To: Honor able Mayor and Members of the City Council
From: Planning Commission
Submitted by: Jordan Harrison, Secretary, Planning Commission
Subject: Zoning Ordinance Amendment to Allow Development Flexibility for
Existing Public Libraries

RECOMMENDATION
Adopt Negative Declaration and first reading of an Ordinance to add BMC 23C.04.076
to allow (1) existing public libraries to be changed, expanded, or demolished and a new
public library constructed, and (2) modification of any Zoning Ordinance requirement
applicable to such projects with a Use Permit, rather than a Variance.

FISCAL IMPACTS OF RECOMMENDATION
By removing the requirement for Variances, the amendment would result in reduced
application fees for qualifying library projects.

CURRENT SITUATION AND ITS EFFECTS
The proposed zoning amendment would add a new section (23C.04.076) within BMC
Chapter 23C.04 (“Conforming and Non-Conforming Uses, Buildings, and Lots”) that
would allow existing public libraries, whether conforming or non-conforming, to be
changed, expanded, or demolished and a new public library constructed, and would
also allow modification of Zoning Ordinance requirements applicable to such projects
with a Use Permit, rather than a Variance. On May 26, 2010, the Planning Commission
recommended approval of the proposed amendment.

BACKGROUND
On November 4, 2008, Berkeley voters approved Measure FF, which authorized up to
$26 million in general obligation bonds to “renovate, expand, and make seismic and
access improvements at four neighborhood branch libraries”. The Library’s web site
provides the following information about the proposed improvements:

“Most of Berkeley’s neighborhood branch libraries have not been renovated in more
than 30 years, and findings from the recently completed Branch Libraries Facilities
Master Plan indicate the buildings have crowded spaces, suffer from structural and
infrastructure impairment, are not ADA-accessible and lack the infrastructure to meet
current and future technology needs. With more than 800,000 visits during the year,
the branches need substantial upgrades to ensure a safe environment and an
efficient operating system. The revenue from the bond will bring the buildings up to current code standards; meet seismic requirements; make all of the branches fully accessible to Berkeley’s diverse population; provide environmentally sustainable “green” operations; and create adequate space for the Tool Library and the adult literacy program, Berkeley Reads. Renovations will include the restoration and preservation of historic features at the branch libraries.”

The existing branch libraries were constructed between 1923 and 1961 and are lawful non-conforming uses and/or buildings. This status is based in part on intervening changes to the Zoning Ordinance and the current configurations of the sites. It has become clear during the preparation of schematic designs that the improvements being proposed would not comply with several requirements of the Zoning Ordinance, including but not limited to off-street parking, lot coverage, and setbacks. Although the improvements are not intended to expand library collections, programs, or staffing, it has proven difficult to comply with current zoning requirements because the libraries are located on relatively small sites with insufficient space to accommodate wider corridors, larger bathrooms and staff areas, and other needed upgrades while still meeting the zoning requirements.

Under the current Zoning Ordinance, there is no provision to modify these requirements for libraries, except with a Variance. Given the difficulty of making the required findings for a Variance, and the public support for the proposed improvements as evidenced by passage of Measure FF, staff prepared this Zoning Ordinance amendment to allow the Zoning Adjustments Board to modify the requirements of the Zoning Ordinance with a Use Permit.

On May 12, 2010, the Planning Commission set a public hearing for May 26, 2010 to consider the amendment. There was brief discussion of possible alternate language to clarify the intent of the amendment, and a question regarding whether Variances could still be approved for the projects (see under “Rationale for Recommendation” for staff’s response to the Variance issue). On May 26, the Commission held a public hearing. Two speakers raised concerns about the amendment, primarily regarding their desire for additional time to review the Proposed Negative Declaration and Initial Study, whether the library projects were consistent with the intent of Measure FF (due to the proposed demolition of two branches, and because the amount of new book shelving is not proportional to the new floor area being created), and alleged “de-emphasis” of physical books at the libraries (see Attachment 6). Two Commissioners expressed opposition to the amendment because they felt it would give special treatment to a particular use, and because they felt Variances could still be approved for the projects. The Commission voted 7-2 to recommend approval of the amendment to the City Council.

Since approval of the bond measure, the Library has conducted extensive public outreach as part of its design process, including meetings with neighbors, library users,
and the Landmarks Preservation Commission. Schematic designs have been completed, and Use Permit applications have been submitted, for the North, South and Claremont branch libraries. The North and Claremont branches were previewed by the Zoning Adjustments Board on June 10, and will return for formal action on July 8. If the ZAB approves the projects at that time, approval would be conditioned upon Council approval of this amendment, and Variances would not be required. The South branch project requires an environmental impact report (EIR) because it would demolish the existing library which is considered to have potential historical significance (although it is not a designated City landmark). The EIR is currently underway, and this project will not be ready for ZAB review until later this year. The application for the West branch project is expected to be submitted within the next two months, and will also require an EIR due to demolition of a potential historical resource. See below for a summary of the CEQA review for the proposed amendment.

Regarding the concerns raised by community members as to whether the proposed projects are consistent with Measure FF, the City Attorney has confirmed that Measure FF does not require expansion or retention of book shelving, and does not prohibit demolition. However, the City Attorney has also advised that Measure FF funds should not be used for demolition absent a validation action. Thus, at present there are no plans to use Measure FF funds for demolition. Rather, current plans are to use other funds for demolition. Because Measure FF expressly referred to “construction,” Measure FF funds may be used for construction of new libraries.

RATIONALE FOR RECOMMENDATION
The proposed amendment is necessary and appropriate for the following reasons:

- As discussed above, Berkeley voters have expressed support for the proposed branch library improvements by passing Measure FF. Without a zoning amendment, the Measure FF improvements would be more difficult to carry out due to the need for Variances.

- Variances are generally quite difficult to approve. Although one of the Commissioners suggested that the City could be more flexible in its interpretation of the Variance findings, the current approach to the Variance findings is based on the plain language of the findings, and on consistent, longstanding advice from the City Attorney. Deviation from the current approach would be more vulnerable to legal challenge.

- The amendment would more easily allow for substantial public benefits such as improved accessibility, seismic safety, and energy efficiency in the City’s branch libraries.
- The Measure FF improvements are not intended to expand library collections, programs, or staffing, therefore the proposed amendment is unlikely to result in any such expansion project in the foreseeable future.

- Staff has written the amendment to allow a broad range of improvements at the existing branch libraries, so that if future expansion or improvement of the libraries should be necessary, such projects could be carried out without Variances. Such projects would still be subject to a Use Permit, with a public hearing, a finding of no detriment, and an opportunity for appeal to the City Council.

- Allowing broad flexibility to modify zoning requirements is appropriate because the branch library projects are still in the schematic design phase, and because it cannot be anticipated at this time what the nature of future library improvements might be. In addition, there are adequate protections through the normal Use Permit process and the California Environmental Quality Act to ensure that any detrimental impacts of public library projects would be reduced or avoided.

ALTERNATIVE ACTIONS CONSIDERED
None.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)
A Proposed Negative Declaration and Initial Study were made available for public review from May 26 to June 15, 2010, with a finding that the proposed amendment would not have a significant effect on the environment (see Attachment 4). At this writing, no comments on the Negative Declaration have been received. Staff will forward any comments it receives to the Council. As discretionary projects, all projects proposed under this amendment would still be subject to review pursuant to CEQA.

CITY MANAGER
The City Manager concurs with the content and recommendations of the Planning Commission’s Report.

CONTACT PERSON
Debbie Sanderson, Manager, Land Use Planning, 981-7410

Attachments:
1: Ordinance
2: Public Hearing Notice
3: Staff Reports
4: Proposed Negative Declaration / Initial Study
5: Planning Commission minutes, May 12 and May 26, 2010
6: Correspondence submitted to Planning Commission
ORDINANCE NO. -N.S.

ADDING BERKELEY MUNICIPAL CODE SECTION 23C.04.076 TO ALLOW EXISTING PUBLIC LIBRARIES, WHETHER CONFORMING OR NON-CONFORMING, TO BE CHANGED, EXPANDED, OR DEMOLISHED AND A NEW PUBLIC LIBRARY CONSTRUCTED, AND ALLOW MODIFICATION OF ANY ZONING ORDINANCE REQUIREMENT APPLICABLE TO SUCH PROJECTS WITH A USE PERMIT, RATHER THAN A VARIANCE

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

Section 1. That Berkeley Municipal Code Section 23C.04.076 is added to read as follows:

Section 23C.04.076 – Exemptions for Existing Public Libraries

Notwithstanding any other provision of this Title, any conforming or lawful non-conforming public library existing as of May 1, 2010 may be (1) changed, (2) expanded, or (3) demolished and a new public library constructed on the same site, subject to issuance of a Use Permit, unless such change, expansion or new library is otherwise allowed by this Title. The Board may modify any requirement of this Title applicable to such change, expansion or new library as part of the Use Permit.

Section 2. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of Council Chambers, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.
PLANNING COMMISSION

NOTICE OF PUBLIC HEARING

APRIL 30, 2010

Zoning Ordinance Amendment: ALLOWING MODIFICATIONS TO YARDS, LOT COVERAGE, OFF-STREET PARKING AND OTHER STANDARDS FOR PUBLIC LIBRARIES

The Planning Commission of the City of Berkeley will hold a public hearing on the above matter, pursuant to Zoning Ordinance Section 23A.20.030, on Wednesday, May 12, 2010 at the North Berkeley Senior Center, 1901 Hearst Ave. (at Martin Luther King, Jr. Way), Berkeley (wheelchair accessible). The meeting starts at 7:00 p.m.

