Planning and Development Department
Land Use Planning Division

PUBLIC HEARING
March 4, 2026

TO: Members of the Planning Commission

FROM: Joshua Muller, Associate Planner, Planning and Development Department

SUBJECT: Public Hearing: 1646 and 1650 Fifth Street Re-Zoning and Associated General Plan Amendments.

RECOMMENDATION

Staff recommends the Planning Commission hold a public hearing; take public comment; discuss the proposed amendments to the Zoning Map, General Plan and West Berkeley Plan; and provide a recommendation to City Council to:

1. Adopt an Amendment to amend the Zoning Map to rezone portions of 1646 and 1650 Fifth Street from MU-LI to MU-R;
2. Adopt a Resolution to make conforming amendments to:
    a. The General Plan Map to change the existing Manufacturing (M) and Mixed Use (MU) land use designation to solely Mixed Use (***Attachment 1, Exhibits A & B***).
    b. The West Berkeley Plan to include conforming land use district map amendments; and

BACKGROUND

BMC Section 23.412.020(A) permits a property owner to apply for an amendment to the Zoning Map. BMC Section 22.04.020 permits amendments to the General Plan Map. General Plan Map amendments that are not initiated by the Planning Commission must first be submitted to the Planning Commission for consideration and report.

On October 20, 2025, the Planning and Development Department received General Plan and Zoning Map amendment applications from the property owner of 1650 Fifth Street, to change the General Plan land use designation of the two properties to solely Mixed Use, and to rezone the parcels to entirely Mixed Use-Residential (MU-R).

1646 and 1650 Fifth Street, as shown in Figure 1 on the following page, are two properties within West Berkeley that feature residential uses and are currently developed with single-family residences. Per the City of Berkeley Land Use and Zoning Maps, the two parcels

are split-designated as two separate General Plan land use designations (Manufacturing (M) and Mixed Use (MU) and are split-zoned with two separate zoning districts (Mixed Use-Light Industry (MU-LI) and Mixed Use-Residential (MU-R)).

Figure 1: Project Site

Image not to scale

DISCUSSION

Zoning District Boundary

The City of Berkeley Zoning Map would be amended to re-designate 1646 and 1650 Fifth Street as solely Mixed Use-Residential (MU-R). The extent of the zoning district changes is shown in Figures 2 and 3.

