



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
JUNE 11, 2009

1 Bolivar Drive

Use Permit #09-1000004 to construct an 11,700 square foot, two-story municipal animal shelter, and Modification to Use Permit #02-2000012 1) to provide a temporary wireless tower during demolition and construction of a new main building, and then 2) to relocate permitted cellular antenna and equipment to roof of new building (c-w, GMS)

I. Application Basics

A. Zoning Permits Required:

- Administrative Use Permit to allow a municipal animal shelter, under BMC Section 23E.64.030.C
- Use Permit to construct in construct a 11,700 square foot building, under BMC Section 23E.64.050.B.1
- Use Permit to allow the elimination of three on-site parking spaces due to proximity of currently shared parking on adjacent public lot, under BMC Section 23E.64.080.I
- Administrative Use Permit to allow parking spaces between the main building and front property line under BMC Section 23E.64.080.L.
- Use Permit Modification for the existing wireless facility, under BMC Section 23B.56.020 and 23C.17.100

B. CEQA Determination: Categorically exempt pursuant to CEQA Guidelines Sections 15332 (Infill Development Projects), and 15301 (Existing Facilities). Demolition of the existing building was permitted by Use Permit #08-1000077 to clear the site for the establishment of the Municipal Animal Shelter, an infill development project. The wireless facility currently exists at the site and would be temporary relocated on-site and reinstalled on the roof of the new building.

C. Parties Involved:

Applicant	Primitivo Suarez-Wolfe, Assistant Architect
(for Animal Shelter)	City of Berkeley Public Works Department
	1947 Center Street, 4 th Floor, Berkeley CA 94704

Applicant (Wireless facility) AT&T Wireless
c/o Jacqueline Smart, with Cortel
26 Stonyford Avenue
San Francisco, CA 94112

