

Supplemental Communications (2)

(The following are communications received
after noon on **November 16- 12pm,**
November 18.)



1122 University Avenue, Suite 100 | Berkeley, CA 94702 | USA
1.510.665.7760 | geneticsandsociety.org

November 14, 2020

To the Berkeley Planning Commission:

The Center for Genetics and Society, whose office has been in the city of Berkeley since 2009, is a public interest organization working to encourage responsible uses and effective governance of human genetic and assisted reproductive technologies.

We have very recently become aware of the proposed Bayer Development Agreement Update project. Our concerns begin with the timing of the process: We understand that this project has been under consideration since March of this year, but insufficient notice has been received by the community and Berkeley-based organizations and businesses, perhaps because the period between March 2020 and now exactly coincides with the COVID-19 pandemic.

Moving to substantive matters, we are deeply concerned by the prospect of situating laboratories in West Berkeley that handle high-risk biological agents. Although Bayer has pledged to “adhere to biosafety measures according to guidelines adopted by the NIH and the CDC,” any community – and especially one dedicated to public safety such as Berkeley – should think long and hard before approving high-risk laboratories that could endanger workers and the surrounding community.

The City of Berkeley must ascertain not only what Bayer plans to work on in the immediate future, but also what they might work on in the future within the approved biosafety level(s). Even the lower safety levels (1 and 2) are not without risk to the community. Higher-level biosafety levels would be of even greater concern. The prospect of any dangers to community safety, including ones that could be posed by future work in these laboratories, must be investigated in advance of any approval. Accidental releases of and contamination by pathogenic agents have occurred and caused harm in the past.

We note with additional concern that Bayer has requested the lifting of restrictions that exist in its current agreement with the City of Berkeley. The justification for this change, which could turn out to be enormously consequential, is brief and non-specific. Please see pp 8-9 of “Bayer Development Agreement Amendment Update & EIR Scoping Meeting,” which says only this: “Due to advancements in technology and knowledge, it is now possible to undertake this research with minimal safety risks, as such Bayer is requesting to lift these restrictions so that these activities may be included as part of the refined project operations.”

At a minimum, we urge the Planning Commission to learn much more detail and specifics about what lifting these existing restrictions would allow, and to investigate thoroughly what that might mean.

The current global pandemic has made us all acutely aware of both the benefits and the risks of biotechnology laboratories. While the biotech, genetic, and cell-based investigations planned for the proposed Bayer laboratories may yield benefits, they may also pose grave risks. It is imperative that the City of Berkeley understand thoroughly and completely exactly what techniques will be used for the entire duration of the new Development Agreement.

Thank you,
Marcy Darnovsky, PhD
Executive Director

Lapira, Katrina

From: Devers, C. W. <deverscw@yahoo.com>
Sent: Sunday, November 15, 2020 12:18 PM
Subject: A concerned and supportive citizen

WARNING: This email originated outside of City of Berkeley.
DO NOT CLICK ON links or attachments unless you trust the sender and know the content is safe.

To whom it may concern,

My name is Cecil W. Devers, LCSW. I am a concerned citizen writing in support of the African-American Holistic Resource Center (AAHRC), I am advocating for the use of Measure T1 funding to renovate a City owned building that will be the brick and mortar home of the AAHRC. It is imperative that this center is built to help support the African-American community in Berkeley. For far too long BIPOC in Berkeley and nationwide have been subjected to marginalization, historical and systemic racism. This problem has resulted in an increase of exposure to violence, gentrification, and has had a negative impact in the areas of: housing, health, education, access to resources, employment, and a safe communal meeting space.

During this tri-pronged pandemic of COVID-19, racial injustice, and climate change, we know that the African American community has been struck particularly hard. Unfortunately, what we do not know, is the long-term impact that these concerns will have on the African American community, particularly here in Berkeley. Based on the City of Berkeley 2018 Health Status Report page 117, "... the age-adjusted mortality rate for African Americans is twice as high as the mortality rate of Whites and is higher than the population overall. **This disparity has remained unchanged throughout these years** [2005-2016]". History as our lesson tells us, as a

community, positive change has to happen; the AAHRC is that change.

I want to be on the right side of history; therefore, I am making my voice clear, I am in support of the AAHRC and the use of Measure T1 funds to support these efforts.

