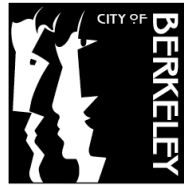


AGENDA



BERKELEY CITY COUNCIL MEETING

**Tuesday, March 23, 2021
6:00 PM**

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/82597941909>. 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: 825 9794 1909. 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:

Ceremonial Matters: *In addition to those items listed on the agenda, the Mayor may add additional ceremonial matters.*

City Manager Comments: *The City Manager may make announcements or provide information to the City Council in the form of an oral report. The Council will not take action on such items but may request the City Manager place a report on a future agenda for discussion.*

Public Comment on Non-Agenda Matters: *Persons will be selected to address matters not on the Council agenda. If five or fewer persons wish to speak, each person selected will be allotted two minutes each. If more than five persons wish to speak, up to ten persons will be selected to address matters not on the Council agenda and each person selected will be allotted one minute each. The remainder of the speakers wishing to address the Council on non-agenda items will be heard at the end of the agenda.*

Consent Calendar

The Council will first determine whether to move items on the agenda for "Action" or "Information" to the "Consent Calendar", or move "Consent Calendar" items to "Action." Three members of the City Council must agree to pull an item from the Consent Calendar for it to move to Action. Items that remain on the "Consent Calendar" are voted on in one motion as a group. "Information" items are not discussed or acted upon at the Council meeting unless they are moved to "Action" or "Consent".

No additional items can be moved onto the Consent Calendar once public comment has commenced. At any time during, or immediately after, public comment on Information and Consent items, any Councilmember may move any Information or Consent item to "Action." Following this, the Council will vote on the items remaining on the Consent Calendar in one motion.

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.

Public Comment on Consent Calendar and Information Items Only: *The Council will take public comment on any items that are either on the amended Consent Calendar or the Information Calendar. Speakers will be entitled to two minutes each to speak in opposition to or support of Consent Calendar and Information Items. A speaker may only speak once during the period for public comment on Consent Calendar and Information items.*

Additional information regarding public comment by City of Berkeley employees and interns: Employees and interns of the City of Berkeley, although not required, are encouraged to identify themselves as such, the department in which they work and state whether they are speaking as an individual or in their official capacity when addressing the Council in open session or workshops.

Consent Calendar

- 1. Contract No. 32000282 Amendment: AG Witt, LLC for COVID-19 Emergency Operations Cost Recovery Consultant**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32000282 with AG Witt, LLC for COVID-19 Emergency Operations Cost Recovery Consulting, increasing the amount by \$100,000 for a not to exceed amount of \$250,000.
Financial Implications: See report
Contact: Dave White, City Manager's Office, (510) 981-7000
- 2. Partnership with East Bay Community Energy to Pursue Solar and Battery Energy Storage Systems on Municipal Facilities**
From: City Manager
Recommendation: Adopt a resolution authorizing the City Manager to continue pursuing widespread deployment of solar and battery energy storage systems (battery systems) at critical municipal facilities in partnership with the City's public power provider, East Bay Community Energy (EBCE), and commit to installing these systems through a standard Power Purchase Agreement (PPA) with EBCE should the City determine that the project results in benefits to the City budget and the community.
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400
- 3. Contract No. 100692-2 Amendment: Serological Research Institute for DNA Testing Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 100692-2 and any necessary future amendments with Serological Research Institute (SERI) for the Berkeley Police Department (BPD), increasing the contract amount by \$250,000 for a total not to exceed amount of \$1,000,000 and a contract term extension for three additional years, until June 30, 2025.
Financial Implications: State Proposition 172 Fund - \$250,000
Contact: Andrew Greenwood, Police, (510) 981-5900
- 4. Fiscal Year 2022 Street Lighting Assessments – Initiating Proceedings**
From: City Manager
Recommendation: Adopt two Resolutions describing proposed improvements to be used to determine the annual assessments levied for Berkeley Street Lighting Assessment District No. 1982-1 and Street Lighting Assessment District No. 2018, and ordering the preparation of Engineer's Reports.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300

Consent Calendar

- 5. Contract No. 100251-1 Amendment: Restoration Management Company**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 100251-1 (Contract No. 9635B in FUNDS) with Restoration Management Company, an on-call remediation services company, to provide emergency services in the event of flooding, sewer backups or other property damage that requires restoration, extending the term to June 30, 2022 and increasing the contract amount by \$150,000 for a total not-to-exceed of \$250,000.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
- 6. Appointment of boona cheema and Javonna Blanton to Mental Health Commission**
From: Mental Health Commission
Recommendation: Adopt a Resolution appointing: boona cheema as a representative of the Special Public Interest Category (consumer), to complete her second 3- year term beginning March 24, 2021 and ending March 23, 2024; and Javonna Blanton as a representative of the Special Public Interest Category (family), to complete her first 3-year term beginning March 24, 2021 and ending March 23, 2024.
Financial Implications: None
Contact: Jamie Works-Wright, Commission Secretary, (510) 981-5400
- 7. Authorization for Additional Public Works Commission Meeting in 2021**
From: Public Works Commission
Recommendation: Adopt a Resolution authorizing one additional meeting of the Public Works Commission in 2021.
Financial Implications: None
Contact: Joe Enke, Commission Secretary, (510) 981-6300

Council Consent Items

- 8. 2021 Alameda County Redistricting Process**
From: Mayor Arreguin (Author)
Recommendation: Adopt a Resolution calling on the Alameda County Board of Supervisors to allocate adequate resources and direct the creation of policies to ensure an equitable, inclusive and transparent process for the 2021 Alameda County redistricting process.
Financial Implications: None.
Contact: Jesse Arreguin, Mayor, (510) 981-7100

Council Consent Items

- 9. Establish a Parking Benefits District (PBD) in the Adeline Corridor and Fiscal Year 2022 Budget Referral**
From: Councilmember Bartlett (Author), Mayor Arreguin (Co-Sponsor), Councilmember Taplin (Co-Sponsor)
Recommendation: Refer to the City Manager to establish a Parking Benefits District (PBD) in the Adeline Corridor to finance and support neighborhood improvements-- such as landscaping, lighting, cleaning, pedestrian and transit infrastructure, and more--in South Berkeley and refer to the Fiscal Year 2022 budget process \$50,000 for city staff to hire and manage a consultant to assist in the formation and establishment of the PBD.
Financial Implications: See report
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130
- 10. Proclamation in Honor of Holocaust Remembrance Day**
From: Councilmember Wengraf (Author)
Recommendation: Adopt the Holocaust Remembrance Day Proclamation for the 18th Annual Holocaust Remembrance Day program to be held virtually Thursday, April 8th from 2:00 – 3:00 PM.
Financial Implications: None
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160
- 11. Support for AB 286: Food Delivery Platform Fees and Commissions**
From: Councilmember Robinson (Author), Councilmember Kesarwani (Co-Sponsor)
Recommendation: Send a letter to Assemblymember Lorena Gonzalez, Senator Nancy Skinner, and Assemblymember Buffy Wicks in support of Assembly Bill 286, which would establish equitable standards in the food delivery industry by capping service fees, requiring food delivery platforms to provide accurate transaction breakdowns, and prohibiting the collection of delivery driver tips by the delivery company.
Financial Implications: None
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170
- 12. Support for AB 314: Legislature Employer-Employee Relations Act**
From: Councilmember Robinson (Author), Councilmember Taplin (Co-Sponsor), Councilmember Harrison (Co-Sponsor)
Recommendation: Send a letter to Assemblymember Lorena Gonzalez, Assemblymember Buffy Wicks, and Senator Nancy Skinner in support of Assembly Bill 314, which would grant all employees of the California State Legislature the right to unionize and otherwise collectively bargain for improved wages and working conditions.
Financial Implications: None
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170

Council Consent Items

- 13. Support for AB 328: Reentry Housing Program**
From: Councilmember Robinson (Author), Councilmember Taplin (Co-Sponsor), Councilmember Harrison (Co-Sponsor)
Recommendation: Send a letter to Assemblymember David Chiu, Senator Nancy Skinner, and Assemblymember Buffy Wicks in support of Assembly Bill 328, which would allow those with recent histories of incarceration to remain stably housed and exit homelessness through grants for evidence-based housing and housing-based services interventions.
Financial Implications: None
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170
- 14. Support for AB 1400: Guaranteed Health Care for All**
From: Councilmember Robinson (Author), Councilmember Taplin (Co-Sponsor)
Recommendation: Adopt a resolution in support of Assembly Bill 1400, which would establish the California Guaranteed Health Care for All Act and create CalCare, a single-payer health insurance program for all California residents that is comprehensive, uniform, equitable and governed by the CalCare board.
Financial Implications: None.
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170

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 Hearings

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.

Action Calendar – Public Hearings

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.

15. Updated Fees for the Building Emissions Savings Ordinance

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion, adopt a Resolution amending the Planning Department fee schedule (Resolution No. 67,985-N.S.) by updating the administrative fees charged to building owners filing for a Time of Listing Deferral under the Building Emissions Saving Ordinance (BESO), and creating an administrative late fee.

Financial Implications: See report

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

16. ZAB Appeal: 1200 San Pablo Avenue, Use Permit #ZP2019-0192

From: City Manager

Recommendation: Conduct a public hearing and, upon conclusion, adopt a Resolution affirming the Zoning Adjustments Board (ZAB) decision to approve Use Permit #ZP2019-0192 to demolish three existing commercial buildings and construct a six-story, mixed-use building with 104 dwelling units (including nine Very Low Income units), a 3,119-square-foot restaurant, 4,343 square feet of usable open space, and 55 ground-level parking spaces, and dismiss the appeal.

Financial Implications: None

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

Action Calendar

17. Objective Standards Recommendations for Density, Design and Shadows

From: Joint Subcommittee for the Implementation of State Housing Laws

Recommendation: Refer to the Planning Commission and Design Review Committee to review the recommendations from the Joint Subcommittee for the Implementation of State Housing Laws (JSISHL) for objective standards for density, design and shadows and draft Zoning Ordinance amendments for City Council consideration.

Financial Implications: See report

Contact: Alene Pearson, Commission Secretary, (510) 981-7400

18. Partnership for the Bay's Future and Current Anti-Displacement Initiatives

(Continued from February 23, 2021)

From: City Manager

Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400

Information Reports

19. **Children, Youth and Recreation Commission FY2021 Work Plan**
From: Children, Youth, and Recreation Commission
Contact: Stephanie Chu, Commission Secretary, (510) 981-6700

Public Comment – Items Not Listed on the Agenda

Adjournment

NOTICE CONCERNING YOUR LEGAL RIGHTS: *If you object to a decision by the City Council to approve or deny a use permit or variance for a project the following requirements and restrictions apply: 1) No lawsuit challenging a City decision to deny (Code Civ. Proc. §1094.6(b)) or approve (Gov. Code 65009(c)(5)) a use permit or variance may be filed 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 use permit or variance, 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.

~~~~~



*I hereby certify that the agenda for this meeting 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 March 11, 2021.*



Mark Numainville, City Clerk

## **Communications**

*Council rules limit action on Communications to referral to the City Manager and/or Boards and Commissions for investigation and/or recommendations. All communications submitted to Council are public record. Copies of individual communications are available for viewing through [Records Online](#).*

### **Zoning Revisions**

1. 18 similarly worded form letters
2. Evan Green
3. Barbara Fisher
4. Paul Eldridge
5. Dawn Thomas
6. Chris Rosen
7. Adrien Couton
8. Hal Aronson
9. Brian MCarthy
10. Deborah Thompson
11. Sloan Morgan
12. Shelley Golomb
13. Gilbert Ferrey
14. Dan Newman
15. Bill Bogert
16. Rhonda Grossman and Bernardo Lopez
17. Phyllis Steiber
18. Cathy Fogel
19. Jamie Keller
20. Garet O'Keefe
21. Tammy Stellanova
22. Bruce Brody
23. Rachel Bradley
24. John Blaustein and Terry Alexander
25. Jordan Burns
26. Lauren and David Moore
27. Vicki Piovia
28. Barryett Enge
29. Jim Haydel
30. Laverda Allen
31. Robin Kibby and Brian Donaldson
32. Vicki Sommer
33. Sharon Entwistle

34. Lucinda Olney
35. Gary Dahl
36. Anandamayi Arnold
37. Stephen Sperber and Roberta Silverstein
38. Eli Gilad
39. Elizabeth Stoller
40. Ewald Detjens
41. Tara Arnold
42. Chris McKee
43. Rocky Nevin
44. Alison Lingo
45. Kori Kody
46. Nancy Lemon and Blaine Devine
47. Claudia Koch
48. Susie Medak
49. Victoria deMara
50. Nicole Chabot
51. Diana Campoamor
52. Joe Van Steen
53. Gregory Murphy
54. David Spinner
55. Tom Belfort
56. Elaine Chan
57. Robin Hollenberg
58. Darrell Owens
59. Helen Stroud
60. Henry DeNero (2)
61. John Rice
62. Dennis Mulqueeny
63. Barbara Freeman
64. Diana Bohn (2)
65. Jeff Robinson
66. Paula Morgan
67. Dolph and Carla Rempp
68. Ken Krich
69. Ellen Lumpkin
70. Judith Daar
71. Lee Ann Weber
72. Leah and John Rosenthal
73. Sue Jones
74. Janet Hurley
75. Jill Miller
76. Paul Newacheck
77. Mary Spence
78. Gail Machlis
79. Marissa Moss

80. Wendy Ruebman
81. Joan Garvin
82. Victoria Kahn
83. Carol Curtis
84. Allen Romano and Linda Shapiro
85. Paul Schwartz
86. Peggy Mendelson
87. Andrea Cassidy
88. Deb Shell
89. Mona Halaby
90. Alan Shindel
91. Greysonne Coomes
92. Judy Babelaar
93. Cynthia Larson
94. Bob Flasher
95. Gareth Ellis
96. Meryl Siegal
97. Helene Silverberg
98. Kerstin Fischer
99. Gabriela Kipnis
100. John Vinopal
101. Michael Scott
102. George Porter
103. Amber Turley
104. Issy Kipnis
105. William Pottinger
106. David Thill
107. Sara Pederson
108. Carol Hirth
109. Steve Taylor
110. Kevin Ching and Xiaoyan Wang
111. Paola Laverde (2)
112. Jeff Shuttleworth
113. Sara Baughn
114. Pasha Dina
115. Emily Newman
116. Brad Smith
117. Cecilia Gaerlan
118. Julia Cato
119. John Selawsky
120. Brian Gilbane
121. Marian Wolfe
122. Richard Boubelik
123. Rocky Offner
124. Karen Sharpe
125. Susan Pownall

126. Sandra Weber
127. Daniel Rapaport
128. Igor Tregub
129. Jim Haydel
130. Carol Franger
131. Carole Cool
132. Nick Shere
133. Alexis Berger
134. Aimee Baldwin
135. Phyllis Olin
136. Leah Levy
137. Suzette Trigger
138. Daniel Ng
139. Lisa Goodman
140. Christine Cosgrove
141. Lia Dun
142. Barbara Gilbert
143. Harald Leventhal
144. Gertrude Weil
145. Steven Segal
146. Roberto Campoamor
147. T.M. Scruggs and Laura Graham
148. Susan Nunes
149. Naomi Pearce
150. Jana Olson
151. Nina Torcoletti
152. Anirvan Chatterjee
153. Marissa Saenger
154. Enid Camps
155. David Finn
156. Virginia Logan
157. Robert Dering
158. Hilary Roberts
159. Mati Teiblum
160. Penny Barron
161. Martine Kraus
162. David Brandon
163. Harry Delmer
164. Karen Weil
165. Deborah Gouailhardou
166. Christine Rosen
167. Kathy Freistadt
168. Katherine Hansen
169. Eric Broque
170. Kenneth Gross
171. Irene Rosenthal

- 172. Mary Lee Noonan
- 173. Svetlana Livdan
- 174. Jean-Luc Szpakowski
- 175. Elizabeth Powell
- 176. John Hitchen
- 177. Noreen Axelson
- 178. Melissa Short
- 179. Joan Hart
- 180. Jim Haydel
- 181. Kate Brosgart Moore
- 182. Margaret Booth
- 183. Paul Hainsworth
- 184. Alison Lingo
- 185. Jim Larkins
- 186. Penny Brogden
- 187. Negeene Mosaed and Mari Mendonca
- 188. Sara Gray
- 189. Gloria Pass
- 190. Charlotte DeVito
- 191. Leah Haygood
- 192. Karen Harrington
- 193. Joe Van Steen
- 194. Lynn Glaser
- 195. Nancy Klein
- 196. Ann May
- 197. Daniel Marcus
- 198. Connor Jackson
- 199. Erin Paulos
- 200. Paul Casperson
- 201. Livable California

### **School Reopening**

- 202. David Jacobowitz
- 203. Nora Isaacs (2)

### **Ohlone Park**

- 204. L.A. Wood

### **Tenant Protection Pitfalls**

- 205. Alison Horton

### **Berkeley Police Controlled Equipment**

- 206. Lindsey Stratton
- 207. Wendy Alfson

### **Climate Change**

- 208. Karen Harrington
- 209. Thomas Lord (3)

**COVID-19 Related**

- 210. City of Berkeley COVID-19 Information Services
- 211. Janice Schroeder

**Black History Month**

- 212. Moni Law
- 213. Russbumper

**East Bay Community Energy**

- 214. East Bay Community Energy

**Blockchain**

- 215. Thomas Lord

**Sewer Construction**

- 216. Dona Bretherick

**Horse Fatalities at Golden Gate Fields**

- 217. Heather Wilson

**Smoking Pot on the Sidewalks**

- 218. Steven Schuyler

**Fair and Impartial Policing**

- 219. David Lerman
- 220. Steven Schuyler
- 221. Nicole Orestano

**North Berkeley BART Housing**

- 222. Ly Vo and Family
- 223. Anne-Lise Francois

**Needy Food Delivery and Resource Distribution**

- 224. Antonio Mendieta, on behalf of Comida For Families

**Berkeley Schools**

- 225. Kate Brosgart

**TOPA/Affordable Housing Overlay/Housing as a Human Right**

- 226. 10 similarly worded form letters
- 227. Alfred Twu
- 228. Sean McMahon
- 229. Igor Tregub
- 230. Thomas Lord

### **Henoko Resolution**

231. Diana Bohn

### **Earmarks in the Federal Infrastructure Bill**

232. Dan Smuts

### **Homelessness**

233. Dereka Bennett

### **Chief Greenwood and the Berkeley Police Department**

234. Barbara Gilbert

235. Racism and Criminal Justice Reform Group

### **Berkeley's Asphalt Plant**

236. Igor Tregub, on behalf of the Sierra Club

### **COVID-19 Business Grant**

237. Devvin Purnell, on behalf of Mizz Ada's Daycare

### **URL's Only**

238. Vivian Warkentin (3)

239. Thomas Lord

240. Russbumper (10)

### **Supplemental Communications and Reports**

*Items received by the deadlines for submission will be compiled and distributed as follows. If no items are received by the deadline, no supplemental packet will be compiled for said deadline.*

- **Supplemental Communications and Reports 1**  
Available by 5:00 p.m. five days prior to the meeting.
- **Supplemental Communications and Reports 2**  
Available by 5:00 p.m. the day before the meeting.
- **Supplemental Communications and Reports 3**  
Available by 5:00 p.m. two days following the meeting.







Office of the City Manager

01

CONSENT CALENDAR  
March 23, 2021

To: Honorable Mayor and Members of the City Council  
From: Dee Williams-Ridley, City Manager  
Submitted by: David White, Deputy City Manager  
Subject: Contract No. 32000282 Amendment: AG Witt, LLC for COVID-19  
Emergency Operations Cost Recovery Consultant

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32000282 with AG Witt, LLC for COVID-19 Emergency Operations Cost Recovery Consulting, increasing the amount by \$100,000 for a total not to exceed amount of \$250,000.

FISCAL IMPACTS OF RECOMMENDATION

Funds up to \$250,000 for disaster cost recovery consulting services were included in the FY 2021 Adopted Budget with an approved General Fund appropriation of \$1.0 million for the City's COVID-19 response costs.

CURRENT SITUATION AND ITS EFFECTS

As part of the City's COVID-19 recovery effort, the City has been working with a disaster cost recovery firm, AG Witt, to advise and assist with the City's reimbursement applications through the Federal Emergency Management Agency's Public Assistance program (FEMA PA). The City contract costs with AG Witt, LLC will now exceed the City Manager contract authorization spending amount of \$150,000. A contract amendment is needed to increase the spending authority.

BACKGROUND

The City has been working with AG Witt, LLC since June 2020 on cost recovery issues tied to the City's COVID-19 response. AG Witt's strategic guidance and project support have been extremely helpful as the City prepares and submits cost reimbursement requests for the FEMA PA Program. The City's full scope of reimbursable expenditures is not yet known as the federal government continues to update and change FEMA PA rules and regulations.

In May 2020 the City underwent a Request for Proposal process to retain a firm to provide disaster cost recovery consulting services. After a selection process that included interviews with the top two respondents, the City's evaluation team consisting of representatives from the offices of the City Manager, Auditor and City Attorney and

the Emergency Operations Center, determined that the best qualified firm meeting the City's needs was AG Witt, LLC.

On May 26, 2020, the City entered into a contract with AG Witt. In September 2020, the Council approved a contract amendment increasing the spending authority by \$100,000 to \$150,000. The City contract costs with AG Witt, LLC will now exceed the Council's contract authorization spending amount of \$150,000. A contract amendment is needed to increase the spending authority.

Staff expects that this engagement with AG Witt will last for years, due to the extended duration of the FEMA cost recovery process and to the ongoing nature of the COVID-19 pandemic. Staff will return periodically to the Council to seek additional spending authority because the actual expenditures necessary during this emergency period are unknown.

Staff and AG Witt expect that AG Witt's contract costs will be partially reimbursable through the FEMA PA Program. FEMA will reimburse Administrative Costs the City incurs while doing FEMA PA program applications, for up to 5% of the final value of the total of all obligated costs from all eligible projects. This 'up to 5%' is written in the last project, called the CATEGORY Z Project for management costs.

ENVIRONMENTAL SUSTAINABILITY

None

RATIONALE FOR RECOMMENDATION

Amending Contract No. 32000282 with AG Witt, LLC to increase the contract amount will ensure uninterrupted cost recovery assistance to the City.

ALTERNATIVE ACTIONS CONSIDERED

None

CONTACT PERSON

Rama Murty, Acting Budget Manager, City Manager's Office, (510) 981-7000

Attachments:

1: Resolution

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

CONTRACT NO. 32000282 – AG WITT, LLC FOR COVID-19 DISASTER COST RECOVERY CONSULTING SERVICES

WHEREAS, in May 2020 the City underwent a Request for Proposal process for a consultant firm to provide disaster cost recovery services; and

WHEREAS, the City determined after evaluating the proposals received that AG Witt, LLC. was the best qualified firm meeting the City's needs to provide COVID-19 disaster cost recovery consulting services; and

WHEREAS, on May 26, 2020, the City Manager entered into Contract No. 32000282 with AG Witt, LLC for COVID-19 Emergency Operations Cost Recovery Consulting, for a total not to exceed amount of \$50,000; and

WHEREAS, on September 22, 2020 the City Council adopted Resolution No. 69,566-N.S. authorizing the City Manager to execute an amendment to this contract, increasing the amount by \$100,000 for a total not to exceed amount of \$150,000; and

WHEREAS, the City contract costs with AG Witt, LLC will now exceed the Council authorization spending amount of \$150,000; and

WHEREAS, the FY 2021 Adopted Budget had funds up to \$250,000 for disaster cost recovery consulting services allocated as part of an approved General Fund allocation of \$1.0 million for the City's COVID-19 response; and

WHEREAS, staff expects that this engagement with AG Witt will last for multiple years, due to the extended duration of the FEMA cost recovery process and ongoing nature of the COVID-19 pandemic; and

WHEREAS, staff and AG Witt expect that AG Witt's contract costs will be partially reimbursable through the FEMA PA Program.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute an amendment to Contract No. 32000282 with AG Witt, LLC to increase the contract amount by \$100,000 to a not to exceed amount of \$250,000. A record signature copy of said contract amendment to be on file in the Office of the City Clerk.





Office of the City Manager

02

CONSENT CALENDAR  
March 23, 2021

To: Honorable Mayor and Members of the City Council  
From: Dee Williams-Ridley, City Manager  
Submitted by: Jordan Klein, Interim Director, Planning and Development Department  
Subject: Partnership with East Bay Community Energy to Pursue Solar and Battery Energy Storage Systems on Municipal Facilities

RECOMMENDATION

Adopt a resolution authorizing the City Manager to continue pursuing widespread deployment of solar and battery energy storage systems (battery systems) at critical municipal facilities in partnership with the City's public power provider, East Bay Community Energy (EBCE), and commit to installing these systems through a standard Power Purchase Agreement (PPA) with EBCE should the City determine that the project results in benefits to the City budget and the community.

FISCAL IMPACTS OF RECOMMENDATION

This resolution does not have any fiscal impacts at this time. It commits the City to continue to pursue procurement for solar and battery systems through a PPA with EBCE but does not make any financial commitment on the part of the City of Berkeley. In this model, EBCE will issue a Request for Proposals (RFP) for solar and battery systems and enter into a PPA on behalf of the City. The PPA provider will own the systems and cover the costs of installation, operations and maintenance. The City will contract with EBCE to pay the PPA provider for the power that is generated and used by the installed systems. All the terms of the PPA will be agreed upon by the City and EBCE prior to EBCE issuing the RFP.

CURRENT SITUATION AND ITS EFFECTS

EBCE is collaborating with its Joint Power Authority (JPA) members in Alameda County, including the City of Berkeley, to identify a cost-effective portfolio of solar and battery systems for municipal buildings for an upcoming RFP. EBCE is piloting a new procurement model in which they contract directly with a PPA provider and execute standardized contracts with each JPA member. The advantage of EBCE acting as the intermediary is that it will create a larger portfolio of sites, streamline the procurement process, reduce risk to the PPA provider, and bring down overall project costs, compared to a traditional PPA where the City would conduct its own procurement and contract directly with a PPA provider.

EBCE analyzed more than 300 critical municipal facilities throughout Alameda County, including a list of potential sites submitted by the City of Berkeley (Attachment 2), to establish which sites are best suited for solar and battery systems. From that list, EBCE is conducting an initial feasibility analysis to determine which subset of the potential facilities will be eligible for a more complete independent engineering analysis and ultimately which facilities can be included in the first procurement portfolio (Phase I). If this procurement model is successful, additional facilities may be considered in subsequent phases. Other Berkeley municipal buildings are also being evaluated for solar-only installations, to increase the cost-effectiveness of Berkeley's overall project portfolio.

EBCE will hire an independent engineer to complete a structural, roof condition and electrical capacity assessment of critical facilities under consideration for the Phase I procurement list. EBCE will cover the upfront cost of the independent engineering analyses, which will be paid back as part of the agreed-upon PPA rate on utility bills. These analyses, alongside staff input, will identify which sites are the most technically viable and cost-effective portfolio of facilities for inclusion in Phase I. Sites which require upgrades could potentially be included in future procurement phases. EBCE will also conduct a financial analysis to determine the cost-effectiveness of the proposed sites, based on actual electricity load, current and projected electricity costs, solar potential, and site conditions, including the cost of any required facility upgrades. EBCE and the City will review the results of both the engineering and financial analyses to confirm that the Phase I sites deliver benefits to the City budget and the community. Once all of the analyses are complete and the Phase I facility list is finalized, the selected facilities will be included in the RFP.

The City facilities that are selected for the RFP will be able to utilize the electricity generated from the installed solar and battery systems on a daily basis and in the case of a grid outage. The equipment will be owned, operated and maintained by the third-party PPA provider under its contract with EBCE. The terms of the PPA will be agreed upon by the City and EBCE prior to EBCE issuing an RFP for vendor services.

EBCE plans to release the RFP for a PPA on behalf of its municipal partners in mid-to-late 2021. EBCE would be the signatory partner with the PPA, holding a contract with the third-party vendor and with each individual participating local government. The goal is to deploy the systems in 2022.

The benefits of this project include:

- Local, renewable energy and enhanced community resilience at municipal facilities with no capital costs for installation.
- A feasibility analysis of solar and battery systems at critical municipal facilities.

- An independent engineering analysis and cost estimate of potential structural, roof condition and electrical capacity upgrades necessary to advance deployment of solar and battery systems.
- A streamlined procurement process, where EBCE would contract with the PPA on behalf of its municipal JPA members, including the City of Berkeley and reduced participation costs.
- Solar-only systems at some non-critical municipal facilities with no capital cost for installation.
- Operation and maintenance contracts for the solar and battery equipment and systems wrapped into the PPA contract.
- Daily load management from solar and batteries will shift energy use away from peak usage times, when electricity has higher costs and carbon content.
- Renewable back-up power when the electrical grid is down as an alternative to diesel-powered generators.

This project is a Strategic Plan Priority Project, advancing the City of Berkeley's goals to: 1. Provide state-of-the-art, well-maintained infrastructure, amenities, and facilities; 2. Create a resilient, safe, connected, and prepared city; and 3. Be a global leader in addressing climate change, advancing environmental justice, and protecting the environment.

### BACKGROUND

Solar and battery systems provide clean, renewable electricity to buildings on a daily basis and can reduce time-of-use charges during peak pricing periods, generally from 4 pm to 9 pm. The systems provide enhanced resilience benefits, allowing municipal critical facilities to continue to operate on a limited basis during a power outage using the electricity stored and generated onsite.

In 2016, staff researched the feasibility of developing a clean energy microgrid community in downtown Berkeley that could island from the main grid and provide clean back-up power in the case of a power outage. It was determined that under current conditions, solar and battery energy storage at individual critical facilities rather than a full microgrid would be a more cost-effective solution<sup>1</sup>.

In 2019, EBCE kicked-off a 12-month project, funded through a \$300,000 Bay Area Air Quality Management District (BAAQMD) grant, to identify critical facilities in Alameda County and conduct preliminary assessments for back-up power from solar and battery systems at these sites. EBCE hired a technical consultant to compete a facility screening process. Berkeley submitted a list of critical facility sites for analysis. Each facility was scored according to four screening criteria:

---

<sup>1</sup> <https://www.cityofberkeley.info/microgrid/>

- Hazard score (accounts for the range and severity of hazards faced by each site according to its location)
- Service score (ranks facilities based on number of people served in the immediate area)
- Priority zone score (additional recognition for sites located within either Disadvantaged Communities (DAC) zones, Low Income zones, or both); and
- Solar feasibility (high-level analysis of solar photovoltaic (PV) feasibility based on roof area and shading)

#### ENVIRONMENTAL SUSTAINABILITY

Increasing solar and battery systems is a key strategy of the Climate Action Plan, Fossil Fuel Free Berkeley resolution, and the Resilience Strategy. On a day-to-day basis, on-site solar production and consumption will reduce greenhouse gas emissions and the battery systems will shift energy usage from peak times, thereby reducing the need for natural gas-fired power plants to come online to meet demand. During power outages, the solar and battery systems will increase community resilience and lessen the need for dirty diesel generators for back-up power.

#### RATIONALE FOR RECOMMENDATION

EBCE is offering this first-of-its-kind collaborative procurement model to all of its JPA members across Alameda County as a public benefit to increase community resilience at critical facilities. EBCE is reducing risks to all parties by hiring an independent engineer to complete an analysis for buildings currently in the Phase I portfolio and contracting with the PPA on behalf of its municipal JPA members which will bring down costs, streamline procurement, and reduce the City staff time required. Participation increases the potential for on-site solar generation, advances Berkeley towards its goal of building electrification, and ensures that more of Berkeley's critical facilities are prepared for PG&E Public Safety Power Shut-off events, rolling blackouts, and other power outages including those caused by a major disaster.

#### ALTERNATIVE ACTIONS CONSIDERED

City of Berkeley could choose to not continue to pursue this joint procurement with EBCE and not install solar and battery energy storage systems at critical facilities. Alternatively, another funding source could be identified and the City could install, operate and maintain proprietary systems as funding is secured.

#### CONTACT PERSON

Billi Romain, Sustainability Manager, Planning and Development Department, 510-981-7432.

#### Attachments:

- 1: Resolution
- 2: List of Potential Critical Municipal Facilities Submitted to East Bay Community Energy



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

PARTNERSHIP WITH EAST BAY COMMUNITY ENERGY TO PURSUE SOLAR AND BATTERY STORAGE SYSTEMS ON MUNICIPAL FACILITIES

WHEREAS, the Berkeley City Council has demonstrated its commitment to an environmentally sustainable and resilient future through its policy goals and actions, including energy reduction, clean energy programs, and the expansion of local renewable power supply; and

WHEREAS, on June 2, 2009, the Berkeley City Council adopted the Berkeley Climate Action Plan to reduce greenhouse gas emissions by 80% of Berkeley's 2000 emissions level by 2050; and

WHEREAS, on April 1, 2016, the City of Berkeley released its Resilience Strategy with the goal of "Accelerating Access to Reliable and Clean Energy"; and

WHEREAS, on June 12, 2018, the Berkeley City Council declared a Climate Emergency and resolved to become a "Fossil Fuel-Free City"; and

WHEREAS Berkeley's Strategic Plan sets the goals of providing state-of-the-art, well-maintained infrastructure, amenities, and facilities, creating a resilient, safe, connected, and prepared city and being a global leader in addressing climate change, advancing environmental justice, and protecting the environment; and

WHEREAS, the City of Berkeley conducted a feasibility analysis for a clean energy microgrid community to provide back-up power to critical municipal facilities and determined that solar and battery energy storage was the most cost-effective solution; and

WHEREAS, Community Choice Aggregation is a mechanism by which local governments assume responsibility for providing electrical power for residential and commercial customers in their jurisdiction in partnership with local commercial energy purveyors and owners of transmission facilities, which in the case of Alameda County is Pacific Gas & Electric Co.; and

WHEREAS, on November 1, 2016, the City of Berkeley City Council adopted Resolution No. 67,730-N.S. authorizing Berkeley's participation in East Bay Community Energy (EBCE) and authorized implementation of EBCE in Berkeley; and

WHEREAS, on April 24, 2018, the City Council adopted Resolution No. 68,404-N.S., selecting the Brilliant 100 (100% GHG-free) electric service plan for all municipal accounts; and

WHEREAS, on October 27, 2020, the City Council adopted Resolution No. 69,601–N.S., selecting Renewable 100 (100% Renewable) as the electric service plan for the City of Berkeley’s municipal accounts.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley authorizes the City Manager to continue pursuing widespread deployment of solar and battery energy storage systems at critical municipal facilities in partnership with the City’s public power provider, EBCE, and commit to installing these systems through a standard Power Purchase Agreement with EBCE, should the City determine that the project results in benefits to the City budget and to the community.

**ATTACHMENT 2****List of Potential Critical Municipal Facilities Submitted to East Bay Community Energy**

Below is the original list of potential critical municipal facilities submitted by the City of Berkeley to East Bay Community Energy (EBCE) for consideration to participate in EBCE's Power Purchase Agreement for solar and battery energy storage systems.

Please Note: EBCE is conducting an initial feasibility analysis to determine which subset of these facilities will be eligible for a more complete independent engineering analysis and ultimately which facilities can be included in the Phase I procurement portfolio.

| <b>Number</b> | <b>Site Name</b>                                   |
|---------------|----------------------------------------------------|
| 1.            | Civic Center                                       |
| 2.            | Corporation Yard                                   |
| 3.            | Emergency Storage Warehouse                        |
| 4.            | Fire House #1                                      |
| 5.            | Fire House #2                                      |
| 6.            | Fire House #3                                      |
| 7.            | Fire House #4, Gas Pump House                      |
| 8.            | Fire House #5                                      |
| 9.            | Fire House #6                                      |
| 10.           | Fire Station #7                                    |
| 11.           | Francis Albrier Recreation Center & San Pablo Park |
| 12.           | James Kenny Recreation Center                      |
| 13.           | Live Oak Recreation Center                         |
| 14.           | Main Library                                       |
| 15.           | Mental Health Facility                             |
| 16.           | MLK Recreation Center                              |
| 17.           | North Berkeley Library                             |
| 18.           | North Berkeley Senior Center                       |
| 19.           | Public Safety Building and Accessory Building      |
| 20.           | South Berkeley Senior Center                       |
| 21.           | Spring Animal Shelter                              |
| 22.           | Tarea Hall Pittman South Branch Library            |
| 23.           | West Berkeley Library                              |
| 24.           | West Berkeley Senior Center                        |





03

Office of the City Manager

CONSENT CALENDAR  
March 23, 2021

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Andrew Greenwood, Chief of Police  
 Subject: Contract No. 100692-2 Amendment: Serological Research Institute for DNA Testing Services

#### RECOMMENDATION

Adopt a Resolution authorizing the City Manager to amend Contract No. 100692-2 and any necessary future amendments with Serological Research Institute (SERI) for the Berkeley Police Department (BPD), increasing the contract amount by \$250,000 for a total not to exceed amount of \$1,000,000 and a contract term extension for three additional years, until June 30, 2025.

#### FISCAL IMPACTS OF RECOMMENDATION

Approval of the recommendation would support the ongoing operational expense for DNA analyses required for identifying suspects and charging criminal cases in a timely manner. The funding for this contract will be allocated from the State Proposition 172 Fund (budget code 126-71-702-805-0000-000-421-612990) and will be appropriated as part of the Second Amendment to the FY 2021 Annual Appropriations Ordinance

#### CURRENT SITUATION AND ITS EFFECTS

The Berkeley Police Department currently contracts with the Serological Research Institute for its forensic deoxyribonucleic acid (DNA) testing services. It is difficult to estimate the dollar amount required annually, as it can change significantly from year to year, depending on the type and volume of crimes investigated in a given year. For FY 2021, the Department will exceed the current \$750,000 contract limit set when this contract was amended in 2019. This dollar increase and time extension request will allow the Department to continue to obtain DNA testing and analyses for criminal investigations. These lab services support the identification of suspects based on DNA found at a crime scene, and may result in the suspect being taken into custody and charged in a timely manner without the backlogs experienced by other providers.

DNA testing needs are driven by the frequency of serious crimes, the occurrence of which are outside of the control of the department. In 2020, DNA testing was performed on five homicides, at least two attempted homicides, numerous gun violence cases, and several sexual assault cases, including "cold" case sex assault investigations. Further, DNA testing and analysis is generally required by the District Attorney for charging purposes in a variety of cases.

#### BACKGROUND

In 2014, the Berkeley Police Department entered into a contract with SERI to obtain their forensic DNA services. The City entered into a contract with SERI when two other providers, the

Alameda County Sheriff's Crime Laboratory and Forensic Analytical Sciences, Inc. were unable to keep up with increased caseload from the BPD. SERI is accredited through the American Society of Crime Laboratories Directors/Laboratory Accreditation Board. SERI is located in Richmond, CA and provides state of the art forensic services, laboratory analysis and expert testimony for its clients.

While maintaining compliance with the Federal Bureau of Investigations, Quality Assurance Standards for Forensic DNA Testing, SERI has consistently provided the fastest case turnaround times of our contracted vendors. SERI has helped minimize DNA testing backlogs the department was experiencing with other vendors. Fast DNA testing turnaround times help the department identify serious violent offenders and helps solve criminal cases faster. SERI was originally intended to be an additional DNA Laboratory. However, due to the high level of service provided, they have become our primary provider. Currently, the investigative demand for their services has increased based on several factors including improved DNA recovery techniques and new legislative requirements.

At this time, the only other service providers currently available to BPD are the County Sheriff's Office Laboratories'. BPD received grant funding for an additional provider, but that contract has not yet been established, and there are currently no other providers available to BPD.

ENVIRONMENTAL SUSTAINABILITY

Serological Research Institute provides and maintains an extensive online test request submission and products ordering option. These online forms reduce the amount of paper required to forward and process requests.

RATIONALE FOR RECOMMENDATION

The cost associated with DNA testing services is an operational expense for which the Berkeley Police Department is currently responsible. In an effort to solve criminal cases as fast as practical and potentially limit further victimization, the BPD continues to utilize these services. An amendment to increase funds and extend the contract will allow the BPD to continue to meet the DNA testing requirements of its investigations while avoiding significant evidence processing delays due to the county laboratories testing backlogs.

ALTERNATIVES

Exclusively utilize the only other resources available at this time, the County Sheriff's Office Laboratories, which has significantly longer processing times, resulting in delays in identifying suspects and providing evidence for timely charging purposes for dangerous crimes.

CONTACT PERSON

Andrew Greenwood, Chief of Police, 981-5700

Attachment:

- 1. Resolution

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

CONTRACT NUMBER 100692-2 AMENDMENT FOR SEROLOGICAL RESEARCH INSTITUTE  
FOR DNA TESTING SERVICES

WHEREAS, the Berkeley Police Department is responsible for the investigation of criminal cases in Berkeley; and

WHEREAS, closure of criminal investigations will bring relief to the families of the victims and reduce fear in the community; and

WHEREAS, the use of forensic deoxyribonucleic acid (DNA) testing is essential to solving violent crimes; and

WHEREAS, the Berkeley Police Department primarily enlists the services of Serological Research Institute for the timely processing of DNA evidence testing; and

WHEREAS, it is essential to have an accredited laboratory in order to ensure the consistent processing of DNA evidence; and

WHEREAS, DNA testing and analysis is generally required by the District Attorney for charging purposes in a variety of cases; and

WHEREAS, the Berkeley Police Department has identified DNA testing services as an operational expense for which the Department is responsible and funds from the State Proposition 172 Fund will be the primary source of funding; and

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that, the City Manager is authorized to execute an amendment the contract with Serological Research Institute to provide DNA testing and analysis services for an additional three years through June 30, 2025, increase the contract amount by \$250,000 from the State Proposition 172 Fund, for an amount not to exceed \$1,000,000.







Office of the City Manager

04

CONSENT CALENDAR  
March 23, 2020

To: Honorable Mayor and Members of the City Council  
From: Dee Williams-Ridley, City Manager  
Submitted by: Liam Garland, Director, Department of Public Works  
Subject: Fiscal Year 2022 Street Lighting Assessments – Initiating Proceedings

RECOMMENDATION

Adopt two Resolutions describing proposed improvements to be used to determine the annual assessments levied for Berkeley Street Lighting Assessment District No. 1982-1 and Street Lighting Assessment District No. 2018, and ordering the preparation of Engineer’s Reports.

FISCAL IMPACTS OF RECOMMENDATION

Staff will prepare the Engineer’s Reports for Berkeley Street Lighting Assessment District No. 1982-1 (1982 District) and Street Lighting Assessment District No. 2018 (2018 District). This effort to prepare the reports has been included in the budget process for the City’s operation and maintenance of the street lights. These reports will be done in accordance with the Landscaping and Lighting Act of 1972 (Act), promulgated in California Streets and Highways Code Section 22500 et seq., and are required to be prepared for each fiscal year (FY) for which assessments are to be levied and collected.

In FY 2022, the assessments for the 1982 District and the 2018 District will generate approximately \$2.0 million in revenue for the Street Lighting program Fund 142.

CURRENT SITUATION AND ITS EFFECTS

The Act requires the City’s governing body adopt a resolution generally describing any proposed new improvements to be used to determine the annual assessments levied for the City’s street lighting districts, and order the preparation of Engineer’s Reports for the assessments. These are the first steps in allowing the City to levy and collect the assessments necessary to operate and maintain the street lighting districts. The improvements to be made in these assessment districts are generally described as maintenance and/or servicing of existing and future public lighting facilities including: traffic signals; installation and construction of curbs, gutters, walls, sidewalks or paving; water, irrigation, or drainage related to operation of the public lighting facilities.

Collecting the street lighting fees are necessary to maintain and implement needed improvements and services to support the Strategic Plan goals of creating a resilient, safe, connected, and prepared city and of providing state-of-the-art, well-maintained infrastructure, amenities, and facilities.

**BACKGROUND**

The 1982 District was established in accordance with the requirements of the Act on July 27, 1982 (Resolution No. 51,449-N.S.). The 2018 District was established in accordance with the requirements of the Act on June 12, 2018 (Resolution No. 68,482-N.S.). The Act requires the City prepare Engineer’s Reports for each fiscal year for which assessments are to be levied and collected. City staff will prepare the reports in accordance with the Act.

The City’s original assessment structure for the 1982 District failed to generate sufficient revenue to sustain the long-term operations of the City’s Street Lighting Program (Program). For a period beginning in FY 2006 and running through FY2017 the City used General Funds to sustain operations necessary to the Program. To establish financial sustainability for the Program and to avoid significant reductions to service in the future, the City moved forward with the formation of the 2018 District. This district was formed separately from the 1982 District, leaving the 1982 District’s structure and rates in place. Assessments for the 2018 District were first levied in FY 2019. Allowable annual inflation adjustments of the 2018 District assessment rates are expected to raise revenues over the coming years.

**ENVIRONMENTAL SUSTAINABILITY**

The City exclusively uses LED (light emitting diode) street lighting. LED lights provide environmental benefits by: reducing the level of greenhouse gases emitted; reducing level of toxic materials disposed; maximizing energy cost savings; complying with the City’s illumination standards; and minimizing administration costs and staff time for street light maintenance. Assessing and levying the street lighting fees for the 1982 District and the 2018 District will allow the City to sustain environmental benefits of the LED lights.

**RATIONALE FOR RECOMMENDATION**

Failure to adopt Resolutions ordering the preparation of Engineer’s Reports for the City’s street lighting assessments would result in non-compliance of the requirements set forth in the Act. Failure to comply with the Act would jeopardize the City’s ability to levy and collect assessments in Fiscal Year 2022. The collection of these assessments is needed to maintain financial sustainability for the Program and to avoid significant reductions in service.

**CONTACT PERSON**

Liam Garland, Director, Department of Public Works, (510) 981-6303

Joe Enke, Acting Manager of Engineering/City Engineer, (510) 981-6411  
Uriel Gonzalez, Junior Civil Engineer, Public Works, (510) 981-6627

**Attachments:**

- 1: Resolution – Initial Proceedings – Street Lighting Assessment District 1982-1
- 2: Resolution – Initial Proceedings – Street Lighting Assessment District 2018

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

INITIATE PROCEEDINGS FOR BERKELEY STREET LIGHTING ASSESSMENT DISTRICT 1982-1 FOR FISCAL YEAR 2022 AND ORDER CITY STAFF TO PREPARE AND FILE THE ENGINEER'S REPORT FOR FISCAL YEAR 2022

WHEREAS, on July 27, 1982, the Council of the City of Berkeley Adopted Resolution No. 51,449-N.S. that completed proceedings to form the Berkeley Street Lighting Assessment District No. 1982-1 pursuant to Chapter II of the Landscaping and Lighting Act of 1972 Streets and Highways Code Section 22585-22613; and

WHEREAS, Section 22622 of the Street and Highway Code requires the City Council to adopt a resolution generally describing any proposed new improvements to be used to determine the annual assessment levied for any assessment district created under the Landscaping and Lighting Act of 1972; and

WHEREAS, Section 22622 further requires that the City Council order the preparation of an Engineer's Report prior to initiating proceedings to set the annual levy and collection of assessments for such assessment districts.

NOW THEREFORE, BE IT RESOLVED, by the Council of the City of Berkeley that improvements to be included in Berkeley Street Lighting Assessment District No. 1982-1 for assessing Fiscal Year 2022 fees are generally described as maintenance or servicing, or both, of existing and future public lighting facilities, including, but not limited to, traffic signals and the installation and construction of public lighting or the maintenance or servicing thereof, including but not limited to grading, clearing, removal of debris, installation and construction of curbs, gutters, walls, sidewalk or paving, or water, irrigation, or drainage related to operation of the public lighting facilities.

BE IT FURTHER RESOLVED, Pursuant to Street and Highways Code Section 22622, that City Staff are hereby directed to prepare the annual Engineer's Report prior to initiating proceedings to levy and collect the annual assessment for Berkeley Street Lighting Assessment District No. 1982-1 in Fiscal Year 2022.

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

INITIATE PROCEEDINGS FOR STREET LIGHTING ASSESSMENT DISTRICT 2018 FOR FISCAL YEAR 2022 AND ORDER CITY STAFF TO PREPARE AND FILE THE ENGINEER'S REPORT FOR FISCAL YEAR 2022

WHEREAS, on June 12, 2018, the Council of the City of Berkeley Adopted Resolution No. 68,432–N.S. that completed proceedings to form the Street Lighting Assessment District 2018 pursuant to Chapter II of the Landscaping and Lighting Act of 1972 Streets and Highways Code Section 22585-22613; and

WHEREAS, Section 22622 of the Street and Highway Code requires the City Council to adopt a resolution generally describing any proposed new improvements to be used to determine the annual assessment levied for any assessment district created under the Landscaping and Lighting Act of 1972; and

WHEREAS, Section 22622 further requires that the City Council order the preparation of an Engineer's Report prior to initiating proceedings to set the annual levy and collection of assessments for such assessment districts.

NOW THEREFORE, BE IT RESOLVED, by the Council of the City of Berkeley that improvements to be included in Street Lighting Assessment District 2018 for assessing Fiscal Year 2022 fees are generally described as maintenance or servicing, or both, of existing and future public lighting facilities, including, but not limited to, traffic signals and the installation and construction of public lighting or the maintenance or servicing thereof, including but not limited to grading, clearing, removal of debris, installation and construction of curbs, gutters, walls, sidewalk or paving, or water or irrigation, drainage related to operation of the public lighting facilities.

BE IT FURTHER RESOLVED, Pursuant to Street and Highways Code Section 22622, that City Staff are hereby directed to prepare the annual Engineer's Report prior to initiating proceedings to levy and collect the annual assessment for Street Lighting Assessment District 2018 in Fiscal Year 2022.





Office of the City Manager

05

CONSENT CALENDAR  
March 23, 2021

To: Honorable Mayor and Members of the City Council  
From: Dee Williams-Ridley, City Manager  
Submitted by: Liam Garland, Director, Department of Public Works  
Subject: Contract No. 100251-1 Amendment: Restoration Management Company

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 100251-1 (Contract No. 9635B in FUND\$) with Restoration Management Company, an on-call remediation services company, to provide emergency services in the event of flooding, sewer backups or other property damage that requires restoration, extending the term to June 30, 2022 and increasing the contract amount by \$150,000 for a total not-to-exceed of \$250,000.

FISCAL IMPACTS OF RECOMMENDATION

Funding for the duration of the contract amendment is available in the FY 2021 Sanitary Sewer baseline budget (Fund 611) and the Building Maintenance baseline budget (Fund 673) and will be part of the FY 2022 Budget Process.

|                               |            |
|-------------------------------|------------|
| Current contract amount ..... | \$ 100,000 |
| Amended contract amount ..... | \$ 150,000 |
| Total NTE                     | \$ 250,000 |

CURRENT SITUATION AND ITS EFFECTS

When the air conditioning unit on the roof of the Animal Shelter failed, it caused flooding and damage to several floors. This requires restoration that exceeds the current contract and eliminates the contract’s capacity to respond to future emergency situations.

In addition, the City of Berkeley provides wastewater collection and conveyance services to City customers and maintains over 254 miles of City-owned sanitary sewers. Blockages in the system or heavy infiltration can result in sanitary sewer overflows (SSO). In adherence to the State of California’s General Waste Discharge Requirements for Sanitary Service Systems (WDR,) the City’s Sewer System Management Plan (SSMP) requires that in the event of a SSO, the City shall take all feasible steps and necessary remedial actions to contain and mitigate the impacts of the SSO. Restoration Management Company (RMC) supports Public Works response to Sanitary Sewer Overflows by providing on-call abatement, mitigation, decontamination,

and cleanup. Amending the contract to increase the not to exceed amount will ensure continued contract authority to utilize RMC's services without interruption.

This contract amendment supports the City's Strategic Plan goal of be a global leader in addressing climate change, advancing environmental justice, and protecting the environment.

**BACKGROUND**

In 2014, after a competitive process, the City entered into a contract with Restoration Management Company to provide emergency response restoration and remediation services to both City and non-City facilities as required based on individual emergency situations. Public Works has been utilizing RMC'S 24 hour on-call remediation services to maintain compliance with the City's Sewer System Management Plan as well as to support the Department Operations Center in response to emergency spills. RMC has provided reliable, timely, and consistently satisfactory services for the City.

**ENVIRONMENTAL SUSTAINABILITY**

RMC's remediation services help to contain sewage spills, preventing the sewage from contaminating the storm drain system and to remove the spilled sewage from the storm drain system after contamination has occurred, thereby preventing the spilled sewage from further contaminating the City's creeks and the Bay.

**RATIONALE FOR RECOMMENDATION**

Due to the premature depletion of the contract budget, additional funding is urgently needed to allow for timely response to emergencies. City staff also need additional time to conduct a full request for proposal process, which typically takes at least a year including contracting procedures.

**ALTERNATIVE ACTIONS CONSIDERED**

None.

**CONTACT PERSON**

Joy Brown, Senior Management Analyst, Public Works 510-981-6629

Jesus Sandoval, Senior Supervisor, Public Works 510-981-6676

Aaron Baker, Facilities Maintenance Superintendent, Public Works 510-981-6452

Attachment:

1: Resolution



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

CONTRACT NO. 100251-1 AMENDMENT: RESTORATION MANAGEMENT  
COMPANY FOR ON-CALL REMEDIATION AND RESTORATION SERVICES

WHEREAS, the City of Berkeley provides wastewater collection and conveyance services to City customers and maintains over 254 miles of City-owned sanitary sewers; and

WHEREAS, during blockages or stormwater infiltration, sanitary sewer overflows can occur requiring immediate containment and/or remediation; and

WHEREAS, FUND\$ Contract No. 9635 was executed April 1, 2014 as authorized by the City Manager and, was authorized via Resolution No. 69,054-N.S. for subsequent amendment on July 23, 2019 to add an additional \$50,000 and extend the term to June 30, 2021; and

WHEREAS, the existing contract budget was prematurely expended due to an unanticipated costs related to air conditioner unit failure at the Animal Shelter, and funding is needed to continue to provide emergency response and restoration through the duration of the contract; and

WHEREAS, extending the contract term until June 30, 2022 will allow staff adequate time to conduct a request for proposal process for a possible successor restoration company; and

WHEREAS, funding for the contract amendment is available in the FY 2021 Sanitary Sewer baseline budget (FUND 611) and Building Maintenance baseline budgets (Fund 673) and will be included as part of the Budget process for FY 2022.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or City Manager Designee is authorized to execute an amendment to Contract No. 100251-1 with Restoration Management Company to provide emergency restoration and remediation services, increasing the contract amount by \$150,000 for a total not-to-exceed of \$250,000, and extending the contract term to June 30, 2022.





Mental Health Commission

06

CONSENT CALENDAR  
March 23, 2021

To: Honorable Mayor and Members of the City Council  
From: Mental Health Commission  
Submitted by: Andrea Prichett, Chairperson, Mental Health Commission  
Subject: Appointment of boona cheema and Javonna Blanton to Mental Health Commission

RECOMMENDATION

Adopt a Resolution appointing: boona cheema as a representative of the Special Public Interest Category (consumer), to complete her second 3- year term beginning March 24, 2021 and ending March 23, 2024; and Javonna Blanton as a representative of the Special Public Interest Category (family), to complete her first 3-year term beginning March 24, 2021 and ending March 23, 2024.

FISCAL IMPACTS OF RECOMMENDATION

None.

CURRENT SITUATION AND ITS EFFECTS

The Mental Health Commission is authorized to be composed of thirteen members. However, there are presently seven vacancies on the Commission. These vacancies impair the Commission's ability to adequately review and evaluate the community's mental health needs, resources, and programs.

Approval of the recommended action will keep the two positions filled, and allow the Commission to move one step closer to having a full and diverse complement of commissioners to review and evaluate the community's mental health needs, resources, and programs.

BACKGROUND

California State law requires that appointments to the Mental Health Commission meet specific categories, who may serve up to nine years consecutively. The general public interest category may include anyone who has an interest in and some knowledge of mental health services. The special public interest category includes direct consumers of public mental health services and family members of consumers, which together must constitute at least fifty percent or nine of the

commission seats. Direct consumers and family members shall each constitute at least 20% of the commission membership.

Boona cheema has been an active member serving as Chair for 2 years. During the Covid-19 pandemic and suspension of the Mental Health Commission she was unable to be re-appointed and her 1<sup>st</sup> term ended on April 25, 2020. She was appointed briefly but due to a missed deadline for filing paperwork she was terminated. Boona was approved by the Mental Health commission to re-join the commission to complete her second term.

Javonna Blanton is a resident of Berkeley and has a background in education. She has personal lived experience and is a family member of a consumer of mental health services. She would like to join the Mental Health Commission to be part of the solution to the crisis of homelessness and mental health challenges. This would be her first term participating on the Mental Health Commission.

The Mental Health Commission passed the following motions at the January 28, 2021 meeting:

Interview and vote on the nomination of boona cheema on the Mental Health Commission

M/S/C (Fine, Kealoha-Blake) Move to approve the nomination of boona cheema to the Mental Health Commission

PASSED

Ayes: Fine, Kealoha-Blake, Moore, Opton, Prichett Noes: None; Abstentions: None; Absent: Hawkins

Interview and vote on the nomination of Javonna Blanton on the Mental Health Commission

M/S/C (Opton, Fine) Move that we approve her.

PASSED

Ayes: Fine, Kealoha-Blake, Moore, Opton, Prichett Noes: None; Abstentions: None; Absent: Hawkins

#### ENVIRONMENTAL SUSTAINABILITY

There are no identifiable environmental effects or opportunities associated with the subject of this report.

#### RATIONALE FOR RECOMMENDATION

Approval of the recommended action will allow the Mental Health Commission to move one step closer to having a full and diverse complement of commissioners to review and evaluate the community's mental health needs, resources, and programs.

#### ALTERNATIVE ACTIONS CONSIDERED

None.

CITY MANAGER

The City Manager takes no position on appointments

CONTACT PERSON

Jamie Works-Wright, Commission Secretary, HHCS, 510-981-7721

Attachments:

1: Resolution

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

APPOINTMENT OF BOONA CHEEMA AND JAVONNA BLANTON TO THE  
MENTAL HEALTH COMMISSION

WHEREAS, membership of the Mental Health Commission is composed of thirteen appointments by the City Council as a whole, including one appointment by the Mayor (*or designee*), six special public interest appointments, and four general public interest appointments; and

WHEREAS, with the ongoing implementation of the Mental Health Services Act, the City of Berkeley will need to have a full complement of diverse appointees to the Commission to review and evaluate the community's mental health needs, resources, and programs and to fulfill its mandate; and

WHEREAS, Ms. cheema has served as Chair of the Commission and

WHEREAS, Ms. Blanton has an investment in the in the community and personal lived experience

WHEREAS, the Mental Health Commission at its January 28, 2021 meeting recommended appointments of boona cheema and Javonna Blanton.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Council appoints boona cheema as a representative of the Special Public Interest consumer category, to complete her second term ending March 23, 2024; Javonna Blanton as a representative of the General Public Interest category, to complete her first term ending March 23, 2024.



Office of the City Manager

07

CONSENT CALENDAR  
March 23, 2021

To: Honorable Mayor and Members of the City Council  
From: Public Works Commission  
Submitted by: Margo Schueler, Chairperson, Public Works Commission  
Subject: Authorization for Additional Public Works Commission Meeting in 2021

RECOMMENDATION

Adopt a Resolution authorizing one additional meeting of the Public Works Commission in 2021.

FISCAL IMPACTS OF RECOMMENDATION

None.

CURRENT SITUATION AND ITS EFFECTS

The Public Works Commission requests approval to hold a Special Meeting on December 11, 2021, in addition to regularly scheduled Commission meetings, for the purpose of discussing its 2022 Work Plan. Submission of this report for authorization of the additional meeting was approved by the Public Works Commission at its February 4, 2021 meeting. It was moved to approve by Erbe, and seconded by Constantine. The other Commissioners present, Freiberg, Hitchen, Krpata, Nesbitt, Humbert, Schueler, and Napoli, also voted to approve the additional meeting.

BACKGROUND

Resolution No. 68,258-N.S. governs the number of meetings for boards and commissions and places the Public Works Commission in Category B with a maximum of 10 meetings per year. In 2021, the Commission is scheduled to hold 10 regular monthly meetings from January through November, except for August.

ENVIRONMENTAL SUSTAINABILITY

There are no identifiable environmental impacts or opportunities associated with this report.

RATIONALE FOR RECOMMENDATION

The additional meeting requested for December is an opportunity for the Commission to review and plan its activities, initiatives, and subcommittee assignments for the 2022. The work planning of the Commission advances the City Strategic Plan Priority Goal of providing state-of-the art, well maintained infrastructure, amenities, and facilities.

ALTERNATIVE ACTIONS CONSIDERED

None.

CITY MANAGER

The City Manager concurs with the content and recommendations of the Commission's Report.

CONTACT PERSON

Joe Enke, Secretary, Public Works Commission and Acting Manager of Engineering,  
Public Works, (510) 981-6411

Attachments:

1: Resolution



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

AUTHORIZING ADDITIONAL MEETING FOR THE PUBLIC WORKS COMMISSION

WHEREAS, Resolution No. 68,258-N.S. stipulates how many annual meetings are allowed for Berkeley's commissions and places the Public Works Commission in Category B, with a maximum of 10 meetings per year; and

WHEREAS, the Public Works Commission plans to hold another additional meeting in December to develop its Work Plan for 2022.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Council authorizes one additional meeting in 2021 for the Public Works Commission.





Office of the Mayor

08

CONSENT CALENDAR  
March 23, 2021

To: Honorable Members of the City Council  
From: Mayor Jesse Arreguín (Author)  
Subject: 2021 Alameda County Redistricting Process

RECOMMENDATION

Adopt a Resolution calling on the Alameda County Board of Supervisors to allocate adequate resources and direct the creation of policies to ensure an equitable, inclusive and transparent process for the 2021 Alameda County redistricting process.

BACKGROUND

Every decade, redistricting processes take place across jurisdictions with district elections. The Alameda County Board of Supervisors has five districts that need to be redrawn in 2021 to determine how communities are represented on the Board and which communities are divided or consolidated. In order to create a fair and transparent process in which marginalized communities are engaged, the process needs to follow best practices as defined in AB 849 and AB 1276. AB 849, the Fair Maps Act, signed into law in 2019, creates standardized redistricting criteria, including keeping neighborhoods and diverse communities intact, and prohibiting partisan gerrymandering. It also requires cities and counties to hold public meetings and outreach to non-English speaking communities. AB 1276, approved in 2020, builds upon AB 849 by establishing timelines for public input. Both bills were authored by Assemblymember Rob Bonta.

In 2016, Berkeley voters overwhelmingly approved Measure W1, which created an Independent Redistricting Commission. The Commission, comprised of representatives from Berkeley's eight Council districts, five at-large, and 13 alternates, has the sole authority of deciding district boundaries. In previous redistricting cycles since Council districts were established in 1986, redistricting was under the authority of the City Council, which in previous cycles was highly contentious and ended in delays and litigation. The Commission, which recently began this decade's process, was designed to be inclusive and representative of all aspects of the Berkeley community. This model was based on the California Redistricting Commission, established in 2008, which has been regarded as a success story. The City of Oakland has a similar Redistricting Commission.

FINANCIAL IMPLICATIONS

None

ENVIRONMENTAL SUSTAINABILITY

There are no identifiable environmental effects or opportunities associated with adopting this recommendation.

CONTACT PERSON

Mayor Jesse Arreguín      510-981-7100

Attachments:

1: Resolution

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

SUPPORTING FAIR AND TRANSPARENT REDISTRICTING FOR THE ALAMEDA COUNTY BOARD OF SUPERVISORS DISTRICTS

WHEREAS, the boundaries of the five Alameda County Supervisorial Districts must be redrawn in 2021 determining how communities are represented on the Board, how communities affiliate to address issues of common interest, and which communities are divided or consolidated; and

WHEREAS, the final maps approved in 2021 will be in place for the next 10 years, and in the past, there have been few requirements that redistricting be fair, transparent, and engage marginalized communities; and

WHEREAS, the Alameda County Board of Supervisors has sought to include local communities through civic engagement such as the successful Alameda County Counts census effort; and

WHEREAS, robust, safe, and inclusive community engagement to develop proposed district maps requires time and resources to ensure digital access, diverse schedules, translation services, meeting schedule notice, and other requirements identified by best practices and AB 849 (Bonta) and AB 1276 (Bonta); and

WHEREAS, two cities in Alameda County—Berkeley and Oakland—and several counties in California have established Independent Redistricting Commissions to ensure a fair and transparent redistricting process, including those in Los Angeles County, Santa Barbara County, San Diego County, and San Francisco County; and

WHEREAS, the timeframe to draw these maps will be compressed due to national issues and the impact of the pandemic on local communities.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that it hereby urges the Alameda County Board of Supervisors to allocate adequate resources and direct the creation of policies to ensure an equitable, inclusive and transparent redistricting process consistent with AB 849 and AB 1276 and the best practice guide of the Asian Americans Advancing Justice—Asian Law Caucus<sup>1</sup>. Specifically, we expect that the 2021 Alameda County redistricting process shall be directed towards the following goals:

1. Protects and maintains communities of interest;

---

<sup>1</sup> Asian Americans Advancing Justice – Asian Law Caucus. “Guide to Best Practices in Districting.” Available at: <https://www.advancingjustice-alc.org/wp-content/uploads/2018/06/Guide-to-Districting-Best-Practices-AAAJ-ALC.pdf>.

2. Includes at least one public hearing regarding the proposed consultant who will develop the proposed map(s);
3. Includes at least one public hearing regarding the proposed outreach plan for the redistricting process;
4. Ensures that the consulting firm and the redistricting process as a whole offers accessible online and in person opportunities to provide input regarding communities of interest, impact of proposed lines, and other comments, questions, concerns, and ideas related to the proposed maps;
5. Includes accessibility approaches that remove physical, technological, language, and other barriers to public participation including work schedules and family commitments;
6. Leverages the trusted messengers and communities of interest infrastructure put in place to ensure a complete census count, including engaging community volunteers<sup>2</sup>;
7. Includes meetings before and after the maps are created as well as at least two other methods/opportunities for engagement accessible for each of the five districts;
8. Leverages the Municipal Advisory Councils, Interfaith Networks, and other existing network and neighborhood infrastructure to communicate the importance of and opportunity to participate in the redistricting process;
9. Provides adequate funding and personnel to accomplish these goals in partnership with community volunteers; and
10. Provides meeting notices at least two weeks in advance, including notices of Board of Supervisors meetings whenever possible.

---

<sup>2</sup> The Alameda County Coalition for Fair Redistricting is eager to work with organizations to help provide community volunteers.



# BEN BARTLETT

CITY COUNCILMEMBER, DISTRICT 3

09

CONSENT CALENDAR

March 23, 2021

To: Honorable Mayor and Members of the City Council  
 From: Councilmember Ben Bartlett (Author), Mayor Jesse Arreguin (Co-Sponsor), Councilmember Terry Taplin (Co-Sponsor)  
 Subject: Establish a Parking Benefits District (PBD) in the Adeline Corridor and Fiscal Year 2022 Budget Referral

## RECOMMENDATION

Refer to the City Manager to establish a Parking Benefits District (PBD) in the Adeline Corridor to finance and support neighborhood improvements--such as landscaping, lighting, cleaning, pedestrian and transit infrastructure, and more--in South Berkeley and refer to the Fiscal Year 2022 budget process \$50,000 for city staff to hire and manage a consultant to assist in the formation and establishment of the PBD.

## CURRENT SITUATION

Outlined in the Lorin Business Association's vision for South Berkeley and the Adeline Corridor draft plan is a business improvement district (BID).<sup>1</sup> A BID uses fees from businesses and/or property owners to support physical improvements, special events, public safety, street cleanliness/maintenance, and programming. The Lorin Business Association has already spent five years advocating for a BID in South Berkeley but such a district has yet to be established in this community. Thus, the City can take a critical step in supporting innovative revitalization activities in South Berkeley by establishing a Parking Benefits District (PBD) to help the City improve the Adeline Corridor. In addition, the parking revenue generated within the PBD should fund designated neighborhood improvements.

## BACKGROUND

Parking benefits districts (PBDs) are defined geographic areas, typically along commercial corridors, in which revenue generated from on-street and off-street parking facilities within the district is returned to the district to finance neighborhood improvements. A PBD ties the economic benefits of parking directly to improving the quality of life in the immediate area.

PBDs specifically require local parking revenue to stay local, while financing neighborhood improvements. PBDs allow local merchants, organizations, property owners, residents and visitors to clearly see that the monies collected are being spent for the benefit of their district, on projects that they have chosen. In turn, they become willing to support, and often advocate on behalf of the needs of the residents and patrons who utilize the parking.

To improve our commercial districts and expand investments in our neighborhoods, the Council should adopt this item creating a South Berkeley PBD with the specific requirement that parking revenue generated in the district is used for neighborhood improvements. Funds from a PBD could be used in critically important ways, such as

<sup>1</sup> <https://www.cityofberkeley.info/council3/adeline/>

hiring full-time staff to manage the following activities: landscaping and streetscape screening, street cleaning, transit and pedestrian infrastructure, street furniture, marketing of local businesses, management activities, and visitor and security ambassadors.

The request for a PBD is an innovative approach to a real problem in South Berkeley. Constituents have faced many generations of neglect in this neighborhood. A PBD brings equity, a leg up for our commercial district to develop in a cohesive, community oriented way. It also gives our neighborhood an opportunity to work together on issues of mutual interest to South Berkeley, while receiving the resources necessary to improve the quality of life of its constituents.

A successful PBD in South Berkeley would also incorporate a number of other key elements that the Council should also consider:

- Creation of a governing and oversight body to develop an approved program of revenue expenditures, subject to final approval by City Council. This body could take one of several potential forms, such as: An appointed or volunteer advisory board, which could include residents, property owners, businesses and other organizations operating within South Berkeley, residents and city staff;
- Implementation of parking meters and pricing structures that facilitate demand-based pricing;
- Adoption of a defined list of PBD revenue expenditures;
- Development of a coordinated public relations plan, which would use wayfinding, signage, and public outreach to explain the role of demand-based pricing and articulate how parking revenue is being utilized to benefit South Berkeley;
- Ongoing evaluation and management of PBD policies and expenditures; and
- City reporting on the funds generated.

#### REVIEW OF EXISTING PLANS, PROGRAMS, POLICIES, AND LAWS

A PBD is a well established concept used in municipalities around the United States. In California, Pasadena and Newport Beach have used the PBD to support revitalization needs. Parking management is an issue often overlooked in a neighborhood's development plan. While it may seem like a secondary concern in the quest for economic development, parking management directly impacts accessibility to businesses, customer willingness to travel to certain areas, and the quality of life experienced by residents. Studies have shown that a smart, proactive parking policy can revitalize a neighborhood. South Berkeley is a prime neighborhood for this type of engagement.

#### CONSULTATION OVERVIEW

The District 3 Office consulted with leaders of the Lorin Business Association. Their advocacy has informed this recommendation.

#### RATIONALE FOR RECOMMENDATION

The Council should promote equity by establishing a Parking Benefits District (PBD) in the Adeline Corridor to finance and support neighborhood improvements in South Berkeley. In comparison to the ways the City has invested in other districts, South



Berkeley has often been neglected. The Lorin Business Association has long advocated for the establishment of a traditional business improvement district, but such a district has yet to be established in this community. The Council now has the opportunity to support the South Berkeley commercial district and improve the quality of life for its constituents by establishing a PBD and dedicating parking revenue funding in the PBD to neighborhood improvements, such as landscaping, lighting, cleaning, pedestrian and transit infrastructure, and other things that City residents benefit from.

FISCAL IMPACTS

Rather than accruing to the City, if the PBD is established, all or a portion of revenue generated from on-street and off-parking facilities will be utilized to finance neighborhood improvements, thereby improving the quality of life in the business district and surrounding area. In order to form the PBD, a one-time allocation of resources, estimated at \$50,000 is required and being referred to the FY 2022 budget process. Additional fiscal impacts, if any, to the City will be analyzed in depth should City Council approve the referral along with the requested budget allocation when the FY 2022 budget is adopted.

CONTACT PERSON

Councilmember Ben Bartlett:  
James Chang

510-981-7130  
jchang@cityofberkeley.info





Susan Wengraf  
Councilmember District 6

CONSENT CALENDAR  
March 23, 2021

To: Honorable Mayor and Members of the City Council  
From: Councilmember Susan Wengraf (Author)  
Subject: Proclamation in Honor of Holocaust Remembrance Day

RECOMMENDATION

Adopt the Holocaust Remembrance Day Proclamation for the 18<sup>th</sup> Annual Holocaust Remembrance Day program to be held virtually Thursday, April 8<sup>th</sup> from 2:00 – 3:00 PM.

FINANCIAL IMPLICATIONS

Councilmembers already generously donated funds from their discretionary budgets. No fiscal impacts.

BACKGROUND

The City of Berkeley has sponsored the Annual Holocaust Remembrance Day program since 2002 to honor Holocaust survivors and their families. It reminds all of us of the terrible consequences when hate goes unchecked. The program nourishes, strengthens and renews our belief in the strength of the human spirit. All community members are welcome to attend.

This year's program honors Survivor Edith Heine who will speak about her experiences during her early childhood in Europe. Sasha Clancy McQueen, grandchild of a Holocaust Survivor will also speak. The program will include a candle lighting and music performed by Michael Perlmutter, Cantor Sharon Bernstein, Josh Horowitz and Cookie Segelstein.

ENVIRONMENTAL SUSTAINABILITY

N/A

CONTACT PERSON

Councilmember Wengraf                      Council District 6                      510-981-7160

Attachments:  
1: Proclamation

*HOLOCAUST REMEMBRANCE DAY*

*Whereas*, the Holocaust was the state-sponsored, systematic persecution and annihilation of more than six million European Jews by Nazi Germany and its collaborators between 1933 and 1945, and

*Whereas*, Roma Gypsies, people with mental illness and physical disabilities, and Poles were also targeted for destruction for racial, ethnic, or national reasons; and millions more, including homosexuals, Jehovah's Witnesses, Soviet prisoners of war, and political dissidents also suffered grievous oppression and death under Nazi tyranny; and

*Whereas*, The City of Berkeley is committed to never forgetting the terrible events of the Holocaust and are committed to remaining vigilant against hatred, persecution, prejudice and tyranny; and to dedicating ourselves to the principles of individual freedom in a just society; and

*Whereas*, We remember this is the 78<sup>th</sup> anniversary of the Warsaw Ghetto uprising when the human spirit resisted and fought back, against great odds, and by memorializing the past we help to steel ourselves for the challenges of tomorrow; and

*Whereas*, the Holocaust Remembrance Day has been set aside for the people of the City of Berkeley to join together as a community to remember the victims of the Holocaust, as well as to reflect on the need for respect of all peoples.

*Now Therefore*, I, Jesse Arreguín, Mayor of the City of Berkeley, do hereby proclaim Thursday, April 8, 2021 as Holocaust Remembrance Day in the City of Berkeley, in memory of the victims of the Holocaust and in honor of the survivors as well as the rescuers and liberators.

*Now Therefore I Further Proclaim* that we, as citizens of the City of Berkeley, will work to promote human dignity and confront hate whenever and wherever it occurs.



CITY COUNCILMEMBER  
**RIGEL ROBINSON**  
DISTRICT 7

11

CONSENT CALENDAR  
March 23, 2021

To: Honorable Mayor and Members of the City Council  
From: Councilmember Rigel Robinson (Author) and Councilmember Rashi Kesarwani (Co-Sponsor)  
Subject: Support for AB 286: Food Delivery Platform Fees and Commissions

RECOMMENDATION

Send a letter to Assemblymember Lorena Gonzalez, Senator Nancy Skinner, and Assemblymember Buffy Wicks in support of Assembly Bill 286, which would establish equitable standards in the food delivery industry by capping service fees, requiring food delivery platforms to provide accurate transaction breakdowns, and prohibiting the collection of delivery driver tips by the delivery company.

BACKGROUND

AB 286, introduced by Assemblymember Lorena Gonzalez, would do the following:

- (1) Cap the service fee charged by food delivery platforms to restaurants at 15% of the menu item price, not including any tips, gratuities, or taxes that factor into the total amount paid by the customer.
- (2) Require food delivery platforms to provide an accurate and transparent itemization of each transaction for both customers and partnered restaurants.
- (3) Prohibit the delivery platform companies from pocketing any amount of the money customers intended as a tip/gratuity for the delivery driver.

While the pandemic has been financially devastating for many businesses, third-party food delivery companies, such as DoorDash and Postmates, have been profiting. However, their profits have come at the expense of charging restaurants, already struggling economically, with excessive fees and commissions for their services. The 15% cap on commission fees called for by AB 286 is almost half of what some food delivery platforms are currently charging restaurants, with some delivery apps charging up to 33%.<sup>1</sup> These third-party food delivery companies are multi-billion dollar corporations whose practices are hurting food facilities and restaurants of a smaller scale.<sup>2</sup>

---

<sup>1</sup> <https://www.sandiegouniontribune.com/business/story/2021-01-22/san-diego-council-members-call-for-cap-on-fees-restaurants-are-charged-by-food-delivery>

<sup>2</sup> <https://a80.asmdc.org/press-releases/new-assemblywoman-gonzalez-bill-sets-statewide-cap-fees-charge>

This legislation is a step towards creating a more equitable industry for restaurants and food delivery platforms. Specifically, it is a continuation of the effort initiated by Assemblymember Gonzalez last year to establish fair standards in the food delivery industry with the Fair Food Delivery Act (AB 2149), which required third-party delivery platforms to first establish agreements with any restaurant they would like to deliver food for.

In December 2020, Council imposed a cap of 10% for delivery and 5% for other fees in order to help alleviate the financial strain that the COVID-19 pandemic has placed upon restaurants.<sup>3</sup> Cities such as Los Angeles and San Francisco have also passed similar legislation.

AB 286 would act as a serviceable relief for businesses struggling to choose between high commission fees from delivery platforms and shutting down without a way to safely serve customers.

Therefore, the Berkeley City Council should support AB 328 and send the attached letter of support to Assemblymember Lorenza Gonzalez, Senator Nancy Skinner, and Assemblymember Buffy Wicks.

#### FINANCIAL IMPLICATIONS

None.

#### ENVIRONMENTAL SUSTAINABILITY

No impact.

#### CONTACT PERSON

Councilmember Rigel Robinson, (510) 981-7170  
Crystal Choi, Intern

#### Attachments:

1: Letter of support

2: Bill text

[https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202120220AB286](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB286)

---

<sup>3</sup> [https://www.cityofberkeley.info/Clerk/City\\_Council/2020/12\\_Dec/Documents/2020-12-01\\_Item\\_22\\_Amending\\_Berkeley\\_Municipal\\_Code\\_13\\_111\\_020\(a\).aspx](https://www.cityofberkeley.info/Clerk/City_Council/2020/12_Dec/Documents/2020-12-01_Item_22_Amending_Berkeley_Municipal_Code_13_111_020(a).aspx)

March 23, 2021

The Honorable Lorena Gonzalez  
Assemblymember, 80th District  
State Capitol, Room 2114  
Sacramento, CA 94249

**RE: City of Berkeley's Support for Assembly Bill 286**

Dear Assemblymember Gonzalez,

The Berkeley City Council would like to convey our full support for Assembly Bill 286, which would help protect family restaurants and other small businesses from billion-dollar app-based delivery companies that are taking advantage of the COVID-19 pandemic to engage in predatory business practices.

The City of Berkeley has already imposed a local cap on service fees, but state action is required to ensure that all restaurants and gig economy workers across California have equal and adequate protections. The impacts of the COVID-19 pandemic make this legislation all the more needed, as public health closures of in-person dining have made struggling restaurants heavily reliant on takeout and delivery options.

Prohibiting corporate pocketing of driver tips, capping service fees, and enforcing transactional transparency are crucial measures that would help keep California's treasured small businesses afloat during these challenging times. The Berkeley City Council supports AB 286 and thanks you for taking the lead on this important issue.

Sincerely,

The Berkeley City Council

CC: Senator Nancy Skinner  
Assemblymember Buffy Wicks







CITY COUNCILMEMBER  
**RIGEL ROBINSON**  
 DISTRICT 7

12

CONSENT CALENDAR  
 March 23, 2021

To: Honorable Mayor and Members of the City Council

From: Councilmember Rigel Robinson (Author), Councilmember Terry Taplin (Co-Sponsor), Councilmember Kate Harrison (Co-Sponsor)

Subject: Support for AB 314: Legislature Employer-Employee Relations Act

RECOMMENDATION

Send a letter to Assemblymember Lorena Gonzalez, Assemblymember Buffy Wicks, and Senator Nancy Skinner in support of Assembly Bill 314, which would grant all employees of the California State Legislature the right to unionize and otherwise collectively bargain for improved wages and working conditions.

BACKGROUND

AB 314, introduced by Assemblymember Lorena Gonzalez, would expand collective bargaining rights currently enjoyed by California state employees to also cover employees of the Legislature, who are presently excluded from the benefits granted by the 1977 State Employer-Employee Relations Act. This bill would 1) grant legislative aides and other employees of the California State Legislature the right to form unions and otherwise collectively bargain for better pay and working conditions, and 2) make interfering or obstructing the collective bargaining of Legislature employees a finable misdemeanor.

Entry-level legislative staff are currently paid annual salaries that can go as low as \$36,000, not far above minimum wage.<sup>1</sup> Employees facing financial challenges or obstacles to long-term career viability see correlative increases in absenteeism,<sup>2</sup> as well as decreased productivity while on the job.<sup>3</sup> Granting legislative aides and other employees of the Legislature the ability to collectively bargain would pay meaningful dividends in terms of the well-being, and accordingly, the ability of those staffers. This is particularly true for Black and Hispanic staffers, among whom union membership yields especially stark increases in pay (13.7% and 20.1% increases compared to nonunionized Black and Hispanic workers, respectively).<sup>4</sup>

<sup>1</sup> [https://www.assembly.ca.gov/sites/assembly.ca.gov/files/Salaries/nov30\\_2020\\_lora\\_roster.pdf](https://www.assembly.ca.gov/sites/assembly.ca.gov/files/Salaries/nov30_2020_lora_roster.pdf)

<sup>2</sup>

[https://www.lockton.com/whitepapers/Finding\\_the\\_Links\\_Between\\_Retirement\\_Stress\\_and\\_Health.pdf](https://www.lockton.com/whitepapers/Finding_the_Links_Between_Retirement_Stress_and_Health.pdf)

<sup>3</sup> <https://www.pwc.com/us/en/private-company-services/publications/assets/pwc-2017-employee-wellness-survey.pdf>

<sup>4</sup> <https://www.epi.org/publication/why-unions-are-good-for-workers-especially-in-a-crisis-like-covid-19-12-policies-that-would-boost-worker-rights-safety-and-wages/>

The collective bargaining rights that AB 314 grants to employees of the California State Legislature would put them on equal footing with all other state employees, and pave the way for a legislative staffing body inoculated against financial stress and demoralization. The Berkeley City Council should support AB 314, and send the attached letter of support to Assemblymember Lorena Gonzalez, Assemblymember Buffy Wicks, and Senator Nancy Skinner.

FINANCIAL IMPLICATIONS

None.

ENVIRONMENTAL SUSTAINABILITY

No impact.

CONTACT PERSON

Councilmember Rigel Robinson, (510) 981-7170  
Cameron Stimac, Intern

Attachments:

1: Letter of support

2: Bill text

[https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=202120220AB314](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB314)

March 23, 2021

The Honorable Lorena Gonzalez  
Assemblymember, 80th District  
State Capitol, Room 2114  
Sacramento, CA 95814

**RE: City of Berkeley's Support for Assembly Bill 314**

Dear Assemblymember Gonzalez,

The Berkeley City Council would like to convey our full support for Assembly Bill 314, which extends the right to unionize and otherwise collectively bargain for improved wages and working conditions to all employees of the California State Legislature.

AB 314 represents a much-needed step in rebuilding the collective bargaining power of American workers, a necessity demonstrated all too clearly as COVID-19 continues unabated across the country. During the pandemic, legislative staffers have assisted thousands of residents with filing unemployment claims and navigating other state relief programs. These workers directly serve their community by handling constituent casework and playing a critical role in passing legislation that benefits all Californians. Too often, they are underpaid for their work.

We believe that this bill's capacity to improve the well-being, productivity, and diversity of legislative staff make this a change long overdue. The Berkeley City Council supports AB 314 and thanks you for taking the lead on this important issue.

Sincerely,

The Berkeley City Council

CC: Senator Nancy Skinner  
Assemblymember Buffy Wicks





CITY COUNCILMEMBER  
**RIGEL ROBINSON**  
 DISTRICT 7

13

CONSENT CALENDAR  
 March 23, 2021

To: Honorable Mayor and Members of the City Council  
 From: Councilmember Rigel Robinson (Author), Councilmember Terry Taplin  
 (Co-Sponsor), Councilmember Kate Harrison (Co-Sponsor)  
 Subject: Support for AB 328: Reentry Housing Program

RECOMMENDATION

Send a letter to Assemblymember David Chiu, Senator Nancy Skinner, and Assemblymember Buffy Wicks in support of Assembly Bill 328, which would allow those with recent histories of incarceration to remain stably housed and exit homelessness through grants for evidence-based housing and housing-based services interventions.

BACKGROUND

AB 328, introduced by Assemblymember David Chiu, would redirect annual savings resulting from the closure of California's state prisons to the Reentry Housing Program, providing those with recent histories of incarceration experiencing homelessness with grants for (1) long-term rental assistance in permanent housing, (2) operating subsidies in new or existing affordable or supportive housing units, (3) incentives to landlords, (4) services to assist in accessing permanent supportive housing, and/or (5) operating support for interim interventions. The Legislative Analyst's Office estimates \$1.5 billion in cost reductions by 2025 as a result of inmate population decline that could be repurposed for this program.<sup>1</sup>

Existing literature suggests a cyclic relationship between incarceration and homelessness. Formerly incarcerated people, especially women and people of color, are significantly more likely to be unstably housed or homeless; likewise, people experiencing homelessness are more vulnerable to incarceration. This synergy is most pronounced in urban centers and is of particular relevance to the City of Berkeley, which faces a housing crisis and has experienced a recent surge in our homeless population.<sup>2</sup>

Access to stable housing is critical to successful reentry from carceral institutions, as homelessness is a barrier to healthcare, job security, and educational programs, and is itself effectively a crime in some municipalities due to the criminalization of poverty. It has been demonstrated in multiple studies that homelessness is associated with

<sup>1</sup> [The 2021-22 Budget: State Correctional Population Outlook](#)

<sup>2</sup> <https://www.jstor.org/stable/pdf/resrep27306.pdf?acceptTC=true&coverpage=false&addFooter=false>  
<https://www.huduser.gov/portal/publications/pdf/p9.pdf>

increased rates of recidivism among formerly incarcerated people and those on parole.<sup>3</sup>

Evidence shows that supportive housing programs are effective in reducing the likelihood of both re-arrest and housing instability. In 2000, California passed AB 2034 with the intent to house those with serious mental illness, a well-known risk factor for incarceration. Longitudinal evaluation of these programs demonstrated decreased hospitalization and incarceration rates in participants, even in those who had greater barriers to housing stability such as co-occurring substance use disorders.<sup>4</sup>

Despite the success of AB 2034, the nexus of mass incarceration, homelessness, and racial injustice calls for further efforts to support formerly incarcerated individuals in gaining access to stable housing. The Reentry Housing Program is a sustainable criminal justice solution backed by the existing body of evidence in housing-based interventions and the reciprocal relationship between homelessness and incarceration. Therefore, the Berkeley City Council should support AB 328 and send the attached letter of support to Assemblymember David Chiu, Senator Nancy Skinner, and Assemblymember Buffy Wicks.

#### FINANCIAL IMPLICATIONS

None.

#### ENVIRONMENTAL SUSTAINABILITY

No impact.

#### CONTACT PERSON

Councilmember Rigel Robinson, (510) 981-7170  
Amy Guo, Intern

#### Attachments:

- 1: Letter of support
- 2: Bill text

[http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=202120220AB328](http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB328)

---

<sup>3</sup> <https://journals.sagepub.com/doi/10.1177/0011128714555760>

<sup>4</sup> [https://www.csh.org/wp-content/uploads/2011/12/Report\\_AB20341.pdf](https://www.csh.org/wp-content/uploads/2011/12/Report_AB20341.pdf)

March 23, 2021

The Honorable David Chiu  
Assemblymember, 17th District  
State Capitol, Room 4112  
Sacramento, CA 95814

**RE: City of Berkeley's Support for Assembly Bill 328**

Dear Assemblymember Chiu,

The Berkeley City Council would like to convey our full support for Assembly Bill 328, which would provide much needed housing security services for those with recent histories of incarceration, a population particularly vulnerable to experiencing homelessness.

The cyclic nature of homelessness and incarceration perpetuates many of the racial inequities, mental health concerns, and housing crises we face across the country. While decarcerative initiatives are an important pillar of criminal justice, reducing recidivism rates is critical to the sustainability of such solutions. The Reentry Housing Program is an evidence-based proposal that addresses the need for stable housing as a prerequisite for successful reintegration of formerly incarcerated individuals into society. We believe it is an appropriate repurposing of the savings from the projected closure of our state correctional facilities, and is of particular relevance to the City of Berkeley, which has a growing homeless population.

The Berkeley City Council supports AB 328 and thanks you and the bill's sponsors for taking the lead on this important issue.

Sincerely,

The Berkeley City Council

CC: Senator Nancy Skinner  
Assemblymember Buffy Wicks







CITY COUNCILMEMBER  
**RIGEL ROBINSON**  
DISTRICT 7

14

CONSENT CALENDAR  
March 23, 2021

To: Honorable Mayor and Members of the City Council  
From: Councilmember Rigel Robinson (Author), Councilmember Terry Taplin  
(Co-Sponsor)  
Subject: Support for AB 1400: Guaranteed Health Care for All

RECOMMENDATION

Adopt a resolution in support of Assembly Bill 1400, which would establish the California Guaranteed Health Care for All Act and create CalCare, a single-payer health insurance program for all California residents that is comprehensive, uniform, equitable and governed by the CalCare board.

BACKGROUND

AB 1400, introduced by Assemblymembers Ash Kalra, Alex Lee, and Miguel Santiago would do the following:

- (1) Establish a comprehensive universal single-payer health care coverage system for all California residents without discrimination, ensuring that affordable access to health care is a human right.
- (2) Establish a CalCare board of nine members that would have jurisdiction over enrollment policies, negotiate pricing, secure and allocate funding, and oversee all federal waivers.
- (3) Establish the CalCare Trust Fund in the State Treasury to provide a continuous and prudent source of funding for this program.

While the federal Patient Protection and Affordable Care Act has done much to ameliorate the crisis of insufficient healthcare coverage in California, many residents are still left without adequate means to access necessary medical resources. AB 1400 seeks to address this issue by implementing a universal single-payer health care coverage system. Specifically, this bill calls for government oversight that would establish a cost control system, offer a wide range of medical benefits equal to or of greater quality than existing state and private provision, establish working relationships with approved providers for accountability, and increase accessibility for disabled persons and underrepresented groups to reach the ultimate goal of eliminating health care disparities in the state of California.

In terms of eligibility and enrollment, every resident of the state of California would not only be eligible but *entitled* to CalCare membership, without any fees. Additionally, to address the continuously increasing population of out-of-state university students in the

state, CalCare would allow higher education institutions to purchase coverage for non-resident students.<sup>1</sup> CalCare also addresses high-cost prescription drugs and includes dietary and nutrition therapies, in addition to coverage for long-term services currently denied under many plans.

The state of California has a diverse population that requires a flexible health care coverage program to meet a range of needs. This legislation is a step in that direction, providing culturally-competent services through accommodations such as language interpretation, translation, and more integrated services for disabled Californians.

Lastly, the COVID-19 pandemic has only amplified the imperative for a more comprehensive, accessible, and transparent health care coverage system. CalCare would establish the CalCare Trust Fund in the State treasury, which would maintain an appropriate reserve of funding for responding to health emergencies such as epidemics, pandemics, or natural disasters.

The Berkeley City Council should support AB 1400 and adopt the attached resolution.

FINANCIAL IMPLICATIONS

None.

ENVIRONMENTAL SUSTAINABILITY

None.

CONTACT PERSON

Councilmember Rigel Robinson, Council District 7, (510) 981-7170  
Crystal Choi, Intern

Attachment:

1: Resolution

2: Bill text

[https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202120220AB1400](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB1400)

---

<sup>1</sup> <https://www.universityofcalifornia.edu/press-room/uc-s-california-student-enrollment-climbs-fourth-straight-year>

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

RESOLUTION SUPPORTING ASSEMBLY BILL 1400 (KALRA, LEE, & SANTIAGO),  
THE CALCARE ACT

WHEREAS, every Californian should have a right to health care; and

WHEREAS, while the federal Patient Protection and Affordable Care Act (PPACA) brought many improvements in health care and health care coverage, it still leaves many Californians without coverage or with inadequate coverage; and

WHEREAS, Californians, as individuals, employers, and taxpayers have experienced a rise in the cost of healthcare and health care coverage in recent years, including rising premiums, deductibles, and copays, as well as restricted provider networks and high out-of-network charges; and

WHEREAS, businesses have also experienced increases in the costs of health care benefits for their employees, and many employers are shifting a larger share of the cost of coverage to their employees or dropping coverage entirely; and

WHEREAS, Assembly Bill 1400 (AB 1400) would state the intent of the Legislature to enact legislation that would create a "comprehensive universal single-payer health care coverage program and a health care cost control system" for the benefit of all Californian residents; and

WHEREAS, AB 1400 would consistently cover all Californians, because coverage is based on residency, not a person's changing income or employment status; and

WHEREAS, AB 1400 would eliminate out of control co-pays and high deductibles, and reduce costs by cutting out insurance company waste and duplication; and

WHEREAS, AB 1400 would give consumers the freedom to choose their doctor, and would manage prescription drug costs; and

WHEREAS, AB 1400 is sponsored by the California Nurses Association; and

WHEREAS, CalCare would establish the CalCare Trust Fund in the State treasury for creating cost controls and maintaining a reserve of funding for responding to health emergencies.

NOW THEREFORE, BE IT RESOLVED that the City of Berkeley endorsed AB 1400, the CalCare Act.

BE IT FURTHER RESOLVED, that copies of this resolution be sent to Assemblymember Ash Kalra, Assemblymember Buffy Wicks, Senator Nancy Skinner, and Governor Gavin Newsom.





Office of the City Manager

PUBLIC HEARING  
March 23, 2021

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Jordan Klein, Interim Director, Planning and Development Department  
 Subject: Updated Fees for the Building Emissions Savings Ordinance

RECOMMENDATION

Conduct a public hearing and upon conclusion, adopt a Resolution amending the Planning Department fee schedule (Resolution No. 67,985-N.S.) by updating the administrative fees charged to building owners filing for a Time of Listing Deferral under the Building Emissions Saving Ordinance (BESO), and creating an administrative late fee.

FISCAL IMPACTS OF RECOMMENDATION

Adoption of the resolution will generate funds to recover additional costs associated with implementing the updated BESO requirements, adopted by the City Council in December 2020. All fees collected through this program are deposited into the BESO Fees Account in the Permit Service Center Fund.

The proposed increase to the Time of Listing Deferral fee from \$48 to \$110 would generate an additional \$36,208 per year. The fee increase will accurately reflect the staff time and technology resources needed to process deferrals and incorporate the new fuel source disclosure requirement. Staff is also proposing to establish an administrative late fee of \$85. No other changes to the existing fees for filing BESO compliance reports are proposed.

The following table shows the current BESO fees and the proposed update (see **Attachment 2** for more detailed calculations):

| Building Size                           | Filing Fee Frequency | Current Fee | Proposed Fee |
|-----------------------------------------|----------------------|-------------|--------------|
| Large (25,000 and over sq ft)           | Every 5 years        | \$240       | No change    |
| Medium (5,000 to 24,999 sq ft)          | At point-of-listing  | \$152       | No change    |
| Small (below 5,000 sq ft and 1-4 units) | At point-of-listing  | \$79        | No change    |
| Time of Listing Deferrals               | At point-of-listing  | \$48        | \$110        |
| Administrative Late Fee                 | N/A                  | N/A         | \$85         |

### CURRENT SITUATION AND ITS EFFECTS

The Building Emissions Savings Ordinance is a Strategic Plan Priority Project, advancing the City's goal to be a global leader in addressing climate change, advancing environmental justice, and protecting the environment. BESO requires building owners and homeowners to complete and publicly report comprehensive energy assessments to uncover energy and greenhouse gas (GHG) emissions saving opportunities and promote electrification amongst Berkeley's existing buildings.

In December 2020, City Council amended BESO to make the current time of sale assessment requirement due at time of listing, and to require disclosure of the fuel sources for all major energy systems and appliances for a building when applying for a deferral. These updates require the BESO team to collect additional building asset information through a new application process and generate custom informational material which is disclosed to all potential buyers when a building is listed for sale. These additional steps increase the administrative staff time to process Time of Listing Deferrals. The majority of buildings (75%) currently request to defer the assessment requirement to the buyer.

The updated Time of Listing Deferral process will require additional staff time and software updates to implement. Staff estimate that the updated BESO deferral costs \$110 per application. Please see **Attachment 2** for the full cost breakdown in support of the proposed fee changes.

Late compliance and non-compliance require significant staff time to identify, contact and inform building owners of the requirements and the necessary steps to bring their building into compliance. The BESO team will need to review listings to ensure that the proper fuel disclosure and electrification information has been disclosed. An administrative late fee will enhance enforcement and recover the staff time and material cost spent.

### BACKGROUND

Since BESO was established in 2015, administrative filing fees have been assessed for the submission of Energy Reports (due at time of sale and/or every five years, based on building size) and Deferrals (when the seller applies to defer compliance to the buyer time of sale). Fees are currently not required for buildings reporting annual energy usage benchmarks.

The filing fees were calculated by estimating the staff resources required per building for each size class. The fees cover the staff time needed to process the energy reports and the additional administrative costs, such as outreach and education, compliance tracking, as well as developing and maintaining information technology systems for customer service, on-line application, and energy information disclosure.

Over the course of BESO's implementation it has become evident that the filing fee to defer the assessment does not accurately reflect the staff time required to process the deferral and the additional follow-up with building owners once a deferral has expired.

ENVIRONMENTAL SUSTAINABILITY

The adoption of BESO was a key implementation action of the Climate Action Plan (CAP). Existing buildings are the second largest source of GHG emissions and account for 37% of GHGs in Berkeley's most recent emission inventory.

RATIONALE FOR RECOMMENDATION

The proposed fee update is expected to recover costs related to additional staff time and technology improvements needed to process Time of Listing Deferrals and outreach for late compliance and non-compliant buildings.

ALTERNATIVE ACTIONS CONSIDERED

No change to the BESO fee structure. The increased implementation costs for Time of Listing Deferral would need to be covered by General Fund.

CONTACT PERSON

Billi Romain, Sustainability Manager, Planning & Development Department, 510-982-7432

Attachments:

- 1: Resolution  
Exhibit A: BUILDING EMISSIONS SAVING ORDINANCE FEE SCHEDULE
- 2: Detailed calculations for proposed BESO fees
- 3: Public Hearing Notice

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

BUILDING EMISSIONS SAVING ORDINANCE FEE; AMENDING RESOLUTION NO. 67.985-N.S.

WHEREAS, in order to more effectively reduce greenhouse gas emissions and enable increased energy and water efficiency, Council adopted an amendment to the Building Emissions Saving Ordinance (BESO) on December 1, 2020; and

WHEREAS, in order to make the BESO Program sustainable, the filing fees shall be reassessed to cover additional staff and program costs of the new requirements approved by Council in the BESO amendment adopted December 1, 2020; and

WHEREAS, the current BESO filing fee to defer the assessment requirement does not accurately reflect the staff time required to process the deferral; and

WHEREAS, the BESO Program has been unable to recover staff time and program costs associated with late compliance or non-compliant buildings,

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Council hereby amends Resolution No. 67,985-N.S. to adopt an updated fee schedule for BESO as set forth below and in Exhibit A.

The following fee schedule applies to all buildings that file an Energy Assessment Report in compliance of BESO:

| <u>Building Type</u>                                                  | <u>Fee Amount</u> |
|-----------------------------------------------------------------------|-------------------|
| Small Buildings<br>(Under 5,000 square feet or Residential 1-4 units) | \$79              |
| Medium Buildings<br>(5,000 to 24,999 square feet)                     | \$152             |
| Large Buildings<br>(Over 25,000 square feet)                          | \$240             |
| Deferral (all building types)                                         | \$110             |
| Administrative Late Fee (all building types)                          | \$85              |

- Exhibits
- A: BESO Fee Schedule



| <b>CHAPTER G- OFFICE OF ENERGY AND SUSTAINABLE DEVELOPMENT</b> |                                                                                                       |                          |                |
|----------------------------------------------------------------|-------------------------------------------------------------------------------------------------------|--------------------------|----------------|
| <b>FEE TYPE / DESCRIPTION</b>                                  |                                                                                                       | <b>FEE</b>               | <b>REMARKS</b> |
| <b>I.</b>                                                      | <b>Building Emissions Saving Ordinance (BESO): Fees due with compliance filing at intervals shown</b> |                          |                |
|                                                                | <u>Building size/type:</u>                                                                            | <u>Filing frequency:</u> |                |
| A.                                                             | Large Buildings, ≥ 25,000 square feet                                                                 | Every 5 years            | \$ 240.00      |
| B.                                                             | Medium Buildings, between 5,000 and 24,999 square feet                                                | At point-of-listing      | \$ 152.00      |
| C.                                                             | Small Buildings, < 5,000 square feet, excluding 1-4 unit residential buildings                        | At point-of-listing      | \$ 79.00       |
| D.                                                             | Residential Buildings of 1-4 units                                                                    | At point-of-listing      | \$ 79.00       |
| E.                                                             | Deferral of BESO compliance to buyer                                                                  | At point-of-listing      | \$ 110.00      |
| F.                                                             | Administrative Late Fee                                                                               | N/A                      | \$ 85.00       |

BESO COMPLIANCE FEE CALCULATIONS**TABLE 1: CITY COSTS INCURRED FOR BESO SERVICES**

| Application Type                                              | % Staff Time - CSSII | CSSII Cost | % Staff Time - Intern | Intern Cost | Total Personnel Cost | Total Cost (Including Software & Materials) | Avg. # of Buildings per year | Cost Per Application |
|---------------------------------------------------------------|----------------------|------------|-----------------------|-------------|----------------------|---------------------------------------------|------------------------------|----------------------|
| Large Buildings 25k+ sqft                                     | 0.02                 | \$3,922    | 0                     | \$ -        | \$3,922              | \$10,725                                    | 45*                          | <b>\$238</b>         |
| Medium Buildings 5k-25k sqft                                  | 0.02                 | \$3,922    | 0.1                   | \$1,976     | \$5,898              | \$6,632                                     | 42                           | <b>\$158</b>         |
| Single Family Homes (1-4 units)<br>+ Small Buildings <5k sqft | 0.23                 | \$45,109   | 0.4                   | \$7,904     | \$53,013             | \$59,607                                    | 737                          | <b>\$81</b>          |
| Deferrals (75% of sales)                                      | 0.25                 | \$49,032   | 0.4                   | \$7,904     | \$56,936             | \$64,017                                    | 584                          | <b>\$110</b>         |
| Non-Compliance -<br>Administrative Late Fee                   | 0.05                 | \$9,806    | 0.1                   | \$1,976     | \$11,782             | \$13,247                                    | 156**                        | <b>\$85</b>          |

\*Number of buildings based on projected 5 year average

\*\*Estimate 20% of time-of-listing buildings comply late or are non-compliant

**TABLE 2: BESO FEE REVENUE ESTIMATES**

| Building Size                                 | Cost per Application (Table 1) | BESO Filing Fee | Applications (Avg. per year) | Annual Fee Revenue |
|-----------------------------------------------|--------------------------------|-----------------|------------------------------|--------------------|
| Large (25,000 and over sq ft)*                | \$238                          | \$240           | 45                           | \$10,800           |
| Medium (5,000 to 24,999 sq ft)                | \$158                          | \$152           | 42                           | \$6,384            |
| Small (below 5,000 sq ft) excluding 1-4 units | \$81                           | \$79            | 55                           | \$4,345            |
| Single family homes (1-4 units)               | \$81                           | \$79            | 682                          | \$53,878           |
| Time of Listing Deferral (75% of sales)       | \$110                          | \$110           | 584                          | \$64,268           |
|                                               |                                | <b>Totals:</b>  | <b>1,408</b>                 | <b>\$139,675</b>   |

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

**UPDATED FEES FOR THE BUILDING EMISSIONS SAVINGS  
ORDINANCE**

Notice is hereby given by the City Council of the City of Berkeley that a public hearing will be conducted on March 23, 2021, at 6:00 p.m. via videoconference pursuant to Governor’s Executive Order N-29-20, at which time and place all persons may be heard upon the following:

The Department of Planning and Development is proposing to increase BESO Time of Listing deferral filing fee and establish an administrative late fee.

**Current Fees**

|                                                                    |       |
|--------------------------------------------------------------------|-------|
| Small Buildings (Under 5,000 square feet or Residential 1-4 units) | \$79  |
| Medium Buildings (5,000 to 24,999 square feet)                     | \$152 |
| Large Buildings (Over 25,000 square feet)                          | \$240 |
| Deferral (all building Types)                                      | \$48  |

**Proposed Fees**

|                                                                    |       |
|--------------------------------------------------------------------|-------|
| Small Buildings (Under 5,000 square feet or Residential 1-4 units) | \$79  |
| Medium Buildings (5,000 to 24,999 square feet)                     | \$152 |
| Large Buildings (Over 25,000 square feet)                          | \$240 |
| Deferral (all building Types)                                      | \$110 |
| Administrative Late Fee                                            | \$85  |

The hearing will be held on March 23, 2021 at 6:00 p.m., A copy of the agenda material for this hearing will be available on the City’s website at [www.CityofBerkeley.info](http://www.CityofBerkeley.info) as of **MARCH 11, 2021. Once posted, the agenda for this meeting will include a link for public participation using Zoom video technology.**

For further information, please contact Billi Romain, Sustainability Manager, at 510-982-7432

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

Communications to the Berkeley City Council are public record and will become part of the City’s electronic records, which are accessible through the City’s website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record.** If you do not want your e-mail address or any other contact

information to be made public, you may deliver communications via U.S. Postal Service. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk at 981-6900 or [clerk@cityofberkeley.info](mailto:clerk@cityofberkeley.info) for further information.

If you challenge the above in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City of Berkeley at, or prior to, the public hearing. Background information concerning this proposal will be available at the City Clerk Department and posted on the City of Berkeley webpage at least 12 days prior to the public hearing.

**Published:** March 12 and 19, 2021 – The Berkeley Voice