PROJECT DESCRIPTION: Staff is proposing that the Zoning Ordinance be amended to allow certain development standards to be modified for public libraries, with a Use Permit. Specifically, requirements for yards, lot coverage, and off-street parking could be modified in residential districts, and in the C-1 District, libraries would be exempt from minimum height and minimum ground floor commercial area requirements.

LOCATION: The proposed changes would apply to all public libraries in residential districts and the C-1 District. If the changes are adopted, the following proposed projects would be able to apply for modifications to the above requirements: North Branch Library (1170 The Alameda), Claremont Branch Library (2940 Benvenue Avenue), South Branch Library (1901 Russell Street), West Branch Library (1125 University Avenue).

ENVIRONMENTAL REVIEW STATUS: Environmental review is currently underway. Staff anticipates that a negative declaration will be prepared prior to City Council action.

PUBLIC COMMENT

Comments may be made verbally at the public hearing and in writing before the hearing. Those wishing to speak at the hearing must submit a speaker card. Written comments concerning this project should be directed to:

Planning Commission
Fax: (510) 981-7490
Jordan Harrison, Secretary
E-mail: jharrison@ci.berkeley.ca.us
Land Use Planning Division
2120 Milvia Street
Berkeley, CA 94704

To assure distribution to Commission members prior to the meeting, correspondence must be received by 12:00 noon, seven (7) days before the meeting. 15 copies must be submitted of any correspondence with more than ten (10) pages or any item submitted less than seven days before the meeting.

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. Agendas are also available on the Internet at: www.ci.berkeley.ca.us.

FURTHER INFORMATION

Questions should be directed to Aaron Sage, AICP, at (510) 981-7410 or asage@ci.berkeley.ca.us.

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STAFF REPORT

DATE: May 12, 2010

TO: Members of the Planning Commission

FROM: Aaron Sage, AICP
Senior Planner

SUBJECT: Zoning Ordinance Amendment to allow development flexibility for existing public libraries

Recommendation
Staff recommends that the Planning Commission review and consider a Zoning Ordinance amendment, discussed herein, and set the matter for a public hearing on May 26, 2010. No formal action is recommended at this time.

Background
On November 4, 2008, Berkeley voters approved Measure FF, which authorized up to $26 million in general obligation bonds to “renovate, expand, and make seismic and access improvements at four neighborhood branch libraries”. The Library’s web site provides the following information about the proposed improvements:

“Most of Berkeley’s neighborhood branch libraries have not been renovated in more than 30 years, and findings from the recently completed Branch Libraries Facilities Master Plan indicate the buildings have crowded spaces, suffer from structural and infrastructure impairment, are not ADA-accessible and lack the infrastructure to meet current and future technology needs. With more than 800,000 visits during the year, the branches need substantial upgrades to ensure a safe environment and an efficient operating system. The revenue from the bond will bring the buildings up to current code standards; meet seismic requirements; make all of the branches fully accessible to Berkeley’s diverse population; provide environmentally sustainable “green” operations; and create adequate space for the Tool Library and the adult literacy program, Berkeley Reads. Renovations will include the restoration and preservation of historic features at the branch libraries.”

Since approval of the bond measure, schematic designs for the North, South and Claremont branch libraries have been completed, and the schematic design for the
West branch is nearing completion. The Library has conducted extensive public outreach as part of the design process, including meetings with neighbors, library users, and the Landmarks Preservation Commission (see Attachment 1 for further details).

The existing branch libraries were constructed between 1923 and 1961 and are lawful non-conforming uses and/or buildings. This status is based in part on intervening changes to the Zoning Ordinance and the current configurations of the sites. It has become clear during the preparation of schematic designs that the improvements authorized under Measure FF also would not comply with several requirements of the Zoning Ordinance, including but not limited to off-street parking, lot coverage, and setbacks. Although the improvements are not intended to expand library collections, programs, or staffing, it has proven difficult to comply with current zoning requirements because the libraries are located on relatively small sites with insufficient space to accommodate wider corridors, larger bathrooms and staff areas, and other needed upgrades while still meeting the zoning requirements.

Under the current Zoning Ordinance, there is no provision to modify these requirements for libraries, except with a Variance. Given the difficulty of making the required findings for a Variance, and the public support for the proposed improvements as evidenced by passage of Measure FF, staff has prepared a proposed Zoning Ordinance amendment that would allow the Zoning Adjustments Board to modify the requirements of the Zoning Ordinance with a Use Permit.

Discussion
The proposed amendment would add the following section to BMC Chapter 23C.04, “Conforming and Non-Conforming Uses, Buildings and Lots”:

Section 23C.04.076 – Exemptions for Existing Public Libraries

Notwithstanding any other provision of this Title, any conforming or lawful non-conforming public library may be changed, expanded, or demolished and a new public library constructed on the same site and/or any adjacent site owned by the City as of May 1, 2010, subject to issuance of a Use Permit. The Board may modify any requirement of this Title applicable to such change, expansion or new library as part of the Use Permit.

The proposed amendment is necessary and appropriate for the following reasons:

- As discussed above, Berkeley voters have expressed support for the proposed branch library improvements by passing Measure FF. Without a zoning amendment, the Measure FF improvements would be difficult to carry out, due to the need for Variances. It is reasonable to infer that the voters also support zoning amendments that would be necessary to implement Measure FF.
• By removing the need for Variances, the amendment would help to provide
substantial public benefits such as improved accessibility, seismic safety, and
energy efficiency in the City’s branch libraries.

• The Measure FF improvements are not intended to expand library collections,
programs, or staffing, therefore the proposed amendment is unlikely to result in
any such expansion project in the foreseeable future.

• Staff has written the amendment to allow a broad range of improvements at the
existing branch libraries, so that if future expansion or improvement of the
libraries should be necessary, such projects could be carried out without
Variances. Such projects would still be subject to a Use Permit, with a public
hearing, a finding of no detriment, and an opportunity for appeal to the City
Council.

• Allowing broad flexibility to modify zoning requirements is appropriate because
the branch library projects are still in the schematic design phase, and because it
cannot be anticipated at this time what the nature of future library improvements
might be. In addition, there are adequate protections through the normal Use
Permit process and the California Environmental Quality Act to ensure that any
detrimental impacts of public library projects would be reduced or avoided.

Environmental Review
Staff will be preparing an Initial Study / Proposed Negative Declaration for the Planning
Commission’s consideration on May 26. Due to time and staffing constraints, the public
comment period for the Initial Study / Proposed Negative Declaration will extend beyond
May 26. The Commission will be informed of any substantial public comments received
after May 26. More detailed environmental review will be conducted for each of the
proposed branch library projects prior to ZAB action. It is too speculative to conduct
environmental review on other projects that might be proposed in the future under this
amendment.

Conclusion and Next Steps
Staff recommends that the Planning Commission set this matter for a public hearing on
May 26, 2010.

Staff anticipates forwarding the Planning Commission’s recommendation to the City
Council for consideration on July 6 and July 13. The Library is desiring expedited
processing of its Use Permit applications in order to maintain momentum on the projects
and obtain beneficial financing and construction bids. One or more of the projects may
also require further environmental review and design review by the Design Review
Committee and/or Landmarks Preservation Commission.
STAFF REPORT

DATE: May 26, 2010

TO: Members of the Planning Commission

FROM: Aaron Sage, AICP
Senior Planner

SUBJECT: Zoning Ordinance Amendment to allow development flexibility for existing public libraries

Recommendation
Staff recommends that the Planning Commission hold a public hearing and recommend that the City Council approve the Zoning Ordinance amendment discussed herein and in the staff report dated May 12, 2010.

Background
On May 12, 2010, the Planning Commission set this matter for a public hearing. Please refer to staff report for May 12, 2010 for further background regarding the proposed amendment.

Discussion
The current recommendation is as follows. As staff mentioned at the last meeting, the previous language regarding adjacent sites has been removed because this language is not necessary. Staff has also added numbers to clarify that construction of a new library is not required to take advantage of this section.

Section 23C.04.076 – Exemptions for Existing Public Libraries

Notwithstanding any other provision of this Title, any conforming or lawful non-conforming public library may be (1) changed, (2) expanded, or (3) demolished and a new public library constructed on the same site, subject to issuance of a Use Permit. The Board may modify any requirement of this Title applicable to such change, expansion or new library as part of the Use Permit.

Only one major concern was raised by Commission members. Commissioner Poschman expressed concern that the amendment would not be necessary if staff
would interpret the Variance findings in BMC Section 23B.44.030 in a more flexible manner. Staff’s response is that the current approach to the Variance findings is based on the plain language of the findings, and on consistent, longstanding advice from the City Attorney, and therefore deviation from the current approach is not legally sustainable.

**Environmental Review**
The Initial Study / Proposed Negative Declaration for the proposed amendment is currently underway and will be distributed to the Commission prior to the meeting.

**Conclusion and Next Steps**
Staff recommends that the Planning Commission hold a public hearing and recommend that the City Council approve the Zoning Ordinance amendment discussed herein.

