



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 #13-2000066

Property Address: **2100 M L KING JR. WAY**

Permittee Name: **PRIMITIVO SUAREZ-WOLFE**

Use and/or Construction Permitted: to install rooftop HVAC equipment greater than 3' in width and 4' in length that exceeds the 28' District height limit, pursuant to:

- Section 23D.04.020.B to allow HVAC equipment greater than 3' in width by 4' in length to exceed the District height limit.

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 June 5, 2013.

Attest: Terry Blount
Terry Blount, AICP, Principal Planner
For Debbie Sanderson, Zoning Officer

June 5, 2013
Effective Date

ATTACHMENT 1

FINDINGS AND CONDITIONS

MAY 15, 2013

2100 Martin Luther King Jr. Way

Administrative Use Permit #13-20000066

To install rooftop HVAC equipment greater than 3' in width and 4' in length that exceeds the 28' District height limit.

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").

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 HVAC equipment is part of the upgrade the Public Safety Building Data Center room, which has been experiencing heat load and power outage problems that are affecting its functionality. The upgrades will address the problems and increase functionality with minimal down time. The upgrades will ensure the public safety functions of the City of Berkeley continue to run in a consistent and efficient manner.
 - With a maximum height of 39', the new HVAC equipment is lower than the building's entry rotunda, rooftop penthouses, and other existing roof structures. A condition of approval has been added to ensure the finish color is of a non-glare material that blends in with the existing rooftop and reduces the visual impact from the public right-of-way.

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.

12. Select a finish color and non-glare material that blends in with the existing rooftop and reduces the visual impact from the public right-of-way. Provide a color/material sample of finish with building permit submittal.

During Construction:

13. 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.
14. 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.
15. 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.
16. 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.
17. 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.
18. Trucks hauling debris, soil, sand, or other loose materials shall be covered or required to maintain at least two feet of board.
19. Public streets shall be swept (preferably with water sweepers) of all visible soil material carried from the site.

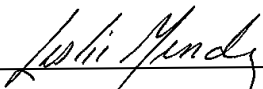
20. The applicant shall establish and maintain drainage patterns that do not adversely affect adjacent properties and rights-of-way.
21. The applicant shall ensure that all excavation takes into account surface and subsurface waters and underground streams so as not to adversely affect adjacent properties and rights-of-way.
22. 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:

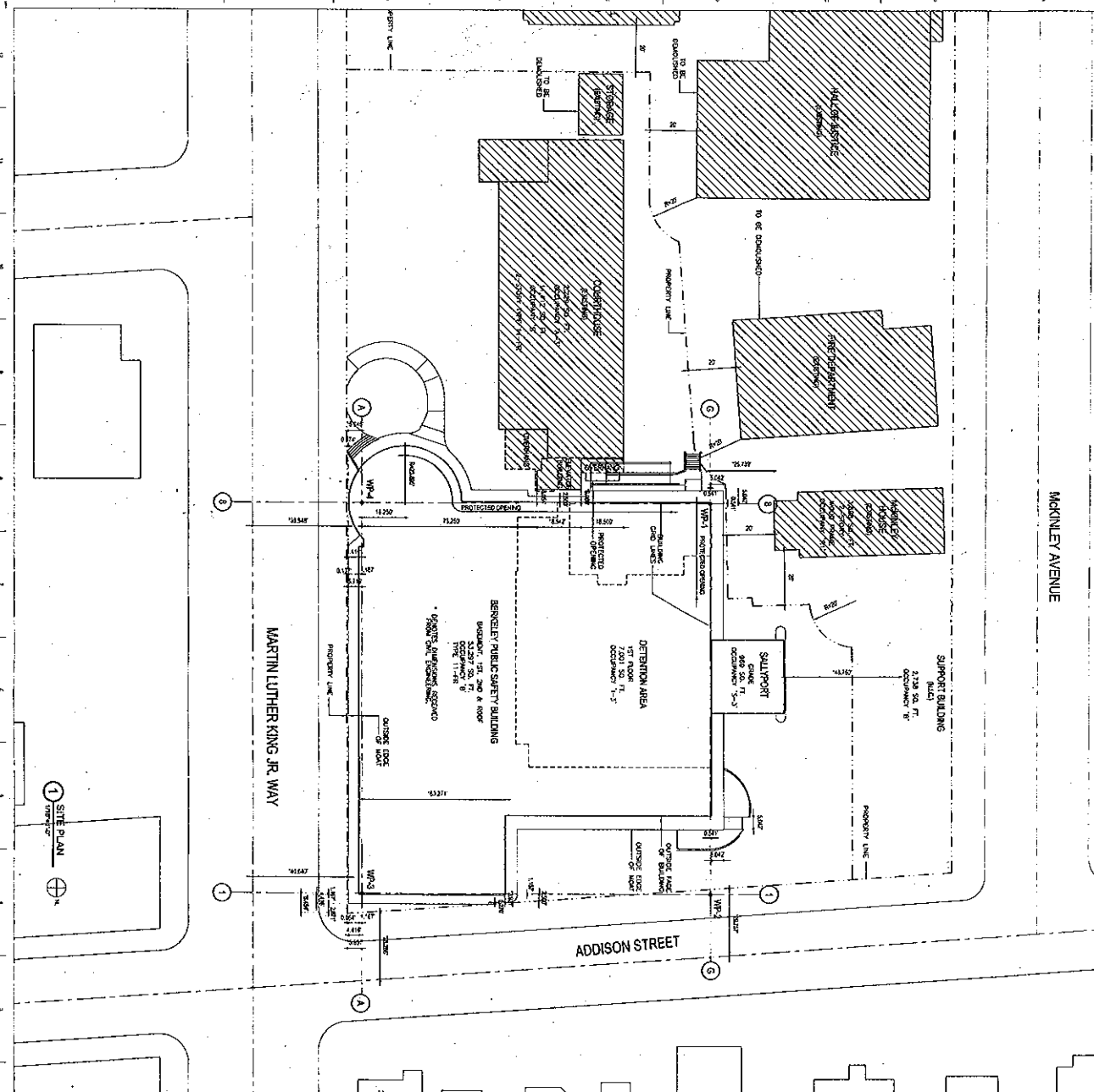
23. All construction at the subject property shall substantially conform to the approved Use Permit drawings or to modifications approved by the Zoning Officer.
24. All landscape, site and architectural improvements shall be completed per the attached approved drawings dated **MAY 3, 2013**.

At All Times (Operation):

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



Leslie Mendez, Associate Planner for
Debra Sanderson, Zoning Officer



McKINLEY AVENUE

MARTIN LUTHER KING JR. WAY

ADDISON STREET

GENERAL NOTES:

KEY NOTES:

APPROVED PLAN
5/14/13
 DATE

PLANNING
 D.R. Conditions Attached
 A.U.P. Conditions Attached
 U.P. Conditions Attached

LEGEND:

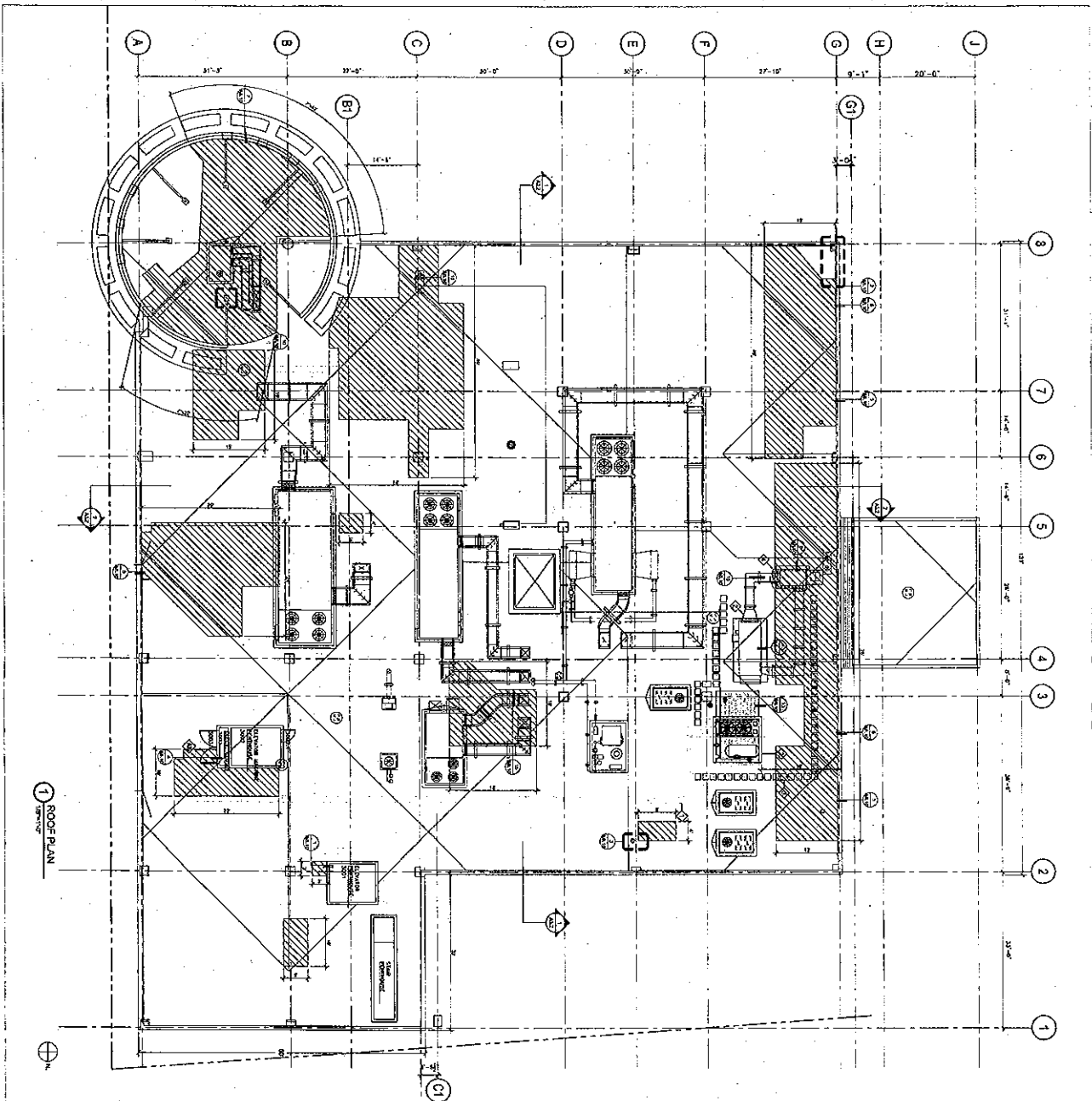
NO.	REVISION DESCRIPTION	DATE

KAPPE+DU ARCHITECTS
 881 'O' STREET SAN RAFAEL, CA 94901
 TEL: (415) 457-1001 FAX: (415) 457-7889

ARCHITECT / ENGINEER APPROVAL
 DESCRIPTION:
 PROJECT NO. 093
 DATE: 5-14-13
 SHEET NO. PSB AT.10
 PROJECT: PUBLIC SAFETY BUILDING DATA CENTER UPGRADE

44 ARCHITECTS
 INCORPORATED
 4400 Marina Boulevard, Ste. 110
 San Francisco, CA 94133
 Phone: 415.778.2800
 www.44architects.com

CITY OF BERKELEY
 DEPARTMENT OF PUBLIC WORKS
 PUBLIC SAFETY BUILDING
 DATA CENTER
 UPGRADE



GENERAL NOTES:

1. CONSULT THE GENERAL AND EXISTING PLANS FOR ALL INFORMATION.
2. CHECK FOR ALL FIELD CONDITIONS PRIOR TO CONSTRUCTION.
3. VERIFY ALL FIELD CONDITIONS PRIOR TO CONSTRUCTION.
4. VERIFY ALL FIELD CONDITIONS PRIOR TO CONSTRUCTION.
5. VERIFY ALL FIELD CONDITIONS PRIOR TO CONSTRUCTION.
6. VERIFY ALL FIELD CONDITIONS PRIOR TO CONSTRUCTION.
7. VERIFY ALL FIELD CONDITIONS PRIOR TO CONSTRUCTION.
8. VERIFY ALL FIELD CONDITIONS PRIOR TO CONSTRUCTION.

