

Planning and Development Department  
Land Use Planning Division

## MEMORANDUM

DATE: February 2, 2023

TO: Members of the Landmarks Preservation Commission

FROM: Ashley James, Senior Planner

SUBJECT: Pacific Steel Casting Zoning and General Plan Amendments and Environmental Impact Report (EIR) Scoping Meeting

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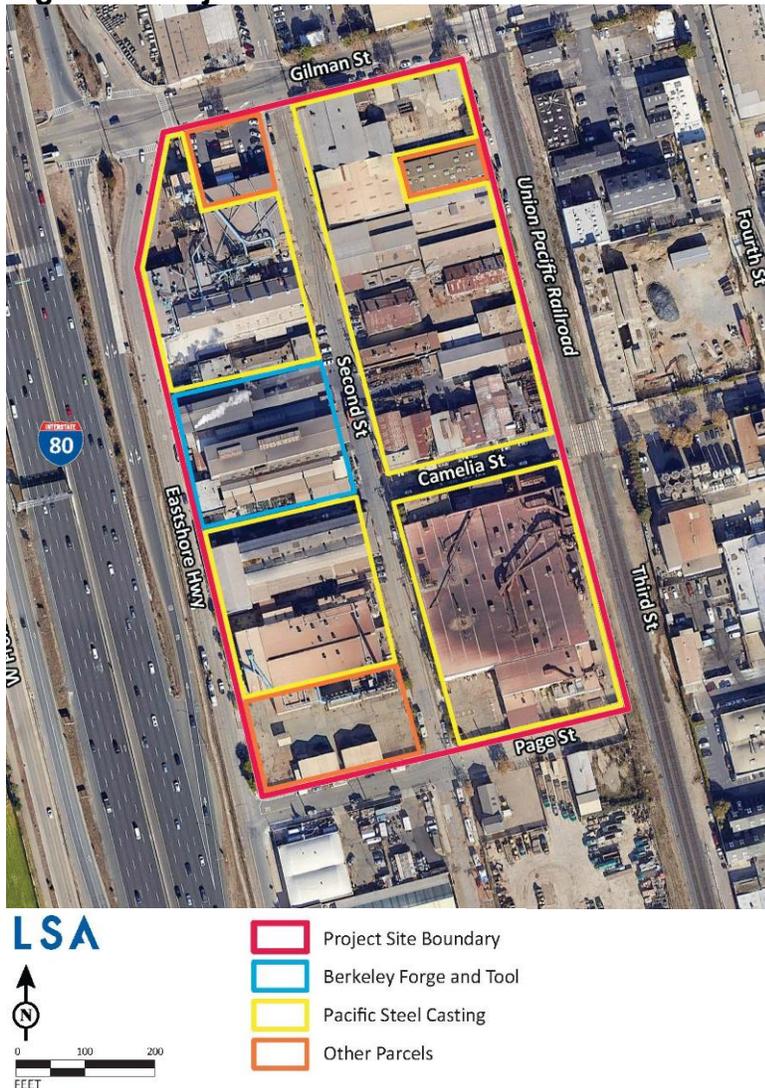
### INTRODUCTION

City staff are preparing Zoning Ordinance and Zoning Map amendments and associated General Plan amendments to re-zone an approximately 11-acre area within the West Berkeley Plan Area from M (Manufacturing) to a new district entitled M-RD (Manufacturing, Research and Development). The 11-acre area contains 18 parcels and is bounded by Gilman Street to the north, the Union Pacific Railroad tracks to the east, Page Street to the south, and Eastshore Highway to the west (**Figure 1**). Based on the scale and scope of the proposed project, the City has determined that an Environment Impact Report (EIR) is required to evaluate the potential physical environmental impacts that could result from actions required to implement the proposed project. A Notice of Preparation (NOP) to gather input from agencies and the public was released on December 27, 2022 for a 60-day comment period ending on February 27, 2023. The Landmarks Preservation Commission should use this scoping meeting to provide comments on the scope and content of the EIR.

### BACKGROUND

On April 20, 2021, the City Council referred to the Planning Commission creation of a zoning overlay at the former Pacific Steel Casting (PSC) property in West Berkeley—currently zoned M and re-designate it as Mixed Use - Light Industrial (MU-LI) due to the unique issues of public concern associated with this property (described below); specifically, include in the PSC zoning overlay allowances to enable all MU-LI uses and override any existing constraints in the Berkeley Municipal Code for Zoning (Title 23) on such MU-LI uses for the PSC property, such as manufacturing floor area replacement requirements (**Attachment 1**).

**Figure 1: Project Area**

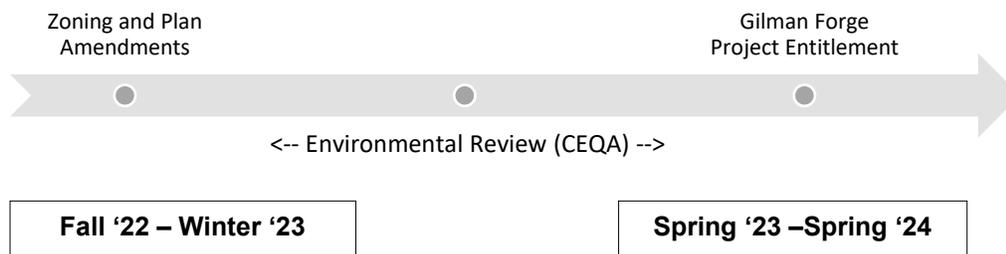


In October of 2022, the Planning Department received a zoning map amendment application from Rhoades Planning Group on behalf of SPUR Capital, pursuant to BMC Chapter 23.412 (Zoning Ordinance Amendments), to re-designate the zoning of 15 parcels over an 8.16-acre area at the PSC and Berkeley Forge and Tool properties from M to MU-LI, consistent with the Council referral. The project area that is the subject of this application includes only the parcels that SPUR Capital has site control over, and is thus slightly smaller than the total project area.

According to the applicant statement, the project sponsor intends to submit an entitlement project - Gilman Forge - following completion of the re-zone and EIR. The applicant statement provides preliminary information regarding the possible uses and development envelope of the project (**Attachment 2**).

The project will be a multi-year, two-step process, beginning with processing of the zoning map and text amendments and general plan amendments, followed by the Gilman Forge entitlement application. Environmental review will occur throughout the project to fully evaluate the potential physical effects to the environment of the proposed policy changes as well as the proposed future development project (**Figure 2**). The role of the Landmarks Preservation Commission is to provide comments on the NOP and the Draft EIR; the Commission would also review all future demolition referrals as part of the entitlement process for the Gilman Forge project, per BMC Section 23.326.070. The role of the Planning Commission is to recommend to the City Council the proposed zoning text and map amendments, and General Plan and West Berkeley Plan amendments.

**Figure 2: Planning and Entitlement Process**



**PROJECT SUMMARY**

The project being analyzed in the EIR is the proposed zoning text and map amendments and associated General Plan amendments, as well as the proposed Gilman Forge concept plan (**Attachment 2**). The EIR will evaluate the maximum reasonable development scenario of the rezone and associated general plan amendments, as well as demolition of the existing buildings, construction of up to 1,000,000 square feet of nonresidential space at a maximum building height of 105 feet, and up to 2,000 off-street automobile parking spaces. The Planning Commission is providing feedback on the proposed M-RD zoning district regulations, which are described in greater detail in the staff report to the Planning Commission (**Attachment 3**). The EIR will also evaluate the impact of the Gilman Forge concept plan, located on an approximately 8.16-acre portion of the project area, to the extent that such development is foreseeable at the time of preparation of this programmatic EIR. The buildout of the concept plan is assumed to be consistent with the development standards of the proposed M-RD zoning district (**Attachment 4**).

The EIR will address cultural resources – historical, archaeological, and human remains - by discussing existing conditions, physical changes to the environment with the project, and any significant effects that may result from implementation of the project on the environment. Possible effects to cultural resources include direct, indirect and cumulative impacts in the short- and long-term. The EIR will also identify a range of alternatives to the project to determine whether any alternatives would substantially reduce one or more significant effects of the project.

### General Plan and West Berkeley Plan Amendments

The proposed zoning text and map amendments require associated amendments to the General Plan and West Berkeley Plan to ensure consistency between the Zoning Ordinance and the General Plan.<sup>1</sup> The Plan amendments will be limited to referencing a new zoning district (M-RD), and updating the General Plan map to apply the new district to the project area. Pursuant to BMC Chapter 22.04, the Planning Commission will be asked to consider these proposed amendments with the proposed zoning text and map amendments and EIR. The Urban Design and Preservation Element of the General Plan would not need to be amended with this project, as any future development in the new zoning district would continue to comply with the policies of the Plan, including demolition referral to the Landmarks Preservation Commission. The General Plan does not call out any existing landmarks within the project area. Similarly, the historic preservation goals and policies of the West Berkeley Plan would not need to be amended, either.<sup>23</sup>

### **DISCUSSION**

Due to the scale and scope of the project, the Planning Department has determined that and EIR is required to evaluate the potential physical environmental impacts that could result from actions required to implement the proposed project. The City has hired LSA to prepare the CEQA analysis. This scoping meeting informs the community and public agencies about the Zoning Text, Map and General Plan Amendments and EIR, and solicits comments from the Landmarks Preservation Commission and the public regarding the EIR scope, issues of concern, potential alternatives, and mitigation measures. These comments, along with the comments collected through the entire review period, will be considered in the preparation of the EIR.

The Landmarks Preservation Commission should review the NOP, provide comments on the scope and content of the EIR, and receive comments from members of the public, organizations and interested agencies on issues the EIR should address.

Written comments can be directed in writing to Ashley James, Senior Planner either by mail or electronically:

Land Use Planning Division  
1947 Center Street, 2nd Floor  
Berkeley, CA 94704

[AJames@cityofberkeley.info](mailto:AJames@cityofberkeley.info).

Comments must be received on or before 5pm on Monday, February 27, 2023.

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<sup>1</sup> The West Berkeley Plan is an amendment to Berkeley's General Plan, providing policies to guide development in West Berkeley.

<sup>2</sup> City of Berkeley General Plan, Urban Design and Preservation Element. [13 Urban Design and Preservation Element-FINAL.pdf \(berkeleyca.gov\)](#)

<sup>3</sup> The West Berkeley Plan, Physical Form Element, pages 144-146. [12/14/1993; CLK - Resolution; City Council; 57301; ; \(berkeleyca.gov\)](#)

## NEXT STEPS

Following the close of the NOP comment period, the Draft EIR will be prepared and circulated for the required 45-day public comment period. Although the Zoning and General Plan Amendments would not approve any physical development (e.g., construction of buildings or infrastructure), the EIR will assume that such actions are reasonably foreseeable future outcomes of the Project. Therefore, the EIR will evaluate the potential physical environmental impacts that could result from future actions for implementing the policies and programs, and resulting development, at a programmatic level. To the extent that technical studies have been received as part of the Zoning Map Amendment application, the EIR will evaluate potential impacts at a project-level of detail.

The Draft EIR will also examine a reasonable range of alternatives to the proposed project, including the CEQA-mandated No Project Alternative and other potential alternatives that may be capable of reducing or avoiding potential environmental effects while meeting most of the basic objectives of the project. In addition, the EIR will address cumulative impacts, growth inducing impacts, and other issues required by CEQA. The estimated timeline for the public portions of the CEQA review are as follows:

*Table 2. Project Timeline*

<b>Description</b>	<b>Timing</b>	<b>Public Review Process</b>
60-day NOP Comment Period	December 21, 2022 – February 27, 2023	Scoping Meetings: <ul style="list-style-type: none"> <li>• 2/1/23 Planning Commission</li> <li>• 2/2/23 Landmarks Preservation Commission</li> </ul>
Draft EIR released for 45-day review and comment period	Summer-Fall 2023	Planning Commission meeting
Final EIR and Final Zoning and General Plan amendments adopted	Fall-Winter 2023	Planning Commission recommendation; City Council action

## ATTACHMENTS

1. City Council Referral to the Planning Commission to Establish a Zoning Overlay at the Pacific Steel Casting Property, April 20, 2021
2. Zoning Map Amendment Application (PLN2022-0079), October 25, 2022
3. Notice of Preparation
4. Planning Commission Staff Report and Attachments, February 1, 2023; [2023-02-01 PC Agenda Packet 0.pdf \(berkeleyca.gov\)](#)



Rashi Kesarwani  
Councilmember, District 1

ACTION CALENDAR

April 20, 2021

TO: Honorable Mayor and Members of the City Council

FROM: Councilmember Rashi Kesarwani (Author), Councilmember Taplin (Co-Sponsor)

SUBJECT: Referral to the Planning Commission to Establish a Zoning Overlay at the Pacific Steel Casting Property

RECOMMENDATION

Refer to the Planning Commission to create a zoning overlay at the Pacific Steel Casting (PSC) property in West Berkeley—currently zoned Manufacturing (M) and redesignate it as Mixed Use - Light Industrial (MULI) due to the unique issues of public concern associated with this property (described below); specifically, include in the PSC zoning overlay allowances to enable all MULI uses and override any existing constraints in the Berkeley Municipal Code for Zoning (Title 23) on such MULI uses for the PSC property.

