



Planning Commission

# AGENDA

## SPECIAL MEETING OF THE PLANNING COMMISSION

[Click here to view the entire Agenda Packet](#)

**Wednesday, September 16, 2020**

**7:00 PM**

**PUBLIC ADVISORY:** THIS MEETING WILL BE CONDUCTED EXCLUSIVELY THROUGH VIDEOCONFERENCE AND TELECONFERENCE Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, this meeting of the Planning Commission (PC) will be conducted exclusively through teleconference and Zoom videoconference. Please be advised that pursuant to the Executive Order and the Shelter-in-Place Order, and to ensure the health and safety of the public by limiting human contact that could spread the COVID19 virus, there will not be a physical meeting location available.

**To access the meeting remotely:** Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL <https://zoom.us/j/93838665412>. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen.

**To join by phone:** Dial **1 669 900 6833** and enter Meeting ID: **938 3866 5412**. If you wish to comment during the public comment portion of the agenda, Press \*9 and wait to be recognized by the Chair.

Please be mindful that the video conference and teleconference will be recorded. All rules of procedure and decorum that apply for in-person Planning Commission meetings apply for Planning Commission meetings conducted by teleconference or videoconference.

See **"MEETING PROCEDURES"** below.

**All written materials identified on this agenda are available on the Planning Commission webpage:**[https://www.cityofberkeley.info/Clerk/Commissions/Commissions\\_Planning Commission Homepage.aspx](https://www.cityofberkeley.info/Clerk/Commissions/Commissions_Planning_Commission_Homepage.aspx)

### **PRELIMINARY MATTERS**

- 1. Roll Call:** Wiblin, Brad, appointed by Councilmember Kesarwani, District 1  
Martinot, Steve, appointed by Councilmember Davila, District 2  
Schildt, Christine, appointed by Councilmember Bartlett, District 3  
Lacey, Mary Kay, Vice Chair, appointed by Councilmember Harrison, District 4  
Beach, Benjamin, appointed by Councilmember Hahn, District 5  
Kapla, Robb, Chair, appointed by Councilmember Wengraf, District 6  
Krpata, Shane, appointed by Councilmember Robinson, District 7

**Vincent, Jeff**, appointed by Councilmember Droste, District 8  
**Wrenn, Rob**, appointed by Mayor Arreguin

2. **Order of Agenda:** The Commission may rearrange the agenda or place items on the Consent Calendar.
3. **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):
4. **Planning Staff Report:** In addition to the items below, additional matters may be reported at the meeting.
5. **Chairperson’s Report:** Report by Planning Commission Chair.
6. **Committee Reports:** Reports by Commission committees or liaisons. In addition to the items below, additional matters may be reported at the meeting.
7. **Approval of Minutes:** [Approval of Draft Minutes from the meeting on September 2, 2020.](#)
8. **Future Agenda Items and Other Planning-Related Events:**

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

9. **Action:** **Public Hearing: Home Occupations**  
**Recommendation:** Conduct a public hearing and, upon conclusion, recommend Zoning Ordinance amendments for Home Occupations to City Council.  
**Written Materials:** [Attached](#)  
**Presentation:** N/A
10. **Action:** **Public Hearing: DRAFT Adeline Corridor Plan**  
**Recommendation:** Conduct a public hearing to consider recommending to City Council adoption of the Adeline Corridor Specific Plan and associated General Plan and Zoning Ordinance amendments and certifying the Final Environmental Impact Report (FEIR) on the Adeline Corridor Specific Plan  
**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:**

- [September 3 – Staff, Meeting Updates](#)

- [September 3 – Carr, Southside Plan](#)

**Late Communications:** (Received after the packet deadline):

- Supplemental Packet One – received by noon two days before the meeting
- Supplemental Packet Two – received by 5pm the day before the meeting
- Supplemental Packet Three – received after 5pm the day before the meeting

## **ADJOURNMENT**

### **\*\*\*\* MEETING PROCEDURES \*\*\*\***

#### **Public Testimony Guidelines:**

All persons are welcome to attend the virtual meeting and will be given an opportunity to address the Commission. Speakers are customarily allotted up to three minutes each. 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. 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.

#### **Procedures for Correspondence to the Commissioners:**

All persons are welcome to attend the virtual 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. The Commission may limit the time granted to each speaker.

Written comments must be directed to the Planning Commission Secretary at the Land Use Planning Division (Attn: Planning Commission Secretary), 1947 Center Street, Second Floor, Berkeley CA 94704, or via e-mail to: [apearson@cityofberkeley.info](mailto:apearson@cityofberkeley.info). All materials will be made available via the Planning Commission agenda page online at this address: <https://www.cityofberkeley.info/PC/>.

Correspondence received by **12 noon, nine days** before this public hearing, 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 **12 noon two days** before this public hearing, will be included in a Supplemental Packet, which will be posted to the online agenda as a Late Communication and emailed to Commissioners one day before the public hearing.
- Correspondence received by **5pm one day** before this public hearing, will be included in a second Supplemental Packet, which will be posted to the online agenda as a Late Communication and emailed to the Commissioners by 5pm on the day of the public hearing.
- Correspondence received **after 5pm one day** before this public hearing will be saved as part of the public record.

**Note: It will not be possible to submit written comments at the meeting.**

**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.

**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.

**Note:** If you object to a project or to any City action or procedure relating to the 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:** 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 (3) business days before the meeting date.

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I hereby certify that the agenda for this regular meeting of the Planning Commission was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on **September 10, 2020**.

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Alene Pearson  
Planning Commission Secretary



- 34 • August 18 – Staff, PC September Meeting
- 35 • August 7 – Babitt, School Board
- 36 • August 6 – Staff, PC Meeting Schedule
- 37 • August 5 – Porter, ADU Regulations
- 38 • August 5 – Fred, Southside Plan
- 39 • August 5 – Californians for Homeownership, DFSC Letter
- 40 • August 3 – Sagehorn, Southside Plan
- 41 • August 3 – Doughty, ADU Regulations
- 42 • August 3 – Denney, Southside Plan
- 43 • July 27 – Staff, August 19 Special Meeting Cancellation
- 44 • July 21 – Staff, Commission Meeting Materials
- 45 • July 20 – Disaster and Fire Safety, ADU Memo
- 46 • July 12 – Sanderson, ADU Regulations in the Hillside
- 47 • July 10 – Campbell, ADU Regulations in the Hillside

48

49 **Late Communications:**

- 50 • Supplemental Packet One
- 51 • Supplemental Packet Two - empty
- 52 • Supplemental Packet Three (Read aloud at the meeting)

53 **5. CHAIR REPORT:**

- 54 • None

55

56 **6. COMMITTEE REPORT:** Reports by Commission committees or liaisons. In addition to the  
57 items below, additional matters may be reported at the meeting.

58

- 59 • Adeline Subcommittee - Met on August 19 to discuss and finalize several proposed  
60 changes to the draft plan.

61

- 62 • Joint Subcommittee for the Implementation of State Housing Laws (JSISHL) – Met on  
63 July 22 to discuss objective standards for density, design, and shadows.  
64 Recommendation Report is being drafted and will be submitted to City Council by  
65 Commission Chair.

66 **7. APPROVAL OF MINUTES:**

67 Motion/Second/Carried (Wrenn/Vincent) to approve the Planning Commission Meeting  
68 Minutes from July 1, 2020 with the discussed edits to lines 74, 100, and 101.

69

70 Ayes: Beach, Kapla, Krpata, Lacey, Martinot, Vincent, Wrenn, and Wiblin. Noes: None.  
71 Abstain: Schildt. Absent: None. (8-0-1-0)

72

73 **FUTURE AGENDA ITEMS AND OTHER PLANNING-RELATED EVENTS:**

- 74 • BART Community Advisory Group – October 14 and 20 meetings

75 **AGENDA ITEMS**

76 **9. Action:** *Public Hearing: Southside Zoning Ordinance Amendments*  
77 *Project Update and Draft Environmental Impact Report (EIR)*  
78 *Scoping Session*

79 Staff provided a project update on the Southside Zoning Ordinance Amendments project,  
80 describing the focus of the project and the EIR process. Staff asked the Planning Commission  
81 and the public to provide comments on the scope, focus and content of the Draft EIR, as well as  
82 related alternatives and mitigation measures to reduce environmental effects. Comments will be  
83 accepted through **Wednesday, September 9**. The Planning Commission discussed several  
84 issues related, but not limited to, recreation/parks analysis, the accuracy of buildout  
85 assumptions, and the impact of COVID on baseline information.

86 **Public Comments: 10**

87 Motion/Second/Carried (Kapla/Krpata) to close the public hearing at 9:11pm.

88  
89 Ayes: Beach, Kapla, Krpata, Lacey, Martinot, Schildt, Vincent, Wrenn, and Wiblin. Noes:  
90 None. Abstain: None. Absent: None. (9-0-0-0)

92 **10. Discussion:** *ZORP Phase 1- Baseline Zoning Ordinance*

93 Staff provided a status report on the Baseline Zoning Ordinance (BZO), Phase 1 of the Zoning  
94 Ordinance Revision Project (ZORP). Staff shared proposed, notable changes in writing style  
95 and organization of the existing Zoning ordinance. Following the presentation, the Planning  
96 Commission commented on select consent changes, added language, and the overall utility of  
97 the document to different stakeholders in the community.

98 **Public Comments: 1**

99 **11. Public Hearing:** *Vehicle Miles Traveled (VMT) General Plan Amendment*

100 Staff reviewed the proposed General Plan Amendment to the Policy T-18 of the Transportation  
101 Element that resulted from the State requirement to use Vehicle Miles Traveled (VMT) instead  
102 of Level of Service (LOS) to evaluate transportation impacts under the California Environmental  
103 Quality Act (CEQA).

104 Motion/Second/Carried (Kapla/Krpata) to open the public hearing for Item 11 at 9:18pm and  
105 to resume discussion on Item 10.

106  
107 Ayes: Beach, Kapla, Krpata, Lacey, Martinot, Schildt, Vincent, Wrenn, and Wiblin. Noes:  
108 None. Abstain: None. Absent: None. (9-0-0-0)

109

110 **Public Comments: 1**

111 Motion/Second/Carried (Kapla/Wrenn) to close the public hearing at 11:01pm.

112

113 Ayes: Beach, Kapla, Krpata, Lacey, Martinot, Schildt, Vincent, Wrenn, and Wiblin. Noes:

114 None. Abstain: None. Absent: None. (9-0-0-0)

115

116 Motion/Second/Carried (Schildt/Krpata) to recommend that the City Council adopt the  
117 General Plan Amendment that replaces LOS with VMT as a criteria used to determine  
118 transportation-related environmental impacts under CEQA along with the General Plan  
119 Amendment findings noted in the draft resolution.

120

121 Ayes: Beach, Kapla, Krpata, Lacey, Martinot, Schildt, Vincent, Wrenn, and Wiblin. Noes:

122 None. Abstain: Martinot. Absent: None. (8-0-1-0)

123

124 **Commissioners in attendance: 9**

125 **Members in the public in attendance: 18**

126 **Public Speakers: 12 speakers**

127 **Length of the meeting: 4 hours and 3 minutes**





**Planning and Development Department**  
Land Use Planning Division

## **STAFF REPORT**

DATE: September 16, 2020

TO: Members of the Planning Commission

FROM: Paola Boylan, Assistant Planner

SUBJECT: Public Hearing to Consider Zoning Ordinance Amendments to modify the Home Occupation Ordinance

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## **RECOMMENDATION**

Conduct a public hearing and, upon conclusion, make a recommendation to Council regarding a Zoning Ordinance amendment that modifies the Home Occupation provisions to reflect Planning Commission recommendations from July 1, 2020 and further refines categories of Home Occupations, clarifies enforcement protocols, and modifies findings and definitions.

## **BACKGROUND**

Home Occupations (HO) are small-scale businesses conducted on a residential property as an incidental or secondary land use. They are regulated by Berkeley Municipal Code (BMC) Chapter 23C.16 [Home Occupations], which accommodates persons wishing to conduct small, neighborhood compatible businesses from home. On July 1, 2020 Planning Commission held a Public Hearing to discuss modifications to the Home Occupation provisions in response to a 2011 City Council referral and approved a draft Zoning Ordinance amendment for City Council consideration (see Attachments 2 and 3 for staff report and meeting minutes). While drafting the City Council report, staff identified additional regulations needed to advance the goals of the referral, enhance Planning Commission's recommendation and address potential unintended consequences that were not discussed. The Planning Commission is asked to review the draft Zoning Ordinance amendment provided with this report, which includes the previous Planning Commission recommendations and proposed changes for consideration.

Affected districts include all residential districts R-1, R-1A, ES-R, R-2, R-2A, R-3, R-4, R-5, R-S, R-SMU, C-1, C-N, C-E, C-NS, C-SA, C-T, C-SO, C-W, C-DMU, and MU-R.

**DISCUSSION**

In drafting the City Council report, staff identified two areas that needed further discussion: the potential for an unlimited number of visitors per day for Moderate-Impact HOs and the absence of enforcement protocols. Addressing these two issues requires additional consideration from Planning Commission. Recommendations are summarized in **Table 1** and described in the sections below:

**Table 1: Summary of Recommended HO Categories**

| HO Category                     | Permit*       | Customer Visits  | Non-Resident Employee | Third-Party Shipping and Receiving |
|---------------------------------|---------------|--|-----------------------|------------------------------------|
| <u>Low-Impact Class I</u>       | ZC            | Up to five visits per day, with no more than one customer at a time                                      | Not Allowed           | <u>Not Allowed</u>                 |
| <u>Moderate-Impact Class II</u> | AUP           | <del>Six or more visits up to</del> <u>10 visits</u> per day, with no more than four customers at a time | One Allowed           | <u>Not Allowed</u>                 |
| <u>Class III</u>                | <u>UP(PH)</u> | <u>More than 10 visits per day, with no more than four customers at a time.</u>                          | <u>One Allowed</u>    | <u>Allowed</u>                     |

\* Permit: ZC – Zoning Certificate, UP – Administrative Use Permit, UP(PH) – Use Permit with a Public Hearing

**1. Clarify Customer Visits & Shipping and Receiving:**

- Rename Low-Impact and Moderate-Impact HOs to Class I and Class II HOs.
- Allow a Class II HOs to have a maximum of ten visits per day – with no more than four customers<sup>1</sup> at a time – with an AUP subject to specific findings that address parking and traffic impacts. (*Modify Section 23C.16.030 and 23F.040.010*)
- Create a Class III HO category to allow more than ten visits per day – with no more than four customers at a time – with a UP(PH) subject to specific findings that address shipping and receiving as well as parking and traffic impacts. (*Modify Section 23F.040.010*)

Previous Planning Commission discussions resulted in two categories of HOs – Low and Moderate – that provide thresholds for customer visits and on-site employees. Staff recommends renaming each of the categories in light of the expectation that all HOs are low impact, but may have differing levels of activity. Draft amendments reclassify HO categories to numerical classes (i.e. Class I, Class II) for consistency with conventions currently used in the Berkeley Municipal Code.

Draft amendments cap the number of visits allowed with a Class II HO permit to ten per day. Class II (formerly Moderate-Impact) would allow for an unlimited number of visits per day with four customers at a time with an AUP. An unlimited number of visits could have

<sup>1</sup> A “customer” includes, for example, a parent accompanying a child to a lesson or more than one person simultaneously receiving services at the HO but paying as a single customer.

a negative impact on the neighborhood and deter businesses that have outgrown HO's from relocating to suitable spaces.

It is likely that most HO's will be able to operate under Class I or II. However, draft amendments introduce a third HO category named Class III. A Class III HO would provide a path to consider HO's that require third-party shipping and receiving and/or more than 10 visits per day – with no more than four customers at a time with a UP(PH). In addition, similar to Class II, Class III would be subject to specific findings to address potential impacts on the availability of parking in the surrounding area due to shipping, receiving, or customer visits.

## **2. Update Home Occupation Definition and Findings**

- Amend the definition of “Home Occupation” to include distinctions classes of HO's. (*Modify Section 23F.04.010*)
- Amend “Findings” to provide guidance on identifying potential impacts of third-party shipping and receiving. (*Modify Section 23C.16.030*)

This update is necessary to clarify distinctions between categories, thereby facilitating implementation of the Zoning Ordinance. Draft amendments include language for “Findings” related to shipping and receiving.

## **3. Modify Enforcement Protocol:**

- Modify sections “Complaints and Imposition of Conditions” to clarify process for submitting and addressing grievances (*Modify Sections 23C.16.040*)
- Amend “Complaints and Imposition of Conditions” to provide guidance for all HO categories (*Modify Section 23C.16.040*)

Initial recommendations removed Section 23C.16.040 [Complaints and Impositions of Conditions] inadvertently. This section is reintroduced to provide enforcement protocols, and has been modified to clarify protocols and process.

## **4. Update Uses Permitted Tables:**

- Modify the “Accessory Uses and Structures” sections of the Uses Permitted tables in all Residential districts to revise the level of discretion for Class II from UP(PH) to AUP, add a category to allow Class III with UP(PH), and merge Teaching-Related HO's into the other classifications. (*Modify Sections 23D.16.030, 23D.20.030, 23D.24.030, 23D.28.030, 23D.32.030, 23D.36.030, 23D.40.030, 23D.44.030, 23D.48.030, 23D.52.030*)
- Modify the “Residential and Related Uses” sections of the Uses Permitted tables in the C-W and the MU-R districts to revise the level of discretion for Class II from UP(PH) to AUP, add a category to allow Class III with UP(PH), and merge Teaching-Related HO's into the other classifications. . (*Modify Sections 23E.64.030 and 23E.84.030*)

Home Occupations

PUBLIC HEARING  
September 16, 2020

- Modify Uses Permitted Tables in zones C-1, C-N, C-E, C-NS, C-SA, C-T, C-SO, and C-DMU to include Class I, Class II and Class III Home Occupations. (*Modify 23E.36.030, 23E.40.030, 23E.44.030, 23E.48.030, 23E.52.030, 23E.56.030, 23E.60.030, and 23.68.030*)

The recommended amendments are required to amend Uses Permitted Tables to expand districts where Home Occupations can locate and operate, as well as add a category that allows Class III HOs with a UP(PH). Currently Home Occupations are not permitted in commercial district with the exception of the C-W. The change allows for HOs wherever residential uses are permitted. These changes affect all Commercial districts, the MU-R district, and Residential districts with the exception of the ES-R.

#### Next Steps

1. Conduct a public hearing
2. Recommend for adoption by City Council draft Zoning Ordinance amendments that include direction from the July 1, 2020 meeting and the modifications presented in the aforementioned sections.

#### CONTACT PERSON

Paola Boylan, Assistant Planner, Land Use Planning Division, 510-981-7418

Alene Pearson, Principal Planner, Land Use Planning Division, (510) 981-7489

#### Attachments:

1. Public Hearing Notice
2. Planning Commission Staff Report – July 1, 2020 (without attachment)
3. Planning Commission Meeting Minutes - July 1, 2020
4. Zoning Ordinance Amendments to Modify Chapter 23C.16 Home Occupations, Chapter 23E.84 MU-R Mixed Use-Residential District Provisions Chapter 23F.04 Definitions, and Use Tables in Applicable Zoning Districts



# PLANNING COMMISSION

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## NOTICE OF PUBLIC HEARING

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### SEPTEMBER 16, 2020

### **Amendments to the Home Occupation Ordinance: Allow Customer Visits, Allow Home Occupations in Accessory Buildings and Accessory Dwelling Units, Allow Handling, Processing and Storage of Goods within the Building, Allow Limited Shipping and Handling, Clarify Enforcement Protocols, and Expand Districts where Home Occupations can Locate and Operate.**

The Planning Commission of the City of Berkeley will hold a public hearing on the above matter, pursuant to Zoning Ordinance Section 23A.20.30, on **Wednesday, September 16, 2020, beginning at 7:00 PM. The hearing will be conducted via Zoom** - see the Agenda for details, which can be found here: <https://www.cityofberkeley.info/PC/>

**PUBLIC ADVISORY:** This meeting will be conducted exclusively through videoconference and teleconference. Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, and the Shelter-in-Place Order, and to ensure the health and safety of the public by limiting human contact that could spread the COVID-19 virus, there will not be a physical meeting location available.

**PROJECT DESCRIPTION:** The proposed amendments to Berkeley's Zoning Ordinance (Title 23) respond to a December 6, 2011 referral from City Council to consider reducing the level of discretion for Moderate-Impact Home Occupations. The amendments allow customer and client visits for all levels of Home Occupations (Class I, II, and III); allow Home Occupations in Accessory Buildings; reclassify Teaching-Related Home Occupations as Class II Home Occupations; create a Class III Home Occupations category and associated findings; expand districts where Home Occupations can locate and operate; allow handling, processing and storage of goods on-site; allow limited shipping and handling; clarify enforcement protocols; and establish hours of operation for Home Occupations. Amendments simplify the structure and language of the Home Occupation Chapter.

Full text of the draft Zoning Ordinance amendments can be found on the Planning Commission's homepage: <https://www.cityofberkeley.info/PC/>

Changes to be considered are summarized below and apply to the following Berkeley Municipal Code (BMC) Chapters 23C.16, 23D.16, 23D.20, 23D.24, 23D.28, 23D.32, 23D.36, 23D.40, 23D.44, 23D.48, 23D.52, 23E.36, 23E.40, 23E.44, 23E.48, 23E.52, 23E.56, 23E.60, 23E.64, 23E.68, 23E.84, and 23F.04

- Establish new classes of Home Occupation Permits (Class I, II, and III);

- Amend Uses Permitted Tables to expand district where Home Occupations can locate and operate.
- Modify permit requirements for Home Occupations with respect to number of customer and client visits;
- Create a Class III Home Occupation category and associated findings that allows limited shipping and handling;
- Allow Home Occupations in Accessory Buildings and Accessory Dwelling Units;
- Allow handling, processing and storage of good on-site (but not outdoors);
- Establish hours of operation as 10am - 8pm for customer and client visits;
- Clarify and refine proposed text of “General Requirements for Home Occupations”;
- Clarify enforcement protocols;
- Restructure and reformat the Chapter; and
- Update the Home Occupation definition.

**LOCATION:** Affected districts include: R-1, R-1A, ES-R, R-2, R-2A, R-3, R-4, R-5, R-S, R-SMU, C-1, C-N, C-E, C-NS, C-SA, C-T, C-SO, C-W, C-DMU, and MU-R. The zoning map is available online: [https://www.cityofberkeley.info/uploadedFiles/IT/Level\\_3\\_General/Zoning%20Map%2036x36%2020050120.pdf](https://www.cityofberkeley.info/uploadedFiles/IT/Level_3_General/Zoning%20Map%2036x36%2020050120.pdf)

**ENVIRONMENTAL REVIEW STATUS:** The proposed Zoning Ordinance amendment is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3), because it can be seen with certainty that the proposed amendments to the Home Occupation Ordinance and Residential districts would not have significant effects on the environment because they would continue to allow only small scale activities within existing structures and would be regulated to include performance standards to protect the environment and local health, safety and welfare.

## **PUBLIC COMMENT**

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Correspondence received by 12 noon, eight days before this public hearing, will be included as a Communication in the agenda packet.

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ZO AMENDMENTS TO HOME OCCUPATION ORDINANCE

NOTICE OF PUBLIC HEARING  
Posted: September 4, 2020

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following manner:

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Note: It will not be possible to submit written comments at the meeting.

## **COMMUNICATION ACCESS**

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## **FURTHER INFORMATION**

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Questions should be directed to **Alene Pearson**, at (510) 981-7489, or **[apearson@cityofberkeley.info](mailto:apearson@cityofberkeley.info)**. Past and future agendas are also available on the Internet at:

<https://www.cityofberkeley.info/PC/>



**Planning and Development Department**  
Land Use Planning Division

## **STAFF REPORT**

**DATE:** July 1, 2020

**TO:** Members of the Planning Commission

**FROM:** Paola Boylan, Assistant Planner

**SUBJECT:** Public Hearing to Consider Amendments to the Home Occupation Section of the Berkeley Municipal Code, BMC Chapter 23C.16

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## **RECOMMENDATION**

Staff recommends Planning Commission conduct a public hearing and, upon conclusion, recommend Zoning Ordinance amendments for Home Occupations to City Council.

## **BACKGROUND**

Home Occupations are small-scale businesses conducted on a residential property as an incidental or secondary land use by the resident of the home (may be in a single-family or multi-dwelling building). Chapter 23C.16 of the BMC (see Attachment 2) contains a stand-alone set of regulations that apply in all zoning districts citywide and address a number of factors intended to accommodate persons wishing to conduct small businesses from home while ensuring neighborhood compatibility and the continuation of a primarily residential use. Currently, there are three classifications of Home Occupation (HO) that include differing limitations and permit requirements:

1. Low-Impact
2. Moderate-Impact
3. Moderate-Impact - Teaching-Related

On December 6, 2011, City Council referred to the City Manager consideration of a set of amendments to reduce the levels of discretion for Moderate-Impact HOs and streamline the permitting process for all HOs (see Attachment 3). In 2018, Planning Commission considered this referral, ultimately holding a public hearing and approving amendments to recommend to City Council. Unfortunately, due to a reduction in staffing and the introduction of higher priority referrals from City Council, progress on this referral stalled.

The 2018 amendments were grouped into eight subject areas including level of discretion, number of customer visits, location on a lot, and handling of goods, along with overall



ordinance organization and structure. In the past two years, new State laws governing Accessory Dwelling Units (ADUs) and gig workers (e.g. independent drivers that are based at their homes) prompted staff to review the 2018 amendments for consistency of generally allowable uses and needs of the community. Staff identified opportunities to improve language clarity, consistency, and organization, all of which are explained in the Discussion section of this report.

The 2018 proposed amendments are summarized in Table 1 and then explained below. Existing zoning regulations are shown in regular text; Planning Commission’s proposed amendments from 2018 are shown in underline and strikeout.

**Table 1: Summary of Recommended 2018 HO Zoning Ordinance Amendments**

| HO Category                 | Level of Discretion <sup>1</sup> | Customer Visits  | Non-Resident Employee                        |
|-----------------------------|----------------------------------|--|--|
| Low-Impact                  | ZC                               | <del>Not Allowed</del><br><u>Up-to five visits per day, with no more than one customer at a time</u>           | Not Allowed                                  |
| Moderate-Impact             | <del>UP(PH)</del><br><u>AUP</u>  | <del>Allowed</del><br><u>Six or more visits per day, with no more than four clients or customers at a time</u> | <del>Not Allowed</del><br><u>One Allowed</u> |
| <del>Teaching-Related</del> | AUP                              | <del>Four or fewer students allowed at a time</del>  | Not Allowed                                  |

**2018 Proposed Zoning Ordinance Amendments:**

**1. Customer/Client Visits:**

- Allow a Low-Impact HO to have no more than five visits per day, with no more than one client at a time, with issuance of a Zoning Certificate. *(Modify Section 23C.16.020)*
- Allow a Moderate-Impact HO to have six or more visits per day, with no more than four clients at a time, with issuance of an Administrative Use Permit. *(Modify Section 23C.16.030.B)*
- Remove Teaching-Related HO as a HO category. *(Modify Section 23C.16.030.A)*

**2. Accessory Buildings:**

- Allow HOs in Accessory Buildings. *(Modify Section 23C.16.010)*
- Apply square footage limitation for HOs (total area and percentage of the dwelling) to Accessory Buildings. *(Modify Section 23C.16.010)*

<sup>1</sup> ZC = Zoning Certificate; AUP = Administrative Use Permit; UP(PH) = Use Permit with Public Hearing

**3. On-site Goods:**

- Allow business-related activities, including handling, processing, storage, and transport of goods on-site. Do not allow these activities outdoors. *(Modify Section 23C.16.010)*

**4. Visiting Hours:**

- Establish hours of operation from 10am - 8pm for customer/client visits for all HOs. *(Modify Sections 23C.16.010 and 030)*

**5. Non-resident Employees:**

- Allow only residents of the subject property to conduct HO business-related activities onsite. *(Modify Section 23C.16.010)*
- Allow one non-resident individual engaged in business-related activities onsite for Moderate-Impact HOs. *(Modify Section 23C.16.020.B)*

**6. Advertising Signs:**

- Add language to prohibit on-site signs advertising the HO. *(Modify Section 23C.16.010)*

**7. Restructure and Reformat Chapter:**

- Consolidate repetitive language. *(Modify Sections 23C.16.010, 020, and 030)*
- Remove sections “Complaints and Imposition of Conditions,” “Home Occupations in Rental Unit,” “Medical Cannabis Residential Cultivation.” *(Modify Sections 23C.16.040, 050, and 060)*
- Consolidate all “Findings” for HOs to the Home Occupations chapter. *(Modify Sections 23E.84.090.G and 23C.16.030)*

**8. Uses Permitted Tables:**

- Modify the “Accessory Uses and Structures” sections of the Uses Permitted tables in all Residential districts to remove the Teaching-related HO category and revise the level of discretion for Moderate HOs from UP(PH) to AUP. *(Modify Sections 23D.16.030, 23D.20.030, 23D.24.030, 23D.28.030, 23D.32.030, 23D.36.030, 23D.40.030, 23D.44.030, 23D.48.030, 23D.52.030)*
- Modify the “Residential and Related Uses” sections of the Uses Permitted tables in the C-W and the MU-R districts to remove the Teaching-related HO category and revise the level of discretion for Moderate-Impact HOs from UP(PH) to AUP. *(Modify Sections 23E.64.030 and 23E.84.030)*

For more information on these previously-proposed Zoning Ordinance amendments, see the 2018 Planning Commission Staff Report and Meeting Minutes in Attachments 4 and 5.

**DISCUSSION**

This section explains modifications and additions to the previously-recommended 2018 Zoning Ordinance amendments that refine text and chapter structure, and address HOs in ADUs. Full text of the updated Zoning Ordinance amendments is provided in Attachment 6. Planning Commission is asked to discuss these modifications to the Zoning Ordinance and provide a recommendation to City Council.

Updates to Zoning Ordinance amendments are presented in three categories:

1. Clarify and Refine Proposed Text of “General Requirements”
2. Restructure and Reformat the Chapter
3. Update the Definition of Home Occupation

**1. Clarify and Refine Proposed Text of “General Requirements”**Proposed Change:

- Refine text language to clarify use is permitted in ADUs. (*Modify Section 23C.16.010.3*)
- Clarify HO size restrictions to offer the maximum amount of operating space within the size limitations. (*Modify Section 23C.16.010.4*)
- Remove language that restricts non-residents from conducting HO related-activities. (*Modify Section 23C.16.010.5*)
- Clarify how hazardous material are defined by the City of Berkeley (*Modify Section 23C.16.010.8*)

Staff Rationale:

Proposed updates provide clearer guidance for those seeking to operate a HO in Berkeley. Recommended changes clarify how to interpret size restrictions, reference code sections that define hazardous materials, and refine ordinance language. Additionally, revised text mirrors language used in the HO definition to maintain consistency within the Berkeley Municipal Code. This includes specifying that HOs are allowed in ADUs and that a non-resident employee can conduct business-related activities onsite, subject to permit specifications.

**2. Restructure and Reformat Chapter**Proposed Change:

- Move the description of HO classifications from HO chapter to the Definitions chapter. (*Modify Section 23C.16.020 and 23F.04.010*)
- Rename Section 23C.16.020 to “Permits Required” (*Modify Section 23C.16.020*)

Staff Rationale:

Moving descriptions of HOs to the Definitions section is consistent with existing Zoning Ordinance structure, and in turn provides a more intuitive location for such information. Section 23C.16.020 is renamed to “Permits Required” to reflect Section content.

### 3. Update HO Definition

#### Proposed Change:

- Amend the definition of “Home Occupation” to specify that they can operate in Accessory Buildings and Accessory Dwelling Units, and to include distinctions between Low–Impact and Moderate–Impact HOs. (*Modify Section 23F.04.010*)
- Remove the definition of “Home Occupation, Teaching-Related” (*Modify Section 23F.04.010*)

#### Staff Rationale:

Defining the allowable locations and clarifying the distinctions in classification within the definition of HOs will facilitate implementation of the Zoning Ordinance. The definition for Teaching-Related HO can be removed because that use can be regulated as either Low- or Moderate-Impact, depending on the number and type of customer/client visits. The proposed changes maintain consistent discretion between the different classifications of HOs and appropriately match level of discretion to level of impact.

#### **NEXT STEPS**

1. Conduct a public hearing.
2. Recommend for adoption by the City Council zoning language amendments to the aforementioned sections.

#### **ATTACHMENTS**

1. Public Hearing Notice
2. Berkeley Municipal Code Chapter 23C.16
3. Council Referral Moderate-Impact Home Occupation Referral – December 6, 2011
4. Planning Commission Staff Report – November 7, 2018
5. Planning Commission Meeting Minutes - November 7, 2018
6. Zoning Ordinance Amendments to Modify Chapter 23C.16 Home Occupations, Chapter 23E.84 MU-R Mixed Use-Residential District Provisions Chapter 23F.04 Definitions, and Use Tables in Applicable Zoning Districts



- 31 • June 29 – People’s Park Historic Advocacy Group, People’s Park  
32

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

- 34 • April 10 – City Clerk, Council Redistricting Process  
35 • June 28 – Clarke, Home Occupations  
36 • July 1 – Porter, ADUs in the Hillside  
37 • July 1 – Staff, Item 9 Presentation  
38 • July 1 – Staff, Item 10 Presentation

39 **5. CHAIR REPORT:**

- 40 • Meeting adjournment request: In honor of Margy Wilkinson, a life-long organizer for  
41 social, economic and racial justice  
42

43 **6. COMMITTEE REPORT:** Reports by Commission committees or liaisons. In addition to the  
44 items below, additional matters may be reported at the meeting.  
45

- 46 • ZORP Subcommittee: Commissioner Martinot summarized a memo he sent to the ZORP  
47 subcommittee on land use permits, levels of discretionary review, and community input  
48 (i.e. Zoning Certificates, Administrative Use permits, and Use Permits).

49 **7. APPROVAL OF MINUTES:**

50 Motion/Second/Carried (Kapla/Wiblin) to approve the Planning Commission Meeting Minutes  
51 from March 4, 2020 with the discussed edits to line 86-87.  
52

53 Ayes: Beach, Kapla, Krpata, Lacey, Martinot, Vincent, Wrenn, and Wiblin. Noes: None.  
54 Abstain: None. Absent: Schildt. (8-0-0-1)

55 Staff to review recording

56 **FUTURE AGENDA ITEMS AND OTHER PLANNING-RELATED EVENTS:**

- 57 • July 6 – Disaster, Fire, and Safety Commission meeting (ADU Ordinance presentation  
58 focused on public safety in Fire Zones 2 & 3)  
59 • July 7 – ZORP Subcommittee meeting (Review of the Baseline Zoning Ordinance)  
60 • July 15 – Adeline Subcommittee meeting  
61 • July 28 – City Council meeting (Public Hearing on Rose Garden Inn Redesignation and  
62 Re-Zone)  
63 • August 3 – BART CAG meeting #2  
64 • August 5 – Special Planning Commission meeting  
65 ○ ZORP Baseline Zoning Ordinance  
66 ○ Southside EIR Scoping Session  
67 • August 19 – Special Planning Commission meeting  
68 ○ Adeline Plan Public Hearing

69 **AGENDA ITEMS**

70 **9. Action: Public Hearing: Home Occupations Ordinance**

71 Staff presented proposed Zoning Ordinance amendments to Berkeley Municipal Code Chapter  
72 23.16 (Home Occupations) to reduce the levels of discretion for moderate-impact home  
73 occupations, modify thresholds for client-visits and clarify and reformat ordinance language and  
74 structure, . Planning Commission opened public hearing, requested input, discussed the  
75 proposal and agreed upon a recommendation to Council.

76 Motion/Second/Carried (Vincent/Martinot) to close the public hearing at 8:23pm.

77  
78 Ayes: Beach, Kapla, Krpata, Lacey, Martinot, Vincent, Wrenn, and Wiblin. Noes: None.  
79 Abstain: None. Absent: Schildt. (8-0-0-1)

80

81 Motion/Second/Carried (Kapla/Vincent) to adopt staff recommendations, with a clarification  
82 in Section 23C.16.020 to reflect primary residence not Dwelling Unit.

83  
84 Ayes: Beach, Kapla, Krpata, Lacey, Vincent, Wrenn, and Wiblin. Noes: None. Abstain:  
85 Martinot. Absent: Schildt. (7-0-1-1)

86

87 **Public Comments: 0**

88 **10. Discussion: Referrals Supporting Berkeley Businesses**

89 Staff provided an overview of five City Council referrals related to supporting Berkeley  
90 businesses. These referrals include expanding the Downtown Arts District Overlay, expanding  
91 beer and wine service at restaurants in Manufacturing districts, modifications in the Elmwood  
92 Commercial district, updating the definition of “research and development”, and reducing permit  
93 processes and requirements to support small businesses. Planning Commission asked staff to  
94 research referral requests and provide information on existing conditions, current regulations,  
95 desired goals, and assess potential impacts on existing businesses. Planning Commission had  
96 a particular interest in the research and development referral and referrals affecting the  
97 Manufacturing districts. Planning Commission asked staff to apply an equity lens when  
98 analyzing policy options that address referral requests.

99 **Public Comments: 1**

100 **Chair Kapla Comment:** Would to review and revise short-term rental policies in the future.

101 **The meeting was adjourned in honor of Margie Wilkinson at 9:29pm**

102 **Commissioners in attendance: 8**

103 **Members in the public in attendance: 7**

104 **Public Speakers: 1 speakers**

105 **Length of the meeting: 2 hours and 29 minutes**





1 **Chapter 23C.16: Home Occupations**

2 Sections:

3 23C.16.010 ~~General Requirements Home Occupations~~

4 23C.16.020 ~~Permit Requirements Home Occupations Classifications Low Impact Home~~  
5 ~~Occupations Permitted by Right Subject to Business License~~

6 23C.16.030 ~~Findings Moderate Impact Home Occupations Subject to Use Permit~~

7 23C.16.040 Complaints and Imposition of Conditions

8 ~~23C.16.050 Home Occupation in Rental Unit~~

9 ~~23C.16.060 Medical Cannabis Residential Cultivation~~

10 **23C.16.010 General Requirements ~~Home Occupations~~**

11 A. The establishment of a Home Occupation in compliance with this Chapter shall not be  
12 considered a Change of Use of a ~~Dwelling Unit~~ primary residence, but rather shall be  
13 considered a lawful Incidental Use thereof.

14 B. Home Occupations are subject to the following requirements:

15 ~~No Home Occupation which involves a Firearm/Munitions Business may be allowed.~~

16 1. A Home Occupation is allowed as an incidental use within a Dwelling Unit, Accessory  
17 Dwelling Unit, Accessory Building, or Group Living Accommodation room.

18 2. No Firearm/Munitions Business may operate as a Home Occupation.

19 3. Customer visits are not allowed in the ES-R District.

20 4. A Home Occupation may occupy no more than the greater of: 400 square feet or 20  
21 percent of the gross floor area of the Dwelling Unit, Accessory Dwelling Unit,  
22 Accessory Building, or Group Living Accommodation room from which it operates.

23 5. Only residents of the subject Dwelling Unit, Accessory Dwelling Unit or Group Living  
24 Accommodation room may operate a Home Occupation business.

25 6. Customer visits may occur only between the hours of 10 a.m. and 8 p.m.

26 7. Storage, services, or repairs may not be conducted outdoors.

27 8. A Home Occupation shall not involve hazardous materials or waste as defined by  
28 Section 15.08.060.

29 9. A Home Occupation shall not create offensive or objectionable noise, vibration, odors,  
30 smoke, heat, dirt or electrical disturbance perceptible by the average person beyond  
31 the lot line, or party walls of multi-unit building, of the subject premises.

32 10. No on-site signs identifying or advertising the Home Occupation are allowed.

33 11. The operator of a Home Occupation shall pay gross receipts taxes pursuant to the  
34 City's business license tax ordinance as set forth in Chapter 9.04.

35 4.12. A lessee in possession of a property may apply for a Permit without the property  
36 owner's signature; however Home Occupations are not exempt from conditions in  
37 rental and lease agreements.

38 ~~No Home Occupation which involves customer visits may be allowed in the ES-R~~  
39 ~~District.~~

40  
41 ~~**23C.16.020 Permit Requirements Low Impact Home Occupations Permitted by Right**~~  
42 ~~**Subject to Business License**~~

43  
44 A. A Class I Home Occupation is allowed subject to a Zoning Certificate.

45 B. A Class II Home Occupation is allowed subject to issuance of an Administrative Use  
46 Permit.

47 C. A Class III Home Occupation is allowed subject to issuance of a Use Permit (Public  
48 Hearing).

49 ~~A Home Occupation which meets all of the following conditions shall be allowed by right in any~~  
50 ~~Dwelling Unit or Group Living Accommodation room, subject to the payment of gross receipts~~  
51 ~~tax pursuant to the City's business license tax ordinance as set forth in Chapter 9.04.~~

52 ~~A. Such Home Occupations must:~~

53 ~~1. Be conducted entirely within the dwelling unit or group living accommodation room;~~

54 ~~2. Occupy less than four hundred (400) square feet and less than twenty percent (20%)~~  
55 ~~of the dwelling unit or group living accommodation room;~~

56 ~~B.—Such home occupations may not:~~

57 ~~1.—Involve customer visits to the subject premises;~~

58 ~~2.—Involve storage, service, repair, handling or transport of goods or products on or at the~~  
59 ~~subject premises;~~

60 ~~3.—Involve hazardous materials or processes; or~~

61 ~~4.—Create offensive or objectionable noise, vibration, odors, heat, dirt or electrical~~  
62 ~~disturbance perceptible by the average person beyond the lot line or party walls of multi-~~  
63 ~~unit building, of the subject premises.~~

64 **23C.16.030 Findings- Moderate Impact Home Occupations Subject to Use Permit**

65  
66 In addition to the findings set forth in Section 23B.28.050.A, in order to approve the  
67 establishment and expansion of an Administrative Use Permit for a Class II Home Occupation  
68 or a Use Permit (Public Hearing) for Class III Home Occupation, the Zoning Officer or Board  
69 must find, based on the circumstances of the specific use and property:;

70 1. The degree of customer visits will not cause a significant detrimental impact on the  
71 availability of parking spaces in the vicinity of the Home Occupation; and

72 2. The degree of third-party shipping and receiving will not cause a significant detrimental  
73 impact on the availability of parking spaces in the vicinity of the Home Occupation; and

74 3. If the proposed Home Occupation will require loading space on a regular basis, such  
75 loading space will be available on the subject property or the use of on-street loading  
76 space will not cause a significant detrimental impact on the availability of parking spaces  
77 or on traffic flow in the vicinity of the Home Occupation.

78 ~~A.—A teaching-related home occupation which meets all of the following conditions shall be~~  
79 ~~allowed subject to issuance of an Administrative Use Permit and subject to payment of~~  
80 ~~gross receipts tax pursuant to the City's business license tax ordinance as set forth in~~  
81 ~~Chapter 9.04.~~

82 ~~1.—Such Home Occupations must:~~

83 ~~a.—Be conducted entirely within the dwelling unit or group living accommodation~~  
84 ~~room;~~

85 ~~b.—Operate within the hours of 10 a.m. and 10 p.m.; and~~

86 ~~c.—Occupy less than 400 square feet and less than 20% of the dwelling unit or~~  
87 ~~group living accommodation room;~~

88 ~~2.—Such home occupations may not:~~

89 ~~a.—Involve more than four students at a time;~~

90 ~~b.—Involve storage, service, repair, handling or transport of goods or products on or~~  
91 ~~at the subject premises;~~

92 ~~c.—Involve hazardous materials, or processes; or~~

93 ~~d.—Create offensive or objectionable noise, vibration, odors, heat, dirt or electrical~~  
94 ~~disturbance perceptible by the average person beyond that lot line or party walls of~~  
95 ~~multi-unit buildings, or the subject premises.~~

96 ~~B.—All other home occupations that involve customer visits, or products on the subject~~  
97 ~~premises, as set forth in Sections 23C.16.020.B.1 and 23C.16.020.B.2, may be authorized only~~  
98 ~~by a Use Permit and public hearing, and are subject to the payment of gross receipts tax~~  
99 ~~pursuant to the City's business license tax ordinance as set forth in Chapter 9.04.~~

## 100 **23C.16.040 Complaints and Imposition of Conditions**

101 ~~A.—Complaints regarding low impact Hhome Ooccupations are subject to review, the~~  
102 ~~imposition of conditions, or revocation may be made to the Zoning Officer for review and~~  
103 ~~enforcement action.~~

104 ~~B.—If written complaints that include factual information on detrimental effects to the~~  
105 ~~neighborhood~~

106 ~~A. Violations may be addressed by issuing an administrative citation pursuant to Chapter~~  
107 ~~1.28.~~

108 B. The Zoning Officer shall review documented complaints, business operations, and other  
109 factors when reviewing from a Home Occupation are received, the Board may schedule  
110 a public hearing to review the Home Occupation. After such hearing the Board may  
111 approve a Use Permit to impose conditions upon Class I and II the Home Occupations,  
112 and may impose conditions as may be necessary to prevent detrimental effects ~~or may~~  
113 initiate revocation proceedings, or may revoke the permit in the event adequate  
114 conditions of approval are not available.

115 C. The Zoning Adjustments Board shall review documented complaints, business  
116 operations, and other factors when reviewing Class III Home Occupations and may  
117 impose conditions as may be necessary to prevent detrimental effects, or may revoke  
118 the permit in the event adequate conditions of approval are not available.

119 ~~—Furthermore, the City may address violations by sending an administrative citation~~  
120 ~~issued pursuant to Chapter 1.28.~~

#### 121 **~~23C.16.050 Home Occupation in Rental Unit~~**

122 ~~Any application for a Home Occupation may be filed by a lessee in possession of the property~~  
123 ~~without the consent of the owner of record of the legal title and the application may be accepted~~  
124 ~~without such owner's signature. In the case of a home occupation which requires a Use Permit,~~  
125 ~~the owner shall be given notice of the proposed home occupation, in conformance with~~  
126 ~~Section 23B.32.020.D.~~

#### 127 **~~23C.16.060 Medical Cannabis Residential Cultivation~~**

128 ~~No Use Permit shall be required for qualified patients to cultivate medical cannabis in their~~  
129 ~~residence or on their residential property.~~

### 132 **Chapter 23E.84: MU-R Mixed Use-Residential District Provisions**

#### 133 **23E.84.090 Findings**

134 A. In order to approve any Use Permit under this chapter the Zoning Officer or Board must make  
135 the finding required by Section 23B.32.040. The Zoning Officer or Board must also make the  
136 findings required by the following paragraphs of this section to the extent applicable:

137 B. A proposed use or structure must:

138 1. Be consistent with the purposes of the District;

139 2. Be consistent with the normal use and operation of surrounding uses and buildings,  
140 including residential and industrial buildings;

141 3. Be consistent with the adopted West Berkeley Plan;

142 4. Not be likely, under reasonably foreseeable circumstances, to either induce or  
143 contribute to a cumulative change of use in buildings away from residential; live/work; light  
144 industrial, or arts and crafts uses;

145 5. Be designed in such a manner to be supportive of the character and purposes of the  
146 District; and

147 6. Be able to meet any applicable performance standards as described in  
148 Section 23E.84.070.H.

149 C. In order to approve a Use Permit under Section 23E.84.040, the Zoning Officer or Board  
150 must find that the space formerly occupied by the protected use has been replaced with a  
151 comparable space in the West Berkeley Plan area, which is reserved for use by any protected  
152 use in the same category:

153 1. For purposes of this section, such replacement space shall not qualify for exemption  
154 under Section 23E.84.040.I or by reason of having been established after July 6, 1989;

155 2. In considering whether a project will be detrimental, consideration shall be limited to the  
156 potential detriment associated with the new use, and dislocation of any specific previous  
157 occupant or use shall not be a basis for finding detriment.

158 D. In order to approve a Use Permit for the establishment or expansion of Live/Work Units in  
159 this District, the Zoning Officer or Board must make all applicable findings for approval of  
160 Live/Work Units required by Section 23E.20.090 and must also make the following findings:

161 1. Establishment of Live/Work Unit will not interfere with the lawful operation of  
162 manufacturers and other industries existing in or adjacent to the District, and will not impede

163 the lawful future establishment of manufacturers and other industries permitted under the  
164 West Berkeley Plan;

165 2. The applicant has recorded with the County Recorder a statement acknowledging that  
166 the Live/Work Unit is being established in a District where manufacturers and other  
167 industries operate lawfully and that they will not seek to impede their lawful operation. In  
168 addition, the applicant will require any tenants to sign such a statement, and require all  
169 persons purchasing Live/Work Units to sign and record such a statement;

170 3. If the applicant is proposing to change one or more dwelling units to Live/Work Units,  
171 that the elimination of dwelling unit(s) and the change of use would not be materially  
172 detrimental to the housing needs and public interest of the affected neighborhood and the  
173 City.

174 E. In order to approve a Use Permit for a change of use from manufacturing, wholesale trade,  
175 or warehouse space to another use, the Zoning Officer or Board must make both of the following  
176 findings:

177 1. The change of use of the space will not have a materially detrimental impact on the  
178 character of the MU-R District as a light industrial district, with particular reference to the  
179 character of the blocks and parts of blocks in the part of the District that is contiguous with  
180 the site;

181 2. Appropriate mitigation pursuant to a payment schedule adopted by resolution has been  
182 made for loss of the manufacturing space through providing such space elsewhere in  
183 Berkeley, through payment into the West Berkeley Building Acquisition Fund, or by other  
184 appropriate means as determined by the Zoning Officer or the Board. However, no  
185 mitigation shall be required for manufacturing, warehousing, or wholesale trade space which  
186 is less than or equal to 25% of the floor area currently or most recently used for  
187 manufacturing, warehousing or wholesale trade.

188 F. In order to approve a Permit for the establishment or expansion of a food service use, the  
189 Zoning Officer or Board must find that the establishment of the food service use, given its size,  
190 location, physical appearance and other relevant characteristics, will not have a significant  
191 detrimental impact on the industrial or residential character of the area. In order to approve an  
192 Administrative Use Permit for a Food Service Establishment less than 5,000 square feet, the

193 Zoning Officer must find that a substantial portion of the food consists of goods manufactured on  
194 site.

195 G. In order to approve a Use Permit for ~~the establishment or expansion of a~~ Class II or III Hhome  
196 Occupation with customer visits and/or shipping and handling of goods, the Zoning Officer or  
197 Board ~~must~~ must find:

198 ~~1. The degree of customer visits and/or handling of goods, taken as a whole, will not cause~~  
199 ~~a significant detrimental impact on the availability of parking spaces in the location the home~~  
200 ~~occupation is being established;~~

201 ~~2. If the proposed home occupation will require loading space on a regular basis, such loading~~  
202 ~~space will be available on the subject property, or that the use of on-street loading space will not~~  
203 ~~cause a significant detrimental impact on the availability of parking spaces or on traffic flow in the~~  
204 ~~location the home occupation is being established.~~ make the findings set forth in Section  
205 23C.16.030.

206 H. In order to approve a Use Permit for the establishment or expansion of a school, child care  
207 center, or recreational or educational facility to be used by children, the Zoning Officer or Board  
208 must make all of the following findings:

209 1. Development of the school, child care center, or recreational facility to be used by  
210 children is not, in the particular circumstances of the project, incompatible with adjacent and  
211 nearby uses;

212 2. An appropriate risk analysis or risk assessment, as defined by the City, has been made  
213 and has shown that there is not significant risk to children in the use from other activities  
214 near the site;

215 3. The applicants have made adequate provisions to ensure that all parents of students  
216 or children in the school, child care center, or recreational facility to be used by children will  
217 be notified in writing (on a form approved by the City) that the school is in the West Berkeley  
218 Plan MU-R District, and that light manufacturing is a permitted activity in the District and that  
219 Primary Production Manufacturing or Construction Products Manufacturing may be  
220 permitted uses in adjacent districts, including a requirement that each parent will indicate



221 that they have read and understood this information by means of a written statement  
222 returned to the school or child care center and available for review.

223 I. In order to approve a Use Permit for the establishment or expansion of a mixed use containing  
224 a residential use the Zoning Officer or Board must find that the specific combination of residential  
225 and non-residential use proposed by the applicant will not be hazardous or detrimental, either to  
226 persons living and/or working on the site, or to persons living or working in its vicinity.

227 J. In order to approve a Use Permit for the substitution of bicycle and/or motorcycle parking  
228 under Section 23E.84.080.F, the Zoning Officer or Board must find that the substitution will not  
229 lead to an undue shortage of automobile parking spaces and that it can be reasonably expected  
230 that there will be demand for the bicycle and/or motorcycle parking spaces.

231 K. In order to approve a Use Permit for the establishment or expansion of a manufacturing use  
232 abutting one or more dwelling units located in the MU-R District, the Zoning Officer or Board must  
233 find:

- 234 1. The manufacturer is capable of meeting all applicable performance standards; and  
235 2. Conditions of the Use Permit will specify all reasonable steps to minimize noise, odors,  
236 dust, vibration, glare and any other potential impacts on the abutting dwelling units.

237 L. 1. To deny a Use Permit to establish one or more dwelling units the Board must find that the  
238 proposed residential use would unreasonably interfere with existing or reasonably foreseeable  
239 adjacent land uses in the M and/or MM District, or that the existing or reasonably foreseeable  
240 adjacent land uses in the M and/or MM District would have a material adverse effect on the  
241 proposed residential use. The owner(s) of record of the residential property shall also record an  
242 acknowledgement that existing or reasonably foreseeable adjacent land uses in the M and/or MM  
243 District may create noise, dust, odors, light/glare, and other impacts that shall not be considered  
244 a nuisance if they are developed and conducted pursuant to the standards of the District.

245 2. To deny an Administrative Use Permit for a major residential addition, the Zoning Officer  
246 must find that the proposed addition would unreasonably interfere with existing or  
247 reasonably foreseeable adjacent land uses in the M and/or MM District, or that the existing  
248 or reasonably foreseeable adjacent land uses in the M and/or MM District would have a  
249 material adverse effect on the use of the proposed addition. The owner(s) of record of the

250 residential property shall also record an acknowledgement that existing or reasonably  
251 foreseeable adjacent land uses in the M and/or MM District may create noise, dust, odors,  
252 light/glare, and other impacts that shall not be considered a nuisance if they are developed  
253 and conducted pursuant to the standards of the District. (Ord. 7358-NS § 9, 2014; Ord.  
254 7323-NS § 9, 2014; Ord. 7167-NS §§ 25 – 27, 2011; Ord. 6478-NS § 4 (part), 1999)

255  
256

### **23F.04.010 Definitions**

257 **Home Occupation:** A business use conducted on ~~residential~~ property developed with Residential  
258 use, which is incidental and secondary to the Residential use, does not change the residential  
259 character thereof, is limited so as not to substantially reduce the Residential use of the legally  
260 established dwelling, Accessory Dwelling Unit, Accessory Building, or Group Living  
261 Accommodation room and is operated only by the residents ~~inhabitants~~ of the subject residence.  
262 There are three classification of Home Occupations. For the purposes of this section, a “customer”  
263 is considered a single paying customer, but may include more than one person receiving the  
264 services at the same time:

265 1. **Class I Home Occupation** - Involves no more than five visits per day, with no more than  
266 one customer at a time.

267 2. **Class II Home Occupation** - Involves up to ten visits per day, with no more than four  
268 customers at a time and up to one non-resident engaging in business-related activities on-  
269 site.

270 3. **Class III Home Occupation** - Involves more than ten visits per day, with no more than  
271 four customers at a time and up to one non-resident engaging in business-related activities  
272 on-site. This Class also allows shipping and receiving of supplies and finished goods.

