



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

Pardee Block Parking Lot Project (2700 Tenth Street)

Use Permit #ZP2018-0116 for construction of a 43,847 square foot surface parking lot to provide for a portion of the required parking for the medical office building at 1050 Parker Street (Use Permit #ZP2018-0117) as well as parking for existing businesses. A total of 123 automobile and 18 bicycle parking spaces would be provided.

I. Background

A. Land Use Designations:

- General Plan: Manufacturing Mixed Use
- Area Plan: West Berkeley Plan
- Zoning: Mixed Use Residential (MU-R)

B. Zoning Permits Required:

- Use Permit under BMC Section 23C.08.050.A to demolish a main building used for non-residential purposes
- Use Permit under BMC Section 23E.84.030 to construct a parking lot in the MU-R District that is not exclusively for uses located in the district
- Use Permit under BMC Section 23E.28.030.B to allow off-street parking beyond 300 feet from the structure it is intended to serve
- Use Permit under BMC Section 23E.84.080.H to allow for the substitution of bicycle or motorcycle parking spaces in place of up to 10% of the required automobile parking spaces
- Use Permit under BMC Section 23E.28.080.B to locate ground level parking space within 20 feet of street frontage

C. 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 link that is provided below.

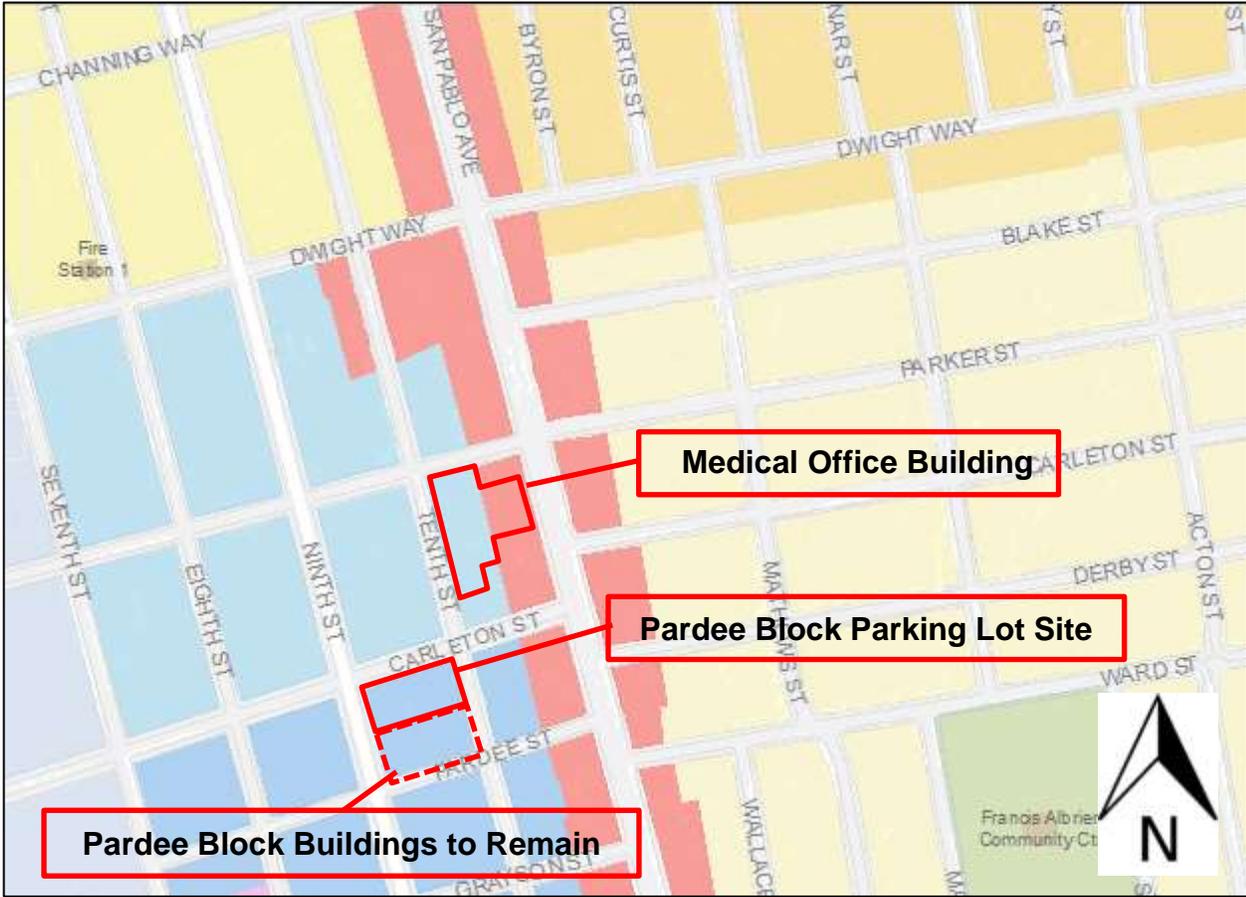
D. Parties Involved:

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

E. 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: Connectivity Between Pardee Block Parking Lot and Medical Office Building

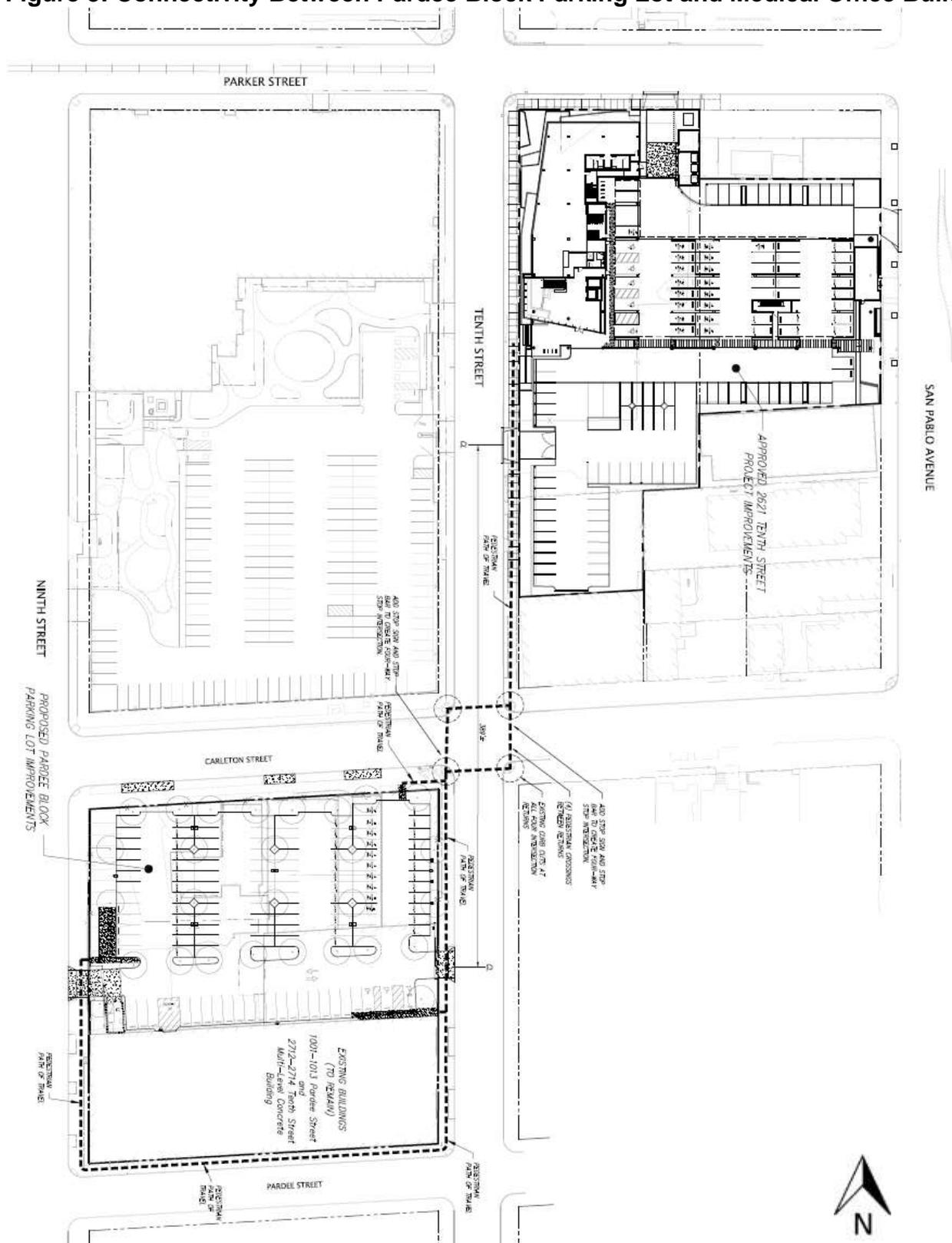


Figure 4: Pardee Block Parking Lot Site Plan

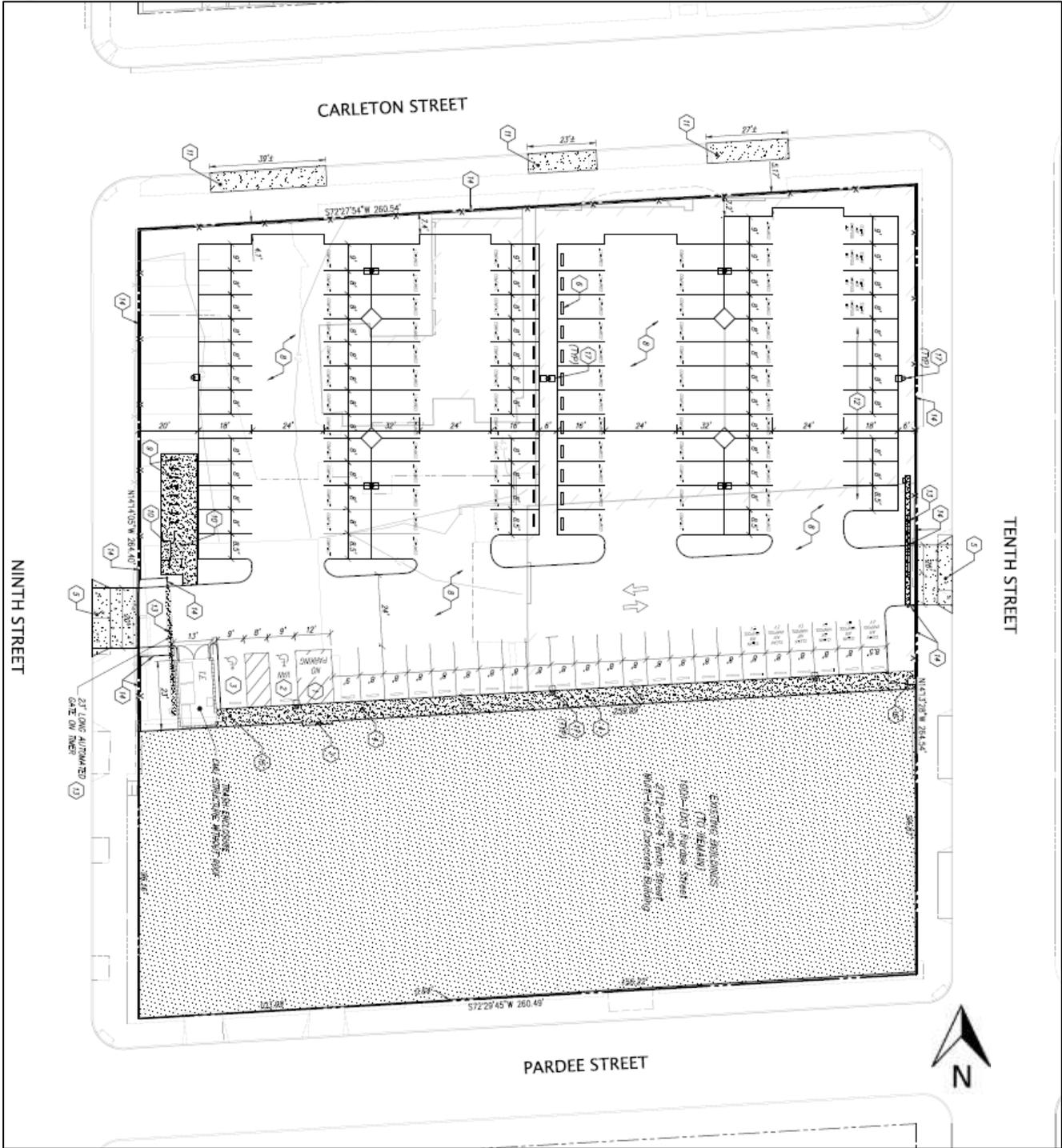


Table 1: Land Use Information

Location		Existing Use	Zoning District	General Plan Designation
Pardee Block Parking Lot		Mobility Systems; Saab Replay; Berkeley Smog and Vehicle Registration Services; Commercial Titan Wraps	MU-R	Manufacturing Mixed Use
Surrounding Properties	North	Recording studio, offices and associated surface parking lot	MU-LI	Manufacturing
	South	Pardee Block Buildings to remain: Verducci Entertainment Services; Community Energy Services; Wise Auto Tech	MU-R	Manufacturing Mixed Use
	East	Oceanworks Auto Repair; multi-family and single-family residential	MU-R	Manufacturing Mixed Use
	West	Berkeley East Bay Humane Society; multi-family residential	MU-R	Manufacturing Mixed Use

Table 2: Special Characteristics

Characteristic	Applies to Project?	Explanation
Affordable Child Care Fee for qualifying non-residential projects (Per Resolution 66,618-N.S.)	No	The proposed parking lot would not include any new building space. Therefore, this use permit is not subject to this resolution.
Affordable Housing Fee for qualifying non-residential projects (Per Resolution 66,617-N.S.)	No	The proposed parking lot would not include any new building space. Therefore, this use permit is not 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	No	No new buildings are proposed as part of this Use Permit.
