



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

FOR BOARD ACTION
OCTOBER 25, 2018

1050 Parker Street Medical Office Building

Use Permit #ZP2018-0117 for the modification of Use Permit #ZP2016-0170 to allow for a previously approved, but not yet constructed, 60,670 square-foot building with 20,300 square feet of medical office use and 40,300 square feet of research and development use to be used entirely for medical offices. This project is in conjunction with construction of an off-site parking lot to provide for a portion the required parking (Use Permit #ZP2018-0116). A total of 115 automobile parking spaces and 46 bicycle parking spaces would be provided on the medical office site; an additional 88 automobile parking spaces would be provided at the off-site parking lot.

I. Background

A. Land Use Designations:

- General Plan: Manufacturing and Avenue Commercial
- Area Plan: West Berkeley Plan
- Zoning: Mixed Use Light Industrial (MU-LI) and Commercial West Berkeley (C-W)

B. Zoning Permits Required to be Modified:

- Use Permit under BMC Section 23E.64.030 to establish a medical office use with more than 5,000 square feet in the C-W District.
- Use Permit under BMC Section 23E.64.050.B.1 to construct more than 5,000 square feet of new floor area in the C-W District.

C. Permits Previously Granted:

- Use Permit under BMC Section 23E.64.030 to establish a medical office use with more than 5,000 square feet in the C-W District.
- Use Permit under BMC Section 23E.64.050.B.1 to construct more than 5,000 square feet of new floor area in the C-W District.

- Administrative Use Permit under BMC Sections 23E.64.080.J and 23E.80.080.E to allow for the substitution of bicycle or motorcycle parking spaces in place of up to 10% of the required automobile parking spaces.
- Administrative Use Permit under BMC Section 23E.80.030 to establish a research and development use with more than 20,000 square feet in the MU-LI District.
- Use Permit under BMC Section 23E.80.050.D to construct more than 20,000 square feet of new floor area in the MU-LI District.
- Administrative Use Permit under BMC Section 23E.04.040.A to install fences greater than six feet in height;
- Administrative Use Permit under BMC Section 23E.04.020.C to construct two mechanical penthouses and one elevator penthouse that would exceed the C-W District height limit;
- Administrative Use Permit under BMC Section 23E.28.080.B to locate ground level parking space within 20 feet of a street frontage; and
- Zoning Certificate under BMC Section 23E.64.030 to establish a quick service restaurant of less than 1,500 square feet in C-W District.

D. CEQA Determination: An Initial Study-Mitigated Negative Declaration (IS-MND) was prepared for this project, in its entirety, pursuant to the provisions of CEQA, and circulated for public review from September 4, 2018 to October 4, 2018. See Section VI.A below. The IS-MND, and all related analysis, is available on the City's website via the link that is provided below.

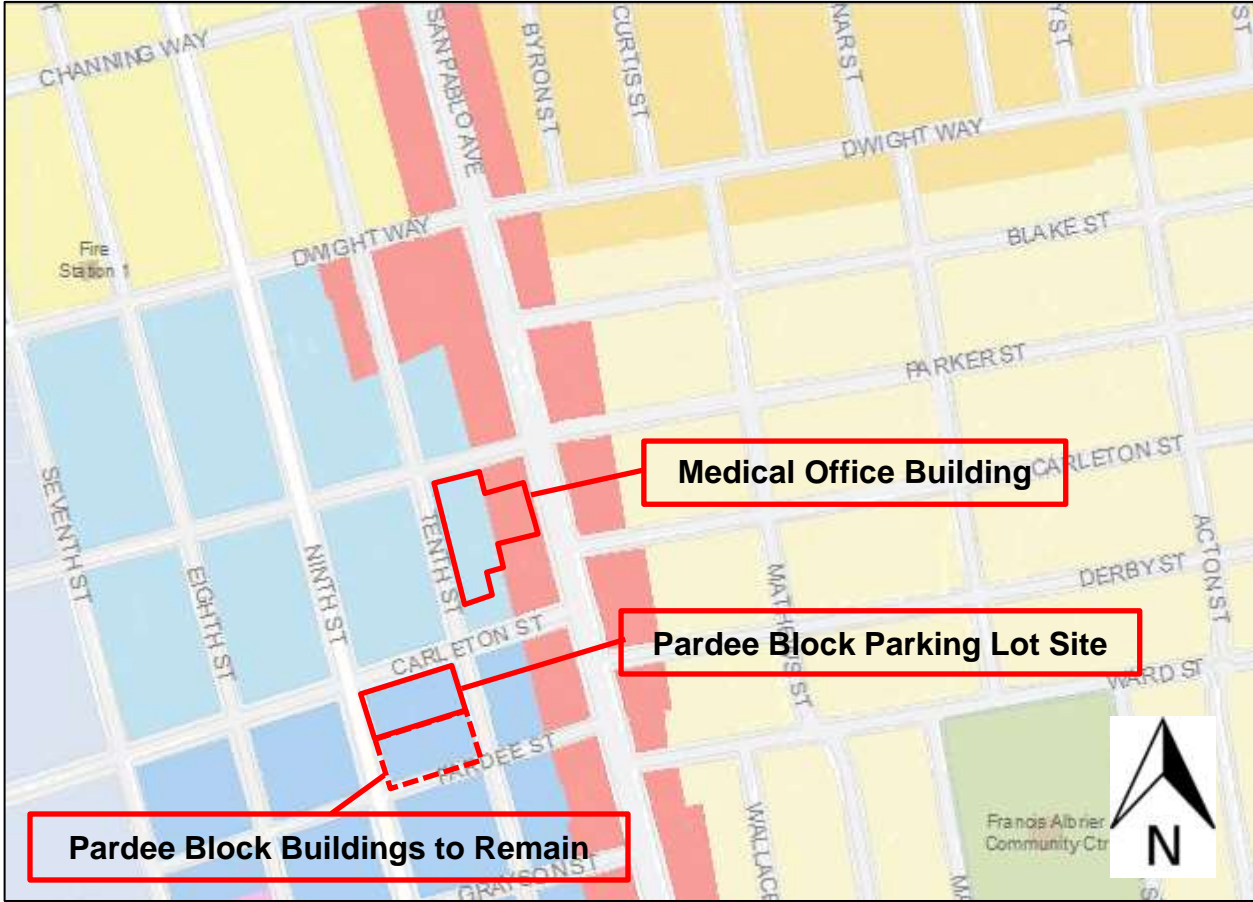
E. Parties Involved:

- Applicant/Property Owner: 2600 Tenth Street, LLC and Pardee I, LLC, c/o Christopher Barlow with Wareham Property Group

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

https://www.cityofberkeley.info/Planning_and_Development/Zoning_Adjustment_Board/1050_Parker.aspx

Figure 1: Vicinity Map and Existing Zoning



- Legend:
- C-W
 - MU-LI
 - MU-R
 - R-1A
 - R-1
 - R-2
 - MM

Figure 2: Aerial Image



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Fig. 2 Project Location

Figure 3: Site/Ground Floor Plan

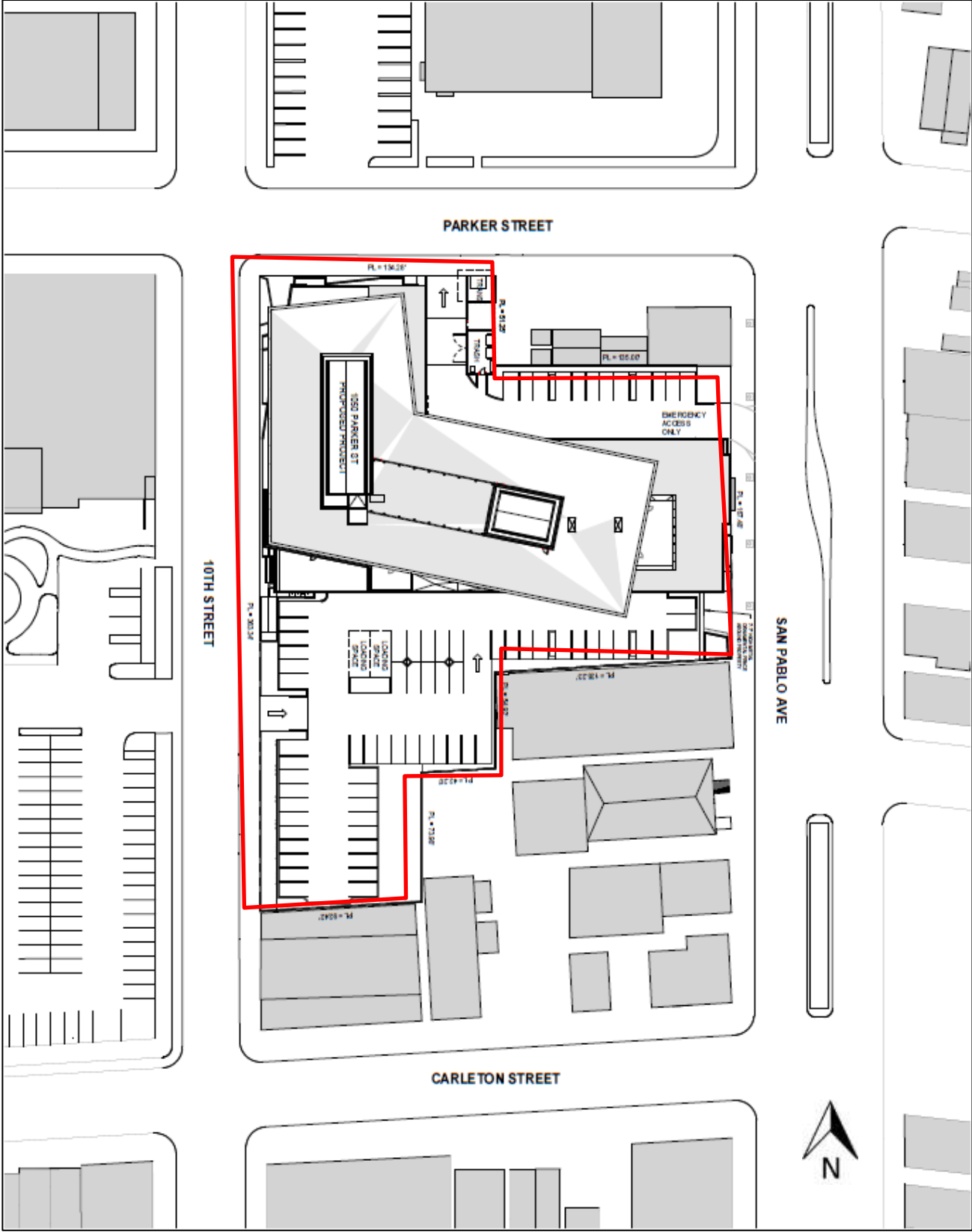


Figure 4: Exterior Elevations

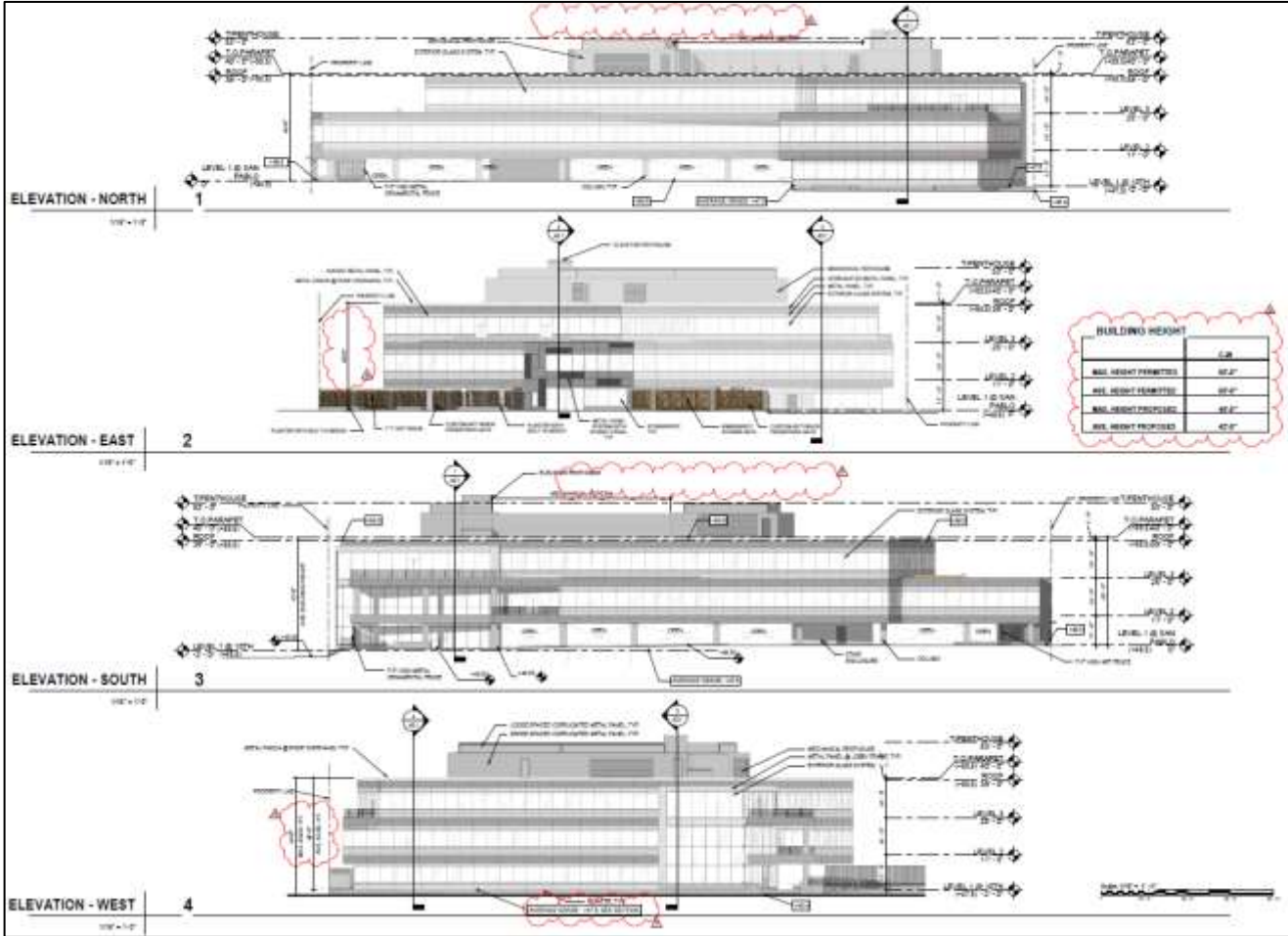


Table 1: Land Use Information

Location		Existing Use	Zoning District	General Plan Designation
Medical Office Building Property		Vacant – former community garden	MU-LI and C-W	Manufacturing and Avenue Commercial
Surrounding Properties	North	Missouri Lounge (bar); residential units above Missouri Lounge; Bank of America	MU-LI and C-W	Manufacturing and Avenue Commercial
	South	Former book store; Covenant Worship Center; Far Leaves Tea; Alward Construction; Fredric Electric		
	East	Orozco’s Tires; Red Sea (retail); Ecohome Design Studio; Ecohome Improvement	C-W	Avenue Commercial
	West	Recording Studio	MU-LI	Manufacturing

Table 2: Special Characteristics

Characteristic	Applies to Project?	Explanation
Affordable Child Care Fee for qualifying non-residential projects (Per Resolution 66,618-N.S.)	Yes	The proposed non-residential floor area is greater than 7,500 square feet. Therefore, this project is subject to this resolution.
Affordable Housing Fee for qualifying non-residential projects (Per Resolution 66,617-N.S.)	Yes	The proposed non-residential floor area is greater than 7,500 square feet. Therefore, this project is subject to this resolution.
Affordable Housing Mitigations for rental housing projects (Per BMC Chapter 22.20.065)	No	The proposed project would not include residential units.
Alcohol Sales/Service (Per BMC § 23E.16.040)	No	The proposed project does not include the sale of alcohol.
Creeks (Per BMC Chapter 17.08)	No	No open creek or culvert exists within 40 feet of the project site.
Coast Live Oaks (Per BMC § 6.52.010)	No	There are no Coast Live Oak trees on or abutting the project site.
Density Bonus (Per Gov’t Code Chapter 65915)	No	The proposed project would not include residential units.
