



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

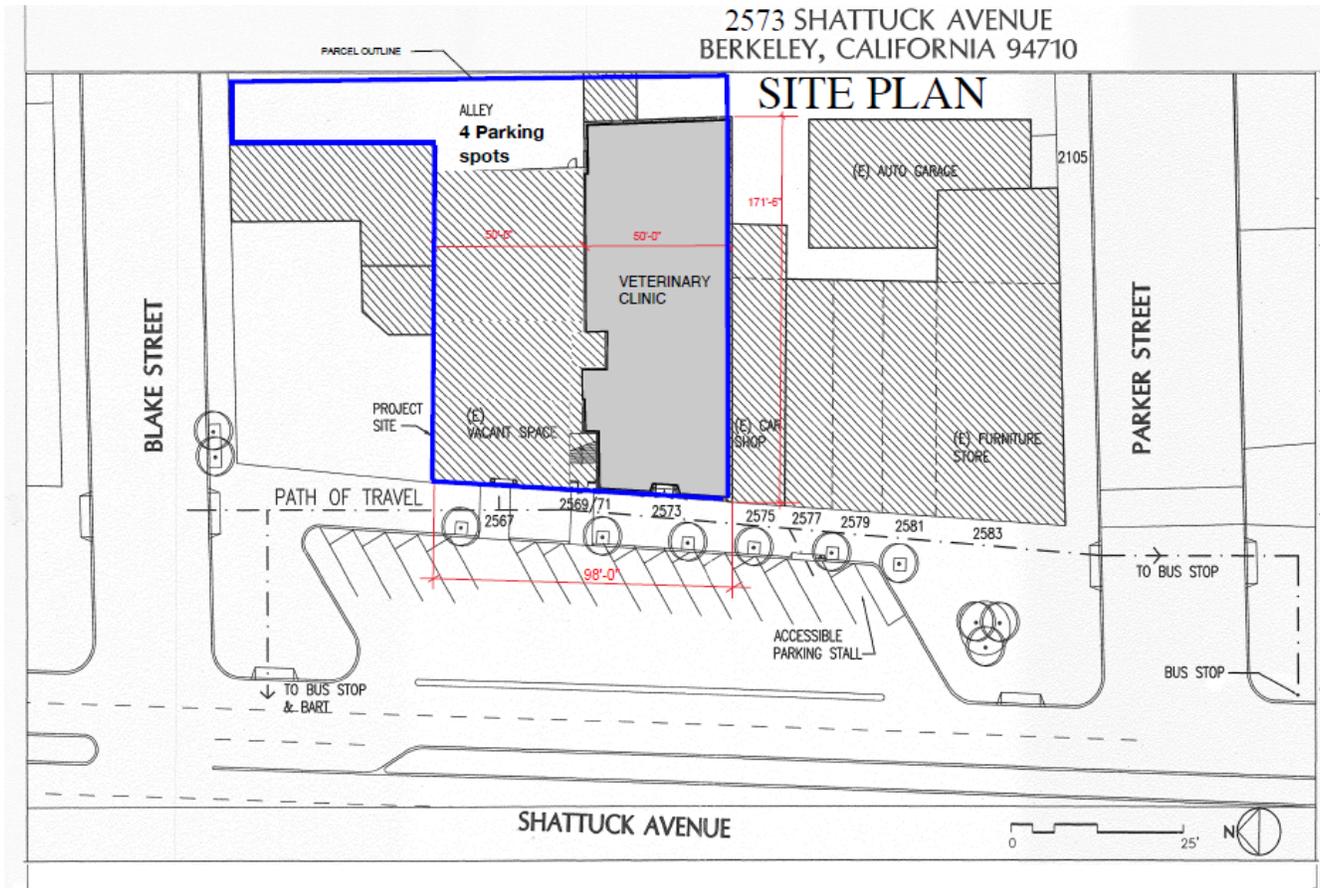


Figure 3: Floor Plan

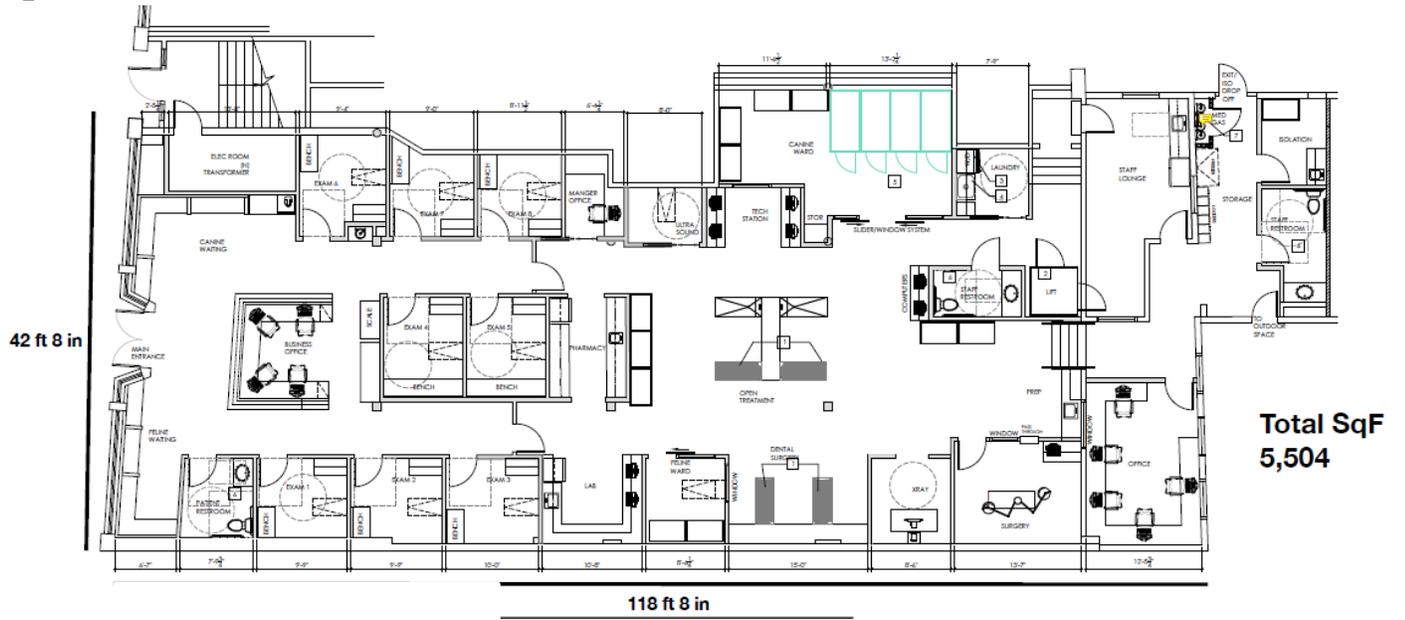


Table 1: Land Use Information

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.¹ 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.

