



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 # UP2014-0022

Property Address: **1712 EUCLID AVENUE**

Permittee Name: **ZAYTUNA COLLEGE**

Use and/or Construction Permitted:
to establish Group Living Accommodations (dormitory) for up to 35 residents on 2nd and 3rd
floors of existing theology school building; existing educational use on first floor to be retained.

- Use Permit to establish Group Living Accommodations, under BMC Section 23D.40.030

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 November 20, 2014.

ATTACHMENT 1

FINDINGS AND CONDITIONS

OCTOBER 30, 2014

1712 Euclid Avenue

Use Permit #2014-0022 to establish Group Living Accommodations (dormitory) for up to 35 residents on 2nd and 3rd floors of existing theology school building; existing educational use on first floor to be retained.

CEQA FINDING

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 Sections 15303 (“New Construction and Conversion of Small Structures”) and 15332 (“In-Fill Development Projects”) of the CEQA Guidelines. 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 Group Living Accommodations (GLA) use for up to 35 residents, 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 proposed GLA use restores the previous residential use of the site, which operated without any known complaints or detrimental impacts from 1924 to 1968, and from 1979 to 1986.
 - B. The proposed GLA use would be compatible with surrounding uses, which are predominantly multi-family residential
 - C. The project does not increase the size of the building and therefore would not affect the sunlight, air, privacy or views of any adjoining properties.
 - D. The existing deck at the second floor level does not immediately adjoin any neighboring properties and therefore is unlikely to have adverse impacts related to

residential use of the deck. In addition, this permit includes a condition of approval prohibiting use of the deck after 10 p.m. on weeknights and 11 p.m. on weekends.

E. The project would not have any substantial adverse impacts related to parking availability, for the following reasons:

- Because all residents at the site will be enrolled at Zaytuna College and will attend classes on the site or religious services at Zaytuna's nearby mosque (2401 Le Conte Avenue), very few of the residents are likely to own cars. This is consistent with data for students in the Southside area of Berkeley, which has shown that parking demand for student-oriented housing projects is typically well below zoning requirements.¹
- The proposed plans represent a large reduction in the number of offices at the site, from 28 to nine. Because office uses (representing faculty and staff members who are more likely to commute to the site from outside Berkeley) generate a higher parking demand, this change reduces the parking demand associated with the site, even with the increased residential population.
- The site is located within walking distance of commercial services on Euclid Avenue, and AC Transit bus and UC Berkeley shuttle service, which provides connections to Downtown Berkeley and other areas, thereby reducing the need for residents to own cars.
- The applicant will provide 14 bicycle parking spaces on the site, including ten secure, covered spaces for residents, faculty and staff, in order to facilitate bicycle travel to the site. Furthermore, showers will be available to faculty and staff, allowing them to commute by bicycle from longer distances, if they so choose.
- A City Carshare vehicle is located at 2562 Le Conte Avenue, about 400 feet east of the project site. In addition, Zipcar provides two shared vehicles in the Lower Hearst UCB parking structure, located on Hearst Avenue between Euclid and Scenic Avenues. The availability of these vehicles would further reduce the need for residents to own their own vehicles.
- This permit includes a condition of approval prohibiting the issuance of Residential Permit Parking (RPP) passes, further reducing the likelihood that residents would own cars.

F. The project is consistent with all applicable General Plan policies. Although GLA uses are not included in ABAG housing production numbers, the proposed

¹ See, for example, Nelson\Nygaard Consulting Associates, memorandum on 2201 Dwight Way project, August 26, 2013.

dormitory rooms would help meet the City's overall housing demand, and would help make dwelling units in nearby apartment buildings that would be occupied by Zaytuna College students available to others.

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

11. Residents of the subject property shall not be eligible for Residential Preferential Parking (RPP) permits. Prior to issuance of a building permit, the project planner shall notify the Finance Department of this condition and the property shall be added to the list of properties ineligible for RPP permits.
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. 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.
15. 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.
16. 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.
17. 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.
18. Public streets shall be swept (preferably with water sweepers) of all visible soil material carried from the site.
19. 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.

