



Planning Commission

# AGENDA

## REGULAR MEETING OF THE PLANNING COMMISSION

Click here to view the entire Agenda Packet

**Wednesday, December 2, 2020**

**7:00 PM**

**PUBLIC ADVISORY:** THIS MEETING WILL BE CONDUCTED EXCLUSIVELY THROUGH VIDEOCONFERENCE AND TELECONFERENCE Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, this meeting of the Planning Commission (PC) will be conducted exclusively through teleconference and Zoom videoconference. Please be advised that pursuant to the Executive Order and the Shelter-in-Place Order, and to ensure the health and safety of the public by limiting human contact that could spread the COVID19 virus, there will not be a physical meeting location available.

**To access the meeting remotely:** Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL <https://zoom.us/j/97698036899>. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen.

**To join by phone:** Dial **1 669 900 6833** and enter Meeting ID: **976 9803 6899**. If you wish to comment during the public comment portion of the agenda, Press \*9 and wait to be recognized by the Chair.

Please be mindful that the video conference and teleconference will be recorded. All rules of procedure and decorum that apply for in-person Planning Commission meetings apply for Planning Commission meetings conducted by teleconference or videoconference.

See **"MEETING PROCEDURES"** below.

**All written materials identified on this agenda are available on the Planning Commission webpage:** [https://www.cityofberkeley.info/Clerk/Commissions/Commissions\\_Planning\\_Commission\\_Homepage.aspx](https://www.cityofberkeley.info/Clerk/Commissions/Commissions_Planning_Commission_Homepage.aspx)

### **PRELIMINARY MATTERS**

- 1. Roll Call:** **Wiblin, Brad**, appointed by Councilmember Kesarwani, District 1  
**Martinot, Steve**, appointed by Councilmember Davila, District 2  
**Schildt, Christine**, appointed by Councilmember Bartlett, District 3  
**Lacey, Mary Kay, Vice Chair**, appointed by Councilmember Harrison, District 4  
**Beach, Benjamin**, appointed by Councilmember Hahn, District 5  
**Kapla, Robb, Chair**, appointed by Councilmember Wengraf, District 6

**Krpata, Shane**, 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.
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 **November 18, 2020**.
8. **Future Agenda Items and Other Planning-Related Events:**

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

- |                           |   |
|---------------------------|---|
| <b>9. Action:</b>         | <b>Public Hearing: BART Zoning Standards &amp; EIR Scoping Meeting</b>  |
| <b>Recommendation:</b>    | <i>Review the Notice of Preparation, hold a public hearing, take public comment, and provide comment on the scope and the content of the EIR.</i> |
| <b>Written Materials:</b> | <i>Attached</i>   |
| <b>Presentation:</b>      | <i>N/A</i>  |

**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:**

- Referral to Planning Commission: Redesignation and rezone of five parcels adjacent to the Adeline Corridor Plan Area (adopted by City Council on November 17, 2020)

**Communications:**

- None

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

- Supplemental Packet One – received by noon two days before the meeting
- Supplemental Packet Two – received by 5pm the day before the meeting
- Supplemental Packet Three – received after 5pm the day before the meeting

## **ADJOURNMENT**

### **\*\*\*\* MEETING PROCEDURES \*\*\*\***

#### **Public Testimony Guidelines:**

All persons are welcome to attend the virtual meeting and will be given an opportunity to address the Commission. 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. 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.

#### **Procedures for Correspondence to the Commissioners:**

All persons are welcome to attend the virtual hearing and will be given an opportunity to address the Commission. Comments may be made verbally at the public hearing and/or in writing before the hearing. The Commission may limit the time granted to each speaker.

Written comments must be directed to the Planning Commission Secretary at the Land Use Planning Division (Attn: Planning Commission Secretary), 1947 Center Street, Second Floor, Berkeley CA 94704, or via e-mail to: [apearson@cityofberkeley.info](mailto:apearson@cityofberkeley.info). All materials will be made available via the Planning Commission agenda page online at this address: <https://www.cityofberkeley.info/PC/>.

Correspondence received by **12 noon, nine days** before this public meeting, will be included as a Communication in the agenda packet. Correspondence received after this deadline will be conveyed to the Commission and the public in the following manner:

- Correspondence received by **12 noon two days** before this public meeting, will be included in a Supplemental Packet, which will be posted to the online agenda as a Late Communication and emailed to Commissioners one day before the public meeting.
- Correspondence received by **5pm one day** before this public meeting, will be included in a second Supplemental Packet, which will be posted to the online agenda as a Late Communication and emailed to the Commissioners by 5pm on the day of the public meeting.
- Correspondence received **after 5pm one day** before this public meeting will be saved as part of the public record.

**Note: It will not be possible to submit written comments at the meeting.**

**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.

**Communication Access:** To request a meeting agenda in large print, Braille, or on audiocassette, or to request a sign language interpreter for the meeting, call (510) 981-7410 (voice), or 981-6903 (TDD). Notice of at least five (5) business days will ensure availability.

