

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 #2014-0048**

Property Address: **1172 SAN PABLO AVENUE**

Permittee Name: **5-STAR LOANS, INC.**

Use and/or Construction Permitted: To change the use of an existing 1,000 sq. ft. commercial vocational training space to a financial services retail use pursuant to:

- Section 23E.64.030 to establish a financial service, retail (loan office).

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 July 18, 2014.

Attest: Sally Zarnowitz  
Sally Zarnowitz, Senior Planner  
For Eric Angstadt, Zoning Officer

July 18, 2014  
Effective Date

# ATTACHMENT 1

## FINDINGS AND CONDITIONS

JUNE 26, 2014

### 1172 San Pablo Avenue, Suite #102

#### Administrative Use Permit #AUP2014-0048

**To change the use of an existing 1,000 sq. ft. commercial vocational training space to a financial services, retail use.**

#### 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 Conversion of Small Structures”) and Section 15301 (“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

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 per Section 23E.64.090.B (Findings), the establishment of a financial service (loan office):
    1. Is compatible with the purposes of the West Berkeley Commercial District because the loan office
      - a) Implements the West Berkeley Plan’s designation of a commercial district;
      - b) Provides a loan office serving area residents and/or businesses;
      - c) Supports a balance of a smaller loan office than the conventional larger financial institutions;
      - d) Is an appropriate location which is consistent with West Berkeley Plan policies for a commercial service serving a citywide or broader clientele;
      - e) Is located in an area of the C-W District which will not overspill into industrial areas and which abuts similar commercial uses such as personal household services, restaurants, and car repair uses;

- f) Is not located in a designated node, however, the use will help develop a pedestrian-oriented environment;
  - g) Will encourage the appropriate intensity of development in an underutilized portion of the commercial street;
  - h) Is compatible with the surrounding commercial uses; and
  - i) Will not contribute to noise, fumes, or other detrimental environmental effects.
2. There are no exterior modifications proposed, therefore, the use will remain compatible with the surrounding buildings.
  3. Is consistent with the adopted West Berkeley Plan.
  4. Occupies a vacant storefront and will support the continuity of retail and service facilities at the ground level and does not substantially degrade the existing urban fabric of the street and area.
  5. The use contains office space for the loan business and is not an industrial use, and is therefore capable of meeting any applicable performance standards for off-site impacts.
  6. The project provides two off-street parking spaces and therefore meets the required off-street parking requirement (two spaces per 1,000 sq. ft. of gross floor area); therefore, the change of use will not intensify the available traffic capacity and potential parking supply. See Table 1 below.

Suite Number	Square Footage	Parking Required
#100	1,000	2
#101	800	1
#102	1,000	2
#103	510	1
#200A	250	0
#200B	137	0
#200C	169	0
#201	1,055	2
#202	800	1
#203	1,210	2
<b>6,931</b>		<b>14 TOTAL PARKING SPACES AVAILABLE</b>
TOTAL SQUARE FOOTAGE FOR 1172 SAN PABLO		
		<b>14 TOTAL REQUIRED</b>

## **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**

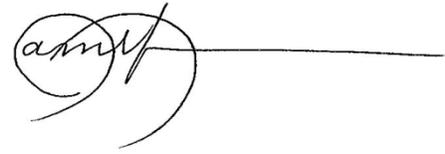
Pursuant to BMC 23B.28.050.D, the Zoning Officer attaches the following additional conditions to this Permit:

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

10. All construction at the subject property shall substantially conform to the approved Use Permit drawings or to modifications approved by the Zoning Officer.
11. All landscape, site and architectural improvements shall be completed per the attached approved drawings dated **MAY 30, 2014**.