Prior to Final Inspection or Issuance of Occupancy Permit:

20. The project shall conform to the plans and statements in the Use Permit.
21. All landscape, site and architectural improvements shall be completed per the attached approved drawings received March 6, May 23 and October 21, 2014.

At All Times:

22. All exterior lighting shall be shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.
23. 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.
24. In order to prevent potential noise impacts on adjoining properties, the exterior deck shall not be used after 10 p.m. on weeknights and 11 p.m. on weekends.

PLANS APPROVED BY ZONING ADJUSTMENTS BOARD

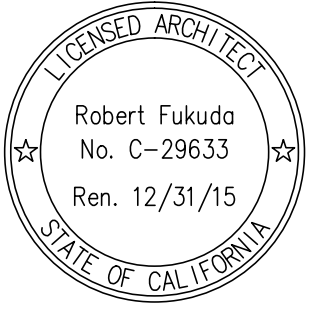
Cassidy Johnson

October 30, 2014

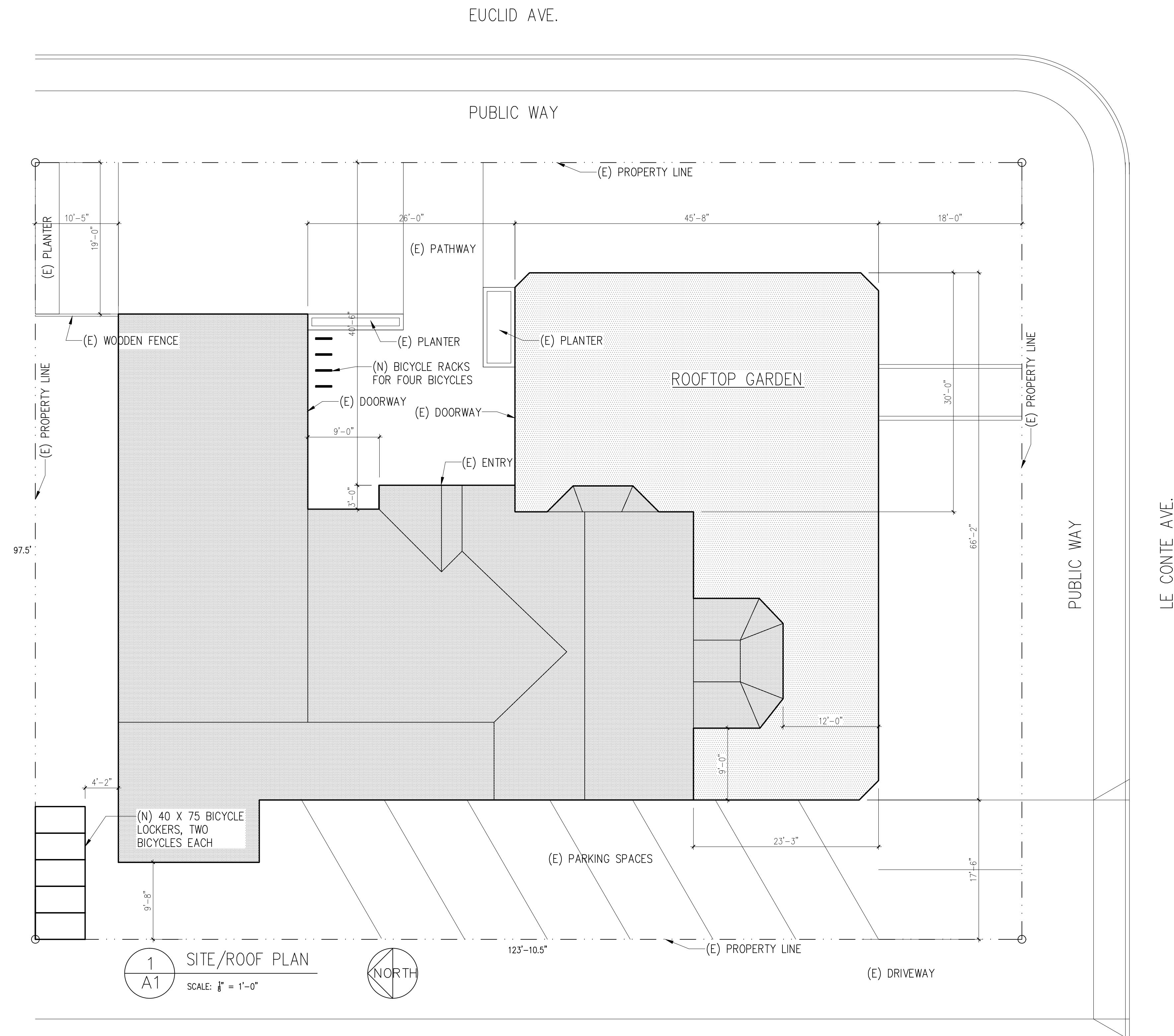
SIGNATURE

DATE

* Findings and Conditions Attached



Robert Fukuda Architect
425 Orange Street #202
Oakland, CA 94610
510.384.3584



1712 EUCLID AVENUE

1712 EUCLID AVE
BERKELEY, CA

10/20/14 REVISED SITE PLAN

SITE PLAN

SCALE: 1/8" = 1'-0"

