

Office of the City Manager

TO BE DELIVERED AGENDA MATERIAL

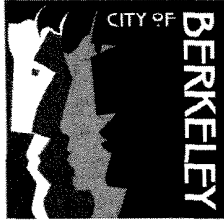
Meeting Date: October 21, 2003

Item Number: 25

Item Description: 1326 Allston Way – City of Berkeley Corporation Yard – Appeal of Zoning Adjustments
Board decision to Approve

City Manager Signature

(This cover sheet should be used only if the agenda item the material refers to was listed on the agenda as To Be Delivered)



Office of the City Manager

ACTION CALENDAR
October 21, 2003

To: Honorable Mayor and
Members of the City Council

From: ~~Weldon Rucker~~, City Manager

Subject: 1326 Allston Way -City of Berkeley Corporation Yard - Appeal of Zoning
Adjustments Board decision to Approve

RECOMMENDATION

Adopt a Resolution affirming the decision of the Zoning Adjustments Board, based on the attached record, findings and conditions, to approve the project to demolish non-residential buildings, construct storage buildings, install 7,368 square feet of modular offices and relocate certain non-essential services and staff offsite.

SUMMARY

On February 14, 2002, the Public Works Department submitted an application to vacate the Facilities Maintenance Building and to install replacement modular office buildings at the City's Corporation Yard at 1326 Allston Way. On June 26, 2003, after a 21-day public comment period, the ZAB adopted a Mitigated Negative Declaration and approved the project as proposed. On July 17, 2003, the City received an appeal of this decision signed by 14 members of the adjacent neighborhood.

The appeal does not raise any procedural or substantive issue sufficient to cause a reconsideration of the ZAB's decision to adopt the mitigated negative declaration or to approve the project. Rather, the appeal issues relate to the day-to-day operations at the Corporation Yard and the belief that the some or all of the functions should be relocated elsewhere. Each operations-related appeal issue is addressed in the report that follows, including a summary of the efforts made by the Public Works Department to assess and modify if necessary, the functions that occur at the Corporation yard.

FISCAL IMPACTS OF RECOMMENDATION

The estimated cost to lease for one year, install the modular buildings and demolish the existing structures is approximately \$600,000 and \$949,714 over 5 years.

CURRENT SITUATION AND ITS EFFECTS

After the Loma-Prieta Earthquake in 1989, a citywide inventory of Un-reinforced Masonry (URM) buildings was performed and an ordinance mandating retrofit was enacted in 1991. The ordinance contained staggered deadlines for more than 500 URM buildings based on ranking the properties in six risk categories determined by the use of the building. In 2001, with a little more than 300 buildings remaining on the list, staff was directed to begin a compliance program to

retrofit or abate these structures. The process started with public outreach and was followed by enforcement. Currently, the number of buildings left on the list is 103.

As part of this process, the 16,700 square foot Ratcliff Building, also known as the Facilities Maintenance Building, was listed by the City as an URM structure in the highest risk category due to the building's vulnerability to heavy damage and possible collapse in the event of an earthquake. According to the City's URM Ordinance, the Public Works Department is beyond the deadline for retrofitting the building. City staff that occupy the building are at risk of injury if there is a significant seismic event.

This building serves as the Emergency Operations Center for the Public Works Department. It is also an integral part of the City's overall disaster response system and is designated as an essential/critical services facility. Any damage to the building would also seriously impair the City's ability to respond to any City emergency.

The Ratcliff building is the last of three publicly owned URM buildings originally identified in the Citywide URM study, that has not been seismically retrofitted or demolished. The other two buildings are the Live Oak Recreation Center at 1301 Shattuck Avenue, currently undergoing seismic retrofit, and the Fire Administration building on McKinley Street, which was demolished earlier this year.

The City's Disaster Council, Seismic Technical Advisory Group and the City's Safety Committee support the relocation of City employees from the Ratcliff building.

On September 16, 2003, the City Council authorized the submittal of a Pre-Disaster Mitigation grant application from the Governor's Office of Emergency Services in the amount of \$3 million with a 25% local match to reconstruct the seismically unsafe Ratcliff building (report attached).

BACKGROUND

Site Conditions

The Corporation Yard utilizes 4.8 acres of a 6.14-acre site and consists of 14 buildings, 21 storage containers, 250 work vehicles, including equipment and employee vehicles. Except for the Ratcliff Building, which was constructed in 1916, all other structures within the Corporation Yard were constructed or placed on the site after 1930.

Buildings, trailers and storage containers cover a total footprint of 50,072 square feet on the 209,088 square foot Corporation Yard site. The employee parking lot and the interior of the Corporation Yard are completely paved. City-owned vehicles and pieces of equipment cover 41,000 square feet. The employee parking consists of 76 vehicle and 6 motorcycle spaces.

Project Description:

The application proposes three phases:

Phase 1:

- Demolish 1,899 square feet of storage structures within the site;

- Relocate or dispose of non-essential vehicles, equipment and materials; and
- Relocate the Building Maintenance Division's 28 employees, 13 vehicles and three storage containers (530 square feet) off-site to a vacant City-owned building at the Solid Waste Transfer Station at 1201 Second Street.

