



Planning Commission

AGENDA

REGULAR MEETING OF THE PLANNING COMMISSION

This meeting is held in a wheelchair accessible location.

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Wednesday, April 18, 2018
7:00 PM

North Berkeley Senior Center
1901 Hearst Ave / MLK Jr. Way

See “MEETING PROCEDURES” below.

All written materials identified on this agenda are available on the Planning Commission webpage: <http://www.ci.berkeley.ca.us/ContentDisplay.aspx?id=13072>

PRELIMINARY MATTERS

1. **Roll Call:** Pinto, Prakash, appointed by Councilmember Maio, District 1
Martinot, Steve, appointed by Councilmember Davila, District 2
Schildt, Christine, Chair, appointed by Councilmember Bartlett, District 3
Mary Kay Lacey, appointed by Councilmember Harrison, District 4
Beach, Benjamin, appointed by, Councilmember Hahn, District 5
Kapla, Robb William, for Councilmember Wengraf, District 6
Fong, Benjamin, appointed by Councilmember Worthington, District 7
Vincent, Jeff, appointed by Councilmember Droste, District 8
Wrenn, Rob, Vice Chair, appointed by Mayor Arreguin
2. **Order of Agenda:** The Commission may rearrange the agenda or place items on the Consent Calendar.
3. **Public Comment:** Comments on subjects not included on the agenda. Speakers may comment on agenda items when the Commission hears those items. (See “Public Testimony Guidelines” below):
4. **Planning Staff Report:** In addition to the items below, additional matters may be reported at the meeting. **Next Commission meeting: May 16, 2018.**
5. **Chairperson’s Report:** Report by Planning Commission Chair.
6. **Committee Reports:** Reports by Commission committees or liaisons. In addition to the items below, additional matters may be reported at the meeting.
7. **Approval of Minutes:** Approval of Draft Minutes from the meeting on March 21, 2018.
8. **Future Agenda Items and Other Planning-Related Events:** None.

AGENDA ITEMS: All agenda items are for discussion and possible action. Public Hearing items require hearing prior to Commission action.

- 9. Action:** **1050 Parker Street Parcels Rezone and General Plan Amendment**

Recommendation: Consider and make recommendations regarding the rezone and General Plan re-designation of APNs 054-1763-001-03 and 054-1763-010-00, and C-W District text amendment.

Written Materials: Attached.

Web Information: N/A.

Continued From: 2/7/2018.

- 10. Discussion:** **Adeline Corridor Project Update**

Recommendation: Project update.

Written Materials: Attached.

Web Information: N/A.

Continued From: N/A.

ADDITIONAL AGENDA ITEMS: In compliance with Brown Act regulations, no action may be taken on these items. However, discussion may occur at this meeting upon Commissioner request.

Information Items: None.

Communications:

- 2018-04-18 C. Susanna - Commentary on Parcels at 1050 Parker St. and 2621 Tenth St.

Late Communications: None.

ADJOURNMENT

Meeting Procedures

Public Testimony Guidelines:

Speakers are customarily allotted up to three minutes each. The Commission Chair may limit the number of speakers and the length of time allowed to each speaker to ensure adequate time for all items on the Agenda. **To speak during Public Comment or during a Public Hearing, please line up behind the microphone.** Customarily, speakers are asked to address agenda items when the items are before the Commission rather than during the general public comment period. Speakers are encouraged to submit comments in writing. See “Procedures for Correspondence to the Commissioners” below.

Consent Calendar Guidelines:

The Consent Calendar allows the Commission to take action with no discussion on projects to which no one objects. The Commission may place items on the Consent Calendar if no one present wishes to testify on an item. Anyone present who wishes to speak on an item should submit a speaker card prior to the start of the meeting, or raise his or her hand and advise the Chairperson, and the item will be pulled from the Consent Calendar for public comment and discussion prior to action.

Procedures for Correspondence to the Commissioners:

- To have materials included in the packet, the latest they can be submitted to the Commission Secretary is close of business (5:00 p.m.), on Tuesday, eight (8) days prior to the meeting date.
- To submit late materials for Staff to distribute at the Planning Commission meeting, those materials must be received by the Planning Commission Secretary, by 12:00 p.m. (noon), the day before the Planning Commission meeting.
- Members of the public may submit written comments at the Planning Commission meeting. To submit correspondence at the meeting, please provide 15 copies, and submit to the Planning Commission Secretary before the start time of the meeting.
- If correspondence is more than twenty (20) pages, requires printing of color pages, or includes pages larger than 8.5x11 inches, please provide 15 copies.
- Written comments/materials should be directed to the Planning Commission Secretary, at the Land Use Planning Division (Attn: Planning Commission Secretary).

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

Written material may be viewed in advance of the meeting at the Department of Planning & Development, Permit Service Center, **1947 Center Street, 3rd Floor**, during regular business hours, or at the Reference Desk, of the Main Branch Library, 2090 Kittredge St., or the West Berkeley Branch Library, 1125 University Ave., during regular library hours.

Note: ***If you object to a project or to any City action*** or procedure relating to the project application, any lawsuit which you may later file may be limited to those issues raised by you or someone else in the public hearing on the project, or in written communication delivered at or prior to the public hearing. The time limit within which to commence any lawsuit or legal challenge related to these applications is governed by Section 1094.6, of the Code of Civil Procedure, unless a shorter limitations period is specified by any other provision. Under Section 1094.6, any lawsuit or legal challenge to any quasi-adjudicative decision made by the City must be filed no later than the 90th day following the date on which such decision becomes final. Any lawsuit or legal challenge, which is not filed within that 90-day period, will be barred.

Meeting Access: This meeting is being held in a wheelchair accessible location. To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services Specialist, at 981-6418 (V) or 981-6347 (TDD), at least three (3) business days before the meeting date.

Please refrain from wearing scented products to public meetings.



Planning Commission

1 **DRAFT MINUTES OF THE REGULAR PLANNING COMMISSION MEETING**
2 **March 21, 2018**

3 The meeting was called to order at 7:05 p.m.

4 **Location:** North Berkeley Senior Center, Berkeley, CA

5 **Commissioners Present:** Steve Martinot, Benjamin Beach, Robb William Kapla (left at 8:33),
6 Christine Schildt, Jeff Vincent, Rob Wrenn, Prakash Pinto, Benjamin Fong, Mary Kay Lacey
7 (arrived at 7:13).

8 **Commissioners Absent:** None.

9 **Staff Present:** Alex Amoroso, Alene Pearson, and Sydney Stephenson.

10 **ORDER OF AGENDA:** No changes.

11 **CONSENT CALENDAR:** None.

12 **PUBLIC COMMENT PERIOD:** 8 speakers.

13 **PLANNING STAFF REPORT:** The amendments to the development standards for R-1A will be
14 presented to Council on March 27th. The ADU Ordinance amendments are headed to Council in
15 June. City Council held a Cannabis Worksession on March 20th, the Council wants another
16 Worksession. Staff has discussed the Council Resolution on Student Housing Now and is
17 reviewing the Resolution and will propose the next steps. Next Planning Commission meeting is
18 on April 18th which will include an Adeline Corridor update and a new public hearing of 1050
19 Parker. First Council Joint Subcommittee on Housing State Laws on April 17th and will discuss
20 the state laws and council referrals related to housing. The ZORP Subcommittee will meet at the
21 end of April or beginning of May.

22 **COMMUNICATIONS IN PACKET:**

- 23 • 2018-03-21 – Edward Moore, Proposed Local Legislation Regarding Density Bonuses,
24 Item 9
- 25 • 2018-03-21 – Nathan Dahl, Community Gardens Levels of Discretion Table, Item 10
- 26 • 2018-03-21 – Cynthia Tate Elliott, Correction of Letter to Planning Commission, R-1A
- 27 • 2018-03-21 – Charles Pappas, Pardon Me Revised Cannabis Action

28
29 **LATE COMMUNICATIONS** (Received after the Packet deadline):

- 30 • 2018-03-21 – Christina Oatfield, SELC, Support Berkeley Urban Agriculture
- 31 • 2018-03-21 – Berkeley Community Garden Collaborative, Community Gardens and
- 32 Structures
- 33 • 2018-03-21 – EBMUD, Briefing Invitation April 5, 2018

34
35 **LATE COMMUNICATIONS** (Received and distributed at the meeting):

- 36 • 2018-03-21 – Amir Wright, Berkeley Student Housing Now Alternative Proposal
- 37 • 2018-03-21 – Kelly Hammargren, Affordable Housing and Density Bonus

38 **CHAIR REPORT:** Chair Schildt announced she attended the Adeline Corridor Workshop and it
39 will be opened until Friday, March 23rd. Chair Schildt has discussed with staff and reported that
40 staff is working with a consultant to review the new State Housing Laws.

41 **COMMITTEE REPORT:** The Affordable Housing and Community Benefits Subcommittee
42 discussed a bundle of referrals related the Southside Plan including parking, ground floor
43 residential, etc. at their last meeting. The Subcommittee wanted to start to focus on Southside
44 Plan bundle of referrals, and continue discussing Density Bonus 3 phase project.

45 **7. APPROVAL OF MINUTES:**

46 Motion/Second/Carried (RK/JV) to approve the Planning Commission Meeting Minutes from
47 February 21, 2018. Ayes: Lacey, Beach, Martinot, Schildt, Kapla, Vincent, Wrenn, Pinto, Fong.
48 Noes: None. Abstain: None. Absent: None. (9-0-0-0)

49
50 **8. FUTURE AGENDA ITEMS AND OTHER PLANNING-RELATED EVENTS:** None.

51 **AGENDA ITEMS**

52 **9. Action: Public Hearing: 1050 Parker Street Parcels Rezone and General**
53 **Plan Amendment**

54 Staff announced that this project needs to be re-noticed and a new Public Hearing will be
55 sent out in the next two weeks for the April 18th meeting. Staff requests that the Commission
56 close the continued open public hearing at this meeting.

57 Public Comments: 1 speaker.

58 Motion/Second/Carried (CS/RK) to close the public hearing to allow staff to re-notice and bring
59 back a new public hearing at the April 18th meeting. Ayes: Lacey, Beach, Martinot, Schildt,
60 Kapla, Vincent, Wrenn, Pinto, Fong. Noes: None. Abstain: None. Absent: None. (9-0-0-0)

61
62 **10. Action: Public Hearing: Density Bonus**

63 Staff briefly presented the staff report on the proposed Density Bonus Ordinance and the
64 repeal of Section 23C.12.050. Staff provided two recommended actions for the Planning
65 Commission consideration, including repeal Section 23C.12.050 and adopt new Density

66 Bonus, Chapter 23C.14. In addition, staff mentioned that there were a non-substantive
67 change to the proposed language in the public hearing and asks the commission to adopt
68 these changes.

69 The Commission discussed the proposed Density Bonus Ordinance and made a list of
70 amendments to the proposed language, listed in the motion below. The Commission
71 discussed a way to have developers provide review of the financial numbers for the project
72 by a 3rd party. The Commission also advised that the administrative regulations add
73 procedures on how the City deals with replacement units for Density Bonus.

74 Motion/Second/Carried (BF/CS) to close public hearing. Ayes: Lacey, Beach, Martinot, Schildt,
75 Kapla, Vincent, Wrenn, Pinto, Fong. Noes: None. Abstain: None. Absent: None. (9-0-0-0)

76
77 Motion/Second/Carried (BF/RK) to recommend to Council repealing 23C.12.050 and adopt
78 new chapter 23C.14 with amendments to the proposed language including: 1) add language
79 to 23C.14.030.E to obligate developers to provide 3rd party impartial analysis of the financial
80 needs if applying for concessions or incentives; 2) add staff proposed language to
81 23C.14.030.F and G; 3) add new section 23C.14.030.I regarding replacement units; 4) move
82 text from 23C.14.050 and add to Section 060, and change all 'waivers and reductions' to
83 'incentives and concessions'; 5) correct typo on line 105 (in Section 23C.14.050.A.2); 6) create
84 language from state laws regarding waivers and reductions in Section 23C.14.050; 7) remove
85 second sentence of Section 23C.14.080. Ayes: Lacey, Beach, Martinot, Schildt, Kapla,
86 Vincent, Wrenn, Pinto, Fong. Noes: None. Abstain: None. Absent: None. (9-0-0-0)

87

88 Public Comments: 5 speakers.

89 **11. Discussion: Urban Agriculture**

90 Staff presented a proposed approach (4 steps) to establish Urban Agriculture use on vacant
91 lots in response to two Council referrals. The Commission asked questions and discussed
92 staff's proposed approach. The Commission directed staff to establish the new Urban
93 Agriculture use as more permissible as what the staff proposed, including allowing: larger
94 group class instruction, greater lot coverage for accessory structures and buildings, remove
95 retail sales of produce and products as a threshold, and require only a Zoning Certificate for
96 LIUA in all Zoning Districts except for the ES-R. The Commission also requested that staff to
97 ask the City Attorney if the City is allowed to have non-pesticide use as a threshold.

98 Public Comment: 4 speakers.

99 **The meeting was adjourned at 9:26 pm**

100 **Commissioners in attendance: 9 of 9**

101 **Members in the public in attendance: 19**

102 **Public Speakers: 18 speakers**

103 **Length of the meeting: 2 hour and 21 minutes**



Planning and Development Department
Land Use Planning Division

STAFF REPORT

DATE: April 18, 2018

TO: Members of the Planning Commission

FROM: Alex Amoroso, Principal Planner

SUBJECT: Public Hearing to Consider:

1. General Plan Re-designation and Zoning Map Amendment of a Portion of the Property Known as the "1050 Parker Street Project" from Manufacturing to Commercial - Assessor Parcel Numbers (APN) 054-1763-001-03 and 054-1763-010-00.
2. A Text Amendment to the C-W Chapter related to Assessor Parcel Numbers (APN) 054-1763-001-03, 054-1763-010-00 and 054-1763-003-03.

Recommendation

Conduct a public hearing, take public comment and consider a recommendation to the City Council regarding two actions:

1. City Council request to consider parcels located at 1050 Parker Street and 2621 Tenth Street, assigned Assessor Parcel Numbers (APN) 054-1763-001-03 and 054-1763-010-00, be re-designated from Manufacturing Mixed Use to Avenue Commercial and be rezoned from Mixed Use Light Industrial (MU-LI) to West Berkeley Commercial (C-W).
2. A Text Amendment to the C-W Chapter to allow a maximum height of 50 feet for the following three parcels: Assessor Parcel Numbers (APN) 054-1763-001-03, 054-1763-010-00 and 054-1763-003-03.

Introduction

On December 19, 2017, the City Council referred this matter to the Planning Commission for consideration with an expected return to Council by March 28, 2018.

The Commission opened a Public Hearing on February 7, 2018, took public testimony and asked staff and the applicant to respond to questions and provide information. The Commission then continued the Public Hearing to a date certain of March 21, 2018.

On March 21, 2018, staff requested that the Commission close the Public Hearing and not take action on the re-designation and rezone. The reason for this staff request was that the proposed project at 1050 Parker was changing, and additional Planning Commission actions would be necessary to implement the original intent of the Council referral.

At the February 7, 2018 meeting, the Planning Commission asked several questions regarding the proposed actions and the development proposal. Staff provides responses to Commission questions in the Discussion section of this report. Attachment 1 is the February 7, 2018 staff report and attachments, which includes a detailed project description and background information. Attachment 2 is an Assessor Parcel Map showing the three parcels in question.

Wareham Development, the project proponent, has worked with the City to respond to a couple of the Commission requests; City staff responds to others in this report. Having evaluated the intent of the Council referral from December 12, 2017, and the changes to the proposed development, staff offers the following discussion of the project changes and necessary actions to comply with the intent of the original Council referral.

Discussion

This discussion addresses the following:

- Describes the proposed project with changes that affect potential Commission actions.
- Describes modifications to the three involved parcels for the General Plan re-designation, rezone (APNs 054-1763-001-03 and 054-1763-010-00 only) and text amendment for height exception (APNs 054-1763-001-03, 054-1763-010-00 and 054-1763-003-03).
- Responds to Commission questions from February 7, 2018.

Project Description and Necessary Modifications:

The 1050 Parker Street Project received Zoning Adjustments Board (ZAB) authorization to build an 80,000 square feet building, allowing for approximately half the building in Medical Office use and the other half in Research and Development (R&D) use, along with a small café space on the ground level. The Medical Office and R&D uses would be separated based on the existing zoning district (C-W and MU-LI) lines which run through the site.

Kaiser Medical has expressed interest in leasing the entire building as Medical Office Use (see Attachment 3 Kaiser letter). Current negotiations between Kaiser and Wareham, and the Council's interest in bringing medical services into the community, precipitate the Council referral for changes to parcel designations. Changes to the underlying GP and zoning designations result in a set of other unanticipated changes necessary to make the project compliant with City regulations. City actions would include:

- Authorize additional parking to support the 100 percent Medical Office use. This action would occur through ZAB modification of the Use Permit.
- Align all three parcels in the project to allow for Medical Office use – allowed in the C-W, but not in the MU-LI. This is addressed by the GP re-designation and rezone of two parcels from MU-LI to C-W.
- Allow a height of 50 feet maximum on the three parcels, to accommodate the overall height of the proposed structure. The C-W allows 50 feet maximum height only if the project is mixed use with a residential component. The proposed C-W text Amendment is drafted to address this specific situation: the particular parcels for this site, project configuration and use. The City has authorized similar allowances in other districts, for example 23E.80.045.F. The draft text amendment language to fulfill the need for a height exception follows:

23E.64.070.F The Building Height Limitation for the 1050 Parker Street Project site, Assessor Parcel Numbers (APN) 054-1763-001-03, 054-1763-010-00 and 054-1763-003-03, is 50 feet.

Commission Questions:

At the February 7, 2018, meeting, the Commission identified a set of questions for staff response. The questions with staff response follow:

1. Would staff recommend in favor of a variance for height exception if the entire building (potential 100% Medical Office Uses project) was developed on the existing C-W zoned parcel, fronting San Pablo Avenue.

Response: No. Staff does not believe that variance findings can be made since there is nothing unusual related to the project site or area compared to the surrounding parcels.

2. Would staff recommend in favor of a Use Variance to allow for Medical Office Uses on these specific parcels under the existing MU-LI designation?

Response: No. Staff does not believe the findings can be made to support a use variance. However, staff has drafted a text amendment to allow for the use to exist under specific conditions.

