

Planning Commission

## AGENDA

### REGULAR MEETING OF THE PLANNING COMMISSION

This meeting is held in a wheelchair accessible location.

[Click here to view the entire Agenda Packet](#)

Wednesday, September 4, 2019  
7:00 PM

South Berkeley Senior Center  
2939 Ellis Street

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:** **Wiblin, Brad**, appointed by Councilmember Kesarwani, District 1  
**Martinot, Steve**, appointed by Councilmember Davila, District 2  
**Schildt, Christine, Chair**, appointed by Councilmember Bartlett, District 3  
**Lacey, Mary Kay**, appointed by Councilmember Harrison, District 4  
**Beach, Benjamin**, appointed by Councilmember Hahn, District 5  
**Kapla, Robb, Vice Chair** appointed by Councilmember Wengraf, District 6  
**Fong, Benjamin**, appointed by Councilmember Robinson, District 7  
**Vincent, Jeff**, appointed by Councilmember Droste, District 8  
**Wrenn, Rob**, 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: October 2, 2019.**
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 July 17, 2019.
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:** **Public Hearing: Zoning Ordinance Amendments for Cannabis Uses: Delivery-Only Retailers**

**Recommendation:** Hold a public hearing to consider Zoning Ordinance amendments to establish new land use regulations for cannabis retail delivery services (Delivery-Only Retailers).

**Written Materials:** Attached

**Web Information:** N/A

**Continued From:** July 17, 2019
  
- 10. Action :** **Public Hearing: Tentative Tract Map # 8490- 739 Channing Way**

**Recommendation:** Hold a public hearing to consider Tentative Map #8490 pursuant to BMC Section 21.16.047

**Written Materials:** Attached

**Web Information:** N/A

**Continued From:** N/A
  
- 11. Discussion:** **Referral to Facilitate Toxic Remediation**

**Recommendation:** Discuss referral to amend the BMC to facilitate the clean-up of sites with existing structures determined hazardous by the Department of Toxic Substance Control and the Berkeley Department of Public Health.

**Written Materials:** Attached

**Web Information:** N/A

**Continued From:** Oct 18, 2017

**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:**

- July 18, 2019 – Teresa Clarke, South Berkeley Now! Steering Committee, Adeline Plan DEIR Comments from South Berkeley Now!
- July 19, 2019 – Teresa Clarke, South Berkeley Now!, Adeline Plan DEIR Comment Letter with 89 Signatures
- July 19, 2019 – Alene Pearson (staff email to commissioners) , Access to Adeline Corridor Plan Subcommittee Communications/Late Communications

**Late Communications:** (Received after the packet deadline):

**Late Communications:** (Received and distributed at the meeting):

**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 distribute correspondence to Commissioners prior to the meeting date, submit comments by 12:00 p.m. (noon), eight (8) days before the meeting day (Tuesday) (email preferred):

- 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.
- Any correspondence received after this deadline will be given to Commissioners on the meeting date just prior to the meeting.
- Staff will not deliver to Commissioners any additional written (or emailed) materials received after 12:00 p.m. (noon) on the day of the meeting.
- Members of the public may submit written comments themselves early in the meeting. To distribute correspondence at the meeting, please provide 15 copies and submit to the Planning Commission Secretary just before, or at the beginning, of the meeting.
- Written comments 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, 3<sup>rd</sup> 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.***

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I hereby certify that the agenda for this regular/special meeting of the Berkeley City Commission on Commissions was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on **August 28, 2019**.



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Alehe Pearson  
Planning Commission Secretary





- 33 • 2019-07-11 Alameda County Housing Survey Flyer
- 34 • 2019-07-12 Wrenn Memo to PC Re: Parking Referrals
- 35 • 2019-07-16 Public Comment (Development)- Jenks
- 36

37 **Late Communications** (Received and distributed at the meeting):

- 38 • 2019-07-17 Public Comment (Cannabis)- Taplin

39 **5. CHAIR REPORT:** None.

40 **6. COMMITTEE REPORT:**

- 41 • Adeline Subcommittee: Recap of past two committee meetings, which included a  
42 discussion of plan content related to land use and affordable housing. Below are the  
43 scheduled meeting dates along with the general topics the JSISHL will focus on:
  - 44 ○ July 30-Land Use
  - 45 ○ August 8- Transportation
  - 46 ○ August 19- Workforce development and economic opportunities
  - 47 ○ August 27- Land use and zoning
- 48 • Joint Subcommittee for Implementation of State Housing Laws (JSISHL): Next meeting  
49 September 25, 2019.
- 50 • Zoning Ordinance Revision Project (ZORP): Upcoming meeting in September 2019.

51 **7. APPROVAL OF MINUTES:**

52 Motion/Second/Carried (Wiblin/ Kapla) to approve the Planning Commission Meeting Minutes  
53 from May 1, 2019 with no amendments. Ayes: Beach, Fong, Illgen, Kapla, Lacey, Schildt,  
54 Sharenko, and Wiblin. Noes: None. Abstain: None. Absent: Vincent and Wrenn. (9-0-0-0)

55 **FUTURE AGENDA ITEMS AND OTHER PLANNING-RELATED EVENTS:** At the next meeting,  
56 September 4, 2019 the following items may be presented.

- 57 • Tentative Tract Map (TTM) – 739 Channing Way
- 58 • Priority Development Areas
- 59 • Local Density Bonuses

60 **AGENDA ITEMS**

61 **9. Presentation: GreenTRIP**

62 TransForm staff member, David Beezer, presented on a range of services that their non-profit  
63 provides to facilitate the development of healthier, more walkable and transit friendly  
64 communities in California. During their presentation, Beezer described the GreenTrip  
65 Certification process, benefits associated with access to the GreenTrip Connect tool and parking  
66 database, and provided some examples of agencies that have adopted the GreenTrip model.

67  
68 **Public Comments:** 0

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70 **10. Discussion: Parking Reform: Transportation Demand Management and**  
71 **Modifications to Off-street Parking Requirements**

72 Staff presented on transportation demand management (TDM) approaches for residential and  
73 mixed-use projects in Berkeley and the scope of the pending parking capacity study. During the  
74 presentation, staff shared three strategies adopted by local and comparative jurisdictions, which  
75 include reduction, menu, and program-based approaches. Staff asked the planning commission  
76 to provide feedback on the types of TDM strategies the city should explore and requested input  
77 on the elements proposed for the parking study. The Commission expressed support for both  
78 menu-based TDM programs and GreenTrip analysis, and asked staff to explore these options  
79 further.

80 **Public Comments: 2**

81 **11. Action: Public Hearing on Comprehensive Cannabis**

82 Staff presented on the latest iteration of comprehensive cannabis program options. As part of  
83 their presentation, Staff asked the Planning Commission to provide recommendations on zoning  
84 amendment considerations that focus on the following: storefront retail buffers, lounges  
85 (commercial consumption), the expansion of cultivation beyond the Manufacturing zoning district  
86 (M), microbusinesses as storefront retailers, the operation of delivery-only retailers, and other  
87 minute definition changes. The Commission discussed aspects of the proposed amendments,  
88 but continued the discussion on most aspects of delivery-only services to the September 4,  
89 2019 hearing to allow for more time for community input.

90 **Public Comments: 3**

91 Motion/Second/Carried (Sharenko /Kapla) to apply the existing cannabis retail buffer to the  
92 new equity candidate and apply staff's recommended buffer (600 feet from elementary  
93 schools, community centers and other Storefront Retailers, and 1,000 feet from middle and  
94 high schools) to all new cannabis retail business that enter the market thereafter; to support  
95 for staff's recommendation concerning commercial consumption lounges, microbusinesses,  
96 and incidental distribution operations; and to oppose the expansion of cultivation and  
97 delivery-only uses into the MM and MU-LI zoning districts. Ayes: Beach, Fong, Illgen, Kapla,  
98 Lacey, Schildt, Sharenko, and Wiblin. Noes: None. Abstain: Martinot. Absent: Vincent and  
99 Wrenn. (8-0-1-0)

102 Motion/Second/Carried (Kay/Fong) to re-notice a public hearing on delivery-only retailers,  
103 focusing on quotas, discretionary process, location, and buffer size. Ayes: Beach, Fong,  
104 Illgen, Kapla, Lacey, Schildt, Sharenko, and Wiblin. Noes: None. Abstain: Martinot. Absent:  
105 Vincent and Wrenn. (8-0-1-0)

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Motion/Second/Carried (Schildt/Sharenko) to appoint Commissioner Lacey to draft a letter to the City Council on behalf of the Planning Commission, explaining the reasoning of their recommendations. Ayes: Beach, Fong, Illgen, Kapla, Lacey, Schildt, Sharenko, and Wiblin. Noes: None. Abstain: None. Absent: None. (9-0-0-0)

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Motion/Second/Carried (Schildt /Martinot/Fong) to close the public hearing for item 11. Ayes: Beach, Fong, Illgen, Kapla, Lacey, Schildt, Sharenko, and Wiblin. Noes: None. Abstain: None. Absent: None. (9-0-0-0)

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**The meeting was adjourned at 10:43pm**  
**Commissioners in attendance: 7 of 9**  
**Members in the public in attendance: 5**  
**Public Speakers: 4 speakers**  
**Length of the meeting: 3 hours and 40 minutes**

DRAFT





**Planning and Development Department**  
Land Use Planning Division

## **STAFF REPORT**

**DATE:** September 4, 2019

**TO:** Members of the Planning Commission

**FROM:** Elizabeth Greene, Senior Planner

**SUBJECT:** Public Hearing: Zoning Ordinance Amendments for Cannabis Uses:  
Delivery-Only Retailers

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### **RECOMMENDATION**

Recommend to the City Council Zoning Ordinance amendments to establish new land use regulations for cannabis retail delivery services (Delivery-Only Retailers); see Attachment 1.

### **BACKGROUND**

On July 17, 2019, in response to a July 25, 2017 Council referral (Attachment 2), the Planning Commission considered changes to the Zoning Ordinance related to cannabis uses. These changes were Round 2 of a series of comprehensive cannabis amendments, and focused on Retail, Cultivation and Microbusiness uses. The changes consist of amendments to existing uses and regulations for new cannabis uses.

At that meeting, the Planning Commission completed its deliberations and voted on recommendations on all of the cannabis issues except Delivery-Only Retailers (DOR). The Commission voted to prohibit DORs in Mixed Manufacturing (MM) and Mixed Use – Light Industrial (MU-LI) districts, and to continue discussion of other DOR development standards at a re-noticed Public Hearing in September.

The ordinance recommendations made at this meeting will be forwarded to City Council for consideration along with the Planning Commission's recommendations for other cannabis uses from the July 17, 2019 meeting.

Staff will present options for an Equity selection process to the Cannabis Commission and the City Council. Definitions for equity candidates and the selection process are under development. The quotas and possibly buffers could be modified depending on the type of selection process chosen by the Council.

**DISCUSSION**

*Changes to the Zoning Ordinance*

Round 2 of the comprehensive cannabis amendments are currently being considered by three commissions: the Cannabis Commission, the Community Health Commission (CHC) and the Planning Commission (“Commission”). These regulations involve changes to both the Berkeley Municipal Code (BMC) and the Zoning Ordinance. The Commission’s purview is limited to making recommendations regarding changes and additions to the Zoning Ordinance.

*Considerations and Analysis*

DORs are not currently allowed in Berkeley and would be a new cannabis use. These businesses would deliver cannabis to customers per the operational standards in BMC Section 12.22.040. Per State law, no customer visits are permitted at these businesses; orders are received by phone or electronically. DOR businesses can deliver into other cities; currently, cannabis businesses in neighboring jurisdictions deliver to Berkeley addresses.

The Commission considered DOR regulations at its April 19, 2017 and May 17, 2017 meetings. At that time, the Commission voted to allow DORs in all C-prefixed districts except C-N, but did not make a recommendation for the level of discretion.

The proposed DOR Zoning Ordinance language is located in Section 23C.25.010.C; see Attachment 1. These amendments would allow DORs subject to the following development standards:

<b>Issue</b>	<b>Staff Recommendation</b>
Quota	No recommendation given
Location	C-prefixed districts (except C-N), not on ground floor adjacent to street frontage. M-prefixed districts per regulations for Warehouse Based Non-Store Retailers
Discretion	No staff recommendation for DORs in C-prefixed districts - see Attachment 1 (Section 23C.25.010.C.3) for two recommendations. M-prefixed districts = Selection process and ZC
Buffer	300 feet from Schools, City-operated community centers and skate parks

Questions for Commission:

- How important are quota limits for DORs?
- Is a selection process necessary, or should businesses be established on a first-come, first-served basis?



*General Plan Review:*

Staff has determined that no changes are necessary to the General Plan as a result of the draft zoning amendment. The proposed changes would add development standards for existing and new cannabis use types. These uses are very similar to non-cannabis uses already permitted in the city.

The General Plan has specific policies that support these zoning ordinance changes:

Policy LU-1 Community Character: Maintain the character of Berkeley as a special, diverse, unique place to live and work.

Action LU-7.C: Carefully evaluate and monitor new and existing uses to minimize or eliminate negative impacts on adjacent residential uses.

Actions LU-26.A and LU-27.A: Require ground-floor commercial uses to be oriented to the street and sidewalks to encourage a vital and appealing pedestrian experience.

*CEQA Review:*

The businesses proposed in this ordinance are similar to many other commercial uses in the City of Berkeley Zoning Ordinance. These businesses will not have impacts greater than those of other commercial uses. Buffers from schools and requirements for neighborhood compatibility will help protect neighborhoods from negative effects of these commercial uses. Annual State and local reviews of each business will ensure they are meeting State and local regulations. This means that no additional impacts are expected from the uses and no additional environmental evaluation is necessary.

**CONCLUSION**

Staff recommends that the Planning Commission:

1. Consider the analysis and recommendations included with this report;
2. Consider the questions proposed in the report;
3. Consider attached revised Zoning Ordinance language (Attachment 1); and
4. Identify recommendation through a vote of the Commission.

