



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 # 13-10000018

Property Address: **2227 DWIGHT WAY**

Permittee Name: **WILLIAM COBURN ARCHITECTS**

Use and/or Construction Permitted:

to rebuild a fire-damaged, legal non-conforming six-unit apartment building to the same size, extent and configuration as previously existed.

- Use Permit to rebuild a lawful non-conforming structure of greater than four dwelling units that was fire damaged more than 50% of its appraised value to the same size, extent and configuration as previously existed, under BMC Section 23C.04.090.B.

RESOLUTION, FINDINGS, CONDITIONS AND APPROVED PLANS ATTACHED

The Use Permit herein described has been duly granted by the City Council and is in effect on October 30, 2013.

RESOLUTION NO. 66,361–N.S.

AFFIRMING THE ZONING ADJUSTMENTS BOARD'S APPROVAL OF USE PERMIT NO. 13-10000018 TO REBUILD A FIRE-DAMAGED, LEGAL NON-CONFORMING SIX-UNIT APARTMENT BUILDING TO THE SAME SIZE, EXTENT AND CONFIGURATION AS PREVIOUSLY EXISTED

WHEREAS, on March 6, 2013 William Coburn ("applicant"), filed an application for a Use Permit to rebuild a fire-damaged, legal non-conforming six-unit apartment building at 2227 Dwight Way ("project"); and

WHEREAS, on May 6, 2103, staff deemed this application complete; and

WHEREAS, on May 30, 2013, staff posted notices in the project vicinity and mailed public hearing notices to neighborhood groups with an interest in this area, and all property owners and occupants within 300 feet of the project site; and

WHEREAS, on June 13, 2013, the Zoning Adjustments Board held a public hearing and approved Use Permit No. 13-10000018; and

WHEREAS, on June 13, 2013, the notice of the ZAB decision was issued; and

WHEREAS, on July 2, 2013, Adam Bolt, James Fan, Ran Flanders, and Luis Amezcua ("appellants") filed an appeal with the City Clerk; and

WHEREAS, attached hereto are the findings and conditions adopted by the ZAB (Exhibit A); and project plans (Exhibit B) that are included by reference as though fully incorporated herein; and

WHEREAS, on October 29, 2013, the Council considered the record of the proceedings before the ZAB, and the staff report and correspondence presented to the Council, and, in the opinion of this Council, the facts stated in, or ascertainable from this information, do not warrant further hearing.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Council hereby adopts the findings made by the ZAB in Exhibit A, affirms the decision of the ZAB to approve Use Permit No. 13-10000018, adopts the conditions in Exhibit A and the project plans in Exhibit B, and dismisses the appeals.

The foregoing Resolution was adopted by the Berkeley City Council on October 29, 2013 by the following vote:

Ayes: Arreguin, Capitelli, Maio, Moore, Wengraf, Worthington and Wozniak.

Noes: None.

Absent: Anderson and Bates.

Attest:


Mark Numainville, CMC, City Clerk


Linda Maio, Mayor Pro Tempore

ATTACHMENT 1**FINDINGS AND CONDITIONS**

JUNE 13, 2013

2227 Dwight Way

Use Permit #13-1000018 to rebuild a fire-damaged, legal non-conforming six-unit apartment building to the same size, extent and configuration as previously existed.

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 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 project, 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 project will restore a fire-damaged, multi-family building that was constructed over a century ago. There will be no new parking, privacy, air, or shading impacts to the surrounding neighborhood over pre-fire conditions.
 - B. The project will rebuild a fire-damaged, three-story apartment building to the size, extent and configuration as previously existed prior to the damage. It is estimated that the building was originally constructed in 1890, with an addition built in 1917. As such, the project would remove a current neighborhood blight, restore a structure that not only is compatible with this higher density, multi-family area and which provides housing for persons who desire both convenience of location and a reasonable amount of Useable Open Space, but which also has been part of the neighborhood for over a century.

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

10. As part of the building plan set, the applicant shall include a landscaping plan that restores the Useable Open Space per the requirements of the Zoning Ordinance (BMC §23D.04.050): at least 40% of the total area required as usable open space shall be a landscaped area and such landscaped area shall incorporate automatic irrigation and drainage facilities adequate to assure healthy growing conditions for plants. Any usable open space which is not planted shall be developed to encourage outdoor active or passive recreational use and shall include such elements as decks,

sports courts, outdoor seating, decorative paved areas and walkways which do not serve as entrance walkways.