3. Could staff develop a Medical Office Use “overlay” to accommodate this use in the MU-LI under certain circumstances?

Response: Yes. A zoning overlay for Medical Office Use could be prepared. However, such an overlay would not meet the time constraints applicable to this project. A district overlay would require broader CEQA analysis to measure potential impacts over a larger geography that would need to be identified through a process taking 12 to 18 months at a minimum. A more constrained – project based – CEQA analysis can address issues specific to this project.

4. Could conditions be applied to the rezone action to limit the use of the rezoned/re-designated parcels use?

Response: Yes. The Commission could recommend conditions for the Council to consider. The conditions would probably require a direct nexus between the project impacts to be legally viable.

The Planning Commission role is to consider and potentially recommend action to the City Council regarding the requested General Plan re-designation and zoning map and text amendments according to BMC Chapters 22.04.02 and 23A.20, and California Government Code sections 65353 *et seq* and 65853 *et seq*.

Staff identifies the following action options for the Commission:

- Recommend findings in support of the rezone/re-designation (see findings drafted by staff below).
- Recommend against the rezone/re-designation by making one or more findings in the negative for each action.
- Make a recommendation (or not) to adopt the C-W text amendment to allow 50 feet in height.
- Make no recommendation to the City Council. The Commission could make no recommendation, but forward comments or concerns as part of a motion.

To recommend in favor of a re-designation and rezoning, the Commission must consider and find in the positive (vote yes) on the two sets of findings (Attachment 4). Staff has drafted statements in response to the findings to support the re-designation and rezoning of the parcels.

Should the Commission wish to recommend against the proposal, any motion would need to state that the Commission could not make one or more of the noted findings for the rezone and re-designation.

The C-W text amendment can be considered through separate action once a recommendation is made for the rezone/re-designation of parcels.

Conclusion and Next Steps

Staff recommends that the Commission open the Public Hearing; consider public testimony; and:

- Make a recommendation to the City Council regarding the re-designation and rezone of the two parcels based on the findings. The findings may be amended based on the public testimony and Commission deliberations
- Make a recommendation regarding the C-W text amendment – draft amendment language provided in the Discussion section of this report.

Attachments:

1. 2/7/2018 PC Staff Report and Attachments
2. Parcel Map of 1050 Parker and 2621 Tenth Street
3. City Council staff report re: medical office in MU-LI, January 24, 2017
4. GP Re-designation and Rezone Draft Findings
5. Public Hearing Notice



Planning and Development Department
Land Use Planning Division

Item 11
February 7, 2018

STAFF REPORT

DATE: February 7, 2018

TO: Members of the Planning Commission

FROM: Alex Amoroso, Principal Planner

SUBJECT: Public Hearing Regarding the General Plan Re-designation and Zoning Map Amendment of a Portion of the Property Known as the "1050 Parker Street Project" from Manufacturing to Commercial - Assessor Parcel Numbers (APN) 054-1763-001-03 and 054-1763-010-00

Recommendation

Conduct a public hearing and make a recommendation to the City Council that parcels located at 1050 Parker Street and 2621 Tenth Street, assigned Assessor Parcel Numbers (APN) 054-1763-001-03 and 054-1763-010-00, be re-designated from Manufacturing Mixed Use to Avenue Commercial and be rezoned from Mixed Use Light Industrial (MU-LI) to West Berkeley Commercial (C-W).

Background

On December 19, 2017, the City Council referred this matter to the Planning Commission (Attachment 1). The subject parcels are part of a 1.6-acre site that has frontage on San Pablo Avenue, Tenth Street, and Parker Street. The three lots are proposed to be combined for the development known as 1050 Parker Street, which was approved by the Zoning Adjustments Board on December 14, 2017, pursuant to Use Permit ZP#2016-0170). The approved development would be a single three-story building that would provide about 20,000 square feet of new floor area on one parcel in the C-W zoned area and about 40,000 square feet on two parcels in the MU-LI zoned area. All of the parcels would be merged before a building permit is issued.

The project was approved to provide medical office use in the C-W zoned area and research and development in the MU-LI zoned area (Attachment 2). Those uses are mutually exclusive under the existing zoning so the project is designed to provide a physical separation of uses to the extent necessary along the existing zoning boundary, which runs north-south through the middle of the block bounded by San Pablo Avenue on the east and Tenth Street on the west. While the applicant received approval of a conforming development based on this use restriction, the pending request would allow

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the medical office use to occupy the entirety of the site under a new Use Permit pursuant to the new zoning boundary.

As background, in 2016 the Planning Commission considered related issues including creating a new definition (Medical Office Building) and allowing Medical Office Buildings and Medical Practitioner Offices in the MU-LI District. The Commission concluded that allowing such uses throughout the MU-LI could overwhelm other industrial uses in the district. However, some Commissioners stated that they would consider re-designation/rezone of particular parcels on a case by case basis, if requested. Attachment 3 is the City Council staff report regarding the Planning Commission's prior statements and recommendations on this subject.

Discussion

The City Council has referred this action to the Planning Commission for consideration, with an expected return to Council by March 28, 2018. The Planning Commission is therefore requested to conduct a Public Hearing at this meeting (Public Hearing Notice Attachment 4).

The proposed rezone of the two parcels from MU-LI to C-W would change the allowable uses and development regulations. A broad range of different uses would be allowed; however, the approved R&D use at 1050 Parker would no longer be allowed in the C-W District. Because there is no building permit or business license for that use, the ZAB-authorized project would not be vested and that component of the approved Use Permit would be null and void. Therefore, a new Use Permit will be required for the redesignated project.

The Planning Commission role is to consider and recommend action to the City Council regarding the requested map amendments according to BMC Chapters 22.04.02 and 23A.20, and California Government Code sections 65353 *et seq* and 65853 *et seq*. To recommend in favor of a redesignation and rezoning, the Commission must consider the following two sets of findings. Staff has drafted statements in response to the findings to support the redesignation and rezoning of the parcels.

General Plan Redesignation Findings:

1. The proposed amendment is in the public interest.
 - The amendment serves the public interest through changing diversity of well-paying jobs in West Berkeley and along a major transit corridor. It also supports the sustainability goals of the City by providing jobs close to alternative modes of transportation.
2. The proposed amendment is consistent and compatible with the rest of the General Plan.
 - The amendment is consistent with the General Plan and West Berkeley Plan (WBP) by increasing land available for higher paying jobs in the Office/Medical sectors, and focusing development along the San Pablo Avenue corridor where the medical office use would be appropriate. The General Plan also supports

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economic development and a diversity of jobs along and adjacent to commercial corridors.

3. The potential effects of the proposed amendment have been evaluated and have been determined not to be detrimental to the public health, safety, or welfare.
 - The amendment would support the public health, safety and welfare of the City by bringing potential new mix of uses to the parcels, including healthcare services and job providers, to the community.

4. The proposed amendment has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act.
 - The amendment is being processed in accordance with Chapter 22.04.020 of the Municipal Code. The amendment was submitted to the Planning Commission for consideration; a Public Hearing was set for February 7, 2018, with at least fourteen day notice given according to the applicable procedures. The potential impacts of the 1050 Parker Street proposed development have been evaluated and reduced to a level of "less than significant" as determined by the Zoning Adjustments Board (ZAB) adoption of the Initial Study-Mitigated Negative Declaration (IS-MND) for Use Permit #ZP2016-0170. The CEQA evaluation assessed and proposed sufficient mitigation measures to address use of the entirety of the site for Medical Practitioners Use as a worst-case scenario for impacts such as traffic and greenhouse gas emissions. Conditions and mitigation measures were adopted and a Notice of Determination was filed.

Rezoning Findings:

1. The proposed rezoning is in the public interest.
 - The amendment serves the public interest through increasing the number and diversity of well-paying jobs in West Berkeley and along a major transit corridor. It also supports the sustainability goals of the City by providing jobs close to alternative modes of transportation.

2. The proposed rezone is compatible with adjacent zoning districts.
 - The purpose of the rezone is to allow for Medical Practitioners to occupy the entire development at 1050 Parker Street. The immediately adjacent C-W District allows for Medical Practitioners and this rezone would allow for that compatible use to continue onto the parcels in question. There are three other parcels on this block that are designated MU-LI that would remain unchanged.

3. The proposed rezone allows uses which would be compatible with adjacent districts uses.
 - The adjacent MU-LI District allows for medical related uses including laboratories. The C-W District allows for Medical Practitioners, who might use the services of the adjacent laboratory uses. The proposed rezone adjusts the boundary to allow these adjacent uses to occupy these parcels.

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4. The potential effects of the proposed rezone will not be detrimental to the public health, safety or welfare.
 - The property is currently vacant with a planned development which has been reviewed and approved by the ZAB. That approval includes mitigations for any known potential environmental impacts as described above, so it follows that there will be no detrimental impacts to the public health, safety or welfare.

Conclusion and Next Steps

Staff recommends that the Commission open the Public Hearing; consider public testimony; and make a recommendation to the City Council regarding the re-designation and rezone of the two parcels based on the findings listed above. The findings may be amended based on the public testimony and Commission deliberations. A draft resolution for Council consideration is attached and may be modified based on Commission feedback and recommendations (Attachment 5).

Recommended Action:

The Planning Commission recommends to the City Council the rezoning and General Plan re-designation of Assessor Parcel Numbers (APN) 054-1763-001-03 and 054-1763-010-00, from General Plan designation Manufacturing Mixed Use to Avenue Commercial and be rezoned from Mixed Use Light Industrial (MU-LI) to West Berkeley Commercial (C-W).

Attachments:

1. City Council Referral, December 19, 2017
2. Parcel Map, 1050 Parker and 2621 Tenth Street
3. City Council staff report re: medical office in MU-LI, January 24, 2017
4. Public Hearing Notice (with map)
5. Council Resolution (draft)



Office of the Mayor

CONSENT CALENDAR
December 19, 2017

To: Members of the City Council
From: Mayor Jesse Arreguin
Subject: Referral to Planning Commission: Reclassification of 1050 Parker Street/2621 Tenth Street

RECOMMENDATION

Pursuant to Berkeley Municipal Code Section 23A.20.020.B.1: Refer to the Planning Commission the reclassification of the existing MULI zoned portion of 1050 Parker Street/2621 Tenth Street (APN 054 176300103) to C-W West Berkeley Commercial District. Request that the Planning Commission submit its recommendation to the City Council on the reclassification request by March 27, 2018.

BACKGROUND

Berkeley Municipal Code Section 23A.20.020.B.1 states:

A reclassification may be initiated by resolution of the Planning Commission or the City Council which describes the present District classification of the affected property or properties, the proposed District classification and refers to an attached map that illustrates the affected property or properties.

The parcel located at 1050 Parker Street/2621 Tenth Street is split between two zoning districts: C-W (West Berkeley Commercial District) and MULI (Mixed-Use Light Industrial). Roughly half of the parcel is in the C-W district which allows a more expansive list of commercial uses.

Currently there is a land use application to construct a 61,000 square foot commercial building on the parcel. Kaiser Permanente has expressed a strong interest in leasing the entire building for medical offices to serve the Berkeley community. The split zoning prohibits the use of the entire property for Medical Practitioner Offices, since this use is prohibited in the MULI zone.

Reclassifying this parcel to C-W will allow the property to be used for a variety of commercial uses, including Medical Practitioner Office uses. This would be consistent with the West Berkeley Plan, adopted in 1993, which encourages medical and health care uses in West Berkeley, including in the MULI district. However, the zoning code explicitly prohibits Medical uses in the MULI.

Page 2 of 7

FISCAL IMPACTS OF RECOMMENDATION

Increased tax revenue and employment opportunities.

ENVIRONMENTAL SUSTAINABILITY

There are no identifiable environmental effects or opportunities associated with this report.

CONTACT PERSON

Mayor Jesse Arreguin

510-981-7100

Attachment:

1. Map
2. Letter from Chris Barlow, Wareham Development
3. Plans for proposed building at 1050 Parker Street

WAREHAM DEVELOPMENT : ZAENTZ CENTER CAMPUS
2600 Tenth Street / 1050 Parker - 2621 Tenth Street / Pardee Block





November 27, 2017

By Golden State Overnight and Electronic Mail

Mayor Jessie Arreguin
Mayor's Office
City of Berkeley
2180 Milvia Street
Berkeley, CA 94704

Re: 1050 Parker Street / 2621 Tenth Street, Berkeley CA

Dear Mayor Arreguin:

1050 Parker Street / 2621 Tenth Street is a vacant site located at the corner of Parker Street and San Pablo Avenue in West Berkeley.

The 68,331 square foot site comprises three parcels, two of which are adjacent to Tenth Street (total of 45,174 square feet) and zoned Mixed Use – Light Industrial (MU-LI) and one (23,157 square feet) adjacent to San Pablo Avenue which is zoned Commercial West Berkeley (CW).

The attached graphic shows the site outlined in yellow and also shows the adjacent parcels at 2600 Tenth Street and the Pardee Block which complete the Wareham Development Zaentz Center Campus.

A new commercial building with 61,000 square feet of gross floor area is currently in the entitlement process with the City and will be heard before the Zoning Adjustment Board on December 14, 2017. A graphic showing the building design is enclosed.

The new building will include a café located on San Pablo Avenue and pocket parks on San Pablo Avenue and the corner of Tenth and Parker Streets. The Zaentz Center Campus is served by the West Berkeley Shuttle which provides a reliable GPS tracked shuttle connection to the Ashby BART station.

This new building will straddle the zoning boundary between the CW and MU-LI portions of the site. These two zoning districts have different approved uses and therefore the uses within the different sections of the building will be different and consistent with the underlying zoning.

The uses within the building above the MU-LI parcels will most likely be Research and Development laboratories with associated support functions, while the uses above the CW parcel will most likely be Medical Office. "Medical Practitioners" is an approved use in CW but is specifically prohibited in MU-LI.

The property owner has had initial discussions with Kaiser Permanente regarding the possibility of Kaiser occupying the full building for medical office uses. Kaiser Permanente has expressed a strong interest in exploring the possibility of being located in the new building subject to the appropriate zoning for medical office use being in place.

The West Berkeley plan is very clear on the benefits to the residents of West Berkeley of health care and other social services (West Berkeley Plan : Housing and Social Services IV : Social Services Issues Goals and Policies, Goal 2).

Page 5 of 7

We feel that the specific location of this site on a major transit corridor (San Pablo Avenue) coupled with the broader amenities supporting the Zaentz Center campus, such as the West Berkeley Shuttle, provide a unique opportunity to develop a medical office center at the site that will provide major benefits to those residing and working in West Berkeley.

The purpose of this letter is, therefore, to request that the City initiate the necessary process for the re-zoning of the MU-LI portions of the site to CW to allow for the new building to be 100% used as Medical Offices.

We understand that this process will take some time and therefore we will continue with the entitlements and approvals for the existing project with the understanding that the conversion of the use to 100% Medical Office in the future may require modifications to the approvals.

Please do not hesitate to contact me should you have any questions.

Sincerely,

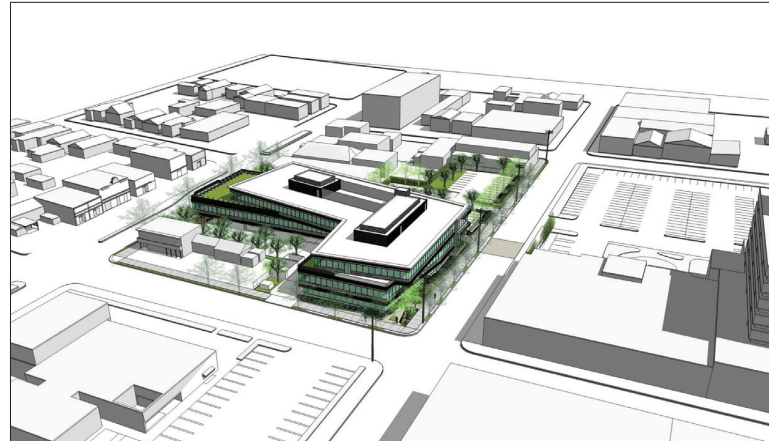
A handwritten signature in black ink, appearing to read 'Chris Barlow', with a long horizontal flourish extending to the right.

