

Exhibit A
 Congregation Beth El, 1301 Oxford Street
Use Permit Conditions of Approval
 General Permit Conditions:

1. Scope of approval: This project is that as set forth in the applicant's submittal that includes: the September 1999 application, the February 22, 2001 memorandum from Congregation Beth El to the City of Berkeley Zoning Adjustments Board (which included changes to their application), the revisions to the project site plan as proposed to the City Council on July 24, 2001 and as contained in the revised site plan (Sheet A2.0) dated August 24, 2001, together with all other materials submitted in support of their application and the project's plans. These plans are those described in the below table.

The Zoning Officer's authority to approve minor revisions to these plans, as set forth in Administrative Regulations "Compliance with Submitted Plans" (Rev. 5/24/78) shall include the discretion to approve or disapprove revisions to the parking, paving, and landscaping plans where, in the Officer's opinion said revised plan or plans will better preserve the existing and potential creek environment and/or minimize adverse impacts to the neighborhood. Copies of any such approved revised plans shall be sent to the ZAB for their information.

Sheet	Title	Last revision date
A0.0	ARCHITECTURAL SUBMISSION	Supplement #11: 8/24/2001
A1.0	TOPOGRAPHIC AND DEMO PLAN	September, 1999
A2.0	SITE PLAN / ROOF PLAN,	Supplement #11: 8/24/2001
A2.1	FLOOR PLAN	Supplement #3: 3/1/2001
A2.2	FLOOR PLAN	Supplement #3: 3/1/2001
A3.0	STREET PERSPECTIVES	September, 1999
A3.2	ELEVATIONS: EAST AND WEST	Supplement #9: 8/6/2001
A3.21	ELEVATIONS: EAST AND WEST	Supplement #3: 3/1/2001
A3.3	ELEVATIONS: NORTH AND SOUTH	Supplement #3: 3/1/2001
L1.0	LANDSCAPE PLAN	September, 1999
L1.1	TREE SURVEY PLAN	September, 1999
L3.0	CONCEPTUAL GRADING PLAN	September, 1999

All plans submitted for a building permit shall be made consistent with the approved project Site Plan (A.2.0)

2. All the mitigations in this project's Mitigation Monitoring and Reporting Program (as required by the California Environmental Quality Act and as approved by the Zoning

Adjustments Board) are included by reference as conditions to this Use Permit unless specifically modified herein.

3. As proposed by the Applicant to the City Council on September 13, 2001, other than certain below described exceptions, the facility's operations may only occur between the following hours:

Monday through Thursday	7 am to 7 pm
Friday	7 am to 10 pm
Saturday	8 am to 11 pm
Sunday	8 am to 7:30 pm

Exceptions: The following activities are exempt from the above hours of operation limitations:

- ♦ Religious holidays and observances.
 - ♦ Religious classes.
 - ♦ Overnights, for two nights during the summer, for young school children and their caretakers, as part of the use's summer camp program (Camp Kee Tov) and for one night during the school year, for young religious school students and their caretakers.
 - ♦ Other congregational activities, such as committee, board, or other meetings, classes, etc. involving a total attendance not to exceed 75 persons at any one time, may extend the above hours until 10 pm Monday through Thursday, except that twice per month, the hours may be so extended until 11 pm.
4. The facility's buildings and grounds may only be rented to congregants of the tenant religious assembly use. [Timing: Ongoing]
5. Prior to the issuance of a building permit, the applicant must revise all drawings and documents as required to make them consistent with the plan concepts shown in the drawings described as "Supplement #11: 8/24/2001". Further, prior to the approval of any development permits for the project, the Zoning Officer must determine that all the building plans are consistent with the drawings of Supplement #11 and the scope and intent of this Use Permit, except for minor changes the Officer may approve under the authority granted to him in the above Condition A.1.
6. As proposed by the applicant the area between the synagogue and the property line of 1314 Spruce Street will be devoted to quiet, passive uses. Gatherings in this area will be limited to small groups conducting quiet activities. [Timing: Ongoing]

