



Planning Commission

# AGENDA

## REGULAR MEETING OF THE PLANNING COMMISSION

This meeting is held in a wheelchair accessible location.

*Click here for the entire Agenda Packet*

Wednesday, July 17, 2019  
7:00 PM

South Berkeley Senior Center  
2939 Ellis Street

See **“MEETING PROCEDURES”** below.

All written materials identified on this agenda are available on the Planning Commission webpage: <http://www.ci.berkeley.ca.us/ContentDisplay.aspx?id=13072>

### **PRELIMINARY MATTERS**

1. **Roll Call:** Wiblin, Brad, appointed by Councilmember Kesarwani, District 1  
Martinot, Steve, appointed by Councilmember Davila, District 2  
Schildt, Christine, Chair, appointed by Councilmember Bartlett, District 3  
Lacey, Mary Kay, appointed by Councilmember Harrison, District 4  
Beach, Benjamin, appointed by Councilmember Hahn, District 5  
Kapla, Robb, Vice Chair appointed by Councilmember Wengraf, District 6  
Fong, Benjamin, appointed by Councilmember Robinson, District 7  
Vincent, Jeff, appointed by Councilmember Droste, District 8  
Wrenn, Rob, appointed by Mayor Arreguin
2. **Order of Agenda:** The Commission may rearrange the agenda or place items on the Consent Calendar.
3. **Public Comment:** Comments on subjects not included on the agenda. Speakers may comment on agenda items when the Commission hears those items. (See *“Public Testimony Guidelines”* below):
4. **Planning Staff Report:** In addition to the items below, additional matters may be reported at the meeting. **Next Commission meeting: September 4, 2019**
5. **Chairperson’s Report:** Report by Planning Commission Chair.
6. **Committee Reports:** Reports by Commission committees or liaisons. In addition to the items below, additional matters may be reported at the meeting.
7. **Approval of Minutes:** Approval of Draft Minutes from the meeting on June 5, 2019.
8. **Future Agenda Items and Other Planning-Related Events**

**AGENDA ITEMS:** All agenda items are for discussion and possible action. Public Hearing items require hearing prior to Commission action.

- 9. Discussion: GreenTRIP Presentation**  
**Recommendation:** Listen and discuss GreenTRIP presentation by TransForm staff.  
**Written Materials:** Presentation  
**Web Information:** <http://www.transformca.org/landing-page/greentrip>  
**Continued From:** N/A
- 10. Discussion: Parking Reform: Transportation Demand Management and Modifications to Off-street Parking Requirements**  
**Recommendation:** Discuss parking reform and provide feedback on TMD programs and proposed scope of off-street parking survey.  
**Written Materials:** Attached  
**Web Information:** N/A  
**Continued From:** 5/1/19
- 11. Action Public Hearing on Comprehensive Cannabis**  
**Recommendation:** Hold a public hearing to hear and receive comments on the proposal for “Round 2” of Comprehensive Cannabis Zoning Ordinance amendments.  
**Written Materials:** Attached  
**Web Information:** N/A  
**Continued From:** 12/5/2018

**ADDITIONAL AGENDA ITEMS:** In compliance with Brown Act regulations, no action may be taken on these items. However, discussion may occur at this meeting upon Commissioner request.

**Communications:**

- Email with link to video of June 18 Adeline Subcommittee Meeting

**Late Communications (Received after the Packet deadline):** None

**Information Items:**

- Re-Weighted Range Voting (RRV) results – report excerpt from June 11 Special City Council meeting
- Approved Berkeley Opportunity Zone Displacement Referral – staff report from June 11 City Council meeting
- Strategic Plan and Planning Commission Work Plan Report – staff report from June 18 Special City Council meeting
- Approved Zoning Ordinance Modification for Elmwood District Referral – staff report from June 25 City Council meeting

**ADJOURNMENT**

**Meeting Procedures**

**Public Testimony Guidelines:**

Speakers are customarily allotted up to three minutes each. The Commission Chair may limit the number of speakers and the length of time allowed to each speaker to ensure adequate time for all items on the Agenda. **To speak during Public Comment or during a Public Hearing, please line up behind the microphone.** Customarily, speakers are asked to address agenda items when the items are before the Commission rather than during the general public comment period. Speakers are encouraged to submit comments in writing. See “Procedures for Correspondence to the Commissioners” below.

**Consent Calendar Guidelines:**

The Consent Calendar allows the Commission to take action with no discussion on projects to which no one objects. The Commission may place items on the Consent Calendar if no one present wishes to testify on an item. Anyone present who wishes to speak on an item should submit a speaker card prior to the start of the meeting, or raise his or her hand and advise the Chairperson, and the item will be pulled from the Consent Calendar for public comment and discussion prior to action.

**Procedures for Correspondence to the Commissioners:**

- To have materials included in the packet, the latest they can be submitted to the Commission Secretary is close of business (5:00 p.m.), on Tuesday, eight (8) days prior to the meeting date.
- To submit late materials for Staff to distribute at the Planning Commission meeting, those materials must be received by the Planning Commission Secretary, by 12:00 p.m. (noon), the day before the Planning Commission meeting.
- Members of the public may submit written comments at the Planning Commission meeting. To submit correspondence at the meeting, please provide 15 copies, and submit to the Planning Commission Secretary before the start time of the meeting.
- If correspondence is more than twenty (20) pages, requires printing of color pages, or includes pages larger than 8.5x11 inches, please provide 15 copies.
- Written comments/materials should be directed to the Planning Commission Secretary, at the Land Use Planning Division (Attn: Planning Commission Secretary).

**Communications are Public Records:** Communications to Berkeley boards, commissions, or committees are public records and will become part of the City’s electronic records, which are accessible through the City’s website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission, or committee, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service, or in person, to the Secretary of the relevant board, commission, or committee. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the Secretary to the relevant board, commission, or committee for further information.

**Written material** may be viewed in advance of the meeting at the Department of Planning & Development, Permit Service Center, **1947 Center Street, 3<sup>rd</sup> Floor**, during regular business hours, or at the Reference Desk, of the Main Branch Library, 2090 Kittredge St., or the West Berkeley Branch Library, 1125 University Ave., during regular library hours.

**Note: If you object to a project or to any City action** or procedure relating to the project application, any lawsuit which you may later file may be limited to those issues raised by you or someone else in the public hearing on the project, or in written communication delivered at or prior

to the public hearing. The time limit within which to commence any lawsuit or legal challenge related to these applications is governed by Section 1094.6, of the Code of Civil Procedure, unless a shorter limitations period is specified by any other provision. Under Section 1094.6, any lawsuit or legal challenge to any quasi-adjudicative decision made by the City must be filed no later than the 90th day following the date on which such decision becomes final. Any lawsuit or legal challenge, which is not filed within that 90-day period, will be barred.

***Meeting Access: This meeting is being held in a wheelchair accessible location. To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services Specialist, at 981-6418 (V) or 981-6347 (TDD), at least three (3) business days before the meeting date.***

***Please refrain from wearing scented products to public meetings.***





Planning Commission

1                   **DRAFT MINUTES OF THE REGULAR PLANNING COMMISSION MEETING**  
2   **June 5, 2019**

3 The meeting was called to order at 7:03 p.m.

4 **Location:** South Berkeley Senior Center, Berkeley, CA

5 **1. ROLL CALL:**

6 **Commissioners Present:** Benjamin Beach, Robb Kapla (left at 8:55pm), Mary Kay Lacey,  
7 Steve Martinot, Christine Schildt, Jeff Vincent (left at 8:40pm), Brad Wiblin, and Rob Wrenn.

8 **Commissioners Absent:** Benjamin Fong (unexcused absence).

9 **Staff Present:** Secretary Alene Pearson, Alisa Shen, and Katrina Lapira.

10 **2. ORDER OF AGENDA:** No changes.

11 **3. PUBLIC COMMENT PERIOD:** 1 speaker

12 **4. PLANNING STAFF REPORT:**

13 The following items may be discussed at the next Planning Commission meeting on July 17:

- 14           ○ Public Hearing on Comprehensive Cannabis 2 Zoning Ordinance amendments
- 15           ○ Unbundling parking
- 16           ○ Transform's GreenTRIP Certification program
- 17           ○ Opportunity Zones referral

18 Staff provided the following updates:

- 19           • June 7 – City of Berkeley to receive an award of merit from the American Planning  
20 Association to recognize Zoning Ordinance amendments adopted in 2019 to support  
21 small businesses
- 22           • June 12 - Southside EIR Request for Proposals (RFP) pre-bid meeting
- 23           • June 13 - Cannabis Commission Special Meeting to discuss proposed equity program  
24 for selection of 7<sup>th</sup> Retailer
- 25           • June 13 - ZAB appointing new members to the ZORP Subcommittee
- 26           • June 18 - City Council Special Work session to discuss Planning Commission Work Plan  
27 in the context of the City's Strategic Plan

28 **Information Items:**

29           None.

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**Communication:**

None.

**Late Communications** (Received after the Packet deadline):

- 2019-06-03 Walter Wood Letter (North Berkeley Bart)
- 2019-06-03 South Berkeley Now! Letter (Adeline Corridor Draft Plan and Draft EIR)
- 2019-06-02 John S. English Letter #3 (Adeline Corridor Draft Plan and Draft EIR)
- 2019-05-31 John S. English Letter #2 (Adeline Corridor Draft Plan and Draft EIR)
- 2019-05-30 John S. English Letter #1 (Adeline Corridor Draft Plan and Draft EIR)

**Late Communications** (Received and distributed at the meeting):

- 2019-06-05 Council Member Ben Bartlett Letter
- 2019-06-05 Cannaculture Festival Flier

**5. CHAIR REPORT:** The Chair expressed thanks to Commissioner Robb Kapla for chairing last two meetings.

**6. COMMITTEE REPORT:**

- Adeline Corridor Plan Subcommittee: At the May 21 meeting, the Subcommittee established a work plan and discussion topics for future meetings. At the June 18 meeting, the Subcommittee will focus on Plan content, feedback and comments related to Land Use, Zoning and Affordable Housing.
- Joint Subcommittee for the Implementation of State Housing Laws (JSISHL): At the May 22 meeting, JSISHL focused on Density Bonus and reviewed Opticos' Density Study scope of work, an analysis of existing buildout conditions, a proposal for a local incentive program to encourage onsite affordable housing, and discussed an approach to objective standards.

**7. APPROVAL OF MINUTES:**

Motion/Second/Carried (Vincent/Kaplan) to approve the Planning Commission Meeting Minutes from May 1, 2019 with amendments on line 71 (change *eliminate* to *reduce*) and minor edits to meeting time and duration. Commissioner Kapla also encouraged staff to note absences in a consistent manner on the agenda. Ayes: Beach, Kapla, Lacey, Marinot, Vincent, Wiblin, Wrenn. Noes: None. Abstain: Schildt. Absent: Fong. (7-0-1-1).

**FUTURE AGENDA ITEMS AND OTHER PLANNING-RELATED EVENTS:** see Item 4 (Planning Staff Report)

67 **AGENDA ITEMS**

68 **9. Discussion: Draft Adeline Corridor Plan**

69 **10. Discussion: Public Hearing: Adeline Corridor Plan Draft EIR**

70 Staff presented on both the Draft Adeline Corridor Plan and the Draft EIR- a culmination of four  
71 years of community engagement efforts for the area along Adeline Street and a portion of South  
72 Shattuck Avenue. In their presentation, staff described the planning process and provided an  
73 overview of both the draft plan and the EIR. The Commission held a public hearing on both the  
74 Draft Adeline Corridor Plan and the Draft EIR, asked clarifying questions, and held a brief  
75 discussion. The Commission directed staff to address a number of concerns expressed by the  
76 community in the next iteration of the plan regarding maximum housing calculations, the general  
77 street design of Adeline, and displacement.

78 Public Comments: 25 members of the public provided public comment at the hearing.

79 Motion/Second/Carried (Kapla/Wrenn) to close the public hearing and adjourn the meeting.  
80 Ayes: Beach, Kapla, Lacey, Martinot, Schildt, Vincent, Wiblin, Wrenn. Noes: None. Abstain:  
81 None. Absent: Fong. (6-0-0-3)

82 **The meeting was adjourned at 10:05 pm**

83 **Commissioners in attendance: 8 of 9**

84 **Members in the public in attendance: 52**

85 **Public Speakers: 25 speakers**

86 **Length of the meeting: 3 hours and 2 minutes**

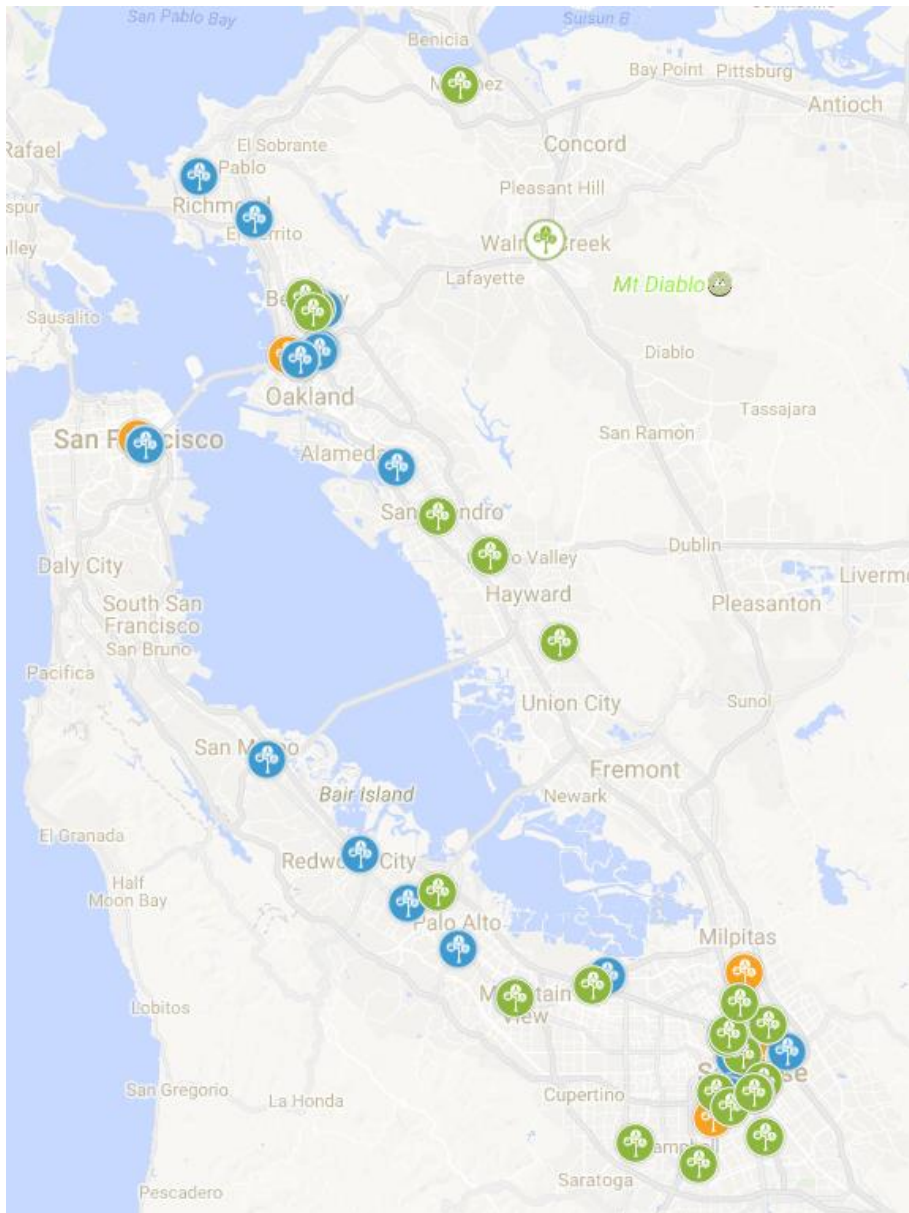




# Today's Topics

- GreenTRIP Certification
- Connect
- Parking Database
- Cities & agencies adopting GreenTRIP