**Meeting Access:** 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.

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I hereby certify that the agenda for this regular meeting of the Planning Commission 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 **November 25, 2020.**

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Alene Pearson  
Planning Commission Secretary



Planning Commission

1                   **DRAFT MINUTES OF THE SPECIAL PLANNING COMMISSION MEETING**  
 2   **November 18, 2020**

3 The meeting was called to order at 7:04 p.m.

4 **Location:** Virtual meeting via Zoom

5 **1. ROLL CALL:**

6     **Commissioners Present:** Benjamin Beach, Robb Kapla, Shane Krpata, Steve Martinot,  
 7     Mary Kay Lacey, Christine Schildt, Jeff Vincent, Brad Wiblin, and Rob Wrenn.

8     **Commissioners Absent:** None.

9     **Staff Present:** Secretary Alene Pearson, Katrina Lapira, Leslie Mendez, and Chris Jensen.

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

11 **3. PUBLIC COMMENT PERIOD:** 0

12 **4. PLANNING STAFF REPORT:**

- 13
- 14     • City Council – November 17
  - 15         ○ Adopted General Plan amendment to reflect Vehicle Miles Traveled (VMT) in
  - 16             Transportation Policy T-18 per SB 743
  - 17         ○ Adopted a referral requesting redesignation and rezone of 5 parcels adjacent to
  - 18             the Adeline Corridor Plan Area
- 19     • Land Use Planning Positions Available
  - 20         ○ Principal Planner
  - 21         ○ Planning Technician
- 22     • City Council – December 1
  - 23         ○ Parking Reform
- 24     • Berkeley Considers Survey - coming soon
- 25     • Special PC Meeting on December 16

26 **Information Items:**

- 27     • None

28

29 **Communications:**

- 30     • October 22 – Memo from the City Manager
- 31     • October 11 – Staff, Supplemental Information

32 **Late Communications:** *See agenda for links.*

- 33 • Supplemental Packet One
- 34 • Supplemental Packet Two
- 35 • Supplemental Packet Three

36 **5. CHAIR REPORT:**

- 37 • None

38  
39 **6. COMMITTEE REPORT:** Reports by Commission committees or liaisons. In addition to the  
40 items below, additional matters may be reported at the meeting.

- 41  
42 • None

43 **7. APPROVAL OF MINUTES:**

44 Motion/Second/Carried (Vincent/Krpata) to approve the Planning Commission Meeting  
45 Minutes from October 21, 2020 with noted amendments.

46  
47 Ayes: Beach, Kapla, Krpata, Lacey, Martinot, Schildt, Vincent, Wrenn, and Wiblin. Noes: None.  
48 Abstain: None. Absent: None. (9-0-0-0)

49  
50 **FUTURE AGENDA ITEMS AND OTHER PLANNING-**

- 51 • December 2 PC Meeting
  - 52 ○ BART CAG - EIR Scoping Session
  - 53 ○ Research and Development Referral Discussion

54 **AGENDA ITEMS**

55 **9. Discussion:** ***Public Hearing: Bayer Development Agreement Update & SEIR***  
56 ***Scoping Meeting***

57 Staff and the applicant (Bayer) shared information about the update  
58 to the Bayer Development Agreement and the timeline for the SEIR.  
59 After the presentation, staff received comments from both the public  
60 and the commissioners. The deadline to provide public comment on  
61 the Notice of Preparation is December 3, 2020. Please direct all  
62 comments to staff planner, Leslie Mendez, via email at  
63 [lmendez@cityofberkeley.info](mailto:lmendez@cityofberkeley.info).

64

65

66 Motion/Second/Carried (Wrenn/Vincent) to close the public hearing on the Bayer Development  
67 Agreement Update & SEIR Scoping Meeting at 9:35pm.  
68

69 Ayes: Beach, Kapla, Krpata, Lacey, Martinot, Schildt, Vincent, Wrenn, and Wiblin. Noes: None.  
70 Abstain: None. Absent: None. (9-0-0-0)  
71

72 **Public Comments: 11**

73 **10. Discussion:                    *Public Hearing: Demolition Ordinance***

74 Staff shared proposed amendments to BMC Chapter 23C.08  
75 Demolition and Dwelling unit Controls in response to recent changes  
76 in State law. After receiving public comment and providing initial  
77 feedback on proposed amendments, the Planning Commission  
78 continued the public hearing for the Demolition Ordinance. The 4x4  
79 Committee will meet on November 24 to discuss the proposed  
80 amendments and provide feedback to the Planning Commission.

81 **Public Comments: 11**

82 **Members in the public in attendance: 51**

83 **Public Speakers: 20 speakers**

84 **Length of the meeting: 4 hours and 7 minutes**







Planning and Development Department  
Land Use Planning Division

## MEMORANDUM

DATE: December 2, 2020

TO: Members of the Planning Commission

FROM: Alisa Shen, Principal Planner

SUBJECT: Ashby BART Station and North Berkeley BART Station Zoning Standards EIR Scoping Meeting

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### INTRODUCTION

It is anticipated that projects that would be encouraged by the proposed land use changes included in the Ashby BART Station and North Berkeley BART Station Zoning Standards (Project) could result in potentially significant impacts to the environment. A Notice of Preparation of a Draft Environmental Impact Report (NOP) has therefore been issued. The Planning Commission should use this scoping meeting to provide comments on the scope and content of the future Environmental Impact Report (EIR).

