



PLANNING AND DEVELOPMENT DEPARTMENT
LAND USE PLANNING DIVISION

PLANNING COMMISSION MEETING AGENDA

Date: Wednesday April 16, 2025

Time: 6:00 PM

Location: North Berkeley Senior Center
1901 Hearst Avenue, Berkeley

The Planning Commission meeting packet is available for review on the City's website, and linked here:

<https://berkeleyca.gov/your-government/boards-commissions/planning-commission>

The Commission currently consists of nine members appointed by City Council:

Blaine Merker, District 1

Jeff Vincent, Chair, District 2

Darrell Owens, District 3

Christina Oatfield, District 4

Charles Kahn, District 5

Emily Marthinsen, District 6

Alfred Twu, District 7

Savlan Hauser, District 8

Vacant, Mayor



ACCESSIBILITY INFORMATION / ADA DISCLAIMER

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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: Email: ADA@berkeleyca.gov; Phone: 1-510-981-6418; TTY: 1-510-981-6347, at least three business days before the meeting date. Please refrain from wearing scented products to this meeting.

For inclusion in the Commissioners' agenda packet, please submit written comments by Wednesday the week prior to the meeting. One set of "late communications" will be distributed to the Commissioners two days before the meeting. Please submit any material for distribution as "late communications" no later than 12:00 noon on the Tuesday prior to the meeting. Please be advised: Commissioners do not have an opportunity to read written materials handed out at the meeting.

Correspondence and Notice of Decision Requests

- **To distribute correspondence for inclusion in the agenda packet** -- submit comments **by 12:00 noon, Wednesday April 9, 2025**. Please provide 12 copies of any correspondence with more than ten (10) pages or if in color or photographic format. This method is strongly preferred.
- **Late Communications** must be submitted **by 12:00 noon, Tuesday April 15, 2025**. Any correspondence received after this deadline will be given to Commission members on the meeting date just prior to the meeting. Correspondence received later, and after the meeting, will be posted to the website following the meeting.
- Staff will not deliver to Commission members any additional written (or e-mail) materials received after 12:00 noon on the day of the meeting.
- Members of the public may submit written comments themselves at the meeting. To distribute correspondence at the meeting, please provide 12 copies and submit to the Planning Commission Secretary. **Please be advised: You are strongly advised to submit written comments *prior* to the meeting date as Commission members do not have an opportunity to read written materials handed out at the meeting.**
- Written comments or request for a Notice of Decision should be directed to the Planning Commission Secretary.

Communications to Berkeley Boards, Commissions or Committees 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 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.**

Contact:

Justin Horner, Planning Commission Secretary

(510) 981-7476 | jhorner@berkeleyca.gov | 1947 Center Street, Berkeley CA 94704

1. **ROLL CALL:** Please put all cellular phones and ringers on silent during the meeting.
2. **LAND ACKNOWLEDGEMENT STATEMENT:** The Commission 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 uncanceled 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. **PUBLIC COMMENT on Non-Agenda and Information Items** (Three minutes per person; five minutes per organization, or at the discretion of the Chairperson)
4. **ORDER OF AGENDA**
5. **CHAIRPERSON REPORT**
6. **AD HOC Subcommittees and Liaison Comments**
Receive opportunity reports on status of projects for which the Planning Commission has established a subcommittee or liaison.
7. **COMMISSIONER ANNOUNCEMENTS**
8. **STAFF ANNOUNCEMENTS**
9. **APPROVAL OF MINUTES**

10. ACTION AND DISCUSSION ITEMS

- | | | |
|-----------|---|---|
| A. | Action:
Recommendation:
Written Materials:
Presentation: | 2025 Elections for Chair and Vice Chair
Elect Commissioners for Chair and Vice Chair
N/A
N/A |
| B. | Action:
Recommendation:

Written Materials:
Presentation: | State Law and Technical Edits (SLTE) 2025
Staff recommends the Planning Commission conduct a public hearing, receive public comment, and upon conclusion make a recommendation to City Council on proposed amendments to Title 23.
Attached.
N/A. |

- 11. INFORMATIONAL REPORTS:** Corridors Zoning Update – Project Status. Commissioners may ask for discussion to be scheduled on a future agenda (per Brown Act, no deliberation or final action may be taken).

12. CORRESPONDENCE

- 13. NEXT COMMISSION MEETING:** Wednesday May 7, 2025, 6:00 PM.

14. ADJOURN

NOTICE CONCERNING LEGAL RIGHTS

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.



Planning Commission

DRAFT MINUTES OF THE REGULAR PLANNING COMMISSION MEETING
March 5, 2025

The meeting was called to order at 6:03 p.m.

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

1. ROLL CALL:

Commissioners Present: Jeff Vincent, Christina Oatfield, Alfred Twu, Darrell Owens, Emily Marthinsen, Charles Kahn (arrived at 6:05), and Debra Sanderson (alternate for Blaine Merker, arrived at 6:05)

Commissioners Absent: Blaine Merker

Staff Present: Secretary Justin Horner, Clerk Faye Messner, Branka Tatarevic

2. EX-PARTE COMMUNICATIONS

- None

3. 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 uncended 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.

4. PUBLIC COMMENT: 2

5. ORDER OF AGENDA:

6. CHAIRPERSON REPORT:

- Chair Vincent thanked everyone for their attendance and announced that this meeting will be his last at Chair after two years. Chair Vincent looks forward to staying on as a commissioner.

7. AD HOC SUBCOMMITTEES AND LIASON COMMENTS

- None

8. COMMISSIONER ANNOUNCEMENTS

- Introductions from Commissioners Kahn, Owens and Sanderson
- Commissioner Kahn brought forward an issue on PG&E transformers and requested the issue be agenized for discussion at the next meeting.
- Chair Vincent announced a Turner Center Webinar on Housing Policy in March.

9. STAFF ANNOUNCEMENTS

- April 16 Meeting Agenda
 - Chair and VC elections
 - Public Hearing on SLTE 2025
 - Discussion of PGE transformers
- Upcoming Council Items:
 - Gilman Gateway, March 25
 - Middle Housing April/May
 - March 11 – Council Referral Prioritization (RRV)

10. APPROVAL OF MINUTES:

Motion/Second/Carried (Twu/Kahn) to approve the Planning Commission Meeting Minutes from February 5, 2025.

Ayes: Vincent, Oatfield, Sanderson, Twu, Kahn, Owens, Marthinsen, and Hauser. Noes: None. Abstain: None Absent: Merker (8-0-0-1)

11. ACTION AND DISCUSSION ITEMS

A. Public Hearing: Standard Conditions of Approval

Principal Planner Justin Horner presented on a new Standard Conditions of Approval Document and an associated Zoning Ordinance Amendment. The Commissioners took public comment, asked questions and made comments including, but not limited to: staff's ability to periodically amend the Standard Conditions of Approval document, whether the Standard Conditions of Approval could be applied to Zoning Certificate projects that are considered a change of use or require construction, considerations for editing specific conditions relating to archeological,

paleontological, and cultural resources and support for the effort to make this information more transparent and accessible to the public.

Motion/Second/Carried (Vincent/Owens) to close the public hearing at 7:10pm.

Ayes: Vincent, Sanderson, Twu, Kahn, Owens, Marthinsen, and Hauser. Noes: Oatfield
Abstain: None Absent: Merker (7-1-0-1)

Motions/Second (Vincent/Sanderson) to recommend staff's recommendation to City Council to approve the Standard Conditions of Approval and Zoning Ordinance amendment with the understanding that staff will continue working with the Lisjan Tribe.

Ayes: Vincent, Oatfield, Sanderson, Twu, Kahn, Owens, Marthinsen, and Hauser. Noes: None.
Abstain: None Absent: Merker (8-0-0-1)

Public Comments: 3

B. Discussion: Accessory Dwelling Unit (ADU) Discussion

Associate Planner Branka Tatarevic presented on topics relating to Accessory Dwelling Units (ADUs). The Commissioners took public comment, discussed and made comments including, but not limited to: ADU condo conversion as a path to homeownership with protections for tenants, bringing Berkeley's ADU ordinance into compliance with State Law and design parameters including the allowed sizes of ADUs, setbacks and building separation.

Public Comments: 2

C. Nominations for April Election

Commissioners put forward nominations for the Chair and Vice Chair election.

Motions/Seconds for Chair:

1. (Vincent/Kahn) to nominate Commissioner Marthinsen.
2. (Oatfield/Twu) to nominate Commissioner Twu.

Motions/Seconds for Vice Chair:

1. (Kahn/Owens) to nominate Commissioner Hauser.

Motions/Second (Vincent/Kahn) to close the nomination.

Ayes: Vincent, Oatfield, Sanderson, Twu, Kahn, Owens, Marthinsen, and Hauser. Noes: None.
Abstain: None Absent: Merker (8-0-0-1)

Public Comments: 0

12. INFORMATION REPORTS

- None

13. CORRESPONDENCE

- Berkeley Wellness Blueprint – Community Health Assessment (CHA)

14. NEXT COMMISSION MEETING: Wednesday, April 16, 2025 at 6:00pm

15. ADJOURN

Motions/Second/Carried (Vincent/Kahn) adjourn the meeting at 8:52 pm.