Staff anticipates forwarding the Planning Commission’s recommendation to the City Council for consideration on June 29 and July 6. The Library is desiring expedited processing of its Use Permit applications in order to maintain momentum on the projects and obtain beneficial financing and construction bids. Therefore, the Claremont and North Branch projects have been scheduled for consideration by the Zoning Adjustments Board on June 10 (for a preview) and on July 8 (for formal approval conditioned upon Council adoption of the amendment). One or more of the projects may also require further environmental review and design review by the Design Review Committee and/or Landmarks Preservation Commission.
SUPPLEMENTAL STAFF REPORT

DATE: May 26, 2010

TO: Members of the Planning Commission

FROM: Aaron Sage, AICP
       Senior Planner

SUBJECT: Zoning Ordinance Amendment to allow development flexibility for existing public libraries

Discussion
Staff would like to propose the following underlined changes to the language provided in the main report:

Section 23C.04.076 – Exemptions for Existing Public Libraries

Notwithstanding any other provision of this Title, any conforming or lawful non-conforming public library existing as of May 1, 2010 may be (1) changed, (2) expanded, or (3) demolished and a new public library constructed on the same site, subject to issuance of a Use Permit, unless such change, expansion or new library is otherwise allowed by this Title. The Board may modify any requirement of this Title applicable to such change, expansion or new library as part of the Use Permit.

The first change makes it clear that this provision applies only to the existing library sites, and not to other library sites that might be established in the future. Without this change, libraries on other sites would fall under this provision once constructed. Staff recommends excluding such future sites in order to focus the environmental review for the amendment, to be more consistent with the intent of Measure FF, and because the Library has no plans at this time to create any new library sites.

The second change is due to the fact that certain changes or expansions to the existing libraries are currently allowed with a lower level of review than a Use Permit. For example, expanding a conforming library in a manner that meets applicable zoning requirements may only require a Use Permit modification, and certain minor changes may even be allowed without discretionary review, per BMC Section 23B.56.020.A.
Staff recommends this change in order to ensure that future library improvements are not required to go through a more rigorous review process than would otherwise be required.

These changes do not require any new public notification because they reduce the scope of the amendment.
Pursuant to Article 6 of the CEQA Guidelines, the City of Berkeley Land Use Planning Division has prepared this document because the City proposes to find that the project described herein would not have a significant effect on the environment. The public comment period for the proposed negative declaration shall be from May 26 to June 15, 2010.

PROJECT DESCRIPTION
The proposed project is an amendment to the City’s Zoning Ordinance (Berkeley Municipal Code Title 23) that would allow modification with a Use Permit of any zoning requirement applicable to a change, expansion, or reconstruction of an existing public library, where a Variance is currently required for most such modifications. The proposed amendment would not affect existing requirements for a Use Permit for any new library or for any change or expansion of an existing nonconforming library. The draft proposed amendment is as follows, and is subject to further review and modification by the Planning Commission and City Council:

Notwithstanding any other provision of this Title, any conforming or lawful non-conforming public library existing as of May 1, 2010 may be (1) changed, (2) expanded, or (3) demolished and a new public library constructed on the same site, subject to issuance of a Use Permit, unless such change, expansion or new library is otherwise allowed by this Title. The Board may modify any requirement of this Title applicable to such change, expansion or new library as part of the Use Permit.

The main purpose of the amendment is to facilitate the approval of improvements authorized under Measure FF, a bond measure approved by Berkeley voters in November 2008 to “renovate, expand, and make seismic and access improvements at four neighborhood branch libraries”. The amendment would also allow modification of zoning requirements applicable to future, as yet unknown, improvements that may be necessary. The amendment would not allow modification of zoning standards for any newly constructed building on a site other than the five currently existing library sites.

PROJECT LOCATION
The proposed amendment would apply to existing Berkeley public libraries, which are as follows:

Central Library
2090 Kittredge Street and 2031 Bancroft Way
APNs: 057-2028-017-01, 057-2028-005-00

South Branch Library
1901 Russell Street
APN: 053-1679-016-01

Claremont Branch Library
2940-2950 Benvenue Avenue
APNs: 052-1573-016-00, 052-1573-017-00

West Branch Library
1125 University Avenue
APN: 057-2085-011

North Branch Library
1170 The Alameda
APN: 061-2605-035-00

PROJECT PROPOSED
City of Berkeley

FURTHER INFORMATION
The proposed negative declaration and initial study are available at the Land Use Planning Division, 2120 Milvia Street, Berkeley, and online at http://www.ci.berkeley.ca.us/ContentDisplay.aspx?id=362. For further information, please contact Aaron Sage, Senior Planner, at 510-981-7425 or asage@cityofberkeley.info.

Attachment: Initial Study
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PROJECT SUMMARY INFORMATION

1. Project Title: Zoning Amendment for Public Libraries

2. Lead Agency/Project Sponsor: Planning and Development Department
City of Berkeley
2120 Milvia Street
Berkeley, CA 94704

3. Contact Person: Aaron Sage, AICP
Senior Planner
(510) 981-7425
asage@cityofberkeley.info

4. Project Location: The proposed amendment would apply to all existing Berkeley public libraries, as follows:

Central Library
2090 Kittredge Street and 2031 Bancroft Way
APNs: 057-2028-017-01, 057-2028-005-00

Claremont Branch Library
2940-2950 Benvenue Avenue
APNs: 052-1573-016-00, 052-1573-017-00

North Branch Library
1170 The Alameda
APN: 061-2605-035-00

South Branch Library
1901 Russell Street
APN: 053-1679-016-01

West Branch Library
1125 University Avenue
APN: 057-2085-011

5. General Plan Designation: Central: Downtown
Claremont: Medium Density Residential
North: Low Density Residential
South: Medium Density Residential
West: Avenue Commercial/Medium Density Residential
6. Zoning:
   Central: C-2 (Central Commercial)
   Claremont: R-2A (Medium Density Residential)
   North: R-1 (Single-Family Residential)
   South: R-2A (Medium Density Residential)
   West: C-1 (General Commercial)/R-3 (Multiple Family Residential)

7. Description of Project:

   The proposed project is an amendment to the City’s Zoning Ordinance (Berkeley Municipal Code Title 23) that would allow modification with a Use Permit of any zoning requirement applicable to a change, expansion, or reconstruction of an existing public library, where a Variance is currently required for most such modifications. The proposed amendment would not affect existing requirements for a Use Permit for any new library or for any change or expansion of an existing nonconforming library. The draft proposed amendment is as follows, and is subject to further review and modification by the Planning Commission and City Council:

   Notwithstanding any other provision of this Title, any conforming or lawful non-conforming public library existing as of May 1, 2010 may be (1) changed, (2) expanded, or (3) demolished and a new public library constructed on the same site, subject to issuance of a Use Permit, unless such change, expansion or new library is otherwise allowed by this Title. The Board may modify any requirement of this Title applicable to such change, expansion or new library as part of the Use Permit.

   The main purpose of the amendment is to facilitate the approval of improvements authorized under Measure FF, a bond measure approved by Berkeley voters in November 2008 to “renovate, expand, and make seismic and access improvements at four neighborhood branch libraries”. The amendment would also allow modification of zoning requirements applicable to future, as yet unknown, improvements that may be necessary. The amendment would not allow modification of zoning standards for any newly constructed building on a site other than the five currently existing library sites.

8. Surrounding Land Uses and Environmental Setting:

   **Central Library:** The Central Library is located in Downtown Berkeley at the corner of Shattuck Avenue and Kittredge Street. The site is surrounded by multi-family residential and commercial uses. The site and surrounding area are urbanized, with no significant biological resources.

   **Claremont Branch:** The Claremont Branch library is located at Ashby and Benvenue Avenues in the Elmwood neighborhood, a predominantly residential neighborhood with a small-scale commercial district. The site is adjoined by a dentist office and
single-family residences. The site and surrounding area are urbanized, with no significant biological resources.

**North Branch**: The North Branch library is located in a residential neighborhood in North Berkeley, at the corner of The Alameda and Hopkins Street. The site is surrounded by single-family residences. The site and surrounding area are urbanized, with no significant biological resources.

**South Branch**: The South Branch library is located in a residential neighborhood in South Berkeley, at the corner of Martin Luther King, Jr. Way and Russell Street. The site is adjoined by a religious assembly use (Buddhist temple) and a vacant lot with an approved permit for a parking lot for the temple. Residential uses and a City park are located across the street from the site. The site and surrounding area are urbanized, with no significant biological resources.

**West Branch**: The West Branch library is located on University Avenue, a major commercial thoroughfare, between San Pablo Avenue and Curtis Street. Commercial uses (retail and hotel) adjoin the site on University Avenue and multi-family residences adjoin the site to the north. A mixed-use building with multi-family residences and ground-floor commercial space is located across the street from the site. The site and surrounding area are urbanized, with no significant biological resources.

9. **Other public agencies whose approval is required**: None.

**DETERMINATION**: (To be completed by Lead Agency)
On the basis of this initial evaluation, I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

---

Signature

Date

Printed Name

For
ENVIRONMENTAL IMPACTS:

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I. AESTHETICS -- Would the project:

a) Have a substantial adverse effect on a scenic vista?