**ATTACHMENTS**

1. Proposed Section 23C.25.010.C (Delivery-Only Retailers) in track-change format
2. July 25, 2017 Council referral (without attachments)
3. Public Hearing Notice



## Chapter 23C.25 CANNABIS USES

### Sections:

23C.25.010 Cannabis Retail Uses

23C.25.020 Commercial Cannabis Cultivation

23C.25.030 Manufacturing, Testing and Distribution

23C.25.040 Microbusinesses

### Section 23C.25.010 Cannabis Retail Uses

#### C. Delivery-Only Retailers

1. ## Delivery-Only Retailers are permitted citywide.
2. Delivery-Only Retailers are subject to approval through the selection process set forth in Section 12.22.020.
3. ALTERNATIVE A: Delivery-Only Retailers are permitted with a Zoning Certificate in C-prefixed Districts other than the C-N District.
3. ALTERNATIVE B: Delivery-Only Retailers are permitted in C-prefixed Districts other than the C-N District subject to approval of an Administrative Use Permit.
4. Delivery-Only Retailers are subject to approval through the selection process set forth in Section 12.22.020.
5. Delivery-Only Retailers in M-prefixed Districts shall be evaluated and regulated for Zoning purposes in the same way as Warehouse-Based Non-Store Retailers, and shall be subject to the numeric and buffer requirements set forth in this Section for Delivery-Only Retailers.
6. Delivery-Only Retailers may not be located within 300 feet of any School or City-operated community center or skate park.
7. Delivery-Only Retailers may not be located on the ground floor of a building adjacent to a street frontage in C-prefixed Districts.





Office of the Mayor

ACTION CALENDAR  
July 25, 2017

To: Honorable Members of the City Council  
From: Mayor Jesse Arreguín  
Subject: Commercial Cannabis Regulations and Licensing

RECOMMENDATION:

Refer to the City Manager and Cannabis Commission the proposed local ordinances to establish a licensing process for Commercial Cannabis operations, as permitted under Proposition 64, Adult Use of Marijuana Act.

The Council requests that the City Manager and Cannabis Commission report to the City Council on its recommendations on regulations and licensing for commercial cannabis businesses before the end of 2017.

BACKGROUND:

Existing Berkeley law contains no provisions for any sort of non-medical cannabis business structure. Proposition 64, the Adult Use of Marijuana Act, which passed statewide with 57% of the vote, and in Berkeley with 83.5%, permits local governments to establishing licensing in advance of state regulations for recreational cannabis. The proposed ordinances, based in large part on current Berkeley medical rules, would:

- Provide a structure for the licensure and regulation of Commercial Cannabis Organizations consistent with California Health and Safety Code section 11362.5 (Compassionate Use Act), California Health and Safety Code sections 11362.7-11362.83 (Medical Marijuana Program), the Medical Cannabis Regulation and Safety Act, and the Adult Use of Marijuana Act (Proposition 64, or AUMA) to protect public health, safety, and welfare.
- Empower the City Manager to determine if the Commercial Cannabis Organization is in compliance with Berkeley rules.
- Define all terms as set forth in the Control, Regulate and Tax Adult Use of Marijuana Act (“AUMA”) as may be supplemented by rules or regulations issued by the Bureau of Marijuana Control within the Department of Consumer Affairs, the Department of Food and Agriculture or the Department of Health.
- Not reduce the rights of qualified patients and primary caregivers, or individuals over 21 as authorized by AUMA, to access and personal cultivation.
- Require City Council establish procedures for the issuance of a local license in those types similar to the types permitted under State law.
- Permit, if permitted by state law, a dispensary to operate both a Medical and Nonmedical Commercial Cannabis Organization at a single location.



Commercial Cannabis Regulations and Licensing

ACTION CALENDAR  
July 25, 2017

- Require that a Principal of any Commercial Dispensary may not be a Principal for any other Dispensary in Berkeley except that any Principal may be a Principal for any Dispensary that is licensed to operate both a Medical and Nonmedical Commercial Cannabis Organization at a single location.
- Permit medical dispensaries authorized as of January 1, 2017 and in substantial compliance with Chapters 12.26 and 12.27 and Title 23 as reasonably determined by the City Manager to qualify for a Commercial Cannabis Dispensary license.
- Prohibit the City from issuing new dispensary licenses until January 1, 2020, to ascertain demand.
- Require track and trace of cannabis by batch and impose operating standards in compliance with BMC and AUMA.
- Require neighborhood compatibility in a manner similar to existing Berkeley requirements.
- Prohibit smoking on site and within 50 feet of a Dispensary but, to the extent permitted by State law, permit the ingestion, smoking or vaporizing on site if restricted to persons over 21, not visible from any other public place, and so long as alcohol and tobacco sales or consumption are not permitted on site.
- Require signage similar to that required for medical dispensaries.
- Require Product Safety and Quality Assurance measures similar to and no less stringent than as required for medical dispensaries.
- Permit the City Council to establish by resolution fees that shall be charged to implement the Chapter.
- Prohibit the City from responding to a federal law enforcement information request or providing information about a person who has applied for or received a license to engage in commercial cannabis activity pursuant to BMC, MCRSA, and AUMA.

FINANCIAL IMPLICATIONS:

Staff time. Taxes assessed on new commercial cannabis operations will result in additional General Fund revenues to support city services.

CONTACT PERSON:

Mayor Jesse Arreguin                      510-981-7100

Attachments:

1. Proposed Amendments to the Berkeley Municipal Code permitting Commercial Cannabis businesses



# PLANNING COMMISSION

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## NOTICE OF PUBLIC HEARING

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### SEPTEMBER 4, 2019

### **Zoning Ordinance Amendments to Title 23 of the Berkeley Municipal Code Related to Delivery-Only Retailers in Commercial and Manufacturing Districts throughout Berkeley**

The Planning Commission of the City of Berkeley will hold a public hearing on the above matter, pursuant to Zoning Ordinance Section 23A.20.030, on **Wednesday, September 4, 2019** at the **South Berkeley Senior Center**, 2939 Ellis Street (wheelchair accessible). The meeting starts at 7:00 p.m.

**PROJECT DESCRIPTION:** The City of Berkeley is considering changes to the Zoning Ordinance which will create development standards for a new cannabis business type: Delivery-Only-Retailers. The Planning Commission will make recommendations to the City Council related to development standards for this use, focusing on quotas, discretionary process, location and buffer size.

**LOCATION:** Citywide. A map of the City's zoning districts is available online:  
[http://www.cityofberkeley.info/uploadedFiles/IT/Level\\_3\\_-\\_General/Zoning%20Map%2036x36%2020050120.pdf](http://www.cityofberkeley.info/uploadedFiles/IT/Level_3_-_General/Zoning%20Map%2036x36%2020050120.pdf)

**ENVIRONMENTAL REVIEW STATUS:** The proposed changes would be exempt from the California Environmental Quality Act pursuant to Guidelines Section 15061(b)(3) because it can be seen with certainty that the proposed amendments to add Delivery-only Retailers in Commercial and Manufacturing districts would not have a significant effect on the environment. Any proposed discretionary project would be subject to CEQA review.

#### **PUBLIC COMMENT & FURTHER INFORMATION**

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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:

Alene Pearson  
Planning Commission Secretary  
City of Berkeley  
Land Use Planning Division  
1947 Center Street, 2<sup>nd</sup> Floor  
Berkeley, CA 94704

E-mail: [apearson@CityofBerkeley.info](mailto:apearson@CityofBerkeley.info)  
Telephone: (510) 981-7489

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**

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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](http://www.ci.berkeley.ca.us).

#### **FURTHER INFORMATION**

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Questions should be directed to Elizabeth Greene, at 981-7484, or [egreene@CityofBerkeley.info](mailto:egreene@CityofBerkeley.info).



**Planning and Development Department**  
Land Use Planning Division

## STAFF REPORT

DATE: September 4, 2019  
TO: Members of the Planning Commission  
FROM: Katrina Lapira, Assistant Planner  
SUBJECT: Public Hearing: Tentative Tract Map for 739 Channing

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### RECOMMENDATION:

Hold Public Hearing and recommend City Council approve Tentative Map #8490 pursuant to Berkeley Municipal Code (BMC) Section 21.16.047, subject to the attached Findings and Conditions (see Attachment 1) and consistent with Berkeley's Tentative Maps Ordinance (BMC 21.16), Subdivision Map Act, and General Plan.

### BACKGROUND

The project at 739 Channing Way involves a Tentative Map #8490 to allow condominium ownership in a 15 condominium project with 10 residential units, four (4) live/work units, and one (1) commercial unit. The project is currently under construction.

## I. Application Basics

### A. Chronology of Subdivision Application:

May 31, 2019	Map Application submitted.
August 9, 2019	Map Application considered complete.
September 27, 2019	Subdivision Map Act deadline (50 days from complete).
September 4, 2019	Planning Commission hearing

### B. CEQA Determination:

Construction of the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code §21000, et seq.) pursuant to Section 15332 of the CEQA Guidelines ("In-Fill Development Projects"). Approval of the Tentative Map is also categorically exempt pursuant to Section 15331 of the CEQA Guidelines which involves the operations and permitting of existing facilities involving no expansion of use beyond prior approvals. Furthermore, none of the exceptions in CEQA Guidelines Section

15300.2 apply, as follows: (a) the site is not located in an environmentally sensitive area, (b) there are no cumulative impacts, (c) there are no significant effects, (d) the project is not located near a scenic highway, (e) the project site is not located on a hazardous waste site pursuant to Government Code Section 65962.5, and (f) the project will not affect any historical resource.

**C. Parties Involved:**

Applicant: David Bass - 227 McKinley Avenue, Berkeley CA, 94703

Property Owner: East Bay Channing, LLC 135 Crane Terrace, Orinda CA, 94563

**II. Project Description**

On October 26, 2017, the Zoning Adjustments Board (ZAB) found the project consistent with the 2002 General Plan, the West Berkeley Plan, and the goals and policies of the underlying zoning districts. ZAB granted Use Permit #ZP2017-0039 to construct three detached, three-story buildings with 10 residential townhomes on the Mixed Use-Residential (MUR) portion of the lot and four commercial arts, live/work units and one office unit on the Mixed Use-Light Industrial (MULI) portion of the lot. The projects has a total gross floor area of 20,461 square-feet. A shared exterior parking court with 16 spaces is also proposed as part of the subject project. Subsequent to the ZAB hearing, the project was reviewed and approved by the Design Review Committee (DRC) on August 8, 2018.

The Housing and Community Services Department shall determine the appropriate fees for this project as they relate to the Affordable Housing Mitigation Fee (BMC 22.20.065) and the Inclusionary Housing Ordinance (BMC 23C.12.070).

**III. Analysis**

**A. Subdivision Map Act Consistency:**

The Public Works Department has reviewed the form and content of the Tentative Tract Map, and has verified that it contains the content required by the Subdivision Map Act, including the subdivision number, the legal address of the legal owner or subdivider, sufficient legal description to define the boundary of the proposed subdivision, the location, pavement and right of way width, grade and name of existing streets or highways, the widths, location, and identity of all existing easements. The Public Works Department has determined that the Tentative Tract Map is suitable for review by the Planning Commission.

**B. Tentative Maps Ordinance (BMC Chapter 21.16) Consistency:**

The Planning Commission may approve, conditionally approve, or deny the tentative map in accordance with Berkeley Municipal Code (BMC) Section 21.16.047. According to this section of the Code, the Planning Commission shall deny approval of the tentative map if it can make any of the following findings from BMC Section 21.16.047.A through 21.06.047.G. **Staff analysis relating to whether the findings can be made follow.**



- A: That the proposed map is not consistent with the applicable general and specific plans.*
- B: That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.*
- C. The site is not physically suitable for the proposed density of development.*

Staff Analysis: The subject property and proposed improvements were evaluated and found to be consistent with the General Plan and Zoning Ordinance, and the density was found to be physically appropriate for the site and consistent with applicable zoning regulations, in conjunction with the Zoning Permits issued by the Zoning Adjustments Board on October 26, 2017. Therefore, Staff does not believe that either Findings A, B or C can be made.

- D. That the design of the subdivision or the type of the improvements is likely to cause environmental damage or substantially and avoidably injure fish, or wildlife, or their habitat.*
- E. That the design of the subdivision or the type improvements is likely to cause serious public health problems.*

Staff Analysis: The potential for substantial environmental damage, or harm to fish and wildlife, or their habitat, or the likelihood of public health problems was evaluated when the Use Permits for the project were approved by the ZAB in order to determine whether any of the exceptions to the CEQA Exemption for in-fill development were present. No potential environmental or public health impacts were found. Staff does not believe that either Findings D or E can be made.

- F. That conflicts with existing public access easements, in accordance with Section 6674(g), of the Subdivision Map Act, which states: "That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision."*

Staff Analysis: The City of Berkeley Public Works department has verified that the proposed Subdivision will not conflict with any easements of record, or with any easements established by judgment of a court.

*G. That the design of the subdivision does not provide, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.*

Staff Analysis: Subdivision of the project into condominiums will not alter passive or natural heating or cooling opportunities since it is limited to the subdivision of existing multiple family residences. Staff does not believe that Finding G can be made.

### **C. Inclusionary Housing and Affordable Housing Mitigation Fee**

As the project includes the development of over five market rate units, it is subject to the provisions of BMC Section 22.20.065 (Affordable Housing Mitigation Fee) if units will be rented and BMC Section 23C.12 (Inclusionary Housing Requirements) if the units will be sold.

### **IV. Public Notice/Comment**

BMC Section 21.16.045 requires public notice. Notice was provided as follows:

- Published in the Berkeley Voice on **Friday, August 23, 2019**;
- Posted at the subject property on **Wednesday, August 21, 2019**; and
- Mailed to the applicant and owner of the subject property, and to owners and occupants of properties abutting upon or confronting Channing Way and Fifth Street, on **Wednesday, August 21, 2019**.

At the time of the writing of this report, there has been no public comment received.

### **DISCUSSION AND NEXT STEPS**

After reviewing report, Planning Commission will hold a public hearing, receive public comment, and through a vote, make a recommendation to City Council on Tentative Map #8490.