Sincerely,

Devers, C.W.
deverscw@yahoo.com
(773) 886 - 2674

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Lapira, Katrina

From: Pearson, Alene
Sent: Tuesday, November 17, 2020 9:05 AM
To: Lapira, Katrina
Cc: Mendez, Leslie
Subject: PC Communications: Scoping Comments
Attachments: Bayer EIR Scoping Comments November 2020.odt

Dear Planning Commissioners,

In this meeting's agenda packet and its Supplemental Communications, you are getting a number of submissions with scoping comments for Item 9. I've attached to this email one such communication that was inadvertently left out of Supplemental 1. I wanted to clarify that all scoping comments submitted to PC will be compiled, reviewed, and addressed by the project manager (Leslie Mendez, Senior Planner in the Current Projects Group) and the environmental consultant team to assist in determining the scope of the CEQA analysis.

Let me know if you have any questions.

Thanks!

Alene

Alene Pearson

Principal Planner, Land Use Planning Division
Planning and Development Department
City of Berkeley
apearson@cityofberkeley.info

November 15, 2020
Clifford Fred
Berkeley, California

To The City of Berkeley Planning Commission - November 18, 2020 Commission Meeting
Agenda Item #9

SCOPING & GENERAL COMMENTS FOR BAYER DEVELOPMENT AGREEMENT DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT - DSEIR

Thank you for the opportunity to make these Scoping Comments.

It is disrespectful to the citizens of Berkeley for the City to have an “on-line” Scoping Session, and not waiting for the Covid Virus Pandemic to end so that a public Scoping Session can be held, as normally would occur. Surely the Bayer corporation, which already has extensive activities on-going at its southwest Berkeley compound, can wait a few more months for work to proceed on its Development Agreement.

Many people do not have access to Zoom, or choose not to use Zoom, due to radiation and privacy concerns.

Many people who would otherwise want to participate, might be ill with the Covid Virus, or taking care of someone who is.

I urge the city to delay the SEIR Scoping Session and the Notice of Preparation until the Covid-19 Pandemic is over, and the Scoping Session can be held in public with members of the public attending.

INCORPORATED BY REFERENCE

All documents, reports, studies, newspaper & magazine articles, ordinances, ballot measures including City of Berkeley Ballot Measures L & N, statutes, regulations, etc. cited in any way in these comments are hereby incorporated into these comments by reference.

A NEW AND FULL ENVIRONMENTAL IMPACT REPORT IS NEEDED

It has been almost 30 years since a Bayer Development Agreement was first approved by the Berkeley Planning Commission and City Council. I was a member of the Berkeley Planning Commission in 1990 and 1991 when the original Development Agreement was being considered and approved.

There have been unanticipated and enormous and breath-taking changes in the character, population, and density of the City of Berkeley since 1990.

Someone who left Berkeley in 1990 and returned today would not recognize much of the City.

Assumptions made in the original Bayer Development Agreement and EIR in 1990-1991, and in any supplements and addendum to that Development Agreement and EIR are no longer relevant or valid.

The pending Bayer Development Agreement should be treated as a new project with a new and Full Environmental Impact Report.

PROJECT ALTERNATIVES

A Draft EIR must describe a range of reasonable alternatives to the proposed

project, or to its location, that could feasibly attain the project's basic objective, and must evaluate the comparative merits of each alternative. (CEQA Guidelines section 15126 & section 21100.) The discussion must focus on alternatives capable of either eliminating any significant adverse environmental effects or reducing them to a level of insignificance, even if such alternatives would be more costly or to some degree would impede the project's objectives. (CEQA Guidelines section 15126.)

If the lead agency prefers the project as specifically proposed or one of the suggested alternatives, the EIR must explain why the agency chooses to reject the other alternatives. (CEQA Guidelines section 15126.)

The EIR should examine 3 or more alternative plans, giving each plan equal weight. The EIR preparation, review and revision process should then be used to arrive at a Preferred Alternative Plan.

In each project alternative, there should be an agreement that Bayer's controversial weedkiller Glyphosate - Round-UP will not be manufactured in Berkeley, nor allowed to be sold, stored nor used anywhere in Berkeley.

In each of the Project Alternatives, the existing height limits at Bayer's southwest Berkeley compound should be strictly honored and adhered to.

In none of the Project Alternatives shall any City of Berkeley street or other right of way be abandoned nor deeded over to Bayer.

In none of the project Alternatives shall Bayer be allowed to acquire any additional land in Berkeley beyond what it already owns in Berkeley.

At least one Project Alternative analyzed should immediately freeze all additional development at the Bayer compound in southwest Berkeley.

At least one of the Project Alternatives in the EIR should include a significant reduction of the development footprint and square footage of the Bayer compound, and a reduction in the number of employees at the Bayer compound.

