

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

2603 Eighth Street

Administrative Use Permit #ZP2015-0037

Project Description: To establish a commercial photography studio and photo sample warehouse with 12,926 square feet of floor area in an existing commercial building at 2603 Eighth Street, and to reduce the required number of off-street parking spaces. The project would involve no exterior modifications or reconfiguration of interior space, pursuant to:

- Section 23E.80.030 for a change in use to an art/craft studio and warehouse with between 10,000 and 20,000 square feet in floor area; and
- Section 23E.28.130.C for reducing a numerical parking standard to the district minimum.

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 September 2, 2015.

Attest: Carol Johnson
Carol Johnson, Land Use Planning Manger

September 2, 2015
Effective Date

ATTACHMENT 1

FINDINGS AND CONDITIONS

AUGUST 11, 2015

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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 significant 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.

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:
 - The proposed art/craft studio and warehouse on a project site of between 10,000 and 20,000 square feet in floor area are allowed uses in the MU-LI District, with approval of an Administrative Use Permit.
 - The project will not involve any physical changes to the exterior or interior of the existing building at 2603 Eighth Street. The existing density, lot coverage, and height of the building will remain the same. Therefore, the project will not result in substantial aesthetic, privacy, or health and welfare concerns.
 - The project involves a change of use where the new art/craft studio use has a higher numerical parking standard of one space per 1,000 square feet of floor area, relative to a parking standard of one space per 1,500 square feet of floor area (on a

site of at least 10,000 square feet) for the previous manufacturing use by Greener Printer. On the 12,926 square-foot site, the higher parking standard would require provision of 13 off-street parking spaces. The new use will have eight dedicated off-street parking spaces. However, the provision of eight off-street parking spaces will not substantially reduce the relatively ample supply of on-street parking in the vicinity of the use. As the project site is located in a MU-LI District, the parking requirement may be reduced to the district minimum of one space per 1,500 square feet of floor area for the following reasons: 1) the proposed use is located less than one-third of a mile from a rapid bus transit stop for AC Transit's 72R line at San Pablo Avenue and Dwight Way and is within one-third of a mile of stops on the 49, 72, 72M, 802, and Z AC Transit bus lines, and 2) the new use would not be open to the public (i.e., "walk-in business") for storefront business, which would reduce transportation demand relative to typical art/craft studios. Therefore, the proposed use would be consistent with goals and policies in the West Berkeley Plan to improve traffic flow and air quality by reducing single-occupant automobile trips. The eight proposed off-street parking spaces are consistent with the minimum parking standard in the MU-LI District.

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.

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

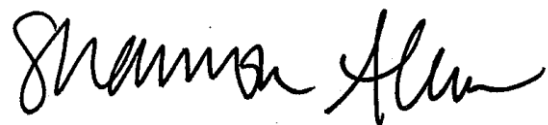
The applicant shall hold the City of Berkeley and its officers harmless in the event of any legal action related to the granting of this Permit, shall cooperate with the City in defense of such action, and shall indemnify the City for any award of damages or attorneys fees that may result.

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:

At All Times (Operation):

- 10. 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.
- 11. Noise and exterior lighting shall be controlled so as to prevent verified complaints from the surrounding neighborhood.



Prepared by: Jonathan Berlin, Contract Planner, Rincon
Approved by: Shannon Allen, AICP, Principal Planner

