

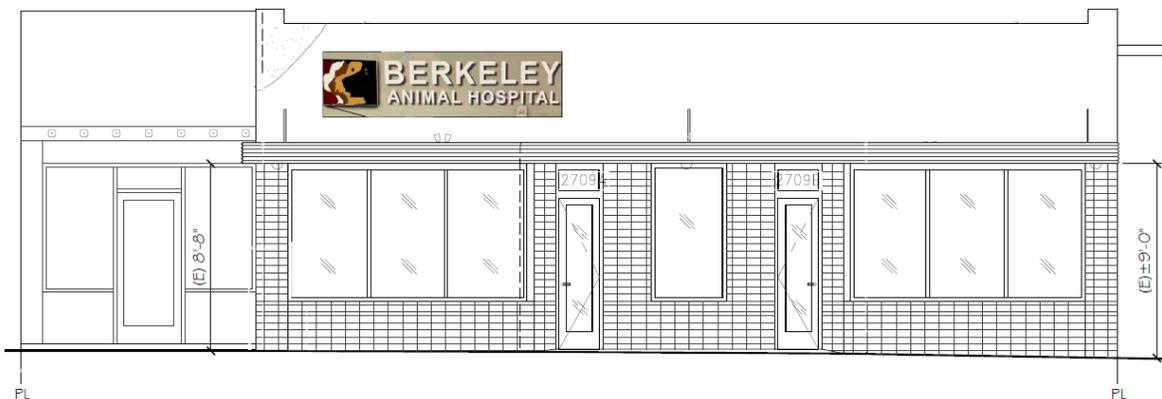


Zoning Adjustments Board Staff Report

App # ZP2025-0054

December 11, 2025

Use Permit Modification at 2709 San Pablo Avenue



Quick Facts	Project Description:
<p>Applicant: Katherine Orloff / Wells Construction Inc.</p> <p>Property Owner: Dr. Shikher Singla</p> <p>Project Address: 2709 San Pablo Ave.</p> <p>Site Size: 5,958 square feet</p>	<p>The applicant is seeking approval to modify Use Permit #ZP2021-0112 which established a veterinary clinic in the C-W Zoning District, by expanding the floor area into the adjacent tenant space.</p>
<p>GP Land Use: AC, Avenue Commercial</p> <p>Zoning: C-W, West Berkeley Commercial</p> <p>CEQA: Section 15303</p> <p>Date Submitted: June 3, 2025</p> <p>Date Deemed Complete: August 12, 2025</p> <p>Project Planner: Vicky Schlepp</p>	<p style="text-align: center;">Zoning Permits Requested:</p> <p>A Use Permit Public Hearing is required for the following permits:</p> <ol style="list-style-type: none"> Permit Modification. BMC Section 23.404.070 “<i>Permit Modification Required</i>” to modify an approved discretionary permit.
	<p style="text-align: center;">Staff Recommendation:</p> <p>Staff recommends that ZAB determine the project is exempt from CEQA pursuant to Section 15303 of the CEQA Guidelines (“New Construction or Conversion of Small Structures”) and approve ZP2025-0054 pursuant to Section 23.406.040 (E) (1-5) “Findings for Approval” and subject to the attached Findings and Conditions of Approval.</p>