At least one of the Project Alternatives in the EIR should include the cessation of the manufacture of any and all hazardous and dangerous materials now manufactured at the Berkeley Bayer site, and should include a substantial reduction in the use and storage of any and all hazardous and dangerous materials currently found at the site.

PROJECT ALTERNATIVES AND THE COVID PANDEMIC

For each project alternative, there should be an analysis as to how well "social distancing" would succeed in limiting the spread of infectious diseases in the event that the current Covid Virus continues into the foreseeable future.

This analysis is also needed in the event that the current Pandemic wanes but it is still advised or required to practicing "social distancing" to make sure it does not reemerge, or if the Covid Pandemic has a second wave, or if another pandemic materializes.

This analysis is also needed in the event that the current Pandemic wanes but it is still advised or required to practicing “social distancing” to make sure it does not reemerge, or if the Covid Pandemic has a second wave, or if another pandemic materializes.

Each Project Alternative should be analyzed into how the reliance of public transit for Bayer employees to get to and from the compound will be effected assuming that “social distancing” will continue to be practiced into the foreseeable future. This would occur if the current Covid Virus continues into the foreseeable future.

This analysis is also needed in the event that the current Pandemic wanes but it is still advised or required to practicing “social distancing” to make sure it does not reemerge, or if the Covid Virus Pandemic has a second wave, or if another pandemic materializes.

People have been avoiding public transit in droves since social distancing began in the second week of March 2020.

2020 COVID VIRUS PANDEMIC

All work on the BAYER DEVELOPMENT AGREEMENT and on the DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT should be put on hold until the Corona ViT rus Pandemic is determined to be unquestionably over.

The maximum number of employees that can safely work at the Bayer compound needs to carefully be reassessed base on the Covid Virus Pandemic. How can social distancing be safely practiced if there are a thousand or more new Bayer employees in Berkeley?

WESTERN UNITED STATES MEGA-DROUGHT

According to a report in Science Daily, April 20, 2020, which cites material gathered by Earth Institute at Columbia University, the Western United States is likely entering a mega-drought, the worse drought in recorded history.

The Bayer Development agreement should not assume an unlimited water supply for the Bayer compounds’ on-going growth. The EIR needs to do a thorough analysis of the likely worsening drought conditions in the SF Bay Area, and the resulting declining East Bay water supply.

Based on these projections, Bayer should be planning on steadily reducing it’ s footprint, water usage, and impact in Berkeley in the coming years, not steadily increasing the compound’ s density and number of employees.

THE CITY’ S PERKS, GIFTS & CONCESSIONS TO BAYER SINCE 1990

The EIR should include a thorough accounting of of all perks, gifts and concessions the City of Berkeley has made to Bayer since 1990. This includes all height and density concession, all city streets abandoned and deeded over to Bayer, any other Public Right of Way that has been abandoned and deeded over to Bayer, and any permit and other fees that the City waived for Bayer.

An accurate as possible monetary valuation should be made for each of these perks, gifts, concessions, and street and other public right of way title transfers.

HAZARDOUS MATERIALS MANUFACTURED, USED & STORED AT THE BAYER COMPOUND

The EIR should contain a comprehensive list of all hazardous and dangerous materials currently manufactured, used and/or stored at the southwest Berkeley Bayer compound. The list should include the quantities of each of these materials, and what exactly they are used for.

The EIR should also contain a comprehensive list of any increase in the volume of hazardous material to be manufactured, used and/or store at the Berkeley Bayer compound that is anticipated in the Development Agreement, and any new hazardous or dangerous material that the Development Agreement anticipates will be manufactured,

used and/or stored at the Bayer site in the future that is currently not manufactured, used and/or stored at the site.

DEVELOPMENT AGREEMENT & EIR REVIEW PROCESS; SCHEDULING OF PUBLIC HEARINGS

The Project applicants and/or their representatives should be in attendance at each CEQA meeting concerning the plans, including at the Scoping Session, the hearings on the Draft EIR and hearing on any revised Draft or Final EIR. They need to make their presence known and make themselves available to answer questions.

The City should schedule ample time at each CEQA meeting for members of the public to make comments and pose question to the EIR' s preparers and to pose questions to any Bayer representatives who are present.

All written and oral Scoping Comments should be printed in the Draft EIR at full size. The public' s scoping comments should not be printed in a reduced size.