Green Building Score	Yes	The applicant submitted a GreenPoint checklist for the project. The minimum required points are 40 out of a possible 110 points. The project checklist indicates a score of 56.
Historic/Cultural Resources (Per Gov’t Code §15064.5 or BMC Chapter 3.24)	No	The medical office site is not listed as a Landmark or Structure of Merit on the City of Berkeley Historic Resources Map: http://www.ci.berkeley.ca.us/uploadedFiles/IT/Level_3_-_General/COB_LM_update_20160316.pdf
Percent for Art (Per BMC Chapter 23C.23)	Yes	The project is subject to the City’s Public Art on Private Projects Ordinance.
Rent Controlled Units (Per BMC Chapter 13.76)	No	The project sites do not include residential units.
Residential Preferred Parking (Per BMC Chapter 14.72))	No	The Residential Preferred Parking Program does not occur in or near this neighborhood.

Characteristic	Applies to Project?	Explanation
Seismic Hazards (Per State Hazards Mapping Act)	Yes	The project site is located within an area susceptible to liquefaction as shown on the State Seismic Hazard Zones map. The applicant submitted a geotechnical report, which determined that expansive soils are present at the site. The Geotechnical Investigation concluded that the use of standard engineering design and seismic safety techniques reduce the effects of the expansive soils to less than significant levels. Standard Conditions of Approval used to address construction in a liquefaction zone will apply. No structures are proposed for the off-site parking lot.
Soil/Groundwater Contamination	No	The medical office building site not listed on the Cortese list but is located within the City's Environmental Management Area. A Phase I Environmental Assessment was submitted as part of the application. The assessment revealed no evidence of any recognized environmental conditions in connection with the subject property. This topic was examined in the Initial Study and was found to have less than significant impacts.
Transit	Yes	There are a number of AC Transit bus stops within 0.25 mile of the medical building site, with the closest one approximately 150 feet from the project site at the corner of Parker Street and San Pablo Avenue (serving the 72, 72M, and 802 lines). There are additional bus stops at the intersection of Dwight Way and San Pablo Avenue approximately one block north of the project site. There are three BART stations within two miles of the project site: North Berkeley (1.5 miles northeast), Ashby (1.7 miles southeast), and Downtown Berkeley (1.9 miles east).

