



# Z O N I N G A D J U S T M E N T S B O A R D S T A F F R E P O R T

FOR BOARD ACTION  
DECEMBER 14, 2023

## 2573 Shattuck Avenue

Use Permit #ZP2023-0088 to change the use of a 5,504-square-foot tenant space from general retail to a veterinary clinic.

### I. Background

#### A. Land Use Designations:

- General Plan: Avenue Corridor Mixed Use
- Zoning: C-AC – Adeline Corridor Commercial

#### B. Zoning Permits Required:

- Use Permit to establish a Veterinary Clinic, under Berkeley Municipal Code (BMC) Section 23.204.020(A)

**C. CEQA Recommendation:** It is staff's recommendation that the project is categorically exempt pursuant to Section 15301 of the CEQA Guidelines ("Existing Facilities"). The determination is made by ZAB.

#### D. Parties Involved:

- Applicant: Shattuck Animal Care, Inc., 43 Fairlawn Dr. Berkeley, CA
- Property Owner: John Gordon, 2091 Rose St, Berkeley, CA



Figure 2: Site Plan

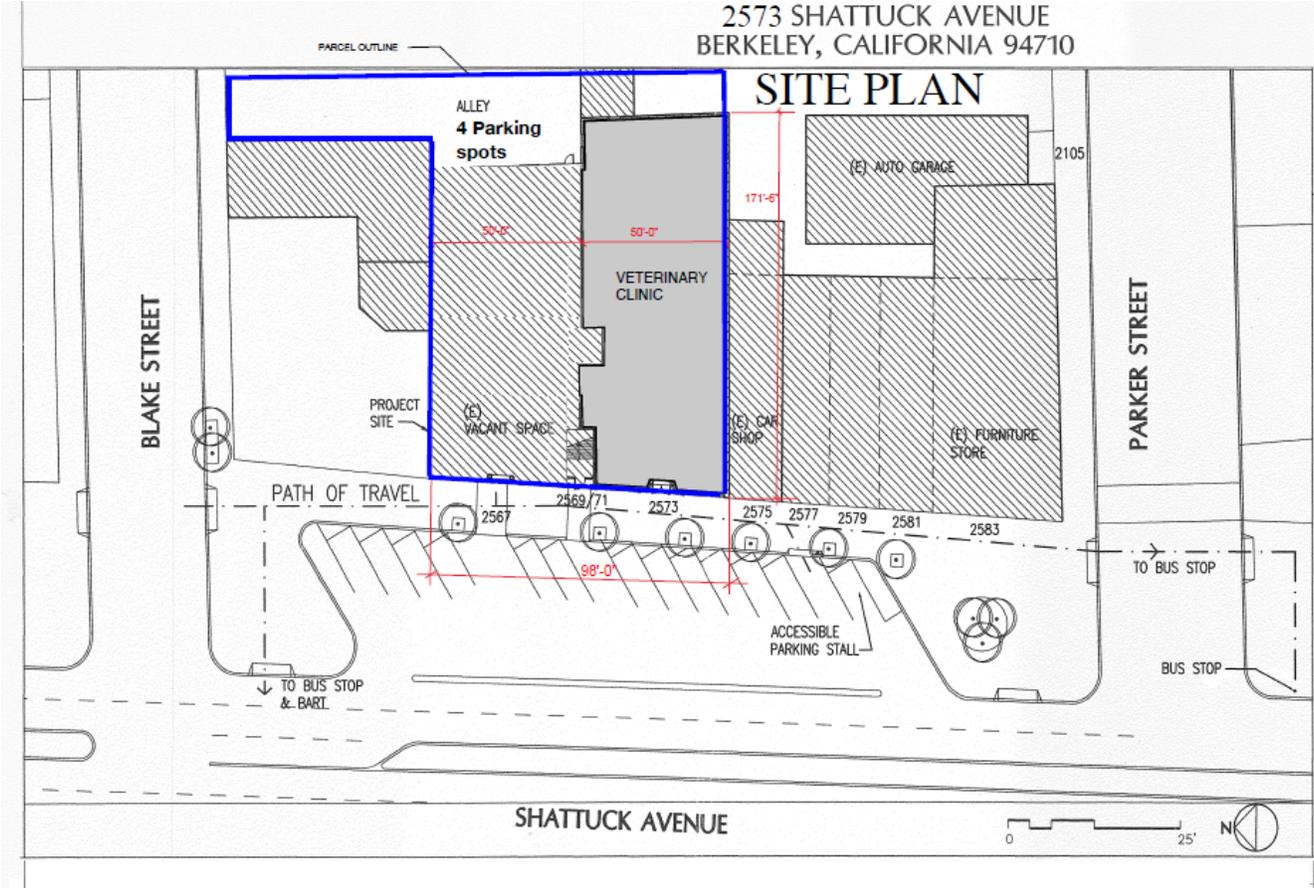
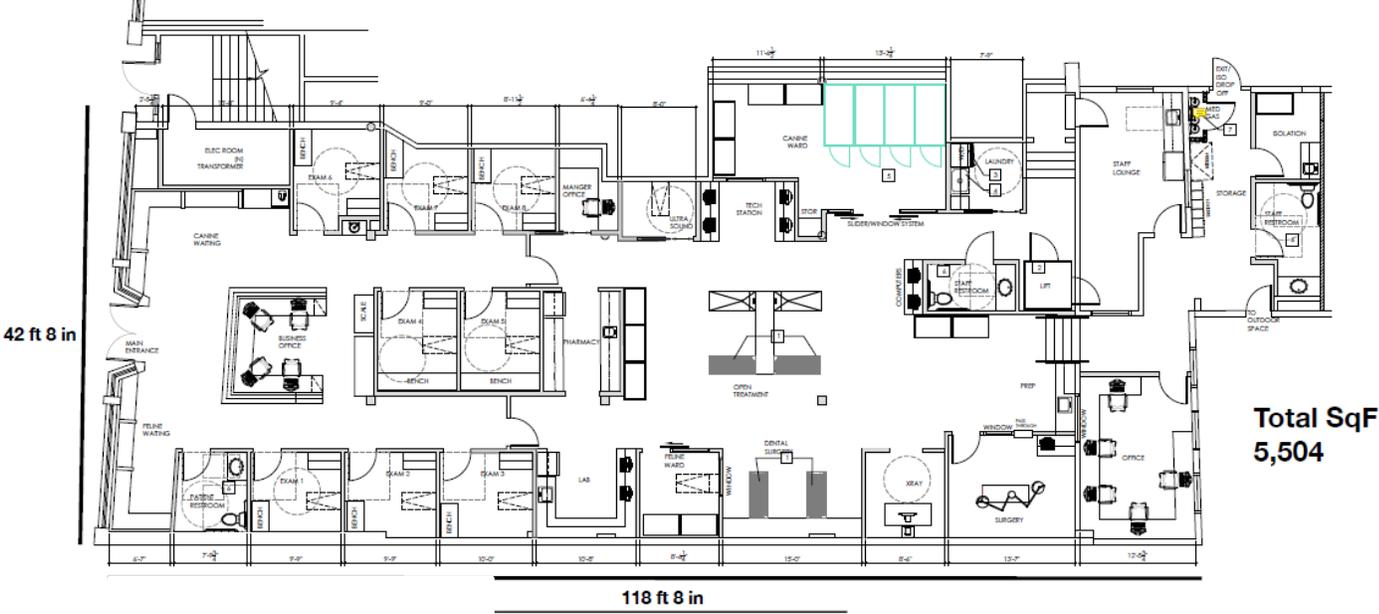