Phase 2:

- Vacate the historic 1916 Walter Ratcliff building;
- Reconfigure the vehicle and equipment parking within the site;
- Install 7,368 square feet of modular offices in two locations; and
- Install 2,400 square feet of new storage containers and install a 144 square foot communication vault.

Phase 3:

- Demolish 8,450 square feet of additions to the 1916 Walter Ratcliff building, including most of the original north/south shed up to the face of a 1950's addition on the south side of the original historic Ratcliff building and the 1950's masonry and wood frame addition on the east side of the original shed.

The total area devoted to equipment and vehicle storage will increase from 33,150 to 38,800 square feet. However, as shown in Phase 1 above, the total equipment and vehicle storage needs at the Corporation Yard will decrease. The Public Works Department has indicated that the additional area is intended to allow for more efficient access and movement of the City's equipment.

Landmarks Preservation Commission:

On July 1, 2002, the Landmarks Preservation Commission designated the 6.14 acre site of the Corporation Yard at 1326 Allston Way, including the original Ratcliff Building (including the shed addition) and 28 cedar trees, as a City of Berkeley Landmark. On January 14, 2002, the City Council adopted Resolution No. 61-910-N.S (attached) modifying the LPC's decision to designate only the main portion of the Ratcliff building that is parallel with Allston Way and the twenty-eight (28) cedar trees at the northeast corner of the site a City of Berkeley Landmark.

In modifying the decision, the Council found that the original designation was over broad and prevented the City from continuing to provide services in an efficient and fiscally sound manner while affording a safe working environment for City employees.

Zoning Adjustments Board:

On June 26, 2003, the Zoning Adjustments Board held a public hearing to consider this project. A number of neighbors spoke of their discontent resulting from the City's failure to complete the improvements contemplated in the 1987 Master Plan, including site landscaping and construction of an employee parking lot. The members of the neighborhood also expressed concerns relating to noise associated with yard activities, the impact of the fuel island, including use during the night, air quality impacts from the operation of automobiles and equipment, employee parking impacts on the area and the conduct of city employees while at the yard.

After taking public testimony, the ZAB approved the project (7-0-1-1), determining that the project was appropriate because it:

- Would lessen the square footage and number of staff reporting to the site;
- Would allow for the relocation of City employees from a building that has been declared unsafe;
- Would improve onsite circulation;
- Provides the City an affordable solution to the need to vacate the Ratcliff building and relocate the office uses in modular buildings; and
- Would allow for the continued use of the Corporation Yard by the Public Works Department as the City's Emergency Operations Center.

The Findings and Conditions of Approval are attached.

July 17, 2003 Appeal:

On July 17, 2003, the City received an appeal signed by 14 members of the immediate neighborhood. Each appeal point is listed below in *italics*, followed by a response from staff.

- *The Zoning Adjustments Board did not adequately consider the possibility of moving SOME of the functions of the Corporation Yard to a new, permanent location rather than remaining at the present location in rented, temporary modular building for up to 5 years.*

The ZAB reviewed the project that was presented and found a sufficient basis for approval of the project as proposed. The City Council is the only City body that could allocate the funds and direct staff to relocate all or part of the present Corporation Yard functions.

The Public Works Department estimated that the monthly cost of renting adequate facilities (buildings and exterior storage) for relocation of the activities intended for the proposed modular buildings elsewhere in the City to be approximately \$152,625 per month. The cost of the project approved by the ZAB for the use of the modular buildings and related construction over a five-year period is approximately \$15,828 per month, a significant cost savings.

Per the project description, some of the current functions at the Corporation Yard will be relocated. The Building Maintenance Division will be relocated to unused portions of 1201 Second Street, a property purchased by the City in 1982 and developed for the Solid Waste Transfer Station. The relocated employees include three full time employees in the Facilities Maintenance building and 25 associated with the division. In addition, the 777 square foot Key Shop and Janitor's Storage building will be demolished. These functions are part of the Facilities Maintenance Division, which will be relocated with the Division to the transfer station.

However, other suitable sites have not been identified that could accommodate the vehicles and equipment, showers and locker rooms, shop space and material storage associated with the function of each Division. The dispersal of other Public Works or Parks divisions to a number of isolated sites would be logistically problematic and costly due to the need for central

communications and dispatching and the sharing of equipment, shop space, meeting rooms, lockers and showers.

- *This is the perfect time to continue making strides toward moving more Corporation Yard activities to the Industrial sector of the City or to a vacant City building at the Marina, which will NOT cost \$16 to 25 million dollars. The Director of Public Works stated that locating some functions at the Marina would be a problem if "the overpass collapsed and trapped the vehicles." There are three overpasses across the freeway and a new bicycle bridge that could be used in an emergency.*

The Public Trust doctrine prohibits non-marina related uses in the marina. Over the past 15 years, the City has considered relocating the entire Corporation Yard, if a suitable location could be obtained and financed. In 2003, the Public Works Department conducted informal surveys for suitable locations in the industrial areas of the city and found no suitable locations for the Corporation Yard. The expected cost to rent the necessary land and building space ranges from \$1.00 - \$1.50 per square foot per month depending on location and condition. According to Public Works Department estimates, rent of an equivalent-sized space, if it were available, would cost in excess of \$3,000,000 per year, or over \$15,000,000 through a five-year period. The expected cost to purchase the necessary land and building space ranges from \$20 - \$30 per square foot or approximately \$4-6 million. In addition to the cost of renting or purchasing the land, the cost for improvements necessary to properly house the functions performed by Public Works could, depending on the characteristics of the site, cost much more and could take several years to complete. During this time, Corporation Yard employees would remain in their currently unsafe facilities and would be at significant risk of injury or death in the event of an earthquake. It must be noted that the relocation of the entire Corporation Yard is neither budgeted nor contemplated at this time.