### **ATTACHMENTS**

1. Findings and Conditions
2. Tentative Tract Map #8490
3. Condominium Plans for Tentative Map #8490
4. Notice of Public Hearing

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## FINDINGS AND CONDITIONS

SEPTEMBER 4, 2019

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### CEQA FINDINGS

1. Construction of the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code §21000, et seq.) pursuant to Section 15332 of the CEQA Guidelines (“In-Fill Development Projects”) and the approval of the Tentative Map is also categorically exempt pursuant to Section 15331 of the CEQA Guidelines which involves the operations and permitting of existing facilities involving no expansion of use beyond prior approvals. Furthermore, none of the exceptions in CEQA Guidelines Section 15300.2 apply, as follows: (a) the site is not located in an environmentally sensitive area, (b) there are no cumulative impacts, (c) there are no significant effects, (d) the project is not located near a scenic highway, (e) the project site is not located on a hazardous waste site pursuant to Government Code Section 65962.5, and (f) the project will not affect any historical resource.

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### TENTATIVE MAP FINDINGS

2. Pursuant to Berkeley Municipal Code Section 21.16.047, the Planning Commission cannot make any of the seven findings for denial of the tentative map for the following reasons:
  - A. The proposed Tentative Map is consistent with the applicable general plan policies because:
    1. The project is consistent with Policy H-33 because by adding 10 housing units and four live/work units, the project helps Berkeley meet its regional housing needs.
  - B. The design and development of the project proposed to be subdivided is consistent with the City of Berkeley’s General Plan because:
    1. The project is consistent with Policy LU-3 in that it is an infill development project that adds 10 housing units, four live/work units, and one commercial unit in a location that is planned for mixed-use development.
    2. The project is consistent with Policy LU-7 because it conforms to the applicable zoning standards for the C-W District, and will further goals of revitalizing West Berkeley.
    3. The project is consistent with Policy UD-24 in that the project reinforces the City’s plans for redeveloping underutilized sites in a way that would increase the quality of the built environment and provide new housing and commercial opportunities.
  - C. The project site and proposed improvements were evaluated and found to be consistent with the General Plan and Zoning Ordinance, and the density was found to be physically suitable for the site and consistent with applicable zoning regulations, in conjunction with the Zoning Permits issued by the Zoning Adjustments Board on October 26, 2017.

- D. The project will not have negative environmental effects or substantially and avoidably injure fish or wildlife in their habitat since it is limited to the subdivision of condominium units buildings that were evaluated to determine whether any of the exceptions to the CEQA Exemption for in-fill development relating to environmental damage or harm to fish and wildlife or their habitat, and none were found.
- E. The project will not conflict with any public access easements, as determined pursuant to a review by the Berkeley Public Works Department.
- F. The project will not conflict with any public access easements, as determined pursuant to a review by the Berkeley Public Works Department.
- G. The project will not alter passive or natural heating or cooling opportunities because it was designed to minimize impacts on solar access and minimize detrimental shadows to existing buildings adjacent to the subject property.

#### STANDARD CONDITIONS

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1. The Final Map shall be submitted for certification and shall be recorded in compliance with the *Berkeley Municipal Code*, Title 21, and with the *Subdivision Map Act* of the State of California.
2. A copy of the Conditions, Covenants, and Restrictions shall be filed with the Planning and Development Department prior to approval of the Final Map.
3. The *Standard conditions of approval for all subdivisions, new condominiums and commercial condominium conversions within the City of Berkeley*, dated January 1994, applies and shall be satisfied prior to approval of the Final Map.

# TRACT MAP

## OWNER'S STATEMENT

THE UNDERSIGNED HEREBY STATES THAT EAST BAY CHANNING WAY, LLC IS THE OWNER OF THE LAND DELINEATED AND EMBRACED WITHIN THE EXTERIOR BOUNDARY LINES ON THE HEREIN EMBODIED MAP ENTITLED TRACT MAP 8490, BERKELEY, ALAMEDA COUNTY, CALIFORNIA; THAT SAID OWNER ACQUIRED TITLE TO SAID LAND BY VIRTUE OF THE DEED RECORDED FEBRUARY 13, 2008 UNDER SERIES NO. 2008-053768, RECORDS OF ALAMEDA COUNTY, CALIFORNIA, THAT SAID OWNER CONSENTS TO THE PREPARATION OF AND FILING OF THIS MAP.

EAST BAY CHANNING WAY, LLC

\_\_\_\_\_  
DENNIS CARLSTON, MANAGING MEMBER

## OWNER'S ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA  
COUNTY OF ALAMEDA

ON \_\_\_\_\_ BEFORE ME,

A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED DENNIS CARLSTON, WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN HIS AUTHORIZED CAPACITY, AND THAT BY HIS SIGNATURE ON THE INSTRUMENT THE PERSON, OR THE ENTITY UPON BEHALF OF WHICH THE PERSON ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

SIGNATURE OF NOTARY PUBLIC: \_\_\_\_\_  
PRINTED NAME OF NOTARY: \_\_\_\_\_  
PRINCIPAL PLACE OF BUSINESS: \_\_\_\_\_  
COMMISSION EXPIRES: \_\_\_\_\_

## SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF DENNIS CARLSTON IN SEPTEMBER OF 2018. I HEREBY STATE THAT THIS MAP SUBSTANTIALLY CONFORMS TO THE APPROVED OR CONDITIONALLY APPROVED TENTATIVE MAP, IF ANY. I HEREBY STATE THAT THE MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED, AND THAT THE MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

DATE: \_\_\_\_\_  
ROBERT J. BRUNEL, LS 4961

## CITY ENGINEER'S STATEMENT

I HAVE EXAMINED THIS MAP AND THE SUBDIVISION AS SHOWN IS SUBSTANTIALLY THE SAME AS IT APPEARS ON THE TENTATIVE MAP (IF ANY) AND APPROVED ALTERATIONS THEREOF.

DATE: \_\_\_\_\_  
NISHA A. PATEL, RCE 72491  
CITY ENGINEER

## CITY CONSULTANT SURVEYOR'S STATEMENT

THIS MAP CONFORMS TO THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCES. I, \_\_\_\_\_, HEREBY STATE THAT IT HAS BEEN EXAMINED BY ME, OR UNDER MY DIRECTION BY CITY OF BERKELEY STAFF, AND AM SATISFIED THAT IT IS TECHNICALLY CORRECT.

DATE: \_\_\_\_\_  
CITY CONSULTANT SURVEYOR  
PLS NO.: \_\_\_\_\_

## PLANNING DIRECTOR'S STATEMENT

THIS MAP HAS BEEN APPROVED BY THE PLANNING DIRECTOR, CITY OF BERKELEY ON \_\_\_\_\_ 2019, AND WHEN RECORDED BECOMES THE OFFICIAL MAP OF THIS LAND DIVISION.

DATE: \_\_\_\_\_  
TIMOTHY BURROUGHS  
PLANNING DIRECTOR

## CLERK OF THE BOARD OF SUPERVISORS STATEMENT

I, ANIKA CAMPBELL-BELTON, ASST. CLERK OF THE BOARD OF SUPERVISORS OF THE COUNTY OF ALAMEDA, STATE OF CALIFORNIA, DO HEREBY STATE THAT CERTIFICATES HAVE BEEN FILED AND DEPOSITS HAVE BEEN MADE IN CONFORMANCE WITH THE REQUIREMENTS OF SECTION 66492 AND 66493 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA.

DATE: \_\_\_\_\_  
ANIKA CAMPBELL-BELTON  
ASST. CLERK OF THE BOARD OF SUPERVISORS,  
COUNTY OF ALAMEDA, STATE OF CALIFORNIA

BY: \_\_\_\_\_  
DEPUTY COUNTY CLERK

## RECORDER'S STATEMENT

FILED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019, AT \_\_\_\_\_ M. IN BOOK \_\_\_\_\_ OF MAPS, AT PAGE \_\_\_\_\_, AT THE REQUEST OF CHICAGO TITLE COMPANY.

INSTRUMENT NO.: \_\_\_\_\_ FEE: \_\_\_\_\_

MELISSA WILK  
COUNTY RECORDER

BY: \_\_\_\_\_  
DEPUTY COUNTY RECORDER

RECEIVED

MAY 31 2019

LAND USE PLANNING

## A MERGER AND RESUBDIVISION FOR CONDOMINIUM PURPOSES

LOTS 14, 15 & 16 AND A PORTION OF LOT 17, BLOCK 127, "CORRECTED MAP OF RAYMOND TRACT" (10 M 12) CITY OF BERKELEY, COUNTY OF ALAMEDA, CALIFORNIA JANUARY 2019

**MORAN ENGINEERING, INC.**

CIVIL ENGINEERS \ LAND SURVEYORS  
1930 SHATTUCK AVENUE, SUITE 4  
BERKELEY, CALIFORNIA 94704  
(510) 848-1930

**T.M. 8490**

OWNER/SUBDIVIDER:  
EAST BAY CHANNING WAY, LLC  
739 CHANNING WAY  
BERKELEY, CA 94710





# EXHIBIT "A"

## NOTES AND DEFINITIONS:

1. THIS PROJECT IS LOCATED IN LOT 1 OF TRACT MAP 8490 IN THE CITY OF BERKELEY, COUNTY OF ALAMEDA, STATE OF CALIFORNIA AS PER MAP FILED IN BOOK , PAGE OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER. THIS PROJECT IS COMPOSED OF A COMMON AREA AND 15 UNITS.
2. THE CONDOMINIUM DELINEATED HEREIN IS SUBJECT TO THE PROVISIONS OF THE DAVIS-STIRLING COMMON INTEREST DEVELOPMENT ACT, PART 5, DIVISION FOUR OF THE CIVIL CODE.
3. THIS PLAN AND THE DIMENSIONS SHOWN HEREIN ARE INTENDED TO CONFORM TO CIVIL CODE 4285(a)&(b), WHICH REQUIRES A THREE DIMENSIONAL DESCRIPTION OF THE PROJECT IN SUFFICIENT DETAIL TO IDENTIFY THE COMMON AREAS AND EACH SEPARATE INTEREST. THE DIMENSIONS SHOWN HEREIN ARE NOT INTENDED TO BE SUFFICIENTLY ACCURATE TO USE FOR THE COMPUTATION OF FLOOR AREA OR AIR SPACE VOLUME IN ANY OR ALL OF THE UNITS.
4. THE DIAGRAMMATIC PLANS INTENTIONALLY OMIT DETAILED INFORMATION OF INTERNAL PARTITIONING WITHIN INDIVIDUAL UNITS. LIKewise, SUCH DETAILS AS PROTRUSIONS OF VENTS, BEAMS, COLUMNS, WINDOW CASINGS, AND OTHER SUCH FEATURES ARE NOT INTENDED TO BE REFLECTED ON THIS PLAN.
5. THE COMMON AREA IS ALL OF THE LAND AND REAL PROPERTY INCLUDED WITHIN THE BOUNDARY LINES OF SAID LOT 1, EXCEPT THOSE PORTIONS SHOWN AND DEFINED HEREIN AS CONDOMINIUM UNITS.
6. FOR ALL OTHER DEFINITIONS REFER TO THE "DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF 739 CHANNING STREET, BERKELEY, CALIFORNIA."
7. IF THERE ARE ANY MATTERS OF CONFLICT OR INCONSISTENCIES BETWEEN THIS CONDOMINIUM PLAN AND THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS, THEN THE PROVISIONS OF THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS SHALL PREVAIL.
8. ALL DIMENSIONS ARE IN FEET AND DECIMALS OF A FOOT.
9. BENCHMARK: ELEVATIONS ARE BASED ON CITY OF BERKELEY DATUM. THE BOLT MONUMENT (B0363) AT THE INTERSECTION OF CHANNING WAY AND 5TH STREET WAS TAKEN AS ELEVATION = 27.71 FEET PER CITY OF BERKELEY ENGINEERING RECORDS.

### SURVEYOR'S STATEMENT

I HEREBY STATE THAT I AM A LICENSED LAND SURVEYOR OF THE STATE OF CALIFORNIA AND THAT THIS PLAN CONSISTING OF 11 SHEETS WAS PREPARED UNDER MY SUPERVISION AND IS BASED UPON THE ARCHITECTURAL PLANS PREPARED BY TRACHTENBERG ARCHITECTS, AND IS A DESCRIPTION OF A CONDOMINIUM PROJECT WHICH REFERS TO THE BUILDING PERIMETERS ON THE GROUND AND A THREE DIMENSIONAL DESCRIPTION OF THE PROJECT IN SUFFICIENT DETAIL TO IDENTIFY THE COMMON AREAS AND EACH SEPARATE INTEREST PURSUANT TO THE REQUIREMENTS OF CALIFORNIA CIVIL CODE SECTION 4285 (a)&(b).