¹ 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](#)

Staff Planner: Brian Garvey, BGarvey@berkeleyca.gov, (510) 981-7424

ATTACHMENT 1

FINDINGS AND CONDITIONS

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.

PERMITS REQUIRED

- Use Permit to establish a Veterinary Clinic, under BMC Section BMC Section 23.204.020.A, Table 23.204-1.

I. 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”).
2. 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 would not affect any historical resource.

II. FINDINGS FOR APPROVAL

1. As required by Section 23.406.040 of the BMC, the project, under the circumstances of this particular case existing at the time at which the application is granted, would 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:
 - A. The project is compatible with adjacent commercial and nearby residential uses because the project will not alter the exterior of the building, and will not create offensive odors, noise, dust or similar impacts;
 - B. The proposed veterinary clinic is consistent with the purposes of the Adeline Corridor Mixed Use General Plan and the Adeline Corridor Commercial (C-AC) Zoning designation; and
 - C. No changes to the exterior of the building are proposed. Any new signage would be subject to Design Review.

III. OTHER FINDINGS FOR APPROVAL

2. As required by Section 23.204.140.F of the BMC, the Zoning Adjustments Board finds that the that the proposed use is compatible with the purposes of the A-C Zoning District and compatible with the surrounding uses and buildings because:
 - A. The veterinary clinic adds a neighborhood-oriented use to the existing commercial space;

-
- B. The use is consistent with the purposes of the C-AC Zoning District, which includes implementation of the Adeline Corridor Specific Plan, by adding a personal/household service use to Adeline Corridor in an area zoned for commercial uses;
 - C. The project provides a commercial personal/household service in the form of specialty pet care to area residents, and is appropriately located to serve citywide clientele due to its location near downtown Berkeley with good access to transit;
 - D. The use is consistent with the surrounding uses and buildings because it does not make changes to the exterior of the building;
 - E. The commercial nature of the veterinary clinic is consistent with the surrounding retail and office uses, and does not conflict with nearby residential uses, as the business operating hours are 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.;
 - F. The use is supportive of an increase in the continuity of retail and service facilities at the ground level to the degree feasible and does not substantially degrade the existing urban fabric of the street and area; and
 - G. The project adds a personal/household service use to the existing commercial district.
-

IV. STANDARD CONDITIONS OF APPROVAL FOR ALL PROJECTS

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. Compliance Required (BMC Section 23.102.050)

All land uses and structures in Berkeley must comply with the Zoning Ordinance and all applicable City ordinances and regulations. Compliance with the Zoning Ordinance does not relieve an applicant from requirements to comply with other federal, state, and City regulations that also apply to the property.

3. Approval Limited to Proposed Project and Replacement of Existing Uses (BMC Sections 23.404.060.B.1 and 2)

- A. This Permit authorizes only the proposed project described in the application. In no way does an approval authorize other uses, structures or activities not included in the project description.
- B. When the City approves a new use that replaces an existing use, any prior approval of the existing use becomes null and void when permits for the new use are exercised (e.g., building permit or business license issued). To reestablish the previously existing use, an applicant must obtain all permits required by the Zoning Ordinance for the use.

4. Conformance to Approved Plans (BMC Section 23.404.060.B.4)

All work performed under an approved permit shall be in compliance with the approved plans and any conditions of approval.

5. Exercise and Expiration of Permits (BMC Section 23.404.060.C)

- A. A permit authorizing a land use is exercised when both a valid City business license is issued (if required) and the land use is established on the property.
- B. A permit authorizing construction is exercised when both a valid City building permit (if required) is issued and construction has lawfully begun.
- C. The Zoning Officer may declare a permit lapsed if it is not exercised within one year of its issuance, except if the applicant has applied for a building permit or has made a substantial good faith effort to obtain a building permit and begin construction. The Zoning Officer may declare a permit lapsed only after 14 days written notice to the applicant. A determination

that a permit has lapsed may be appealed to the ZAB in accordance with Chapter 23.410 (Appeals and Certification).

- D. A permit declared lapsed shall be void and of no further force and effect. To establish the use or structure authorized by the lapsed permit, an applicant must apply for and receive City approval of a new permit.

6. Permit Remains Effective for Vacant Property (BMC Section 23.404.060.D)

Once a Permit for a use is exercised and the use is established, the permit authorizing the use remains effective even if the property becomes vacant. The same use as allowed by the original permit may be re-established without obtaining a new permit, except as set forth in Standard Condition #5 above.

7. Permit Modifications (BMC Section 23.404.070)

No change in the use or structure for which this Permit is issued is permitted unless the Permit is modified by the Board. 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.

8. Permit Revocation (BMC Section 23.404.080)

The City may revoke or modify a discretionary permit for completed projects due to: 1) violations of permit requirements; 2) Changes to the approved project; and/or 3) Vacancy for one year or more. However, no lawful residential use can lapse, regardless of the length of time of the vacancy. Proceedings to revoke or modify a permit may be initiated by the Zoning Officer, Zoning Adjustments Board (ZAB), or City Council referral.

9. Indemnification Agreement

The applicant shall hold harmless, defend, and indemnify the City of Berkeley and its officers, agents, and employees against any and all liability, damages, claims, demands, judgments or other losses (including without limitation, attorney's fees, expert witness and consultant fees and other litigation expenses), referendum or initiative relating to, resulting from or caused by, or alleged to have resulted from, or caused by, any action or approval associated with the project. The indemnity includes without limitation, any legal or administrative challenge, referendum or initiative filed or prosecuted to overturn, set aside, stay or otherwise rescind any or all approvals granted in connection with the Project, any environmental determination made for the project and granting any permit issued in accordance with the project. This indemnity includes, without limitation, payment of all direct and indirect costs associated with any action specified herein. Direct and indirect costs shall include, without limitation, any attorney's fees, expert witness and consultant fees, court costs, and other litigation fees. City shall have the right to select counsel to represent the City at Applicant's expense in the defense of any action specified in this condition of approval. City shall take reasonable steps to promptly notify the Applicant of any claim, demand, or legal actions that may create a claim for indemnification under these conditions of approval.