~~~~~

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 March 11, 2021.

Mark Numainville, City Clerk



Office of the City Manager

PUBLIC HEARING
March 23, 2021

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: ZAB Appeal: 1200 San Pablo Avenue, Use Permit #ZP2019-0192

RECOMMENDATION

Conduct a public hearing and, upon conclusion, adopt a Resolution affirming the Zoning Adjustments Board (ZAB) decision to approve Use Permit #ZP2019-0192 to demolish three existing commercial buildings and construct a six-story, mixed-use building with 104 dwelling units (including nine Very Low Income units), a 3,119-square-foot restaurant, 4,343 square feet of usable open space, and 55 ground-level parking spaces, and dismiss the appeal.

FISCAL IMPACTS OF RECOMMENDATION

None.

CURRENT SITUATION AND ITS EFFECTS

On December 2, 2019, Isaiah Stackhouse of Trachtenberg Architecture submitted an application for Use Permit # ZP2019-0192 to demolish three existing commercial buildings at 1200, 1212, and 1214 San Pablo Avenue, and construct a six-story, mixed-use building with 104 units and a 3,119-square-foot restaurant.

On July 2, 2020, the Landmarks Preservation Commission (LPC) received the referrals and evaluations for the properties at 1212 and 1214 San Pablo.¹ The Commission took no action to initiate designation as a City Landmark or Structure of Merit and forwarded condition of approval recommendations for the ZAB to consider.

On October 15, 2020, the Design Review Committee (DRC) conducted a Preliminary Design Review (PDR) of the project and forwarded a favorable recommendation for the project to the ZAB with conditions and recommendations for Final Design Review (FDR).

¹ A demolition referral and Use Permit to demolish the commercial building on the 1200 San Pablo parcel was approved under a previous entitlement, Use Permit #ZP2017-0191, and not exercised. Use Permit #ZP2019-0192 added the two parcels just south of 1200 San Pablo, 1212 and 1214 San Pablo, to the site with a new project proposal.

On November 12, 2020, the ZAB conducted a public hearing for the use permit application. After hearing public comments and holding discussion, the ZAB approved the use permit by a vote of 7-0-0-1 (Yes: Clarke, Kahn, O’Keefe, Olson, Pinkston, Selawsky, Sheahan; No: None; Abstain: None; Absent: Kim).

On November 24, 2020, staff issued the ZAB Notice of Decision.

On December 8, 2020, Dan Hayes, the neighbor residing at 1116 Harrison Street, filed an appeal of the ZAB decision with the City Clerk.

On March 19, 2021, staff posted the public hearing notice at the site and three nearby locations, and mailed notices to property owners and occupants within 300 feet of the project site, and to all registered neighborhood groups that cover this area. The Council must conduct a public hearing to resolve the appeal.

BACKGROUND

In 2018, prior to the submittal of the permit application that is the subject of this appeal, a previous entitlement was approved by the ZAB under Use Permit #ZP2017-0191 to develop the 1200 San Pablo parcel only, with a proposal to demolish the existing commercial building (formerly Church’s Chicken) and construct a 49,843 square foot, six-story, 66-foot-tall, mixed-use building with 57 dwellings and 1,125 square feet of ground-level commercial retail space. The project was never constructed.

The 2018 project was approved with 44 off-street parking spaces, where 59 was required [57 residential and 2 commercial] in the C-W zoning district, West Berkeley Commercial District parking standards of one (1) space per dwelling unit and two (2) spaces per 1,000 square feet of gross commercial floor area. The project used a density bonus parking reduction pursuant to Government Code § 65915(p)(2) to reduce the residential parking ratio to 0.5 spaces per bedroom, as well as a density bonus waiver pursuant to Government Code § 65915(e) to further reduce the residential parking requirement. Both the parking reduction and the waiver were approved by the ZAB as part of the overall project. The 2018 project approval was not appealed; however, it was never implemented.

The permit approval that is being appealed, #ZP2019-0192 – submitted in December, 2019 and approved by the ZAB in November, 2020 – would demolish the commercial buildings on the parcels at 1212 and 1214 San Pablo, merge them with the parcel at 1200 San Pablo and construct a larger project than the 2018 project on the resultant site. The ZAB approved this project for 55 off-street parking spaces where 110 was required [104 residential and 6 commercial] pursuant to C-W District standards. This project used the same density bonus provisions as the 2018 project to reduce the residential parking requirement: a reduction pursuant to Government Code § 65915(p)(2) to lower the parking ratio to 0.5 spaces per bedroom, reducing the requirement from 104 spaces to 67; and a waiver pursuant to Government Code § 65915(e) to reduce the requirement further, from 67 to 49. See Figure 1 for a

summary of the parking requirements and reductions. Both the reduction and the waiver were approved by the ZAB as part of the overall project.

Figure 1: Parking Requirements and Reductions

<u>Parking Required</u>	Parking Ratio	Reduction	Required	State/Local Provision
Residential (104 Dwelling Units / 133 Bedrooms)	1 per DU	N/A	104	C-W District BMC 23E.64.080
	0.5 per Bedroom	-37	67	Reduction under GC §65915(p)(2)
	As required to accommodate the density bonus project on the site	-18	49	Waiver under GC §65915(e)
Commercial (3,119 square feet)	2 per 1,000 SF	N/A	6	C-W District BMC 23E.64.080
Residential	N/A	-104	0	Parking Reform, effective March 2021
<u>Parking Provided</u>			Provided	
Residential			49	
Commercial			6	
Total Provided in Project			55	
Bicycle	<u>Residential</u> : 1 long-term space per 3 bedrooms + 1 short-term space per 40 bedrooms = 44 / 3 <u>Commercial</u> : 1 space per 2,000 SF = 4)	N/A	48 / 14 (long-term / short-term)	Parking Reform, effective March 2021

On March 19, 2021, a parking reform ordinance (Ordinance 7,751-N.S.) that was adopted by the City Council became effective, eliminating minimum residential parking requirements across all zoning districts (except in the ES-R district, and except in the Hillside Overlay district on roads less than 26 feet in width) and establishing a requirement for Transportation Demand Management (TDM) measures for projects with ten or more units. As a result, the current residential parking requirement for the C-W District and the project is zero (the commercial parking requirement is unchanged). The TDM measures required for the project include bicycle parking minimums, unbundled vehicle parking, a building lobby real-time transit display, and free transit passes for

residents. Compliance measures include an initial site inspection to verify the incorporation of the physical improvements to the site, and a requirement for periodic ongoing compliance reports. TDM conditions of approval have been added to the permit for Council's consideration to ensure compliance with the new TDM requirements, and are included in Exhibit A to the resolution.

For additional project background, please see Attachment 3, the ZAB staff report for this project.

ENVIRONMENTAL SUSTAINABILITY

The proposed project is in compliance with all state and local environmental requirements.

RATIONALE FOR RECOMMENDATION

The issues raised in the appellant's letter and staff's responses follow. For the sake of brevity, the appeal issues are not re-stated in their entirety. Please refer to the attached appeal letter (Attachment 2) for the full text.

Issue 1: The appellant asserts that the approval of 49 residential parking spaces (with a density bonus waiver), when 104 is required, is inadequate for the parking needs of the residents of the new building. As a result, residents would seek street parking in the "safer" residential neighborhood east of San Pablo (on Kains, Stannage, Harrison, and Gilman), where parking is already scarce due to local business employees parking in unmetered spaces, making it harder for residents of this neighborhood to park near their residences. Increased traffic from cars searching for parking in the neighborhood would make the streets less safe for families with young children. The appellants would like the Council to reverse the approval of the density bonus parking waiver, allowing 49 spaces instead of 69 spaces.

Response 1: This appeal point is no longer applicable, due to the City Council's adoption of a parking reform ordinance (Ordinance 7,751-N.S.) that became effective on March 19, 2021. The new regulations eliminate the requirement to provide residential parking in the project, effectively reducing the parking requirement for the project to six (6) commercial spaces. However, TDM measures are now required in the project. A TDM condition of approval has been added to the permit for Council's consideration to ensure compliance with this requirement.

For background, the project would provide at least 10 percent of the total project units to very low income (VLI) households – nine (9) units – so the project is entitled to an unlimited number of density bonus waivers under Government Code § 65915(e). A waiver is a modification of a development standard that would otherwise physically preclude the

construction of the project with the permitted density bonus and concessions. Waivers for FAR, height, parking, and rooftop projections were approved in the project because they were deemed necessary to physically accommodate the full density bonus project on the site. As discussed in the Background section, the ZAB approved a parking reduction under Government Code § 65915(p)(2) to reduce the residential parking requirement from 104 to 67 spaces², and a parking waiver under Government Code § 65915(e) to reduce the requirement from 67 to 49. The project meets this reduced requirement by providing 49 residential parking spaces in a ground-level parking area in the building.

Issue 2: The appellant contests the finding of the transportation consultant report that there is a street parking occupancy rate of 46% between 6 p.m. and 8 p.m. for streets within two blocks of the site. They assert that this may be true of the “unsafe and metered” spots in the immediate area, but it is not true of the (unmetered) street parking in the residential area to the east, for which the appellant has observed a higher occupancy rate in the evenings.

Response 2: This appeal point is no longer applicable, due to the City Council’s adoption of a parking reform ordinance (Ordinance 7,751-N.S.) that became effective on March 19, 2021 which eliminated the residential parking requirements and established a requirement to provide TDM measures (in projects with 10 or more dwelling units).

No parking evaluation or survey is required for the approval of a density bonus parking waiver, and the City can only deny a density bonus waiver if the denial findings pursuant to Government Code § 65915(e) can be made. Nevertheless, data collected for the 2018 TIA and the analysis in the 2020 Transportation Memorandum support the conclusion that the currently available on-street parking within two blocks of the site would accommodate the excess parking demand from the 2020 project that could not be accommodated on-site. The scope of the parking survey included in the 2018 TIA was determined by the City Traffic Engineer, and included a per-block occupancy inventory of all on-street and public off-street parking within two blocks of the project site, on three weekday afternoons and evenings. The completed parking analysis was reviewed by the Traffic Engineer prior to the City’s approval of the previous use permit in October 2018. The survey data showed that on the weeknights 169 spaces, or 46% of the total available parking spaces within two

² Pursuant to §65915(p)(2), the project is entitled to this parking reduction if requested by the developer, by providing the maximum percentage of VLI units as required in density bonus law (11%) and if the site is located within ½ mile of a major transit stop.

blocks of the project site, were unoccupied. The Memorandum concluded that this number far exceeds the 2020 project parking peak demand of 46 spaces that would not be accommodated on-site.

Neither the 2018 TIA nor the 2020 Transportation Memorandum analyzed the difference in occupancy between metered parking spaces west of San Pablo Avenue and non-metered parking spaces east of San Pablo Avenue.

Furthermore, a discussion of the project's parking analysis is no longer relevant, due to the changes in the municipal code pursuant to the parking reform ordinance which reduce the residential parking requirement to zero, and the total parking requirement for the project to six (6) spaces.

ALTERNATIVE ACTIONS CONSIDERED

Pursuant to BMC Section 23B.32.060.D, the Council may (1) continue the public hearing, (2) reverse, affirm, or modify the ZAB's decision, or (3) remand the matter to the ZAB.

Action Deadline:

Pursuant to BMC Section 23B.32.060.G, if the disposition of the appeal has not been determined within 30 days from the date the public hearing was closed by the Council (not including Council recess), then the decision of the Board shall be deemed affirmed and the appeal shall be deemed denied.

CONTACT PERSONS

Jordan Klein, Interim Director, Planning & Development Department, (510) 981-7534
Steven Buckley, Land Use Planning Manager, (510) 981-7411
Sharon Gong, Project Planner, (510) 981-7429

Attachments:

1. Draft Resolution
 - Exhibit A: Findings and Conditions
 - Exhibit B: Project Plans, received October 5, 2020³
2. Appeal Letter, dated received December 8, 2020
3. November 12, 2020 ZAB Hearing Staff Report
4. Transportation Memorandum, dated January 29, 2020
5. Transportation Impact Analysis, dated September 25, 2018
6. Index to Administrative Record

³ A typo in the November 12, 2020 ZAB Hearing Staff Report and Findings and Conditions is corrected here. The ZAB-approved plans were dated October 5, 2020, and not September 5, 2020, as listed in the report and the conditions.

ZAB Appeal: 1200 San Pablo Avenue
Use Permit #ZP2019-0192

PUBLIC HEARING
March 23, 2021

7. Administrative Record
8. Public Hearing Notice

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

AFFIRMING THE ZONING ADJUSTMENTS BOARD APPROVAL OF USE PERMIT #ZP2019-0192 TO DEMOLISH THREE EXISTING COMMERCIAL BUILDINGS AND CONSTRUCT A SIX-STORY, MIXED-USE BUILDING WITH 104 UNITS (INCLUDING NINE VERY LOW INCOME UNITS), A 3,119 SQUARE-FOOT RESTAURANT, 4,343 SQUARE FEET OF USABLE OPEN SPACE, AND 55 GROUND-LEVEL PARKING SPACES, AND DISMISSING THE APPEAL.

WHEREAS, on December 2, 2019, Isaiah Stackhouse of Trachtenberg Architecture (“applicant”), submitted an application for Use Permit # ZP2019-0192 to demolish three existing commercial buildings at 1200, 1212, and 1214 San Pablo Avenue, and construct a six-story, mixed-use building with 104 units and a 3,119-square-foot restaurant (“project”); and

WHEREAS, on May 6, 2020, staff deemed this application complete and determined that the project is categorically exempt from the California Environmental Quality Act (“CEQA”) under Section 15332 of the CEQA Guidelines (“In-Fill Development Projects”); and

WHEREAS, on October 29, 2020, staff mailed and posted a Notice of Public Hearing for the project in accordance with BMC Section 23B.32.020; and

WHEREAS, on November 12, 2020, the ZAB held a public hearing in accordance with BMC Section 23B.32.030, and approved the project; and

WHEREAS, on November 24, 2020, staff issued the notice of the ZAB decision; and

WHEREAS, on December 8, 2020, Dan Hayes, the neighbor residing at 1116 Harrison Street, filed an appeal of the ZAB decision with the City Clerk; and

WHEREAS, on or before March 9, 2020, staff mailed and posted a Notice of Public Hearing for the project in accordance with BMC Section 23B.32.020; and

WHEREAS, on March 23, 2021, the Council held a public hearing to consider the ZAB’s decision, and in the opinion of this Council, the facts stated in, or ascertainable from the public record, including the staff report and comments made at the public hearing, warrant approving the project as amended. Revisions to the parking standards in the municipal code in effect on March 19, 2021 changed the off-street, residential parking requirement for the project to none required.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Berkeley that the City Council hereby adopts the findings made by the ZAB in Exhibit A to affirm the decision of the ZAB to approve Use Permit # ZP2019-0192, adopts the conditions of approval in Exhibit A, adopts the project plans in Exhibit B, and dismisses the appeal.

Exhibits

A: Findings and Conditions

B: Project Plans, received October 5, 2020

ATTACHMENT 1, EXHIBIT A

FINDINGS AND CONDITIONS

MARCH 23, 2021

1200-1214 San Pablo Avenue

Use Permit #ZP2019-0192 to demolish three existing commercial buildings and construct a six-story, mixed-use building with 104 units (including nine Very Low Income units), a 3,119-square-foot restaurant, 4,343 square feet of usable open space, and 55 ground-level parking spaces.

PERMITS REQUIRED

- Use Permit under BMC §23C.08.050.C to demolish three existing non-residential buildings
- Use Permit under BMC §23E.64.030.A, to construct a mixed-use development with floor area of more than 9,000 square feet
- Use Permit under BMC §23E.64.030.A, to construct new dwelling units
- Administrative Use Permit under BMC §23E.64.030.A, to create a food service establishment that is over 1,500 square feet in area
- Use Permit under BMC §23E.64.050.B, to create new gross floor area of 5,000 square feet or more

WAIVERS/CONCESSIONS/REDUCTIONS UNDER GOVERNMENT CODE SECTION 65915-65918

- Waiver of BMC §23E.64.070.A to increase maximum FAR from 3 to 4
- Waiver of BMC §23E.64.070.B to increase maximum building height from 50'-0" to 67'-3"
- Waiver of BMC §23E.64.070.B to increase maximum number of stories from 4 to 6
- Waiver of BMC §23E.04.020.C to construct rooftop projections up to 15%, such as mechanical appurtenances or architectural elements which exceed the maximum height limit for the district

I. CEQA FINDINGS

1. The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code §21000, et seq. and California Code of Regulations, §15000, et seq.) pursuant to Section 15332 of the CEQA Guidelines ("In-Fill Development Projects").

The project meets all of the requirements of this exemption, as follows:

- A. The project is consistent with the applicable General Plan designation and policies, and with the applicable zoning designation and regulations.
- B. The project occurs within the Berkeley City limits on a project site of no more than five acres, and is surrounded by urban uses.
- C. The parcels within the project site have previously been developed and have no value as habitat for endangered, rare or threatened species.
- D. The project would not result in any significant effects relating to traffic, noise, air quality or water quality. The Traffic Impact Analysis prepared for the project was reviewed by the City Transportation Division which concurred with the findings of less than significant impacts. City Standard Conditions would address potential impacts related to traffic, noise, air quality, and water quality.
- E. The site can be adequately served by all required utilities and public services.

2. Furthermore, none of the exceptions in CEQA Guidelines Section 15300.2 apply, as follows: (a) the site is not located in an environmentally sensitive area, (b) there are no cumulative impacts, (c) there are no significant effects, (d) the project is not located near a scenic highway, (e) the project site is not located on a hazardous waste site pursuant to Government Code Section 65962.5, and (f) the project would not affect any historical resource.

II. DENSITY BONUS FINDINGS

1. Pursuant to Government Code Section 65915, the Zoning Adjustments Board finds that:
 - A. Under the City's methodology for implementing density bonuses, the "base project" consists of 77 units;
 - B. The project will provide at least nine (9) Very Low Income qualifying units in the 77-unit "Base Project", as more fully set forth in Condition 54;
 - C. The project is entitled to a density increase of 35% over the otherwise maximum allowable residential density under the Zoning Ordinance and General Plan Land Use Element, under the requirements of Government Code Section 65915(b) and (f), plus two concessions or incentives. (No concessions are requested in the project.) This equates to a density bonus of 27 units above the Base Project, for a total of 104 units.
2. In accordance with Government Code Section 65915(e) the Zoning Adjustments Board hereby grants the following waivers:
 - A. Waiver of BMC Section 23E.64.070.A to increase maximum FAR from 3 to 4
 - B. Waiver of BMC Section 23E.64.070.B to increase maximum building height from 50'-0" to 67'-3"
 - C. Waiver of BMC Section 23E.64.070.B to increase maximum number of stories from 4 to 6
 - D. Waiver of BMC Section 23E.04.020.C to construct rooftop projections up to 15%, such as mechanical appurtenances or architectural elements which exceed the maximum height limit for the district

These waivers are required because state law requires the City to modify development standards as necessary to accommodate these density bonus units, and because the Zoning Adjustments Board hereby finds that the density bonus units can best be accommodated by granting these waivers.
3. In accordance with Government Code Section 65915(e), in order to allow construction of the proposed project with the density permitted under State law, the Zoning Adjustments Board finds approval of waivers is required 1) construct the proposed project at the density permitted under State law; 2) approval of requested waivers would not have a specific adverse impact upon public health and safety, or the physical environment, or on any real property listed in the California Register of Historical Resources; and 3) approval of the requested waivers would not be contrary to State or Federal law.
4. A request under Government Code, §65915(p)(2) to reduce the residential parking ratio from one space per dwelling to 0.5 spaces per bedroom, yielding a requirement of 67 spaces, instead of 104 spaces and a waiver to reduce the residential parking requirement from 67 to 49 spaces were superseded by the City Council's adoption of Ordinance 7,751-N.S., that reduced the residential parking requirement to zero.

III. FINDINGS FOR APPROVAL

1. The Housing Accountability Act, Government Code Section 65589.5(j) requires that when a proposed housing development complies with applicable, objective general plan and zoning standards, a local agency may not deny the project or approve it with reduced density unless the agency makes written findings supported by substantial evidence that:
 - a. The development would have a specific adverse impact on public health or safety unless disapproved or approved at a lower density¹; and
 - b. There is no feasible method to satisfactorily mitigate or avoid the specific adverse impact, other than the disapproval or approval at a lower density.

Because the project would comply with applicable, objective general plan and zoning standards, §65589.5(j) does apply to this project. No significant, quantifiable, direct and unavoidable impacts, based on objective, identified written public health or safety standards, polices, or conditions, have been identified by staff. The project includes construction of 104 dwelling units.

2. As required by Section 23B.32.040.A of the BMC, the project, under the circumstances of this particular case existing at the time at which the application is granted, would not be detrimental to the health, safety, peace, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood, or to the general welfare of the City because:
 - A. The project is consistent with all applicable C-W District standards and qualifies for waivers and concessions for the listed district standards granted pursuant to State Density Bonus, Government Code, Section 65915;
 - B. Shadow impact on adjacent residential properties would be minor, as the project site is adjacent to commercial properties on the south, west and north property lines. Shadow impact on adjacent dwellings are to be expected, because the subject site is located in the C-W district, which allows heights of up to 50' and four stories for mixed-use buildings. A waiver is granted for additional height beyond the district height limits to accommodate the density bonus units to allow a 67'-3"-tall, six-story building. Staff believes that shadow impacts from the project would be reasonable and not detrimental;
 - C. The project is subject to the City's standard conditions of approval regarding construction noise and air quality, waste diversion, toxics, and stormwater requirements, thereby ensuring the project would not be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the area or neighborhood of such proposed use or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood or to the general welfare of the City.

IV. OTHER FINDINGS FOR APPROVAL

1. As required by Section 23C.08.050 of the BMC, the Zoning Adjustments Board finds that:
 - A. Demolition of the three existing, one-story, commercial buildings would allow the construction of a project that encompasses three parcels to add new housing and a new restaurant to the neighborhood;
 - B. The project would help to further the purposes of the C-W, West Berkeley Commercial District which implements the West Berkeley Plan.

¹ As used in the Act, a "specific, adverse impact" means a "significant, quantifiable, direct and unavoidable impact, based on objective, identified written public health or safety standards, polices, or conditions as they existed on the date the application was complete.

2. As required by Section 23E.64.090.B of the BMC, the Zoning Adjustments Board finds that:
 - A. The mixed-use building at this location will be a more appropriate utilization of a currently underutilized site that will bring 104 new residential units (including nine below-market-rate units) and a new 3,119-square-foot restaurant to the district and the neighborhood, replacing the existing vacant fast food restaurant, the tattoo parlor, and art gallery;
 - B. The project will further the purposes of the district by increasing the neighborhood population with new residents of mixed income who would patronize the local businesses and contribute to the livability and character of an underutilized portion of the San Pablo Avenue commercial corridor;
 - C. The new residents and restaurant patrons from the project will increase street-level activity and provide continuity for the ground-level activation that already exists from existing local businesses near the site;
 - D. With the ground-floor restaurant oriented toward San Pablo Avenue, a ground floor parking garage on the west side of the building adjacent to industrial/office uses, and residential units on the above floors, the project transitions well to the mixed-use, light industrial district west of the site, while being compatible with the residential and commercial uses in its own district (C-W) along San Pablo Avenue to the north, east, and south;
 - E. At six stories tall, the proposed project will help realize the development potential in the C-W district along San Pablo Avenue, which allows up to four stories (for mixed use buildings; additional height allowed by density bonus provisions), and will add to the trend of taller, mixed-use development along San Pablo Avenue in the West Berkeley Plan area, north of University Avenue;
 - F. The project will be an appropriate intensity of use that will not exceed local traffic and parking capacities. A memorandum was prepared by the project transportation consultant which concluded that the project will not cause a significant impact on traffic operations at the adjacent intersections, and will not adversely impact street parking in the area.
 - G. The project includes 49 residential parking spaces, where none is required. (Pursuant to Ordinance 7,751-N.S., the residential parking requirement is zero.) The project complies with the commercial parking requirement of six (6) spaces. Pursuant to Ordinance 7,751-N.S., the project complies with the bike parking requirement by providing 48 long-term and 14 short-term spaces where 44 long-term and 7 short-term spaces are required.
3. As required by Section 23E.64.090.C of the BMC, the Zoning Adjustments Board finds that:
 - A. The project includes a restaurant at the northeast corner of the building at the intersection of San Pablo Avenue and Harrison Street. The restaurant has its main entry and orientation on San Pablo Avenue, but has large windows along both frontages and will activate the full corner streetscape, adding to the pedestrian activity and interest on this portion of the Avenue that already draws visitors daily, by bringing new residents to the area, providing an outdoor space available for public use, and by bringing a new restaurant destination to draw local visitors as well as those from beyond the immediate neighborhood;
 - B. The project includes a parking lot with six spaces provided for the restaurant use, adequate to the district parking standard.
4. As required by Section 23E.64.090.H of the BMC, the Zoning Adjustments Board finds that:
 - A. The project will be compatible with and will further the purposes of the C-W District by improving the utilization of the site with development that is of appropriate intensity, and by further improving the existing street-level activity by bringing in new residents and a new restaurant to an intersection in designated node area (San Pablo and Gilman) along the San Pablo Avenue commercial corridor in the West Berkeley Area Plan;

- B. An adequate amount of parking for the restaurant will be provided in the parking lot, reducing the need for visitors who arrive by car to circle the neighborhood for parking. The site's location along a major transit corridor will encourage the use of public transit, and will further reduce the traffic and parking burden on the neighborhood.
 - C. It is anticipated that the restaurant will be a food service establishment with ample dine-in seating that will discourage littering and noise;
 - D. The proposal has been reviewed by the Design Review Committee and has received favorable recommendations at Preliminary Design Review, and the proposed buildings will be compatible with surrounding buildings. Future signage proposals would require Design Review prior to approval.
-

V. STANDARD CONDITIONS OF APPROVAL FOR ALL PROJECTS

The following conditions, as well as all other applicable provisions of the Zoning Ordinance, apply to this Permit:

1. Conditions and Shall be Printed on Plans

The conditions of this Permit shall be printed on the *second* sheet of each plan set submitted for a building permit pursuant to this Use Permit, under the title 'Use Permit Conditions.' *Additional sheets* may also be used if the *second* sheet is not of sufficient size to list all of the conditions. The sheet(s) containing the conditions shall be of the same size as those sheets containing the construction drawings; 8-1/2" by 11" sheets are not acceptable.

2. Applicant Responsible for Compliance with Conditions

The applicant shall ensure compliance with all of the following conditions, including submittal to the project planner of required approval signatures at the times specified. Failure to comply with any condition may result in construction being stopped, issuance of a citation, and/or modification or revocation of the Use Permit.

3. Uses Approved Deemed to Exclude Other Uses (Section 23B.56.010)

- A. This Permit authorizes only those uses and activities actually proposed in the application, and excludes other uses and activities.
- B. Except as expressly specified herein, this Permit terminates all other uses at the location subject to it.

4. Modification of Permits (Section 23B.56.020)

No change in the use or structure for which this Permit is issued is permitted unless the Permit is modified by the Board, except that the Zoning Officer may approve changes that do not expand, intensify, or substantially change the use or building.

Changes in the plans for the construction of a building or structure, may be modified prior to the completion of construction, in accordance with Section 23B.56.030.D. The Zoning Officer may approve changes to plans approved by the Board, consistent with the Board's policy adopted on May 24, 1978, which reduce the size of the project.

5. Plans and Representations Become Conditions (Section 23B.56.030)

Except as specified herein, the site plan, floor plans, building elevations and/or any additional information or representations, whether oral or written, indicating the proposed structure or manner of operation submitted with an application or during the approval process are deemed conditions of approval.

6. Subject to All Applicable Laws and Regulations (Section 23B.56.040)

The approved use and/or construction is subject to, and shall comply with, all applicable City Ordinances and laws and regulations of other governmental agencies. Prior to construction, the applicant shall identify and secure all applicable permits from the Building and Safety Division, Public Works Department and other affected City divisions and departments.

7. Exercised Permit for Use Survives Vacancy of Property (Section 23B.56.080)

Once a Permit for a use is exercised and the use is established, that use is legally recognized, even if the property becomes vacant, except as set forth in Standard Condition #8, below.

- B. Plans shall show a loading/drop-off zone and scheme, subject to approval by Public Works.
12. Leslie's Ceramics Tribute. The project proponent shall include in the project plans a tribute that can be seen from the right-of-way acknowledging the history of the site specific to Leslie's Ceramics Supply Co. and Japanese American heritage. The project proponent shall coordinate on the development of the tribute design with the Japanese American Citizens League, CA Japantown Project and the Toki family, if these parties are interested, and shall share a draft of the tribute design with Landmarks Preservation Commission for comment prior to execution.
13. Address Assignment. The applicant shall file an "Address Assignment Request Application" with the Permit Service Center (1947 Center Street) for any address change or new address associated with this Use Permit. The new address(es) shall be assigned and entered into the City's database prior to the applicant's submittal of a building permit application.
14. Construction Noise Reduction Program. The applicant shall develop a site specific noise reduction program prepared by a qualified acoustical consultant to reduce construction noise impacts to the maximum extent feasible, subject to review and approval of the Zoning Officer. The noise reduction program shall include the time limits for construction listed above, as measures needed to ensure that construction complies with BMC Section 13.40.070. The noise reduction program should include, but shall not be limited to, the following available controls to reduce construction noise levels as low as practical:
- A. Construction equipment should be well maintained and used judiciously to be as quiet as practical.
 - B. Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment.
 - C. Utilize "quiet" models of air compressors and other stationary noise sources where technology exists. Select hydraulically or electrically powered equipment and avoid pneumatically powered equipment where feasible.
 - D. Locate stationary noise-generating equipment as far as possible from sensitive receptors when adjoining construction sites. Construct temporary noise barriers or partial enclosures to acoustically shield such equipment where feasible.
 - E. Prohibit unnecessary idling of internal combustion engines.
 - F. If impact pile driving is required, pre-drill foundation pile holes to minimize the number of impacts required to seat the pile.
 - G. Construct solid plywood fences around construction sites adjacent to operational business, residences or other noise-sensitive land uses where the noise control plan analysis determines that a barrier would be effective at reducing noise.
 - H. Erect temporary noise control blanket barriers, if necessary, along building facades facing construction sites. This mitigation would only be necessary if conflicts occurred which were irresolvable by proper scheduling. Noise control blanket barriers can be rented and quickly erected.
 - I. Route construction related traffic along major roadways and away from sensitive receptors where feasible.
15. Damage Due to Construction Vibration. The project applicant shall submit screening level analysis prior to, or concurrent with demolition building permit. If a screening level analysis shows that the project has the potential to result in damage to structures, a structural engineer or other appropriate professional shall be retained to prepare a vibration impact assessment (assessment). The assessment shall take into account project specific information such as the composition of the

structures, location of the various types of equipment used during each phase of the project, as well as the soil characteristics in the project area, in order to determine whether project construction may cause damage to any of the structures identified as potentially impacted in the screening level analysis. If the assessment finds that the project may cause damage to nearby structures, the structural engineer or other appropriate professional shall recommend design means and methods of construction that to avoid the potential damage, if feasible. The assessment and its recommendations shall be reviewed and approved by the Building and Safety Division and the Zoning Officer. If there are no feasible design means or methods to eliminate the potential for damage, the structural engineer or other appropriate professional shall undertake an existing conditions study (study) of any structures (or, in case of large buildings, of the portions of the structures) that may experience damage. This study shall

- establish the baseline condition of these structures, including, but not limited to, the location and extent of any visible cracks or spalls; and
- include written descriptions and photographs.

The study shall be reviewed and approved by the Building and Safety Division and the Zoning Officer prior to issuance of a grading permit. Upon completion of the project, the structures (or, in case of large buildings, of the portions of the structures) previously inspected will be resurveyed, and any new cracks or other changes shall be compared to pre-construction conditions and a determination shall be made as to whether the proposed project caused the damage. The findings shall be submitted to the Building and Safety Division and the Zoning Officer for review. If it is determined that project construction has resulted in damage to the structure, the damage shall be repaired to the pre-existing condition by the project sponsor, provided that the property owner approves of the repair.

Prior to Issuance of Any Building & Safety Permit (Demolition or Construction)

- 16. Construction Noise Management - Public Notice Required.** At least two weeks prior to initiating any construction activities at the site, the applicant shall provide notice to businesses and residents within **500 feet** of the project site. This notice shall at a minimum provide the following: (1) project description, (2) description of construction activities during extended work hours and reason for extended hours, (3) daily construction schedule (i.e., time of day) and expected duration (number of months), (4) the name and phone number of the Project Liaison for the project that is responsible for responding to any local complaints, and (5) that construction work is about to commence. The liaison would determine the cause of all construction-related complaints (e.g., starting too early, bad muffler, worker parking, etc.) and institute reasonable measures to correct the problem. A copy of such notice and methodology for distributing the notice shall be provided in advance to the City for review and approval.
- 17. Construction Phases.** The applicant shall provide the Zoning Officer with a schedule of major construction phases with start dates and expected duration, a description of the activities and anticipated noise levels of each phase, and the name(s) and phone number(s) of the individual(s) directly supervising each phase. The Zoning Officer or his/her designee shall have the authority to require an on-site meeting with these individuals as necessary to ensure compliance with these conditions. The applicant shall notify the Zoning Officer of any changes to this schedule as soon as possible.
- 18. Demolition.** Demolition of the existing building cannot commence until a complete application is submitted for the replacement building. In addition, all plans presented to the City to obtain a permit to allow the demolition are subject to these conditions.

- 19. Construction and Demolition Diversion.** Applicant shall submit a [Construction Waste Management Plan](#) that meets the requirements of BMC Chapter 19.37 including 100% diversion of asphalt, concrete, excavated soil and land-clearing debris and a minimum of 65% diversion of other nonhazardous construction and demolition waste.
- 20. First Source Agreement.** The applicant and/or end user(s) shall enter into a First Source Agreement with the City of Berkeley's WorkSource program, a referral service for Berkeley residents seeking jobs. The agreement requires employers to consult WorkSource before hiring construction workers or permanent employees, but leaves the final hiring decision with the employer. Please call (510) 981-5405 for further information, or email rules4work@cityofberkeley.info.
- 21. Toxics.** The applicant shall contact the Toxics Management Division (TMD) at 1947 Center Street or (510) 981-7470 to determine which of the following documents are required and timing for their submittal:
- A. Environmental Site Assessments:
- 1) Phase I & Phase II Environmental Site Assessments (latest ASTM 1527-13). A recent Phase I ESA (less than 6 months old*) shall be submitted to TMD for developments for:
 - All new commercial, industrial and mixed use developments and all large improvement projects.
 - All new residential buildings with 5 or more dwelling units located in the Environmental Management Area (or EMA).
 - EMA is available online at: http://www.cityofberkeley.info/uploadedFiles/IT/Level_3_-_General/ema.pdf
 - 2) Phase II ESA is required to evaluate Recognized Environmental Conditions (REC) identified in the Phase I or other RECs identified by TMD staff. The TMD may require a third party toxicologist to review human or ecological health risks that may be identified. The applicant may apply to the appropriate state, regional or county cleanup agency to evaluate the risks.
 - 3) If the Phase I is over 6 months old, it will require a new site reconnaissance and interviews. If the facility was subject to regulation under Title 15 of the Berkeley Municipal Code since the last Phase I was conducted, a new records review must be performed.
- B. Soil and Groundwater Management Plan:
- 1) A Soil and Groundwater Management Plan (SGMP) shall be submitted to TMD for all non-residential projects, and residential or mixed-use projects with five or more dwelling units, that: (1) are in the Environmental Management Area (EMA) and (2) propose any excavations deeper than 5 feet below grade. The SGMP shall be site specific and identify procedures for soil and groundwater management including identification of pollutants and disposal methods. The SGMP will identify permits required and comply with all applicable local, state and regional requirements.
 - 2) The SGMP shall require notification to TMD of any hazardous materials found in soils and groundwater during development. The SGMP will provide guidance on managing odors during excavation. The SGMP will provide the name and phone number of the individual responsible for implementing the SGMP and post the name and phone number for the person responding to community questions and complaints.
 - 3) TMD may impose additional conditions as deemed necessary. All requirements of the approved SGMP shall be deemed conditions of approval of this Use Permit.
- C. Building Materials Survey:
- 1) Prior to approving any permit for partial or complete demolition and renovation activities involving the removal of 20 square or lineal feet of interior or exterior walls, a building materials survey shall be conducted by a qualified professional. The survey shall include,

but not be limited to, identification of any lead-based paint, asbestos, polychlorinated biphenyl (PBC) containing equipment, hydraulic fluids in elevators or lifts, refrigeration systems, treated wood and mercury containing devices (including fluorescent light bulbs and mercury switches). The Survey shall include plans on hazardous waste or hazardous materials removal, reuse or disposal procedures to be implemented that fully comply state hazardous waste generator requirements (22 California Code of Regulations 66260 et seq). The Survey becomes a condition of any building or demolition permit for the project. Documentation evidencing disposal of hazardous waste in compliance with the survey shall be submitted to TMD within 30 days of the completion of the demolition. If asbestos is identified, Bay Area Air Quality Management District Regulation 11-2-401.3 a notification must be made and the J number must be made available to the City of Berkeley Permit Service Center.

D. Hazardous Materials Business Plan:

- 1) A Hazardous Materials Business Plan (HMBP) in compliance with BMC Section 15.12.040 shall be submitted electronically at <http://cers.calepa.ca.gov/> within 30 days if on-site hazardous materials exceed BMC 15.20.040. HMBP requirement can be found at <http://ci.berkeley.ca.us/hmr/>

Prior to Issuance of Any Building (Construction) Permit

22. Parcel Merger. The applicant shall secure approval of any parcel merger and/or lot line adjustment associated with this Use Permit.
23. Percent for Public Art: Consistent with BMC §23C.23, the applicant shall either pay the required in-lieu fee or provide the equivalent amount in a financial guarantee to be released after installation of the On-Site Publicly Accessible Art.
24. Affordable Housing Mitigation Fee: Consistent with BMC §22.20.065, and fee resolution applicable to this project, the applicant shall provide a schedule, consistent with a schedule approved by the City Manager or her designee, outlining the timeframe for payment of the AHMF, and they shall pay this fee.
25. Interior Noise Levels. Prior to issuance of a building permit, the applicant shall submit a report to the Building and Safety Division and the Zoning Officer by a qualified acoustic engineer certifying that the interior residential portions of the project will achieve interior noise levels of no more than 45 Ldn (Average Day-Night Levels). If the adopted Building Code imposes a more restrictive standard for interior noise levels, the report shall certify compliance with this standard.
26. Solar Photovoltaic (Solar PV). A solar PV system, on the solar zone specified in Section 110.10 of the 2019 Energy Code, shall be installed (subject to the exceptions in Section 110.10) as specified by the Berkeley Energy Code (BMC Chapter 19.36). Location of the solar PV system shall be noted on the construction plans.
27. Electric Vehicle (EV) Charging. At least 20% of the project parking spaces for residential parking shall be "EV Charger Ready": equipped with raceway, wiring, and power to allow for future Level 2 (240 Volt/40 amp) plug-in electric vehicle (EV) charging system installation. At least 80% of the project parking spaces for residential parking shall be "EV Spaces Raceway Equipped": equipped with a raceway between an enclosed, inaccessible, or concealed area and an electrical service panel/subpanel as specified by the Berkeley Green Code (BMC Section 19.37.040), and shall be equipped with wiring and power for Level 1 (110 Volt) plug-in EV charging (submit electrical plans

and load calculations, subject to Zoning Officer approval). Any Level 2 EV charging systems installed at parking spaces will be counted toward the applicable readiness requirement. Readiness for EV charging and EV charging station installations shall be noted on the construction plans. Any parking space that does not have an installed Level 2 EV charging system shall have a Level 1 (110 Volt) plug-in EV charging system installed.

28. Water Efficient Landscaping. Landscaping, totaling 500 square feet of more of new landscaping or 2,500 square feet or more of renovated irrigated area, shall comply with the State's Model Water Efficient Landscape Ordinance (MWELo). MWELo-compliant landscape documentation including a planting, grading, and irrigation plan shall be included in site plans. Water budget calculations are also required for landscapes of 2,500 square feet or more and shall be included in site plans. The reference evapotranspiration rate (ET_o) for Berkeley is 41.8.
29. Recycling and Organics Collection. Applicant shall provide recycling and organics collection areas for occupants, clearly marked on site plans, which comply with the Alameda County Mandatory Recycling Ordinance (ACWMA Ordinance 2012-01).
30. Public Works ADA. Plans submitted for building permit shall include replacement of sidewalk, curb, gutter, and other streetscape improvements, as necessary to comply with current City of Berkeley standards for accessibility.
31. Parking for Disabled Persons. Per BMC Section 23E.28.040.D of the Zoning Ordinance, "Notwithstanding any reduction in off-street parking spaces that may be granted for mixed-use projects in non-residential districts listed in Sub-title 23E, the requirement for off-street parking spaces for disabled persons in the project shall be calculated as if there had been no reduction in total parking spaces."

Prior to Demolition or Start of Construction:

32. Construction Meeting. The applicant shall request of the Zoning Officer an on-site meeting with City staff and key parties involved in the early phases of construction (e.g., applicant, general contractor, foundation subcontractors) to review these conditions and the construction schedule. The general contractor or applicant shall ensure that all subcontractors involved in subsequent phases of construction aware of the conditions of approval.

During Construction:

33. Construction Hours. Construction activity shall be limited to between the hours of 7:00 AM and 6:00 PM on Monday through Friday, and between 9:00 AM and 4:00 PM on Saturday. No construction-related activity shall occur on Sunday or any Federal Holiday.
34. Construction Hours- Exceptions. It is recognized that certain construction activities, such as the placement of concrete, must be performed in a continuous manner and may require an extension of these work hours. Prior to initiating any activity that might require a longer period, the developer must notify the Zoning Officer and request an exception for a finite period of time. If the Zoning Officer approves the request, then two weeks prior to the expanded schedule, the developer shall notify businesses and residents within 500 feet of the project site describing the expanded construction hours. A copy of such notice and methodology for distributing the notice shall be provided in advance to the City for review and approval. The project shall not be allowed more than 15 extended working days.

- 35. Project Construction Website.** The applicant shall establish a project construction website with the following information clearly accessible and updated monthly or more frequently as changes warrant:
- Contact information (i.e. “hotline” phone number, and email address) for the project construction manager
 - Calendar and schedule of daily/weekly/monthly construction activities
 - The final Conditions of Approval, Mitigation Monitoring and Reporting Program, Transportation Construction Plan, Construction Noise Reduction Program, and any other reports or programs related to construction noise, air quality, and traffic.
- 36. Public Works - Implement BAAQMD-Recommended Measures during Construction.** For all proposed projects, BAAQMD recommends implementing all the Basic Construction Mitigation Measures, listed below to meet the best management practices threshold for fugitive dust:
- A. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
 - B. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
 - C. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
 - D. All vehicle speeds on unpaved roads shall be limited to 15 mph.
 - E. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 - F. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
 - G. All construction equipment shall be maintained and properly tuned in accordance with manufacturer’s specifications. All equipment shall be checked by a certified visible emissions evaluator.
 - H. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District’s phone number shall also be visible to ensure compliance with applicable regulations.
- 37. Air Quality - Diesel Particulate Matter Controls during Construction.** All off-road construction equipment used for projects with construction lasting more than 2 months shall comply with **one** of the following measures:
- A. The project applicant shall prepare a health risk assessment that demonstrates the project’s on-site emissions of diesel particulate matter during construction will not exceed health risk screening criteria after a screening-level health risk assessment is conducted in accordance with current guidance from BAAQMD and OEHHA. The health risk assessment shall be submitted to the Land Use Planning Division for review and approval prior to the issuance of building permits; or
 - B. All construction equipment shall be equipped with Tier 2 or higher engines and the most effective Verified Diesel Emission Control Strategies (VDECS) available for the engine type (Tier 4 engines automatically meet this requirement) as certified by the California Air Resources Board (CARB). The equipment shall be properly maintained and tuned in accordance with manufacturer specifications.

In addition, a Construction Emissions Minimization Plan (Emissions Plan) shall be prepared that includes the following:

- An equipment inventory summarizing the type of off-road equipment required for each phase of construction, including the equipment manufacturer, equipment identification number, engine model year, engine certification (tier rating), horsepower, and engine serial number. For all VDECS, the equipment inventory shall also include the technology type, serial number, make, model, manufacturer, CARB verification number level, and installation date.
- A Certification Statement that the Contractor agrees to comply fully with the Emissions Plan and acknowledges that a significant violation of the Emissions Plan shall constitute a material breach of contract. The Emissions Plan shall be submitted to the Public Works Department for review and approval prior to the issuance of building permits.

38. Construction and Demolition Diversion. Divert debris according to your plan and collect required documentation. Get construction debris receipts from sorting facilities in order to verify diversion requirements. Upload recycling and disposal receipts if using [Green Halo](#) and submit online for City review and approval prior to final inspection. Alternatively, complete the second page of the original [Construction Waste Management Plan](#) and present it, along with your construction debris receipts, to the Building Inspector by the final inspection to demonstrate diversion rate compliance. The Zoning Officer may request summary reports at more frequent intervals, as necessary to ensure compliance with this requirement.

39. Low-Carbon Concrete. The project shall maintain compliance with the Berkeley Green Code (BMC Chapter 19.37) including use of concrete mix design with a cement reduction of at least 25%. Documentation on concrete mix design shall be available at all times at the construction site for review by City Staff.

40. Transportation Construction Plan. The applicant and all persons associated with the project are hereby notified that a Transportation Construction Plan (TCP) is required for all phases of construction, particularly for the following activities:

- Alterations, closures, or blockages to sidewalks, pedestrian paths or vehicle travel lanes (including bicycle lanes);
- Storage of building materials, dumpsters, debris anywhere in the public ROW;
- Provision of exclusive contractor parking on-street; or
- Significant truck activity.

The applicant shall secure the City Traffic Engineer's approval of a TCP. Please contact the Office of Transportation at 981-7010, or 1947 Center Street, and ask to speak to a traffic engineer. In addition to other requirements of the Traffic Engineer, this plan shall include the locations of material and equipment storage, trailers, worker parking, a schedule of site operations that may block traffic, and provisions for traffic control. The TCP shall be consistent with any other requirements of the construction phase.

Contact the Permit Service Center (PSC) at 1947 Center Street or 981-7500 for details on obtaining Construction/No Parking Permits (and associated signs and accompanying dashboard permits). Please note that the Zoning Officer and/or Traffic Engineer may limit off-site parking of construction-related vehicles if necessary to protect the health, safety or convenience of the surrounding neighborhood. A current copy of this Plan shall be available at all times at the construction site for review by City Staff.

- 41. Avoid Disturbance of Nesting Birds.** Initial site disturbance activities, including vegetation and concrete removal, shall be prohibited during the general avian nesting season (February 1 to August 30), if feasible. If nesting season avoidance is not feasible, the applicant shall retain a qualified biologist to conduct a preconstruction nesting bird survey to determine the presence/absence, location, and activity status of any active nests on or adjacent to the project site. The extent of the survey buffer area surrounding the site shall be established by the qualified biologist to ensure that direct and indirect effects to nesting birds are avoided. To avoid the destruction of active nests and to protect the reproductive success of birds protected by the MBTA and CFGC, nesting bird surveys shall be performed not more than 14 days prior to scheduled vegetation and concrete removal. In the event that active nests are discovered, a suitable buffer (typically a minimum buffer of 50 feet for passerines and a minimum buffer of 250 feet for raptors) shall be established around such active nests and no construction shall be allowed inside the buffer areas until a qualified biologist has determined that the nest is no longer active (e.g., the nestlings have fledged and are no longer reliant on the nest). No ground-disturbing activities shall occur within this buffer until the qualified biologist has confirmed that breeding/nesting is completed and the young have fledged the nest. Nesting bird surveys are not required for construction activities occurring between August 31 and January 31.
- 42. Archaeological Resources (Ongoing throughout demolition, grading, and/or construction).** Pursuant to CEQA Guidelines section 15064.5(f), "provisions for historical or unique archaeological resources accidentally discovered during construction" should be instituted. Therefore:
- A. In the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant and/or lead agency shall consult with a qualified archaeologist, historian or paleontologist to assess the significance of the find.
 - B. If any find is determined to be significant, representatives of the project proponent and/or lead agency and the qualified professional would meet to determine the appropriate avoidance measures or other appropriate measure, with the ultimate determination to be made by the City of Berkeley. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and/or a report prepared by the qualified professional according to current professional standards.
 - C. In considering any suggested measure proposed by the qualified professional, the project applicant shall determine whether avoidance is necessary or feasible in light of factors such as the uniqueness of the find, project design, costs, and other considerations.
 - D. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation measures for cultural resources is carried out.
 - E. If significant materials are recovered, the qualified professional shall prepare a report on the findings for submittal to the Northwest Information Center.
- 43. Human Remains (Ongoing throughout demolition, grading, and/or construction).** In the event that human skeletal remains are uncovered at the project site during ground-disturbing activities, all work shall immediately halt and the Alameda County Coroner shall be contacted to evaluate the remains, and following the procedures and protocols pursuant to Section 15064.5 (e)(1) of the CEQA Guidelines. If the County Coroner determines that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, and all excavation and site preparation activities shall cease within a 50-foot radius of the find until appropriate arrangements are made. If the agencies determine that avoidance is not feasible, then an alternative plan shall

be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance and avoidance measures (if applicable) shall be completed expeditiously.

- 44. Paleontological Resources (Ongoing throughout demolition, grading, and/or construction).** In the event of an unanticipated discovery of a paleontological resource during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist (per Society of Vertebrate Paleontology standards [SVP 1995,1996]). The qualified paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the City determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project on the qualities that make the resource important, and such plan shall be implemented. The plan shall be submitted to the City for review and approval.
- 45. Halt Work/Unanticipated Discovery of Tribal Cultural Resources.** In the event that cultural resources of Native American origin are identified during construction, all work within 50 feet of the discovery shall be redirected. The project applicant and project construction contractor shall notify the City Planning Department within 24 hours. The City will again contact any tribes who have requested consultation under AB 52, as well as contact a qualified archaeologist, to evaluate the resources and situation and provide recommendations. If it is determined that the resource is a tribal cultural resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with State guidelines and in consultation with Native American groups. If the resource cannot be avoided, additional measures to avoid or reduce impacts to the resource and to address tribal concerns may be required.
- 46. Stormwater Requirements.** The applicant shall demonstrate compliance with the requirements of the City's National Pollution Discharge Elimination System (NPDES) permit as described in BMC Section 17.20. The following conditions apply:
- A. The project plans shall identify and show site-specific Best Management Practices (BMPs) appropriate to activities conducted on-site to limit to the maximum extent practicable the discharge of pollutants to the City's storm drainage system, regardless of season or weather conditions.
 - B. Trash enclosures and/or recycling area(s) shall be covered; no other area shall drain onto this area. Drains in any wash or process area shall not discharge to the storm drain system; these drains should connect to the sanitary sewer. Applicant shall contact the City of Berkeley and EBMUD for specific connection and discharge requirements. Discharges to the sanitary sewer are subject to the review, approval and conditions of the City of Berkeley and EBMUD.
 - C. Landscaping shall be designed with efficient irrigation to reduce runoff, promote surface infiltration and minimize the use of fertilizers and pesticides that contribute to stormwater pollution. Where feasible, landscaping should be designed and operated to treat runoff. When and where possible, xeriscape and drought tolerant plants shall be incorporated into new development plans.
 - D. Design, location and maintenance requirements and schedules for any stormwater quality treatment structural controls shall be submitted to the Department of Public Works for review with respect to reasonable adequacy of the controls. The review does not relieve the property owner of the responsibility for complying with BMC Chapter 17.20 and future revisions to the

City's overall stormwater quality ordinances. This review shall be conducted prior to the issuance of a Building Permit.

- E. All paved outdoor storage areas must be designed to reduce/limit the potential for runoff to contact pollutants.
 - F. All on-site storm drain inlets/catch basins must be cleaned at least once a year immediately prior to the rainy season. The property owner shall be responsible for all costs associated with proper operation and maintenance of all storm drainage facilities (pipelines, inlets, catch basins, outlets, etc.) associated with the project, unless the City accepts such facilities by Council action. Additional cleaning may be required by City of Berkeley Public Works Engineering Dept.
 - G. All private or public projects that create and/or replace 10,000 square feet or more of impervious surface must comply with Provision C.3 of the Alameda County NPDES permit and must incorporate stormwater controls to enhance water quality. Permit submittals shall include a Stormwater Requirement Checklist and detailed information showing how the proposed project will meet Provision C.3 stormwater requirements, including a) Site design measures to reduce impervious surfaces, promote infiltration, and reduce water quality impacts; b) Source Control Measures to keep pollutants out of stormwater runoff; c) Stormwater treatment measures that are hydraulically sized to remove pollutants from stormwater; d) an O & M (Operations and Maintenance) agreement for all stormwater treatment devices and installations; and e) Engineering calculations for all stormwater devices (both mechanical and biological).
 - H. All on-site storm drain inlets must be labeled "No Dumping – Drains to Bay" or equivalent using methods approved by the City.
 - I. Most washing and/or steam cleaning must be done at an appropriately equipped facility that drains to the sanitary sewer. Any outdoor washing or pressure washing must be managed in such a way that there is no discharge or soaps or other pollutants to the storm drain. Sanitary connections are subject to the review, approval and conditions of the sanitary district with jurisdiction for receiving the discharge.
 - J. Restaurants, where deemed appropriate, must be designed with a contained area for cleaning mats, equipment and containers. This contained wash area shall be covered or designed to prevent run-on or run-off from the area. The area shall not discharge to the storm drains; wash waters should drain to the sanitary sewer, or collected for ultimate disposal to the sanitary sewer. Employees shall be instructed and signs posted indicating that all washing activities shall be conducted in this area. Sanitary connections are subject to the review, approval and conditions of the waste water treatment plant receiving the discharge.
 - K. Sidewalks and parking lots shall be swept regularly to prevent the accumulation of litter and debris. If pressure washed, debris must be trapped and collected to prevent entry to the storm drain system. If any cleaning agent or degreaser is used, wash water shall not discharge to the storm drains; wash waters should be collected and discharged to the sanitary sewer. Discharges to the sanitary sewer are subject to the review, approval and conditions of the sanitary district with jurisdiction for receiving the discharge.
 - L. The applicant is responsible for ensuring that all contractors and sub-contractors are aware of and implement all stormwater quality control measures. Failure to comply with the approved construction BMPs shall result in the issuance of correction notices, citations, or a project stop work order.
- 47. Public Works.** All piles of debris, soil, sand, or other loose materials shall be covered at night and during rainy weather with plastic at least one-eighth millimeter thick and secured to the ground.

- 48. Public Works.** The applicant shall ensure that all excavation takes into account surface and subsurface waters and underground streams so as not to adversely affect adjacent properties and rights-of-way.
- 49. Public Works.** The project sponsor shall maintain sandbags or other devices around the site perimeter during the rainy season to prevent on-site soils from being washed off-site and into the storm drain system. The project sponsor shall comply with all City ordinances regarding construction and grading.
- 50. Public Works.** Prior to any excavation, grading, clearing, or other activities involving soil disturbance during the rainy season the applicant shall obtain approval of an erosion prevention plan by the Building and Safety Division and the Public Works Department. The applicant shall be responsible for following these and any other measures required by the Building and Safety Division and the Public Works Department.
- 51. Public Works.** The removal or obstruction of any fire hydrant shall require the submission of a plan to the City's Public Works Department for the relocation of the fire hydrant during construction.
- 52. Public Works.** If underground utilities leading to adjacent properties are uncovered and/or broken, the contractor involved shall immediately notify the Public Works Department and the Building & Safety Division, and carry out any necessary corrective action to their satisfaction.

Prior to Final Inspection or Issuance of Occupancy Permit:

- 53. Transportation Demand Management.** Prior to issuance of a Certificate of Occupancy, the property owner shall facilitate a site inspection by Planning Department staff to confirm that the physical improvements required in 23C.18.030.C and 23D.12.065.A (bike parking) have been installed. The property owner shall also provide documentation that the programmatic measures required in 23C.18.030.A and 23C.18.030.B. will be implemented.
- A. Consistent with 23C.18.030.A, all parking spaces provided for residents be leased or sold separate from the rental or purchase of dwelling units for the life of the dwelling units, such that potential renters or buyers shall have the option of renting or buying a dwelling unit at a price lower than would be the case if there were a single price for both the dwelling unit and the parking space(s).
- B. Consistent with 23C.18.030.B, at least one of the following transit benefits shall be offered, at no cost to the resident, for a period of ten years after the issuance of a Certificate of Occupancy. A notice describing these transportation benefits shall be posted in a location or locations visible to all employees.
1. One monthly pass for unlimited local bus transit service for every bedroom in each dwelling unit.
 2. Subject to the review and approval of the Zoning Officer, a functionally equivalent transit benefit in an amount at least equal to the price of a non-discounted unlimited monthly local bus pass.
- C. Consistent with 23C.18.030.C, publicly-available, real-time transportation information in a common area, such as a lobby or elevator bay, on televisions, computer monitors or other displays readily visible to residents and/or visitors, shall be provided. Transportation information shall include, but is not limited to, transit arrivals and departures for nearby transit routes.
- Property owners may be required to pay administrative fees associated with compliance with this Condition.

- 54. Compliance with Conditions.** The project shall conform to the plans and statements in the Use Permit. The developer is responsible for providing sufficient evidence to demonstrate compliance with the requirements throughout the implementation of this Use Permit.
- 55. Compliance with Approved Plan.** The project shall conform to the plans and statements in the Use Permit. All landscape, site and architectural improvements shall be completed per the attached approved drawings dated **October 5, 2020**, except as modified by conditions of approval.

BELOW MARKET RATE UNITS

- 56. Number of Below Market Rate Units.** The project shall provide nine (9) below market rate rental dwelling units (“BMR Units”) available to Very Low Income household, which are required to comply with the State Density Bonus Law (Government Code Section 65915). The BMR Units shall be designated in the Regulatory Agreement and shall be reasonably dispersed throughout the project; be of the same size and contain, on average, the same number of bedrooms as the non-BMR units in the project; and be comparable with the design or use of non-BMR units in terms of appearance, materials and finish quality. The designation of BMR Units shall conform to the addresses assigned to the building by the City.
- 57. Regulatory Agreement.** Prior to the issuance of a building permit, the applicant shall enter into a Regulatory Agreement that implements Government Code Section 65915 and this Use Permit. The Regulatory Agreement may include any terms and affordability standards determined by the City to be necessary to ensure such compliance. The maximum qualifying household income for the BMR Units shall be 50 percent of area median income (AMI), and the maximum housing payment shall be 30 percent of 50 percent of AMI, as set forth in the following paragraphs of this condition. If the BMR units are occupied by very low income tenants receiving a rental subsidy through the Section 8 or Shelter Plus Care programs, the rent received by the project sponsor may exceed the restricted rent to the payment standards allowed under those programs so long as the rent allowed under the payment standards is not greater than the market rents charged for comparable units in the development. The applicant shall submit the Regulatory Agreement to the Housing and Community Services Department (HHCS) via email to affordablehousing@cityofberkeley.info for review and approval.
- 58.** In addition, the following provisions shall apply:
- A. Maximum rent shall be adjusted for the family size appropriate for the unit pursuant to California Health & Safety Code Section 50052.5 (h).
 - B. Rent shall include a reasonable allowance for utilities, as published and updated by the Berkeley Housing Authority, including garbage collection, sewer, water, electricity, gas, and other heating, cooking and refrigeration fuels. Such allowance shall take into account the cost of an adequate level of service. Utilities do not include telephone service. Rent also includes any separately charged fees or service charges assessed by the lessor which are required of all tenants, other than security deposits.
 - C. BMR units will be provided for the life of the project under Section 22.20.065.
- 59. Determination of Area Median Income (AMI).**
- The “AMI” (Area Median Income) shall be based on the income standards for the Oakland Primary Metropolitan Statistical Area reported by the United States Department of Housing and Urban Development (HUD). In the event HUD discontinues establishing such income standards, AMI shall be based on income standards determined by the California State Department of Housing and Community Development (HCD). If such income standards are no longer in

existence, the City will designate another appropriate source or method for determining the median household income.

- The applicable AMI for the purpose of determining the allowable rent for each unit (but not for the purpose of determining eligibility for occupancy of an inclusionary unit) shall be determined in accordance with the following table:

Unit Size	AMI Standard
Studio unit	AMI for a one person household
One-bedroom unit	AMI for a two person household
Two-bedroom unit	AMI for a three person household
Three-bedroom unit	AMI for a four person household

60. Nothing in these conditions shall be interpreted to prohibit, or to require modification of the Use Permit or Regulatory Agreement to allow, the provision of additional BMR units, or additional affordability, than are required in the foregoing provisions.

At All Times:

61. Transportation Demand Management Compliance. The property owner shall submit to the Planning Department periodic TDM Compliance Reports in accordance with Administrative Regulations, subject to the review and oversight of the Zoning Officer. Property owners may be required to pay administrative fees associated with compliance with this Condition.

62. Exterior Lighting. All exterior lighting shall be energy efficient where feasible; and shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.

63. Rooftop Projections. No additional rooftop or elevator equipment shall be added to exceed the approved maximum roof height without submission of an application for a Use Permit Modification, subject to Board review and approval.

64. Design Review. Signage and any other exterior modifications, including but not limited to landscaping and lighting, shall be subject to Design Review approval.

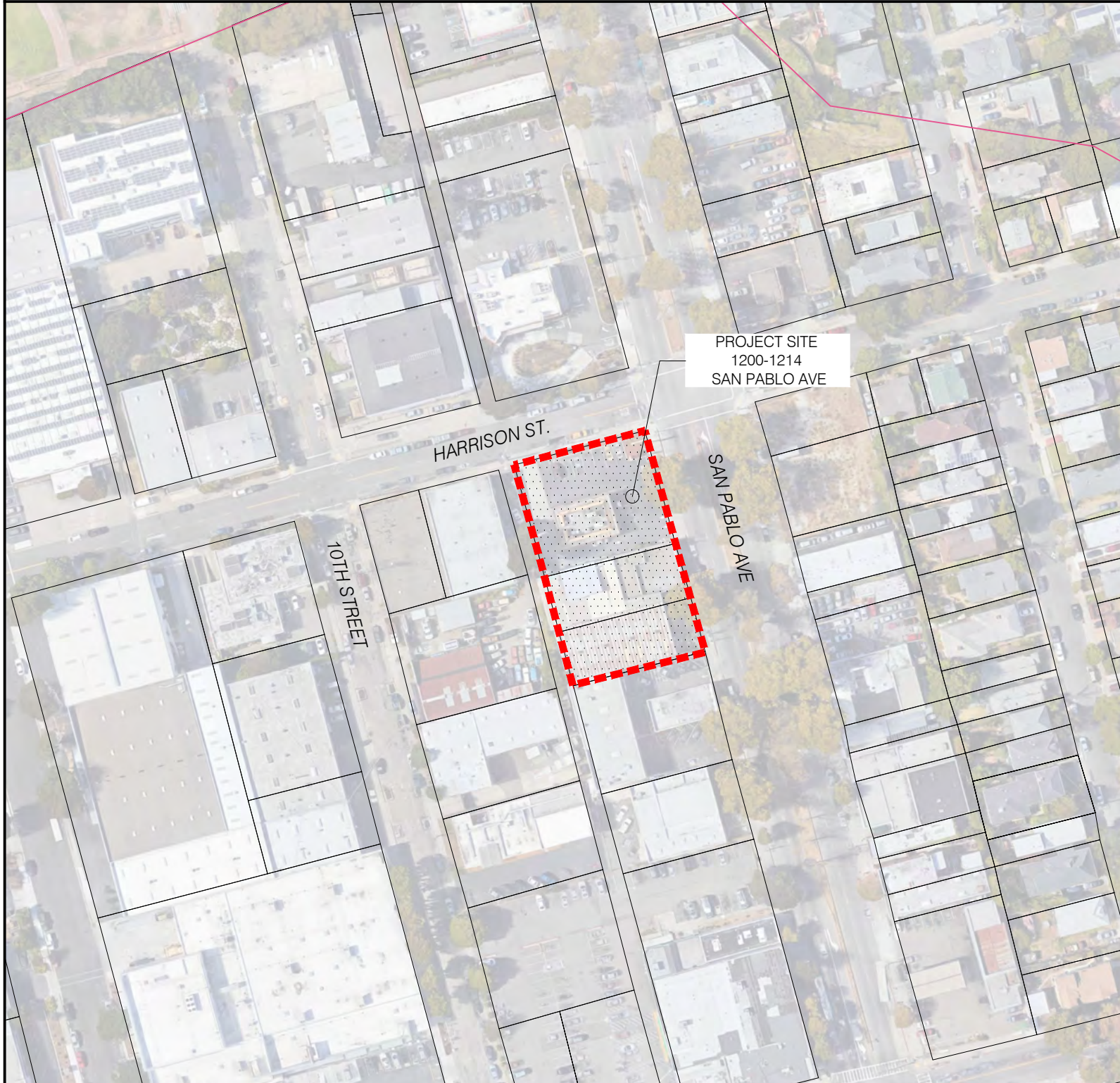
65. Drainage Patterns. The applicant shall establish and maintain drainage patterns that do not adversely affect adjacent properties and rights-of-way. Drainage plans shall be submitted for approval of the Building & Safety Division and Public Works Department, if required.