### **At All Times (Operation):**

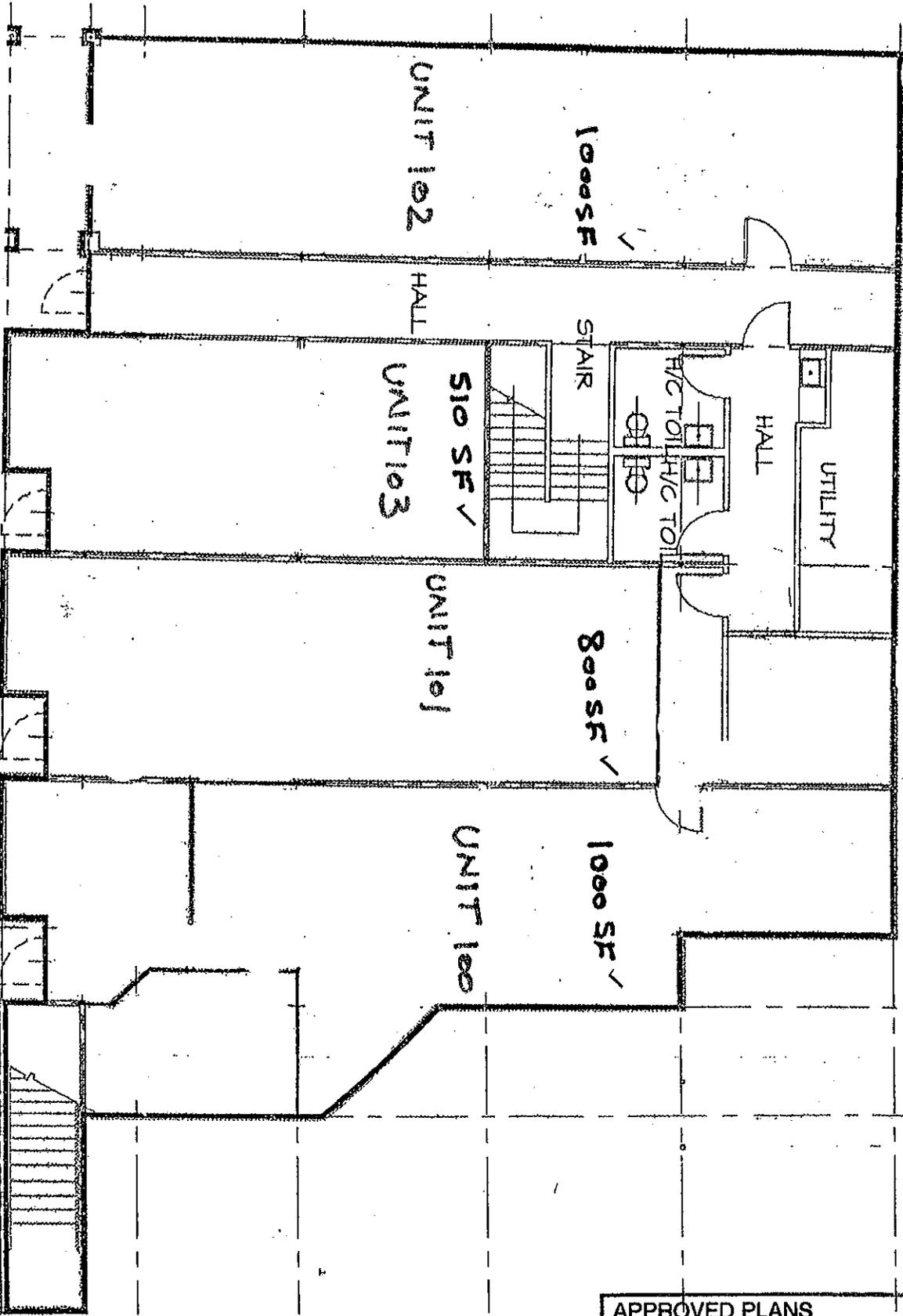
12. All exterior lighting shall be shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.
13. This permit is subject to review, imposition of additional conditions, or revocation if factual complaint is received by the Zoning Officer that the 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.
14. Noise and exterior lighting shall be controlled so as to prevent verified complaints from the surrounding neighborhood. This shall include noise created by employees working on the premises before or after patrons arrive.

A handwritten signature in black ink, appearing to read 'amj', followed by a long horizontal line extending to the right.

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Prepared by: Pamela Johnson  
For Carol Johnson, Zoning Officer, Planning Director