11. 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 #

12. 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:

13. Prior to any excavation, grading, clearing, or other activities involving soil disturbance during the rainy season (between October 15 and April 15), the applicant shall obtain approval of an erosion prevention plan by the Building and Safety Division and the Public Works Department. The applicant shall be responsible for following these and any other measures required by the Building and Safety Division and the Public Works Department.
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. All active construction areas shall be watered at least twice daily, and all piles of debris, soil, sand or other loose materials shall be watered or covered.
19. Trucks hauling debris, soil, sand, or other loose materials shall be covered or required to maintain at least two feet of board.
20. Public streets shall be swept (preferably with water sweepers) of all visible soil material carried from the site.
21. 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:

22. The project shall conform to the plans and statements in the Use Permit.
23. All landscape, site and architectural improvements shall be completed per the attached approved drawings dated March 6, 2013.

At All Times:

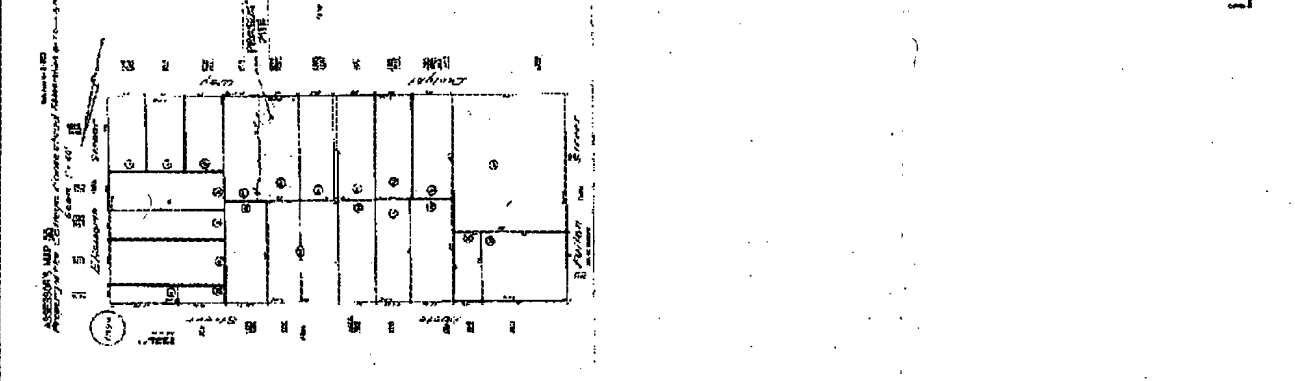
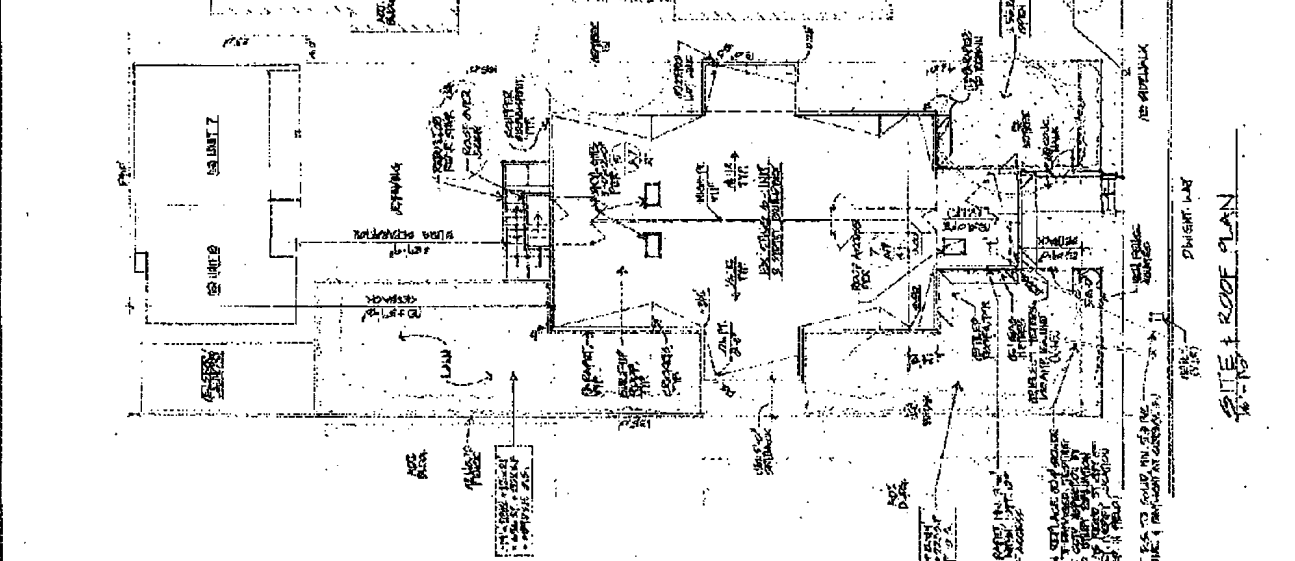
24. No off-street vehicle parking is permitted on the subject property.
25. All exterior lighting shall be shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.
26. The applicant shall establish and maintain drainage patterns that do not adversely 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.

