

Planning and Development Department  
Land Use Planning

# U S E P E R M I T

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CITY OF BERKELEY ZONING ORDINANCE  
Berkeley Municipal Code Title 23

## **ADMINISTRATIVE USE PERMIT # 10-20000147**

Property Address: **1630 BANCROFT WAY**

Permittee Name: **CONGREGATION BETH ISRAEL**

**Use and/or Construction Permitted:**

to establish a temporary child care center for up to 25 children at 1630 Bancroft Way for up to one year while 2230 Jefferson Street is remodeled.

- Administrative Use Permit to temporarily relocate a child care center, under BMC Section 23B.40.030.A
- Referral of AUP to Zoning Adjustments Board per BMC Section 23B.28.030

**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 January 30, 2013.

# ATTACHMENT 1

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## FINDINGS AND CONDITIONS

AS APPROVED BY THE ZONING ADJUSTMENTS BOARD ON

JANUARY 10, 2013

### **1630 Bancroft Way**

#### **Administrative Use Permit #10-20000147**

#### 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 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.

#### GENERAL NON-DETRIMENT FINDING

2. Pursuant to Berkeley Municipal Code Section 23B.32.040, the Zoning Adjustments Board finds that the proposed temporary establishment of a day care center for up to 25 children for no longer than one year from commencement of construction at the preschool located at 2230 Jefferson Street, 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. Although the new use will increase the demand for parking during pickup and drop-off times, this impact will be mitigated by conditions on the project such as staggered pickup and drop-off times and a “good neighbor” traffic and parking agreement that every parent must sign (see COA #8-11).
  - B. The project is subject to the Noise Ordinance (BMC §13.40), which limits permissible noise levels during the day and night based on the zoning of the area. The applicant hired a consultant to conduct several noise surveys at the day care’s permanent location, and has agreed to abide by the recommendations of the consultant to reduce noise levels. The project has been conditioned with many of these recommendations (see COA #12-17).

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## STANDARD CONDITIONS OF APPROVAL FOR ALL PROJECTS

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### **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. 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 Officer, in conformance with Section 23B.56.020.A.

Extensions of time are not allowed unless approved by the Zoning Officer, in conformance with Section 23B.40.030.C.

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.56.020.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 conflict with any special objective sought by the Board.

### **4. 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.

**5. 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.

**6. 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.

**7. 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**

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**Parking related to the daycare use:**

- 8.** Pickup and drop-off times will be staggered, occurring from 8:00-9:00 AM, 12:45-1:15 PM, and 3:45-4:15 PM.
- 9.** Pickup and drop-off traffic may only drive south on Jefferson between Allston and Bancroft.
- 10.** No more than ten cars total shall use Jefferson Street during any given pickup and drop-off period.
- 11.** The day care shall diligently pursue compliance with the following items during the drop-off and pickup period:
  - a.** No double-parking
  - b.** No blocking of driveways or sidewalks
  - c.** No U-turns or turns utilizing driveway pull-ins

- d. No honking
- e. No speeding
- f. No engines left running in unattended cars
- g. Ask staff members and daycare families not to park on the eastern side of Jefferson Street between Allston and Bancroft Way
- h. Ask staff members and daycare families not to park on the western side of Jefferson Street north of 2230 Jefferson
- i. The congregation must institute measures for pickup and drop-off as required to observe the above items, including but not limited to:
  - i. Warnings to parents that failure to comply with the parking restrictions could result in expulsion
  - ii. All families shall be provided with a color-coded map of the neighborhood showing acceptable direction of travel and approved parking spaces.
  - iii. Every parent must sign an acknowledgement form that they have received and understand the parking map and restrictions.
  - iv. All families shall be reminded of the traffic and parking restrictions four times per year.

**Backyard Use and Sound Monitoring related to the daycare use:**

- 12. A staff to child ratio of at least 1 to 8 shall be maintained in the backyard at all times, and a maximum of 16 children may be engaged in unstructured play in the backyard at any one time.
- 13. Staff shall utilize structured activities over free play to the greatest extent possible.
- 14. Amplified sound or music shall not be permitted in the backyard.
- 15. Social events (e.g. parties, receptions) shall not be permitted in the backyard.
- 16. The day care shall adopt the following rules for backyard use:
  - a. No shouting, yelling, or screaming for any extended period of time
  - b. No chanting, singing, or playing musical instruments, unless part of a monitored, structured activity
  - c. No throwing toys against the fences

**Uses Permitted:**

- 17. No day care activities shall be permitted in the backyard later than 6:00 pm nor inside later than 10:00 pm.
- 18. A day care use shall be permitted for up to 25 children between the hours of 8:00 am and 5:00 pm Monday through Friday. Incidental activities, never later than 10:00 pm, may include, but are not limited to, up to four events annually between the hours of 5:00 PM and 10:00 PM staff meetings, parent advisory committee meetings, preschool

community events, parents school maintenance, daily cleaning, and weekly garden service.

- 19.** The existing uses at the site related to the synagogue will continue during the daycare's operation and after the daycare use expires.