66. Electrical Meter. Only one electrical meter fixture may be installed per dwelling unit.

67. Residential Permit Parking. No Residential Permit Parking (RPP) permits shall be issued to project residents, nor shall commercial placards be issued to non-residential occupants and/or users of the site. The project planner shall notify the Finance Department, Customer Service Center, to add these addresses to the list of addresses ineligible for RPP permits. The property owner shall notify all tenants of rental units, and/or buyers of condominium units, of this restriction in leases and/or contracts, and shall provide sample leases and/or contracts including such notification to the project planner prior to issuance of an occupancy permit or final inspection.

68. Tenant Notification. The developer shall provide tenant notification, via a lease rider or deed covenant, that each dwelling unit is located in a mixed-use area that includes commercial, food

service and entertainment uses, and that each occupant shall not seek to impede their lawful operation.

VICINITY MAP	PROJECT DIRECTORY	PROJECT DESCRIPTION	DRAWING LIST																																																												
 <p>N.T.S.</p>	<p>OWNER/APPLICANT: R&S San Pablo, LLC 2025 Fourth Street Berkeley, CA 94710</p> <p>ARCHITECT: David Trachtenberg, Principal TRACHTENBERG ARCHITECTS 2421 Fourth Street Berkeley, CA 94710 510.649.1414 www.TrachtenbergArch.com</p>	<p>PROJECT ADDRESS: 1200-1214 San Pablo Avenue, Berkeley, CA 94706 (APN: 060 235400200, 060 235400300, 060 235400402)</p> <p>SCOPE OF WORK: Removal of 3 existing 1-story commercial structures and construction of new 6-story mixed-use building with 104-dwelling units, ground level lobbies, amenities, parking and commercial, with State of California Density Bonus.</p> <p>ZONING CODE SUMMARY (BASED ON THE BERKELEY MUNICIPAL ZONING CODE)</p> <p>ZONING: C-W</p> <p>SEE SHEET A0.1 FOR COMPLETE ZONING & BUILDING CODE DATA</p>	<table border="1"> <thead> <tr> <th colspan="2">SHEET NO. & TITLE</th> </tr> </thead> <tbody> <tr> <td colspan="2">ARCHITECTURAL</td> </tr> <tr> <td>A0.0 GENERAL INFORMATION</td> <td>SW.1 PRELIM. STORM-WATER MANAGEMENT PLAN</td> </tr> <tr> <td>A0.1 ZONING & BUILDING CODE DATA</td> <td>MAT MATERIAL BOARD</td> </tr> <tr> <td>A0.2 DENSITY BONUS DIAGRAMS</td> <td></td> </tr> <tr> <td colspan="2">LANDSCAPE</td> </tr> <tr> <td>A0.3A GREEN POINTS CHECKLIST</td> <td>L-1 GROUND LEVEL LANDSCAPE PLAN</td> </tr> <tr> <td>A0.3B GREEN POINTS CHECKLIST</td> <td>L-2 SECOND FLOOR LANDSCAPE PLAN</td> </tr> <tr> <td>A0.3C GREEN POINTS CHECKLIST</td> <td>L-3 SIXTH FLOOR / ROOF DECK LANDSCAPE PLAN</td> </tr> <tr> <td>A0.4A SHADOW STUDIES</td> <td>L-4 PLANT LEGEND AND IMAGES</td> </tr> <tr> <td>A0.4B SHADOW STUDIES</td> <td>L-5 REFERENCE IMAGES</td> </tr> <tr> <td>A0.4C SHADOW STUDIES</td> <td>L-6 GROUND LEVEL PLANTING PLAN</td> </tr> <tr> <td>A0.5 SITE CONTEXT PHOTOS</td> <td>L-7 SECOND FLOOR PLANTING PLAN</td> </tr> <tr> <td>A0.6 VICINITY MAP</td> <td>L-8 PLANTING DETAILS, SIXTH FLOOR / ROOF DECK PLANTING PLAN</td> </tr> <tr> <td>A1.0 SITE SURVEY</td> <td>L-9 GROUND FLOOR IRRIGATION PLAN</td> </tr> <tr> <td>A1.1 SITE SURVEY</td> <td>L-10 SECOND FLOOR IRRIGATION PLAN</td> </tr> <tr> <td>A2.1 GROUND LEVEL / SITE PLAN</td> <td>L-11 SIXTH FLOOR / ROOF DECK IRRIGATION PLAN</td> </tr> <tr> <td>A2.2 PLAN AT LEVELS 2-5</td> <td>L-12 IRRIGATION DETAILS AND CALCULATION</td> </tr> <tr> <td>A2.3 PLAN AT LEVEL 6 / ROOF DECK</td> <td></td> </tr> <tr> <td>A2.4 ROOF PLAN</td> <td></td> </tr> <tr> <td>A3.1 BUILDING ELEVATIONS</td> <td></td> </tr> <tr> <td>A3.2 BUILDING ELEVATIONS</td> <td></td> </tr> <tr> <td>A3.3 STREET STRIP ELEVATION</td> <td></td> </tr> <tr> <td>A3.4 PHOTO CONTEXT VIEWS</td> <td></td> </tr> <tr> <td>A3.5 PHOTO CONTEXT VIEW</td> <td></td> </tr> <tr> <td>A3.6 PERSPECTIVE VIEWS</td> <td></td> </tr> <tr> <td>A3.7 PERSPECTIVE VIEWS</td> <td></td> </tr> <tr> <td>A3.8 PERSPECTIVE VIEWS</td> <td></td> </tr> <tr> <td>A4.1 BUILDING SECTION</td> <td></td> </tr> <tr> <td>A4.2 WALL SECTIONS & DETAILS</td> <td></td> </tr> </tbody> </table>	SHEET NO. & TITLE		ARCHITECTURAL		A0.0 GENERAL INFORMATION	SW.1 PRELIM. STORM-WATER MANAGEMENT PLAN	A0.1 ZONING & BUILDING CODE DATA	MAT MATERIAL BOARD	A0.2 DENSITY BONUS DIAGRAMS		LANDSCAPE		A0.3A GREEN POINTS CHECKLIST	L-1 GROUND LEVEL LANDSCAPE PLAN	A0.3B GREEN POINTS CHECKLIST	L-2 SECOND FLOOR LANDSCAPE PLAN	A0.3C GREEN POINTS CHECKLIST	L-3 SIXTH FLOOR / ROOF DECK LANDSCAPE PLAN	A0.4A SHADOW STUDIES	L-4 PLANT LEGEND AND IMAGES	A0.4B SHADOW STUDIES	L-5 REFERENCE IMAGES	A0.4C SHADOW STUDIES	L-6 GROUND LEVEL PLANTING PLAN	A0.5 SITE CONTEXT PHOTOS	L-7 SECOND FLOOR PLANTING PLAN	A0.6 VICINITY MAP	L-8 PLANTING DETAILS, SIXTH FLOOR / ROOF DECK PLANTING PLAN	A1.0 SITE SURVEY	L-9 GROUND FLOOR IRRIGATION PLAN	A1.1 SITE SURVEY	L-10 SECOND FLOOR IRRIGATION PLAN	A2.1 GROUND LEVEL / SITE PLAN	L-11 SIXTH FLOOR / ROOF DECK IRRIGATION PLAN	A2.2 PLAN AT LEVELS 2-5	L-12 IRRIGATION DETAILS AND CALCULATION	A2.3 PLAN AT LEVEL 6 / ROOF DECK		A2.4 ROOF PLAN		A3.1 BUILDING ELEVATIONS		A3.2 BUILDING ELEVATIONS		A3.3 STREET STRIP ELEVATION		A3.4 PHOTO CONTEXT VIEWS		A3.5 PHOTO CONTEXT VIEW		A3.6 PERSPECTIVE VIEWS		A3.7 PERSPECTIVE VIEWS		A3.8 PERSPECTIVE VIEWS		A4.1 BUILDING SECTION		A4.2 WALL SECTIONS & DETAILS	
SHEET NO. & TITLE																																																															
ARCHITECTURAL																																																															
A0.0 GENERAL INFORMATION	SW.1 PRELIM. STORM-WATER MANAGEMENT PLAN																																																														
A0.1 ZONING & BUILDING CODE DATA	MAT MATERIAL BOARD																																																														
A0.2 DENSITY BONUS DIAGRAMS																																																															
LANDSCAPE																																																															
A0.3A GREEN POINTS CHECKLIST	L-1 GROUND LEVEL LANDSCAPE PLAN																																																														
A0.3B GREEN POINTS CHECKLIST	L-2 SECOND FLOOR LANDSCAPE PLAN																																																														
A0.3C GREEN POINTS CHECKLIST	L-3 SIXTH FLOOR / ROOF DECK LANDSCAPE PLAN																																																														
A0.4A SHADOW STUDIES	L-4 PLANT LEGEND AND IMAGES																																																														
A0.4B SHADOW STUDIES	L-5 REFERENCE IMAGES																																																														
A0.4C SHADOW STUDIES	L-6 GROUND LEVEL PLANTING PLAN																																																														
A0.5 SITE CONTEXT PHOTOS	L-7 SECOND FLOOR PLANTING PLAN																																																														
A0.6 VICINITY MAP	L-8 PLANTING DETAILS, SIXTH FLOOR / ROOF DECK PLANTING PLAN																																																														
A1.0 SITE SURVEY	L-9 GROUND FLOOR IRRIGATION PLAN																																																														
A1.1 SITE SURVEY	L-10 SECOND FLOOR IRRIGATION PLAN																																																														
A2.1 GROUND LEVEL / SITE PLAN	L-11 SIXTH FLOOR / ROOF DECK IRRIGATION PLAN																																																														
A2.2 PLAN AT LEVELS 2-5	L-12 IRRIGATION DETAILS AND CALCULATION																																																														
A2.3 PLAN AT LEVEL 6 / ROOF DECK																																																															
A2.4 ROOF PLAN																																																															
A3.1 BUILDING ELEVATIONS																																																															
A3.2 BUILDING ELEVATIONS																																																															
A3.3 STREET STRIP ELEVATION																																																															
A3.4 PHOTO CONTEXT VIEWS																																																															
A3.5 PHOTO CONTEXT VIEW																																																															
A3.6 PERSPECTIVE VIEWS																																																															
A3.7 PERSPECTIVE VIEWS																																																															
A3.8 PERSPECTIVE VIEWS																																																															
A4.1 BUILDING SECTION																																																															
A4.2 WALL SECTIONS & DETAILS																																																															

TRACHTENBERG ARCHITECTS

2421 Fourth Street
Berkeley, California 94710
510.649.1414
www.TrachtenbergArch.com

**1200-1214
SAN PABLO
AVENUE**

Berkeley, CA 94706

- 12.02.2019 ZONING SUBMITTAL
- 02.03.2020 ZONING RE-SUBMITTAL
- 04.03.2020 ZONING RE-SUBMITTAL
- 10.05.2020 ZONING RE-SUBMITTAL

ALL DRAWINGS AND WRITTEN MATERIAL APPEARING HEREIN CONSTITUTE ORIGINAL AND UNPUBLISHED WORK OF THE ARCHITECT AND MAY NOT BE DUPLICATED, USED OR DISCLOSED WITHOUT WRITTEN CONSENT OF TRACHTENBERG ARCHITECTS.

JOB: 1919

SHEET:
**GENERAL
INFORMATION**

**DATE RECEIVED:
SEPTEMBER 5, 2020**

A0.0

VIEW ALONG SAN PABLO LOOKING SOUTH-WEST



BUILDING CODE DATA

Construction Type						
Occupancy Type	Mixed Use Apartments (R-2) Type III-A over Type I-A Storage, Garage, Retail, (S-2, R-2, M) with 3-hour horizontal assembly per CBC 510.2					
Construction Type	Type I-A (Story 1), III-A (Stories 2-6)					
Building Story and Height Limitation (CBC Table 504.3 & 504.4)						
* story count measured from floor above Type I-A per CBC 510.2						
Occupancy Type	Construction Type	Allowable Stories	Proposed Stories	Allowable Building Height	Proposed Building Height	
Ground Floor (Storage, Apartments, Commercial)	I-A	UL	1	UL	15'-6"	
R-2 (Apartment)	III-A	5 *	5 *	85'	51'-3"	

Building Below Horizontal Separation Code Area Limitation Analysis - Type I-A				
Allowable Building Area Analysis - Separated Occupancies (CBC Table 506.2 506.3 & 506.2.4)				
Occupancy	Type	Allowable Area	Proposed	%
S-2 (Storage, Garage, Mech, R-2 (Common Areas)	I-A	UL	12,035	
M	I-A	UL	7,791	
			3,119	
Type I-A Sub-Total			22,945	

Building Above Horizontal Separation Code Area Limitation Analysis - Type III-A						
Allowable Building Area Analysis - Separated Occupancies (CBC Table 506.2 506.3 & 506.2.4)						
Aa = Allowable Area = [At + (NS x If)]						
If = Frontage Increase = (F/P - 0.25)W/30						
At = Area (Table 506.2) NS = Area (Table 506.2) P = 648' W = 30'						
Occupancy	Type	At	NS	If	Aa	Proposed %
Second Floor R-2 (Apartments)	III-A	72,000	24000	0.250	78,000	18,096 23%
Third Floor R-2 (Apartments)	III-A	72,000	24000	0.250	78,000	18,096 23%
Fourth Floor R-2 (Apartments)	III-A	72,000	24000	0.250	78,000	18,096 23%
Fifth Floor R-2 (Apartments)	III-A	72,000	24000	0.250	78,000	18,096 23%
Sixth Floor R-2 (Apartments)	III-A	72,000	24000	0.250	78,000	18,096 20%
Type III-A Second-Fifth Total					88,323	
Total Allowed per CBC 506.2.4 (200%)					113%	

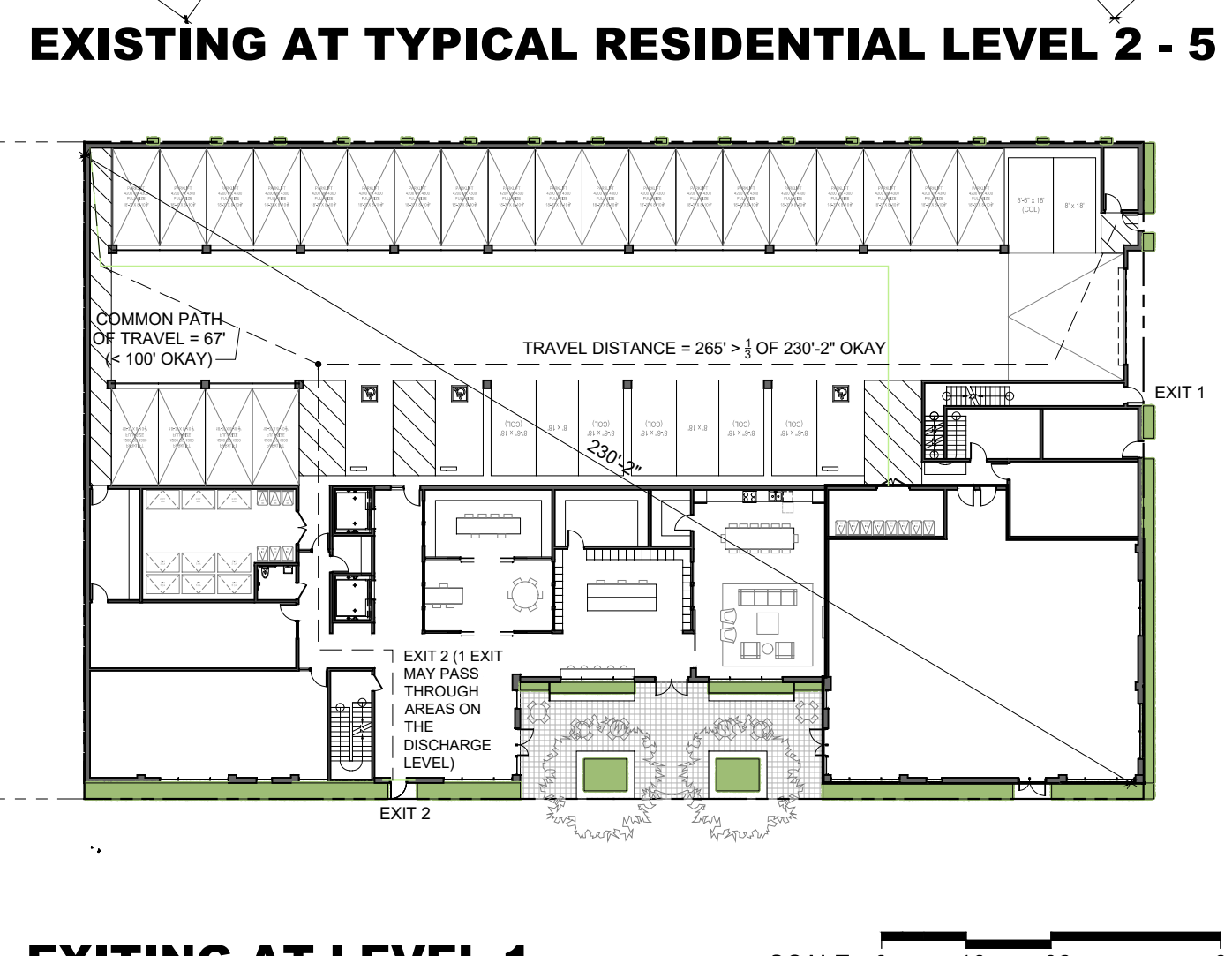
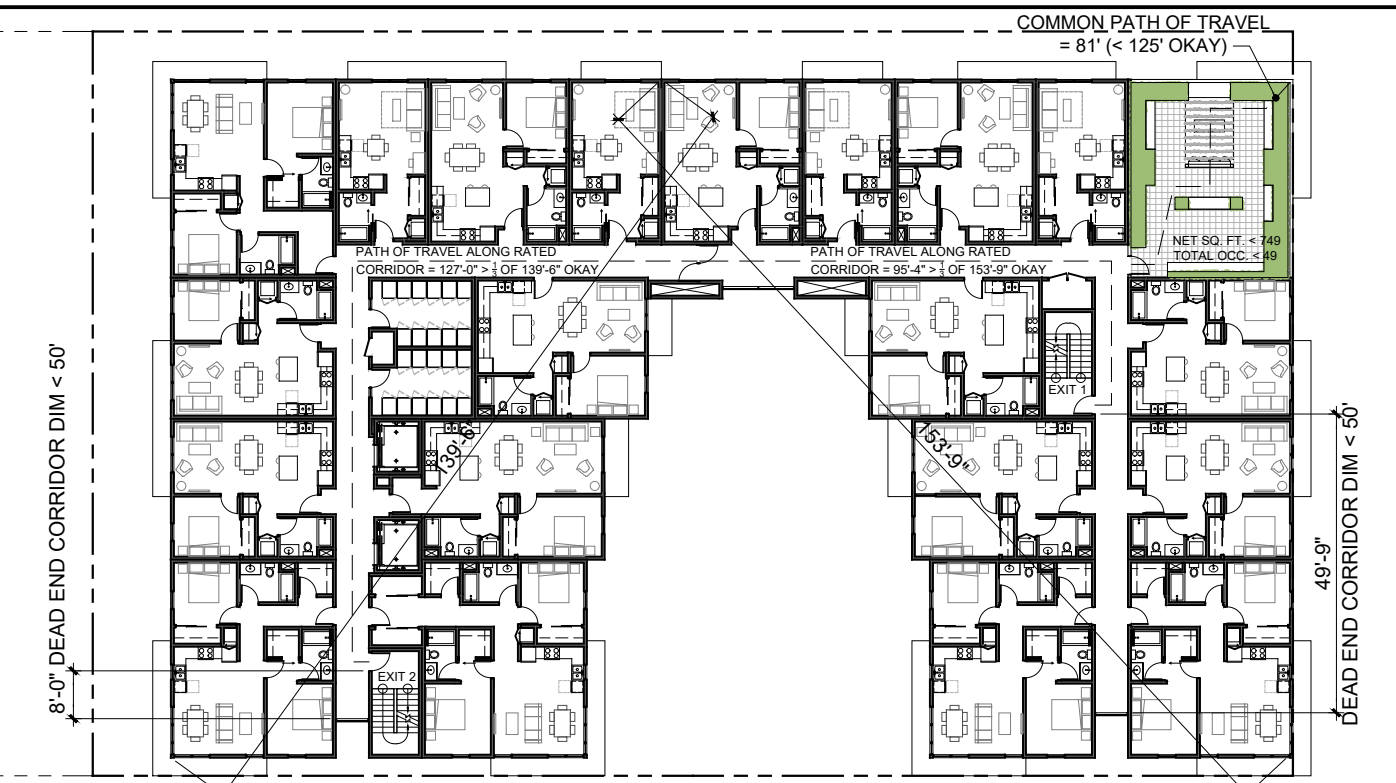
Separations of Occupancies (CBC 508.4)			
Occupancies	Rating	Occupancies	Rating
R-2 to S-2 & M	1 Hour	S-2 to M	1 Hour
Between Dwelling Units	1 Hr Floor & Walls (CBC 708.3&711.3)		

Fire Resistance of Exterior Walls (Table 602)					
Ground Floor Type I-A (R-2, S-2, B)					
Wall Location	Fire Sep. Dist.	Rating	Fire Sep. Dist.	Rating	
	X<5	1	10xX<30	1	
	5xX<10	1	X≥30	0	

Floors 2-6 Type III-A (R-2)					
Wall Location	Fire Separation Distance	Rating			
	X<5	1	10xX<30	1	
	5xX<10	1	X≥30	0	

Fire Resistance of Requirements (Table 601)			
Type I-A			
Building Element	Required	Provided	
Structural Frame	3	3	
Bearing Walls - Exterior	3	3	
Bearing Wall - Interior	3	3	
Non-bearing Walls - Exterior	See Table 602		
Non-bearing Wall - Interior	0	0	
Floor Construction	2	2	
Roof Construction	1 1/2	NA	
Floors 2nd-6th Type III-A			
Building Element	Required	Provided	
Structural Frame	1	1	
Bearing Walls - Exterior	2	2	
Bearing Wall - Interior	1	1	
Non-bearing Walls - Exterior	See Table 602		
Non-bearing Wall - Interior	0	0	
Floor Construction	1	1	
Roof Construction	1	1	

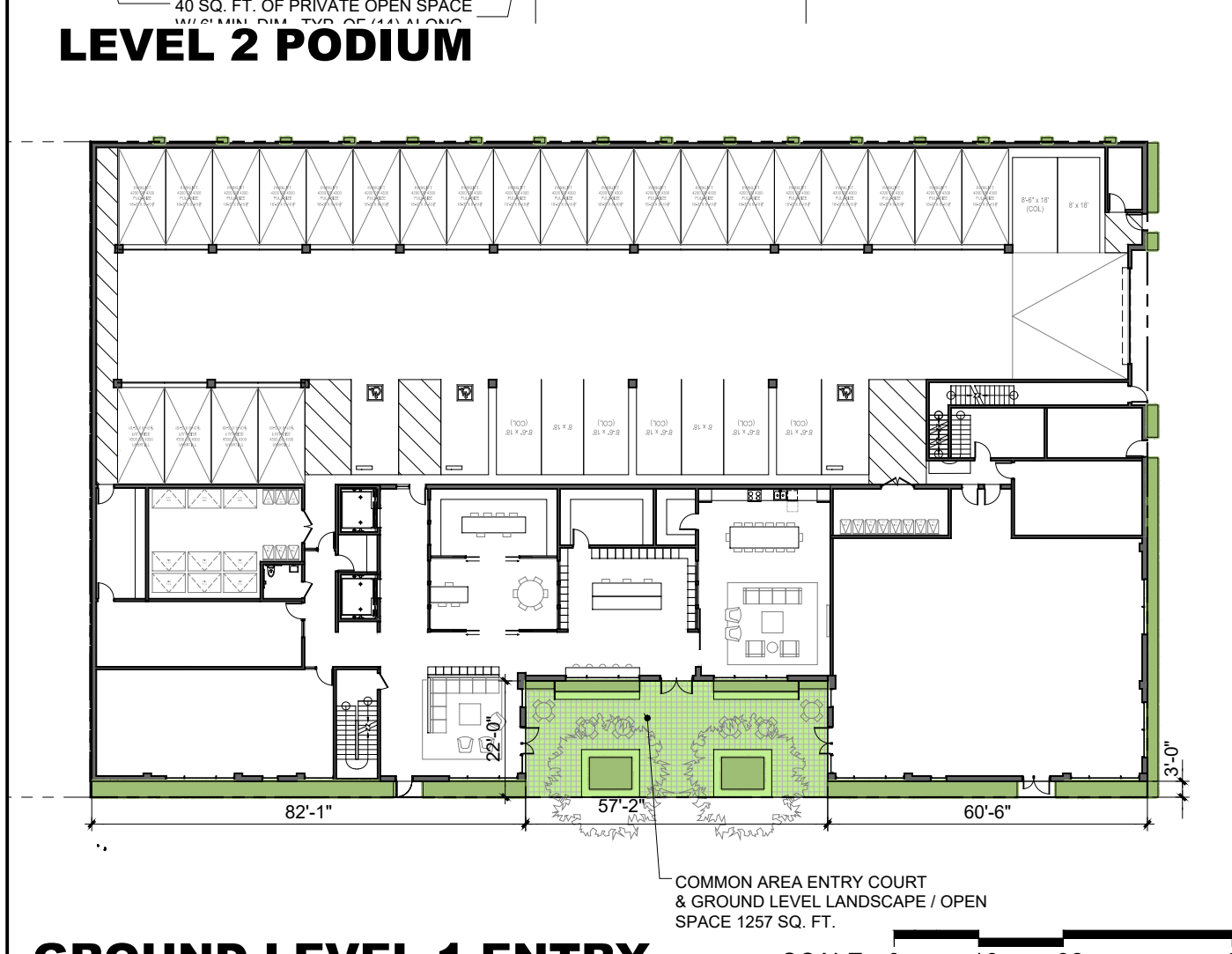
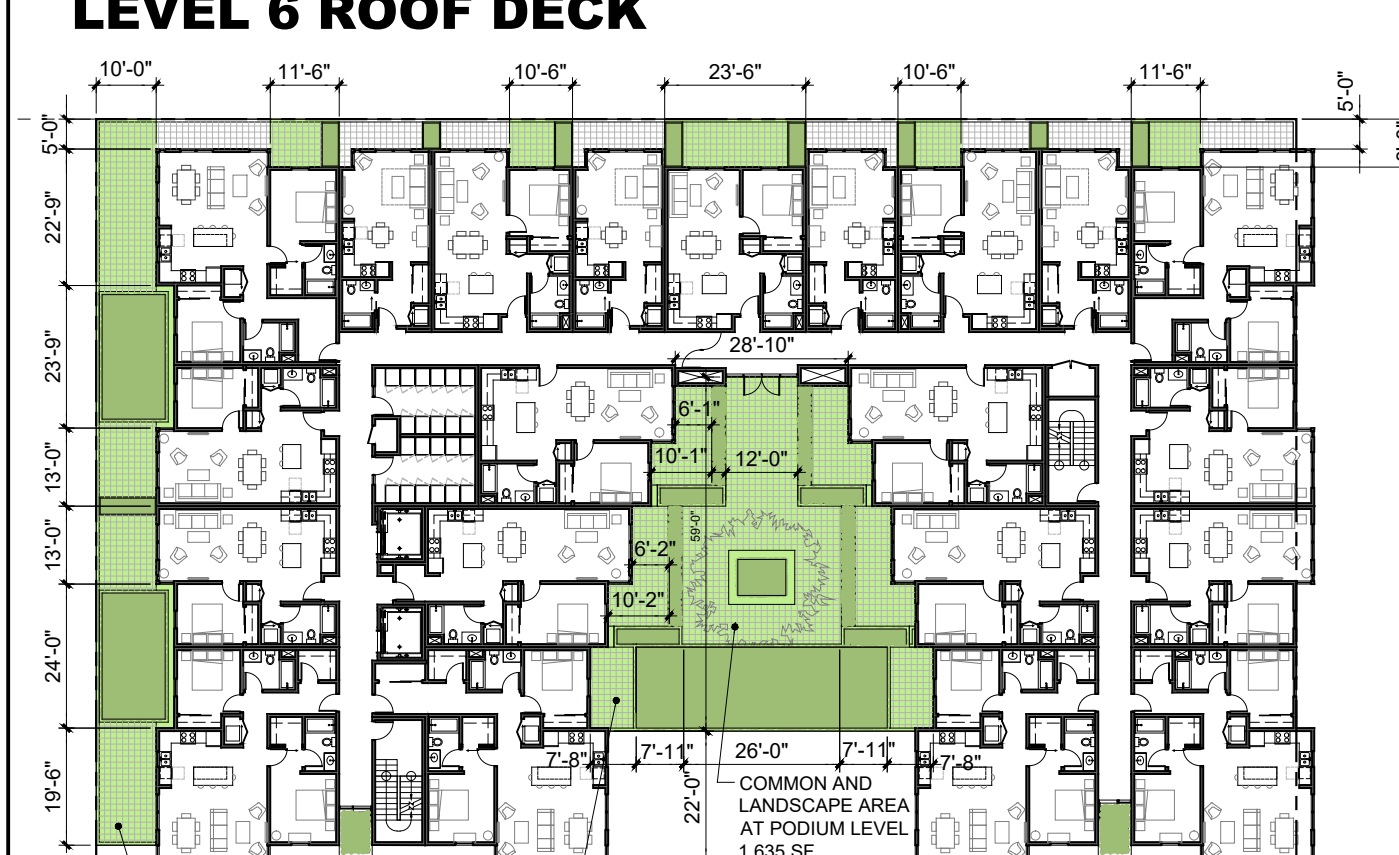
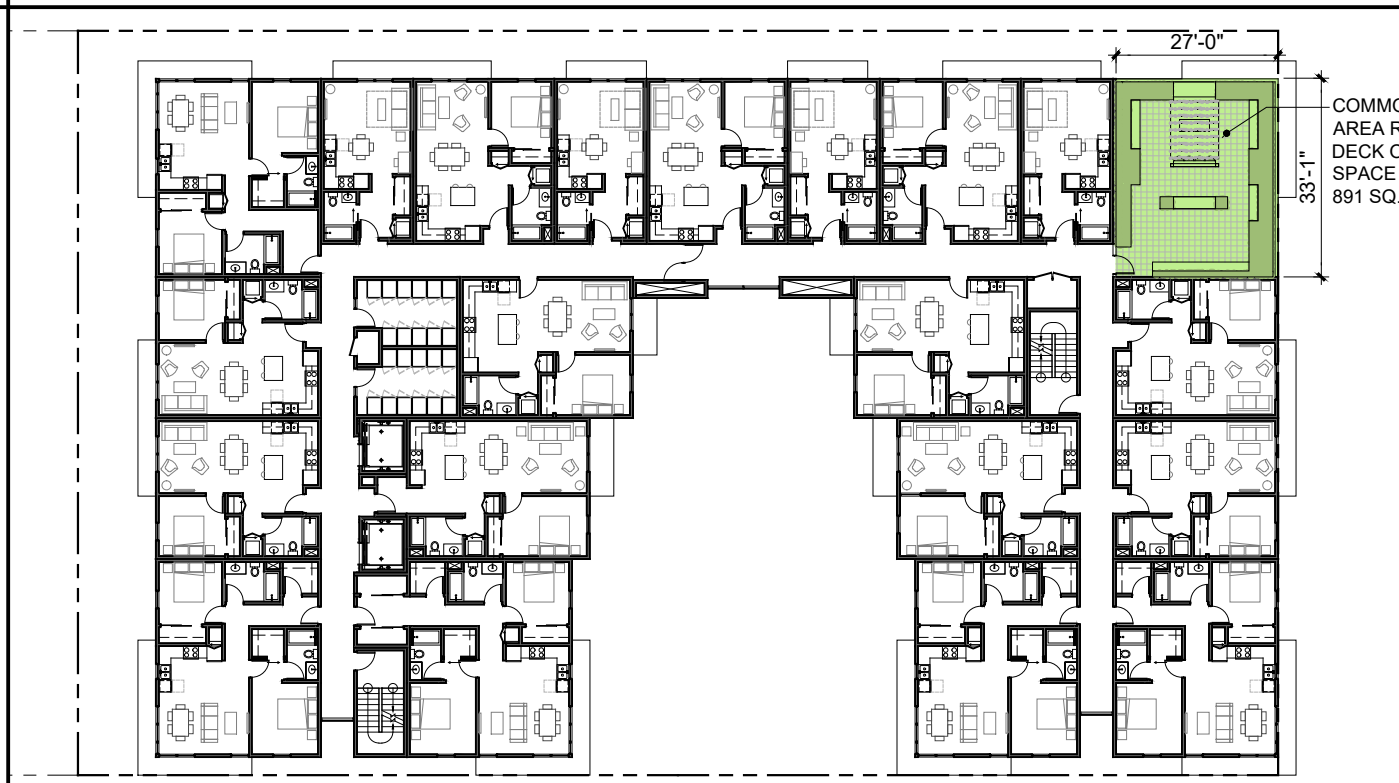
EXITING DIAGRAMS



REFUSE AND RECYCLING

Waste and Recycling Calculation									
# of Bedrooms	Factor	Occupants	Total cuft required (.25cy or 50 gallons / 3 occ)		Waste (40%)	Recycling (40%)	Organics (20%)		
133	1.75	233	19.40 cy	3,879 gal	7.76 cuft	1,552 gal	1,552 gal	776 gal	
Space Calculation									
Container Quantities		Space Required		150% Additional Increase					
Waste	Recycling	Organics	Factor/container	Space/Container	Required	Provided			
2 cy bin (404 gal)	4	4	1	28 sf	252 sf				
96 gallon cart			6	7 sf	42 sf				
64 gallon cart				6 sf					
Total capacity	1616 gal	1616 gal	980 gal		294 sf	441 sf	554 sf		

OPEN SPACE DIAGRAMS



ZONING MAP



ZONING CODE DATA

CITY OF BERKELEY ZONING TABULATIONS			
	PROPOSED	BASE PERMITTED/REQUIRED	PERMITTED/REQUIRED W/ DENSITY BONUS
NUMBER OF DWELLING UNITS	104	NA	NA
COMMERCIAL AREA	3,119	NA	NA
PARKING	SEE TABLE	SEE TABLE	SEE TABLE
BIKE PARKING (LONG-TERM)	48	33	36
BIKE PARKING (SHORT-TERM)	14	5	5
FRONT YARD SETBACK	Varies 0'-22'	0'	0'
STREET SIDE YARD SETBACK	0'	0'	0'
SIDE YARD SETBACK	Varies 0'-13'	0'	0'
REAR YARD SETBACK	Varies 0'-8'	0'	0'
BUILDING HEIGHT	67'-3" (Waiver)	50'	70'
BUILDING STORIES	6 (Waiver)	4	6
LOT AREA	24,800	NA	NA
LOT AREA (ACRES)	0.57	NA	NA
GROSS FLOOR AREA (SEE TABLE)	99,233	74,400	100,440
BUILDING FOOTPRINT	22,945	24,800	24,800
LOT COVERAGE	93%	100%	100%
USABLE OPEN SPACE (SEE TABLE)	SEE TABLE	SEE TABLE	SEE TABLE
FAR	4.00	3	4.05

FAR CALCULATIONS			
	BASE PROJECT ALLOWABLE	ALLOWABLE W/ DENSITY BONUS	PROPOSED W/ DENSITY BONUS
SITE AREA	24,800	24,800	24,800
FAR	3.00	4.05	4.00
FLOOR AREA	74,400	100,440	99,233

PROPOSED FLOOR AREA WITH DENSITY BONUS				
	COMMERCIAL	RESIDENTIAL	MECH	TOTAL
LEVEL 6		15,939		15,939
LEVEL 5		18,096		18,096
LEVEL 4		18,096		18,096
LEVEL 3		18,096		18,096
LEVEL 2		18,096		18,096
LEVEL 1 (EXCLUDES PARKING)	3,119	6,937	854	10,910
TOTAL	3,119	95,260	854	99,233
FAR (FLOOR AREA RATIO)				4.00

DWELLING UNIT TABLE					
UNIT TYPE	STUDIO	1-BED	2-BED	TOTAL	
LEVEL 6	4	11	5	20	
LEVEL 5	4	11	6	21	
LEVEL 4	4	11	6	21	
LEVEL 3	4	11	6	21	
LEVEL 2	4	11	6	21	
GROUND					
TOTAL	20	55	29	104	
PERCENTAGE OF TOTAL		19%	53%	28%	100%

OPEN SPACE TABLE				
	UNITS	RATIO	TOTAL	TOTAL INCLUDING
BASE UNITS	77	40	3,080	NON-QUAL.
DENSITY BONUS UNITS	27	40	1,080	AREAS
TOTAL REQUIRED			4,160	
TOTAL AREA PROVIDED			4,343	
PODIUM LEVEL PRIVATE DECKS	14	40	560	
GROUND LEVEL LANDSCAPE AREAS			1,257	
PODIUM LEVEL LANDSCAPE AREAS			1,635	
ROOF DECK COMMON AREAS			891	

PARKING CALCULATIONS (Density Bonus Method)				
RESIDENTIAL PARKING	STUDIO	1-BED	2-BED	TOTAL
NUMBER OF UNITS	20	55	29	
NUMBER OF BEDROOMS PER UNIT	1	1	2	
TOTAL BEDROOMS	20	55	58	133
RESIDENTIAL PARKING AT .5 SPACES / BEDROOM				67
COMMERCIAL PARKING	AREA	RATIO	PER	TOTAL
COMMERCIAL (FOOD USE)	3,119	2	1000	6
TOTAL DENSITY BONUS PARKING REQUIREMENT				73
PARKING WAIVER				18
TOTAL PARKING PROVIDED				55
COMMERCIAL PARKING				6
RESIDENTIAL PARKING				49

BICYCLE PARKING CALCULATIONS				
LONG TERM BICYCLE PARKING		SPACES	RATIO	TOTAL
NUMBER OF BEDROOMS	133	1	3	44
COMMERCIAL	3,119	1	10,000	1
TOTAL LONG TERM BIKE PARKING REQ.				45
TOTAL LONG TERM BIKE PARKING PROVIDED	24 (2-TIER BIKE STORAGE)	=		48
SHORT TERM BICYCLE PARKING		SPACES	RATIO	TOTAL
NUMBER OF BEDROOMS	133	1	40	3
COMMERCIAL	3,119	1	2,000	2
TOTAL SHORT TERM BIKE PARKING REQ.				5
TOTAL SHORT TERM BIKE PARKING PROVIDED	7 (2-BIKE STREET RACKS)			14

ROOFTOP ARCHITECTURAL ELEMENTS CALCS		
LEVEL	AREA	
LEVEL 6	15,939	
LEVEL 5	18,096	
LEVEL 4	18,096	
LEVEL 3	18,096	
LEVEL 2	18,096	
LEVEL 1	10,910	EXCLUDE PARKING
AVERAGE AREA	16539	
TOTAL AREA OF ROOFTOP ELEMENTS	300	
% AREA OF ROOFTOP ARCHITECTURAL FEATURES		1.8%
ALLOWABLE % (PER 23E.04.020C)		15.0%

2421 Fourth Street
Berkeley, California 94710
510.649.1414
www.TrachtenbergArch.com

1200-1214 SAN PABLO AVENUE

Berkeley, CA 94706

- 12.02.2019 ZONING SUBMITTAL
- 02.03.2020 ZONING RE-SUBMITTAL
- 04.03.2020 ZONING RE-SUBMITTAL
- 10.05.2020 ZONING RE-SUBMITTAL

ALL DRAWINGS AND WRITTEN MATERIAL APPEARING HEREIN CONSTITUTE ORIGINAL AND UNPUBLISHED WORK OF THE ARCHITECT AND MAY NOT BE DUPLICATED, USED OR DISCLOSED WITHOUT WRITTEN CONSENT OF TRACHTENBERG ARCHITECTS.

JOB: 1919

SHEET:

ZONING & BUILDING CODE DATA

A0.1

2421 Fourth Street
Berkeley, California 94710
510.649.1414
www.TrachtenbergArch.com

**1200-1214
SAN PABLO
AVENUE**

Berkeley, CA 94706

- 12.02.2019 ZONING SUBMITTAL
- 02.03.2020 ZONING RE-SUBMITTAL
- 04.03.2020 ZONING RE-SUBMITTAL
- 10.05.2020 ZONING RE-SUBMITTAL

JOB: 1919

SHEET:

DENSITY BONUS
DIAGRAMS

A0.2

DENSITY BONUS TABLE										
Base Project	Base	Base # Units	% VLI units	# VLI Units	#VLI Units	Bonus %	# DB Units	# DB Units	Maximum DB Project	
sq. ft. - see calculation below	base project area / avg. unit size	Units/Max. Residential Density (rounded up)	VLI = Very Low Income <50 AMI	% VLI x Base # Units			% Bonus x Base # Units	% Bonus x Base # Units (rounded up)	% Bonus x Base # Units (rounded up)	
70,522	76.99	77	11%	8.47	9.00	35.0%	26.9500	27	104	

Base Project Res. Area	Floor	Proposed Project Res. Area
	Sixth	15,939
	Fifth	18,096
21,195	Fourth	18,096
21,195	Third	18,096
21,195	Second	18,096
6,937	Ground	6,937
Total:		95,260

Proposed Area: **95,260**

Proposed Units: **104**

Average Unit Size: **916**

Base Project # of Units	Floor	Proposed Project # of Units
	Sixth	20
	Fifth	21
25	Fourth	21
26	Third	21
26	Second	21
	Ground	0
Total:		104

Average Unit Size **916 SF**

BASE PROJECT ZONING COMPLIANCE CHECKS

Base Project - FAR

	Res. Area	Commercial	Total
Gross Floor Area	70,522	3119	73,641
Site Area			24,800
FAR			2.9694

Base Project - Open Space

	Units	Ratio	Total Area
Total Required	77	40	3,080
Total Area Provided			6,517
Ground Level Landscape Areas			1,257
Podium Level Landscape Areas			1,886
Roof Deck Common Areas			3,374

Base Project - Parking

	Units	Spaces	Ratio	Total Area
Base Units	77		1	77
Commercial	3,119	2	1000	6
Total Parking Req.				83
Total Parking Provided				89

Base Project - Dwelling Unit Table

Unit Type	Studio	1-Bed	2-Bed	Total
Level 4	10	8	7	25
Level 3	12	8	6	26
Level 2	12	8	6	26
Ground	0	0	0	0
Total	34	24	19	77
Percentage of Total	44%	31%	25%	100%

Base Project - Bedroom Calculation

	Studio	1-Bed	2-Bed	Total
Number of Units	34	24	19	
Bedrooms per unit	1	1	2	
Total Bedrooms	34	24	38	96

Base Project - Long Term Bike Parking

	Count / sq ft	Spaces	Ratio	Total
Base Bedrooms	96	1	3	32
Commercial	3,119	1	10,000	1
Total Long Term Bike Spaces Req.				33
Total Long Term Bike Spaces Provided: 24 sets of 2-Tier storage				48

Base Project - Short Term Bike Parking

	Spaces	Ratio	Total
Base Bedrooms	96	1	40
Commercial	3,119	1	2,000
Total Short Term Bike Spaces Req.			5
Total Short Term Bike Spaces Provided: 7 (2-bike) street racks			14

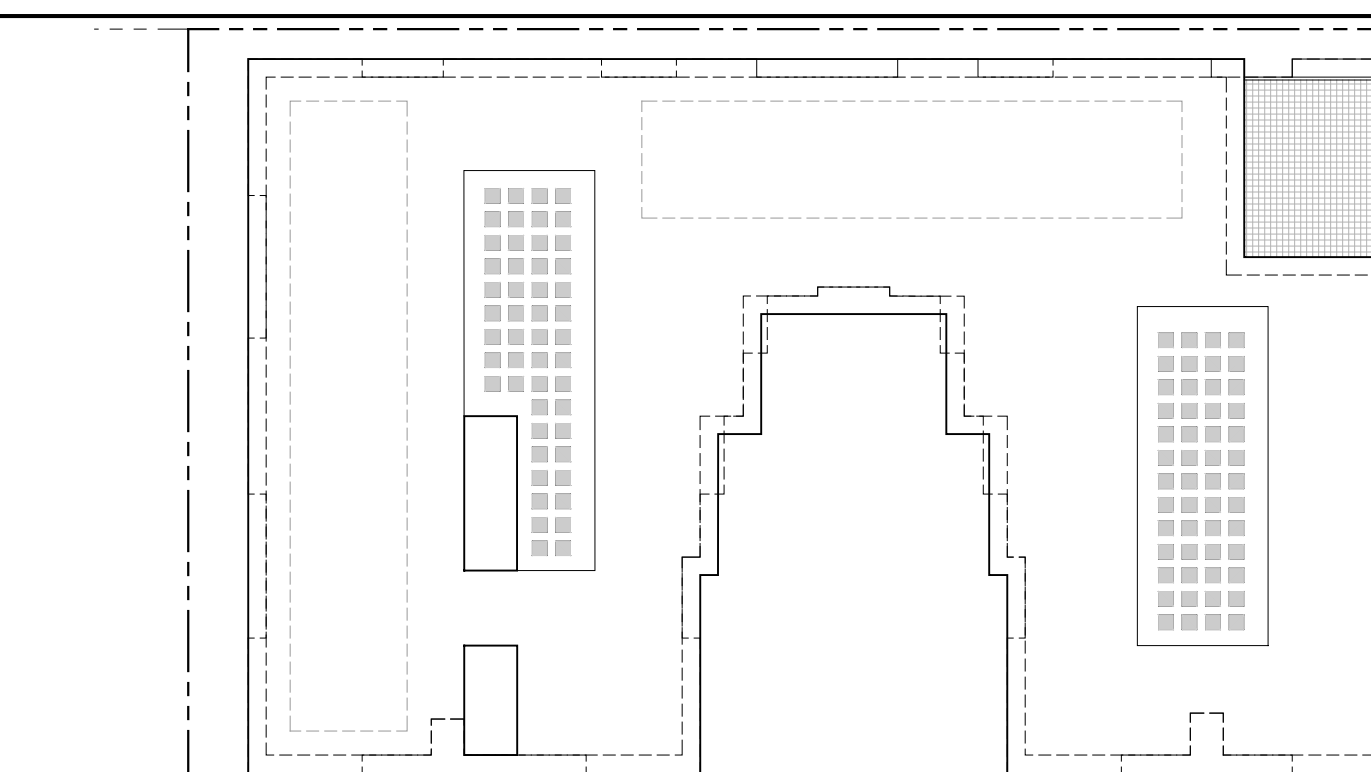
Base Project - Stormwater

	Roof Area	%	Required
Base Units	24,800	4%	992

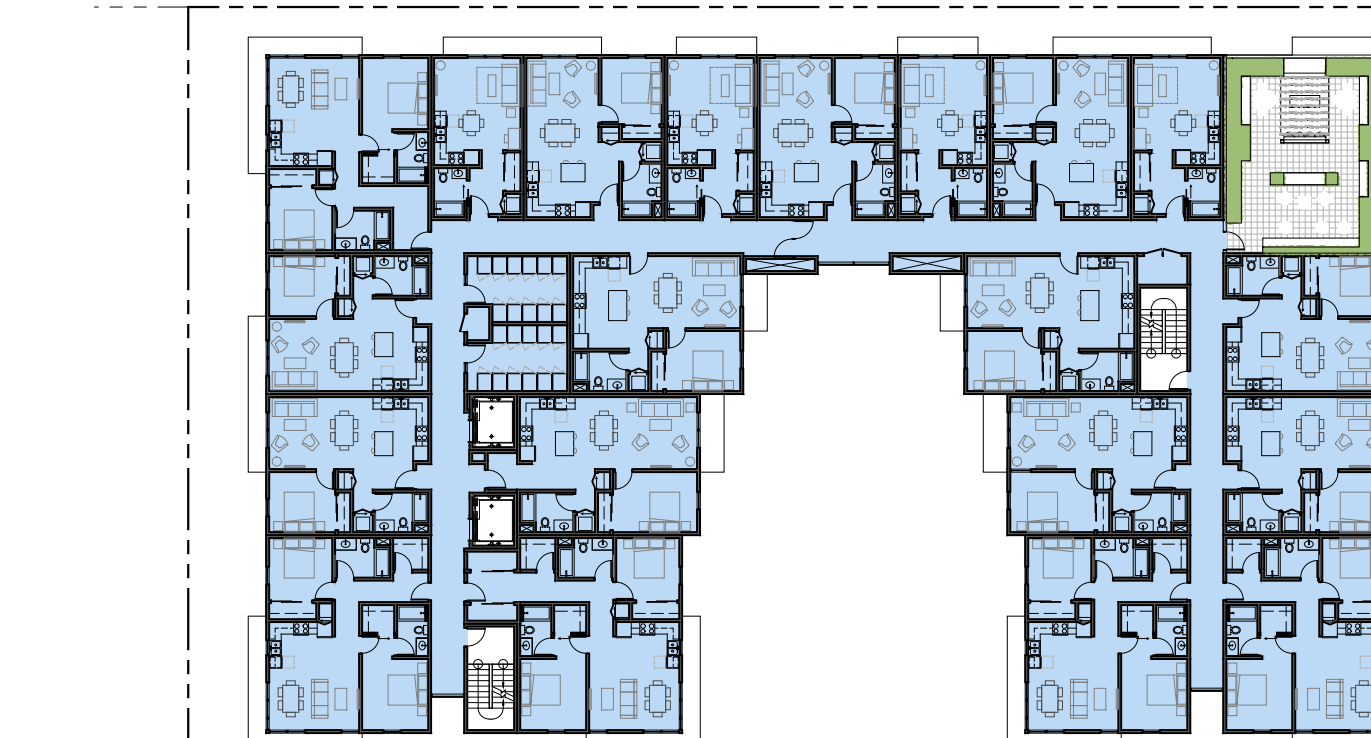
DENSITY BONUS CALCULATIONS

DENSITY BONUS DIAGRAM LEGEND

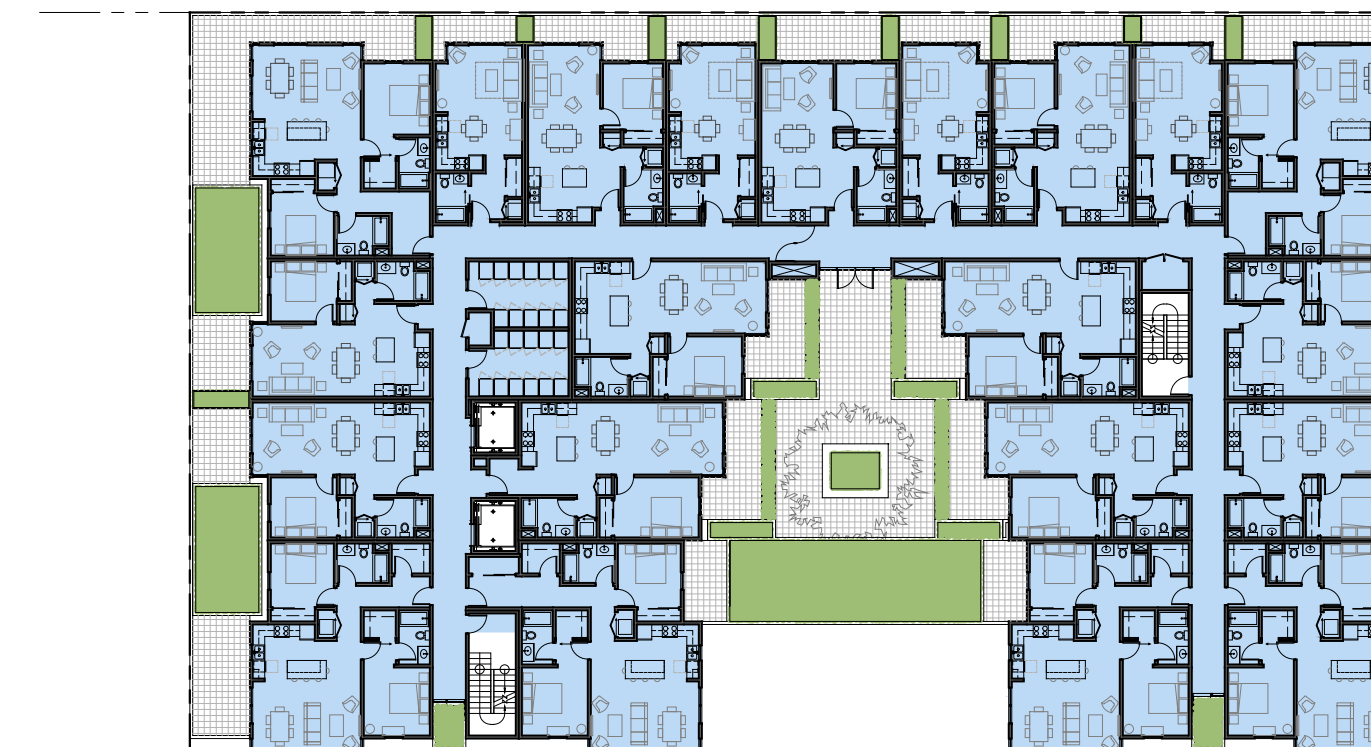
- RESIDENTIAL GROSS FLOOR AREA
- COMMERCIAL GROSS FLOOR AREA
- MECH./PARKING GROSS FLOOR AREA



PLAN AT ROOF



PLAN AT LEVEL 6

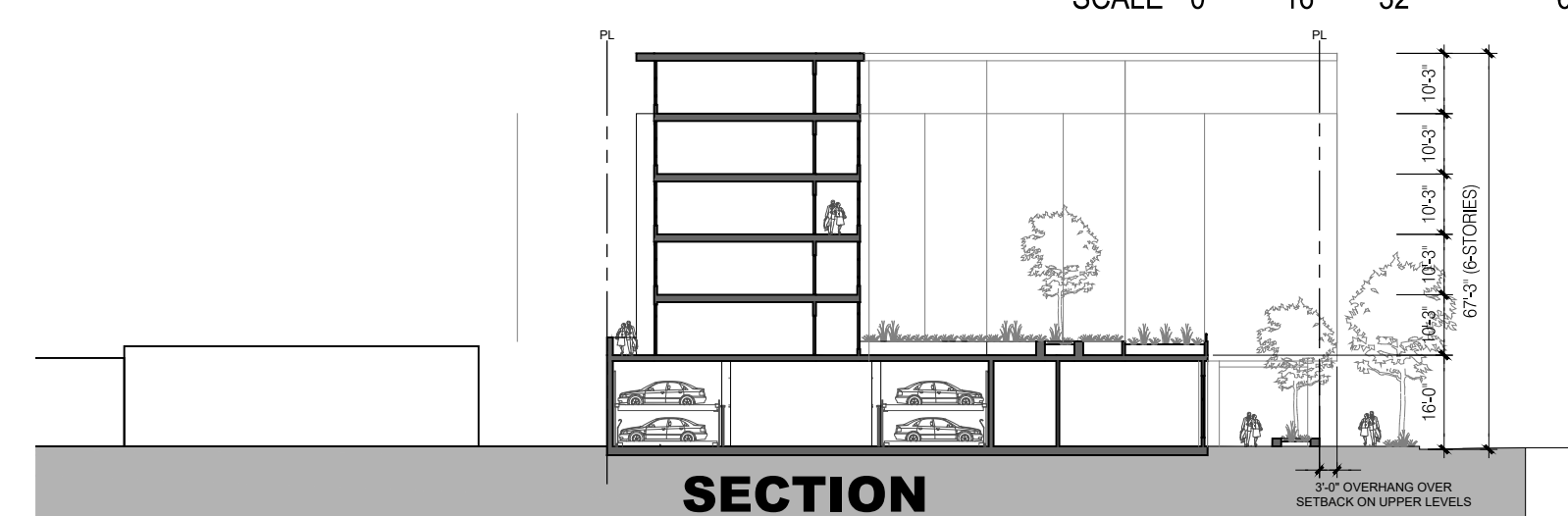


PLAN AT LEVEL 2; LEVELS 3-5 SIM.



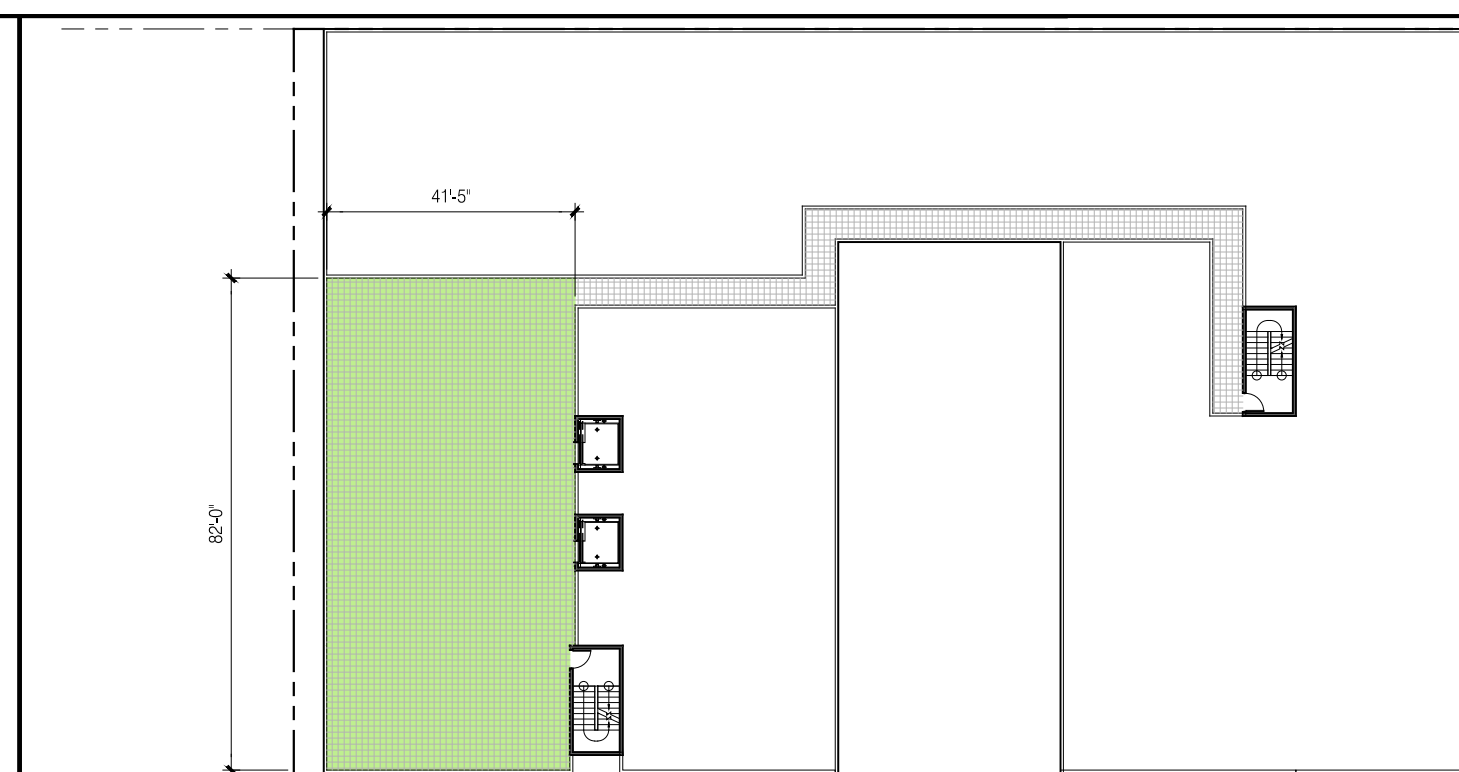
GROUND LEVEL PLAN

SCALE 0 16 32 64

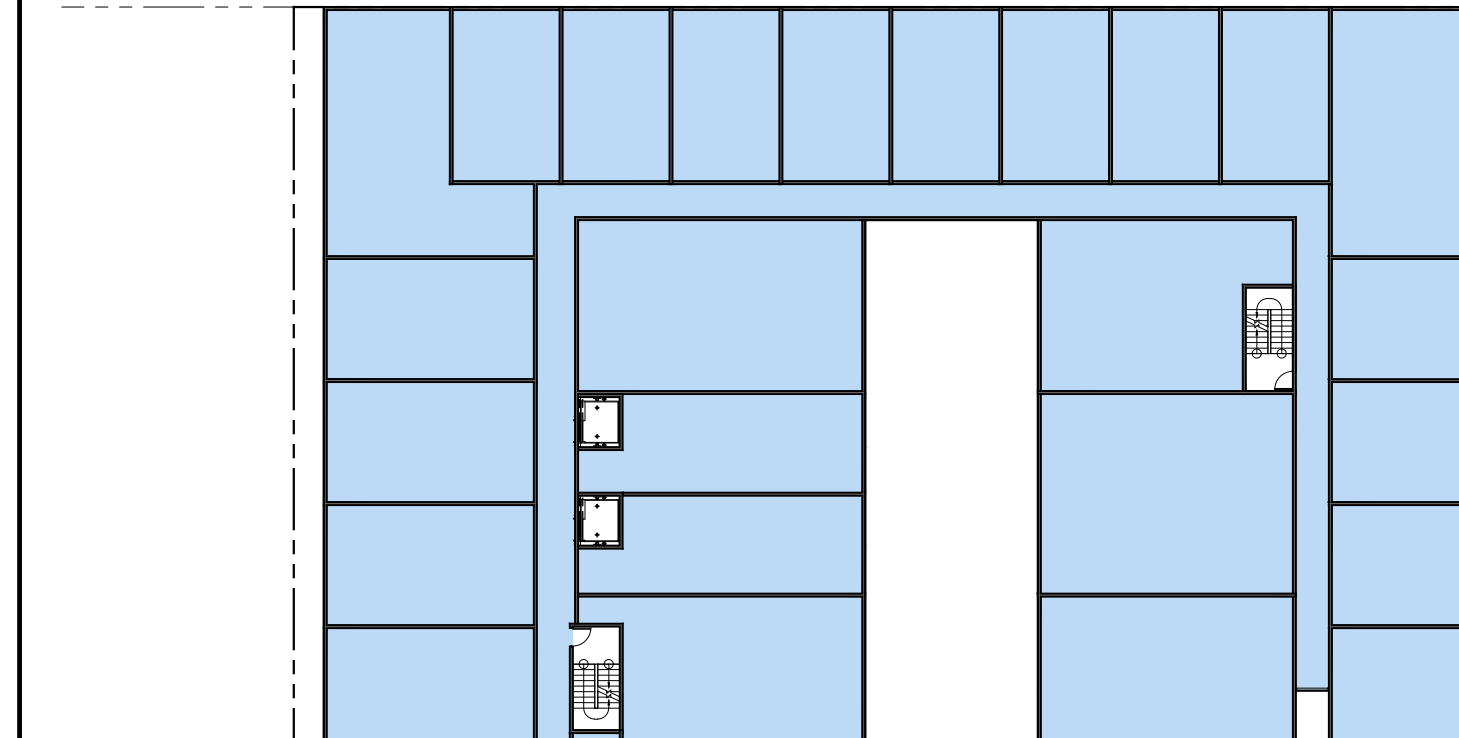


SECTION

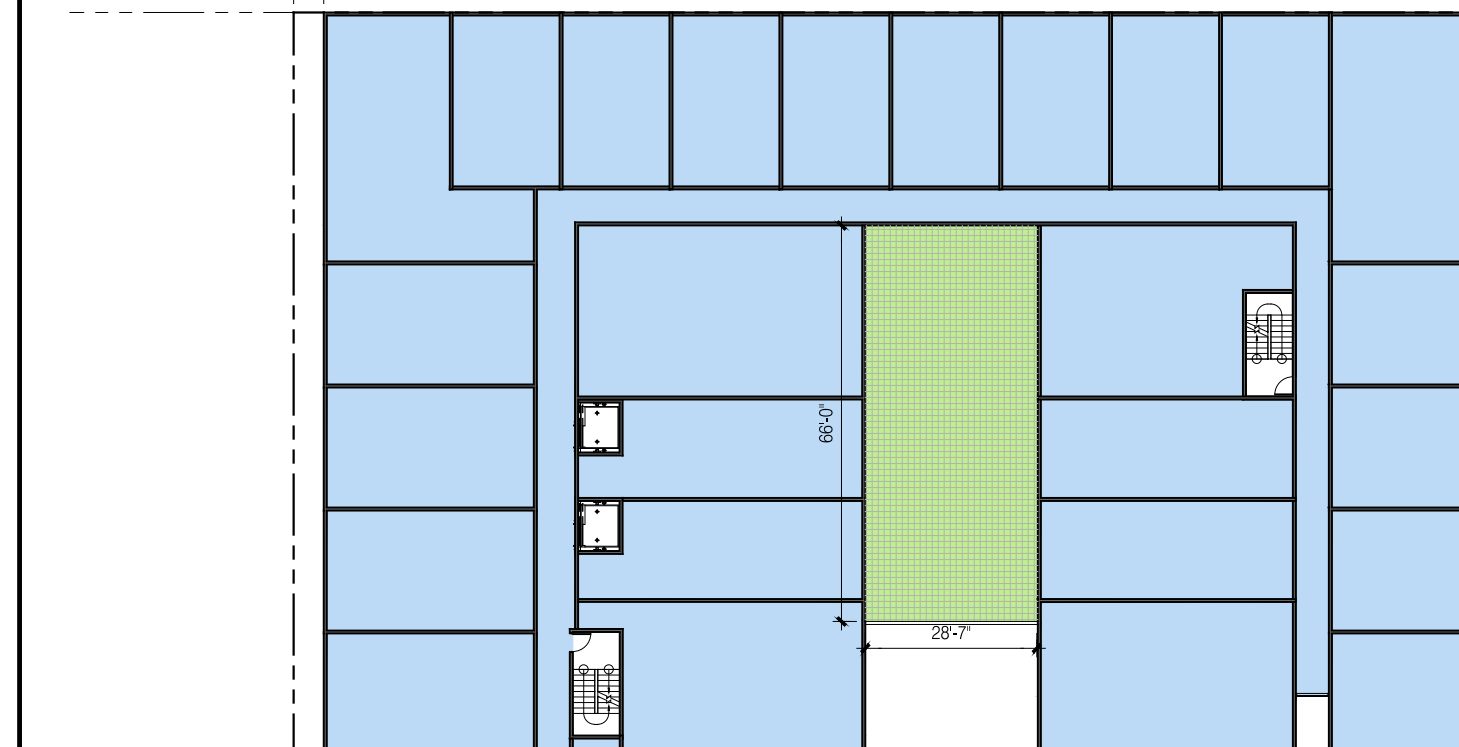
DENSITY BONUS PROJECT



PLAN AT ROOF



PLAN AT LEVEL 4

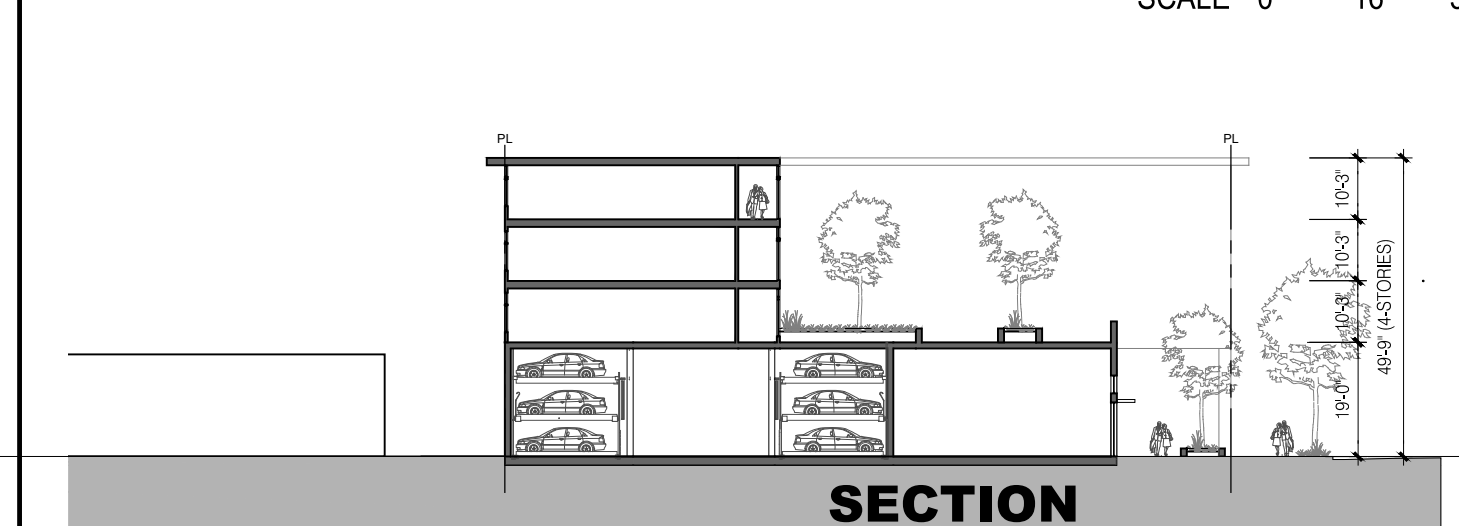


PLAN AT LEVELS 2-3



GROUND LEVEL PLAN

SCALE 0 16 32 64



SECTION

BASE PROJECT

2421 Fourth Street
Berkeley, California 94710
510.649.1414
www.TrachtenbergArch.com

1200-1214 SAN PABLO AVENUE

Berkeley, CA 94706

- 12.02.2019 ZONING SUBMITTAL
- 02.03.2020 ZONING RE-SUBMITTAL
- 04.03.2020 ZONING RE-SUBMITTAL
- 10.05.2020 ZONING RE-SUBMITTAL

ALL DRAWINGS AND WRITTEN MATERIAL APPEARING HEREIN CONSTITUTE ORIGINAL AND UNPUBLISHED WORK OF THE ARCHITECT AND MAY NOT BE DUPLICATED, USED OR DISCLOSED WITHOUT WRITTEN CONSENT OF TRACHTENBERG ARCHITECTS.

JOB: 1919

SHEET:
GREEN BUILDING CHECKLIST

A0.3A

NEW HOME RATING SYSTEM, VERSION 7.0
MULTIFAMILY CHECKLIST

The GreenPoint Rated checklist tracks green features incorporated into the home. GreenPoint Rated is administered by Build It Green, a non-profit whose mission is to promote healthy, energy and resource efficient buildings in California.

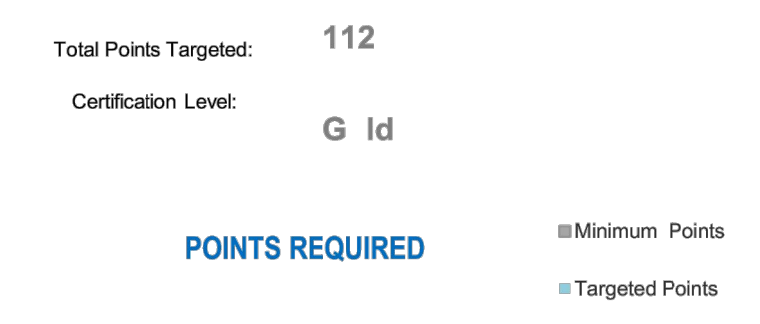
The minimum requirements of GreenPoint Rated are: verification of 50 or more points; Earn the following minimum points per category: Community (2) Energy (25), Indoor Air Quality/Health (6), Resources (6), and Water (6); and meet the prerequisites CALGreen Mandatory, E5.2, H6.1, J5.1, O1, O7.

Directions for Use: Column A is a dropdown menu with the options of "Yes", "No", or "TBD" or a range of percentages to allocate points. Select the appropriate dropdown and the appropriate points will appear in the blue "points achieved" column.

The criteria for the green building practices listed below are described in the GreenPoint Rated New Home Rating Manual. For more information please visit www.builditgreen.org/greenpointrated

Build It Green is not a code enforcement agency.

A home is only GreenPoint Rated if all features are verified by a Certified GreenPoint Rater through Build It Green.



Measures		Points Achieved	Community	Energy	IAQ/Health	Resources	Water	Notes
CALGreen								
Yes	CALGreen Res (REQUIRED)	4	1	1	1	1		
A. SITE								
No	A1. Construction Footprint	0				1		
A2. Job Site Construction Waste Diversion								
No	A2.1 75% C&D Waste Diversion (Including Alternative Daily Cover)	0				2		
Yes	A2.2 65% C&D Waste Diversion (Excluding Alternative Daily Cover)	2				2		
TBD	A2.3 Recycling Rates from Third-Party Verified Mixed-Use Waste Facility					1		
TBD	A3. Recycled Content Base Material					1		
No	A4. Heat Island Effect Reduction (Non-Roof)	0		1				
Yes	A5. Construction Environmental Quality Management Plan including Flush-Out	1			1			
A6. Stormwater Control: Prescriptive Path								
No	A6.1 Permeable Paving Material	0				1		
Yes	A6.2 Filtration and/or Bio-Retention Features	0				1		
TBD	A6.3 Non-Leaching Roofing Materials					1		
No	A6.4 Smart Stormwater Street Design	0	1					
Yes	A7. Stormwater Control: Performance Path	0				3		
B. FOUNDATION								
No	B1. Fly Ash and/or Slag in Concrete	0				1		
No	B2. Radon-Resistant Construction	0			2			
Yes	B3. Foundation Drainage System	2			2			
N/A	B4. Moisture Controlled Crawlspace	0			1			
B5. Structural Pest Controls								
Yes	B5.1 Termite Shields and Separated Exterior Wood-to-Concrete Connections	1				1		
Yes	B5.2 Plant Trunks, Bases, or Stems at Least 36 Inches from the Foundation	1				1		
C. LANDSCAPE								
17.00% Enter the landscape area percentage								
Yes	C1. Plants Grouped by Water Needs (Hydrozoning)	1				1		
Yes	C2. Three Inches of Mulch in Planting Beds	1				1		
C3. Resource Efficient Landscapes								
Yes	C3.1 No Invasive Species Listed by Cal-IPC	1				1		
Yes	C3.2 Plants Chosen and Located to Grow to Natural Size	1				1		
Yes	C3.3 Drought Tolerant, California Native, Mediterranean Species, or Other Appropriate Species	3				3		
C4. Minimal Turf in Landscape								
Yes	C4.1 No Turf on Slopes Exceeding 10% and No Overhead Sprinklers Installed in Areas Less Than Eight Feet Wide	2				2		
Yes	C4.2 Turf on a Small Percentage of Landscaped Area	2				2		
No	C5. Trees to Moderate Building Temperature	0	1	1		1		
Yes	C6. High-Efficiency Irrigation System	2				2		
Yes	C7. One Inch of Compost in the Top Six to Twelve Inches of Soil	2				2		
No	C8. Rainwater Harvesting System	0				3		
No	C9. Recycled Wastewater Irrigation System	0				1		
Yes	C10. Submeter or Dedicated Meter for Landscape Irrigation	2				2		
No	C11. Landscape Meets Water Budget	0				1		
C12. Environmentally Preferable Materials for Site								
No	C12.1 Environmentally Preferable Materials for 70% of Non-Plant Landscape Elements and Fencing	0				1		
No	C12.2 Play Structures and Surfaces Have an Average Recycled Content 20%	0				1		
Yes	C13. Reduced Light Pollution	1	1					
No	C14. Large Stature Tree(s)	0	1					
No	C15. Third Party Landscape Program Certification	0				1		
TBD	C16. Maintenance Contract with Certified Professional					1		
No	C17. Community Garden	0	2					

Project Name: 1200 - 1214 San Pablo Ave Project Street: 1200 - 1214 San Pablo Ave Project City: Berkeley Project Zip: 94702		Points Achieved	Community	Energy	IAQ/Health	Resources	Water
D. STRUCTURAL FRAME AND BUILDING ENVELOPE							
D1. Optimal Value Engineering							
No	D1.1 Joists, Rafters, and Studs at 24 Inches on Center	0		1		2	
Yes	D1.2 Non-Load Bearing Door and Window Headers Sized for Load	1				1	
No	D1.3 Advanced Framing Measures	0				2	
No	D2. Construction Material Efficiencies	0				1	
D3. Engineered Lumber							
TBD	D3.1 Engineered Beams and Headers					1	
Yes	D3.2 Wood Joists or Web Trusses for Floors	1				1	
Yes	D3.3 Engineered Lumber for Roof Rafters	1				1	
No	D3.4 Engineered or Finger-Jointed Studs for Vertical Applications	0				1	
Yes	D3.5 OSB for Subfloor	0.5				0.5	
Yes	D3.6 OSB for Wall and Roof Sheathing	0.5				0.5	
No	D4. Insulated Headers	0		1			
D5. FSC-Certified Wood							
TBD	D5.1 Dimensional Lumber, Studs, and Timber					6	
TBD	D5.2 Panel Products					3	
D6. Solid Wall Systems							
No	D6.1 At Least 90% of Floors	0				1	
No	D6.2 At Least 90% of Exterior Walls	0		1		1	
No	D6.3 At Least 90% of Roofs	0		1		1	
Yes	D7. Energy Heels on Roof Trusses	1		1			
No	D8. Overhangs and Gutters	0		1		1	
D9. Reduced Pollution Entering the Home from the Garage							
No	D9.1 Detached Garage	0				2	
No	D9.2 Mitigation Strategies for Attached Garage	0				1	
D10. Structural Pest and Rot Controls							
Yes	D10.1 All Wood Located At Least 12 Inches Above the Soil	1				1	
Yes	D10.2 Wood Framing, Framing, or Joists or Trusses, or Wall Materials Other Than Wood	1				1	
Yes	D10.3 Moisture-Resistant Materials in Wet Areas (such as Kitchens, Bathrooms, Utility Rooms, and Basements)	2			1	1	
E. EXTERIOR							
TBD	E1. Environmentally Preferable Decking					1	
TBD	E2. Flashing Installation Third-Party Verified					2	
Yes	E3. Rain Screen Wall System	2				2	
Yes	E4. Durable and Non-Combustible Cladding Materials	1				1	
E5. Durable Roofing Materials							
Yes	E5.1 Durable and Fire Resistant Roofing Materials or Assembly	1				1	
Yes	E5.2 Roofing Warranty for Shingle Roofing	Y	R	R	R	R	R
No	E6. Vegetated Roof	0	2	2			
F. INSULATION							
F1. Insulation with 30% Post-Consumer or 60% Post-Industrial Recycled Content							
No	F1.1 Walls and Floors	0				1	
No	F1.2 Ceilings	0				1	
F2. Insulation that Meets the CDPH Standard Method—Residential for Low Emissions							
No	F2.1 Walls and Floors	0				1	
No	F2.2 Ceilings	0				1	
F3. Insulation That Does Not Contain Fire Retardants							
No	F3.1 Cavity Walls and Floors	0				1	
No	F3.2 Ceilings	0				1	
No	F3.3 Interior and Exterior Insulation	0				1	
G. PLUMBING							
G1. Efficient Distribution of Domestic Hot Water							
Yes	G1.1 Insulated Hot Water Pipes	1		1			
Yes	G1.2 WaterSense Volume Limit for Hot Water Distribution	1				1	
No	G1.3 Increased Efficiency in Hot Water Distribution	0				2	
G2. Install Water-Efficient Fixtures							
Yes	G2.1 WaterSense Showerheads 1.8 gpm with Matching Compensation Valve	2				2	
Yes	G2.2 WaterSense Bathroom Faucets with 1.0gpm or less	1				1	
≤1.28 gpf	G2.3 WaterSense Toilets with a maximum performance (MP) of 1.1 gpf or less	1				2	
No	G2.4 Urinals with Flush Rate of ≤ 0.1 Gallons/Flush	0				1	
No	G3. Pre-Plumbing for Graywater System	0				1	
No	G4. Operational Graywater System	0				3	
Yes	G5. Thermostatic Shower Valve or Auto-Diversion Tub Spout	1				1	
Yes	G6. Submeter Water for Tenants	2				2	
H. HEATING, VENTILATION, AND AIR CONDITIONING							

2421 Fourth Street
Berkeley, California 94710
510.649.1414
www.TrachtenbergArch.com

1200-1214
SAN PABLO
AVENUE

Berkeley, CA 94706

- 12.02.2019 ZONING SUBMITTAL
- 02.03.2020 ZONING RE-SUBMITTAL
- 04.03.2020 ZONING RE-SUBMITTAL
- 10.05.2020 ZONING RE-SUBMITTAL

ALL DRAWINGS AND WRITTEN MATERIAL APPEARING HEREIN CONSTITUTE ORIGINAL AND UNPUBLISHED WORK OF THE ARCHITECT AND MAY NOT BE DUPLICATED, USED OR DISCLOSED WITHOUT WRITTEN CONSENT OF TRACHTENBERG ARCHITECTS.