ROBERT J. BRUNEL, LS 4961

RECEIVED

MAY 31 2019

LAND USE PLANNING

## CONDOMINIUM PLAN FOR 739 CHANNING WAY

LOTS 14, 15, 16 AND A PORTION OF LOT 17, BLOCK 127,  
CORRECTED MAP RAYMOND TRACT (10 M 12)  
CITY OF BERKELEY, COUNTY OF ALAMEDA, CALIFORNIA

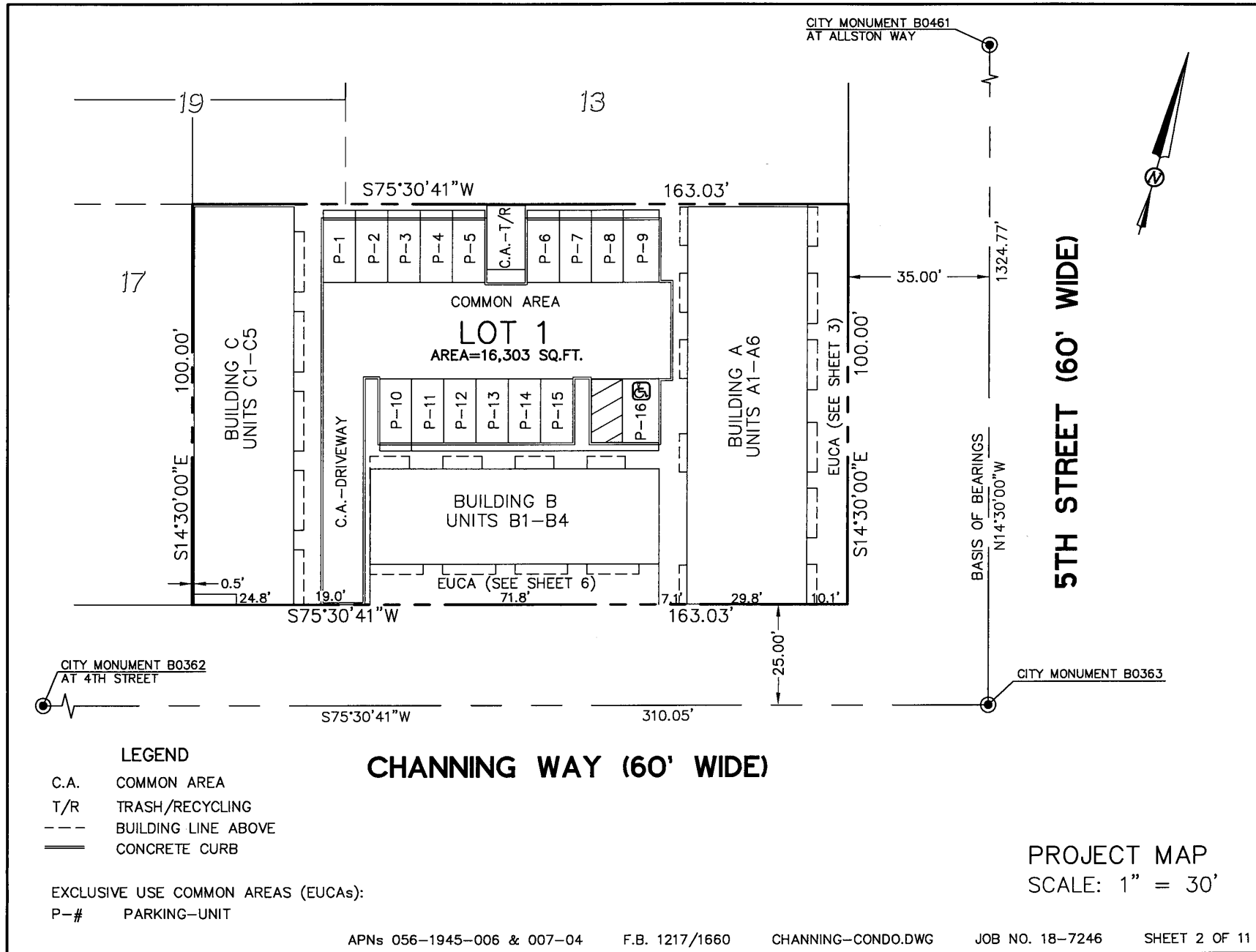
JANUARY 2019

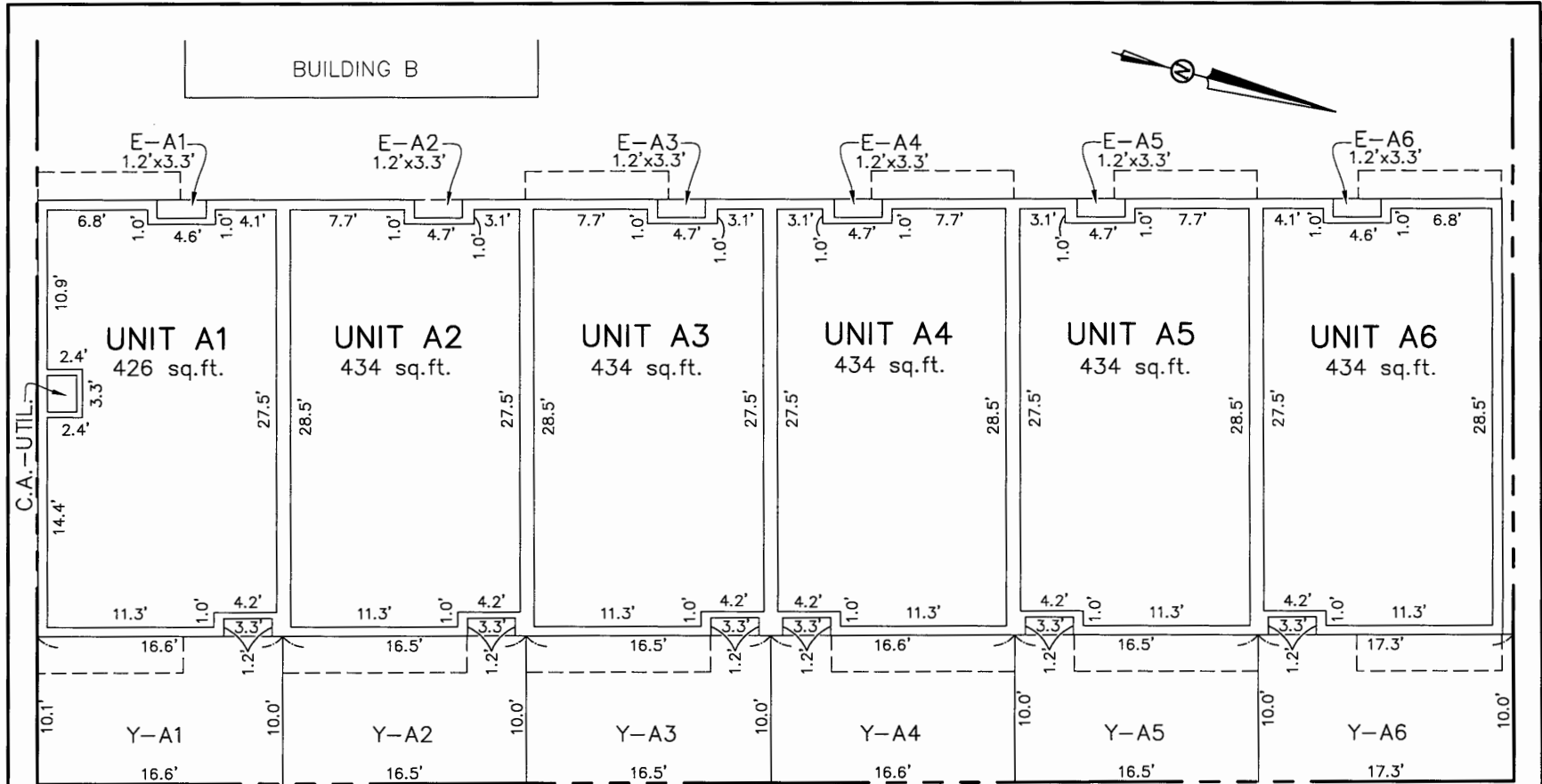
### OWNER

EAST BAY CHANNING WAY, LLC  
135 CRANE TERRACE  
ORINDA, CA 94563-1104

### SURVEYOR

MORAN ENGINEERING, INC.  
1930 SHATTUCK AVENUE, SUITE A  
BERKELEY, CA 94704  
(510) 848-1930





**LEGEND**

- C.A. COMMON AREA
- F.C. FINISH CEILING
- F.F. FINISH FLOOR
- BUILDING LINE ABOVE

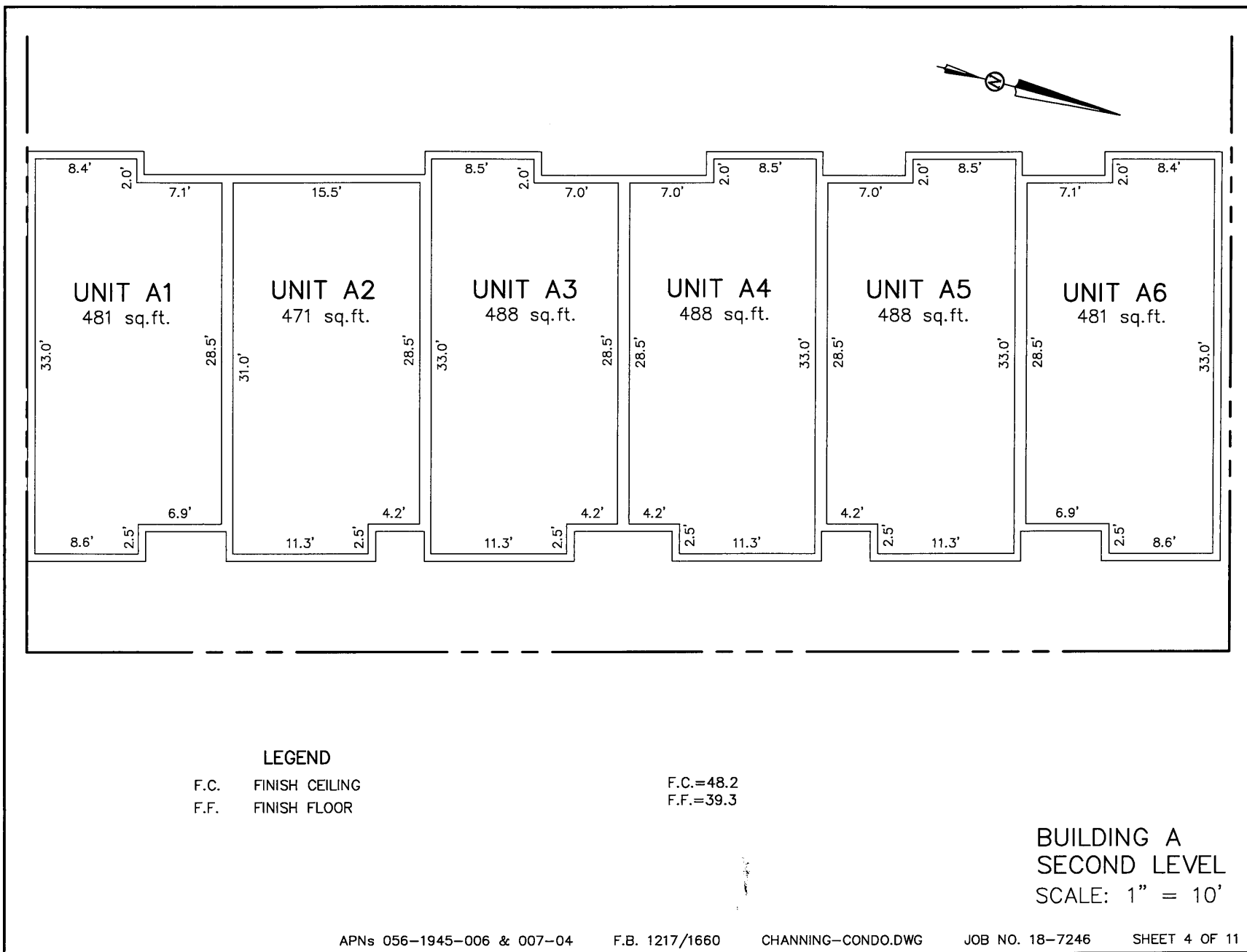
**EXCLUSIVE USE COMMON AREAS:**

- E-# ENTRY-UNIT
- Y-# YARD-UNIT

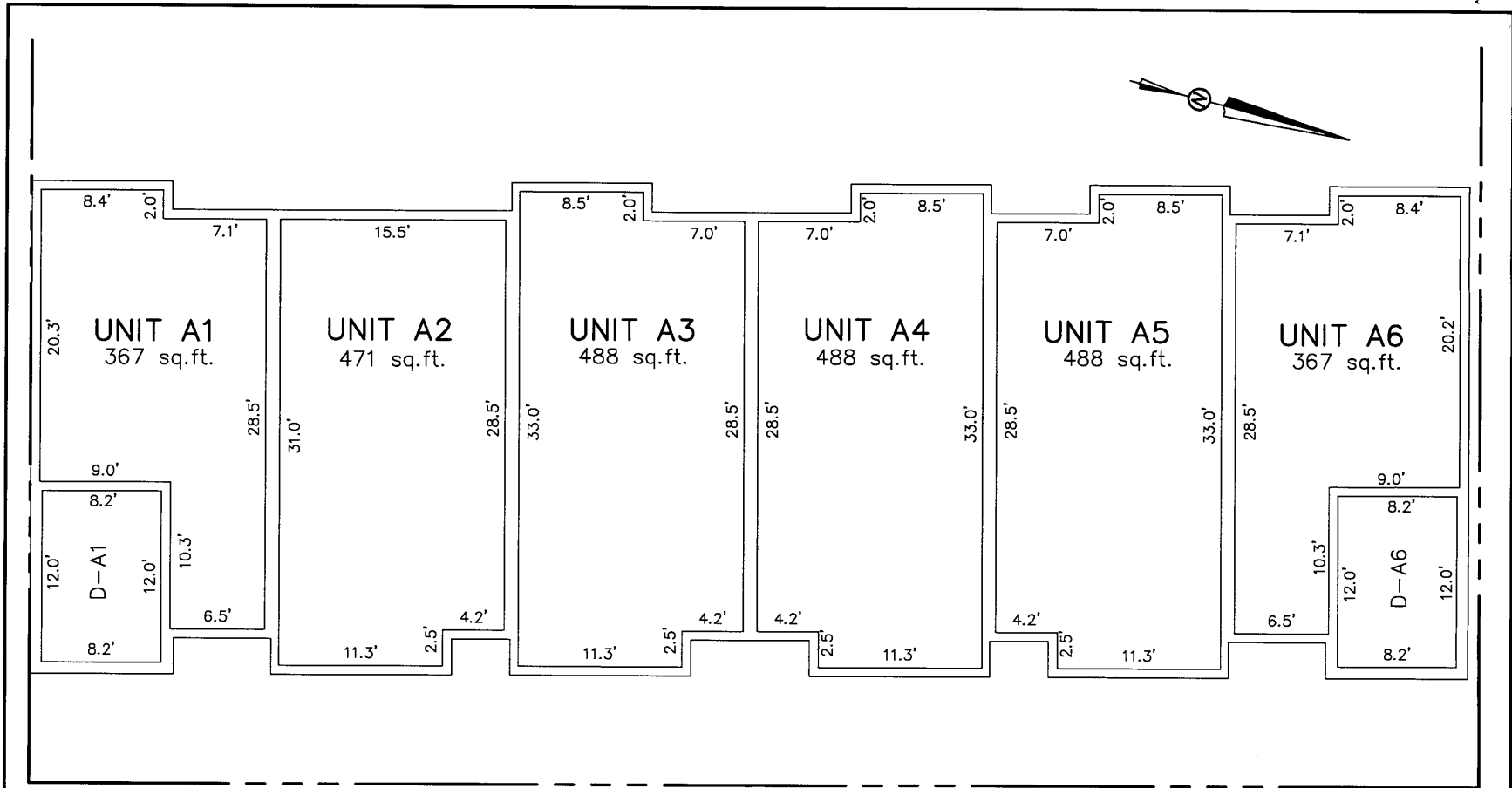
F.C.=38.1  
 F.F.=27.8

WALL WIDTHS:  
 EXTERIOR = 0.6' (TYP.)  
 UNIT SEPARATION = 1.0 (TYP.)