In addition to being available on-line, the Draft EIR and all subsequent versions of the EIR, as well as the Draft Development Agreement, and all subsequent versions of the EIR and the Development Agreement should be available in printed form to the public. A minimum of 200 copies of each of the above should be produced nd made available to public (no more than one copy per person) free of charge.

There should be a minimum 90 day comment period on the Draft EIR, and a minimum 60 day comment period on any Revised Draft EIR, Draft Final EIR, and/or any Final EIR.

The Planning Commission should hold at least two hearings on the Draft EIR, one during the work day, and one in the evening, so that a maximum number of residents will be able to comment on the EIR.

The hearing, or hearings, on the Draft EIR should be held in a large, comfortable and easily accessible room, without noisy vending machines or other distractions.

The public hearing(s) on the Draft EIR should be held at least 60 days after the EIR is made available. These are lengthy and complicated documents, and members of the public should be given ample time to review and prepare their comments on the Draft EIR.

There should be at least one additional comment period and public hearing on the revised version of the Draft EIR that is prepared.

Members of the public are entitled to see how the EIR's preparers responded to their comments on the Draft EIR, and to see what changes, if any, were made in the Draft Development Agreement as a result of the public Draft EIR comments.

The public hearing(s) on the revised EIR that follows the Draft EIR should be held at least 45 days after the revised EIR is made available.

They should also be notified when the Draft EIR and any subsequent EIRs are available; when hearings on the Draft EIR and any subsequent EIRs will be held; and also when any Draft, Revised Draft or Final Bayer Development Agreement is available, and when any City meetings on the Development Agreement will be held.

Any Final EIR and Final Bayer Development Agreement should be made available to members of the public at least 45 days prior to these plans and document being

discussed and voted on by the Planning Commission, and by the City Council.

The EIR and the Bayer Development Agreement should not be voted on at the same meeting. They will each be lengthy and complicated documents, and each will need and deserve separate discussions.

The EIR should provide details of all Development Agreements and other agreements made between Bayer and the City of Berkeley from 1990 to the present.

The EIR should chart the annual increase in Bayer's development square footage and number of employees annually from 1990 to the present.

2020 CENSUS

All work on the Bayer Development Agreement and its Supplemental EIR should be put on hold until the results of the 2020 US Census are available.

PENDING CLOSURE OF ALTA BATES HOSPITAL

The Cumulative Impact analysis in the EIR should consider the likely closure of Alta Bates Hospital and its emergency room - the last emergency room in Berkeley, and the additional time it will take to get to an emergency room in Oakland.

All the new apartments and dormitories now being constructed, and that are now pending approval in Berkeley will be increasing the City's population by over 15,000 people. And the population of Berkeley is aging. Yet all the new development now occurring and likely to occur over the next several years is significantly worsening traffic congestion in Berkeley, and will dramatically add to the time it will take to reach an emergency room several miles south of Berkeley in Oakland.

The considerable amount of development being proposed in the new Bayer Development Agreement will add to the cumulative traffic congestion in Berkeley and thus add to the time it will take to reach an emergency room, especially after Alta Bates Hospital closes.

The EIR needs to discuss how this project will (along with recently built and soon to be built projects in Berkeley) will make evacuation after a major earthquake more difficult, and exacerbated by the fact that there will likely not be an emergency room left in Berkeley when a major quake on the Hayward Fault inevitably occurs.

The EIR needs to analyze how the new Bayer Development Agreement, along with all pending and reasonably foreseeable projects throughout the City of Berkeley will cumulatively effect traffic flow in the West Berkeley and throughout Berkeley.

This analysis should include the increased traffic gridlock that will occur, the longer waits to get through intersections that will occur, and how this will contribute to the worsening of air quality. Air quality is already very bad in Berkeley, especially in West Berkeley.

Bayer and the city of Berkeley thus far done a poor job in informing the residents of Berkeley of Bayer' s planned new Development Agreement.

The Bayer Development Agreement planning process should be frozen until the residents of the City of Berkeley are fully brought up to date as to exactly what is in the draft Bayer Development Agreement.

TRAFFIC ANALYSIS

The traffic analysis, studies and base level readings should only be done on week days during the AM and PM rush hours when the University of California is in session and people are at work.

The base level traffic readings and studies should not be done in the summer, on weekends, on holidays, at night, nor during the present or any future Covid Virus shelter in place orders, nor outside of the fall or spring University of California sessions, nor during any UCB student breaks.

The base line traffic readings and studies should not be done on any City of Berkeley holidays, including Malcolm X day, nor other holidays observed by the City of Berkeley but not the University of California or the State of California.

