

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 # 12-10000036

Property Address: **2317 CHANNING WAY**

Permittee Name: **CARI R. JELEN, Drafting Cafe**

Use and/or Construction Permitted: change of use on second floor from medical office to create a Dwelling Unit.

- Use Permit for change of use on second floor from medical office to residential, under BMC 23D.48.030; and
- Design Review (staff level) for changing 2 windows on the second floor.

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 18, 2013.

FINDINGS AND CONDITIONS

JANUARY 24, 2013

2317 Channing Way

Use Permit 12-10000037 for change of use on second floor from medical office to create a Dwelling Unit.

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 (“Conversion of a small structure from one use to another with only minor exterior modifications”). 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 conversion of the second floor from an office suite to a single residential unit, 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 project would add a new residential unit in the Residential Southside (R-S) Zoning District, consistent with the purposes of the R-S District which encourages residential development in this neighborhood which is close to the University of California and convenient to shopping, public transportation, and employment.
 - B. The proposed change of use would transform an existing office suite, which is not a permitted use in the R-S District to a residential unit, which is a use that is encouraged in this District.
 - C. The project would involve minor modifications to the existing structure, which meets or exceeds applicable development standards relating to setbacks, height, and lot coverage, and would not result in any changes in shading or view blockage from surrounding buildings.
 - D. Useable open space for the proposed new residence is available in the existing rear yard and would exceed the minimum requirement.

OTHER REQUIRED FINDINGS

3. Pursuant to Berkeley Municipal Code Section 23D.48.080, the Zoning Adjustments Board finds that no parking spaces are required for new residential units in the Car-Free Overlay area including the partial block in which the site is located (Dana, Channing, Ellsworth and Durant, minus the lot abutting the west side of Dana) and therefore none of the findings relating to parking set out in Section 23D.48.090 B, C and D are required.
4. Pursuant to Berkeley Municipal Code Section 23D.48.090 E, the Zoning Adjustments Board finds that the proposed project requires only minor modifications to an existing structure; that it would not have the potential to unreasonably obstruct sunlight, air and views; and that it will not be denied for this reason.
5. Pursuant to Berkeley Municipal Code Section 23D.48.090 F, the Zoning Adjustments Board finds that the proposed project complies with the Southside Plan's adopted Mitigation Monitoring Program (MMP). More specifically, the Board finds that Mitigation Measures TRANS-5, TRANS-7 and AIR-1 could potentially be applicable to the proposed project but are not, in this instance, for the following reasons:
 - A. Mitigation Measure TRANS-5 calls for the signalization of the intersection of Channing Way and Fulton Street when a project or projects will cause the intersection to operate at Level of Service F in the PM peak hour. The proposed project would add little, if any, additional traffic to this intersection because it would provide only one housing unit with no off-street parking.
 - B. Mitigation Measure TRANS-7 relates to the disruption of sidewalks from new development when new driveways or curb cuts are introduced. This would not be applicable for this project because no changes in the driveway, curb cuts, or sidewalk are planned.
 - C. Mitigation Measure AIR-1 calls for the mitigation of construction related dust and pollutant emissions. This mitigation would be implemented with Standard Conditions 19, 20 and 21, and Project Condition 29, below.

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.

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.
- 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.

ADDITIONAL CONDITIONS OF APPROVAL

Pursuant to BMC Section 23B.32.040.D, the Zoning Adjustments Board attaches the following conditions to this Permit:

Prior to Issuance of Any Building Permit

- 10. Prior to applying for a building permit, the applicant shall file an "Address Assignment Request Application" with the Permit Service Center (2120 Milvia Street) for any address change or new address associated with this Use Permit. The new address(es) shall be assigned and entered into the City's database prior to the applicant's submittal of a building permit application.
- 11. Prior to issuance of a building permit, the applicant shall complete and submit an updated *Draft GreenPoint Checklist* to the project planner with comments on any revisions to the project that affect the project's green building score.
- 12. 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 this record to the project planner upon request.

Noise Management Individual _____

Name

Phone #

13. The applicant and all persons associated with the project are hereby notified that a Transportation Management Permit (TMP) would be required under any of the following circumstances:

- Alterations, closures, or blockages to sidewalks or pedestrian paths
- Alterations, closures, or blockages to vehicle travel lanes (including bicycle lanes)
- Storage of building materials, dumpsters, debris anywhere in the public ROW
- Provision of exclusive contractor parking on-street
- Significant truck activity.

Contact the Permit Service Center (PSC) at 2120 Milvia Street or 981-7500 for details on obtaining Construction/No Parking Permits (and associated signs and accompanying dashboard permits). Public Works Traffic Engineering (981-6400) reviews all submitted TMP requests.

