



Planning Commission

AGENDA

REGULAR MEETING OF THE PLANNING COMMISSION

This meeting is held in a wheelchair accessible location.

Wednesday, November 6, 2024

6:00 PM

North Berkeley Senior Center

1901 Hearst Avenue, Berkeley

See “MEETING PROCEDURES” below.

All written materials identified on this agenda are available on the Planning Commission webpage: <https://berkeleyca.gov/your-government/boards-commissions/planning-commission>

PRELIMINARY MATTERS

- 1. Roll Call:** **Merker, Blaine**, appointed by Councilmember Kesarwani, District 1
Vincent, Jeff, Chair, appointed by Councilmember Taplin, District 2
Moore III, John E. “Chip”, appointed by Councilmember Bartlett, District 3
Oatfield, Christina, appointed by Councilmember Harrison, District 4
Mikiten, Elisa, appointed by Councilmember Hahn, District 5
Marthinsen, Emily, appointed by Councilmember Wengraf, District 6
Twu, Alfred, appointed by Councilmember Robinson, District 7
Hauser, Savlan, appointed by Councilmember Droste, District 8
Ghosh, Barnali, Vice Chair, appointed by Mayor Arreguín
- 2. Land Acknowledgement:** The City of Berkeley recognizes that the community we live in was built on the territory of xučyun (Huchiun (Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley’s residents have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley’s incorporation in 1878. As stewards of the laws regulating the City of Berkeley, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today. The City of Berkeley will continue to build relationships with the Lisjan Tribe and to create meaningful actions that uphold the intention of this land acknowledgement.

3. **Order of Agenda:** The Commission may rearrange the agenda or place items on the Consent Calendar.
4. **Public Comment:** Comments on subjects not included on the agenda. Speakers may comment on agenda items when the Commission hears those items. (See “*Public Testimony Guidelines*” below):
5. **Planning Staff Report:** In addition to the items below, additional matters may be reported at the meeting. **Next Commission meeting: December 4, 2024**
6. **Chairperson’s Report:** Report by Planning Commission Chair.
7. **Committee Reports:** Reports by Commission committees or liaisons. In addition to the items below, additional matters may be reported at the meeting.
8. **Approval of Minutes:** Approval of Draft Minutes from the regular meeting on October 9, 2024.
9. **Future Agenda Items and Other Planning-Related Events:** None.

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

10. **Action:** **Public Hearing: Gilman Gateway Rezone Project**
 - a. **Recommendation:** Conduct a public hearing, discuss the proposed amendments to the Zoning Ordinance, Zoning Map, West Berkeley Plan and General Plan, and adopt a resolution to provide a recommendation to the City Council.
 - b. **Recommendation:** Receive and presentation from staff, take public testimony and provide comments on the Draft Environmental Impact Report (Draft EIR), and close the public hearing.

Written Materials: Attached.
Presentation: N/A
11. **Action:** **Planning Commission 2024-2025 Work Plan and 2025**
Recommendation: **Planning Commission Calendar**
Review the Planning Commission Work Plan for 2024-2025. Discuss and adopt 2025 Planning Commission meeting schedule.
Written Materials: Attached.
Presentation: N/A

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

request.

Information Items: None.

Communications: General.

Late Communications: (Received after the packet deadline):

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

ADJOURNMENT

Meeting Procedures

Public Testimony Guidelines:

Speakers are customarily allotted up to two minutes each and may not cede their time to another speaker. The Commission Chair may limit the number of speakers and the length of time allowed to each speaker to ensure adequate time for all items on the Agenda. **To speak during Public Comment or during a Public Hearing, please line up behind the microphone.** Customarily, speakers are asked to address agenda items when the items are before the Commission rather than during the general public comment period. Speakers are encouraged to submit comments in writing. See “Procedures for Correspondence to the Commissioners” below.

Consent Calendar Guidelines:

The Consent Calendar allows the Commission to take action with no discussion on projects to which no one objects. The Commission may place items on the Consent Calendar if no one present wishes to testify on an item. Anyone present who wishes to speak on an item should submit a speaker card prior to the start of the meeting, or raise his or her hand and advise the Chairperson, and the item will be pulled from the Consent Calendar for public comment and discussion prior to action.

Procedures for Correspondence to the Commissioners:

To distribute correspondence to Commissioners prior to the meeting date, submit comments by 12:00 p.m. (noon), eight days before the meeting day (Tuesday) (email preferred):

- If correspondence is more than 20 pages, requires printing of color pages, or includes pages larger than 8.5x11 inches, please provide 15 copies.
- Any correspondence received after this deadline will be given to Commissioners on the day just prior to the meeting.
- Staff will not deliver to Commissioners any additional written (or emailed) materials received after 12:00 p.m. (noon) on the day of the meeting.
- Members of the public may submit written comments themselves early in the meeting. To distribute correspondence at the meeting, please provide 15 copies and submit to the Planning Commission Secretary just before, or at the beginning of, the meeting.
- Written comments should be directed to the Planning Commission Secretary, at the Land Use Planning Division (Attn: Planning Commission Secretary).

Communications are Public Records: Communications to Berkeley boards, commissions, or committees are public records and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission, or committee, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service, or in person, to the Secretary of the relevant board, commission, or committee. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the Secretary to the relevant board, commission, or committee for further information.

Written material may be viewed in advance of the meeting at the Department of Planning & Development, Permit Service Center, **1947 Center Street, 3rd Floor**, during regular business hours.

Note: If you object to a project or to any City action or procedure relating to a project application, any lawsuit which you may later file may be limited to those issues raised by you or someone else in the public hearing on the project, or in written communication delivered at or prior to the public hearing. The time limit within which to commence any lawsuit or legal challenge related to these applications is governed by Section 1094.6, of the Code of Civil Procedure, unless a shorter limitations period is specified by any other provision. Under Section 1094.6, any lawsuit or legal challenge to any quasi-adjudicative decision made by the City must be filed no later than the 90th day following the date on which such decision becomes final. Any lawsuit or legal challenge, which is not filed within that 90-day period, will be barred.

Meeting Access: This meeting is being held in a wheelchair accessible location. To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services Specialist, at 981-6418 (V) or 981-6347 (TDD), at least three business days before the meeting date.

Please refrain from wearing scented products to public meetings.



Planning Commission

**DRAFT MINUTES OF THE REGULAR PLANNING COMMISSION MEETING
October 9, 2024**

The meeting was called to order at 6:04 p.m.

Location: North Berkeley Senior Center, 1901 Hearst Avenue, Berkeley, CA 94709

• **ROLL CALL:**

Commissioners Present: Debra Sanderson, Yes Duffy, Christina Oatfield, Elisa Mikiten, Emily Marthinsen, Alfred Twu, Savlan Hauser, and Barnali Ghosh.

Commissioner Absent: Chip Moore.

Staff Present: Secretary Alisa Shen, Clerk Zoe Covello, Justin Horner, and Anne Hersch.

• **LAND ACKNOWLEDGEMENT.**

The City of Berkeley recognizes that the community we live in was built on the territory of xučyun (Huchiun (Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Chochen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's residents have and continue to benefit from the use and occupation of this uncaded stolen land since the City of Berkeley's incorporation in 1878. As stewards of the laws regulating the City of Berkeley, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today. The City of Berkeley will continue to build relationships with the Lisjan Tribe and to create meaningful actions that uphold the intention of this land acknowledgement.

Vice Chair Ghosh reminded folks that Monday, October 14th is Indigenous Peoples' Day, and that on Saturday, October 12th, from 10am – 6pm there will be a POW WOW and Indian Market held at Civic Center Park.

• **ORDER OF AGENDA:** No changes.

• **PUBLIC COMMENT PERIOD:** 1.

33 • **PLANNING STAFF REPORT:**

- 34 • In November, staff will bring forward the rezoning for Gilman Gateway
- 35 • Planners are conducting outreach as part of Middle Housing project engagement
- 36 ○ Next meeting: Hosted by Councilmembers Taplin and Kesarwani on Oct 24 at
- 37 the Berkeley Adult School, 5:45 pm

38 **Information Items:**

- 39 • None.

40 **Communications:**

- 41 • None.

42 **Late Communications:**

- 43 • None.

45 • **CHAIR REPORT:**

- 46 • None.

- 47 • **COMMITTEE REPORT:** Reports by Commission committees or liaisons. In addition to the
- 48 items below, additional matters may be reported at the meeting.

- 49
- 50 • None.

51 **8. APPROVAL OF MINUTES:**

52 Motion/Second/Carried (Mikiten/Oatfield) to approve the Planning Commission Meeting

53 Minutes from September 4, 2024.

54

55 Ayes: Oatfield, Mikiten, Marthinsen, Twu, Hauser, and Ghosh. Noes: None. Abstain:

56 Sanderson and Duffy. Absent: Moore. (6-0-2-1)

58 **9. OTHER PLANNING RELATED EVENTS:**

- 59 • None.

61 **AGENDA ITEMS**

62 **10. Public Hearing: Middle Housing General Plan Amendments**

63 Principal Planner Justin Horner presented on proposed amendments to the Berkeley General

64 Plan related to Middle Housing. The Commissioners took public comment, asked questions and

65 made comments including, but not limited to: suggesting technical edits; asking how population

densities for new land use classifications were developed; expressing concerns about how the project will contribute to gentrification; and inquiring how adding a density standard will impact how the City administers the density bonus. There were four public commenters.

Motions/Second/Carried (Mikiten/Duffy) to close the public hearing at 6:30 pm.

Ayes: Sanderson, Duffy, Oatfield, Mikiten, Marthinsen, Twu, Hauser, and Ghosh. Noes: None. Abstain: None. Absent: Moore. (8-0-0-1)

Motions/Second (Sanderson/Marthinsen) to recommend that City Council adopt staff's recommendation, and direct staff to make the following technical edits to the proposed General Plan amendments:

1. Correct the Land Use Map in the General Plan to say "lower-medium density" instead of "lower density,"
2. Ensure that the population density noted in the land use classification for the MUR on page 29 conforms with City Council direction, and
3. Strike the word "traditionally" from the Introduction, so it reads "and in low-density residential neighborhoods."

at 7:12 pm.