CURRENT SITUATION AND ITS EFFECTS

The Pacific Steel Casting (PSC) property sits at the corner of Eastshore Highway and Gilman Street, extending two blocks south to Page Street with structures on either side of Second Street. Once a thriving manufacturer of custom industrial-use parts employing more than 650 workers, PSC declared bankruptcy in 2014 and permanently shuttered in 2018. The site is known to have a number of problems of public concern, including: (1) environmental contamination at the site, (2) hundreds of blue-collar workers awaiting receipt of their pension benefits as a result of a future sale of the property, and (3) neighborhood blight and safety concerns resulting from an eight-acre multi-block area of abandoned buildings and graffitied fencing around the property.

The site, which is in close proximity to the highly-anticipated reconstruction of the Gilman Interchange, has generated some interest from real estate and business representatives for numerous mixed-use light industrial uses, such as biotechnology labs, warehouse and commercial uses, or office space, among other possibilities. The site has been on the market for more than two years without a serious buyer

due in part to concerns that the current Manufacturing zoning designation limits the potential uses of the site to heavy manufacturing only. Because of the difficulty in generating a prospective buyer for the PSC site—more than two years have elapsed since the property was first put on the market—and the issues of public concern noted above, a zoning overlay specifically for the PSC site is recommended. This referral and establishment of a zoning overlay signals to prospective buyers that the City is eager to see this site reinvented and contributing to our tax base and the vitality of our post-Covid local economy.

### BACKGROUND

Established in 1934 and owned for more than 80 years by the Genger and Delsol families, PSC declared bankruptcy in 2014. Prior to that, a worker class action lawsuit was filed in 2011 against the company for wage theft.<sup>1</sup>

In 2014, the company was purchased by Speyside Equity for \$11.3 million. Until that time, the company had been generating \$100 million in sales annually. Speyside turned the assets of PSC into a limited liability company and pledged to honor the collective bargaining agreements with the union representing the workers, including assuming pension liabilities and paying workers' health benefits.<sup>2</sup> The new company, Pacific Steel Casting LLC, however, failed to pay those benefits in part due to growing financial insecurity prompted by plummeting gas and oil prices which limited the need for production, and in part due to increased competition from China. It was also later discovered that Speyside used suspect financial practices that further drove the company into the ground.<sup>3</sup>

According to reporting from Berkeleyside, "The Speyside Fund, Speyside Equity, Alcast Company of Illinois, various business partners and managers, 'looted' \$14.5 million from the West Berkeley company over a four-year period, and justified the siphoning off by 'cooking' the books, according to the action filed by Sarah L. Little, the bankruptcy trustee."<sup>4</sup> These legal entanglements encumber the land for any potential buyers, as it is predicted it will take between \$27 to \$30 million to make the workers and all the past creditors whole. This is in addition to the costs it will take for the environmental remediation of the property.

### FISCAL IMPACT

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<sup>1</sup> See Berkeleyside, Nov. 7, 2019 article, "Buyers of Pacific Steel Casting 'looted' its assets, made 'insider deals,' according to bankruptcy trustee:"

<https://www.berkeleyside.com/2019/11/07/buyers-of-pacific-steel-casting-looted-its-assets-made-insider-deals-according-to-bankruptcy-trustee>

<sup>2</sup> See Berkeleysides' Dec. 12, 2017 article, "Temporary reprieve for workers: Pacific Steel Casting to remain open through March:" <https://www.berkeleyside.com/2017/12/12/reprieve-workers-berkeleys-pacific-steel-casting-remain-open-march>

<sup>3</sup> See Berkeleysides' Nov. 7, 2019 article, ""Buyers of Pacific Steel Casting 'looted' its assets, made 'insider deals,' according to bankruptcy trustee:" *Op Cit.*

<sup>4</sup> Berkeleyside, Nov. 7, 2019, *Op. Cit.*

Staff time to facilitate the Planning Commission referral and prepare language for the zoning overlay.

#### ENVIRONMENTAL SUSTAINABILITY

The PSC site requires considerable environmental remediation. A property buyer would address all of the environmental clean-up issues, contributing to a revitalization of West Berkeley's Gilman District and responsible stewardship of the land. The 2014 Atwell, LLC report commissioned by Speyside Equity, LLC concluded that substances such as arsenic, petroleum hydrocarbons, tetrachloroethylene and trichloroethylene and others were present in samplings taken during the environmental investigation of the site.

#### RATIONALE FOR RECOMMENDATION

Creating a zoning overlay to enable the PSC site to be zoned MULI will increase the desirability of this property for prospective buyers. This in turn could reap many public benefits once the site is sold. First and foremost, it could enable former PSC workers to receive their pension benefits. It would also result in an environmentally sound property and contribute to the City's tax base.

#### CONTACT PERSON

Councilmember Rashi Kesarwani, District 1

(510) 981-7110

**Applicant Statement**  
**Gilman Gateway**  
**December 15, 2022**

Gilman Gateway will revitalize a 10+ acre, environmentally impacted, vacant, formerly industrial property into Berkeley's premier research and development and life sciences campus. The Gilman Gateway is composed of the former Pacific Steel Casting and Berkeley Forge and Tool sites. Pacific Steel Casting ceased operations in 2018 and is currently under bankruptcy. Berkeley Forge and Tool is in the process of closing operations. The project provides an opportunity to build on the history of research, development, and manufacturing in West Berkeley and will bring the next era of innovation in life sciences to Berkeley.

This application proposes the rezoning of the land generally bounded by Eastshore Highway, Gilman Street, Union Pacific Railroad tracks, and Page Street. The zoning designation is proposed to change from M (Manufacturing) to MU-LI (Mixed-Use Light Industrial). This application is consistent with the Berkeley General Plan Manufacturing land use designation. MU-LI is identified in the General Plan as compatible with the General Plan Manufacturing land use designation.

Rezoning the properties offers numerous financial, social, and environmental benefits to the City and local community. The Gilman Gateway project fulfills the goals of the West Berkeley Plan to facilitate development of multi-parcel sites, attract emerging business sectors, and retain and promote economic diversity in West Berkeley. By restoring derelict, environmentally blighted properties to productive industrial use, creating jobs and tax base in West Berkeley, the Gilman Gateway project will implement the vision of the West



The proposed rezoning encompasses the former Pacific Steel Casting and Berkeley Forge and Tool sites, both of which have ceased operations

**SPUR Gilman Gateway: Plan**



Concept diagram of new Research and Development/Life Science Innovation campus

**Rezoning Request:** Zoning map amendment as identified and supported by the 2021 City Council referral: rezone subject sites from Manufacturing (M) to Mixed Use-Light Industrial (MU-LI). The project team expects that the City will initiate accompanying text amendments, as permitted under BMC Section 23.412.020(B) and in accordance with the Council referral, including:

- Maximum height of 105 feet
- Allowed uses, including Research and Development
- Exemption from MU-LI protected use regulations

Berkeley Plan to maintain and improve the quality of urban life for West Berkeley residents and workers.<sup>1</sup>

The proceeds from the sale of the Pacific Steel Casting land—currently held in bankruptcy court—will fund the unpaid pensions of the company's former workers, whose pensions were eliminated when Pacific Steel Casting closed and filed bankruptcy.

The project will also contribute over \$6 million in dedicated special assessments to be used for affordable housing, childcare, schools, and public art.

In addition, the project will also:

- contribute to increased property tax and secondary sales tax benefits to the City
- revitalize and environmentally blighted site;
- create new public open space and landscaping, and install stormwater management systems, where none exist today;
- create new sidewalk and bicycle facilities, supporting community pedestrian and bike travel across the new flyover;
- further Berkeley's history of progressive research and innovation, supporting new jobs at a range of skill levels to train and keep workers and existing businesses in Berkeley, as well as attracting new businesses to further energize the city.

These enhancements will help drive environmental improvements across West Berkeley in the form of improved air quality, social equity, environment, bicycle and pedestrian access, and flooding resilience. This rezoning request is the first step toward making this vision a reality.



*The sale of the Pacific Steel Casting site will fund the unpaid pensions of its former workers.*



*Modern skilled industrial labor employment*



*Subject site along Camelia and Second Streets*

<sup>1</sup> Resolution No. 57,301-NS Adopting the West Berkeley Plan as an area plan and as an amendment to the City of Berkeley's Master Plan (December 14, 1993).

**City Council #1 Referral Priority**

In 2021, the City Council approved a Council referral to the Planning Commission to create a zoning overlay at the Pacific Steel Casting property. The referral called for redesignation of the project area as Mixed Use-Light Industrial (MU-LI) to enable allowed MU-LI uses and override existing constraints in the Zoning Ordinance, such as manufacturing floor area replacement requirements. This overlay was intended as an incentive to attract a buyer of the property, which had sat vacant and in limbo, beginning with Pacific Steel Casting's layoffs in 2011 and ending with its declaring bankruptcy in 2014 and closure in 2018.

In 2022, the City Council adopted the rezoning of the Pacific Steel Casting property as its #1 priority out of 46 Council referrals. This action emphasizes the City's support for rezoning, redevelopment of vacant obsolete buildings, environmental clean-up, and sale of the property, which will also aid in the pension payout. In turn, the Council adopted a budget item in its 1<sup>st</sup> tier of budget priorities to fund City staff positions to assist with project review and approval, and environmental analysis under the California Environmental Quality Act (CEQA).



Rashi Kesarwani  
Councilmember, District 1

ACTION CALENDAR  
April 20, 2021

TO: Honorable Mayor and Members of the City Council

FROM: Councilmember Rashi Kesarwani (Author), Councilmember Taplin (Co-Sponsor)

SUBJECT: Referral to the Planning Commission to Establish a Zoning Overlay at the Pacific Steel Casting Property

RECOMMENDATION  
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*In 2021, the City Council approved a referral to the Planning Commission to establish a Zoning Overlay at the Pacific Steel Casting site to encourage redevelopment.*

**Project Site**

Located on Berkeley's northwestern edge, the site includes a collection of 15 parcels bisected by Second Street from Gilman Street to Page Street. The subject parcels proposed for rezoning are identified in Table 1 and include approximately 10.2 acres (net of public rights-of-way). In addition to the former Pacific Steel Casting parcels, the rezoning request includes sites owned by Berkeley Forge & Tool, which is in the process of closing its operations.

The project site has been characterized by heavy industrial uses for over a century, evolving from iron and steel industries to warehouses and foundries. Industries operating within and in the vicinity of the site have environmentally impacted soil and soil vapor, as detailed below. The area has always been vehicle, rail, and heavy truck oriented—no sidewalks, no bike facilities, limited street trees, overhead utility poles, and railroad tracks in the street. Since the closure of Pacific Steel Casting, the area has suffered from neglect.

**Table 1: Rezoning Request by Address & APN**

Address	APN
1305 Eastshore Hwy	59-2344-1-2
1331 Eastshore Hwy	59-2344-7
1401 Eastshore Hwy	59-2341-4
1421 Second St	59-2340-8-2
1420 Second St	59-2341-5
1330 Second St	59-2344-5-1
1320 Second St	59-2344-4-1
1314 Second St	59-2344-3-1
1333 Second St	59-2345-9
1337 Second St	
1332 Third St	59-2345-8-1
1310 Third St	59-2345-2-2
625 & 631 Camelia St	59-2345-7
635 Camelia St	59-2345-6-1
643 Camelia St	59-2345-4
1311 Second St	
630 & 640 Gilman St	59-2345-1



*Gilman Street/Berkeley Gateway currently*

**Site Context**

The project site is located at the northwest corner of the city. It is one of the three major gateways to the city from the west. The sites are generally bounded by Interstate 80 and the Frontage Road to the west, Gilman Street to the north, Union Pacific Railroad (UPRR) freight and passenger tracks to the east, and Page Street to the south. Camelia Street extends west to Second Street but does not connect to the Eastshore frontage road.

The subject parcels fall within the General Plan designation for Manufacturing, which includes manufacturing and light industrial use, and the West Berkeley Plan, as shown in Figure 1. The site is zoned for Manufacturing (M) which implements the West Berkeley Plan’s Manufacturing designation, as shown in Figure 2.

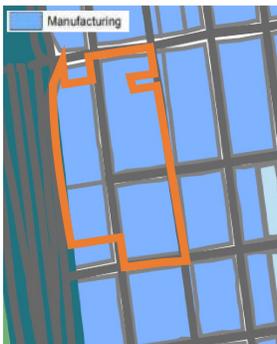


Figure 1: General Plan Map



Figure 2: Zoning & Parcel Map



Figure 3: Vicinity Map, by Zoning District

The proposed uses and buildings are compatible with the West Berkeley Plan in that they will develop research and development, and ancillary uses, that meet the West Berkeley Plan’s Manufacturing designation; provide a range of job opportunities and wage ranges, including those that do not require advanced degrees. Additionally, the project will improve the quality of the West Berkeley environment by addressing impacts caused by a century of industrial use, and adding new bioretention systems, landscaping, street trees, bicycle improvements and sidewalks, which will create a more inviting, accessible and health inducing urban design.