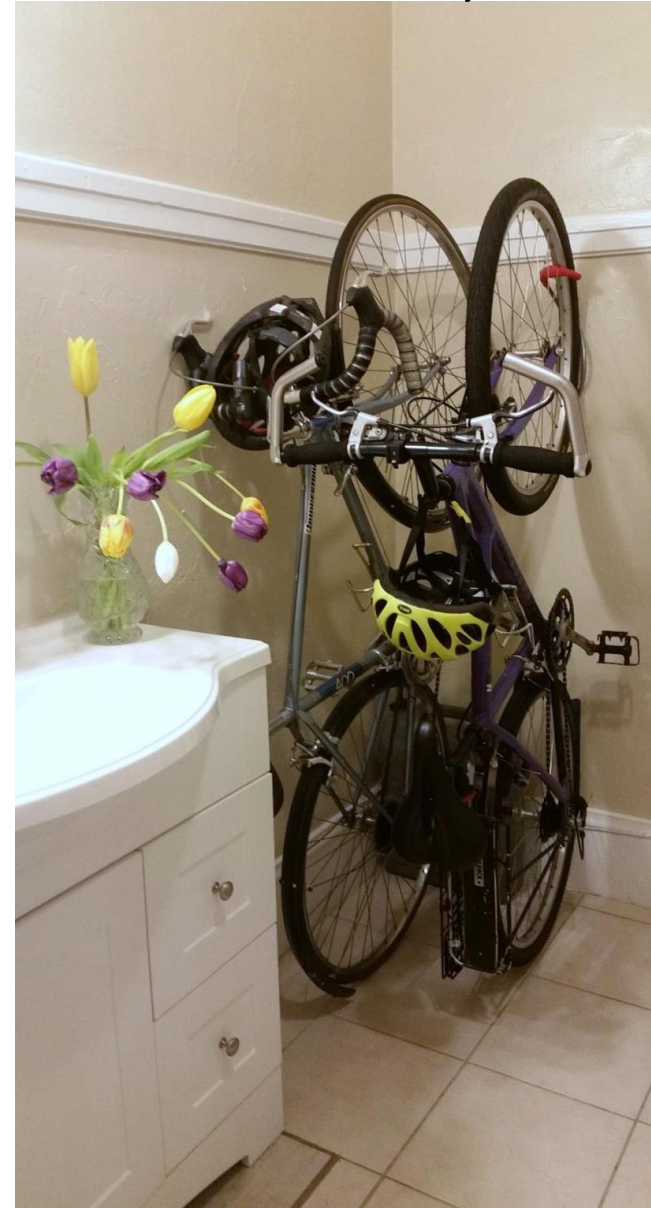
## **Certified Developers**

- AMG & Associates
- Anderson Architects
- Barry Swenson Builder
- Blake Griggs Properties
- BRIDGE Housing
- BUILD Inc.
- City Centric
- Community Housing and Development Corp.
- The CORE Companies
- EBL&S
- Eden Housing
- Eden Realty
- First Community Housing
- Greenheart Land Co.
- Holliday Development
- Knowhere Holdings, LLC
- LENNAR
- Mid-Peninsula Housing
- Nautilus/RAD Urban
- Pacific West Communities
- Palo Alto Housing
- Panoramic Interests
- Resources for Community Development
- Rhoades Planning Group
- Republic Family of Properties
- Sares Regis / The Kelsey Inc.
- Sparx LLC
- Thompson Dorfman
- Windy Hill Property Ventures
- YHI A



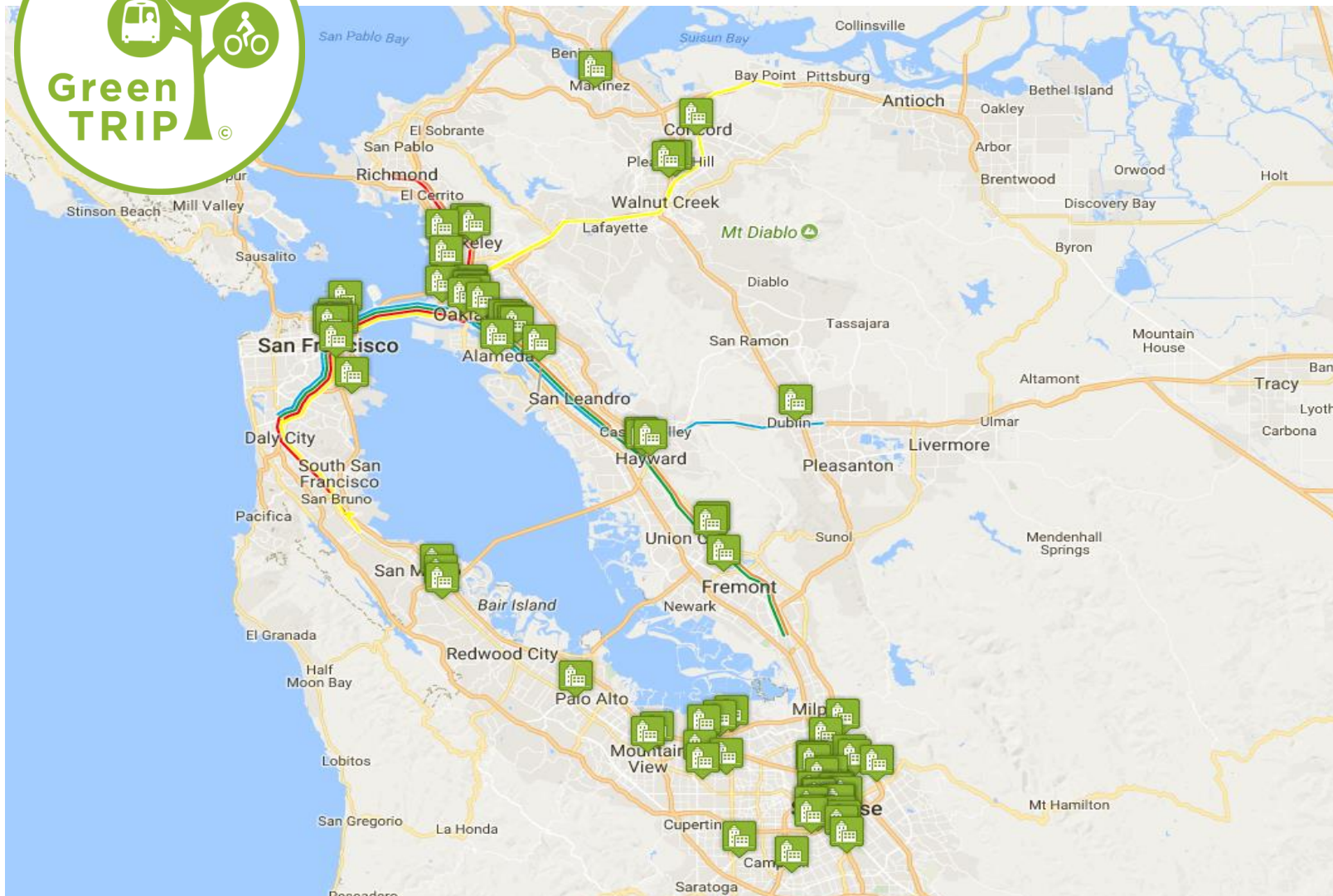
# Certification Requirements

- Vehicle Parking
- Traffic Reduction Strategies
  - Transit Passes
  - Carshare Memberships
  - Unbundled Parking
- Vehicle Miles Traveled
- Bicycle Parking
- Platinum & Zero Parking





# [Database.greentrip.org](http://Database.greentrip.org)





**Connect** *beta*  
*Creating affordable, low-traffic and healthy homes*

<http://Connect.GreenTRIP.org>

Evidence-based tool that instantly calculates reductions in parking demand, driving and greenhouse gas emissions.



[Connect Tool](#) [About](#) [Sponsors](#) [Partners](#) [More Info](#) [GreenTRIP Program](#) [Certify Your Project](#)

### Step 1: Enter a location

King and Alum Rock, San Jose, CA, United State:

### Step 2: Pick a parcel

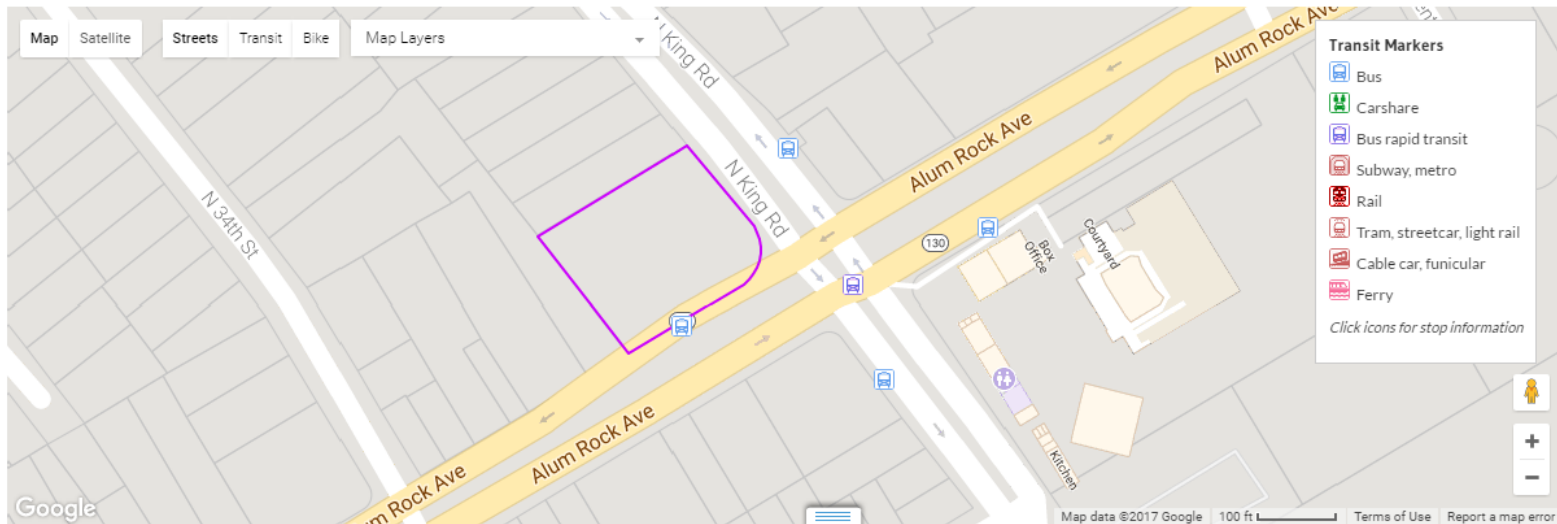
[SELECT A PARCEL](#)

[DRAW TO SELECT](#)

[CLEAR PARCEL](#)

[VIDEO](#)

[LAUNCH TOUR](#)



### Step 3: Tell us about the project

[GreenTRIP Connect dashboard for your project](#)



**Connect** *beta*  
 Creating affordable, low-traffic and healthy homes

**Building**  
 How many housing units will there be?

Total units  **CUSTOMIZE UNITS**

The default characteristics below are based on a typical building with **71 units** in the geography you selected. Edit the unit characteristics below if you know them.

	Number of units	Estimated avg. sq. ft.	Expected rent (\$/mo)
Studio	<input type="text" value="0"/>	<input type="text"/>	<input type="text"/>
1 BR	<input type="text" value="29"/>	<input type="text" value="542"/>	<input type="text" value="1046"/>
2 BR	<input type="text" value="14"/>	<input type="text" value="840"/>	<input type="text" value="1256"/>
3+ BR	<input type="text" value="28"/>	<input type="text" value="1115"/>	<input type="text" value="1451"/>
<b>Total</b>	71 units	827	1247



Low impact parking estimate: **77** spaces <sup>?</sup>

Enter your own parking



Custom parking: **68** spaces <sup>?</sup>

Enter your own parking

Total spaces

**Parking construction characteristics**  
Edit the parking characteristics below if you know them.

	Parking spaces	Construction cost per space (\$)	Maintenance cost per space (\$/month)
Surface	<input type="text" value="0"/>	<input type="text" value="20000"/>	<input type="text" value="120"/>
Garage / structure	<input type="text" value="68"/>	<input type="text" value="50000"/>	<input type="text" value="175"/>
Underground garage	<input type="text" value="0"/>	<input type="text" value="80000"/>	<input type="text" value="200"/>
Lifts	<input type="text" value="0"/>	<input type="text" value="55000"/>	<input type="text" value="250"/>



**Affordable Housing**

Will there be affordable units?

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**GreenTRIP Strategies**

Will there be a charge for parking? ?

Will (are) the following transportation benefits be offered to future (current) project residents?

Resident Transit Passes

Car Sharing Memberships

Bike Sharing Memberships

**Affordable housing**

Will there be affordable units? ?

Below market rate (BMR) units have four levels of affordability. All are relative to the county area median income (AMI) and adjusted annually.

Affordable units   ?

Affordable units   ?

Resident transit passes ?

?

Monthly value of pass



**Connect** *beta*  
 Creating affordable, low-traffic and healthy homes

GreenTRIP Connect dashboard for your project

**Project characteristics**

Building: **71 units**  
 Parking proposed: **68 spaces**  
 Density: **84.32 units/acre**  
 Parking ratio: **0.96 spaces/unit**

GreenTRIP  
 certification  
 ready?



**Yes**  
[See requirements](#)

**Comparison snapshot**

**per unit**   
**per day**

	Driving miles/day	Greenhouse gases kg CO <sub>2</sub> /day	Parking spaces predicted use
<b>if built in an average location* in:</b>			
San Jose City	29.09	14.69	1.15
if built on selected parcel	25.7	12.98	1.03
with affordable housing	20.39	10.3	0.94
with GreenTRIP strategies	16.67	8.42	0.85
<b>Your project</b>	<b>16.67</b>	<b>8.42</b>	<b>0.85</b>

**\$2,520** Resident savings from selected GreenTRIP strategies per year/household

**\$1,925,000** Saved on parking compared to municipal parking requirement of **1.5** spaces/unit, or **107** spaces total.

**43%**  
**Less driving**  
 12.42  
**Fewer miles per year**

**43%**  
**Less climate impact**  
 6.27  
**Fewer CO<sub>2</sub> per year**

**26%**  
**Less parking used**  
 0.3  
**Fewer parking spaces used**

Total driving and climate impacts compared to **San Jose City** average.



Thank You to our 2015 **GreenTRIP Connect** Founding Sponsors!



**Paradigm Shifter**

**Visionary**



**Connector**



**Partner**



**Supporter**

as of 12/4/15





# GreenTRIP Policy Adoptions

- BART – TOD policy
- SB 743 – Connect as a VMT tool
- OPR – Connect in General Plan Guidelines
- City of Sunnyvale
- City of Emeryville
- City of Richmond
- City of Belmont
- City of Berkeley





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**510.740.9340**

**[TransformCA.org](http://TransformCA.org)**



**Planning and Development Department**  
Land Use Planning Division

## **STAFF REPORT**

**DATE:** July 17, 2019

**TO:** Members of the Planning Commission

**FROM:** Justin Horner, Associate Planner

**SUBJECT:** Parking Reform: Transportation Demand Management & Modifications to Off-Street Parking Requirements

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### **RECOMMENDATION**

Review report and provide feedback on:

- 1) Developing a Transportation Demand Management (TDM) program for residential and mixed-use projects in the City of Berkeley, and
- 2) Scope of work for a parking study which will inform modifications to off-street parking requirements.