Historic/Cultural Resources (Per Gov't Code §15064.5 or BMC Chapter 3.24)	Yes	On July 5, 2018, the Landmarks Preservation Commission (LPC) held a hearing to consider the request to demolish commercial buildings located at 1000-1010 Carleton Street, 1014-1016 Carleton Street, 1020 Carleton Street, and 2710 Tenth Street that are more than 40 years old, in accordance with BMC Section 23.C.08.050. LPC took no action on the demolition referral.
Percent for Art (Per BMC Chapter 23C.23)	No	The off-site parking lot does not include new residential, commercial, or industrial land uses.
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.

Table 2: Special Characteristics

Characteristic	Applies to Project?	Explanation
Seismic Hazards (Per State Hazards Mapping Act)	Yes	The off-site parking lot 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 project 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 new structures are proposed for the off-site parking lot.
Soil/Groundwater Contamination	Yes	A Phase I Environmental Assessment was prepared for the Pardee Block parking lot in June 2018 (Langan 2018). Langan concluded that, the project could create a hazard to the public or environment during site demolition, preparation, and grading. Implementation of standard conditions of approval, the applicant would be required to prepare a Soil and Groundwater Management Plan (SGMP) to submit to the City for approval prior to issuance of demolition, grading or building permits. Hazards to the public or environment would be avoided with implementation of this standard condition of approval. 