Figure 2: Existing Zoning Map

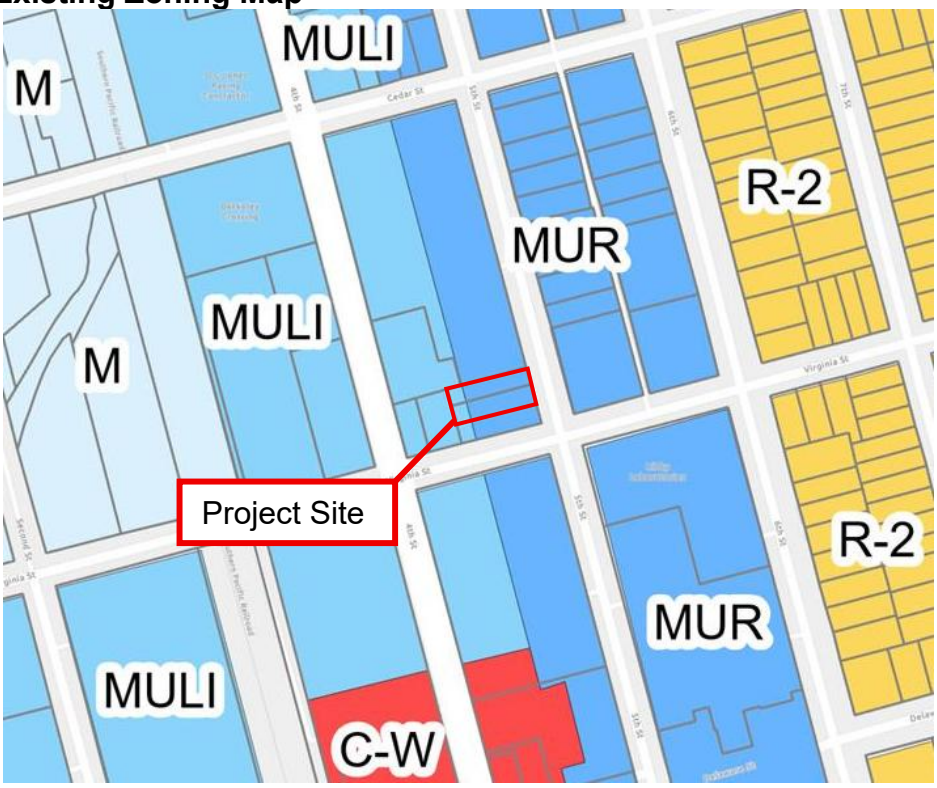
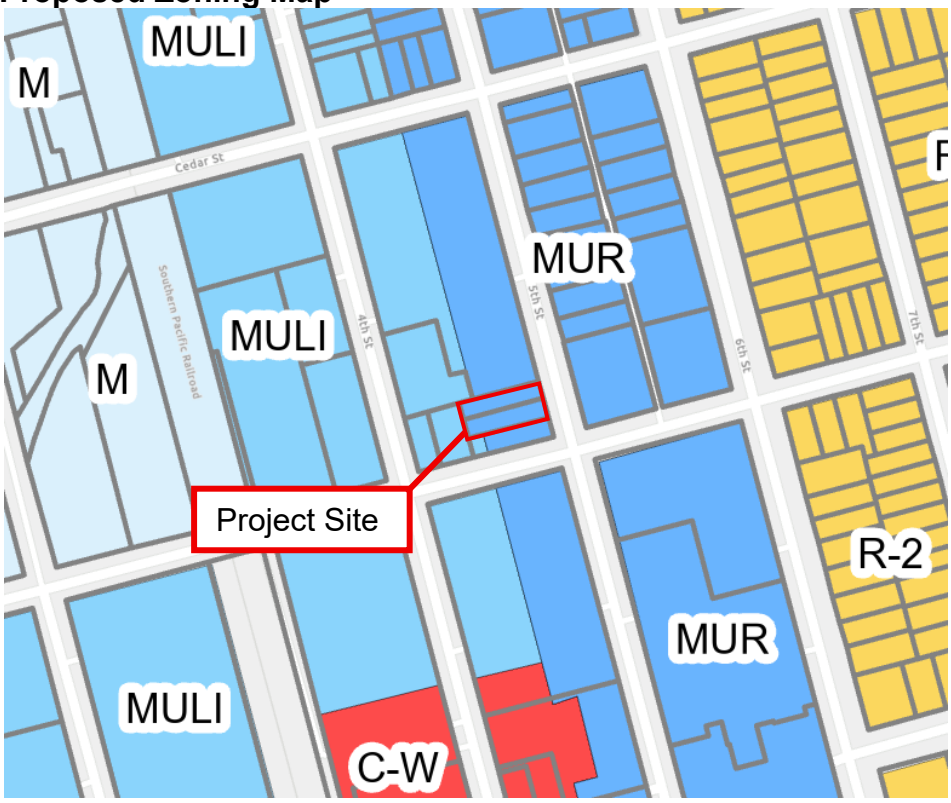


Figure 3: Proposed Zoning Map



Allowed Uses and Permit Thresholds
The primary difference between the MU-LI and MU-R Districts is that residential uses are Not Permitted in the MU-LI District, while they are allowed in the MU-R District. Additionally, there are varying degrees of review threshold for the residential uses, including those recently approved within the Middle Housing zoning changes.

Development Standards
Since both districts are within the parent category of Manufacturing districts, the development standards of each district are similar, with the same standards for minimum lot area, rear and side setbacks and lot coverage. MU-R includes multiple residential-related standards such as Usable Open Space and Residential Density that MU-LI does not by virtue of disallowing residential uses.

General Plan and West Berkeley Plan Amendments
The proposed Zoning Map amendments require conforming amendments to the West Berkeley Plan and General Plan.[1] The proposed General Plan amendments would update the land use designation map so the properties are solely designated as Mixed Use (MU). The proposed West Berkeley Plan amendments would update the Land Use Districts Map so the properties are solely designated as Mixed Use/ Residential. The extent of the General Plan and West Berkeley Plan amendments is shown in Attachment 1 of the Staff Report. The General Plan Pursuant to BMC Chapter 22.04, staff is requesting the Planning Commission consider these proposed amendments.

ENVIRONMENTAL REVIEW

The proposed amendments are covered by the common sense exemption pursuant to CEQA Guidelines Section 15061(b)(3). The application seeks to alter the boundaries between two existing zoning district and land use designations. Both existing districts and designations have been previously evaluated for potential environmental impacts, and the amendments would not introduce new uses or modify the already-allowed uses within each district and land use designation. Additionally, the change in zoning district and land use designation will not create any new adverse physical effects on the environment discordant from what is allowed in each zoning district or land use designation. The amendments therefore can be seen with certainty that there is no possibility of having a potentially significant effect on the environment and therefore no subject to CEQA.

