



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

CITY OF BERKELEY ZONING ORDINANCE
Berkeley Municipal Code, Title 23

AUP #2013-0144

Property Address:

800 DWIGHT WAY

Permittee Name:

**ROBERT WONG/ALIQUOT
ASSOCIATES**

Use and/or Construction Permitted: to demolish a 12,600 sq. ft. commercial accessory building (Building 19) and a 2,400 sq. ft. commercial accessory building (Building 19A) pursuant to:

- Section 23C.08.050.B to demolish commercial accessory buildings over 300 sq. ft.

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 February 20, 2014.

Attest: Greg Powell
Greg Powell, Senior Planner
For Eric Angstadt, Zoning Officer

February 20, 2014
Effective Date

ATTACHMENT 1

FINDINGS AND CONDITIONS

JANUARY 30, 2014

800 Dwight Way

Administrative Use Permit #2013-0140

To demolish a 12,600 sq. ft. commercial accessory building (Building 19) and a 2,400 sq. ft. commercial accessory building (Building 19A).

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(L)(3) (“Demolition of Existing Facilities”) and 15162 (“Adopted Certified EIR”) of the CEQA Guidelines. 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.

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 1992 Development Agreement between the City of Berkeley and Miles Inc. for the Miles Inc. Long Range Development Program of 1992 calls for the demolition of the subject buildings, 19 and 19A, to allow for the development of the “Project Site” (Exhibit J IIIA.4).
 - As required under BMC Section 23E.12.020 (Responsibility for Design Review) and Section 3.24 (Landmarks Preservation Commission), the demolition of non-residential buildings has identified the subject buildings during the Development Agreement to have no historical significance (Development Agreement Exhibit G-7).

- As required under BMC Section 23C.08.050.D (Demolition of Buildings Use for Commercial, Manufacturing or Community, Institutional or Other Non-residential Uses), the demolition of Buildings 19 and 19A will not be materially detrimental to the commercial needs and public interest of any affected neighborhood or the City and the demolition will remove vacant, unused accessory buildings and the demolition is required to allow the re-surfacing of the former footprint of the structure(s) to control surface water drainage and dust, to control surface storm water, allow paved access, new planting/sidewalk areas, an ADA accessible wheelchair ramp, picnic tables on decomposed granite, and lawn areas.

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 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:

Prior to Submittal of Any Building Permit:

- 10.** 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 written reports of such complaints and actions to the project planner on a weekly basis. **Individual Responsible for Noise Management:**

Name: _____ Phone: _____

- 11.** 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.

Prior to Issuance of Any Building Permit:

12. Drainage plans shall be submitted for approval of the Building & Safety Division and Public Works Department, if required.
13. The applicant shall file an "Address Assignment Request Application" with the Permit Service Center (2120 Milvia Street) for any address change or new address associated with this Use Permit. The new address(es) shall be assigned prior to issuance of a building permit.
14. Prior to issuance of a building permit, construction drawings shall be reviewed and approved by the City's Toxics Management Division (TMD). The applicant's building permit submittal shall include a plan for detection, analysis, and removal of contaminated soil and groundwater discovered during construction activities, which shall be routed to TMD. TMD shall have authority, based on permit review and/or subsequent detection of contaminated materials, to require additional information and/or mitigations as necessary to protect construction workers, the community and the environment. Obvious soil contamination discovered during demolition, grading, or excavation shall be segregated, profiled, covered, and removed from the site, consistent with the approved plan or as determined by TMD. The applicant shall contract with a qualified professional to collect verification soil samples to ensure complete soil removal, and TMD shall be notified of all soil contamination requiring removal.

During Construction:

15. 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.
16. 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.

17. 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.
18. 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 in thickness and secured to the ground.
19. 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.
20. Trucks hauling debris, soil, sand, or other loose materials shall be covered or required to maintain at least two feet of board.
21. Public streets shall be swept (preferably with water sweepers) of all visible soil material carried from the site.
22. The applicant shall establish and maintain drainage patterns that do not adversely affect adjacent properties and rights-of-way.
23. 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.
24. Any construction during the wet season shall require submittal of a soils report with appropriate measures to minimize erosion and landslides, and the developer shall be responsible for following these and any other measures required by the Building and Safety Division and the Public Works Department.