### **BACKGROUND**

At its May 1, 2019 meeting, the Planning Commission discussed parking reform in the context of the Green Affordable Housing Package (GAHP) and the City-wide Green Development Requirement Referral (see *Attachment 1: Staff Report on Parking Related City Council Referrals*) and requested staff to return to the Planning Commission with a proposal to implement unbundled parking for new residential projects in the City of Berkeley. Unbundled parking requires buildings to have their parking spaces leased or sold separately from the rental or purchase of dwelling units. Unbundling the cost of housing from the cost of a parking is economically efficient for occupants, as they are not required to pay for parking they do not need and they can opt in or out of parking as their circumstances change.

In the course of developing the proposed amendments, staff identified shortcomings of adopting unbundled parking as a stand-alone requirement: namely that the availability of free on-street parking and/or inexpensive on-street parking permits (offered through the Residential Preferential Parking (RPP) program) may discourage leasing or buying unbundled parking spaces. The result of such a policy could be vacant, zoning-required off-street parking spaces and an increase in on-street parking. Without reductions in both required off-street parking and incentives to use alternate modes of travel, the overall goals of parking related referrals —

reducing required off-street parking, producing more units, reducing the cost of housing, and reducing driving — may not be met.

Recognizing the connection between on-street and off-street parking and programming needed to support alternate modes of travel, Planning Commission is asked to consider implementation of a TDM program and modifications to off-street parking requirements at the same time. The following background is provided to help answer questions in the Discussion section.

### **Transportation Demand Management (TDM)**

Transportation Demand Management (TDM) programs include strategies aimed at maximizing transportation choices and reducing private vehicle use. Typically, TDM includes some combination of parking reductions, unbundled parking, transit subsidies, access to carshare vehicles, and on-site infrastructure to encourage bicycling. Nearby cities, including San Francisco, Oakland and Emeryville, and other California cities, including Los Angeles and Santa Monica, already include TDM requirements for residential projects as part of their land use regulations.

Among these existing programs are three general approaches to implementation. These are summarized below:

1. **Menu-Based.** The San Francisco Planning Department's Transportation Demand Management Program<sup>1</sup> is an example of this approach. Specific TDM practices have been assigned point values based on their demonstrated efficacy in reducing trips (see *Attachment 2: San Francisco's TDM Menu of Options*). Proposed projects are assigned a total point target, based on their uses and proposed number of parking spaces, and project sponsors must choose among TDM measures to add up to reach their assigned target. This approach gives project sponsors a degree of flexibility in the strategies they can choose while also sparing them potentially expensive and time-consuming project-specific transportation studies. While it is relatively easy to administer, the development of the program required significant time and staff resources. All residential projects of ten units or more are required to comply with the program, with exemptions for 100% affordable projects.
2. **Reduction-Based:** The cities of Oakland<sup>2</sup> and Emeryville<sup>3</sup> provide specific reduction targets for eligible projects. For example, the City of Emeryville requires projects to demonstrate that residents will drive fewer vehicle miles than the average Emeryville resident. The City of Oakland requires projects that produce between 50 and 99 net new PM or AM peak trips to reduce trips by 10%, and projects that generate 100 or more net new PM or AM peak trips to reduce trips by 20%. While the cities provide examples of TDM measures that would help meet these targets, it is ultimately up to the project

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<sup>1</sup> <https://sfplanning.org/transportation-demand-management-program>

<sup>2</sup> <https://www.oaklandca.gov/documents/transportation-impact-review-guidelines-for-land-use-development-projects>. See page 14.

<sup>3</sup> See Emeryville Municipal Code Section 9-5.2008

sponsor to select any available measures and demonstrate, through a transportation study, that the reduction targets would be met. A reduction-based option provides more quantitative certainty, but producing the required analysis may be expensive for some project sponsors. Reviewing the required transportation analysis would also likely require more administrative staff time than other approaches.

3. Program-Based: With this approach, compliance with programs is presumed to result in reduced vehicle trips although quantitative measurement is not required. For example, for residential projects of 16 or more units, the City of Santa Monica requires project sponsors to implement four programs: a transportation package for new residents; a local resident and employee preference marketing plan; participation in Santa Monica's transportation management organization; and 50% towards the cost of a transit pass for every resident. No transportation analysis is required and the trip reduction impact of these programs is not particularly well-demonstrated. While this approach is very easy to administer and does not require any transportation analysis, a potential downside is that there is little certainty as to whether the TDM program is shifting demand from private vehicle use to other modes.

GreenTRIP Certification. In addition to the above municipal programs, Transform, an East Bay-based transportation advocacy organization, has created GreenTRIP, a certification program, similar to LEED for green buildings, for developments that promote more sustainable transportation options. GreenTRIP certification requirements are based upon a proposed project's location, the amount of parking it would provide, and the selection of at least two of three possible TDM measures (unbundled parking, transit pass provision, and carshare availability). If the project is then able to meet a per unit VMT target (usually around 25 to 30 miles per day) the project qualifies for certification. There are currently six GreenTRIP certified projects in the City of Berkeley. Some municipalities, including Emeryville and Richmond, have provided an option to obtain GreenTRIP certification as an alternative means of meeting their TDM requirements. GreenTRIP certification has the advantage of being simple to implement and, as it is a certification program run by an independent non-profit, would result in little administrative cost to the City of Berkeley.

TDM Requirements in the C-DMU. Berkeley currently requires implementation of TDM measures for certain new and converted residential projects in the Commercial Downtown Mixed Use (C-DMU) district. Occupants of residential units are not eligible for RPP permits (this restriction addresses on-street "spillover") and residents are provided with transit passes and access to vehicle sharing services (providing alternatives to private vehicle ownership). Projects must provide unbundled parking and have the option of waiving off-street parking by paying an in lieu fee that would go towards transit enhancements.

### **Reduction of Off-Street Parking Requirements**

To meet the goals of City Council's parking reform referrals, adoption of a TDM program should go hand-in-hand with reductions in required off-street parking. It is counterproductive for the City of Berkeley to require projects to provide off-street parking with one hand (through minimum

parking requirements) while requiring them to reduce the use of off-street parking with the other (through a TDM program). It is instead optimal to have off-street parking requirements that are more in-line with actual demand, developed in tandem with a TDM program that can use that actual demand to shift to alternative modes of travel.

A number of studies have demonstrated that minimum parking requirements can result in projects that are “overparked;” that is, projects that are required to provide parking that ends up not being used. For example, King County Metro’s *Right Size Parking*<sup>4</sup> study found the utilization rate of required parking was 62% and Washington DC’s *Parking Utilization Study*<sup>5</sup> found a utilization rate of 60%. A survey of 40 multi-unit buildings in Chicago<sup>6</sup> found a utilization rate of 65% and a 2010 study of existing projects by the Santa Clara Transportation Authority found a utilization rate of 74%<sup>7</sup>.

A small survey of projects suggests the situation in Berkeley may be similar. Transform has designed a Parking Database<sup>8</sup> that includes data gathered at multi-family residential sites around the San Francisco Bay Area which shows both parking supplied and parking used at each site. The database includes three specific properties in Berkeley (Oxford Plaza at 2175 Kittredge Street, the New Californian at 1988 Martin Luther King Jr. Way and Fourth and U at 2020 Fourth Street). Among these three Berkeley projects, the average parking utilization rate is 60%.

## **DISCUSSION**

The aim of this report is to solicit feedback from the Planning Commission regarding staff’s overall approach to TDM and the adjustment of minimum off-street parking requirements, including basic program design as well as input on research and administrative needs.

### **TDM Program Considerations**

#### 1. Approach

The Background section provides three approaches to TDM programs and also offers a summary of GreenTRIP and an example of existing regulations in the City of Berkeley. Planning Commission is asked to provide feedback on which model seems most appropriate to Berkeley’s needs and goals, with a particular eye to the ease and cost of implementation for project applicants and the City of Berkeley.

#### 2. Threshold

In addition to program approach, the Planning Commission might also consider the size of projects that may be eligible for the requirement. For example, San Francisco’s requirement applies to projects of ten or more *units* and Santa Monica’s applies to projects of 16 or more *units*. Oakland’s program, on the other hand, applies to projects that

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<sup>4</sup> <https://metro.kingcounty.gov/programs-projects/right-size-parking/pdf/rsp-final-report-8-2015.pdf>

<sup>5</sup> <https://planning.dc.gov/page/parking-utilization-study>

<sup>6</sup> [https://www.cnt.org/sites/default/files/publications/CNT\\_Stalled%20Out\\_0.pdf](https://www.cnt.org/sites/default/files/publications/CNT_Stalled%20Out_0.pdf)

<sup>7</sup> <http://www.sjsu.edu/urbanplanning/docs/VTA-TODParkingSurveyReport-Voll.pdf>

<sup>8</sup> <http://www.transformca.org/greentrip/parking-database>



generate 50 or more net PM or AM peak vehicle *trips*. GreenTRIP certification, as a third approach, is for projects that are at a *density* of at least 20 dwelling units per acre.

**Questions for Planning Commission:** *What should be the City of Berkeley’s general approach to a TDM program and a reasonable threshold? What additional information would be helpful in reaching a conclusion?*

### **Modifications to Off-Street Parking Requirements**

Land Use Planning is currently working with the Transportation Division on producing a scope of work for a **parking utilization study**, the first step towards determining new off-street parking requirements. This study will:

1. Survey and analyze parking required, provided and utilized at existing multi-unit buildings in order to determine how existing off-street parking regulations match actual demand.
2. Analyze DMV vehicle registration data and RPP permit information to determine whether people are parking at their residence or elsewhere (i.e. on-street).
3. Survey on-street parking capacity in certain areas to understand utilization and quantify demand.
4. Consider the use of curb space adjacent to residential developments (e.g. on-street parking, delivery, drop off) to understand how those spaces could most efficiently function as parking spaces for private vehicles, loading zones, transit boarding areas or areas for drop off and pick up for transportation network companies.

The goal of this parking utilization study is to “right size” our parking requirements and provide guidance as to the right levels of required off-street parking (if any) and the viability of parking *maximums*. Staff will also be looking into GreenTRIP’s Connect tool<sup>9</sup>, a parking prediction model developed by TransForm. With GreenTRIP Connect, a user can identify a specific parcel, provide some basic characteristics of a proposed development and then see estimates of per resident VMT, GHG emissions and demand for residential parking spaces.

**Question for Planning Commission:** *Please provide input on the elements proposed for this study. Is there any aspect of on- or off-street parking that Planning staff have failed to consider?*

### **NEXT STEPS**

Planning Commission is asked to consider material presented in the staff report and provide staff direction to develop a TDM policy coupled with modifications to parking requirements. Staff intends to bring this item back to Planning Commission in October 2019 for review, and in December 2019 for action.

### **ATTACHMENTS:**

1. Staff Report on Parking Related City Council Referrals
2. San Francisco’s TDM Menu of Options

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<sup>9</sup> <http://www.transformca.org/greentrip/connect>







Planning and Development Department  
Land Use Planning Division

## STAFF REPORT

DATE: May 1, 2019

TO: Members of the Planning Commission

FROM: Alene Pearson, Principal Planner  
Claire Kostohryz, Policy Intern

SUBJECT: Parking-Related City Council Referrals

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### SUMMARY

One parking spot can cost between \$35,000 and \$90,000 depending upon configuration and location. City Council has asked Planning Commission to consider two referrals that request housing be prioritized over parking through policies and programs that encourage sustainable housing opportunities and provide support for alternate and active modes of transportation. This report provides background information on suggested off-street parking reform involving unbundling the cost of parking, revising parking minimums, considering parking maximums, and requiring Transportation Demand Management (TDM) measures. Planning Commission is asked to review materials, request clarification and/or additional information, identify external stakeholders and opportunities for public outreach, and provide direction on next steps.

### BACKGROUND

In February 2019 Planning Commission discussed the Green Affordable Housing Package (GAHP) referral and requested staff return with a comprehensive overview of Berkeley's parking regulations that includes 1) a summary of the City's current parking requirements, 2) an analysis of best practices from other cities, 3) research on car parking maximums, distances surrounding Berkeley's major transportation hubs and Transportation Demand Management (TDM) measures, and 4) suggested phasing that includes research, community outreach, analysis and recommendations. This report begins to address those requests. It also introduces a second referral, City-Wide Green Development Requirements (April 26, 2016), which aims to achieve some of the same goals as GAHP.

Green Affordable Housing Package (GAHP) Referral: On October 27, 2015, City Council referred the Planning Commission to investigate ways to reduce barriers to affordable housing production (see *Attachment 1*). The referral includes two policies that the Planning Commission considered: (1) designating units and funding for affordable housing by prioritizing housing over car parking and (2) removing structural and procedural barriers to the creation of more housing. The Planning Commission discussed the GAHP Referral twice in 2016, once in

2017 and most recently in February 2019. This report culminated from the February 2019 discussion. Links to previous staff reports can be found at the end of this report.

City-Wide Green Development Requirement Referral: On April 26, 2016, City Council referred the Planning Commission to develop an ordinance applying Commercial Downtown Mixed-Use District's (C-DMU) Green Building and Transportation Demand Management (TDM) regulations to projects of 75 or more units in Commercial zoning districts throughout the city (see *Attachment 2*). This referral consists of seven actions, five of which are directly relevant to the parking reform discussion in this report, including modifying/developing regulations pertaining to bicycle parking spaces, vehicle sharing spaces, Residential Preferential Parking (RPP) Permits, unbundled parking, and transportation benefits.

Over the last year, Planning Commission has recommended reductions to off-street car parking requirements while discussing Zoning Ordinance amendments that support small businesses and amendments that extend the Car-free Housing Overlay in the Residential Southside District (R-S). While considering these items, Planning Commission expressed interest in a more holistic approach to parking reform that included a discussion of benefits (i.e. TDM, bicycle and transit infrastructure, pedestrian amenities, affordable housing) in exchange for proposed parking reductions. This report provides a foundation for that larger discussion.

### **Existing Conditions**

This report presents existing conditions of Berkeley's current state of parking including, background information, current car parking, bicycle parking, and state housing regulations that pertain to parking regulations, analysis of parking provided by recently entitled projects, and an overview of best practices.

#### Berkeley's Off-street Car Parking Requirements

Attachment 3 provides an overview of off-street car parking requirements for residential projects in the city of Berkeley. In general, Berkeley's lower density housing in lower density districts require one off-street car parking space per unit. This ratio is reduced to 1 per 3 or 5 residents for Group Living Accommodations (i.e. senior congregate living, dormitories, fraternities and sororities). The main exceptions to this trend are the high-density districts in the Residential Southside (R-S), Residential Mixed Use Southside (R-SMU), Telegraph Avenue Commercial (C-T), and Downtown Mixed Use (C-DMU). In addition to parking requirements, the table summarizes which districts currently require TDM measures, Transportation Services Fee (TSF) payment, methods to remove existing parking, methods to reduce parking requirements, and other options to modify parking regulations.

The supply of on-street car parking can be influenced by the supply of off-street car parking and vice versa. In order to assess demand for off-street car parking, staff looked into car-ownership and number of on-street parking permits.

**Car Ownership:** According to a five-year summary of the American Community Survey, the average Berkeley household has access to one car.

**Table 1: Car Ownership in Berkeley**

Number of Cars	Number of Households	Percentage of Households
None	9,447	21%
1	19,316	42%
2	12,420	27%
3 or more	4,332	10%
<i>Total Number of Households</i>	<i>45,515</i>	

Another way of looking at this data is using car registration data from the California Department of Motor Vehicles. Attachment 4 shows the distribution of car ownership throughout the city. As expected, households with more car registrations are further from transit corridors (i.e. in the hills) and households with fewer car registrations are along transit corridors and in the Southside.