Exhibit B - Approved Plans
Page 1 of 7

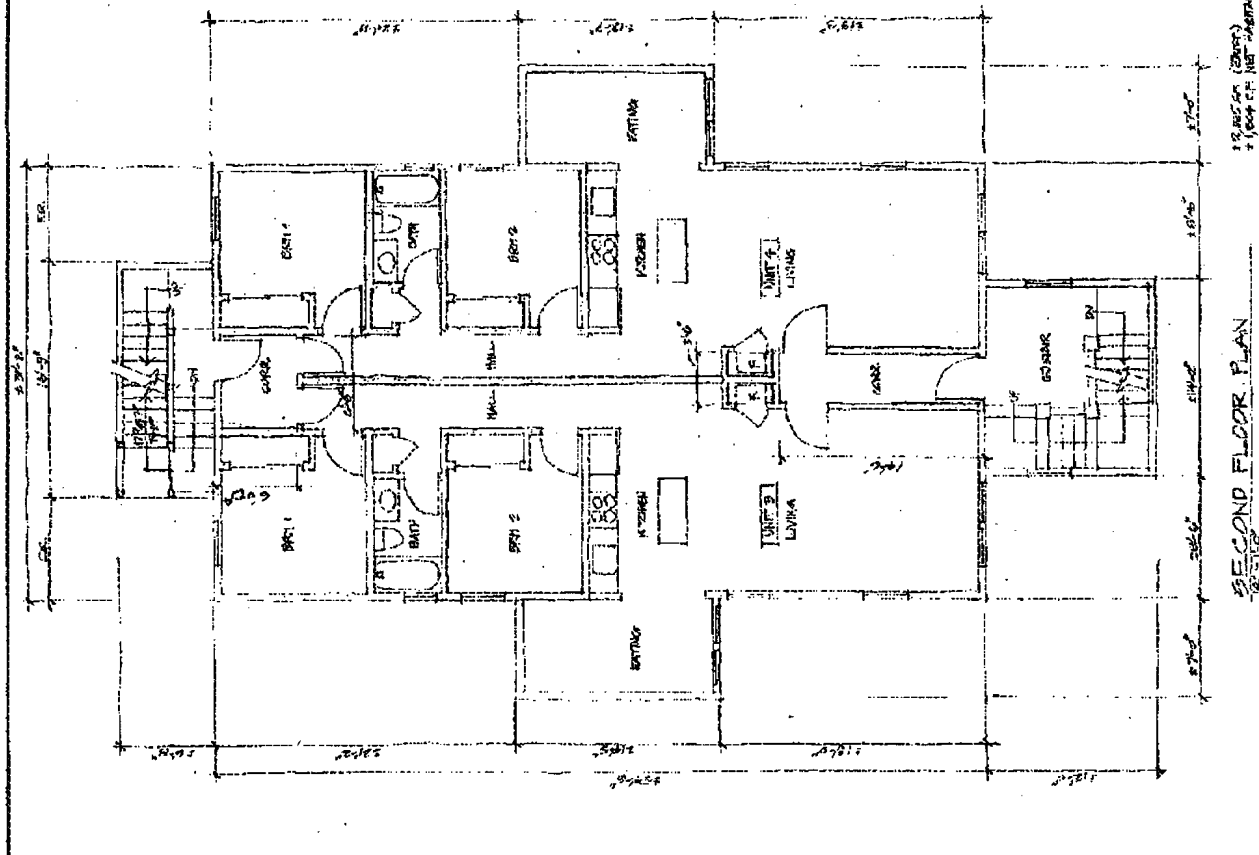
ATTACHMENT 2
2013 03-13-13
Page 1 of 7

PROJECT: REPAIRS TO THE 1500 15TH AVENUE, SAN FRANCISCO, CALIFORNIA
OWNER: THE UNIVERSITY OF CALIFORNIA
ARCHITECT: WILLIAMS COBBURN ARCHITECTS
 1525 CENTER STREET, SAN FRANCISCO, CA 94115
 (415) 774-1224 FAX (415) 774-1223
ENGINEER: HERBERT PACIFIC ENGINEERS
 1510 MARINA BLVD., SAN FRANCISCO, CA 94115
 (415) 774-1224 FAX (415) 774-1223
DATE: 03/06/13
SCALE: AS SHOWN
PROJECT NO.: 13-0001
DATE: 03/06/13
SCALE: AS SHOWN

NOTES:
 1. SEE ALL NOTES TO THE ARCHITECTURE AND STRUCTURE DRAWINGS.
 2. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2013 CALIFORNIA BUILDING CODE AND ALL APPLICABLE ORDINANCES.
 3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AGENCIES.
 4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES.
 5. ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE LOCAL AGENCIES.
 6. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
 7. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
 8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES.
 9. ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE LOCAL AGENCIES.
 10. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
 11. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.