Tribal Consultation (SB 18)
Pursuant to the requirements of Senate Bill 18 (2004, Burton)[2], City staff sent scoping consultation notices on January 8, 2026, to tribes identified as traditionally and culturally affiliated with the project area by the Native American Heritage Commission. At the time of this report, two tribes have requested to participate in the tribal consultation process.

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

2 Requires public agencies to consult with Native American tribes when an amendment to a local jurisdictions' General Plan, any Specific Plan, or a designation of open space, is proposed. The legislation aims to protect tribal cultural heritage and provide a formal structure for tribes to provide input on the proposed amendment. https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=200320040SB18

The goal of tribal consultation is to avoid significant effects on tribal cultural resources or to develop mutually agreed upon mitigation measures. Staff has scheduled a consultation meeting with one of the tribes on March 12, 2026, and reached out to the other tribe to schedule the consultation and has not heard back. Tribal consultation must be completed before the General Plan amendment can be adopted by the City Council.

NEXT STEPS

The Planning Commission recommendation will be forwarded to the City Council. The Council will consider comments from the Planning Commission and the public on these documents, and will consider taking action to:

- Amend the Zoning Map to rezone 1646 and 1650 Fifth Street entirely to MU-R;
- Amend the General Plan to change the land use designation for 1646 and 1650 Fifth Street entirely to Mixed Use (***Attachment 1, Exhibits A & B***); and
- Amend the West Berkeley Plan land use map to conform with the proposed rezoning.

CONTACT PERSON

Joshua Muller, Associate Planner, Planning and Development Department, 510-981-7488

ATTACHMENTS

1. Planning Commission Resolution
    a. Exhibit A: Proposed General Plan and West Berkeley Plan Amendments
    b. Exhibit B: Proposed Zoning Map Amendments
2. General Plan Amendment (PLN2025-0076) and Zoning Map Amendment (PLN2025-0077) Application, October 20, 2025
3. Public Hearing Notice

ATTACHMENT 1

PLANNING COMMISSION
RESOLUTION NO. 2026-03

A RESOLUTION OF THE CITY OF BERKELEY PLANNING COMMISSION RECOMMENDING THE CITY COUNCIL ADOPT PROPOSED AMENDMENTS TO TITLE 23 OF THE BERKELEY MUNICIPAL CODE TO MODIFY THE ZONING DISTRICT DESIGNATION OF 1646 AND 1650 FIFTH STREET, AS WELL AS CONFORMING AMENDMENTS TO THE GENERAL PLAN LAND USE MAP TO BE CONSISTENT WITH ASSOCIATED ZONING MAP AMENDMENTS.

WHEREAS, the City of Berkeley ("City"), received an application from the owner of 1650 Fifth Street and on behalf of the owner of 1646 Fifth Street, to rezone the two parcels from Mixed Use-Light Industrial (MU-LI) and Mixed Use-Residential (MU-R) to solely Mixed Use-Residential, and to change the General Plan Land Use Designation from Manufacturing (M) and Mixed Use (MU) to solely Mixed Use; and

WHEREAS, on January 12, 2026, the City deemed the application complete; and

WHEREAS, a public hearing notice was published in the Berkeley Voice on February 13, 2026, and posted in three public places on February 11, 2026, pursuant to California Government Code Section 65090 for the public hearing held on March 4, 2026.

WHEREAS, on March 4, 2026, the Planning Commission held a public hearing and considered all public comments received, the presentation by City staff, the staff report, and all other pertinent documents regarding the proposed request; and

WHEREAS, all documents constituting the record of this proceeding are and shall be retained by the City of Berkeley Planning and Development Department, Land Use Planning Division, at 1947 Center Street, Berkeley, California.

NOW, THEREFORE, IT BE RESOLVED that the Planning Commission does hereby recommend to the City Council of the City of Berkeley to: 1) Adopt an Ordinance amending the Zoning Map to amend the Zoning Map to rezone portions of 1646 and 1650 Fifth Street from MU-LI to MU-R; 2) General Plan Map to change the existing Manufacturing (M) and Mixed Use (MU) land use designation to solely Mixed Use; and 3) Amend the West Berkeley Plan to conform to the proposed amendments.

Pursuant to California Government Code Section 65358, the Planning Commission makes the following findings to support its recommendation for the General Plan and West Berkeley Plan amendments, included here as **Exhibit A**:

1. **The proposed amendments are in the public interest.** The General Plan amendments serve the public interest by facilitating additional housing capacity and production to better meet housing demand;

2. **The proposed amendments are consistent and compatible with the General Plan.** The proposed General Plan amendments would ensure internal consistency among General Plan elements.