ZONING MAP

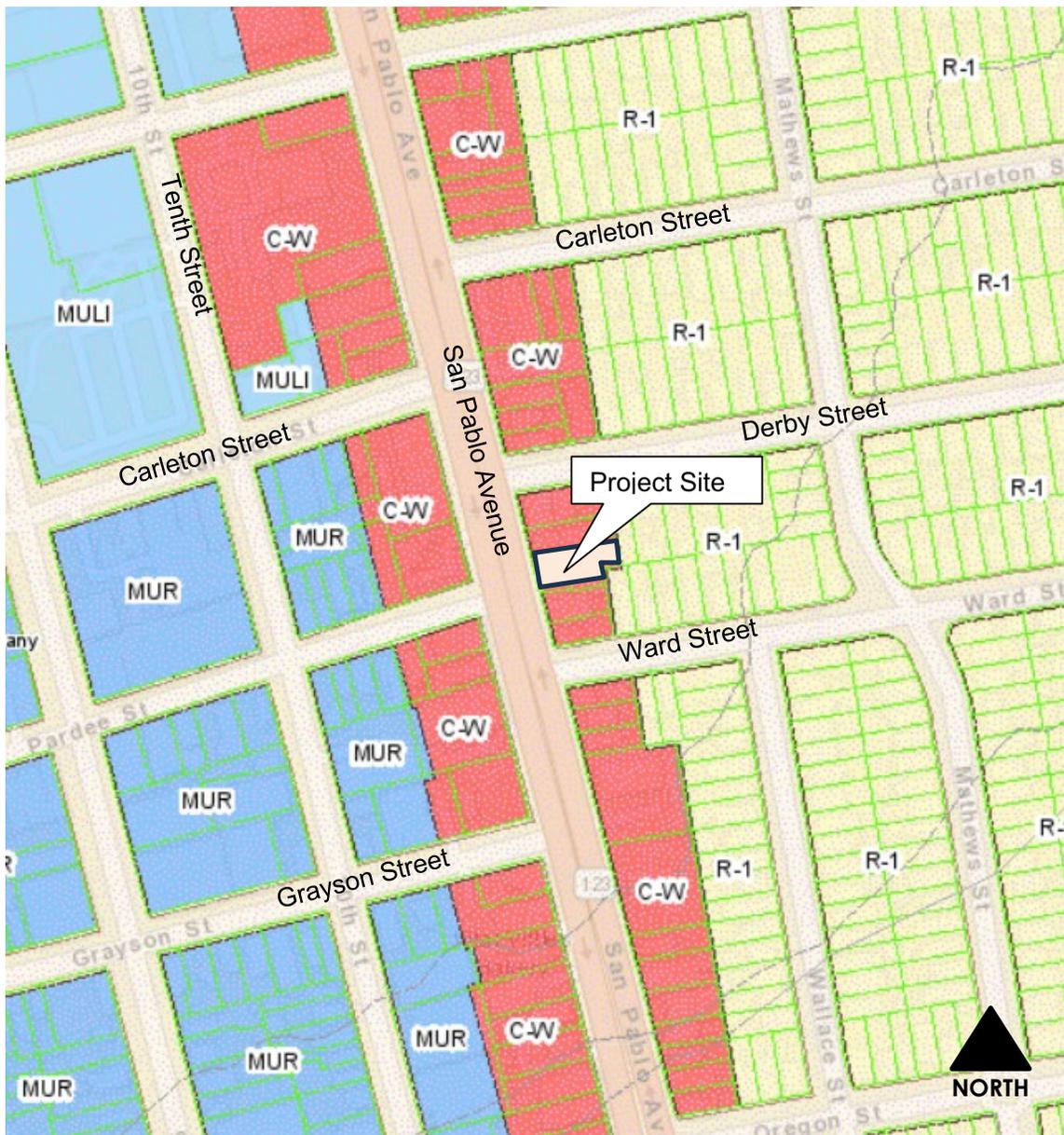


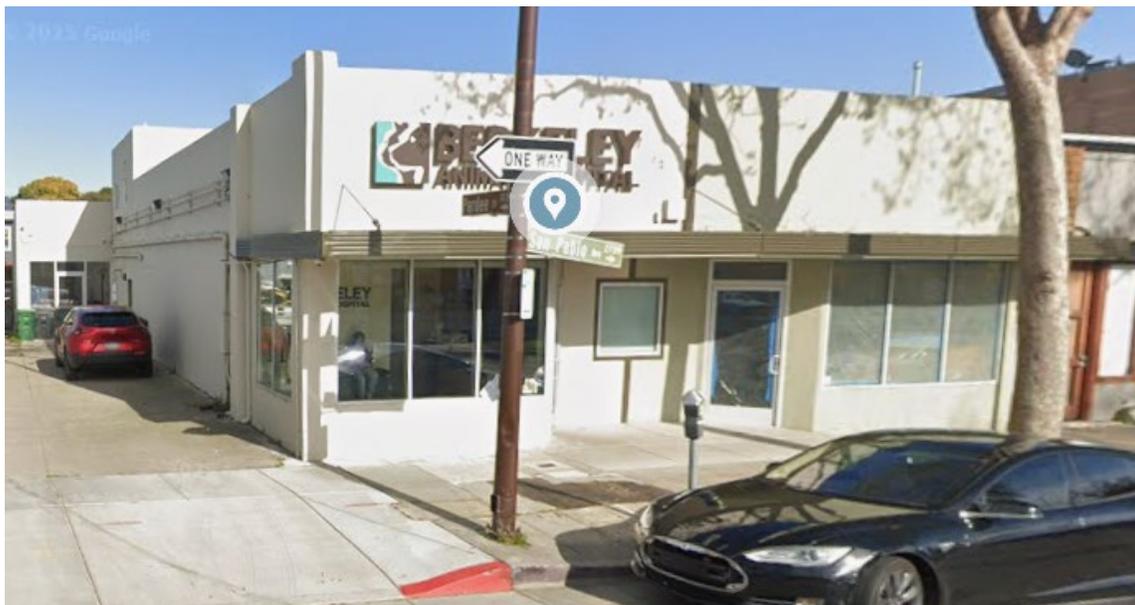
Figure 1: Vicinity and Zoning Districts Map

Comparison of Adjacent Properties			
Vicinity	GP Land Use	Zoning	Current Use
North	AC: Avenue Commercial	C-W: West Berkeley Commercial	Auto Repair
South	AC: Avenue Commercial	C-W: West Berkeley Commercial	Dentist (Medical Office)
East	LDR: Low Density Residential	R-1: Single Family Residential	Single family homes
West	AC: Avenue Commercial	C-W: West Berkeley Commercial	Dog Daycare (Personal Household Service)

AERIAL



STREET ELEVATION



BACKGROUND

Subject Site

The subject site is located in the West Berkeley Commercial district located mid-block on the east side of San Pablo Avenue between Derby and Ward Streets, and directly across the from Pardee Street. This area of San Pablo Avenue was historically developed with one- and two-story commercial and mixed-use buildings. More recently, mixed-use buildings over 2-stories have been developed in the area and an 8-story mixed-use building is proposed across the street. The site is located within a bus corridor where there is frequent Alameda-Contra Costa Transit (AC Transit) bus service. The immediate area surrounding the site is developed with small-scale, commercial uses, auto repair, dentist office, dog daycare, and retail. The lots abutting the rear property line contain single-family residential dwellings.

Site History

The site was developed with a two-story, mixed-use building with one commercial ground floor tenant and one dwelling unit at the rear portion of the second floor. The 5,135 square foot ground floor tenant was a specialty foods store, then in 2021, Use Permit ZP2021-0112 was granted to establish a 3,176 square foot veterinary clinic and construct a 26 square foot addition at the front entry. This created two tenant spaces, and the front entry was modified to create two separate entries. The adjacent tenant space has remained vacant. There is a driveway on the north side of the property that provides access to the commercial and residential units. The residential unit is currently vacant.

ANALYSIS

Project Scope

The proposed project would expand the existing Berkeley Animal Hospital by combining the adjacent 1,984 square foot tenant space with the existing 3,176 square foot space, resulting in one 5,160 square foot commercial space (veterinary clinic). The two entries will remain intact, and no exterior modifications are proposed at this time. Interior improvements include demolishing walls, new interior walls, new flooring, wall and ceiling finishes, expansion of the reception area, additional exam rooms, expanded treatment space, and standard noise insulation.

The veterinary hospital is by appointment and does not offer overnight boarding. The hours of the business would be from 9:00 am until 7:00 pm Monday through Saturday, as permitted by BMC 23.302.020(B) "Hours of Operation". There is no parking on the project site, and none is proposed. Per BMC 23.322.020(C) "Change of Use", a change of use in Commercial Districts does not require providing additional parking on site unless the building is physically expanded. In addition, the site is located in a High Quality Transit Corridor with frequent transit service; Assembly Bill (AB) 2097 applies¹. Two bicycle parking spaces would be provided, which has been reviewed by the City Traffic Engineer.

¹ "GOV Code 65863.2.

(a) A public agency shall not impose or enforce any minimum automobile parking requirement on a residential, commercial, or other development project if the project is located within one-half mile of public transit."

Findings

Draft findings for approval can be found in Attachment 2 to the staff report.

Environmental Review

The proposed project is 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 15303 of the CEQA Guidelines (“New Construction or Conversion of Small Structures”) because the project involves converting an existing 1,984 square foot retail space to a veterinary hospital where no modifications are made to the exterior of the structure.

POLICY CONSISTENCY

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.** Preserve and protect the quality of life in Berkeley’s residential areas through careful land use decisions:

Action A: Require that new development be consistent with zoning standards and compatible with the scale, historic character, and surrounding uses in the area.

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 A as the exterior of the building would not change, and the building would remain consistent with the scale of the surrounding buildings. The proposed use is consistent with the nearby commercial businesses in the area. The project would comply with Action B as the use would not adversely impact the quality of life in the nearby residential areas. The site will not board animals overnight, which would prevent any late-night noise impacts from the business.

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 add to the pedestrian experience as it would be a ground floor commercial use 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 regional needs and would revitalize an existing underutilized storefront.