JOB: 1919

SHEET:

GREEN BUILDING CHECKLIST

A0.3B

Project Name: 1200 - 1214 San Pablo Ave Project Street: 1200 - 1214 San Pablo Ave Project City: Berkeley Project Zip: 94702		Points Achieved	Community	Energy	IAQ/Health	Resources	Water
H1. Sealed Combustion Units							
TBD	H1.1 Sealed Combustion Furnace				1		
TBD	H1.2 Sealed Combustion Water Heater			2			
No	H2. High Performing Zoned Hydronic Radiant Heating System	0	1	1			
H3. Effective Ductwork							
Yes	H3.1 Duct Mastic on Duct Joints and Seams	1	1				
Yes	H3.2 Pressure Balance the Ductwork System	1	1				
No	H4. ENERGY STAR® Bathroom Fans Per HVI Standards with Air Flow Verified	0		1			
H5. Advanced Practices for Cooling							
No	H5.1 ENERGY STAR Ceiling Fans in Living Areas and Bedrooms	0		1			
No	H5.2 Operable Windows and Skylights Located to induce Cross Ventilation in At Least One Room in 80% of Units	0		1			
H6. Whole House Mechanical Ventilation Practices to Improve Indoor Air Quality							
Yes	H6.1 Meet ASHRAE Standard 62.2-2010 Ventilation Residential Standards	Y	R	R	R	R	R
No	H6.2 Advanced Ventilation Standards	0		2			
Yes	H6.3 Outdoor Air is Filtered and Tempered	1		1			
H7. Effective Range Design and Installation							
Yes	H7.1 Effective Range Hood Ducting and Design	1		1			
No	H7.2 Automatic Range Hood Control	0		1			
No	H8. High Efficiency HVAC Filter (MERV 13+)	0		1			
No	H9. Advanced Refrigerants	0		1			
I. RENEWABLE ENERGY							
No	I1. Pre-Plumbing for Solar Water Heating	0		1			
Yes	I2. Preparation for Future Photovoltaic Installation	1		1			
0.00%	I3. Onsite Renewable Generation (Solar PV, Solar Thermal, and Wind)	0		25			
I4. Net Zero Energy Home							
No	I4.1 Near Zero Energy Home	0		2			
No	I4.2 Net Zero Electric	0		4			
I5. Energy Storage System							
No	I5.1 Energy Storage System	0		1			
I6. Solar Hot Water Systems to Preheat Domestic Hot Water							
No	I6.1 Solar Hot Water Systems to Preheat Domestic Hot Water	0		4			
No	I7. Photovoltaic System for Multifamily Projects	0		8			
J. BUILDING PERFORMANCE AND TESTING							
No	J1. Third-Party Verification of Quality of Insulation Installation	0		1			
No	J2. Supply and Return Air Flow Testing	0		1	1		
No	J3. Mechanical Ventilation Testing	0		1			
No	J4. Combustion Appliance Safety Testing	0		1			
J5. Building Energy Performance							
1.00%	J5.1 Home Meets or Exceeds Energy Compliance Pathway	7		30			
1.00%	J5.2 Non-Residential Spaces Outperform Title 24	1		15			
Yes	J6. Title 24 Prepared and Signed by a CABEC Certified Energy Analyst	1		1			
TBD	J7. Participation in Utility Program with Third-Party Plan Review			1			
TBD	J8. ENERGY STAR for Homes			1			
No	J9. EPA Indoor airPlus Certification			1			
No	J10. Blower Door Testing	0		3			
No	J11. Compartmentalization of Units	0		1	1		
K. FINISHES							
K1. Entryways Designed to Reduce Tracked-In Contaminants							
No	K1.1 Entryways to Individual Units	0		1			
Yes	K1.2 Entryways to Buildings	1		1			
TBD	K2. Zero-VOC Interior Wall and Ceiling Paints			2			
Yes	K3. Low-VOC Caulks and Adhesives	1		1			
K4. Environmentally Preferable Materials for Interior Finish							
TBD	K4.1 Cabinets			2			
TBD	K4.2 Interior Trim			2			
TBD	K4.3 Shelving			2			
TBD	K4.4 Doors			2			
TBD	K4.5 Countertops			1			
K5. Formaldehyde Emissions in Interior Finish Exceed CARB							
TBD	K5.1 Doors			1			
TBD	K5.2 Cabinets and Countertops			2			
TBD	K5.3 Interior Trim and Shelving			2			
TBD	K6. Products That Comply With the Health Product Declaration Open Standard			2			
TBD	K7. Indoor Air Formaldehyde Level Less Than 27 Parts Per Billion			2			
No	K8. Comprehensive Inclusion of Low Emitting Finishes			1			
TBD	K9. Durable Cabinets			2			
TBD	K10. At Least 25% of Interior Furniture Has Environmentally Preferable Attributes			1			
L. FLOORING							

Project Name: 1200 - 1214 San Pablo Ave Project Street: 1200 - 1214 San Pablo Ave Project City: Berkeley Project Zip: 94702		Points Achieved	Community	Energy	IAQ/Health	Resources	Water
TBD	L1. Environmentally Preferable Flooring					3	
TBD	L2. Low-Emitting Flooring Meets CDPH 2010 Standard Method-Residential				3		
Yes	L3. Durable Flooring	1			1		
No	L4. Thermal Mass Flooring	0		1			
M. APPLIANCES AND LIGHTING							
Yes	M1. ENERGY STAR® Dishwasher	1				1	
M2. Efficient Clothes Washing and Drying							
CEE Tier 2	M2.1 CEE-Rated Clothes Washer	2		1		2	
Yes	M2.2 Energy Star Dryer	1		1			
No	M2.3 Solar Dryer/ Laundry Lines	0		0.5			
<20 cubic feet	M3. Size-Efficient ENERGY STAR Refrigerator	2		2			
M4. Permanent Centers for Waste Reduction Strategies							
TBD	M4.1 Built-In Recycling Center					1	
TBD	M4.2 Built-In Composting Center					1	
M5. Lighting Efficiency							
Yes	M5.1 High-Efficacy Lighting	2		2			
Yes	M5.2 Lighting system designed to its ANSI photometric standards or designed by Lighting Consultant	2		2			
TBD	M6. Electric Vehicle Charging Stations and Infrastructure			2			
No	M7. Central Laundry	0				1	
Yes	M8. Gearless Elevator	1		1			
N. COMMUNITY							
N1. Smart Development							
Yes	N1.1 Infill Site	2	1			1	
No	N1.2 Designated Brownfield Site	0	1			1	
>35	N1.3 Conserve Resources by Increasing Density	4		2		2	
Yes	N1.4 Cluster Homes for Land Preservation	2	1			1	
N1.5 Home Size Efficiency							
811	Enter the area of the home, in square feet	9				9	
2	Enter the number of bedrooms						
N2. Home(s)/Development Located Near Major Transit Stop							
Yes	N2.1 Within 1 Mile of a Major Transit Stop	1	1				
Yes	N2.2 Within 1/2 mile of a Major Transit Stop	0	2				
N3. Pedestrian and Bicycle Access							
N3.1 Pedestrian Access to Services Within 1/2 Mile of Community Services							
63	Enter the number of Tier 1 services						
23	Enter the number of Tier 2 services						
No	N3.2 Connection to Pedestrian Pathways	0	1				
No	N3.3 Traffic Calming Strategies	0	2				
Yes	N3.4 Sidewalks Buffered from Roadways and 5-8 Feet Wide	1	1				
Yes	N3.5 Bicycle Storage for Residents	1	1				
Yes	N3.6 Bicycle Storage for Non-Residents	1	1				
1 space per unit	N3.7 Reduced Parking Capacity	2	2				
N4. Outdoor Gathering Places							
Yes	N4.1 Public or Semi-Public Outdoor Gathering Places for Residents	1	1				
No	N4.2 Public Outdoor Gathering Places with Direct Access to Tier 1 Community Services	0	1				
N5. Social Interaction							
No	N5.1 Residence Entries with Views to Calers	0	1				
Yes	N5.2 Entrances Visible from Street and/or Other Front Doors	1	1				
No	N5.3 Porches Oriented to Street and Public Space	0	1				
N6. Passive Solar Design							
No	N6.1 Heating Load	0		2			
No	N6.2 Cooling Load	0		2			
N7. Adaptable Building							
Yes	N7.1 Universal Design Principles in Units	2	1		1		
No	N7.2 Full-Function Independent Rental Unit	0	1				
N8. Affordability							
No	N8.1 Dedicated Units for Households Making 80% of AMI or Less	0	2				
No	N8.2 Units with Multiple Bedrooms for Households Making 80% of AMI or Less	0	1				
TBD	N8.3 At Least 20% of Units at 120% AMI or Less are For Sale		1				
N9. Mixed-Use Developments							
No	N9.1 Live/Work Units Include a Dedicated Commercial Entrance	0	1				
Yes	N9.2 At Least 2% of Development Floor Space Supports Mixed Use	1	1			3.4% of developed space devoted to commercial	
No	N9.3 Half of the Non-Residential Floor Space is Dedicated to Community Service	0	1				
N8. Resiliency							
TBD	N8.1 Climate Impact Assessment	1		1	1		
TBD	N8.2 Strategies to Address Assessment Findings	1		1	1		

2421 Fourth Street
Berkeley, California 94710
510.649.1414
www.TrachtenbergArch.com

**1200-1214
SAN PABLO
AVENUE**

Berkeley, CA 94706

- 12.02.2019 ZONING SUBMITTAL
- 02.03.2020 ZONING RE-SUBMITTAL
- 04.03.2020 ZONING RE-SUBMITTAL
- 10.05.2020 ZONING RE-SUBMITTAL

ALL DRAWINGS AND WRITTEN MATERIAL APPEARING HEREIN CONSTITUTE ORIGINAL AND UNPUBLISHED WORK OF THE ARCHITECT AND MAY NOT BE DUPLICATED, USED OR DISCLOSED WITHOUT WRITTEN CONSENT OF TRACHTENBERG ARCHITECTS.

JOB: 1919

SHEET:

**GREEN BUILDING
CHECKLIST**

A0.3C

Project Name: 1200 - 1214 San Pablo Ave Project Street: 1200 - 1214 San Pablo Ave Project City: Berkeley Project Zip: 94702		Points Achieved	Community	Energy	IAQ/Health	Resources	Water
N9. Social Equity							
No	N9.1 Diverse Workforce	0	1			1	
No	N9.2 Community Location	0	1		1		
O. OTHER							
Yes	O1. GreenPoint Rated Checklist in Blueprints	Y	R	R	R	R	R
TBD	O2. Pre-Construction Kickoff Meeting with Rater and Subcontractors			0.5		1	0.5
No	O3. Orientation and Training to Occupants—Conduct Educational Walkthroughs	0		0.5	0.5	0.5	0.5
No	O4. Number 5 or Developer's Management Staff are Licensed Green Building Professionals	0		0.5	0.5	0.5	0.5
O5. Home System Monitors							
No	O5.1 Energy Home System Monitors	0		1			
No	O5.2 Water Home System Monitors	0				1	
O6. Green Building Education							
TBD	O6.1 Marketing Green Building		2				
TBD	O6.2 Green Building Signage			0.5			0.5
Yes	O7. Green Appraisal Addendum	Y	R	R	R	R	R
No	O8. Detailed Durability Plan and Third-Party Verification of Plan Implementation	0				1	
No	O9. Residents Are Offered Free or Discounted Transit Passes	0	2				
TBD	O10. Vandalism Deterrence Practices and Vandalism Management Plan					1	
Yes	O11. Tobacco Free Buildings	2			2		
TBD	O12. Integrated Pest Management Plan					1	
P. DESIGN CONSIDERATIONS							
P1. Acoustics: Noise and Vibration Control							
	Enter the number of Tier 1 practices		1		1		
	Enter the number of Tier 2 practices						
P2. Mixed-Use Design Strategies							
TBD	P2.1 Tenant Improvement Requirements for Build-Outs				1		1
No	P2.2 Commercial Loading Area Separated for Residential Area	0			1		
Yes	P2.3 Separate Mechanical and Plumbing Systems	1			1		
P3. Commissioning							
TBD	P3.1 Design Phase			1	1		
TBD	P3.2 Construction Phase			2	1		
TBD	P3.3 Post-Construction Phase			2	1		
No	P4. Building Enclosure Testing	0		1	1	1	
Summary							
Total Available Points in Specific Categories		404	46	141	69	94	54
Minimum Points Required in Specific Categories		50	2	25	6	6	6
Total Points Achieved		112.0	15.0	26.0	11.0	34.0	26.0

2421 Fourth Street
Berkeley, California 94710
510.649.1414
www.TrachtenbergArch.com

**1200-1214
SAN PABLO
AVENUE**

Berkeley, CA 94706

- 12.02.2019 ZONING SUBMITTAL
- 02.03.2020 ZONING RE-SUBMITTAL
- 04.03.2020 ZONING RE-SUBMITTAL
- 10.05.2020 ZONING RE-SUBMITTAL

ALL DRAWINGS AND WRITTEN MATERIAL APPEARING HEREIN CONSTITUTE ORIGINAL AND UNPUBLISHED WORK OF THE ARCHITECT AND MAY NOT BE DUPLICATED, USED OR DISCLOSED WITHOUT WRITTEN CONSENT OF TRACHTENBERG ARCHITECTS.

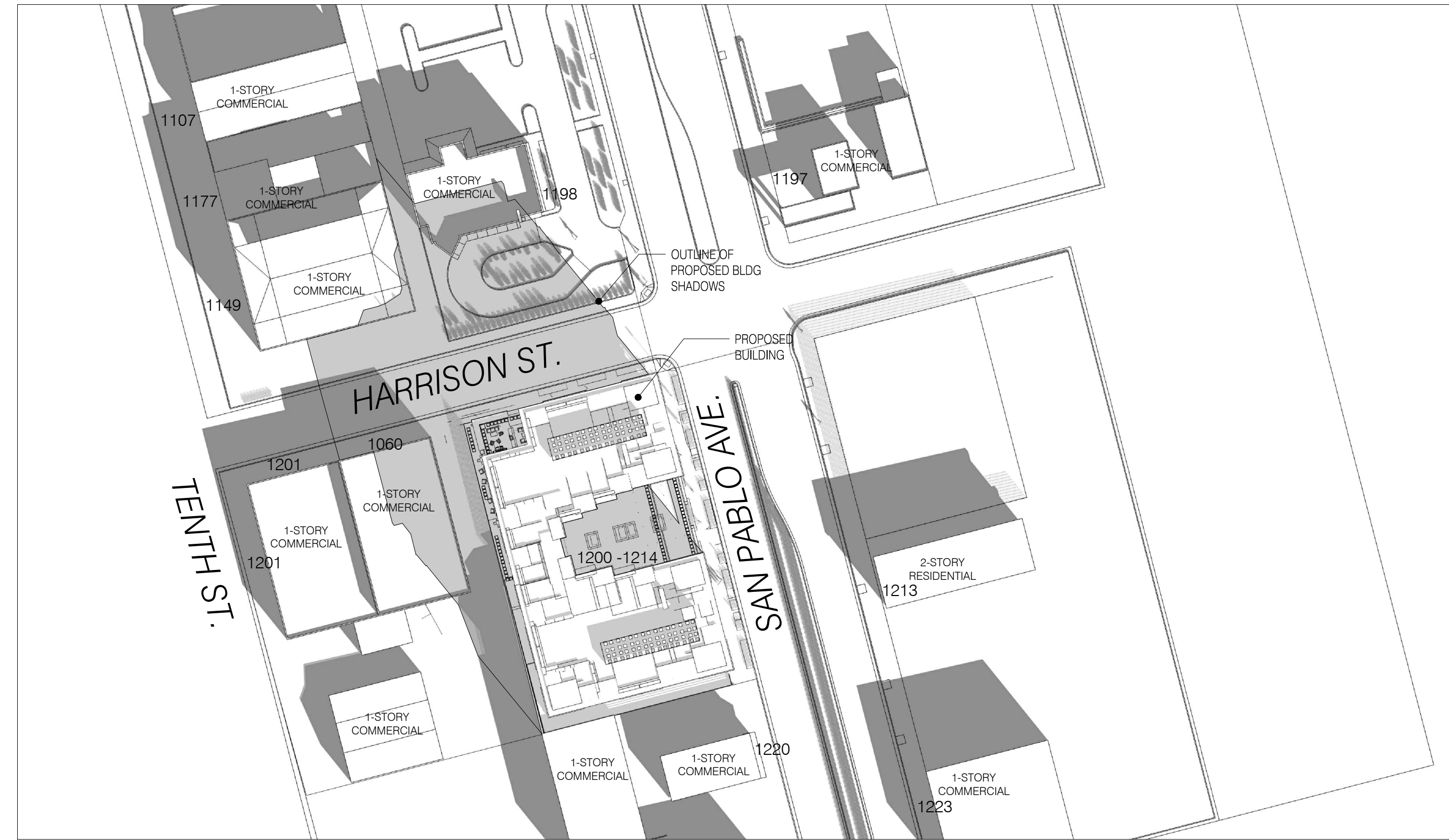
JOB: 1919

SHEET:
**SHADOW STUDIES
DECEMBER 21ST**

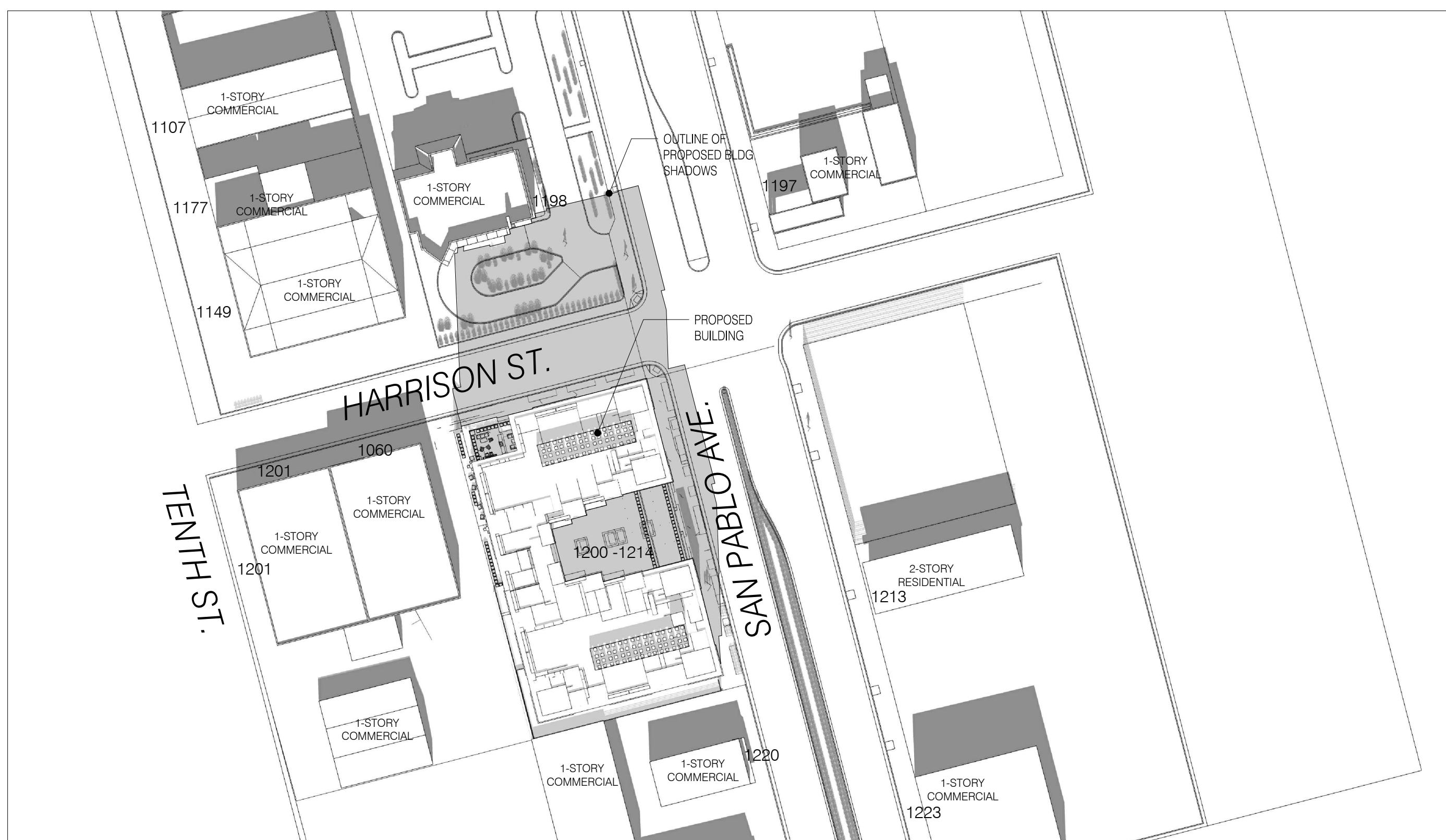
A0.4A



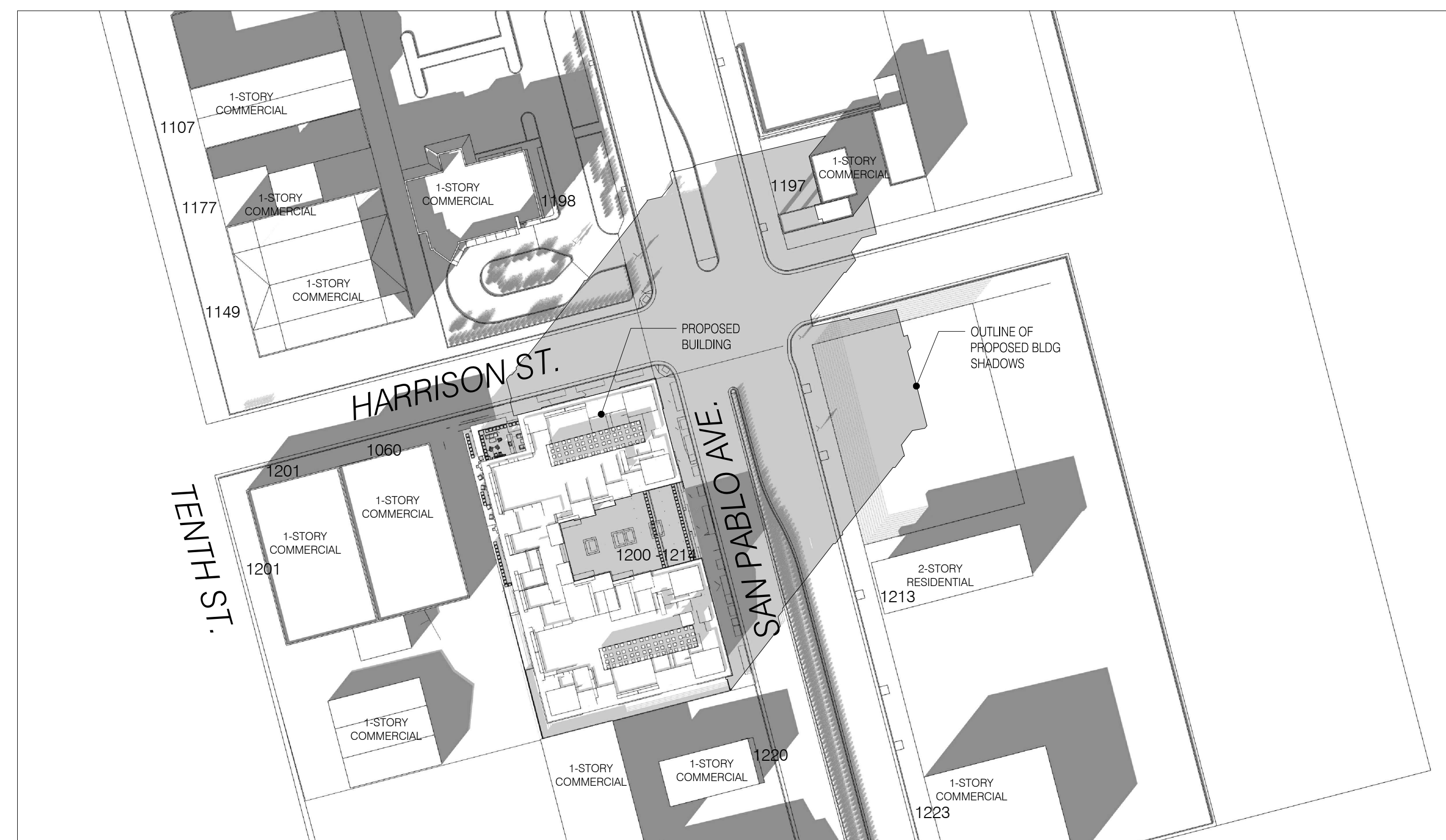
4 **SHADOW STUDY AXONOMETRIC - DEC 21: 2-HRS BEFORE SUNSET**
NTS



2 **SHADOW STUDY - DECEMBER 21: 2 HRS AFTER SUNRISE**
1:100 @ 11X17 1:50 @ 24X36



3 **SHADOW STUDY - DECEMBER 21: NOON**
1:100 @ 11X17 1:50 @ 24X36



1 **SHADOW STUDY - DECEMBER 21: 2-HRS BEFORE SUNSET**
1:100 @ 11X17 1:50 @ 24X36

2421 Fourth Street
Berkeley, California 94710
510.649.1414
www.TrachtenbergArch.com

**1200-1214
SAN PABLO
AVENUE**

Berkeley, CA 94706

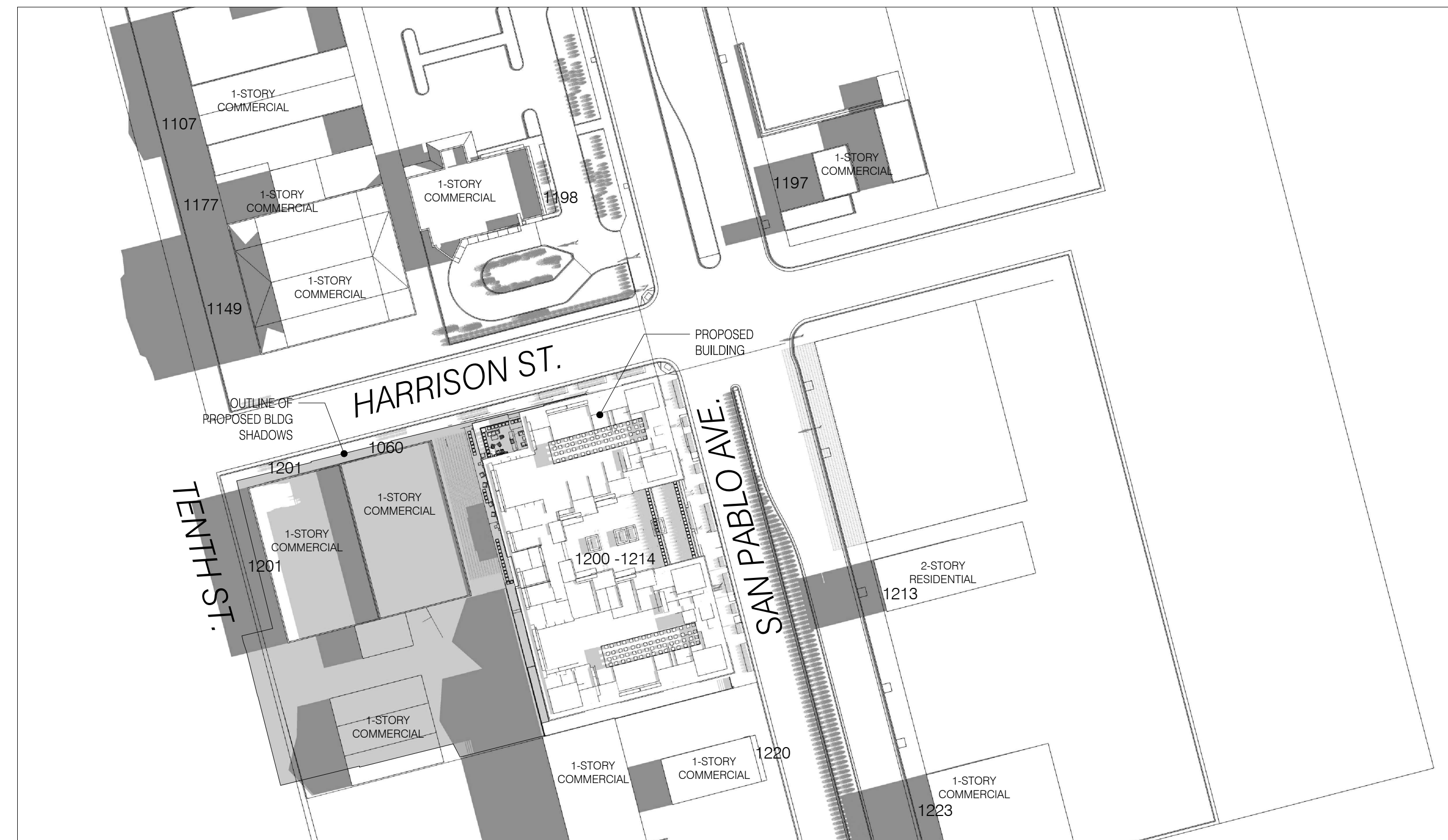
- 12.02.2019 ZONING SUBMITTAL
- 02.03.2020 ZONING RE-SUBMITTAL
- 04.03.2020 ZONING RE-SUBMITTAL
- 10.05.2020 ZONING RE-SUBMITTAL

ALL DRAWINGS AND WRITTEN MATERIAL APPEARING HEREIN CONSTITUTE ORIGINAL AND UNPUBLISHED WORK OF THE ARCHITECT AND MAY NOT BE DUPLICATED, USED OR DISCLOSED WITHOUT WRITTEN CONSENT OF TRACHTENBERG ARCHITECTS.

JOB: 1919

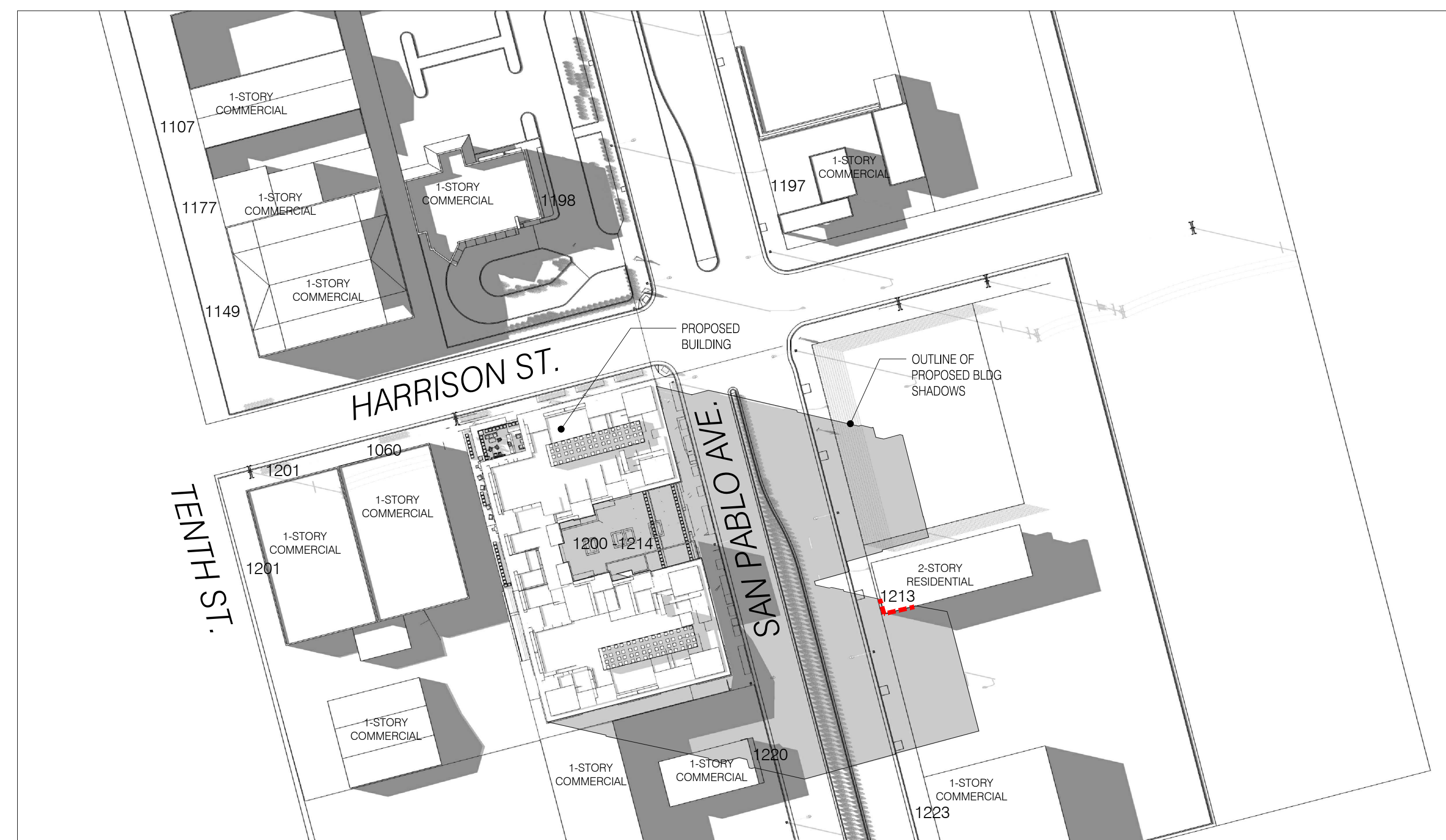
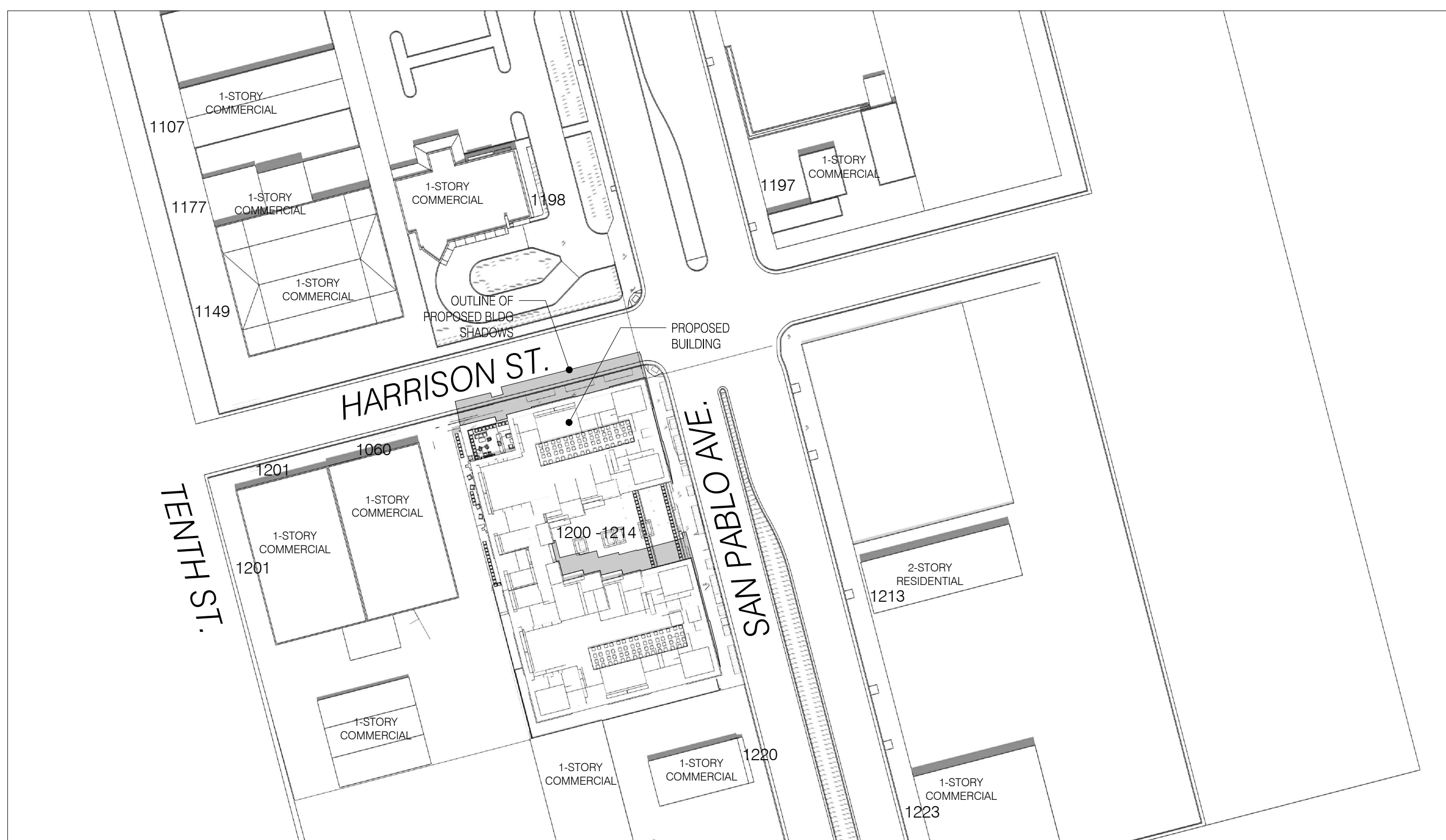
SHEET:
**SHADOW STUDIES
JUNE 21ST**

A0.4B



4 SHADOW STUDY AXONOMETRIC - JUNE 21: 2-HRS BEFORE SUNSET
NTS

2 SHADOW STUDY - JUNE 21: 2 HRS AFTER SUNRISE
1:100 @ 11X17 1:50 @ 24X36



3 SHADOW STUDY - JUNE 21: NOON
1:100 @ 11X17 1:50 @ 24X36

1 SHADOW STUDY - JUNE 21: 2-HRS BEFORE SUNSET
1:100 @ 11X17 1:50 @ 24X36

2421 Fourth Street
Berkeley, California 94710
510.649.1414
www.TrachtenbergArch.com

**1200-1214
SAN PABLO
AVENUE**

Berkeley, CA 94706

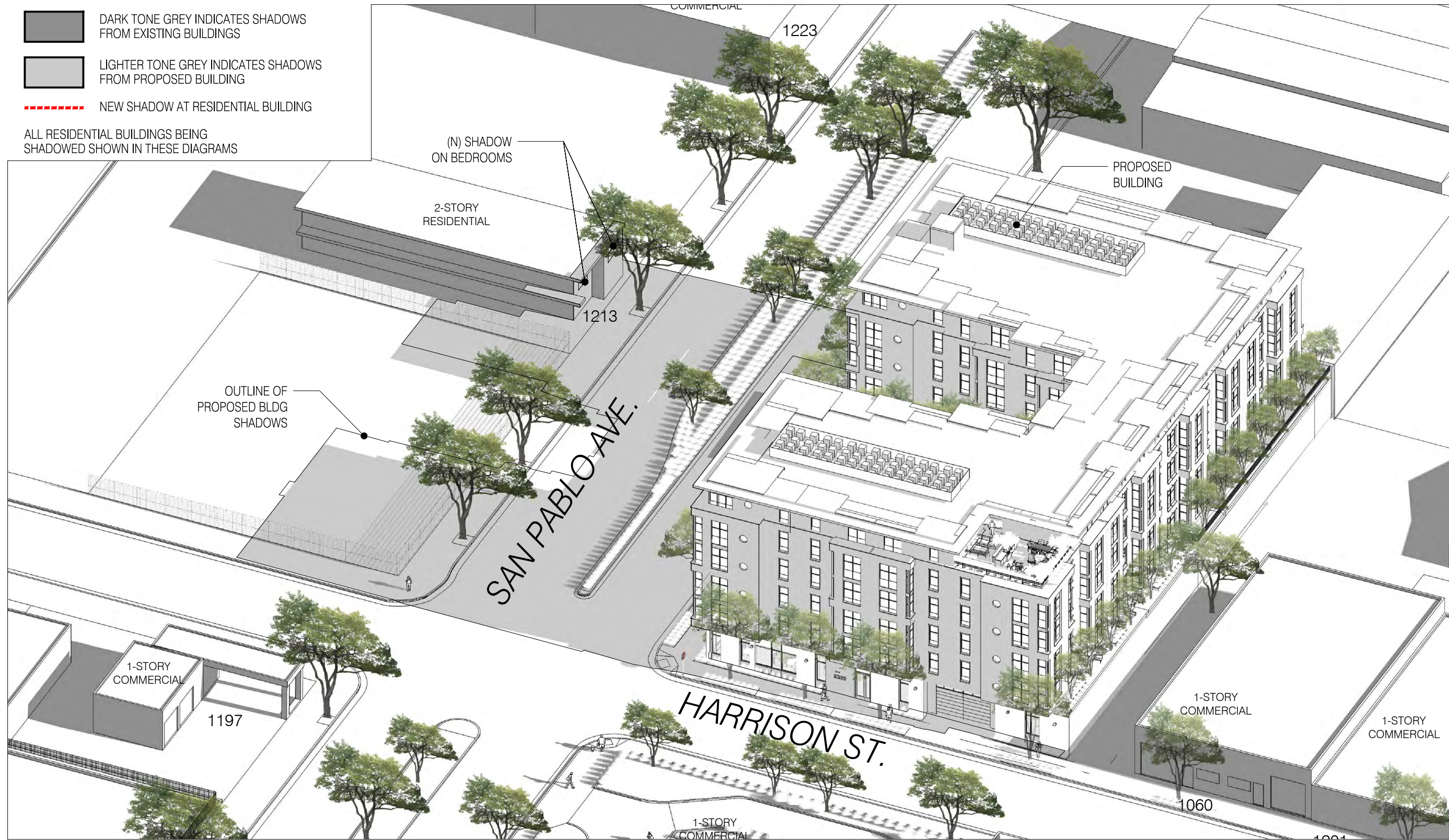
- 12.02.2019 ZONING SUBMITTAL
- 02.03.2020 ZONING RE-SUBMITTAL
- 04.03.2020 ZONING RE-SUBMITTAL
- 10.05.2020 ZONING RE-SUBMITTAL

ALL DRAWINGS AND WRITTEN MATERIAL APPEARING HEREIN CONSTITUTE ORIGINAL AND UNPUBLISHED WORK OF THE ARCHITECT AND MAY NOT BE DUPLICATED, USED OR DISCLOSED WITHOUT WRITTEN CONSENT OF TRACHTENBERG ARCHITECTS.

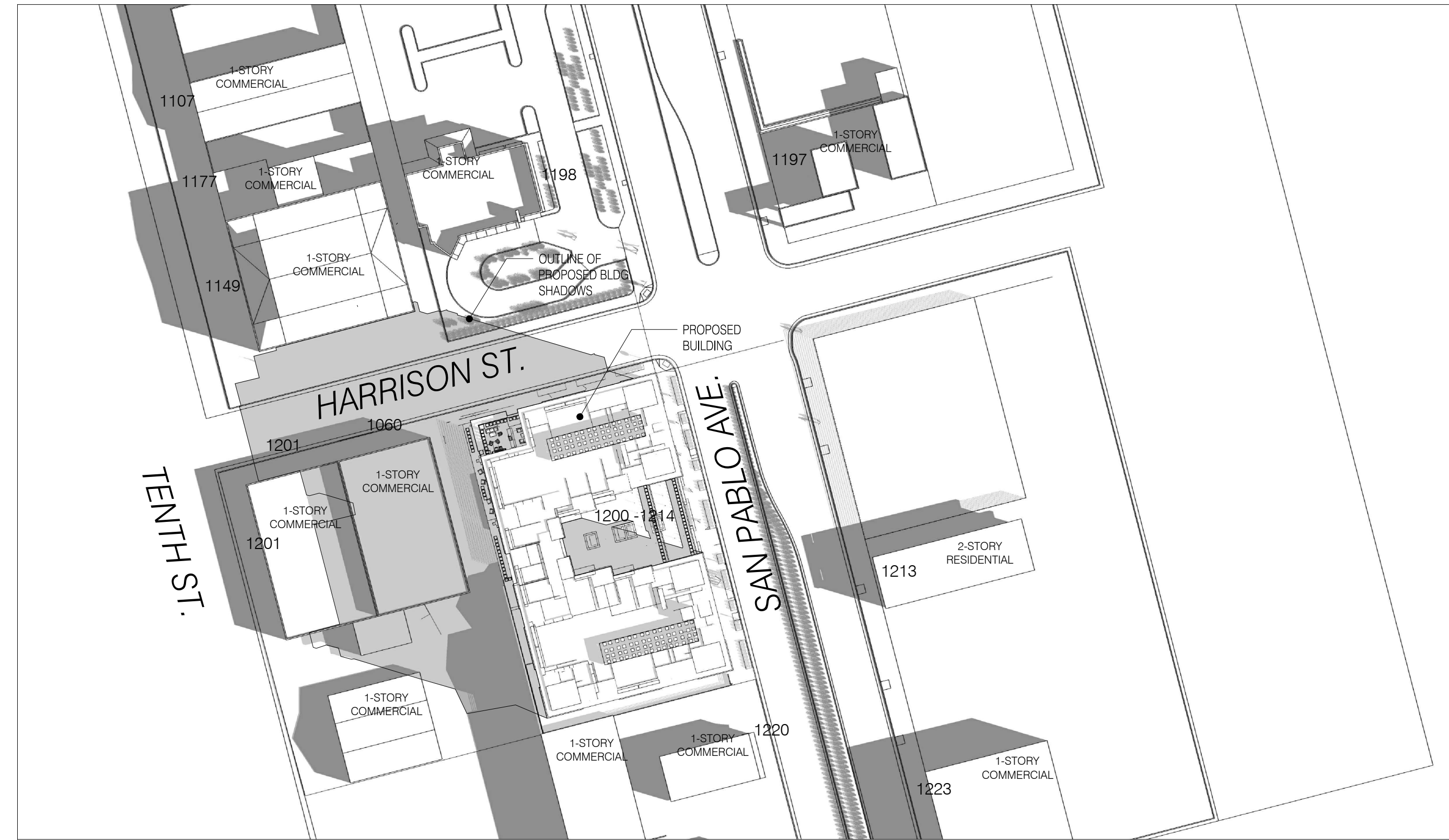
JOB: 1919

SHEET:
**SHADOW STUDIES
SEPTEMBER 18TH**

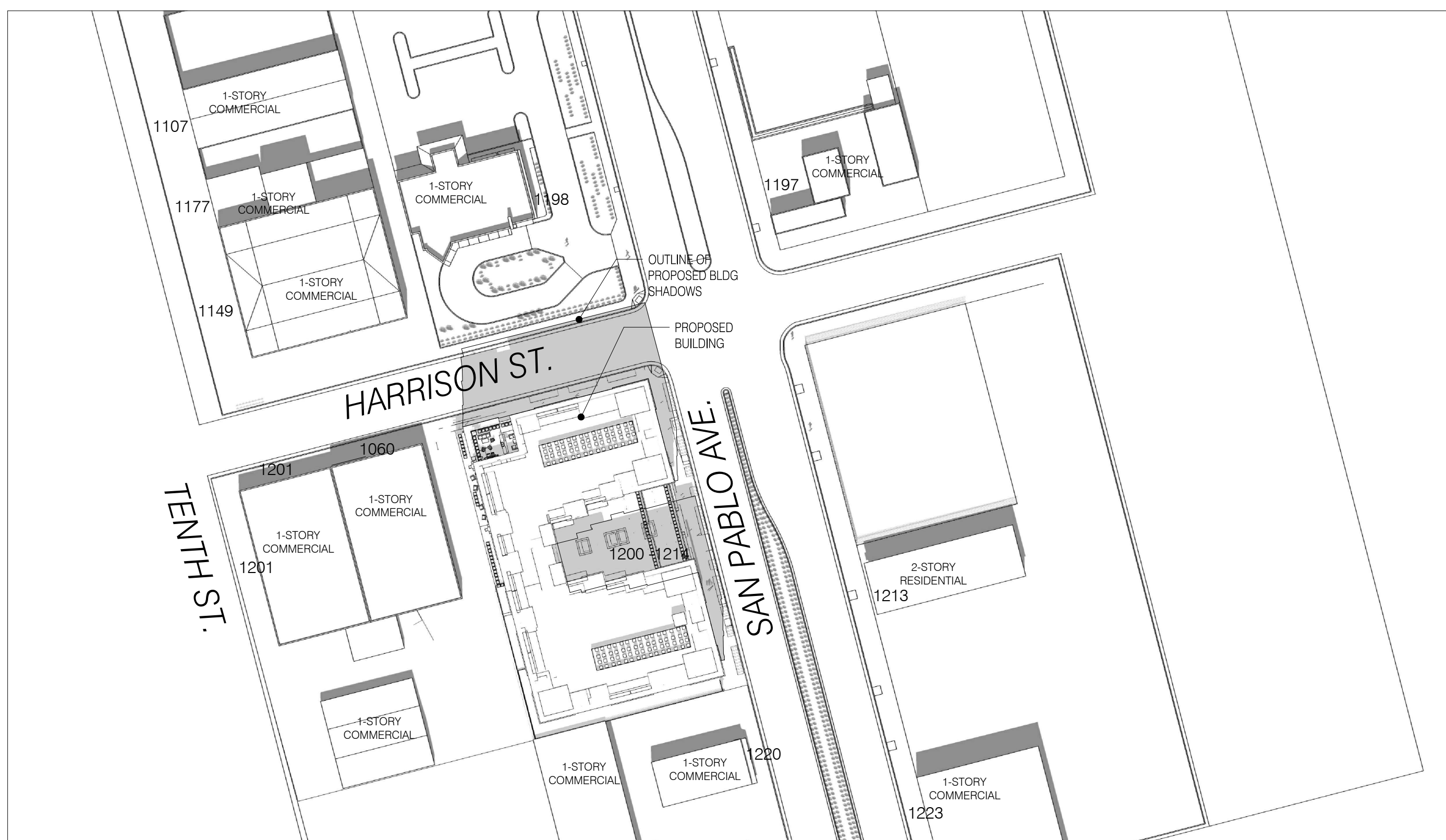
A0.4C



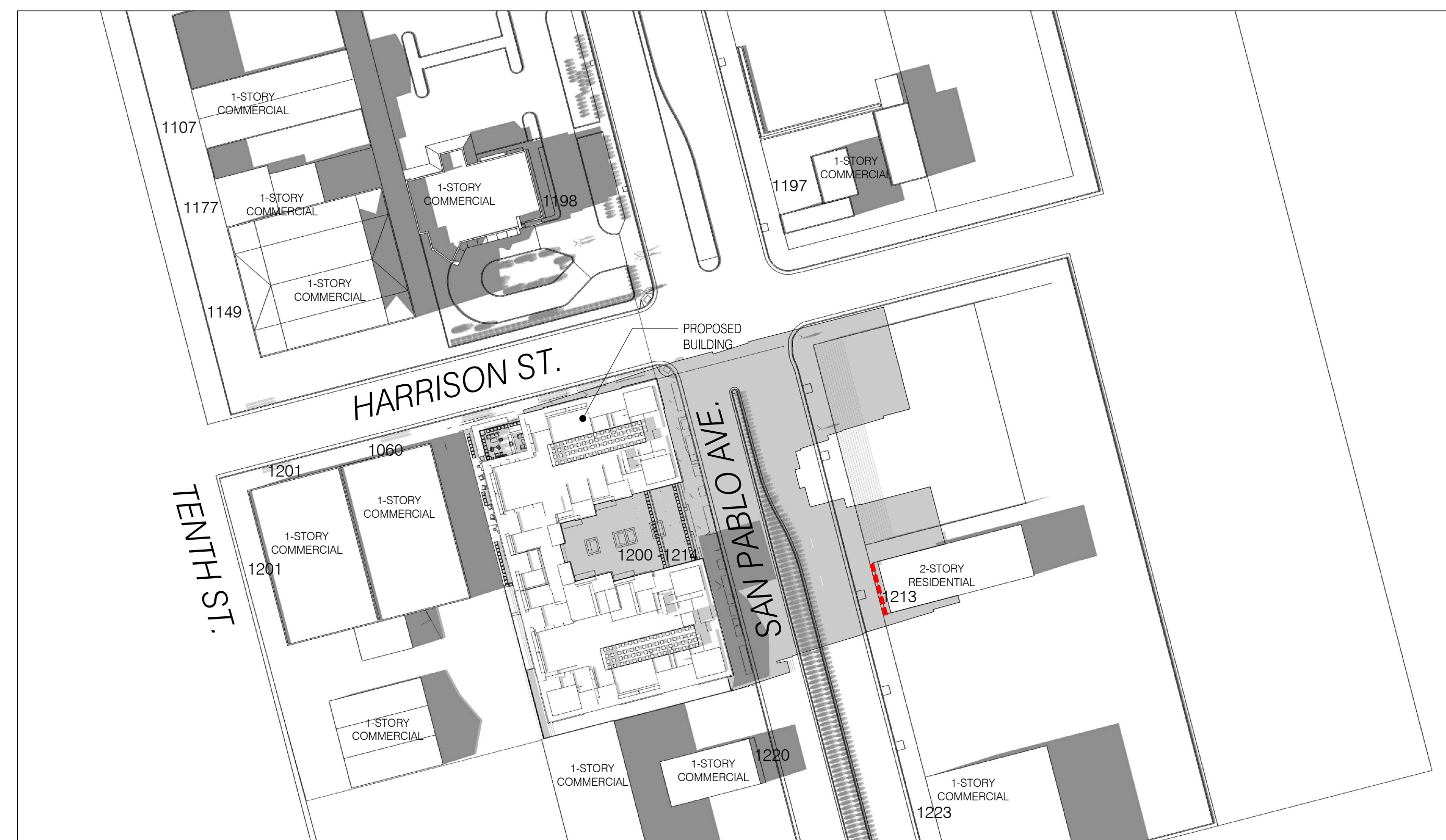
4 SHADOW STUDY AXONOMETRIC - SEP 18: 2-HRS BEFORE SUNSET
NTS



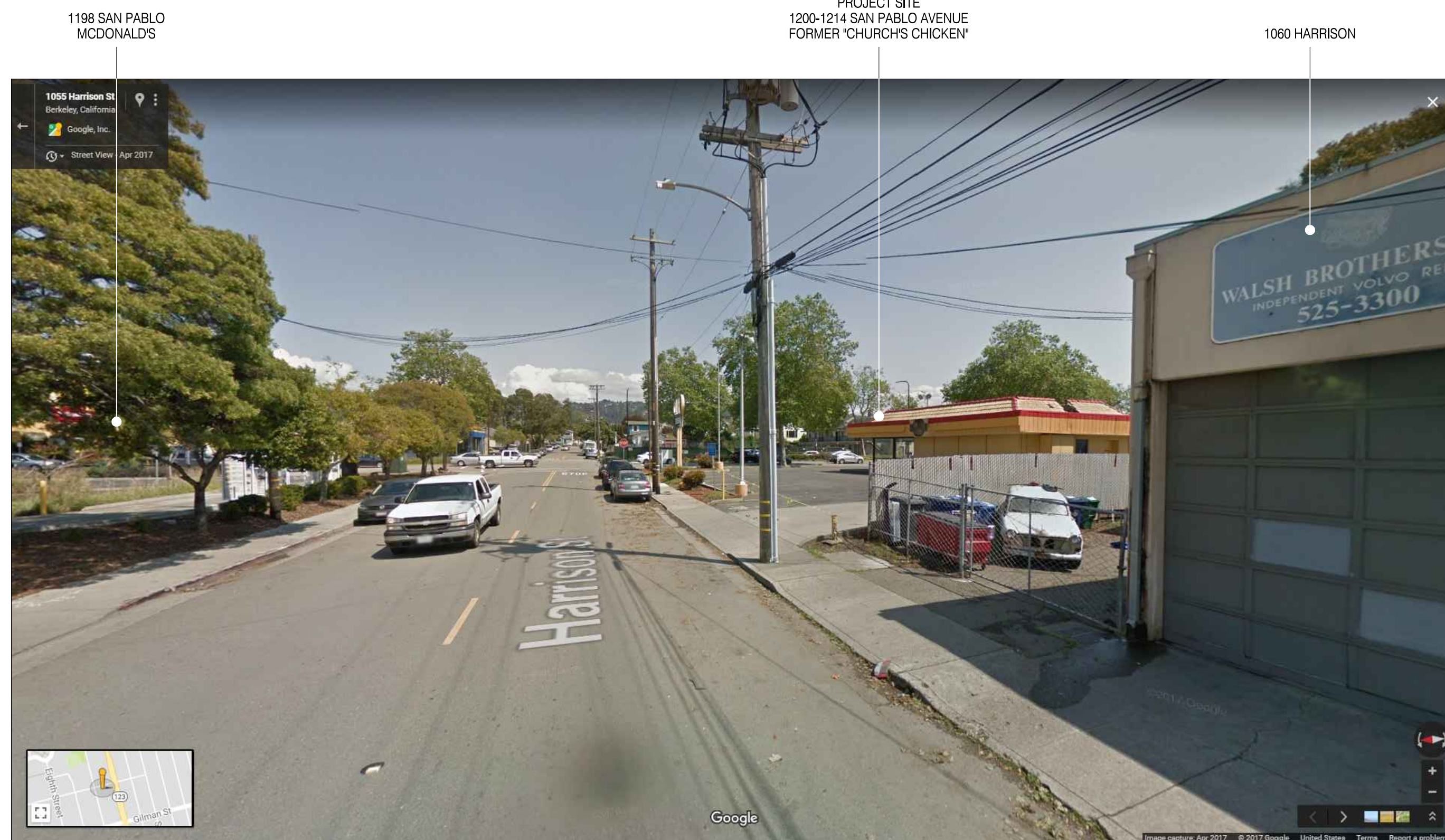
2 SHADOW STUDY - SEP 18: 2 HRS AFTER SUNRISE
1:100 @ 11X17 1:50 @ 24X36



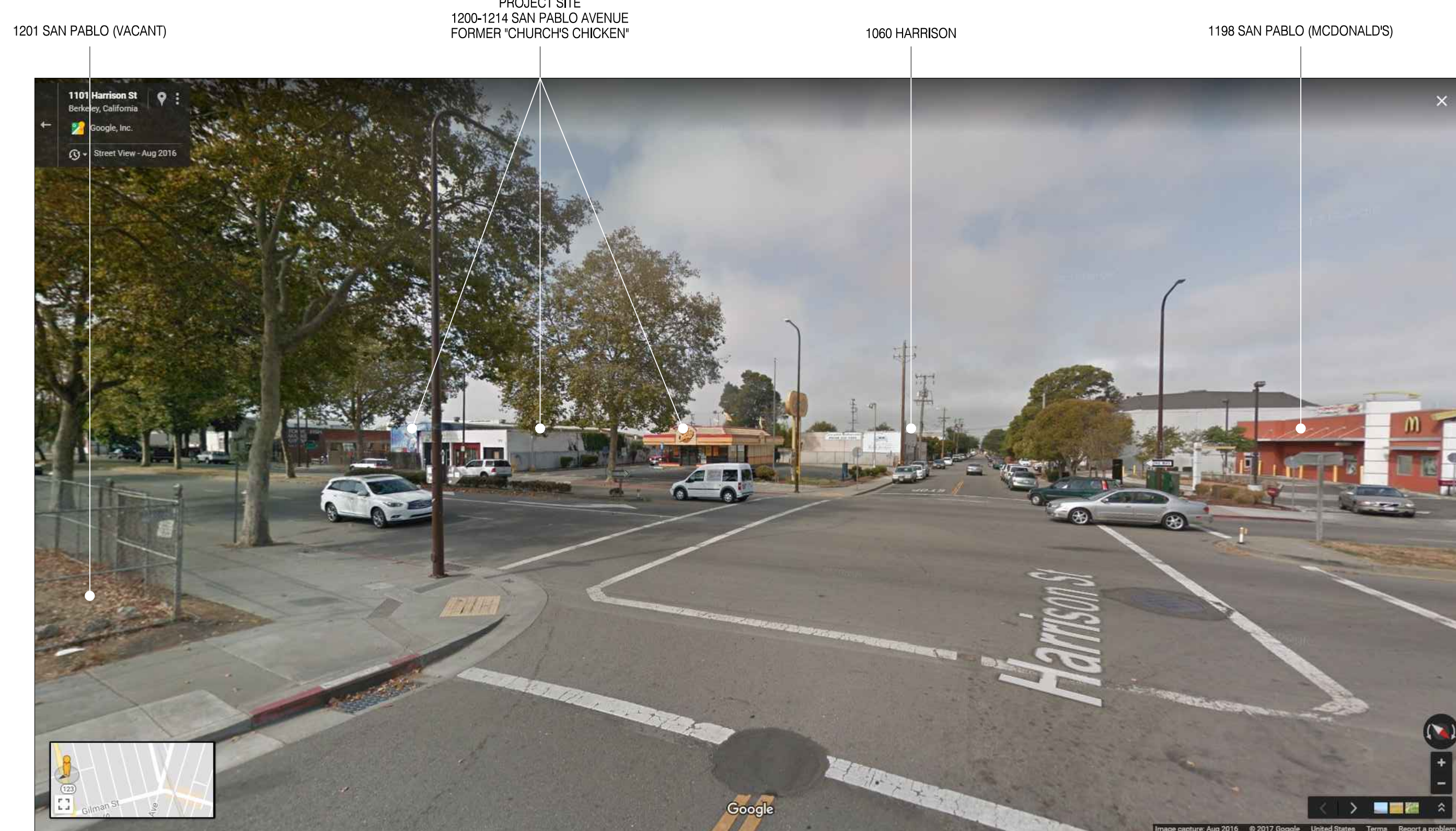
3 SHADOW STUDY - SEP 18: NOON
1:100 @ 11X17 1:50 @ 24X36



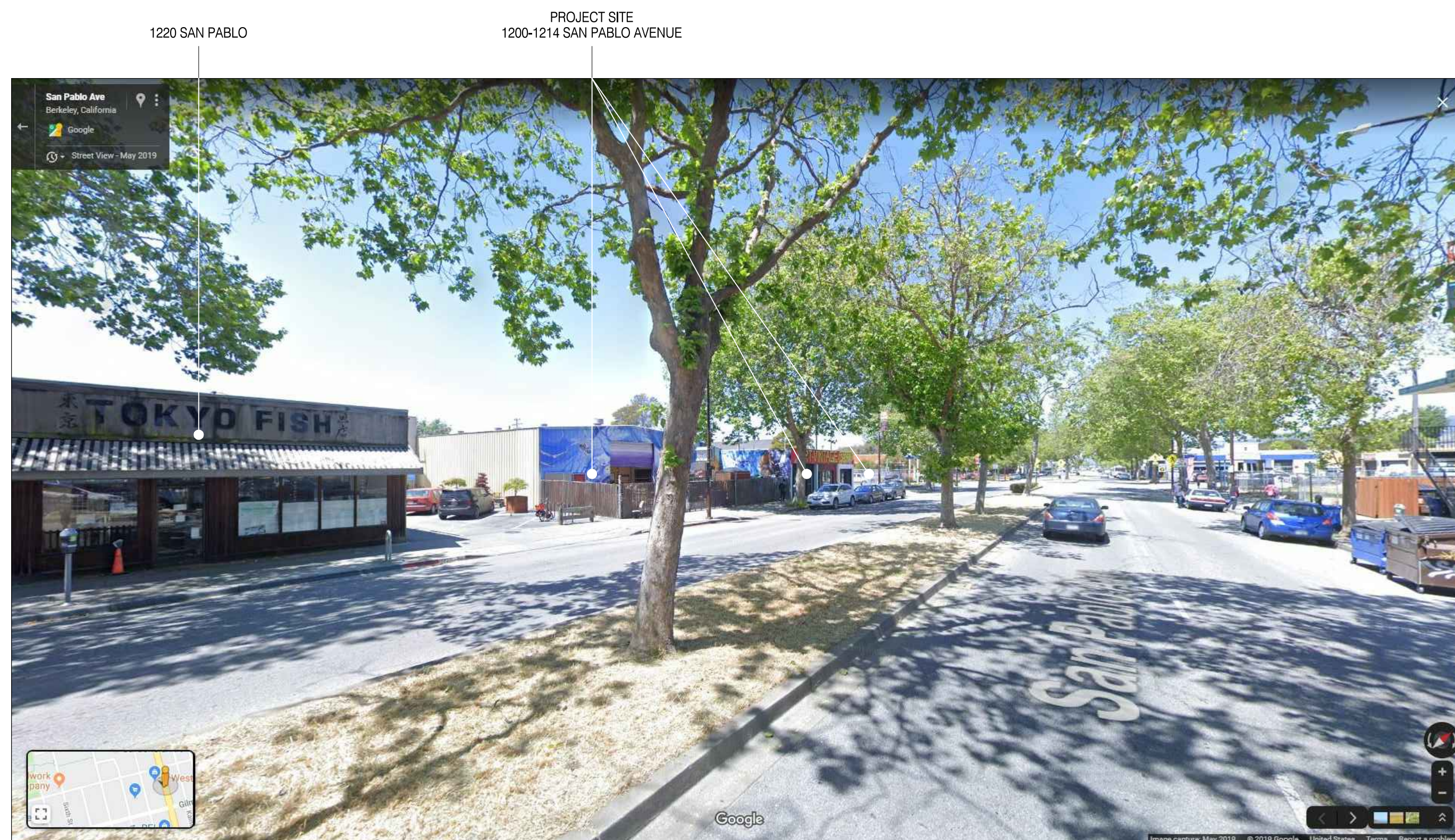
1 SHADOW STUDY - SEP 18: 2-HRS BEFORE SUNSET
1:100 @ 11X17 1:50 @ 24X36



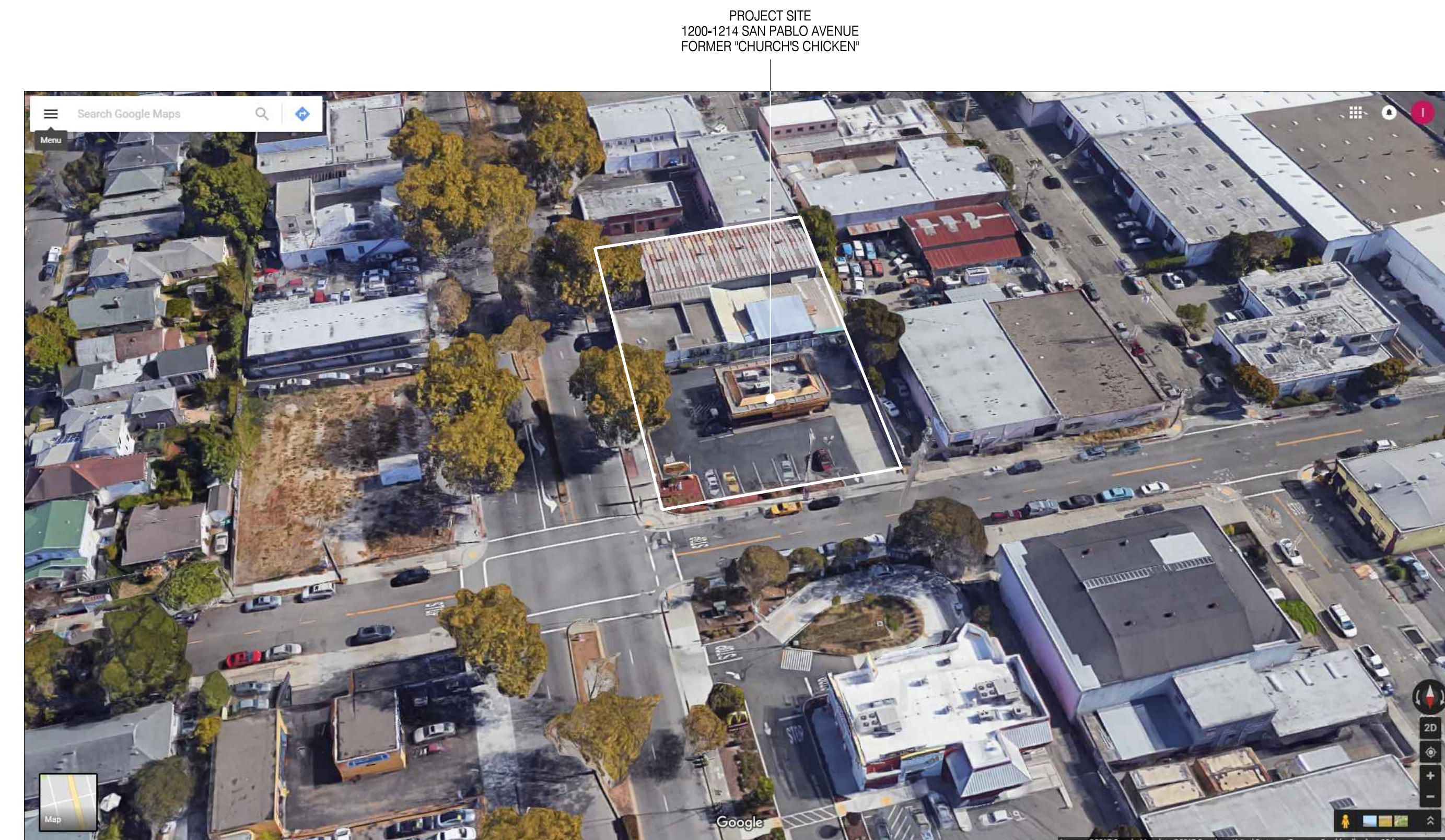
4 VIEW FROM HARRISON LOOKING SOUTH EAST



2 VIEW FROM HARRISON AND SAN PABLO LOOKING SOUTH WEST



3 VIEW FROM SAN PABLO LOOKING NORTH-WEST



1 GOOGLE EARTH BIRD'S EYE CONTEXT VIEW

2421 Fourth Street
Berkeley, California 94710
510.649.1414
www.TrachtenbergArch.com

**1200-1214
SAN PABLO
AVENUE**

Berkeley, CA 94706

- 12.02.2019 ZONING SUBMITTAL
- 02.03.2020 ZONING RE-SUBMITTAL
- 04.03.2020 ZONING RE-SUBMITTAL
- 10.05.2020 ZONING RE-SUBMITTAL

ALL DRAWINGS AND WRITTEN MATERIAL APPEARING HEREIN CONSTITUTE ORIGINAL AND UNPUBLISHED WORK OF THE ARCHITECT AND MAY NOT BE DUPLICATED, USED OR DISCLOSED WITHOUT WRITTEN CONSENT OF TRACHTENBERG ARCHITECTS.

JOB: 1919

SHEET:

SITE CONTEXT
PHOTOS

A0.5

2421 Fourth Street
Berkeley, California 94710
510.649.1414
www.TrachtenbergArch.com

**1200-1214
SAN PABLO
AVENUE**

Berkeley, CA 94706

- 12.02.2019 ZONING SUBMITTAL
- 02.03.2020 ZONING RE-SUBMITTAL
- 04.03.2020 ZONING RE-SUBMITTAL
- 10.05.2020 ZONING RE-SUBMITTAL

ALL DRAWINGS AND WRITTEN MATERIAL APPEARING
HEREIN CONSTITUTE ORIGINAL AND UNPUBLISHED
WORK OF THE ARCHITECT AND MAY NOT BE
DUPLICATED, USED OR DISCLOSED WITHOUT WRITTEN
CONSENT OF TRACHTENBERG ARCHITECTS.

JOB: 1919

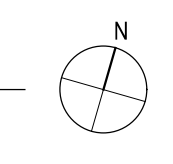
SHEET:

VICINITY MAP

A0.6



1 VICINITY MAP
1" = 100'-0" @ 11" X 17" 1" = 50'-0" @ 24" X 36"



LEGEND AND NOTES

—	BOUNDARY LINE	•	BOLLARD	○ MTR	PARKING METER	□ VLT	UTILITY VAULT
—	ELECTRICAL/TELEPHONE/ CABLE TV OVERHEAD LINE	▣ CB	CATCH BASIN	□ PGE	PG&E BOX	○ VCP	VITRIFIED CLAY PIPE
—	CABLE TV/TELEPHONE OVERHEAD LINE	○ CO	CLEAN-OUT BOX	□ PVC	POLYVINYL CHLORIDE PIPE	□ WM	WATER METER
—	FENCE LINE	□ EB	ELECTRICAL BOX	□ PT	PUBLIC TELEPHONE	□ WW	WATER VALVE
—	CABLE TV OVERHEAD LINE	□ E	ELECTRICAL PANEL	RCP	REINFORCED CONCRETE PIPE	XXX.XX	SPOTGRADE
—	SANITARY SEWER LINE	FF	FINISH FLOOR	RP	ROOF PEAK		ASPHALT
— E	ELECTRICAL LINE (PAINT STRIPING)	FL	FIRE HYDRANT	○ SSSCO	SANITARY SEWER CLEAN-OUT		BRICK
— G	GAS LINE (PAINT STRIPING)	FL	FLOW LINE	○ SSMH	SANITARY SEWER MANHOLE		CONCRETE
— W	WATER LINE (PAINT STRIPING)	GA	GUY ANCHOR	☆	STREET LIGHT		GRAVEL
— U	UNIDENTIFIED UTILITY LINE (PAINT STRIPING)	○ HVE	HIGH VOLTAGE ELECTRICAL MANHOLE	⊕	STREET LIGHT W/ CONCRETE BASE		
○ BFP	BACK FLOW PREVENTER	INV	INVERT	⊕	STREET SIGN		
⊕	BENCHMARK	ICV	IRRIGATION CONTROL VALVE	□ TEL	TELEPHONE VAULT		
		⊕	JOINT POLE	TC	TOP OF CURB		
		⊕	PACIFIC BELL MANHOLE	□	TRUNCATED DOMES		

BENCHMARK

CITY OF BERKELEY BENCHMARK B3463
BRASS CAP IN MEDIAN ISLAND AT THE
INTERSECTION OF SAN PABLO AVENUE AND THE
NORTH SIDE OF HARRISON STREET.
ELEVATION = 42.44'
(NAVD 88 DATUM)

SITE BENCHMARK

SURVEY CONTROL POINT
MAG AND SHINER SET IN ASPHALT
ELEVATION = 42.52'
(NAVD 88 DATUM)

TRACHTENBERG
ARCHITECTS

2421 Fourth Street
Berkeley, California 94710
510.649.1414
www.TrachtenbergArch.com

1200-1214
SAN PABLO
AVENUE

Berkeley, CA 94706

- 12.02.2019 ZONING SUBMITTAL
- 02.03.2020 ZONING RE-SUBMITTAL
- 04.03.2020 ZONING RE-SUBMITTAL
- 10.05.2020 ZONING RE-SUBMITTAL

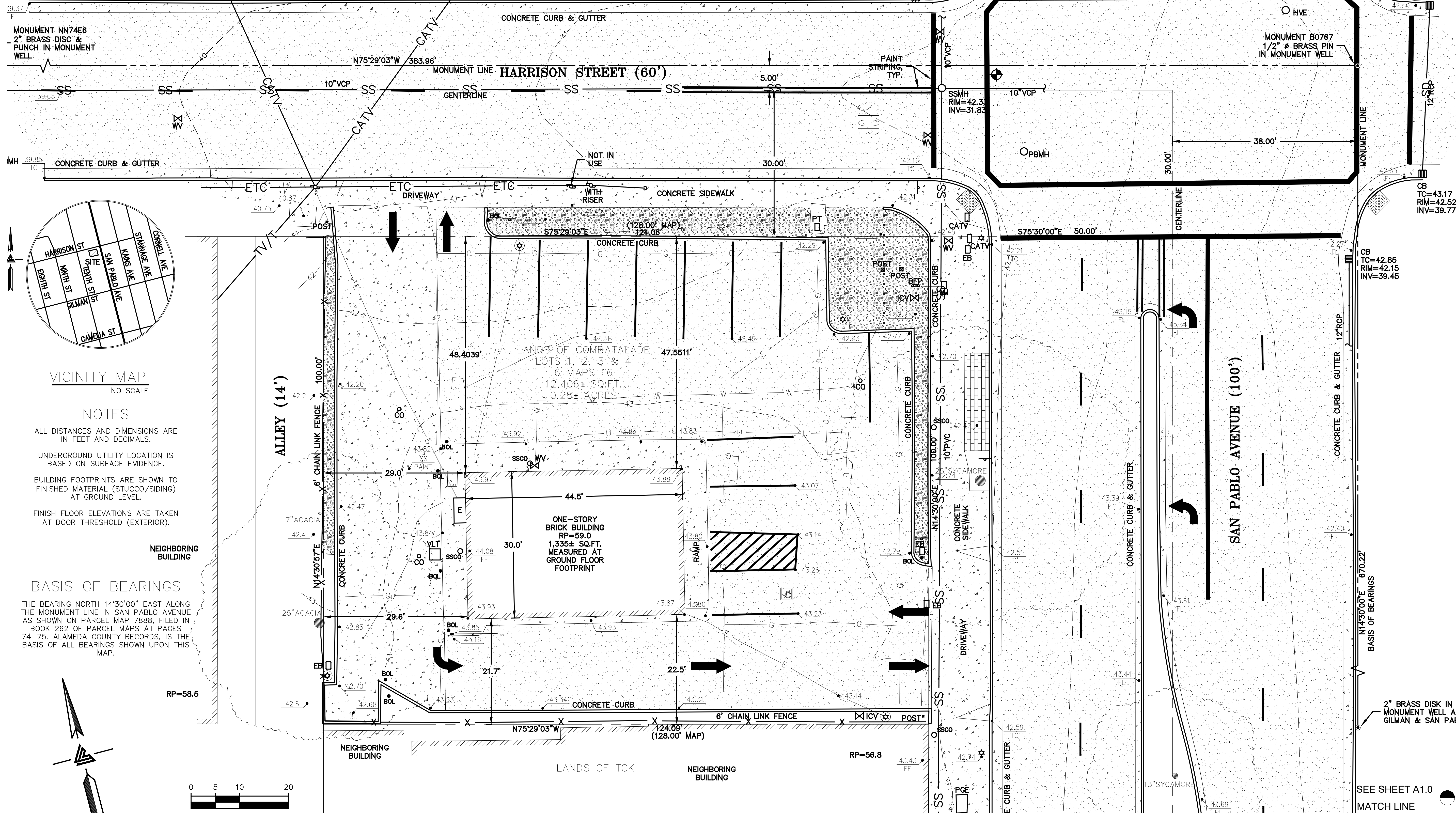
ALL DRAWINGS AND WRITTEN MATERIAL APPEARING
HEREIN CONSTITUTE ORIGINAL AND UNPUBLISHED
WORK OF THE ARCHITECT AND MAY NOT BE
DUPLICATED, USED OR DISCLOSED WITHOUT WRITTEN
CONSENT OF TRACHTENBERG ARCHITECTS.

JOB: 1919

SHEET:

SITE
SURVEY

A1.0



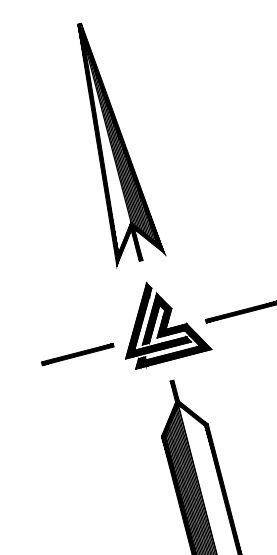
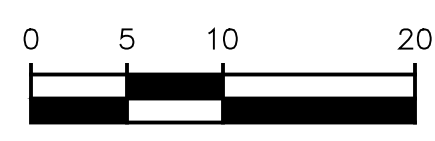
VICINITY MAP
NO SCALE

NOTES

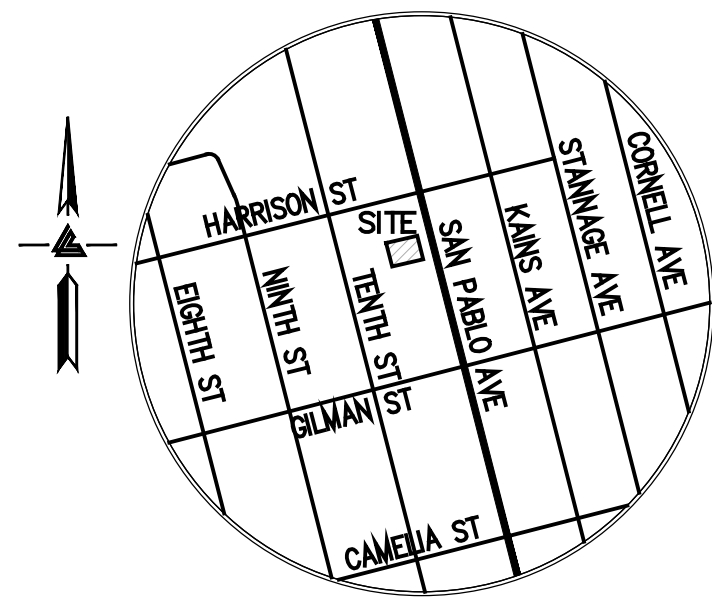
- ALL DISTANCES AND DIMENSIONS ARE IN FEET AND DECIMALS.
- UNDERGROUND UTILITY LOCATION IS BASED ON SURFACE EVIDENCE.
- BUILDING FOOTPRINTS ARE SHOWN TO FINISHED MATERIAL (STUCCO/SIDING) AT GROUND LEVEL.
- FINISH FLOOR ELEVATIONS ARE TAKEN AT DOOR THRESHOLD (EXTERIOR).

BASIS OF BEARINGS

THE BEARING NORTH 14°30'00" EAST ALONG THE MONUMENT LINE IN SAN PABLO AVENUE AS SHOWN ON PARCEL MAP 7888, FILED IN BOOK 262 OF PARCEL MAPS AT PAGES 74-75, ALAMEDA COUNTY RECORDS, IS THE BASIS OF ALL BEARINGS SHOWN UPON THIS MAP.



SEE SHEET A1.0
MATCH LINE



VICINITY MAP
NO SCALE

NOTES

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

BASIS OF BEARINGS

THE BEARING NORTH 14°30'00" EAST ALONG THE MONUMENT LINE IN SAN PABLO AVENUE AS SHOWN ON PARCEL MAP 7888, FILED IN BOOK 262 OF PARCEL MAPS AT PAGES 74-75, ALAMEDA COUNTY RECORDS, IS THE BASIS OF ALL BEARINGS SHOWN UPON THIS MAP.

BENCHMARK

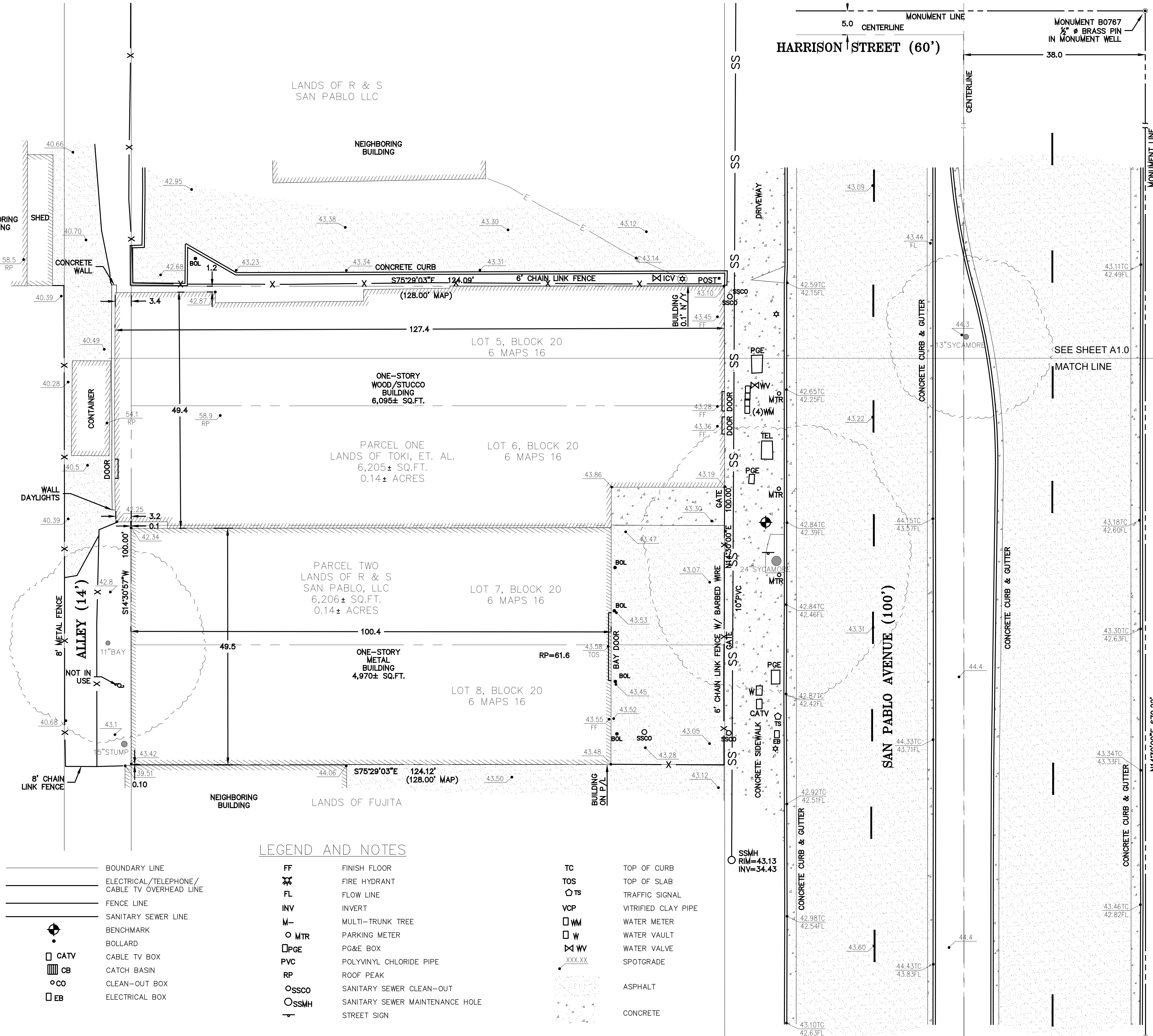
CITY OF BERKELEY BENCHMARK B3463 BRASS CAP IN MEDIAN ISLAND AT THE INTERSECTION OF SAN PABLO AVENUE AND THE NORTH SIDE OF HARRISON STREET. ELEVATION = 42.44' (NAVD 88 DATUM)

SITE BENCHMARK

SURVEY CONTROL POINT MAG AND SHINER SET IN ASPHALT ELEVATION = 43.00' (NAVD 88 DATUM)

FEMA FLOOD NOTE

PROPERTY COMPLETELY OUT OF SPECIAL FLOOD HAZARD AREA (SFHA) PER CURRENT FLOOD INSURANCE RATE MAP.



LEGEND AND NOTES

- | | | | | | |
|-----------|---|------|---------------------------------|--------|---------------------|
| — | BOUNDARY LINE | FF | FINISH FLOOR | TC | TOP OF CURB |
| — — — | ELECTRICAL/TELEPHONE/
CABLE TV OVERHEAD LINE | ⊗ | FIRE HYDRANT | TOS | TOP OF SLAB |
| — — — — | FENCE LINE | FL | FLOW LINE | ⊙ TS | TRAFFIC SIGNAL |
| — — — — — | SANITARY SEWER LINE | INV | INVERT | VCP | VITRIFIED CLAY PIPE |
| ● | BENCHMARK | M | MULTI-TRUNK TREE | WM | WATER METER |
| ○ | BOLLARD | MTR | PARKING METER | W | WATER VAULT |
| □ | CATV | PG&E | PG&E BOX | WV | WATER VALVE |
| ▢ | CB | PVC | POLYVINYL CHLORIDE PIPE | XXX.XX | SPOTGRADE |
| ○ | CO | RP | ROOF PEAK | | |
| □ | EB | SSCO | SANITARY SEWER CLEAN-OUT | | |
| | | SSMH | SANITARY SEWER MAINTENANCE HOLE | | |
| | | — | STREET SIGN | | |

TRACHTENBERG ARCHITECTS

2421 Fourth Street
Berkeley, California 94710
510.649.1414
www.TrachtenbergArch.com

1200-1214
SAN PABLO AVENUE

Berkeley, CA 94706

- 12.02.2019 ZONING SUBMITTAL
- 02.03.2020 ZONING RE-SUBMITTAL
- 04.03.2020 ZONING RE-SUBMITTAL
- 10.05.2020 ZONING RE-SUBMITTAL

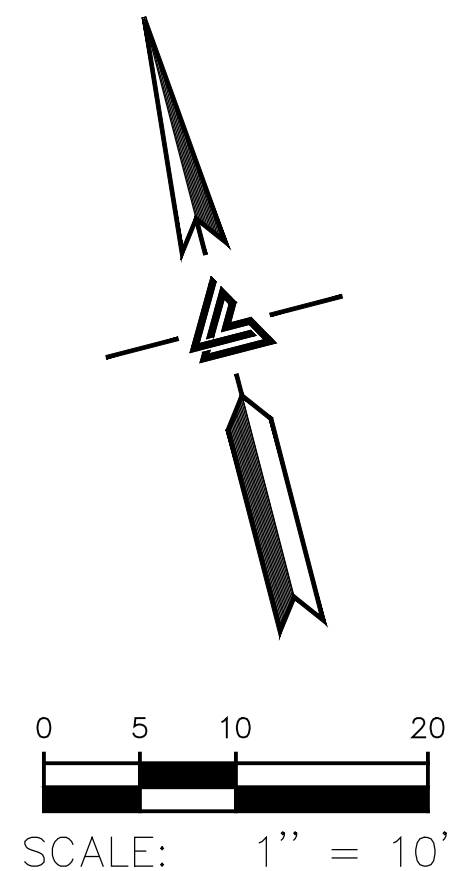
ALL DRAWINGS AND WRITTEN MATERIAL APPEARING HEREIN CONSTITUTE ORIGINAL AND UNPUBLISHED WORK OF THE ARCHITECT AND MAY NOT BE DUPLICATED, USED OR DISCLOSED WITHOUT WRITTEN CONSENT OF TRACHTENBERG ARCHITECTS.