3. **The potential effects of the proposed amendments have been evaluated and have been determined not to be detrimental to the public health, safety, or welfare.** The potential effects of the proposed amendment are to encourage the development of additional housing units on parcels already occupied by residential uses. Residential uses are not detrimental to public health, safety, or welfare.

Pursuant to Berkeley Municipal Code Section 23.412.060, the Planning Commission makes the following findings to support its recommendation for the zoning ordinance amendments, included here as an Ordinance in **Exhibit B**:

1. **The proposed amendments are consistent with the General Plan and any applicable specific plan or area plan.** The zoning map amendments would be consistent and compatible with the General Plan, as the proposed rezoning involves two existing zoning districts and does not propose any modifications to the intents, allowed uses, or development standards of either district.
2. **The proposed amendments are consistent with state law.** The zoning map amendments are consistent with state law because they do not reduce the intensity of residential use allowed under the existing General Plan or zoning pursuant to Gov. Code section 66300(b)(1).
3. **The proposed amendments will not be detrimental to the public interest, health, safety, convenience, or welfare.** The zoning map amendments are to unify the zoning district designations for two properties and would not create any new uses that would have detrimental impacts to the public interest, health, safety, convenience, and welfare of the City or its inhabitants. Additionally, the amendments would not create or exacerbate any nonconforming uses or conditions through the modification of the zoning district designations.
4. **The proposed amendments are internally consistent with other applicable provisions of the Zoning Ordinance.** The proposed amendments would rectify two instances of split-zoning and would not include uses inconsistent with the intent of the MU-R zoning district.
5. **The affected site is physically suitable in terms of design, location, shape, size, and other characteristics to ensure that the permitted land uses and development will comply with the Zoning Ordinance and General Plan and contribute to the health, safety, and welfare of the property, surrounding properties, and the community at large.** The zoning map amendments do not change the physical or legal boundaries or characteristics of the two lots. The amendments will also align the zoning district designation with the existing land use of the properties and will ensure any future development on the lot will align with the purpose and intent of the MU-R zoning district; and

BE IT FURTHER RESOLVED, that as the MU-LI district's purpose is to "encourage the development of a mixed-use light industrial area" and "provide for the continued availability of manufacturing and industrial buildings for manufacturing uses," the proposed General Plan, West Berkeley Plan and Zoning Map amendments would reduce the intensity of permitted uses on the subject parcels, and place the parcels under a single zoning designation for the anticipated development of residential uses. As a result, the proposed amendments are exempt from CEQA pursuant to CEQA Guidelines 14 Cal. Code. Regs Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the amendments may have a significant effect on the environment

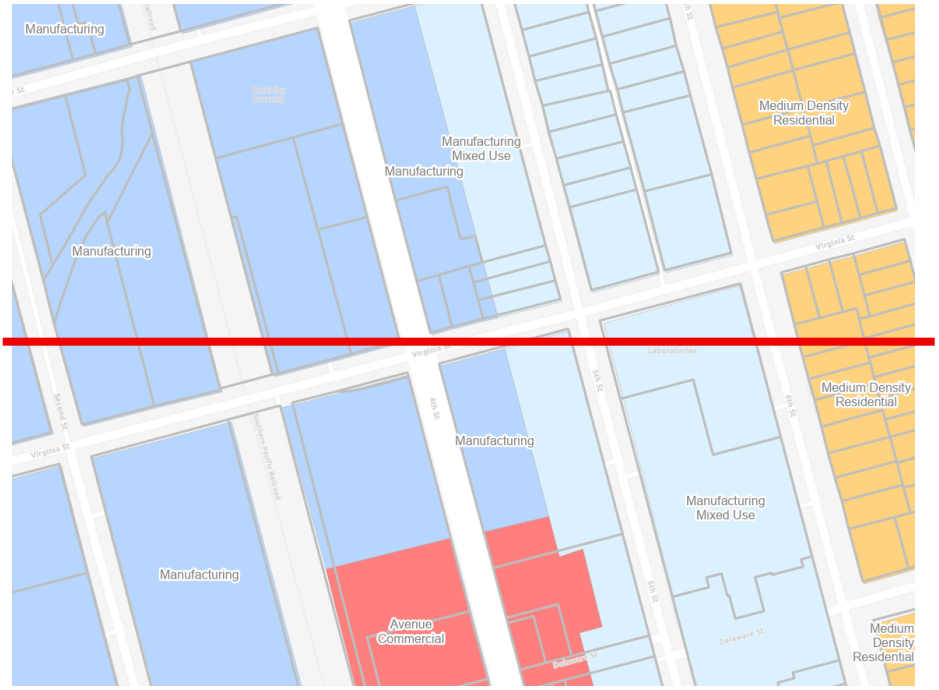
I HEREBY CERTIFY the foregoing resolution was passed and adopted by the Planning Commission of the City of Berkeley, at a regular meeting thereof, held on the 4th day of March 2026, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
JUSTIN HORNER,
SECRETARY TO THE PLANNING COMMISSION