A-1

Carey Johnson

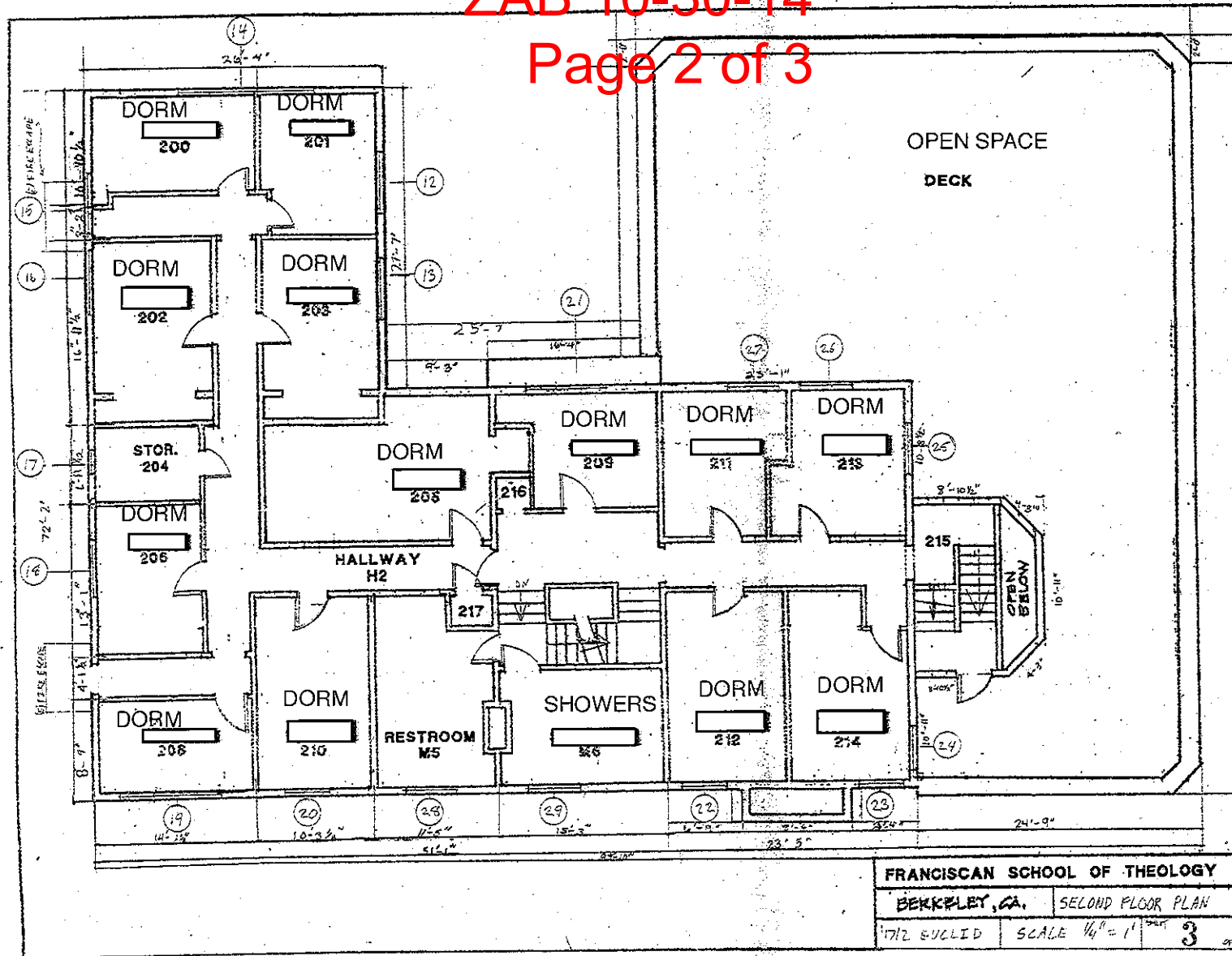
October 30, 2014

SIGNATURE

DATE

* Findings and Conditions Attached

ATTACHMENT 2
ZAB 10-30-14
Page 2 of 3



CONTRACTOR'S & SURETY COMPANY
Signature
Date

Note:
OWNER DOES NOT BELIEVE ANY
INFORMATION IS NEARLY AS GOOD AS
TRUE IN ANYWAY. REPLACEMENT
ONLY & OWNER MUST NOT BE ALIC

JERRY BOLAN & ASSOCIATES, AIA ARCHITECTS & ENGINEERS 415.852.8888 1725 Solano Avenue, Suite B, Albany, CA 94706 P.O. BOX 100000, Folsom, CA 95620		
REVISION	DATE	DESCRIPTION
1	04/01	Final Check

SUBMITTED
BY
MAY 03 2008
TERRY
CONTRACTORS INC.

