



Office of the City Manager

PUBLIC HEARING
March 19, 2013

To: Honorable Mayor and Members of the City Council
From:  Christine Daniel, City Manager
Submitted by: Eric Angstadt, Director, Planning and Development
Subject: Rescind West Berkeley Plan Amendments, Adopted 2011

RECOMMENDATION

Conduct a public hearing and upon conclusion, adopt a Resolution changing the language of the West Berkeley Plan to remove the language added in 2011.

FISCAL IMPACTS OF RECOMMENDATION

None

CURRENT SITUATION AND ITS EFFECTS

On March 22, 2011, the Council adopted an amendment to the West Berkeley Plan that anticipated and referred to subsequent revisions to the Master Use Permit (MUP) process. However these revisions were not adopted as a result of the failure of Measure T. Thus the West Berkeley Plan is inconsistent with the West Berkeley zoning due to the failure of Measure T in November 2012.

On February 6, 2013 the Planning Commission recommended that the City Council remove the inconsistent language:

Motion/Second/Carried (GP/JN) to recommend staff's language of the West Berkeley Plan Rescissions to City Council. Ayes: Novosel, Poschman, Samuels, Sheahan, Eisen. Noes: None. Abstain: Clarke. Absent: Dacey.
--

The attached resolution is consistent with the Planning Commission recommendation. In addition, the attached resolution contains language rescinding the certification of the West Berkeley EIR to the extent it was certified for the purpose of approving the West Berkeley Plan amendment concerning the MUP process.

RATIONALE FOR RECOMMENDATION

This is a cleanup of inconsistent language between the West Berkeley Plan and the adopted zoning.

ALTERNATIVE ACTIONS CONSIDERED

None

CONTACT PERSON

Eric Angstadt, Director, Planning and Development, 981-7401

Attachments:

1: Resolution

2: Public Hearing Notice

RESOLUTION NO. ##,###-N.S.

RESCINDING WEST BERKELEY PLAN AMENDMENT RELATING TO MASTER USE PERMITS

WHEREAS, in March 2011, as part of the West Berkeley Project, the Council adopted various amendments to the West Berkeley Plan; and

WHEREAS, one of these amendments anticipated, and refers to, subsequent revisions to the Master Use Permit (MUP) process; and

WHEREAS, those revisions were not adopted, as a result of the failure of Measure T; and

WHEREAS, it is therefore appropriate to rescind those MUP-related amendments to the West Berkeley Plan as they serve no purpose and create uncertainty.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that to the extent Resolution No. 65,209–N.S. certified the West Berkeley Project EIR for the purpose of approving the West Berkeley Plan amendment concerning the MUP process, said certification is, to that extent, rescinded.

BE IT FURTHER RESOLVED by the Council of the City of Berkeley that the “Large Site Development Process” section on page 56 of the West Berkeley Plan is amended to read as follows:

Large Site Development Process

Rationale: West Berkeley has a few large sites—sites of 5 acres or more under a single ownership—which present special challenges and opportunities for planning and development in West Berkeley. These large sites—such as the Miles or (ex)Colgate property—are of a scale where they have a major impact on the area around them, and noticeable impacts on West Berkeley as a whole. They also may require modification of the uses and development standards in a district to facilitate a feasible large scale project.

For these reasons, the West Berkeley Plan incorporates a concept of a Large Site Development Process. While the process remains to be defined, the concept is that a special approval process would be used for certain projects. Because of the importance of these projects, the Planning Commission would be involved in the process. The process would also provide a formal mechanism for early citizen input.

The rezoning will propose a Zoning Ordinance amendment to provide for a Master Plan Permit. It would be a middle ground alternative between the Use Permit and the Development Agreement. While a master permit could be issued for a multi-building project, there would be a procedure for review of individual buildings at their time of construction. This alternative could incorporate many of the master planning

features of a Development Agreement, but would be acted upon under the procedures of the Zoning Ordinance, rather than as a separate contract.

It is important to note that no special process would be required of large scale projects which conform in all substantive respects to the uses and development standard of their district. Such a project, however large, would require simply the normal Use Permit(s) and environmental review (an Environmental Impact Report or other appropriate documentation).

Regulation: Projects which are eligible for the Large Site Development Process are those which:

- On sites of at least 5 acres; and
- Proposing to incorporate uses which would not otherwise be permitted in the district; or
- Requesting an “alternative” land use entitlement, such as a Development Agreement. Another possibility is a Master Plan Permit, whereby a single permit would be issued for the development of a number of buildings and/or uses within a given range.

**NOTICE OF PUBLIC HEARING
BERKELEY CITY COUNCIL
REMOVE 2011 AMENDMENTS TO WEST BERKELEY PLAN
REGARDING LARGE SITE DEVELOPMENT PROCESS**

Notice is hereby given that on March 19, 2013 at 7:00 p.m. in the City Council Chambers, 2134 Martin Luther King, Jr. Way, the City Council of the City of Berkeley will conduct a public hearing addressing the following proposed General Plan change:

Amend the West Berkeley Plan (page 56) as follows, due to the failure of Measure T on the City of Berkeley Ballot, 2012:

~~2011 Update: The Master Use Permit (MUP) section of the Zoning Ordinance (Chapter 23B.36) is modified. The Regulations noted in the Plan are no longer accurate. Please reference the proposed revisions to Chapter 23B.36 for the updated Master Use Permit regulations.~~

Regulation: Projects which are eligible for the Large Site Development Process are those which:

- On sites of at least ~~4 (modified 2011)~~ 5 acres; and
- Proposing to incorporate uses which would not otherwise be permitted in the district; or
- Requesting an “alternative” land use entitlement, such as a Development Agreement. Another possibility is a Master Plan Permit, whereby a single permit would be issued for the development of a number of buildings and/or uses within a given range.

For further information, please contact Eric Angstadt, Director, Planning and Development at (510) 981-7400.

A copy of the agenda material for this hearing will be available on the City’s website at www.CityofBerkeley.info as of **March 7, 2013**.

Written comments should be mailed or delivered directly to the City Clerk, 2180 Milvia Street, Berkeley, CA 94704, in order to ensure delivery to all Councilmembers and inclusion in the agenda packet. Comments received no later than Monday, March 4, 2013 will be included in Council agenda packets. Communications received after that date, up to 5:00 p.m. on Tuesday, March 12, 2013 will be distributed to council in a supplemental packet five days before the meeting. Communications received less than seven days before the Council meeting but prior to noon on the day of the meeting, will be distributed at the Council meeting. If the communication includes maps or photos or any other material not reproducible on a copy machine, fifteen copies should be provided to the City Clerk. Communications should be mailed or delivered directly to the City Clerk to ensure receipt by all Councilmembers. Communications to the Berkeley City Council are public record and will become part of the City’s electronic records, which are accessible through the City’s website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record.** If you do not

want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the City Clerk. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk at 981-6908 or clerk@cityofberkeley.info for further information.

If you challenge the above in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City of Berkeley at, or prior to, the public hearing. Background information concerning this proposal will be available at the City Clerk Department and posted on the City of Berkeley webpage at least 10 days prior to the public hearing.

Published: , March 8, 2013 – The Berkeley Voice-pursuant to California Government Code 65355 and 65090

~~~~~  
I hereby certify that the Notice for this Public Hearing of the Berkeley City Council was posted at the display case located near the walkway in front of Council Chambers, 2134 Martin Luther King Jr. Way, as well as on the City's website, on March 7, 2013.

\_\_\_\_\_  
Mark Numainville, CMC, City Clerk