Table 3: Project Chronology

Date	Action
September 16, 2016	Original application submitted
April 29, 2017	Application deemed complete
October 12, 2017	CEQA Public Review Period began
October 19, 2017	DRC Hearing
November 13, 2017	CEQA Public Review Period ended
November 30, 2017	ZAB public hearing notices mailed/posted
December 14, 2017	ZAB public hearing – Project Approved 8-1-0-0
December 2017	City Council requested that Planning Commission make a recommendation on a rezoning and re-designation of two parcels on the project site to allow for expanded medical office use
January 17, 2018	Notice of Decision mailed/posted
January 31, 2018	Appeal period ended
February 7, 2018	Effective Date of Original Use Permit
February 2018	Planning Commission public meeting held to discuss rezone and General Plan re-designation (1 of 2)
April 2018	Planning Commission public meeting held to discuss rezone and General Plan re-designation (2 of 2)
June 4, 2018	Applications for Modification of Use Permit and Off-site Parking submitted
July 5, 2018	Demolition request referred to LPC (#ZP2018-0116)
September 4, 2018	CEQA Public Review Period began
September 17, 2018	Application deemed complete
October 4, 2018	CEQA Public Review Period ended
October 10, 2018	ZAB public hearing notices mailed/posted
October 25, 2018	ZAB hearing
December 4, 2018	<i>Tentative City Council hearing on proposed rezone and General Plan re-designation</i>

Table 4: Development Standards – Medical Office Building

Standard BMC Sections 23E.64.070-080		Previously Approved		Proposed	Permitted/ Required
		Medical Office	Research and Development	100% Medical	C-W ¹
Lot Area		68,331 sf total		68,331 sf	--
		23,157 sf	41,174 sf		
Gross Floor Area		60,670 sf total		60,670 sf	n/a
		20,370 sf	40,300 sf		
Floor Area Ratio ²		0.9		0.9 ³	3.0 max
Building Height	Average	41 feet		41 feet	--
	Maximum	44 feet		44 feet	50 max ⁴
	Stories	3		3	3 max
Building Setbacks	Front	5 feet		5 feet	0 min
	Rear	0 feet		0 feet	0 min
	Left Side	5 feet		5 feet	0 min
	Right Side	27 feet 8 inches		27 feet 8 inches	0 min
Lot Coverage		46.9%		46.9%	n/a
Landscaping	Landscaped Area	n/a		9,968 sf	
	Hardscaped Area	n/a		± 26,311 sf	
Parking ⁵	Automobile	117 ⁶ total		115 on site 88 off site	203
		61	56		
	Bicycle	46 ⁷ total		46	30
		18	28		

sf = square feet

¹ Contingent on the approval of a General Plan Re-designation and Zoning Map Amendment of the project site (Assessor Parcel Numbers (APN) 054-1763-001-03 and 054-1763-010-00 from Manufacturing to Commercial.

² FAR for C-W and MU-LI are calculated based on zone-specific gross floor area divided by zone-specific lot area. For C-W: 20,370 square feet / 23,157 square feet. For MU-LI: 40,300 square feet / 41,174 square feet.

³ Proposed Floor Area Ratio (FAR) is calculated based on gross floor area (60,670 square feet) divided by the lot area (68,331 square feet).

⁴ Contingent on the approval of a Text Amendment to the C-W Chapter related to APN 054-1763-001-03, 054-1763-010-00, and 054-1763-003-03.

⁵ See Table 5 Development Standards – Parking for details.

⁶ The total number of automobile parking spaces was reduced by 10 percent due to the provision of an adequate number of bicycle parking spaces, as per BMC 23E.64.080.J and 23E.80.080.E for C-W and MU-LI, respectively.

⁷ Permitted/Required bicycle parking is 1 per 2000 square feet. . The total number of bicycle parking spaces is increased to 45 required spaces for C-W and MU-LI, respectively, due to the 10 percent automobile parking reduction as per BMC 23E.64.080.J and 23E.80.080.E for C-W and MU-LI, respectively.

Table 5: Development Standards – Parking

Project Component	Medical Office Building	Off-Site Parking Lot	Total Proposed
Vehicle Parking			
Standard (8'x18' to 9'x18')	71	72	143
Clean Air/Vanpool/EV (8'x18' and 8'6"x18')	10	10	20
Fuel Efficient ¹ (8'x18' and 8'6"x18')	7	7	14
ADA Accessible (9'x18')	7	3	10
Compact (8'x16' to 9'x16')	20 (17% of parking)	31 (25% of parking)	51 (21% of total parking)
Vehicle Parking Totals	115	123²	238
Bicycle Parking⁵			
Short-Term	18	16	34
Long-Term (secured/lockers)	28	2	30
Bicycle Parking Totals	46	18	64
¹ Fuel efficiency refers to the average number of miles traveled per gallon of fuel consumed (https://www.driveclean.ca.gov/Do_Your_Research/Glossary_of_Terms.php). These parking spaces would be reserved for vehicles designated as fuel efficient by the EPA. ² Eighty-eight (88) Pardee Block parking spaces would be designated for use by the medical office building; 35 parking spaces would be designated for use by the remaining Pardee Block businesses.			

II. Project Setting

A. Neighborhood/Area Description: The project site is located in West Berkeley, along the south side of Parker Street and the east side of Tenth Street, with a small portion fronting the west side of San Pablo Avenue. Surrounding building heights vary from one to seven stories, with the majority being two stories. The parking lot (Pardee Block parking lot) property is approximately 500 feet southwest of the medical office site. Surrounding land uses are listed in Table 1 above. Nearby transit facilities are detailed in Table 2 above.

B. Site Conditions: The project site comprises three parcels and is generally level, irregular in shape. The northwest portion of the site is mostly paved and occasionally used as a surface parking lot. The southern portion of the site along Tenth Street and the central portion along San Pablo Avenue consist of vacant dirt lots, most recently leased to Urban Adamah for interim use as a community garden through November 2016.

III. Modification Request Description

Use Permit #ZP2018-0117, for the modification of Use Permit #ZP2016-0170, would allow for the previously approved 60,670 square-foot building to be used entirely for medical

offices, rather than medical office and research and development. The approval of this Use Permit is contingent on the approval of the General Plan re-designation and rezone, and on the approval of Use Permit #ZP2018-0116, as briefly described in the project history below.