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 Pardee Block Parking Lot site, with the closest one approximately 800 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 3 blocks 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 for #ZP2016-0170 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 #ZP2016-0170 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 for #ZP2016-0170 mailed/posted

Table 3: Project Chronology

Date	Action
January 31, 2018	Appeal period ended
February 7, 2018	Effective Date of Use Permit #ZP2016-0170
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 (#ZP2018-0117) and Off-site Parking (#ZP2018-0116) 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 – Pardee Block Parking Lot

Standard		Existing ¹	Proposed	Permitted/Required
BMC Section 23E.28.080				
Total Pardee Block Lot Area		68,000 sf	No change	--
Pardee Block Building Area				
	1000-1010 Carleton Street	6,400 sf	0 sf; all buildings proposed to be demolished	--
	1014 Carleton Street	8,400 sf		--
	1016 Carleton Street	4,200 sf		--
	2700 Tenth Street	8,000 sf		--
	1001-1013 Pardee Street and 2712-2714 Tenth Street	27,000 sf	No change; buildings to remain	n/a
Parking Lot Area		10,000 sf (assoc. w/ existing businesses)	43,847 sf	--
Setbacks	Front (Ninth Street)	0 feet	20 feet	20 feet
	Rear (Tenth Street)	n/a	6 feet	20 feet
	Left Side (Carleton Street)	0 feet	5 feet	20 feet
	Right Side (Pardee Block buildings to remain)	0 feet	2 foot planter	2 foot planter ²
Landscaping	Landscaped Area	0 sf	5,668 sf	n/a
	Hardscaped Area	68,000 sf (buildings and parking)	62,332 sf (buildings and parking)	n/a

