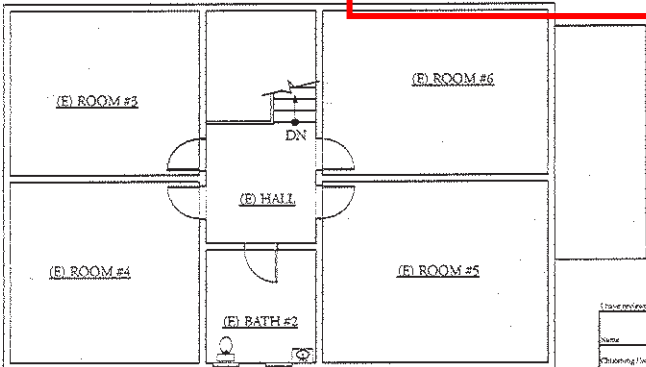
December 20, 2012

ABUTTING AND CONFRONTING LOTS

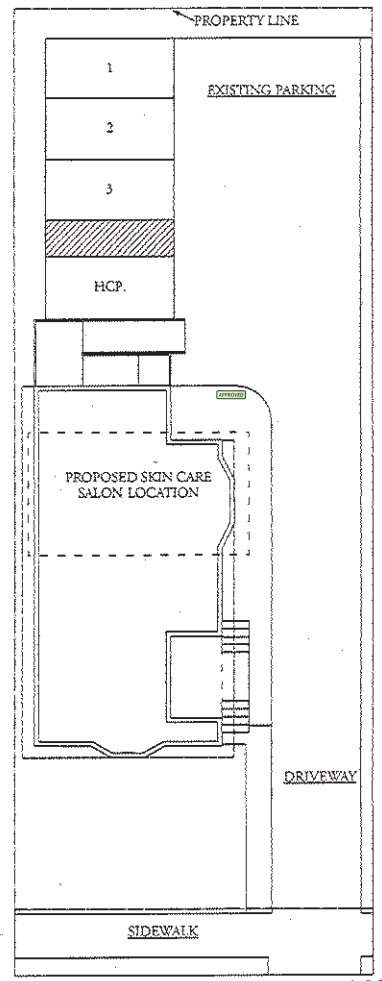
CONFRONTING LOT 2815 COLLEGE AVE.	CONFRONTING LOT 2814 COLLEGE AVE.	CONFRONTING LOT 2810 COLLEGE AVE.
CONFRONTING LOT 2815 COLLEGE AVE.	CONFRONTING LOT 2811 COLLEGE AVE.	CONFRONTING LOT 2807 COLLEGE AVE.
CONFRONTING LOT 2814/2812 CHERRY ST.	CONFRONTING LOT 2810 CHERRY ST.	CONFRONTING LOT 2806 CHERRY ST.

CHERRY ST.

3 FIRST FLOOR PLAN
3/16 * 1/4"



4 SECOND FLOOR PLAN-UNCHANGED
3/16 * 1/4"



1 SITE PLAN
3/16 * 1/4"

Have reviewed the plans for compliance with all laws and regulations of the city and county and the proposed project is in compliance with the Zoning Ordinance of the City of Berkeley, California.

Name	Organization	Address	City	State	Year of Issuance	How Obtained (Other than purchase)	Project Type
Channing Inc		2816 College Ave. 2816 College Ave	C				Single Family Residence
San Francisco Management LLC		2814 College Ave. 2814 Pine Street San Francisco	R				Multi-unit residential building
Gregory G. Sidor & Associates Inc		2810 College Ave. 2819 College Ave	O				Single Family Residence
Shachar Dink		2815 College Ave. 1998 Harrison St. 3770 Mt. Diablo	R				Two-unit residential building (detached)
Diana Y. Tsalikis Patrick Makris		2807 College Ave. 2807 College Ave					Single Family Residence
Joanna R. Kelly, Margaret S. Maki, Douglas G. Voss		2814 Cherry Street, 2812 Cherry Street					Two-unit building
John D. Swanson, A. Kelly K. Henderson		2808 Cherry Street 2814 College Ave					Multi-unit residential building
Gene Shaw TR		2806 Cherry Street 2806 Cherry Street					Single Family Residence

Cherry

TDA Thomas Dolan Architecture
 Architect
 Urban Design
 Planning and
 Development
 Consultant
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 tda@tda-arch.com
 www.tda-arch.com
 2513 College Avenue
 Oakland, California
 94612 USA



OWNER:
MINA PAJOUNIA
 510.666.0600

BODY CARE SALON
 2811 COLLEGE AVENUE
 BERKELEY, CA

RECEIVED
OCT 1 2012
LAND USE PLANNING

DATE	DESCRIPTION	DATE
	PLANNING SUBMITTAL	09/21/12

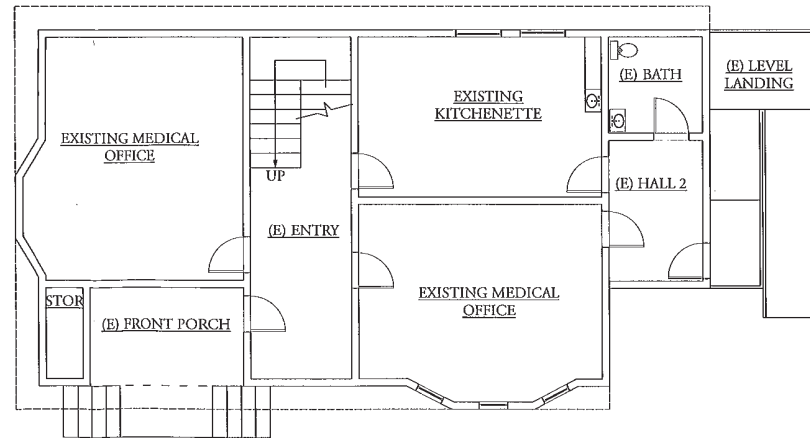
DATE: 08.01.12
 JOB NO.: 02.08
 DRAWN: VP

SHEET NO. **A1.0**

PLANS APPROVED by
ZONING ADJUSTMENTS BOARD

Jerry Blount

December 20, 2012



3 FIRST FLOOR PLAN
 3/16" = 1'-0"

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RECEIVED
 NOV 13 2012

LAND USE PLAN

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 2811 CO
 AVEN
 BERKLEY

ISSUE	DESCRIPTION
	PLANNING SUB
	AMENDED PLAN
	SUBMITTAL

DATE:
 JOB NO.
 DRAWN

CHECK NO.