- *In the past, Corporation Yard staff maintained that everything had to stay together, but they have since moved garbage trucks, meter maids, and now propose to move janitors elsewhere. Many other functions at the Yard operate independently. In particular, Parks Department has a separate budget, separate vehicles, separate personnel, and only becomes part of Public Works in case of emergency such as earthquake.*

Public Works has relocated functions that were formerly associated with the Corporation Yard, including the Solid Waste Division when the city began operation of the Solid Waste Transfer Station (SWTS) on Second Street in 1982 (when the landfill was closed). In 1987-88 the City further developed the SWTS and relocated refuse trucks and related repair facilities from the Corporation Yard to the SWTS, significantly reducing staff and related vehicles at the Corporation Yard. The meter representatives were never based at the Corporation Yard. However, the vehicles used by these representatives are repaired at the Vehicle Maintenance facility and until recently, non-operational meter vehicles were temporarily stored at the Corporation Yard before being sent to auction. Public Works intends to store the non-operational meter vehicles at an auctioneer's yard. Public Works does not plan to relocate other functions at this time.

- *The Corporation Yard is in an R-2 Zone and ZAB members stated they would look at proposals for permanent building in a different light. ZAB suggested that the Gas Station was a major source of noise, traffic, and pollution and should be moved. Moving the station out of the Yard would improve circulation patterns in the Yard and obviate the need to raze part of the Ratcliff building.*

The present location of the fuel island was proposed in the 1987 Master Plan as an attempt to eliminate the circulation problems posed by the prior location of the fuel island. In 1993, it was relocated, consistent with the 1987 Master Plan to the present location at a cost of \$322,000 for the state-of-the-art underground storage tanks and a leak detection system (the cost excludes the cost for removal of the abandoned underground fuel tanks and related soil remediation). The present location of the fuel island near Bancroft Way is ideal as it is away from the internal circulation paths and utilizes a portion of the site that is too small to accommodate a functional building or storage space. To assess the noise impact to the surrounding neighborhood, the Public Works Department has commissioned a noise study to measure the noise generated from 10:00 p.m. to 11:00 a.m. on six dates starting on September 30, 2003. The results will be presented to the City Council and public at the conclusion of the study.

- *This proposal adds approximately 2,000 sq. ft. to an already severely overcrowded facility, making it even worse than it is.*

The project approved by the Zoning Adjustments Board, will:

- Reduce the total square footage of permanent and temporary structures on the site from 54,361 square feet to 52,954 square feet;
 - Reduce the number of employees reporting to the site by 28;
 - Reduce the number of City vehicles at the site by 13;
 - Reconfigure the interior parking for city vehicles for more efficient and safer circulation; and
 - Increase the number of employee parking spaces in the parking lot at Alston Way by three spaces.
- *Moving to portables is not cost effective. Public Works staff estimated the cost at half million dollars or more. This would be better spent on permanent facilities elsewhere.*

The estimated cost to lease and install the modular buildings is as follows:

- | | |
|---------------|-----------|
| • First Year | \$598,210 |
| • Second Year | \$84,219 |
| • Third Year | \$84,219 |
| • Fourth Year | \$84,219 |
| • Fifth Year | \$98,847 |
| • Total | \$949,714 |

The amount of time and cost is significantly less than the amount associated with relocating the Corporation Yard elsewhere and involves fewer variables in terms of application process and cost. In addition, modular buildings offer the City flexibility to reduce or modify the amount and configuration of space as needs change, subject to ZAB and Council approval.

- *There are a number of Corporation Yard functions that could readily be located elsewhere, because these Divisions have very separate functions and equipment:*
 - a. *Gas Station*

The current fuel island was constructed near Bancroft Way in 1993 pursuant to the Master Plan approved by Council Resolution No. 53,831, dated 7/7/87. There are no plans or budget at this time to consider an alternate location for the fuel island. However, the ZAB suggested that the director of Public Works consider the potential for City employees to refuel at commercial fuel stations in the City to obviate the need for a fuel island in the yard.

b. Street Sweeping

There are four street sweeper machines located at the Corporation Yard. Two are gasoline operated and refuel at the Corporation Yard fuel island, and two operate on compressed natural gas (CNG) and refuel at the Solid Waste Transfer Station on Second Street.

The parking and storage needs at the Solid Waste Transfer Station currently exceed its capacity, thereby preventing the relocation of any additional equipment. However, to accommodate the relocation of the Facilities Maintenance Section contemplated in this Use Permit, the City will reconfigure the layout at the City's Transfer Station to accommodate 13 parking spaces for three vans and 10 other Facilities Maintenance vehicles, and space for two facilities maintenance storage containers.