Chris Barlow
Wareham Development

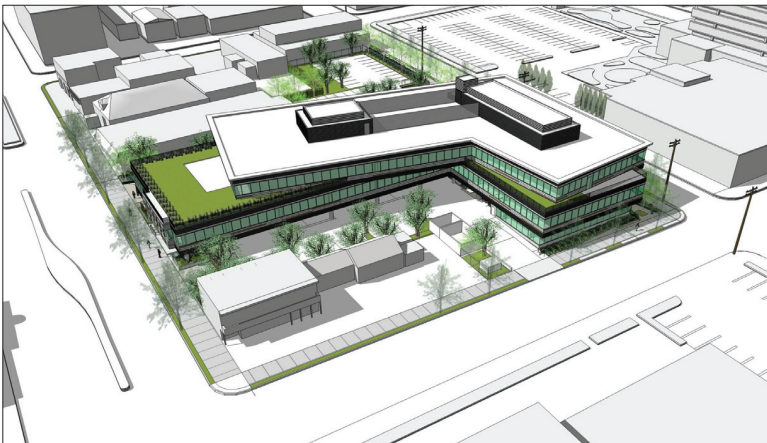
cc Rich Robbins
John Gooding



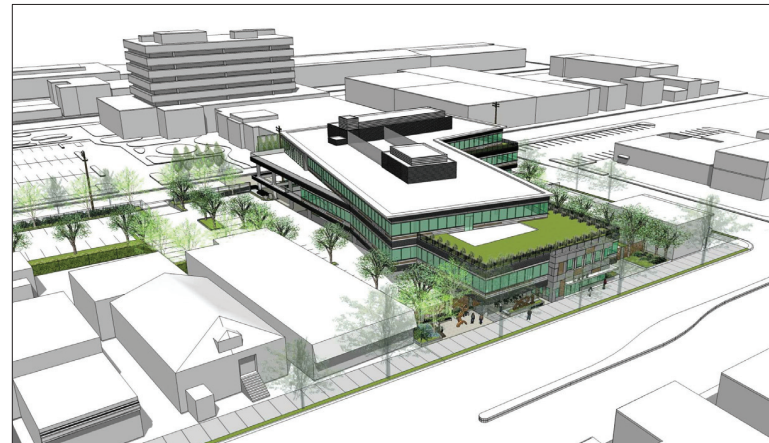
VIEW OF SOUTHWEST CORNER 1
 NOT TO SCALE



VIEW OF NORTHWEST CORNER 2
 NOT TO SCALE



VIEW OF NORTHEAST CORNER 3
 NOT TO SCALE



VIEW OF SOUTHEAST CORNER 4
 NOT TO SCALE



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**1050 PARKER ST.
 BERKELEY, CA**

1050 Parker Street
 Berkeley, CA

owner:
 2880 TENTH STREET, LLC
 1100 NINE STREET, SUITE 400
 SAN RAFAEL, CA 94901
 415.457.4664

architect:
 GOULD EVANS
 95 BRADY STREET
 SAN FRANCISCO, CA 94103
 415.503.1411
 www.gouldevans.com

civil engineer:
 NIER & WRIGHT
 2850 COLLIER CANYON ROAD
 LIVERMORE, CA 94551
 925.245.8788

landscape architect:
 STUDIO FIVE DESIGN
 25 SAN ANSELMO AVENUE
 SAN ANSELMO, CA 94960
 415.524.8517

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 AND DATE IS AFFIXED, THIS DOCUMENT IS
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 IMPLEMENTATION



Number	Revision Description	Date
1	Revision #1	12/20/16
4	Revision #2	02/27/17
5	Revision #4	06/29/17

Project No: 1116-0040
 Date: 06/29/2017
 Sheet:

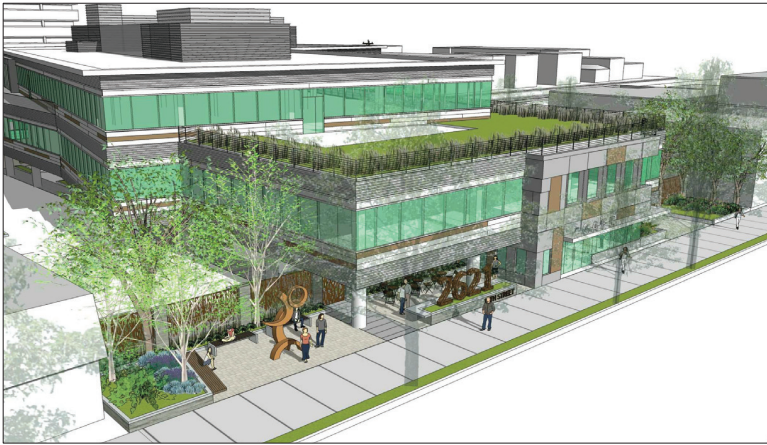
AERIAL VIEWS

A1.6

ZONING APPLICATION

Page 7 of 7

Item 10 Attachment 1
 Planning Commission
 February 7, 2018



AERIAL VIEW FROM SAN PABLO AVENUE

1

NOT TO SCALE



PERSPECTIVE FROM SAN PABLO AVENUE

2

NOT TO SCALE



PERSPECTIVE FROM NORTHEAST

3

NOT TO SCALE



PERSPECTIVE FROM SOUTHEAST

4

NOT TO SCALE



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**1050 PARKER ST.
 BERKELEY, CA**

**1050 Parker Street
 Berkeley, CA**

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 1120 NINE STREET, SUITE 400
 SAN RAFAEL, CA 94901
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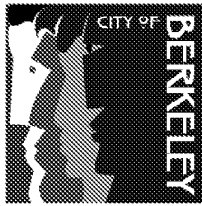
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5	Revision #4	06/29/17

Project No: 1116-0040
 Date: 06/29/2017
 Sheet:

SAN PABLO FRONTAGE

A1.7

ZONING APPLICATION



Office of the City Manager

ACTION CALENDAR

January 24, 2017

(Continued from December 13, 2016)

To: Honorable Mayor and Members of the City Council
From: *DWR* Dee Williams-Ridley, City Manager
Submitted by: Carol Johnson, Director, Planning and Development
Subject: Referral Response: Planning Commission Response to Council Referral to Allow Medical Office Use in the Mixed Use-Light Industrial District

RECOMMENDATION

1. Affirm the Planning Commission’s recommendation to not allow Medical Office use in the Mixed Use-Light Industrial District (MU-LI) by taking no action;
--OR--
2. Adopt first reading of an Ordinance amending Berkeley Municipal Code Chapters 23E.80 and 23F.04 to allow Medical Office use in the Mixed Use-Light Industrial District (MU-LI).

FISCAL IMPACTS OF RECOMMENDATION

The possible future action would have unknown fiscal impact.

CURRENT SITUATION AND ITS EFFECTS

This report responds to referral that originally appeared on the agenda of the December 16, 2014 Council meeting and was sponsored by Councilmember Moore. This item has no referral tracking number because the Planning Commission was already in the process of discussing it prior to implementation of the referral ranking system.

On December 16, 2014, the City Council requested that the Planning Commission consider amending the Berkeley Zoning Ordinance Chapter 23E.80, Mixed Use-Light Industrial District Provisions, to allow Medical Office use. The stated intent of the referral was to align permitted uses in the Mixed Use-Light Industrial (MU-LI) District with the West Berkeley Plan, which identifies “Offices – General, medical, and professional” as an appropriate use for the MU-LI District.

The Planning Commission (PC) considered this referral at meetings on July 1, 2015; February 17, 2016; April 20, 2016; and May 18, 2016, with the last as a Public Hearing. This report describes the Planning Commission deliberation regarding the referral, resulting in their recommendation against the change. At the May 18th Planning Commission Public Hearing, staff presented draft Zoning Ordinance (ZO) language to: (1) create a new definition for Medical Office Building (MOB), and (2) permit MOB in the MU-LI. These two actions are necessary to fulfill the Council referral.

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Referral Response: Medical Office Use in the Mixed Use-Light Industrial District ACTION CALENDAR
January 24, 2017

The Planning Commission discussed whether Medical Practitioner Office and Mental Health Practitioners Uses (two Medical Office uses defined in the ZO) are compatible uses for the MU-LI District. They considered amending the MU-LI ZO Chapter to allow Medical Office uses.

The majority of public comments heard at the Planning Commission meetings urged the Planning Commission to recommend against Medical Office use in the MU-LI District. Public concerns include rising rents in West Berkeley due to high cost uses and the potential displacement of light manufacturing businesses.

The Planning Commission acknowledged the need for Medical Office uses, along with acute care centers and other community health support, in the face of announced plans for the closure of the Alta Bates Medical Center in Berkeley. However, the Commission identified the following concerns with the proposal outlined in the Council referral:

- **Possible displacing of the existing light manufacturing and artist/craft businesses clustered in West Berkeley.** Medical Office uses can afford higher leasing rates than manufacturing and warehousing industry uses. The Planning Commission was concerned that allowing Medical Office use in MU-LI District would promote conversion of space, increase rents, and eventually push out existing and new manufacturing and artist/craft businesses clustered in West Berkeley. The average leasing rate for manufacturing and warehousing spaces is around \$10 per square foot per year compared to Medical Office uses, which can support leasing rates of between \$30 and \$50 per square foot.¹
- **Incompatibility of Medical Office Uses with the West Berkeley Plan.** The Planning Commission questioned the compatibility of medical offices with other MU-LI District uses. In addition, they questioned the validity of the use in the West Berkeley Plan area. The Planning Commission did not agree that a mention of the Medical Office use in the West Berkeley Plan was a sufficient reason to permit MOB's in the District. The MU-LI District goals and purposes are to encourage and protect light manufacturing businesses, which are often less competitive against other businesses that can afford higher lease rate, and require larger building spaces.
- **Unassessed Environmental Impacts.** The Planning Commission questioned viability of using the West Berkeley Plan Environmental Impact Report (EIR) that is more than 20 years old, without separate environmental review of the Medical Office use proposal.

BACKGROUND

On July 1, 2015, staff provided the Planning Commission background information regarding Medical Office uses in the MU-LI District. In May 2016, staff presented draft Zoning Ordinance amendments to allow Medical Office Use in the MU-LI and adding a

¹Cornish & Carey Commercial, Q1 2014 Quarterly Report; CoStar; City of Berkeley, Office of Economic Development analysis.

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Referral Response: Medical Office Use in the Mixed Use-Light Industrial District ACTION CALENDAR
January 24, 2017

new definition for MOB (Attachment 1). The proposed changes to the MU-LI District would allow Medical Office uses within a MOB, which would agglomerate Medical Office uses within one building. The draft amendment included:

- **Different size threshold with different discretionary levels of review.** The proposed changes would prohibit Medical Office uses under 10,000 square feet in size, but allow them in spaces larger than 10,000 square feet. This is intended to address both the Planning Commission and the public concerns about potential displacement of light manufacturing space with individual Medical Offices.
- **Parking requirement for Medical Office uses.** The proposed parking standard (1 parking space per 300 square feet of gross floor area) would remain the same as Medical Office parking standards in other Zoning Districts where the use is allowed.
- **Definition for Medical Office Building.** The new term Medical Office Building defines a place (larger than 10,000 square feet) where individual Medical Office uses, currently defined in the Zoning Ordinance, might co-locate.

Alternative to the Referral:

Members of the community expressed the need for Medical Office uses and other similar resources in the City. However, they expressed equal concern with those uses being focused on West Berkeley without broader, citywide evaluation. As part of the community discussion, some West Berkeley sites were identified as potential MOB locations.

Some Planning Commissioners pointed out that potential MOB sites exist in the MU-LI District, located adjacent to the West Berkeley Commercial (C-W) District. The Commission further opined that these sites may be feasible for Medical Office uses, since they are directly adjacent to major corridors and commercial land. At least one Commissioner suggested rezoning individual parcels based on criteria such as adjacency to the C-W District might be a better approach to allow medical uses instead of amending the MU-LI District Chapter in total.

Final Planning Commission Motion:

The Commission recommended that the MU-LI not be amended to include Medical Office use, or MOB, without further clarification from the Council. The May 18th Planning Commission meeting minutes state the motion that was unanimously adopted by the Planning Commission (Attachment 2).

ENVIRONMENTAL SUSTAINABILITY

There are no identifiable environmental sustainability effects or opportunities associated with the subject of this report.

RATIONALE FOR RECOMMENDATION

The City Council directed the Planning Commission consider amending the MU-LI District regulations to allow medical office uses. However, possible displacement of the existing light manufacturing and artist/craft businesses clustered in West Berkeley,

Page 4 of 35

Referral Response: Medical Office Use in the Mixed Use-Light Industrial District ACTION CALENDAR
January 24, 2017

incompatibility of medical office uses with the West Berkeley, and unassessed environmental impacts were raised during deliberation, even with staff recommendations of having medical office uses only within established MOBs.

ALTERNATIVE ACTIONS CONSIDERED

The Planning Commission held a Public Hearing and considered the proposed changes to the MU-LI district to allow Medical Use, as well as the new definition for Medical Office Building. The draft Zoning Ordinance amendments are provided as Attachment 1.

CONTACT PERSON

Carol Johnson, Director, Planning and Development, 510-981-7401
Alex Amoroso, Principal Planner, Planning and Development, 510-981-7520

Attachments:

- 1: Ordinance
- 2: Final Meeting Minutes from the Planning Commission meeting on May 18, 2016
- 3: Staff Report from the Planning Commission meeting on May 18, 2016
- 4: Original Referral Report from December 16, 2014

ORDINANCE NO. -N.S.

MU-LI MIXED USE-LIGHT INDUSTRIAL DISTRICT PROVISIONS; AMENDING
 BERKELEY MUNICIPAL CODE CHAPTERS 23E.80 AND 23F.04

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That Berkeley Municipal Code, Office Uses subsection of Table 23E.80.030 is amended to read as follows:

Office Uses				
Business Support Services	AUP			AUP up to 3,000 sq. ft. Use cannot exceed 3,000 sq. ft. See definition in Subtitle 23F for permitted uses.
Medical Office Building with Medical Practitioners, including Holistic Health Office and Mental Health Practitioners	AUP; Prohibited if under 10,000	UP(PH)	UP(PH)	See Section 23E.08.060 for Medical Practitioners in Medical Office Buildings; See Section 23E.08.080 for parking requirements
All office uses (other than offices ancillary to a permitted use)	AUP	UP(PH)	UP(PH)	Includes publishing without printing.

Section 2. That Berkeley Municipal Code Section 23E.80.060 is amended to read as follows:

Section 23E.80.060 Use Limitations

- A. Any use which is incidental to the primary use of a building or property shall be subject to the permit requirements identified in the Uses Incidental to a Permitted Use heading in Table 23E.80.030 and the limitations set forth in Section 23E.80.030.D.
- B. Any activity or use which occurs outside of a building shall be subject to the permit requirements identified in the Parking, Outdoor and Exterior Window Uses heading in Table 23E.80.030.
- C. Incidental Retail Sales shall meet the following:

1. Signs for Incidental Retail Sales use shall be of such a size and character as to clearly indicate that the retail use is not the Primary Use of the site;
 2. Retail Sales floor area shall not exceed 10% of total Gross Floor Area; and
 3. No outdoor sales or food service is allowed.
- D. Alcoholic Beverage Sales or Service Uses and Live/Work Uses shall be subject to the requirements of Chapters 23E.16 and 23E.20 in addition to the requirements of this District.
- E. No manufacturing or wholesale trade use may be established or expanded within 150 feet of a residential use in an R-District or in the MU-R District except as set forth herein:
1. If the use would require a Zoning Certificate in other locations of the MU-LI District, an Administrative Use Permit is required;
 2. If the use would require an Administrative Use Permit in other locations of the MU-LI District, a Use Permit is required.
- F. Pharmaceutical Manufacturing and Commercial Physical or Biological Laboratories using Class 2 Organisms are prohibited within 500 feet of a Residential or Mixed Use-Residential District.
- G. ~~Medical Individual Practitioner Offices would require~~ allowed with a Zoning Certificate if the proposed use space is under 10,000 square feet and when located within an established Medical Office Building.
- H. For purposes of the Noise Ordinance, Chapter 13.40, the MU-LI District shall be considered an Industry District.
- I. Notwithstanding any other provision of this Ordinance, an existing use may be modified or intensified without a Use Permit if no provision of this chapter requires a Use Permit and if the Zoning Officer determines that the modification or intensification of the use can reasonably be expected not to increase any impact regulated under environmental performance standards.

Section 3. That Berkeley Municipal Code Table 23E.80.080 is amended to read as follows:

Table 23E.80.080	
Parking Required*	
Use	Number of spaces
Art/Craft Studio	One per 1,000 sq. ft. of floor area

Table 23E.80.080	
Parking Required*	
Use	Number of spaces
Laboratories	One per 650 sq. ft. of floor area
Live/Work Units	One per unit; provided however, that if any non-resident employees and/or customers and clients are permitted in any work area, there shall be one additional parking space for each 1,000 sq. ft. of such work area
Manufacturing uses (assembly, production, storage and testing space only), Storage, Warehousing and Wholesale Trade	One space per 1,000 sq. ft. of floor area for spaces of less than 10,000 sq. ft.; one space per 1,500 sq. ft. of floor area for spaces of 10,000 sq ft or more
Quick or Full Service Restaurants	One per 300 sq. ft. of floor area
<u>Medical Practitioner Offices</u>	<u>One per 300 sq. ft. of floor area</u>
All other non-residential uses, unless otherwise specified in Subsection B	Two per 1,000 sq. ft. of floor area
* See Subsection E for substitutions of up to 10% with bicycle/motorcycle parking	

Section 4. That Berkeley Municipal Code Section 23F.04.010 is amended to add the following definition:

Medical Office Building: A building containing exclusively Medical Practitioner Office(s) and/or Mental Health Practitioner(s).

Section 5. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of Council Chambers, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

Page 9 of 35
 Planning Commission Meeting Minutes from May 18, 2016
 Page 2 of 4

- 30 • 2016-05-06 – Karen Rice, Commissioner, Medical Cannabis Commission, Downs, David.
- 31 "Emeryville and San Leandro to Legalize Medical Marijuana." East Bay Express, 30 Mar.
- 32 2016.
- 33 • 2016-05-06 – Karen Rice, Commissioner, Medical Cannabis Commission, Voynovskaya,
- 34 Nastia. "Will Oakland's Legal Weed Industry Leave People of Color Behind?" East Bay
- 35 Express, 30 Mar. 2016.
- 36 • 2016-05-09 – Karen Rice, Commissioner, Medical Cannabis Commission, "GW
- 37 Pharmaceuticals Receives Orphan Drug Designation from FDA for Cannabidiol for the
- 38 Treatment of Tuberous Sclerosis Complex." The New York Times, 11 May 2016.
- 39 • 2016-05-09 – Karen Rice, Commissioner, Medical Cannabis Commission, Pollack, Andrew.
- 40 "Marijuana-Based Drug Found to Reduce Epileptic Seizures." The New York Times, 14 Mar.
- 41 2016.
- 42 • 2016-05-09 – Karen Rice, Commissioner, Medical Cannabis Commission, Abrams, Rachel.
- 43 "The Rabbis Are Here to Inspect the (Legal) Weed." The New York Times, 06 May 2016.
- 44 • 2016-05-18 – Staff, Planning Commission Projects: Completed and Active, January 2015 to
- 45 May 2016.

46 **LATE COMMUNICATIONS** (Received after the Packet deadline):

- 47 • 2016-05-14 – Bianca Blesching, West Berkeley resident, Re: Planning Commission May 18-
- 48 M zone visit/expansion – Item 10
- 49 • 2016-05-16 – Deborah Matthew, Commissioner, Planning Commission, 2013 Health Report
- 50 (Executive Summary) – Item 9

51 **LATE COMMUNICATIONS** (Received and distributed at the meeting):

- 52 • 2016-05-18 – Ed Moore, Lack of Housing Mitigation Fee regarding the 170-unit housing
- 53 development at 1500 San Pablo Ave., approved by ZAB last Thursday
- 54 • 2016-05-18 – Rick Auerbach, WEBAIC, Maps of available sites in MU-LI District – Item 9
- 55 • 2016-05-18 – Rick Auerbach, WEBAIC, Map of MM District
- 56 • 2016-05-18 – Karen Rice, Commissioner, Medical Cannabis Commission, Important Facts –
- 57 Part IV: Medical Cannabis is Going Mainstream: Berkeley Should Ready Itself By Allowing
- 58 Cultivation Beyond the M District – Item 10
- 59 • 2016-05-18 – Gene Poschman, Commissioner, Planning Commission, the Control, Regulate
- 60 and Tax Adult Use of Marijuana Act – Item 10

61 **CHAIR REPORT:** Chair Matthews introduced new Commissioner Robb Kapla. He is a deputy
 62 City Attorney for the City of San Francisco. He has a background in Environmental Law and
 63 advocacy with Sierra Club and other groups.