Standard BMC Section 23E.28.080	Existing ¹	Proposed	Permitted/Required
Vehicle Parking ³	20	123 ⁴	32 ⁵
Bicycle Parking ³	0	18	14

sf = square feet
¹ Existing conditions have been approximated using existing topographic survey maps and Google Earth
² BMC 23E.28.080.E
³ See Table 5 Vehicle and Bicycle Parking Details
⁴ 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
⁵ The total number of automobile parking spaces required for the remaining Pardee Block businesses is reduced by 10 percent due to the provision of an adequate number of bicycle parking spaces, as per BMC 23E.84.080.H. Parking for Pardee Block businesses: 1 parking space per 1,000 square feet of warehouse space and 1 parking space per 500 square feet of office space. $19,700/1,000 = 20$ and $7,300/500 = 15$, therefore $20+15 = 35 \times 0.90 = 32$ parking spaces.

Table 5: Parking Details

Project Component	Medical Office Building Parking Lot	Pardee Block 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	123	238
Bicycle Parking²			
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 Bicycle parking spaces shall be provided at the ratio of one space per 2,000 square feet of gross floor area of non-residential space, and in accordance with the requirements of Section [23E.28.070](#).

II. Project Setting

A. Neighborhood/Area Description: The project site is located in West Berkeley. The site is approximately 500 feet southwest of the associated medical office site and is bound by Carleton Street to the north, Pardee Street to the south, Ninth Street to the

west, and Tenth Street to the east. 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 one parcel and currently consists of multiple structures as detailed in Table 4 above. The structures proposed for demolition are greater than 40 years old; historic evaluations were conducted for all structures proposed for demolition. The structures consist of a contractor's repair shop, a wooden lean-to storage shed, a machine shop, and two warehouses, plus associated outbuilding structures. See Section VI. Item B. for further detail.

III. Project Description

Use Permit #ZP2018-0116 is for the construction of a new 43,847 square-foot surface parking lot on the northern two-thirds of a single 68,000 square-foot parcel. The construction of the surface parking lot would require the demolition of multiple occupied structures, described above. The remainder of the site includes approximately 27,000 square feet of commercial buildings; these buildings would remain intact and operational.

The Pardee Block Parking Lot would include a total of 123 automobile parking and 18 bicycle parking spaces. The parking lot would include 88 parking spaces for use by the medical office staff at the proposed 1050 Parker Street Medical Office (#ZP2018-0117). The employees of the businesses that are to remain at Pardee Block currently use on-street parking. The project will provide up to 35 designated parking spaces for use by these businesses, thereby opening up more on-street parking opportunities than currently exist for area residents, businesses, and visitors.

Vehicular access would be provided from driveways on Ninth Street and Tenth Street for the proposed parking lot. Vehicular access would be gate-controlled and provided on Tenth and Ninth Streets. The entire parking lot would be surrounded by a six-foot, black aluminum fence. Three pedestrian gates would be installed for access and would be located along Carleton Street, in the northeast corner of the lot, and at Tenth and Ninth Streets adjacent the vehicle gates. As designed, the parking lot would also include 11 single- and double-head light poles.

Landscaping in the Pardee Block parking lot would include native and adaptive plantings that would incorporate trees, evergreen shrubs, perennials, and grasses to provide seasonal interest along the three street frontages.

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.

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.