There are no plans or Council approved budget at this time to consider an alternate location for the street sweepers. However, it is the opinion of Public Works that any piecemeal relocation of Corporation Yard functions is unwise from a management and efficiency standpoint because oversight of employees, communications, payroll distribution of small units at satellite locations, away from a central reporting point, increases management costs and inefficiencies.

c. Gravel, dirt, and sand storage and associated dump trucks, front-end loaders, etc.

The Corporation Yard currently stores a small amount of material to meet immediate and emergency needs at the Corporation Yard. The material includes base rock, cement mix, sand and cutback for potholes.

The Corporation Yard has removed a trash bin for the storage of street sweeper debris collected on Sundays when the Solid Waste Transfer Station is closed. This debris is now taken to the Solid Waste Transfer Station where the sweeper crews have been allowed Sunday access.

There are no plans or budget at this time to consider an alternate location for the storage of the small amount of materials necessary for emergency repairs.

d. Sewer Vactor trucks

The Corporation Yard currently stores three vactor (vacuum) trucks at the yard. One older truck will be disposed of. One vactor truck is for sanitary sewer cleaning and the other truck for storm sewer cleaning. A minimum of two trucks is necessary because the sewer and storm cleaning functions must remain separated (i.e. to avoid cross-contamination). There are no plans or budget at this time to consider an alternate location for the vactor trucks. See above for comments on piecemeal relocation of Corporation Yard functions.

e. Forestry Division

The Forestry Division of the Parks Department includes 14 employees. As with other potential relocations of activities to other parts of the City, any relocation of the Parks Department would introduce inefficiencies and additional costs to the City.

f. Entire Parks Department

The Parks Department contributes 56 employees, 13 storage containers and approximately 60 vehicles and pieces of equipment to the Corporation Yard. Relocating the entire Parks Department from the Corporation Yard would involve inefficiencies similar to those identified previously in this report. In addition, currently shared functions such as work orders, showers, meeting space, etc. would be duplicated at a new site, further raising the costs. Consolidating functions at one location is typically far more cost efficient. The Public Works Department estimates that the cost to the City to relocate the Parks Department may involve significant expense for monthly rent or purchase of adequate space, perhaps up to \$1 million per year.

In summary, there are no plans or budget at this time to consider an alternate location for the Parks Department equipment, facilities and employees.

- *Moving some of the functions elsewhere would require smaller portable buildings, reducing overcrowding and potential for increased noise affecting neighbors.*

As discussed above, the modular buildings provide replacement office space and not an increase in the intensity of use. Therefore, this project will not exacerbate any existing condition related to overcrowding or noise.

- *Corporation Yard staff state they have no plans for the Yard beyond moving employees out of a seismically unsafe building. If so, a reduction in the square footage of portables and storage containers might allow the entire Ratcliff building to be saved, at least until final plans are made. The part scheduled for demolition constitutes one third of this beautiful historic building. Once it is torn down, it is gone. There is no sense in doing that prematurely*

and unnecessarily. We wish to emphasize that we do not want City employees to be at risk in an earthquake, and believe it is important to move them out as quickly as possible.

The 1987 Master Plan found that the 8,450 square feet of additions to the 1916 Walter Ratcliff building, including most of the original north/south shed up to the face of a 1950's addition were "dilapidated, inefficient and would not be cost effective to renovate." In addition, the plan determined that the location was an obstacle to efficient traffic circulation. In modifying the decision of the LPC, the Council found that the original Ratcliff building that is parallel to Allston Way was historic, but that the north south shed was not because of the significant alterations that occurred over time (Resolution #61,910-attached).

As a former stable building, Public Works estimates that it is uneconomic to upgrade the building to conform to modern seismic standards and to facilitate the efficient use of the space. Also, the removal of this building allows for the more efficient use of the site, thereby reducing the impacts to the adjacent neighbors.

- *The Corporation Yard first applied for a Use Permit in February 2002, made a totally revised application in March 2003, and added a major revision in April 2003. That is an example of lack of planning at the Yard.*

The submittal dates ranging from February 2002 to April 2003 reflect the City's efforts to prepare a complete and concise application. The delay between February 2002 and March 2003 was caused by LPC's designation of portions of the site, which would have hindered the City's efforts to vacate the unsafe URM building.

- *The Chair of the Zoning Adjustments Board stated that: "if the city had come to this board as a private developer, we'd probably be considering revocation of your use permit" The Corporation Yard has violated its Use Permit by not doing mitigation required in its 1987 Use Permit and by placing 21 large cargo containers on the site without permit since then. The ZAB should have required the Corporation Yard to correct its violations before granting a new Use Permit.*

At the direction of Planning Staff, the project approved by the ZAB included the cargo containers installed after 1987 without planning approval. It is important to note that the 1987 action by the City was the adoption by the City Council of a Master Plan, not a Use Permit. To date, the City has implemented portions of the plan by installing the sound wall and landscaping along Bancroft Way in 1995 and relocating the fuel island to its current location in 1993.

Existing buildings cover the area proposed for employee parking in the 1987 Master Plan. To accommodate additional parking spaces, the plan proposed the demolition of several structures and the construction of a two-story replacement building near Allston Way. To date the City has not allocated funds to commence with this part of the 1987 Master Plan.