Implementation of the Use Permit would only result in changes to the interior of the previously approved building. Specific changes include the removal of an internal physical separation wall between the portions of the building which currently different underlying zoning designations and modifications to the required on-site parking spaces. On-site parking accommodations would include a total of 115 automobile parking and 46 bicycle parking spaces. Vehicular access would still be provided from driveways on Parker Street and Tenth Street for the medical office site.

IV. Project History

On December 14, 2017, the City of Berkeley Zoning Adjustments Board (ZAB) approved Use Permit #ZP2016-0170 to allow for the construction of a 60,670 square-foot, three-story building with 20,370 square feet of medical office and 40,300 square feet of research and development uses, and a 750 square-foot quick service restaurant, with 117 automobile parking spaces and 46 bicycle parking spaces. An Initial Study-Mitigated Negative Declaration (IS-MND; State Clearinghouse #2017102038) was prepared for the original project, pursuant to the provisions of the California Environmental Quality Act (CEQA), and circulated for public review from October 12, 2017 to November 13, 2017. The IS-MND was adopted by ZAB on December 14, 2017 in conjunction with the approval of Use Permit #ZP2016-0170.

As originally approved, the project would combine three parcels into one 68,331 square-foot parcel to allow the construction of a 60,670 square-foot, three-story building. The general configuration of the building would be an "L" shape, with each floor staggered in arrangement such that the second floor would contain a green roof along San Pablo Avenue and by the pedestrian entrance along Parker Street. The project would also include a 750-square-foot café/retail space located along San Pablo Avenue.

The project would also include nearly 10,000 square feet of landscaped area on the ground level, including 2,150 square feet of public open space comprising two small public plazas with seating and landscaping. A 650-square-foot plaza would be located at the corner of Parker and Tenth Street and a 1,500-square-foot plaza would be located along San Pablo Avenue, adjacent to the proposed café/retail space. Approximately 3,500 square feet of private open space would be provided on a second floor terrace accessed from the third floor. Two mechanical penthouses and an elevator penthouse would be constructed on the roof of the proposed building. The two mechanical penthouses would be 14 feet above the roof level, and the elevator penthouse would be 18 feet above the roof level. Building entryways for pedestrians would be located on the ground floor along San Pablo Avenue and Parker Street.

During the approval process of Use Permit #ZP2016-0170, a major health care organization approached the property owner seeking to lease the entire proposed 60,670

square-foot building for medical office uses. In order to accommodate medical office use through the portions of the building that are approved for research and development, the underlying zoning of approximately two thirds of the site must be changed from MU-LI to C-W and additional parking spaces need to be provided.

In December 2017, the Berkeley City Council requested that the Planning Commission consider, and make recommendations on, the necessary rezoning of the two MU-LI parcels on the site to allow expanded medical office use. The Planning Commission subsequently held two public meetings in February 2018 and April 2018 and directed City Staff to forward its recommendations for the rezone to the City Council. The Planning Commission recommended that the City Council approve a rezone and General Plan re-designation of Assessor Parcel Numbers (APN) 054-1763-001-03 and 054-1763-010-00, from General Plan designation Manufacturing Mixed Use to Avenue Commercial and from Zoning District Mixed Use Light Industrial (MU-LI) to West Berkeley Commercial (C-W). The rezone would include a Text Amendment to the BMC C-W Chapter related to APN 054-1763-001-03, 054-1763-010-00, and 054-1763-003-03 to allow for a maximum building height of 50 feet.

A final determination on the General Plan re-designation and rezone is pending as of October 2018. Implementation of the Modification of Use Permit #ZP2016-0170 is contingent on the approval of the General Plan re-designation and rezone, as specified in Condition 84.

Use Permit #ZP2018-0116 to allow for the construction of a new 43,847 square-foot surface parking lot approximately 500 feet south of the medical office building site is being processed simultaneously with, but separately from, the Use Permit #ZP2018-0117. Parking accommodations at the off-site property, commonly referred to as the Pardee Block, would include 88 parking spaces for use by the medical office staff, 35 parking spaces for use by the businesses that are to remain at the Pardee Block, and 18 bicycle parking spaces. Approval of Use Permit #ZP2018-0117 is contingent on the approval of Use Permit #ZP2018-0116, as specified in Condition 85.

V. Community Discussion

A. Neighbor Notification: Prior to submitting this application to the City in 2018, the applicant erected a pre-application poster on the project site. On October 10, 2018, the City mailed 485 public hearing notices to property owners and occupants, and to interested neighborhood organizations of the public hearing on October 25, 2018. In addition, the City posted notices within the neighborhood in six locations. As of the writing of this report, Staff has received one phone call related to concerns state in two previous emails and requested notice of the ZAB hearing.

B. Design Review Committee Review: Committee review is not required for the proposed change of use.

VI. Issues and Analysis

A. Initial Study-Mitigated Negative Declaration: Pursuant to the California Environmental Quality Act (CEQA), an Initial Study-Mitigated Negative Declaration (IS-MND) was prepared to inform the ZAB and the general public of potential project impacts. The IS-MND found that the project would result in impacts related to hydrology and water quality, land use and planning, construction noise, and transportation and traffic. All findings were consistent with the IS-MND completed for the project in 2017, with the exception of a new potential impact related to land use and planning due to the need for the rezone and land use re-designation. In addition, the noise and transportation mitigation measures have been expanded to account for the inclusion of Use Permit #ZP2018-0117 in the larger project. The IS-MND provided the following mitigation measures to be incorporated into the project conditions of approval in order to reduce project impacts to less than significant levels:

- *Mitigation Measure HYD-1 Hydrology and Hydrologic Mitigation Analysis.* The project shall not increase from pre-project to post-construction conditions peak flow and flow duration to existing gutters, and shall not raise from pre-project to post-construction the hydraulic grade line in existing storm drains at all times throughout the life of the project. The applicant shall demonstrate through a hydrology and hydraulics mitigation analysis to show how this performance standard will be achieved and used to provide the basis of design for the implementing this mitigation.

The hydrology and hydraulics mitigation analysis shall be submitted to and approved by the City of Berkeley Department of Planning and Development prior to issuance of required project permits. The analysis shall identify existing and post-construction drainage patterns, magnitudes, and durations within the project limits and also identify existing off-site discharge locations, durations, and magnitudes from the project site. The mitigation actions to meeting the performance standard may include conveyance pipeline (minimum 12-inch diameter, reinforced concrete pipe) in the right-of-way, and the pipe shall not be used to attenuate peak flows. The mitigation method shall be designed to operate in conjunction with MRP Provision C3 requirements. The applicant shall make up front payment for City staff and consultant costs related to reviewing the hydrology and hydraulics mitigation analysis.