Figure 3: Floor Plan



**Table 1: Land Use Information**

Location		Existing Use	Zoning District	General Plan Designation
Subject Property		Artist and Craftsman Store	C-AC	Avenue Corridor Mixed Use
Surrounding Properties	North	Yoga Studio	C-AC	Avenue Corridor Mixed Use
	South	Furniture Store	C-AC	Avenue Corridor Mixed Use
	East	Office	C-AC	Avenue Corridor Mixed Use
	West	Home Audio Store	C-AC	Avenue Corridor Mixed Use

**Table 2: Special Characteristics**

Characteristic	Applies to Project?	Explanation
Affordable Child Care Fee for qualifying non-residential projects (Per Resolution 66,618-N.S.)	No	This fee applies to net newly constructed nonresidential gross floor area over 7,500 square feet. The project would not result in the creation of any new gross floor area.
Affordable Housing Fee for qualifying non-residential projects (Per Resolution 66,617-N.S.)		
Alcohol Sales/Service	No	The project does not involve the sale or service of alcohol.
Creeks	No	There are no mapped creeks adjacent to this site.
Historic Resources	No	The existing building and site are not a designated historic resource.
Natural Gas Prohibition (Per BMC 12.80.020)	No	The project would not construct a new building; therefore, the Natural Gas Prohibition does not apply.
Oak Trees	No	There are no oak trees on the project site.
Seismic Hazards (SHMA)	No	The site is located in a Liquefaction zone; however, the project would not result in the creation of any new gross floor area.
Soil/Groundwater Contamination	Yes	The project site does not appear on any list of known soil or groundwater contamination sites. The site is located within the Emergency Management Area (EMA); however, no new construction or excavation would occur as a result of the project. Standard Conditions of Approval related to hazardous materials would apply.
Transit	Yes	The project site is served by AC Transit lines 18, F, and 800 which run north-south along Shattuck Avenue.