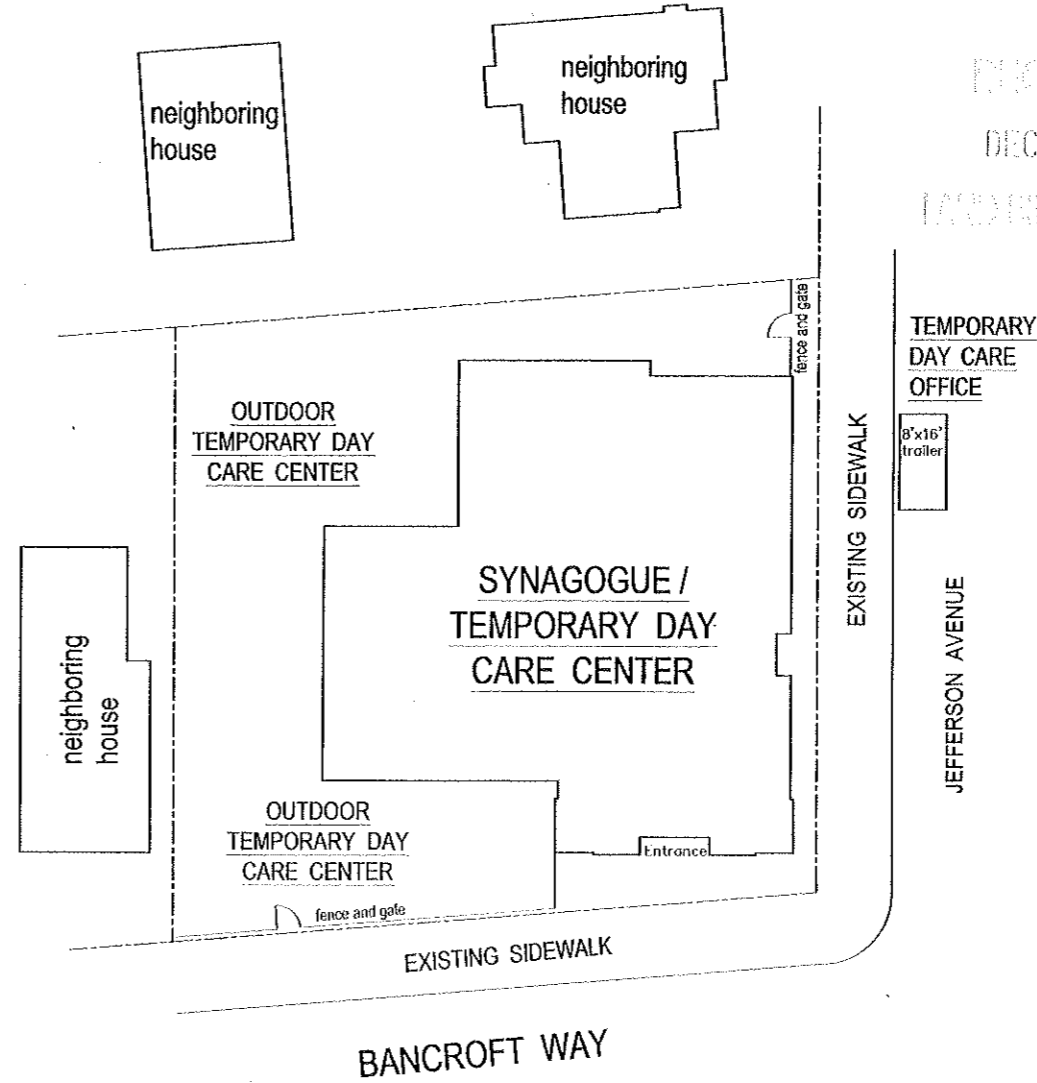
**PLANS APPROVED by  
ZONING ADJUSTMENTS BOARD**

*Jerry Blount*

January 10, 2013



VICINITY MAP



SITE PLAN 0 5' 10' 15' 20'  
SCALE

| PROJECT INFO  |           |
|---|-----------|
| <b>PROJECT DESCRIPTION:</b><br>TEMPORARILY USE EXISTING SYNAGOGUE BUILDING FOR CHILDRENS DAY CARE |           |
| <b>OCCUPANCY GROUP:</b><br>TEMPORARY USE TO BE  | A-3<br>E  |
| <b>CONST. TYPE:</b> V- NO HR<br>SPRINKLERED WITH LIGHT HAZARD OCCUPANCY NFPA 13                   |           |
| <b>BUILDING SIZE:</b>   | 5379 S.F. |

