



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

## USE PERMIT # ZP2014-0019

Property Address: **1812 UNIVERSITY AVENUE**

Permittee Name: **RHOADES PLANNING GROUP**

**Use and/or Construction Permitted:**

to modify the Conditions of Approval for an approved Use Permit to change the construction hours for a project that would allow the construction of a 33,733 square-foot, 4 story, 50' tall, mixed use project with 44 residential units, 2,816 square feet of commercial floor area, 1,689 square feet of quick or full service food use (with incidental service of beer & wine), and 19 parking spaces.

- Use Permit, per section 23B.56.020, to modify an approved use permit.

**FINDINGS, CONDITIONS ATTACHED**

The Use Permit herein described has been duly granted by the Zoning Adjustments Board and is in effect on February 3, 2015.

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USE PERMIT FINDINGS AND CONDITIONS

# 1808 & 1814 UNIVERSITY AVENUE

**Use Permit Modification #ZP2014-0019 to modify the Conditions of Approval for an approved Use Permit to change the construction hours for a project that would allow the construction of a 33,733 square-foot, 4 story, 50' tall, mixed use project with 44 residential units, 2,816 square feet of commercial floor area, 1,689 square feet of quick or full service food use (with incidental service of beer & wine), and 19 parking spaces.**

## INTRODUCTION

This is an update of the Findings and Conditions adopted with Use Permit UP2013-0043. Revisions to the findings and conditions necessary to address the modified plans are shown with strikeouts (~~strikeout~~) for deleted text and underlines (underline) for added text. All other conditions of approval for Use Permit UP2013-0043 remain in force.

## CEQA FINDINGS

The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code §21000, et seq.) pursuant to Section 15332 of the CEQA Guidelines ("Infill").

### During Construction:

19. 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 4:00 p.m. ~~noon~~ on Saturday. No construction-related activity shall occur on Sunday or on any Federal Holiday.

Prior to the issuance of building permits, the applicant shall develop a site specific noise reduction program prepared by a qualified acoustical consultant to reduce construction noise impacts to the maximum extent feasible, subject to review and approval of the Zoning Officer. The noise reduction program shall include the time limits for construction listed above, as measures needed to ensure that construction complies with Section 13.40.070 of the Berkeley Municipal Code. The noise reduction program should include, but shall not be limited to, the following available controls to reduce construction noise levels as low as practical:

- Construction equipment should be well maintained and used judiciously to be as quiet as practical.
- Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment.
- Utilize "quiet" models of air compressors and other stationary noise sources where technology exists. Select hydraulically or electrically powered equipment and avoid pneumatically powered equipment where feasible.
- Locate stationary noise-generating equipment as far as possible from sensitive receptors when adjoining construction sites. Construct temporary noise barriers or partial enclosures to acoustically shield such equipment where feasible.
- Prohibit unnecessary idling of internal combustion engines.

- If impact pile driving is required, pre-drill foundation pile holes to minimize the number of impacts required to seat the pile.
  - Construct solid plywood fences around construction sites adjacent to operational business, residences or other noise-sensitive land uses where the noise control plan analysis determines that a barrier would be effective at reducing noise.
  - Erect temporary noise control blanket barriers, if necessary, along building facades facing construction sites. This mitigation would only be necessary if conflicts occurred which were irresolvable by proper scheduling. Noise control blanket barriers can be rented and quickly erected.
  - Route construction related traffic along major roadways and away from sensitive receptors where feasible.
  - Businesses, residences or other noise-sensitive land uses within 500 feet of construction sites should be notified of the construction schedule in writing prior to the beginning of construction. Designate a "construction liaison" that would be responsible for responding to any local complaints about construction noise. The liaison would determine the cause of the noise complaints (e.g., starting too early, bad muffler, etc.) and institute reasonable measures to correct the problem. Conspicuously post a telephone number for the liaison at the construction site.
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