64 **COMMITTEE REPORT:** Commissioner Novosel publicized that there is a very important
 65 Adeline Corridor Planning Process community workshop on Saturday 5/21 at 10 AM. It will be
 66 held at the South Berkeley Senior Center.

Planning Commission Meeting Minutes from May 18, 2016
Page 3 of 4

67 Commissioner Bartlett announced that Governor Brown has proposed a Statewide legislation to
68 allow new market-rate housing development with onsite affordable housing to be approved “as
69 of right.”

70 **7. APPROVAL OF MINUTES:**

71 Motion/Second/Carried (KC/TZ) to approve the Planning Commission Meeting Minutes from
72 March 20, 2016 with a minor change. Ayes: Matthews, Bartlett, Chapple, Davis, Novosel,
73 Poschman, Trevino. Noes: None. Abstain: Kapla. Absent: Davis, Murphy. (6-0-1-2)

74
75 **8. FUTURE AGENDA ITEMS AND OTHER PLANNING-RELATED EVENTS:** None.

76 **AGENDA ITEMS**

77 **9. Public Hearing:** *ZO Changes to Allow Medical Use in the Mixed Use-Light*
78 *Manufacturing (MU-LI) District and Add a Definition*

79 Motion/Second/Carried (DM/GP) to reopen the public hearing. Ayes: Matthews, Bartlett, Chapple,
80 Kapla, Poschman, Trevino. Noes: None. Abstain: None. Absent: Davis, Murphy, Novosel. (6-0-0-
81 3)

82 Commissioner Novosel recused himself from the Medical Offices consideration due to a conflict
83 of interest.

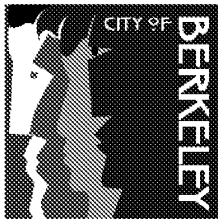
84 Assistant Planner Kelly Cha explained that staff re-noticed the public hearing and included a
85 new definition of Medical Office Building (MOB). Staff report addressed the Commission’s
86 requests, including modifying MOB definition to align with the existing medical office uses
87 (Medical Practitioner Office and Mental Health Practitioner); clarifying the intent of the Council
88 referral; providing parking requirements regulations for the same use in other Districts; and the
89 2013 City of Berkeley Health Report.

90 Public Speakers: 3

91 Motion/Second/Carried (GP/BB) to close the public hearing. Ayes: Matthews, Bartlett, Chapple,
92 Kapla, Poschman, Trevino. Noes: None. Abstain: None. Absent: Davis, Murphy, Novosel. (6-0-0-
93 3)

94
95 Motion/Second/Carried (GP/KC) to affirm that the Commission considered but could not support
96 recommendations to forward to the Council because the Council referral was too broad. Ayes:
97 Matthews, Bartlett, Chapple, Poschman, Trevino. Noes: None. Abstain: Kapla. Absent: Davis,
98 Murphy, Novosel. (5-0-1-3)

99



Planning and Development Department
Land Use Planning Division

STAFF REPORT

DATE: May 18, 2016
TO: Members of the Planning Commission
FROM: Kelly Cha, Assistant Planner
Alex Amoroso, Principal Planner
SUBJECT: Public Hearing: Allowing Medical Uses in the MU-LI District

Recommendation

1. Continue a Public Hearing on the draft Zoning Ordinance amendments, allowing Medical Office Use in Chapter 23E.80 (Mixed Use-Light Manufacturing District Provisions), and consider a new definition of Medical Office Building added to Chapter 23F.04 (Definitions).
2. Make a recommendation to the City Council regarding the draft Zoning Ordinance amendments.

Introduction/Background

At the Planning Commission meeting on April 20, 2016, the Commission that Staff re-notice the public hearing and include a new definition of Medical Office Building (MOB). Attachment 2 is the revised public hearing notice with a definition of MOB. The Commission asked Staff to provide additional information for their discussion and consideration, which is detailed in the Discussion section of this report.

Discussion

The Commission requested additional information, which is responded to by staff in the bullets below.

- Clarify the intent of the referral
Staff anticipates applications in the near future for MOBs, though none has been submitted to date. The intent of the referral (Attachment 1) is as stated: to align the MU-LI zoning, which prohibits Medical Office Use, with the West Berkeley Plan MU-LI suggested use list, which includes Medical Office Use.
- Provide the 2013 City of Berkeley Health Status Report

The Commission acknowledged that the medical service discussion is a very important. The City of Berkeley 2013 Health Status Report provides pertinent information about the City, so it is included as Links 1 (Executive Summary) and 2 (Full Report) at the end of this report. However, it does not change the nature or intent of this referral.

- **Refine the Definition of Medical Office Building**
 Staff modified the proposed definition of MOB, so it better aligns with other existing related definitions in the Zoning Ordinance (ZO). See the staff recommendation and draft ZO language for clarification.
- **Identify Medical Office Parking Requirements for Other Districts**
 The table below compares the proposed parking requirement in this draft ZO amendment with the requirements in other Zoning Districts where Medical Practitioner Office(s) and Mental Health Practitioner(s) are allowed. As shown below, the majority these districts allow these uses with the same parking ratio proposed by staff.

Zoning District	Parking requirement
C-NS	1 per 300 sq. ft. of floor area
C-SA	1 per 300 sq. ft. of floor area
C-T	No off-street parking
C-SO	1 per 300 sq. ft. of floor area
C-W	1 per 300 sq. ft. of floor area
MU-R	1 per 300 sq. ft. of floor area

In addition, MU-LI District has no set minimum parking requirement other than the uses listed in Table 23E.80.080. Instead, the Zoning Officer determines appropriate minimum parking requirement for each use, including other offices uses allowed in MU-LI District.

Staff Recommendation

As shown in Attachment 3, the initial staff recommendation to amend the MU-LI District zoning regulations has not changed: allow Medical Practitioner Office and Mental Health Practitioner uses in the MU-LI. The proposed levels of discretion and threshold size related minimums remain, as does the requirement for public notification/hearing. As proposed, the draft zoning amendments would require that Medical Practitioner Office and Mental Health Practitioner uses be in a space of no less than 10,000 square feet. The expectation is that this will push these uses together in larger floor areas, creating the need for MOB. It consolidates the uses in the MU-LI, rather than allowing them to happen in a more spread out manner. This should reduce potential conflicts with immediately adjacent businesses, which might contain other uses.

Align the West Berkeley Plan and Zoning Ordinance: Medical Uses in the MU-LI

Item 9
May 18, 2016

The definition of MOB is modified to avoid confusion and align it with existing definitions:

Medical Office Building: *A building containing exclusively Medical Practitioner Office(s) and/or Mental Health Practitioner(s).*

An additional Use Permit would be required if the proposed change of use affects "protected space" as regulated Sections 23E.80.045 and 23E.80.090, which are provided in Attachment 4.

Environmental Review

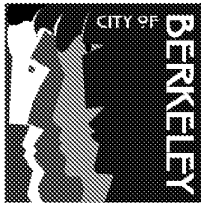
The West Berkeley Plan identifies Medical Offices as a use to be permitted in the Mixed Use Manufacturing District. However, the MU-LI District does not include this use. Since the West Berkeley Plan anticipated Medical Office use in the Plan area, there is no need for additional environmental assessment to modify the MU-LI District Zoning Ordinance language to allow Medical Office uses. New projects will require project-level environmental assessments, as most of the West Berkeley Plan area is designated as Environmental Management Area.

Attachments

1. Council Referral: West Berkeley Medical Use, December 16, 2014
2. Public Hearing Notice for the Public Hearing on May 18, 2016
3. Proposed Zoning Ordinance Amendments to Chapters 23E.80 and 23F.04
4. Zoning Ordinance Sections 23E.80.045 and 23E.80.090

Additional Information

1. 2013 Health Report – Executive Summary:
http://www.ci.berkeley.ca.us/uploadedFiles/Health_Human_Services/Level_3_-_Public_Health/BerkeleyHealthSummary_online_FINAL.pdf
2. 2013 Health Report – Full Report:
http://www.ci.berkeley.ca.us/uploadedFiles/Health_Human_Services/Level_3_-_Public_Health/BerkeleyHealthReport_online_FINALv2.pdf
3. Staff Report from the Planning Commission meeting on April 20, 2016 (Item 9):
[http://www.ci.berkeley.ca.us/uploadedFiles/Planning_and_Development/Level_3_-_Commissions/Commission_for_Planning/2016-04-20_Item%209_Medical%20Use%20in%20West%20Berkeley-Combined\(2\).pdf](http://www.ci.berkeley.ca.us/uploadedFiles/Planning_and_Development/Level_3_-_Commissions/Commission_for_Planning/2016-04-20_Item%209_Medical%20Use%20in%20West%20Berkeley-Combined(2).pdf)
4. Staff Report from the Planning Commission meeting on Feb. 17, 2016 (Item 11):
http://www.ci.berkeley.ca.us/uploadedFiles/Planning_and_Development/Level_3_-_Commissions/Commission_for_Planning/2016-02-17_Item11_COMBINED_West_Berk_Medical_Uses.pdf
5. Staff Report from the Planning Commission meeting on July 1, 2015 (Item 10):
http://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Commissions/Commission_for_Planning/2015-07-01_Item%2010_West%20Berkeley%20Medical%20Uses-Combined.pdf
6. West Berkeley Plan: <http://www.cityofberkeley.info/ContentDisplay.aspx?id=406>



CITY COUNCIL

Darryl Moore
Councilmember District 2

CONSENT CALENDAR
December 16, 2014

To: Honorable Mayor and Members of the City Council
From: Councilmember Darryl Moore, District 2
Subject: Reconcile the West Berkeley Plan and the Zoning Code as it Pertains to Medical Uses

RECOMMENDATION

Refer to the Planning Commission the task of revising the current zoning ordinance so that it reflects the West Berkeley Plan's goals of encouraging medical uses in West Berkeley.

BACKGROUND

When the West Berkeley Plan was adopted in 1993, the zoning code was revised to reflect the goals and policies outlined in the plan. Since the revisions were made to an existing zoning ordinance, all of the goals and policies of the West Berkeley Plan were not necessarily translated appropriately into the revisions to the zoning code. One such omission pertains to medical uses in the Mixed Use/Light Industrial (MULI) zoning districts. The West Berkeley Plan encourages medical and healthcare uses in West Berkeley, including in the MULI zoning districts, but the zoning code explicitly prohibits "Medical Practitioners, including Holistic Health and Mental Health Practitioners" in the MULI.

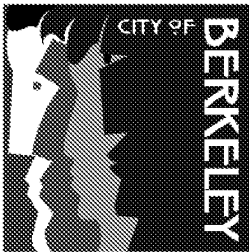
The City Council should refer the matter to the Planning Commission to develop revision language to the zoning ordinance to reconcile the code with the intent of the West Berkeley Plan to encourage medical and healthcare uses.

FISCAL IMPACTS OF RECOMMENDATION

Staff time to make the appropriate revisions.

CONTACT PERSON

Councilmember Darryl Moore, District 2 981-7120



PLANNING COMMISSION

Planning Commission
May 18, 2016

25

NOTICE OF PUBLIC HEARING

MAY 18, 2016

Amendments to the Mixed Use Light Industrial (MU-LI) District, Chapter 23E.80, to Allow Medical Uses; and to the Definitions, Chapter 23F.04, to add a new definition for Medical Office Building

The Planning Commission, of the City of Berkeley, will hold a Public Hearing on the above matter, on **Wednesday, May 18, 2016**, at the North Berkeley Senior Center, 1901 Hearst Ave. (at Martin Luther King, Jr. Way), Berkeley, California (wheelchair accessible). The meeting starts at 7:00 p.m.

PROJECT DESCRIPTION: Amend Chapter 23E.80, Mixed Use Light Industrial (MU-LI) District, to allow Medical Uses in the district, as well as Chapter 23F.04, Definitions, to add a new definition for Medical Office Building. See Attached draft Zoning Ordinance language for specific details.

LOCATION: Mixed Use Light Industrial (MU-LI) District

ENVIRONMENTAL REVIEW STATUS: As indicated in the West Berkeley Plan, Medical Uses are identified as a use considered when the Plan was adopted. The proposed amendment to the MU-LI District will permit Medical Uses, already considered by the West Berkeley Plan, so no additional environmental review is required to allow the use. The zoning amendment will align the Zoning Ordinance with the West Berkeley Plan. Individual Medical Use projects will require project-level environmental assessments.

PUBLIC COMMENT & FURTHER INFORMATION

Comments may be made verbally at the Public Hearing, and in writing before the hearing. Those wishing to speak at the hearing must submit a speaker card. Written comments or questions concerning this project should be directed to:

Alex Amoroso	E-mail: aamoroso@CityofBerkeley.info
Planning Commission Secretary	Telephone: (510) 981-7520
City of Berkeley	
Land Use Planning Division	
2120 Milvia Street, 2 nd Floor	
Berkeley, CA 94704	

To assure distribution to Commission members prior to the meeting, ***correspondence must be received by 12:00 noon, seven (7) days before the meeting.*** For items with more than ten (10) pages, fifteen (15) copies must be submitted to the Secretary by this deadline. For any item submitted less than seven (7) days before the meeting, fifteen (15) copies must be submitted to the Secretary prior to the meeting date.

COMMUNICATION ACCESS

To request a meeting agenda in large print, Braille, or on audiocassette, or to request a sign language interpreter for the meeting, call (510) 981-7410 (voice) or 981-6903 (TDD). Notice of at least five (5) business days will ensure availability. Agendas are also available on the Internet at: www.ci.berkeley.ca.us.

FURTHER INFORMATION

Questions should be directed to Alex Amoroso, at 981-7520, or aamoroso@CityofBerkeley.info.

Chapter 23E.80

MU-LI Mixed Use-Light Industrial District Provisions

Sections Affected:

- 23E.80.030 Uses Permitted
- 23E.80.060 Use Limitations
- 23E.80.080 Off-Street Parking and Loading Requirements

Section 23E.80.030 Uses Permitted

A. The following table sets forth the Permit required for each listed item. Each use or structure shall be subject to either a Zoning Certificate (ZC), an Administrative Use Permit (AUP) or a Use Permit approved after public hearing (UP(PH)), or is Prohibited.

Table 23E.80.030				
Use and Required Permits				
Uses	Permits Required to Establish, Expand, or Change use by Floor Area (sq. ft.)			Special Requirements (if any)
	Under 20,000	20,000 – 30,000	More than 30,000	
Office Uses				
Business Support Services	AUP			AUP up to 3,000 sq. ft. Use cannot exceed 3,000 sq. ft. See definition in Subtitle 23F for permitted uses.
Medical Practitioner Office and Mental Health Practitioner	AUP; Prohibited if under 10,000	UP(PH)	UP(PH)	See Section 23E.80.060 for Medical Practitioners in Medical Office

Table 23E.80.030				
Use and Required Permits				
Uses	Permits Required to Establish, Expand, or Change use by Floor Area (sq. ft.)			Special Requirements (if any)
	Under 20,000	20,000 – 30,000	More than 30,000	
				Buildings: See Section 23E.80.080 for parking requirements
All office uses (other than offices ancillary to a permitted use)	AUP	UP(PH)	UP(PH)	Includes publishing without printing.
Legend:				
ZC -- Zoning Certificate		UP(PH) -- Use Permit, public hearing required		
AUP -- Administrative Use Permit		Prohibited -- Use not permitted		

- B. Any use not listed that is compatible with the purposes of the MU-LI District shall be permitted subject to securing an Administrative Use Permit. Any use that is not compatible with the purposes of the MU-LI District shall be prohibited.
- C. Any use which is incidental to the primary use of a building or property shall be subject to the permit requirements identified in the Uses Incidental to a Permitted Use heading under Table 23E.80.030, except for storage, wholesale, and specified manufacturing, uses that are allowed with a Zoning Certificate.
- D. The initial establishment or change of use of floor area of an existing non-residential building, or portion of building, shall be subject to the permit requirements as listed in the legend of Table 23E.80.030.
- E. Live/Work uses may only be established pursuant to the findings set forth in Section 23E.80.090.G and shall meet the following requirements:
 - 1. The specific activity a live/work resident will engage in must be stated;
 - 2. At least one occupant must be engaged in an art or craft listed in the definition of Art/Craft Studio in Sub-title 23F or which requires space not typically available in a conventional residential setting;
 - 3. The total floor area of a Live/Work Unit shall be at least 1,000 square feet.
- F. An Outdoor Recreation Sub-zone may be designated by the Council, upon recommendation of the Commission. In an Outdoor Recreation Sub-zone, parks and outdoor recreational uses may be permitted, subject to obtaining a Use Permit.

1. Properties designated as an Outdoor Recreation Sub-zone shall include all of the following:
 - a. Be designated specifically for outdoor recreational use in the West Berkeley Plan;
 - b. Be owned or under acquisition by a public agency which is subject to this Ordinance;
 - c. Be at least five contiguous acres in area;
 - d. Not be primarily used for a conforming use as designated in the West Berkeley Plan; and
 - e. Be at least 1,000 feet from any other Outdoor Recreation Sub-zone.
2. The initial designation of an Outdoor Recreation Sub-zone shall expire five years from the designation date. In order to permit outdoor recreational uses after that date, the Council must renew the Outdoor Recreation Sub-zone designation. (Ord. 7358-NS §§ 3, 4, 2014; Ord. 7323-NS § 7, 2014; Ord. 7205-NS § 6, 2011; Ord. 7194-NS § 6, 2011; Ord. 7167-NS § 14, 2011; Ord. 7155-NS § 20, 2010; Ord. 7125-NS § 1, 2009; Ord. 6923-NS § 1 (part), 2006; Ord. 6738-NS § 1 (part), 2003; Ord. 6688-NS § 1, 2002; Ord. 6671-NS § 7, 2001; Ord. 6644-NS § 3, 2001; Ord. 6509-NS § 2 (part), 1999; Ord. 6478-NS § 4 (part), 1999)

Section 23E.80.060 Use Limitations

- A. Any use which is incidental to the primary use of a building or property shall be subject to the permit requirements identified in the Uses Incidental to a Permitted Use heading in Table 23E.80.030 and the limitations set forth in Section 23E.80.030.D.
- B. Any activity or use which occurs outside of a building shall be subject to the permit requirements identified in the Parking, Outdoor and Exterior Window Uses heading in Table 23E.80.030.
- C. Incidental Retail Sales shall meet the following:
 1. Signs for Incidental Retail Sales use shall be of such a size and character as to clearly indicate that the retail use is not the Primary Use of the site;
 2. Retail Sales floor area shall not exceed 10% of total Gross Floor Area; and
 3. No outdoor sales or food service is allowed.
- D. Alcoholic Beverage Sales or Service Uses and Live/Work Uses shall be subject to the requirements of Chapters 23E.16 and 23E.20 in addition to the requirements of this District.
- E. No manufacturing or wholesale trade use may be established or expanded within 150 feet of a residential use in an R-District or in the MU-R District except as set forth herein:
 1. If the use would require a Zoning Certificate in other locations of the MU-LI District, an Administrative Use Permit is required;
 2. If the use would require an Administrative Use Permit in other locations of the MU-LI District, a Use Permit is required.
- F. Pharmaceutical Manufacturing and Commercial Physical or Biological Laboratories using Class 2 Organisms are prohibited within 500 feet of a Residential or Mixed Use-Residential District.

