



NOTICE OF INTENT TO ADOPT A NEGATIVE DECLARATION

Pursuant to the State of California Public Resources Code and the “Guidelines for Implementation of the California Environmental Quality Act (CEQA) of 1970” as amended to date, this is to advise you that the city of Berkeley has prepared an Initial Study and intends to adopt a Negative Declaration for the following project.

The proposed Ordinance would apply to the following parcels:

- APN 057 201701601 (Old City Hall/Courthouse/Public Safety Building)
- APN 057 202202000 (Veterans Memorial Building)
- APN 057 202200600 (State Farm Insurance Building/City offices, 1947 Center Street)
- APN 057 202100200 (Civic Center Park)
- APN 057 202100100 (Civic Center Building)
- APN 057 202601500 (Downtown Berkeley YMCA)
- APN 057 202000400 (Berkeley High School)
- APN 057 202700500 (Berkeley Main Post Office)
- Portion of APN 057 202000503 (which contains the Berkeley Community Theater/Florence Schwimley Little Theater)

County of Alameda
July 28, 2014

PURPOSE

The purpose of this document and the Initial Study is to describe the potential impacts of the project, if any. The Initial Study provides evidence that this project will not have a significant effect on the environment and therefore does not require the preparation of an Environmental Impact Report under the California Environmental Quality Act (CEQA). This document was prepared pursuant to CEQA and the CEQA Guidelines (Public Resources Code, Division 13 and California Code of Regulations, Title 14, Chapter 3) for the project described below.

PROJECT DESCRIPTION

Proposed Project:

Establish in the Zoning Ordinance a Civic Center Overlay District, Chapter 23E.98. The draft Zoning Ordinance includes Applicability, Purposes, Uses Permitted and Development Standards, and would regulate development on the identified parcels within the Overlay area. In addition, three new Definitions (Museum, Live Performance Theatre, and Public Market) would be added to the Zoning Ordinance.

Zoning District: The project includes parcels in the Downtown Commercial Mixed Use (C-DMU) Core, Outer Core and Buffer, as well as in the Restricted Two Family Residential District (R-2) and the Multi Family Residential District (R-3).

General Plan Designation: Downtown, Low-Medium Residential and Institutional General Plan designations.

Neighborhood Setting: The subject project is the Civic Center of the City of Berkeley; which includes civic, educational and institutional uses of the City. It is adjacent to the Downtown area to the east, Berkeley High School to the south, residential districts to the West and residential and commercial districts to the north.

PROJECT APPLICANT

City of Berkeley, 1947 Milvia Street, Berkeley CA

MANDATORY FINDING OF SIGNIFICANCE

There is no substantial evidence, in light of the whole record before the Agency, that the project may have a significant effect on the environment.

PUBLIC REVIEW AND COMMENT

From **July 28, 2014 to August 27, 2014 at 5 p.m.**, this document and its initial study of environmental effects are available for public review during normal office hours at the Land Use Planning Division, 2120 Milvia Street, 2nd floor, Berkeley, CA. Members of the public must arrive by 4 p.m. in order to view documents. The document can also be viewed at the following link:

http://www.ci.berkeley.ca.us/Planning_and_Development/Land_Use_Division/Environmental_Impact_Analysis.aspx

Planning Commission Hearing on the Project: 7PM, August 27, 2014, North Berkeley Senior Center

During this period, written comments may be submitted to:

Land Use Planning Division
2120 Milvia Street
Berkeley, CA 94704
Attn: Alex Amoroso, Principal Planner
E-mail: aamoroso@cityofberkeley.info

Prepared by: Alex Amoroso, AICP, Principal Planner



PLANNING COMMISSION

NOTICE OF PUBLIC HEARING

AUGUST 27, 2014

Consider: Civic Center District Overlay Zoning

The Planning Commission, of the City of Berkeley, will hold a Public Hearing on the above matter, on **Wednesday, August 27, 2014**, at the North Berkeley Senior Center, 1901 Hearst Ave. (at Martin Luther King, Jr. Way), Berkeley, California (wheelchair accessible). The meeting starts at 7:00 p.m.

PROJECT DESCRIPTION: The Civic Center Overlay District Chapter 23E.98 draft Zoning Ordinance includes Applicability, Purposes, Uses Permitted and Development Standards. In addition, three new Definitions (Museum, Live Performance Theatre, and Public Market), will be considered. The language of the ordinance is attached to this notice.

LOCATION:

The proposed Ordinance would apply to the following parcels, as shown on the attached map:

- APN 057 201701601 (Old City Hall/Courthouse/Public Safety Building)
- APN 057 202202000 (Veterans Memorial Building)
- APN 057 202200600 (State Farm Insurance Building/City offices. 1947 Center Street)
- APN 057 202100200 (Civic Center Park)
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- APN 057 202700500 (Berkeley Main Post Office)
- Portion of APN 057 202000503 (which contains the Berkeley Community Theater/Florence Schwimley Little Theater)

ENVIRONMENTAL REVIEW STATUS Public Review Information: The City will receive comments on the proposed negative declaration from July 28, 2014 until August 27, 2014 at 5 p.m. See below for address and e-mail to which comments may be submitted. Proposed negative declaration and reference documents are available for review at the Land Use Planning Division, 2120 Milvia St., Berkeley, 2nd floor, or online at:
http://www.ci.berkeley.ca.us/Planning_and_Development/Land_Use_Division/Environmental_Impact_Analysis.aspx

PUBLIC COMMENT & FURTHER INFORMATION

Comments may be made verbally at the Public Hearing, and in writing before the hearing. Written comments or questions concerning this project should be directed to:

Alex Amoroso
Planning Commission Secretary
City of Berkeley
Land Use Planning Division
2120 Milvia Street, 2nd Floor
Berkeley, CA 94704

E-mail: aamoroso@CityofBerkeley.info
Telephone: (510) 981-7410

To assure distribution to Commission members prior to the meeting, ***correspondence must be received by 12:00 noon, seven (7) days before the meeting.*** For items with more than ten (10) pages, fifteen (15) copies must be submitted to the Secretary by this deadline. For any item submitted less than seven (7) days before the meeting, fifteen (15) copies must be submitted to the Secretary prior to the meeting date.

