



Planning Commission

AGENDA

REGULAR MEETING OF THE PLANNING COMMISSION

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Wednesday, JANUARY 6, 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/95996462863>. 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: **959 9646 2863**. If you wish to comment during the public comment portion of the agenda, press *9 and wait to be recognized by the Chair. To unmute/mute, press *6.

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
Vincent, Jeff, appointed by Councilmember Taplin, 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

Hauser, Savlan, appointed by Councilmember Droste, District 8
Ghosh, Barnali, 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 **December 16, 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.

9. **Action:** **Public Hearing – Tentative Tract Map #8573**
Recommendation: Hold a public hearing to consider Tentative Map #85373 pursuant to BMC Section 21.16.047
Written Materials: Attached
Presentation: N/A
10. **Action:** **Parking Reform Item**
Recommendation: Discuss parking reform item before City Council and consider electing speaker or approving a memorandum from the Commission
Written Materials: Attached
Presentation: N/A
11. **Action:** **Work Plan Background and Subcommittee Formation**
Recommendation: Review and discuss materials and consider establishing a subcommittee to develop work plan
Written Materials: Attached
Presentation: N/A
12. **Action:** **Gentrification and Displacement Referral Background and Subcommittee Formation**
Recommendation: Discuss referral, January 20th concurrent meeting with the HAC and consider establishing a subcommittee to work on this referral.
Written Materials: Attached
Presentation: N/A

- 13. Action:** **2021 Nominations for February Election**
Recommendation: *Nominate Commissioners for Chair and Vice Chair*
Written Materials: *N/A*
Presentation: *N/A*

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

Information Items:

- None

Communications:

- None

Late Communications: (Received after the packet deadline):

- Supplemental Packet One – received by noon two days before the meeting
- Supplemental Packet Two
- Supplemental Packet Three

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. All materials will be made available via the Planning Commission agenda page online at this address: <https://www.cityofberkeley.info/PC/>.

Correspondence received by **5pm on December 22, 2020**, 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.

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.

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 **December 22, 2020**.

Alene Pearson
Planning Commission Secretary



Planning Commission

1 **DRAFT MINUTES OF THE SPECIAL PLANNING COMMISSION MEETING**
2 **December 16, 2020**

3 The meeting was called to order at 7:02 p.m.

4 **Location:** Virtual meeting via Zoom

5 **1. ROLL CALL:**

6 **Commissioners Present:** Benjamin Beach, Barnali Ghosh, Savlan Hauser, Robb Kapla,
7 Shane Krpata, Mary Kay Lacey, Christine Schildt, Jeff Vincent, and Brad Wiblin.

8 **Commissioners Absent:** None.

9 **Staff Present:** Secretary Alene Pearson, Katrina Lapira, Justin Horner, Jordan Klein, Liz
10 Redman Cleveland and Alisa Shen.

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

12 **3. PUBLIC COMMENT PERIOD:** 1

13 **4. PLANNING STAFF REPORT:**

- 14 • City Council
- 15 ○ January 26 – Parking Reform (4pm)
- 16 ○ February 9 – Home Occupations Ordinance
- 17 • Land Use Planning received Local Early Action Planning (LEAP) that will be used to fund
- 18 consultant help on the Sixth Cycle Housing Element Update. RFP available on COB
- 19 website. Proposals due on January 12, 2021.
- 20

21 **Information Items:**

- 22 • Referral to Planning Commission: Re-designation and rezone of five parcels adjacent to
- 23 the Adeline Corridor Plan Area (adopted by City Council on November 17, 2020)
- 24

25 **Communications:**

- 26 • None

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

- 28 • Supplemental Packet One
- 29 • Supplemental Packet Two
- 30 • Supplemental Packet Three

31 **5. CHAIR REPORT:**

- 32 • Welcome new Planning Commissioners!
33 ○ Barnali Ghosh
34 ○ Savlan Hauser
35

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

- 38
39 • CAG Meeting on December 14 – Discussed and received feedback on various concepts
40 including built form, site design, and the overall vision for both BART sites

41 **7. APPROVAL OF MINUTES:**

42 Motion/Second/Carried (Wiblin/Lacey) to amend Line 56 and approve the Planning
43 Commission Meeting Minutes from December 16, 2020.

44
45 Ayes: Beach, Hauser, Kapla, Krpata, Lacey, Schildt, Vincent, and Wiblin. Noes: None. Abstain:
46 Ghosh. Absent: None. (8-0-1-0)

47
48 **8. FUTURE AGENDA ITEMS AND OTHER PLANNING-**

- 49 • January 6
50 ○ Background on Gentrification and Displacement Referral
51 ○ Discussion of Parking Reform Item Recommendation
52 • January 20 – Special Concurrent Meeting with Housing Advisory Commission (HAC) to
53 address Gentrification and Gentrification Referral

54 **AGENDA ITEMS**

55 **9. Action:** *Public Hearing to Recommend Adoption of the Baseline Zoning*
56 *Ordinance (BZO)*

57 Staff shared the draft Baseline Zoning Ordinance (BZO), noting edits
58 made since Planning Commission's last review that address
59 Commission and public feedback, responses to Commissioners'
60 questions, and a summary of outreach efforts.

61 **Public Comments:** 4

62 Motion/Second/Carried (Vincent/ Krpata) to close the public hearing on the BZO at 8:06pm.
63 Ayes: Beach, Hauser, Kapla, Krpata, Lacey, Martinot, Schildt, Vincent, and Wiblin. Noes:
64 None. Abstain: Ghosh. Absent: None. (8-0-1-0)
65

66

67 Motion/Second/Carried (Vincent/ Wiblin) to recommend that the City Council adopt the draft
68 BZO after incorporating Zoning Ordinance amendments adopted by City Council between
69 Planning Commission's action and City Council's action and sharing with the Chair for
70 confirmation.

71
72 Ayes: Beach, Hauser, Kapla, Krpata, Lacey, Schildt, Vincent, and Wiblin. Noes: None. Abstain:
73 Ghosh. Absent: None. (8-0-1-0)
74

75 **10. Discussion:** ***Business Support Zoning Amendment Referrals – Research and***
76 ***Development***

77 Staff shared background information, research, and
78 recommendations to address the City Council referral regarding the
79 modification of the Research and Development (R&D) definition.
80 After the presentation, the Commission asked questions and
81 provided comment on protected uses, ancillary office space, and
82 specifics related R&D jobs and high technology.

83 **Public Comments: 3**

84 **11. Discussion:** ***Adeline Corridor Plan Adoption***

85 The Planning Commission discussed and received public comment
86 on the adoption of the Adeline Corridor Plan.

87 **Public Comments: 4**

89 **12. Action:** ***2021 Meeting Schedule***

90 The Planning Commission reviewed the 2021 meeting schedule.

91 Motion/Second/Carried (Kapla/ Vincent) to adopt the following 2021 Planning Commission
92 schedule:

93
94 Wednesday, January 6, 2021

95 Wednesday, January 20, 2021 – Special Concurrent meeting with HAC

96 Wednesday, February 3, 2021

97 Wednesday, March 3, 2021

98 Wednesday, April 7, 2021

99 Wednesday, May 5, 2021

100 Wednesday, June 2, 2021

101 Wednesday, July 7, 2021

102 Wednesday, September 1, 2021

103 Wednesday, October 6, 2021

104 Wednesday, November 3, 2021

105 Wednesday, December 1, 2021

106
107
108

Ayes: Beach, Ghosh, Hauser, Kapla, Krpata, Lacey, Schildt, Vincent, and Wiblin. Noes: None.
Abstain: None. Absent: None. (9-0-0-0)

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Motion/Second/Carried (Krpata/ Lacey) to adjourn the Planning Commission meeting at 10:43pm.

Ayes: Beach, Ghosh, Hauser, Krpata, Lacey, Schildt, Vincent, and Wiblin. Noes: None.
Abstain: Kapla. Absent: None (8-0-1-0)

115

116

Public Comments: 0

117

Members in the public in attendance: 28

118

Public Speakers: 11 speakers

119

Length of the meeting: 3 hours and 41 minutes

DRAFT



Planning and Development Department
Land Use Planning Division

STAFF REPORT

DATE: January 6, 2021
TO: Members of the Planning Commission
FROM: Jim Frank, Associate Planner
SUBJECT: Public Hearing: Tentative Map #8573 for 2628 Shattuck Avenue

RECOMMENDATION:

Hold a Public Hearing and recommend that the City Council approve Tentative Map #8573 pursuant to Berkeley Municipal Code (BMC) Section 21.16.047 [Planning Commission Action], subject to the attached Findings and Conditions (*see Attachment 1*) and consistent with Berkeley's Tentative Maps Ordinance (BMC 21.16), the Subdivision Map Act (Government Code Section 66410), and the General Plan.

BACKGROUND

The project at 2628 Shattuck Avenue involves a Tentative Map to allow condominium ownership in a project with 78 dwelling units and three ground floor commercial units (*see Attachments 2 and 3*). The project is currently under construction pursuant to a Use Permit approved by the Zoning Adjustments Board in 2019¹. None of the units have previously been rented, so this is not considered a condominium conversion. The recording of the subdivision map entitles the developer to sell individual units and/or rent some or all of the units by retaining ownership themselves.

I. Application Basics

A. Chronology of Subdivision Application:

July 30, 2020	Map Application submitted.
November 20, 2020	Map Application considered complete.
January 6, 2021	Planning Commission Public Hearing
January 20, 2021	Subdivision Map Act deadline (50 days from complete).

¹ The Use Permit can be accessed here:
https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Land_Use_Division/2019-02-13_UP_2628%20Shattuck.pdfw

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: Morgan Read/Read Investments
Property Owner: K&M South Berkeley, LLC

II. Project Description

On January 24, 2019 The Zoning Adjustments Board (ZAB) found the project at 2628 Shattuck Avenue consistent with the 2002 General Plan, and the goals and policies of the South Area Commercial (C-SA) District. ZAB granted Use Permit #ZP2018-0050 to construct one, six-story, mixed-use building with three ground floor commercial tenant spaces. The above ground floor five stories contain a total of 78 dwelling units. The project did not apply for a density bonus and is compliant with the inclusionary housing ordinance by paying an in-lieu fee of \$2,720,952.00, \$34,884 per unit, in September of 2019.

III. Analysis**A. Subdivision Map Act Consistency:**

The Public Works Department has reviewed the form and content of the Tentative 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 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. 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. The density of the project 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 January 24, 2019. Therefore, Staff does not believe that 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 on January 24, 2019. This included a review 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

The project includes the development of five or more units, therefore 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. At the time of building permit issuance in September of 2019, the applicant paid an in-lieu fee of \$2,720,952.00, or \$34,884 per unit, in anticipation of this being a rental project. At the time of future sale of condominium units, the City may reassess whether fees are due under the Condominium Co. Upon the sale of condo units the City will reassess fees paid and fees due.

IV. Public Notice/Comment

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

- Published in the Berkeley Voice on December 25, 2020; and
- Posted at the subject property by December 25, 2020; and
- Mailed to the applicant and owner of the subject property, and to owners and occupants of properties abutting and confronting 2628 Shattuck Avenue, by December 25, 2020.

No public comment has been received prior to this report being published.

DISCUSSION AND NEXT STEPS

After reviewing this report, Planning Commission will hold a public hearing, receive public comment, and through a vote, make a recommendation to City Council that includes the Finding and Conditions on Tentative Map #8573.

ATTACHMENTS

1. Findings and Conditions & Exhibit A
2. Tentative Map #8573
3. Condominium Plans for Tentative Map #8573
4. Notice of Public Hearing

FINDINGS AND CONDITIONS

JANUARY 6, 2021

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”). 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.

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 #8573 is consistent with the applicable General Plan policies because:
 1. The proposed Tentative Map is consistent with Policy LU-3 [Infill Development]. It exemplifies an appropriate infill, mixed-use development for its particular location in a sub-area of the South Area Commercial (C-SA) District.
 2. The proposed Tentative Map is consistent with Policy H-32 [Regional Housing Needs] because it would create 78 new dwelling units.
 - 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 proposed Tentative Map is consistent with Action A of Policy LU-7 [Neighborhood Quality of Life] and Action A of Policy LU-27 [Avenue Commercial Areas] because it would feature street-facing commercial storefronts that improve the pedestrian experience along the avenue.
 2. The proposed Tentative Map is consistent with Policy UD-16 [Context] and UD-24 [Area Character]. It will result in minimal shadow impacts for existing development (primarily residential) in the project vicinity due to its solar orientation and separation from nearby developments.

2628 SHATTUCK AVENUE

- C. The project site and proposed improvements were evaluated and found to be consistent with the General Plan and Zoning Ordinance. 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 January 24, 2019.
- D. The project will not have adverse 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 alter passive or natural heating or cooling opportunities because it was designed to minimize solar access impacts and minimize detrimental shadows to existing buildings adjacent to the subject property.

STANDARD CONDITIONS

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. (Attachment 1, Exhibit A).

Exhibit A

STANDARD CONDITIONS OF APPROVAL FOR ALL LAND SUBDIVISIONS, NEW CONDOMINIUMS AND COMMERCIAL CONDOMINIUM CONVERSIONS WITHIN THE CITY OF BERKELEY

SECTION I: GENERAL

A. Sidewalk, Driveway, Curb and Gutter Repair:

Missing, damaged, deteriorated or non-standard sidewalk, driveway, curbing and/or gutter, adjacent to the subdivision, shall be replaced to the standards and approval of the Department of Public Works. In the event that such replacement causes any survey markers, either set under surveys performed in conjunction with this subdivision or by some other survey, to be moved or obliterated, such marks shall be replaced, after the installation of the new concrete, and such replacement shall be attested to in writing by the project engineer/surveyor.

B. Street Repair:

Missing, badly pot-holed, alligatored, or similarly substandard streets, adjacent to or contiguous with the subdivision shall be constructed or re-constructed to City standards and shall be subject to the approval of the Department of Public Works.

C. Drainage:

No drainage of surface or intercepted ground waters into the sanitary sewer system will be allowed. Existing non-conforming systems (including roof, yard, or interior drains) shall be disconnected, sealed, and the flow redirected into the existing storm water drainage system in accordance with the standards of the Department of Public Works (Ordinance No.: 5030 N.S.).

D. All drainage shall be designed to comply with the City's clean water ordinance (Ordinance No.: 6216 N.S.).

E. Drain Structures:

Existing drainage facilities (including catch basins, drain culvert inlets, storm drains, culverts, and sanitary sewers) altered by any work done in connection with this subdivision shall be restored in accordance with design and construction standards in use by the Department of Public Works at the time of such new construction.

F. Encroachments:

All encroachments into the public right-of-way shall be removed, unless an encroachment permit is obtained through the Department of Public Works (Ordinance No.: 5514 N.S.).

G. Underground Structures:

Underground fuel tanks or other private subsurface structures, within the public right-of-way, which are not in use, shall be removed. If the fuel tank currently is in use, the subdivider shall request the City of Berkeley Fire Department to test it. Such testing shall be at the expense of the subdivider. If the test results are found to be satisfactory, the subdivider shall apply for an underground fuel tank permit (if one does not exist). If the test results are unsatisfactory, the tank shall be promptly removed by the subdivider.

H. Utilities and Service Lines:

1. The subdivider shall be responsible for relocating all underground and/or overhead utilities or service lines which may serve adjacent properties and which cross over, under or through the ground or airspace of the proposed subdivision. In lieu of relocating such utilities or aerial service lines, the subdivider may provide appropriate easements. If existing utilities or service lines cross beneath a house or other structure (proposed or existing), such utilities or services must be relocated in accordance with the standards and approval of the Department of Public Works.
2. Applicant shall install all utilities requiring trenching in streets scheduled for repaving (list of such streets is attached) prior to the actual street paving. Applicant is directed to contact the various utilities several months in advance prior to trenching so that they can obtain all required permits. Failure to perform such trenching prior to paving may result in denial of an excavation permit by the Director of Public Works and will result in imposition of additional trenching and pavement restoration requirements.

I. Weeds, Debris, etc.:

Noxious weeds, shrubs, debris, etc., must be removed from the public right-of-way along the frontage of the subdivision.

J. Geological Report:

Subdivisions within the Seismic Special Study Zone must provide a geological report approving the new lots for their intended use.

K. City Monuments:

When there is no existing City monumentation in the immediate area of the subdivision, where required by state law or as directed by the Department of Public Works, the subdivider shall have such monuments constructed and established in conformance with the standards and approval of the Department of Public Works. Such work shall be done by the subdivider's appropriately licensed Engineer or Surveyor, and such monuments shall be verified by the Engineering Division of the City of Berkeley, at the sole expense of the subdivider.

L. Street Trees:

When, required by the Planning Commission or the City Council, all trees required to be planted within the public right-of-way along with their method of planting, shall be subject to the approval of the Department of Public Works, Parks/Marina Superintendent.

M. Additional Conditions:

In addition to the above standards, additional conditions of approval may be imposed by the Board of Adjustments, the Planning Commission, or the City Council to reflect circumstances associated with specific properties.

N. Final Map:

The final map shall be certified and recorded in compliance with the City of Berkeley Municipal Code Title 21, and with the Subdivision Map Act of the State of California.

General Note:

When any work is required to the "standards and approval of the Department of Public Works," such work must be inspected and/or verified by the Department of Public Works and a written release of such requirements obtained by the subdivider.

Section II: New Condominiums

In addition to the requirements of Section I above, if the subdivision is a new condominium, the following standards shall apply:

A. Smoke Detectors and RECO Requirements:

When new building are to be constructed, such buildings shall meet the City of Berkeley Residential Energy Conservation Ordinance (RECO) requirements, and each unit within the building shall be equipped with the smoke detectors.

B. New Sanitary Lateral:

When a new sanitary sewer lateral line is to be installed, any existing lateral lines shall be located and sealed at the sanitary sewer main in accordance with the standards and requirements of the Department of Public Works. New lateral(s) shall have a cleanout installed immediately at the back of the curb.

C. Existing Sewer Lateral:

If re-use of an existing sanitary lateral is desired, the lateral must satisfy an approved pressure test, as determined by the City Engineer.

D. Conditions, Covenants, and Restriction:

A copy of the Conditions, Covenants, and Restrictions (C.C. & R's) shall be filed with the Department of Public Works prior to approval of the Final Map.

E. Tentative and Final Parcel Maps:

A map of the interior division of the building showing both the horizontal and vertical boundaries of all units shall be provided so that deeds can be written without ambiguity as to location. The interior division map may be in the form of attachments to the C.C. & R's and recorded therewith. If they are in attachment form, a copy thereof is required to be filed with the Department of Public Works.

F. Final Map:

The final map shall show all common areas of usage of the building and grounds and shall conform to the provisions of the City of Berkeley Municipal Code, Title 21.

G. City Access to Common Areas:

The City reserves the right to enter common areas of the condominium to abate public nuisances and to charge the cost of such abatement to the condominium association.

Section III: COMMERCIAL OR INDUSTRIAL CONDOMINIUM CONVERSIONS

In addition to Section I, above, if the subdivision is a Condominium Conversion, the following standards shall apply:

A. Tenant Provisions

Commercial or industrial condominium conversions shall comply with the following tenant provisions:

1. A notice of intent to convert shall be delivered to each at least sixty (60) days prior to filing a tentative map. Evidence of receipt by each tenant shall be submitted with the tentative or parcel map. The form of the notice shall be developed and approved by the Planning Director. It shall inform the tenants of all rights provided under this chapter and the Subdivision Map Act.

2. Any present tenant or tenants of any unit shall be given a non-transferable right of first refusal to purchase the unit occupied at a price no greater than the price offered to the general public. The right of first refusal shall extend for at least ninety (90) days from the date of issuance of the subdivision public report or sixty (60) days from the commencement of sales, whichever date is later.
3. Each non-purchasing tenant not in default under the obligations of the rental agreement or lease under which he occupies his unit shall have not less than one hundred and twenty (120) days from the approval date of the final subdivision or parcel map to find substitute facilities and relocate. The subdivider shall notify each tenant immediately prior to the time of the final map or parcel map approval of the anticipated date required to vacate the unit and when the 120-day period will begin. Evidence of receipt by each tenant shall be submitted prior to approval of the final map.
4. After submittal of the tentative or parcel map, any prospective tenants shall be notified in writing of the intent to convert prior to leasing or renting any unit.

B. Code Conformance, Smoke Detectors, and RECO Requirements:

The buildings involved shall be brought into conformance with the Plumbing, Electrical, Housing, and Uniform Building Codes, including sound conformance standards, and with the Residential Energy Conservation Ordinance (RECO) requirements. Each unit shall also be equipped with a smoke detector. These requirements shall be satisfied prior to approval of the final map or a subdivision improvement agreement, which is satisfactory to the Department of Public Works, which guarantees that such conformance has been executed by the subdivider.

C. Conditions, Covenants, and Restrictions:

A copy of the Conditions, Covenants, and Restrictions (C.C. & R's) shall be filled with the Department of Public Works prior to approval of the final map.

D. Tentative and Final Parcel Maps:

A map of the interior division of the building(s) showing both the horizontal and vertical boundaries of all the units shall be provided so that deeds can be written without ambiguity as to location. The interior division map may be in the form of attachments to the C.C. & R's and recorded therewith. If the interior division maps are in attachment form, a copy thereof is required to be filled with the Department of Public Works.

E. Notice of Decision:

The subdivider shall furnish each prospective buyer with a copy of the Planning Commission's Notice of Decision approving the Tentative Map.

F. Final Map:

The Final Map shall show all common areas and usage of the building grounds and shall conform to the provisions of the Berkeley Municipal Code, Title 21.

G. Existing Lease:

Existing leases will be honored until expiration, with the subdivider or purchaser being responsible for owner association dues or for assessments imposed as a result of the conversion.

H. City Access to Common Areas:

The City reserves the right to enter common areas of the condominium to abate public nuisances and to charge the cost of abatement to the condominium association.

STORMWATER CONDITIONS OF APPROVAL

Discharges from the City of Berkeley's stormwater system are regulated under a National Pollutant Discharge Elimination System (NPDES) permit. The permit requires that the City emphasize source controls for all construction work within its jurisdiction. To comply with this requirement, the City requires all construction projects to employ appropriate best management practices (BMP's) during construction and throughout the life of the development, and incorporate permanent stormwater quality controls, as appropriate to minimize impacts on water quality. The water quality includes both pollutant and flow concerns. To comply with the NPDES permit, the City adopted its stormwater ordinance, as promulgated in Berkeley Municipal Code (BMC) Chapter 17.20. Following are items which must be implemented for your project, in order to meet the requirements of the NPDES permit and BMC Chapter 17.20.

The project plans shall identify and show site-specific BMP's appropriate to activities conducted on-site to limit to the maximum extent practicable the discharge of pollutants to the City's storm drainage system, regardless of season or weather conditions.

The project plan shall include erosion control measures to prevent soil, dirt, and debris from entering the storm drain system, in accordance with BMC Chapter 17.20, examples of which are outlined in the *ABAG Erosion and Sediment Control Handbook*, *California Storm Water Best Management Practice Handbooks*, *Regional Water Quality Control Board's Erosion and Sediment Control Field Manual*. The applicant is responsible for ensuring that all contractors and subcontractors are aware of, and implement, all stormwater quality and pollution control measures. Failure to employ appropriate measures to prevent stormwater pollution and protect stormwater quality shall result in the issuance of correction notices, citations, or a project stop order.

Trash enclosures and/or recycling area(s) shall be covered; no other area shall drain onto this area. Drains in any wash or process area shall not discharge to the storm drain system; these drains should connect to the sanitary sewer. Applicant shall contact the City of Berkeley and EBMUD for specific connection and discharge requirements. Discharges to the sanitary sewer are subject to the review, approval, and conditions of the City of Berkeley and EBMUD.

Landscaping shall be designed with efficient irrigation to reduce runoff and promote surface infiltration and minimize the use of fertilizers and pesticides that contribute to stormwater pollution. Where feasible, landscaping should be designed and operated to treat runoff. When and where possible, xeriscape and drought tolerant plants shall be incorporated into new development plans.

Design, location, and maintenance requirements and schedules for any stormwater quality treatment structural controls shall be submitted to the Department of Public Works for review with respect to reasonable adequacy of the controls. The review does not relieve the property owner of the responsibility for complying with BMC Chapter 17.20 and future revisions to the City's overall stormwater quality ordinances. This review shall be conducted prior to the issuance of a Building Permit.

All paved outdoor storage areas must be designed to reduce/limit the potential for runoff to contact pollutants.

All on-site storm drain inlets/catch basins must be cleaned at least once a year immediately prior to the rainy season. The property owner shall be responsible for all costs associated with proper operation and maintenance of all storm drainage facilities (pipelines, inlets, catch basins, outlets, etc.) associated with the project, unless such facilities are accepted by the City by Council action. Additional cleaning may be required by City of Berkeley Public Works Engineering Dept.

ALAMEDA COUNTYWIDE CLEAN WATER PROGRAM

Project Worksheet for Permanent Stormwater Quality Controls

Page 1 of 3

Project Name:	
Location:	
Description:	
Total Project Area:	Area Soil Disturbed:
Completed by: (include name, title, company)	Date:

Select one of the following that best describes your development project.

Low and Medium Density, Single-family Residential Complete Section A

High Density, Multi-family Residential Complete Section B and C

Residential Infill and Redevelopment Project Complete Section B and C

Commercial/Industrial Development and Redevelopment Complete Sections B, C, and G

Institutional Development and Redevelopment or Roadwork Complete Sections B, C, and G

Development projects must include site planning and design techniques to prevent and minimize impacts to water quality. If sufficient site planning measures are not implemented or not feasible, development projects must include permanent (post construction) stormwater quality controls.

A. Required or Alternative Controls for Low and Medium Density, Single-Family Residential – Check that you have incorporated the following site planning and design techniques into your project.

Yes	No	
<input type="checkbox"/>	<input type="checkbox"/>	Minimized directly connected impervious area. If yes, describe how: (check all that apply)
		<input type="checkbox"/> roof drains to pervious areas
		<input type="checkbox"/> vegetated filter strips, grassed swales and biofilters, or other infiltrative landscaping
		<input type="checkbox"/> porous pavement
		<input type="checkbox"/> modular pavement or other permeable materials
		<input type="checkbox"/> other: _____
<input type="checkbox"/>	<input type="checkbox"/>	Minimized disturbed area
<input type="checkbox"/>	<input type="checkbox"/>	Used clustering
<input type="checkbox"/>	<input type="checkbox"/>	Preserved quality open space
<input type="checkbox"/>	<input type="checkbox"/>	Maintained, restored if possible, riparian areas and wetlands
• If you responded "no" to any of the above, complete Section D. Otherwise, you are done.		

B. Required or Alternative Controls for Other Types of Projects – Check that you have incorporated the following site planning and design technique into your project.

Yes	No	
<input type="checkbox"/>	<input type="checkbox"/>	Minimized directly connected impervious area. If "yes", describe how: (check all that apply)
		<input type="checkbox"/> roof drains to pervious areas
		<input type="checkbox"/> vegetated filter strips, grassed swales and biofilters, or other infiltrative landscaping
		<input type="checkbox"/> porous pavement
		<input type="checkbox"/> modular pavement or other permeable materials
		<input type="checkbox"/> other: _____
• If you responded "no", complete Sections C and D. If you responded "yes", complete Section C.		

Project Worksheet for Permanent Stormwater Quality Controls

Project Name: _____

C. Controls Where Feasible – Check what site planning and design techniques you have incorporated into your project.

Yes	Not Feasible	
<input type="checkbox"/>	<input type="checkbox"/>	Minimized disturbed area
<input type="checkbox"/>	<input type="checkbox"/>	Used clustering
<input type="checkbox"/>	<input type="checkbox"/>	Preserved quality open space
<input type="checkbox"/>	<input type="checkbox"/>	Maintained, restored if possible, riparian areas and wetlands
<input type="checkbox"/>	<input type="checkbox"/>	Other: _____

• If you responded "not feasible" to any of the above, complete Section D.

D. Constructed on-Site Treatment Controls

Yes	Not Feasible		Attach	Maintenance plan
<input type="checkbox"/>	<input type="checkbox"/>	Grass swales and biofilters	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	Infiltrative landscaping	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	Porous pavement and modular pavers	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	Other: _____	<input type="checkbox"/>	<input type="checkbox"/>

• If you responded "not feasible" to any of the above, complete Section E.

E. Constructed Downstream Treatment Controls
 If none of the on-site drainage and treatment controls is feasible or sufficient, select the downstream treatment control your project will implement.

Yes	Not Feasible		Attach	Maintenance plan
<input type="checkbox"/>	<input type="checkbox"/>	Extended dry detention	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	Constructed wetlands	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	Vegetated filter strips	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	Bioretention systems	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	Wet ponds	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	Sand Filters	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	Other: _____	<input type="checkbox"/>	<input type="checkbox"/>

• If you responded "not feasible" to all of the above, complete Section F.

F. Manufactured Treatment Controls

<input type="checkbox"/>	Storm drain inlet filters.	Attach	<input type="checkbox"/>	Explanation why this is the only feasible option and
			<input type="checkbox"/>	Maintenance plan
<input type="checkbox"/>	Oil/sediment separators.	Attach	<input type="checkbox"/>	Explanation why this is the only feasible option and
			<input type="checkbox"/>	Maintenance plan
<input type="checkbox"/>	Other: _____			
	Explain how this control is appropriate for the pollutant load expected in stormwater runoff from this project:			

	Attach	<input type="checkbox"/>	<input type="checkbox"/>	Explanation why this is the only feasible option and
			<input type="checkbox"/>	Maintenance plan

Project Worksheet for Permanent Stormwater Quality Controls

Project Name: _____

To the extent possible, pollution prevention controls for commercial/industrial development and redevelopment projects must also be considered during site planning and design. Outdoor activity areas must be designed so that no non-stormwater (e.g., washwaters, automotive and equipment fluids, garbage fluids, etc.) discharges to the storm drain. These outdoor activity areas must also be protected from run-on and run-off to minimize pollutant exposure to rain.

G. Pollution Prevention Controls for Commercial/Industrial Development and Redevelopment

Check that you have incorporated appropriate control measures to eliminate non-stormwater discharges from the following outdoor activity areas. Attach description.

NOTE: If pollution prevention controls are not included with the project application, agency staff can require additional controls as Conditions for Approval.

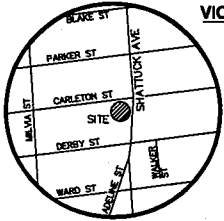
Yes	No	NA	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Manufacturing and Process Areas
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Material Storage and Transfer Areas
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Waste Storage and Disposal Areas
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Vehicle and Heavy Equipment Storage and Maintenance Areas
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Wash Areas
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Rooftop Equipment

Check that you have incorporated appropriate control measures to minimize pollutant exposure from the following outdoor activity areas. Attach description.

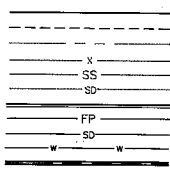
Yes	No	NA	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Manufacturing and Process Areas
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Material Storage and Transfer Areas
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Waste Storage and Disposal Areas
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Vehicle and Heavy Equipment Storage and Maintenance Areas
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Wash Areas
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Rooftop Equipment

TENTATIVE TRACT MAP 8573

VICINITY MAP
 NO SCALE



LEGEND AND NOTES



- BOUNDARY LINE
- PROPERTY LINE
- LINE
- OLD LOT LINE
- (E) FENCE LINE
- (E) SANITARY SEWER LINE
- (E) STORM DRAIN LINE
- (N) CURB
- (N) FIRE WATER LINE
- (N) STORM DRAIN LINE
- (N) WATER LINE
- (N) BUILDING
- (E) DRIVEWAY
- (E) FINISH FLOOR
- (E) FLOW LINE
- (E) INVERT
- (E) POLYVINYL CHLORIDE PIPE
- (E) REINFORCED CONCRETE PIPE
- (E) TOP OF CURB
- (E) BOLLARD
- (E) CATCH BASIN
- (E) CLEAN-OUT
- (E) CABLE TV BOX
- (E) FIRE HYDRANT
- (E) GAS METER
- (E) IRRIGATION CONTROL VALVE
- (E) JOINT POLE
- (E) PILLAR
- (E) SANITARY SEWER CLEAN-OUT
- (E) SANITARY SEWER MANHOLE
- (E) SIGN
- (E) STORM DRAIN MANHOLE
- (E) WATER METER
- (E) WATER VALVE
- (E) SPOTGRADE

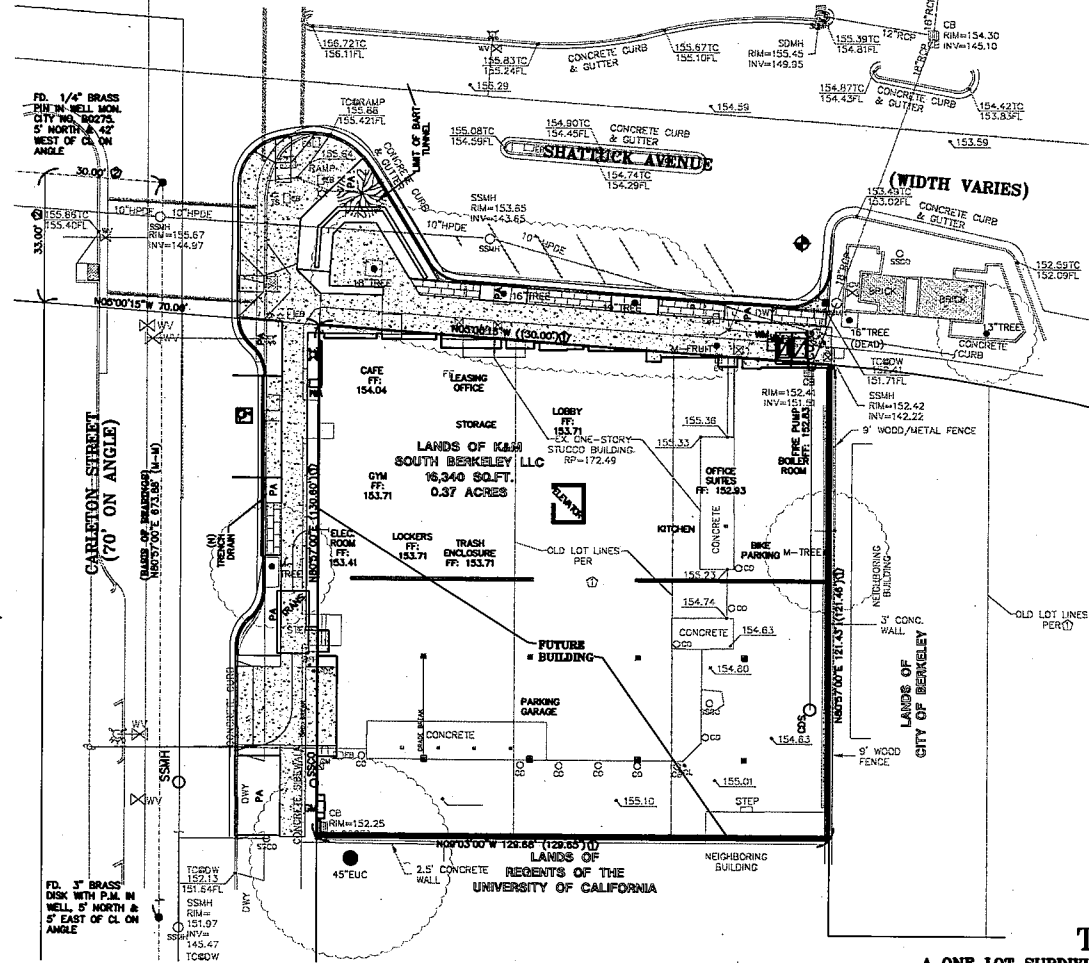
- (E) ASPHALT
- (E) BRICK
- (E) CONCRETE

- (E) TREE: TYPE AND SIZE AS NOTED

- SITE BENCHMARK
- (N) CATCH BASIN
- (N) FIRE HYDRANT
- (N) GAS METER
- (N) GAS VALVE
- (N) JOINT POLE
- (N) PG&E VAULT
- (N) SANITARY SEWER CLEAN-OUT
- (N) SANITARY SEWER MANHOLE
- (N) STORM DRAIN MANHOLE
- (N) TELEPHONE VAULT
- (N) UTILITY VAULT
- (N) WATER METER
- (N) WATER VALVE
- (N) ST. LIGHT PULL BOX
- (N) ST. LIGHT/LAMP

- XXX.XX
- FS
- (N)
- (E)
- PA

- FOUND MONUMENT AS NOTED
- (N) GRADE
- (N) FINISH SURFACE
- NEW/PROPOSED
- EXISTING
- PLANTER AREA



BENCHMARK
 CITY OF BERKELEY BENCHMARK
 BENCHMARK MONUMENT B0275
 1/4" BRASS PIN IN MONUMENT WELL
 ELEVATION = 155.12'
 (CITY OF BERKELEY DATUM)

SITE-BENCHMARK
 SURVEY CONTROL POINT
 MAG AND SHINER SET IN ASPHALT
 ELEVATION = 153.11'
 (CITY OF BERKELEY DATUM)

SITE INFORMATION
 2828 SHATTUCK AVENUE
 BERKELEY, CA 94701
 APN: 055-1819-011-02

OWNER
 K & M SOUTH BERKELEY, LLC

ENGINEER / SURVEYOR
 LEA AND BRAZE
 ENGINEERING, INC.

