



Office of the City Manager

PUBLIC HEARING

July 28, 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: General Plan Redesignation and Rezone of The Rose Garden Inn at 2740 Telegraph Avenue (APN 054-1716-002-00), 2744 Telegraph Avenue (APN 054-1716-003-00), and 2348 Ward Street (APN 054-1716-031-00)

RECOMMENDATION

Conduct a public hearing and upon conclusion:

1. Adopt a resolution amending the General Plan land use designations of portions of parcels that comprise The Rose Garden Inn from Low Medium Density Residential to Avenue Commercial;
2. Adopt first reading of an ordinance amending the Zoning Map for the portion of parcels that comprise the Rose Garden Inn from Restricted Two-Family Residential District (R-2) to General Commercial District (C-1); and
3. Certify that the reclassification of General Plan land use designations and rezoning are categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Classes 1, 3, 5, and 31

FISCAL IMPACTS OF RECOMMENDATION

There are no direct fiscal impacts to the City of Berkeley by considering this General Plan redesignation and rezoning application. The property owner has an application pending to renovate the existing hotel site and add 14 hotel rooms. If these General Plan and zoning amendments are approved and The Rose Garden Inn improvements are built, the City may accrue increased property and transit occupancy tax revenues.

CURRENT SITUATION AND ITS EFFECTS

The Rose Garden Inn was originally established as a bed and breakfast in the 1970s. In the 1990s, it was converted to a hotel and restaurant. The Rose Garden Inn currently operates as a hotel with 40 guestrooms and a restaurant that is open to the general public.

The hotel occupies three parcels and includes five buildings (Attachment 3). The three parcels under consideration for a General Plan redesignation and rezoning are split-zoned between R-2 and C-1 (Attachment 4). One building (Building D) is also split between R-2 and C-1. The property owner is requesting the General Plan redesignation and Zoning Map amendment to bring the existing hotel uses at the Rose Garden Inn into conformity with the General Plan and Zoning Map. Previous work on this property, which included renovation of existing buildings and the addition of hotel rooms and improved food service areas, was approved with Use Permits, Design Review, Structural Alteration Permits and a Variance.

#### BACKGROUND

On December 4, 2019, the Planning Commission discussed and considered the proposed General Plan redesignation and zoning map amendments and directed staff to set a public hearing for the proposed amendments. On February 5, 2020, the Planning Commission conducted a public hearing and voted to recommend approval of the General Plan redesignation and rezone to the City Council by an 8-0-0-1 vote (Ayes: Beach, Kapla, Krpata, Lacey, Schildt, Vincent, Wiblin, and Wrenn. Noes: None. Abstain: None. Absent: Martinot.). See meeting minutes, included as Attachment 5.

#### ENVIRONMENTAL SUSTAINABILITY

There are no direct environmental opportunities from these proposed actions, however the existing hotel is on a major transit corridor and is within walking distance of Alta Bates Hospital and the University of California campus. If future improvements to the hotel are approved, they would need to meet the recently adopted 2019 California Building Code requirements which include higher sustainability standards.

#### RATIONALE FOR RECOMMENDATION

The rationale for the requested General Plan redesignation and zoning map amendment is to bring the existing hotel uses at the project site into conformity with the General Plan and Zoning Map, and to allow for future improvements to the hotel without need for a Variance (hotels are not allowed in the R-2 District). If approved, future improvements will be subject to C-1 development standards and regulations. The property owner is separately applying for Use Permits to upgrade and expand the non-historic portion of the hotel complex, which will be considered by the Zoning Adjustments Board if this zoning action is approved by the City Council. No changes to the overall use of the hotel are proposed and historic buildings (Berkeley Landmarks 125 and 126) would not be adversely impacted by these improvements.

The proposed General Plan redesignation and zoning map amendment would move the Low Medium Density/Avenue Commercial and the R-2/C-1 boundary approximately 50 feet west of its existing location to reflect the boundaries of the existing hotel site. Adjacent parcels to the north and south have the same geometry as this block-face (i.e. C-1 parcels fronting Telegraph Avenue and R-2 parcels to the west of the C-1). The proposed General Plan redesignation from Low Medium Density Residential to Avenue

Commercial and the rezoning of portions of the site from R-2 to C-1 would allow continuation of existing commercial uses at the project site that are compatible with commercial uses along the Telegraph Avenue corridor and have existed compatibly with the neighboring residential area.

The proposed General Plan amendment serves the public interest by allowing the entire existing hotel use to operate within a unified Avenue Commercial land use designation. The existing hotel has been in operation in some form since the 1970s. It is located on a pedestrian-friendly corridor that is serviced by a high-frequency bus line and is walking distance from Alta Bates Hospital and the UC Berkeley campus. These actions will also reconcile mapping irregularities that result in a split designation on a property that has been used as a hotel for several decades, and facilitate future renovation that would meet General Plan policies such as *Land Use Policy 13 and 27 (Basic Goods and Services and Avenue Commercial Areas)*, *Economic Development Policy 3 (Local Businesses)* and *Transportation Policy 16 (Access by Proximity)*. The Avenue Commercial land use designation would also be consistent with existing General Commercial land use designations along the Telegraph Avenue commercial corridor.

#### ALTERNATIVE ACTIONS CONSIDERED

The Council may deny the amendments, or continue the public hearing, or take no action, in which case the proposed renovation of The Rose Garden Inn would not occur.

#### CONTACT PERSON

Alene Pearson, Principal Planner, Planning & Development Department (510) 981-7489

#### Attachments:

- 1: Resolution for General Plan Amendment  
Exhibit A: General Plan Amendment Map
- 2: Ordinance to adopt Zoning Amendment  
Exhibit A: Zoning Amendment Map
- 3: Existing Site Plan
4. Current Zoning Map
- 5: Planning Commission meeting minutes– February 5, 2020
- 6: Public Hearing Notice of City Council Hearing on July 28, 2020

RESOLUTION NO. \_\_\_ N.S

AMENDING THE BERKELEY GENERAL PLAN TO REDESIGNATE ASSESSOR PARCEL NUMBERS (APNS) 054-1716-002-00, 054-1716-003-00, AND 054-1716-031-00 FROM LOW MEDIUM DENSITY RESIDENTIAL TO AVENUE COMMERCIAL

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

WHEREAS, the redesignation of the noted parcels was prepared based on a request from a property owner that wishes to modify and unify the allowable uses within buildings and lots that currently cross General Plan land use designation boundaries; and

WHEREAS, on February 5, 2020, the Planning Commission held a duly noticed public hearing and took public testimony and recommended approval to the City Council regarding the adoption of a General Plan redesignation of Assessor Parcel Numbers (APNs) 054-1716-002-00, 054-1716-003-00, and 054-1716-031-00; and

WHEREAS, on July 28, 2020, the City Council held a duly noticed public hearing to consider the recommendations of the Planning Commission, staff, property owner and the general public regarding the General Plan map amendment of APNs 054-1716-002-00, 054-1716-003-00, AND 054-1716-031-00; and

WHEREAS, the proposed General Plan amendment serves the public interest by allowing the entire existing hotel use to operate within a unified Avenue Commercial land use designation. The existing hotel business has been in operation since the 1970s. It is located on a pedestrian-friendly corridor that is serviced by a high-frequency bus line and is walking distance from Alta Bates Hospital and the UC Berkeley campus; and

WHEREAS, the proposed General Plan amendment reconciles mapping irregularities that result in a split designation on a property that has been used as a hotel for several decades, as well as facilitates future renovation that would meet General Plan policies such as *Land Use Policy 13 and 27 (Basic Goods and Services and Avenue Commercial Areas)*, *Economic Development Policy 3 (Local Businesses)* and *Transportation Policy 16 (Access by Proximity)*.

WHEREAS, the proposed General Plan amendment would redesignate portions of the three parcels that comprise the Rose Garden Inn from Low Medium Density Residential to Avenue Commercial, maintaining consistency with current uses and existing land use designations along the Telegraph Avenue commercial corridor; and

WHEREAS, the proposed General Plan amendment would not directly result in changes to the physical characteristics of the property or existing structures, but will facilitate

renovation that would be completed in compliance with current codes and regulations. New development also would be reviewed for compliance with Berkeley Municipal Code and CEQA and would be constructed in compliance with California Building and Safety Code as adopted by the City of Berkeley; and

WHEREAS, staff evaluated the amendment request and determined it is categorically exempt from CEQA pursuant to Classes 1, 3, 5, and 31, which apply to the proposed General Plan and zoning amendments as well as the currently proposed renovation and expansion project. Section 15301 of the *CEQA Guidelines* states that a Class 1 Categorical Exemption (CE) is for minor alterations of existing private structures that involve negligible or no expansion of an existing use. Section 15303 states that a Class 3 CE is for construction of limited numbers of new structures and the conversion of existing structures from one use to another where only minor modifications are made in the exterior of the structure. Class 1 and Class 3 apply to the proposed project because the proposed amendment is undertaken to permit improvements to the existing hotel which are shown in pending Use Permit applications to include only minor expansions to the existing footprint and exterior of the buildings. Section 15305 states that a Class 5 CE is for minor alterations in land use limitations which do not result in changes to land use or density. As the proposed project includes only minor alterations to the land use limitations on a site with an existing building and does not include any proposed change to density, Class 5 applies to the proposed project. Section 15331 of the *State CEQA Guidelines* states that a Class 31 CE is for rehabilitation or reconstruction of historical resources in a manner consistent with the Secretary of the Interior's Standards for Rehabilitating Historic Buildings (1995). Class 31 applies to the proposed project because rehabilitation will be undertaken consistent with the Secretary of the Interior's standards as required by future Structural Alteration Permits. Notwithstanding the above, development proposed subsequent to the rezoning will be subject to project-level review under CEQA and the City of Berkeley's Environmental Review; and

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

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

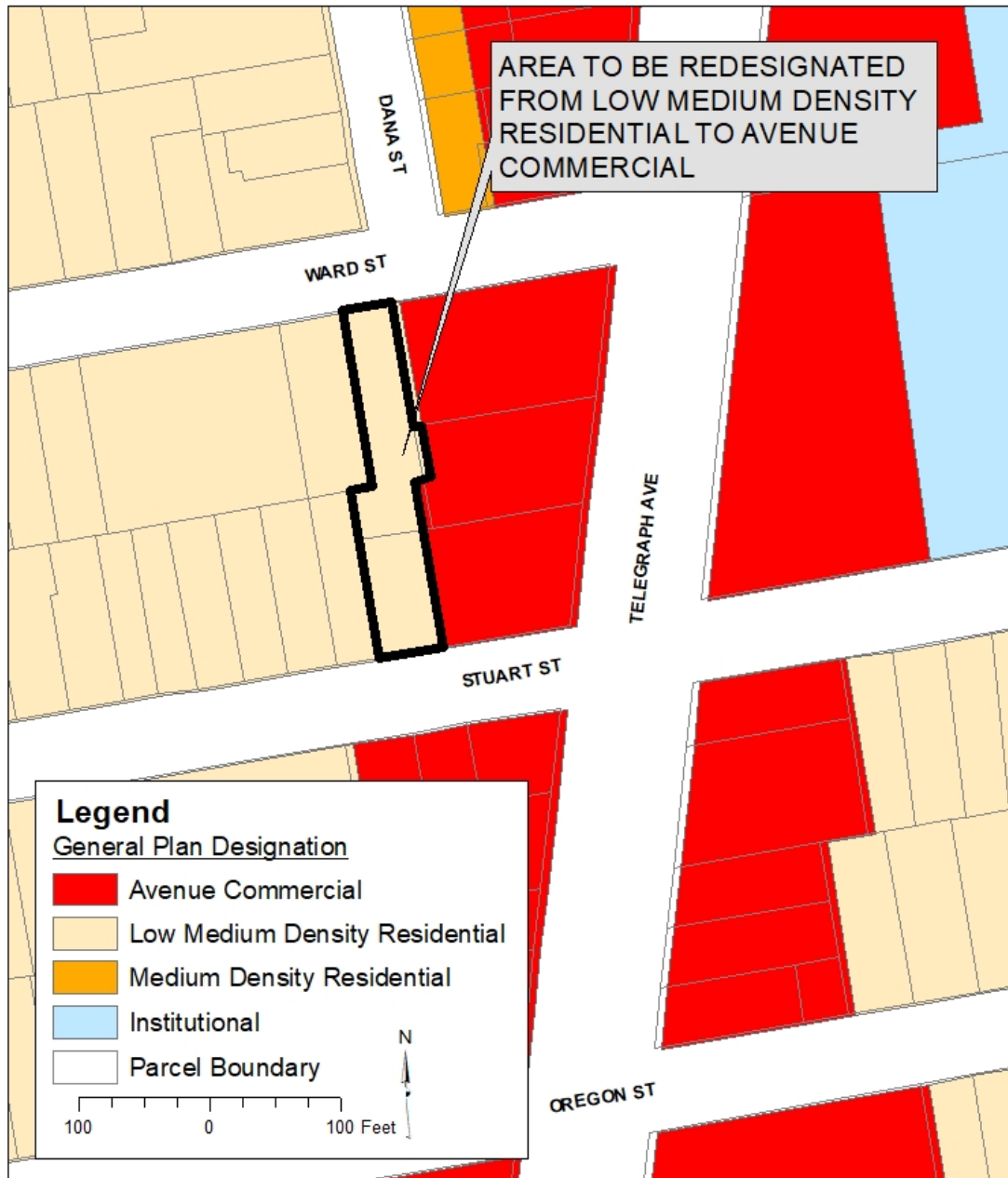
Attachment

Exhibit A: General Plan Amendment Map

ATTACHMENT 1: EXHIBIT A

GENERAL PLAN MAP AMENDMENT

2740 Telegraph Avenue (APN 054-1716-002-00),  
2744 Telegraph Avenue (APN 054-1716-003-00)  
2348 Ward Street (APN 054-1716-031-00)



ORDINANCE NO. -N.S.

AMENDING BERKELEY MUNICIPAL CODE (BMC) TITLE 23 (ZONING), OFFICIAL ZONING MAP, TO REZONE ASSESSOR PARCEL NUMBERS (APN) 054-1716-002-00, 054-1716-003-00, AND 054-1716-031-00 FROM RESTRICTED TWO-FAMILY RESIDENTIAL DISTRICT (R-2) TO GENERAL COMMERCIAL DISTRICT (C-1)

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

Section 1. The City Council has certified that the rezone amendment request is categorically exempt from CEQA pursuant to Classes 1, 3, 5, and 31, which apply to the proposed amendment as well as the pending future hotel renovation project.

Section 2. The City Council finds this rezoning from R-2 (Restricted Two-family Residential) to C-1 (General Commercial) serves the public interest by eliminating the legal non-conformity of a hotel use. The amendment serves the public interest by allowing the entire existing hotel use to continue by-right within the General Commercial zoning district. The rezoning would correct a mapping anomaly that splits three parcels and a building, resolving unnecessary complexity in land use permitting processes and decisions for the site.

Section 3. The City Council finds that the proposed zoning map amendment would align the boundary between the R-2 and C-1 Districts with existing property lines, approximately 50 feet to the west, to include the entire existing footprint of the Rose Garden Inn. The proposed rezoning is compatible with existing General Commercial zoning district to the east, north and south of the project site and would align with the proposed General Plan amendment described above. The R-2 zoning district to the west and south would remain undisturbed by this amendment and is consistent with similar compatible adjacencies in the area.

Section 4. The City Council finds that the proposed zoning map amendment moves the R-2/C-1 boundary approximately 50 feet west of its existing location. Adjacent parcels to the north and south have the same geometry as this block-face (i.e. C-1 parcels fronting Telegraph Avenue and R-2 parcels to the west of the C-1). The proposed rezoning of portions of the site from R-2 to C-1 would allow continuation of existing commercial uses at the project site that are compatible with commercial uses along the Telegraph Avenue corridor and have existed compatibly with the neighboring residential area. The proposed C-1 zoning would allow compatible mixed residential/commercial and higher density uses with approval of a Use Permit, which would be consistent with the remainder of properties along Telegraph Avenue.

Section 5. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be

filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

Exhibit

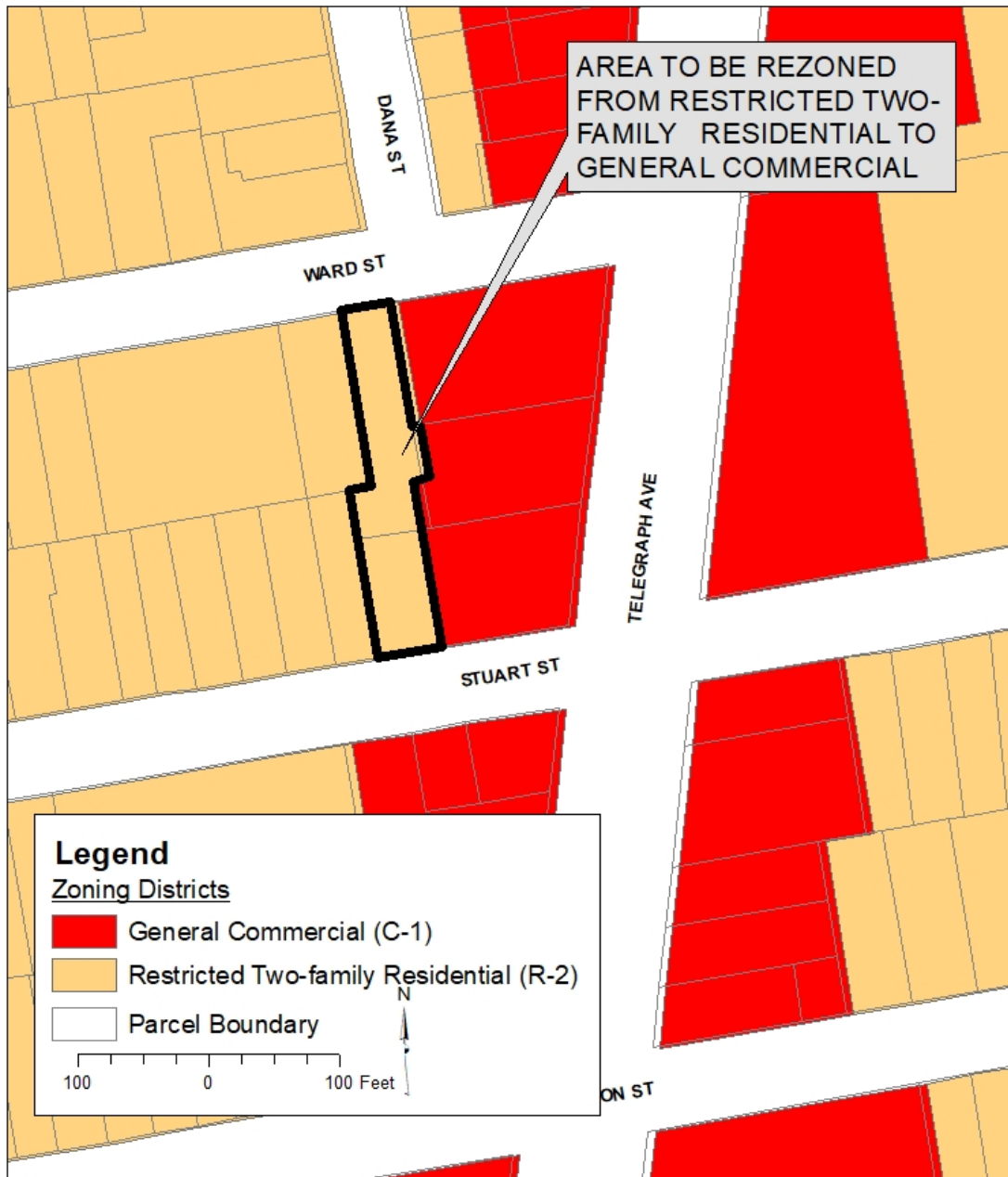
A: Zoning Map Amendment



ATTACHMENT 2: EXHIBIT A

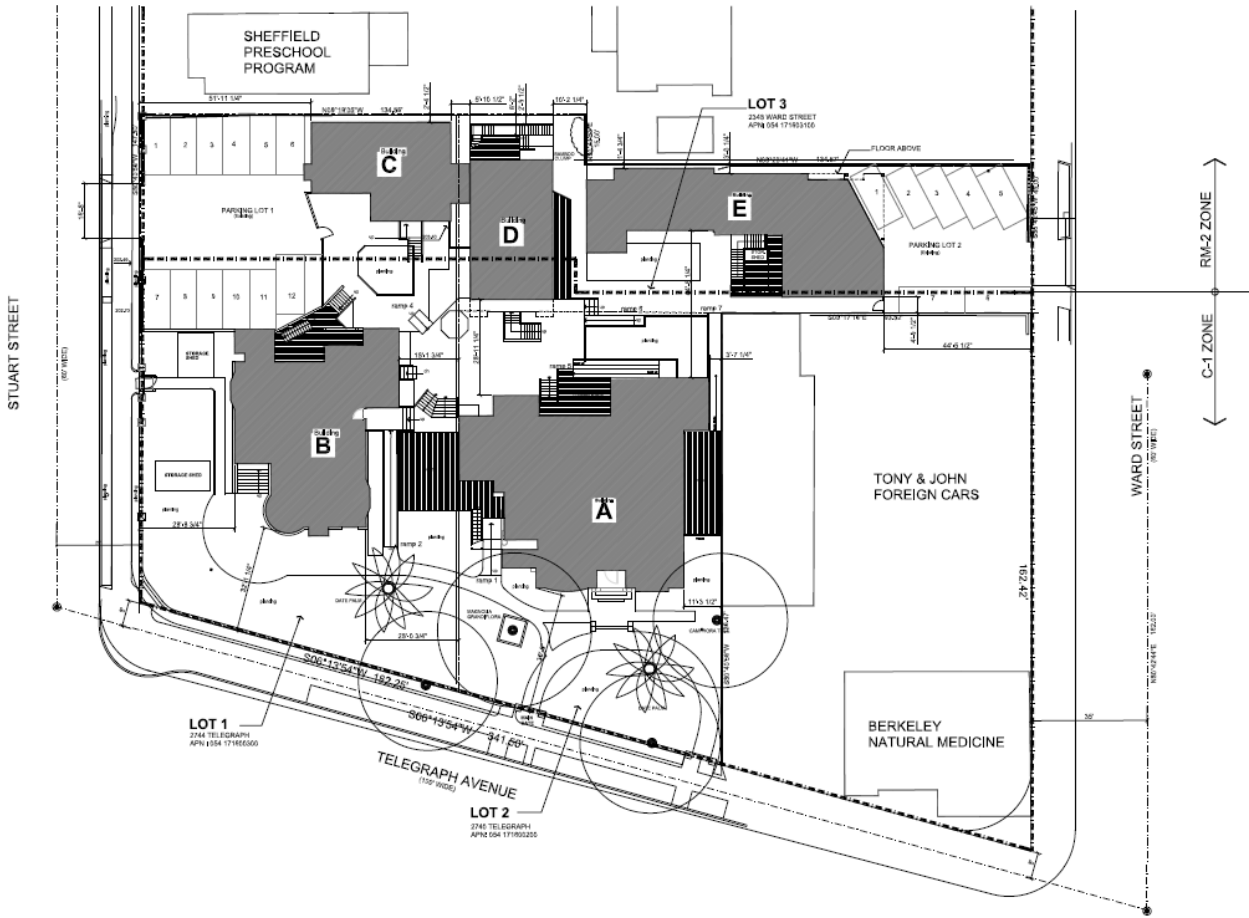
ZONING MAP AMENDMENT

2740 Telegraph Avenue (APN 054-1716-002-00),  
2744 Telegraph Avenue (APN 054-1716-003-00)  
2348 Ward Street (APN 054-1716-031-00)

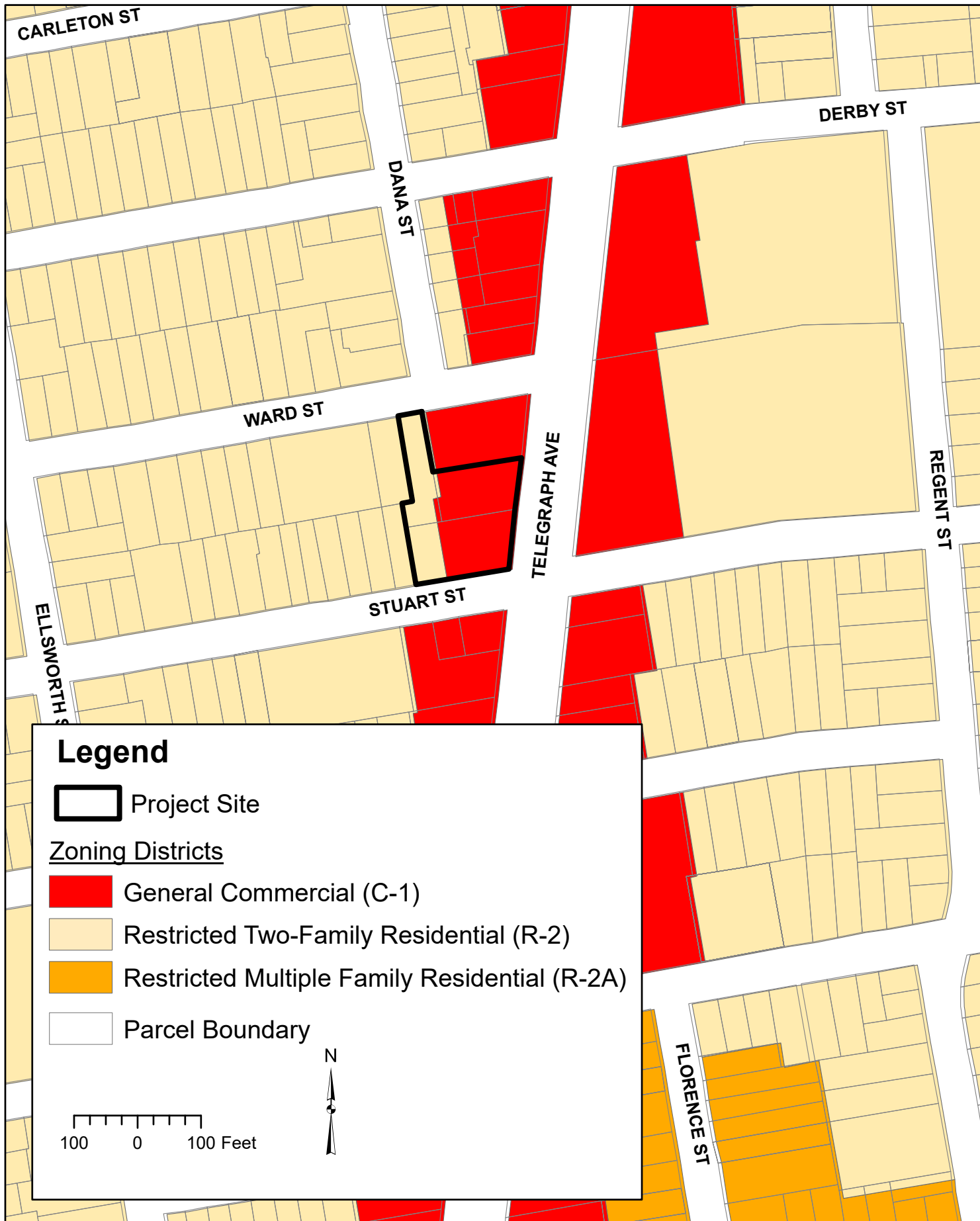


source: G:\Planning\LANDUSE\GIS\Rezone\mxd\GenPlan.mxd

### ATTACHMENT 3: EXISTING SITE PLAN



# PROJECT SITE AND CURRENT ZONING





Planning Commission

1                   **DRAFT MINUTES OF THE REGULAR PLANNING COMMISSION MEETING**

2   **February 5, 2020**

3    The meeting was called to order at 7:01 p.m

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

5    **1. ROLL CALL:**

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

8       **Commissioners Absent:** Steve Martinot.

9       **Staff Present:** Secretary Alene Pearson, Katrina Lapira, and Beth Greene.

10   **2. ORDER OF AGENDA:** Move Item 9 (2020 Planning Commission Elections) to before Item 3  
11   (Public Comment Period).

12   **9. 2020 Planning Commission Elections**

13    Motion (Schildt) to elect Commissioner Robb Kapla as Chair of the Planning Commission.  
14    Ayes: Beach, Kapla, Krpata, Lacey, Schildt, Vincent, Wiblin, and Wrenn. Noes: None.  
15    Abstain: None. Absent: Martinot. (8-0-0-1)

17    Motion (Schildt) to elect Commissioner Mary Kay Lacey as Vice Chair of the Planning  
18    Commission.  
19    Ayes: Beach, Kapla, Lacey, Schildt, and Wrenn. Noes: None. Abstain: Krpata, Vincent, and  
20    Wiblin. Absent: Martinot. (5-0-3-1)

22   **3. PUBLIC COMMENT PERIOD: 1**

23   **4. PLANNING STAFF REPORT:**

- 24
- 25       • January 21 - City Council adopted Extension of ADU Urgency Ordinance
  - 26       • January 28 - City Council adopted First Reading of Comprehensive Cannabis Ordinance
  - 27       • February 4 - City Council held Work Session on the Adeline Corridor Plan
  - 28       • Planning Commission Meeting on February 19 is canceled

29   **Information Items:** *None.*

30   **Communications:**

- 31 • December 3, 2019 – Sheffield Preschool, 2740-44 Telegraph & 2348 Ward Re-zone
- 32 • January 22 – Planning Staff, APA Annual Planning Commissioner Conference
- 33 • January 24 – City Manager’s Office, Strategic Plan Information
- 34 • January 27 – Southside Neighborhood Consortium, Southside EIR
- 35 • January 28 – Yovino-Young, 2740-44 Telegraph & 2348 Ward Re-zone
- 36 • January 29 – People’s Park Historic District Advocacy Group, Southside EIR
- 37 • January 30 – Bell, Accessory Dwelling Units

38

39 **Late Communications** (Received after the Packet deadline):

- 40 • January 31 - Posselt, Southside EIR
- 41 • January 31 – Lee, Accessory Dwelling Units
- 42 • February 4 – Singh, Southside EIR
- 43 • February 4 – March, Southside EIR

44

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

- 46 • February 5 – Associated Students University of California, Southside EIR
- 47 • February 5 - Griffin, Accessory Dwelling Units
- 48 • February 5 – Staff, Item 10 – Housing Capacity Analysis + Proposed Southside Zoning
- 49 Modifications (Updated February 5, 2020)

50 **5. CHAIR REPORT:** None.

51

52 **6. COMMITTEE REPORT:**

53

- 54 • Adeline Corridor Specific Plan Subcommittee: The next subcommittee meeting will be
- 55 on March 18.
- 56
- 57 • Zoning Ordinance Revision Project (ZORP): The next subcommittee meeting will be on
- 58 February 24.
- 59
- 60 • Joint Subcommittee for the Implementation of State Housing Laws: At the next meeting
- 61 on February 26, JSISHL will discuss objective design, shadow, and density standards.
- 62
- 63 • APA Planning Commissioner’s Training: Commissioner Shane Krpata shared some
- 64 insights about training session.

65 **7. APPROVAL OF MINUTES:**

66 Motion/Second/Carried (Wrenn/Schildt) to approve the Planning Commission Meeting Minutes  
 67 from January 15, 2020 with the discussed corrections to line 81. Ayes: Beach, Kapla, Krpata,  
 68 Lacey, Schildt, Vincent, Wrenn, and Wiblin. Noes: None. Abstain: None. Absent: Martinot. (8-  
 69 0-0-1)

70

71 **FUTURE AGENDA ITEMS AND OTHER PLANNING-RELATED EVENTS:** At the next meeting,  
 72 March 4, 2020 the following items may be presented. (There will be no Planning Commission  
 73 meeting on February 19.)

- 74 • Public Hearing on Parking Reform

## 75 **AGENDA ITEMS**

### 76 **10. Discussion: Public Hearing: Southside EIR Discussion**

77 Staff introduced the Southside Environmental Impact Report (EIR) project, explaining the basis  
 78 for the project and the role of CEQA analysis as part of the study of potential development  
 79 standards. Staff shared feedback received from the Southside EIR subcommittee and asked  
 80 the Commission to provide comment on the proposed Zoning Ordinance and Zoning Map  
 81 changes. The Commission directed Staff to include in their analysis the study of a scenario  
 82 where 5-story buildings would be permissible in the R-3 zoning district, density bonus heights,  
 83 and other alternatives.