West Berkeley Plan Consistency: The West Berkeley Plan, adopted in 1993, also contains several policies applicable to the project, including the following:

1. Land Use Goal 1: Over the economically active area of West Berkeley, provide for a continued economic and land use mix, incorporating manufacturing, other industrial, retail and office/laboratory uses, to benefit Berkeley residents and businesses economically, benefit the City government fiscally, and promotes the varied and interesting character of the area.

Policy C: Providing space for and designating appropriate locations for – in planning and zoning policies – both neighborhood and regional serving retail businesses.

2. Land Use Goal 2: Channel development – both new businesses and residences and the expansion of existing businesses – to districts which are appropriate for the various existing elements of the West Berkeley land use mix.

Policy E: Create a Commercial district which will foster the continued vitality of West Berkeley’s neighborhood and regional serving retail trade, in as pedestrian-friendly a manner as possible.

Staff Analysis: The project would be consistent with Land Use Goal 1 because it would expand an existing veterinary service use in West Berkeley, in an area zoned for commercial uses. The project would also be consistent with Land Use Goal 2 because the business would be compatible with the surrounding commercial uses, such as the dog boarding business across the street, and serve the nearby residential neighborhoods and larger area.

Attachments

1. Table 1-3: Project Chronology, Special Characteristics, Development Standards
2. Findings
3. Conditions of Approval
4. Project Plans, dated November 10, 2025
5. Applicant Statement, dated May 21, 2025
6. Notice of Public Hearing

Attachment 1

Table 1-3: Project Chronology, Special Characteristics, Development Standards

Table 1: Project Chronology

	Action
June 3, 2025	Application Submitted
June 3, 2025	Application deemed incomplete
July 16, 2025	Application resubmitted
August 12, 2025	Application complete
August 29, 2025	CEQA Recommendation by Staff
August 29, 2025	Application processing ^a
November 10, 2025	Plans resubmitted
November 25, 2025	Public hearing notices mailed/posted
December 11, 2025	ZAB hearing
Notes:	
a. Application processing reflects the project compliance review after the application is deemed complete. Submittals are reviewed within 30 days of receipt, pursuant to the Permit Streamlining Act.	

Table 2: Special Characteristics

Characteristic	Applicability	Explanation
Affordable Child Care Fee for qualifying non-residential projects (Per Resolution 66,618-N.S.)	No	These fees apply to net newly constructed nonresidential gross floor area over 7,500 square feet. The project is within an existing commercial space under 7,500 square feet. Therefore, the project is not subject to this fee.
Affordable Housing Fee for qualifying non-residential projects (Per Resolution 66,617-N.S.)		
Affordable / Inclusionary Housing Requirements (BMC Chapter 23.328)	No	The project is not a housing development project, as defined in BMC 23.328.020 ^a .
Alcohol Sales/Service	No	The project is not proposing any alcohol sales or service with this permit.
Bird Safe Buildings (BMC Section 23.304.150)	No	The project does not involve exterior changes.
Coast Live Oak Trees (BMC Chapter 6.52)	No	There are no Coast Live Oak (<i>Quercus agrifolia</i>) trees on the project site.
Creeks	No	No creek or culvert, as defined by BMC Chapter 17.08, exists on or within 30 feet of the project site.
Hard Hats (BMC Chapter 13.107)	No	The project is under 50,000 square feet and does not meet the definition of a "Covered Project" under the Hard Hats Ordinance, therefore these provisions do not apply.

Characteristic	Applicability	Explanation
Historic Resources	No	The project does not involve exterior changes to the building.
Housing Accountability Act (HAA) (Gov't Code Section 65589.5(j))	No	The project does not meet the definition of a "Housing Development Project" per Government Code Section 65589.5(h)(2) ^b .
Housing Crisis Act of 2019 (SB 330)	No	The project does not meet the definition of a "Housing Development Project" per Government Code Section 65589.5(h)(2) ^b .
Rent Controlled Units	No	There are no rent controlled units on this site.
Residential Preferred Parking (RPP)	No	The site is not located in an RPP zone.
Seismic Hazards (SHMA)	Yes	The project site is located within an area susceptible to liquefaction as shown on the State Seismic Hazard Zones map ^c . However, no new construction or excavation would occur as result of the project. Standard Conditions of Approval related to hazardous materials would apply.
Soil/Groundwater Contamination	No	The site is not on the Cortese List. ^d
Transit	Yes	The project site is served by multiple AC Transit bus lines (72, 72M, 802) that operate within ¼ mile of the site.
<p>Notes:</p> <p>a. BMC 23.328.020(E) defines a "Housing Development Project" for purposes of inclusionary housing requirements as "a development project, including a Mixed-Use Residential project involving the new construction of at least one Residential Unit. Projects with one or more buildings or projects including multiple contiguous parcels under common ownership or control shall be considered as a sole Housing Development Project and not as individual projects.</p> <p>b. Government Code Section 65589.5(h)(2) "Housing development project" means a use consisting of any of the following: (A) residential units only, (B) mixed-use developments consisting of residential and nonresidential uses in which at least two-thirds of the square footage is designated for residential use, and (C) transitional or supportive housing. Government Code Section 65905.5(b)(3)(C) "Housing development project" includes a proposal to construct a single dwelling unit. This subparagraph shall not affect the interpretation of the scope of paragraph (2) of subdivision (h) of Section 65589.5.</p> <p>c. California Department of Conservation. DOC Maps: Geologic Hazards. Available: https://maps.conservation.ca.gov/geologic Hazards/</p> <p>d. Cortese List is an annually updated list of hazardous materials sites compiled pursuant Government Code Section 65962.5.</p>		

**Table 3: C-W Zoning District Development Standards BMC Sections 23.204.140 and 23.322
 Parking and Loading**

Standard		Existing	Proposed Total	Permitted/ Required
Lot Area (sq. ft.)		5,958	No Change	n/a
Gross Floor Area (sq. ft.)		3,176	5160 (+1,984)	17,874 max
Floor Area Ratio		1.32	No Change	3.0 max
Commercial Floor Area		5160	No Change	n/a
Dwelling Units		1	No Change	n/a
Building Height (ft. - in.)	Maximum	20'-2"	No Change	40' max and 3 stories
Building Setbacks (ft. - in.)	Front (west) (San Pablo Ave.)	0	No Change	0
	Interior Side (north)	0	No Change	0
	Interior Side (south)	0	No Change	0
	Rear (east)	0	No Change	10 feet or 10% of the lot depth, whichever is less
Usable Open Space (sq. ft.)		0	No Change	40/unit
Automobile Parking		0	No Change	n/a
Bicycle Parking	Commercial (1,984 sq. ft.)	0	2	1 per 2,000 sq. ft.