The surrounding area is also designated Manufacturing under the city's general plan, and zoned Manufacturing (M) and Mixed Use-Light Industrial (MU-LI), as shown in Figure 3. The proposed uses are compatible with the surrounding uses, which include: warehousing, manufacturing, office, research and development, live/work units, wineries and breweries, transfer and recycling centers, restaurants and retail stores. Additionally, the combination of laboratory, office and research & development (R&D) uses envisioned for the subject site would further contribute to the economic and land use diversity in the West Berkeley area.<sup>2</sup>



Most existing buildings are in disrepair, plagued by hazardous materials, and cannot be adaptively reused under current building code requirements and for contemporary R&D.



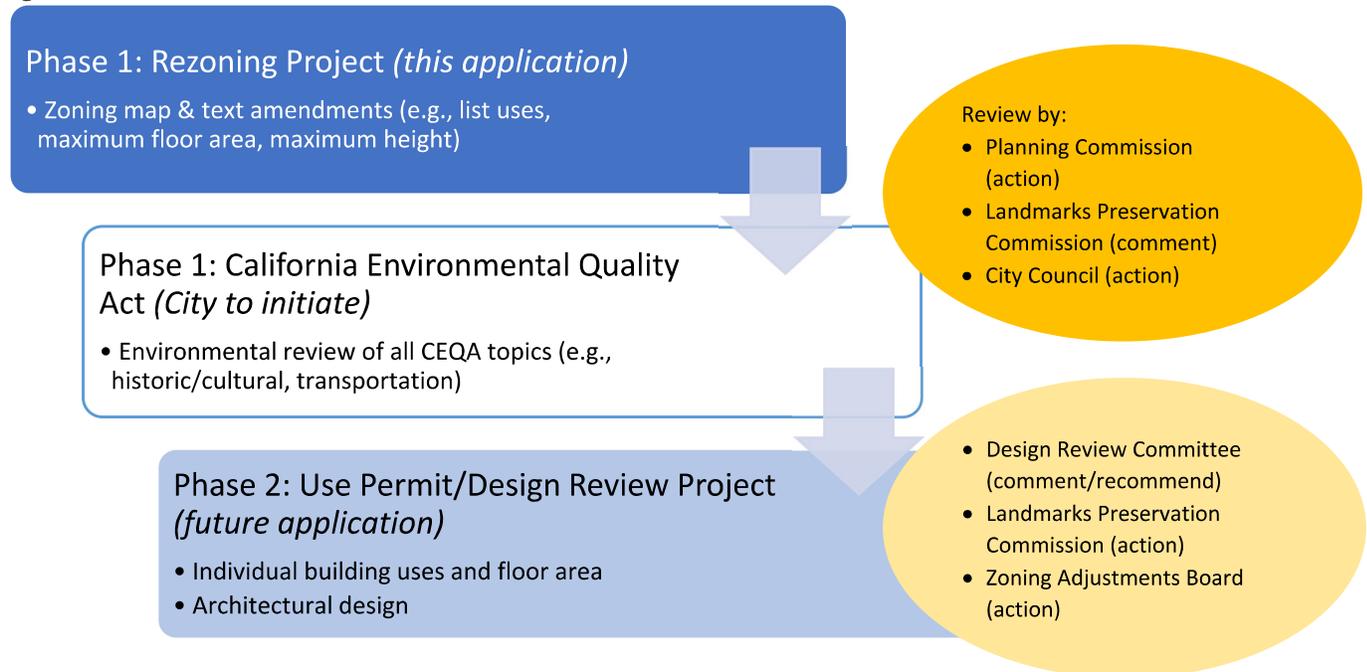
Second Street currently lacks sidewalks, bicycle facilities, and street trees. Illegal dumping, RV parking and tent encampments encompass the lower portion of the street and sidewalks.

<sup>2</sup> The West Berkeley Plan has as a primary goal to “provide for a continued economic and land use mix, incorporating manufacturing, other industrial, retail and office/laboratory uses, to benefit Berkeley residents and

## Process & Phasing

Community members and decision-makers can expect two key phases of the project: the rezoning phase and the entitlement phase, as shown in Figure 4.

**Figure 4: Two-Phased Process**



This rezoning project is a *policy* request—to revise the zoning designation and zoning regulations of the project—as stated in the 2021 City Council referral. The use permit project, anticipated for submittal in early 2023, is the *entitlement* request and will illustrate the architecture, placement and uses of individual buildings, and project data, including floor area, parking, etc. The CEQA analysis will be completed as part of the rezoning request, but will cover both the rezoning and entitlement portions of the project.

### ***Rezoning Project (This Application)***

This application represents a request under Berkeley Municipal Code (BMC) Section 23.412.020(A)(2), which allows property owners to request a zoning map amendment on their property. This request is explicitly identified and supported by the City Council referral: rezone the sites listed in Table 1 from Manufacturing (M) to Mixed Use-Light Industrial (MU-LI).

In addition to being consistent with the General Plan and the West Berkeley Plan, the rezoning is consistent with the Zoning Ordinance and promotes public health, environmental and economic welfare and safety. This rezoning allows the opportunity to redevelop abandoned, moribund manufacturing uses and sites into more viable research and development, and life science uses that still capture the intent of the West Berkeley Plan. This includes a range of job opportunities, including those that do not require

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businesses economically, benefit the City government fiscally, and promotes the varied and interest character of the West Berkeley area. West Berkeley Plan, p. 34.

college degrees, environmental clean-up of legacy toxic industries, and economic and social benefits to West Berkeley businesses and neighborhoods.

The City will initiate accompanying text amendments, as permitted under BMC Section 23.412.020(B) and in accordance with the Council referral. As described in the Process & Phasing section above, the project sponsor intends to submit an entitlement project following the rezoning and prepare a CEQA document that addresses both the rezoning request and the entitlement request. Therefore, the project sponsor proposes to narrowly define this rezoning request to allow for a focused CEQA review. These requests include:

1. Maximum height: Increase the maximum building height, pursuant to BMC Table 23.206-12: MU-LI Development Standards, from 45 feet to 105 feet
2. Allowed uses: Only allow the following uses, at the permit levels identified in Table 23.206-1:<sup>3</sup>
  - Research and Development;
  - Laboratory, Commercial Physical or Biological;
  - Office, Business and Professional;
  - Light Manufacturing; and
  - Incidental Uses (On-Site Cafeteria, Child Care Center, and Food Service Establishment)
3. Protected uses: Exempt the project site from BMC Section 23.206.050: Protected Uses, which typically requires the protection of manufacturing and warehouse uses in the MU-LI district. (Note: this request extends current regulations for the project site regarding protected uses, since BMC Section 23.206.050 does not apply to the M district.)

All other MU-LI provisions in BMC Section 23.206.020 would apply to the subject site.

#### ***Use Permit/Design Review Project (Future Application)***

Rezoning of the project sites will allow for preparation of an entitlement application. Based on the MU-LI zone development standard which is existing and proposed at an FAR of 2.0, the project sites could generate approximately 890,078 sq. ft. of development. For R&D uses, this floor area would require 1,780 vehicle parking spaces and 445 bicycle parking spaces.

#### **Rationale for Building Height**

The rezoning to MU-LI with a maximum height limit of 105 feet—beyond the typical MU-LI height limit of 45 feet—is justified for several reasons, including the minimum floor heights and maximum floor plates required for this type of project and the substantial cost of clean-up for this site, which has been plagued with hazardous materials and contamination for years. Notably, no change is proposed to the 2.0 FAR standard allowed in the MU-LI district. In other words, the project does not propose any increase in otherwise allowed floor area, only in its configuration in a smaller footprint and with a taller height. These justifications are detailed below.

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<sup>3</sup> Rather than broadly allowing all of the uses permitted in the MU-LI district, pursuant to BMC Table 23.206-1, the project sponsor is identifying the specific uses that are anticipated for the project site over the life of the building. Each of these requested uses is permitted within the MU-LI.

**Hazardous Materials & Site Clean-up:** The project site is environmentally contaminated following years of use for manufacturing. Environmental constituents include metals, total petroleum hydrocarbon (TPH) products, and volatile organic compounds (VOCs) (primarily chlorinated solvents and petroleum products). It can be presumed that TPH and VOC impacts to soil gas are also present at the site, given their presence in soil. There is also a potential that undocumented underground storage tanks (USTs) may also still be present within the site.

The project team is working with the State Department of Toxic Substances Control (DTSC) to fully characterize and delineate conditions and develop a plan to address site conditions that are acceptable for the research and development campus. The clean-up will likely include excavation and remediation of areas containing gross contamination, measures to separate people from environmental constituents, and mitigation measures and land use control to minimize residual risk to future users. Impacted soil excavated for disposal and encountered during construction will be transported and disposed off-site, in accordance with State law. Other soil, soil vapor concerns, and residual ground water conditions will be addressed onsite under DTSC to protect future site users and minimize the environmental footprint of remedial activities and risk (e.g., limiting generation of air quality and greenhouse gas emissions, reduce truck trips and unnecessarily taking-up scarce landfill spaces).



Extent of groundwater and hazardous materials impact, preliminary testing

The cost of clean-up is a significant portion of the redevelopment expense and will cost millions of dollars. Providing for a 2.0 FAR life science campus will meet the needs of future occupants and make the project financially viable given the cost of the measures required to address the site's blighted environmental condition.

**Minimum Floor Heights:** The nature of R&D and life science users can include large pieces of machinery, deliveries, equipment, and ductwork that require taller ceiling heights and highly reinforced floors. As Berkeley continues to generate new innovations, companies, and technologies, space requirements and equipment needs are continuing to evolve. Future buildings will need to be flexible to adapt to these changing technologies and the needs of lessees over time. R&D and laboratory uses



Axonometric view (looking east) of potential project following rezoning.

Perkins&Will

generally require 20-foot ground-floor heights and 16.5-foot upper story heights, measured floor to floor, in order to provide these quality leasable spaces. Given the proximity to the railroad, structural framing requirements—and potentially concrete slab thickness—will be greater at this site to reduce vibration associated with passing trains. To achieve these floor heights, the project would be limited to two stories, not the four stories that are anticipated by the MU-LI district’s 45-foot height limit. Therefore, the project proposes a range of building heights from 56 feet (3 stories) to 105 feet (6 stories) to create visual interest, highlight key site features and open space, and maintain views.



Figure 5: In Southwest Berkeley, several recent projects have obtained building height variances up to 80, 90, and even 128 feet, due to R&D floor height needs or other particular use requirements. (Source: Brick, Inc. 742 Grayson)

Notably, this challenge is not unique to this proposed project. As shown in Figure 5, several recent projects have obtained height variances for similar reasons, with heights variances up to 80, 90, and even 128 feet.

**Building Modulation and Variation:** Floor plates for research and development and laboratory uses generally should not exceed 50,000 sq. ft., with the average size being around 35,000 sq. ft., or smaller, and are market driven. The East Bay, which typically attracts earlier to mid-stage life science companies that occupy smaller spaces with a heavier lab component. Therefore, the functionality and mechanical, electric, and plumbing (MEP) infrastructure requirement for their use create cost, planning and operational inefficiencies to operate large floor plates. In addition to these inefficiency issues, multi-tenanting approach for large floor plates also raises concerns on privacy, safety, and security. This market condition necessitates smaller building footprints than what would otherwise be feasible on this large 10.2-acre site.

**SPUR Gilman Gateway: Plan**



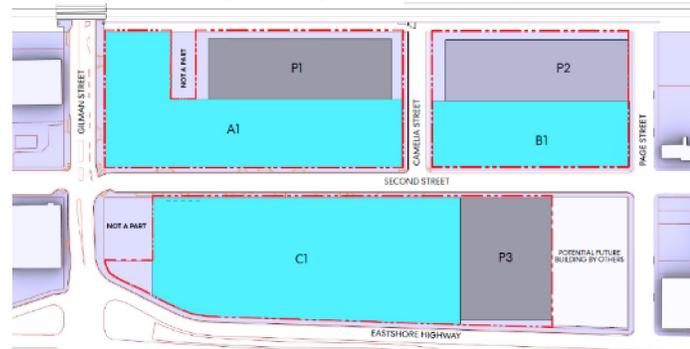
Plan view of potential project following rezoning.

The result is more sustainable compact building forms, with taller buildings in smaller footprints, that highlight views and open up the ground plane for other uses. Less impactful on the land, these compact forms allow opportunities for on-site public open space, landscaping, and street trees; bioswales to capture stormwater; and new sidewalks and bicycles facilities—none of which currently exist on the site.