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

c) Substantially degrade the existing visual character or quality of the site and its surroundings?

d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

Discussion

a) **Scenic Vistas**: Although the City has not formally adopted a definition of "substantial adverse effect on a scenic vista" for the purposes of environmental review, the General Plan and Zoning Ordinance provide some guidance on this issue. General Plan Policy UD-31 states that "construction should avoid blocking significant views, especially ones toward the Bay, hills, and significant landmarks such as the Campanile, Golden Gate Bridge, and Alcatraz Island. Whenever possible, new buildings should enhance a vista or punctuate or clarify the urban pattern." Section 23F.04.010 of the Zoning Ordinance defines "view corridor" as "a significant view of the Berkeley Hills, San Francisco Bay, Mt. Tamalpais, or a significant landmark such as the Campanile, Golden Gate Bridge, and Alcatraz Island or any other significant vista that substantially enhances the value and enjoyment of real property."

The proposed amendment does not authorize any particular change in the physical environment, and therefore will not have any direct impact. The existing library sites are located in built-up, flatland areas and therefore additional development on these sites would be unlikely to block any scenic vista, particularly since proposed
actions pursuant to Measure FF are limited to improving or replacing, rather than substantially expanding, existing library structures. It is too speculative to assess the potential impacts of other future projects constructed pursuant to the amendment. Each future project would be subject to appropriate environmental review at the time a Use Permit is considered.

b) Scenic Highways: California’s Scenic Highway Program was established in 1963 to “add to the pleasure of the residents of this State,” and to encourage “the growth of the recreation and tourist industries upon which the economy of many areas of this State depend” (California Department of Transportation, 2001). In Alameda County, segments of Interstate 580 are designated by the State Department of Transportation (Caltrans) as California Scenic Highways, which requires the protection of scenic resources visible from the roadway. The existing library sites are not visible from Interstate 580, and are not located within a designated scenic highway or within a protected visual corridor. The City of Berkeley’s General Plan does not designate any scenic roadways. It is too speculative to assess the potential impacts of other future projects constructed pursuant to the amendment. Each future project would be subject to appropriate environmental review at the time a Use Permit is considered.

c) Visual Character/Quality: The proposed amendment does not authorize any particular change in the physical environment, and therefore will not have any direct impact. Projects proposed pursuant to Measure FF will be analyzed prior to Use Permit approval to determine if this impact would occur. However, it is likely these projects would improve the appearance of existing library sites by restoring existing structures and providing new landscaping and other site improvements. It is too speculative to assess the potential impacts of other future projects constructed pursuant to the amendment. Each future project would be subject to appropriate environmental review at the time a Use Permit is considered.

d) Lighting and Glare: The proposed amendment does not authorize any particular change in the physical environment, and therefore will not have any direct impact. Projects proposed pursuant to the amendment would be subject to a standard condition of approval that requires “all exterior lighting [to] be shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.” Projects proposed pursuant to the amendment would also be subject to design review, which typically includes a review of proposed materials to ensure they are not excessively reflective or create glare.
II. AGRICULTURE RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?  □ □ □ ☒

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?  □ □ □ ☒

c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?  □ □ □ ☒

Discussion

There are no agricultural resources in Berkeley.
III. AIR QUALITY: Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. **Would the project:**

a) Conflict with or obstruct implementation of the applicable Air Quality Attainment Plan?
   ![☐ ☐ ☒ ☐]

b) Violate any air quality standard or contribute to an existing or projected air quality violation?
   ![☐ ☐ ☒ ☐]

c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?
   ![☐ ☐ ☒ ☐]

d) Expose sensitive receptors to substantial pollutant concentrations?
   ![☐ ☐ ☒ ☐]

e) Create objectionable odors affecting a substantial number of people?
   ![☐ ☐ ☒ ☐]

**Discussion**

a-c) The San Francisco Bay Area occasionally violates State and federal standards for ozone, particulate matter less than 10 microns in diameter (PM_{10}) and less than 2.5 microns (PM_{2.5}). Ozone forms due to reactions of precursor chemicals, known as criteria pollutants, nitrous oxides (NO_x), reactive organic gases (ROGs), with oxygen and sunlight. Fine particulate matter, PM_{10} and PM_{2.5}, and ozone precursors would be generated by diesel-powered construction equipment and by passenger vehicles associated with future library projects that may be approved pursuant to the amendment.
The Bay Area Air Quality Management District (BAAQMD) is responsible for developing regional plans for ozone reduction. On-site operation of construction equipment is subject to BAAQMD Rules and Regulations and compliance with these ensures that the goals of regional air quality plans are not obstructed and that operation of construction equipment does not have a significant effect upon ozone formation or production of other pollutants.

Construction activity also produces dust which can add to the amount of airborne particulates. However, each future library project would be subject to the standard City of Berkeley controls for dust minimization. By definition, these would limit dust-related impacts to less than significant.

Asbestos removal from existing structures would be conducted in accordance with the procedures specified in Regulation 11, Rule 2 (Asbestos Demolition, Renovation and Manufacturing) of BAAQMD regulations, also reducing the impacts to less than significant.

Due to the relatively small size of existing library sites, on-road construction-related vehicles would not be numerous and would not have a significant effect upon air quality.

Since projects proposed pursuant to Measure FF are not intended to substantially expand existing library programs, operation of these projects would not differ significantly from operation of the existing libraries with respect to air pollutant emissions. Improved building insulation and heating and air conditioning (HVAC) systems would be expected to result in fewer emissions. As the patronage of the library and the number of library employees is not anticipated to increase as a result of these projects, there would be no additional passenger vehicle trips. This issue would be analyzed prior to Use Permit approval for any specific project to determine if this impact would occur. It is too speculative to assess the potential impacts of future projects constructed pursuant to the amendment. Each future project would be subject to appropriate environmental review at the time a Use Permit is considered.

d) Dust control measures required as standard conditions of approval for each project constructed pursuant to the proposed amendment, and adherence to BAAQMD Rules and Regulations to reduce construction dust and diesel particulate emissions, would be expected to minimize the exposure by sensitive receptors to acceptable levels.

e) Libraries do not generate objectionable odors, nor would construction activities.
IV. BIOLOGICAL RESOURCES -- Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? □ □ □ ☒

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? □ □ □ ☒

c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? □ □ □ ☒

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? □ □ □ ☒

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? □ □ □ ☒
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? □ □ □ ☒

Discussion

All of the existing library sites are located in urbanized settings with no significant biological resources on site.

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V. CULTURAL RESOURCES – Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5? □ □ ☒ □

b) Cause a substantial adverse change in the significance of a unique archaeological resource pursuant to §15064.5? □ □ ☒ □

c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? □ □ ☒ □

d) Disturb any human remains, including those interred outside of formal cemeteries? □ □ ☒ □

Discussion

a-b) Cultural/Archaeological Resources: Although several of the existing libraries are designated or potential historical resources, the proposed amendment does not directly authorize any physical changes to these structures, and therefore will not
have any direct impact. Projects proposed pursuant to Measure FF will be analyzed prior to Use Permit approval to determine if this impact would occur.

c-d) Paleontological Resources/Unique Geologic Features/Human Remains: Library projects are unlikely to involve substantial excavation (such as for an underground parking area), and therefore are unlikely to disturb paleontological resources or unique geologic features. Four of the existing library sites have been in use as libraries since the 1930s or earlier. Prior to its construction in the early 1960s, the South Branch library was developed as a church, dating to the early 1900s. Therefore, the likelihood of human remains being encountered as these sites is extremely low.

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VI. GEOLOGY AND SOILS -- Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

ii) Strong seismic ground shaking?

iii) Seismic-related ground failure, including liquefaction?

iv) Landslides?

b) Result in substantial soil erosion or the loss of topsoil?

c) Be located on geologic unit or soil that is unstable, or that would become unstable
as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?

☐ ☐ ☒ ☐

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?

☐ ☐ ☒ ☐

e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

☐ ☐ ☐ ☒

Discussion

None of the existing library sites are located within the Alquist Priolo Earthquake Fault Rupture Zone, or within the potential liquefaction or landslide areas designated by the California Geological Survey. The existing library sites are all relatively flat and most are almost entirely covered with buildings or other impervious surfaces, limiting the potential for erosion impacts. Other soil stability issues would be addressed through normal building permit review procedures, which require a soils report for new buildings and major additions. Sewers are available throughout the City.

VII. GREENHOUSE GAS EMISSIONS

Would the project:

a) Generate greenhouse gas (GHG) emissions, either directly or indirectly, that may have a significant impact on the environment?

☐ ☐ ☒ ☐

b) Conflict with an applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of GHGs?

☐ ☐ ☒ ☐

Discussion

a) Greenhouse Gases: Gases that interfere with the balance of the sun’s radiation on the earth (the so-called greenhouse gases, or GHGs) are dominated by carbon dioxide. Projects constructed pursuant to the proposed amendment would
generate carbon dioxide from gasoline/diesel and electricity use during project demolition/construction and operation. However, the City of Berkeley requires that all current City-sponsored projects achieve a minimum of LEED silver standard that describes the efficiency of their building energy use, among other factors. Furthermore, the proposed amendment and the Measure FF projects are not intended to substantially expand existing libraries, but rather to facilitate improvements to existing structures including energy efficiency. Therefore, it is expected that projects constructed pursuant to the proposed amendment would use less energy for heating and cooling than the existing building. As the Measure FF projects are not anticipated to have more patrons or more library employees than the existing library, there would not be an increase in operational GHG from passenger vehicles as a result of the projects.