Property Owner City of Berkeley

Figure 1: Vicinity Map

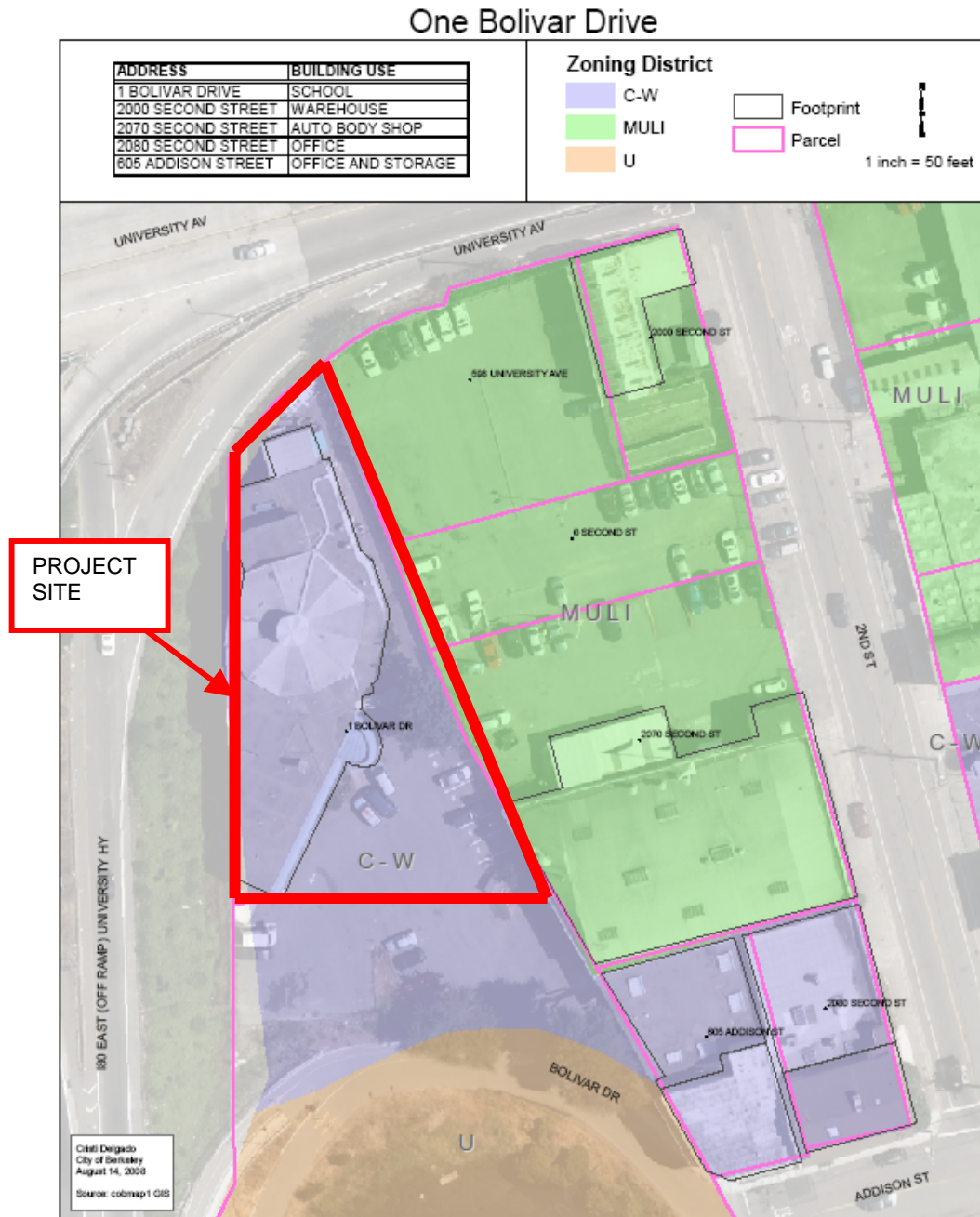
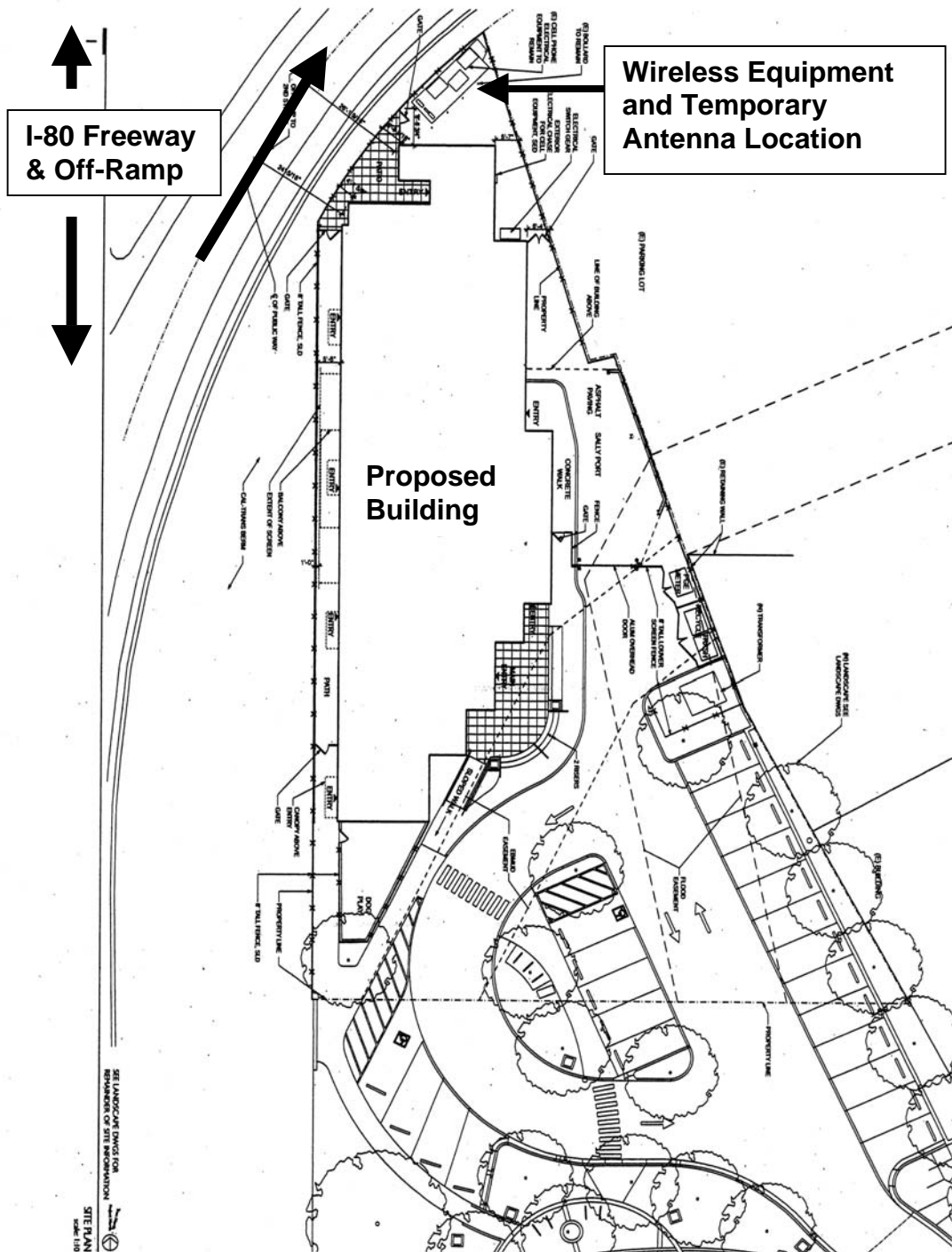


