

**Supplemental
Communications**
(Received before
12 pm
November 4)

November 4, 2024

VIA E-MAIL

planning@berkeleyca.gov

Berkeley Planning Commission
City of Berkeley, Land Use Planning Division
1947 Center Street, 2nd Floor
Berkeley, California 94704

Re: Zoning Overlay at the Pacific Steel Casting Property - Proposed M-RD District
Parcel: 59-2341-3-2 - 1433 Eastshore Highway - Public Hearing November 6, 2024
Meeting

Dear Planning Commission Members:

My name is Kristin Pace with Donahue Fitzgerald Law firm, and I am the Co-Trustee, along with Scott Robinson, Co-Trustee, of HFR Properties LP – current owner of 1433 Eastshore Highway.

Parcel: 59-2341-3-2 is an approximately 40,000 sq ft parcel which fronts along the Eastshore Highway, Page Street and 2nd Street.

History: This 40,000 sq ft parcel has been rented to Pacific Steel Casting dating back to the 1960's and was a Transportation/Trucking yard and storage of casting materials; however, this was never a part of the foundry or manufacturing processes in the main facility further down 2nd Street towards Gilman some two blocks away.

In addition, as of late this yard has been a Recycle Center and was also used as a construction staging yard and leased to Golden State Bridge Inc – The City of Berkeley/CalTrans contractor that just completed the bike overpass on I-80 and its involvement in the construction at the two roundabouts being built at the Gilman Freeway exit currently.

This property has never been apart of the Pacific Steel Casting foundry and has always been third party independent ownership.

Nor has this parcel ever been considered or a part of the now proposed Gilman Gateway Development for Laboratories, and the current developer of Gilman Gateway has stated it has no interest in leasing -- or purchasing for that matter -- parcel: 59-2341-3-2.

The proposed zoning overlay from M to M-RD will severely limit the possible uses for lease or sale given it is not a part of proposed development, and it will greatly reduce the property value for sale or lease and overall economic value of this parcel.

Because The City of Berkeley and its Planning Directors now envision future Laboratories being built of some 900,000 sq ft along the Eastshore Highway and working behind the scenes with the neighboring developer IQHQ – my question is: Where are the construction materials going to be staged while this 900,000 sq ft development is built in future? Obviously you will need a large construction yard in the area to house such a development. You obviously cannot house that kind of material adjacent to I-80 Freeway/CalTrans Land nor along City Roadways in area.

Next, we know that the current Lab development economy is at a standstill, and the Lab Market in the immediate Bay Area has millions of square feet with brand new building currently sitting vacant, no leases being signed, no venture capital money being funded.

So, if this Lab Development market does not rebound as predicted for some 3-10 years and the HFR Properties LP parcel cannot be rented for Industrial yard uses in the interim as of result of the M-RD new zoning, in my mind from a legal standpoint The City of Berkeley will have constituted “A Taking Of The Property.”

In closing, we therefore ask the Planning Commission to consider a flexibility in the proposed M-RD overlay zoning to allow this subject parcel to continue to be able to lease to construction yards, recycle centers, transportation services, and other general purpose industrial yard lease tenants into the future under this new overlay zone or at minimum until possibly the 900,000 sq ft Gilman Gateway Lab buildings or (any other developer Lab buildings), or any development for that matter, are fully complete, occupied and functioning.

Very truly yours,



Kristin A. Pace

KAP:maw

cc: Scott Robinson (via email: scott@robinsonreal.com)