The project approved by the ZAB is consistent with the Master Plan's 10 broad goals and objectives by:

- providing enhanced traffic circulation through the reconfiguration of buildings and equipment storage (#2);
- providing adequate protected storage area for equipment and vehicles (#4);
- providing adequate working space for the safe and efficient operation of all Corporation Yard activities, particularly by vacating an unsafe building(#5);
- minimizing noise impacts by partially consolidating equipment storage in the center of the site and by buffering the adjoining residences with buildings. Also, the project reduces the noise, parking and traffic impact by decreasing the activities and square footage at the Corporation Yard (#7).

The demolition of 8,450 square feet of shed additions to the 1916 Walter Ratcliff building was contemplated in the 1987 Master Plan. Therefore, this project is consistent with the 1987 Master Plan.

Per the 1987 Master Plan, the City completed the relocation of the refuse collection division (95 employees and 33 refuse trucks) by 1988 to the SWTS and relocated the fuel island in 1993. The City has not allocated the funds to complete the other components of the 1987 Master Plan.

- *The ZAB heard testimony from 16 neighbors who stayed until 11:30 PM recounting the noise, pollution, traffic, and parking problems created by the Corporation Yard. However, since their discussion took place after 11:30 PM, the ZAB did not add any mitigation for the problems likely to occur due to this project or which will be magnified by the project.*

The ZAB approval included 25 conditions of approval and five areas of CEQA-mandated mitigations. To protect the neighborhood, the ZAB's approval included conditions of approval to limit impacts related to construction hours, noise, air quality, traffic and parking and hazardous materials. The appeal does not provide any evidence to suggest that the mitigated negative declaration adopted by the ZAB is inadequate.

- *We ask for the following Mitigations to be made a condition of the Use Permit:*
 - A. No work on Saturday or Sunday. Weekday work between 8 AM and 5PM. No overtime.*

The project approved by the ZAB allowed the standard construction hours used for all projects to limit construction to the hours of 8:00 a.m. to 6:00 p.m. on Monday through Friday, and 9:00 a.m. to noon on Saturday. No construction-related activity may occur on Sunday.

Public Works staff indicates that the actual construction hours will be less, in order to avoid interrupting activities at the yard. For example, construction Monday to Friday will likely end by 3 p.m. to allow for the return of city equipment. It is important to note that any limitation to the hours for construction will lengthen the total time needed to complete the project, thereby extending the exposure of neighbors to potential construction impacts, and City employees to harm from an earthquake in the URM building.

B. Reconfigure entrances to portables to face the interior of the Corporation Yard and away from neighbors. Current plans show half the portables immediately alongside a Bancroft Way gate, within 50 feet of living rooms and bedrooms. The rest of the portables are immediately alongside the sidewalk of Allston Way, with the apparent entrance along Allston.

The proposed modular buildings adjacent to Bancroft Way are located behind a 10-foot high solid masonry wall, which limits offsite visibility of the new buildings to only the view through a 25-foot wide access drive. The orientation of the proposed buildings is intended to facilitate efficient employee and emergency access. Further, the location allows the existing equipment to be located as far away as possible from residential uses, allowing the building to act as a buffer along the perimeter of the site.

The proposed modular buildings adjacent to Allston Way will be used for customer service and need to be oriented to facilitate easy public access and visibility to the street.

C. No City vehicles, construction vehicles parked on neighboring streets, park only inside Corporation Yard.

ZAB approved Condition of Approval (#11) requires City Traffic Engineer approval of construction traffic activities to ensure that neighboring areas, and the onsite activities, are not unduly impacted. In addition, the Zoning Officer is empowered to limit the off-site parking of construction-related vehicles if necessary to protect the health, safety, or convenience of the surrounding neighborhood. The full text of the Condition of Approval is as follows:

“Prior to issuance of a building permit, the applicant shall secure the City Traffic Engineer’s approval of a construction traffic management plan. In addition to other requirements of the Traffic Engineer, this plan shall include the locations of material and equipment storage, trailers, worker parking, a schedule of site operations that may block traffic, and provisions for traffic control. The City 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.”

D. All construction debris to be loaded directly into trucks and removed from site. No storage of construction debris within the Yard overnight.

This requirement would introduce inefficiencies in construction by limiting the City’s ability to recycle or re-use building materials, increase the duration of construction and would likely require additional hauling trips-adding to construction costs and neighborhood construction traffic impacts.

E. Establish monetary fine for contractor who litters, works off hours, or violates other conditions such as wetting down surfaces to control dust.

The City will monitor the project to ensure that construction complies with the use permit conditions of approval and any building permit limitation. Any violation can result in a stop work order. City staff has determined that a monetary fine is not an option.

F. Clean Corporation Yard with street sweepers three times per week rather than just once per week.

According to the Department of Public Works, the cleaning of the Corporation Yard with street sweepers three times per week began in 2001.

G. Add stop sign and crosswalk at West Street/Bancroft/Strawberry Creek Park to make area safer for pedestrians on a street that will be used by large trucks during and after construction.

The Office of Transportation has discretion over the location of a new stop sign at minor street intersections without going to the Transportation Commission. According to the Office of Transportation, this street does not have a history of accidents or calls for service. However, the Office of Transportation can install a stop sign at the Council's direction.