The TMP may include designation of a specific truck haul route. Meter heads (if in the construction area) shall be removed only by City staff. Contact the site inspector 72 hours in advance of required removal so arrangements can be made.

During Construction:

- 14.** Prior to any excavation, grading, clearing, or other activities involving soil disturbance during the rainy season (between October 15 and April 15), the applicant shall obtain approval of an erosion prevention plan by the Building and Safety Division and the Public Works Department. The applicant shall be responsible for following these and any other measures required by the Building and Safety Division and the Public Works Department.
- 15.** 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 or on any Federal Holiday.
- 16.** 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.
- 17.** 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.
- 18.** 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 thick and secured to the ground.
- 19.** 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.

20. Trucks hauling debris, soil, sand, or other loose materials shall be covered or required to maintain at least two feet of board.
21. Public streets shall be swept (preferably with water sweepers) of all visible soil material carried from the site.
22. 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.
23. As required by the Mitigation Monitoring Program for the Southside Plan EIR, (Measure AIR-1) the contractor shall use dust-proof chutes during demolition to load debris into trucks whenever feasible.

Prior to Final Inspection or Issuance of Occupancy Permit:

24. The project shall conform to the plans and statements in the Use Permit.
25. All landscape, site and architectural improvements shall be completed per the attached approved drawings dated **January 24, 2013**.
26. Prior to issuance of an occupancy permit or final inspection approval, the applicant shall update, sign, and submit an *As-Built GreenPoint Checklist* reflecting final as-built conditions, including the total green building score, to the project planner.

At All Times:

27. All exterior lighting shall be shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.
28. 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.
29. Signage and any other exterior modifications, including but not limited to landscaping and lighting, shall be subject to Design Review and/or Landmarks Preservation Commission approval.
30. Occupants of residential projects within the Car-Free Housing Overlay area that are constructed without parking after the effective date of this Chapter shall not be entitled to receive parking permits under the Residential Permit Parking Program (RPP), under Chapter 14.72 of the BMC.
31. None of the existing parking spaces on the site may be used by residents of the building. The site is within the Car-Free Housing Overlay area and no off-street or on-street residential parking has been approved in conjunction with this Use Permit.

PROJECT INFORMATION:

This project proposes to change the use of an existing 2,162 S.F. (2) story commercial structure into a mixed-use building in the Residential Southside (R-S) district. The ground floor would continue to be used for a dental office, while the existing second floor would be converted to an 816 sf 3-bedroom rental property.

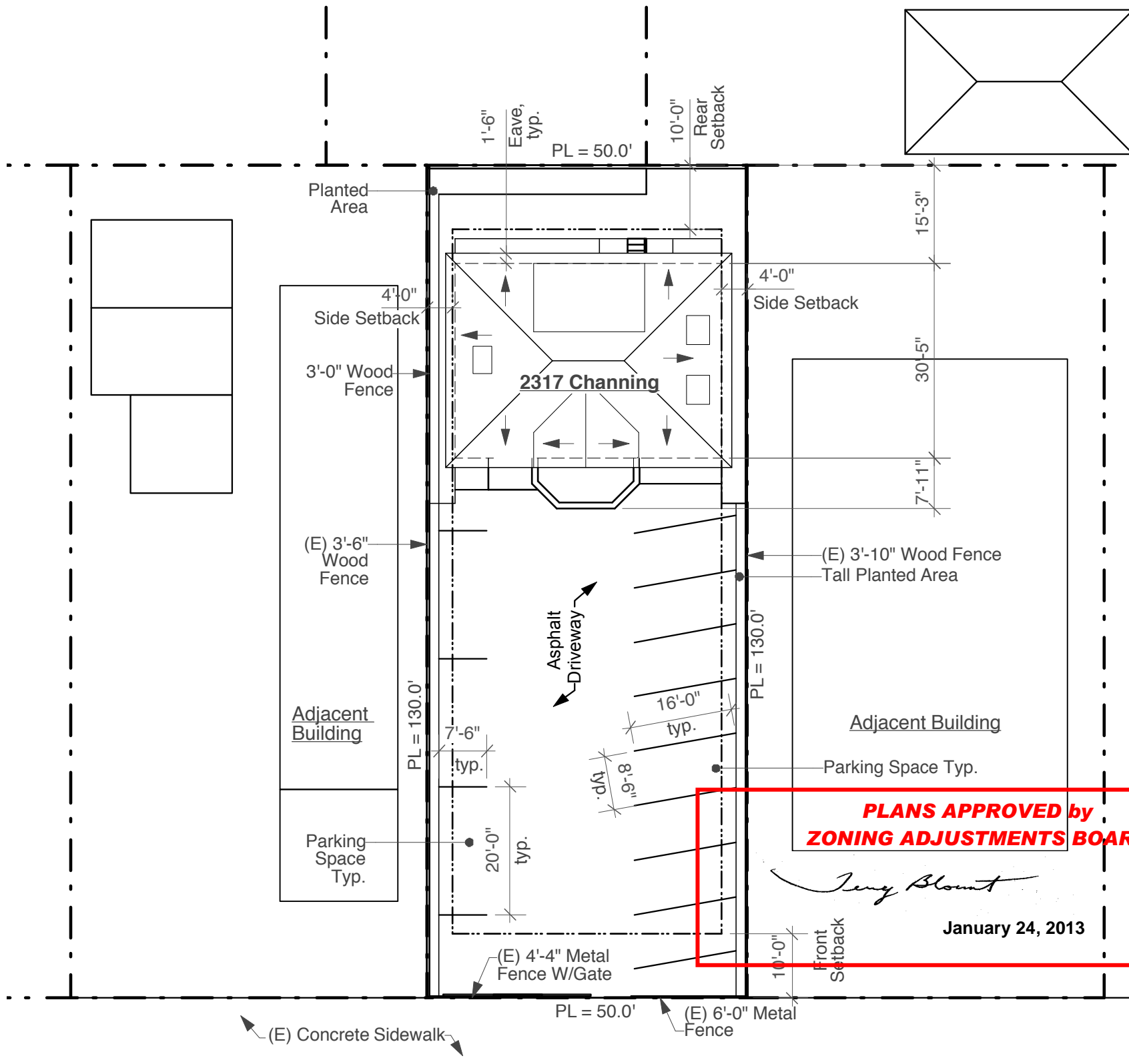
The owner is requesting the following:

1. A change in Occupancy classification of the upper floor from B to R3.
2. The alteration of (2) exterior windows at the 2nd floor to accomodate code requirements of the new classification.

Note to signatory:

The purpose of signing this document is to confirm to the City of Berkeley that the applicant for this project has informed you of the proposed project - it in no way implies that you "approve" of the project, unless you check the column headed "Have No Objection".

Name	Signature	Address (#### St. Name)	Renter (R) Owner (O)	Date	Have No Objection	Have Objection	No Comment
Comments:							
Comments:							
Comments:							
Comments:							
Comments:							
Comments:							
Comments:							
Comments:							
Comments:							
Comments:							



Channing Way

2317 Channing Way, Berkeley, CA
Site Map- 1" = 20'-0"

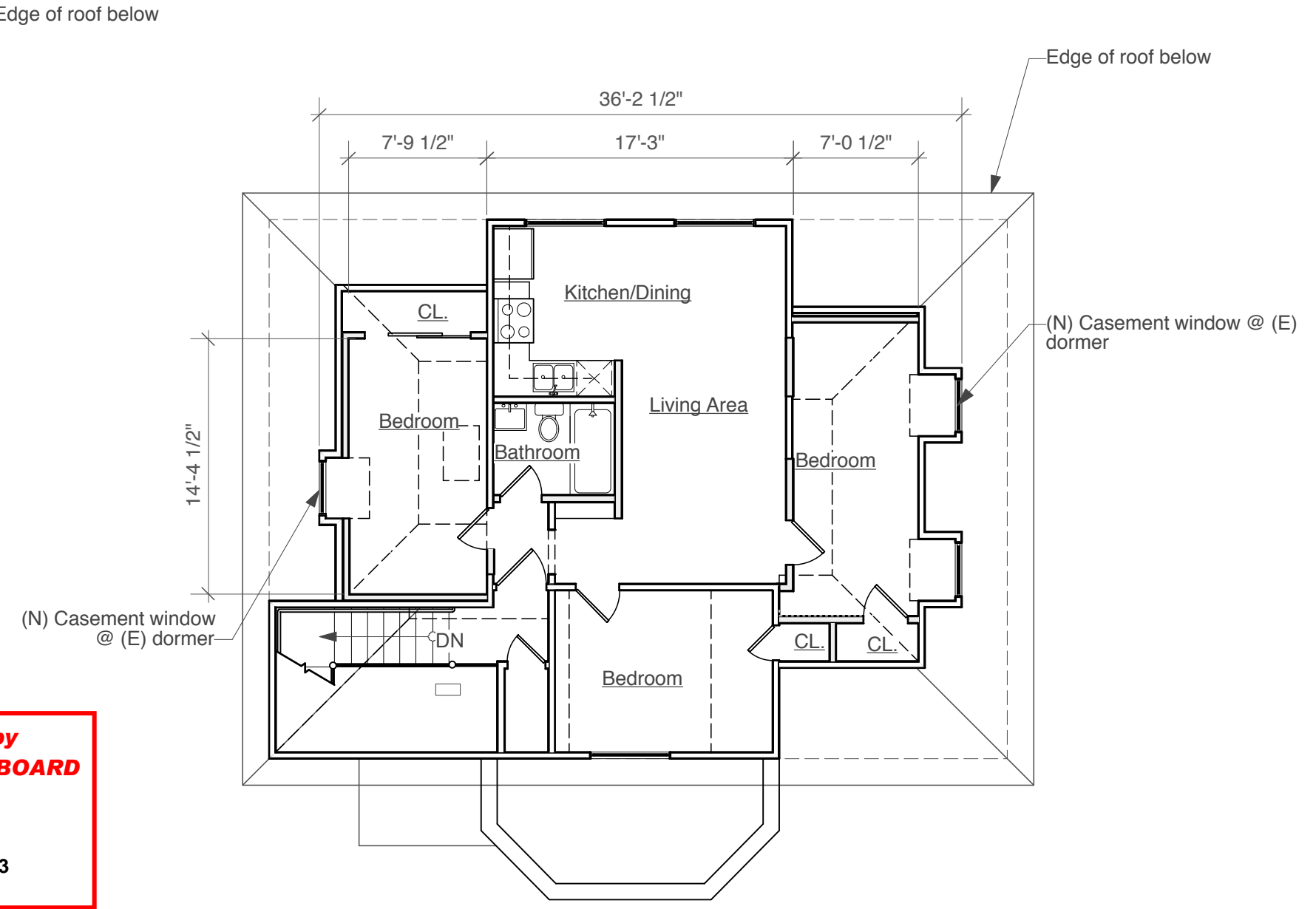
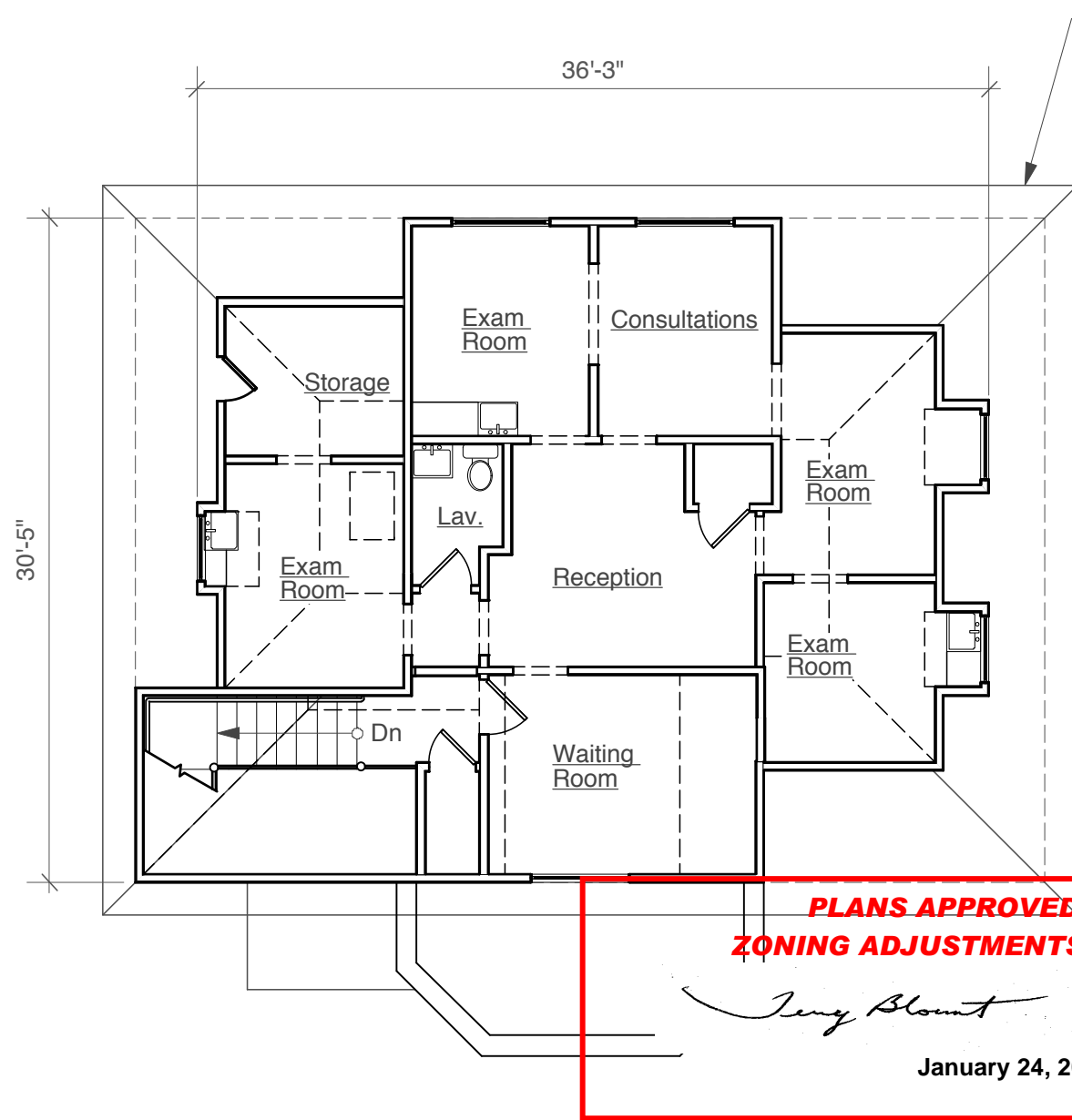
31 August 2012