**BUILDING A  
 FIRST LEVEL  
 SCALE: 1" = 10'**







**LEGEND**

F.C. FINISH CEILING  
 F.F. FINISH FLOOR

F.C.=58.4  
 F.F.=49.4

EXCLUSIVE USE COMMON AREAS:  
 D-# DECK-UNIT

**BUILDING A  
 THIRD LEVEL  
 SCALE: 1" = 10'**





# PLANNING COMMISSION

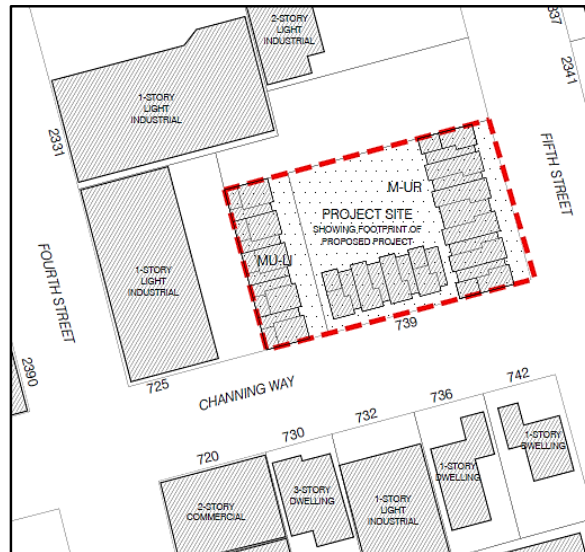
## NOTICE OF PUBLIC HEARING

### SEPTEMBER 4, 2019

#### Tentative Tract Map #8490 - 739 Channing Way

The Planning Commission of the City of Berkeley will hold a public hearing on the above matter, pursuant to Zoning Ordinance Section 23A.20.030, on **Wednesday, September 4, 2019** at the **South Berkeley Senior Center**, 2939 Ellis Street (wheelchair accessible). The meeting starts at 7:00 p.m.

**PROJECT DESCRIPTION:** Tentative Tract Map #8490 would create 10 residential condominium units, four live/work units, and one commercial unit currently under construction. The development project was approved by the Zoning Adjustments Board on October 26, 2017.



**PROJECT APPLICANT:**

David Bass  
2227 McKinley Avenue, Berkeley CA, 94703

**LOCATION:**

739 Channing Way, Berkeley CA, 94710

**ENVIRONMENTAL REVIEW STATUS:**

Construction of the project is categorically exempt pursuant to Section 15332 of the CEQA Guidelines (“In-fill Development Projects”), and approval of the Tentative Map is also categorically exempt pursuant to Section 15331 of the CEQA Guidelines, which involves the operations and permitting of existing facilities involving no expansion of use beyond prior approvals.

**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:

Alene Pearson  
Planning Commission Secretary  
City of Berkeley  
Land Use Planning Division  
1947 Center Street, 2<sup>nd</sup> Floor  
Berkeley, CA 94704

E-mail: [apearson@CityofBerkeley.info](mailto:apearson@CityofBerkeley.info)  
Telephone: (510) 981-7489

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**

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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](http://www.ci.berkeley.ca.us).

### **FURTHER INFORMATION**

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Questions should be directed to Katrina Lapira, at 510-981-7488, or [klapira@CityofBerkeley.info](mailto:klapira@CityofBerkeley.info).



**Planning and Development Department**  
Land Use Planning Division

## STAFF REPORT

DATE: September 4, 2019  
TO: Members of the Planning Commission  
FROM: Justin Horner, Associate Planner  
SUBJECT: Referral to Facilitate Toxic Remediation

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### INTRODUCTION

On May 1, 2012, the City Council referred to staff recommended changes to the Zoning Ordinance to streamline the permitting process for the removal of buildings for the purposes of remediating hazardous materials conditions (*see Attachment 1: Toxic Remediation Referral*). This report will introduce the referral and ask Planning Commission for feedback on a proposed approach.

### BACKGROUND

Currently, the Zoning Ordinance controls for demolition of non-residential buildings in two Chapters: Berkeley Municipal Code (BMC) Chapter 23C.08 (Demolition and Dwelling Unit Controls) and BMC 23E.80 (MU-LI Mixed Use-Light Industrial District Provisions). Both Chapters require the Zoning Adjustments Board (ZAB) to make findings in order to issue a Use Permit or (Administrative Use Permit) AUP to demolish a non-residential building.<sup>1</sup> These findings are listed below:

- Under **BMC Section 23C.08.050** (Demolitions of Buildings for Commercial, Manufacturing or Community, Institutional and Non-Residential Uses), the ZAB must find that the demolition of a non-residential building or structure:
  1. Is required to allow a proposed new building or other proposed new Use;
  2. Will remove a building which is unusable for activities which are compatible with the purposes of the District;
  3. Will remove a structure which represents an unabatable attractive nuisance to the public;or

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<sup>1</sup> [BMC 23C.08.050](#) (Demolitions of Buildings for Commercial, Manufacturing or Community, Institutional and Non-Residential Uses). [BMC 23E.80.090](#) (Required Findings for Demolition in MU-LI District)

4. Is required for the furtherance of specific plans or projects sponsored by the City or other local district or authority.

In the Mixed Use-Light Industrial (MU-LI) District, which is intended to preserve and expand light industrial and manufacturing uses, there are additional required findings for the demolition or change of use of buildings that are currently or most recently used for manufacturing, wholesale trade or warehousing.

- Under **BMC Section 23E.80.090** (Findings), the ZAB must find that:
  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; 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.

None of the currently available findings include toxic remediation under a building, even in cases where a property owner may have a City of Berkeley approved toxic clean-up and monitoring plan or an approved clean-up plan from the State of California's Department of Toxic Substance Control (DTSC). This referral from City Council suggests adding an additional finding to account for these circumstances.

This referral is listed in the Re-weighted Ranked Voting (RRV) list as a "started" referral.

## **DISCUSSION**

### *Proposed Amendments*

The proposed amendments are provided in Attachment 2 and are explained below:

### **BMC Chapter 23C.08 (Demolition and Dwelling Unit Controls)**

- Under BMC Section 23C.08.050 (Demolitions of Buildings for Commercial, Manufacturing or Community, Institutional and Non-Residential Uses), one of four findings must be made to allow for demolition of a non-residential building. The proposed Zoning Ordinance amendments add a fifth finding that considers remediation of toxic soil:

**23C.08.050 -- Demolitions of Buildings Used for Commercial, Manufacturing or Community, Institutional or Other Non-residential Uses**

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

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

*5. Is required to allow the remediation of toxic soil in conformance with Department of Toxic Substance Control (DTSC) clean-up requirements and a City of Berkeley toxic clean-up and monitoring program.*

**BMC Chapter 23E.80 (MU-LI Mixed Use-Light Industrial District Provisions).**

- Under BMC Section 23E.80.090.D (Findings), the change of use or the removal of more than 25% of the floor area of a building used for manufacturing, wholesale trade or warehousing is allowed with a Use Permit if certain findings are made. The proposed amendments remove existing language from one finding that specifically excludes the consideration of hazardous materials conditions (see D.2). As requested in the referral, amendments add a finding that explicitly allows for demolition of a building for the purposes of remediation of hazardous materials (see D.3). Proposed amendments also clarify that appropriate mitigations are required if findings D.2 or D.3 are made.

***BMC Section 23E.80.090 -- Findings***

*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~~ or*

*3 . As a result of previous building activities there are hazardous materials that are required to be remediated and monitored which could not otherwise be fully characterized, remediated or monitored without demolition or the building(s), and*

*3.4. In the case of subdivisions D.2 or D.3, the Zoning Officer or Board must also find a*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.

### *West Berkeley Plan and General Plan Goals and Policies*

The proposed amendments are consistent with the following General Plan and West Berkeley Plan Goals and Policies:

- General Plan Policy LU33(1): Implement the West Berkeley Plan to maintain the full range of land uses and economic activities including residences, manufacturing, services, retailing, and other activities in West Berkeley.
- West Berkeley Plan Environmental Quality, Goal 1, Policy 1.2: Coordinate environmental regulation, both within the City of Berkeley, and with County, regional, state and Federal agencies, to avoid duplicative and unnecessary efforts by regulators and businesses, while meeting environmental standards.
- West Berkeley Plan Environmental Quality, Goal 4, Policy 4.1: Increase contaminated site cleanup efforts.
- West Berkeley Plan Economic Development, Goal 1, Policy B: Implement the measures in the Land Use Element of the Plan which will streamline the permit process for manufacturers (consistent with other Plan goals such as the maintenance of environmental standards) and explore additional methods for streamlining the process.
- West Berkeley Plan Economic Development Goal 1, Policy D: Continually assess the impact of policies in other areas—such as taxes, impact mitigations, transportation planning, environmental quality, and others to assess how these policies affect the goal of retaining and attracting manufacturing, and how the goals which these policies are intended to achieve can best be harmonized with the manufacturing retention goal.

### *Landmarks Review and Preservation of Manufacturing and Other Protected Uses in MU-LI*

The proposed amendments preserve the existing requirement that any application for a Use Permit or AUP to demolish a non-residential building or structure which is 40 or more years old be forwarded to the Landmarks Preservation Commission (LPC) for review prior to consideration of the Use Permit or AUP.

The proposed amendments maintain existing the requirements for additional findings in the MU-LI district pertaining to changing, removing or demolishing material recovery enterprises,

manufacturing, wholesale trading and warehousing.<sup>2</sup> These include limitations on what subsequent uses would be permitted in spaces that are currently existing manufacturing, material recovery enterprise, wholesale trade and/or warehousing spaces; the MU-LI Use Limitations included in BMC 23E.80.060; and the requirement to provide for the replacement of any lost manufacturing, wholesale trade or warehousing space, or provide a payment into the West Berkeley Building Acquisition or other appropriate means. Similarly, the proposed amendments preserve the requirements to replace any demolished or changed Protected Uses<sup>3</sup> in comparable spaces within the Berkeley.

The intent of the proposed amendments is to facilitate toxic remediation consistent with West Berkeley Plan goals of retaining manufacturing uses and encouraging their operation without interference from other use types.

Staff has determined that the proposed amendments would facilitate the clean-up of hazardous materials conditions in the City of Berkeley and shorten the entitlement process for the redevelopment of eligible properties. Planning Commission is asked to review and discuss the proposed approach.

#### **NEXT STEPS**

Staff requests Planning Commission review the referral request and the proposed amendments to the Zoning Ordinance. If appropriate, Planning Commission is asked to provide feedback and direct staff to return to the October 2, 2019 Planning Commission meeting to hold a public hearing to amend the Zoning Ordinance, pursuant to BMC Chapter 23A.20.030.

#### **ATTACHMENTS**

1. Amend the Zoning Code to Facilitate Toxic Remediation in Manufacturing Districts Referral – May 1, 2012
2. Proposed Zoning Ordinance Language Revisions (Chapters 23C.08.050 and 23E.80.090)

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<sup>2</sup> BMC Section 23E.80.045 (Special Provisions: Changes of Use/Removal of Floor Area Used for Material Recovery Enterprise, Manufacturing, Wholesale Trade or Warehousing)

<sup>3</sup> BMC Section 23E.80.040A (Special Provision: Protected Uses) which include art/craft studios, art/craft galleries, child and family day care homes, fine arts performance, instruction and rehearsal studios, and theaters and stage performance uses.





CITY COUNCIL

**Darryl Moore**  
Councilmember District 2

CONSENT CALENDAR  
May 1, 2012

To: Honorable Mayor and Members of the City Council  
From: Councilmember Darryl Moore, District 2  
Councilmember Gordon Wozniak, District 8  
Subject: Amend the Zoning Code to Facilitate Toxic Remediation in Manufacturing Districts

RECOMMENDATION

Refer to the Planning Commission recommendations for amending the zoning code in order to facilitate toxic remediation in manufacturing districts and to develop a streamlined process that would allow for one application process, rather than separate application processes for the City's Planning Department and the Toxics Division.

BACKGROUND

The current process for toxic remediation in manufacturing districts that require the removal of a building, whether or not it is currently in use, is quite involved and convoluted. There may be some amendments that can be made to the zoning code to make the process much more efficient.

Currently, the City of Berkeley Municipal Code Section 23C contains the following language

**23C.08.050 Demolitions of Buildings Used for Commercial, Manufacturing or Community, Institutional or Other Non-residential Uses**

- A. A main building used for non-residential purposes may be demolished subject to issuance of a Use Permit.
- B. A demolition of an accessory building containing less than 300 square feet of floor area is permitted as of right; an accessory building containing 300 square feet or more of floor area may be demolished subject to an AUP.
- C. Any application for a Use Permit or AUP to demolish a non-residential building or structure which is 40 or more years old shall be forwarded to the Landmarks Preservation Commission (LPC) for review prior to consideration of the Use Permit or AUP. The LPC may initiate a landmark or structure-of-merit designation or may choose solely to forward to the Board its comments on the application. The Board shall consider the recommendations of the LPC in considering its action on the application.
- D. A Use Permit or an AUP for demolition of a non-residential building or structure may be approved only if the Board or Zoning Officer finds that the demolition will not be

materially detrimental to the commercial needs and public interest of any affected neighborhood or the City, and one of the following findings that the demolition:

1. Is required to allow a proposed new building or other proposed new Use;
2. Will remove a building which is unusable for activities which are compatible with the purposes of the District in which it is located or which is infeasible to modify for such uses;
3. Will remove a structure which represents an unabatable attractive nuisance to the public; or
4. Is required for the furtherance of specific plans or projects sponsored by the City or other local district or authority. In such cases, it shall be demonstrated that it is infeasible to obtain prior or concurrent approval for the new construction or new use which is contemplated by such specific plans or projects and that adhering to such a requirement would threaten the viability of the plan or project. (Ord. 6478-NS § 4 (part), 1999)

This means that prior to any demolition, the project must be granted a Use Permit or an AUP, requiring findings, none of which include toxic remediation under a building.

Additionally, Chapter 23E.80.909 Paragraph D states that

- 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.