Ayes: Sanderson, Duffy, Marthinsen, Twu, Hauser, and Ghosh. Noes: None. Abstain: Oatfield and Mikiten. Absent: Moore. (6-0-2-1)

Public Comments: 4

Motion/Second/Carried (Mikiten/Sanderson) to adjourn the meeting at 7:16 pm.

Ayes: Sanderson, Duffy, Oatfield, Mikiten, Marthinsen, Twu, Hauser, and Ghosh. Noes: None. Abstain: None. Absent: Moore. (8-0-0-1)

Members in the public in attendance: 8

Public Speakers: 5

Length of the meeting: 1 hr 12 min



Planning and Development Department
Land Use Planning Division

PUBLIC HEARING
November 6, 2024

TO: Members of the Planning Commission

FROM: Ashley James, Planning and Development Department

SUBJECT: Public Hearing: Pacific Steel Casting Zoning (M-RD), General Plan, West Berkeley Plan Amendments and Draft Environmental Impact Report (Draft EIR)

RECOMMENDATION

Staff recommends the Planning Commission hold a public hearing; take public comment; discuss the proposed amendments to the Zoning Ordinance, Zoning Map, General Plan and West Berkeley Plan; and provide a recommendation to City Council to:

1. Adopt a Resolution to amend the:
 - a. Zoning Ordinance and Zoning Map to establish a Manufacturing, Research and Development (M-RD) zoning district;
 - b. West Berkeley Plan to include the M-RD zoning district text and map amendments; and
 - c. General Plan to incorporate the M-RD zoning district into the existing Manufacturing (M) land use designation (**Attachment 1, Exhibits A-C**);
2. Take public testimony and provide comments on the Draft Environmental Impact Report (Draft EIR) which analyzes the potential impacts of the proposed Zoning Ordinance, General Plan, and West Berkeley Plan amendments, as well as the Potential Berkeley Forge Development project (collectively known as “the proposed project”); and
3. Close the public hearing with respect to receipt of oral comments. Written comments on the Draft EIR will be accepted until 5:00pm on **Thursday, December 5, 2024**.

SUMMARY

In response to a 2021 City Council referral (**Attachment 2**) to create a zoning overlay at the former Pacific Steel Casting site (PSC) and a request for a zoning map amendment submitted on behalf of the majority property owner of the PSC property (**Attachment 3**)

in 2022, City staff are proposing amendments to the Zoning Ordinance, Zoning Map, West Berkeley Plan, and General Plan to: 1) establish a new zoning district Manufacturing, Research and Development (M-RD) that meets the goals of the City Council referral; 2) rezone an approximately 11-acre area within the West Berkeley Plan Area (“project site”) to this new zoning district; and 3) amend the West Berkeley Plan and General Plan to add this new zoning district to the West Berkeley Plan Land Use Element and the General Plan Manufacturing land use designation. The full text of the Zoning Ordinance and West Berkeley and General Plan changes can be found in **Attachment 1**. The proposed project consists of zoning and plan amendments and does not include specific development proposals. The Planning Commission provided comments in 2023 at its February 1, and March 1 meetings and now staff is requesting that the Planning Commission provide a recommendation to Council on the proposed zoning and West Berkeley and General Plan amendments only.

As required by the California Environmental Quality Act (CEQA), City staff has prepared a Draft EIR for the proposed project, referred to as the Gilman Gateway Rezone Project.¹ The Draft EIR analyzes the potential impacts of: 1) adoption and implementation of the proposed zoning and plan amendments; and 2) a conceptual development project (referred to as the Potential Berkeley Forge Development) submitted by the majority property owner of the PSC property with the Zoning Map amendment application in 2022 (**Attachment 3**), to the extent site planning details have been provided. The Planning Commission provided comments on the scope and content of the EIR at its February 1, 2023 meeting. The Landmarks Preservation Commission provided comments at its February 2, 2023 meeting. Staff is requesting that the Planning Commission take public testimony and provide comments to staff on the Draft EIR.

FISCAL IMPACTS OF RECOMMENDATION

As noted in the Council referral, the proposed Zoning Ordinance, Zoning Map, West Berkeley Plan and General Plan amendments are intended to support redevelopment of the site to contribute to the tax base and economic vitality in Berkeley. Therefore, the proposed amendments may result in an increase in employment, property tax, business license tax and sales tax revenues due to increased business activity.

CURRENT SITUATION AND ITS EFFECTS

As described in the April 20, 2021 Council referral (**Attachment 2**), the PSC property, located southeast of the intersection of Eastshore Highway and Gilman Street, is a former manufacturing site that at its peak of operations employed more than 650 people. The manufacturing operation declared bankruptcy in 2014 and permanently

¹ The Gilman Gateway Rezone Project refers collectively to the proposed M-RD Zoning Ordinance, General Plan, and West Berkeley Plan amendments. The Potential Berkeley Forge Development project is referred to as the conceptual development project. Since 2021, the conceptual development and rezoning have been referred to interchangeably and under other names including “Gilman Gateway”, “SPUR Capital”, “Pacific Steel Redevelopment” and most recently, “Berkeley Forge.”

closed in 2018. The site was described to have had a number of problems of public concern, including: (1) environmental contamination, (2) hundreds of former casting plant workers awaiting receipt of their employment pension benefits contingent upon future sale of the property by its receivership agent, and (3) neighborhood blight and safety concerns resulting from an eight-acre multi-block area of abandoned buildings and graffitied fencing around the property. Sale of the Pacific Steel Casting plant property from receivership to the current owner in late July 2023 addressed pension benefits of the former casting plant workers, but concerns that the current Manufacturing zoning designation on the site limits the potential uses of the site to heavy manufacturing remain. Establishing a new zoning district or overlay that enables all Mixed Use - Light Industrial (MU-LI) district uses and removes any existing constraints in Title 23 (Zoning) of the Berkeley Municipal Code for MU-LI uses would enable redevelopment of the site to again contribute to the employment and tax base and economic vitality in Berkeley as well as facilitate environmental remediation of the site.

BACKGROUND

On April 20, 2021, the City Council referred to the City Manager the creation of a zoning overlay at the former PSC property in West Berkeley, which is currently zoned M or “Manufacturing”, to re-designate it as MU-LI due to the unique issues of public concern associated with this property (described above). More specifically, the referral requested the PSC zoning overlay include allowances to enable all MU-LI uses and override any existing constraints on MU-LI uses in Title 23 for the PSC property, such as manufacturing floor area replacement requirements, in order to expedite environmental remediation of contaminated parcels and fund pension payment of PSC’s workers (**Attachment 2**).

In October of 2022, the Planning and Development Department received a zoning map amendment application from Rhoades Planning Group on behalf of SPUR Capital, pursuant to BMC Chapter 23.412 (Zoning Ordinance Amendments), to re-designate the zoning of the PSC, the Clearflow Valves site, and Berkeley Forge and Tool properties, together totaling 10.26 acres (**Attachment 5**, Chapter 3 Project Description, Figure 3-3), from M to MU-LI, consistent with the Council referral. The application includes a description of a conceptual development project, herein referred to as the Potential Berkeley Forge Development. The Potential Berkeley Forge Development could result in the redevelopment of a 10.26-acre portion of the project site with approximately 900,000 square feet of light manufacturing, research and development (R&D), laboratory, and/or office uses. The proposed M-RD zoning amendments help to advance the Potential Berkeley Forge Development by ensuring the zoning ordinance would enable its entitlement. The City has not received an application for the Potential Berkeley Forge Development; however, submittal of a formal application is anticipated subsequent to adoption of the proposed zoning and plan amendments discussed in this report. It is therefore a reasonably foreseeable project and is evaluated in the Draft EIR at the project level, to the extent feasible, in order to help streamline the environmental review process for the Potential Berkeley Forge Development.

The Planning Commission received presentations on the approach to the proposed rezoning project at its February 1, 2023 and March 1, 2023 meetings for the purpose of finalizing a project description for analysis in the Draft EIR, and provided high-level policy direction to staff. For the February 1, 2023 Planning Commission meeting the City's Office of Economic Development (OED) prepared a report² that provides context for the economic conditions in West Berkeley to help inform the City's approach to addressing the Council referral. Specifically, the report describes the city's economy and the impact of the innovation sector in particular – advanced manufacturing, software, life sciences, clean technology, food tech, and other science, technology, engineering and math (STEM) industries – such as employment, wages, wealth creation, social impacts and location decisions. The report also discusses anticipated economic impacts of the proposed rezoning within West Berkeley (**Attachment 4** to the February 1, 2023 Planning Commission staff report, pages 14-20).

The proposed M-RD zoning, West Berkeley Plan and General Plan amendments consistent with this background and direction from the Planning Commission in February and March of 2023 are summarized in this report and provided in **Attachment 1, 1a, 1b, and 1c**.

DISCUSSION

Staff are proposing the following Zoning Ordinance text and Zoning Map amendments to create a new zoning district (M-RD), as well as conforming amendments to the General Plan and West Berkeley Plan. As described in the February 1, 2023 Planning Commission report (**Attachment 4**), the project site is an 11.54-acre area located at Gilman Street and Eastshore Highway, containing the former PSC property, the Berkeley Forge and Tool property, and other parcels under various ownership (see Figure 1 and Table 3.A in **Attachment 5**, Draft EIR Project Description, for ownership details). On February 1 and March 2, 2023, the Planning Commission held discussions on the Gilman Gateway Rezone Project³, and provided feedback and policy direction. The staff reports for those meetings include background information and rationales for the proposed Zoning Ordinance and Plan amendments. Further discussion and rationale are discussed in this report for items that have been revised and/or drafted since those discussions.