Nor should the base line traffic studies be done on any Friday on which the City of Berkeley government is not in full operation. The City government will often partially shut down on Fridays.

All traffic analysis should also include any traffic data that can be found in prior City of Berkeley or University of California EIRs going back to 1990, so as to see how traffic has increased in the past 30 years.

CUMULATIVE IMPACTS

A Draft EIR must discuss "cumulative impacts" when they are significant (CEQA Guidelines, section 15130. subd. (a).) When "cumulative impacts" are not deemed significant, the EIR must explain the basis for that conclusion. (Citizens to Preserve the Ojai v. County of Ventura 1985)

All traffic level projections and analysis should include the cumulative impact all recently approved but not yet built, recently built but not yet occupied, and all reasonably foreseeable development in the City of Berkeley. According to the City of Berkeley' s Current Zoning Applications web site, there are over 35 multi-story, new multi-unit residential buildings pending approval. All of the projects listed on this web site are hereby incorporated into these comments by reference. See the City of Berkeley Current Zoning Applications web site -

https://www.cityofberkeley.info/Planning_and_Development/Land_Use_Division/Current_Zoning_Applications_Log.aspx - for a list of all pending development projects in Berkeley.

Based on the dramatic weakening of local control over development by the various Weiner-Skinner bills in the state legislature, it should be assumed that all of the proposed housing developments in the pipeline in Berkeley will be approved.

The Draft EIR should also analyze the cumulative impact of the Bayer Development Agreement in combination with all already approved and reasonably foreseeable development in Berkeley (see above) in regards to noise, air pollution, financial impact, water usage, loss of open space, impact on birds and other urban wildlife, loss of views and loss of sunlight.

The EIR should clearly spell out how many employees Bayer expects to have at its compound at the ultimate build-out of its Development Agreement.

Thank you for your careful review and response to these comments.

Clifford Fred
Berkeley, California

Dear Berkeley Planning Commission-

Thank you for the time you are taking to update and amend an EIR for the proposed Bayer project (agenda #9). I was born in Berkeley, a homeowner not far from the proposed site, and care deeply about the health and safety of our community.

I am writing to express concern about a number of issues that I hope the Planning Commission may address. The recombinant DNA and genetic engineering activities proposed now and those which Bayer may wish to house in its facilities in the future raise many concerns for local ecosystem, and in particular for worker and community safety.

It will be critical for the Planning Commission to know what biosafety level will these laboratories have the capacity for, and what level you are assessing. The Federal government approves the levels (BSL 1-4) levels, but given worker and community safety, it is in Berkeley's best interest to not have BSL 3 or BSL 4 labs in our community, let alone near homes and the sensitive Bay ecosystem. The Planning Commission needs to look ahead, and inquire not just about what Bayer wishes to work on in the near term, but what they might work on, given what the safety level of the lab allows. Even BSL 2 labs need extra safety attention, as they could push the limits of what they are allowed to do, but BSL 3 and 4 labs present significant and clear dangers to the Berkeley and larger Bay Area communities. For example, gain of function research could be done in a BSL 4 lab.

(See: <https://www.cdc.gov/training/quicklearns/biosafety/>)

As the Planning Commission speaks to experts about the environmental concerns, public health and community safety risks, it should also consider that safety is one of the core responsibilities of this commission. The Commission should be clear what biosafety levels they are planning for at this location and that they are taking a precautionary approach, and not just following minimum government regulations. That fact finding should be done before any substantive feedback can be given and realistically, before serious consideration of the facility happens.

Specifically, I would offer the following suggestions:

- Bayer names that the labs will be BSL 1 & 2, for which there are environmental and public health precautions that Berkeley must account for. However, the level of environmental and public health risks increases significantly if Bayer were to ever petition to include a BSL 3 or 4 lab in its facility. **The EIR, Development Agreement and contract with Bayer should include a clause which guarantees that no BSL 3 or 4 sections will be built in this facility in the future.**
- At the bottom of page 8 in the Development Agreement, Bayer requests to lift restrictions on numerous genetic engineering activities. Although Bayer suggests that there are minimal safety risks, this statement is not backed up by the scientific community. In fact, expert international bodies such as the UN Convention on Biodiversity have expressed explicit concern about the significant safety risks, both for

biodiversity and health, related to new genetic engineering technologies. The new and emerging recombinant DNA research is largely underassessed, is virtually unregulated at the national level and has almost no oversight. **The Planning Commission and City of Berkeley should leave in place the restrictions on recombinant DNA research and development activities.** Indeed, the pharmaceutical and pesticide industry, including Bayer, has lobbied that the very programs necessary to evaluate and assess environmental and public health risks from these emerging genetic engineering technologies be deregulated.