Ayes: Vincent, Oatfield, Sanderson, Twu, Kahn, Owens, Marthinsen, and Hauser. Noes: None.
Abstain: None Absent: Merker (8-0-0-1)

Members in the public in attendance: 7

Public Speakers: 6

Length of the meeting: 2 hours 54 minutes



Planning and Development Department
Land Use Planning Division

STAFF REPORT

DATE: April 16, 2025

TO: Members of the Planning Commission

FROM: Robert Rivera, Senior Planner

SUBJECT: Amendments to Title 23 for Consistency with State Law and Technical Edits (SLTE 2025)

RECOMMENDATION

Conduct a public hearing, receive public comment, and upon conclusion make a recommendation to City Council on proposed amendments to Title 23 (**Attachment 1**). The proposed changes apply to the sections of the Berkeley Municipal Code (BMC) listed below:

- 23.106.030 Floor Area, Gross
- 23.202.030 Additional Permit Requirements (Residential)
- 23.204.030 Additional Permit Requirements (Commercial Districts)
- 23.206.030 Additional Permit Requirements (Manufacturing Districts)
- 23.302.020 General Use Regulations
- 23.304.070 Unenclosed Accessory Structures in Residential Districts
- 23.326.030 Demolition of Residential Units
- 23.326.050 Demolition of Accessory Buildings
- 23.326.070 Demolition of Non-Residential Buildings

SUMMARY

As part of regular and routine updates, staff has prepared non-substantive Zoning Ordinance amendments to maintain consistency and accuracy throughout the Zoning Ordinance.

CURRENT SITUATION AND ITS EFFECTS

The Zoning Ordinance is regularly reviewed for consistency with state laws related to land use and zoning. While some state laws may require more extensive amendments or require changes to the City's internal permitting procedures to be consistent, the proposed zoning amendments constitute only minor technical amendments to maintain consistency.

BACKGROUND

On October 12, 2021, the City Council passed Ordinance No. 7,787-N.S., which replaced Title 23 of the Berkeley Municipal Code and adopted a new Title 23 to make the City's Zoning Ordinance easier to understand and administer. The City Council gave staff direction to make minor changes to comply with state law or codify prior zoning interpretations. Staff was directed to regularly return to the Planning Commission and City Council with amendments necessary to maintain the integrity of the new Zoning Ordinance.

The proposed zoning amendments are part of the regular and routine maintenance of the Zoning Ordinance and include corrections and technical edits to ensure consistency throughout the Zoning Ordinance. (**Attachment 1**)

DISCUSSION

The proposed zoning amendments are technical, non-substantive changes intended to correct errors, clarify language, and codify existing practices. The following revisions are proposed:

Table 1 Policy Summary and Zoning Amendment Proposals

	Section	Section Title	Proposed Zoning Change	Ordinance Sections (Attachment 1)
1.	23.106.030	Gross Floor Area Defined	- Update the format of the code section - Clarify the method of measurement for gross floor area.	1
2.	23.202.030(D) 23.204.030(E) 23.206.030(F) 23.304.070	Unenclosed Accessory Structures in Residential Districts	- Correct a transcription error that limited Unenclosed Accessory Structures to only Residential Districts - Update all reference sections in all zoning districts	2 3 4 6
3.	23.302.020(B)	Allowed Hours of Operation	Correct a title typo.	5
4.	23.326.030(B)(1)(c)	Demolition of Residential Units	Correct a typo where "dwelling unit" was used instead of "residential unit."	7

	Section	Section Title	Proposed Zoning Change	Ordinance Sections (Attachment 1)
5.	23.326.050	Accessory Structures or Buildings	- Demolition regulations apply to both Accessory Buildings and Accessory Structures, but only Accessory Buildings were mentioned. "Accessory Structures" is added, where appropriate. - Corrects grammar of defined terms consistent with Berkeley Zoning Ordinance style guidelines	8 9

ENVIRONMENTAL REVIEW

The proposed ordinance corrects errors, clarifies language and codifies existing practice. The proposed Zoning Ordinance amendments do not include any allowances for additional development capacity or other new physical changes to the environment that are not already permitted and previously evaluated under CEQA. Adoption of the proposed amendments would in no way have a significant effect on the environment, and therefore is not subject to CEQA (CEQA Guidelines Section 15061(b)(3), Common Sense Exemption).

NEXT STEPS

Upon a recommendation from the Planning Commission, the City Council will conduct a public hearing on the proposed ordinance.

CONTACT PERSON

Robert Rivera, Senior Planner, Planning and Development Department, 510-981-7480

ATTACHMENTS

- Draft Planning Commission Resolution
 - Exhibit A. Draft Zoning Ordinance Amendments
- Public Hearing Notice

ATTACHMENT 1

**PLANNING COMMISSION
RESOLUTION NO. 2025-03**

**A RESOLUTION OF THE CITY OF BERKELEY PLANNING COMMISSION
RECOMMENDING THE CITY COUNCIL ADOPT PROPOSED AMENDMENTS TO PERMIT
THE CITY OF BERKELEY TO CORRECT ERRORS, CLARIFY LANGUAGE, AND CODIFY
EXISTING PRACTICE IN THE BERKELEY MUNICIPAL CODE.**

WHEREAS, Berkeley Municipal Code (BMC) Chapter 23.402.020 (Review and Decision-Making Authority) authorizes the Planning and Development Department to evaluate Zoning Ordinance Amendments; and

WHEREAS, the City Council adopted Ordinance No. 7,787-N.S, which replaced Title 23 of the Berkeley Municipal Code and adopted a new Title 23 to make the City's Zoning Ordinance easier to understand and administer; and

WHEREAS, the Planning Department regularly returns to the Planning Commission and City Council with amendments necessary to maintain the integrity of the new Zoning Ordinance

WHEREAS, on April 16, 2025, the Planning Commission held a public hearing and considered all public comments received, the presentation by City staff, the staff report, and all other pertinent documents regarding the proposed request; and

WHEREAS, a public hearing notice was published in the Berkeley Voice and posted in three public places pursuant to California Government Code Section 65090 on March 21, 2025 for the public hearing held on April 16, 2025; and

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

WHEREAS, the proposed amendments would have no adverse effect on the environment, and are thereby exempt from CEQA under CEQA Guidelines Section 15061(b)(3).

NOW, THEREFORE, IT BE RESOLVED that the Planning Commission does hereby recommend to the City Council of the City of Berkeley to adopt the amendments to BMC Sections, 23.106.030 Floor Area, Gross; 23.202.030 Additional Permit Requirements (Residential); 23.204.030 Additional Permit Requirements (Commercial Districts); 23.206.030 Additional Permit Requirements (Manufacturing Districts); 23.302.020 General Use Regulations; 23.304.070 Unenclosed Accessory Structures in Residential Districts; 23.326.030 Demolition of Residential Units; 23.326.050 Demolition of Accessory Buildings; and 23.326.070 Demolition of Non-Residential Buildings contained in Exhibit A, attached hereto and hereby incorporated by reference;

I HEREBY CERTIFY the foregoing resolution was passed and adopted by the Planning Commission of the City of Berkeley, at a regular meeting thereof, held on the 16th day of April 2025, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Justin Horner
SECRETARY TO THE PLANNING COMMISSION

EXHIBIT A
DRAFT

ORDINANCE NO. -N.S.
AMENDMENTS TO THE RULES OF MEASUREMENT CHAPTER (BMC 23.106),
RESIDENTIAL DISTRICT CHAPTER (BMC 23.202), COMMERCIAL DISTRICT
CHAPTER (BMC 23.204), MANUFACTURING DISTRICT CHAPTER (BMC 23.206),
USE-SPECIFIC REGULATIONS CHAPTER (BMC 23.302), GENERAL
DEVELOPMENT STANDARDS CHAPTER (BMC 23.304), DEMOLITION AND
DWELLING UNIT CONTROL (BMC 23.326), TO CORRECT ERRORS, CLARIFY
LANGUAGE, AND CODIFY EXISTING PRACTICE

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

Section 1. That BMC Section 23.106.030 is amended to read as follows:

A. **Gross Floor Area Defined.** Gross floor area means the total gross horizontal areas of all floors of a building or enclosed structure, below the roof and within the outer surface of the main walls of a main or accessory building (or the centerlines of party walls separating such buildings or portions of buildings); or areas within lines drawn parallel to and 2 feet within the roof line of any building or portion of a building; including but not limited to:

- ~~1. Basements and Cellars.~~ Gross floor area includes usable basements and cellars that are either:
 - ~~2.1. Usable basements and cellars~~ Below the roof and within the outer surface of the main walls of a main or accessory building (or the centerlines of party walls separating such buildings or portions of buildings); or
 - ~~2. Within lines drawn parallel to and 2 feet within the roof line of any building or portion of a building without walls.~~ Access features in multi-story buildings. For a multi-story building with a covered or enclosed stairways, stairwells, or elevator shaft, the horizontal area of these features is counted only once at the floor level of their greatest area of horizontal extent
 - ~~3. Covered pedestrian access features for non-residential uses. For non-residential uses, gross floor area includes pedestrian access interior walkways or corridors, or interior courtyards, walkways, paseos or corridors covered by a roof or skylight~~
 4. Mezzanines

~~B. Access Features in Multi-Story Buildings.~~ For a multi-story building with a covered or enclosed stairways, stairwells, or elevator shafts, the horizontal area of

~~these features is counted only once at the floor level of their greatest area of horizontal extent.~~

C.B. Excluded Areas. The following areas are excluded from gross floor area calculation:

1. Covered or uncovered areas used for off-street parking or loading spaces.
2. Driveways ramps between floors and maneuvering aisles of a multi-level parking garage.
3. Mechanical, electrical, and telephone equipment rooms below finished grade.
4. Areas which qualify as usable open space.
5. Arcades, porticoes, and similar open areas for non-residential uses which are:
 - (a) Located at or near street level;
 - (b) Accessible to the general public; and
 - (c) Are not designed or used as sales, display, storage, service, or production areas.
6. The floor area associated with any existing or proposed accessory dwelling unit or junior accessory dwelling unit, up to 800 square feet per lot. See 23.306 Accessory Dwelling Units.