7. The property owner shall install and maintain public displays illustrating this site's history. Prior to the issuance of a certificate of occupancy for the property, the applicant shall install these displays, which shall have received the prior approval as to their content and design from the Zoning Officer, in consultation with the public and LPC. The Park and Recreation Commission's approval is required if said displays are to be located adjacent to and to be viewed from Berryman Path. [Timing: Before Occupancy and Ongoing]
8. Prior to the issuance of a building permit, the applicant shall secure the Zoning Officer's approval of the details for the reconstruction of the existing Oxford Street walls and entry gate in a manner consistent with the character of the existing walls. For any portions of this wall within the public right-of-way, the Applicant shall secure any necessary encroachment permit(s) and approval of the design of the wall from the City Engineer. Said reconstruction details must be included in the project's building permit plans.
9. With the exception of buses associated with the Applicant summer camp program (Camp Kee Tov) all vehicles exiting to Spruce must only turn right. At the project's driveway-exit onto Spruce Street, the applicant shall install and maintain a standard traffic control sign, as used by the City of Berkeley, for "right-turn only" Further, the sponsor shall reimburse the City for any such signs the City installs in the public right-of-way in support of this condition. Such signs shall also note the above exception for buses.
10. Following the commencement of religious school and other of the use's operations and within five-years from such date, the Director of Public Works may require the applicant to reimburse the City of Berkeley for the cost of painting red curbs along the east side of Oxford Street. The City of Berkeley Traffic Engineer may require the Applicant to either perform a study or to fund a study to be prepared for the City, to determine if street improvements, such as the previously mentioned red curbing, may be necessary due to the use's operations and effects on local traffic conditions. [Timing: on-going for the first five years of the use's operation]
11. Prior to the issuance of a Certificate of Occupancy, the applicant shall develop, secure City approval of, and implement a drop-off/pick-up plan [Note: this condition supplements EIR mitigation 4.2-3a]. The plan's objectives are to maximize pedestrian and vehicle safety and minimize vehicle congestion, queuing, and parking on public streets by vehicles associated with the day school and summer camp programs. City approval shall be by the Zoning Officer in consultation with the City Traffic Engineer. To achieve the above goals the plan shall develop standards and practices that include but not be limited to the following:
 - a) The location of on-street queuing and alternative drop-off locations (should queues develop), and specific procedures for parking, waiting, and departing during the drop-off and pick-up periods.
 - b) The measures to be taken to minimize queuing. Consideration should be given to scheduling the arrival periods to reduce the peak demands
 - c) The measures taken by the applicant to encourage carpooling of children.

- d) The measures to minimize the length of time that vehicles delivering children remain on site. Consideration should be given to designating specific drop-off/pick-up areas for different groups, the provision of rain shelter near to the on-site pick-up points, and providing staff monitors to smooth traffic and student/camper flows.
 - e) The methods the applicant will take to insure drivers' compliance with the plan's provisions. Such methods shall include a requirement that the failure to comply with the Plan's provisions may lead to the suspension of participating students or campers.
 - f) Yearly, the applicant shall provide the approved plan to each person or family wishing to enroll a child(ren) in the religious day school or summer camp. Those persons must be required to agree in writing to follow the plan's provisions as a prerequisite to participate in the programs.
12. The project operator shall maintain a practice of transporting by bus the majority of the attendees of its summer day camp program (Camp Kee Tov) to and from the project site, before and after each day's camp activities. These buses shall collect the attendees from assembly points dispersed elsewhere in the community. [Timing: Ongoing]
 13. The applicant shall develop, submit to the City of Berkeley, and, upon approval, implement, a Parking Management Plan whose purpose is to minimize adverse impacts on the availability of parking spaces on public streets in the neighborhood, and to promote respectful parking practices by the congregation's members and guests.

Prior to the issuance of an occupancy permit, the applicant shall submit the Parking Management Plan for review and approval of the City of Berkeley's Zoning Officer. The applicant will develop and complete the plan in consultation with the neighborhood residents and the City's Traffic Engineer. The applicant will present the plan to a scheduled meeting of the neighborhood residents for review and comment, and the applicant will consider such comments before submittal to the City of Berkeley. The applicant will implement the plan within one month of occupancy of the new facility.

After one year of operation and not less than every three years thereafter, the applicant shall prepare a report, in consultation with the neighborhood residents and City's Traffic Engineer, assessing the effectiveness of the Parking Plan for review by the Zoning Officer. The Zoning Officer may require modifications to the Parking Plan in order to achieve the stated purpose or improve the efficiency of implementation.