G. Medical Practitioners Offices would require a Zoning Certificate if the proposed use space is under 10,000 square feet and located within an established Medical Office Building.

- H. For purposes of the Noise Ordinance, Chapter 13.40, the MU-LI District shall be considered an Industry District.
- I. Notwithstanding any other provision of this Ordinance, an existing use may be modified or intensified without a Use Permit if no provision of this chapter requires a Use Permit and if the Zoning Officer determines that the modification or intensification of the use can reasonably be expected not to increase any impact regulated under environmental performance standards. (Ord. 7358-NS § 6, 2014; Ord. 7167-NS § 16, 2011; Ord. 6688-NS § 2 (part), 2002; Ord. 6478-NS § 4 (part), 1999)

Section 23E.80.080 Off-Street Parking and Loading Requirements

- A. For each of the following uses the minimum number of off-street parking spaces shall be provided and in accordance with Chapter 23E.28 except as set forth in Section 23E.80.080.E. Construction of new floor area and changes of use of existing floor area shall satisfy the parking requirements of this section.

Table 23E.80.080	
Parking Required*	
Use	Number of spaces
Art/Craft Studio	One per 1,000 sq. ft. of floor area
Laboratories	One per 650 sq. ft. of floor area
Live/Work Units	One per unit; provided however, that if any non-resident employees and/or customers and clients are permitted in any work area, there shall be one additional parking space for each 1,000 sq. ft. of such work area
Manufacturing uses (assembly, production, storage and testing space only), Storage, Warehousing and Wholesale Trade	One space per 1,000 sq. ft. of floor area for spaces of less than 10,000 sq. ft.; one space per 1,500 sq. ft. of floor area for spaces of 10,000 sq ft or more
<u>Medical Practitioner Office and Mental Health Practitioner</u>	<u>One per 300 sq. ft. of floor area</u>
Quick or Full Service Restaurants	One per 300 sq. ft. of floor area
All other non-residential uses, unless otherwise specified in Subsection B	Two per 1,000 sq. ft. of floor area
* See Subsection E for substitutions of up to 10% with bicycle/motorcycle parking	

- B. Unless otherwise specified in Subsection A, uses designated in this chapter as Other Industrial Uses; Automobile and Other Vehicle Oriented Uses; Outdoor Uses; Residential and Related Uses or as Miscellaneous Uses shall be required to provide the number of off-street parking spaces determined by the Zoning Officer or Board based of the amount of off-street parking demand generated by the particular use and comparable with specified standards for other

uses.

- C. Bicycle parking spaces shall be provided for new construction at the ratio of one space per 2,000 square feet of gross floor area of non-residential space, in accordance with Section 23E.28.070.
- D. Off-street parking required by this section may be satisfied by the provision of leased spaces, provided that the requirements of Section 23E.28.030 are met; however, the leased parking spaces may be within 500 feet of the property it serves, provided that leased parking at a distance greater than 500 feet may be approved by an Administrative Use Permit.
- E. Subject to the finding in Section 23E.80.090.H, an Administrative Use Permit may be issued to designate up to 10% of automobile parking required for a use for bicycle and/or motorcycle parking, unless a Use Permit from the Board is required to approve any part of the application, in which case the Use Permit shall be approved by the Board. Any bicycle parking created by this designation shall be in addition to otherwise required bicycle parking.
- F. Notwithstanding the requirements of Section 23E.28.080 (the general regulations concerning screening and landscaping of off-street parking), there shall be no requirement for screening or landscaping of that portion of any parking lot which is adjacent to Third Street (Southern Pacific Railroad).
- G. In buildings with one or more manufacturing, wholesale trade or warehouse use, all uses shall satisfy the loading space requirements of Chapter 23E.32. All uses which have one or more loading spaces shall retain at least one such space.
- H. Any construction which results in the creation of 10,000square feet of new or additional commercial or manufacturing gross floor area shall satisfy Chapter 23E.32. (Ord. 6856-NS § 23 (part), 2005; Ord. 6478-NS § 4 (part), 1999)

Chapter 23F.04

DEFINITIONS

Sections:

23F.04.010 Definitions

Section 23F.04.010 Definitions

For the purposes of this chapter certain terms used herein are defined as follows:

Medical Office Building: A building containing exclusively Medical Practitioner Office(s) and/or Mental Health Practitioner(s).

Berkeley Municipal Code
 Chapter 23E.80 MU-LI Mixed Use-Light Industrial
 District Provisions

Chapter 23E.80

MU-LI Mixed Use-Light Industrial District Provisions

Sections Affected:

- 23E.80.030 Uses Permitted
- 23E.80.060 Use Limitations
- 23E.80.080 Off-Street Parking and Loading Requirements

Section 23E.80.030 Uses Permitted

A. The following table sets forth the Permit required for each listed item. Each use or structure shall be subject to either a Zoning Certificate (ZC), an Administrative Use Permit (AUP) or a Use Permit approved after public hearing (UP(PH)), or is Prohibited.

Table 23E.80.030				
Use and Required Permits				
Uses	Permits Required to Establish, Expand, or Change use by Floor Area (sq. ft.)			Special Requirements (if any)
	Under 20,000	20,000 – 30,000	More than 30,000	
Office Uses				
Business Support Services	AUP			AUP up to 3,000 sq. ft. Use cannot exceed 3,000 sq. ft. See definition in Subtitle 23F for permitted uses.
<u>Medical Practitioner Office and Mental Health Practitioner</u>	<u>AUP Prohibited if under 10,000</u>	<u>UP(PH)</u>	<u>UP(PH)</u>	<u>See Section 23E.80.060 for Medical Practitioners in Medical Office Buildings; See Section 23E.80.080 for parking requirements</u>

The Berkeley Municipal Code is current through Ordinance 7451-NS, passed December 15, 2015.

Berkeley Municipal Code
 Chapter 23E.80 MU-LI Mixed Use-Light Industrial
 District Provisions

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Table 23E.80.030				
Use and Required Permits				
Uses	Permits Required to Establish, Expand, or Change use by Floor Area (sq. ft.)			Special Requirements (if any)
	Under 20,000	20,000 – 30,000	More than 30,000	
All office uses (other than offices ancillary to a permitted use)	AUP	UP(PH)	UP(PH)	Includes publishing without printing.
Legend:				
ZC -- Zoning Certificate		UP(PH) -- Use Permit, public hearing required		
AUP -- Administrative Use Permit		Prohibited -- Use not permitted		

- B. Any use not listed that is compatible with the purposes of the MU-LI District shall be permitted subject to securing an Administrative Use Permit. Any use that is not compatible with the purposes of the MU-LI District shall be prohibited.
- C. Any use which is incidental to the primary use of a building or property shall be subject to the permit requirements identified in the Uses Incidental to a Permitted Use heading under Table 23E.80.030, except for storage, wholesale, and specified manufacturing, uses that are allowed with a Zoning Certificate.
- D. The initial establishment or change of use of floor area of an existing non-residential building, or portion of building, shall be subject to the permit requirements as listed in the legend of Table 23E.80.030.
- E. Live/Work uses may only be established pursuant to the findings set forth in Section 23E.80.090.G and shall meet the following requirements:
 - 1. The specific activity a live/work resident will engage in must be stated;
 - 2. At least one occupant must be engaged in an art or craft listed in the definition of Art/Craft Studio in Sub-title 23F or which requires space not typically available in a conventional residential setting;
 - 3. The total floor area of a Live/Work Unit shall be at least 1,000 square feet.
- F. An Outdoor Recreation Sub-zone may be designated by the Council, upon recommendation of the Commission. In an Outdoor Recreation Sub-zone, parks and outdoor recreational uses may be permitted, subject to obtaining a Use Permit.
 - 1. Properties designated as an Outdoor Recreation Sub-zone shall include all of the following:

The Berkeley Municipal Code is current through Ordinance 7451-NS, passed December 15, 2015.

Berkeley Municipal Code
Chapter 23E.80 MU-LI Mixed Use-Light Industrial
District Provisions

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- a. Be designated specifically for outdoor recreational use in the West Berkeley Plan;
 - b. Be owned or under acquisition by a public agency which is subject to this Ordinance;
 - c. Be at least five contiguous acres in area;
 - d. Not be primarily used for a conforming use as designated in the West Berkeley Plan; and
 - e. Be at least 1,000 feet from any other Outdoor Recreation Sub-zone.
2. The initial designation of an Outdoor Recreation Sub-zone shall expire five years from the designation date. In order to permit outdoor recreational uses after that date, the Council must renew the Outdoor Recreation Sub-zone designation. (Ord. 7358-NS §§ 3, 4, 2014; Ord. 7323-NS § 7, 2014; Ord. 7205-NS § 6, 2011; Ord. 7194-NS § 6, 2011; Ord. 7167-NS § 14, 2011; Ord. 7155-NS § 20, 2010; Ord. 7125-NS § 1, 2009; Ord. 6923-NS § 1 (part), 2006; Ord. 6738-NS § 1 (part), 2003; Ord. 6688-NS § 1, 2002; Ord. 6671-NS § 7, 2001; Ord. 6644-NS § 3, 2001; Ord. 6509-NS § 2 (part), 1999; Ord. 6478-NS § 4 (part), 1999)

Section 23E.80.060 Use Limitations

- A. Any use which is incidental to the primary use of a building or property shall be subject to the permit requirements identified in the Uses Incidental to a Permitted Use heading in Table 23E.80.030 and the limitations set forth in Section 23E.80.030.D.
- B. Any activity or use which occurs outside of a building shall be subject to the permit requirements identified in the Parking, Outdoor and Exterior Window Uses heading in Table 23E.80.030.
- C. Incidental Retail Sales shall meet the following:
 1. Signs for Incidental Retail Sales use shall be of such a size and character as to clearly indicate that the retail use is not the Primary Use of the site;
 2. Retail Sales floor area shall not exceed 10% of total Gross Floor Area; and
 3. No outdoor sales or food service is allowed.
- D. Alcoholic Beverage Sales or Service Uses and Live/Work Uses shall be subject to the requirements of Chapters 23E.16 and 23E.20 in addition to the requirements of this District.
- E. No manufacturing or wholesale trade use may be established or expanded within 150 feet of a residential use in an R-District or in the MU-R District except as set forth herein:
 1. If the use would require a Zoning Certificate in other locations of the MU-LI District, an Administrative Use Permit is required;

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 Chapter 23E.80 MU-LI Mixed Use-Light Industrial
 District Provisions

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- 2. If the use would require an Administrative Use Permit in other locations of the MU-LI District, a Use Permit is required.
- F. Pharmaceutical Manufacturing and Commercial Physical or Biological Laboratories using Class 2 Organisms are prohibited within 500 feet of a Residential or Mixed Use-Residential District.
- G. Medical Practitioners Offices would require a Zoning Certificate if the proposed use space is under 10,000 square feet and located within an established Medical Office Building.
- H. For purposes of the Noise Ordinance, Chapter 13.40, the MU-LI District shall be considered an Industry District.
- I. Notwithstanding any other provision of this Ordinance, an existing use may be modified or intensified without a Use Permit if no provision of this chapter requires a Use Permit and if the Zoning Officer determines that the modification or intensification of the use can reasonably be expected not to increase any impact regulated under environmental performance standards. (Ord. 7358-NS § 6, 2014; Ord. 7167-NS § 16, 2011; Ord. 6688-NS § 2 (part), 2002; Ord. 6478-NS § 4 (part), 1999)

Section 23E.80.080 Off-Street Parking and Loading Requirements

- A. For each of the following uses the minimum number of off-street parking spaces shall be provided and in accordance with Chapter 23E.28 except as set forth in Section 23E.80.080.E. Construction of new floor area and changes of use of existing floor area shall satisfy the parking requirements of this section.

Table 23E.80.080	
Parking Required*	
Use	Number of spaces
Art/Craft Studio	One per 1,000 sq. ft. of floor area
Laboratories	One per 650 sq. ft. of floor area
Live/Work Units	One per unit; provided however, that if any non-resident employees and/or customers and clients are permitted in any work area, there shall be one additional parking space for each 1,000 sq. ft. of such work area
Manufacturing uses (assembly, production, storage and testing space only), Storage, Warehousing and Wholesale Trade	One space per 1,000 sq. ft. of floor area for spaces of less than 10,000 sq. ft.; one space per 1,500 sq. ft. of floor area for spaces of 10,000 sq ft or more
<u>Medical Practitioner Office and Mental Health Practitioner</u>	<u>One per 300 sq. ft. of floor area</u>

The Berkeley Municipal Code is current through Ordinance 7451-NS, passed December 15, 2015.

Berkeley Municipal Code
 Chapter 23E.80 MU-LI Mixed Use-Light Industrial
 District Provisions

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Table 23E.80.080	
Parking Required*	
Use	Number of spaces
Quick or Full Service Restaurants	One per 300 sq. ft. of floor area
All other non-residential uses, unless otherwise specified in Subsection B	Two per 1,000 sq. ft. of floor area
* See Subsection E for substitutions of up to 10% with bicycle/motorcycle parking	

- B. Unless otherwise specified in Subsection A, uses designated in this chapter as Other Industrial Uses; Automobile and Other Vehicle Oriented Uses; Outdoor Uses; Residential and Related Uses or as Miscellaneous Uses shall be required to provide the number of off-street parking spaces determined by the Zoning Officer or Board based of the amount of off-street parking demand generated by the particular use and comparable with specified standards for other uses.
- C. Bicycle parking spaces shall be provided for new construction at the ratio of one space per 2,000 square feet of gross floor area of non-residential space, in accordance with Section 23E.28.070.
- D. Off-street parking required by this section may be satisfied by the provision of leased spaces, provided that the requirements of Section 23E.28.030 are met; however, the leased parking spaces may be within 500 feet of the property it serves, provided that leased parking at a distance greater than 500 feet may be approved by an Administrative Use Permit.
- E. Subject to the finding in Section 23E.80.090.H, an Administrative Use Permit may be issued to designate up to 10% of automobile parking required for a use for bicycle and/or motorcycle parking, unless a Use Permit from the Board is required to approve any part of the application, in which case the Use Permit shall be approved by the Board. Any bicycle parking created by this designation shall be in addition to otherwise required bicycle parking.
- F. Notwithstanding the requirements of Section 23E.28.080 (the general regulations concerning screening and landscaping of off-street parking), there shall be no requirement for screening or landscaping of that portion of any parking lot which is adjacent to Third Street (Southern Pacific Railroad).
- G. In buildings with one or more manufacturing, wholesale trade or warehouse use, all uses shall satisfy the loading space requirements of Chapter 23E.32. All uses which have one or more loading spaces shall retain at least one such space.
- H. Any construction which results in the creation of 10,000square feet of new or additional commercial or manufacturing gross floor area shall satisfy Chapter 23E.32. (Ord. 6856-NS § 23 (part), 2005; Ord. 6478-NS § 4 (part), 1999)

The Berkeley Municipal Code is current through Ordinance 7451-NS, passed December 15, 2015.

Berkeley Municipal Code
Chapter 23F.04 DEFINITIONS

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Chapter 23F.04

DEFINITIONS

Sections:

23F.04.010 Definitions

Section 23F.04.010 Definitions

For the purposes of this chapter certain terms used herein are defined as follows:

Medical Office Building: A building containing exclusively Medical Practitioner Office(s) and/or Mental Health Practitioner(s).

23E.80.045 Special Provisions: Changes of Use/Removal of Floor Area Used for Material Recovery Enterprise, Manufacturing, Wholesale Trade or Warehousing

A. Notwithstanding the provisions of Section 23E.80.030, no floor area in a building in which at least 33% of the floor area is used for any aspect of a Material Recovery Enterprise, manufacturing, warehousing or wholesale trade may be changed to uses other than Material Recovery Enterprise manufacturing, warehousing or wholesale trade without a Use Permit, except as otherwise provided in this Section.

1. The following uses may be established within protected Manufacturing, Material Recovery Enterprise, Wholesale Trade and/or Warehousing space, subject to the permit levels in Section 23E.80.030: Warehouse-based Non-store Retail, Art/Craft Studio, and Contractor use. The issuance of a Use Permit for Warehouse-based Non-store Retail, Art/Craft Studio, and Contractor uses under this subdivision shall not result in the removal or elimination of any protections for the prior use in Section 23E.80.045.

2. For the period of August 1, 2011, through July 31, 2016, space established prior to January 1, 2010, as protected, Warehouse and Wholesale Trade use may be changed to Research and Development (R&D) use as set forth below; provided, that issuance of a permit for R&D use under this subdivision shall not result in the removal or elimination of any protection for the prior use established through this subdivision and such protections shall remain if the R&D use ceases. As of August 1, 2016, there shall be no numerical limit on the number of gross square feet of protected Warehouse and Wholesale space that may be converted to R&D use within the MM (BMC 23E.76) and MU-LI (BMC 23E.80) zoning districts.

- i. A combined total of 270,000 gross square feet of protected Warehouse and Wholesale space may be converted to R&D use within the MM (BMC 23E.76) and MU-LI (BMC 23E.80) zoning districts.
- ii. No more than 150,000 gross square feet of this space may have been occupied on or after August 1, 2011, whether or not the use was legally established.
- iii. The Zoning Officer may approve an Administrative Use Permit for a change of use of up to 20,000 gross square feet from protected Warehouse and/or Wholesale Trade to Research and Development (R&D).
- iv. The Board may approve a Use Permit for a change of use over 20,000 gross square feet of protected Warehouse and/or Wholesale Trade to Research and Development (R&D).
- v. Planning staff will report to the City Council once a cumulative total of 50,000 square feet in the MM and MU-LI districts of protected Warehousing and/or Wholesale Trade have been converted to Research and Development Use (or at the end of one year, whichever occurs first), with additional reports to be provided in the same increments thereafter. The reports are to include the gross square footage of building space converted and the number and type of jobs

expected to be created. No later than April 15, 2016, the City Manager shall provide a cumulative report to the City Council and schedule an action item for the Council's consideration so that it can provide direction as to what, if any, modifications it wishes to make to this Section.