² *The Innovation Ecosystem in West Berkeley: An Economic Snapshot*, City of Berkeley, Office of Economic Development, February 1, 2023, Planning Commission, Item 12, Attachment 4.

³ Proposed M-RD Zoning Ordinance, Zoning Map, West Berkeley Plan and General Plan amendments in response to the Council referral to create a zoning overlay at the former PSC property. In addition, the February 1, 2023 Planning Commission meeting was also an EIR scoping meeting.

Pacific Steel Casting: Zoning, General Plan and West Berkeley Plan Amendments,
Draft EIR Hearing
Page 5 of 22

Item 10
November 6, 2024

Figure 1: Project Site



Zoning District Boundary

The City of Berkeley Zoning Map would be amended to re-designate the site bounded by Gilman, Eastshore, Page Street and Third Street/ Union Pacific Railroad tracks from M to M-RD (see Figures 2 and 3 below). The proposed boundary of this new zoning district would be consistent with the 2021 Council referral and the 2022 Zoning Map amendment application, and would facilitate potential redevelopment of the site by providing a well-defined and uniform area. More detailed parcel information is found in Table 3.A in the Draft EIR Project Description (**Attachment 5**).

Pacific Steel Casting: Zoning, General Plan and West Berkeley Plan Amendments,
 Draft EIR Hearing
 Page 6 of 22

Item 10
 November 6, 2024

Figure 2: Existing Zoning Map

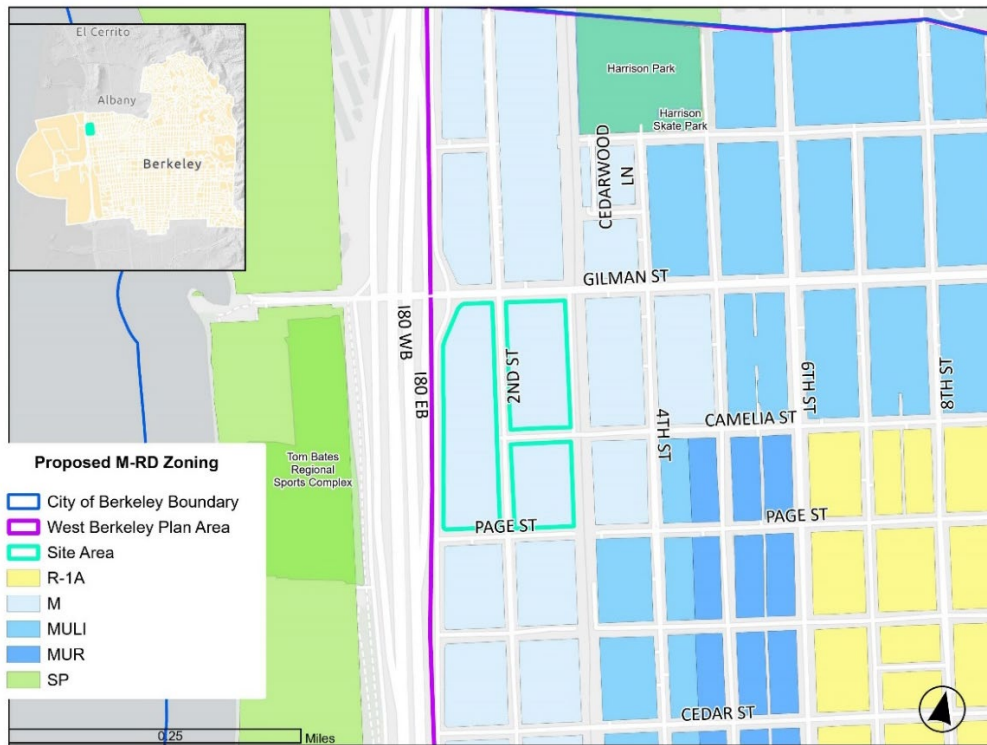


Figure 3: Proposed Zoning Map



Zoning District Purposes

At the February and March 2023 Planning Commission meetings, staff recommended draft purpose statements (**Attachment 4**, pages 5-6) consistent with the Manufacturing land use designation and West Berkeley Plan, as well as the objectives of the Council referral and the Potential Berkeley Forge Development. The Planning Commission expressed support for these purposes. Staff are proposing the following changes to the purposes to ensure compatibility with the General Plan and West Berkeley Plan, and to facilitate redevelopment and environmental remediation of large sites, consistent with the Council referral:

- Revise M-RD purpose statement #1 to better reflect the goal of supporting high-quality employment that adds to the City's tax base by providing for a wider range of allowed uses.
- Add a purpose statement to provide flexibility in the M-RD development standards to accommodate the Potential Berkeley Forge Development (See "Modification to Development Standards" section below for more details).
- Replace the word "visitors" with "customers" in purpose statement #3 to better reflect allowed uses.
- Consolidate the purpose statements regarding environmental quality and industrial uses to clarify that industrial uses are allowed subject to compliance with environmental protection standards.

Therefore, the following district purposes for the M-RD District are proposed:

1. Support a mix of industrial and heavy commercial uses, such as light manufacturing and R&D, particularly those which can provide high-quality employment for people at all educational levels and add significantly to the tax base;
2. Allow office and laboratory uses that support light industrial and research and development uses;
3. Provide flexibility to facilitate the development and reuse of large sites with an urban campus-like environment, demonstrating high-quality design and site planning that includes amenities for employees and customers; and
4. Support the development of industrial uses that would which satisfy performance standards that protect the environment.

These purposes are consistent with the General Plan Land Use Element as well as the goals and policies of the West Berkeley Plan. More specifically, the M-RD purpose statements were designed to provide for "a continued economic and land use mix" called for in the West Berkeley Plan⁴, by incorporating manufacturing, industrial, retail and office/laboratory uses to benefit Berkeley residents and businesses economically, benefit the City government fiscally, and promote the varied and interesting character of the area.

⁴ *West Berkeley Plan*. Chapter IV Land Use Element Goals and Policies, Goal 1, page 34.
https://berkeleyca.gov/sites/default/files/2022-03/12_14_1993%3B%20CLK%20-%20Resolution%3B%20City%20Council%3B%2057301%3B%20West%20Berkeley%20Area%20Plan%3B.pdf

Allowed Uses and Permit Thresholds

Staff initially presented to the Planning Commission a recommendation to allow a narrower set of allowed uses in the M-RD district than those allowed in the MU-LI district in order to target a mix of light manufacturing, R&D, laboratory and office uses. At their February 1, 2023 and March 1, 2023 meetings, the Planning Commission expressed support for a wider range of allowed uses. Consistent with that feedback, as well as with input received from OED, staff are proposing a broader set of allowed uses that are similar to what is allowed in the MU-LI district, with a few exceptions noted in Table 1 below. Most notably, Laboratory, semiconductor manufacturing, and R&D uses would be permitted at lower thresholds than are currently allowed in the MU-LI district.

Table 1: Allowed Uses Comparison – MU-LI and M-RD Districts

USE	MU-LI	M-RD
Retail Uses		
Alcoholic Beverage Retail Sale	UP(PH)*[2]	NP
Industrial and Mining Products	AUP[4]	NP
Food & Alcohol Service, Lodging, Entertainment, and Assembly Uses		
Amusement Device Arcade	ZC	NP
Theater	UP(PH)*	NP
Vehicle Service and Sales Uses		
Vehicle Wrecking	AUP*[4]	NP
Industrial and Heavy Commercial Uses		
Commercial Excavation	UP(PH)	NP
Dry Cleaning and Laundry Plant	ZC[1]	NP
Laboratory: Commercial Physical or Biological	UP(PH)*	AUP[4]
Laboratory: Cannabis Testing	UP(PH)	AUP[4]
Manufacturing: Semiconductors	NP	UP(PH)
Research and Development	ZC[12]	ZC[13]
Notes: [1] Requires an AUP for uses 20,000 sq. ft. to 30,000 square feet. Requires a Use Permit for uses more than 30,000 sq. ft. [2] Not permitted 20,000 sq. ft. or more. [4] Requires a Use Permit for uses more than 20,000 sq. ft. [6] Not permitted over 3,000 sq. ft. [12] Requires an AUP for uses more than 20,000 sq. ft. [13] Requires an AUP for uses 60,000 sq. ft. to 100,000 sq. ft. Requires a Use Permit for uses 100,000 sq. ft. or more. * Use-Specific Standards Apply		

Floor Area and Tenant Space Reconfiguration Permit Thresholds

Consistent with the objectives of the 2021 Council referral, the proposed permit thresholds allow flexibility for future users of the area to adapt to changing building needs over time. The proposed permit thresholds in Table 2 below for construction of

new floor area and tenant space reconfiguration are intended to establish a streamlined and cost-effective process to encourage flexible business growth over time.

Table 2: New Floor Area Permit Comparison – M-RD and MU-LI Districts

Permit Type	M-RD	MU-LI
ZC	Less than 60,000 sq. ft.	Less than 10,000 sq. ft.
AUP	60,000 to less than 100,000 sq. ft.	10,000 to less than 20,000 sq. ft.
UP(PH)	100,000 sq. ft. or more	20,000 sq. ft. or more

In addition, the proposed Zoning Ordinance amendment requires the same permit thresholds for reconfiguring a tenant space in the M-RD district as the existing districts in the West Berkeley Plan Area. The M-RD will require the same findings to approve a permit for a tenant reconfiguration project as are required in the MM (Mixed Manufacturing) district, more specifically that a proposed conversion of tenant space is necessary to implement the purpose of the district. This language aligns with the Zoning Map amendment application, which described that life science businesses in the area tend to occupy smaller tenant spaces and scale up over time, and therefore may require a property owner to subdivide a building over its lifespan to accommodate new small businesses or accommodate expanding businesses.