This requires findings that allow the removal of a building where there are “exceptional physical circumstances,” but is specifically exclusive of “presence of hazardous materials in the building(s), soil, or groundwater.”

Amend the Zoning Code to Facilitate Toxic Remediation in Manufacturing Districts

CONSENT CALENDAR  
May 1, 2012

In order to make the cleanup of a site with toxic soil, it is recommended that a provision number 5 be added to Chapter 23C.08.050 Paragraph D stating "It is required to allow the remediation of toxic soil in conformance with DTSC Clean-up Requirements and a City of Berkeley approved toxic clean-up and monitoring program."

In addition, Chapter 23E.80.090 Findings should be amended to include a new finding number 4 stating that: "As a result of previous building activities there are hazardous materials that are required to be remediated and monitored which could not otherwise be fully characterized, remediated or monitored without demolition of the building(s)"

FISCAL IMPACTS OF RECOMMENDATION

Unknown

CONTACT PERSON

Councilmember Darryl Moore, District 2

981-7120

Councilmember Gordon Wozniak, District 8

981-7180







29 it is infeasible to obtain prior or concurrent approval for the new construction or  
30 new use which is contemplated by such specific plans or projects and that  
31 adhering to such a requirement would threaten the viability of the plan or project;

32 or

33 5. Is required to allow the remediation of toxic soil in conformance with Department  
34 of Toxic Substance Control (DTSC) clean-up requirements and a City of Berkeley  
35 toxic clean-up and monitoring program.

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

40 **23E.80.090 Findings**

41 A. In order to approve any Use Permit under this chapter the Zoning Officer or Board  
42 must make the finding required by Section [23B.32.040](#). The Zoning Officer or Board  
43 must also make the findings required by the following paragraphs of this section to the  
44 extent applicable:

45 B. A proposed use or structure must:

46 1. Be consistent with the purposes of the District;

47 2. Be compatible with the surrounding uses and buildings;

48 3. Be consistent with the adopted West Berkeley Plan;

49 4. Be unlikely, under reasonably foreseeable circumstances, to either induce a  
50 substantial change of use in buildings in the District from manufacturing, wholesale  
51 trade or warehousing uses;

52 5. Be designed in such a manner to be supportive of the light industrial character  
53 of the district. Such physical compatibility shall include materials used; facade  
54 treatments; landscaping; lighting; type, size and placement of awnings, windows  
55 and signs; and all other externally visible aspects of the design of the building and

56 site. If the building and/or site is split between the MU-LI District and the West  
57 Berkeley Commercial District that there are clear and appropriate distinctions in all  
58 design aspects between the portions of the building and site within the MU-LI  
59 District and the portions within the West Berkeley Commercial District;

60 6. Be able to meet any applicable performance standards as described in  
61 Section [23E.80.070.D](#).

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

66 1. For purposes of this section, such replacement space shall not qualify for  
67 exemption under Section [23E.80.040.I](#) or by reason of having been established  
68 after July 6, 1989;

69 2. In considering whether a project will be detrimental, consideration shall be  
70 limited to the potential detriment associated with the new use and dislocation of  
71 any specific previous occupant or use shall not be a basis for finding detriment.

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

76 1. Any necessary Use Permits that have been approved to provide comparable  
77 quality replacement manufacturing, wholesale trade and/or warehousing space in  
78 Berkeley at a comparable rent and that such replacement space will be available  
79 before the demolition or change of use of the space; or

80 2. As a result of lawful business and building activities, there are exceptional  
81 physical circumstances ~~(exclusive of the presence of hazardous materials in the~~  
82 ~~building(s), soil or groundwater)~~ found at the building not generally found in  
83 industrial buildings in the District which make it financially infeasible to reuse the  
84 building for any of the range of manufacturing, wholesale trade or warehouse uses

85 permitted in the District. The analysis of the financial feasibility effects (which shall  
86 be verified by the City) of these physical circumstances shall consider those costs  
87 necessary to make the building meet current minimum standards for  
88 manufacturing, wholesale trade or warehouse buildings; ~~and or~~

89 3. As a result of previous building activities there are hazardous materials that are  
90 required to be remediated and monitored which could not otherwise be fully  
91 characterized, remediated or monitored without demolition or the building(s), and

92 3 4. In the case of subdivisions D.2 or D.3, the Zoning Officer or Board must also  
93 find a Appropriate mitigation has been made for loss of the manufacturing,  
94 warehousing or wholesale trade space in excess of 25% of that space through  
95 providing such space elsewhere in the City, payment into the West Berkeley  
96 Building Acquisition Fund, or by other appropriate means.

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

101 1. The conversion can be reasonably expected to better serve the purposes of  
102 the District than leaving the space intact; or

103 2. The conversion would create spaces which could cross-subsidize larger  
104 industrial spaces.

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

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

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

126 H. In order to approve a Use Permit for the substitution of bicycle and/or motorcycle  
127 parking under Section [23E.80.080.E](#), the Zoning Officer or Board must find that the  
128 substitution will not lead to an undue shortage of automobile parking spaces and that it  
129 can be reasonably expected that there will be demand for the bicycle and/or motorcycle  
130 parking spaces.

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

- 134 1. Development of the school, child care center, large family day care or  
135 recreational facility to be used by children is not, in the particular circumstances of  
136 the project, incompatible with adjacent and nearby uses, including industrial uses;
- 137 2. An appropriate risk analysis or risk assessment, as defined by the City, has  
138 been made and has shown that there is not significant risk to children in the use  
139 from other activities near the site;

140 3. The applicants have made adequate provisions to ensure that all parents of  
141 students or children in the school, child care center, large family day care or  
142 recreational facility to be used by children will be notified in writing (on a form  
143 approved by the City) that the school is in the West Berkeley Plan MU-LI District,  
144 and that light manufacturing is a permitted activity in the District and that Primary  
145 Production Manufacturing or Construction Products Manufacturing may be  
146 permitted uses in adjacent districts, including a requirement that each parent will  
147 indicate that they have read and understood this information by means of a written  
148 statement returned to the school or child care center and available for review.

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**Pearson, Alene**

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**From:** Pearson, Alene  
**Sent:** Friday, July 19, 2019 8:11 AM  
**To:** Pearson, Alene  
**Cc:** Lapira, Katrina  
**Subject:** FW: Adeline Plan DEIR Comments from South Berkeley Now!  
**Attachments:** SBN Comments Adeline Corridor DEIR - July 18 2019.pdf

Dear Commissioners,  
Please see the attached document. This will be included in your next agenda packet as a Communication.  
Best,  
Alene

---

**Alene Pearson, Principal Planner**  
**Secretary to the Planning Commission**  
Land Use Planning Division  
City of Berkeley  
1947 Center Street  
Berkeley, CA 94704  
510-981-7489  
[apearson@cityofberkeley.info](mailto:apearson@cityofberkeley.info)

**From:** Teresa Clarke  
**Sent:** Thursday, July 18, 2019 5:31 PM  
**Subject:** Adeline Plan DEIR Comments from South Berkeley Now!

Dear Planning Staff:  
Please find attached our comments letter for the Adeline Corridor Specific Plan Draft EIR.

Dear City Clerk:  
Please submit our comments letter to the Planning Commission and the City Council and Mayor.

Please confirm receipt.

Thank you,

Teresa Clarke

--  
*SOUTH BERKELEY NOW! IS AN ALL VOLUNTEER COMMUNITY ORGANIZATION MADE UP OF SOUTH BERKELEY RESIDENTS WHO HAVE COME TOGETHER TO ADVOCATE FOR HOUSING, EQUITY, DIVERSITY, AND INVESTMENT IN SOUTH BERKELEY*



Date: July 18, 2019

To: Alisa Shen, City Planner for the Adeline Plan and City of Berkeley Planning Commission

CC: The City Council and Mayor

From: The Steering Committee for South Berkeley NOW! - Ariella Granett, Betsy Thagard, Deborah Matthews, Jodi Levin, Jon Lau, Matt Lewis, Peter Waller, and Teresa Clarke

**RE: Adeline Corridor Specific Plan - Comments on Draft EIR**

Dear Planning Staff and Members of the Planning Commission:

We write to you as members of South Berkeley NOW!, a neighborhood organization with over 150 members who live in Berkeley south of Dwight street, and who have gathered over 1,000 signatures in support of housing development on Ashby BART NOW!

We have a vision for the South Berkeley neighborhood as a diverse, equitable, safe, walkable and welcoming community, a vision shared by many in our community. The Adeline Corridor and Ashby BART area have excellent transit; one of the best groceries in the Bay Area; the Berkeley Flea Market; the Farmers Market; coffee shops, hair salons, restaurants, locally owned businesses; churches; and amazing community institutions like the Ed Roberts campus, Healthy Black Families, the Black Rep and Ashby Stage theaters. Our neighborhood hosts the largest Juneteenth celebration in the region and is looking forward to accommodating new institutions like the African American Holistic Resource Center. We support an Adeline Corridor plan that brings those elements together into a welcoming, equitable & walkable neighborhood.

The Adeline Corridor planning process began over five years ago with the goal of updating zoning, supporting local business, and improving the public realm to help our community and city achieve its housing, climate and pedestrian/cyclist safety goals. In the intervening period the housing crisis has dramatically increased, with homelessness and displacement on the rise. We have also encountered a road safety crisis, as more pedestrians and cyclists have been injured and killed on our streets. Over the same time period, the impacts of the climate crisis have become much more evident. One year ago, the City declared a Climate Emergency, with the express purpose of taking a leadership role regionally and nationally to address climate change with all available means. The City's own climate plan, along with numerous other studies, has identified building more infill housing near transit as the most important single step the city can take towards addressing the climate crisis.

We support the general goals set forth in the Draft Adeline Corridor Plan and we applaud the emphasis on affordable housing, support for local businesses and the innovative "Opportunity to Return" policies for displaced residents. However, we are deeply concerned that the core elements of zoned capacity, street widths, and building heights do not provide an adequate response to the crises of housing, climate and public safety. Our specific concerns include the following:

- **CONCERN # 1 LOW HOUSING BUILD-OUT PROJECTIONS EXTEND THE STATUS QUO:** The build-out projections in the DEIR envisions the equivalent of 70 units per year over the 20 year planning horizon, for a total of 1450 units - a modest change from the 1,200 units of development projected to occur under the current zoning, with no Adeline Corridor plan. A DEIR that essentially extends the status quo

another 20 years does not provide the incentives for increased housing production that is necessary to realize the potential of this transit-rich, walkable corridor.

- **CONCERN #2 DRAFT PLAN CREATES DISINCENTIVES FOR HOUSING PRODUCTION:** The Draft Plan creates disincentives for housing production by continuing to limit the base height of buildings to 3 stories in much of the plan area.
- **CONCERN #3 ADELINE STREET IS TOO LARGE & FAST THROUGH THE HEART OF A TRANSIT VILLAGE:** The overly wide Adeline right of way is an artifact of the railroad era, directly associated with the pattern of discrimination and redlining that afflicted minority communities “on the wrong side of the tracks”. South Berkeley has been treated as a throughway for too many years. We need more significant reductions in travel lanes and a focus on creating a walkable transit hub at the heart of our community.
- **CONCERN #4 T.O.D. PROJECT WILL NOT BE COMPETITIVE FOR TRANSPORTATION FUNDS:** The draft Plan fails to position the City of Berkeley to be fully competitive for the state and regional transportation funds that will be needed to fundamentally reshape the public right of ways at Adeline, Ashby, MLK and Alcatraz because of the Plan’s low build out projection and inadequate zoning and building height limits.

#### COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT REPORT

Based on these concerns, SBN! requests that the DEIR provide additional analysis that will allow decision makers and community members to evaluate options that make meaningful progress towards addressing the goals set forth in the Draft Plan, and the pressing issues of climate, housing and safety.

1. **REVISE BUILD OUT PROJECTION:** Given the housing and climate crisis, the community goals for building affordable housing, and the need to generate funding for street improvements and other public benefits through development fees, it is critical for the DEIR to include a second build out scenario of at least 2,500 residential units in the Project Area. It is common for a major DEIR to evaluate more than one project scenario. Studying this scenario under the current DEIR will allow decision makers and the South Berkeley community to evaluate a build out scenario that makes our neighborhood more walkable, affordable, diverse, transit-supportive, and sustainable. We ask for the following actions related to the build out projections:
  - a. **INCLUDE BUILD OUT ANALYSIS IN THE DEIR:** The “Project Build Out” or foreseeable maximum development of 1,450 units was not released as part of the Notice of Preparation. As a result, Community members and agencies had no opportunity to comment on this projection until the full DEIR was completed and no supporting analysis has been shared to support the build out projection. There is no description of opportunity sites included in the DEIR and there is no analysis of how the build out projection ties to the Housing Element. The DEIR provides insufficient information for decision makers and the public to judge whether the projected build out numbers accurately reflect the 20 year development potential of the corridor under the new zoning. We request that the analysis supporting the build out projection of 1,450 units be included in response to comments along with the following specific information:
    - Parcels and acreage identified as development opportunity sites, including all sites identified in the City’s 2015-2023 Housing Element,

- Density assumptions for each opportunity site compared with maximum density by subarea allowable under draft Specific Plan Table 3.5, and
  - Development yield rates consistent with Raimi Associates letter to City dated September 10, 2018.
- b. **DEVELOP & ANALYZE A SECOND BUILD OUT PROJECTION:** Our analysis of potential sites in the project area indicates that 2,500 units of new housing can be accomplished over the next 20 years, primarily by focusing on high density development at Ashby BART and on the larger sites along North Adeline and South Shattuck. This analysis does not involve removing historic buildings or existing housing units and is based on an average density of approximately 125 DUA, a modest assumption given that the Affordable Housing incentives in the draft plan allow densities over 200 DUA. Moreover, this analysis does not include additional housing sites that may be available as a result of reducing right of way along Adeline. We request that the DEIR be amended to include a build out projection that accounts for the significant density incentives built into Specific Plan Table 3.5, along with supporting analysis. Without this additional build out scenario, the public and decision makers will have insufficient information to evaluate the impacts and benefits of higher density housing development in the Adeline Corridor.
- c. **DEMONSTRATE PLAN'S CONSISTENCY WITH MTC GRANT GOALS & STANDARDS:** The MTC grant for Adeline Corridor Plan was based on achieving MTC goals of maximizing TOD development. Without the supporting analysis for the current build out projection and without a second more robust build-out projection, it is not clear how MTC or the public can evaluate whether the Plan is consistent with the goals of the study. We request that the Plan clarify how it is consistent with MTC goal and standards relative to the planning grant.
- d. **CLARIFY ADDITIONAL EVALUATION REQUIRED FOR PROJECTS THAT EXCEED THE BUILD-OUT PROJECTION:** City Staff has indicated that the build out projection of 1,450 units indicated in the Project Description should not be considered a cap and that projects may exceed this cap under the Infill Density exception. Mixed use projects often require more than one conditional use permit and therefore may be ineligible for the Infill Exemption. Projects that exceed the 1,450 cap and that are not eligible for the Infill exemption will likely be required to provide supplement environmental analysis which creates more legal risk and more uncertainty. We request that the DEIR and Draft Plan clarify the additional environmental evaluation that would be required for projects that exceed the Build Out Projection.
- e. **RECOGNIZE THAT L.O.S. CRITERIA IS OUTDATED:** It is important for the DEIR to explicitly recognize that the projected traffic impacts are based on outdated Level of Service (LOS) criteria rather than the state mandated Vehicle Miles Traveled (VMT). We request that both of the build out scenarios be evaluated based on VMT, allowing decision makers and community members to accurately assess the correlation between density and traffic volumes.
- f. **BE ACCURATE IN DISCUSSING VMT & GREENHOUSE GAS EMISSIONS:** Greenhouse Gas Emissions policy discussed in Table 4.5-1 holds that a decrease in VMT can be expected because "the Specific Plan would support mixed-use, transit-oriented development." This statement is incorrect *unless the build out projection is significantly increased for higher density, increased*

transit service and walk to destinations.<sup>1</sup> We request that the DEIR language be modified to avoid overstating of benefits of GHG reduction under the current build out scenario.