V. ADDITIONAL CONDITIONS IMPOSED BY THE ZONING ADJUSTMENTS BOARD

Pursuant to BMC 23.404.050(H), the Zoning Adjustments Board attaches the following additional conditions to this Permit:

Prior to Submittal of Any Building Permit:

10. Project Liaison. The applicant shall include in all building permit plans and post onsite the name and telephone number of an individual empowered to manage construction-related complaints generated from the project. The individual's name, telephone number, and responsibility for the project shall be posted at the project site for the duration of the project in a location easily visible to the public. The individual shall record all complaints received and actions taken in response, and submit written reports of such complaints and actions to the project planner on a weekly basis. **Please designate the name of this individual below:**

Project Liaison _____

Name	Phone #
------	---------

Prior to Issuance of Any Building & Safety Permit (Demolition or Construction)

11. Construction and Demolition Diversion. Applicant shall submit a Construction Waste Management Plan that meets the requirements of BMC Chapter 19.37 including 100% diversion of asphalt, concrete, excavated soil and land-clearing debris and a minimum of 65% diversion of other nonhazardous construction and demolition waste.
12. Toxics. The applicant shall contact the Toxics Management Division (TMD) at 1947 Center Street or (510) 981-7470 to determine which of the following documents are required and timing for their submittal:
- A. Environmental Site Assessments:
- 1) Phase I & Phase II Environmental Site Assessments (latest ASTM 1527-13). A recent Phase I ESA (less than 2 years old*) shall be submitted to TMD for developments for:
 - All new commercial, industrial and mixed-use developments and all large improvement projects.
 - All new residential buildings with 5 or more dwelling units located in the Environmental Management Area (or EMA).
 - EMA is available online at:
http://www.cityofberkeley.info/uploadedFiles/IT/Level_3_-_General/ema.pdf
 - 2) Phase II ESA is required to evaluate Recognized Environmental Conditions (REC) identified in the Phase I or other RECs identified by TMD staff. The TMD may require a third-party toxicologist to review human or ecological health risks that may be identified.

The applicant may apply to the appropriate state, regional or county cleanup agency to evaluate the risks.

- 3) If the Phase I is over 2 years old, it will require a new site reconnaissance and interviews. If the facility was subject to regulation under Title 15 of the Berkeley Municipal Code since the last Phase I was conducted, a new records review must be performed.

B. Soil and Groundwater Management Plan:

- 1) A Soil and Groundwater Management Plan (SGMP) shall be submitted to TMD for all non-residential projects, and residential or mixed-use projects with five or more dwelling units, that: (1) are in the Environmental Management Area (EMA) and (2) propose any excavations deeper than 5 feet below grade. The SGMP shall be site specific and identify procedures for soil and groundwater management including identification of pollutants and disposal methods. The SGMP will identify permits required and comply with all applicable local, state and regional requirements.
- 2) The SGMP shall require notification to TMD of any hazardous materials found in soils and groundwater during development. The SGMP will provide guidance on managing odors during excavation. The SGMP will provide the name and phone number of the individual responsible for implementing the SGMP and post the name and phone number for the person responding to community questions and complaints.
- 3) TMD may impose additional conditions as deemed necessary. All requirements of the approved SGMP shall be deemed conditions of approval of this Use Permit.

C. Building Materials Survey:

- 1) Prior to approving any permit for partial or complete demolition and renovation activities involving the removal of 20 square or lineal feet of interior or exterior walls, a building materials survey shall be conducted by a qualified professional. The survey shall include, but not be limited to, identification of any lead-based paint, asbestos, polychlorinated biphenyl (PBC) containing equipment, hydraulic fluids in elevators or lifts, refrigeration systems, treated wood and mercury containing devices (including fluorescent light bulbs and mercury switches). The Survey shall include plans on hazardous waste or hazardous materials removal, reuse or disposal procedures to be implemented that fully comply state hazardous waste generator requirements (22 California Code of Regulations 66260 et seq). The Survey becomes a condition of any building or demolition permit for the project. Documentation evidencing disposal of hazardous waste in compliance with the survey shall be submitted to TMD within 30 days of the completion of the demolition. If asbestos is identified, Bay Area Air Quality Management District Regulation 11-2-401.3 a notification must be made and the J number must be made available to the City of Berkeley Permit Service Center.

D. Hazardous Materials Business Plan:

- 1) A Hazardous Materials Business Plan (HMBP) in compliance with BMC Section 15.12.040 shall be submitted electronically at <http://cers.calepa.ca.gov/> within 30 days if

on-site hazardous materials exceed BMC 15.20.040. HMBP requirement can be found at <https://berkeleyca.gov/doing-business/operating-berkeley/hazardous-materials-business-plan>

Prior to Issuance of Any Building (Construction) Permit

13. HVAC Noise Reduction. Prior to the issuance of building permits, the project applicant shall submit plans that show the location, type, and design of proposed heating, ventilation, and cooling (HVAC) equipment. In addition, the applicant shall provide product specification sheets or a report from a qualified acoustical consultant showing that operation of the proposed HVAC equipment will meet the City's exterior noise requirements in BMC Section 13.40.050. The City's Planning and Development Department shall review the submitted plans, including the selected HVAC equipment, to verify compliance with exterior noise standards.



14. Recycling and Organics Collection. Applicant shall provide recycling and organics collection areas for occupants, clearly marked on site plans, which comply with the Alameda County Mandatory Recycling Ordinance (ACWMA Ordinance 2012-01).

15. Public Works ADA. Plans submitted for building permit shall include replacement of sidewalk, curb, gutter, and other streetscape improvements, as necessary to comply with current City of Berkeley standards for accessibility.

During Construction:

16. Construction Hours. Construction activity shall be limited to between the hours of 8:00 AM and 6:00 PM on Monday through Friday, and between 9:00 AM and Noon on Saturday. No construction-related activity shall occur on Sunday or any Federal Holiday.

24. Public Works - Implement BAAQMD-Recommended Measures during Construction. For all proposed projects, BAAQMD recommends implementing all the Basic Construction Mitigation Measures, listed below to meet the best management practices threshold for fugitive dust:

- A. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- B. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- C. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- D. All vehicle speeds on unpaved roads shall be limited to 15 mph.
- E. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.