Demolition/construction activity will require the use of heavy equipment that produces GHGs. New construction materials used in each project also result in the production of GHGs during their manufacture. Draft significance criteria issued by the BAAQMD in October 2009\(^1\) do not include recommended values for construction-related GHG emissions by which the project could be judged. As projects constructed pursuant to the proposed amendment are expected to be relatively small, one-story library structures, the expected energy and GHG emissions savings from operation of the projects would probably surpass the GHG emissions from construction after a few years. The project would therefore have a less-than-significant impact on GHG emissions.

b) **Climate Action Plan:** The City of Berkeley adopted a Climate Action Plan (CAP) on June 2, 2009. The proposed amendment would encourage implementation of the CAP by facilitating improvements to the existing libraries’ energy efficiency, and by re-using existing library sites which are located on major transportation corridors in or near existing neighborhood activity centers, thereby encouraging walking, biking and transit to access the sites. Because projects constructed pursuant to the amendment would not likely provide additional vehicle parking, they would discourage automobile use. Such projects would therefore be consistent with adopted plans, policies and regulations.

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\(^1\) Information about the proposed BAAQMD CEQA thresholds can be found online at: [http://www.baaqmd.gov/Divisions/Planning-and-Research/CFQA-GUIDELINES.aspx](http://www.baaqmd.gov/Divisions/Planning-and-Research/CFQA-GUIDELINES.aspx)
VIII. HAZARDS AND HAZARDOUS MATERIALS
-- Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

☐ ☐ ☒ ☐

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

☐ ☐ ☒ ☐

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

☐ ☐ ☐ ☒

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

☐ ☐ ☐ ☒

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?

☐ ☐ ☐ ☒

f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?

☐ ☐ ☐ ☒
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

Discussion

a) **Construction Phase.** No projects that may be considered under the proposed amendment would involve the routine use and transport of hazardous materials or petroleum products. In the short-term, construction activities would require the use of certain materials such as fuels, oils, solvents, and glues that in large quantities could pose a potential hazard to the public or environment if improperly used or inadvertently released. Inadvertent release of large quantities of these materials into the environment could also adversely impact soil, surface waters, or groundwater quality. However, the on-site storage, or disposal of large (exceeding the reportable quantity, which is typically 25 gallons or more) quantities of potentially hazardous materials is not required for a construction project of the anticipated size and type.

Considering the quantities of hazardous materials required for the projects, release to the environment would only impact a relatively small and localized area for a short period of time and therefore, the impact would remain less than significant. The applicant or the applicant’s subcontractor would be responsible for adequate clean-up and disposal of affected media. If large spills of hazardous materials occurred on the project site, the applicant or its subcontractor would be responsible under State law to report such a spill to the appropriate agencies and clean-up the spill to acceptable levels. The use of best management practices typically implemented as part of construction would minimize the potential negative effects to groundwater and soils. These could include the following:

- Follow manufacturer’s recommendations on use, storage, and disposal of chemical products used in construction;
- Avoid overtopping construction equipment fuel gas tanks;
- During routine maintenance of construction equipment, properly contain and remove grease and oils;
- Properly dispose of discarded containers of fuels and other chemicals.
**Operational Impacts.** Libraries would use small quantities of household and commercial quantities of substances that, if not properly stored or used, could be considered hazardous to human health or the environment. These chemicals would include familiar materials such as toners, paints and thinners, lubricants, kitchen and restroom cleaners, and other maintenance materials. These common consumer products would be used for the same purposes as in any residential or neighborhood commercial use. Library maintenance staff would dispose these substances and the spent containers through household hazardous waste centers or through standard refuse collection. Considering the types, quantities, and use of commercially available household chemicals, the proposed project would not result in an adverse effect on the environment with respect to the use, storage, or disposal of hazardous substances and therefore the impact would remain less than significant.

b) Four of the existing library sites have been in use as libraries since the 1930s or earlier. Prior to its construction in the early 1960s, the South Branch library was developed as a church, dating to the early 1900s. Therefore, the likelihood of soil or groundwater contamination due to prior uses involving hazardous materials on these sites is extremely low. In addition, library projects are unlikely to involve substantial excavation (such as for an underground parking area), and therefore are unlikely to release any contaminants that may have traveled underground from nearby sites. In any case, a full review will be conducted prior to approval of any specific projects to determine if these impacts would occur.

c) As discussed above, libraries would not emit or handle any hazardous materials in sufficiently large quantities to pose a significant hazard to any nearby schools.

d) None of the existing library sites is listed on the State of California Hazardous Waste and Substances List (Cortese List) and therefore, projects on these sites would not represent a significant hazard to the public or the environment.

e,f) No properties in Berkeley are located within an airport land use plan, within two miles of a public airport or public-use airport, or within the vicinity of a private airstrip.

g) Projects constructed pursuant to the proposed amendment would not alter any existing roadways, and would be subject to standard review procedures to ensure that construction activities do not restrict emergency access, and therefore such projects would not obstruct or interfere with established emergency access and evacuation routes or interfere with other adopted emergency response plans during construction or during project operations.

h) For a discussion of fire protection services, see Section XIII. Public Services, below. According to the Berkeley General Plan, Berkeley “faces a significant wildland fire danger along its hillsides where the wildland and residential areas
interface.” According to Figure 14, *Hazardous Hill Area, Fire Station Locations and Evacuation Routes* in the Berkeley General Plan, none of the existing library sites are located within the Hill Fire Hazard Area. Therefore, there is would be no risk of loss, injury, or death involving wildland fires at the proposed project.

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IX. HYDROLOGY AND WATER QUALITY -- Would the project:

a) Violate any water quality standards or waste discharge requirements? □ □ □ □ ❌

b) 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 level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? □ □ □ □ ❌

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion of siltation on- or off-site? □ □ ❌ □

d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? □ □ ❌ □

e) Create or contribute runoff water which would exceed the capacity of existing or
planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

☐ ☐ ☒ ☐
f) Otherwise substantially degrade water quality?

☐ ☐ ☒ ☐
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?

☐ ☐ ☒ ☐
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?

☐ ☐ ☒ ☐
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?

☐ ☐ ☒ ☐
j) Inundation of seiche, tsunami, or mudflow?

☐ ☐ ☒ ☐

Discussion

a, c-f) Projects constructed pursuant to the proposed amendment would be required to comply with standard conditions that require covering of loose soils and other materials that might affect stormwater quality. More specific analysis of stormwater quality issues would be conducted prior to approval of any specific project.

b) The East Bay Plain (DWR Groundwater Basin No. 2-9.01) is an important and beneficial groundwater basin underlying the East Bay, and extending from Richmond to Hayward. The basin is identified for use as a municipal, industrial, and agricultural water supply. Depth to groundwater varies but is generally more than ten feet below ground surface. The East Bay Municipal Utility District (EBMUD) provides municipal water supply in the City of Berkeley. Because groundwater would not be used to supply water for any projects constructed pursuant to the proposed amendment, nor would such projects substantially change groundwater infiltration rates due to the fact that the existing library sites are relatively small and/or are already substantially covered with impervious surfaces, the project would have no impact on the aquifer volume or groundwater table level.
g,h) The existing library sites do not lie within the 100-year or 500-year flood plain as determined by the Federal Emergency Management Agency (FEMA) flood hazard mapping. Within the City of Berkeley, the FEMA 100-year flood plain establishes the base flood elevation for new construction. The City of Berkeley only requires site planning and drainage design for new construction proposed to be located within the 100-year flood plain.

i) There are no impounded water bodies upstream from any of the existing library sites that would subject the library sites to significant flooding in the event of rupture. Therefore, no loss resulting from failure of a dam is expected. In addition, all of the sites are located above sea level and are not subject to loss from failure of a levee.

j) Inundation of seiche or tsunami is unlikely at any of the existing library sites. Wave run-up from tsunami in the San Francisco Bay is expected to range between 0 and 20 feet, and the library sites are all located at least 0.9 miles from the San Francisco Bay. There are no water bodies upstream from the project sites (e.g., reservoirs, ponds, canals, etc.) that might experience flood waves.

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X. **LAND USE AND PLANNING -- Would the project:**

a) Physically divide an established community? ☐ ☐ ☐ ☒

b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? ☐ ☐ ☒ ☐

c) Conflict with any applicable habitat conservation plan or natural community conservation plan? ☐ ☐ ☐ ☐ ☒
Discussion

a) Projects constructed pursuant to the proposed amendment would be limited to their existing sites and therefore would not divide any established communities.

b) Projects constructed pursuant to the proposed amendment may include modification of certain zoning regulations. However, this practice is consistent with most major development projects in Berkeley, and the zoning regulations in question were not adopted for the purpose of avoiding or mitigating an environmental effect. The Zoning Adjustments Board would have adequate authority through the Use Permit process (e.g., finding of no detriment, conditions of approval) to ensure that requested modifications do not adversely impact the environment.

c) The existing library sites are located in urbanized areas, are not part of a riparian habitat or other natural community, or a federally protected wetland.