Figure 2: Site Plan



SEE LANDSCAPE DESIGN FOR
REMARKS OF SITE INFORMATION
SITE PLAN
Scale 1/8"

A1.0

Site Plan

DATE: 04/10/09
PROJECT #: 2811

Berkeley Animal Care Services
City of Berkeley
1 Bolivar Drive Berkeley, CA 94710



Buck-Town
Architects
bucktown.com
v:510.524.4255 f:510.528.3009
814 Connel Street Berkeley CA 94710

Table 1: Land Use Information

Location		Existing Use	Zoning District	General Plan Designation
Subject Property		Community Mental Health Center/Catering kitchen	C-W (West Berkeley Commercial)	Avenue Commercial
Surrounding Properties	North	Commercial University Avenue off/on ramp	MU-LI (Mixed Use – Light Industrial)	Manufacturing
	South	Aquatic Park	U (Unclassified)	Open space
	East	Parking, Warehouse, Autobody Shop	MU-LI	Manufacturing
	West	Freeway and Eastshore State Park	SP (Specific Plan – Waterfront Plan)	Open Space

Table 2: Special Characteristics

Characteristic	Applies to Project?	Explanation
Historic Resources	N	The Landmarks Preservation Commission reviewed the application for demolition and chose not to initiate it as a historic resource. The Use Permit for demolition was approved in 2008.
Seismic Hazards	Y	The subject property has been identified by the State of California as being in an area having potentially liquefiable soil. A geotechnical report (Memorandum from Alan Kropp & Associates dated November 5, 2008) has identified mitigations that were incorporated into the design of the project.
Soil/Groundwater Contamination	N	Toxics Division staff has advised that there are no special studies or conditions required for the proposed construction at this site.
Green Building Review	Y	One of the goals in the design and construction of the new Animal Shelter is to earn a LEED Silver Certification. The building has been designed to be both ecological and energy efficient.
Creek?	N	The site is not within a mapped creek zone, but the site is located near the historical location of Strawberry Creek, which connected to the historical bay front north of University Avenue. In addition, the site is located within FEMA Flood Zone B, the 500 Year Flood Zone, and a 25 foot wide floodway easement runs along the east side of the lot. To address these constraints, the proposed building is located outside of the floodway easement and will be constructed at an elevation 1.5 feet above the existing grade.

Table 3: Project Chronology

Date	Action
January 8, 2009	Application submitted
April 29, 2009	Application deemed complete
January 15, February 19, March 19, and May 21, 2009	DRC meetings
May 28, 2009	Public hearing notices mailed/posted
June 11, 2009	ZAB hearing
June 29, 2009	PSA deadline ¹

1. Project must be approved or denied within 90 days after being deemed complete if exempt from CEQA, or 60 days after adoption of a negative declaration, or 180 days after adoption of an EIR (Govt. Code Section 65950).

Table 4: Development Standards

Standard		Existing*	Addition/ (Reduction)	Proposed Total	Permitted/ Required
BMC Sections 23E64.070-080					
Lot Area (sq. ft.)		19,367	0	19,367	19,367
Gross Floor Area (sq. ft.)		11,311	389	11,700	0
Floor Area Ratio		.58	.14	.72	3
Building Height	Average (ft.)	25±	6'6"	31'6"	NA
	Maximum (ft.)	27±	4'6"	31'6"	40
	Stories	2	0	2	3
Building Setbacks (ft.)	Front	5±	35	40	0
	Rear	7±	(2'10")	4'2"	0
	Left Side	0	1	1'	0
	Right Side	12±	(12)	0	0
Parking	Vehicles	14	(3)	11	**
	Bicycles	0	6	6	6

*Demolition of existing structure approved per Use Permit #08-10000077, anticipated to occur in May/June 2009.

**# spaces required based on need as determined by ZAB. Eleven vehicle spaces and eight bicycle spaces are provided on adjacent public park property.