B. Except as provided herein and in Paragraphs D and F of this section, no more than 25% of the space used for Material Recovery Enterprise, manufacturing, warehousing or wholesale trade in a building shall be removed and/or changed to another use, except as authorized by a Use Permit. No Use Permit under this subdivision may be issued absent the appropriate finding under Section 23E.80.090.D.

C. The Zoning Officer may issue an Administrative Use Permit to change the use of less than 20,000 square feet of floor area used for Material Recovery Enterprise, manufacturing, warehousing, or wholesale trade as long as the area converted is less than 25% of the space used for those purposes.

D. On a property consisting of a lot (or group of abutting and confronting lots) under one ownership containing more than one building, more than 25% of the use of a particular building or portion of building may be changed from Material Recovery Enterprise, manufacturing, warehousing, or wholesale, provided that for the property as a whole no more than a cumulative total of 25% of the floor area used for Material Recovery Enterprise, manufacturing, wholesale trade or warehousing is changed to another use.

E. As used in this Section, space used for manufacturing, warehousing or wholesale trade means space which is being used, or was previously used for the manufacture, assembly, processing, repair, testing (including prototype manufacturing), storage, display (other than in retail stores) or distribution of goods, unless the manufacturing, wholesale trade, or warehousing use is or was demonstrably ancillary to another use. For purposes of this section, use of the space shall be the use as of January 1, 1996 (or if vacant on that date, the most recent previous use).

F. Pursuant to the amendment to the West Berkeley Plan concerning 2929 Seventh Street, also known as the Langendorf Building, space used or last previously used for manufacturing, warehousing or wholesale trade in that building may be changed to other permitted uses provided that not less than 30,000 square feet of floor area is maintained for manufacturing, warehousing or wholesale trade uses. Retail Sales, Office Uses and Food and Alcohol Service Uses otherwise prohibited in this District, but permitted in the C-W District, may be permitted at this property, with a Use Permit, provided that the total floor area of such uses on the property in both this District and the C-W District does not exceed 10,000 square feet.

G. The limitations of this section on changes of use shall be cumulative. (Ord. 7358-NS § 5, 2014; Ord. 7194-NS § 7, 2011; Ord. 7167-NS § 15, 2011; Ord. 7125-NS § 5, 2009; Ord. 6509-NS § 3 (part), 1999; Ord. 6478-NS § 4 (part), 1999)

23E.80.090 Findings

A. In order to approve any Use Permit under this chapter the Zoning Officer or Board must make the finding required by Section 23B.32.040. The Zoning Officer or Board must also make the findings required by the

following paragraphs of this section to the extent applicable:

B. A proposed use or structure must:

1. Be consistent with the purposes of the District;
2. Be compatible with the surrounding uses and buildings;
3. Be consistent with the adopted West Berkeley Plan;
4. Be unlikely, under reasonably foreseeable circumstances, to either induce a substantial change of use in buildings in the District from manufacturing, wholesale trade or warehousing uses;
5. Be designed in such a manner to be supportive of the light industrial character of the district. Such physical compatibility shall include materials used; facade treatments; landscaping; lighting; type, size and placement of awnings, windows and signs; and all other externally visible aspects of the design of the building and site. If the building and/or site is split between the MU-LI District and the West Berkeley Commercial District that there are clear and appropriate distinctions in all design aspects between the portions of the building and site within the MU-LI District and the portions within the West Berkeley Commercial District;
6. Be able to meet any applicable performance standards as described in Section 23E.80.070.D.

C. In order to approve a Use Permit under Section 23E.80.040, the Zoning Officer or Board must find that the space formerly occupied by the protected use has been replaced with a comparable space in the West Berkeley Plan area, which is reserved for use by any protected use in the same category:

1. For purposes of this section, such replacement space shall not qualify for exemption under Section 23E.80.040.I or by reason of having been established after July 6, 1989;
2. In considering whether a project will be detrimental, consideration shall be limited to the potential detriment associated with the new use and dislocation of any specific previous occupant or use shall not be a basis for finding detriment.

D. Except as permitted under ~~23E.80.045~~, subdivisions A.1 or A.2, in order to approve a Use Permit under Section ~~23E.80.045~~ to change the use of or remove more than 25% of the floor area of a building currently or most recently used for manufacturing, wholesale trade or warehousing, the Zoning Officer or Board must find:

1. Any necessary Use Permits that have been approved to provide comparable quality replacement manufacturing, wholesale trade and/or warehousing space in Berkeley at a comparable rent and that such replacement space will be available before the demolition or change of use of the space; or
2. As a result of lawful business and building activities, there are exceptional physical circumstances

(exclusive of the presence of hazardous materials in the building(s), soil or groundwater) found at the building not generally found in industrial buildings in the District which make it financially infeasible to reuse the building for any of the range of manufacturing, wholesale trade or warehouse uses permitted in the District. The analysis of the financial feasibility effects (which shall be verified by the City) of these physical circumstances shall consider those costs necessary to make the building meet current minimum standards for manufacturing, wholesale trade or warehouse buildings; and

3. Appropriate mitigation has been made for loss of the manufacturing, warehousing or wholesale trade space in excess of 25% of that space through providing such space elsewhere in the City, payment into the West Berkeley Building Acquisition Fund, or by other appropriate means.

E. In order to approve a Use Permit for division of space under Section 23E.80.050.D, the Zoning Officer or Board must find that the conversion would not create or contribute to a shortage of industrial spaces in West Berkeley for spaces of the size being converted and either:

1. The conversion can be reasonably expected to better serve the purposes of the District than leaving the space intact; or
2. The conversion would create spaces which could cross-subsidize larger industrial spaces.

F. In order to approve a Permit to establish or expand a Food Service Establishment, the Zoning Officer or Board must find that the establishment of the food service use, given its size, location, physical appearance and other relevant characteristics, will not have a significant detrimental impact on the industrial character of the area. In order to approve an Administrative Use Permit for a Food Service Establishment less than 5,000 square feet under Section 23E.80.030, the Zoning Officer must find that a substantial portion of the food consists of goods manufactured on site.

G. In order to approve a Use Permit to establish or modify a Live/Work Unit, the Zoning Officer or Board must make the findings required in Chapter 23E.20, as well as the following:

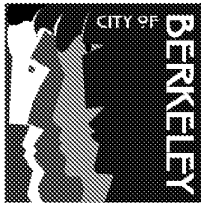
1. The applicants have made adequate provisions to insure that within the Live/Work Units, occupants of the Live/Work Units will only engage in the occupations listed in the definitions of Art/Craft Studios; and
2. Development of such Live/Work Units is not incompatible with adjacent and nearby industrial uses; and
3. The applicants have made adequate provisions to insure that occupant of each unit of the Live/Work space will be notified in writing that the unit is in the MU-LI District and that light manufacturing is the primary activity in the District, including a requirement that each occupant indicates that he or she has read and understood this information by means of a rider to a lease or a covenant to a deed, as appropriate.

H. In order to approve a Use Permit for the substitution of bicycle and/or motorcycle parking under Section

23E.80.080.E, the Zoning Officer or Board must find that the substitution will not lead to an undue shortage of automobile parking spaces and that it can be reasonably expected that there will be demand for the bicycle and/or motorcycle parking spaces.

I. In order to approve a Permit for the establishment or expansion of a child care center, or recreational or educational facility to be used by children, the Zoning Officer or Board must make all of the following findings:

1. Development of the school, child care center, large family day care or recreational facility to be used by children is not, in the particular circumstances of the project, incompatible with adjacent and nearby uses, including industrial uses;
2. An appropriate risk analysis or risk assessment, as defined by the City, has been made and has shown that there is not significant risk to children in the use from other activities near the site;
3. The applicants have made adequate provisions to ensure that all parents of students or children in the school, child care center, large family day care or recreational facility to be used by children will be notified in writing (on a form approved by the City) that the school is in the West Berkeley Plan MU-LI District, and that light manufacturing is a permitted activity in the District and that Primary Production Manufacturing or Construction Products Manufacturing may be permitted uses in adjacent districts, including a requirement that each parent will indicate that they have read and understood this information by means of a written statement returned to the school or child care center and available for review. (Ord. 7194-NS § 8, 2011; Ord. 7167-NS §§ 20 – 22, 2011; Ord. 6478-NS § 4 (part), 1999)



CITY COUNCIL

Darryl Moore
Councilmember District 2

CONSENT CALENDAR

December 16, 2014

To: Honorable Mayor and Members of the City Council
From: Councilmember Darryl Moore, District 2
Subject: Reconcile the West Berkeley Plan and the Zoning Code as it Pertains to Medical Uses

RECOMMENDATION

Refer to the Planning Commission the task of revising the current zoning ordinance so that it reflects the West Berkeley Plan's goals of encouraging medical uses in West Berkeley.

BACKGROUND

When the West Berkeley Plan was adopted in 1993, the zoning code was revised to reflect the goals and policies outlined in the plan. Since the revisions were made to an existing zoning ordinance, all of the goals and policies of the West Berkeley Plan were not necessarily translated appropriately into the revisions to the zoning code. One such omission pertains to medical uses in the Mixed Use/Light Industrial (MULI) zoning districts. The West Berkeley Plan encourages medical and healthcare uses in West Berkeley, including in the MULI zoning districts, but the zoning code explicitly prohibits "Medical Practitioners, including Holistic Health and Mental Health Practitioners" in the MULI.

The City Council should refer the matter to the Planning Commission to develop revision language to the zoning ordinance to reconcile the code with the intent of the West Berkeley Plan to encourage medical and healthcare uses.

FISCAL IMPACTS OF RECOMMENDATION

Staff time to make the appropriate revisions.

CONTACT PERSON

Councilmember Darryl Moore, District 2 981-7120



PLANNING COMMISSION

Notice of Public Hearing

February 7, 2018

**Amendments to the City of Berkeley Zoning Map and General Plan Map:
parcels located at 1050 Parker Street and 2621 Tenth Street,
Assessor Parcel Numbers (APN) 054-1763-001-03 and 054-1763-010-00**

The Planning Commission of the City of Berkeley will hold a public hearing on the above matter, pursuant to Zoning Ordinance Sections 23A.20.030 and 22.04.020, on **Wednesday, February 7, 2018**, at the North Berkeley Senior Center, 1901 Hearst Ave. (at Martin Luther King, Jr. Way), Berkeley (wheelchair accessible). The meeting starts at 7:00 p.m.

PROJECT DESCRIPTION: The City Council proposes a rezoning and general plan amendment for two parcels located at 1050 Parker Street and 2621 Tenth Street, assigned Assessor Parcel Numbers (APN) 054-1763-001-03 and 054-1763-010-00 and shown on the attached map.

The subject parcels are part of a 1.6-acre site that is proposed to be combined for the development known as 1050 Parker Street, which was approved by the Zoning Adjustments Board on December 14, 2017, pursuant to Use Permit ZP#2016-0170. The approved development would be a single three-story building that would provide about 20,000 square feet of new floor area in the C-W zoned area and about 40,000 square feet in the MU-LI zoned area.

The proposed rezoning would change the parcels from the Mixed Use Light Industrial (MU-LI) District Chapter 23E.80 to the West Berkeley Commercial (C-W) District Chapter 23E.64. The proposed General Plan amendment would change the parcels from Manufacturing Mixed Use to Avenue Commercial. Rezoning and re-designating the parcel would allow for the entire 1050 Parker Street project to be used for Medical Office Use. Medical Office Use is allowed in the C-W, but prohibited in the MU-LI.

LOCATION: The two parcels located at 1050 Parker Street and 2621 Tenth Street, assigned Assessor Parcel Numbers (APN) 054-1763-001-03 and 054-1763-010-00.

ENVIRONMENTAL REVIEW STATUS: The proposed rezone and re-designation of the noted parcel would allow for Medical Office use throughout the project site. This use is evaluated in the 1050 Parker Street project Environmental Impact Report (EIR). Mitigations for the 1050 Parker Street project are identified that will bring any impacts to a level of insignificance, therefore the potential impacts of proposed rezone and re-designation can also be considered mitigated.

PUBLIC COMMENT & FURTHER INFORMATION: Comments may be made verbally at the Public Hearing and in writing before the hearing. Written comments or questions concerning this project should be directed to:

Alex Amoroso
Planning Commission Secretary
City of Berkeley, Land Use Planning Division
1947 Center Street, 2nd Floor
Berkeley, CA 94704
E-mail: aamoroso@cityofberkeley.info
Phone: 510/981-7520

To assure distribution to Commission members prior to the meeting, ***correspondence must be received by 12:00 noon, seven (7) days before the meeting.*** For items with more than ten (10) pages, fifteen (15) copies must be submitted to the Secretary by this deadline. For any item submitted less than seven (7) days before the meeting, fifteen (15) copies must be submitted to the Secretary prior to the meeting date.

COMMUNICATION ACCESS: To request a meeting agenda in large print, Braille, or on audiocassette, or to request a sign language interpreter for the meeting, call (510) 981-7410 (voice) or 981-6903 (TDD). Notice of at least five (5) business days will ensure availability. Agendas are also available on the Internet at: www.ci.berkeley.ca.us.

This material is available in alternative formats upon request. Alternative formats include audio-format, braille, large print, electronic text, etc. Please contact the Disability Services Specialist and allow 7-10 days for production of the material in an alternative format.

Ella Callow- Disability Services Specialist
Email: ecallow@cityofberkeley.info
Phone: 510/981-6418
TTY: 510/981-6347

RESOLUTION NO. ##,###-N.S

AMEND THE BERKELEY GENERAL PLAN TO RE-DESIGNATE AND REZONE PARCELS WITH ASSESSOR PARCEL NUMBERS (APN) 054-1763-001-03 and 054-1763-010-00 FROM LIGHT INDUSTRIAL TO AVENUE COMMERCIAL GENERAL PLAN DESIGNATIONS AND FROM MIXED USE LIGHT INDUSTRIAL (MU-LI) TO WEST BERKELEY COMMERCIAL (C-W) ZONING DISTRICT

WHEREAS, the City Council of the City of Berkeley has the authority to approve zoning ordinance amendments and re-designate parcels from one General Plan land use designation to another in order to address unforeseen circumstances and changing priorities; and

WHEREAS, the zoning amendment and General Plan re-designation of the noted parcels was prepared based on a request from a property owner that wishes to modify and unify the allowable uses within a building that has been approved to be built across General Plan and zoning district boundaries; and

WHEREAS, the Planning Commission held a duly noticed public hearing and took public testimony on February 7, 2018, which was preceded by the distribution of notices in accordance with State and local noticing requirements; and

WHEREAS, on February 7, 2018, the Planning Commission voted to recommend that the City Council adopt a General Plan re-designation and rezone of Assessor Parcel Numbers (APN) 054-1763-001-03 and 054-1763-010-00; and

WHEREAS, on ##/##/##, the City Council held a duly noticed public hearing to consider the General Plan re-designation and rezone of Assessor Parcel Numbers (APN) 054-1763-001-03 and 054-1763-010-00; and

WHEREAS, the amendment is consistent with the General Plan and West Berkeley Plan (WBP) by increasing land available for employment and community services in the Office/Medical business sectors, and increasing development potential along the San Pablo Avenue corridor where the medical office use would be appropriate. The General Plan also supports economic development and a diversity of jobs along and adjacent to commercial corridors; and

WHEREAS, the amendment serves the public interest through a diversity of well-paying jobs in West Berkeley and along a major transit corridor. It also supports the sustainability goals of the City by providing jobs close to alternative modes of transportation; and

WHEREAS, the amendment would support the public health, safety and welfare of the City by bringing a potential new mix of uses to the parcels, including healthcare services and job providers; and

WHEREAS, the potential impacts of the proposed development of the "1050 Parker Street" property have been evaluated and reduced to a level of "less than significant" as determined by the Zoning Adjustments Board (ZAB) through its adoption of the Initial

Study-Mitigated Negative Declaration (IS-MND) and conditions of approval for Use Permit #ZP2016-0170. The CEQA evaluation assessed and proposed sufficient mitigation measures to address use of the entirety of the site for Medical Practitioners Use as a worst-case scenario for impacts such as traffic and greenhouse gas emissions. Conditions and mitigation measures were adopted and a Notice of Determination was filed on ###/###/###; and

WHEREAS, the zoning amendment serves the public interest through increasing the number and diversity of well-paying jobs in West Berkeley and along a major transit corridor. It also supports the sustainability goals of the City by providing jobs close to alternative modes of transportation; and

WHEREAS, the purpose of the rezone is to allow for Medical Practitioners to occupy the entire development at "1050 Parker Street." The immediately adjacent C-W District allows for Medical Practitioners and this rezone would allow for that compatible use to extend across the entire site and building, on the parcels in question; and

WHEREAS, the adjacent MU-LI District allows for medical-related uses including laboratories. The C-W District allows for Medical Practitioners, who might use the services of the adjacent laboratory uses. The proposed rezone adjusts the boundary to allow these adjacent uses to occupy these parcels; and

WHEREAS, there will be no detrimental impacts to the public health, safety or welfare, as the property is currently vacant with a planned development which has been reviewed and approved by the ZAB. That approval includes mitigations for any known potential environmental impacts as described above; and

WHEREAS, all documents constituting the record of this proceeding are and shall be retained by the City of Berkeley Planning and Development Department, Land Use Planning Division, at 1947 Center Street, Berkeley, California.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Berkeley that the General Plan is hereby amended, as shown in Exhibit A, and the zoning map is amended as shown in Exhibit B.

Attachments:

EXHIBIT A: Map of General Plan amendment of two parcels from Light Industrial to Avenue Commercial, Assessor Parcel Numbers (APN) 054-1763-001-03 and 054-1763-010-00.

EXHIBIT B: Map of zoning district amendment from Mixed Use – Light Industrial (MU-LI) to West Berkeley Commercial (C-W), Assessor Parcel Numbers (APN) 054-1763-001-03 and 054-1763-010-00.