Zoning Adjustments Board Findings

App # ZP2025-0054

December 11, 2025

Use Permit Modification at 2709 San Pablo Avenue

Project Facts	Project Description:
<p>Applicant: Katherine Orloff / Wells Construction Inc.</p> <p>Property Owner: Dr. Shikher Singla</p> <p>Project Address: 2709 San Pablo Ave.</p>	<p>The applicant is seeking approval to modify Use Permit #ZP2021-0112 which established a veterinary clinic in the C-W Zoning District, by expanding the floor area into the adjacent tenant space.</p>
<p>GP Land Use: AC, Avenue Commercial</p> <p>Zoning: C-W, West Berkeley Commercial</p> <p>CEQA: Section 15303</p> <p>Submittal Date: June 3, 2025</p> <p>Date Deemed Complete: August 12, 2025</p> <p>Project Planner: Vicky Schlepp</p>	<p style="text-align: center;">Permits Requested:</p> <p>1. Permit Modification. BMC Section 23.404.070 “<i>Permit Modification Required</i>” to modify an approved discretionary permit.</p>
	<p style="text-align: center;">Staff Recommendation:</p> <p>Staff recommends that ZAB determine the project is exempt from CEQA pursuant to Section 15303 of the CEQA Guidelines (“New Construction or Conversion of Small Structures”) and approve ZP2025-0054 pursuant to Section 23.406.040 (E) (1-5) “Findings for Approval” and subject to the attached Findings and Conditions of Approval.</p>

CEQA

Categorical Exemption

The project is categorically exempt from the requirements of CEQA pursuant to Section 15303 of the CEQA Guidelines (“New Construction or Conversion of Small Structures”) because the project involves converting an existing 1,984 square foot retail space to a veterinary hospital where no modifications are made to the exterior of the structure.

FINDINGS FOR APPROVAL

As required by BMC Section 23.406.040 (E) (1-4) “Findings for Approval,” the following findings shall be made:

1. To approve a Use Permit, the ZAB shall find that the proposed project or use:

- (a) Will not be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or visiting in the area or neighborhood of the proposed use.

Evidence: The project will not be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or visiting in the area or neighborhood of the proposed use because the existing veterinary hospital has been successfully operating since 2023; expanding the business will activate a vacant storefront and increase pedestrian activity. The enhanced facility would allow for improved services to the community. The use is consistent with the purpose of the C-W Zoning District, including providing a commercial service which serves a citywide or broader clientele.

- (b) Will not 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.

Evidence: The project will not 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 change of use will occur within the existing building and no exterior changes to the building are proposed.

2. To approve the Use Permit, the ZAB must also make any other Use Permit findings specifically required by the Zoning Ordinance for the proposed project.

Evidence: N/A

3. When taking action on a Use Permit, the ZAB shall consider in its findings:

(a) The proposed land use; and

Evidence: The proposed land use meets the findings for approval because the proposed veterinary hospital aligns with the purposes of the C-W District and the General Plan. The project will improve the neighborhood commercial area by providing a service to the neighborhood and surrounding region and will revitalize an underutilized storefront.

(b) The structure or addition that accommodates the use.

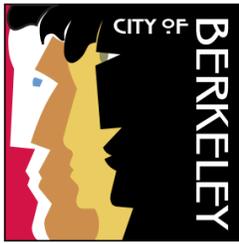
Evidence: The proposed project will convert an existing space. There are no proposed changes to the exterior of the building.

4. Required findings shall be made based on the circumstances existing at the time a decision is made on the application.

Evidence: The required findings are satisfied because the project has been determined to be fully compliant with all applicable regulations based on the project plans submitted on November 10, 2025, and evaluated based on the existing conditions of the subject site and surrounding neighborhood at the time of decision.

5. The ZAB shall deny a Use Permit application if it determines that it is unable to make any of the required findings.

Evidence: N/A



PLANNING AND
DEVELOPMENT

USE PERMIT ZP2025-0054

CONDITIONS OF APPROVAL

December 11, 2025

2709 San Pablo Avenue

Use Permit Modification #ZP2025-0054 to modify Use Permit #ZP2021-0112 which established a veterinary clinic in the C-W Zoning District, by expanding the floor area into the adjacent tenant space.

I. STANDARD CONDITIONS OF APPROVAL FOR ALL PROJECTS

Pursuant to Berkeley Municipal Code (BMC) Title 23 Zoning Ordinance and Title 13 Public Peace, Morals, and Welfare, 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.
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 re-establish 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 comply 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 BMC 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. Hold Harmless. The permittee agrees as a condition of approval of this application to indemnify, protect, defend with counsel selected by the City, and hold harmless, the City, and any agency or instrumentality thereof, and its elected and appointed officials, officers, employees and agents, from and against any and all liabilities, claims, actions, causes of action, proceedings, suits, damages, judgments, liens, levies, costs and expenses of whatever nature, including reasonable attorney's fees and disbursements (collectively, "Claims") arising out of or in any way relating to the approval of this application, any actions taken by the City related to this entitlement, or any environmental review conducted under the California Environmental Quality Act, Public Resources Code Section 210000 et seq., for this entitlement and related actions. The indemnification shall include any Claims that may be asserted by any person or entity, including the permittee, arising out of or in connection with the approval of this application, whether or not there is concurrent, passive or active negligence on the part of the City, and any agency or instrumentality thereof, and its elected and appointed officials, officers, employees and agents. The permittee's duty to defend the City shall not apply in those instances when the permittee has asserted the Claims, although the permittee shall still have a duty to indemnify, protect and hold harmless the City.

II. ADDITIONAL CONDITIONS IMPOSED BY THE ZONING ADJUSTMENTS BOARD

Pursuant to BMC Section 23.404.050(H) Conditions of Approval, 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 percent diversion of asphalt, concrete, excavated soil and land-clearing debris and a minimum of 65 percent 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. Phase I and Phase II Environmental Site Assessment (ESA) (per ASTM 1527).** A recent Phase I ESA (less than 2 years old) shall be submitted to the Toxics Management Division for developments for: all new commercial, industrial and mixed-use developments and all improvement projects that require work 5 or more feet below grade, and all new residential buildings with more than four dwelling units located in the Environmental Management Area (or EMA). The EMA can be viewed at: [City of Berkeley Community GIS Portal \(arcgis.com\)](https://arcgis.com)
- B.** Depending on the findings in the Phase I, a Phase II or additional investigation may be necessary. Any available soils and groundwater analytical data available for projects listed in this section must also be submitted to TMD.
- C. Environmental Site Clearance.** The applicant shall provide environmental screening clearance from either the San Francisco Bay Regional Water Quality Control Board (RWQCB), Department of Toxic Substances Control (DTSC), or the Alameda County Department of Environmental Health's Local Oversight Program (LOP). Clearance from one of these regulatory agencies will ensure that the property meets development investigation and cleanup standards for the specific use proposed on the property. Environmental screening clearance shall be submitted to the City of Berkeley's Toxics Management Division prior to issuance of any building permits.
- D. Soil and Groundwater Management Plan.** A site-specific Soil and Groundwater Management Plan (SGMP) shall be submitted to Toxics Management Division (TMD) for all non-residential projects, and residential or mixed-use projects with more than four dwelling units, that: (1) are in the Environmental Management Area (EMA), as shown on the most recent City of Berkeley EMA map, and (2) propose any excavations deeper than 5 feet below grade or if significant soils removal is anticipated. The SGMP shall be submitted to the TMD with the project's building permit application and shall be approved by TMD prior to issuance of the building permit.