KEY NOTES:

- ◆ EXISTING WALLS
- ◆ EXISTING ROOF
- ◆ EXISTING FLOOR
- ◆ EXISTING CEILING
- ◆ EXISTING STRUCTURE
- ◆ EXISTING MECHANICAL
- ◆ EXISTING ELECTRICAL
- ◆ EXISTING PIPING
- ◆ EXISTING OTHER

APPROVED PLAN *SM/1/3*
SM/1/3
 DATE
 R.F. Conditions Attached
 A.U.P. Conditions Attached
 U.P. Conditions Attached

LEGEND:

- ROOF SCOPED
- ROOF NOT SCOPED
- ROOF NOT SCOPED
- ROOF NOT SCOPED
- ROOF NOT SCOPED

ROOF PLAN

PROJECT NO. 0811

DATE 2/15/10

CONTRACTOR

ARCHITECT/ENGINEER APPROVAL

881 O STREET SAN RAFAEL, CA 94901
 TEL: 415-457-7881 FAX: 415-457-7880

KAPPE+DU ARCHITECTS

DATE

REVISION DESCRIPTION

DATE

SHEET NO. PS8 A2.30

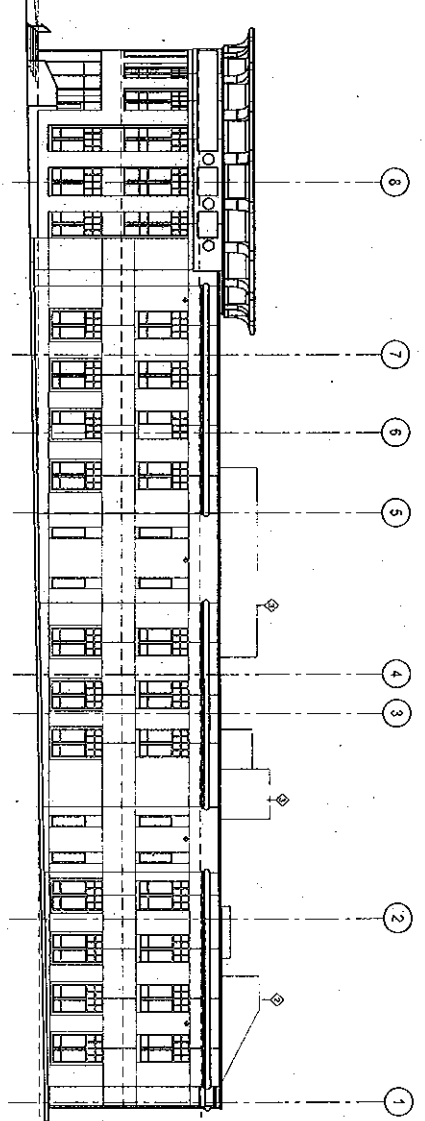
DATE 2/15/10

PROJECT 0811

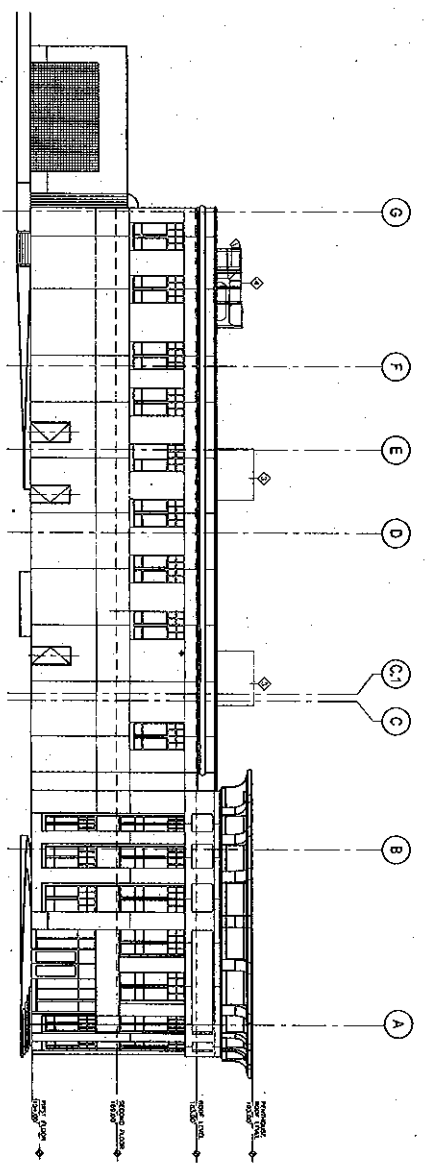
City of Berkeley
 440 ALBION STREET, SUITE 110
 BERKELEY, CA 94710
 PHONE 510.867.5000
 WWW.CITYOFBERKELEY.COM