2. **TWO LANE SCENARIO @ ADELINE:** Another way that the DEIR limits the ability of decision makers and the public to evaluate the Specific Plan is the failure to test the effects of reducing traffic lanes along Adeline between Shattuck to MLK, to two lanes (a single lane in each direction). Analysis of this scenario will inform decision makers of potential effects of additional pedestrian, bicycle, and/or dedicated bus lane improvements and will provide latitude in the future to implement additional traffic calming or expand alternative transit modes. SBN! requests that the DEIR include analysis of a two lane design scenarios for Adeline Avenue from MLK Jr Way to Ward street that will improve pedestrian safety, reduce the speed of traffic flowing through the heart of our neighborhood and will allow Ashby BART to become a true community center for our neighborhood. This two lane scenario has two sub-areas; Adeline at Ashby BART, and North Adeline. The initial concept for each sub area is outlined below:

- **Adeline at Ashby BART**

A single lane of traffic is provided in each direction on Adeline Street between MLK Jr Way and Ashby, located along the east side of the current right of way, adjacent to the Ed Roberts Campus. Turn lanes may be provided at the intersection with MLK JR Way and with Ashby as required to provide transitions to the larger roadways. Passenger loading and parallel parking would be provided on both sides of the street, with sufficient width to accommodate transit stops. The cycle track proposed in the Draft Plan remains along the west side of the right of way. The remaining portion of the right away along the western edge is utilized as a linear public plaza and a permanent home for the Berkeley Flea Market. Emergency vehicle access would be accommodated as necessary, including potential access at the public open space.

- **North Adeline Street**

A single lane of traffic is provided in each direction on Adeline St. from MLK Jr Way to Ward Street. Between Russell St. and Ward St. these traffic lanes would be located along the west side of the current right of way. Turn lanes would be provided at the intersection with Shattuck and with Ashby as required to provide transitions to the larger roadways. Passenger loading and parallel parking would be provided on both sides of the street, with sufficient width to accommodate transit stops. The cycle track proposed in the Draft Plan remains along the west side of the right of way. Portions of the surplus public right away along the eastern edge of the right away could be converted to private development parcels to be developed for housing or other uses.

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<sup>1</sup> Correlation between density and VMT (John Holtzclaw, et al, "Location Efficiency: Neighborhood and Socio-Economic Characteristics Determine Auto Ownership and Use," *Transportation Planning and Technology journal*, Volume 25, 2002)

- a. The four lane design scenario included in the Draft plan provides insufficient information to allow public and decision makers evaluate design scenarios that address critical safety issues in our neighborhood and to identify the environmentally superior alternative.
- b. Development along the Adeline corridor will significantly increase the number of pedestrians and bicyclists in this area and will increase the opportunities for accidents. The City will not achieve its Vision Zero goals without bolder action to reduce vehicle speeds and prioritize pedestrian safety.
- c. The current scenario is not consistent with the City Bike Plan and fails to prioritize bike safety on major bike corridors. DEIR analysis should include analysis of how safety for bicyclists is addressed by each of the Adeline design scenarios. Reducing Adeline to two lanes could be considered a mitigation with the effect of reducing vehicle speeds area-wide.
- d. The DEIR analysis shows that current north/south traffic counts on Adeline are significantly lower than on MLK Jr Way. The Draft Plan and the DEIR fail to take into account these lower traffic counts as a basis for studying environmental superior options that address city policy regarding bike and pedestrian safety.
- e. DEIR analysis should include a clear comparison of the four lane and two lane alternatives with an equal level of detail for each, preferably in table format that can be readily evaluated by the public. Our goal is to give the public and decision makers the opportunity to readily evaluate the trade-offs and select the preferred option based on community priorities.
- f. The concept plan for two lane option should be developed with input from community representatives.
- g. BART policy for station area development is to focus on superior bike and pedestrian access which is supported by the two lane scenario. Incorporating this alternative in the DEIR will give BART the necessary information to evaluate and develop the environmentally superior alternative.
- h. Alameda County Transportation Committee (Alameda CTC) has adopted a Countywide Transit Plan that designated Adeline as a regional transit corridor, which calls for consideration of dedicated bus lane where feasible. The potential for future dedicated bus lanes can be reserved by analyzing lane reductions along this section of Adeline. Public open space could be provided with the understanding that it is available for future BRT line or other public transportation improvements.
- i. Not analyzing lane reductions under the DEIR will shut the door on future pedestrian, bicycle, bus, and open space improvements, and continue auto-oriented as-is conditions, which encourage faster moving vehicles and, therefore, increase the risk of serious and fatal injuries to pedestrians and bicyclists.
- j. SBN recognizes that developing and analyzing this additional design scenario will require additional analysis and additional time, including potential recirculation for comment. We believe it is worth the effort. No single issue unites our community more strongly than traffic calming and safety for pedestrians and bicyclists.

- k. The Ed Roberts Campus is a nationally recognized campus focusing on services for the disabled. Currently it is cut off from the neighborhoods to the west by the four lanes of Adeline. Reducing traffic lanes at Adeline will allow this nationally recognized institution to be fully integrated into our community, and to better meet its mission of serving the disabled community.
- l. Reducing traffic lanes at Adeline will create an opportunity for a public open space over 50 feet wide and up to 1,000 feet in length. In combination with public plaza at the west lot, this can provide a permanent and highly visible home for the Berkeley Flea Market, allowing this community institution to grow and thrive.
- m. Utilizing more of the public right of way for public open space will allow more of the west parking lot to be developed for mixed income housing and local businesses.
- n. Narrowing Adeline Street will set the stage for closing Adeline Street to through traffic for community events such as the Juneteenth Celebration. With appropriate planning for transit and emergency access, the entire 110 foot wide Adeline right of way can be utilized as a community event space on a more frequent basis.
- o. Our analysis of opportunity sites in the neighborhood demonstrates that North Adeline has the potential for development of up to 1,000 new housing units. Narrowing the street in this area will allow this underutilized right of way to become an active extension of the evolving South Shattuck neighborhood.
- p. Narrowing North Adeline may allow the existing parcels at Walgreens and Berkeley Bowl to be expanded, creating 1.0-2.0 acres of additional developable land.
- q. The open space greenway proposed along north Adeline in the Draft plan is unlikely to be well utilized. Narrower streets and more mixed use development will create a more pedestrian friendly environment.

**3 COMMENTS ON PROPOSED ZONING STANDARDS IN THE DRAFT PLAN THAT IMPACT DEIR ANALYSIS:**

SBN! requests that the DEIR analysis consider the following comments on zoning provisions in the Draft Plan as they relate to the build out projections, traffic impacts and other environmental issues

- a. **DRAFT PLAN TABLE 3.2 - BASE ALLOWABLE DENSITY:** We support the provision of a standard for allowable density and we believe the base DUA standards are appropriate. However, it is critical to clarify how this allowable density standard will be applied in practice and to ensure that project applicants will not be required to calculate allowable density on a project by project basis utilizing a “base project” (a process that has led to much confusion on the part of the public). Clarification of how the Base Allowable Density will be implemented is necessary to allow decision makers and community members to evaluate the build out projections analyzed in the DEIR.
- b. **DRAFT PLAN TABLE 3.2 - HEIGHT, STORIES, AND ALLOWABLE F.A.R. MUST BE CONSISTENT WITH BASE DENSITY :** Related to item a., the height, number of stories, and FAR limits proposed in Table 3.2 need to be increased to be consistent with the allowable density. A 35 foot height limit will only yield two stories of housing on a typical lot in the Adeline Corridor, with most of the ground floor being dedicated to required commercial uses, services, bike and auto parking.

- The resulting density will be significantly less than the base allowable density. Height and FAR should be increased to correspond to the base allowable density.
- c. **ALLOWABLE STORIES AND HEIGHTS SHOULD CORRESPOND TO TYPICAL CONSTRUCTION TYPES:** As an example, if the zoning intends to allow a five-story building, the maximum height should be 57 feet; allowing for an appropriate ground level of at least 15 feet in height (as recommended in table 3.6) plus 10 foot floor to floor for residential units, plus an additional 2 feet for normal roof construction. As a second example, the 75 foot height limit does not correspond to the mid-rise housing limit which allows housing up to 75 feet in height measured to the highest floor, plus an additional 10-15 for the top floor construction, for a total allowable height of 85-90 feet.
  - d. **REDUCE ON-SITE PARKING MINIMUMS:** To alleviate traffic impacts and to allow construction of housing that is affordable by design, standards for on-site parking for residential uses should be reduced to zero for sites within ¼ mile of BART and major transit stops.
  - e. **SIMPLIFY DENSITY BONUS TIER STRUCTURE:** The proposed tier structure is confusing and appears to apply a stricter standard compared to other transit corridors in Berkeley, thus disincentivizing development for the Adeline area. We request a development feasibility study addendum be added to the Plan demonstrating that the tier structure will function as intended and that it does not constitute a governmental constraints to Housing production which would be contrary to Housing Element Policy

As residents of the Adeline corridor who share a vision of making our community a vibrant, equitable, diverse, affordable, sustainable place to live, work, and raise a family, we are committed to engaging with the Adeline Corridor Planning Process to ensure that the plan achieves its stated objectives. We look forward to working with you to amend the DEIR and plan to ensure it can achieve these goals. Thank you very much for your hard work and commitment to making Berkeley the best city it can be.

Respectfully,

The Steering Committee for South Berkeley NOW!

Ariella Granett, Betsy Thagard, Deborah Matthews, Jodi Levin, Jon Lau, Matt Lewis, Peter Waller, and Teresa Clarke

Please note that SBN will be submitting additional comments on the Draft Plan in a separate letter.





**Pearson, Alene**

---

**From:** Pearson, Alene  
**Sent:** Friday, July 19, 2019 8:08 AM  
**To:** Pearson, Alene  
**Cc:** Lapira, Katrina  
**Subject:** FW: Adeline Plan DEIR Comment letter with 89 signatories from SBN!  
**Attachments:** Adeline Plan and DEIR Comment Letter with 89 signatories 2019.07.18.pdf

Dear Commissioners,  
Please see the attached document. This will be included in your next agenda packet as a Communication.  
Best,  
Alene

---

**Alene Pearson, Principal Planner**  
**Secretary to the Planning Commission**  
Land Use Planning Division  
City of Berkeley  
1947 Center Street  
Berkeley, CA 94704  
510-981-7489  
apearson@cityofberkeley.info

**From:** Teresa Clarke  
**Sent:** Friday, July 19, 2019 7:58 AM  
**Subject:** Adeline Plan DEIR Comment letter with 89 signatories from SBN!

Dear Planning Staff-  
I submit this Adeline Plan DEIR comment letter on behalf of the 89 signatories.

Dear City Clerk  
We have also addressed this letter to Planning Commission and City Council. Please include in the Planning Commission and City Council packets.

Thank you

Teresa Clarke

--  
*SOUTH BERKELEY NOW! IS AN ALL VOLUNTEER COMMUNITY ORGANIZATION MADE UP OF SOUTH BERKELEY RESIDENTS WHO HAVE COME TOGETHER TO ADVOCATE FOR HOUSING, EQUITY, DIVERSITY, AND INVESTMENT IN SOUTH BERKELEY*

**To: City of Berkeley elected officials, commissioners, and staff**  
**RE: Draft Adeline Corridor Plan (PLAN) & Draft Environmental Impact Report (DEIR)**

June 2019

We write to express our concerns about the Adeline Corridor Plan and Draft EIR. While we are in general agreement with the main goals of the Plan, the specific policy proposals for zoning, street width, diversity/equity, and affordability will result in less housing than we need, more traffic than we want, and diminished diversity in south Berkeley .

1. **WE NEED TO MAXIMIZE HOUSING NEAR TRANSIT:** The Plan and Draft EIR do not include enough new homes in this transit-rich corridor. We are in a housing crisis because our city has not allowed enough homes to be built. We need more housing near transit NOW!
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3. **ENSURE EQUITY AND DIVERSITY:** The Adeline Corridor Plan and Draft EIR needs an Inclusion Equity & Diversity Impact Report to disrupt patterns of racial inequity in housing and community development. The plan must weave together metrics and data with implications that impact people of color, long term residents, and small businesses to ensure equity and diversity in South Berkeley.
4. **WE NEED SAFER STREETS, A GREENWAY AND A WALKABLE NEIGHBORHOOD:** The Plan proposes too many lanes of traffic on Adeline Street. That street requires only one lane of vehicular traffic in each direction with a middle turn lane. The rest of Adeline could become a Green Way with wide sidewalks, bike lanes, and room for outdoor flea market and farmer's market vendors.