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XI. MINERAL RESOURCES -- Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? ☐ ☐ ☐ ☒

b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? ☐ ☐ ☐ ☒

Discussion

No mineral resources are identified within or around the existing library sites by either the Alameda County General Plan or the City of Berkeley’s General Plan.
XII. NOISE -- Would the project result in:

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport of public use airport, would the project expose people residing or working in the project area to excessive noise levels?

f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

Discussion

a-d) The City of Berkeley Noise Ordinance regulates the allowable hours for construction and demolition work and has guidelines for maximum allowable construction-related noise levels. Specifically, the Noise Ordinance restricts
construction to between the hours of 7:00 a.m. and 7:00 p.m. on weekdays, and
9:00 a.m. to 8:00 p.m. on weekends or holidays, unless a variance is secured from
the Environmental Health Division. As the branch library sites are located next to
existing residential properties and sensitive receptors, more restrictive hours may
be imposed on future library projects, using the standard Use Permit condition
which allows 8:00 a.m. to 6:00 p.m. Monday through Friday, and 9:00 a.m. to 12:00
p.m. on Saturdays.

Also, where technically and economically feasible, the noise ordinance requires
that construction activities be conducted in such a manner that the maximum noise
levels at affected properties will not exceed the maximum allowable noise levels
set forth in the ordinance. Depending on the site and its surrounding zoning, the
applicable standards would be from 75 to 85 dBA on weekdays, and 60 to 70 dBA
on weekends and legal holidays, at residential properties surrounding the project
site. In addition to these requirements, several standard conditions would be
applied, such as minimizing noise levels to the degree feasible through best
management practices, notifying neighbors in advance of construction, and
providing a noise complaint line. The noise ordinance and standard conditions for
noise control would prevent construction noise from any projects implemented
pursuant to the proposed amendment from causing significant impacts.

Libraries improved or replaced under the proposed amendment are expected to
have the same uses and number of patrons as the existing libraries. Noise levels
would therefore not change from existing project operation and there would be no
permanent operational impacts.

e-f) No properties in Berkeley are located within an airport land use plan, within two
miles of a public airport or public-use airport, or within the vicinity of a private
airstrip.

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**XIII. POPULATION AND HOUSING -- Would the project:**

a) Induce substantial population growth in an
area, either directly (for example, by
proposing new homes and businesses) or
indirectly (for example, through extension
of roads or other infrastructure)?

☐ ☐ ☒ ☐
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? ☐ ☐ ☐ ☒

c) Displace substantial numbers of people necessitating the construction of replacement housing elsewhere? ☐ ☐ ☐ ☒

Discussion

Projects constructed pursuant to this amendment would be limited to libraries and would not affect the residential population.

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XIV. PUBLIC SERVICES --

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:

- Fire protection? ☐ ☐ ☒ ☐
- Police protection? ☐ ☐ ☒ ☐
- Schools? ☐ ☐ ☐ ☒
- Parks? ☐ ☐ ☐ ☒
- Other public facilities? ☐ ☐ ☒ ☐

Discussion

The proposed amendment is intended to facilitate improvements to existing library sites, and projects proposed pursuant to Measure FF are limited to improving or replacing, rather than substantially expanding, existing library structures. Therefore, the amendment would not substantially increase library patronage or demand for fire and
police services. Furthermore, the amendment does not affect residential population and therefore would not affect demand for schools and parks.

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XV. RECREATION --

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? □ □ ✗ □

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? □ □ ✗ □

Discussion

a) The amendment does not affect residential population and therefore would not affect demand for parks.

b) Projects constructed pursuant to the proposed amendment would not include recreational facilities.
XVI. TRANSPORTATION / TRAFFIC -- Would the project:

a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume-to-capacity ratio on roads, or congestion at intersections)?

☐ ☐ ☒ ☐

b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?

☐ ☐ ☒ ☐

c) 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?

☐ ☐ ☐ ☒

d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

☐ ☐ ☐ ☒

e) Result in inadequate emergency access?

☐ ☒ ☐ ☐

f) Result in inadequate parking capacity?

☐ ☒ ☐ ☐

g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

☐ ☐ ☒ ☐
Discussion

a-b) The proposed amendment is intended to facilitate improvements to existing library sites, and projects proposed pursuant to Measure FF are limited to improving or replacing, rather than substantially expanding, existing library structures. Therefore, it is not expected that projects constructed pursuant to the proposed amendment would substantially increase traffic congestion. Individual projects would be reviewed pursuant to the Use Permit process to ensure that substantial vehicle trips are not added, and if so, further analysis and possible mitigations would be required. It is too speculative to assess the potential impacts of other future projects constructed pursuant to the amendment. Each future project would be subject to appropriate environmental review at the time a Use Permit is considered.

c) There would be no change to air traffic patterns associated with the project.

d) Given the limited scope of the proposed amendment, projects constructed pursuant to the amendment would not likely alter existing roadways or intersections, except perhaps to improve safety or efficiency. Specific site plans and improvements would be evaluated as part of the Use Permit process.

e) As with most major projects in Berkeley, vehicle access around the perimeter of the site on the existing surface streets would be preserved with temporary restrictions during the construction period. However, at all times adequate emergency access would be provided.

f) The Zoning Ordinance currently allows expansions of existing libraries in commercial districts to request a reduction of parking requirements with an Administrative Use Permit; the proposed amendment would not affect these existing provisions. The proposed amendment allows library projects in residential districts, or new library buildings in commercial buildings, to request a reduction of parking requirements with a Use Permit where a Variance would currently be required for such projects. Berkeley’s Zoning Ordinance currently allows such reductions for mixed use buildings, additions to existing buildings and changes of use in commercial districts, and office uses in the R-4 District.

Approval of such reductions is often granted based on the availability of on-street parking, transit service, bicycle accessibility, and location within a dense, walkable neighborhood. The Measure FF projects may require parking reductions because they are likely to involve additional floor area to meet accessibility requirements and provide adequate staff work areas, but they are located on sites too constrained to provide additional parking. However, the intent of these projects is not to expand library programs, services or collections, and therefore actual parking demand is not expected to substantially increase. In the event that parking demand does substantially increase, the project could result in inadequate parking
supply in the project area during periods of peak parking demand. However, lack of parking is not an environmental impact in and of itself. In this case, additional analysis would have to be conducted prior to approval of each subsequent project. It is too speculative to assess the potential impacts of other future projects constructed pursuant to the amendment. Each future project would be subject to appropriate environmental review at the time a Use Permit is considered.

g) Projects constructed pursuant to the proposed amendment would occur at existing sites and would not substantially alter existing roadways or bus stops, and therefore would not interfere with bus access. Bicycle and pedestrian access would be maintained to these sites using existing routes. City-sponsored projects must meet a minimum LEED rating of silver, and all major projects are reviewed interdepartmentally to ensure consistency with appropriate policies, including alternative transportation. This issue is also considered during the Use Permit process. Therefore, it can reasonably be expected that these projects would provide adequate bike parking and would not interfere with bus access or other policies, plans, or programs supporting alternative transportation.

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**XVII. UTILITIES AND SERVICE SYSTEMS --**

**Would the project:**

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

d) Have sufficient water supplies available to serve the project from existing
entitlements and resources, or are new or expanded entitlements needed? □ □ ☒ □

e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments? □ □ ☒ □

f) Be served by a landfill with sufficient permitted capacity to accommodate the project’s solid waste disposal needs? □ □ ☒ □

g) Comply with federal, state, and local statutes and regulations related to solid waste? □ □ ☒ □

Discussion

The proposed amendment is intended to facilitate improvements to existing library sites, and projects proposed pursuant to Measure FF are limited to improving or replacing, rather than substantially expanding, existing library structures. Sites are fully developed with buildings and impervious surfaces, with some landscaping that would be retained, replaced, or modified. LEED Silver and City standards require careful stormwater handling. Therefore, it is not expected that the amendment would generate an increase in stormwater runoff such that new treatment facilities would be required. In addition, uses and occupancy are anticipated to be essentially the same as existing sites. As such the water consumption, wastewater generation, and solid waste generation would essentially remain the same as present.

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XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife
population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

b) Does the project have impacts that are individually limited, but cumulative considerable? ("Cumulative considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Discussion

a) All of the existing library sites are located in urbanized settings with no significant biological resources on site. Historical resource impacts would be evaluated as part of site-specific CEQA analysis prior to approval of specific projects.

b) Given that the scope of the proposed amendment is focused on existing libraries, projects constructed pursuant to the amendment would not result in significantly considerable cumulative effects above and beyond what was already analyzed within the City of Berkeley General Plan EIR at full build out.

c) The project will not result in any potential environmental effects that will cause substantial adverse effects on human beings. The proposed project does not entail the use, storage or handling of any significant amounts of hazardous substances.

LIST OF SOURCES CONSULTED


California Geological Survey (CGS, formerly California Department of Conservation, Division of Mines and Geology), Special Studies Zone Map, Oakland West Quadrangle, January 1, 1982.

California Geological Survey (CGS, formerly California Department of Conservation, Division of Mines and Geology), The Loma Prieta (Santa Cruz Mountains), California, Earthquake of 17 October 1989, Special Publication 104, 1990.

California Geological Survey (CGS, formerly California Department of Conservation, Division of Mines and Geology), Special Publication 117: Guidelines for Evaluating and Mitigating Seismic Hazards in California, 1997

California Geological Survey (CGS, formerly California Department of Conservation, Division of Mines and Geology), Seismic Hazard Zones Map, Parts of the Oakland West Quadrangle, March 30, 2000


FINAL MINUTES OF REGULAR PLANNING COMMISSION MEETING
May 12, 2010

Time: The meeting was called to order by Chair Stoloff at 7:05 p.m.