II. Project Setting

A. Neighborhood/Area Description:

The project site is located at the north end of Aquatic Park and at the southeast corner of the University Avenue and 1-80 interchange. To the north and east of the site are predominantly light industrial and commercial uses (offices, retail, and restaurants). The Fourth Street shopping area is located nearby to the northeast (across University Avenue).

B. Site Conditions:

The 19,367 square foot, irregularly shaped lot is bounded by the lower off-ramp of University Avenue to the north and the off-ramp and freeway exit to the west, the rear of lots fronting Second Street to the east, and a paved area extending to Aquatic Park to the south. The Berkeley Bike/Pedestrian Bridge eastern access point is just southwest of the site. The paved area adjacent to the south of the site is owned by the City of Berkeley and is being developed as the East Touchdown Plaza (ETP) by the Department of Parks, Recreation and Waterfront. In order to provide for design continuity across both the animal shelter and ETP sites, the City employed the same firm to provide design, geotechnical and civil engineering services.

The subject lot currently contains an 11,311 square foot, two-story commercial building and a surface parking lot. Fourteen parking spaces are located on the subject property, and an additional approximately 23 spaces are currently located on the ETP site. Use Permit #02-2000012 (approved 6/13/02) permitted a wireless communication facility, including roof antenna and equipment box, on-site.

The lot has two twenty-five foot wide easements. One is an East Bay Municipal Utility District (EBMUD) easement with an underground sixty-six inch diameter sanitary interceptor line that runs diagonally across the site from northwest to southwest. The second is a City of Berkeley flood easement that runs along the eastern property line in the southern half of the site sloping towards Aquatic Park.

III. Project Description

B. Background:

November 2002: The residents of Berkeley voted for and approved Ballot Measure I, in the sum of \$7.2 million of General Obligation Bonds to acquire property, if necessary, and to construct or rehabilitate a building for an animal shelter that meets the requirements of State law.

July 15, 2008: The Council voted unanimously to approve the City Acquisition of 1 Bolivar Drive

September 11, 2008: The Zoning Adjustments Board (ZAB) approved Use Permit #08-1000077, permitting the demolition of the structure.

B. Proposed Project:

The City of Berkeley Public Works Department has submitted a Use Permit for the construction of an 11,700 sq. ft. two-story animal shelter to be located at 1 Bolivar Drive, Berkeley, CA 94710. The new structure will replace the existing animal shelter located nearby at 2013 Second Street. Permits are also sought to reduce the number of on-site parking spaces from 14 to 11, to allow the continuance of shared parking on the adjacent park site. The wireless communication facility currently installed on the existing building would be removed prior to demolition and reinstalled on the new building. As a result, the applicant also seeks to modify Use Permit #02-2000012 to allow installation of a temporary mobile antenna that would allow operations to continue between demolition of the existing building and construction of the new building, estimated to be about 18 months. The new, permanent antenna would be consistent with Use Permit #02-2000012 and would be roof mounted as allowed by the original permit, within the parameters reviewed and approved by the Design Review Committee.

The shelter will include dog kennels, get acquainted rooms, cat rooms, an exotic animal room, kitchens for animal food preparation, a laundry, a small clinic area, training facilities, outdoor exercise areas, a reception area, an animal control area, a volunteer

room with kitchen and lockers, restrooms for staff and the public, a staff lounge with kitchen, locker rooms with showers, and private offices. The proposed location of the shelter at 1 Bolivar Drive affords easy access to areas for exercising and socializing animals. The operation schedule for walking the dogs occurs during working hours: 10:00 a.m. to 4:00 p.m. Monday, Tuesday, Thursday, Friday and Saturday; Wednesday from 10:00 a.m. to 7:00 p.m. and Sunday from 11:00 a.m. to 3:00 p.m.

The site has no street frontage, but is accessed via Bolivar Drive via an abutting parking lot within Aquatic Park that is also owned by the City. Vehicles would continue to access the site through the adjacent city-owned Aquatic Park parking lot. Eleven vehicle parking spaces and six bicycle parking spaces would be provided on-site, and an additional eleven vehicle spaces and eight bicycle parking spaces would be located on the adjacent Aquatic Park property. After hours, secure parking for the three animal service vans would be provided in the sallyport¹, under the second floor deck on the east side of the building. A nighttime drop-off area is provided adjacent to the sallyport.

IV. Community Discussion

A. Neighbor/Community Concerns:

No letters had been received at the time of the writing of this staff report.