The Parking Plan shall include:

- Purpose and Objectives
- Impact Thresholds
- Event Sizes and Parking Procedures

- Community Liaison, Monitoring, and Reporting Procedures
- Resolution of Grievances.

The Parking Plan shall consist of a range of different parking management techniques for different size events. At a minimum, the Plan shall specify such techniques for all events of 150 people or more. The Parking Plan shall employ: (i) on-site valet parking and (ii) satellite parking or other effective techniques. The Applicant may also use event invitation inserts to inform guests how parking management techniques will be used at such an event.

14. The on-site parking spaces and circulation shall not be used in a manner that would preclude their use as required parking, or as passenger or bus loading zones for the summer camp (Camp Kee Tov) or religious day school passenger loading zones. [Timing: Ongoing]
15. To minimize cumulative demand for on-street parking the Applicant shall work collaboratively with the operators of Live Oak Park, the Himalayan Fair, and the Berkeley Art Center to coordinate their major events schedules, to avoid, to the greatest extent feasible, overlapping hours and/or dates of events. [Timing: Ongoing]
16. It shall be the Applicant's ongoing responsibility to insure that all buses (including those used for Camp Kee Tov), service and/or delivery vehicles not idle their engines while waiting on site. Engines of these vehicles shall be turned off after being on-site for more than five minutes. [Timing: Ongoing]
17. Operation of trucks and construction equipment shall be restricted to the hours of 8:00 a.m. to 6:00 p.m. Mondays through Fridays and 9:00 a.m. to noon Saturdays. No construction related activities shall be allowed on Sundays. This condition supersedes FEIR mitigation measures MM 4.3-3a and MM 4.3-3e to the degree that they are inconsistent. [Timing: During Construction]
18. The applicant shall make all good faith efforts to ensure that any buses used for the Applicant's summer camp program (Camp Kee Tov) be of a low-emission and non-diesel type. Further, the Applicant shall annually notify any providers of these vehicles of this condition and request that the provider supply such "environmentally friendly" buses. [Timing: Ongoing]
19. Before the issuance of a building permit the Applicant shall provide a survey showing the location of the open and culverted portions of Codornices Creek to ensure compliance with the setback requirements of BMC Sec. 17.08.050.
20. Before the issuance of any development permit for this project, the Applicant shall submit a revised and detailed site improvement plan based on a soils engineering report as determined necessary by the City of Berkeley Building and Safety Division. This plan shall be acceptable in form and content to both a) the Department of Public Works regarding City standards, best engineering practices and any other standards employed by that department and also to b) the Zoning Officer with regard to maximizing the use of pervious paving materials in the site's parking and circulation areas. This plan shall provide for the following:

- a. The project plans shall identify and show site-specific BMP's appropriate to activities conducted on-site to limit to the maximum extent practicable the discharge of pollutants to the City's storm drainage system, regardless of season or weather conditions.
- b. The project plan shall include erosion control measures to prevent soil, dirt, and debris from entering the storm drain system, in accordance with BMC Chapter 17.20, examples of which are outlined in the ABAG Erosion and Sediment Control Handbook, California Storm Water Best Management Practice Handbooks, Regional Water Quality Control Board's Erosion and Sediment Control Field Manual. The applicant is responsible for ensuring that all contractors and subcontractors are aware of, and implement, all stormwater quality and pollution control measures. Failure to employ appropriate measures to prevent stormwater pollution and protect stormwater quality shall result in the issuance of correction notices, citations, or a project stop order.
- c. Trash enclosures and/or recycling area(s) shall be covered; no other area shall drain onto this area. Drains in any wash or process area shall not discharge to the storm drain system; these drains should connect to the sanitary sewer. Applicant shall contact the City of Berkeley and EBMUD for specific connection and discharge requirements. Discharges to the sanitary sewer are subject to the review, approval, and conditions of the City of Berkeley and EBMUD.
- d. Landscaping shall be designed with efficient irrigation to reduce runoff and promote surface infiltration and minimize the use of fertilizers and pesticides that contribute to stormwater pollution. Where feasible, landscaping should be designed and operated to treat runoff. In areas other than the site's zone of riparian planting along the line of Codornices Creek (as recommended by the Design Review Committee), and when and where possible, incorporate xeriscape and drought tolerant plants into new development plans.
- e. Design, location, and maintenance requirements and schedules for any stormwater quality treatment structural controls shall be submitted to the Department of Public Works for review with respect to reasonable adequacy of the controls. The review does not relieve the property owner of the responsibility for complying with BMC Chapter 17.20 and future revisions to the City's overall stormwater quality ordinances. This review shall be conducted prior to the issuance of a Building Permit.
- f. All paved outdoor storage areas must be designed to reduce/limit the potential for runoff to contact pollutants.
- g. Engineering plans for subsurface drainages to catch water between surface / fill soils and clay subsoils installed along the driveway and parking areas if