The SGMP shall comply with the hazardous materials and waste management standards required by BMC Section 15.12.100, the stormwater pollution prevention requirements of San Francisco Bay Regional Water Quality Control Board's Order No. R2-2009-0074, California hazardous waste generator regulations (Title 22 California Code of Regulations (CCR) 66260 et seq.), and the East Bay Municipal Utility District's Ordinance 311, and shall include the following:

- i. procedures for soil and groundwater management including identification of pollutants and disposal methods;
- ii. procedures to manage odors, dust and other potential nuisance conditions expected during development;
- iii. notification to TMD within 24 hours of the discovery of any previously undiscovered contamination; and
- iv. the name and phone number of the individual responsible for implementing the SGMP and who will respond to community questions or complaints.

TMD may require additional information or impose additional conditions as deemed necessary to protect human health and the environment. All requirements of the approved SGMP shall be deemed conditions of approval.

E. Demolitions & Renovations – Building Materials Survey. A hazardous materials survey for building materials and plans on hazardous materials and hazardous waste removal and disposal is required and must be prepared by qualified professionals, and submitted to the Toxics Management Division (TMD) prior to issuance of the building permit.

- i. The survey shall include the identification of all materials to be disturbed for lead-based paints, PCB containing equipment and caulking, hydraulic fluids, refrigerants, treated wood, and mercury containing devices (including fluorescent light bulbs and mercury switches), asbestos and other hazardous materials and chemicals.
- ii. 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. Contractors must follow state regulations where there is asbestos-related work involving 100 square feet or more of asbestos containing material (8 Cal. Code Regs. §1529, §341.6 et seq.)
- iii. The report to the TMD shall include, in addition to the survey, plans on hazardous materials and hazardous waste removal and disposal that comply with State and Federal codes including California Code of Regulations (CCR) 66260 et seq.
- iv. 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.

Please note, the PCB Screening Form required by Public Works, Engineering, is a separate requirement and does not address the PCB identification requirement of the Toxics Management Division.

F. Hazardous Materials Business Plan. A Hazardous Materials Business Plan (HMBP) in compliance with BMC Section 15.12.040 and California Health & Safety Code, Chapter 6.95 Div. 20, shall be submitted to the Toxics Management Division through the California Environmental Reporting System: <http://cers.calepa.ca.gov/> for chemicals used or stored on site during construction that exceed reporting thresholds. The reporting is required if your facility stores or handles hazardous materials in aggregate quantities equal to or greater than 55 gallons for liquids, 500 pounds for solids, or 200 cubic feet of compressed gases, or generates any quantity of hazardous waste. This includes welding gases, emergency generator fuel, paints, etc.

Additionally, the business occupant must submit an HMBP within 30 days of starting operations.

G. Petroleum Storage. An (SPCC) Plan is required to be prepared and implemented for facilities with any one of the following:

- i. aggregate aboveground petroleum storage capacities of 1,320 gallons or more stored in aboveground storage containers, tanks, oil-filled equipment, or
- ii. one or more tank(s) in an underground area (TIUGA) with petroleum storage capacities of 55 gallons or greater. More information on TIUGAs can be found here: <https://osfm.fire.ca.gov/divisions/pipeline-safety-and-cupa/certified-unified-program-agency-cupa/aboveground-petroleum-storage-act/tank-in-an-underground-area-tiuga/>

The SPCC plan must be prepared prior to beginning operations and you must submit facility information to Toxics Management Division (TMD) through the California Environmental Reporting System: <http://cers.calepa.ca.gov/>. The SPCC plan will be reviewed during the site inspection and shall not be submitted in CERS or to the TMD.

Prior to Issuance of Any Building (Construction) Permit

- 13. Recycling and Organics Collection.** Applicant shall provide recycling and organics collection areas for occupants, clearly marked on plans, which comply with the Alameda County Organics Reduction and Recycling Ordinance (2021-02). Contact the Zero Waste Division at RecyclingProgram@berkeleyca.gov.
- 14. 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.

Prior to Demolition or Start of Construction:

- 15. Parking Permits.** 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.

During Construction:

- 16. Construction Hours.** Construction activity shall be limited to between the hours of 7:00 AM and 6:00 PM on Monday through Friday, and between 9:00 AM and 4:00 PM on Saturday. No construction-related activity shall occur on Sunday or any Federal Holiday.
- 17. 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 [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.

18. 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 percent. Documentation on concrete mix design shall be available at all times at the construction site for review by City Staff. (Project required to meet applicable code at time of building permit application, if different from above.)

19. Avoid Disturbance of Nesting Birds. Initial site disturbance activities, including vegetation and concrete removal, shall be prohibited during the general avian nesting season (February 1 to August 30), if feasible. If nesting season avoidance is not feasible, the applicant shall retain a qualified biologist to conduct a preconstruction nesting bird survey to determine the presence/absence, location, and activity status of any active nests on or adjacent to the project site. The extent of the survey buffer area surrounding the site shall be established by the qualified biologist to ensure that direct and indirect effects to nesting birds are avoided. To avoid the destruction of active nests and to protect the reproductive success of birds protected by the MBTA and CFGC, nesting bird surveys shall be performed not more than 14 days prior to scheduled vegetation and concrete removal. In the event that active nests are discovered, a suitable buffer (typically a minimum buffer of 50 feet for passerines and a minimum buffer of 250 feet for raptors) shall be established around such active nests and no construction shall be allowed inside the buffer areas until a qualified biologist has determined that the nest is no longer active (e.g., the nestlings have fledged and are no longer reliant on the nest). No ground-disturbing activities shall occur within this buffer until the qualified biologist has confirmed that breeding/nesting is completed and the young have fledged the nest. Nesting bird surveys are not required for construction activities occurring between August 31 and January 31.

20. 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. All loading areas must be designated to minimize "run-on" or runoff from the area. Accumulated wastewater that may contribute to the pollution of stormwater must be drained to the sanitary sewer or intercepted and pretreated prior to discharge to the storm drain system. The property owner shall ensure that BMPs are implemented to prevent potential stormwater pollution. These BMPs shall include, but are not limited to, a regular program of sweeping, litter control and spill cleanup.
 - J. 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.
 - K. 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.
- 21. Public Works.** 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.