B. Committee Review:

The Design Review Committee (DRC) reviewed the application at its January 15th, February 19th, and March 19th, 2009 meetings. At its March 19th meeting, the DRC voted to send a positive recommendation to the ZAB with certain conditions of approval.

Due to the project schedule, and facilitated by the degree of completion of the working drawings, the applicant elected to undergo final design review prior to the Zoning Adjustments Board review. At its May 21st meeting, Final Design Review was approved with the following conditions and recommendations:

Conditions:

- Colors and material samples to have further Committee review. Provide alternate color scheme.
- Mechanical screen design to have further Committee review.
- Sign illumination to have further Committee review.
- Modify planting palette to provide more flowering varieties.

Recommendations:

- Consider alternate flowering plants to attract hummingbirds.
- Both color schemes are too subtle. Look at a lighter, brighter, warmer color scheme that wont get lost at night or in the fog.

¹ A secure enclosure designed with two doors which should never be opened simultaneously through which all visitors must pass.

- Consider lighter siding color.

DRC's Final Design Review conditions and recommendations are included in the attached conditions of approval.

V. Issues and Analysis

A. Key Issues:

1. Consistency with Zoning regulations: Three new Use Permits are sought.

BMC Section 23E.64.030.C allows uses not specifically listed provided they are compatible with the purposes of the District. Staff believes that the Board may make the requisite findings as follows:

1) The proposed use is consistent with the purposes of the District in that it provides a Citywide service (animal shelter) in an appropriate location, bounded by a park, freeway off-ramp, CalTrans open space, and sparsely employed non-residential uses, with adequate parking for clients and employees.

2) The proposed use is surrounded on three sides by freeway ramps and parking lots and is compatible with these surrounding uses in that the use is not adjacent to residential uses, and the surrounding uses have few employees and generate noise of their own, so that the noise associated with an animal shelter should not adversely impact neighboring uses. The area with the open dog runs is adjacent to the freeway off-ramp, on the opposite side of the building from the adjacent non-residential uses. The closest uses on Second Street are already next to the existing animal shelter. Relocating the use one block to the west would have impacts similar to those from the existing shelter.

3) The proposed use is consistent with the adopted West Berkeley Plan in that it supports its policy of providing space for, and designating appropriate locations for, office, service and laboratory businesses (Land Use Element, Goal 1, Policy D).

4) The proposed 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 in that the use is landlocked and not in an area where the proposed use would cause a "gap" in a retail street frontage. The location adjacent to the park should serve to provide greater visibility and recognition of this City service, supporting the overall objectives of the City's animal care operation in terms of lowering euthanasia rates and increasing animal adoption rates.

5) The proposed use provides an intensity of development which does not

underutilize the property (see 23E.64.050.B.1.e below).

6) The proposed project will not exceed the amount and intensity of use that can be served by available traffic capacity and potential parking supply in that the animal shelter will have only 3-6 employees and volunteers per shift, and anticipates an average of 3 customers at any one time. There are eleven vehicle and six bicycle parking spaces available on site, and an additional eleven vehicle and eight bicycle parking spaces on the adjacent public park property. The trip generation estimates prepared by the City of Berkeley Office of Transportation concluded that the proposed Animal Shelter project would not have a significant impact on traffic operations in the area.

BMC Section 23E.64.050.B.1 allows the construction of a new building in excess of 5,000 square feet. Staff believes that the Board may make the requisite findings as follows:

- a) The proposed structure is consistent with the purposes of the District in that it fills a need by providing a Citywide service (animal shelter) in an appropriate location, bounded by a park, freeway off ramp, CalTrans open space, and sparsely employed non-residential uses, with adequate parking for clients and employees.
- b) The proposed structure is compatible with the surrounding uses and buildings in that its design reflects its non-residential nature, with horizontal metal siding relating to the industrial buildings in the vicinity, and screening of rooftop equipment from the freeway and adjacent lots.
- c) The proposed structure is consistent with the adopted West Berkeley Plan as discussed above (see 23E.64.030.C.3 discussion above).
- d) The proposed structure 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 (see 23E.64.030.C.4 discussion above)
- e) Given the constraints on the property that limit development, including the sewer and floodway easements across the property, the lack of direct street frontage, and the limited number of available parking spaces, the proposed structure provides an intensity of development appropriate for the site which does not underutilize the property.
- f) The proposed project will not exceed the amount and intensity of use that can be served by available traffic capacity and potential parking supply (see 23E.64.050.C.6 above).