JOB: 1919

SHEET:

SITE SURVEY

A1.1



**1200-1214
SAN PABLO AVENUE**

Berkeley, CA 94706

- 12.02.2019 ZONING SUBMITTAL
- 02.03.2020 ZONING RE-SUBMITTAL
- 04.03.2020 ZONING RE-SUBMITTAL
- 10.05.2020 ZONING RE-SUBMITTAL

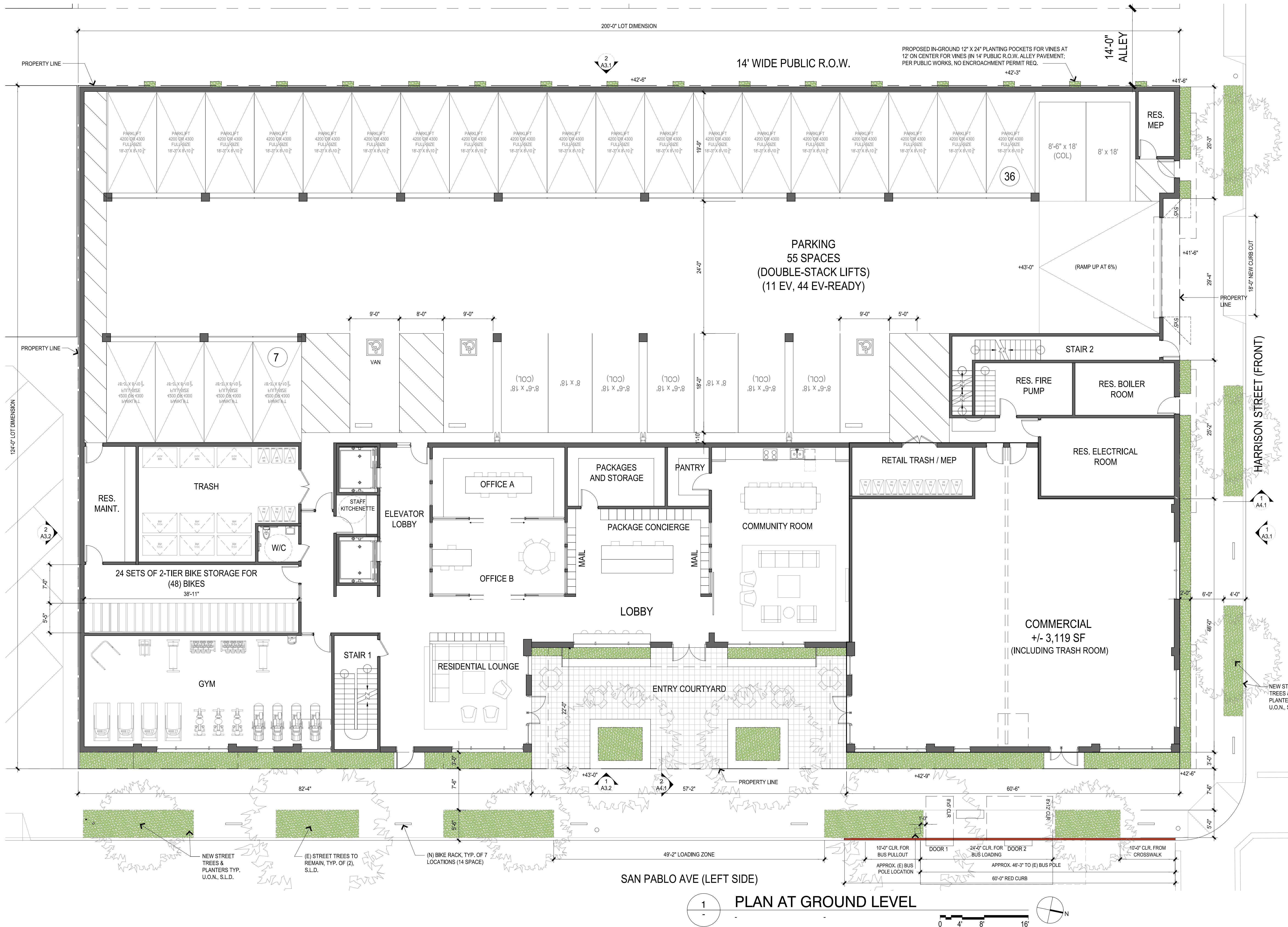
ALL DRAWINGS AND WRITTEN MATERIAL APPEARING HEREIN CONSTITUTE ORIGINAL AND UNPUBLISHED WORK OF THE ARCHITECT AND MAY NOT BE DUPLICATED, USED OR DISCLOSED WITHOUT WRITTEN CONSENT OF TRACHTENBERG ARCHITECTS.

JOB: 1919

SHEET:

PLAN AT
GROUND LEVEL

A2.1



SAN PABLO AVE (LEFT SIDE)

1 PLAN AT GROUND LEVEL



2421 Fourth Street
Berkeley, California 94710
510.649.1414
www.TrachtenbergArch.com

1200-1214 SAN PABLO AVENUE

Berkeley, CA 94706

- 12.02.2019 ZONING SUBMITTAL
- 02.03.2020 ZONING RE-SUBMITTAL
- 04.03.2020 ZONING RE-SUBMITTAL
- 10.05.2020 ZONING RE-SUBMITTAL

ALL DRAWINGS AND WRITTEN MATERIAL APPEARING HEREIN CONSTITUTE ORIGINAL AND UNPUBLISHED WORK OF THE ARCHITECT AND MAY NOT BE DUPLICATED, USED OR DISCLOSED WITHOUT WRITTEN CONSENT OF TRACHTENBERG ARCHITECTS.

JOB: 1919

SHEET:

PLAN AT LEVELS 2-5

A2.2



SAN PABLO AVE (LEFT SIDE)

1 PLAN AT LEVELS 2-5



2421 Fourth Street
Berkeley, California 94710
510.649.1414
www.TrachtenbergArch.com

**1200-1214
SAN PABLO
AVENUE**

Berkeley, CA 94706

- 12.02.2019 ZONING SUBMITTAL
- 02.03.2020 ZONING RE-SUBMITTAL
- 04.03.2020 ZONING RE-SUBMITTAL
- 10.05.2020 ZONING RE-SUBMITTAL

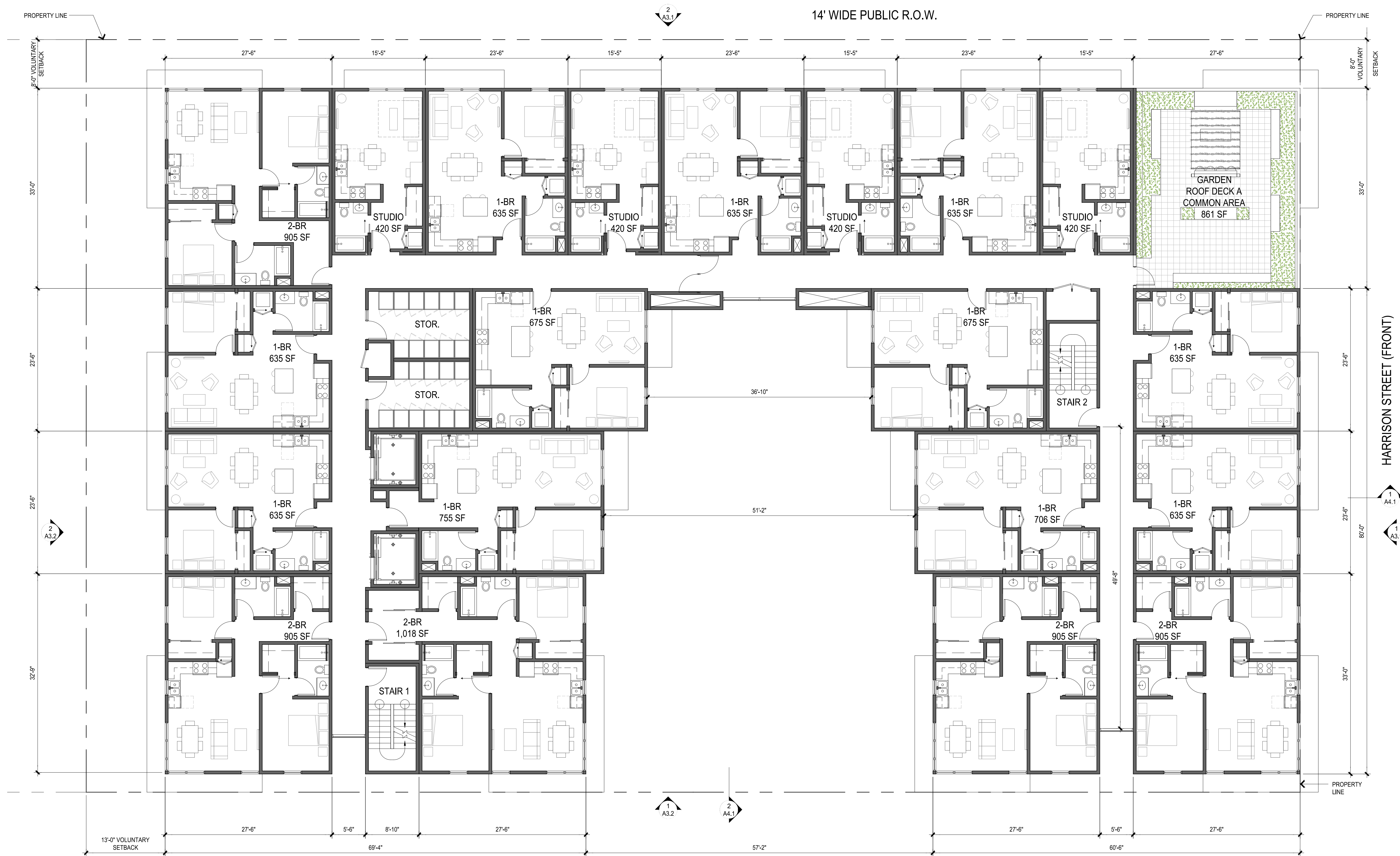
ALL DRAWINGS AND WRITTEN MATERIAL APPEARING
HEREIN CONSTITUTE ORIGINAL AND UNPUBLISHED
WORK OF THE ARCHITECT AND MAY NOT BE
DUPLICATED, USED OR DISCLOSED WITHOUT WRITTEN
CONSENT OF TRACHTENBERG ARCHITECTS.

JOB: 1919

SHEET:

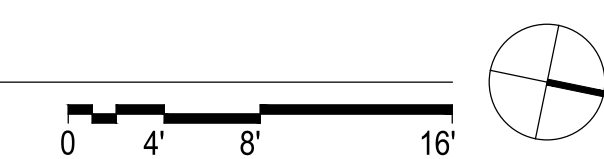
PLAN AT
LEVEL 6

A2.3



SAN PABLO AVE (LEFT SIDE)

1 PLAN AT LEVEL 6



2421 Fourth Street
Berkeley, California 94710
510.649.1414
www.TrachtenbergArch.com

**1200-1214
SAN PABLO
AVENUE**

Berkeley, CA 94706

- 12.02.2019 ZONING SUBMITTAL
- 02.03.2020 ZONING RE-SUBMITTAL
- 04.03.2020 ZONING RE-SUBMITTAL
- 10.05.2020 ZONING RE-SUBMITTAL

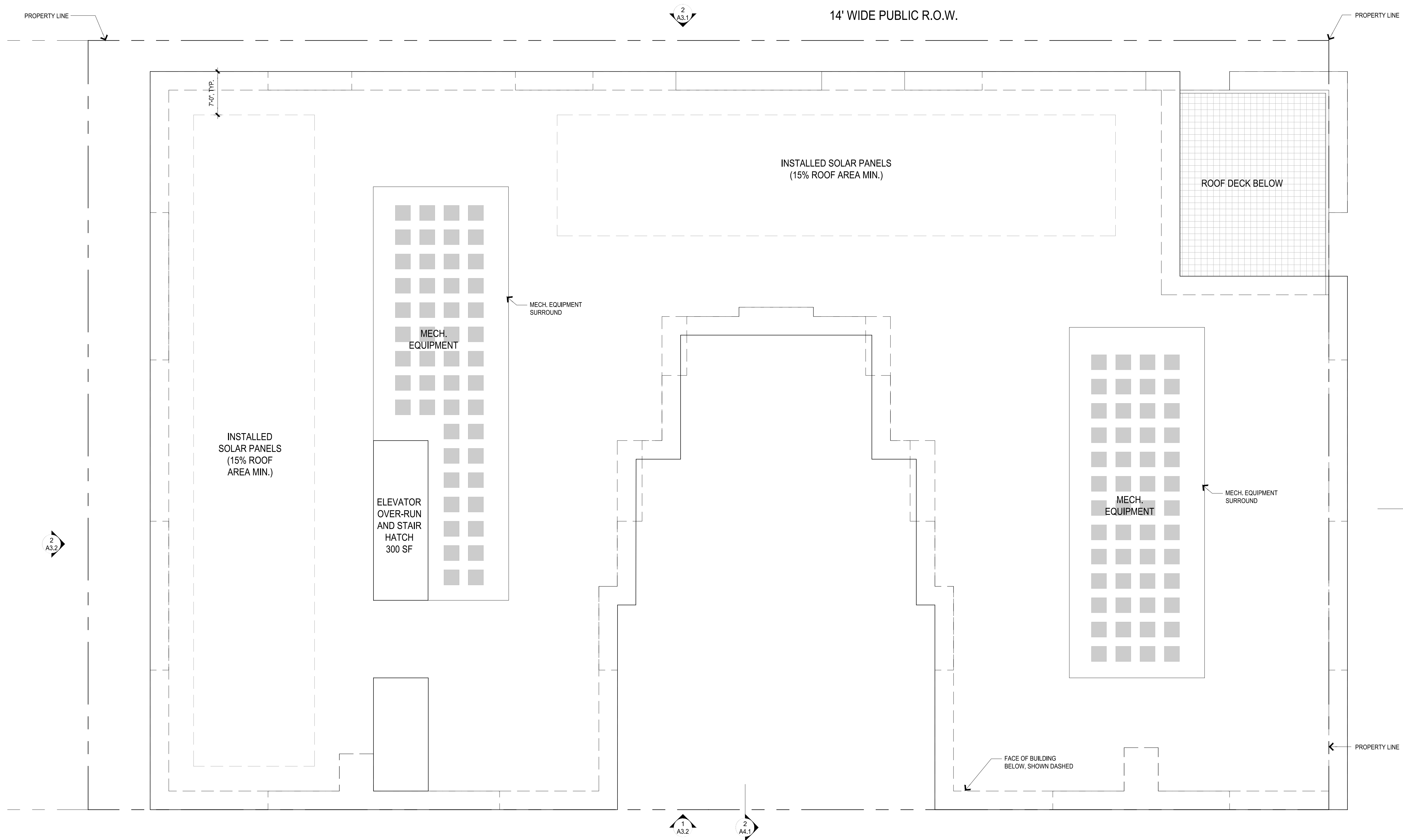
ALL DRAWINGS AND WRITTEN MATERIAL APPEARING
HEREIN CONSTITUTE ORIGINAL AND UNPUBLISHED
WORK OF THE ARCHITECT AND MAY NOT BE
DUPLICATED, USED OR DISCLOSED WITHOUT WRITTEN
CONSENT OF TRACHTENBERG ARCHITECTS.

JOB: 1919

SHEET:

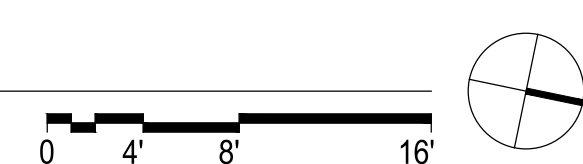
PLAN AT
ROOF LEVEL

A2.4



SAN PABLO AVE (LEFT SIDE)

1 PLAN AT ROOF LEVEL



2421 Fourth Street
Berkeley, California 94710
510.649.1414
www.TrachtenbergArch.com

**1200-1214
SAN PABLO
AVENUE**

Berkeley, CA 94706

- 12.02.2019 ZONING SUBMITTAL
- 02.03.2020 ZONING RE-SUBMITTAL
- 04.03.2020 ZONING RE-SUBMITTAL
- 10.05.2020 ZONING RE-SUBMITTAL

ALL DRAWINGS AND WRITTEN MATERIAL APPEARING HEREIN CONSTITUTE ORIGINAL AND UNPUBLISHED WORK OF THE ARCHITECT AND MAY NOT BE DUPLICATED, USED OR DISCLOSED WITHOUT WRITTEN CONSENT OF TRACHTENBERG ARCHITECTS.

JOB: 1919

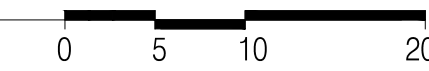
SHEET:

BUILDING ELEVATIONS

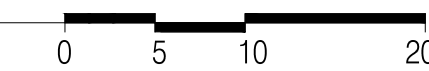
A3.1



2 WEST ELEVATION
3/64"=1'-0" @ 11X17 3/32" = 1'-0" @ 24X36



1 EAST ELEVATION
3/64"=1'-0" @ 11X17 3/32" = 1'-0" @ 24X36



2421 Fourth Street
Berkeley, California 94710
510.649.1414
www.TrachtenbergArch.com

**1200-1214
SAN PABLO
AVENUE**

Berkeley, CA 94706

- 12.02.2019 ZONING SUBMITTAL
- 02.03.2020 ZONING RE-SUBMITTAL
- 04.03.2020 ZONING RE-SUBMITTAL
- 10.05.2020 ZONING RE-SUBMITTAL

ALL DRAWINGS AND WRITTEN MATERIAL APPEARING HEREIN CONSTITUTE ORIGINAL AND UNPUBLISHED WORK OF THE ARCHITECT AND MAY NOT BE DUPLICATED, USED OR DISCLOSED WITHOUT WRITTEN CONSENT OF TRACHTENBERG ARCHITECTS.

JOB: 1919

SHEET:

BUILDING ELEVATIONS

A3.2



2 SOUTH ELEVATION
3/64"=1'-0" @ 11X17 3/32" = 1'-0" @ 24X36



1 NORTH ELEVATION
3/64"=1'-0" @ 11X17 3/32" = 1'-0" @ 24X36



2421 Fourth Street
Berkeley, California 94710
510.649.1414
www.TrachtenbergArch.com



2

STREET STRIP ELEVATION @ SAN PABLO

1/32" = 1'-0" @ 11X17 1/16" = 1'-0" @ 24X36

**1200-1214
SAN PABLO
AVENUE**

Berkeley, CA 94706

- 12.02.2019 ZONING SUBMITTAL
- 02.03.2020 ZONING RE-SUBMITTAL
- 04.03.2020 ZONING RE-SUBMITTAL
- 10.05.2020 ZONING RE-SUBMITTAL

ALL DRAWINGS AND WRITTEN MATERIAL APPEARING HEREIN CONSTITUTE ORIGINAL AND UNPUBLISHED WORK OF THE ARCHITECT AND MAY NOT BE DUPLICATED, USED OR DISCLOSED WITHOUT WRITTEN CONSENT OF TRACHTENBERG ARCHITECTS.

JOB: 1919

SHEET:

STREET STRIP ELEVATIONS



1

STREET STRIP ELEVATION @ HARRISON

1/32" = 1'-0" @ 11X17 1/16" = 1'-0" @ 24X36

A3.3

2421 Fourth Street
Berkeley, California 94710
510.649.1414
www.TrachtenbergArch.com

**1200-1214
SAN PABLO AVENUE**

Berkeley, CA 94706

- 12.02.2019 ZONING SUBMITTAL
- 02.03.2020 ZONING RE-SUBMITTAL
- 04.03.2020 ZONING RE-SUBMITTAL
- 10.05.2020 ZONING RE-SUBMITTAL

ALL DRAWINGS AND WRITTEN MATERIAL APPEARING
HEREIN CONSTITUTE ORIGINAL AND UNPUBLISHED
WORK OF THE ARCHITECT AND MAY NOT BE
DUPLICATED, USED OR DISCLOSED WITHOUT WRITTEN
CONSENT OF TRACHTENBERG ARCHITECTS.

JOB: 1919

SHEET:

PHOTO CONTEXT
VIEWS

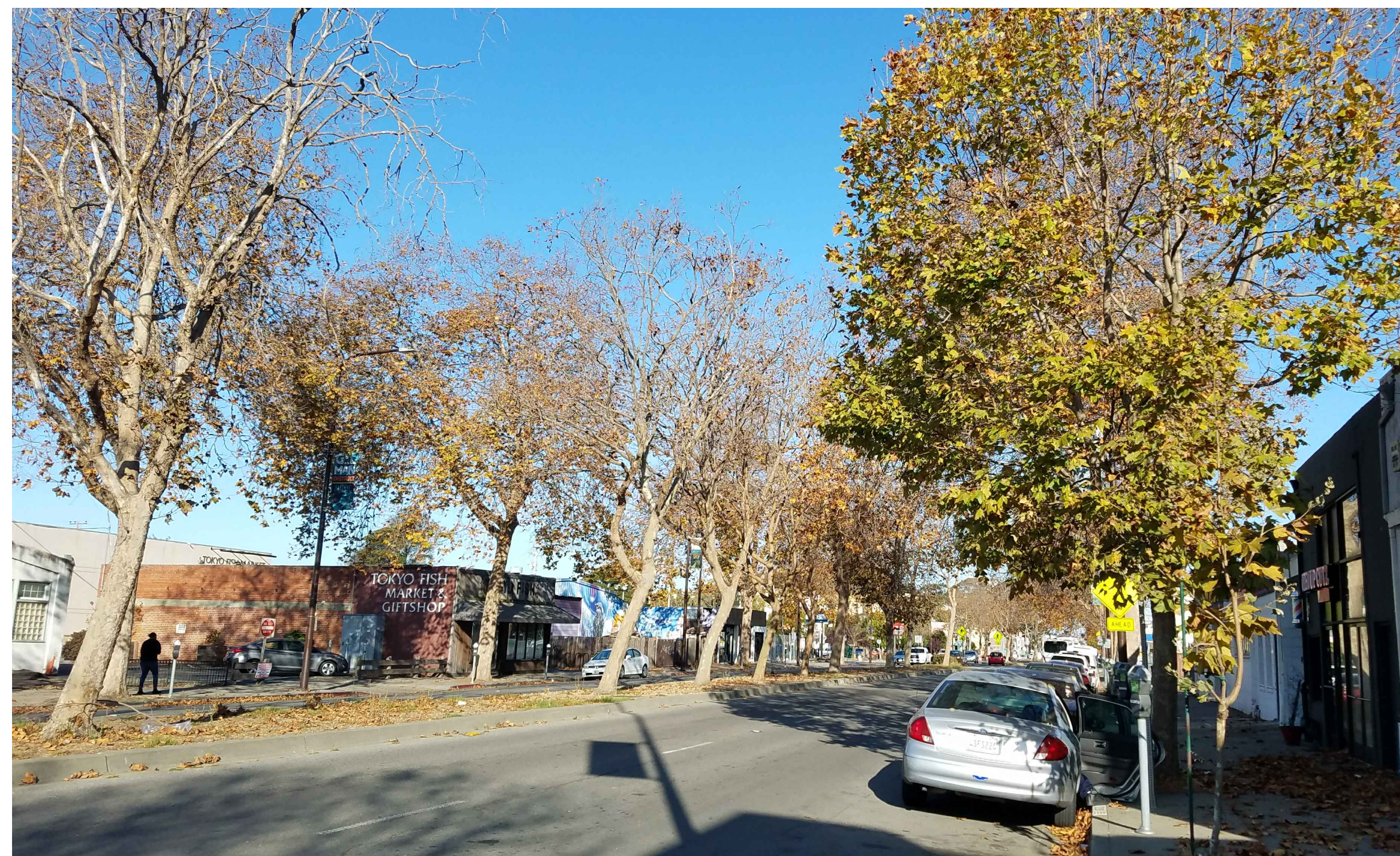
A3.4



4 SAN PABLO LOOKING NORTH - AFTER



2 HARRISON LOOKING WEST - AFTER



3 SAN PABLO LOOKING NORTH - BEFORE



1 HARRISON LOOKING WEST - BEFORE

2421 Fourth Street
Berkeley, California 94710
510.649.1414
www.TrachtenbergArch.com

**1200-1214
SAN PABLO
AVENUE**

Berkeley, CA 94706

- 12.02.2019 ZONING SUBMITTAL
- 02.03.2020 ZONING RE-SUBMITTAL
- 04.03.2020 ZONING RE-SUBMITTAL
- 10.05.2020 ZONING RE-SUBMITTAL

ALL DRAWINGS AND WRITTEN MATERIAL APPEARING
HEREIN CONSTITUTE ORIGINAL AND UNPUBLISHED
WORK OF THE ARCHITECT AND MAY NOT BE
DUPLICATED, USED OR DISCLOSED WITHOUT WRITTEN
CONSENT OF TRACHTENBERG ARCHITECTS.

JOB: 1919

SHEET:

PHOTO CONTEXT
VIEWS

A3.5



2 SAN PABLO LOOKING SOUTH - AFTER



1 SAN PABLO LOOKING SOUTH - BEFORE

2421 Fourth Street
Berkeley, California 94710
510.649.1414
www.TrachtenbergArch.com

**1200-1214
SAN PABLO
AVENUE**

Berkeley, CA 94706

- 12.02.2019 ZONING SUBMITTAL
- 02.03.2020 ZONING RE-SUBMITTAL
- 04.03.2020 ZONING RE-SUBMITTAL
- 10.05.2020 ZONING RE-SUBMITTAL

ALL DRAWINGS AND WRITTEN MATERIAL APPEARING
HEREIN CONSTITUTE ORIGINAL AND UNPUBLISHED
WORK OF THE ARCHITECT AND MAY NOT BE
DUPLICATED, USED OR DISCLOSED WITHOUT WRITTEN
CONSENT OF TRACHTENBERG ARCHITECTS.

JOB: 1919

SHEET:
**PERSPECTIVE
VIEW**



1
-

PERSPECTIVE VIEW - AT HARRISON ST LOOKING SOUTH WEST

3/32"=1'-0" @ 11X17 3/16" = 1'-0" @ 24X36

A3.6

2421 Fourth Street
Berkeley, California 94710
510.649.1414
www.TrachtenbergArch.com

**1200-1214
SAN PABLO
AVENUE**

Berkeley, CA 94706

- 12.02.2019 ZONING SUBMITTAL
- 02.03.2020 ZONING RE-SUBMITTAL
- 04.03.2020 ZONING RE-SUBMITTAL
- 10.05.2020 ZONING RE-SUBMITTAL

ALL DRAWINGS AND WRITTEN MATERIAL APPEARING
HEREIN CONSTITUTE ORIGINAL AND UNPUBLISHED
WORK OF THE ARCHITECT AND MAY NOT BE
DUPLICATED, USED OR DISCLOSED WITHOUT WRITTEN
CONSENT OF TRACHTENBERG ARCHITECTS.

JOB: 1919

SHEET:

PERSPECTIVE
VIEW

A3.7



1
PERSPECTIVE VIEW - SAN PABLO LOOKING WEST
3/32"=1'-0" @ 11X17 3/16" = 1'-0" @ 24X36

2421 Fourth Street
Berkeley, California 94710
510.649.1414
www.TrachtenbergArch.com

**1200-1214
SAN PABLO
AVENUE**

Berkeley, CA 94706

- 12.02.2019 ZONING SUBMITTAL
- 02.03.2020 ZONING RE-SUBMITTAL
- 04.03.2020 ZONING RE-SUBMITTAL
- 10.05.2020 ZONING RE-SUBMITTAL

ALL DRAWINGS AND WRITTEN MATERIAL APPEARING
HEREIN CONSTITUTE ORIGINAL AND UNPUBLISHED
WORK OF THE ARCHITECT AND MAY NOT BE
DUPLICATED, USED OR DISCLOSED WITHOUT WRITTEN
CONSENT OF TRACHTENBERG ARCHITECTS.

JOB: 1919

SHEET:

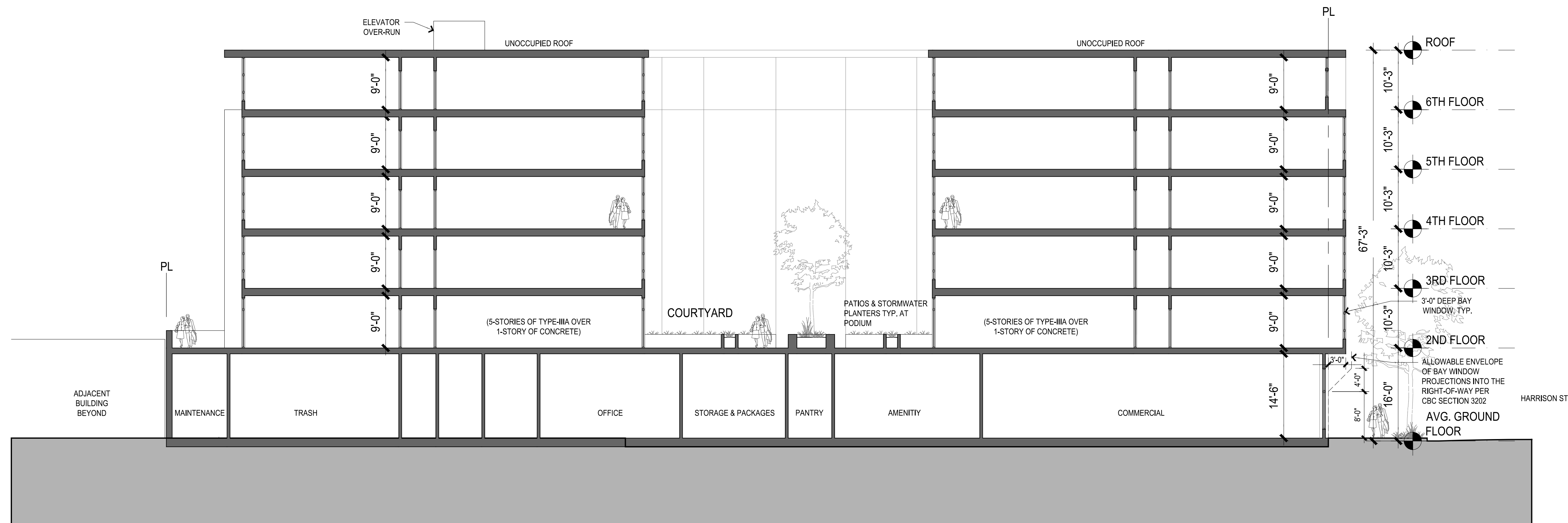
PERSPECTIVE
VIEW

A3.8



1 PERSPECTIVE VIEW - ENTRY COURTYARD ALONG SAN PABLO LOOKING NORTH
3/32" = 1'-0" @ 11X17 3/16" = 1'-0" @ 24X36

2421 Fourth Street
 Berkeley, California 94710
 510.649.1414
 www.TrachtenbergArch.com



2 N-S BUILDING SECTION
 3/64" = 1'-0" @ 24X36 3/32" = 1'-0" @ 11X17

1200-1214
 SAN PABLO
 AVENUE

Berkeley, CA 94706

- 12.02.2019 ZONING SUBMITTAL
- 02.03.2020 ZONING RE-SUBMITTAL
- 04.03.2020 ZONING RE-SUBMITTAL
- 10.05.2020 ZONING RE-SUBMITTAL

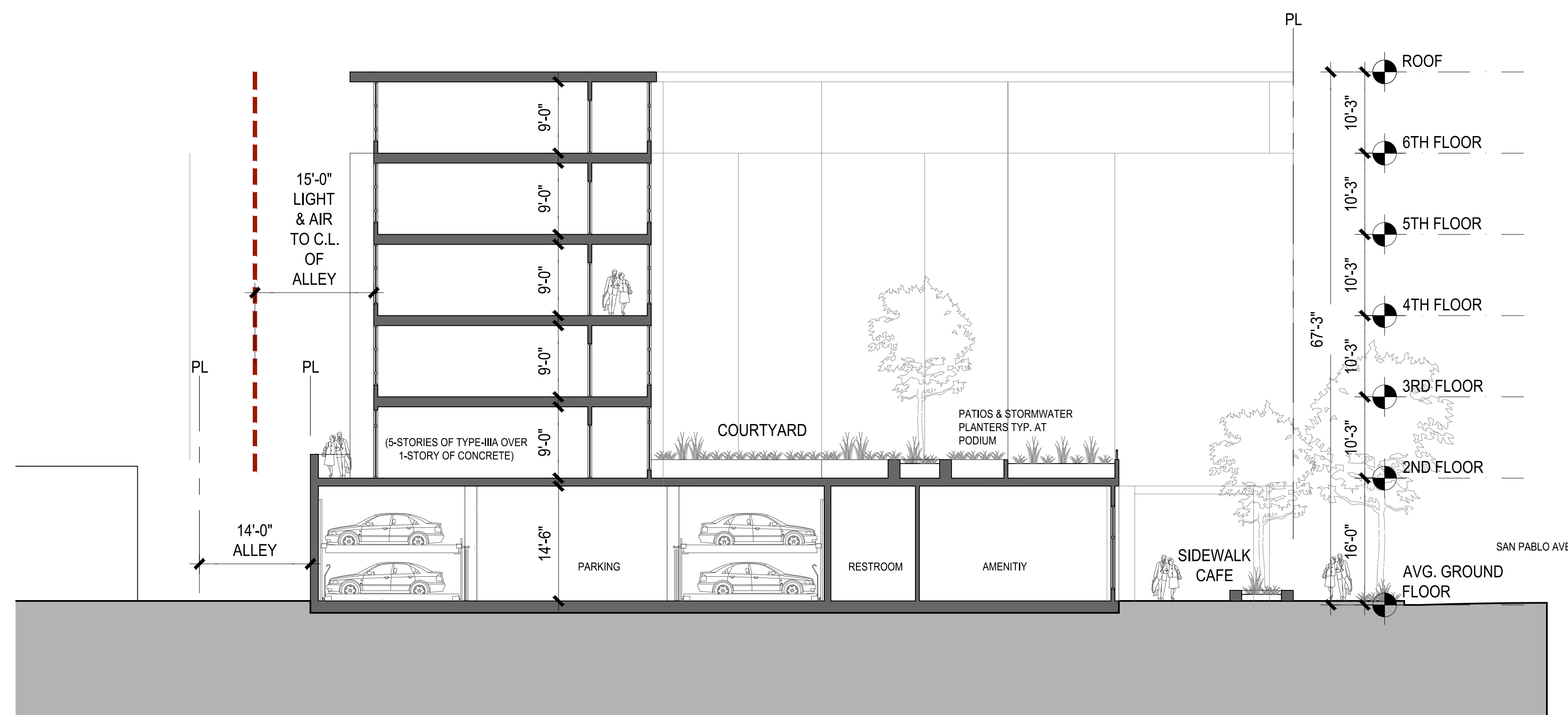
ALL DRAWINGS AND WRITTEN MATERIAL APPEARING HEREIN CONSTITUTE ORIGINAL AND UNPUBLISHED WORK OF THE ARCHITECT AND MAY NOT BE DUPLICATED, USED OR DISCLOSED WITHOUT WRITTEN CONSENT OF TRACHTENBERG ARCHITECTS.

JOB: 1919

SHEET:

BUILDING SECTION

A4.1



1 E-W BUILDING SECTION
 3/64" = 1'-0" @ 24X36 3/32" = 1'-0" @ 11X17

2421 Fourth Street
Berkeley, California 94710
510.649.1414
www.TrachtenbergArch.com

**1200-1214
SAN PABLO
AVENUE**

Berkeley, CA 94706

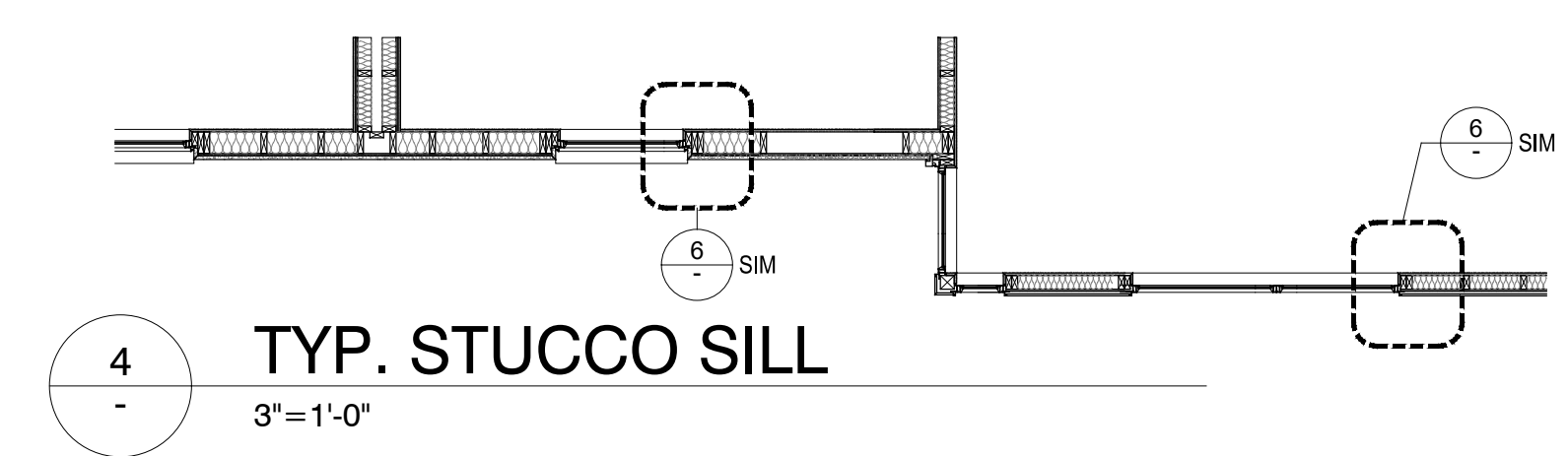
- 12.02.2019 ZONING SUBMITTAL
- 02.03.2020 ZONING RE-SUBMITTAL
- 04.03.2020 ZONING RE-SUBMITTAL
- 10.05.2020 ZONING RE-SUBMITTAL

JOB: 1919

SHEET:

**WALL SECTIONS &
DETAILS**

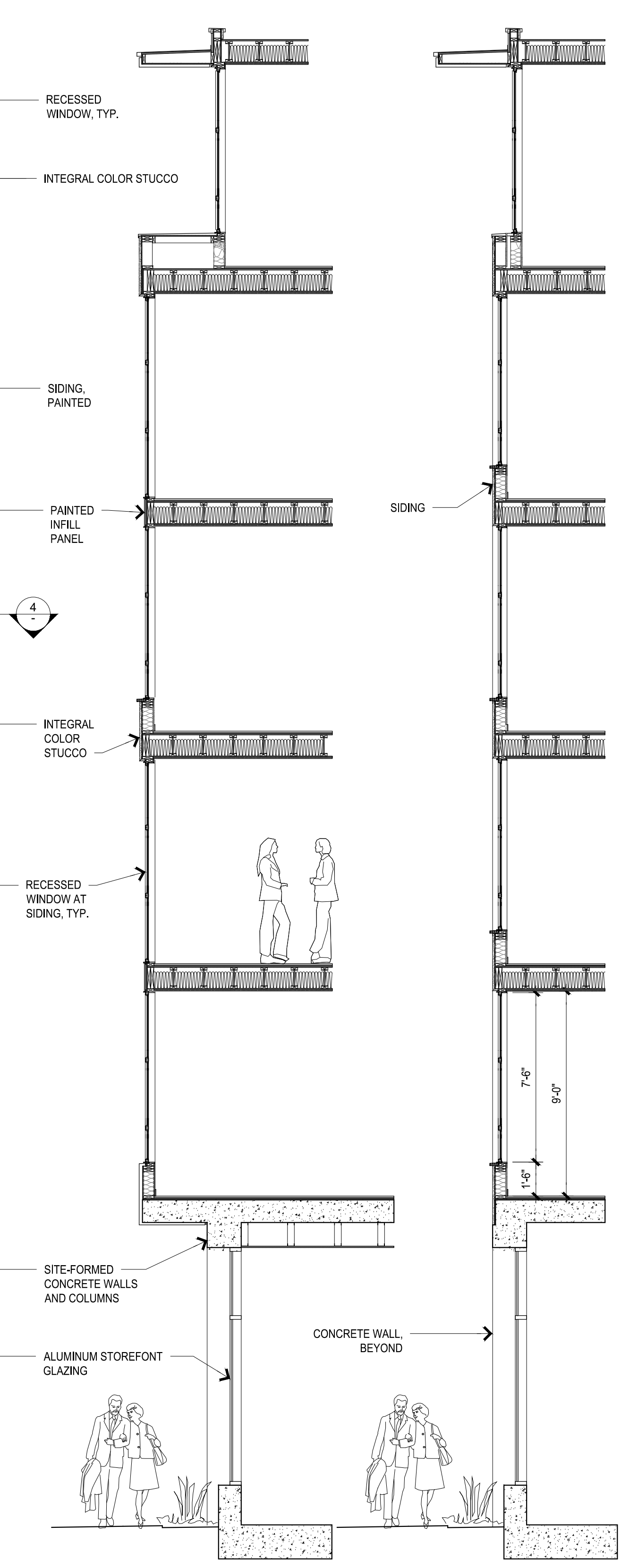
A4.2



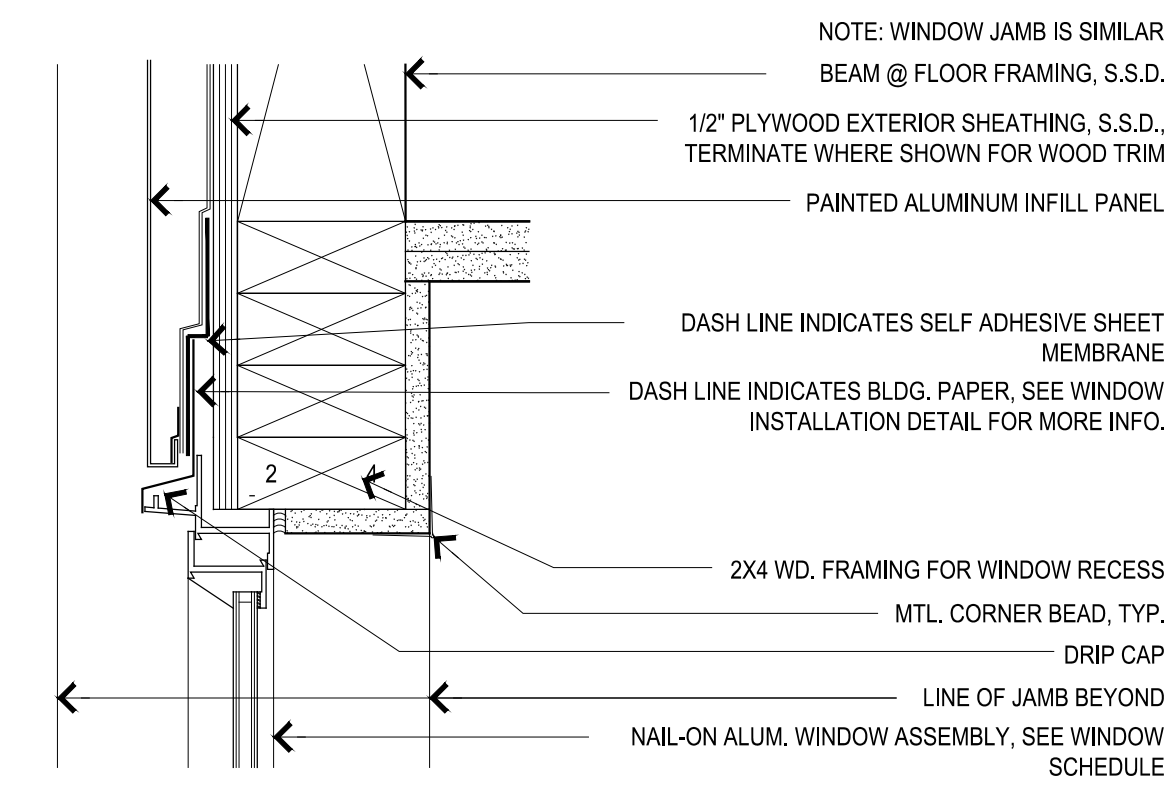
4 TYP. STUCCO SILL
3'-1'-0"



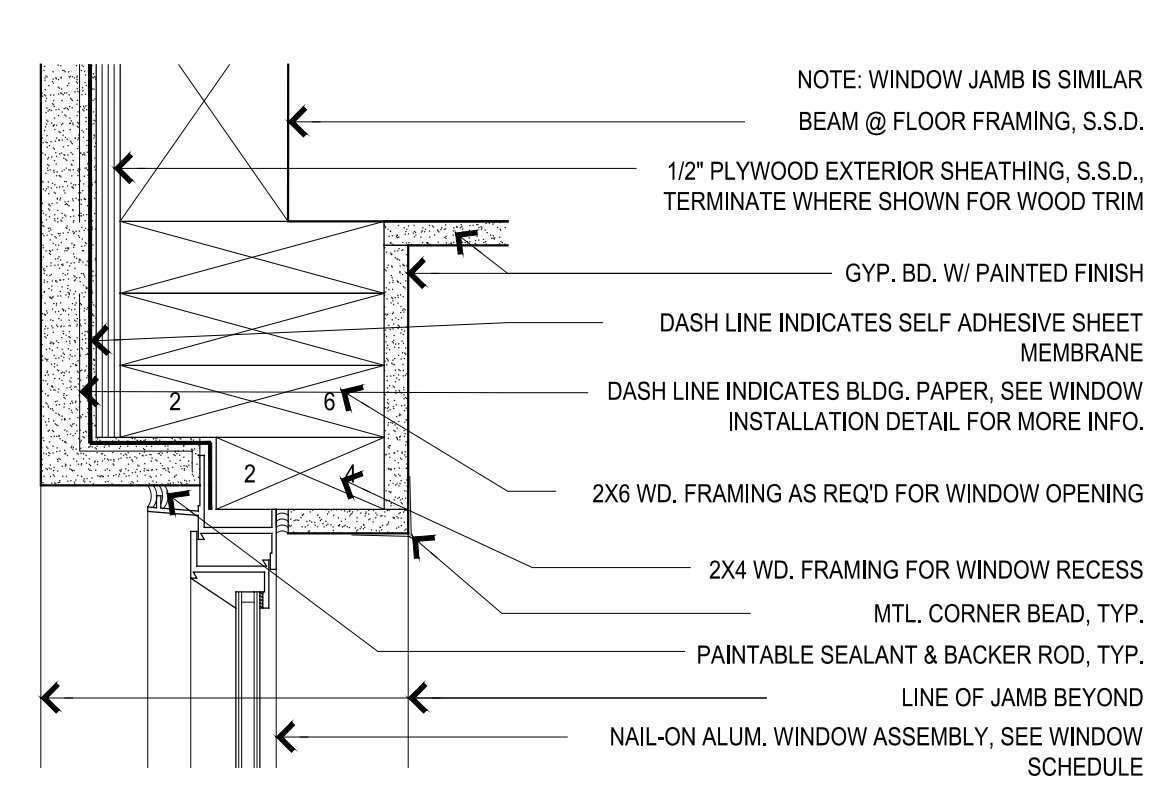
3 ELEVATION DETAIL
1/4"=1'-0"



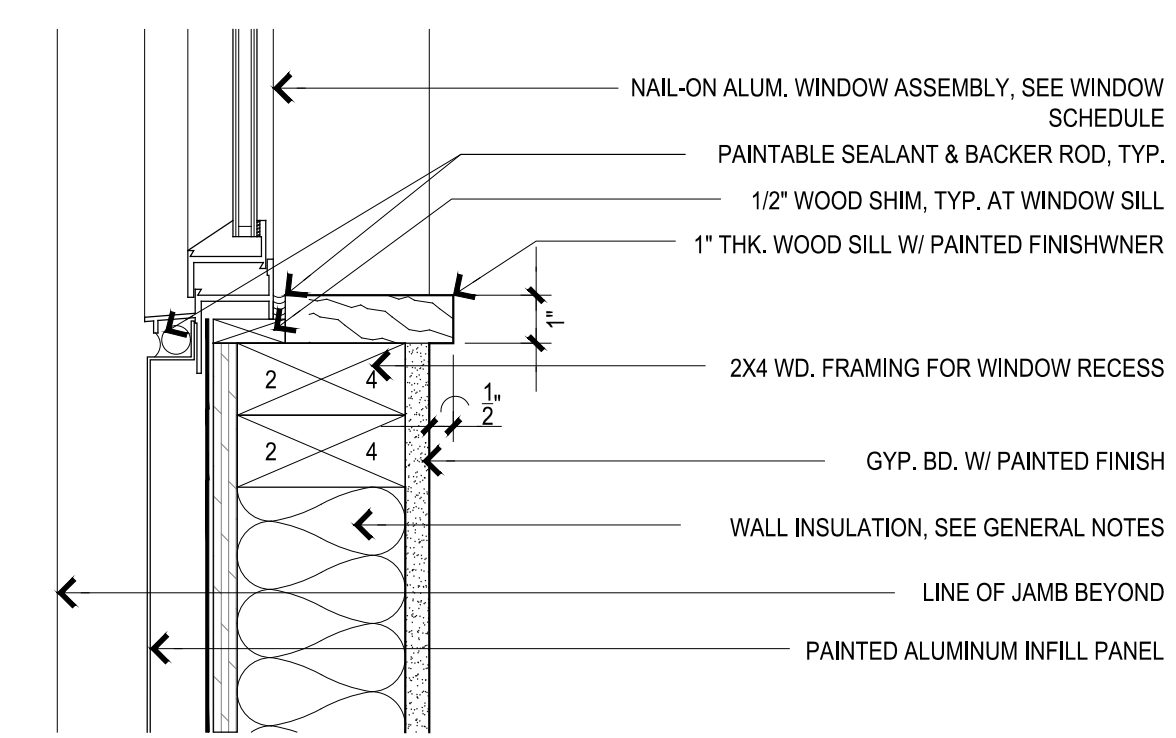
2 SECT. @ BAY 1/4"=1'-0"
1 SECT. @ NON-BAY 1/4"=1'-0"



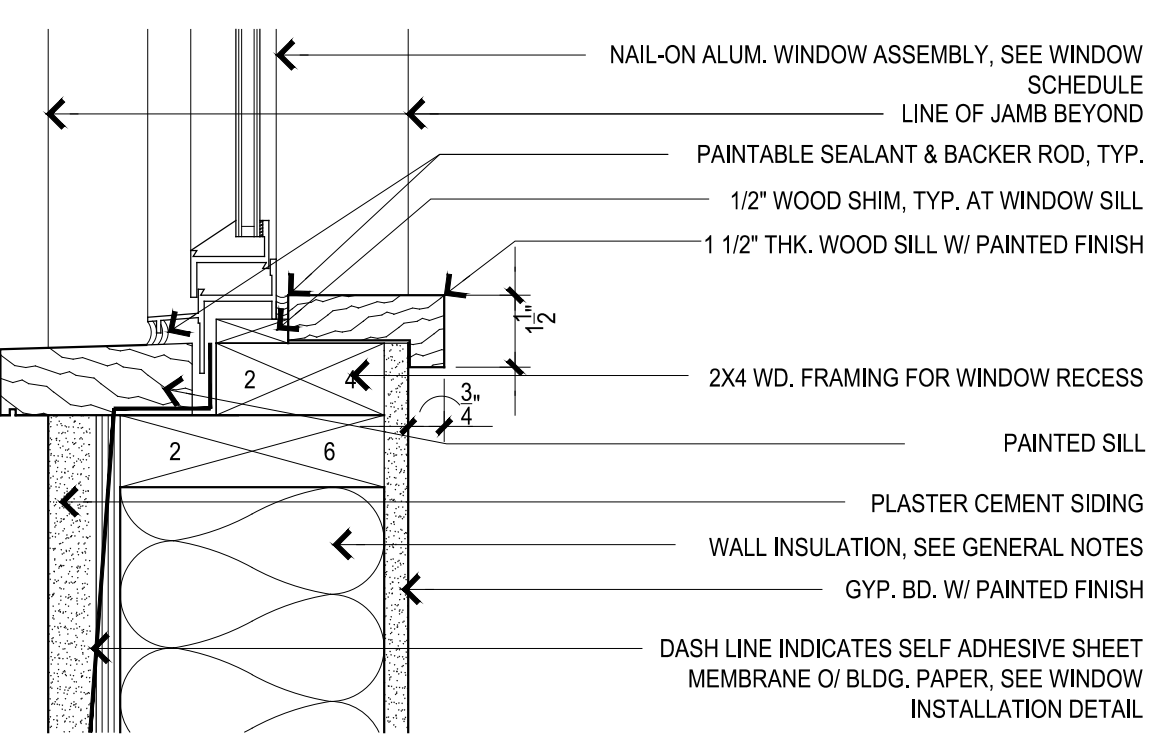
8 HEAD @ FILL PANEL
3'-1'-0"



6 TYP. STUCCO HEAD / JAMB
3'-1'-0"



7 SILL AT FILL PANEL
3'-1'-0"



5 TYP. STUCCO SILL
3'-1'-0"

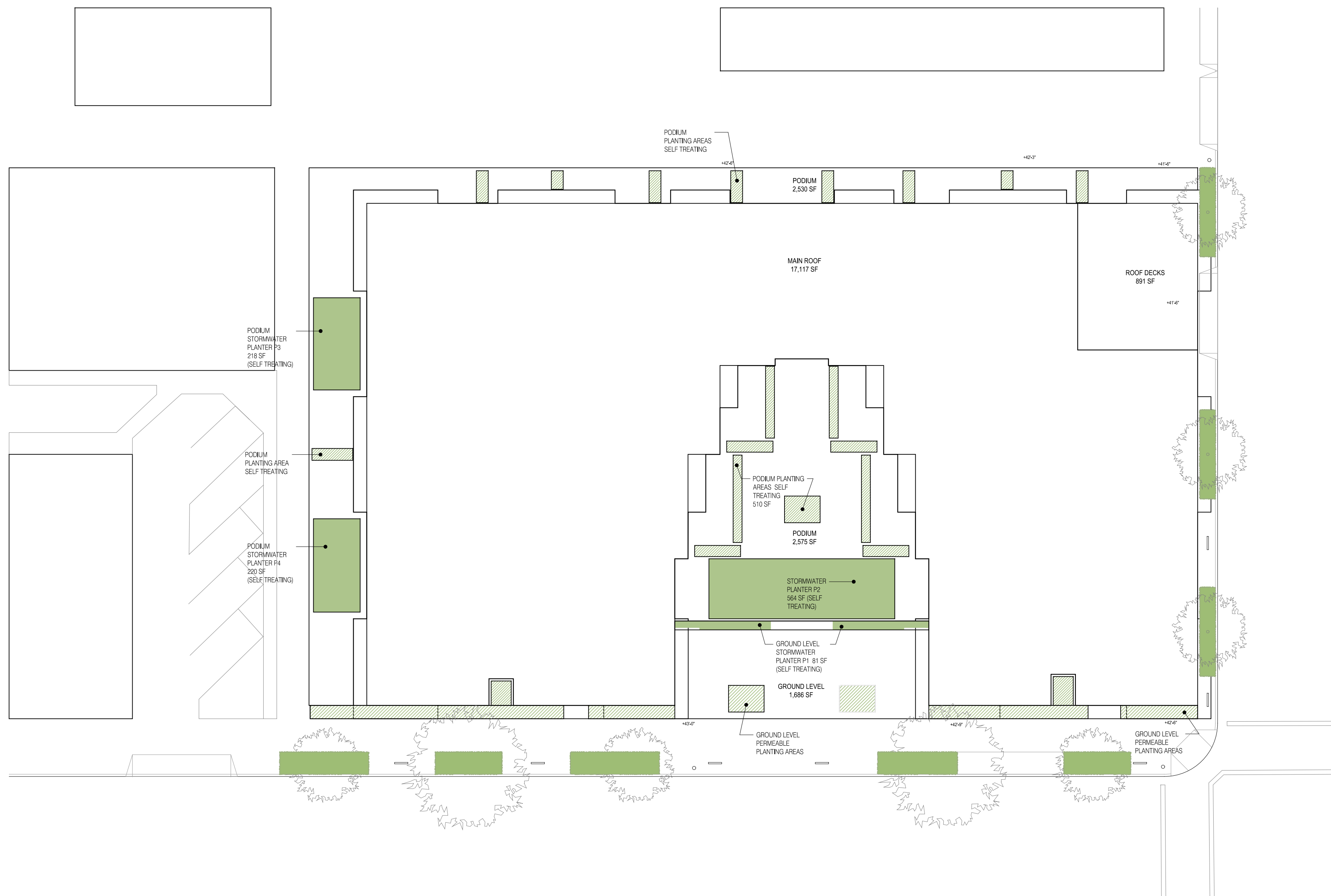
ALL DRAWINGS AND WRITTEN MATERIAL APPEARING HEREIN CONSTITUTE ORIGINAL AND UNPUBLISHED WORK OF THE ARCHITECT AND MAY NOT BE DUPLICATED, USED OR DISCLOSED WITHOUT WRITTEN CONSENT OF TRACHTENBERG ARCHITECTS.

2421 Fourth Street
Berkeley, California 94710
510.649.1414
www.TrachtenbergArch.com

1200-1214
SAN PABLO
AVENUE

Berkeley, CA 94706

- 12.02.2019 ZONING SUBMITTAL
- 02.03.2020 ZONING RE-SUBMITTAL
- 04.03.2020 ZONING RE-SUBMITTAL
- 10.05.2020 ZONING RE-SUBMITTAL



STORMWATER CALCULATIONS

C3 APPLICABILITY								
TOTAL SITE AREA	24,800							
C3 THRESHOLD	10,000							
C3 REGULATED PROJECT	YES							
REQUIRED FLOW-THROUGH PLANTERS								
LOCATION	GROSS SF	SELF-TREATING AREA	TREATMENT AREA	%	TOTAL TREATMENT AREA	TOTAL PROVIDED PLANTER AREA	PERVIOUS PAVING	FILTER VAULT
ROOFS	17117	0	17117	4%	685			
ROOF DECKS	881	0	881	4%	36			
PODIUM	5105	1512	3593	4%	144	1002		
CANOPIES	0	0	0	4%	0			
GROUND LEVEL	1686	566	1120	4%	45	81		
TOTAL	24799	2078	22721	4%	909	1083	0	0

PROVIDED TREATMENT PLANTERS

LEVEL	PLANTER	PLANTER AREA
GROUND LEVEL	P1	81
PODIUM LEVEL	P2	564
	P3	218
	P4	220
TOTAL PLANTERS		1083

SPECIAL PROJECTS

(Appendix K)

CRITERIA FOR CATEGORY C (TRANSIT ORIENTED DEVELOPMENT) SPECIAL PROJECTS

1. Be characterized as a non auto-related land use project. That is, Category C specifically excludes any Regulated Project that is a stand-alone surface parking lot; car dealership; auto and truck rental facility with onsite surface storage; fast-food restaurant, bank or pharmacy with drive-through lanes; gas station, car wash, auto repair and service facility; or other auto-related project unrelated to the concept of Transit-Oriented Development. **Yes**
2. If a commercial, achieve at least an FAR of 2:1. **N/A**
3. If a residential development project, achieve at least a density of 25 DU/Ac. **N/A**
4. If a mixed use development project, achieve at least an FAR of 2:1 or a gross density of 25 DU/Ac. **Yes**

LOCATION CREDITS

% of the C.3.d Amount of Runoff that MayReceive Non-LID	Project Site Location	QUALIFIES
50%	50% or more of the site is located within a ¼ mile radius of an existing or planned transit hub	N/A
25%	50% or more of the site is located within a ½ mile radius of an existing or planned transit hub	N/A
25%	100% of the site is located within a PDA	YES

DENSITY CREDITS

% of the C.3.d Amount of Runoff that MayReceive Non-LID	Land Use Type	Density Required to Obtain the Density Credit	PROPOSED	QUALIFIES
10%	Commercial	2 FAR		N/A
10%	Residential or Mixed Use	30 DU/Acre	183	YES
20%	Commercial	4 FAR		N/A
20%	Residential or Mixed Use	60 DU/Acre	183	YES
30%	Commercial	6:1 FAR		N/A
30%	Residential or Mixed Use	100 DU/Acre	183	YES

MINIMIZED SURFACE PARKING CREDITS

% of the C.3.d Amount of Runoff that MayReceive Non-LID	Percentage of the Total Post-Project Impervious Surface Dedicated to At-Grade, Surface Parking	PROPOSED	QUALIFIES
10%	10% or less	0	YES
20%	0% (except for emergency vehicle access, ADA accessibility and passenger and freight loading zones)	0	YES
TOTAL CREDITS	75%		
LOCATION CREDITS	25%		
DENSITY CREDITS	30%		
MINIMIZED SURFACE PARKING CREDITS	20%		

ALL DRAWINGS AND WRITTEN MATERIAL APPEARING HEREIN CONSTITUTE ORIGINAL AND UNPUBLISHED WORK OF THE ARCHITECT AND MAY NOT BE DUPLICATED, USED OR DISCLOSED WITHOUT WRITTEN CONSENT OF TRACHTENBERG ARCHITECTS.

JOB: 1919

SHEET:

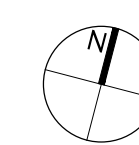
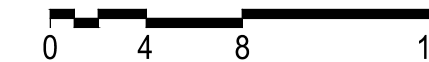
PRELIMINARY
STORMWATER
MANAGEMENT
PLAN

SW-1

2

PRELIMINARY STORMWATER MANAGEMENT PLAN

1/32"=1'-0" @ 11x17 1/16"=1'-0" @ 24x36



1

STORMWATER MANAGEMENT DATA

2421 Fourth Street
Berkeley, California 94710
510.649.1414
www.TrachtenbergArch.com



1200-1214 SAN PABLO AVENUE

Berkeley, CA 94706

- 12.02.2019 ZONING SUBMITTAL
- 02.03.2020 ZONING RE-SUBMITTAL
- 04.03.2020 ZONING RE-SUBMITTAL
- 10.05.2020 ZONING RE-SUBMITTAL

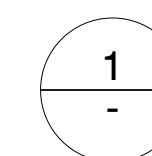
ALL DRAWINGS AND WRITTEN MATERIAL APPEARING HEREIN CONSTITUTE ORIGINAL AND UNPUBLISHED WORK OF THE ARCHITECT AND MAY NOT BE DUPLICATED, USED OR DISCLOSED WITHOUT WRITTEN CONSENT OF TRACHTENBERG ARCHITECTS.

JOB: 1919

SHEET:

MATERIAL BOARD

MAT



NORTH ELEVATION

3/32"=1'-0" @ 11X17 3/16"=1'-0" @ 24X36



SCREENING VINES IN VINE POCKET, TYP.

14' WIDE PUBLIC R.O.W.

TRACHTENBERG ARCHITECTS

2421 Fourth Street
Berkeley, California 94710
510.649.1414
www.TrachtenbergArch.com

JETT
LANDSCAPE ARCHITECTURE + DESIGN
CRLA #3335 · 2 Theatre Square #218 · Orinda CA · 94563
925.254.5422 · www.jett.land

1200-1214 SAN PABLO AVENUE

Berkeley, CA 94706

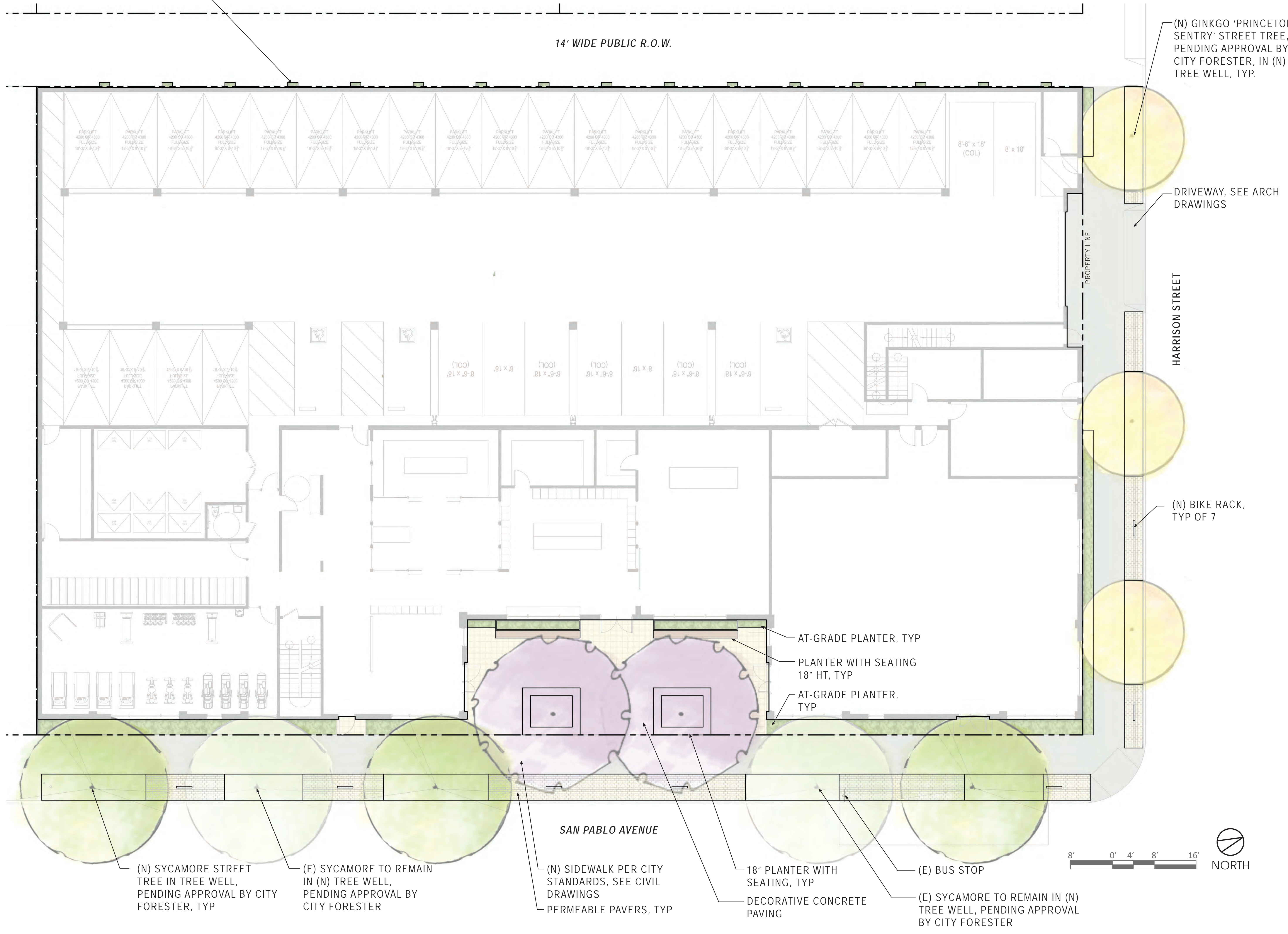
- 12.02.2019 ZONING SUBMITTAL
- 02.03.2020 ZONING RESUBMITTAL
- 04.01.2020 ZONING RESUBMITTAL

JOB: 1919

SHEET:

GROUND LEVEL LANDSCAPE PLAN

L - 1



(N) GINKGO 'PRINCETON SENTRY' STREET TREE, PENDING APPROVAL BY CITY FORESTER, IN (N) TREE WELL, TYP.

DRIVEWAY, SEE ARCH DRAWINGS

HARRISON STREET

(N) BIKE RACK, TYP OF 7

AT-GRADE PLANTER, TYP

PLANTER WITH SEATING 18" HT, TYP

AT-GRADE PLANTER, TYP

SAN PABLO AVENUE

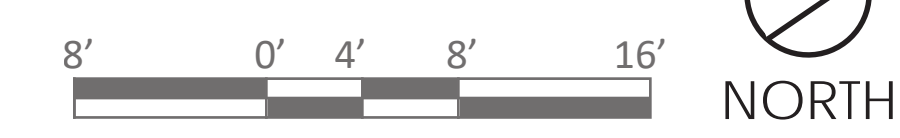
(N) SYCAMORE STREET TREE IN TREE WELL, PENDING APPROVAL BY CITY FORESTER, TYP

(E) SYCAMORE TO REMAIN IN (N) TREE WELL, PENDING APPROVAL BY CITY FORESTER

(N) SIDEWALK PER CITY STANDARDS, SEE CIVIL DRAWINGS
PERMEABLE PAVERS, TYP

18" PLANTER WITH SEATING, TYP
DECORATIVE CONCRETE PAVING

(E) BUS STOP
(E) SYCAMORE TO REMAIN IN (N) TREE WELL, PENDING APPROVAL BY CITY FORESTER



CASCADING PLANTS AT WEST WALL, TYP

42" HT PRECAST PLANTER WITH SCREENING SHRUBS, TYP

PRIVATE PATIO WITH PRECAST PAVERS, TYP

TRACHTENBERG ARCHITECTS

2421 Fourth Street
Berkeley, California 94710
510.649.1414
www.TrachtenbergArch.com

JETT
LANDSCAPE ARCHITECTURE + DESIGN
CRLA #3335 - 2 Theatre Square #218 - Orinda CA - 94563
925.254.5422 - www.jett.land

1200-1214 SAN PABLO AVENUE

Berkeley, CA 94706

- 12.02.2019 ZONING SUBMITTAL
- 02.03.2020 ZONING RESUBMITTAL
- 04.01.2020 ZONING RESUBMITTAL

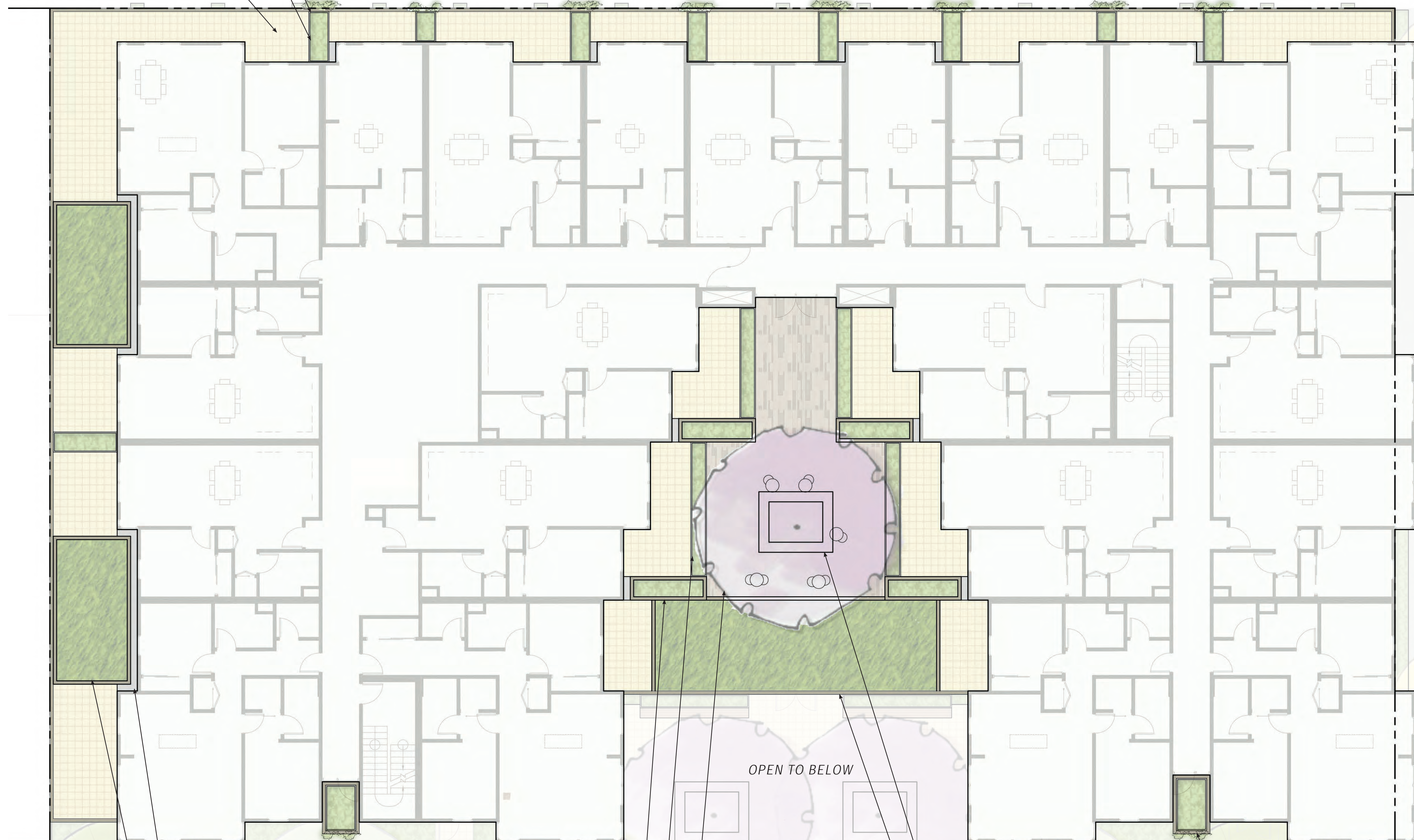
JOB: 1919

SHEET:

SECOND FLOOR
LANDSCAPE PLAN



L - 2



OPEN TO BELOW

DECORATIVE COBBLE, TYP

CMU PLANTER WALL, 28" HT, TYP

STORMWATER PLANTER, 42" HT., TYP

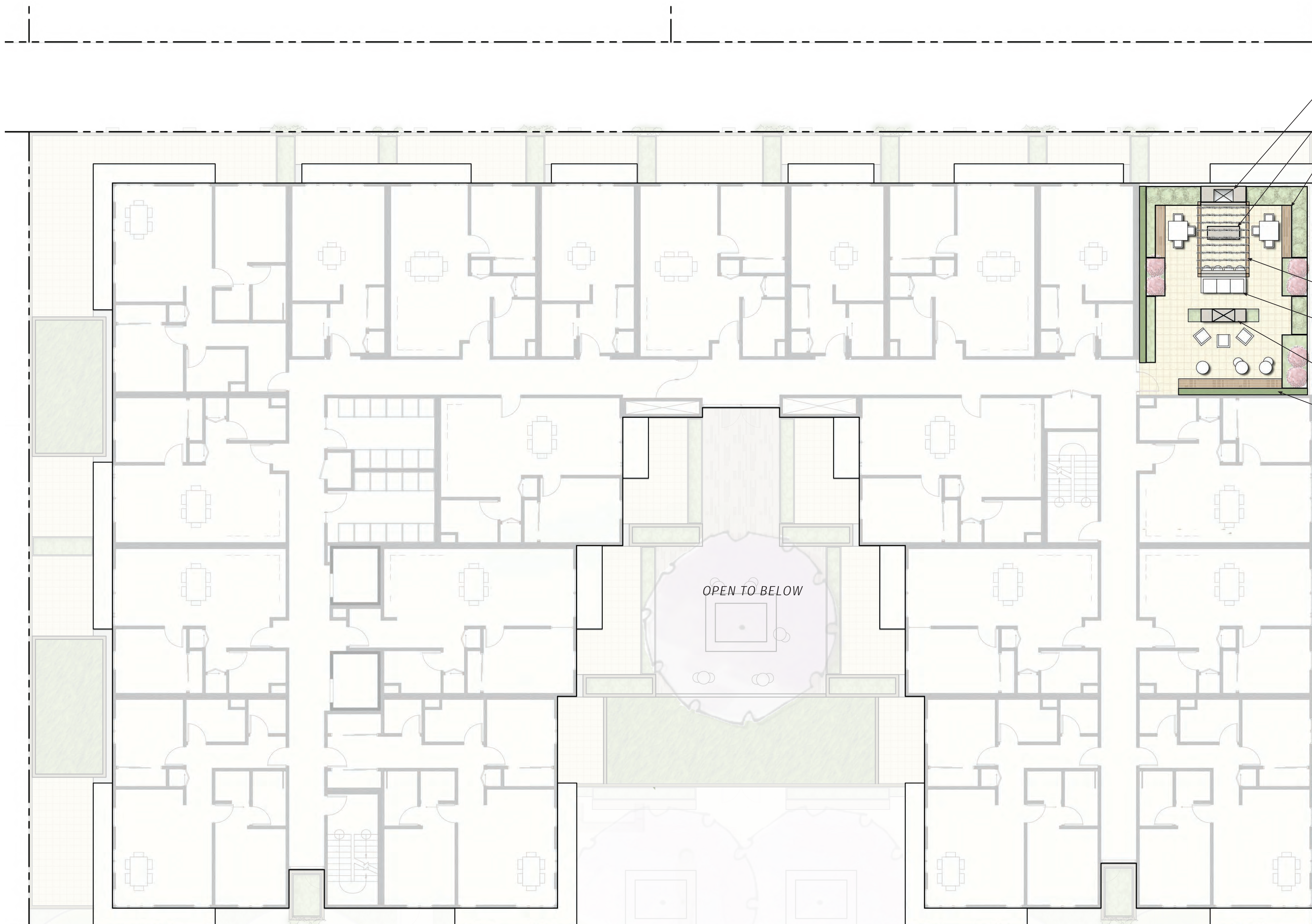
PRECAST PLANTERS, 28" HT, WITH SCREENING SHRUBS, TYP

PRECAST PAVERS, TYP

28" HT PLANTER WITH ACCENT TREE

STORMWATER PLANTER

12" HT PLANTER WITH ACCENT AND CASCADING PLANTS, TYP



- BBQ COUNTER, 42" HT
- PREP ISLAND, 34" HT
- PARAPET HT PLANTER, 42" HT, TYP
- PREFAB CANOPY WITH VINE CABLES, 10' HT
- BUILT-IN SOFA WITH BAR TABLE
- DOUBLE-SIDED FIRE FEATURE WITH TV, 8' HT
- GREEN WALL, 10' HT, TYP

TRACHTENBERG ARCHITECTS

2421 Fourth Street
Berkeley, California 94710
510.649.1414
www.TrachtenbergArch.com

JETT
LANDSCAPE ARCHITECTURE + DESIGN
CRLA #3335 - 2 Theatre Square #218 · Orinda CA - 94563
925.254.5422 · www.jett.land

**1200-1214
SAN PABLO
AVENUE**

Berkeley, CA 94706

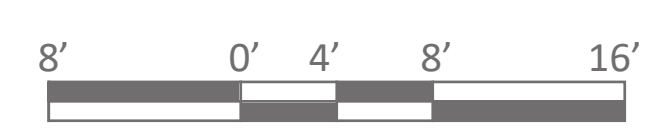
- 12.02.2019 ZONING SUBMITTAL
- 02.03.2020 ZONING RESUBMITTAL
- 04.01.2020 ZONING RESUBMITTAL

JOB: 1919

SHEET:

SIXTH FLOOR/
ROOF DECK
LANDSCAPE PLAN

L - 3





PLATANUS RACEMOSA

GINKGO PRINCETON SENTRY

STREET TREES

ACCENT/SMALL TREES



MEDIUM AND SMALL SHRUBS



ACCENT PLANTING



GROUNDCOVER



VINES

C3 STORMWATER PLANTING

PRELIMINARY PLANT PALETTE

STREET TREES

- PLATANUS RACEMOSA- SYCAMORE (SAN PABLO AVE)
- GINKGO BILOBA - MAIDENHAIR TREE (HARRISON STREET)

ACCENT/SMALL TREES

- ACER PALMATUM - JAPANESE MAPLE
- CERCIS OCCIDENTALIS - WESTERN REDBUD
- LAURUS NOBILIS - SWEET BAY

MEDIUM AND SMALL SHRUBS

- HELICTOTRICHON SEMPERVIRENS - BLUE OAT GRASS
- RIBES SANGUINEUM - PINK FLOWERED CURRENT
- ROSMARINUS OFFICINALIS - ROSEMARY
- PITTOSPORUM CRASSIFOLIUM - KARO
- POLYSTICHUM MUNITUM - WESTERN SWORD FERN

ACCENT PLANTINGS

- AGAVE ATTENUATA - FOX TAIL AGAVE
- ANIGOZANTHOS - KANGAROO PAW
- CLIVIA MINIATA - KAFFIR LILY
- LIBERTIA PEREGRINANS - ORANGE LIBERTIA
- SENECIO VITALIS - SERPENTS

GROUNDCOVER

- ALOE DISTANS
- AEONIUM CANARIENSE - HOUSELEEK
- AJUGA REPTENS - BLUE BUGLE
- CEANOETHUS - CALIFORNIA LILAC
- THYMUS - THYME

VINES

- DISTICTIS BUCCINIFLORA - TRUMPET VINE
- FICUS PUMILA - CREEPING FIG
- TRACHELOSPERMUM JASMINOIDES - STAR JASMINE

C3 STORMWATER PLANTING

- CHONDROPETALUM TECTORUM - CAPE RUSH
- JUNCUS PATENS - CA GRAY RUSH
- LOMANDRA LONGIFOLIA - DWARF MAT RUSH
- CERCIS CANADENSIS 'FOREST PANSY

USABLE OPEN SPACE LANDSCAPE CALCULATION:

	LANDSCAPE AREA	/	USABLE OPEN SPACE	
GROUND FLOOR:	177 SF	/	1,257 SF	
SECOND FLOOR:	1,446 SF	/	2,195 SF	
SIXTH FLOOR:	325 SF	/	891 SF	
TOTAL:	1,924 SF	/	4,343 SF	= 44%

GENERAL PLANTING AND IRRIGATION NOTES:

1. LANDSCAPE AND IRRIGATION PLANS SHALL COMPLY WITH THE CRITERIA OF THE CALIFORNIA MODEL WATER EFFICIENCY ORDINANCE AND APPLY THOSE CRITERIA FOR THE EFFICIENT USE OF WATER IN THE LANDSCAPE DESIGN PLAN.
2. LANDSCAPE AND IRRIGATION PLANS SHALL COMPLY WITH ALL APPLICABLE CITY CODES AND ORDINANCES.
3. ALL PLANTING AREAS SHALL BE TOP-DRESSED WITH A 3" LAYER OF ORGANIC, UN-DYED MULCH RECYCLED FROM LOCAL ORGANIC MATERIALS SUCH AS TREE TRIMMINGS, PLANT, OR CLEAN WOOD WASTE.
4. 50% OF ALL SHRUBS AND GROUNDCOVER SHALL BE A MINIMUM OF 5-GALLON SIZE OR LARGER.
5. IRRIGATION SYSTEM IS TO BE A FULLY AUTOMATIC WEATHER-BASED SYSTEM USING LOW FLOW DRIP AND BUBBLER SYSTEM.
6. STREET TREES SHALL BE TIED INTO IRRIGATION SYSTEM.