EXISTING USE
 COMMERCIAL

PROPOSED USE
 RESIDENTIAL AND COMMERCIAL CONDOMINIUMS
 COMMERCIAL CONDOS - 3 UNITS
 RESIDENTIAL CONDOS - 78 UNITS
 TOTAL UNITS - 81

BASIS OF BEARINGS
 THE BEARING OF N80°57'00"E BETWEEN FOUND MONUMENTS ALONG THE OFFSET LINE ALONG CARLETON STREET AS SHOWN ON THAT CERTAIN MAP PARCEL MAP FILED IN BOOK 215 OF PARCEL MAPS, AT PAGES 95-96, ALAMEDA COUNTY RECORDS, WAS USED AS THE BASIS OF BEARINGS FOR THIS SURVEY.

NOTES
 ALL DISTANCES AND DIMENSIONS ARE IN FEET AND DECIMALS OF A FOOT.
 UNDERGROUND UTILITY LOCATION IS BASED ON SURFACE EVIDENCE. BUILDING FOOTPRINTS ARE SHOWN TO FINISHED MATERIAL (STUCCO/SIDING) AT GROUND LEVEL.
 FINISH FLOOR ELEVATIONS ARE TAKEN AT DOOR THRESHOLD (EXTERIOR)

EASEMENT NOTE
 ALL EASEMENTS SHOWN ARE BASED ON TITLE REPORT PREPARED BY OLD REPUBLIC TITLE COMPANY, POLICY NO. 0227020207-MP, DATED JUNE 19, 2020.

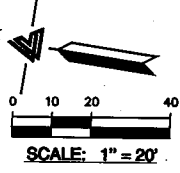
TRACT#8573

A ONE LOT SUBDIVISION FOR RESIDENTIAL AND COMMERCIAL CONDOMINIUM PURPOSES

ALL THAT PORTION OF LAND AS DESCRIBED IN THAT CERTAIN DEED FILED FOR RECORD JUNE 30, 2016 AS SERIAL NO. 2016185830 AND RE-RECORDED IN THAT CERTAIN DEED FILED FOR RECORD SEPT. 9, 2016 AS SERIAL NO. 2016230655, RECORDS OF ALAMEDA COUNTY, CALIFORNIA

CITY OF BERKELEY, ALAMEDA COUNTY, CALIFORNIA
 SCALE: 1"=30' JULY 2020

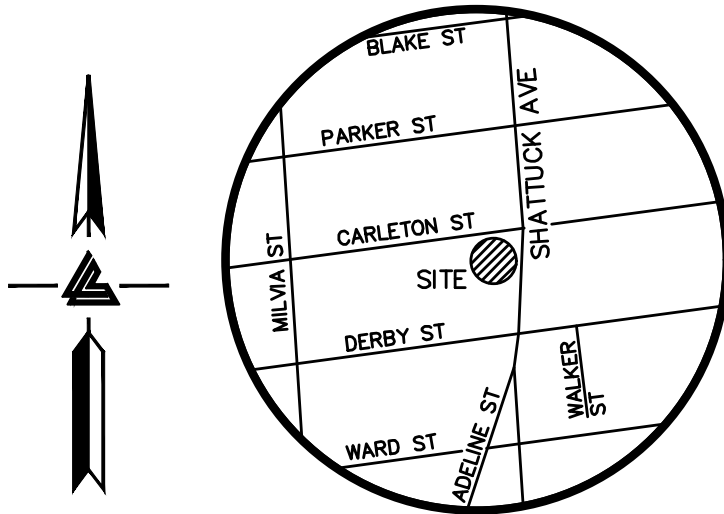
LEA & BRAZE ENGINEERING, INC.
 CIVIL ENGINEERS • LAND SURVEYORS
 2495 INDUSTRIAL PARKWAY WEST
 HAYWARD, CALIFORNIA 94545
 (510) 887-4086
 FAX (510) 887-3019
 WWW.LEABRAZE.COM



RECORDING REQUESTED BY:

WHEN RECORDED RETURN TO:

CONDOMINIUM PLAN FOR 2628 SHATTUCK AVENUE BERKELEY, CA.



VICINITY MAP
NO SCALE



LEA & BRAZE ENGINEERING, INC.

CIVIL ENGINEERS • LAND SURVEYORS

MAIN OFFICE:
2495 INDUSTRIAL PKWY WEST
HAYWARD, CALIFORNIA 94545
(510) 887-4086

REGIONAL OFFICES:
ROSEVILLE
DUBLIN
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COVER SHEET

**2628 SHATTUCK AVENUE
BERKELEY, CA**

JOB NO 2181153

DRAWN BY: TB

PAGE 01 OF 47

CONDOMINIUM PLAN FOR 2628 SHATTUCK AVENUE BERKELEY, CA.



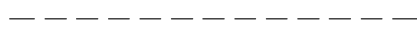
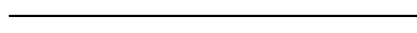

ABBREVIATIONS

AP	ACCESSIBLE PARKING STALL (CCA)
E	ELEVATOR (CCA)
EUCA	EXCLUSIVE USE COMMON AREA
FF	FINISH FLOOR
H	HALLWAY (CCA)
M	MAINTENANCE ROOM (CCA)
MP	MOTORCYCLE PARKING (CCA)
P	PATIO (EUCA)
PS	PARKING SPACE (CCA)
S	STAIRWELL (CCA)

SHEET INDEX

01	COVER SHEET	14-19	UNIT PLANS (FLOOR LEVEL 2)
02	INDEX & LEGEND	20	OVERALL THIRD FLOOR LEVEL
03	OWNER'S STATEMENT	21-26	UNIT PLANS (FLOOR LEVEL 3)
04	OWNER'S ACKNOWLEDGEMENT	27	OVERALL FOURTH FLOOR LEVEL
05	BENEFICIARY'S ACKNOWLEDGEMENT	28-33	UNIT PLANS (FLOOR LEVEL 4)
06	TRUSTEE'S ACKNOWLEDGEMENT	34	OVERALL FIFTH FLOOR LEVEL
07	NOTES AND DEFINITIONS	35-40	UNIT PLANS (FLOOR LEVEL 5)
08	NOTES AND DEFINITIONS	41	OVERALL SIXTH FLOOR LEVEL
09	SURVEYOR'S NOTES	42-47	UNIT PLANS (FLOOR LEVEL 6)
10	SURVEY CONTROL		
11	BUILDING GRID TIE TO BOUNDARY		
12	GROUND FLOOR LEVEL PLAN		
13	OVERALL SECOND FLOOR LEVEL		

LEGEND

	BOUNDARY LINE
	CENTERLINE
	GRID LINE
	PROPERTY LINE
	UNIT BOUNDARY



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INDEX & LEGEND

2628 SHATTUCK AVENUE
BERKELEY, CA

JOB NO 2181153

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PAGE 02 OF 47

FOR 2628 SHATTUCK AVENUE
BERKELEY, CA.

OWNER'S STATEMENT:

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF, OR HAVE SOME RIGHT, TITLE OR INTEREST IN OR TO THE REAL PROPERTY INCLUDED WITHIN THE SUBDIVISION SHOWN UPON THESE CONDOMINIUM PLANS; THAT WE ARE THE ONLY PERSONS WHOSE CONSENT IS NECESSARY TO PASS CLEAR TITLE TO SAID PROPERTY; THAT WE CONSENT TO THE MAKING OF THE WITHIN CONDOMINIUM PLANS AND SUBDIVISION AS SHOWN WITHIN THE DISTINCTIVE BORDER LINES HEREON; THAT SAID CONDOMINIUM PLANS CONSTITUTE AND CONSIST OF CERTIFIED CONDOMINIUM PLANS AND DIAGRAMMATIC FLOOR PLANS WITHIN THE MEANING OF SECTION 4285 OF THE CIVIL CODE OF THE STATE OF CALIFORNIA AND THAT WE HEREBY CONSENT TO THE MAKING AND RECORDING OF SAID CONDOMINIUM PLANS AND FLOOR PLANS PURSUANT TO CHAPTER 1, TITLE 6, PART 5, DIVISION 4, OF THE CIVIL CODE OF THE STATE OF CALIFORNIA.

AS OWNERS:

OWNER: K & S INVESTMENTS

BY: _____

DATED: _____

NAME: _____

TITLE: _____



LEA & BRAZE ENGINEERING, INC.

CIVIL ENGINEERS • LAND SURVEYORS

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(510) 887-4086

REGIONAL OFFICES:
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OWNER'S STATEMENT

**2628 SHATTUCK AVENUE
BERKELEY, CA**

JOB NO 2181153

DRAWN BY: TB

PAGE 03 OF 47

FOR 2628 SHATTUCK AVENUE
BERKELEY, CA.

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 _____}SS
ON _____, 202__ BEFORE
ME, _____

PERSONALLY
APPEARED _____ WHO
PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE
PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT
AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN
HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR
SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON
BEHALF OF WHICH THE PERSON(S) 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.

WITNESS MY HAND AND OFFICIAL SEAL

NOTARY'S SIGNATURE

PRINTED NOTARY'S NAME

NOTARY'S PRINCIPAL PLACE OF BUSINESS

NOTARY'S COMMISSION NO.

EXPIRATION OF NOTARY'S COMMISSION



LEA & BRAZE ENGINEERING, INC.

CIVIL ENGINEERS • LAND SURVEYORS

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OWNER'S ACKNOWLEDGEMENT

**2628 SHATTUCK AVENUE
BERKELEY, CA**

JOB NO 2181153

DRAWN BY: TB

PAGE 04 OF 47

FOR 2628 SHATTUCK AVENUE
BERKELEY, CA.

BENEFICIARY STATEMENT:

THE UNDERSIGNED, FIRST REPUBLIC BANK, A CALIFORNIA CORPORATION IDENTITY NATIONAL TITLE INSURANCE COMPANY, A CALIFORNIA CORPORATION, BENEFICIARY UNDER THE DEED OF TRUST RECORDED SEPT. 2, 2010, RECORDER'S SERIAL NUMBER 2016230656, OFFICIAL RECORDS OF ALAMEDA COUNTY, CALIFORNIA, CONSENTS TO THE PREPARATION AND FILING OF THE MAP.

BENEFICIARY 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 _____}SS
ON _____, 202_ BEFORE ME, _____

PERSONALLY APPEARED _____
WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) 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.

WITNESS MY HAND AND OFFICIAL SEAL

NOTARY'S SIGNATURE

PRINTED NOTARY'S NAME

NOTARY'S PRINCIPAL PLACE OF BUSINESS

NOTARY'S COMMISSION NO.

EXPIRATION OF NOTARY'S COMMISSION



LEA & BRAZE ENGINEERING, INC.

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(510) 887-4086

REGIONAL OFFICES:
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SAN JOSE

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**BENEFICIARY'S
ACKNOWLEDGEMENT
2628 SHATTUCK AVENUE
BERKELEY, CA**

JOB NO 2181153

DRAWN BY: TB

PAGE 05 OF 47

**FOR 2628 SHATTUCK AVENUE
BERKELEY, CA.**

BENEFICIARY'S STATEMENT:

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BENEFICIARY'S ACKNOWLEDGMENT:

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STATE OF CALIFORNIA}
COUNTY OF _____}SS
ON _____, 202_ BEFORE ME, _____

PERSONALLY APPEARED _____
WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

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WITNESS MY HAND AND OFFICIAL SEAL

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BERKELEY, CA**

JOB NO 2181153

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GENERAL NOTES AND DEFINITIONS

THIS CONDOMINIUM PLAN AND THE DIMENSIONS SHOWN HEREON ARE INTENDED TO CONFORM TO CALIFORNIA CIVIL CODE SECTION 4285(f) WHICH REQUIRES IN PART WITH RESPECT TO THE LAND AND REAL PROPERTY DESCRIBED IN THE ABOVE REFERENCED SUBDIVISION, THE INCLUSION HEREIN OF DIAGRAMMATIC PLANS IN SUFFICIENT DETAIL TO IDENTIFY EACH "UNIT," ITS RELATIVE LOCATION AND APPROXIMATE DIMENSIONS. DIMENSIONS SHOWN HEREON ARE NOT INTENDED TO BE SUFFICIENTLY ACCURATE ENOUGH TO USE FOR THE COMPILATION OF AREA IN ALL OR ANY OF THE "UNITS," BUT ARE SUFFICIENTLY DETAILED TO IDENTIFY THE COMMON AREAS AND EACH SEPARATE INTEREST. THE DIAGRAMMATIC PLANS CONTAINED HEREIN INTENTIONALLY OMIT INFORMATION WITH RESPECT TO ANY CONSTRUCTED IMPROVEMENTS WITHIN THE "UNIT". LIKEWISE, SUCH DETAILS AS PROTRUSIONS OF VENTS, DUCTS, BEAM COLUMNS, WINDOW CASINGS AND OTHER SUCH FEATURES WITHIN THE AIRSPACE ENCOMPASSED BY THE "UNITS" AS SHOWN ARE NOT INTENDED TO BE REFLECTED IN THIS CONDOMINIUM PLAN.

1. "COMMON AREA" MEANS AND REFERS TO THOSE PORTIONS OF THE PROPERTY, TO WHICH TITLE IS HELD BY ALL OF THE OWNERS IN COMMON, AND INCLUDES ALL OF THE PROJECT EXCEPTING THE INDIVIDUAL CONDOMINIUM UNITS, AS FURTHER DEFINED AND DESCRIBED IN THE PROJECT'S DECLARATION. THE OWNER OF EACH UNIT SHALL OWN AN UNDIVIDED INTEREST IN THE COMMON AREA AS PROVIDED IN THE DECLARATION.
2. "CONDOMINIUM" MEANS AN ESTATE IN REAL PROPERTY AS DEFINED IN CALIFORNIA CIVIL CODE SECTION 4125 CONSISTING OF AN UNDIVIDED INTEREST IN THE COMMON AREA, TOGETHER WITH AN INTEREST IN A UNIT INCLUDING CERTAIN EASEMENTS APPURTENANT TO SUCH UNIT. THE OWNERSHIP OF EACH CONDOMINIUM INCLUDES A UNIT TOGETHER WITH THE EASEMENTS APPURTENANT TO SUCH UNIT, THE RESPECTIVE UNDIVIDED INTERESTS IN THE COMMON AREA, AND A MEMBERSHIP IN THE ASSOCIATION (AS HEREINAFTER DEFINED).
3. "DECLARATION" MEANS THE 2628 SHATTUCK AVENUE CONDOMINIUM DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR A MIXED USE CONDOMINIUM PROJECT RECORDED IN THE OFFICIAL RECORD OF THE COUNTY OF ALAMEDA ON THE PROPERTY PURSUANT TO CIVIL CODE SECTION 4135.
4. "MAP" REFERS TO THAT CERTAIN MAP BEING TRACT 8573 A ONE LOT SUBDIVISION FOR RESIDENTIAL AND COMMERCIAL CONDOMINIUM PURPOSES FILED THIS _____ DAY OF _____ 202_, IN BOOK ___ OF MAPS AT PAGES _____, OFFICIAL RECORDS OF ALAMEDA COUNTY, STATE OF CALIFORNIA.
5. "PLAN" SHALL MEAN AND REFER THIS CONDOMINIUM PLAN THAT IS MADE PURSUANT TO CIVIL CODE SECTION 4285.
6. "PROJECT" AND "PROPERTY" MEANS THE ENTIRE PARCEL OF REAL PROPERTY DESCRIBED ON THE MAP DIVIDED OR TO BE DIVIDED INTO CONDOMINIUMS INCLUDING ALL PRESENT AND FUTURE STRUCTURES THEREON.
7. "UNIT" MEANS THE ELEMENTS OF A CONDOMINIUM WHICH ARE NOT OWNED BY THE ASSOCIATION OR IN COMMON WITH THE OWNERS OF OTHER CONDOMINIUMS IN THE PROJECT. EACH UNIT IS A NUMBERED PARCEL AS SHOWN ON THE CONDOMINIUM PLAN. THE BOUNDARIES OF EACH UNIT (AS DEFINED UNDER CALIFORNIA CIVIL CODE SECTION 4125, ARE DESCRIBED IN THE PROJECT'S DECLARATION.)



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**GENERAL NOTES
AND DEFINITIONS
2628 SHATTUCK AVENUE
BERKELEY, CA**

JOB NO 2181153

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PAGE 07 OF 47

GENERAL NOTES AND DEFINITIONS (CONT.)

"EXCLUSIVE USE COMMON AREAS" (EUCA) SHALL MEAN AND REFERRED TO AS "EXCLUSIVE USE COMMON AREAS," ARE SET ASIDE AND ALLOCATED FOR THE EXCLUSIVE USE OF THE OWNER OF THE CONDOMINIUM TO WHICH THEY ARE EITHER PHYSICALLY ATTACHED OR ASSIGNED BY UNIT NUMBER ON THE CONDOMINIUM PLAN AND ARE APPURTENANT TO THAT CONDOMINIUM AND ALL IMPROVEMENTS THEREIN.

"PROJECT" AND "PROPERTY" MEANS THE ENTIRE PARCEL OF REAL PROPERTY DIVIDED OR TO BE DIVIDED INTO CONDOMINIUMS INCLUDING ALL PRESENT AND FUTURE STRUCTURES THEREON.

EACH UNIT IS A THREE-DIMENSIONAL DIVISION OF LAND INCLUDING AIRSPACE, THE BOUNDARIES OF WHICH ARE VERTICAL PLANES AT THE LIMITS OF THE HORIZONTAL DIMENSIONS OF EACH SUCH RESPECTIVE UNIT AS SHOWN ON THE PLAN, THE UPPER LIMIT FOR WHICH EXTENDS TO A SET ELEVATION ABOVE THE HIGHEST STRUCTURAL ELEMENT, AND THE LOWER LIMIT IS SET BELOW GRADE FOR EACH UNIT.

ALL REAL PROPERTY SHOWN HEREON NOT LOCATED WITHIN A UNIT IS PART OF THE COMMON AREA.

THE PROJECT IS SUBJECT TO THE TERMS AND CONDITIONS SET FORTH IN THE CONDITIONS OF APPROVAL BY THE COUNTY OF ALAMEDA.

THE RIGHT OF EMERGENCY ACCESS TO THE PROVIDERS OF EMERGENCY SERVICES IS RESERVED ACROSS THE COMMON AREA.

THE ENTIRETY OF THE COMMON AREA, INCLUDING THE EXCLUSIVE USE COMMON AREA, SHALL SERVE AS A PRIVATE RECIPROCAL UTILITY EASEMENT.

CERTAIN PORTIONS OF THE COMMON AREA SHOWN ON THIS CONDOMINIUM PLAN (KNOWN AS "EXCLUSIVE USE COMMON AREA") (EUCA) ARE SET ASIDE AND ALLOCATED FOR THE EXCLUSIVE USE OF THE OWNER(S) AND OCCUPANT(S) OF THE UNIT TO WHICH THEY ARE ASSIGNED.

SURVEYOR'S NOTES

I HEREBY STATE THAT I AM A LICENSED LAND SURVEYOR OF THE STATE OF CALIFORNIA AND THIS PLAN CONSISTING OF 47 SHEETS CORRECTLY SHOWS THE BOUNDARIES OF THE LAND AND THE RELATION THERETO OF THE UNITS SHOWN THEREON. THIS IS A CONDOMINIUM PLAN AND ACCORDINGLY, NO STRUCTURAL ANALYSIS OR DESIGN FEATURES WERE CONSIDERED NOR WERE ANY DESIGN FEATURES REVIEWED FOR CONFORMANCE WITH STATE OR FEDERAL CODES OR ORDINANCES.



GREGORY F. BRAZE
PLS 7623

DATE



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GENERAL NOTES AND DEFINITIONS
AND SURVEYOR'S NOTES
2628 SHATTUCK AVENUE
BERKELEY, CA

JOB NO 2181153

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LEGAL DESCRIPTION

LOT 1 PER MAP ENTITLED TRACT 8573 A ONE LOT SUBDIVISION FOR RESIDENTIAL AND COMMERCIAL CONDOMINIUM PURPOSES FILED THIS ____ DAY OF _____, IN BOOK _____ OF MAPS AT PAGES _____, OFFICIAL RECORD OF ALAMEDA COUNTY, STATE OF CALIFORNIA.

APN: _____

BASIS OF BEARINGS

THE BEARING OF N80°57'00"E BETWEEN FOUND MONUMENTS ALONG THE OFFSET LINE ALONG CARLETON STREET AS SHOWN ON THAT CERTAIN MAP PARCEL MAP FILED IN BOOK 215 OF PARCEL MAPS, AT PAGES 95-96, ALAMEDA COUNTY RECORDS, WAS USED AS THE BASIS OF BEARINGS FOR THIS SURVEY.

BENCHMARK

CITY OF BERKELEY BENCHMARK
BENCHMARK MONUMENT B0275
1/4" BRASS PIN IN MONUMENT WELL
ELEVATION = 155.12'
(CITY OF BERKELEY DATUM)

SITE BENCHMARK

SURVEY CONTROL POINT
MAG AND SHINER SET IN ASPHALT
ELEVATION = 153.11'
(CITY OF BERKELEY DATUM)



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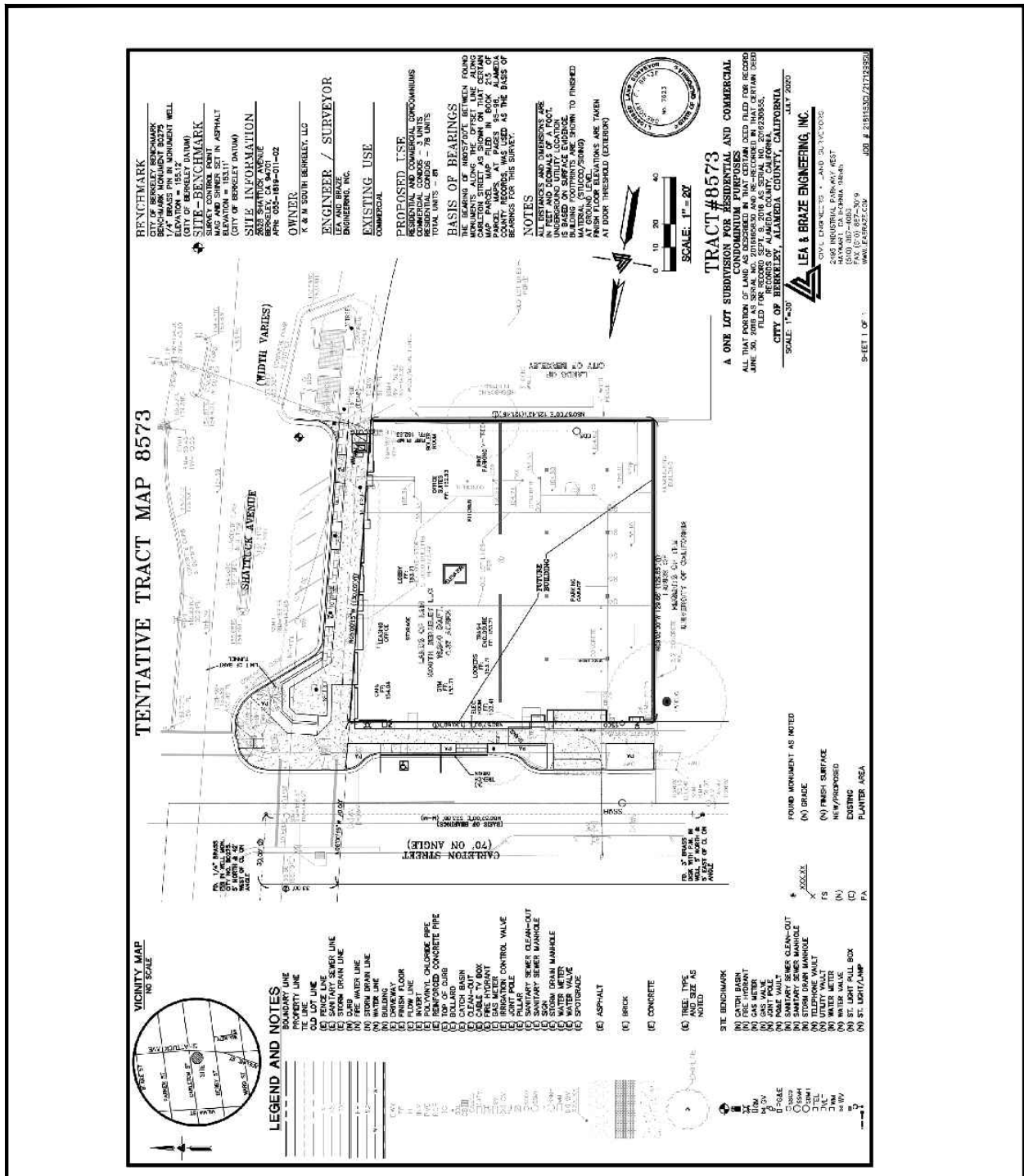
SURVEYOR'S NOTES

2628 SHATTUCK AVENUE
BERKELEY, CA

JOB NO 2181153

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PAGE 09 OF 47



BENCHMARK
 CITY OF BERKELEY BENCHMARK
 BENCHMARK MONUMENT 80275
 BENCHMARK MONUMENT 80276
 ELEVATION = 153.12
 (CITY OF BERKELEY DATA)

SITE-BENCHMARK
 MONUMENT 80275
 WAS AND SHOWN SET IN ASPHALT
 ELEVATION = 153.11'
 (CITY OF BERKELEY DATA)

SITE INFORMATION
 2495 INDUSTRIAL PARKWAY WEST
 BERKELEY, CA 94701
 APR 08-1811-01-02

OWNER
 K & M SOUTH BERKELEY, LLC

ENGINEER / SURVEYOR
 LEA & BRAZE ENGINEERING, INC.

EXISTING USE
 COMMERCIAL

PROPOSED USE
 RESIDENTIAL AND COMMERCIAL CONDOMINIUMS
 RESIDENTIAL CONDO - 78 UNITS
 TOTAL UNITS - 78

BASIS OF BEARINGS
 THE BEARING OF INTERSECTION BETWEEN FOUNDATION WALLS AND PROPERTY LINE IS TAKEN FROM CURBLINE STREET AS SHOWN ON THE EXISTING MAP PARCEL MAP FILED IN BOOK 215 OF RECORDS OF ALAMEDA COUNTY, CALIFORNIA. COUNTY RECORDS WAS USED AS THE BASIS OF BEARINGS FOR THIS SURVEY.

NOTES
 ALL DISTANCES AND DIMENSIONS ARE AS SHOWN ON THIS SURVEY. UNLESS OTHERWISE NOTED, UNDERGROUND UTILITY LOCATION IS BASED ON RECORDS TO FINISHED MATERIAL (STUCCO/SHEMO). FINISH FLOOR ELEVATIONS ARE TAKEN AT DOOR THRESHOLD (EXTERIOR).

SCALE: 1" = 20'

TRACT #8573
 A ONE LOT SUBDIVISION FOR RESIDENTIAL AND COMMERCIAL CONDOMINIUM PURPOSES
 ALL THAT PORTION OF LAND AS DESCRIBED AND RECORDED IN THAT CERTAIN DEED DATED APRIL 30, 2008 AS SERIAL NO. 201808030 AND IS RECORDED IN THAT CERTAIN DEED FILED FOR RECORDS OF ALAMEDA COUNTY, CALIFORNIA, BOOK 215, PAGE 2230855, CITY OF BERKELEY, ALAMEDA COUNTY, CALIFORNIA
 JULY 2020

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JOB # 2181153/21729551

SHEET 1 OF 1

VICINITY MAP
 NO SCALE

LEGEND AND NOTES

TE LINE
 (E) PROPERTY LINE
 (E) FENCE LINE
 (E) SANITARY SEWER LINE
 (E) SANITARY DRAIN LINE
 (E) GAS LINE
 (E) FIRE WATER LINE
 (E) WATER LINE
 (E) BUILDING
 (E) FINISH FLOOR
 (E) POLYVINYL CHLORIDE PIPE
 (E) REINFORCED CONCRETE PIPE
 (E) CATCH BASIN
 (E) CABLE TV BOX
 (E) FIRE HYDRANT
 (E) IRRIGATION CONTROL VALVE
 (E) PUMP POLE
 (E) SANITARY SEWER CLEAN-OUT
 (E) SANITARY SEWER MANHOLE
 (E) STORM DRAIN MANHOLE
 (E) WATER VALVE
 (E) SPOTGRADE
 (E) ASPHALT
 (E) BRICK
 (E) CONCRETE

(E) TREE TYPE NOTED AS NOTED

SITE BENCHMARK
 (N) CATCH BASIN
 (N) GAS METER
 (N) GAS VALVE
 (N) PAGE VAULT
 (N) SANITARY SEWER CLEAN-OUT MANHOLE
 (N) STORM DRAIN MANHOLE
 (N) TELEPHONE VAULT
 (N) TELL
 (N) WATER METER
 (N) WATER VALVE
 (N) ST. LIGHT/LAMP

FOUND MONUMENT AS NOTED
 (N) GRADE
 (N) FINISH SURFACE
 (N) NEW/PROPOSED
 (E) EXISTING
 (N) PLANTER AREA



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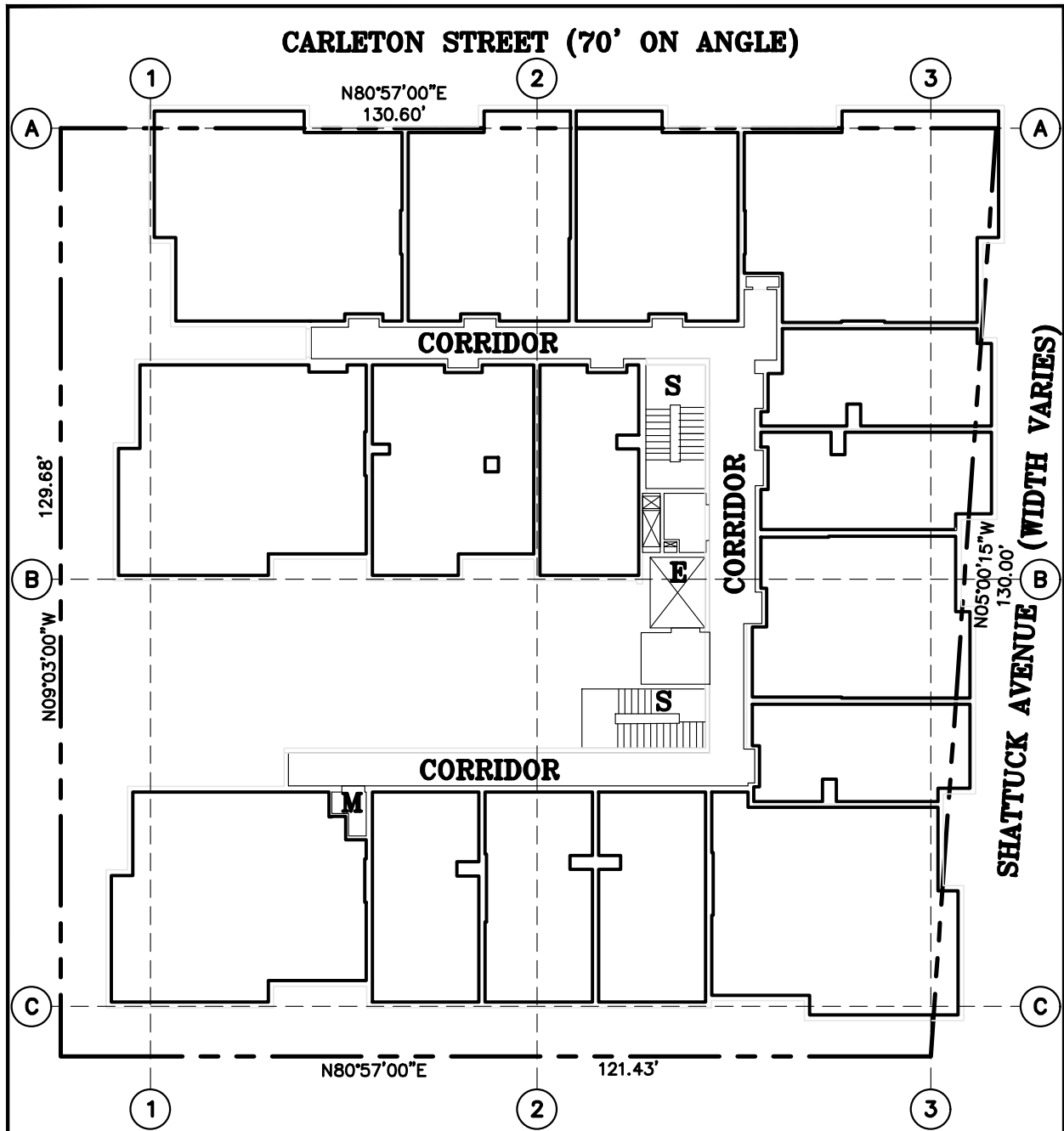
SURVEY CONTROL

**2628 SHATTUCK AVENUE
 BERKELEY, CA**

JOB NO 2181153

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PAGE 10 OF 47



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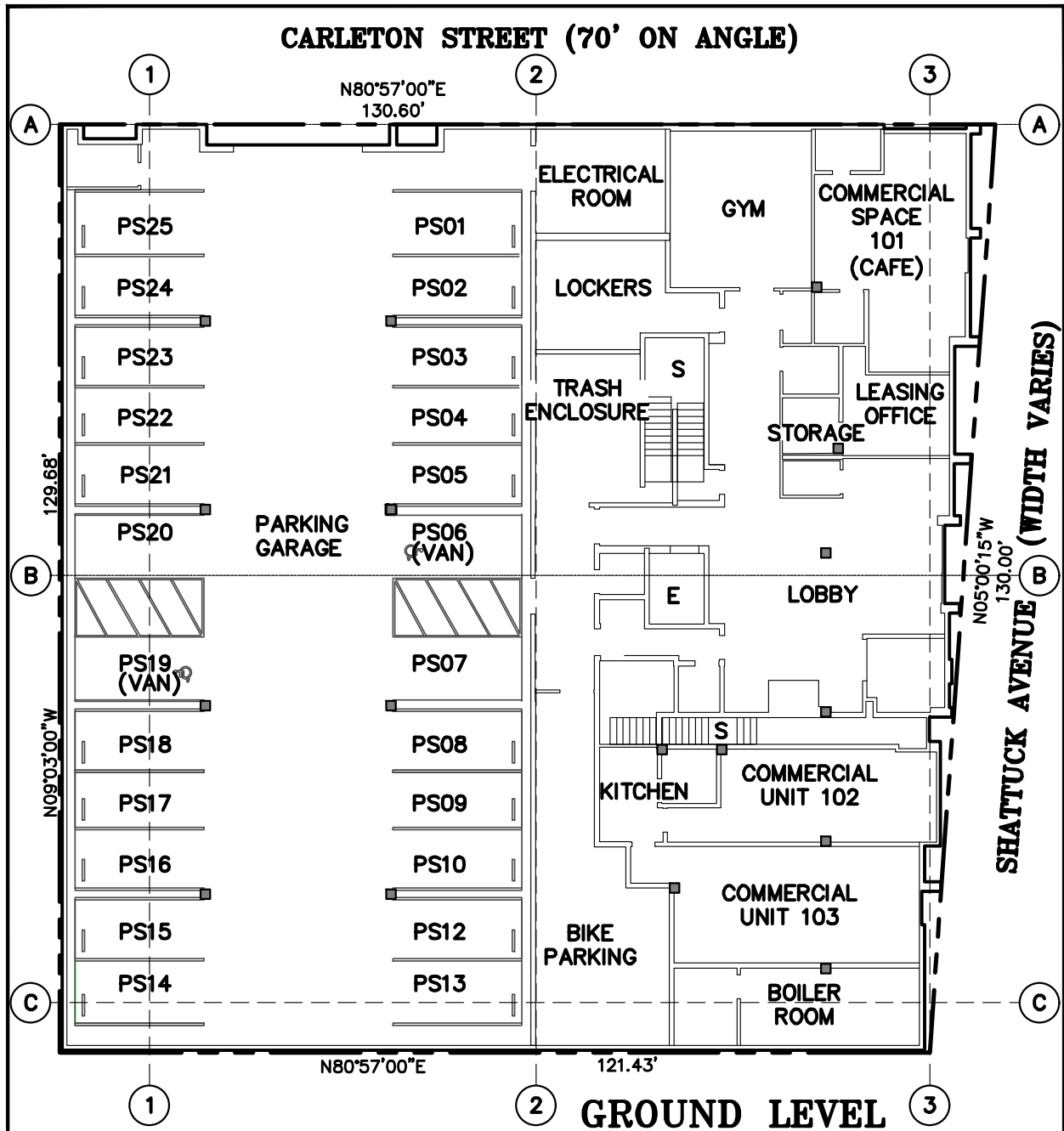
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**BUILDING GRID TIE
 TO PROPERTY LINE
 2628 SHATTUCK AVENUE
 BERKELEY, CA**

JOB NO 2181153
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 PAGE 11 OF 47



GROUND LEVEL

	LL	UL
UNIT 101 -	153.71	166.79
UNIT 102 -	152.93	166.79
UNIT 103 -	152.93	166.79



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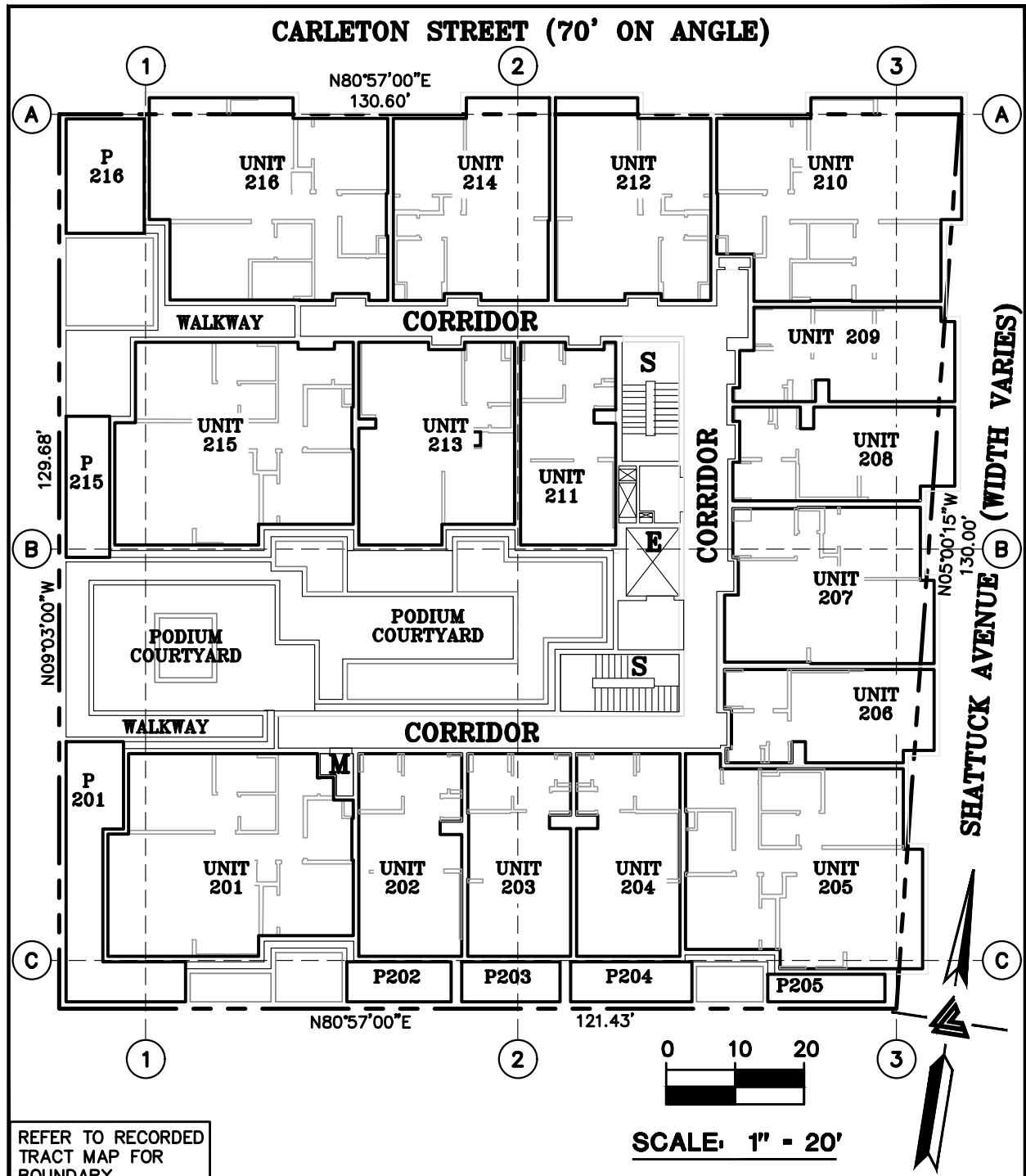
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**GROUND FLOOR
 LEVEL
 2628 SHATTUCK AVENUE
 BERKELEY, CA**

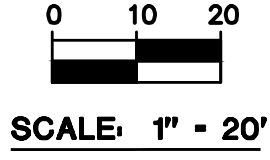
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REFER TO RECORDED
 TRACT MAP FOR
 BOUNDARY



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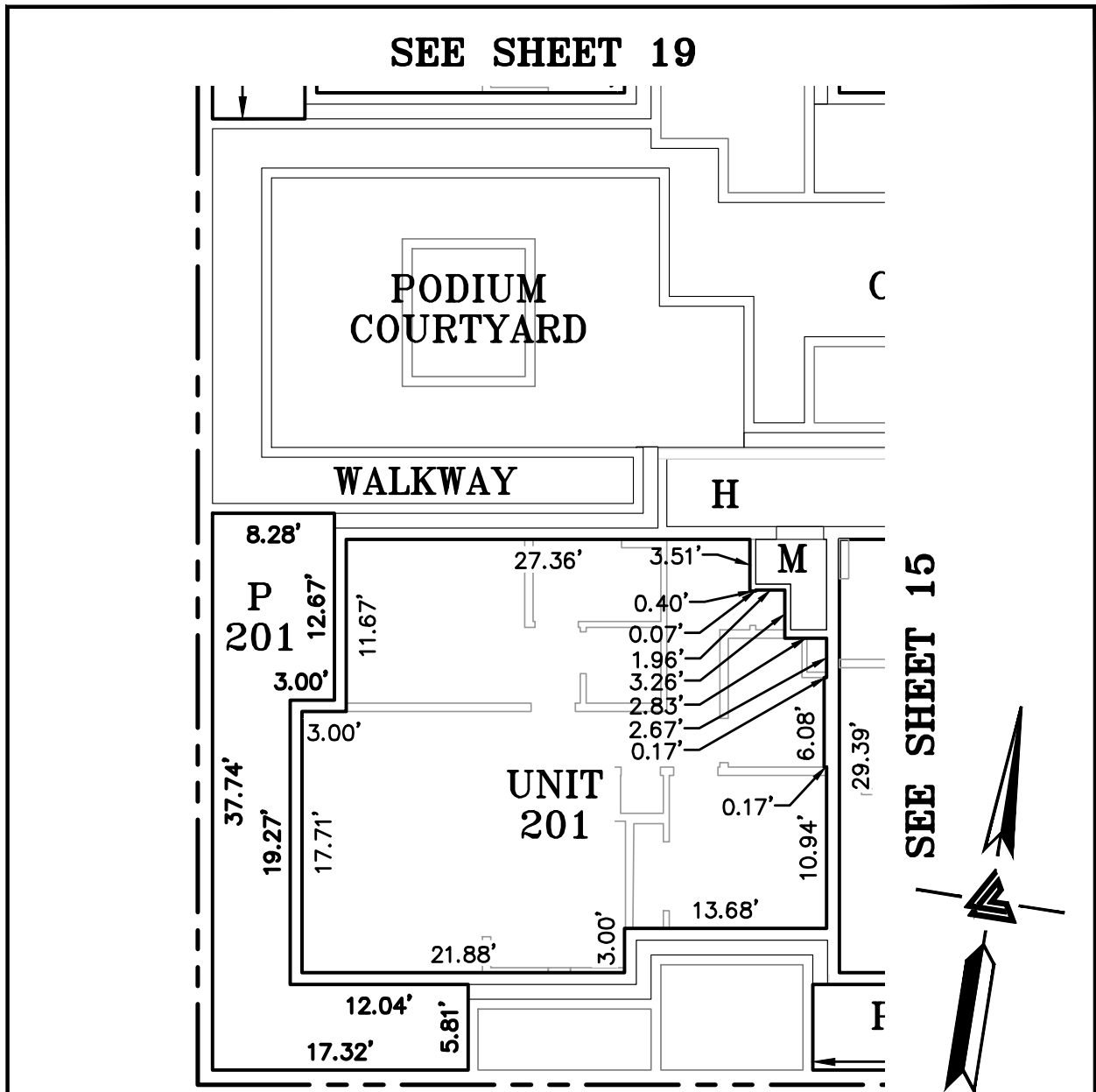
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**SECOND FLOOR
 OVERALL FLOOR LEVEL
 2628 SHATTUCK AVENUE
 BERKELEY, CA**

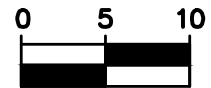
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UNIT 201 - LL 167.71 UL 176.38



SCALE: 1" = 10'

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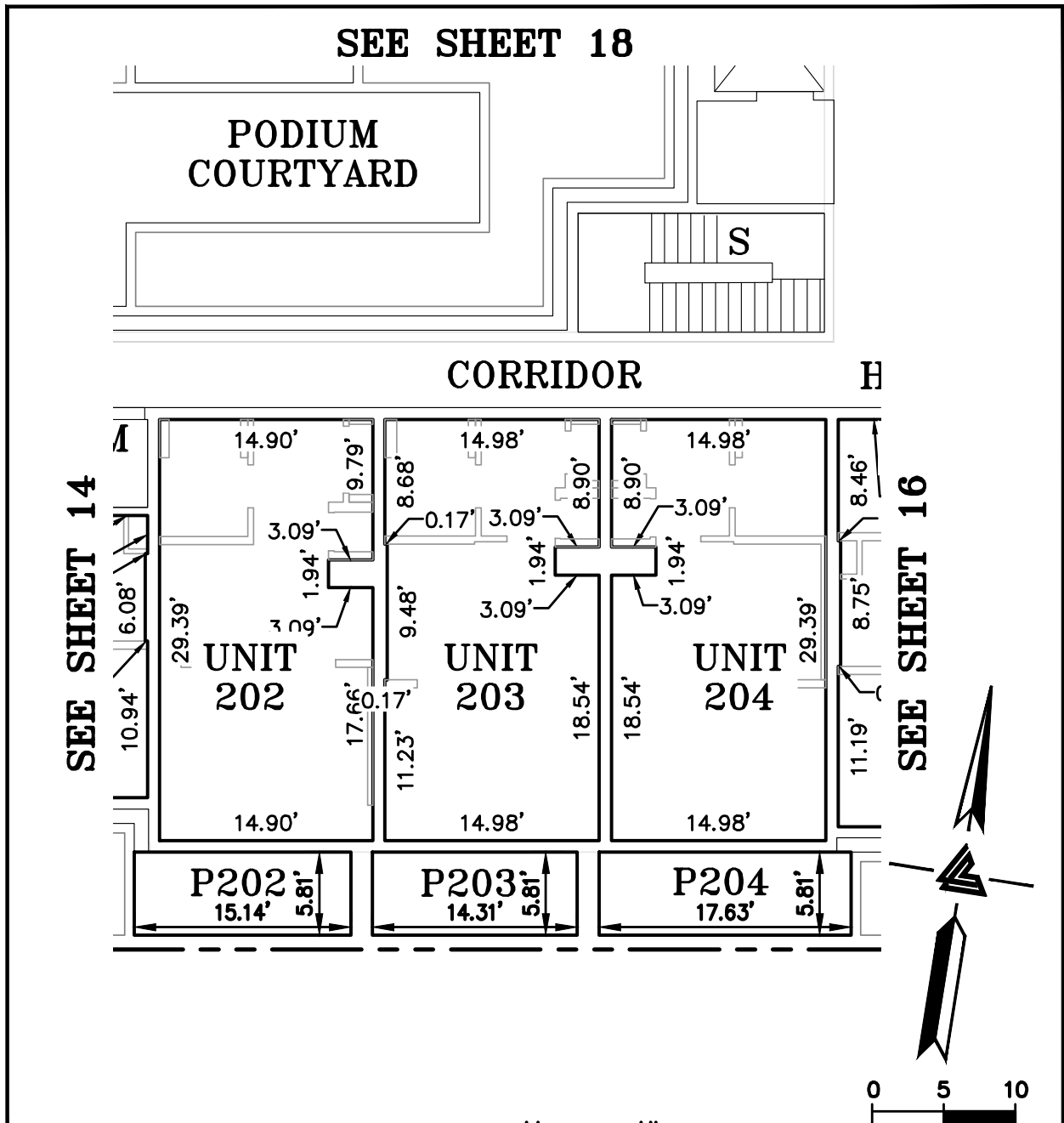
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SECOND FLOOR LEVEL
2628 SHATTUCK AVENUE
BERKELEY, CA

JOB NO 2181153

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REFER TO RECORDED
 TRACT MAP FOR
 BOUNDARY

UNIT 202 -	LL	167.71	UL	176.38
UNIT 203 -	LL	167.71	UL	176.38
UNIT 204 -	LL	167.71	UL	176.38

0 5 10
SCALE: 1" = 10'

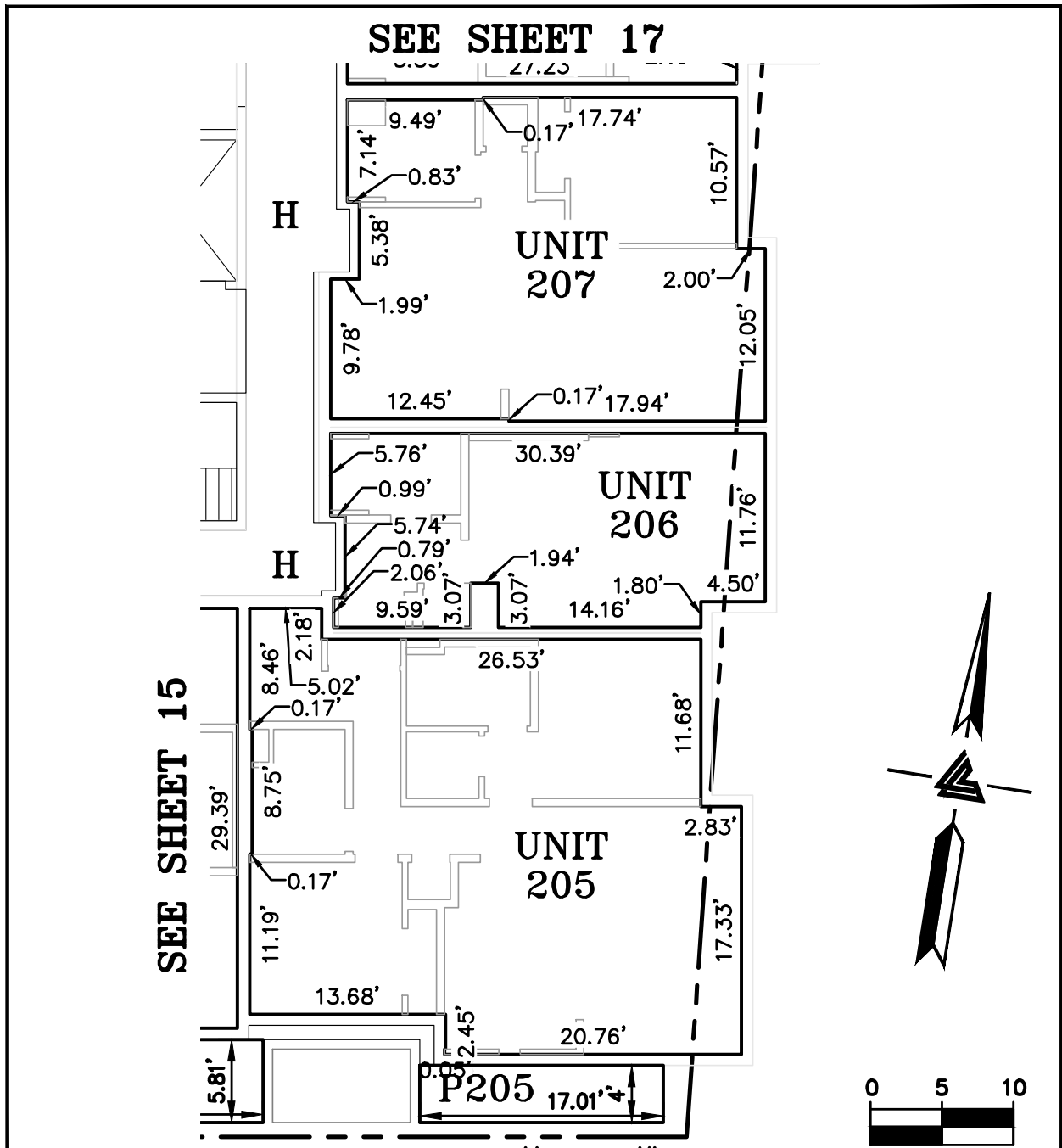
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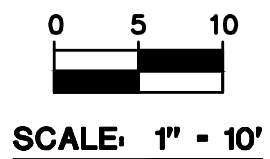
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REFER TO RECORDED
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UNIT 205	-	167.71	176.38
UNIT 206	-	167.71	176.38
UNIT 207	-	167.71	176.38



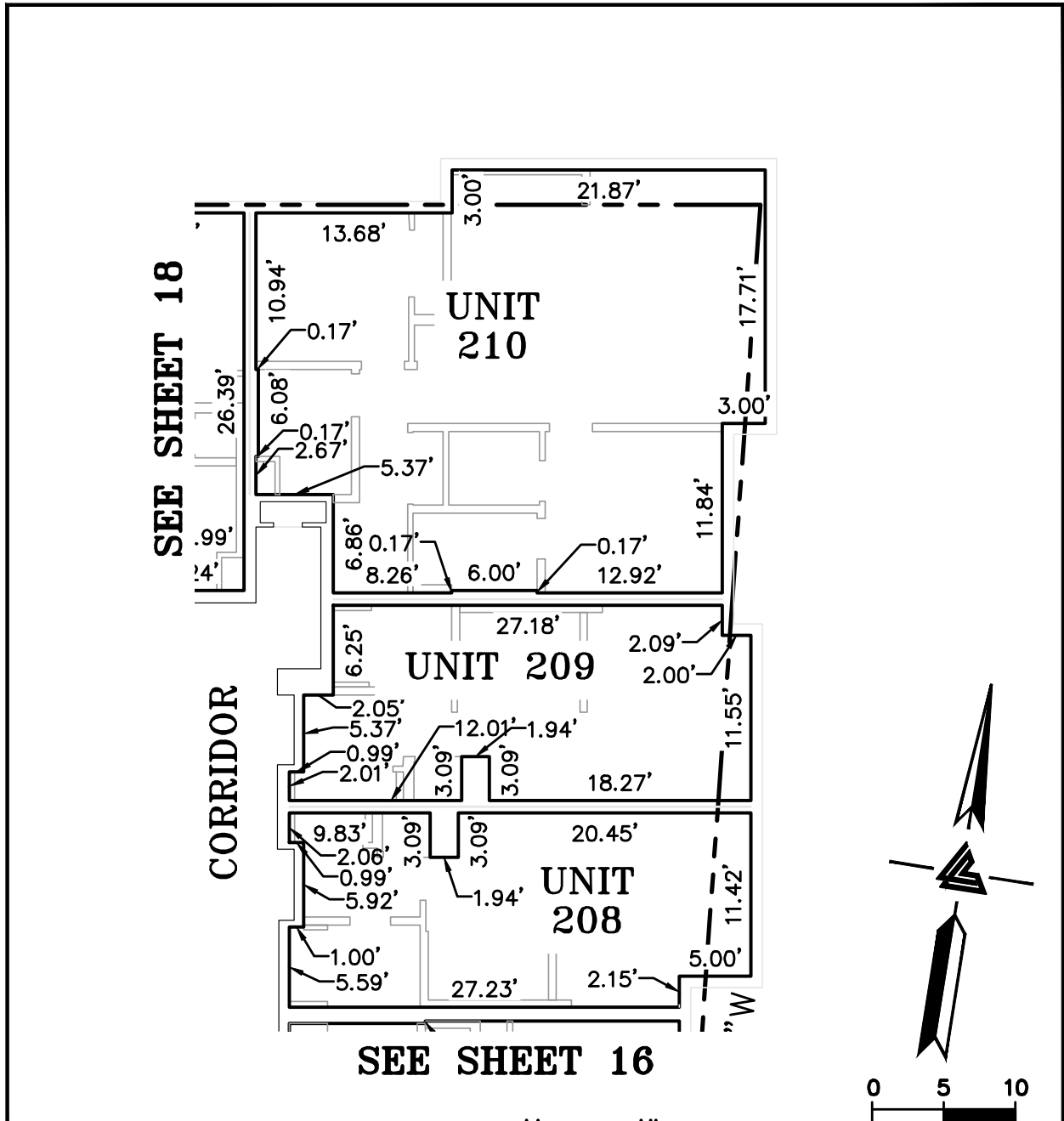
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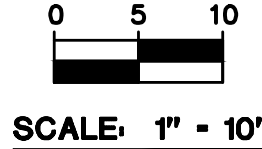


SEE SHEET 18

CORRIDOR

SEE SHEET 16

	LL	UL
UNIT 208 -	167.71	176.38
UNIT 209 -	167.71	176.38
UNIT 210 -	167.71	176.38



REFER TO RECORDED TRACT MAP FOR BOUNDARY

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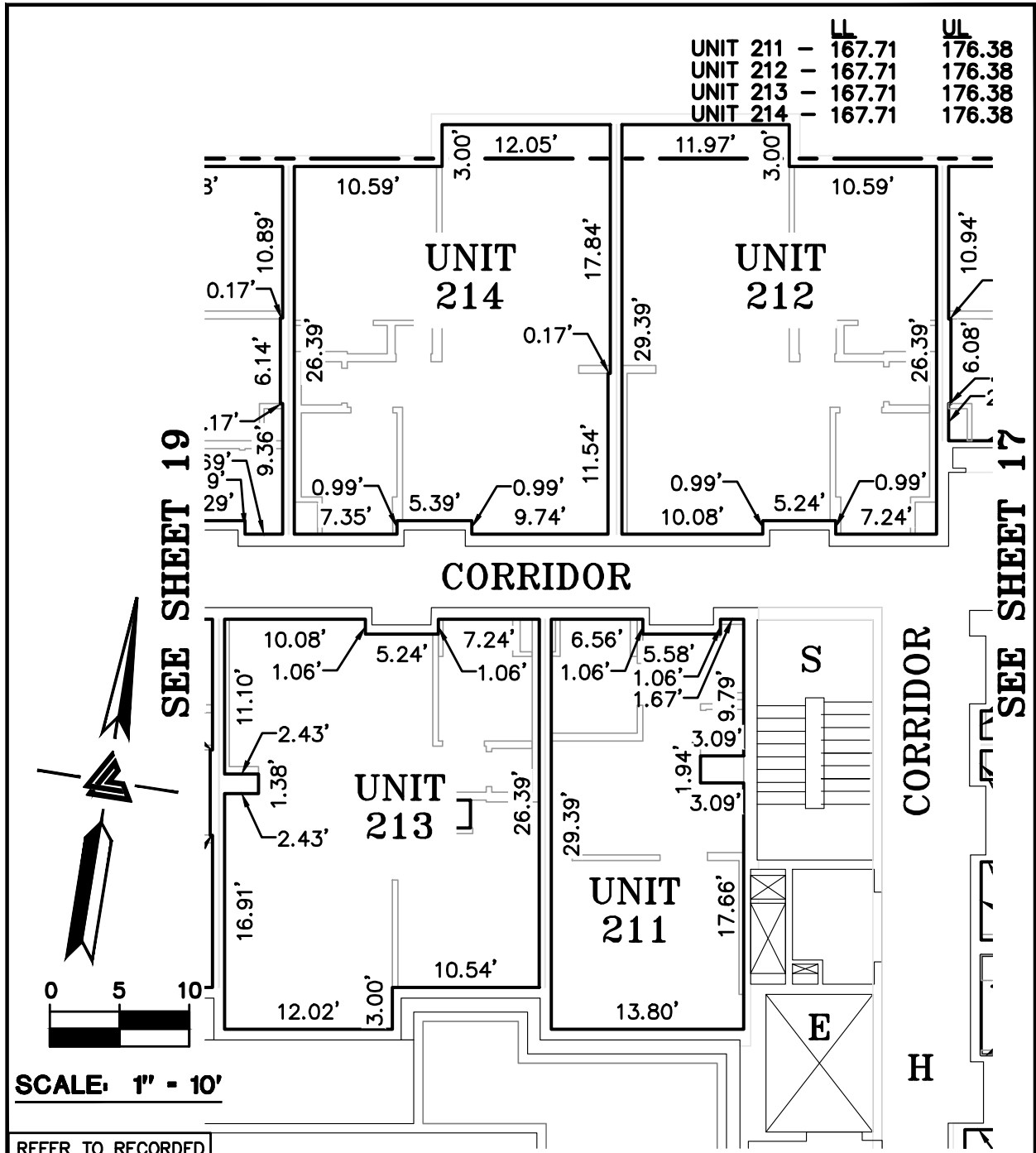
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BERKELEY, CA

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	LL	UL
UNIT 211	- 167.71	176.38
UNIT 212	- 167.71	176.38
UNIT 213	- 167.71	176.38
UNIT 214	- 167.71	176.38

SEE SHEET 19

SEE SHEET 17

SCALE: 1" = 10'

REFER TO RECORDED TRACT MAP FOR BOUNDARY

SEE SHEET 15



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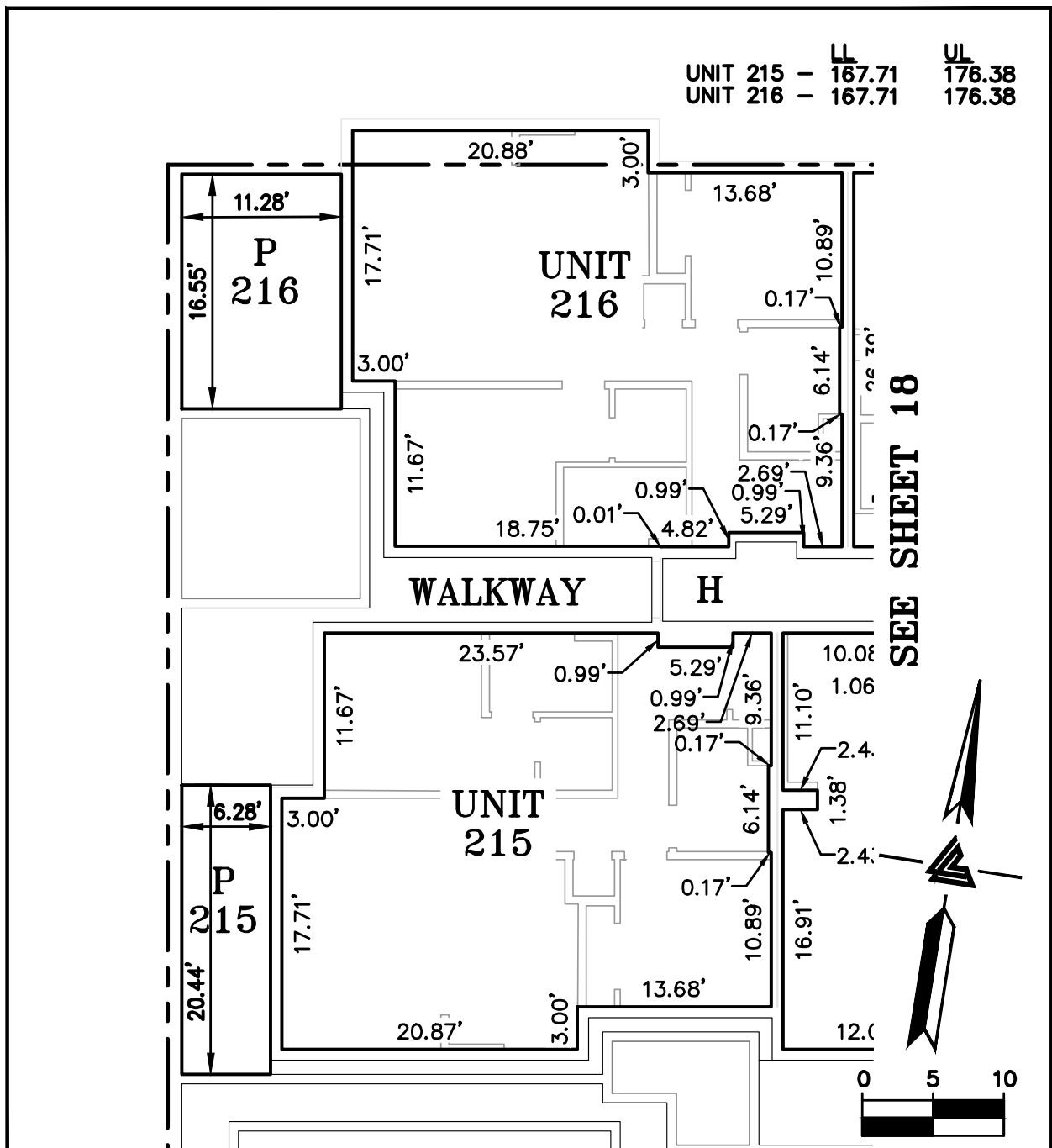
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PAGE 18 OF 47



	LL	UL
UNIT 215	167.71	176.38
UNIT 216	167.71	176.38

SEE SHEET 18

SEE SHEET 14

SCALE: 1" = 10'

REFER TO RECORDED
 TRACT MAP FOR
 BOUNDARY



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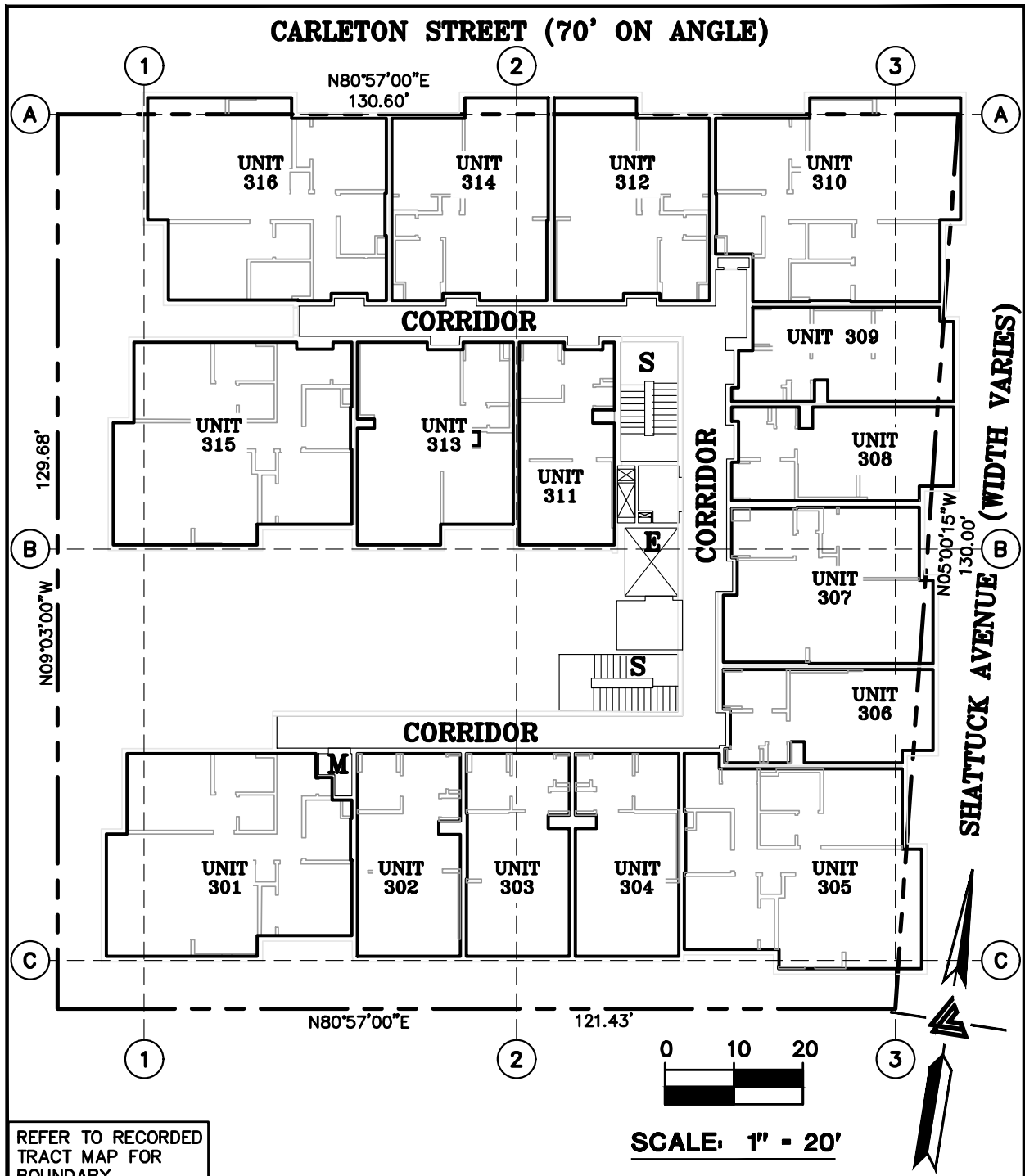
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SECOND FLOOR LEVEL
 2628 SHATTUCK AVENUE
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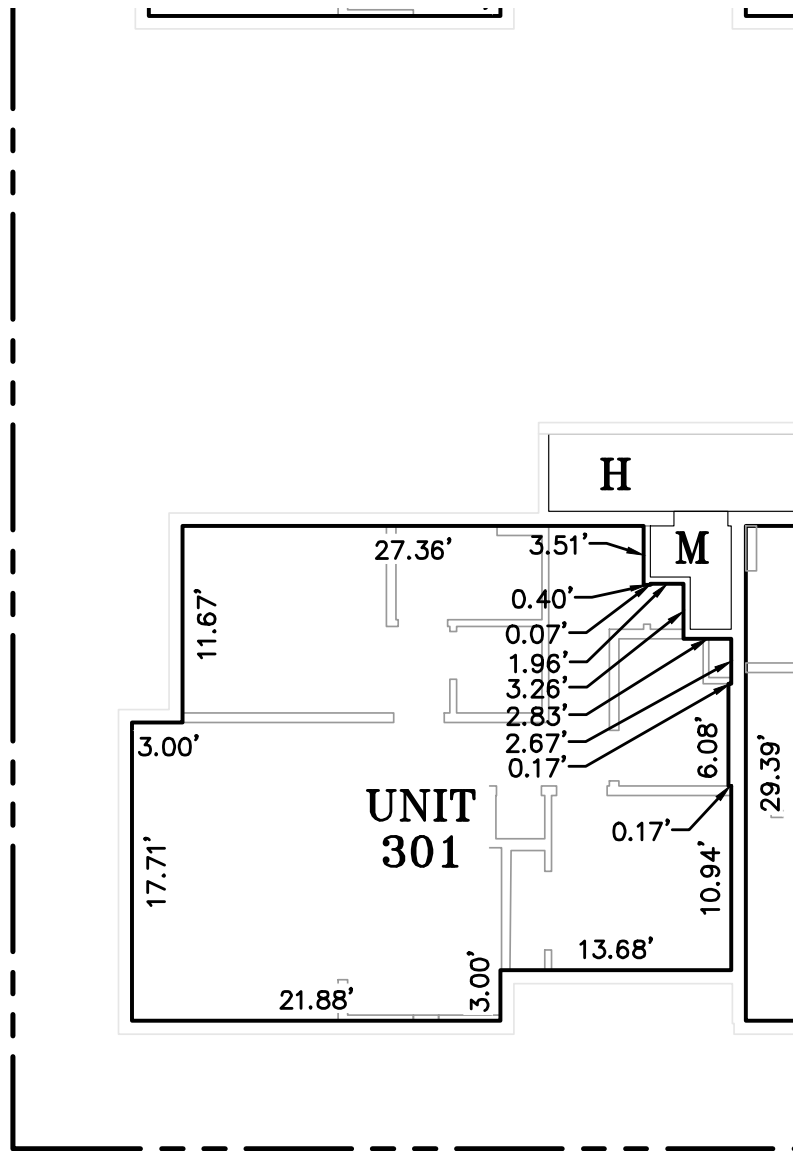
**THIRD FLOOR
 OVERALL FLOOR LEVEL
 2628 SHATTUCK AVENUE
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SEE SHEET 26



SEE SHEET 22

UNIT 301 - LL 177.71 UL 186.38

SCALE: 1" = 10'

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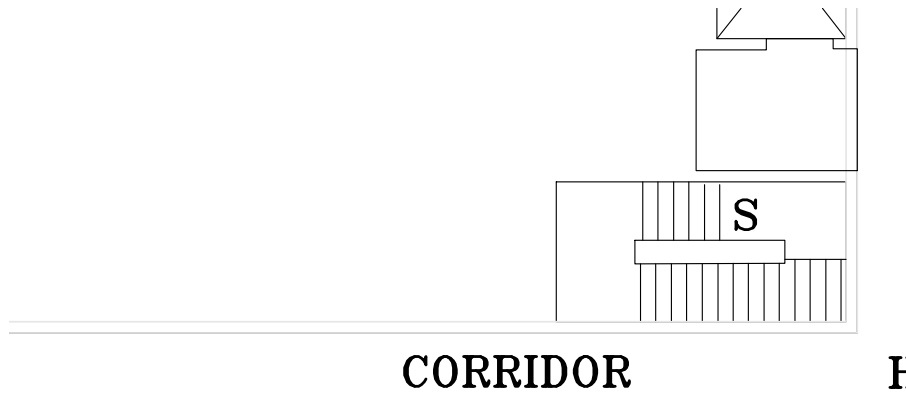
THIRD FLOOR LEVEL
2628 SHATTUCK AVENUE
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JOB NO 2181153

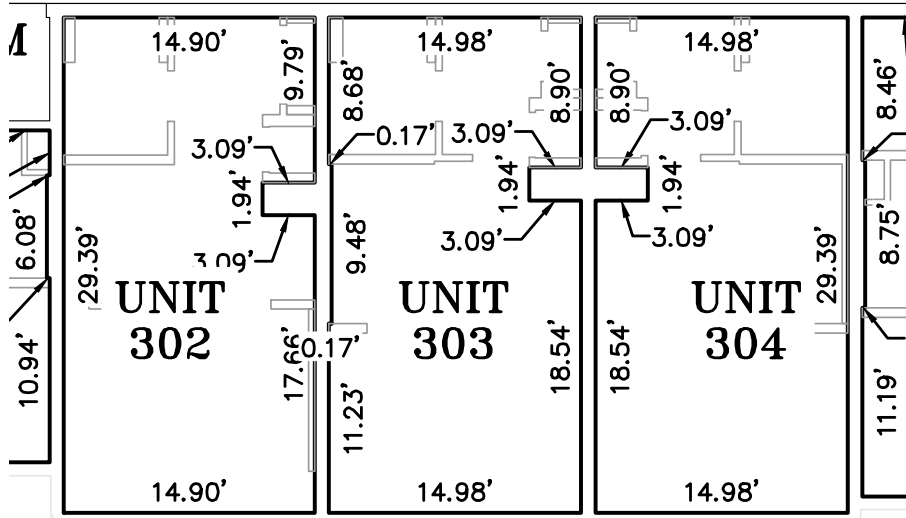
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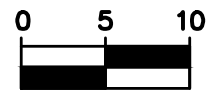
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SEE SHEET 21



SEE SHEET 23



SCALE: 1" = 10'

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	LL	UL
UNIT 302 -	177.71	186.38
UNIT 303 -	177.71	186.38
UNIT 304 -	177.71	186.38



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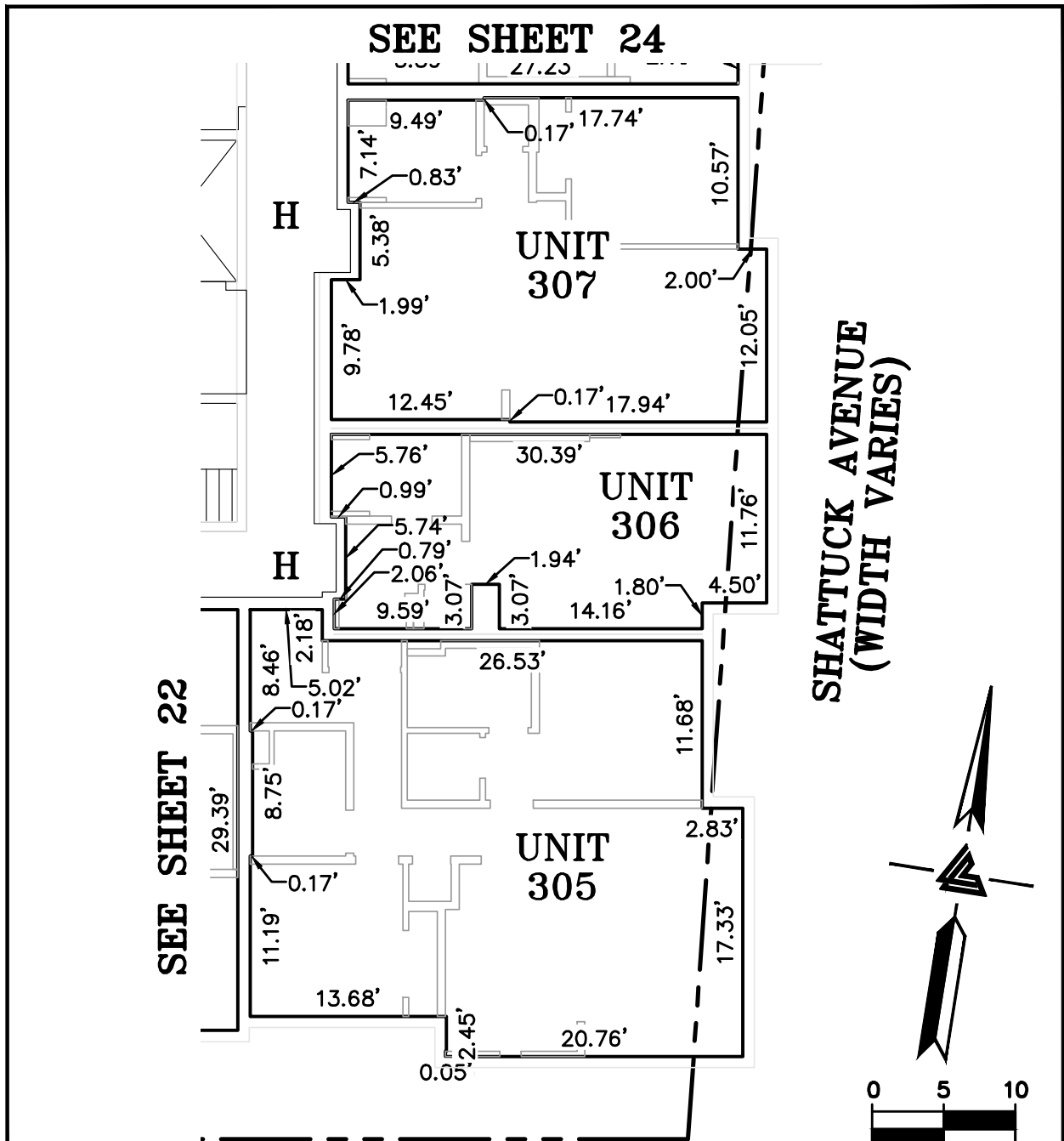
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UNIT 305	-	177.71	186.38
UNIT 306	-	177.71	186.38
UNIT 307	-	177.71	186.38

SCALE: 1" = 10'

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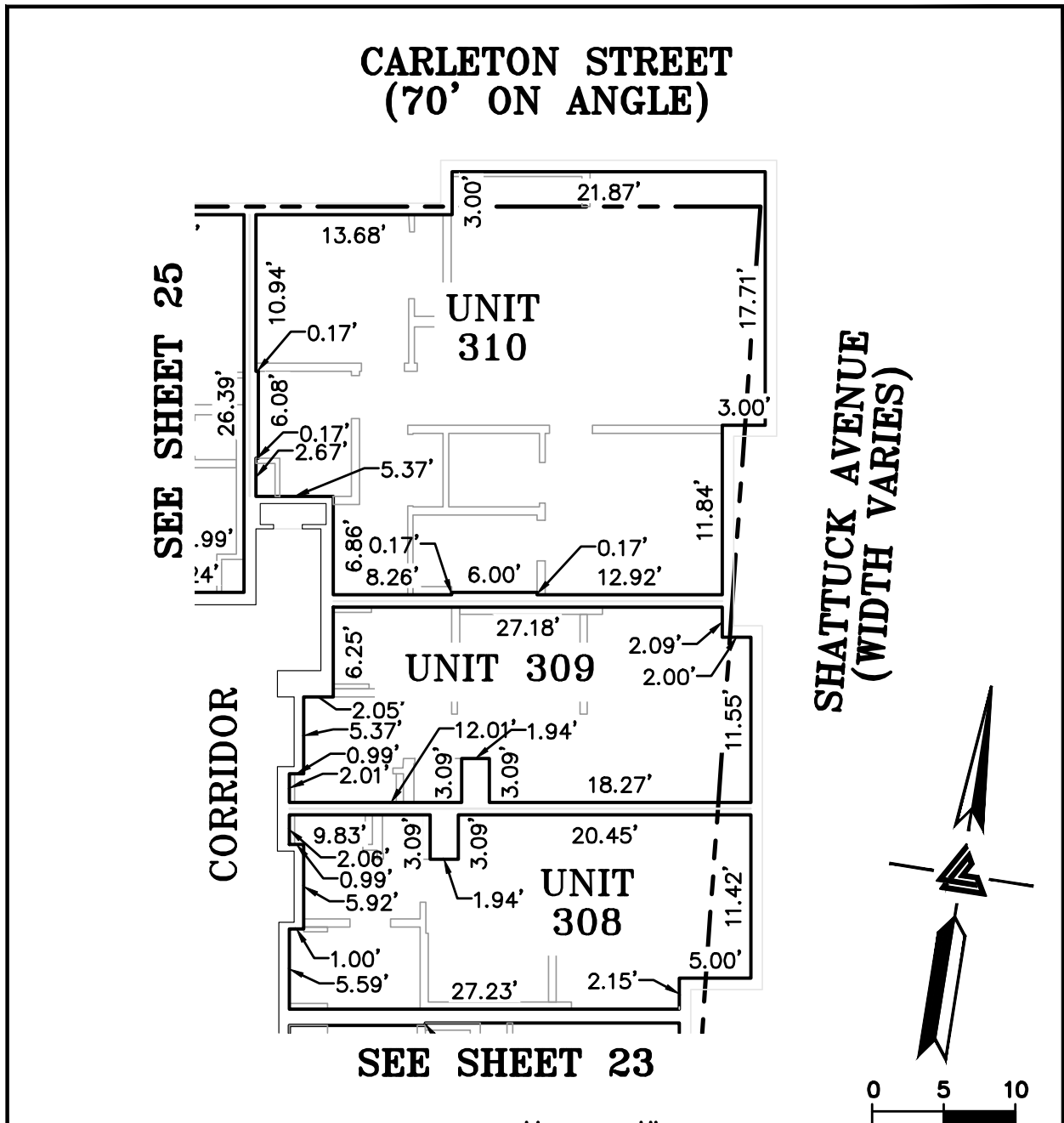
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	LL	UL
UNIT 308 -	177.71	186.38
UNIT 309 -	177.71	186.38
UNIT 310 -	177.71	186.38

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0 5 10
SCALE: 1" = 10'

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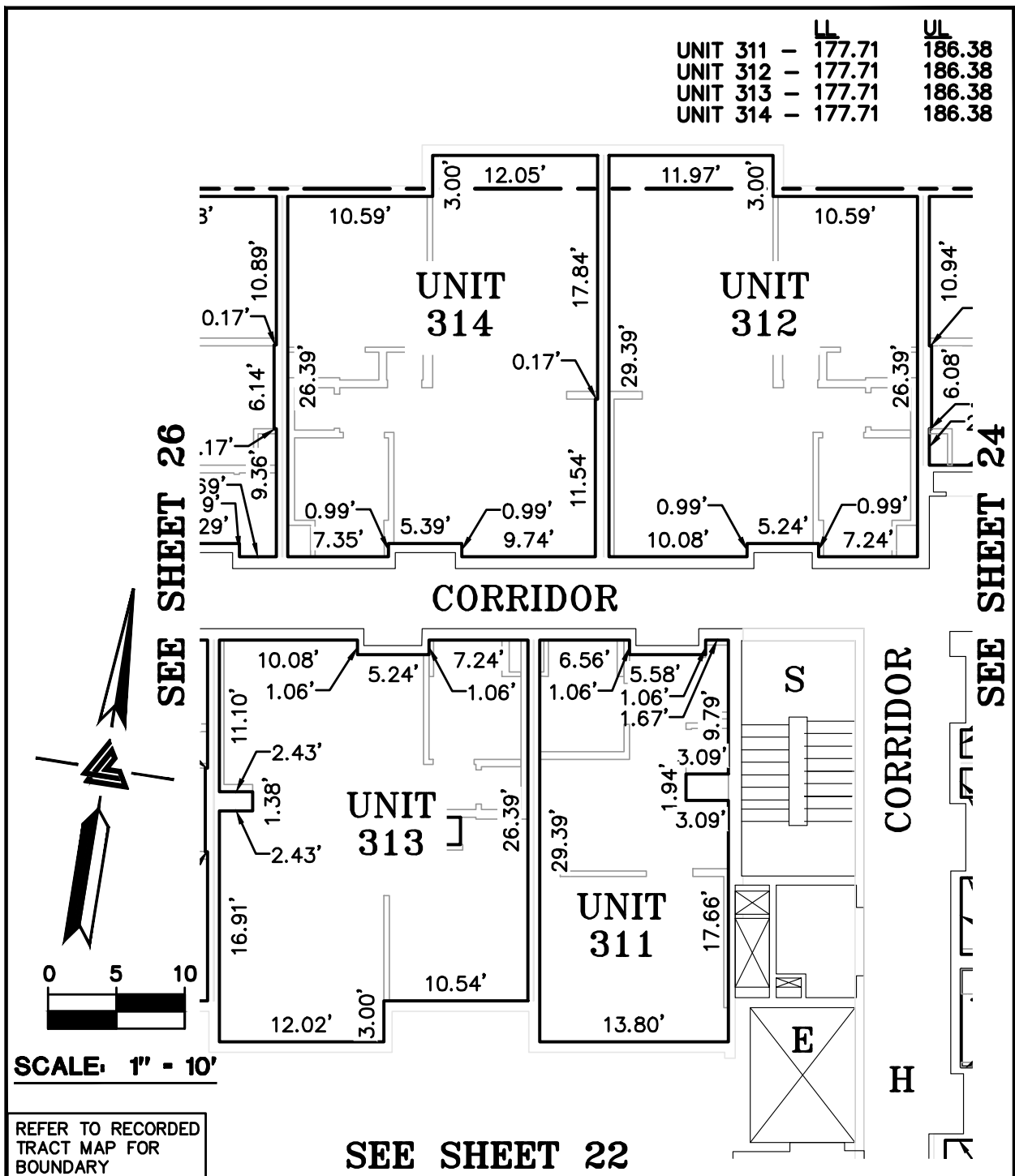
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	LL	UL
UNIT 311	- 177.71	186.38
UNIT 312	- 177.71	186.38
UNIT 313	- 177.71	186.38
UNIT 314	- 177.71	186.38



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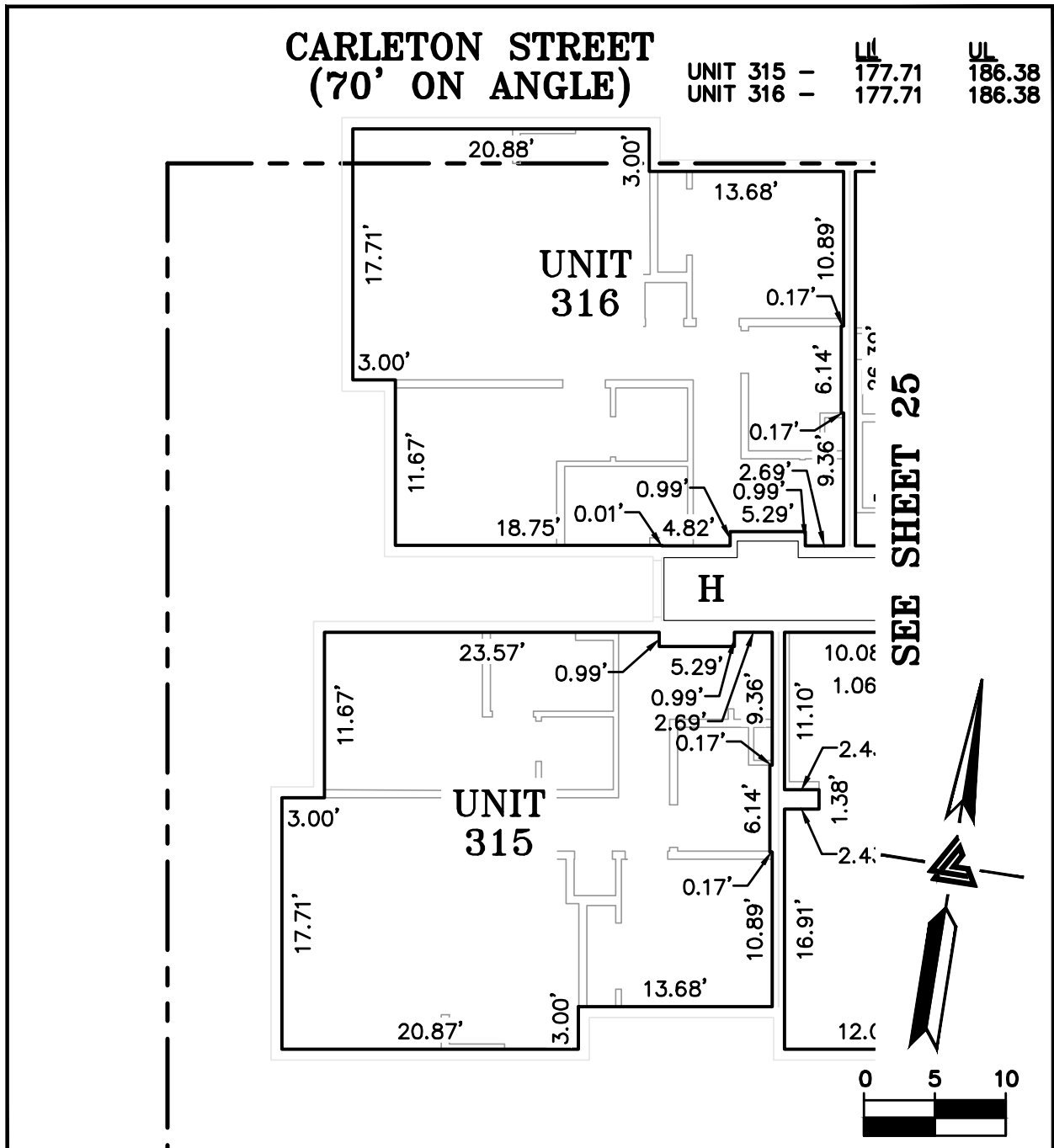
THIRD FLOOR LEVEL

**2628 SHATTUCK AVENUE
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REFER TO RECORDED TRACT MAP FOR BOUNDARY

SEE SHEET 21

SCALE: 1" = 10'

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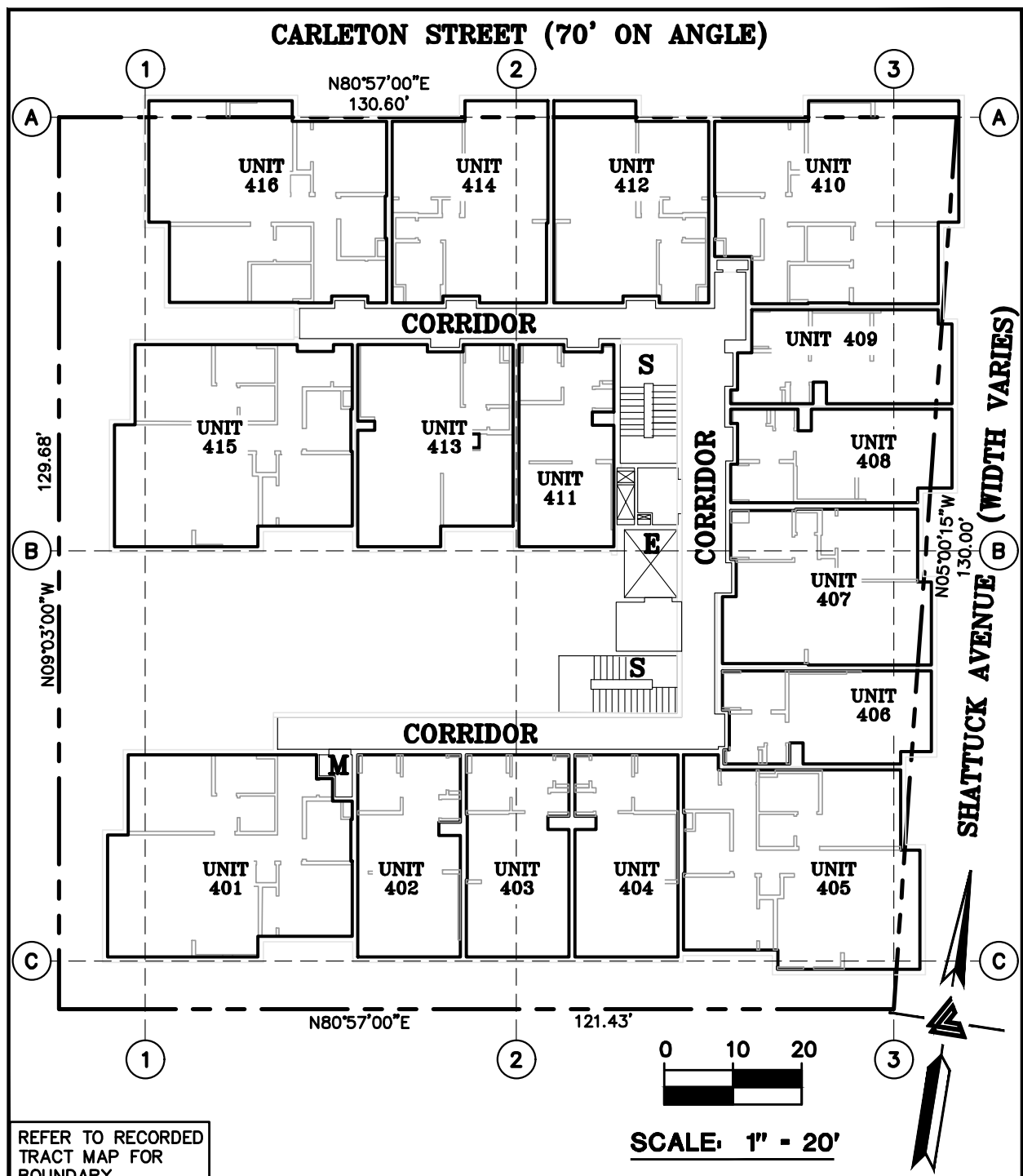
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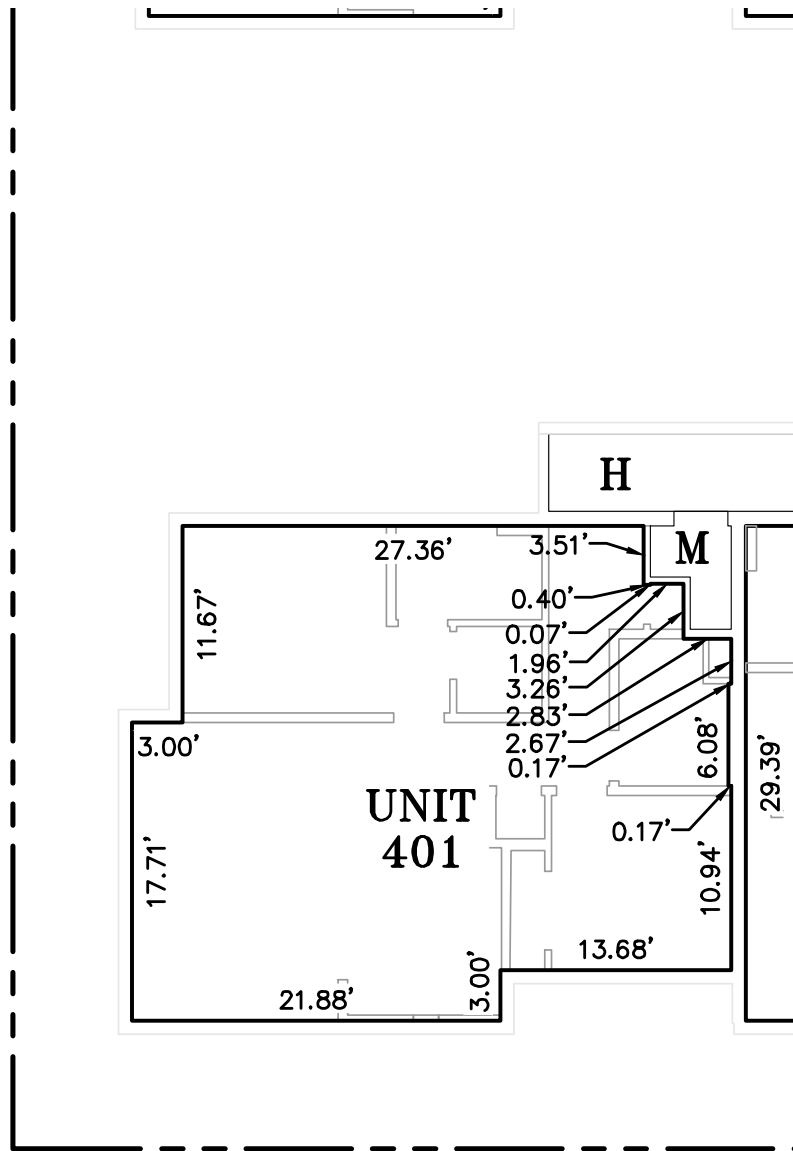
**FOURTH FLOOR
 OVERALL FLOOR LEVEL
 2628 SHATTUCK AVENUE
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JOB NO 2181153

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SEE SHEET 33



SEE SHEET 28

UNIT 401 - LL 187.71 UL 196.38

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SCALE: 1" = 10'



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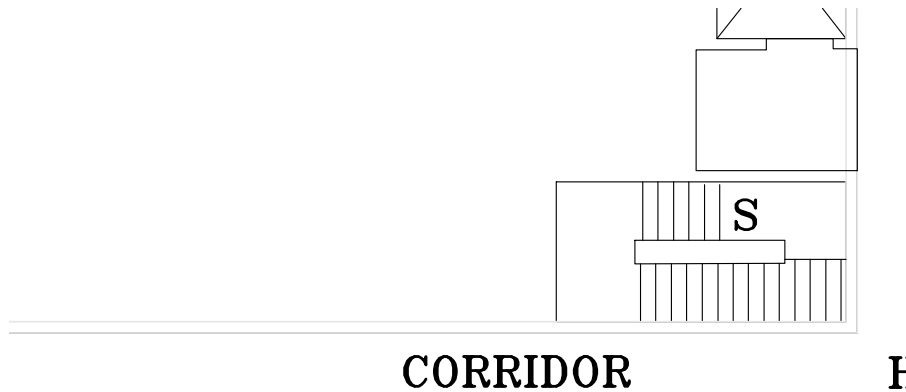
**FOURTH FLOOR
LEVEL
2628 SHATTUCK AVENUE
BERKELEY, CA**

JOB NO 2181153

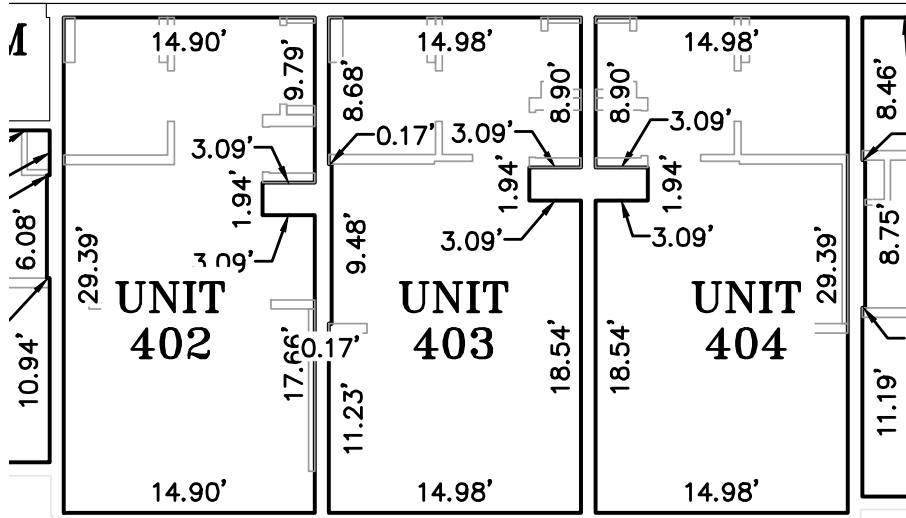
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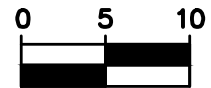
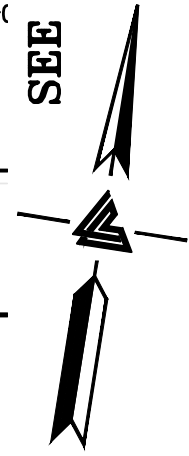
SEE SHEET 32



SEE SHEET 28



SEE SHEET 30



SCALE: 1" = 10'

	LL	UL
UNIT 402 -	187.71	196.38
UNIT 403 -	187.71	196.38
UNIT 404 -	187.71	196.38

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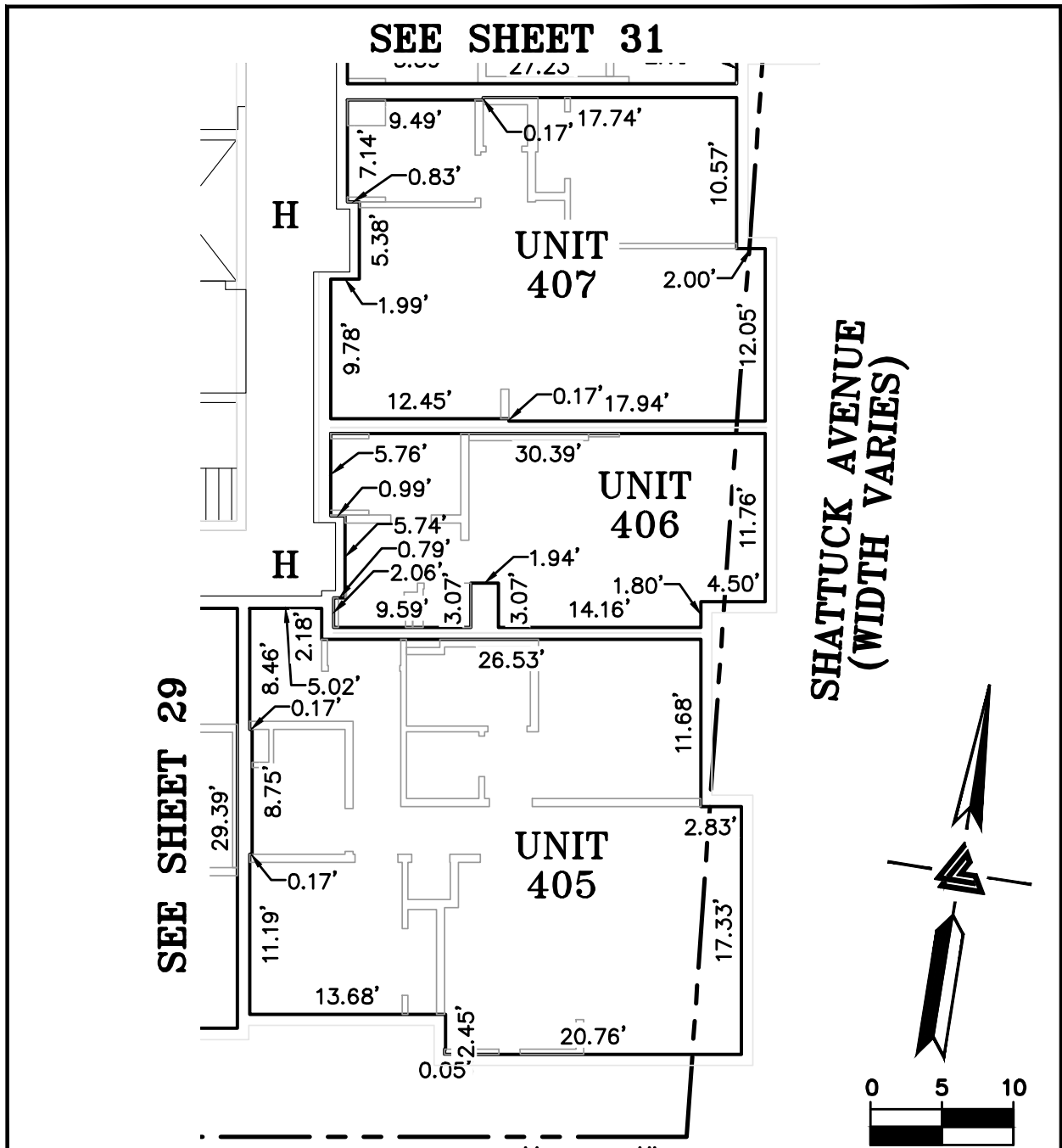
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 LEVEL
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UNIT 405	-	187.71	196.38
UNIT 406	-	187.71	196.38
UNIT 407	-	187.71	196.38

SCALE: 1" = 10'

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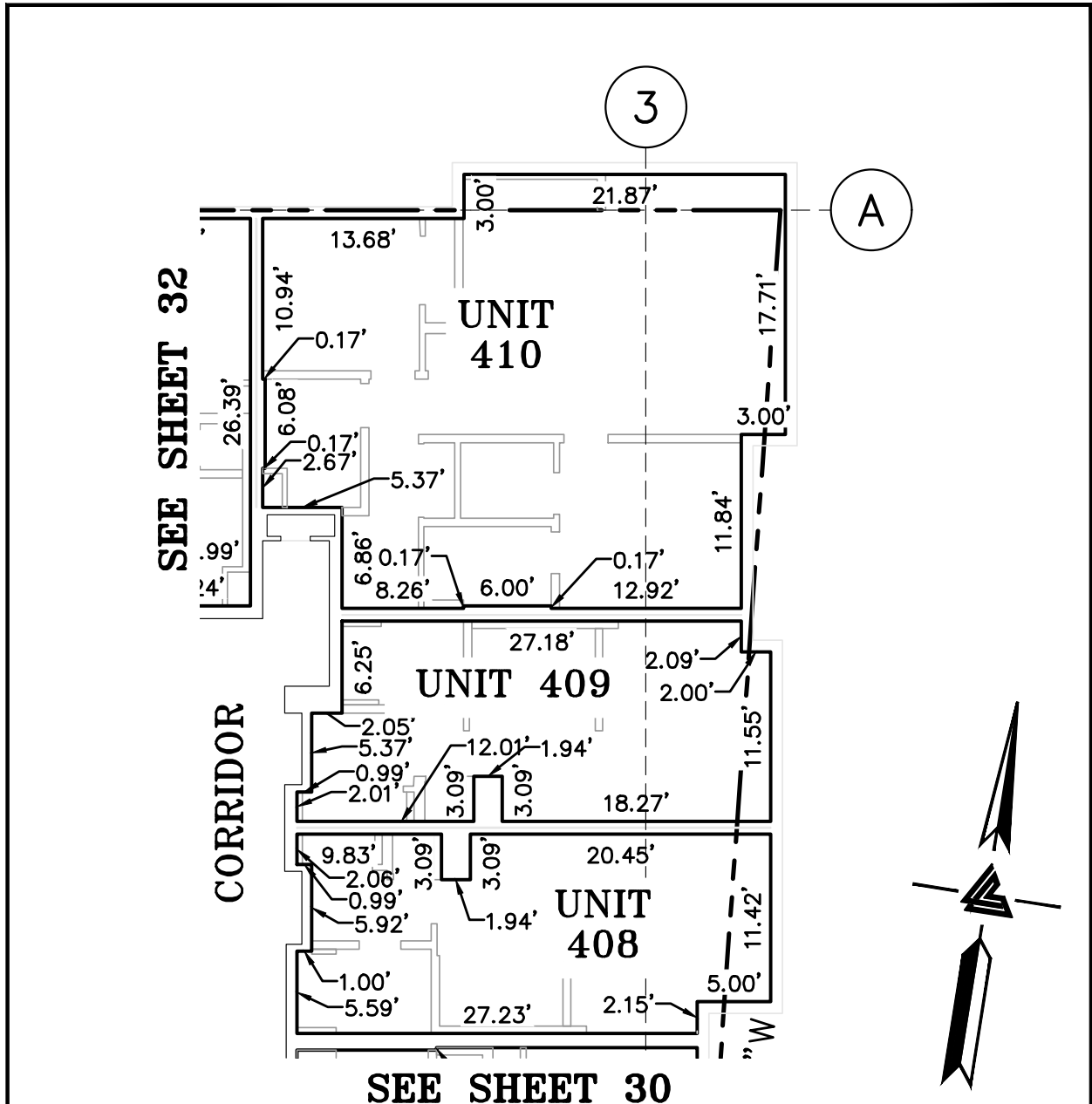
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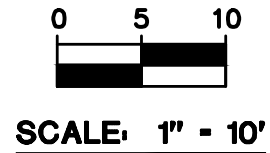
**FOURTH FLOOR
 LEVEL**
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	LL	UL
UNIT 308 -	187.71	196.38
UNIT 309 -	187.71	196.38
UNIT 310 -	187.71	196.38



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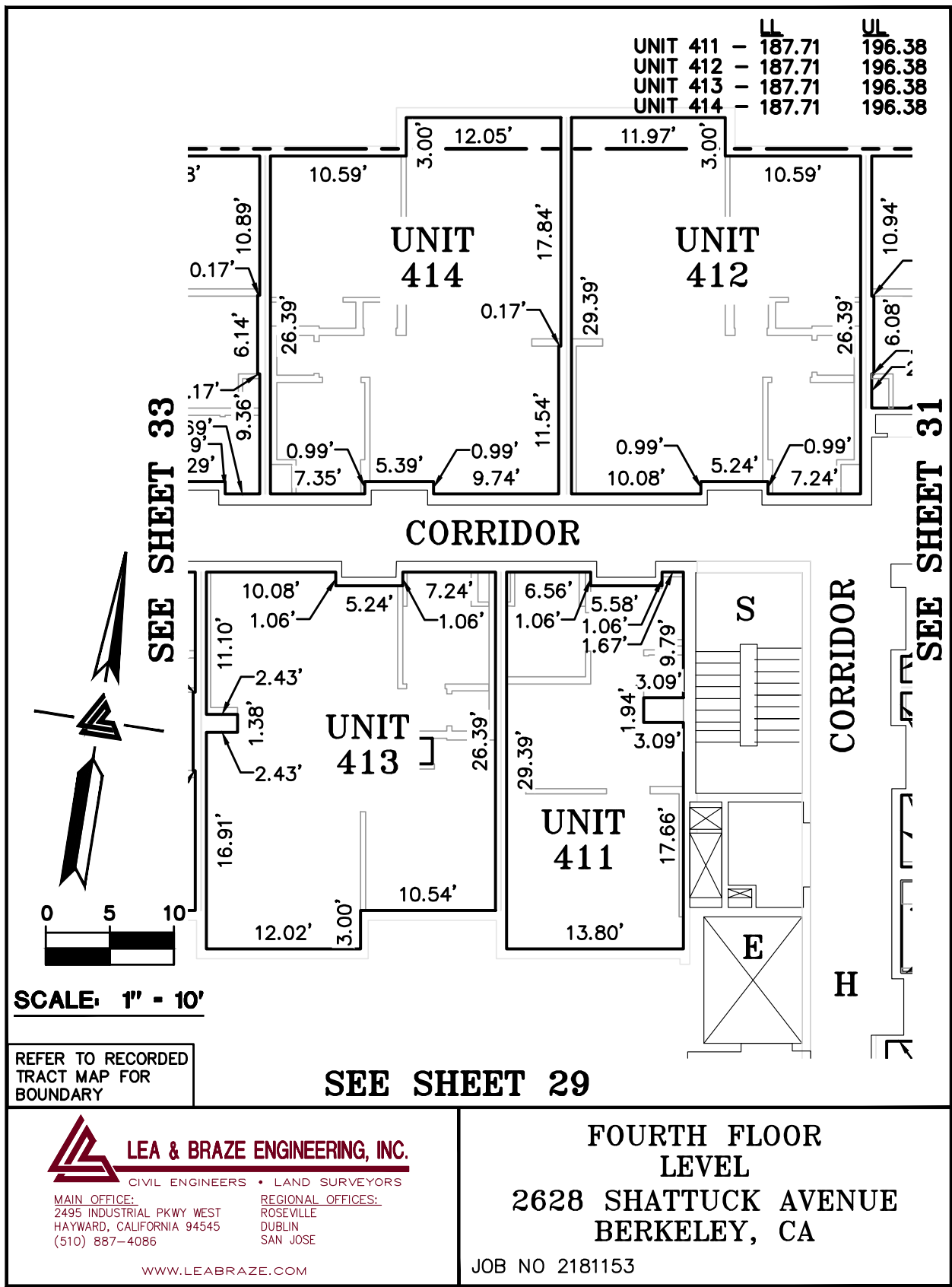
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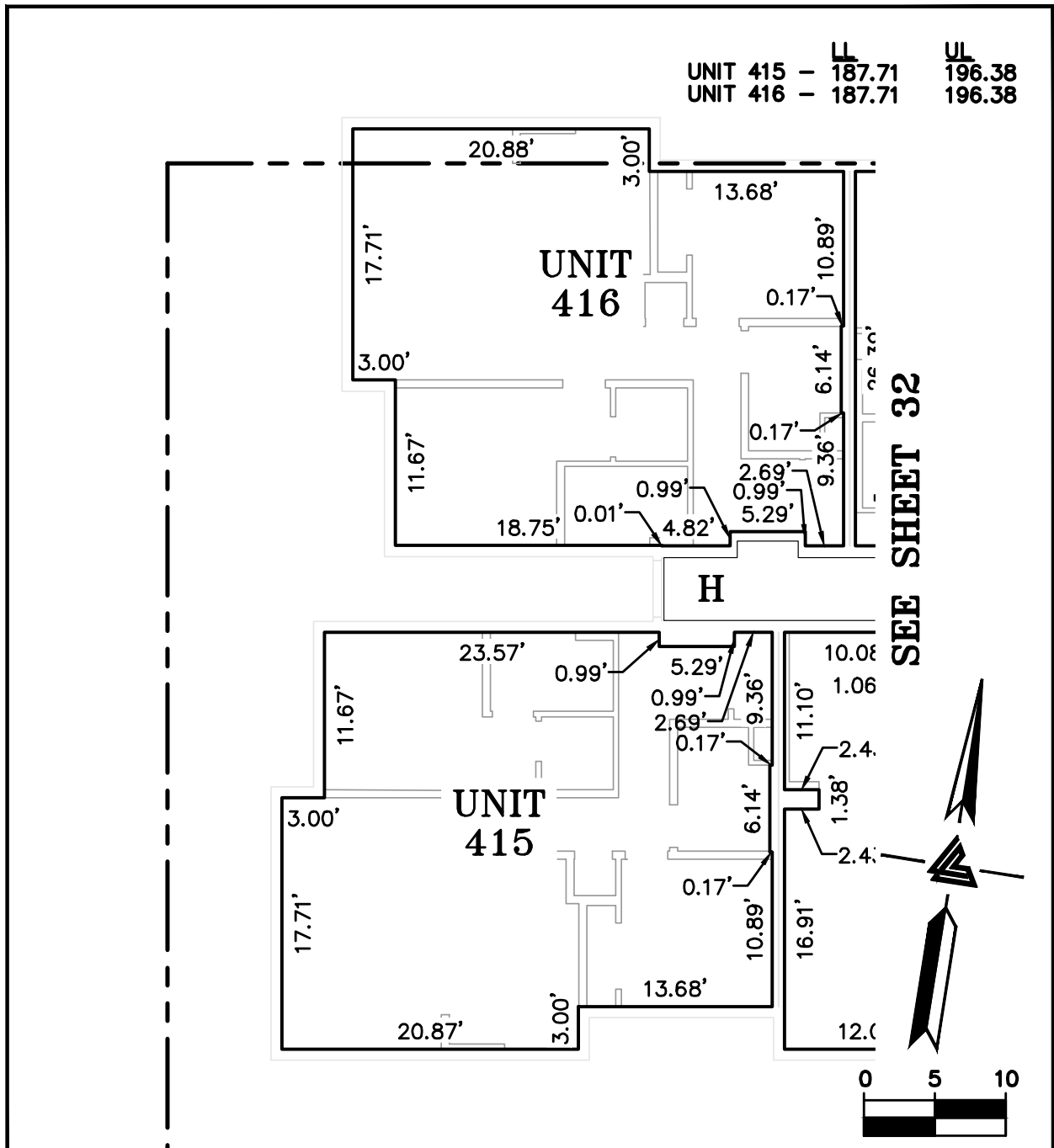
**FOURTH FLOOR
 LEVEL
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	FL	UL
UNIT 415	- 187.71	196.38
UNIT 416	- 187.71	196.38

SEE SHEET 32

SEE SHEET 28

SCALE: 1" = 10'

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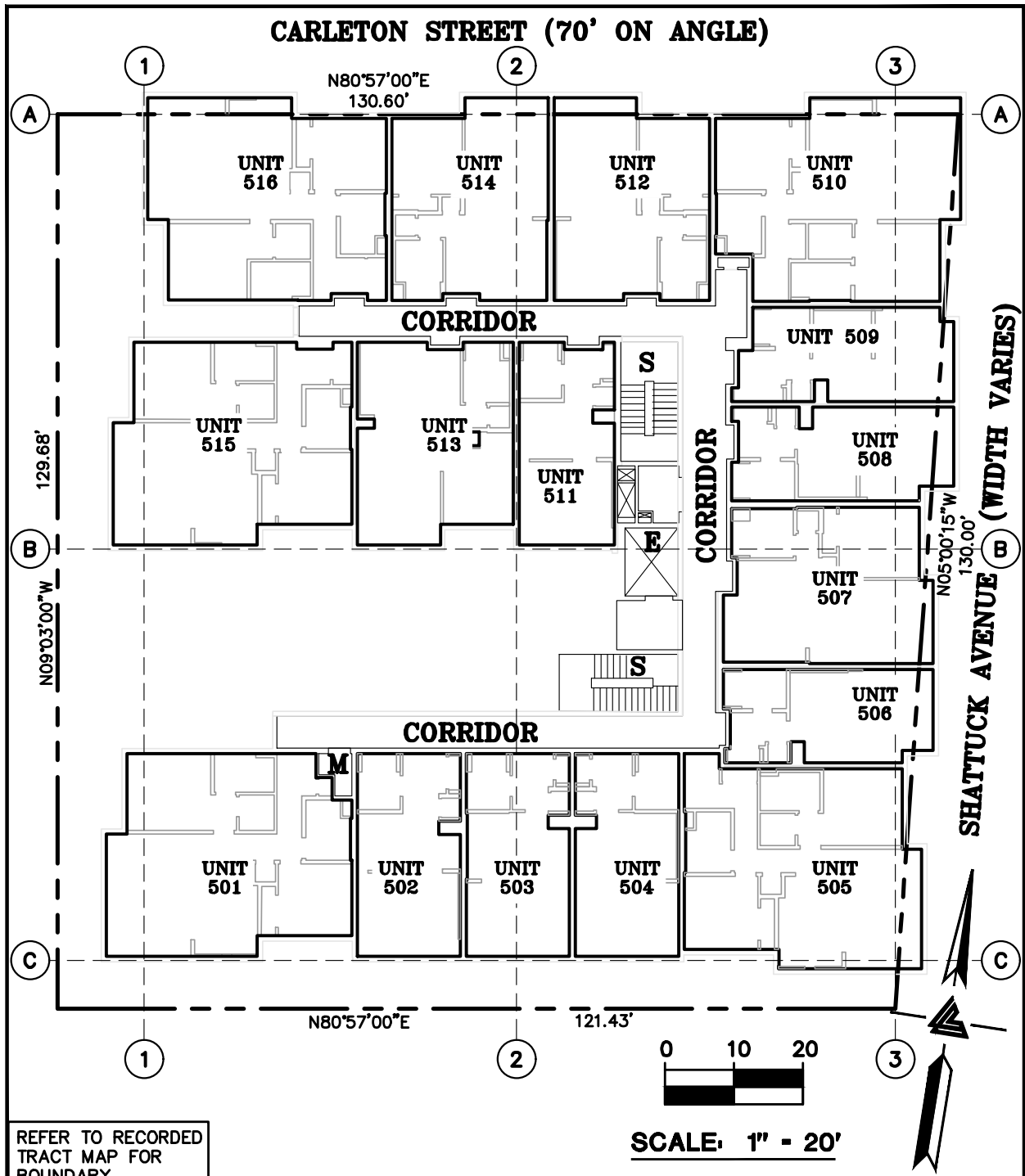
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**FOURTH FLOOR
 LEVEL
 2628 SHATTUCK AVENUE
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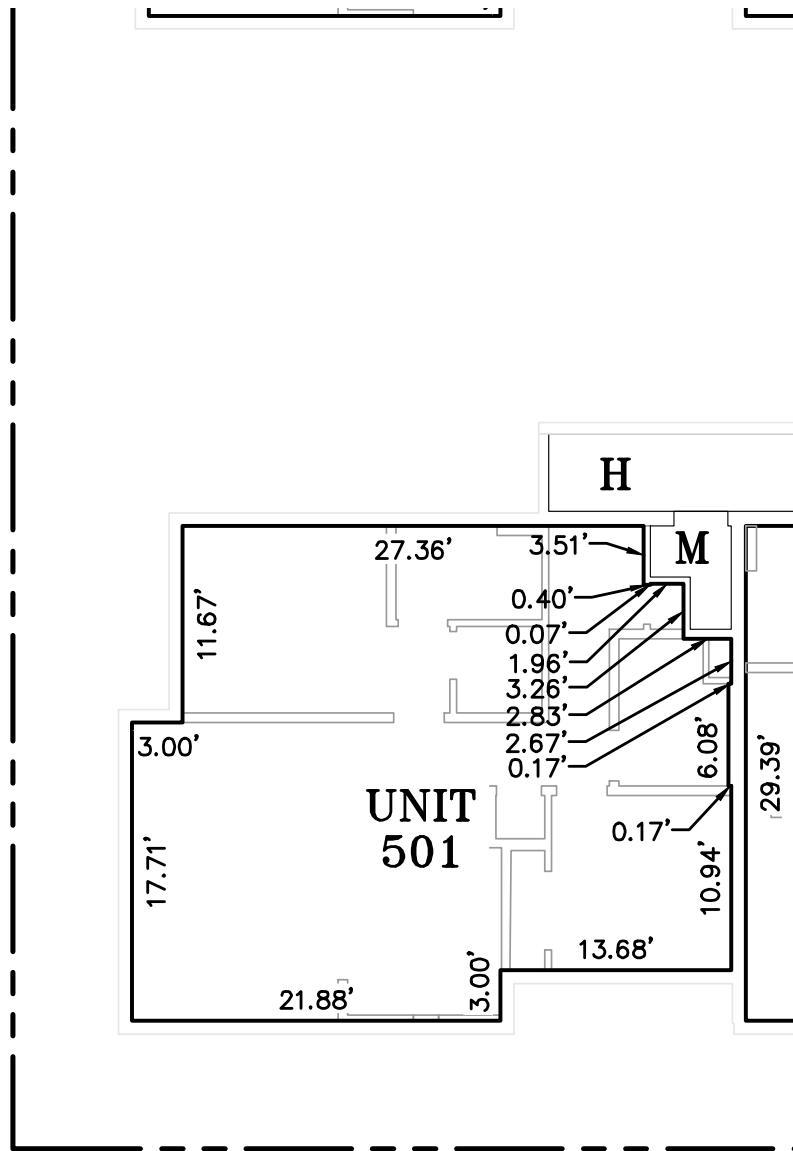
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 OVERALL FLOOR LEVEL
 2628 SHATTUCK AVENUE
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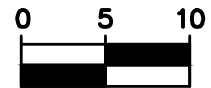
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SEE SHEET 36

UNIT 501 - LL 197.71 UL 207.38



SCALE: 1" = 10'

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FIFTH FLOOR LEVEL

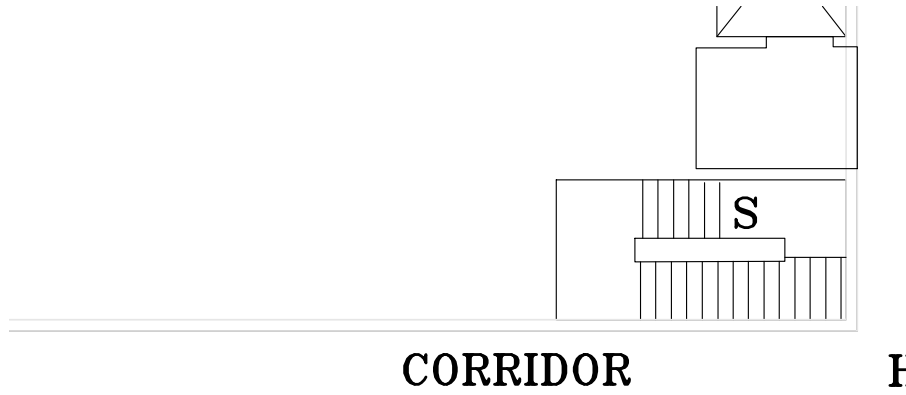
2628 SHATTUCK AVENUE
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JOB NO 2181153

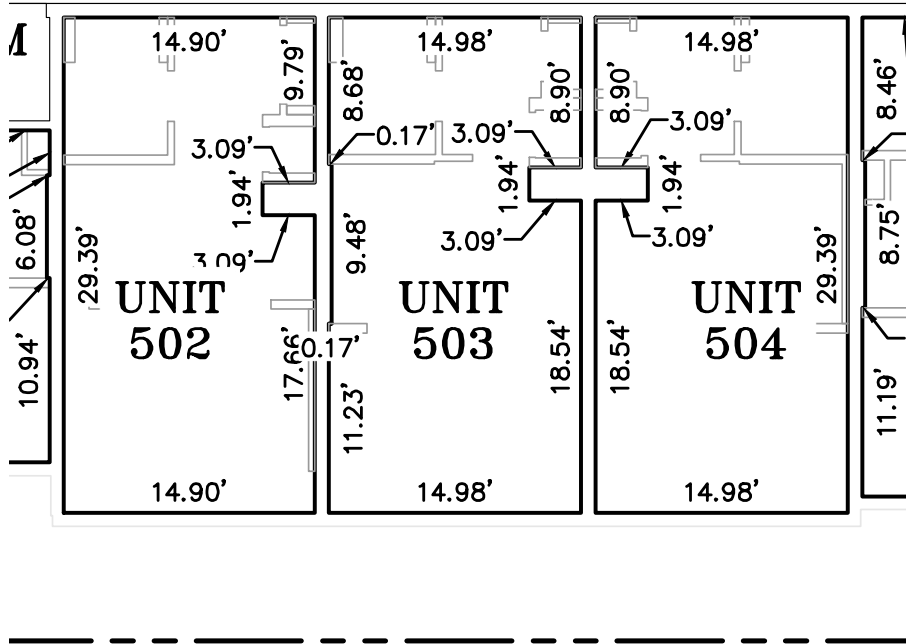
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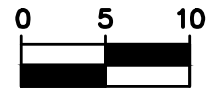
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SEE SHEET 35



SEE SHEET 37



SCALE: 1" = 10'

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 BOUNDARY

	LL	UL
UNIT 502 -	197.71	207.38
UNIT 503 -	197.71	207.38
UNIT 504 -	197.71	207.38



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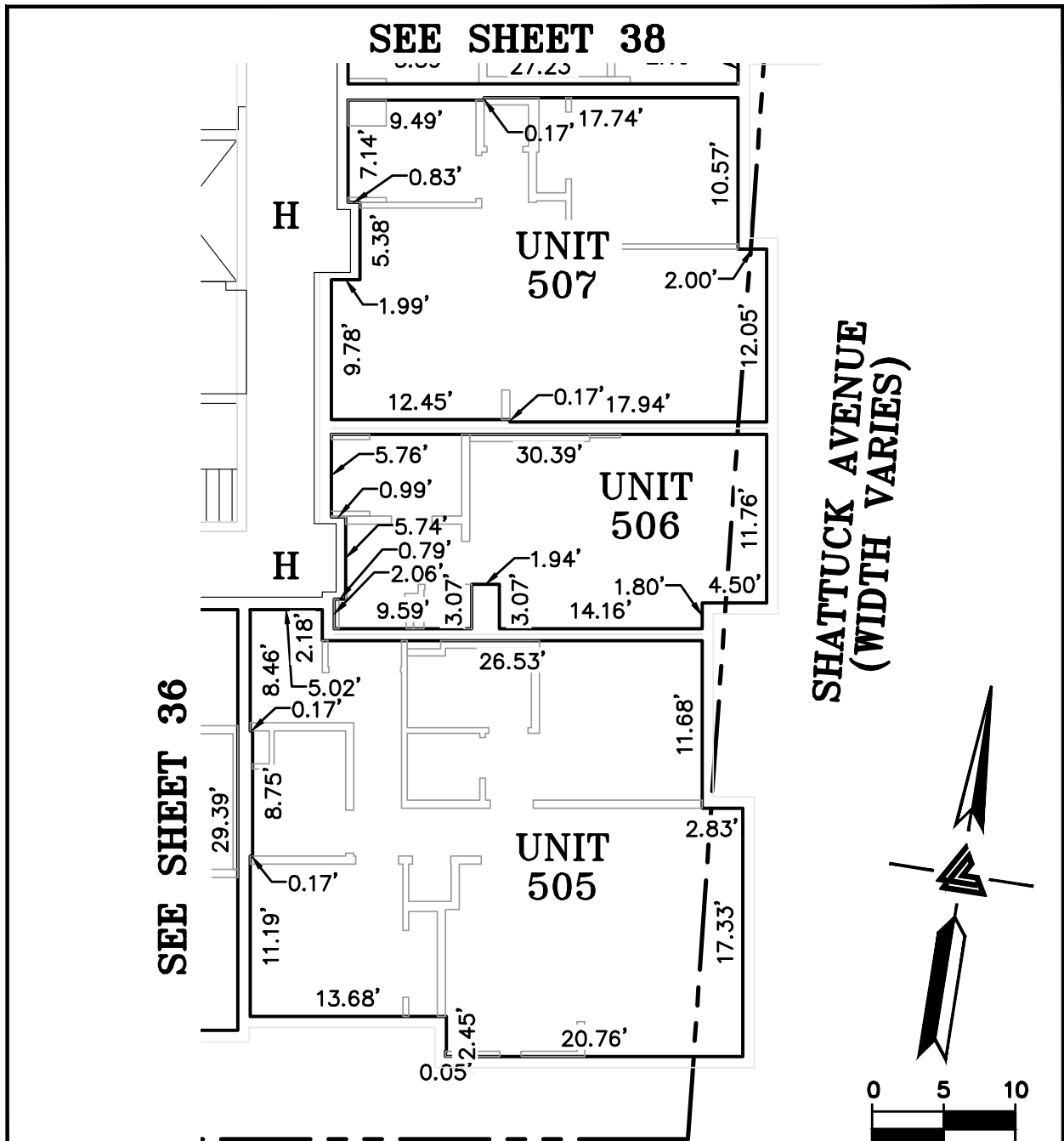
FIFTH FLOOR LEVEL

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UNIT 505	-	197.71	206.83
UNIT 506	-	197.71	207.38
UNIT 507	-	197.71	207.38

SCALE: 1" = 10'

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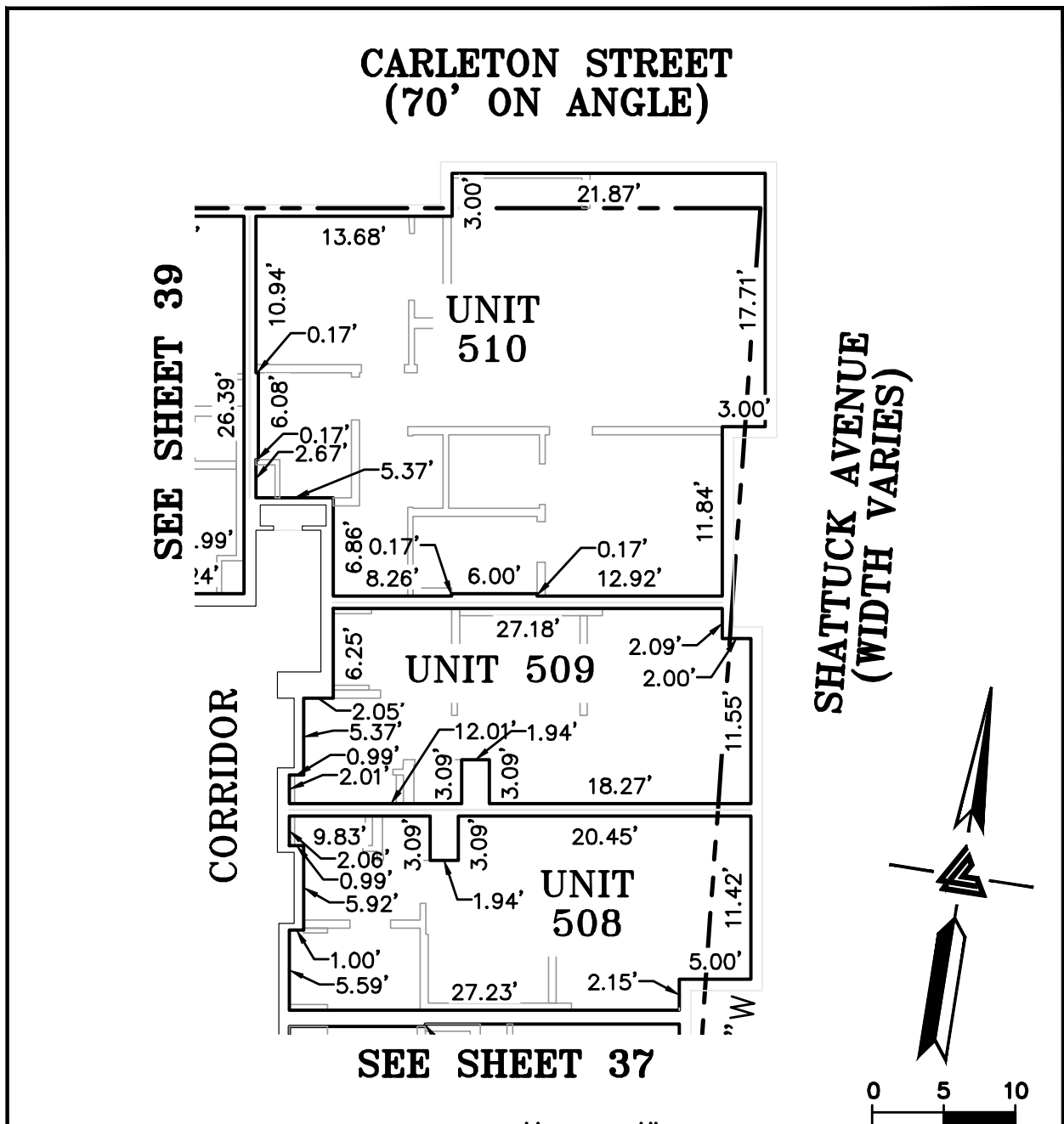
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	LL	UL
UNIT 508 -	197.71	207.38
UNIT 509 -	197.71	207.38
UNIT 510 -	197.71	207.38

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SCALE: 1" = 10'



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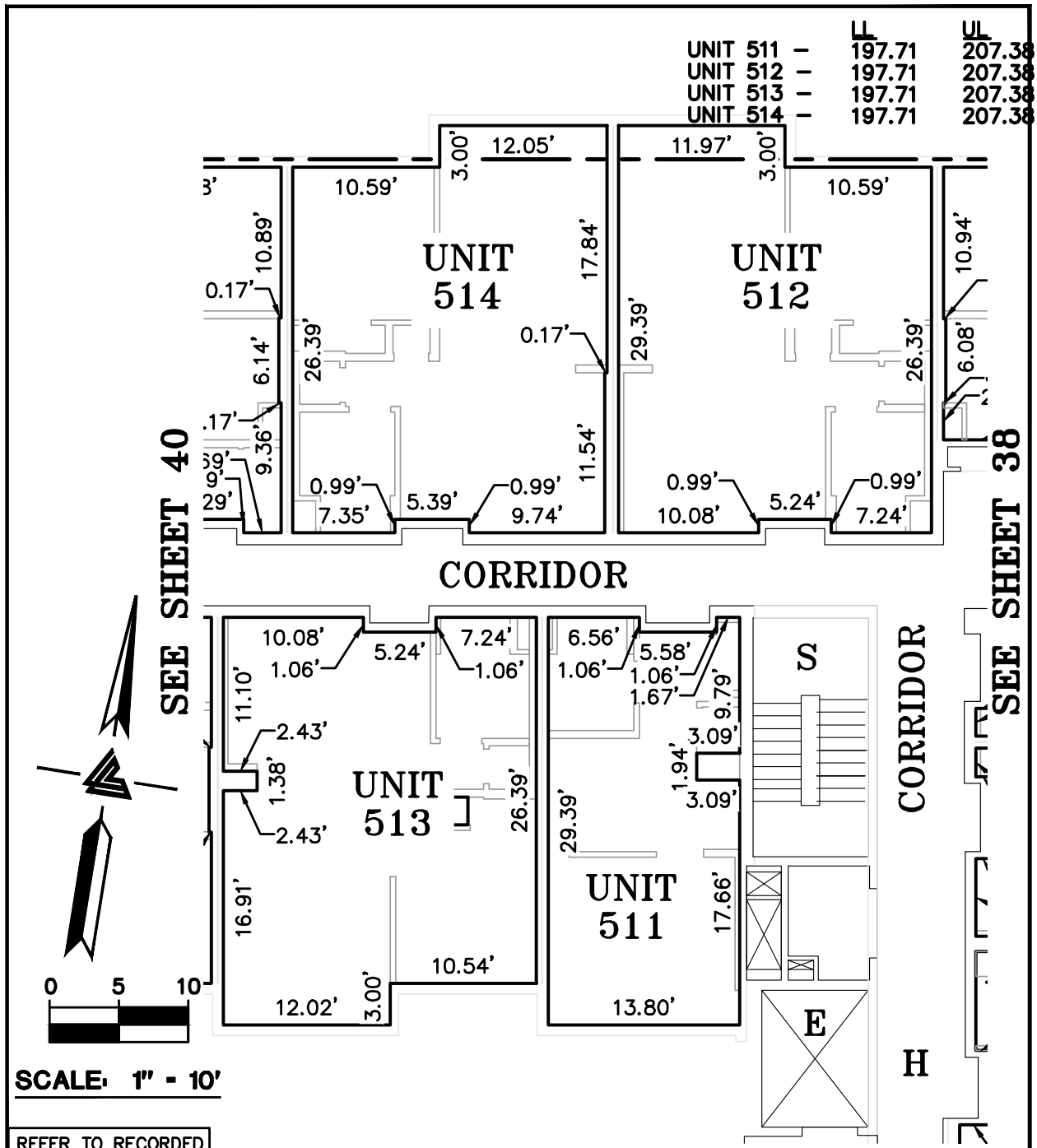
FIFTH FLOOR LEVEL

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SCALE: 1" = 10'

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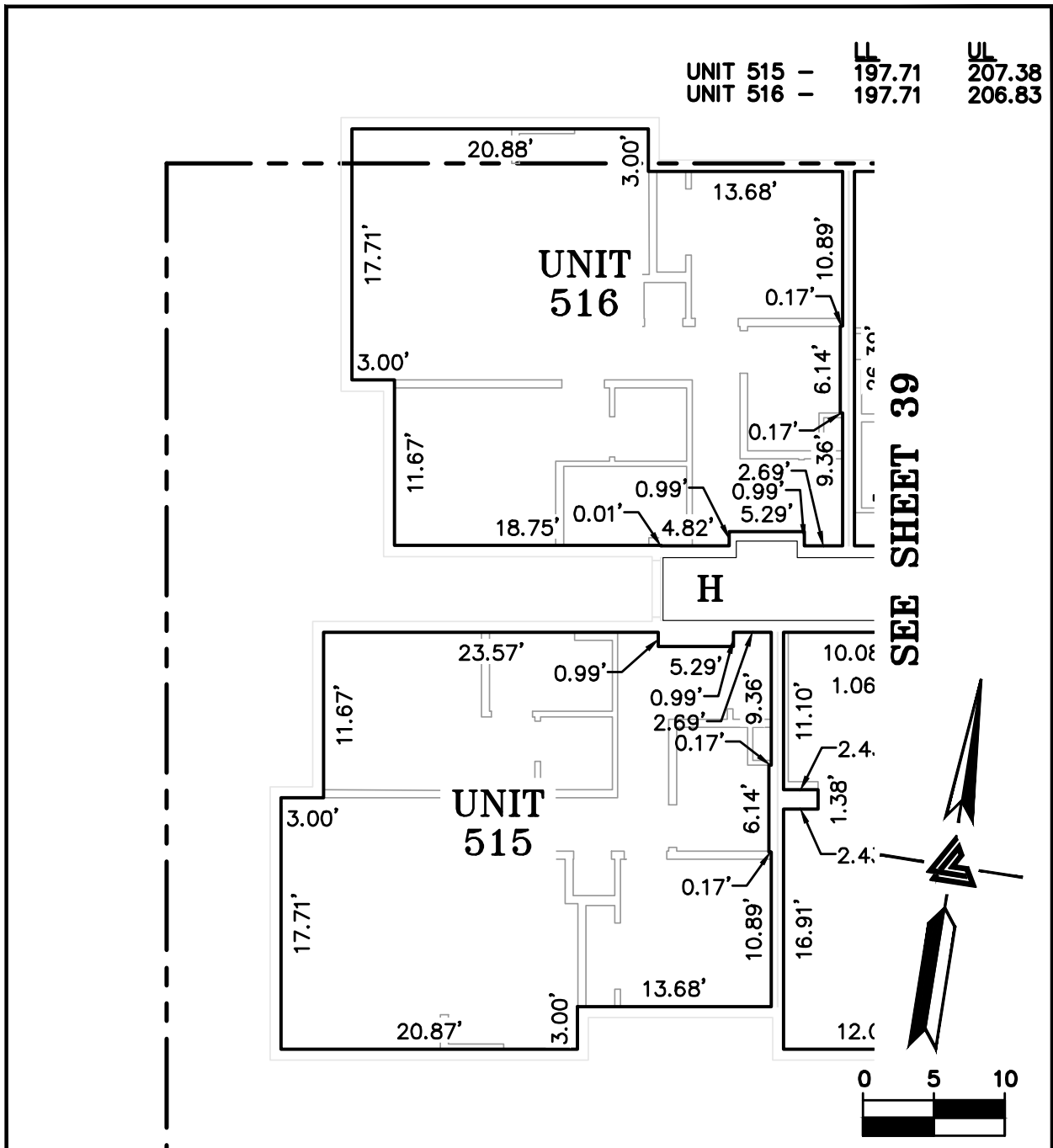
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UNIT 515 -	LL	197.71	UL	207.38
UNIT 516 -	LL	197.71	UL	206.83



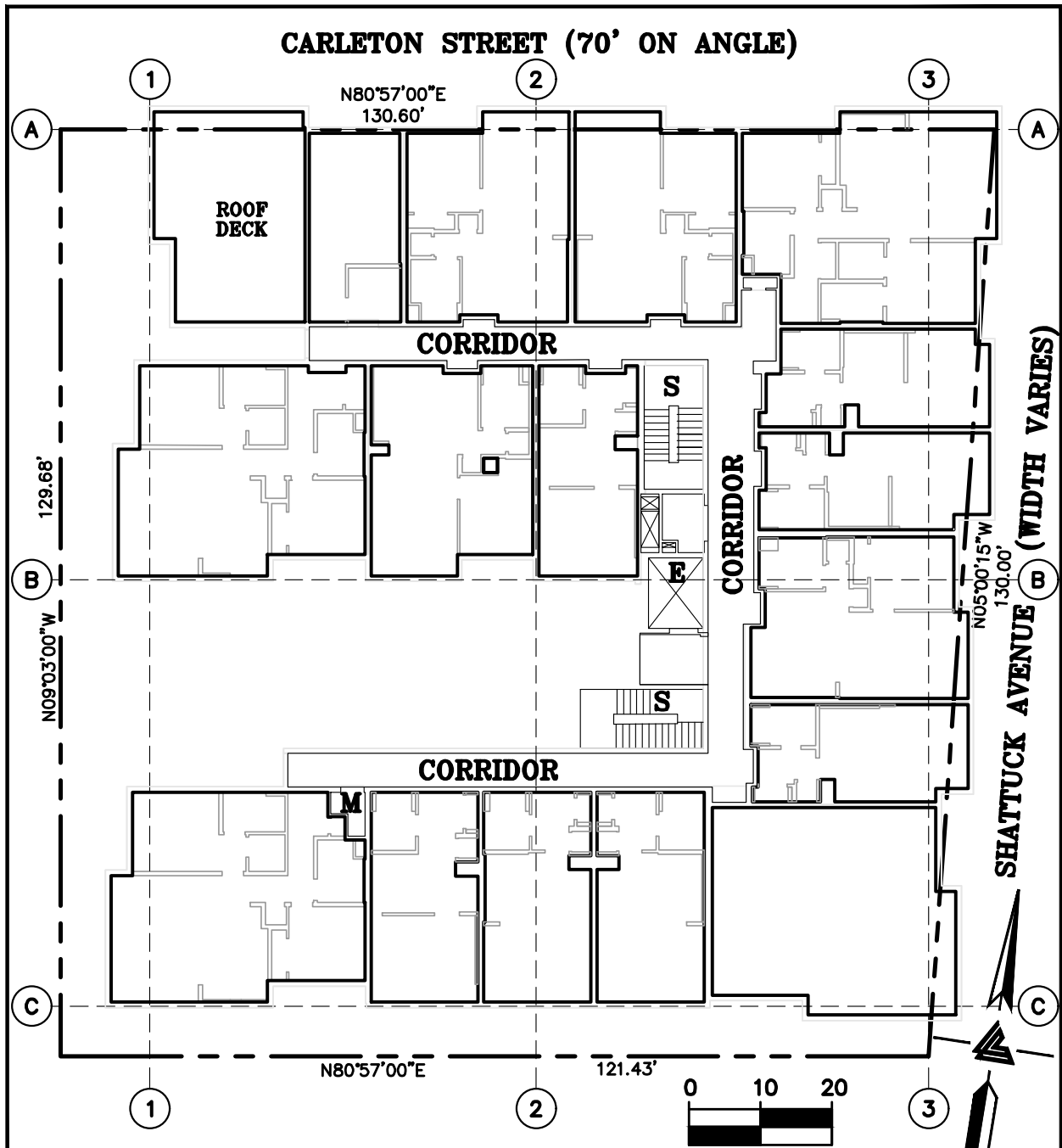
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SCALE: 1" = 10'

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SCALE: 1" = 20'

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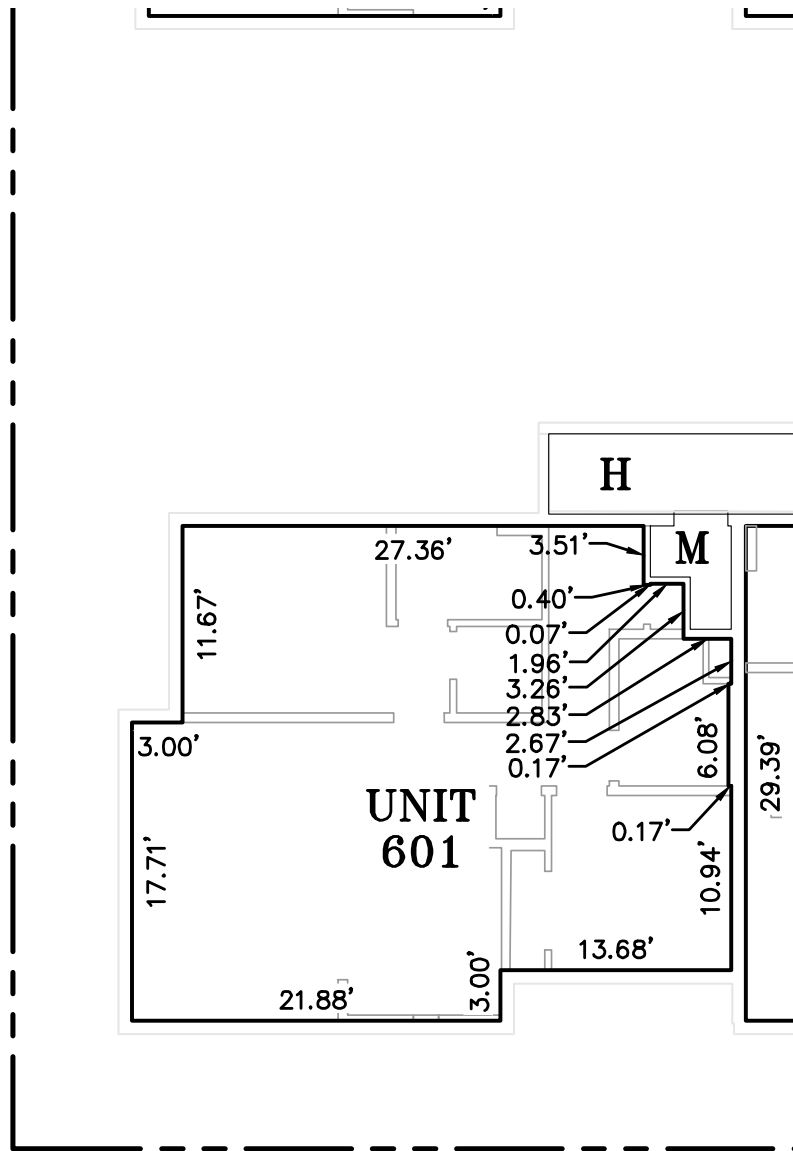
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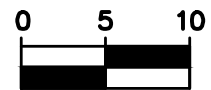
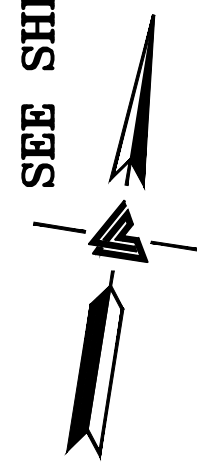
SIXTH FLOOR
 OVERALL FLOOR LEVEL
 2628 SHATTUCK AVENUE
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SEE SHEET 42



UNIT 601 - LL 208.71 UL 217.50

SCALE: 1" = 10'

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SIXTH FLOOR LEVEL

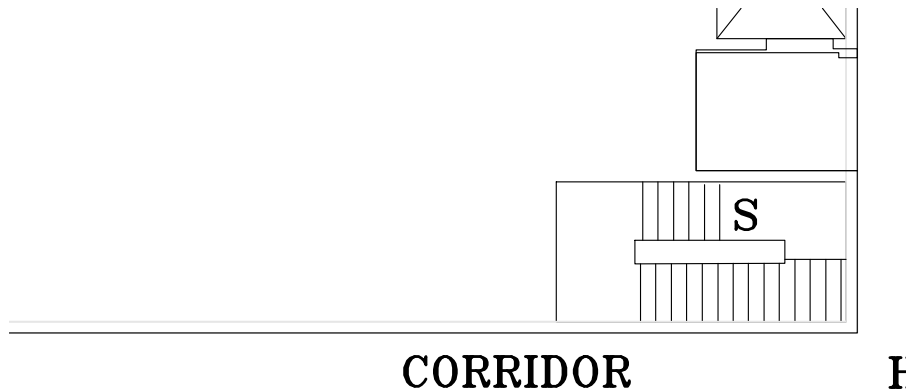
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JOB NO 2181153

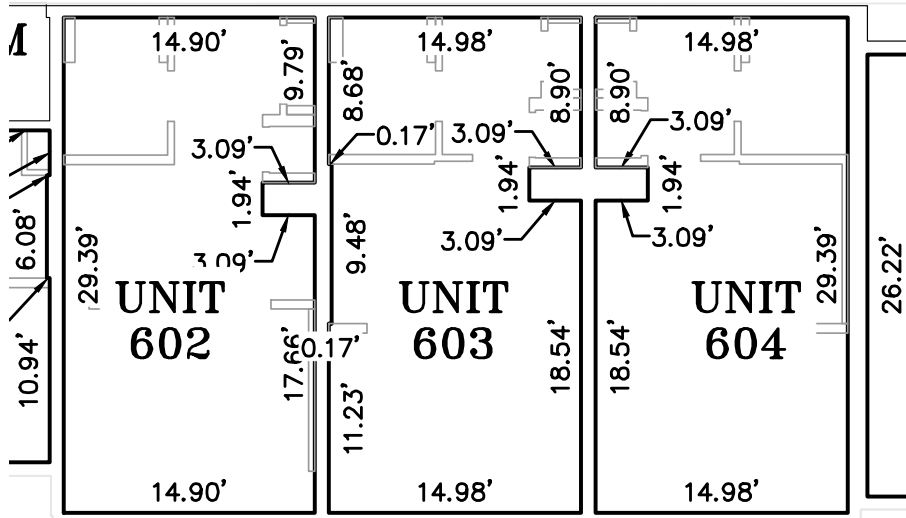
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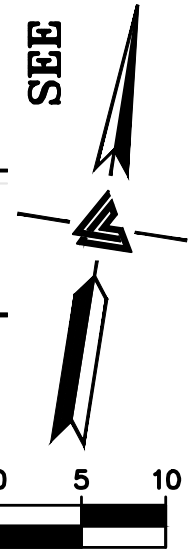


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1057'00" F 121.43'



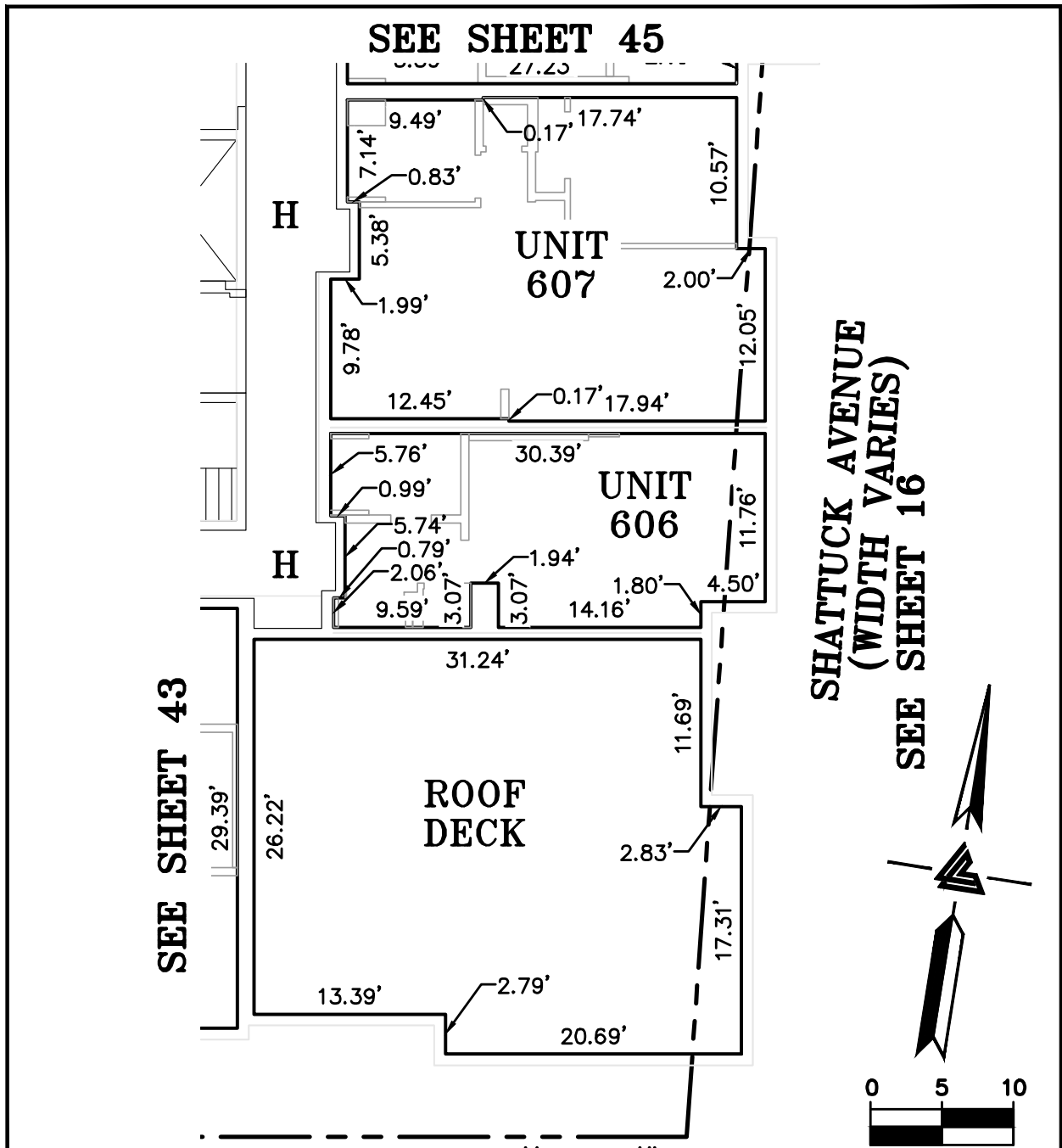
REFER TO RECORDED
 TRACT MAP FOR
 BOUNDARY

UNIT 602 -	LL 208.71	UL 217.50
UNIT 603 -	208.71	217.50
UNIT 604 -	208.71	217.50

SCALE: 1" = 10'

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 BERKELEY, CA
 JOB NO 2181153
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 PAGE 43 OF 47



REFER TO RECORDED
 TRACT MAP FOR
 BOUNDARY

	LL	UL
UNIT 605 -	208.71	217.50
UNIT 606 -	208.71	217.50
UNIT 607 -	208.71	217.50

SCALE: 1" = 10'

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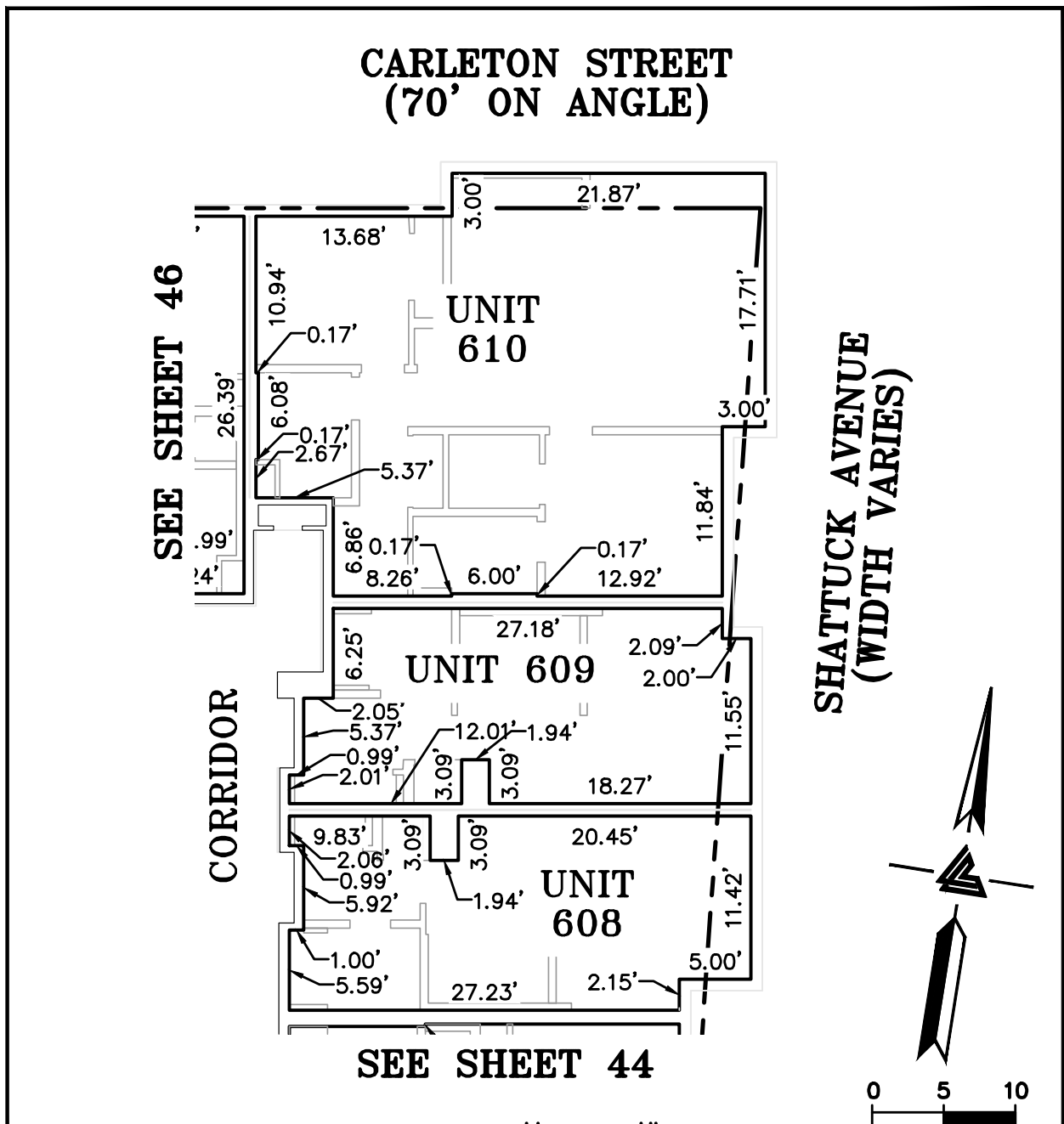
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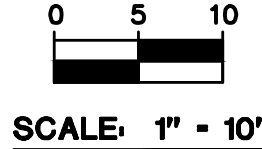
SEE SHEET 46

CORRIDOR

SHATTUCK AVENUE
(WIDTH VARIES)

SEE SHEET 44

	LL	UL
UNIT 608 -	208.71	217.50
UNIT 609 -	208.71	217.50
UNIT 610 -	208.71	217.50



REFER TO RECORDED
 TRACT MAP FOR
 BOUNDARY

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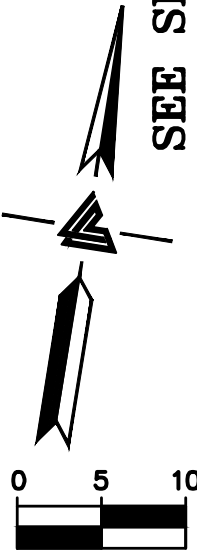
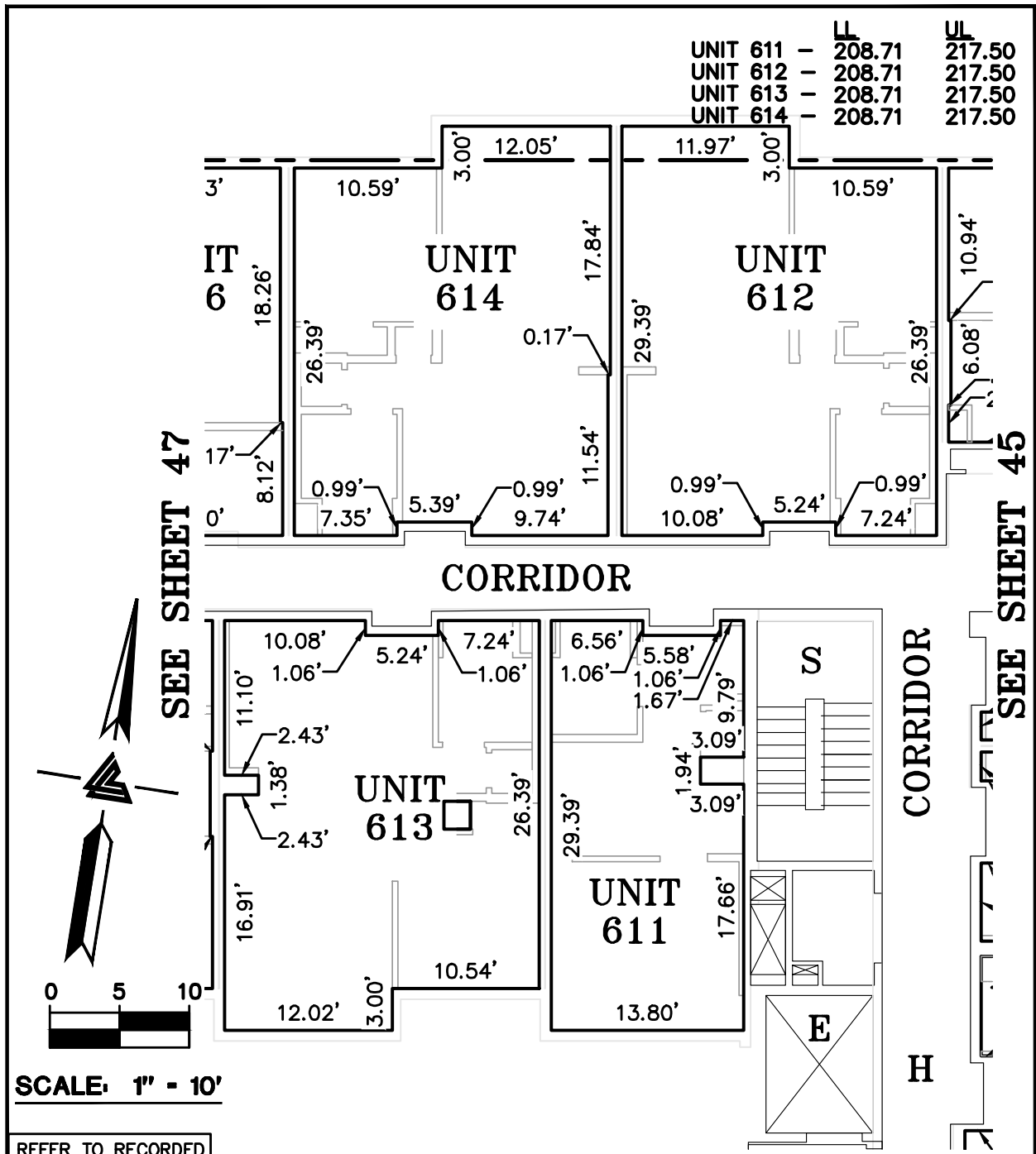
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SCALE: 1" = 10'

REFER TO RECORDED TRACT MAP FOR BOUNDARY

SEE SHEET 43

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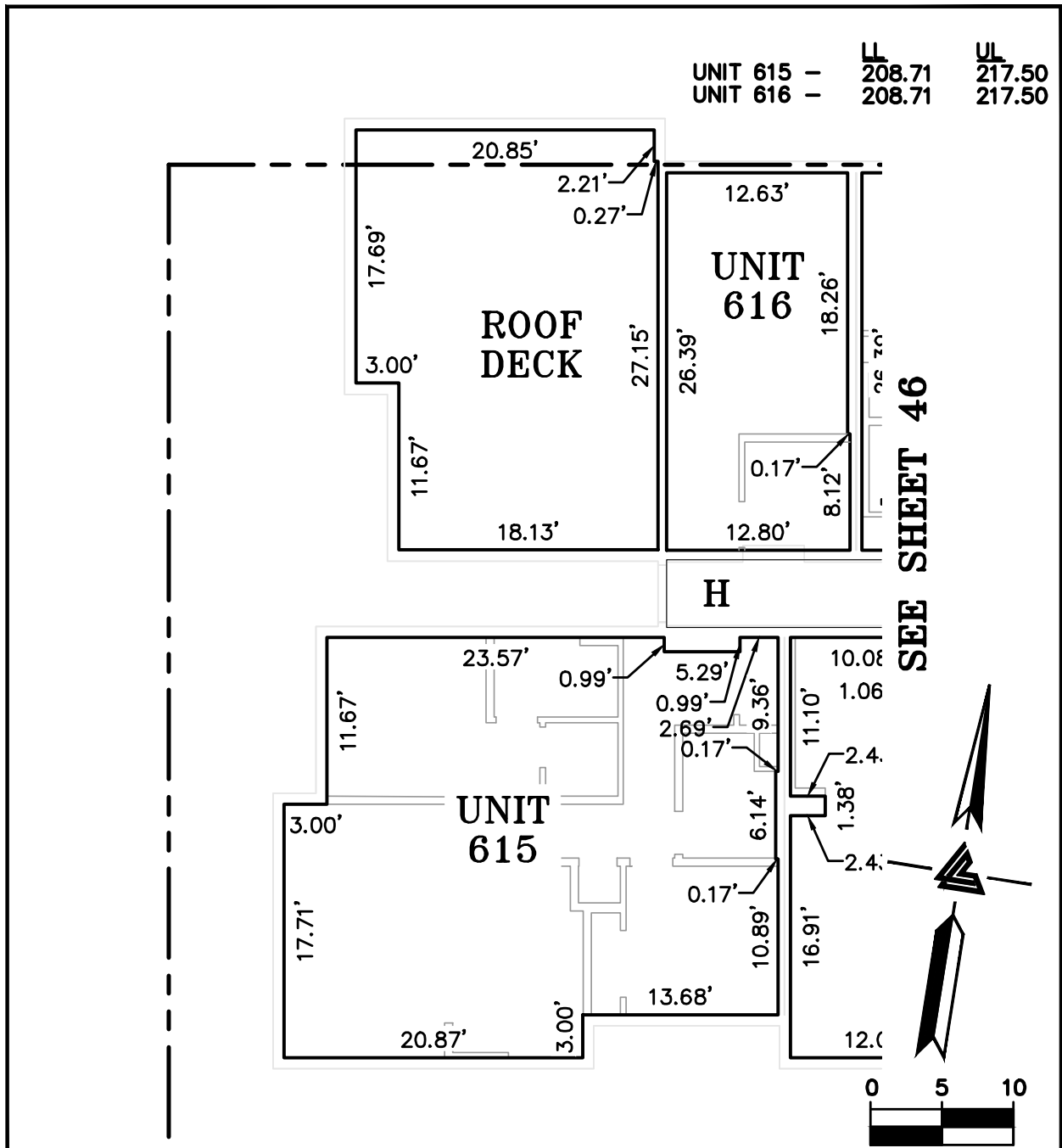
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REFER TO RECORDED
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SEE SHEET 41

SCALE: 1" = 10'



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PLANNING COMMISSION

Notice of Public Hearing

January 6, 2021

Tentative Tract Map #8573 – 2628 Shattuck Avenue

The Planning Commission of the City of Berkeley will hold a public hearing on the above matter, pursuant to Zoning Ordinance Section 21.16.047, on **Wednesday, January 6, 2021** at 7:00 p.m. **The hearing will be conducted via Zoom** – see the Agenda for details, which can be found here: <https://www.cityofberkeley.info/PC/>

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, 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.

PROJECT DESCRIPTION: Tentative Tract Map #8573 would create 81 condominium units - 78 residential and three commercial units. The development project was approved by the Zoning Adjustments Board on January 24, 2019.

PROJECT APPLICANT:

Morgan Read/Read Investments
2025 Fourth Street, Berkeley, CA 94710

LOCATION:

2628 Shattuck Avenue, Berkeley CA, 94104



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

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,

Tentative Tract Map- 2628 Shattuck Avenue

NOTICE OF PUBLIC HEARING
Posted December 25, 2020

Berkeley CA 94704, or via e-mail to: 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 5pm on December 21, 2020, 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 hearing, will be included in a Supplemental Packet, which will be posted to the online agenda as a Late Communication one day before the public hearing.
- Correspondence received by 5pm one day before this public hearing, will be included in a second Supplemental Packet, which will be posted to the online agenda as a Late Communication by 5pm on the day of the public hearing.
- Correspondence received after 5pm one day before this public hearing will be saved as part of the public record.

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

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.

FURTHER INFORMATION

Questions should be directed to Jim Frank, at 510-981-7548, or JFrank@cityofberkeley.info

Current and past agendas are available on the City of Berkeley website at:

<https://www.cityofberkeley.info/PC/>



Office of the City Manager

REVISED AGENDA MATERIAL

Meeting Date: December 1, 2020

Item Number: 30

Item Description: Referral Response: Zoning Ordinance Amendments that Reform Residential Off-Street Parking; Amending Berkeley Municipal Code Title 14 and 23

Submitted by: Jordan Klein, Interim Director, Planning & Development Department

This supplemental report includes new language for Section 1 and Section 3 of the proposed ordinance.

The restrictions on issuance of RPP permits in Section 1 of the proposed ordinance (14.72.080 C) have been removed. It was brought to staff's attention that an advisory opinion by the State Attorney General in 2016 interprets Vehicle Code section 22506 to disallow restrictions on RPP permit issuance based on unit size or type.

Revised text has been provided for Section 3 of the proposed ordinance, correcting paragraph lettering in 23C.18.030, and correcting corresponding code references in Section 23C.18.040.

Section 1. That Berkeley Municipal Code Section 14.72.080 is amended to read as follows:

14.72.080 Issuance of permits.

A. Residential, local business and neighborhood-serving community facility parking permits shall be issued by the Department of Finance in accordance with requirements set forth in this chapter. Each such permit shall be designed to state or reflect thereon the identification of the particular residential, local business or neighborhood-serving community facility permit parking area for which it is issued. No more than one residential or local business parking permit shall be issued to each motor vehicle for which application is made.

B. When issuing local business and neighborhood-serving community facility permits, the Department of Finance in consultation with the traffic engineering division shall issue permits such that they will not unduly be concentrated on a specific block front in any given residential permit parking area.

~~C.1.~~

~~No permits shall be issued to residents in newly constructed residential units which do not meet the parking requirements established by the Zoning Ordinance unless a variance for parking requirement set forth in the Zoning Ordinance was issued. In the C-T Zoning District, the R-SMU Zoning District, and portions of the R-S Zoning District where no parking is required for residential uses, no residential parking permits will be issued for occupants of residential units created after the effective date of the Southside Plan. The Current Planning division shall provide a listing of newly constructed housing units to the Department of Finance.~~

~~2. No permits shall be issued to residents of Group Living Accommodations as defined in Chapter 23F.04 that are approved after January 1, 2012, unless the Zoning Adjustments Board specifies otherwise when it approves the GLA. The Current Planning division shall provide a listing of addresses subject to this paragraph to the Department of Finance.~~

~~3. In the R-2 and R-2A zoning districts, no permits shall be issued to residents of dwelling units with more than 5 bedrooms to which new bedrooms have been added subsequent to January 1, 2012. The Current Planning division shall provide a listing of addresses subject to this paragraph to the Department of Finance.~~

~~4. This subdivision shall not prevent issuance of permits to residents of permitted and legal nonconforming sororities, fraternities and student cooperatives who are not otherwise prohibited from obtaining them.~~

DC. The Department of Finance and the traffic engineering division are authorized to issue such rules and regulations necessary to implement this chapter, and are not inconsistent with it.

ED. Parking permits shall not be issued for vehicles for which there is any outstanding City of Berkeley notice of violation of parking rules and restrictions that are unpaid for more than 21 calendar days from the issuance of the parking violation.

Section 3. That Berkeley Municipal Code Chapter 23C.18 is hereby added to read as follows:

Chapter 23C.18: Transportation Demand Management

Sections:

23C.18.010 Purpose

23C.18.020 Applicability of Regulations

23C.18.030 Transportation Demand Management Program Requirements

23C.18.040 Monitoring, Reporting and Compliance

Section 23C.18.010 Purpose

The purpose of this chapter is to establish a Transportation Demand Management program that supports:

- A. City Transportation Element goals of reducing vehicle trips, encouraging public transit use and promoting bicycle and pedestrian safety, and
- B. City Climate Action Plan goals to reduce private vehicle travel and promote mode shift to more sustainable transportation options.

Section 23C.18.020 Applicability of Regulations

A. The following types of projects must comply with the requirements of this Chapter:

- 1. Residential projects, including the residential portion of mixed-use projects, that include ten or more Dwelling Units that have not been issued a Building Permit by the effective date of this ordinance.

B. The following types of projects shall be exempt from the requirements of this Chapter:

- 1. Residential projects, including the residential portion of mixed-use projects, located in the following locations:
 - a. C-DMU Downtown Mixed Use District
 - b. Southside Plan Area
- 2. Residential projects, including the residential portion of mixed-use projects, with the majority of the units subject to recorded affordability restrictions.

23C.18.030 Transportation Demand Management Program Requirements

Any project subject to this Chapter shall:

A. Ensure that all parking spaces provided for residents be leased or sold separate from the rental or purchase of dwelling units for the life of the dwelling units, such that potential renters or buyers shall have the option of renting or buying a dwelling unit at a price lower than would be the case if there were a single price for both the dwelling unit and the parking space(s);

B. Offer at least one of the following transit benefits, at no cost to the resident, for a period of ten years after the issuance of a Certificate of Occupancy. For projects that include 99 dwelling units or fewer, the project shall provide one transit benefit per bedroom, up to a maximum of two benefits per dwelling unit. For projects of 100 dwelling units or more, the project shall provide one transit benefit for every bedroom in

each dwelling unit. A notice describing these transportation benefits shall be posted in a location or locations visible to residents.

1. A monthly pass for unlimited local bus transit service; or
 2. A functionally equivalent transit benefit in an amount at least equal to the price of a non-discounted unlimited monthly local bus pass. Any benefit proposed as a functionally equivalent transportation benefit shall be approved by the Zoning Officer in consultation with the Transportation Division Manager; and
- C. Provide publicly-available, real-time transportation information in a common area, such as a lobby or elevator bay, on televisions, computer monitors or other displays readily visible to residents and/or visitors. Provided information shall include, but is not limited to, transit arrivals and departures for nearby transit routes.

Section 23C.18.040 Monitoring, Reporting and Compliance

A. For projects subject to this Chapter, prior to issuance of a Certificate of Occupancy, the property owner shall facilitate a site inspection by Planning Department staff to confirm that the physical improvements required in 23C.18.030 (C) and 23D.12.065 (A) have been installed. The property owner shall also provide documentation that the programmatic measures required in 23C.18.030 (A) and (B) will be implemented.

B. The property owner shall submit to the Planning Department TDM Compliance Reports in accordance with Administrative Regulations promulgated by the Zoning Officer that may be modified from time to time to effectively implement this Chapter.

C. Property owners may be required to pay administrative fees associated with compliance with this ordinance as set forth in the City's Land Use Planning Fees schedule.



Office of the City Manager

PUBLIC HEARING
December 15, 2020
(Continued from December 1, 2020)

To: Honorable Mayor and Members of the City Council
From: Dee Williams-Ridley, City Manager
Submitted by: Jordan Klein, Interim Director, Planning & Development Department
Subject: Referral Response: Zoning Ordinance Amendments that Reform Residential Off-Street Parking; Amending Berkeley Municipal Code Title 14 and Title 23

RECOMMENDATION

Conduct a public hearing and upon conclusion select among proposed ordinance language options and take the following action:

Adopt first reading of an Ordinance amending Berkeley Municipal Code (BMC) Title 14 and Title 23 which would:

1. Modify Minimum Residential Off-street Parking Requirements
2. Impose Residential Parking Maximums in Transit-rich Areas
3. Amend the Residential Preferential Parking (RPP) Permit Program
4. Institute Transportation Demand Management (TDM) Requirements

SUMMARY

This report presents recommendations for implementing a residential off-street parking reform package. This proposal is a response to Policy 1 of the Green Affordable Housing Package (GAHP) Referral, which focuses on parking reform, and the Citywide Green Development Referral, which requests TDM for high-density residential projects. The Planning Commission met eleven times over the past four years to develop recommendations. Staff from multiple departments have been participating in an interdepartmental working group to evaluate and discuss proposals. Council is asked to consider proposals listed as Option A and Option B in the ordinance revisions.

FISCAL IMPACTS OF RECOMMENDATION

Reductions in off-street parking requirements are intended to make land and building area available, and to provide financial incentives, for additional housing units, particularly affordable units. Projects that include additional units will result in proportionally more inclusionary housing units and Affordable Housing Mitigation Fees. Otherwise, these changes are not expected to have a fiscal impact.

CURRENT SITUATION AND ITS EFFECTS

Reforming residential parking requirements and implementing a TDM program addresses Strategic Plan Priorities, advancing the City's goals to create affordable housing and to be a global leader in addressing climate change. City Council asked Planning Commission to review parking policies in 2015 and 2016 through the following two referrals (see Attachment 2):

Green Affordable Housing Package Referral (October 27, 2015) -- Reduce barriers to affordable housing production by researching two ideas:

Policy 1: Exchange off-street parking required for new development with affordable units and/or funding for affordable housing through the following ideas:

- Reduce/eliminate parking requirement for housing that offers TDM measures, car-sharing or shared-mobility programs.
- Implement parking maximums.
- Reduce/eliminate parking requirements for new housing that serves populations with low car ownership.
- Reduce/eliminate parking requirements for transit-intensive housing.
- Reduce parking requirements for new residential units near transit hubs.

Policy 2: Remove structural barriers to affordable housing development through improvements and streamlining of the permitting process.

Citywide Green Development Requirements Referral (April 26, 2016) – Apply the Commercial Downtown Mixed-Use District's (C-DMU) TDM regulations (e.g. bicycle parking, vehicle sharing spaces, RPP, unbundled parking, and transportation benefits) to projects with 75 or more units in commercial zoning districts.

Initial GAHP discussions focused on capturing affordable housing units in exchange for parking reductions, as requested in the referral. However, the passage of new State laws that mandated parking reductions near transit (see discussion of Assembly Bill 744 in staff reports provided as Links 9, 10, and 11) limited the City's ability to capture benefits. Furthermore, there were complications associated with levying a parking fee that would go towards the Housing Trust Fund (e.g., nexus fee studies required). As a result, the response to Policy 1 of GAHP was focused solely on parking reform. Policy 2 was similarly advanced as a result of new State laws, including amendments to the Housing Accountability Act, State Density Bonus law, and State ADU law and adoption of SB-35 (Streamlined Approval Process), and was addressed with City initiatives such as the Housing Action Plan, initiation of the Zoning Ordinance Revision Project, and the pending Analysis of Development Fees. These efforts are still active and are intended to reduce barriers to affordable housing development, as requested by GAHP referral Policy 2.

The Planning Commission began discussing a comprehensive parking reform package in January 2019. Between then and March 2020, it revisited this topic seven times, having focused discussions on parking minimums, parking maximums and transportation demand management requirements. Links to staff reports from these meetings (Links 2 through 7) are provided at the end of this report. Discussions began with an analysis of current regulations, recent development patterns and regulations in other cities, then moved on to analysis of research requested on specific topics to inform proposals.

The Planning Commission received presentations from City staff from Land Use Planning, Public Works Transportation, and from the non-profit organization TransForm (<https://www.transformca.org/>). The Transportation Commission, which received a presentation on the full parking reform proposal, provided feedback to planning staff at their February 20, 2020 meeting and appointed a representative to speak at the March 4, 2020 Planning Commission public hearing. AC Transit staff attended Planning Commission meetings where TDM was discussed and provided public comment on proposals.

The Transportation Division also engaged a consultant to conduct a Residential Parking Utilization Study to inform proposals (see Attachment 3). The study summarized on- and off-street parking capacity in and near multifamily residential developments of ten or more units¹. The areas of the City that can accommodate ten or more units are located in the multi-family (R-3, R-4) and high density residential (R-S, R-SMU) and commercial districts. Most of these areas are within walking distance to commercial corridors, transit hubs and/or areas of the city that provide services and amenities to residents and visitors. Findings from the study suggest that on- and off-street parking for multi-family buildings of ten or more units is underutilized and that the average rate of car ownership (for buildings with ten or more units) is one car per two units, based on DMV registration information.

Attachment 4 provides “At-A-Glance Summaries” of parking reform topics that were discussed.

Planning Commission Recommendations

After several meetings to discuss the issues and possible strategies, on March 4, 2020 the Planning Commission held a public hearing and recommended a set of draft Zoning Ordinance amendments to City Council for consideration. Minutes from that meeting are provided as Attachment 5. The Planning Commission’s recommendations are provided below. For Recommendations 1, 2 and 3, the Planning Commission’s recommendation

¹ Staff chose the threshold of ten or more units for consistency with methodologies followed by King County, Washington, Washington DC, and Chicago when conducting similar parking utilization studies. Additionally, the Zoning Ordinance uses a threshold of ten or more units in higher-density residential districts for off-street parking requirements.

is indicated as Option A, and staff has provided alternate options for Council's consideration that are based on the results of the Residential Parking Utilization Study.

1. Modify Minimum Residential Off-Street Parking Requirements

Option A – Eliminate off-street parking minimums for all new projects (except in ES-R and H Overlay Districts on roads less than 26 feet in width).

Option B – Eliminate off-street parking minimums for new projects of ten or more units in high density residential and commercial / mixed-use districts.

Initial discussions at Planning Commission focused on staff's proposal to eliminate off-street residential parking requirements for projects with ten or more units (see Link 3). This proposal was informed by the Residential Parking Utilization Study's on- and off-street parking utilization rates and automobile registration rates in zoning districts allowing high density residential projects. The study did not include data collection or data analysis for low density residential districts (R-1, R-1A, R-2 or R-2A). Planning Commission expanded the reach of the proposal to include all units in all districts. The Transportation Commission reviewed this proposal as a discussion item at its February 20, 2020 meeting and agreed with the Planning Commission's direction. This bold move resonated with members of the public that participated in the Planning Commission and Transportation Commission meetings and requested visionary, forward-thinking policies. Option B returns to staff's initial recommendation. This option provides a more conservative approach, relying on findings in the Residential Parking Utilization Study. Extending this policy to lower density residential districts, not included in the study, may result in unintended consequences affecting the feasibility of future housing projects and/or create impacts to on-street parking.

For both options, off-street parking would still be required for projects in the Environmental Safety-Residential (ES-R) District, where preservation of off-street parking is an important factor in maintaining clear emergency access and evacuation routes. Similarly Option A applies parking minimums to projects in the Hillside Overlay (H) Districts located on roads that are less than 26 feet in width. To provide flexibility, these requirements could be waived with an AUP with Option A. Option B is more restrictive -- projects within the ES-R District and the H Districts could not reduce off-street parking requirements; however, residential projects in other districts could reduce parking minimums with an AUP.

2. Impose Parking Maximums in Transit-Rich Areas

Option A – Implement parking maximums of 0.5 spaces per unit for projects with two or more units within 0.25 miles of high frequency transit² (except in ES-R and H Overlay Districts on roads less than 26 feet in width).

² High frequency transit includes major transit stops, as defined by Section 21064.3 of the California Public Resources Code or bus stops along a transit corridor with less than 15 minute headways during the morning and afternoon weekday peak periods.

***Option B** – Implement parking maximums of 0.5 spaces per unit for projects with ten or more units within 0.25 miles of high frequency transit (except in ES-R and H Overlay Districts).*

Parking maximum proposals are often focused on transit-rich areas in order to encourage a shift from private vehicles to alternative modes where they are readily available. Proposed options would include exceptions for projects where the majority of units are deed-restricted as affordable, to ensure parking maximums would not introduce barriers to affordable housing projects due to possible financing requirements. Proposals also include an exception for projects located in the ES-R District and the H Districts -- or portions of the H Districts (for the same safety reasons stated in Recommendation 1, above). A map of Berkeley's transit-rich areas is provided in Attachment 6.

Option A applies the findings of the Residential Parking Utilization Study (see Link 3) to establish parking maximums on projects with two or more units. As stated in Recommendation 1, the parking study did not include data collection or analysis in low density residential zoning districts (R-1, R-1A, R-2 or R-2A) and did not consider impacts of parking maximums on project feasibility. Option B establishes parking maximums on projects with ten or more units – only applying the results of the Parking Utilization Study to the type and size of project that was studied.

3. Amend the Residential Preferential Parking (RPP) Permit Program

***Option A:** Prohibit residents of new projects of five or more units from obtaining RPP permits.*

***Option B:** Prohibit residents of new projects of ten or more units from obtaining RPP permits.*

Current zoning and RPP regulations provide that residents of new projects that do not include parking in the C-DMU and the Car-Free Housing Overlay in the Southside Plan Area, as well as other projects that do not meet minimum parking requirements based on a Use Permit or Density Bonus concession, cannot obtain RPP permits. The Planning Commission expanded this element in the recommended parking reform package to exclude any new project with five or more units, in order to reduce demand for on-street parking and lessen impacts on RPP areas, which are generally located in lower density residential districts. Option B, the first proposal the Planning Commission considered, applies to projects with ten or more units, sharing the recommended threshold for the TDM proposal (see Link 1).

4. Institute TDM Requirements

Require the following TDM measures for projects of ten or more units:

- *Provide off-street bicycle parking per the 2017 [Berkeley Bicycle Plan](#);*
- *Provide real-time transportation information displayed on monitors in project common areas;*

- Offer residents free monthly transit passes (one per bedroom, with a maximum of two passes per unit for projects with less than 100 units and one pass per bedroom for projects with 100 units or more), or equivalent Clipper Card credit, provided by the property manager for a period of ten years; and
- Require “unbundling” of off-street parking.

Many TDM options were researched and considered by the Planning Commission. Chosen measures were selected for their demonstrated effectiveness in reducing private vehicle travel and for their ease of administration (see Links 4 and 5). This proposal includes exemptions from the TDM requirements for projects with a majority of deed-restricted affordable units (for reasons stated in Recommendation 2, above) and projects located in the C-DMU District (where TDM requirements already exist) and in the Southside Plan Area (which is predominantly populated by students who receive transit passes from UC Berkeley).

Summary of Options

The table below shows how options relate to projects of different sizes:

Regulation	Projects Affected (number of units)			
	One or More	Two or More	Five or More	Ten or More
Parking Minimums	Option A	--	--	Option B*
Parking Maximums	--	Option A	--	Option B
RPP	--	--	Option A	Option B
TDM	Option A			

* NOTE: Option B of Parking Minimums cannot be paired with Option A of Parking Maximums because Parking Maximums is less than required Parking Minimums.

Environmental Review

Pursuant to CEQA Guidelines Sections 15378(a), 15060(c)(2) and 15064(d)(3), environmental review is not required because the proposed Zoning Ordinance amendments are not a Project. The proposed Zoning Ordinance amendments do not meet the definition of a Project under CEQA Guidelines Section 15378(a), nor do they constitute activities covered by CEQA under CEQA Guidelines Section 15060(c)(2), because passage of the amendments themselves do not constitute a direct physical impact on the environment, nor would they result in an indirect, reasonably foreseeable physical impact on the environment. Due to the city-wide nature of the proposed amendments, and the diffuse impacts, if any, of physical changes to the environment that may result from the types of development encouraged by the proposed amendments, identifying and quantifying such potential changes would be highly speculative. Underlying zoning standards for density and lot development would remain unchanged. Pursuant to CEQA Guidelines Section 15064(d)(3), any change that is

speculative is not considered reasonably foreseeable. The proposed amendments do not include any provisions that would exempt or otherwise reduce environmental review required under CEQA for individual development projects.

BACKGROUND

Most zoning districts in the City of Berkeley establish minimum off-street parking requirements for residential development.³ Table 1 summarizes the basic parking requirements.

Table 1 - Current Off-Street Parking Requirements

Zone(s)	Required Off-Street Parking Spaces
R-1, R-1A, ES-R, R-2, R-2A	One space per unit
R-3, R-4 C-1, C-N, C-NS, C-SO, C-SA	One space per unit for projects of 10 or fewer units ^a OR One space per 1,000 GSF* of residential space for projects of more than 10 units ^a
C-W	One space per unit
C-DMU	One space per three units ^b
C-T	None
M-UR	One space per unit ^{a,b,c}
^a 25% reduction for projects that house senior citizens ^b Can be reduced with Use Permit and TDM measures ^c May be satisfied by off-site leased parking and may be reduced 10% by providing motorcycle parking. *GSF = gross square footage	

Use Permits are also available to reduce these parking requirements in most districts subject to a traffic and parking study, offsetting measures such as TDM, and findings related to the adequacy of the remaining parking, non-detriment to neighborhoods, and restrictions on the availability of RPP permits. State Density Bonus Law separately provides for reduced parking standards and for waivers and concessions that are intended to address the affordability of housing development and the provision of additional housing units.

To aid with a response to parking reform referrals, Land Use Planning convened an inter-departmental working group with staff from the Transportation Division, Office of Economic Development, Office of Energy and Sustainable Development, Office of Emergency Services, and Fire Department to discuss parking-related policies and to ground-truth proposals. This multi-departmental collaboration was extremely helpful in identifying unintentional consequences of proposals and provided additional options for City Council to consider.

ENVIRONMENTAL SUSTAINABILITY

Reducing minimum parking requirements and increasing the supply of housing near transit in the City of Berkeley would reduce vehicle miles traveled and greenhouse gas

³ MU-LI, MM and M Districts do not permit residential development.

emissions. Instituting new TDM requirements would encourage mode shift away from private vehicle travel and towards more sustainable modes of transportation.

RATIONALE FOR RECOMMENDATION

Off-street parking is often underutilized and adds to the cost of new housing. Parking minimums and parking maximums, if applied appropriately, encourage a supply that meets demand. TDM requirements encourage alternatives to private vehicle use and provide support for more sustainable travel modes. The adoption of the proposed RPP restrictions would control on-street parking impacts.

The latest update to the City of Berkeley’s Climate Action Plan indicated that approximately 59% of greenhouse gas emissions in Berkeley are attributable to transportation.⁴ In order to achieve the goals laid out in the Climate Action Plan, it is essential that we employ strategies to reduce these emissions.

ALTERNATIVE ACTIONS CONSIDERED

A variety of alternate options were discussed as explained in the Planning Commission Recommendation section, starting on page 3 above.

The Planning Commission also considered establishing a fee amount for the existing Transportation Services Fee (TSF), or establishing a new Transportation Impact Fee. These these ideas were not recommended as part of this package because of the time and funding needed to conduct an impact fee study. City Council could refer this as a future action if there is a desire to implement these measures.

In addition, staff considered recommending a citywide TDM program (the current recommendation excludes the C-DMU and the Southside). Staff proposed to Planning commission exempting these areas from the program – C-DMU because it operates a TDM program and Southside because the student population is provided AC Transit EZ passes. However, upon further consideration and after Planning Commission made their recommendation, staff has recognized the benefits of a citywide TDM program – the most apparent being consistency across all districts. Some of the discrepancies between the programs are listed below:

	C-DMU TDM Program	Parking Reform TMD Package
Project Applicability	Projects greater than 20,000 square feet	Projects with ten or more units
Number of Transit Passes	1 per unit	1 per bedroom, with a cap of two passes per unit for projects with 100 units or fewer, and no cap for projects with more than 100 units.

⁴ See “Climate Action Plan and Resilience Update”, July 21, 2020.
https://www.cityofberkeley.info/Clerk/City_Council/2020/07_Jul/Documents/2020-07-21_Special_Item_05_Climate_Action_Plan_pdf.aspx

Residential Off-street Parking Reform

PUBLIC HEARING
December 15, 2020

Duration of Transit Pass Offering	In perpetuity	For ten years
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Planning Commission recommended that transit passes be offered to residents for a period of ten years based on analysis provided by staff, comparing the cost of off-street parking to the cost of offering transit passes. Additionally, the ten year cap was chosen because travel behavior has evolved significantly over the past ten years -- due to car-share, bike-share and ridesharing innovations – and Planning Commission wanted flexibility to establish new TDM measures at a later date that meets future residents' needs.

To resolve this issue, City Council can refer to the Planning Commission development of amendments that apply the new TDM program citywide. These actions would need a public hearing at Planning Commission since they were not considered by Planning Commission at a previous meeting.

CONTACT PERSONS

Justin Horner, Associate Planner, Planning and Development, 510-981-7476

Alene Pearson, Principal Planner, Planning and Development, 510-981-7489

Attachments:

1. Zoning Ordinance Amending Title 14 And Title 23 To Modify Minimum Residential Off-street Parking Requirements, Impose Residential Parking Maximums in Transit-rich Areas, Institute Transportation Demand Management (TDM) Requirements and Amend the Residential Preferential Parking (RPP) Permit Program
2. Green Affordable Housing Referral and Citywide Green Development Standards Referral
3. Residential Parking Utilization Study
4. At-A-Glance Summaries of Parking Reform Topics under Consideration
5. Minutes from March 4, 2020 Planning Commission meeting
6. Map Identifying Areas in Berkeley 0.25 Miles from Major Transit Stops and High Quality Transit Corridors
7. Public Hearing Notice

Links to Planning Commission Staff Reports:

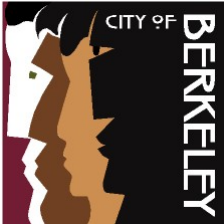
1. [March 4, 2020 – Parking Reform Package Public Hearing
https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Commissions/Commission_for_Planning/2020-03-04_Item%209_Staff%20Report_Parking%20Reform.pdf](https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Commissions/Commission_for_Planning/2020-03-04_Item%209_Staff%20Report_Parking%20Reform.pdf)

Residential Off-street Parking Reform

PUBLIC HEARING
December 15, 2020

2. [January 15, 2020 – Parking Maximums](https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Commissions/Commission_for_Planning/2012-01-15_ITEM%2013_with%20all%20ATT_Parking%20Maximums%20Staff%20Report%201-15.pdf)
[https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3 -
_Commissions/Commission_for_Planning/2012-01-
15_ITEM%2013_with%20all%20ATT_Parking%20Maximums%20Staff%20Report%201-15.pdf](https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Commissions/Commission_for_Planning/2012-01-15_ITEM%2013_with%20all%20ATT_Parking%20Maximums%20Staff%20Report%201-15.pdf)
3. [December 4, 2019 – TDM and Parking Requirements](https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Commissions/Commission_for_Planning/ITEM%209%20-%20combined.pdf)
[https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3 -
_Commissions/Commission_for_Planning/ITEM%209%20-%20combined.pdf](https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Commissions/Commission_for_Planning/ITEM%209%20-%20combined.pdf)
4. [October 2, 2019 – Proposed TDM Program](https://www.cityofberkeley.info/uploadedFiles/PLANNING_-_New/2019-10-02_PC_Item%209.pdf)
[https://www.cityofberkeley.info/uploadedFiles/PLANNING - New/2019-10-02_PC_Item%209.pdf](https://www.cityofberkeley.info/uploadedFiles/PLANNING_-_New/2019-10-02_PC_Item%209.pdf)
5. [July 17, 2019 – TDM and Parking Requirements](https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3)
https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3
6. [May 1, 2019 – Parking Referrals](https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Commissions/Commission_for_Planning/2019-05-01_PC_Item%2010.pdf)
[https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3 -
_Commissions/Commission_for_Planning/2019-05-01_PC_Item%2010.pdf](https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Commissions/Commission_for_Planning/2019-05-01_PC_Item%2010.pdf)
7. [February 6, 2019 – Green Affordable Housing Referral](https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Commissions/Commission_for_Planning/2019-02-6_Item_10_GAH%20.pdf)
[https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3 -
_Commissions/Commission_for_Planning/2019-02-6_Item_10_GAH%20.pdf](https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Commissions/Commission_for_Planning/2019-02-6_Item_10_GAH%20.pdf)
8. [October 18, 2017 – Consider Close-Out Referrals](https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Commissions/Commission_for_Planning/2017-10-18_Item_10_Staff_Report_Close_Out_Complete.pdf)
[https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3 -
_Commissions/Commission_for_Planning/2017-10-
18_Item_10_Staff_Report_Close_Out_Complete.pdf](https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Commissions/Commission_for_Planning/2017-10-18_Item_10_Staff_Report_Close_Out_Complete.pdf)
9. [February 15, 2017 – Green Affordable Housing Package](https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Commissions/Commission_for_Planning/2017-02-15_Item%209_Green%20Affordable%20Housing-Combined.pdf)
[https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3 -
_Commissions/Commission_for_Planning/2017-02-
15_Item%209_Green%20Affordable%20Housing-Combined.pdf](https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Commissions/Commission_for_Planning/2017-02-15_Item%209_Green%20Affordable%20Housing-Combined.pdf)
10. [October 19, 2016 – Green Affordable Housing – Refining and Focusing Direction](https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Commissions/Commission_for_Planning/2016-10-19_Item%2010-Combined.pdf)
[https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3 -
_Commissions/Commission_for_Planning/2016-10-19_Item%2010-Combined.pdf](https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Commissions/Commission_for_Planning/2016-10-19_Item%2010-Combined.pdf)
11. [September 21, 2016 – Green Affordable Housing Package](https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Commissions/Commission_for_Planning/2016-09-21_Item%209_Combined.pdf)
[https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3 -
_Commissions/Commission_for_Planning/2016-09-21_Item%209_Combined.pdf](https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Commissions/Commission_for_Planning/2016-09-21_Item%209_Combined.pdf)

12/15/2020



Vice Mayor Sophie Hahn
Berkeley City Council, District 5

SUPPLEMENTAL AGENDA MATERIAL

for Supplemental Packet 2

Meeting Date: December 15, 2020

Item Number: 40

Item Description: **Proposed Friendly Amendments to Referral Response:
Zoning Ordinance Amendments that Reform Residential
Off-Street Parking; Amending Berkeley Municipal Code
Title 14 and Title 23**

Submitted by: **Vice Mayor Sophie Hahn**

Due to the complex nature of this item, Vice Mayor Hahn is offering her thoughts for a path forward. This set of proposed Friendly Amendments picks a path through the two sets of proposals (Planning Commission and Staff) while seeking to (1) more broadly apply changes to achieve the incentives/goals of the proposals citywide, with exceptions being related to health and safety (fire and emergency access, and emergency egress/evacuations); and (2) provide a stronger and more consistently applied message of encouraging mode shift across residents of both new and existing housing.



SOPHIE HAHN

Berkeley City Council, District 5
2180 Milvia Street, 5th Floor
Berkeley, CA 94704
(510) 981-7150
shahn@cityofberkeley.info

December 15, 2020
Proposed Amendments to Item 40

To: Honorable Members of the City Council
From: Vice Mayor Sophie Hahn (Author)
Subject: Proposed Friendly Amendments to Referral Response: Zoning Ordinance
Amendments that Reform Residential Off-Street Parking; Amending
Berkeley Municipal Code Title 14 and Title 23

The Parking reforms before us are designed to reduce dependence on private vehicles and move people towards alternative modes - in particular public transit.

This proposed set of Friendly Amendments picks a path through the two sets of proposals (Planning Commission and Staff) while seeking to (1) more broadly apply changes to achieve the incentives/goals of the proposals citywide, with exceptions being related only to health and safety (fire and emergency access, and emergency egress/evacuations); and (2) provide a stronger and more consistently applied message of encouraging mode shift across residents of both new and existing housing.

A summary of the proposed path forward is presented below for consideration.