T: 510-251-2511
 F: 510-225-2524
 E: ethan@draftingcafe.com
 www.draftingcafe.com

Zoning:
 Construction:
 Occupancy:

R-S
 Type VN
 B





1 Existing Second Floor Plan
 1/8" = 1'-0"

2 Proposed Second Floor Plan
 1/8" = 1'-0"

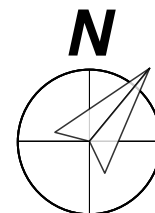
2317 Channing Way, Berkeley, CA
 2nd Floor Plans- 1/8" = 1'-0"

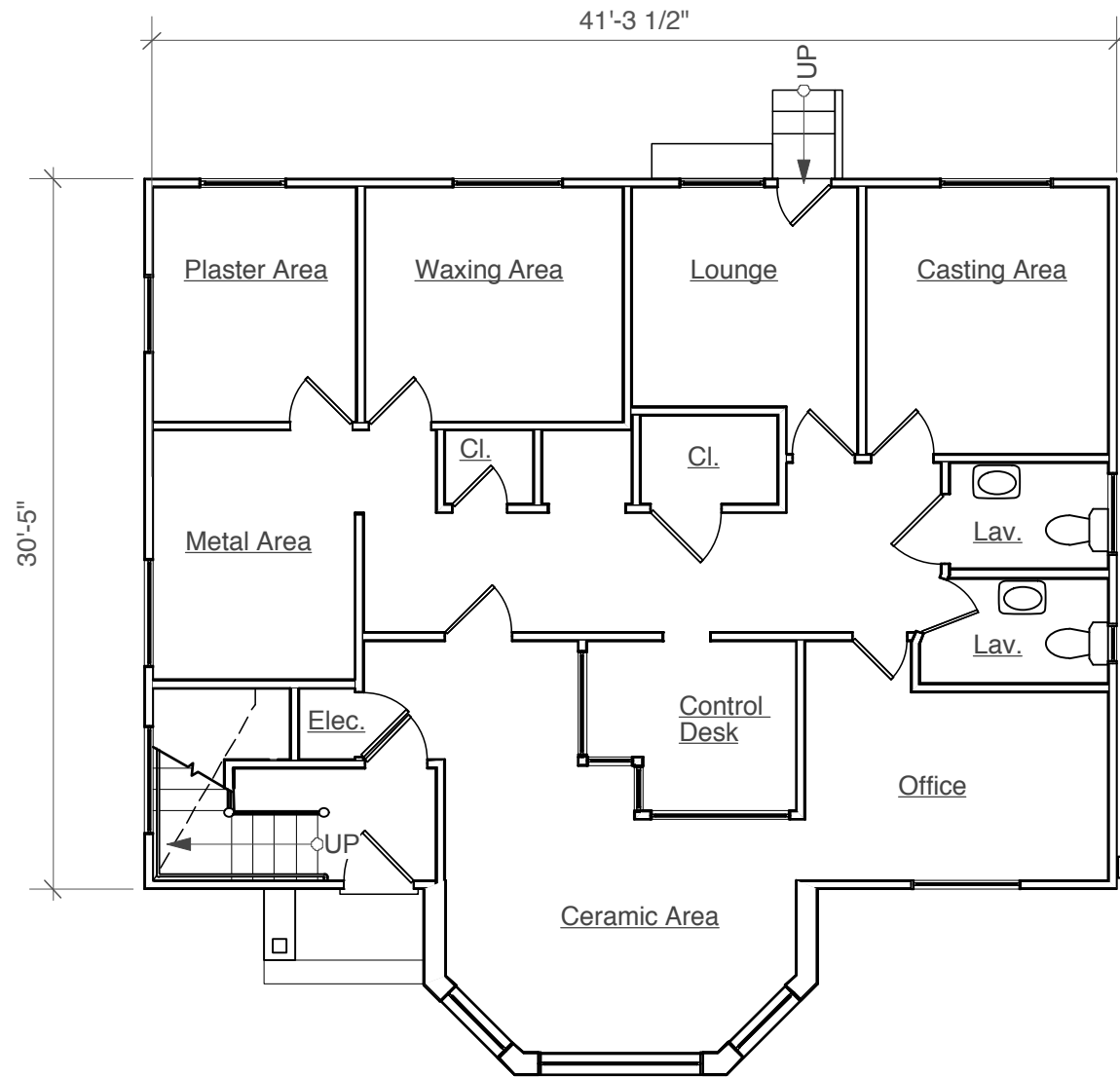
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Zoning:
 Construction:
 Occupancy:

R-S
 Type VN
 B





PLANS APPROVED by
ZONING ADJUSTMENTS BOARD

Jerry Blount

January 24, 2013

1 Existing First Floor Plan - No Change
1/8" = 1'-0"

2317 Channing Way, Berkeley, CA
1sr Floor Plans- 1/8" = 1'-0"

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Zoning:
Construction:
Occupancy:

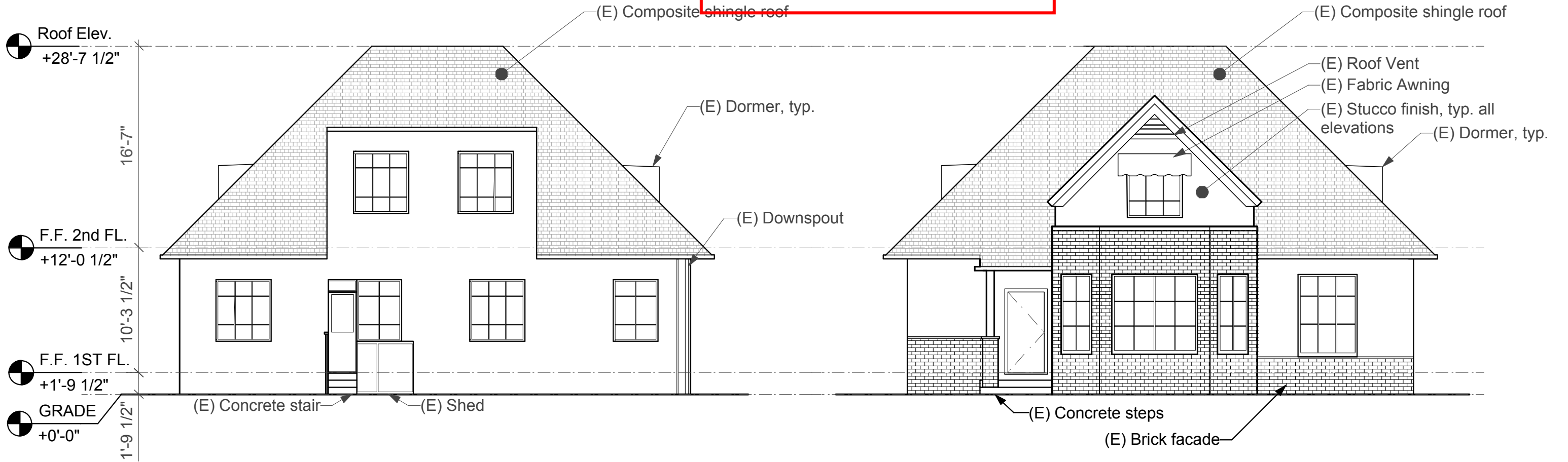
R-S
Type VN
B



PLANS APPROVED by
ZONING ADJUSTMENTS BOARD

Jerry Blount

January 24, 2013



1 Existing North Elevation
 1/8" = 1'-0"

2 Existing South Elevation
 1/8" = 1'-0"

2317 Channing Way, Berkeley, CA
Existing Elevations- 1/8" = 1'-0"

31 August 2012

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Zoning:
 Construction:
 Occupancy:

R-S
 Type VN
 B

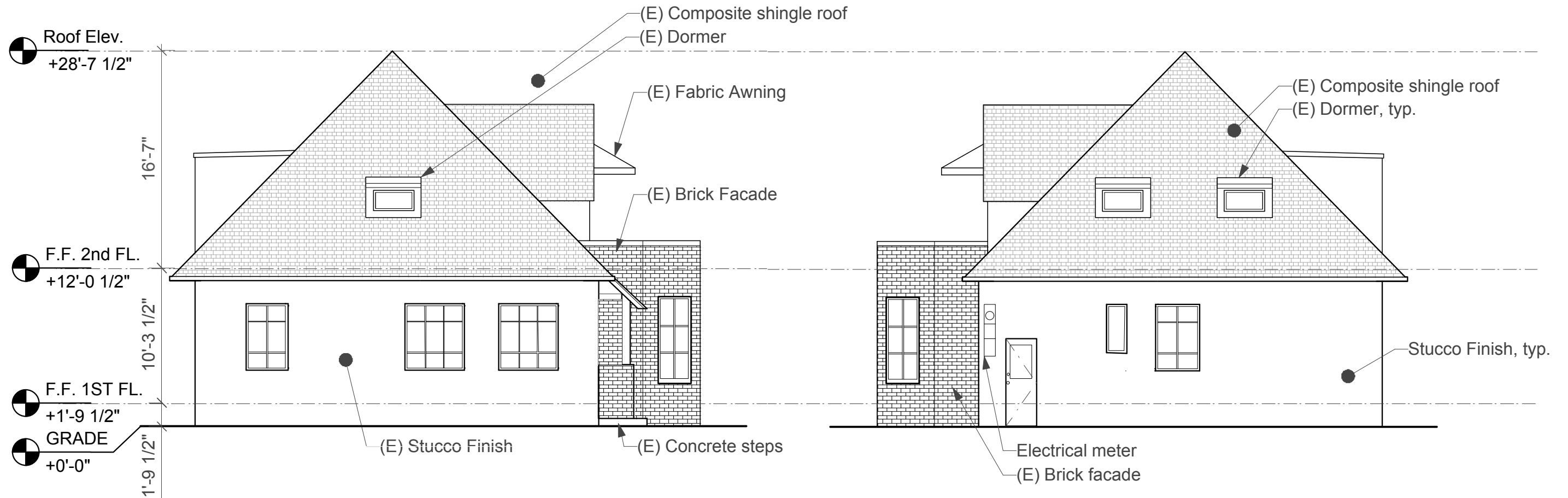
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PLANS APPROVED by
ZONING ADJUSTMENTS BOARD

Jerry Blount

January 24, 2013



1 Existing West Elevation
 1/8" = 1'-0"

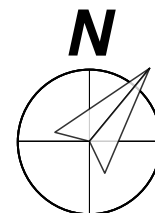
2 Existing East Elevation
 1/8" = 1'-0"

2317 Channing Way, Berkeley, CA
Existing Elevations- 1/8" = 1'-0"

31 August 2012

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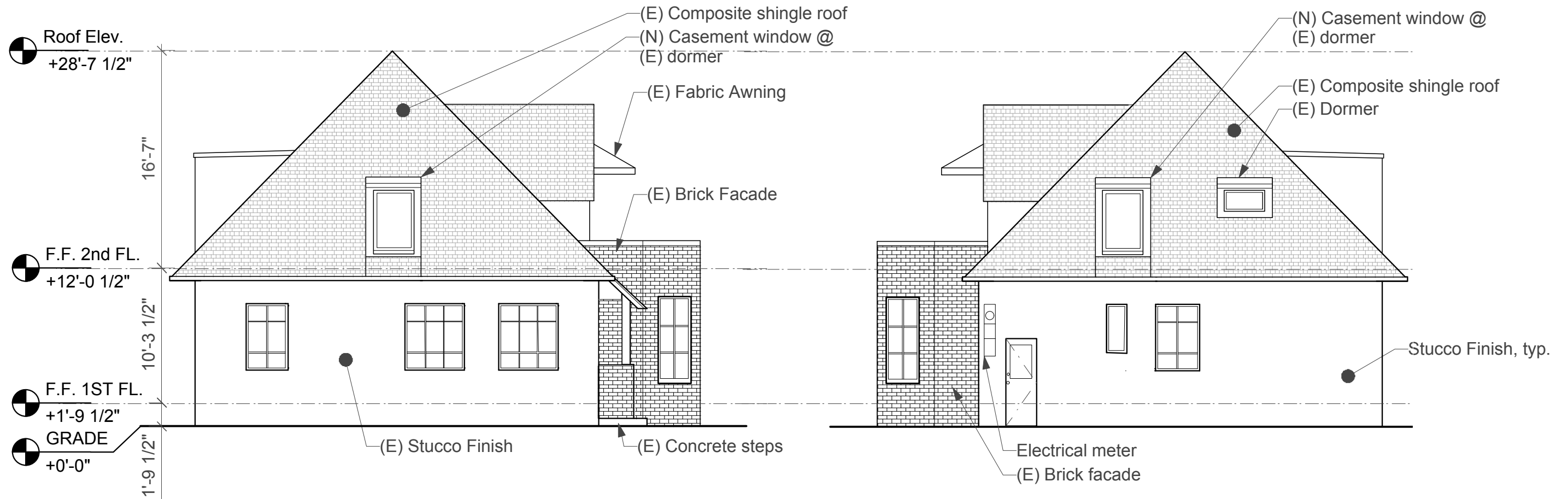
Zoning: R-S
 Construction: Type VN
 Occupancy: B