2421 Fourth Street
Berkeley, California 94710
510.649.1414
www.TrachtenbergArch.com



**1200-1214
SAN PABLO
AVENUE**

Berkeley, CA 94706

- 12.02.2019 ZONING SUBMITTAL
- 02.03.2020 ZONING RESUBMITTAL
- 04.01.2020 ZONING RESUBMITTAL

JOB: 1919

SHEET:

**PLANT LEGEND
AND IMAGES**

L - 4



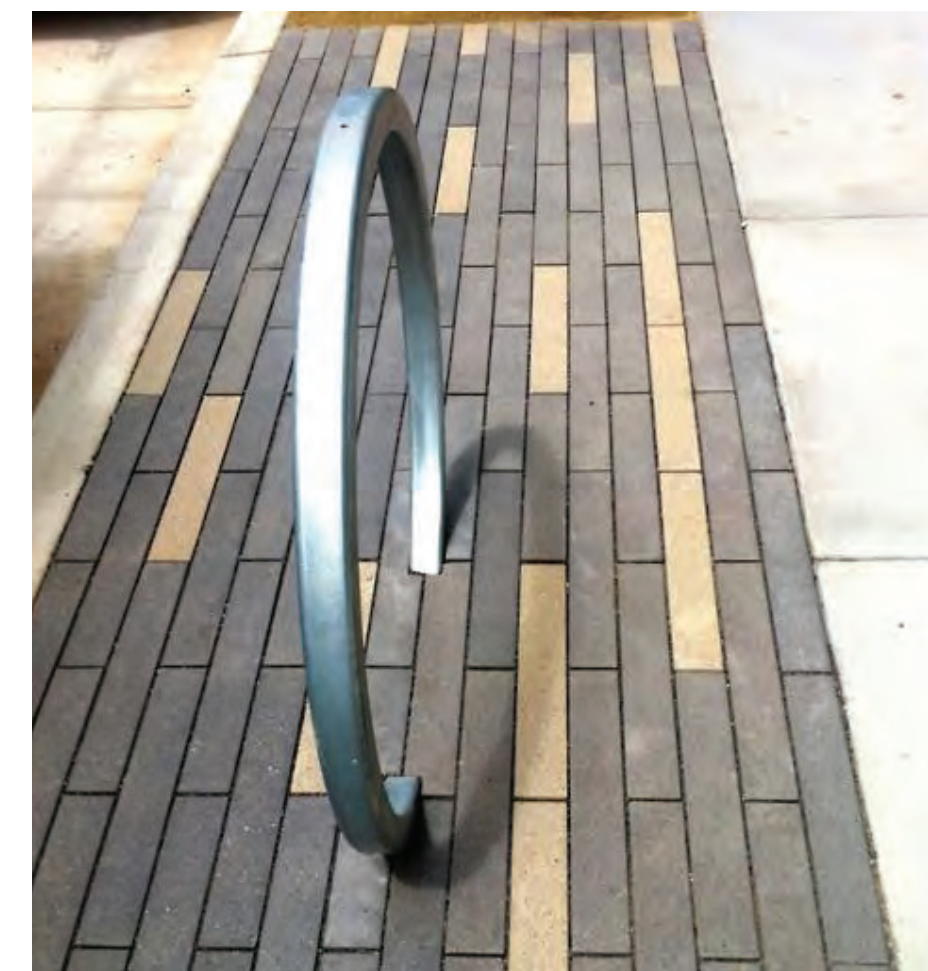
PLANTER WITH SEATING



WALL WITH VINES



CASCADING PLANTS



BIKE RACK IN PERMEABLE PAVERS

TRACHTENBERG ARCHITECTS

2421 Fourth Street
Berkeley, California 94710
510.649.1414
www.TrachtenbergArch.com

JETT

LANDSCAPE ARCHITECTURE + DESIGN
CRLA #3335 - 2 Theatre Square #218 - Orinda CA - 94563
925.254.5422 - www.jett.land

1200-1214 SAN PABLO AVENUE

Berkeley, CA 94706

12.02.2019 ZONING SUBMITTAL

02.03.2020 ZONING RESUBMITTAL

04.01.2020 ZONING RESUBMITTAL



PRECAST PLANTERS



CONCRETE PLANTERS



STORMWATER PLANTER



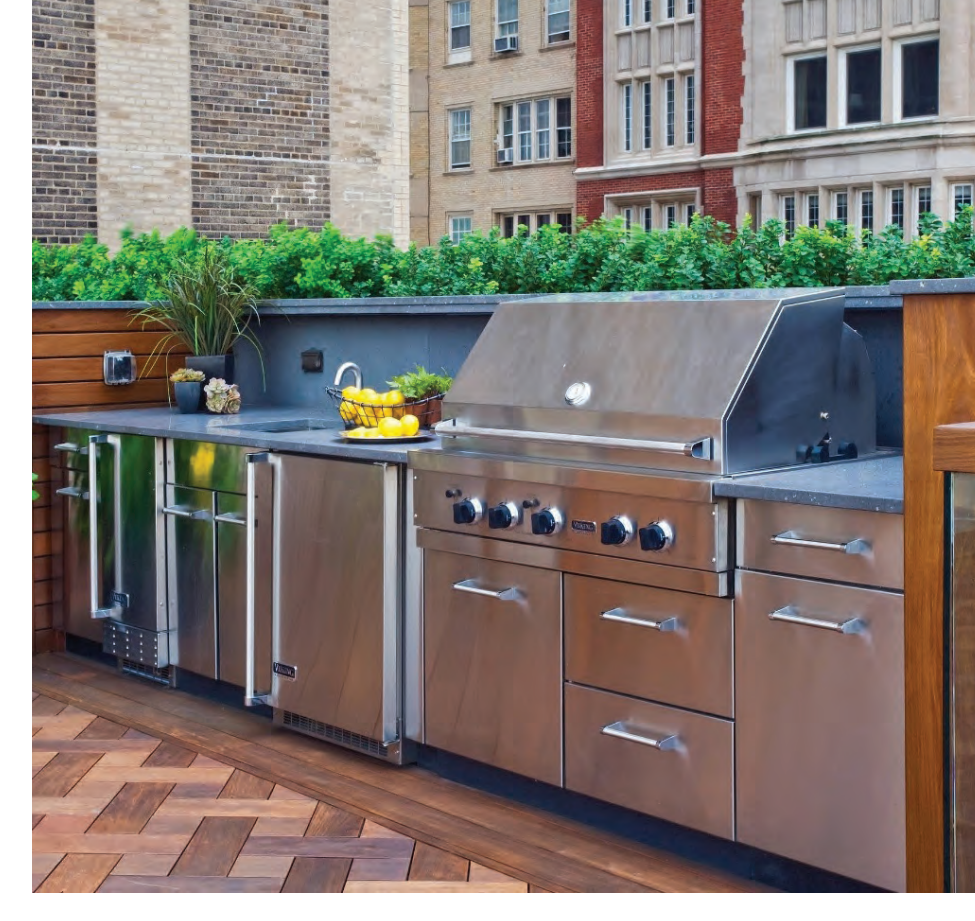
PRIVATE PATIOS



GREEN WALL



PLANTER WITH SEATING



BBQ



OVERHEAD VINE CABLES



DOUBLE-SIDED FIRE FEATURE WITH TV

JOB: 1919

SHEET:

REFERENCE IMAGES

L - 5



SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	SPACING	QTY	WTR USE
TREES						
ACE PA	ACER PALMATUM	JAPANESE MAPLE	24" BOX	PER PLAN		M
CER OC	CERCIS OCCIDENTALIS	WESTERN REDBUD	24" BOX	PER PLAN		L
GIN BI	GINKGO BILOBA 'PRINCETON SENTRY'	MAIDENHAIR TREE	36" BOX	PER PLAN		L
LAU NO	LAURUS NOBILIS	SWEET BAY	24" BOX	PER PLAN		L
PLA RA	PLATANUS RACEMOSA	SYCAMORE	24" BOX	PER PLAN		M
MEDIUM & SMALL SHRUBS						
+	HELICTOTRICHON SEMPERVIRENS	BLUE OAT GRASS	1 GAL	3'-0" OC		L
+	PITOSPORUM CRASSIFOLIUM	KARO	15 GAL	5'-0" OC		L
•	POLYSTICHUM MUNITUM	WESTERN SWORD FERN	5 GAL	3'-0" OC		M
+	RIBES SANGUINEUM GLUTINOSUM	PINK-FLOWERING CURRANT	5 GAL	5'-0" OC		L
+	ROSMARINUS OFFICINALIS	ROSEMARY	5 GAL	4'-0" OC		L
ACCENT PLANTINGS						
+	AGAVE ATTENUATA	FOXTAIL AGAVE	5 GAL	3'-0" OC		L
+	ANIGOZANTHOS	KANGAROO PAW	5 GAL	3'-0" OC		L
•	CLIVIA MINIATA	NATAL LILY	5 GAL	2'-0" OC		M
+	LIBERTIA PEREGRINANS	ORANGE LIBERTIA	1 GAL	1'-6" OC		L
+	SENECIO VITALIS	NARROW-LEAVED CHALKSTICKS	1 GAL	3'-0" OC		L
GROUNDCOVERS						
⊗	ALOE DISTANS	MANZANITA	1 GAL	1'-0" OC		L
⊗	AEONIUM CANARIENSE	HOUSELEEK	1 GAL	2'-0" OC		L
⊗	AJUGA REPTANS	BLUE BUGLE	1 GAL	3'-0" OC		M
⊗	CEANOTHUS	CALIFORNIA LILAC	1 GAL	5'-0" OC		L
⊗	THYMUS	THYME	FLAT	0'-0" OC		L
VINES						
△	DISTICTIS BUCCINATORA	TRUMPET VINE	1 GAL	8'-0" OC		M
△	FICUS PUMILA	CREEPING FIG	1 GAL	8'-0" OC		M
△	TRACHELOSPERMUM JASMINOIDES	STAR JASMINE	1 GAL	8'-0" OC		M
STORMWATER						
•••	CHONDROPETALUM TECTORUM	CAPE RUSH	5 GAL	3'-0" OC		L
•••	JUNCUS PATENS	CALIF. GRAY RUSH	1 GAL	2'-0" OC		L
•••	LOMANDRA LONGIFOLIA	MAT RUSH	5 GAL	3'-0" OC		L
•••	CERCIS CANADENSIS 'FOREST PANSY'	FOREST PANSY REDBUD	15 GAL	PER PLAN		M

TRACHTENBERG ARCHITECTS

2421 Fourth Street
Berkeley, California 94710
510.649.1414
www.TrachtenbergArch.com

JETT

LANDSCAPE ARCHITECTURE + DESIGN
CRLA #3335 · 2 Theatre Square #218 · Orinda CA · 94563
925.254.5422 · www.jett.land

**1200-1214
SAN PABLO
AVENUE**

Berkeley, CA 94706

12.02.2019 ZONING SUBMITTAL
02.03.2020 ZONING RESUBMITTAL
04.01.2020 ZONING RESUBMITTAL

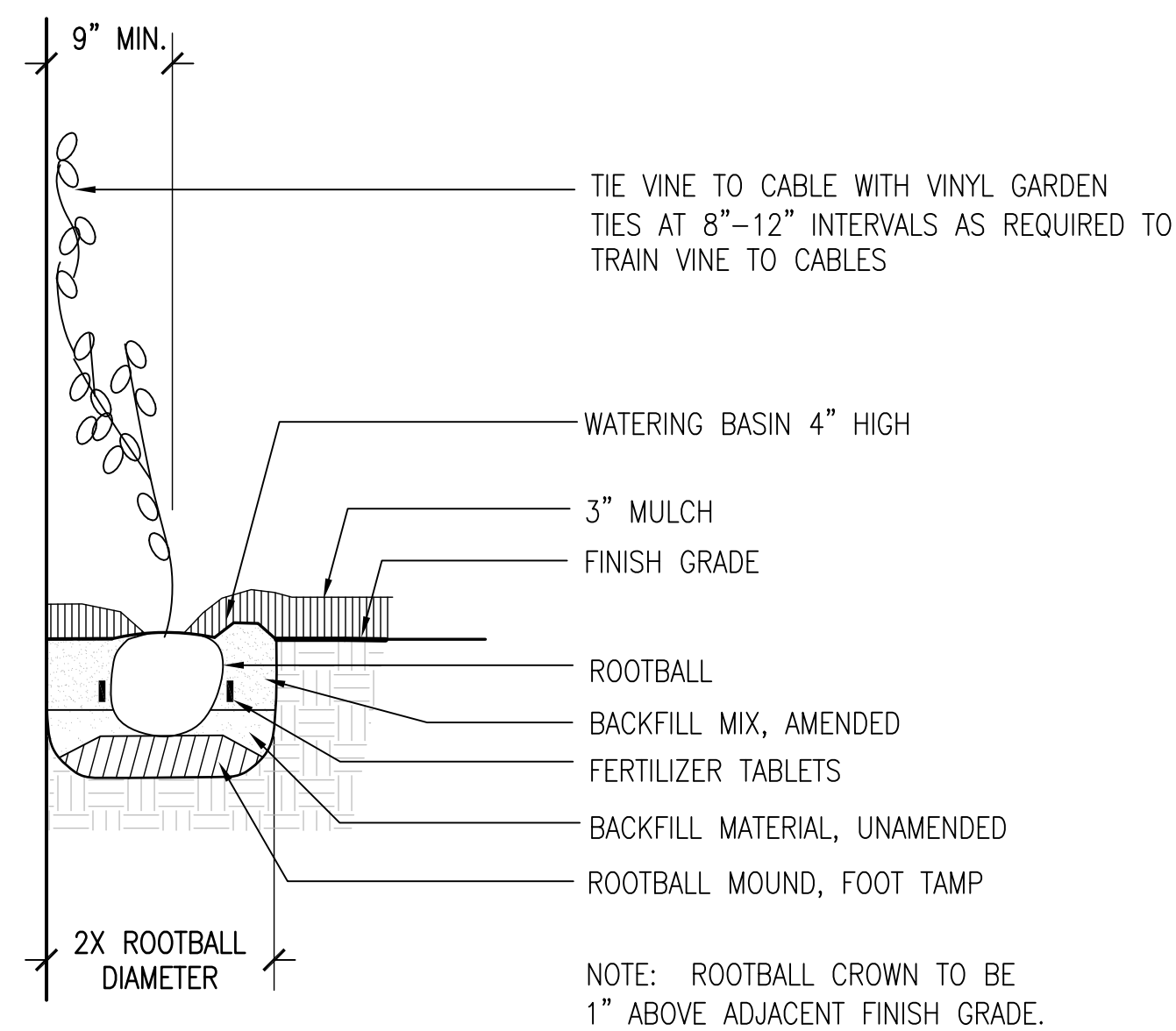
ALL DRAWINGS AND WRITTEN MATERIAL APPEARING HEREIN CONSTITUTE ORIGINAL AND UNPUBLISHED WORK OF THE ARCHITECT AND MAY NOT BE DUPLICATED, USED OR DISCLOSED WITHOUT WRITTEN CONSENT OF TRACHTENBERG ARCHITECTS.

JOB: 1919

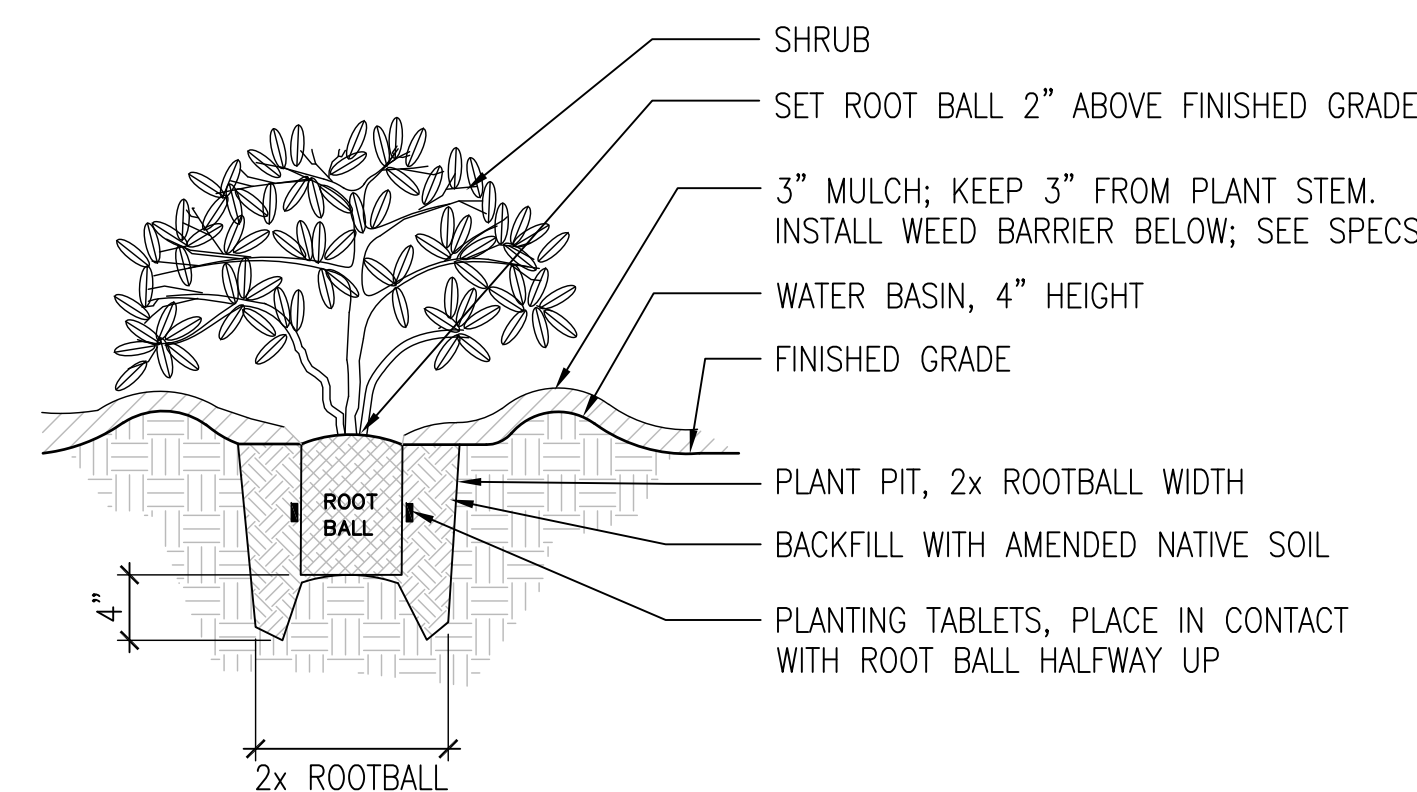
SHEET:

**PLANTING DETAILS,
SIXTH FLOOR /
ROOF DECK
PLANTING PLAN**

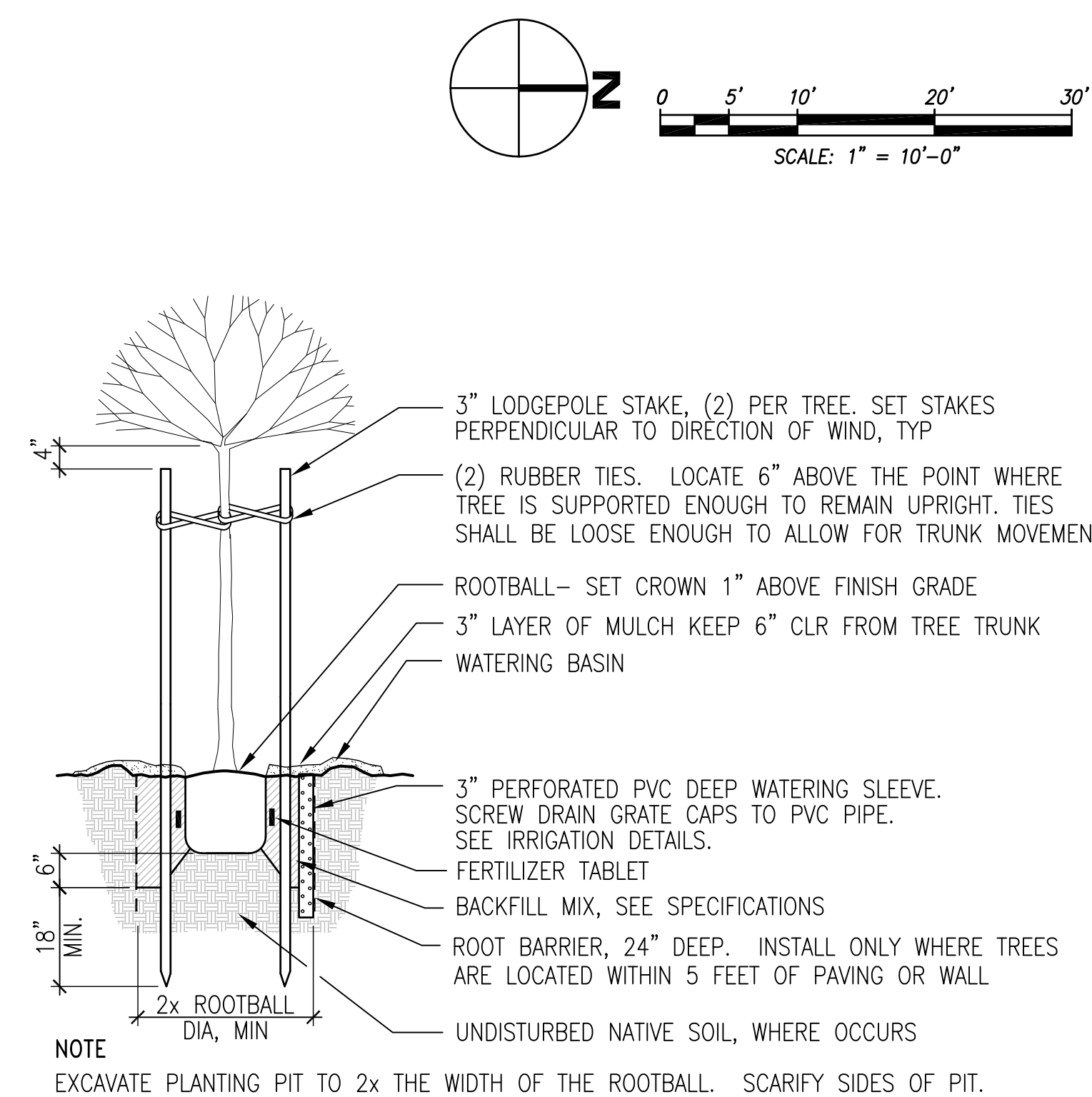
L - 8



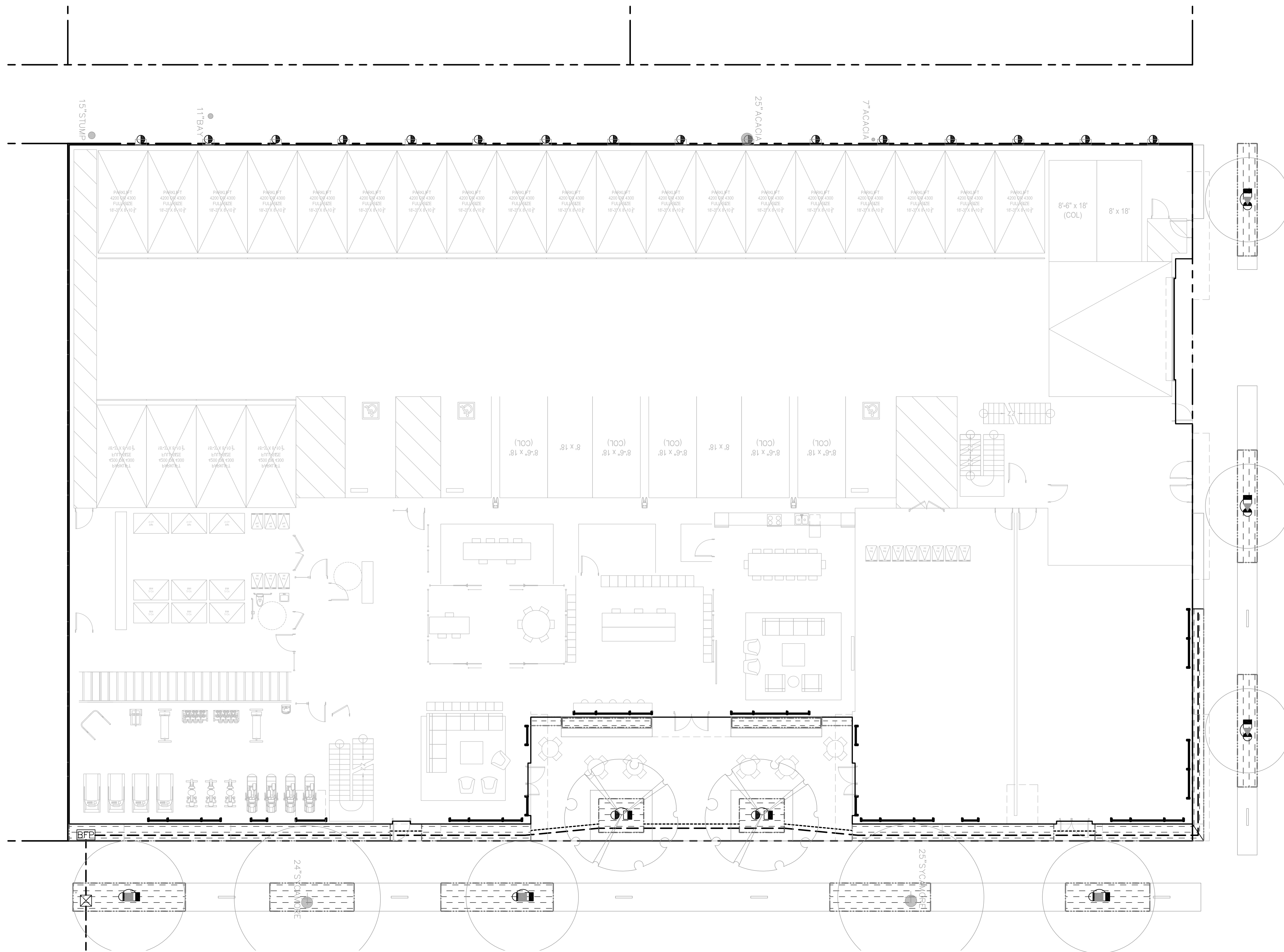
3 VINE PLANTING
SCALE: 1"=1'-0"



2 SHRUB PLANTING
SCALE: 1"=1'-0"



1 TREE PLANTING
SCALE: 1/2"=1'-0"

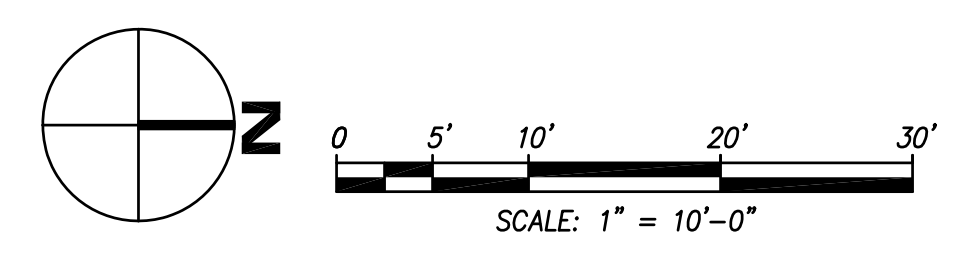


HARRISON STREET

IRRIGATION LEGEND		
KEY	MODEL NUMBER	DETAIL
POINT OF CONNECTION & IRRIGATION CONTROLLER		
☒	POINT OF CONNECTION	SCD & SEE MEP
☒	BACKFLOW PREVENTER ASSEMBLY	SCD
☐	EPA CERTIFIED SMART CONTROLLER	-
☒	WIRELESS RAIN & FREEZE SENSOR	-
VALVE		
☒	CV-XXXX SERIES, RCV	-
☒	LT-###-T LINE SIZE TYP (2" AND SMALLER)	-
☒	CARSON #1419 CHRISTY #N-9 (PAVING)	-
☒	*MODEL 500XLYSBR, PRESSURE REGULATOR WITH REDUCER, INSTALL ONLY WHEN PRESSURE ≥ 80 PSI	-
☒	HC-100-FLOW 1" FLOW SENSOR-METER	-
☒	2000 SERIES, 1-1/2"	-
IRRIGATION LINES		
—C—	COPPER K, LATERAL	SPD
—K—	COPPER K, MAINLINE	
---	NON-PRESSURE LATERAL IRRIGATION PIPE IN PLANTING AREA. PVC: SCHEDULE 40	-
---	PVC: CLASS 315 SCHEDULE 40	-
---	SLEEVE, PVC: CLASS 315	-
1/4", 1", 1 1/4", 1 1/2"	LATERAL SIZE	
1", 1 1/2", 2"	MAINLINE SIZE	
⊕	STATION NUMBER VALVE SIZE GALLONS PER MINUTE	
BUBBLER (TWO/TREE, ONE/VINE OR SHRUB TYPICAL)		
⊙	AFB	-
⊙	DEEP WATERING BUBBLER: RZWS-10-25-CV AT SHRUBS RZWS-18-25-CV AT TREES	-
DRIP IRRIGATION		
⊕	ICZ-101-LF-25 (0.5 TO 1.9 GPM) ICZ-101-25 (2.0 TO 19 GPM)	-
---	PVC TO DRIPPERLINE CONNECTION	-
⊕	VALVE CALLOUT W/ DRIP VALVE INFO: DRIP LINE MODEL # (GPH AND EMITTER SPACING) DRIP LINE SPACING (MAX)	-
---	DRIPPER LINE, PRESSURE REGULATED	-
---	MINI DRIPLINE FOR PRECAST PLANTER 1/4" TUBING	-

GENERAL IRRIGATION NOTES

- IRRIGATION SYSTEM TO BE FULLY AUTOMATIC WEATHER-BASED SYSTEM USING LOW FLOW DRIP AND BUBBLER DISTRIBUTION. NEW IRRIGATION IN ACCORDANCE WITH REGULATIONS OF THE CITY OF BERKELEY, EBMUD (EAST BAY MUNICIPAL UTILITY DISTRICT), AND THE STATE WATER ORDINANCE.
- NOTIFY LOCAL JURISDICTIONS FOR INSPECTION AND TESTING OF INSTALLED BACKFLOW PREVENTION DEVICE.
- THESE IRRIGATION DRAWINGS ARE DIAGRAMMATIC AND INDICATIVE OF THE WORK TO BE INSTALLED. ALL PIPING, VALVES, AND OTHER IRRIGATION COMPONENTS MAY BE SHOWN WITHIN PAVED AREAS FOR GRAPHIC CLARITY ONLY AND ARE TO BE INSTALLED WITHIN PLANTING AREAS. DUE TO THE SCALE OF THE DRAWINGS, IT IS NOT POSSIBLE TO INDICATE ALL OFFSETS, FITTINGS, SLEEVES, CONDUIT, AND OTHER ITEMS WHICH MAY BE REQUIRED. IN THE EVENT OF FIELD DISCREPANCY WITH CONTRACT DOCUMENTS, PLAN THE INSTALLATION WORK ACCORDINGLY BY NOTIFICATION AND APPROVAL OF THE OWNER'S AUTHORIZED REPRESENTATIVE AND ACCORDING TO THE CONTRACT SPECIFICATIONS. NOTIFY AND COORDINATE IRRIGATION CONTRACT WORK WITH APPLICABLE CONTRACTORS FOR THE LOCATION AND INSTALLATION OF PIPE, CONDUIT OR SLEEVES THROUGH OR UNDER WALL, ROADWAYS, PAVING AND STRUCTURES BEFORE CONSTRUCTION. IN THE EVENT THESE NOTIFICATIONS ARE NOT PERFORMED, THE CONTRACTOR ASSUMES FULL RESPONSIBILITY FOR REQUIRED REVISIONS.
- PIPE SIZING SHOWN ON THE DRAWINGS IS TYPICAL. AS CHANGES IN LAYOUT OCCUR DURING STAKING AND CONSTRUCTION THE SIZE MAY NEED TO BE ADJUSTED ACCORDINGLY.
- THE INTENT OF THIS IRRIGATION SYSTEM IS TO PROVIDE THE MINIMUM AMOUNT OF WATER REQUIRED TO SUSTAIN GOOD PLANT HEALTH.
- IT IS THE RESPONSIBILITY OF THE MAINTENANCE CONTRACTOR AND/OR OWNER TO PROGRAM THE IRRIGATION CONTROLLER TO PROVIDE THE MINIMUM AMOUNT OF WATER NEEDED TO SUSTAIN GOOD PLANT HEALTH. THIS INCLUDES MAKING ADJUSTMENTS TO THE PROGRAM FOR SEASONAL WEATHER CHANGES, PLANT MATERIAL, WATER REQUIREMENTS, MOUNDS, SLOPES, SUN, SHADE AND WIND EXPOSURE.
- THE IRRIGATION SYSTEM DESIGN IS BASED ON THE MINIMUM OPERATING PRESSURE SHOWN ON THE IRRIGATION DRAWINGS. VERIFY WATER PRESSURE PRIOR TO CONSTRUCTION. REPORT ANY DIFFERENCE BETWEEN THE WATER PRESSURE INDICATED ON THE DRAWINGS AND THE ACTUAL PRESSURE READING AT THE IRRIGATION POINT OF CONNECTION TO THE OWNER'S AUTHORIZED REPRESENTATIVE.
- CONTRACTOR SHALL BE RESPONSIBLE FOR SUPPLEMENTAL HAND WATERING OF ALL PLANT MATERIAL UNTIL THE PLANTS ARE SUFFICIENTLY ESTABLISHED.



TRACHTENBERG ARCHITECTS

2421 Fourth Street
Berkeley, California 94710
510.649.1414
www.TrachtenbergArch.com

JETT
LANDSCAPE ARCHITECTURE + DESIGN
CRLA #3335 · 2 Theatre Square #218 · Orinda CA · 94563
925.254.5422 · www.jett.land

**1200-1214
SAN PABLO
AVENUE**

Berkeley, CA 94706

12.02.2019 ZONING SUBMITTAL
02.03.2020 ZONING RESUBMITTAL
04.01.2020 ZONING RESUBMITTAL

JOB: 1919

SHEET:
**GROUND FLOOR
IRRIGATION PLAN**

L - 9

2421 Fourth Street
Berkeley, California 94710
510.649.1414
www.TrachtenbergArch.com

JETT
LANDSCAPE ARCHITECTURE + DESIGN
CRLA #3335 · 2 Theatre Square #218 · Orinda CA · 94563
925.254.5422 · www.jett.land

**1200-1214
SAN PABLO
AVENUE**

Berkeley, CA 94706

12.02.2019 ZONING SUBMITTAL

02.03.2020 ZONING RESUBMITTAL

04.01.2020 ZONING RESUBMITTAL

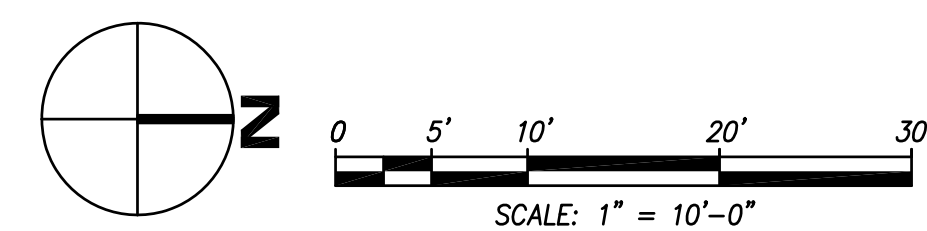
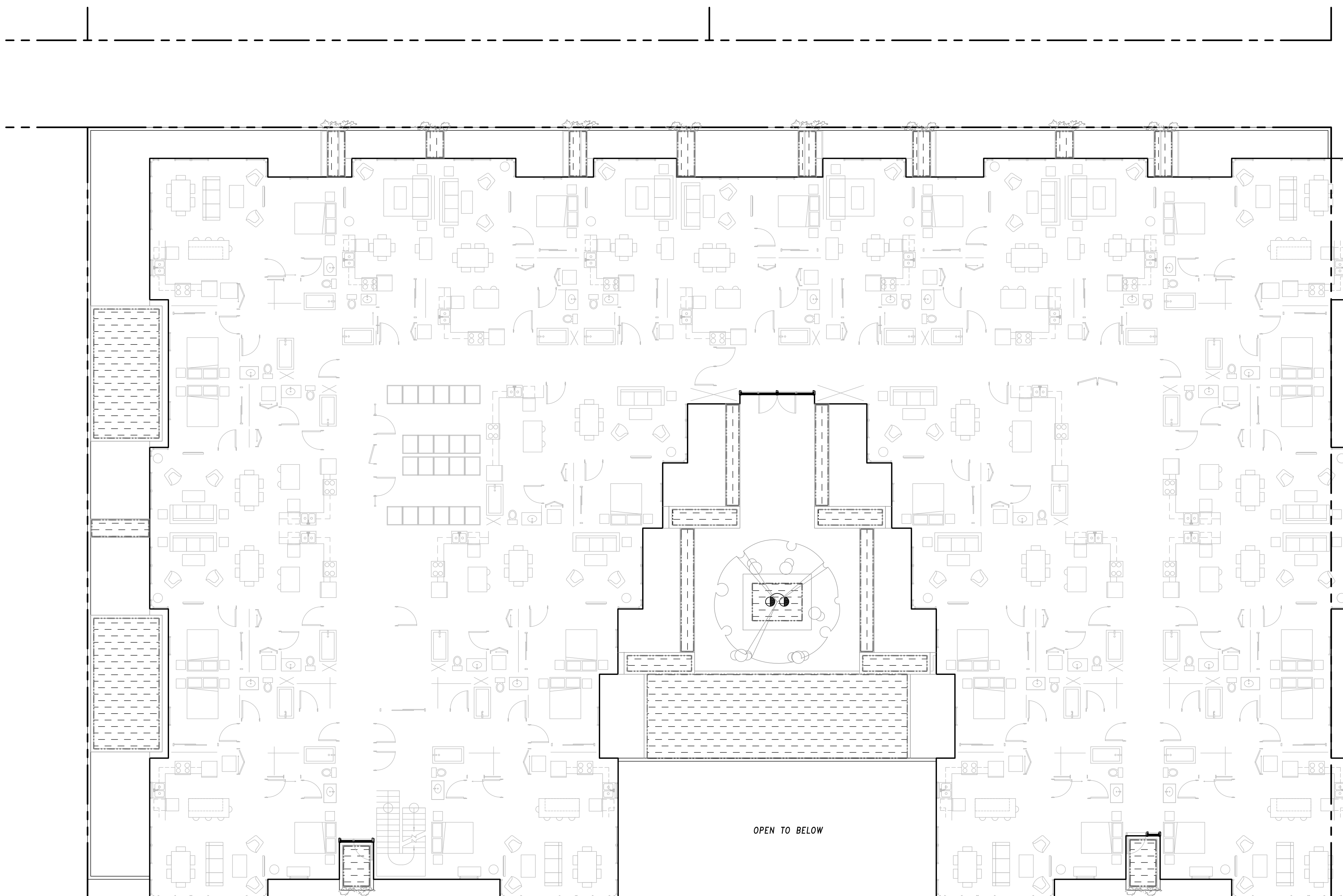
ALL DRAWINGS AND WRITTEN MATERIAL APPEARING
HEREIN CONSTITUTE ORIGINAL AND UNPUBLISHED
WORK OF THE ARCHITECT AND MAY NOT BE
DUPLICATED, USED OR DISCLOSED WITHOUT WRITTEN
CONSENT OF TRACHTENBERG ARCHITECTS.

JOB: 1919

SHEET:

**SECOND FLOOR
IRRIGATION PLAN**

L - 10



2421 Fourth Street
Berkeley, California 94710
510.649.1414
www.TrachtenbergArch.com

JETT
LANDSCAPE ARCHITECTURE + DESIGN
CRLA #3335 - 2 Theatre Square #218 - Orinda CA - 94563
925.254.5422 - www.jett.land

**1200-1214
SAN PABLO
AVENUE**

Berkeley, CA 94706

12.02.2019 ZONING SUBMITTAL

02.03.2020 ZONING RESUBMITTAL

04.01.2020 ZONING RESUBMITTAL

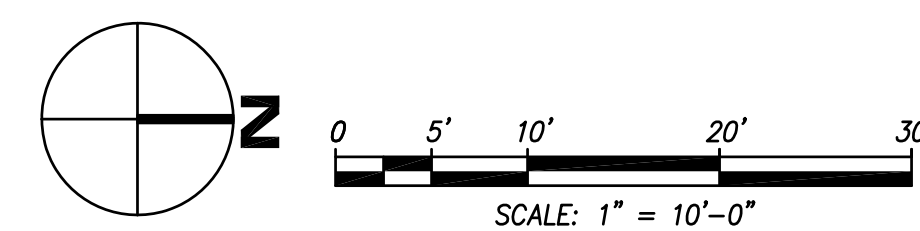
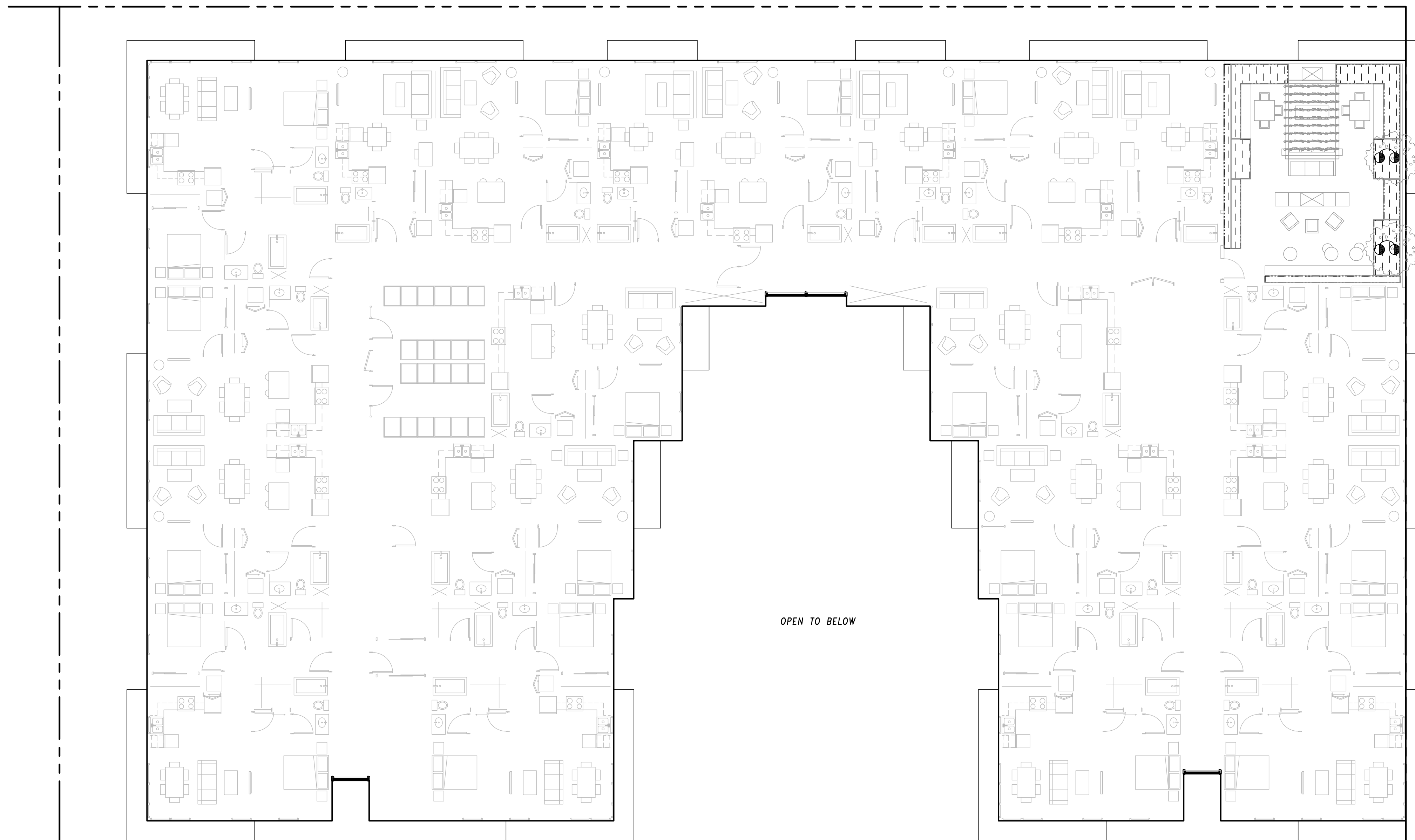
ALL DRAWINGS AND WRITTEN MATERIAL APPEARING
HEREIN CONSTITUTE ORIGINAL AND UNPUBLISHED
WORK OF THE ARCHITECT AND MAY NOT BE
DUPLICATED, USED OR DISCLOSED WITHOUT WRITTEN
CONSENT OF TRACHTENBERG ARCHITECTS.

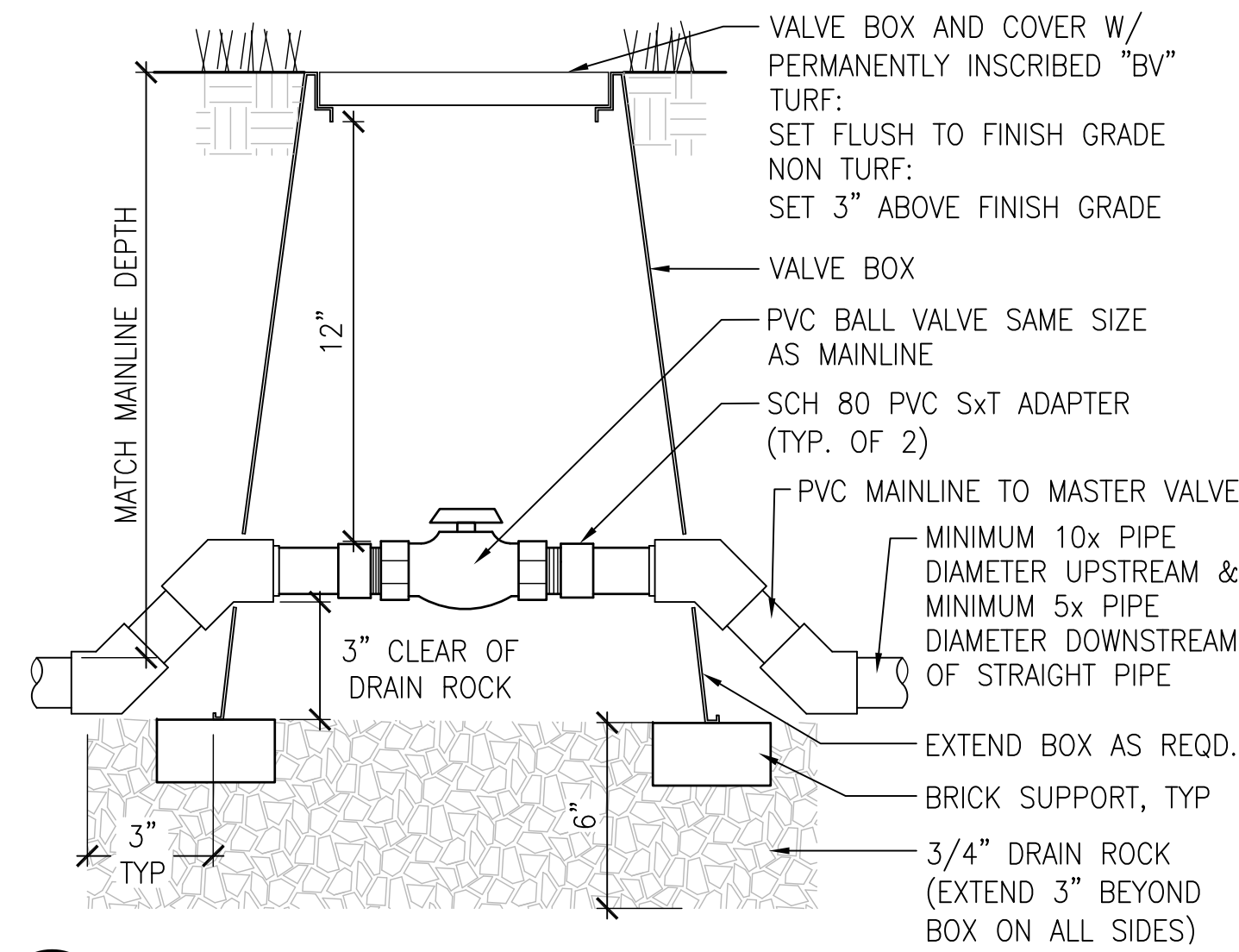
JOB: 1919

SHEET:

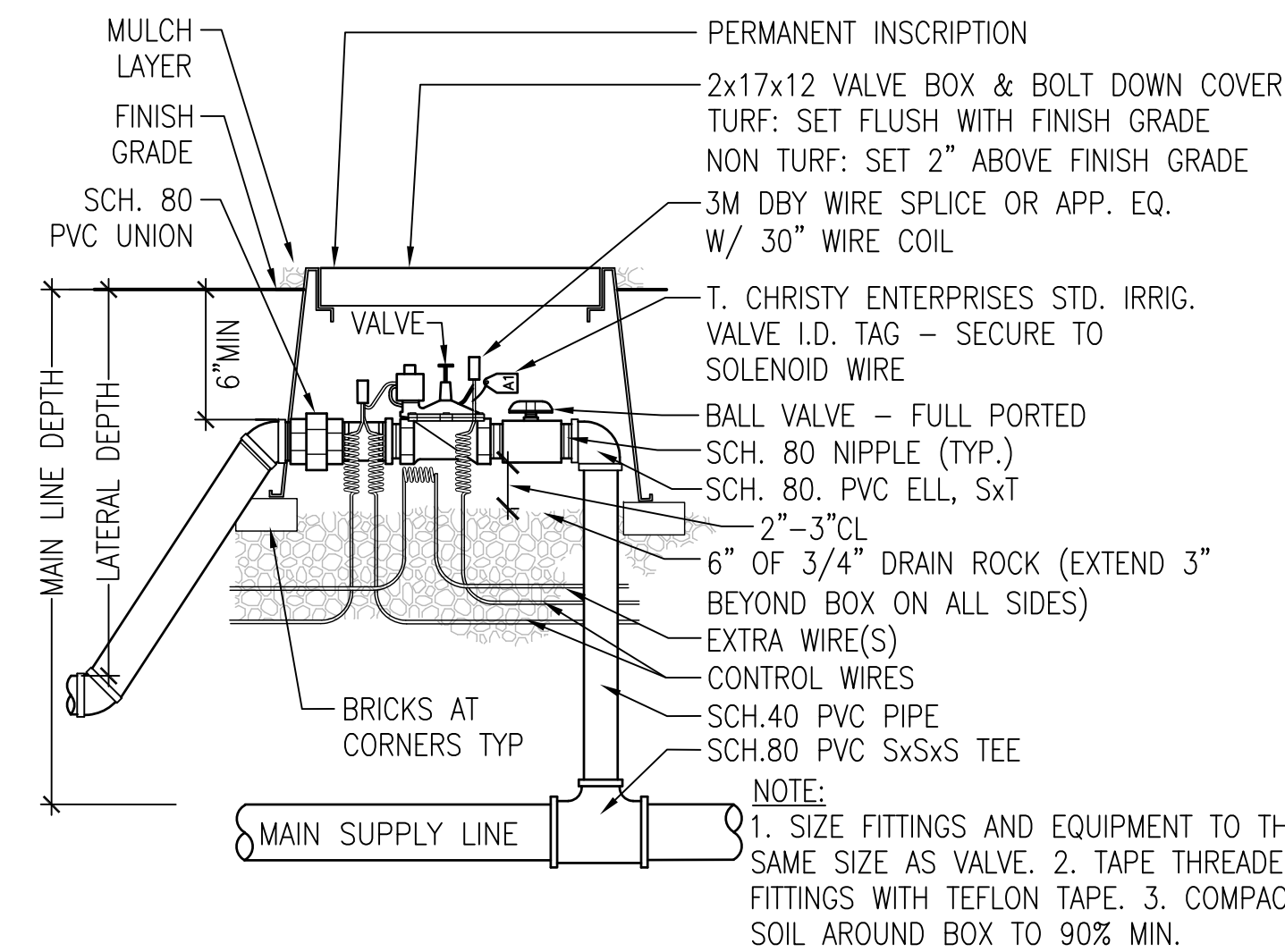
**SIXTH FLOOR /
ROOF DECK
IRRIGATION PLAN**

L - 11

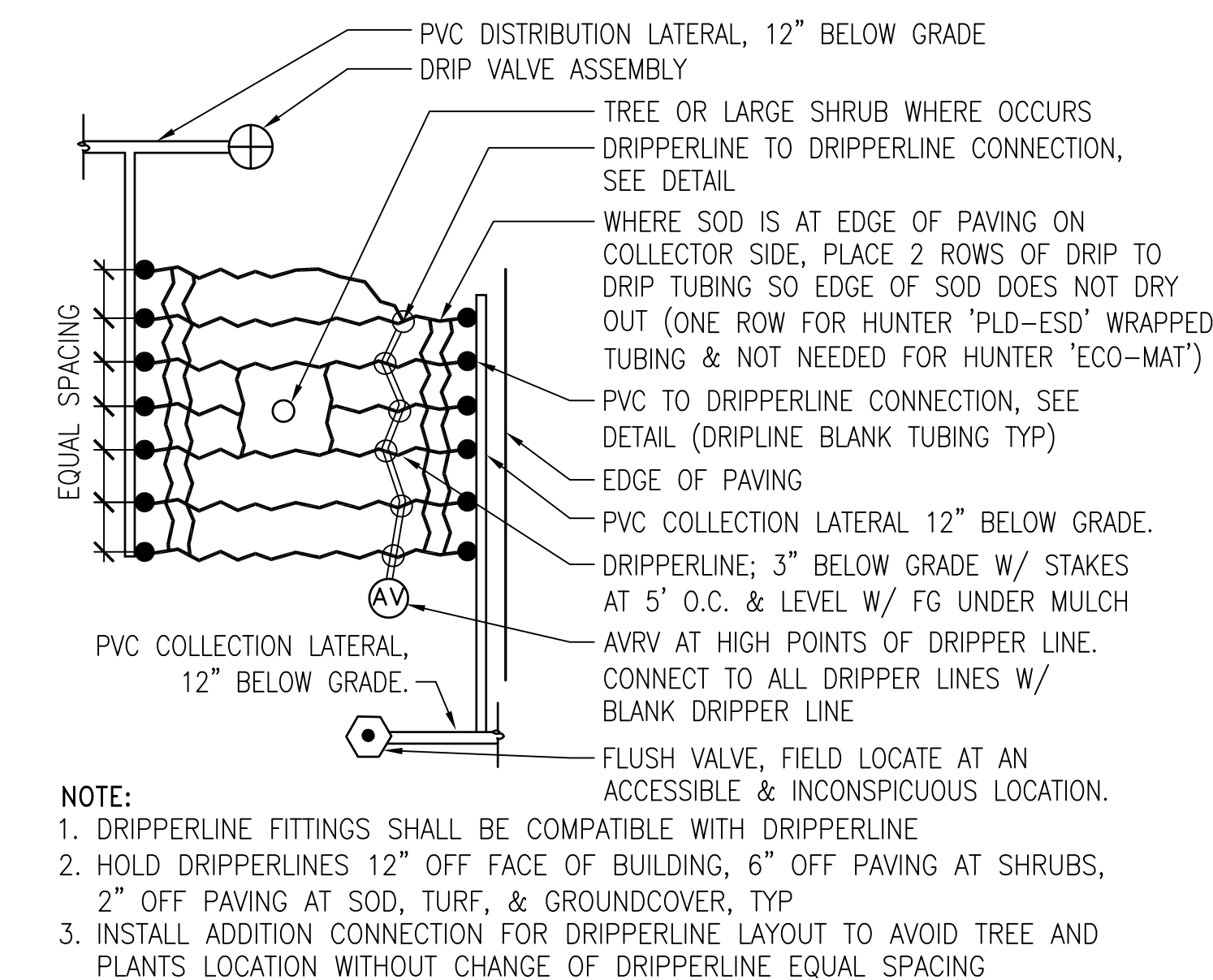




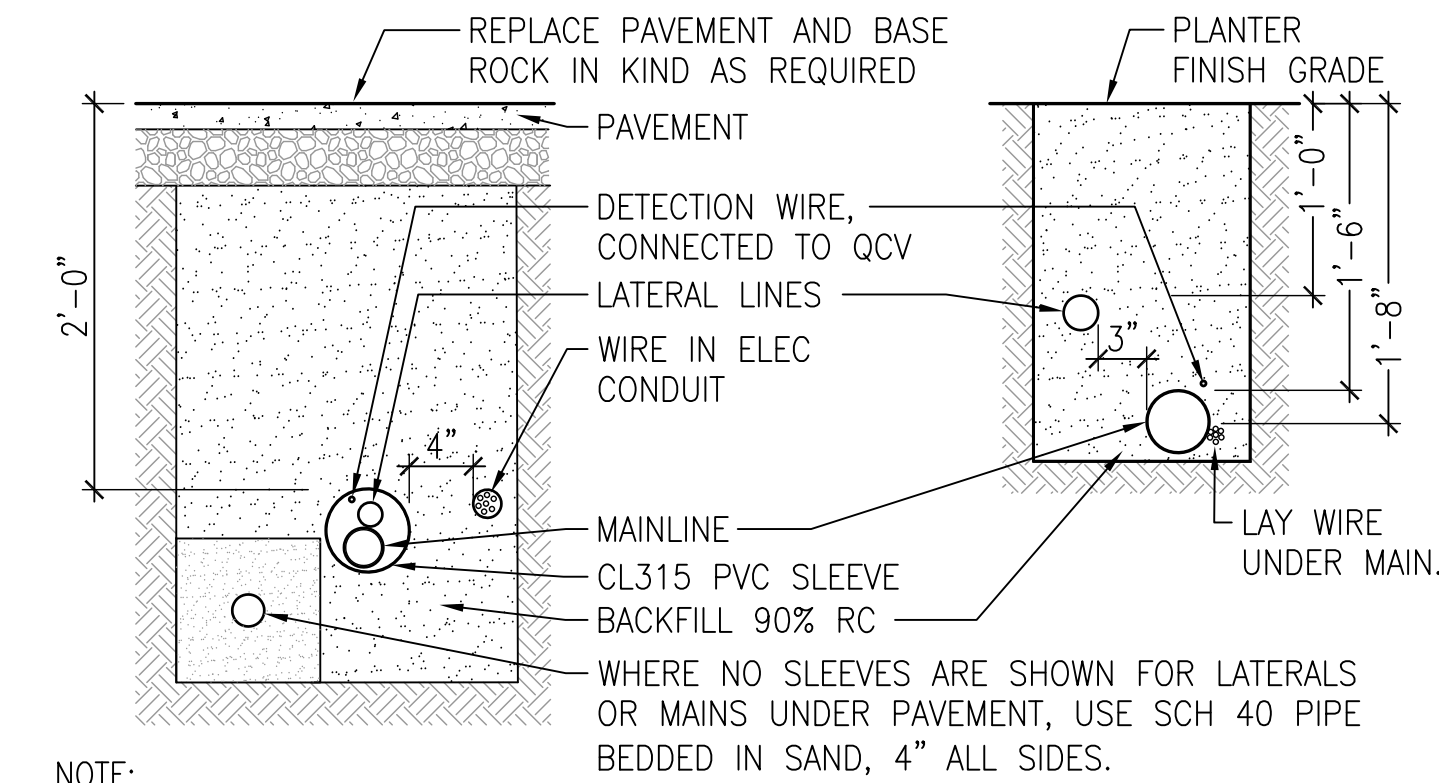
4 BALL VALVE
SCALE: 3"=1'-0"



5 REMOTE CONTROL VALVE
SCALE: 1-1/2"=1'-0"

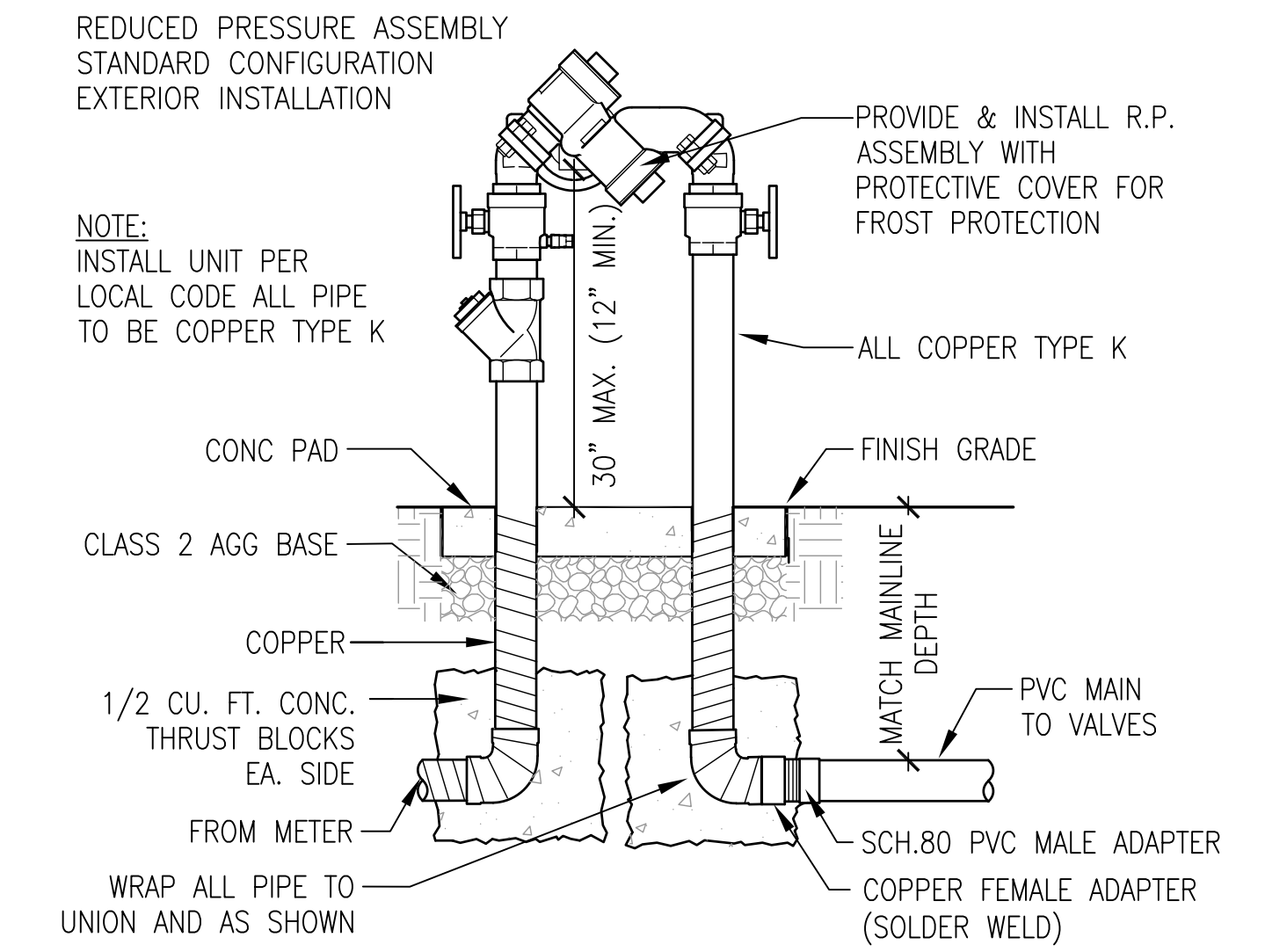


6 DRIP SYSTEM LAYOUT
SCALE: 3/4"=1'-0"

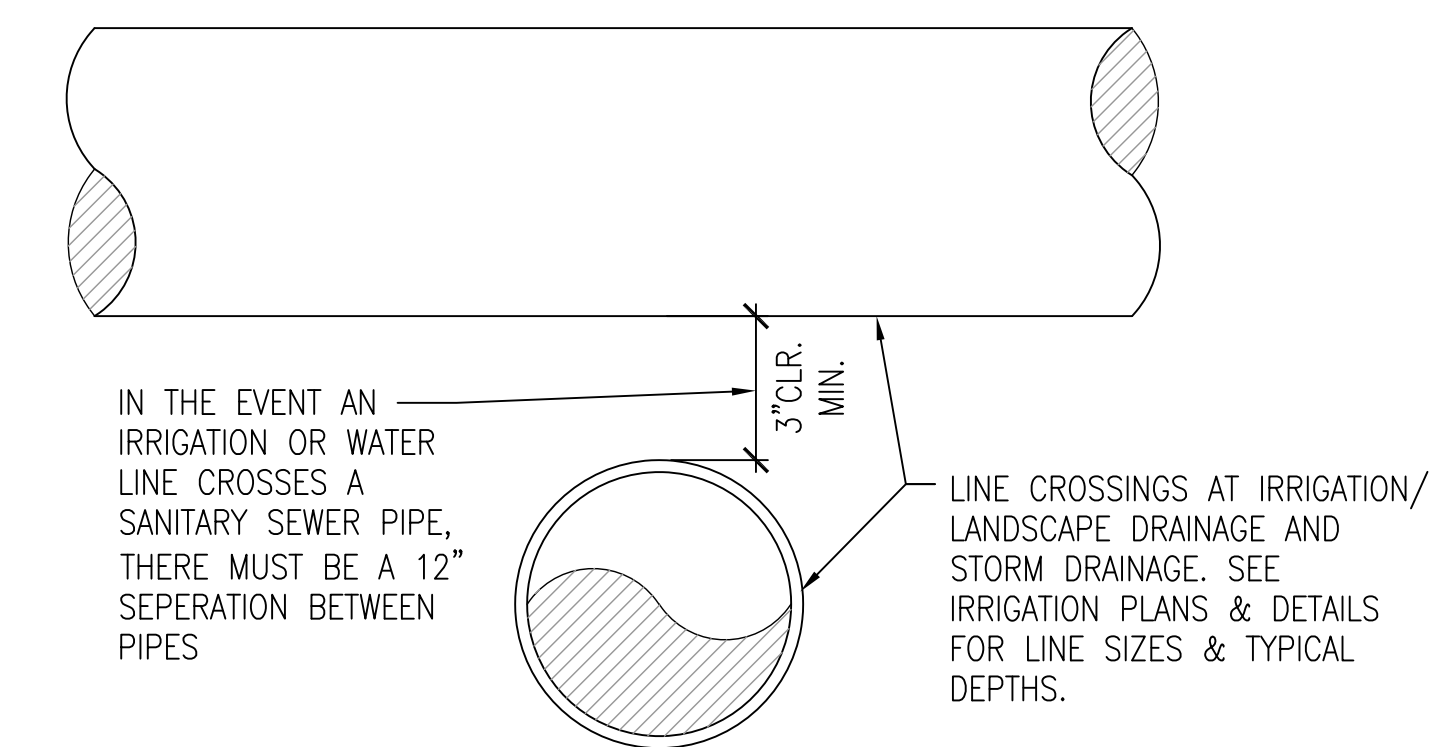


- NOTE:**
1. TIE A LOOSE 20" LOOP IN WIRE AT CHANGES IN DIRECTION AND AT INTERVALS OF 100'.
 2. INSTALL PIPE, WIRE AND SLEEVES UNDER PAVEMENT PRIOR TO PLACEMENT OF PAVEMENT AND MINIMUM OF 24" DEEP.
 3. BUNDLE AND TAPE WIRE AT 10' INTERVALS.
 4. SOIL BACKFILL TO BE FREE OF ROCK, DIRT CLODS, AND DEBRIS GREATER THAN 1/2" DIAMETER WITHIN 4" OF PIPE.
 5. ALTERNATE: BACKFILL WITH SAND IMPORT.

1 TRENCH
SCALE: 1"=1'-0"



2 BACKFLOW PREVENTER ASSEMBLY
SCALE: 1"=1'-0"



3 TYPICAL UTILITY CROSSING
SCALE: 3"=1'-0"

2421 Fourth Street
Berkeley, California 94710
510.649.1414
www.TrachtenbergArch.com

JETT
LANDSCAPE ARCHITECTURE + DESIGN
CRLA #3335 · 2 Theatre Square #218 · Orinda CA · 94563
925.254.5422 · www.jett.land

**1200-1214
SAN PABLO
AVENUE**

Berkeley, CA 94706

- 12.02.2019 ZONING SUBMITTAL
- 02.03.2020 ZONING RESUBMITTAL
- 04.01.2020 ZONING RESUBMITTAL

ALL DRAWINGS AND WRITTEN MATERIAL APPEARING HEREIN CONSTITUTE ORIGINAL AND UNPUBLISHED WORK OF THE ARCHITECT AND MAY NOT BE DUPLICATED, USED OR DISCLOSED WITHOUT WRITTEN CONSENT OF TRACHTENBERG ARCHITECTS.

JOB: 1919

SHEET:

**IRRIGATION
DETAILS AND
CALCULATION**

L - 12

RECEIVED

DEC 08 2020

CITY OF BERKELEY
CITY CLERK DEPARTMENT

Dear Berkeley City Council Members,

We are the potential neighbors of the 104 unit development at 1200-1214 San Pablo Ave. and are writing to appeal the parking waiver that reduced the project's required residential parking spaces to 49.

Forty Nine spaces for 104 units is woefully inadequate for the realities of what will be needed by the residents. As a result, street parking will be needed, and rather than park on the commercial/industrial and less safe streets west of San Pablo, parking will be sought in the residential neighborhood to the east(Kains, Stannage, Harrison and Gilman streets).

It's an area that is already impacted by employees from the nearby Whole Foods and other local businesses looking for free unmetered parking during the day, making it harder and harder for homeowners and renters to find a place to park near where they live.

The parking study submitted for the development states that the on street parking occupancy rate for the streets within 2 blocks of the development is 46% between 6 and 8 pm. While that may be true for the unsafe and metered spots in the area, a drive through the residential streets on any evening will reveal what the residents have known for years: parking on the blocks where we live is getting increasingly hard to find.

In addition to the parking impact, the increased congestion of cars searching for parking will make the streets less safe, especially for the many families who are raising young children.

As more and more of these multi unit developments sprout up along San Pablo(there has been a long gestating multi unit project proposed across the street at 1201 San Pablo) we feel it's important to realistically consider the impact they will have on long existing neighborhoods and the people that reside in them.

We're asking that you reverse the waiver granted for the 49 spaces and hold the project to the already greatly reduced total of 67.

Sincerely

Dan Hayes DAN HAYES 1116 HARRISON 415-203-4885
Elise Obolensky Elise Obolensky 1116 Harrison 415-596-9125
Doris Faroli Doris Faroli 1123 HARRISON
Peter Hoffman Peter Hoffman 1123 HARRISON
Daniel Aron DANIEL ARONEN 1214 KAINS AVE
Dani Rozman Dani Rozman 1219 Kains

~~Manuela~~ Manuela Delnevo 1219 Kains Ave

~~T. McDonald~~ T. McDonald 1226 Kains Ave

Karen L. Gosling Karen L. Gosling 1228 Kains Ave

April Lee 1232 Kains Ave

~~KBS~~ Katrin B Snow 1219 Kains Ave (Unit #2)

T S Walters TERRY WALTERS 1223 KAINS Ave

~~Debra~~ DEBRA CULLIS 1234 KAINS AVE

~~Stanley~~ C Stanley 1230 Kains Ave

~~Paul Mansley~~ Paul Mansley 1236 Kains

~~Carman Teague~~ Carman Teague 1237 Kains

Erica Maier D'Ambrosio Erica Maier D'Ambrosio 1121 Gilman St.

Brett D'Ambrosio Brett D'Ambrosio 1121 Gilman St.

Vincenzo D'Ambrosio Vincenzo D'Ambrosio 1121 Gilman St.

Margaret Pitt Richard M. Pitt 1231 Kains Ave.

W

GW Gabriel Winer 1112 Harrison St

JF Terri Fashing 1112 Harrison St.

SK Segen Ketema 1204 Kains Ave

Sal Semamesh-Debrezion - 1204 KAIN'S AVE

SM Shahm Ketema - 1204 Kains Ave

Fiona Rhea Fiona Rhea - 1223 Kains Ave.

ASB Susan Alderman 1209 Kains Ave

SK Steve Kosach 1209 Kains Ave

Yvette Bozzini Yvette Bozzini 1110 Harrison St. 94706

ybozzini@earthlink.net

Karen Wheeler 1117 Harrison St

Maack Fung 1117 Harrison St

John S Nebish Subedi 1213 San Pablo Ave APT 102


~~John S~~ 1213 San Pablo Ave #209

Henry Burditt 1213 San Pablo #209

June Raway - June Rivera 1213 San Pablo Ave #201
Berkeley, CA 94706

Louise O'Connor Louise O'Connor 1060 Harrison St
(Walsh Bros) Berkeley, Ca 94710

JUSTIN DORSET 1201 TENTH ST. BERKELEY, CA. 94710
(DORSET FINDS)

CHRISTINA TUNMAN 1196 Kains Ave, Berkeley, CA 94706


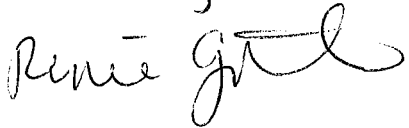
 DANIEL W CORVELLO 1222 KAINS AVE. 94706

MME Mulvihill Mary Mulvihill 1205 Kains Ave 94706

David Smith David A Smith 1205 Kains Ave 94706

MICHAEL KETEMAT  1204 Kains Ave. Berkeley 94706

KARLO NG Karlo Ng 1229 KAINS AVE, BERKELEY 94706

Renee Gentler  1217 Kains Ave,
Berkeley, CA



Z O N I N G A D J U S T M E N T S B O A R D S T A F F R E P O R T

FOR BOARD ACTION
NOVEMBER 12, 2020

1200-1214 San Pablo Avenue

Use Permit #ZP2019-0192 to demolish three existing commercial buildings and construct a six-story, mixed-use building with 104 units (including nine Very Low Income units), a 3,119-square-foot restaurant, 4,343 square feet of usable open space, and 55 ground-level parking spaces.

I. Background

A. Land Use Designations:

- General Plan: AC – Avenue Commercial
- Zoning: C-W–West Berkeley Commercial District, Gilman and San Pablo Designated Node

B. Zoning Permits Required:

- Use Permit under BMC §23C.08.050.C to demolish two existing non-residential buildings
- Use Permit under BMC §23E.64.030.A, to construct a mixed-use development with floor area of more than 9,000 square feet
- Use Permit under BMC §23E.64.030.A, to construct new dwelling units
- Administrative Use Permit under BMC §23E.64.030.A, to create a food service establishment that is over 1,500 square feet in area
- Use Permit under BMC §23E.64.050.B, to create new gross floor area of 5,000 square feet or more

C. Waivers/Reductions Pursuant to State Density Bonus Law:

- Waiver of BMC §23E.64.070.A to increase maximum FAR from 3 to 4
- Waiver of BMC §23E.64.070.B to increase maximum building height from 50'-0" to 67'-3"
- Waiver of BMC §23E.64.070.B to increase maximum number of stories – from 4 to 6
- Waiver of BMC §23E.64.080.B to reduce the residential parking requirement from 67 to 49 spaces
- Waiver of BMC §23E.04.020.C to construct rooftop projections up to 15%, such as mechanical appurtenances or architectural elements which exceed the maximum height limit for the district

- Request under Government Code, §65915(p)(2) to reduce the residential parking ratio from one space per dwelling to 0.5 spaces per bedroom, yielding a requirement of 67 spaces, instead of 104 spaces

D. CEQA Recommendation: It is staff's recommendation to ZAB that the project is categorically exempt pursuant to §15332 ("In-Fill Development Projects") of the CEQA Guidelines. The determination is made by ZAB.

The project meets all of the requirements of this exemption, as follows:

- The project is consistent with the applicable General Plan designation and policies, and with the applicable zoning designation and regulations.
- The project occurs within the Berkeley City limits on a project site of no more than five acres, and is surrounded by urban uses.
- The parcels within the project site have previously been developed and have no value as habitat for endangered, rare or threatened species.
- The project would not result in any significant effects relating to traffic, noise, air quality or water quality. The Traffic Impact Analysis prepared for the project was reviewed by City Transportation Division which concurred with the findings of less than significant impacts. Standard Conditions of Approval would address potential impacts related to traffic, noise, air quality, and water quality.
- The site can be adequately served by all required utilities and public services.

Furthermore, none of the exceptions in CEQA Guidelines §15300.2 apply, as follows: (a) the site is not located in an environmentally sensitive area, (b) there are no cumulative impacts, (c) there are no significant effects, (d) the project is not located near a scenic highway, (e) the project site is not located on a hazardous waste site pursuant to Government Code §65962.5, and (f) the project would not affect any historical resource. See Section III.E for discussion of the project's CEQA review.

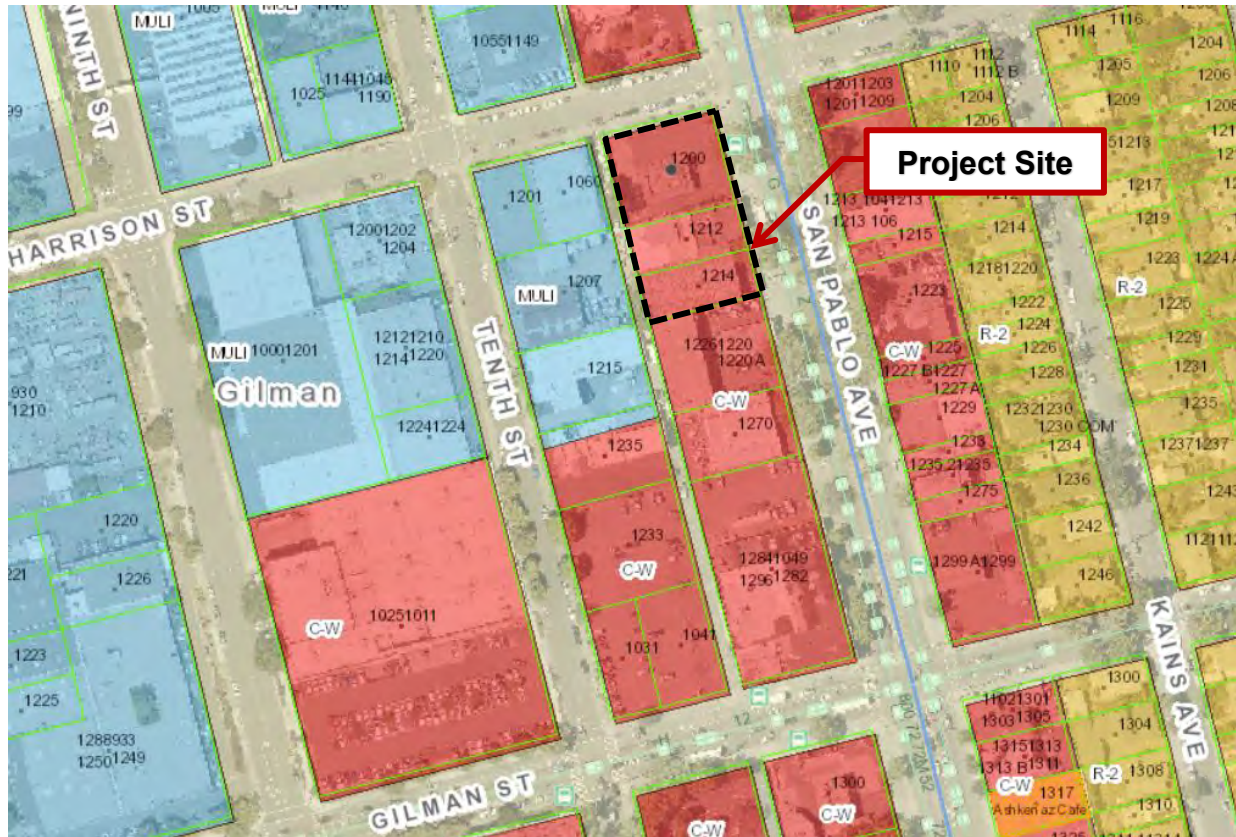
E. Parties Involved:

- Applicant Isaiah Stackhouse, Trachtenberg Architects, 2421 Fourth Street, Berkeley, CA 94710
- Property Owner RI Berkeley, 2025 Fourth Street, Berkeley, CA 94710


F. Application Materials, Staff Reports and Correspondence are available on the Internet:

https://www.cityofberkeley.info/Planning_and_Development/Zoning_Adjustment_Board/1200_San_Pablo_ZP2019-0192.aspx

Figure 1: Zoning Map



Legend

-  AC Transit Bus Route
- C-W: West Berkeley Commercial District
- MU-LI: Mixed Use-Light Industrial District
- R-2: Restricted Two-Family Residential District

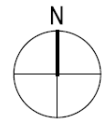


Figure 2: Vicinity Map

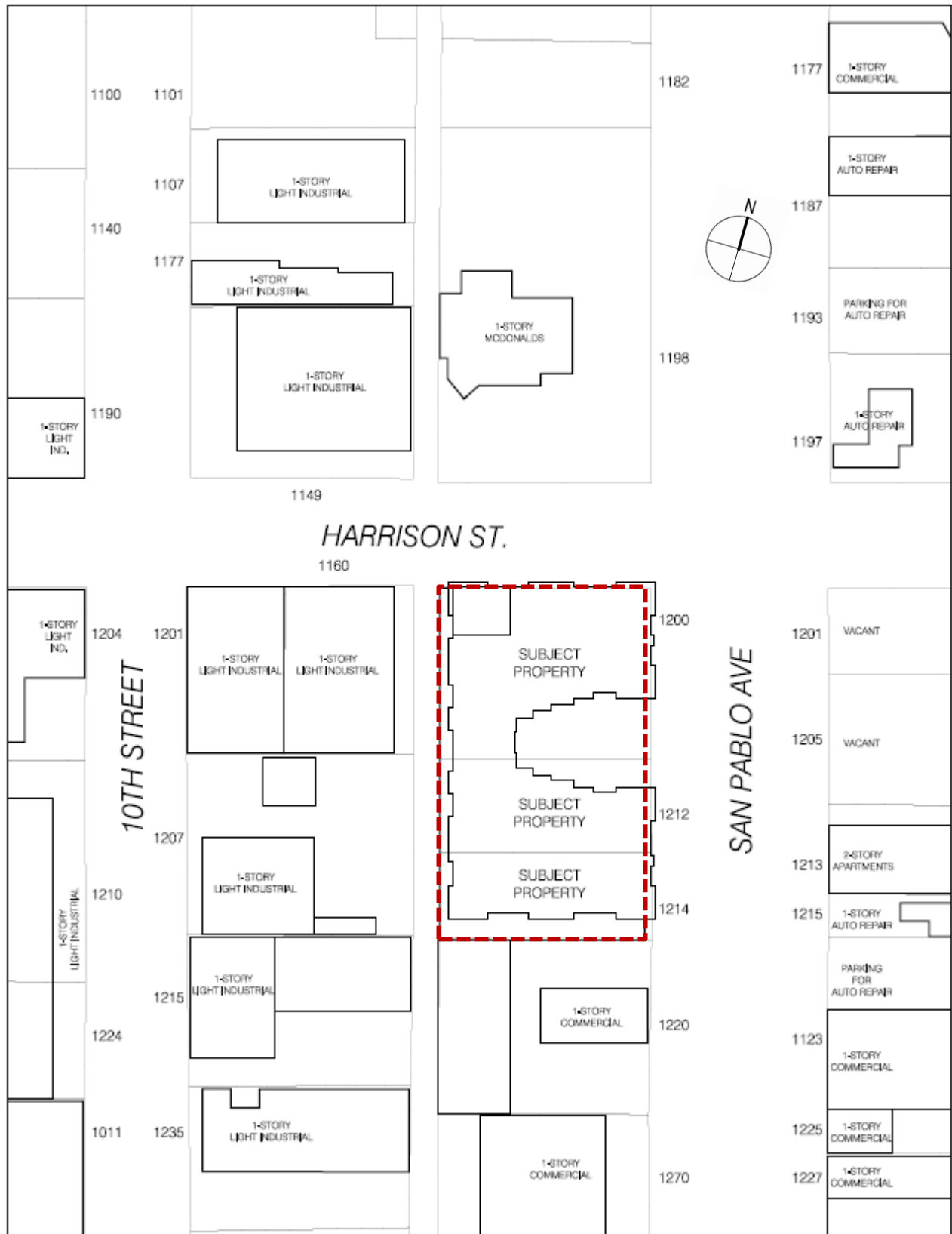


Table 1: Land Use Information

Location		Existing Use	Zoning District	General Plan Designation
Subject Property		Tattoo Parlor/Art Gallery/ Fast Food Restaurant (vacated)	C-W	AC
Surrounding Adjacent Properties	North	Fast Food Restaurant (McDonald's)		
	East	Vacant Land (B2019-05125 for 27-unit mixed-use building)		
	South	Retail Food Market (Tokyo Fish Market)		
	West	Auto Repair/General Contractor/Art Studios		

Table 2: Special Characteristics

Characteristic	Applies to Project?	Explanation
Affordable Child Care Fee & Affordable Housing Fee for qualifying non-residential projects (Per Resolutions 66,618-N.S. & 66,617-N.S.)	No	This fee applies to projects with more than 7,500 square feet of net new non-residential gross floor area. The project includes 3,119 square feet of new, and no net new non-residential gross floor area. Therefore, the project would not be subject to the fee.
Affordable Housing Fee for qualifying non-residential projects (Per Resolution 66,617-N.S.)		
Affordable Housing Mitigations for rental housing projects (Per BMC 22.20.065)	Yes	The project would include five or more market rate dwelling units and is therefore subject to the affordable housing provisions of BMC 22.20.065.
Alcohol Sales/Service	No	The project is not proposing alcohol sales or service with this permit.
Coast Live Oaks	No	There are no oak trees on the project site.
Creeks	No	The project site is not within a creek buffer.
Density Bonus	Yes	The project would provide 9 Very Low Income units, or 11% of the Base Project units, and qualifies for a 35% density bonus, or 27 bonus units. See Section III.B for discussion.
Green Building Score	Yes	The Greenpoint Checklist minimum score is 50, and the maximum is 404. The project achieves a score of 112.

Characteristic	Applies to Project?	Explanation
Historic Resources	No	Historic resource evaluations prepared by historic architect Mark Hulbert (February 2018, October 2019) concluded that none of the subject parcels contain resources pursuant to CEQA. In accordance with BMC Section 23C08.050.C, the LPC completed the demolition referrals for all three parcels on April 5, 2018 and July 2, 2020, and took no action to initiate these properties for local register consideration. However, the LPC has forwarded certain recommendations to ZAB for its consideration of the proposed development. See Section IV.B for discussion.
Housing Accountability Act (Govt. Code 65589.5(j))	Yes	The project is a "housing development project" consisting of a mixed-use building, and requests no modifications to development standards beyond waivers and concessions requested under density bonus law. Therefore, the HAA findings apply to this project, and the project cannot be denied at the density proposed unless the findings for denial can be made. See Section III.D for discussion.
Public Art on Private Projects (BMC Chapter 23C.23)	Yes	The project is subject to the Percentage for Public Art on Private Projects Ordinance. The applicant is electing to pay the fee (0.8% of total building permit valuation) to comply.
Rent Controlled Units	No	There are no rent-controlled units in the existing commercial buildings to be demolished.
Residential Preferred Parking	No	The site is not located in an RPP zone.
Seismic Hazards (SHMA)	No	The project site is located in an area susceptible to liquefaction, as defined by the State Seismic Hazards Mapping Act (SHMA). The applicant has submitted a geotechnical report that has been peer reviewed by the City's consultant. Conditions of approval have been included in the permit to ensure oversight by the applicant's geotechnical consultant.
Soil/Groundwater Contamination	Yes	The project site is located within the City's Environmental Management Area. The applicant has submitted a Phase II report. See Section III.D for discussion.
Transit	Yes	The project site is served by multiple bus lines (local, rapid, and transbay) that operate along San Pablo Avenue, and is approximately 1.3 miles from the North Berkeley BART Station.