On June 4, 2018, the property owner submitted a request to the City of Berkeley for a modification to Use Permit #ZP2016-0170 to allow the 60,670 square-foot building to be used entirely for medical offices (Use Permit #ZP2018-0117). Because of the need to increase the number of parking spaces provided, the project applicant has simultaneously applied for a new Use Permit to allow for off-site parking (Use Permit #ZP2018-0116, Pardee Block parking lot). Approval of Use Permit #ZP2018-0116 is contingent on the approval of the Use Permit #ZP2018-0117, as specified in Condition 13. Implementation of Use Permit #ZP2018-0117 is contingent on the approval of the General Plan re-designation and rezone, as specified in Condition 14. A final determination on the General Plan re-designation and rezone is pending as of October 2018.

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 297 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 stated in two previous emails submitted in response to the Initial Study and requested notice of the ZAB hearing. Several comments were received on the associated Initial Study, see the discussion below.

B. Landmarks Preservation Commission (LPC) Review: On July 5, 2018, the Landmarks Preservation Commission (LPC) held a hearing to consider the request to demolish commercial buildings that are more than 40 years old, in accordance with BMC Section 23.C.08.050. LPC took no action on the demolition referral. One of the remaining Pardee Block buildings, 1013 Pardee Street, was voted to be placed on the Potential Initiations List by a 7-1-0-0 vote.

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, in its entirety (i.e. 1050 Parker Street Medical Office Building and Pardee Block Parking Lot), 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 original IS-MND completed for the 1050 Parker Street 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. 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 Measures.* 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: 1) Carly Barker and Stephen LaMond, residents at 2709 Tenth Street, 2) Dr. Janet Hurwich, resident at 2608 Ninth Street, 3) Fredric Fierstein, owner of the building at 1025 Carleton Street, , 4) Carly Barker and Stephen LaMond, residents at 2709 Tenth Street, 5) Mitchel Bornstein, owner of Berkeley Smog Test Only and Vehicle Registration Services at 1010 Carleton Street, and 6) Patricia Maurice, California Department of Transportation (Caltrans). A synopsis of each comment letter is provided below. Full responses are included in the Final IS-MND.

- 1) Carly Barker and Stephen LaMond 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) Janet Hurwich 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 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 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 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 conditions of approval as part of #ZP2018-0117 (Condition 68).

Appropriate mitigation measures have been incorporated into the Final IS-MND and documented in a Mitigation Monitoring and Reporting Program. 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 (Attachment 4). The mitigation measures have been 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. Demolition of Existing Buildings:** Pursuant to BMC Section 23C.08.050.D, a use permit for demolition of a non-residential building or structure may be approved only if the Board or Zoning Officer finds that the demolition will not be materially detrimental to the commercial needs and public interest of any affected neighborhood or the City. The demolition would total approximately 27,000 square feet of building area, and would be required in order to facilitate construction of the 43,847 square-foot surface parking lot.

Staff Analysis: The buildings to be demolished are located at 1000-1010, 1014-1016, and 1020 Carleton Street, and 2710 Tenth Street. The buildings do not appear on the National Register of Historic Places, the California Register of Historical Resources, or the State Historic Resources Inventory. The buildings do not meet the LPO criteria for consideration as a City Landmark or Structure of Merit (BMC Section 3.24.110). On July 5, 2018, the Landmarks Preservation Commission (LPC) held a hearing to consider the request to demolish commercial buildings located at 1000-1010 Carleton Street, 1014-1016 Carleton Street, 1020 Carleton Street, and 2710 Tenth Street that are more than 40 years old, in accordance with BMC Section 23.C.08.050. LPC took no action on the demolition referral.

The buildings to be demolished are currently operating as vehicle repair services. Pursuant to BMC 23E.84.030, Automobile Repair and Service, including Automobile Restoration, is permitted in the MU-R District with issuance of Use Permit. There are dozens of other existing automobile repair and service businesses in West Berkeley. None of the existing buildings are actively being used for manufacturing, warehousing, or wholesale trade. Staff believes ZAB can find that the demolition of these buildings would not be materially detrimental to the commercial needs and public interest of the neighborhood.