- F. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
 - G. All construction equipment shall be maintained and properly tuned in accordance with manufacturer specifications. All equipment shall be checked by a certified visible emissions evaluator.
 - H. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District 's phone number shall also be visible to ensure compliance with applicable regulations.
25. Construction and Demolition Diversion. Divert debris according to your plan and collect required documentation. Get construction debris receipts from sorting facilities in order to verify diversion requirements. Upload recycling and disposal receipts if using [Green Halo](#) and submit online for City review and approval prior to final inspection. Alternatively, complete the second page of the original [Construction Waste Management Plan](#) and present it, along with your construction debris receipts, to the Building Inspector by the final inspection to demonstrate diversion rate compliance. The Zoning Officer may request summary reports at more frequent intervals, as necessary to ensure compliance with this requirement.
26. Low-Carbon Concrete. The project shall maintain compliance with the Berkeley Green Code (BMC Chapter 19.37) including use of concrete mix design with a cement reduction of at least 25%. Documentation on concrete mix design shall be available at all times at the construction site for review by City Staff.
27. .
Contact the Permit Service Center (PSC) at 1947 Center Street or 981-7500 for details on obtaining Construction/No Parking Permits (and associated signs and accompanying dashboard permits). Please note that the Zoning Officer and/or Traffic Engineer may limit off-site parking of construction-related vehicles if necessary to protect the health, safety or convenience of the surrounding neighborhood.
- 28.
29.  Stormwater Requirements. The applicant shall demonstrate compliance with the requirements of the City's National Pollution Discharge Elimination System (NPDES) permit as described in BMC Section 17.20. The following conditions apply:
- A. The project plans shall identify and show site-specific Best Management Practices (BMPs) 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. 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.
- C. Landscaping shall be designed with efficient irrigation to reduce runoff, 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. When and where possible, xeriscape and drought tolerant plants shall be incorporated into new development plans.
- D. 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.
- E. All paved outdoor storage areas must be designed to reduce/limit the potential for runoff to contact pollutants.
- F. 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.
- G. All on-site storm drain inlets must be labeled "No Dumping – Drains to Bay" or equivalent using methods approved by the City.
- H. Most washing and/or steam cleaning must be done at an appropriately equipped facility that drains to the sanitary sewer. Any outdoor washing or pressure washing must be managed in such a way that there is no discharge or soaps or other pollutants to the storm drain. Sanitary connections are subject to the review, approval and conditions of the sanitary district with jurisdiction for receiving the discharge.
- I. Sidewalks and parking lots shall be swept regularly to prevent the accumulation of litter and debris. If pressure washed, debris must be trapped and collected to prevent entry to the storm drain system. If any cleaning agent or degreaser is used, wash water shall not discharge to the storm drains; wash waters should be collected and discharged to the sanitary sewer. Discharges to the sanitary sewer are subject to the review, approval and conditions of the sanitary district with jurisdiction for receiving the discharge.
- J. The applicant is responsible for ensuring that all contractors and sub-contractors are aware of and implement all stormwater quality control measures. Failure to comply with the

approved construction BMPs shall result in the issuance of correction notices, citations, or a project stop work order.

30. Public Works. 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.
31. Public Works. 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.
32. Public Works. The project sponsor shall maintain sandbags or other devices around the site perimeter during the rainy season to prevent on-site soils from being washed off-site and into the storm drain system. The project sponsor shall comply with all City ordinances regarding construction and grading.
33. Public Works. Prior to any excavation, grading, clearing, or other activities involving soil disturbance during the rainy season 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.
34. Public Works. The removal or obstruction of any fire hydrant shall require the submission of a plan to the City's Public Works Department for the relocation of the fire hydrant during construction.
35. Public Works. 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.

Prior to Final Inspection or Issuance of Occupancy Permit:

36. Compliance with Conditions. The project shall conform to the plans and statements in the Use Permit. The developer is responsible for providing sufficient evidence to demonstrate compliance with the requirements throughout the implementation of this Use Permit.
37. Compliance with Approved Plan. The project shall conform to the plans and statements in the Use Permit. All landscape, site and architectural improvements shall be completed per the attached approved drawings dated November 29, 2023, except as modified by conditions of approval.

At All Times:

38. Exterior Lighting. All exterior lighting shall be energy efficient where feasible; and shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.

-
39. Drainage Patterns. 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.
 40. Loading. All loading/unloading activities associated with deliveries to all uses shall be restricted to the hours of 7:00 a.m. to 10:00 p.m. daily.
 41. Transit Subsidy Condition. If 10 or more employees, the business operator shall reimburse employees the maximum non-taxable cost of commuting to and from work on public transportation (e.g., monthly passes) if they so commute, and a notice informing employees of the availability of such subsidy shall be permanently displayed in the employee area as per BMC Chapter 9.88.
 42. Periodic Review and Reporting. The City may require periodic review of this approved project to verify compliance with permit requirements and conditions of approval. The permit holder or property owner is responsible for complying with any periodic reporting, monitoring, or assessments requirement. This permit is subject to the provisions of BMC Section 23.404.080 (Permit Revocation) if violations of the permit requirements are found by the Zoning Officer.
 43. 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.
-



520 VERNON STREET
ROSEVILLE, CA 95678
916.303.4343
916.303.4344 FAX
WWW.LJ2INTERIORS.COM



10604 INDUSTRIAL AVENUE, SUITE 150
ROSEVILLE, CALIFORNIA
916.332.2300
WWW.GPDEVELOPMENTCORP.COM

SHATTUCK ANIMAL CARE CLINIC

2573 SHATTUCK AVENUE
BERKELEY, CALIFORNIA

APPROVED FOR THE OWNER BY:

APPROVED FOR THE DESIGNER BY:

ISSUE	DESCRIPTION	DATE
△	-	00.00.00

STAMP:

REF NORTH:

SCALE: SEE SHEET

PROJECT NO: 231025

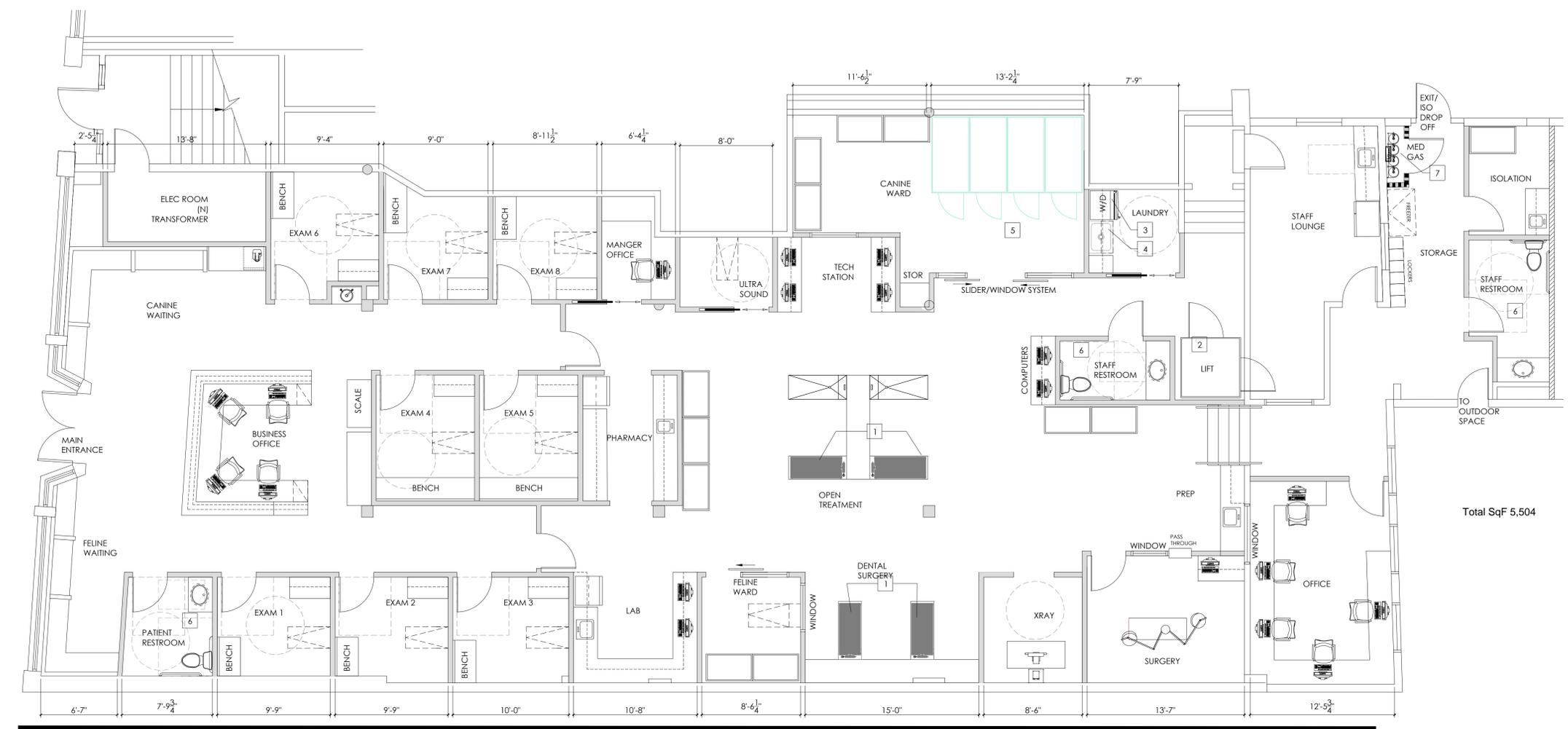
DRAWN BY: JR PLOT DATE: 011.01.2023

SHEET NO:

FLOOR PLAN

A3.0

42 ft 8 in



Total SqF 5,504

FLOOR PLAN SCALE: 3/16" = 1'-0"

WALL LEGEND

- (E) PARTITION TO REMAIN
- (N) FULL HEIGHT FIRE PARTITION, ONE-HOUR RATED CONSTRUCTION, 25 GA 3 3/8" METAL STUDS @ 24" OC WITH 5/8" TYPE "X" GYP BD ON EACH SIDE. SEE DETAILS
- (N) CEILING HEIGHT PARTITION, 25 GA 3 3/8" METAL STUDS @ 24" OC WITH 5/8" TYPE "X" GYP BD ON EACH SIDE. SEE DETAILS

KEY NOTES

- 1 WET EXAM TABLE
- 2 ADA LIFT, SIZE TBD
- 3 STACKED FRONT LOADING WASHER/DRYER
- 4 MOP SINK W/WATER HEATER ABOVE
- 5 INSTALL FLOOR DRAIN & HOSE BIB
- 6 NEW RESTROOM PLUMBING FIXTURES
- 7 ONE HOUR RATED MEDICAL GAS ROOM W/PROPER VENTILATION. SEE MED GAS ROOM NOTES

MED GAS ROOM NOTES

1. MEDICAL GAS CYLINDERS @ MED GAS ROOM TO CONSIST OF TWO (2) 10" OXYGEN & TWO (2) NITROUS TANKS WITHIN THE ROOM. TANKS SHALL BE FLOOR MOUNTED AND STRAPPED TO WALL MOUNTS. THE FOUR TANKS SHALL BE LESS THAN 56" IN HEIGHT. IN TOTAL THE FOUR TANKS WILL HOLD LESS THAN 1000 TOTAL CUBIC SQUARE FEET OF GAS STORED AT ANY ONE TIME.
2. ALL INTERIOR WALL AND CEILING FINISH MATERIALS SHALL BE CLASSIFIED IN ACCORDANCE WITH ASTM E 84 OR UL 723 BASED ON THEIR FLAME SPREAD AND SMOKE-DEVELOPED INDEXES.
3. PER 2022 CFC SECTION 5306.2.1 - A 1 HOUR EXTERIOR ROOM SHALL BE A ROOM OR ENCLOSURE SEPARATED FROM THE REMAINDER OF THE BUILDING BY FIRE BARRIERS CONSTRUCTED IN ACCORDANCE WITH SECTION 707 OF THE CBC OR HORIZONTAL ASSEMBLIES CONSTRUCTED IN ACCORDANCE WITH SECTION 711 OF THE CBC OR BOTH WITH A FIRE RESISTANCE RATING OF NOT LESS THAN 1 HOUR. OPENINGS BETWEEN THE ROOM OR ENCLOSURE AND INTERIOR SPACES SHALL BE SELF-CLOSING SMOKE & DRAFT-CONTROL ASSEMBLIES HAVING A FIRE PROTECTION RATING OF NOT LESS THAN 1 HOUR. ROOMS SHALL HAVE NOT LESS THAN ONE EXTERIOR WALL THAT IS PROVIDED WITH NOT LESS THAN 2 NON-CLOSABLE LOUVERED VENTS. EACH VENT SHALL A MIN FREE OPENING AREA OF 36 SQUARE INCHES AT NORMAL TEMPERATURE AND PRESSURE OF GAS STORED IN THE ROOM AND SHALL BE NOT LESS THAN 72 SQUARE INCHES IN AGGREGATE FREE OPENING AREA. ONE VENT SHALL BE WITHIN 6' OF THE FLOOR AND ONE SHALL BE WITHIN 6' OF THE CEILING. ROOMS SHALL BE PROVIDED WITH NOT LESS THAN ONE AUTOMATIC SPRINKLER TO PROVIDE CONTAINER COOLING IN CASE OF FIRE.
3. PER 2022 CFC SECTION 5306.2.2 - WHERE AN EXTERIOR WALL CANNOT BE PROVIDED FOR THE ROOM, AUTOMATIC SPRINKLERS SHALL BE INSTALLED WITHIN THE ROOM. THE ROOM SHALL BE EXHAUSTED THROUGH A DUCT TO THE EXTERIOR. SUPPLY AND EXHAUST DUCTS SHALL BE ENCLOSED IN A 1-HOUR RATED SHAFT ENCLOSURE FROM THE ROOM TO THE EXTERIOR. APPROVED MECHANICAL VENTILATION SHALL COMPLY WITH CMC AND BE PROVIDED AT A MIN RATE OF 1 CUBIC FOOT PER MINUTE PER SF OF THE AREA OF THE ROOM.
4. MED GAS ROOM IS A 1 HOUR RATED ENCLOSURE. FIRE RATED PARTITIONS SHALL BE BUILT TO ROOF DECK. VENTILATE/EXHAUST ROOM THROUGH DUCTS TO THE EXTERIOR. SEE MECHANICAL PLANS FOR ADDITIONAL INFORMATION.