Table 3: Project Chronology

Date	Action
December 2, 2019	Application submitted
December 31, 2019	Application deemed incomplete
February 6, 2020	Revised application submitted
March 6, 2020	Application deemed incomplete
March 16, 2020	Shelter In Place Order issued
April 3, 2020	Revised application submitted
May 6, 2020	Application deemed complete
July 2, 2020	LPC demolition referral
October 15, 2020	DRC Preliminary Design Review
October 29, 2020	Public hearing notices mailed/posted
November 12, 2020	ZAB Hearing

Table 4: Development Standards

C-W Standards, BMC §23E.64.070-080		Existing	Proposed	Permitted/Required
Lot Area (sq. ft.)		24,800	24,800	n/a
Gross Floor Area (sq. ft.)		12,400	99,233	n/a
Commercial Floor Area (sq. ft.)		12,400	3,119	n/a
FAR		0.5	4	3
Dwelling Units		0	104	n/a
Building Height	Average	Approx. 16'	67'-3"	50' max./ 25' min. (in node)
	Maximum	Approx. 18'	67'-3"	n/a
	Stories	1	6	4 max. 2 min. (in node)
Building Setbacks	Front (Harrison)	Approx. 48'	0'-0"	0' min.
	Rear	0'	0'-0"	0' min.
	Left Side (San Pablo)	Approx. 0' to 51'	0'-0"	0' min.
	Right Side (alley)	Approx. -3' * to 30'	0'-0"	0' min.
Lot Coverage (%)		50	93	n/a
Usable Open Space (sq. ft.)		n/a	4,343	4,160 min. (40 s.f./d.u.)
Parking	Commercial (3,119 sq. ft.)	11	6	6 min. (2 spc/1,000 s.f.)
	Residential	0	49 ¹	67 min. (0.5 spc/bedroom) ²
	Total	11	55	73
Bicycle Parking		0	48/14 (long term/short term)	4 ³ (1 spc/2,000 s.f. commercial)
<p>■ = Waiver requested to modify the district standard.</p> <p>*Existing building encroaches 3 feet into public right of way.</p> <p>¹ A reduction under Government Code, §65915(p)(2) is taken to reduce the parking requirement from 104 to 67 (see table footnote 2 below), as well as a waiver under §65915(e), to reduce further to 49 spaces.</p> <p>² Per the C-W District requirements, the project is required to provide 1 space per dwelling. However, Density Bonus regulations (Government Code §65915(p)(2)) limit the amount of automobile parking spaces the City can require to 0.5 spaces per bedroom if a project meets certain criteria. Because the proposed project would have a total of 133 bedrooms, the City can require a maximum of 67 residential parking spaces (0.5 per bedroom).</p> <p>³ Currently there is no bicycle parking requirement for residential use. However, the Transportation Division provides recommended bike parking ratios of 1 long term space per 3 bedrooms and 1 short term space per 40 bedrooms, which yield the amounts shown in the table for 133 bedrooms in the building.</p>				

II. Project Setting

A. Neighborhood/Area Description: The subject site is located on the southwest corner of the intersection of San Pablo Avenue and Harrison Street, along the San Pablo Commercial Corridor within the West Berkeley Area Plan. Adjacent parcels in the C-W, West Berkeley Commercial District (along San Pablo) to the north and south contain one-story commercial buildings. Directly east of the site is a vacant lot, which has entitlements for a five-story, mixed-use building approved in 2016, and for which developers are obtaining building permits. The two parcels just south of the vacant lot contain a two-story, 14-unit apartment building and a one-story, single-family dwelling, respectively. To the west of the site are one-story, office, art studios, and industrial buildings in the MU-LI, Mixed Use-Light Industrial District. San Pablo Avenue is served by multiple bus lines (local, rapid, and transbay). The site is approximately 1.3 miles from the North Berkeley BART Station (to the northeast). (See Figure 1: Zoning Map, and Figure 2: Vicinity Map.)

B. Site Conditions/Background: The subject site is composed of three rectangular parcels – 1200, 1212, and 1214 San Pablo Avenue – which have a combined total area of 24,800- square feet, a combined frontage along San Pablo Avenue measuring 200', and a combined frontage along Harrison Street measuring 124'. The parcel at 1200 San Pablo (northern most) is occupied by a vacant, one-story building that was formerly Church's Chicken, a fast-food restaurant. This parcel has an existing unexercised entitlement – Use Permit ZP2017-0191, granted in 2018, to demolish the building and construct a six-story mixed-use building with 57 units and 1,125 square feet of ground-floor commercial space. The parcel at 1212 San Pablo is occupied by a one-story building that currently houses an art gallery. The parcel at 1214 San Pablo is occupied by a one-story building that currently contains a tattoo parlor.

III. Project Description

A. The proposed project would involve the demolition of three existing commercial buildings, the merging of three lots into one, and the construction of a mixed-use building with the following main components:

- Six stories, 67'-3" height
- 104 dwelling units – 20 studios; 55 one-bedroom; 29 two-bedroom
- 133 bedrooms total
- Nine Very Low Income (VLI) units
- 3,119 square feet of ground-floor commercial space (food service)
- Residential amenities – lounge, community room, gym
- 4,343 square feet of usable open space – entry court, private balconies, second-floor podium courtyard, and roof deck
- 55 vehicle parking spaces
- 62 bicycle parking spaces

B. Base Project and Density Bonus: By committing to provide nine VLI units, the project is eligible for a density bonus under Government Code §65915. Under the City’s density bonus procedures, the Base Project was calculated to have 77 units, as the *maximum allowable density* for the site.¹ The Base Project has an average unit size of 916 square feet in a four-story building. Nine VLI units, or 11% of the base project, qualifies the project for a 35% density bonus or 27 bonus units. The resulting Proposed Project would be a six-story building with 104 units, with an average unit size of 916 square feet. (See Tables 6 and 7: Base vs. Proposed Project and Density Bonus.)

Table 7: Density Bonus – CA Gov’t Code 65915

Base Project Units*	Qualifying Units	Percent Density Bonus	Number of Density Bonus Units*	Proposed Project Units
77	9 VLI (11% of BP)	35% (35% max.)	27 max. (35%x77)	104
*Per Gov’t Code 65915(q), all unit calculations are rounded up to the nearest whole number.				

C. Housing Accountability Act: The Housing Accountability Act (HAA), California Government Code §65589.5(j), requires that when a proposed housing development complies with the applicable, objective general plan and zoning standards, but a local agency proposes to deny the project or approve it only if the density is reduced, the agency must base its decision on written findings supported by substantial evidence that:

- 1) The development would have a specific adverse impact on public health or safety unless disapproved, or approved at a lower density; and
- 2) There is no feasible method to satisfactorily mitigate or avoid the specific adverse impact, other than the disapproval, or approval at a lower density.

The Base Project complies with applicable, objective general plan and zoning standards. Further, §65589.5(j)(3) provides that a request for a density bonus “shall not constitute a valid basis on which to find a proposed housing development project is inconsistent, not in compliance, or not in conformity, with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision specified in this subdivision.” Therefore, the City may not deny the Base Project or density bonus request or reduced the density with respect to those units without basing its decision on the written findings under §65589.5(j), above. Staff is aware of no specific adverse impacts that could occur with the construction of the Base Project or the density bonus units. Therefore, §65589.5(j) **does apply** to the Proposed Project. All findings discussed below are subject to the requirements of Government Code §65589.5.

¹ Per the City’s Density Bonus Procedures (DBP), the Base Project is the largest project allowed on the site that is fully compliant with district development standards (i.e. height, setbacks, usable open space, parking, etc.), or, the *maximum allowable density* for the site. The City uses the DBP to calculate the maximum allowable density for a site where there is no density standard in the zoning district, and to determine the number of units in the Proposed Project, which is the number of Base Project units plus the number of density bonus units that can be added according to the percentage of BMR units proposed, per Government Code, §65915(f).

- D. Soil/Groundwater Contamination:** The site is composed of three parcels – 1200, 1212, and 1214 San Pablo Avenue. The site’s history shows that the 1200 parcel was a formerly a gas station, the 1212 parcel was a meat market in the early 1950s, and the 1214 parcel was a ceramics supply store for many years beginning in the 1950s. A Phase II environmental report was submitted for the 1200 parcel as part of the previous Use Permit entitlement, which concluded that there were no significant toxic substances on the parcel. The report was reviewed by the City Toxics Management Division and the San Francisco Bay Regional Water Quality Control Board (SFBWQB), who concurred with the conclusions, and the site qualified for the infill development exemption from CEQA.

A Phase II environmental report was submitted by the applicant for the 1212 and 1214 parcels that indicated multiple hazardous substances found in the soil and in soil vapor samples at levels unsafe for residential or commercial use and for construction work. The Phase II report was reviewed by the City Toxics Management Division and was referred to the SFBWQB. The SFBWQB requested further study of the soil vapor sources, and based upon its review, concluded that no case would be opened for the 1212 or 1214 San Pablo Avenue parcels. The City’s standard toxics conditions will be included with the permit to ensure proper management of any hazardous materials encountered during construction.

IV. Community Discussion

- A. Neighbor/Community Concerns:** Prior to submitting the application to the City on December 2, 2019, a pre-application poster was installed by the applicant at the project site. Also prior to application submittal, on August 29, 2019, a neighborhood meeting was held to review the project and discuss concerns, and was attended by four members of the public. According to meeting notes, attendees had questions about the details of the project and target residents, but had no criticism or concerns. (See Attachment 3, Neighborhood Meeting Notice, Attendance, Notes.)

On October 29, 2020, the City mailed public hearing notices to property owners and occupants within 300 feet of the project site, and to interested neighborhood organizations, and the City posted notices within the neighborhood in three locations. No further communications regarding the project were received as of the writing of this staff report.

- B. Landmarks Preservation Commission:** On April 5, 2018, the historic resource evaluation for the property at 1200 San Pablo Avenue (prepared by Mark Hulbert, February 2018) was presented to the Landmarks Preservation Commission (LPC) for consideration of its possible historical significance, in accordance with BMC §23C.08.050.C (in relation to Use Permit ZP2017-0191). After considering the information and evaluation, the Commission took no action to initiation designation as a City Landmark or Structure of Merit.

On July 2, 2020, the Commission received the referrals and evaluations for the properties at 1212 and 1214 San Pablo (prepared by Hulbert, October 2019). The Commission took no action to initiate consideration of these properties but adopted a

motion [Vote: 7-0-2-0] recommending that ZAB consider including the following conditions if it takes favorable action on the Use Permit application:

- Require a tribute in the proposed development that can be seen from the right-of-way acknowledging the history of the site specific to Leslie's Ceramics Supply Co. and Japanese American heritage.
- Require the applicant to coordinate on the development of the tribute design with the Japanese American Citizens League, CA Japantown Project and the Toki family, if these parties are interested.
- Require the applicant to share a draft of the proposed tribute design with LPC for comment prior to execution.

The Board might consider these recommendations, which staff has incorporated as Condition #12. (See Attachment 1, Findings and Conditions.)

- C. Design Review Committee:** The Design Review Committee (DRC) held a Preliminary Design Review (PDR) meeting October 15, 2020, and forwarded the project to the ZAB with the following conditions and direction for Final Design Review (FDR) [Motion: Clarke, Kahn; Vote: (5-0-0-1), Pink – absent]:

Conditions:

- Provide an amenity space near the corridor that overlooks the podium open space.
- Color palette and bay design from previous approval is more successful. Incorporate those design elements in this project – DRC will review this at FDR.
- Details shown in renderings are important for the design; confirm these features in drawings at FDR.
- Provide a clearer drawing of the San Pablo elevation at FDR.
- Provide further design development of podium open space at FDR; Provide bench details.

Recommendations:

- Recommend large trees in entry courtyard.
- Consider a water feature in the podium courtyard space.
- Recommend a more careful review of the plant palette for the podium storm water area to encourage local natural habitats.
- Recommend green roof where possible.
- Consider a second door for commercial on Harrison.
- Recommend additional bike parking.

V. Issues and Analysis

- A. SB 330 – Housing Crisis Act of 2019:** The Housing Crisis Act, also known as Senate Bill 330, seeks to boost homebuilding throughout the State with a focus on urbanized zones by expediting the approval process for and suspending or eliminating restrictions on housing development projects. A “housing development project” means a use that is: all residential; mixed use with at least two-thirds of the square footage as residential; or transitional or supportive housing. Sections of SB 330 that apply to the proposed project include the following:

1. Government Code §65905.5(a) states that if a proposed housing development project complies with the applicable, objective general plan and zoning standards in effect at the time an application is deemed complete, then the city shall not conduct more than five hearings in connection with the approval of that housing development project. This includes all public hearings in connection with the approval of the housing development project and any continuances of such public hearings. The city must consider and either approve or disapprove the project at any of the five hearings consistent with applicable timelines under the Permit Streamlining Act (Chapter 4.5 (commencing with §65920)).

The November 12, 2020 ZAB hearing represents the third public hearing for the proposed project since the project was deemed complete. The City can hold up to two additional public hearings on this project, if needed. One of those hearings must be reserved for any possible appeal to the City Council.

2. Government Code §65913.10(a) requires that the City determine whether the proposed development project site is an historic site at the time the application for the housing development project is deemed complete. The determination as to whether the parcel is an historic site must remain valid during the pendency of the housing development project, unless any archaeological, paleontological, or tribal cultural resources are encountered during any grading, site disturbance, or building alteration activities.

As discussed in historic resource evaluations prepared in February, 2018 and October, 2019 for each of the three existing properties, there is no indication of historical significance on any of the parcels, and none are considered eligible for listing on the California Register of Historical Resources or as a City of Berkeley Landmarks or Structures of Merit. The LPC took no action to initiate a Landmark or Structure of Merit designation for any property. (See section IV.B for the LPC discussion.) Therefore, it was determined that the site is not an historic resource. Standard conditions of approval have been included to halt work if any unanticipated discovery of archeological, paleontological, or tribal cultural resources.

3. Government Code §65950(a)(5) requires a public agency to approve or disapprove a project within 60 days from the determination that the project is exempt from the California Environmental Quality Act. The project was deemed complete on May 6, 2020. Should ZAB determine the application is categorically exempt from CEQA at the November 12, 2020 public hearing, the application must be approved or disapproved by January 1, 2021.
4. Government Code §66300(d) prohibits the demolition of residential dwelling units unless the project will create at least as many residential units as will be demolished. The project does not propose the demolition of housing units. Therefore, this section does not apply to the project.

B. Density Bonus Waivers and Concessions: The project is entitled to two concessions (or incentives), under Government Code §65915(d) for providing at least

10 percent of total units to very low income households, and an unlimited number of waivers, under §65915(e). No concessions are requested under §65915(d).

A waiver is a modification of a development standard that would otherwise physically preclude the construction of the project with the permitted density bonus and concessions. Waivers for FAR, height, parking, and rooftop projections are requested because they are necessary to physically accommodate the full density bonus project (Proposed Project) on the site.

The City may only deny the waivers if it finds that the waivers would have a specific adverse impact upon public health and safety, or the physical environment, or on any real property listed in the California Register of Historical Resources, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low-income, very-low income, and moderate-income households, or if the waiver would be contrary to State or Federal law. Staff has not identified any evidence that would support such a finding.²

C. Demolition of a Commercial Building: Pursuant to BMC §23C.08.050, the Board may approve a Use Permit to demolish a building used for commercial use if it finds that the demolition will not be materially detrimental to the commercial needs and public interest of any affected neighborhood or the City, and that at least one of the findings in BMC §23C.08.050.D can be made. Staff believes that the following two findings in this section are satisfied:

1. The demolition is required to allow a proposed new building or other proposed new Use.
2. Is required for the furtherance of specific plans or projects sponsored by the City or other local district or authority.

The subject site is composed of three parcels – 1200, 1212, and 1214 San Pablo Avenue – each of which is occupied by one commercial building. The parcel at 1200 San Pablo has an existing, unexercised entitlement (Use Permit ZP2017-0191) to demolish the existing building on the parcel. The demolition permit for the buildings on other two parcels – 1212 and 1214 San Pablo – are being considered under the current application.

Demolition of the two existing, one-story, commercial buildings on 1212 and 1214 San Pablo (11,065 square feet; 12,400 square feet in total for all three parcels) would allow the construction of a project that encompasses all three parcels to add 104 units of new housing and a new restaurant to the neighborhood. The project would help to further the purposes of the C-W, West Berkeley Commercial District which implements the West Berkeley Plan. (See section V.D below for a discussion of the project's compatibility with district purposes.)

² A "specific, adverse impact" means "a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete."

D. Findings for Use Permits in C-W District: Pursuant to BMC §23E.64.090.B, in order to approve any Use Permit in the district, the Board must make the following required findings. The proposed use or structure must:

1. Be consistent with the purposes of the District; (the project is consistent with the following district purposes:)
 - Implement the West Berkeley Plan's designation of a Commercial District;
 - Provide locations for commercial services which primarily serve area residents and/or businesses;
 - Support the retention and attraction of a balance of both smaller and larger stores and restaurants;
 - Provide appropriate locations, consistent with West Berkeley Plan policies, for commercial services which serve a citywide or broader clientele;
 - To provide a relatively compact, clearly bounded set of commercial areas in West Berkeley, so as to both improve the quality of West Berkeley shopping environments and to prevent commercial overspill into industrial areas;
 - Increase the opportunities for development of housing in commercial areas to support local retailing and use of transit lines and opportunities for mixed use projects combining pedestrian-oriented neighborhood-serving uses with mixed income housing in locations abutting residential districts;
 - Encourage appropriately intense development in underutilized portions of commercial streets;
 - Promote development compatible with adjacent commercial, residential and industrial areas;
 - To promote environmental protection for the residents and workers both within and adjacent to the District from such detriments as noise, fumes, and other detrimental environmental effects.
2. Be compatible with surrounding uses and buildings;
3. Be consistent with the adopted West Berkeley Plan;
4. Be supportive of an increase in the continuity of retail and service facilities at the ground level to the degree feasible and does not substantially degrade the existing urban fabric of the street and area;
5. Be, for projects which include construction of new floor area, providing an intensity of development which does not underutilize the property; and
6. Be capable of meeting any applicable performance standards for off-site impacts;
7. Not exceed the amount and intensity of use that can be served by available traffic capacity and potential parking supply.

The proposed mixed-use building at this location would be a more appropriate utilization of a currently underutilized site that would bring 104 new residential units (including nine below-market-rate units) and a new 3,119-square-foot restaurant to the district and the neighborhood, replacing the existing vacant fast food restaurant, the tattoo parlor, and art gallery. The project would further the purposes of the district by increasing the neighborhood population with new residents of mixed income who

would patronize the local businesses and contribute to the livability and character of an underutilized portion of the San Pablo Avenue commercial corridor. The new residents and restaurant patrons from the project would increase street-level activity and provide continuity for the ground-level activation that already exists from existing local businesses near the site (such as the Tokyo Fish Market to the south). With the ground-floor restaurant oriented toward San Pablo Avenue, a ground floor parking garage on the west side of the building, adjacent to industrial/office uses, and residential units on the above floors, the project transitions well to the mixed-use, light industrial district west of the site, while being compatible with the residential and commercial uses in its own district (C-W) along San Pablo Avenue to the north, east, and south.

At six stories tall, the proposed project would be taller than the existing one- and two-story residential and commercial buildings in the area. However, it would help realize the development potential in the C-W district along San Pablo Avenue, which allows up to four stories (for mixed use buildings), and would add to the trend of taller, mixed-use development along San Pablo Avenue in the West Berkeley Plan area, north of University Avenue, which includes projects such as: 1406 San Pablo – a three-story, mixed-use building, approved in 2004 and built soon after; 1500 San Pablo – a five-story, mixed use building, approved in 2016 and currently under construction; 1800 San Pablo – a four-story, mixed-use building, approved in 2004 and built in 2006; 1201 San Pablo (across the street from the subject site) – a five-story, mixed-use building, approved in 2016, and currently obtaining building permits.

The project would be an appropriate intensity of use that would not exceed local traffic and parking capacities. A project consisting of 57 residential units and 1,760 square feet of retail was approved by the ZAB for the north portion of the project site in 2018 (ZP2017-0191). A memorandum was prepared by the project transportation consultant that compared estimated the trip generation and parking demand for the current project with the Transportation Impact Analysis that was prepared for the 2018 project. The memorandum concluded that the currently proposed project would result in similar conditions at the site as the 2018 project, and would not cause a significant impact on traffic operations at the adjacent intersections. Under the State Density Bonus provision, the project is eligible for and is requesting to reduce the parking requirement from the district standard for the building.

- E. Findings for Use Permits in C-W District Node:** Pursuant to BMC §23E.64.090.C, in order to approve any Use Permit in a District Node, the Board must find the use supports the development of a strong retail commercial, pedestrian oriented environment at the node. Factors the Board should consider shall include, but are not limited to, the placement of store entrances relative to the street and parking lots and the size and prominence of display windows and areas facing the sidewalk.

Though there is no retail proposed, the project envisions a restaurant at the northeast corner of the building at the intersection of San Pablo Avenue and Harrison Street. The primary orientation for the restaurant is on the San Pablo facing elevation, where the main entry and a large window are located. Two large windows into the restaurant are on the Harrison Street facing elevation. Its location at the corner of the building and at the intersection of the San Pablo Avenue and Harrison Street sidewalks would

help to activate both frontages, and would allow potential sidewalk seating on the Harrison frontage. Immediately to the south of the restaurant entry doors on the San Pablo elevation is an entry courtyard for the residential units in the building, with seating areas accessible to the public. Further south on this building elevation are large windows into the residential lounge and the gym, which are active indoor spaces that would enhance the sense of liveliness on the adjacent sidewalk. The Tokyo Fish Market, south of the project site, is a food market that has occupied its site for several decades, and is a popular lunchtime destination. Thus, the project would be oriented toward the San Pablo Avenue streetscape, and would add to the pedestrian activity and interest on this portion of the Avenue that already draws visitors daily, by bringing new residents to the area, providing an outdoor space available for public use, and by bringing a new restaurant destination to draw local visitors as well as those from beyond the immediate neighborhood. The project includes a parking lot with six spaces provided for the restaurant use, adequate to the district parking standard.

F. Findings for Administrative Use Permit for Food Service Establishment: Pursuant to BMC §23E.64.090.H, in order to approve an Administrative Use Permit for Food Service Establishments on a lot with frontage on San Pablo, the Board must find that:

1. The project does not conflict with the goals and policies of the C-W District; and
2. The location, size, appearance and signage of the proposed use will not adversely affect the San Pablo Avenue Corridor; and
3. The project supports pedestrian-oriented development; and
4. The project is designed to protect the residential character of surrounding neighborhoods from the adverse impacts of Food Service Establishment development, including, but not limited to: increased traffic, litter, and noise.
5. For projects which include construction of new buildings, the Zoning Officer shall also make the findings that the project design:
 - a. Provides intensity of development which does not underutilize the property; especially at or near intersections of major streets;
 - b. Provides pedestrian scale and siting; and
 - c. Incorporates continuity in street facades.

As discussed in section V.D, the project would be compatible with and would further the purposes of the C-W District by improving the utilization of the site with development that is of appropriate intensity, and by further improving the existing street-level activity by bringing in new residents and a new restaurant to an intersection in designated node area (San Pablo and Gilman) along the San Pablo commercial corridor in the West Berkeley Area Plan. An adequate amount of parking for the restaurant would be provided in the parking lot, reducing the need for visitors who arrive by car to circle the neighborhood for parking. The site's location on a major transit corridor would encourage the use of public transit, and would further reduce the traffic and parking burden on the neighborhood. Though a tenant has not yet been selected, it is anticipated that the restaurant will be a food service establishment with ample dine-in seating that would discourage littering and noise.

The proposal has been reviewed by the DRC and has received favorable recommendations at PDR. (See section IV.C for details.) Also, as discussed in section V.D above, the proposed buildings would be compatible with surrounding buildings. Future signage proposals would require Design Review prior to approval.

G. General Non-Detriment Finding: BMC §23B.32.040.A requires that before the ZAB approves an application for a Use Permit, it must find that the project, under the circumstances of this particular case existing at the time at which the application is granted, would not be detrimental to the health, safety, peace, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood, or to the general welfare of the City.

1. Shadows: According to the shadow studies submitted for the project (See Attachment 1, Plan Set – Sheets A.0.4A through A.0.4C). New shadows would be cast onto:
 - 1213 San Pablo Avenue (multi-family) – dwelling units to the east, during the few hours before sunset in the summer and fall; and
 - 1201 San Pablo Avenue (*future multi-family building*) – dwelling units to the east, during the few hours before sunset in the winter, summer and fall.

Shadow impact on adjacent residential properties would be minor, as the project site is adjacent to commercial properties on the south, west and north property lines. Shadow impact on adjacent dwellings are to be expected, because the subject site is located in the C-W district, which allows heights of up to 50' and four stories for mixed-use buildings. The proposal would include a waiver for additional height beyond the district height limits to accommodate the density bonus units (see section V.B for a discussion of waivers) to allow a 67'-3"-tall, six-story building. The additional height above the district limits would cast shadows in the affected directions further than if the project were limited to the base district height standards. Staff believes that shadow impacts from the project would be reasonable and not detrimental.

2. General Non-Detriment: The project is subject to the City's standard conditions of approval regarding construction noise and air quality, waste diversion, toxics, and stormwater requirements, thereby ensuring the project would not be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the area or neighborhood of such proposed use or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood or to the general welfare of the City.

H. General Plan Consistency: The 2002 General Plan contains several policies applicable to the project, including the following:

1. Policy LU-3–Infill Development: Encourage infill development that is architecturally and environmentally sensitive, embodies principles of sustainable planning and

- construction, and is compatible with neighboring land uses and architectural design and scale.
2. Policy LU-7–Neighborhood Quality of Life, Action A: Require that new development be consistent with zoning standards and compatible with the scale, historic character, and surrounding uses in the area.
 3. Policy LU-23–Transit-Oriented Development: Encourage and maintain zoning that allows greater commercial and residential density and reduced residential parking requirements in areas with above-average transit service such as Downtown Berkeley.
 4. Policy UD-16–Context: The design and scale of new or remodeled buildings should respect the built environment in the area, particularly where the character of the built environment is largely defined by an aggregation of historically and architecturally significant buildings.
 5. Policy UD-24–Area Character: Regulate new construction and alterations to ensure that they are truly compatible with and, where feasible, reinforce the desirable design characteristics of the particular area they are in.
 6. Policy UD-32–Shadows: New buildings should be designed to minimize impacts on solar access and minimize detrimental shadows.

As discussed in section V.D through V.F, the project would improve the utilization of the site with development that is of appropriate intensity, that is compatible with the existing surrounding development, and that would further improve the neighborhood character and quality of life by increasing existing street-level activity, bringing in new residents and a new restaurant to an intersection in a designated node along a major commercial and transit corridor. The project site is served by multiple bus lines, including local, rapid, and transbay lines, that operate along San Pablo Avenue, and a nearby BART Station.

7. Policy UD-33–Sustainable Design: Promote environmentally sensitive and sustainable design in new buildings.
8. Policy H-19–Regional Housing Needs: Encourage housing production adequate to meet the housing production goals established by ABAG’s Regional Housing Needs Determination for Berkeley.
9. Policy EM-5–“Green” Buildings: Promote and encourage compliance with “green” building standards. (Also see Policies EM-8, EM-26, EM-35, EM-36, and UD-6.)

The project would help Berkeley meet its regional housing needs by adding 104 new housing units, including nine VLI units, and would promote sustainable design standards, as demonstrated by its goal to meet a score of 112 on the GreenPoint Rated Checklist, New Home Multifamily Checklist.

VI. Recommendation

Because of the project’s consistency with the Zoning Ordinance and General Plan, and minimal impact on surrounding properties, staff recommends that the Zoning Adjustments Board **APPROVE** Use Permit #ZP2019-0192, pursuant to BMC §23B.32.030 and subject to the attached Findings and Conditions (see Attachment 1).

Attachments:

1. Findings and Conditions
2. Project Plans, received September 5, 2020
3. Neighborhood Meeting Notice, Attendance and Notes
4. Notice of Public Hearing

Staff Planner: Sharon Gong, sgong@cityofberkeley.info, (510) 981-7429



DRAFT MEMORANDUM

Date: January 29, 2020
To: Eric Tam and Yuly Wang, Trachtenberg Architects
From: Sam Tabibnia
Subject: 1200 San Pablo Avenue – Transportation Assessment

OK19-0349

Fehr & Peers conducted a transportation assessment for the proposed development, consisting of 104 multi-family residential units and 3,120 square feet of retail space at 1200 San Pablo Avenue in Berkeley, California. In 2018, a project consisting of 57 residential units and about 1,760 square feet of retail was entitled for the north portion of the project site.

This memorandum summarizes the project description, estimates the trip generation and parking demand for the project, and compares these to the results of a Transportation Impact Analysis (TIA) that was prepared for the previously entitled project at the site to determine if any additional analysis should be completed for the currently proposed project.

Based on our analysis:

- The currently proposed project would generate approximately 560 daily, 32 AM, and 48 PM peak hour trips.
- Considering the results of the TIA previously prepared for the project site, the currently proposed project would not result in any new significant impacts on traffic operations at adjacent intersections.
- The estimated parking demand generated by the project would exceed the on-site parking supply; however, the currently available on-street parking within two blocks of the site would accommodate the project parking demand that cannot be accommodated on-site.

Considering that the currently proposed project would result in similar conditions as the entitled project at the site, more detailed off-site assessment is likely not required. However, the final determination will be made by City of Berkeley staff.



The remainder of this memorandum provides more detail on our analysis assumptions, methodology, and findings.

PROJECT DESCRIPTION

The project is located on the southwest corner of the San Pablo Avenue/Harrison Street intersection in Berkeley, CA. The project would consist of 104 multi-family residential units, and about 3,120 square feet of retail space. The project would provide a garage with 55 parking spaces with 49 spaces reserved for project residents and six spaces for the commercial uses. The parking spaces would consist of 43 spaces accommodated by parking lifts and 12 standalone regular spaces. Automobile access to and from the garage would be through a full-access driveway on Harrison Street. The project would provide a bicycle room accommodating long-term parking for 48 bicycles on the ground level and bicycle racks along the project frontage on San Pablo Avenue and Harrison Street, accommodating 14 short-term bicycle parking spaces. **Attachment A** shows the project site plan.

The project site is currently occupied by a vacant space previously used as a fast-food restaurant at the corner of the San Pablo Avenue/Harrison Street, and active retail uses along San Pablo Avenue. The restaurant site had its own parking lot served by two driveways: a full-access driveway on Harrison Street and a right-in/right-out only driveway on San Pablo Avenue. The active retail uses do not provide any off-street parking. The proposed project would eliminate the existing driveway on San Pablo Avenue, which would result in one new on-street parking space.

PREVIOUS ANALYSIS

A project consisting of 57 residential units and about 1,760 square feet of retail was entitled for the north portion of the project site in 2018. A full Transportation Impact Analysis (TIA, dated July 3, 2018) was prepared for this project. The main findings of the TIA include:

- The project would generate 17 AM peak hour trips and 23 PM peak hour trips
- The TIA evaluated the impacts of the proposed project at the Tenth Street/Harrison Street and San Pablo Avenue/Harrison Street intersections and found that the project would not cause an impact at these two intersections based on the thresholds described in the City of Berkeley's *Guidelines for Development of Traffic Impact Reports*.
- Although the parking demand generated by the project would exceed the on-site parking supply, the available on-street parking within two blocks of the project would accommodate the project parking demand that could not be accommodate on-site.



PROJECT TRIP GENERATION

Trip generation is the process of estimating the number of vehicles that would likely access the project on a typical day. **Table 1** summarizes the trip generation for the proposed project. Trip generation data published by the Institute of Transportation Engineers (ITE) in the *Trip Generation Manual (10th Edition)* was used as a starting point to estimate the vehicle trip generation.

TABLE 1: PROJECT TRIP GENERATION

Land Use	Size ¹	Daily	AM Peak Hour			PM Peak Hour		
			In	Out	Total	In	Out	Total
Apartments ²	104 DU	570	10	27	37	28	18	46
<i>Non-Auto Adjustment (-23%)³</i>		-130	-2	-6	-8	-6	-4	-10
<i>Total Apartment Trips</i>		<i>440</i>	<i>8</i>	<i>21</i>	<i>29</i>	<i>22</i>	<i>14</i>	<i>36</i>
Retail ⁴	3.1 KSF	120	2	1	3	6	6	12
Total Trips		560	10	22	32	28	20	48
Entitled Project Trip Generation ⁵		283	4	13	17	13	10	23
Net Difference		+277	+6	+9	+15	+15	+10	+25

Notes:

1. DU = dwelling unit; KSF = 1,000 square feet
2. ITE Trip Generation Manual (10th Edition) land use category 221 (Multi-Family Housing [mid-rise]) in general urban/suburban setting:
Daily = 5.44 trips per DU
AM Peak Hour Average Rate = 0.36 trips per DU (26% in, 74% out)
PM Peak Hour Average Rate = 0.44 trips per DU (61% in, 39% out)
3. Based on the 2014 5-Year Estimates of the American Community Survey (ACS), which shows that the non-automobile mode share for urban areas more than 1.0 miles from a BART Station is about 23 percent.
4. ITE *Trip Generation (10th Edition)* land use category 820 (Shopping Center) in general urban/suburban setting:
Daily = 37.75 trips per KSF
AM Peak Hour Average Rate = 0.94 trips per KSF (62% in, 38% out)
PM Peak Hour Average Rate = 3.81 trips per KSF (48% in, 52% out)
5. Transportation Impact Analysis 1200 San Pablo Avenue Mixed Use Project (dated July 3, 2018), Table 4

Source: Fehr & Peers, 2020.



ITE's *Trip Generation Manual* is primarily based on data collected at single-use suburban sites where the automobile is often the only travel mode. However, the project site is in a dense mixed-use urban environment with high-frequency bus service, where many trips are walk, bike, or transit trips. Consistent with the previous TIA prepared for the project, this analysis reduces the residential trip generation by 23 percent. This is based on US Census commute data for Alameda County from the 2014 5-Year Estimates of the American Community Survey (ACS), which shows that the non-automobile mode share for urban areas (population density higher than 10,000 people per square mile) more than 1.0 miles from a BART station or ferry station is about 23 percent.

In order to present a more conservative analysis, the trip generation does not account for the following:

- the trip generation for the retail component of the project is not adjusted to account for non-automobile trips.
- the trip generation for the retail component of the project is not adjusted to account for pass-by trips, which are trips attracted to the site from adjacent roadways as an interim stop on the way to their ultimate destination. Pass-by trips consist of vehicles that would be on the roadway network regardless of the project; therefore, these trips result in changed travel patterns but do not add new vehicle trips to the roadway network.
- The trips generated by the current active retail uses at the site that would be demolished are not accounted for.

As summarized in **Table 1**, the proposed project is estimated to generate about 560 daily, 32 AM, and 48 PM peak hour trips, which is about 280 daily, 15 AM, and 25 PM peak hour trips more than the entitled project.

INTERSECTION OPERATIONS ANALYSIS

The 2018 TIA evaluated the impacts of the proposed project at two intersections. The potential impacts of the currently proposed project at these two intersections are discussed below:

- Tenth Street/Harrison Street intersection – According to the 2018 TIA, the intersection, which is controlled by stop signs on the northbound and southbound Tenth Street approaches, would operate at LOS B during both the AM and PM peak hours under Baseline Plus Project conditions. Using the same trip distribution used in the TIA, the currently proposed project is estimated to add 20 AM and 29 PM peak hour trips at this intersection (compared to 11 AM and 14 PM peak hour trips by the previously entitled project). Thus, the intersection is expected to operate at similar conditions with the addition of the traffic generated by the currently proposed project.



- San Pablo Avenue/Harrison Street intersection – According to the 2018 TIA, the intersection, which is controlled by stop signs on the eastbound and westbound Harrison Street approaches, would operate at LOS F during both the AM and PM peak hours under Baseline Plus Project conditions. Using the same trip distribution used in the TIA, the currently proposed project is estimated to add nine AM and eight PM peak hour trips at this intersection. Although the stop-controlled eastbound approach at the intersection would continue to operate at LOS F and the intersection would meet the peak hour signal warrant with the addition of the trips generated by the currently proposed project, the addition of the project generated trips at this intersection is not considered a significant impact according to the City of Berkeley's guidelines because the project would add fewer than ten peak hour trips to the critical stop-controlled movements.

Similar to the entitled project, the currently proposed project would not cause a significant impact on traffic operations at the adjacent intersections.

PARKING ANALYSIS

Table 2 provides the estimated weekday parking demand compared to current proposed parking supply. The parking demand for the project is estimated based on the ITE *Parking Generation Manual, 5th Edition*. The project is estimated to have a peak weekday parking demand of about 102 spaces, consisting of 94 vehicles generated by the residential component of the project and eight spaces generated by the retail component of the project.

The proposed project would provide a parking garage with 55 off-street parking spaces, which would consist of 49 spaces reserved for project residents and six spaces for the project commercial uses. Thus, the project would generate demand for about 47 parking spaces that cannot be accommodated on-site and would use on-street parking. Since the proposed project would result in one new parking space on San Pablo Avenue by eliminating an existing driveway, it would have a net deficit of 46 parking spaces.

The 2018 TIA evaluated on-street parking conditions in the project vicinity. According to the TIA, about 364 on-street parking spaces are provided within two blocks of the project site. Based on the surveys conducted for the TIA, about 251 parking spaces were occupied during the weekday afternoon period (1:00 to 3:00 PM), which corresponds to an occupancy of about 69 percent with about 113 spaces available. During the weekday evening period (6:00 to 8:00 PM), about 169 parking spaces were occupied, which corresponds to an occupancy of about 46 percent with about 195 spaces not occupied. Thus, the parking demand generated by the proposed project that cannot be accommodated on-site can use the on-street parking within two blocks of the project site.

**TABLE 2: ESTIMATED PARKING DEMAND**

Land Use	Quantity ¹	Average Rate per Unit	Peak Parking Demand
Apartments	104 DU	0.90 ²	94
Retail	3.1 KSF	2.61 ³	8
Total Parking Demand			102
Proposed Parking Supply⁴			56
Total Parking Deficit			-46

Notes:

1. DU = Dwelling Unit; KSF = 1,000 square-feet
2. Based on ITE *Parking Generation, 5th Edition* land use category 221 (Multi-Family Housing [mid-rise], weekday in a dense multi-use urban area [no nearby rail transit]).
3. Based on ITE *Parking Generation, 5th Edition* land use category 820 (Shopping Center – Non-December; Friday, general Urban/Suburban).
4. Consisting of 55 off-street parking spaces in a garage and one new on-street parking space as a result of eliminating an existing driveway on San Pablo Avenue.

Source: Fehr & Peers, 2020.

CONCLUSIONS

This concludes our trip generation and parking demand estimate for the 1200 San Pablo Avenue project. Based on a comparison of the trip generation and parking demand for the currently proposed project to the previously entitled project at the site, the currently proposed project would result in similar conditions as the entitled project at the site. In addition, the currently proposed project would not cause a significant impact on traffic operations at the adjacent intersections. Thus, a detailed off-site assessment is likely not required, however, the final determination will be made by City of Berkeley staff.

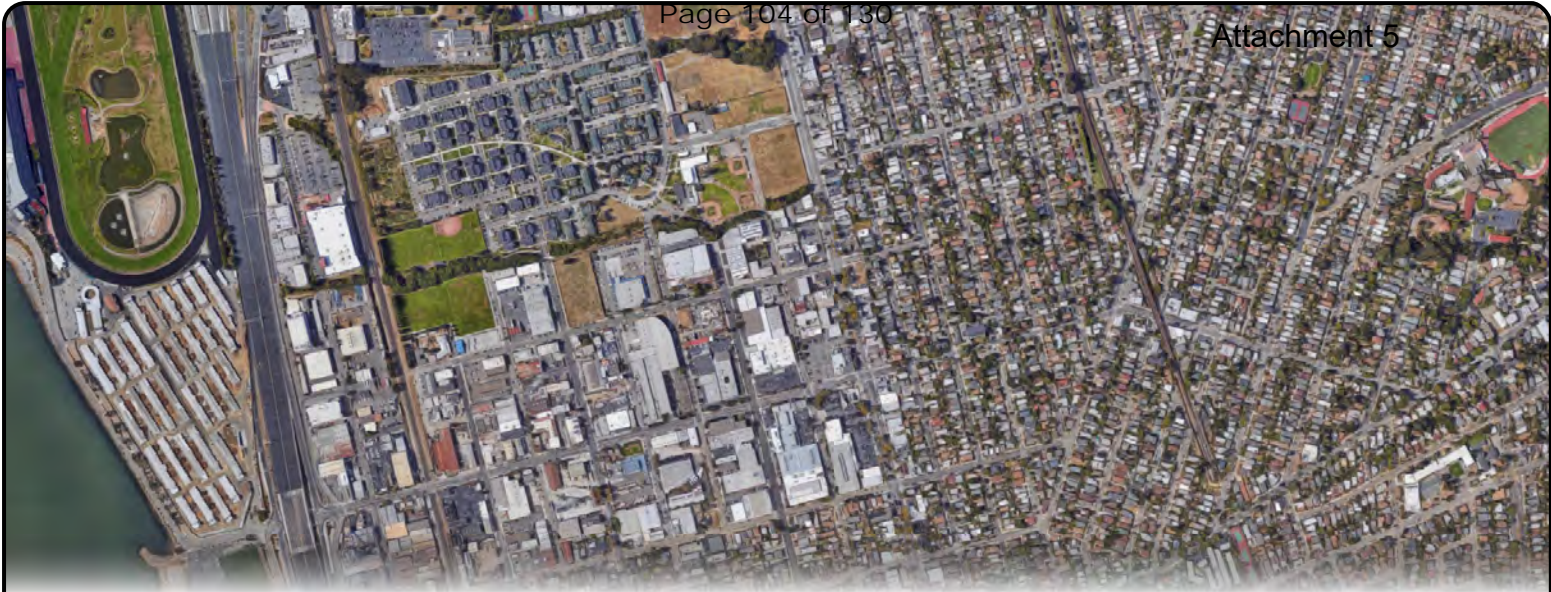
Please contact Sam at stabibnia@fehrnadpeers.com or 510-835-1943 with questions or comments.

ATTACHMENTS

Attachment A - Project Site Plan

Attachment A

Project Site Plan



Transportation Impact Analysis
1200 San Pablo Avenue Mixed Use Project
City of Berkeley

Prepared by:
Abrams Associates
1875 Olympic Boulevard, Suite 210
Walnut Creek CA 94596



September 25, 2018

1200 San Pablo Avenue Mixed Use Project in the City of Berkeley

TRANSPORTATION AND CIRCULATION

1) EXECUTIVE SUMMARY

The 1200 San Pablo Avenue mixed use project is proposed to include 57 apartment units and 1,125 square feet of retail space. The project is planned to be developed on the southwest corner of San Pablo Avenue and Harrison Street in the City of Berkeley. The site was previously occupied by a Church's Chicken Fast Food Restaurant. **Figure 1** shows the location of the project and the surrounding roadway network. **Figure 2** shows the ground floor site plan for the project. Based on the trip generation forecasts the project would generate approximately 17 vehicle trips during the AM peak hour and 21 trips during the PM peak hour.

Based on the project's design and a detailed analysis conducted according to the City's guidelines there would be no significant transportation impacts according to the City's significance criteria and no off-site traffic or transportation mitigations would be required.¹ The City's base zoning ordinance requirement for the project is 59 parking spaces. Pursuant to Government Code Section 65915(p) (described in Section 5.7 - Parking) if the City determines certain requirements are met then the project would only require 43 parking spaces. The project is proposing to accommodate its parking demand by providing 44 off-street parking spaces in an on-site garage using parking lifts. The project is also proposing to meet or exceed the requirements for on-site bicycle parking by providing 52 bicycle parking spaces in a secure bike room.

2) INTRODUCTION

This transportation impact analysis describes the existing and baseline conditions for transportation and circulation both with and without the proposed project. The study presents information on the regional and local roadway networks, the pedestrian and transit conditions, and provides an analysis of the effects on transportation facilities associated with the project. This study also describes the regulatory setting; the criterion used for determining the significance of environmental impacts; and summarizes potential environmental impacts and appropriate mitigation measures when necessary. This study has been conducted in accordance with the requirements and methodologies set forth by the City of Berkeley, Alameda County, Caltrans, and the applicable provisions of CEQA.





3) ENVIRONMENTAL SETTING

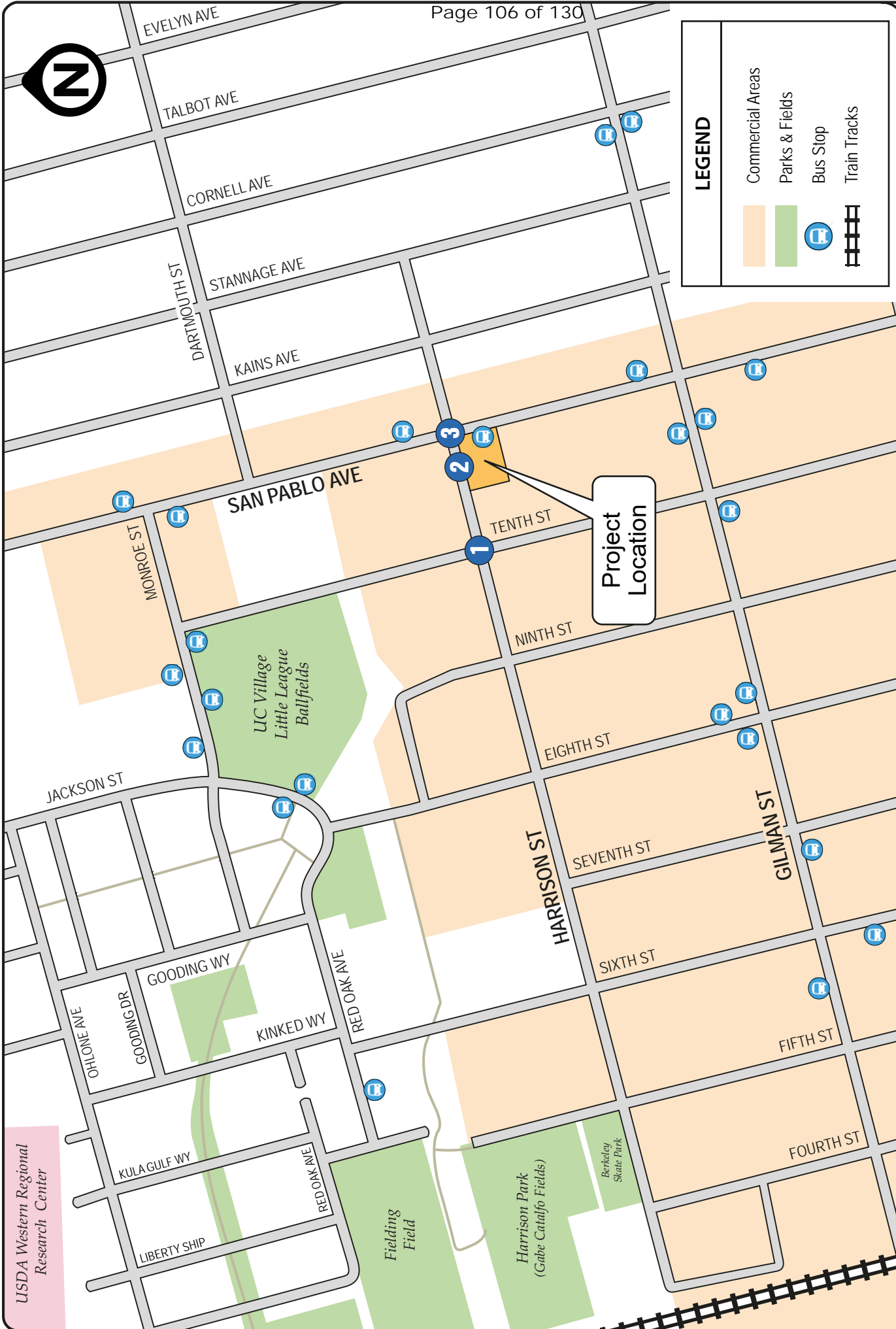
This section of the report describes the roadways, traffic conditions and other existing transportation characteristics in the vicinity of the project. The primary basis for the traffic operations portion of the analysis is the peak hour level of service at the key study intersections. In this report, these peak commute hours will be identified as the AM and PM peak hours.

¹ *Guide for Development of Traffic Impact Reports*, City of Berkeley Office of Transportation, Berkeley, CA, January, 2009.



LEGEND

-  Commercial Areas
-  Parks & Fields
-  Bus Stop
-  Train Tracks



USDA Western Regional Research Center

FIGURE 1 | PROJECT LOCATION AND STUDY INTERSECTIONS
 TRANSPORTATION IMPACT ANALYSIS
1200 San Pablo Ave
 City of Berkeley

Note: ADA Access must be provided for existing bus stop

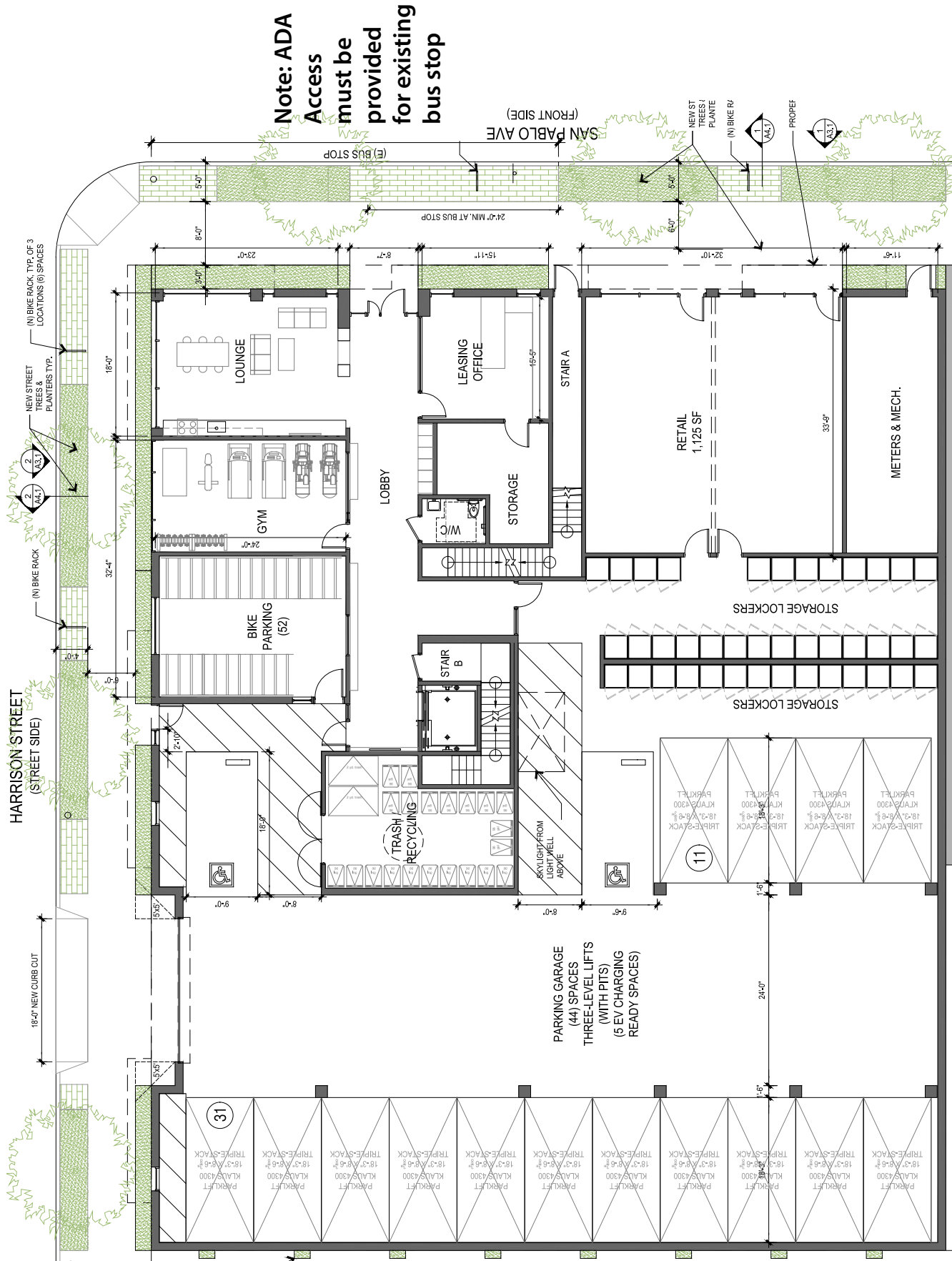


FIGURE 2 | SITE PLAN
TRANSPORTATION IMPACT ANALYSIS
1200 San Pablo Ave
 City of Berkeley

3.3 Project Study Intersections

To provide a baseline for identification of impacts on the local roadway network, existing traffic operating conditions have been determined for the key local intersections that may be affected by the project. For this analysis three study intersections were selected based on the City's Guidelines for Development of Traffic Impact Reports and their potential to be impacted by the proposed project. The three study intersections are:

1. Harrison Street at San Pablo Avenue
2. Harrison Street at the Proposed Project Entrance
3. Harrison Street at 10th Street

3.2 Traffic Analysis Scenarios

The study intersections were evaluated for the following six scenarios:

- Scenario 1: *Existing Conditions* – Level of Service (LOS) based on existing peak hour volumes and existing intersection configurations.
- Scenario 2: *Existing Plus Project* – Existing traffic volumes plus trips from the proposed project.
- Scenario 3: *Baseline (No Project) Conditions* – The Baseline scenario is based on the existing volumes plus growth in background traffic (for two years) plus the traffic from all reasonably foreseeable developments that could substantially affect the volumes at the project study intersection.
- Scenario 4: *Baseline Plus Project Conditions* – This scenario is based on the Baseline traffic volumes plus the trips that would be generated by the proposed project.

3.3 Existing Roadway Network

As shown on **Figure 1**, the roads that would be primarily affected by the project are San Pablo Avenue and Harrison Street. The following is a brief description of these roadways:

- **San Pablo Avenue** – San Pablo Avenue is major north-south arterial street in the City of Berkeley. It has four lanes of traffic, a median with left turn lanes, and parking on both sides. The section of San Pablo where the project is located is between Gilman Street and Monroe Street. The Harrison Street intersection is unsignalized, with side street stop signs. The nearest traffic signal is at Gilman Street, one block to the south. To the north, the nearest signal is about two blocks away at Monroe Street. The on-street parking on San Pablo Avenue is a mixture of parking meters and unmarked parking, as well as bus stops and loading zones for adjacent businesses. There are also a number of driveways to commercial businesses.
- **Harrison Street** – Harrison Street is a two lane local road extending east from Cedarwood Lane to terminate to the east at Stannage Avenue. It has parking on both sides and serves residential and commercial traffic and has a prima facie speed limit of 25 mph.

3.4 Intersection Analysis Methodology

Existing operational conditions at the study intersection were evaluated according to the requirements set forth by the City of Berkeley. Analysis of traffic operations was conducted using the 2010 *Highway Capacity Manual (HCM)* Level of Service (LOS) methodology with Synchro software.¹

Level of service is an expression, in the form of a scale, of the relationship between the capacity of an intersection (or roadway segment) to accommodate the volume of traffic and the traffic moving through it at any given time. The level of service scale describes traffic flow with six ratings ranging from A to F, with “A” indicating relatively free flow of traffic and “F” indicating stop-and-go traffic characterized by traffic jams.

As the amount of traffic moving through a given intersection or roadway segment increases, the traffic flow conditions that motorists experience rapidly deteriorate as the capacity of the intersection or roadway segment is reached. Under such conditions, there is general instability in the traffic flow, which means that relatively small incidents (e.g., momentary engine stall) can cause considerable fluctuations in speeds and delays that lead to traffic congestion. This near-capacity situation is labeled level of service (LOS) E.

Beyond LOS E, the intersection or roadway segment capacity has effectively been exceeded, and arriving traffic will exceed the ability of the intersection to accommodate it. **Table 1** summarizes the relationship between LOS, average control delay, and the volume to capacity ratio at signalized intersections. **Table 2** summarizes the relationship between LOS and delay at unsignalized intersections

For signalized intersections, The City of Berkeley’s LOS standards are based on the average delay for the entire intersection. The *HCM* methodology determines the capacity of each lane group approaching the intersection. The LOS is then based on average control delay (in seconds per vehicle) for the various movements within the intersection. A combined weighted average control delay and LOS are presented for the intersection. A summary of the HCM results and copies of the detailed HCM LOS calculations are included in the appendix to this report.

For unsignalized (all-way stop controlled and two-way stop controlled) intersections, the average control delay and LOS operating conditions are calculated by approach (e.g., northbound) and movement (e.g., northbound left-turn) for those movements that are subject to delay. Operating conditions for unsignalized intersections are presented for the worst approach.

¹ 2010 *Highway Capacity Manual*, Transportation Research Board, Washington D.C., 2011

TABLE 1
SIGNALIZED INTERSECTION LEVEL OF SERVICE DEFINITIONS

<u>Level of Service</u>	<u>Description of Operations</u>	<u>Average Delay (sec/veh)</u>	<u>Volume to Capacity Ratio</u>
A	Insignificant Delays: No approach phase is fully used and no vehicle waits longer than one red indication.	≤ 10	< 0.60
B	Minimal Delays: An occasional approach phase is fully used. Drivers begin to feel restricted.	> 10 to 20	> 0.61 to 0.70
C	Acceptable Delays: Major approach phase may become fully used. Most drivers feel somewhat restricted.	> 20 to 35	> 0.71 to 0.80
D	Tolerable Delays: Drivers may wait through no more than one red indication. Queues may develop but dissipate rapidly without excessive delays.	> 35 to 55	> 0.81 to 0.90
E	Significant Delays: Volumes approaching capacity. Vehicles may wait through several signal cycles and long vehicle queues from upstream.	> 55 to 80	> 0.91 to 1.00
F	Excessive Delays: Represents conditions at capacity, with extremely long delays. Queues may block upstream intersections.	> 80	> 1.00

SOURCES: 2010 *Highway Capacity Manual*, Transportation Research Board, 2011.

TABLE 2
UNSIGNALIZED INTERSECTION LEVEL OF SERVICE DEFINITIONS

<u>Level of Service</u>	<u>Description of Operations</u>	<u>Average Delay (seconds/vehicle)</u>
A	No delay for stop-controlled approaches.	0 to 10
B	Operations with minor delays.	> 10 to 15
C	Operations with moderate delays.	> 15 to 25
D	Operations with some delays.	> 25 to 35
E	Operations with high delays and long queues.	> 35 to 50
F	Operation with extreme congestion, with very high delays and long queues unacceptable to most drivers.	> 50

SOURCE: 2010 *Highway Capacity Manual*, Transportation Research Board, 2011.

3.5 Existing Intersection Capacity Conditions

The existing intersection geometry at the project study intersections is presented in **Figure 3**. The existing traffic volumes at these intersections for the weekday AM and PM peak hours are presented in **Figure 4**. Traffic counts at the intersection were conducted in December, 2017. **Table 3** summarizes the associated LOS computation results for the existing weekday AM and PM peak hour conditions at these intersections. As shown in **Table 3**, all of the study intersections currently have acceptable conditions (LOS D or better) during the weekday AM and PM peak hours with the exception of intersection #3 which operates at LOS F on the side street approaches to San Pablo Avenue during the AM and PM peak hours. Please note the detailed LOS calculations are included in the technical appendix to this report.

3.6 Pedestrian and Bicycle Facilities

Bicycle paths, lanes and routes are typical examples of bicycle transportation facilities, which are defined by Caltrans as being in one of the following three classes:

Class I – Provides a completely separated facility designed for the exclusive use of bicyclists and pedestrians with crossing points minimized.

Class II – Provides a restricted right-of-way designated lane for the exclusive or semi-exclusive use of bicycles with through travel by motor vehicles or pedestrians prohibited, but with vehicle parking and cross-flows by pedestrians and motorists permitted.

Class III – Provides a right-of-way designated by signs or permanent markings and shared with pedestrians and motorists.

There are no marked bicycle lanes on San Pablo Avenue or on any of the local streets in the study area. Three blocks west of the site is Eighth Street, which is designated as a bicycle boulevard. The Ohlone Greenway multi-use trail is located about 1/3 of a mile east of the site.

TABLE 3
EXISTING INTERSECTION LEVEL OF SERVICE CONDITIONS

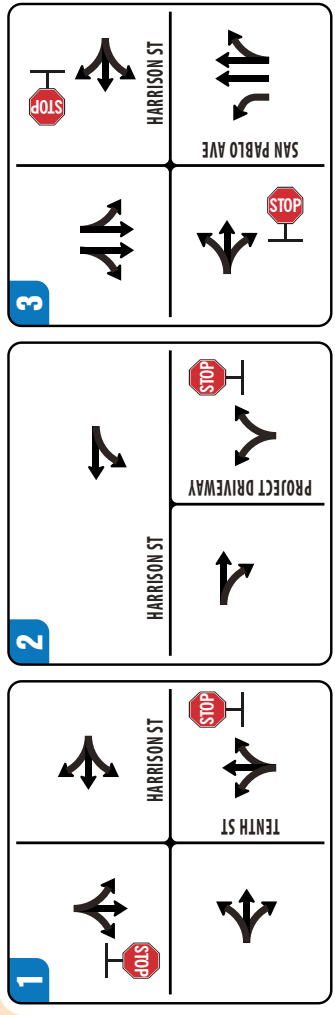
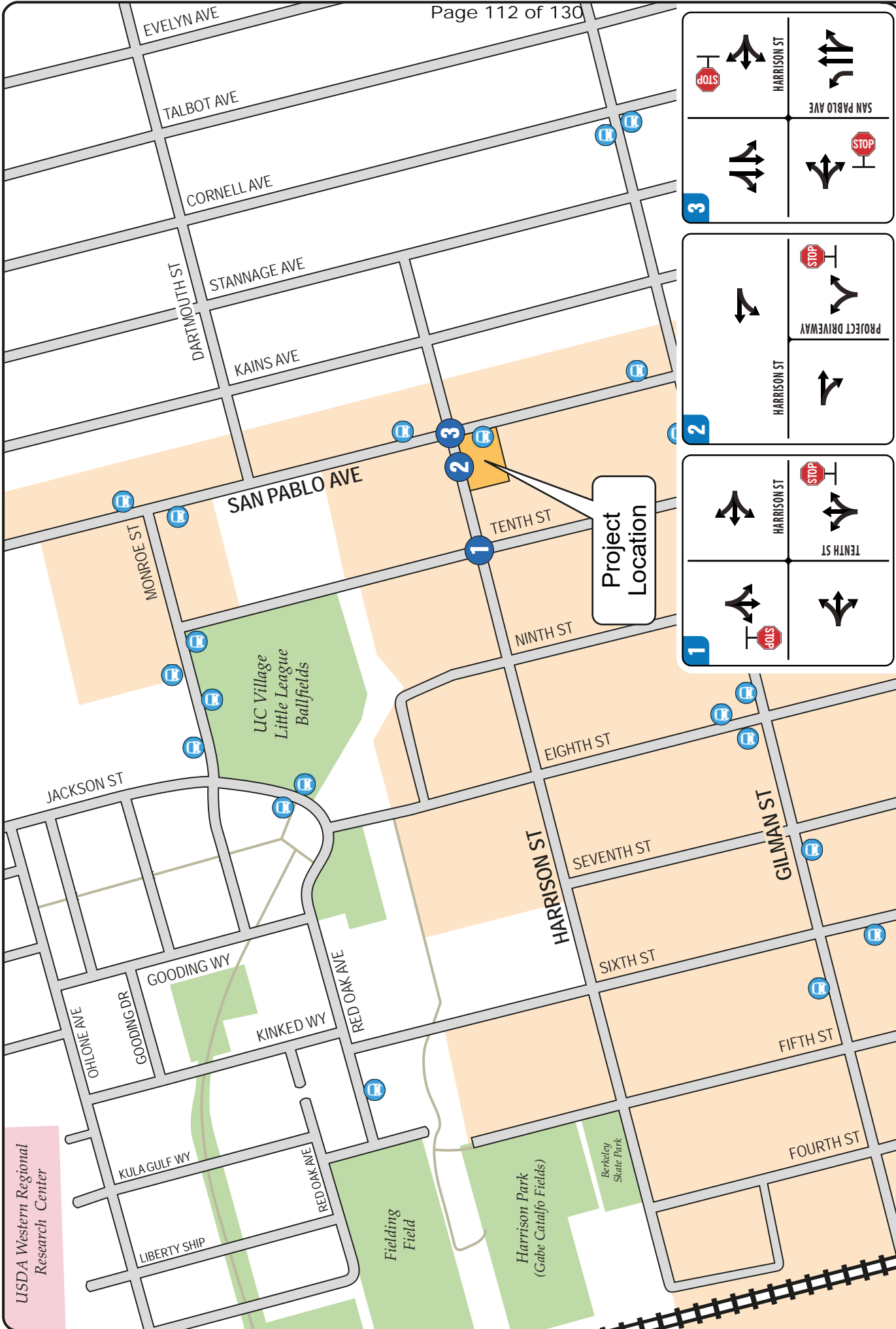
INTERSECTION		CONTROL	PEAK HOUR	EXISTING	
				Delay	LOS
1	TENTH STREET & HARRISON STREET	Two Way Stop	AM	10.9	B
			PM	9.7	A
2	PROJECT ENTRANCE & HARRISON STREET	Side Street Stop	AM	N/A	N/A
			PM	N/A	N/A
3	SAN PABLO AVENUE & HARRISON STREET	Two Way Stop	AM	>50	F
			PM	>50	F

SOURCE: Abrams Associates, 2018

NOTES: HCM LOS results are presented in terms of average intersection delay in seconds per vehicle.

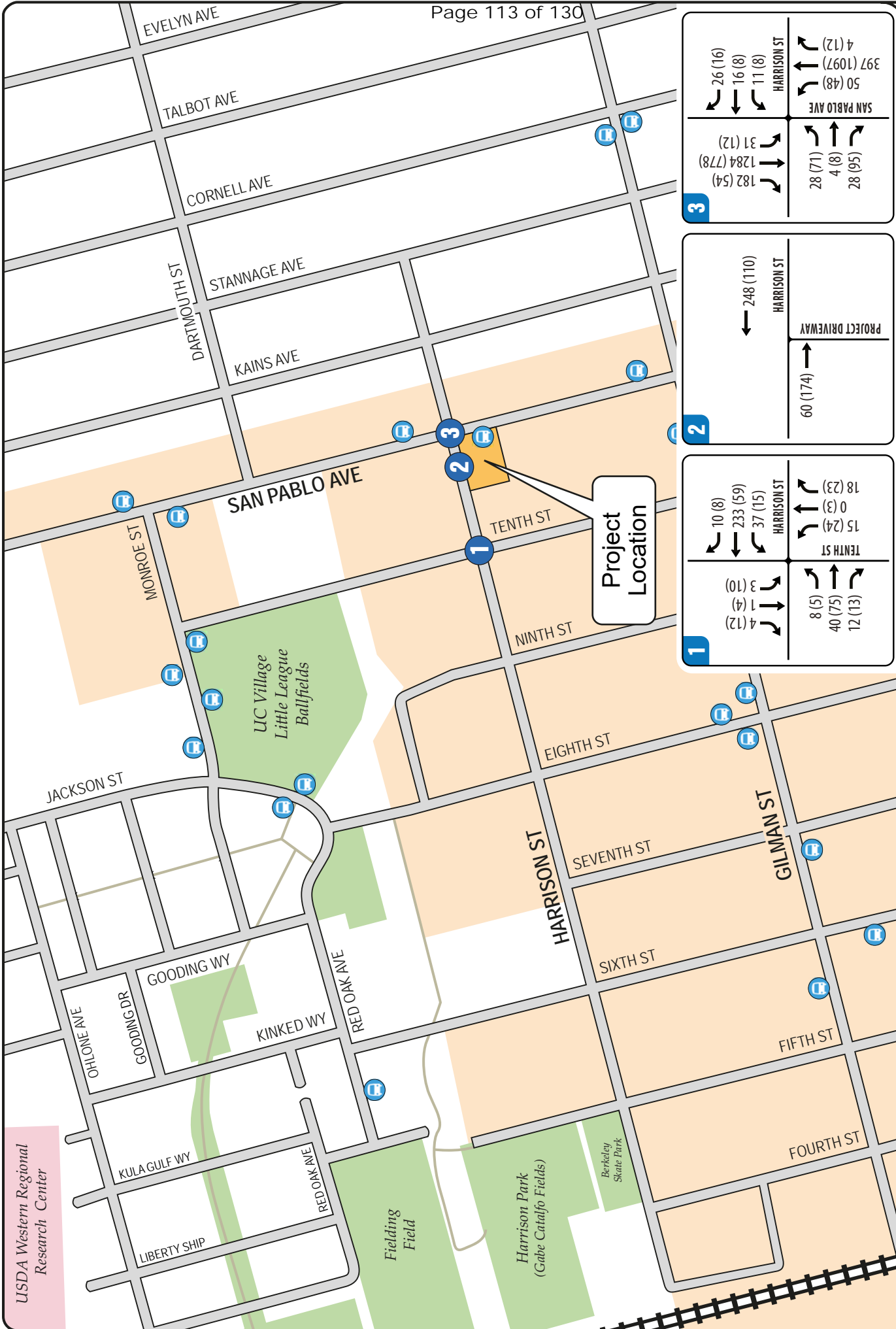
3.7 Transit Service

There is extensive bus service along San Pablo Avenue. Up to 6 different AC Transit routes pass the project. These routes include an all-nighter (Route 800) as well as connections to intercity express routes. The nearest bus stops are adjacent to the project site on San Pablo Avenue at Harrison Street. AC Transit Route 52 provides direct access to the North Berkeley BART station, which is located less than a mile from the project site. There is also direct service to Downtown San Francisco as well as continuing service to Milbrae. There is also extensive bus transit service provided by Alameda-Contra Costa County (AC) Transit at the BART Station.



USDA Western Regional Research Center

FIGURE 3 | EXISTING LANE CONFIGURATION
TRANSPORTATION IMPACT ANALYSIS
1200 San Pablo Ave
 City of Berkeley



3

26 (16) 16 (8) 11 (8)	HARRISON ST 4 (12) 397 (1097) 50 (48)
182 (54) 1284 (778) 31 (12)	SAN PABLO AVE 28 (71) 4 (8) 28 (95)

2

60 (174)	PROJECT DRIVEWAY 248 (110)
----------	-------------------------------

1

10 (8) 233 (59) 37 (15)	HARRISON ST 18 (23) 0 (3) 15 (24)
4 (12) 1 (4) 3 (10)	TENTH ST 8 (5) 40 (75) 12 (13)

**FIGURE 4 | EXISTING AM(PM) PEAK HOUR TRAFFIC VOLUMES
TRANSPORTATION IMPACT ANALYSIS
1200 San Pablo Ave
City of Berkeley**



USDA Western Regional
Research Center

4) REGULATORY CONTEXT

Existing policies, laws and regulations that apply to the proposed project are summarized below.

4.1 State

The California Department of Transportation (Caltrans) has jurisdiction over State highways and any improvements to these roadways would require Caltrans' approval.

4.2 Local

City of Berkeley General Plan - The Transportation and Circulation Element the City of Berkeley General Plan addresses the location and extent of existing and planned transportation routes, terminals, and other local public utilities and facilities. The General Plan identifies roadway and transit goals and policies that have been adopted to ensure that the transportation system of the City will have adequate capacity to serve planned growth. These goals and policies are intended to provide a plan and implementation measures for an integrated, multi-modal transportation system that will safely and efficiently meet the transportation needs of all economic and social segments of the City.

4.3 Significance Criteria

The City's level of service standard states that an impact is significant when the criteria are reduced from LOS A, B, C, or D to LOS E (with the addition of two (2) seconds of average delay) for signalized intersections. Intersections that exceed this service level threshold are considered to be impacted and should be considered for mitigation. Exceptions to the LOS D standard arise when the project is not expected to add more than two seconds at an intersection going from LOS D to LOS E or more than three seconds of delay at an intersection that is already operating at LOS E. In addition, it would also be considered a significant impact if a project would increase the volume to capacity (V/C) ratio by more than 0.01 at an intersection that is already operating at LOS F.

For unsignalized intersections, additional considerations are involved, including the number of vehicles on the critical approach, vehicles contributed by the proposed project, and signal warrant analysis. At an unsignalized intersection, mitigation is required if a movement is LOS F, the peak hour signal warrant is met, and a minimum of 10 vehicles are added to the critical movement.

In this case the project has not been found to have any significant impacts but according to CEQA guidelines, a project would also have a significant impact if it would:

- Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including, but not limited to, intersections, streets, highways and freeways, pedestrian and bicycle paths and mass transit.
- Conflict with an applicable congestion management program, including, but not limited to, level-of-service standards, and travel demand measures, or other standards established by a county congestion management agency for designated roadways.
- Result in inadequate emergency vehicle access.

- Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.
- Result in an internal circulation system design that does not meet City standards.

It should again be noted that this project has not been found to have any significant impacts according to CEQA and the above mentioned criteria are presented for informational purposes.

5) IMPACTS AND MITIGATION MEASURES

5.1 Project Trip Generation

The vehicle trip generation for the project is shown in **Table 4**. The trip generation rates are based on the ITE rates for apartments (Land Use 221) and retail space (Land Use 820) taken from the 10th Edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual. The rates have been adjusted (as described below) to account for traffic conditions in this part of Berkeley.

Berkeley Residential Trip Generation - Since the project is located in an urban area with numerous bus connections the vehicle trip rate per unit is less than would be generated by a typical apartment building. As described previously the project has several local bus routes and all-nighter route operating directly adjacent to the project site. For this project, a trip reduction of 23% has been applied to the unfiltered trip generation rate to account for conditions in this part of Berkeley less than a mile from the North Berkeley BART station along the San Pablo Avenue bus transit corridor. The ITE trip generation rates are based on surveys of primarily suburban locations and this reduction is intended to account for walk, bicycle, and transit trips as well as shared trips with the residential component of the project. The 23% reduction was based on data from the Alameda County Transportation Commission's Travel Demand Model and census data on vehicle ownership and travel patterns for the census tract where the project is located. Based on the trip generation forecasts the project generate about 17 new vehicle trips during the AM peak hour and 21 trips during the PM peak hour. The trips generated by this proposed development are estimated for the peak commute hours which represent the peak of adjacent street traffic. To be conservative no reductions were taken to account for the removal of the existing building since the fast food restaurant that previously occupied the site was closed at the time the traffic counts were conducted.

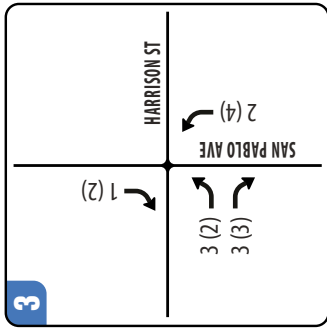
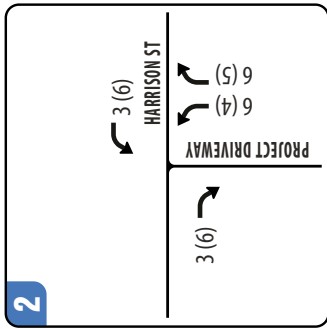
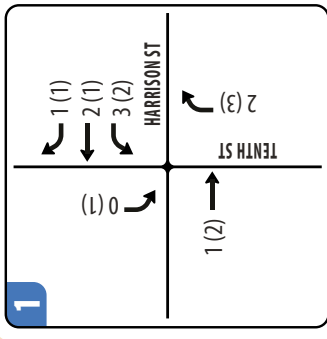
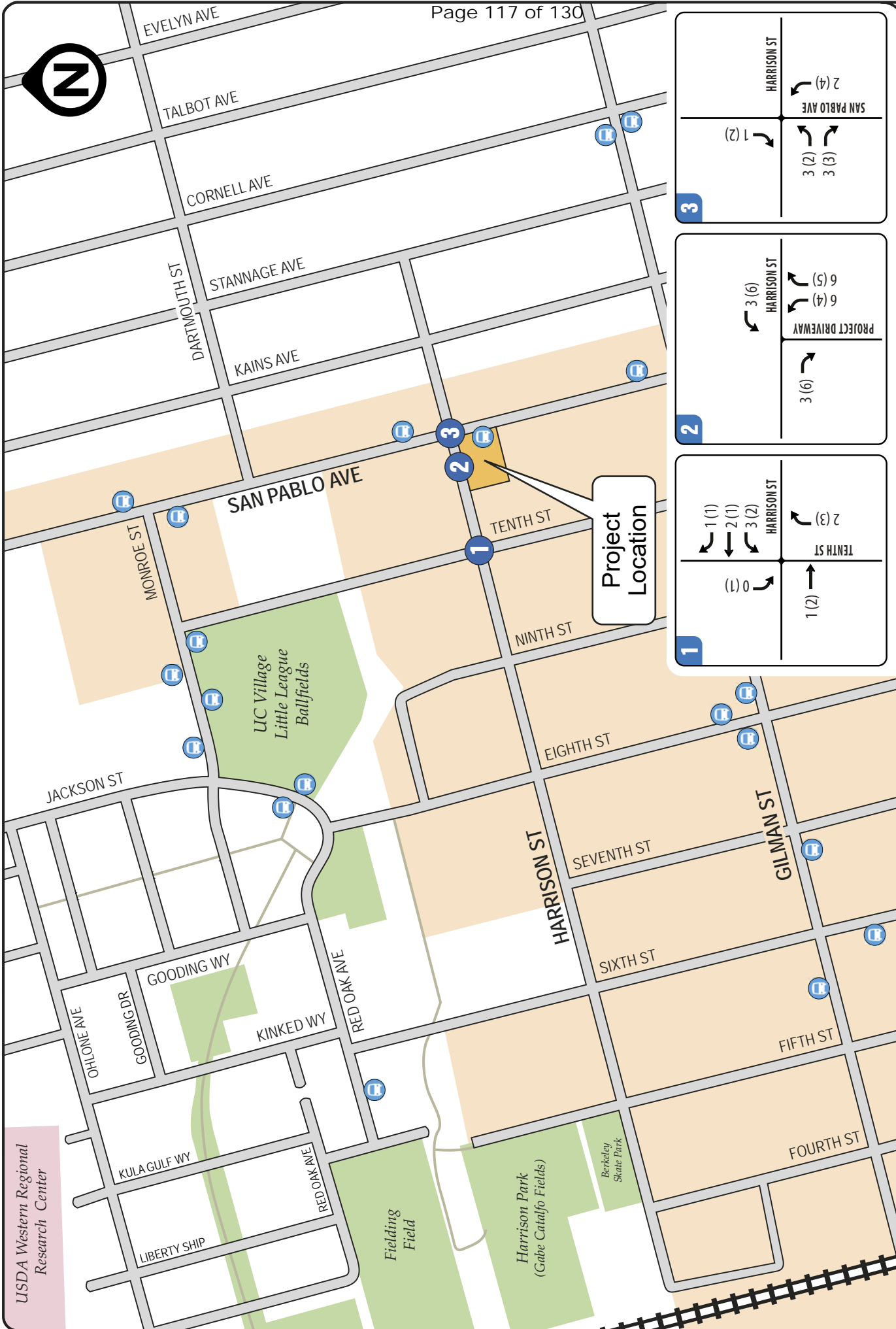
TABLE 4
TRIP GENERATION CALCULATIONS

Land Use	ITE Code	Size	ADT	AM Peak Hour			PM Peak Hour		
				In	Out	Total	In	Out	Total
ITE Apartment Rates - Trips per Unit	221		5.44	0.09	0.27	0.36	0.27	0.17	0.44
Apartment Trip Generation		57 units	310	5	15	20	15	10	25
Reduction for Non-Auto Trips (23%)			71	1	3	4	4	2	6
<i>Subtotals for the Apartments</i>			239	4	12	16	11	8	19
ITE Retail Rates - Trips per ksf	820		37.75	0.58	0.36	0.94	1.83	1.98	3.81
Retail Trip Generation		1,125 sq. ft.	42	1	0	1	2	2	4
Reduction for Pass-By/Non-Auto Trips (34%)			14	0	0	0	1	1	2
<i>Subtotals for the Retail</i>			28	1	0	1	1	1	2
Net New Trip Generation for the Proposed Project			267	5	12	17	12	9	21

SOURCE: Institute of Transportation Engineers Trip Generation Manual (10th Edition) and the Trip Generation Handbook (3rd Edition)

5.2 Project Trip Distribution

The trip distribution assumptions have been based on the existing traffic count data including daily directional volume and peak-hour turning movements, the Alameda County travel demand model, and information on the surrounding area such as commute patterns and the overall land use patterns in the area. **Figure 5** shows the project traffic that would be added at the project study intersections.



Project Location

USDA Western Regional Research Center

FIGURE 5 | PROJECT AM(PM) PEAK HOUR TRIPS TRANSPORTATION IMPACT ANALYSIS
1200 San Pablo Ave
 City of Berkeley

5.3 Existing Plus Project Intersection Capacity Conditions

This scenario evaluates the existing conditions with the addition of traffic from the proposed project. A comparison of the capacity calculations for the conditions with the addition of traffic from the project is shown in **Table 5**. **Figure 6** presents the existing plus project volumes used in the analysis. The corresponding LOS analysis calculation sheets are presented in the Traffic Analysis Appendix. As shown in **Table 5**, all of the study intersections would continue to have acceptable conditions (LOS D or better) during the weekday AM and PM peak hours with the exception of intersection #3 which would both continue to operate at LOS F on the side street approaches to San Pablo Avenue during the PM peak hour. However, there would be less than 10 trips added to the side street approach. Therefore, the addition of traffic to these intersections would not be considered a significant impact according to City of Berkeley guidelines.

TABLE 5
EXISTING PLUS PROJECT INTERSECTION LEVEL OF SERVICE CONDITIONS

INTERSECTION		CONTROL	PEAK HOUR	EXISTING		EXISTING PLUS PROJECT	
				Delay	LOS	Delay	LOS
1	TENTH STREET & HARRISON STREET	Two Way Stop	AM	10.9	B	10.9	B
			PM	9.7	A	9.8	A
2	PROJECT ENTRANCE & HARRISON STREET	Side Street Stop	AM	N/A	N/A	9.6	A
			PM	N/A	N/A	10.0	B
3	SAN PABLO AVENUE & HARRISON STREET	Two Way Stop	AM	>50	F	>50	F
			PM	>50	F	>50	F

SOURCE: Abrams Associates, 2018

NOTES: HCM LOS results are presented in terms of average intersection delay in seconds per vehicle.

5.4 Baseline Intersection Capacity Conditions

Trip generation and trip assignment assumptions for the approved projects were based on the traffic study reports prepared for each project, where available. Approved projects include developments that are either under construction, built but not fully occupied, or not built but have final development approval from the City. For background growth traffic from approved developments that could potentially affect the volumes at the project study intersections was identified. To ensure full accounting for the growth in background traffic the existing traffic volumes were conservatively increased by 3% per year for four years based on the assumption that the project completion date would be 2022.

Figure 7 presents the resulting baseline volumes at each of the project study intersections **Table 5** summarizes the LOS results for the Baseline and Baseline Plus Project weekday AM and PM peak hour conditions. The corresponding LOS analysis calculation sheets are presented in the *Traffic Analysis Appendix*. As shown in **Table 3**, all of the study intersections currently have acceptable conditions (LOS D or better) during the weekday AM and PM peak hours with the exception of intersection #3 which would continue to operate at LOS F on the side street approaches to San Pablo Avenue during the AM and PM peak hours. Please note the detailed LOS calculations are included in the technical appendix to this report.