- In addition to restrictions on research, there should be a specific guarantee that **Bayer, or any entity renting its facility, will not conduct any gain of function research.**

In addition to the environmental and public health risks that the Planning Commission should consider, there are also controversial issues that raise other questions, such as germline editing and research which builds techno-eugenics. While there may be different risks/benefits to germline editing research, it will be important for Berkeley to think of how it wants to be known and what is in the City's best interest. Indeed, 75 countries already prohibit heritable human genome editing, and Berkeley certainly should be a leader in supporting California's commitment to avoid using scientific technologies for abusive applications like eugenics. **The Commission and City of Berkeley should also prohibit techno-eugenics and human germline editing research.**

I thank the Planning Commission for taking a deep, careful look at the implications of the proposed development and crafting a very important EIR. Again, **I recommend that the current research restrictions not be lifted, that there be a permanent clause noting that this development may not include any BSL 3 or 4 facilities, and that the City of Berkeley will not engage in gain of function research or heritable human genome editing research.**

I would be happy to elaborate on any of these statements and refer the Planning Commission to experts across the country who would be able to share specific examples and measures that the EIR and Development Agreement should include in order to set the best practices for protecting the environment, workers, community and Berkeley's leadership in environmental, health, and social responsibility.

Sincerely,

Dana Perls, MCP

Berkeley Resident

Lapira, Katrina

From: Vanessa Warheit <vwarheit@gmail.com>
Sent: Tuesday, November 17, 2020 8:06 PM
To: Pearson, Alene <apearson@cityofberkeley.info>
Cc: Igor Tregub <itregub@gmail.com>
Subject: Item 10 - Planning agenda - Demolition Ordinance

WARNING: This email originated outside of City of Berkeley.
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I understand the Planning Commission is considering a revised demolition ordinance to implement SB 330, which would allow for demolition of rent controlled units. I am writing to urge the Commission to take no action at this time, to allow time for the Rent Board to weigh in. I am very concerned that SB 330 could lead to a lot of displacement from rent controlled units as well as a reduction in the supply of rent-controlled units.

Thank you,

Vanessa Warheit
1423 Acroft Ct.
Berkeley 94702

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Vanessa Warheit

Phone: 415-225-4435

pronouns: she, her, hers

Lapira, Katrina

From: Alfred Twu <firstcultural@gmail.com>
Sent: Tuesday, November 17, 2020 10:15 PM
To: Pearson, Alene <apearson@cityofberkeley.info>
Subject: Comment on Item 10 of the Planning Commission agenda

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Planning Commissioners:

The Demolition Ordinance should be written so that the required replacement units do not count towards required affordable housing.

The whole point behind the demolition ban in SB330 was to steer development away from existing apartments, and to commercial property or vacant lots. Berkeley still has plenty of those, let's keep the focus there.

Thanks
Alfred Twu

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**Lapira, Katrina**

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**From:** Pearson, Alene <apearson@cityofberkeley.info>  
**Sent:** Wednesday, November 18, 2020 7:20 AM  
**To:** EMAIL ADDRESS REDACTED  
**Cc:** Mendez, Leslie <LMendez@cityofberkeley.info>  
**Subject:** Re: Please Continue Bayer Scoping Session to a Future Commission Meeting; Protocol Violated

Clifford Fred:

I emailed your comments directly to members of the Planning Commission at 9:04am on Tuesday morning as you requested. As such, they will also be part of the Supplemental 2 Communications packet that is shared with the public and posted on the website.

Also note that the scoping comment period for the Bayer SEIR is open until the first week of December, so your comments will receive full consideration. Tonight's scoping meeting is being held at Planning Commission to facilitate collection of comments — similar to the scoping meeting that was held at ZAB on 11/12 — but comments are being accepted via email and normal mail by the project manager (Leslie Mendez, copied on this email) for another couple of weeks. More information on timing and process can be found in the Notice of Preparation (NOP) that is part of the agenda materials.

Let me know if you have additional questions.