**On-Street Parking:** The Transportation Division manages the City’s Residential Preferential Parking (RPP) Program. This program provides on-street parking permits to owners of vehicles registered to Berkeley addresses in 16 residential zones<sup>1</sup>. At Council’s request, Transportation Division staff will be evaluating RPP program expansion in the fall of 2019. This will involve a pilot program to further evaluate parking demand in residential areas and test means of increasing travel options for a variety of users.

A maximum of three annual permits (\$66/year/permit) may be issued to a single address, with an option to waive maximum for \$166/year/permit. RPP permits are not transferable between vehicles, nor are they refundable. Individuals subletting are not eligible for annual RPP permits. RPP permits are not available to residents of projects that request off-street parking waivers due to proximity to transit or for projects in the Car-free Housing Overlay. If existing projects request removal of off-street parking, RPP permits will not be made available to residents of those projects.

The information below is provided as a general way to estimate the number of on-street parking permits issued per address by certain zoning districts. Tallies are based on approximately 30,000 of 34,000 RPP permits issued in 2018 (data is incomplete due to issues with geocoding addresses).

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<sup>1</sup> Information on the RPP program, including a map, can be found here:  
[https://www.cityofberkeley.info/Customer\\_Service/Home/RPP\\_Residential\\_Preferential\\_Parking.aspx](https://www.cityofberkeley.info/Customer_Service/Home/RPP_Residential_Preferential_Parking.aspx)

**Table 2: Average Number of RPP Permits Per Address Per Zoning District**

Zoning District	Total Permits Issued (in 2018)	Unique Addresses	Average Number of Permits Per Address
C-SA	202	145	1
C-DMU Buffer	86	57	2
R-1	690	428	2
R-3H	839	436	2
C-DMU Outer	1627	549	3
C-1	2128	714	3
R-2	12439	3008	4
R-2A	13437	2392	6

**Berkeley’s Off-street Bicycle Parking Requirements**

The Berkeley Bicycle Plan, adopted in 2017, created bicycle parking standards for residential housing projects. In December 2018, Public Works staff presented regulations to the Planning Commission and requested requirements be incorporated into the Zoning Ordinance during the ZORP projects. Attachment 5 provides a summary of off-street bicycle parking requirements for residential projects.

In addition, the Berkeley Bicycle Plan introduces a number of policies to encourage mode-shift and advance TDM programs at the City of Berkeley:

***Policy AC-1.3: Alternative Modes & Transportation Demand Management (TDM):***  
*New development and on-going programs should reduce Downtown car use, support alternative travel modes, and consolidate publicly-accessible parking facilities and Transportation Demand Management (TDM) programs.*

***Policy ES-4.2: Alternative Modes.*** *Modify development standards to promote alternatives to the automobile by providing car share and bicycle facilities, transit passes for residents, and parking regulations that favor alternative modes.*

The plan also recommends that the city develop a TDM “toolbox” for new development that explains TDM requirements, and encourages other TDM features such as: showers for bicycle commuters, bicycle sharing kiosks, and plugin facilities for electric vehicles.

**State Regulations that Affect Off-street Parking Requirements**

California is experiencing a housing crisis. The State is working on a broad set of solutions that range from increased funding to new policies – most of which focus on increasing the supply of affordable housing. The Governor signed two large housing bills (one in 2017 and one in 2018) that require cities reduce discretion, streamline approval, revisit zoning regulations and take other steps to facilitate housing production. Some of these laws require local jurisdictions

to waive or reduce parking requirements. The table below summarizes some of these new laws:

<b>Table X: Summary of State Regulations that Affect Local Off-street Car Parking Regulations</b>		
<b>State Law</b>	<b>Summary</b>	<b>Parking Relevance</b>
SB 35: Planning and Zoning: Affordable Housing: Streamlined Approval Process.	This bill creates a streamlined, ministerial approval process for infill developments in localities that have not met their regional housing needs assessment (RHNA) numbers.	Imposes a parking minimum of 1 space per unit and waives parking requirements for projects meeting the following requirements: 1) Development is within one-half mile of public transit. 2) Development is within one block of a dedicated space for a car share vehicle.
California State Density Bonus Law	Density Bonus is a state program that incentivizes developers to provide on-site affordable units. Incentives to developers take the form of concessions and waivers of development standards.	Parking can be waived as one of the Density Bonus incentives. There are also parking maximums for specific types of development.
AB 2372 California Affordable and Sustainable Housing Act	Local jurisdictions can grant a floor area ratio (FAR) bonus rather than a traditional density bonus to certain high density affordable housing projects within one half-mile of a major transit stop or high quality transit corridor.	Eligible projects are entitled to special parking ratios of one-tenth of a parking space per affordable unit and one-half space per market rate unit.
AB 2162 Supportive Housing Streamlining Act	Streamlines affordable housing developments that include a percentage of supportive housing units and onsite services.	No parking minimums if the development is one half mile from a public transit stop. This applies to low and very low income housing.

Both State regulations and City Council referrals reference projects within a certain distance (usually a half-mile) from transit hubs and high-quality transit corridors. Attachments 6 and 7 illustrate areas of the city affected by half-mile and quarter-mile distances transit hubs and corridors. Attachment 8 shows one kilometer distance from transit hubs, as requested by Commissioner Wrenn in February 2019.

Recently Entitled Housing Projects in Berkeley

An analysis of 21 housing projects entitled in 2018 (see Attachment 9), shows that the majority of projects provided close to the minimum amount of required off-street parking. Twelve projects provided the minimum amount of parking or one additional space, six projects provided less parking than what was required, and three projects provided more parking than what was required. Projects often provide the minimum amount of parking because there are financial challenges and procedural barriers (e.g. variance findings can be difficult to make) to reducing parking. Four of five projects in transit-rich Southside and Downtown neighborhoods (within half-mile of a transit hub or corridor) required no parking and did not include parking -- showing that the demand for parking in transit rich areas can be very low and that car-free parking is feasible.

## **Best Practices**

Both the GAHP referral and the City-Wide Green Development Requirement referral request parking reductions with parking costs captured for community benefits. This report focuses on a shift towards active and alternate modes of transportation as a community benefit. Berkeley, through its Climate Action Plan, Berkeley Bicycle Plan and Downtown Area Plan, has established a framework that can support mode-shift from single occupancy vehicles to transit, shared-vehicles and shared-mobility devices, biking and walking. Links to plans can be found at the end of this report. Some goals can be met through development in transit-rich areas, where off-street parking is not essential, and other goals can be met through physical improvements or programmatic support. This section provides information on some tools and programs that can be leveraged to support mode-shift and help the City of Berkeley meet its sustainability goals.

### Transportation Services Fee (TSF)

A Transportation Services Fee established by ordinance in 1984 (*see Attachment 10*) and is codified in BMC Chapter 23E.28 (Off-Street Parking and Transportation Services Fee). In 2003, the General Plan established a policy (T-6: Transportation Services Fee) that would fund programs and projects that mitigated impacts of new motor vehicle trips generated by future development. The Transportation Element of the General Plan has stated objectives for reductions of automobile reliance and vehicle miles traveled and maintenance and improvement in public transportation and creating a model bicycle- and pedestrian-friendly city. Currently the TSF is not being collected; however, if parking reduction is to move forward, the development dollars that go toward parking could be directed towards a TSF. Staff is currently working with staff in the Transportation Division to understand challenges associated with the establishment and collection of the TSF.

### Transportation Demand Management (TDM)

Transportation demand management (TDM) is defined a set of strategies aimed at maximizing traveler choices. Traditionally, TDM has been narrowly defined as commuter ridesharing and its planning application restricted to air quality mitigation (i.e. reducing greenhouse gas emissions), development mitigation (i.e. reducing trip generation rates and parking needs), or efforts to increase multi-modalism in transportation plans. A broader definition of TDM is maximizing travel choices for resident, employees/employers, and visitors.

San Francisco, Emeryville, and Sunnyvale require TDM in development with 10 or more units. In Berkeley, the Downtown Area Plan requires projects in the C-DMU that are over 20,000 square feet to provide residents with local bus passes or transit benefits equal to the cost of a non-discounted, monthly local bus pass. The Berkeley's Transportation Division is responsible for management and compliance of this program.

Some cities have also allowed a GreenTRIP Certification from Transform to serve as a TDM study. GreenTRIP is a certification program that helps multifamily developments reduce traffic, excessive parking and greenhouse gas emissions. The certification also results in a reduction of transportation and living costs for residents and creates a safer community for bikers and pedestrians. GreenTRIP helps developers and jurisdictions find the most effective way to

manage the transportation of residents whether it be transit passes, car sharing services, or unbundled parking.

### Unbundled Parking

Unbundled parking is a form of transportation management that requires any new building with residential units to have the parking spaces leased or sold separately from the rental or purchase of dwelling units. When parking costs are bundled into the price of units, the cost is hidden, parking appears to be free and the demand for parking increases and more parking must then be funded and built. Cities like Oakland, Emeryville, and San Diego have geared towards the use of unbundled parking as a multifamily development requirement because it typically directly lowers the cost of housing. When parking is unbundled, not only can rents be lower, but the cost of parking is explicit to the renter. Unbundled parking has been shown to lead to a reduction of vehicle ownership, and this creates less parking demand, less congestion and less greenhouse gas emissions. Berkeley currently requires unbundled parking for residential development in the C-DMU as advised in the Berkeley Downtown Parking and Transpiration Demand Management Plan.

## **DISCUSSION**

This report provides a foundation on which the Planning Commission can begin discussing parking reform in order to respond to the Green Affordable Housing Package and the Green Development Standards referrals. Each referral requests at least four actions, some unique and some overlapping. Below staff has summarized referral actions, provided comments on applicable programs or regulations that address requests and highlighted (with bold text) some potential areas of focus for the Planning Commission. Planning Commission is asked to discuss and provide feedback on this summary:

### GAHP Requests

- **Reduce/eliminate parking requirement for housing that offers TDM measures, car-sharing or shared-mobility programs.** *(review options for establishing and collection a TSF and or implement a certification program similar to GreenTRIP)*
- **Implement parking maximums.** *(idea raised in February: fee to exceed maximum)*
- Reduce/eliminate parking requirements for new housing that serves populations with low car ownership. *(Consider **unbundled parking** to address populations with low car ownership)*
- Reduce/eliminate parking requirements for transit-intensive housing. *(State Housing Laws have imposed these rules for projects providing affordable housing)*
- Reduce parking requirements for new residential units near transit hubs. *(State Housing Laws have imposed these rules for projects providing affordable housing)*

### City-wide Green Development Requirements Requests

- Require **C-DMU's Transportation Demand Management (TDM) measures** for projects of 75 units or more throughout the City of Berkeley's commercial zoning districts. Require a square-footage threshold, in addition to the unit threshold, for projects to which the requirements would apply. *(review GreenTRIP certification as a means to achieve goals)*  
Specifically, this would impose standards on:
  - Bicycle parking spaces *(see 2017 Berkeley Bicycle Plan)*

- Vehicle sharing spaces (*review recent ordinances regarding One-way car share, Ford GoBike, scooters to look for opportunities and gaps in programming*)
- Residential Parking Permits (*not provided to car-free housing*)
- **Off-street parking regulations** (*see GAH action paired with TDM*)
- **Transportation benefits (transit passes for projects within 1/4 mile of a bus stop)** (*review options for establishing and collection a TSF*)
- **Conduct a financial feasibility of proposed requirements on the development of housing and affordable housing in particular.** (*review work done by Street Level Advisors for analysis*)

### Internal Stakeholders

In researching the state of parking at Berkeley, Planning staff has begun coordination with a set of internal stakeholders and formed a Parking Reform Working Group. This working group includes city staff from the Land Use Planning Division, the Transportation Division, the Office of Economic Development and the Office of Energy and Sustainable Development. The working group will be identifying members of the Office of Emergency Services and the Fire Department to join as well. At the first meeting, staff learned that other City of Berkeley departments are engaged in parking-related initiatives. In the coming months, the Parking Reform Working Group will be working together to leverage efforts and develop a holistic approach to parking reform. Staff will communicate Planning Commission's ideas to the working group and the working group's ideas to the Planning Commission. Similar communications will occur with Community Environmental Advisory Commission (CEAC), the Transportation Commission, the Disaster and Fire Safety Commission and Berkeley Business Improvement Districts (BIDs) and their staff liasons.

### External Stakeholders, Outreach and Engagement

Anticipating that this work will require outreach to external stakeholders, residents, neighborhood groups, employers, developers, students, employees, community-based organizations, non-profits, Planning Commission is asked to help identify key members of the community to contact for future outreach and engagement.

### **NEXT STEPS**

Planning Commission is asked to review report, ask questions, request additional information, provide guidance on areas of focus, and help identify stakeholders for future outreach and engagement.

### **ATTACHMENTS**

1. Green Affordable Housing Package Referral
2. City-Wide Green Development Requirements Referral
3. Summary of Berkeley's Off-street Car Parking Requirements
4. Residential Car Ownership
5. Summary of Berkeley's Bicycle Parking Requirements
6. Half a Mile from Transit Hubs and Corridors
7. Quarter Mile from Transit Hubs and Corridors
8. Distance from Transit Hubs
9. Residential Projects Entitled in 2018 and Amount of Parking Required / Provided



## 10. Transportation Services Fee Ordinance (1984)

### LINKS

1. [September 21, 2016 Planning Commission Staff Report on GAPH](#)
2. [October 19, 2016 Planning Commission Staff Report on GAHP](#)
3. [February 15, 2017 Planning Commission Staff Report on GAHP](#)
4. [February 6, 2019 Planning Commission Staff Report on GAHP](#)
5. [Climate Action Plan](#)
6. [Downtown Area Plan](#)
7. [Berkeley Bicycle Plan](#)
8. [Transform's GreenTrip Certification](#)



OCT 27 2015

OFFICE OF THE CITY CLERK  
CITY OF BERKELEY

ACTION CALENDAR  
October 27, 2015  
(continued from October 6, 2015)

To: Honorable Mayor and Members of the City Council  
From: Councilmember Lori Droste  
Subject: Councilmember Lori Droste's Green Affordable Housing Package - Amendments

**RECOMMENDATION**

Request that the Planning Commission and City Manager investigate the feasibility of reducing barriers for the creation of new affordable housing. City Council requests that commissions and staff address and propose solutions and/or an implementation plan using the following recommendations by October 1, 2016.

**Policy 1: Designate units and funding for affordable housing by prioritizing housing over parking spaces in new developments**

1. Reduce or eliminate minimum residential parking requirements if car-sharing spaces, shared mobility devices, or transit passes or other TDM measures are provided.
2. Consider a cap on residential parking maximums.
3. Reduce or eliminate minimum parking requirements for new housing that serves populations that do not have high rates of car ownerships.
4. Reduce or eliminate minimum parking requirements for transit-intensive housing.
  - Transit-intensive housing is defined as within 1,200 feet of a transit center or within 1,200 feet of an overlap between major transit corridor and a commercial or mixed-use district.
  - Broadly defined, a *transit corridor* generally refers to a geographic area that accommodates travel or potential travel. A transit corridor is best defined as the areas around all of the stations along a transit line that have destinations or residences within reasonable distance for walking, biking, or other transit connections. ■
  - Broadly defined, a *transit hub* refers to a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or a major bus route with frequencies of service intervals of 15 minutes or less during the morning and afternoon peak commute periods. ■
5. Re-evaluate and/or reduce parking space requirements per new residential unit in areas within ½ mile of a transit hub.