Development Standards

Staff presented to the Planning Commission general development standards for the proposed M-RD district to prepare a project description for analysis in the Draft EIR at their February 1, 2023 meeting, and a revised set of standards at their March 1, 2023 meeting based on Commission feedback (**Attachment 4**). Consistent with feedback received, as well as with recent, similar development projects in West Berkeley, staff are proposing the following set of development standards to facilitate redevelopment of the area⁵ with in-demand industrial and heavy commercial uses. Table 3 below provides a summary of the proposed development standards along with the existing M and MU-LI district standards, and the standards proposed at the March 1, 2023 Planning Commission meeting. The standards for maximum height and minimum off-street loading have been revised since the March 1, 2023 Planning Commission meeting. Each regulation is discussed in further detail below.

⁵ Inclusive of the proposed M-RD district area, see Figure 3 above.

Pacific Steel Casting: Zoning, General Plan and West Berkeley Plan Amendments,
Draft EIR Hearing
Page 10 of 22

Item 10
November 6, 2024

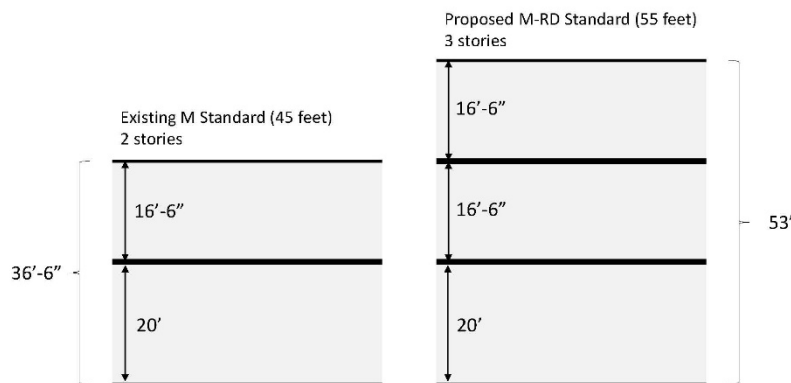
Table 3: Summary of Existing and Proposed Development Standards

Regulation	M & MU-LI Districts (Existing)	March 1, 2023 Planning Commission Meeting Proposed Standard	Current M-RD Proposal
Maximum Height	45 feet	105 feet	55 feet* <i>See Modification of Development Standards section (*105 feet is allowed if conditions are met)</i>
Maximum Floor Area Ratio (FAR)	2.0	2.0	2.0
Minimum Setbacks, and Building Separation	Not regulated	Not regulated	Not regulated
Maximum Lot Coverage	Not regulated	80 percent	80 percent
Minimum Off-Street Parking and Minimum Bicycle Parking	Vehicle: See BMC Table 23.322-4	Vehicle: Table 23.322-4, with following changes: - All non-residential uses except uses listed below: 1 per 1,000 sq.ft. - Laboratories: 1 per 1,000 sq.ft.	Vehicle: Table 23.322-4, with following changes: - All non-residential uses except uses listed below: 1 per 1,000 sq.ft. - Laboratories: 1 per 1,000 sq.ft.
	Bicycle: 1 per 2,000 sq.ft.	Bicycle: Same requirements as existing for non-residential uses	Bicycle: Same requirements as existing for non-residential uses
Minimum Off-Street Loading Spaces	For commercial and manufacturing uses 10,000 sq.ft. or more: 1 space for the first 10,000 sq. ft. plus 1 additional space for each additional 25,000 sq. ft.	No changes proposed	- R&D uses 25,000 sq. ft. or more: 1 space (25,000 – 100,000 sq. ft.); 2 spaces (more than 100,000 to 200,000 sq. ft.); 1 space (each additional 100,000 sq. ft. - All other commercial and manufacturing uses 10,000 sq. ft. or more: 1 space for the first 10,000 sq. ft. plus 1 additional space for each additional 25,000 sq. ft.

Maximum Building Height

The current height limit in the MU-LI district is 45 feet. The Zoning Map application includes a request to increase the maximum building height to 105 feet to support the unique building needs of R&D and laboratory uses, which require taller ceiling heights and reinforced floors (see February 1, 2023 staff report, **Attachment 4**). Planning Commission expressed support for this maximum. In order to maintain consistency with the West Berkeley Plan, which recommended maximum heights of three stories across the manufacturing districts,⁶ staff are proposing a maximum building height of 55 feet. This maximum would allow a 3-story building, assuming 20-foot ground-floor heights and 16.5-foot upper story heights, measured floor to floor, typical of R&D and laboratory user needs⁷ (see Figure 4 below). However, projects in the M-RD district consisting of at least nine acres could be constructed with a maximum building height of 105 feet (see Modifications to Development Standards section below) if the Zoning Adjustments Board makes certain findings (described further below).

Figure 4: Existing and Proposed Maximum Building Height



Maximum FAR

Consistent with the 2021 Council referral, and 2022 Zoning Map amendment application, and 2023 feedback from the Planning Commission, no changes are proposed to the existing maximum FAR of 2.0 currently allowed in the M district. As the total area of the proposed M-RD district is approximately 463,549 square feet, the maximum buildout of approximately 927,098 square feet of gross floor area is consistent with what was previously evaluated in the General Plan and West Berkeley Plan and the associated EIRs. In other words, development within this district would not exceed the amount of development already anticipated in the West Berkeley Plan area and would be consistent with adopted plans.

Setbacks, Building Separation, and Lot Coverage

⁶ Table 1-5, page 153

⁷ Attachment 3, Zoning Map Application, pages 7-8.

Lot coverage is not currently regulated in Berkeley's Manufacturing districts. Consistent with Planning Commission feedback at their February 1, 2023 and March 1, 2023 meeting, staff proposes a maximum of 80 percent lot coverage to both facilitate redevelopment and help ensure that open space and amenities for employees are provided for future projects in this district. Some Planning Commissioners expressed support for a maximum of 100 percent. However, staff evaluated the feasibility of development at 100 percent lot coverage and found that due to required infrastructure, building entries, loading spaces, and design characteristics of recent projects in the West Berkeley Plan Area, and given the desire to maximize the allowable FAR which includes additional building height (Attachment 3, pages 7-9), 100 percent lot coverage would not be likely to occur. Further, an 80 percent maximum would help ensure that the future redevelopment of the area furthers the proposed purpose to provide high-quality design and site planning, including amenities for employees and customers, such as landscaped areas and outdoor gathering spaces. No changes are proposed to minimum building setbacks or minimum building separation, which are not regulated in the Manufacturing districts.

Minimum Off-Street Vehicular Parking and Bicycle Parking

Staff presented to the Planning Commission recommendations to revise minimum off-street parking for laboratories and other uses not otherwise listed in BMC Table 23.322-4, which include R&D and office. At their February 1 and March 1, 2023 meetings, the Planning Commission expressed support for these changes, which are included in the proposed zoning amendments. No changes are proposed to the existing off-street bicycle parking requirement.

Minimum Off-Street Loading Spaces

Amendments are proposed to the off-street loading space requirement for R&D uses in the M-RD district to better support the unique loading needs of this use. The proposed changes are to:

- Increase the threshold for which the loading space requirement applies from 10,000 square feet to 25,000 square feet; and
- Simplify the formula to determine the number of spaces required as follows: 1 space required for buildings between 25,000 and 100,000 square feet; 2 spaces required for buildings more than 100,000 to 200,000 square feet; and 1 space for each additional 100,000 square feet.

For example, a 125,000 square foot building containing an R&D use would currently be required to provide 5 loading spaces in all Manufacturing districts (M, MM, MU-LI), while 2 spaces would be required in the M-RD district with the proposed changes.

Unlike vehicle parking space requirements, there is no published generation rate for demand of loading spaces. Staff reviewed requirements in nearby jurisdictions with R&D development activity. The cities of Emeryville and Richmond provide different loading requirements for R&D use than other industrial uses, with R&D uses requiring fewer loading spaces than other types of industrial uses. Oakland, South San Francisco

and Hercules require loading spaces for buildings of at least 50,000 to 100,000 square feet in size. A review of recent R&D redevelopment projects in West Berkeley found that oftentimes, these applications include permit requests to reduce the number of off-street loading spaces required.⁸ The proposed changes are consistent with requirements in nearby jurisdictions with R&D development, and would streamline future development in the M-RD district by providing an objective standard for off-street loading spaces.

Modifications to Development Standards

Recognizing the need to address the issues of public concern associated with the site (i.e., environmental contamination and blight), staff are proposing to provide flexibility in the M-RD development standards to facilitate redevelopment with high-quality design and site planning. The proposed Modification to Development Standards section of the Zoning Ordinance amendment would allow flexibility in the FAR, height and coverage standards for projects of at least nine acres, which may comprise multiple parcels and blocks. An eligible project would be subject to a maximum building height of 105 feet, and would be allowed to comply with the maximum FAR and coverage standards on a project-wide basis rather than on a parcel by parcel basis, as long as the FAR and/or coverage on an individual parcel does not exceed the maximum allowed by more than 20 percent and the eligible project as a whole complies with the maximum FAR (2.0) and lot coverage (80 percent) allowed in M-RD. This flexibility is intended to create visual interest from both the Gilman Street entry corridor and from pedestrian level within the site, allow for open space, and maintain views.

This section would require the Zoning Adjustments Board (ZAB) to issue a use permit upon finding that the modification would result in a better overall design than that which could be achieved by strict application of the development standards alone and does not unduly burden the implementation of subsequent development. This section would also grant ZAB the authority to impose any reasonable conditions to ensure that the required findings can be made, such as a reimbursement agreement between the City and the developer, surety/bond/letter of credit, or private maintenance agreement.