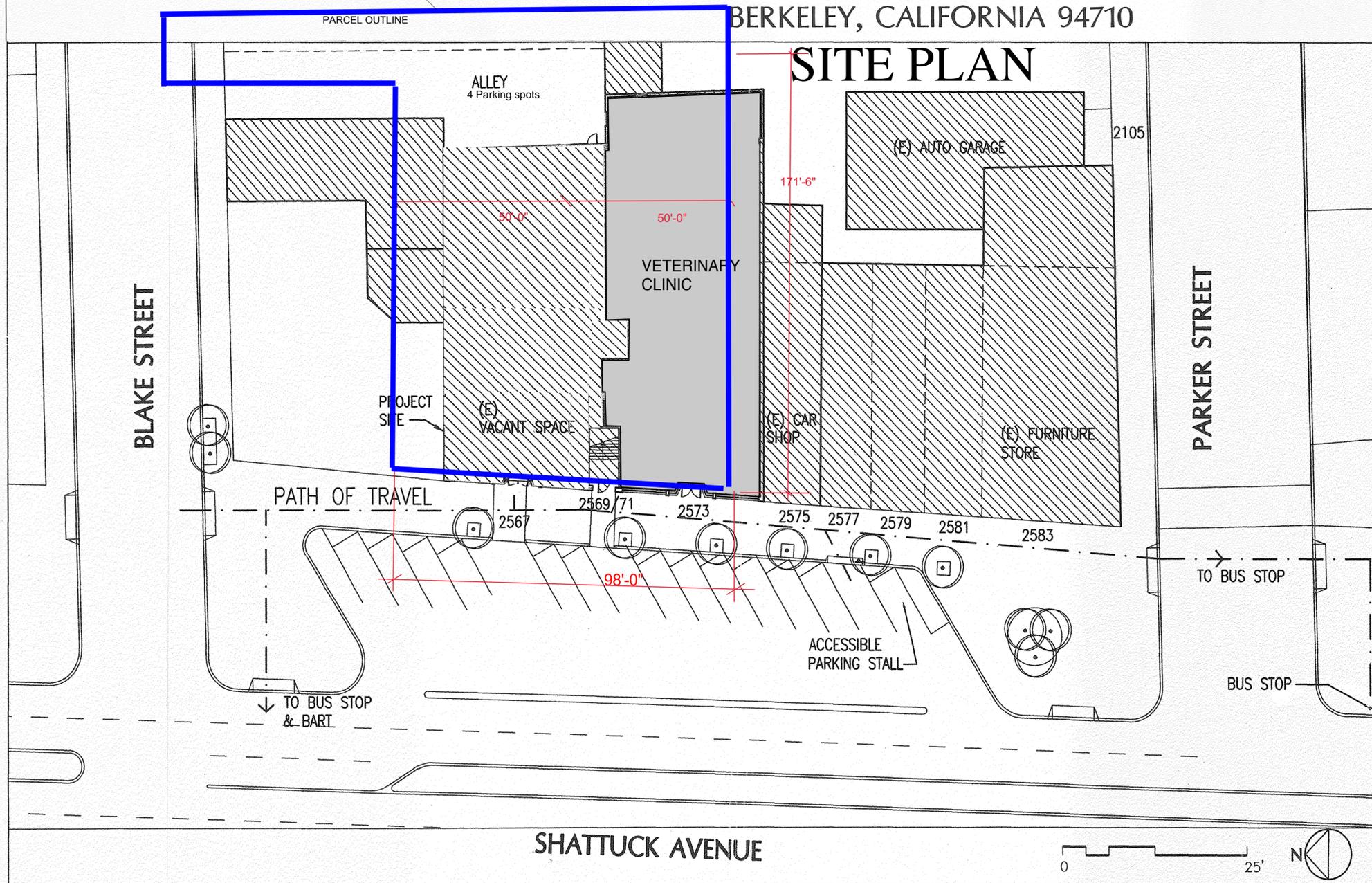
SHEET NOTES

1. REFER TO SHEET A6.0 FOR ALL DOOR AND WINDOW NOTES AND TYPES.
2. INSTALL A SMOOTH, HARD, NONABSORBENT SURFACE ON RESTROOM FLOORS THAT EXTENDS UP ONTO THE WALLS AT LEAST 4". ALSO, SPECIFY A SMOOTH, HARD, NONABSORBENT SURFACE ON THE RESTROOM WALLS TO A HEIGHT OF 4'-0" ABOVE THE FLOOR WITHIN 2'-0" OF THE WATER CLOSET.
2. 11B-308 REACH RANGES:
2022CBC SECTION 11B-308.2 FORWARD REACH:
11B-308.2.1 UNOBSTRUCTED, WHERE FORWARD REACH IS UNOBSTRUCTED, THE HIGH FORWARD REACH SHALL BE 48" MAXIMUM AND THE LOW FORWARD REACH SHALL BE 15 INCHES MINIMUM ABOVE THE FINISH FLOOR OR GROUND.
11B-308.2.2 OBSTRUCTED HIGH REACH: WHERE A HIGH FORWARD REACH IS OVER AN OBSTRUCTION, THE CLEAR FLOOR SPACE SHALL EXTEND BENEATH THE ELEMENT FOR A DISTANCE NOT LESS THAN THE REQUIRED REACH DEPTH OVER THE OBSTRUCTION, THE HIGH FORWARD REACH SHALL BE 48" MAX. WHERE THE REACH DEPTH IS 20" MAX. WHERE THE REACH DEPTH EXCEEDS 20", THE HIGH FORWARD REACH SHALL BE 44" MAX AND THE REACH DEPTH SHALL BE 25" MAX.
3. 2022 CBC SECTION 11B-308.3 SIDE REACH:
11B-308.3.1 UNOBSTRUCTED, WHERE A CLEAR FLOOR OR GROUND SPACE ALLOWS A PARALLEL APPROACH TO AN ELEMENT AND THE SIDE REACH IS UNOBSTRUCTED, THE HIGH SIDE REACH SHALL BE 48" MAX AND THE LOW SIDE REACH SHALL BE 15" MIN ABOVE THE FINISH FLOOR OR GROUND.
4. PER 2022 CBC SECTION 11B-904.4.1 PARALLEL APPROACH TO SALES & SERVICE COUNTERS: A PORTION OF THE COUNTER SURFACE THAT IS 36" LONG MIN AND 34" HIGH MAX ABOVE FINISH FLOOR SHALL BE PROVIDED. A CLEAR FLOOR OR GROUND SPACE COMPLYING WITH SECTION 11B-305 SHALL BE POSITIONED FOR A PARALLEL APPROACH ADJACENT TO THE 36" MIN LENGTH OF COUNTER. PER 11B-305.3 SIZE, THE CLEAR FLOOR OR GROUND SPACE SHALL BE 30" MIN BY 48" MIN.
5. ALL INTERIOR WALL AND CEILING FINISH MATERIALS SHALL BE CLASSIFIED IN ACCORDANCE WITH ASTM E 84 OR UL 723 BASED ON THEIR FLAME SPREAD AND SMOKE-DEVELOPED INDEXES.

