



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

CITY OF BERKELEY ZONING ORDINANCE  
Berkeley Municipal Code, Title 23

**AUP #2013-0113**

Property Address: **3027 CLAREMONT AVENUE**

Permittee Name: **LISA BRUCE**

Use and/or Construction Permitted: to establish a teaching-related home occupation for a maximum of four students utilizing approximately 175 sq. ft. of floor area within an existing single-family home pursuant to:

- Section 23C.16.030.A to establish a teaching-related home occupation.

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 October 17, 2013.

Attest: Terry Blount  
Terry Blount, AICP, Principal Planner  
For Debbie Sanderson, Zoning Officer

Oct. 17, 2013  
Effective Date

# ATTACHMENT 1

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## FINDINGS AND CONDITIONS

SEPTEMBER 26, 2013

### 3027 Claremont Avenue

#### Administrative Use Permit #2013-0113

**To establish a teaching-related home occupation for a maximum of four students utilizing approximately 175 sq. ft. of floor area within an existing single-family home.**

#### 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 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 will 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, will 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:
  - As required under Section 23C.16.030.A (Moderate Impact Home Occupations), the proposal to establish art classes is permissible for the following reasons:
    - 1) The art classes will be conducted entirely within the subject residence;
    - 2) Will occupy 175 sq. ft. of floor area which is less than 400 sq. ft. of floor area;
    - 3) Will be limited to the hours of 10:00 a.m. to 10:00 p.m. (see Condition of Approval #14 below);
    - 4) Will not involve more than four students per visit (see Condition of Approval #15 below); and
    - 5) Will not require the storage or handling of products on site, involve any hazardous materials, and will not create offensive or objectionable noise, vibrations, odors, heat, dirt or electrical disturbances perceptible by the average person beyond the subject lot line.

## **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 attorneys fees that may result.

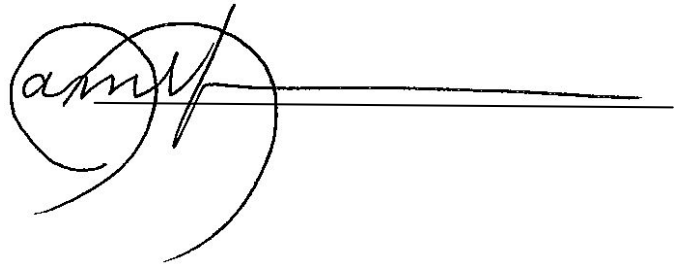
**ADDITIONAL CONDITIONS IMPOSED BY THE ZONING OFFICER**

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

**At All Times (Operation):**

- 10. All exterior lighting shall be shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.
- 11. This permit is subject to review, imposition of additional conditions, or revocation if factual complaint is received by the Zoning Officer that the maintenance or operation of this establishment is violating any of these or other required conditions or is detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the neighborhood or is detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.
- 12. Noise and exterior lighting shall be controlled so as to prevent verified complaints from the surrounding neighborhood. This shall include noise created by students on the premises before or after.

13. The operation of this service shall substantially conform to the applicant's statement and the approved site and floor plan drawings received dated **AUGUST 30, 2013**.
14. The hours of operation for this service shall be limited to 10:00 a.m. to 10:00 p.m.
15. There shall be no more than four (4) students at a time and no employees other than the residents of the subject property.

A handwritten signature in black ink, appearing to read 'amj', is written over a horizontal line. The signature is enclosed within a circular scribble.

Pamela Johnson, Assistant Planner for  
Debra Sanderson, Zoning Officer

DUPLICATED

RECEIVED

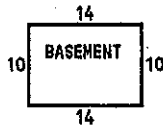
AUG 30 2013

LAND USE PLANNING

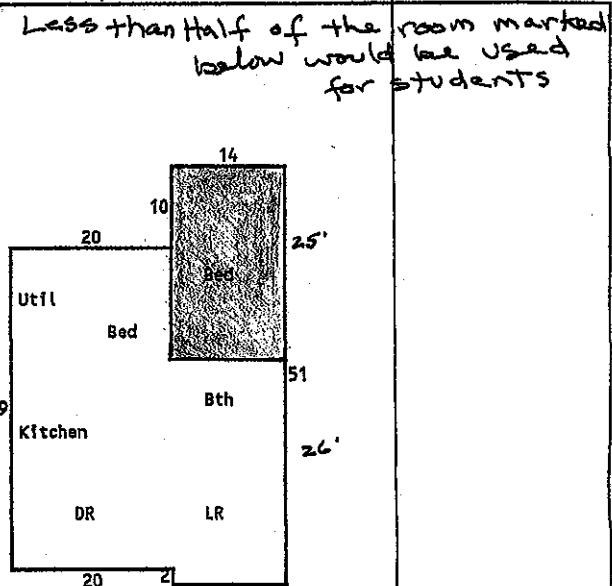
SKETCH ADDENDUM

File No. 7630.S

Client Bruce  
 Address 3027 Claremont  
Berkeley County Alameda State CA Zip Code \_\_\_\_\_  
 Order \_\_\_\_\_  
 Remarks \_\_\_\_\_



120'

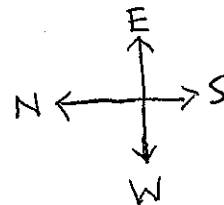


APPROVED PLAN 9.19.13  
 PLANNING DATE  
 D.R. Conditions Attached  
 A.U.P. Conditions Attached  
 U.P. Conditions Attached

BASEMENT  
 10 x 14 = 140 SF

10	x 14	=	140	
39	x 34	=	1326	
2	x 14	=	28	
Total			1494	SF

Total OTHER 1634 SF



There is an attic for storage the entire size of the house.