~~1. **Covered Pedestrian Access Features for Non-Residential Uses.** For non-residential uses, gross floor area includes pedestrian access interior walkways or corridors, or interior courtyards, walkways, paseos or corridors covered by a roof or skylight.~~

~~2. **Mezzanines.** Gross floor area includes the floor area of a mezzanine.~~

Section 2. That BMC Section 23.202.030(D) is amended to read as follows:

D. Accessory Structures. For accessory structure permit requirements, see the following:

1. Section 23.304.060– Accessory Buildings and Enclosed Accessory Structures.
2. Section 23.304.070– Unenclosed Accessory Structures in All Residential Districts
3. Section 23.304.080– Fences.

Section 3. That BMC Section 23.204.030(E) is amended to read as follows:

E. **Accessory Structures.** For accessory structure permit requirements, see the following:

1. Section 23.304.060– Accessory Buildings and Enclosed Accessory Structures.
2. Section 23.304.070– Unenclosed Accessory Structures in All Residential Districts.
3. Section 23.304.080– Fences.

Section 4. That BMC Section 23.206.030(F) is amended to read as follows:

F. **Accessory Structures.** For accessory structure permit requirements, see the following:

1. Section 23.304.060– ~~(Accessory Buildings and Enclosed Accessory Structures).~~
2. Section 23.304.070– ~~(Unenclosed Accessory Structures in Residential All Districts).~~
3. Section 23.304.080– ~~(Fences).~~

Section 5. That Table 23.032-1, Allowed Hours of Operation, within BMC Chapter 23.302.020(B)(3), Exceptions, is amended to read as follows:

Table 23.032-1: Allowed Hours of Operation

DISTRICT	ALLOWED HOURS OF OPERATION	PERMIT REQUIRED TO EXTEND HOURS
C-C, C-U, C-NS, C-AC, C-W nodes	6:00 a.m. – 12:00 midnight	AUP
C-N, C-E, C-SO, C-SA, C-W outside nodes, MU-R	6:00 a.m. – 12:00 midnight	AUP
C-T, C-DMU	24 hours per day 7 days a week	N/A

Section 6. That BMC Section 23.304.070 is amended to read as follows:

23.304.070 – Unenclosed Accessory Structures in All Residential Districts

A. *Applicability.* This section applies to unenclosed accessory structures as defined in 23.502--Glossary ~~in a Residential District~~, excluding fences which are addressed in 23.304.080--Fences.

B. *Placement on Lot.* Unenclosed accessory structures require an AUP if placed on the ground within a required setback.

C. *Height.*

1. For unenclosed accessory structure within a required setback, allowed height shall be specified in the AUP.
2. No height limitations apply to unenclosed accessory structures outside of required setbacks.
3. The height of an unenclosed accessory structure is measured as the vertical distance from the lowest existing grade point within a 3-foot radius of any point of the structure to the highest point of the structure.

D. *Hot Tubs, Jacuzzis, and Spas.*

1. An unenclosed outdoor hot tub, jacuzzi, or spa located anywhere on a lot requires:

- (a) An AUP in all ~~Residential~~ Districts except for the ES-R district; and
- (b) A Use Permit in the ES-R district.

2. Any pump associated with an unenclosed outdoor hot tub, jacuzzi, or spa shall be mounted and enclosed so that its sound is not audible on an adjacent lot.

Section 7. That BMC Section 23.326.030(B)(1)(c) is amended to read as follows:

- (c) The demolition is necessary to permit construction approved pursuant to this Chapter of at least the same number of ~~Dwelling Residential~~ Units.

Section 8. That BMC Section 23.326.050 is amended to read as follows:

23.326.050 – Demolition of Accessory ~~Structures or~~ Buildings

- A. Notwithstanding anything in Municipal Code Title 23 (Zoning Ordinance) to the contrary, but subject to any applicable requirements in Municipal Code Section 3.24 (Landmarks Preservation Ordinance), ~~a~~ accessory ~~structures or accessory~~ ~~b~~ Buildings of any size ~~that are accessory to a residential use~~, including, but not limited to, garages, carports, and sheds may be demolished by right except where the ~~a~~ Accessory ~~structure or~~ ~~B~~ building is occupied by a residential tenant (regardless of whether it is lawfully permitted) or otherwise contains a lawfully established ~~r~~ Residential ~~u~~ Unit, which serves and is located on the same lot as a lawful residential use. Such ~~a~~ Accessory ~~b~~ Buildings are considered ~~r~~ Residential ~~u~~ Units for

the purposes of this Chapter. (Ord. 7924-NS § 1, 2024)

Section 9. That BMC Section 23.326.070(B) is amended to read as follows:

B. Accessory Structures or Buildings. For any lot located in a non-residential zoning district, ~~a~~Accessory structures or Bbuildings may be demolished as follows:

1. Demolishing an accessory structure or building with less than 300 square feet of floor area is permitted as of right.
2. An accessory structure or building with 300 square feet or more of floor area may be demolished with an AUP. Ground Floor Uses.

Section 10. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.



PLANNING COMMISSION

Notice of Public Hearing Wednesday, April 16, 2025

Adoption of Zoning Ordinance Amendments to Title 23 of the Berkeley Municipal Code to State Law including Technical Edits

The Planning Commission of the City of Berkeley will hold a public hearing on the above matter, pursuant to Zoning Ordinance Section 23.412, on **Wednesday, April 16, 2025 at 6:00 p.m.** at the **North Berkeley Senior Center**, 1901 Hearst Ave, Berkeley (wheelchair accessible). In accordance with the Brown Act, Planning Commission meetings will be held in person only.

The agenda will be posted on the Planning Commission website (<https://berkeleyca.gov/your-government/boards-commissions/planning-commission>) no later than 5:00 p.m. on Friday, April 11, 2025.

PROJECT DESCRIPTION

The proposed amendments to the City's Zoning Ordinance (Title 23) align the Berkeley Municipal Code (BMC) consist of technical edits and corrections and do not include any substantive policy changes. The proposed changes apply to the sections of the Berkeley Municipal Code listed below:

- 23.106.030 Floor Area, Gross
- 23.202.030 Additional Permit Requirements (Residential)
- 23.204.030 Additional Permit Requirements (Commercial Districts)
- 23.206.030 Additional Permit Requirements (Manufacturing Districts)
- 23.302.020 General Use Regulations
- 23.304.070 Unenclosed Accessory Structures in Residential Districts
- 23.326.030 Demolition of Residential Units
- 23.326.050 Demolition of Accessory Buildings
- 23.326.070 Demolition of Non-Residential Buildings

LOCATION: Citywide

<https://berkeley.maps.arcgis.com/apps/webappviewer/index.html?id=2c7dfafbb1f64e159f4fdf28a52f51c6&showLayers=Berkeley%20Parcels;Planning%20and%20Building>

ENVIRONMENTAL REVIEW STATUS

The proposed amendments related to electrical vehicle charging, as well as the proposed technical edits to the zoning code, are exempt from CEQA pursuant to CEQA Guidelines 14 Cal. Code. Regs Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the amendments may have a significant effect on the environment.

State Late Technical Edits 2025

NOTICE OF PUBLIC HEARING
April 16, 2025

Page 2 of 2

PUBLIC COMMENT & FURTHER INFORMATION

All persons are welcome to attend the hearing and will be given an opportunity to address the Commission. Comments may be made verbally at the public hearing and/or in writing before the hearing. Written comments must be directed to:

Faye Messner
Planning Commission Clerk
Email: PlanningPC@berkeleyca.gov

City of Berkeley, Land Use Planning Division
1947 Center Street, 2nd Floor
Berkeley, CA 94704

Correspondence received by **12pm on Tuesday, April 8, 2025**, will be included as a Communication in the agenda packet. Correspondence received after this deadline will be conveyed to the Commission and the public in the following manner:

- Correspondence received by **12pm on Monday, April 14, 2025** will be included in a Supplemental Packet, which will be posted to the online agenda as a Late Communication one day before the public hearing.
- Correspondence received by **5pm on Tuesday, April 15, 2025** will be included in a second Supplemental Packet, which will be posted to the online agenda as a Late Communication by 5pm on the day of the public hearing.
- Correspondence received **after 5pm on Tuesday, April 15, 2025** will be saved as part of the public record.

Members of the public may submit written comments just before or at the beginning of the meeting by providing 15 printed copies of the correspondence to the Planning Commission Secretary.

COMMUNICATION ACCESS

To request a meeting agenda in large print, Braille, or on audiocassette, or to request a sign language interpreter for the meeting, call (510) 981-7410 (voice) or 981-6903 (TDD). Notice of at least five (5) business days will ensure availability. All materials will be made available via the Planning Commission agenda page online at <https://berkeleyca.gov/your-government/boards-commissions/planning-commission>.

FURTHER INFORMATION

Questions should be directed to Robert Rivera, at (510) 981-7480 or rivera@berkeleyca.gov. Current and past agendas are available on the City of Berkeley website at: <https://berkeleyca.gov/your-government/boards-commissions/planning-commission>.



Planning and Development Department
Land Use Planning Division

INFORMATION CALENDAR
April 16, 2025

To: Members of the Planning Commission
From: Uttara Ramakrishnan, Associate Planner
Subject: Corridors Zoning Update – North Shattuck, College, and Solano Avenue

BACKGROUND

To advance fair housing and address development barriers, Solano, North Shattuck, and College Avenues have been designated as priority commercial and transit corridors in the Housing Element 2023-31. The Commercial Corridor Zoning Update aims to establish a framework for augmenting housing capacity along these three corridors, with a central focus on fostering equity and inclusion opportunities.

This initiative will additionally set forth clear and objective development standards in compliance with state laws, reassessing the land uses and necessary permits in these areas to promote development along these vital corridors.

The City has engaged a consultant team led by Raimi + Associates to assist with project implementation. The team includes Plan to Place, Yes Duffy Architects, Strategic Economics, Rincon Consultants, and Kittleson and Associates. This team has extensive experience with Berkeley's Zoning Ordinance, California Housing Law, CEQA, and community engagement. Work on the project began in October 2024. The planning process is projected to span approximately two years. City staff anticipates finalizing the draft objective development standards by early 2026.

Subsequently, the standards will be submitted to the Planning Commission for review and recommendation by mid-2026, followed by presentation to the City Council for review and adoption by the conclusion of 2026.

UPDATES

Existing Conditions Report

The Existing Conditions Report ([**Link 1**](#)) was published on the City's website on March 6, 2025. The report was developed to assess current conditions and review recent land use policy efforts along Solano, North Shattuck, and College Avenues. The research

included reviewing demographic, housing and economic data (with the study area including a 1/8-mile buffer around the corridors themselves); exploring historical context with an equity focus; analyzing proposed developments; conducting site visits with City staff; and assessing parcel and land use conditions. Additionally, existing transportation connectivity and mobility networks were mapped and summarized.

The Existing Conditions Report highlights existing land uses, socioeconomic trends, and past segregation impacts, noting that high-income, homeowner-dominated areas like Solano Avenue have seen little new development, while renter-heavy corridors like North Shattuck have experienced more housing growth. Solano Avenue has the highest homeownership rate (83%) among the three corridors, and the highest proportion of residents earning over \$200,000 (43%), points to it being a high-resource area. In contrast, North Shattuck has a higher renter population (74%) and greater economic diversity, with 20% of residents earning under \$20,000. College Avenue sits in between, with a mix of homeowners and renters.

An intent of upzoning high-resource areas like Solano and College Avenues is to help counteract historical exclusion and racial/economic segregation, ensuring a more equitable distribution of housing. However, concerns persist around affordability, neighborhood character, and balancing commercial and residential uses, especially in areas with long-term homeowners resistant to change. A robust community engagement process will help us understand residents' concerns about potential policy changes, and develop options that are responsive to those concerns. Ultimately, the City must pursue zoning updates that align with Berkeley's Housing Element and commitments to affirmatively furthering fair housing.

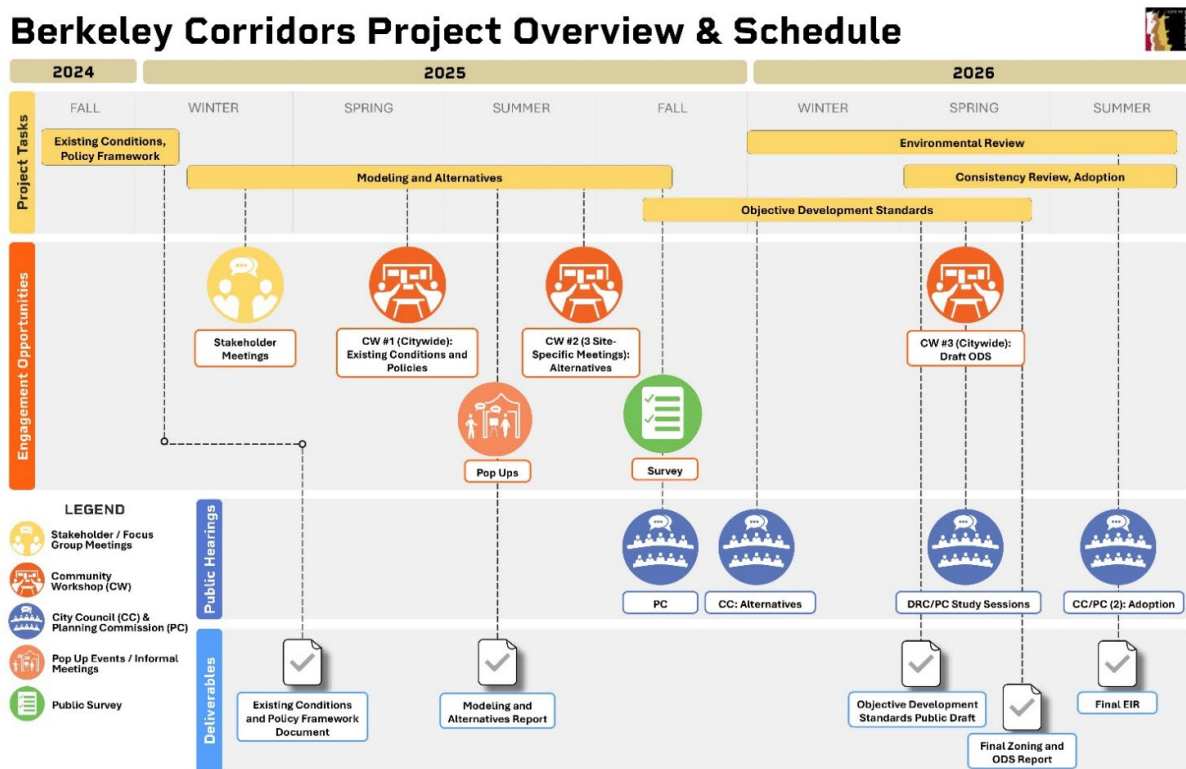
Community Engagement and Outreach Plan

The community engagement strategy for this project focuses on fostering transparency, inclusivity, and meaningful dialogue between residents, stakeholders, and decision-makers in Berkeley (**Attachment 1**). The plan includes a mix of stakeholder meetings, technical advisory sessions, community workshops, public surveys, and informal events to gather input and ensure diverse participation. Engagement efforts will prioritize clear, visually appealing communication, multilingual accessibility, and a variety of participation methods, including social media updates, virtual and in-person meetings, and public pop-up events. A fact sheet (**Attachment 2**) and project webpage provide accessible information about the project's goals and timeline, while ongoing study sessions with the Planning Commission and City Council will guide decision-making.

Key engagement activities include five community workshops, stakeholder meetings with property owners and developers, and three technical advisory meetings with representatives from Berkeley, Oakland, Albany, UC Berkeley, East Bay Housing Organizations, AC Transit and the City's Public Works Department. Social media updates will run from April 2025 to December 2026, focusing on education, project

updates, and participation opportunities. Public surveys and pop-up events at community gatherings will complement formal workshops, and joint Planning Commission and City Council study sessions will help refine zoning alternatives. Through these efforts, the strategy aims to ensure broad community participation and a well-informed, transparent planning process.

Figure 1: Project timeline



Modeling and Alternatives Report: Site Identification

The consultant team is currently assessing all sites within the study area for redevelopment potential and classifying them into five categories. Properties with the highest redevelopment potential are typically those owned by corporate entities or a single owner, as these parcels tend to be larger. Additionally, some sites requiring parcel aggregation have been identified, particularly those currently occupied by successful businesses. Ultimately, two parcels along each corridor will be selected for further prototype analysis.

Councilmember Meetings

City staff met with Councilmembers from districts 4, 5 and 8 and the Mayor to discuss the overall engagement strategy in February. Councilmembers and Mayor emphasized broad outreach using clear language, visuals, and social media to engage diverse groups. Discussions highlighted equitable site selection, fair housing distribution, and transparency in explaining state density bonuses. Next steps include refining engagement strategies, coordinating with stakeholders, and simplifying messaging for public participation.

CONTACT PERSON

Uttara Ramakrishnan, Planning and Development Department, 510-981-7483

Links:

1. [Existing Conditions Report](#) (*Linked*)

Attachments:

1. Community Engagement and Outreach Plan (*Attached*)
2. [Project Fact Sheet](#) (*Attached and linked*)



Memo

January 24, 2025

To: Uttara Ramakrishnan
From: Chris Sensenig, Raimi + Associates
Subject: City of Berkeley Corridors Zoning Update:
Engagement Strategy and Activities

Engagement Strategy

The R+A team will collaborate with City of Berkeley staff to prepare a systematic approach and engagement plan and related outreach and activities. We believe this project is an opportunity to build community. Given the sensitive nature of this project, the engagement plan will outline a transparent process and identify outreach efforts to key populations throughout Berkeley including residents, stakeholders, and decision-makers. Our engagement efforts will center around core objectives including:

- Establishing a firm understanding of community concerns and desires.
- Employing applied research techniques to demonstrate transparency throughout the process.
- Creating messaging that is consistent and approachable.
- Offering various methods for community participation.
- Ensuring engagement materials are visually attractive and easy-to-understand for diverse, multilingual residents.
- Promoting a culture of dialogue between residents and stakeholders.
- Systematically analyzing community input.

Project Fact Sheet

A 2-page public-facing fact sheet has been prepared that simply describes the purpose and need for the zoning update and its relationship to the Housing Element. This document is clearly written for the public and contains graphics describing the issues, challenges, and project goals and schedule. The content will be added to a City-run website for the project.

Engagement Activities

The following is an outline of the planned engagement activities throughout the duration of this planning effort.

Stakeholder Meetings

Timeline: the stakeholder meetings are anticipated to be facilitated in early 2025

Up to four hours of meetings with stakeholders are planned to gather feedback during the first phase of the project. The stakeholder list was developed with City staff, and is anticipated to include representatives from the following:

- 1-hour Property Owners Meeting
 - Targeted List of Property Owners
- 30-min Small Developers Meeting
- 30-min Individual Meetings (5)
 - Patrick Kennedy, Panoramic
 - Mark Rhoades, Rhoades Planning Group
 - Charles Kahn, KDA
 - David Trachtenberg, Trachtenberg Architects
 - Kevin Gordon, commercial/retail environment

Technical Advisory Meetings

Timeline: the three meetings are anticipated to take place in March and July 2025, January 2026

Three Technical Advisory Meetings will be facilitated by the project team during the following stages of the planning process: (1) existing conditions report and alternative concepts, (2) between the draft and final Modeling and Alternatives Report; and (3) between the administrative and public draft of the Objective Development Standards Report. List:

1. City of Oakland
 - Lakshmi Rajagopalan, Planner IV, Planning & Building
 - Timothy Green, Planner II, Planning & Building
2. City of Albany
 - Leslie Mendez, Planning Manager
3. City of Berkeley
 - Eric Anderson, Principal Planner, Public Works
4. East Bay Housing Organization (EBHO)
 - Christophe Laverne, Member of EBHO, Principal HKIT Architects
5. UC Berkeley
 - Zachary Lamb, Assistant Professor, Department of City and Regional Planning



6. Urban Habitat
 - Chris Schildt, Director of Housing Justice
7. AC Transit
 - Michael Eshelman, Service Planning Manager

Social Media Strategy

Timeline: April 2025 to Dec 2026

The City staff post updates on Instagram and Facebook to share information about the project. Content pillars include: (1) Educational posts, (2) Engagement Opportunities, and (3) Project Updates. City staff will collaborate with the consultant team to develop messaging priorities for each month that align with the project schedule.

Community Workshops

Timeline: the first meeting will kick off in Spring 2025, followed by three meetings in Fall 2025, and conclude with a final workshop in Spring 2026

Five community workshops are planned to provide community members, stakeholders, and decision-makers opportunities to learn about the project and share input. The project team will share a background presentation and updates at each workshop and facilitate conversations to answer questions and address community concerns. It is anticipated that a mix of live demographic polling, small group activities, simultaneous interpretation, and other interactive tools will be used to complement virtual meeting platforms. Community workshops will be advertised digitally through the City's project specific social media platforms and email list-services, and potentially through physical mailers, depending on the City's preference and capacity, to reach all residents and workers. The anticipated approach to the community workshops is as follows:

(Virtual) City-wide Community Kick-off Workshop

Goal/Purpose

- Inform public of project, project goals, and timeline

Anticipated Format

- Presentation
- Live in meeting interactive polling
- Small group discussion

Content

- Project Purpose
- Review existing conditions
- Potential sites for redevelopment



- Outline draft alternative concepts to study

Feedback

- Live interactive demographic polls (e.g., Mentimeter or similar)
- Precedent Voting through live poll
- In Meeting and Online Feedback Form - Potential Questions / Discussion Prompts:
 - What characteristic is most memorable about X neighborhood?
 - What is the most important detail to get right in new development?
 - What types of changes would you like to see in your neighborhood?
- Small group Discussion (by neighborhood?)

(In-Person) Corridor Specific Workshops on Alternatives (3 meetings)

Goal/Purpose

- Outline alternatives
- Receive feedback on alternatives

Format

- Presentation
- Small Group Discussion

Content

- Existing Conditions Review
- Potential Sites for Redevelopment
- Zoning Alternatives
- Renderings/Precedents

Feedback

- Live interactive demographic polls (e.g., Mentimeter or similar)
- Precedent Voting through live poll
- In Meeting and Online Feedback Form / Public Survey
- Potential Questions / Discussion Prompts - TBD

Potential Locations for in-person workshops

- Julia Morgan Theater
- Willard Middle School
- N. Berkeley Senior Center or BAM
- Thousand Oaks



(Virtual or In-Person Open House)) City-wide Community Workshop

Goal/Purpose

- Present Public Draft Objective Development Standards Report

Format

- Summary Presentation
- Open House with stations/rooms for each neighborhood

Content

- Review Draft Zoning and ODS Report

Feedback

- Informal discussion at Open House stations

Public Survey

Timeline: the public survey is anticipated to be released in late Summer 2025

A public survey will be prepared to be held concurrently with the community outreach. The timing, purpose, and content of the survey will be determined once the workshop dates are confirmed, but it is assumed that one survey will take place during the community outreach period around the Alternatives Memo.

Informal Events and Pop-ups

Timeline: the informal events/pop-ups are anticipated to help advertise and mirror activities at the workshops, and may take place in Spring, Summer/ and Fall 2025, and Winter 2026

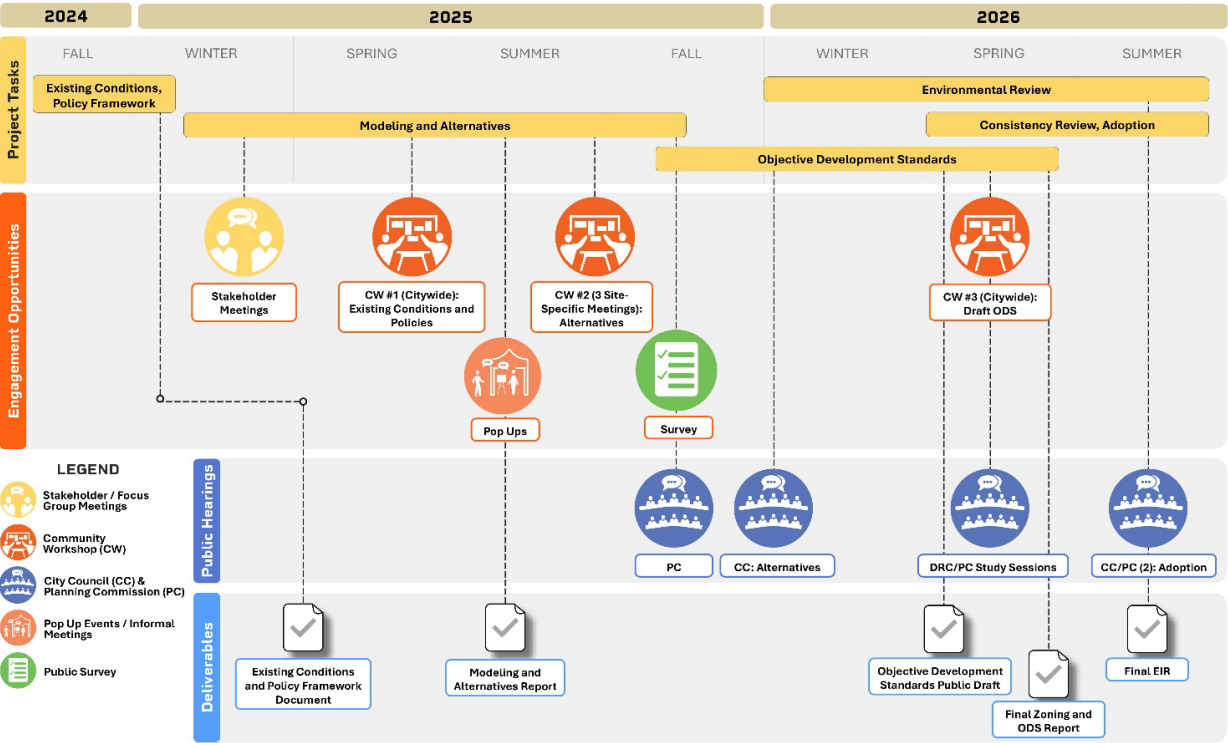
To supplement the anticipated community workshops, pop-up events, informal group meetings, and office hours are planned throughout the duration of the project. Pop-up events will be held at each plan location the week prior to the in-person community workshops. Pop-ups will attempt to coincide with community events like the Solano Stroll and Farmers' Markets. It is anticipated the pop-ups will occur prior to the community workshops on the alternatives to publicize the meeting, provide links to the survey, and provide an informal opportunity to present the alternatives. It is anticipated that up to three pop-up events will be held in addition to three informal meetings with community group meetings. In addition to the informal gatherings, it is anticipated that four virtual "office hour" meetings will be offered, two during the alternatives phase and two following the publication of the Public Draft Objective Development Standards Report.

Planning Commission/City Council Study Sessions and Design Review Commission Meeting

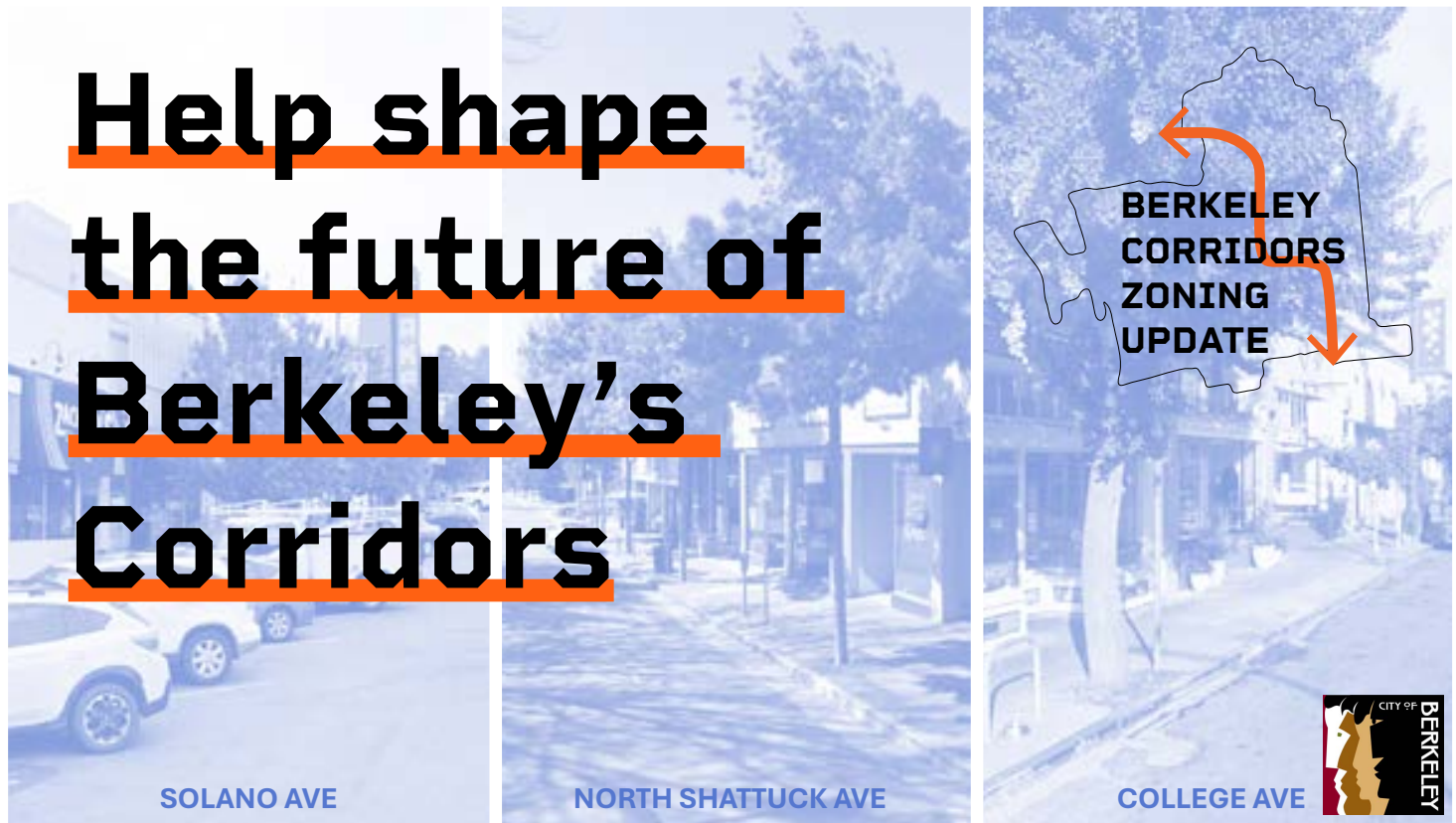
Timeline: joint meetings with the Planning Commission and City Council and a DRC meeting are anticipated to take place in Fall 2025 and Spring 2026



Berkeley Corridors Project Overview & Schedule



Three Planning Commission (PC) / City Council (CC) study sessions and a meeting with the Design Review Commission (DRC) are planned during the planning process. Two of the study sessions are anticipated to coincide with the community outreach for the Modeling and Alternatives Report. It is expected for the PC to make a recommendation to the CC on which of the two alternatives to move forward. The third study session will be with the Planning Commission and will follow the Public Review Draft Objective Development Standards Report. During the same time frame, the project team will attend a DRC meeting to present and gather feedback on the Draft Report.



Project Overview

The City of Berkeley is embarking on the Corridors Zoning Update to shape the future of North Shattuck, College, and Solano Avenues. These corridors, designated as priority areas in the Housing Element 2023-31, are vital hubs for housing, commerce, and transit. This initiative aims to increase housing capacity, address development challenges, and promote equity while preserving the unique character of each corridor.

Key Goals

> Expand Housing Capacity

Ensure these corridors provide opportunities for accessible, inclusive housing.

> Support Local Businesses

Strengthen vibrant commercial activity through updated land use and permit standards.

> Foster Equity and Inclusion

Create development standards that prioritize fairness and community benefit.

> Promote Sustainability

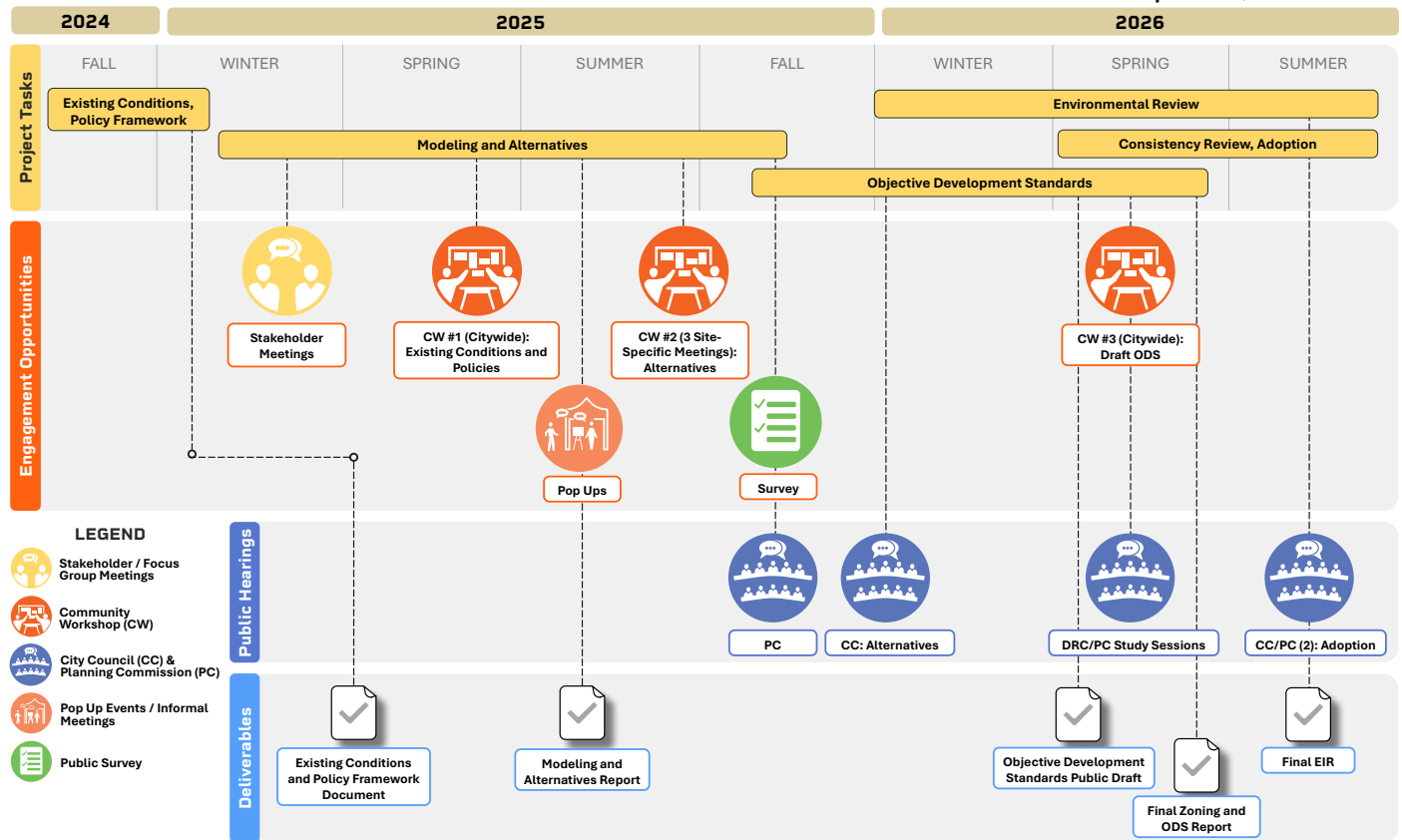
Align development with Berkeley's broader goals of environmental and social resilience.

Why It Matters

These corridors are more than just streets—they're the heart of Berkeley's neighborhoods. Updating zoning ensures they:

- Remain accessible for housing and transit needs.
- Reflect the community's values and aspirations.
- Continue to support local businesses and enhance quality of life.

Together, these updates will ensure that North Shattuck, College, and Solano Avenues evolve as inclusive, vibrant, and sustainable spaces for generations to come.



Project Timeline & Engagement

The planning process is projected to span approximately two years. City staff anticipates finalizing the draft objective development standards by early 2026.

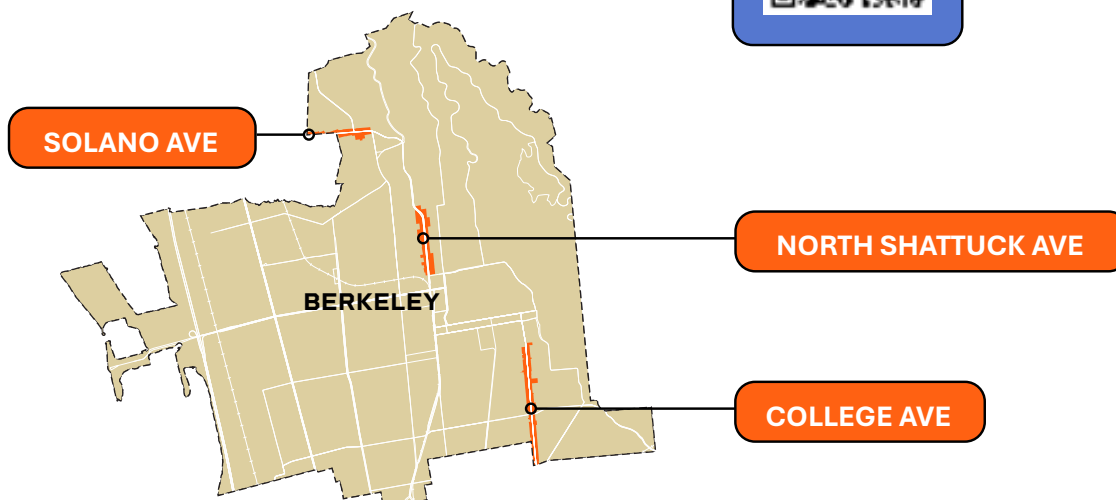
Subsequently, the standards will be submitted to the Planning Commission for review and recommendation by mid-2026, followed by presentation to the City Council for review and adoption by the conclusion of 2026.

How to Stay Involved

Visit https://public.govdelivery.com/accounts/CAB-ERKE/subscriber/new?topic_id=CABERKE_196, or scan the QR code to sign up for updates and stay informed about upcoming meetings and events.



Let's plan the future of Berkeley's corridors together!



Communication

From: Greg Murphy <gsmjfcs@gmail.com>
Sent: Thursday, March 20, 2025 2:58 PM
To: Planning Commission; May, Keith
Subject: Joint effort to address non-ductile concrete structures

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.