### BACKGROUND

The City of Berkeley, in partnership with the Bay Area Rapid Transit District (BART), is currently developing zoning standards for the Ashby BART Station and North Berkeley BART Station that is consistent with Assembly Bill 2923. In September 2018, Governor Jerry Brown signed Assembly Bill 2923, state legislation that affects zoning requirements on existing BART-owned property within 1/2 mile of stations in Alameda, Contra Costa and San Francisco Counties. Cities and counties have until July 1, 2022 to rezone BART's property to conform to the standards established in AB 2923. The current zoning at the Ashby BART Station and North Berkeley BART Station does not comply with AB 2923. Concurrent with the City's rezoning efforts, the California Environmental Quality Act (CEQA) mandates that the potential environmental impacts of these standards must be analyzed and mitigated to the extent feasible.

AB 2923 sets forth specific zoning standards for height, density, parking, and floor area ratio. AB 2923 zoning standards for the Ashby BART Station and North Berkeley BART Station must allow the following:

- Development at a density of 75 units per acre (or higher);
- Development at a height of 7 stories (or higher) and

- Development with a Floor Area Ratio (FAR) of 4.2 (or higher)

In addition, the following parking standards are required:

- No minimum required vehicle parking;
- No more than one vehicle parking space per unit is permitted;
- A minimum of one bicycle parking space per unit.

The City of Berkeley is working closely with BART to develop zoning and site planning parameters that meet the requirements of AB 2923, the goals of the City and the community, and the goals of BART as the property owner. The City and BART have agreed upon a [Memorandum of Understanding \(MOU\)](#)<sup>1</sup> that establishes a framework for development of the Ashby and North Berkeley BART stations.

As part of this planning process, the City Council has created a Community Advisory Group (CAG) to provide input to the City Planning Commission. Building on the community work done for the Adeline Corridor Specific Plan and the North Berkeley BART Development Goals and Objectives document, the CAG has had four meetings to-date to understand baseline conditions, State law requirements, gather feedback and set priorities for the preparation of zoning standards and site planning parameters. Additionally, a community meeting for the general public was held in August to introduce this preliminary planning phase to develop zoning and other development parameters; additional community-wide engagement is planned in January 2021.<sup>2</sup>

The Planning and Development Department has hired Rincon Consultants to prepare the CEQA analysis. The NOP for this meeting, which was released to the public on November 20, 2020, began a 30-day review period which will end on December 20, 2020.

## DISCUSSION

The purpose of this scoping meeting is to collect comments from the Planning Commission and the public on the scope and content of the EIR. These comments, along with the comments collected through the NOP review period, will be considered in the preparation of the EIR. The result of the EIR analysis will inform the zoning changes and the recommendations submitted to the City Council for adoption.

The Project being analyzed is the proposed zoning for the Ashby and North Berkeley BART stations, not a specific development project. The Project Description in the NOP includes a set of conservative parameters for the type of development that could occur with the Project zoning (Attachment 1). These parameters are presented to provide a

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<sup>1</sup> [https://www.cityofberkeley.info/Clerk/City\\_Council/2019/12\\_Dec/Documents/2019-12-10\\_Item\\_31\\_Approval\\_of\\_a\\_Memorandum.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2019/12_Dec/Documents/2019-12-10_Item_31_Approval_of_a_Memorandum.aspx)

<sup>2</sup> More information about the planning process for the Ashby and North Berkeley BART stations is available online at: [www.cityofberkeley.info/bartplanning](http://www.cityofberkeley.info/bartplanning)

reasonable maximum project size for the purposes of disclosing, analyzing and mitigating potential environmental effects.

The EIR prepared pursuant to this NOP will provide a more detailed Project Description, based upon the continued work of staff, the CAG and the broader community on the zoning standards, and will comply with the requirements of the CEQA statute and *Guidelines* for the preparation of a Project Description in an EIR. Additionally, any future project proposed on either BART station site would be required to undergo its own project-specific environmental review under CEQA.

Below is the estimated timeline for the CEQA review and consideration of zoning changes:

<b>Description</b>	<b>Timing</b>	<b>Public Review Process</b>
Release of Notice of Preparation (NOP)	November 20, 2020	
30-day NOP Comment Period	November 20 - December 20, 2020	Scoping Meeting at 12/2/20 Planning Commission
Draft EIR released for 45-day review and comment period	May 2021	Planning Commission Public Hearing on the Draft EIR
Final EIR and Final Zoning Ordinance released	Autumn 2021	Planning Commission recommendation; City Council action

**STAFF RECOMMENDATION**

The Planning Commission should review the attached NOP and provide comments on the scope and content of the EIR. Additional written comments can be submitted to staff until December 20, 2020.

**ATTACHMENTS**

1. Notice of Preparation of a Draft Environmental Impact Report (EIR)
2. Public Hearing Notice





Planning and Development Department  
Land Use Planning Division

## NOTICE OF PREPARATION (NOP) OF A DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE PROPOSED ASHBY BART STATION AND NORTH BERKELEY BART STATION TRANSIT-ORIENTED DEVELOPMENT ZONING STANDARDS

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The City of Berkeley is preparing a Draft Environmental Impact Report (EIR) for the Ashby BART Station and North Berkeley BART Station Transit-Oriented Development (TOD) Zoning Standards Project (“the Project”), and is requesting comments on the scope and content of the Draft EIR. The Draft EIR will address the potential physical and environmental effects of the Project for each of the environmental topics outlined in the California Environmental Quality Act (CEQA).

The City of Berkeley is the Lead Agency for the Project. This notice is being sent to the California State Clearinghouse, Alameda County Clerk, adjacent cities, and other interested parties. When the Draft EIR is published, a Notice of Availability of a Draft EIR will be sent to Responsible Agencies, other public agencies, and interested parties and individuals who have indicated that they would like to review the Draft EIR.

Responses to this Notice of Preparation (NOP) and any questions or comments should be directed in writing to: *Alisa Shen, Principal Planner, Planning and Development Department, 1947 Center Street, 2nd Floor, Berkeley, CA 94704; or [ashen@cityofberkeley.info](mailto:ashen@cityofberkeley.info)*. Comments on the NOP must be received **on or before December 20, 2020**. In addition, comments may be provided at the EIR Scoping Meeting (see below). Comments should focus on: possible impacts on the physical environment; ways in which potential adverse effects might be minimized, mitigated or avoided; and alternatives to the proposed project.

**EIR PUBLIC SCOPING MEETING:** The City of Berkeley will conduct a public scoping session on **December 2, 2020** as part of a regularly scheduled Planning Commission meeting. The meeting will start at **7:00 PM** and be held via video and teleconference only. Interested parties should check the Planning Commission website for information on how to join the meeting and to confirm the meeting date, time, and agenda: [https://www.cityofberkeley.info/Clerk/Commissions/Commissions\\_Planning\\_Commission\\_Homepage.aspx](https://www.cityofberkeley.info/Clerk/Commissions/Commissions_Planning_Commission_Homepage.aspx)

**PROJECT TITLE:** Ashby BART Station and North Berkeley BART Station Transit-Oriented Development Zoning Standards Project

**PROJECT LOCATION:** The project location consists of the Ashby BART Station site and the North Berkeley BART Station site.

The Ashby BART station site consists of two parcels: a 4.4-acre parcel that makes up the block surrounded by Adeline Street, Ashby Avenue and Martin Luther King Jr Way, which includes the station building and surface parking; and a 1.9-acre surface parking lot located on the north side of Tremont Street on the block surrounded by Woolsey Street, Tremont Street, Adeline Street and Essex Street in south Berkeley (see Figure 1). The Ed Roberts Campus is located between the two parcels.

The North Berkeley BART Station site includes an 8.1 acre property currently occupied by the station entrance building, surface parking, and a BART operations building, on the block surrounded by Sacramento Street, Delaware Street, Acton Street and Virginia Street in north Berkeley. The Station site also includes three auxiliary lots, located north and west of the 8.1-acre property along the Ohlone Greenway: a 0.75 acre surface parking lot at the northwest corner of the intersection of Acton and Virginia Streets; an 0.44 acre surface parking lot located on the west side of Franklin Street between Virginia and Cedar Streets; and an 0.64 acre parcel currently occupied by the Peralta and Northside Community Gardens located between Peralta and Northside Avenues (see Figure 2).

**PROJECT SPONSOR:** City of Berkeley

**EXISTING CONDITIONS:** The project sites consist of two regional transit stations (the Ashby BART Station and North Berkeley BART Station). Both BART stations are located in urbanized areas and are generally surrounded by residential and mixed use development.

The Ashby BART station west parking lot is currently zoned South Area Commercial (C-SA). The 1.9 acre east parking lot located east of the Ed Roberts campus is zoned Multiple Family Residential (R-3).

The North Berkeley BART station is current zoned Unclassified (U) and the three auxiliary parking lots are zoned Single Family Residential (R-1) and Restricted Two-family Residential (R-2A).

**PROJECT DESCRIPTION and BACKGROUND:** California Assembly Bill (AB) 2923, passed in 2018, requires the adoption of TOD zoning standards for BART-owned properties within ½-mile of station entrances in Alameda, Contra Costa and San Francisco counties that establish specific local zoning requirements for height, density, parking, and floor area ratio. The Project includes development of standards that comply with AB 2923 and are guided by additional City policy priorities related to affordable housing, an overall emphasis on social equity, and development without displacement. In 2020, the City of Berkeley began a community planning process to develop zoning/site planning scenarios for the Ashby and North Berkeley BART stations to refine into final zoning standards that comply with AB 2923.

According to AB 2923, zoning standards developed for the Ashby and North Berkeley BART stations must allow the following:

- Development at a density of 75 units per acre (or higher);
- Development at a height of 7 stories (or higher) and
- Development with a Floor Area Ratio (FAR) of 4.2 (or higher)

In addition, the following parking standards are required:

- No minimum required vehicle parking;
- No more than one vehicle parking space per unit is permitted;
- A minimum of one bicycle parking space per unit.

The proposed Project involves updating the City's zoning standards at the station sites to comply with AB 2923. The zoning at the Ashby and North Berkeley BART stations will primarily permit housing, but will also likely permit other non-residential uses such as retail, community-serving uses and civic spaces. The proposed Project would also constitute an update to the General Plan and potentially require changes to the Adeline Corridor Specific Plan (if adopted prior to the adoption of the BART TOD zoning). The proposed Project does not involve any specific development projects, but rather consists of land use and policy changes that could encourage new development.

The AB 2923 assumptions outlined above will be used to analyze potential environmental impacts of development that could be encouraged by the land use regulation changes in the proposed Project. At the Ashby BART station, the EIR will evaluate the impact of up to 1,200 dwelling units and 50,000 square feet of non-residential space that would be constructed, distributed between the 4.4 acre station site and the 1.9 acre surface parking lot east of the Ed Roberts campus. At the North Berkeley BART station, the EIR will evaluate the impact of up to 1,200 dwelling units, as well as 25,000 square feet of non-residential space, located on the main 8.1 acre station site. The three auxiliary lots located northwest of the station along the Ohlone Greenway are not anticipated to include any new development. Per the Memorandum of Understanding (MOU) between BART and the City of Berkeley, and due to their location directly above the underground BART right of way, it is anticipated that these lots would include only surface infrastructure enhancements.

These buildout assumptions are based on a reasonable maximum building envelope, taking into account the AB 2923 requirements, state and local land use regulations and other constraints of the sites. Any future development project proposed pursuant to these land use changes would be subject to its own project-level environmental analysis under CEQA.

**POTENTIAL ENVIRONMENTAL EFFECTS:** The proposed project may result in potentially significant environmental effects to the following: Air Quality, Cultural and Tribal Cultural Resources, Energy, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, Land Use and Planning, Population and Housing, Public Services and Recreation, Transportation, and Utilities and Service Systems. All of these environmental factors will be analyzed in depth in the Draft EIR. Other issue areas, including Aesthetics, Agriculture and Forestry Resources, Biological Resources, Geology and Soils, Mineral Resources, and Wildfire, are anticipated to have no impacts or less than significant impacts.

The Draft EIR will also examine a reasonable range of alternatives to the proposed project, including the CEQA-mandated No Project Alternative and other potential alternatives that may be capable of reducing or avoiding potential environmental effects while generally meeting the Plan objectives.

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Alisa Shen, Principal Planner

Date of Distribution: November 20, 2020

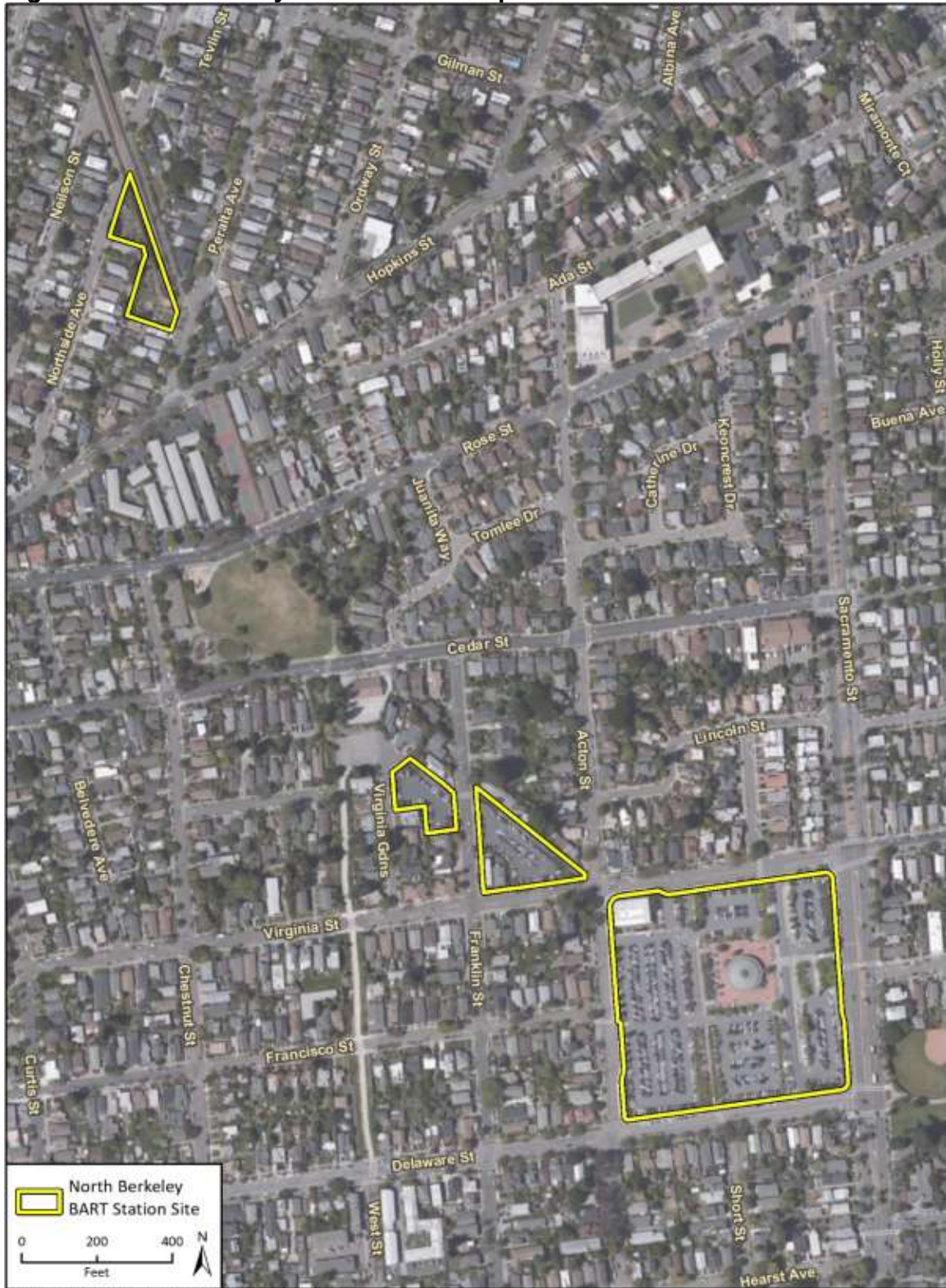
Attachments: Figure 1: Ashby BART Station Map  
Figure 2: North Berkeley BART Map



Figure 1 Ashby BART Station Map



Figure 2 North Berkeley BART Station Map





**PUBLIC HEARING NOTICE  
and  
NOTICE OF PREPARATION  
Of an Environmental Impact Report  
City of Berkeley North Berkeley and Ashby BART Stations Transit-Oriented  
Development (TOD) Zoning Standards Project**

As the Lead Agency overseeing this Project's environmental review, the City of Berkeley is soliciting comments on the scope and content of the EIR for the proposed project described below.

California Assembly Bill (AB) 2923, passed in 2018, requires the adoption of transit-oriented development (TOD) zoning standards for each BART station, establishing local zoning requirements for height, density, parking, and floor area ratio. The Project includes development of standards that comply with AB 2923 and are guided by additional City and BART policy priorities related to affordable housing, an overall emphasis on social equity, and development without displacement.

AB 2923 requires that zoning standards developed for the North Berkeley and Ashby BART stations must allow the following:

- Development at a density of 75 units per acre (or higher);
- Development at a height of 7 stories (or higher); and
- Development with a Floor Area Ratio (FAR) of 4.2 (or higher).

In addition, the following parking standards are required: no minimum required vehicle parking; no more than one vehicle parking space per unit is permitted; and a minimum of one bicycle parking space per unit.

These zoning standards would require an update to the General Plan and potential changes to the Adeline Corridor Specific Plan (if adopted prior to the adoption of the BART TOD zoning). The new zoning at the North Berkeley and Ashby BART stations would primarily permit housing development, but will also likely permit other uses such as retail, community-serving uses and civic spaces.

**NOTICE OF PREPARATION:** The City released the Notice of Preparation (NOP) for the EIR and the scoping meeting for the proposed Project on November 20, 2020. The NOP can be found at [https://www.cityofberkeley.info/uploadedFiles/Planning\\_and\\_Development/Level\\_3\\_-\\_Land\\_Use\\_Division/2020-12-02-Item\\_X-BART\\_Att\\_1\\_NOP.pdf](https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Land_Use_Division/2020-12-02-Item_X-BART_Att_1_NOP.pdf)

**SCOPING MEETING:** A Scoping Meeting will be held by the Planning Commission on **December 2, 2020, at 7:00 PM. The hearing will be conducted via Zoom** – see the Agenda for details, which will be posted no later than 5:00 PM on Wednesday, November 25, 2020: ([https://www.cityofberkeley.info/Clerk/Commissions/Commissions/Planning\\_Commission\\_Homepage.aspx](https://www.cityofberkeley.info/Clerk/Commissions/Commissions/Planning_Commission_Homepage.aspx)).

**PROJECT LOCATION:** The project location consists of the Ashby BART Station site and the North Berkeley BART Station site. The Ashby BART Station site consists of two parcels: a 4.4-acre parcel that makes up the block surrounded by Adeline Street, Ashby Avenue and Martin Luther King Jr Way; and a 1.9-acre surface parking lot located on the north side of Tremont Street on the block surrounded by Woolsey Street, Tremont Street, Adeline Street and Essex Street in south Berkeley (see Figure 1).

The North Berkeley BART Station site includes an 8.1 acre property on the block surrounded by Sacramento Street, Delaware Street, Acton Street and Virginia Street. The site also includes three auxiliary parking lots, located north and west of the 8.1-acre property along the Ohlone Greenway: a 0.75 acre surface parking lot at the northwest corner of the intersection of Acton and Virginia Streets; an 0.44 acre surface parking lot located on the west side of Franklin Street between Virginia and Cedar Streets; and an 0.64 acre parcel located between Peralta and Northside Avenues (see Figure 2).

**Fig. 1: Ashby BART Station Site**



**Fig. 2: North Berkeley BART Station Site**



**SCOPING COMMENTS:** Members of the public and public agencies are invited to provide comments in writing as to the scope and content of the EIR. The NOP release date is on November 20, 2020, and the comment ends on **December 20, 2020**. Please mail your comments to Alisa Shen, Principal Planner, Planning and Development Department, 1947 Center Street, 2nd Floor, Berkeley, California 94704; or send via email to [ashen@cityofberkeley.info](mailto:ashen@cityofberkeley.info).

**PUBLIC ADVISORY:** This scoping meeting will be conducted exclusively through videoconference and teleconference. Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, and the Shelter-in-Place Order, and to ensure the health and safety of the public by limiting human contact that could spread the COVID-19 virus, there will not be a physical meeting location available.



Office of the City Manager

CONSENT CALENDAR  
November 17, 2020

To: Honorable Mayor and Members of the City Council  
From: Dee Williams-Ridley, City Manager  
Submitted by: Jordan Klein, Interim Director, Planning and Development Department  
Subject: Refer to the Planning Commission to Amend the General Plan Land Use Classification and Rezone Parcels Located at 1709 Alcatraz Street, 3404 King Street, 3244 Ellis Street, 1717 Alcatraz Avenue and 2024 Ashby Avenue

RECOMMENDATION

Refer to the Planning Commission consideration that the parcels located at 1709 Alcatraz Street (APN 052-1533-001-03), 3404 King Street (APN 052-1435-001-02), 3244 Ellis Street (APN 052-1533-005-00), 1717 Alcatraz Avenue (APN 052-1533-005-00) and 2024 Ashby Avenue (APN 053-1592-022-00) be reclassified to the new Adeline Corridor Mixed Use General Plan Land Use Classification; and consideration that the same areas be rezoned to the new Commercial – Adeline Corridor District.

FISCAL IMPACTS OF RECOMMENDATION

There are no direct fiscal impacts to the City of Berkeley by considering the proposed General Plan redesignation and rezoning.

CURRENT SITUATION AND ITS EFFECTS

Later this year the City Council will be presented with the proposed Adeline Corridor Specific Plan and associated General Plan and zoning amendments, which would apply the new Adeline Corridor Mixed Use General Plan land use classification and Commercial – Adeline Corridor District zoning to all the parcels within the Specific Plan boundary. The new Adeline Corridor Mixed Use General Plan Land Use Classification is designed to incentivize more affordable housing through providing streamlined approval and incrementally more density, height and floor-area ratio, in return for specified amounts of on-site affordable housing units. The new C-AC zoning permits uses that align with Plan Area vision and goals. The Plan Area for the Adeline Corridor Specific Plan does not include the parcels described in this staff report, so subsequent to the plan adoption and General Plan and zoning amendments, these parcels will retain their existing designations. Staff is recommending that the City Council refer to the Planning Commission consideration that the five parcels shown in Table 1 (below) be reclassified to the Adeline Corridor Mixed Use General Plan land use classification, and

consideration that these same parcels be rezoned to the Commercial – Adeline Corridor (C-AC) District. See Attachment A for a map of the parcels proposed for amendments.

	<u>Existing General Plan</u>	<u>Existing Zoning</u>
1. 1709 Alcatraz Street (APN 052-1533-001-03)	Avenue Commercial and Medium Residential	R-2A and Commercial – South Area (C-SA)
2. 3404 King Street (APN 052-1435-001-02)	Medium Density Residential	R-2A Restricted Multiple-Family Residential District
3. 3244 Ellis Street (APN 052-1533-005-00)	Neighborhood Commercial	Commercial – South Area (C-SA)
4. 1717 Alcatraz Avenue (APN 052-1533-005-00)	Neighborhood Commercial	Commercial – South Area (C-SA)
5. 2024 Ashby Avenue (APN 053-1592-022-00)	Avenue Commercial	Commercial – South Area (C-SA)

**BACKGROUND**

At the February 1, 2020 meeting of the Planning Commission Subcommittee for the Adeline Corridor Specific Plan, Subcommittee members heard public comment requesting specific expansions to the Plan Area boundary to include two parcels located at 3404 King Street and 1709 Alcatraz Avenue:

- The parcel located at 1709 Alcatraz Avenue is approximately one acre and is owned by the Ephesian Church of God in Christ. It is located at the northern corner of King Street and Alcatraz Avenue, near the Adeline Corridor Specific Plan Area boundary. Current uses on the parcel include the Ephesian Church building, surface parking, and a vacant building. The parcel is currently has two different General Plan and zoning designations: Medium Density General Plan Restricted Multiple-Family Residential District (R-2A), and Avenue Commercial General Plan South Area Commercial District (C-SA). The Ephesian Church has indicated that it is interested in redeveloping 0.52-acres of the site with a 100% affordable senior housing project along King, Harmon, and Ellis Streets.
- The parcel located at 3404 King Street is a 0.1 acre parcel owned by Fred Finch Youth and Family Services. It is adjacent to, but outside of, the Adeline Corridor Specific Plan Area boundary. It currently is classified as Medium Density

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Residential in the General Plan and is in the R-2A Restricted Multiple-Family Residential District. The current use on the parcel is “Turning Point,” a temporary, transitional housing program designed to assist homeless youth age 18-25 to obtain and maintain independent permanent housing. The Berkeley Municipal Code (BMC) defines “transitional housing” as a type of Group Living Accommodation (GLA), which are not allowed to operate in the R-2A District. However, this property was granted a Use Permit (UP) with a Variance in 1978 to allow for a transitional home serving 12 youth. Amending the General Plan classification and rezoning the parcel from R-2A to the proposed C-AC zoning which would allow the current GLA uses and any potential future expansion/modification of the current use, with a Use Permit (with a public hearing).

Since the Adeline Corridor Specific planning process has been underway since 2015, and the Plan and the Environmental Impact Report (EIR) were prepared based on the current Plan Area boundary, staff recommends that these General Plan and zoning map amendments be considered separately from the approval process of the Adeline Corridor Specific Plan and associated General Plan, zoning and environmental review documents. At its meeting on September 30, 2020 the Planning Commission voted to recommend adoption of the Adeline Corridor Specific Plan and associated documents to the City Council.

In addition to the two parcels described above, staff has also included three other parcels to be considered for amendment of their General Plan Land Use Classification and zoning:

- The parcel located at 3244 Ellis Street is approximately 0.1 acres and its current use is a 6-unit apartment complex.
- The parcel located at 1717 Alcatraz Avenue is approximately 0.1 acres and current uses include a mixed-use building.
- The parcel located at 2024 Ashby Avenue is approximately 0.07 acres and its current use is a parking lot for St. Paul’s A.M.E. church, which is located on the adjacent parcel to the west (APN 053-1592-022-00). St. Paul’s A.M.E. church owns both parcels. The parcel on which the church is located is within the Adeline Specific Plan Area boundary, and is proposed through that Plan to have its General Plan and zoning changed to the Adeline Corridor Mixed Use General Plan land use classification, and rezoned to the C-AC District.

#### ENVIRONMENTAL SUSTAINABILITY

There are no direct environmental opportunities from these proposed actions. These parcels are located near or on a major transit corridor (Adeline Street) and within walking distance of the Ashby BART station. Future development proposed for some of these parcels would bring more transit oriented and affordable housing to the area.

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#### RATIONALE FOR RECOMMENDATION

The new Adeline Corridor Mixed Use General Plan Land Use Classification and C-AC zoning is designed to incentivize more affordable housing through providing streamlined approval and incrementally more density, height and floor-area ratio, in return for specified amounts of on-site affordable housing units.

Amending the General Plan and zoning for the parcel located at 1709 Alcatraz Street would facilitate the development of affordable housing and support the Ephesian Church, a longstanding institution of South Berkeley's African American community, which is consistent with the goals of the Adeline Corridor Specific Plan.

Amending the General Plan and zoning for the parcel located at 3404 King Street would allow for the potential change or expansion of the current use through the granting of a Use Permit (with a public hearing), which would be consistent with the goals of the Adeline Corridor Specific Plan.

Amending the General Plan and zoning of the two parcels located at 3244 Ellis Street and 1717 Alcatraz Avenue to the new Adeline Corridor Mixed Use General Plan Land Use Classification and C-AC zoning would ensure that there would not be two parcels classified as Avenue Commercial (General Plan) and zoned Commercial – South Area (C-SA) sandwiched between parcels that have the Adeline Corridor Mixed Use General Plan land use classification and C-AC District zoning. Existing uses on these two parcels, including a mixed-use building and a six-unit apartment complex, respectively, would not be affected by the change from C-SA to C-AC zoning.

Amending the General Plan and zoning of 2024 Ashby Avenue would facilitate the development of affordable housing and support St. Paul's A.M.E. Church, a longstanding institution of South Berkeley's African American community, which is consistent with the goals of the Adeline Corridor Specific Plan.

#### ALTERNATIVE ACTIONS CONSIDERED

The Council may choose not to refer this item to the Planning Commission.

#### CONTACT PERSON

Alisa Shen, Principal Planner, Planning and Development Department, 510-981-7409.

Attachments:

1: Parcels Proposed for General Plan and Zoning Map Amendments



**Attachment 1: Parcels Proposed for General Plan and Zoning Map Amendments**