H. The Use permit shows permanent parking spots within the gas station and overly long spots to the east of the gas station. This creates an unsafe situation especially for trucks with trailers. Leave larger clear area on either side of gas station for safer turning radius, and do not allow parking inside the gas station area. Paint no parking areas red.

The fuel island area is currently a "no parking" zone. The project does not propose any changes. It is important to note that a major benefit of this project is the improved on-site circulation that will be possible via the relocation of non-essential equipment off-site and the reconfiguration of equipment storage areas and a drive aisle that is made possible by the demolition of the 8,450 sq shed building.

I. Close gas station from 10 PM to 7 AM except for emergency use.

A recent survey of vehicle refueling found that there were approximately 28 refueling visits per month between the hours of 5:00 p.m. to 7:00 a.m. by on-duty police vehicles, 21 vehicle trips by Public Works department street sweepers at 4:00 a.m. and 32 refueling visits per month at 6:00 a.m. by the Parks, Recreation and Waterfront Department.

At the direction of Public Works, the Police Department is considering the possibility of buying fuel at an alternate location between the hours of 5:00 p.m. to 7:00 a.m. and/or refueling at Corporation Yard before 5:00 p.m. The Public Works and the Parks, Recreation and Waterfront Departments are also considering the possibility of changing their before-6:00 a.m.-refueling to

occur later in the day, after 3:30 p.m. In the interim, the Department Directors of the City staff that use the Corporation Yard at night have reminded city employees of the need to minimize the amount of noise made during refueling.

J. No employee parking on South side of Bancroft, North side of Allston, East side of North Valley, East side of West streets. Post signs. [We are concerned that City vehicles already park in the employee parking lot and during construction more might do so, forcing more personal cars into the streets. According to the facts of the Use Permit up to 90 employee cars park on the street, since the City did not expand employee off-street parking as promised in the 1987 Use Permit.]

The project does not require the relocation of any employee parking off-site to accommodate the proposed construction activities. The additional parking contemplated in the 1987 Master Plan was part of the plan for Phase 2 to construct new buildings and 26 new parking spaces, after demolition of various buildings was completed in Phase 1. To date, the City has completed the relocation of the fuel island and the site improvements along Bancroft Way (phase 1), but has not demolished the buildings contemplated in Phase 1 nor constructed the new buildings contemplated in Phase 2. It is important to note that the area around the Corporation Yard does not currently participate in the Residential Preferred Parking program.

K. No trucks over 5 tons on Acton Street. Post signs.

Construction activities and normal operation involve vehicles that exceed this weight limit. Consideration of vehicle weight limits on City streets involve the street width and pavement section (pavement thickness). Any limitation on the weight of vehicles during construction may decrease efficiencies available when using larger trucks, thereby increasing the length of construction and would also impair the day-to-day operations by limiting the use of vehicles essential for providing services to the community.

L. Contractors and employees should not leave vehicles running over 2 minutes to cut down air pollution.

In 2001, in response to community concerns relating to the amount of noise and emission generated by vehicles using the Corporation yard, the Public Works Department directed employees to limit the amount of unneeded idling and installed 'no idling' signs. In 2003, the Department converted the diesel-burning vehicles to use Biodiesel, which is intended to reduce the amount of emission by 50%.

The Public Works Department has indicated that in some cases, limiting the time that vehicles idle may reduce the efficiency of the contractor's operations and that any enforcement would be problematic for the Corporation Yard staff. In any case, it is in the interest of the City and any contractor to limit the time of vehicle idling to reduce costs. This fall the Public Works Department commissioned a 10-week study of the air quality at the Corporation Yard. The results of this study will be provided to the Council and the public at the conclusion of the study.

M. Public works plans to put a chain-link fence around the Ratcliff building for up to 5 years. Install a visual barrier, such as a hedge, or a fence covered with vines along the sidewalk of Allston Way to block the view of the fence and the employee parking lot.

The fence immediately around the perimeter of the Ratcliff building is necessary for site safety. A visual barrier along Allston way, depending on the design, may require changes to the parking configuration that may result in the loss of on-site parking. It also may pose a security risk by creating areas with reduced surveillance at night.

Also, the LPC, in designating this building as a City of Berkeley Landmark, found that it was a “unique and historic asset to the neighborhood” and a building that “offers the community an educational resource and a historic glimpse of Berkeley’s rich architectural past”. A visual barrier may block some or all public views of the landmark building and diminish the value of the building to the City.

OPTIONS FOR ACTIONS ON APPEALS:

Section 23B.32.060 of the City of Berkeley Zoning Ordinance provides that the attached appeal from a decision by the ZAB may be disposed by any of the following three Council actions:

1. Affirm Board Decision: If the Council determines that the facts ascertainable from the record prepared by the Zoning Officer do not warrant further hearing, the Council shall affirm the decision of the Board and dismiss the appeal, in which case the application is approved, and the Zoning Officer shall issue the Use Permit;
2. Set for Public Hearing: If the Council determines that the facts ascertainable from the record prepared by the Zoning Officer warrant further hearing, the Council shall set the matter for a public hearing;
3. Remand to ZAB: If the Council determines that the facts ascertainable from the record prepared by the Zoning Officer warrant reconsideration of the application by the Board or if the applicant has submitted revisions to the application, the Council shall remand the matter to the Board to reconsider the application, in which case it shall specify whether or not the Board shall hold a new public hearing, and shall identify those issues which the Board is directed to reconsider. (Council must specify issues that the Board is directed to investigate and reconsider. A new decision may be appealed in the normal manner unless otherwise directed by Council. If 60 days pass, and the Board has made no subsequent decision, then the original decision and the original appeal of that decision shall be placed back on the Council agenda in the same manner as a new decision and appeal.)