Taller building heights of 4 to 5 stories are placed on the eastern block and transition down to 3 stories on the west block, closer to the Bay to highlight views and create visual interest from the Gilman gateway and from the pedestrian-level within the site. Additionally, the proposed concept plan offers a chance to retain a significant portion of one of the Berkeley Forge & Tool buildings with its iconic gantry crane. Lower heights adjacent to the gantry crane highlight this unique structure as a focal point for the project site’s identity and provide more natural lighting to this central open space feature.

Without the height increase, the project will not be feasible as a modern research and development campus. The current height restrictions would require two-story buildings that would cover nearly all of the site area, limiting opportunities for environmental improvements, retention of existing structures, and public open space. Moreover, the floor plates would be unusable and unleaseable up to 95,000 sq. ft. and 144,000 sq. ft. and still only achieve an FAR of 1.3, well below what is allowed for the zoning district.

**SPUR Gilman Gateway: 45' Height Plan**



*Alternatively, a project that meets the 45-foot height limit is limited to 2 stories and 1.3 FAR, and cannot provide benefits in terms of public open space and potential retention of existing structures.*

The proposed FAR requirement of 2.0 will naturally control for building height variation so there is no potential for the project to provide building heights that result entirely in 4-6 story buildings. For projects that do include buildings in this height range there will be significant open area at the ground level and/or building massing modulation.

**Sea Level Rise:** The building footprints lie outside the floodplain and worst-case sea level rise areas, but anecdotally, Second St. in this area is known to take on water during heavy rain events. Raising portions of the buildings a few feet improves the resiliency of the project, including the property investment, future employees’ job security and safety, and the property owner’s continued revenue generation. The application for the development project will further refine and detail this strategy to support the long-term resilience of the site.

**Rational for Rezoning: Community Benefits**

The rezoning and entitlement project will offer substantial economic, social, and environmental benefits to the City, Berkeley community, in addition to West Berkeley. In this way, the project fulfills the objectives of the West Berkeley Plan of creating City-wide benefits from industrial and light-industrial activities in West Berkeley, while offering a safe, contemporary industrial approach to economic diversity that is responsive to market demands and trends.



*The former Pacific Steel Casting workers will have their pensions paid as a result of the sale of the property to Spur Capital.*

**Pension Funding:** Following the bankruptcy of Pacific Steel Casting in 2014, the company was

purchased by a private equity firm. That firm created a new legal entity that was obligated to assume about \$24 million in pension liabilities and health care benefits. The new entity intended to keep the business operating, but a series of business decisions and macroeconomic forces led to layoffs and the businesses closure in 2018. Ultimately, the new entity has not fulfilled the pension payments. Conveyance of the land, currently held in bankruptcy court, will fund the unpaid pensions of the former workers of Pacific Steel Casting. This commitment of resources for the benefit of the former workers will make good on the promises made to the workers who have been denied their earned pensions.

Environmental Clean-up of Hazardous Materials: As noted above, the project will spend millions of dollars to address impacted soils and soil vapor, and abate hazardous materials in the existing structures prior to site demolition and grading.

Environmental Health: Site remediation and the cessation of high intensity combustion activities associated with the site former use will reduce, control and minimize risks posed by historical releases to soil and substantially eliminate environmental area wide risk posed by chemicals released to the air. It will also substantially reduce the site's carbon footprint. The introduction high quality stormwater management techniques will greatly reduce run-off and improve water quality and groundwater recharge, as discussed below.

Water Quality, Flooding Resilience & Stormwater Management: The 10.2-acre property is composed of nearly 100% impervious surfaces and does not currently have any stormwater management in place. As a result, when it rains, stormwater runs off buildings and is exposed to potentially toxic hazardous materials before entering the Bay. Pre-development remedial activities and subsequent development will replace asphalt, concrete and contaminated soils with state-of-the art buildings, public open space landscaped with clean soil, and stormwater management treatments designed to capture and treat stormwater on-site. This will both avoid continuation of negative impacts and improve water quality in the Bay.

Pedestrian & Bicycle Connections: The proposed project is timely to coordinate with the under-construction Gilman interchange project. With the addition of new sidewalk and bicycle facilities, the project will support community pedestrian and bike travel across the new flyover and provide access to the San Francisco Bay, and highly significant amenities such as the Bay Trail and Tom Bates Fields.

Project Feasibility: Costs associated with the purchase, clean-up and redevelopment of the property do not support pure manufacturing, wholesale or warehouse function. Regardless of the zoning use allowance, the existing buildings are not functional or usable by future potential users. The proposed rezoning and subsequent re-entitlement of the property will unlock the site's potential in a manner that serves the community, improves environmental health and quality, maintains the vision, and compliance with, the general plan, and responds to market conditions.



*The project will support and integrate with the planned pedestrian and bikeway improvements on Gilman by providing new sidewalks, landscaping, street trees, and a new destination in West Berkeley.*

Property Tax and Community Value: The sale of the property and construction of the project will result in significant increases in property tax, new community investment, other business tax revenue generation for the City, including sales tax due to food and beverage spending on Gilman Street and elsewhere in Berkeley. The project has opportunity to contribute to the nascent Gilman District Business Improvement District (BID), which may provide beautification and security improvements to support local businesses, shopping, and community gathering.

Support for Manufacturing/Growth of Other Local Businesses: R&D is a necessary part of the manufacturing process that West Berkeley is trying to preserve, as called out in the West Berkeley Plan.

Indeed, the project requires no modification of the general plan. Life sciences and other research and development industries take full advantage of the innovation ecosystem and ideas that are coming out of UC Berkeley and other entrepreneurial sources, such as Skydeck and UC Berkeley's Bakar Labs. Already, Berkeley is home to over 3,000 jobs in "R&D intensive industries," according to the City's Office of Economic Development, with 80% of these jobs located in West Berkeley. The city is home to over 400 businesses in software, clean tech, biotech, R&D, and related industries. Nearly 87% of these innovation companies are relatively early stage and take advantage of the city's coworking spaces, accelerators, and incubators. However, these businesses often leave Berkeley once they grow and require more space. This project can take advantage of local talent and set up shop here in Berkeley, so that jobs, businesses, and revenues do not have to be exported to South San Francisco or other hubs for life science and R&D uses.

Education Opportunities & Diverse Labor Force: This new employment destination is anticipated to have a range of job needs. This includes an estimate of over 2,700 life science related jobs being created, with an additional ~15% supporting and servicing employment and several hundreds of construction jobs during the development phase that do not require college degrees. This campus can support college degree job creation that benefit Berkeley residents who are currently commuting to other places for these same jobs. This can have the effect of improving Berkeley's job/housing balance, by better matching Berkeley residents to local jobs. Moreover, the project can offer a pipeline for students engaged in STEAM curriculum (science, technology, engineering, the arts, and mathematics)—whether at Berkeley Unified School District, City College, or UC, for education, training, and job placement.

## Conclusion

The project team looks forward to working with the City of Berkeley, decision-makers, and community members on this exciting project at the Gilman Gateway.



*The secondary sales tax benefits of West Berkeley employees have proven to be one of the City's largest revenue sources. We expect workers at this future campus to support Gilman District businesses during the workday and after hours.*

# SPUR Gilman Gateway

December 14th, 2022

Perkins&Will



# Site Diagram



## LEGEND

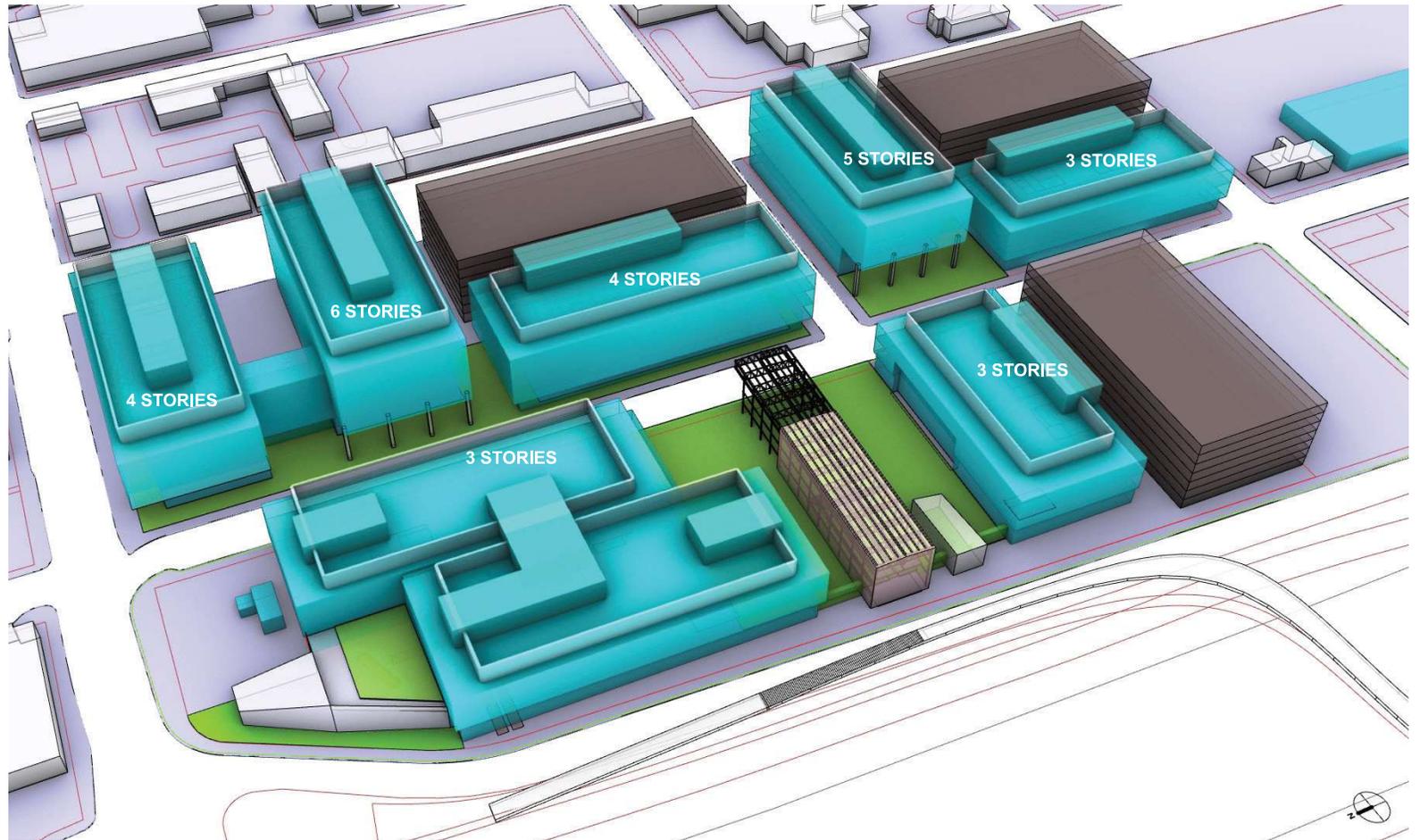
- PROPERTY LINE
- SETBACK LINE
- x— FENCE LINE