Location: North Berkeley Senior Center.

ROLL CALL

Commissioners Present: Clarke, Dacey, Eisen, Gurley, Novosel, Pollack, Poschman, Samuels, Stoloff.

Commissioners Absent: None.

Staff Present: Harrison, Munowitch, Sanderson, Taecker.

PUBLIC COMMENT PERIOD

Two speakers.

APPROVAL OF MINUTES

Motion/Second/Carried to approve the draft minutes of April 28, 2010 special and regular meetings with minor revisions (GP/JN). Ayes: Clarke, Dacey, Eisen, Gurley, Novosel, Pollack, Poschman, Samuels, Stoloff. Noes: None. Abstain: None. Absent: None.

AGENDA ITEMS

Item 9: New Downtown Area Plan with General Plan Amendments

Two speakers

Action #1

PC recommends the New 2010 DAP draft of May 5 to City Council, with the changes described in the Staff Report of May 12, 2010, as modified by PC below.

After line 273 and line 284 insert: If it is finally determined that the subject building qualifies as a Landmark or Structure of Merit, then the proposed project shall not qualify for the entitlement process of the Voluntary Green Pathway and the standard entitlement process shall apply.

As stated in the May 12 staff memo, add the following sentence at the end of Policies ES-4.1, ES-4.2 & LU-2.1 (or add to one policy and cite in the others): At the recommendation of the Landmarks Preservation Commission and at the discretion of the Zoning Adjustments Board, requirements may be waived to encourage the adaptive reuse of older buildings; also give consideration to zoning provisions that define thresholds where substantial renovations and substantial additions to existing buildings may be exempt.
As stated in the May 12 staff memo, in Table LU-1, change note number 4 (on line 182) to say: (4) Community, entertainment, and museum buildings are exempt from minimum height requirement, as are projects for the adaptive reuse of existing buildings.

At the end of Policy LU-7.1, add: Development on parcels that remain residentially zoned shall be controlled by applicable residential zoning provisions, and shall not be subject to DAP development requirements described under Policies. With the intent of having residential zoning provisions apply, Staff shall review the draft DAP to identify which Policies would not apply to parcels that remain residentially zoned.


**Action #2**

In Policy LU-2.3, Voluntary Green Pathway, lines 274 and 285 refer to DRC as part of the entitlement process. Planning Commission recommends, instead, that the most appropriate procedure for reviewing Green Pathway projects be defined by the City Council, and might or might not include the DRC, with the objective being to expedite the process.


**Action #3**

Planning Commission recommends that Council consider incentives for office-commercial buildings along with the incentives that have already been drafted for residential-commercial buildings.


**Action #4**

Planning Commission recommends that Council add a policy that states: Development should be encouraged Downtown, rather than diverting development away from Downtown,


**Action #5**

Eliminate references to requirements that would otherwise be required by the building code, e.g. that Title 24 would apply to development projects.

Action #6

In Table LU-1, change the “Generally Allowed Maximum” (i.e. without Use Permit for Increased Height) to 60 feet.


Action #7

In Table LU-1, add a note stating that the ground floor of mixed-use buildings should have a height of at least 15 feet.


Action #8

In Table LU-1, change “buildings up to” to “buildings comparable to” and change note number 11 to read:

For reference, building permit documents show the height of the Great Western building to be 179 feet to the top of its structural system, and permit documents show the height of the Wells Fargo building to be 173 feet to the top of its penthouse (and about 165 feet to the roof over its occupied space).


Action #9

Recommend to the City Council adoption of the New 2010 DAP draft of May 5 as modified by the above actions.

Item 10: Zoning Ordinance Amendment to allow development flexibility for existing public libraries.

One speaker.


ADJOURNMENT

The meeting was adjourned at 9:25 pm

Commissioners in attendance: 9
Members of the public in attendance: 13
Public Speakers: 5
Length of the meeting: 2 hour 20 minutes
FINAL MINUTES OF REGULAR PLANNING COMMISSION MEETING
May 26, 2010

Time: The meeting was called to order by Chair Stoloff at 7:10 p.m.

Location: North Berkeley Senior Center.

ROLL CALL

Commissioners Present: Clarke, Dacey, Eisen, Doran (for Gurley), Novosel, Cohen (for Pollack), Poschman, Rhoades (for Samuels), Stoloff.

Commissioners Absent: None.

Staff Present: Harrison, Munowitch, Sanderson, Taecker.

PUBLIC COMMENT PERIOD

Four speakers.

APPROVAL OF MINUTES

Chair moved to approve the draft minutes of May 12, 2010 with minor revisions.

AGENDA ITEMS

Item 9: Zoning Amendments for Library Building Modifications


Four speakers.


Motion/Second/Carried to move the staff recommendation regarding Section 23C.04.076 as presented at the meeting (JN/TC). Ayes: Clarke, Eisen, Doran, Novosel, Cohen, Rhoades, Stoloff. Noes: Dacey, Poschman. Abstain: None. Absent: None.

ADJOURNMENT

The meeting was adjoumed at 9:15 pm

Commissioners in attendance: 9
FINAL MINUTES OF REGULAR PLANNING COMMISSION MEETING
May 26, 2010

30 Members of the public in attendance: 10
31 Public Speakers: 8
32 Length of the meeting: 2 hour 5 minutes
Berkeley Public Library’s Neighborhood Outreach for the Branch Improvement Program, 2008-2010

Working with the firm Noll & Tam Architects, the Library analyzed the condition of all four branches and estimated the work that would need to be completed to upgrade them to be seismically safe, ADA-accessible, and have modern electrical, plumbing, and mechanical systems. A Library Facilities Master Plan (LFMP) Advisory Committee, made up of community, Library Board, and staff members was formed in November 2007. In January 2008, the Library completed a Community Survey to solicit input from library patrons. The LFMP participated in open neighborhood Branch Community Meetings at each branch in February and March 2008: findings from these meetings were presented in an open meeting to the Board Library Facilities Master Plan (BLFMP) Advisory Committee in March 2008. The Library completed its Branch Facilities Master Plan (BFMP) (http://berkeleypubliclibrary.org/about_the_library/branch_libraries_FMP.php) in July 2008. In May 2008 the Board of Library Trustees approved putting a bond measure on the November 2008 ballot.

Berkeley Public Library provided voters in Berkeley with information about the condition of the branch libraries by producing for distribution inside and outside the Library both a fact sheet and a summary booklet of the BFMP (http://berkeleypubliclibrary.org/about_the_library/FMP-summary.pdf). Presentations about the conditions of the branch libraries, using these materials, were made by staff and Board in Summer 2008. In November 2008 Berkeley voters approved Measure FF to “renovate, expand, and make seismic and access improvements at four neighborhood branch libraries.”

Following approval of Measure FF the Library immediately began implementation. Included in these early steps was the development of a Communication Plan. A presentation about this Plan was made to the Board. Included in this plan were intensive efforts to produce email and U.S. mail lists to inform neighborhood constituents of the ongoing processes for each branch: research to compile email and U.S. mail lists was completed to inform individuals, community and neighborhood organizations, and government representatives of these processes. U.S. mail lists were also procured from the City of Berkeley to inform all residents who have requested updates on building projects within the City of Berkeley. Printed copies of updates and meeting notices are also sent to local organizations such as the YMCA, to parents through children in the City’s Parks and Recreation programs, and through School Board Meetings. Email notices are sent to individuals upon request, through survey results, to City government, and to organizations and groups. Banners and printed notices with announcements of upcoming community meetings are prominently displayed at each Branch Library and at Central Library. Delivering flyers to announce meetings has also been completed on foot by staff to residencies and businesses surrounding branches. Ads, including ¼-page ads, have been taken out in local papers to announce meetings dates and times.

Presentations are made on an ongoing basis of the Branch Library projects at community organizations such as the Chamber of Commerce, Rotary, the Berkeley Pathwayers, the Berkeley Art Center Board, the Berkeley Partners for Parks, and others organizations and community groups. The Director of Library Services makes regular Branch Bond reports to the Board of Library Trustees at each of their public meetings. The Director of Library Services and other library staff are also present at all Branch Community Meetings to work alongside the Architects to make presentations to the community and to solicit input through discussion, suggestion forms, and surveys. Architect teams and library staff have held at least one public meeting per design phase, as well as one presentation to the Board of Library Trustees at their public meetings. Below is a table delineating all Branch Community Meetings by Branch and Design Phase (Conceptual, Schematic, and Design Development) as well as Architect Presentations to Board of Library Trustees at their regular and special Board meetings:

Friday, May 07, 2010
<table>
<thead>
<tr>
<th>Branch</th>
<th>Community Meetings</th>
<th>Architect Presentations to Board of Library Trustees</th>
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Schematic - 02/03/2010  
Design Development - 03/31/2010  
Construction Documents to be planned | Conceptual - 12/09/2009  
Schematic - 02/10/2010  
Design Development - 05/12/2010  
Construction Documents to be planned |
Schematic - 12/01/2009  
Design Development - 02/24/2010  
Construction Documents to be planned | Conceptual - 10/20/2009  
Schematic - 01/13/2010  
Design Development - 05/25/2010  
Construction Documents to be planned |
| South | Conceptual - 09/17/2009, 10/01/2009  
Schematic - 01/27/2010  
Construction Documents to be planned | Conceptual - 10/14/2009  
Schematic - 02/10/2010  
Construction Documents to be planned |
| West | Conceptual - 12/03/2009, 01/07/2010, 02/03/2010  
Schematic - 04/22/2010  
Construction Documents to be planned | Conceptual - 02/06/2010, 02/10/2010, 03/10/2010  
Schematic - 05/12/2010  
Construction Documents to be planned |

Library staff has attended Landmarks Preservation Commission subcommittee meetings for each branch library project and have attended and made presentations at regular Landmark Preservation Meetings:

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<thead>
<tr>
<th>Branch</th>
<th>Landmarks Preservation Commission Meetings</th>
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<tbody>
<tr>
<td>Claremont</td>
<td>Discussion Items (Other) – April 1, 2010</td>
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</table>
| North | Discussion Items (Other) – March 4, 2010  
Public Hearing - April 1, 2010; May 6, 2010 |
| South | Informational – January 7, 2010  
Referrals – May 6, 2010 |
| West | Informational – March 4, 2010 |

Additionally, architect teams and library staff have met with groups of neighbors near branch libraries and will continue to do so. Outreach efforts will, of course, continue throughout the entire Branch Improvement Program to include more community meetings sharing information and soliciting input.