In order to provide assurances that a complete project over 9 acres would be delivered, the Modification to Development Standards section would require an applicant to submit a development plan as part of their zoning permit application that includes 1) a phasing plan; and 2) a development comparison demonstrating how the site-wide changes in development standards maximize amenities for employees and customers. A deed restriction would be required to ensure compliance with Conditions of Approval for the zoning permit in perpetuity.

Properties located within the West Berkeley Plan Area may be eligible for two specific zoning permits in Title 23 – a Master Use Permit (Section 23.406.060) and a

⁸ BMC Section 23.322.100(C)(5) Modified Requirements. In all Manufacturing and Commercial Districts other than the C-T district, the Zoning Officer in consultation with the City Traffic Engineer may approve an AUP to modify the on-site loading spaces standards in this section.

Modification of Development Standards in the West Berkeley Plan Area (Section 23.406.080). Since the proposed set of allowed modifications to the M-RD development standards are to address the unique issues of public concern associated with the project site, projects in the M-RD district would not be eligible for a Master Use Permit nor a Modification to Development Standards in the West Berkeley Plan Area permit.

General Plan and West Berkeley Plan Amendments

The proposed Zoning Ordinance and Zoning Map amendments require associated amendments to the West Berkeley Plan and General Plan to ensure consistency between the Zoning Ordinance and the General Plan.⁹ The proposed West Berkeley Plan amendments would incorporate the new zoning district into the Land Use Element by creating a new policy, updating the Land Use Map, and adding a description of the district to the districting concept (see **Attachment 1, Exhibit B**). The General Plan would be amended to add the new zoning district to the existing Manufacturing land use classification (see **Attachment 1, Exhibit C**). Pursuant to BMC Chapter 22.04, staff is requesting the Planning Commission consider these proposed amendments.

ENVIRONMENTAL REVIEW

The City has prepared a Draft Environmental Impact Report (EIR) for the proposed project that evaluates the potential environmental effects of: 1) adoption and implementation of the proposed M-RD zoning and associated Plan amendments; and 2) the Potential Berkeley Forge Development, as it would be facilitated by adoption and implementation of the proposed M-RD zoning, to the extent site planning details have been provided.¹⁰ Recognizing there are various ways in which the project site could be redeveloped under the proposed M-RD zoning, evaluation of the Potential Berkeley Forge Development is not intended to illustrate nor limit the subsequent development proposal that the applicant may submit at a future date. The Draft EIR is a programmatic evaluation, meaning that it evaluates the potential impacts of the application of regulations, in this case, adoption of zoning and plan amendments. In addition, the Draft EIR evaluates the potential impacts of development of the Potential Berkeley Forge Development, to the extent site planning details have been provided.

The City is the Lead Agency for the proposed project and is represented by the Planning and Development Department. Under the California Environmental Quality Act (CEQA), a Lead Agency may proceed directly with EIR preparation, without an Initial Study, if it is clear that an EIR will be required. As the City has made such a determination for this project, no Initial Study has been prepared. A Notice of Availability (NOA) of a Draft EIR was published on **October 21, 2024 (Attachment 6)**. The Draft

⁹ The West Berkeley Plan is an amendment to Berkeley's General Plan, providing policies to guide development in West Berkeley.

¹⁰ Because the California Environmental Quality Act requires analysis of alternatives that would reduce environmental impacts compared to the Gilman Gateway Rezone Project, the Draft EIR also analyzes 3) a reduced development alternative in which the zoning and plan amendments would cover a smaller area, 4) a "no action" alternative in which development would occur consistent with current land use and zoning designations, and 5) a "no action" alternative in which neither rezoning nor development occurs.

Pacific Steel Casting: Zoning, General Plan and West Berkeley Plan Amendments,
Draft EIR Hearing
Page 15 of 22

Item 10
November 6, 2024

EIR was posted to the City's website on that date. The public comment period for the Draft EIR ends on **December 5, 2024**.

In accordance with CEQA Guidelines, a Notice of Preparation (NOP) of a Draft EIR was circulated to potentially interested parties and agencies on December 27, 2022 (**Attachment 7**). The City received written responses to the NOP regarding the scope and content of the EIR. The City also held an EIR scoping meeting as part of the regularly scheduled Planning Commission meeting on February 1, 2023. Approximately 38 people attended the hearing and eight verbal or written comments on the scope and content of the EIR were received.

The following environmental topics are addressed in detail in the Draft EIR (Chapter 4: Setting, Impacts and Mitigation Measures, Sections 4.1 through 4.11):

- 4.1 Land Use and Planning
- 4.2 Cultural Resources
- 4.3 Tribal Cultural Resources
- 4.4 Transportation
- 4.5 Air Quality
- 4.6 Greenhouse Gas Emissions
- 4.7 Energy
- 4.8 Noise
- 4.9 Hazards and Hazardous Materials
- 4.10 Hydrology and Water Quality
- 4.11 Biological Resources

The Draft EIR identified five significant and unavoidable environmental impacts in Sections 4.2, 4.5 and 4.6 related to Cultural Resources, Air Quality, and Greenhouse Gas Emissions. All other environmental effects of the proposed project can be reduced to less than significant levels through implementation of Standard Condition(s) of Approval and/or recommended mitigation measures.

The Draft EIR also briefly discusses any possible significant effects that were determined not to be significant or less than significant with implementation of applicable standard conditions and regulatory compliance measures related to the following environmental topics: Aesthetics, Agricultural Resources, Geology and Soils, Mineral Resources, Population and Housing, Public Services, Recreation, Utilities and Service Systems, and Wildfire.

Project Objectives

Section 15124 of the CEQA Guidelines requires an EIR to include a statement of the objectives sought by the proposed project. These Project Objectives helped the City develop a reasonable range of alternatives to evaluate in the EIR and prepare any necessary findings or statements of overriding consideration. The Project Objectives of the proposed project are to:

- Reinvent the former PSC site and adjacent parcels from an underutilized, heavy manufacturing campus into a vibrant urban campus-like environment with in-demand industrial and heavy commercial uses consistent with the intent of the Manufacturing land use designation that adds significantly to the City's economic base and facilitates job creation.
- Establish an M-RD zoning district with land use and development standards that are consistent with the General Plan Manufacturing land use designation and policies of the West Berkeley Plan to retain a diversity of dense, high-quality employment opportunities in West Berkeley for people at all educational levels by allowing for a mix of industrial and heavy commercial uses, such as light manufacturing, R&D, laboratory, and office.
- Facilitate future development by adopting zoning standards that permit construction of buildings that accommodate allowable uses.
- Improve mobility at an entry corridor to West Berkeley by encouraging and supporting current and future transit use and transportation demand management strategies that reduce vehicle miles traveled, while providing sufficient parking to meet the needs of employment-generating uses.
- Clean up environmentally contaminated soils that have contributed impacts to air quality and water quality in the neighborhood.

Project Description in the Draft EIR

The proposed project, referred to as the Gilman Gateway Rezone Project, would aim to facilitate the future development of up to 1,005,266 square feet of non-residential space and a minimum of 1,300 off-street automobile parking spaces on the approximately 11.54-acre project site, with adoption and implementation of:

1. A newly established zoning district – M-RD in BMC Chapter 23.206, which would permit development of light manufacturing, R&D, laboratory, and/or office uses.
2. Rezoning the project site from the M district to the M-RD zoning district.
3. Amendments to the Berkeley General Plan and West Berkeley Plan to add the M-RD zoning district to the Manufacturing land use designation, which would also include development standards for the project site.

Adoption and implementation of the Gilman Gateway Rezone Project would facilitate the development of a conceptual project referred to as the Potential Berkeley Forge Development. The City anticipates the submittal of a formal application for the conceptual development project at the project site, and it is therefore evaluated in the EIR as a reasonably foreseeable project. The Potential Berkeley Forge Development would include the construction and operation of up to 900,000 square feet of R&D, office, laboratory, and light manufacturing uses and 1,900 automobile parking spaces on a 10.26-acre portion of the project site spanning 15 parcels.

The EIR evaluates the impacts of the most intensive future uses that could occur with implementation of the proposed zoning and plan amendments, while the impacts of the conceptual development project are evaluated to the extent project details are available. All future development of the project site, including the Potential Berkeley Forge

Development, would be subject to further environmental review to determine if the future development fits within the development assumptions and conclusions identified in this EIR, or if additional environmental review is needed.

Buildout Projections

For the purposes of environmental review of the Gilman Gateway Rezone Project, the Draft EIR includes development projections to provide a physical project the environmental effects of which can be analyzed. The EIR evaluates the maximum reasonable development scenario, which includes demolition of the existing buildings, construction of up to 1,005,266 square feet of nonresidential space at a maximum building height of 105 feet, and a minimum of 1,300 off-street automobile parking spaces on the 11.54-acre site. The EIR also evaluates the conceptual Berkeley Forge Development, which would include the construction and operation of up to 900,000 square feet of R&D, office, laboratory, and light manufacturing uses and 1,900 automobile parking spaces on a 10.26-acre portion of the project site. The buildout of the Potential Berkeley Forge Development is assumed to be consistent with the development standards of the proposed M-RD zoning district. Any future application would be evaluated to ensure consistency with the M-RD standards.

Potentially Significant Impacts Identified in the Draft EIR

All environmental impacts and mitigation measures are summarized in the Executive Summary (Table 2.A) in the Draft EIR. Table 2.A also identifies the level of significance of the impact after application of the applicable mitigation. Other than the impacts discussed below, all of the environmental effects of the proposed project can be reduced to less than significant levels through implementation of Condition(s) of Approval and/or recommended mitigation measures.