# SPUR Gilman Gateway: Plan



## SPUR Gilman Gateway: Axonometric



# SPUR Gilman Gateway: Program Breakdown

## BUILDING MATRIX

### SPUR Gilman Gateway

TOTAL SITE SF 445,039 SF

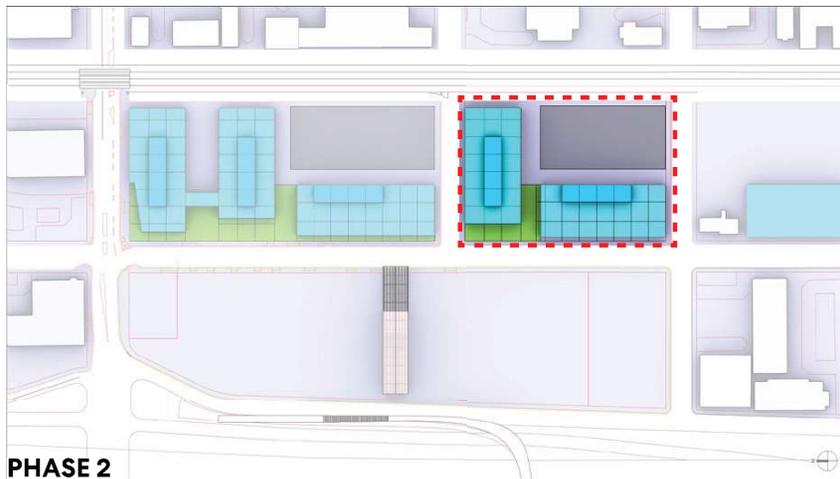
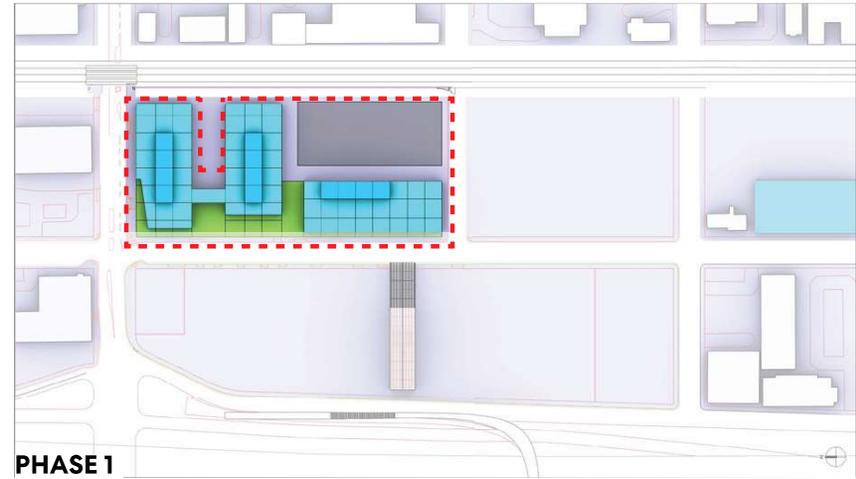
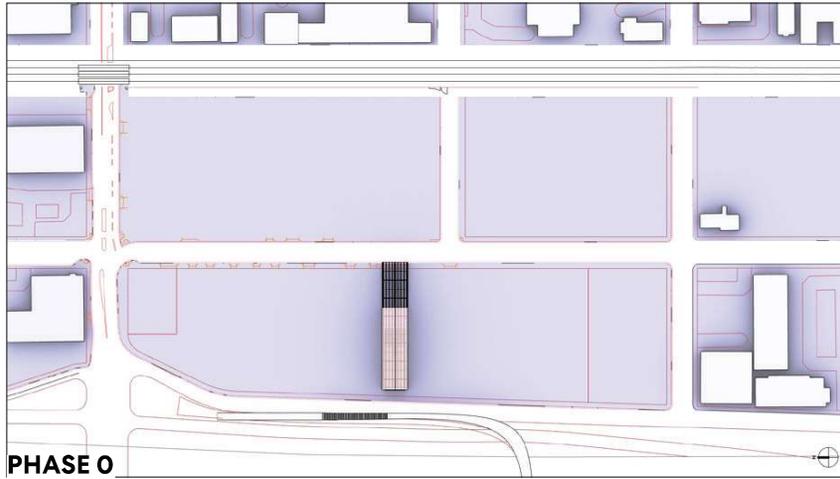
BLOCK	BUILDING	HEIGHT(ft)	TOTAL # OF FLOORS	F2F HEIGHT(ft)	PROGRAM	FLOOR PLATE (sq ft)	TOTAL GFA (sq ft)	PARKING SPACES
A	A1	72	4	16' - 20'	R&D/OFFICE	25,175	113,255	
	A2	104	6	16' - 20'	R&D/OFFICE	24,195	163,830	
	A3	72	4	16' - 20'	R&D/OFFICE	26,500	114,670	
	P1	72	7	10'-12'	PARKING	35,000	245,000	
<b>BLOCK</b>	<b>BUILDING</b>	<b>HEIGHT(ft)</b>		<b>F2F HEIGHT(ft)</b>	<b>PROGRAM</b>	<b>FLOOR PLATE (sq ft)</b>	<b>TOTAL GFA (sq ft)</b>	<b>PARKING SPACES</b>
B	B1	88	5	16' - 20'	R&D/OFFICE	21,615	122,055	
	B2	56	3	16' - 20'	R&D/OFFICE	23,660	76,520	
	P2	72	7	10'-12'	PARKING	31,615	221,305	
<b>BLOCK</b>	<b>BUILDING</b>	<b>HEIGHT(ft)</b>		<b>F2F HEIGHT(ft)</b>	<b>PROGRAM</b>	<b>FLOOR PLATE (sq ft)</b>	<b>TOTAL GFA (sq ft)</b>	<b>PARKING SPACES</b>
C	C1 & C2	56	3	16' - 20'	R&D/OFFICE	75,000	213,200	
	C3	56	3	16' - 20'	R&D/OFFICE	24,640	73,920	
	SHED	48	1	48	AMENITY	10,500	10,500	
	PAVILION	25	1	25	AMENITY	2,128	2,128	
	P2	72	7	10'-12'	PARKING	31,615	221,305	

PROPOSED FAR 2.00 890,078 SF

PARKING REQUIRED 2/1000SF 1,780 SPACES REQUIRED  
1,850 SPACES PROVIDED

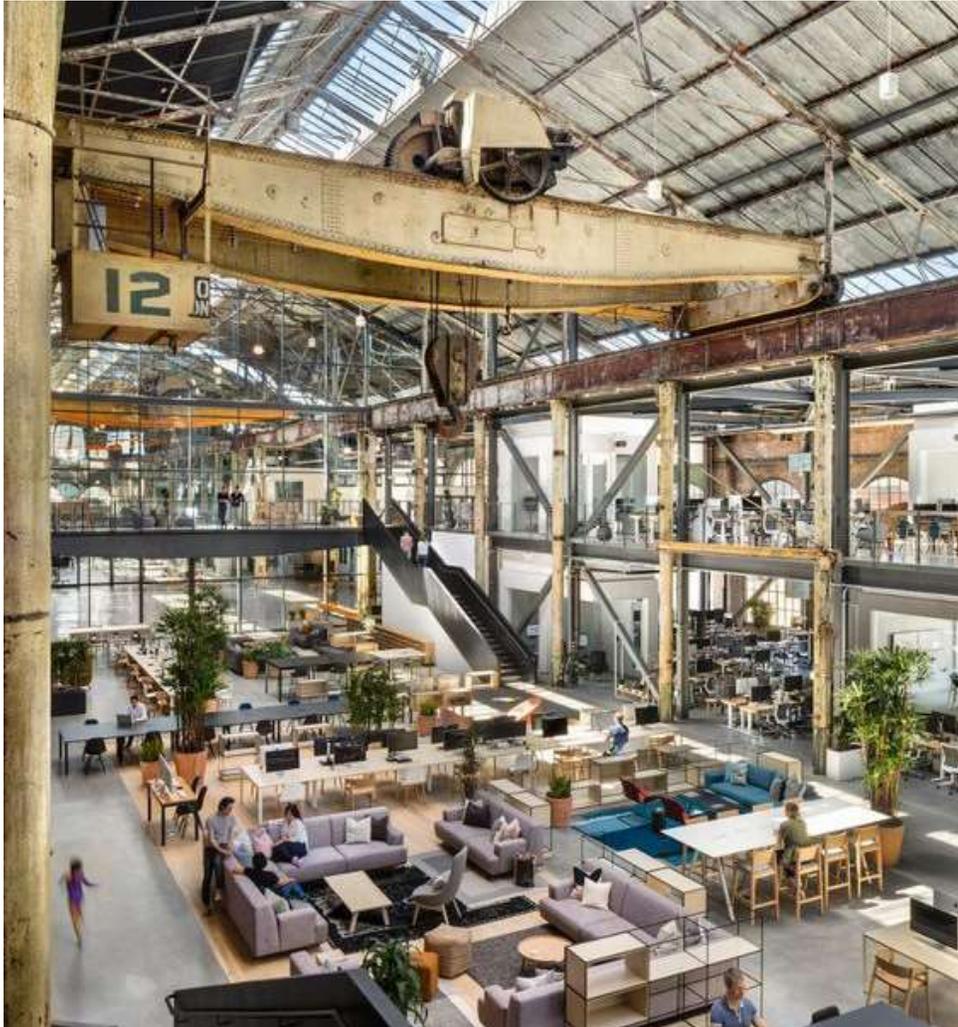
\* GROUND FLOOR HEIGHTS ARE 20' ABOVE RAISED PLINTH

# Phasing Diagram



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# Precedent Projects

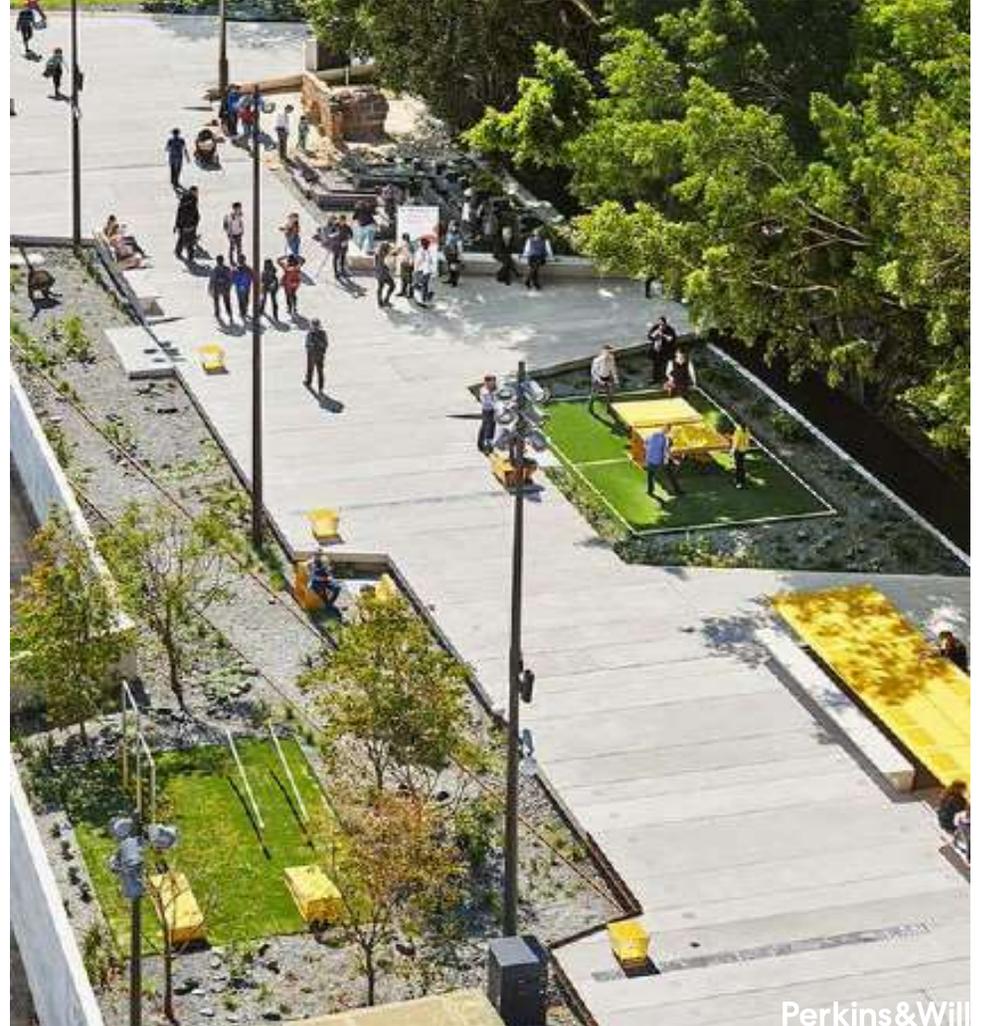






Perkins&Will







# LAND USE PLANNING

## NOTICE OF PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT

**Date:** December 21, 2022

**To:** State Clearinghouse, Responsible Agencies, Trustee Agencies, Organizations, and Interested Persons

**Lead Agency:** City of Berkeley

**Project Title:** Gilman Gateway Rezone Project

**Project Location:** The project site is comprised of 18 parcels totaling approximately 10.64 acres located in West Berkeley. The Project site is bisected by Second Street and bordered by Gilman Street to the north, Union Pacific Railroad (UPRR) and Amtrak heavy rail corridor to the east, Page Street to the south, and Eastshore Highway (Interstate 80 [I-80]) to the west.

**Project Applicant:** City of Berkeley and SPUR Capital

### Purpose of Notice

The City of Berkeley (City), as the lead agency, is preparing an Environmental Impact Report (EIR) for the proposed Gilman Gateway Rezone project, located at the properties listed in Table 1 below. The project will rezone the site to a new zoning district and General Plan to allow a range of light industrial, research and development, and similar/related uses, and amend the development standards related to building height and other matters. In accordance with the provisions of the State of California Environmental Quality Act (CEQA) Guidelines, California Code of Regulations (CCR) Section 15082(a), this Notice of Preparation (NOP) provides response and trustee agencies, nearby property owners, and other interested parties with a description of the proposed project and information on its potential environmental effects. The City also invites input and/or comments from public agencies and the general public as to the scope and content of the environmental information that will be studied in connection with the project.