*Determine a process whereby the costs saved by parking reductions will be designated for affordable units or the Affordable Housing Trust Fund.*

*Evaluate and account for impacts of parking policies on access and routes for emergency vehicles and evacuations.*

**Policy 2: Remove the structural barriers to creating more housing**

1. Improve and streamline the development review process, particularly for permanently affordable housing projects. ~~and smaller residential housing proposals~~ Review and compare Berkeley's process to that of neighboring cities.





Jesse Arreguín  
 City Councilmember, District 4

**ACTION CALENDAR**  
 April 26, 2016

To: Honorable Mayor and Members of the City Council  
 From: Councilmember Jesse Arreguín  
 Subject: Referral to Planning Commission: City-Wide Green Development Requirements

**RECOMMENDATION**

Refer to the Planning Commission to draft an ordinance requiring the same Green Building and Transportation Demand Management (TDM) measures required in the Commercial Downtown Mixed Use District (C-DMU) for projects of 75 units or more throughout the City of Berkeley’s commercial zoning districts.

The following standards would apply to larger projects city-wide:

1. Bicycle parking spaces shall be provided for new construction at the ratio of one space per 2,000 square feet of gross floor area of commercial space, and in accordance with the requirements of Section 23E.28.070.

<b>Number of Parking Spaces Required</b>	<b>Minimum Number of Vehicle Sharing Spaces</b>
0-10	0
11-30	1
30-60	2
61 or more	3, plus one for every additional 60 spaces

- For residential structures constructed or converted from a non-residential use that require vehicle parking under Section 23E.68.080.B, required parking spaces shall be designated as vehicle sharing spaces in the amounts specified in the adjacent table. If no parking spaces are provided pursuant to Section 23E.68.080.D, no vehicle sharing spaces shall be required.

- The required vehicle sharing spaces shall be offered to vehicle sharing service providers at no cost.

2. The vehicle sharing spaces required by this section shall remain available to a vehicle sharing service provider as long as providers request the spaces. If no vehicle sharing service provider requests a space, the space may be leased for use by other vehicles. When a vehicle sharing service provider requests such space, the property owner shall make the space available within 90 days.

3. Occupants of residential units or GLA units constructed, newly constructed or converted from a non-residential use shall not be eligible for Residential Parking Permit (RPP) permits under Chapter 14.72 of the BMC.
4. For any new building with residential units or structures converted to a residential use, required parking spaces shall be leased or sold separate from the rental or purchase of dwelling units for the life of the dwelling unit, unless the Board grants a Use Permit to waive this requirement for projects which include financing for affordable housing subject to the finding in section 23E.68.090.I.
5. Construction of new developments of at least 75 units shall attain a LEED Gold rating or higher as defined by the U.S. Green Building Council (USGBC), or shall attain building performance equivalent to this rating, as determined by the Zoning Officer.
6. New developments of at least 75 units shall be required to meet all applicable standards of the Stopwaste Small Commercial Checklist, or equivalent, as determined by the Zoning Officer. The rating shall be appropriate to the use type of the proposed construction.
7. New developments of at least 75 units, the property owner shall provide at least one of the following transportation benefits at no cost to every employee, residential unit, and/or GLA resident. A notice describing these transportation benefits shall be posted in a location or locations visible to employees and residents.
  - A pass for unlimited local bus transit service; or
  - A functionally equivalent transit benefit in an amount at least equal to the price of a non-discounted unlimited monthly local bus pass. Any benefit proposed as a functionally equivalent transportation benefit shall be approved by the Zoning Officer in consultation with the Transportation Division Manager.

BACKGROUND:

One of the main goals of the 2012 Downtown Area Plan (DAP) is promoting sustainability in the Downtown by *“Integrat[ing] environmentally sustainable development and practices in the Downtown, and in every aspect of the Downtown Area Plan”* and to *“Model best practices for sustainability”*.<sup>1</sup>

The DAP and its implementing zoning includes a number of green building and sustainable transportation requirements for new projects throughout the Downtown. These green measures are resulting in sustainable projects with bike and car share parking, and meeting LEED Gold standards. These forward thinking policies go a long way in helping Berkeley meet its climate action goals, but they only apply to projects in the Downtown area. Large projects throughout the city should be held to the same standard. This will result in further reducing greenhouse gases from transportation and building energy use.

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<sup>1</sup> 2012 Downtown Area Plan, page IN-18

An update on the Climate Action Plan (CAP) presented to the City Council in November 2015 showed that the City is not on track to achieve the goals set by the Plan. While Berkeley has achieved more reductions compared to the rest of the State, despite population increases, it is clear that more must be done if we are to reach the targets set forward in the CAP. By holding large developments to the same standards as those in Downtown, we can achieve the goals of sustainability by reducing greenhouse gases.

FINANCIAL IMPLICATIONS:

Staff time to prepare zoning amendments for Planning Commission consideration.

ENVIRONMENTAL SUSTAINABILITY

Applying the same standards to large developments citywide can significantly improve the City's ability to meet the goals of the Climate Action Plan.

CONTACT PERSON

Jesse Arreguin, City Councilmember, District 4                      510-981-7140





**Summary of Berkeley's Off-street Car Parking Requirements**

Zoning District	Requirements by Unit Type (space / measure)									Additional Regulations		
	ADU	1-9 Units	>10 Units	Room Rental	Senior Living	Senior Cong	Nursing Homes	Dorm	Live / Work	TDM / TSF	remove / reduce	other
R-1	0	1 / unit	NA	1 / 2 renters	NA	NA	NA	NA	NA			
R-1A	0	1 / unit	NA	1 / 2 renters	NA	NA	NA	NA	NA			
R-2	0	1 / unit	NA	1 / 2 renters	NA	NA	NA	NA	NA			
R-2A	0	1 / unit	NA	1 / 2 renters	0.25 / unit	1 / 5 res + 1 mgr	1 / 5 res + 1 / 3 emp	NA	NA			
R-3	0	1 / unit	1 / 1000 sq ft	see Dorm	0.25 / unit	1 / 5 res + mgr	1 / 5 res + 1 / 3 emp	1 / 5 res + mgr	NA			
R-4	0	1 / unit	1 / 1000 sq ft	see Dorm	0.25 / unit	1 / 5 res + mgr	1 / 5 res + 1 / 3 emp	1 / 5 res + mgr	NA			joint parking agreements
R-5	0	1 / unit	1 / 1200 sq ft	see Dorm	0.25 / unit	1 / 5 res + mgr	1 / 5 res + 1 / 3 emp	1 / 5 res + mgr	NA			joint parking agreements
R-S*	0	0	0	0	0	0	0	0	NA	TSF		
R-SMU	0	0	0	0	0	0	0	0	NA	TSF		
C-T	0	0	0	see Dorm	0	0	0	0	0	TSF	UP	
C-E	0	1 / unit	1 / 1000 sq ft	see Dorm	0.25 / unit	1 / 5 res + mgr	1 / 5 res + 1 / 3 emp	1 / 5 res + mgr	1 / 500 sq ft		UP	
C-N	0	1 / unit	1 / 1000 sq ft	see Dorm	0.25 / unit	1 / 5 res + mgr	1 / 5 res + 1 / 3 emp	1 / 5 res + mgr	1 / 500 sq ft	TSF	UP	
C-NS	0	1 / unit	1 / 1000 sq ft	see Dorm	0.25 / unit	1 / 5 res + mgr	1 / 5 res + 1 / 3 emp	1 / 5 res + mgr	1 / 500 sq ft	TSF	UP	
C-SA	0	1 / unit	1 / 1000 sq ft	see Dorm	0.25 / unit	1 / 5 res + mgr	1 / 5 res + 1 / 3 emp	1 / 5 res + mgr	1 / 500 sq ft		UP	
C-SO	0	1 / unit	1 / 1000 sq ft	NA	0.25 / unit	1 / 5 res + mgr	1 / 5 res + 1 / 3 emp	NA	1 / 500 sq ft	TSF	UP	
C-1	0	1 / unit	1 / 1000 sq ft	see Dorm	0.25 / unit	1 / 5 res + mgr	1 / 5 res + 1 / 3 emp	1 / 5 res + mgr	1 / 500 sq ft	TSF	UP	
C-W	0	1 / unit	1 / unit	see Dorm	0.25 / unit	1 / 5 res + mgr	1 / 5 res + 1 / 3 emp	1 / 5 res + mgr	1 / unit		UP	leased parking 10% to bike/motorcycle
C-DMU	0	0.333 / unit	0.333 / unit	see Dorm	0.333 / unit	1 / 8 bedrooms	1 / 8 bedrooms	1 / 8 bedrooms	1 / 500 sq ft	TDM	In Lieu	unbundled parking leased parking 10% to bike/motorcycle
MUR	0	1 / unit	1 / unit	NA	0.25 / unit	1 / 5 res + mgr	1 / 5 res + 1 / 3 emp	1 / 5 res + mgr	1 / unit			leased parking 10% to bike/motorcycle
ES-R	1 / 1000 sq ft GFA or 1 / bedroom (whichever is greater) with a minimum of 2 and a maximum of 4. 1 for each renter.											

\* pending City Council approval of R-S Zoning Ordinance Amendments recommend by Planning Commission in April 2019

sq ft = square feet

res = residents

ADU = Accessory Dwelling Unit

GFA = gross floor area

emp = employees

mgr = manager

TDM = Transportation Demand Management

TSF = Transportation Services Fee

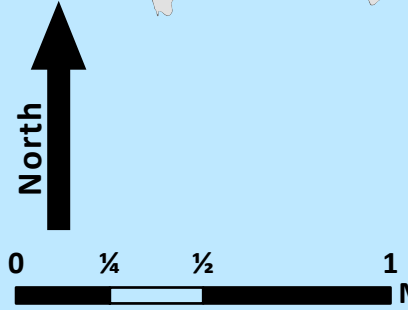
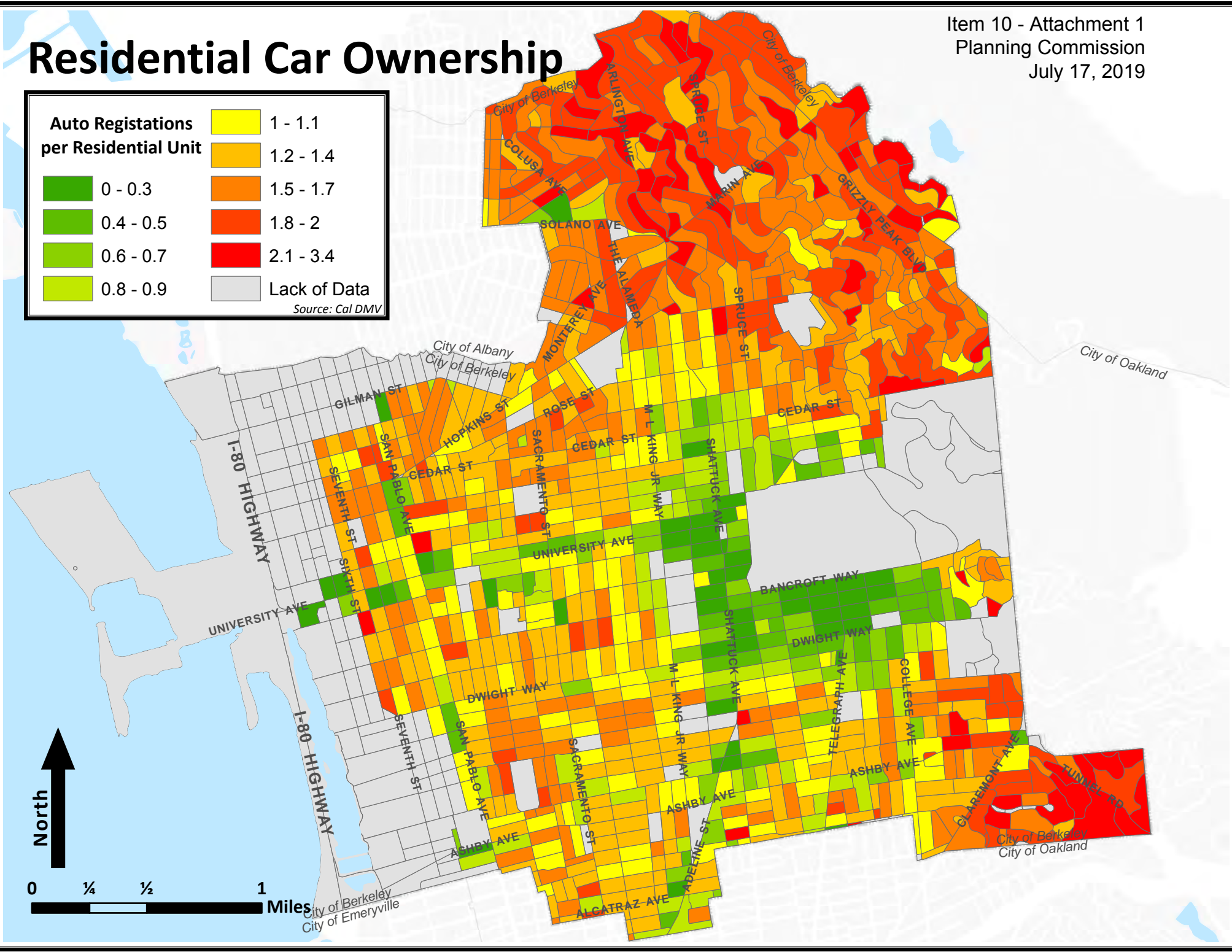
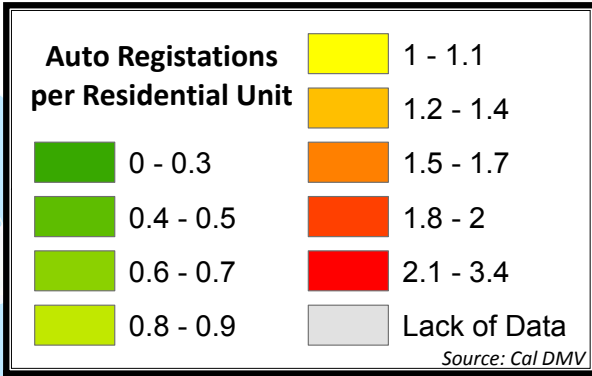
RPP = Residential Preferential Parking

UP = Use Permit



# Residential Car Ownership

Item 10 - Attachment 1  
 Planning Commission  
 July 17, 2019





### Summary of Berkeley's Bicycle Parking Requirements

Unit Type	Parking Requirements (space / measure)	
	Short Term Parking	Long Term Parking
<b>ADUs</b>	0	0
<b>1 - 4 units</b>	0	0
<b>5+ units</b>	2 or 1 / 3 bedrooms	2 or 1 / 40 bedrooms
<b>Group Living Accomodations</b>	1 or 1 / 2.5 bedrooms	2 or 1 / 20 bedrooms
<b>Senior Congregate Housing</b>	1 or 1 / 10 bedrooms	2 or 1 / 30 bedrooms
<b>Nursing Homes</b>	1 or 1 / 10 bedrooms	2 or 1 / 30 bedrooms
<b>Live / Work</b>	0	1 or 1 / 5 units

note: when two standards are provided, the greater of the two shall apply

ADUs = Accessory Dwelling Units








Short Term Parking = located at the main entrance of a building and should be visible to pedestrians and bicyclists. Examples include various metal racks and inverted U racks fastened to the ground with anchors.

