

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 #2013-0116

Property Address: **3075 ADELINE STREET**

Permittee Name: **NANCY ROSENCRANZ/LIFELONG
MEDICAL CARE**

Use and/or Construction Permitted: to reduce required parking by up to 16 spaces to facilitate medical practitioner's office uses pursuant to:

- Section 23E.28.130.C.2 to reduce the required number of off-street parking spaces.

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 December 3, 2013.

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

December 3, 2013
Effective Date

ATTACHMENT 1

FINDINGS AND CONDITIONS

NOVEMBER 12, 2013

3075 Adeline Street

Administrative Use Permit #2013-0116

To reduce required parking by up to 16 spaces to facilitate medical practitioner's office uses.

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 15305 of the CEQA Guidelines ("Minor Alteration to Land Use Limitations"). As provided under CEQA Guidelines Section 15305, the parking reduction would not result in any increase in land use density. The project does not qualify as an exception to this Section for the following reasons:
 - There would be no cumulative impact of successive projects of the same type, in the same place over time that could create a significant environmental impact because the project is located in a fully developed commercial area where new development is limited.
 - There are no unusual circumstances that could lead to a significant impact because the project involves the reduction in parking where surplus parking is available and the potential conversion of existing retail space to medical practitioner offices does not involve physical changes to the property.
 - The project will not cause a substantial adverse change in the significance of the historical resource as there are none in the area.
 - The project is not located near a scenic highway.
 - The parking reduction would not affect the on-going remedial action at the site.

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:
 - Transit proximity, as well as provision of bicycle parking, will reduce the effect of reduced on-site vehicle parking.

3. As required by Section 23E.28.130.C.2 and 23E.28.140.B of the Zoning Ordinance, the project, under the circumstances of this particular case at the time at which the application is granted, the Zoning Officer finds that the reduction will not substantially reduce the availability of on-street parking in the vicinity of the use based on the parking survey conducted by Fehr and Peers, Transportation Consultants. The Zoning Officer further finds that the use is located within one-third of a mile of a Bay Area Rapid Transit (BART) station, and the parking requirement modification will meet the purposes of the District related to improvement and support for alternative transportation, pedestrian improvements and activity, and similar policies by providing opportunities for medical practitioners to occupy an underutilized neighborhood, provide a location for a wide variety of uses along thoroughfares, and promote development that is compatible with adjacent commercial and residential areas by facilitating the occupancy of vacant and underutilized commercial space in an existing building that has been partially vacant in part due to parking limitations.

STANDARD CONDITIONS

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:

10. Prior to occupancy of floor space with a medical practitioner's office, the applicant shall install bicycle parking within the public right of way and within the existing parking lot, to the extent feasible, in coordination with the City Traffic Engineer.
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.

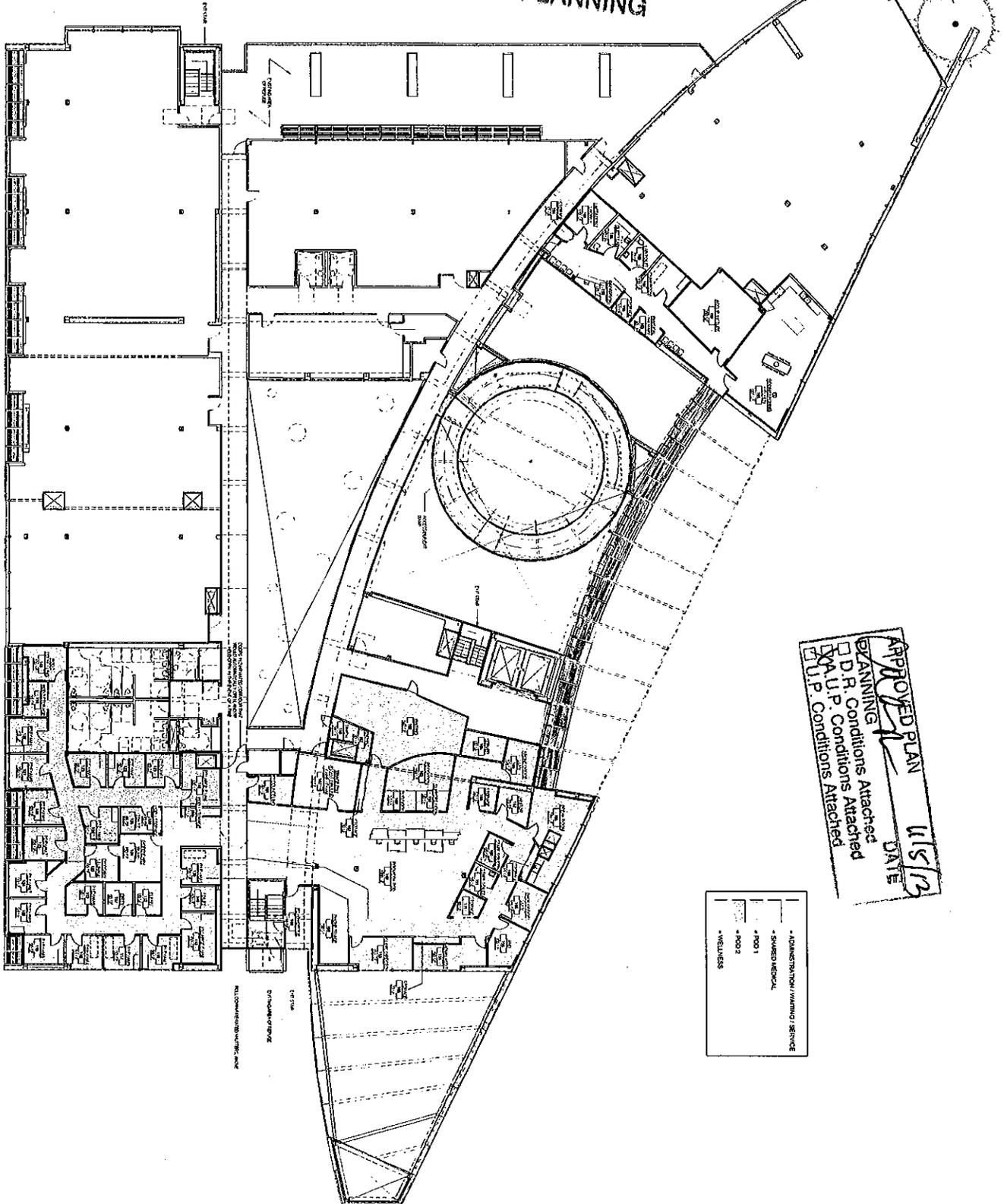


Claudine Asbagh, Assistant Planner for
Debbie Sanderson, Zoning Officer

RECEIVED

SEP 12 2013

LAND USE PLANNING



APPROVED PLAN DATE 11/5/13
 PLANNING
 D.R. Conditions Attached
 M.U.P. Conditions Attached
 L.U.P. Conditions Attached

- ADMINISTRATION / WAITING SERVICE
- SWIMMED MEDICAL
- POOL 1
- POOL 2
- WELLNESS

PROPOSED SECOND FLOOR PLAN: PROPOSAL A 1

A-01

BERKELEY PRIMARY CARE
 Ed Roberts Center
 LIFELONG MEDICAL CARE

DATE	2013
SCALE	AS SHOWN
PROJECT	BERKELEY PRIMARY CARE
CLIENT	UCSF
ARCHITECT	SGPA ARCHITECTURE AND PLANNING
PROJECT MANAGER	DAVID S. GILBERT
DESIGNER	DAVID S. GILBERT
DATE	2013



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