1172 SAN PABLO AVE



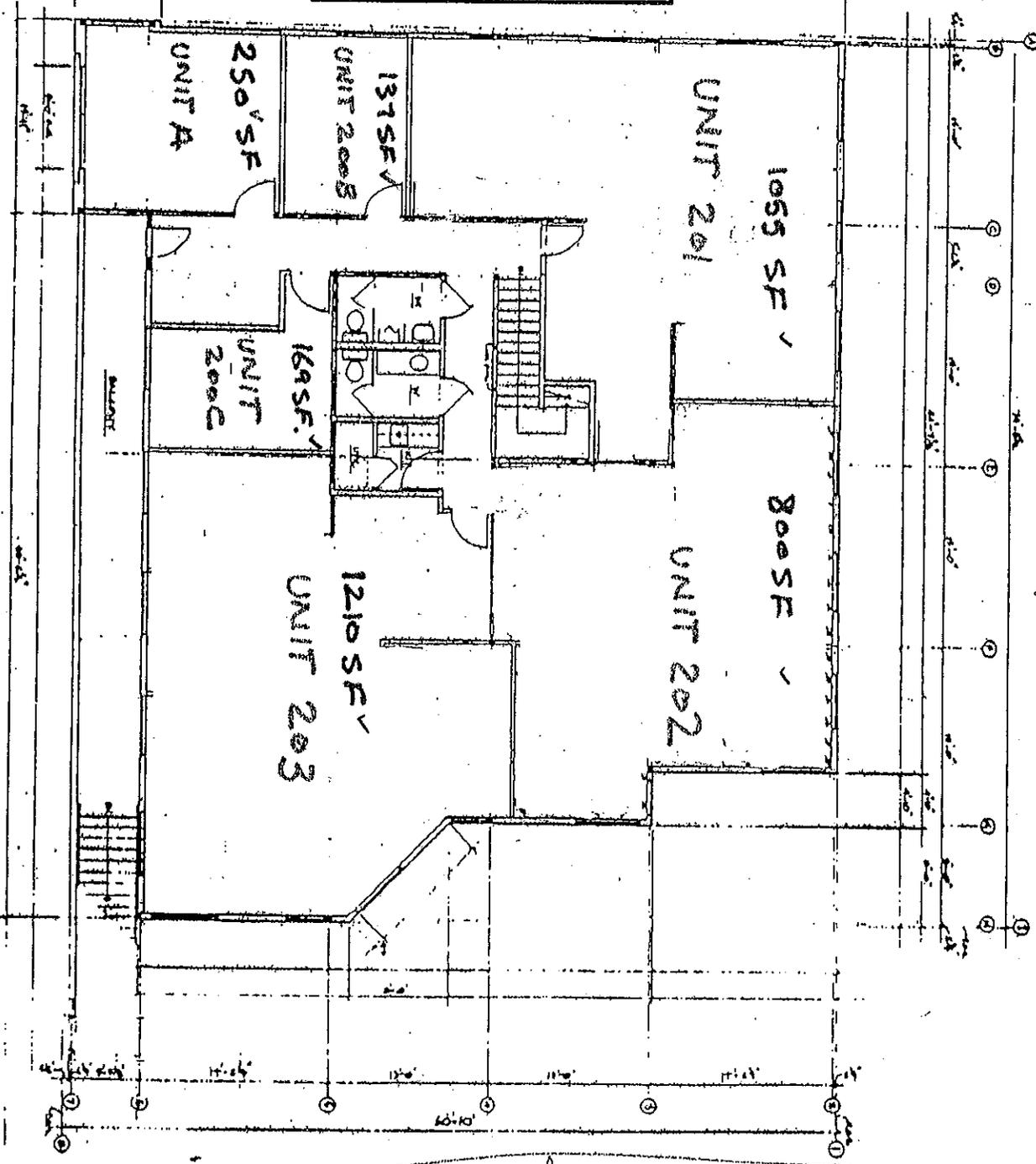
FIRST FLOOR

APPROVED PLANS	
<i>dmj</i>	6.11.14
CURRENT PLANNING	DATE
<input type="checkbox"/> D.R. Conditions Attached	
<input type="checkbox"/> A.U.P. Conditions Attached	
<input type="checkbox"/> U.P. Conditions Attached	

APPROVED PLANS  
 Dmy 6-11-14  
 CURRENT PLANNING DATE  
 D.R. Conditions Attached  
 A.U.P. Conditions Attached  
 U.P. Conditions Attached