### Project Description and Location

As shown on Figure 1 below, the project site is located in West Berkeley. As shown in Table 1 and on Figure 2 below, the project site is comprised of 18 parcels totaling approximately 10.64 acres, bisected by Second Street and bordered by Gilman Street to the north, Union Pacific Railroad (UPRR) and Amtrak heavy rail corridor to the east, Page Street to the south, and Eastshore Highway (Interstate 80 [I-80]) to the west. Of these 18 parcels, 13 are associated with the former Pacific Steel Casting site and total approximately 8.16 acres. This site is developed with a number of buildings that have exceeded their economic life and are expected to be demolished and the site redeveloped by private parties. The remaining parcels include two which are associated with the former Berkeley Forge and Tool, which total approximately 1.18 acres, and three unassociated parcels totaling approximately 1.3 acres, currently occupied by a vehicle rental business, live/work building, and recycled materials processing business.

Table 1: Project Site				
Existing Uses	Address	APN	Lot Size (sf)	Building Size (sf)
<b>Pacific Steel Casting</b>	1305 Eastshore Highway	59-2344-1-2	8,666	n/a
	1401 Eastshore Highway	59-2341-4	41,286	26,217
	1421 Second Street	59-2340-8-2	102,366	73,640
	1420 Second Street	59-2341-5	25,452	19,942
	1320 Second Street	59-2344-4-1	55,003	44,343
	1314 Second Street	59-2344-3-1	14,000	12,504
	1333 Second Street	59-2345-9	36,575	14,840
	1337 Second Street	59-2345-8-1	14,630	2,432
	1332 Third Street			
	1310 Third Street	59-2345-2-2	17,985	26,550
	631 Camelia Street	59-2345-7	8,100	5,200
	625 Camelia Street			
	635 Camelia Street	59-2345-6-1	13,000	9,024
	643 Camelia Street	59-2345-4	5,500	n/a
	1311 Second Street	59-2345-1	13,000	13,000
630 Gilman Street				
640 Gilman Street				
<b>Berkeley Forge and Tool</b>	1331 Eastshore Highway	59-2344-7	39,192	31,092
	1330 Second Street	59-2344-5-1	12,115	10,000
<b>Live/Work</b>	1306 Third Street	58-2345-2-1	6,204	6,204
<b>Vehicle Rental</b>	600 Gilman Street	59-2344-2-1	11,625	1,008
<b>Recycled Materials Processing</b>	1433 Eastshore Highway	59-2341-3-2	38,850	1,944
<b>Total Area (sf)</b>			<b>463,549</b>	<b>297,940</b>

Existing Land Uses

The project site is currently designated Manufacturing by the City of Berkeley General Plan adopted in 2002 and zoned Manufacturing (M) per the Zoning Ordinance and West Berkeley Plan. The project site is currently developed with approximately 16 buildings totaling 297,940 square feet that have been in

use for industrial, commercial and live/work uses. There are paved roadways that extend throughout the site and the Union Pacific Railroad right-of-way is adjacent to and runs north-south along the eastern boundary of site.

The following parcels within the project area are included on the lists of sites enumerated under Government Code Section 65962.5:

- 600 Gilman Street (Budget Rent a Car)
- 1333 Second Street (Pacific Steel Plant #2)

#### Surrounding Land Uses

The project site is surrounded by a mix of manufacturing, warehouse, office, and commercial uses. Residential uses are located to the northeast and southeast.

#### Proposed Project

The project would create a new zoning district - Manufacturing, Research and Development (M-RD) – in order to facilitate future development. The M-RD zoning district would permit a variety of uses, including office, industrial and heavy commercial, laboratory, light manufacturing, and research and development (R&D), which would primarily be subject to the permit thresholds of the Mixed-Use Light Industrial (MU-LI) district. The EIR will evaluate the impact of the rezone and associated general plan amendments, as well as demolition of the existing buildings totaling approximately 298,000 square feet, except for the existing 10,000 square-foot building at 1330 Second Street, which would be adaptively reused, construction of up to 1,000,000 square feet of nonresidential space and 2,000 off-street automobile parking spaces, at a maximum building height of 105 feet.

While the proposed project does not involve any specific development project, it will evaluate the buildout of a potential future development on an approximately 8.16-acre portion of the project area to the extent that such development is foreseeable at the time of preparation of this EIR. The buildout of the potential future project is assumed to be consistent with the development standards of the proposed M-RD zoning district, and would consist of up to 900,000 square feet of R&D, office, laboratory, and light manufacturing uses and 1,900 automobile parking spaces.

#### **Environmental Impact Report**

The EIR will include a discussion of all topic areas required by the CEQA Guidelines, with a particular focus on the following specific environmental categories most relevant to the proposed project:

- Air Quality
- Cultural Resources
- Energy
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use Planning
- Transportation
- Tribal Cultural Resources

The EIR will also identify and compare a reasonable range of alternatives to the project. Alternatives will be chosen based on their ability to avoid or reduce identified significant environmental impacts of the project while achieving most of the project objectives (CEQA Guidelines Section 15126.6), and all other sections required by CEQA.

#### **Public Review and Comment Period**

The City requests written comments that focus on the scope and content of the environmental information

of the EIR for the Gilman Gateway Rezone project. All comments on environmental issues received during the public comment period will be considered when preparing the EIR.

This NOP will be circulated for a 60-day review period, which will extend from December 21, 2022 to February 27, 2023. Responses to this NOP must be received by 5:00 p.m. on February 27, 2023. Please send your written or electronic responses, with appropriate contact information, to the following:

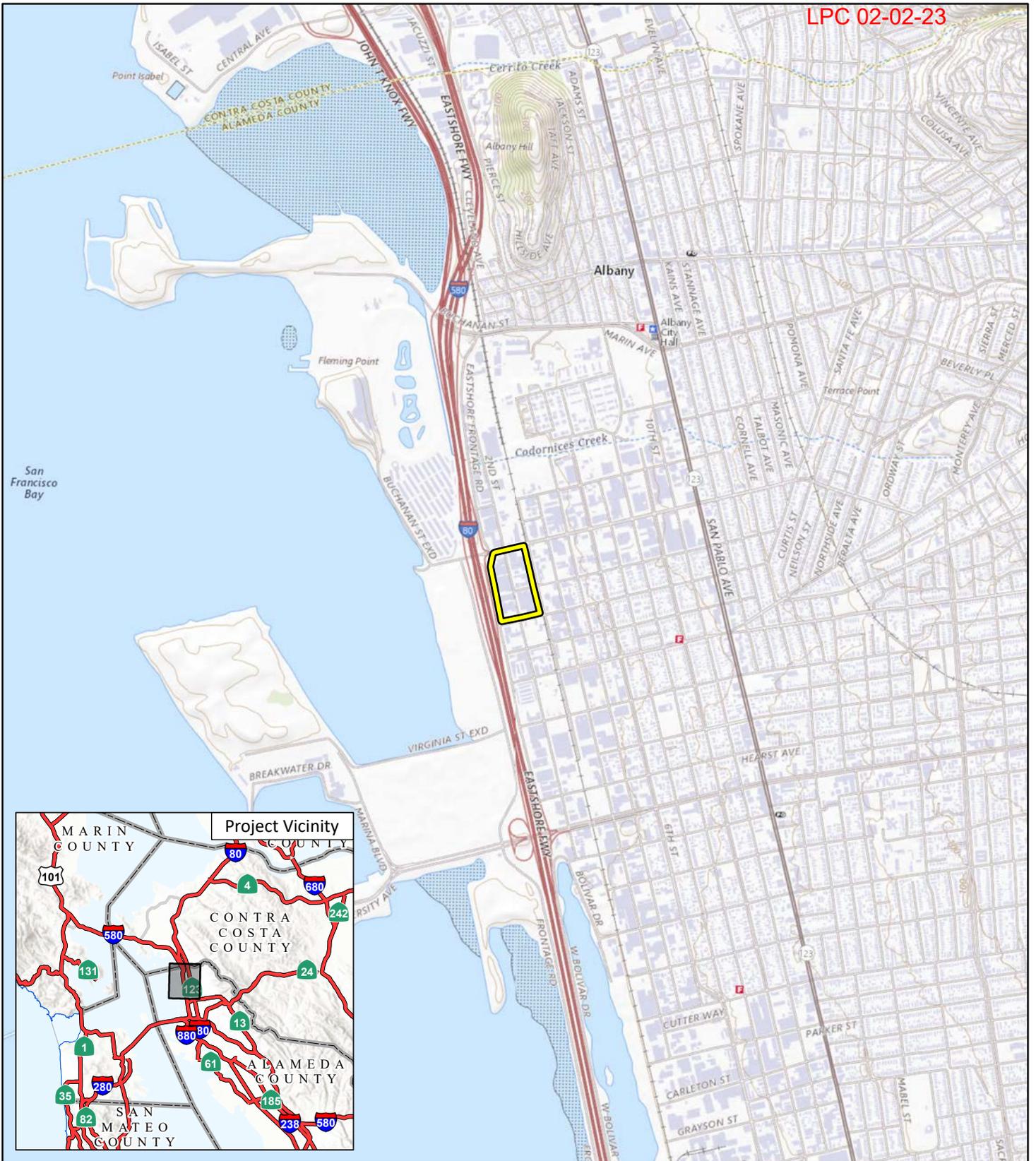
Ashley James  
City of Berkeley  
Land Use and Planning Division  
1947 Center Street, 2<sup>nd</sup> Floor  
Berkeley, CA 94704  
Email: [ajames@cityofberkeley.info](mailto:ajames@cityofberkeley.info)

For electronic responses, please include the project name in the subject line.

### **Public Scoping Meeting**

The City will hold two public meetings to inform interested parties about the project, and to provide agencies and the public with an opportunity to provide comments on the scope and content of the EIR. The meetings will be held via video and teleconference on the following dates:

- Planning Commission: Wednesday, February 1<sup>st</sup> at 7:00pm. The meeting agenda with corresponding meeting link will be posted by 5:00 p.m. on January 27 on the Commission website: [Planning Commission | City of Berkeley \(berkeleyca.gov\)](https://www.berkeleyca.gov/planning-commission)
- Landmarks Preservation Commission: Thursday, February 2<sup>nd</sup> at 7:00pm. The meeting agenda with corresponding meeting link will be posted by 5:00 p.m. on January 27 on the Commission website: [Landmarks Preservation Commission | City of Berkeley \(berkeleyca.gov\)](https://www.berkeleyca.gov/landmarks-preservation-commission)



 Project Location

FIGURE 1

LSA



0 1000 2000  
FEET

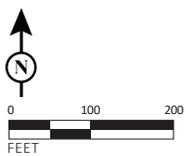
SOURCE: USGS The National Map (2017)

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FIGURE 2

LSA

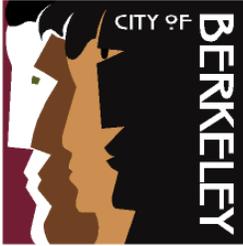


-  Project Site Boundary
-  Berkeley Forge and Tool
-  Pacific Steel Casting
-  Other Parcels

*Gilman Gateway Rezone Project NOP  
Aerial Photograph of the Project Site*

SOURCES: Google Earth, 8/6/2020; LSA, 2022

I:\22020844\G\Aerial Photo of Project Site.ai (12/16/2022)



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

DATE: February 1, 2023

TO: Members of the Planning Commission

FROM: Ashley James, Senior Planner

SUBJECT: Pacific Steel Casting Zoning and General Plan Amendments and Environmental Impact Report (EIR) Scoping Session

---

## **SUMMARY**

- City staff are preparing Zoning Ordinance and Zoning Map amendments and associated General Plan amendments to re-zone an approximately 11-acre area within the West Berkeley Plan Area from M (Manufacturing) to a new district entitled M-RD (Manufacturing, Research and Development). The 11-acre area contains 18 parcels and is bounded by Gilman Street to the north, the Union Pacific Railroad tracks to the east, Page Street to the south, and Eastshore Highway to the west (**Figure 1**). The Planning Commission is asked to receive a staff presentation and provide feedback on the proposed zoning and associated West Berkeley Plan and General Plan changes.
- The City has determined, based on the scale and scope of the proposed project, that an Environment Impact Report (EIR) is required to evaluate the potential physical environmental impacts that could result from future development in accordance with the new zoning. A Notice of Preparation (NOP) to gather input from agencies and the public was released on December 27, 2022 for a 60-day comment period ending on February 27, 2023. In this scoping session, the Planning Commission will receive a status report on the NOP, consider public testimony, and provide comments on the scope and content of the EIR.

## **BACKGROUND**

On April 20, 2021, the City Council referred to the Planning Commission creation of a zoning overlay at the former Pacific Steel Casting (PSC) property in West Berkeley, which is currently zoned Manufacturing (M), and re-designate it as Mixed Use - Light Industrial (MU-LI) due to the unique issues of public concern associated with this property (described below); specifically, include in the PSC zoning overlay allowances to enable all MU-LI uses and override any existing constraints in the Berkeley Municipal

Code for Zoning (Title 23) on such MU-LI uses for the PSC property, such as manufacturing floor area replacement requirements (**Attachment 1**).