EXHIBIT A

GENERAL PLAN AND WEST BERKELEY PLAN LAND USE DESIGNATION AMENDMENTS



West Berkeley Plan
Land Use Districts
GILMAN
CAMELIA
PAGE
JONES
CEDAR
SECOND
THIRD
FOURTH
FIFTH
SIXTH
SEVENTH
EIGHTH
NINTH
TENTH
VIRGINIA
DELAWARE
HEARST
UNIVERSITY
ADDISON
BANCROFT WAY
CHANNING WAY
DWIGHT WAY
PARKER
CARLETON
GRAYSON
HEINZ
ANTHONY
POTTER
ASHBY
MURRAY
TOLGER
Manufacturing
Manufacturing, Research & Development
Mixed-Manufacturing
Mixed Use/Light Industrial
Mixed Use/Residential
General Commercial
Residential
Outdoor Recreation Subzone
City of Berkeley Planning Department: July, 1998
rev October, 2024

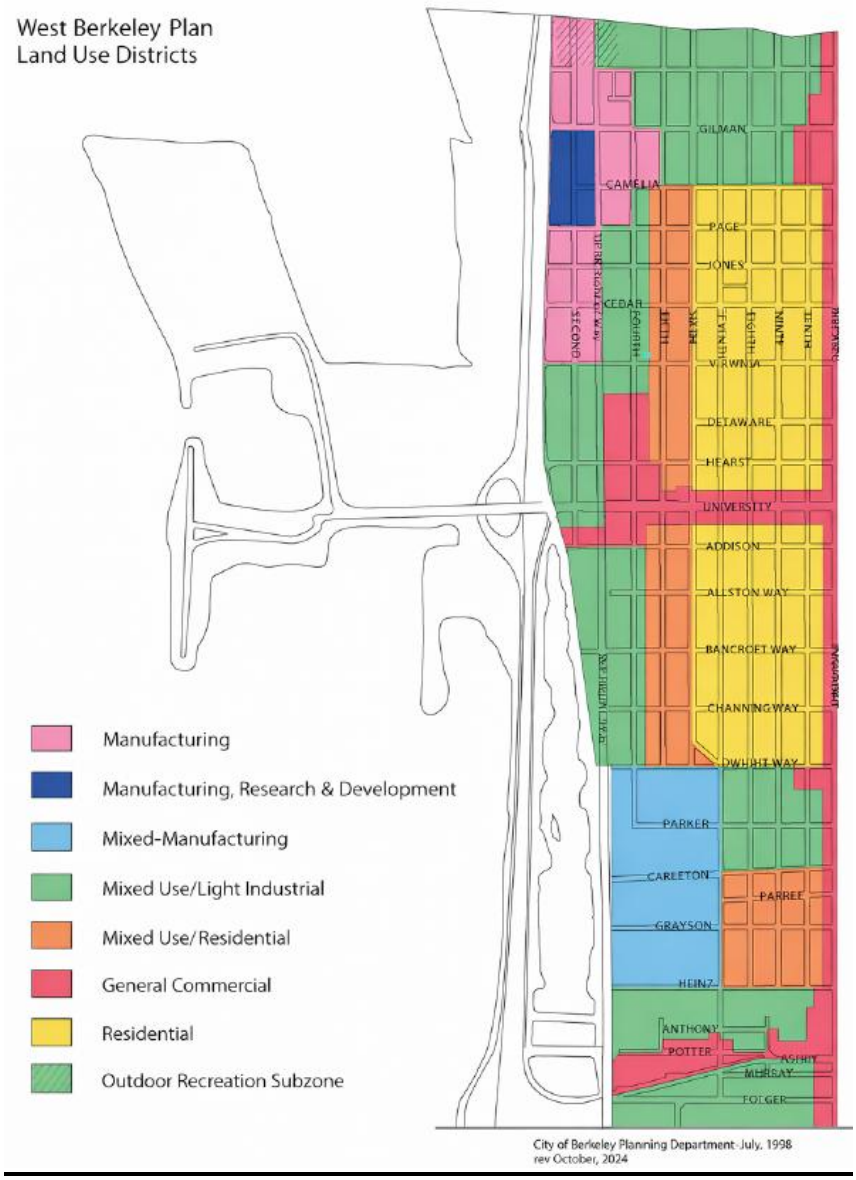

West Berkeley Plan
Land Use Districts
GILMAN
CAMELLIA
PAGE
JONES
CEDAR
VIRGINIA
DELAWARE
HEARST
UNIVERSITY
ADDISON
ALLSTON WAY
BANCROFT WAY
CHANNING WAY
DWIGHT WAY
PARKER
CARLETON
PARREE
GRAYSON
HEINZ
ANTHONY
POTTER
ASHBY
MHRSAY
FOLGER
Manufacturing
Manufacturing, Research & Development
Mixed-Manufacturing
Mixed Use/Light Industrial
Mixed Use/Residential
General Commercial
Residential
Outdoor Recreation Subzone
City of Berkeley Planning Department-July, 1998
rev October, 2024

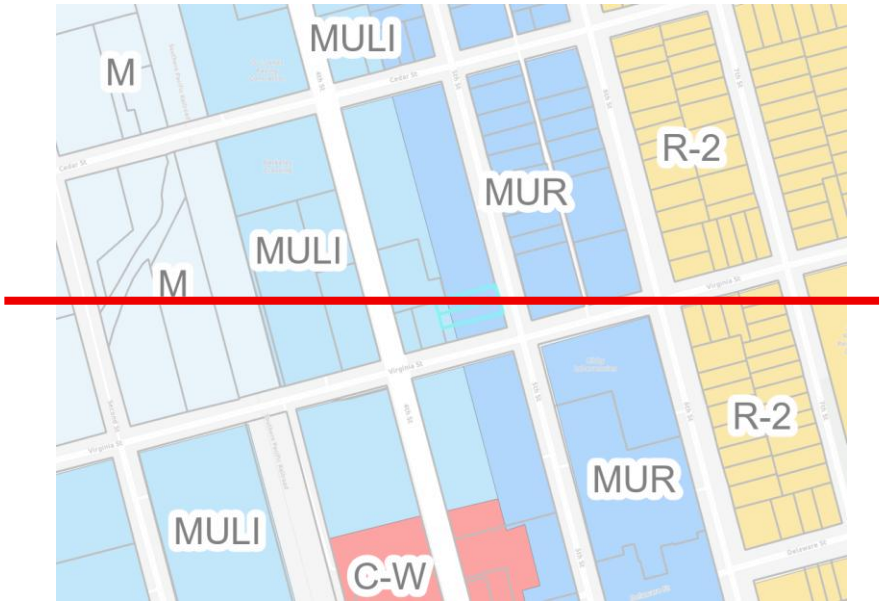
EXHIBIT B

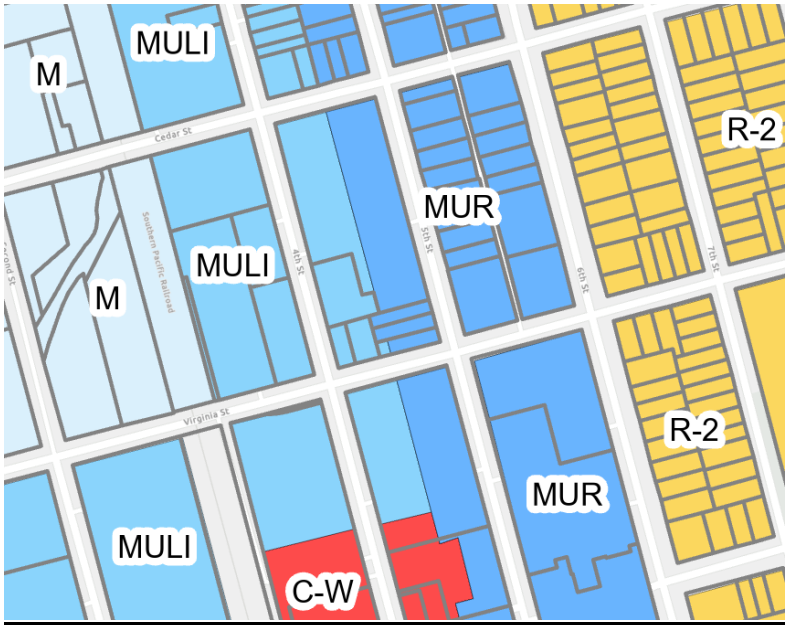
ORDINANCE NO. -N.S.