Alene

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**From:** EMAIL ADDRESS REDACTED  
**Sent:** Tuesday, November 17, 2020 11:49 PM  
**To:** Pearson, Alene <apearson@cityofberkeley.info>  
**Subject:** Please Continue Bayer Scoping Session to a Future Commission Meeting; Protocol Violated

WARNING: This email originated outside of City of Berkeley.  
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11-17-2020

Hello Alene Pearson,

I hereby request that the Planning Commission be advised to continue its Scoping Session for the Bayer Development Agreement to a meeting subsequent to it's November 18 meeting.

The Commission's protocols for sending communications from the public to the Commission and to the Commission's mailing list were clearly violated.

The Agenda for the November 18, 2020 Planning Commission meeting states:

"Correspondence received by 12 noon two days before this public meeting, will be included in a Supplemental Packet, which will be posted to the online agenda as a Late Communication and emailed to Commissioners one day before the public meeting."

I submitted a communication - Scoping Comments for the pending Bayer Development Agreement EIR, to the Planning Commission for its November 18 meeting, via email to you around 1am Monday November 16. This was 11 hours before the Supplemental Packet deadline.

When I received the Supplemental Packet Monday Afternoon, it included several communications that were received by you after my communication, but did not include my communication.

When I noticed that my communication was missing yesterday evening, I wrote to you and asked what the problem was. You responded that it was your error, and that you would forward my communication to the Planning Commission today Tuesday November 17. That never happened.

The Planning Commission will now not have adequate time to review my Bayer Scoping Comments, which I spent a considerable amount of time preparing, prior to the meeting.

Nor will interested members of the public who are on the Planning Commission's email list, have adequate time to review my Bayer Scoping comments and perhaps make scoping comments of their own.

As I was on the Planning Commission in 1990 and 1991 when the first Bayer Development Agreement was being considered and approved, one would think that the Planning Commission might benefit from my insights.

The Bayer Corporation already has a considerable business and research operation at its West Berkeley compound, and can sure wait a few weeks before work on the new Development Agreement EIR is begun.

Thank you for considering my request.

Clifford Fred  
Berkeley California

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Deadlocked Michigan County Fails to Certify Vote. Then a 180  
<http://thirdpartyoffers.juno.com/TGL3141/5fb4d25ed1f93525e3e16st03vuc1>  
Fraud Suspect Attempts Very Unusual Getaway  
<http://thirdpartyoffers.juno.com/TGL3141/5fb4d25f1739525e3e16st03vuc2>  
Second Georgia County Finds Uncounted Votes  
<http://thirdpartyoffers.juno.com/TGL3141/5fb4d25f24f3f525e3e16st03vuc3>

**Lapira, Katrina**

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**From:** Lisa Camasi <ldcamasi@yahoo.com>  
**Sent:** Wednesday, November 18, 2020 7:44 AM  
**To:** Pearson, Alene <apearson@cityofberkeley.info>  
**Subject:** No Action on SB 330

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I am writing to encourage the planning commission to take NO ACTION on SB 330 at this time and to allow for time for the Rent Board to weigh in. It should be discussed at the 4 x 4 Committee on Housing and any revised ordinance should include MAXIMUM tenant protections.

Sincerely,

Lisa Camasi  
2447 Bonar St  
Berkeley, CA 94702

**Lapira, Katrina**

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**From:** Summer Brenner [mailto:summerbrenner@gmail.com]  
**Sent:** Wednesday, November 18, 2020 9:19 AM  
**To:** Pearson, Alene <apearson@cityofberkeley.info>  
**Subject:** SB 330: No action NOW!

**WARNING:** This email originated outside of City of Berkeley.  
**DO NOT CLICK ON** links or attachments unless you trust the sender and know the content is safe.

TO: The Planning Commission

FR: Summer Brenner, District 4

RE: Revised ordinance to implement SB 330

**Any revised ordinance should include maximum tenant protections.**

During Covid-19 and for the foreseeable future, every measure should be taken to preserve existing living conditions for a portion of our most vulnerable citizens: low-income renters.

A new Rent Board has just been elected, and their consideration on these matters are of utmost importance, especially in ensuring that no renters are displaced and that the number of units for 'low income' residents be preserved or even increased.

Thank you.

**Lapira, Katrina**

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**From:** Pamela Webster [mailto:pamelawebster6@gmail.com]  
**Sent:** Wednesday, November 18, 2020 9:21 AM  
**To:** Pearson, Alene <apearson@cityofberkeley.info>  
**Subject:** Demolition Ordinance

**WARNING:** This email originated outside of City of Berkeley.  
**DO NOT CLICK ON** links or attachments unless you trust the sender and know the content is safe.