As a member of the Disaster and Fire Safety Commission, I have had some initial communications with the Building Safety Dept. regarding concerns that have been brought to the DFSC regarding non-ductile concrete structures in Berkeley. Now that I chair the commission, I would like to ask the Planning Commission to work with the DFSC to develop a joint work group to put together a referral to the Council to address this. What I want to avoid is the traditional isolation of commissions working in areas that have overlap with the responsibilities of other commissions.

I am not sure of the parliamentary rules regarding this - do I simply send a communication to the commission, or can this request come from us to the Planning Commission through the secretaries of the Commissions?

--

Please excuse any typographical errors.

Greg Murphy
1530 LaLoma Ave.
Berkeley, CA 94708

510-542-0839

Communication

From: aimee baldwin <junk.menagerie@gmail.com>
Sent: Monday, March 17, 2025 11:45 AM
To: Amiri, Wahid
Cc: Buddenhagen, Paul; All Council; Berkeley Mayor's Office; Ferris, Scott; Gonzalez, Uriel; Planning Commission; meryl siegal
Subject: Re: Proposed Public Restroom at University and San Pablo

Hello city staff and commissioners,

Our community is disappointed that Public Works or other Infrastructure representatives have chosen not to engage with us in an extended meeting as we requested at the February Transportation and Infrastructure Commission meeting.

So I am sending some additional follow up on a couple of things regarding the proposed public restroom kiosk at San Pablo Ave +University Ave

1. Impact of a restroom kiosk 5' from building facade would be **detrimental to the design options of a development on the adjacent property, likely substantially lowering the value of the property, or making redevelopment less likely or extra expensive.** The intersection of University and San Pablo is being considered for the most density and upzoning increase of all of the San Pablo Ave Specific Plan. This toilet placement is in direct conflict with what the city envisions for this intersection.

Please see attached email from Cameron Woo, member of the Design Review Committee



Gmail - The Proposed Public Restroom Kiosk on San Pablo Ave. at University Avenue.pdf

Property owner consent and buy-in, to the toilet location, should be confirmed by PW before finalizing the location. Is there a plan to compensate the property owner whose site will be adjacent to the kiosk, who will lose out on potential future development design or cost because of the kiosk?

2. Anecdotal examples of facility misuse, that leads to community-wide skepticism about the proposed restroom kiosk being any better.

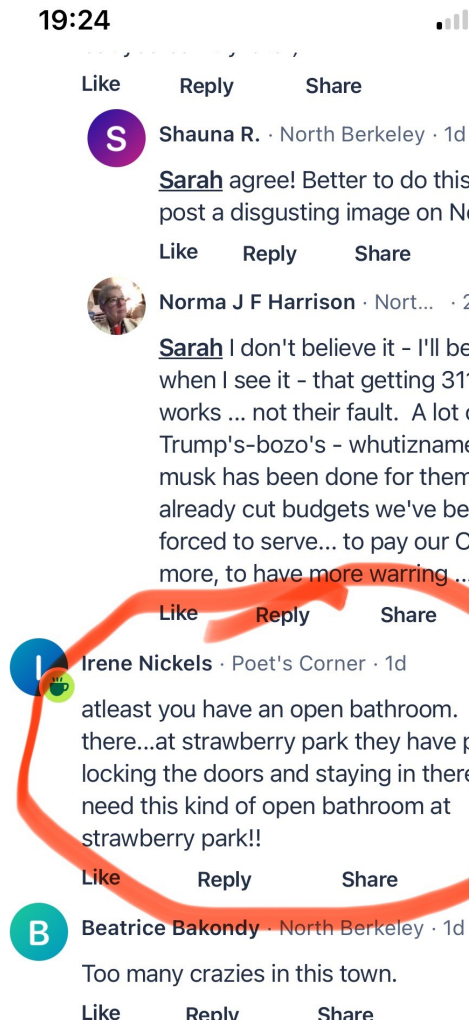
Still unanswered question of the community is: what are the oversight and accountability measures, and back up plan, if the restroom kiosk turns out to be nuisance? Is there a clearly outlined threshold of negative complaints that would declare the kiosk a failed experiment, and automatically implement a removal? Will there be public transparency to the complaints of the kiosk, unlike the un-transparent location selection process?

a. Nextdoor Photo of Cedar Rose park restroom. The restroom was cleaned up a day after the 311 report.

If anyone ***EVER*** finds the public restroom kiosk in this condition, they will *immediately* go back to defecating or urinating on the street, thereby rendering the whole point of the kiosk USELESS. And finding the toilet in this condition will lead to plenty of people to NEVER step inside again.



b. Nextdoor comment noting that the Strawberry Creek Park restroom ends up with people locking themselves in long term.



- c. Rainbow Donuts owner mentioned that they only allow customer use of their toilet, because any time that a person off the street has snuck in to use it, the restroom is "destroyed" (as in the Cedar Rose Park image above) and needs extensive clean up, which is very difficult, demoralizing, and time consuming for the limited staff. We expect that if the toilet kiosk is indeed used, that it will require far more clean up than three times a day.
- d. There used to be a trashcan on Francisco St. along the West Street Greenway, which attracted a huge amount of dumping. Although the placement of the trashcan was initially to "address the need" for people to have a place to put trash, it actually attracted bad dumping and misuse. Now that the trashcan has been removed, the amount of trash strewn at the location has diminished to not be a problem. Sometimes the "solution" implemented can in itself create a new problem, and it seems that the restroom kiosk should have a back up plan TO BE REMOVED ENTIRELY in case this happens.

3. Ineffective enforcement of civil and safe street behavior has created deep mistrust of city promises that an unsupervised restroom kiosk can be successful.

Our community fears ineffective enforcement against negative behavior that might spring up around a public restroom, and there have been no responses from Public Works or staff or commissioners to address how the city will deal with behavioral issues, not just hygienic issues, that the restroom might have. If the whole public doesn't feel safe using the restroom, then what is the point of even having it?

- a. Multiple members of the nearby community, who fear being named, have said that even with a no-trespass restraint against an individual harassing them, the police almost never show up soon enough to intervene, and even when they can, the perpetrator just comes back more angry.

- b. There have been witnesses who also say that people stake out a claim on parking spaces and the sidewalk, for an hour before the needle exchange van shows up at University and 9th, basically preventing any public use of that entire stretch of street. What staff time is being devoted to the potential need to prevent an informal claim/take-over the toilet kiosk by antisocial individuals?
- c. Is there a plan for cameras, and extra lighting outside of the kiosk, to better enforce a safer environment around the kiosk? Possibly motion detection lighting on the outside?
- d. The city has a terrible track record for oversight and transparency including major departmental failings such as the [Health department is failing](#) and [City losing track of its own property](#). What **GUARANTEED OVERSIGHT OF A THIRD PARTY MANAGEMENT CONTRACTOR** can the city actually give to the local community?

4. The people who most frequently witness, and are impacted by, public urination or defecation at this site, are all telling you that they do not see this public toilet kiosk as a solution to the problem, how can you persist that this is the right course of action? Residents and businesses at University and San Pablo object to the restroom kiosk. There must be a different option. Don't use our neighborhood as a guinea pig for something that is unproven for greater benefit over detriment.

5. The community will not agree to a public restroom unless it is ONLY fully supervised 24/7. How about the city trying to do a partnership with the continuing care facility at Elegance, which has full time staff. Can't we make a contract with them to allow public access to restrooms during hours that the West Branch Library is closed? How about look into funding extended hours at the West Branch Library, so that the community can use its restroom?

6. Few people visit the intersection of SPA + UA with only one business remaining. Businesses that do remain in the area have restrooms for customers. We have doubts that the area has as great a need for a public restroom as the city is suggesting. We have had no explanation as to why the intersection of SPA + UA would need a public restroom more than an area such as North Shattuck which hosts street events like a farmer's market every week, and other street fairs and festivals.

sincerely,
Aimee Baldwin
Beautiful San Pablo

On Tue, Feb 18, 2025 at 05:59 Amiri, Wahid <WAmiri@berkeleyca.gov> wrote:

Good morning,

Aimee, thank you for your follow-up email and for sharing your concerns regarding the proposed public restroom at University and San Pablo. As we discussed during the community engagement workshop, this initiative aims to gather feedback from community members on the design and other aspects that would benefit the neighborhood.

The intersection at University and San Pablo was identified through a comprehensive city-wide assessment, considering the unique challenges faced by the community, including issues related to public urination/public defecation. This location emerged as one of the areas most in need of a public restroom facility.

We understand the concerns about sidewalk space, original design called for the S/E corner but based on merchant feedback, we relocated it to the N/E corner. Our PW Engineering team is committed to ensuring that the restroom's

placement does not obstruct sightlines between bus drivers and passengers or impede pedestrian flow. We are exploring design solutions that maintain clear visibility and accessibility for all users.

Regarding the restroom's design and location, we plan to assess potential impacts on future developments and ensure ADA compliance. Your suggestion to consider the city's building at 9th and University as an alternative location may not be valuable, as the public restrooms is designed/intended to be open 24-hrs, 7 days a week – however, we will evaluate its feasibility & report back.

As emphasized during the meeting, a robust maintenance program is crucial for the success of this facility. We intend to implement a maintenance schedule similar to the one at Telegraph and Channing, involving a qualified contractor performing detailed maintenance at least three times over a 24-hour period. This approach aims to prevent the restroom from becoming a nuisance due to inadequate upkeep.

We acknowledge the community's concerns about resource allocation and are committed to ensuring that this facility is properly maintained. Our PW Engineering team is diligently working to provide comprehensive responses to all feedback received during the workshop. As promised, we will email these responses to attendees and post them on the project website.

We appreciate your active participation and will continue to engage with the community as we move forward with this project.