**Figure 1: Project Area**

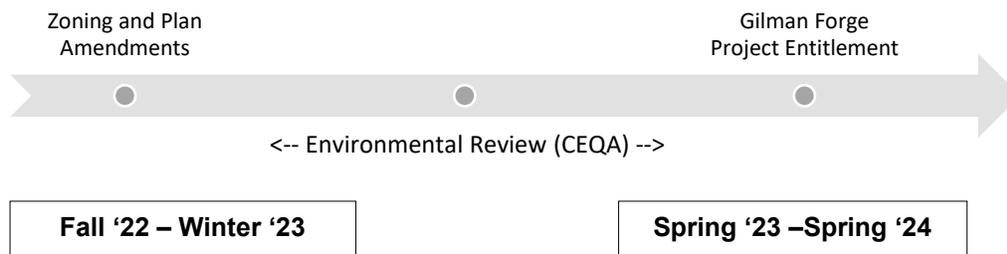


In October of 2022, the Planning Department received a zoning map amendment application from Rhoades Planning Group on behalf of SPUR Capital, pursuant to BMC Chapter 23.412 (Zoning Ordinance Amendments), to re-designate the zoning of 15 parcels over an 8.16-acre area at the PSC and Berkeley Forge and Tool properties from M to MU-LI, consistent with the Council referral. That application includes only the parcels that SPUR Capital has site control over, referred to here as “Gilman Forge,” and is thus slightly smaller than the total project area being considered in the rezoning and EIR. According to the applicant statement, the project sponsor intends to submit a development project application following completion of the rezoning and EIR. The

applicant statement provides preliminary information regarding the possible uses and development envelope of the project (**Attachment 2**).

Environmental review will fully evaluate the potential physical effects to the environment of the proposed policy changes as well as the proposed future development project (**Figure 2**). The role of the Planning Commission is to provide comments on the draft zoning and plan amendments, the NOP, and the EIR when it becomes available, and make a recommendation to the City Council for decision.

### Figure 2: Planning and Entitlement Process



### PROJECT DESCRIPTION

The project being analyzed in the EIR is the proposed zoning text and map amendments and associated General Plan amendments, as well as the proposed Gilman Forge concept plan. The EIR will evaluate the maximum reasonable development scenario of the rezone and associated general plan amendments, as well as demolition of the existing buildings, construction of up to 1,000,000 square feet of nonresidential space at a maximum building height of 105 feet, and up to 2,000 off-street automobile parking spaces. The proposed M-RD zoning district regulations are described in greater detail below. The EIR will also evaluate the impact of the Gilman Forge concept plan, located on an approximately 8.16-acre portion of the project area, to the extent that such development is foreseeable at the time of preparation of this programmatic EIR. The buildout of the concept plan is assumed to be consistent with the development standards of the proposed M-RD zoning district.

#### Rationale for Approach to Re-Zoning from M to M-RD

As stated above, the Council referral is to create a zoning overlay at the former PSC property in West Berkeley, which is currently zoned M, and re-designate it as MU-LI, and include in the overlay allowances to enable all MU-LI uses and override existing constraints on MU-LI uses for the property. Staff is recommending that a new zoning district be created for the following reasons.

Staff evaluated the utility of an overlay district as a means of achieving the objective of the referral, and noted that an overlay district is typically applied over multiple underlying districts as a more efficient method of applying additional regulations to serve a particular public purpose (e.g., airport noise, creek setbacks). An overlay typically modifies development standards and administrative processes; it does not

usually modify allowed land uses. As the underlying zoning at the site is M and the referral seeks to reduce constraints on allowed uses, Staff found that an overlay is not the preferred zoning method to achieve the objectives of the referral.

The referral also intends to re-zone the site from M to MU-LI and override existing constraints on MU-LI uses to enable redevelopment. The property representative has identified certain constraints in the MU-LI regulations, including allowed uses, maximum height, and protections on existing manufacturing uses, that would interfere with their intended development. Staff found that re-zoning to MU-LI with exceptions would be inefficient in that the zoning would essentially be mooted by the exceptions. Therefore, staff is recommending creation of a new district – Manufacturing, Research & Development (M-RD) – that is consistent with the existing adopted Plans for the area and General Plan Manufacturing land use designation, helps achieve the objectives of the referral and zoning map amendment application, and facilitates implementation (i.e., does not require Variances or other exceptions to MU-LI standards on a project-by-project basis).

The Office of Economic Development has prepared a report that provides context into the current and projected economic conditions in West Berkeley to help inform the City's approach to addressing the Council referral. Specifically, the report provides information about the city's economy and the innovation sector in particular – advanced manufacturing, software, life sciences, clean technology, food tech, and other science, technology, engineering and math (STEM) industries – such as employment, wages, wealth creation, social impacts and location decisions. A discussion of the economic conditions and impacts of the proposed rezoning within the West Berkeley industrial area is also provided (**Attachment 4**).

#### M-RD Zoning District Boundary

As shown in Figure 1 above, Staff propose that the M-RD district boundary encompass the 15 parcels that make up the PSC and Berkeley Forge and Tool properties, as well as three additional parcels in the immediate vicinity, resulting in a two-block area bounded by Gilman Street to the north, the Union Pacific Railroad tracks to the east, Page Street to the south, and the Eastshore Highway to the west consisting of 11 acres over 18 parcels. The three additional parcels are the following:

- 1306 Third Street: A 6,204 square-foot parcel developed with a two-story, approximately 6,000 square-foot building containing three live/work units, which is a legal non-conforming use.
- 600 Gilman Street: A 11,625 square-foot parcel developed with a one-story, approximately 1,000 square-foot building containing a vehicle rental service.
- 1433 Eastshore Hwy: A 38,850 square-foot parcel developed with a one-story metal building totaling approximately 1,944 square feet containing a recycled materials processing use.

The proposed boundary would be consistent with the Council referral to re-zone the PSC property and includes the Berkeley Forge and Tool properties that are part of the

applicant-initiated zoning map amendment. The additional three parcels would complete the two-block boundary to facilitate potential future development. More information about each parcel included in the district, including address, APN, parcel size, and existing use, is provided in Attachment 3.

### Proposed District Intent and Purposes

The proposed M-RD district would be consistent with the Manufacturing land use designation and adopted plans, and would further the objectives of the Council referral and zoning map amendment application.

*General Plan Land Use Element.* The Manufacturing designation is intended to maintain and preserve areas of Berkeley for manufacturing and industrial uses necessary for a multi-faceted economy and job growth, and the appropriate uses are identified in the West Berkeley Plan.<sup>1</sup> The General Plan Land Use Element policy regarding Industrial Areas is to take actions that will achieve the three purposes of the West Berkeley 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.<sup>2</sup>

*West Berkeley Plan.* Accordingly, the goal of the West Berkeley Plan Land Use Element is to 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 promote the varied and interesting character of the area.<sup>3</sup> Policies under this goal speak to:

- Retaining sufficient land and buildings to maintain manufacturing employment;
- Providing, through zoning districts, development standards, the appropriate tools to expand the light manufacturing sector; and
- Providing space 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.

*Proposed M-RD District.* The proposed purposes of the M-RD district are to:

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<sup>1</sup> City of Berkeley General Plan, *Land Use Element*. Land Use Classifications – Manufacturing, page LU-24. [02\\_Land Use Element-FINAL.pdf \(berkeleyca.gov\)](#)

<sup>2</sup> City of Berkeley General Plan, *Land Use Element*. Element Objectives, Policy LU-33, page LU-17. [02\\_Land Use Element-FINAL.pdf \(berkeleyca.gov\)](#)

<sup>3</sup> City of Berkeley West Berkeley Plan, *Land Use Element*. Goal 1, page 34. [12/14/1993; CLK - Resolution; City Council; 57301; \(berkeleyca.gov\)](#)

1. Implement the West Berkeley Plan Manufacturing, Research and Development District designation;
2. Support a mix of industrial and heavy commercial uses, such as light manufacturing and research and development, particularly those which retain a diversity of employment opportunities in West Berkeley and can provide high quality employment for people at all educational levels and add significantly to the tax base;
3. Allow office and laboratory uses that support light industrial and research and development uses, and provide for high employment density;
4. Provide opportunities for an urban campus-like environment with high-quality design and site planning that includes amenities for employees and visitors;
5. Support the development of industrial uses which satisfy performance standards that protect the environment; and
6. Facilitate land uses that improve the quality of the West Berkeley environment, while allowing existing industrial uses.

While a number of industrial uses are allowed, this district is more restrictive with regard to heavy industrial uses than the Manufacturing (M) or Mixed Manufacturing (MM) districts in order to maintain and improve the quality of the West Berkeley environment. Further, the proposed uses are tightly targeted to a mix of light manufacturing, research and development (R&D), laboratory and office uses to provide for high-quality employment density for people at all educational levels.

#### Proposed Allowed and Prohibited Uses

The M-RD district would permit a variety of uses, including office, industrial and heavy commercial, laboratory, light manufacturing, and R&D, which would primarily be subject to the permit requirements of the MU-LI district. This proposed set of allowed uses would help ensure that the mix of industrial and heavy commercial uses provide high-quality employment for people at educational levels, add significantly to the tax base, and support uses that improve the quality of the West Berkeley environment. The existing live/work use at 1306 Third Street would continue to be legally non-conforming and the existing vehicle rental use at 600 Gilman Street would become non-conforming.

Staff are proposing a narrower set of allowed uses than the MU-LI district for consistency with the objectives of the 2021 Council referral and purposes of the M-RD district listed above. The following uses allowed in the MU-LI district that would be prohibited in the M-RD district are:

- *Public and Quasi-Public, Retail and Food and Alcohol Service, Lodging, Entertainment and Assembly, Vehicle Service and Sales use categories: Club/lodge, Retail, Theaters, and Vehicle Service and Sales, except for Alternative Fuel Stations.*
- *Industrial and Heavy Commercial use category: Bus/Cab/Truck/Public Utility Depot, Commercial Excavation, Contractors Yard, Construction Products Manufacturing, Recycled Materials Processing, and Recycling Redemption Center.*

- *Incidental and miscellaneous use category:* Live Entertainment, Art/Craft Studios, Live/Work, Public Markets, and Urban Agriculture.

Proposed Development Standards

While the full zoning district text will be developed over the next several months and presented to the Planning Commission for a recommendation to Council with the Final EIR, staff has developed basic standards to set a project description for analysis in the EIR. Table 1 below provides a summary of the proposed development standards along with the policy rationale. Each regulation is further discussed below. Overall, the proposed development standards are consistent with the MU-LI district standards, except for changes to the maximum allowed height, maximum lot coverage, and minimum vehicle parking. Staff are presenting additional standards that could be included to meet the intent and purposes of the district but are not required as part of the EIR project description.

*Table 1. Summary of Proposed Zoning Regulations*

Regulation	Existing M Standard	Proposed M-RD Standard	Rationale
Maximum Height	45 feet	105 feet	Facilitate construction of buildings with minimum floor-to-floor heights and floor plates required for allowed uses. (e.g. 20-foot ground-floor heights, smaller floorplates)
Maximum Floor Area Ratio (FAR)	2.0	2.0	Maintain maximum buildout evaluated in General Plan EIR
Minimum Setbacks, and Building Separation	Not regulated	Not regulated	Maintain existing development pattern in Manufacturing districts.
Maximum Lot Coverage	Not regulated	50 percent	Provide opportunities for an urban campus-like environment that includes amenities for employees and visitors.
Minimum Off-Street Parking and Minimum Bicycle Parking	Vehicle: See BMC Table 23.322-4	Vehicle: Same requirements as existing for Manufacturing districts (Table 23.322-4), except for: <ul style="list-style-type: none"> <li>• All non-residential uses except uses listed below: 1 per 1,000 sq.ft.</li> <li>• Laboratories: 1 per 1,000 sq.ft.</li> <li>• Storage, warehousing, and</li> </ul>	Provide flexibility for future users and acknowledge current Transportation Demand Management practices.

		wholesale trade: 1, per 1,000 sq.ft.	
	Bicycle: 1 per 2,000 sq.ft.	Bicycle: Same requirements as existing for non- residential uses	Maintain existing Manufacturing district standard

**Maximum FAR**

No changes are proposed to the existing maximum FAR of 2.0 allowed in the M district. As the total area of the proposed M-RD district is approximately 463,549 square feet, the maximum buildout of approximately 927,098 square feet of gross floor area would be the same amount that was previously evaluated in the General Plan and West Berkeley Plan and the associated EIRs. In other words, development within this district would not exceed the amount of development already anticipated in the area.