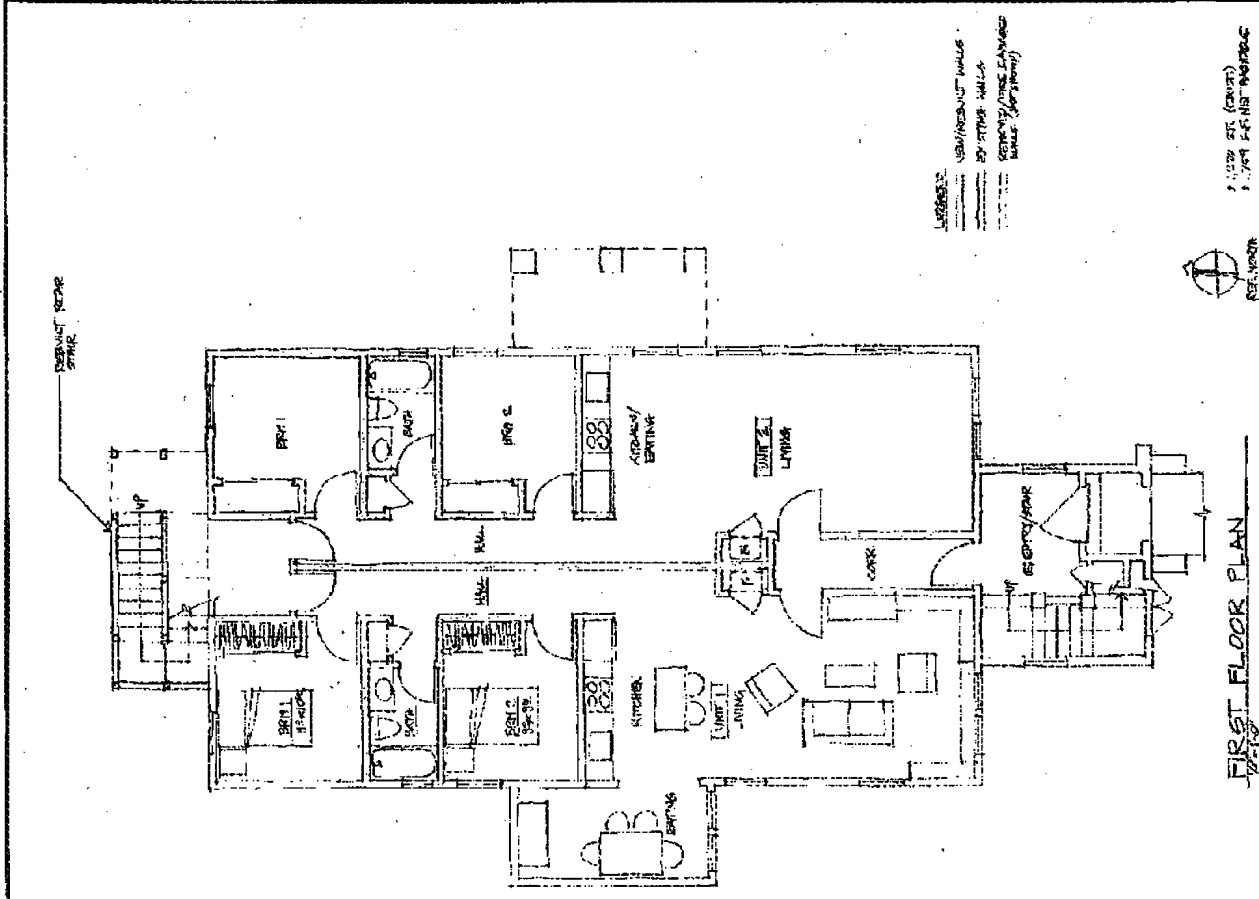


RECEIVED
MAR 06 2013
LAND USE PLANNING



SECOND FLOOR PLAN

13,800 sq. (COUNT)
+ 1,000 sq. (NET) - STAIRWELL



FIRST FLOOR PLAN

13,800 sq. (COUNT)
+ 1,000 sq. (NET) - STAIRWELL

LEGEND:
 - UNFINISHED WALLS
 - FINISHED WALLS
 - PARTITION WALLS
 - GLASS PARTITION WALLS

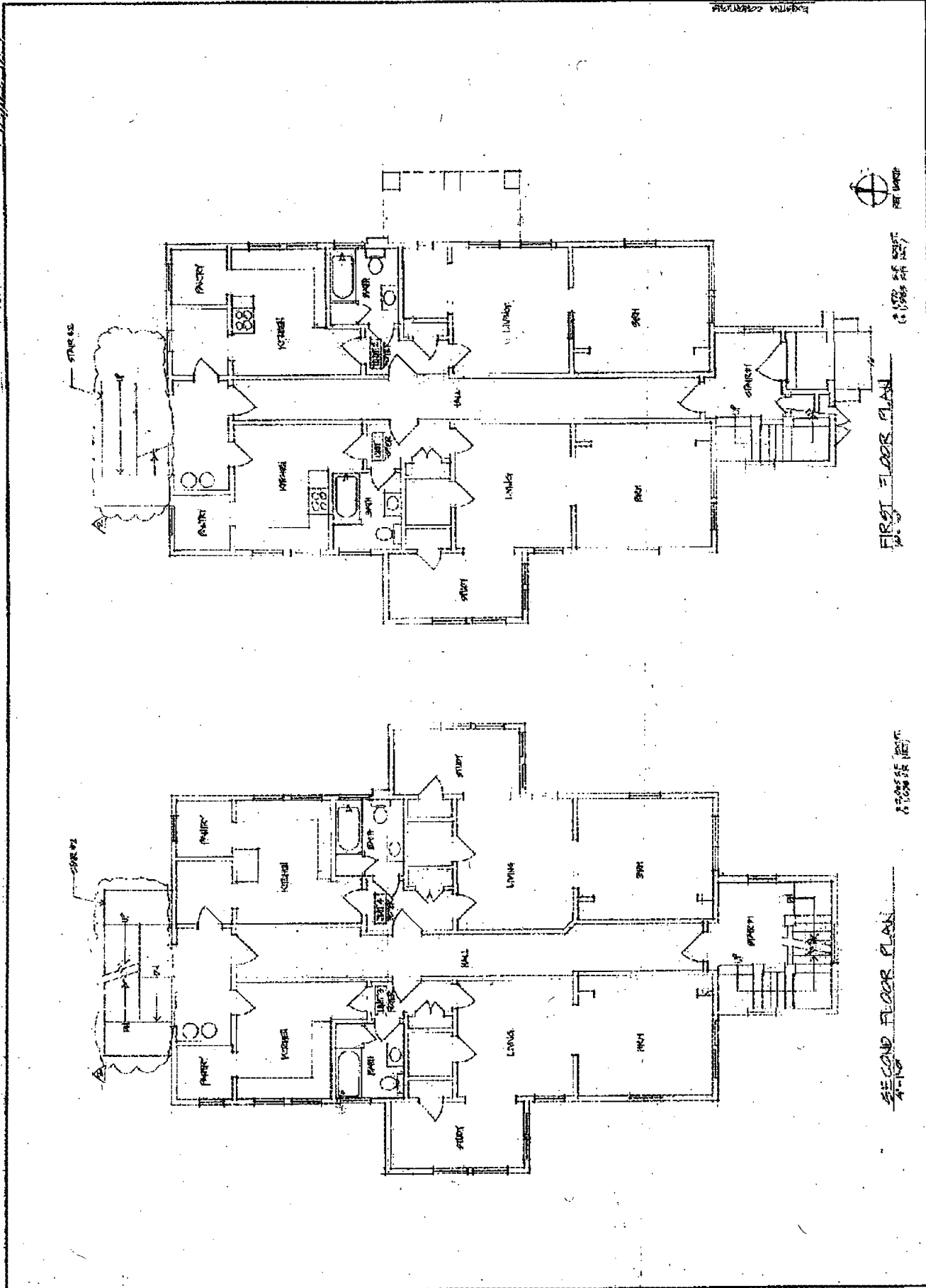


PROJECT: RECONSTRUCTION & REPAIR OF FIRE DAMAGED 4-UNIT BUILDING 337 BROADWAY BERKELEY, CALIFORNIA	OWNER: BARNETT PROPERTIES 220 BROADWAY, SUITE 1000 SAN FRANCISCO, CA 94102 WWW.BARNETTPROPERTIES.COM	ARCHITECT: WILLIAM GORRIN ARCHITECTS 1600 14TH STREET, SUITE 200 SAN FRANCISCO, CA 94102 WWW.WGARCHITECTS.COM	DATE: 06/13/13
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Exhibit B - Approved Plans
Page 3 of 7

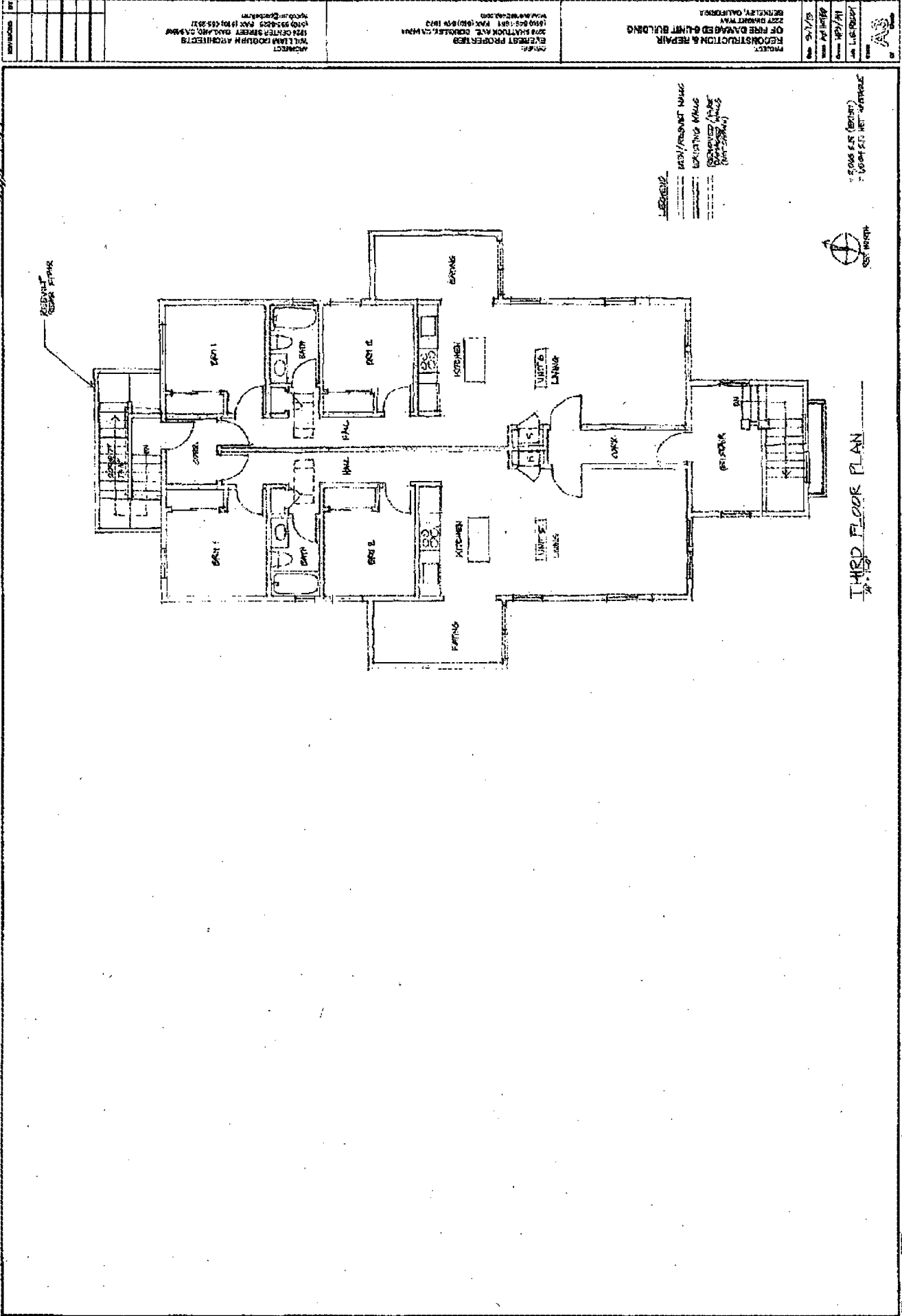
ATTACHMENT 2
2023 08-13-13
2023 08-13-13

