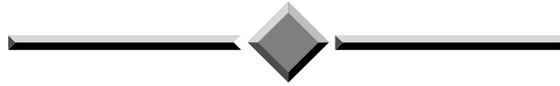


KJD Investments, LLC



September 9, 2015

Zoning Adjustments Board Secretary
Land Use Planning Division
2120 Milvia Street, 2nd Floor
Berkeley, CA 94704

Re: 1151 Sixth Street

Dear Chair Pinto, Vice Chair Pinkston and Board Members:

For the 50+ years that three generations of our family have worked in and owned/managed the five industrial buildings across from the subject property, we have seen many changes in the area. Uses that were originally manufacturing became light industrial/showroom and automotive, then distribution, only to once again be replaced by manufacturing/light industrial/showroom/automotive. Needless to say, uses are constantly changing.

The vacant parcel at 1151 Sixth Street, however, has remained the same during this time – dead trees lining the property, garbage, weeds and human waste littering the planting strip and sidewalk, and the same graffiti remaining on USPS walls for years. When Urban Adamah purchased the property, we all appreciated that a new user would come to the space and finally bring life to this property. We did not oppose the use that Urban Adamah brought forward in 2013 and we still think they will become a fine addition to the neighborhood. They are well respected in the community, outside of the community, and by several of our very good family friends.

However, there are some questions from owners and tenants that have come up in their latest round of approvals:

- 1) It has been clear to us over the past few years that residential is not allowed in MU-LI. That conclusion has come after discussions with staff about possible future residential uses on our own properties as well as reviews of the municipal code. One of the goals in MU-LI is to encourage development of an area where light manufacturers can operate free from the economic, physical and social constraints caused by incompatible uses. Clearly some of these incompatible uses are residential as the Municipal Code prohibits dwelling units, major

residential additions, shelters as well as hotels, motels, group living accommodations as well as all other uses permitted in residential districts. The staff report describes the use as temporary lodging facilities yet the code gives examples of temporary lodging facilities as hotels, motels, and boarding and lodging houses, all of which are prohibited. It appears the only option for residential in MU-LI is art/craft studio live/work as non-art/craft studio live work is even prohibited. Staff has said that this project is not an art/craft studio live/work. Mr. Leider has informed us that the use is only allowed because “any use not listed that is compatible with the purposes of the MU-LI District shall be permitted subject to securing an Administrative Use Permit. Any use that is not compatible the the purposes of the MU-LI District shall be prohibited.” In the CEQA findings, the project must also be consistent with the applicable zoning designation and regulations. I think more effort needs to be made to make sure this project complies with these two requirements and to provide a definition of what exactly is the allowable use.

That is not to say, however, that residential is a bad use in this district, or even on this particular site. Clearly, the nearly 1,000 units across Codornices Creek, yet outside of the Berkeley city limits, seem to enjoy the location and add a fair amount of revenue to our businesses that attract them. Now, with the addition of a grocery store a couple of blocks away, one could easily see a more significant residential neighborhood. Perhaps that is the goal of taking this first step of residential in the area. If that is the case, it just seems you shouldn't spot zone one parcel but rather you should open up the MU-LI district to a level of a specific plan which encourages and plans for compatible residential. However, it appears that you would be creating a precedent for residential with the approval of this project already. If this use is approved on this site, an additional condition of approval seems critical to guarantee the rights of those in the MU-LI zone. Provided by Mr. Leider, the following is apparently often used for live/work developments in industrial parts of town “The applicant is hereby notified through issuance of this permit that traffic, 24-hour operations, and noise up to legal limits are common and accepted in industrial areas, and that surrounding properties have the right to continue or commence such uses as allowed for in the Berkeley Municipal Code, adopted City policies, and standard City procedures for land use and business regulation.” I would suggest that this become a condition of approval for all future residential projects in this zone.

2) While the previous application was approved with a waiver from required spaces, the current application doesn't include a staff calculation of the required spaces, except as provided by the applicant which includes a classification of TBD and other uses not allowed in MU-LI. In addition, while the staff report cites that guests to the “campground” will either be dropped off by parents or by a school bus and therefore parking isn't required, the applicant has stated in their

report that adults will also be housed in the campground. Some clarification should be made so that these two reports are consistent. In addition, Mr. Leider has stated that off-street parking requirements for employees was already taken into account in the last variance. I would just propose that additional examination is warranted when housing is added whether for those employees or additional employees the site can now accommodate. Taking another look at the parking requirements seems important now that the amended use includes two distinct residential components as well as an assembly use that describes at least 59 events held at the site ranging in size from 10-200 attendants. By doing this calculation accurately, it provides other landlords with some guidance on what could be expected in future waiver requests.

It should be noted that all of the above events take place on nights and weekends so street parking should be more available (unless it is soccer season which currently features cars parked in red zones and private parking lots and driveways on a consistent basis) and impacts on businesses should be mitigated. Perhaps a condition that prohibits significant gatherings on weekdays during business hours could be added as bringing 100-200 people to this site would be detrimental to many businesses in the area.

We appreciate you taking the time to understand our concerns and hope that clarification is forthcoming. I apologize for not being able to attend tomorrow's meeting but I have another community meeting at the same time.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jeff DeMartini". The signature is stylized with a large, looped "J" and "D".

Jeff DeMartini
Partner
KJD Investments, LLC