<p>MINIMUMS:</p> <p><u>Suggested Approach:</u> Eliminate all minimums except for “Health & Safety Access Areas” - areas where off-street parking is encouraged for emergency vehicle access and evacuation.</p> <p><u>Suggested Outcomes:</u> No MINIMUM parking requirements citywide</p> <p>Except for the following Health & Safety Access Areas, to support emergency vehicle access and evacuation:</p> <ul style="list-style-type: none">• H Overlay and ES-R• Other narrow or difficult-to-access streets or cul de sacs citywide that present health and safety/access and egress challenges, as identified by the City Manager (Fire Dept.)• (H, ES-R and additional narrow/difficult streets collectively referred to as “Health & Safety Access Areas”) <p><u>Special Consideration:</u> Consider requiring residential handicapped parking spaces for buildings with 25 or more units (with 1 space for every 1-25 units, to echo ADA requirements). The first space could be either on-site or via a blue curb, avoiding curb cuts.</p>	<p>NOTES:</p> <ul style="list-style-type: none">• In Health & Safety Access Areas, existing 1 space per unit minimum would remain in place, but does not apply to ADUs, by State Law.• H and ES-R districts include a combination of steep, narrow and curved streets and some intersections with turn-radii well over 90 degrees, while being subject to extremely high wildfire risks and likelihood of evacuations.• The PC’s proposed 26-foot carve-out does not account for the many factors that exacerbate large vehicle access to streets in the H and ES-R areas and other narrow streets and cul-de-sacs citywide. In addition, wider blocks in H and ES-R are frequently accessed via narrower or harder-to-navigate street segments.• Access issues in cul de sacs, excessively narrow streets and other unusual configurations citywide present similar health and safety concerns as in H and ES-R areas. The Fire Department can determine these streets and designate them via an AR.• Important to ensure new housing is accessible to individuals requiring handicapped parking.
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<p>MAXIMUMS:</p> <p><u>Suggested Approach:</u> Apply maximums more broadly across the City and in a fixed manner, to support transition to all alternative modes and consistency over time and neighborhoods.</p> <p><u>Suggested Outcomes:</u> Maximums apply to all areas except Health & Safety Access Areas where off-street parking is encouraged, and, in many locations, where additional red-curbings is planned that limits on-street parking.</p> <p>Covered Area I**: Within 0.25 miles of BART and CalTrans, and of major corridors - <i>University, San Pablo, Telegraph, College, Shattuck-Henry-Sutter-Solano:</i></p> <ul style="list-style-type: none"> - Max 1 space/single unit parcel* - Max 0.5 spaces/unit for 2-unit or larger.* <p>Covered Area II**: In all other areas of Berkeley:</p> <ul style="list-style-type: none"> - Single unit properties: 2 space maximum* - 2-unit or larger: 1 space maximum per unit* <p>In Health & Safety Access Areas:</p> <ul style="list-style-type: none"> - No maximum (need to <i>encourage</i> off-street parking). - Add a requirement that parking (in new-build) must be kept free and clear for parking access (no planting/landscaping over driveways or filling garages with storage, etc). <p>* Can be increased with AUP if unusual circumstances.</p> <p>** Where a Covered Area overlaps with a Health & Safety Access Area, it would be exempt from any maximum, based on Health & Safety considerations</p>	<p>NOTES:</p> <ul style="list-style-type: none"> • Much of Berkeley is served by multiple modes - Bus, BART, biking (+ electric bikes), walking, car share, taxis, etc. Incentives still have significant value in broader areas than around transit. • Very few properties in Berkeley currently provide more than one off-street parking space per unit. The maximums proposed <i>reflect current patterns and practice and are unlikely to be onerous</i> - especially with the possibility of an AUP for unusual circumstances. • Tying parking maximums to bus service results in possible uncertainty/inconsistency of requirements over time, should headways be reduced or increased, or routes eliminated, added, or changed. • Broader applicability can be achieved based on areas around fixed transit (BART, Rail) + set/fixed areas close to shopping, transit, bike lanes, bike share and other services and amenities, incentivizing both use of public transit and other alternative modes. • Applying Maximums citywide except for Health & Safety Access Areas sends a strong message of support for mode shift without imposing burdens - the maximums reflect overwhelming existing practices. • An AUP can be applied-for to meet a special/unusual need or circumstance.
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<p>RPP PERMIT CHANGES:</p> <p>Suggested Approach:</p> <ul style="list-style-type: none">- Avoid concerns with regs based on building type, age or size.- Increase disincentives to park on-street throughout RPP areas, with exceptions to provide equitable access for low income, limited mobility and other households with special circumstances. <p>Suggested Outcomes: Refer to staff to revisit price-based and other RPP incentives citywide and consider increasing costs and cost-escalation for additional permits, while incorporating additional sliding-scale, waiver and/or other low-income provisions and providing more generous exceptions for individuals with limited mobility (even if not eligible for Handicapped placards), seniors, households with youth 16 or younger, and other special circumstances.</p> <p>Proposed New Element: Require disclosure in property sale and rental listings and contracts/agreements specifying the availability, terms and limitations of both on-site and off-street parking associated with the unit, so renters and buyers are aware of parking options before they enter into purchase and rental agreements.</p>	<p>NOTES:</p> <ul style="list-style-type: none">• Many older/existing homes/units throughout Berkeley have no off-street parking or, if they do “on paper,” the off-street parking is used for storage or has been converted to garden space. Under the new regulations proposed, new-build will also have a mix of “parked” and “not-parked” units.• Existing and new developments are thus “less different” from each other than imagined.• Only ~50% of parking in Berkeley’s larger multi-unit buildings is currently used; the imposition of a 0.5 parking max/unit simply reflects the status quo, and does not change the “burden” to off-street parking.• Based on the fact that a 0.5 space/unit maximum reflects the status quo, and some of both existing and new units provide/will provide no on-site parking, the need for a ban on RPP permits <i>for residents of new buildings only</i> is less compelling. The existence of TDM in larger new developments also helps incentivize use of transit by residents of those buildings.• Incentivizing all residents, regardless of when their unit was produced, to reduce dependence on private vehicles and adopt alternative modes will ultimately result in less automobile use across the board.• With steeper price disincentives to access RPP permits, price reductions and/or exceptions should be expanded to address increased equity impacts.
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<p>TDM REQUIREMENTS:</p> <p>Suggested Approach: Adopt TDM as proposed with a few additions/clarifications.</p> <p>Suggested Additions/Clarifications:</p> <ul style="list-style-type: none">- Require “long term” (indoor) bike parking to provide outlets capable of supporting electric bike charging at all spaces.- [If not already required] Require all new vehicle parking citywide to be EV-ready; all spaces furnished with outlets accommodating both 110v and 220v chargers.- Consider mandating regular maintenance of screen-based transit boards to address vandalism and ensure accountability for upkeep/ relevance over time.- Limit alternatives to provision of Clipper Cards to public transit benefits only.- Establish a mechanism for payment into a transit fund as an alternative to provision of public transit passes, and/or as a required community benefit where transit passes are refused/ unclaimed by residents.	<p>NOTES:</p> <ul style="list-style-type: none">• Suggestions are self-explanatory
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Planning and Development Department
Land Use Planning Division

STAFF REPORT

DATE: January 6, 2021
TO: Members of the Planning Commission
FROM: Alene Pearson, Principal Planner
SUBJECT: Initial Discussion on Planning Commission's 2021 Work Plan

RECOMMENDATION

Discuss timing and approach to developing a 2021-2022 Work Plan and elect subcommittee members to begin this work.

BACKGROUND

In 2016 City Council took action to direct most commissions, Planning Commission included, to submit an annual work plan at the start of each fiscal year (see Attachment 1). Due to COVID, many commissions have not met since March, and as a result, work plans were not required for the 2020-2021 fiscal year. Planning Commission's 2019-2020 work plan is provided as Attachment 2.

Although the new fiscal year is six months out, Planning Commission has been meeting since July and has completed work on a number of its City Council referrals. There has been interest from Planning Commission to review the remaining referrals and provide input on the order in which they are addressed.

Attachment 3 provides the matrix of policy projects that staff uses for scheduling and tracking. For those seeing the matrix for the first time, an orientation may be helpful. The matrix includes City Council referrals, Housing Action Plan referrals and projects that are mandated by State legislation. Referrals and projects are organized into similar groupings (see Column B) and information is provided on project status, referral ranking and staffing assignments. Finally, the matrix provides an anticipated timeline, with tentative meeting dates and assumed level of effort. The matrix is provided as a reference and has hyperlinks to original referrals.

The Policy Group of the Land Use Division, when fully staffed, has six full-time staff (2 Principal Planners, 1 Senior Planner (currently vacant due to retirement), 1 Associate Planner, and 2 Assistant Planners). The list below shows the active projects that the Policy Group is responsible for and currently focused on. This list is provided for reference during development of the work plan.

State-mandated Projects:

BART Zoning
General Plan Annual Progress Report
Housing Element Annual Progress Report
2023-2031 Housing Element Update
Unit Tracking for the State Department of Finance

Projects with Consultant Contracts:

Affordable Housing Requirement Study (initiated as a referral)
Southside Zoning Modifications (initiated as a referral)
Zoning Ordinance Revision Project (initiated as a referral)

Projects with Staff Leads:

Cannabis Equity Program (initiated as a referral)
Housing Pipeline Report (initiated by Council action)
JSHSIL Report / Objective Standards for Density (initiated by Council action)

Active City Council Referrals:

Arcades
Arts District Overlay (ADO)
Demolition Ordinance
Home Occupations Ordination
Parking Reform
Research and Development Definition
Sign Ordinance

Not Started City Council Referrals (interest expressed by Planning Commission):

Adeline Rezone Adjacent Parcels
Bird Safe Regulations
Gentrification and Displacement

NEXT STEPS

Planning Commission has expressed an interest in developing their 2021-2022 work plan at the start of 2021. In previous years, Planning Commission has established a subcommittee to review referrals and develop a recommendation. That recommendation is then shared with the full Planning Commission for approval. Once approved, the subcommittee will draft an Information Item that will be submitted to City Council. All Commission work plans are posted on the City's website at this locations: https://www.cityofberkeley.info/Clerk/Commissions/Board_and_Commission_Workplans.aspx

ATTACHMENTS

1. City Council Report on Commission Work Plans
2. Planning Commission 2019-2020 Work Plan
3. Policy Group Project Matrix



Lori Droste, District 8
Susan Wengraf, District 6

CONSENT CALENDAR
July 19, 2016

TO: Honorable Mayor and City Council

FROM: Councilmembers Lori Droste, Susan Wengraf,
Linda Maio, and Kriss Worthington

SUBJECT: Commission Work Plans

RECOMMENDATION

Commissions—with the exception of the Board of Library Trustees, Design Review Committee, and the Zoning Adjustments Board—will submit a work plan detailing its goals and objectives for the year. Plans will be submitted at the start of the fiscal year, annually.

FINANCIAL IMPLICATIONS

Although additional staff time will be needed to assist commissions in drafting work plans, staff time will be reduced overall if misaligned commission referrals are reduced. In addition, if boards and commissions do not direct city staff to perform research, gather information, or otherwise engage in activities involving projects or matters that are not aligned with the City's Strategic Plan, staff will be able to make more efficient use of their time.

BACKGROUND

The City of Berkeley is in the process of introducing its first strategic plan. To ensure that Berkeley's commissions are in alignment with the overall mission of the City, commissions should submit annual work plans. Each work plan should contain the following information:

1. Commission mission statement
2. What are the commission's goals? In order to achieve these objectives, please specify:
 - a. Resources
 - i. What specific resources are needed and available to achieve desired change? (i.e. staff time, \$, time, materials, equipment)
 - b. Program activities
 - i. What will the commission do with its resources?
 - ii. Processes, tools, events, technology, actions that are employed to bring about the intended objectives.

- c. Output(s)
 - i. What will be the direct results of commission activities?
 - ii. How much will be done? (i.e. Number of forums/meetings held, # of participants reached, etc.)
- d. Outcomes
 - i. The specific changes desired/achieved in the short-term (1-3 years) and long-term (4-6 years)

Outcomes should be measurable, action-oriented, and realistic (W. K Kellogg Foundation, 2004).

ENVIRONMENTAL SUSTAINABILITY

Not applicable

CONTACT PERSON

Lori Droste, City Councilmember District 8, 510-981-7180
Susan Wengraf, City Councilmember District 6, 510-981-7160

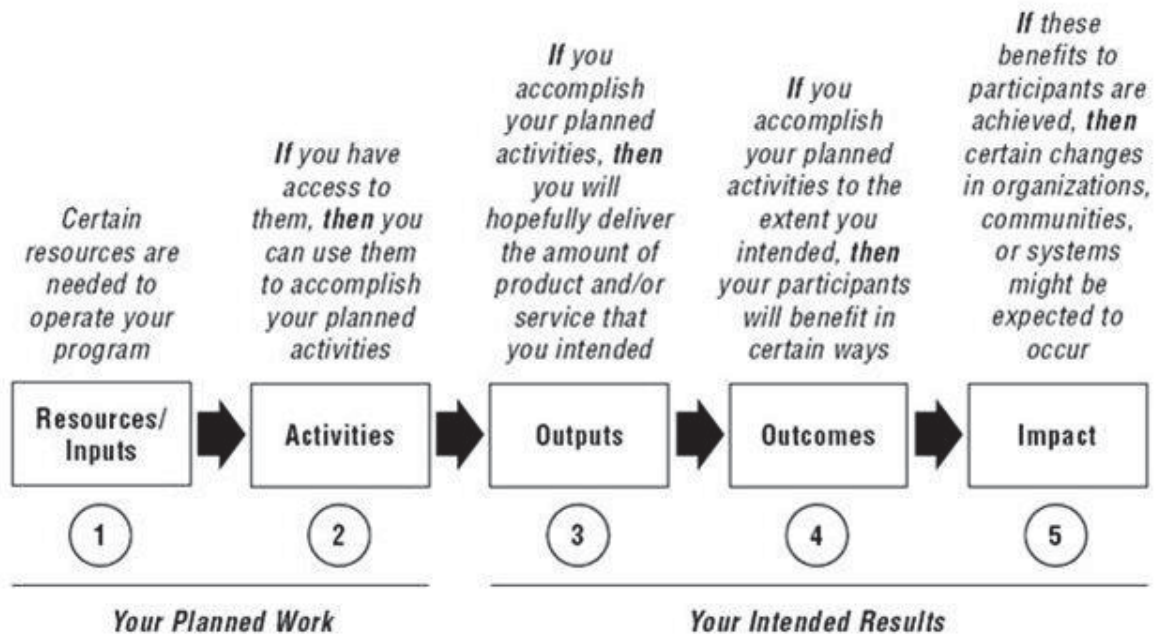
Attachments:

1: Logic Model Summary (W.K. Kellogg Foundation)

Logic Model Summary

A logic model brings program concepts and dreams to life. It lets stakeholders try an idea on for size and apply theories to a model or picture of how the program would function.

The program logic model is defined as a picture of how your organization does its work – the theory and assumptions underlying the program. A program logic model links outcomes (both short- and long-term) with program activities/processes and the theoretical assumptions/principles of the program.



The Basic Logic Model components shown above are defined below. These components illustrate the connection between your planned work and your intended results.

They are depicted numerically by steps 1 through 5.

YOUR PLANNED WORK describes what resources you think you need to implement your program and what you intend to do.

CONSENT CALENDAR
July 19, 2016

1. Resources include the human, financial, organizational, and community resources a program has available to direct toward doing the work. Sometimes this component is referred to as Inputs.

2. Program Activities are what the program does with the resources. Activities are the processes, tools, events, technology, and actions that are an intentional part of the program implementation. These interventions are used to bring about the intended program changes or results.

YOUR INTENDED RESULTS include all of the program's desired results (outputs, outcomes, and impact).

3. Outputs are the direct products of program activities and may include types, levels and targets of services to be delivered by the program.

4. Outcomes are the specific changes in program participants' behavior, knowledge, skills, status and level of functioning. Short-term outcomes should be attainable within 1 to 3 years, while longer-term outcomes should be achievable within a 4 to 6 year timeframe. The logical progression from short-term to long-term outcomes should be reflected in impact occurring within about 7 to 10 years.

5. Impact is the fundamental intended or unintended change occurring in organizations, communities or systems as a result of program activities within 7 to 10 years. In the current model of WKKF (W.K. Kellogg Foundation) grantmaking and evaluation, impact often occurs after the conclusion of project funding.

Compiled from:
W.K. Kellogg Foundation. "Logic Model Development Guide." (2004)



Planning Commission

INFORMATION CALENDAR

January 29, 2019

To: Honorable Mayor and Members of the City Council
From: Planning Commission
Submitted by: Chris Schildt, Chairperson, Planning Commission and Jeff Vincent,
Chairperson of the Workplan Subcommittee
Subject: Planning Commission Workplan 2018-2019

INTRODUCTION

The City of Berkeley Planning Commission (PC) hereby submits its work plan for Fiscal Year 2018, pursuant to the Berkeley City Council's request.

CURRENT SITUATION AND ITS EFFECTS

Unlike other city commissions, the PC's workload is almost exclusively dictated by referrals from the City Council. Each year, the Council goes through an extensive referral ranking process, which shapes the prioritization of work for the PC. Thus, by design, the PC has far less latitude than other city commissions in setting its agenda. As of October 2018, the PC has a workload of more than 40 referrals from the City Council.

The PC's workplan organizes the referrals around three strategic areas of PC interest/outcome, as described below. Across these strategic outcome areas, the PC aims to **demonstrate state-wide leadership in promoting social equity, affordability, and climate resilience issues**. In some cases this requires action to comply with new state laws, and in some cases this may involve going "beyond" state laws to recommend local land use policies that the PC feels will achieve more equitable results than state requirements.

Strategic Outcome Areas:

1. **Increase affordable housing.** This includes retaining and expanding the stock of affordable housing available throughout the city. The commission has identified three mechanisms by which we can advance this strategic outcome:
 1. Modify development standards to create more affordable housing;
 2. Revise administrative procedures and levels of discretion to streamline affordable housing;
 3. Develop community benefits and other value capture mechanisms in order to maximize affordability in new development.

2. **Promote healthy, livable communities.** This includes ensuring Berkeley residents live in safe, healthy, and accessible communities with parks, schools, local businesses, and cultural institutions, and promoting healthy mobility options for all residents.
3. **Support community economic development and commercial vitality.** This includes preserving and enhancing Berkeley's thriving neighborhood commercial areas and ensuring a vibrant downtown.

Resources: Significant staff time is required to conduct the research, write reports, and draft zoning language. In some cases, consultants are brought on board to assist staff.

Activities: For each referral, the PC's action requires staff time for substantive reports on each topic within each referral as well as developing draft zoning language changes. Often the draft zoning language goes through multiple revisions across multiple PC meetings.

Outputs: On nearly all referrals, the PC output consists of recommendations to the City Council.

BACKGROUND

City Council has requested that each commission provide a workplan that explains the mission and goals of each appointed body. The mission of the Planning Commission, as outlined in the City Charter, reads:

"The Commission recommends modifications to the City of Berkeley General Plan and related policy documents. All Zoning Ordinance amendments are developed through this Commission and recommended to the City Council. Other purviews include subdivision map consideration and review and comments on substantial projects from surrounding jurisdictions."

Members of the PC have discussed their goals and prioritized three strategic outcomes to guide their 2018-2019 work as described above: 1) Increase affordable housing; 2) Promote healthy, livable communities; and 3) Support community economic development and commercial vitality.

At its meeting of November 7, 2018, the Planning Commission voted to adopt this workplan with Commissioner Vincent's edits and send it to City Council. [Vote: 8-0-0-1; Ayes: Martinot, Kapla, Schildt, Vincent, Fong, Pinto, Beach, Lacey. Noes: None. Abstain: None. Absent: Wrenn. Motion/Second: Kapla/Schildt]

The attached Planning Commission Workplan Table 2018-2019 (see *Attachment 1*) shows prioritized referrals, referrals awaiting action from other commission(s), referrals ranked by City Council that are slated for PC action to begin after the current work planning period (ending June 2019) based on resources and capacity, and referrals not

ranked by City Council for 2018-2019 work plan but which will be added to PC work schedule in priority order once ranked by Council.

ENVIRONMENTAL SUSTAINABILITY

The PC's workplan aids in advancing the city's goals around sustainability and greenhouse gas reduction.

POSSIBLE FUTURE ACTION

The PC's pace in working through City Council referrals is determinant on staff support. Currently, the Long Range Policy Group has two FTE staff planners (with plans to hire a 3rd and 4th soon) that support the growing workload of the PC. The PC is understaffed relative to its workload, as created by the City Council and relative to other Commissions. The PC's ability to move more quickly through City Council referrals could be greatly improved by increasing staff support to the PC.

The PC also makes additions or changes to the workplan as expedited referrals and other timely requests which arise from the City Council.

Resources Needed: Given the urgency of the housing situation in the City of Berkeley, additional staff support for the PC seems to be a prudent priority for city leaders to address.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

Increasing staff support to the PC will likely incur expense to the City of Berkeley Planning Department.

CONTACT PERSON

Alene Pearson, Commission Secretary, Land Use Planning Division, 510-981-7489

Attachments:

1: PC Workplan Table 2018-2019

Planning Commission Workplan Table 2018-2019

REFERRALS to Planning Commission by the City Council	RANKING* - RRV & HAP	STRATEGIC OUTCOME AREAS			
A. Referrals Prioritized by PC for 2018-2019 Workplan		1. Increase Affordable Housing	2. Promote Healthy, Livable Communities	3. Support Economic Development and Commercial Vitality	Waiting on other Commission ?
Small Business Package	started			x	
Moderate Impact Home Occupations	started			x	
Comprehensive Cannabis Ordinance	3 started referrals		x	x	
Density Bonus Package	56, 16, and 2 started referrals	x			JSISHL
Student Housing Package	16, 56, and two started referrals	x			JSISHL
Adeline Community Benefits/Land Value Capture	10	x	x		
Streamline Permitting for Affordable Housing	started	x			JSISHL
Zoning Ordinance Revision Project Phase 1 & 2	started		x		
Green Affordable Housing	started	x			
Flexible Ground Floor Uses	25 and one started referral	x			
Housing Linkage Fees	started (short-term)	x			

B. Referrals Awaiting Action by Other Commission(s)		1. Increase Affordable Housing	2. Promote Healthy, Livable Communities	3. Support Economic Development and Commercial Vitality	Waiting on other Commission ?
Reclassify 1050 Paker from MU-LI to C-W	57			x	ZAB approval

Planning Commission Workplan Table 2018-2019

REFERRALS to Planning Commission by the City Council	RANKING* - RRV & HAP	STRATEGIC OUTCOME AREAS			
Green Stormwater Requirements from CEAC			x		CEAC
Air Pollution Performance Standards from CEAC			x		CEAC
Denial of Permits to Violators			x		HAC

C. Referrals ranked by City Council, work to begin after end of this work planning period (June 2019) TBD, based on resources and capacity		1. Increase Affordable Housing	2. Promote Healthy, Livable Communities	3. Support Economic Development and Commercial Vitality	Waiting on other Commission ?
Toxic Remediation Regulations	started		x		
Green Development Standards from CEAC	started (by CEAC)		x		
Lower discretion for internal remodeling	14		x		
Expand boundaries of Downtown Arts District	17			x	
Junior ADUs	20				
San Pablo Ave Specific Area Plan	23		x		
ADUs in very high fire zones	43		x		
Health Equity and Innovation District	49		x		
Research Tiny Homes, YSA Tiny Homes	63	x			
Commercial Square Footage in C-E	59			x	

Planning Commission Workplan Table 2018-2019

REFERRALS to Planning Commission by the City Council	RANKING* - RRV & HAP	STRATEGIC OUTCOME AREAS			
D. Referrals not ranked by City Council for 2018-2019 work plan; will be added to work schedule once ranked based on ranking.		1. Increase Affordable Housing	2. Promote Healthy, Livable Communities	3. Support Economic Development and Commercial Vitality	Waiting on other Commission ?
Demolition Ordinance		x			
ADUs for Homeless		x			
Fee Waivers for Housing Trust Fund Projects		x			
Auto Uses in C-SA				x	
ADA Improvements in ADUs			x		
Inclusionary Requirement for Live/Work		x			
Mini Dorms (student housing)		x			
ADU Mods			x		

* "started" is a referral on which substantive work began before last Council RRV, thus not subject to re-ranking. If blank, the referral has not yet been ranked by the City Council

NOTE: Many of these referrals touch on all 3 strategic outcome areas.



INFORMATION CALENDAR
September 24, 2019

To: Honorable Mayor and Members of the City Council
From: Planning Commission
Submitted by: Chris Schildt, Chairperson, Planning Commission and Jeff Vincent,
Chairperson, Workplan Subcommittee of the Planning commission
Subject: Planning Commission Workplan 2019-2020

INTRODUCTION

The City of Berkeley Planning Commission (PC) hereby submits its work plan for Fiscal Year 2019, pursuant to the Berkeley City Council's request.

CURRENT SITUATION AND ITS EFFECTS

Unlike other city commissions, the PC's workload is almost exclusively dictated by referrals from the City Council. Each year, the Council goes through an extensive referral ranking process, which shapes the prioritization of work for the PC. Thus, by design, the PC has far less latitude than other city commissions in setting its agenda. As of October 2019, the PC has a workload of more than 40 referrals from the City Council.

The PC's workplan organizes the referrals around three strategic areas of PC interest/outcome, as described below. Across these strategic outcome areas, the PC aims to **demonstrate state-wide leadership in promoting social equity, affordability, and climate resilience issues**. In some cases, this requires action to comply with new state laws, and in some cases, this may involve going "beyond" state laws to recommend local land use policy policies that the PC feels will achieve more equitable results than state requirements.

Strategic Outcome Areas:

1. **Increase affordable housing.** This includes retaining and expanding the stock of affordable housing available throughout the city. The commission has identified three mechanisms by which we can advance this strategic outcome:
 1. Modify development standards to create more affordable housing;
 2. Revise administrative procedures and levels of discretion to streamline affordable housing;
 3. Develop community benefits and other value capture mechanisms in order to maximize affordability in new development.

2. **Promote healthy, livable communities.** This includes ensuring Berkeley residents live in safe, healthy, and accessible communities with parks, schools, local businesses, and cultural institutions, and promoting healthy mobility options for all residents.
3. **Support community economic development and commercial vitality.** This includes preserving and enhancing Berkeley's thriving neighborhood commercial areas and ensuring a vibrant downtown.

Resources: Significant staff time is required to conduct the research, write reports, and draft zoning language. In some cases, consultants are brought on board to assist staff.

Activities: For each referral, the PC's action requires staff time for substantive reports on each topic within each referral as well as developing draft zoning language changes. Often the draft zoning language goes through multiple revisions across multiple PC meetings.

Outputs: On nearly all referrals, the PC output consists of recommendations to the City Council.

BACKGROUND

City Council has requested that each commission provide a workplan that explains the mission and goals of each appointed body. The mission of the PC, as outlined in the City Charter, reads:

"The Commission recommends modifications to the City of Berkeley General Plan and related policy documents. All Zoning Ordinance amendments are developed through this Commission and recommended to the City Council. Other purviews include subdivision map consideration and review and comments on substantial projects from surrounding jurisdictions."

Members of the PC have discussed their goals and prioritized three strategic outcomes to guide their 2019-2020 work as described above: 1) Increase affordable housing; 2) Promote healthy, livable communities; and 3) Support community economic development and commercial vitality.

At its meeting of May 1, 2019, the PC voted to adopt this workplan with Commissioner Vincent's edits and send it to City Council. [Vote: 9-0-0-0; Ayes: Beach, Fong, Kapla, Lacey, Martinot, Twu, Vincent, Wrenn, Wiblin. Noes: None. Abstain: None. Absent: None. Motion/Second: Kapla/Vincent]

The attached Planning Commission Workplan Table 2019-2020 (*see Attachment 1*) shows prioritized referrals, referrals awaiting action from other commission(s), referrals ranked by City Council that are slated for PC action to begin after the current work planning period (ending June 2020) based on resources and capacity, and referrals not

Planning Commission Workplan 2019-2020

INFORMATION CALENDAR
September 24, 2019

ranked by City Council for 2019-2020 work plan but which will be added to PC work schedule in priority order once ranked by Council.

The PC's pace in working through City Council referrals is determinant on staff support. The Long Range Policy Group has just hired three fulltime staff planners that will support the workload of the PC.

ENVIRONMENTAL SUSTAINABILITY

The PC's workplan aids in advancing the city's goals around sustainability and greenhouse gas reduction.

CONTACT PERSON

Alene Pearson, Commission Secretary, Land Use Planning Division, 510-981-7489

Attachments:

1: Planning Commission Workplan Table 2019-2020

Planning Commission Workplan Table 2019-2020

REFERRALS to Planning Commission by the City Council	RANKING* - RRV & HAP	STRATEGIC OUTCOME AREAS			Waiting on other Commission or Department
		1. Increase Affordable Housing	2. Promote Healthy, Livable Communities	3. Support Economic Development and Commercial Vitality	
A. Referrals Prioritized by PC for 2019-2020 Workplan					
Moderate Impact Home Occupations	started			x	
Cannabis Package	started & short-term		x	x	
Density Bonus Package / Objective Standards	started	x			JSISHL
Student Housing Package	started	x			
Adeline Plan (Community Benefits/Land Value Capture/Auto Uses/Opportunity Zone Overlay)	started	x	x		
Streamline Permitting for Affordable Housing	started	x			
Zoning Ordinance Revision Project Phase 1 & 2	started		x		
Parking Reform (GAH & Green Dev Stds)	started	x	x		
Flexible Ground Floor Uses	started	x			
Housing Linkage Fees	started (short-term)	x			
Toxic Remediation Regulations	started		x		
North Berkeley BART Zoning	started	x	x		
Fee Waivers for Housing Trust Fund Projects	started (short term)	x			

B. Referrals Awaiting Action by Other Commission(s)		1. Increase Affordable Housing	2. Promote Healthy, Livable Communities	3. Support Economic Development and Commercial Vitality	Waiting on other Commission or Department
Air Pollution Performance Standards from CEAC	CEAC started		x		CEAC
Expand boundaries of Downtown Arts District	OESD started			x	OED

Planning Commission Workplan Table 2019-2020

REFERRALS to Planning Commission by the City Council	RANKING* - RRV & HAP	STRATEGIC OUTCOME AREAS			
ADUs in very high fire zones	43		x		Fire
Denial of Permits to Violators	52		x		HAC

C. Referrals ranked by City Council, work to begin after end "started" projects, based on resources and capacity		1. Increase Affordable Housing	2. Promote Healthy, Livable Communities	3. Support Economic Development and Commercial Vitality	Waiting on other Commission or Department
Gentrification/Displacement Research & Workshop	1	x	x		
Residential Development Standards (Missing Middle Research)	2	x	x		
AHMF modifications to calculations	4	x			
San Pablo Ave Specific Area Plan	6		x		
Junior ADUs	8				
Development Agreements	10			x	
Urban Forestry Ordinance	15		x		
Demolition Ordinance	HAP 16	x			
ADA Improvements in ADUs	18		x		
AHMF modifcaiton: condo conversion existing tenants	24	x			
ADU Mods	30 / HAP 13		x		
Inclusionary Requirement for Live/Work	33	x			
Lower discretion for internal remodeling	42		x		
Beer and wine service in the M-districts	46			x	
ADUs for Homeless	59	x			

Planning Commission Workplan Table 2019-2020

REFERRALS to Planning Commission by the City Council	RANKING* - RRV & HAP	STRATEGIC OUTCOME AREAS			
D. Referrals not ranked by City Council for 2019-2020 work plan; will be added to work schedule once ranked based on ranking.		1. Increase Affordable Housing	2. Promote Healthy, Livable Communities	3. Support Economic Development and Commercial Vitality	Waiting on other Commission or Department
Mini Dorms (student housing)	NR	x			
Arcade Uses in Elmwood	NR			x	
Cannabis Use in Live/Work	NR			x	

* "started" is a referral on which substantive work began before last Council RRV, thus not subject to re-ranking. If blank, the referral has not yet been ranked by the City Council

NOTE: Many of these referrals touch on all 3 strategic outcome areas.

- Key:
- ADU = Accessory Dwelling Unit
 - AHMF = Affordable Housing Mitigation Fee
 - GAH = Green Affordable Housing
 - HAP = Housing Action Plan
 - NR = Not Ranked in 2019



Cheryl Davila
Councilmember
District 2

CONSENT CALENDAR

April 30, 2019

To: Honorable Mayor and Members of the City Council

From: Councilmembers Cheryl Davila and Ben Bartlett

Subject: Refer to the Planning Commission and Housing Advisory Commission to Research and Recommend Policies to Prevent Displacement and Gentrification of Berkeley Residents of Color and African Americans

RECOMMENDATION

Refer to the Planning Commission and Housing Advisory Commission to research and recommend policies to prevent displacement and gentrification of Berkeley residents of color. Recommended policies should include real solutions. The Commission should do the following:

- Develop a policy to address the erosion of People of Color (POC), including the African American sector of our Berkeley society.
- Develop rules and regulations to halt the loss of People of Color including the African American communities.
- Develop a “right to return” for Berkeley’s People of Color including the African American communities who have been displaced by these economic and social developments, especially those who continue to be employed in our City, even after having to relocate beyond our boundaries.
- Solicit expert and lived experience testimonies regarding displacement and gentrification.
- Recommend alternatives to prevent displacement and gentrification of our valued Berkeley citizens of color and African Americans.

CURRENT SITUATION

Minority groups are being pushed out of the neighborhoods in which they live. According to a study from the California Housing Partnership, between 2000 and 2015 the number of low-income households of color in the nine Bay Area counties dropped by 28%. This was matched in time by a 30% increase in rent rates. At the same time, there was no change in the proportion of white households. In Berkeley, from a high of 23.5% in 1970,

the Black population has been more than cut in half. According to the United States Census Bureau, it is now less than 10% of the total composition of the city.

Experts agree that the rising costs of housing in the Bay Area, primarily due to the rising fortunes of Silicon Valley, have priced many of the older residents out of the city. This is especially true of those or their family members who don't own homes.

In short, displacement has had a large negative effect on long-term black residents of Berkeley, both as a community and as a fate suffered by individual persons and families at the hands of rent increases by landlords.

BACKGROUND

Berkeley's neighborhoods were historically segregated based upon custom, as well as, contracts. Prior to 1948, so-called restrictive covenants by neighborhood groups blocked African American's and People of Color's access to "white communities". After the Supreme Court ruling *Shelley vs. Kraemer*, redlining or placing color codes on city maps to indicate where minorities could and could not live became the scheme to enforce housing discrimination. The result of this discrimination was that almost all Asian and Black Berkeleyans had to live south of Dwight Way and west of Martin Luther King Jr. Way (aka Grove Street) according to Charles Wollenberg, author of *Berkeley: A City in History*. Under these discriminatory conditions, "redlining" excluded Asian and Black Berkeleyans from most other parts of the City, thousands of Black families moved to South Berkeley during and after WWII.

According to *Redlining: The history of Berkeley's Segregated Neighborhoods*, by Jesse Barber, Berkeleyside.com, September 20, 2018, which stated, "They (Black residents after WWII) were cordoned off, not allowed to move to the north or to the east, so they built their own lives right there where they could find housing. Opening shops, stores, cobblers, food, etc. they prospered." The thriving *Lorin Station* business community in what is now called the "Adeline Corridor" developed organically to serve the needs of the growing South Berkeley African-American and Japanese citizenry. Fast forward to the 2000s: Minorities were being pushed out of the very neighborhoods in which they had been formerly compelled to live. According to a study from the California Housing Partnership, between 2000 and 2015 the number of poor households of color in the nine Bay Area counties dropped by 28%. This was matched in time by a 30% increase in rent rates. At the same time, there was no change in the proportion of white households.

In Berkeley, from a high of 23.5% in 1970, the African American population has decreased, significantly. According to the U.S. Census Bureau, it is now less than 10% of the total composition of the City, approximately 7%, currently.

Experts agree that the rising costs of housing in the Bay Area, primarily due to the rising fortunes of Silicon Valley, have priced many of the older residents out of our City. This is especially true of those or their family members who don't own homes.

In short, displacement has had a large negative effect on long-term African American and POC residents of Berkeley, both as a community and as a fate suffered by individual persons and families at the hands of rent increases by the unscrupulous.

ENVIRONMENTAL SUSTAINABILITY

Our community will be made whole again by having a diverse community filled with people of color including African Americans who will no longer be displaced. Possible reduction in Green House Gas (GHG's) since commute times may be eliminated or reduced.

REVIEW OF EXISTING PLANS, PROGRAMS, POLICIES, AND LAWS

There are currently few, if any, protections against the effects of gentrification; this, in conjunction with uncontrollably rising housing costs, makes it probable that Berkeley's declining Black population will continue to decrease. Therefore, the creation of this workshop will be the first steps towards creating legislation and policies to decrease or stop gentrification.

ACTIONS/ ALTERNATIVES CONSIDERED

There are very few alternatives that the City can consider, as creating legislation with the guidance of experts on gentrification and displacement may be the best action to combat such issues.

OUTREACH OVERVIEW AND RESULTS

This legislation is designed to enable the Berkeley City Planning Commission and Housing Advisory Commission to create a workshop in which it will partner with multiple experts towards finding solutions for the causes and effects of gentrification and displacement.

RATIONALE FOR RECOMMENDATION

As the cost of housing and rent continue to rise in the Bay Area and Berkeley especially, low-income populations are struggling greatly to remain in their homes and many have already been displaced. A large proportion of this displaced population are from the black community. This recommendation will serve to protect those who are most vulnerable to the detrimental effects of development and rising housing costs as well as find a more equitable path of development.

IMPLEMENTATION, ADMINISTRATION AND ENFORCEMENT

The workshop will be created and facilitated by the Berkeley City Planning and Housing Advisory Commissions and will work alongside experts and advisors on displacement and gentrification.

FINANCIAL IMPLICATIONS

Staff time will be necessary to implement this workshop. The anticipated date for such a workshop is June 2019.

CONTACTS:

Cheryl Davila, Councilmember District 2	510.981.7120
Ben Bartlett, Councilmember District 3	510.981.7130