- 22. 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.
- 23. Public Works.** The applicant shall ensure that all excavation accounts for surface and subsurface waters and underground streams so as not to adversely affect adjacent properties and rights-of-way.
- 24. 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.
- 25. 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.
- 26. 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.
- 27. Public Works / Building and Safety.** 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:

- 28. 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.
- 29.** All landscape, site and architectural improvements shall be completed per the attached approved drawings dated November 10, 2025.

At All Times:

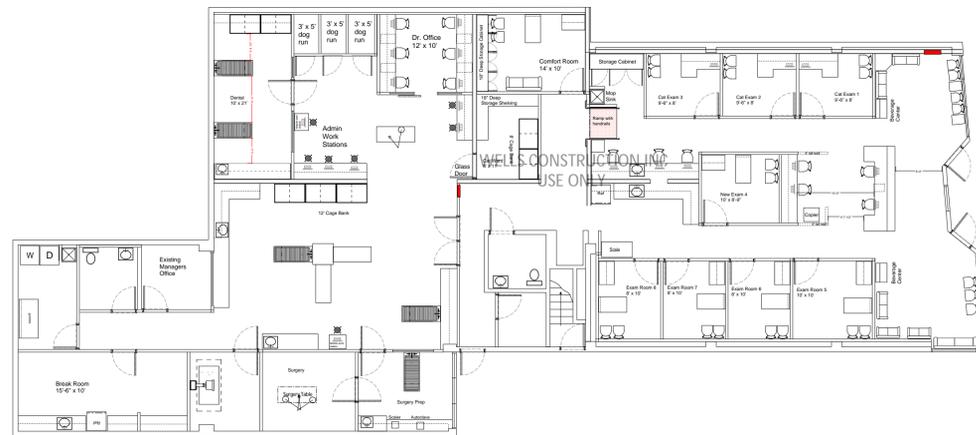
- 30. Compliance with Approved Plan.** The project shall conform to the plans and statements in the Use Permit.
- 31. Exterior Lighting.** All exterior lighting shall be energy efficient where feasible; and shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.
- 32. Design Review.** Signage and any other exterior modifications, including but not limited to landscaping and lighting, shall be subject to Design Review approval.

- 33. 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.
- 34. 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.
- 35. Required Bike Parking.** Secure and on-site bike parking for at least two bicycles shall be provided for the life of the building.
- 36. 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 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.
- 37. 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.
- 38.** 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.

Berkeley Animal Hospital 2709 San Pablo Ave. Suite A & B Berkeley, CA 94702



Owner:



Project Description

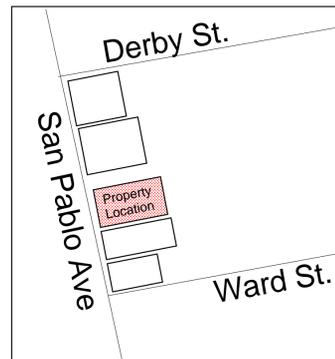
Berkeley Animal Hospital is requesting to expand their existing hospital with an additional of 1984 SF for a total of 5160 SF.

No Exterior modifications are proposed at this time.

Interior improvements to include:

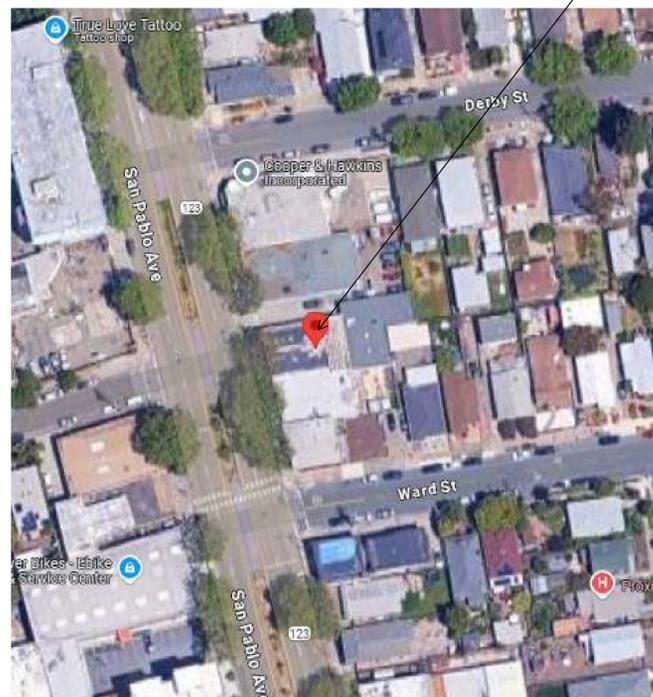
Improvements to include:
 Remodel of the existing hospital, Demolition of walls in vacant space, new interior walls, new flooring, wall and ceiling finishes, expansion of the reception, additional exam rooms, etc.

Berkeley Animal Hospital
 2709 San Pablo Ave. Suite A & B
 Berkeley, CA 94702



Vicinity Map

Project Location



Project Data

Property Owner:	Dr. Jessica Holliday
APN:	054 17402202
Lot Size:	5,958 SF
Zoning:	SP-ECR-D
Occupancy:	B, 2nd floor R-3
Type of Construction:	V-B - Masonry Exterior Walls
Existing Veterinary Hospital:	3,176 SF SF
Proposed Expansion:	1,984 SF
Fire Sprinklers:	No

Sheet Index

T1	Title Sheet
A1	Site Plan
A2	Existing Floor Plan
A3	Proposed New Floor Plan
A4	Elevations

T1.0

Cover Sheet

Date:
6/24/2025

11/10/2025

Scale: NA



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prohibited

Owner:

Berkeley Animal Hospital
2709 San Pablo Ave. Suite A & B
Berkeley, CA 94702

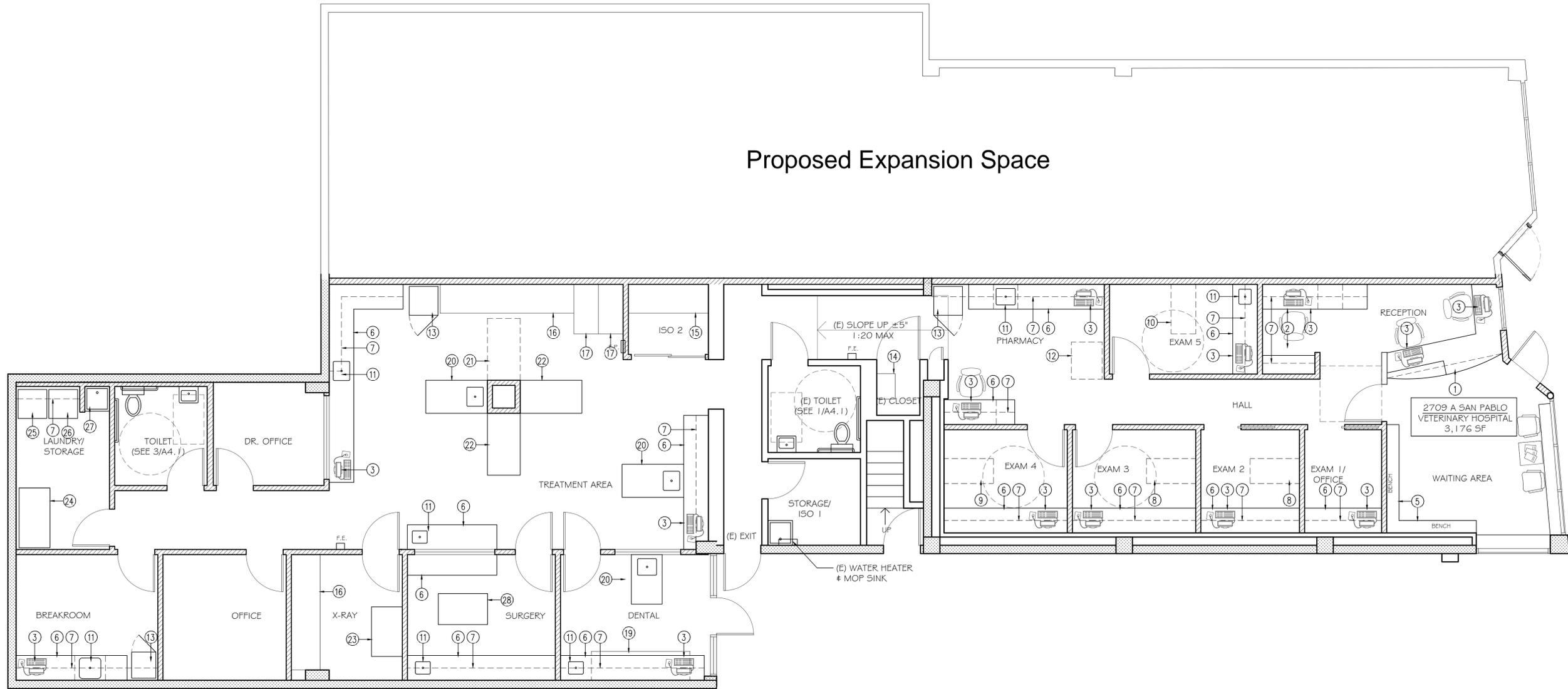
A2.0

Existing
Floor Plan

Date:
6/24/2025

Scale:
1/4" = 1'

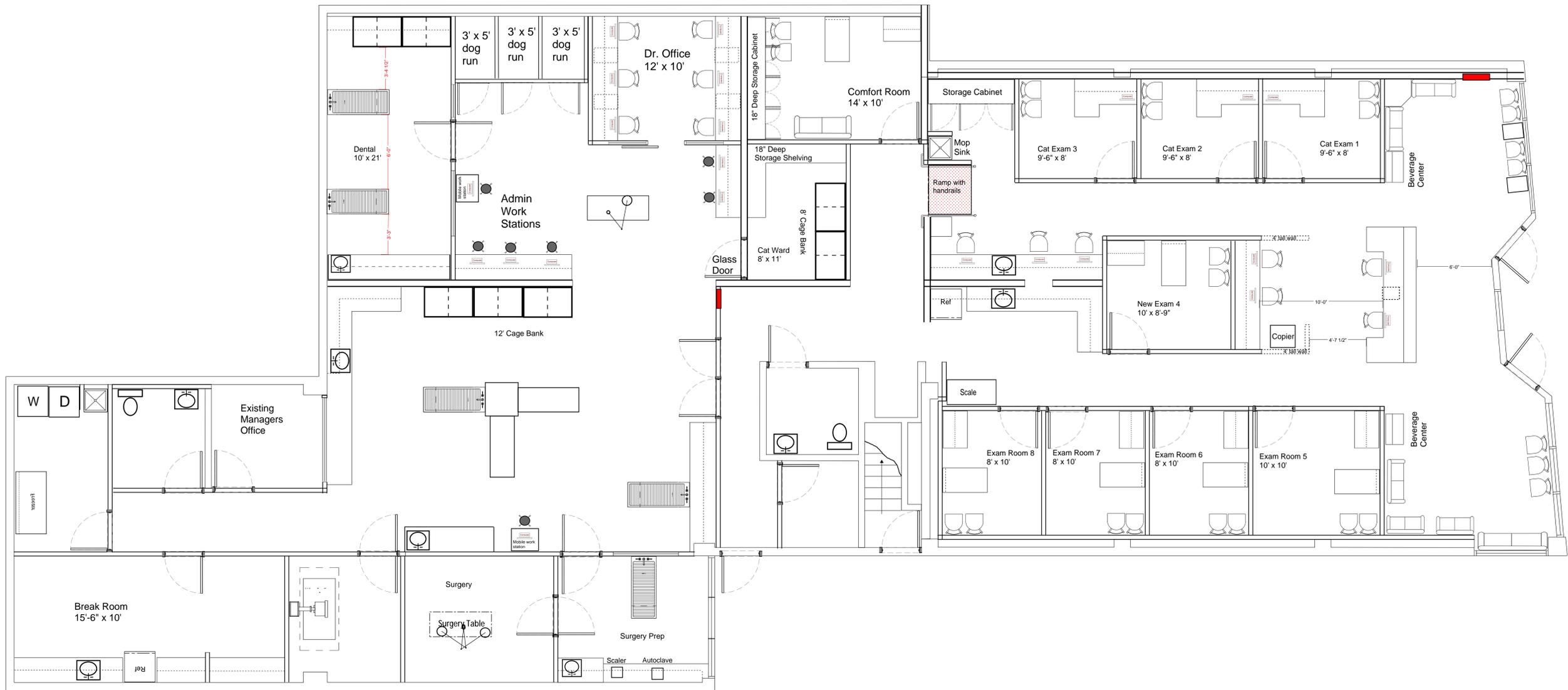
Proposed Expansion Space





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Berkeley Animal Hospital
2709 San Pablo Ave. Suite A & B
Berkeley, CA 94702

A3.0

Proposed
 Floor Plan

Date:
 6/24/2025

Scale:
 1/4" = 1'