CITY OF BERKELEY
 DEPARTMENT OF PUBLIC WORKS

PUBLIC SAFETY BUILDING
 DATA CENTER
 UPGRADE



1 EAST ELEVATION



2 SOUTH ELEVATION

GENERAL NOTES:

- ◆ EXISTING CONSTRUCTION
- ◆ NEW CONSTRUCTION
- ◆ EXISTING STRUCTURE
- ◆ EXISTING WALL

APPROVED PLAN

Shells

DATE

DRI Conditions Attached
 AUP Conditions Attached
 UFP Conditions Attached

M
 Architecture
 1400 Avenue of the Americas
 New York, NY 10018
 Phone: 212.724.2000
 www.madsen.com

CITY OF BERKELEY
 DEPARTMENT OF PUBLIC WORKS
PUBLIC SAFETY BUILDING
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 UPGRADE

LEGEND:

NO.	REVISION DESCRIPTION	DATE

KAPPE+DU ARCHITECTS

881 'D' STREET, SAN FRANCISCO, CA 94103
 TEL: 415.437.7281 FAX: 415.437.7183

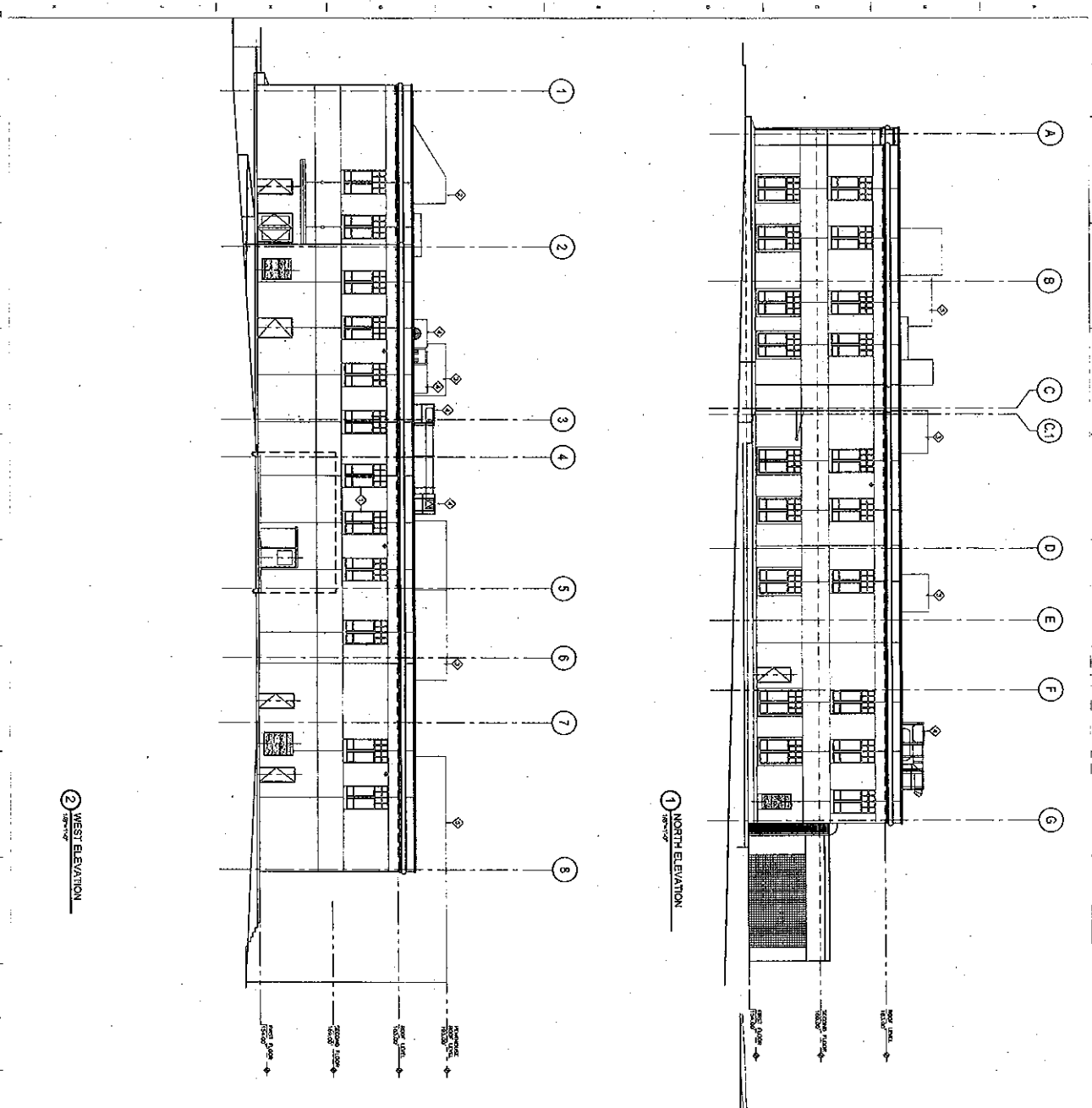