AMENDMENTS TO THE ZONING MAP TO REZONE 1646 and 1650 5th STREET TO MIXED-USE RESDIENTIAL (MU-R)

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. Amends the Zoning Map to read as follows:





Section 2. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

APPLICATION CITY OF BERKELEY **LAND USE PLANNING**

ZONING PROJECT APPLICATION

Planning and Development
1947 Center St, 2nd Floor
Berkeley, CA 94704

planning@berkeleyca.gov • Phone (510) 981-7410, TDD (510) 981-7450

Zoning Project Application

APPLICATION TYPE? CHECK ALL THAT APPLY:

- ❑ **Administrative Use Permit(s)**
- ❑ **Use Permit(s)**
- ❑ **Variance(s)**
- ❑ **Telecommunications Use Permit**
- ❑ **Modification to an Administrative Use Permit or Use Permit**

PROJECT INFORMATION

Project Address(es):

1646, 1650, and 1654 Fifth Street

Unit(s)/Suite(s) #:

Assessor Parcel Number(s):

057-2116-021; 057-2116-22; 057-2116-03

Project Description:
(include applicable demolition/removal, proposed use(s) total square feet of new/addition, height, number of units and very-low income units, and parking)

Amend Zoning / General Plan designation of three adjacent properties to coincide with property line and existing Residential Use.

❑ **DEDICATED CONSULTANT REVIEW REQUESTED FOR USE PERMIT? (Check box if requested)**

Dedicated Consultant Review involves a competitive bid process to select an outside consultant, and is only available for Use Permits, substantial modifications to a Use Permit, Variances. Consultant costs are in addition to Use Permit fees already paid.

PROPERTY OWNER'S NAME:

Justin Talbott; 1650 Fifth Street, LLC; City of Berkeley

Owner's Property Address:

Same as Project addresses

Phone Number::

Email:

APPLICANT'S NAME:

Matthew Wadlund

Owner's Property Address:

Phone Number::

510-332-6468

Email:

MWADLUND@WDSPLUS.COM

GENERAL INFORMATION

All new uses, structures, and modifications to structures in the City of Berkeley are required to be in conformancde with the Zoning Ordinance, Title 23 of the Berkeley Municipal Code.

Additional information about zoning permits:

Types of Zoning Permits

How to Submit a Zoning Project Application

Supplemental Land Use applications, forms, and instructions

Zoning Project Submittal Requirements (must accompany this application)

APPLICATION CITY OF BERKELEY **LAND USE PLANNING**

ZONING PROJECT APPLICATION

PROJECT INFORMATION:

Does your project require staff-level or committee-level design review?

☐ **YES** ☑ **NO**

Does your project include demolition of a nonresidential building, or demolition or substantial changes to any building that is 40 or more years old?

☐ **YES** ☑ **NO**

Is your project vested by a preliminary housing development pre-application under SB 330?

☐ **YES,** **Pre-Application #PLN20** _____ - _____

☑ **NO**

Does your project utilize State Density Bonus?

☐ **YES** ☑ **NO**

Does your project include on-site below market rate units (affordable housing)?

☐ **YES** ☑ **NO**

DRAWINGS PROTECTED BY COPYRIGHT STATEMENT

Effective January 1, 2023, (State Government Code, Section 65103.5 (e), SB 1214), if an official copy of architectural drawings are submitted to the Land Use Division of the Planning and Development Department as part of a zoning permit application, the design professional (or the owner of the copyright if different from the design professional) may submit a separate "site plan" or "massing diagram" for posting online or for distribution to the public.

If a separate "site plan" or "massing diagram" is not submitted in addition to the official architectural plans, permission is deemed granted to the Land Use Division to post online or to provide to the public copies of the architectural drawings without the restrictions that would otherwise apply.

A massing diagram and a site plan are defined as follows per Government Code Section 65103.5 (f): "Massing diagram" means a document that displays the three-dimensional form of a building and describes the general profile, bulk, setbacks, and size of the building, but does not contain specific architectural detail.

"Site plan" means a document for a project that is drawn to scale and displays all of the following: property lines, setback lines, topographic lines, easements, drainage, utilities, lighting, driveways, surrounding streets and traffic flow, parking lots and parking spaces, landscaped areas, setback distance between buildings and property lines, outline of existing and proposed buildings and structures, distance between buildings, and ground sign location.