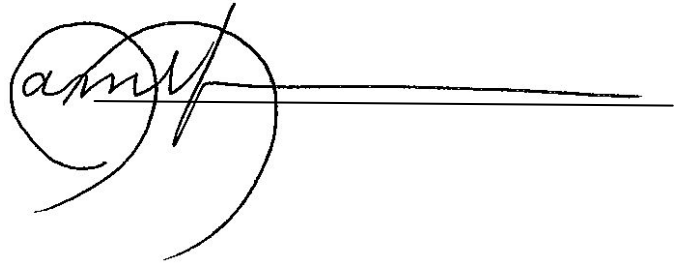
Prior to Issuance of Occupancy Permit or Final Inspection:

25. All construction at the subject property shall substantially conform to the approved Use Permit drawings or to modifications approved by the Zoning Officer.
26. All landscape, site and architectural improvements shall be completed per the attached approved drawings dated **NOVEMBER 4, 2013**.

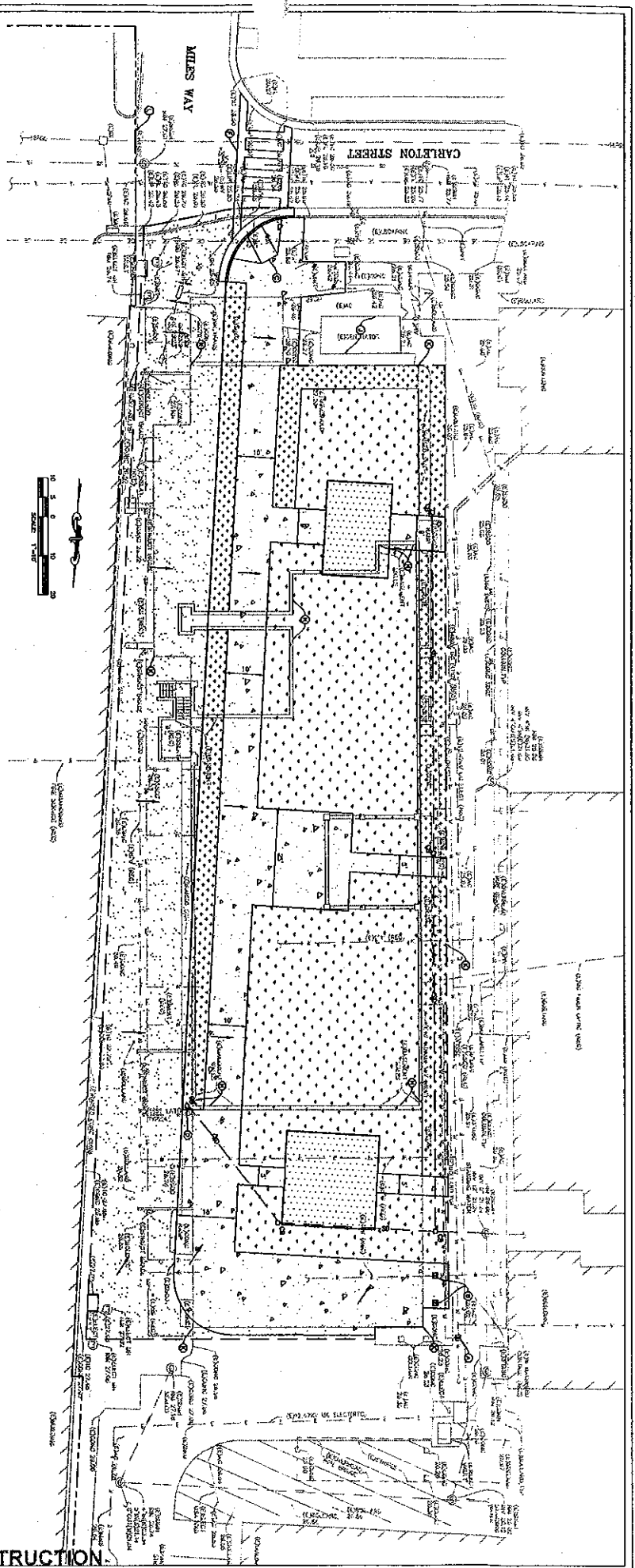
At All Times (Operation):