COMMUNICATION ACCESS

To request a meeting agenda in large print, Braille, or on audiocassette, or to request a sign language interpreter for the meeting, call (510) 981-7410 (voice) or 981-6903 (TDD). Notice of at least five (5) business days will ensure availability. Agendas are also available on the Internet at: www.ci.berkeley.ca.us.

FURTHER INFORMATION

Questions should be directed to Alex Amoroso at aamoroso@CityofBerkeley.info.

Chapter 23E.98

CIVIC CENTER DISTRICT OVERLAY

23E.98.010 Applicability of Regulations

23E.98.020 Purposes

23E.98.030 Uses Permitted

23E.98.040 Development Standards

23E.98.010 Applicability of Regulations

The regulations in this Chapter apply to the area coterminous with the Civic Center Historic District designated under Chapter 3.24 and are applicable to the following parcels:

1. APN 057 201701601 (Old City Hall/Courthouse/Public Safety Building)
2. APN 057 202202000 (Veterans Memorial Building)
3. APN 057 202200600 (State Farm Insurance Building/City offices, 1947 Center Street)
4. APN 057 202100200 (Civic Center Park)
5. APN 057 202100100 (Civic Center Building)
6. APN 057 202601500 (Downtown Berkeley YMCA)
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8. APN 057 202000400 (Berkeley High School)
9. APN 057 202700500 (Berkeley Main Post Office)

Section 23E.98.020 Purposes

The general purpose of the overlay district is to implement General Plan Policy LU-22 Civic Center: “Maintain the Civic Center as a cohesively designed, well-maintained, and secure place for community activities, cultural and educational uses, and essential civic functions and facilities”, as well as Downtown Area Plan Policy LU-1.4:

“Focus City government and civic activity in the Civic Center area, and recognize Downtown’s central role in providing community services.”

The specific purposes are to:

- A. Preserve and protect the integrity of the City of Berkeley Historic Civic Center through preservation of existing buildings and open space listed in the Civic Center Historic District.
- B. Allow a set of uses, which are civic in nature, and support active community use.
- C. Promote uses, which combined or individually will maintain public access to the historic buildings and resources.
- D. Promote appropriate uses which respect the Civic Center’s historic significance in unifying the community and forming a link to Berkeley’s past.
- E. Promote the cultural and architectural heritage of the Civic Center.

- F. Preserve the Civic Center District as a place for government functions, community activities, cultural and educational uses, and civic functions and facilities.
- G. Promote uses which could financially support the goal of upgrading and preserving the existing historic buildings and resources.

Section 23E.98.030 Uses Permitted

The following table identifies all permitted uses and sets forth the Permit required for each allowed use. Each use and structure shall be subject to either a Zoning Certificate (ZC), an Administrative Use Permit (AUP), a Use Permit approved after a Public Hearing (UP/PH). All properties in the Civic Center District Overlay are restricted to only those uses listed below, regardless of uses permitted in the underlying zoning district.

<u>Use and Required Permits</u>		
<u>Use</u>	<u>Classificatio</u>	<u>Special Requirements (if any)</u>
<u>Libraries</u>	<u>UP(PH)</u>	
<u>Judicial Courts</u>	<u>AUP</u>	
<u>Museums</u>	<u>UP(PH)</u>	
<u>Parks and Playgrounds</u>	<u>ZC</u>	
<u>Public Safety and Emergency Services</u>	<u>UP(PH)</u>	
<u>Government Agencies and Institutions</u>	<u>AUP</u>	
<u>Public Schools/Educational Facilities</u>	<u>UP(PH)</u>	
<u>Non-Profit Cultural, Arts, Environmental, Community Service and Historical Organizations</u>	<u>UP(PH)</u>	
<u>Live Performance Theatre</u>	<u>UP(PH)</u>	
<u>Public Market</u>	<u>UP (PH)</u>	

Section 23E.98.040 Development Standards

- A. All new buildings and additional Gross Floor Area within the Civic Center District Overlay shall be subject to a maximum building height of 50 feet.
- B. All new buildings, additional Gross Floor Area, or changes of use shall be subject to the parking, set back requirements and other development standards of the underlying District, in addition to the other applicable requirements of this Title.

Live Performance Theatre: An establishment that has a permanent stage for the presentation of live performances and entertainment and which contains an audience viewing hall or room with fixed seats.

Museum: A non-profit, permanent institution in the service of society and its development, open to the public, which acquires, conserves, researches, communicates and exhibits the tangible and intangible heritage of humanity and its environment for the purposes of education, study and enjoyment.

Public Market: An open air or enclosed marketplace, including a farmer's market, with multiple owner operated and/or independent merchants selling retail food items and handcrafted goods from local and regional producers, so long as 75% or more of retail space is devoted to the sale of General or Specialized food products and no more than 25% of retail space is devoted to one or more of the following Incidental Uses: owner operated and/or independent Carry Out Food and/or Quick Service Restaurants selling food from local and regional producers and sales of Retail Products from local and regional produce

Proposed Civic Center District Overlay Area:

