



PROCLAMATION CALLING A SPECIAL MEETING OF THE BERKELEY CITY COUNCIL

In accordance with the authority in me vested, I do hereby call the Berkeley City Council in special session as follows:

Tuesday, December 8, 2020

6:00 P.M.

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI
DISTRICT 2 – TERRY TAPLIN
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – KATE HARRISON

DISTRICT 5 – SOPHIE HAHN
DISTRICT 6 – SUSAN WENGRAF
DISTRICT 7 – RIGEL ROBINSON
DISTRICT 8 – LORI DROSTE

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 City Council 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 COVID-19 virus, there will not be a physical meeting location available.

Live audio is available on KPFB Radio 89.3. Live captioned broadcasts of Council Meetings are available on Cable B-TV (Channel 33) and via internet accessible video stream at <http://www.cityofberkeley.info/CalendarEventWebcastMain.aspx>.

To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL <https://us02web.zoom.us/j/82201220671>. 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 **1-669-900-9128** or **1-877-853-5257 (Toll Free)** and enter Meeting ID: **822 0122 0671**. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.

To submit an e-mail comment during the meeting to be read aloud during public comment, email clerk@cityofberkeley.info with the Subject Line in this format: "PUBLIC COMMENT ITEM ##." Please observe a 150 word limit. Time limits on public comments will apply. Written comments will be entered into the public record.

Please be mindful that the teleconference will be recorded as any Council meeting is recorded, and all other rules of procedure and decorum will apply for Council meetings conducted by teleconference or videoconference.

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Mark Numainville, City Clerk, (510) 981-6900. The City Council may take action related to any subject listed on the Agenda. Meetings will adjourn at 11:00 p.m. - any items outstanding at that time will be carried over to a date/time to be specified.

Preliminary Matters

Roll Call:

Public Comment - Limited to items on this agenda only

Action Calendar

The public may comment on each item listed on the agenda for action as the item is taken up. For items moved to the Action Calendar from the Consent Calendar or Information Calendar, persons who spoke on the item during the Consent Calendar public comment period may speak again at the time the matter is taken up during the Action Calendar.

The Presiding Officer will request that persons wishing to speak use the "raise hand" function to determine the number of persons interested in speaking at that time. Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may, with the consent of persons representing both sides of an issue, allocate a block of time to each side to present their issue.

Action items may be reordered at the discretion of the Chair with the consent of Council.

Action Calendar – Public Hearing

Staff shall introduce the public hearing item and present their comments. This is followed by five-minute presentations each by the appellant and applicant. The Presiding Officer will request that persons wishing to speak use the "raise hand" function to be recognized and to determine the number of persons interested in speaking at that time.

Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may with the consent of persons representing both sides of an issue allocate a block of time to each side to present their issue.

Each member of the City Council shall verbally disclose all ex parte contacts concerning the subject of the hearing. Councilmembers shall also submit a report of such contacts in writing prior to the commencement of the hearing. Written reports shall be available for public review in the office of the City Clerk.

Action Calendar – Public Hearing

1. Adoption of the Adeline Corridor Specific Plan and associated General Plan and Municipal Code (Zoning) Amendments and Certification of the Final Environmental Impact Report; Adding Berkeley Municipal Code Chapter 23E.70

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion:

1. Adopt a Resolution, as recommended by the Planning Commission, to: a. Certify the Environmental Impact Report and make related California Environmental Quality Act (CEQA) findings; and b. Adopt the Adeline Corridor Specific Plan (ACSP) and related General Plan text and map amendments.
2. Adopt first reading of an Ordinance, as recommended by the Planning Commission, amending the Berkeley Municipal Code (BMC) to create the Commercial – Adeline Corridor District regulations and make conforming changes to other BMC sections, as well as adopt Zoning Map changes; adding Berkeley Municipal Code Chapter 23E.70.
3. Authorize the City Manager to make non-substantive, technical conforming edits (e.g. correction of typographical errors and/or clerical errors) to the ACSP, including but not limited to page, figure or table numbering, or zoning regulations in the Municipal Code that may have been overlooked in deleting old sections and cross-referencing new sections of the proposed Adeline Corridor zoning district prior to formal publication of the amendments in the Berkeley Municipal Code, and to return to the Planning Commission and City Council for major revisions only.
4. Authorize staff to create updated versions of the ACSP Implementation Plan (Chapter 8, Table 8.1) as part of the annual progress report on implementation actions to reflect prevailing changes in laws, economic conditions, and the availability of City and other funding sources, which could potentially affect timeframes, responsibilities and potential funding mechanisms.
5. Consider a set of companion recommendations from the Planning Commission.

Financial Implications: No direct fiscal impacts

Contact: Jordan Klein, Planning and Development, (510) 981-7400

Adjournment

I hereby request that the City Clerk of the City of Berkeley cause personal notice to be given to each member of the Berkeley City Council on the time and place of said meeting, forthwith.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the City of Berkeley to be affixed on this 1st day of December, 2020.



Jesse Arreguin, Mayor

Public Notice – this Proclamation serves as the official agenda for this meeting.

ATTEST:



Date: December 1, 2020
Mark Numainville, City Clerk

NOTICE CONCERNING YOUR LEGAL RIGHTS: *If you object to a decision by the City Council to approve or deny an appeal, the following requirements and restrictions apply: 1) Pursuant to Code of Civil Procedure Section 1094.6 and Government Code Section 65009(c)(1)(E), no lawsuit challenging a City decision to deny or approve a Zoning Adjustments Board decision may be filed and served on the City more than 90 days after the date the Notice of Decision of the action of the City Council is mailed. Any lawsuit not filed within that 90-day period will be barred. 2) In any lawsuit that may be filed against a City Council decision to approve or deny a Zoning Adjustments Board decision, the issues and evidence will be limited to those raised by you or someone else, orally or in writing, at a public hearing or prior to the close of the last public hearing on the project.*

Live captioned broadcasts of Council Meetings are available on Cable B-TV (Channel 33), via internet accessible video stream at <http://www.cityofberkeley.info/CalendarEventWebcastMain.aspx> and KPFB Radio 89.3.

Archived indexed video streams are available at <http://www.cityofberkeley.info/citycouncil>. Channel 33 rebroadcasts the following Wednesday at 9:00 a.m. and Sunday at 9:00 a.m.

Communications to the 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 to the City Clerk Department at 2180 Milvia Street. 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 Department for further information.

Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be posted on the City's website at <http://www.cityofberkeley.info>.

Agendas and agenda reports may be accessed via the Internet at <http://www.cityofberkeley.info/citycouncil>

COMMUNICATION ACCESS INFORMATION:

To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at (510) 981-6418 (V) or (510) 981-6347 (TDD) at least three business days before the meeting date.



Captioning services are provided at the meeting, on B-TV, and on the Internet.



Office of the City Manager

PUBLIC HEARING
December 8, 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: Adoption of the Adeline Corridor Specific Plan and associated General Plan and Municipal Code (Zoning) Amendments and Certification of the Final Environmental Impact Report; Adding Berkeley Municipal Code Chapter 23E.70

RECOMMENDATION

Conduct a public hearing and upon conclusion:

1. Adopt a Resolution, as recommended by the Planning Commission, to:
 - a. Certify the Environmental Impact Report and make related California Environmental Quality Act (CEQA) findings; and
 - b. Adopt the Adeline Corridor Specific Plan (ACSP) and related General Plan text and map amendments.
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5. Consider a set of companion recommendations from the Planning Commission.

SUMMARY

In 2015, the City of Berkeley began a community planning process to develop a long-range plan for the area along Adeline Street and a section of south Shattuck Avenue from Dwight Way to Derby Street (“the Adeline Corridor”). The effort was funded by a planning grant from the Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG). This five-year planning process has culminated in the following documents:

1. **A Specific Plan for the Adeline Corridor.** The proposed Adeline Corridor Specific Plan includes a community vision for the future and identifies a number of policies and actions that reflect and respond to community concerns about gentrification and displacement. The Plan is designed to support the existing community, enhance existing community institutions and recognize the area’s rich history. The revised ACSP is available online at: www.cityofberkeley.info/adelinecorridor
2. **Proposed General Plan and Zoning Amendments.** The proposed new Adeline Corridor Mixed Use General Plan land use classification and Commercial – Adeline Corridor (C-AC) District zoning regulations would be applied to all the parcels within the Specific Plan boundary. These amendments serve to partially implement the Specific Plan by codifying land use regulations that facilitate and encourage development of affordable housing and uses that align with the Plan vision (**Attachments 1 and 2**).
3. **Required California Environmental Quality Act (CEQA) Documents.** These documents consist of an Environmental Impact Report (EIR), California Environmental Quality Act (CEQA) Findings, and Mitigation and Monitoring Reporting Program (MMRP).¹ The Draft and Final EIR and MMRP are available online at: www.cityofberkeley.info/adelinecorridor. The CEQA findings are also available online and appended to this report (**Attachment 1, Exhibit C**).

The adopted Plan and EIR will encourage and facilitate development that aligns with plan vision and goals. It will also put the City in a better position to secure grants and other funding to implement Plan recommendations, including improvements to local infrastructure, anti-displacement policies and programs, and additional investment in invaluable community assets and institutions, among other recommendations. The proposed General Plan and zoning amendments will serve to incentivize more affordable housing and facilitate desired uses in the Plan Area.

¹ Draft EIR: https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Land_Use_Division/Adeline%20Corridor%20Specific%20Plan%20Draft%20EIR.pdf; Revised Final EIR: https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Land_Use_Division/ACSP_Revised_Final_EIR_Nov._2020.pdf

The Planning Commission also approved a set of “Companion Recommendations” for the City Council to consider along with adoption of the ACSP and related actions. These five recommendations relate to actions that are beyond to scope of the Specific Plan, should be addressed at a citywide level, and/or involve multiple decision-making bodies. They are described in detail under “Current Situation and Its Effects”, Section E. below.

FISCAL IMPACTS OF RECOMMENDATION

There are no direct fiscal impacts to the City of Berkeley related to adoption of the Adeline Corridor Specific Plan and the related actions. Application of new zoning standards will be routine components of project review administered by the Planning and Development Department which collect fees for these services, as set in the Fee Schedule. The adopted Specific Plan, with recommended land use and transportation improvements for which environmental analysis has been prepared, will put the City in a better position to apply for and potentially receive grant funding for future projects to implement these improvements. Implementation of the Plan will require additional resources for program design and implementation, infrastructure investment, and other services.

CURRENT SITUATION AND ITS EFFECTS

The Adeline Corridor Specific Plan is a Strategic Plan Priority Project, advancing City goals to:

- Create affordable housing and housing support services for our most vulnerable community members;
- Champion and demonstrate social and racial equity;
- Be a global leader in addressing climate change, advancing environmental justice, and protecting the environment.

A summary of key elements of the Specific Plan, General Plan and zoning amendments, CEQA documents, as well as a discussion of how the proposed Specific Plan and Related Actions address affordable housing, is provided below.

A. Adeline Corridor Specific Plan

The ACSP puts forth a framework to address priority topics raised by the community in eight chapters:

- The Introduction (Chapter 1) provides context about the Plan Area conditions, the purpose of the document, and the community engagement and public hearing process.
- The Vision and Planning Framework (Chapter 2) lays out the long-term vision, brief historical context, goals and planning framework for the Plan Area.

- Five chapters focus on land use, housing affordability, economic opportunity, transportation, and public space (Chapters 3 through 7), each including an overarching goal and related policies and strategies.
- The Implementation Action Plan (Chapter 8) outlines the preliminary set of implementation measures or “next steps” to achieve the long-term vision of the Plan. The Implementation Action Plan will be regularly reviewed and updated by staff as part of annual progress reports to the City Council and Planning Commission, and interim meetings with the community.

1. Vision and Goals

The Plan provides a roadmap for City officials, decision-makers and the community for the long-term growth of the Plan Area. The Plan’s Vision Statement expresses the desired outcome from implementation of the Plan:

“Over the next 20 years, the Adeline Corridor will become a national model for equitable development. Existing affordable housing will be conserved, while new affordable and market rate housing for a range of income levels will be added. The Corridor will provide local economic opportunity through independent businesses, community non-profits, arts organizations, community markets, and an array of merchants and service providers. It will feature public spaces that are walkable, bikeable, green, and accessible to persons of all ages and abilities. It will be the center of a healthy community that cares for its most vulnerable residents, cherishes its elders, nurtures its youth, and welcomes households of all types. It will be a place where the people, places and institutions that have made South Berkeley what it is today are not only recognized---but celebrated. It will be a place where all people can thrive.”

Five key areas of focus emerged from the community feedback that informed the five broad, interrelated Plan goals:

- Preserve the unique character and cultural legacy of the Adeline Corridor, sustaining the community as a place where all people can live, work, play, learn, worship, dine, and thrive.
- Foster economic opportunity for South Berkeley residents and businesses by facilitating job training and workforce development, active community spaces, and a thriving environment for commerce along the Adeline Street /South Shattuck Corridor.
- Promote equitable access to housing by producing new affordable housing, preserving existing affordable housing, and preventing displacement.
- Provide safe, equitable transportation options that meet the mobility needs of all residents, regardless of age, means and abilities, and that further the attainment of the City’s greenhouse gas reduction goals.

- Provide safe, sustainable, healthy and inclusive public spaces that encourage social interaction, provide opportunities for recreation and environmental health, and support active community life in South Berkeley.

2. Key Plan Concepts

The ACSP carefully balances aspirational goals and policies with realistic and implementable strategies and actions. Key concepts of the ACSP (Chapters 3 – 7) are outlined below.²

i. Land Use and Affordable Housing (Chapters 3 and 4)

The provision of new affordable housing emerged from public input as the Plan’s primary goal. While no single land use plan can adequately protect neighborhood residents from the impact of the regional housing shortage, the ACSP commits to aggressive strategies and actions. A central concept of the ACSP is an ambitious Plan Area goal of at least 50% of all new housing units to be deed-restricted affordable housing serving a range of income levels (i.e., extremely low, very low, low and moderate income).³ In order to maximize the production of income-restricted affordable units, the ACSP outlines different approaches for public land and privately-owned land.

For privately-owned land, the ACSP establishes new development standards that include an on-site affordable housing incentive that ties increases in density, floor area ratio, and height to the provision of increments of on-site affordable housing. These standards are discussed in more detail below in Section B. Proposed General Plan and Zoning Amendments. The ACSP also prioritizes publicly-owned land for affordable housing, such as the Ashby BART parking lots. Policy 3.7 in the Land Use Chapter outlines seven objectives, six of which relate to development parameters and desired community benefits, and one that relates to what the engagement process to further discuss development should include. The City and BART have integral roles in coordination of future development at the Ashby BART station, as BART owns the land and is required by Assembly Bill 2923 (passed in October 2018) to zone the land if the City does not; the City

² A more detailed summary of the Specific Plan elements can be found in the staff reports prepared for the 6/5/19 Planning Commission and the 9/16/20 Planning Commission, which are available on the Planning Commission webpage: www.cityofberkeley.info/pc

³ The 50% goal was based on the hypothetical development scenario used for the purposes of environmental analysis, which uses an estimate of a reasonably foreseeable amount of development or “project buildout” associated with implementation of the Specific Plan through 2040. This estimate included a total of 1,450 new dwelling units and 65,000 sf net new commercial square feet. It was also used as the basis for analyzing the economic feasibility of achieving the goal of at least 50% new affordable housing units. See ACSP, p.1-8 and the Draft Environmental Impact Report on the Adeline Corridor Specific Plan, Chapter 3 Project Description for more information about the projected buildout. See Draft Plan Chapter 4 for more detail on the economic feasibility analysis supporting the affordable housing goal and the proposed on-site affordable housing incentive zoning.

retains an option to purchase the air rights over the western parking lot and administers zoning and other permit approval processes.

Overall, there is a great deal of agreement around broad themes for the future of the Ashby BART station area, which include prioritizing deed-restricted affordable housing, supporting the Berkeley Flea Market and following the process outlined in the City Council and BART Board adopted Memorandum of Understanding (MOU). There has been extensive public comment and discussion during Planning Commission Subcommittee and full Commission meetings with respect to affordable housing, ranging from the desire to commit the Plan language to a specified amount or percentage goal of deed-restricted affordable housing to wanting to maximize the number of affordable units and preserve flexibility of language pending the forthcoming information, analysis and community engagement that is defined in the MOU.⁴ The exact levels and amounts of affordable housing at the Ashby BART parking lots will depend on further coordination and analysis with the City, BART and the community regarding the balance of desired levels of affordability, parking, public space, other community-desired amenities, project financing and funding, and physical constraints. This analysis will be conducted as part of the planning process outlined in the MOU that is currently underway for the Ashby and North Berkeley BART station areas. This process includes engagement with the City Council established 15-member Community Advisory Group (CAG) that is advisory to the Planning Commission, and the community at large.⁵

The Planning Commission recommended to revise the May 2019 Draft Plan language for Policy 3.7, Objective 1. Affordable Housing as follows:

Future development in the Ashby BART subarea shall consist of well-designed, high-quality, transit-oriented development that maximizes the total number of deed-restricted affordable homes, serving a range of income levels (e.g. Extremely Low, Very Low, Low and Moderate) and could also include supportive services or other spaces associated with the affordable housing and other desired community benefits. The opportunity to leverage public land for a mix of uses, including significant amounts of affordable housing, will help to safeguard the socio-economic and cultural diversity treasured by the community, as well as have correlated benefits of contributing to the neighborhood's economic prosperity and improving health outcomes.

⁴ December 10, 2019 Council Report discussing the City-BART Memorandum of Understanding (MOU) and formation of a Community Advisory Group (CAG):

https://www.cityofberkeley.info/Clerk/City_Council/2019/12_Dec/Documents/2019-12-10_Item_31_Approval_of_a_Memorandum.aspx

⁵ More information about the CAG and the planning process for the Ashby and North Berkeley BART stations is available at www.cityofberkeley.info/bartplanning

The City and BART should strive for a goal of 100% deed-restricted affordable housing, prioritizing extremely low and very low affordable housing that could be accomplished through multiple phases of development. The amount of housing and levels of affordability shall be determined through the process outlined in the Memorandum of Understanding (MOU) unanimously adopted by the City Council and the BART Board of Directors (Dec. 2019 and Jan. 2020, respectively) to work together to develop the Ashby BART and North Berkeley BART station areas. This process will involve community meetings, development of an affordable housing funding plan and additional land use and economic feasibility studies, including analysis of 100% affordable housing, to inform further conversation with the Community Advisory Group (CAG), Planning Commission and broader community (see Objective 7).

Other important affordable housing policy concepts in the ACSP include development of a new local preference policy to prioritize new affordable units to current residents or potentially those who have been previously displaced from the neighborhood; preservation of existing affordable housing; promotion of a variety of new housing options at a range of affordability levels including very low and extremely low-income levels; policies that promote strengthening existing tenant protections, education and outreach; and an emphasis on citywide efforts to address homelessness.

ii. **Economic Opportunity (Chapter 5)**

The Economic Opportunity chapter of the Plan includes policies and strategies to foster a thriving commercial district that build on the Plan Area's assets, businesses and institutions, including the Berkeley Flea Market, the Juneteenth Festival and the creation of a future African American Holistic Resource Center. The Chapter focuses on the Corridor's role as a historical and cultural center for Berkeley's African American community and Japanese-American community; an arts and theater district; the Ashby Antiques District; a home to the Berkeley Flea Market and Farmers Market; a regional center for the disabled community; the historic Lorin District; and a home to many churches and other community-serving non-profits. The Plan also recommends the formation of a Business Improvement District, subject to and contingent on the community engagement and legal processes necessary to establish one, to provide the funding and implementation mechanism for these strategies. The ACSP includes policies for near-term placemaking (temporary and permanent) projects, as well as larger projects that will include placemaking components, such as the redesign of the Ashby BART station area and the right-of-way in the Plan Area.

The ACSP sets a framework for these topics and further economic development planning; additional funding will be necessary in order to bring these strategies to fruition at the implementation stage of the ACSP. Many aspects of fostering

economic opportunity are deeply intertwined with the proposals in all the other Plan chapters such as: ensuring a nearby customer base and labor pool, safe and easy access, and a welcoming street and public space environment.

iii. Transportation and Public Space (Chapters 6 and 7)

The Transportation and Public Space chapters of the ACSP focus on opportunities to re-imagine public space to better meet community needs for safe circulation of users of all modes and abilities and for safe, attractive spaces for social interaction. The ACSP includes recommended interim right-of-way improvements and a long-term conceptual redesign that repurposes sections of the public right-of-way to improve safety and mobility, as well as create opportunities for improved streetscape (e.g., street trees, lighting, bus shelters, benches) and new plazas, parks and other open space.

The long-term conceptual redesign of the Adeline Corridor and potential opportunity sites for parks and open space require further refinement with continued input from community stakeholders, elected officials, and City staff, as well as further engineering and design work in order to be implemented. (See Chapter 6, Policy 6.2 Street Right-Of-Way Design and Figure 6.1 and Chapter 7, Policy 7.3 and Figure 7.1). There are many variables that need to be discussed and studied in order to refine the potential options and further analyze technical and financial feasibility, as part of Plan implementation.

B. Proposed General Plan and Zoning Amendments

Portions of the Plan will be implemented through amendments to the Zoning Ordinance, Zoning Map, General Plan and General Plan Map.⁶ Key elements of the zoning and General Plan amendments were outlined in the Draft ACSP shared in May 2019, which were later developed into complete draft text and map amendments, shared in November 2019.

The proposed zoning amendments will create a new Commercial-Adeline Corridor (C-AC) zoning district. The Zoning Map will apply the new C-AC zoning district to parcels within the Plan Area boundary, which consist almost entirely of parcels zoned with the Commercial-South Area (C-SA) zoning district, as well as a few parcels zoned as Multi-Family Residential (R-3), Restricted Multiple Family Residential (R-2A) and Restricted Two-Family Residential (R-2). The General Plan amendments are needed to ensure consistency between the Specific Plan and the General Plan and between the Zoning Ordinance and the General Plan. The General Plan changes will involve updating references to the Adeline Corridor Specific Plan, adding a new land use classification

⁶ Changes to incorporate zoning ordinance formatting changes resulting from the citywide Zoning Ordinance Revision Project, new State ADU laws and TDM measures will be made to all relevant zoning chapters after these are adopted by City Council (anticipated in late 2020).

(Adeline Corridor Mixed Use) and adding references to the C-AC district as necessary. The General Plan Map will be amended to reflect new land use classifications within the Plan Area resulting from zoning changes.⁷ These changes would:

- Incentivize greater quantities of on-site affordable housing in return for allowing increased levels of density (dwelling units/acre), FAR, height, and lot coverage;
- Simplify and clarify development standards and permit processes, in order to provide more certainty for project applicants and community members; and
- Facilitate uses that align with the Plan’s Vision.

1. Major elements of the proposed C-AC District are summarized below.

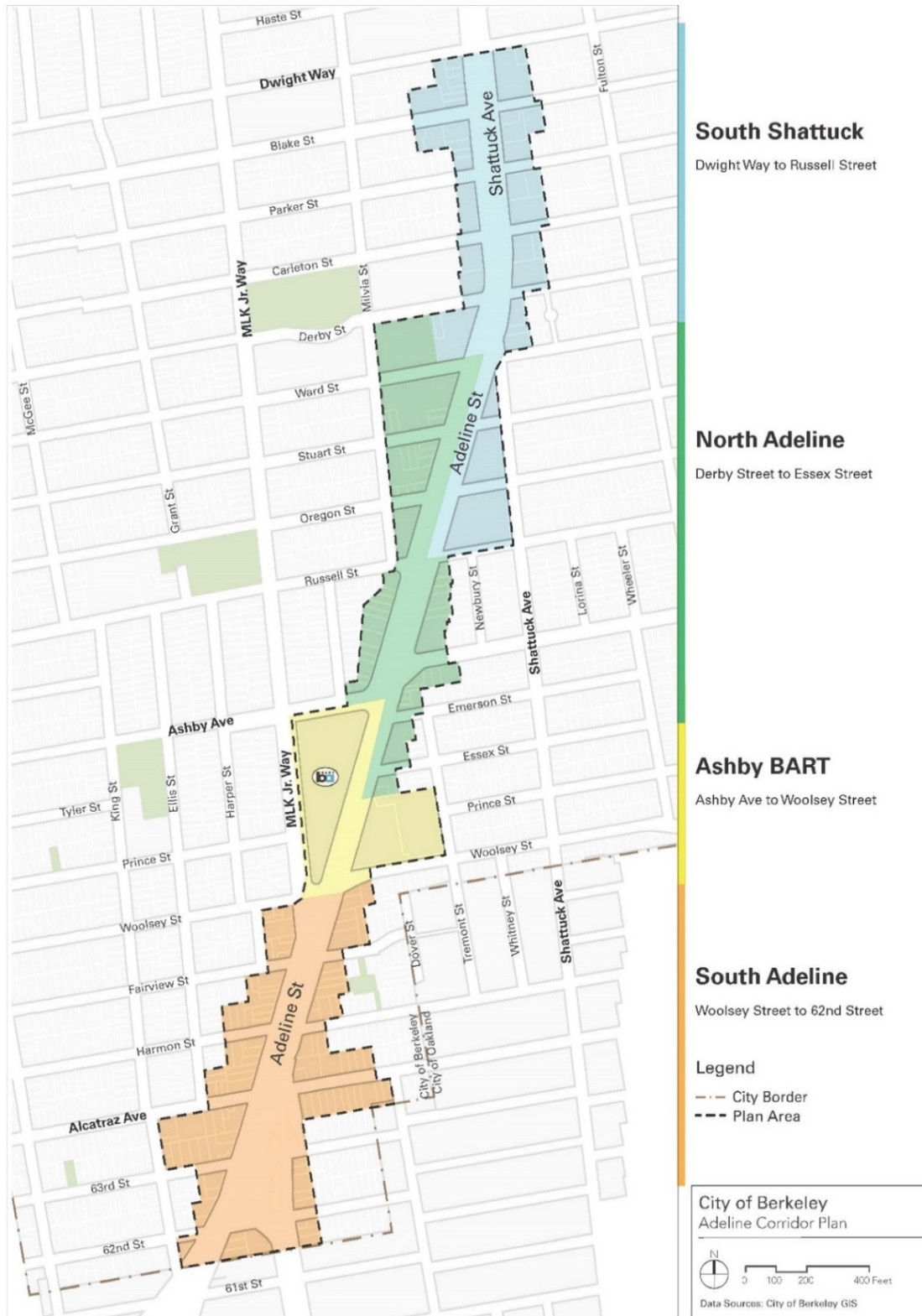
- **Development Standards and On-Site Affordable Housing Incentive**
The standards below are designed to meet the Draft Plan goals for affordable housing and respect the existing neighborhood context.
 - On-site affordable housing incentive and density standards (dwelling units per acre). The proposed zoning is designed to increase the amount of on-site affordable housing in the area through two related changes. It creates larger base standard (“Tier 1”)⁸, in order to generate a higher number of affordable units than the C-SA zoning would otherwise allow (the C-SA District’s base standards are based on the more restrictive R-4 District). And by offering a new on-site affordable housing incentive, the proposed zoning will achieve an even higher share of affordable units in exchange for higher densities than current practice would allow.
 - Plan Subareas (23E.70.040). The new C-AC district is divided into four subareas, based on the different physical and development characteristics found in the area. The four subareas (South Shattuck, North Adeline, Ashby and South Adeline) are described in the draft zoning chapter and shown in **Figure 1 – Plan Area and Subareas**.⁹ In some cases, the zoning chapter applies different use limitations and development standards to the subareas, or portions of the subareas, to address the unique built environment and context which exist in each area.

⁷ See Draft EIR pp. 2-6 and 2-8 for maps of current General Plan and zoning for the Plan Area. Draft EIR available online: https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Land_Use_Division/Adeline%20Corridor%20Specific%20Plan%20Draft%20EIR.pdf

⁸ The proposed draft zoning refers to the height options as Tiers 1, 2, 3 and 4. This is a change from the May 2019 Draft Plan, which used the terms Base, Tier 1, 2 and 3. This change was made to prevent confusion with the definition of “Base Project” pursuant to BMC Section 23C.14.020B for projects utilizing the State Density Bonus.

⁹ The boundary between the South Shattuck and North Adeline subareas has been shifted to move the east side of Adeline between Derby and Russell into the South Shattuck area. The boundary shift is a change from the subareas shown in Figure 2.2 of the May 2019 Draft Plan, based on the fact that these are large parcels with potential for development that are buffered from nearby, lower-density residential zones by streets and additional parcels (similar to the Ashby Subarea west parking lot).

Figure 1: Plan Area and Subareas



- Development standards by subarea, including density, height, FAR, lot coverage, setback and open space requirements (23E.70.070.B). The zoning chapter establishes a “base” (or Tier 1) level of development. Increased heights and densities and slightly lower open space requirements are allowed for projects that provide specified levels of on-site affordable housing. These standards provide an incentive structure for projects to include more on-site affordable housing and better match the scale of development that has been approved/built and is appropriate along streets as wide as Shattuck and Adeline. These standards will provide more predictability for property owners and community members.
- Group Living Accommodations (GLA) (23E.70.070.B). GLAs are subject to the Tier 1 development standards of the subarea in which they are located, as well as the R-3 density standards (350 sf/resident). Additional density is possible with the State Density Bonus. This will allow GLAs in the C-AC district, but not make them a more attractive development option than standard dwelling units.
- Non-Residential buildings (23E.70.070.C). Non-residential building heights and FAR requirements are the same as the Tier 1 heights for residential and mixed use buildings. These buildings will not be subject to a lot coverage standard, except to accommodate setbacks required when abutting residentially-zoned lots. Modifications to the development standards are not possible without providing affordable units on the parcel.
- Parking (23E.70.080). The proposed zoning establishes maximum automobile parking standards.¹⁰ New development will be subject to transportation demand management (TDM) measures currently under development.
- Design standards (23E.70.085). Design standards specify heights and facade transparency for ground floors based on location. This will match the types of uses allowed within the Plan Area, and will ensure that the facade design will positively contribute to the pedestrian experience and street character (**Figure 2** – Diagram of Ground Floor Use Requirements).
- Historic Preservation Incentive (23E.70.070.A.2). Projects involving designated or potential historic resources will not need to provide new parking or open space to convert to a new residential or commercial use. This will make reuse of these buildings easier, and preserve the cultural resources in the area.

¹⁰ The minimum automobile residential parking standards that were part of the Draft Plan (Policy 3.2 Development Standards) have been eliminated to align with concurrent citywide parking policy and transportation demand management (TDM) that are anticipated to be considered by Council in December 2020. The C-AC residential parking standards will be updated to be consistent with the results of this process.

Figure 2: Diagram of Ground Floor Use Requirements



- **Streamlined Approval Processes**

- Increased Certainty of Development Requirements. The tiers of development standards will allow increased increments of development potential in exchange for increased amounts of on-site affordable housing at specified affordability levels. It is designed to reduce the time and cost required for housing projects and provide more predictability for project applicants and community members.
- Reduced Discretionary Review for dwelling units (23E.70.070). Fewer Use Permits (UPs) will be required, because standards will be linked to on-site affordable housing, and thresholds that would trigger additional discretionary review will be increased. New units and demolitions will still require UPs, but set levels of development standards will be linked to provision of on-site affordable housing rather than additional discretionary review.
- Increased threshold for gross floor area additions (23E.70.050). Building additions will not trigger a UP unless they are over 5,000 sf. In contrast, the C-SA district requires a UP for construction of gross floor area of 3,000 sf or more.
- Eliminated size threshold for changes of use. Changes in use will not be subject to discretionary review based on the size of the new use. The current C-SA district requires an AUP for changes of use of floor area greater than 3,000 sf.

- **Promotion of Desired and Compatible Uses**

These changes, found in Section 23E.70.030, are intended to create more flexibility for commercial spaces, promote economic opportunity for the residents of the Adeline Corridor and support a pedestrian-friendly environment in specific areas of the Adeline Corridor. They will also provide opportunities for artists to locate more easily in the area, cultivating a dynamic presence of arts and culture.

- “Active” ground-floor uses will be required in those areas which are designed for active pedestrian activity in tenant spaces over the defined size threshold, as shown in **Figure 2**.¹¹ Active uses are uses that will generate regular and frequent foot traffic and include retail stores, restaurants, cafes and markets.
- Arts and Crafts Studios will be permitted with a Zoning Certificate (ZC).
- Live/Work uses that generate customer or employee traffic will be permitted with a ZC rather than a UP.

¹¹ The ground floor use requirements in the proposed draft zoning (Attachment C) have been revised from what was presented in Table 3.1 of the May 2019 Draft Plan. Commercial uses are no longer required on Adeline between Derby Street and Russell Street to reflect its existing ground floor conditions with a mix of residential and commercial uses. Active ground floor commercial uses are now proposed as required along Adeline between Russell Street and Ashby Avenue, and along Shattuck Avenue between Ward and Russell Streets (to support the existing active restaurant/retail uses).

- Restaurants size thresholds will be increased from 1,000 sf to 1,500 sf or 3,000 sf, depending on the subarea in which they are located.
- Vehicle sales will be prohibited pursuant to the 6/12/18 Council referral. Existing vehicle sales will be treated like other legal, non-conforming uses, and will require a UP for a substantial expansion or change in character.

2. Comparison of Proposed C-Adeline Corridor to Current C-South Area Zoning

When compared to the current C-South Area (C-SA) District zoning regulations, the C-AC zoning substantially restructures how additional density and intensity is allowed, and includes a modest upzoning in order to recapture value for on-site affordable housing requirements (**Attachment 3**).

The C-SA zoning regulations include a very restrictive “base level” of development standards, which are based on the R-4 Multifamily Residential District for mixed-use and residential-only buildings. The R-4 District include substantial front, rear and side-yard setbacks, relatively low height limits, as well as substantial open space and on-site parking requirements. These development standards may be modified with the granting of discretionary Use Permits, which leads to a fair amount of uncertainty and delay in the development process. The base building envelope allowed by the R-4 standards forms the basis for calculating the “base project” for purposes of State Density Bonus, including the required number of “qualifying” affordable units, which can be seen as limiting the amount of affordable housing provided in the area due to the low thresholds and the option to pay a mitigation fee instead of provide on-site units.

In contrast, the proposed C-AC District zoning establishes four “tiers” of incrementally increased development standards, including a new density standard, height/stories, lot coverage, and FAR. Higher density levels are attained by providing increasing increments of on-site affordable housing. This framework is designed to reduce the time and cost required for housing projects and provide more predictability for project applicants and community members, while also increasing the amount and percentage of affordable housing actually developed in the Plan Area.

Only the proposed Tier 1 may be combined with the State Density Bonus and allows the option of paying the affordable housing mitigation fee in-lieu of providing affordable-units on-site. The three higher tiers establish a higher overall development potential and a correspondingly higher number and percentage of affordable units than would otherwise be required when the State Density Bonus is applied to the existing C-SA zoning. The maximum density/height/FAR provided in the zoning tiers either match the existing C-SA District’s FAR of 4.0 or exceed it; for

example, the “South Shattuck” subarea goes up to a FAR of 5.0 with increasing amounts of on-site affordable housing.

C. Environmental Review Documents

An Environmental Impact Report (EIR) was prepared for the Adeline Corridor Specific Plan (ACSP). The ACSP does not propose specific development projects, but for the purposes of environmental review, includes a buildout projection which represents a reasonably foreseeable maximum amount of development for the Plan Area through 2040. In total, the Adeline Corridor buildout projection would include the total development of 1,450 housing units and 65,000 square feet of commercial space.¹²

1. Potentially Significant Impacts Identified in the Draft EIR

All environmental impacts, relevant City Standard Conditions of Approval and mitigation measures are summarized in the CEQA Findings and Statement of Overriding Considerations (**Attachment 1, Exhibit C**). Other than the impacts listed below, all of the environmental effects of the ACSP can be reduced to less than significant levels through implementation of Standard Condition(s) of Approval and/or recommended mitigation measures.

Chapter 4 of the Draft EIR (DEIR) identifies **Significant and Unavoidable** environmental impacts related to Noise (Impact N-2 Construction Activities) and to Transportation and Traffic (Impact T-1, T-3 and T-4 Traffic related to the proposed development and the roadway redesign concept). For a complete discussion of these impacts, see relevant topical chapters of the DEIR and the CEQA Findings.

2. EIR Alternatives

As required by Section 15126.6 of the CEQA Guidelines, the EIR examines a range of reasonable alternatives to the proposed Draft Plan that would feasibly obtain most of the Project objectives, and avoid or substantially lessen many of the Project’s significant environmental impacts. The following alternatives are evaluated in this EIR: Alternative 1: No Project Alternative, Alternative 2: No Street Redesign Alternative and Alternative 3: Office Focus Alternative. As presented in the EIR, the alternatives were described and compared with each other and the proposed project. As described in detail in Chapter 6 of the DEIR and in the CEQA findings, none of the alternatives considered was found to be preferred over the proposed Project based on its inability to avoid significant environmental impacts and/or with regards to Project objectives.

¹² See Table 2.5 Adeline Corridor Buildout Projection (through 2040), *Adeline Corridor Specific Plan Draft Environmental Impact Report (DEIR) SCH#2018072009*, May 2019, p.2-26.

3. Final EIR

The City received 80 written comments about the Draft EIR and the Draft ACSP during the public comment period (from May 17 through July 17, 2019), and continued to receive comments about the Draft ACSP after the close of this period. All of the written comments are reproduced in their entirety in the Response to Comments document of the Final EIR.¹³ Responses to all of the comments that pertain to the EIR are addressed in the Response to Comments Document of the Final EIR, including certain revisions and changes to text in the Draft EIR. Comments about the Draft Plan received during the public comment period were grouped by category/topic and addressed in a staff memorandum prepared for the Planning Commission Subcommittee on the Adeline Corridor Specific Plan.¹⁴

After publication of the Response to Comments Document/Final EIR in December 2019, Mitigation Measure GHG-1: All Electric New Construction has been further updated to clarify requirements consistent with the City's Prohibition of Natural Gas Infrastructure in New Buildings Ordinance, updates to the Berkeley Energy Code and Green Code, and federal law.¹⁵ The Final EIR was revised to reflect the change in this mitigation measure and other policy changes in the Specific Plan.¹⁶ Neither this, nor any of the other changes to the Draft EIR, involve a new significant environmental impact, or a feasible mitigation measure or alternative considerably different from that presented in the Draft EIR.

Therefore, a Statement of Overriding Considerations is recommended for adoption despite the Project's Significant and Unavoidable impacts. Staff recommends that the Council follow the Planning Commission's recommendation to adopt the CEQA findings, which include certification of the EIR, rejection of alternatives as infeasible, and a Statement of Overriding Considerations by adopting the proposed resolution.

D. Planning Commission Companion Recommendations

The Planning Commission also recommends that the City Council should consider its "Companion Recommendations" consisting of the following actions:

¹³ https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Commissions/Commission_for_Planning/2019-12-12_PCAdeline_Item%20II%20-%20D.pdf

¹⁴ https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Commissions/Commission_for_Planning/2019-12-12_PCAdeline_Item%20II%20-%20C.pdf

¹⁵ BMC Chapter 12.80, Prohibition of Natural Gas Infrastructure in New Buildings, adopted on July 23, 2019, BMC Chapter 19.36, Berkeley Energy Code, as amended on December 3, 2019; BMC Chapter 19.37, Berkeley Green Code, as amended on December 3, 2019; and the federal Energy Policy and Conservation Act, as amended, 42 U.S.C. § 6201 et seq.

¹⁶ https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Land_Use_Division/ACSP_Revised_Final_EIR_Nov._2020.pdf

1. Set-aside at least an initial allocation of \$50 million of local funds for affordable housing (e.g. Measure O, Measure U1, Measure P, Housing Trust Fund) for the Adeline Corridor, and in particular, for the Ashby BART subarea. In addition to this initial set aside, the City Council should also identify potential funding sources and take action to provide additional funds that can be used to create additional affordable housing over the life of the Adeline Corridor Plan.
2. Give careful consideration to revising the Affordable Housing Mitigation Fee Ordinance to allow Moderate Income units to count towards the required percentage of affordable housing if it is provided as a combination of Moderate Income (at 100% of Area Median Income) and Extremely Low-Income units to the extent permitted by law.
3. Consider support and funding for environmental analysis of a two-lane street right-of-way design option for Adeline Avenue, which would reduce travel lanes to one lane in each direction. Such a design could, by shrinking the amount of space provided to motor vehicles, potentially improve pedestrian safety and could provide more space for the development of public open space and affordable housing along the corridor. Environmental analysis of a two-lane option should look at the impact such a design would have on the City's Designated Truck Routes and Emergency Access & Evacuation Routes, on the operation of buses on the corridor, and on traffic, including possible traffic spillover onto Martin Luther King or other area streets.
4. Identify and pursue funding for the development, operation and maintenance of parks for the Adeline Corridor.
5. Recommend that the City Council refer to the Planning Commission zoning map amendments to rezone the Fred Finch site (3404 King Street) and parcel owned by Ephesians Church (1708 Harmon Street) to the Commercial - Adeline Corridor District.¹⁷

BACKGROUND

In 2014, the City of Berkeley was awarded a planning grant from Metropolitan Transportation Commission/Association of Bay Area Governments (MTC/ABAG) to prepare a specific plan and EIR for the South Shattuck and Adeline Priority Development Areas (PDAs).¹⁸ Since the community planning process began in 2015,

¹⁷ This item is also on the November 17, 2020 City Council agenda as Item 6 (p.91 of agenda packet PDF): <https://www.dropbox.com/s/g9aibpe9i9nfi2r/2020-11-17%20Agenda%20Packet%20-%20Council%20-%20WEB.pdf?dl=0>

¹⁸ In 2007, the City Council designated "primary transit corridors and transit centers" as "Priority Development Areas" including: University Avenue, San Pablo Avenue, Telegraph Avenue (which was later amended to include the Southside area), Adeline Street, South Shattuck Avenue and the Downtown, in order to be eligible for State/regional funding for PDAs.

the City has conducted an intensive community outreach and engagement process. This has included many community workshops, multi-week open houses, print and online surveys, dozens of smaller meetings, stakeholder interviews, as well as participation in community events and meetings organized by other groups.

After publication of the Draft ACSP and Draft EIR in May 2019, a Subcommittee established by the Planning Commission held twelve public meetings from May 2019 through August 2020 to discuss the ACSP and the proposed amendments to the General Plan and Zoning Ordinance. The full Commission discussed the Subcommittee's recommendations at a duly noticed public hearing that was held on September 16, 2020 and continued to September 30, 2020. A summary of the community engagement and Commission/Council meetings is provided in **Attachment 5**.

The Draft ACSP and the Draft Environmental Impact Report (DEIR) were presented to the Planning Commission at its June 5, 2019 meeting. The General Plan and zoning concepts outlined in Chapters 3 and 4 of the ACSP were refined into full drafts and first presented at a public meeting of the Planning Commission's Subcommittee on the Adeline Corridor Specific Plan on November 21, 2020. The Planning Commission voted to forward final draft versions of the ACSP and proposed General Plan and zoning amendments to the City Council for adoption.

Parallel Efforts Which Advance Certain Plan Goals

There are several planning processes relevant to the Adeline Corridor planning process that are moving forward, in response to Council referrals, other legal mandates, and/or the availability of grant funding. For informational purposes, these efforts include:

- **Tenants Opportunity to Purchase Act/Community Preference.** The City is partnering with the East Bay Community Law Center to advance the design and implementation of two policies highlighted in the Draft Plan to protect against displacement, and preserve and expand affordable housing access within the local community. A Tenant's Right to Purchase Act and a Local Housing Preference Policy will include studying options for those at-risk of being displaced and those who have already been displaced.
- **Ashby BART Station Area Planning.** The City is working closely with BART to develop zoning and site planning parameters that meet the requirements of Assembly Bill 2923 (AB 2923), and City and BART goals and objectives for the Ashby and North Berkeley BART stations, as reflected in the ACSP and other City and BART plans, policies and applicable laws and regulations.¹⁹
- **Citywide Affordable Housing Requirements Update.** Some of the issues raised during the Adeline planning process related to affordable housing need to be addressed at a citywide level, such as analyzing fee amounts, basis of fee calculation, menu of requirements and alternative compliance options, among

¹⁹ For more information, go to: <http://www.cityofberkeley.info/bartplanning>

other topics. Staff is working with a consultant to review applicable ordinances and related City Council referrals in order to consolidate these requirements into a more consistent framework and propose detailed changes based on specific challenges with the current programs.

- **Zoning Changes to Support Small and Independent Businesses.** In addition to zoning changes addressed in the Adeline Corridor planning process, the City Council has referred to the Planning Commission several policy changes that support Berkeley businesses and bolster Berkeley's commercial districts and commercial businesses citywide.²⁰ Citywide zoning ordinance updates considered through this process may be folded into the Commercial- Adeline Corridor (C-AC) zone, as applicable.
- **Zoning Ordinance Revision Project (ZORP).** Staff is working with a Subcommittee of the Planning Commission on a long-term project to revise the Zoning Ordinance to improve the City's permitting process, address state and federal law, and implement City goals and policies. The format of the Adeline Corridor zoning will eventually be amended to match the style, format and organization that is adopted through the first phase of the ZORP.

Chronology of Environmental Review Process

The EIR was made available for review through the City's website at www.cityofberkeley.info/adelinecorridor, the Planning and Development Department at 1947 Center Street (2ndFloor) and at the following locations in the city:

- Tarea Hall Pittman South Branch Library, 1901 Russell Street
- Judge Henry Ramsey Jr. South Berkeley Senior Center, 2939 Ellis Street
- Central (Downtown) Library, 2090 Kittredge Street.

A summary of the environmental review to-date for the project is as follows:

- A Notice of Preparation (NOP) of a Draft EIR was circulated to potentially interested parties and agencies on July 6, 2018. The City received 22 written responses to the NOP regarding the scope and content of the EIR.
- The City held an EIR scoping meeting as part of the regularly scheduled Planning Commission meeting on July 18, 2018.
- The Draft EIR (DEIR) were made available for public review on Friday, May 17, 2019.
- A Notice of Availability (NOA) for the DEIR was distributed to State and local planning agencies.
- A Planning Commission hearing on the DEIR was held on June 5, 2019.
- The public comment period on the DEIR closed on July 19, 2019.

²⁰ For more information, go to:

https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Commissions/Commission_for_Planning/Staff_Report_OED_Referrals.pdf

- A Notice of Availability/Release of Final EIR (FEIR) and the FEIR was published in December 2019.
- Planning Commission Public Hearing to review the EIR, CEQA findings and Mitigation Monitoring Reporting Program which was opened at a duly-noticed meeting on September 16, 2020 and concluded at a meeting on September 30, 2020.

ENVIRONMENTAL SUSTAINABILITY

The Specific Plan is consistent with the Climate Action Plan and other City sustainability goals in several ways. The Specific Plan would advance transit-oriented development along the Adeline Corridor. It also promotes investment in infrastructure that will result in safe, equitable transportation options that meet the mobility needs of all residents.

RATIONALE FOR RECOMMENDATION

Staff recommends adoption of the Adeline Corridor Specific Plan, General Plan and zoning amendments and associated environmental review documents. The Plan would foster a diverse mix of uses to provide safe and convenient access for all, and would encourage affordable housing, community facilities, and public improvements desired by the community. The Plan would encourage development of a variety of types of housing at a range of income levels, especially for those at lower-income levels and who are at high risk of involuntary displacement, and it would continue and strengthen existing programs and funding for anti-eviction and technical assistance for tenants and property owners to preserve existing affordable housing.

The ACSP would create a sustainable urban environment that incorporates green building features, infrastructure and sustainable transportation systems, and would facilitate new parks, plazas and other public spaces. It would support transportation demand management measures and carefully managed parking that addresses businesses' and residents' needs without undermining public transit, walking and bicycling as preferred modes of transportation.

The proposed Specific Plan will put the City in a better position to apply for grants because granting entities often prioritize applications for programs/capital improvements that are included in approved community plans that have undergone CEQA review.

ALTERNATIVE ACTIONS CONSIDERED

Over the course of the five year process, staff and community members have considered a wide variety of plan concepts, policies and strategies, including the alternatives to the proposed Project analyzed in the EIR.

CONTACT PERSON

Alisa Shen, Principal Planner, Planning & Development Department, (510) 981-7409.

Attachments:

1: Resolution

- Exhibit A: General Plan Amendment
- Exhibit B: General Plan Map Amendment
- Exhibit C: CEQA Findings: Certification of EIR, Rejection of Alternatives and Statement of Overriding Considerations

2: Ordinance

- Exhibit A: Zoning Map Amendment

- 3: Comparison of Proposed C-Adeline Corridor and C-South Area District Zoning
- 4: Summary of Community Engagement and Commission/Council Meetings To-Date
- 5: Public Hearing Notice of City Council Hearing

Referenced Links:

1: Adeline Corridor Specific Plan. Go to:

https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Land_Use_Division/Adeline_Corridor_Specific_Plan_Nov._2020.pdf

2: Environmental Impact Report. Go to:

- Draft EIR (May 2019)
https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Land_Use_Division/ACSP_Revised_Final_EIR_Nov._2020.pdf
- Revised Final EIR (November 2020)
https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Land_Use_Division/ACSP_Revised_Final_EIR_Nov._2020.pdf

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

A RESOLUTION (A) CERTIFYING THE ENVIRONMENTAL IMPACT REPORT AND RELATED CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS; AND (B) ADOPTING THE ADELINE CORRIDOR SPECIFIC PLAN AND RELATED GENERAL PLAN AMENDMENTS

WHEREAS, in 2014, the City applied for and was awarded a \$750,000 Priority Development Area planning grant to prepare a long-range plan and environmental review documents for the Council-designed South Shattuck and Adeline Priority Development Areas (PDAs) by the Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG); and

WHEREAS, the City began a community planning process for the South Shattuck and Adeline PDAs (“the Adeline Corridor”) in 2015 that included numerous community meetings, workshops, open houses, surveys and stakeholder meetings; and

WHEREAS, the Adeline Corridor Specific Plan (ACSP) includes a community vision, goals, policies and implementation actions; and

WHEREAS, the ACSP includes concepts that were developed into amendments to the General Plan to create the new Adeline Corridor Mixed Use land use classification; and

WHEREAS, a new C-AC District zone is proposed to replace the existing zoning in the area to implement the ACSP, as well as to make changes associated to the new C-AC zone throughout the Berkeley Municipal Code; and

WHEREAS, on July 6, 2018, a Notice of Preparation of a Draft Environmental Impact Report (Draft EIR) for the ACSP was published; and

WHEREAS, a duly noticed Draft EIR scoping hearing was held by the Planning Commission on July 18, 2018 to receive comments on the scope and content of the Draft EIR for the ACSP; and

WHEREAS, a Notice of Availability/Release of a Draft EIR and Specific Plan was issued on May 17, 2019, along with publication of the Draft EIR itself, both of which were made available to the public/governmental agencies for review and comment; and

WHEREAS, a duly noticed public hearing on the Draft EIR was held by the Planning Commission on June 5, 2019; and

WHEREAS, a Notice of Availability/Release of a Final EIR was issued, and a Final EIR was published on December 12, 2019, which was made available for public review and comment; and

WHEREAS, a duly-noticed public hearing was held by the Planning Commission to consider the Final Draft ACSP, related General Plan and zoning amendments and CEQA documents; and

WHEREAS, the Planning Commission, after conducting and closing the public hearing, recommended that the City Council (1) Adopt a Resolution, as recommended by the Planning Commission to (a) Certify the Environmental Impact Report and make related California Environmental Quality Act (CEQA) findings; and (b) Adopt the Adeline Corridor Specific Plan and related General Plan text and map amendments; and (2) Adopt an Ordinance, as recommended by the Planning Commission, amending the Berkeley Municipal Code (BMC) to create the Commercial – Adeline Corridor District regulations and make conforming changes to other BMC sections, as well as adopt Zoning Map changes; and (3) Authorize the City Manager to make non-substantive, technical conforming edits (e.g. correction of typographical errors and/or clerical errors) to the ACSP, including but not limited to page, figure or table numbering, or zoning regulations in the Municipal Code that may have been overlooked in deleting old sections and cross-referencing new sections of the proposed Adeline Corridor zoning district prior to formal publication of the amendments in the Berkeley Municipal Code, and to return to the Planning Commission and City Council for major revisions only; and (4) Authorize staff to create updated versions of the ACSP Implementation Plan (Chapter 8, Table 8.1) as part of the annual progress report on implementation actions to reflect prevailing changes in laws, economic conditions, and the availability of City and other funding sources, which could potentially affect timeframes, responsibilities and potential funding mechanisms; and

WHEREAS, the ACSP, related General Plan and zoning amendments and EIR were considered at a regular, duly-noticed public hearing of the City Council on December 8, 2020.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley, as the final decision-making body for the lead agency, has independently reviewed, considered and analyzed the ACSP EIR and the CEQA findings (**Exhibit C**); and

BE IT FURTHER RESOLVED that the City Council as the final decision-making body for the lead agency, hereby adopts and incorporates by reference into this Resolution, all the CEQA findings (**Exhibit C**) prior to taking action in approving the ACSP; and.

BE IT FURTHER RESOLVED that the City Council incorporates by reference into this Resolution (as if fully set forth herein), as conditions of approval for the ACSP, the MMRP contained in the November 2020 Revised Final Environmental Impact Report (Appendix B); and

BE IT FURTHER RESOLVED that the City Council adopts the ACSP, based in part on the rationale for recommendation contained in the related December 8, 2020 City Council report (incorporated by reference into this Resolution as if fully set forth herein); and further finds and determines that the public safety, health, convenience, comfort, prosperity and general welfare will be furthered by adoption of the ACSP; and

BE IT FURTHER RESOLVED that the City Council that the General Plan is hereby amended as shown in Exhibits A and B; and

BE IT FURTHER RESOLVED that the City Council hereby authorizes the City Manager to (1) make non-substantive, technical conforming edits (e.g. correction of typographical errors and/or clerical errors) to the ACSP, including but not limited to page, figure or table numbering, or zoning regulations in the Municipal Code that may have been overlooked in deleting old sections and cross-referencing new sections of the proposed Adeline Corridor zoning district prior to formal publication of the amendments in the Berkeley Municipal Code, and to return to the Planning Commission and City Council for major revisions only; and (2) create updated versions of the ACSP Implementation Plan (Chapter 8, Table 8.1) as part of the annual progress report on implementation actions to reflect prevailing changes in laws, economic conditions, and the availability of City and other funding sources, which could potentially affect timeframes, responsibilities and potential funding mechanisms;

BE IT FURTHER RESOLVED, that nothing in this Resolution shall be interpreted or applied so as to create and requirement, power, or duty in conflict with any federal or State law; and

BE IT FURTHER RESOLVED, that the provisions of this Resolution are severable. If a court of competent jurisdiction determines that in a word, phrase, clause, sentence, paragraph, subsection, section, Chapter or other provision is invalid, or that the application of any part of the provision to any person or circumstance is invalid, the remaining provisions of this Resolution that can be given effect without the invalid provision or application and the application of those provisions to other persons or circumstances are not affected by that decision. The City Council declares that the City Council would have adopted this Resolution irrespective of the invalidity of any particular portion of this Resolution; and

BE IT FURTHER RESOLVED, that the Environmental Review Officer, or designee, is directed to file a Notice of Determination with appropriate agencies; and

BE IT FURTHER RESOLVED, that 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; and

NOW THEREFORE, BE IT RESOLVED that all the recitals contained in this resolution are true and correct and are an integral part of the City Council's decision.

Exhibits

A: General Plan Amendment

B: General Plan Map Amendment

C: CEQA Findings and Statement of Overriding Considerations

Exhibit A: General Plan Amendment

Policy LU-45 Adeline Corridor Mixed Use

Maintain and improve Adeline Corridor Mixed Use area, along Adeline Street and South Shattuck Avenue (from Dwight Way to Adeline Street), as an economically and culturally diverse, transit-oriented, pedestrian-friendly, visually attractive area of pedestrian scale and ensure that these areas fully serve neighborhood needs as well as a broader spectrum of needs. (See Land Use Diagram for locations of Adeline Corridor Mixed Use areas. Also see Economic Development and Employment Policy ED-4 and Urban Design and Preservation Policy UD-28.)²¹

Actions:

- A. Encourage development of a variety of types of housing at a range of income levels, especially for those at very low-income levels and who are at high risk of involuntary displacement.
- B. Leverage publicly owned land, such as the Ashby BART Station Area surface parking lots, and the right-of-way to maximize affordable housing, culturally and historically significant uses such as the Berkeley Community Flea Market, community facilities and public improvements desired by the community.
- C. Create a sustainable urban environment that incorporates transit-oriented development, green building features, green infrastructure and ecology, sustainable energy systems, water efficiency and conservation, and sustainable transportation systems.
- D. Require ground-floor commercial uses to be oriented to the street and sidewalks to encourage a vital and appealing pedestrian experience.
- E. Ensure safe, well-lighted, wide walkways and adequate traffic signals for pedestrian street-crossings in commercial areas.
- F. Provide street trees, bus shelters, and benches for pedestrians.
- G. Provide bicycle facilities and ample and secure bicycle parking wherever appropriate and feasible.
- H. Maintain and encourage a wide range of community and commercial services, including basic goods and services.
- I. Encourage sensitive infill development of vacant or underutilized property that is compatible with existing development patterns.
- J. Regulate the design and operation of commercial establishments to assure their compatibility with adjacent residential areas.
- K. Maintain and improve the historic character of Adeline Mixed Use areas with design review and careful land use decisions.

²¹General Plan Policy ED-4 "Neighborhood and Avenue Commercial Districts" would be amended to also include Adeline Corridor Mixed Use Districts, in addition to Neighborhood and Avenue Commercial Districts.

Adeline Corridor Mixed Use

These areas of Berkeley are characterized by pedestrian-oriented commercial development and multi-family residential structures. These areas are typically located on multi-lane avenues served by transit or BART. Appropriate uses for these areas include: local-serving and regional-serving commercial, residential, office, community service, and institutional with an overall goal of at least 50% of all new housing units as income-restricted housing. Building intensity will generally range from a Floor Area Ratio (FAR) of 2 to an FAR of 5. Population density will generally range from 100 to 300 persons per acre.

For information purposes, the compatible zoning districts for this classification is shown below with accompanying development standards.

<u>Zoning District: Adeline Corridor</u>	<u>Maximum FAR*</u>	<u>Maximum Height*</u>
South Shattuck Subarea	2.5	45 feet
North Adeline Subarea	2.0	35 feet
South Adeline Subarea	2.0	35 feet
Ashby BART Subarea	Future development at the Ashby BART area would be subject to agreement with BART consistent with the policy and objectives projected in the Adeline Corridor Specific Plan (See Chapter 3, Policy 3.7)	

*Note: Maximum FAR and Maximum Height shown are for the Tier 1 development standards. Increases in FAR and height if additional on-site affordable housing units provided at specified quantity and affordability levels.

Exhibit B: General Plan Map Amendment



Exhibit C

CEQA Findings and Statement of Overriding Considerations (September 2020)

**Adeline Corridor Specific Plan
Pursuant to Sections 15091 and 15093 of the
State CEQA Guidelines and Section 21081 of the Public Resources Code**

The Final Environmental Impact Report (Final EIR) prepared by the City of Berkeley (City) for the Adeline Corridor Specific Plan consists of the Draft EIR and Response to Comments on the Draft EIR. The Final EIR identifies significant environmental impacts that will result from implementation of the project. The City finds that the inclusion of certain mitigation measures as part of project approval will reduce all but the following significant impacts to levels that are less than significant: construction-related noise; traffic congestion at Adeline Street/Alcatraz Avenue during existing and cumulative conditions; and traffic congestion at Congestion Management Program (CMP) roadway segments. No feasible mitigation measures have been identified to reduce these impacts to a less-than-significant level or mitigation measures have been identified but the City but would not reduce impacts to a level of less than significant, these impacts will remain significant unavoidable impacts of the project. These impacts will be overridden due to specific considerations that are described within this document.

As required by CEQA, the City, in adopting these CEQA Findings and Statement of Overriding Considerations, also adopts a Mitigation Monitoring and Reporting Program (MMRP) for the project. The City finds that the MMRP, which is incorporated by reference, meets the requirements of Public Resources Code Section 21081.6 by providing for the implementation and monitoring of measures intended to mitigate potentially significant effects of the project. In accordance with CEQA and the *CEQA Guidelines*, the City adopts these findings as part of the project approval. Pursuant to Public Resources Code Section 21082.1(c)(3), the City also finds that the Final EIR reflects the City’s independent judgment as the lead agency for the project.

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SECTION 1: INTRODUCTION

1.1 Statutory Requirements for Findings

Section 15091 of the *CEQA Guidelines* states that:

- (a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
- (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
 - (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
 - (3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

In short, CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to avoid or mitigate significant environmental impacts that will otherwise occur with implementation of the project. Project mitigation or alternatives are not required, however, where they are infeasible or where the responsibility for modifying the project lies with another agency.²²

For those significant effects that cannot be mitigated to a less-than-significant level, the public agency is required to find that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment.²³ The *CEQA Guidelines* state in section 15093 that:

“If the specific economic, legal, social, technological, or other benefits of a propos[ed] project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered ‘acceptable.’”

1.2 Record of Proceedings

For purposes of CEQA and the findings set forth herein, the record of proceedings for the City’s decision on the project consists of: a) matters of common knowledge to the City, including, but not limited to, federal, State and local laws and regulations; and b) the following documents which are in the custody of the City:

- Notice of Preparation and other public notices issued by the City in conjunction with the project dated July 6, 2018 (see Appendix A of the Draft EIR for the Notice of Preparation);
- The Draft EIR, which was made available for public review on May 17, 2019;

²² *CEQA Guidelines*, 2012. Section 15091 (a), (b).

²³ Public Resources Code Section 21081(b).

- All written and verbal comments submitted by agencies, organizations and members of the public during the public comment period and at public hearings on the Draft EIR and responses to those comments (see Revised Response to Comments Document, dated November 2020);
- The Mitigation Monitoring and Reporting Program;
- All findings and resolutions adopted by the City in connection with the project, and all documents cited or referred therein;
- All final reports, studies, memoranda, maps, correspondence, and all planning documents prepared by the City or the consultants to each, or responsible or trustee agencies with respect to: a) the City's compliance with CEQA; b) development of the project site; or c) the City's action on the project; and
- All documents submitted to the City by agencies or members of the public in connection with development of the project.

1.3 Organization/Format of Findings

Section 2 of these findings sets forth the objectives of the project and contains a summary description of the project and project alternatives. Section 3 identifies the potentially significant effects of the project which were determined to be mitigated to a less-than-significant level. All numbered references identifying specific mitigation measures refer to numbered mitigation measures found in the Draft EIR and Response to Comments Document. Section 4 identifies the project's potential environmental effects that were determined not to be significant, and do not require mitigation. Section 5 discusses the feasibility of project alternatives. Section 6 identifies the significant impacts of the project, including cumulative impacts that cannot be mitigated to a less-than-significant level even though all feasible mitigation measures have been identified and incorporated into the project. Section 7 includes the City's Statement of Overriding Considerations.

SECTION 2: THE Adeline Corridor Specific Plan Project

This section lists the objectives of the proposed Specific Plan, provides a brief description of the proposed Specific Plan, and lists the project alternatives evaluated in the Draft EIR.

2.1 Project Objectives

The Adeline Corridor Specific Plan is intended to achieve the following project objectives and desired outcomes as it is implemented over time (items are grouped topically and the order in which they are presented is not intended to indicate priority):

1. **“Complete Neighborhoods”**. Encourage “complete neighborhoods” that foster a diverse mix of uses to provide safe and convenient access for all people of all ages, abilities and income levels to meet daily needs: to live, work, play, learn, worship, dine, shop, and socialize with one another. An important feature of an urban, complete neighborhood is that it is transit-oriented and built at a walkable and bikeable human scale.
2. **Leverage Publicly Owned Land to Achieve Community Goals**. Leverage publicly owned land, such as the Ashby BART Station Area surface parking lots, and the right-of-way to maximize affordable housing and other uses, community facilities and public improvements desired by the community;

3. **Equitable Development.** Develop regulations, incentives and guidelines that are aligned with the community’s vision and result in greater opportunities for low income and historically disenfranchised or displaced residents.
4. **Compatibility with Adjacent Neighborhoods.** Ensure compatibility with residential neighborhoods adjacent to parcels that abut the main commercial streets and encourage sensitive design transitions, public amenities and uses that benefit the surrounding neighborhood.
5. **Diverse and Affordable Housing.** Encourage development of a variety of types of housing at a range of income levels, especially for those at very low income levels and who are at high risk of involuntary displacement.
6. **Protections for Existing Affordable Housing and Tenants.** Continue and strengthen existing programs and funding for anti-eviction and technical assistance for tenants and property owners to preserve existing affordable housing.
7. **New and Expanded Funding Sources.** Explore new, locally controlled funding source and expand financing mechanisms to fund affordable housing, public space and other high-priority “community benefits”.
8. **Strong Local Businesses and Non-profit Service Providers and Business Organizations.** Support long-term viability of existing businesses and non-profit service providers and business district and merchant organizations.
9. **Neighborhood Identity Marketing and Support.** Support broader awareness and strengthen the area’s identity as a cultural center for African-Americans and Japanese-Americans; as an arts and cultural district; as home to the Berkeley Juneteenth Festival and the Berkeley Flea and Farmers Markets, and a wealth of community-based non-profit service organizations.
10. **Attractive and Welcoming Environment for Businesses and Workers to Thrive.** Support programs that enhance the attractiveness, cleanliness and safety of Adeline Street and its storefronts/building facades; as well as opportunities for high quality jobs that allow people to live and work in the area,
11. **Better Mobility and Connectivity.** Improve safety, connectivity, accessibility and access along and across Shattuck and Adeline streets for all people of all ages, abilities and income levels to meet daily needs: to live, work, play, learn, worship, dine, shop, and socialize with one another other.
12. **Inclusive Public Space.** Increase the amount of parks, plazas and other public space that encourages pedestrian activity, recreation and access to nature for persons of all abilities, age and incomes.
13. **Efficient and Shared Parking.** Support Transportation Demand Management and carefully managed parking that addresses businesses’ and residents’ needs without undermining public transit, walking and bicycling as preferred modes of transportation.
14. **On-going Transparent and Inclusive Plan Implementation Process.** Continue to engage the community, including those who are typically under-represented in city planning processes in meaningful ways to ensure implementation of Plan goals over the long-term.
15. **Environmental Sustainability.** Create a sustainable urban environment that incorporates green building features, green infrastructure and ecology, sustainable energy systems, water efficiency and conservation, and sustainable transportation systems.

2.2 Project Description

The Specific Plan seeks to articulate and implement a long-range vision for the Plan Area by establishing a broad set of goals, principles, and strategies. The Plan's Vision Statement expresses the desired outcome from implementation of the Specific Plan.

Over the next 20 years, the Adeline Corridor will become a national model for equitable development. Existing affordable housing will be conserved, while new affordable and market rate housing for a range of income levels will be added. The Corridor will provide local economic opportunity through independent businesses, community non-profits, arts organizations, community markets, and an array of merchants and service providers. It will feature public spaces that are walkable, bikeable, green, and accessible to persons of all ages and abilities. It will be the center of a healthy community that cares for its most vulnerable residents, cherishes its elders, nurtures its youth, and welcomes households of all types. It will be a place where the people, places and institutions that have made South Berkeley what it is today are not only recognized--- but celebrated. It will be a place where all people can thrive.

Five broad, interrelated goals serve as the framework for the policies, strategies and actions that are presented in the five corresponding topical chapters of the Plan and summarized below:

- Preserve the unique character and cultural legacy of the Adeline Corridor, sustaining the community as a place where all people can live, work, play, learn, worship, dine, and thrive.
- Foster economic opportunity for South Berkeley residents and businesses by facilitating job training and workforce development, active community spaces, and a thriving environment for commerce along the Adeline Street /South Shattuck Corridor.
- Promote equitable access to housing by producing new affordable housing, preserving existing affordable housing, and preventing displacement.
- Provide safe, equitable transportation options that meet the mobility needs of all residents, regardless of age, means and abilities, and that further the attainment of the City's greenhouse gas reduction goals.
- Provide safe, sustainable, healthy and inclusive public spaces that encourage social interaction, provide opportunities for recreation and environmental health, and support active community life in South Berkeley.

More detail about the proposed Specific Plan is included in Section 2, *Project Description*, of the Draft EIR.

2.3 Alternatives

Based on the project objectives and anticipated environmental consequences, and pursuant to Section 15126.6 of the *CEQA Guidelines*, the following project alternatives were selected for analysis:

- **Alternative 1: No Project Alternative.** The No Project Alternative assumes that the proposed Specific Plan is not adopted and that there is no change to the existing configuration of the street and transportation network along the Adeline Corridor, consisting of a street redesign, implementation of bicycle/pedestrian lanes, and elimination of a traffic lane along Adeline Street. The Plan Area would continue to be designated as Avenue Commercial and Neighborhood Commercial per the City's General Plan. Under the No Project Alternative, incremental land use development at existing opportunity sites would continue under current land use and zoning regulations.

- **Alternative 2: No Street Redesign.** Alternative 2 would involve an alternate vision for the Specific Plan in which the same land uses would be developed but no major changes to the current configuration of the street and transportation network (e.g., street redesign, implementation of bicycle/pedestrian lanes, and elimination of a traffic lane along Adeline Street) would occur. Development standards and guidelines related to right-of-way improvements along the Adeline Corridor would be removed from the Specific Plan, such as those in Specific Plan Chapter 6, Transportation. All other policies, standards, and guidelines in the proposed Specific Plan would remain. As with the proposed Specific Plan, this alternative assumes development of 1,450 residential units with 65,000 square feet of retail/commercial uses distributed throughout the four Subareas.
- **Alternative 3: Office Focus.** The Office Focus Alternative would involve changes to the land use scenario envisioned under the Specific Plan to prioritize office development in the Plan Area. This alternative would involve the same overall building envelope as the proposed Specific Plan, but approximately 40 percent of the development square footage in the Plan Area would be office instead of residential. As with the proposed Specific Plan, this alternative would include changes to the current configuration of the street and transportation network along the Adeline Corridor, consisting of a street redesign, implementation of bicycle/pedestrian lanes, and elimination of a traffic lane along Adeline Street. This alternative assumes development of 870 residential units (a 60 percent decrease), 65,000 square feet of retail/commercial use, and 500,000 square feet of office use.

Refer to Chapter 6, *Alternatives*, of the Draft EIR for the complete alternatives analysis.

SECTION 3: EFFECTS DETERMINED TO BE MITIGATED TO LESS-THAN-SIGNIFICANT LEVELS

The Draft EIR identified certain potentially significant effects that could result from the project. However, the City finds for each of the significant or potentially significant impacts identified in this section (Section 3) that based upon substantial evidence in the record, changes or alterations have been required or incorporated into the project which avoid or substantially lessen the significant effects as identified in the Final EIR²⁴ and, thus, that adoption of the mitigation measures set forth below will reduce these significant or potentially significant effects to less-than-significant levels. Adoption of the recommended mitigation measures will effectively make the mitigation measures part of the project. In addition, City Conditions of Approval and compliance with City and other regulations will further reduce project impacts.

3.1 Air Quality

Impact AQ-2: Buildout of the proposed Specific Plan would result in the temporary generation of air pollutants during construction, which would affect local air quality. Compliance with the BAAQMD Basic Construction Mitigation Measures would require future projects within the Plan Area to implement measures to reduce construction emissions. Impacts would be significant but mitigable to less than significant.

Mitigation Measure AQ-1: Construction Emissions Measures. As part of the City's development approval process, the City shall require applicants for future development projects in the Plan Area to comply with the current Bay Area Air Quality Management District's basic control measures for reducing construction emissions of PM10 (Table 8-2, Basic Construction

²⁴ CEQA Guidelines, 2012. Section 15091.

Mitigation Measures Recommended for All Proposed Projects, of the May 2017 BAAQMD CEQA Guidelines).

Finding: The City finds that the foregoing mitigation measure has been incorporated into the project to avoid or substantially lessen the significant environmental effect identified in the Final EIR to a less-than-significant level.

Facts in Support of Finding: Implementation of Mitigation Measure AQ-1 would require future development projects in the Plan Area to comply with measures to reduce air pollution emissions during construction. Impacts would be less than significant with implementation of Mitigation Measure AQ-1 to require the BAAQMD Basic Construction Measures and required application of the City's air quality standard condition of approval.

Impact AQ-2: Buildout of the proposed Specific Plan may expose sensitive receptors to additional sources of toxic air contaminants. Impacts would be significant but mitigable to less than significant.

Mitigation Measure AQ-2: Health Risk Assessments. As part of the City's development approval process, the City shall require applicants for future development projects in the Plan Area to implement the Bay Area Air Quality Management District Guidelines and State Office of Environmental Health Hazard Assessment policies and procedures requiring health risk assessments (HRA) for residential development and other sensitive receptors near sources of toxic air contaminants, including freeways and roadways with over 10,000 vehicles per day. Based on the results of the HRA, identify and implement measures (such as air filtration systems, waterproofed caulking on windows and doors, and/or requirements for closed windows) to reduce potential exposure to particulate matter, carbon monoxide, diesel fumes, and other potential health hazards. Measures identified in HRAs shall be included into the site development plan as a component of a proposed project.

Finding: The City finds that the foregoing mitigation measure has been incorporated into the project to avoid or substantially lessen the significant environmental effect identified in the Final EIR to a less-than-significant level.

Facts in Support of Finding: Implementation of Mitigation Measure AQ-2 would require future development projects in the Plan Area to implement measures to reduce health impacts related to toxic air contaminants. With implementation of Mitigation Measure AQ-2, impacts related to TACs would be less than significant.

3.1 Biological Resources

Impact BIO-1: The Plan Area is highly urbanized and no special-status species have been recorded in the Plan Area. Implementation of the proposed Specific Plan may result in impacts to Special Status nesting birds or nesting birds protected under California Fish and Game Code; this impact would be significant but mitigable to less than significant.

Mitigation Measure BIO-1: Special-status Bat Species Avoidance and Minimization. For projects in the Plan Area, focused surveys to determine the presence/absence of roosting bats shall be conducted prior to the initiation of demolition of buildings and removal of mature trees large enough to contain crevices and hollows that could support bat roosting. If active maternity roosts are identified, a qualified biologist shall establish avoidance buffers applicable to the species, the roost location and exposure, and the proposed construction activity in the area. If

active non-maternity day or night roosts are found on the project site, measures shall be implemented to passively relocate bats from the roosts prior to the onset of construction activities. Such measures may include removal of roosting site during the time of day the roost is unoccupied or the installation of one-way doors, allowing the bats to leave the roost but not to re-enter. These measures shall be presented in a Bat Passive Relocation Plan that shall be submitted to, and approved by, CDFW.

Finding: The City finds that the foregoing mitigation measure has been incorporated into the project to avoid or substantially lessen the significant environmental effect identified in the Final EIR to a less-than-significant level.

Facts in Support of Finding: With implementation of Mitigation Measure BIO-1, impacts to special status bat species during implementation of the proposed Specific Plan would be avoided. This impact would be less than significant.

3.2 Greenhouse Gas Emissions

Impact GHG-1: A project that is consistent with a Qualified GHG Reduction Plan as described in the CEQA Guidelines Section 15183.5 is considered to have a less than significant impact. The proposed Specific Plan would be consistent with the 2017 Scoping Plan with mitigation. Therefore, this impact would be significant but mitigable to a less than significant level.

Mitigation Measure GHG-1: All-Electric New Construction. All new buildings constructed in the Plan Area shall be built as all-electric with no natural gas connection to the building, except where new natural gas connections are permitted under the City's Natural Gas Infrastructure Ordinance (BMC Chapter 12.80). This includes all appliances such as electric cooking, clothes drying, water heating, space heating, and air conditioning.

Projects shall not be required to employ methods of construction that exceed the requirements of the California Building Standards Code (inclusive of any local amendments approved for enforcement in the City of Berkeley) or install appliances that exceed standards for energy efficiency established under the federal Energy Policy and Conservation Act, as amended, 42 U.S.C. § 6201 et seq.

Mitigation Measure GHG-2: Electric Vehicle (EV) Readiness and EV Chargers. All new development projects in the Plan Area shall conform to the following EV infrastructure requirements or an equivalent City of Berkeley adopted ordinance which meets or exceeds those standards:

- Single Family Homes and Duplexes
 - One At least one parking space per dwelling unit with on-site parking to be equipped with raceway, wiring, and power to support a future Level 2¹ EV charging station
- Multi-Family Buildings
 - 20% of parking spaces to be equipped with raceways, wiring, and power to support future Level 2 EV charging stations
 - 80% of parking spaces to be equipped with connecting raceways (no additional electric service capacity required)
- Non-Residential Buildings
 - 10% of parking spaces must have Level 2 charging stations installed (a DC Fast Charge station) may be installed in place of 10 required Level 2 stations)

- 40% of parking spaces to be equipped with connecting raceways (no additional electric service capacity required)

¹ Level 2 circuit: 40+ Amp, 208/240v AC (standard household washer/dryer outlet), charges approximately 25-30 mile driving distance per hour

Mitigation Measure GHG-3: Solar Photovoltaic Power. All new buildings, with the exception of accessory buildings and structures, proposed in the Plan Area shall install solar photovoltaic energy systems or purchase 100% carbon neutral or renewable energy through an electric utility that serves Berkeley. Solar photovoltaic equipment shall be shown on all plans submitted for individual projects in the Plan Area

Finding: The City finds that the foregoing mitigation measures have been incorporated into the project to avoid or substantially lessen the significant environmental effect identified in the Final EIR to a less-than-significant level.

Facts in Support of Finding: Mitigation Measure GHG-1 This mitigation measure addresses 2017 Scoping Plan Goals 12, 25, 36, and 37 relating to energy efficiency and electrification. While it may not be feasible to require buildings to achieve net-zero GHG emissions, buildings can feasibly be built to use only electricity for their energy demands. Requiring electrification of buildings developed within the Plan Area would effectively result in building energy use becoming carbon neutral by 2045 due to the renewable electricity and carbon neutrality requirements imposed by SB 100. In order to achieve the deep greenhouse gas reductions required to achieve net-zero carbon by 2045, it is imperative that natural gas infrastructure is kept to a minimum in new construction. Therefore, with implementation of Mitigation Measure GHG-1, new buildings constructed in the Plan Area would be required to be built as all-electric. All electric buildings have been shown to be cost effective in California especially for new construction (Point Energy Innovations 2017). It is not always cost effective to renovate existing buildings because the benefit of not installing natural gas infrastructure is lost. Therefore, it is critical that the amount of new natural gas infrastructure is limited. Furthermore, building electrification, while not yet mandatory, is not dis-incentivized in the 2019 Energy Code and may become mandatory in the following code cycle. With the all-electric mitigation measure, the Specific Plan can reduce its GHG emissions associated with building energy to zero by 2045 and be consistent with the 2017 Scoping Plan Goals 12, 37, 25, and 36.

While the proposed Specific Plan limits parking requirements in order to incentivize alternative forms of transportation, it is expected that many projects would include private vehicle parking (albeit at lower rates than outside the Plan Area). Therefore, to be consistent with the 2017 Scoping Plan Goals 2 and 32, Mitigation Measure GHG-2 requires a significant increase in spaces that have conduit access to at least a 240v (Level 2) power source. While any single development cannot require all vehicles be electric, they can provide the infrastructure to support the City's and State's long term electrification goals.

To be consistent with the 2017 Scoping Plan, 100 percent of new construction within the Plan Area must be constructed to be consistent with the solar PV requirements of the 2019 Energy Code (Title 24 2019) or future Energy Code requirements that are in effect at the time of development. Future Title 24 Energy Code requirements will likely be more stringent than current requirements. Mitigation Measure GHG-3 satisfies the goals of 2017 Scoping Plan Goal 11.

3.3 Noise

Impact N-3: Construction activities associated with implementation of the proposed Specific Plan would intermittently generate groundborne vibration within and adjacent to the Plan Area. Institutional land uses with sensitive daytime activities could be exposed to vibration levels exceeding FTA guidelines. This impact would be significant but mitigable to less than significant.

Mitigation Measure N-3: Vibration Reduction Measures. Applicants for new development that would involve construction activity in the Plan Area shall implement the following measures to reduce exposure to vibration from construction activities:

- **Best Available Technology.** The applicant shall use the best available technology to reduce construction-related vibration on construction sites within 100 feet of institutional land uses that are sensitive to vibration, and within 50 feet of historic buildings, so that vibration levels do not exceed guidelines in the Federal Transit Administration's Transit Noise and Vibration Impact Assessment Manual for annoyance and damage to fragile structures. Appropriate technology may include, but is not limited to:
 - Drilling of piles instead of pile driving for foundation work
 - Static rollers instead of vibratory rollers for paving activity
 - Smaller and well-maintained equipment
- **Construction Scheduling.** The applicant shall coordinate with adjacent institutional land uses that are sensitive to vibration and schedule vibration-generating construction activities during less sensitive times of day.

Finding: The City finds that the foregoing mitigation measure has been incorporated into the project to avoid or substantially lessen the significant environmental effect identified in the Final EIR to a less-than-significant level.

Facts in Support of Finding: With implementation of Mitigation Measure N-3, individual projects developed under the proposed Specific Plan would avoid the use vibration-generating equipment near sensitive receptors and potentially fragile buildings, where possible, or schedule such construction activity to less sensitive times of day. These measures would ensure that sensitive daytime activities at institutional land uses are not subject to vibration levels exceeding the FTA guideline of 75 VdB, and that historic buildings are not exposed to vibration levels exceeding the threshold of 100 VdB for minor cosmetic damage. Therefore, the impact of vibration generated by construction equipment would be less than significant after mitigation.

3.4 Transportation and Traffic

Impact T-2: The addition of traffic generated by the development projects facilitated by the Specific Plan may add 10 or more peak hour trips to the critical movement of an unsignalized intersection that operates at LOS F and result in the peak hour signal warrant (MUTCD, Warrant 3) being met under Existing Plus Project conditions. This impact would be significant but mitigatable to less than significant.

Mitigation Measure T-2: Signal Warrant Study and Signalization. Development projects tiering from the Adeline Street Specific Plan EIR with primary automobile access on one of the following local streets that is currently controlled by a stop-sign at the intersection with a major street shall evaluate traffic operations and the MUTCD signal warrants at the intersection:

- Shattuck Avenue at Blake, Parker, and Derby Streets
- Adeline Street at Stuart, Russell, Essex, Woolsey, Fairview, and Harmon Streets

The signal warrant study shall be completed as part of the environmental review process for the development project. If the intersection meets the signal warrants and the development project would add ten or more trips to the critical movement that operates at LOS F during the AM and/or PM peak hour, the study shall identify improvements to mitigate the impact. The improvements may consist of signaling the intersection, and/or restricting one or more movements at the intersection. The study shall also evaluate the secondary effects of the identified improvement, such as traffic diverted to other streets due to turn restrictions. The development project shall install the identified improvement.

Finding: The City finds that the foregoing mitigation measure has been incorporated into the project to avoid or substantially lessen the significant environmental effect identified in the Final EIR to a less-than-significant level.

Facts in Support of Finding: Mitigation Measure T-2 would reduce the impact to a less than significant level because it would install a signal at a side-street stop-controlled intersection that may meet signal warrants as a result of a development project facilitated by the Specific Plan.

Impact T-4: The addition of traffic generated by the development projects facilitated by the Specific Plan may add 10 or more peak hour trips to the critical movement of an unsignalized intersection that operates at LOS F and result in the peak hour signal warrant (MUTCD, Warrant 3) being met under 2040 Plus Project conditions. This impact would be significant but mitigatable to less than significant.

Mitigation Measure T-2: Signal Warrant Study and Signalization as described under Impact T-2.

Finding: The City finds that the foregoing mitigation measure has been incorporated into the project to avoid or substantially lessen the significant environmental effect identified in the Final EIR to a less-than-significant level.

Facts in Support of Finding: Mitigation Measure T-2 would reduce the impact to a less than significant level because it would install a signal at a side-street stop-controlled intersection that may meet signal warrants as a result of a development project facilitated by the Specific Plan.

SECTION 4: EFFECTS DETERMINED TO BE LESS THAN SIGNIFICANT OR NOT SIGNIFICANT

The City finds that, based upon substantial evidence in the record, as discussed below, the following impacts associated with the project are not significant or are less than significant. The Draft EIR provides a detailed analysis of the less-than-significant impacts of the proposed Specific Plan for all issue areas.

4.1 Aesthetics

Senate Bill (SB) 743 was signed into law on September 27, 2013. According to SB 743, which became effective January 1, 2014, "aesthetics...impacts of a residential, mixed-use, or employment center project on an infill site within a transit priority area shall not be considered significant impacts on the environment." Pursuant to Section 21099 of the California Public Resources Code, a "transit priority area" is defined in as an area within 0.5 mile of an existing or planned major transit stop. A "major transit stop" is defined in Section 21064.3 of the California Public Resources Code as a rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.

The proposed Specific Plan provides a vision and planning framework for future growth and development in the Plan Area that includes infill residential, mixed-use, and employment center projects. The entire Plan Area is within a transit priority area and as such meets the criteria of SB 743. The Ashby BART Station, a regional transit facility, is located in the central/southern portion of the Plan Area. The area between the southern boundary of the Plan Area (at approximately Stanford Avenue) and Ward Street are within 0.5 mile of this major transit stop. The northern Plan Area boundary north of Parker Street is also within 0.5 mile of the Downtown Berkeley BART station which is a major transit stop. For the areas along Shattuck Avenue between Ward Street and Parker Street, which are not within 0.5 miles of a BART station, there is frequent AC Transit bus service via multiple fixed routes. The section of the Plan Area along Shattuck Avenue from Dwight Way to Ward Street is within 0.5 mile of a major transit stop at Shattuck and Durant Avenue. This stop is served by AC Transit's routes 6 and 51B, which operate at service intervals of 10 minutes during morning and afternoon peak commute periods.

Because implementation of the proposed Specific Plan would result in residential, mixed-use, and employment center projects on infill sites within a transit priority area, aesthetics impacts may not be considered significant impacts on the environment.

4.2 Agricultural and Forest Resources

There are no agricultural zones or forest lands on or near the Plan Area, which is in a fully urbanized community (DOC 2012). Therefore, the Specific Plan would not result in significant impacts to agricultural or forest resources.

4.3 Air Quality

Impact AQ-1. The proposed Specific Plan would be consistent with BAAQMD's 2017 Clean Air Plan. Impacts would be less than significant.

Impact AQ-4. The proposed Specific Plan would not create objectionable odors that would affect neighboring properties. Impacts related to odors would be less than significant.

4.4 Biological Resources

Impact BIO-2. Implementation of the proposed Specific Plan would not result in impacts to riparian habitat or other sensitive habitats. This impact would be less than significant.

Impact BIO-3. Implementation of the proposed Specific Plan would not result in impacts to federally protected wetlands. No impact would occur.

Impact BIO-4. Implementation of the proposed Specific Plan would not impact the movement of native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors. This impact would be less than significant.

Impact BIO-5. Implementation of the proposed Specific Plan would not conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. This impact would be less than significant.

Impact BIO-6. Implementation of the proposed Specific Plan would not conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan. No impact would occur.

4.5 Cultural Resources

Impact CR-1. The Plan Area contains 25 known historical resources and three potential historic districts. Development in the Plan Area could impact the identified historical resources and historic districts and has the potential to impact unknown historical resources. However, adherence to the City's General Plan policies, existing City requirements, and to the strategies and vision of the proposed Specific Plan would reduce impacts to less than significant.

Impact CR-2. The Plan Area does not contain known archaeological resources. Nonetheless, development facilitated by the proposed Specific Plan has the potential to impact unrecorded archaeological resources. However, with compliance with City of Berkeley standard conditions of approval, impacts would be less than significant.

Impact CR-3. Ground-disturbing activities associated with development facilitated by the proposed Specific Plan could result in damage to or destruction of paleontological resources. However, with compliance with City of Berkeley standard conditions of approval, impacts would be less than significant.

Impact CR-4. Ground-disturbing activities associated with development under the proposed Specific Plan could result in damage to or destruction of human burials. However, adherence to existing regulations regarding the discovery of human remains and to City of Berkeley standard conditions of approval would reduce potential impacts to a less than significant level.

Impact CR-5. Site preparation and construction associated with development and right-of-way improvements under the proposed Specific Plan could adversely impact tribal cultural resources (TRC). However, with compliance with City of Berkeley standard conditions of approval, impacts would be less than significant.

4.6 Geology and Soils

Impact GEO-1. The Plan Area is near the Hayward Fault Zone and other faults. Therefore, the Plan Area is subject to seismically-induced ground shaking and other seismic hazards, including liquefaction, which could damage structures in the Plan Area and result in loss of property and risk to human health and safety. However, incorporation of State-mandated building standards and compliance with General Plan policies would ensure impacts would be less than significant.

Impact GEO-2. With adherence to applicable laws and regulations, the proposed Specific Plan would not result in substantial soil erosion or the loss of topsoil. Therefore, impacts would be less than significant.

Impact GEO-3. The Plan Area is located on expansive soils. Proper soil engineering practices would be required to ensure that soil conditions would not result in significant adverse impacts. With required implementation of standard engineering practices, impacts associated with unstable or expansive soils would be less than significant.

Impact GEO-4. The proposed Specific Plan would not include septic tanks or alternative wastewater disposal systems. No impact would occur.

4.7 Hazards and Hazardous Materials

Impact HAZ-1. Implementation of the proposed Specific Plan would include development of residential or commercial land uses that could involve the use, storage, disposal, or transportation of hazardous materials. Upset or accident conditions in the Plan Area could involve the release of hazardous materials into the environment. Required adherence to existing regulations, programs, and Berkeley General Plan policies would ensure that impacts would be less than significant.

Impact HAZ-2. Implementation of the proposed Specific Plan would not involve facilities that would produce or emit hazardous materials near schools. This impact would be less than significant.

Impact HAZ-3. There is one property in the Plan Area with potentially localized contamination or concentrations of hazardous substances in the Plan Area. However, projects in the Plan Area would be required to comply with existing regulations related to hazardous materials and wastes. Therefore, workers or residents in the Plan Area would not be exposed to hazards resulting from development of a hazardous materials site and this impact would be less than significant.

Impact HAZ-4. The Plan Area is not located in an airport land use plan or in the vicinity of a private airstrip. Impacts related to airports would not occur.

Impact HAZ-5. Implementation of the proposed Specific Plan would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. This impact would be less than significant.

Impact HAZ-6. Implementation of the proposed Specific Plan would not expose people or structures to a significant risk from wildland fires because the Plan Area is located in an urbanized setting. No impact would occur.

4.8 Hydrology and Water Quality

Impact HYD-1. Future development under the Specific Plan would involve ground-disturbing activities and the use of heavy machinery that could release materials, including sediments and fuels, which could adversely affect water quality. In addition, operation of potential future development could also result in discharges to storm drains that could be contaminated and affect downstream waters. However, compliance with required permits and existing regulations, and implementation of Best Management Practices contained therein, would ensure that potential water quality impacts would be less than significant.

Impact HYD-2. Construction of future development under the Specific Plan would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table. Further, implementation of low impact development measures and on-site infiltration required under the C.3 provisions of the MRP, compliance with the General Plan goals and policies, the Berkeley Municipal Code, and the Specific Plan strategies, policies, guidelines, and standards would increase the potential for groundwater recharge. Impacts would be less than significant.

Impact HYD-3. Future development under the Specific Plan would not substantially alter the existing drainage pattern of the Plan area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site or substantially increase the rate or amount of surface runoff in a manner which would result in flooding or exceed the capacity of stormwater drainage systems. Impacts related to drainage patterns would be less than significant.

Impact HYD-4. Development under the proposed Specific Plan would not expose people or structures to other flood hazards such as tsunamis, seiches, or flooding including flooding as the result of dam or levee failure. Impacts would be less than significant.

4.9 Land Use and Planning

Impact LU-1. Implementation of the proposed Specific Plan would not result in the physical division of an established community. This impact would be less than significant.

Impact LU-2. The proposed Specific Plan would implement and be consistent with the goals and policies of applicable land use plans and policies adopted for the purpose of avoiding or mitigating an environmental effect. This impact would be less than significant.

Impact LU-3. The proposed Specific Plan would not conflict with an applicable habitat conservation plan or natural community conservation plan. This impact would be less than significant.

4.10 Mineral Resources

There are no known mineral resources in the city of Berkeley and the city has no active mineral resource extraction industries (City of Berkeley 2003). No impacts to mineral resources would occur.

4.11 Noise

Impact N-1: New development facilitated by the proposed Specific Plan would be required to comply with the City's exterior noise standards and with the State standard for the exposure of habitable rooms to noise. The impact related to exposing people or generating noise levels in excess of standards would be less than significant.

Impact N-4: Buildout of the proposed Specific Plan would generate new vehicle trips in the Plan Area. Although new vehicle trips would increase traffic volumes and associated traffic noise on arterial roadways in the Plan Area, the increase in traffic noise would not exceed applicable FTA criteria. Therefore, the Specific Plan would have a less than significant impact related to traffic noise.

Impact N-5: Operational activities associated with buildout of the Specific Plan would generate noise that may periodically be audible to noise-sensitive receptors near the Plan Area. Noise sources would include stationary equipment, such as rooftop ventilation and heating systems, and delivery and trash hauling trucks. However, operational noise would not exceed ambient noise levels at nearby noise-sensitive receptors. Therefore, operational noise impacts would be less than significant.

Impact N-6: The Plan Area is located outside of noise contours associated with airports. Therefore, new development under buildout of the Specific Plan would not be exposed to excessive noise levels from aircraft operations, and no impact would occur.

4.12 Population and Housing

Impact PH-1: Implementation of the proposed Specific Plan could produce an additional 1,450 residential units and 65,000 square feet of commercial uses, which would result in an additional approximately 3,466 residents and 195 jobs. The proposed Specific Plan would not cause substantial unanticipated population growth in Berkeley. Impacts would be less than significant.

Impact PH-2: Implementation of the proposed Specific Plan could displace existing housing units or people; however, implementation of the Specific Plan would increase the Plan Area's housing stock overall, including its stock of below market rate housing. Impacts resulting from potential

displacement would be further reduced with adherence to the proposed Specific Plan policies and existing City programs. Impacts would be less than significant.

4.13 Public Services and Recreation

Impact PS-1: Projected buildout under implementation of the proposed Specific Plan would increase development intensity and population growth in the Plan Area, contributing to the potential future need for a new fire station in South Berkeley. If the Fire Department proposes a new station and identifies an appropriate site, the City will conduct a separate evaluation of the station's environmental impacts under CEQA. While no location has been identified for a new fire station in the Adeline Corridor as part of the proposed Specific Plan, the Plan Area is entirely developed and urbanized. A potential future facility would likely be developed as infill development and is unlikely to cause additional significant environmental impacts beyond those identified in this EIR. Therefore, the Specific Plan would have a less than significant impact related to fire protection facilities.

Impact PS-2: Implementation of the proposed Specific Plan would add new residential and non-residential uses to the Plan Area, generating additional need for the City of Berkeley Police Department's protection services. While no new police station location has been identified as part of the proposed Specific Plan, the Plan Area is entirely developed and urbanized. A potential future facility would likely be developed as infill development and is unlikely to cause additional significant environmental impacts beyond those identified in this EIR. If the Police Department proposes a new station serving the Plan Area and identifies an appropriate site, the City will conduct a separate evaluation of the station's environmental impacts under CEQA. Therefore, the Specific Plan would have a less than significant impact related to police protection services.

Impact PS-3: Implementation of the proposed Specific Plan would add an estimated 277 students to the Plan Area. However, with payment of State-mandated school impact fees, impacts related to public school operating capacity would be less than significant.

Impact PS-4: Implementation of the proposed Specific Plan would add an estimated 1,450 residential units and an estimated 3,466 residents to the Plan Area, which would increase use of parks. However, the Specific Plan would result in the development of new parkland to meet demand for recreational spaces in the Plan Area. Further, development under the Specific Plan would not cause Berkeley to fall below the City's goal of 2 acres of parkland per 1,000 residents. Therefore, impacts would be less than significant.

Impact PS-5: Implementation of the proposed Specific Plan would add an estimated 1,450 residential units and an estimated 3,466 residents to the Plan Area, including senior citizens who might rely on services offered by the City's senior centers. However, existing senior facilities would have adequate capacity to accommodate an incremental increase in demand in the Plan Area. This impact would be less than significant.

4.14 Transportation and Traffic

Impact T-5: The roadway modifications proposed by the Specific Plan would not cause Streetscore+ of 3 or higher for pedestrians and bicyclists on the street segments along the Adeline Corridor. This impact would be less than significant.

Impact T-7: The proposed Specific Plan would not Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks. This impact would be less than significant.

Impact T-8: The proposed Specific Plan would not substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). This impact would be less than significant.

Impact T-9: The proposed Specific Plan would not result in inadequate emergency access. This impact would be less than significant.

Impact T-10: The proposed Specific Plan would not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities. This impact would be less than significant.

4.15 Utilities and Service Systems

Impact UTL-1: New development under the proposed Specific Plan would generate new sources of wastewater, which would flow through the existing pipe network and to EBMUD's Main Wastewater Treatment Plant (MWWTP). The wastewater treatment plant has adequate capacity to serve development associated with the Specific Plan. Local conveyance infrastructure would be upgraded as necessary during implementation of the proposed Specific Plan, in already developed utility corridors. Impacts related to wastewater infrastructure would be less than significant.

Impact UTL-2: Development under the proposed Specific Plan would increase water demand. Existing and projected water supply would be adequate to serve the Plan Area demands through 2040 (the horizon year of the proposed Specific Plan), with demand management measures required by EBMUD. Impacts related to water supplies would be less than significant.

Impact UTL-3: Implementation of the proposed Specific Plan would generate an increase of approximately 1.1 tons of solid waste per day, or 2.2 cubic yards per day. Because landfills that serve the City of Berkeley have adequate capacity to serve development under the proposed Specific Plan, impacts related to solid waste facilities would be less than significant.

SECTION 5: FEASIBILITY OF PROJECT ALTERNATIVES

5.1 Project Alternatives

The Final EIR included three alternatives: the No Project alternative, the No Street Redesign Alternative, and the Office Focus Alternative. The City hereby concludes that the Final EIR sets forth a reasonable range of alternatives to the Adeline Corridor Specific Plan that address the significant impacts of the project, so as to foster informed public participation and informed decision making. The City finds that the alternatives identified and described in the Final EIR were considered and further finds them to be infeasible for the specific economic, social, or other considerations set forth below pursuant to Public Resources Code section 21081(c).

5.1.1 Alternative 1 - No Project Alternative. The No Project Alternative assumes that the proposed Specific Plan is not adopted and that there is no change to the existing configuration of the street and transportation network along the Adeline Corridor, consisting of a street redesign, implementation of bicycle/pedestrian lanes, and elimination of a traffic lane along Adeline Street. The Plan Area would continue to be designated as Avenue Commercial and Neighborhood Commercial per the City's General Plan. Under the No Project Alternative, incremental land use development at existing opportunity sites would continue under current land use and zoning regulations.

Findings: The No Project Alternative would reduce all of the proposed Specific Plan impacts and would be environmentally superior to the proposed Specific Plan. Although overall impacts would be lower than those of the proposed Specific Plan, the beneficial effects associated with the proposed Specific Plan (i.e., affordable housing; economic opportunities; pedestrian facility, bicycle facility, and roadway improvements; and public space and infrastructure) would not occur. In addition, the No Project Alternative would not fulfill the project objectives; especially as existing development conditions do not offer connectivity along and across Shattuck and Adeline streets. While the goals and policies associated with the Plan Area's existing Avenue Commercial, Neighborhood Commercial, and Low to Medium Density Residential land uses would apply, the overall intent for development as envisioned by local and regional goals would not be implemented to the extent that it would under the policies, standards, and guidelines of the proposed Specific Plan. No mitigation measures would be required for the No Project alternative. Overall impacts would be lower than those of the proposed Specific Plan.

The City rejects the No Project alternative because it would not achieve any of the objectives of the proposed Specific Plan.

5.1.2 Alternative 2 – No Street Redesign Alternative: Alternative 2 would involve an alternate vision for the Specific Plan in which the same land uses would be developed but no major changes to the current configuration of the street and transportation network (e.g., street redesign, implementation of bicycle/pedestrian lanes, and elimination of a traffic lane along Adeline Street) would occur. Development standards and guidelines related to right-of-way improvements along the Adeline Corridor would be removed from the Specific Plan, such as those in Specific Plan Chapter 6, Transportation. All other policies, standards, and guidelines in the proposed Specific Plan would remain. As with the proposed Specific Plan, this alternative assumes development of 1,450 residential units with 65,000 square feet of retail/commercial uses distributed throughout the four Subareas.

Findings: Alternative 2 would reduce the magnitude of environmental impacts in certain areas but increase the magnitude of impacts in other areas. Alternative 2 would slightly reduce impacts related to cultural resources but would increase land use and planning impacts. Alternative 2 could be considered the environmentally superior alternative as it would reduce the significant and unavoidable impact related to the CMP network. In addition, because this alternative maintains the current street configuration, it would reduce the magnitude of the impacts at the intersection of Adeline Street/Alcatraz Avenue. Although Alternative 2 would be considered the environmentally superior alternative, this alternative would result in an additional significant and unavoidable impact associated with bicycle and pedestrian comfort. This alternative would meet most of the project objectives as it would include the policies and standards that support residential and economic growth, neighborhood compatibility, and diverse affordable housing. However, it would not fulfill all of the project objectives, as it would not meet Objective 11, "Better mobility and connectivity", Objective 12, "Inclusive public space", and Objective 13, "Efficient and shared parking", when compared to the proposed Specific Plan.

The City rejects the No Street Redesign Alternative because it would not fulfill all of the project objectives and because it would result in an additional significant and unavoidable impact associated with bicycle and pedestrian comfort.

5.1.3 Alternative 3 – Office Focus Alternative. The Office Focus Alternative would involve changes to the land use scenario envisioned under the Specific Plan to prioritize office development in the Plan Area. This alternative would involve the same overall building envelope as the proposed Specific Plan, but approximately 40 percent of the development square footage in the Plan Area would be

office instead of residential. As with the proposed Specific Plan, this alternative would include changes to the current configuration of the street and transportation network along the Adeline Corridor, consisting of a street redesign, implementation of bicycle/pedestrian lanes, and elimination of a traffic lane along Adeline Street. This alternative assumes development of 870 residential units (a 60 percent decrease), 65,000 square feet of retail/commercial use, and 500,000 square feet of office use.

Findings: Alternative 3 would reduce the magnitude of environmental impacts in certain areas but increase the magnitude of impacts in other areas. Alternative 3 would slightly reduce impacts related to geology and soils but would increase noise impacts. Alternative 3 would increase trips, therefore, it would increase the magnitude of traffic-related impacts which is why it is not considered to be the environmentally superior alternative.

This alternative would meet most of the project objectives as it would include the policies and standards that support residential and economic growth, neighborhood compatibility, diverse affordable housing, and better mobility and connectivity. This alternative would further Objective 1 to provide “complete neighborhoods” by supporting development of housing and jobs near transit (such as the Ashby BART station). However, it would not fulfill Objective 6, Diverse and Affordable Housing, to the same extent as the proposed Specific Plan since this alternative would involve fewer units as those envisioned in the horizon year (2040) under the proposed Specific Plan.

The City rejects the Office Focus Alternative because this alternative would not achieve all of the project objectives and would increase the magnitude of the unavoidably significant traffic impacts.

5.2 Environmentally Superior Alternative

Section 15126.6(e)(2) of the CEQA Guidelines requires that an environmentally superior alternative be identified among the selected alternatives. While the No Project Alternative would be the overall environmentally superior alternative since it would avoid all project impacts. However, the No Project Alternative would not achieve the basic project objectives as stated in Section 2, Project Description.

Among the development options, Alternative 2 would be considered the environmentally superior alternative as it would reduce the significant and unavoidable impact related to the CMP network and would reduce the magnitude of impacts at the intersection of Adeline Street/Alcatraz Avenue. However, this alternative fails to meet all of the project objectives and would result in an additional unavoidably significant impact related to pedestrian and bicycle safety and comfort. Therefore, the City rejects the No Street Redesign alternative.

SECTION 6: SIGNIFICANT EFFECTS THAT CANNOT BE MITIGATED TO A LESS-THAN-SIGNIFICANT LEVEL

As discussed in the Draft EIR, the proposed Specific Plan would result in significant unavoidable impacts related to noise and traffic. A number of mitigation measures are presented, but none would reduce these impacts to a less-than-significant level.

6.1 Noise

Impact N-2: Construction activities associated with implementation of the proposed Specific Plan would intermittently generate high noise levels within and adjacent to the Plan Area. Mitigation to restrict the hours of construction activity and minimize noise from equipment would reduce construction noise to the extent feasible. However, construction noise could still exceed the City’s

standards at sensitive receptors. Therefore, the impact from construction noise would be significant and unavoidable.

Mitigation Measure N-2: Construction-Related Noise Reduction Measures. Development projects in the Plan Area that involve construction activities shall apply the following measures during construction for the purpose of reducing construction-related noise:

- **Construction Timing.** Construction activities shall be restricted to the daytime hours of between 7:00 AM and 7:00 PM on weekdays, or between 9:00 AM and 8:00 PM on weekends and legal holidays.
- **Mufflers.** Construction equipment shall be properly maintained and all internal combustion engine driven machinery with intake and exhaust mufflers and engine shrouds, as applicable, shall be in good condition and appropriate for the equipment. During construction, all equipment, fixed or mobile, shall be operated with closed engine doors and shall be equipped with properly operating and maintained mufflers, consistent with manufacturers' standards.
- **Electrical Power.** Electrical power, rather than diesel equipment, shall be used to run compressors and similar power tools and to power any temporary structures, such as construction trailers or caretaker facilities.
- **Equipment Staging.** All stationary equipment shall be staged as far away as feasible from adjacent noise-sensitive receptors.
- **Equipment Idling.** Construction vehicles and equipment shall not be left idling for longer than five minutes when not in use.
- **Workers' Radios.** All noise from workers' radios shall be controlled to a point that they are not audible at sensitive receptors near construction activity.
- **Smart Back-up Alarms.** Mobile construction equipment shall have smart back-up alarms that automatically adjust the sound level of the alarm in response to ambient noise levels. Alternatively, back-up alarms shall be disabled and replaced with human spotters to ensure safety when mobile construction equipment is moving in the reverse direction.
- **Disturbance Coordinator.** The applicant shall designate a disturbance coordinator who shall be responsible for responding to any local complaints about construction noise. The noise disturbance coordinator shall determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and shall require that reasonable measures warranted to correct the problem be implemented. A telephone number for the disturbance coordinator shall be conspicuously posted at the construction site.
- **Additional Noise Attenuation Techniques.** During construction activity that is immediately adjacent to noise-sensitive receptors, temporary sound barriers may be installed and maintained, at the discretion of the City's Department of Planning and Development. Temporary sound barriers, if installed, shall block line of sight between noise-generating construction equipment and adjacent residential windows and shall be placed as close to the source equipment as feasible. Mobile sound barriers may be used as appropriate to attenuate construction noise near the source equipment. During the building construction phase, temporary sound barriers may be applied to generators and cranes used on-site.

Finding: The City finds impacts related to construction noise have been mitigated to the maximum extent feasible. Despite the implementation of mitigation measures, impacts would remain significant and unavoidable. The City finds that although this impact would be significant and unavoidable, the impact is acceptable when weighed against the overriding social,

economic, and other considerations set forth in the Statement of Overriding Considerations (Section 7 of these Findings).

Facts in Support of Finding: Without implementation of mitigation measures, it is estimated that construction activity in the Plan Area would expose sensitive receptors to noise levels exceeding 90 dBA Leq. With implementation of Mitigation Measure N-2, individual projects developed under the proposed Specific Plan would minimize the exposure of sensitive receptors to construction noise, to the extent feasible. Nonetheless, sensitive receptors located adjacent to construction sites in the Plan Area would still be exposed to substantial noise levels from construction activity. To meet the City's quantitative standards for construction noise from stationary sources, reductions of at least 30 dBA Leq in the C-SA zoning district and 40 dBA Leq in the R-2 and R-2A zoning districts may be necessary. It is expected that implementation of Mitigation Measure N-2 would not be sufficient to fully attain these reductions in construction noise. Therefore, the impact from construction noise would be significant and unavoidable.

6.2 Transportation and Traffic

Impact T-1: The addition of traffic generated by the development projects facilitated by the Specific Plan and the roadway modifications proposed by the Specific Plan would cause the signalized Adeline Street/Alcatraz Avenue intersection to deteriorate from LOS D during the AM peak hour and LOS E during the PM peak hour under Existing Conditions to LOS F during both AM and PM peak hours under Existing Plus Project conditions. This impact would be significant and unavoidable.

Mitigation Measures: no feasible mitigation measures are available.

Finding: The city finds no feasible mitigation measures are available to reduce impacts at the Adeline Street/Alcatraz Avenue intersection during Existing plus Project conditions. This impact would remain *significant and unavoidable*.

Facts in Support of Finding: Traffic operations at the Adeline Street/Alcatraz Avenue intersection can be improved by providing additional automobile travel lanes, such as third through lanes on the northbound and southbound Adeline Street approaches of the intersection. However, these modifications cannot be accommodated within the proposed automobile right-of-way and would require additional right-of-way, and/or loss of planned bicycle and/or pedestrian facilities, and are considered to be infeasible because they would be in conflict with the Specific Plan and City of Berkeley General Plan goals to promote pedestrian and bicycle travel. Since the mitigation measure would result in secondary significant impacts, it is considered infeasible.

The development projects facilitated by the Specific Plan would be required to implement a TDM Plan, which is not reflected in the trip generation assumed in this EIR. TDM strategies would reduce the automobile trips generated by development projects and reduce the magnitude of the impact at the Adeline Street/Alcatraz Avenue intersection. Since the exact strategies that would be implemented for each development project is not known at this time, the effectiveness of the TDM Plans cannot be estimated. Therefore, it cannot be guaranteed that the required TDM plans would reduce the impact to a level below significance.

No feasible mitigation is available to reduce the LOS-based impact at this intersection. Therefore, the impact is considered significant and unavoidable. This finding is consistent with the City's General Plan Policy T-18 (Level of Service), which requires the City to consider how a plan or project affects all modes of transportation, including transit riders, bicyclists, pedestrians, and motorists, to determine the transportation impacts of a plan or project. The Specific Plan

would trigger a LOS-based impact at this intersection; however, the Specific Plan would also include a number of improvements at this intersection, which would benefit pedestrians and bicyclists, such as dedicated Class 4 cycletracks and shorter pedestrian crossings. As shown in Table 4.12-11, the Specific Plan improvements would improve the Streetscore+ at the intersection from 4 to 2 for both pedestrians and bicyclists. Considering the improvement in safety and comfort for pedestrians and bicyclists which would encourage walking and biking in the project area, and consistent with the City's General Plan Policy T-18, the mitigation measures to mitigate the LOS-based impact at this intersection are considered infeasible because they would preclude the Specific Plan's significant benefits for pedestrian and bicyclists.

Impact T-3: The addition of traffic generated by the development projects facilitated by the Specific Plan and the roadway modifications proposed by the Specific Plan would increase the V/C ratio by more than 0.01 at the signalized Adeline Street/Alcatraz Avenue intersection, which would operate at LOS F during both AM and PM peak hours in 2040 regardless of the proposed Specific Plan. This impact would be significant and unavoidable.

Mitigation Measures: no feasible mitigation measures are available.

Finding: The city finds no feasible mitigation measures are available to reduce impacts at the Adeline Street/Alcatraz Avenue intersection during Cumulative plus Project conditions. This impact would remain *significant and unavoidable*.

Facts in Support of Finding: Traffic operations at the Adeline Street/Alcatraz Avenue intersection can be improved by providing additional automobile travel lanes, such as third through lanes on the northbound and southbound Adeline Street approaches of the intersection. However, these modifications cannot be accommodated within the proposed automobile right-of-way and would require additional right-of-way, and/or loss of planned bicycle and/or pedestrian facilities, and are considered to be infeasible because they would be in conflict with the Specific Plan and City of Berkeley General Plan goals to promote pedestrian and bicycle travel. Since the mitigation measure would result in secondary significant impacts, it is considered infeasible.

The development projects facilitated by the Specific Plan would be required to implement a TDM Plan, which is not reflected in the trip generation assumed in this EIR. TDM strategies would reduce the automobile trips generated by development projects and reduce the magnitude of the impact at the Adeline Street/Alcatraz Avenue intersection. Since the exact strategies that would be implemented for each development project is not known at this time, the effectiveness of the TDM Plans cannot be estimated. Therefore, it cannot be guaranteed that the required TDM plans would reduce the impact to a level below significance.

No feasible mitigation is available to reduce the LOS-based impact at this intersection. Therefore, the impact is considered significant and unavoidable. This finding is consistent with the City's General Plan Policy T-18 (Level of Service), which requires the City to consider how a plan or project affects all modes of transportation, including transit riders, bicyclists, pedestrians, and motorists, to determine the transportation impacts of a plan or project. The Specific Plan would trigger a LOS-based impact at this intersection; however, the Specific Plan would also include a number of improvements at this intersection, which would benefit pedestrians and bicyclists, such as dedicated Class 4 cycletracks and shorter pedestrian crossings. As shown in Table 4.12-11, the Specific Plan improvements would improve the Streetscore+ at the intersection from 4 to 2 for both pedestrians and bicyclists. Considering the improvement in safety and comfort for pedestrians and bicyclists which would encourage walking and biking in

the project area, and consistent with the City's General Plan Policy T-18, the mitigation measures to mitigate the LOS-based impact at this intersection are considered infeasible because they would preclude the Specific Plan's significant benefits for pedestrian and bicyclists.

Impact T-6: The addition of traffic generated by the development projects facilitated by the Specific Plan and the roadway modifications proposed by the Specific Plan would result in the Study CMP roadway segments to Deteriorate from LOS E or better to LOS F, or increase V/C ratio by 0.03 or more for a facility operating at LOS F without the Specific Plan. This impact would be significant and unavoidable.

Mitigation Measures: no feasible mitigation measures are available.

Finding: The city finds no feasible mitigation measures are available to reduce this impact and it would remain significant and unavoidable.

Facts in Support of Finding: As discussed under Impacts to Impacts T-1 and T-3, traffic operations along this segment of Adeline Street can be improved by providing additional automobile travel lanes, such as third through lanes on the northbound and southbound Adeline Street approaches of the intersection. However, these modifications cannot be accommodated within the proposed automobile right-of-way and would require additional right-of-way, and/or loss of planned bicycle and/or pedestrian facilities, and are considered to be infeasible because they would be in conflict with the Specific Plan and City of Berkeley General Plan goals to promote pedestrian and bicycle travel, and would reduce the project benefits in improving the Streetscore+ for pedestrian and bicycle safety and comfort. Therefore the mitigation measure is considered infeasible. This impact would remain significant and unavoidable.

6.3 Cumulative Impacts

The City finds that the proposed Specific Plan, in conjunction with the foreseeable increase in population and employment through 2040, will result in cumulatively considerable impacts.

Under Cumulative (2040) plus project traffic conditions, increases in traffic for the proposed Specific Plan would cause operating conditions to fall below the LOS standard at the intersection of Adeline Street/Alcatraz Avenue. In addition, traffic generated by the development facilitated by the Specific Plan and the roadway modifications proposed by the Specific Plan would contribute to increases in traffic congestion along the studied CMP roadway segments under both 2020 and 2040 conditions and would cause a significant impact in both directions of Adeline Street between the two separated segments of MLK Jr. Way. Mitigation measures are not available for three of the significantly impacted intersections or roadway segments therefore impacts at would be significant and unavoidable. Therefore, the project's impacts are therefore also cumulatively considerable.

SECTION 7: STATEMENT OF OVERRIDING CONSIDERATIONS

CEQA requires the decision-making agency to balance the benefits of a project against its significant unavoidable impacts when determining whether to approve a project. If the benefits of the project outweigh its unavoidable adverse environmental effects, those effects may be considered acceptable.²⁵ CEQA requires the agency to state in writing the specific reasons for considering a project acceptable when significant impacts are not avoided or substantially lessened. Those reasons must be based on substantial evidence in the Final EIR or elsewhere in the administrative record.²⁶ The proposed Specific Plan would result in significant unavoidable impacts related to construction noise and traffic, even after incorporation of all feasible mitigation measures. These significant unavoidable impacts are identified and discussed in Section 6 of these Findings. The City further finds that these significant unavoidable impacts are outweighed by the proposed Specific Plan's benefits, each of which, independently of the others, constitutes overriding consideration warranting approval of the proposed Specific Plan. Those benefits, and additional considerations related to this finding, are as follows:

- The proposed Specific Plan will encourage “complete neighborhoods” that foster a diverse mix of uses to provide safe and convenient access for all people of all ages, abilities and income levels to meet daily needs: to live, work, play, learn, worship, dine, shop, and socialize with one another other.
- The proposed Specific Plan will encourage affordable housing, community facilities, and public improvements desired by the community.
- The proposed Specific Plan will encourage development of a variety of types of housing at a range of income levels, especially for those at very low income levels and who are at high risk of involuntary displacement.
- The proposed Specific Plan will continue and strengthen existing programs and funding for anti-eviction and technical assistance for tenants and property owners to preserve existing affordable housing.
- The proposed Specific Plan will support long-term viability of existing businesses and non-profit service providers and business district and merchant organizations.
- The proposed Specific Plan will improve safety, connectivity, accessibility and access along and across Shattuck and Adeline streets for all people of all ages, abilities and income levels to meet daily needs: to live, work, play, learn, worship, dine, shop, and socialize with one another other.
- The proposed Specific Plan will facilitate new parks, plazas and other public space that encourages pedestrian activity, recreation and access to nature for persons of all abilities, age and incomes.
- The proposed Specific Plan will support Transportation Demand Management and carefully managed parking that addresses businesses' and residents' needs without undermining public transit, walking and bicycling as preferred modes of transportation.
- The proposed Specific Plan will create a sustainable urban environment that incorporates green building features, green infrastructure and ecology, sustainable energy systems, water efficiency and conservation, and sustainable transportation systems.
- The proposed Specific Plan will put the City in a better position to apply for grants because granting entities often prioritize applications for programs/capital improvements that are included in approved community plans that have undergone CEQA review.

On balance, the City finds that there are specific considerations associated with the Specific Plan that serve to override and outweigh the Specific Plan's significant unavoidable effects. Therefore, pursuant to *CEQA Guidelines* Section 15093(b), these adverse effects are considered acceptable.

²⁵ *CEQA Guidelines*, 2019. Section 15093(a)

²⁶ *CEQA Guidelines*, 2019. Section 15093(b)

ORDINANCE NO. -N.S.

ORDINANCE TO AMEND THE BERKELEY MUNICIPAL CODE TO CREATE THE CADELINE CORRIDOR DISTRICT COMMERCIAL ZONE REGULATIONS AND MAKING CONFORMING CHANGES TO OTHER CODE SECTIONS; ADDING BERKELEY MUNICIPAL CODE CHAPTER 23E.70

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

Section 1. That Berkeley Municipal Code Chapter 23E.70 is hereby added to read as follows:

**Chapter 23E.70
C-AC Adeline Corridor Commercial District Provisions**

Sections:

- 23E.70.010 Applicability of Regulations**
- 23E.70.020 Purposes**
- 23E.70.030 Uses Permitted**
- 23E.70.040 Special Provisions: Adeline Corridor Specific Plan Subareas**
- 23E.70.045 Special Provisions: Special Provisions: Ground Floor Uses**
- 23E.70.050 Construction of New Floor Area -- Requirements for Use Permits**
- 23E.70.060 Use Limitations**
- 23E.70.070 Development Standards**
- 23E.70.080 Parking -- Number of Spaces**
- 23E.70.085 Design Standards**
- 23E.70.090 Findings**

Section 23E.70.010 Applicability of Regulations

The regulations in this Chapter shall apply in all C-AC Districts. In addition, the general provisions in Sub-title 23C shall apply.

Section 23E.70.020 Purposes

The purposes of the Adeline Corridor Commercial (C-AC) District are to:

- A. Implement the General Plan's designation for Adeline Corridor Mixed Use area, as well as the policies of the Adeline Corridor Specific Plan.
- B. Preserve the unique character and cultural legacy of the Adeline Corridor, sustaining the community as a place where all people can live, work, play, learn, worship, dine, shop and thrive.
- C. Promote equitable access to housing by preserving existing affordable housing, preventing displacement, and producing a substantial number of new affordable housing units.

- D. Foster economic opportunity for South Berkeley residents and businesses by facilitating job training and workforce development, active community spaces, and a thriving environment for commerce along the Adeline Street/South Shattuck Corridor.
- E. Provide safe, equitable transportation options that meet the mobility needs of all residents, regardless of age, means and abilities, and that further the attainment of greenhouse gas emission reduction goals.
- F. Provide safe, sustainable, beautiful, healthy, and inclusive public spaces that encourage social interaction, provide opportunities for recreation and environmental health, and support active community life in South Berkeley.
- G. Encourage development and amenities that support pedestrian-oriented uses.
- H. Maintain and encourage a wide range of community and commercial services, including basic goods and services. Provide locations for both community-serving and regional-serving: businesses, cultural and religious institutions, and non-profit organizations.

Section 23E.70.030 Uses Permitted

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

Table 23E.70.030		
Use and Required Permits		
Use	Classification	Special Requirements (if any)
Retail Sales		
All Retail Sales Uses, except those listed below	ZC	As defined in Sub-title F, except otherwise listed (does not include Video Rental Stores)

Table 23E.70.030		
Use and Required Permits		
Use	Classification	Special Requirements (if any)
Alcoholic Beverage Retail Sales, including liquor stores and wine shops	UP(PH)	Includes sale for off-site consumption at restaurants No sales of distilled alcoholic beverages are allowed along Adeline Street south of Ashby Avenue Subject to the requirements of Chapter 23E.16.040
Department Stores Over 3,000 s.f.	ZC UP(PH)	
Firearm/Munitions Businesses	UP(PH)	Prohibited on any property devoted to residential use
Pawn Shops	Prohibited	Including Auction Houses
Pet Stores	UP(PH)	Including Sales and Grooming of Animals (but not Boarding)
Smoke Shops	UP(PH)	Prohibited if within 1,400 feet of a school or public park
Cannabis Storefront Retailer	ZC	ZC shall only be issued after business is approved through the selection process Subject to the requirements of Chapter 23C.25 and BMC Chapters 12.21 and 12.22
Personal and Household Services		

Table 23E.70.030		
Use and Required Permits		
Use	Classification	Special Requirements (if any)
All Personal and Household Services, except those listed below	ZC	As defined in Sub-title F, except those otherwise listed (does not include Massage)
Laundromats	AUP	
Veterinary Clinics	UP(PH)	Including Pet Hospitals
Offices		
Financial Services, Retail (Banks)	ZC	
Insurance Agents, Title Companies, Real Estate Agents, Travel Agents	ZC	Uses over 2,500 sf or 50' wide limited on ground floor in some areas. See Section 23E.70.045.
Medical Practitioners, including Holistic Health and Mental Health Practitioners	ZC	Uses over 2,500 sf or 50' wide limited on ground floor in some areas. See Section 23E.70.045.
Non-Chartered Financial Institutions	UP(PH)	Prohibited on ground floor in some areas. See Section 23E.70.045. Subject to additional requirements; see Section 23E.16.080
Other Professionals and Government, Institutions, Utilities	ZC	Uses over 2,500 sf or 50' wide limited on ground floor in some areas. See Section 23E.70.045.

Table 23E.70.030		
Use and Required Permits		
Use	Classification	Special Requirements (if any)
Food and Alcohol Service, Lodging, Entertainment, and Assembly Uses		
Adult-oriented Businesses	Prohibited	
Alcoholic Beverage Service <ul style="list-style-type: none"> • Beer and wine incidental to seated food service • Distilled spirits incidental to food service • Alcoholic Beverage Service not incidental to food service 	ZC AUP UP	All Alcoholic Beverage Service is for on-site consumption only and subject to additional requirements; see Section 23E.16.040 No service of distilled alcoholic beverages is allowed along Adeline Street south of Ashby, except as incidental to seated food service.
Commercial Recreation Center 3,000 s.f. or less Over 3,000 s.f.	AUP UP(PH)	Outdoor use requires UP(PH) Uses which include six or more Amusement Devices (Amusement Device Arcade) are subject to location requirements; see Section 23E.16.050.
Dance, Exercise, Martial Arts and Music Studios	ZC	
Entertainment Establishments	UP(PH)	Including Nightclubs
Food Service Establishments <ul style="list-style-type: none"> • South Shattuck and North Adeline subareas 3,000 s.f. or less 	ZC	

Table 23E.70.030		
Use and Required Permits		
Use	Classification	Special Requirements (if any)
Over 3,000 s.f.	AUP	
• South Adeline subarea 1,500 s.f. or less	ZC	
Over 1,500 s.f.	AUP	
Group Class Instruction for Business, Vocational or Other Purposes	ZC	
Gyms and Health Clubs	ZC	
Hotels, Tourist	UP(PH)	Including Inns, Bed and Breakfasts and Hostels
Motels, Tourist	Prohibited	
Theaters	UP(PH)	Including Motion Pictures and Stage Performance
Automobile and Other Vehicle Oriented Uses		
Automobile Parts Stores	ZC	Excluding service of auto parts
Automobile and Motorcycle Sales	Prohibited	
Automobile and Motorcycle Repair and Service, including Parts Service	Prohibited	
Automobile and Motorcycle Rentals	Prohibited	
Automobile Washes, Mechanical or Self-Service	Prohibited	
Automobile Wrecking Establishments	Prohibited	
Gasoline/Automobile Fuel Stations	UP(PH)	
Recreational Vehicle and Trailers Sales and Rental	Prohibited	Including Boats

Table 23E.70.030		
Use and Required Permits		
Use	Classification	Special Requirements (if any)
Tire Sales/Service Stores	Prohibited	
Parking, Outdoor and Exterior Service Window Uses		
Activities or Storage Outside of a building Not abutting R-District	AUP	
When abutting R-District	UP(PH)	
Automatic Teller Machines	AUP	Exterior and when part of a Retail Financial Service
Drive-in Uses	UP(PH)	Which provide service to customers in their cars; see definition in Sub-title 23F
Parking Lots, Parking Structures	UP(PH)	
Recycling Redemption Centers	AUP	
Outdoor Cafe Seating When seating not abutting R-District	ZC	
When seating abutting R-District	AUP	
Combination Commercial/Residential Uses		
Live/Work Units	AUP	Subject to the standards of Chapter 23E.20, except that clients, customers and employees are permitted at the site without a Use Permit. Prohibited or limited on ground floor in some areas. See Section 23E.70.045.

Table 23E.70.030		
Use and Required Permits		
Use	Classification	Special Requirements (if any)
Mixed Use Developments	UP(PH)	
Uses Incidental to a Permitted Use		
Amusement Devices (up to three)	UP(PH)	
Art/Craft Studio	ZC	
Food or Beverage for Immediate Consumption	ZC	
Live Entertainment Unamplified	ZC	
Amplified	AUP	
Manufacturing Uses	AUP	
Storage of Goods (over 25% of gross floor area)	AUP	
Wholesale Activities	AUP	
Uses Permitted in Residential Districts		
Accessory Dwelling Unit	ZC	
Accessory Uses and Structures	Per R-3 District	See Table 23D.40.030
Accessory Buildings and Structures with Urban Agriculture	ZC	23C.26, 23D.08.010, 23D.08.020, 23D.08.050, and 23D.08.060
Short-Term Rental	ZC	Subject to requirements of Chapter 23C.22
Child Care Centers	UP(PH)	
Clubs, Lodges	UP(PH)	
Community Centers	UP(PH)	

Table 23E.70.030		
Use and Required Permits		
Use	Classification	Special Requirements (if any)
Dwelling Units	UP(PH)	Subject to the standards under Section 23E.70.070. Prohibited or limited on ground floor in some areas. See Section 23E.70.045.
Group Living Accommodations subject to R-3 density standards	UP(PH)	Subject to the standards under Section 23E.70.070. Prohibited or limited on ground floor in some areas. See Section 23E.70.045.
Hospitals	Prohibited	
Hotels, Residential, including Single Room Occupancy (SRO) Hotels	UP(PH)	
Libraries	UP(PH)	
Nursing Homes	UP(PH)	Prohibited on ground floor in some areas. See Section 23E.70.045.
Parks and Playgrounds	ZC	
Public Safety and Emergency Services	UP(PH)	
Religious Assembly Uses	UP(PH)	
Schools, Public or Private	UP(PH)	
Senior Congregate Housing Six or fewer people Seven or more people New construction	ZC AUP UP(PH)	Change of use from an existing dwelling unit. Prohibited on ground floor in some areas. See Section 23E.70.045.

Table 23E.70.030		
Use and Required Permits		
Use	Classification	Special Requirements (if any)
Miscellaneous Uses		
Art/Craft Studio	ZC	Limited on ground floor in some areas. See Section 23E.70.045.
Automatic Teller Machines	UP(PH)	When not a part of a Retail Financial Service
Cafeteria, Employee or Residential	UP(PH)	
Cemeteries, Crematories, Mausoleums	Prohibited	
Columbaria	AUP	Allowed with a ZC if incidental to a Community and Institutional Use, limited to 400 niches, no more than 5% of the subject property area, and located within the main building
Circus or Carnival	UP(PH)	
Commercial Excavation	UP(PH)	Including earth, gravel, minerals, or other building materials including drilling for, or removal of, oil or natural gas
Dry Cleaning and Laundry Plants	Prohibited	
Emergency Shelter Up to 25 beds More than 25 beds	ZC UP(PH)	See Chapter 23C.10.
Kennels or Pet Boarding	Prohibited	
Laboratories, Testing	Prohibited	
Mortuaries	Prohibited	

Table 23E.70.030		
Use and Required Permits		
Use	Classification	Special Requirements (if any)
Public Utility Substations, Tanks	UP(PH)	
Radio, Television or Audio/Sound Recording and/or Broadcast Studios	UP(PH)	
Warehouses or Storage, including Mini-storage Warehouses	Prohibited	
Wireless Telecommunications Facilities Microcell Facilities, Modifications to Existing Sites, and Additions to Existing Sites When the Site Is Not Adjacent to a Residential District All Other Telecommunication Facilities	AUP UP(PH)	Subject to the requirements and findings of Section 23C.17.100 Subject to the requirements and findings of Section 23C.17.100
Urban Agriculture Low-Impact Urban Agriculture (LIUA) High-Impact Urban Agriculture (HIUA)	 ZC AUP	Subject to the requirements and findings of Chapter 23C.26
Legend:		

Table 23E.70.030		
Use and Required Permits		
Use	Classification	Special Requirements (if any)
ZC – Zoning Certificate AUP – Administrative Use Permit UP(PH) – Use Permit, public hearing required Prohibited – Use not permitted		

- B. Any use not listed that is compatible with the purposes of the C-AC District shall be permitted subject to securing an Administrative Use Permit. Any use not listed that is not compatible with the purposes of the C-AC District shall be prohibited.
- C. The initial establishment or change of use of floor area of an existing non-residential building, or portion of building, shall be subject to the permit requirements as listed in the legend of Table 23E.70.030.

Section 23E.70.040 Special Provisions: Adeline Corridor Specific Plan Subareas

The Adeline Corridor Specific Plan identifies four distinct subareas which have different physical characteristics and contexts. Different use limitations and development standards may apply to these subareas. See the Adeline Corridor Specific Plan for more specific information about each subarea.

- A. South Shattuck: Parcels that have a frontage abutting Shattuck Avenue.
- B. North Adeline:
 - 1. West of Adeline: Parcels located between Derby Street and Ashby Avenue, which do not front Shattuck Avenue
 - 2. East of Adeline: Parcels located entirely between Russell Street and the point 110 feet south of Essex Street.
- C. Ashby BART:
 - 1. West of Adeline: Parcels bounded by Ashby, MLK Jr. Way and Adeline
 - 2. East of Adeline: Parcels located entirely between Tremont, Woolsey and Adeline, and at least 110 feet south of Essex.
- D. South Adeline: Parcels located south of Woolsey Street.

Section 23E.70.045 Special Provisions: Ground Floor Uses

- A. In addition to other requirements of the District, the first 30 feet of depth of the ground floor, as measured from the frontage which abuts the portions of Adeline Street, Shattuck Avenue, MLK, Jr. Way or Ashby Avenue identified below shall be reserved for either Active Commercial Uses, as defined in Sub-Title 23F.04 or

for commercial uses. Ground floor tenant spaces with frontages on streets not identified below can be used for any use permitted in the district.

Table 23E.70.045

Ground Floor Uses

Area	Permitted ground floor uses
Shattuck between Dwight and Derby	Commercial uses
Shattuck between Ward and Russell	Active Commercial uses
Adeline between Russell and the City boundary	Active Commercial uses
Ashby east of Adeline	Active Commercial uses
North side of Ashby, west of Adeline	Active Commercial uses

- B. Active Commercial uses are commercial uses which generate regular and frequent foot traffic. Uses include businesses in the following use categories: Retail Sales; Personal and Household Services; Food and Alcohol Service, Lodging, Entertainment, and Assembly Uses; and the following uses: Banks, and Automobile Parts Stores.
- C. The following uses are permitted on the ground floor in areas designated Active Commercial subject to a Zoning Certificate:
 - 1. Office uses in tenant space 2,500 sf or less in area and 50 feet or less in width;
 - 2. Residential amenities (2,500 sf or less in area and 50 feet or less in width), associated with a residential use.
- D. The following use can be permitted on the ground floor in areas designated Active Commercial subject to an Administrative Use Permit:
 - 1. Office uses over 2,500 square feet in area or 50 feet in width.
 - 2. Art/Craft Studio
- E. The following use can be permitted on the ground floor in areas designated commercial subject to an Administrative Use Permit:
 - 1. Residential uses where at least 50% of the units are affordable.
- F. The following commercial use is not permitted on the ground floor in areas designated Active Commercial or commercial:
 - 1. Live/Work units

Section 23E.70.050 Construction of New Floor Area -- Requirements for Use Permits

A Use Permit shall be obtained for construction of new floor area which results in either:

- A new Main Building;
- A new dwelling unit (except ADUs); or
- A gross floor area addition of 5,000 sf or more.

Section 23E.70.060 Use Limitations

- A. No commercial use shall operate except between the following hours of the specified days: 7:00 a.m. to 12:00 midnight weekdays (Sunday through Thursday); 7:00 a.m. to 2:00 a.m. weekend days (Friday and Saturday); and in accordance with Section 23E.16.010, provided, however, that the hours may be extended to other times subject to obtaining a Use Permit.
- B. Any use which is incidental to the primary use of a building or property shall be subject to the permit requirements identified in the Uses Incidental to a Permitted Use heading in Table 23E.70.030.
- C. Any activity or use which occurs outside of a building shall be subject to the permit requirements identified in the Parking, Outdoor and Exterior Window Uses heading in Table 23E.70.030.

Section 23E.70.070 Development Standards

- A. All Buildings
 - 1. Building Height Measurement: In the case of a roof with a parapet wall, building height shall be measured to the top of the roof and parapets may exceed the height limits by up to five feet by right.
 - 2. Designated historic resources, potential historic resources, or projects that incorporate either type of historic resource will not be required to provide new parking or open space to convert to a new residential or commercial use.
 - 3. Setbacks: No yards for Main Buildings, Accessory Buildings or Accessory Structures shall be required, except that:
 - a. When the subject lot abuts a residentially-zoned lot, the setback shall be 10 feet.
 - b. When the subject lot abuts a residentially-zoned lot, any portion of new construction that exceeds 35 feet in height shall be setback 20 feet from the shared lot line.
 - c. When the subject lot confronts a residentially-zoned lot, any portion of new construction that exceeds 45 feet in height shall be setback 10 feet from the front property line.
 - d. The setback requirements above supersede the requirements in Sections 23E.04.050 and .060.
- B. Residential and Mixed Use Buildings. The height, Floor Area Ratio (FAR), density, lot coverage and useable open space are based on the percentage of affordable units and shall not exceed the following requirements in each subarea:

1. South Shattuck Subarea

Minimum On-Site	Max height	Max FAR	Max density	Max lot coverage	Useable open
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Affordable Housing Requirement*	Stories	Feet	(du/acre)**		Interior lot	Corner lot	space (sf/unit)
0% (Tier 1)	4	45'	2.5	120	60%	70%	40
14% (Tier 2)	5	55'	3.5	170	80%	90%	40
21% (Tier 3)	6	65'	4.3	200	85%	90%	40
25% (Tier 4)	7	75'	5.0	240	90%	95%	40

2. North and South Adeline Subareas

Minimum On-Site Affordable Housing Requirement*	Max height			Max lot coverage			Useable open space (sf/unit)
	Stories	Feet	Max FAR	Max density (du/acre)**	Interior lot	Corner lot	
0% (Tier 1)	3	35'	2.0	100	60%	70%	40
14% (Tier 2)	4	45'	2.8	140	80%	90%	40
21% (Tier 3)	5	55'	3.4	170	85%	90%	40
25% (Tier 4)	6	65'	4.0	200	90%	95%	40

3. Ashby BART Subarea

Minimum On-Site Affordable Housing Requirement	Height			Density	Lot coverage		Useable open space (sf/unit)
	Stories	Feet	FAR	(du/acre)	Interior lot	Corner lot	

Any future development in the Ashby BART area would be subject to process outlined in the MOU with BART and AB 2923.

* Percentage of total project units.

**Group Living Accommodations (GLAs) are subject to Tier 1 height, FAR, lot coverage and open space requirements of the subarea in which they are located. GLAs shall be subject to R-3 density standards. Higher density is possible with a State Density Bonus.

- For the purpose State Density Bonus calculation, the Tier 1 density is the maximum allowable gross residential density. Tier 2, 3, and 4 density is authorized as a local density bonus under Government Code section 65915(n).
- Projects that consist of 100% deed-restricted affordable housing units, which can include up to 20% as affordable to moderate income households (i.e., 80% to 120% of Area Median Income) and the remaining 80% of the units as affordable to lower income households (i.e., lower than 80% median income), can be four stories or 45 feet to the maximum height allowed under Tier 1.
- Minimum on-site affordable housing requirement applies to all residential and mixed use projects and must be provided as a mix of (50) fifty percent at Low Income and (50) fifty percent Very Low Area Median Income (AMI) levels.

7. An AUP may be granted to reduce useable open space requirements if demonstrated to be necessary to build an all-electric building.
8. Publicly Accessible Open Space: Each square-foot of open space that is designated as publicly accessible open space shall be counted as two square-feet of required on-site open space.
9. In mixed use buildings in all subareas and tier levels, all floors above the second story shall be used for residential uses.

C. Non-residential Buildings.

1. Non-residential buildings are subject to the Tier 1 height and FAR requirements in the relevant subarea as shown in Section 23E.70.070.B.
2. Non-residential buildings are not subject to lot coverage standards, except to accommodate setbacks required in Section 23E.70.070.A.3.
3. The height and Floor Area Ratio (FAR) shall not exceed the following requirements in each subarea:

Subarea	Max height		Max FAR	Max lot coverage*
	Stories	Feet		
South Shattuck	4	45'	2.5	100%
North and South Adeline	3	45'	2.8	100%
Ashby BART	Any future development in the Ashby BART area would be subject to negotiations with BART.			

*Except when setbacks are required per Section 23E.70.070.A.

Section 23E.70.080 Parking -- Number of Spaces

- A. All parking shall be provided in accordance with the requirements of this section and Chapter 23E.28, except as set forth in this section.
- B. Uses listed in Table 23E.70.080 shall meet the requirements listed for newly constructed floor area.

**Table 23E.70.080
Parking Required**

Use	Number of spaces	
	Minimum	Maximum
Residential	No minimum	1 per unit
Non-Residential New Construction		
• under 10,000 gsf	No minimum	1.5 per 1,000 sf
• 10,000 gsf and greater	1/1,000 sf	1.5 per 1,000 sf

Live/Work Units	No minimum	1.5 per 1,000 sf of work area
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- C. Bicycle parking spaces shall be provided for new construction at the ratio of one space per 2,000 square feet of gross floor area of commercial space, and in accordance with the requirements of Section 23E.28.070.
- D. Any new construction which results in the creation of 10,000 square feet of new or additional commercial gross floor space shall satisfy the loading space requirements of Chapter 23E.32.

Section 23E.70.085 Design Standards

- A. New buildings and additions shall be reviewed for conformance to the design guidelines described in the Adeline Corridor Specific Plan.
- B. Except as set forth below, ground floor frontages of all new buildings are subject to the following design standards:
 - 1. Blank walls along the ground floor shall be less than 30 feet in length along sidewalks, pedestrian paths or open space.
 - 2. Ground floors shall have a minimum floor to floor height of 12 feet.
 - 3. Facades shall provide at least 30% transparency between 3 and 10 feet above grade (doors and transparent windows) to allow maximum visual interaction between the sidewalk areas and building interiors. Dark or mirrored glass will not satisfy this requirement.
 - 4. Window glazing shall provide a high degree of light transmittance and be non-reflective.
- C. Ground floor frontages in areas identified as active commercial in Section 23E.70.045 shall meet the requirements of Section 23E.70.085.B except:
 - 1. Ground floors shall have a minimum floor to floor height of 15 feet and a minimum floor to ceiling height of 12 feet.
 - 2. Facades shall provide at least 75% transparency between 3 and 10 feet above grade (doors and transparent windows) to allow maximum visual interaction between sidewalk areas and the interior. Dark or mirrored glass will not satisfy this requirement.
- D. Ground floor frontage in areas identified as commercial in Section 23E.70.045 shall meet the requirements of Section 23E.70.085.B except:
 - 1. Ground floors shall have a minimum floor to floor height of 15 feet and a minimum floor to ceiling height of 12 feet.
 - 2. Facades shall provide at least 65% transparency between 3 and 10 feet above grade (doors and transparent windows) to allow maximum visual interaction between sidewalk areas and the interior of office spaces. Dark or mirrored glass will not satisfy this requirement.
- E. Parking provided shall meet the following standards:
 - 1. Parking and loading areas shall be located behind, within or underneath buildings.

2. When the depth of a lot is less than 100 feet, surface parking or above-grade structured parking may be located next to the building, but shall not take up more of the primary frontage than the building.
- F. The Design Review Committee or design review staff may grant exceptions to the blank wall and transparency requirements.

Section 23E.70.090 Findings

- A. In order to approve any Use Permit under this chapter, the Zoning Officer or Board must make the finding required by Section 23B.32.040. The Zoning Officer or Board must also make the findings required by the following paragraphs of this section to the extent applicable and consistent with State and federal law:
- B. A proposed use or structure must:
1. Be compatible with the purposes of the District;
 2. Be compatible in design and character with the District and the adjacent residential neighborhoods; and
 3. Encourage utilization of public transit and off-street parking facilities in the area of the proposed building.
- C. In addition to the findings above, the Board shall find, for each Use Permit for new residential development, that the proposed use or structure facilitates the construction of affordable housing as defined by the U.S. Department of Housing and Urban Development (HUD) Guidelines.
- D. In order to approve an Administrative Use Permit for an office use over 2,500 sf or over 50 feet wide on the ground floor of an Active Commercial area, the Zoning Officer must find that the use supports the development of a strong retail commercial, pedestrian-oriented environment. Factors the Zoning Officer should consider shall include, but are not limited to, pedestrian activity that is expected to be generated at the site, the placement of store entrances relative to the street and the parking lots, and the size and prominence of display windows and areas facing the sidewalk.
- E. In order to approve an AUP under Section 23E.70.070.B.7, the Zoning Officer must find that:
1. No other placement of the features to support construction of an all-electric building, including solar photovoltaic (PV) energy systems and water tanks for heat pump water heating, on the property is possible; and
 2. Placement of the features to support construction of an all-electric building elsewhere on the property is not financially feasible.
- F. To approve a Permit, the Zoning Officer or Board must find that the project complies with the Adeline Corridor Specific Plan's adopted Mitigation Monitoring and Reporting Program (MMRP).

Section 2. That the City of Berkeley Zoning Map is hereby amended to map the new commercial zone, the C – Adeline Corridor District as indicated in Exhibit A and attached hereto and incorporated herein by reference.

Section 3. This Ordinance shall be effective 30 days from the date of final passage by the City Council but shall not apply to (a) building/construction related permits already issued and not yet expired; (b) to zoning applications approved by the City and not yet expired; or to (c) zoning applications deemed complete by the City as of the date of final passage. However, zoning applications deemed complete by the City prior to the date of final passage of this Ordinance may be processed under the provisions of these Berkeley Municipal Code amendments if the applicant chooses to do so.

Section 4. Nothing in this Ordinance shall be interpreted or applied so as to create any requirement, power or duty in conflict with any federal or State law

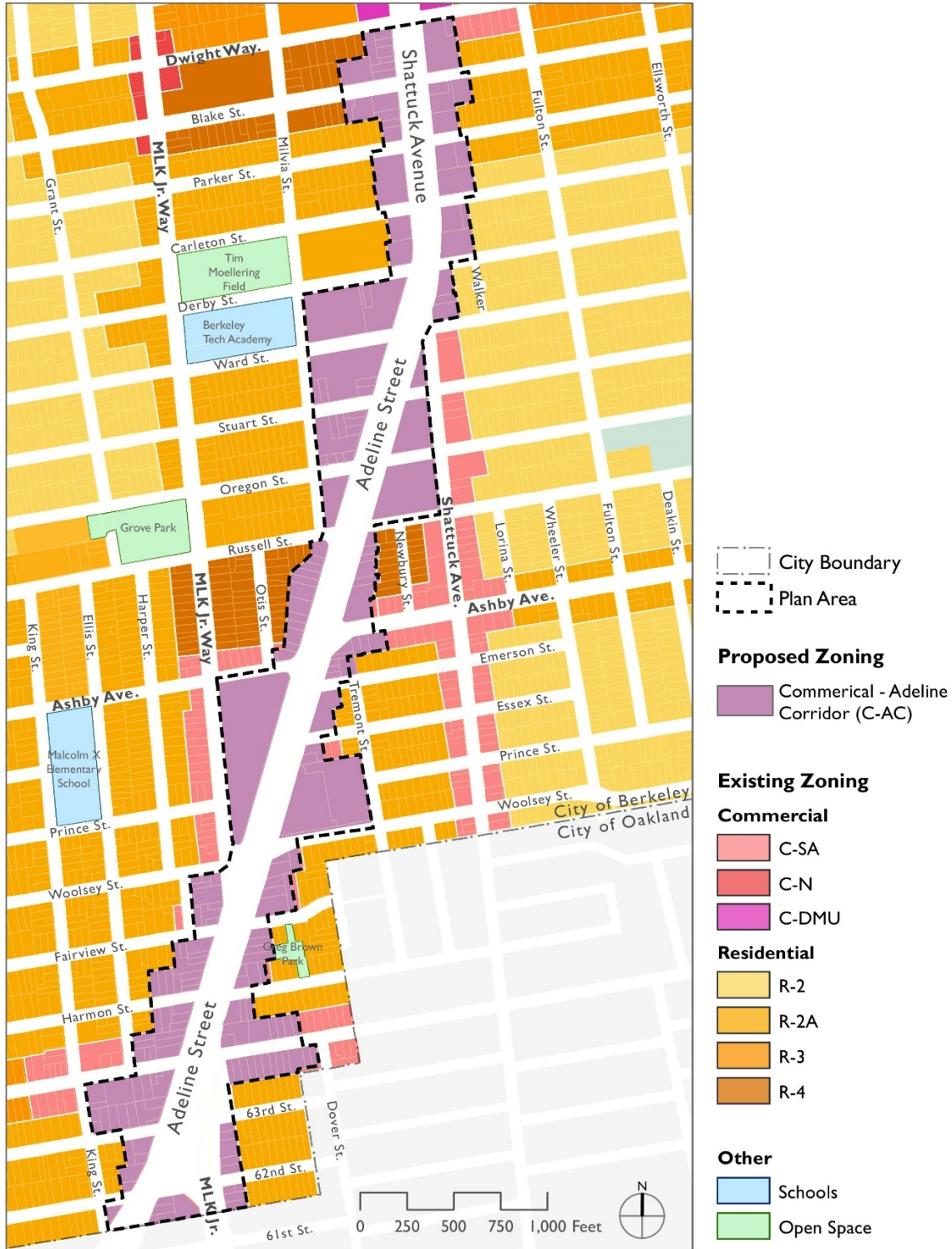
Section 5. The provisions of this Ordinance are severable. If a court of competent jurisdiction determines that in a word, phrase, clause, sentence, paragraph, subsection, section, Chapter or other provision is invalid, or that the application of any part of the provision to any person or circumstance is invalid, the remaining provisions of this Resolution that can be given effect without the invalid provision or application and the application of those provisions to other persons or circumstances are not affected by that decision. The City Council declares that the City Council would have adopted this Ordinance irrespective of the invalidity of any particular portion of this Ordinance.

Section 6. 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.

Exhibits

A: Commercial – Adeline Corridor District Zoning Map Amendment

Exhibit A: Zoning Map for Commercial – Adeline Corridor District



Comparison of C-AC District and C-SA District Zoning Development Standards

Table 1. Summary of Proposed C-AC District Development Standards

A. C-AC District: South Shattuck Subarea (Section 23E.70.070.B1)

Minimum On-Site Affordable Housing Requirement*	Max height		Max FAR	Max density (du/acre)	Max lot coverage		Useable open space (sf/unit)
	Stories	Ft**			Interior lot	Corner lot	
0% (Tier 1)***	4	45'	2.5	120	60%	70%	40
14% (Tier 2)	5	55'	3.5	170	80%	90%	40
21% (Tier 3)	6	65'	4.3	200	85%	90%	40
25% (Tier 4)	7	75'	5.0	240	90%	95%	40

B. C-AC District: North Adeline and South Adeline Subareas (Section 23E.70.070.B2)

Minimum On-Site Affordable Housing Requirement*	Max height		Max FAR	Max density (du/acre)	Max lot coverage		Useable open space (sf/unit)
	Stories	Ft**			Interior lot	Corner lot	
0% (Tier 1)***	3	35'	2.0	100	60%	70%	40
14% (Tier 2)	4	45'	2.8	140	80%	90%	40
21% (Tier 3)	5	55'	3.4	170	85%	90%	40
25% (Tier 4)	6	65'	4.0	200	90%	95%	40

Notes:

*On-site affordable housing is expressed as % of total project units and must be provided at 50% Very Low and 50% Low Income

**Plus up to 5 feet to top of parapet (same as C-DMU District)

*** The Tier 1 level may be combined with the State Density Bonus and may pay in the affordable housing mitigation fee. For the purpose State Density Bonus calculation, the Tier 1 density is the maximum allowable gross residential density. Tier 2, 3, and 4 density is authorized as a local density bonus under Government Code section 65915(n) and applicants do not have the option to pay the affordable housing mitigation fee in-lieu of providing required on-site affordable housing units.

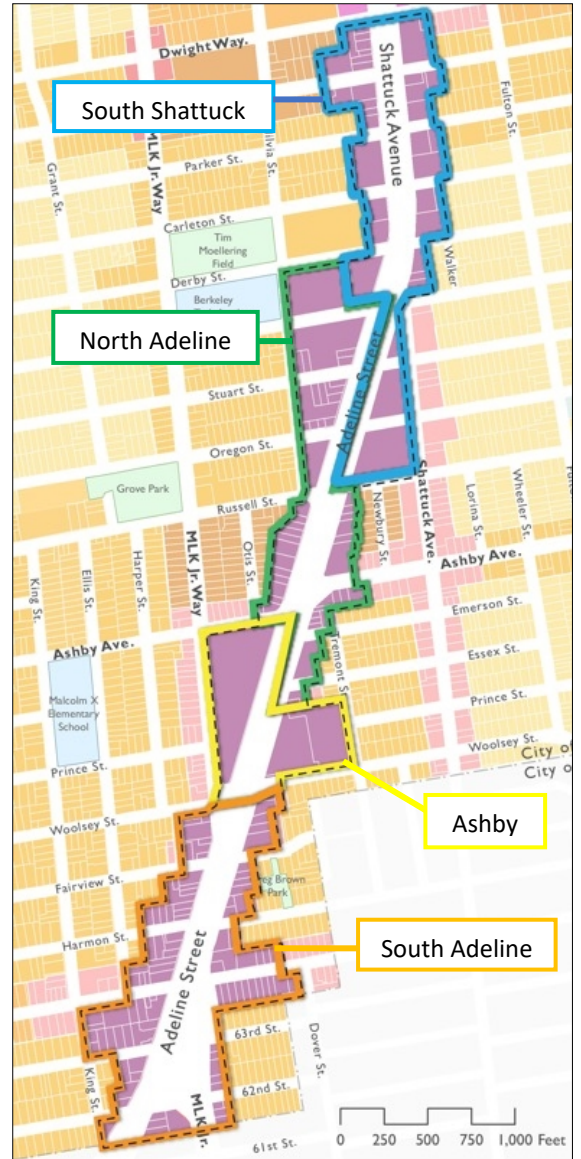
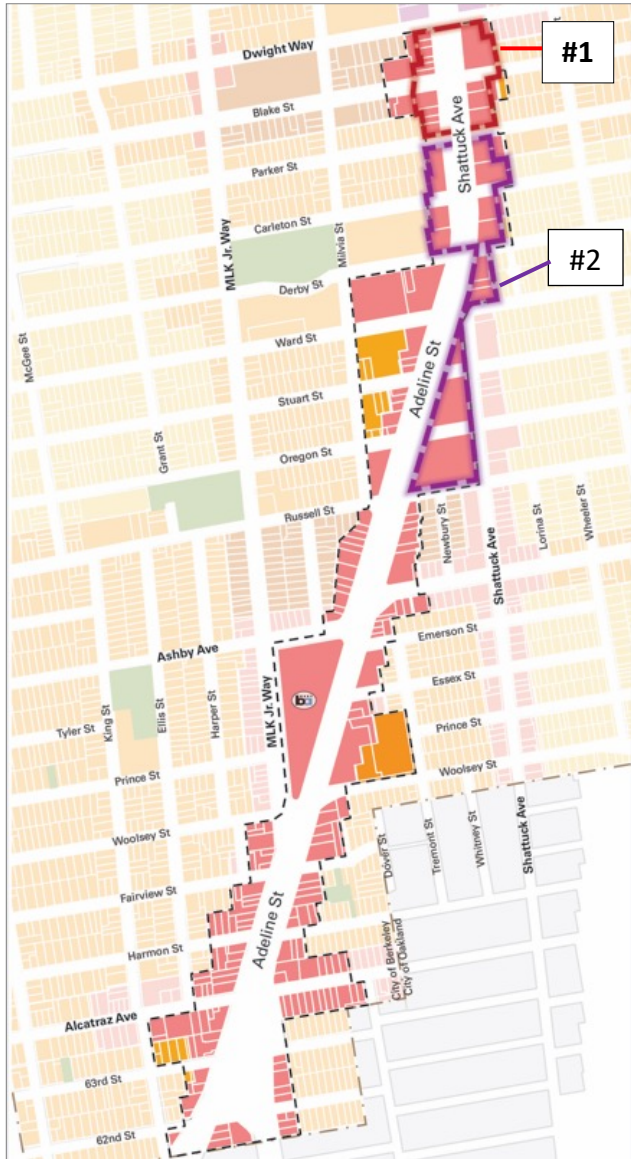
For illustrative purposes, the following summary table compares the C-SA District zoning and the proposed C-AC District zoning as they apply to the geographic area of the C-AC zoning “South Shattuck Subarea”.

Table 2: Comparison of C-SA District and C-AC District Zoning

	C-South Area BMC 23E.52.070	Proposed C- Adeline Corridor See Attachment 2, Section 1
Applicability (See maps on following page)	Approximately height areas #1 and #2 (as defined by BMC Section 23E.52.070 B1 and B2) See map on following page.	South Shattuck Subarea (as defined by proposed zoning shown in Attachment 1, Section 23E.70.070 B1) See map on following page.
Maximum Height (feet/# of stories)	60 ft./5 stories (Height Area #1) 50 ft./4 stories (Height Area #2) 36 ft./3 stories (all other areas outside of Height Areas #1 and #2)	45 ft./4 stories (plus up to 5 ft. additional for roof/parapet)
Lot Coverage	35% (for 4 – 6 story building)	60% for interior lot, 70% for corner lot
Required Yards	Front: 15 ft. Rear: 15 – 21 ft. Side 4 ft. – 12 ft.	Rear: 10 ft. (Additional rear/side yard only if project abuts/confronts residentially-zoned parcel)
Density (Maximum)	No set numeric standard (Must derive from calculation of hypothetical project using “base project” using R-4 standards, building envelope without allowances of use permits.	120 units/acre (Tier 1)
Floor Area Ratio (FAR)	Effective FAR is 1.75 for a 5-story building without use permits Maximum FAR is up to 4.0 with the granting of use permits to modify any of the above development standards.	Maximum FAR for Tier 1 is 2.5 Up to 3.5, 4.3 or 5.0 with provision of specified amount of on-site affordable housing per Tiers 2, 3 and 4.

C-SA District Maximum Height Areas
(BMC Section 23E.52.070 B1 and B2)

Proposed C-AC District Subareas
(Proposed Section 23E.70.040)



Attachment 4: Summary of Community Engagement and Commission/Council Meetings

VISIONING AND EXISTING CONDITIONS

Introductory Community Forum (January 31, 2015). The Community Forum hosted by then-Mayor Tom Bates and then-District 3 Councilmember Max Anderson, was intended to introduce the project scope, City, and consultant staff and to solicit community ideas about the best way to outreach to the community prior to starting the planning process.

Adeline Community IDEA Centers (April – June 2015). The “IDEA Center” provided a unique and convenient opportunity for community members to participate in the planning process. Over 500 people dropped-in during this 3-month period to learn about the Adeline Corridor Plan process; share input on community goals related to affordable housing, local jobs, historic preservation, transportation, and other topics; and discuss ideas and priorities for physical improvements to the corridor such as streetscape design, public art, pedestrian safety, and improved connectivity. City and consultant staff were available at the Firehouse Art Collective (3192 Adeline Street) for 2 weekdays per week and on five Saturdays at different locations within the Plan Area during the visioning phase of the planning process in April – June 2015.

Pop-Up Event and Walking/Bike Tours (June 13, 2015). The primary goal of the “pop-up” event was to collect public input on how to better use public spaces along Adeline and South Shattuck and check out temporary “pop-up” ideas for the future of the Adeline/South Shattuck corridor. By transforming a normally quiet sidewalk area into a bustling public plaza complete with food, music, live art, and community activities, the 150+ event participants were able to experience and envision potential changes within their community. The event also included two walking tours and one biking tour for community members to share their thoughts on the pedestrian and cyclist experience along the Adeline/South Shattuck corridor. Over 50 community members participated in the three tours.

Community Workshop: Existing Conditions and Visioning (August 31, 2015). The visioning workshop presented members of the community with an opportunity to review and discuss the ideas emerging from community feedback collected to-date and the data in the Existing Conditions Report. The workshop also provided a large-scale forum for residents and community members to work collectively to develop a clear vision for the character of the corridor.

Surveys. City staff and consultants, in partnership with the community, conducted several surveys to help collect information about needs and opportunities. Surveys conducted included: Community Opportunities and Needs Survey (April – June 2015 – 1,118 responses); Business Survey (April/May 2015 – 102 responses out of 340 mailings – 30% response rate); Flea Market Vendor Survey (December 2015 – Feb. 2016 – 41 responses); Shopper/Employee/Business Owner Transportation Intercept Survey (May – June 2017).

Community Learning Sessions (November 2015 – April 2016). In response to community requests for more background information relating to key areas of concern/interest, City staff organized three “101 sessions” that included speakers from City departments, other public agencies, and community partners on the following topics: affordable housing, zoning and planning, and “complete streets” (planning for all modes of transportation to increase safety, access, and mobility).

Attachment 4: Summary of Community Engagement and Commission/Council Meetings

DEVELOPING PLAN DIRECTION

Community Workshop: Building the Plan Together. Affirming the Community Vision, Exploring Options for Transportation/ROW and Publicly-Owned Land (May 21, 2016). The primary goals of the community workshop were to review and affirm the community vision and to discuss options to identify the community's preferred direction for transportation options and uses of both right-of-way (ROW) opportunity areas and publicly-owned sites to better serve community goals.

Re-Imagine Adeline Open House Exhibits (January/March 2017). The purpose of this event was to present refined design concepts to redesign the right-of-way based on community feedback collected over the past two years with technical studies conducted by staff and consultants. The exhibit consists of display boards and 3-dimensional models to visualize potential changes to the Adeline corridor. The exhibit was hosted at the Ed Roberts Campus at 3075 Adeline Street for two viewing periods. The first viewing period took place between January 28 and February 4, 2017 and began with a "kickoff" event including remarks from City officials. The second viewing period took place between March 25 and March 31, 2017. Additionally, a web-based version of the exhibit was created, including a video and on-line questionnaire that included the same questions presented at the exhibit itself.

Adeline Corridor Open House and Workshops. Plan Concepts (March and June 2018). Members of the public were asked to provide input about draft Plan concepts that would become the basis for preparing a draft Plan. The open house was first presented as a two-week exhibit along with four topic-specific workshops about equity, affordable housing and community benefits, redesigning the public right-of-way to improve mobility and safety and increase open space, and strategies to foster economic opportunity. The open house took place at the Ed Roberts Campus at 3075 Adeline Street from March 10 – March 23, 2018. Additionally, a web-based version of the open house exhibits was created using the City's online forum "Berkeley Considers" to give the public additional opportunities to provide input from May 17 through June 3, 2018.

Community Meeting about a Vision for the Ashby BART Station Area (August 2, 2018). Mayor Jesse Arreguin, Councilmember Ben Bartlett, and BART Director Lateefah Simon hosted a community meeting to have a deeper conversation about the long-term vision for the Ashby BART Station Area. The Mayor, Councilmember, Director Simon and City of Berkeley Planning Director Timothy Burroughs provided brief opening remarks to frame the discussion. Verbal and written community input was documented and incorporated into the Adeline Corridor Plan.

Stakeholder/Focus Group Meetings. The project team conducted meetings with numerous groups and individuals throughout the planning process, including but not limited to: the Flea Market Board and vendors; the South Berkeley Farmer's Market, the Berkeley Chapter of the NAACP, Friends of Adeline; Lorin Business Association; groups of church members and the pastors of (historically black) churches in the area; Healthy Black Families; Ed Roberts; the East Bay Center for the Blind; senior housing residents; youth groups; the Drop-In Center clients (homeless); non-profit affordable housing advocates/developers; and non-profit service providers in the area.

Attachment 4: Summary of Community Engagement and Commission/Council Meetings

PLAN REVIEW AND ADOPTION¹

Planning Commission Adeline Corridor Specific Plan Subcommittee Meetings. The Planning Commission established an Adeline Corridor Specific Plan Subcommittee, which has been meeting since May 2019 review the documents and develop guidance and/or a draft recommendation for the full Planning Commission. Agendas for the meetings are available online at the Planning Commission webpage (www.cityofberkeley.info/PC).

- May 21, 2019 - Subcommittee Kick-Off Meeting
- June 18, 2019 - Land Use and Housing Affordability
- July 31, 2019 - Land Use and Housing Affordability (cont'd)
- August 8, 2019 - Transportation and Public Space
- August 19, 2019 - Economic Opportunity and Workforce Development
- November 21, 2019 - Overview of Proposed General Plan and Zoning Amendments
- December 12, 2019 - Overview of Responses to Plan and EIR Comments
- January 29, 2020 - Additional Information on Proposed Zoning and Discuss Subcommittee Recommendation on Draft Plan, General Plan and Zoning Amendments and EIR ("Plan and Associated Documents")
- February 1, 2020 - Discuss Subcommittee Recommendation on Plan and Associated Documents
- March 18, 2020 - Finalize Subcommittee Recommendation - Meeting cancelled due to Shelter-In-Place order
- July 15, 2020 - Finalize Subcommittee Recommendation (cont'd)
- July 20, 2020 - Finalize Subcommittee Recommendation (cont'd)
- August 19, 2020 - Finalize Subcommittee Recommendation

Planning Commission. The Planning Commission met on September 16 and 30, 2020 and recommended adoption of the revised Adeline Corridor Specific Plan and associated General Plan and Zoning Amendments and certification of the Environmental Impact Report (EIR) o the City Council.

City Council. The City Council will consider the Planning Commission's recommendation and will be the body that adopts and certifies the Final Adeline Corridor Specific Plan and associated General Plan and Zoning Amendments and certification of the Environmental Impact Report (EIR). a

¹ Additional stakeholder group and community engagement will continue throughout the Plan Review and Adoption phase.

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

**ADOPTION OF THE ADELINE CORRIDOR SPECIFIC PLAN AND
ASSOCIATED GENERAL PLAN AND MUNICIPAL CODE (ZONING)
AMENDMENTS AND CERTIFICATION OF THE FINAL
ENVIRONMENTAL IMPACT REPORT**

Notice is hereby given by the City Council of the City of Berkeley that on **TUESDAY
DECEMBER 8, 2020 at 6:00 P.M.** a public hearing will be conducted to consider:

1. A Resolution (a) certifying the Environmental Impact Report and related California Environmental Quality Act (CEQA) findings; and (b) adopting the Adeline Corridor Specific Plan and related General Plan amendments; and
2. An Ordinance to amend The Berkeley Municipal Code to create the C-Adeline Corridor District Commercial Zone Regulations and making conforming changes to other Code sections.

A copy of the agenda material for this hearing will be available on the City’s website at www.CityofBerkeley.info as of **December 1, 2020. Once posted, the agenda for this meeting will include a link for public participation using Zoom video technology.**

For further information, please contact Alisa Shen at 510-981-7409. Written comments should be mailed or delivered directly to the City Clerk, 2180 Milvia Street, Berkeley, CA 94704, 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 for further information.

Published: November 27, 2020 – The Berkeley Voice
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 December 1, 2020.

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Mark Numainville, City Clerk