PLEASE CHECK ONE OF THE FOLLOWING (required):

☐ **My application includes a separate "site plan" or "massing diagram," defined in Government Code Section 65103.5(f), for posting online or for distribution to the public.**

☑ **Permission is granted to make publicly available the submitted architectural drawings without restriction to posting online or distribution to the public.**

Under penalty of perjury, I certify that:

(1) the application materials are true and complete to the best of my knowledge; and
(2) if provided, the attached paper and electronic copies of this application are the same; and
(3) I agree to pay all expenses associated with this application

(*Owner's signature, or signed letter authorizing applicant to apply on owner's behalf, is required for all applications)

APPLICANT'S SIGNATURE:

Printed Name: Matthew Wadlund

Date: 10.20.2025

OWNER'S SIGNATURE:

Signature from City Oficial Pending

Printed Name:

Date:

PLANNING COMMISSION

Notice of Public Hearing

Wednesday, March 4, 2026

Adoption of Amendments to the General Plan and Zoning Ordinance (Title 23 of the Berkeley Municipal Code) to Change the General Plan Land Use Designation and Zoning Designation of 1646 and 1650 Fifth Street

The Planning Commission of the City of Berkeley will hold a public hearing on the above matter, pursuant to BMC Sections 22.04.020 and 23.412.040, on **Wednesday, March 4, 2026 at 6:30 p.m**. at the **North Berkeley Senior Center**, 1901 Hearst Ave, Berkeley (wheelchair accessible). Planning Commission meetings will be held in person and online via by zoom. The link to join the zoom meeting will be shared with the meeting agenda. The agenda will be posted on the Planning Commission website (https://berkeleyca.gov/your-government/boards-commissions/planning-commission) no later than 5:00 p.m. on Wednesday, February 25, 2026.

PROJECT DESCRIPTION

The proposed General Plan and Zoning Ordinance amendments to BMC Section 23.108.030 update the General Plan Land Use designation of 1646 and 1650 Fifth Street from both Manufacturing (M) and Mixed Use (MU) to solely Mixed Use, and to change the Zoning designation of both parcels from both Mixed Use-Light Industrial (MU-LI) and Mixed Use-Residential (MU-R) to solely Mixed Use-Residential (MU-R).

LOCATION: The proposed General Plan and Zoning Code amendments would apply to two parcels: 1646 and 1650 Fifth Street (APNs 57-2116-21 and 57-2116-22 respectively)
https://berkeley.maps.arcgis.com/apps/webappviewer/index.html?id=2c7dfafbb1f64e159f4fdf28a52f51c6&showLayers=Berkeley%20Parcels;Planning%20and%20Building

ENVIRONMENTAL REVIEW STATUS

The proposed general plan and zoning ordinance amendments do not include any allowances for additional development capacity or other new physical changes to the environment that are not already permitted and previously evaluated under CEQA. Adoption of the proposed amendments would in no way have a significant effect on the environment and therefore is not subject to CEQA (CEQA Guidelines Section 15061(b)(3), Common Sense Exemption).

PUBLIC COMMENT & FURTHER INFORMATION

All persons are welcome to attend the hearing and will be given an opportunity to address the Commission. Comments may be made verbally at the public hearing and/or in writing before the hearing. Written comments must be directed to:

Faye Mingham
Planning Commission Clerk
Email: PlanningPC@berkeleyca.gov

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

Correspondence received by **12pm on Wednesday, February 25, 2026** will be included as a Communication in the agenda packet. Correspondence received after this deadline will be conveyed to the Commission and the public in the following manner:

- Correspondence received by **12pm on Monday, March 2, 2026** will be included in a Supplemental Packet, which will be posted to the online agenda as a Late Communication one day before the public hearing.
- Correspondence received by **12pm on Tuesday, March 3, 2026** will be included in a second Supplemental Packet, which will be posted to the online agenda as a Late Communication by 5pm on the day of the public hearing.
- Correspondence received **after 12pm on Tuesday, March 3, 2026** will be saved as part of the public record.

Members of the public may submit written comments just before or at the beginning of the meeting by providing 12 printed copies of the correspondence to the Planning Commission Secretary.

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). otice of at least five (5) business days will ensure availability. All materials will be made available via the Planning Commission agenda page online at https://berkeleyca.gov/your-government/boards-commissions/planning-commission.

FURTHER INFORMATION

Questions should be directed to Joshua Muller, at (510) 981-7488 or jmuller@berkeleyca.gov. Current and past agendas are available on the City of Berkeley website at: https://berkeleyca.gov/your-government/boards-commissions/planning-commission.