ASSESSOR'S MAP 54

Code Area No. 13-000

Map showing subdivisions of the Lands of
Hepsibeth D. Nettie C. and Rebecca Carleton. <BK. 9 Pg. 60>

MAP OF
Byron Jackson Iron Works' Amended Map of Residence
Lots & Factory Sites. BYRON JACKSON IRON
WORKS PROPERTY. <BK. 24 Pg. 84>

1780 Scale 1" = 40'

Map showing subdivisions of the Lands of
T. and E. Hardwick. <BK. 6 Pg. 17>

1763

1779

1784

Parker St

7-16-58 E.L.
9-20-07 ZC

St

1764

LOT. 21
T. & E. HARDWICK
R. CARLETON

R. CARLETON
B. J. I. W.
(P)

2621

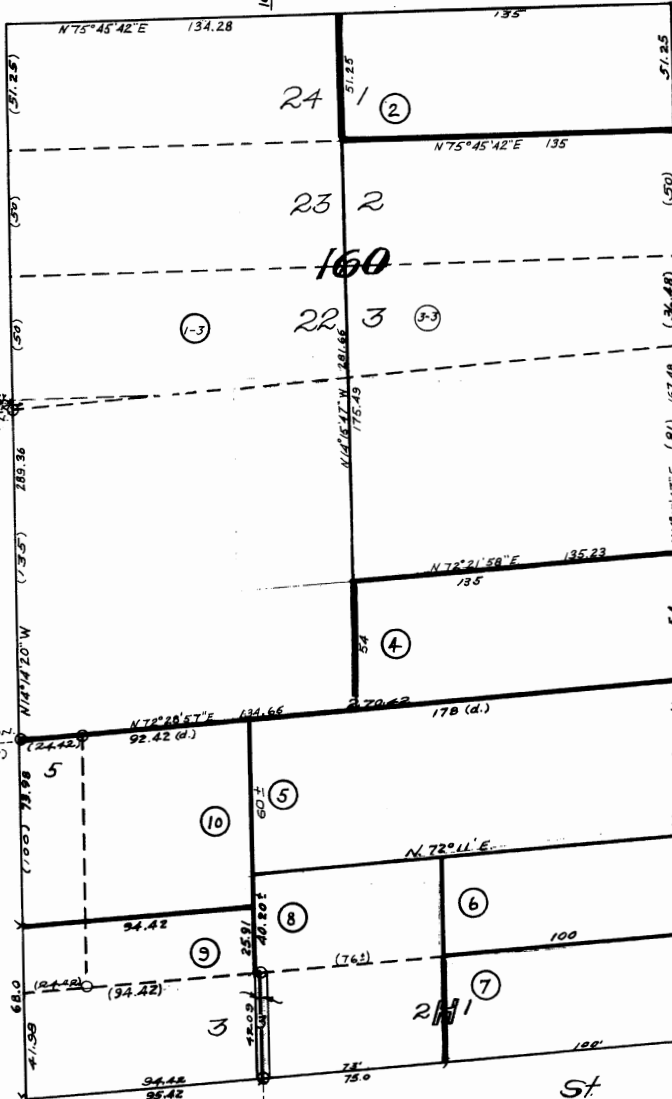
2627

2621

2627

2621

2627



Avenue

San Pablo

1785

Carleton St.

1786



Kaiser Permanente Medical Center
901 Nevin Avenue
Richmond, California 94801-3195
Phone: (510) 307-1500

Jeff Collins
Senior Vice President and Area Manager

Judith J. Park
Physician-in-Chief

David P. Leighton
Chief Operating Officer

March 20, 2018

By Electronic Mail: aamoroso@cityofberkeley.info

Mr. Alex Amoroso
Secretary
City of Berkeley
Planning Commission
Land Use Planning Division
1947 Center Street
Berkeley, CA 94704

RE: 1050 Parker Street / 2621 Tenth Street, Berkeley

Dear Mr. Amoroso:

Kaiser Permanente is interested in establishing a medical office building in Berkeley that will employ over 200 people and bring services closer to our many members who live in the city.

The new building that is being planned by Wareham Development at the vacant site at 1050 Parker Street / 2621 Tenth Street meets Kaiser Permanente's location requirements. The site's location on San Pablo Avenue, with the immediate proximity to public transportation and the West Berkeley Shuttle connection to BART, are particularly attractive since it provides our staff and members with the opportunity to access the building without the need for an automobile journey.

Our real estate team is currently discussing terms with Wareham for a long term lease for the whole building, however, the current City of Berkeley zoning does not allow medical office use in the entire building. Zoning would have to be changed to Commercial West Berkeley (CW) to allow Kaiser Permanente's use of the whole building.

Our initial projections are that the medical services to be provided from 2621 Tenth Street would include primary care and associated specialties.

I hope that this information is of use and ask that you share this letter with members of the Planning Commission.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff A. Collins".

Jeff A. Collins
Senior Vice President and Area Manager
Oakland, CA. 94612

1050 Parker Project: Proposed Findings for GP Re-designation and Rezone, Planning Commission 4/18/2018

General Plan Re-designation Findings:

1. The proposed amendment is in the public interest.
 - The amendment serves the public interest through changing diversity of well-paying jobs in West Berkeley and along a major transit corridor. It also supports the sustainability goals of the City by providing jobs close to alternative modes of transportation.
2. The proposed amendment is consistent and compatible with the rest of the General Plan.
 - The amendment is consistent with the General Plan and West Berkeley Plan (WBP) by increasing land available for higher paying jobs in the Office/Medical sectors, and focusing development along the San Pablo Avenue corridor where the medical office use would be appropriate. The General Plan also supports economic development and a diversity of jobs along and adjacent to commercial corridors.
3. The potential effects of the proposed amendment have been evaluated and have been determined not to be detrimental to the public health, safety, or welfare.
 - The amendment would support the public health, safety and welfare of the City by bringing potential new mix of uses to the parcels, including healthcare services and job providers, to the community.
4. The proposed amendment has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act.
 - The amendment is being processed in accordance with Chapter 22.04.020 of the Municipal Code. The amendment was submitted to the Planning Commission for consideration; a Public Hearing was set for February 7, 2018, with at least fourteen day notice given according to the applicable procedures. The potential impacts of the 1050 Parker Street proposed development have been evaluated and reduced to a level of "less than significant" as determined by the Zoning Adjustments Board (ZAB) adoption of the Initial Study-Mitigated Negative Declaration (IS-MND) for Use Permit #ZP2016-0170. The CEQA evaluation assessed and proposed sufficient mitigation measures to address use of the entirety of the site for Medical Practitioners Use as a worst-case scenario for impacts such as traffic and greenhouse gas emissions. Conditions and mitigation measures were adopted and a Notice of Determination was filed.

Rezoning Findings:

1. The proposed rezoning is in the public interest.
 - The amendment serves the public interest through increasing the number and diversity of well-paying jobs in West Berkeley and along a major transit corridor.

It also supports the sustainability goals of the City by providing jobs close to alternative modes of transportation.

2. The proposed rezone is compatible with adjacent zoning districts.
 - The purpose of the rezone is to allow for Medical Practitioners to occupy the entire development at 1050 Parker Street. The immediately adjacent C-W District allows for Medical Practitioners and this rezone would allow for that compatible use to continue onto the parcels in question. There are three other parcels on this block that are designated MU-LI that would remain unchanged.
3. The proposed rezone allows uses which would be compatible with adjacent districts uses.
 - The adjacent MU-LI District allows for medical related uses including laboratories. The C-W District allows for Medical Practitioners, who might use the services of the adjacent laboratory uses. The proposed rezone adjusts the boundary to allow these adjacent uses to occupy these parcels.
4. The potential effects of the proposed rezone will not to be detrimental to the public health, safety or welfare.
 - The property is currently vacant with a planned development which has been reviewed and approved by the ZAB. That approval includes mitigations for any known potential environmental impacts as described above, so it follows that there will be no detrimental impacts to the public health, safety or welfare.



PLANNING COMMISSION

Notice of Public Hearing

April 18, 2018

1. **Amendments to the City of Berkeley Zoning Map and General Plan Map:
Parcels located at 1050 Parker Street and 2621 Tenth Street,
Assessor Parcel Numbers (APN) 054-1763-001-03 and 054-1763-010-00**
2. **Add new text to the West Berkeley Commercial (C-W) District specific to the 3 parcels
that contain the proposed 1050 Parker Street Project to allow for 50 feet maximum
height and 3 stories.**

The Planning Commission of the City of Berkeley will hold a public hearing on the above matter, pursuant to Zoning Ordinance Sections 23A.20.030 and 22.04.020, on **Wednesday, April 18, 2018**, at the North Berkeley Senior Center, 1901 Hearst Ave. (at Martin Luther King, Jr. Way), Berkeley (wheelchair accessible). The meeting starts at 7:00 p.m.

PROJECT DESCRIPTION: The City Council proposes a rezoning and general plan amendment for two parcels located at 1050 Parker Street and 2621 Tenth Street, assigned Assessor Parcel Numbers (APN) 054-1763-001-03 and 054-1763-010-00 and shown on the attached map. In addition, a text amendment to the C-W District 23E.64 would allow a maximum 50 feet in height and three (3) stories for Assessor Parcel Numbers (APN) 054-1763-001-03 and 054-1763-010-00 and 054-1763-003-03.

The subject parcels are part of a 1.6-acre site that is proposed to be combined for the development known as 1050 Parker Street, which was approved by the Zoning Adjustments Board on December 14, 2017, pursuant to Use Permit ZP#2016-0170. The approved development would be a single three-story building that would provide about 20,000 square feet of new floor area in the C-W zoned area and about 40,000 square feet in the MU-LI zoned area.

The proposed rezoning would change the parcels from the Mixed Use Light Industrial (MU-LI) District Chapter 23E.80 to the West Berkeley Commercial (C-W) District Chapter 23E.64. The proposed General Plan amendment would change the parcels from Manufacturing Mixed Use to Avenue Commercial. Rezoning and re-designating the parcel would allow for the entire 1050 Parker Street project to be used for Medical Office Use. Medical Office Use is allowed in the C-W, but prohibited in the MU-LI.

LOCATION: The three parcels located at 1050 Parker Street and 2621 Tenth Street, assigned Assessor Parcel Numbers (APN) 054-1763-001-03 054-1763-010-00 and 054-1763-003-03

ENVIRONMENTAL REVIEW STATUS: The proposed rezone and re-designation of the noted parcel would allow for Medical Office use throughout the project site. This use is evaluated in the 1050 Parker Street project Environmental Impact Report (EIR). Mitigations for the 1050 Parker Street project are identified that will bring any impacts to a level of insignificance, therefore the potential impacts of proposed rezone and re-designation can also be considered mitigated.

Rezone and GP and text amendment- 1050 Parker Street Project
Page 2 of 2

NOTICE OF PUBLIC HEARING
Planning Commission: April 18, 2018

PUBLIC COMMENT & FURTHER INFORMATION: Comments may be made verbally at the Public Hearing and in writing before the hearing. Written comments or questions concerning this project should be directed to:

Alex Amoroso
Planning Commission Secretary
City of Berkeley, Land Use Planning Division
1947 Center Street, 2nd Floor
Berkeley, CA 94704
E-mail: aamoroso@cityofberkeley.info
Phone: 510/981-7520

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Ella Callow- Disability Services Specialist
Email: ecallow@cityofberkeley.info
Phone: 510/981-6418
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 BERKELEY, CA**

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Number	Revision Description	Date
1	Zoning Submission	06/28/2016
2	Revision #1	06/18/2016
3	Revision #2	12/05/2016
4	Revision #3	02/27/2017
5	Revision #4	06/26/2017

Project No: A07525-2
 Date: 06/28/2017
 Sheet:

**EXISTING CONDITIONS
 PLAN**

C1.0

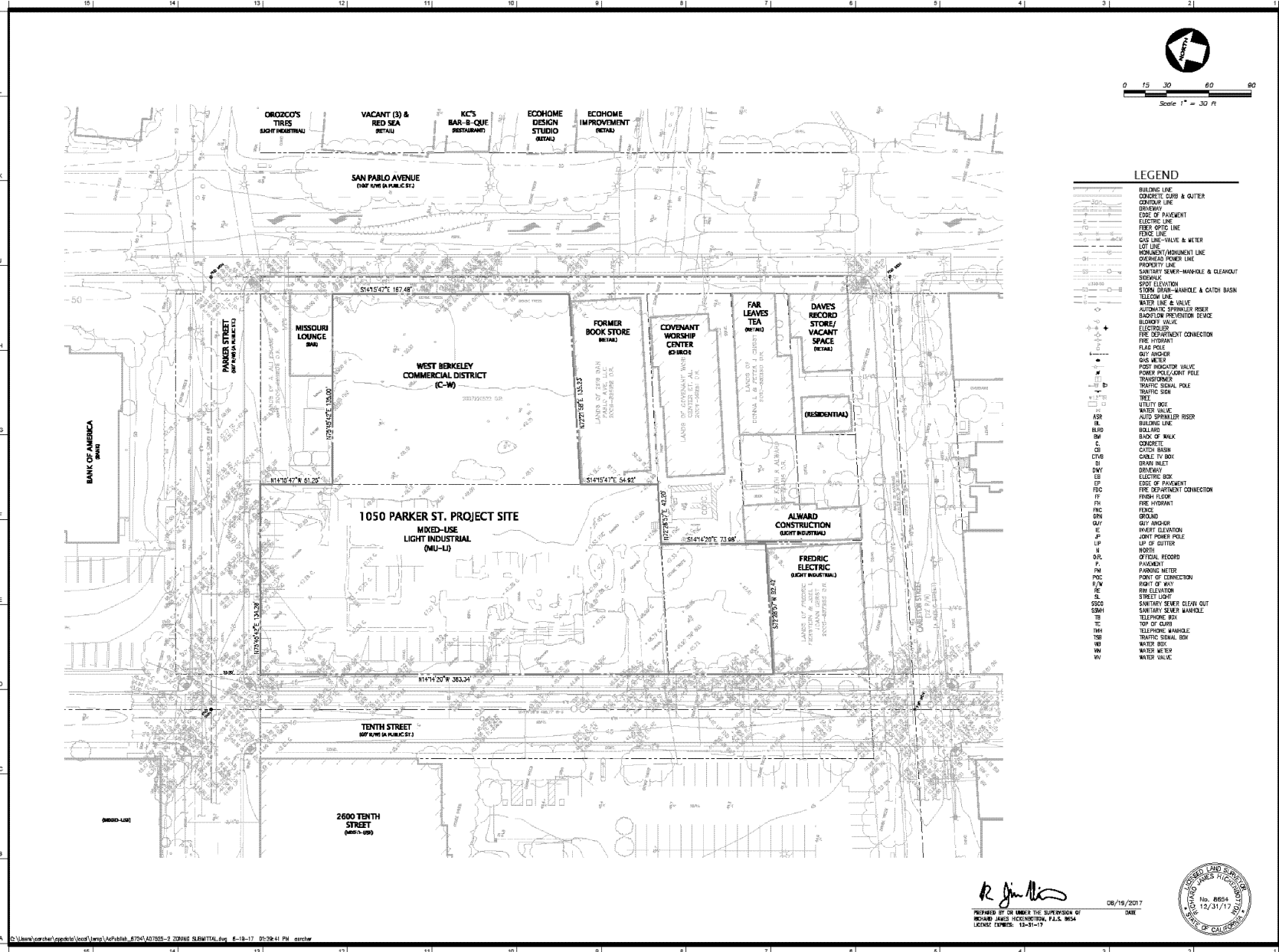
ZONING APPLICATION



Scale 1" = 30 Ft

LEGEND

- BUILDING LINE
- CONCRETE CURB & GUTTER
- CONTOUR LINE
- DRAINAGE
- EDGE OF PAVEMENT
- ELECTRIC LINE
- FIBER OPTIC LINE
- FENCE LINE
- GAS LINE - VALVE & METER
- LOT LINE
- MONUMENT/ADJUNCTION LINE
- OVERHEAD POWER LINE
- PROPERTY LINE
- SANITARY SEWER - MANHOLE & CLEANOUT
- SEWER
- SPOT ELEVATION
- STORM DRAIN - MANHOLE & CATCH BASIN
- TELEPHONE LINE
- WATER LINE & VALVE
- AUTOMATIC SPRINKLER RISER
- BACKFLOW PREVENTION DEVICE
- BURNER VALVE
- ELECTRICAL
- FIRE DEPARTMENT CONNECTION
- FIRE HYDRANT
- FLAG POLE
- GUY ANCHOR
- ONE METER
- POST INDICATOR VALVE
- POWER POLE/Joint POLE
- TRANSFORMER
- TRAFFIC SIGNAL POLE
- TRAFFIC SIGN
- TRAIL
- UTILITY BOX
- WATER VALVE
- AUTO SPRINKLER RISER
- BUILDING LINE
- ISLAND
- BACK OF WALK
- CONCRETE
- CATCH BASIN
- CANAL TV BOX
- DRAIN INLET
- DRAINAGE
- ELECTRIC BOX
- EDGE OF PAVEMENT
- FIRE DEPARTMENT CONNECTION
- FRESH FLOOR
- FIRE HYDRANT
- FENCE
- GROUND
- GUY ANCHOR
- HEIGHT ELEVATION
- JOINT POWER POLE
- LIP OF GUTTER
- NORTH
- OFFICIAL RECORD
- PAVEMENT
- PARKING METER
- PORT OF CONNECTION
- RIGHT OF WAY
- RIM ELEVATION
- STREET LIGHT
- SSAO
- SANITARY SEWER CLEAN OUT
- SSAO
- SSAO
- TELEPHONE BOX
- TOP OF CURB
- TELEPHONE MANHOLE
- TRAFFIC SIGNAL BOX
- WATER BOX
- WATER VALVE
- WATER VALVE



R. Jimenez

06/19/2017



PREPARED BY OR UNDER THE SUPERVISION OF
 RICHARD JAMES HICKENBOTTOM, P.E., M.S.E.
 LICENSE NUMBER: 13-91-17



Department of Planning and Development
Land Use Planning Division

STAFF REPORT

DATE: April 18, 2018
TO: Members of the Planning Commission
FROM: Alisa Shen, Principal Planner
SUBJECT: Adeline Corridor Plan and EIR Update

SUMMARY

This memo provides an update about the status of the Adeline Corridor planning process.

