



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

1717 Alcatraz Avenue

Administrative Use Permit #ZP2017-0012

Project Description: To waive one (1) required off-street parking space for the change of use of approximately 510 sq. ft. of retail to medical office use to be part of an exercise studio approximately 3060 square feet in size.

- Section 23E.28.130 to waive one (1) required parking space.

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 April 20, 2017.

Attest: Steven Buckley April 20, 2017
Steven Buckley, Land Use Planning Manager Effective Date

You may choose to file with the State and County either the enclosed Notice of Exemption or Notice of Determination (which ever applies). Pursuant to the California Environmental Quality Act (CEQA), Public Resources Code section 21167, the time in which a legal challenge will be accepted is shortened if this form is filed within 5 days of the effective date of the City's action.

ATTACHMENT 1

FINDINGS AND CONDITIONS

MARCH 30, 2017

1717 Alcatraz Avenue

Administrative Use Permit #ZP2017-0012

To waive one (1) required off-street parking space for the change of use of 510 sq. ft. of retail to medical office use to be part of an exercise studio approximately 3060 square feet in size.

PERMITS REQUIRED

- Administrative Use Permit under 23E.28.130 to waive a required parking space.

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 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 would 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, would 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 medical office use will take place within an existing two-story mixed use building and serve as a component to the larger exercise studio. There will be no changes to the building height, number of stories, or exterior openings, therefore there will be no changes to light, air, or privacy.
3. Pursuant to Berkeley Municipal Code Section 23E.28.140, the Zoning Officer finds due to the characteristics of, and transit services in, the neighborhood, the parking reduction of one (1) required off-street parking space will not substantially reduce the availability of on-street parking in the vicinity of the use because:
 - The subject property is located a third of a mile or less from the Ashby Bay Area Rapid Transit (BART) station and multiple AC Transit bus lines, which will provide alternative means of transportation for clients.

- The difference between the existing retail use and the proposed medical office use is one (1) parking space. Therefore the reduction will not substantially reduce the availability of on-street parking in the vicinity.
- The indoor floor area devoted to bike storage and approximately twenty (20) square feet in size will encourage alternative means of transportation for clients.

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 attorney's 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:

Prior to Issuance of Occupancy Permit or Final Inspection:

- 10. All construction at the subject property shall substantially conform to the approved Use Permit drawings or to modifications approved by the Zoning Officer.
- 11. All landscape, site and architectural improvements shall be completed per the attached approved drawings dated **February 2, 2017**.

At All Times (Operation):

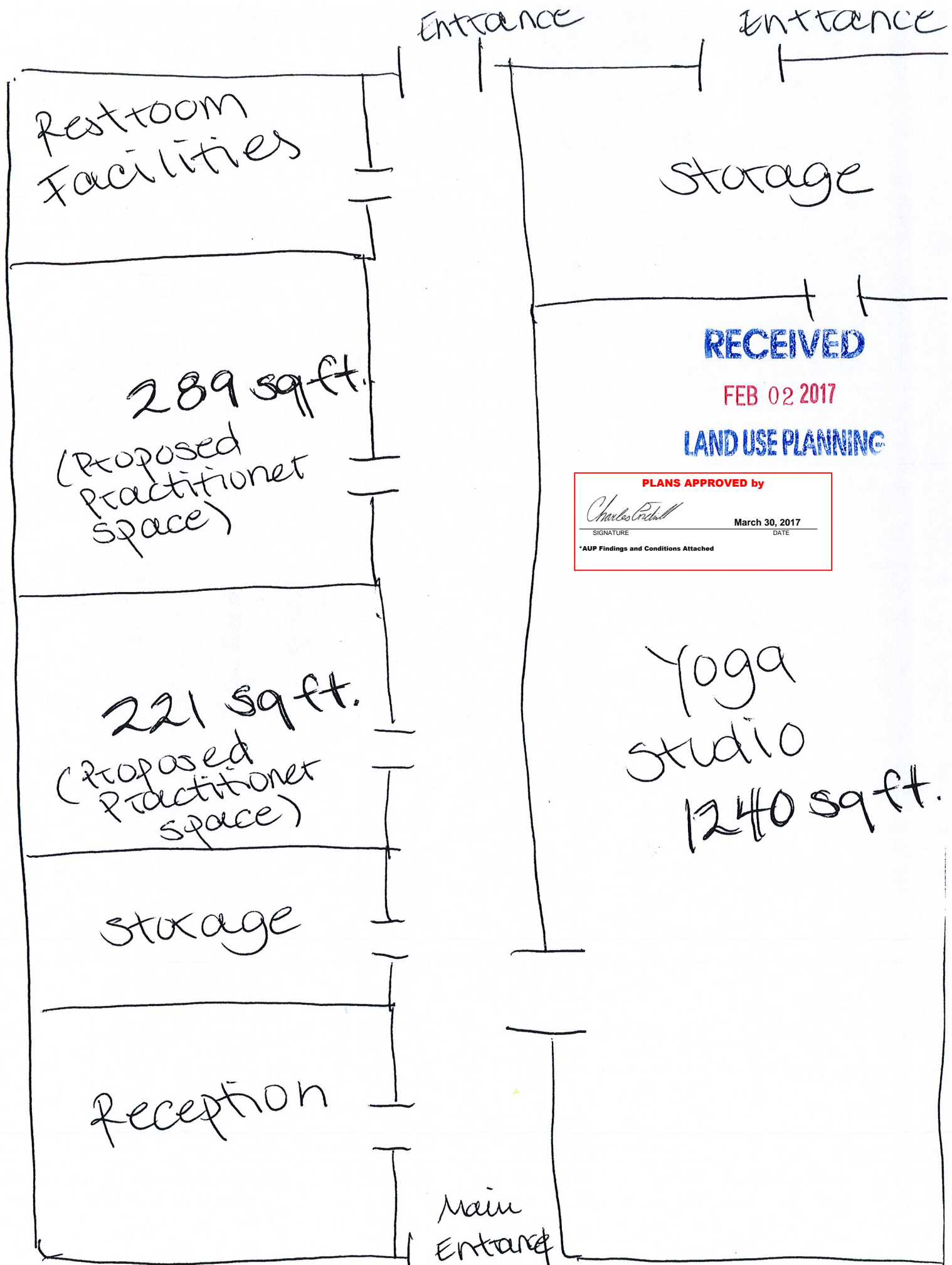
- 12. The applicant shall provide and maintain a minimum of twenty (20) square feet of unobstructed indoor floor area devoted for bicycle storage, if feasible. Alternatively, the applicant shall have the option to install a bike rack on the adjacent public right-of-way for a minimum of two (2) bicycles in compliance with the City of Berkeley Bike Rack Specifications and Installation Standards

13. All exterior lighting shall be energy efficient where feasible; and shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.
14. 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.
15. Noise and exterior lighting shall be controlled so as to prevent verified complaints from the surrounding neighborhood. This shall include noise created by employees working on the premises before or after patrons arrive.



Prepared by: Charles Enchill
For City of Berkeley Zoning Officer

Reviewed by Leslie Mendez, Senior Planner



RECEIVED

FEB 02 2017

LAND USE PLANNING

PLANS APPROVED by

Charles Powell March 30, 2017

SIGNATURE DATE

*AUP Findings and Conditions Attached

1717 Alcatraz Berkeley 94703 510/655.3664