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Berkeley, CA 94702

A4.0

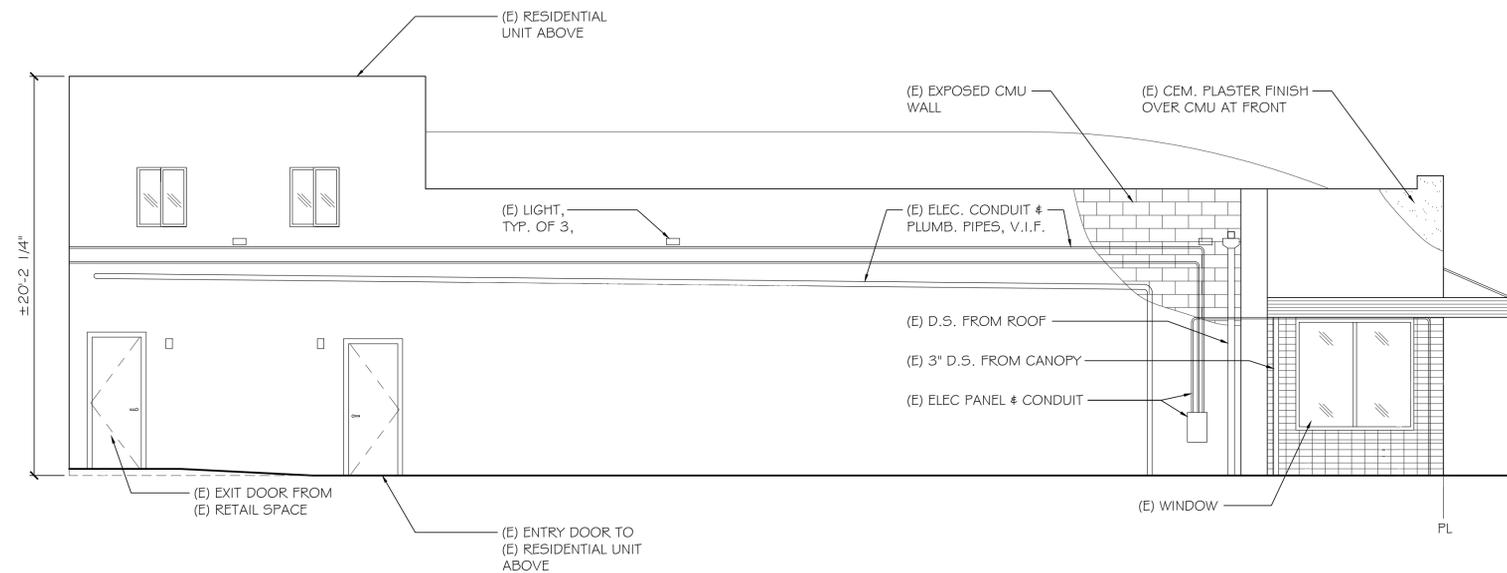
Existing
 Elevations

Date:
 6/24/2025

Scale:
 As Noted



EXISTING WEST (STREET) AND REAR WALL ELEVATION



EXISTING NORTH ELEVATION





May 21, 2025

Berkeley Planning Commission
1947 Center Street, 2nd Floor
Berkeley, CA 94704

Project Address: 2709 San Pablo Ave. Suite A & B, Berkeley, CA 94702

Planning Commission:

We respectfully request approval to expand our existing veterinary hospital into the adjacent space next door, increasing our facility size by an additional 1,984 square feet. This expansion will bring the total square footage to 5,160 square feet.

The additional space will allow us to significantly enhance our services by adding:

- A larger reception and waiting area
- Additional exam rooms
- Expanded treatment space
- A larger office for doctors

These improvements will enable us to better serve the growing needs of our community and the surrounding areas, allowing for more efficient and comprehensive care for dogs and cats.

Operations and Staffing

The hospital will maintain its current hours of operation:

Monday through Saturday, 9:00 AM – 7:00 PM and remain **closed on Sundays**.

We will continue to operate with a dedicated staff of 9–11 team members at any given time, including:

- 3–4 Doctors
- 2–3 Veterinary Nurses
- 2–3 Technicians
- 2–3 Front Desk Personnel

This experienced team is committed to providing exceptional medical care and outstanding customer service.

Client Flow and Patient Care

We anticipate accommodating approximately **30 clients per day** on an appointment-only basis. Most visits last approximately **15 minutes**, unless a treatment or surgical procedure is required. We will not offer





overnight boarding services. Patients needing overnight care will either return home with their owners or be transferred to an appropriate emergency care facility.

Facility Design and Environmental Considerations

To ensure a clean, comfortable, and respectful environment for both clients and neighbors, we will implement the following measures:

- Immediate cleanup and proper disposal of all animal waste
- Multi zone HVAC throughout new expansion - exhaust fans located: Treatment area, Dental, Dog runs, & the Cat ward
- No outdoor kennels or off-leash areas
- All patients under continuous medical supervision
- Interior renovations to include standard noise insulation, with no significant noise impact expected

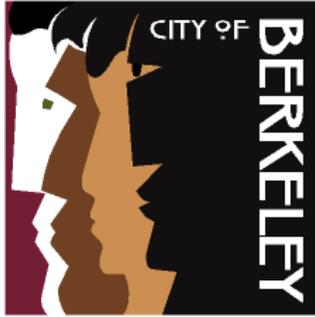
Community Impact

This expansion will provide a meaningful benefit to the Berkeley community by offering improved access to high-quality veterinary care. With increasing demand for pet services, our enhanced facility will reduce waiting times, support early intervention for medical concerns, and ensure that more animals receive timely and effective treatment.

Approval of this conditional use permit will help meet the needs of the local pet population and reinforce our commitment to compassionate, professional care. We appreciate your consideration and look forward to continuing to serve the community

Sincerely,

Dr. Jessica Holliday



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

2709 San Pablo Avenue

Use Permit #ZP2025-0054

To modify Use Permit #ZP2021-0112 which established a veterinary clinic in the C-W Zoning District, by expanding the floor area into the adjacent tenant space.

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 11, 2025, 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.

- **Land Use Designations:**
 - General Plan: AC, Avenue Commercial Zoning
 - Zoning: C-W, West Berkeley Commercial
- **Zoning Permits Required:**
 - **Permit Modification.** BMC Section 23.404.070 "Permit Modification Required" to modify an approved discretionary permit.

D. CEQA Recommendation: Categorically exempt pursuant to Section 15303 of the CEQA Guidelines (“New Construction or Conversion of Small Structures”).

E. Project Recommendation: Approve Use Permit #ZP2025-0054 pursuant to BMC Section 23.406.040(D)

F. Parties Involved:

- Applicant Katherine Orloff / Wells Construction Inc., Roseville, CA
- Property Owner Dr. Shikher Singla, 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, Vicky Schlepp, at (510) 981-7422 or vschlepp@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 #1, which is released around noon one day before the public hearing.
- **Correspondence received by 12:00 PM, the day of** this public hearing, will be conveyed to the Board in a Supplemental Communications and Reports #2, which is released around noon the day of the public hearing.
- **Correspondence received after 12:00 PM, the day of** 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.