**Table 3: Project Chronology**

Date	Action
June 29, 2023	Application submitted
September 1, 2023	Application deemed complete
November 30, 2023	Public hearing notices mailed/posted
December 14, 2023	ZAB hearing

**Table 4: Development Standards**

Standard		Existing	Addition/ (Reduction)	Permitted/ Required
BMC Sections 23.204.150 (Table 23.204-44)				
Lot Area (sq. ft.)		13,530	No Change	N/A
Gross Floor Area (sq. ft.)	Tenant Space	5,504	No Change	N/A
	Building	21,006		N/A
Floor Area Ratio		1.55	No Change	3.0 max
Building Height	Average (ft.)	-	No Change	40'-0" max
	Stories	2	No Change	3 max
Building Setbacks (ft.)	Front	0'	No Change	0' min
	Rear	0'	No Change	0' min
	Left Side	0'	No Change	0' min
	Right Side	0'	No Change	0' min
Parking	Automobile	4	No Change	N/A
	Bicycle	0	No Change	N/A

## II. Project Setting

**A. Neighborhood/Area Description:** The subject property is located on Shattuck Avenue, mid-block between Blake Street and Parker Street. This area of Shattuck Avenue is within the Adeline Corridor Specific Plan. In the immediate vicinity of the subject site, there is a furniture store to the south that share walls with the subject property. Across the street there is an auto repair shop and acupuncture college.

**B. Site Conditions:** The subject property is a 13,530 square foot flag lot with the main frontage along Shattuck Avenue and vehicular access to a small shared parking lot from Blake Street. The site is developed with a 21,006 square-foot, two-story mixed-use building containing three tenant spaces; a yoga studio at 2567 Shattuck Avenue, an upstairs residential unit at 2571 Shattuck Avenue, and the subject space at 2573 Shattuck Avenue. The subject tenant space is 5,504 square feet and located on the first floor.

### III. Project Description

The project would consist of tenant improvements within the existing space necessary to accommodate a change of use from an art supply store to veterinary clinic. The intended user is Shattuck Animal Care, Inc., and the space would contain examination rooms, a surgical and dental suite, on site radiography, patient treatment area, pharmacy, and lab. No boarding of animals is proposed. The business hours of operation would be from 8 a.m. until 6 p.m. Monday - Friday, which is within the allowable hours permitted by BMC Section 23.302.020(B)(1) (Table 23.302-1). No exterior modifications are proposed.

There are four shared parking spaces for the subject tenant space in the parking lot directly east of the site. There are additional public parking spaces on Shattuck Avenue. Parking is not required per AB 2097 which prohibits jurisdictions from requiring or enforcing parking minimums when a commercial use is located within a half-mile of high quality transit.

### IV. Community Discussion

**A. Neighbor/Community Concerns:** The Project Yellow Poster was erected by the prior to submittal of the application. On November 30, 2023, the City mailed public hearing notices to property owners and occupants within 300 feet of the project site, and to interested neighborhood organizations and the City posted notices within the neighborhood in three locations. At the time of writing this report, staff had not received any communications regarding the project.

**B. Committee Review:** No exterior changes would occur with this project and therefore Design Review is not required at this time. Any future signage would require Staff-level Design Review.

### V. Issues and Analysis

#### A. C-AC District Findings:

1. As required by Section 23.204.150(G) of the BMC, the Zoning Adjustments Board must find that the proposed use is compatible with the purposes of the C-AC Zoning District and compatible with the surrounding uses and buildings. This veterinary clinic would bring a neighborhood-oriented and city-serving use to this existing 5,504 square-foot tenant space. The proposed use would be consistent with the purposes of the C-AC Zoning District, which includes implementation of the Adeline Corridor Specific Plan South Shattuck subarea, by adding a personal/household service use to Shattuck Avenue in an area zoned for commercial uses. Further, the proposed project would provide commercial service in the form of specialty pet care to area residents, and is appropriately located to serve citywide clientele due to its location on Shattuck Avenue and Blake Street, with access to high-frequency transit routes in the vicinity. The proposed use would be consistent with the surrounding uses and buildings because it would involve only interior modifications to accommodate the veterinary clinic. The commercial nature of the veterinary clinic would be

consistent with the surrounding retail and office uses, and would not conflict with nearby residential uses, as the business would operate within the allowed hours set by the use limitation for commercial uses in the district of between 8:00 a.m. and 6:00 p.m.<sup>1</sup> The proposed use would support an increase in the continuity of retail and service facilities at the ground level to the degree feasible and would not substantially degrade the existing urban fabric of the street and area. The project would add a personal/household service use to the existing commercial district. There are no applicable performance standards for off-site impacts required to be met by the proposed project.