The Draft EIR identifies potential impacts stemming from: 1) the proposed project (zoning and plan amendments); and 2) the Potential Berkeley Forge Development (conceptual development project). Impact titles that include a lower case 'a' pertain to the proposed project, while impact titles that include a lower case 'b' pertain to the Potential Berkeley Forge Development. The Draft EIR identifies the following significant and unavoidable environmental impacts:

- **Impact CUL-1a (Historic Architectural Resources).** The proposed project would cause a substantial adverse change in the significance of a historic resource as defined in CEQA Guidelines section 15064.5, because implementation of the proposed project would facilitate the demolition of the existing building at 1306 Third Street, which is eligible for listing as a City of Berkeley landmark.
- **Impact AIR-3a2 (Project Construction Air Quality Emissions).** Construction associated with full buildout of the project site (per the proposed rezoning project) would not exceed BAAQMD thresholds and would not expose nearby sensitive receptors to substantial pollutant concentrations with implementation of identified mitigation measures. However, construction associated with any future development projects facilitated by the proposed project that would not include

the demolition of the structure located at 1306 Third Street, including the conceptual development project, would exceed the BAAQMD cancer risk significance thresholds and would therefore expose sensitive receptors in the building to substantial pollutant concentrations.

- **Impact AIR-3b (Project Operation Air Quality Emissions).** Operation of future development projects facilitated by the proposed project, including the conceptual development project, may expose nearby sensitive receptors to substantial pollutant concentrations and could result in potential Toxic Air Contaminants health risks that would cumulatively contribute to elevated health risks in the city.
- **Impact GHG-1a (Project Operation Greenhouse Gas Emissions).** If future development under the proposed project includes natural gas, the proposed project would not meet the project design thresholds recommended by the BAAQMD and would therefore generate GHG emissions, either directly or indirectly, that would have a significant effect on the environment.
- **Impact GHG-2a (Inconsistency with Plans, Policies or Regulations Adopted for the Purpose of Reducing Greenhouse Gas Emissions).** If future development at the project site includes natural gas, the proposed project would not meet the project design thresholds recommended by the BAAQMD and would be considered inconsistent with the long-term State GHG reduction goals and emission targets in Assembly Bill 32, Senate Bill 32, Executive Order B-30-15, Executive Order B-48-18, and Assembly Bill 1279. Accordingly, the proposed project would conflict with applicable plans, policies, or regulations adopted for the purpose of reducing GHG emissions.

Tribal Consultation (AB 52 and SB18)

Pursuant to the requirements of Assembly Bill 52 (2014, Gatto)¹¹ and Senate Bill 18 (2004, Burton)¹², City staff consulted with the Confederated Villages of Lisjan Nation (Lisjan Nation) regarding the proposed project. The goal of tribal consultation is to avoid significant effects on tribal cultural resources or to develop mutually agreed upon mitigation measures or. As part of the consultation process, City staff sent a formal memorandum to the Lisjan Nation to disclose potential impact determinations identified in the Draft EIR for the Gilman Gateway Rezoning project, proposed conditions of approval (COAs), and proposed mitigation measures. On May 30, 2024, the Lisjan Nation provided written edits to the proposed COAs and mitigation measures. The City subsequently revised the COAs and mitigation measures to incorporate the majority of the edits provided to the City by the Lisjan Nation, with one exception.

¹¹ Requires public agencies to consult with Native American tribes during the California Environmental Quality Act (CEQA) process. The legislation aims to protect tribal cultural heritage and provide a formal structure for tribes to provide input on proposed projects.

https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB52&search_keywords=

¹² Requires public agencies to consult with Native American tribes when an amendment to a local jurisdictions' General Plan, any Specific Plan, or a designation of open space, is proposed. The legislation aims to protect tribal cultural heritage and provide a formal structure for tribes to provide input on the proposed amendment.

https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=200320040SB18

The Lisjan Nation requested to incorporate a mitigation measure that requires the City to enter into consultation based on the specifics of a proposed development, even when an EIR is not required, or when only an addendum to an EIR is required. The goal of this proposed consultation would be to reduce the potential for any future project to unearth tribal cultural resources that would result in a potential impact to the significance of the resource (Impact TCR-1, Chapter 4, Section 4.3 Tribal Cultural Resources). Under AB 52, consultation must be initiated by the City for all projects that require environmental review under CEQA. However, this request would require the City to initiate consultation for projects that do not require environmental review. This requirement could potentially establish a precedent for future projects, and would therefore constitute a policy decision that falls outside of the bounds of the authority vested to staff. Therefore, the proposed language is provided below for consideration by the Planning Commission and the City Council:

Potential Mitigation Measure TCR-1a: Given the very high potential for disturbing Tribal Cultural Resources in this highly sensitive area, including ancestral human remains, Confederated Villages of Lisjan Nation will be allowed a 30-day comment period to provide requests for additional mitigation measures based on any specific development plans proposed by a project proponent even when a supplemental EIR is not required or where only an addendum may be required.

Alternatives in the Draft EIR

As required by Section 15126.6 of the CEQA Guidelines, an EIR must examine a range of reasonable alternatives to the proposed project that would feasibly obtain most of the CEQA Project Objectives and avoid or substantially lessen many of the project's significant environmental impacts. The following alternatives are evaluated in the Draft EIR:

- **Alternative 1: No Action Alternative.** This alternative is a version of the “no project” alternative (*CEQA Guidelines* Section 15126.6(e)) that assumes no construction on the site would occur. The existing buildings would not be demolished and would instead remain in place, unchanged from existing conditions. The existing Manufacturing land use and zoning designations would remain, and in the City of Berkeley General Plan and West Berkeley Area Plan would not be amended.
- **Alternative 2: General Plan Compliant Alternative.** This alternative is a version of the “no project” alternative (*State CEQA Guidelines* Section 15126.6(e)) that assumes the project site would be redeveloped pursuant to the current land use and zoning designations. Implementation of the General Plan Compliant Alternative would allow for the development of approximately 1,005,365 square feet of manufacturing and industrial uses on the 11.54-acre project site. Under this alternative, the maximum height would be limited to 45 feet.

- **Alternative 3: Reduced Development Alternative.** This alternative assumes the project site would be limited to the PSC site, consistent with the City Council referral. The Pacific Steel Casting overlay zoning boundary would include nine parcels totaling 354,317 square feet. These parcels are currently developed with 250,606 square feet of industrial uses (see Table 3.A in the Draft EIR for details). This alternative would also require a minimum 100-foot buffer between any existing residential use and proposed new non-residential use, including surface parking lots or structures. Accordingly, future development on the project site would need to be set back from the existing building at 1306 Third Street. Focusing development on the Pacific Steel Casting site with a required buffer would reduce the overall buildout potential of the project site by approximately 50 percent, resulting in up to 566,300 square feet of non-residential space and a minimum of 566 off-street automobile parking spaces.
- **Environmentally Superior Alternative.** CEQA requires the identification of the environmentally superior alternative among the options studied, which is the alternative among those studied that has the fewest significant environmental impacts. Table 5.A in the Draft EIR indicates whether each alternative's environmental impact is greater, lesser, or similar to that of the proposed project.

As described in Section 5.8 of the Draft EIR, the No Action Alternative would result in the fewest impacts and would be environmentally superior to the proposed project. However, if the No Action Alternative is the environmentally superior alternative, the EIR must identify an environmentally superior alternative from among the other alternatives.¹³ None of the other alternatives would avoid the significant and unavoidable impacts to air quality or GHG emissions, due to the lack of construction details and the usage of natural gas. Of the development alternatives, Alternative 2 the "General Plan Compliant Alternative" would avoid the significant and unavoidable air quality impacts associated with construction risk, but would not avoid or reduce the significant and unavoidable historic resource impact associated with 1306 Third Street. Alternative 3 the "Reduced Development Alternative" would avoid the significant and unavoidable historic resource impact associated with 1306 Third Street, and would lower the significant and unavoidable construction health risk impacts at 1306 Third Street because the development potential would be reduced by 50 percent.

Because Alternative 3 would avoid the proposed project's significant and unavoidable impacts on built historic resources and would have lower impacts than the proposed project as they relate to the significant and unavoidable impact to air quality, and it would meet most of the project objectives, it is considered as the Environmentally Superior Alternative.

¹³ State CEQA Guidelines Section 15126.6(e)(2).

Publication and Distribution of the Draft EIR

The Draft EIR was made available for public review on **October 21, 2024**. The Notice of Availability (NOA) for the Draft EIR was distributed to State and local planning agencies (**Attachment 6**). The NOA was posted in the office of the County Clerk and notices of the public hearing were published in the Berkeley Voice. Copies of the Draft EIR are available for review and distribution at 1947 Center Street, 2nd Floor, Berkeley CA, 94704. Additional copies are available for review at the additional locations listed below and on the City's website: <https://aca.cityofberkeley.info/CitizenAccess/Welcome.aspx>, under Zoning Application Permit Number "PLN2022-0079".

- City of Berkeley at 1947 Center Street, 2nd Floor;
- Central (Downtown) Library, 2090 Kittredge Street;
- Tarea Hall Pittman South Branch Library, 1901 Russell Street; and
- West Branch Library, 1125 University Avenue.

The Planning Commission is also being asked to take public testimony on the Draft EIR and provide comments to staff on the Draft EIR. Comments on the Draft EIR should focus on whether the Draft EIR is sufficient in discussing possible impacts to the physical environment, ways in which the potential adverse effects may be avoided or minimized through mitigation measures, and alternatives to the proposed project in light of the Draft EIR's purpose to provide useful and accurate information about such factors.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

In accordance with CEQA and the *CEQA Guidelines*, the City of Berkeley Planning and Development Department has prepared a Draft EIR for the proposed project that evaluates the potential environmental effects of adoption and implementation of the proposed zoning, General Plan, and West Berkeley Plan amendments, as well as the Potential Berkeley Forge Development to the extent site planning details have been provided. The City is the Lead Agency for the proposed project and is represented by the Planning and Development Department. An NOA of a Draft EIR was published on **October 21, 2024** and the Draft EIR was posted to the City's website on that date. The public comment period for the Draft EIR ends on **December 5, 2024**.

NEXT STEPS

The Planning Commission recommendation will be forwarded to the City Council. The Council will consider comments from the Planning Commission and the public on these documents, and will consider taking action to:

- Adopt the M-RD zoning, West Berkeley Plan and General Plan amendments; and
- Certify a Final EIR (which will include responses to CEQA-related comments on the Draft EIR submitted during the public comment period (October 21, 2024 to December 5, 2024)).

Pacific Steel Casting: Zoning, General Plan and West Berkeley Plan Amendments,
Draft EIR Hearing
Page [22](#) of [22](#)

Item 10
November 6, 2024

Should the proposed zoning and General Plan amendments be approved and the environmental document certified by City Council, it is anticipated that an application to redevelop the area, similar to the Potential Berkeley Forge Development referred to in this report and in the Draft EIR, would be submitted to the Planning and Development Department for review and action through the typical permitting process. These subsequent permit application(s) would set forth specific development parameters, configuration, allocation and mix of uses proposed, and related site planning details. The permit application(s) would also need to comply with the relevant and applicable requirements, standards, guidelines and policies of the Zoning Ordinance and General Plan, as amended, and be reviewed and acted on by the relevant City Boards and Commissions.

CONTACT PERSON

Ashley James, Senior Planner, Planning and Development Department, 510-981-7458

ATTACHMENTS

1. [Planning Commission Resolution 2024-03](#)
 - a. Exhibit A: Proposed Zoning Ordinance Amendments
 - b. Exhibit B: Proposed West Berkeley Plan Amendments
 - c. Exhibit C: Proposed General Plan Amendments
2. [City Council Referral to the Planning Commission to Establish a Zoning Overlay at the Pacific Steel Casting Property, April 20, 2021](#)
3. [Zoning Map Amendment Application \(PLN2022-0079\), October 25, 2022](#)
4. [Planning Commission Staff Reports, February 1, 2023 and March 1, 2023](#)
5. [Gilman Gateway Draft EIR](#)
6. [Notice of Availability](#)
7. [Notice of Preparation](#)
8. [Public Hearing Notice](#)



Planning and Development Department
Land Use Planning Division

STAFF REPORT
November 6, 2024

TO: Members of the Planning Commission

FROM: Justin Horner, Principal Planner

SUBJECT: Planning Commission 2024 – 2025 Policy Work Plan and 2025 Planning Commission Calendar

RECOMMENDATION

Staff recommends that the Planning Commission review and accept the informational report on the Land Use Planning Division Policy Work Plan for 2024 and 2025.

Staff also recommends the Planning Commission review and approve a Planning Commission meeting schedule for 2025.

BACKGROUND AND WORKPLAN

In 2016 the City Council took formal action directing all boards and commissions to submit a work plan to the City Council in the form of an informational report. A Commission's work plan should contain the Commission's mission statement, goals, and resources.

Mission

The mission of the PC, as outlined in the City Charter, reads:

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

Goals

The 2024-2025 workplan period are shown on **Attachment 1**. The Attachment includes information each project, including when a project begins or ends, whether it is underway or to be started, and the source of the project (City Council referral, or Housing Element, for example). The projects can be grouped under the following themes:

1. **On-Going Annual Reporting Requirements and Updates:** Staff have ongoing administrative responsibilities, including staffing the zoning counter, staffing the Planning Commission, and conducting internal administration, including staff meetings, time-card submission, professional development, and other assorted activities.
There are also staff-initiated zoning changes that are periodically brought before the Planning Commission (e.g. State Law and technical Edits, or SLTE). Additionally, the city has an ongoing obligation to produce a General Plan Annual Progress Report for the California Department of Housing Community Development (HCD).
2. **Active Projects:**
 - **Housing Element Implementation:** Projects included in this category include Middle Housing, the San Pablo Specific Plan, BART station area planning, and the Corridors Rezoning project. Additionally, there are ongoing administrative tasks related to implementation of the Housing Element, including monitoring sites identified to meet our RHNA goals, and a written assessment of the city's efforts to Affirmatively Further Fair Housing pursuant to the Housing Element. In addition, the Planning Department occasionally receives technical assistance requests from HCD, which require detailed policy analysis, the preparation of formal responses, and oftentimes consultation with the City Attorney, the City Council, and other staff.
 - **City Council Referred Projects:** Projects in this category include revisions to the City's Development Agreement procedures, the rezoning of the Gilman Gateway, as well as recently completed work under the Keeping Innovation in Berkeley program to encourage R&D uses. The Planning Department is also assisting the Department of Parks and Recreation on the preparation of a Marina Specific Plan, and is addressing referrals related to the City's affordable housing requirements, a Southside local density bonus program, and an affordable housing overlay district. In addition, this category includes the update to the Safety Element of the General Plan, as well as the preparation of its first Environmental Justice

Element, as well as updates to our Land Use, Noise and Open Space elements.

- **Accessory Dwelling Units:** As the Planning Commission is well aware, every legislative session in Sacramento results in new laws or regulations related to accessory dwelling units. For example, this year saw the passage of AB 1033, which permits the separate sale of ADUs, the implementation of which will require amendments to the Zoning Ordinance. The evacuation and safety study that is currently underway was originally referred to analyze the addition of ADU's in the Hillside Overlay zone. This category also includes requested changes to the development standards for accessory structures. In addition, the City has received a letter from HCD specifically regarding the city's ADU ordinance, and after consultation with the City Council, changes to our existing regulations may be warranted.
- 3. **Projects to Be Started: *Attachment 1*** includes a list of outstanding City Council referrals that have not yet started, pending the freeing-up of staff capacity from the completion of current projects, and the on-boarding and training of newly-hired policy team staff. These projects include consolidating the Cannabis Commission and the Planning Commission, the creation of an artist affordable housing certification program, and exploring codifying conditions of approval related to air quality and toxics.
- 4. **Projects to Be Started, Pending Additional Funding:** This category includes projects that have not yet started, due to the need for further funding from the City Council. These include a rezoning of Gilman Avenue to encourage more commercial uses, exploring zoning modifications for added density to offset the cost of the new HARDHATS ordinance, and the adoption of voluntary design guidelines.

The ongoing projects and referrals outlined above, and detailed in ***Attachment 1***, constitute the policy team's current workload for the remainder of 2024 and calendar year 2025. This workload matches the policy team's current staff capacity. Staff does not anticipate being able to take on additional work in the workplan, nor does staff anticipate being able to reprioritize, delay or reschedule work currently included in the workplan. The Housing Element, City Council referrals, and state requirements provide clear direction and timelines for the policy team's work during this workplan period, and there are still more outstanding City Council referrals that are pending additional funding from the Council.

Resources

The policy team currently consists of eight full time equivalent employees: two Principal Planners, two Senior Planners, three Associate Planners and an Assistant Planner.

One Associate Planner position was vacant for approximately five months in 2024 and the Assistant Planner position was vacant for a year. The policy team is funded primarily through the City's General Fund. The team receives some funding from the Permit Service Center Fund (primarily via the Community Planning Fee), and may receive additional funding from outside grants.

2025 PLANNING COMMISSION MEETING CALENDAR

Attachment 2 includes a proposed schedule for 11 Planning Commission meetings for the 2025 calendar year. The general rule is for the Planning Commission to meet on the first Wednesday of each month, and to reserve the 3rd Thursday of each month for any special meetings the Planning Commission may call.

Attachment 3 includes the City of Berkeley's official calendar of significant religious holidays, to assist the Planning Commission in determining the final calendar. The Planning Commission is asked to review the calendar and approve it as part of this item.

CONTACT PERSON

Justin Horner, Co-Secretary to the Planning Commission, Planning and Development Department, 510-981-7476.

Attachments:

1. 2024-2025 Workplan Summary
2. Proposed 2025 Planning Commission Meeting Dates

Item 11, Att 1 - PC 2024-2025 Work Plan and 2025 PC Calendar
Planning Commission
November 6, 2024

Planning and Development Department
Land Use Division - Policy Group

Internal

November 2024

Source	On-Going	Start	End (Est.)	Rank RRV 2024*	2024					2025												
					J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D
Administration	Planning Commission	n/a																				
	Permit Service Center/Zoning Counter																					
	Implementation Monitoring & Research																					
Source	Annual Reporting/Updates	Start	End (Est.)	Rank RRV 2024*	2024					2025												
State Law	Annual - State Law Technical Edits to Zoning Ordinance	2024	2025	Underway																		
State Law	Annual - State Annual Progress Report	2024	2025	Underway																		
Source	Active Projects	Start	End (Est.)	Rank RRV 2024*	2024					2025												
State Law	ADU Ordinance and State Law Compliance	2024	2025	Started																		
State Law	Evacuation Study (OES lead)	2024	2025	Started																		
State Law	General Plan: Local Hazard Mitigation Plan Update (OES lead)	2023	2025	Started																		
State Law	General Plan: Update Disaster Preparedness and Safety Element, New Environmental Justice Element, and Climate Resilience Metrics	2024	2026	Started																		
Housing Element (Program 30)	Streamline ADU Process	2024	2025	Started																		
Housing Element (Program 36)	Adequate Sites for RHNA and Monitoring	2025	2025	Started																		
Housing Element (Program 29)	Middle Housing Zoning and General Plan Amendments	2021	2025	Started																		
Housing Element (Program 28)	BART Station Area Planning: Ashby BART	2020	2026	Started																		
Housing Element (Program 28)	BART Station Area Planning: North Berkeley BART	2020	2025	Started																		
Housing Element (Program 27)	San Pablo Avenue Specific Plan	2023	2026	Started																		
Housing Element (Program 27 and 33)	Transit Corridors Rezoning (College, Solano, North Shattuck Avenues)	2024	2026	Started																		
Housing Element (Program 37)	Demolition Ordinance	2020	2024	Completed																		
Council	Development Agreement Procedures (Ordinance Amendments)	2024	2024	Started																		
Council	Gilman Gateway/Pacific Steel Rezoning (M-RD)	2021	2024	Started																		
Council	"Keep Innovation in Berkeley" Zoning Amendments (to facilitate R&D uses)	2024	2024	Started																		
Council	Affordable Housing Fee Feasibility Study (HHCS lead)	2023	2025	Started																		
Council	Assembly Bill 1033 Implementation	2025	2025	Added after RRV 2024																		
Council	Create pilot program for a City Density Bonus in Telegraph Commercial district, to generate in-lieu fees to use to build housing. Consider feasibility of requiring one FT apprentice for every \$3M construction costs	2022	2025	Started																		
Council	Refer to City Manager and PlanComm to consider Affordable Housing overlay, to allow increased height/density for 100% affordable projects, to be integrated within current H.E. update cycle	2022	2025	Started																		
Council	Refer to City Manager to survey/analyze (contingent on available funding) ADU rent levels to anticipate affordability, as per HCD handbook	2024	2025	Started																		
Council	Refer to the Planning Commission and Housing Advisory Commission to research and recommend policies to prevent displacement and gentrification of Berkeley residents of color	2021	2025	Started																		
Council	Southside Plan Area Local Density Bonus	2022	2025	Started																		