ARCHITECT/ENGINEER APPROVAL

DESCRIPTION:

EXTERIOR ELEVATIONS

PROJECT NO. 0913 008-0451
 DATE: 01-15-13

SHEET NO.
PSB
PSB.10
 TOTAL SHEETS



GENERAL NOTES:

KEY NOTES:

- ◆ EXISTING FORM WORKING (SEE 11)
- ◆ EXISTING STRUCTURE
- ◆ EXISTING FINISHES
- ◆ EXISTING MATERIALS
- ◆ EXISTING UTILITIES

APPROVED PLAN
DATE
 PLANNING
 D.R. Conditions Attached
 A.U.P. Conditions Attached
 U.P. Conditions Attached

City of Berkeley
 4800 Ashland Boulevard, Suite 110
 Berkeley, CA 94704
 www.cityofberkeley.info

CITY OF BERKELEY
 DEPARTMENT OF PUBLIC WORKS
PUBLIC SAFETY BUILDING
DATA CENTER
UPGRADE

LEGEND:

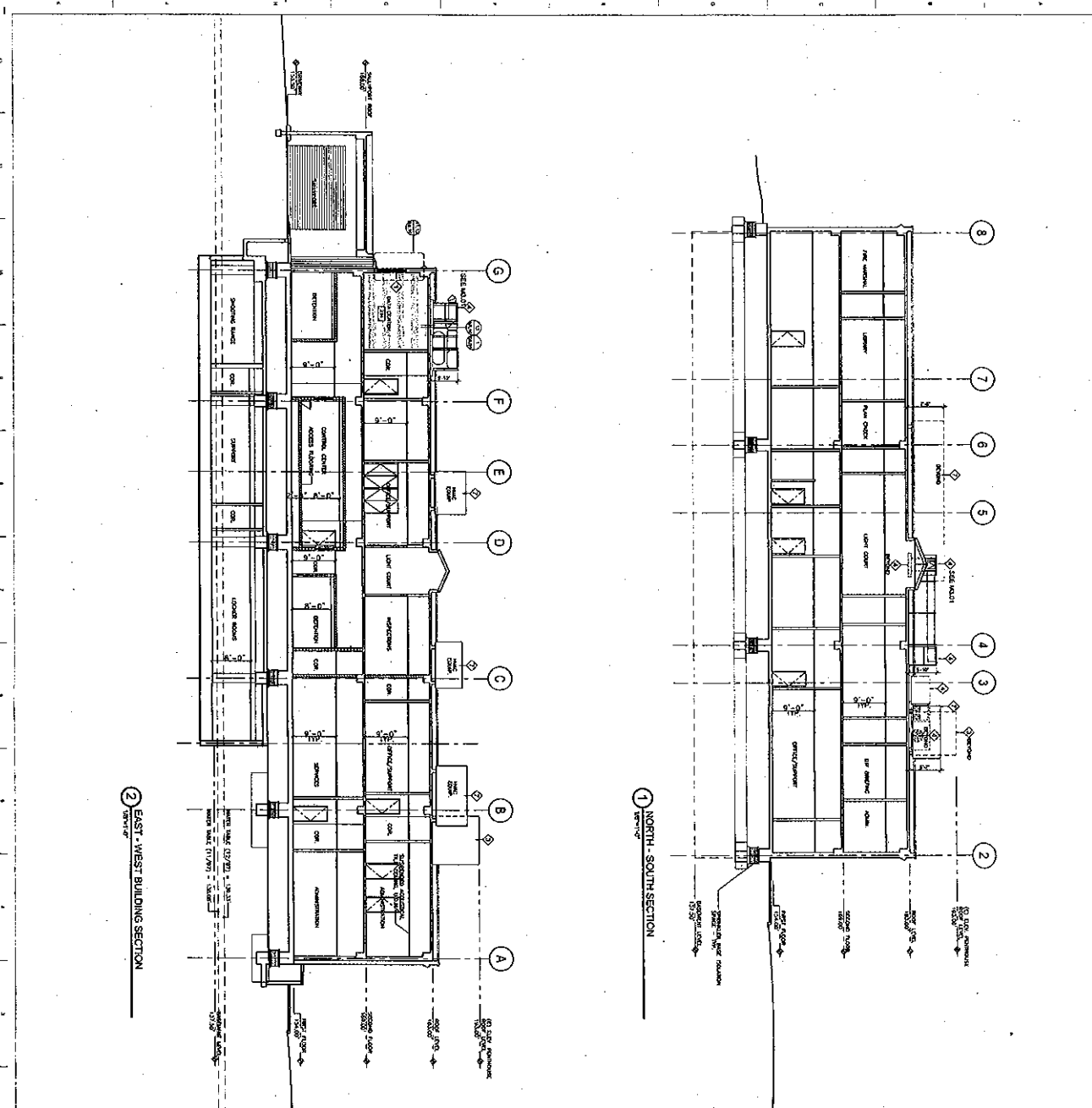
KAPPE+DU ARCHITECTS
 401 'D' STREET SAN RAFAEL, CA 94901
 TEL: 415.457.7801 FAX: 415.457.7800