Sean Gelbaugh Photography Floor Plan 2603 8th St., Berkeley CA 94710

RECEIVED

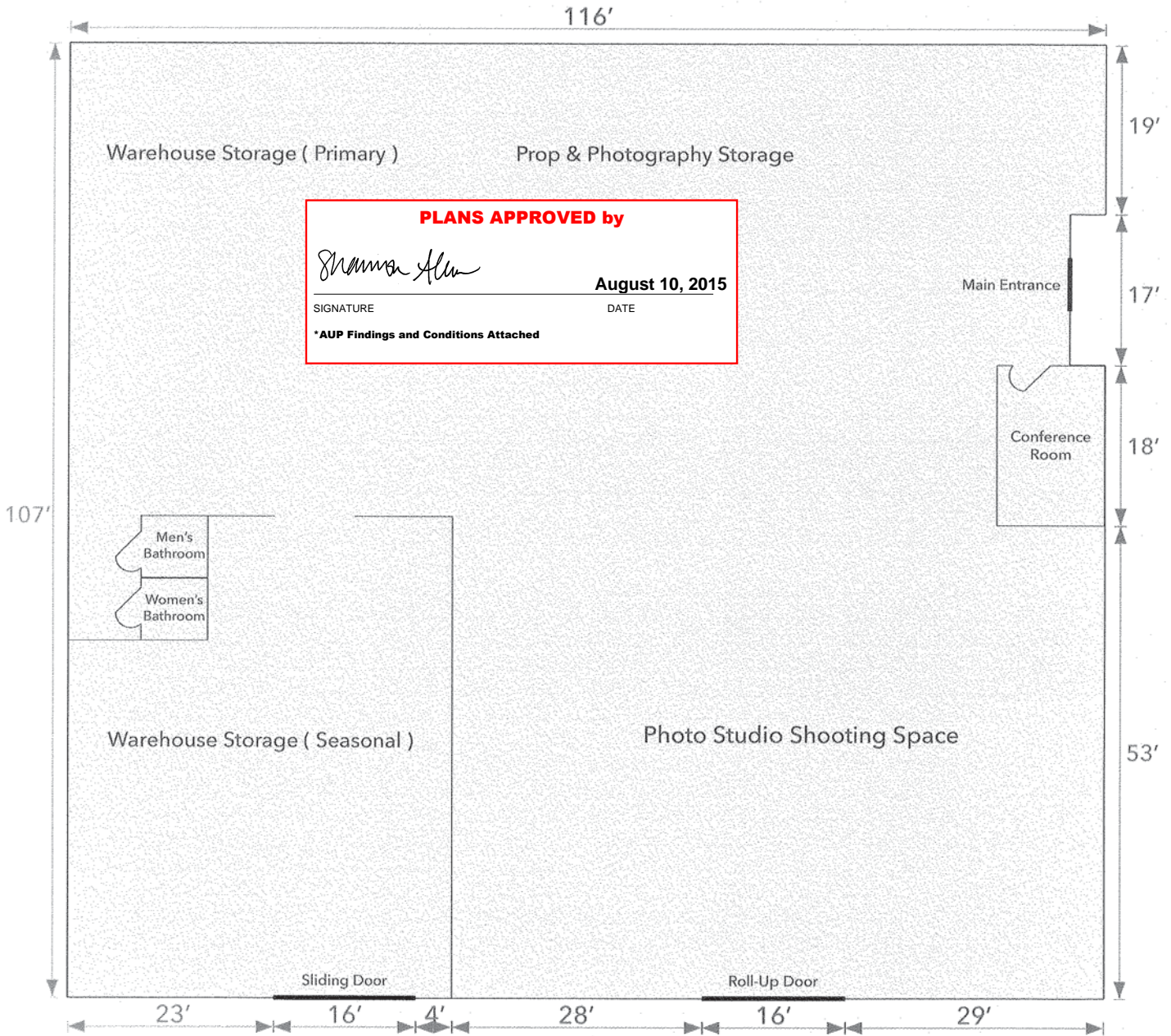
FEB 24 2015

LAND USE PLANNING

RECEIVED

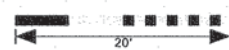
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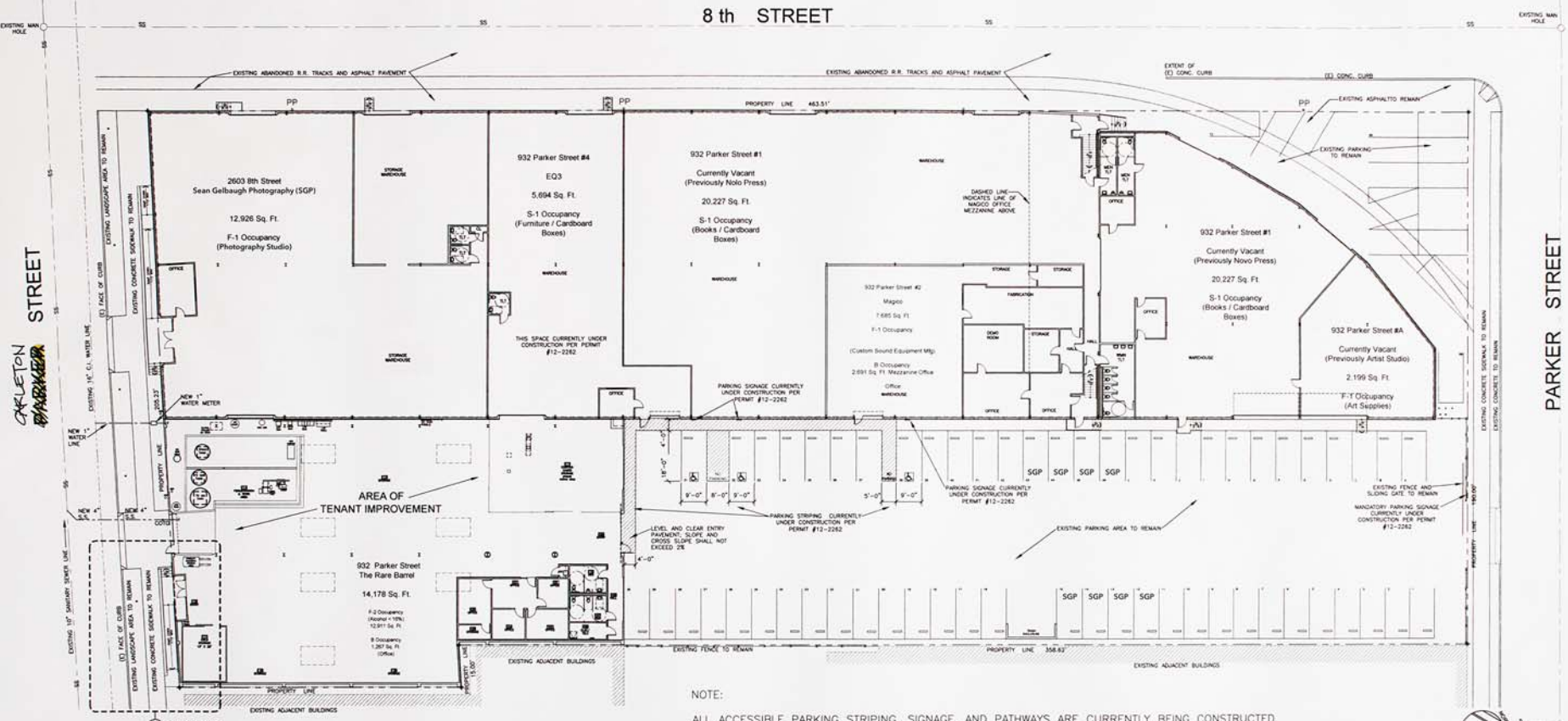
LAND USE PLANNING



PLANS APPROVED by
Shanna Alu
August 10, 2015
SIGNATURE DATE