Item 11, Att 1 - PC 2024-2025 Work Plan and 2025 PC Calendar
Planning Commission
November 6, 2024

Planning and Development Department
Land Use Division - Policy Group

Internal

November 2024

Source	Projects Anticipated to Start in 2025	Start	End (Est.)	Rank RRV 2024*	2024	2025
HE (Program 27)	General Plan: Update Land Use, Open Space and Noise Elements	2025	2027	n/a		
Council	Accessory Structures Zoning Amendments	2025	2025	8		
Council	Refer to City Manager to consider changes to citywide development standards (setbacks, height, separation) for accessory buildings and structures to promote fire safety	2025	2025	16		
Council	Refer to CMO and PlanComm (as successor to Cannabis Comm), to develop Ord adjusting local cannabis biz tax rates by Feb 2025 to be "in balance" with the state rates	2025	2025	19		
Council	Report back on policies to permit neighborhood-scale retail uses in residential zones	2025	2025	29		
Council	Consider and report back on policies to permit neighborhood-scale retail uses in residential zones	2025	2025	34		
Source	Not Yet Started	Start	End (Est.)	Rank RRV 2024*	2024	2025
Council	STRs part 2 only. Refer to LUHED Cmte and PlanComm to revise STR Ord to define Host responsibilities and add remedies	TBD		38	n/a	
Council	Referral to Planning Commission to consider new Standard Condition of Approval to mitigate effects from outdoor air pollution on Indoor Air Quality			41		
Council	Referral to Planning Commission to consider protecting Live-Work spaces to cannabis uses, per Civic Arts Comm concerns			46		
Council	Consolidate Cannabis Commission and Planning Commission			48		
Council	Referral to Planning Commission and City Attorney to consider Ord adopting a "dark skies" policy			48		
Council	Refer to City Manager to develop "Artists Affordable Housing Certification Program" as per Civic Arts Commission recommendations May 2022; Refer to City Manager, PlannComm and HAC: Civic Arts Comm ideas to promote artists housing, including use of ground floor retail space, live/work and other spaces			53		
Council	Refer to City Manager and Planning Commission to streamline remediation of toxic sites in manufacturing districts with a single application for Land Use and Toxics, and for PC to reconsider related previous 2012 referral			56		
Council	Referral to City Manager to encourage long-term tenant stability by reducing the Affordable Housing Mitigation Fee rate in particular circumstances related to conversion to tenant ownership			Started		
Source	Not Yet Started - Additional Funding Needed	Start	End (Est.)	Rank RRV 2024*	2024	2025
Council	Referral to City Manager and Planning Commission to rezone Gilman for commercial uses from San Pablo Ave to I-80	TBD		9	n/a	
Council	Refer to City Manager and Planning Commission to develop regs to require windows in all bedrooms and habitable spaces, and analyze effects on housing feasibility			11		
Council	Explore zoning modifications for added density as way to help offset costs added to projects by new HARDHATS ordinance			12		
Council	Refer to City Manager including environmental mitigations within enhanced Use Permit review process in Manufacturing Zone, e.g. Air Quality monitoring			26		
Council	Voluntary Design guidelines			n/a		

*Note: 2024 RRV Referrals are shown for projects that were not "started" prior to previous year Council ranking process.

Proposed Meeting Dates for Planning Commission 2025

Regular Meetings: First Wednesday of the month except for January, July, September, and October

Reserve Third Wednesday of the month for Special Meetings

Planning Commission Meetings

Wednesday, January 15, 2025

Wednesday, February 5, 2025

Wednesday, March 5, 2025

Wednesday, April 2, 2025

Wednesday, May 7, 2025

Wednesday, June 4, 2025

Wednesday, July 2, 2025

- Potential Alternative due to July 4th weekend: July 16, 2025

August Recess

Wednesday, September 3, 2025

- Potential Alternative due to Labor Day weekend: September 17, 2025

Wednesday, October 8, 2025

Wednesday, November 5, 2025

Wednesday, December 3, 2025

City Policy Regarding the Scheduling of City Meetings on All Significant Religious Holidays

Pursuant to Resolution No. 70,066-N.S., it is the policy of the City to avoid scheduling meetings of City Legislative Bodies (City Council, Policy Committees, Commissions, Task Forces) on religious holidays that incorporate significant work restrictions for common observance in the United States. City legislative bodies must avoid scheduling meetings on the religious holidays listed below.

Religion	Holiday	2025 Date(s)
Shinto	New Year	1/1/2025 thru 1/3/2025
Hindu	Makar Sankranti	1/14/2025
Cultural	Chinese New Year (Eve, Day, Lantern Festival)	1/28, 1/29, 2/12
Islam	Ramadan (Eve & First Night)	2/28/2024 thru 3/1/2025
Hindu	Holi	3/14/2025
Islam	Eid al-Fitr	3/30/2025 thru 3/31/2025
Jewish	Passover Nights 1 & 2 (7*, 8*)	4/12 - 4/13 (4/19, 4/20)
Christian	Good Friday	4/18/2025
Christian	Easter Sunday	4/20/2025
Buddhist	Vesak	5/12/2025
Jewish	Shavuot*	6/1/2025 thru 6/3/2025
Islam	Eid al-Adha	6/6/2025 thru 6/7/2025
Shinto	Obon Ceremony*	8/13/2025 thru 8/15/2025
Jewish	Rosh Hashanah	9/22/2025 thru 9/24/2025
Jewish	Yom Kippur	10/1/2025 thru 10/2/2025
Hindu	Dussehra	10/2/2025
Jewish	Sukkot (1st Day)*	10/6/2025 thru 10/7/2025
Jewish	Shmini Atzeret/ Simchat Torah*	10/13/2025 thru 10/15/2025
Hindu	Diwali	10/20/2025
Baha'i Faith	Birth of Bab	10/22/2025
Baha'i Faith	Birth of Baha'u'llah	10/23/2025
Jewish	Chanukah (1st night)	12/14/2025
Christian	Christmas	12/25/2025
Cultural	Kwanzaa	12/26/2025 thru 1/1/2026
Jewish	Shabbat (Friday sunset to Saturday sunset)*	Weekly

* Meetings not prohibited, but avoid scheduling meetings if possible

From: [BPEorg](#)
To: [Planning Commission](#)
Subject: Berkeley Public Eye: Video of 10/9 PC mtg.
Date: Monday, October 21, 2024 10:17:12 AM

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Greetings All,

At the link is our video recording of the October 9th meeting of the PC.

<https://www.youtube.com/watch?v=gi3qLUpiQGk>

Berkeley Public Eye (a non-profit) records these proceedings as a public service with volunteer funds. PC meetings need to be video recorded by the City of Berkeley, just as the City Council, Rent Board, and ZAP are recorded. Those meetings and the Planning Commission meetings are all legal proceedings where comments have legal standing in litigious pursuits.

We who are financing this from our funds cannot continue to do this as a public service. The City Council needs to recognize the value of these proceedings for the future of Berkeley and fund their continued video recording.

- bernard (for BPE.org)

PS: If you wish to financially support these recordings, please contact us. All funds are deductible to the extent of the law.

From: [Bernard Marszalek](#)
To: [All Council](#); [Berkeley Mayor's Office](#); [Kesarwani, Rashi](#); [Taplin, Terry](#); [Bartlett, Ben](#); [Tregub, Igor](#); [Hahn, Sophie](#); [Wengraf, Susan](#); [Humbert, Mark](#); [Lunaparra, Cecilia](#); [Planning Commission](#)
Subject: No upzoning without a citywide vote!
Date: Tuesday, October 29, 2024 8:48:52 PM

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Greetings Elected (non) Representatives of the Citizenry of Berkeley,

What has been variously called the Missing Middle, a scam for real estate developers to profit from metastasized construction on small lots in neighborhoods of one or two story residences, or a maniacal scheme to address historic red-lining by further removing minority home-ownership, the Berkeley City Council has forsaken democratic practice to propose upzoning the majority of Berkeley neighborhoods on the assumption that this program will provide affordable housing.

Given that high construction costs demand return on investment (ROI) only if "market rate" housing is built even if a "density bonus" is incorporated for so-called affordable housing, which would be beyond the financial reach of a new Berkeley elementary teacher, much less a typical service worker.

Instead of Electeds voting to transform our neighborhoods, we want all property owners to be fully informed on the likely effects and we want our voice to be heard: We, the citizens of Berkeley, want to directly vote on this change as part of an amendment to our city's General Plan. We do not trust the Berkeley City Council members, who have ill-informed their constituencies, to decide on this matter

-bernard

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Bernard Marszalek • 1804 Grant St. • Berkeley, CA 94703