- C. Construction of a Parking Lot:** The proposed lot would provide a portion of the required parking for the 1050 Parker Medical Office Building (500 feet to the northeast, in the MU-LI and C-W zoning districts) and for businesses fronting Pardee Street. The proposed project requires a Use Permit for constructing a parking lot in the MU-R District that is not exclusively for uses located in the district (BMC Section 23E.84.030), a use permit to allow off-street parking beyond 300 feet from the structure it is intended to serve (BMC Section 23E.28.030.B), and a Use Permit to locate ground level parking space within 20 feet of street frontage (BMC Section 23E.28.080.B). In addition, a use permit is required to allow for the substitution of bicycle or motorcycle parking spaces

in place of up to 10% of the required automobile parking spaces (BMC Section 23E.84.080.H). These use permits require the finding of non-detriment.

Staff Analysis: The proposed medical office site would provide 115 on-site surface parking spaces for site visitors and some employees. The Pardee Block Parking Lot would provide 88 parking spaces for employees of the medical office building and up to 35 parking spaces for employees of the remaining Pardee Block commercial buildings. The proposed medical office building would be northeast of the site, across Carleton Street and Tenth Street. The parking lot would be located approximately 500 feet from the nearest medical office building entrance.

Accessible pedestrian pathways between the parking lot and the medical office building currently exist. Pedestrian access for the Pardee Block Parking Lot would be provided through two pedestrian gates at the northeast and southeast corners of the parking lot. Pedestrian access to the remaining Pardee Block Parking Lot buildings would be provided through either the pedestrian gate at the southeast corner of the parking lot or a gate on the west side of the parking lot, adjacent to the bicycle parking area.

The medical office employees that park at the Pardee Block Parking Lot could use any of the pedestrian gates to access Tenth Street along existing sidewalks and then cross two of the approaches at the Tenth Street/Carleton Street intersection to walk between the medical office building and the Pardee Block Parking Lot. 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. The proposed project includes 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 Condition 52 requiring that the project conform to the plans and statements in the Use Permit.

The project is designed to conform with the applicable zoning requirements and development standards that apply to the project site. The parking lot and associated landscaping would be non-detrimental to light, air, privacy and views. In addition, the project approval is subject to the City's standard conditions of approval regarding construction noise and air quality, waste diversion, toxics, and stormwater requirements, thereby ensuring the project would not be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the area or neighborhood of such proposed use or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood or to the general welfare of the City.

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

1. Policy LU-10–Parking: Protect residential areas from institutional and commercial parking impacts by encouraging use of alternative modes of transportation and strictly enforcing residential parking permit regulations.

2. Policy LU-11–Pedestrian- and Bicycle-Friendly Neighborhoods: Ensure that neighborhoods are pedestrian- and bicycle-friendly with well-maintained streets, street trees, sidewalks, and pathways.
3. Policy T-32 Shared Parking: Encourage Berkeley businesses and institutions to establish share parking agreements, which would make the most efficient use of existing and new parking areas.
4. Policy T-33 Disabled Parking and Passenger Zones: Ensure adequate disabled parking and passenger drop off zones.
5. Policy T-50 Sidewalks: Maintain and improve sidewalks in residential and commercial pedestrian areas throughout Berkeley and in the vicinity of public transportation facilities so that they are safe, accessible, clean, attractive, and appropriately lighted.
6. Policy T-52 Pedestrian Safety and Accessibility: Provide safe and convenient pedestrian crossings throughout the city.

Staff Analysis: The off-site parking lot is required in order to provide the required number of parking spaces for the associated medical office building. The proposed project has been designed to also 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 Condition 52 requiring that the project conform to the plans and statements in the Use Permit. This parking lot is within feasible walking distance of the associated medical office building and all sidewalks and curb cuts at intersections are ADA accessible. Staff believes the project complies with the above General Plan policies and that ZAB can make a finding of compatibility.

E. 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 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.
3. 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.

Staff Analysis: The off-site parking lot would support the larger project, a medical office building, which would largely serve the surrounding neighborhood. 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 Use Permit #ZP2018-0116 pursuant to 23B.32.040 and 23E.84.090, 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 15, 2018, dated August 17, 2018
3. Notice of Public Hearing, dated October 10, 2018
4. Final Mitigated Negative Declaration Response to Comments, see #ZP2018-0117 (1050 Parker Street)
5. Initial Study – Mitigated Negative Declaration, see #ZP2018-0117 (1050 Parker Street)
6. Correspondence Received

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