PLANS APPROVED by
ZONING ADJUSTMENTS BOARD

Jerry Blount

January 24, 2013



1 Proposed West Elevation
 1/8" = 1'-0"

2 Proposed East Elevation
 1/8" = 1'-0"

2317 Channing Way, Berkeley, CA
Proposed Elevations- 1/8" = 1'-0"

31 August 2012

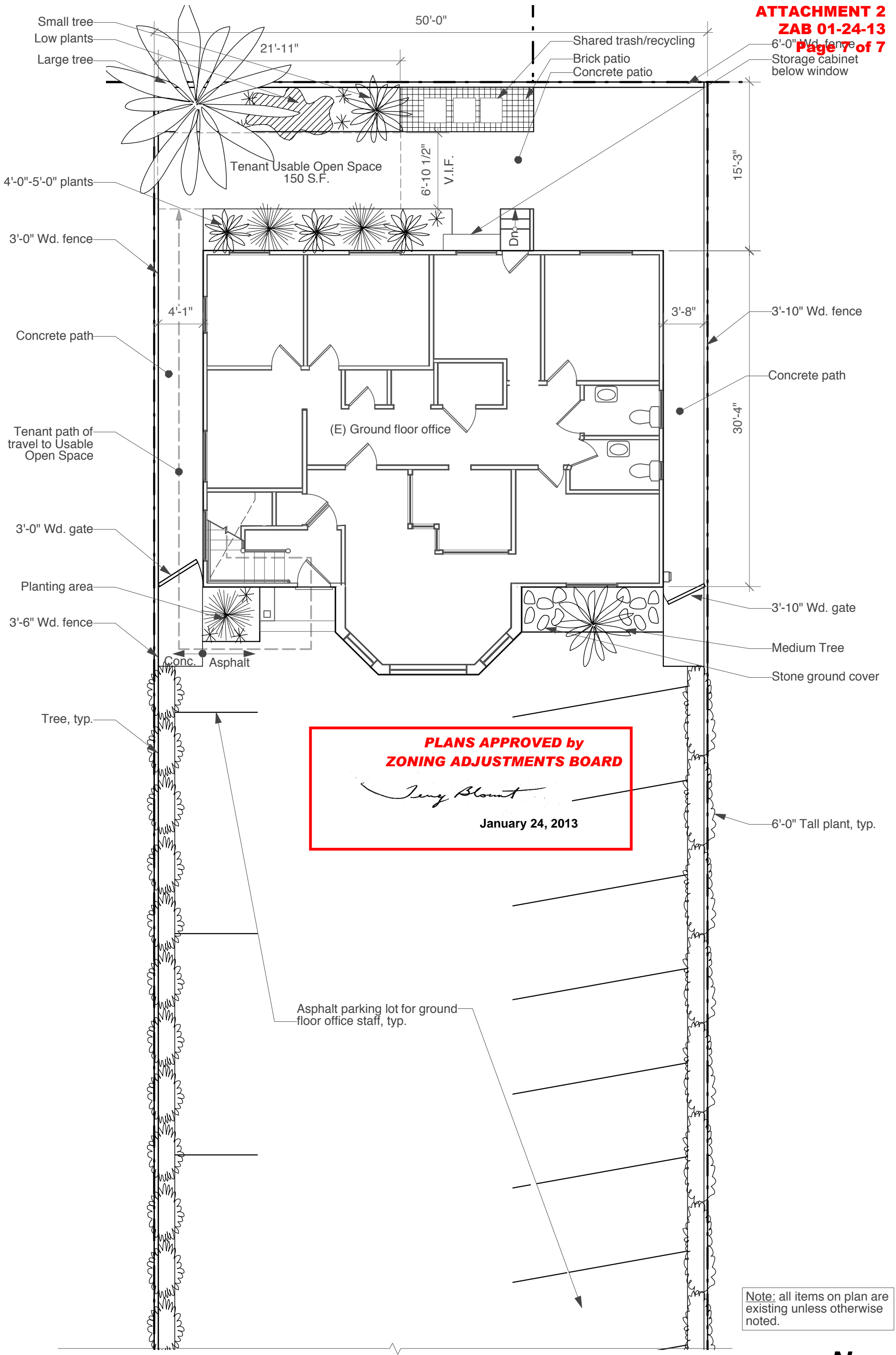
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Zoning:
 Construction:
 Occupancy:

R-S
 Type VN
 B

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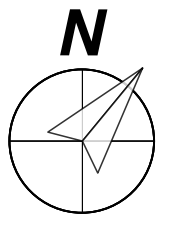


2317 Channing Way, Berkeley, CA
Landscape Plan- 1/8" = 1'-0"

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 E: ethan@draftingcafe.com
 www.draftingcafe.com

Zoning: R-S
 Construction: Type VN
 Occupancy: B

Amendment
 28 Sept. 2012



Note: all items on plan are existing unless otherwise noted.