27. All exterior lighting shall be shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.

- 28.** 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.
- 29.** Noise and exterior lighting shall be controlled so as to prevent verified complaints from the surrounding neighborhood.

A handwritten signature in black ink, appearing to read 'amj', is written over a horizontal line. The signature is enclosed within a circular scribble.

Pamela Johnson, Assistant Planner for
Eric Angstadt, Director of Planning



THE CONTRACTOR SHALL NOTIFY THE ENGINEER IMMEDIATELY UPON DISCOVERY OF ANY UNLAWFUL OR UNDESIRABLE ACTS OR OMISSIONS OF ANY KIND IN CONNECTION WITH THE PERFORMANCE OF THE WORK UNDER THIS CONTRACT.

APPROVED PLAN
1-28-14
 DATE
 D.R. Conditions Attached
 A.U.P. Conditions Attached
 U.P. Conditions Attached

NOV 04 2013

RECEIVED

- IMPROVEMENT NOTES**
- 1. REMOVE CONCRETE - AT GRIDS
 - 2. PFC AND STRIPPER - AT GRIDS
 - 3. REINFORCEMENT
 - 4. DUCTILE IRON, TYPICAL
 - 5. CONCRETE STRIPPER
 - 6. SEE CUT LINE, TYPICAL
 - 7. EXISTING BELOW GRADE MEMENTO WALLS TO REMAIN
 - 8. EXISTING EXTERIOR TO REMAIN
 - 9. EXISTING ABOVE GRADE BUILDING TO BE DEMOLISHED
 - 10. PROPERTY LINE