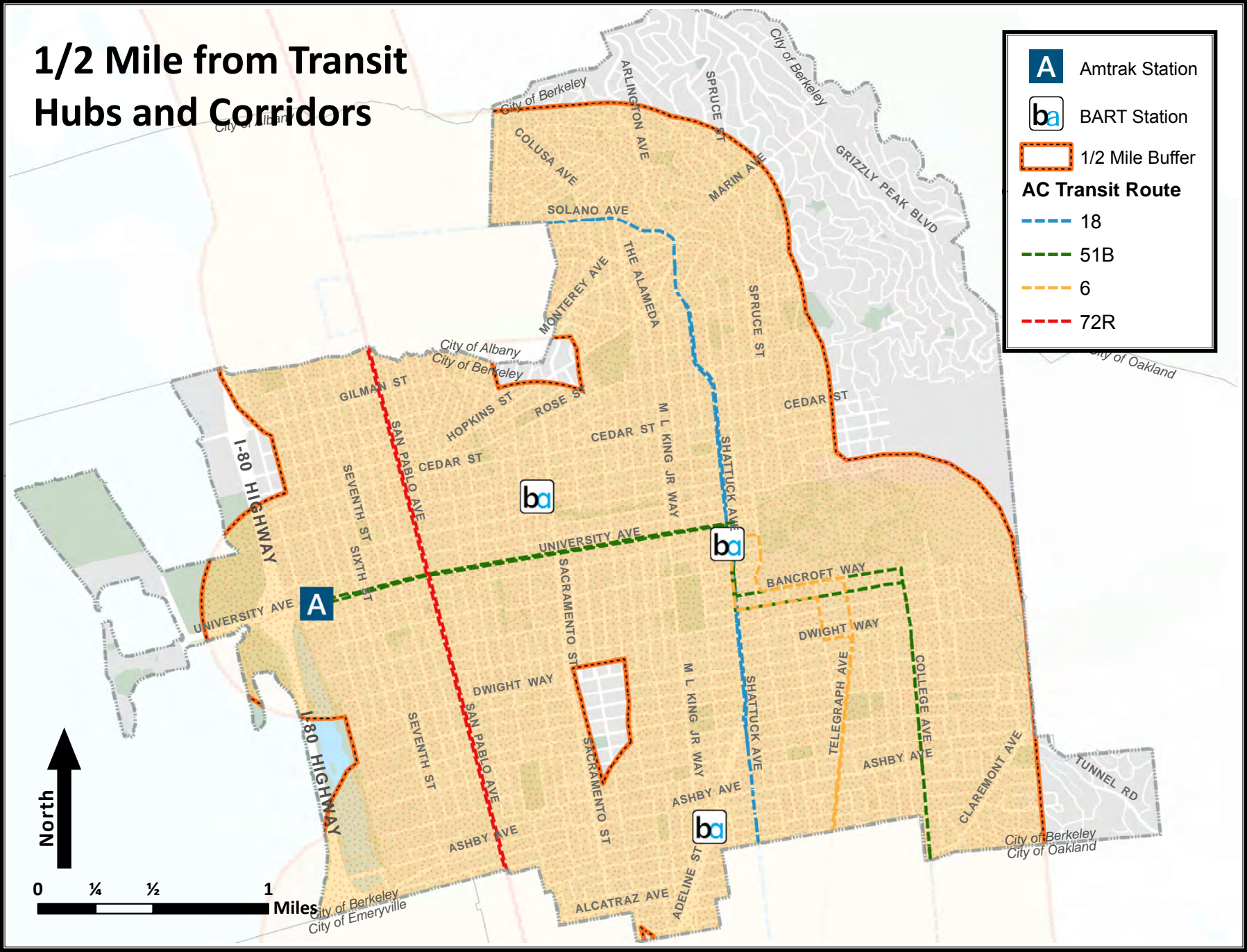
Long term parking = allows employees, students, residents, commuters, customers and others to park a bicycle for any time period in a secure and weather-protected place. Examples include lockers found at transit stations or in-building lockers or cages.





# 1/2 Mile from Transit Hubs and Corridors

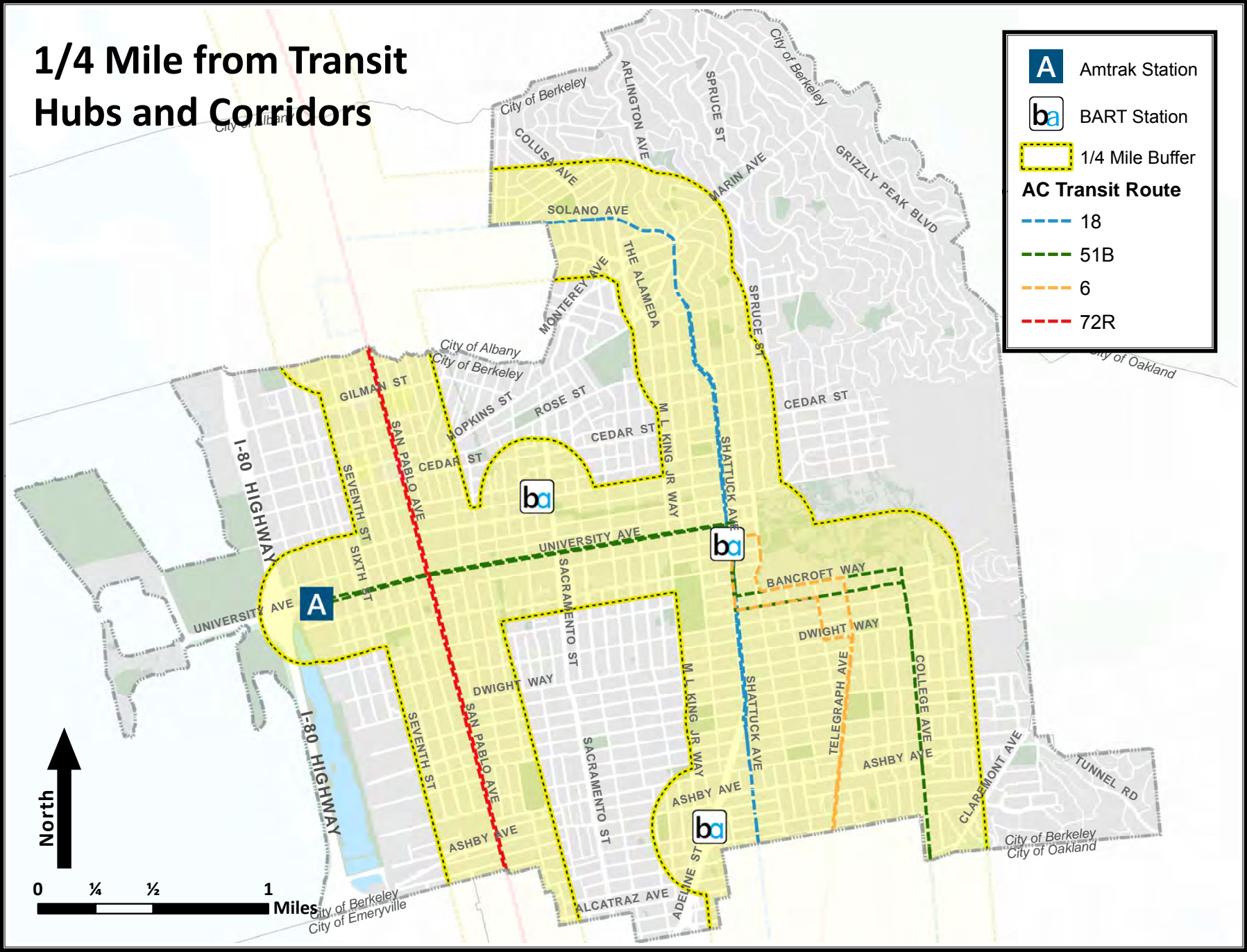
	Amtrak Station
	BART Station
	1/2 Mile Buffer
<b>AC Transit Route</b>	
	18
	51B
	6
	72R





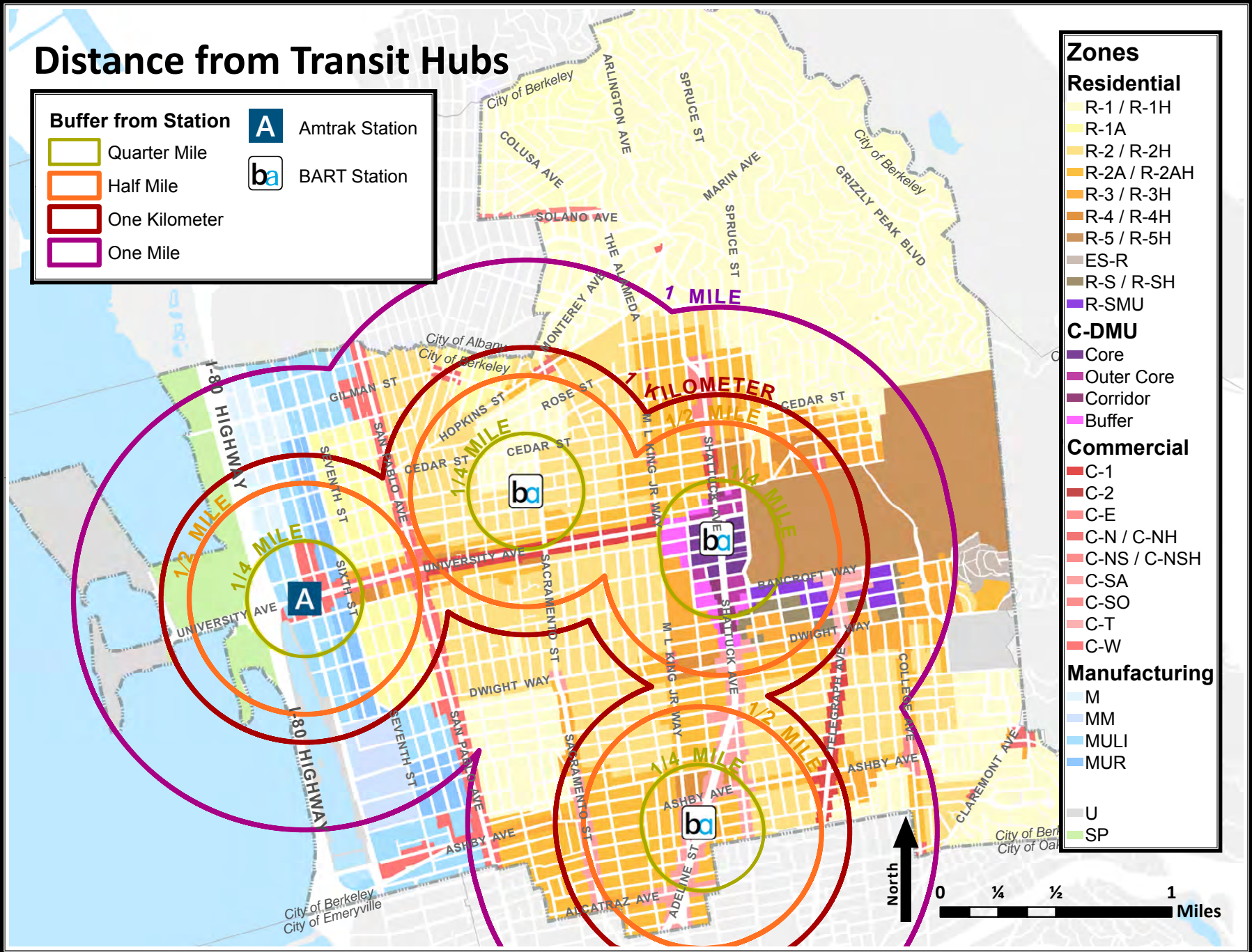
# 1/4 Mile from Transit Hubs and Corridors

<b>A</b>	Amtrak Station
<b>ba</b>	BART Station
	1/4 Mile Buffer
<b>AC Transit Route</b>	
	18
	51B
	6
	72R











**Residential Projects Entitled in 2018 and Amount of Parking Required / Provided**

	Address	Zone	Entitlement Date	Units	Affordable Units	Above Moderate	Unit Total	Car Parking Required	Car Parking Provided	Required Bike Parking	Bike Parking Provided
Provided Less Than Required	1331 Ashby Ave.	R-3	9/27/2018	5+	0	6	6	6	3	NA	NA
	2009 Addison St	C-DMU Core	2/22/2018	5+	0	45	45	22	0	2	71
	2714 Alcatraz Ave	R-2	11/8/2018	5+	0	5	5	5	0	NA	NA
	2100 San Pablo Ave	C-W	1/4/2018	5+	0	96	96	33	30	4	12
	3000 Shattuck Ave	C-SA	6/28/2018	5+	4	23	27	40	6	2	48
	1711 M L King Jr Way	R-2A	5/10/2018	5+	0	7	7	8	0	NA	NA
Provided Required (+/- 1)	1506 Bonita Ave.	R-2A	4/26/2018	2 to 4	0	2	2	8	8	NA	NA
	3028 Regent Street	R-2A	4/26/2018	2 to 4	0	2	2	2	2	NA	NA
	2072 Addison St	C-DMU Core	1/30/2018	5+	0	66	66	24	24	1	12
	2510 Channing Way	C-T	8/23/2018	5+	0	40	40	0	0	NA	32
	2542 Durant Ave	C-T	5/24/2018	5+	0	32	32	0	0	NA	32
	1155-73 Hearst Ave	R-2A	8/23/2018	5+	0	13	13	13	13	NA	0
	1200 San Pablo Ave	C-W	10/11/2018	5+	5	52	57	43	44	1	56
	1740 San Pablo Ave	C-W	3/8/2018	5+	5	43	48	52	53	3	48
	2190 Shattuck Ave	C-DMU Core	10/25/2018	5+	0	274	274	106	108	5	99
	2701 Shattuck Ave	C-SA	11/8/2018	5+	5	52	57	29	30	NA	44
	2556 Telegraph Ave	C-T	2/14/2018	5+	0	22	22	0	0	4	82
2012 Berkeley Way	C-DMU Buff	12/21/2018	5+	141	1	142	0	0	NA	50	
Provided More Than Required	2580 Bancroft Way	C-T	10/25/2018	5+	11	111	122	0	37	NA	56
	2236 Channing Way	R-3	3/8/2018	5+	0	22	22	22	31	NA	18
	1601 Oxford Street	R-3	11/8/2018	5+	35	2	37	9	21	NA	6





## ORDINANCE NO. 5593 -N.S.

ESTABLISHING INTERIM PARKING, TRANSPORTATION SERVICES FEE AND  
OTHER RELATED REQUIREMENTS IN THE C-2 DISTRICT

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

Section 1. FINDINGS

The City Council hereby finds and determines that:

- A. A number of intersections within Downtown Berkeley and along major routes leading to the downtown are near or at capacity;
- B. Available on and off-street parking in the downtown is near or at capacity;
- C. Transit and ridesharing agencies are facing financial difficulties and require financial assistance to expand or intensify service to the downtown;
- D. Cost of providing parking and facilitating alternatives to the auto cannot readily be borne by the City alone;
- E. Any new construction or additions to existing development will impact existing transportation facilities and services which are near or at capacity;
- F. Parking location has a significant effect on downtown pedestrian, auto, transit and bicycle circulation and intersection capacity as well as on the efficient use of land;
- G. The provisions of this ordinance are intended to further City policies in the Berkeley Master Plan, including but not limited to:

Policy 2.01 Reduce dependence on the private automobile as the dominant mode of transportation by developing alternatives for local and regional transportation which are convenient, pleasant to use, reasonably priced and reliable.

Policy 2.04 Conserve energy by initiating incentives to:  
(a) reduce the number of vehicle trips, (b) increase walking, transit and bicycle use; and (c) develop energy efficient methods for moving people and goods.

Policy 2.41 Cooperate in developing expanded educational and promotional programs to increase community awareness and use of public transportation.

Policy 2.46 Seek to expand the funds available to improve and operate public transportation.

Policy 2.50 Discourage parking in residential areas by employees and students of nearby major commercial establishments, offices and institutions.