SHATTUCK ANIMAL CARE CLINIC

2573 SHATTUCK AVENUE
BERKELEY, CALIFORNIA 94710

SITE PLAN



PROJECT DESCRIPTION

INTERIOR IMPROVEMENTS
DEFERRED SUBMITTALS (DESIGN-BUILD)
 ELECTRICAL, MECHANICAL AND PLUMBING SYSTEMS TO BE DESIGN-BUILD UNDER SEPARATE PERMITS.
 CONTRACTOR TO OBTAIN PERMIT AND PAY REQUIRED FEES.
NOTE:
 ALL DEFERRED SUBMITTALS MUST BE REVIEWED AND APPROVED BY THE ARCHITECT OF RECORD PRIOR TO BEING SUBMITTED FOR PERMIT.

DRAWING INDEX

- ARCHITECTURAL**
- A-1 COVER SHEET
 - A-2 DEMOLITION PLAN
 - A-3 FLOOR PLAN
 - A-4 REFLECTED CEILING PLAN
 - A-5 INTERIOR ELEVATIONS
 - A-6 INTERIOR ELEVATIONS
 - A-7 DOOR/WINDOW SCHEDULES & DETAILS
 - A-8 ROOM FINISH SCHEDULES & DETAILS
 - A-9 POWER & SIGNAL PLAN, SPECIFICATIONS

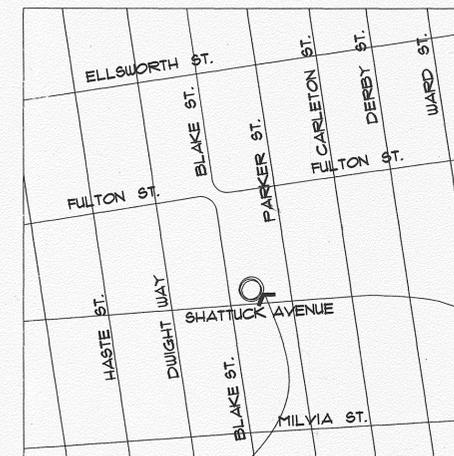
PROJECT ROSTER

ARCHITECT LJ2 INTERIORS 520 VERNON ST ROSEVILLE, CA (916) 303-4343	OWNER DR LEAH ISAACSON DVM DR THOMAS MINTURN DVM 2573 SHATTUCK AVE. BERKLEY, CA
---	--

SYMBOLS

- | | | | |
|---------------------|--|--------------------|--|
| SECTION REFERENCE | | INTERIOR ELEVATION | |
| PROPERTY LINE | | | |
| GRID LINE REFERENCE | | | |
| DOOR MARK | | | |
| WINDOW MARK | | | |
| ROOM NUMBER | | | |