deemed necessary by the Building and Safety Division based upon the analysis and recommendations of the soils engineering report, hydrological calculations, and other studies or calculations required by the Building Official.

- h. All on-site storm drain inlets/catch basins must be cleaned at least once a year immediately prior to the rainy season. The property owner shall be responsible for all costs associated with proper operation and maintenance of all storm drainage facilities (pipelines, inlets, catch basins, outlets, etc.) associated with the project, unless the City accepts such facilities by Council action. Additional cleaning may be required by City of Berkeley Public Works Engineering Dept. [Timing: Ongoing]
21. Prior to the issuance of any construction related permit, the applicant shall submit a tree protection plan, prepared by a qualified arborist, retained by the applicant, subject to the final approval and possible change by the City Forester and the Zoning Officer. This plan shall include any grading plans and other civil engineering improvement plans, that must have been reviewed and approved by the arborist, retained by the applicant, and who must have stipulated in writing that these grading plans and other civil engineering improvements plans have incorporated all necessary measures and are of design to insure the protection and long term health of all the trees to be retained on the project site. These plans shall include but not limited to measure such as, wrapping the tree trunks with heavy boards, fencing the trees at their driplines, standards for the type of equipment and or materials that can work or be stored within the tree's driplines, standards for the extent of cut, fills and paving materials used nearby and within the drip lines of trees, maintenance or the creation of drainage patterns beneficial to the trees, and any other measures, standards or requirements determined necessary by the City Forester. Particular attention should be directed to the long-term preservation of the Monkey Puzzle Tree. During its preparation, there shall be an on-going discussion among the applicant's arborist, the City Forester and the Zoning Officer (or his representative) of the plan's scope and detail necessary to insure the long-term health of site's trees to be preserved. [Timing: Before permit]
22. During construction, the applicant's arborist, the author of the above tree protection plan, shall inspect the site prior to the commencement of grading, prior to the commencement of construction, and prior to the issuance of a certificate of occupancy to insure that the provisions of the tree protection plan are in place and/or have been properly completed. Prior to the start of above construction or the issuance of a certificate of Occupancy, that arborist shall submit a report to the Zoning Officer, describing compliance with that plan. [Timing: During Construction]
23. All plans submitted for this project's building permit(s) are subject to review and approval by the City of Berkeley's Zoning Officer. The Zoning Officer must be able to find that the plans are consistent with the following objectives that the Design Review Committee recommended at its special meeting of January 31, 2001 to the extent they are applicable to the revised plans approved by the Council's resolution. In making his/her determination of consistency, the Zoning Officer may solicit the comments of the Design Review

Committee, a subcommittee or individual members of that Committee and Staff Design Review Planner, and the public.

Perimeter Walls/Fencing/Landscaping

- Design the wall along Oxford Street to allow public views of the creek and its environment.
- Remove the existing chain link fence along Berryman Path. Any replacement fence shall be of an attractive design, less than six feet in height, and shall generally afford the users of Berryman Path unobstructed views of the project site.
- Diminish the appearance of the scale of the parking area by adding new trees within the parking area. Revise parking layout to avoid potential to damage (i.e., spaces within the drip line of the Oaks) the Oaks along Berryman Path.
- If gabion walls are used, cor-ten wire, rather than zinc wire, shall be used for the construction of the enclosing cage.
- Pursue alternative materials for permeable ground surface areas such as pine resin, grass-crete with decomposed granite or larger rock. Consider larger areas of permeable surfaces, such as decomposed granite, in place of the asphalt parking lot and driveway areas.
- Eliminate chain link fence along the south property line and replace with upgrade.