273 ~~**Home Occupation, Teaching-Related:** A home-based business as defined under the Home~~  
274 ~~Occupation definition that provides academic and/or artistic tutoring or lessons, excluding~~  
275 ~~schools, studios and conservatories.~~

276

277 Chapter 23D.16: R-1 Single Family Residential District Provisions

278 23D.16.030 Uses Permitted

| <b>Table 23D.16.030</b>  |                       |  |
|--|-----------------------|--|
| <b>Use and Required Permits</b>  |                       |  |
| <b>Use</b>   | <b>Classification</b> | <b>Special Requirements (if any)</b>   |
| <b>Accessory Uses and Structures</b>   |                       |  |
| Accessory Buildings or Structures  | ZC                    | Must satisfy the requirements of Chapter <u>23D.08</u>   |
| If has either habitable space and/or exceeds the requirements under Chapter <u>23D.08</u>      | AUP                   |  |
| When located on a vacant lot without a Main Building   | AUP                   |  |
| With Urban Agriculture   | ZC                    | Subject to <u>23C.26</u> , <u>23D.08.010</u> , <u>23D.08.020</u> , <u>23D.08.050</u> , and <u>23D.08.060</u> |
| Accessory Dwelling Units in compliance with Section <u>23C.24.050</u>                          | ZC                    |  |
| Accessory Dwelling Unit that does not comply with requirements under Section <u>23C.24.050</u> | AUP                   | Subject to making applicable findings in Section <u>23C.24.070</u>   |
| Short-Term Rental  | ZC                    | Subject to requirements of Chapter <u>23C.22</u>   |
| Child Care; Family Daycare Home (Small or Large)   | ZC                    |  |
| Fences   |                       |  |
| If six ft. or less in height   | ZC                    |  |
| Exceed six ft. in height   | AUP                   | In required setbacks   |

| <b>Table 23D.16.030</b>  |                             |  |
|--|-----------------------------|--|
| <b>Use and Required Permits</b>  |                             |  |
| <b>Use</b>   | <b>Classification</b>       | <b>Special Requirements (if any)</b>   |
| Home Occupations<br><br><u>Low Impact Class I</u><br><br><u>Moderate Impact, teaching-related Class II</u><br><br><u>Moderate Impact Class III</u> | ZC<br><br>AUP<br><br>UP(PH) | <u>Subject to the requirements of Chapter 23C.16</u><br><br><u>If the requirements of Section 23C.16.020 are met</u><br><br><u>Subject to the requirements of Section 23C.16.030.A</u><br><br><u>Subject to the requirements of Section 23C.16.030.B</u> |
| Hot Tubs, Jacuzzis, Spas   | AUP                         | See Section <u>23D.08.060.C</u>  |
| Stables for Horses   | AUP                         |  |

279

280 **Chapter 23D.20: R-1A Limited Two-Family Residential District Provisions**

281 **23D.20.030 Uses Permitted**

| <b>Table 23D.20.030</b>   |                       |  |
|---|-----------------------|--|
| <b>Use and Required Permits</b>   |                       |  |
| <b>Use</b>  | <b>Classification</b> | <b>Special Requirements (if any)</b>                   |
| <b>Accessory Uses and Structures</b>  |                       |  |
| Accessory Buildings or Structures   | ZC                    | Must satisfy the requirements of Chapter <u>23D.08</u> |
| If has either habitable space and/or exceeds the requirements under Chapter <u>23D.08</u> | AUP                   |  |
| When located on a vacant lot without a Main Building                                      | AUP                   |  |

| <b>Table 23D.20.030</b>  |                       |  |
|--|-----------------------|--|
| <b>Use and Required Permits</b>  |                       |  |
| <b>Use</b>   | <b>Classification</b> | <b>Special Requirements (if any)</b>   |
| With Urban Agriculture   | ZC                    | Subject to <u>23C.26</u> , <u>23D.08.010</u> , <u>23D.08.020</u> , <u>23D.08.050</u> , and <u>23D.08.060</u> |
| Accessory Dwelling Units in compliance with Section <u>23C.24.050</u>                          | ZC                    |  |
| Accessory Dwelling Unit that does not comply with requirements under Section <u>23C.24.050</u> | AUP                   | Subject to making applicable findings in Section <u>23C.24.070</u>   |
| Short-Term Rental  | ZC                    | Subject to requirements of Chapter <u>23C.22</u>   |
| Child Care; Family Daycare Home (Small or Large)   | ZC                    |  |
| Fences   |                       |  |
| If six ft. or less in height   | ZC                    |  |
| Exceeding six ft. in height  | AUP                   | In required yards  |
| Home Occupations   |                       | <u>Subject to the requirements of Chapter 23C.16</u>   |
| <del>Low Impact</del> <u>Class I</u>   | ZC                    | <u>If the requirements of Section 23C.16.020 are met</u>   |
| <del>Moderate Impact, teaching-related</del> <u>Class II</u>                                   | AUP                   | <u>Subject to the requirements of Section 23C.16.030.A</u>   |
| <del>Moderate Impact</del> <u>Class III</u>  | UP(PH)                | <u>Subject to the requirements of Section 23C.16.030.B</u>   |
| Hot Tubs, Jacuzzis, Spas   | AUP                   | See Section <u>23D.08.060.C</u>  |
| Stables for Horses   | AUP                   |  |

283 **Chapter 23D.28: R-2 Restricted Two-Family Residential District Provisions**

284 **23D.28.030 Uses Permitted**

| <b>Table 23D.28.030</b>  |                       |  |
|--|-----------------------|--|
| <b>Use and Required Permits</b>  |                       |  |
| <b>Use</b>   | <b>Classification</b> | <b>Special Requirements (if any)</b>   |
| <b>Accessory Uses and Structures</b>   |                       |  |
| Accessory Buildings or Structures  | ZC                    | Must satisfy the requirements of Chapter <u>23D.08</u>   |
| If has either habitable space and/or exceeds the requirements under Chapter <u>23D.08</u>      | AUP                   |  |
| When located on a vacant lot without a Main Building   | AUP                   |  |
| With Urban Agriculture   | ZC                    | Subject to <u>23C.26</u> , <u>23D.08.010</u> , <u>23D.08.020</u> , <u>23D.08.050</u> , and <u>23D.08.060</u> |
| Accessory Dwelling Units in compliance with Section <u>23C.24.050</u>                          | ZC                    |  |
| Accessory Dwelling Unit that does not comply with requirements under Section <u>23C.24.050</u> | AUP                   | Subject to making applicable findings in Section <u>23C.24.070</u>   |
| Short-Term Rental  | ZC                    | Subject to requirements of Chapter <u>23C.22</u>   |
| Child Care; Family Daycare Home (Small or Large)   | ZC                    |  |
| Fences<br>If six ft. or less in height   | ZC                    |  |

| Table 23D.28.030                                      |                |  |
|---|----------------|--|
| Use and Required Permits                              |                |  |
| Use   | Classification | Special Requirements (if any)                                  |
| Exceeding six ft. in height                           | AUP            | In required setbacks   |
| Home Occupations                                      |                | <u>Subject to the requirements of Chapter 23C.16</u>           |
| <del>Low Impact Class I</del>                         | ZC             | <del>If the requirements of Section 23C.16.020 are met</del>   |
| <del>Moderate Impact, teaching-related Class II</del> | AUP            | <del>Subject to the requirements of Section 23C.16.030.A</del> |
| <del>Moderate Impact Class III</del>                  | UP(PH)         | <del>Subject to the requirements of Section 23C.16.030.B</del> |
| Hot Tubs, Jacuzzis, Spas                              | AUP            | See Section <u>23D.08.060.C</u>                                |
| Stables for Horses                                    | AUP            |  |

285

286 **Chapter 23D.32: R-2A Restricted Multiple-Family Residential District Provisions**

287 **23D.32.030 Uses Permitted**

| Table 23D.32.030  |                |  |
|---|----------------|--|
| Use and Required Permits  |                |  |
| Use   | Classification | Special Requirements (if any)                          |
| Accessory Uses and Structures   |                |  |
| Accessory Buildings or Structures   | ZC             | Must satisfy the requirements of Chapter <u>23D.08</u> |
| If has either habitable space and/or exceeds the requirements under Chapter <u>23D.08</u> | AUP            |  |

| <b>Table 23D.32.030</b>  |                       |  |
|--|-----------------------|--|
| <b>Use and Required Permits</b>  |                       |  |
| <b>Use</b>   | <b>Classification</b> | <b>Special Requirements (if any)</b>   |
| When located on a vacant lot without a Main Building   | AUP                   |  |
| With Urban Agriculture   | ZC                    | Subject to <u>23C.26</u> , <u>23D.08.010</u> , <u>23D.08.020</u> , <u>23D.08.050</u> , and <u>23D.08.060</u> |
| Accessory Dwelling Units in compliance with Section <u>23C.24.050</u>                          | ZC                    |  |
| Accessory Dwelling Unit that does not comply with requirements under Section <u>23C.24.050</u> | AUP                   | Subject to making applicable findings in Section <u>23C.24.070</u>   |
| Short-Term Rental  | ZC                    | Subject to requirements of Chapter <u>23C.22</u>   |
| Child Care; Family Daycare Home (Small or Large)   | ZC                    |  |
| Fences   |                       |  |
| If six ft. or less in height   | ZC                    |  |
| Exceeding six ft. in height  | AUP                   | In required setbacks   |
| Home Occupations   |                       | <u>Subject to the requirements of Chapter 23C.16</u>   |
| <u>Low Impact Class I</u>  | ZC                    | <u>If the requirements of Section 23C.16.020 are met</u>   |
| <u>Moderate Impact, teaching-related Class II</u>  | AUP                   | <u>Subject to the requirements of Section 23C.16.030.A</u>   |



| Table 23D.32.030                     |                |  |
|--------------------------------------|----------------|--|
| Use and Required Permits             |                |  |
| Use                                  | Classification | Special Requirements (if any)                                  |
| <del>Moderate Impact Class III</del> | UP(PH)         | <del>Subject to the requirements of Section 23C.16.030.B</del> |
| Hot Tubs, Jacuzzis, Spas             | AUP            | See Section <u>23D.08.060.C</u>                                |
| Stables for Horses                   | AUP            |  |

288

289 **Chapter 23D.36: R-3 Multiple Family Residential District Provisions**

290 **23D.36.030 Uses Permitted**

| Table 23D.36.030  |                |  |
|---|----------------|--|
| Use and Required Permits  |                |  |
| Use   | Classification | Special Requirements (if any)  |
| Accessory Uses and Structures   |                |  |
| Accessory Buildings or Structures   | ZC             | Must satisfy the requirements of Chapter <u>23D.08</u>   |
| If has either habitable space and/or exceeds the requirements under Chapter <u>23D.08</u> | AUP            |  |
| When located on a vacant lot without a Main Building                                      | AUP            |  |
| With Urban Agriculture  | ZC             | Subject to <u>23C.26</u> , <u>23D.08.010</u> , <u>23D.08.020</u> , <u>23D.08.050</u> , and <u>23D.08.060</u> |
| Accessory Dwelling Units in compliance with Section <u>23C.24.050</u>                     | ZC             |  |

| Table 23D.36.030   |                |   |
|--|----------------|---|
| Use and Required Permits   |                |   |
| Use  | Classification | Special Requirements (if any)   |
| Accessory Dwelling Unit that does not comply with requirements under Section <u>23C.24.050</u> | AUP            | Subject to making applicable findings in Section <u>23C.24.070</u>    |
| Short-Term Rental  | ZC             | Subject to requirements of Chapter <u>23C.22</u>                      |
| Child Care; Family Daycare Home (Small or Large)   | ZC             |   |
| Fences   |                |   |
| If six ft. or less in height   | ZC             |   |
| Exceeding six ft. in height  | AUP            | In required setbacks  |
| Home Occupations   |                | <u>Subject to the requirements of Chapter 23C.16</u>                  |
| <del>Low Impact Class I</del>  | ZC             | <del>If the requirements of Section 23C.16.020 are met</del>          |
| <del>Moderate Impact, teaching-related Class II</del>  | AUP            | <del>Subject to the requirements of Section <u>23C.16.030.A</u></del> |
| <del>Moderate Impact Class III</del>   | UP(PH)         | <del>Subject to the requirements of Section <u>23C.16.030.B</u></del> |
| Hot Tubs, Jacuzzis, Spas   | AUP            | See Section <u>23D.08.060.C</u>                                       |
| Stables for Horses   | AUP            |   |

291

292 **Chapter 23D.40: R-4 Multi-Family Residential District Provisions**

293 **23D.40.030 Uses Permitted**

| <b>Table 23D.40.030</b>  |                       |  |
|--|-----------------------|--|
| <b>Use and Required Permits</b>  |                       |  |
| <b>Use</b>   | <b>Classification</b> | <b>Special Requirements (if any)</b>   |
| <b>Accessory Uses and Structures</b>   |                       |  |
| Accessory Buildings or Structures  | ZC                    | Must satisfy the requirements of Chapter <u>23D.08</u>   |
| If has either habitable space and/or exceeds the requirements under Chapter <u>23D.08</u>      | AUP                   |  |
| When located on a vacant lot without a Main Building   | AUP                   |  |
| With Urban Agriculture   | ZC                    | Subject to <u>23C.26</u> , <u>23D.08.010</u> , <u>23D.08.020</u> , <u>23D.08.050</u> , and <u>23D.08.060</u> . |
| Accessory Dwelling Units in compliance with Section <u>23C.24.050</u>                          | ZC                    |  |
| Accessory Dwelling Unit that does not comply with requirements under Section <u>23C.24.050</u> | AUP                   | Subject to making of applicable findings set forth in Section <u>23C.24.070</u>                                |
| Short-Term Rental  | ZC                    | Subject to requirements of Chapter <u>23C.22</u>   |
| Child Care; Family Daycare Home (Small or Large)   | ZC                    |  |
| Fences   |                       |  |
| Six ft. or less in height  | ZC                    |  |
| Exceeding six ft. in height  | AUP                   | In required setbacks   |

| Table 23D.40.030   |                             |   |
|--|-----------------------------|---|
| Use and Required Permits   |                             |   |
| Use  | Classification              | Special Requirements (if any)   |
| Home Occupations<br><br><u>Low Impact Class I</u><br><br><u>Moderate Impact, teaching-related Class II</u><br><br><u>Moderate Impact Class III</u> | ZC<br><br>AUP<br><br>UP(PH) | <u>Subject to the requirements of Chapter 23C.16</u><br><br>If the requirements of Section 23C.16.020 are met<br><br><u>Subject to the requirements of Section 23C.16.030.A</u><br><br><u>Subject to the requirements of Section 23C.16.030.B</u> |
| Hot Tubs, Jacuzzis, Spas   | AUP                         | See Section <u>23D.08.060.C</u>   |
| Stables for Horses   | AUP                         |   |
| Stores and Shops (Incidental to another Use)   | UP(PH)                      | Contained within a building with no street access and no displays or merchandise visible from the street  |

294

295

**Chapter 23D.44: R-5 High Density Residential District Provisions**

296

**23D.44.030 Uses Permitted**

| Table 23D.44.030                  |                |  |
|-----------------------------------|----------------|--|
| Use and Required Permits          |                |  |
| Use                               | Classification | Special Requirements (if any)                          |
| Accessory Uses and Structures     |                |  |
| Accessory Buildings or Structures | ZC             | Must satisfy the requirements of Chapter <u>23D.08</u> |

| <b>Table 23D.44.030</b>  |                       |  |
|--|-----------------------|--|
| <b>Use and Required Permits</b>  |                       |  |
| <b>Use</b>   | <b>Classification</b> | <b>Special Requirements (if any)</b>   |
| If has either habitable space and/or exceeds the requirements under Chapter <u>23D.08</u>      | AUP                   |  |
| When located on a vacant lot without a Main Building   | AUP                   |  |
| With Urban Agriculture   | ZC                    | Subject to <u>23C.26</u> , <u>23D.08.010</u> , <u>23D.08.020</u> , <u>23D.08.050</u> , and <u>23D.08.060</u> |
| Accessory Dwelling Units in compliance with Section <u>23C.24.050</u>                          | ZC                    |  |
| Accessory Dwelling Unit that does not comply with requirements under Section <u>23C.24.050</u> | AUP                   | Subject to making applicable findings set forth in Section <u>23C.24.070</u>                                 |
| Short-Term Rental  | ZC                    | Subject to requirements of Chapter <u>23C.22</u>   |
| Child Care; Family Daycare Home (Small or Large)   | ZC                    |  |
| Fences   |                       |  |
| Six ft. or less in height  | ZC                    |  |
| Exceeding six ft. in height  | AUP                   | In required setbacks   |
| Home Occupations   |                       | <u>Subject to the requirements of Chapter 23C.16</u>   |
| <u>Low Impact Class I</u>  | ZC                    | <u>If the requirements of Section 23C.16.020 are met</u>   |

| Table 23D.44.030   |                |  |
|--|----------------|--|
| Use and Required Permits                                     |                |  |
| Use  | Classification | Special Requirements (if any)  |
| <del>Moderate Impact, teaching-related</del> <u>Class II</u> | AUP            | <del>Subject to the requirements of Section 23C.16.030.A</del>   |
| <del>Moderate Impact</del> <u>Class III</u>                  | UP(PH)         | <del>Subject to the requirements of Section 23C.16.030.B</del>   |
| Hot Tubs, Jacuzzis, Spas                                     | AUP            | See Section <u>23D.08.060.C</u>  |
| Stables for Horses   | AUP            |  |
| Stores and Shops (Incidental to another Use)                 | UP(PH)         | Contained within a building with no street access and no displays or merchandise visible from the street |

297

298 **Chapter 23D.48: R-S Residential Southside District Provisions**

299 **23D.48.030 Uses Permitted**

| Table 23D.48.030  |                |  |
|---|----------------|--|
| Use and Required Permits  |                |  |
| Use   | Classification | Special Requirements (if any)                          |
| Accessory Uses and Structures   |                |  |
| Accessory Buildings or Structures   | ZC             | Must satisfy the requirements of Chapter <u>23D.08</u> |
| If has either habitable space and/or exceeds the requirements under Chapter <u>23D.08</u> | AUP            |  |
| When located on a vacant lot without a Main Building                                      | AUP            |  |

| <b>Table 23D.48.030</b>  |                       |  |
|--|-----------------------|--|
| <b>Use and Required Permits</b>  |                       |  |
| <b>Use</b>   | <b>Classification</b> | <b>Special Requirements (if any)</b>   |
| With Urban Agriculture   | ZC                    | Subject to <u>23C.26</u> , <u>23D.08.010</u> , <u>23D.08.020</u> , <u>23D.08.050</u> , and <u>23D.08.060</u> |
| Accessory Dwelling Units in compliance with Section <u>23C.24.050</u>                          | ZC                    |  |
| Accessory Dwelling Unit that does not comply with requirements under Section <u>23C.24.050</u> | AUP                   | Subject to making applicable findings set forth in Section <u>23C.24.070</u>                                 |
| Short-Term Rental  | ZC                    | Subject to requirements of Chapter <u>23C.22</u>   |
| Child Care; Family Daycare Home (Small or Large)   | ZC                    |  |
| Fences   |                       |  |
| Six ft. or less in height  | ZC                    |  |
| Exceeding six ft. in height  | AUP                   | In required setbacks   |
| Home Occupations   |                       | <u>Subject to the requirements of Chapter 23C.16</u>   |
| <del>Low Impact Class I</del>  | ZC                    | <del>If the requirements of Section 23C.16.020 are met</del>   |
| <del>Moderate Impact, teaching-related Class II</del>  | AUP                   | <del>Subject to the requirements of Section <u>23C.16.030.A</u></del>  |
| <del>Moderate Impact Class III</del>   | UP(PH)                | <del>Subject to the requirements of Section <u>23C.16.030.B</u></del>  |

| Table 23D.48.030                             |                |  |
|--|----------------|--|
| Use and Required Permits                     |                |  |
| Use  | Classification | Special Requirements (if any)  |
| Hot Tubs, Jacuzzis, Spas                     | AUP            | See Section <u>23D.08.060.C</u>  |
| Stables for Horses                           | Prohibited     |  |
| Stores and Shops (Incidental to another Use) | UP(PH)         | Contained within a building with no street access and no displays or merchandise visible from the street |

300

301 **Chapter 23D.52: R-SMU Residential Southside Mixed Use District Provisions**

302 **23D.52.030 Uses Permitted**

| Table 23D.52.030  |                |  |
|---|----------------|--|
| Use and Required Permits  |                |  |
| Use   | Classification | Special Requirements (if any)  |
| Accessory Uses and Structures   |                |  |
| Accessory Buildings or Structures   | ZC             | Must satisfy the requirements of Chapter <u>23D.08</u>   |
| If has either habitable space and/or exceeds the requirements under Chapter <u>23D.08</u> | AUP            |  |
| When located on a vacant lot without a Main Building                                      | AUP            |  |
| With Urban Agriculture  | ZC             | Subject to <u>23C.26</u> , <u>23D.08.010</u> , <u>23D.08.020</u> , <u>23D.08.050</u> , and <u>23D.08.060</u> |



| <b>Table 23D.52.030</b>  |                       |  |
|--|-----------------------|--|
| <b>Use and Required Permits</b>  |                       |  |
| <b>Use</b>   | <b>Classification</b> | <b>Special Requirements (if any)</b>   |
| Accessory Dwelling Units in compliance with Section <u>23C.24.050</u>                          | ZC                    |  |
| Accessory Dwelling Unit that does not comply with requirements under Section <u>23C.24.050</u> | AUP                   | Subject to making applicable findings set forth in Section <u>23C.24.070</u> |
| Short-Term Rental  | ZC                    | Subject to requirements of Chapter <u>23C.22</u>                             |
| Child Care; Family Daycare Home (Small or Large)   | ZC                    |  |
| Fences   |                       |  |
| Six ft. or less in height  | ZC                    |  |
| Exceeding six ft. in height  | AUP                   | In required setbacks   |
| Home Occupations   |                       | <u>Subject to the requirements of Chapter 23C.16</u>                         |
| <del>Low Impact Class I</del>  | ZC                    | <del>If the requirements of Section 23C.16.020 are met</del>                 |
| <del>Moderate Impact, teaching-related Class II</del>  | AUP                   | <del>Subject to the requirements of Section <u>23C.16.030.A</u></del>        |
| <del>Moderate Impact Class III</del>   | UP(PH)                | <del>Subject to the requirements of Section <u>23C.16.030.B</u></del>        |
| Hot Tubs, Jacuzzis, Spas   | AUP                   | See Section <u>23D.08.060.C</u>  |
| Stables for Horses   | Prohibited            |  |
| Stores and Shops (Incidental to another Use)   | UP(PH)                | Contained within a building with no street access and no displays            |

| Table 23D.52.030         |                |  |
|--------------------------|----------------|--|
| Use and Required Permits |                |  |
| Use                      | Classification | Special Requirements (if any)          |
|                          |                | or merchandise visible from the street |

303

304 **Chapter 23E.36: C-1 General Commercial District Provisions**

305 **23E.36.030 Uses Permitted**

| Table 23E.36.030  |                  |  |
|---|------------------|--|
| Use and Required Permits  |                  |  |
| Use   | Classification   | Special Requirements (if any)  |
| Uses Permitted in Residential Districts   |                  |  |
| Accessory Dwelling Unit in compliance with Section <a href="#">23C.24.050</a>                           | ZC               |  |
| Accessory Dwelling Unit that does not comply with requirements under Section <a href="#">23C.24.050</a> | AUP              | Subject to making applicable findings in Section <a href="#">23C.24.070</a>  |
| Accessory Uses and Structures   | Per R-3 District | See Table <a href="#">23D.36.030</a>   |
| Accessory Buildings and Structures with Urban Agriculture   | ZC               | <a href="#">23C.26</a> , <a href="#">23D.08.010</a> , <a href="#">23D.08.020</a> , <a href="#">23D.08.050</a> , and <a href="#">23D.08.060</a> |
| Short-Term Rental   | ZC               | Subject to requirements of Chapter <a href="#">23C.22</a>  |
| Child Care Centers  | UP(PH)           |  |
| Child Care; Family Daycare Home (Small or Large)  | ZC               |  |
| Clubs, Lodges   | UP(PH)           |  |

| <b>Table 23E.36.030</b>  |  |   |
|--|--|---|
| <b>Use and Required Permits</b>  |  |   |
| <b>Use</b>   | <b>Classification</b>                                    | <b>Special Requirements (if any)</b>  |
| Community Centers  | UP(PH)   |   |
| Dwelling Units, subject to R-3 Standards   | UP(PH)   | Standards may be modified under Section <a href="#">23E.36.070.E</a> . Residential-only projects are prohibited within the University Avenue Node Overlay areas, and permitted within University Avenue Overlay Mixed Use areas |
| Group Living Accommodations subject to R-3 Standards   | UP(PH)   | Standards may be modified under Section <a href="#">23E.36.070.E</a>  |
| <u>Home Occupations</u><br><br><u>Class I</u><br><br><u>Class II</u><br><br><u>Class III</u> | <br><br><u>ZC</u><br><br><u>AUP</u><br><br><u>UP(PH)</u> | <u>Subject to the requirements of Chapter 23C.16</u>  |
| Hospitals  | UP(PH)   | Subject to parking requirements; see Section <a href="#">23E.36.080</a>   |
| Hotels, Residential, including Single Room Occupancy (SRO) Hotels                            | UP(PH)   |   |
| Libraries  | UP(PH)   | Subject to parking requirements; see Section <a href="#">23E.36.080</a>   |
| Nursing Homes  | UP(PH)   | Subject to parking requirements; see Section <a href="#">23E.36.080</a>   |
| Parks and Playgrounds  | ZC   |   |
| Public Safety and Emergency Services   | UP(PH)   |   |

| Table 23E.36.030           |                |   |
|----------------------------|----------------|---|
| Use and Required Permits   |                |   |
| Use                        | Classification | Special Requirements (if any)                 |
| Religious Assembly Uses    | UP(PH)         |   |
| Schools, Public or Private | UP(PH)         |   |
| Senior Congregate Housing  |                | Changes of use from an existing dwelling unit |
| Six or fewer people        | ZC             |   |
| Seven or more persons      | AUP            |   |
| New Construction           | UP(PH)         |   |

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307 **Chapter 23E.40: C-N Neighborhood Commercial District Provisions**

308 **23E.40.030 Uses Permitted**

| Table 23E.40.030  |                  |   |
|---|------------------|---|
| Use and Required Permits  |                  |   |
| Use   | Classification   | Special Requirements (if any)   |
| Uses Permitted in Residential Districts   |                  |   |
| Accessory Dwelling Unit in compliance with Section <a href="#">23C.24.050</a>                           | ZC               |   |
| Accessory Dwelling Unit that does not comply with requirements under Section <a href="#">23C.24.050</a> | AUP              | Subject to making applicable findings in Section <a href="#">23C.24.070</a> |
| Accessory Uses and Structures   | Per R-3 District | See Table <a href="#">23D.36.030</a>  |

| <b>Table 23E.40.030</b>  |  |  |
|--|--|--|
| <b>Use and Required Permits</b>  |  |  |
| <b>Use</b>   | <b>Classification</b>                            | <b>Special Requirements (if any)</b>   |
| Accessory Buildings and Structures with Urban Agricultures                                   | ZC   | <a href="#">23C.26</a> , <a href="#">23D.08.010</a> , <a href="#">23D.08.020</a> , <a href="#">23D.08.050</a> , and <a href="#">23D.08.060</a> |
| Child Care Centers   | UP(PH)   |  |
| Child Care; Family Daycare Home (Small or Large)   | ZC   |  |
| Clubs, Lodges  | UP(PH)   |  |
| Community Centers  | UP(PH)   |  |
| Dwelling Units, subject to R-3 Standards   | UP(PH)   | Standards may be modified under Section <a href="#">23E.40.070.E</a>   |
| Group Living Accommodations subject to R-3 Standards   | UP(PH)   | Standards may be modified under Section <a href="#">23E.40.070.E</a>   |
| <u>Home Occupations</u><br><br><u>Class I</u><br><br><u>Class II</u><br><br><u>Class III</u> | <u>ZC</u><br><br><u>AUP</u><br><br><u>UP(PH)</u> | <u>Subject to the requirements of Chapter 23C.16</u>   |
| Hospitals  | Prohibited                                       |  |
| Hotels, Residential, including Single Room Occupancy (SRO) Hotels                            | UP(PH)   |  |
| Libraries  | UP(PH)   | Subject to parking requirements; see Section <a href="#">23E.40.080.B</a>  |

| <b>Table 23E.40.030</b>              |                       |   |
|--------------------------------------|-----------------------|---|
| <b>Use and Required Permits</b>      |                       |   |
| <b>Use</b>                           | <b>Classification</b> | <b>Special Requirements (if any)</b>                                      |
| Nursing Homes                        | UP(PH)                | Subject to parking requirements; see Section <a href="#">23E.40.080.B</a> |
| Parks and Playgrounds                | ZC                    |   |
| Public Safety and Emergency Services | UP(PH)                |   |
| Religious Assembly Uses              | UP(PH)                |   |
| Schools, Public or Private           | UP(PH)                |   |
| Senior Congregate Housing            |                       | Changes of use from an existing dwelling unit                             |
| Six or fewer persons                 | ZC                    |   |
| Seven or more persons                | AUP                   |   |
| New Construction                     | UP(PH)                |   |

309 **Chapter 23E.44: C-E Elmwood Commercial District Provisions**

310 **23E.44.030 Uses Permitted**

| <b>Table 23E.44.030</b>   |                       |   |
|---|-----------------------|---|
| <b>Use and Required Permits</b>   |                       |   |
| <b>Use</b>  | <b>Classification</b> | <b>Special Requirements (if any)</b>  |
| <b>Uses Permitted in Residential Districts</b>                                |                       |   |
| Accessory Dwelling Unit in compliance with Section <a href="#">23C.24.050</a> | ZC                    |   |
| Accessory Dwelling Unit that does not comply with                             | AUP                   | Subject to making applicable findings in Section <a href="#">23C.24.070</a> |

| <b>Table 23E.44.030</b>   |                        |  |
|---|------------------------|--|
| <b>Use and Required Permits</b>                                   |                        |  |
| <b>Use</b>  | <b>Classification</b>  | <b>Special Requirements (if any)</b>   |
| requirements under Section <a href="#">23C.24.050</a>             |                        |  |
| Accessory Uses and Structures                                     | Per R-3 District       | See Table <a href="#">23D.36.030</a>   |
| Accessory Buildings and Structures with Urban Agriculture         | ZC                     | <a href="#">23C.26</a> , <a href="#">23D.08.010</a> , <a href="#">23D.08.020</a> , <a href="#">23D.08.050</a> , and <a href="#">23D.08.060</a> |
| Child Care Centers  | UP(PH)                 |  |
| Child Care; Family Daycare Home (Small or Large)                  | ZC                     |  |
| Clubs, Lodges   | UP(PH)                 |  |
| Community Centers   | UP(PH)                 |  |
| Dwelling Units, subject to R-3 Standards                          | UP(PH)                 | Standards may be modified under Section <a href="#">23E.44.070.F</a>   |
| Group Living Accommodations, subject to R-3 Standards             | UP(PH)                 | Standards may be modified under Section <a href="#">23E.44.070.F</a>   |
| <a href="#">Home Occupations</a>                                  |                        | <a href="#">Subject to the requirements of Chapter 23C.16</a>  |
| <a href="#">Class I</a>   | <a href="#">ZC</a>     |  |
| <a href="#">Class II</a>  | <a href="#">AUP</a>    |  |
| <a href="#">Class III</a>   | <a href="#">UP(PH)</a> |  |
| Hospitals   | Prohibited             |  |
| Hotels, Residential, including Single Room Occupancy (SRO) Hotels | UP(PH)                 |  |

| Table 23E.44.030                     |                |  |
|--------------------------------------|----------------|--|
| Use and Required Permits             |                |  |
| Use                                  | Classification | Special Requirements (if any)  |
| Libraries                            | UP(PH)         | Subject to parking requirements under Section <a href="#">23E.44.080</a> |
| Nursing Homes                        | UP(PH)         | Subject to parking requirements under Section <a href="#">23E.44.080</a> |
| Parks and Playgrounds                | ZC             |  |
| Public Safety and Emergency Services | UP(PH)         |  |
| Religious Assembly Uses              | UP(PH)         |  |
| Schools, Public or Private           | UP(PH)         |  |
| Senior Congregate Housing            |                | Changes of use from an existing dwelling unit                            |
| Six or fewer persons                 | ZC             |  |
| Seven or more persons                | AUP            |  |
| New Construction                     | UP(PH)         |  |

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312 **Chapter 23E.48: C-NS North Shattuck Commercial District Provisions**

313 **23E.48.030 Uses Permitted**

314

| Table 23E.48.030                        |                |                               |
|---|----------------|-------------------------------|
| Use and Required Permits                |                |                               |
| Use                                     | Classification | Special Requirements (if any) |
| Uses Permitted in Residential Districts |                |                               |



| <b>Table 23E.48.030</b>   |                       |  |
|---|-----------------------|--|
| <b>Use and Required Permits</b>   |                       |  |
| <b>Use</b>  | <b>Classification</b> | <b>Special Requirements (if any)</b>   |
| Accessory Dwelling Unit in compliance with Section <a href="#">23C.24.050</a>                           | ZC                    |  |
| Accessory Dwelling Unit that does not comply with requirements under Section <a href="#">23C.24.050</a> | AUP                   | Subject to making applicable findings in Section <a href="#">23C.24.070</a>  |
| Accessory Uses and Structures   | Per R-3 District      | See Table <a href="#">23D.36.030</a>   |
| Accessory Buildings and Structures with Urban Agriculture   | ZC                    | <a href="#">23C.26</a> , <a href="#">23D.08.010</a> , <a href="#">23D.08.020</a> , <a href="#">23D.08.050</a> , and <a href="#">23D.08.060</a> |
| Short-Term Rental   | ZC                    | Subject to requirements of Chapter <a href="#">23C.22</a>  |
| Child Care Centers  | UP(PH)                |  |
| Child Care; Family Daycare Home (Small or Large)  | ZC                    |  |
| Clubs, Lodges   | Prohibited            |  |
| Community Centers   | UP(PH)                |  |
| Dwelling Units, subject to R-3 Standards  | UP(PH)                | Subject to the standards under Section <a href="#">23E.48.070.F</a>  |
| Group Living Accommodations, subject to R-3 Standards   | UP(PH)                | Subject to the standards under Section <a href="#">23E.48.070.F</a>  |
| <u>Home Occupations</u>   |                       | <u>Subject to the requirements of Chapter 23C.16</u>   |
| <u>Class I</u>  | <u>ZC</u>             |  |
| <u>Class II</u>   | <u>AUP</u>            |  |

| <b>Table 23E.48.030</b>   |                       |  |
|---|-----------------------|--|
| <b>Use and Required Permits</b>   |                       |  |
| <b>Use</b>  | <b>Classification</b> | <b>Special Requirements (if any)</b>                                       |
| <u>Class III</u>  | <u>UP(PH)</u>         |  |
| Hospitals   | Prohibited            |  |
| Hotels, Residential, including<br>Single Room Occupancy (SRO)<br>Hotels | UP(PH)                |  |
| Libraries   | UP(PH)                | Subject to parking requirements; see<br>Section <a href="#">23E.48.080</a> |
| Nursing Homes   | UP(PH)                | Subject to parking requirements; see<br>Section <a href="#">23E.48.080</a> |
| Parks and Playgrounds   | ZC                    |  |
| Public Safety and Emergency<br>Services                                 | UP(PH)                |  |
| Religious Assembly Uses   | UP(PH)                |  |
| Schools, Public or Private  | UP(PH)                |  |
| Senior Congregate Housing   |                       | Change of use from an existing dwelling unit                               |
| Six or fewer persons  | ZC                    |  |
| Seven or more persons   | AUP                   |  |
| New Construction  | UP(PH)                |  |

315 **Chapter 23E.52: C-SA South Area Commercial District Provisions**

316 **23E.52.030 Uses Permitted**

| <b>Table 23E.52.030</b>   |                       |  |
|---|-----------------------|--|
| <b>Use and Required Permits</b>   |                       |  |
| <b>Use</b>  | <b>Classification</b> | <b>Special Requirements (if any)</b>   |
| <b>Uses Permitted in Residential Districts</b>  |                       |  |
| Accessory Dwelling Unit in compliance with Section <a href="#">23C.24.050</a>                           | ZC                    |  |
| Accessory Dwelling Unit that does not comply with requirements under Section <a href="#">23C.24.050</a> | AUP                   | Subject to making applicable findings in Section <a href="#">23C.24.070</a>  |
| Accessory Uses and Structures   | Per R-3 District      | See Table <a href="#">23D.36.030</a>   |
| Accessory Buildings and Structures with Urban Agriculture   | ZC                    | <a href="#">23C.26</a> , <a href="#">23D.08.010</a> , <a href="#">23D.08.020</a> , <a href="#">23D.08.050</a> , and <a href="#">23D.08.060</a> |
| Short-Term Rental   | ZC                    | Subject to requirements of Chapter <a href="#">23C.22</a>  |
| Child Care Centers  | UP(PH)                |  |
| Child Care; Family Daycare Home (Small or Large)  | ZC                    |  |
| Clubs, Lodges   | UP(PH)                |  |
| Community Centers   | UP(PH)                |  |
| Dwelling Units, subject to R-3 Standards  | UP(PH)                | Subject to the standards under Section <a href="#">23E.52.070.E</a>  |
| Group Living Accommodations subject to R-3 Standards  | UP(PH)                | Subject to the standards under Section <a href="#">23E.52.070.E</a>  |
| <a href="#">Home Occupations</a>  |                       | <a href="#">Subject to the requirements of Chapter 23C.16</a>  |
| <a href="#">Class I</a>   | <a href="#">ZC</a>    |  |

| <b>Table 23E.52.030</b>   |                       |  |
|---|-----------------------|--|
| <b>Use and Required Permits</b>   |                       |  |
| <b>Use</b>  | <b>Classification</b> | <b>Special Requirements (if any)</b>                                       |
| <u>Class II</u>   | <u>AUP</u>            |  |
| <u>Class III</u>  | <u>UP(PH)</u>         |  |
| Hospitals   | Prohibited            |  |
| Hotels, Residential, including<br>Single Room Occupancy (SRO)<br>Hotels | UP(PH)                |  |
| Libraries   | UP(PH)                | Subject to parking requirements; see<br>Section <a href="#">23E.52.080</a> |
| Nursing Homes   | UP(PH)                | Subject to parking requirements; see<br>Section <a href="#">23E.52.080</a> |
| Parks and Playgrounds   | ZC                    |  |
| Public Safety and Emergency<br>Services                                 | UP(PH)                |  |
| Religious Assembly Uses   | UP(PH)                |  |
| Schools, Public or Private  | UP(PH)                |  |
| Senior Congregate Housing   |                       | Change of use from an existing dwelling unit                               |
| Six or fewer people   | ZC                    |  |
| Seven or more people  | AUP                   |  |
| New construction  | UP(PH)                |  |

317 **Chapter 23E.56: C-T Telegraph Avenue Commercial District Provisions**

318 **23E.56.030 Uses Permitted**

| <b>Table 23E.56.030</b>   |                       |  |
|---|-----------------------|--|
| <b>Use and Required Permits</b>   |                       |  |
| <b>Use</b>  | <b>Classification</b> | <b>Special Requirements (if any)</b>   |
| <b>Uses Permitted in Residential Districts</b>  |                       |  |
| Accessory Dwelling Unit in compliance with Section <a href="#">23C.24.050</a>                           | ZC                    |  |
| Accessory Dwelling Unit that does not comply with requirements under Section <a href="#">23C.24.050</a> | AUP                   | Subject to making applicable findings in Section <a href="#">23C.24.070</a>  |
| Accessory Uses and Structures   | Per R-3 District      | See Table <a href="#">23D.36.030</a>   |
| Accessory Buildings and Structures with Urban Agriculture   | ZC                    | <a href="#">23C.26</a> , <a href="#">23D.08.010</a> , <a href="#">23D.08.020</a> , <a href="#">23D.08.050</a> , and <a href="#">23D.08.060</a> |
| Short-Term Rental   | ZC                    | Subject to requirements of Chapter <a href="#">23C.22</a>  |
| Child Care Centers  | UP(PH)                |  |
| Child Care; Family Daycare Home (Small or Large)  | ZC                    |  |
| Clubs, Lodges   | UP(PH)                |  |
| Community Centers   | UP(PH)                |  |
| Dwelling Units, subject to R-3 Standards  | UP(PH)                | Subject to the standards under Section <a href="#">23E.56.070.E</a>  |
| Group Living Accommodations subject to R-3 Standards  | UP(PH)                | Subject to the standards under Section <a href="#">23E.56.070.E</a>  |
| <a href="#">Home Occupations</a>  |                       | <a href="#">Subject to the requirements of Chapter 23C.16</a>  |
| <a href="#">Class I</a>   | <a href="#">ZC</a>    |  |

| <b>Table 23E.56.030</b>   |                       |  |
|---|-----------------------|--|
| <b>Use and Required Permits</b>   |                       |  |
| <b>Use</b>  | <b>Classification</b> | <b>Special Requirements (if any)</b>         |
| <u>Class II</u>   | <u>AUP</u>            |  |
| <u>Class III</u>  | <u>UP(PH)</u>         |  |
| Hospitals   | Prohibited            |  |
| Hotels, Residential, including<br>Single Room Occupancy (SRO)<br>Hotels | UP(PH)                |  |
| Libraries   | UP(PH)                |  |
| Nursing Homes   | UP(PH)                |  |
| Parks and Playgrounds   | ZC                    |  |
| Public Safety and Emergency<br>Services                                 | UP(PH)                |  |
| Religious Assembly Uses   | UP(PH)                |  |
| Schools, Public or Private  | UP(PH)                |  |
| Senior Congregate Housing   |                       | Change of use from an existing dwelling unit |
| Six or fewer people   | ZC                    |  |
| Seven or more persons   | AUP                   |  |
| New Construction  | UP(PH)                |  |

319

320 **Chapter 23E.60: C-SO Solano Avenue Commercial District Provisions**

321 **23E.60.030 Uses Permitted**

| <b>Table 23E.60.030</b>   |                       |  |
|---|-----------------------|--|
| <b>Use and Required Permits</b>   |                       |  |
| <b>Use</b>  | <b>Classification</b> | <b>Special Requirements (if any)</b>   |
| <b>Uses Permitted in Residential Districts</b>  |                       |  |
| Accessory Dwelling Unit in compliance with Section <a href="#">23C.24.050</a>                           | ZC                    |  |
| Accessory Dwelling Unit that does not comply with requirements under Section <a href="#">23C.24.050</a> | AUP                   | Subject to making applicable findings in Section <a href="#">23C.24.070</a>  |
| Accessory Uses and Structures   | Per R-3 District      | See Table <a href="#">23D.36.030</a>   |
| Accessory Buildings and Structures with Urban Agriculture   | ZC                    | <a href="#">23C.26</a> , <a href="#">23D.08.010</a> , <a href="#">23D.08.020</a> , <a href="#">23D.08.050</a> , and <a href="#">23D.08.060</a> |
| Child Care Centers  | UP(PH)                |  |
| Child Care; Family Daycare Home (Small or Large)  | ZC                    |  |
| Clubs, Lodges   | Prohibited            |  |
| Community Centers   | UP(PH)                |  |
| Dwelling Units, subject to R-3 Standards  | UP(PH)                | Standards may be modified under Section <a href="#">23E.60.070.F</a>   |
| Group Living Accommodations, subject to R-3 Standards   | UP(PH)                | Standards may be modified under Section <a href="#">23E.60.070.F</a>   |
| <u>Home Occupations</u>   |                       | <u>Subject to the requirements of Chapter 23C.16</u>   |
| <u>Class I</u>  | <u>ZC</u>             |  |
| <u>Class II</u>   | <u>AUP</u>            |  |

| Table 23E.60.030  |                |  |
|---|----------------|--|
| Use and Required Permits  |                |  |
| Use   | Classification | Special Requirements (if any)  |
| <u>Class III</u>  | <u>UP(PH)</u>  |  |
| Hospitals   | Prohibited     |  |
| Hotels, Residential, including<br>Single Room Occupancy (SRO)<br>Hotels | UP(PH)         |  |
| Libraries   | UP(PH)         | Subject to parking requirements; see<br>Section <a href="#">23E.60.080</a> |
| Nursing Homes   | UP(PH)         | Subject to parking requirements; see<br>Section <a href="#">23E.60.080</a> |
| Parks and Playgrounds   | ZC             |  |
| Public Safety and Emergency<br>Services                                 | UP(PH)         |  |
| Religious Assembly Uses   | UP(PH)         |  |
| Schools, Public or Private  | UP(PH)         |  |
| Senior Congregate Housing   |                | Change of use from an existing dwelling unit                               |
| Six or fewer persons  | ZC             |  |
| Seven or more persons   | AUP            |  |
| New Construction  | UP(PH)         |  |

322

323 **Chapter 23E.64: C-W West Berkeley Commercial District Provisions**

324 **23E.64.030 Uses Permitted**



| <b>Table 23E.64.030</b>  |  |  |
|--|--|--|
| <b>Use and Required Permits</b>  |  |  |
| <b>Use</b>   | <b>Permits Required to Establish, Expand or Change Use (sq. ft.)</b> | <b>Special Requirements (if any)</b>   |
| <b>Residential and Related Uses</b>  |  |  |
| Accessory Dwelling Unit in compliance with Section <u>23C.24.050</u>                           | ZC   |  |
| Accessory Dwelling Unit that does not comply with requirements under Section <u>23C.24.050</u> | AUP  | Subject to making applicable findings in Section <u>23C.24.070</u>                                     |
| Additions, Major Residential   | AUP  | See definition in Sub-title <u>23F</u> . Subject to required finding under Section <u>23E.64.090.G</u> |
| Short-Term Rental  | ZC   | Subject to requirements of Chapter <u>23C.22</u>   |
| Child Care; Family Daycare Home (Small or Large)   | ZC   |  |
| Child Care Centers   | UP(PH)   |  |
| Clubs, Lodges  | UP(PH)   |  |
| Community Care Facilities/Homes  | ZC   |  |
| Community Centers  | UP(PH)   |  |
| Dwelling Units   | UP(PH)   | Subject to Development Standards under Section <u>23E.64.070</u>                                       |

| <b>Table 23E.64.030</b>  |  |  |
|--|--|--|
| <b>Use and Required Permits</b>  |  |  |
| <b>Use</b>   | <b>Permits Required to Establish, Expand or Change Use (sq. ft.)</b> | <b>Special Requirements (if any)</b>   |
| Group Living Accommodations  | UP(PH)   | Subject to Development Standards under Section <u>23E.64.070</u>   |
| Home Occupations<br><br><u>Low Impact Class I</u><br><br><u>Moderate Impact, teaching-related Class II</u><br><br><u>Moderate Impact Class III</u> | ZC<br><br>AUP<br><br>UP(PH)  | <u>Subject to the requirements of Chapter 23C.16</u><br><br><u>If the requirements of Section 23C.16.020 are met</u><br><br><u>Subject to the requirements of Section 23C.16.030.A</u><br><br><u>Subject to the requirements of Section 23C.16.030.B</u> |
| Hospitals  | UP(PH)   | Subject to parking requirements; see Section <u>23E.64.080.F</u>   |
| Hot Tubs, Jacuzzis, Spas   | AUP  | See Section <u>23D.08.070.C</u>  |
| Hotels, Residential, including Single Room Occupancy (SRO)   | UP(PH)   |  |
| Libraries  | UP(PH)   | Subject to parking requirements; see Section <u>23E.64.080.F</u>   |
| Nursing Homes  | UP(PH)   |  |
| Parks and Playgrounds  | AUP  |  |

| <b>Table 23E.64.030</b>  |  |   |
|--|--|---|
| <b>Use and Required Permits</b>  |  |   |
| <b>Use</b>   | <b>Permits Required to Establish, Expand or Change Use (sq. ft.)</b> | <b>Special Requirements (if any)</b>  |
| Public Safety and Emergency Services   | UP(PH)   |   |
| Religious Assembly Uses  | AUP  |   |
| Schools, Public or Private   | UP(PH)   |   |
| Senior Congregate Housing<br>Six or fewer persons<br>Seven or more persons<br>New Construction | ZC<br>AUP<br>UP(PH)  | Changes of use from an existing dwelling unit   |
| All other Residential Accessory Structures and Uses not listed                                 | Per R-3 District   | See Table <u>23D.36.030</u>   |
| Accessory Buildings and Structures with Urban Agriculture                                      | ZC   | <u>23C.26</u> , <u>23D.08.010</u> , <u>23D.08.020</u> , <u>23D.08.050</u> , and <u>23D.08.060</u> |

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326 **Chapter 23E.68: C-DMU Downtown Mixed Use District Provisions**

327 **23E.68.030 Uses Permitted**

| <b>Table 23E.68.030</b>                 |                       |                             |
|---|-----------------------|-----------------------------|
| <b>Use and Required Permits</b>         |                       |                             |
| <b>Use</b>                              | <b>Classification</b> | <b>Special Requirements</b> |
| Uses Permitted in Residential Districts |                       |                             |

| <b>Table 23E.68.030</b>   |                       |  |
|---|-----------------------|--|
| <b>Use and Required Permits</b>   |                       |  |
| <b>Use</b>  | <b>Classification</b> | <b>Special Requirements</b>  |
| Accessory Dwelling Unit in compliance with Section <a href="#">23C.24.050</a>                           | ZC                    |  |
| Accessory Dwelling Unit that does not comply with requirements under Section <a href="#">23C.24.050</a> | AUP                   | Subject to making applicable findings in Section <a href="#">23C.24.070</a>  |
| Accessory Uses and Structures   | As per R-5 District   | See Table <a href="#">23D.44.030</a>   |
| Accessory Buildings and Structures with Urban Agriculture   | ZC                    | <a href="#">23C.26</a> , <a href="#">23D.08.010</a> , <a href="#">23D.08.020</a> , <a href="#">23D.08.050</a> , and <a href="#">23D.08.060</a> |
| Short-Term Rental   | ZC                    | Subject to requirements of Chapter <a href="#">23C.22</a>  |
| Child Care Centers  | AUP                   |  |
| Child Care; Family Daycare Home (Small or Large)  | ZC                    |  |
| Clubs, Lodges   | UP(PH)                |  |
| Community Centers   | UP(PH)                |  |
| Dwelling Units, including multifamily developments  | UP(PH)                | Subject to the standards under Section <a href="#">23E.68.060.F</a>  |
| Group Living Accommodations subject to R-3 Standards  | UP(PH)                | Subject to the standards under Section <a href="#">23E.68.060.F</a>  |
| <u>Home Occupations</u>   |                       | <u>Subject to the requirements of Chapter 23C.16</u>   |
| <u>Class I</u>  | <u>ZC</u>             |  |
| <u>Class II</u>   | <u>AUP</u>            |  |

| Table 23E.68.030   |                |   |
|--|----------------|---|
| Use and Required Permits   |                |   |
| Use  | Classification | Special Requirements                            |
| <u>Class III</u>   | <u>UP(PH)</u>  |   |
| Hospitals  | UP(PH)         |   |
| Hotels, Residential, including Single Room<br>Occupancy (SRO) Hotels | UP(PH)         | Subject to Section <a href="#">23E.68.060.F</a> |
| Libraries  | UP(PH)         |   |
| Nursing Homes  | UP(PH)         |   |
| Parks and Playgrounds  | ZC             |   |
| Public Safety and Emergency Services                                 | UP(PH)         |   |
| Religious Assembly Uses  | UP(PH)         |   |
| Schools, Public or Private   | UP(PH)         |   |
| Senior Congregate Housing  |                | Change of use of an existing dwelling unit      |
| Six or fewer people  | ZC             |   |
| Seven or more persons  | AUP            |   |
| New Construction   | UP(PH)         | Subject to Section <a href="#">23E.68.070</a>   |

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**Chapter 23E.84: MU-R Mixed Use-Residential District Provisions:**

331 **23E.84.030 Uses Permitted**

| <b>Table 23E.84.030</b>  |   |   |
|--|---|---|
| <b>Use and Required Permits</b>  |   |   |
| <b>Uses</b>  | <b>Permit Required to Establish, Expand or Change Use (sq. ft.)</b> | <b>Special Requirements (if any)</b>  |
| <b>Residential and Related Uses</b>  |   |   |
| Accessory Dwelling Unit in compliance with Section <u>23C.24.050</u>                           | ZC  |   |
| Accessory Dwelling Unit that does not comply with requirements under Section <u>23C.24.050</u> | AUP   | Subject to making applicable findings in Section <u>23C.24.070</u>  |
| Additions, Major Residential   | AUP   | See Definition in Sub-title <u>23F</u> . Subject to finding required under <u>23E.84.090.L</u> ; see limitations on location in Section <u>23E.84.060.G</u> |
| Short-Term Rental  | ZC  | Subject to requirements of Chapter <u>23C.22</u>  |
| Child Care Centers   | UP(PH)  | Subject to the findings in Section <u>23E.84.090.H</u>  |
| Child Care; Family Daycare Home (Small or Large)   | ZC  |   |
| Clubs, Lodges  | UP(PH)  |   |
| Community Care Facilities/Homes (Changes of Use)   | ZC  | Subject to parking requirements; see Section <u>23E.84.080.B</u>  |
| Community Centers  | UP(PH)  |   |
| Dwelling Units   |   | See limitation on location in Section <u>23E.84.060.G</u> . Subject to development  |

| Table 23E.84.030   |  |  |
|--|--|--|
| Use and Required Permits   |  |  |
| Uses   | Permit Required to Establish, Expand or Change Use (sq. ft.) | Special Requirements (if any)  |
|  |  | standards of Section <u>23E.84.070</u> and parking requirements in Section <u>23E.84.080.B</u>   |
| 1 – 4 Units  | AUP  |  |
| 5+ Units   | UP(PH)   |  |
| Group Living Accommodations, subject to R-3 District Standards   | UP(PH)   | See limitations on location in Section <u>23E.84.060.G</u>   |
| Home Occupations<br><del>Low Impact Class I</del><br><br><del>Moderate Impact, teaching-related Class II</del><br><br><del>Moderate Impact Class III</del> | ZC<br><br>AUP<br><br>UP(PH)                                  | <del>Subject to the requirements of Chapter 23C.16</del><br><br><del>If the requirements of Section 23C.16.020 are met</del><br><br><del>Subject to the requirements of Section <u>23C.16.030.A</u></del><br><br><del>Subject to the requirements of Section <u>23C.16.030.B</u></del> |
| Hospitals  | Prohibited   |  |
| Hotels, Residential  | Prohibited   |  |
| Hot Tubs, Jacuzzis, Spas   | AUP  | See Section <u>23D.08.060.C</u>  |
| Libraries  | UP(PH)   | Subject to additional parking requirements; see Section <u>23E.84.080.B</u>  |
| Nursing Homes  | UP(PH)   | Subject to additional parking requirements; see Section <u>23E.84.080.B</u>  |

| <b>Table 23E.84.030</b>  |   |  |
|--|---|--|
| <b>Use and Required Permits</b>  |   |  |
| <b>Uses</b>  | <b>Permit Required to Establish, Expand or Change Use (sq. ft.)</b> | <b>Special Requirements (if any)</b>   |
| Parks, Playgrounds, and outdoor recreation facilities  | UP(PH)  | If the park, playground, or outdoor recreation facility is likely to be used by children, subject to the finding under <u>23E.84.090.H</u> |
| Public Safety and Emergency Services   | UP(PH)  |  |
| Public Utilities Substations, Buildings, Tanks   | UP(PH)  |  |
| Religious Assembly Uses  | UP(PH)  |  |
| Schools, Public or Private and Other Educational Institutions                                  | UP(PH)  | Subject to the findings in Section <u>23E.84.090.H</u>   |
| Senior Congregate Housing<br>Six or fewer persons<br>Seven or more persons<br>New Construction | ZC<br>AUP<br>UP(PH)   | Changes of use from an existing dwelling unit  |
| Accessory Buildings and Structures with Urban Agriculture                                      | ZC  | Subject to <u>23C.26</u> , <u>23D.08.010</u> , <u>23D.08.020</u> , <u>23D.08.050</u> , and <u>23D.08.060</u>                               |





Planning and Development Department  
Land Use Planning Division

## MEMORANDUM

DATE: September 16, 2020

TO: Members of the Planning Commission

FROM: Alisa Shen, Principal Planner

SUBJECT: Conduct A Public Hearing to Consider Recommending to the City Council Adoption of the Adeline Corridor Specific Plan and associated General Plan and Municipal Code (Zoning) Amendments (collectively called “Related Actions”) and Certifying the Final Environmental Impact Report (FEIR) on the Adeline Corridor Specific Plan and Related Actions

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## SUMMARY

The purpose of this public hearing is to receive comments from the Planning Commission and the public on the Final Environmental Impact Report of the Draft Adeline Corridor Specific Plan (“FEIR”), the Final Adeline Corridor Specific Plan (“Final Plan”), General Plan map and text amendments, Municipal Code and Zoning Map amendments (collectively called “Related Actions”), before considering the following actions:

1. Recommend that the City Council adopt the ACSP (as revised), General Plan and Municipal Code and map amendments in **Attachments A, B and C**;
2. Recommend adoption of the CEQA findings for the Adeline Corridor Specific Plan (ACSP) and General Plan and Municipal Code and Map amendments in **Attachment D**, which include certification of the FEIR, rejection of alternatives as infeasible, and a Statement of Overriding Considerations;
3. Recommend adoption of the Mitigation and Monitoring Reporting Program (MMRP) in **Attachment E**;
4. Recommend that the City Council consider a set of companion recommendations from the Planning Commission (**Attachment F**);
5. Authorize staff to make non-substantive, technical conforming edits (e.g. correction of typographical errors and/or clerical errors) to the ACSP, including but not limited to page, figure or table numbering, or zoning regulations in the Municipal Code that may have been overlooked in deleting old sections and cross-referencing new sections of the proposed Adeline Corridor zoning district

prior to formal publication of the amendments in the Berkeley Municipal Code, and to return to the Planning Commission for major revisions only;

6. Authorize staff to create updated versions of the ACSP Implementation Plan (Chapter 8, Table 8.1) as part of the annual progress report on implementation actions to reflect prevailing changes in laws, economic conditions, and the availability of City and other funding sources, which could potentially affect timeframes, responsibilities and potential funding mechanisms.

## I. ADELINE CORRIDOR SPECIFIC PLAN AND ASSOCIATED DOCUMENTS

The following documents are under review and consideration by the Planning Commission:

- Revised Draft Adeline Corridor Specific Plan (ACSP), which consists of the May 2019 Public Review Draft, superseded by excerpted sections with revisions shown in ~~strikeout~~/underline text (**Attachment A**)<sup>1</sup>;
- Amendments to the Zoning Ordinance, Zoning Map, General Plan and General Plan Map (**Attachments B and C**);
- Environmental Impact Report (EIR) on the above, consisting of the Draft EIR and Response to Comments Document/Final EIR;<sup>2,3</sup>
- California Environmental Quality Act (CEQA) findings and Mitigation Monitoring Report Program (**Attachments D and E**);
- “Companion Recommendation” from the Planning Commission’s Adeline Corridor Subcommittee (**Attachment F**)

Key components of the Specific Plan and General Plan and zoning amendments are summarized below. The EIR, CEQA findings and MMRP are described below in section V. Environmental Review of this memorandum.

### A. Revised Draft Adeline Corridor Specific Plan

The Draft ACSP and the Draft Environmental Impact Report (DEIR) was presented to the Planning Commission at its June 5, 2019 meeting. A detailed summary of the May 2019 Draft ACSP was provided in the staff report for the June 5<sup>th</sup> meeting.<sup>4</sup> Proposed revisions to the Draft ACSP, based on review and discussion during Planning Commission Adeline Corridor Subcommittee meetings, are shown as ~~strikeout~~/underline text in the relevant excerpts of the ACSP in **Attachment A**. The ACSP forwarded to the City Council would consist of the May 2019 Public Review

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<sup>1</sup> May 2019 Public Review Draft Adeline Corridor Specific Plan:

[https://www.cityofberkeley.info/uploadedFiles/Planning\\_and\\_Development/Level\\_3\\_-\\_Land\\_Use\\_Division/Adeline%20Corridor%20Specific%20Plan\\_Links%20Doc%20for%20website.pdf](https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Land_Use_Division/Adeline%20Corridor%20Specific%20Plan_Links%20Doc%20for%20website.pdf)

<sup>2</sup> Draft EIR: [https://www.cityofberkeley.info/uploadedFiles/Planning\\_and\\_Development/Level\\_3\\_-\\_Land\\_Use\\_Division/Adeline%20Corridor%20Specific%20Plan%20Draft%20EIR.pdf](https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Land_Use_Division/Adeline%20Corridor%20Specific%20Plan%20Draft%20EIR.pdf)

<sup>3</sup> Response to Comments of the Final EIR:

[https://www.cityofberkeley.info/uploadedFiles/Planning\\_and\\_Development/Level\\_3\\_-\\_Commissions/Commission\\_for\\_Planning/2019-12-12\\_PCAdeline\\_Item%20II%20-%20D.pdf](https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Commissions/Commission_for_Planning/2019-12-12_PCAdeline_Item%20II%20-%20D.pdf)

<sup>4</sup> Planning Commission June 5, 2019, Item 9 – Adeline Corridor Specific Plan and Draft EIR Staff Report:

[https://www.cityofberkeley.info/uploadedFiles/Planning\\_and\\_Development/Level\\_3\\_-\\_Commissions/Commission\\_for\\_Planning/2019-06-05\\_PC\\_Item%209.pdf](https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Commissions/Commission_for_Planning/2019-06-05_PC_Item%209.pdf)

Draft ACSP, as superseded by excerpted sections with revisions shown in ~~strikeout~~/underline text. An overview of the key components of the ACSP is provided below.

The Adeline Corridor Specific Plan (ACSP) includes eight chapters, consisting of:

- The Introduction chapter (Chapter 1) that provides context about Plan Area conditions, the purpose of the document, and the community engagement process;
- The Vision and Planning Framework chapter (Chapter 2) provides the long-term vision, brief historical context, goals and planning framework for the Plan Area;
- Five chapters focusing on land use, housing affordability, economic opportunity, transportation and public space (Chapters 3 through 7) that each include an overarching goal and related policies and strategies; and
- The Implementation Chapter (Chapter 8) outlines implementation measures or a preliminary set of “next steps” to achieve the long-term vision of the Adeline Corridor Specific Plan. It will be monitored and updated on a regular basis to reflect progress, lessons learned, changing circumstances, new opportunities, and community priorities over time.

The Draft Plan carefully balances aspirational goals and policies with realistic and implementable strategies and actions. The overarching principle of social and racial equity informed the planning process and the development of Draft Plan recommendations. This has resulted in a focus on ensuring that benefits of new development and other Plan policies prioritize the existing community and enhance existing community institutions. Specifically, the ACSP:

- Establishes an ambitious Plan Area goal of at least 50% of all new housing units to be deed-restricted affordable housing serving a range of income levels (i.e., extremely low, very low, low and moderate income);
- Prioritizes public land for new affordable housing and includes a specific policy outlining development parameters, including desired community benefits, and community/stakeholder engagement for the Ashby BART station area (Policy 3.7);
- Establishes new zoning regulations that include an on-site affordable housing incentive that ties increases in density, floor area ratio, and height to the provision of increments of on-site affordable housing;
- Prioritizes development of policies to allow existing tenants and non-profit organizations a right of first offer and a right of first refusal for certain residential properties that are on the market, as well as policies to give preference for new affordable units (i.e. inclusionary Below Market Rate units and/or publicly subsidized units) to current residents or those who have previously been displaced from the neighborhood;
- Includes policies and actions to foster a thriving commercial district, and support and retain existing small businesses and nonprofits;

- Focuses on policies and actions to support existing and future community assets and institutions, including the Berkeley Flea Market, the Juneteenth Festival and the creation of a future African American Holistic Resource Center; and
- Includes a conceptual redesign of the roadway that repurposes sections of the public right-of-way to improve safety and mobility, as well as create opportunities for improved streetscape (e.g., street trees, lighting, bus shelters, benches etc.) and new plazas, parks and other open space.