***AUP Findings and Conditions Attached**

Eighth Street





SITE PLAN

NOTE:
 ALL ACCESSIBLE PARKING STRIPING, SIGNAGE, AND PATHWAYS ARE CURRENTLY BEING CONSTRUCTED UNDER PERMIT APPLICATION #12-2262.

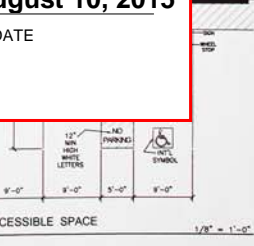
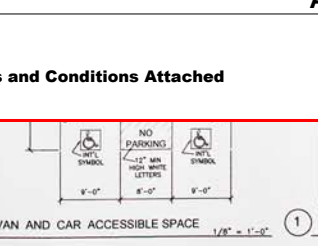
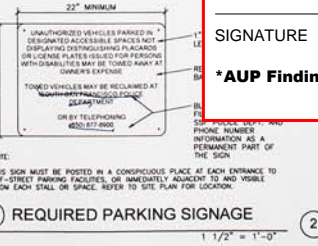
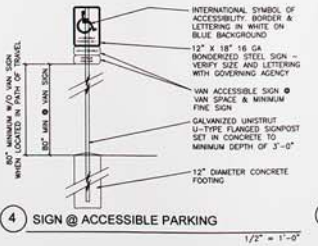
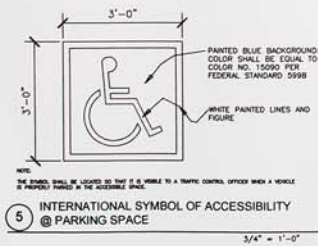
PLANS APPROVED by