FRANCISCAN SCHOOL OF THEOLOGY
BERKELEY, CA. SECOND FLOOR PLAN
1/12 EUCLID SCALE 1/4" = 1' 3

ATTACHMENT 2 ZAB 10-30-14 Page 3 of 3

PLANS APPROVED BY ZONING ADJUSTMENTS BOARD

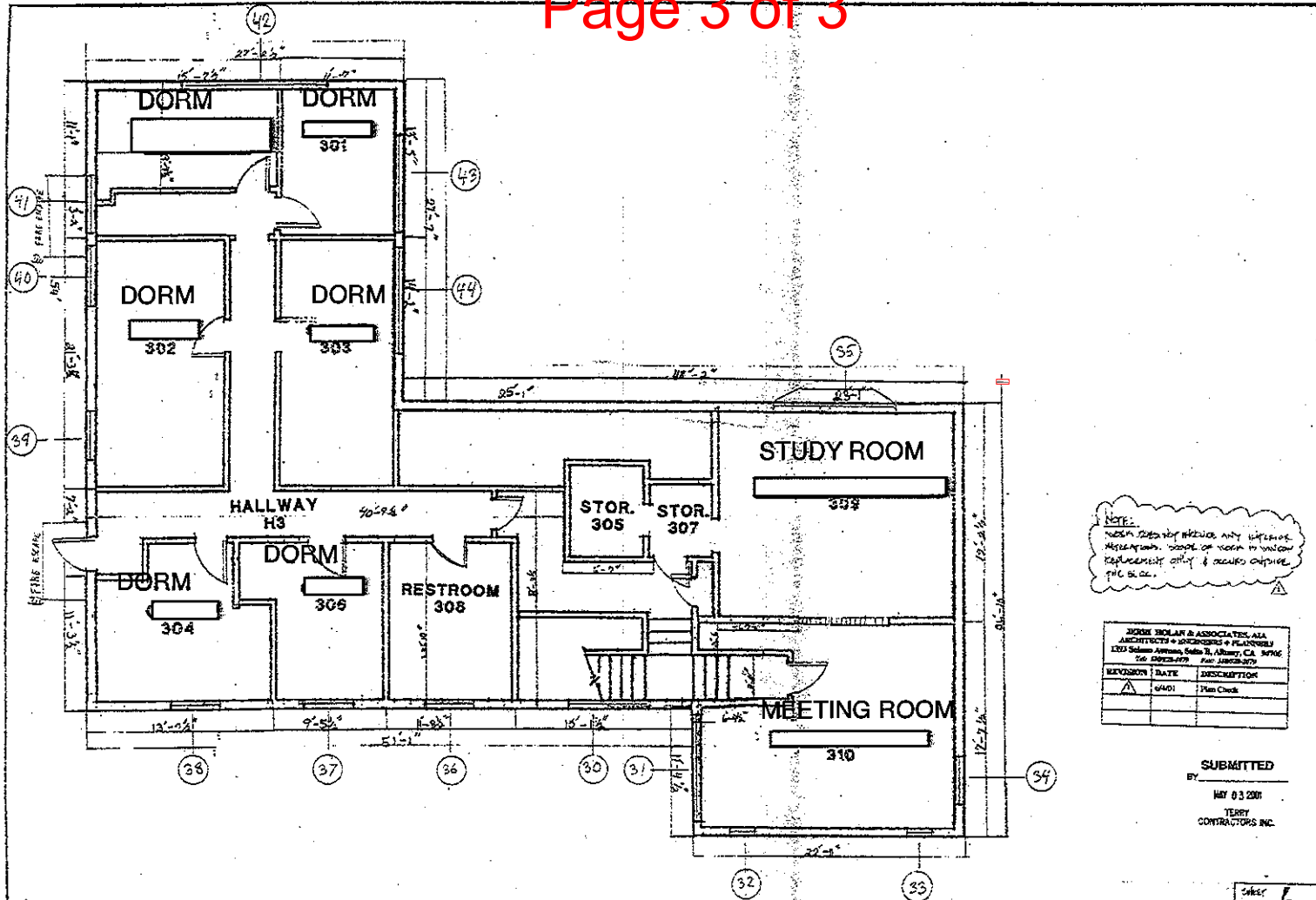
Carol Johnson

October 30, 2014

SIGNATURE

DATE

* Findings and Conditions Attached



LAW OFFICE & SAFETY CONSULTANTS
CITY PLANNING DEPARTMENT
10/30/14

NOTE:
ROOMS SHOWN TO BE REMOVED OR RELOCATED.
VERIFY WITH ARCHITECT BEFORE CONSTRUCTION.
VERIFY WITH ARCHITECT BEFORE CONSTRUCTION.
VERIFY WITH ARCHITECT BEFORE CONSTRUCTION.

JONAS SOLAR & ASSOCIATES, AIA ARCHITECTS + ENGINEERS + PLANNERS 1200 Solano Avenue, Suite B, Albany, CA 94706 510.526.1270 Fax: 510.526.1271	
REVISION / DATE	DESCRIPTION
1 / 10/30/14	Plan Check

SUBMITTED
BY _____
MAY 03 2011
TERRY
CONTRACTORS INC.

FRANCISCAN SCHOOL OF THEOLOGY
BERKELEY, CA | THIRD FLOOR PLAN