BMC Section 23E.64.080.I allows the Board to reduce or eliminate required parking if a public parking facility available for use by all members of the public is within 1,000 feet of a proposed use. The subject property has no direct street frontage and is accessed through the adjacent city-owned Aquatic Park parking lot. Historically the uses at 1 Bolivar have been allowed to share the parking on the adjacent Aquatic Park parking lot, and some of the existing parking spaces are actually bisected by their shared property line. The proposed animal shelter will continue to be allowed to use parking spaces on the park site. In reconfiguring the aisles and parking spaces on the two lots to conform to ADA, fire and traffic engineering standards, two of the existing spaces on the 1 Bolivar site are eliminated, and six new bicycle parking spaces provided. On the adjacent park property, eleven vehicle spaces and eight bicycle spaces are provided.

BMC Section 23E.64.080.L allows the Board to permit off-street automobile parking between the front property line and a main structure subject to the findings under Section 23E.64.090.E. Staff believes that the Board may make the finding that parking in the rear or on the side of the property is impractical because of the lot's depth and/or width, in that this is an irregularly shaped, semi triangular lot, with the point at the rear of the lot, rendering the placement of parking at the rear impractical. Additionally, there are constraints on the placement of the building, in that there are two large easements (EBMUD and flood) across a large portion of the front of the lot that prohibit placement of the structure at the front of the lot, which is the only way that parking could be placed at the rear.

2. Modifications to Use Permit #02-20000012, Cellular Tower: In 2002, a Use Permit was approved which established a wireless communication facility (cellular antennae on the rooftop and equipment cabinet on the ground behind the building).

The first proposed modification would allow temporary on-site installation the approved cellular facility atop an on-site mobile trailer during demolition and construction. The applicant proposes installing a cellular tower atop a mobile trailer placed at the rear of the lot adjacent to the existing equipment boxes (see Attachment 3). It is estimated that the time that this temporary tower would need to remain in place would be approximately 18 months.

The second modification would involve the placement of the cellular antennae atop the roof of the new structure. The Design Review Committee has reviewed and approved of the new location. AT&T has indicated that the new installation will meet all the conditions of the original Use Permit.

The temporary and permanently placed wireless facilities will comply with all of the conditions of approval (other than location) contained in Use Permit #02-20000012; these conditions require compliance with all of the operation and

safety requirements of BMC Chapter 23C.17, that regulates wireless communication facilities in the City of Berkeley. The modification of this permit would only allow (1) moving the facility to a temporary on-site location during demolition and construction, and (2) installing it on the new building when completed.

3. **Environmental Issues:** The project has been designed to incorporate measures that address the site's environmental context. This section of the report discusses the environmental constraints affecting the project site and its surroundings, and how the project addresses these issues. As part of the design process the City hired Environmental Science Associates (ESA), an environmental consulting firm, to identify and review the site's air quality, noise levels, and elevation above sea level as it might be affected by climate change. In addition, Public Works Department staff also evaluated other environmental constraints, including flooding risk, stormwater, and traffic generated by the project. The findings of these analyses are summarized below.

Soils Condition: The site is located within a mapped liquefaction area. Site preparation and construction of the foundation system requires improvements to address the liquefaction concern. Based on a geotechnical analysis and review of the site by Alan Kropp & Associates, Geopiers or their equivalent are being recommended beneath the foundation. Geopiers are compacted rock columns that are placed in the ground through a process based on high frequency vibration. Additionally, the new building will be supported on a reinforced concrete mat foundation. The building has been designed to address the soil conditions and incorporate the recommendations of the Kropp memorandum.

Noise: Due to the proximity of the freeway, the City contracted with ESA to conduct a noise study (March 25, 2009 technical memorandum from ESA to City of Berkeley) to determine potential effects of noise from the adjacent freeway and off ramp that could affect the workers and animals in the proposed animal shelter. The report concluded that the noise environment of the proposed project site appears suitable for workers and for an animal shelter use based on available research on animal noise exposure, and no design changes were recommended to address ambient noise levels because. The animal shelter has been designed to minimize the exposure of employees and animals to the freeway noise.

The noise from the animals will be minimal because the shelter is enclosed (not exterior open cages). Additionally, the noise to the park users and employees of the adjacent businesses during construction was considered. Because there are no sensitive receptors (residential or other sensitive uses) in the vicinity of the site, and due to the high ambient noise levels, temporary noise generated during construction would not generate significant impacts. It should be noted that to mitigate the liquefiable soils at the site, foundation piers are required. As

discussed above, the piers will utilize a foundation system called Geopiers, or their equivalent. Installation of Geopiers does not generate the high noise levels typically associated with driven piles. Geopiers are placed in the ground through a process based on high frequency vibration, where most of the work takes place below ground, whereas driven piles are placed through a driving force and most of the work occurring takes place above ground.