While no single land use plan can adequately protect neighborhood residents from the impact of the regional housing shortage, the ACSP commits to aggressive strategies and actions tailored for both privately owned land and public land, where public agencies have greater ability to prioritize income-restricted affordable housing. The ACSP includes a number of policies and actions that reflect and respond to community concerns about gentrification and displacement, which are highlighted below. Without these tailored policies and actions, the regional trends would continue to worsen.

## **B. General Plan and Zoning Ordinance Text and Map Amendments**

Portions of the Plan will be implemented through amendments to the Zoning Ordinance, Zoning Map, General Plan and General Plan Map.<sup>5</sup> Key elements of the zoning and General Plan amendments were included in the Draft ACSP and subsequently further refined to incorporate input received during the public comment period for the Draft Specific Plan and the Draft Environmental Impact Report (DEIR), and developed into complete draft text and map amendments (**Attachments B and C**).

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

- Incentivize greater quantities of on-site affordable housing in return for allowing increased levels of density (dwelling units/acre), FAR, height, and lot coverage;

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<sup>5</sup> Changes to incorporate zoning ordinance formatting changes resulting from the citywide Zoning Ordinance Revision Project, new State ADU laws and TDM measures will be made to all relevant zoning chapters after these are adopted by City Council (anticipated in late 2020).

- Simplify and clarify development standards and permit processes, in order to provide more certainty for project applicants and community members; and
- Facilitate uses that align with the Plan's Vision.

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

### 1. Development Standards and On-Site Affordable Housing Incentive

The standards below are designed to meet the Draft Plan goals for affordable housing and respecting the existing neighborhood context.

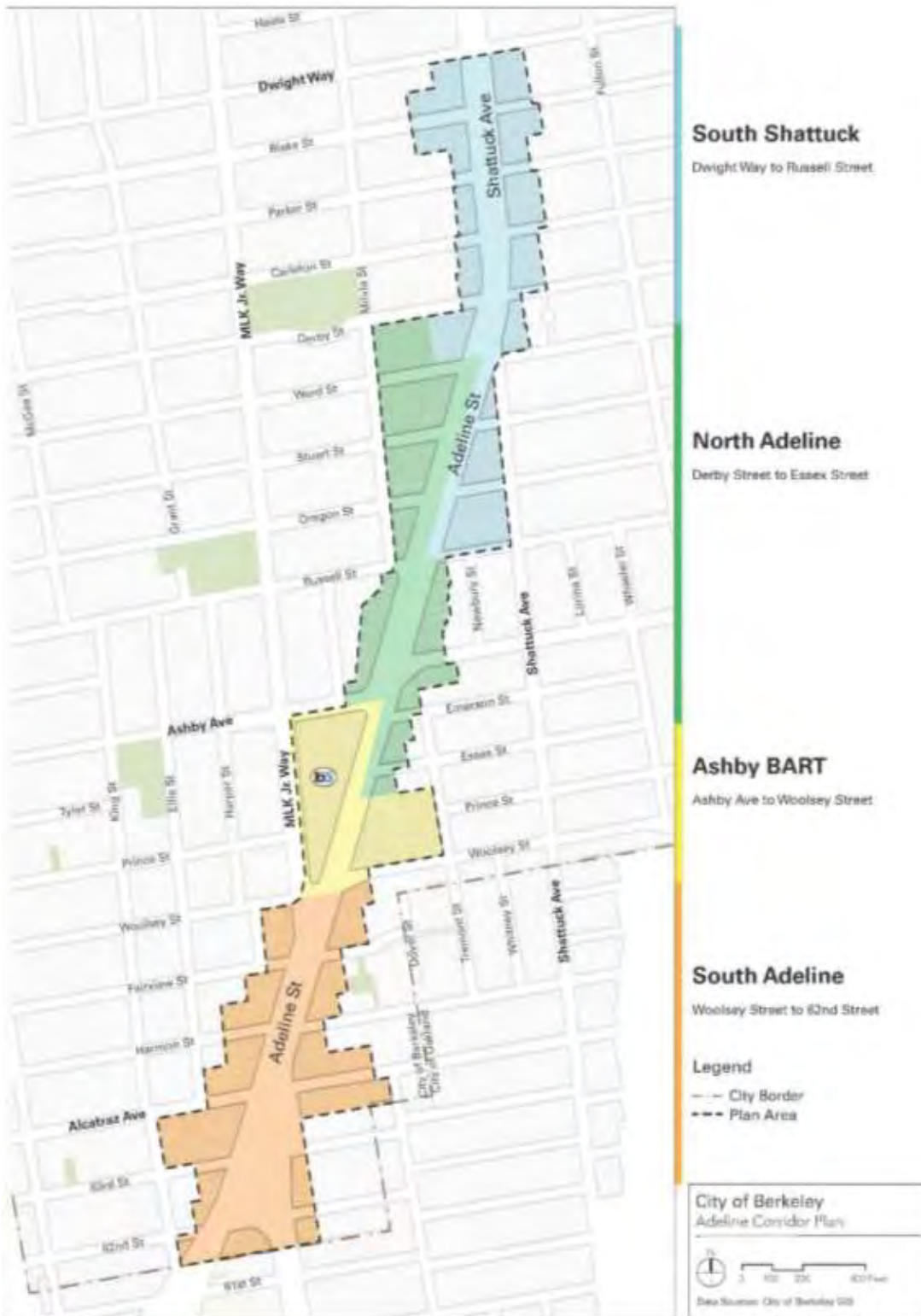
- On-site affordable housing incentive and density standards (dwelling units per acre). The proposed zoning is designed to increase the amount of on-site affordable housing in the area through two related changes. First, the proposed zoning creates larger base standard ("Tier 1")<sup>6</sup>, in order to generate a higher number of affordable units than the C-SA zoning would otherwise allow (the C-SA District's base standards are based on the more restrictive R-4 District). Second, by offering a new on-site affordable housing incentive, the proposed zoning will achieve an even higher share of affordable units in exchange for higher densities than current practice would allow.
- Plan Subareas (23E.70.040). The new C-AC district is divided into four subareas, based on the different physical and development characteristics found in the area. The four subareas (South Shattuck, North Adeline, Ashby and South Adeline), are described in the draft zoning chapter and shown in **Figure 1 – Plan Area and Subareas**.<sup>7</sup> In some cases, the draft zoning chapter applies different use limitations and development standards to the subareas, or portions of the subareas, to address the unique built environment and context which exist in each area.
- Development standards by subarea, including density, height, FAR, lot coverage, setback and open space requirements (23E.70.070.B). The draft zoning chapter establishes a "base" (or Tier 1) level of development. Increased heights and densities and slightly lower open space requirements are allowed for projects that provide specified levels of on-site affordable housing. These standards provide an incentive structure for projects to include more on-site affordable housing and better match the scale of development that has been approved/built and is appropriate along streets as wide as Shattuck and Adeline. These standards will provide more predictability for property-owners and community members.

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<sup>6</sup> The proposed draft zoning refers to the height options as Tiers 1, 2, 3 and 4. This is a change from the May 2019 Draft Plan, which used the terms Base, Tier 1, 2 and 3. This change was made to prevent confusion with the definition of "Base Project" pursuant to BMC Section 23C.14.020B for projects utilizing the State Density Bonus.

<sup>7</sup> The boundary between the South Shattuck and North Adeline subareas has been shifted to move the east side of Adeline between Derby and Russell into the South Shattuck area. The boundary shift is a change from the subareas shown in Figure 2.2 of the May 2019 Draft Plan. The rationale for this change is based on the fact that these are large parcels with potential for development that are buffered from nearby, lower-density residential zones by streets and additional parcels (similar to the Ashby Subarea west parking lot).

Figure 1: Plan Area and Subareas



- Group Living Accommodations (GLA) (23E.70.070.B). GLAs are subject to the Tier 1 development standards of the subarea in which they are located, as well as the R-3 density standards (350 sf/resident). Additional density is possible with the State Density Bonus. This will allow GLAs in the C-AC district, but not make them a more attractive development option than standard dwelling units.
- Non-Residential buildings (23E.70.070.C). Non-residential building heights and FAR requirements are the same as the Tier 1 heights for residential and mixed use buildings. These buildings will not be subject to a lot coverage standard, except to accommodate setbacks required when abutting residentially-zoned lots. Modifications to the development standards are not possible without providing affordable units on the parcel.
- Parking (23E.70.080). The proposed zoning establishes maximum automobile parking standards.<sup>8</sup> New development will be subject to transportation demand management (TDM) measures currently under development.
- Design standards (23E.70.085). Design standards specify heights and facade transparency for ground floors based on location. This will match the types of uses allowed within the Plan Area, and will ensure that the facade design will positively contribute to the pedestrian experience and street character (**Figure 2** – Diagram of Ground Floor Use Requirements).
- Historic Preservation Incentive (23E.70.070.A.2). Projects involving designated or potential historic resources will not need to provide new parking or open space to convert to a new residential or commercial use. This will make reuse of these buildings easier, and preserve the cultural resources in the area.

## 2. Approval Process for New Construction

The proposed zoning language creates tiers of development standards. These tiers will allow increased increments of development potential in exchange for increased amounts of on-site affordable housing at specified affordability levels. It is designed to reduce the time and cost required for housing projects and provide more predictability for project applicants and community members.

- Reduced Discretionary Review for dwelling units (23E.70.070). Fewer Use Permits (UPs) will be required, because standards will be linked to on-site affordable housing, and thresholds that would trigger discretionary review will be increased. New units and demolitions will still require UPs, but set levels of development standards will be linked to provision of on-site affordable housing rather than additional discretionary review.

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<sup>8</sup> The minimum automobile parking standards that were part of the Draft Plan (Policy 3.2 Development Standards) have been eliminated to align with concurrent citywide parking policy and transportation demand management (TDM) discussions occurring at the Planning Commission.

Figure 2: Diagram of Ground Floor Use Requirements





- Increased threshold for gross floor area additions (23E.70.050). Building additions will not trigger a UP unless they are over 5,000 sf. In contrast, the C-SA district requires a UP for construction of gross floor area of 3,000 sf or more.
- Eliminated size threshold for changes of use. Changes in use will not be subject to discretionary review based on the size of the new use. The current C-SA district requires an AUP for changes of use of floor area greater than 3,000 sf.

### 3. Uses

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

- “Active” ground-floor uses will be required in those areas which are designed for active pedestrian activity in tenant spaces over the defined size threshold, as shown in **Figure 2**.<sup>9</sup> Active uses are uses that will generate regular and frequent foot traffic and include retail stores, restaurants, cafes and markets.
- Arts and Crafts Studios will be permitted with a Zoning Certificate (ZC).
- Live/Work uses that generate customer or employee traffic will be permitted with a ZC rather than a UP.
- Restaurants size thresholds will be increased from 1,000 sf to 1,500 sf or 3,000 sf, depending on the subarea in which they are located.
- Vehicle sales will be prohibited pursuant to the 6/12/18 Council referral. Existing vehicle sales will be treated like other legal, non-conforming uses, and will require a UP for a substantial expansion or change in character.

### C. Planning Commission Adeline Corridor Subcommittee “Companion Recommendation”

The Planning Commission Adeline Corridor Subcommittee also prepared a “Companion Recommendation” that it would like the full Commission to forward to the City Council (**Attachment F**). The Subcommittee recommends that the City Council should consider the following actions along with adoption of the Adeline Corridor Specific Plan:

- Set-aside at least \$50 million of local funds for affordable housing to be built in (e.g. Measure O, HTF) for Adeline Corridor;

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<sup>9</sup> The ground floor use requirements in the proposed draft zoning (Attachment C) have been revised from what was presented in Table 3.1 of the May 2019 Draft Plan. Commercial uses are no longer required on Adeline between Derby Street and Russell Street to reflect its existing ground floor conditions with a mix of residential and commercial uses. Active ground floor commercial uses are now proposed as required along Adeline between Russell Street and Ashby Avenue, and along Shattuck Avenue between Ward and Russell Streets (to support the existing active restaurant/retail uses).

- Give careful consideration to revising the Affordable Housing Mitigation Fee Ordinance to allow Moderate Income units to count towards the required percentage of affordable housing if it is provided as a combination of Moderate Income (at 100% of Area Median Income) and Extremely Low Income units, to the extent permitted by law;
- Consider support and funding for feasibility and environmental analysis of a two-lane right-of-way design option for Adeline Avenue; and
- Identify and pursue funding for the creation of parks for the Adeline Corridor.

## II. PUBLIC PARTICIPATION AND PLANNING PROCESS

The ACSP and related General Plan and zoning amendments reflect input gathered through surveys and at dozens of community meetings, workshops/open houses and stakeholder/focus group meetings held since the planning process kicked off in 2015. After publication of the Draft ACSP and Draft EIR in May 2019, a Subcommittee established by the Planning Commission held twelve public meetings from May 2019 through August 2020 to discuss the ACSP and the proposed amendments to the General Plan and Zoning Ordinance. A summary of the community engagement and Commission/Council meetings is provided in **Attachment G**.

In addition, staff and partners in the community are already making progress at advancing key Plan priorities identified in the ACSP Implementation Action Plan. There are also several planning processes relevant to the Adeline Corridor planning process that are moving forward, in response to Council referrals, other legal mandates and/or the availability of grant funding. For informational purposes, these efforts are outlined below and briefly described:

- **Tenants Opportunity to Purchase Act/Community Preference.** The City is partnering with the East Bay Community Law Center to advance the design and implementation of two policies highlighted in the Draft Plan to protect against displacement and preserve and expand affordable housing access within the local community through developing a Tenant's Right to Purchase Act and a Local Housing Preference Policy, including studying options for those at-risk of being displaced and those who have already been displaced.
- **Ashby BART Station Area Planning.** The City is working closely with BART to develop zoning and site planning parameters that meet the requirements of Assembly Bill 2923 (AB 2923), and City and BART goals and objectives for the Ashby and North Berkeley BART stations, as reflected in the ACSP and other City and BART plans, policies and applicable laws and regulations.<sup>10</sup>
- **Citywide Affordable Housing Requirements Update.** Some of the issues raised during the Adeline planning process related to affordable housing need to be addressed at a citywide level, such as analyzing fee amounts, basis of fee calculation, menu of requirements and alternative compliance options, among other topics. Staff is working with a consultant to review applicable ordinances

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<sup>10</sup> For more information, go to: <http://www.cityofberkeley.info/bartplanning>

and related City Council referrals in order to consolidate these requirements into a more consistent framework and propose detailed changes based on specific challenges with the current programs.

- **Zoning Changes to Support Small and Independent Businesses.** In addition to zoning changes addressed in the Adeline Corridor planning process, the City Council has referred to the Planning Commission several policy changes that support Berkeley businesses and bolster Berkeley's commercial districts and commercial businesses citywide.<sup>11</sup> Citywide zoning ordinance updates considered through this process may be folded into the Commercial- Adeline Corridor (C-AC) zone, as applicable.
- **Zoning Ordinance Revision Project (ZORP).** Staff is working with a Subcommittee of the Planning Commission on a long-term project to revise the Zoning Ordinance to improve the City's permitting process, address state and federal law, and implement City goals and policies. The first phase focuses on improving existing Zoning Ordinance organization, format, and writing style. These amendments will not result in any substantive changes to existing rules, regulations, or procedures. The format of the Adeline Corridor zoning will eventually be amended to match the style, format and organization that is adopted through the first phase of the ZORP.<sup>12</sup>

### III. KEY ISSUES

The Planning Commission Adeline Corridor Subcommittee held 12 public meetings between May and August 2020 to discuss the draft ACSP and draft General Plan and zoning amendments and potential revisions to these documents to recommend to the full Commission. All of the revisions discussed by the Subcommittee are listed in a summary matrix provided as **Attachment H**.<sup>13</sup> All four Subcommittee members were in agreement with the proposed recommendations, except where noted. This section highlights key issues relating to major changes in content and/or topics where not all Subcommittee members were in agreement.

#### A. Affordable Housing Goals and Requirements

The Subcommittee received and discussed many comments on affordable housing goals and policies for the Plan Area overall and at the Ashby BART station, and inclusionary requirements in the proposed new Adeline Corridor zoning district.

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<sup>11</sup> For more information, go to:  
[https://www.cityofberkeley.info/uploadedFiles/Planning\\_and\\_Development/Level\\_3\\_-\\_Commissions/Commission\\_for\\_Planning/Staff\\_Report\\_OED\\_Referrals.pdf](https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Commissions/Commission_for_Planning/Staff_Report_OED_Referrals.pdf)

<sup>12</sup> All agendas for the PC ZORP Subcommittee are available online on the Planning Commission webpage: <http://www.cityofberkeley.info/pc>

<sup>13</sup> The summary matrix is organized into two sections: "substantive changes" consisting of major changes in content and/or topics where not all Subcommittee members were in agreement and "non-substantive changes" consisting of corrections (e.g. typographical or informational errors) or additional clarifying information that did not represent a major change to the original content.

1. **Plan Area Affordable Housing Goal and Proposed Zoning Affordable Housing Requirements.** A key concept of the ACSP is a goal that at least 50% of all new housing built in the Plan Area is deed-restricted affordable housing serving a range of income levels. Much of the discussion about this policy related to whether this goal should or could be higher and how to ensure this goal would be achieved.

The ACSP states that achieving the “at least 50% new affordable housing goal” will be challenging, but possible. During the planning process, many community members repeatedly stressed that the Plan must be **implementable** and **implemented**. An important part of ensuring implementation of the Plan is setting goals that are ambitious and also firmly grounded in a thorough assessment of opportunities and constraints.

The Draft Plan illustrates that the 50% goal is possible under a scenario that primarily relies on reserving some/all of the publicly-owned sites for income-restricted affordable housing units.<sup>14</sup> Additional units that would contribute to achievement of the 50% goal would come from mixed-income projects with inclusionary below-market rate units (as a result of the Draft Plan’s on-site affordable housing incentive). It is important to note that there are other scenarios under which the “at least 50% new affordable housing goal” could be achieved. However, since other scenarios would include many more assumptions/factors that are not in the City or another public entity’s control, those were not illustrated in the Draft Plan.

As noted above (Section II), the ACSP and associated new Adeline Corridor zoning district establish different tiers of additional density, height and floor area ratio, reduced parking, and streamlined approval in return for specified amounts of on-site affordable housing units. The proposed new zoning for the Adeline Corridor (“Commercial -Adeline Corridor” District or C-AC District) substantially restructures how additional density and intensity is allowed, but it does not substantially upzone the area from the existing zoning (C-SA District). Under the proposed zoning, the bonuses for community benefits are specific, predictable, and objective. The proposed zoning is designed to maximize the community benefits derived from housing development projects without compromising the financial feasibility of the development of housing that the community and the region needs. Based on feasibility analyses conducted by the Street Level Advisors, increasing inclusionary affordable housing requirements from the proposed levels would risk making many projects infeasible under recent market conditions (pre-COVID-19 conditions).

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<sup>14</sup> For purposes of environmental analysis, an estimate of a reasonably foreseeable amount of development or “project buildout” associated with implementation of the Draft Plan through 2040. This estimate included a total of 1,450 new dwelling units and 65,000 sf net new commercial square feet. It was also used as the basis for analyzing the economic feasibility of achieving the goal of at least 50% new affordable housing units. See Draft Plan, p.1-8 and the Draft Environmental Impact Report on the Adeline Corridor Specific Plan, Chapter 3 Project Description for more information about the projected buildout. See Draft Plan Chapter 4 and Appendix C for more detail on the economic feasibility analysis supporting the affordable housing goal and the proposed on-site affordable housing incentive zoning.

During the planning process, some commenters cited a study that looked at the effects of upzoning over a 5-year period in Chicago and found that property values (or the cost of land) increased in an amount roughly commensurate with the increase in allowed density without seeing an increase in actual units constructed. The study's author recommends that strategies such as "rent stabilization, requiring affordable housing units in market-rate projects, setting aside municipal land, providing direct funding for fully affordable projects; and slimming the regulatory burden to reduce construction costs" to address the potential adverse local consequences to upzoning.<sup>15,16, 17</sup> All of these strategies are consistent with citywide policies and/or in the ACSP.

2. **Ashby BART.** There was extensive public comment and Subcommittee discussion about affordable housing requirements at the Ashby BART station area. Subcommittee members did not reach consensus about proposed revised language for Policy 3.7 Objective 1. The proposed language supported by three out of four Subcommittee members stated that there should be a goal of "phased development, over the life of the Plan, of 100% below market, deed restricted affordable housing", as shown below in Table 1.

This proposed language, if adopted, would preempt a process outlined in the Memorandum of Understanding (MOU), unanimously adopted by the Berkeley City Council and BART Board, for working together on development at the Ashby and North Berkeley BART stations.<sup>18</sup> This process includes the establishment of a Community Advisory Group (CAG) that is advisory to the City of Berkeley Planning Commission, other community engagement, and additional land use, economic feasibility and other studies to inform decisions about zoning and development at the Ashby and North Berkeley BART station areas. Preliminary economic feasibility analyses of conceptual development scenarios are anticipated to be available in October 2020.<sup>19</sup>

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<sup>15</sup> Freemark, Y. "Upzoning Chicago: Impacts of Zoning Reform on Property Values and Housing Construction." *Urban Affairs Forum*. <https://www.citylab.com/perspective/2019/02/zoning-reform-house-costs-yonah-freemark-research/582034/>. Accessed 11/22/19.

<sup>16</sup> Baca, A. and Lebowitz, H. "No, Zoning Reform Isn't Magic. But It's Crucial." *City Lab*, February 5, 2019. <https://www.citylab.com/perspective/2019/02/zoning-reform-house-costs-yonah-freemark-research/582034/>. Accessed 11/22/19.

<sup>17</sup> In addition, there are important differences between the context of this study and the Adeline Corridor, such as the degree manner of upzoning. In the Chicago example, floor area ratios (FAR) were ultimately increased by 33% without any of the suggested strategies to blunt potential adverse effects of upzoning. The proposed Adeline Corridor zoning proposes a restructuring of the development standards that mostly fall within the existing zoning (C-SA District) maximum FAR of 4.0 in return for higher inclusionary requirements for on-site affordable housing.

<sup>18</sup> [https://www.cityofberkeley.info/Clerk/City\\_Council/2019/12\\_Dec/Documents/2019-12-10\\_Item\\_31\\_Approval\\_of\\_a\\_Memorandum.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2019/12_Dec/Documents/2019-12-10_Item_31_Approval_of_a_Memorandum.aspx)

<sup>19</sup> The conceptual development scenarios will include varying assumptions about the amount residential and non-residential development, levels of affordability, parking, open space, infrastructure improvements. The analyses will begin to shed light on tradeoffs between levels of public subsidy or cross-subsidy required, estimates of project schedule and overall project feasibility.

**Table 1. Policy 3.7 Ashby BART, Objective 1 Options**

a. *May 2019 Draft Plan (ORIGINAL LANGUAGE):*

**OBJECTIVE 1. AFFORDABLE HOUSING.** For any future development in the BART subarea, at least 50% of the total housing units produced should be comprised of deed-restricted affordable housing, which could also include supportive services or other spaces associated with the affordable housing. This goal for at least 50% affordable housing at a range of income levels (e.g. Extremely Low, Very Low, Low and Moderate) would be calculated across the entire Ashby BART subarea and could be accomplished through multiple phases of development. Any future development agreement should commit to deliver at least this level of affordable housing, and provide a plan to do so. Amounts of affordable housing exceeding 50% of the total square footage and number of units are encouraged.

b. *Subcommittee proposed revised language:*

The City's goal for the Ashby BART subarea is phased development, over the life of the Plan, of 100% below market, deed restricted affordable housing. Following the process outlined in the City and BART Memorandum of Understanding (MOU), the City will work with BART to achieve this goal. This housing should be affordable to moderate, low-, very low- and extremely-low income households at an approximately even distribution. Housing in this subarea could also include supportive services or other spaces associated with affordable housing. Reserving the Ashby BART site for 100% affordable housing development will help achieve the Plan's housing affordability goal that calls for at least 50% of all new housing built in the Adeline Corridor over the next years to be income restricted permanently affordable housing.

c. *Staff-prepared revised language:*

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

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

At a February 4, 2020 Worksession about the Adeline Corridor Specific Plan, the Mayor and Council emphasized the need for the ACSP to be consistent with the Memorandum of Understanding (MOU). BART has also sent multiple comment letters to the Subcommittee and City staff expressing concern about the proposed language from the Subcommittee and supporting alternate language staff prepared that endeavors to synthesize the intent of the Subcommittee proposed language and align with the City of Berkeley and BART-adopted MOU.

Table 1 (above) shows the original text from the May 2019 Draft Adeline Corridor Specific Plan (p.3-22 – 3-23), the Subcommittee proposed revision, and alternative language prepared by staff.

## **B. Other Zoning/Land Use Related Items**

The following components of the proposed zoning are outlined below.

1. Alcoholic Beverage Retail Sales, including liquor stores and wine shops. Staff had originally proposed allowing Alcoholic Beverage Retail Sales, including liquor stores and wine shops, with a Use Permit, and eliminating the specific prohibition on sales of distilled alcoholic beverages “along Adeline Street south of Ashby Avenue” which is in the existing zoning for the area (Commercial – South Area Zoning District). At its February 1, 2020 meeting, the Subcommittee recommended that the restrictions remain in the C-AC zoning, prohibiting alcoholic beverage retail sales south of Ashby Avenue.

Staff recommends that the Planning Commission consider whether to include this restriction in the zoning that is recommended to City Council. Note the following:

- The existing restriction from the existing C-SA zoning to implement the 1990 South Berkeley Area Plan was intended to address nuisance activity of specific liquor stores; these liquor stores have had to comply with code enforcement actions that include strict hours of operation limitations. At the February 1, 2020 Subcommittee meeting, two public commenters expressed a desire that the restriction be maintained.
- This restriction would not only apply to liquor stores and bars. It would also prohibit a new grocery store from selling spirits without seated food service south of Ashby Avenue. No other commercial zoning district has this restriction.
- This restriction could hinder the attraction of new businesses and uses, as articulated in Policy 5.5, whose business model may rely in part on the sale of distilled alcoholic beverages, including small-format grocery stores and entertainment venues.

## 2. Parking

The proposed C-Adeline Corridor zone includes no parking minimum and a parking maximum of 1 space per unit (**Attachment C**, Table 23E.70.080 Parking Required) for residential uses. The Planning Commission has discussed changes to citywide parking regulations which included consideration of a lower parking maximum of 0.5 spaces per unit. The City Council is anticipated to consider these changes in fall 2020.

## 3. Lot coverage

The ACSP and C-AC zoning originally proposed maximum lot coverage requirements for Tier 1 for the South Shattuck, North Adeline and South Adeline Subareas to be 80% for interior lots and 90% for corner lots. The Subcommittee discussed a proposal to reduce Tier 1 lot coverage to 60% and 70% for interior and corner lots, respectively. The Subcommittee did not have consensus: three out of four Subcommittee members agreed with moving forward with this proposal. The lack of consensus stemmed from the position that reducing the maximum lot coverage impacted overall project feasibility, reducing the financial feasibility of the Tier 1 level of the proposed zoning.

## C. Economic and Workforce Development

Based on community feedback, the Subcommittee has recommended three key changes to the ACSP. These changes are summarized below.

1. The Draft ACSP includes a goal, policy and action to explore the potential to establish a Council-approved Business Improvement District (BID) in order to establish an entity with adequate staff and financial resources to provide services/fund projects to support local businesses (ACSP, Policy 5.3 and Implementation Action EO-3). During the planning process, concern was expressed that the goals of BIDs may sometimes be in conflict with other broader community goals of equity and compassion for the unhoused. The proposed revision to Policy 5.3 and Action EO-3 are intended to ensure that the outreach includes a broader set of stakeholders including existing businesses and property owners and in particular Black business owners, cultural and religious institutions, nonprofits, the Berkeley Community Flea Market, local residents, unhoused people, and other users of the corridor to determine the appropriate strategy/entity could best support a vibrant commercial district (See Attachment A, Revised Policy 5.3 and Implementation Action EO-3).
2. Addition of a new policy to explore development of a targeted workforce development policy is proposed (Attachment A, New Policy 5.8: Workforce Development and Implementation Action EO-15).
3. During the planning process, some members from the business community expressed concern that the ACSP lacked specificity with regards to strategies to support local businesses with respect to placemaking including development of public space, strategies for managing the aging buildings, and strategies for working with derelict property owners, among others. While



the ACSP sets a framework for these topics, further economic development planning and funding will be necessary in order to bring these strategies to fruition at the implementation stage of the ACSP. The ACSP recommends that a Business Improvement District (BID), with the community engagement process necessary to establish it (as noted above) provide the funding and implementation mechanism for these strategies. The ACSP includes policies for near-term placemaking (temporary and permanent) projects, as well as larger projects that will include placemaking components, such as the redesign of the Ashby BART station area and the right-of-way in the Plan Area. Staff has made additional revisions, including adding/replacing plan images to better illustrate recommended policies and ideas.

#### **D. Additional Roadway Redesign Options**

The Subcommittee discussed public comments that expressed a desire for the study of additional roadway reconfiguration options for the Adeline right-of-way. These options included a bus-only transit lane or further reductions in the overall number of automobile travel lanes in additional areas along the Corridor than what is currently being proposed, in order to allow for more space for pedestrians, bicyclists, market space and parks and potentially even land for development.

Major changes to roadway configuration such as the reduction of travel lanes would require additional CEQA analysis. However, as noted in the Draft Plan, Chapter 6, Policy 6.2 Street Right-Of-Way Design, the long-term right-of-way design is conceptual and open to further revision and refinement in the future. There are many variables that need to be discussed and studied in order to refine the potential options and further analyze technical and financial feasibility. For example, planning for the Ashby BART station area, with respect to the envisioned civic plaza and Berkeley Flea Market and a potentially relocated Farmers Market, would influence planning and programming for the open space opportunity site in the “South Adeline” subarea (the current location of the Farmers Market).

Furthermore, Implementation Actions T-2, T-7, PS-1 and PS-2 specifically address further work and community engagement needed to build on the ACSP right-of-way concept. The Subcommittee has proposed to revise Implementation Action T-2 to describe additional roadway configuration options that should be studied such as the potential of reducing travel lanes on Adeline from Derby Street to Martin Luther King Jr. Way. State and federal grants secured by BART for station access and transit-oriented development planning will allow for preliminary feasibility studies of additional roadway reconfiguration options around Ashby BART along Adeline Street.

#### **E. Public Space and Parks**

Subcommittee members and the public emphasized the lack of sufficient park space in Plan Area and South Berkeley, in general. They expressed that the Draft Plan

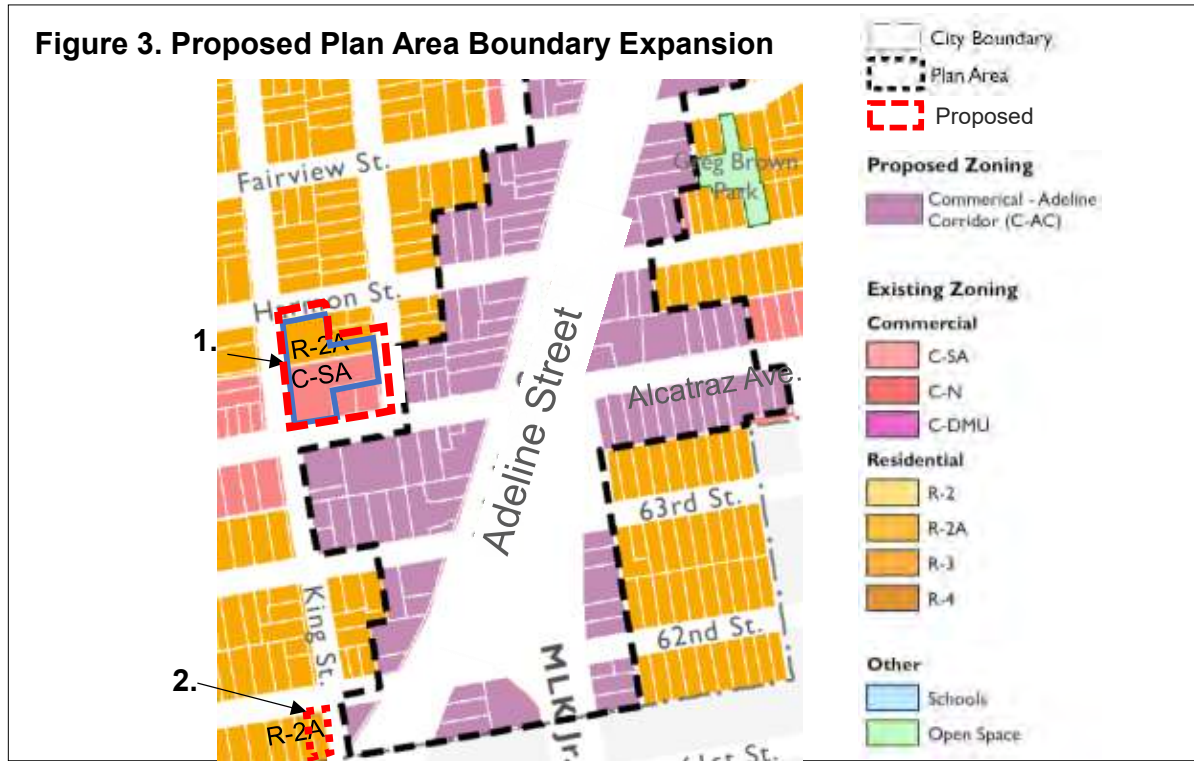
should be more specific about the location, size and type of opportunities for parks (as opposed to plazas/hardscaped areas or merely landscaped areas).

Chapter 7 Public Space identifies that there is a need and high community priority on safe, inclusive, attractive and healthy public spaces. Policy 7.3 Public Space Opportunity Sites identifies potential opportunity areas in the four subareas for new public space. However, additional study and community input are needed to narrow down variables regarding the size, type and programming potential spaces, such as opportunities identified as part of the right-of-way redesign concept or for the Ashby BART subarea. A new figure (Figure 7.1) has been prepared to show the location of these opportunity areas; additional text more explicitly stating the community's priority for park space has been included in the proposed revisions (**Attachment A**).

## **F. Expanding the Plan Area Boundary**

Subcommittee members heard public comment requesting the following expansions to the Plan Area boundary in order to include four additional parcels in the South Adeline Subarea. The proposed Plan Area boundary expansion would result in the redesignation of these areas with the proposed General Plan Land Use Classification (Adeline Corridor Mixed Use) and the proposed zoning (Commercial – Adeline Corridor District) with the adoption of the Specific Plan and General Plan and zoning amendments by the City Council. More information about this proposal is shown in **Figure 3** and described in more detail below.

1. Ephesian Church Site. As shown in **Figure 3**, the Ephesian Church owns an approximately 1-acre parcel at the northern corner of King Street and Alcatraz Avenue that is adjacent to, but just outside of, the Plan Area boundary. Current uses on the parcel include the Ephesian Church building, surface parking, and a vacant building. The parcel is currently zoned with two different zoning designations: R-2A Restricted Multiple-Family Residential District (R-2A) and C-SA South Area Commercial District (C-SA). The Ephesian Church is interested in redeveloping 0.52-acres of the site with a 100% affordable senior housing project along King, Harmon, and Ellis Street. Incorporating the Ephesian Church parcel into the Plan Area would result in rezoning this parcel to the new proposed C-AC District, which would facilitate the development of 100% affordable housing, which is consistent with the goals of the Adeline Corridor Specific Plan. In order to maintain a smooth transition between zones, it is also recommended that two adjacent parcels along Alcatraz Avenue that are currently zoned as C-SA (parcels #3 and #4 in Figure 2) are also incorporated into the Plan Area boundary. Existing uses on these two parcels, including a mixed-use building and a six-unit apartment complex, respectively, would not be affected by the change from C-SA to C-AC zoning, as these uses are allowed in both the existing and proposed zoning.



2. Finch Resource Center Site. As shown in **Figure 3**, the 0.1-acre parcel located at the southwestern corner of 62nd and King Streets (3404 King Street) is adjacent to the Plan Area in the R-2A Restricted Multiple-Family Residential District. The Berkeley Municipal Code (BMC) defines “transitional housing”<sup>20</sup> as a type of Group Living Accommodation<sup>21</sup> (GLA), which are not allowed to operate in the R-2A District. According to the City’s permit records, this property was granted a Use Permit (UP) with a Variance in 1978 to allow for a transitional home serving 12 youth. Expanding the Plan Area boundary to incorporate the parcel would rezone the parcel from R-2A to the proposed C-AC zoning, which would permit the current GLA uses and any potential expansion/modification of the use with the granting of a Use Permit.

The Subcommittee agreed with proposed expansion to the Plan Area boundary raised by several community members. Staff recommends that consideration of the addition of the abovementioned parcels to the Plan Area Boundary be addressed separately from

<sup>20</sup> Transitional Housing (from Health and Safety Code Section 50675.2(h)): Any dwelling unit or a Group Living Accommodation configured as a rental housing development, but operated under program requirements that call for the termination of assistance and recirculation of the assisted units to another eligible program recipient at some predetermined future point in time.

<sup>21</sup> Group Living Accommodations: A building or portion of a building designed for or accommodating Residential Use by persons not living together as a Household, but excluding Hospitals, Nursing Homes and Tourist Hotels. (BMC Section 23F.04.010)

the adoption of the ACSP and related documents, in order to ensure that all interested community members are notified and aware of the proposed zoning change. Since the existing Plan Area boundary has been unchanged for the bulk of the five-year planning process, staff recommends a separate focused outreach effort to the surrounding community and other stakeholders to discuss the proposed zoning change for the five parcels in question. The consideration of a map amendment can be initiated at the request of a property owner, or can be referred by the City Council to staff and the Planning Commission.

#### **IV. ENVIRONMENTAL REVIEW**

An Environmental Impact Report (EIR) was prepared for the Adeline Corridor Specific Plan (ACSP). The ACSP does not propose specific development projects, but for the purposes of environmental review, includes a buildout projection which represents a reasonably foreseeable maximum amount of development for the Plan Area through 2040. In total, the Adeline Corridor buildout projection would include the total development of 1,450 housing units and 65,000 square feet of commercial space.<sup>22</sup>

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

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

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

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

The following actions are anticipated as part of the environmental review of the project:

- This Planning Commission meeting(s) to consider certification of the Final EIR
- Meeting(s) of the City Council to consider certification of the Final EIR.

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<sup>22</sup> See Table 2.5 Adeline Corridor Buildout Projection (through 2040), *Adeline Corridor Specific Plan Draft Environmental Impact Report (DEIR)* SCH#2018072009, May 2019, p.2-26.

### **A. Potentially Significant Impacts Identified in the Draft EIR**

All environmental impacts, relevant City Standard Conditions of Approval and mitigation measures are summarized in the CEQA Findings and Statement of Overriding Considerations (see **Attachment D**). Other than the impacts discussed below, all of the environmental effects of the Adeline Corridor Specific Plan (“the Plan”) can be reduced to less than significant levels through implementation of Standard Condition(s) of Approval and/or recommended mitigation measures.

The Draft EIR (DEIR) identifies the following **Significant and Unavoidable** environmental impacts related to Noise and to Transportation and Traffic.

- **Impact N-2.** Construction activities associated with implementation of the proposed Specific Plan would intermittently generate high noise levels within and adjacent to the Plan Area. Mitigation to restrict the hours of construction activity and minimize noise from equipment would reduce construction noise to the extent feasible. However, construction noise could still exceed the City’s standards at sensitive receptors. Therefore, the impact from construction noise would be significant and unavoidable.
- **Impact T-1.** The addition of traffic generated by the development projects facilitated by the Specific Plan and the roadway modifications proposed by the Specific Plan would cause the signalized Adeline Street/Alcatraz Avenue intersection to deteriorate from LOS D during the AM peak hour and LOS E during the PM peak hour under Existing Conditions to LOS F during both AM and PM peak hours under Existing Plus Project conditions. This impact would be significant and unavoidable.
- **Impact T-3.** The addition of traffic generated by the development projects facilitated by the Specific Plan and the roadway modifications proposed by the Specific Plan would increase the V/C ratio by more than 0.01 at the signalized Adeline Street/Alcatraz Avenue intersection, which would operate at LOS F during both AM and PM peak hours in 2040 regardless of the proposed Specific Plan. This impact would be significant and unavoidable.
- **Impact T-6.** The addition of traffic generated by the development projects facilitated by the Specific Plan and the roadway modifications proposed by the Specific Plan would result in the Study CMP roadway segments to deteriorate from LOS E or better to LOS F, or increase V/C ratio by 0.03 or more for a facility operating at LOS F without the Specific Plan. This impact would be significant and unavoidable.

### **B. Mitigation Monitoring and Reporting Program (MMRP)**

The Environmental Impact Report (EIR) identifies the applicable mitigation measures that will be implemented to reduce the impacts associated with the Adeline Corridor Specific Plan. The California Environmental Quality Act (CEQA) requires a public agency to adopt a monitoring and reporting program for assessing and ensuring compliance with any required mitigation measures applied to proposed development

**(Attachment E).** The table in the Mitigation Monitoring Reporting Program (MMRP) lists the mitigation measures that may be included as conditions of approval for the project.

Mitigation Measure GHG-1: All Electric New Construction has been further updated to clarify requirements consistent with the City's Prohibition of Natural Gas Infrastructure in New Buildings Ordinance, updates to the Berkeley Energy Code and Green Code, and federal law.<sup>23</sup>

### C. Project Alternatives

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

- **Alternative 1: No Project Alternative.** The No Project Alternative assumes that the proposed Draft Plan is not adopted and that there is no change to the existing configuration of the street and transportation network along the Adeline Corridor, consisting of a street redesign, implementation of bicycle/pedestrian lanes, and elimination of a traffic lane along Adeline Street. The Plan Area would continue to be designated as *Avenue Commercial* and *Neighborhood Commercial* per the City's General Plan. Under the No Project Alternative, incremental land use development at existing opportunity sites would continue under current land use and zoning regulations. The No Project Alternative would not involve City adoption of the affordable housing targets for development of the Ashby BART Station that go beyond BART's affordable housing policy and other regulatory requirements, as well as the on-site affordable housing incentive for rest of the Plan Area.
- **Alternative 2: No Street Redesign Alternative.** Alternative 2 would involve an alternate vision for the Draft Plan in which the same land uses would be developed but no major changes to the current configuration of the street and transportation network (e.g., street redesign, implementation of bicycle/pedestrian lanes, and elimination of a traffic lane along Adeline Street) would occur. Development standards and guidelines related to right-of-way improvements along the Adeline Corridor would be removed from the Draft Plan, such as those in Draft Plan Chapter 6, Transportation. All other policies, standards, and guidelines in the proposed Draft Plan would remain.
- **Alternative 3: Office Focus Alternative.** The Office Focus Alternative would involve changes to the land use scenario envisioned under the Draft Plan to prioritize office development in the Plan Area. This alternative would involve the same overall building envelope as the proposed Draft Plan, but approximately 40

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

percent of the development square footage in the Plan Area would be office instead of residential. As with the proposed Draft Plan, this alternative would include changes to the current configuration of the street and transportation network along the Adeline Corridor, consisting of a street redesign, implementation of bicycle/pedestrian lanes, and elimination of a traffic lane along Adeline Street.

#### **D. Responses to the Draft EIR Comments (Final EIR)**

The City received 80 written comments about the Draft EIR and the Draft ACSP during the public comment period (from May 17 through July 17, 2019), and continued to receive comments about the Draft ACSP after the close of this period. All of the written comments are reproduced in their entirety in the Response to Comments document of the Final EIR. Responses to all of the comments that pertain to the EIR are addressed in the Response to Comments Document of the Final EIR, including certain revisions and changes to text in the Draft EIR. Comments about the Draft Plan received during the public comment period were grouped by category/topic and addressed in a staff memorandum prepared for the Planning Commission Subcommittee on the Adeline Corridor Specific Plan.<sup>24</sup>

None of the changes to the Draft EIR involve a new significant environmental impact, or a feasible mitigation measure or alternative considerably different from that presented in the Draft EIR. In sum, staff recommends that the Planning Commission adopt the CEQA findings in Attachment A, which include certification of the EIR, rejection of alternatives as infeasible or not environmentally superior, and a Statement of Overriding Considerations.

#### **V. RECOMMENDATIONS**

Staff recommends that the Planning Commission take public testimony, close the public hearing and:

1. Recommend that the City Council adopt the ACSP (as revised), General Plan and Municipal Code and map amendments in **Attachments A, B and C**;
2. Recommend adoption of the CEQA findings for the Adeline Corridor Specific Plan (ACSP) and General Plan and Municipal Code and Map amendments in **Attachment D**, which include certification of the FEIR, rejection of alternatives as infeasible, and a Statement of Overriding Considerations;
3. Recommend adoption of the Mitigation and Monitoring Reporting Program (MMRP) in **Attachment E**;
4. Recommend that the City Council consider a set of companion recommendations from the Planning Commission (**Attachment F**);
5. Authorize staff to make non-substantive, technical conforming edits (e.g. correction of typographical errors and/or clerical errors) to the ACSP, including

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<sup>24</sup> [https://www.cityofberkeley.info/uploadedFiles/Planning\\_and\\_Development/Level\\_3\\_-\\_Commissions/Commission\\_for\\_Planning/2019-12-12\\_PCAdeline\\_Item%20II%20-%20C.pdf](https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Commissions/Commission_for_Planning/2019-12-12_PCAdeline_Item%20II%20-%20C.pdf)

but not limited to page, figure or table numbering, or to the zoning regulations in the Municipal Code that may have been overlooked in deleting old sections and cross-referencing new sections of the proposed Adeline Corridor zoning district prior to formal publication of the amendments in the Berkeley Municipal Code, and to return to the Planning Commission for major revisions only;

6. Authorize staff to create updated versions of the ACSP Implementation Plan (Chapter 8, Table 8.1) as part of the annual progress report on implementation actions to reflect prevailing changes in laws, economic conditions, and the availability of City and other funding sources, which could potentially affect timeframes, responsibilities and potential funding mechanisms.

## **ATTACHMENTS**

- A. Proposed Revisions to the May 2019 Public Review Draft Adeline Corridor Specific Plan (excerpts with revisions shown in ~~strikeout~~/underline text)
- B. Proposed General Plan Text and Map Amendments
- C. Municipal Code (“zoning”) Text and Map Amendments
- D. CEQA Findings for the Adeline Corridor Specific Plan
- E. Mitigation Monitoring Reporting Program (MMRP) for the Adeline Corridor Specific Plan EIR
- F. Planning Commission Companion Recommendations
- G. Summary of Community Engagement, Planning Commission and City Council Meetings
- H. Summary Matrix of Planning Commission Adeline Corridor Subcommittee Proposed Revisions



**Attachment A – Excerpts from May 2019 Public Review Draft Adeline Corridor Specific Plan with Proposed Revisions Shown in ~~strikeout~~/underline text**

The following pages consist of excerpts of the May 2019 Public Review Draft Adeline Corridor Specific Plan with revisions shown in ~~strikeout~~/underline text.<sup>1</sup>

The “Revised Draft Adeline Corridor Specific Plan (ACSP)” under consideration by the Planning Commission consists of the May 2019 Public Review Draft, superseded by excerpted sections with revisions shown in ~~strikeout~~/underline text.

Please note that non-substantive differences in the following excerpts (e.g. text font, style/formatting and pagination) may have resulted from transitions between software programs during the editing process and will be corrected to match the 2019 Public Review Draft graphic format.

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<sup>1</sup> May 2019 Public Review Draft Adeline Corridor Specific Plan:  
[https://www.cityofberkeley.info/uploadedFiles/Planning\\_and\\_Development/Level\\_3\\_-\\_Land\\_Use\\_Division/Adeline%20Corridor%20Specific%20Plan\\_Links%20Doc%20for%20website.pdf](https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Land_Use_Division/Adeline%20Corridor%20Specific%20Plan_Links%20Doc%20for%20website.pdf)

Prior to World War II, there was a sizeable Japanese population in the neighborhood. During the War, these residents were stripped of their property rights and relocated to internment camps. Thousands of jobs were created in the region to support the war effort. South Berkeley's Black community, which was already well-established, grew larger and more cohesive.

In the 1960s and 70s, Berkeley took center stage in the national dialogue on race, war, poverty, and free speech. Residents like William Byron Rumford fought for civil rights at the national level, while leaders like Mable Howard fought for social and economic justice at the local level. Suburbanization transformed the Bay Area, draining resources from central cities and creating a growing income divide between East Bay communities.

Issues of race and equity came to the forefront during the planning of the San Francisco Bay Area Rapid Transit [District](#) (BART) system in the late 1960s. As initially conceived, BART was to follow the alignment of the former streetcar line on elevated tracks. South Berkeleyans questioned the initial proposal for an elevated line, as it would physically fracture the predominantly white, middle-class neighborhoods east of Adeline from the mostly African-American neighborhood to the west. Mable Howard's political activism and commitment to her community led to a lawsuit against BART. Political support from Berkeley City Council member (and later Congressman) Ron Dellums propelled the lawsuit forward. Then-Mayor Wallace Johnson also played an important role in this effort that resulted in Berkeley residents voting to tax themselves for a bond measure to pay for undergrounding of not only the Downtown Berkeley station but also the North Berkeley and Ashby stations, as well as 3¼ miles of track.

The outcome was a redesign of the Richmond Line, with BART transitioning to a subway from the Oakland border northward, including an underground station at Ashby. While undergrounding the BART facilities was a victory

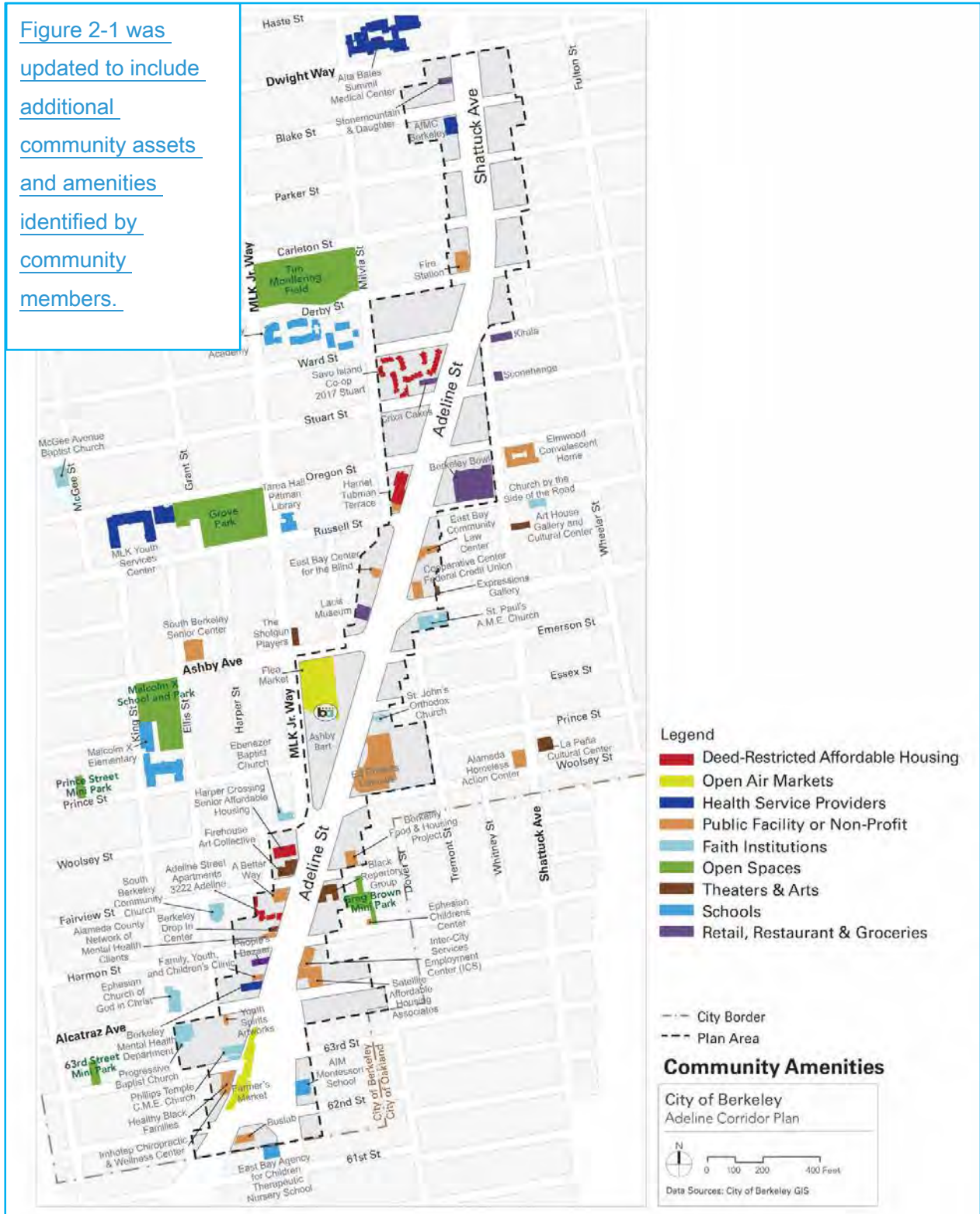
for the community, construction of the tunnel and clearance of several blocks for Ashby Station disrupted a thriving African-American neighborhood. Many homes and businesses were displaced, and the neighborhood businesses that remained struggled through the multi-year construction phase. Service to Ashby Station began on January 29, 1973.

The past five decades have seen the continued evolution of South Berkeley and the Adeline Corridor. The Berkeley Flea Market was established in 1976 on the west Ashby BART parking lot. It has become a neighborhood institution and continues to operate on weekends. A few blocks to the south at 63rd Street, the South Berkeley Farmers' Market has been operating for the last 25 years in South Berkeley and at its current location since 2012. The Ed Roberts Campus opened in 2010, providing a home for several regional organizations serving persons with disabilities. New multi-family housing, including both affordable and market rate projects, has been built along the corridor, and locally-owned businesses and arts organizations have become cherished community institutions.

Figure 2-1 illustrates community assets and amenities along the corridor today.

Figure 2-1 Community Assets and Amenities

Figure 2-1 was updated to include additional community assets and amenities identified by community members.



## *five* **BIG** *ideas*

Embedded in this Plan are a number of “big ideas” that will help achieve the goals listed above. Each of these ideas corresponds to a project or series of projects that will create new housing, economic, transportation, or public space opportunities for residents and businesses along the Adeline corridor.

**1 AFFORDABLE HOUSING.** Ensure that at least 50% of all new housing units produced along the Adeline Corridor over the next 20 years are income-restricted housing affordable at a range of income levels including for the lowest income and highest need households. While it is not possible to perfectly predict the number of new housing units that will be built in the area, based on an analysis of available vacant and underutilized sites, this Plan projects that a total of 1,450 new housing units could be built in the corridor over the next 20 years. At least half of this total – 725 units – is the target for affordable units for very low-, low-, and moderate-income households. (Chapter 1 under “Regulatory Framework” and the Draft Environmental Impact Report, Chapter 2 Project Description provide a more detailed description of the “buildout projection” through 2040.) The deepest levels of affordability will be provided on public land, including the Ashby BART Station parking lots. Elsewhere, new zoning standards will create incentives to include substantial numbers of affordable units within market rate projects. See Chapters 3 and 4 of this Plan for more information.

**2 ASHBY BART STATION.** Redevelop the Ashby BART Station Area as a vibrant neighborhood center with high-density mixed-use development, [structured parking \(including some replacement parking for BART riders\)](#), ground floor commercial and civic uses, and new public space. The BART development should incorporate green construction and become a model for sustainable transit-oriented development. It should unify both sides of Adeline Street, and provide public space for community gatherings, special events, and civic celebrations. See Chapters 3, 4 and 7 of this Plan for more information.

- 3 BUSINESS IMPROVEMENT DISTRICT.** Create a Business Improvement District (BID) or similar entity, serving the Adeline Corridor, with fees from business and/or property owners used to support physical improvements, special events, public safety, street cleanliness/maintenance, and programming. Engagement to explore BID creation should extend to the broader community, including not only existing business and property owners, but also non-profits, Black-owned businesses advocacy organizations, and the unhoused. This entity would be similar to the Downtown and Telegraph Avenue BIDs and would leverage the efforts of the Lorin Business Association and other merchant groups along the corridor. The City would be a partner in this effort and could provide assistance and seed money to get it started. See Chapter 5 of this Plan for more information.
- 4**

**STREET RE-DESIGN.** Redesign Adeline Street from the Oakland border north to Derby Street, repurposing large areas of pavement as public open space, reducing crossing distances, and making the street a more comfortable place for pedestrians and cyclists. The redesign would retain Adeline’s function as a major cross-town thoroughfare while improving bike lanes and crosswalks to make the street safer and more attractive. The most substantial changes would be on the segment between Ashby and Shattuck Avenues, where the median could be shifted to one side of the right-of-way and improved as a linear park or plaza, and in the area south of Alcatraz Avenue where open space “islands” could be extended and made more functional. See Chapters 6 and 7 of this Plan for more information.

**5**

**COMMUNITY ASSETS AND RESOURCES.** Support capital improvements that strengthen existing community institutions such as the Berkeley Flea Market, the South Berkeley Farmers Market and the annual Juneteenth Festival, as well as future institutions such as the African American Holistic Resource Center. For example, this Plan commits to incorporating a large civic plaza as part of any future redevelopment of the Ashby BART west parking lot that could be designed and programmed to accommodate the Flea Market and potentially a relocated Farmers Market, as well as support the Juneteenth Festival and other music and entertainment events. Space in new mixed-use development at the Ashby BART area and/or in a new or existing building elsewhere in the Adeline Corridor could potentially accommodate the African American Holistic Resource Center and other community-desired uses. See Chapters 3, 5 and 7 for more information.

# *plan* CONCEPT

The Plan promotes a transition of Adeline Street from a wide, auto-centric “divider” to a “seam” that knits the east and west sides of the street into a more walkable, mixed-use neighborhood with a diversity of complementary uses, while still acknowledging the Adeline Corridor’s importance as a major circulation route. From an urban design perspective, the primary focus is on promoting placemaking strategies that give better definition to the private and public realm and create an active and appealing pedestrian environment. From a land use perspective, the emphasis is on facilitating uses that support existing neighborhood activity centers. These would include uses that serve to bring residents who are also customers, business owners and employees next to transit that will support community-building and “complete neighborhoods.”

New mixed-use development is envisioned on infill sites along the corridor, accented by new and improved open spaces and a redesigned right-of-way. The older and historic structures along Adeline Street will be retained, as will existing multi-family housing. Although mid-rise construction (generally four to seven stories) is envisioned along the entire corridor, taller buildings would generally be located at the BART station and at the north end of the corridor (along South Shattuck) adjacent to Downtown Berkeley. The emphasis will be on affordable housing, designed for a range of household types and income levels.