**Maximum Building Height**

The proposed maximum building height of 105 feet is higher than the current maximum of 45 feet allowed in the M district. The proposed maximum is supported by a recommendation in the Council referral to enable all MU-LI uses and override any existing constraints in the Zoning Ordinance on such uses. Allowed uses in both the MU-LI and proposed M-RD district include research and development and laboratories, which require certain building design characteristics that necessitate additional building height allowances. This topic was addressed as part of the Bayer Development Agreement process<sup>4</sup> and in the current zoning map amendment application, which is summarized below:

- **Minimum Floor Heights:** The nature of research and development and laboratory uses can include large pieces of machinery, deliveries, equipment, and ductwork that require taller ceiling heights and highly reinforced floors. These uses generally require 20-foot ground-floor heights and 16.5-foot upper story heights, measured floor to floor, in order to provide leasable space, which would result in a two-story building under the existing 45-foot height limit, impacting the feasibility of future development.
- **Building Modulation and Variation:** The average floor plate size for research and development and laboratory uses is approximately 35,000 square feet, and is usually no larger than 50,000 square feet. Floor plates larger than 50,000 sq. ft. can result in operational inefficiencies given the requirements for laboratory uses that include equipment, air circulation and structural integrity, and subsequent impacts on the functionality and mechanical, electric, and plumbing (MEP) infrastructure. Additionally, the privacy, safety and security needs of these tenants makes a multi-tenant approach to leasing less attractive than other uses.

<sup>4</sup> October 20, 2021. *Public Hearing on Bayer Development Agreement, Attachment 3.F, Report on Justification for Heights*. Planning Commission. [2021-10-20 PC Agenda Packet.pdf \(berkeleyca.gov\)](#)

Within Berkeley, the Amended and Restated Bayer Development Agreement allows a maximum height of 80 feet for production uses (similar to Pharmaceuticals Manufacturing) and 65 feet for other uses (Administration, Laboratory, Utility, Warehouse) in the campus.<sup>5</sup> Since the West Berkeley Plan was adopted in 1993, three variances have been approved to allow construction of buildings intended for research and development and laboratory uses that range from 60 to 74 feet in height.<sup>6</sup> A common finding among the variances granted is that unique building requirements for these uses justify additional height. Outside of Berkeley within the Bay Area region, maximum height limits in districts that allow research and development and laboratory uses range from 35 to 100 feet, and a few do not regulate maximum height. Some cities provide flexibility by offering discretionary permit procedures such as awarding 'bonus height' if the project meets certain community goals, including providing community benefits, above a base allowed height. Assuming that buildings developed in the proposed M-RD zoning district would have a ground floor height of 20 feet with subsequent floors at a height of 16.5 feet, the maximum height of 105 feet would allow up to six stories.<sup>7</sup>

Additional height for buildings that contain other uses, such as for administrative purposes (offices, conference rooms, cafeteria, etc.), can provide benefits for employees and visitors. For example, additional height can free up floor area that can result in the development of amenities and open spaces that will provide a social benefit, as well as help attract and retain talent. A taller building can occupy a smaller footprint than would otherwise be feasible, allowing opportunities to include on-site public open space, landscaping, and street trees, bioswales to capture stormwater, and pedestrian and bicycle facilities. These benefits are consistent with the purposes of the proposed M-RD district as well as the General Plan Land Use Element Policy LU-33 to "...improve the quality of urban life, environmental quality...and aesthetic and physical qualities for West Berkeley residents and workers."

### ***Lot Coverage, Setbacks and Building Separation***

While lot coverage is not currently regulated in any Manufacturing district, the proposed M-RD zoning sets the maximum at 50 percent. The proposed maximum was developed assuming a FAR of 2.0 and minimum building height of 4 stories on parcels in the project area. Regulating lot coverage in this district would support development of on-site open space and green space associated with new development, consistent with the purposes of the district and policies of the General Plan and West Berkeley Plan. Setbacks and minimum building separation would not be regulated, similar to other Manufacturing districts.

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<sup>5</sup> November 30, 2021. *Bayer Healthcare LLC – Amended and Restated Development Agreement*. City Council. [City Council Report ##-##-#### \(berkeleyca.gov\)](#)

<sup>6</sup> 742 Grayson: 74 feet (ZP2021-0161); 740 Heinz: 74 feet (UP05-10000017); 725 Potter: 45 feet, four stories (UP01-10000047).

<sup>7</sup> Four-story building: between 70 to 85 feet; Five-story building: 86 to 102 feet; Six-story building: 103 to 118 feet.

### ***Minimum Off-Street Vehicular Parking and Bicycle Parking***

Minimum parking requirements in Manufacturing districts vary depending on the type of use, from a low of 1 per 1,500 square feet for buildings over 10,000 square feet in size that contain manufacturing uses to a high of 1 per 300 square feet for food service establishments and medical practitioners.<sup>8</sup> The proposed minimum parking requirements of the M-RD district would be set at 1 per 1,000 square feet for laboratories and other uses not otherwise listed in Table 23.322-4, which include research and development and office. The proposed change would standardize the off-street requirement among these allowed uses, acknowledging the fact that multiple uses may occupy different portions of one building at any time and the amount of floor area dedicated to one use may change over time.

The proposed off-street parking minimum also considers the amount of parking demanded by recently approved, similar developments in the vicinity. For example, the Bayer Development agreement includes a minimum parking ratio of 1 per 1,000 square feet for production and laboratory uses; the project at 742 Grayson Street sought and was granted a parking reduction to allow 325 spaces where 380 are the minimum; and the project at 600 Addison provided the minimum amount required. Further, the proposed minimum supports current Transportation Demand Management (TDM) practices to reduce vehicle miles traveled by lowering the amount of off-street parking required, and is consistent with the policies of the West Berkeley Plan to provide “through...development standards...space...for expansion of manufacturing firms, particularly the growing light manufacturing sector” by freeing up space for new gross floor area that would otherwise be reserved for parking.<sup>9</sup>

### ***Additional Development Standards***

The Planning Commission is asked to provide feedback on the following additional development standards, as well as any other topics not addressed that Staff should consider in developing the zoning text.

- **Minimum Open Space**: A minimum open space requirement is not currently required in any Manufacturing district; however, Staff notes that open space could be complementary to the proposed maximum height limit, as the additional height would free up space to provide amenities. Looking to recent projects entitled in the Manufacturing districts, open space has been provided as part of the 600 Addison Street project, totaling 75,000 square feet; at 742 Grayson Street (50,000 square feet); and the Bayer campus (at least 9 acres by year 30 of the development agreement). An open space requirement would help further the purpose of the M-RD district to provide opportunities for an urban campus-like environment that includes amenities for employees and visitors. Additionally, the proposed requirement is

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<sup>8</sup> [BMC Section 23.322.030\(C\)](#)

<sup>9</sup> City of Berkeley West Berkeley Plan, *Land Use Element*. Policy 1B, page 34. [12/14/1993; CLK - Resolution; City Council; 57301; \(berkeleyca.gov\)](#)

supported by General Plan Land Use Policy LU-33 to “...improve the quality of urban life, environmental quality...and aesthetic and physical qualities for West Berkeley residents and workers.”

The City of Berkeley similarly regulates open space in the Commercial – Downtown Mixed Use (C-DMU) District by requiring at least 1 square foot of privately-owned public open space per 50 square feet of commercial floor area. Looking to other jurisdictions such as Emeryville, open space in the M-RD district could be provided as either common or privately-owned public open space. Common open space is defined as: fields, courtyards, sport courts, pedestrian paths, outdoor eating areas, landscaping, gardens and similar uses, and could be located at the ground level, on terraces above the ground level, and/or the roof.

- Site and Building Design Standards: The Physical Form Element of the West Berkeley Plan identifies Gilman Street as an Industrial Entry Corridor and considers the question of how the area may be improved as an entry corridor while recognizing that it is to remain an industrial corridor. The Plan suggests that the answer may be improved design of private sites and the public right-of-way by, for example, strengthening the “street wall without losing industrial utility”, creating a setting where industrial buildings “turn their faces” to Gilman through greater design uniformity that improves the street image.<sup>10</sup> Further, Goal 3 of the Physical Form Element is to “visually improve the...the entry corridors into West Berkeley.” Consistent with the adopted Plan, a proposed purpose of the M-RD zoning is to encourage an urban campus-like environment with high-quality design and site planning that includes amenities for employees and visitors. Although site and building design standards are not included in other Manufacturing districts, they have been included in two recently-adopted zoning districts – the Adeline Corridor (C-AC) and Residential BART Mixed-Use (R-BMU). Potential topic areas include:
  - Building placement and orientation:
    - Requiring main building entrances to face Second Street.
  - Facades
    - Requiring a minimum amount of articulation on all facades facing publicly accessible open space and/or public streets.
    - Improving areas between the building and front property line, or between a building and open space or public right-of-way, with pedestrian-scale amenities.
  - Building colors and materials:
    - Requiring a minimum number of colors, differentiating the base, middle and top, etc.
  - Ground floor street frontages:
    - Requiring a minimum ground-story height.

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<sup>10</sup> City of Berkeley West Berkeley Plan, *Physical Form Element*. West Berkeley’s Entry Corridors, Gilman St. – Industrial Entry Corridor, page 134. [12/14/1993; CLK - Resolution; City Council; 57301; \(berkeleyca.gov\)](#)

- Green roofs or other building sustainability features.
- Parking location, screening and landscaping:
  - Light screening
  - Percent of off-street parking provided in surface lots versus parking structures.

### General Plan and West Berkeley Plan Amendments

The proposed zoning text and map amendments require associated amendments to the General Plan and West Berkeley Plan to ensure consistency between the Zoning Ordinance and the General Plan.<sup>11</sup> The General Plan and West Berkeley Plan changes will add a new zoning district (Manufacturing, Research and Development) and the General Plan map will be updated to apply the district to the project area. Pursuant to BMC Chapter 22.04, the Planning Commission will be asked to consider these proposed amendments with the proposed zoning text and map amendments and EIR.

### **DISCUSSION**

The purpose of this scoping meeting is to receive comments from the Planning Commission and the public on the scope and content of the EIR. These comments, along with the comments received through the NOP review period, will be considered in the preparation of the EIR. The result of the EIR analysis will inform the zoning changes and the recommendations submitted to the City Council for adoption. The Planning Commission should review the NOP, provide comments on the scope and content of the EIR, and receive comments from members of the public, organizations and interested agencies on issues the EIR should address. Written comments can be directed in writing to Ashley James, Senior Planner either by mail or electronically:

Land Use Planning Division  
1947 Center Street, 2nd Floor  
Berkeley, CA 94704

[AJames@cityofberkeley.info](mailto:AJames@cityofberkeley.info)

Comments must be received on or before 5pm on Monday, February 27, 2023.

The Planning Commission is also requested to provide feedback on the proposed zoning text and associated West Berkeley Plan and General Plan changes.

### **NEXT STEPS**

The Planning Department has hired LSA to prepare the CEQA analysis, including the NOP. This scoping meeting informs the community and public agencies about the Zoning Text, Map and General Plan Amendments and EIR, and solicits comments from the Planning Commission and the public regarding the EIR scope, issues of concern, potential alternatives, and mitigation measures. These comments, along with the comments collected through the entire review period, will be considered in the

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<sup>11</sup> The West Berkeley Plan is an amendment to Berkeley's General Plan, providing policies to guide development in West Berkeley.

preparation of the EIR. The result of the EIR analysis will inform future Planning Commission discussion and the recommendations submitted to the City Council for adoption.

Following the close of the NOP comment period, the Draft EIR will be prepared and circulated for the required 45-day public comment period. Although the Zoning and General Plan Amendments would not approve any physical development (e.g., construction of buildings or infrastructure), the EIR will assume that such actions are reasonably foreseeable future outcomes. Therefore, the EIR will evaluate the potential physical environmental impacts that could result from future actions for implementing the policies and programs, and resulting development, at a programmatic level. To the extent that technical studies have been received as part of the Zoning Map Amendment application, the EIR will evaluate potential impacts at a project-level of detail.

The Draft EIR will also examine a reasonable range of alternatives to the proposed project, including the CEQA-mandated No Project Alternative and other potential alternatives that may be capable of reducing or avoiding potential environmental effects while meeting most of the basic objectives of the project. In addition, the EIR will address cumulative impacts, growth inducing impacts, and other issues required by CEQA. The estimated timeline for the public portions of the CEQA review are as follows:

Table 2. Project Timeline

Description	Timing	Public Review Process
60-day NOP Comment Period	December 21, 2022 – February 27, 2023	Scoping Meetings: <ul style="list-style-type: none"> <li>• 2/1/23 Planning Commission</li> <li>• 2/2/23 Landmarks Preservation Commission</li> </ul>
Draft EIR released for 45-day review and comment period	Summer-Fall 2023	Planning Commission meeting
Final EIR and Final Zoning and General Plan amendments adopted	Fall-Winter 2023	Planning Commission recommendation; City Council action

## ATTACHMENTS

1. City Council Referral to the Planning Commission to Establish a Zoning Overlay at the Pacific Steel Casting Property, April 20, 2021
2. Zoning Map Amendment Application (PLN2022-0079), October 25, 2022
3. Notice of Preparation
4. City of Berkeley, Office of Economic Development. *The Innovation Ecosystem in West Berkeley: An Economic Snapshot*, January 2023.