Site Landscaping

- The oak trees and the Monkey Puzzle tree shall be saved, but all others trees should be evaluated with respect to their viability and contribution to a cohesive design. The design shall provide for a substantial barrier (e.g. heavy bollards) and if necessary special paving to protect the Monkey Puzzle Tree from damage from vehicles.
- Native vegetation shall be the landscape theme.
- Continue the riparian landscape character over the culverted portion of the creek. Continue the landscape theme of Live Oak Park.
- Limit ornamental planting to garden spaces only.

Building

- Break down the massing of the building. Architecturally, consider ways to break up or vary the roof to assist in breaking up the mass of the building.
- Vary and increase the architectural vocabulary of portions of the building according to scale and function.

Materials and Colors

- Painted stucco is preferred over integral stucco color. If redwood is used, it shall be stained, rather than painted.
24. Prior to the issuance of a Building Permit the applicant must submit preliminary landscape plans, acceptable in form and content to the Zoning Officer. Such plans shall identify all existing trees proposed for removal or retention and shall present the landscape concepts to be employed in the project, which concepts are to be consistent with the design objectives of Permit Condition 23. Prior to the issuance of a Certificate of Occupancy for the project, the applicant shall install all the landscape elements (including landscape materials and automatic irrigation) based on a final landscape plan approved by the Zoning Officer as being consistent with the preliminary landscape plan. [Timing: Before Permit, Before Occupancy]
 25. To protect public safety and property an arborist shall remove any of the Monkey Puzzle tree's fully developed but still unripe fruit each year before the fruits fall. [Timing: Annually]
 26. Prior to the issuance of a building permit the Applicant shall revise the plans to incorporate the following: a) The building's palette of colors and materials and the project's landscaping and property line fencing plans subject to review and approval by the Design Review Committee. b) The fencing along the northerly property line shall be attractively designed and provide for generally unrestricted views from Berryman Path into the site. [Timing: Before Permit]
 27. Wherever possible, the Applicant shall select and use local, native rock wherever rocks are required in the design of the Creek improvements unless such material is counter indicated by best engineering practices. Such improvement features, where such rock is to be employed, include, gabion walls and riprapping. [Timing: Before Permit]
 28. The project operator must maintain the trellis located at the Spruce Street bus stop, and the Oxford Street community overlook in a safe and attractive condition as determined by the City of Berkeley. [Timing: Ongoing].
 29. The applicant shall be responsible for identifying and securing all applicable permits from the Building and Safety Division and other affected City Divisions/Departments.

30. The applicant shall be responsible for ensuring that all the conditions contained in this Use Permit are printed on the plans submitted for building permits
31. Any proposed merger of parcels that is associated with the approval of this Use Permit must be completed prior to the issuance of a building permit.
32. Prior to the issuance of a building permit, the applicant shall obtain approval of any necessary address changes.
33. Any new storm drains, manholes, sewer or gas lines shall conform to the specifications of and have appropriate permits from the Public Works Department
34. The applicant shall be responsible for developing plans to establish drainage patterns, which will not adversely affect adjacent properties. These plans shall be subject to review and approval by the Public Works Department at the time of submittal of the building permit application, if required by the Public Works Department.
35. The applicant shall be responsible for repairing any damage that may be done to streets in the project vicinity by construction vehicles and clearing streets of dirt and/or debris that might be deposited by vehicles traveling to or from the construction site
36. The applicant shall be responsible for ensuring that all excavation plans take into account surface and subsurface waters and underground streams so as not to adversely affect neighboring properties
37. If, during excavations or other construction work, water, sewer, gas or storm drains leading to adjacent properties are uncovered and/or broken, the applicant shall immediately notify the Public Works Department and the Building and Safety Division and any necessary corrective action must be carried out immediately by the applicant to the satisfaction of those City agencies.
38. The Traffic Engineer shall review and approve, prior to the issuance of a building permit, a parking and access plan for all construction vehicles to ensure traffic safety and minimize parking impacts on adjacent neighbors.
39. Any exterior lighting shall be directed away from adjacent residential uses. No lighting, including accent lighting intended to highlight architectural features, shall be directed upward. [Timing: On-going]
40. The applicant is responsible for complying with all the above conditions, including securing and submitting to the project planner signatures for required approvals for those conditions at the times specified. Failure to comply with any condition could result in construction work being stopped, issuance of citation, as well as further review by the Zoning Adjustments Board, which may modify or impose additional conditions, or revoke the Use Permit approval.