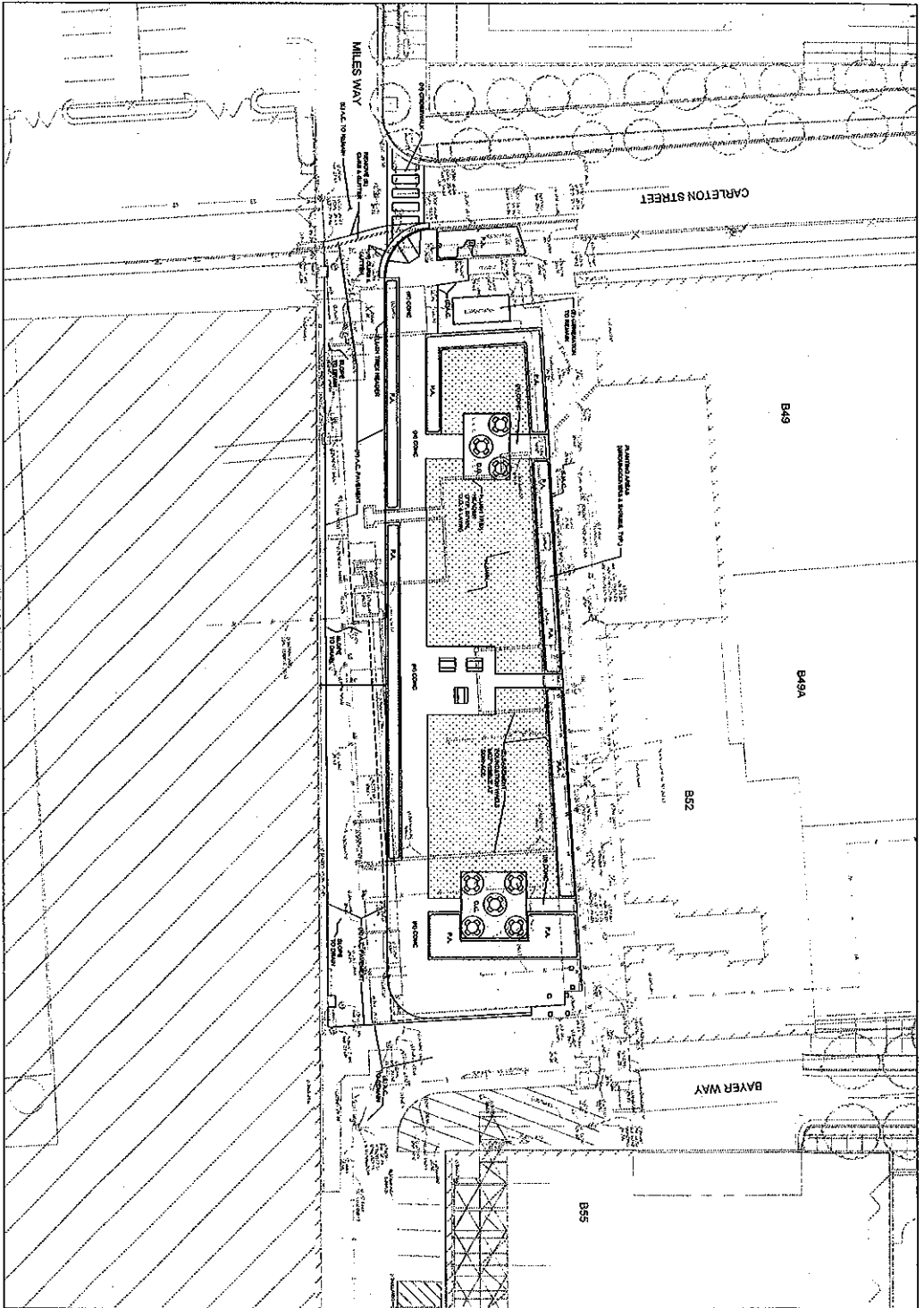
- LEGEND**
- 1. 1" = 1' CONCRETE
 - 2. 1" = 1' STRIPPER
 - 3. 1" = 1' REINFORCEMENT
 - 4. 1" = 1' DUCTILE IRON
 - 5. 1" = 1' CONCRETE STRIPPER
 - 6. 1" = 1' SEE CUT LINE
 - 7. 1" = 1' EXISTING BELOW GRADE MEMENTO WALLS
 - 8. 1" = 1' EXISTING EXTERIOR
 - 9. 1" = 1' EXISTING ABOVE GRADE BUILDING
 - 10. 1" = 1' PROPERTY LINE

NO.	DESCRIPTION	REV.	DATE	BY	CHKD.	DATE	BY	CHKD.
1	ISSUED FOR PERMITS							
2	ISSUED FOR PERMITS							
3	ISSUED FOR PERMITS							
4	ISSUED FOR PERMITS							
5	ISSUED FOR PERMITS							
6	ISSUED FOR PERMITS							
7	ISSUED FOR PERMITS							
8	ISSUED FOR PERMITS							
9	ISSUED FOR PERMITS							
10	ISSUED FOR PERMITS							

CONCEPTUAL GRADING & IMPROVEMENT PLAN
 EXISTING BUILDING NO. 19 & 19A
 DEMOLITION PLANS - CIVIL
 APHUS-002485-BESP-C-00005

PLANNERS
 CIVIL ENGINEERS
 ARCHITECTS
 SURVEYORS

PRELIMINARY-NOT FOR CONSTRUCTION



APPROVED PLAN
 DATE 1-28-14
 PLANNING DEPT
 D.F. Conditions Attached
 A.U.P. Conditions Attached
 U.P. Conditions Attached