Friday, May 07, 2010
May 19, 2010

Planning Commission
Jordan Harrison, Secretary
Land Use Planning Division
2120 Milvia Street, 2nd Floor
Berkeley, CA 94704

To the Members of the City of Berkeley Planning Commission:

As Chair of the Board of Library Trustees, I urge the Commission to adopt the staff report recommending an amendment to the Zoning Ordinance for the reconstruction and rebuilding of the branch libraries under Measure FF.

The proposed amendment would create an exemption for existing public libraries and allow the Zoning Adjustments Board to modify the requirements of the Zoning Ordinance with a Use Permit. The amendment is necessary because the existing branch libraries, which were constructed between 1921 and 1963, no longer conform to the current requirements of Berkeley’s codes, including requirements for off-street parking, lot coverage and setbacks. While the existing buildings are grandfathered in place, and the planned renovations and/or new construction are not an expansion of library collections or services, the lots on which they are located are small and there is the need to provide upgraded and compliant facilities which might require variances of the current code.

As the Planning Commission staff notes in its report, the Library has planned and held numerous and extensive community outreach, including multiple public meetings for each branch scheme with library users and neighbors. The proposed designs have been subject to public comment and input. The Library has been working closely with members of the Landmarks Preservation Commission during the past year.

Furthermore, the amendment contemplates broad flexibility on any future library improvements. The branch projects are currently in schematic design and, while the designs are not yet finalized, the projects would still be subject to the requirements of a Use Permit, with a public hearing, a finding of no detriment and an opportunity to appeal to the City Council. Any future proposed changes would also be subject to the Use Permit and CEQA procedures.

The Library is anxious to move forward with the projects on an expedited basis so the community can enjoy the benefits of improved library branch buildings. The proposed amendment to the Zoning Ordinance will facilitate the process under Measure FF, while allowing for appropriate City review of the projects. It should be adopted.

Thank you for your consideration.

Susan Kupfer, Chair
Board of Library Trustees
Planning Commission  
c/o Jordan Harrison, Secretary  
Land Use Planning Division  
2120 Milvia Street  
Berkeley, CA 94704  
By email: jharrison@ci.berkeley.ca.us

Subject: **Opposing Zoning Ordinance Amendments for Library’s Current and Future “Improvement Projects” (on your 5-26-10 Agenda)**

Honorable Members:

As supporters of good libraries and good library service, we respectfully oppose granting the above-referenced zoning changes as a kind of partial zoning blanket check for current and as yet unspecified future “improvement projects,” as your public notice refers to them, by the Berkeley Public Library, and we ask you not to approve the amendments at your May 26, 2010 meeting or at any other meeting.

Our primary reasons are twofold:

1. **There is at least serious question as to whether the Library is doing the right thing with its planned renovations.** and instead degrading and dumbing down libraries through a book de-emphasis program that appears to be well along in the planning stages.  Despite a small increase in floor space, Claremont Branch is to receive a 23% decrease in linear feet of shelving.  West Branch is to receive 50% more floor space, but only a 3% increase in shelving.

2. **The Library has misrepresented its plans and misled the public with respect to the facts about its plans.** As a consequence, the Library needs far greater scrutiny for its actions, rather than another opportunity to evade accountability.

Some may argue that surely the Library has in the past fully reported, and would in future fully describe, its plans in public – but my personal experience at last week’s meeting of the Board of Library Trustees (BOLT) says otherwise.
WEST BRANCH
The architect’s presentation on West Branch plans at the May 12, 2010 BOLT meeting showed a new building – and a small portion of one chart showed a **50% increase in floor space but only a 3% increase in linear feet of shelving** for books and materials. These percentages, which represent a de-emphasis on books, were nowhere shown or mentioned in the agenda packet for the meeting, which included a memo to the Trustees from Director of Library Services Donna Corbeil, plus three attachments: a 4-22-10 Community Meeting announcement, meeting notes from the meeting, and eight pages of the architect’s “Design Schemes” and “Schematic Designs.” Neither the meeting announcement nor the notes, which included summaries what the architects said, made any mention of specific shelving statistics. (The notes said there were “7 non-library attendees, over ½ were first time attendees.”)

In the meeting room was a glossy, color booklet apparently prepared by the library, titled “Shaping the Future of Your Neighborhood Library; the Berkeley Public Library Branch Libraries Facilities Master Plan” (SFYNL), which purported to present a “summary of the Facilities Master Plan and the promise it brings for our branch libraries.” Neither the planned demolition of the West branch nor the book de-emphasis were even hinted at in the Library’s booklet. Instead the booklet boasted that the branch “In May of 2003, was designated by the City Landmarks Commission as a ‘Structure of Merit.’” A second page says, “The recommended RENOVATIONS will add much-needed space.” (Emphasis added.)

CLAREMONT BRANCH
The May 12, 2010 BOLT meeting continued with a different architect’s presentation on Claremont Branch renovations. No statistics were presented about such basic aspects of the renovation as floor space increases/decreases, shelving, etc. Only after two members of the public complained about a floor space reduction for children, and book reductions generally, did the library director acknowledge that some details could be found in the agenda packet. A page on “Existing Vs. Proposed Conditions” revealed **adult book shelving is to be cut by 27%, and overall shelving reduced 23%**. The Library’s booklet, SFYNL, says nothing about Claremont’s shelving reductions – instead, it says, “The branch boasts a large collection....” and it promises “a more efficient interior layout.”

We note that the library’s plan to cut 913 linear feet of shelving from Claremont’s current listed total of 4,027 was buried in a quarter-inch thick agenda packet, and is equal to eliminating more than 60 bookcases, each one three feet wide and five shelves high.

The Berkeley Public Library Foundation’s full-size color fundraising brochure, copies of which were also on the table at the meeting, is also misleading. The title

*Library Users Association . . . Page 2 of 3*
is, “Four Branches, One Goal; the Neighborhood Libraries Campaign.” It makes no mention of the planned book reductions at Claremont Branch and the book de-emphasis in West Branch, although it does reference “replacement of the current [West Branch] building with a brand new building.” For Claremont Branch, the brochure specifically praises written materials as follows: “Claremont’s collection – strong in travel, art, bestsellers, literary fiction, magazines, and newspapers – will be more accessible with the help of this [fund-raising] Campaign.” And on the opposite page, the brochure highlights in large type, “Last year, neighborhood library users checked out 875,000 items – books, DVDs, other media, and more.” (Emphasis in the original.) But nothing is said about Claremont’s many planned reductions in specific categories of shelving: 42 linear feet cut from Children’s Books, and 30 feet cut from Children’s A/V; Teen Books + A/V are to be cut by 105 linear feet. Adult Books are to be cut by 607 linear feet (from 2264, a 27% reduction). Adult Magazines are to be cut by 80 feet, Adult A/V cut by 172 feet (of an existing 252 – a 68% reduction). Lighter reading gets increased shelf space: Children’s Magazines, and Teen Magazines are increasing by 12 and 36 linear feet, respectively. The only other increase in shelving is +75 feet for holds, up from zero – these are materials obtained from other branches or library systems when not available at the branch.

The May 12, 2010 BOLT agenda packet included notes of a March 31, 2010 community meeting on Claremont Branch’s Design Development. The notes show “16 non-library audience members” attended. Of 15 comments, both that were related to shelving and books commented negatively on the book and shelving reductions. The two pages of notes do not say what, if anything, the public was shown or told about the reductions.

SUMMARY
While we have not yet reviewed renovation plans for the other two branches, we are very concerned that the product of at least these two library renovations appears to be a dumbing down of the service, while the Library’s practices both un-inform and mis-inform the public. We therefore ask you not to allow less accountability than is currently required. We urge rejection of the proposed zoning amendments to Title 23 of the Berkeley Municipal Code for “Development Flexibility for Existing Public Libraries.”

Library Users Association thanks you for your efforts on this matter.

Sincerely yours,

Peter Warfield, Executive Director
Library Users Association
Email: libraryusers2004 @ yahoo.com