<p>PROJECT: RECONSTRUCTION & REPAIR OF FIRE DAMAGED & LIFT BUILDING 127 MARKET WAY BERKELEY, CALIFORNIA</p>	<p>OWNER: EQUEST PROPERTIES 278 HAYSTACK AVE. BERKELEY, CA 94702 (916) 544-1844 FAX: (916) 544-1802 WWW.EQUESTPROPERTIES.COM</p>	<p>ARCHITECT: WILLIAM COBURN ARCHITECTS 1824 CENTER STREET, OAKLAND, CA 94612 (510) 550-0293 FAX: (510) 462-2937 www.williamcoburn.com</p>	<p>DATE: 08/13/2023</p>
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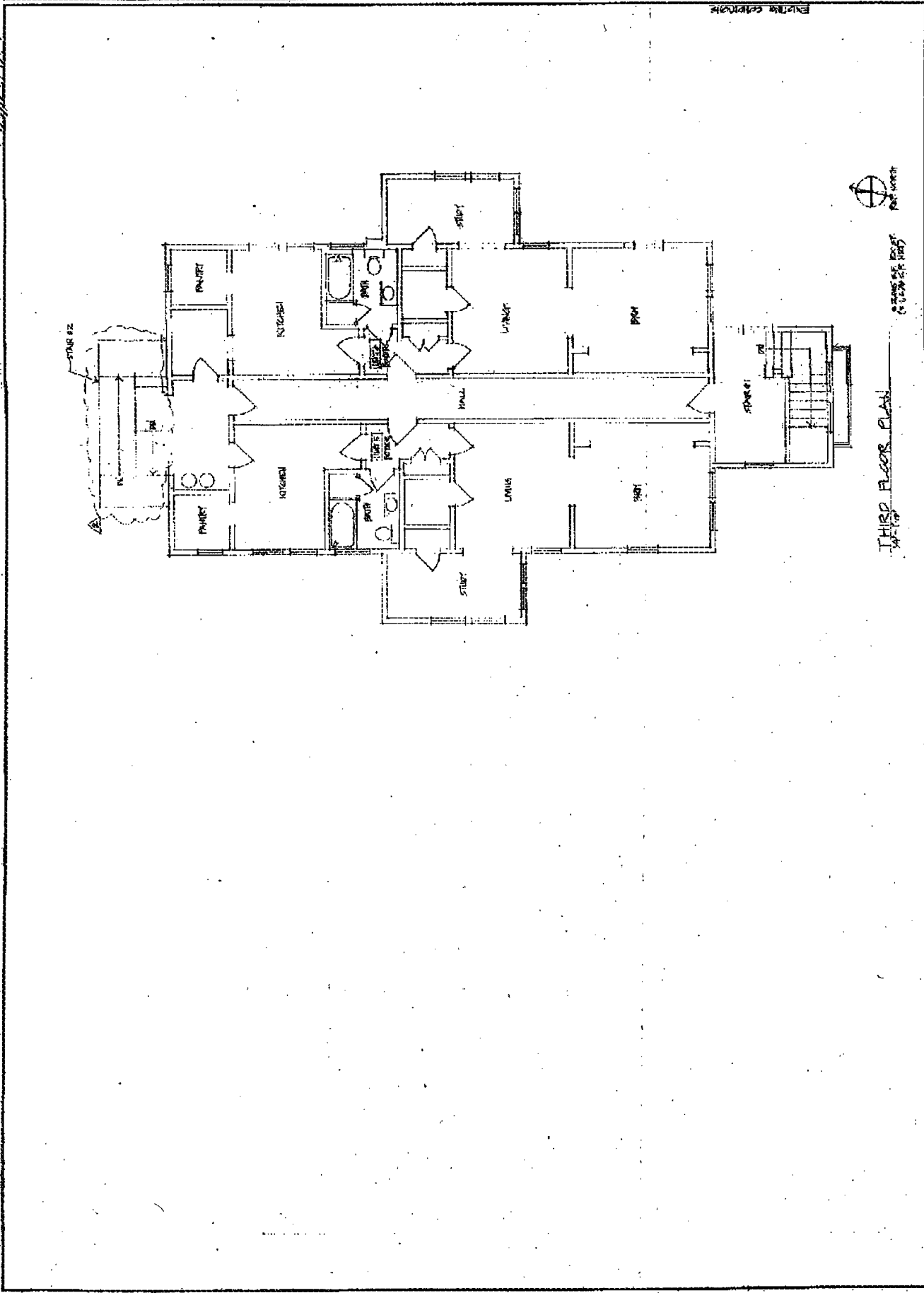


FIRST FLOOR PLAN
1/8" = 1'-0"

SECOND FLOOR PLAN
1/8" = 1'-0"