Respectfully,

Wahid Amiri, PE, TE, PTOE, PMP, QSP, QSD

Deputy Director of Public Works | Engineering & Transportation

City of Berkeley, CA

510-981-6396

From: aimee baldwin <junk.menagerie@gmail.com>

Sent: Monday, February 17, 2025 12:35:37 PM

To: Amiri, Wahid <WAmiri@berkeleyca.gov>

Cc: Buddenhagen, Paul <PBuddenhagen@berkeleyca.gov>; All Council <council@berkeleyca.gov>; Berkeley Mayor's Office <Mayor@berkeleyca.gov>

Subject: Fwd: Proposed Public Restroom at University and San Pablo

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.

Dear Transportation and Infrastructure Commission,

I attended the Public Restroom Community Meeting #2 on Feb 4.

Public Works has been treating the restroom kiosk at University and San Pablo as a done deal, with little or no discussion with any community groups about the design or placement. Our community members: local pedestrians, business owners, potential restroom users, disabled, bus stop users, residents....were left out of any initial discussion on placement or design of this public toilet. Now that we understand the intended design and location, we foresee many various problems with this proposal, from how we use the sidewalks at this intersection.

One consideration is that all four corners of the intersection of University and San Pablo have major bus stops, so already have substantial sidewalk space taken up to serve bus stops. The pictured restroom (attached) at Channing and Telegraph is corner with **NO** bus stops. The site of Adeline and Alcatraz has a sidewalk and pedestrian right of way space that is over 4 times as wide as at University and San Pablo.

A kiosk on any side of any corner at the narrow sidewalk at University and San Pablo will either **block sightlines** that our new intersection daylighting laws were made to improve, or they would block sightlines between approaching bus drivers and passengers at a stop waiting for a bus. This seems extremely poorly thought out, from a set of designers/planners who apparently never use public transit buses? Anyone who takes a bus regularly knows the importance of having a good sightline between a busdriver and the bus stop with waiting passengers. There is no corner at San Pablo and University that would be a good location for a toilet from the standpoint of sightlines.

There should be discussion of the toilet kiosk design and location with the Design Review Committee on potential impacts of such a structure on future developments at University and San Pablo.

There should be discussion of the toilet kiosk design and location with the Disability Commission to review ADA impact on sidewalk and public right of way.

There has apparently been no research into the feasibility of an indoor toilet at the city's building at 9th and University, a much better location for a public restroom, particularly when it comes to maintenance and supervision that can be

shared with the Food Network. quote from study, page 11: "Maintenance is critical. Hyphae discourages any new facilities from being built without first identifying funding for maintenance. Without a maintenance strategy, a new facility will fail to actually increase access." I would argue that if the funding for maintenance is used, but the work of maintenance doesn't have adequate oversight and accountability, it will also fail. Having constant cooperation with the Food Network staff and customers could provide maintenance oversight.

The city staff at the meeting #2 were unable to answer the community's questions about this toilet, and have failed to follow up with promised responses in writing that were supposed to go out to our community.

The city needs to have a new plan for a public restroom in the area of University and San Pablo, and needs a design that is well thought out for ALL stakeholders and users of the intersection, and considers the option to use the city property at the former Premier Cru/now Food Network location.

Sincerely,

Aimee Baldwin

D1 resident



toilet:channing+telegraph.jpg

map informing suggested locations of a toilet near San Pablo and University: page 5

<https://berkeleyca.gov/sites/default/files/documents/Citywide%20Restroom%20Study%20and%20Executive%20Summary%20-%202020-10-06%20-%20Final.pdf>

----- Forwarded message -----

From: **aimee baldwin** <junk.menagerie@gmail.com>

Date: Sun, Jan 19, 2025 at 12:04 PM

Subject: Proposed Public Restroom at University and San Pablo

To: <PBuddenhagen@berkeleyca.go>, <SFerris@berkeleyca.gov>, <ttaplin@berkeleyca.gov>, Kesarwani, Rashi

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Cc: Gerstein, Beth <bgerstein@cityofberkeley.info>, <RHernandezStory@berkeleyca.gov>, <rclarke@berkeleyca.gov>, Rivera, Robert <rrivera@berkeleyca.gov>, Cameron Woo <cameronjwoo@gmail.com>, <cdenney@igc.org>, meryl siegal <beautifulsanpablo@gmail.com>

Regarding Proposed Public Restroom at University and San Pablo:

Despite asking several city staff and commissioners, we have not been shown the public restroom design by the city, however, we assume the restroom being discussed will be an unattended, independent building encroaching on the city sidewalk right of way, obstructing sightlines to the sidewalk, at one of the vacant building at University Ave (UA) and San Pablo Ave (SPA). This is a problematic design for several reasons.

- Unattended, without constant human monitoring will lead to unsanitary unhealthy conditions, misuse, and avoidance by the greater community, thereby not actually solving the greater community's need for a public restroom
- Reducing public right of way sidewalks; making pedestrian use and accessibility more difficult, counter to community goals of SPAASP and CPTED principles
- Obstructed sightlines = reduced safety (as explained by CPTED principles)
- Could limit future design or obstruct development, for either private developers or for a public gathering space of the corner of UA and SPA

Since the city invited the local community to envision a new SPA with the SPA Area Specific Plan (SPAASP) process, Beautiful San Pablo has been advocating for the adoption of the principles of Crime Prevention Through Environmental Design (CPTED) for SPA, and throughout the city. We advocate design which improves community safety, cohesion, and resilience with reduced policing, and have mentioned this at a couple of commission meetings in the past year, and I wrote an opinion piece in Berkeleyside (links at end).

I am sure you understand the reasoning behind our new California law daylighting crosswalks to improve pedestrian safety by opening sightlines to drivers. Many CPTED principles also emphasize clear sightlines (or "eyes on the street") to enhance safety on sidewalks for our pedestrian foot traffic, which our area of SPA and UA desperately needs. We are concerned that an independent building on the sidewalk will obstruct sightlines to the sidewalk. I, and other women, do not want to walk in a blind alley created between a restroom building and a blank wall of a building – especially one along vacant buildings with little or no regular foot traffic. Such a design feels extremely dangerous. Simple design choices can make a world of difference in everyday experiences of walking down a street.

Since the publication of the Citywide Restroom Study 2000 Executive Summary, the conditions of the San Pablo and University Ave area, have substantially changed:

- 99c store (drew many homeless for low cost goods) now closed and vacant
- 7-11 now closed and vacant
- Wells Fargo now closed and vacant
- Needle exchange recently moved from Hearst and University to 9th and UA
- Berkeley Food Network (9th and UA, former Premier Cru building) opened for less than a year at the time of the 2000 study publication but is now well established
- San Pablo Ave Area Specific Plan (SPAASP) has been initiated in 2023

Clearly there is significantly reduced retail at UA and SPA since the 2020 publication of the study. This substantial reduction in retail customer activity and foot traffic, has all but eliminated the opportunity for safety through "eyes on the street".

In our extensive SPAASP discussions with community members about the desired future of SPA, top comments include increased width of the public right of way sidewalks, and adding vibrant public gathering space. We need a public restroom which will not reduce our already limited public right of way. If the city were adding a public restroom as a part of a greater plan to create a large public plaza at the intersection, and activate the space with events programming and supporting a constant retail presence, and enhance vibrancy as CPTED principles support, we would love that. (akin to what the Hidden Cafe at Strawberry Creek Park creates or downtown BART plaza). While this might be possible in future years after the SPA Specific Plan is done, and more residential developments are completed and occupied, The corner of University and San Pablo is not there yet.

We also don't know if or how a public restroom building put on the public right of way now will limit options for developers to build on any of the sites at the corner of UA and SPA. We are envisioning a dramatic increase in residential buildings here, and are really working hard with the city and community to design a vibrant pedestrian neighborhood.

We do support a public restroom, located inside the City owned building at 9th/10 and UA which now currently houses the Berkeley Food Network which would:

- Not obstruct right of way sidewalks
- Not obstruct sightlines to sidewalks from the street, and follow CPTED principles
- Have constant attendant/maintenance coordinated with Berkeley Food Network and/or a dedicated city employee
- Not inhibit nor limit future creation of gathering plaza or park at the corner of UA and SPA
- Not inhibit or obstruct private development design choices or activity at the corner of UA and SPA
- Potentially be phased out in the future, if a public plaza or park were to be designed with a public restroom, meeting CPTED principles and safety, as a part of an establishment of a positive, well designed vibrant community open gathering space, and city investment and asset, desperately lacking at the corner of UA and SPA currently

Please note that the Exhibit A data analysis heatmap on page 5 of the Citywide Restroom Study 2000 Executive Summary indicates that the City property between 9th and 10th on University is perfectly situated to meet the needs illustrated by the study.

<https://berkeleyca.gov/sites/default/files/documents/Citywide%20Restroom%20Study%20and%20Executive%20Summary%20-%202020-10-06%20-%20Final.pdf>

Crime Prevention Through Environmental Design

- <https://www.berkeleyside.org/2024/06/25/opinion-berkeley-should-design-streetscapes-that-create-safe-neighborhoods>
- <https://www.cpted.net/Primer-in-CPTED>

Sincerely,

Aimee Baldwin

and

Meryl Siegal

Beautiful San Pablo

Communication

From: aimee baldwin <junk.menagerie@gmail.com>
Sent: Monday, March 24, 2025 9:03 AM
To: Amiri, Wahid
Cc: Buddenhagen, Paul; All Council; Berkeley Mayor's Office; Ferris, Scott; Gonzalez, Uriel; Planning Commission; meryl siegal
Subject: Re: Proposed Public Restroom at University and San Pablo

I forgot to add this information on a public toilet in San Francisco.

Nearby public toilet doesn't necessarily mean that people use it; there is still public urination immediately next to the public restroom.

Possibly because of maintenance issues, or maybe personal preference, or maybe one time the toilet was shut so they never bothered to try again.....

<https://sfist.com/2025/03/01/news-crew-films-public-urination-offenders-in-sf-chinatowns-portsmouth-square/>