NOV 04 2013



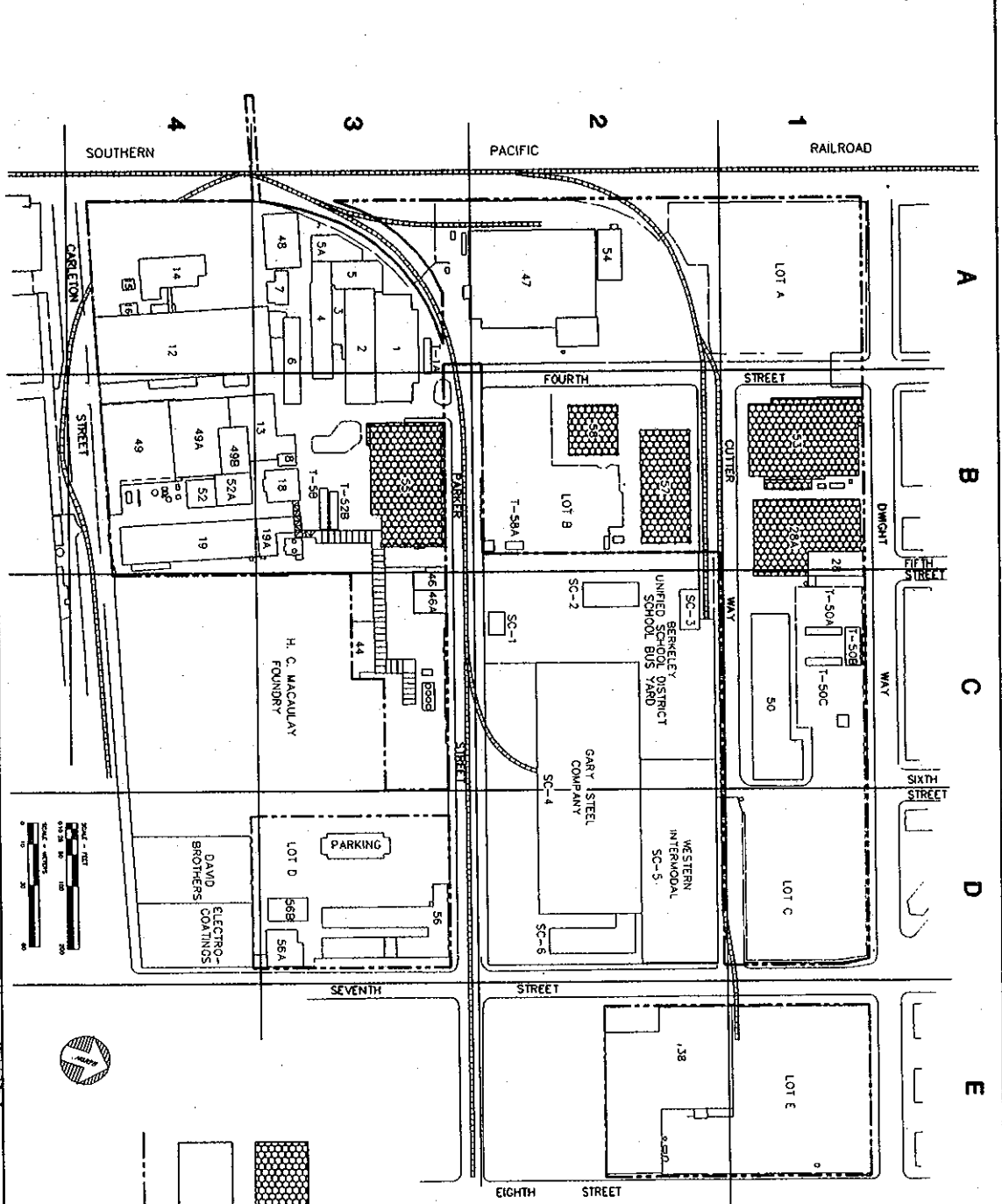
Robert L. Smith
 Professional Engineer
 State of Georgia
 License No. 12345
 Exp. 12/31/15




CONCEPTUAL SITE PLAN
 EXISTING BUILDING NO. 19 & 19A
 DEMOLITION PLANS - LANDSCAPE
 APHUS-002455-BESP-L-1

NO.	DATE	DESCRIPTION	BY	CHKD.	APP.
1	11/04/13	CONCEPTUAL SITE PLAN			
2					
3					
4					
5					
6					
7					
8					
9					
10					