ACTION DEADLINES:

1. Date appeal first appeared on Council agenda: October 21, 2003.
2. If none of three actions shown above is taken by: November 20, 2003 (30 days from the date the appeal first appears on the agenda) the decision of the Board is deemed affirmed.
3. A public hearing must commence within 60 days of the date the vote to hold a hearing is taken.

RATIONALE FOR RECOMMENDATION:

The project presents the City with the most cost-effective and timely option for relocation of City employees from the URM building. Since the late 1980's, the Public Works Department has considered locations for the various functions that occur at the Corporation yard. Over time, functions were relocated elsewhere without hindering the City's ability to operate efficiently. The present project provides the minimum floor area necessary for the continued operation of the Corporation yard and relocates or eliminates additional employees and equipment. Affirming the ZAB's decision to approve this project is consistent with the City's goal to vacate the URM building.

ALTERNATIVE ACTIONS CONSIDERED

The Council could choose to consider other alternatives for providing the floor area proposed to for relocation to the modular buildings. Other options were not considered due to funding constraints. The proposed project is the most cost effective proposal given the current funding levels.

CONTACT PERSON:

Mark Rhoades, Land Use Planning Manager, 981-7410

Approved:



Dan Marks
Interim Director
Planning and Development Department

Attachments:

Resolution to Affirm the Decision of the Zoning Adjustments Board to approve
July 17, 2003 Appeal Letter
ZAB Notice of Decision
June 26, 2003 Zoning Adjustments Board Staff Report with Attachments
CC Resolution #61,910 - Modifying the LPC designation
CC Resolution #53,831 - 1987 Corporation Yard Master Plan
September 16, 2003 Council Report, re: Pre-Disaster Mitigation Grant Application
Administrative Record

RESOLUTION NO. -N.S.

DENYING THE APPEAL AND UPHOLDING THE ZONING ADJUSTMENTS BOARD DECISION TO APPROVE THE USE PERMIT FOR 13216 ALLSTON WAY - THE CITY OF BERKELEY CORPORATION YARD (UP #02-100000008) TO APPROVE THE PROJECT TO DEMOLISH NON-RESIDENTIAL BUILDINGS, CONSTRUCT STORAGE BUILDINGS, INSTALL 7,368 SQUARE FEET OF MODULAR OFFICES AND RELOCATE CERTAIN NON-ESSENTIAL SERVICES AND STAFF OFFSITE

WHEREAS, on June 26, 2003, the Zoning Adjustments Board (ZAB) approved Use Permit# 02-100000008 to allow the demolition of non-residential buildings, the construction storage buildings, installation of 7,368 square feet of modular offices and relocation of certain non-essential services and staff offsite; and

WHEREAS, on July 17, 2003, the City received an appeal of this decision signed by 14 members of the adjacent neighborhood; and

WHEREAS, the record of proceedings before the ZAB has been considered and reviewed by this Council, and, in the opinion of this Council, the facts stated in, or ascertainable, from such records and testimony warrants denying the appeal and upholding the ZAB's action to approve the project.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that it hereby dismisses the appeal and upholds the Zoning Adjustments Board's action to adopt a Mitigated Negative Declaration and a mitigation-monitoring plan and approve Use Permit #02-100000008, subject to the findings and conditions of approval made by the Zoning Adjustments Board.

Mayor and City Council
City of Berkeley
July 17, 2003

Appeal of Zoning Adjustments Board decision to Approve Use Permit at 1326 Allston Way: Corporation Yard Modular offices, Storage Cargo containers and Demolition of one third of historic Ratcliff Building.

We appeal to the City Council to MODIFY the Use Permit for the following reasons:

1. The Zoning Adjustments Board did not adequately consider the possibility of moving SOME of the functions of the Corporation Yard to a new, permanent location rather than remaining at the present location in rented, temporary modular building for up to 5 years.

This is the perfect time to continue making strides toward moving more Corporation Yard activities to the Industrial sector of the City or to a vacant City building at the Marina, which will NOT cost \$16 to 25 million dollars. The Director of Public Works stated that locating some functions at the Marina would be a problem if "the overpass collapsed and trapped the vehicles." There are three overpasses across the freeway and a new bicycle bridge that could be used in an emergency.

In the past, Corporation Yard staff maintained that everything had to stay together, but they have since moved garbage trucks, meter maids, and now propose to move janitors elsewhere. Many other functions at the Yard operate independently. In particular, Parks Department has a separate budget, separate vehicles, separate personnel, and only becomes part of Public Works in case of emergency such as earthquake.

The Corporation Yard is in an R-2 Zone and ZAB members stated they would look at proposals for permanent building in a different light. ZAB suggested that the Gas Station was a major source of noise, traffic, and pollution and should be moved. Moving the station out of the Yard would improve circulation patterns in the Yard and obviate the need to raze part of the Ratcliff building.