Dear Planning Commissioners,

Regarding the commission's upcoming discussion of SB 330, I urge the Planning Commission to take no action at this time and to allow for time for the Rent Board to weigh in. It should be discussed at the 4 x 4 Committee on Housing and any revised ordinance should include maximum tenant protections.

Berkeley has a finite number of rent controlled units. Any change that effects units currently protected by Berkeley ordinances must be fully vetted and scrutinized by tenant advocates including elected Rent Board commissioners.

Thank you,  
Pam Webster  
1912 Blake Street  
Berkeley

**Lapira, Katrina**

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**From:** sylvia [mailto:lsr2@pm.me]  
**Sent:** Wednesday, November 18, 2020 9:39 AM  
**To:** Pearson, Alene <apearson@cityofberkeley.info>  
**Subject:** Public Comment - Demolition Ordinance

**WARNING:** This email originated outside of City of Berkeley.  
**DO NOT CLICK ON** links or attachments unless you trust the sender and know the content is safe.

Hello,

I am a Berkeley renter, have lived in a variety of properties around the city, and I strongly oppose taking action now on revising the Demolition Ordinance. Anything which has the potential to impact rent controlled units (and therefore Berkeley rents) should be taken very seriously & vetted properly with lots of public input from tenants.

Rent controlled units must be protected!

Best,  
Sylvia

Sent from ProtonMail Mobile

**Lapira, Katrina**

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**From:** Judy MacLean [mailto:judymac@igc.org]  
**Sent:** Wednesday, November 18, 2020 10:20 AM  
**To:** Pearson, Alene <apearson@cityofberkeley.info>  
**Subject:** Take no action now on amendments to Demolition Ordinance

**WARNING:** This email originated outside of City of Berkeley.  
**DO NOT CLICK ON** links or attachments unless you trust the sender and know the content is safe.

I urge you to take no action yet on the amendments to the Demolition Ordinance being prepared to implement SB 330, which would allow for demolition of rent controlled units.

Please allow time for the Rent Board to consider the revision of the demolition ordinance to ensure that the implementation does not result in a loss of rent-controlled units and affordable housing in Berkeley. Please also allow time for the 4 x 4 Committee on Housing to consider this revision. Any revised ordinance needs maximum protection for tenants.

Sincerely,  
Judy MacLean  
A Berkeley tenant in a rent-controlled building



**Lapira, Katrina**

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**From:** beneficialbug@sonic.net [mailto:beneficialbug@sonic.net]  
**Sent:** Wednesday, November 18, 2020 11:24 AM  
**To:** Pearson, Alene <apearson@cityofberkeley.info>  
**Subject:** Item #10

**WARNING:** This email originated outside of City of Berkeley.  
**DO NOT CLICK ON** links or attachments unless you trust the sender and know the content is safe.

No action on SB330. This is, again, about continuing to take away Berkeley, to use Berkeley by displacing people with a history here.

If the planning commission has any concern about the displacements which have been happening for nearly 40 years, whitewashing the city, stop this from going forward.

Sincerely,

Max Ventura, Berkeley resident, part of Berkeley community since 1983.

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Maxina Ventura  
Classical Homeopathy, Non-toxic Medicine  
All Ages, All Genders  
WiseWomanHealth.com

**Lapira, Katrina**

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**From:** Anne-Lise FRANCOIS [mailto:afrancoi@berkeley.edu]  
**Sent:** Wednesday, November 18, 2020 11:43 AM  
**To:** Pearson, Alene <apearson@cityofberkeley.info>  
**Subject:** Demolition Ordinance SB 330

**WARNING:** This email originated outside of City of Berkeley.  
**DO NOT CLICK ON** links or attachments unless you trust the sender and know the content is safe.

Please forward this message to the Planning Commission:

I am a tenant writing from District 4.

**Any revised ordinance should include maximum tenant protections.**

During Covid-19 and for the foreseeable future, every measure should be taken to preserve existing living conditions for a portion of our most vulnerable citizens: low-income renters.

A new Rent Board has just been elected, and their consideration on these matters are of utmost importance, especially in ensuring that no renters are displaced and that the number of units for 'low income' residents be preserved or even increased.

Thank you.

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Anne-Lise François  
2210 A California Street, Berkeley, CA 94703 District 4

Associate Professor, English and Comparative Literature  
University of California, Berkeley

The number of UC administrators earning salaries in excess of \$174,000/yr nearly doubled since 2012— from 5,931 to 9,640 (SF Chronicle). Currently, over one thousand UC administrators earn more than \$190,103/yr — the salary of the California governor.