Air Quality: Due to the proximity of the freeway, the City contracted with ESA to review recent air quality studies prepared for projects in the vicinity of the subject site and recommend a HVAC system or filter to address ambient air quality. The consultant found that given that the animals and workers would spend most of their time inside the shelter, the installation of particulate filters that meet a Minimum Efficiency Reporting Value (MERV) rating of 13 or higher would remove up to 75% of fine particulate matter, satisfactorily reducing risk to workers at the project site. The building mechanical system is being equipped with MERV 13 air filters.

Climate Change and Hydrological Effects: Due to the low elevation of the site and its location next to Aquatic Park and the San Francisco Bay, ESA evaluated the potential effects of groundwater and groundwater surfacing, and climate change and related hydrological effects (sea-level rise, flooding) on the proposed animal shelter project site. This analysis focused on the potential extent of change as a result of the possible combined effects of these issues that could occur at the project site at or after approximately 30 years.

The report indicated that sea level assumptions were based on projections made by the Intergovernmental Panel on Climate Change (IPCC). The IPCC has attempted to predict the amount of sea level rise that is likely to occur in the future under various worldwide Green House Gas (GHG) emissions scenarios over the next century. Results from that study indicate that global sea level could increase by an estimated 7 to 23 inches by 2099, or about 0.6 to 3.8 inches every 10 years (IPCC, 2007b). However, several other lower assessments have been made and there is some disagreement and uncertainty about sea-level rise projections (Munk, 2002).

In the event that the global sea level change were to increase the maximum 23 inches by 2099 as projected by the IPCC, the building would not be directly impacted, as this has been factored into the animal shelter design, with a finished floor elevation of 6.5 feet above mean sea level, which is 1.5 feet above the existing grade at 1 Bolivar Drive.

Flooding: The site is located within FEMA Flood Zone B, the 500 Year Flood Zone, and a 25 foot wide floodway easement runs along the east side of the lot. Due to its location within the 500 Year Flood Zone and the floodway on the east side of the property, the finished floor elevation of the proposed building will be constructed at 6.5 feet above mean sea level, which is 1.5 feet higher than the

existing grade at the building site. The parking lot will be constructed at a lower elevation. This proposed building elevation adequately protects the building from potential flooding. In addition to the physical design of the building, the City is developing an emergency response action plan in the event of a flood emergency. Basically, all dogs kept in the first floor kennels would be transferred to the second floor. Each kennel is equipped with a guillotine door that if needed could be lowered to separate the kennel into two areas. This would allow for one dog to be housed on each side of the door and in effect double the capacity of the second floor kennels. In addition the Berkeley Animal Shelter has a Mutual Aid Agreement with the East Bay Humane Society located in Berkeley that would allow for the housing of animals in an emergency.

Stormwater: The site has several constraints that effect stormwater runoff. Two easements cross the site that affect placement of structures and site grades. East Bay Municipal Utility District (EBMUD) has a 25-foot wide easement for a large sanitary sewer interceptor that crosses the southern and eastern portion of the lot. In addition, the 25-foot wide floodway easement runs along the majority of the east side of the lot, limiting changes in grade. The programmatic needs of the animal shelter operation require a certain size of building with its associated impervious surfaces.

Public Works staff and Jerome de Berrier, PE, Transystems, worked together to identify the most feasible stormwater treatment measure. This consists of bioretention areas or rain gardens. Landscaped areas are been planned at the lower elevations of the site and are appropriately sized for rain gardens. All hydrologic/stormwater treatment calculations prepared for the site were based on guidance and examples provided in Alameda Countywide Clean Water Program C.3 Stormwater Technical Guidance manual. The City will be applying for an Encroachment Permit from Caltrans in order to use their property, adjacent to the western property line, as a vegetated swale.

Traffic Circulation: The trip generation estimates prepared by the City of Berkeley Office of Transportation (memo dated February 6, 2009 from Michael Vecchio, P.E.) conclude that the Animal Shelter would result in fewer trips inbound and fewer trips outbound than the previous uses that occupied the site. Based on this analysis, the proposed Animal Shelter project would not have a significant impact on traffic operations in the area. No further traffic analyses were required.

