



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
AUGUST 22, 2013

2013 Second Street - Former City of Berkeley Animal Shelter

Use Permit #2013-0026 to allow demolition of the former Municipal Animal Shelter building(s).

I. Application Basics

A. Land Use Designations:

- General Plan: M - Manufacturing
- Zoning: MU-LI - Mixed-use Light-Industrial District

B. Permits/ Review Required by the Zoning Ordinance:

- Use Permit, per BMC Section 23C.08.050.A, to demolish the building.

C. CEQA Determination: The project is Exempt pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines.

D. Applicant/Property Owner: City of Berkeley

Figure 1: Vicinity/Zoning Map

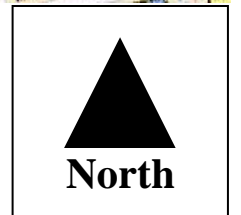


Figure 2: Existing Site Pan

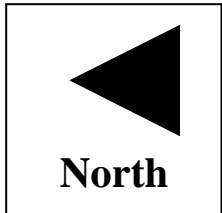
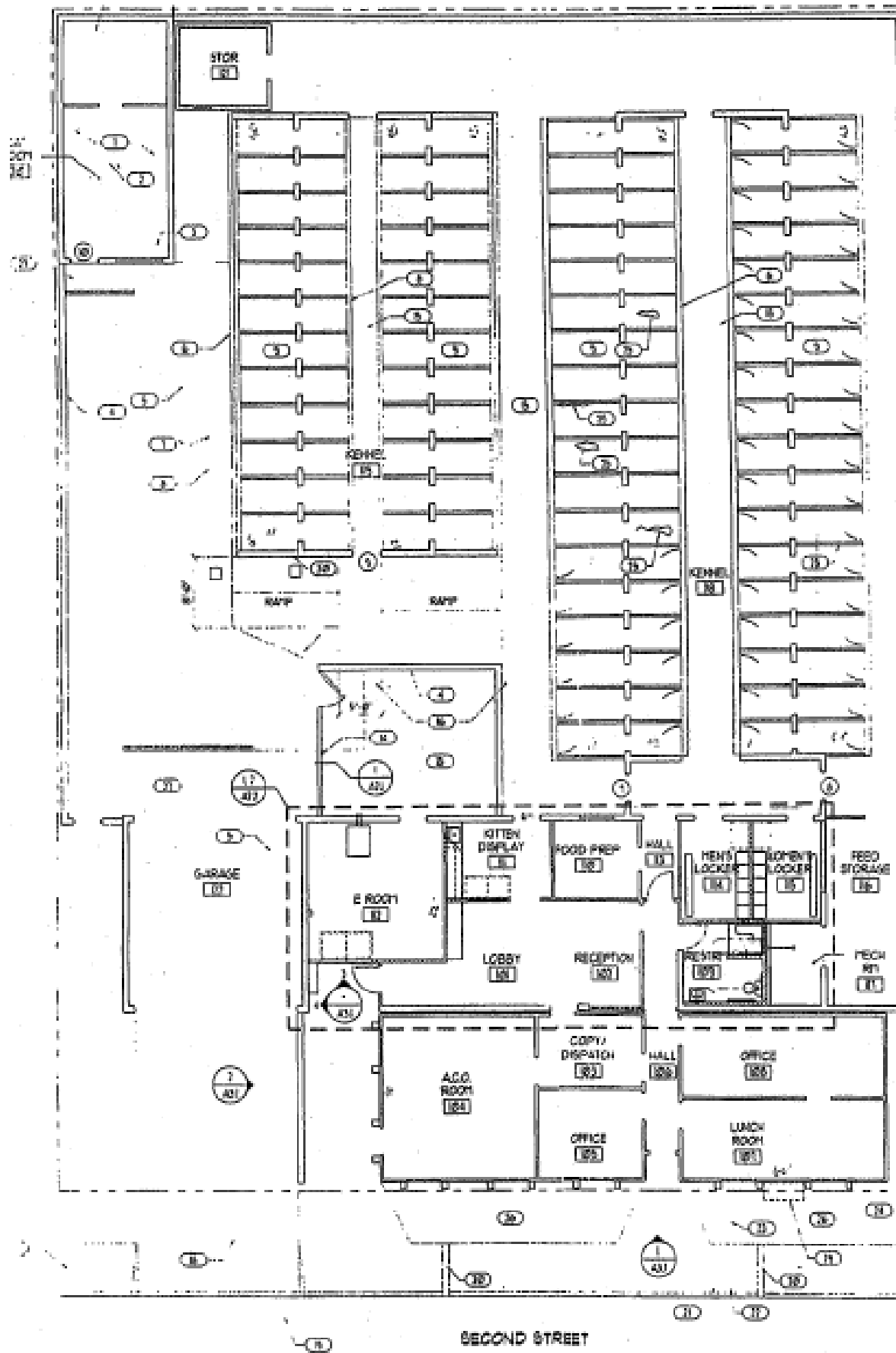


Figure 3: Street View Looking East:



Table 1: Land Use Information

Location		Existing Use	Zoning District	General Plan Designation
Subject Property		Former City of Berkeley Animal Shelter	MULI	Mixed-use Light-Industrial District
Surrounding Properties	North	One-story Light Industrial Building		
	South	Two-story Office Building		
	West	One-story Auto Repair		
	East	Two-story, Office and Light Industrial Building Five-story, 94-unit Mixed-use Housing (under construction)	MULI CW	Mixed-use Light-Industrial District Commercial West Berkeley

Table 2: Special Characteristics

Characteristic	Applies to Project?	Explanation
Alcohol Sales/Service	No	
Creeks	No	No Creek defined by BMC Chapter 17.08 exists with on the site.
Density Bonus	No	Not applicable.
Historic Resources	No	On July 11, 2013, the LPC determined the site was not eligible for status under BMC Chapter 3.24.
Affordable Housing	No	BMC Chapter 22.20 only applies to projects that create more than 4 dwellings.
Oak Trees	No	No Coast Live Oak trees are located on the site.
Seismic Hazards	N/A	Does not apply to demolition.
Soil/Groundwater Contamination	No	The project site is not listed on the Cortese List, Govt. Code Section 65962.5 (an annually updated list of hazardous materials release sites).
Green Building Score	No	

Table 3: Project Chronology

Date	Action
July 22, 2008	City purchases 1 Bolivar for new Animal Shelter
2008	City decides to sell 2013 2 nd Street
February 2, 2013	New Animal Shelter opens
June 10, 2013	Use Permit UP#2013-0026 submitted
July 10, 2013	Application deemed complete
July 11, 2013	LPC: Demolition referral
August 7, 2013	ZAB: Public Hearing Notice released
August 22, 2013	ZAB: Public Hearing

Table 4: Development Standards

Standard	Existing	Proposed Total	Permitted/ Required
BMC Sections 23D.80.070-080			
Lot Area (sq. ft.)	13,300	13,300	No minimum
Gross Floor Area (sq. ft.)	2,950		
Kennels	4,490	0	26,600
Total	7,440		
Average Building Height	N/A	0	45'
Stories	1	0	No maximum
Building Setbacks Front, Rear, Interior	0	N/A	0
Lot Coverage	55%	0	No maximum
Parking	Automobile	0	0
	Bicycle	0	0

II. Project Setting

A. Neighborhood/Area Description: The subject site is located on the east side of Second Street, between Addison Street to the south and the University Avenue overpass to the north, in West Berkeley. The property at 2013 Second Street is a flat, rectangular property that is approximately 100 feet wide and 133 feet deep. The property is occupied by an approximately 1,500 square-foot single-story concrete block building that was built in the late 1950s as the Municipal Animal Shelter. An approximately 1,050 square-foot single-story wood frame office addition was later added at the street, obscuring the original front elevation. The building was partially remodeled in 1997. The property also includes a garage, a small concrete block structure used for cats, and approximately 4,070 square feet of dog kennels.

The City concluded that the shelter is an old and unsafe building badly lacking space and isolation facilities and that the building was discouraging to visitors who may have wanted to come to the shelter to adopt an animal. Thus, in 2008, the City decided to build a new shelter elsewhere, and to use funds from the sale of 2013 Second Street to help offset the costs associated with site acquisition and construction of the new shelter.

B. Historic Resource Evaluation: In considering the demolition referral, the Landmarks Preservation Commission considered the potential for the site/structures to meet the significance criteria for City of Berkeley Landmarks and Historic Districts in the City's Preservation Ordinance. On July 11, 2013, the LPC concluded that the simple, utilitarian institutional building did not appear to meet City Landmark nor California Register criteria in that it does not individually possess distinctive architectural characteristics, nor merit designation for associations with significant people or events. In addition, the property does not meet Structure of Merit criteria in that it does not appear to contribute to an area or district of potential historical interest.

III. Project Description

The City asks that the ZAB approve a Use Permit to allow the demolition of the building as part of the sale of the property. All structures would be removed, and the site would be fenced.

IV. Issues and Analysis

A Use Permit for demolition of a non-residential building or structure may be approved only if the Board finds that the demolition will not be materially detrimental to the commercial needs and public interest of any affected neighborhood or the City, and one of the following findings that the demolition:

1. Is required to allow a proposed new building or other proposed new Use;
2. Will remove a building which is unusable for activities which are compatible with the purposes of the District in which it is located or which is infeasible to modify for such uses;
3. Will remove a structure which represents an unabatable attractive nuisance to the public; or
4. Is required for the furtherance of specific plans or projects sponsored by the City or other local district or authority. In such cases, it shall be demonstrated that it is infeasible to obtain prior or concurrent approval for the new construction or new use which is contemplated by such specific plans or projects and that adhering to such a requirement would threaten the viability of the plan or project.

In this case, the City needs to clear the site to prepare the land for sale. Doing so is in furtherance of specific plans or projects sponsored by the City, in this case, the construction of the new shelter at 1 Bolivar, and thus Finding #4 can be made.

V. 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:

- A. APPROVE UP#2013-0026** pursuant to Section 23B.32.040 and subject to the attached Findings and Conditions (see Attachment 1).

Attachments:

1. Findings and Conditions
2. Notice of Public Hearing, dated August 7, 2013