The busiest intersections along Adeline will be redesigned to improve conditions for bicycles, pedestrians, and transit users. Major improvements are planned at Ward/Shattuck, [and at the Adeline intersections of](#) Ashby, Woolsey/Martin Luther King Jr. Way, and the “southern gateway” near Stanford Avenue. The street will become a safer, more attractive place, with active public spaces, art, murals, additional street trees, and landscaped open space. Ground floor building space facing

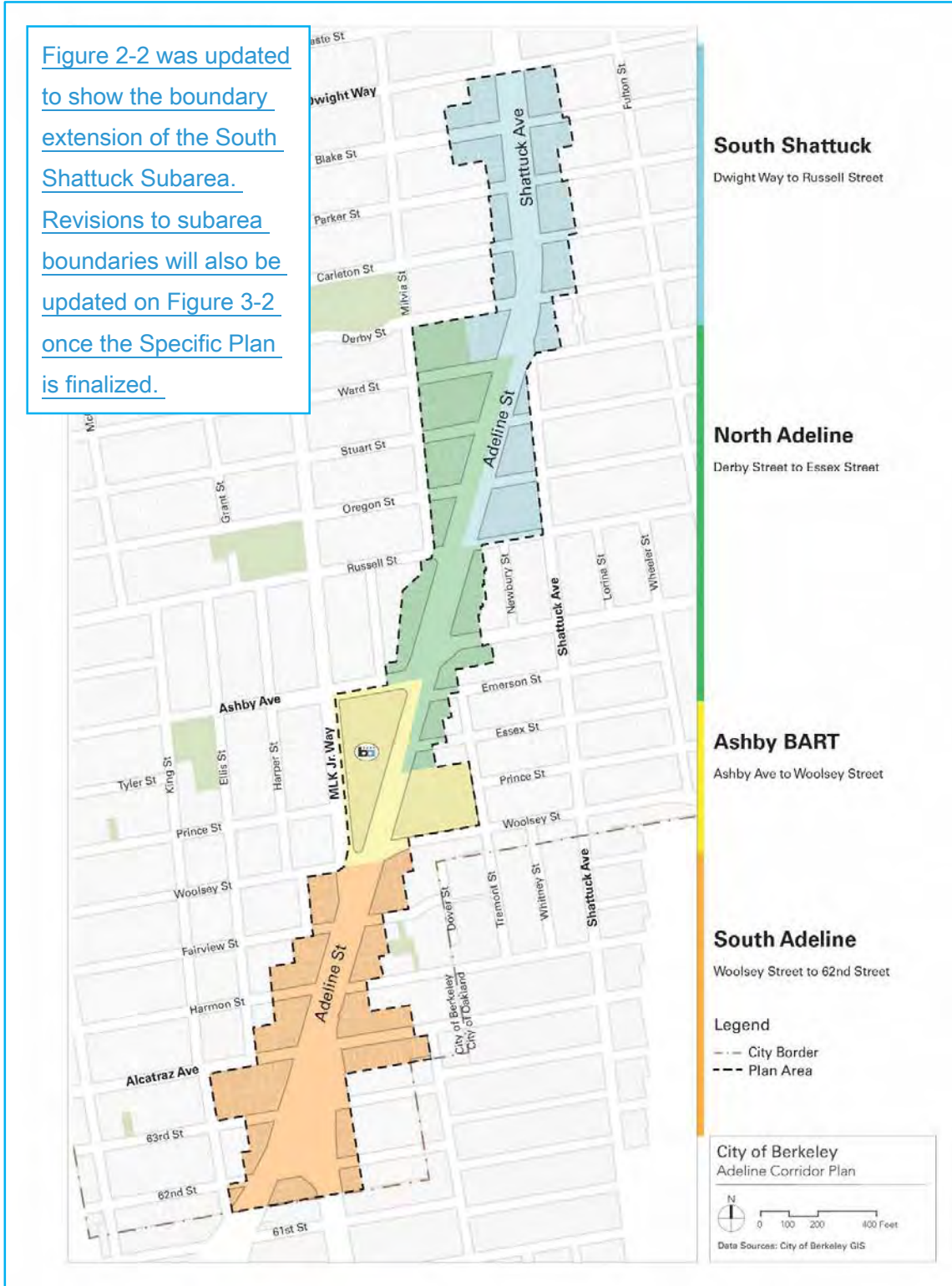
Adeline will be occupied by a mix of new and established businesses, providing space for retail and services, restaurants, cultural venues, and community institutions. Retail uses will generally cluster in the areas with a strong retail presence today, including the Lorin Business District (near Alcatraz Avenue), the Antiques District (at Ashby Avenue), the Berkeley Bowl area (near Russell Street), and the north end of the corridor along Shattuck Avenue.

Adeline Street passes through multiple neighborhoods between the Oakland City limits and Downtown Berkeley. The physical characteristics of the street vary in each neighborhood, creating a different context for long-range planning on different segments of the corridor. This Specific Plan identifies four distinct subareas. The subareas are not intended as rigid boundaries; rather, they are a way of communicating location-specific standards on topics such as building height, parking requirements, and specific desired uses. While some of the recommendations of this Plan apply to the entire corridor, others are communicated at the subarea level.

From north to south the subareas are South Shattuck, North Adeline, Ashby BART, and South Adeline. Figure 2-2 shows their locations. The text below provides an overview of the context and planning strategy for each.

Figure 2-2 Plan Subareas

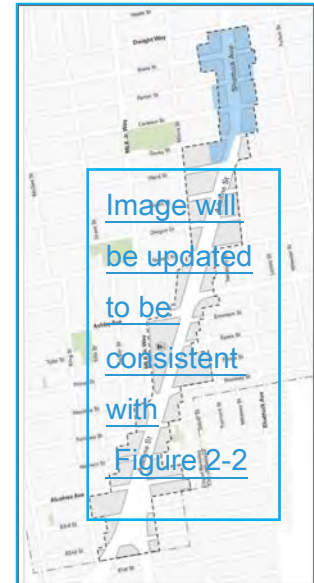
Figure 2-2 was updated to show the boundary extension of the South Shattuck Subarea. Revisions to subarea boundaries will also be updated on Figure 3-2 once the Specific Plan is finalized.



# SOUTH SHATTUCK

## Context and Character

South Shattuck is the northernmost subarea, extending along Shattuck Avenue from Dwight Way to [Derby–Russell Street](#). This subarea functions as an extension of Downtown Berkeley. It includes a range of land uses including retail and commercial businesses, small offices, housing, and car dealerships. The subarea has some of the same streetscape and design features as Shattuck Avenue in Downtown Berkeley, including a center median and parking aisles with diagonal parking bays. Some blocks have historic, pedestrian-oriented stores and buildings, while others are characterized by more auto-oriented uses.



## Planning Strategy

The South Shattuck subarea will continue to have a range of retail, residential, and commercial uses during the lifetime of this Plan. While it will not have the same retail intensity as Downtown Berkeley or the Lorin District, it will offer a range of amenities, services, and locally-oriented jobs. [Historical preservation and the adaptive reuse of culturally and historically valuable buildings will be particularly important.](#) A particular priority will be placed on preserving long-tenured businesses and other active ground floor uses in the area's older buildings.

South Shattuck is an appropriate location for higher-density mixed-use development, in part because of its proximity to the Downtown and the University of California campus, and the availability of relatively large, deep parcels. Taller buildings should be massed and oriented toward Shattuck Avenue, stepping down at the rear to respect the scale of adjacent residential uses. South Shattuck also has a relatively high potential for affordable housing, given the availability of publicly-owned sites such as the Fire Station at Adeline and Derby and some larger parcels that are vacant or sparsely developed.



Existing mixed-use building in the South Shattuck subarea



Existing businesses in the South Shattuck sub area



# NORTH ADELINE

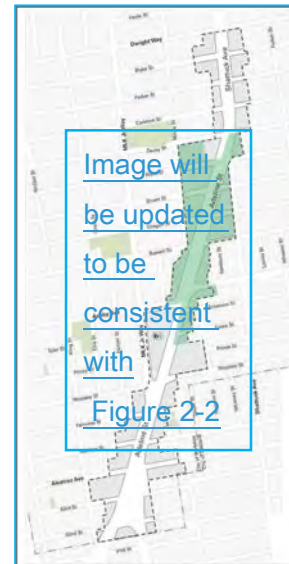
## Context and Character

The North Adeline subarea stretches from Adeline Street's northern terminus at Shattuck Avenue/Derby Street to Ashby Avenue. It includes services, small-scale office space, housing, and a number of well-known retail stores, including the Berkeley Bowl grocery. The southern end of this subarea includes the historic Antiques District at the intersection of Ashby and Adeline. The District has been a center of commerce and transit for over a century.

## Planning Strategy

North Adeline will continue to support a range of land uses including retail and services, housing, and small-scale offices. Historic preservation and the adaptive reuse of culturally and historically valuable buildings will be particularly important. Infill development should help unify the area's historic buildings, while creating a more consistent and welcoming street environment. New amenities such as outdoor seating and streetscape improvements will be strongly supported.

This section of Adeline Street features a particularly wide median and a variety of sidewalk conditions. The wide right-of-way presents an opportunity to redesign the street, moving the travel lanes and creating a new linear park and/or plaza space and other public amenities that become a destination and community asset.



Existing senior housing in the North Adeline section



Historic mixed-use building in the North Adeline section



The Berkeley Bowl, a popular shopping destination in the North Adeline subarea

# ASHBY BART STATION

## Context and Character

The Ashby BART subarea is comprised of two large parcels adjacent to the Ashby BART Station, as well as the public street right-of-way and station area between them. The two parcels are owned by BART, but the [City of Berkeley has had an option to purchase the](#) “air rights” over the parcel on the west side of Adeline [have been controlled by the City of Berkeley](#) since 1964 when the station was conceived. The parcel on the east side of Adeline is a 1.9-acre surface parking lot. The parcel on the west side is a 4.4-acre surface parking lot, the northern portion of which is used by the Berkeley Flea Market on weekends.



Beyond the parking lots, this subarea consists of wide, busy streets, with high volumes of station-bound pedestrian, bicycle, and bus traffic. The streets are not as conducive to safe and comfortable pedestrian activity as they might be. There are grade changes and design features that limit the visibility and accessibility of station entrances.

## Planning Strategy

This Specific Plan establishes the objectives for future development at Ashby Station (see Chapter 3) but does not present a detailed plan for the Station itself. The design of future development is the subject of a community process and coordination between the City, BART, the community, the Berkeley Flea Market, and other stakeholders. The Ashby BART subarea presents the Corridor’s best opportunity to advance all of the Plan’s strategic goals. It has the potential to become a complete neighborhood center with high-density, transit-oriented housing, at a range of affordability levels, space for community-serving retail, office, and attractive public space for commerce, such as the Berkeley Flea Market and the South Berkeley Farmers Market, for community events and day-to-day interaction. Future changes in this area will also incorporate improvements to bicycle and pedestrian access, transit connections, and new shared mobility technologies that make it easier to get to the station without driving. The Station also presents opportunities to create new public spaces and community-oriented facilities that reinforce Ashby Station’s role as a neighborhood center.



*The Ed Roberts Campus, universally designed community and non-profit space adjacent to the Ashby BART Station*



*The Ashby BART Station*

- **Workspaces.** Office use is allowed along the corridor, and will continue to play a secondary but important role in the overall land use mix. The focus should be on smaller, flexible, affordable workspaces including artist workspaces, and including continuation of many of the small office spaces that already exist.
- **Arts and entertainment.** Arts, performance, entertainment, gallery, and studio spaces are allowed and strongly encouraged in the Plan Area. The corridor is anticipated to cultivate a dynamic presence of arts and culture, particularly near centers of community activity such as the Ashby BART Station and existing pedestrian areas such as the historic Lorin District in the South Adeline area.

**Active Ground Floor Uses**

Providing active ground floor uses that engage and add interest to streets are critical to establishing a pedestrian-friendly district and to creating a successful shopping environment. Such uses add vibrancy to the public realm and increase pedestrian activity. Active ground floor uses are those that generate regular and frequent foot traffic, are physically oriented to the public street, and typically have facades with a high degree of transparency that provides a visual connection between the street and the building interior. Thus, active uses are a combination of land use and physical design. Examples of active ground floor uses include retail stores, restaurants, cafes, markets, banks, galleries, and theaters. [Small offices and residential amenities can also be considered active ground floor uses.](#)

| Table 3.1 Ground Floor Uses |  |
|-----------------------------|--|
| South Shattuck              | Ground floor commercial use required.  |
| North Adeline               | Ground floor commercial use required.  |
| Ashby BART                  | Adeline Street: Commercial use required.   |
|                             | Ashby Avenue frontage: Ground floor commercial use required.<br>Martin Luther King Jr. Way: Residential or commercial use allowed on ground floor. |
| South Adeline               | Ground floor retail or active commercial use required.   |

*\*Note: Above requirements only apply to parcels with frontage on South Shattuck, Adeline Street, Martin Luther King Jr. Way, Ashby Avenue and Alcatraz Avenue.*

| Table 23E.XX.045                              |                             |
|---|-----------------------------|
| Ground Floor Uses                             |                             |
| Area  | Permitted ground floor uses |
| Shattuck between Dwight and Derby             | Commercial uses             |
| Shattuck between Derby and Russell            | Active Commercial uses      |
| Adeline between Russell and the City boundary | Active Commercial uses      |
| Ashby east of Adeline                         | Active Commercial uses      |
| North side of Ashby, west of Adeline          | Active Commercial uses      |

## 3.2 DEVELOPMENT STANDARDS

### Implement site development standards that incentivize the provision of on-site affordable housing.

The development standards in Table 3.2 are intended to be consistent with and codified through zoning code changes adopted concurrently with this Specific Plan. Unless otherwise specified, the standards apply to all areas of the Adeline Specific Plan, and are presented for each of the four subareas in the Plan Area. In some cases development standards vary by subarea; in other cases they do not. The intent of these standards is to provide clarity about what types of projects will be allowed, while ensuring that basic elements of good design and placemaking occur. The development standards are intended to allow a range of building types and intensities consistent with the vision and framework described in Chapter 2, while also allowing increased intensities for projects that provide high levels of affordable housing.

The greatest heights and intensities are focused near Downtown (the South Shattuck area) and near BART (the Ashby BART area), with more moderate intensity allowed in the North Adeline and South Adeline areas. The goal of this approach is to focus density and activity near high-frequency transit and near the existing energy of Downtown, while still allowing context-sensitive infill development along the rest of the corridor. In addition to providing new affordable and market rate housing, future development along the Adeline Corridor should increase pedestrian activity, help local businesses, and support transit.

In addition to height and intensity, Table 3.2 also provides standards for lot coverage, setbacks, on-site parking, and required open area. These are all important tools to encourage appropriate building scale, orientation, and overall site design. They provide foundational design parameters that are complemented by

additional guidance for building design (Policy 3.3), neighborhood transitions (Policy 3.4), and ground floor facades (Policy 3.5). There are no requirements in the Adeline Plan Area for minimum lot area or building separation beyond what is required in the zoning code or for health and safety requirements.

Chapter 4 describes a supplemental affordable housing incentive unique to the Specific Plan Area that offers a bonus for development projects that provide high levels of affordable housing. Any additional density or development capacity pursued through this Adeline-specific affordable housing incentive, or through the State Density Bonus pathway, must be calculated starting from the ~~base~~-residential density values (dwelling units per acre) shown in Table 3.2 BaseTier 1 Development Standards. If a development project pursues the various optional Adeline-specific affordable housing incentive tiers, it may achieve the additional development capacity shown in Tables 3.3, 3.4, and 3.5, as applicable to the project's affordability level and the following streamlined permit process:

- **Table 3.2 BaseTier 1 Standards.** Streamlines permit process to require Use Permits for new construction and if applicable, for demolition. A Project Applicant may select to pay Affordable Housing Mitigation Fees in lieu of providing on-site units.
- **Tables 3.3, 3.4 and 3.5 - Tiers 1, 2, 3 and 3A.** Streamlines permit process to require Use Permits for new construction and if applicable, for demolition. On-site affordable units at specified affordability levels required; no option to pay Affordable Housing Mitigation Fees in lieu of providing on-site units.

These density bonuses that are a part of the Adeline-specific affordable housing incentives are only applied to the dwelling units per acre development standard, and they are to be used in lieu of (and not on top of) the State Density Bonus.

**Table 3.2 Base Tier 1 Development Standards**

| Subarea        | Max height <sup>1</sup>  |      | Max FAR | Max density (du/acre) | Max lot coverage      |                       | Required setbacks (from lot line) <sup>2,3,4</sup> |        |                         | Usable open space (sf per unit) <sup>5</sup> | Commercial Parking                   |                  | Residential Parking |            |
|----------------|--|------|---------|-----------------------|-----------------------|-----------------------|--|--------|-------------------------|--|--------------------------------------|------------------|---------------------|------------|
|                | Stories  | Feet |         |                       | Interior lots         | Corner lots           | Front  | Side   | Rear                    |  | MIN.                                 | MAX.             | MIN.                | MAX.       |
| South Shattuck | 4  | 45'  | 2.5     | 120 du/acre           | <del>60%</del><br>80% | <del>70%</del><br>90% | 0' min   | 0' min | <del>0-40'</del><br>min | 80-40 sf per unit                            | None or 1/1000 sf, depending on size | 1.5 per 1,000 sf | <del>1 per 3</del>  | 1 per unit |
| North Adeline  | 3  | 35'  | 2.0     | 100 du/acre           | 60%                   | 70%                   | 0' min   | 0' min | 0-40' min               |  |                                      |                  |                     | None       |
| South Adeline  | 3  | 35'  | 2.0     | 100 du/acre           | 60%                   | 70%                   | 0' min   | 0' min | 0-40' min               |  |                                      |                  |                     |            |
| Ashby BART     | <i>Any future development in the Ashby BART area would be subject to a negotiated development agreement, consistent with the policy and objectives provided in this Specific Plan for the Ashby BART subarea, in Policy 3.7 of this Chapter.</i> |      |         |                       |                       |                       |  |        |                         |  |                                      |                  |                     |            |

**Table 3.3 Tier 1- Incentive Development Standards (Tier 2: At least 2014% of Base Total Units Affordable, Mix of 50% Low and 50% Very Low)**

| Subarea        | Max height <sup>1</sup>  |      | Max FAR | Max density (du/acre) | Max lot coverage |             | Required setbacks (from lot line) <sup>2,3,4,5</sup> |        |                         | Usable open space (sf per unit) <sup>6</sup> | Commercial Parking                   |                  | Residential Parking |            |
|----------------|--|------|---------|-----------------------|------------------|-------------|--|--------|-------------------------|--|--------------------------------------|------------------|---------------------|------------|
|                | Stories  | Feet |         |                       | Interior lots    | Corner lots | Front  | Side   | Rear                    |  | MIN.                                 | MAX.             | MIN.                | MAX.       |
| South Shattuck | 5  | 55'  | 3.5     | 170 du/acre           | 80%              | 90%         | 0' min   | 0' min | <del>0-40'</del><br>min | 80-40 sf per unit                            | None or 1/1000 sf, depending on size | 1.5 per 1,000 sf | <del>1 per 3</del>  | 1 per unit |
| North Adeline  | 4  | 45'  | 2.8     | 140 du/acre           | 80%              | 90%         | 0' min   | 0' min | 0-40' min               |  |                                      |                  |                     | None       |
| South Adeline  | 4  | 45'  | 2.8     | 140 du/acre           | 80%              | 90%         | 0' min   | 0' min | 0-40' min               |  |                                      |                  |                     |            |
| Ashby BART     | <i>Any future development in the Ashby BART area would be subject to a negotiated development agreement, consistent with the policy and objectives provided in this Specific Plan for the Ashby BART subarea, in Policy 3.7 of this Chapter.</i> |      |         |                       |                  |             |  |        |                         |  |                                      |                  |                     |            |

<sup>1</sup> In the case of a roof with parapet walls, building height shall be measured to the top of the roof and parapets may exceed the height limits above by up to five (5) feet as of right.

<sup>2</sup> For a lot that abuts the interior side or rear lot line of a residentially-zoned lot, new construction shall be set back from the shared property line by 20 feet for the portion of the building that exceeds 35 feet in height ~~unless a Use Permit is granted to reduce the setback where it is found to be unnecessary to protect neighborhood sunlight access and privacy.~~

<sup>3</sup> For a lot that confronts (i.e. is located across the street from) a residentially-zoned lot, any new building shall be set back 10 feet from the street-facing property line where that portion of the building that exceeds 45 feet in height ~~unless a Use Permit is granted to reduce the setback where it is found to be unnecessary to protect neighborhood sunlight access and privacy.~~

<sup>4</sup> No side or rear setback required except if abutting a lot with R-district zoning, in which case the side setback shall be 10 feet ~~unless a Use Permit is granted to reduce the setback where it is found to be unnecessary to protect neighborhood sunlight access and privacy.~~

<sup>5</sup> Each square foot of such open space that is provided as publicly accessible open space shall be counted as two square feet of required on-site open space.

**Table 3.4 Incentive Development Standards (Tier 23: at least 3521% of BaseTotal Units Affordable, Mix of 50% Low and 50% Very Low)**

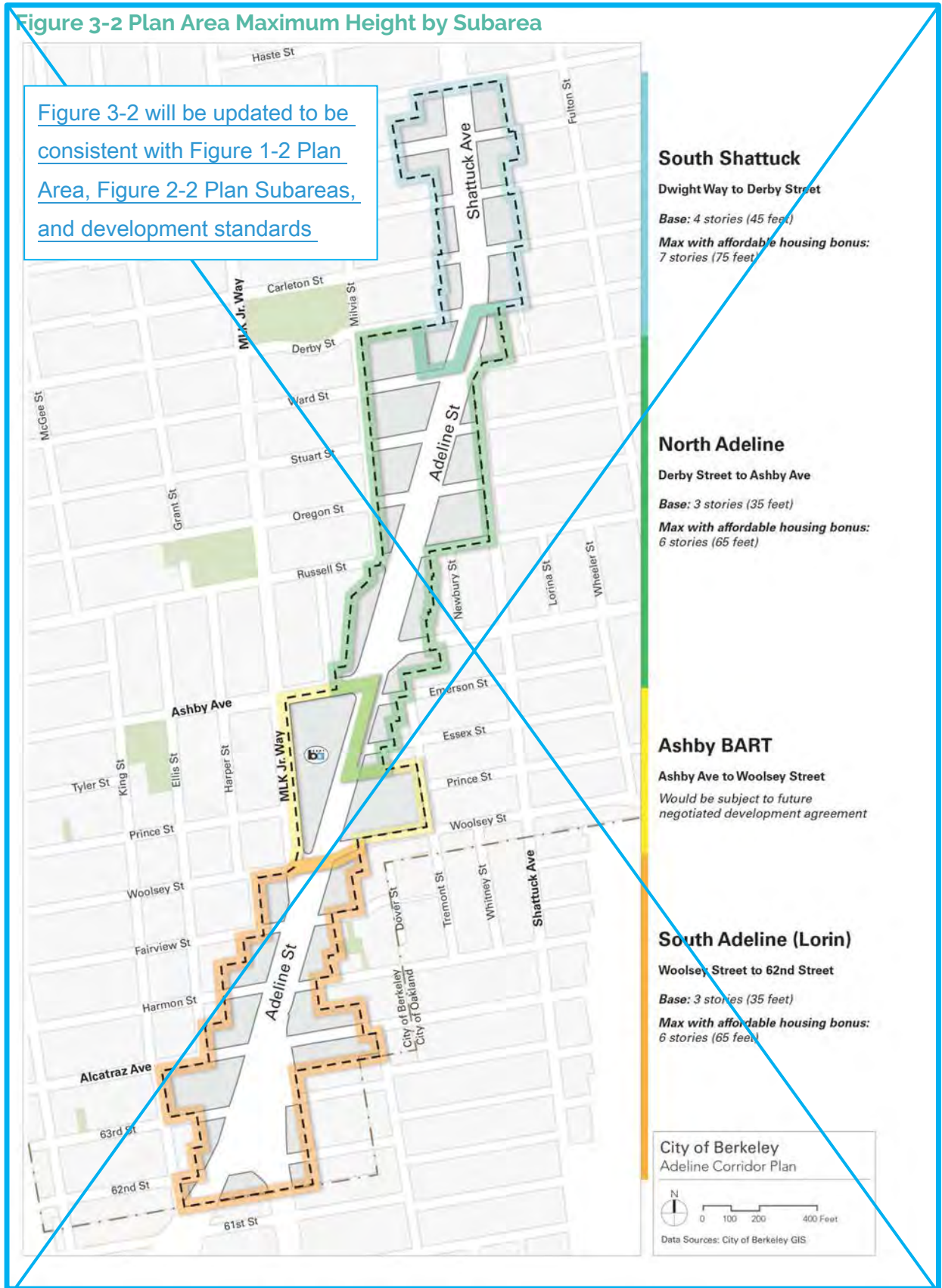
| Subarea        | Max height <sup>1</sup>   |      | Max FAR | Max density (du/acre) | Max lot coverage |             | Required setbacks (from lot line) <sup>2,3,4</sup> |        |          | Usable open space (sf per unit) <sup>5</sup> | Commercial Parking                  |                  | Residential Parking |            |
|----------------|---|------|---------|-----------------------|------------------|-------------|--|--------|----------|--|-------------------------------------|------------------|---------------------|------------|
|                | Stories   | Feet |         |                       | Interior lots    | Corner lots | Front  | Side   | Rear     |  | MIN.                                | MAX.             | MIN.                | MAX.       |
| South Shattuck | 6   | 65'  | 4.3     | 200 du/acre           | 9085%            | 8590%       | 0' min   | 0' min | 040' min | 50-40 sf per unit                            | None or 1/1000 sf depending on size | 1.5 per 1,000 sf | 1 per 4 units       | 1 per unit |
| North Adeline  | 5   | 55'  | 3.4     | 170 du/acre           | 9085%            | 8590%       | 0' min   | 0' min | 040' min |  |                                     |                  | None                | 1 per unit |
| South Adeline  | 5   | 55'  | 3.4     | 170 du/acre           | 9085%            | 8590%       | 0' min   | 0' min | 040' min |  |                                     |                  | None                | 1 per unit |
| Ashby BART     | Any future development in the Ashby BART area would be subject to a negotiated development agreement, consistent with the policy and objectives provided in this Specific Plan for the Ashby BART subarea, in Policy 3.7 of this Chapter. |      |         |                       |                  |             |  |        |          |  |                                     |                  |                     |            |

**Table 3.5 Incentive Development Standards (Tier 34: at least 5025% of BaseTotal Units Affordable, Mix of 50% Low and 50% Very Low)**

| Subarea        | Max height <sup>1</sup>   |      | Max FAR | Max density (du/acre) | Max lot coverage |             | Required setbacks (from lot line) <sup>2,3,4</sup> |        |          | Usable open space (sf per unit) <sup>5</sup> | Commercial Parking                  |                  | Residential Parking |            |
|----------------|---|------|---------|-----------------------|------------------|-------------|--|--------|----------|--|-------------------------------------|------------------|---------------------|------------|
|                | Stories   | Feet |         |                       | Interior lots    | Corner lots | Front  | Side   | Rear     |  | MIN.                                | MAX.             | MIN.                | MAX.       |
| South Shattuck | 7   | 75'  | 5.0     | 240 du/acre           | 90%              | 95%         | 0' min   | 0' min | 040' min | 50-40 sf per unit                            | None or 1/1000 sf depending on size | 1.5 per 1,000 sf | None                | 1 per unit |
| North Adeline  | 6   | 65'  | 4.0     | 200 du/acre           | 90%              | 95%         | 0' min   | 0' min | 040' min |  |                                     |                  | None                | 1 per unit |
| South Adeline  | 6   | 65'  | 4.0     | 200 du/acre           | 90%              | 95%         | 0' min   | 0' min | 040' min |  |                                     |                  | None                | 1 per unit |
| Ashby BART     | Any future development in the Ashby BART area would be subject to a negotiated development agreement, consistent with the policy and objectives provided in this Specific Plan for the Ashby BART subarea, in Policy 3.7 of this Chapter. |      |         |                       |                  |             |  |        |          |  |                                     |                  |                     |            |

Figure 3-2 Plan Area Maximum Height by Subarea

Figure 3-2 will be updated to be consistent with Figure 1-2 Plan Area, Figure 2-2 Plan Subareas, and development standards





on ground floors. This includes retail and services, restaurants and cafes, community rooms and kitchens, building amenities, small professional offices, recreation and arts facilities, residential lobby spaces, and/or individual residential unit entrances and stoops.

- **Facades Facing Public Street.** For non-residential space, design all facades facing a public space (street, sidewalk, open space, or walkway) to be active, transparent, and visually interesting. Variations such as changes in color, material, and/or texture are encouraged.
- **Reduced Blank Walls.** Blank walls (facades without doors, windows, landscaping treatments, or other elements of pedestrian interest) should be less than 30 feet in length along sidewalks, pedestrian paths, or open space.
- **Humanizing Design Elements.** Provide awnings, signage, and other humanizing design elements to generate a pedestrian scale.
- **Vary Ground Floor Facades from Upper Floors.** Design the street-facing facades of ground floors with a distinctly different character from upper floors (distinguished by a greater floor-to-ceiling height, greater articulation, finer design details, unique colors, enhanced ground floor entrances, and/or architectural variation).



*Setback provides an outdoor dining plaza*



*Changes in color and texture provide interest*

| <b>Table 3.6 Summary of Numerical Frontage and Facade Guidelines by Use Type</b> |  |   |  |
|--|--|---|--|
| <b>Ground Floor Use</b>  | <b>Minimum <u>Ground-to-Ceiling</u>-Height</b>           | <b>Minimum Transparency %<sup>1</sup></b> | <b>Entrance Frequency (Average)</b>                    |
| Commercial   | 15' <u>floor to floor</u><br>12' <u>floor to ceiling</u> | 65% - 75%<br><u>based on location</u>     | 30' (retail)<br>100' (office or other commercial uses) |
| Residential  | 12' <u>floor to floor</u>                                | 30%                                       | 50'  |

<sup>1</sup> Transparency percentages apply to the portion of the facade between 3' and 10' above grade.

## 2. GUIDELINES FOR ACTIVE GROUND FLOOR ~~RETAIL~~ FRONTAGE AND FACADES

The following design guidelines apply to active ground floor facades along retail frontages designated for Active Ground Floor Uses and facades whenever they occur in the Adeline Plan Area:

- **Activate Sidewalk and Street.** Incorporate shopfronts, outdoor seating/dining areas, retail stands, or kiosks to activate the sidewalk and street.
- **Ground Floor Minimum Height.** For the ground floor, provide a minimum 4512-foot indoor floor-to-ceiling height.
- **Street Corner Building Entrance.** For buildings situated on a street corner, provide a corner entrance or an entrance along each street frontage.
- **Minimize Curb Cuts.** Minimize the number of curb cuts along any given block to improve pedestrian safety by consolidating driveways.
- **Transparent Doors and Windows.** Provide at least 75% transparency between 3 and 10 feet (doors and transparent windows) to allow maximum visual interaction between sidewalk areas and the interior. Do not use dark or mirrored glass.
- **Entrances.** Provide entrances at least every 30 feet along street-facing frontage.



Example of engaging, active restaurant and café frontage

## 3. GUIDELINES FOR RESIDENTIAL FRONTAGE AND FACADES

The following design guidelines apply to ground floor residential frontages and facades whenever they occur in the Adeline Plan Area:

- **Private Frontage and Public Right of Way Transition.** Provide a physical and visual transition between the public right-of-way and private frontage by including features such as landscaping, stoops, terraces, and/or porches.
- **Direct Pedestrian Access.** Provide direct pedestrian access from all ground floor residential lobby spaces or individual units to the adjacent street, sidewalk, or open space.
- **Ground Floor Minimum Height.** For the ground floor, provide a minimum 12-foot floor-to-floor height.
- **Elevate Ground Floor Residential Units.** Elevate ground floor residential units a minimum of 24 inches and a maximum of 48 inches from the sidewalk plane.
- **Residential Lobby Width Limits.** Limit residential lobbies to a width of 40 feet along street-facing frontage.
- **Transparent Doors and Windows.** Provide at least 30% transparency between 3 and 10 feet (doors and transparent windows) to allow maximum visual interaction between sidewalk areas and the interior of residential units. Do not use dark mirrored glass.
- **Entrances.** Provide an average of at least one entrance for every 50 feet of street-facing frontage.



Example of transparent active retail frontage

#### 4. GUIDELINES FOR COMMERCIAL OFFICE FRONTAGE AND FACADES

The following design guidelines apply to ground floor ~~commercial office facades along~~ frontages ~~designated for Commercial Uses and facades~~ whenever they occur in the Adeline Plan Area:

- **Front Setback Area Designs for Guests and Employees.** In front setback areas, include landscaping or seating for guests and employees, public amenity areas, and other spaces that promote gathering, social activity, and pedestrian activity.
- **Ground Floor Minimum Height.** For the ground floor, provide a minimum ~~45~~12-foot indoor floor-to-ceiling height.
- **Employee Entrances.** Provide at least one main entrance for employees and the public accessed from the primary street frontage or adjacent sidewalk.
- **Transparent Doors and Windows.** Provide at least 65% transparency between 3 and 10 feet (doors and transparent windows) to allow maximum visual interaction between sidewalk areas and the interior of office spaces. Do not use dark or mirrored glass.
- **Window Glazing.** Window glazing should provide a high degree of light transmittance and be non-reflective.
- **Entrances.** Provide an average of at least one entrance for every 100 feet of street-facing frontage.

#### 5. CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

Use Crime Prevention through Environmental Design strategies (CPTED) in the design of new buildings and building frontages, particularly where there are transitions from public to private space:



*Door yards provide a transition between public and private space*

- **Location.** Locate active uses and public spaces along the ground floor.
- **Eyes on the Street.** Maximize “eyes on the street” through excellent transparency and lighting.
- **Private and Public Space.** Create clear physical and aesthetic delineation between private and public space.
- **Prevention.** Use fencing, bollards, or landscaping to prevent or discourage access into unmonitored areas.
- **Maintenance.** Regularly maintain public space; remove and/or repair vandalism or broken property.
- **Doors.** Ensure that doors to common facilities are transparent and access-controlled. Courtyard gates and shared building entrances that access individual units should automatically lock when closed.

## 3.6 HISTORIC RESOURCES, HISTORIC PRESERVATION, AND ADAPTIVE REUSE

### Actively preserve, adapt, and reuse historic structures and resources throughout the Adeline Area, particularly landmarked structures of merit and those within historic districts.

Figure 3.3 shows the many structures of historical merit that exist in the Adeline Plan Area, along with existing historic districts. Many of these specific resources are shown and described in more detail in the description of subareas in Chapter 2. Preserving historical and cultural resources is a critical strategy for preserving neighborhood character, promoting sustainability, and supporting community institutions. It also can provide a valuable contribution to the local economy, image and appeal, while also contributing to the long-term enhancement of property values and neighborhood stability. Historic buildings are often the most recognizable landmarks in a neighborhood, and provide an emotional touchstone and sense of place that cannot be replaced. Adaptive reuse of historic structures can also offer an option for smaller-scale community uses or businesses looking for space that is affordable and accessible to the community. The role of historic preservation is particularly important in the South Adeline area – which includes large portions of the Lorin District – as well as the North Adeline area, particularly in the Antiques District and other historic buildings oriented around the intersection of Adeline Street and Ashby Avenue.

Strategies to support adaptive reuse:

- **Historic Preservation Zoning Incentives.** CEQA historic resources or potential CEQA historic resources will not be required to provide new parking or open space to convert from a commercial to residential use or vice versa. Also, if a CEQA historic resource or a potential CEQA historic resource is incorporated as part of a larger project, that area that is incorporated will be exempt from parking and open space requirements.
- **Historic Resource Evaluation.** Identification of historic and cultural resources is an important step to historic preservation. The City currently requires project applicants to prepare Historic Resource Evaluations (HRE) for projects involving demolition or major alteration to a structure or building that is more than 40 years old. In addition to this practice, the City could consider seeking grant funding to prepare a Plan Area-wide HRE (as was prepared for the Downtown area) to identify any remaining resources that should be protected.
- **Historic Recognition.** [Appreciation for historical resources within the Plan Area, including physical and online interpretative materials on the history of the area and its communities should be implemented whenever possible. Examples include enabling the placement of history plaques and ensuring the City's online GIS Portal featuring Historical Resources and Districts is updated periodically with the most up-to-date information. Uplifting community assets and history are also discussed in Policy 5.7 Placemaking and 7.4 Streetscape Amenities, Lighting and Wayfinding.](#)



*New development preserves the historic storefront facade*

Figure 3.3 Historic Resources in the Plan Area (as of December 2019)

Figure 3.3 was updated for clarity and to include additional "Landmarks/Structures of Merit" identified since the Existing Conditions Report.

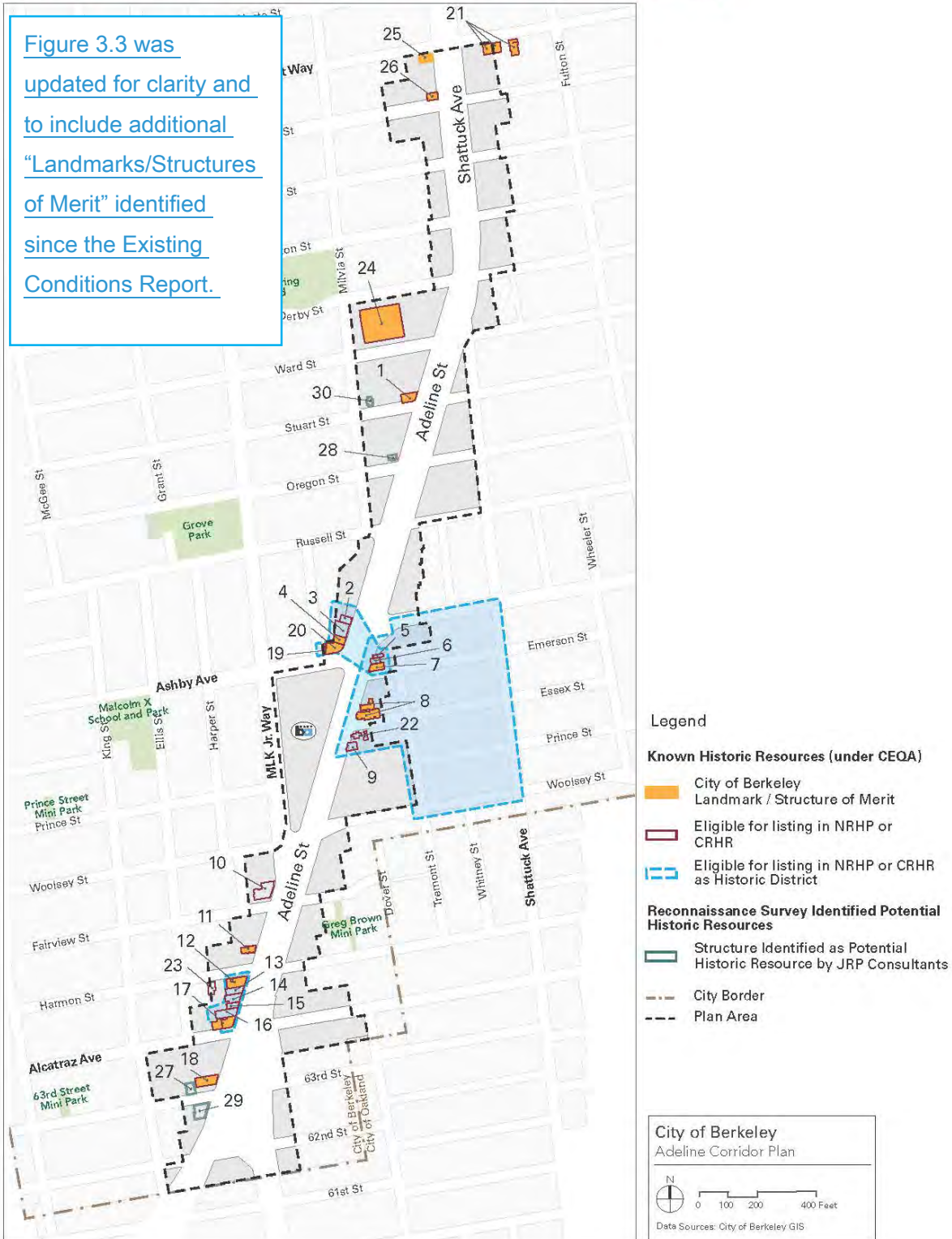


Table 4.4 Known Historical Resources

| <b>Figure 4.3-1 ID #</b> | <b>APN</b>                   | <b>Address</b>                         | <b>Year Built</b>        | <b>Name</b>   | <b>Status</b>            |
|--------------------------|------------------------------|--|--------------------------|---|--------------------------|
| <a href="#">1</a>        | <a href="#">54-1722-6</a>    | <a href="#">2750 Adeline St</a>        | <a href="#">1906</a>     | <a href="#">Frederick H. Dakin Warehouse</a>                                    | <a href="#">3S, BLM</a>  |
| <a href="#">2</a>        | <a href="#">53-1598-16</a>   | <a href="#">2970-2976 Adeline St</a>   | <a href="#">1905</a>     | <a href="#">Adeline St</a>  | <a href="#">3D</a>       |
| <a href="#">3</a>        | <a href="#">53-1598-17</a>   | <a href="#">2982 Adeline St</a>        | <a href="#">1910</a>     |   | <a href="#">3D</a>       |
| <a href="#">4</a>        | <a href="#">53-1598-18-1</a> | <a href="#">2988-2990 Adeline St</a>   | <a href="#">1905</a>     | <a href="#">Hoffman Building</a>  | <a href="#">3D; BSOM</a> |
| <a href="#">5</a>        | <a href="#">52-1592-16</a>   | <a href="#">3021 Adeline St</a>        | <a href="#">1901-02</a>  |   | <a href="#">3D</a>       |
| <a href="#">6</a>        | <a href="#">53-1592-15</a>   | <a href="#">3025 Adeline St</a>        | <a href="#">ca. 1901</a> |   | <a href="#">3D</a>       |
| <a href="#">7</a>        | <a href="#">53-1592-14</a>   | <a href="#">3027 Adeline St</a>        | <a href="#">1905</a>     | <a href="#">William Clephane Corner Store</a>                                   | <a href="#">1S; BLM</a>  |
| <a href="#">8</a>        | <a href="#">53-1595-9-3</a>  | <a href="#">3031-3051 Adeline St</a>   | <a href="#">1922</a>     | <a href="#">Hull &amp; Durgin Funeral Chapel &amp; Little Chapel of Flowers</a> | <a href="#">3S; BLM</a>  |
| <a href="#">9</a>        | <a href="#">53-1703-7</a>    | <a href="#">3061 Adeline St</a>        | <a href="#">1910</a>     |   | <a href="#">3D</a>       |
| <a href="#">10</a>       | <a href="#">52-1551-8-1</a>  | <a href="#">3192 Adeline St</a>        | <a href="#">1909</a>     | <a href="#">T.M. Lucks Nickelodeon</a>  | <a href="#">3S</a>       |
| <a href="#">11</a>       | <a href="#">52-1530-5</a>    | <a href="#">3228 Adeline St</a>        | <a href="#">1903</a>     | <a href="#">Carlson's Block</a>   | <a href="#">3S; BLM</a>  |
| <a href="#">12</a>       | <a href="#">52-1531-1</a>    | <a href="#">3250 Adeline St</a>        | <a href="#">1903</a>     | <a href="#">India Block</a>   | <a href="#">3B; BLM</a>  |
| <a href="#">13</a>       | <a href="#">52-1531-2</a>    | <a href="#">3258 Adeline St</a>        | <a href="#">1923</a>     |   | <a href="#">3D</a>       |
| <a href="#">14</a>       | <a href="#">52-1531-3</a>    | <a href="#">3264 Adeline St</a>        | <a href="#">1925</a>     |   | <a href="#">3D</a>       |
| <a href="#">15</a>       | <a href="#">52-1531-4-2</a>  | <a href="#">3278 Adeline St</a>        | <a href="#">1928</a>     |   | <a href="#">3D</a>       |
| <a href="#">16</a>       | <a href="#">52-1531-5</a>    | <a href="#">3280 Adeline St</a>        | <a href="#">1953</a>     |   | <a href="#">3D</a>       |
| <a href="#">17</a>       | <a href="#">52-1531-6</a>    | <a href="#">3286 Adeline St</a>        | <a href="#">1906</a>     | <a href="#">South Berkeley Bank, Wells Fargo Bank</a>                           | <a href="#">3B; BLM</a>  |
| <a href="#">18</a>       | <a href="#">52-1532-4-3</a>  | <a href="#">3332 Adeline St</a>        | <a href="#">1920</a>     | <a href="#">Lorin Theater</a>   | <a href="#">3S; BLM</a>  |
| <a href="#">19</a>       | <a href="#">53-1598-20</a>   | <a href="#">1979-1981 Ashby Ave</a>    | <a href="#">1907</a>     |   | <a href="#">3D</a>       |
| <a href="#">20</a>       | <a href="#">53-1598-19</a>   | <a href="#">1985 Ashby Ave</a>         | <a href="#">1905</a>     | <a href="#">Webb Block</a>  | <a href="#">3B; BLM</a>  |
| <a href="#">21</a>       | <a href="#">55-1823-13</a>   | <a href="#">2120-2122 Dwight Way</a>   | <a href="#">1905</a>     | <a href="#">Luther M. Williamson Building</a>                                   | <a href="#">3S; BLM</a>  |
| <a href="#">22</a>       | <a href="#">53-1703-1</a>    | <a href="#">1900 Essex St</a>          | <a href="#">1936</a>     |   | <a href="#">3D</a>       |
| <a href="#">23</a>       | <a href="#">52-1531-16</a>   | <a href="#">1808 Harmon St</a>         | <a href="#">1909</a>     | <a href="#">IT Theatre, Haws Plumbing</a>                                       | <a href="#">3S</a>       |
| <a href="#">24</a>       | <a href="#">54-1723-2</a>    | <a href="#">2727 Milvia St</a>         | <a href="#">1940</a>     | <a href="#">Berkeley Iceland</a>  | <a href="#">2S; BLM</a>  |
| <a href="#">25</a>       | <a href="#">55-1822-1</a>    | <a href="#">2500 Shattuck Ave</a>      | <a href="#">1923</a>     | <a href="#">George A. Mattern/Berkeley Bank Building</a>                        | <a href="#">BSOM</a>     |
| <a href="#">26</a>       | <a href="#">55-1822-6</a>    | <a href="#">2526-2530 Shattuck Ave</a> | <a href="#">1905</a>     | <a href="#">Berkeley French Laundry, The Hall, Washing Well</a>                 | <a href="#">3S; BLM</a>  |

[1S](#): Individually listed in the NRHP & CRHR

[2S](#): Individual property determined eligible for NR by the Keeper. Listed in the CR.

[3S](#): Appears eligible for NR as an individual property through survey evaluation.

[3B](#): Eligible for listing in the NRHP or CRHR as an individual property and as a contributor to a historic district

[3D](#): Eligible for listing in the NRHP or CRHR as a contributor to a historic district

[3S](#): Eligible for listing in the NRHP or CRHR as an individual property

[BLM](#): City of Berkeley Landmark

[BSOM](#): City of Berkeley Structure of Merit

Table 4-5 Potential Historical Resources\*

| <u>Figure 4.3-1</u><br><u>ID #</u> | <u>APN</u>          | <u>Address</u>               | <u>Year Built</u> |
|------------------------------------|---------------------|------------------------------|-------------------|
| <u>27</u>                          | <u>52-1532-7</u>    | <u>1719-1721 63rd Street</u> | <u>1907</u>       |
| <u>28</u>                          | <u>52-1681-10-1</u> | <u>2820 Adeline Street</u>   | <u>1895</u>       |
| <u>29</u>                          | <u>52-1524-3</u>    | <u>3350 Adeline Street</u>   | <u>1920</u>       |
| <u>30</u>                          | <u>54-1722-11</u>   | <u>2005 Stuart Street</u>    | <u>1895</u>       |

\*This table reflects potential significance for architectural merit and retention of integrity based on reconnaissance survey only.

Source: JRP Historical Consultants 2015 and City of Berkeley 2019

## 3.7 ASHBY BART

Future development within the Ashby BART subarea shall provide public space, community-oriented facilities, and affordable housing, consistent with the objectives, parameters, and process outlined in the Adeline Corridor Specific Plan.

The Ashby BART Station is one of the most prominent landmarks and amenities along the Adeline Corridor, with the potential to support and advance all five key topic areas addressed in this Plan – land use, housing, economic opportunity, transportation, and public space.

As stated in Chapter 2, the Ashby BART subarea is envisioned to be redeveloped as a vibrant neighborhood center with high-density mixed-use development that unifies and knits back together the east and west sides of Adeline Street. The Ashby BART development will be a model for sustainable transit-oriented development, incorporating high levels of affordable housing and complementary commercial and civic uses; public space for community gatherings, special events, and civic celebrations; and green construction.



The Plan lays the groundwork for future engagement with the community and BART by outlining key objectives that apply to future development and describing a process for evaluating development proposals for these sites. Future development in the Ashby BART subarea shall be consistent with the seven objectives below, which shall be incorporated into any future master plan and development agreements with potential developers.

**OBJECTIVE 1. AFFORDABLE HOUSING.** The City's goal for the Ashby BART subarea is phased development, over the life of the Plan, of 100% below market, deed restricted affordable housing. Following the process outlined in the City and BART Memorandum of Understanding (MOU), the City will work with BART to achieve this goal. This housing should be affordable to moderate, low-, very low- and extremely-low income households at an approximately even distribution. The City of Berkeley shall exercise its option to purchase the air rights above the BART parking lot. Housing in this subarea could also include supportive services or other spaces associated with affordable housing.



The Ashby BART Station



CHAPTER 3: LAND USE

~~Reserving the Ashby BART site for 100% affordable housing development will help achieve the Plan's housing affordability goal that calls for at least 50% of all new housing built in the Adeline Corridor over the next years to be income restricted permanently affordable housing. For any future development in the BART subarea, at least 50% of the total housing units produced should be comprised of deed restricted affordable housing, which could also include supportive services or other spaces associated with the affordable housing. This goal for at least 50% affordable housing at a range of income levels (e.g. Extremely Low, Very Low, Low and Moderate) would be calculated across the entire Ashby BART subarea and could be accomplished through multiple phases of development. Any future development agreement should commit to deliver at least this level of affordable housing, and provide a plan to do so. Amounts of affordable housing exceeding 50% of the total square footage and number of units are encouraged.~~

**OBJECTIVE 2. PUBLIC SPACE.** Any future development shall include one or more publicly accessible spaces incorporated onto the development parcels within the Ashby BART subarea. The public space could potentially be provided as plazas, green space, pedestrian paseos, rooftop patios, flexible event space, or other pedestrian-accessible spaces that are open to the public. Incorporating elements of "green infrastructure" in these elements is highly encouraged (See Chapter 7).

Future redevelopment of the Ashby BART west parking lot ~~shall~~ incorporate a large civic plaza that could be designed and programmed to accommodate the Berkeley Flea Market and potentially a relocated Farmers Market, as well as support the Juneteenth Festival and other music and entertainment events. This space could include dedicated flexible space on the site and/or in a nearby location such as on Adeline Street. The space ~~shall~~ be designed with the general and specific needs of the Flea Market and Farmers Market (if the operators of the Markets are interested), as well as allow flexibility for other programming such as the Juneteenth Festival, music and entertainment, civic events, or other public uses

– at different times of the week or in complementary locations. This could include dedicated flexible space on the site or in a nearby location such as on Adeline Street. The City will oppose the relocation of the Flea Market will not be relocated away from the BART parking lot without the consent of the designated representative of the vendors, currently Community Services United. The City is committed to supporting the Berkeley Flea Market as it works with BART to redevelop the Ashby BART subarea through the process outlined in the Memorandum of Understanding adopted by City Council and the BART Board of Directors (Dec. 2019 and Jan. 2020, respectively). This process will include engagement with the Berkeley Flea Market individually and through the Community Advisory Group (CPGCAG), which will include a representative from Flea Market management, currently Community Services United.

**OBJECTIVE 3. ADDITIONAL DEVELOPMENT**

**PARAMETERS.** The following general development parameters will be further refined as implementation steps of this Specific Plan:

**Building Height.** To achieve the affordable housing goal, climate action goals and maximize community benefits from development of public land, high density mixed-use development is envisioned that are generally up to four to seven stories. The City will continue to coordinate with BART as it refines development parameters as part of implementation of Assembly Bill 2923. In general, development fronting on Adeline Street and Ashby Avenue should "step down" or transition to lower heights where development fronts on Martin Luther King Jr. Way, Woolsey, Tremont and Essex Streets.

**Ground-Floor Uses.** As noted in Policy 3.1, the following types of uses shall be required for ground floor uses for the Ashby BART subarea:

- Adeline Street frontage: Ground floor retail or active commercial use required.
- Ashby Avenue frontage: Ground floor commercial use required.
- Martin Luther King Jr. Way: Residential or commercial use allowed on ground floor.
- Tremont, Woolsey and Fairview Streets: Residential or commercial use allowed on ground floor.

## WHAT IS ASSEMBLY BILL (AB) 2923?

Assembly Bill 2923 was signed into law by Governor Jerry Brown on September 30, 2018. AB2923 grants BART the authority to establish transit-oriented development (TOD) zoning standards that apply to its property across the Bay Area, including the North Berkeley and Ashby BART Station sites. The intent of the law is to enable BART to work together with cities to maximize the public benefit of scarce transit-adjacent land (see Appendix B for more information). Although BART has the ultimate authority to establish zoning standards for its property, BART has indicated that it intends to work in close collaboration with local elected officials and community stakeholders. Furthermore, since the City ~~controls~~ has the option to purchase the “air rights” for the west Ashby BART parking lot, it would have a direct role in approving any future master plan and development agreement for that site, and would work with BART to implement the Objectives described in the Adeline Corridor Specific Plan for any redevelopment of the Ashby BART subarea.

**Additional Land Uses.** Additional land uses that would be encouraged in the Ashby BART area include the following:

- Potential space for a new African American Holistic Resource Center (see Chapter 5 for more information)
- Ground floor retail, restaurants and family-oriented entertainment;
- Affordable space for neighborhood non-profits
- Small, affordable workspaces
- Universally-accessible community event and recreation space, or performance venues.

[Constuction Phasing.](#) Future development should minimize construction impacts to the Flea Market and other existing businesses, including extensive outreach and engagement as part of developing potential construction phasing plans.

**OBJECTIVE 4. PUBLIC ART.** Future redevelopment should maximize opportunities to incorporate permanent and/or temporary public art installations that celebrate neighborhood history, cultural heritage and identity (see Chapters 2, 5 and 7 for more information).

**OBJECTIVE 5. PEDESTRIAN AND BICYCLE CONNECTIONS.** Future development should include pedestrian and bicycle connections that serve users of all abilities and ages. Development of the west parking lot should incorporate the following key bicycle connections at minimum, consistent with the City of Berkeley Bike Plan and as described in the Transportation Chapter of this Plan:

- Connection of the Woolsey/Prince bicycle boulevard facility across the Ashby site
- Provision of an off-street/protected bicycle facility along Adeline Street between Ashby and the intersection with MLK Jr. Way.

## WHAT ARE “AIR RIGHTS?”

Ownership of land can be divided into rights on the surface, subsurface (i.e. mining or mineral rights) and air rights. The City of Berkeley acquired air rights over both parking lots at Ashby BART Station back in 1966 after the voters approved undergrounding the BART lines. In 1999, the City executed a contract with the Ed Roberts Campus to assign the City’s option to the air rights over the eastern Ashby BART parking lot (the current Ed Roberts Campus site and the remainder parking lot behind it), to facilitate development of the Ed Roberts Campus. An agreement between the City and the Ed Roberts Campus in 2008 confirmed that the City assigned the air rights over the eastern BART parking lot to the Ed Roberts Campus, but the City still retained the option over the western BART parking lot. The air rights generally refer to the space starting 10 feet above the average finished grade location.

**CHAPTER 3: LAND USE**

**OBJECTIVE 6. PARKING AND TRANSPORTATION DEMAND MANAGEMENT.**

Any future development must include aggressive and innovative Transportation Demand Management strategies to reduce demand for parking and single-use automobile trips (See Chapter 6). Consistent with BART Transit-Oriented Design Guidelines and the City's Climate Action Plan, any future mixed-use development shall provide parking at ratio not to exceed 0.5 spaces/residential unit and 1.6 spaces per 1000 sqft of commercial space. ~~Because of the urban environment of the station, replacement parking for BART patrons can be provided at a ratio of 0.5 spaces per existing space or less while access improvements are incorporated to offset the loss of parking and ride spaces and offer viable non-auto alternatives to BART patrons. Because Ashby BART Station is considered an Urban with Parking station, BART's Access and TOD policies strive to have little to no BART parking replacement. To offset the loss of parking spaces, future development must incorporate non-auto, multimodal access alternatives to BART patrons.~~

**OBJECTIVE 7. PROCESS AND ENGAGEMENT.**

Because of the importance of the BART site both to the success of the proposed housing strategy and to the overall character of the neighborhood, any development process should include a deliberate and extensive community decision making process. The City will work with BART to complete a planning process which includes a Station Area Advisory Group or similar body comprised primarily of representatives of local stakeholder organizations. This stakeholder group should participate in decisions regarding the site requirements to be included in any Request for Proposals (RFP). In addition, any RFP that is issued for development at the BART site will outline specific requirements that a selected developer continue to invest in proactive community engagement throughout the development process and to identify appropriate additional community benefits as part of the project design process. A development team's proven track record of managing this kind of community engagement/community benefits process will be one criteria for selection.

The local community should continue to be closely involved in development of these key public sites. Chapter 4 (Housing Affordability) includes additional information and considerations for future phasing, funding, programming, and affordable housing strategies for the Ashby BART area.

## 3.8 Sustainable Building Design and Energy Use

### Ensure that the design of new buildings incorporates features that address energy use and further the goals of Berkeley's Climate Action Plan.

Berkeley's Climate Action Plan (CAP) was adopted in 2009 with the goal of reducing the City's greenhouse gas (GHG) emissions by 80% by the year 2050. Reducing the energy used in Berkeley's residential, commercial and institutional buildings through energy efficiency retrofits and use of renewable energy, along with building electrification, is key to meeting this goal.

The following measures shall be required of all new buildings in the Adeline Corridor Specific Plan Area:<sup>1</sup>

- All new buildings constructed in the Plan area shall be built as all-electric with no natural gas infrastructure connected to the building. This includes all appliances such as electric cooking, clothes drying, water heating, space heating, and air conditioning.

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<sup>1</sup> The following measures reflect required mitigation measures as reflected in the Mitigation Measure Monitoring Program for the Adeline Corridor Specific Plan (GHG Mitigation Measures 1 through 3) and BMC Chapter 12.80 (Prohibition of Natural Gas Infrastructure in New Buildings, BMC Chapter 19.36 (Berkeley Energy Code) and BMC Chapter 19.37 (Berkeley Green Code).

Projects which cannot be built as all-electric must qualify for an exception or public interest exemption based on the following, or on an equivalent City of Berkeley adopted ordinance<sup>2</sup> which meets or exceeds these standards:

- Exception: Natural gas infrastructure may only be permitted for specific systems, devices, or appliances within the building that are subject to the California Energy Code (Title 24, Part 6) and cannot demonstrate compliance with the requirements of that regulation if electric.
- Public Interest Exemption: Upon evaluating alternative technologies and the impacts on the health, safety, and welfare of the public, the entity issuing the zoning permit for the new building may allow minimally necessary and specifically tailored natural gas infrastructure in the building, if it is established that the use serves the public interest.

For any projects permitted to include natural gas components, the City of Berkeley shall require electric readiness to facilitate future full building electrification.<sup>3</sup>

- All new development projects in the Plan Area shall conform to the following EV

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<sup>2</sup>Current ordinance, BMC Chapter 12.80, adopted by Berkeley City Council on July 23, 2019:

<sup>3</sup>Current ordinance, BMC Chapter 19.36, adopted by Berkeley City Council on December 3, 2019.

infrastructure requirements or an equivalent City of Berkeley adopted ordinance<sup>4</sup> which meets or exceeds those standards:

- Single Family Homes and Duplexes
  - At least one parking space per dwelling unit with on-site parking to be equipped with raceway, wiring, and power to support a future Level 2<sup>5</sup> EV charging station.
- Multi-Family Buildings
  - 20% of parking spaces to be equipped with raceways, wiring, and power to support future Level 2 EV charging stations.
  - 80% of parking spaces to be equipped with connecting raceways (no additional electrical service capacity required).
- Non-Residential Buildings
  - 10% of parking spaces must have Level 2 charging stations installed (a DC Fast Charge station may be installed in place of 10 required Level 2 stations).
  - 40% of parking spaces to be equipped with connecting

raceways (no additional electric service capacity required).

- Building to meet a zero net energy is encouraged for all new buildings in the Plan Area. All new buildings, with the exception of accessory buildings and structures, proposed in the Plan Area shall install solar photovoltaic energy systems in compliance with City of Berkeley adopted ordinance.<sup>6</sup> Buildings that meet the exceptions in the adopted ordinance for solar photovoltaic energy systems must purchase 100% renewable energy available through an electric utility serving Berkeley. For new multi-family buildings and non-residential buildings, solar photovoltaic energy systems shall cover no less than 15% of total roof area and are encouraged to at least provide all electricity used in interior and exterior building and pathway lighting.