Based on the above documentation regarding noise, air quality, climate change and hydrological effects, flooding, stormwater, and traffic circulation, the project incorporates design features to address each of these environmental issues. Because the project would not have any significant environmental effects and because it would replace the existing building on the site, staff has concluded that the project qualifies for the CEQA Infill Exemption under Section 15332 of the State CEQA Guidelines.

B. General and Area Plan Consistency:

General Plan Policy Analysis: The 2002 General Plan contains several policies applicable to the project, including the following:

1. Policy LU-3–Infill Development: Encourage infill development that is architecturally and environmentally sensitive, embodies principles of sustainable planning and construction, and is compatible with neighboring land uses and architectural design and scale.

Staff Analysis: The proposed building will be a certified green building, and its massing and materials have been chosen to reflect the industrial nature of the surrounding uses and buildings.

2. Policy LU-4–Discretionary Review: Preserve and enhance the aesthetic, environmental, economic, and social character of Berkeley through careful land use and design review decisions.

Staff Analysis: The Design Review Committee reviewed the proposed design at four meetings and approved the design subject to certain conditions incorporated into the Use Permit.

3. Policy LU-33 West Berkeley Plan: Implement the West Berkeley Plan and take actions that will achieve the three purposes of the Plan: a) Maintain the full range of land uses and economic activities including residences, manufacturing, services, retailing, and other activities in West Berkeley. b) Maintaining the ethnic and economic diversity of West Berkeley's resident population, c) Maintain and improve the quality of urban life, environmental quality, public and private service availability, transit and transportation, and aesthetic and physical qualities for West Berkeley residents and workers.

Staff Analysis: The establishment of the Animal Shelter at this location will support action #c, providing public service availability for West Berkeley residents.

4. Policy S-5–The City’s Role in Leadership and Coordination: Ensure that the City provides leadership and coordination of the private sector, public institutions and other public bodies in emergency preparedness.

Staff Analysis: All City employees are trained in emergency preparedness and will report in case of emergency. Additionally, the shelter has prepared contingency plans for animal care in case of flooding.

5. Policy T-3-Eco-Pass City Program: Increase transit use and reduce automobile traffic and congestion in Berkeley by creating an Eco-Pass program.
6. Policy T-11–City of Berkeley: Establish the City of Berkeley as a “Model Employer” in the area of trip and emission reduction.

Staff Analysis: In addition to employee participation in the Eco-Pass program, secure bicycle parking will be provided on-site for those who wish to commute by bicycle.

7. Policy UD-24-Area Character: Regulate new construction and alteration to ensure that they are truly compatible with and, where feasible, reinforce the desirable design characteristics of the particular area they are in.

Staff Analysis: See Policy LU-4 above.

8. Policy EM-30–Native Plants: Use native tree and plant species to enhance ecological richness. Encourage drought-resistant, rodent resistant, and fire resistant plants to reduce water use, prevent erosion of soils, improve habitat, lessen fire danger, and minimize degradation of resources.

Staff Analysis: The proposed landscape plan uses 66% California native trees and plant species.

9. Policy EM-31–Landscaping: Encourage drought-resistant, rodent resistant, and fire resistant plants to reduce water use, prevent erosion of soils, improve habitat, lessen fire danger, and minimize degradation of resources.

Staff Analysis: The City landscaping plans use 100% drought-, rodent- and fire-resistant plant species chosen specifically to prevent stormwater run-off and the erosion of soils and improve the habitat.

10.
11. Policy EM-5–“Green” Buildings: Promote and encourage compliance with “green” building standards.

Staff Analysis: One of the goals in the design and construction of the new Animal Shelter is to earn a LEED Silver Certification. The building is being designed to be both ecological and energy efficient. Sensitive site planning, thoughtful material selection and minimizing waste during construction will be employed for the project. In addition the building is being designed in such a way as to be ready to accept other features in the event that funds become available in the future. Such features include a green roof, solar thermal water heating, and a wind turbine.

West Berkeley Plan Policy Analysis: See LU-3 above.

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:

- A. APPROVE Use Permit #09-10000004 and modifications to Use Permit #02-20000012, pursuant to Section 23B.32.040 and subject to the attached Findings and Conditions (see Attachment 1).

Attachments:

1. Findings and Conditions for UP #09-10000004 and Modification to UP #02-20000012
2. Animal Shelter Plans
3. Cellular Facility/Equipment Plans
4. Notice of Public Hearing
5. Photos
6. Correspondence Received

Staff Planners: Gisèle M. Sorensen, gsorensen@ci.berkeley.ca.us, (510) 981-7410
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