Policy 2.53 Encourage large employment centers, such as the University and the City to provide employee parking on the basis of (a) need for vehicle on the job; (b) number of passengers carried; (c) employee disability; or (d) lack of alternative public transportation.

- H. The City is preparing a comprehensive Downtown Plan but interim guidelines are required to address the additional need for off-street parking and other transportation modes which will be created by new or expanded development in the downtown area.
- I. The minimum parking spaces required by this ordinance assumes that the percentage of work person trips to the downtown using transit, carpools, vanpools, bicycling and walking will be maintained or increased; however maintaining or increasing the percentage of persons using alternative transportation modes requires provision of comprehensive transportation management services with employee incentives which cannot be provided to new or expanding downtown developments without additional funding.

## Section 2. PURPOSES

This Ordinance is enacted in recognition of these findings to establish interim off-street parking requirements in the C-2 District and alternative transportation service incentives through the implementation of a transportation services fee and other related requirements. The requirements of this ordinance are intended to:

- A. Maintain or increase transit use, ridesharing and bicycling to minimize parking needs and to keep critical intersections from severe overload;
- B. Provide for minimum parking needs that still will be present even with a high level of ridesharing and bike transit use in a manner that is in keeping with neighborhood preservation and sound traffic engineering practices;
- C. Decrease the economic costs of new and additional development to the City.
- D. Discourage proliferation of small surface parking lots.

## Section 3. APPLICABILITY OF ORDINANCE NO. 3018-N.S.

All provisions of Ordinance No. 3018-N.S. apply unless otherwise stated in this ordinance.

## Section 4. DEFINITIONS

- A. Downtown: Also referred to as "Central Business District" in the Master Plan of 1977, is that area of Berkeley that is defined in the Zoning Ordinance and accompanying maps of on and after July 14, 1982 as the "C-2" district.
- B. Gross Floor Area (GFA): As defined in Ordinance No. 3018-N.S. Section 22.24-3.

Section 5. PARKING, TRANSPORTATION SERVICES FEE AND OTHER RELATED REQUIREMENTSA. Applicability of Regulations

The provisions of this ordinance below apply to the following: 1) all new non residential construction and; 2) non residential additions of 1000 square feet of GFA or 25% of existing gross floor area, whichever is less.

B. Parking Space Required

Two off-street parking spaces or payment of an in-lieu fee shall be required for each 1000 square feet of GFA of new construction or construction of additions. A landowner may choose from the following two options; provide parking spaces on or off site subject to securing a use permit or payment of parking in-lieu fee. Satisfaction of the off-street parking space requirement of this ordinance shall not be accomplished through the use, lease or acquisition of existing parking facilities except as specifically allowed in Section 15.6n Ordinance No. 3018-N.S. for joint use parking.

The provisions set forth in this ordinance shall supersede Subsection 10.1(f) of Ordinance No. 3018-N.S.. In addition compliance with the off-street parking space requirements shall be subject to the provisions of Chapter 15 of Ordinance No. 3018-N.S. unless otherwise stated.

## (1) Parking Space Location

- a. This section supersedes Section 15.6(j) of the Zoning Ordinance 3018-N.S.
- b. Parking spaces provided on site or within 700 feet of site require a finding that the location will not unduly interfere with pedestrian movement or traffic circulation, lead to an excessive number of curb cuts along a blockface, or disturb residential uses;
- c. Parking spaces provided at a remote location between 700 feet and 1500 feet but no more than 1500 feet from the site require a finding that such spaces reasonably can be expected to relieve project parking demand, will not unduly interfere with pedestrian movement, or traffic circulation, lead to an excessive number of curb cuts along a blockface or disturb residential uses. If the proposed parking location in accordance with this section is not approved, applicant/landowner shall meet the parking in-lieu fee requirement.
- d. If parking spaces are provided, priority shall be given to providing preferential and discounted parking spaces for carpools, vanpools and the disabled.

## (2) Parking In-Lieu Fee

- a. The in-lieu parking fee shall be \$12,000 for each required parking space.
- b. The in-lieu parking fee shall be deposited in the Downtown Off-Street Parking Construction and Maintenance Fund.

- c. The in-lieu parking fee shall be payable to the City by the owner of any property subject to this ordinance, in a lump sum or paid annually in the amount of \$1,309 per parking space per year for 25 years (calculated as \$12,000 per space amortized over 25 years from the date of occupancy at approximately 10% interest).
- d. The in-lieu parking fee is payable to the City of Berkeley Finance Department as a condition of occupancy and if paid annually due on the 31st day of January of each year.

C. Transportation Services Fee

In order to maintain transit use, ridesharing and bicycling at or above current use rates and thus assure that the parking requirement of two spaces for each 1000 square feet of GFA is adequate to handle cars brought to the downtown the applicant/landowner shall pay a Transportation Services Fee (TSF).

- (1) The TSF may be paid in a lump sum at a rate of \$2.00 per square foot of GFA, or be paid annually for a 30 year period at the rate of \$.20 per year per square foot of GFA (as adjusted annually for inflation).
- (2) The TSF shall be deposited into the Transportation Services Fund and is payable to the City of Berkeley Finance Department as a condition of occupancy and if paid annually due on the 31st day of January of each year.

D. Bicycle Parking Requirement

For each 2000 square feet of GFA, every new development shall provide on site or on Right-of-Way, subject to location review and approval by City staff, a minimum of 1 bicycle parking space; either racks or lockers.

E. Off-Street Loading Zones

- (1) For each 40,000 square feet of GFA of new construction, 1 off street loading space shall be provided in accordance with Section 15.6-lb,d,e and f of Ordinance No. 3018-N.S.
- (2) The provisions of Ordinance No. 3018-N.S. Subsection 15.6-la and c do not apply.

Section 6. ESTABLISHMENT OF FUNDS

- A. The Downtown Off-Street Parking and Maintenance Construction Fund is hereby established. The purpose of the fund shall be for use by the City exclusively for acquisition of land, construction, maintenance and operation of parking facilities serving the downtown for use by the general public.
- B. The Transportation Services Fund is hereby established for the purpose of supporting and promoting alternatives to driving alone, assisting downtown commuters and customers in the use of ridesharing, transit, paratransit and bicycling. Cost items eligible for funding from the Transportation Services Fund shall include, in descending order of priority, but are not limited to the direct and related indirect costs of:

- (1) promoting and marketing alternatives to the automobile

- (2) establishing and maintaining shelters, signs and kiosks at transit and paratransit stops;
- (3) establishing and maintaining bicycle parking facilities;
- (4) purchasing transit or paratransit passes, coupons and tickets to be made available at a discount to downtown employees and customers; and
- (5) other transportation alternatives, such as transit service improvements and downtown shoppers shuttle.

#### Section 7. EFFECTIVE DATE

The requirements set forth in this ordinance shall be applicable to all zoning permit, use permit and variance applications filed for approval of non-residential construction or non-residential additions of the lesser of either 1000 square feet of GFA or 25% of existing GFA which are filed on and after January 5, 1984 and will be in effect for a period of one year or upon completion of the Downtown Plan, whichever occurs first.

#### Section 8. ADMINISTRATIVE REGULATIONS

The Assistant City Manager for Planning and Community Development is hereby authorized to prepare administrative regulations, guidelines and any other mechanisms necessary to implement this ordinance.

#### Section 9. SEVERABILITY

If any chapter, section, sentence, clause or phase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each chapter, section, sentence, clause and phrase hereof, irrespective of the fact that any one or more chapters, sections, sentences, clause or phrases be declared invalid.

#### Section 10. POSTING

Copies of this ordinance are hereby ordered to be posted at the ten (10) prominent places set forth in Section 1.08 of the Berkeley Municipal Code.

At a regular meeting of the Council of the City of Berkeley, held on the sixth day of March, 1984, this Bill was passed to print and ordered published by posting by the following vote:

Ayes: Councilmembers Bach, Denton, Feller, Fukson, Hester, Lashley, Sweeney, and President Newport.

Noes: None.

Absent: Councilmember Washburn.

ATTEST: EDYTHE CAMPBELL  
City Clerk and Clerk of the Council

In effect: January 5, 1984

At a regular meeting of the Council of the City of Berkeley, held on the twentieth day of March, 1984, this Ordinance was finally adopted by the following vote:

Ayes: Councilmembers Bach, Denton, Feller, Fukson, Hester, Sweeney, Washburn, and President Newport.

Noes: None.

Absent: Councilmember Lashley.

ATTEST: EDYTHE CAMPBELL  
City Clerk and Clerk of the Council

Approved this 20th day of March, 1984.

EUGENE NEWPORT  
Mayor and President of the Council

This is to certify that the foregoing is a true and correct copy of Ordinance No. 5593-N.S., and the same was finally adopted on March 20, 1984, and that it was duly and regularly posted as provided by law.

ATTEST: Edythe Campbell  
City Clerk and Clerk of the Council



TDM MENU OF OPTIONS

Category	Measure	Points
ACTIVE-1	<b>Improve Walking Conditions: Option A - D</b> Provide streetscape improvements to encourage walking.	● 1
ACTIVE-2	<b>Bicycle Parking: Options A - D</b> Provide secure bicycle parking, more spaces given more points.	●●●● 1 - 4
ACTIVE-3	<b>Showers and Lockers</b>	● 1
ACTIVE-4	<b>Bike Share Membership: Locations A - B</b> Provide a bike share membership to residents and employees for one point, another point given for each project within the Bike Share Network.	●● 1 - 2
ACTIVE-5A	<b>Bicycle Repair Station</b>	● 1
ACTIVE-5B	<b>Bicycle Maintenance Services</b>	● 1
ACTIVE-6	<b>Fleet of Bicycles</b>	● 1
ACTIVE-7	<b>Bicycle Valet Parking</b>	● 1
CSHARE-1	<b>Car-share Parking and Membership: Options A - E</b>	●●●●● 1 - 5
DELIVERY-1	<b>Delivery Supportive Amenities</b>	● 1
DELIVERY-2	<b>Provide Delivery Services</b>	● 1
FAMILY-1	<b>Family TDM Amenities: Options A - B</b>	●● 1
FAMILY-2	<b>On-site Childcare</b>	●● 2
FAMILY-3	<b>Family TDM Package</b>	●● 2
HOV-1	<b>Contributions or Incentives for Sustainable Transportation: Options A - D</b>	●●●●●●● 2 - 8
HOV-2	<b>Shuttle Bus Service: Options A - B</b>	●●●●●●●●●●●● 7 - 14
HOV-3	<b>Vanpool Program: Options A - G</b>	●●●●●●● 1 - 7
INFO-1	<b>Multimodal Wayfinding Signage</b>	● 1
INFO-2	<b>Real Time Transportation Information Displays</b>	● 1
INFO-3	<b>Tailored Transportation Marketing Services: Options A - D</b>	●●●● 1 - 4
LU-1	<b>Healthy Food Retail in Underserved Area</b>	●● 2
LU-2	<b>On-site Affordable Housing: Options A - D</b>	●●●● 1 - 4
PKG-1	<b>Unbundle Parking: Locations A - E</b>	●●●●● 1 - 5
PKG-2	<b>Short Term Daily Parking Provision</b>	●● 2
PKG-3	<b>Parking Cash Out: Non-residential Tenants</b>	●● 2
PKG-4	<b>Parking Supply: Option A - K</b>	●●●●●●●●●●● 1 - 11

NOTES:  
 A project sponsor can only receive up to 14 points between HOV-2 and HOV-3.

One point may be equal to a 1% reduction in VMT.





**Planning and Development Department**  
Land Use Planning Division

## **STAFF REPORT**

DATE: July 17, 2019  
TO: Members of the Planning Commission  
FROM: Elizabeth Greene, Senior Planner  
SUBJECT: Public Hearing: Zoning Ordinance Amendments for Cannabis Uses

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### **RECOMMENDATION**

Recommend to the City Council amendments to the Zoning Ordinance to modify existing regulations and establish new land use regulations for cannabis businesses:

- Rescind and readopt Chapter 23.25 Cannabis Uses (Attachment 1);
- Add business types to use tables in commercial and manufacturing chapters; and
- Add/modify definitions in Subtitle 23F.

### **BACKGROUND**

On July 25, 2017, the City Council sent a referral to staff and the Cannabis Commission to establish a licensing process for commercial cannabis operations, consistent with State regulations (Attachment 3). City staff from the Planning, Environmental Health, Public Health, Finance, Police, Fire and Code Enforcement departments, as well as the City Attorney's office, drafted new comprehensive cannabis regulations that would respond to the Council referral. These regulations included:

1. Modifications to existing ordinances to expand regulations to include adult use cannabis and new State regulations;
2. New ordinances to regulate new cannabis activities permitted per State law; and
3. Format changes to make information about cannabis uses easier to find.

These regulations were brought to city commissions, including the Planning Commission, in early 2018. The City Council held work sessions on March 20, 2018 and October 11, 2018 to consider these comprehensive changes. The majority of the changes were approved by the Council on April 23 and May 14, 2019. The remaining changes are considered "Round 2" of comprehensive cannabis amendments and are the subject of this report.

## DISCUSSION

### *Changes to the Zoning Ordinance*

Round 2 comprehensive cannabis amendments are currently being considered by three commissions: the Cannabis Commission, the Community Health Commission (CHC) and the Planning Commission (“Commission”). These regulations involve changes to both the Berkeley Municipal Code and the Zoning Ordinance. The Commission’s purview is making recommendations to the City Council regarding changes and additions to the Zoning Ordinance.

The Zoning Ordinance changes being considered at this time relate to Retail, Cultivation and Microbusiness uses. The issues can be divided into two categories.

#### 1. Amendments to existing uses

These changes are designed to respond to specific questions related to existing regulations and include:

- Required distances (“buffers”) between Cannabis Retailers and sensitive uses;
- Required discretion for Cannabis Retailers;
- Method for approving changes to location of Cannabis Storefront Retailers; and
- Location of cultivation businesses.

#### 2. Regulations for new cannabis uses

These changes will allow cannabis uses which are currently not allowed in Berkeley. These changes cover multiple issues including limits (“quotas”) on the number of businesses, buffers from other uses, and levels of discretion for the following uses:

- Delivery-Only Retailers;
- Consumption lounges; and
- Retail Storefront Microbusinesses.

In addition to these policy changes, staff is also proposing formatting changes to make the code easier to understand. These changes often reword or change the order of the existing regulations, but do not change the policy direction. In order to focus on the policy changes, staff recommends rescinding Chapter 23C.25 and readopting it with the proposed changes. Attachment 1 provides the proposed Chapter 23C.25 with policy changes highlighted in yellow; changes to use tables in other chapters and definitions are shown in a tracked changes format. Attachment 2 shows the existing Chapter 23C.25 in a tracked changes format.

### *Considerations and Analysis*

Zoning Ordinance changes are proposed for five cannabis use types. A brief description of these uses and the staff recommendation follows. In some cases, there will be either no recommendation or more than one recommendation. Additional recommendations reflect comments from discussions with other commissions.

**Storefront Retailers.** Cannabis Retailers are the only license types that may sell cannabis or cannabis products. Only Cannabis Retailers with a storefront (“Storefront Retailers”) are allowed to have customer visits. Seven Storefront Retailers are permitted in Berkeley; the most recently approved were chosen through a selection process. The seventh Storefront Retailer will be reserved for an Equity business; this selection process is still being developed.

The proposed Zoning Ordinance changes would:

Issue	Staff Recommendation
Buffer	Maintain existing buffer standards (600 feet from Schools and other Storefront Retailers) (see Attachment 1 (Section 23C.25.010.B.6) for two additional recommendations).
Discretion	Selection process required for Storefront Retailers. Zoning Certificate (ZC) for Equity businesses. Use Permit (UP) for non-Equity businesses.
Location	Require Storefront Retailers to be in compliance with State and local regulations in order to relocate.