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<sup>4</sup> Current ordinance, BMC Chapter 19.37, adopted by Berkeley City Council on December 3, 2019

<sup>5</sup> Level 2 circuit: 40+ Amp, 208/240v AC (standard household washer/dryer outlet), charges approximately 25-30 mile driving distance per hour.

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<sup>6</sup> Current ordinance, BMC Chapter 19.36 (Berkeley Energy Code), was adopted by Berkeley City Council on December 3, 2019.

## WHAT IS “AFFORDABLE HOUSING”?

Housing is typically considered affordable if housing costs do not exceed 30 percent of household income. Affordability is generally discussed in terms of different income groups. Households are typically categorized as **Extremely Low-Income**, **Very Low-Income**, **Low-Income**, or **Moderate-Income** based on household size and how household income compares to the Area Median Income (AMI) for other households of the same size. Income limits for each household size and income group are established annually by State and Federal agencies. These income limits are used to determine the maximum rents or sales prices for “affordable housing” units.

Any housing that has rent or sales price restrictions is often called “affordable housing.” Berkeley offers several options to access affordable housing including non-profit income-subsidized units (typically built together in a single development) and “Below Market Rate” or BMR units (included as part of a market-rate development project). Affordable housing generally provides housing for households that otherwise could not afford adequate housing at market rates.

The City of Berkeley itself does not build affordable housing. Rather, the City collects fees from new market-rate residential or commercial development that it pools with State and federal funding sources into the City’s Housing Trust Fund (HTF). With approval from the City Council, the City uses HTF funding to support non-profit developers’ affordable housing projects. Market-rate developers have the option to pay fees into the HTF or build affordable housing units (at specified levels of affordability) on-site as part of a proposed project. The developer signs a contract that guarantees that the units are income restricted for the life of the project.

## WHAT IS “AREA MEDIAN INCOME”?

Percentages of Area Median Income (AMI) are frequently used to determine eligibility for affordable projects. The area median income is the household income for the median -- or middle -- household in a region. Typically, to be eligible, your income must be less than 30%-80% of the AMI for your size household, depending on the property. Sample AMI thresholds for a one person or four-person household is shown below.

**Table 4.1 Income Categories**

| Household Size   | Extremely Low Income (ELI)<br><30% AMI | Very Low Income (VLI)<br><u>Between 30%–Up to 50% AMI</u> | Low Income (LI)<br><u>Between 50%–Up to 80% AMI</u> | Moderate Income (MI)<br><u>Between 80%–Up to 120% AMI</u> |
|------------------|--|---|---|---|
| One Person       | <u>\$26,050</u>                        | <u>\$43,400</u>   | <u>\$69,000</u>                                     | <u>\$104,100</u>  |
|                  | <u>\$24,400</u>                        | <u>\$40,700</u>   | <u>\$62,750</u>                                     | <u>\$87,700</u>   |
| Four Person      | <u>\$37,150</u>                        | <u>\$61,950</u>   | <u>\$98,550</u>                                     | <u>\$148,700</u>  |
|                  | <u>\$34,850</u>                        | <u>\$58,100</u>   | <u>\$89,600</u>                                     | <u>\$113,900</u>  |
| <u>Unit Size</u> |  |   |   |   |
| <u>Studio</u>    | <u>\$651</u>                           | <u>\$1,085</u>  | <u>\$1,736</u>                                      | <u>\$2,604</u>  |

|                             |                       |                         |                         |                         |
|-----------------------------|-----------------------|-------------------------|-------------------------|-------------------------|
| <a href="#">One Bedroom</a> | <a href="#">\$697</a> | <a href="#">\$1,162</a> | <a href="#">\$1,860</a> | <a href="#">\$2,790</a> |
| <a href="#">Two Bedroom</a> | <a href="#">\$837</a> | <a href="#">\$1,395</a> | <a href="#">\$2,232</a> | <a href="#">\$3,348</a> |

[Source: U.S. Department of Housing and Urban Development 2019 Sample Income Limits and California Tax Credit Allocation Committee \(TCAC\). Note that the TCAC does not set 120% rents; these were calculated by City staff using TCAC's methodology.](#)

## EXISTING PLANS, PROGRAMS AND REGULATIONS

The City of Berkeley has a strong history of programs and initiatives to protect existing affordable housing, fight displacement and create new supplies of affordable housing. These programs and initiatives are administered primarily by the Health, Housing and Community Services Department, Berkeley Housing Authority, Rent Stabilization Board and Planning Department.

The Housing Element of the City's General Plan serves as the City's framework for housing goals, policies, and programs for meeting existing and future housing needs and increasing affordable housing opportunities. The 2015-2023 Housing Element addresses the planning period of January 31, 2015 to January 31, 2023 as required by the State Housing Element Law. The most relevant major efforts are summarized below.

### Affordable Housing Information

The City provides contact information and addresses for all local non-profit and below-market-rate affordable housing developments to assist residents with accessing leasing and waitlist opportunities ([www.cityofberkeley.info/affordable/](http://www.cityofberkeley.info/affordable/)). This webpage also includes resources for affordable housing and homeless resources throughout the region, including Alameda County 211 and One Home Bay Area.

### Affordable Housing Bond Funding (Measure O)

In November 2018, Berkeley voters authorized the City to issue up to \$135 million in bonds to fund affordable housing projects for a variety of low and moderate-income ranges and target populations.

### Affordable Housing, Anti-Displacement and Homeless Funding (Measure U1 and Measure P funding from the City's General Fund)

Voters in Berkeley approved Measure U1 in 2016 which included an increase in the Business License Tax charged on properties that consist of five or more residential units. In 2018, Berkeley voters approved a one percent tax increase on property sales and transfers over \$1.5M to help fund services for Berkeley's homeless population.

### Affordable Housing Mitigation Fee

The City enacted an Affordable Housing Mitigation Fee in response to a court ruling preventing cities from requiring affordable rental units be included in new developments. As a result, developers of new market-rate rental projects must pay a fee of \$37,962 per unit, which is adjusted bi-annually to reflect the California Construction Cost Index. Developers can reduce this fee by including units affordable to low-income households, and the fee is waived if at least 20% of a development's units are affordable (with half affordable to Very Low-Income households and half to Low Income households.) Revenues generated from these fees go to the City's Housing Trust Fund and are used to develop or preserve affordable housing. The legislature has recently enacted new laws that could allow the City to require that new rental development projects include affordable units instead of the mitigation fee; the issue is being studied further.



### **Tenant Buyout Ordinance**

The Tenant Buyout Ordinance provides rights and obligations to tenants and landlords entering into “buyout” agreements. Such agreements include a promise by the tenant to permanently vacate a controlled rental unit in Berkeley in exchange for compensation from the landlord. Landlords must provide tenants with a written disclosure of tenants’ rights prepared by the Rent Board prior to making any buyout offer. Tenants have the right to rescind any buyout agreement at any time during the first 30 days after all parties sign.

### **Tenant Protection Ordinance**

The Tenant Protection Ordinance prohibits illegal evictions through the use of fraudulent and/or misleading representations, intimidating conduct, and coercive conduct. The ordinance requires landlords to provide notice to tenants disclosing the existence of the Ordinance’s protections on a form prepared by the city. This disclosure notice is required to be provided at the inception of any tenancy beginning after April 2017, and must be included with any eviction notice. Failure to include this notice is a defense to an eviction.

### **HUD’s Mainstream Voucher Program**

The U.S. Department of Housing and Urban Development (HUD) issues notices for housing authorities to apply competitively for allocations of Mainstream Vouchers. Berkeley’s Housing Authority (BHA) has been allocated two rounds thus far: 40 Mainstream Vouchers in 2018 and 30 in 2019. These vouchers support a specific target population of non-elderly (between the ages of 18 – 61) disabled, homeless or at risk of homelessness; current clients in supportive or rapid re-housing; at risk of institutionalization or already institutionalized. Referrals for these vouchers come from BHA’s partner organizations: the Homeless Coordinated Entry System (operated by BACS), and two agencies servicing disabled and/or institutionalized populations and the Center for Independent Living, and East Bay Innovations

### **HUD’s VASH Program**

Through HUD-issued notices of availability applications, the Veteran’s Affairs Supportive Housing (VASH) provides homeless veterans and their families a voucher to rent affordable housing, while providing supportive services offered through the U.S Department of Veterans Affairs (VA). VA medical facilities refer eligible HUD-VASH families to the partnering housing authorities. Berkeley’s Housing Authority (BHA) has received a total of 40 VASH vouchers from HUD, in 2017-2019.

### **Source of Income Non-Discrimination**

The City of Berkeley is committed to providing and preserving fair and affordable housing for all income levels. This is reinforced by the Berkeley Municipal Code which works to eliminate discrimination in property rentals (BMC 13.31.010). The BMC was amended, effective July 25, 2017 to prohibit against discrimination on the basis of “source of income” including rental assistance from any Federal, State, local or non-profit administered benefit or subsidy program. While landlords may establish procedures to evaluate an applicant’s financial ability to pay rent and refuse to rent to someone with insufficient income or a poor credit history, landlords may not advertise a preference for, nor refuse to rent to a person based on their source of income, as long as it is lawful.

### **Coordinated Entry and Housing Resource Center**

Berkeley’s Coordinated Entry System (CES) is a policy that works towards Alameda County’s comprehensive strategy to address homelessness more efficiently and equitably. CES sets a strategy to intentionally serve those least able to serve themselves first through providing standardization, prioritization, and coordination. In the City of Berkeley, Coordinated Entry happens at the Housing Resource Center (HRC) which operates a centrally coordinated system to help access homeless services, emergency shelter, transitional housing and other homeless housing resources.

CHAPTER 4: HOUSING

**Below Market Rate (BMR) Program and Section 8 requirements in new BMR units**

The City's BMR program includes privately-owned affordable rental apartments created through the Inclusionary Housing (IHO) (BMC 23C.12) and Affordable Housing Mitigation Fee (AHMF) (BMC 22.20.065) ordinances. This program regulates apartments with affordable rents set at fixed "below market" rates within market-rate developments. As of January 2020, there are 38 properties with a total of 471 BMR units. Tenants who receive Section 8 may live in a BMR unit as long as they meet the income limits under the BMR program. All projects developed after 2016 must make a portion of the BMR units available to Housing Choice Voucher and Shelter Plus Care certificate holders.

**Shelter Plus Care Vouchers**

The Berkeley Shelter Plus Care Program is a housing subsidy program for individuals who are chronically homeless in Berkeley. The Program is funded by the U.S. Department of Housing and Urban Development and operated by the Berkeley Health, Housing and Community Services Department in collaboration with several community agencies. Participants pay approximately 30% of their income towards rent, and receive ongoing supportive services. Recipients can utilize vouchers to find housing in the private market in Oakland, Emeryville, Albany, or Berkeley.

**Section 8 Housing Choice Vouchers**

The Housing Choice Voucher Program, commonly referred to as "Section 8", provides rental subsidy to low-income families. This tenant-based rental assistance program allows families flexibility in selecting a community or neighborhood in which to live. The voucher covers a portion of the rent and the tenant is expected to pay the balance. The tenant's share of rent is an affordable percentage of their income, which is generally between 30 to 40 percent of their monthly-adjusted gross income for rent and utilities. Seventy-five percent of new vouchers issued must be made available to families earning less than 30 percent of the area median income (AMI). The program is the largest United States affordable housing program funded by the Department of Housing and Urban Development (HUD).

a total of 1,450 new housing units over the next 20 years (see Adeline Corridor Specific Plan Draft Environmental Impact Report and Chapter 2 Project Description for more detail on projected buildout thresholds 2040). If these sites were all developed as market rate/mixed-income projects, Berkeley's existing Affordable Housing Mitigation Fee together with the State Density Bonus for affordable housing would ensure that some share of the units were restricted affordable housing. Berkeley currently requires payment of \$37,962 per new housing unit unless a project includes 20% Affordable Housing. While many projects may choose to pay this fee, the State Density Bonus allows projects that include at least 10% Low-Income or 5% Very Low-Income units to build bigger projects than would otherwise be allowed. This additional density has motivated many recent projects to include on-site affordable units. While both of these policies are likely to change over the next 20 years, our projections assume that about half of new market-rate rental projects would elect to produce on-site affordable units.

The City estimates that under current rules, if the projected buildout the development of 1,450 dwelling units were to be built in new market rate projects, it would result in about 175 new deed-restricted affordable housing units (12% of the total) as well as about \$14 million in mitigation fees to support the Housing Trust Fund, which can be leveraged with State and federal funding to develop about 100 units of deed-restricted affordable housing.

The on-site affordable housing incentive described in Chapter 3 aims to encourage a higher share of projects to choose to provide on-site affordable units and provides benefits to projects that include as much as 50% of base units as affordable housing (half low-income and half very low income). However, our economic analysis indicates that, even with the incentives, including such high shares of affordable housing will not be economically feasible for most projects. As a result, it is likely that the share of affordable units in mixed-income buildings will remain well below 50%.

However, assuming that even a handful of key public sites (most notably the BART parking lots) are reserved primarily for affordable housing buildings, it is possible to achieve an overall affordable housing share above 50% of new housing and a total of more than 725 new affordable housing units. Avoiding a one-size-fits-all strategy enables a more ambitious outcome. By maximizing the existing affordable housing opportunity sites to build primarily affordable housing buildings in addition to mixed-income buildings, we can build far more permanently affordable units than would be practical any other way. This approach requires greater transparency and accountability - a simple requirement of a specific percentage of affordable units in all projects is easier for community stakeholders to monitor, but the benefits of a more nuanced strategy are worth the trouble.

## ECONOMIC INTEGRATION

Relative to many other communities, South Berkeley already has a high share of income-restricted affordable housing units. In recent years, research on economic mobility has led to a growing concern about over-concentration of affordable housing. Research has shown that children, in particular, are harmed by communities with high concentrations of poverty. This has led policymakers at the local, State and federal level to place a higher emphasis on economic integration and 'access to opportunity' when selecting locations for affordable housing. In light of this trend, some may argue that planning for a high share of affordable housing in the Adeline corridor is inappropriate. But it is important to keep in mind that, in spite of the history of disinvestment in the area, the Adeline Corridor is a relatively high opportunity neighborhood, with very strong transit access, access to jobs, high quality local schools, retail and health care facilities.

In addition, because the likely rate of future development is modest, even if a high share of *new* housing is set aside as income restricted affordable housing, the majority of all housing in the neighborhood will continue to be unrestricted market-rate housing.

## 4.2 NEW ON-SITE AFFORDABLE HOUSING INCENTIVE

### Increase the share of affordable units included in market rate buildings by creating stronger incentives for on-site development

The level of community concern about housing affordability and the ongoing rate of displacement of existing residents suggests that increasing the share of affordable units that are provided on-site in new market rate housing projects should be a key goal for the Adeline Corridor. The limited number of units that will be built in this way will not solve the housing crisis but they can make an important contribution to stabilizing the neighborhood.

This plan proposes to increase the share of on-site affordable housing through two related changes. First by introducing new density standards that will generate a higher number of affordable units even from market rate buildings when applicants choose to apply the State Density Bonus. Second, by offering a new

on-site affordable housing incentive, we can achieve an even higher share of affordable units in exchange for higher densities than current practice would allow.

Chapter 3 outlines a new set of base development standards for the Adeline Corridor. Projects that take advantage of the State Density Bonus will continue to be able to increase the overall density by 35% above this new base in exchange for providing affordable units (either 11% of base units for Very Low Income or 20% for Low Income households). While the specifics vary from site to site, in general the proposed densities are roughly consistent with what recent multi-family housing projects have been able to achieve in the Corridor through the use of use permits together with the State Density Bonus. However, in order to increase the share of affordable units, the City will develop an Adeline Corridor-specific on-site affordable housing incentive program. This program will allow density bonuses of up to 100% in exchange for up to 50% of base units as affordable housing (with half serving Very Low Income and half *Low-Income* households).

Table 4.2 On-Site Affordable Housing Incentive

|                              | South Shattuck Subarea  |                       |         | North Adeline and South Adeline Subareas                        |                       |         |
|------------------------------|---|-----------------------|---------|---|-----------------------|---------|
|                              | Affordable Units as % of<br><del>Base-Project</del> Total Units | Max density (du/acre) | Max FAR | Affordable Units as % of<br><del>Base-Project</del> Total Units | Max density (du/acre) | Max FAR |
| <del>Base-Level</del> Tier 1 | (0%)  | 120                   | 2.5     | (0%)  | 100                   | 2       |
| Tier <del>12</del>           | <del>20</del> 14%   | 168                   | 3.5     | <del>20</del> 14%   | 140                   | 2.8     |
| Tier <del>23</del>           | <del>35</del> 21%   | 204                   | 4.3     | <del>35</del> 21%   | 170                   | 3.4     |
| Tier <del>34</del>           | <del>50</del> 25%   | 240                   | 5.0     | <del>50</del> 25%   | 200                   | 4.0     |

Notes:

1. Half of the affordable units would be provided at Low Income (LI) and half at Very Low Income (VLI) levels.
2. Affordability levels for development in the Ashby BART subarea will be subject to a separate negotiated development agreement. See Chapter 3, Policy 3.8 for more information.

The economic feasibility of the proposed affordable housing incentive program was evaluated during the planning process and is described in more detail in Appendix C. The analysis found that the profitability of typical projects at the increased density together with the increased affordability requirements would be similar to what would be realized by projects using the State Density Bonus (with lower density and less affordable housing). While many projects will not choose to include the highest levels of affordability available under the new Adeline-specific program, the proposed program makes high levels of affordability a practical option under current market conditions and this option may become even more attractive as market conditions, state laws, and available financing tools change in the future. It may be desirable to offer additional options to providing the required on-site affordable housing in order to maximize the likelihood that below market rate housing is actually constructed creation of deed-restricted affordable housing. Options include providing the required affordable units off-site as newly constructed units or through the acquisition and rehabilitation of existing development as permanent, deed-restricted affordable housing under certain circumstances. A potential framework to consider for an off-site affordable program for the Adeline Corridor should consider include:

- Replacement ratio of units;
- Location requirement (e.g. off-site units should be located in South Berkeley
- Timing: units at the "receiving site" should be approved made available either concurrently or prior to the units asat the "sending site";
- Acquisition and Rehabilitation: a physical needs assessment should be developed to identify that the units being acquired are rehabilitated to a comparable level of amenity and useful life to the otherwise required amount of (new) on-site affordable housing. Additional research would be required to determine the appropriate development approval processes; enforcement mechanisms needed to ensure completion of off-site units; as well as how to address rehabilitation of units (and if those units already have some

### WHY NOT JUST REQUIRE 50% AFFORDABLE IN EVERY BUILDING?

As part of the Adeline Corridor planning process, a series of "what if" scenarios were tested to determine the feasibility of higher affordable housing requirements (see Appendix C). The analysis showed that market rate projects could, indeed, support higher affordable housing percentages — although a 50% requirement would be too high for most projects to move forward. So instead, the Plan proposes a local density incentive that rewards builders of affordable housing with more market rate units as well, in order for the development economics to work.

kind of formal affordability requirement such as rent control).

• Length of affordability: both newly constructed or acquired units should be required to be deed restricted affordable for either the life of the building, or the life of the initial project, whichever is longer.

During the planning process, many residents expressed a strong desire to maximize the amount of deed-restricted, affordable housing along the corridor. The City should explore additional strategies to require and/or incentivize affordable housing along the corridor, such as increasing the Affordable Housing Mitigation Fee for the plan area, eliminating the fee option and requiring on-site development, or other strategies.

## WHY INCLUDE MARKET RATE HOUSING AT ALL?

The rising cost of housing and the ongoing displacement of area residents were raised over and over again as top community concerns in the outreach meetings to inform this plan. Many area residents are concerned that new housing development along the Adeline Corridor will primarily serve a new higher income demographic than the area's existing housing does. This is an important concern and this plan commits to aggressive action to ensure that new housing serves all income groups; with at least half being income restricted to lower income households. But the commitment to providing housing opportunities for all income levels includes the production of market rate housing even though much of that housing will serve higher income residents. There are important reasons for this strategy.

First, no land use plan can adequately protect neighborhood residents from the impact of the regional housing shortage. The Bay Area as a whole is building far less housing than we need to keep up with job growth. The clear and unavoidable result of this shortage is higher housing prices. If we build no new housing, higher income households will inevitably be drawn into communities like south Berkeley where they will end up pushing the rents and prices on existing housing higher. In a 2016 Housing Production study, researchers at UC Berkeley's Urban Displacement Project found that the new market rate housing development was associated with lower rates of displacement in surrounding areas. When higher income residents have more new housing options, they seem to be less likely to move into more moderately priced existing housing.

The same UC Berkeley researchers found that new affordable housing development had an even greater benefit in reducing displacement. But the number of affordable units we can build is limited by the scarce public subsidies and it is not realistic to expect that Berkeley could ever build enough to serve every income-qualified household. Most families will find housing in the market – and the market rent or price will be determined largely by the overall supply. Combining affordable and market rate development is the only strategy likely to result in enough new housing to stem the tide of displacement.

## 4.4 AFFORDABILITY LEVELS AND TENANT TYPES IN NEW HOUSING

### Promote a range of affordability levels for a range of tenant types in new housing development along the Adeline Corridor.

The social, economic, and environmental well-being of a community is enhanced when individuals and families are retained, workforce housing is available, and the needs of residents with changing or special circumstances are met. In order to preserve the diversity that makes the Adeline Corridor area so unique, the City should work to promote new housing development that accommodates a range of affordability levels for a range of tenants. The area should provide both market rate and below market rate housing units at a range of affordability levels. In addition, the City, through land use regulations and housing policies, will encourage the private sector to provide and maintain a mixture of housing types with varied prices, sizes, and densities that meet the housing needs of a variety of tenant groups, such as:

- Senior housing
- Family and multi-generational housing [\(e.g. 2-3 bedroom units and other family-friendly amenities, such as childcare\)](#)
- Housing for those with disabilities
- Transitional housing for formerly homeless
- Supportive housing
- Youth housing
- Student housing (primarily close to campus in the South Shattuck area)
- Artist housing
- Workforce housing

This Plan calls for an ambitious combination of on-site affordable units included in otherwise market rate projects and new 100% affordable housing projects built with public subsidy in many cases on public land. Under the City's current inclusionary housing program new ownership projects must include 20% of units at prices affordable to households earning 80% or less of Area Median Income (AMI). As described above, for rental projects, developers may choose between paying the Affordable Housing Mitigation Fee for each new unit or providing 20% onsite affordable housing (with half of those units affordable below 80% of AMI and half below 50% of AMI).

By including 100% affordable housing projects, the strategy can reach much further down the income ladder and provide housing for households with even lower incomes and generally greater needs. The Low-Income Housing Tax Credit program is restricted to households earning less than 60% of AMI and the majority of units are priced to be affordable to households earning much less. Table 4.3 shows the mix of incomes served by LIHTC projects statewide. The largest group of units are limited to households earning 40-50% of AMI but 20% target households below 30% of AMI.

**Table 4.3 Mix of Incomes Served by Low Income Housing Tax Credit (LIHTC) Projects. (See Table 4.1 for Income Categories.)**

| Below 30% AMI | 30-40% AMI | 40-50% AMI | 50-60% AMI |
|---------------|------------|------------|------------|
| 20%           | 15%        | 44%        | 21%        |

Source: California Tax Credit Allocation Committee

## 4.7 LOCAL PREFERENCE POLICY FOR AFFORDABLE HOUSING

### Develop a preference policy to prioritize new affordable housing units to current area residents or those who have previously been displaced from the neighborhood.

A number of cities, including San Francisco, Oakland, Santa Monica, Portland, New York, and Cambridge (MA), have developed policies to prioritize affordable housing projects (inclusionary Below-Market Rate units and/or non-profit developer affordable units) for residents who live or work in the community where the project is located. In some cases, these policies prioritize both those who currently live near an affordable development and those who have been displaced from the community for specific reasons (such as no-fault evictions or redevelopment/urban renewal actions). See sidebar for more information on how cities are implementing these policies.

Government and banking policies displaced and segregated residents of the Adeline neighborhood for decades. Today, as the region's growth outpaces wage growth, housing price spikes in the neighborhood are pricing out many long-term residents. While many of the institutions that connect the community remain (churches, shops), the supporting community is forced to leave or commute from outer suburbs. This unravels the social and community fabric that gives Berkeley and Adeline its unique identity. Preference policies are a tool to facilitate the retention of long-term residents, and ensure the local neighborhood benefits from new affordable housing development.

While neighborhood-based preferences for affordable housing have sometimes been challenged in court or by federal regulators on the basis of the Fair Housing Act, preference policies that are tailored to address specific policy concerns such as displacement and neighborhood stability can be designed to withstand legal challenges. The Fair Housing Act defines the following aspects of a person's identity as protected classes: race, color, national origin, religion, sex, familial status, and disability. As new affordable housing opportunities are created in the plan area, the City will, within the limits of state and federal law, ~~explore options to~~ prioritize current and former local residents. Potential preferences could include, as part of a point system, people currently living near new affordable developments, ~~as well and as~~ former Berkeley residents who have been displaced from the community, particularly those subject to no-fault evictions and adverse government actions under certain conditions.

Across the country, community preference policies have enabled current and former residents to continue living in their communities. For example, in San Francisco, those displaced by the Redevelopment Agency during urban renewal in the 1960s and 70s can receive a Certificate of Preference that gives them top priority in all lotteries for affordable housing, regardless of whether they still live in the city. The City of Cambridge, Massachusetts, maintains an applicant pool of everyone applying for BMR units, and the list is sorted to prioritize current residents. As a result, 90% of tenants placed in BMR units last year were Cambridge residents.



- **Outdoor Markets and Festivals.** The Adeline Corridor is home to the Berkeley Flea Market, a neighborhood institution established in 1975 that operates on weekends at the Ashby BART Station west parking lot, and the South Berkeley Farmers' Market that has been operating on Tuesdays at its current Adeline and 62nd Street location since 2012. In addition, the five-block area of Adeline between Ashby and Alcatraz Avenues has also been home to the annual Juneteenth Festival since 1986—a celebration that attracts visitors from all over the region and beyond.
- **Non-Profits and Community Organizations.** In addition to public social service agencies, the Adeline Corridor is home to a wealth of non-profit community service organizations and churches that provide a range of services such as job training, legal assistance, housing, medical and mental health services, and banking/financial assistance for the community, including the homeless, low-income, seniors, youth, and disabled communities. Examples of these organizations include: the Drop-In Center, Healthy Black Families, Inter City Services, Ed Roberts Campus, East Bay Center for the Blind, Youth Spirit Artworks and Rebuilding Together.

During the planning process, many community members voiced their desire to enhance local qualities that could attract more businesses and customers to the Corridor while simultaneously addressing the issues that currently create challenges for the business community such as the cost, time and complexity of permitting processes, cleanliness of streets and sidewalks and need for additional services to assist the

homeless population. A survey of businesses within the Adeline Corridor found that more than two-thirds intend to stay and grow, suggesting sustainability and business strength in the Corridor. This Plan calls for supporting that strength and helping to grow existing businesses, as well as helping new businesses thrive and expand.

This chapter outlines a series of policies and strategies to promote economic opportunity for businesses, entrepreneurs, and workers ranging from technical assistance to changes to the physical environment (e.g. building storefronts, signs, awnings, sidewalks, and streets). In some cases, these strategies can be undertaken by the City and in other cases they must be led by private entities/organizations or a partnership of both. Fostering economic growth is deeply intertwined with ensuring a nearby customer base, safe and easy access, and a welcoming street environment. While this chapter touches upon these issues, other chapters in this Plan – Land Use, Housing Affordability, Transportation, and Public Space – address them in more detail.

During the planning process, many creative ideas from the local business community and other stakeholders were raised with regards to strategies to support local businesses with respect to placemaking including development of public space, strategies for managing the aging buildings, and strategies for working with derelict property owners, among others. While the Plan sets a framework for these topics, further economic development planning and funding will be necessary in order to bring these strategies to fruition at the implementation stage of the Plan.

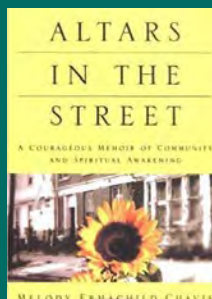
## DOCUMENTING HISTORY



Throughout the planning process, many community members have expressed the concern that with the accelerating pace of change in the neighborhood, local histories are in danger of being lost and forgotten. There have been many community-lead efforts to document and commemorate the area's rich history and cultural heritage in the form of public art, oral histories, documentaries, photos and other personal artifacts.

There is an opportunity and a need to ensure that the assets created from these efforts are preserved, documented and accessible to the public in perpetuity. The City should continue to support community-lead initiatives and partnerships to preserve and disseminate existing assets and to build upon past efforts. This will ensure that the younger generations, current residents, visitors to the area, the City of Berkeley and beyond, will be aware and respectful of local history.

Some examples of the numerous community-lead initiatives to celebrate local history include (from top to bottom left, clockwise): The Invisible Becomes **myVisible** (2018), a community mural about South Berkeley's history overseen by muralist Edythe Boone; HereStories, South Berkeley Seniors (2007); a collection of oral history recordings and murals at Malcolm X Elementary School based on South Berkeley's community history; South Berkeley Oral History Project (2016), a community oral history project in partnership with five community elders, Youth Spirit Artworks, historian Susan Anderson, UC Berkeley History-Social Science Project, Berkeley Community Media and the City of Berkeley; Love is a Dream House in Lorin (2006), a play by Marcus Gardley about the history of South Berkeley performed at Shotgun Players Theater; Welcome to the Neighborhood (2018) a documentary about the history of the Lorin District by Pam Uzzell; and Altars in the Street (1997); a memoir by Melody Ermachild Chavis, chronicling her neighbors and neighborhood in South Berkeley in the 90s.



**ECONOMIC OPPORTUNITY GOAL:** Foster economic opportunity for South Berkeley residents and businesses by facilitating job training and workforce development opportunities, active community spaces, and a thriving environment for commerce along the Adeline Street/South Shattuck Corridor.

## 5.1 EXISTING BUSINESS RETENTION AND EXPANSION

**Continue to strengthen and maintain existing businesses and non-profits by providing financing assistance, case management, consulting, and other relevant services.**

Helping existing businesses survive and grow is a vital strategy to preserve the unique and eclectic character of the Adeline Corridor and ensure its continued economic success. This is particularly important as many of the longtime businesses along the Adeline Corridor are micro- and very small businesses or non-profits that face increasing rents and a changing market for their products and services.

Berkeley's Office of Economic Development (OED) currently provides a range of services to existing and prospective Berkeley businesses, including offering assistance that helps businesses better understand and navigate City processes, as well as connecting potential business operators with commercial real estate brokers, training, networking, and loan/grant opportunities. OED will continue to offer these services and partner

with qualified non-profit organizations that have specialized staff focused on providing targeted business assistance (e.g. training, consultation, loans, or other resources). Examples of non-profits that the City has partnered with or could partner with in the future include the Renaissance Entrepreneurship Center, Project Equity, East Bay Community Law Center, Bay Area [Organization of Black -Owned Businesses \(BAOBOAB\)](#), Prospera, Mainstreet Launch, Inter City Advisors, NAACP, Greenlining, and the Northern California Community Loan Fund.

## 5.3 BUSINESS IMPROVEMENT DISTRICTS/ORGANIZATIONS

### Explore the potential to establish Business Improvement District(s) or similar entity.

A Business Improvement District is an independent non-profit organization funded primarily through property-owners and/or business owners who agree to assess (or tax) themselves an amount that is proportional to a defined set of capital improvements and/or services (beyond those that the City provides). A BID would provide a management entity with reliable resources and transparency requirements (e.g. a Board, work plan and budget) that has a unified voice. This increases a District's clout and ability to work effectively with the City and other civic and social organizations within the community. A BID could be the lead for a number of the strategies in this chapter to: operating "ambassador programs" (where BID's hire staff who usually wear distinctive uniforms, for safety, cleaning, hospitality, outreach, and landscaping services), clean-up and beautification programs, District marketing and promotions, and volunteer coordination and special events.

The concept of a BID has been critical to the success of numerous commercial corridors in Berkeley including: Downtown Berkeley (whose business district now includes the northern portion of the Adeline Corridor from Dwight Way to [Carleton Parker Street](#)), North Shattuck, Telegraph, Solano, and Elmwood. A BID could be an effective mechanism to provide property and business owner services and funding to supplement City services. A BID could include the entire Plan Area or a subsection of the Area.

Because approval of a BID requires a majority vote (with votes weighted by the calculated benefit to the property or business), an important first step is for the community to demonstrate

that there is support among property owners and business owners to form such a District. ~~The Office of Economic Development will assist interested community groups/business organizations with the process.~~

During the community process, concern was expressed that the goals of BIDs may sometimes be in conflict with other broader community goals of equity and compassion for the unhoused. Exploration of whether there is community support for a BID or similar entity should include stakeholder meetings including existing businesses and property owners and in particular Black business owners, cultural and religious institutions, nonprofits, the Berkeley Community Flea Market, local residents, unhoused people, and other users of the corridor to determine the appropriate strategy/entity could best support a vibrant commercial district. Discussion should also include the development of equity goals/principles, possible boundary, desired scope of services and capital improvements and funding potential. Examples to draw upon include Black cultural districts around the country (e.g. Oakland, Austin, Denver, Seattle, etc.). Part of the northern portion of the Plan Area is already part of the Downtown Berkeley Association (DBA), a property-based Business Improvement District, which collects fees from property owners to fund Downtown services. The Lorin Business Association (LBA), a volunteer membership organization that has membership dues could choose to explore creation of a BID. The Office of Economic Development will assist interested community groups/business organizations with the process.

Figure 5.1 shows the boundary of the DBA as well as the geographic range of participating businesses in the LBA.

## 5.8 WORKFORCE DEVELOPMENT

### Explore development of a targeted hiring program.

The City has a number of existing hiring programs and requirements. These include Community Workforce Agreements, the First Source Program and the Housing and Urban Development Department's Section 3 program. The City should explore building on these programs to develop a targeted hiring program that requires new businesses in the Adeline Corridor to hire a required percentage local resident that meet defined criteria for construction and non-construction jobs. Examples of criteria that could be used include: low income and/or formerly incarcerated, chronically unemployed or homeless or paying more than 50% of income for shelter, formerly in foster care, lacking a GED or high school diploma, a custodial single parent, receiving public assistance or a US Veteran. Exploration of such a program would include analysis of options to administer, monitor and enforcement mechanisms, as well as potential for linkages to job training programs.

**CHAPTER 6: TRANSPORTATION**

### **Pedestrian Master Plan (2010)**

Adopted in 2010, the Pedestrian Master Plan guides the development and enhancement of the pedestrian environment within the City of Berkeley. The Plan includes goals and policies that are consistent with those in the General Plan, defines the existing pedestrian network within the City, and provides a list of recommended projects and programs to improve pedestrian accessibility and safety in Berkeley. At the time of this Plan's writing, an update of the City's 2012 Pedestrian Master Plan is underway and scheduled to be completed in July 2019.

### **Street Repair Program**

Berkeley maintains a rolling 5-Year Street Rehabilitation Plan for paving and reconstructing City streets. The Plan is generated with the aid of a sophisticated Pavement Management System developed by the Metropolitan Transportation Commission. The Plan was most recently updated for Fiscal Years 2018 and 2019 by Resolution 68,279-N.S. adopted by Council on December 19, 2017. The Street Rehabilitation and Repair Policy created by Resolution 55,384-N.S. and updated by Resolution 64,733-N.S. to include permeable paving, contains the basic criteria for developing the plan.

### **Truck Routes**

Designated truck routes for trucks over seven tons are found on [Shattuck Avenue](#), Adeline Street, [Martin Luther King Jr Way between Adeline Avenue \(62<sup>nd</sup> Street\) and south city limits](#), and Ashby Avenue in the Plan Area. The heavy truck route network within Berkeley is defined in Berkeley Municipal Code (BMC) Section 14.56.060.

### **Other Relevant Agencies**

There is an ongoing need to coordinate with additional regional and state agencies such as:

- **Alameda-Contra Costa Transit (AC Transit).** Alameda-Contra Costa Transit (AC Transit) completed a Major Corridors Study report in 2016 to identify infrastructure investments that will help buses run faster and more reliably on key transit corridors. The study's goal is to improve customer satisfaction and increase ridership.

The study was coordinated with ACTC's Countywide Transit Plan development and calls for increased bus service and transfer opportunities along Adeline Street.

- **Alameda County Transportation Commission.** The Alameda County Transportation Commission (ACTC) has prepared and administers several plans that affect roadways in the Adeline Corridor Specific Plan Area. This includes the Congestion Management Program (CMP), Countywide Multimodal Arterial Plan, Countywide Transit Plan, and Countywide Goods Movement Plan.
- **California Department of Transportation (Caltrans).** Ashby Avenue (State Route 13) is under Caltrans' authority. Major modifications to this street will be coordinated with Caltrans.
- **San Francisco Bay Area Rapid Transit District (BART).** San Francisco Bay Area Rapid Transit District (BART) is a rapid transit public transportation system serving the San Francisco Bay Area in California. There are underground tracks and facilities, as well as the Ashby BART station and surface parking lots located in the Adeline Specific Plan Area. BART has a range of planning policies for its properties related to transit-oriented development, affordable housing, multi-modal access, and public art, among other topic areas.

## 6.2 STREET RIGHT-OF-WAY DESIGN

**Redesign the Adeline Street and Shattuck Avenue rights-of-way to provide better public space, improve multi-modal transportation access, create a more attractive street, and improve safety for persons of all means and abilities.**

Adeline Street presents an exciting opportunity to transform a street that is currently very auto-oriented, challenging for pedestrians and bicyclists, and lacking in usable public space. Figure 6-1 provides a long-term redesign concept for the Adeline Street right-of-way, as well as a portion of Shattuck Avenue. The concept is the result of extensive community feedback to “re-imagine” the street so it functions safely for multiple modes of transportation, while providing more public space for recreation, relaxation, socializing, and civic life (see Chapter 7 Public Space). The right-of-way redesign also supports other community goals, such as providing more sustainable infrastructure and green space, enlivening the street to support commerce and economic activity (see Chapter 5 Economic Opportunity), and creating potential sites for new community facilities or affordable housing (see Chapter 4 Housing Affordability).

The redesign concept is a refinement of street and public space concepts initially presented at the Re-Imagine Adeline public exhibit in 2017, and further refined and presented at a community workshop and online survey in 2018. It reflects community feedback received throughout the Adeline planning process, as well as detailed analysis of issues like emergency access, intersection alignment, bicycle and pedestrian facilities, and the location of underground utilities and the BART tunnel.

### LONG-TERM + INTERIM IMPROVEMENTS

Policy 6.2 “Street Right-of-way Design” describes a long-term concept for major redesign of the street right-of-way. Subsequent policies in this chapter describe other improvements that could be implemented in the interim before the long-term concept is fully realized.

The long-term right-of-way design is conceptual, and is anticipated to undergo continued refinements and design improvements; as well as study additional roadway configuration options such as further reduction of travel lanes. This will require continued input from community stakeholders, elected officials, and City staff, as well as further engineering and design work including:

- Detailed circulation studies
- Assessment of on-street parking demand and curbside activities, such as commercial deliveries, bus stops, and space for mobility services to pick up and drop off riders
- Detailed design of intersection geometries, design details, and signalization for all modes
- Coordination with AC Transit regarding stop locations and amenities
- Detailed assessment of load-bearing capacity of the BART tunnel, and resulting constraints on potential public space, landscaping, facilities, or structures on top of the tunnel
- Detailed balancing of public space programming needs and street redesign
- Detailed balancing of streetscape maintenance needs and available funding-
- Detailed assessment on BART’s access needs resulting from redevelopment

## RIGHT-OF-WAY DESIGN OBJECTIVES AND REQUIREMENTS

The long-term right-of-way concept shown in Figure 6-1 was informed by the following design requirements and objectives. These objectives reflect community input as well as a detailed review of the technical needs of different users of the street:

- **Pedestrian comfort and safety.** Increase comfort and safety for pedestrians of all ages and abilities, including pedestrians accessing BART and other transit, businesses, services, nearby neighborhoods, and residential uses along South Shattuck and Adeline.
- **Access for those with disabilities.** Comply with and exceed requirements included in the U.S. Access Board guidelines for pedestrian facilities in the public right-of-way.
- **Bicycle facilities.** Provide low stress, “family-friendly” bicycle facilities to accommodate bicyclists of all ages and riding abilities to access destinations along Adeline Street.
- **Citywide bicycle network.** Connect to the citywide bicycle network, including the bicycle boulevards on Russell Street, Milvia Street, and Woolsey Street (proposed), and the buffered bike lane on Adeline Street in Oakland (see Policy 6.6 Bicycle Facilities).
- **Balance motorized and non-motorized modes.** Balance pedestrian and bicycle comfort and safety with the design criteria/function of buses, delivery vehicles and automobiles in a mixed-use commercial district.
- **Improve intersection safety.** Improve safety for all modes of transportation at the following intersections of Adeline and major cross streets (see also Policy 6.3 Intersection Design), as well as at minor, unsignalized intersections:
  - Shattuck Avenue and Adeline Street
  - Adeline Street and Ashby Avenue
  - Adeline Street and MLK Jr. Way
  - Adeline Street and Stanford/MLK.
- **Accommodate emergency vehicles.** Maintain the Corridor’s function as a primary route for emergency vehicles and fire trucks, including the current requirements for a 26-foot clear fire lane space (including hose deployment and staging space for ladder trucks, with fire lane parallel to building facades and no farther from building than 30 feet).
- **Provide buffers between public space and traffic.** Increase safety and comfort for pedestrians and users of public spaces by including landscape buffers, low fences/railings, bollards, and other buffers between public space and moving traffic.
- **Curbside management.** Balance the needs of all users with the growth of transportation network companies (TNCs) or “ride hailing services,” as well as other shared-use mobility providers.
- **Identify opportunities to repurpose excess right-of-way for useable public space or development.** Identify opportunities to increase the amount and diversity of usable public space including parks, plazas, outdoor markets such as the Berkeley Flea Market and the South Berkeley Farmers’ Market, or potentially for development of affordable housing and/or community facilities (see Chapter 4 Housing Affordability and Chapter 7 Public Space).
- **Trees.** Increase the number of trees and tree canopy cover in the right of way. Avoid removal of healthy, mature trees. Any removal of trees should be offset by a net increase in trees and tree canopy cover across the right of way.



## DESIGN DETAILS BY SUBAREA

The summaries below provide an overview of the design features and elements included in the long-term right-of-way improvement concept, as illustrated in Figure 6-1. These overviews provide additional design details and considerations for street segments in each subarea (South Shattuck, North Adeline, Ashby BART, and South Adeline). The designs included here are conceptual, and could be refined or varied in the future, with further design work to identify detailed features such as exact intersection geometries, bicycle facility types and alignments, pedestrian crossing facilities, and the exact location of street trees and public space. Improvements to the different segments could be implemented in phases or concurrently.

### 1 SOUTH SHATTUCK (SHATTUCK AVENUE BETWEEN DWIGHT AND ADELINE)

This segment of Shattuck Avenue (shown in Figure 6-2) connects the reconfigured Shattuck/Adeline intersection with the rest of Shattuck as it extends north towards Downtown Berkeley. Dwight Way constitutes the boundary between the Adeline Specific Plan and the rest of Downtown Berkeley, which is covered by the Downtown Streets and Open Space Improvement Plan (SOSIP). At this location, the design of Shattuck will transition to the configuration of Shattuck Avenue proposed in the SOSIP. To achieve this design transition, the City could choose to extend the Adeline Specific Plan design (Figure 6-4) further north of Dwight Way. Alternatively, the City could choose to extend the SOSIP design further south of Dwight

Way, or resolve this design transition in some other way. Proposed improvements along South Shattuck include the following key features and design elements:

- **Eliminate Medians and Consider Back-In Angled Parking.** Elimination of the existing side medians between travel lanes and the parking access aisle, and [consider the](#) conversion of angled parking to back-in angled parking.
- **Raised One-Way Cycle Track.** Raised one-way cycle track (Class 4, separated bikeway) on both sides of Shattuck Avenue.
- **Tree-lined Sidewalks.** Tree-lined sidewalks widened to 20 feet.
- **Ingress and Egress Accommodations.** Design the intersection of Shattuck Avenue and Derby Street to accommodate all ingress and egress needs of the Fire Station located at the northwest corner of the intersection while still improving conditions for people walking across Shattuck at this intersection.

## 2 NORTH ADELINE (ADELINE STREET BETWEEN SHATTUCK AND ASHBY)

The long-term right-of-way concept for North Adeline, between Shattuck Avenue and Ashby Avenue, is shown in Figure 6-3. It is consistent with the community goal of making Adeline safer for people walking and cycling, more attractive for businesses and residents, and better served by parks and public spaces. The key element of this right-of-way concept is the provision of public space along one side of Adeline Street. Design considerations incorporated into the redesign for North Adeline include the following:

- **Narrow Medians.** Two vehicle travel lanes in each direction separated by narrow medians along the center of the main roadway. The median is paved and configured to meet Fire Department access requirements to properties on the east side of the street.
- **Perpendicular Alignment of Intersection.** A more perpendicular alignment of the intersection at Adeline and Shattuck Avenue, resulting in a small opportunity area for a community-oriented facility or affordable housing to the south of the intersection on the east side of Adeline.
- **Public Space.** Conversion of the 56-foot wide existing center median into an approximately 38-foot wide linear public space along the western side of the street that can include landscaped open space, plazas, and/or modestly sized programmed elements. (See also Chapter 7 Public Space for a more detailed discussion of these opportunities).
- **Local Drive Aisle.** A local drive aisle provides access to businesses, residences, and other uses along western edge of Adeline. Drive aisle includes parking, one narrow vehicular travel lane, and a raised cycle track, all configured to satisfy the Fire Department's 26-foot clear access and staging area requirements. The narrowness of the lane will help to manage drivers to travel at or below the speed limit. To further convey that the drive aisle is a low-speed environment for cars, it should be constructed using a paving material that is different from regular asphalt. In addition, the entry and exit points of the drive aisle should be raised above the adjoining roadway surfaces on Adeline and cross streets by up to 3 inches.
- **Back-in Angled On-Street Parking.** Back-in angled on-street parking along one-lane drive aisle on west side of the street at commercial uses (north of the Ashby intersection to approximately Russell Street)
- **Parallel On-Street Parking.** Parallel on-street parking on east side of the street.
- **Raised One-Way Cycle Track.** Raised one-way cycle track (Class 4, separated bikeway) on east side of Adeline has a beveled curb so that its width can be included in the 26-foot clear space required for fire access.
- **Two-Way Cycle Track.** Two-way cycle track on west side of street between Russell Street and Ashby Avenue establishes convenient connection between the existing Russell Street and Milvia Street bicycle boulevards to Ashby BART to the south of Ashby Avenue.
- **Tree-lined Sidewalks.** 13-foot and 16-foot wide, tree-lined sidewalks on the west and east side of Adeline, respectively.
- [Senior Housing Access Needs. On streets adjacent to senior housing, street configuration should take into account loading and unloading, emergency vehicle access, and bus access that doesn't block vehicle, bicycle, or pedestrian access.](#)

## 6.4 UNIVERSAL ACCESSIBILITY

### Encourage universal accessibility improvements along the corridor, and continue to work with the community to identify priority locations for improvements for those with disabilities.

The City of Berkeley strives to be a leader in providing accessible public facilities. Providing safe and accessible streets, sidewalks, and public spaces helps support an inclusive community and promotes safety and independence for seniors and those with disabilities. The Adeline Corridor is a particular priority for designing for those disabilities, given the presence of the Ed Roberts Campus, the Ashby BART Station, the East Bay Center for the Blind, multiple service providers and non-profits, senior housing projects, and other important destinations and facilities regularly used by those with a wide range of abilities.

The overarching goal is to improve accessibility throughout the Plan Area's public rights-of-way. This will be done through the design of crosswalks, curb ramps, pedestrian signals, and other features that provide ease of access for wheelchairs and people with disabilities. When designing improvements to the pedestrian right-of-way, the City should consult with accessibility and other special needs groups to prioritize improvements and ensure that all needs are accommodated.

Universal design techniques that should be implemented include audible pedestrian signals, accessible curb ramps, and the many pedestrian crossing improvements shown in Figure 6-13 Pedestrian Improvements. Priority locations for audible pedestrian signals and accessible curb ramps include Adeline at Ashby, Adeline at Alcatraz, and other large, busy intersections along the corridor.

Around senior housing, particular consideration should be made to ensure adequate parking for people with disabilities is available.

## 6.5 PEDESTRIAN CIRCULATION

### Improve pedestrian facilities and amenities that create a safe and attractive environment that encourages walking and accommodates increased pedestrian activity.

While there is already a network of continuous sidewalks throughout the Plan Area, there are still many opportunities to improve pedestrian mobility and safety by:

- Reducing street crossing distances
- Lengthening pedestrian crossing signal times
- Increasing pedestrian visibility
- Reducing speeding
- Eliminating existing and minimizing future driveways and curb-cuts along key pedestrian routes.
- Consider traffic signals on Shattuck Avenue at Blake, Parker, and Derby Street and Adeline Street at Stuart, Russell, Essex, Woolsey, Fairview, and Harmon Streets.
- Creating sidewalks where they are lacking, such as along Martin Luther King between 62<sup>nd</sup> and 63<sup>rd</sup> St, to the east of the BART tracks.

As noted above, Policy 6.2 describes a long-term major right-of-way redesign concept that will need additional study and community engagement. Figure 6-13 and Table 6.2 show pedestrian circulation and safety improvements that could be completed in the interim and would be compatible with a potential longer-term redesign.

For example, crossing improvements are not only important where the crossing distance is very large, such as at Ashby Avenue, but also at secondary intersections with long crossing distances and heavy pedestrian activity, such as at Derby, Russell, and Fairview Streets. Recommended interim improvements include high visibility crosswalks, curb extensions or bulb-outs, pedestrian signals or beacons, and median pedestrian refuge islands. There are also near-term opportunities along Adeline to improve signal timing, which could reduce speeding and improve traffic flow.

Off the Adeline and Shattuck Corridors and within adjacent neighborhoods, traffic calming measures could include new stop signs, chicanes, speed humps, special striping or textured pavement, diverters, turn restrictions, or traffic circles on certain streets. These treatments are typically not appropriate for major arterials like Adeline, Ashby, or Alcatraz, but are important strategies for improving pedestrian connections between the Adeline Corridor and surrounding neighborhoods.

**Table 6.2 Summary of Recommended Interim Pedestrian Improvements (as shown in Figure 6-13)**

| Intersection           | High Visibility Crosswalks              | Bulb-outs                        | Signal or Beacon | Median Refuge Island               | Additional Notes                            |
|------------------------|---|----------------------------------|------------------|------------------------------------|---|
| Dwight Way             | X                                       |                                  |                  |                                    |   |
| Blake St               | X                                       | <u>X</u>                         | <u>X</u>         |                                    |   |
| Parker St              | X                                       |                                  | X                |                                    |   |
| Carleton St            | X                                       |                                  |                  |                                    |   |
| Derby St               | X                                       | X<br>(unless Fire Dept conflict) | X                |                                    | Bicycle facility crossing (see Figure 6-14) |
| Ward St                | X                                       | X<br>(to shield right-hand turn) |                  |                                    | New sidewalk needed along McKevitt frontage |
| Stuart St              | X                                       |                                  | X                |                                    |   |
| Oregon St              | X                                       |                                  |                  |                                    |   |
| Russell St             | X                                       | X                                | X                | X<br>(south of Russell)            | Bicycle facility crossing (see Figure 6-14) |
| Ashby Ave              | X                                       |                                  |                  | X<br>(north of Ashby)              |   |
| Essex St               | X                                       |                                  |                  |                                    |   |
| Adeline/MLK/Woolsey St | Comprehensive Redesign (see Policy 6.2) |                                  |                  |                                    | Bicycle facility crossing (see Figure 6-14) |
| Fairview St            | X                                       |                                  | X                | X<br>(north and south of Fairview) | Consider adding second crosswalk            |
| Harmon St              | X                                       |                                  | <u>X</u>         |                                    |   |
| Alcatraz Ave           | X                                       | X<br>(SW corner)                 |                  |                                    | Bicycle facility crossing (see Figure 6-14) |
| Adeline/MLK/Stanford   | Comprehensive Redesign (see Policy 6.2) |                                  |                  |                                    |   |
| 62nd St                | X                                       | X                                | X                |                                    |   |

## 6.6 BICYCLE FACILITIES

### Focus bicycle facility improvements on Adeline and at locations where the Berkeley Bicycle Plan's existing and planned bicycle network crosses Adeline.

#### BICYCLE NETWORK

A continuous and connected bikeway system encourages non-motorized travel, provides recreational opportunities, and creates links to other modes of transportation, such as transit. Overall, the City should continue to implement new and improved bikeway facilities along and across the Adeline Corridor, consistent with the City's Bicycle Plan. Figure 6-14 Bicycle Network Improvements illustrates bicycle network improvements both in and around the Plan Area that should continue to be implemented as funding becomes available and as repaving occurs. These include:

- Converting Derby Street into a bicycle boulevard
- Converting Fulton Street into a bicycle boulevard
- Adding sharrows to Grant Street
- Converting Prince Street and Woolsey Street into bicycle boulevards
- Continuing bicycle lanes across Alcatraz Avenue to the King Street bicycle boulevard to connect to existing City of Oakland bicycle lanes along Alcatraz.

The short-term priorities for this Specific Plan are to provide an interim protected bikeway along Adeline in conjunction with repaving projects (such as the planned repaving of Adeline between Shattuck and Ashby funded by the City's T1 Bond) and to improve bicycle crossings at the four locations where the bicycle network intersects Adeline Street. These four locations are at Derby Street, Russell Street, Woolsey Street, and Alcatraz Avenue, as shown in Figure 6-14.

#### BICYCLE PARKING

Private developers are required ~~and encouraged~~ to ~~install bicycle amenities~~ provide bicycle parking and storage as specified by the Berkeley Municipal Code (BMC 23E.28.070); ~~wayfinding, and signage~~ that will and encouraged to install other bicycle amenities such as wayfinding and signage to promote bicycling around the neighborhood and to/from BART and key commercial areas. To guarantee adequate on-street bicycle parking for short-term use by visitors and shoppers, the City should conduct a physical survey of the blocks within the Specific Plan area to assess where additional bicycle racks should be installed, with the goal of providing a minimum of 12 racks per 200 feet of block face.

Emerging shared mobility choices further expand options for first and last mile connection, and demand for parking spaces for such devices is expected to grow. In developing and monitoring shared mobility programs, the City prioritizes accessibility for people with disabilities and pedestrian safety. Some of the program requirements anticipated to be placed on shared micromobility providers include the provision of adaptive shared electric scooters as a portion of the shared electric scooter fleet, the adoption and enforcement of an ordinance prohibiting adults from riding electric scooters on sidewalks, and the inclusion of a tethering mechanism on shared bicycles and scooters to encourage users to park them at existing racks or within the furnishing zone of the sidewalk, outside of the walking zone.



On-street bicycle parking

## 6.7 BUS AND SHUTTLE TRANSIT

### Work closely with AC Transit to support continued and improved bus transit and shuttle service along the Adeline corridor.

A robust public transportation service is critical to meet the needs of both residents and visitors to the corridor, improve accessibility, and reduce vehicle trips. The Adeline Corridor is designated as a “Primary Transit Route” by the Berkeley General Plan Transportation Element and the Alameda County Transportation Commission Countywide Multimodal Arterial Plan. Maintaining high-quality transit service is a priority for the corridor.

Currently, AC Transit operates several routes within or near the Plan Area, as shown in Figure 6-15. Bus stops are located at regular two- or three-block intervals along all routes:

- Transbay F along Adeline Street and Shattuck Avenue
- 18 along Shattuck Avenue
- 12 along MLK Jr. Way and along Adeline between Martin Luther King Jr. Way and Stanford Avenue
- 80 along Ashby Avenue
- School Route 688 along Alcatraz Avenue (not in operation during summer)
- Late night Transbay 800 service along Shattuck, Adeline between Shattuck and Ashby, and Ashby from Adeline east to Telegraph.

The City does not operate or control AC Transit service. The City’s goal is to support and coordinate with AC Transit as it continues to operate and improve bus service to the area. The City is supportive of AC Transit efforts to undertake physical and programmatic bus transit improvements and related efforts to increase service frequency, reliability, and

ridership along the Adeline Corridor. Continued coordination with AC Transit (and other local/regional transit agencies as needed) will be key to improving service in the Plan Area.

In the near term, the City will coordinate with AC Transit to identify opportunities for improved transit efficiency and reduced bus-stop dwell times through the provision of bus boarding islands, [transit signal priority at appropriate intersections and signal timing favorable to transit operations](#), and for improved bus stop waiting areas and their environs to increase safety and encourage ridership. Existing bus shelters should be improved so they all meet a minimum standard by adding benches, lighting, and signage. This is especially important at high-value destinations such as Ashby BART, locations where multiple lines intersect, and/or at major street connections such as Alcatraz Avenue. Longer-term concepts for the Adeline Street right-of-way, which would require coordination with AC Transit, are described in Policy 6.2.

There may be future opportunities to provide local shuttles to major employers, the university, major housing sites, BART stations, or other destinations. This could occur in coordination with AC Transit, with local employers and institutions such as UC Berkeley, or in coordination with service in neighboring cities such as the Emery-Go-Round shuttle operated by the Emeryville Transportation Management Association. Expansion of service on the existing West Berkeley Shuttle, which connects Ashby BART to the West Berkeley employment district, also could be considered.

Figure 6-15 Existing Transit Service





## CONTEXT

Public space is made up of the places that shape everyday experience in our neighborhoods and communities: sidewalks, medians, public squares, parks and green spaces, playgrounds, streets, and infrastructure. Providing better and more usable public spaces and parks was an important community priority expressed throughout the planning process. Types of desired public spaces identified through the process included community gardens, gathering and performance spaces, dog parks, tot lots and playgrounds, recreational facilities, spaces for retail kiosks and street vending, and other attractive, accessible, and well-maintained plaza spaces and landscaped areas.

Although local, regional, and State parkland is available in Berkeley, the geographic distribution of recreational facilities across the city is uneven [and reflects past and ongoing racial and economic disparities in Berkeley](#). The southeast portion of the City, which includes the Plan Area, has the fewest facilities by number and acreage. No public parks occur within the Plan Area. Of the parks near the Plan Area tend to be small and residents and users of the Plan Area, have to travel farther than some Berkeley residents to parks that are not committed primarily to school use (see Table

7-1). The health and environmental benefits of well-maintained landscaping, public space and recreation programs are measurable, well-documented and quantified in numerous studies including:

- **Physical Activity.** Offers opportunities for physical activity which help to increase fitness and lower levels of obesity.
- **Connection with Nature.** Enables people to connect with nature, which is known to confer certain health benefits and enhance well-being.
- **Mental Health.** Improves mental health as attractive and well-maintained public space can serve as venues for stress reduction.
- **Climate Change.** Mitigates the effects of climate change, and air and water pollution impacts on public health.
- **Community Interaction.** Facilitates community interaction as parks –can serve as formal and informal places where people meet.

| <b>Park</b>  | <b>Size</b> | <b>Features</b>  |
|--|-------------|--|
| Greg Brown Mini-Park                                 | 0.58 acre   | sport courts, an open grassy lawn, playground, picnic areas, and a clubhouse the city leases out   |
| Grove Park   | 3 acres     | baseball/softball field, a multi-purpose turf area, two full basketball courts, two lighted tennis courts, a volleyball court, play areas for both tots and school-age children; a picnic area with barbeque, a gym, and a recreation building/clubhouse |
| Prince Street Mini Park                              | 0.15 acre   | a playground and a picnic area, as well as a small turf area   |
| 63rd Street Mini Park                                | 0.19 acres  | playground and a picnic area, as well as a small turf area   |
| Tim Moellering Field<br>(Owned and operated by BUSD) | 3.48 acres  | primarily programmed for organized sports  |

## 7.3 PUBLIC SPACE OPPORTUNITY SITES

### Identify specific public space opportunity sites and improve public space in the Adeline Corridor.

Opportunities for public space improvements for the South Shattuck, North Adeline, Ashby BART, and South Adeline areas are discussed below and shown in Figure 7.1. These opportunities are consistent with the long-term right-of-way redesign concept in Chapter 6 (Figure 6.1), but also address interim improvements and refinements to existing public facilities such as parks, seating areas, plazas, landscaping, and curb extensions. [A goal of this plan is to at least maintain, if not improve, the ratio of park area to residents in the Plan Area.](#)

#### 1. SOUTH SHATTUCK SUBAREA

Most opportunities for public space in the South Shattuck subarea involve improvements and refinements to existing sidewalk areas which have seating areas, curb extensions, small plazas, and other streetscape amenities. These small spaces play an important part of the overall array of the neighborhood's public spaces, providing opportunities for respite and greenery. Portions of the South Shattuck subarea are within the assessment boundary of the Downtown Berkeley Association (Property-based Business Improvement District) which may be able to facilitate the improvement and management of these small public spaces.

#### 2. NORTH ADELINE SUBAREA

As described in Chapter 6 and shown in Figure 6.1, this Plan identifies a future long-term redesign of the South Shattuck – Adeline Street right-of-way: the conversion of the existing 56-foot median into a linear space ranging between 38 and 52 feet wide, that runs along the west side of Adeline Street between Derby Street and Ashby Avenue. This provides substantial

opportunities to accommodate many of the public space types that were identified during the planning process. The linear space could accommodate a flexible array of programming elements such as:

- **Landscaping and Greenery.** Ornamental and native landscaping, community gardens, and “edible landscapes” using native plants.
- **Program Elements.** Fixed program elements, such as a dog park, tot lot(s) and playground(s), restrooms, and small-scale courts for sports activities or exercise stations.
- **Gathering Spaces.** Public gathering spaces for organized or informal activities, such as pop-up or kiosk commercial uses, or space for other civic or social events.

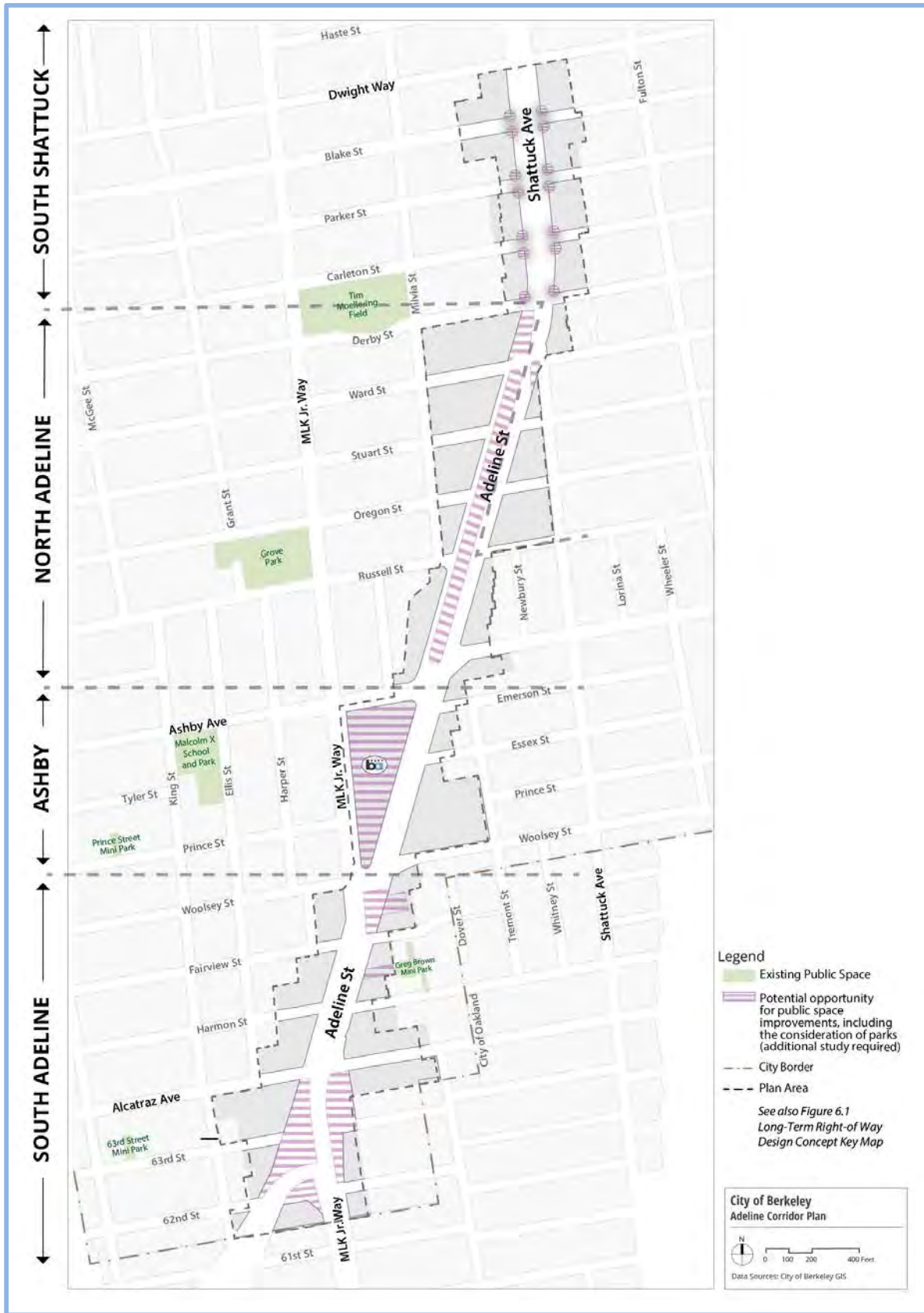
Substantially widened sidewalks (see Figure 6-2) would also provide opportunities for a range of streetscape amenities such as street furniture and landscaping.

#### 3. ASHBY BART SUBAREA

As noted in previous chapters, the Ashby BART subarea is envisioned to be a vibrant neighborhood center with high-density mixed-use development and new public spaces for community gatherings, commerce, civic celebrations and other special events. Public open space within the Ashby BART sites should improve access for people walking and cycling from surrounding streets to and from the BART Station.

A major opportunity exists with future redevelopment of the Ashby BART west parking lot to establish an attractive public plaza that functions as a gathering place and marketplace that can accommodate the Berkeley Flea Market and potentially the South Berkeley Farmers Market. As part of a redevelopment of the west parking lot, refinement of the long-term right-of-way redesign concept should analyze options to

Figure 7-1 Opportunity for Public Spaces



# ADELINE CORRIDOR IMPLEMENTATION ACTIONS

**NOTE:** This content will be further refined in Fall 2019 after gathering and reviewing feedback about the Draft Plan from the community and the City’s advisory bodies and City Council.

Preliminary implementation actions, responsibilities, timeframe as well as potential funding sources are shown in Table 8.1. These actions should be considered in tandem with the corresponding goals, strategies and policies discussed in Chapters 3 through 7, which provide a more robust explanation and context. The timeframes shown are generally defined as short-term (0 to 3 years) or a continuation of on-going activities. Although the implementation actions indicate lead responsibility to undertake and/or coordinate a particular action and partners, it does not preclude other responsible parties from being added or changed as Plan implementation takes place.

Some implementation actions involve City-led capital improvements or coordinated physical improvements with other partners (e.g., Ashby BART redevelopment or the long-term right-of-way redesign concept); others are policy or program initiatives to be implemented by the City in coordination with the community and other stakeholders (e.g., development of community preference policies for new affordable housing); and other measures will be led by community leaders, with the City government in a supporting role.

## 8.1 ABBREVIATIONS IN TABLE 8.1

### City of Berkeley

- CMO – City Manager’s Office
- CAO – City Attorney Office
- HHCS – Health, Housing and Community Services
- OED – Office of Economic Development
- PLNG – Planning and Development Department
- PR&W – Parks, Recreation and Waterfront Department
- PW – Public Works
  - Transportation Division (“PW Trans”)
  - Engineering Division (“PW Eng”)
- RSB – Rent Stabilization Board and Staff
- BHA – Berkeley Housing Authority

### Funding Sources

- See Funding Context Section on page 8-11

Note: Although the Specific Plan includes program initiatives and physical improvements that may require longer timeframes to realize or be built, the actions identified in this chapter are the preliminary actions needed in the short-term to be able to move forward towards a longer-term project or program or are a continuation of on-going activities. To the extent feasible, the timeframe for short-term actions will be further refined and reflected in future annual progress reports about the Adeline Corridor Specific Plan.

### Other Organizations

- AC Transit – Alameda Contra Costa Transit
- ACTC – Alameda County Transportation Commission
- Alameda County SBDC – Alameda County Small Business Development Center
- BART – [San Francisco](#) Bay Area Rapid Transit District
- BBDN – Berkeley Business District Network
- Caltrans – California Department of Transportation
- DBA – Downtown Berkeley Association
- LBA – Lorin Business Association
- SBA – Small Business Administration

### Timeframe

- S – Short-term (0 to 3 years)
- O – On-going

**TABLE 8.1 Implementation Actions**

| ACTION DESCRIPTION  | LEAD RESPONSIBILITY | PARTNERS  | POTENTIAL FUNDING SOURCE | TIME FRAME   |
|---|---------------------|---|--------------------------|--|
| <b>PLAN ADMINISTRATION</b>  |                     |   |                          |  |
| <b>PA-1.</b> Establish quarterly meetings with implementation team to review progress, challenges, and next steps.  | PLNG                | HHCS, OED, PW Eng, PW Trans, PR&W   | General Fund             | S  |
| <b>PA-2.</b> Provide annual progress update to the City Council and community, including performance metrics, challenges, and next steps. <u>The City will hold interim regular meetings with community stakeholders to address updates and provide an opportunity for input and feedback with notice to residents of the Plan Area and self-identified stakeholders.</u>   | PLNG                | HHCS, OED, PW Eng, PW Trans, PR&W   | General Fund             | S  |
| <b>PA-3.</b> Coordinate and monitor grant and other funding opportunities that relate to Specific Plan priorities.  | PLNG                | HHCS, OED, PW Eng, PW Trans, PR&W   | General Fund             | S  |
| <b>LAND USE</b>   |                     |   |                          |  |
| <b>LU-1.</b> Amend the City’s General Plan, zoning regulations and zoning map including changes to development standards to promote on-site affordable housing, to implement the Specific Plan.<br><br><i>See Policies/Strategies: LU-3.1 – 3.7 and HA-4.2, HA- 4.4 and HA-4.5.</i>   | PLNG                |   | General Fund             | S<br>(Amendments will be considered in parallel with Specific Plan adoption) |
| <b>LU-2.</b> Ashby BART Station Area Planning<br><br><u>Pursuant to the A. Develop a Memorandum of Understanding (MOU) between the City and BART unanimously approved by the Berkeley City Council and the San Francisco BART Board, the City will:</u><br><del>that outlines the project planning process, including but not limited to, timeline, engagement, development parameters, funding, and roles and responsibilities.</del><br><br><del>BA. Conduct needed technical analyses and Coordinate and implement community engagement engage with the Ashby and North Berkeley Community Advisory Committee (CAG) and the community to develop zoning and</del> to refine development parameters <u>for the Ashby BART station area</u> based <del>and additional technical analyses to</del> on Specific Plan Objectives, and consistent with AB2923, City of Berkeley and BART policies.<br><br><u>B. Discuss potential allocation of local affordable housing funding</u> |                     | HHCS,<br>PW, OED,<br><br><u>Measure O, Oversight Committee Council, CMO</u> |                          |  |

|  |                   |   |   |          |
|--|-------------------|---|---|----------|
| <p><a href="#">6C</a>. Coordinate with BART and other partners on next steps, such as preparing and issuing a Request for Proposal(s), to advance development in the Ashby BART Subarea.</p> <p><a href="#">6D</a>. Coordinate with other public agencies and funders (e.g. AC Transit, Caltrans, ACTC, MTC) to identify and leverage funding opportunities, and coordinate grant applications for affordable housing and capital improvements.</p> <p><i>See Policies/Strategies: LU-3.1 - LU -3.7 and HA-4.3 through HA-4.7.</i></p> | <p>PLNG, BART</p> | <p>Community Partners<br/>                 AC Transit,<br/>                 ACTC,<br/>                 Caltrans</p> | <p>General Fund,<br/>                 BART, Grant<br/>                 funding_</p> | <p>S</p> |
|--|-------------------|---|---|----------|

| ACTION DESCRIPTION   | LEAD RESPONSIBILITY     | PARTNERS   | POTENTIAL FUNDING SOURCE   | TIME FRAME   |
|--|-------------------------|--|--|--|
| <b>LAND USE</b>  |                         |  |  |  |
| <p><b>LU-3.</b> Prepare application for SB2 Planning Grants Program that includes measures to refine and expedite proposed affordable housing and infrastructure improvements in the Specific Plan.</p> <p><i>See Policies/Strategies: LU 3.1 – 3.7, HA 4.2, 4.4 and 4.5, Trans 6.2 and P 7.3.</i></p>   | PLNG                    | PW Trans, PW Eng, HHCS   | SB 2 Planning Grants Program   | <p><del>S</del><br/> <del>(First Round Application deadline, Nov. 30, 2019)</del><br/>                 Completed (Nov. 2019)</p> |
| <b>HOUSING AFFORDABILITY</b>   |                         |  |  |  |
| <p><b>HA-1.</b> Monitor and report progress on Specific Plan 50% affordable housing target, including tracking and reporting income ranges of units of affordable housing built to ensure that there is a range of affordability levels being met by housing production.</p> <p><i>See Policies/Strategies: HA-4.1 and HA-4.4.</i></p>                               | PLNG                    | HHCS   | General Fund   | s  |
| <p><b>HA-2.</b> Allocate Measure O dollars and continue to identify new, locally controlled funding sources and expand financing mechanisms to fund affordable housing in the Adeline Corridor.</p> <p><i>See Policies/Strategies: HA-4.6.</i></p>   | PLNG, HHCS              | Measure O, Oversight Committee Council, CMO  | Housing Trust Fund, Measure O, Grant funding (e.g. SB 2 and AHSCS), Additional future bond financing | O  |
| <p><b>HA-3.</b> Develop a preference policy to prioritize new affordable housing units (inclusionary Below Market Rate units and/or Housing Trust Fund/subsidized units) to current residents or potentially those who have previously been displaced from the neighborhood, as consistent with Fair Housing law.</p> <p><i>See Policies/Strategies: HA-4.7.</i></p> | HHCS                    | CAO, BHA, PLNG, <a href="#">EBCLC</a> , <a href="#">Black-led community groups</a> | General Fund, Grant funding  | <a href="#">Underway</a>   |
| <p><b>HA-4.</b> Explore ways to strengthen the City's Housing Retention program including measures such as increasing funding allocation to the City's homeowner assistance and anti-eviction programs.</p> <p><i>See Policies/Strategies: HA-4.9.</i></p>   | City Council, RSB, HHCS | BHA  | General Fund   | O  |

| ACTION DESCRIPTION  | LEAD RESPONSIBILITY     | PARTNERS   | POTENTIAL FUNDING SOURCE               | TIME FRAME      |
|---|-------------------------|--|--|-----------------|
| <b>HOUSING AFFORDABILITY</b>  |                         |  |  |                 |
| <p><b>HA-5.</b> Continue to work with property owners and tenants alike to provide education, technical assistance, and public information about protecting existing affordable housing.</p> <p><i>See Policies/Strategies: HA-4.10.</i></p>  | City Council, RSB, HHCS | BHA  | General Fund                           | O               |
| <p><b>HA-6.</b> Identify additional funding sources, in addition to Measure P funding, to implement the City's 1000-Person Plan priorities, including seeking additional funding sources.</p> <p><i>See Policies/Strategies: HA-4.11.</i></p>   | HHCS                    | Non-profit partners and other County organizations                 | General Fund, Measure P, Grant funding | S               |
| <p><b>HA-7.</b> <u>Analyze additional alternatives to providing the required on-site affordable housing units in order to maximize the likelihood that below-market rate housing is actually constructed. Options should define requirements regarding replacement ratio, location/proximity of units, timing and rehabilitation/acquisition of existing units.</u></p> <p><i>See Policies/Strategies: HA-4.2.</i></p>  | <u>PLNG</u>             | <u>HHCS</u>  | <u>General Fund</u>                    | <u>Underway</u> |
| <p><b>HA-8.</b> <u>As part of its annual progress report, the City will document the number of income-restricted affordable units within the Plan area (at the time of Plan adoption). In the event that the total number of income-restricted units falls below the number at the time of Plan adoption, the City will, within 60 days of reporting such decrease, propose that the City Council consider amendment(s) to the Plan that would increase the number of restricted affordable units in the Plan area.</u></p> | <u>PLNG</u>             | <u>HHCS</u>  | <u>General Fund</u>                    | <u>S</u>        |
| <b>ECONOMIC OPPORTUNITY</b>   |                         |  |  |                 |
| <p><b>EO-1.</b> Continue to provide technical assistance from City staff and consultants who provide specialized services to small, independent businesses regarding: preparing business plans, succession planning, alternative ownership models such as worker cooperatives.</p> <p><i>See Policies/Strategies: EO-5.1.</i></p>   | OED                     | Alameda County SBDC, SBA, Uptima Business Bootcamp, Project-Equity | General Fund                           | O               |
| <p><b>EO-2.</b> Continue to foster collaboration, information sharing and partnerships with the Lorin Business Association and the Downtown Berkeley Association through meetings of the Berkeley Business District Network (BBDN) and other networking opportunities.</p> <p><i>See Policies/Strategies: EO-5.2.</i></p>   | OED                     | LBA, DBA and individual businesses and community organizations     | General Fund                           | O               |



|  |  |             |                                    |          |
|--|--|-------------|------------------------------------|----------|
| <p><b>EO-3.</b> Outreach to <u>and engage the broader community including not only existing business and property owners, but also non-profits, Black-owned businesses, advocacy organizations, and the unhoused to gauge interest and develop proposal for the boundary, scope of services and capital improvements for a to discuss the potential for new Business Improvement District(s) or similar organizing entity</u> for all or part of the Plan Area. <u>Discussion should include development of equity goals/principles, possible boundary, desired scope of services and capital improvements and funding potential.</u></p> <p><i>See Policies/Strategies: EO-5.2, EO-5.3.</i></p> | <p>Business and Property Owners, LBA</p> | <p>OED</p>  | <p>General Fund, Grant funding</p> | <p>S</p> |
| <p><b>EO-4.</b> Continue to provide technical assistance to the Berkeley Flea Market including technical assistance and capacity building to develop a business plan and organizational structure for long-term viability.</p> <p><i>See Policies/Strategies: LU 4.8, EO 5.1 and 5.4, T 6.2 and PS 7.2.</i></p>  | <p>OED</p>                               | <p>PLNG</p> | <p>General Fund</p>                | <p>S</p> |

| ACTION DESCRIPTION  | LEAD RESPONSIBILITY                         | PARTNERS                        | POTENTIAL FUNDING SOURCE              | TIME FRAME |
|---|---|---------------------------------|---------------------------------------|------------|
| <b>ECONOMIC OPPORTUNITY</b>   |   |                                 |                                       |            |
| <p><b>EO-5.</b> Work with the Berkeley Flea Market, Farmers Market/Ecology Center and developers to create a new and/or enhanced location with the appropriate infrastructure at a publicly-accessible space that is part of the Ashby BART redevelopment and/or a redesigned segment of the public right-of-way.</p> <p><i>See Implementation Action: LU-1 above and TRANS 6.3 below for more detail.</i></p>  | OED, PLNG                                   | BART                            | General Fund, Grant funding           | S          |
| <p><b>EO-6.</b> Market the Plan Area as a desirable location for new desired businesses, organizations and amenities.</p> <p><i>See Policies/Strategies: EO 5.5 and 5.8.</i></p>  | LBA, DBA                                    | OED, PLNG                       | LBA, DBA, General Fund                | O          |
| <p><b>EO-7.</b> Work with local business associations and community organizations to develop ideas for some near-term and interim or temporary events or projects that promote the existing assets and identity of the Plan Area and subareas to build on what is working (e.g. arts, theater, antiques, history and culture); activate the area, such as pop-up events; temporary street closures.</p> <p><i>See Policies/Strategies: EO 5.6, EO 5.7, PS 7.2 and PS 7.8.</i></p> | Community Organizations, Individual artists | OED, PW, PR&W, PLNG             | City Civic Arts Grants, Grant funding | S          |
| <p><b>EO-8.</b> Continue to amend the Zoning Ordinance to streamline the review process and reduce the amount of time it takes for desirable businesses and organizations to establish within the plan area.</p> <p><i>See Policies/Strategies: EO 5.1, EO 5.2, EO 5.5 and LU 3.1.</i></p>  | OED, PLNG                                   | BBDN                            | General Fund                          | O          |
| <p><b>EO-9.</b> Facilitate partnerships and space sharing agreements in the Plan Area among arts organizations and others.</p> <p><i>See Policies/Strategies: EO 5.2.</i></p>   | OED – (Civic Arts Division)                 | Civic Arts Commission           | General Fund                          | O          |
| <p><b>EO-10.</b> Identify vacant underutilized buildings and City owned property that can be converted or created for use as artist housing, workspaces and display areas.</p> <p><i>See Policies/Strategies: EO-5.2 <a href="#">and</a>, EO-5.5 <a href="#">and</a> EO-5.8.</i></p>  | OED – (Civic Arts Division)                 | BBDN, LBA, DBA, Property Owners | General Fund, Grant funding           | S          |
| <p><b>EO-11.</b> Increase outreach and engagement within the Plan Area to promote the Civic Arts Grants for art and festivals.</p> <p><i>See Policies/Strategies: EO-5.7 and EO-5.8.</i></p>  | OED – (Civic Arts Division)                 | Civic Arts Commission           | General Fund, Grant funding           | S          |

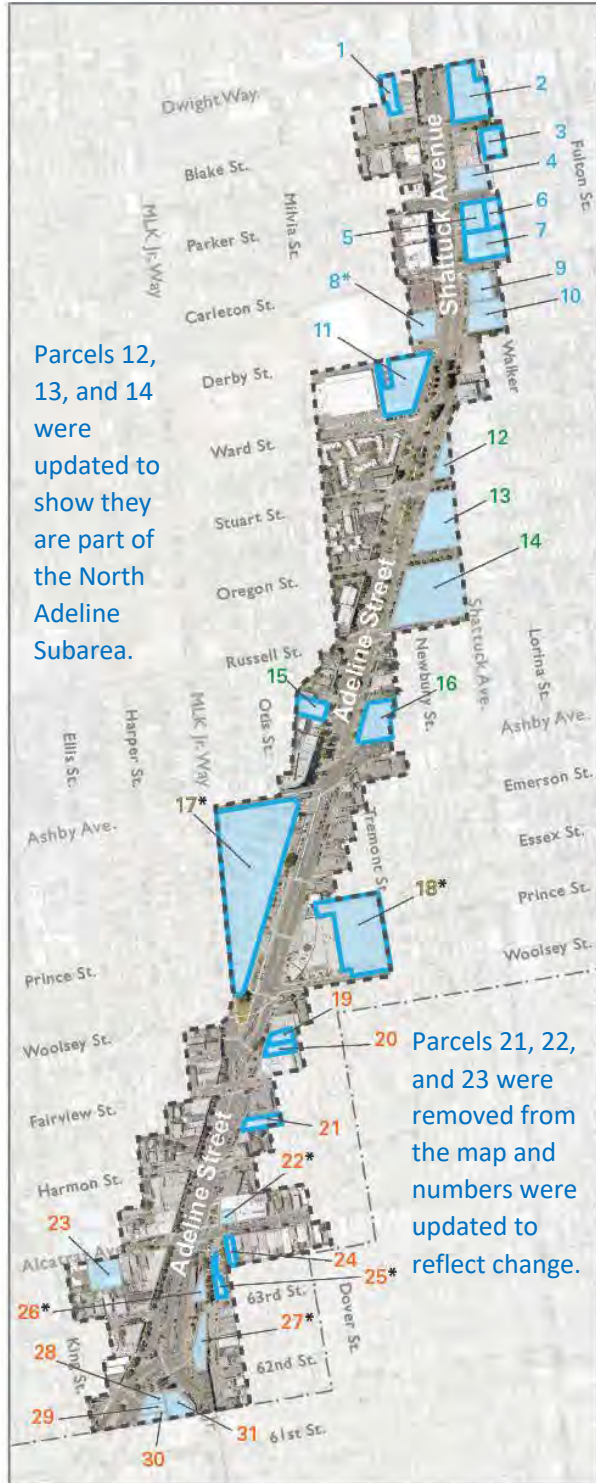
| ACTION DESCRIPTION   | LEAD RESPONSIBILITY                     | PARTNERS                        | POTENTIAL FUNDING SOURCE  | TIME FRAME               |
|--|---|---------------------------------|---|--------------------------|
| <b>ECONOMIC OPPORTUNITY</b>  |   |                                 |   |                          |
| <p><b>EO-12.</b> Implement district marketing and creative placemaking projects such as murals, banners, signage, decorative trash cans, in-street paintings, parklets, mixed-media advertising campaigns, and other projects.</p> <p><i>See Policies/Strategies: EO 5.7 and EO 7.8.</i></p>   | OED                                     | LBA, DBA                        | General Fund, Grant funding   | S                        |
| <p><b>EO-13.</b> Facilitate a shared marketing campaign among arts and culture organizations to improve the visibility and awareness of the Plan Area as a location and destination for the arts.</p> <p><i>See Policies/Strategies: EO-5.7 and EO-5.8.</i></p>  | OED – (Civic Arts Division)             | Civic Arts Commission, LBA, DBA | General Fund, Grant funding   | S                        |
| <p><b>EO-14.</b> Centralize and organize existing information about neighborhood history and develop ways to share it and new efforts to document neighborhood history.</p> <p><i>See Policies/Strategies: EO-5.7.</i></p>   | LBA, DBA, Other Community Organizations | OED                             | Grant funding (e.g. City of Berkeley, UC Berkeley Chancellor Community Partnership Fund, other national, state and local grants), Private Fundraising | S                        |
| <p><a href="#"><u>EO-15.</u></a> Explore building on these existing City-funded programs to develop a targeted hiring program that requires new businesses in the Adeline Corridor to hire local residents that meet defined criteria for construction and non-construction jobs.</p> <p><i>See Policies/Strategies: EO-5.8.</i></p> | <a href="#"><u>HHCS</u></a>             | <a href="#"><u>OED</u></a>      | <a href="#"><u>General Fund, Grant funding</u></a>  | <a href="#"><u>S</u></a> |
| <b>TRANSPORTATION</b>  |   |                                 |   |                          |
| <p><b>T-1.</b> Amend the Berkeley Strategic Transportation (BeST) Plan to include the Adeline Corridor as a priority so that the City can prioritize applying for grant funding and leverage other sources of funding.</p> <p><i>See Policies/Strategies: T-6.1 through T-6.6.</i></p>   | PW Trans                                | PLNG                            | General Fund, Grant funding   | S                        |

|  |                       |  |  |          |
|--|-----------------------|--|--|----------|
| <p><b>T-2.</b> Refine public right-of-way concepts for each Plan Area subarea identified through the community process, including <a href="#">further study of additional roadway configuration options such as the potential of reducing travel lanes on Adeline from Derby Street to Martin Luther King Jr. Way</a>; developing planning-level cost estimates, and working with agency partners to identify and leverage respective funding sources.</p> <p><i>See Policies/Strategies: T-6.1, T-6.2, T-6.3 and PS-7.1 through PS-7.8.</i></p> | <p>PW Trans, PLNG</p> | <p>PW Eng,<br/>PR&amp;W,<br/>Community</p> | <p>General<br/>Fund, Grant<br/>funding, T1</p> | <p>S</p> |
|--|-----------------------|--|--|----------|

| ACTION DESCRIPTION   | LEAD RESPONSIBILITY    | PARTNERS                | POTENTIAL FUNDING SOURCE        | TIME FRAME |
|--|------------------------|-------------------------|---------------------------------|------------|
| <b>PUBLIC SPACE</b>  |                        |                         |                                 |            |
| <p><b>PS-1.</b> Building on the public right-of-way concepts for each Plan Area, work with the community to develop a comprehensive public realm and streetscape plan (see also T-1 above)</p> <p><i>See Policies/Strategies: PS 7.4 and 7.5.</i><br/> <i>See also Implementation Action T-1 above.</i></p>  | PW, PLNG               | PR&W                    | General Fund,<br>Grant funding  | S          |
| <p><b>PS-2.</b> Work with BART and community stakeholders to refine Specific Plan concepts, including physical and operational parameters for a new civic plaza and other public space as part of redevelopment of the Ashby BART west parking lot.</p> <p><i>See Policies/Strategies: LU 3.7, EO 5.4, T 6.1 and PS 7.3.</i><br/> <i>See also Implementation Actions LU-2, EO-5 and T-2 above.</i></p>         | PLNG, BART             | PW Eng, PW Trans, PR&W  | General Fund,<br>Grant funding  | S          |
| <p><b>PS-3.</b> Assess scope, develop cost estimate and identify funding source to repair irrigation line(s) serving a portion of the South Adeline subarea.</p> <p><i>See Policies/Strategies: PS 7.4, PS 7.5 and PS 7.6.</i></p>   | PW Eng                 | PR&W, PW Trans, PLNG    | Capital Improvement Program, T1 | S          |
| <p><b>PS-4.</b> Work with community partners to support temporary activation of public space such as pop-up pavement to parks events, street closures and street murals (see Chapter 7)</p> <p><i>See Policies/Strategies: PS 7.2, PS 7.7 and PS 7.8.</i><br/> <i>See also Implementation Action EO-7 above.</i></p>   | OED                    | LBA, DBA, PLNG, CMO, PW | General Fund,<br>Grant funding  | S          |
| <p><b>PS-5.</b> <u>Identify and pursue funding sources for the creation of parks in the Adeline Corridor, such as Proposition 68, the next round of T1 funding or future bond funding.</u> <del>Ensure process to develop next priority for T1 funding is aligned with and help to implement the goals of the Adeline Corridor Specific Plan.</del></p> <p><i>See Policies/Strategies: PS 7.4 and 7.5.</i></p> | PW Trans, PW Eng, PR&W | PLNG                    | General Fund,<br>T1             | S          |

Appendix D – Opportunity Sites in Plan Area

Opportunity Sites in the Plan Area



Parcels 12, 13, and 14 were updated to show they are part of the North Adeline Subarea.

Parcels 21, 22, and 23 were removed from the map and numbers were updated to reflect change.

**Note:** The City reviewed the Plan Area on a parcel-by-parcel basis to identify parcels that had the highest likelihood of change or re-development "opportunity" if met certain criteria (eg. over 15,000 sf and/or publicly-owned parcels) and further Plan vision and goals over the long-term. Inclusion on the map does not indicate that a site with an existing use should be replaced or eliminated from the Plan Area. Uses such as a fill-service grocery and a post office are important community-serving amenities and are encouraged to remain in or near the Plan Area. Parcels identified as Opportunity Sites do not imply that the sites will actually be developed. Development of most of the properties in the Plan Area would be implemented through the market-driven decisions that individual landowners make for their properties.

Parcels with a development application under review, already entitled or under construction/ constructed; as well as, parcels with a significant historic or cultural resources for the purposes of environmental review under the California Environmental Quality Act (CEQA) were excluded for the purposes of mapping "Opportunity Sites". Parcels smaller than 10,000 sf were also not included unless they were adjacent to opportunity sites that would, when considered together, be greater than 10,000 sf.

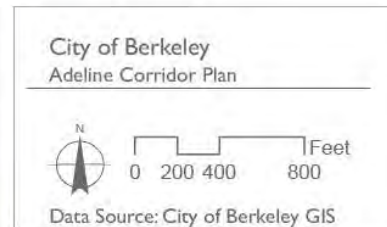
Legend

- Opportunity Site
- Included in Draft EIR Projected Buildout Scenario
- \* Publicly Owned

Opportunity Sites are numbered and color coded to indicate plan subarea location

- # South Shattuck
- # North Adeline
- # Ashby BART
- # South Adeline

- - - City Border
- Plan Area



Appendix D – Opportunity Sites in Plan Area

List of Opportunity Sites in Plan Area

| Map ID | APN          | Address           | Owners  | Current Use   | Lot Size (SF) | Subarea        |
|--------|--------------|-------------------|---|---|---------------|----------------|
| 1      | 55-1822-3-1  | 2032 Dwight Way   | Herrick Foundation                            | Surface Parking Lot                                       | 12,756        | South Shattuck |
| 2      | 55-1823-11-1 | 2104 Dwight Way   | Alta Bates Corporation                        | Surface Parking Lot                                       | 41,293        | South Shattuck |
| 3      | 55-1824-18-1 | 2116 Blake St     | Berkeley Free Market LLC                      | Music Lovers(Retail) + Surface Parking Lot                | 13,500        | South Shattuck |
| 4      | 55-1824-14   | 2105 Parker St    | Thallaug Kirsten TR & Thallaug Haakon E       | Viking Trader Furniture Store                             | 18,220        | South Shattuck |
| 5      | 55-1825-19   | 2609 Shattuck Ave | Valiye Reza                                   | Abandoned building + Surface Parking Lot                  | 15,234        | South Shattuck |
| 6      | 55-1825-20   | 2110 Parker St    | Valiye Reza                                   | Surface Parking Lot                                       | 10,125        | South Shattuck |
| 7      | 55-1825-15-2 | 2621 Shattuck Ave | Valiye Reza                                   | Best Auto Radio(Auto Repair)                              | 26,700        | South Shattuck |
| 8      | 55-1819-3-1  | 2680 Shattuck Ave | City Of Berkeley                              | Berkeley Fire Station 5                                   | 17,300        | South Shattuck |
| 9      | 55-1826-20   | 2627 Shattuck Ave | Valiye Reza                                   | Honda Dealership  | 15,800        | South Shattuck |
| 10     | 55-1826-18-2 | 2655 Shattuck Ave | S H Kay LLC                                   | DaVita Berkeley Dialysis Center                           | 23,655        | South Shattuck |
| 11     | 54-1723-1    | 2700 Shattuck Ave | 2700 Shattuck LLC                             | McKevitt Auto Dealership                                  | 45,651        | South Shattuck |
| 12     | 54-1721-1    | 2747 Adeline St   | Shattuck Properties LLC & ETAL                | Honda Dealership Lot                                      | 10,925        | North Adeline  |
| 13     | 53-1684-1    | 2801 Adeline St   | 2801 Adeline LLC                              | Walgreens   | 47,916        | North Adeline  |
| 14     | 53-1683-1    | 2020 Oregon St    | 2020 Oregon Street Lp & ETAL                  | Berkeley Bowl Grocery                                     | 84,506        | North Adeline  |
| 15     | 53-1598-10-1 | 2926 Adeline St   | East Bay Center For The Blind Inc             | East Bay Center for the Blind                             | 10,000        | North Adeline  |
| 16     | 53-1591-18-3 | 2001 Ashby Ave    | Cooperative Center Federal Credit Union       | Cooperative Center Federal Credit Union + Surface Parking | 26,303        | North Adeline  |
| 17     | 53-1597-39-4 | Adeline St        | San Francisco Bay Area Rapid Transit District | Surface Parking Lot (Flea Market Site)                    | 194,348       | Ashby BART     |
| 18*    | 53-1703-9    | Adeline St        | San Francisco Bay Area Rapid Transit District | BART Parking Lot (Behind Ed Roberts Campus)               | 79,542        | Ashby BART     |
| 19     | 52-1552-19   | 3175 Adeline St   | Lee Kam M TR & Lee Kam M & Jai Audrey L TRS   | Surface Parking Lot                                       | 6,850         | South Adeline  |

Included in EIR Buildout Scenario | \*Publicly Owned  
 Source: Alameda County Assessor

Appendix D – Opportunity Sites in Plan Area

| Map ID  | APN          | Address              | Owners   | Current Use   | Lot Size (SF) | Subarea       |
|---|--------------|----------------------|--|---|---------------|---------------|
| <input type="checkbox"/>  | 52-1552-18   | 3175 Adeline St      | Lee Kam M TR & Lee Kam M & Jai Audrey L TRS    | US Post Office                                      | 6,700         | South Adeline |
| <input type="checkbox"/>  | 52-1529-20   | 3215 Adeline St      | Chin Yong S & Pun S                            | Washingtown (Coin Laundry)                          | 8,450         | South Adeline |
| 22*   | 52-1528-15-4 | Alcatraz Ave         | City Of Berkeley                               | Satellite Affordable Housing Associates Parking Lot | 4,897         | South Adeline |
| 23  | 52-1532-16   | 1728 Alcatraz Ave    | Progressive Baptist Church                     | Progressive Baptist Church Surface Parking Lot      | 20,250        | South Adeline |
| <input type="checkbox"/>  | 52-1527-15   | 1806 Alcatraz Ave    | Bates Tommie T TR                              | Euwel's Cleaners                                    | 5,288         | South Adeline |
| <input type="checkbox"/> *  | 52-1527-14-3 | M L King Jr Way      | San Francisco Bay Area Rapid Transit District  | Surface Parking Lot                                 | 5,352         | South Adeline |
| 26*   | 52-1532-6    | Adeline St           | City Of Berkeley                               | BART Railway  | 5,581         | South Adeline |
| 27*   | 52-1525-7-4  | 3372 M L King Jr Way | San Francisco Bay Area Rapid Transit District  | BART Railway  | 13,062        | South Adeline |
| 28  | 52-1434-5    | 3401 Adeline St      | Splendorio Steven F TR                         | parking lot   | 3,689         | South Adeline |
| 29  | 52-1434-4    | 3407 Adeline St      | Splendorio Steven F TR                         | Buslab Garage                                       | 4,946         | South Adeline |
| 30  | 52-1434-3    | 3411 Adeline St      | Carmack Rashell L TR                           | Apartment   | 6,203         | South Adeline |
| 31  | 52-1434-8-8  | 1728 62nd St         | Crisis Support Services Of Alameda County ETAL | Therapeutic Nursery School                          | 15,096        | South Adeline |
| <input type="checkbox"/> Included in EIR Buildout Scenario   *Publicly Owned<br>Source: Alameda County Assessor |              |                      |  |   |               |               |



Attachment B: PROPOSED GENERAL PLAN AND TEXT AMENDMENTS (Revised 9/9/20)

The Land Use Element would be amended to include a new policy and description of the proposed Adeline Corridor Mixed Use Area Land Use Classification.

**(New) Policy LU-XX Adeline Corridor Mixed Use**

Maintain and improve Adeline Corridor Mixed Use area, along Adeline Street and South Shattuck Avenue (from Dwight Way to Adeline Street), as an economically and culturally diverse, transit-oriented, pedestrian-friendly, visually attractive area of pedestrian scale and ensure that these areas fully serve neighborhood needs as well as a broader spectrum of needs. (See Land Use Diagram for locations of Adeline Corridor Mixed Use areas. Also see Economic Development and Employment Policy ED-4 and Urban Design and Preservation Policy UD-28.)<sup>1</sup>

Actions:

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

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<sup>1</sup>General Plan Policy ED-4 "Neighborhood and Avenue Commercial Districts" would be amended to also include Adeline Corridor Mixed Use Districts, in addition to Neighborhood and Avenue Commercial Districts.

**Adeline Corridor Mixed Use**

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

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

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

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

Attachment B: PROPOSED GENERAL PLAN AND TEXT AMENDMENTS (Revised 9/9/20)

**General Plan Land Use Diagram**

The General Plan Land Use Diagram would be amended to apply the Adeline Corridor Mixed Use Land Use Classification to all parcels within the Adeline Corridor Specific Plan boundary as shown in Figure B2.

**Figure B1. Existing General Plan Land Use Classification**



Attachment B: PROPOSED GENERAL PLAN AND TEXT AMENDMENTS (Revised 9/9/20)

**Figure B2. Proposed General Plan Land Use Classification**



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

**Sections:**

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

**Section 23E.70.010 Applicability of Regulations**

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

**Section 23E.70.020 Purposes**

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

- A. Implement the General Plan's designation for Adeline Corridor Mixed Use area, as well as the policies of the Adeline Corridor Specific Plan.
- B. Preserve the unique character and cultural legacy of the Adeline Corridor, sustaining the community as a place where all people can live, work, play, learn, worship, dine, shop and thrive.
- C. Promote equitable access to housing by preserving existing affordable housing, preventing displacement, and producing a substantial number of new affordable housing units.
- D. Foster economic opportunity for South Berkeley residents and businesses by facilitating job training and workforce development, active community spaces, and a thriving environment for commerce along the Adeline Street/South Shattuck Corridor.
- E. Provide safe, equitable transportation options that meet the mobility needs of all residents, regardless of age, means and abilities, and that further the attainment of greenhouse gas emission reduction goals.
- F. Provide safe, sustainable, beautiful, healthy, and inclusive public spaces that encourage social interaction, provide opportunities for recreation and environmental health, and support active community life in South Berkeley.
- G. Encourage development and amenities that support pedestrian-oriented uses.
- H. Maintain and encourage a wide range of community and commercial services, including basic goods and services. Provide locations for both community-serving and regional-serving: businesses, cultural and religious institutions, and non-profit organizations.

**Section 23E.70.030 Uses Permitted**

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

Attachment C: PROPOSED ZONING TEXT AND MAP AMENDMENT (Revised 8/28/20)

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

Attachment C: PROPOSED ZONING TEXT AND MAP AMENDMENT (Revised 8/28/20)

| <b>Table 23E.70.030</b>  |                       |   |
|--|-----------------------|---|
| <b>Use and Required Permits</b>  |                       |   |
| <b>Use</b>   | <b>Classification</b> | <b>Special Requirements (if any)</b>  |
| Laundromats  | AUP                   |   |
| Veterinary Clinics   | UP(PH)                | Including Pet Hospitals   |
| <b>Offices</b>   |                       |   |
| Financial Services, Retail (Banks)   | ZC                    |   |
| Insurance Agents, Title Companies, Real Estate Agents, Travel Agents             | ZC                    | Uses over 2,500 sf or 50' wide limited on ground floor in some areas. See Section 23E.70.045.                                       |
| Medical Practitioners, including Holistic Health and Mental Health Practitioners | ZC                    | Uses over 2,500 sf or 50' wide limited on ground floor in some areas. See Section 23E.70.045.                                       |
| Non-Chartered Financial Institutions   | UP(PH)                | Prohibited on ground floor in some areas. See Section 23E.70.045.<br><br>Subject to additional requirements; see Section 23E.16.080 |
| Other Professionals and Government, Institutions, Utilities                      | ZC                    | Uses over 2,500 sf or 50' wide limited on ground floor in some areas. See Section 23E.70.045.                                       |
| <b>Food and Alcohol Service, Lodging, Entertainment, and Assembly Uses</b>       |                       |   |
| Adult-oriented Businesses  | Prohibited            |   |

Attachment C: PROPOSED ZONING TEXT AND MAP AMENDMENT (Revised 8/28/20)

| <b>Table 23E.70.030</b>   |                                    |   |
|---|------------------------------------|---|
| <b>Use and Required Permits</b>   |                                    |   |
| <b>Use</b>  | <b>Classification</b>              | <b>Special Requirements (if any)</b>  |
| Alcoholic Beverage Service <ul style="list-style-type: none"> <li>• Beer and wine incidental to seated food service</li> <li>• Distilled spirits incidental to food service</li> <li>• Alcoholic Beverage Service not incidental to food service</li> </ul> | ZC<br><br>AUP<br><br>UP            | All Alcoholic Beverage Service is for on-site consumption only and subject to additional requirements; see Section 23E.16.040<br><br>No service of distilled alcoholic beverages is allowed along Adeline Street south of Ashby, except as incidental to seated food service. |
| Commercial Recreation Center<br>3,000 s.f. or less<br>Over 3,000 s.f.   | AUP<br>UP(PH)                      | Outdoor use requires UP(PH)<br>Uses which include six or more Amusement Devices (Amusement Device Arcade) are subject to location requirements; see Section 23E.16.050.   |
| Dance, Exercise, Martial Arts and Music Studios   | ZC                                 |   |
| Entertainment Establishments  | UP(PH)                             | Including Nightclubs  |
| Food Service Establishments <ul style="list-style-type: none"> <li>• South Shattuck and North Adeline subareas<br/>3,000 s.f. or less<br/>Over 3,000 s.f.</li> <li>• South Adeline subarea<br/>1,500 s.f. or less<br/>Over 1,500 s.f.</li> </ul>            | ZC<br><br>AUP<br><br>ZC<br><br>AUP |   |
| Group Class Instruction for Business, Vocational or Other Purposes  | ZC                                 |   |
| Gyms and Health Clubs   | ZC                                 |   |
| Hotels, Tourist   | UP(PH)                             | Including Inns, Bed and Breakfasts and Hostels  |
| Motels, Tourist   | Prohibited                         |   |



Attachment C: PROPOSED ZONING TEXT AND MAP AMENDMENT (Revised 8/28/20)

| <b>Table 23E.70.030</b>   |                       |   |
|---|-----------------------|---|
| <b>Use and Required Permits</b>                                       |                       |   |
| <b>Use</b>  | <b>Classification</b> | <b>Special Requirements (if any)</b>  |
| Theaters  | UP(PH)                | Including Motion Pictures and Stage Performance                                   |
| <b>Automobile and Other Vehicle Oriented Uses</b>                     |                       |   |
| Automobile Parts Stores   | ZC                    | Excluding service of auto parts   |
| Automobile and Motorcycle Sales                                       | Prohibited            |   |
| Automobile and Motorcycle Repair and Service, including Parts Service | Prohibited            |   |
| Automobile and Motorcycle Rentals                                     | Prohibited            |   |
| Automobile Washes, Mechanical or Self-Service                         | Prohibited            |   |
| Automobile Wrecking Establishments                                    | Prohibited            |   |
| Gasoline/Automobile Fuel Stations                                     | UP(PH)                |   |
| Recreational Vehicle and Trailers Sales and Rental                    | Prohibited            | Including Boats   |
| Tire Sales/Service Stores   | Prohibited            |   |
| <b>Parking, Outdoor and Exterior Service Window Uses</b>              |                       |   |
| Activities or Storage Outside of a building                           |                       |   |
| Not abutting R-District   | AUP                   |   |
| When abutting R-District  | UP(PH)                |   |
| Automatic Teller Machines   | AUP                   | Exterior and when part of a Retail Financial Service                              |
| Drive-in Uses   | UP(PH)                | Which provide service to customers in their cars; see definition in Sub-title 23F |
| Parking Lots, Parking Structures                                      | UP(PH)                |   |
| Recycling Redemption Centers  | AUP                   |   |
| Outdoor Cafe Seating  |                       |   |
| When seating not abutting R-District                                  | ZC                    |   |

Attachment C: PROPOSED ZONING TEXT AND MAP AMENDMENT (Revised 8/28/20)

| <b>Table 23E.70.030</b>  |                       |   |
|--|-----------------------|---|
| <b>Use and Required Permits</b>  |                       |   |
| <b>Use</b>   | <b>Classification</b> | <b>Special Requirements (if any)</b>  |
| When seating abutting R-District   | AUP                   |   |
| <b>Combination Commercial/Residential Uses</b>   |                       |   |
| Live/Work Units  | AUP                   | Subject to the standards of Chapter 23E.20, except that clients, customers and employees are permitted at the site without a Use Permit. Prohibited or limited on ground floor in some areas. See Section 23E.70.045. |
| Mixed Use Developments   | UP(PH)                |   |
| <b>Uses Incidental to a Permitted Use</b>  |                       |   |
| Amusement Devices (up to three)  | UP(PH)                |   |
| Art/Craft Studio   | ZC                    |   |
| Food or Beverage for Immediate Consumption   | ZC                    |   |
| Live Entertainment   |                       |   |
| Unamplified  | ZC                    |   |
| Amplified  | AUP                   |   |
| Manufacturing Uses   | AUP                   |   |
| Storage of Goods (over 25% of gross floor area)  | AUP                   |   |
| Wholesale Activities   | AUP                   |   |
| <b>Uses Permitted in Residential Districts</b>   |                       |   |
| Accessory Dwelling Unit <del>in compliance with Section 23C.24.050</del>                       | ZC                    |   |
| <del>Accessory Dwelling Unit that does not comply with requirements under Chapter 23C.24</del> | <del>AUP</del>        | <del>Subject to making applicable findings in Chapter 23C.24</del>  |

Attachment C: PROPOSED ZONING TEXT AND MAP AMENDMENT (Revised 8/28/20)

| <b>Table 23E.70.030</b>  |                       |   |
|--|-----------------------|---|
| <b>Use and Required Permits</b>  |                       |   |
| <b>Use</b>   | <b>Classification</b> | <b>Special Requirements (if any)</b>  |
| Accessory Uses and Structures  | Per R-3 District      | See Table 23D.40.030  |
| Accessory Buildings and Structures with Urban Agriculture                                    | ZC                    | 23C.26, 23D.08.010, 23D.08.020, 23D.08.050, and 23D.08.060  |
| Short-Term Rental  | ZC                    | Subject to requirements of Chapter 23C.22   |
| Child Care Centers   | UP(PH)                |   |
| Clubs, Lodges  | UP(PH)                |   |
| Community Centers  | UP(PH)                |   |
| Dwelling Units   | UP(PH)                | Subject to the standards under Section 23E.70.070 Prohibited or limited on ground floor in some areas. See Section 23E.70.045.  |
| Group Living Accommodations subject to R-3 density standards                                 | UP(PH)                | Subject to the standards under Section 23E.70.070. Prohibited or limited on ground floor in some areas. See Section 23E.70.045. |
| Hospitals  | Prohibited            |   |
| Hotels, Residential, including Single Room Occupancy (SRO) Hotels                            | UP(PH)                |   |
| Libraries  | UP(PH)                |   |
| Nursing Homes  | UP(PH)                | Prohibited on ground floor in some areas. See Section 23E.70.045.   |
| Parks and Playgrounds  | ZC                    |   |
| Public Safety and Emergency Services   | UP(PH)                |   |
| Religious Assembly Uses  | UP(PH)                |   |
| Schools, Public or Private   | UP(PH)                |   |
| Senior Congregate Housing<br>Six or fewer people<br>Seven or more people<br>New construction | ZC<br>AUP<br>UP(PH)   | Change of use from an existing dwelling unit Prohibited on ground floor in some areas. See Section 23E.70.045.                  |

Attachment C: PROPOSED ZONING TEXT AND MAP AMENDMENT (Revised 8/28/20)

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

Attachment C: PROPOSED ZONING TEXT AND MAP AMENDMENT (Revised 8/28/20)

| Table 23E.70.030   |                |  |
|--|----------------|--|
| Use and Required Permits   |                |  |
| Use  | Classification | Special Requirements (if any)                                  |
| Warehouses or Storage, including Mini-storage Warehouses   | Prohibited     |  |
| Wireless Telecommunications Facilities   | AUP            | Subject to the requirements and findings of Section 23C.17.100 |
| Microcell Facilities, Modifications to Existing Sites, and Additions to Existing Sites When the Site Is Not Adjacent to a Residential District |                |  |
| All Other Telecommunication Facilities   | UP(PH)         | Subject to the requirements and findings of Section 23C.17.100 |
| Urban Agriculture  |                | Subject to the requirements and findings of Chapter 23C.26     |
| Low-Impact Urban Agriculture (LIUA)  | ZC             |  |
| High-Impact Urban Agriculture (HIUA)   | AUP            |  |
| <b>Legend:</b>   |                |  |
| ZC – Zoning Certificate  |                |  |
| AUP – Administrative Use Permit  |                |  |
| UP(PH) – Use Permit, public hearing required   |                |  |
| Prohibited – Use not permitted   |                |  |

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

Attachment C: PROPOSED ZONING TEXT AND MAP AMENDMENT (Revised 8/28/20)

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

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

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

**Section 23E.70.045 Special Provisions: Ground Floor Uses**

- A. In addition to other requirements of the District, the first 30 feet of depth of the ground floor, as measured from the frontage which abuts the portions of Adeline Street, Shattuck Avenue, MLK, Jr. Way or Ashby Avenue identified below shall be reserved for either Active Commercial Uses, as defined in Sub-Title 23F.04 or for commercial uses. Ground floor tenant spaces with frontages on streets not identified below can be used for any use permitted in the district.

| <b>Table 23E.70.045</b>                       |                             |
|---|-----------------------------|
| <b>Ground Floor Uses</b>                      |                             |
| Area  | Permitted ground floor uses |
| Shattuck between Dwight and Derby             | Commercial uses             |
| Shattuck between Derby and Russell            | Active Commercial uses      |
| Adeline between Russell and the City boundary | Active Commercial uses      |
| Ashby east of Adeline                         | Active Commercial uses      |
| North side of Ashby, west of Adeline          | Active Commercial uses      |

- B. Active Commercial uses are commercial uses which generate regular and frequent foot traffic. Uses include businesses in the following use categories: Retail Sales; Personal and Household Services; Food and Alcohol Service, Lodging, Entertainment, and Assembly Uses; and the following uses: Banks, and Automobile Parts Stores.
- C. The following uses are permitted on the ground floor in areas designated Active Commercial subject to a Zoning Certificate:
  - 1. Office uses in tenant space 2,500 sf or less in area and 50 feet or less in width;
  - 2. Residential amenities (2,500 sf or less in area and 50 feet or less in width), associated with a residential use.

Attachment C: PROPOSED ZONING TEXT AND MAP AMENDMENT (Revised 8/28/20)

- D. The following use can be permitted on the ground floor in areas designated Active Commercial subject to an Administrative Use Permit:
1. Office uses over 2,500 square feet in area or 50 feet in width.
  2. Art/Craft Studio
- E. The following use can be permitted on the ground floor in areas designated commercial subject to an Administrative Use Permit:
1. Residential uses where at least 50% of the units are affordable.
- F. The following commercial use is not permitted on the ground floor in areas designated Active Commercial or commercial:
1. Live/Work units

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

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

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

**Section 23E.70.060 Use Limitations**

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

**Section 23E.70.070 Development Standards**

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

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B. Residential and Mixed Use Buildings. The height, Floor Area Ratio (FAR), density, lot coverage and useable open space are based on the percentage of affordable units and shall not exceed the following requirements in each subarea:

1. South Shattuck Subarea

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

2. North and South Adeline Subareas

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

3. Ashby BART Subarea

| Minimum On-Site Affordable Housing Requirement   | Height  |      | FAR | Density (du/acre) | Lot coverage |            | Useable open space (sf/unit) |
|--|---------|------|-----|-------------------|--------------|------------|------------------------------|
|  | Stories | Feet |     |                   | Interior lot | Corner lot |                              |
| Any future development in the Ashby BART area would be subject to <del>negotiations with BART process</del> outlined in the MOU with BART and AB 2923. |         |      |     |                   |              |            |                              |

\* Percentage of total project units.

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

- For the purpose State Density Bonus calculation, the Tier 1 density is the maximum allowable gross residential density.
- Projects that consist of 100% deed-restricted affordable housing units, which can include up to 20% as affordable to moderate income households, ~~or (i.e.,~~ 80% to 120% of Area Median Income) and the remaining up to 80% of the units as affordable to lower income households, ~~or (i.e.,~~ lower than 80% median income), can be four stories or 45 feet to the maximum height allowed under Tier 1.



Attachment C: PROPOSED ZONING TEXT AND MAP AMENDMENT (Revised 8/28/20)

6. Minimum on-site affordable housing requirement applies to all residential and mixed use projects and must be provided as a mix of (50) fifty percent at Low Income and (50) fifty percent Very Low Area Median Income (AMI) levels.

~~7.4. An AUP may be granted to reduce useable open space requirements if demonstrated to be necessary to build an all-electric building. In order to approve an AUP for a reduction of the useable open space requirement of 23E.70.070.B, the Zoning Officer must find that:~~

~~8.1. No other placement of the features to support construction of an all-electric building, including solar photovoltaic (PV) energy systems and water tanks for heat pump water heating, on the property is possible; and~~

~~9.7. Placement of the features to support construction of an all-electric building elsewhere on the property is not financially feasible.~~

~~10.8. Publicly Accessible Open Space: Each square-foot of open space that is designated as publicly accessible open space shall be counted as two square-feet of required on-site open space.~~

~~11.9. In mixed use buildings in all subareas and tier levels, all floors above the second story shall be used for residential uses.~~

C. Non-residential Buildings.

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

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

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

**Section 23E.70.080 Parking -- Number of Spaces**

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

| Table 23E.70.080                 |                  |                  |
|----------------------------------|------------------|------------------|
| Parking Required                 |                  |                  |
| Use                              | Number of spaces |                  |
|                                  | Minimum          | Maximum          |
| Residential                      | No minimum       | 1 per unit       |
| Non-Residential New Construction |                  | 1.5 per 1,000 sf |

Attachment C: PROPOSED ZONING TEXT AND MAP AMENDMENT (Revised 8/28/20)

|  |                          |                               |
|--|--------------------------|-------------------------------|
| <ul style="list-style-type: none"> <li>• under 10,000 gsf</li> <li>• 10,000 gsf and greater</li> </ul> | No minimum<br>1/1,000 sf | 1.5 per 1,000 sf              |
| Live/Work Units  | <del>No minimum</del>    | 1.5 per 1,000 sf of work area |

C. Bicycle parking spaces shall be provided for new construction at the ratio of one space per 2,000 square feet of gross floor area of commercial space, and in accordance with the requirements of Section 23E.28.070.

D. Any new construction which results in the creation of 10,000 square feet of new or additional commercial gross floor space shall satisfy the loading space requirements of Chapter 23E.32.

**Section 23E.70.085 Design Standards**

A. New buildings and additions shall be reviewed for conformance to the design guidelines described in the Adeline Corridor Specific Plan.

B. Except as set forth below, ground floor frontages of all new buildings are subject to the following design standards:

1. Blank walls along the ground floor shall be less than 30 feet in length along sidewalks, pedestrian paths or open space.
2. Ground floors shall have a minimum floor to floor height of 12 feet.
3. Facades shall provide at least 30% transparency between 3 and 10 feet above grade (doors and transparent windows) to allow maximum visual interaction between the sidewalk areas and building interiors. Dark or mirrored glass will not satisfy this requirement.
4. Window glazing shall provide a high degree of light transmittance and be non-reflective.

C. Ground floor frontages in areas identified as active commercial in Section .045 shall meet the requirements of Section 23E.70.085.B except:

1. Ground floors shall have a minimum floor to floor height of 15 feet and a minimum floor to ceiling height of 12 feet.
2. Facades shall provide at least 75% transparency between 3 and 10 feet above grade (doors and transparent windows) to allow maximum visual interaction between sidewalk areas and the interior. Dark or mirrored glass will not satisfy this requirement.

D. Ground floor frontage in areas identified as commercial in Section 23E.70.045 shall meet the requirements of Section 23E.70.085.B except:

1. Ground floors shall have a minimum floor to floor height of 15 feet and a minimum floor to ceiling height of 12 feet.
2. Facades shall provide at least 65% transparency between 3 and 10 feet above grade (doors and transparent windows) to allow maximum visual interaction between sidewalk areas and the interior of office spaces. Dark or mirrored glass will not satisfy this requirement.

E. Parking provided shall meet the following standards:

1. Parking and loading areas shall be located behind, within or underneath buildings.
2. When the depth of a lot is less than 100 feet, surface parking or above-grade structured parking may be located next to the building, but shall not take up more of the primary frontage than the building.

F. The Design Review Committee or design review staff may grant exceptions to the blank wall and transparency requirements.

Attachment C: PROPOSED ZONING TEXT AND MAP AMENDMENT (Revised 8/28/20)

**Section 23E.70.090 Findings**

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

**Amendment to the Berkeley Zoning Map**

The City's Zoning Map would be amended to apply C-Adeline Corridor District to all parcels within the Adeline Corridor Specific Plan boundary as shown in Figure B2.

Attachment C: PROPOSED ZONING TEXT AND MAP AMENDMENT (Revised 8/28/20)

Figure B1. Existing Zoning



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Figure B2. Proposed Zoning



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**Figure B3. Proposed C-Adeline Corridor District Zoning Draft Subarea Map**

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Attachment C: PROPOSED ZONING TEXT AND MAP AMENDMENT (Revised 8/28/20)

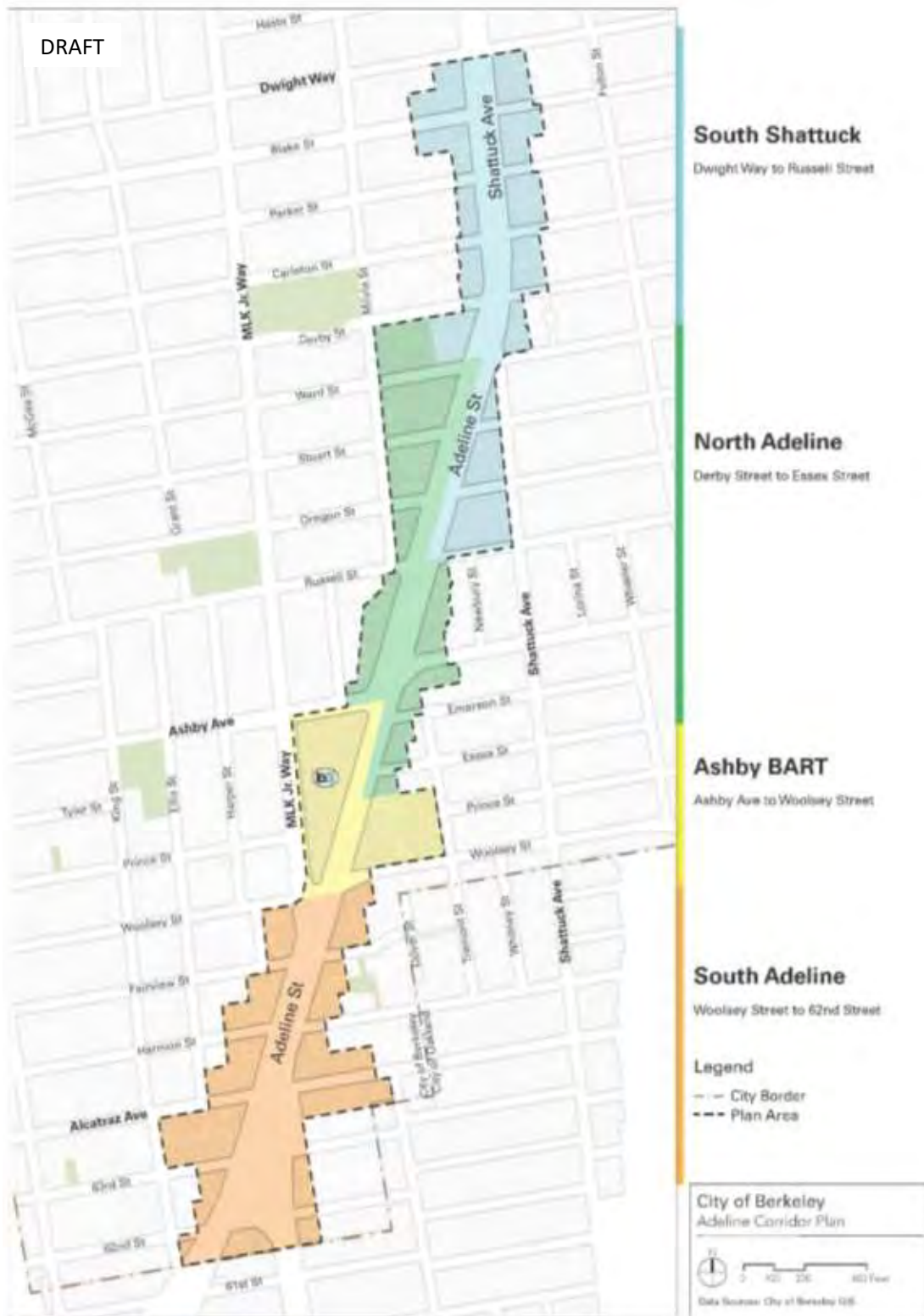


Figure B4. Diagram of Ground Floor Use Requirements

Attachment C: PROPOSED ZONING TEXT AND MAP AMENDMENT (Revised 8/28/20)





# ATTACHMENT D

## CEQA FINDINGS & STATEMENT OF OVERRIDING CONSIDERATIONS SEPTEMBER 2020

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### **Adeline Corridor Specific Plan**

#### **Pursuant to Sections 15091 and 15093 of the State CEQA Guidelines and Section 21081 of the Public Resources Code**

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

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

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**ATTACHMENT D - CEQA FINDINGS & STATEMENT OF OVERRIDING CONSIDERATIONS**  
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**SECTION 1: INTRODUCTION**

**1.1 Statutory Requirements for Findings**

Section 15091 of the *CEQA Guidelines* states that:

*(a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:*

- (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.*
- (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.*
- (3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.*

In short, CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to avoid or mitigate significant environmental impacts that will otherwise occur with implementation of the project. Project mitigation or alternatives are not required, however, where they are infeasible or where the responsibility for modifying the project lies with another agency.<sup>1</sup>

For those significant effects that cannot be mitigated to a less-than-significant level, the public agency is required to find that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment.<sup>2</sup> The *CEQA Guidelines* state in section 15093 that:

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

**1.2 Record of Proceedings**

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

- Notice of Preparation and other public notices issued by the City in conjunction with the project dated July 6, 2018 (see Appendix A of the Draft EIR for the Notice of Preparation);
- The Draft EIR, which was made available for public review on May 17, 2019;
- All written and verbal comments submitted by agencies, organizations and members of the public during the public comment period and at public hearings on the Draft EIR and responses to those comments (see Response to Comments Document, dated December 2019);
- The Mitigation Monitoring and Reporting Program;

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<sup>1</sup> *CEQA Guidelines*, 2012. Section 15091 (a), (b).

<sup>2</sup> Public Resources Code Section 21081(b).

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**ATTACHMENT D - CEQA FINDINGS & STATEMENT OF OVERRIDING CONSIDERATIONS**  
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- All findings and resolutions adopted by the City in connection with the project, and all documents cited or referred therein;
- All final reports, studies, memoranda, maps, correspondence, and all planning documents prepared by the City or the consultants to each, or responsible or trustee agencies with respect to: a) the City's compliance with CEQA; b) development of the project site; or c) the City's action on the project; and
- All documents submitted to the City by agencies or members of the public in connection with development of the project.

**1.3 Organization/Format of Findings**

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

**ATTACHMENT D - CEQA FINDINGS & STATEMENT OF OVERRIDING CONSIDERATIONS**  
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**SECTION 2: THE ADELIN CORRIDOR SPECIFIC PLAN PROJECT**

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

**2.1 Project Objectives**

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

1. **“Complete Neighborhoods”**. Encourage “complete neighborhoods” that foster a diverse mix of uses to provide safe and convenient access for all people of all ages, abilities and income levels to meet daily needs: to live, work, play, learn, worship, dine, shop, and socialize with one another other. An important feature of an urban, complete neighborhood is that it is transit-oriented and built at a walkable and bikeable human scale.
2. **Leverage Publicly Owned Land to Achieve Community Goals**. Leverage publicly owned land, such as the Ashby BART Station Area surface parking lots, and the right-of-way to maximize affordable housing and other uses, community facilities and public improvements desired by the community;
3. **Equitable Development**. Develop regulations, incentives and guidelines that are aligned with the community’s vision and result in greater opportunities for low income and historically disenfranchised or displaced residents.
4. **Compatibility with Adjacent Neighborhoods**. Ensure compatibility with residential neighborhoods adjacent to parcels that abut the main commercial streets and encourage sensitive design transitions, public amenities and uses that benefit the surrounding neighborhood.
5. **Diverse and Affordable Housing**. Encourage development of a variety of types of housing at a range of income levels, especially for those at very low income levels and who are at high risk of involuntary displacement.
6. **Protections for Existing Affordable Housing and Tenants**. Continue and strengthen existing programs and funding for anti-eviction and technical assistance for tenants and property owners to preserve existing affordable housing.
7. **New and Expanded Funding Sources**. Explore new, locally controlled funding source and expand financing mechanisms to fund affordable housing, public space and other high-priority “community benefits”.
8. **Strong Local Businesses and Non-profit Service Providers and Business Organizations**. Support long-term viability of existing businesses and non-profit service providers and business district and merchant organizations.
9. **Neighborhood Identity Marketing and Support**. Support broader awareness and strengthen the area’s identity as a cultural center for African-Americans and Japanese-Americans; as an arts and cultural district; as home to the Berkeley Juneteenth Festival and the Berkeley Flea and Farmers Markets, and a wealth of community-based non-profit service organizations.
10. **Attractive and Welcoming Environment for Businesses and Workers to Thrive**. Support programs that enhance the attractiveness, cleanliness and safety of Adeline Street and its storefronts/building facades; as well as opportunities for high quality jobs that allow people to live and work in the area,
11. **Better Mobility and Connectivity**. Improve safety, connectivity, accessibility and access along and across Shattuck and Adeline streets for all people of all ages, abilities and income levels to meet daily needs: to live, work, play, learn, worship, dine, shop, and socialize with one another other.
12. **Inclusive Public Space**. Increase the amount of parks, plazas and other public space that encourages pedestrian activity, recreation and access to nature for persons of all abilities, age and incomes.

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13. **Efficient and Shared Parking.** Support Transportation Demand Management and carefully managed parking that addresses businesses' and residents' needs without undermining public transit, walking and bicycling as preferred modes of transportation.
14. **On-going Transparent and Inclusive Plan Implementation Process.** Continue to engage the community, including those who are typically under-represented in city planning processes in meaningful ways to ensure implementation of Plan goals over the long-term.
15. **Environmental Sustainability.** Create a sustainable urban environment that incorporates green building features, green infrastructure and ecology, sustainable energy systems, water efficiency and conservation, and sustainable transportation systems.

## 2.2 Project Description

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

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

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

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

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

## 2.3 Alternatives

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

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

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Alternative, incremental land use development at existing opportunity sites would continue under current land use and zoning regulations.

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

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

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

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

**3.1 Air Quality**

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

Mitigation Measure AQ-1: Construction Emissions Measures. As part of the City's development approval process, the City shall require applicants for future development projects in the Plan Area to comply with the current Bay Area Air Quality Management District's basic control measures for reducing construction emissions of PM10 (Table 8-2, Basic Construction Mitigation Measures Recommended for All Proposed Projects, of the May 2017 BAAQMD CEQA Guidelines).

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

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

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

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

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

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<sup>3</sup> CEQA Guidelines, 2012. Section 15091.

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

### **3.1 Biological Resources**

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

Mitigation Measure BIO-1: **Special-status Bat Species Avoidance and Minimization.** For projects in the Plan Area, focused surveys to determine the presence/absence of roosting bats shall be conducted prior to the initiation of demolition of buildings and removal of mature trees large enough to contain crevices and hollows that could support bat roosting. If active maternity roosts are identified, a qualified biologist shall establish avoidance buffers applicable to the species, the roost location and exposure, and the proposed construction activity in the area. If active non-maternity day or night roosts are found on the project site, measures shall be implemented to passively relocate bats from the roosts prior to the onset of construction activities. Such measures may include removal of roosting site during the time of day the roost is unoccupied or the installation of one-way doors, allowing the bats to leave the roost but not to re-enter. These measures shall be presented in a Bat Passive Relocation Plan that shall be submitted to, and approved by, CDFW.

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

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

### **3.2 Greenhouse Gas Emissions**

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

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

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

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



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- Single Family Homes and Duplexes
  - One At least one parking space per dwelling unit with on-site parking to be equipped with raceway, wiring, and power to support a future Level 2<sup>1</sup> EV charging station
- Multi-Family Buildings
  - 20% of parking spaces to be equipped with raceways, wiring, and power to support future Level 2 EV charging stations
  - 80% of parking spaces to be equipped with connecting raceways (no additional electric service capacity required)
- Non-Residential Buildings
  - 10% of parking spaces must have Level 2 charging stations installed (a DC Fast Charge station may be installed in place of 10 required Level 2 stations)
  - 40% of parking spaces to be equipped with connecting raceways (no additional electric service capacity required)

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

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

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

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

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

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

### 3.3 Noise

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

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

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

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

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

### 3.4 Transportation and Traffic

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

**Mitigation Measure T-2: Signal Warrant Study and Signalization.** Development projects tiering from the Adeline Street Specific Plan EIR with primary automobile access on one of the following local streets that

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is currently controlled by a stop-sign at the intersection with a major street shall evaluate traffic operations and the MUTCD signal warrants at the intersection:

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

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

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

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

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

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

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

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

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

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

**4.1 Aesthetics**

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

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

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

**4.2 Agricultural and Forest Resources**

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

**4.3 Air Quality**

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

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

**4.4 Biological Resources**

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

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

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

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

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

#### **4.5 Cultural Resources**

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

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

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

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

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

#### **4.6 Geology and Soils**

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

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

**Impact GEO-3.** The Plan Area is located on expansive soils. Proper soil engineering practices would be required to ensure that soil conditions would not result in significant adverse impacts. With required

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implementation of standard engineering practices, impacts associated with unstable or expansive soils would be less than significant.

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

#### **4.7 Hazards and Hazardous Materials**

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

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

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

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

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

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

#### **4.8 Hydrology and Water Quality**

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

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

**Impact HYD-3.** Future development under the Specific Plan would not substantially alter the existing drainage pattern of the Plan area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site or substantially increase the rate or amount of

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surface runoff in a manner which would result in flooding or exceed the capacity of stormwater drainage systems. Impacts related to drainage patterns would be less than significant.

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

#### **4.9 Land Use and Planning**

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

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

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

#### **4.10 Mineral Resources**

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

#### **4.11 Noise**

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

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

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

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

#### **4.12 Population and Housing**

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

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**Impact PH-2:** Implementation of the proposed Specific Plan could displace existing housing units or people; however, implementation of the Specific Plan would increase the Plan Area's housing stock overall, including its stock of below market rate housing. Impacts resulting from potential displacement would be further reduced with adherence to the proposed Specific Plan policies and existing City programs. Impacts would be less than significant.

#### **4.13 Public Services and Recreation**

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

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

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

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

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

#### **4.14 Transportation and Traffic**

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

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



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

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

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

#### **4.15 Utilities and Service Systems**

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

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

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

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**SECTION 5: FEASIBILITY OF PROJECT ALTERNATIVES**

**5.1 Project Alternatives**

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

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

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

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

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

Findings: Alternative 2 would reduce the magnitude of environmental impacts in certain areas but increase the magnitude of impacts in other areas. Alternative 2 would slightly reduce impacts related to cultural resources but would increase land use and planning impacts. Alternative 2 could be considered the environmentally superior alternative as it would reduce the significant and unavoidable impact related to the CMP network. In addition, because this alternative maintains the current street configuration, it would reduce the magnitude of the impacts at the intersection of Adeline Street/Alcatraz Avenue. Although Alternative 2 would be considered the environmentally superior alternative, this alternative would result in an additional significant and unavoidable impact associated with bicycle and pedestrian comfort. This alternative would meet most of the project objectives as it would include the policies and standards that support residential and economic growth,

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neighborhood compatibility, and diverse affordable housing. However, it would not fulfill all of the project objectives, as it would not meet Objective 11, “Better mobility and connectivity”, Objective 12, “Inclusive public space”, and Objective 13, “Efficient and shared parking”, when compared to the proposed Specific Plan.

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

**5.1.3 Alternative 3 – Office Focus Alternative.** The Office Focus Alternative would involve changes to the land use scenario envisioned under the Specific Plan to prioritize office development in the Plan Area. This alternative would involve the same overall building envelope as the proposed Specific Plan, but approximately 40 percent of the development square footage in the Plan Area would be office instead of residential. As with the proposed Specific Plan, this alternative would include changes to the current configuration of the street and transportation network along the Adeline Corridor, consisting of a street redesign, implementation of bicycle/pedestrian lanes, and elimination of a traffic lane along Adeline Street. This alternative assumes development of 870 residential units (a 60 percent decrease), 65,000 square feet of retail/commercial use, and 500,000 square feet of office use.

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

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

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

## **5.2 Environmentally Superior Alternative**

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

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

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

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

**6.1 Noise**

**Impact N-2:** Construction activities associated with implementation of the proposed Specific Plan would intermittently generate high noise levels within and adjacent to the Plan Area. Mitigation to restrict the hours of construction activity and minimize noise from equipment would reduce construction noise to the extent feasible. However, construction noise could still exceed the City's standards at sensitive receptors. Therefore, the impact from construction noise would be significant and unavoidable.

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

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

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During the building construction phase, temporary sound barriers may be applied to generators and cranes used on-site.

Finding: The City finds impacts related to construction noise have been mitigated to the maximum extent feasible. Despite the implementation of mitigation measures, impacts would remain significant and unavoidable. The City finds that although this impact would be significant and unavoidable, the impact is acceptable when weighed against the overriding social, economic, and other considerations set forth in the Statement of Overriding Considerations (Section 7 of these Findings).

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

## 6.2 Transportation and Traffic

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

Mitigation Measures: no feasible mitigation measures are available.

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

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

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

No feasible mitigation is available to reduce the LOS-based impact at this intersection. Therefore, the impact is considered significant and unavoidable. This finding is consistent with the City's General Plan

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Policy T-18 (Level of Service), which requires the City to consider how a plan or project affects all modes of transportation, including transit riders, bicyclists, pedestrians, and motorists, to determine the transportation impacts of a plan or project. The Specific Plan would trigger a LOS-based impact at this intersection; however, the Specific Plan would also include a number of improvements at this intersection, which would benefit pedestrians and bicyclists, such as dedicated Class 4 cycletracks and shorter pedestrian crossings. As shown in Table 4.12-11, the Specific Plan improvements would improve the Streetscore+ at the intersection from 4 to 2 for both pedestrians and bicyclists. Considering the improvement in safety and comfort for pedestrians and bicyclists which would encourage walking and biking in the project area, and consistent with the City's General Plan Policy T-18, the mitigation measures to mitigate the LOS-based impact at this intersection are considered infeasible because they would preclude the Specific Plan's significant benefits for pedestrian and bicyclists.

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

Mitigation Measures: no feasible mitigation measures are available.

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

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

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

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

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would preclude the Specific Plan's significant benefits for pedestrian and bicyclists.

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

Mitigation Measures: no feasible mitigation measures are available.

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

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

### **6.3 Cumulative Impacts**

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

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

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**SECTION 7: STATEMENT OF OVERRIDING CONSIDERATIONS**

CEQA requires the decision-making agency to balance the benefits of a project against its significant unavoidable impacts when determining whether to approve a project. If the benefits of the project outweigh its unavoidable adverse environmental effects, those effects may be considered acceptable.<sup>4</sup> CEQA requires the agency to state in writing the specific reasons for considering a project acceptable when significant impacts are not avoided or substantially lessened. Those reasons must be based on substantial evidence in the Final EIR or elsewhere in the administrative record.<sup>5</sup> The proposed Specific Plan would result in significant unavoidable impacts related to construction noise and traffic, even after incorporation of all feasible mitigation measures. These significant unavoidable impacts are identified and discussed in Section 6 of these Findings. The City further finds that these significant unavoidable impacts are outweighed by the proposed Specific Plan's benefits, each of which, independently of the others, constitutes overriding consideration warranting approval of the proposed Specific Plan. Those benefits, and additional considerations related to this finding, are as follows:

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

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

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<sup>4</sup> *CEQA Guidelines*, 2019. Section 15093(a)

<sup>5</sup> *CEQA Guidelines*, 2019. Section 15093(b)



## Mitigation Monitoring and Reporting Program

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The Environmental Impact Report (EIR) identifies the applicable mitigation measures that will be implemented to reduce the impacts associated with the Adeline Corridor Specific Plan. The California Environmental Quality Act (CEQA) requires a public agency to adopt a monitoring and reporting program for assessing and ensuring compliance with any required mitigation measures applied to proposed development. As stated in section 21081.6(a)(1) of the Public Resources Code:

*...the public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment.*

Section 21081.6 also provides general guidelines for implementing mitigation monitoring programs and indicates that specific reporting and/or monitoring requirements, to be enforced during project implementation, shall be defined as part of adopting a mitigated negative declaration.

The mitigation monitoring table lists those mitigation measures that may be included as conditions of approval for the project. To ensure that the mitigation measures are properly implemented, a monitoring program has been devised which identifies the timing and responsibility for monitoring each measure. The project applicant will have the responsibility for implementing the measures, and the various City of Berkeley departments will have the primary responsibility for monitoring and reporting the implementation of the mitigation measures.

| Mitigation Measure/<br>Condition of Approval  | Action Required   | Monitoring Timing                                 | Responsible Agency                                     | Compliance Verification |      |          |
|---|---|---|--|-------------------------|------|----------|
|   |   |   |  | Initial                 | Date | Comments |
| <b>AIR QUALITY</b>  |   |   |  |                         |      |          |
| <b>AQ-1: Construction Emissions Measures.</b>   |   |   |  |                         |      |          |
| As part of the City's development approval process, the City shall require applicants for future development projects in the Plan Area to comply with the current Bay Area Air Quality Management District's basic control measures for reducing construction emissions of PM10 (Table 8-2, Basic Construction Mitigation Measures Recommended for All Proposed Projects, of the May 2017 BAAQMD CEQA Guidelines).  | Review of all demolition, grading, and building permits to ensure compliance.                                     | Prior to permit approval and during construction. | City of Berkeley Department of Planning & Development. |                         |      |          |
| <b>AIR-2: Health Risk Assessments.</b>  |   |   |  |                         |      |          |
| As part of the City's development approval process, the City shall require applicants for future development projects in the Plan Area to implement the Bay Area Air Quality Management District Guidelines and State Office of Environmental Health Hazard Assessment policies and procedures requiring health risk assessments (HRA) for residential development and other sensitive receptors near sources of toxic air contaminants, including freeways and roadways with over 10,000 vehicles per day. Based on the results of the HRA, identify and implement measures (such as air filtration systems, waterproofed caulking on windows and doors, and/or requirements for closed windows) to reduce potential exposure to particulate matter, carbon monoxide, diesel fumes, and other potential health hazards. Measures identified in HRAs shall be included into the site development plan as a component of a proposed project. | Verify HRA completed and measures to reduce TACs have been incorporated into plans as appropriate.                | Prior to issuance of building permit.             | City of Berkeley Department of Planning & Development. |                         |      |          |
| <b>BIOLOGICAL RESOURCES</b>   |   |   |  |                         |      |          |
| <b>BIO-1: Special-status Bat Species Avoidance and Minimization.</b>  |   |   |  |                         |      |          |
| For projects in the Plan Area, focused surveys to determine the presence/absence of roosting bats shall be conducted prior to the initiation of demolition of buildings and removal of mature trees large enough to contain crevices and hollows that could support bat roosting. If active maternity roosts are identified, a qualified biologist shall establish avoidance buffers applicable to the species, the roost location and exposure, and the proposed construction activity in the area. If active non-maternity day or night roosts are found on the project site, measures shall  | If applicable, project plans shall include project-specific mitigation measures to reduce impacts to bat species. | During individual environmental review            | City of Berkeley Department of Planning & Development. |                         |      |          |

Attachment E Mitigation Monitoring and Reporting Program

| Mitigation Measure/<br>Condition of Approval   | Action Required  | Monitoring Timing                           | Responsible<br>Agency  | Compliance Verification |      |          |
|--|--|---|--|-------------------------|------|----------|
|  |  |   |  | Initial                 | Date | Comments |
| <p>be implemented to passively relocate bats from the roosts prior to the onset of construction activities. Such measures may include removal of roosting site during the time of day the roost is unoccupied or the installation of one-way doors, allowing the bats to leave the roost but not to re-enter. These measures shall be presented in a Bat Passive Relocation Plan that shall be submitted to, and approved by, CDFW.</p>  |  |   |  |                         |      |          |
| <b>GREENHOUSE GAS EMISSIONS</b>  |  |   |  |                         |      |          |
| <b>GHG-1: All-Electric New Construction.</b>   |  |   |  |                         |      |          |
| <p>All new buildings constructed in the Plan Area shall be built as all-electric with no natural gas connection to the building, except where new natural gas connections are permitted under the City's Natural Gas Infrastructure Ordinance (BMC Chapter 12.80). This includes all appliances such as electric cooking, clothes drying, water heating, space heating, and air conditioning.</p> <p>Projects shall not be required to employ methods of construction the exceed the requirements of the California Building Standards Code (inclusive of any local amendments approved for enforcement in the City of Berkeley) or install appliances the exceed standards for energy efficiency established under the federal Energy Policy and Conservation Act, as amended, 42 U.S.C. § 6201 <i>et seq</i></p> | <p>Verify project plans are all-electric, or GHG reduction has occurred through specified means.</p> | <p>Prior to issuance of building permit</p> | <p>City of Berkeley<br/>Department of<br/>Planning &amp;<br/>Development</p> |                         |      |          |
| <b>GHG-2: Electric Vehicle (EV) Readiness and EV Chargers</b>  |  |   |  |                         |      |          |
| <p>All new development projects in the Plan Area shall conform to the following EV infrastructure requirements or an equivalent City of Berkeley adopted ordinance which meets or exceeds those standards:</p> <ul style="list-style-type: none"> <li>▪ Single Family Homes and Duplexes                             <ul style="list-style-type: none"> <li>▫ One At least one parking space per dwelling unit with on-site parking to be equipped with raceway, wiring, and power to support a future Level 2<sup>1</sup> EV charging station</li> </ul> </li> <li>▪ Multi-Family Buildings                             <ul style="list-style-type: none"> <li>▫ 20% of parking spaces to be equipped with raceways, wiring, and power to support future Level 2 EV charging stations</li> </ul> </li> </ul>      | <p>Verify project plans meet EV requirements.</p>  | <p>Prior to issuance of building permit</p> | <p>City of Berkeley<br/>Department of<br/>Planning &amp;<br/>Development</p> |                         |      |          |

| Mitigation Measure/<br>Condition of Approval   | Action Required  | Monitoring Timing                    | Responsible Agency  | Compliance Verification |      |          |
|--|--|--------------------------------------|---|-------------------------|------|----------|
|  |  |                                      |   | Initial                 | Date | Comments |
| <ul style="list-style-type: none"> <li>▫ 80% of parking spaces to be equipped with connecting raceways (no additional electric service capacity required)</li> <li>▪ Non-Residential Buildings                             <ul style="list-style-type: none"> <li>▫ 10% of parking spaces must have Level 2 charging stations installed (a DC Fast Charge station) may be installed in place of 10 required Level 2 stations)</li> <li>▫ 40% of parking spaces to be equipped with connecting raceways (no additional electric service capacity required)</li> </ul> </li> </ul> <p><sup>1</sup> Level 2 circuit: 40+ Amp, 208/240v AC (standard household washer/dryer outlet), charges approximately 25-30 mile driving distance per hour</p>  |  |                                      |   |                         |      |          |
| <b>GHG-3 Solar Photovoltaic Power.</b>   |  |                                      |   |                         |      |          |
| All new buildings, with the exception of accessory buildings and structures, proposed in the Plan Area shall install solar photovoltaic energy systems or purchase 100% carbon neutral or renewable energy through an electric utility serving Berkeley. Solar photovoltaic equipment shall be shown on all plans submitted for individual projects in the Plan Area   | Verify project plans meet solar requirements.  | Prior to issuance of building permit | City of Berkeley<br>Department of Planning & Development    |                         |      |          |
| <b>NOISE AND VIBRATION</b>   |  |                                      |   |                         |      |          |
| <b>N-2: Construction-Related Noise Reduction Measures.</b>   |  |                                      |   |                         |      |          |
| Development projects in the Plan Area that involve construction activities shall apply the following measures during construction for the purpose of reducing construction-related noise: <ul style="list-style-type: none"> <li>▪ <b>Construction Timing.</b> Construction activities shall be restricted to the daytime hours of between 7:00 AM and 7:00 PM on weekdays, or between 9:00 AM and 8:00 PM on weekends and legal holidays.</li> <li>▪ <b>Mufflers.</b> Construction equipment shall be properly maintained and all internal combustion engine driven machinery with intake and exhaust mufflers and engine shrouds, as applicable, shall be in good condition and appropriate for the equipment. During construction, all equipment, fixed or mobile, shall be operated with closed engine doors and shall be equipped with</li> </ul> | Review and approve site-specific noise reduction program for the project.<br><br>Monitor compliance with approved noise reduction program. | Monitoring during construction.      | City of Berkeley<br>Department of Planning and Development. |                         |      |          |

| Mitigation Measure/<br>Condition of Approval  | Action Required | Monitoring Timing | Responsible<br>Agency | Compliance Verification |      |          |
|---|-----------------|-------------------|-----------------------|-------------------------|------|----------|
|   |                 |                   |                       | Initial                 | Date | Comments |
| <p>properly operating and maintained mufflers, consistent with manufacturers' standards.</p> <ul style="list-style-type: none"> <li>▪ <b>Electrical Power.</b> Electrical power, rather than diesel equipment, shall be used to run compressors and similar power tools and to power any temporary structures, such as construction trailers or caretaker facilities.</li> <li>▪ <b>Equipment Staging.</b> All stationary equipment shall be staged as far away as feasible from adjacent noise-sensitive receptors.</li> <li>▪ <b>Equipment Idling.</b> Construction vehicles and equipment shall not be left idling for longer than five minutes when not in use.</li> <li>▪ <b>Workers' Radios.</b> All noise from workers' radios shall be controlled to a point that they are not audible at sensitive receptors near construction activity.</li> <li>▪ <b>Smart Back-up Alarms.</b> Mobile construction equipment shall have smart back-up alarms that automatically adjust the sound level of the alarm in response to ambient noise levels. Alternatively, back-up alarms shall be disabled and replaced with human spotters to ensure safety when mobile construction equipment is moving in the reverse direction.</li> <li>▪ <b>Disturbance Coordinator.</b> The applicant shall designate a disturbance coordinator who shall be responsible for responding to any local complaints about construction noise. The noise disturbance coordinator shall determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and shall require that reasonable measures warranted to correct the problem be implemented. A telephone number for the disturbance coordinator shall be conspicuously posted at the construction site.</li> <li>▪ <b>Additional Noise Attenuation Techniques.</b> During construction activity that is immediately adjacent to noise-sensitive receptors, temporary sound barriers may be installed and maintained, at the discretion of the City's Department of Planning and Development. Temporary sound barriers, if installed, shall block line of sight between noise-generating construction equipment and adjacent residential windows and shall be placed as close to the source equipment as feasible. Mobile sound barriers may be used as appropriate to attenuate construction noise near the source equipment. During the</li> </ul> |                 |                   |                       |                         |      |          |

| Mitigation Measure/<br>Condition of Approval   | Action Required   | Monitoring Timing                     | Responsible Agency                                       | Compliance Verification |      |          |
|--|---|---------------------------------------|--|-------------------------|------|----------|
|  |   |                                       |  | Initial                 | Date | Comments |
| building construction phase, temporary sound barriers may be applied to generators and cranes used on-site.  |   |                                       |  |                         |      |          |
| <b>N-3: Vibration Reduction Measures.</b>  |   |                                       |  |                         |      |          |
| Applicants for new development that would involve construction activity in the Plan Area shall implement the following measures to reduce exposure to vibration from construction activities:  | Review and approve site-specific vibration reduction program.   | Monitoring during construction.       | City of Berkeley Department of Planning and Development. |                         |      |          |
| <ul style="list-style-type: none"> <li>▪ <b>Best Available Technology.</b> The applicant shall use the best available technology to reduce construction-related vibration on construction sites within 100 feet of institutional land uses that are sensitive to vibration, and within 50 feet of historic buildings, so that vibration levels do not exceed guidelines in the Federal Transit Administration's <i>Transit Noise and Vibration Impact Assessment Manual</i> for annoyance and damage to fragile structures. Appropriate technology may include, but is not limited to:                             <ul style="list-style-type: none"> <li>▫ Drilling of piles instead of pile driving for foundation work</li> <li>▫ Static rollers instead of vibratory rollers for paving activity</li> <li>▫ Smaller and well-maintained equipment</li> </ul> </li> <li>▪ <b>Construction Scheduling.</b> The applicant shall coordinate with adjacent institutional land uses that are sensitive to vibration and schedule vibration-generating construction activities during less sensitive times of day.</li> </ul> | Monitor compliance with approved noise reduction program.   |                                       |  |                         |      |          |
| <b>TRANSPORTATION AND TRAFFIC</b>  |   |                                       |  |                         |      |          |
| <b>T-2 Signal Warrant Study and Signalization.</b>   |   |                                       |  |                         |      |          |
| Development projects tiering from the Adeline Street Specific Plan EIR with primary automobile access on one of the following local streets that is currently controlled by a stop-sign at the intersection with a major street shall evaluate traffic operations and the MUTCD signal warrants at the intersection:   | Verify evaluation of signal warrants has occurred.<br>If signal warrant met, verify improvements developed and installed. | Prior to issuance of building permit. | City of Berkeley Department of Planning and Development. |                         |      |          |
| <ul style="list-style-type: none"> <li>▪ Shattuck Avenue at Blake, Parker, and Derby Streets</li> <li>▪ Adeline Street at Stuart, Russell, Essex, Woolsey, Fairview, and Harmon Streets</li> </ul>   |   |                                       |  |                         |      |          |

| Mitigation Measure/<br>Condition of Approval  | Action Required | Monitoring Timing | Responsible<br>Agency | Compliance Verification |      |          |
|---|-----------------|-------------------|-----------------------|-------------------------|------|----------|
|   |                 |                   |                       | Initial                 | Date | Comments |
| <p>The signal warrant study shall be completed as part of the environmental review process for the development project. If the intersection meets the signal warrants and the development project would add ten or more trips to the critical movement that operates at LOS F during the AM and/or PM peak hour, the study shall identify improvements to mitigate the impact. The improvements may consist of signalizing the intersection, and/or restricting one or more movements at the intersection. The study shall also evaluate the secondary effects of the identified improvement, such as traffic diverted to other streets due to turn restrictions. The development project shall install the identified improvement.</p> |                 |                   |                       |                         |      |          |





**Attachment F:  
Subcommittee on the Adeline Corridor Specific Plan Companion Recommendation**

The Subcommittee recommends that the City Council should consider the following actions along with adoption of the Adeline Corridor Specific Plan:

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



## Attachment G: Summary of Community Engagement and Commission/Council Meetings

### VISIONING AND EXISTING CONDITIONS

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

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

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

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

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

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

## Attachment G: Summary of Community Engagement and Commission/Council Meetings

### DEVELOPING PLAN DIRECTION

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

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

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

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

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

## Attachment G: Summary of Community Engagement and Commission/Council Meetings

### PLAN REVIEW AND ADOPTION<sup>1</sup>

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

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

**Planning Commission.** The Planning Commission will consider its Subcommittee recommendation and prepare a recommendation from the full Commission to the City Council regarding the Adeline Corridor Specific Plan and associated General Plan and Zoning Amendments and certification of the Environmental Impact Report (EIR).

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

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



| #                               | Document                       | Page # or section | Comment/Issue   | Proposed Revision   | Rationale/Notes   | Status After 7/15 Subcommittee Meeting   | [Prev. #] |
|---------------------------------|--------------------------------|-------------------|---|---|---|--|-----------|
| A. SUBSTANTIVE PROPOSED CHANGES |                                |                   |   |   |   |  |           |
| 1                               | PLAN - Ch 2                    | Vision            | Revise BID language in the Five BIG Ideas section should be more in line with changes in Policy 5.3 (Commissioner C. Schildt, 8/19/20)  | Create a Business Improvement District (BID) or similar entity, serving the Adeline Corridor, with fees from business and/or property owners used to support physical improvements, special events, public safety, street cleanliness/maintenance, and programming. <u>Engagement to explore BID creation should extend to the broader community, including not only existing business and property owners, but also non-profits, Black-owned businesses advocacy organizations, and the unhoused.</u> This entity would be similar to the Downtown and Telegraph Avenue BIDs and would leverage the efforts of the Lorin Business Association and other merchant groups along the corridor. The City would be a partner in this effort and could provide assistance and seed money to get it started. See Chapter 5 of this Plan for more information. |   | Subcommittee agreed with proposed revision (8/19/20)   | 98        |
| 2                               | PLAN - Ch 2, Ch 3 (and Zoning) | p.2-19            | Boundary of South Shattuck subarea in Figure 2-2 Plan Subarea. The 3 parcels bounded by Shattuck Avenue, Adeline and Russell Streets are within the North Adeline Subarea and are being proposed to be moved to the South Shattuck Subarea. (See also Zoning - Subarea Map below) | Modify South Shattuck subarea boundary to include the parcels bounded by Shattuck Avenue, Adeline and Russell Streets.  | Many parcels in the Plan Area are limited in development potential due to small parcel sizes, multiple owners and because they abut lower density residential uses. The area being proposed to be included in the South Shattuck Subarea includes large parcels are separated from nearby residential uses by streets. The proposed change helps to support the goal of maximizing affordable housing by putting these parcels into the South Shattuck Subarea which has a slightly higher development potential and corresponding, higher on-site affordable housing requirements. | Subcommittee agreed with proposed revision (2/1/20). Changes to Plan Area/Subarea boundaries in graphics for the Plan, GP and zoning will be deferred until the PC/City Council. | 4         |
| 3                               |                                | p.3-10            | Modify South Shattuck subarea boundary in Figure 3-2 Maximum Height by Subarea (consistent with edit to p.2-19, listed above)   | See description of edit to p.2-19 (listed above as row #4)  |   | Subcommittee agreed with proposed revision (2/1/20). Changes to Plan Area/Subarea boundaries in graphics for the Plan, GP and zoning will be deferred until the PC/City Council. | 9         |
| 4                               | PLAN - Ch 3                    | Global            | Policies 3.1 to 3.6 will need to be revised based on discussion of proposed zoning  | <del>Will update after associated issues are resolved regarding proposed zoning (see issues/proposed revisions to draft zoning)</del> Updated policies 3.1 to 3.6 to be consistent with proposed zoning to-date (9/9/20)  |   | Subcommittee agreed with proposed revision (2/1/20)  | 8         |

Planning Commission Adeline Corridor Subcommittee Proposed Revisions to Specific Plan and Proposed General Plan and Zoning

Attachment H

|   |             |                |   |   |  |  |      |
|---|-------------|----------------|---|---|--|--|------|
| 5 | PLAN - Ch 3 | p.3-22 to 3-24 | <p>Policy 3.7 - Revise language the % affordable housing; including more specific language about the Flea Market and stronger language (e.g. from "shoulds" to "shall").<br/>                 *Note: this item has been broken into three items, 13a, 13b and 13c for ease reference for each agreed upon revision.</p> | <p><del>To discuss further with Subcommittee (at 1/29 or 2/1 meeting)</del><br/>                 Subcommittee discussed potential revisions to Policy 3.7, Objective 1: 3/18 Staff Memo, p.16</p> <p>Subcommittee agreed to the following revision (3 yes, 1 no):<br/>                 Replace the following text: " For any future development in the BART subarea, at least 50% of the total housing units produced should be comprised of deed-restricted affordable housing, which could also include supportive services or other spaces associated with the affordable housing. This goal for at least 50% affordable housing at a range of income levels (e.g. Extremely Low, Very Low, Low and Moderate) would be calculated across the entire Ashby BART subarea and could be accomplished through multiple phases of development. Any future development agreement should commit to deliver at least this level of affordable housing, and provide a plan to do so. Amounts of affordable housing exceeding 50% of the total square footage and number of units are encouraged." with:</p> <p><u>The City's goal for the Ashby BART subarea is phased development, over the life of the Plan, of 100% below market, deed restricted affordable housing. Following the process outlined in the City and BART Memorandum of Understanding (MOU), the City will work with BART to achieve this goal. This housing should be affordable to moderate, low-, very low- and extremely-low income households at an approximately even distribution. The City of Berkeley shall exercise its option to purchase the air rights above the BART parking lot. Housing in this subarea could also include supportive services or other spaces associated with affordable housing. Reserving the Ashby BART site for 100% affordable housing development will help achieve the Plan's housing affordability goal that calls for at least 50% of all new housing built in the Adeline Corridor over the next years to be income restricted permanently affordable housing.</u></p> |  | Subcommittee agreed with proposed revision - (7/20/20) | 13 a |
| 6 | PLAN - Ch 3 | p.3-22 to 3-24 | <p>Policy 3.7 - Revise language the % affordable housing; including more specific language about the Flea Market and stronger language (e.g. from "shoulds" to "shall").<br/>                 *Note: this item has been broken into three items, 13a, 13b and 13c for ease reference for each agreed upon revision.</p> | <p><del>To discuss further with Subcommittee (at 1/29 or 2/1 meeting)</del><br/>                 Subcommittee discussed revisions to Policy 3.7, Objective 2. Public Space : See 3/18 Staff Memo, p.4.</p> <p>Subcommittee agreed to update language to read as follows:</p> <p><u>Future redevelopment of the Ashby BART west parking lot shall should incorporate a large civic plaza that could be designed and programmed to accommodate the Berkeley Flea Market and potentially a relocated Farmers Market, as well as support the Juneteenth Festival and other music and entertainment events. This space could include dedicated flexible space on the site and/or in a nearby location such as on Adeline Street. The space shall should be designed with the general and specific needs of the Flea Market and Farmers Market (if the operators of the Markets are interested), as well as allow flexibility for other programming such as the Juneteenth Festival, music and entertainment, civic events, or other public uses – at different times of the week or in complementary locations. This could include dedicated flexible space on the site or in a nearby location such as on Adeline Street. The City will oppose the relocation of the Flea Market. <del>will not be relocated away from the BART parking lot without the consent of the designated representative of the vendors, currently Community Services United. The City is committed to supporting the Berkeley Flea Market as it works with BART to redevelop the Ashby BART subarea through the process outlined in the Memorandum of Understanding adopted by City Council and the BART Board of Directors (Dec. 2019 and Jan. 2020, respectively). This process will include engagement with the Berkeley Flea Market individually and through the Community Advisory Group (CPG), which will include a representative from Flea Market management, currently Community Services United.</del></u></p>   |  | Subcommittee agreed with proposed revision (7/20/20)   | 13 b |



Planning Commission Adeline Corridor Subcommittee Proposed Revisions to Specific Plan and Proposed General Plan and Zoning

Attachment H

|    |             |  |   |  |   |   |      |
|----|-------------|--|---|--|---|---|------|
| 7  | PLAN - Ch 3 | Ch. 3<br>p.3-22 to 3-24<br><br>Ch. 8<br>LU-2 | Policy 3.7 - Revise language the % affordable housing; including more specific language about the Flea Market and stronger language (e.g. from "shoulds" to "shalls").<br>*Note: this item has been broken into three items, 13a, 13b and 13c for ease reference for each agreed upon revision.               | <i>To discuss further with Subcommittee (at 1/29 or 2/1 meeting)</i><br><i>Subcommittee discussed revisions: See 3/18 Staff Memo</i><br><br><i>Subcommittee agreed to the following: Objective 7. Process and Engagement</i><br><br><i>Add the following sentence to Policy 3.7, Objective 7 (p. 3-24): "The City will work with the Flea Market to prevent construction impacts."</i><br><br><i>In Implementation LU-2, add new text to reference to CAG and that CoB will make a decision on the set aside.</i>  |   | Subcommittee agreed with proposed revision (7/20/20); new text for revised Implementation Action LU-2 drafted by staff after 7/20 meeting | 13 c |
| 8  | PLAN - Ch 3 | N/A  | Include new policy about Sustainable Design and Energy Use - include mitigation measures (GHG MM-1, GHG MM-2 and GHG MM-3) as revised in Final EIR) for all-electric new construction, electric vehicle (EV) readiness and EV chargers for residential and commercial buildings and solar photovoltaic power. | <i>To discuss further with Subcommittee (at 1/29 or 2/1 meeting)</i><br><i>Staff will prepare new language based on Commissioner Wrenn's 1/29 Memo and ensure consistency with the City's recently adopted regulations and EIR mitigation measures</i><br><i>Staff drafted new language - see 9/16 Staff Memorandum, Attachment A (Draft Plan Chapter 3, New Policy 3.8).</i>  |   | Subcommittee agreed with proposed approach (2/1/20)<br><br>New Policy 3.8 language drafted by staff after 7/20/20 meeting                 | 15   |
| 9  | PLAN - Ch 4 | Policy 4.2                                   | Add language regarding incentivizing affordable housing along corridor (Commissioner C. Schildt, 8/19/20)   | Add a paragraph at the end: "During the planning process, many residents expressed a strong desire to maximize the amount of deed-restricted, affordable housing along the corridor. The City should explore additional strategies to require and/or incentivize affordable housing along the corridor, such as increasing the Affordable Housing Mitigation Fee for the plan area, eliminating the fee option and requiring on-site development, or other strategies."  |   | A majority of the Subcommittee agreed with this revision (3-1, Wiblin voting no, 8/19/20).  | 93   |
| 10 | PLAN - Ch 4 | Policy 4.2                                   | Add language regarding the length of affordability of units. (Commissioner C. Schildt, 8/19/20)   | Add a bullet: "Length of affordability: both newly constructed or acquired units should be required to be deed-restricted affordable for either the life of the building, or the life of the initial project, whichever is longer."  |   | Subcommittee agreed with proposed revision (8/19/20)  | 95   |
| 11 | PLAN - Ch 4 | Policy 4.7<br>p. 4.20                        | Modify Preference Policy  | Revise last two sentences as follows:<br>As new affordable housing opportunities are created in the plan area, the City will, within the limits of state and federal law, <del>explore options to</del> prioritize current and former local residents. Potential preferences could include, <u>as part of a point system</u> , people currently living near new affordable developments, <del>as well as</del> <u>and</u> former Berkeley residents who have been displaced from the community, <u>particularly those subject to no-fault evictions and adverse government actions under certain conditions.</u> | Discussed at 7/20 meeting. Designed to strengthen existing language. Changes based on Beach and Wiblin suggestions. | Subcommittee agreed with proposed revision (7/20/20)  | 85   |

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| 12 | Zoning-PLAN, Ch 4 and 8 | Dev- Standards/Aff. Hsg- Required Policy 4.2 and (new) Housing Affordability Action | <p>Explore Additional options to providing the on-site affordable housing:</p> <ul style="list-style-type: none"> <li>-Require Affordable Housing Mitigation Fee (AHMF) collected for projects in the Adeline Corridor be earmarked for affordable housing in the Plan Area or in South Berkeley;</li> <li>-Allow option to provide affordable units off-site (new construction or acquiring existing development and making it permanently affordable housing (owned/managed by an entity other than the City);</li> <li>-Allow payment of AHMF instead of providing on-site BMR units under certain circumstances.</li> </ul> | <p>To discuss further with Subcommittee (at 1/29 or 2/1 meeting)<br/>                 Plan Policy 4.2, p. 4-13: Add new text after the end of the paragraph:<br/> <u>"It may be desirable to offer additional options to providing the required on-site affordable housing in order to maximize the likelihood that below-market rate housing is actually constructed. Options include providing the required affordable units off-site as newly constructed units or through the acquisition and rehabilitation of existing development as permanent, deed-restricted affordable housing under certain circumstances. A potential framework to consider for an off-site affordable program for the Adeline Corridor should consider:</u><br/>                 -Replacement ratio of units;<br/>                 -Location requirement (e.g. off-site units should be located in South Berkeley<br/>                 -Timing: units at the "receiving site" should be approved either concurrently or prior to the units as the "sending site";<br/>                 -Acquisition and Rehabilitation: a physical needs assessment should be developed to identify that the units being acquired are rehabilitated to a comparable level of amenity and useful life to the otherwise required amount of (new) on-site affordable housing. Additional research would be required to determine the appropriate development approval processes; enforcement mechanisms needed to ensure completion of off-site units; as well as how to address rehabilitation of units (and if those units already have some kind of formal affordability requirement such as rent control).<br/>                 (new) Implementation Action HA-7. Analyze additional alternatives to providing the required on-site affordable housing units in order to maximize the likelihood that below-market rate housing is actually constructed. Options should define requirements regarding replacement ratio, location/proximity of units, timing and rehabilitation/acquisition of existing units.<br/>                 See Policies/Strategies: HA-4.2, p. 5-9, Revise Policy 5.3 as follows:<br/>                 "5.3 Business Improvement Districts/<u>Organizations</u>. Explore the potential to establish Business Improvement District(s) or similar entity."<br/>                 Revision beginning on the 3rd paragraph, 2nd column: "Because approval of a BID requires a majority vote (with votes weighted by the calculated benefit to the property or business), an important first step typically is for the community to demonstrate that there is support among property owners and business owners to form such a District. <del>The Office of Economic Development will assist interested community groups/business organizations in the process.</del><br/>                 During the community process, concern was expressed that the goals of BIDs may sometimes be in conflict with other broader community goals of equity and compassion for the unhoused. Exploration of whether there is community support for a BID or similar entity should include stakeholder meetings including existing businesses and property owners and in particular Black business owners, cultural and religious institutions, nonprofits, the Berkeley Community Flea Market, local residents, unhoused people, and other users of the corridor to determine the appropriate strategy/entity could best support a vibrant commercial district. Discussion should also include the development of equity goals/principles, possible boundary, desired scope of services and capital improvements and funding potential. Examples to draw upon include Black cultural districts around the country (e.g. Oakland, Austin, Denver, Seattle, etc.).<br/>                 Part of the northern portion of the Plan Area already is part of the Downtown Berkeley Association (DBA), a property-based Business Improvement District, which collects fees from property owners to fund Downtown services. The Lorin Business Association (LBA), a volunteer membership organization that has membership dues could choose to explore creation of a BID or other entity. <u>The Office of Economic Development will assist interested community groups/business organizations in the process.</u></p> | <p>See Staff Memo for 12/12/19 Subcommittee Meeting for more details; Subcommittee discussed revisions 2/1 and 7/15. See 3/18 Staff Memo.<br/>                 The options included allowing for the provision of the required affordable units off-site as newly constructed or as acquisition and rehabilitation of existing development as permanent, deed-restricted affordable housing under certain circumstances. Staff recommends that this concept is added to the description in Draft Plan Chapter 4, Policy 4.2: On-site Affordable Housing Incentive, and as an implementation action.</p> | <p><i>Outstanding-See 3/18 Staff Memorandum- Subcommittee agreed with proposed revision in concept (7/15/20); Staff drafted text for addition to Policy 4.2 and new Implementation Action HA-7 after 7/20 meeting</i></p> | 60 |
| 13 | PLAN - Ch 5             | Ch. 5 Policy 5.3 and Ch. 8 Action EO-3.   | <p>Plan Policy 5.3 Business Improvement Districts - should reference outreach to broader set of stakeholders including non-profits, Black-owned businesses and the homeless, and that the entity should support the racial and economic diversity of the neighborhood.</p>  | <p>Revision beginning on the 3rd paragraph, 2nd column: "Because approval of a BID requires a majority vote (with votes weighted by the calculated benefit to the property or business), an important first step typically is for the community to demonstrate that there is support among property owners and business owners to form such a District. <del>The Office of Economic Development will assist interested community groups/business organizations in the process.</del><br/>                 During the community process, concern was expressed that the goals of BIDs may sometimes be in conflict with other broader community goals of equity and compassion for the unhoused. Exploration of whether there is community support for a BID or similar entity should include stakeholder meetings including existing businesses and property owners and in particular Black business owners, cultural and religious institutions, nonprofits, the Berkeley Community Flea Market, local residents, unhoused people, and other users of the corridor to determine the appropriate strategy/entity could best support a vibrant commercial district. Discussion should also include the development of equity goals/principles, possible boundary, desired scope of services and capital improvements and funding potential. Examples to draw upon include Black cultural districts around the country (e.g. Oakland, Austin, Denver, Seattle, etc.).<br/>                 Part of the northern portion of the Plan Area already is part of the Downtown Berkeley Association (DBA), a property-based Business Improvement District, which collects fees from property owners to fund Downtown services. The Lorin Business Association (LBA), a volunteer membership organization that has membership dues could choose to explore creation of a BID or other entity. <u>The Office of Economic Development will assist interested community groups/business organizations in the process.</u></p>  | <p>See 3/18 meeting packet (Schildt memo)</p>   | <p>Subcommittee agreed with proposed revision in concept (7/15/20); staff drafted new proposed text for Subcommittee's review at 7/20 meeting. Subcommittee agreed with proposed revisions (7/20/20)</p>                  | 75 |

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| 14 | PLAN - Ch 5 | Ch. 5<br>Policy 5.3<br>and<br>Ch. 8<br>Action EO-3. | Plan Policy 5.3 Business Improvement Districts - should reference outreach to broader set of stakeholders including non-profits, Black-owned businesses and the homeless, and that the entity should support the racial and economic diversity of the neighborhood. | Revise Implementation Action EO.3 as follows:<br>"EO-3. Outreach to <u>and engage the broader community including not only</u> existing business and property owners, <u>but also non-profits, Black-owned businesses advocacy organizations, and the unhoused to gauge interest and develop a proposal for the boundary scope of services and capital improvements discuss the potential for</u> a new Business Improvement District(s) or similar organizing entity for all or a part of the Plan Area. <u>Discussion should include development of equity goals/principles, possible boundary, desired scope of services and capital improvements and funding potential.</u>   | See 3/18 meeting packet (Schildt memo)   | Subcommittee agreed with proposed revision in concept (7/15/20); staff drafted new proposed text for Subcommittee's review at 7/20 meeting. Subcommittee agreed with proposed revisions (7/20/20) | 75  |
| 15 | PLAN - Ch 5 | (new) Policy 5.8<br>and<br>Ch. 8<br>Action EO-15    | Plan needs policy about workforce development/targeted hiring   | Add new <u>Policy 5.8: Workforce Development: Explore development of a targeted hiring program. The City has a number of existing hiring programs and requirements. These include Community Workforce Agreements, the First Source Program and the Housing and Urban Development Department's Section 3 program. The City should explore building on these programs to develop a targeted hiring program that requires new businesses in the Adeline Corridor to hire a required percentage of "local" workers that meet defined criteria for construction and non-construction jobs. Examples of criteria that could be used include: low income and/or formerly incarcerated, chronically unemployed or homeless or paying more than 50% of income for shelter, formerly in foster care, lacking a GED or highschool diploma, a custodial single parent, receiving public assistance or a US Veteran. Exploration of such a program would include analysis of options to administer, monitor and enforcement mechanisms, as well as potetial for linkages to job training programs.</u><br><br>Add new Implementation Action EO-15. Explore building on existing City-funded programs to develop <u>a targeted hiring program that requires new businesses in the Adeline Corridor to hire local residents that meet defined criteria for construction and non-construction jobs.</u> | See 3/18 meeting packet (Beach email)  | Subcommittee agreed with proposed revision in concept (7/15/20); staff drafted text after the meeting. Subcommittee agreed with proposed revisions (7/20/20)                                      | 76  |
| 16 | PLAN - Ch 5 | Econ Opp<br>Context                                 | Add language to describe the need for additional public discussion. (Commissioner C. Schildt, 8/19/20)  | Add language based on the following recommended language: "During the planning process, many creative ideas from the local business community and other stakeholders were raised. While this plan incorporates some of these ideas where it could, many are still underdeveloped and further conversation is needed to bring them to fruition. These include social equity, specific ideas for placemaking including development of public space, strategies for managing the aging buildings, and strategies for working with derelict property owners, among others. Future economic development efforts should include conversations among city staff, Planning Commissioners, City Council, business owners, property owners, residents and other stakeholders to further develop these strategies to support a thriving, vibrant commercial area."   |  | Subcommittee agreed with proposed revision (8/19/20)  | 99  |
| 17 | PLAN - Ch 6 | p.6-7 to p.6-20                                     | Multiple comments related to addressing more detail in long term Right-Of-Way redesign concept  | None  | Policy 6.2 (p.6-7) of the Draft Plan includes language that emphasizes that the long-term ROW design is conceptual and needs further input from community stakeholders, elected officials, and City staff, as well as further engineering and design work, including addressing types and amount of on-street parking, bicycle facilities, programming and type of public space and streetscape design. Implementation Actions T-2, T-7, PS-1 and PS-2 specifically address further work and community engagement needed to build on the Draft Plan's ROW concept and other implementation actions address needing to identify funding for advancing this work (e.g. planning, construction and operations and maintenance). | <i>Outstanding: See 3/18 Staff Memorandum See Row #81 below</i>   | 23a |

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| 18 | PLAN - Ch 6 and 8 | Policy 6.2 p.6-7 & Ch. 8 Action T2 | Revise text to reference more study of alternative roadway configurations including further reduction of lanes                           | <p>p.6-7: Revise first paragraph of 2nd column to read:<br/>                 The long-term right-of-way design is conceptual and is anticipated to undergo continued refinements and design improvements; <u>as well as study additional roadway configuration options such as a further reduction of travel lanes.</u> This will require continued input..."</p> <p>Implementation Action T-2: Revise action to state:<br/>                 "Refine public right-of-way concepts for each Plan Area subarea identified through the community process, including <u>further study of additional roadway configuration options such as the potential of reducing travel lanes on Adeline from Derby Street to Martin Luther King Jr. Way;</u> developing planning-level cost estimates, and working with agency partners to identify and leverage respective funding sources."</p>  | Discussed at 7/15 meeting  | Subcommittee agreed with proposed revision in concept (7/15/20); staff drafted new proposed text for Subcommittee's review at 7/20 meeting. Subcommittee agreed with proposed revisions (7/20/20) | 84 |
| 19 | PLAN - Ch 7       |                                    | Be more specific about locations to analyze for new park space   | <p><i>To discuss further with Subcommittee (at 1/29 or 2/1 meeting)</i><br/> <del>Policy 7.3 Public Space Opportunity Sites referenced a "Figure 7.1" but there was no such figure in the Draft Plan (May 2019). A Figure 7.1 will be included in the plan that shows the opportunity areas for public space (which includes the potential for parks and plazas) with approximate sizes of the sites. Policy 7.3 and the context section of Chapter 7 (p.7-2) will be revised to include text that references the neighborhood's need for park space ("and reflects past and ongoing racial and economic disparities in Berkeley.") Policy 7.3 will also be revised to include language that the ratio of park space to residents will be maintained or improved.: "A goal of this plan is to at least maintain, if not improve, the ratio of park area to residents in the Plan Area."</del></p> <p>Figure 7.1 was developed and shows the opportunity areas for public space (which includes the potential for parks and plazas). The context section of Chapter 7 (p.7-2) was revised to include text that references the neighborhood's need for park space ("and reflects past and ongoing racial and economic disparities in Berkeley."). Policy 7.3 was also be revised to include language that the ratio of park space to residents will be maintained or improved.: "A goal of this plan is to at least maintain, if not improve, the ratio of park area to residents in the Plan Area."</p> | Chapter 7 Public Space identifies that there is a need and an high community priority on safe, inclusive, attractive and healthy public spaces. Policy 7.3 Public Space Opportunity Sites identifies potential sites in the four subareas for new public space. As identified in the Implementation Chapter, additional study and community input are needed to refine the size, type and programming potential spaces, such as opportunities identified as part of the right-of-way redesign concept or for the Ashby BART subarea.   | <del>Outstanding: See 3/18 Staff Memorandum. Subcommittee agrees with the proposed revision approach (7/15/20)</del>  | 28 |
| 20 | PLAN - Ch 8       | Action PA - 2                      | increase frequency of implementation reporting from annual to twice/year. Maintain frequency of implementation reporting to once a year. | <p>Keep implementation reporting to annual frequency.</p> <p>Subcommittee discussed revisions at their 7/20/20 meeting and agreed add the following language:<br/>                 PA-2. Provide annual progress update to the City Council and community, including performance metrics, challenges, and next steps. <u>The City will hold interim-regular meetings with community stakeholders to provide plan implementation updates and opportunities for input and feedback with notice to residents of the Plan Area and self-identified stakeholders.</u></p>   | At 12/12/19 Subcommittee meeting, matching the frequency of the City's Development Pipeline report was expressed as the appropriate frequency. The Development Pipeline Report is presented annually (in July). Staff was mistaken that it was produced bi-annually. Staff recommends that the frequency of the implementation update should remain on an annual basis. There will be many opportunities for Staff to share progress with the community public process for upcoming implementation actions, including but not limited to, the work with the Community Advisory Group (CAG) and the Planning Commission for the Ashby and North Berkeley BART stations and the development of the Tenant Opportunity to Purchase Act (TOPA) and Local Preference Policy for new affordable housing. | Subcommittee agreed with proposed revision (7/20/20)  | 29 |
| 21 | PLAN - Ch 8       | New Implementation Action          | Create new implementation action for City to track deed-restricted affordable housing units to avoid net loss of such housing            | <p>New Implementation Action HA-8: As part of its annual progress report, the City will document the number of income-restricted affordable units within the Plan area (at the time of Plan adoption). In the event that the total number of income-restricted units falls below the number at the time of Plan adoption, the City will, within 60 days of reporting such decrease, propose that the City Council consider amendment(s) to the Plan that would increase the number of restricted affordable units in the Plan area.</p>  | Discussed at 7/20 meeting. See B. Beach Memo 3/18 meeting packet   | Subcommittee agreed with proposed revision intent at 7/20 meeting; staff drafted new implementation action based on discussion and text provided by B.Beach after 7/20 meeting                    | 86 |

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| 22 | Zoning | Uses                              | Ground floor uses: allow residential uses with at least 50% affordable units to locate in "Active Use" areas. However, this could result in larger parcels to turn from commercial ground floor to residential uses in established commercial areas (e.g. the Lorin or Antiques District) | Prohibit in Active Ground floor areas. Allow in "Commercial Area" with Administrative Use Permit (AUP)   | Continuous commercial storefronts in limited areas is important to maintaining the vibrancy of existing business districts. Allowing these types of projects in Commercial Areas with an AUP and in the areas that allow residential on the ground floor provides ample opportunity for these projects.   | Subcommittee agreed with proposed revision (2/1/20)  | 46 |
| 23 | Zoning | Uses                              | Ground floor uses: Consider Office uses (in addition to financial offices) an Active Ground Floor use (specifically to allow locally serving non-profits that are considered Office uses)   | Prohibit in Active Ground floor areas. Allow in "Commercial Area" with Administrative Use Permit (AUP)   | This would allow Office uses to locate on the ground floor if they include design elements that encourage pedestrian orientation, such as placement of store entrances relative to street and the prominences of display windows and areas facing the sidewalk.   | Subcommittee agreed with proposed revision with the addition of "residential amenities" under the same size restriction (e.g. community meeting rooms/space) are allowed on the ground floor. Staff clarified that art/craft uses can also be permitted in Active Commercial with an AUP. (2/1/20) | 47 |
| 24 | Zoning | Uses                              | Ground floor uses: allow Financial Service/Bank uses on ground floor in active use areas  | Add banks to "Active Ground Floor Use" category  | This change would benefit the commercial environment in the Adeline Corridor. Per OED, Adeline has very limited banking services – banking services support other businesses.   | Subcommittee agreed with proposed revision (2/1/20)  | 48 |
| 25 | Zoning | Uses                              | Review overall ground floor use requirements to ensure changes meet overall intent to ensure ground floor uses contribute to active, pedestrian-oriented environment  | <i>To discuss further with Subcommittee (at 1/29 or 2/1 meeting)<br/>Per 2/1 meeting: Add definition of "Active Uses" to BMC and in Specific Plan</i>  |   | <i>Outstanding- See 3/18 Staff Memorandum Subcommittee agreed with proposed revision (7/20/20)</i>   | 49 |
| 26 | Zoning | Dev. Standards/Aff. Hsg. Required | Express minimum on-site affordable housing requirement of Tiers as a % of total project units instead of % of Tier 1 Density  | Express requirement as a % of total project units in the zoning text; and use both (equivalent metrics) in Specific Plan and in any Planning Department informational materials. Revise Section 23E.XX.070 A and B of the proposed zoning to express the minimum on-site affordable housing requirement for the four tiers as a percent of total project units follows:<br>0% (Tier 1)<br>14% (Tier 2)<br>21% (Tier 3)<br>25% (Tier 4)   | Both metrics are helpful. Community input favors expressing the requirement as a % of total project units. Project applicants want to know how the Tiers compare with the option to use the State Density Bonus which is based on the % of the Tier 1 (or "base" density).  | Subcommittee agreed with proposed revision (2/1/20)  | 57 |
| 27 | Zoning | Dev. Standards/Aff. Hsg. Required | Eliminate minimum parking requirement for residential development for the first three tiers (instead of the proposed minimum requirement of 1 space per 3 units for the first two tiers and 1 space per 4 units for the third tier)   | Eliminate parking minimums for the first three tiers.  | With this change, all four Tiers are consistent with no parking minimums.   | Subcommittee agreed with proposed revision (2/1/20)  | 63 |
| 28 | Zoning | Dev. Standards/Aff. Hsg. Required | What are the implications of AB1763 on the proposed zoning tiers?   | Revise Section 23E.XX.070B to include a new note #7 <del>between #4 and #5</del> that allows for projects meeting the criteria of AB1763 (GC 65915) to add one additional story to the maximum Tier 1, to the bonuses allowed under State Law. The additional density/height for applicable projects would be applied to the Tier 1 standards. For example, a 100% affordable housing project would be allowed (3 stories + 1 story as a bonus on top of the Tier 1 maximum height limit). Added after the 7/20/20 Subcommittee meeting: In order to eliminate the need for cross referencing, the following text is proposed to implement the intended additional 1 story above the 3 story bonus allowed by AB1763:<br>23E.XX.040.B5. Projects that consist of 100% deed-restricted affordable housing units, which can include up to 20% of the units as affordable to moderate income households (i.e., <del>or</del> 80% to 120% of Area Median Income) and <del>up to</del> the remaining 80% of the units as affordable to lower income households (i.e., <del>or</del> lower than 80% median income), can be four stories or 45 feet to the maximum height allowed under Tier 1. | AB 1763 modifies State Density Bonus law (GC 65915) to provide additional density and other incentives for projects that provide 100% affordable housing projects (which would include all base and bonus units, except manager unit(s)). 100% affordable projects could include up to 20% units affordable to moderate income households (80% - 120% Area Median Income) and 80% to lower income households (Less than 80% AMI). Under this program, 100% affordable projects do not have to provide off-street parking. Projects that are more than half a mile from major transit stops receive an 80% density bonus. Projects that are within half a mile of major transit stop have no maximum density, receive four incentives or concessions, and are provided an additional three stories or 33 feet in height. An applicant is allowed an additional three stories or 33 feet within ½ mile of a major transit stop for 100% affordable projects. (Gov. Code 65915(d)(2)(D).). | <i>Outstanding- See 3/18 Staff Memorandum Subcommittee agreed to the proposed revision and staff drafted proposed text after 7/20 meeting - See 8/19 Staff Memo, Attachment B, C-AC Zoning District Section 23E.XX.070.B.7.</i>  | 68 |

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| 29 | Zoning                       | Subarea/Map                       | The 3 parcels bounded by Shattuck Avenue, Adeline and Russell Streets are within the North Adeline Subarea and are being proposed to be moved to the South Shattuck Subarea.           | Modify South Shattuck subarea boundary to include the parcels bounded by Shattuck Avenue, Adeline and Russell Streets. See description of edit to p.2-19 (listed above as row #4)   | Many parcels in the Plan Area are limited in development potential due to small parcel sizes, multiple owners and because they abut lower density residential uses. The area being proposed to be included in the South Shattuck Subarea includes large parcels are separated from nearby residential uses by streets. The proposed change helps to support the goal of maximizing affordable housing by putting these parcels into the South Shattuck Subarea which has a slightly higher development potential and corresponding, higher on-site affordable housing requirements.   | Subcommittee agreed with proposed revision (2/1/20). Changes to Plan Area/Subarea boundaries in graphics for the Plan, GP and zoning will be deferred until the PC/City Council.         | 69 |
| 30 | Zoning                       | Add item 23E.XX.070.B.8           | Restrict second floor use to residential   | Create 23E.XX.070.B.8 " In mixed use buildings in all subareas and tier levels, all floors above the second story shall be used for residential uses". Allow for some office use.   |   | Subcommittee agreed with proposed revision (7/20/20)   | 88 |
| 31 | Zoning                       | Dev. Standards/Aff. Hsg. Required | Consider eliminating option to pay in-lieu fee for Tier 1 of proposed zoning (Commissioner C. Schildt 7/20/20)   | No revision to Draft Plan or C-AC zoning is proposed at this time due to requirements of AB 1505 that may apply to Berkeley for "alternative means of compliance" for rental housing and the citywide study of affordable housing requirements, currently underway (by Street Level Advisors) which includes analyzing the potential of "alternative means of compliance" such as the off-site construction, or acquisition and rehabilitation of existing units, land dedication, etc. | Per AB 1505, Section 65850(g) "Require, as a condition of the development of residential rental units, that the development include a certain percentage of residential rental units affordable to, and occupied by, households with incomes that do not exceed the limits for moderate-income, lower income, very low income, or extremely low income households specified in Sections 50079.5, 50093, 50105, and 50106 of the Health and Safety Code. The ordinance shall provide alternative means of compliance that may include, but are not limited to, in-lieu fees, land dedication, off-site construction, or acquisition and rehabilitation of existing units." | Subcommittee agreed with this topic at their 7/20 meeting for discussion at their 8/19 meeting   | 89 |
| 32 | Zoning                       | Dev. Standards/Aff. Hsg. Required | Reduce the interior/corner lot coverage for all zoning districts in Tier 1 to 60%/70%  | See proposed C-AC zoning district, section 23E.XX.070B.   | See 2/1/20 Meeting Packet, R.Wrenn Memo; discussed at 2/1/20 meeting  | Subcommittee agreed with proposed revision (2/1/20). This was inadvertently omitted from earlier versions of the matrix. New text was added to the proposed C-AC zoning.                 | 90 |
| 33 | Zoning                       | Dev. Standards/Aff. Hsg. Required | Parking requirements are currently being addressed at a city-wide level. Update parking maximum to be consistent with City Council approved parking requirements (expected fall 2020). | Staff will track citywide parking requirements policy discussion and update plan to reflect decision by City Council.   | Parking requirements for the Adeline Corridor should be consistent with citywide standards.   | Subcommittee agreed with proposed revision (2/1/20)  | 92 |
| 34 | Plan Area Expansion          |                                   | Add parcel with Fred Finch to the Plan Area  | <del>As requested by the Subcommittee, additional information provided in 3/18 Staff recommends that consideration of the addition of the abovementioned parcels to the Plan Area Boundary be addressed separately from the adoption of the ACSP and related documents, in order to ensure that all interested community members are notified and aware of the proposed zoning change. See 9/16/20 PC Meeting Staff Memorandum for more information.</del>                              |   | <del>Outstanding- See 3/18 Staff Memorandum- Subcommittee agreed with proposed revision to add parcel (7/15/20). See 9/16/20 PC Meeting Staff Memorandum for staff recommendation.</del> | 72 |
| 35 | Plan Area Boundary Expansion |                                   | Add parcels that are part of Ephesians Church project to the Plan Area   | <del>As requested by the Subcommittee, additional information provided in 3/18 Staff recommends that consideration of the addition of the abovementioned parcels to the Plan Area Boundary be addressed separately from the adoption of the ACSP and related documents, in order to ensure that all interested community members are notified and aware of the proposed zoning change. See 9/16/20 PC Meeting Staff Memorandum for more information.</del>                              |   | <del>Outstanding- See 3/18 Staff Memorandum- Subcommittee agreed with proposed revision to add parcel (7/15/20). See 9/16/20 PC Meeting Staff Memorandum for staff recommendation.</del> | 73 |

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|   |              |         | <p>"Companion Recommendation" that City Council should:</p> <ol style="list-style-type: none"> <li>1. Set-aside at least \$50 million of local funds for affordable housing to be built in (e.g. Measure O, HTF) for Adeline Corridor;</li> <li>2. Give careful consideration for citywide adoption of revising AHMF Ordinance to count moderate income units if it is a combo of Moderate (at 100% of AMI?) and Extremely Low Income;</li> <li>3. Consider support and funding for environmental analysis of a two-lane right-of-way design option for Adeline Avenue;</li> <li>4. Identify and pursue funding for the creation of parks for the Adeline Corridor.</li> </ol> | <p>Subcommittee discussed revisions at their 7/20/20 meeting and agreed to the following changes to the previous four points:</p> <p>"Companion Recommendations" that City Council should:</p> <ol style="list-style-type: none"> <li>1. Set aside <del>at least an initial</del> \$50 million of local funds for affordable housing to be built in (e.g. Measure O, HTF) for Adeline Corridor, <u>and identify and take action to raise additional revenue</u>;</li> <li>2. Give careful consideration for citywide adoption of revising AHMF Ordinance to count moderate income units if it is a combo of Moderate (at 100% of AMI) and Extremely Low Income, <u>to the extent permitted by law</u>.</li> </ol> |  | <p><i>Outstanding-See 3/18 Staff Memorandum Subcommittee agreed to the proposed revision (7/20/20)</i></p>                          | 74 |
| B. CORRECTIONS, CLARIFICATIONS AND OTHER NON-SUBSTANTIVE PROPOSED CHANGES |              |         |  |   |  |   |    |
| 37  | General Plan |         | <p>Add to Action B: "culturally and historically significant uses such as the Berkeley Community Flea Market" to the list of uses desired by the community</p>   | <p>Revise section as follows:<br/>                 B. <del>E</del>verage publicly owned land, such as the Ashby BART Station Area surface parking lots, and the right-of-way to maximize affordable housing, <u>culturally and historically significant uses such as the Berkeley Community Flea Market and other uses</u>, community facilities and public improvements desired by the community.</p>  |  | <p><i>Outstanding-See 3/18 Staff Memorandum Subcommittee agreed with proposed revision (7/15/20)</i></p>                            | 40 |
| 38  | General Plan |         | <p>Land Use Diagram Classifications:<br/>                 Add to first paragraph a reference to "overall goal of 50% affordable at a range of income levels for the Plan Area"</p>   | <p>Revise section as follows:<br/>                 These areas of Berkeley are characterized by pedestrian-oriented commercial development and multi-family residential structures. These areas are typically located on wide, multi-lane avenues served by transit or BART. Appropriate uses for these areas include: local-serving and regional-serving commercial, residential, office, community service, and institutional <u>with an overall goal of at least 50% of all new housing units as income-restricted housing</u>. Building intensity will generally range from a Floor Area Ratio (FAR) of 2 to an FAR of 5. Population density will generally range from 100 to 300 persons per acre.</p>       |  | <p><i>Outstanding-See 3/18 Staff Memorandum Subcommittee agreed with proposed revision (7/15/20)</i></p>                            | 43 |
| 39  | General Plan |         | <p>Action E: Clarify what it means to have "walkways" that are appropriately shaded for compatibility with upper-story residential units"</p>  | <p>Revise section as follows:<br/>                 E. <del>E</del>nsure safe, well-lighted, wide walkways <del>that are appropriately shaded for compatibility with upper-story residential units</del> and adequate traffic signals for pedestrian street-crossings in commercial areas.</p>   | <p>The text was brought forward from actions under the Avenue Commercial and Neighborhood Commercial General Plan Land Use Classifications. Staff agrees that the reference is unclear so it was deleted.</p>  | <p><i>Outstanding-See 3/18 Staff Memorandum Subcommittee agreed with proposed revision (7/15/20)</i></p>                            | 41 |
| 40  | General Plan |         | <p>Action F: Desire by community members for Action F to be available in commercial and residential areas - is this possible?</p>  | <p>Revise section as follows:<br/>                 Delete "commercial areas" so that Action F reads: "Provide street trees, bus shelters, and benches for pedestrians"</p>  | <p>The new General Plan land use classification is only mapped to parcels within the Adeline Corridor Plan boundary which for all intents and purposes only includes commercial/mixed use areas</p>  | <p><i>Outstanding-See 3/18 Staff Memorandum Subcommittee agreed with proposed revision (7/15/20)</i></p>                            | 42 |
| 41  | General Plan |         | <p>Land Use Diagram Classifications:<br/>                 Update note to remove reference to "base development standards" (since that term is no longer used in the proposed zoning)</p>   | <p>Land Use Diagram Classifications:<br/>                 Revise note to refer to "Tier 1 development standards" instead of "base development standards"</p>  | <p>Correction/Clarification</p>  | <p><i>Outstanding-Non-substantive-Recommend no further discussion-Subcommittee agreed with proposed recommendation (2/1/20)</i></p> | 44 |
| 42  | PLAN - Ch 1  | p 1-11  | <p>Need to revise "How This Plan Was Prepared" section to update "Plan Adoption" section</p>   | <p><i>Will update after Plan is adopted to reflect accurate timeframes for Planning Commission Adeline Corridor Subcommittee, Planning Commission and City Council</i></p>  | <p>Correction/Clarification</p>  | <p>Subcommittee agreed with proposed revision (2/1/20)</p>  | 1  |
| 43  | PLAN - Ch 2  | p.2-7   | <p>Figure 2-1 Community Assets and Amenities should include: McGee Avenue Baptist Church, Imhotep Chiropractic &amp; Wellness Center, Healthy Black Families</p>   | <p>Update Figure 2-1 Community Assets and Amenities to include: McGee Avenue Baptist Church (outside of Plan Area), Imhotep Chiropractic &amp; Wellness Center, Healthy Black Families</p>  | <p>Correction/Clarification</p>  | <p>Subcommittee agreed with proposed revision (2/1/20)</p>  | 2  |
| 44  | PLAN - Ch 2  | p. 2-16 | <p>Delete reference to type of parking at the Ashby BART subarea</p>   | <p>Under "Ashby BART Station", delete reference to parking such that the first sentence reads "Redevelop the Ashby BART Station Area as a vibrant neighborhood center with high-density mixed use development, <del>structured parking (including some replacement parking for BART riders)</del>, ground floor commercial and civic uses, and new public space.</p>  | <p><u>Correction/Clarification</u><br/>                 Parking will be addressed in the upcoming process to work with BART and the Community Advisory Group (CAG) to develop zoning for the Ashby and North Berkeley BART station areas that is consistent with AB2923 and BART TOD Guidelines. It is premature to include a specific description of type of parking envisioned for the area.</p> | <p>Subcommittee agreed with proposed revision (2/1/20)</p>  | 3  |

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| 45 | PLAN - Ch 2 | p. 2-18              | Commenter proposed additional language  | "Major improvements are planned at Ward/Shattuck, <u>and at the Adeline intersections of</u> Ashby, Woolsey/Martin Luther King Jr. Way, and the "southern gateway" near Stanford Avenue."  | Correction/Clarification  | Subcommittee agreed with proposed revision (2/1/20)  | 5  |
| 46 | PLAN - Ch 2 | p.2-20               | Include historical preservation language as seen in the North Adeline section in the area description for South Shattuck under Planning Strategy. | Proposed additional language:<br><br>The South Shattuck subarea will continue to have a range of retail, residential, and commercial uses during the lifetime of this Plan. While it will not have the same retail intensity as Downtown Berkeley or the Lorin District, it will offer a range of amenities, services, and locally-oriented jobs. <u>Historical preservation and the adaptive reuse of culturally and historically valuable buildings will be particularly important.</u> A particular priority will be placed on preserving long-tenured businesses and other active ground floor uses in the area's older buildings.   | Correction/Clarification  | Subcommittee agreed with proposed revision (2/1/20)  | 6  |
| 47 | PLAN - Ch 2 | p. 2-22 (and p.3-22) | Revise text to precisely describe the City's control over the air rights for the Ashby BART west parking lot                                      | ASHBY BART STATION<br>Context and Character<br>The Ashby BART subarea is comprised of two large parcels adjacent to the Ashby BART Station, as well as the public street right-of-way and station area between them. The two parcels are owned by BART, but the City of Berkeley has had an option to purchase the "air rights" over the parcel on the west side of Adeline <del>have been controlled by the City of Berkeley</del> since 1964 when the station was conceived. The parcel on the east side of Adeline is a 1.9-acre surface parking lot. The parcel on the west side is a 4.4-acre surface parking lot, the northern portion of which is used by the Berkeley Flea Market on weekends. | Correction/Clarification  | Subcommittee agreed with proposed revision (2/1/20)  | 7  |
| 48 | PLAN - Ch 3 | p. 3-21              | Update Figure 3-3 Historic Resources Map  | Replace with updated version that includes additional "Landmarks/Structures of Merit" designated since Existing Conditions Report was published.   | Correction/Clarification  | Subcommittee agreed with proposed revision (2/1/20)  | 10 |
| 49 | PLAN - Ch 3 |                      | Include table listing Historic Resources shown on Map   | Include (corrected) table of Historic Resources that is also in Final EIR  | Addition of table corresponding to figure provides helpful information for the reader                     | Subcommittee agreed with proposed revision (2/1/20)  | 11 |
| 50 | PLAN - Ch 3 | p.3-19               | Include a provision for physical and on-line interpretive materials on the history of the Plan Area and its communities.                          | Add a new bullet under Policy 3.6 as follows:<br><br><u>Historic Recognition. Appreciation for historical resources within the Plan Area, including physical and online interpretive materials on the history of the area and its communities should be implemented whenever possible. Examples include enabling the placement of history plaques and ensuring the City's online GIS Portal featuring Historical Resources and Districts is updated periodically with the most up-to-date information. Uplifting community assets and history are also discussed in Policy 5.7 Placemaking and 7.4 Streetscape Amenities, Lighting and Wayfinding.</u>   | Provides additional examples of how historic resources can be recognized and commemorated for the public. | Subcommittee agreed with proposed revision (2/1/20)  | 12 |
| 51 | PLAN - Ch 3 | p. 3-24              | Revise language under Objective 6 "Parking and TDM" to accurately reflect BART's parking replacement policy                                       | Replace the following text: "Because of the urban environment of the station, replacement parking for BART patrons can be provided at a ratio of 0.5 spaces/per existing space or less while access improvements are incorporated to offset the loss of parking and ride spaces and offer viable non-auto alternatives to BART patrons" with:<br><br>"Because Ashby BART Station is considered an Urban with Parking station, BART's Access and TOD policies strive to have little to no BART parking replacement. To offset the loss of parking spaces, future development must incorporate non-auto, multimodal access alternatives to BART patrons."  | Correction/Clarification  | Subcommittee agreed with proposed revision (2/1/20)  | 14 |
| 52 | PLAN - Ch 4 | p.4-4                | Update/revise Table 4.1 Income Categories   | Update to latest HUD income categories; provide range of income (not just upper level) and associated rent levels  | Correction/Clarification  | Subcommittee agreed with proposed revision (2/1/20)  | 16 |
| 53 | PLAN - Ch 4 | p.4-5 - 4-8          | Add programs to "Existing Plans, Programs and Regulations"  | Add descriptions of Below Market Rate Program (and Section 8 requirements in new BMR units), Source of Income Non-Discrimination, HUB and Homeless Services, including Shelter Plus Care Vouchers, Section 8 Housing Choice, Mainstream and VASH Vouchers  | Correction/Clarification  | Subcommittee agreed with proposed revision (2/1/20)  | 17 |
| 54 | PLAN - Ch 4 | p.4-10               | Should state "development of 1,450 units in new market rate projects..." rather than "1,450 market rate projects".                                | Revise text of first full paragraph as follows: "The City estimates that under current rules, if <u>the projected buildout the development of 1,450 dwelling units were to be built in</u> new market rate projects, it would result in about 175 new <u>deed-restricted</u> affordable housing units (12% of the total) as well as about \$14 million in mitigation fees to support the Housing Trust Fund..."  | Correction/Clarification  | <del>Outstanding- Non-substantive-- Recommend no further discussion-</del><br>Subcommittee agrees with proposed revision (7/15/20) | 18 |



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| 55 | PLAN - Ch 4 | Policy 4.2 | Change language regarding maximization of affordable housing. (Commissioner C. Schildt, 8/19/20)  | Strike the phrase "in order to maximize the likelihood that below-market rate housing is actually constructed" and replace with "in order to maximize the creation of deed-restricted affordable housing".  |                          | Subcommittee agreed with proposed revision (8/19/20)   | 94 |
| 56 | PLAN - Ch 4 | Policy 4.2 | Modify language regarding options for off-site affordable housing (Commissioner C. Schildt, 8/19/20)                                      | Modify second half of paragraph on page 4.13 as follows: "It may be desirable to offer additional options to providing the required on-site affordable housing in order to maximize the likelihood that below-market rate housing is actually constructedcreation of deed-restricted affordable housing. Options include providing the required affordable units off-site as newly constructed units or through the acquisition and rehabilitation of existing development as permanent, deed-restricted affordable housing under certain circumstances. A potential framework to consider for an off-site affordable program for the Adeline Corridor should considerinclude:<br><ul style="list-style-type: none"> <li>•Replacement ratio of units;</li> <li>•Location requirement (e.g. off-site units should be located in South Berkeley</li> <li>•Timing: units at the "receiving site" should be approvedmade available either concurrently or prior to the units at the "sending site";"</li> </ul> |                          | Subcommittee agreed with proposed revision (8/19/20)   | 96 |
| 57 | PLAN - Ch 5 | p.5-4      | Typo: The name of the referenced mural is "The Invisible Becomes Visible", not "the Invisible Becomes Invisible"                          | Correct name of the mural is "The Invisible Becomes Visible"  | Correction/Clarification | <del>Outstanding- Non-substantive- Recommend no further discussion- Subcommittee agrees with proposed revision (7/15/20)</del> | 19 |
| 58 | PLAN - Ch 5 | p.5-7      | Typo: Correct name of organization: Bay Area Organization of Black Owned Businesses (BAOBOB) not "Bay Area Black-Owned Businesses"/BAOBAB | Correct name of organization to read: Bay Area Organization of Black Owned Businesses (BAOBOB)  | Correction/Clarification | <del>Outstanding- Non-substantive- Recommend no further discussion- Subcommittee agrees with proposed revision (7/15/20)</del> | 20 |
| 59 | PLAN - Ch 5 | p.5-9      | The boundary of the Downtown BID is described differently in the text.  | The Draft Plan says Downtown BID voted to extend Southern Boundary to Parker. Correct boundary is Carleton Street.  | Correction/Clarification | <del>Outstanding- Non-substantive- Recommend no further discussion- Subcommittee agrees with proposed revision (7/15/20)</del> | 21 |
| 60 | PLAN - Ch 6 | p.6-7      | Add additional bullet of text   | <ul style="list-style-type: none"> <li>• "Detailed assessment of BART's access needs resulting from redevelopment"</li> </ul>   | Correction/Clarification | <del>Outstanding- Non-substantive- Recommend no further discussion- Subcommittee agrees with proposed revision (7/15/20)</del> | 22 |
| 61 | PLAN - Ch 6 | p.6-22     | Existing mature trees in median on Shattuck between Derby and Ward do not appear on Figure 6-9  | The tree symbols were inadvertently omitted. The figure will be revised to include tree symbols in this area.   | Correction/Clarification | <del>Outstanding- Non-substantive- Recommend no further discussion- Subcommittee agrees with proposed revision (7/15/20)</del> | 24 |

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| 62 | PLAN - Ch 6 | p.6-31             | Add language to discuss parking for shared mobility devices.                                      | Private developers are <del>required and</del> encouraged to install bicycle amenities – bicycle parking and storage, wayfinding, and signage – that will encourage bicycling around the neighborhood and to/from BART and key commercial areas. Emerging shared <u>mobility choices further expand options for first and last mile connection, and demand for resting spaces for such devices is expected to grow.</u> <u>New bike parking facilities present an opportunity to incorporate adequate resting spaces to accommodate a variety of emerging options, such as bike share and electric scooters, and should be considered.</u> To guarantee adequate on-street bicycle parking for short-term use by visitors and shoppers, the City should conduct a physical survey of the blocks within the Specific Plan area to assess where additional bicycle racks should be installed, with the goal of providing a minimum of 12 racks per 200 feet of block face. | <u>Correction/Clarification.</u> Staff revised this text to further clarify what measures are "required" vs. "encouraged" as follows: Private developers are required <del>and encouraged</del> to provide bicycle parking and storage as specified by the Berkeley Municipal Code (BMC 23E.28.070) and encouraged to install <u>other</u> bicycle amenities <u>such as bicycle parking and storage</u> , wayfinding and signage <u>to promote</u> – that will encourage bicycling around the neighborhood and to/from BART and key commercial areas. To guarantee adequate on-street bicycle parking for short-term use by visitors and shoppers, the City should conduct a physical survey of the blocks within the Specific Plan area to assess where additional bicycle racks should be installed, with the goal of providing a minimum of 12 racks per 200 feet of block face.<br><br><u>Emerging shared mobility choices further expand options for first and last mile connection, and demand for parking spaces for such devices is expected to grow. In developing and monitoring shared mobility programs, the City prioritizes accessibility for people with disabilities and pedestrian safety. Some of the program requirements anticipated to be placed on shared micromobility providers include the provision of adaptive shared electric scooters as a portion of the shared electric scooter fleet, the adoption and enforcement of an ordinance prohibiting adults from riding electric scooters on sidewalks, and the inclusion of a tethering mechanism on shared bicycles and scooters to encourage users to park them at existing racks or within the furnishing zone of the sidewalk, outside of the walking zone.</u> | <del>Outstanding- Non-substantive- Recommend no further discussion-</del><br>Subcommittee agrees with proposed revision (7/15/20) | 25  |
| 63 | PLAN - Ch 6 | p.6-33             | Definition of Class III Bikeways are not shared with pedestrians                                  | Update definition of Class III Bikeways to:<br>"Provides for shared use with <del>pedestrians or</del> motor vehicle traffic, typically on lower volume roadways."   | Correction/Clarification   | <del>Outstanding- Non-substantive- Recommend no further discussion-</del><br>Subcommittee agrees with proposed revision (7/15/20) | 26  |
| 64 | PLAN - Ch 6 | p.6-35             | Update Figure 6-15 Existing Transit Service   | Updates to show current transit stops  | Correction/Clarification   | <del>Outstanding- Non-substantive- Recommend no further discussion-</del><br>Subcommittee agrees with proposed revision (7/15/20) | 27  |
| 65 | PLAN - Ch 6 | Policy 6.2 p. 6-8  | Plan, p. 6-8: Right of Way Design Objectives and Requirements                                     | Add bullet: <u>Trees. Increase the number of trees and tree canopy cover in the right of way. Avoid removal of healthy, mature trees. Any removal of trees should be offset by a net increase in trees and tree canopy cover across the right of way.</u>  | See 7/15 meeting packet (Wrenn memo)   | Subcommittee agreed with proposed revision (7/15/20)  | 78  |
| 66 | PLAN - Ch 6 | Policy 6.2 p. 6-10 | Plan, p.6-10 Design Details by Subarea, South Shattuck  | Revise text in p.6-10 to read as follows: "Eliminate Medians and <u>Consider</u> Back-In Angled Parking. Elimination of the existing side medians between travel lanes and the parking access aisle, <u>and consider</u> the conversion of angled parking to back-in angled parking."  | See 7/15 meeting packet (Wrenn memo)   | Subcommittee agreed with proposed revision (7/15/20)  | 79  |
| 67 | PLAN - Ch 6 | Policy 6.5 p. 6-28 | Plan, p.6-28, Pedestrian Circulation  | Add bullet to include traffic signals listed in EIR:<br>- Shattuck Avenue at Blake, Parker, and Derby Streets<br>- Adeline Street at Stuart, Russell, Essex, Woolsey, Fairview, and Harmon Streets   | See 7/15 meeting packet (Wrenn memo)   | Subcommittee agreed with proposed revision (7/15/20)  | 80  |
| 68 | PLAN - Ch 6 | Policy 6.5 p. 6-28 | Plan, p.6-28, Pedestrian Circulation  | Add bullet to list of "opportunities to improve pedestrian mobility and safety by..." to include: <u>Creating sidewalks where they are currently lacking, such as along MLK between 62nd and 63rd St, to the east of the BART tracks.</u>  | See 3/18 meeting packet (Schildt memo)   | Subcommittee agreed with proposed revision (7/15/20)  | 81  |
| 69 | PLAN - Ch 6 | Transp.            | Add language regarding considerations for senior access needs. (Commissioner C. Schildt, 8/19/20) | Add bullet to North Adeline design considerations (p. 6-12): "-Senior Housing Access Needs. On streets adjacent to senior housing, street configuration should take into account loading and unloading, emergency vehicle access, and bus access that doesn't block vehicle, bicycle, or pedestrian access."   |  | Subcommittee agreed with proposed revision (8/19/20)  | 100 |

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| 70 | PLAN - Ch 6   | Transp.                | Add language regarding need for parking for people with disabilities, especially around senior housing. (Commissioner C. Schildt, 8/19/20)   | Add sentence to end of Policy 6.4 (Universal Accessibility): "Around senior housing, particular consideration should be made to ensure adequate parking for people with disabilities is available."  |   | Subcommittee agreed with proposed revision (8/19/20)   | 101 |
| 71 | PLAN - Ch-7-6 | p.6-10-5               | Should add Shattuck Ave. between Dwight and Adeline to list of truck route system in the Plan Area; as well as reference to the section of Martin Luther King Jr. Way from 62nd and Adeline to the Berkeley/Oakland border, in order to reflect existing truck routes designated in Berkeley Municipal Code. | This will be added to paragraph about truck routes.<br><br>Designated truck routes for trucks over seven tons are found on <u>Shattuck Avenue</u> , Adeline Street, <u>Martin Luther King Jr Way between Adeline Avenue from (62nd Street) and south city limits to the Oakland border</u> , and Ashby Avenue in the Plan Area. The heavy truck route network within Berkeley is defined in Berkeley Municipal Code (BMC) Section 14.56.060. | Correction/Clarification  | <del>Outstanding: Non-substantive— Recommend no further discussion— Subcommittee agrees with proposed recommendation (7/15/20) but asked staff to re-check the description. The description has been revised to exactly match the Berkeley Municipal Code, Section 14.56.060 Designated truck route system</del> | 23  |
| 72 | PLAN - Ch 8   | Action EO-10           | There is a reference to Policies/Strategies EO 5.8 which does not exist.   | Delete reference to Policy/Strategy EO- 5.8.   | Correction/Clarification  | <del>Outstanding: Non-substantive— Recommend no further discussion— Subcommittee agrees with proposed revision (7/15/20)— See Row 76: a new policy 5.8 was added per 7/20/20 Subcommittee meeting.</del>   | 30  |
| 73 | PLAN - Ch 8   | N/A                    | Can the City condition the construction of new market rate housing in the Adeline Corridor on meeting targets for the construction of affordable housing?  | None   | No. SB 330 (Gov. Code § 66300(b)(1)(B)) prohibits cities and counties in urbanized areas from "[i]mposing a moratorium or similar restriction or limitation on housing development, including mixed-use development, within all or a portion of the jurisdiction of the affected county or city, other than to specifically protect against an imminent threat to the health and safety of persons residing in, or within the immediate vicinity of, the area subject to the moratorium or for projects specifically identified as existing restricted affordable housing." | <del>Outstanding: Non-substantive— Recommend no further discussion— Subcommittee agrees, no further discussion (7/15/20)</del>   | 31  |
| 74 | PLAN - Ch 8   | Table 8.1, Action HA-3 | Add community groups to list of partners developing a preference policy (Commissioner C. Schildt, 8/19/20)   | Add "Black-led community groups" to Partners list.   |   | Subcommittee agreed with proposed revision (8/19/20)   | 97  |
| 75 | PLAN - Ch 8   | Table 8.1, Action PS.5 | Change action re funding for parks to identify and pursue funding for parks ( ??)  | Change Action PS-5 to read "Identify and pursue funding sources for the creation of parks in the Adeline Corridor, such as Proposition 68, the next round of T1 funding or future bond funding.  |   | ???  | 102 |
| 76 | PLAN - Ch. 6  | Table 6-2 p.6-30       | Table 6.2 Recommended Interim Pedestrian Improvements  | Revise Table 6.2 to add:<br>"x" to "bulbouts" column for Blake Street.<br>"x" to "Signal or Beacon" column for Blake Street and Hamon Street.  | See 7/15 meeting packet (Wrenn memo)  | Subcommittee agreed with proposed revision (7/15/20)   | 82  |
| 77 | PLAN - Ch. 6  | Policy 6.7 p.6-34      | Bus and Shuttle Transit  | Add to first full paragraph in right-hand column:<br>"In the near term, the City will coordinate with AC Transit to identify opportunities for improved transit efficiency and reduced bus-stop dwell times through the provision of bus boarding islands, <u>transit signal priority at appropriate intersections and signal timing favorable to transit operations</u> , and for improved bus stop waiting areas..."                       | See 7/15 meeting packet (Wrenn memo)  | Subcommittee agreed with proposed revision (7/15/20)   | 83  |
| 78 | PLAN - OTHER  | Global                 | BART should be spelled out as "San Francisco Bay Area Rapid Transit District" (e.g. p.2-6, 6-5 and 8-3)  | Globally revise  | Correction/Clarification  | <del>Outstanding: Non-substantive - Recommend no further discussion</del>  | 38  |
| 79 | PLAN - OTHER  | Cover                  | Update cover page with photos showing new BART trains at Ashby   | Update cover page with photos showing new BART trains at Ashby   | Correction/Clarification  | <del>Outstanding: Non-substantive - Recommend no further discussion</del>  | 39  |
| 80 | PLAN App      |                        | Appendix A: General Plan and Zoning Concepts   | <i>Will update after associated issues are resolved regarding proposed zoning (see issues/proposed revisions to draft zoning)</i>  |   | <del>Outstanding: Non-substantive— Recommend no further discussion— Subcommittee agrees, no further discussion (7/20/20)</del>   | 32  |

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| 81 | PLAN App         |            | Appendix B: AB2923 and BART TOD Guidelines  | Appendix will be updated to reflect the most up-to-date information before it moves to City Council  |   | <del>Outstanding- Non-substantive- Recommend no further discussion- Subcommittee agrees, no further discussion (7/20/20)</del>                           | 33 |
| 82 | PLAN App         |            | Appendix C: Affordable Housing Background   | Appendix will be updated to reflect the most up-to-date information before it moves to City Council  |   | <del>Outstanding- Non-substantive- Recommend no further discussion- Subcommittee agrees, no further discussion (7/20/20)</del>                           | 34 |
| 83 | PLAN App         |            | Include an Opportunity Sites Map and Table (as seen in the Southside Area Plan)   | Add as new Appendix D: Opportunity Sites Map and Language to include as an attachment to the Plan.   | See Opportunity Sites Map provided in Staff Memo for 12/12/19 Subcommittee Meeting  | Subcommittee agreed with proposed revision (2/1/20)  | 35 |
| 84 | PLAN App         |            | Changes to Opportunity Sites Map and Table: Remove City-owned parcels that have the Black Repertory Group   | The three parcels will not be shown on the Opportunity Sites Map   | Community feedback  | Subcommittee agreed with proposed revision (2/1/20)  | 36 |
| 85 | PLAN App         |            | Changes to Opportunity Sites Map and Table: Remove the parcels where the following uses are currently located: the Berkeley Bowl, the US Post Office, the Fire Station because these are important uses in the community. | <del>None.</del> -(Per 7/15 meeting): These parcels will remain on the figure. The first paragraph of the Note on the figure will be revised as follows: "The City reviewed the Plan Area on a parcel-by-parcel basis to identify parcels that had the highest likelihood of change or re-development "opportunity" <u>if it met certain criteria (e.g. over 15,000 sf and/or publicly-owned parcels) and further Plan vision and goals over the long-term. Inclusion on the map does not indicate that a site with an existing use should be replaced or eliminated from the Plan Area. Uses such as a full-service grocery and a post office are important community-serving amenities and are encouraged to remain in or near the Plan Area.</u> Development of most of the properties in the Plan Area would be implemented through market-driven decisions that individual land-owners make for their properties. | As noted in 12/12 Staff memo, sites shown do not indicate that the existing use should be replaced or eliminated from the Plan Area; the Opportunity Sites Map is meant to show parcels that meet criteria (e.g. over 15,000 sf and/or publicly-owned parcels) to potentially redevelop (including keeping the existing use on-site and intensifying development or on a nearby site) and further Plan vision and goals over the long-term.<br>Per 7/15 meeting: The Subcommittee agreed to keep these parcels on the map but add text to emphasize the importance of a full service grocery store and post office.   | <del>Outstanding- See 3/18 Staff Memorandum- Subcommittee agreed with proposed revision in concept (7/15/20); staff drafted text after the meeting</del> | 37 |
| 86 | PLAN Ch 4 p.4-17 | Policy 4.4 | Clarify housing type  | Add to Family and multi-generational housing bullet " e.g. 2-3 bedroom units and other family-friendly amenities, such as childcare".  | Discussed and approved at 7/20 meeting  | Subcommittee agreed with proposed revision (7/20/20)   | 87 |
| 87 | Zoning           | Purpose    | Section H: include mention of non-profits and cultural and religious institutions   | Revise section H as follows: H. Maintain and encourage a wide range of community and commercial services, including basic goods and services. "Provide locations for both community-serving and regional-serving: businesses, cultural and religious institutions and non-profit organizations.  |   | <del>Outstanding- See 3/18 Staff Memorandum- Subcommittee agreed to proposed revision (7/20/20)</del>  | 45 |
| 88 | Zoning           | Uses       | Change auto parts sales from ZC to prohibited (as it is for all auto-related uses)  | None   | Sale of auto parts is considered a retail use   | Subcommittee agreed with proposed revision (2/1/20)  | 50 |
| 89 | Zoning           | Uses       | Live/Work: Proposed zoning allows with a ZC to make consistent with other C-Districts and provide more options for space for artists/makers. Concern is that these spaces are often used for residential only.            | Revise to require AUP and state that it is "subject to the standards of Chapter 23E.20, <u>except that</u> clients, customers and employees are permitted at the site without a Use Permit."   | Live/Work is allowed in most C districts in the City with a ZC as long as there are no employee or customer visits. Live/Work requires a UP in C-SA and at least AUP in C-W. The proposed revision would allow for some level of review but also flexibility for a use/housing desired in the area. The citywide live/work regulations (23E.20.080) includes an inclusionary affordability requirement for projects with 5 units or more.   | Subcommittee agreed with proposed revision (2/1/20)  | 51 |
| 90 | Zoning           | Uses       | Live/Work - Proposed zoning is missing does not have a parking standard   | Revise Section 23E.XX.080 to include a parking standard for live/work (to be consistent with other zoning district chapters) as follows: Add a row for "Live/Work" which has no parking minimum and a parking maximum equal to 1.5 space per 1000 sf of work area.   | <del>Proposed revision simplifies existing live/work regulations for parking which generally require parking minimums of: 1 space per unit, and, if generating customer or employee visits: an additional 1 space per first 1000 sf of work area; and, 1 space for each additional 750 sf of work area. The C-W district is the only district that has a minimum parking requirement for L/W units. Proposed revision reflects most other commercial districts, which do not have a minimum parking requirements for L/W units, and the direction of the C-AC district, which does not require parking for residential units and small commercial uses. A maximum parking requirement was added to be consistent with the other parking requirements in the C-AC.</del> | <del>Outstanding- See 3/18 Staff Memorandum- Subcommittee agreed with proposed revision (7/20/20)</del>  | 52 |
| 91 | Zoning           | Uses       | Remove prohibitions on distilled alcohol sales and service along Adeline Street south of Ashby  | Remove prohibition on distilled alcohol sales and service; allow with Use Permit (UP)  | This is the only restriction in the City that limits alcohol sales and service based on street address.   | Subcommittee agreed to maintain current regulations (keep prohibition) (2/1/20)  | 53 |

Planning Commission Adeline Corridor Subcommittee Proposed Revisions to Specific Plan and Proposed General Plan and Zoning

Attachment H

|    |        |                                   |   |   |   |  |    |
|----|--------|-----------------------------------|---|---|---|--|----|
| 92 | Zoning | Uses                              | Limit telecom locations   | None  | By federal law, telecom sites must be permitted if there is a need, and the need is defined by telecom firms. Local and state governments cannot adopt ordinances that prohibit the provision of telecommunication services, and must approve requests for collocation, removal or replacement of transmission equipment that doesn't substantially change the physical dimensions of the tower or base station. <i>Federal Telecommunications Act of 1996, Middle Class Tax Relief and Job Creation Act of 2012.</i>   | Subcommittee agreed to maintain current regulations. (2/1/20)  | 54 |
| 93 | Zoning | Uses                              | Prohibit sales of firearms  | None  | This change has not been discussed as part of the Adeline planning process. Planning staff recommends that this change be studied and discussed at a citywide level.  | Subcommittee agreed to maintain current regulations. This issue should be addressed at a citywide level. (2/1/20)  | 55 |
| 94 | Zoning | Dev. Standards/Aff. Hsg. Required | Renaming the four levels of proposed zoning as Tiers 1 through 4 to eliminate the word "base"   | The four levels of development standards will be renamed as Tier 1 through 4 instead of "Base" and Tiers 1 through 3.   | Correction/Clarification  | Subcommittee agreed with proposed revision (2/1/20)  | 56 |
| 95 | Zoning | Dev. Standards/Aff. Hsg. Required | Alternatives for required on-site affordable housing (e.g. mix and % of income levels)  | To discuss at 1/29/20 Subcommittee meeting<br>Per 2/1 Subcommittee meeting: Keep proposed zoning "as-is" to address Very Low and Low Income affordability levels.   | Keep proposed zoning "as-is" to address Very Low and Low Income affordability levels because redevelopment of Ashby BART parcels will address Extremely Low Income (ELI) housing (as well as other levels of deed-restricted affordable housing and because the option to include ELI and moderate income units would require changes to the Affordable Housing Mitigation Fee in order to be feasible. Changes to the AHMF should be considered on a citywide basis. See Street Level Advisors Memo for 1/29/20 Subcommittee Meeting and Staff Memo for 12/12/19 Subcommittee Meeting                    | Outstanding- See 3/18 Staff Memorandum- Note: Subcommittee decided to keep proposed zoning "as-is" at 2/1/20 meeting - this was marked "outstanding for discussion" in error | 58 |
| 96 | Zoning | Dev. Standards/Aff. Hsg. Required | Changes to on-site affordable housing requirements due to potential for Opportunity Zone financing  | To discuss further with Subcommittee (at 1/29 or 2/1 meeting)<br>Discussed at 2/1/20 meeting  | See Street Level Advisors Memo for 1/29/20 Subcommittee Meeting and Staff Memo for 12/12/19 Subcommittee Meeting  | Subcommittee agreed to maintain current regulations. This is a citywide issue that is not confined to the Adeline Plan. (2/1/20)   | 59 |
| 97 | Zoning | Dev. Standards/Aff. Hsg. Required | Requirements when rent controlled unit(s) are demolished  | None because this has been addressed with recent changes in State Law effective as of January 1, 2020.  | SB330 added a new section to State zoning law (GC 66300) that mimics the Density Bonus law on replacement units, applying the same rules to any housing development, not just Density Bonus projects. It includes a blanket prohibition on demolition of any existing dwelling units unless at least as many new units will be developed, and a requirement that "protected units" must be replaced one-for-one (those include BMRs, rent controlled units, units occupied by lower income residents, and Ellis Act units).   | Subcommittee agreed with proposed revision (2/1/20)  | 61 |
| 98 | Zoning | Dev. Standards/Aff. Hsg. Required | Correct typo in Tier 3 (originally Tier 2) as shown in May 2019 Draft Plan Policy 3.2 for the interior and corner lot coverage. The interior lot coverage should be the lower number (or 85%) and the corner lot should have a higher number (or 90%) | Interior Lot coverage should be shown as 85% and corner lot coverage should be shown as 90%   | Correction/Clarification  | Subcommittee agreed with proposed revision (2/1/20)  | 62 |
| 99 | Zoning | Dev. Standards/Aff. Hsg. Required | Include a minimum parking requirement for non-residential uses (the proposed zoning includes a parking maximum of 1.5 spaces per 1000 sf and no minimum).   | Consider requiring minimum parking for newly constructed non-residential uses over a certain size threshold OR keeping the proposed zoning as-is (with no minimums). Staff is in the process of researching other cities to see if a similar approach and thresholds exist. Per 3/18 staff memo recommendation: parking minimum should only apply to newly constructed tenant spaces over 10,000 sf (Discussed 7/15/20) | The Plan has strong transit and pedestrian oriented goals. The parking maximums allow project applicants to "right-size" the parking based on their business model. There are several strategies that have not yet been pursued in the area such as on-street parking permit programs, metered parking, or shared parking with uses that have surplus parking and/or different peak parking times. New off-street parking has the potential to increase driveways to access the parking that would detract from the pedestrian environment and increase points of conflict with pedestrians and cyclists. | Outstanding- See 3/18 Staff Memorandum- Subcommittee agreed with proposed revision (7/15/20)   | 64 |

Planning Commission Adeline Corridor Subcommittee Proposed Revisions to Specific Plan and Proposed General Plan and Zoning

Attachment H

|     |        |                                   |   |  |  |  |     |
|-----|--------|-----------------------------------|---|--|--|--|-----|
| 100 | Zoning | Dev. Standards/Aff. Hsg. Required | Require new buildings to meet all findings in 23E.XX.090.C, not just one.   | Revise Section 23E.XX.090 B and C as follows:<br>A. A proposed use or structure must:<br>1. Be compatible with the purposes of the District;<br>2. Be compatible in design and character with the District and the adjacent residential neighborhoods;<br>3. <del>To encourage utilization of public transit and existing off-street parking facilities in the area of the proposed building;</del><br>B. In addition to the findings above, the Board shall find, for each Use Permit for a new residential development building, that the proposed use or structure satisfies at least one of the following general purposes:<br>1. <del>To encourage utilization of public transit and existing off-street parking facilities in the area of the proposed building;</del><br>2. <del>To provide consistency with the purposes of the District as listed in Section 23E.XX.020.</del><br>3. <del>To facilitate the construction of affordable housing as defined by the U.S. Department of Housing and Urban Development (HUD) Guidelines.</del> | Tightens up findings and removes redundancy to ensure that new buildings encourage utilization of transit (non-residential buildings) and those with residential development also facilitate construction of affordable housing (residential buildings)  | Subcommittee agreed to maintain current regulations. (2/1/20). Note in this column was incorrect/unclear and updated as follows: Subcommittee agreed to proposed revision at its Feb. 1, 2020 meeting (as shown in matrix).  | 65  |
| 101 | Zoning | Dev. Standards/Aff. Hsg. Required | Eliminate option to reduce setbacks with Use Permit (23E.XX.090.D)<br>Eliminate option to reduce setbacks with Use Permit for footnotes 2, 3,4 in Ch. 3 Table 3.2.                                | Keep discretionary review option currently proposed (e.g. can reduce setbacks with a Use Permit) and modify once objective standards are developed through the JSISHL process.   | Staff needs to have flexibility in unusual cases when there are small parcels that have frontage on smaller side streets and abut a residentially-zoned parcel where the required set backs can be reduced if it is demonstrated that they are not necessary for solar access or privacy. The deliberation would still be subject to a public process. Staff proposes to replace this Use Permit option with the objective standards once they have been developed through the JSISHL process. | Subcommittee agreed to eliminate option for discretionary review (Use Permit) in the proposed zoning at this time. The Subcommittee recommended updating zoning later, as needed to be consistent with forthcoming recommendations by the Joint Subcommittee on the Implementation of State Housing Laws (JSISHL) (2/1/20) | 66  |
| 102 | Zoning | Dev. Standards/Aff. Hsg. Required | Insert language that explicitly states that State Density Bonus can only be combined with lowest Tier (Tier 1)  | Revise Section 23E.XX.070B to clarify that Tier 1 is the maximum allowable gross residential density, and that Tiers 2-4 are optional local (Adeline Corridor) programs.   | Correction/Clarification. The revision clarifies that the State Density Bonus may only be combined with the Tier 1 density standards and not Tiers 2 through 4, as stated in the Draft Plan, Policy 3.1 Development Standards.   | Subcommittee agreed with proposed revision (2/1/20)  | 67  |
| 103 | Zoning | Process                           | Create local version of SB35 (streamlining for projects that provide 50% of total project units as affordable housing) that does not expire when the City has achieved its RHNA goals             | None   | Staff agrees with the intent of this revision but recommends that this be considered on a citywide basis and not as part of the Adeline process. It is likely that it will take some time for the City to meet (and exceed) it's RHNA goals, given constraints on funding for affordable housing and construction costs, the pace of development.  | Subcommittee agreed no changes needed at this time (2/1/20)  | 70  |
| 104 | Zoning | Formatting                        | Fix inconsistencies in formatting of Permitted Use table  | Will clean up formatting in use table; recognizing that this chapter will be migrated to the new format being developed by the Zoning Ordinance Revision Project (ZORP), anticipated later this year.  | Correction/Clarification   | Subcommittee agreed with proposed revision (2/1/20)  | 71  |
| 105 | Zoning | Dev. Standards/Aff. Hsg. Required | Reduce the useable open space for all subareas and tiers to 40 sq.ft/unit.<br>Require mixed use projects to have the same minimum on-site affordable housing requirement as residential projects. | See proposed C-AC zoning district, section 23E.XX.070B.  | See 2/1/20 Meeting Packet, R.Wrenn Memo; discussed at 2/1/20 meeting   | Subcommittee agreed with proposed revision (2/1/20). This was inadvertently omitted from earlier versions of the matrix. New text was added to the proposed C-AC zoning.   | 91  |
| 106 | Zoning | 23E.70.070.B.6                    | Require mixed use projects to have the same minimum on-site affordable housing requirement as residential projects.   | Change 23E.70.070.B.6 from "all residential projects" to "all residential and mixed use projects".   | Correction/clarification   | Subcommittee agreed with proposed revision (8/19/20)   | 103 |

**Lapira, Katrina**

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**From:** Pearson, Alene  
**Sent:** Thursday, September 3, 2020 2:43 PM  
**To:** Lapira, Katrina  
**Cc:** Shen, Alisa; Boylan, Paola  
**Subject:** Follow up items from Sept 2 Planning Commission meeting

Hello Commissioners,

Thank you for your thoughtful discussions and feedback last night. As promised, I am following up with some information:

**PC Meeting on September 16** – Home Occupations Public Hearing and Adeline Plan and EIR Public Hearing  
**Please let me know if you would like a hard copy of the agenda materials by Tuesday, September 8 at noon. If I don't hear from you, I will assume an electronic packet will suffice.** Note the agenda materials will not include a printed copy of the Draft Plan or EIR, but will include a link to electronic versions. Please refer to hardcopies distributed in June 2019.

**PC Meeting on September 30** – Adeline Plan and EIR Public Hearing (if continued)  
We want to allow ample time for review, presentation, discussion and consideration of this item and anticipate that a second meeting will be needed. **Please let me know your availability by Tuesday, September 8 at noon so we can check for a quorum. If I don't hear from you, I will assume you are free.**

While your calendars are open, here's a schedule of meetings through the end of the year:

- October 7
- October 21 – added
- November 4
- November 18 - added
- December 2

Finally, the Berkeley Considers ZORP survey can be found here:

[https://www.opentownhall.com/portals/257/forum\\_home?phase=open](https://www.opentownhall.com/portals/257/forum_home?phase=open)

Please let me know if I can provide any additional information.

Best,  
Alene

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**Alene Pearson**

Principal Planner, Land Use Planning Division  
Planning and Development Department  
City of Berkeley  
apearson@cityofberkeley.info





**Lapira, Katrina**

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**From:** Hella Ruud <hellaruud@gmail.com>  
**Sent:** Thursday, September 3, 2020 1:53 PM  
**To:** Greene, Elizabeth; Pearson, Alene; Planning Dept. Mailbox; sustainabilitymailbox  
**Cc:** SKrpata@cityofberkeley.info; Lacey@cityofberkeley.info; RKapla@cityofberkeley.info; SMartinot@cityofberkeley.info; Davila, Cheryl; Harrison, Kate; Bartlett, Ben; Berkeley Mayor's Office; Hernandez, Lisa; Manager, C; Sharon Dolan; PC Munoz; Jill Randall; Natalia Neira  
**Subject:** Southside Plan: Question - Change in S Boundary? Additions to public comment record, please

**WARNING:** This email originated outside of City of Berkeley.  
**DO NOT CLICK ON** links or attachments unless you trust the sender and know the content is safe.

Dear Mss Greene, Pearson and Commissioners, I have a copy of the "old" (2011?), original Southside Plan that states the South border as DERBY Street running downtown all the way to the West border past the Elmwood Park -- Is that correct, or the DWIGHT WAY South border in your 830 page packet? It also requires stringent livability EIRs. My comments last night were informed by the "old" border, and I would like to add these comments to address specific issues of the EIR as well.

Please cc to the Commissioners I don't have e-mail addresses for, or if the ones above are incorrect, and cc me here. Do send me 2 hard copies of the Agenda and full Southside Plan (EIR) document. 2951 Derby St, #130, 94705-1354. One for me and one for the Tenants' Association. Thank you.

Although the plan presented last night is admirably prepared, researched and thorough, you may want to propose a "reasonable range of alternatives," particularly to "analyze cumulative impacts." (p. 8) I would like to see the Commission consider comments of Katrina (LaConte Neighborhood Assn.), Liuzzi, Gur-Ayre, Taplan, Bokovoy, Fred and myself who voiced concerns about how:

The possibility that assumptions about density, need and unit occupancy may "no longer be applicable" in assessing "potential environmental effects" in light of data collection, COVID, business and University changes long-term.

The expansion of state density bonus for "vulture" housing developers offering "affordable" housing units which are in no way truly "affordable," either to students or certainly not to displaced "African-Americans...low-income, working-class, and unhoused people" (Friends of Adeline, March, 2020, The Berkeley Times) damage Berkeley.

Exactly how "high-rise" and 3-4 story will have "cumulative" "potential significant impacts" on non-student, non-business and non-housing-owner "humans". (p. 154) for

Air Quality

Greenhouse gasses

Traffic, ADA required and Emergency services congestion and access/ evacuation; particularly at "pinch points" like Warring and Derby, College and Durant etc. WITHOUT significant, coordinated changes in pedestrian, bike lane, scooter; AC, East Bay Paratransit and Cal transit bus; OFFSITE PARKING AND SHUTTLE BUS, electric and multi-passenger, more frequent vehicles due to the surplus population of AT LEAST 10K people clustered South of campus and East of Berkeley City Center.

I, too, was surprised that there was "no impact" assessed for

Recreation

Wildfire (especially evacuation)

Hazards (seismic, so close to the Hayward earthquake fault) and

Aesthetics.

The "shadow studies," "height," "walkability," "lot setbacks," parking and "recreational" greenspace humane "aesthetics" REQUIRE "realistic" "robust analysis" for health and safety impacts for ALL segments of the community; as well as visitors, commuting workers and students from all corners of the Bay Area, and, frankly, the world.

The 196 disabled, ill and/or over-55 Redwood Gardens and Elmwood neighborhood folks have had a surprisingly pleasant "extended vacation" period with the exit of most Cal faculty and students in the past 3+ months. In spite of COVID-19 sheltering in place, severely reduced bus service and recent smoke; we have been walking, living and "breathing easier" physically and emotionally due to the

Traffic

Dark skies

Noise and

Public Services

reduction in "normal" congestion due to the radical decrease of campus and downtown population "density."

We miss friends, small businesspeople and cultural events impacted by the pandemic and economic downturn (personal financial "security"); but not the environmental "stress" at all.

The present overarching political climate considers putting "the economy" second to human health, sanity and safety "Un-American;" and I must side with Councilpersons Harrison, Davila and Bartlett in their recent "nay" votes on Berkeley ordinances and policies that put Profit before People and "streamlined" "development" before sustainable, common-sense "alternatives." We CAN have an eye to the grassroots OPPORTUNITIES and community "benefits" possible during this "pause." "Don't panic, farm organic," and "don't agonize, organize," as we old hippies, co-ops and feminists used to say. There are quite a few of us "still here," and we're often willing to share skills, experience and collaborate.

With projects like the Southside, Adeline Corridor, Telegraph Avenue Commercial District and even the Downtown Arts Overlay, I must say "proceed with caution" to build relationships, "public policy" statements and campaign pledges that are backed up with actions and long-term "renewable resources" for the many, not just for the "disposable" use of the wealthy or risk-taking few. Thank you.

Wyndy Knox Carr