2. BMC Section 23.406.040 requires a finding of general non-detriment for any Use Permits in the C-AC. This project would 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 because of the following reasons:

- A. The project is compatible with adjacent commercial and nearby residential uses because the project would not alter the exterior of the building, and would not create offensive odors, noise, dust or similar impacts.
- B. The proposed veterinary clinic is consistent with the purposes of the Adeline Corridor Commercial District (C-AC) Zoning designation.
- C. The project site is served by three AC Transit routes running on Shattuck Avenue north-south and provides 4 shared off-street parking stalls.
- D. No changes to the exterior of the building are proposed. Any new signage would be subject to Design Review.

**B. General Plan Consistency:** The 2002 General Plan contains several policies applicable to the project, including the following:

1. Policy LU-7–Neighborhood Quality of Life, Action B: Carefully evaluate and monitor new and existing uses to minimize or eliminate negative impacts on adjacent residential uses.

Staff Analysis: The project would comply with Action B as the use would not adversely impact the quality of life in the nearby residential areas, as the hours of operation comply with those allowed at this location, and would be during daytime hours of 8:00 a.m. to 6:00 p.m. The fact that the site will not board animals overnight would prevent any late-night noise impacts from the business.

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<sup>1</sup> BMC Section 23.302.020.B.1 (Table 23.302-1) allows commercial uses in the A-C District to operate between 7:00am and 12:00 midnight Sunday – Thursday and 7:00am – 2:00am Friday and Saturday.

2. Policy LU-27 – Avenue Commercial Area: Maintain and improve Avenue Commercial areas, such as University, San Pablo, Telegraph, and South Shattuck, as pedestrian-friendly, visually attractive areas of pedestrian scale and ensure that Avenue areas fully serve neighborhood needs as well as a broader spectrum of needs.

Staff Analysis: The project would not change the existing site, which was designed to enhance the pedestrian experience; the new use would continue to be ground floor commercial oriented to the street and sidewalk. It would occupy a storefront with a use that is compatible with the existing development patterns and that would serve neighborhood and citywide needs.

Adeline Corridor Specific Plan Analysis: The Adeline Corridor Specific Plan, adopted in 1993, also contains several policies applicable to the project, including the following:

1. Land Use Goal 1: Encourage a unique, diverse mix of community spaces, services, retail, housing, and creative workspaces along the corridor.

Staff Analysis: The project would be consistent with Land Use Goal 1 because it would add a personal/household service use to Adeline Corridor District in an area zoned for commercial uses.

2. Land Use Goal 2: Implement site development standards that incentivize the provision of on-site affordable housing.

Staff Analysis: The project would be consistent with Land Use Goal 2 because the new business would be compatible with the surrounding commercial uses, such as offices and retail, and serve nearby residential affordable developments.

3. Land Use Goal 3: Ensure that the massing, articulation, and design of buildings provides visual interest, integrates with the neighborhood, and creates a pleasant, pedestrian-oriented public realm.

Staff Analysis: The project would be consistent with Land Use Goal 3 because the proposed project is strictly interior modifications with no work done to the outside design.

4. Land Use Goal 4: Ensure that new development provides appropriate transitions in height, bulk, and intensity to adjacent residential neighborhoods along the Adeline Corridor.

Staff Analysis: The project is an existing two-story commercial building that meets the development standards in the Adeline Corridor District.

5. Land Use Goal 5: Ensure that ground floor uses and facade design in the Adeline Area positively contribute to the pedestrian experience and street character.

Staff Analysis: The project fronts Shattuck Avenue with shared parking stalls directly in front of the site.

6. Land Use Goal 6: Actively preserve, adapt, and reuse historic structures and resources throughout the Adeline Area, particularly landmarked structures of merit and those within historic districts.

Staff Analysis: The proposed site is not a landmark or historic resource.

7. Land Use Goal 7: Future development within the Ashby BART subarea shall provide public space, community-oriented facilities, and affordable housing, consistent with the objectives, parameters, and process outlined in the Adeline Corridor Specific Plan.

Staff Analysis: The project is not located in the Ashby BART subarea.

8. Land Use Goal 8: Ensure that the design of new buildings incorporates features that address energy use and further the goals of Berkeley's Climate Action Plan.

Staff Analysis: The project is an existing building with no exterior modifications.

## VI. Recommendation

Because of the project's consistency with the Zoning Ordinance and General Plan, and minimal impact on surrounding properties, staff recommends that the Zoning Adjustments Board APPROVE ZP2023-0088 pursuant to Section 23.406.040 and subject to the attached Findings and Conditions (see Attachment 1).

### Attachments:

1. [Findings and Conditions](#)
2. [Project Plans, received November 29, 2023](#)
3. [Notice of Public Hearing](#)

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