BACKGROUND

In 2015, the City of Berkeley began a community planning process to develop a “specific plan”, or long-range plan, for the area along Adeline Street and a section of South Shattuck Avenue (from Dwight to Derby Street) - See Plan Area Map. The effort is grant funded by Bay Area Metro (BAM), formerly known as the Metropolitan Transportation Commission (MTC) and Association of Bay Area Governments (ABAG). The grant is intended to promote opportunities to plan for transit-oriented development around BART stations and other high-frequency transit, and safe access for all users, including pedestrians, bicyclists, motorists and transit riders of all ages and abilities.

The final product of the planning process will be a Specific Plan document that has undergone environmental review (per the California Environmental Quality Act, or CEQA) and will need to be approved by the Planning Commission and City Council. While the focus of a specific plan is primarily on land use/zoning, transportation and recommendations for physical improvements in the Plan Area, the plan will also address housing (affordability and anti-displacement strategies) and economic development as they are closely related and been raised consistently as key topics of concern in community feedback.

The plan will include a community vision for the future, identify priorities, goals, policies and actions in the near and long-term. The plan will provide “a roadmap” to better manage change over time so that the community benefits, serving as a guide for public and private investment in the area. It will also put the City in a better position to apply for grant and to secure other funding to implement plan recommendations.

WORK COMPLETED TO-DATE

In the first phase of the planning process, there was extensive community engagement to gather input about community issues, assets, vision and goals and work to analyze existing conditions (e.g. demographic, economic, land use, traffic and infrastructure conditions) for the Plan Area.¹ While there has been a wide range of input about how to achieve community goals, a common focus has emerged around five key areas:

- **Housing Affordability:** to preserve existing affordable housing, prevent displacement and to create new affordable housing, including for Extremely Low Income and Very Low Income affordability levels;
- **Economic Opportunity:** to foster economic opportunity for neighborhood residents and businesses;
- **Land Use and Character:** to strengthen community character and to protect South Berkeley's heritage as the cultural and historical center of Berkeley's Black/African-American community and Japanese American community;
- **Public Space:** to enhance existing and create new and attractive public spaces (e.g. streets, parks and plazas where the community safely travel, gather and interact);
- **Transportation:** to improve the mobility and safety for persons of all abilities and means.

Another strong theme that has consistently emerged in the community feedback is that the planning process, as well as the plan recommendations, must be rooted in equity.

There was a lot of community engagement that occurred during the first two years of the planning process in the form of surveys, workshops, forums and other stakeholder meetings. However, the City recognized that it still needed to do more to engage the neighborhood's Black/African-American community and other groups who have been under-represented in the planning process. The Planning Department paused the process in early 2017 to reassess outreach and engagement strategies and to ensure we were working with partners who could help the City improve and deepen its outreach and engagement and who could effectively translate community input gathered into actionable recommendations.

MOVING FORWARD: How Equity Considerations Are Influencing the Planning Process

The City is working with the non-profit I-SEED (Institute for Sustainable Economic Educational Environmental Design) to improve its outreach and engagement. As part of efforts to make the planning process more equitable and accessible, City staff and partners are undertaking additional targeted outreach and meetings with organizations, groups and individuals to deepen and broaden participation in the planning process, such as the local NAACP, local churches, local senior housing development residents, neighborhood associations, Flea Market vendors, the disabled community and other organizations/non-profit service providers that serve under-represented communities. As

¹ See project website for Adeline Corridor Existing Conditions Report and materials from all previous community engagement: www.cityofberkeley.info/AdelineCorridor.

part of these meetings, we always ask for recommendations for other community leaders or groups we whom should be meeting.

The City is focusing on working with the community to develop a plan incorporates equity and focuses on “implementability”. Based on feedback gathered to-date that means concentrating on developing plan recommendations that build upon the wealth of existing community assets and that benefit existing community members, workers and businesses; it means shaping recommendations so that they are actionable (e.g. identify a responsible party and clear action steps that the City or other responsible party has actual control over). For issues raised during this planning process that will not be addressed in the specific plan and/or need to be addressed on a citywide or regional level, the plan will serve to document the community discussion so that it can be used to advance the issues in the appropriate context/City initiative.

NEXT STEPS

We recently concluded a 2-week Community Open House which consisted of a public exhibit and four topic-specific workshops (about Equity in the Plan, Economic Opportunity, Affordable Housing and Community Benefits and Redesigning the Right-Of-Way to Improve Public Spaces and Mobility & Safety) at the Ed Roberts Campus (3075 Adeline Street). The exhibit displays and public comments are available on the project website. The exhibit is also available in an online interactive format which will be available through May 1st to provide an additional opportunity for people to provide input.

Over the next 10-12 months, staff anticipates the following schedule to complete the specific plan, EIR and associated draft zoning changes:

- **Late June 2018:** Further refined content and ideas in the five key topic areas described above which will form the basis for writing a draft plan – continued community meetings and engagement
- **Winter 2018:** Draft Environmental Impact Report
- **Spring 2019:** Final Plan and Environmental Impact Report, Public Hearings (Planning Commission and City Council to approve Plan and EIR).

More detailed information about specific meeting dates and other project updates will be announced (via email, printed flyers and postcards and on the project website) as location and agendas are confirmed.

ATTACHMENTS

1. Adeline Corridor Planning Area Map
2. Summary of Previous Community Engagement (2015 – 2017)

1. ADELINE CORRIDOR PLANNING AREA MAP



Project Area - Aerial

Legend

- - - - City Border
- - - - Plan Area

City of Berkeley
Adeline Corridor Specific Plan



2. Summary of Previous Community Engagement (2015 – 2017)²

- **Adeline Community IDEA Centers** – The “IDEA Center” provided a unique and convenient opportunity for community members to participate in the planning process. City and consultant staff were available at the Firehouse Art Collective (3192 Adeline Street) for 2 weekdays per week and on five Saturdays at different locations within the Plan Area during the Visioning phase of the planning process in April – June 2015. People could drop-in at their leisure to learn about the Adeline Corridor Plan process; share input on community goals related to affordable housing, local jobs, historic preservation, transportation, and other topics, and; discuss ideas and priorities for physical improvements to the corridor such as streetscape design, public art, pedestrian safety, and improved connectivity.
- **Community Workshops and Other Events**
 - Community Forum (to introduce the project scope, City and consultant staff and to solicit community ideas about the best way to outreach to the community) – 1/31/15
 - Pop-Up Event and Walking/Bike Tours 6/13/15
 - Workshop #1: Existing Conditions and Visioning 8/31/15
 - Workshop #2: Building the Plan Together: Affirming the Community Vision, Exploring Options for Transportation/ROW and Publicly-Owned Land 5/21/16
 - Community Learning Sessions (a.k.a. “101 sessions”)
 - Affordable Housing 101 (11/14/15 - Presentations by East Bay Housing Organizations, Resources for Community Development, Satellite Affordable Housing Associates, City Health, Housing and Community Development Department Staff and Questions & Answers)
 - Zoning and Planning 101 (12/5/15 - Presentations by City Planning Department and Questions & Answers)
 - Complete Streets 101 (4/16/16 - Presentations by Jeff Tumlin of Nelson\Nygaard, BART, AC Transit and City Transportation Division)
 - Re-Imagine Adeline Open House Exhibits (Jan./Feb. 2017 – Exploring design concepts for the right-of-way to improve mobility and safety and improving public spaces)
- **Surveys:** Community Assets, Opportunities and Needs Survey (April – June 2015 – 1,118 responses); Business Survey (April/May 2005 – 102 responses out of 340 mailings – 30% response rate); Flea Market Vendor Survey (December 2005 – Feb. 2016 – 41 responses)
- **Stakeholder/Focus Group Meetings** with various groups and individuals including but not limited to the business community, non-profit affordable housing advocates/developers; non-profit service providers, the Flea Market Board and vendors; the South Berkeley Farmer’s Market, local neighborhood groups.
- **Adeline Booth at Berkeley Juneteenth Festival (2015 - 2017)**
- **Adeline Corridor Outreach Team (ACOT) Meetings** – Meetings with members of the community who volunteered to help the City engage people in the planning process.
- **Adeline Corridor Technical Advisory Group (TAG)** – including representatives from BART, AC Transit, Alameda County Transportation Commission, Caltrans, City of Oakland, City of Berkeley Departments including but not limited to: Planning, Health, Housing and Community Services, Economic Development, Public Works (Transportation and Infrastructure Divisions), Police, Fire.

² All meeting materials (e.g. agenda, summaries, videos – if applicable) are available on the project website: www.cityofberkeley.info/AdelineCorridor. The list above does not include staff attendance at regularly scheduled meetings of established groups).

From: C. Susanna [<mailto:c.susanna.delman@gmail.com>]
Sent: Wednesday, April 11, 2018 10:15 AM
To: Amoroso, Alexander <AAmoroso@cityofberkeley.info>
Subject: Commentary on Parcels located at 1050 Parker Street and 2621 Tenth Street

Hi there,

Thanks for all your work on this property. I'm in favor of mixed use for these parcels but I am against using them for medical offices. I know this is going to be developed and think that mixed use housing/retail/light industrial is the best idea.

There are a few reasons that I'm against them being used for medical offices and the two primary ones are that I'm concerned about traffic patterns in the area. Medical offices are very busy, booking appointments 15 minutes increments. There is a lot of dropping off, there are additional parking needs and general business associated with medical buildings. This neighborhood already has parking issues. I'm sure that the building will be required to have parking but (most likely) it will be fee lots for the building which won't be used by many of the patrons. Additionally, many more car trips will be necessary with all the people working in the building. I believe there would be many more deliveries and traffic because of trucks and the like on the side streets.

Another reason I'm concerned about this change for the parcels is the plan to close Alta Bates Hospital and the available offices near the hospital. I don't believe there is a need for additional space to be built in Berkeley when there is so much space available with so many empty offices near the Alta Bates campus. Has this been mentioned in the plan?

My final reason I object to this change of zoning is the consideration of medical waste, chemicals and radioactivity. I live very close to these parcels and I am personally concerned about having these potential contaminants in an already contaminated area. I have concerns about what is being used/done on the Bayer campus, already. In case of an earthquake, or other natural disaster, I have serious concerns for my safety and my neighbors' safety.

Thank you.
Susanna

--

Susanna Delman, MPH
Principal Visionary Innovator



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LATE COMMUNICATIONS
Planning Commission
April 18, 2018

Good evening. My name is Elizabeth Shaughnessy and I am the founder and president of the Berkeley Chess School, a local 501(c)3 non profit.

Last November we bought a property, a former church, in South West Berkeley where we plan to hold our classes and tournaments and a small office staff to support our work with children.

The building is roughly 7,500 square feet and behind the building there is open space of approximately 2500 square ft. This open space is zoned differently from the building. Our business of group class instruction is in keeping with the current zoning (C-W) for the building, and we thought the open space area, which is zoned for childcare and circuses (MULI) would be fine for our playground. We noticed that the nearby Pixar building already operates a similar outdoor play area in the MULI district.

However, the Zoning officer (Greg Powell) believes that our playground usage is group class instruction and not childcare. Accepting that, I respectfully request that at your meeting in May, you grant us the same zoning change for our 2500 square foot open space area as you are being asked to do to-night for the neighboring property of 1050 Parker Street/Tenth Street. As you will see from the diagram I am presenting to you, to have our little playground zoned differently from almost the entire rest of the city block does not make sense.

Alternatively, were you to differ from the Zoning officer and consider a playground as childcare and not group class instruction, then I believe the current zoning is appropriate and we should be able to get the zoning certificate without delay. I assure you we do not teach chess on the playground. Chess is an intensive mental activity and children need to compliment it with physical activity.

We are a small nonprofit business serving the children of Berkeley now for 37 years. We are a Berkeley Institution and proud of it. We hope you will include us in the zoning change you are considering tonight for the neighbors. But we will be happy with either solution or indeed any other solution you might consider. We need to hold our 2018 chess summer camp at this location and for that we need a playground.

Thank you for listening.

Late Communications
Planning Commission

APR 18 2018

RECEIVED
at Meeting

LATE COMMUNICATIONS
Planning Commission
April 18, 2018

Rezoning and General Plan redesignation request for 2622 San Pablo Avenue
(APN: 054 176300500)



LATE COMMUNICATIONS
Planning Commission
April 18, 2018

April 18, 2018

To: Planning Staff and Planning Commissioners
From: Jana Olson
Re: Proposed rezoning of 1050 Parker Street from MUI to CW

Dear Staff and Commissioners:

I am a business owner of properties just south of the "Pardee Block" owned by Wareham Development Co. I am also a member of WEBAIC, and I am concerned about the preservation of industrial uses in West Berkeley.

I am not in favor of the rezoning proposed. I think that the building could be redesigned, relocated onto just the CW portion of the site, and with a height allowance of 50', could contain as much office space as what is now proposed. Rezoning this site is just another example of the picking away of potential industrial space in West Berkeley. Fourth Street wants to expand into MUI; pot growing wants some, too; developers propose housing which isn't live/work; and so on. The light industrial area of West Berkeley keeps shrinking bit by bit.

I am also concerned about parking. According to the zoning charts, one parking place for each 300 square feet of medical office space is required. If the building is 61,000 square feet, that means 203 parking places. This is considerably more than what is required for R&D uses, for which the bulk of the building was originally proposed. Where will Wareham place those cars? At the last Commission meeting, Chris Barlow mentioned that they would be located on the "Pardee Block", which is the block bounded by 10th, Carleton, 9th, and Pardee. This block is currently used by a number of small businesses, including two auto repair garages, a smog testing garage, and Mobility Systems, a business which adapts cars and vans to the needs of disabled persons. There is also a food production use, a sound system company, and several small businesses in the two story block on Pardee St., including CESC, Community Energy Services Corporation. Mobility Systems is incredibly valuable to residents of the Bay Area who are mobility challenged. CESC helps homeowners and businesses save energy, and runs a no-cost program to do repairs and upgrades to homeowners who can't afford them.

These and the other businesses are important to the fabric of Berkeley. These uses are relegated by zoning to San Pablo Avenue or below, in the limited areas of Berkeley's industrial zones. They are not easy to relocate.

Parking for 1050 Parker Street should be located within the project area. If that means underground parking or a parking structure, then that should be part of the plan. If that means a parking structure on the Fantasy building parking lot, then make that a part of the plan. It is not acceptable to displace legitimate and useful businesses to create the parking for a use that violates the zoning.

I have attached a map of the property for clarification.

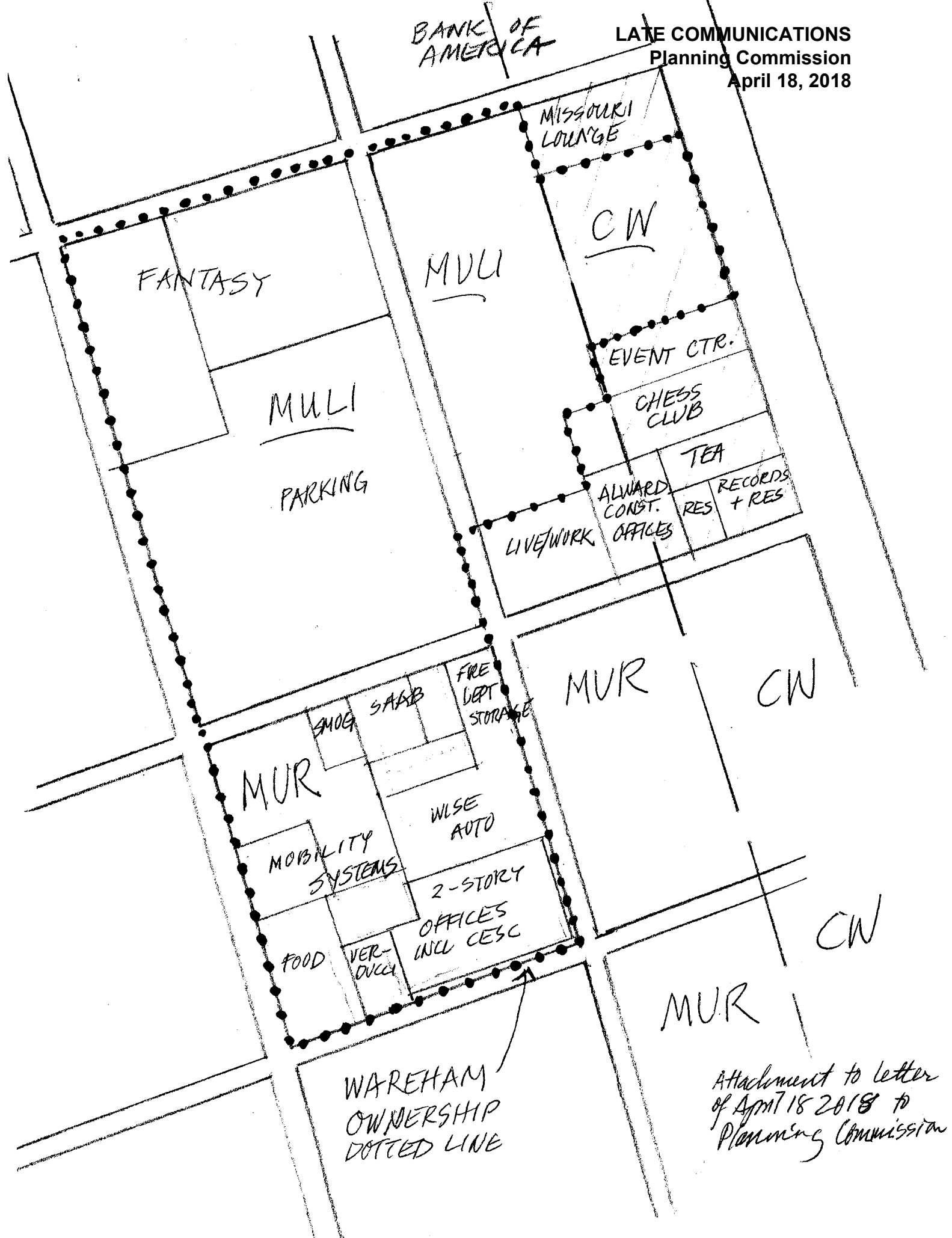
Jana Olson
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204-9375 janaolson@comcast.net.

Late Communications
Planning Commission

APR 18 2018
RECEIVED
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BANK OF AMERICA

LATE COMMUNICATIONS
Planning Commission
April 18, 2018



WAREHAM
OWNERSHIP
DOTTED LINE

Attachment to letter
of April 18 2018 to
Planning Commission