84 **Public Comments: 13**

### 85 **11. Action: Public Hearing: Amendments to the Berkeley Zoning Map and** 86 **General Plan for 2740 & 2744 Telegraph Avenue and 2348 Ward** 87 **Street**

88 Staff provided a reviewed the proposal to redesignate and re-zone portions of parcels  
 89 addressed 2740 & 2744 Telegraph Avenue and 2348 Ward Street- the existing Rose Garden  
 90 Inn. The project requests a General Plan redesignation of the three parcels from Low Medium  
 91 Density Residential to Avenue Commercial and a rezone from Restricted Two-family Residential  
 92 (R-2) to General Commercial (C-1).

93 **Public Comments: 2**

94 Motion/Second/Carried (Schildt/Wiblin) to close the public hearing.  
 95 Ayes: Beach, Kapla, Krpata, Lacey, Schildt, Vincent, Wiblin, and Wrenn. Noes: None.  
 96 Abstain: None. Absent: Martinot. (8-0-0-1)  
 97

98 Motion/Second/Carried (Vincent/Schildt) to make a recommendation to the City Council that  
 99 portions of the parcels located at 2740 Telegraph Avenue (Assessor's Parcel Number [APN]  
 100 054-1716-002-00), 2744 Telegraph Avenue (APN 054-1716-003-00) and 2348 Ward Street  
 101 (APN 054-1716-031-00) be re-designated from Low Medium Density Residential to Avenue  
 102 Commercial and be rezoned from Restricted Two-Family Residential District (R-2) to  
 103 General Commercial District (C-1).  
 104 Ayes: Beach, Kapla, Krpata, Lacey, Schildt, Vincent, Wiblin, and Wrenn. Noes: None.  
 105 Abstain: None. Absent: Martinot. (8-0-0-1)

106  
 107 **12. Discussion: ADU Discussion**

108 Staff presented information on the existing interim ADU ordinance, noting areas in State law  
109 where modifications could be adopted in a local ordinance. The Commission directed staff to  
110 assess common issues experienced by the public as a result of the new State law and explore  
111 ADU development incentives related to accessibility and affordability.

112 **Public Comments: 8**

113 **The meeting was adjourned at 11:12pm**

114 **Commissioners in attendance: 8**

115 **Members in the public in attendance: 33**

116 **Public Speakers: 23 speakers**

117 **Length of the meeting: 4 hours and 11 minutes**

DRAFT

**NOTICE OF PUBLIC HEARING  
BERKELEY CITY COUNCIL  
PUBLIC PARTICIPATION BY REMOTE VIDEO ONLY**

**2740 & 2744 TELEGRAPH AVENUE / 2348 WARD STREET  
GENERAL PLAN REDESIGNATION AND ZONING MAP AMENDMENT**

The Department of Planning and Development is proposing, at the request of the property owner, a rezoning and General Plan amendment for Assessor Parcel Numbers (APNs) 054-1716-002-00, 054-1716-003-00 and 054-1716-031-00, shown on the attached map. These parcels comprise the project site and correspond to 2740 and 2744 Telegraph Avenue and 2348 Ward Street. The requested General Plan amendment would change portions of the parcels from Low Medium Density Residential to Avenue Commercial. The rezoning would change portions of the parcels from the Restricted Two-Family Residential (R-2) District [Berkeley Municipal Code (BMC) Chapter 23D.28] to the General Commercial (C-1) District [BMC Chapter 23E.36].

The purpose of the requested re-designation and rezone is to bring the existing hotel uses at the project site into conformity with the General Plan and Zoning Map and to allow for future improvements to the hotel. The property owner is separately applying for Use Permits to upgrade and expand the non-historic portion of the hotel complex, but no changes to the hotel use are proposed, and the historic buildings (Berkeley Landmarks 125 and 126) would not be adversely impacted.

The hearing will be held on July 28, 2020 at 6:00 p.m.

A copy of the agenda material for this hearing will be available on the City's website at [www.CityofBerkeley.info](http://www.CityofBerkeley.info) as of Thursday, July 16, 2020. **Once posted, the agenda for this meeting will include a link for public participation using Zoom video technology.**

For further information, please contact Alene Pearson, Principal Planner, at 510-981-7489.

Written comments should be mailed directly to the City Clerk, 2180 Milvia Street, Berkeley, CA 94704, or emailed to [council@cityofberkeley.info](mailto:council@cityofberkeley.info) in order to ensure delivery to all Councilmembers and inclusion in the agenda packet.

Communications to the Berkeley City Council are public record 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 the City Council, 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 City Clerk. 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 City Clerk at 981-6900 or [clerk@cityofberkeley.info](mailto:clerk@cityofberkeley.info) for further information.

**Published:** July 17, 2020 per California Code Sections 65856(a) and 65090.

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I hereby certify that the Notice for this Public Hearing of the Berkeley City Council 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 Thursday, July 16, 2020.

\_\_\_\_\_  
Mark Numainville, City Clerk



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Additional data provided by City of Berkeley, 2019; Alameda County, 2018.

Fig 4 Project Location