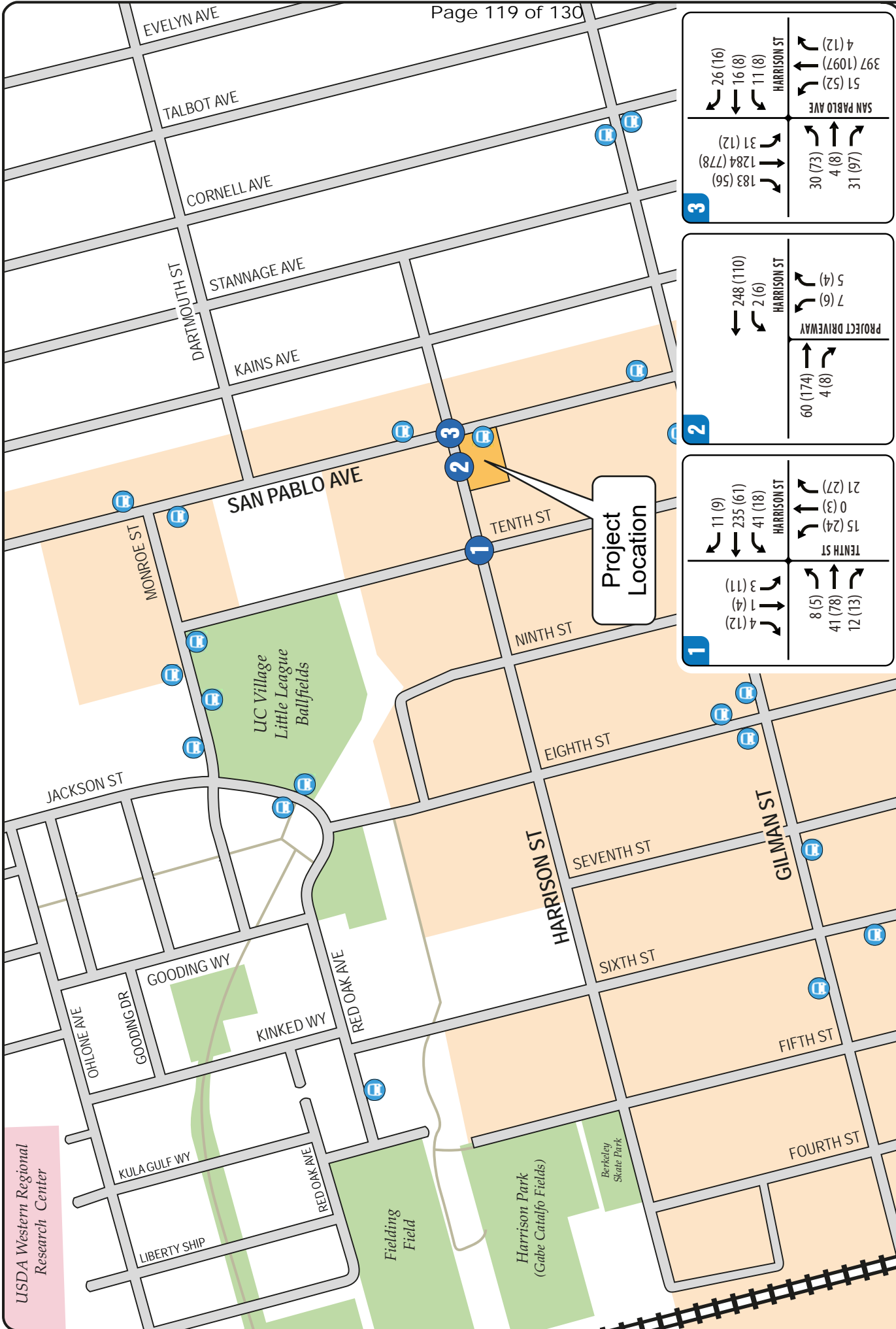


FIGURE 6 | EXISTING PLUS PROJECT AM(PM) PEAK HOUR TRAFFIC VOLUMES

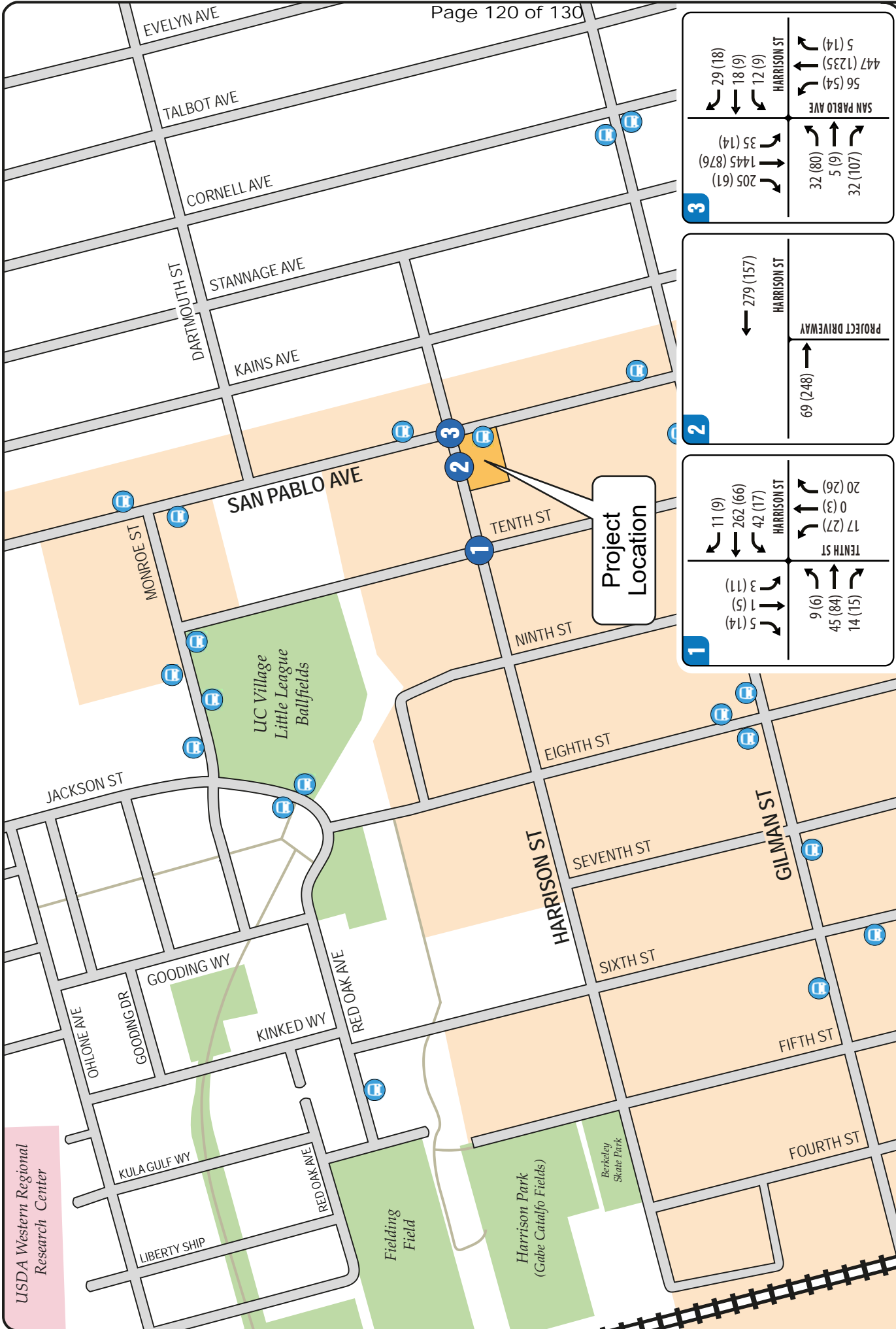
TRANSPORTATION IMPACT ANALYSIS

1200 San Pablo Ave

City of Berkeley



USDA Western Regional Research Center



3

29 (18) 18 (9) 12 (9)	HARRISON ST 447 (1235) 56 (54) 5 (14)
35 (14) 1445 (876) 205 (61)	SAN PABLO AVE 32 (80) 5 (9) 32 (107)

2

69 (248)	PROJECT DRIVEWAY
279 (157)	HARRISON ST

1

11 (9) 262 (66) 42 (17)	HARRISON ST 17 (27) 0 (3) 20 (26)
3 (11) 1 (5) 5 (14)	TENTH ST 9 (6) 45 (84) 14 (15)



**FIGURE 7 | BASELINE AM(PM) PEAK HOUR TRAFFIC VOLUMES
TRANSPORTATION IMPACT ANALYSIS
1200 San Pablo Ave
City of Berkeley**

USDA Western Regional
Research Center

5.5 Baseline Plus Project Intersection Capacity Conditions

The Baseline plus proposed project traffic forecasts were developed by adding project-related traffic to the baseline traffic volumes. As noted above, **Table 6** summarizes the LOS results for the Baseline Plus Project weekday AM and PM peak hour conditions (i.e. the existing roadway network). **Figure 8** presents the resulting baseline plus project volumes at each of the project study intersections. Please note that the corresponding LOS analysis calculation sheets are presented in the appendix. As shown in **Table 5**, all of the study intersections would continue to have acceptable conditions (LOS D or better) during the weekday AM and PM peak hours with the exception of intersection #3 which would both continue to operate at LOS F on the side street approaches to San Pablo Avenue during the PM peak hour. However, there would be less than 10 trips added to the side street approach. Therefore, the addition of traffic to these intersections would not be considered a significant impact according to City of Berkeley guidelines. It should also be noted that there are several alternate routes available for motorists to avoid the side street backup on the Harrison Street approach to San Pablo Avenue. These alternate routes are viable for most motorists, in part because the majority of traffic on eastbound Harrison Avenue turns left or right at San Pablo Avenue (over 95%) with very little through traffic proceeding straight across San Pablo Avenue.

TABLE 6
BASELINE PLUS PROJECT INTERSECTION LEVEL OF SERVICE CONDITIONS

INTERSECTION	CONTROL	PEAK HOUR	BASELINE		BASELINE PLUS PROJECT	
			Delay	LOS	Delay	LOS
1 TENTH STREET & HARRISON STREET	Two Way Stop	AM	11.1	B	11.2	B
		PM	9.9	A	10.0	B
2 PROJECT ENTRANCE & HARRISON STREET	Side Street Stop	AM	N/A	N/A	9.8	A
		PM	N/A	N/A	10.8	B
3 SAN PABLO AVENUE & HARRISON STREET	Two Way Stop	AM	>50	F	>50	F
		PM	>50	F	>50	F

SOURCE: Abrams Associates, 2018

NOTES: HCM LOS results are presented in terms of seconds per vehicle.

5.6 Internal Circulation and Access

No site circulation or access issues have been identified that would cause any traffic safety issues or any unusual traffic congestion or delay. Please note that the garage exit will require pedestrian audio/visual signals for when vehicles are exiting the site.

5.7 Parking

This section discusses the City of Berkeley's zoning and estimated parking demand for the project, which is located in Zoning District C-W. As per the City's Municipal Code, the minimum off-street parking requirement per the C-W district requirements is 57 residential parking spaces (1 space per dwelling unit) and 2 commercial parking spaces. Thus, per the C-W District, the project would be required to provide a minimum of 59 off-street parking spaces. **Table 8** presents the Municipal Code parking calculations. Pursuant to Government Code Section 65915(p)(2), if a proposed development includes (1) the maximum percentage very low income units; (2) is located within one-half mile of a major transit stop, as defined in subdivision (b) of

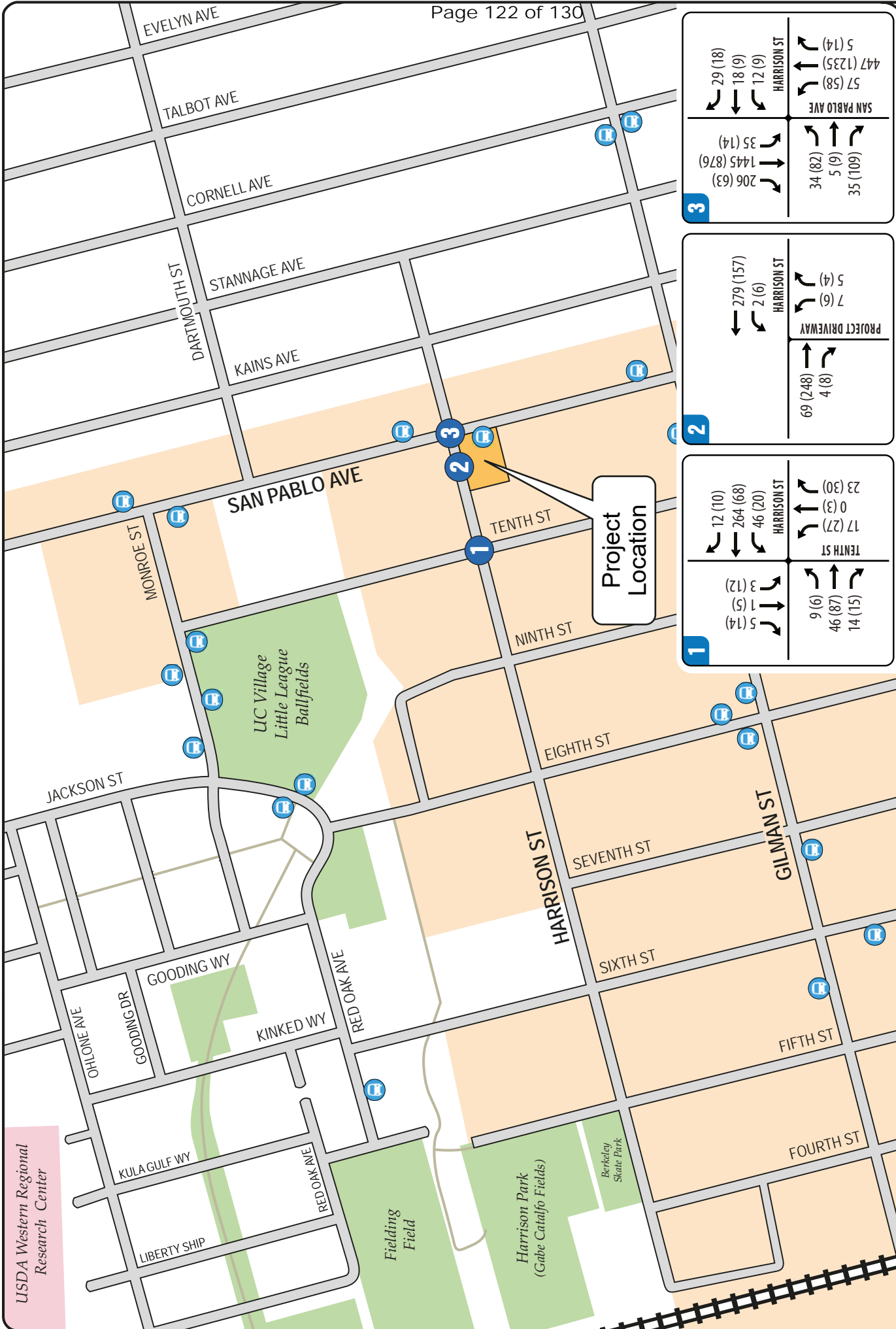


FIGURE 8 | BASELINE PLUS PROJECT AM(PM) PEAK HOUR TRAFFIC VOLUMES

TRANSPORTATION IMPACT ANALYSIS

6200 San Pablo Ave

City of Berkeley



USDA Western Regional Research Center

Table 8
Residential Off-Street Parking Calculations Based on the Berkeley Municipal Code

Land Use	Size		Parking Requirement	Required Spaces
Retail	1,125	sq. ft.	2 spaces per 1,000 sq. ft.	2
Apartments	57	units	1 per unit	57
<i>Total Unadjusted Peak Parking Requirement</i>				<i>59</i>

Section 21155 of the Public Resources Code²; (3) and there is unobstructed access to the major transit stop from the development, the City may not impose a vehicular parking ratio, inclusive of handicapped and guest parking, that exceeds 0.5 spaces per bedroom.³ The parking standards contained in Government Code Section 65915(p), (2) are provided in addition to and separate from any concession or waiver that the project may receive. Per this standard, because the proposed project would have 86 bedrooms, the City theoretically cannot apply the minimum number of spaces mandated by the CW District; instead, the City can only require 43 residential parking spaces.

With respect to bicycle parking, Section 23E.80.080.C of the City's Municipal Code requires one bicycle parking space for each 2,000 square feet of commercial space. For the proposed project with 1,125 square feet of commercial space this equates to a requirement for parking one bicycle and the project is proposing to exceed this requirement by providing 52 bicycle parking spaces within a secure room within the building. Please note the BMC sections that apply to this site do not require bicycle parking for residential uses. It should also be noted that there are draft bicycle parking standards that have been proposed that, once approved, would increase the bicycle parking requirements for the project. Based on the draft standards the project would require 30 long term bicycle parking spaces and also 4 short term spaces.

Parking Demand in Berkeley - For this location on a major bus route the parking demand would be less than the typical ITE rate in the Parking Generation Manual. This is based on many of the same characteristics that are discussed in the trip generation section. The availability of transit, the use of bicycles, and the attractiveness of walking in a mixed-use environment clearly results in reduced vehicle trip generation and an associated reduction in the need for parking. Since Berkeley has numerous opportunities for public transportation and the

² Per Public Resources Code Section 21155, a major transit corridor is defined as follows: "a corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours. A project shall be considered to be within one-half mile of a major transit stop or high-quality transit corridor if all parcels within the project have no more than 25 percent of their area farther than one-half mile from the stop or corridor and if not more than 10 percent of the residential units or 100 units, whichever is less, in the project are farther than one-half mile from the stop or corridor." This project and the service provided to this location qualifies.

³ Pursuant to Government Code Section 65915(p)(7), if the City or an independent consultant has conducted an area wide or jurisdiction wide parking study in the last seven years, then the City may impose a higher vehicular parking ratio not to exceed the ratio described in paragraph Government Code Section 65915(p)(1), based upon substantial evidence found in the parking study, that includes, but is not limited to, an analysis of parking availability, differing levels of transit access, walkability access to transit services, the potential for shared parking, the effect of parking requirements on the cost of market-rate and subsidized developments, and the lower rates of car ownership for low-income and very low income individuals, including seniors and special needs individuals.

apartment residents are not all expected to have personal vehicles, it is anticipated that a substantial portion of all travel will occur by walking, bicycling, and through the use of public transit. Please note in addition to being less than a mile from a BART station there are bus stops adjacent to the site that include access to local routes with direct access to BART and an all-nighter bus route (Route 800).

Parking Demand Based on ITE Parking Generation Rates - To provide additional justification for the parking demand analysis, **Table 9** provides a summary of the parking demand results using the average ITE peak parking demand rates for apartments and retail space from the 4th Edition of the *ITE Parking Generation Manual*. As shown in **Table 9**, the parking demand generated by the project would be forecast to be approximately 71 parking spaces based on the ITE data. However, please note these ITE estimates are based on surveys of parking demand at suburban locations and does not account for the project's urban location in a walkable area with excellent transit access.

Residential Parking Demand Based on U.S. Census Data - To provide additional information on the potential parking demand in the project area U.S. census data was also utilized based on Census Transportation Planning Products summary of data from the American Community Survey (2010). The U.S. census data indicated the parking demand for the census tract in the area where the project is located averaged 1.1 automobiles per dwelling unit. Please note this was calculated for the category of renter occupied dwelling units. Based on the U.S. census data the residents of the proposed 57-unit apartment building would be forecast to generate a parking demand of approximately 63 vehicles. However, it should be noted that the parking data for this census tract is probably affected by the high percentage of single family homes.

Table 9
**Residential Off-Street Parking Calculations Using Parking Data from
the Institute of Transportation Engineers**

Land Use	Size		Parking Ratio	Estimated Demand
Retail	1,125	sq. ft.	2.6	3
Apartments	57	units	1.2	68
<i>Total Unadjusted Peak Parking Demand</i>				<i>71</i>

On-Street Parking Surveys

In order to evaluate the local parking situation on-street parking occupancy surveys were conducted based on the standard traffic engineering guidelines for a study area specified by the City of Berkeley. This survey included a detailed inventory of all on-street and public off-street parking within two blocks of the project site. The study involved a block-by-block survey of the number and types of spaces, and the parking occupancy on weekday afternoons and weekday evenings. The surveys were conducted December 12, 13, and 14, 2018 (a Tuesday, Wednesday, and Thursday). There are currently about 364 on-street parking spaces located within about two blocks of the project site. The studies found that during the afternoon between 1:00 and 3:00 PM, there are about 251 spaces (69%) that are occupied, and about 113 spaces available. During the evening between 6:00 and 8:00 PM, there are about 169 occupied spaces, which is an occupancy rate of 46%, and about 195 available on-street spaces.

Summary of Findings on Parking - Based on these studies, it is our recommendation that the City consider making the findings that the proposed 44 space parking garage is reasonable and appropriate. The justification is as follows:

- 1) The on-street parking surveys conducted in the vicinity of the project indicate there are typically a minimum of about 169 available on-street parking spaces within two blocks of the project.
- 2) The project is proposing to exceed the requirements for bicycle parking by providing 52 bicycle parking spaces in a secure bike room.
- 3) There are numerous shopping and employment centers in the area. **Figure 1** presents the location of commercial areas and transit facilities in the vicinity of the project.
- 4) There are numerous existing car sharing locations in the area. Please note that within a mile of the project site there are 3 Zipcar locations.
- 5) The project is located less than a mile from the North Berkeley BART station and there is extensive bus transit service provided by Alameda-Contra Costa County (AC) Transit along San Pablo Avenue. Routes G, 52, 72, 72M, 72R, and all-nighter Route 800 all operate directly adjacent to the project site.

5.8 Pedestrian and Bicycle Conditions

The proposed project would not generate a significant increase in pedestrian traffic in the area (in comparison to the existing volumes) given the size of the proposed project. Based on data from MTC's Bay Area Travel Survey for projects within 1 mile of a BART station during the peak commute hours the project would be forecast to generate approximately 4 transit trips, 2 bicycle trips and 4 pedestrian trips. In addition to the relatively low trip generation, the proposed project would not significantly impact or change the design of any existing pedestrian facilities and should not create any new safety problems in the area. The proposed project would also not significantly impact any existing bicycle facilities. The project will add some pedestrians and bicyclists who will utilize sidewalks and bicycle facilities in the area. Please note there are existing sidewalks and crosswalks along the route from the project to the North Berkeley BART station. In relation to the existing conditions, the proposed project would not cause substantial changes to the pedestrian or bicycle traffic in the area and would not significantly impact or require changes to the design of any existing bicycle or pedestrian facilities.

5.9 Transit

The proposed project would not interfere with any existing bus routes and would not remove or relocate any existing bus stops. The proposed Project also would not conflict with any transit plans or goals of the City of Berkeley. Based on the size of the project, it is not forecast to cause a degradation of the level of service (or a significant increase in delay) on any roadway segments currently being utilized by bus transit in the area and, as such, no significant impacts to transit are expected.

5.10 Vehicle Miles Travelled

Vehicle miles traveled (VMT) is the measure of miles traveled within a specific geographic area for a given period and it provides an indication of automobile and truck travel on a transportation system. Pursuant to Senate Bill 743, signed into law in September 2013, the State CEQA Guidelines could be amended to require analysis based on vehicle miles traveled (VMT) rather

than intersection LOS. As no formal changes to the CEQA Guidelines have occurred to date, this analysis is not required to analyze the project's impact on VMT. The City of Berkeley also has not yet developed guidelines or thresholds for VMT analysis.

5.11 Summary of Transportation Issues and Potential Improvement Measures

TR-1 Demolition and construction activities associated with the proposed project would result in an increase in traffic to and from the site and would require an appropriate construction management plan developed and approved by the City of Berkeley, consistent with the already existing and broadly applicable standard conditions that apply to projects similar in nature.

The increase in traffic as a result of demolition and construction activities associated with the proposed project has been quantified assuming single phase construction period of 18 months.

Heavy Equipment

Heavy equipment transport to and from the site could cause traffic impacts in the vicinity of the project site during construction. However, each overweight/oversized load would be required to obtain all necessary permits, which would include conditions. Prior to issuance of grading and building permits, the project applicant would be required to submit and have approved a Traffic Control Plan.

The requirements within the Traffic Control Plan include, but are not limited to, the following: truck drivers would be notified of and required to use the most direct route between the site and I-80, as determined by the City Traffic Engineering Department; all site ingress and egress would occur only at the main driveway to the project site and construction activities may require temporary traffic controls as determined by the City Engineer. Please note construction traffic will be directed to use San Pablo Avenue as the City has a goal of minimizing construction traffic on local streets. Specifically, designated travel routes for large vehicles would be monitored and controlled by flaggers for large construction vehicle ingress and egress. Any debris and mud caused by trucks would be monitored daily and may require instituting a street cleaning program. In addition, several loads of heavy equipment being hauled to and from the site each month would be short-term and temporary.

Employees

The weekday work is expected to begin around 7:00 AM and end around 4:00 PM. The construction worker arrival peak would occur between 6:30 AM and 7:30 AM, and the departure peak would occur between 4:00 PM and 5:00 PM. These peak hours are slightly before the citywide commute peaks. It should be noted that the trips generated during construction would be temporary.

Based on past construction of similar projects, construction workers could require parking for up to 20 vehicles during the peak construction period. Additionally, deliveries, visits, and other activities may generate peak non-worker parking demand of 5 to 10 trucks and automobiles per day. Therefore, up to 30 vehicle parking spaces may be required during the peak construction period for the construction employees. It should be noted the developer and their construction team are required to provide off-street parking for their employees on the site, if possible. Furthermore, the Traffic Control Plan

requires that if construction employee parking cannot be provided on the project site then other provisions will need to be made for off-site parking, subject to approval of the City Traffic Engineering Department.

Construction Material Import

The project would also require the importation of construction material, including raw materials for the building pads, the buildings, the parking area, and landscaping. Based on past construction of similar projects, importing this material is estimated to require substantial amounts of truck traffic. Under the provisions of the Traffic Control Plan, if importation and exportation of material becomes a traffic nuisance, then the City Engineer may limit the hours the activities can take place.

Impacts of Construction on Pedestrians and Bicyclists

The project would most likely require temporary closures of sidewalks and/or vehicle lanes adjacent to the site for safety. This would require a detailed plan for detouring pedestrian and bicycle traffic. This plan will need to be reviewed and approved by the City Engineer. The analysis of traffic operations at the driveway indicates there would be no significant changes to the traffic volumes, delay, or safety on San Pablo Avenue with the addition of traffic from the proposed project. The City requires permission to close sidewalks and an acceptable traffic control plan for closures to be permitted. In general, the pedestrian and bicycle operations in the area would not be expected to change significantly during construction beyond the addition of some truck traffic to the area.

Traffic Control Plan

The Traffic Control Plan would indicate how parking for construction workers would be provided during construction and ensure a safe flow of traffic in the project area during construction. This analysis assumed construction of the entire project in one phase to identify the potential worst-case traffic effects. Each phase will be subject to a Traffic Control Plan and oversight by the City Engineer and construction traffic is not forecast to exceed the post construction traffic conditions created by the proposed project. As a result, the potential construction traffic impacts have been adequately addressed through the project impact analysis. The goal of the conditional requirements of the City is to make construction impacts less than significant. There is some increase in traffic associated with all construction projects, however the required traffic management plan is intended to ensure the effects of construction are acceptable to the City. Therefore, the demolition and construction activities associated with the proposed project or its individual phases would be expected to result in a **less-than-significant** impact.

Mitigation Measure(s)

None required.

TR-2 Impacts related to site access and circulation.

Based on a review of the proposed site plan it was determined that the internal garage circulation should function well and should not cause any safety or operational problems. The project site design has been required to conform to City design standards and is not expected to create any significant impacts to pedestrians, bicyclists or traffic operations.

Therefore, impacts related to site access and circulation to the proposed project would be ***less-than-significant***.

Mitigation Measure(s)

None required.

TR-3 Impacts regarding emergency vehicle access on and surrounding the proposed project site.

Sufficient emergency access is determined by factors such as number of access points, roadway width, and proximity to fire stations. The land use plan for the proposed project would be subject to approval of the fire department. All lane widths adjacent to the project would meet the minimum width that can accommodate an emergency vehicle; therefore, the width of the roadways would be adequate. Therefore, the development of the proposed project is expected to have ***less-than-significant*** impacts regarding emergency vehicle access.

Mitigation Measure(s)

None required.

TR-4 Impacts relating to the presence and availability of adequate parking.


The proposed project is expected to provide a sufficient amount of parking to accommodate employees and residents and to ensure consistency with the City requirements. Therefore, the proposed project is not expected to create parking impacts on the surrounding areas, and impacts related to adequate parking would be ***less-than-significant***.

Mitigation Measure(s)

None required.

5.13 Mitigations

Based on this analysis there would be no significant transportation impacts according to established standards and no off-site traffic or transportation mitigations would be required.



Administrative Record
ZAB Appeal:
1200 San Pablo
Avenue

This attachment is on file and available for review upon request from the City Clerk Department, or can be accessed from the City Council Website.

City Clerk Department
2180 Milvia Street
Berkeley, CA 94704
(510) 981-6900

or from:

The City of Berkeley, City Council's Web site
<http://www.cityofberkeley.info/citycouncil/>

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

ZAB APPEAL: USE PERMITS #ZP2019-0192, 1200-1214 SAN PABLO AVENUE

Notice is hereby given by the City Council of the City of Berkeley that on **TUESDAY, MARCH 23, 2021 at 6:00 P.M.** a public hearing will be conducted to consider an appeal of the decision by the Zoning Adjustments Board to approve Use Permit #ZP2019-0192, to demolish three existing commercial buildings and construct a six-story, mixed-use building with 104 units (including nine Very Low Income units), a 3,119-square-foot restaurant, 4,343 square feet of usable open space, and 55 ground-level parking spaces at 1200-1214 San Pablo Avenue.

A copy of the agenda material for this hearing will be available on the City's website at www.CityofBerkeley.info as of **MARCH 11, 2021. Once posted, the agenda for this meeting will include a link for public participation using Zoom video technology.**

For further information, please contact Sharon Gong, Project Planner at (510) 981-7429, or sgong@cityofberkeley.info. Written comments should be mailed to the City Clerk, 2180 Milvia Street, Berkeley, CA 94704 or emailed to council@cityofberkeley.info, in order to ensure delivery to all Councilmembers and inclusion in the agenda packet.

Communications to the Berkeley City Council are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service 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.

Mark Numainville, City Clerk

Mailed: Date

NOTICE CONCERNING YOUR LEGAL RIGHTS: *If you object to a decision by the City Council to approve or deny (Code Civ. Proc. § 1094.6(b)) or approve (Gov. Code 65009(c)(5)) an appeal, the following requirements and restrictions apply: 1) Pursuant to Code of Civil Procedure Section 1094.6, no lawsuit challenging a City decision to deny or approve a Zoning Adjustments Board decision may be filed 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.*

If you challenge the above in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City of Berkeley at, or prior to, the public hearing. Background information concerning this proposal will be available by request from the City Clerk Department and posted on the City of Berkeley webpage at least 10 days prior to the public hearing.



Joint Subcommittee for the Implementation of State Housing Laws

ACTION CALENDAR
March 23, 2021

To: Honorable Mayor and Members of the City Council

From: Joint Subcommittee for the Implementation of State Housing Laws
(JSISHL)

Submitted by: Igor Tregub, Chairperson

Subject: Objective Standards Recommendations for Density, Design and Shadows

RECOMMENDATION

Refer to the Planning Commission and Design Review Committee to review the recommendations from the Joint Subcommittee for the Implementation of State Housing Laws (JSISHL) for objective standards for density, design and shadows and draft Zoning Ordinance amendments for City Council consideration.

FISCAL IMPACTS OF RECOMMENDATION

This project will involve staff and consultant time that will total approximately \$200,000. Budget for the consultant time was previously allocated from the General Fund in the 2021-2022 fiscal year budget (\$115,000). Additional staff time amounting to \$100,000 would have to be covered by re-arranging staff priorities within existing resources to support the effort.

CURRENT SITUATION AND ITS EFFECTS

The City of Berkeley's Zoning Ordinance and permitting process for residential and mixed use projects relies heavily on discretion and subjective development standards. State laws, such as Senate Bill (SB) 35, limit interpretation of zoning regulations and require a streamlined permit approval process for many housing projects. JSISHL was tasked with reviewing approaches to objective standards for density, design, shadows and views. Between April 2018 and July 2020 JSISHL, including representatives of the Planning Commission, Zoning Adjustments Board, and Housing Advisory Commission, met eleven times to discuss these topics and ultimately prepared the recommendations summarized below.

Objective Standards for Density (Building Intensity)

The referral specifically requested that JSISHL consider dwelling units per acre as an objective measurement of density. JSISHL also considered a form-based code method and floor area ratio (FAR) as approaches to objectively regulate lot buildout and development proportions. No unanimous agreement could be reached as to the best path forward. In the end, a recommendation was made using FAR as the primary

density standard in residential and commercial districts and form-based code¹, which emphasizes standards with predictable physical outcome such as build-to lines and frontage and setback requirements, as a secondary approach. There was also an interest in a units/acre approach that assumed average unit sizes and bedroom counts; however, this approach was not adopted. See Attachment 1 (July 22, 2020 Final Minutes) for the text of these options. **JSISHL recommended developing an objective standard for density using FAR and potentially form-based code.**

Objective Standards for Design

Berkeley's design review process relies heavily on four sets of design guidelines:

1. Design Review Guidelines (applied citywide);
2. Downtown Design Guidelines;
3. Southside Strategic Plan Design Guidelines; and
4. University Strategic Plan Design Guidelines.

This process heavily relies on the discretion of staff and the Design Review Committee; however, recent State laws require that cities develop objective standards for streamlined and ministerial approval processes for qualified projects. To aid JSISHL in making a recommendation, staff created a matrix of design guidelines to identify design goals, introduced objective language to reflect desired design outcomes, and test-fit approved projects to double-check objective language. **JSISHL recommended the proposed objective design standards be reviewed by the Design Review Committee and further refined by Planning Commission.**

Objective Standards for Shadows

The Berkeley Municipal Code (BMC) addresses shadows as follows:

- Section 23E.36.070(C)(1)(a): Projects on the north side of University Avenue within the University Avenue Strategic Plan Overlay area must meet a Solar Rear Yard Setback (subject to override by Density Bonus waivers). Required daylight plane analysis is incorporated directly into the development standards: “...*shall not cast a shadow at noon more than 20 feet onto any lot in a residential zone as calculated when the sun is at a 29 degree angle above the horizon (winter solstice).*”
- Section 23B.34.070(C): Green Pathway Projects² within the Downtown Mixed-Use District (C-DMU) that are between 60 and 75 feet tall. Shadow analysis for these projects must show that:

¹ <https://formbasedcodes.org/standards-of-practice/>

² As defined in in Chapter 23B.34 of the municipal code, the “Green Pathway” is a streamlined permit process for buildings that exceed the Green Building requirements applicable to the C-DMU district and confer extraordinary public benefits.

1. *The extent of shading on public sidewalks and open spaces within a radius of 75 feet of the closest building wall that would be cast at two (2) hours after sunrise, 12 p.m., and two (2) hours before sunset, on March 21, June 21, December 21, and September 21, by a building 60 feet in height that complies with all applicable setback requirements; and*
2. *Features incorporated into the building design, including, but not limited to, additional upper floor setbacks that will reduce the extent of shadowing of the proposed building to no more than 75 percent of the shadowing projected in paragraph 1 above.*

Otherwise, shading impacts are evaluated on a discretionary basis during Use Permit review and are permissible provided they are not “unreasonable” or provided they will not result in a “significant reduction in sunlight.” Although the review of shadow studies is somewhat objective – administrative guidelines establish methods for analyzing impacts by time of day and time of year on living area windows and yards - the ultimate finding is subjective. Therefore, while shadow studies provide accurate information on shading due to proposed projects, the amount of shading from new development that is deemed “reasonable” depends on the context.

JSISHL discussed many aspects of shadow impacts, including shading of solar panels and roofs, windows, yards and gardens. The recommendation is fairly detailed, including five applicability considerations and four methods of measuring shadow impacts that depend on project elements. **JSISHL recommended that the proposal for objective shadow standards be reviewed and further refined by staff and the Planning Commission.**

BACKGROUND

On July 17, 2017, the City Council adopted a referral to address the State Housing Accountability Act (Government Code Section 65589.5) and to preserve local land use discretion (see Attachment 2). The referral requested research into a set of objective zoning standards for new development projects in the following four topic areas:

- Density and/or building intensity;
- Public health and safety standards;
- Design review standards; and
- Views, shadows, and other impacts that often underlie detriment findings.

In the time since the referral was adopted by City Council in 2017, the State adopted several bills to streamline the approval process for housing developments. Legislation facilitates housing production for projects that comply with a jurisdiction’s objective standards and prohibits localities from adopting standards what would reduce the number of residential units allowed (i.e. downzones a property or area). As a result of

these legislative actions, jurisdictions benefit from adopting objective planning standards that can guide the development process and reflect goals of the local community.

JSISHL's first few meetings in 2018 were focused on understanding and analyzing 2017 State housing laws and associated City Council referrals. At its fourth meeting, in January 2019, JSISHL adopted a work plan (see Attachment 3) to direct efforts towards researching approaches to objective standards for density, design, shadows and views. In March and May of 2019, JSISHL examined existing conditions at the City of Berkeley and implementation of the Zoning Ordinance and of State law (i.e. Density Bonus, SB-35, the Housing Accountability Act). Since September 2019, JSISHL has evaluated objective standards for density, design and shadows in order to develop a recommendation to City Council. At its final meeting on July 22, 2020, JSISHL recommended approaches to objective standards for design, density and shadows to City Council for consideration. JSISHL was not able to address objective standards for views.

ENVIRONMENTAL SUSTAINABILITY

Adoption of objective standards will streamline the permitting process for housing projects, encouraging infill development and density, creating opportunities to live and work within close proximity and reduce reliance on private vehicle use and/or vehicles miles traveled.

RATIONALE FOR RECOMMENDATION

State law requires that jurisdictions adopt objective standards in order to ministerially approved projects.

ALTERNATIVE ACTIONS CONSIDERED

The city can choose to not adopt objective standards, in which case projects will be ministerially approved without meeting certain standards.

CITY MANAGER

The City Manager concurs with the content and recommendations of the Commission's Report.

CONTACT PERSON

Alene Pearson, Subcommittee Secretary, Planning and Development Department, 510-981-7489

Attachments:

- 1: Meeting Minutes (July 22, 2020)
- 2: City Council Referral (July 17, 2017)
- 3: Work Plan (January 17, 2019)



Planning Commission

**DRAFT MINUTES OF THE REGULAR MEETING OF THE JSISHL
(JOINT SUBCOMMITTEE FOR IMPLEMENTATION OF STATE HOUSING LAWS)**

July 22, 2020

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

Location: N/A (This meeting was conducted exclusively through videoconference and teleconference)

Commissioners Present: Teresa Clarke, Dohee Kim, Thomas Lord, Shoshana O’Keefe, Igor Tregub, Alfred Twu, Jeff Vincent, Marian Wolfe (left at 9:29), Rob Wrenn

Commissioners Absent: None

Staff Present: Alene Pearson, Nilu Karimzadegan, Anne Burns and Desiree Dougherty

ORDER OF AGENDA: No Change

CONSENT CALENDAR: N/A

PUBLIC COMMENT: 1 speaker

PLANNING STAFF REPORT: Staff announced that three supplemental communications were sent out via email prior to the meeting and are posted on the online agenda. Communications received “At the Meeting” will be posted by the end of Friday.

COMMUNICATIONS IN PACKET:

- Email from Cantor Lois on 10/24/19 re: BART apartments
- Email from Vicki Sommer on 10/24/19 re: Objective Standards for Sunlight Detriment
- Email from Alene Pearson on 11/15/19 to JSISHL re: JSISHL October follow up and December supplemental material request
- Letter from Toni Mester on 12/2/19 re: density and solar recommendation
- Letter from David Ushijima on 12/2/19 re: Objective Standards for Shadow and Sunlight
- Email from Commissioner Wolfe on 12/2/19 re: JSISHL October follow up and December supplemental material request

COMMISSIONER ATTACHMENTS IN PACKET:

- Email from Alene Pearson to JSISHL on June 26, 2020 re: JSISHL Meeting scheduled for July 22
- Email from Alene Pearson to JSISHL on May 15, 2020 re: JSISHL Meeting via Zoom

- Email from Timothy Burroughs, Planning Director on April 23, 2020 re: Update on status of board and commission meetings
- Email from Commissioner Lord on April 13, 2020 re: “The Constitution.....”
- Email from Commissioner Lord on March 30, 2020 re: Objectifying and Modernizing Study Standards
- Email from Commissioner Kim on March 30, 2020 re: Follow Up to February 26 JSISHL Meeting
- Email from Commissioner Wolfe on March 28, 2020 re: Follow Up to February 26 JSISHL Meeting
- Email from Commissioner Wright on March 12, 2020 re: Follow Up to February 26 JSISHL Meeting
- Email from Alene Pearson to JSISHL on March 6, 2020 re: Follow Up to February 26 JSISHL Meeting

LATE COMMUNICATIONS (Received after the Packet deadline):

- Supplemental Communication 1
- Supplemental Communication 2
- Supplemental Communication 3

LATE COMMUNICATIONS (Received and distributed at the meeting):

- Supplemental Communication 4

CHAIR REPORT: None

COMMITTEE REPORT: None

7. APPROVAL OF MINUTES:

Motion/Second/Carried (Wolfe/Clarke) to approve the JSISHL Meeting Minutes from February 26, 2020. Ayes: Clarke, Kim, Lord, Tregub, Vincent, Wolfe, Wrenn. Noes: None. Abstain: O’Keefe, Twu. Absent: None (7-0-2-0)

8. FUTURE AGENDA ITEMS AND OTHER PLANNING-RELATED EVENTS: None

AGENDA ITEMS

9. Action: Objective Standards for Density

PUBLIC COMMENT: 4 speakers

Primary Motion/Second/No Action Taken (O’Keefe/Wrenn) to recommend that the City Council refer to staff and Planning Commission development of a dwelling units per acre standard in all commercial districts and in the MULI and MUR districts with consideration of a cap on average number of bedrooms. Take into consideration size of parcel and develop an average bedroom/unit (to be determined) for multi-unit buildings. Develop Floor Area Ratios (FARs) for residentially zoned (“R” prefix) districts such as R-2, R-2A, and R-3, to help clarify and make more objective what is permitted in these districts.

Substitute Motion/Second/Carried (Kim/Clarke) to recommend using FAR as a density standard with a secondary form-based approach in Residential and Commercial districts. Ayes: Clarke, Kim, Wolfe, Twu, Vincent. Noes: Lord, O’Keefe, Tregub, Wrenn. Abstain: None
Absent: None
(5-4-0-0)

10. Action: Objective Standards for Design

PUBLIC COMMENT: 1 speakers

Primary Motion/Second/Carried (Wolfe/Clarke) to recommend to City Council the proposed design standards be reviewed and further developed by the Design Review Committee and Planning Commission. These standards were included in JSISHL’s July 22, 2020 packet. Ayes: Clarke, Kim, O’Keefe, Tregub, Vincent, Wolfe, Wrenn. Noes: None. Abstain: Lord, Twu.
Absent: None
(7-0-2-0)

Substitute Motion/Second/Not Carried (Twu/O’Keefe) to recommend to City Council the proposed design standards -- minus the first four design standards (massing, material, rooflines, facades) -- be reviewed and further developed by the Design Review Committee and Planning Commission. These standards were included in JSISHL’s July 22, 2020 packet. Ayes: O’Keefe, Twu. Noes: Clarke, Kim, Lord, Tregub, Vincent, Wolfe, Wrenn. Abstain: None.
Absent: None
(2-7-0-0)

11. Action: Objective Standards for Shadows

PUBLIC COMMENT: 2 speakers

Motion/Second/Not Carried (Wrenn/Tregub) to recommend to City Council the following:

In developing draft objective standards, staff should start with existing daylight plane standards, including the standards for San Pablo Avenue in El Cerrito, and with the City’s own standard in effect for University Avenue.

Shadowing standards would only apply if the proposed project was asking for a Use Permit, AUP, waiver or density bonus to exceed the “base” residential and commercial zoning district development standards that are in effect as of 7/1/20.

Where there is a lot coverage limit, adjustments to the location and orientation of the massing can be required in order to minimize shadowing impacts.

In the development of shadowing standards, impacts on light and air and existing windows and door openings of the applicable adjacent buildings will be taken into consideration.

JSISHL should recommend that the City Council direct staff to go forward with drafting of an objective standard to protect existing rooftop solar panels from shadowing by new development on adjacent and nearby parcels.

JSISHL should recommend that the City Council direct staff to go forward with drafting objective shadowing standards to limit shadowing of residential buildings by new development on adjacent or nearby parcels.

Standards should apply in residentially zoned (“R” prefix) districts and to properties in commercially zoned (“C” prefix) districts that are adjacent to residential properties, where new development could cause shadowing impacts on residential properties. Staff could present to Council a range of options with draft language for each.

JSISHL should recommend that the City Council direct staff to work on standards to protect open, currently unshadowed areas of public parks, and open currently unshadowed areas of school grounds that are used for student recreation.

Ayes: O’Keefe, Tregub, Vincent, Wrenn. Noes: Lord, Abstain: Clarke, Kim, Twu. Absent: Wolfe (4-1-3-1)

Motion/Second/Carried (Clarke/Vincent) to recommend to City Council the following proposed shadow standards be reviewed and further developed by the staff and Planning Commission.

1. Applicability of Shadow Impacts:
 - a. Shadow impacts would not be considered when a proposed new building or new construction meets all base development standards.
 - b. Shadow impacts on an adjacent property would only be considered when a side or rear yard setback reduction or an increase in height is requested by use permit or by state density bonus over the allowable standard. Shadow impacts for Front or Street yard setback reductions would not be included or considered.
 - c. The shadow impact would only be calculated on the increase in shadow caused by the additional height or reduced setback portion of the project, not the cumulative.
 - d. Adjustments would seek to limit reductions in overall building envelope and could compensate with increases in height in another portion of the building, or reduced setback in another portion of the site, or some other mutually agreed adjustment to a development standard or mitigation. Adjustments may require, if no other solution can be proposed to mitigate the impact, a reduction in the overall total building envelope proposed. However, for state density bonus projects, adjustments to a proposed new residential construction shall not require a reduction in the overall total building envelope, habitable area, or cause the number of bedrooms or units to be reduced.
 - e. If the adjacent building being affected has a reduced building setback on the adjacent side or rear yard, a light and air impact would not be applicable, except in those cases where the building has a historic designation or was built prior to the implementation of the zoning code.

2. Elements of consideration for Shadow Impact:

- a. Light & Air for Building Openings of Applicable adjacent buildings: The light and air shadow impact shall consider impact to light and air access only of the existing windows and door openings of the applicable adjacent buildings. The new construction would be required to adjust its setback such that a minimum 3 foot perpendicular distance was achieved and a 6 foot width, with minimum 1 foot on either side of the window or door for 2 stories (min. 6 foot for courts with openings on both sides) and 1 foot additional setback for each additional story up to 14 stories, or a total maximum setback of 15 feet from the adjacent building. For instance if the building is 3 feet away from the property line, a 12 foot maximum from the property line for the new building.
- b. Minimum Required Open Space of Adjacent properties: An increase in shadow impact caused by the additional height or reduced setback on the minimum required open space of the adjacent impacted property shall not be more than a 50% increase in direct shade averaged over the entire year. If the affected property has more than the required open space, the calculation would be made on the open space that is least impacted by the shadow. The setback or height shall be adjusted to result in a net shadow increase of no more than 50% (or suggest alternate per staff research) as limited in Section 1 above. The shadow impact would only be calculated on the increase in shadow caused by the additional height or reduced setback portion of the project, not the cumulative.
- c. Solar Access: An increase for the additional impact only of more than 50% of direct shading on existing solar panels averaged over the entire year and over the entire area of solar array would require that an adjustment to the requested height or setback be made, or other mutually agreed adjustment to a development standard or mitigation be made. If a mitigation such as moving the solar panels or re-orienting the solar panels has been mutually agreed upon in lieu of a development standard adjustment, this mitigation should be completed prior to building permit issuance, if possible.

The shadow impact would only be calculated on the increase in shadow caused by the additional height or reduced setback portion of the project, not the cumulative.

Ayes: Clarke, Kim, O’Keefe, Twu, Vincent. Noes: Lord, Wrenn. Abstain: Tregub. Absent: Wolfe. (5-2-1-1)

The meeting was adjourned at 11: 01 p.m.

Commissioners in attendance: 9 of 9

Members in the public in attendance: 7

Public Speakers: 7

Length of the meeting: 2 hours and 59 minutes

APPROVED:

Alene Pearson

Page 6 of 6

Secretary to the JSISHL

DRAFT

RESOLUTION NO. 69,159-N.S.

EXTENSION OF THE JOINT SUBCOMMITTEE FOR THE IMPLEMENTATION OF
STATE HOUSING LAWS

WHEREAS, the Joint Subcommittee for the Implementation of State Housing Laws (JSISHL) was established under Resolution No. 68,308-N.S. in January 2018; and

WHEREAS, the mission of JSISHL is to advise Council regarding issues around density bonuses, the Housing Accountability Act, inclusionary zoning, and permit streamlining to attain compliance with state law and take advantage of new opportunities for the development of affordable housing; and

WHEREAS, under its enabling legislation, JSISHL is tasked with completing its work by January 2020, reporting to Council by March 2020; and

WHEREAS, in order to fulfill its mission an extension is needed to provide adequate time to review recently passed State housing laws, and to provide adequate feedback on recommendations on units per acre density standards, Floor to Area Ratios (FARs) and daylight plane shadowing standards, along with anything else such as an objective definition of detriment.


NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that it hereby extends the timeline for the Joint Subcommittee for the Implementation of State Housing Laws to complete its work by July 2020, with the recommendations being brought to the City Council for consideration by the end of September 2020.

The foregoing Resolution was adopted by the Berkeley City Council on October 29, 2019 by the following vote:

Ayes: Bartlett, Davila, Droste, Hahn, Harrison, Kesarwani, Robinson, Wengraf, and Arreguin.

Noes: None.

Absent: None.



Jesse Arreguin, Mayor

Attest: 

Mark Numainville, City Clerk

RESOLUTION NO. 68,308–N.S.

ESTABLISHING A JOINT SUBCOMMITTEE FOR THE IMPLEMENTATION OF STATE HOUSING LAWS.

WHEREAS, Berkeley and California is facing an unprecedented housing affordability crisis; and

WHEREAS, rents for a two bedroom apartment in Berkeley have risen by 62.5% over the past five years; and

WHEREAS, Berkeley has so far achieved 48% of its housing allocation goals for 2014-2022 set out by the Association of Bay Area Governments, including 0% for extremely low income and moderate income; and

WHEREAS, many residential developments that have received zoning approval have yet to receive a building permit; and

WHEREAS, to address the rising crisis of housing in the State of California, 15 state bills were signed into law, with many dealing with how local municipalities respond to the development of new units; and

WHEREAS, issues around density bonuses, the Housing Accountability Act, inclusionary zoning, and permit streamlining need to be addressed by the City to be compliant with state law and to take advantage of new opportunities for the development of affordable housing; and

WHEREAS, because the Zoning Adjustments Board, Housing Advisory Commission, and Planning Commission have policy and quasi-judicial powers around housing, it would be beneficial for representatives of these commissions to meet jointly to develop policies for consideration by the Planning Commission and City Council; and

WHEREAS, community input is of vital importance in the review and implementation of these housing policies, and such input can be encouraged by regular publicly-noticed meetings of the Task Force; and

WHEREAS, the Joint Subcommittee should be comprised of nine voting members, with representatives from each commission.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley does hereby establish a Joint Subcommittee composed of members from the Zoning Adjustments Board, Housing Advisory Commission, and Planning Commission.

BE IT FURTHER RESOLVED that the Joint Subcommittee members shall be appointed from the membership of the Zoning Adjustments Board, Planning Commission or Housing Advisory Commission. Any Commissioner on any of those commissions is eligible for appointment to the Joint Subcommittee, as long as there is representation from each commission on the Joint Subcommittee.


BE IT FUTHER RESOLVED that the Joint Subcommittee shall complete its work by January 2020. Staff shall forward the Joint Subcommittee's recommendations to each parent Commission for comment, and bring the Joint Subcommittee's recommendations to the City Council for consideration by the end of March 2020, along with comments by any parent commissions.

The foregoing Resolution was adopted by the Berkeley City Council on January 23, 2018 by the following vote:

Ayes: Davila, Droste, Hahn, Harrison, Maio, Wengraf, Worthington and Arreguin.

Noes: None.

Absent: Bartlett.



Jesse Arreguin, Mayor

Attest: 

Mark Numalville, City Clerk



Mayor Jesse Arreguin
Councilmember Sophie Hahn, District 5

SUPPLEMENTAL AGENDA MATERIAL

Meeting Date: June 13, 2017

Item Number: # 59

Item Description: Housing Accountability Act

Submitted by: Mayor Jesse Arreguin and Councilmember Sophie Hahn

The revision removes the idea that staff and the Planning Commission consider as one of several options downzoning and then upzoning by increasing development standards on a discretionary basis.

These ideas largely reflect those originally proposed by the City Attorney and Planning staff.

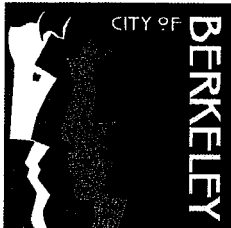


Mayor Jesse Arreguin
Councilmember Sophie Hahn, District 5

Motion, Item # 59: Housing Accountability Act

Refer to the City Manager and Planning Commission to consider the following actions, and others they may find appropriate, to address the potential impacts of the Housing Accountability Act and to preserve local land use discretion:

- Amend the General Plan and Zoning Ordinance to adopt numerical density and/or building intensity standards that can be applied on a parcel-by-parcel basis in an easy and predictable manner. These would constitute reliable and understandable “objective general plan and zoning standards” that would establish known maximum densities. This could be done across the board or for specified districts.
- Devise and adopt “objective, identified written public health or safety standards” applicable to new housing development projects.
- Adopt “design review standards that are part of ‘applicable, objective general plan and zoning standards and criteria’”.
- ~~Downzone & increase the number and amount of additional height, setback, and other elements available on a discretionary basis.~~
- Quantify and set standards for views, shadows, and other impacts that often underlie detriment findings.



Office of the Mayor

RECEIVED AT
COUNCIL MEETING OF:

MAY 30 2017

OFFICE OF THE CITY CLERK
CITY OF BERKELEY

Motion, Item # 46: Housing Accountability Act

Refer to the City Manager and Planning Commission to consider the following actions, and others they may find appropriate, to address the potential impacts of the Housing Accountability Act and to preserve local land use discretion:

- Amend the General Plan and Zoning Ordinance to adopt numerical density and/or building intensity standards that can be applied on a parcel-by-parcel basis in an easy and predictable manner. These would constitute reliable and understandable “objective general plan and zoning standards” that would establish known maximum densities. This could be done across the board or for specified districts.
- Devise and adopt “objective, identified written public health or safety standards” applicable to new housing development projects.
- Adopt “design review standards that are part of ‘applicable, objective general plan and zoning standards and criteria’”.
- Downzone & increase the number and amount of additional height, setback, and other elements available on a discretionary basis.
- Quantify and set standards for views, shadows, and other impacts that often underlie detriment findings.

Meeting Date: January 17, 2019

To: Joint Subcommittee for the Implementation of State Housing Law (JSISHL)

From: Chris Schildt, Chairperson

Subject: JSISHL background, mission, objectives, and developing 2019 Workplan

Background

JSISHL held three meetings last year in April, May, and July, and had two meetings cancelled in September and November. Due to the long gap since our last meeting, I thought it'd be helpful to revisit the mission and objectives of this subcommittee, as background to a discussion of our workplan for the coming year.

At our April 17, 2018 meeting, we reviewed the mission and objectives of this subcommittee (from April 17, 2018 staff presentation to JSISHL):

Mission: Assist the City of Berkeley to effectively implement new State housing laws and advance City Council priorities that are designed to increase affordable housing.

Objectives:

- Learn about the new State housing law package and its implications for our community
- Assist the City to incorporate new practices designed to enable implementation of new State housing laws
- Based on City Council priorities and referrals, assist with development of new policies for consideration by parent commissions and City Council.

At our subsequent meetings, we heard information about and discussed new state housing laws and a range of related issues, including developing objective standards, streamlining affordable housing, density bonus, and inclusionary zoning.

Developing a 2019 Workplan

While we heard information and had a lot of discussion last year, my aim for this coming year is for this body to move forward on a finite number of items that will best position the City to implement State housing laws. To that aim, I recommend we develop a workplan with agreed upon priorities that we will work on in the coming year. This would not preclude commissioners from submitting agenda items on other topics for JSISHL to consider, but would help to align our efforts and focus.

The workplan should build off of our existing work and discussion. In last year's meetings, we discussed the following areas that relate to implementation of new State housing laws:

- Developing objective standards
- Streamlining affordable housing
- Density bonus
- Inclusionary housing

Proposal:

Numerous state laws, including the Housing Accountability Act, SB 35, and other potential future state legislation (e.g. SB 50) have made it difficult to implement our local laws, which were developed to be flexible with local discretion. The City has recently undertaken a review of the applicable standards that can be enforced under these laws in the light of three recent projects that have applied for approval under SB 35. For an example of how the City applied objective standards for one of the projects, 1601 Oxford Street, see:

https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_ZAB/2018-12-21_Attachment%20C_SB35_Objective%20Standards_1601%20Oxford.pdf

One outcome of the recent reviews has been the clear identification of those areas where the City does not have objective standards, including design review and use permit findings, which are by necessity discretionary and flexible to address unique circumstances. Developing objective standards in areas such as view, sunlight, density, and detriment could help to ensure local needs and goals are included in the development review process for all projects. These objective standards would also help address some of the other topics that have come up on this commission, such as facilitating streamlined review of affordable housing projects and improving the density bonus process.

As a proposed workplan, we could decide as a commission to use each of the next several meetings to do research and discussion on a separate topic within objective standards, and develop a set of recommendations for the City Council and/or our parent commissions. For each topic, commissioners and members of the public would be encouraged to submit information and research to this commission related to the topic to inform discussion. Attached is an example of research provided by a member of public, David Ushijima, on providing objective standards for sunlight detriment.

For example, we could dedicate one of each of these topics for each upcoming meeting:

- Daylight.
- Views.
- Density standards (Note: The city has hired a consultant, Opticos Design, to develop density standards this year. They will be presenting to this commission in 2019, date TBD).
- Detriments to health, comfort, and general welfare.

We could also agendaize for a future meeting to review the City's existing objective standards table.

At the end of the year, we can compile our research and discussion and develop a set of recommendations to send to the City Council and/or our parent bodies.

Questions for discussion:

- Do the members of the commission agree to develop a workplan for 2019?
- If yes, what should our priorities be for 2019?



Planning Commission

1 **DRAFT MINUTES OF THE REGULAR MEETING OF THE JSISHL**
2 **(JOINT SUBCOMMITTEE FOR IMPLEMENTATION OF STATE HOUSING LAWS)**

3
4 **January 17, 2019**

5 The meeting was called to order at 7:05 p.m.

6 **Location:** 2180 Milvia Street 1st Floor, Cypress Conference Room

7 **Commissioners Present:** Thomas Lord, Shoshana O’Keefe (arrived at 7:16), Christine Schildt
8 Igor Tregub, Marian Wolfe, Rob Wrenn.

9 **Commissioners Absent:** None

10 **Staff Present:** Alene Pearson, Nilu Karimzadegan and Beth Greene

11 **ORDER OF AGENDA:** Order of Agenda was changed to:

12 Discussion Item 9 (Adopt 2019 JSISHL Work Plan), Discussion Item 10 (Renewing
13 Democratized Planning in Berkeley), Action Item 11 (Approve 2019 JSISHL Meetings Calendar)
14 and Action Item 12 (Elections: Elect 2019 JSISHL Chair and Vice Chair).

15 Motion/Second/Carried (Lord/ Tregub) to move Agenda Item 12 to Agenda Item 10 and vote
16 on the 2019 JSISHL Work Plan after Agenda Item 10. Ayes: Lord, O’Keefe, Schildt, Tregub,
17 Wolfe, Wrenn. Noes: None. Abstain: None. Absent: None (6-0-0-0)

18
19 **CONSENT CALENDAR:** N/A.

20 **PUBLIC COMMENT:** 1 speaker

21 **PLANNING STAFF REPORT:**

22 Staff announced that 2019 meeting dates will be decided tonight with Agenda Item 11 and future
23 meeting location will depend upon room availability.

24 **COMMUNICATIONS IN PACKET:**

- 25 • White Paper on Sunlight Impacts by David Ushijima (October 15, 2018).
26 • 2019-01-08_Communication_BNC_Support of White Paper by Dean Metzger (January 8,
27 2019)

28
29 **LATE COMMUNICATIONS** (Received after the Packet deadline): None

31 **LATE COMMUNICATIONS** (Received and distributed at the meeting): None

32 **CHAIR REPORT:** None

33 **COMMITTEE REPORT:** None

34 **7. APPROVAL OF MINUTES:**

35 Motion/Second/Carried (Tregub/Wrenn) to approve the JSISHL Meeting Minutes from July 17,
36 2018. Ayes: Lord, O’Keefe, Schildt, Tregub, Wrenn. Noes: None. Abstain: Wolfe. Absent:
37 None (5-0-1-0)

38
39 **8. FUTURE AGENDA ITEMS AND OTHER PLANNING-RELATED EVENTS:** None.

40 **AGENDA ITEMS**

41 **9. Discussion:** Adopt 2019 JSISHL Work Plan:

42 The Commission discussed a work plan for 2019 and developed a proposed schedule with
43 meeting dates and topics that focus on objective standards for the implementation of State
44 Housing Law. Below is a summary of that discussion:

45 January 17: Work Plan Development

46 March 27: Existing Objective Standard Framework

47 May 22: Density Standards and Density Bonus

48 September 25: Daylight, shadowing, and solar access

49 October 23: Views and other objective standards

50 December 12: Report out.

51 The Commissioners and the members of the public were encouraged to submit information and
52 research related to future meeting topics. This work plan will result in a set of recommendations
53 to parent commissions and/or City Council.

54 **PUBLIC COMMENT:** 1 speaker

55 **10. Discussion:** Renewing Democratized Planning in Berkeley

56 Commissioner Lord explained his memo and suggested modifications to the work plan
57 developed during discussion of Agenda Item 9. The Commission added the topic of local
58 overlay zones to the September and October meetings.

59 **PUBLIC COMMENT:** 1 speaker

60 Motion/Second/Carried (O’Keefe/Wolfe) to adopt the proposed 2019 workplan. Ayes: O’Keefe,
61 Schildt, Tregub, Wolfe, Wrenn. Noes: Lord. Abstain: None. Absent: None (5-1-0-0)

62

63 **11. Action:** Approve 2019 JSISHL Meetings Calendar:

64 The Commission discussed their availability and agreed on the following 2019 calendar:

65 January 17, 2019 (Wednesday)

66 March 27, 2019 (Wednesday)

67 May 22, 2019 (Wednesday)

68 September 25, 2019 (Wednesday)

69 October 23, 2019 (Wednesday)

70 December 12, 2019 (Thursday)

71 Motion/Second/Carried (O’Keefe/Tregub) to adopt the proposed 2019 calendar. Ayes: Lord,
72 O’Keefe, Schildt, Tregub, Wolfe, Wrenn. Noes: None. Abstain: None. Absent: None
73 (6-0-0-0)

74

75 **12. Elections:** Elect 2019 JSISHL Chair and Vice Chair:

76 Motion/Second/Carried (Wolfe/O’Keefe) to Elect Chris Schildt as Chair and Igor Tregub as
77 Vice Chair for 2019 JSISHL. Ayes: Lord, O’Keefe, Schildt, Tregub, Wolfe, Wrenn. Noes: None.
78 Abstain: None. Absent: None (6-0-0-0)

79

80 **The meeting was adjourned at 9: 03 p.m.**

81 **Commissioners in attendance: 6 of 6**

82 **Members in the public in attendance: 2**

83 **Public Speakers: 2**

84 **Length of the meeting: 1 hour and 58 minutes**



Office of the City Manager

18

ACTION CALENDAR
 March 23, 2021
 (Continued from February 23, 2021)

To: Honorable Mayor and Members of the City Council
 From: Dee Williams-Ridley, City Manager
 Submitted by: Lisa Warhuus, Director, Health, Housing, and Community Services
 Subject: Partnership for the Bay's Future and Current Anti-Displacement Initiatives

INTRODUCTION

Displacement and housing insecurity (or risk of displacement) have negative impacts on individuals, families, and communities. Market-based pressures, locally and in the greater Bay Area region, continue to focus these impacts on Berkeley's low-income households and communities of color, particularly the city's African American population.

The City of Berkeley is at the forefront of local governments working to mitigate and prevent displacement. This report provides an overview of the anti-displacement policies and programs currently being implemented and developed for the Berkeley community.

SUMMARY

Staff recognize residential displacement continues to negatively impact Berkeley despite the wide-breadth of local anti-displacement strategies in practice. The need for additional residential support is one of the community's primary concerns.

The City recently joined the multi-jurisdictional Partnership for the Bay's Future (PBF) to continue to incubate and implement new anti-displacement strategies. PBF brings together other jurisdictions, community-based organizations, and philanthropic partners to develop innovative anti-displacement strategies for the local community and the broader region.

PBF provides the City with a Fellow with experience in anti-displacement work and funds to support a community partner, the East Bay Community Law Center (EBCLC). The Fellow and EBCLC are working closely with HHCS staff to develop Council's top anti-displacement referrals: affordable housing preferences and a Tenant Opportunity to Purchase Act (TOPA). The Fellow and EBCLC are coordinating a variety of community engagement efforts to inform this work.

This new initiative is complimented by 21 anti-displacement policies and programs the City of Berkeley provides to support local community members. These strategies are reflective of national best practices and local community advocacy over the past four decades. Analysis from UC Berkeley’s Urban Displacement Project demonstrates Berkeley is a leader across the region for anti-displacement strategies at the local level.

These policies are organized within the “Three P’s”: protection, preservation, and production. Anti-displacement advocates use this framework to organize an effective and balanced anti-displacement response.

CURRENT SITUATION AND ITS EFFECTS

The City of Berkeley offers 21 anti-displacement policies and programs. They demonstrate the City’s commitment to a well-balanced, people-oriented approach to anti-displacement strategies.

The Urban Displacement Project (UDP) is a research and action initiative of UC Berkeley dedicated to creating more equitable and inclusive cities. UDP analyzed all jurisdictions in the nine-county Bay Area to assess how communities are enacting anti-displacement policies and strategies¹. Berkeley is implementing 12 of the 14 best practices identified by UDP for local governments.

These strategies were developed and implemented over the past four decades, often as the result of local community advocacy and city council initiatives. Staff are providing the UDP framework to detail Berkeley’s existing efforts. While Berkeley is still struggling with displacement, the City continues to demonstrate leadership across the region to address the issue within the capacity of local government.

These policies are organized below under the “Three P’s” framework: Protection, Preservation, and Production. The Three P’s are promoted by housing advocates as a balanced approach to preventing displacement by protecting current at-risk community members, preserving existing affordable housing, and producing new affordable housing.

<i>Protection – Existing Programs</i>		
Policy	Description	UDP Local Government Best Practice

¹ <https://www.urbandisplacement.org/policy-tools/bay-area>

Protection – Existing Programs		
Policy	Description	UDP Local Government Best Practice
Eviction Moratorium	The Berkeley City Council adopted the Berkeley Emergency Response Ordinance to protect residents from evictions if they are unable to pay rent due to COVID-19's impacts.	
Fair Chance to Housing for Formerly Incarcerated People	Property owners are prohibited from using criminal background checks to screen tenant applications.	
First Source Hiring	First Source hiring ordinances ensure that City residents are given priority for new jobs created by municipal financing and development programs.	X
Home Retention/Rental Assistance	<ul style="list-style-type: none"> ○ The City provides financial assistance up to \$5,000 for low-income residents at risk of eviction to remain in their current living arrangement. ○ Residents impacted by COVID-19 are eligible for up to an additional \$10,000. 	
Just Cause for Eviction ordinance	Nearly all 26,000 rental units in Berkeley have eviction protections for no-fault causes.	X
Landlord/Tenant Mediation	The Rent Board offers landlord/tenant mediation to settle disputes and facilitate positive long-term relationships.	X
Rent Stabilization/Rent Control	Over 19,000 units (approx. 70%) are subject to rent stabilization ceilings.	X

Protection – Existing Programs		
Policy	Description	UDP Local Government Best Practice
Relocation Protections and Assistance	Tenants who are mandated to vacate their unit temporarily or permanently at no-fault are provided protections (including a right to return) and relocation funding (provided by the landlord).	
Rent Review Board	The Rent Board provides education to tenants and landlords on tenant's rights related to Just Cause Evictions and Rent Stabilization.	X
Source of Income Protection	Property owners are prohibited from refusing to rent to an applicant based on their source of income (e.g. Section 8 and other Housing Choice Voucher programs, Social Security, disability, unemployment or veterans benefits).	

Preservation – Existing Programs		
Policy	Description	UDP Local Government Best Practice
Community Land Trusts	Northern California Community Land Trust (NCLT) and Bay Area Community Land Trust (BACLt) serve Berkeley and receive direct support from the City for the acquisition and rehabilitation of local properties as well as organizational capacity building.	X

Preservation – Existing Programs		
Policy	Description	UDP Local Government Best Practice
Condominium Conversion Regulations	<p>The Condo Conversion ordinance limits the conversion of rental units to condominiums to 100 per year and includes an Affordable Housing Mitigation Fee for each unit converted.</p> <p>Fees generated from condo conversions provided \$3M in revenue for the Housing Trust Fund program since 2009.</p>	X
Senior and Disabled Rehabilitation Loan Program	The City offers deferred, no-interest loans to assist low-income senior and disabled homeowners in repairing/modifying their homes to eliminate conditions that pose a threat to their health and safety and to help preserve the City's housing inventory.	
Single Room Occupancy (SRO) Preservation	The Berkeley Housing Authority provides subsidies for 98 SROs.	X
Small Sites Program (SSP) Pilot	<ul style="list-style-type: none"> ○ The SSP Pilot supported the acquisition and renovation of small, multifamily rental properties with up to 25 units. The City received one application during the pilot and awarded \$1.6M to BACLT for the renovation of Stuart Street Apartments. ○ There are currently no funds available in this program. 	
Foreclosure/Mortgage Assistance	The City participates on the Mortgage Credit Certificate (MCC) Program through Alameda County. MCC recipients may take up to 15%	X

Preservation – Existing Programs		
Policy	Description	UDP Local Government Best Practice
	of their annual mortgage interest payments as a dollar for dollar tax credit against their federal income taxes. Qualified homebuyers can adjust their federal income tax withholdings, which will increase their income available to pay the monthly mortgage	

Production – Existing Programs		
Policy	Description	UDP Local Government Best Practice
Commercial Linkage Fee	<ul style="list-style-type: none"> ○ This linkage fee on new commercial development generates revenue dependent on the type of development: Office \$5.00/sf, Retail \$5.00/sf, Industrial \$2.50/sf when greater than 7,500 sf. <ul style="list-style-type: none"> ▪ 20% of fees go towards childcare programs ○ The Commercial Linkage fee has generated over \$4.4M in revenue for the HTF program since 1992. 	X
Housing Trust Fund (HTF) program	<ul style="list-style-type: none"> ○ The City supports the development and rehabilitation of non-profit affordable housing properties via the HTF program. The HTF is supported by a combination of federal, state and local sources, including the 	X

Production – Existing Programs		
Policy	Description	UDP Local Government Best Practice
	<p>Affordable Housing Mitigation fee.</p> <ul style="list-style-type: none"> ○ Voters adopted Measure O in 2018 to provide the City with \$135M in bond funding for affordable housing. 	
<p>Jobs-Housing Linkage fee (Affordable Housing Mitigation fee)</p>	<ul style="list-style-type: none"> ○ All new market-rate housing developments are subject to an Affordable Housing Mitigation fee (AHMF) of \$39,746 per unit for each market rate unit built with an option to provide Below Market Rate (BMR) units onsite in-lieu of the fee. <ul style="list-style-type: none"> ▪ The fee adjusts biennially to reflect the Construction Cost Index (CCI). ○ The AHMF generates the majority of the City’s local contribution to the HTF program, with over \$12.6M in revenue since 2015. ○ The in-lieu BMR option has provided over 400 permanently affordable units onsite. 	<p>X</p>

Production – Existing Programs		
Policy	Description	UDP Local Government Best Practice
Public Land Survey	<ul style="list-style-type: none"> ○ HHCS conducted a survey to identify opportunities for affordable housing development on City-owned property in 2017 and 2019. ○ West Berkeley Service Center was identified by Council as an opportunity site for future affordable housing development. ○ Vacant City properties were converted into shelters to house homeless individuals at high-risk of COVID-19. 	

In addition to these anti-displacement practices, Berkeley also addresses displacement through the City’s homeless services.

Homeless Services	
Homeless Shelters	The City funds local service providers to offer 256 shelter beds across the community.
Pathways STAIR Navigation Center	<ul style="list-style-type: none"> ○ STAIR Navigation Center offers a 45-bed, 24/7, service-rich shelter to get people living on the streets sheltered and housed as soon as possible. ○ Employs an outreach team to connect with residents in encampments and bring them into shelter. ○ Provides services to transition unhoused people into permanent supportive housing.

Rapid Rehousing	The City connects homeless households with housing navigators and provides financial assistance to transition people into housing and help them sustain their rent overtime.
------------------------	--

The remaining two best practices not being implemented are mobile home rent control (the City does not have mobile home parks) and a local density bonus ordinance. Density bonuses allow developers of market-rate housing to build higher-density housing in exchange for dedicating a portion of their units as affordable housing. The State of California allows for density bonuses in new development, which the City accommodates via the BMR program.

Berkeley does not offer a City-wide local density bonus but provides a local bonus program for developers to exceed the height standards in the Commercial Downtown Mixed Use (D-DMU) district in exchange for a Community Benefits Agreement. This was established in the Downtown Area Plan (adopted in 2012). Up to five buildings may take advantage of this benefit; one is under construction (2129 Shattuck), two are entitled (2190 Shattuck & 2190 Shattuck), and two permits are still available. The proposed zoning in the draft Adeline Corridor Specific Plan also includes a tiered local density bonus that increases a project's density allowances contingent on the amount of on-site BMR units. Planning is currently working with Street Level Advisors to consider a city-wide policy.

Partnership for the Bay's Future Challenge Grant

HHCS is participating in the Partnership for Bay's Future (PBF) Challenge Grant² to develop two new anti-displacement policies: an affordable housing preference policy and a Tenant Opportunity to Purchase Act (TOPA) ordinance. Council designated these policies as the top two housing referrals to staff in 2019.

The PBF also provides the City the opportunity to connect with other jurisdictions and community-based organizations to innovate and share together. The grant includes a full-time fellow and a partnership with the East Bay Community Law Center to conduct community engagement, research, and policy development.

² <https://baysfuture.org/challenge-grant-fellowship/>

Policies in Development	
<p>Affordable Housing Preference Policy</p>	<p>A preference policy would provide households with ties to Berkeley a priority in applying for new affordable housing units based on specific criteria. Multiple preferences can be layered to create a preference ranking system (e.g., displaced from Berkeley, neighborhood proximity, families with small children).</p>
<p>Tenant Opportunity to Purchase Ordinance (TOPA)</p>	<ul style="list-style-type: none"> ○ TOPA provides tenants the right to purchase a rental property when the owner puts it on the market or accepts an offer from another potential buyer. The housing would be transitioned into permanently affordable housing or land trusts. ○ Tenants may assign their rights to a qualified affordable housing provider or community land trust.

Supporting anti-displacement initiatives is a Strategic Plan Priority Project, advancing our goal to create affordable housing and housing support service for our most vulnerable community members and to champion and demonstrate social and racial equity.

BACKGROUND

Residential displacement is the process by which a household is forced to move from its residence or is prevented from moving into a neighborhood that was previously accessible to them because of conditions beyond their control³. Despite being at the forefront of local government action to stem the tide of displacement through a wide variety of policies and programs, it continues to be a problem in Berkeley. Displacement is especially problematic for us as a city as we continue to lose low-income households and communities of color, in particular the African-American population.

³ <https://www.urbandisplacement.org/resources#section-56>

Community concerns that city programs are not sufficient to stop displacement have been voiced by many. City staff applied to participate in the Partnership for the Bay's Future to enhance our anti-displacement work by developing and recommending innovative ways to fight displacement at the local and regional level. The PBF brings together jurisdictions, community-based organizations, and philanthropic partners to develop and implement innovative anti-displacement strategies across the region. This effort is consistent with the City's efforts to be a leader in innovative anti-displacement initiatives.

The PBF and its outcomes are building off the City's commitment to work directly with the community to better understand their needs and how the City can assist. Most recently, the Adeline Corridor Specific Plan development process brought together local community-based organizations and residents for over four years to directly address displacement concerns. The draft plan includes a number of policies and actions that reflect and respond to community concerns about displacement, and will inform future City strategies.

ENVIRONMENTAL SUSTAINABILITY

Displacement can lead to increased greenhouse gas (GHG) emissions as people must commute from farther away to access their jobs, schools, spiritual and social networks. Infill affordable housing development is generally considered to be a best practice for reducing GHG emissions.

POSSIBLE FUTURE ACTION

Staff anticipate presenting the two PBF anti-displacement measures to Council in 2021. Preference policies will be responsive to new affordable housing production, while TOPA will serve as a preservation strategy for existing low-income tenants.

The City Council has an outstanding referral to the Housing Advisory Commission (HAC) to explore additional anti-displacement strategies and hear from the local community's lived experiences. The HAC anticipates taking up the referral when the normal commission schedules resume.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

The fiscal impacts of a local preference policy and TOPA will ultimately be decided by the scope of each ordinance. Implementing each ordinance may require additional staff capacity.

Providing supplemental funds to existing programs will depend on availability of funds and Council direction. Substantial increases to funding and programs may also require additional staff capacity to meet increased demand.

CONTACT PERSON

Mike Uberti, Community Development Project Coordinator, Health, Housing and Community Services, (510) 981-5114



Children, Youth and Recreation Commission

INFORMATION CALENDAR

March 23, 2021

To: Honorable Mayor and Members of the City Council
From: Children, Youth, and Recreation Commission
Submitted by: Elisa Batista, Chairperson
Subject: Children, Youth and Recreation Commission FY2021 Work Plan

INTRODUCTION

The Children, Youth, and Recreation Commission has updated its work plan, which outlines Commission objectives for the upcoming fiscal year. This work plan includes making recommendations to the City Council to further the goals of 2020 Vision during a pandemic that has disrupted learning; identify the needs and gaps in services for Berkeley Youth; and examine out of school time/afterschool resources for Berkeley youth.

CURRENT SITUATION AND ITS EFFECTS

At a Special Meeting on February 1, 2021, the Children, Youth, and Recreation Commission approved the Commission's FY2021 Work Plan, which will be used to guide the Commission's work throughout the year.

M/S/C (Kelkile/Capitelli/U) to approve the work plan and submit an Information Report to the City Council.

Ayes: Batista, Capitelli, Kelkile, Marchesini, Pelley, Richards

Noes: None.

Absent: None.

Leave of Absence: None

BACKGROUND

See attached Work Plan.

ENVIRONMENTAL SUSTAINABILITY

No environmental impacts or opportunities were identified as a result of this recommendation.

POSSIBLE FUTURE ACTION

Based on Commission research and public input, new initiatives and recommendations to City Council may be submitted to City Council at such time deemed necessary.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

No fiscal impacts identified at this time.

CONTACT PERSON

Steph Chu, Secretary, Children, Youth, and Recreation Commission, (510) 981-5146
Elisa Batista, Chairperson

Attachment 1: Children, Youth, and Recreation Commission FY21 Work Plan

CHILDREN, YOUTH, AND RECREATION COMMISSION ANNUAL WORK PLAN FY21 (Approved on February 1, 2021)

MISSION STATEMENT

The Children, Youth, and Recreation Commission shall be an advisory board and shall seek to achieve equity in policies, programs, planning efforts, activities, and funding associated with youth, families, early childhood education, recreation, and other related City-sponsored activities.

BACKGROUND

Upon City Council's receipt of this plan for fiscal year 2021, Berkeley's youth will have lived a year through an unprecedented, deadly pandemic. A generation of our kids have had their lives turned upside down, and at great costs to their learning and education. They not only have lost months of schooling due to school closures and delays setting up virtual classrooms, but also the 2020 summer break, in which many camps were cancelled due to the COVID-19 pandemic.

In addition, our youth have suffered through unprecedented social, mental, and emotional distress due to the isolation of being homebound all of this time with inadequate academic stimulation or socialization with peers. Our most vulnerable students--the homeless, those living in crowded housing conditions, undocumented or those living in low-income immigrant households, Black, Indigenous, and students of color, and those students who self-identify as LGBTQ+--are even more isolated and disconnected from reaching their potential, and academic and personal goals. It is crucial that we as a community come together to support our youth during a devastatingly difficult time, and bridge the academic achievement gap that already existed before the pandemic, and is now further exacerbated as BUSD adjusts with the realities that not all of our students had adequate access to housing, technology, food, and healthcare prior to the pandemic. (Superintendent Brent Stephens sent a letter to all BUSD families at the start of shelter-in-place orders in March 2020, outlining all of these challenges.)

Considering these challenges and exacerbated learning gap, the Children, Youth, and Recreation Commission respectfully submits the following FY 2021 recommendations and work plan to Berkeley City Council:

1. Acknowledge that the existing inequities that our youth face have been further exacerbated by the COVID-19 pandemic, including shelter-in-place orders, school, day care, and camp closures, and delayed virtual schooling. In the event of future pandemics and/or other emergencies that require students to shelter in place, we urge Council, BUSD, and other relevant entities to make permanent access to Internet and technology for all students.

CHILDREN, YOUTH, AND RECREATION COMMISSION ANNUAL WORK PLAN FY21 (Approved on February 1, 2021)

2. Help schools, camps, afterschool programs, day care centers, and recreational programs open safely.

- a. Ensure that every child has access to a mask and that schools have hand sanitizer and other protective equipment needed to operate safely.
- b. Ensure that there are adequate counselors and mental health programs: **Attachment 1** support students.

3. Create and implement Community Agency Grant evaluation process.

- a. Develop a process to work closely with 2020 Vision staff to evaluate the progress of grantees as to their projected outcomes.
- b. Receive regular updates on grantees from 2020 Vision staff noting particular impacts of COVID-19 pandemic.
- c. Make recommendations to City Council on grantees who are not able to adjust to the pandemic and provide services to families.

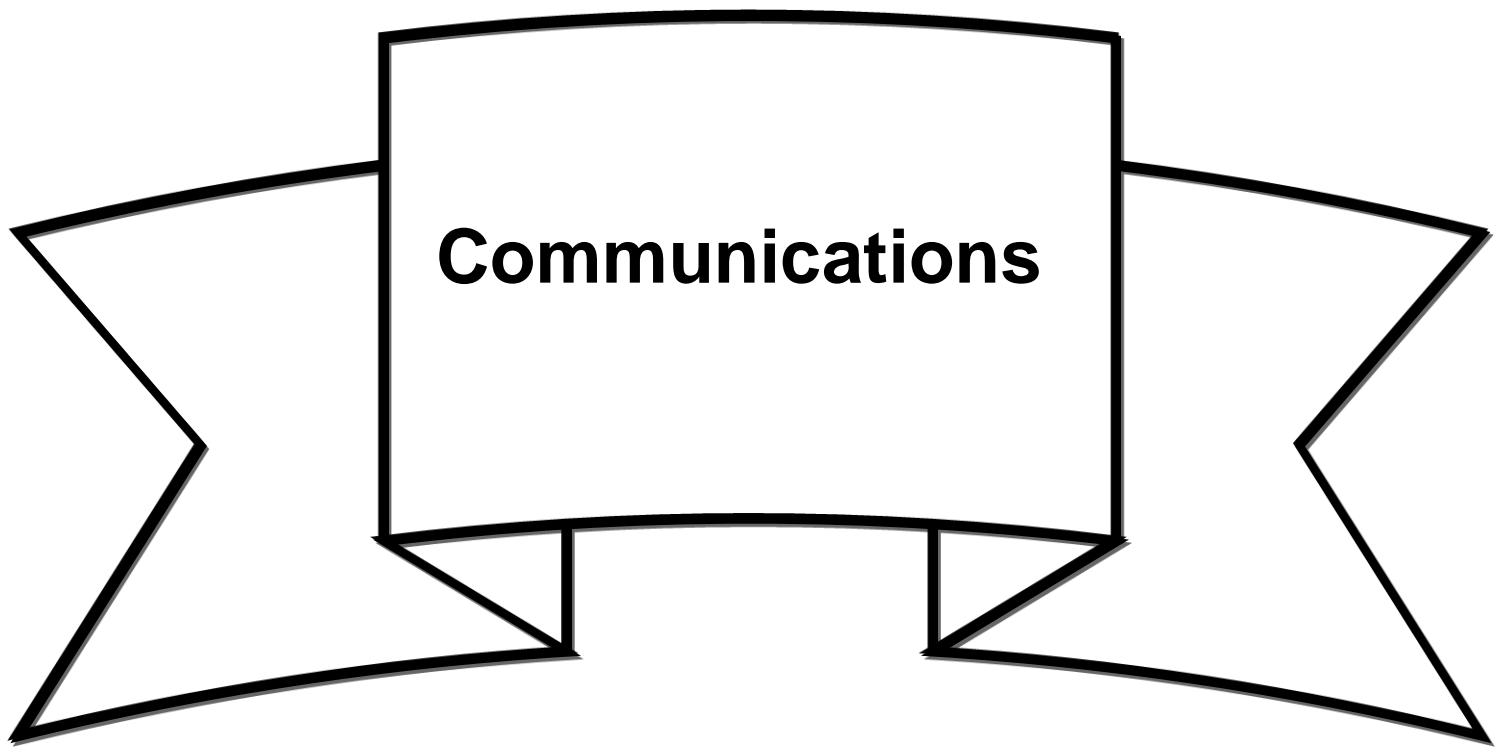
4. Collaborate with other commissions to mitigate mental health impacts

- a. Reach out to the Youth Commission to see how we can better support our youth during an isolating time.
- b. Reach out to the Mental Health Commission to see how we can better support our youth during an isolating time.

5. Encourage housing development projects that set aside units for low and middle-income families with children. According to data by Lucille Packard Foundation for Children's Health, about a quarter of children in Alameda County live in crowded housing conditions, which is not conducive to learning and could spread the virus when essential workers return to crowded homes. In addition to studio apartments and one-bedroom apartments for individual renters, we should incentivize through the zoning ordinance the creation of three-to-four-bedroom homes for families with children.

6. Help BUSD families that lack Internet and a computer at home, permanently obtain the laptops and any related technology that they received on loan during the pandemic. Making this investment now could help curb further delays in virtual schooling due to the physical closures of school facilities.

- a. Support low-cost access to broadband and ensure that all children and families have continued access to up-to-date equipment post-pandemic. One way is to negotiate community benefits in the city's contract with Comcast and other broadband providers.



All communications submitted to the City Council are public record. Communications are not published directly to the City's website. Copies of individual communications are available for viewing at the City Clerk Department and through Records Online.

City Clerk Department

2180 Milvia Street
Berkeley, CA 94704
(510) 981-6900

Records Online

<http://www.cityofberkeley.info/recordsonline>

To search for communications associated with a particular City Council meeting using Records Online:

1. Select Search Type = “Public – Communication Query (Keywords)”
2. From Date: Enter the date of the Council meeting
3. To Date: Enter the date of the Council meeting (this may match the From Date field)
4. Click the “Search” button
5. Communication packets matching the entered criteria will be returned
6. Click the desired file in the Results column to view the document as a PDF