- *Mitigation Measure HYD-2 Stormwater Control Measures.* Discharges of any water from the project site shall be controlled at all times and shall not exceed pre-project peak flow or duration in existing storm drains and gutters throughout the project life. Applicant shall design and construct the mitigation method developed through the Hydrology and Hydraulic Mitigation Analysis performed in HYD-1 and as approved by the City. The mitigation actions to meet the performance standards may include conveyance within the right-of-way but storage within the right-of-way is not allowed. The identified method(s) shall be completely operational and any facilities located within the right-of-way shall be approved by and dedicated to the City prior to issuance of certificate of occupancy.

- *Mitigation Measure LU-1 Rezone.* Demolition permits shall not be issued unless and until a rezone is approved by the City of Berkeley that would change the zoning on the western portion of the medical office building site from Mixed-Use Light Industrial (MU-LI) to West Berkeley Commercial (C-W).

- *Mitigation Measure NOI-1 Construction Vibration Reduction.* Prior to issuance of grading permits, the applicant shall incorporate the following actions into a construction management plan subject to review and approval by the City:
 - 1) The applicant or contractor shall ensure that construction activities involving vibratory rollers, large bulldozers, or loaded trucks do not occur during posted services times at the Covenant Worship Center (2622 San Pablo Avenue), currently listed as Sundays at 10:30 AM and 6:00 PM and Wednesdays at 7:00 PM.
 - 2) The applicant or contractor shall, to the extent technically and economically feasible, limit the use of vibratory rollers, large bulldozers, or loaded trucks within 75 feet of the nearest wall of the Covenant Worship Center or Fantasy Studios (2600 Tenth Street) to no more than 30 vibration events per day, as defined by the Federal Transit Administration and detailed in Table 22 Groundborne Vibration Impact Criteria for Human Annoyance of the MND.
 - 3) The applicant or contractor shall, to the extent technically and economically feasible, limit the use of jackhammers within 25 feet of the nearest wall of the Covenant Worship Center or Fantasy Studios to no more than 70 vibration events per day, as defined by the Federal Transit Administration and detailed in Table 22 Groundborne Vibration Impact Criteria for Human Annoyance of the MND.
 - 4) The applicant or contractor shall provide tenants of the three residential units atop the Missouri Lounge, the Covenant Worship Center, Fantasy Studios, and residents within a 500-foot radius of the project sites with a notification at least 24 hours prior to vibration-generating construction activities.

- *Mitigation Measure NOI-2 Construction Noise Abatement.* Prior to issuance of grading permits, the applicant shall incorporate the following actions into a construction management plan subject to review and approval by the City:
 - 1) The applicant or contractor shall equip all internal combustion engine-driven equipment with mufflers that are in good condition and appropriate for the equipment.
 - 2) The applicant or contractor shall use quiet models of air compressors and other stationary noise sources where technology exists.
 - 3) The applicant or contractor shall locate stationary noise-generating equipment as far as feasible from the nearest noise-sensitive receptors.
 - 4) The applicant or contractor shall prohibit unnecessary idling of internal combustion engines.
 - 5) The applicant or contractor shall construct solid plywood fences around the construction site adjacent to operational businesses, including the Covenant Worship Center (2622 San Pablo Avenue).
 - 6) The applicant or contractor shall ensure that construction activities that generate excessive noise that creates noise disturbance across the Project

site's shared property line with the Covenant Worship Center (2622 San Pablo Avenue) do not occur during regular posted services at the Covenant Worship Center, currently listed as Sundays at 10:30 AM and 6:00 PM and Wednesdays at 7:00 PM.

- 7) The applicant or contractor shall ensure that supporting construction activities, including the loading and unloading of materials and truck movements are limited to the hours of 7:00 AM to 7:00 PM on weekdays and between the hours of 9:00 AM and 8:00 PM on Saturdays, or as stipulated in the conditions of approval if more restrictive. No construction-related activity shall occur on Sunday or any Federal Holiday without explicit permission from the City of Berkeley.
 - 8) The applicant or contractor shall notify adjacent businesses, the Covenant Worship Center, and residents within a 500-foot radius of the project sites of the construction schedule in writing at least 7 days before beginning construction. The applicant or contractor also shall designate a "construction liaison" responsible for responding to any local complaints about construction noise. The liaison shall determine the cause of noise complaints (e.g., starting too early, bad muffler) and institute reasonable measures to correct the problem. The applicant or contractor shall conspicuously post a telephone number for the liaison on-site.
- *Mitigation Measure T-1 Reimbursement Agreement to Facilitate Traffic Improvements.* A Reimbursement Agreement shall be established between the applicant and the City prior to the issuance of required building permits. The Reimbursement Agreement shall specify the improvements to be accomplished as set forth below, the timing of the improvements, the proportionate share of improvement costs, the timing of the reimbursement payments, and a mutual commitment to use best efforts to coordinate and expedite the installation of the improvements with the goal of providing them before the project receives its first certificate of occupancy. Upon completion of the traffic improvements, the City shall then reimburse the applicant the City's pro-rata share of the traffic improvements over a multi-year period as shall be more specifically described in the Reimbursement Agreement.
 - 1) Intersection Improvements. Dedicated westbound and eastbound left-turn lanes at the San Pablo Avenue/Dwight Way intersection, as determined necessary by the City Engineer.
 - 2) Signal Installation. Signalization of the San Pablo Avenue/Parker Street intersection and coordinated signal timing with the adjacent intersections on San Pablo Avenue.
 - *Mitigation Measure T-2 Driveway Safety.* The applicant shall provide 10 feet of red curb on either side of the project driveways on Ninth, Tenth, and Parker Streets to improve sight distance between vehicles exiting the project driveways and motorists and bicyclists on Ninth, Tenth, and Parker Streets. Improvements shall occur prior to certificate of occupancy.
- The Notice of Intent (NOI) to adopt the IS-MND was published on September 4, 2018 and was mailed to adjoining property owners and occupants, and to interested

neighborhood organizations. In addition, the applicant filed the NOI with the County Clerk; and the Draft IS-MND was submitted with the State Clearinghouse (SCH #2018092001) for distribution to interested state and regional agencies. The public comment period began on September 4, 2018 and closed on October 4, 2018.