SECOND FLOOR

1172 SAN PABLO AVE



creek

TENANT : X \_\_\_\_\_ X  
 LANDLORD : X \_\_\_\_\_ X

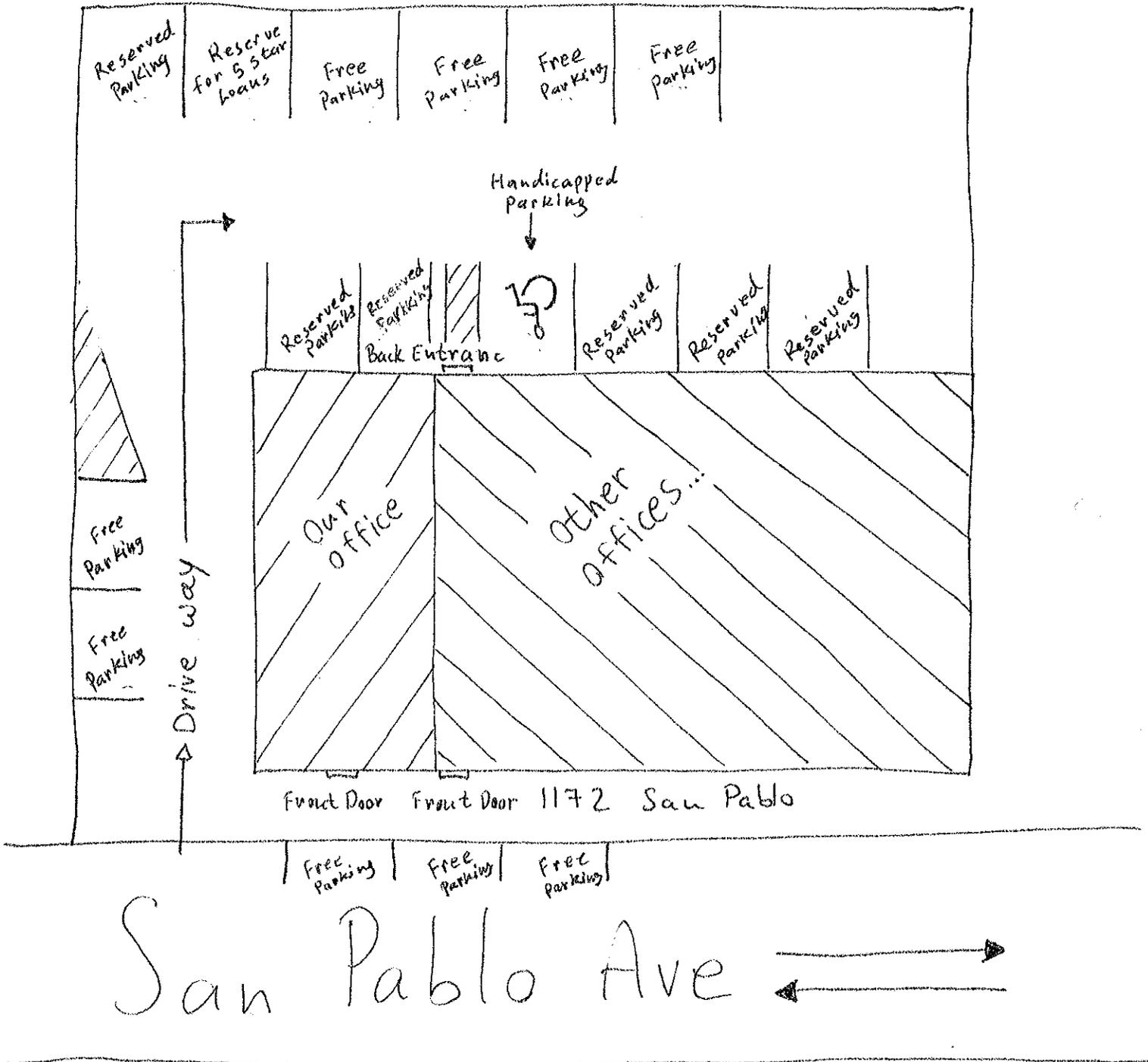
Village Creek Center  
 172 SAN PABLO AVENUE  
 BERKELEY, CALIFORNIA

A ARCHITECT  
 ROBERT ANDERSON  
 2501 BAYVIEW AVENUE, SUITE 200  
 BERKELEY, CA 94704  
 PH: 415 841-0001

EXHIBIT "A"

1	2	3	4	5	6	7	8	9	10
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# \* Available Parking Spaces 1172 San Pablo



No Bicycle Racks or security gates

APPROVED PLANS	
<i>DM</i>	6-11-14
CURRENT PLANNING	DATE
<input type="checkbox"/> D.R. Conditions Attached	
<input type="checkbox"/> A.U.P. Conditions Attached	
<input type="checkbox"/> U.P. Conditions Attached	