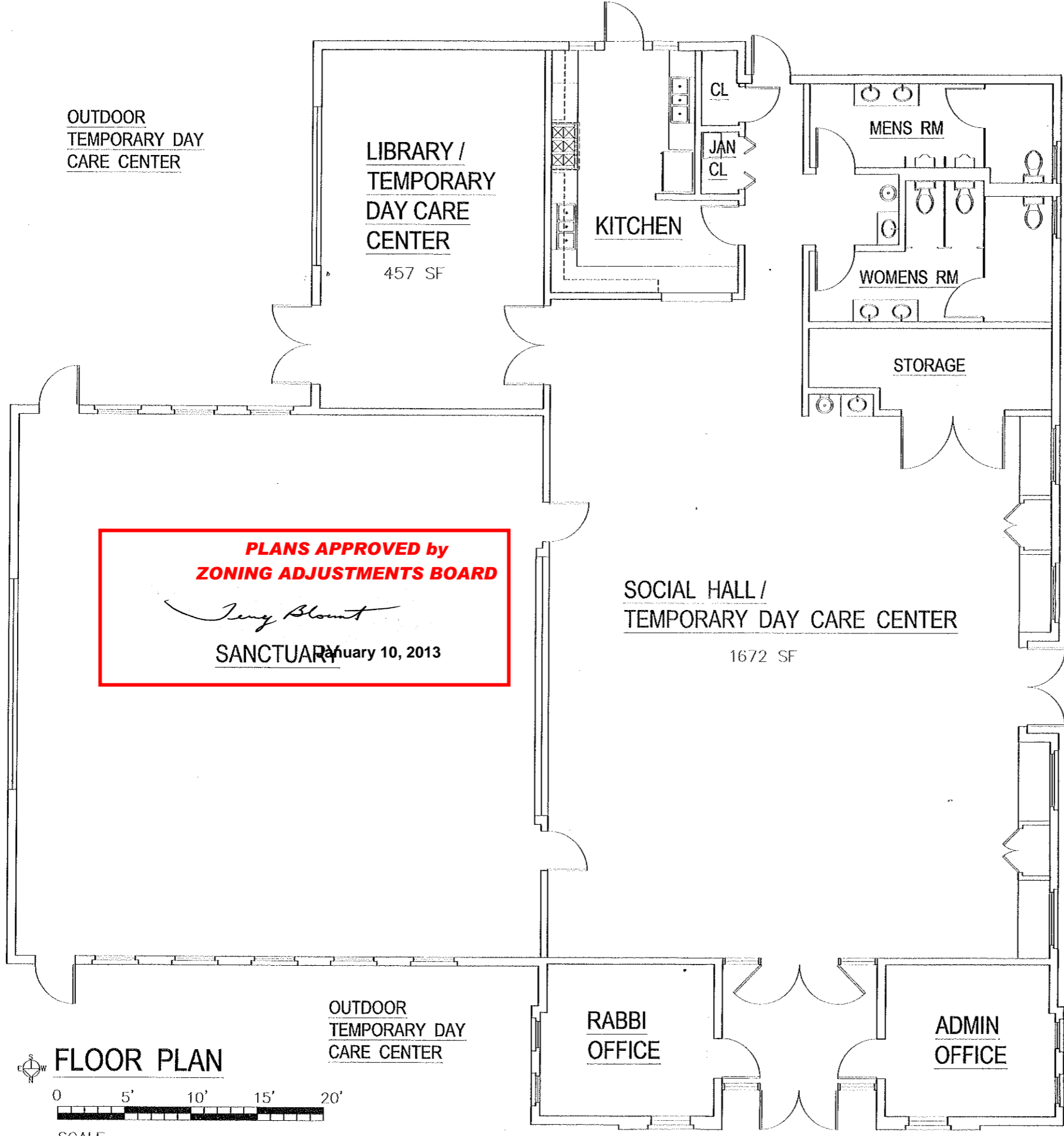
| INDEX OF DRAWINGS |                 |       |
|-------------------|-----------------|-------|
| 1                 | SITE PLAN       | NOTES |
| 2                 | FLOOR PLAN      |       |
| 3                 | SIGNATURE SHEET |       |

RECEIVED  
DEC 09 2010  
LANDING MARKS

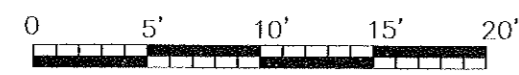
# Congregation Beth Israel Proposed Temporary Day Care Center

|   |      |       |            |                               |  |
|---|------|-------|------------|-------------------------------|--|
| Sheet: <b>1</b>   | OF 3 | NOTES | Revisions: | Date: 12/2/10<br>Drawn By: SM | Steven McKee - Architect<br>975 West K Street<br>Benicia CA 94510<br>(707) 746-6788<br>(707) 746-6767 fax<br>www.stmckee.com |
| TEMPORARY DAY CARE CENTER<br><b>CONGREGATION BETH ISRAEL</b><br>SYNAGOGUE<br>BANCROFT WAY & JEFFERSON AVE<br>BERKLEY CA |      |       |            |                               |  |

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# FLOOR PLAN



SCALE

EXISTING SIDEWALK

EXISTING FACE OF CURB

JEFFERSON AVENUE

TEMPORARY DAY CARE OFFICE  
8'x16' trailer

Sheet:

# 2

OF 3

FLOOR PLANS

TEMPORARY DAY CARE CENTER

CONGREGATION BETH ISRAEL  
SYNAGOGUE

BANCROFT WAY & JEFFERSON AVE  
BERKLEY CA

Revisions:

Date: 12/2/10

Drawn By: SM

Steven McKee - Architect



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