A. This proposal adds approximately 2,000 sq. ft. to an already severely overcrowded facility, making it even worse than it is.

B. Moving to portables is not cost effective. Public Works staff estimated the cost at half million dollars or more. This would be better spent on permanent facilities elsewhere.

C. There are a number of Corporation Yard functions that could readily be located elsewhere, because these Divisions have very separate functions and equipment:

- a. Gas Station
- b. Street Sweeping
- c. Gravel, dirt, and sand storage and associated dump trucks, front-end loaders, etc.
- d. Sewer Vector trucks
- e. Forestry division
- f. Entire Parks Department

D. Moving some of the functions elsewhere would require smaller portable buildings, reducing overcrowding and potential for increased noise affecting neighbors.

E. Corporation Yard staff state they have no plans for the Yard beyond moving employees out of a seismically unsafe building. If so, a reduction in the square footage of portables and storage containers might allow the entire Ratcliff building to be saved, at least until final plans are made. The part scheduled for demolition constitutes one third of this beautiful historic building. Once it is torn down, it is gone. There is no sense in doing that prematurely and unnecessarily. We wish to emphasize that we do not want City employees to be at risk in an earthquake, and believe it is important to move them out as quickly as possible.

Rather than continuing piecemeal planning, the Yard needs to look at moving some functions out. The Corporation Yard first applied for a Use Permit in February 2002, made a totally revised application in March 2003, and added a major revision in April 2003. That is an example of lack of planning at the Yard.

2. The Chair of the Zoning Adjustments Board stated that: "If the city had come to this board as a private developer, we'd probably be considering revocation of your use permit." The Corporation Yard has violated its Use Permit by not doing mitigation required in its 1987 Use Permit and by placing 21 large cargo containers on the site without permit since then. The ZAB should have required the Corporation Yard to correct its violations before granting a new Use Permit.

The ZAB heard testimony from 16 neighbors who stayed until 11:30 PM recounting the noise, pollution, traffic, and parking problems created by the Corporation Yard. However, since their discussion took place after 11:30 PM, the ZAB did not add any mitigation for the problems likely to occur due to this project or which will be magnified by the project.

We ask for the following Mitigations to be made a condition of the Use Permit.

- A. No work on Saturday or Sunday. Weekday work between 8AM and 5PM. No overtime.
- B. Reconfigure entrances to portables to face the interior of the Corporation Yard and away from neighbors. Current plans show half the portables immediately alongside a Bancroft Way gate, within 50 feet of living rooms and bedrooms. The rest of the portable are immediately alongside the sidewalk of Allston Way, with the apparent entrance along Allston.
- C. No City vehicles, construction vehicles parked on neighboring streets, park only inside Corporation Yard.
- D. All construction debris to be loaded directly into trucks and removed from site. No storage of construction debris within the Yard overnight.
- E. Establish monetary fine for contractor who litters, works off hours, or violates other conditions such as wetting down surfaces to control dust.
- F. Clean Corporation Yard with street sweepers three times per week rather than just once per week.
- G. Add stop sign and crosswalk at West Street/Bancroft/Strawberry Creek Park to make area safer for pedestrians on a street that will be used by large trucks during and after construction.

- H. The Use permit shows permanent parking spots within the gas station and overly long spots to the east of the gas station. This creates an unsafe situation especially for trucks with trailers. Leave larger clear area on either side of gas station for safer turning radius, and do not allow parking inside the gas station area. Paint no parking areas red.
- I. Close gas station from 10PM to 7AM except for emergency use.
- J. No employee parking on South side of Bancroft, North side of Allston, East side of North Valley, East side of West streets. Post signs. [We are concerned that City vehicles already park in the employee parking lot and during construction more might do so, forcing more personal cars into the streets. According to the facts of the Use Permit, up to 90 employee cars park on the street, since the City did not expand employee off-street parking as promised in the 1987 Use Permit.]
- K. No trucks over 5 tons on Acton Street. Post signs.
- L. Contractors and employees should not leave vehicles running over 2 minutes to cut down air pollution.
- M. Public works plans to put a chain-link fence around the Ratcliff building for up to 5 years. Install a visual barrier, such as a hedge, or a fence covered with vines along the sidewalk of Allston Way to block the view of the fence and the employee parking lot.

We invite City Council to walk through the Corporation Yard today to see current conditions and to talk to neighbors.

Name (print) Signature	Address
TAMARA (Toni) Horodysky <i>Toni Horodysky</i>	2213 Acton St Berkeley 94702
Daniel Horodysky <i>Daniel Horodysky</i>	2213 Acton St
Nancy Hunt <i>Nancy Hunt</i>	1324 Bancroft Way
<i>Gerardo Moreno</i> <i>GERARDO MORENO</i>	1324 Bancroft Way

JUDITHE SAGER
Judith Sager 2183 North Valley St.

STEVEN SAGER
Stan Sager 2183 North Valley St
Patricia Jones

PATRICIA JONES 1318 Bancroft Way
Judith Olson

JUDITH A. OLSON 2222 Acton St

MONI & TANIA SCHWIEG
Moni & Tania Schwieg 1326 Bancroft Way

BRUCE SIMON 2158 N. Valley St.
Bruce Simon

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