Shamir Alon

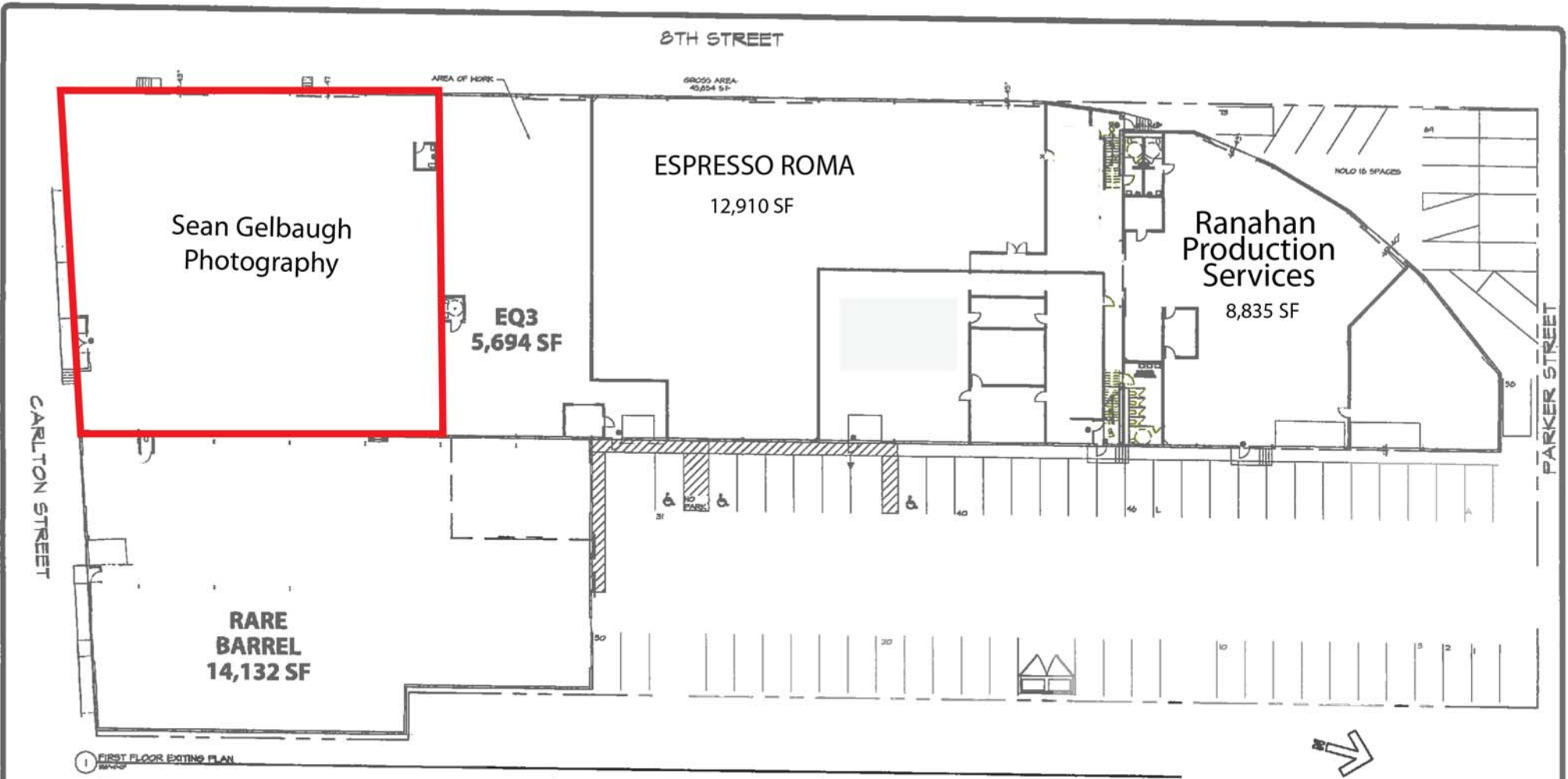
August 10, 2015

SIGNATURE DATE

***AUP Findings and Conditions Attached**



NOTE:
 ALL ACCESSIBLE PARKING STRIPING, SIGNAGE, AND PATHWAYS ARE CURRENTLY BEING CONSTRUCTED UNDER PERMIT APPLICATION #12-2262. THE ACCESSIBLE DETAILS INDICATED ARE SHOWN FOR REFERENCE PURPOSES ONLY.



PLANS APPROVED by

Shannon Allen

August 10, 2015

SIGNATURE DATE

***AUP Findings and Conditions Attached**