Following the release of the Initial Study and the NOI, the City received six comment letters. A synopsis of each comment letter is provided below; full responses are included in the Final IS-MND.

- 1) Carly Barker and Stephen LaMond, residents at 2709 Tenth Street, are concerned with the availability of parking during project construction and operation, the potential loss of parking spaces as a result of the project, temporary impacts from project construction, pedestrian safety at the crosswalks, general public safety in the project vicinity, and increased traffic as result of the project.
- 2) Dr. Janet Hurwich, resident at 2609 Ninth Street, is concerned with traffic and transportation impacts of the project and the availability of parking in the neighborhood once the medical office building is in operation.
- 3) Fredric Fierstein, owner of building at 1025 Carleton Street, is also concerned with the availability of parking in the vicinity of the medical office building and requested that the Pardee Block Parking Lot be made available to the public.
- 4) Carly Barker and Stephen LaMond, residents at 2709 Tenth Street, submitted a second comment letter in which they recommended a scenario in which a select number of parking spaces in the proposed Pardee Block parking lot may be reserved for residential use and a select number of parking spaces are offered as rental parking spaces for businesses in the vicinity.
- 5) Mitchel Bornstein, owner of business at 1010 Carleton Street, states that the project would demolish existing businesses, and opines that that the loss of these businesses is unfavorable for West Berkeley. He further suggested building a multi-story parking garage on the parking lot of 2600 Tenth Street or for the project applicant to draft a relocation plan for the existing business.
- 6) Caltrans requested additional modes for encouraging smart mobility and reduced regional vehicle miles traveled be added to the required Transportation Management Plan. The recommendations have been incorporated into the City's standard condition of approval (Condition 68).

The comment letters, the City's responses, and any revisions to the IS-MND are outlined in Chapter 3 of the Response to Comments of the Final IS-MND (See attachment 4). The mitigation measures have been documented in a Mitigation Monitoring and Reporting Program, and incorporated by reference in the Conditions of Approval. With the implementation of the mitigation measures, project impacts will be reduced to less than significant levels.

B. Zoning Compatibility: As discussed under Section III. Project History, the City Council requested that the Planning Commission consider and make recommendations regarding the requested rezoning of the MU-LI portion of the medical office site to C-W, which would allow medical office uses throughout the

proposed building. The final determination on the rezone is pending as of the publication of this staff report. As some of the medical office building site is currently zoned MU-LI, the proposed medical office use is not an allowed use on the eastern portion of the medical office property. Allowing 100 percent medical office uses in the building would not be compatible with the underlying zoning regulations unless the rezone is approved.

Staff Analysis: Pursuant to BMC Table 23E.64.030, medical offices over 7,500 square feet are allowed in the C-W District with a Use Permit. Table 4 details how the medical office project would comply with specific applicable development standards of the BMC under the proposed C-W zoning. As proposed, the project complies with the development standards in the West Berkeley Commercial zoning district. Implementation of Mitigation Measure LU-1 would ensure that the proposed use of the sites would not conflict with zoning regulations.

- C. Off-Site Parking and Pedestrian Safety:** Parking requirements for medical office uses are higher than for research and development uses and not all required medical office parking could be accommodated on-site, within the previously approved project. As such, the proposed Pardee Block parking lot would provide the balance of the required parking to meet the full parking requirements of the medical office building.

Staff Analysis: As detailed in Table 5, the project would meet the requirements for parking for the medical office building. Pedestrian access to and from the Pardee Block parking lot would be provided through multiple pedestrian gates on Ninth Street, Tenth Street, and Carleton Street.

The medical office employees that park at the Pardee Block Parking Lot would use any of the pedestrian gates to access Tenth Street along existing sidewalks and then cross either of two existing approaches at the Tenth Street/Carleton Street intersection to walk to the medical office building. The intersection is currently controlled by stop-signs on the Tenth Street approaches, with no controls on the Carleton Street approaches. In addition, none of the four crossings at the intersection are currently marked/striped; however, all four crossings have adequate sight distance. However, the proposed project has been designed to include an all-way stop at the Tenth Street/Carleton Street intersection and would mark the intersection with crosswalk striping. This design feature would be ensured through a condition of approval requiring that the project conform to the plans and statements in the Use Permit.

- D. Compatibility with Surrounding Neighborhood:** The surrounding neighborhood zoning designations and land uses are detailed in Table 1 above. The medical office building site is one block south of the Dwight and San Pablo development node in the West Berkeley Plan. This area of Berkeley is characterized by retail, commercial, and mixed use activity along San Pablo Avenue, easily accessible for employees, customers, and residents by mass transit or automobile. Appropriate uses for these areas include: a balance of both smaller and larger commercial retail and food service, larger spaces for medium sized and larger light manufacturers, offices, and laboratory development.

Staff Analysis: Implementation of the project would only result in changes to the interior of the building. As with the original project, ground level parking areas would not be visible from the street front due to recessed wall elements that provide a divider between the pocket park and garage. The building façade would be composed on glass and aluminum paneling, and only the ground and second floors would be visible from the pedestrian viewpoint, traversing San Pablo Avenue. The rooftop of the second floor would contain a green terrace to soften the distinct lines of the building while increasing visible greenery along San Pablo Avenue. The third floor of the building would be set back approximately 60 feet from the San Pablo Avenue street front in order to decrease perceivable massing at the pedestrian scale, which would create a more inviting pocket park for pedestrians due to the landscaping and sunlight available in the southeastern portion of the site.

Therefore, staff concludes that the ZAB may find that the project which increases medical office use on the site is still compatible with the visual character and form, and commercial intensity of the C-W District. The proposed building and uses do not underutilize the property and do provide adequate elements suited for the pedestrian scale. Staff believes that the Board can find that allowing for 100 percent medical office use in the proposed building, along with the original 750 square feet of quick service restaurant, would meet the requirements of BMC Section 23E.64.090.B for compatibility with the surrounding neighborhood.