The Adeline Corridor Plan and Draft EIR must be revised to include more housing, affordability for all, an Equity & Diversity Impact Report, and fewer traffic lanes. Thank you for making sure this happens.

Sincerely,

- 1) David Soffa  
2930 Otis St.  
Berkeley, CA 94703
- 2) Bhima Sheridan  
1811 Fairview  
Berkeley, CA 94703
- 3) Dan Cowles  
2927A Otis St.  
Berkeley, CA 94703
- 4) Betsy Thagard  
1937 Carleton Street  
Berkeley, CA 94704
- 5) Mark Trainer  
1885 Alcatraz Ave.  
Berkeley, CA 94703
- 6) Shelly Kaller  
2928 Otis St  
Berkeley, CA 94703
- 7) Serena Lim  
2974 Adeline Street  
Berkeley, CA 94703
- 8) Tommaso Sciortino  
Lorin District
- 9) David and Marija Hillis  
2147 Parker Street  
94704
- 10) Jeff Hobson  
2220-F Sacramento Street

94702

- 11) Jeremy Kaller  
2928 Otis St  
Berkeley, CA 94703
- 12) Jodi Levin  
2927 Otis St.  
Berkeley, CA 94703
- 13) Aaron Eckhouse  
94609 (formerly of 94703)
- 14) Jane Scantlebury  
2927B Otis St.  
Berkeley, CA 94703
- 15) Elliott Schwimmer  
1307 Ward St  
Berkeley, CA 94702
- 16) Mira Stein  
1307 Ward St  
Berkeley, CA 94702
- 17) Debra Sanderson  
2962 Russell St.  
Berkeley, Ca 94705
- 18) Duff Reiter  
1931 Parker Street  
Berkeley, CA 94704
- 19) Greg Magofña  
1931 Dwight Way Apt 4  
Berkeley, CA 94704
- 20) John Bidwell  
2334 Valley St.

Berkeley, CA 94702

- 21) Ariella Granett  
1811 Fairview Street  
Berkeley, CA 94703
- 22) Jon Lau  
1827 Ward St.  
Berkeley, CA 94703
- 23) Matthew Lewis  
1637 Stuart St.  
Berkeley, CA 94703
- 24) Shang-Mei Lee  
1501 Blake Street #306  
Berkeley, Ca, 94703
- 25) Marci Eppinger  
1808 Russell St.  
Berkeley, CA 94703
- 26) Cliff Moser  
2705 California St.  
Berkeley, CA 94703
- 27) Jim Koman  
1182 Ocean Ave.  
Oakland, CA 94608
- 28) Abbie Turiansky  
2924 Ellis St.  
Berkeley, CA, 94703
- 29) Blaine Merker  
1624 Acton St.  
Berkeley, CA 94702
- 30) Carol Mancke  
1721 63rd Street

Berkeley CA 94703

- 31) RoseJean Weller  
1531 Russell St. Apt. 28  
Berkeley, CA 94703
- 32) Teresa Clarke  
2930 Otis Street  
94703
- 33) Topher Brennan  
2010 Prince Street  
Unit A  
Berkeley, CA 94703
- 34) Scott Peterson  
2315A Russell St  
Berkeley 94705
- 35) Nathaniel Kane  
3025 Harper St.  
Berkeley, CA 94703
- 36) Jennifer Guitart  
1536 Dwight Way  
Berkeley CA 94703
- 37) Stephanie Allan  
1712 Channing Way  
Berkeley CA 94703
- 38) Andrew Pinost  
1912 Fairview Street  
Berkeley, CA 94703
- 39) Gregory Lemieux  
1113 Channing Way  
Berkeley, CA 94702
- 40) Liz White and Mike Ray  
1915 Carleton Street  
Berkeley, CA, 94704



41) Chris Harrelson and Sara Rahimian  
1614 Spruce St  
Berkeley, CA 94709

42) Pierre Thiry  
1635 Ward Street  
Berkeley CA 94703

43) Charles Siegel  
Bonita Ave.  
Berkeley, CA 94709

44) Heidi Fuchs and Thomas Vilkmann  
3012 Deakin Street, Apt. C  
Berkeley, CA 94705

45) Rebecca Franke  
1338 Stannage Ave.  
Berkeley, CA 94702

46) Devon Lake  
1624 Acton St  
Berkeley, CA 94702

47) Maia Small  
5200

48) Regina Park  
2313 Oregon Street  
Berkeley, Ca 94705

49) A. J. Fox  
3046 Telegraph Ave  
Berkeley, CA 94705

50) Zach Franklin  
2956 California Street  
Berkeley, CA 94703

51) Barry Fike  
1723 Allston Way  
Berkeley, CA 94703



52) David Brown  
3136 Ellis Street  
Berkeley, CA 94703

53) Phyllis Orrick  
1625 Kains Ave.  
Berkeley CA 94702  
Ed



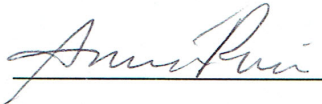


54) Liza Lutzker  
2596 Milvia St.  
Berkeley, CA 94704

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Name	Address	Signature	City Council District
55) Edem Ogbai	4354 Westway Way El Sobrante CA 94803		1
56) Nicole Sullivan	1522 63rd St 94703		3
57) ANDRE RIVERS	APT 206 3132 MLK JR WAY		3
58) Mina Caulfield	3030 Tremont St		3
59) Debrah Matthews	2711 McGee Ave		3

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Name	Address	Signature	City Council District
1) ARIELLA GARRETT	1811 FARVIEW		3
2) Jane Scantlebury	2927 S Otis St		3
3) Bethany Andres-Berk	1640 62nd St		94703
3) Anyana ONE	313 COVE COURT		94578
4) Ida Kulek	1631 Lincoln St		94703

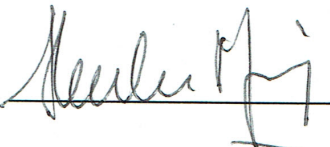
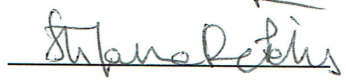
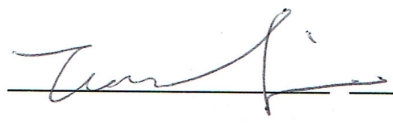
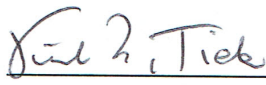
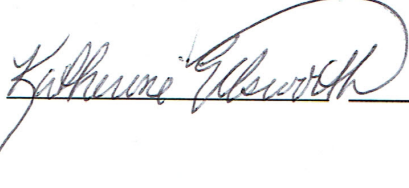


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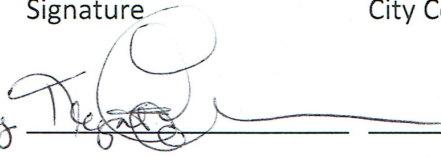
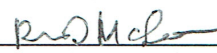
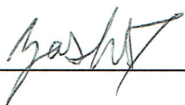
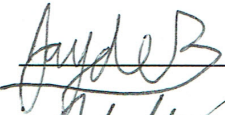
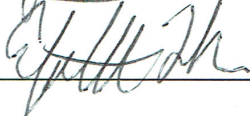
Name	Address	Signature	City Council District
(65) ALEXANDRO DE GIORGI	740 58TH STREET		_____
(66) STEFANIA DE PETRIS	740 58TH STREET		_____
(67) Tonylon	2053 Blake St.		_____
(68) Vincent N. Tietz	6 captain Dr. #438		_____
(69) Katherine Ellsworth	P.O. BOX 2213 Berkeley, CA 94702		_____

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Name	Address	Signature	City Council District
70) <u>Krystal Clemen</u>	<u>1629 Sixth St. #8 Berkeley</u>		_____
71) <u>Fenei Mclan</u>	<u>1614 Alcatraz unit c</u>		_____
72) <u>Zen Spencer-Harris</u>	<u>3300 Kingsland Ave</u>		_____
73) <u>Jayde B...</u>	<u>Oakland</u>		_____
74) <u>Elizabeth Reser</u>	<u>3015 San Pablo Ave</u>		_____

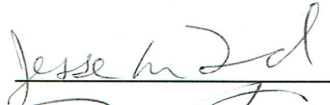


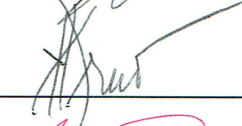
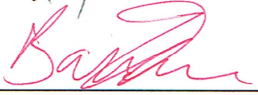


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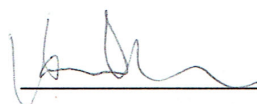



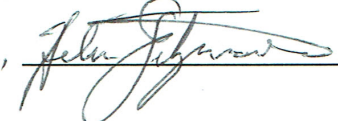
Name	Address	Signature	City Council District
75) Jesse McFarland	1832 63rd St		2
76) Joel Rubenzahl	3159 Lewiston		
77) Elizabeth Diamond	1601 Farview		3
78) Yolanda Adick	3107 Acton St		
79) Barry Tillman	3234 Adeline St		3

**To: City of Berkeley elected officials, commissioners, and staff**  
**RE: Draft Adeline Corridor Plan (PLAN) & Draft Environmental Impact Report (DEIR)**  
 June 2019

We write to express our concerns about the Adeline Corridor Plan and Draft EIR. While we are in general agreement with the main goals of the PLAN, the specific policy proposals for zoning, street width, and affordability will result in less housing than we need and more traffic than we want.

- 1- **WE NEED TO MAXIMIZE HOUSING NEAR TRANSIT:** The Plan and Draft EIR do not include enough new homes in this transit-rich corridor. We are in a housing crisis because our city has not allowed enough homes to be built. We need more housing near transit NOW!
- 2- **WE NEED HOUSING FOR EVERYONE:** The Plan does not commit the City to building low-income housing, nor does it include housing for middle income workers. For low-income families, **South Berkeley deserves at least \$50 million of the Measure O funds** to address the historical racial segregation impacts of red-lining, disinvestment, and displacement in south Berkeley. Middle income workers (teachers, city employees, office and retail workers) also cannot afford to live in Berkeley, but the Plan does not include housing for them either.
- 3- **ENSURE EQUITY AND DIVERSITY:** The Adeline Corridor Plan and Draft EIR needs an **Inclusion Equity & Diversity Impact Report** to disrupt patterns of racial inequity in housing and community development. The plan must weave together metrics and data with implications that impact people of color, long term residents, and small businesses to ensure equity and diversity in South Berkeley.
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Name	Address	Signature	City Council District
80) Valerie Carr	237 Monte Vista Dr		
81) Rebecca Matthews	3112A Ellis St		
82) TODD MATTHEWS	3112 ELLIS		
83) Sharan Patel	3077 Capp St		
84) Helen Fitzmaurice	6245 Baker St, Oakland, CA 94608		

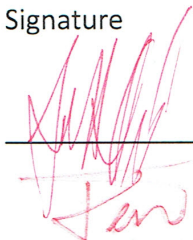



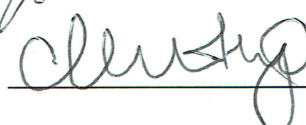


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Name	Address	Signature	City Council District
85) <u>Intete Dishler</u>	<u>1631 Lincoln St, Berkeley 94703</u>		_____
86) <u>Jake Peterson</u>	<u>678 63rd St</u>		_____
87) <u>Nico Calambokidis</u>	<u>1883 San Pedro</u>		_____
88) <u>Justin</u>	_____		<u>S. Berkeley</u>
89) <u>Charlotte Hryse</u>	<u>1166 63rd St Oakland</u>		_____



**Pearson, Alene**


**From:** Pearson, Alene  
**Sent:** Friday, July 19, 2019 8:43 AM  
**To:** Pearson, Alene  
**Cc:** Lapira, Katrina  
**Subject:** Follow-up regarding Adeline Subcommittee materials

Dear Commissioners,

The Communications submitted for the Adeline Subcommittee meetings are provided as links in the online agenda. I recognize this may not be intuitive to the public, so we'll modify this format over the next week. I will also work with Alisa Shen to make sure that handouts and presentations are provided as links in the online agenda and that material are easy to find on the Adeline Corridor website.

Thanks for your patience as we make these changes.

Alene



Planning Commission Adeline Corridor Specific Plan Subcommittee  
**Subcommittee Meeting Announcement and Agenda**  
**Subject: Land Use/Zoning and Affordable Housing – 2<sup>nd</sup> Subcommittee Meeting**

**Date:** Tuesday, June 18, 2019  
**Time:** 7:00 p.m. – 10:00 p.m.  
**Place:** South Berkeley Senior Center  
2939 Ellis Street

Please refrain from wearing scented products to public meetings.

Pursuant to section 54954.3 of the California Government Code, public comment during this special meeting is intended to provide an opportunity for members of the public to directly address the Planning Commission Subcommittee concerning any item that has been described in the notice for the meeting before or during consideration of that item. This limits public comment to only the items listed on this agenda.

Contact person: Alene Pearson, Associate Planner, (510) 981-7489.

The Planning Commission Adeline Corridor Specific Plan Subcommittee consists of four of the nine members: Benjamin Beach, Christine Schlotz, Brad Wiblin, and Rob Wrenn.

- I. PUBLIC QUESTIONS & COMMENTS  
(AGENDA ITEMS ONLY: 3 MINUTES/PERSON OR 5 MINUTES/ORGANIZATION)
- II. SELECT SUBCOMMITTEE CHAIR AND VICE CHAIR
- III. DISCUSS AND PROVIDE FEEDBACK ON LAND USE/ZONING AND AFFORDABLE HOUSING PROPOSALS INTRODUCED IN DRAFT PLAN (CHAPTERS 3 – LAND USE, 4 – HOUSING AFFORDABILITY, 8 –IMPLEMENTATION, APPENDICES A AND C)
- IV. DISCUSS FUTURE MEETING DATES AND TOPICS
- V. COMMUNICATIONS
  - [Submission by Commissioner Rob Wren](#)
- VI. LATE COMMUNICATIONS
  - [Submission by Commissioner Chris Schlotz](#)
  - [Submission by Commissioner Rob Wren \(2<sup>nd</sup>\)](#)
- VII. ADJOURN  
10:00 p.m.

Alene Pearson, Principal Planner  
Secretary to the Planning Commission  
Land Use Planning Division