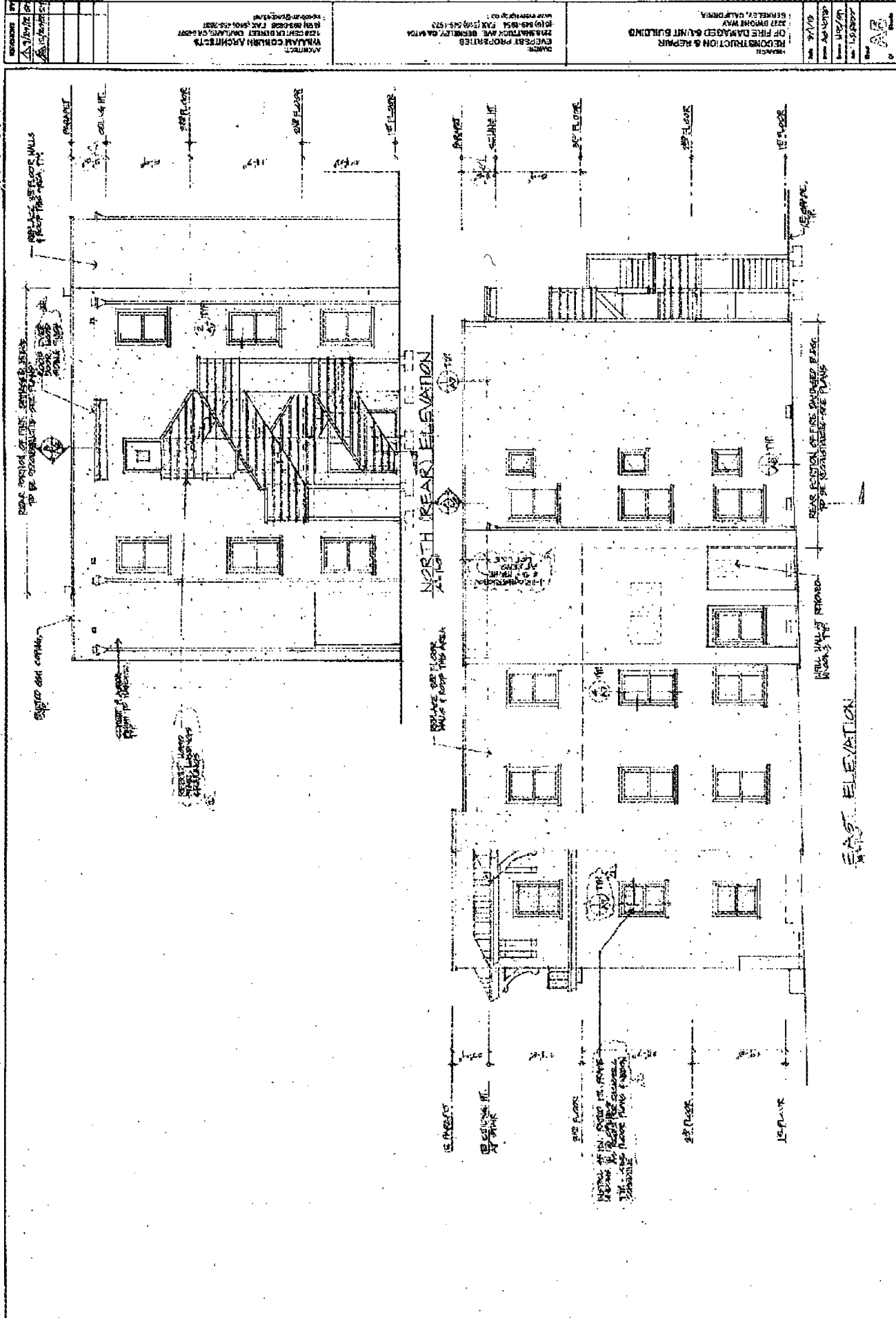


PROJECT	RECONSTRUCTION & REPAIR OF FIRE DAMAGED BALNETH BUILDING
CLIENT	2227 DWIGHT WAY BURLINGTON, CALIFORNIA
OWNER	2227 DWIGHT WAY BURLINGTON, CALIFORNIA
DATE	08-13-13
SCALE	AS SHOWN
DESIGNED BY	WILLIAM COLEMAN ARCHITECTS
DATE	12-24-12
PROJECT	RECONSTRUCTION & REPAIR OF FIRE DAMAGED BALNETH BUILDING
CLIENT	2227 DWIGHT WAY BURLINGTON, CALIFORNIA
OWNER	2227 DWIGHT WAY BURLINGTON, CALIFORNIA
DATE	08-13-13
SCALE	AS SHOWN
DESIGNED BY	WILLIAM COLEMAN ARCHITECTS
DATE	12-24-12



THIS FLOOR PLAN
 IS TO BE USED FOR PERMITS

EXHIBIT B - APPROVED PLANS



DATE: 06/13/08	PROJECT: 214-100-0000	SCALE: AS SHOWN
DESIGNER: [Name]	CLIENT: [Name]	DATE: 06/13/08
ARCHITECT: [Name]	PROJECT: [Name]	SCALE: AS SHOWN
DATE: 06/13/08	PROJECT: 214-100-0000	SCALE: AS SHOWN
DESIGNER: [Name]	CLIENT: [Name]	DATE: 06/13/08
ARCHITECT: [Name]	PROJECT: [Name]	SCALE: AS SHOWN