E. General Plan Consistency: The 2002 General Plan contains several policies applicable to the project, including the following:

1. Policy LU-3–Infill Development: Encourage infill development that is architecturally and environmentally sensitive, embodies principles of sustainable planning and construction, and is compatible with neighboring land uses and architectural design and scale.
2. Policy LU-7–Neighborhood Quality of Life, Action A: Require that new development be consistent with zoning standards and compatible with the scale, historic character, and surrounding uses in the area.
3. Policy UD-24–Area Character: Regulate new construction and alterations to ensure that they are truly compatible with and, where feasible, reinforce the desirable design characteristics of the particular area they are in.
4. Policy UD-26–Pedestrian-Friendly Design: Architecture and site design should give special emphasis to enjoyment by, and convenience and safety for, pedestrians.
5. Policy LU-27–Avenue Commercial Areas: Maintain and improve Avenue Commercial areas, such as University, San Pablo, Telegraph, and South Shattuck, as pedestrian-friendly, visually attractive areas of pedestrian scale and ensure that Avenue areas fully serve neighborhood needs as well as a broader spectrum of needs.
 - A. Require ground-floor commercial uses to be oriented to the street and sidewalks to encourage a vital and appealing pedestrian experience.
 - D. Provide bicycle facilities and ample and secure bicycle parking wherever appropriate and feasible.
 - F. Encourage sensitive infill development of vacant or underutilized property that is compatible with existing development patterns.

6. Policy UD-28–Commercial Frontage: Commercial buildings on streets with public transit generally should have no appreciable setback from that street’s sidewalk, except in the case of occasional plazas or sitting areas that enhance the area’s pedestrian environment.

Staff Analysis: The project area is characterized by a mix of small and large commercial and light industrial uses, highlighted by pedestrian accessibility and mass transit along San Pablo Avenue. ZAB previously found that this building with 33 percent medical office and 66 percent research and development would activate a vacant site on San Pablo Avenue with the addition of a café and pocket park on the ground level, and medical offices on the second and third floors. The 100 percent medical office building would still include the café and ground-level pocket park. The modified project would also still encourage commercial land uses at a site that is currently underutilized and vacant. Staff believes the project complies with the above General Plan policies and that ZAB can make a finding of compatibility.

7. Policy LU-33–West Berkeley Plan: Implement the West Berkeley Plan and take actions that will achieve the three purposes of the Plan:
 1. Maintain the full range of land uses and economic activities including residences, manufacturing, services, retailing, and other activities in West Berkeley.
 2. Maintain the ethnic and economic diversity of West Berkeley’s resident population.
 3. Maintain and improve the quality of urban life, environmental quality, public and private service availability, transit and transportation, and aesthetic and physical qualities for West Berkeley residents and workers.

Staff Analysis: See Discussion G. West Berkeley Plan Consistency below.

Policy UD-34–Public Art: Support, present, and encourage others to support or present works of public art.

Staff Analysis: The project is still conditioned to pay an in lieu fee for public art.

F. West Berkeley Plan Consistency: The West Berkeley Area Plan, adopted in 1993, also contains several goals and policies applicable to the project, including the following:

1. Land Use Goal 1: Over the economically active area of West Berkeley, provide for a continued economic and land use mix, incorporating manufacturing, other industrial, retail and office/laboratory uses, to benefit Berkeley residents and businesses economically, benefit the City government fiscally, and promotes the varied and interest character of the area.
 - D. Providing space for, and designating appropriate locations for, office, service, and laboratory businesses, particularly growing Berkeley based businesses which are particularly suited to West Berkeley’s physical environment.
2. Land Use Goal 2: Channel development – both new businesses and residences and the expansion of existing businesses – to districts various which are appropriate for the various existing elements of the West Berkeley land use mix.

- B. Create a Mixed Manufacturing district as a general industrial district, where both heavy and light manufacturers can function, along with "biotech" industries and office users which can recycle the upper stories of buildings.
 - C. Create a Light Manufacturing district which allows a wide range of light manufacturers to continue to operate and expand and limits loss of their spaces to other uses, while providing an opportunity for office development where it will not unduly interfere with light manufacturing uses, and for laboratory development in appropriate locations.
 - E. Create a Commercial district which will foster the continued vitality of West Berkeley's neighborhood and regional serving retail trade, in as pedestrian-friendly a manner as possible.
3. Land Use Goal 4: Assure that new development in any sector is of a scale and design that is appropriate to its surroundings, while respecting the genuine economic and physical needs of the development.
 4. Economic Development Goal 4: Continue to support the growth of advanced technology manufacturing (such as biotechnology) and advanced technology services (such as research laboratories) in appropriate locations, under appropriate environmental safeguards.
 5. Physical Form Goal 5: Development on major sites of one acre or more should be both internally cohesive and sensitively designed on the site's publicly used edges.
 - 5.1 Development on major sites should use building scale, architecture, building placement, landscaping, and other site elements to create the sense of a cohesive development which is integrated with its surroundings.
 - 5.2 Such major projects should--to the greatest degree possible--reinforce the existing street pattern, development pattern, and overall fabric of an area, rather than being isolated from these patterns.
 - 5.3 Major developments should--to the greatest degree possible--be compatible with existing development on the edges of their sites, particularly on those edges which are heavily used by the public.

Staff Analysis: ZAB found the original project to be consistent with these policies and goals. The modified project would not change the building design or features and would create space for medical offices that would largely serve the surrounding neighborhood. As discussed above, the project would meet parking requirements between the on-site and off-site parking lots, while also providing 46 bicycle spaces on-site. The San Pablo Avenue frontage would still include a neighborhood café that would encourage pedestrian activity along the street frontage. Staff believes ZAB can find that the project meets the goals and policies of the West Berkeley Plan.

VII. Recommendation

Because of the project's consistency with the Zoning Ordinance and General Plan, and minimal impact on surrounding properties, staff recommends that the Zoning Adjustments Board:

- A. ADOPT the proposed mitigated negative declaration; and

- B. APPROVE #ZP2018-0117 to MODIFY Use Permit #ZP2016-0170 pursuant to Section 23B.32.040 and 23E.64.090, and subject to the attached Findings and Conditions (see Attachment 1).

Attachments:

1. Findings and Conditions, Mitigation Monitoring and Reporting Program
2. Project Plans received October 16, 2018, dated August 30, 2018
3. Notice of Public Hearing, dated October 10, 2018
4. Final Mitigated Negative Declaration Response to Comments
5. Initial Study – Mitigated Negative Declaration
6. Correspondence Received

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