LOCATION MAP



PROJECT LOCATION

REVISIONS

SHATTUCK ANIMAL CARE CLINIC
2573 SHATTUCK AVENUE
BERKELEY, CA

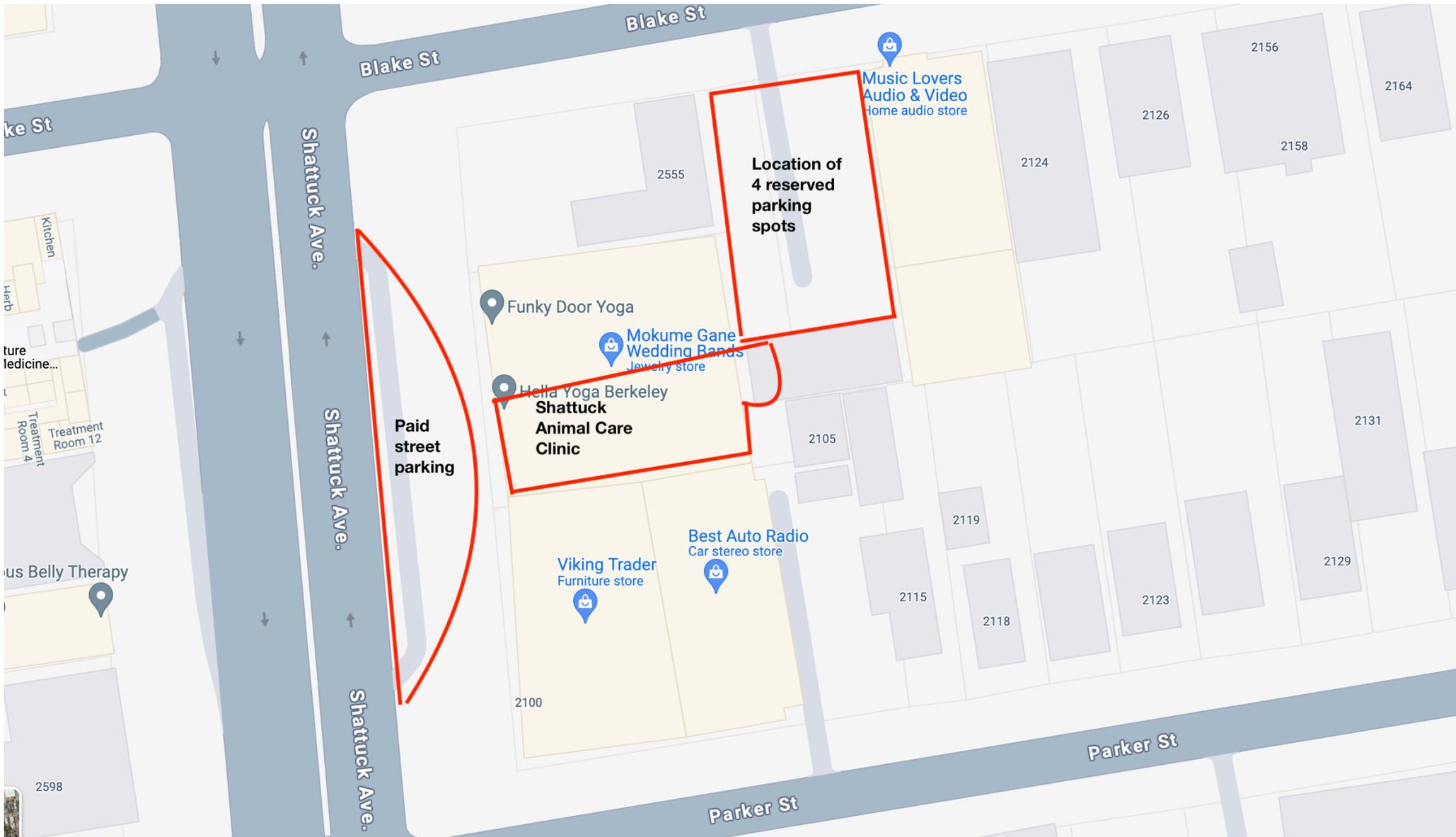
PERMIT SUBMITTAL

COVER SHEET

DATE: 5/24/2023
JOB:
DRAWN:

A-1







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

NOTICE OF PUBLIC HEARING

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.

The Zoning Adjustments Board of the City of Berkeley will hold a public hearing on the above matter, pursuant to Zoning Ordinance, Section [23.404.050 \(Public Hearings and Decisions\)](#)

When: Thursday, December 14, 2023, 7:00 pm

Where: Berkeley Unified School District meeting room, 1231 Addison Street, (wheelchair accessible) with remote/hybrid option (via Zoom).

Please visit: <https://berkeleyca.gov/your-government/boards-commissions/zoning-adjustments-board> and click on the hearing date to access the most up-to-date meeting information, or call the Land Use Planning division (510) 981-7410.

PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED IN A HYBRID MODEL WITH BOTH IN-PERSON ATTENDANCE AND VIRTUAL PARTICIPATION AVAILABLE FOR MEMBERS OF THE PUBLIC.

For in-person attendees, face coverings or masks that cover both the nose and mouth are encouraged. If you're feeling sick, please do not attend the meeting in-person as a public health precaution.

Currently, there are no physical distancing requirements in place by the State of California or the Local Health Officer for an indoor event similar to a Commission meeting. However, all attendees are requested to be respectful of the personal space of other attendees. An area of the public seating area will be designated as "distanced seating" to accommodate persons that need to distance for personal health reasons.

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)

2573 SHATTUCK AVENUE
Page 2 of 4

NOTICE OF PUBLIC HEARING
Posted NOVEMBER 30, 2023

C. CEQA Recommendation: Categorically exempt pursuant to Section 15301 of the CEQA Guidelines (“Existing Facilities”).

D. Parties Involved:

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

Further Information:

All application materials are available online at:
<https://aca.cityofberkeley.info/CitizenAccess/Welcome.aspx>.

The Zoning Adjustments Board final agenda and staff reports will be available online 6 days prior to this meeting at: <https://berkeleyca.gov/your-government/boards-commissions/zoning-adjustments-board>.

Questions about the project should be directed to the project planner, Brian Garvey, at (510) 981-7424 or bgarvey@berkeleyca.gov.

Written comments or a request for a Notice of Decision should be directed to the Zoning Adjustments Board Secretary at zab@berkeleyca.gov.

Communication Disclaimer:

Communications to Berkeley boards, commissions or committees are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission or committee, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the secretary of the relevant board, commission or committee. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the secretary to the relevant board, commission or committee for further information.

Written Comments, Communications, and Reports:

Written comments must be directed to the ZAB Secretary at the Land Use Planning Division (Attn: ZAB Secretary), or via e-mail to: zab@berkeleyca.gov. All materials will be made available via the Zoning Adjustments Board Agenda page online at this address: <https://berkeleyca.gov/your-government/boards-commissions/zoning-adjustments-board>

All persons are welcome to attend the hearing and will be given an opportunity to address the Board. Comments may be made verbally at the public hearing and/or in writing before the hearing. The Board may limit the time granted to each speaker.

Correspondence received by 5:00 PM, eight days before this public hearing, will be provided with the agenda materials provided to the Board. Note that if you submit a hard copy document of more than 10 pages, or in color, or with photos, you must provide 15 copies. Correspondence received after this deadline will be conveyed to the Board in the following manner:

- **Correspondence received by 5:00 PM two days before** this public hearing, will be conveyed to the Board in a Supplemental Communications and Reports, which is released around noon one day before the public hearing; or
- **Correspondence received after 5:00 PM two days before** this public hearing will be saved in the project administrative record.



Accessibility Information / ADA Disclaimer:

To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6342 (V) or 981-6345 (TDD) at least three business days before the meeting date.

SB 343 Disclaimer:

Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available to the public. Please contact the Land Use Planning Division (zab@berkeleyca.gov) to request hard-copies or electronic copies.

Notice Concerning Your Legal Rights:

If you object to a decision by the Zoning Adjustments Board regarding a land use permit project, the following requirements and restrictions apply:

1. If you challenge the decision of the City in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice.
2. You must appeal to the City Council within 14 days after the Notice of Decision of the action of the Zoning Adjustments Board is mailed. It is your obligation to notify the Land Use Planning Division in writing of your desire to receive a Notice of Decision when it is completed.
3. Pursuant to Code of Civil Procedure Section 1094.6(b) and Government Code Section 65009(c)(1), no lawsuit challenging a City Council decision, as defined by Code of Civil Procedure Section 1094.6(e), regarding a use permit, variance or other permit may be filed more than 90 days after the date the decision becomes final, as defined in Code of Civil Procedure Section 1094.6(b). Any lawsuit not filed within that 90-day period will be barred.
4. Pursuant to Government Code Section 66020(d)(1), notice is hereby given to the applicant that the 90-day protest period for any fees, dedications, reservations, or other exactions included in any permit approval begins upon final action by the City, and that any challenge must be filed within this 90-day period.
5. If you believe that this decision or any condition attached to it denies you any reasonable economic use of the subject property, was not sufficiently related to a legitimate public purpose, was not sufficiently proportional to any impact of the project, or for any other reason constitutes a "taking" of property for public use without just compensation under the California or United States Constitutions, the following requirements apply:
 - a. That this belief is a basis of your appeal.
 - b. Why you believe that the decision or condition constitutes a "taking" of property as set forth above.
 - c. All evidence and argument in support of your belief that the decision or condition constitutes a "taking" as set forth above. If you do not do so, you will waive any legal right to claim that your property has been taken, both before the City Council and in court.