APPROVED BY: _____
 DATE: _____
 DESCRIPTION: _____

EXTERIOR ELEVATIONS

SHEET NO.
PSB
A3.20



GENERAL NOTES:

- 1. SEE NOTES TO RECORD SET
- 2. SEE NOTES TO RECORD SET
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- 5. SEE NOTES TO RECORD SET
- 6. SEE NOTES TO RECORD SET
- 7. SEE NOTES TO RECORD SET
- 8. SEE NOTES TO RECORD SET

KEY NOTES:

- ◇ CONCRETE TO BE RECORDED SET
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APPROVED PLAN
STILLS
DATE
 D.R. Conditions Attached
 A.U.P. Conditions Attached
 U.P. Conditions Attached

M.H. HANSEN
 ARCHITECTS
 3000 Market Street, Suite 110
 Berkeley, CA 94702
 Phone: 510.774.2000
 www.mhhanzen.com

CITY OF BERKELEY
 DEPARTMENT OF PUBLIC WORKS
PUBLIC SAFETY BUILDING
DATA CENTER
UPGRADE

NO.	REVISION	DATE

KAPPE+DU ARCHITECTS
 1617 O STREET SAN RAFAEL, CA 94901
 TEL: (415) 471-1981 FAX: (415) 471-1981

BUILDING SECTIONS
 PROJECT NO. 018
 DATE 5/15/13
 SHEET NO. PSB A3.30
 PROJECT SET

GENERAL NOTES

- 1. SEE ALL NOTES TO ALL DRAWINGS.
- 2. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA BUILDING CODE AND ALL APPLICABLE LOCAL ORDINANCES.
- 3. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA MECHANICAL CODE AND ALL APPLICABLE LOCAL ORDINANCES.
- 4. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA ELECTRICAL CODE AND ALL APPLICABLE LOCAL ORDINANCES.

KEY NOTES:

- 1. SEE ALL NOTES TO ALL DRAWINGS.
- 2. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA BUILDING CODE AND ALL APPLICABLE LOCAL ORDINANCES.
- 3. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA MECHANICAL CODE AND ALL APPLICABLE LOCAL ORDINANCES.
- 4. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA ELECTRICAL CODE AND ALL APPLICABLE LOCAL ORDINANCES.

APPROVED PLAN
 DATE: 5/14/18
 DRAWING NO: 18-0001
 PROJECT NO: 18-0001
 SHEET NO: 18-0001

NO.	REVISION	DATE

LEGEND:

ARCHITECT / ENGINEER: KAPPE+DU ANCHORS

PROJECT NO. 18-0001

BUILDING DETAILS

DATE: 5/14/18

PROJECT NO. 18-0001

SHEET NO. 18-0001

PROJECT NO. 18-0001