PRELIMINARY-NOT FOR CONSTRUCTION

NO.	DATE	DESCRIPTION	BY	CHK.
1	10/27/77	ISSUED FOR APPROVAL
2	12/27/77	ISSUED FOR APPROVAL
3	1/25/78	ISSUED FOR APPROVAL
4	2/2/78	ISSUED FOR APPROVAL



- LEGEND**
-  BUILDINGS PROPOSED TO BE RETAINED
 -  BUILDINGS PERMITTED FOR DEMOLITION
 -  EXISTING MILES PROPERTY LINE

MILES INC.
 1000 ...
 PROJECTED DISPOSITION
 OF EXISTING SITE BUILDINGS
 2

EXHIBIT J
SPECIAL CONDITIONS

III. Administrative Use Permits and Zoning Permits

A. Proposals for the following types of private improvements and activities shall not be subject to review by the Zoning Adjustments Board, but instead may be authorized by an administrative use permit issued by the Zoning Officer consistent with these Special Conditions:

1. Buildings of less than 40,000 square feet.
2. Temporary buildings (trailers or structures).
3. Temporary surface parking.
4. Demolition of buildings.

B. Construction of minor structures, as defined by the City Manager, may be approved pursuant to a zoning permit if such buildings comply with the Site Plan, Site Development Standards and Design Guidelines and pose no environmental hazard.

IV. Steps in Use Permit Application Process

- A. Develop building program (scope).
- B. Pre-application discussion with City, if requested by Miles.
- C. File Application for Use Permit.
- D. Environmental checklist.
- E. Environmental initial study and further environmental review, if required.
- F. Preliminary Design Review.
- G. Zoning Adjustments Board or Zoning Officer review, as applicable.
- H. Use Permit issued.
- I. Final Design Review.
- J. Building Permit Application(s) filed.

EXHIBIT J
SPECIAL CONDITIONS

EXHIBIT G-7
HISTORIC PRESERVATION AND PUBLIC ART

A. In order to preserve a record of the Miles site and its role in the West Berkeley manufacturing area and to commemorate the social history of West Berkeley, Miles will assemble an historical exhibit which will be displayed in one or more public buildings on the Miles site. This exhibit will incorporate photographs of the site and the people who worked there, objects utilized in the manufacture of products, samples of products manufactured at the location, and a narrative history - perhaps on video tape.

B. Part of the exhibit will focus on the important architectural features of the buildings on the site and in the immediate vicinity of the site.

C. In addition to being a historical record, the display will also address the long term Development Agreement and the activities to be performed on the site in the future, thereby clearly linking the past and future elements of the site and its relationship to the Berkeley community.

D. This project will utilize internal Miles resources as well as the Berkeley Architectural Heritage Association, the Berkeley Historical Society, the University of California and other appropriate groups. The preparation of the exhibit will be timed such that it will be introduced in 1997 - Cutter's centennial year. Initially, the exhibit will be placed in one of the existing buildings on the site. Upon construction of a new Administration Building, an area of not less than 500 square feet but not greater than 1000 square feet will be dedicated in the building for permanent display of the exhibit. The exhibit will be designed so that it could be loaned out for use as a temporary exhibit by the City or interested historical groups.

E. In the design and construction of the Administration building, Miles will attempt to reuse or recreate architectural elements or features from the existing Building 12 on the site.

F. Miles will fund the project and will commit to investing at least \$50,000, but not more than \$75,000, in the construction of the exhibit. The estimated cost to Miles to construct the space in the new Administration Building is approximately \$75,000.

G. With the construction of the Administration Building, 1% (one percent) of the construction cost of that building shall be allocated to public art. The art shall be located on-site so that it is visually accessible to the public. The art shall not include: standard architectural elements of the building, landscaping, signage, sidewalks, standard development improvements and performance art. Miles shall be responsible for maintenance of the art work.