Question for Commission:

- Should the existing buffers and discretion for Storefront Retailers be expanded or have additional limitations?

**Delivery-only Retailers.** Delivery-only Retailers (“DoR”) are currently not allowed to locate in Berkeley. These businesses would deliver cannabis to customers per the operational standards in BMC Section 12.22.040. No customer visits are permitted at these businesses; orders are received by phone or electronically. DoR businesses can deliver into other cities; currently, cannabis businesses in neighboring jurisdictions deliver to Berkeley addresses.

The Commission considered DoR regulations at its April 19, 2017 and May 17, 2017 meetings. At that time, the Commission voted to allow DoRs in all C-prefixed districts except C-N, but did not make a recommendation for the level of discretion.

The Zoning Ordinance amendments would allow DoRs subject to the following development standards:

Issue	Staff Recommendation
Quota	No recommendation given
Location	C-prefixed districts (except C-N), not on ground floor adjacent to street frontage. M-prefixed districts per regulations for Warehouse Based Non-Store Retailers
Discretion	No staff recommendation for DoRs in C-prefixed districts - see Attachment 1 (Section 23C.25.010.C.3) for two recommendations.

	M-prefixed districts = Selection process and ZC
Buffer	300 feet from Schools, City-operated community centers and skate parks

Questions for Commission:

- How important are quota limits for DoRs?
- Is a selection process necessary, or should businesses be established on a first-come, first-served basis?

**Consumption Lounges.** Consumption Lounges (“Lounges”) are commercial locations where customers are allowed to consume cannabis. Consumption generally consists of smoking or vaping, though edibles can also be consumed at Lounges. Currently, the State limits consumption to Storefront Retailers, and consumption is limited to cannabis; non-cannabis food and beverages cannot be served on the same premises.

The proposed Zoning Ordinance changes would allow Storefront Retailers to operate an on-site Lounge with approval of a Use Permit. Lounges could be limited to edibles only, or could allow smoking and vaping. Lounges would need to meet the operational standards established by the City’s Department of Health, Housing and Community Services.

Issue	Staff Recommendation
Location	C-prefixed districts, only in conjunction with a Storefront Retailer
Discretion	Use Permit

Question for Commission:

- Should Lounges be permitted in Berkeley?

**Location of Cultivation Uses.** Cultivation businesses (“Cultivators”) grow cannabis plants for sale to other cannabis businesses. The State has different licenses based on size, with indoor grows ranging from 500 square feet to 22,000 square feet. Cultivators are not open to the public. The current ordinance limits cultivators to the Manufacturing (M) District.

In 2014, the Cannabis Commission expressed a concern to Council that the M District did not provide sufficient opportunity for cannabis cultivation operations. In response to this recommendation, the Council forwarded a referral to the Commission (November 18, 2014) to consider expansion of Cultivation uses into the MM and MU-LI districts. The Commission considered this referral at five meetings: November 18, 2015, December 16, 2015, May 18, 2016, November 16, 2016 and December 21, 2016 and then folded this referral into the comprehensive cannabis discussion which began in 2017.

The proposed ordinance changes would allow Cultivators to also locate in the Mixed Manufacturing (MM) and Mixed Use-Light Industrial (MU-LI) Districts. The buffers proposed for these districts are 600 feet from Schools, and 300 feet from R-prefixed districts. The buffer from R-prefixed districts could be reduced with a Use Permit.

Issue	Staff Recommendation
Location	Allow in MM and MU-LI (currently only in M District)
Discretion	ZC
Buffer	M - 300 feet from schools and community centers (existing) MM and MU-LI - 600 feet from schools and community centers, 300 feet from residentially-zoned properties (may be reduced with a UP)

Question for Commission:

- Is cultivation an appropriate use in the MM and MU-LI Districts?

**Retail Storefront Microbusinesses.** Microbusinesses are uses which allow vertical integration of multiple cannabis uses (except Testing Laboratories). A Microbusiness must have three of the following use types: Cultivator, Manufacturer, Distributor and Retailer. The Zoning Ordinance allows Microbusinesses subject to the regulations for each activity conducted on the premises. The City developed a custom license type, Retail Nursery Microbusiness, to allow a cannabis Nursery to sell product (plants and seeds) to the public.

A Retail Storefront Microbusinesses would be another Berkeley custom license type. It would allow limited manufacturing and distribution at Storefront Retailers. Staff created this license type to address a request from existing Storefront Retailers to be able to repackage products bought on a wholesale basis and to transport goods related to the business without hiring a third party, similar to non-cannabis retailers. This use would be interchangeable with a cannabis Storefront Retailer.

Issue	Staff Recommendation
Location	C-prefixed districts, only in conjunction with a Storefront Retailer
Discretion	ZC
Uses	Limit uses to a Storefront Retailer, limited manufacturing (infusions and repackaging), and limited distribution (only products that will be sold at the Retailer).

Question for Commission:

- Should Microbusinesses associated with Storefront Retailers be treated differently than other Microbusinesses?

### Selection Process and Equity Considerations

Staff will present options for an Equity selection process to the Cannabis Commission and the City Council. Definitions for equity candidates and the selection process are under development. The quotas and possibly buffers could be modified depending on the type of selection process chosen by the Council.

#### *General Plan Review:*

Staff has determined that no changes are necessary to the General Plan as a result of the draft zoning amendment. The proposed changes would add development standards for existing and new cannabis use types. These uses are very similar to non-cannabis uses already permitted in the city.

The General Plan has specific policies that support these zoning ordinance changes:

Policy LU-1 Community Character: Maintain the character of Berkeley as a special, diverse, unique place to live and work.

Action LU-7.C: Carefully evaluate and monitor new and existing uses to minimize or eliminate negative impacts on adjacent residential uses.

Actions LU-26.A and LU-27.A: Require ground-floor commercial uses to be oriented to the street and sidewalks to encourage a vital and appealing pedestrian experience.

#### *CEQA Review:*

The businesses proposed in this ordinance are either already permitted in Berkeley or are similar to many other commercial uses in the City of Berkeley Zoning Ordinance. These businesses will not have impacts greater than those of other commercial uses. Buffers from schools and requirements for neighborhood compatibility will help protect neighborhoods from negative effects of these commercial uses. Annual State and local reviews of each business will ensure they are meeting State and local regulations. This means that no additional impacts are expected from the uses and no additional environmental evaluation is necessary.

### **CONCLUSION**

Staff recommends that the Planning Commission:

1. Consider the analysis and recommendations included with this report;
2. Consider the questions proposed in the report;
3. Consider attached revised Zoning Ordinance language (Attachment 1); and
4. Identify recommendation through a vote of the Commission.

### **ATTACHMENTS**

1. Proposed Zoning Ordinance Language revisions (new Chapter 23C.25; modified use tables in Chapters 23E.36 (C-1), 23E.44 (C-E), 23E.48 (C-NS), 23E.52 (C-SA), 23E.56 (C-T), 23E.60 (C-SO), 23E.64 (C-W), 23E.68 (C-DMU), 23E.72 (M),



23E.76 (MM), 23E.80 (MU-LI), and 23E.84 (MU-R); and modified definitions in Chapter 23F.04.)

2. Existing Chapter 23C.25 in track-change format
3. July 25, 2017 Council referral (without attachments)
4. Public Hearing Notice

**Proposed Zoning Ordinance Changes to Cannabis Regulations:  
Chapter 23C.25 – Readopted (Highlighted text = new policy direction)  
Use Tables and Definitions - Modified**

**Chapter 23C.25 CANNABIS USES**

**Sections:**

**23C.25.010 Cannabis Retail**

**23C.25.020 Commercial Cannabis Cultivation**

**23C.25.030 Manufacturing, Testing and Distribution**

**23C.25.040 Microbusinesses**

**Section 23C.25.010 Cannabis Retail**

**A. General**

1. Cannabis Retailer, including Storefront Retailer, Delivery-Only Retailer, A-Retailer, and M-Retailer, is defined in Section 12.21.020.
2. An M-Retailer existing and authorized as of January 1, 2010 that does not comply with this Section may continue at its current medical cannabis dispensing location as a legal nonconforming use. Notwithstanding Section 23C.04.060 or subdivision (B) of this Section, the Zoning Officer may approve an Administrative Use Permit to allow the expansion of a legal nonconforming medical cannabis dispensary onto an adjacent parcel.
3. Cannabis Retailers in good standing with State and local regulations, including obtaining all necessary licenses and full payment of all fees and with no outstanding violations, may seek approval for a change in location. Applications for a change of location shall be evaluated based on the requirements to operate a Cannabis Business effective at the time of the proposed change.

**B. Storefront Retailers**

1. Storefront Retailers are permitted in C-prefixed Districts with either a Use Permit, or a Zoning Certificate if an Equity Candidate, and must maintain compliance with Chapters 12.21 and 12.22 and security regulations that may be promulgated by the Chief of Police.
2. Storefront Retailers are subject to approval through the selection process set forth in Section 12.22.020.
3. Up to seven Storefront Retail permits may be issued, one of which is reserved for an Equity Candidate as defined in Section 12.21.020. This limit to the number of

Storefront Retailers shall not be reconsidered for a period of three years from the effective date of this ordinance.

4. Expansion of an approved Storefront Retailer must comply with the development standards for the Zoning District in which it is located.
5. A Storefront Retailer may operate as a Retail Storefront Microbusiness as defined in Chapter 12.21 subject to obtaining all required State and local licenses.
6. ALTERNATIVE A: Storefront Retailers may not be located within 600 feet of another Storefront Retailer or a School.
6. ALTERNATIVE B: Storefront Retailers may not be located within 600 feet of another Storefront Retailer or a public or private elementary school, 1,000 feet of a public or private middle school or high school, or 600 feet of a City-operated community center or skate park.
6. ALTERNATIVE C: Storefront Retailers may not be located within 1,000 feet of any School, junior college, university, day care center, park, youth center or library.

#### C. Delivery-Only Retailers

1. ## Delivery-Only Retailers are permitted citywide.
2. Delivery-Only Retailers are subject to approval through the selection process set forth in Section 12.22.020.
3. ALTERNATIVE A: Delivery-Only Retailers are permitted with a Zoning Certificate in C-prefixed Districts other than the C-N District.
3. ALTERNATIVE B: Delivery-Only Retailers are permitted in C-prefixed Districts other than the C-N District subject to approval of an Administrative Use Permit.
4. Delivery-Only Retailers are subject to approval through the selection process set forth in Section 12.22.020.
5. Delivery-Only Retailers in M-prefixed Districts shall be evaluated and regulated for Zoning purposes in the same way as Warehouse-Based Non-Store Retailers, and shall be subject to the numeric and buffer requirements set forth in this Section for Delivery-Only Retailers.
6. Delivery-Only Retailers may not be located within 300 feet of any School or City-operated community center or skate park.
7. Delivery-Only Retailers may not be located on the ground floor of a building adjacent to a street frontage in C-prefixed Districts.

#### D. Lounges

1. A Lounge, as defined in Section 12.21.020, may be permitted at an approved Retailer subject to approval of a Use Permit.
2. Lounges must comply with the operational standards established by the City's Department of Health, Housing and Community Services.

**Section 23C.25.020 Commercial Cannabis Cultivation**

- A. Commercial Cannabis Cultivation is defined in Chapter 12.21.
- B. Commercial Cannabis Cultivation is permitted with a Zoning Certificate in the M, **MM and MU-LI Districts**, subject to the following limitations:
  - 1. Commercial Cannabis Cultivation shall only occur at licensed Cannabis Businesses.
  - 2. Cannabis may not be dispensed and client, patient or member services and retail sales are prohibited at Cannabis Cultivation Facilities.
- C. The total citywide canopy area of Cannabis Cultivation Facilities is limited to 180,000 square feet.
  - 1. No more than six Major Cannabis Cultivation Facilities are permitted.
  - 2. The total canopy area of all Minor Cannabis Cultivation Facilities shall not exceed 48,000 sf plus any area not used by a Major Cannabis Cultivation Facility.
  - 3. Separate spaces used by different licensees may be aggregated at the same location.
  - 4. Commercial Cannabis Cultivation is prohibited outside of a building.
- D. Cannabis Nurseries, as defined in Chapter 12.21, are subject to the same regulations as Cannabis Cultivation Facilities.
- E. Cannabis Cultivation Facilities shall comply with all regulations in Chapter 12.22, security regulations promulgated by the Chief of Police, and the requirements of this Chapter, and may include testing, processing, manufacturing and food preparation only to the extent expressly permitted by MAUCRSA.
- F. Cannabis Cultivation Facilities may not be located within the distances from sensitive uses listed in the table below:

<b>District</b>	<b>Sensitive Uses</b>	<b>Buffer</b>
<b>M</b>	Schools or City-operated community centers or skate parks	300 feet
<b>MM</b>	Schools or City-operated community centers or skate parks  R-prefixed district	600 feet  300 feet (may be reduced with a Use Permit)
<b>MU-LI</b>	Schools or City-operated community centers or skate parks	600 feet

	R-prefixed district	300 feet (may be reduced with a Use Permit)
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G. No Major Cannabis Cultivation Facilities may be approved until the City Council adopts a licensing process and standards for such uses. Such standards shall include a requirement that indoor cultivation uses provide for an energy offset through a program specified by the City to offset the net increased energy that is used by the Facility as compared to a regular industrial facility, and may include, but shall not be limited to, whether proposed Facilities will provide a percentage of all usable product cultivated at no cost to very low income patients and will use organic methods in cultivation and processing to the maximum extent reasonable; and whether their form of organization, ownership and practices ensure equity and accountability, low prices and an adequate supply of high quality cannabis to Customers.

**Section 23C.25.030 Cannabis Manufacturing, Testing Labs and Distribution**

A. Cannabis Manufacturers, Testing Labs and Distributors shall be evaluated and regulated for Zoning purposes in the same way as comparable non-Cannabis uses, as follows:

Cannabis Use	Equivalent Non-Cannabis Use
Manufacturing, processing, food Preparation	Light Manufacturing
Testing labs	Testing Labs
Distribution	Wholesale Uses

B. Cannabis Manufacturers, Testing Labs and Distributors may not be located within 300 feet of a School.

**Section 23C.25.040 Microbusinesses**

- A. Microbusinesses are defined in Chapter 12.21.
- B. Microbusinesses are subject to the development standards set forth in this Chapter for each use conducted on the premises, with the following exceptions:
- C. In cases where development standards and permit thresholds apply for different uses conducted on the premises differ, the more restrictive standards apply.
- D. Retail Nursery Microbusinesses
  - 1. For purposes of this Section, “Existing Nursery” means a legally established plant nursery in the City of Berkeley as of the adoption of this ordinance.
  - 2. Up to two Existing Nurseries may convert to Retail Nursery Microbusiness, either: 1) with a Zoning Certificate in C- and M- prefixed Districts if an Existing Nursery complies with the development standards set forth in the Zoning Ordinance and in this Chapter for each use conducted on the

premises; or 2) subject to a Use Permit for the substantial expansion or change in character to non-conforming uses in R-prefixed Districts. Retail Nursery Microbusinesses are not subject to the numeric or canopy limitations of other Retailers or Cannabis Cultivators.

3. Zoning Certificates and/or Use Permits shall be issued to Existing Nurseries on a first-come, first-served basis. The right to retain one of the allocated Zoning Certificates shall be determined based on the date of issuance of a concurrent Business License and establishing and continuously operating the business or, if a Use Permit is required, on the date the application for the Use Permit is deemed complete so long as the Use Permit is implemented with a Businesses License within 30 days of approval and establishing and continuously operating the business.
4. The 600-foot buffer required between Cannabis Retailers shall not apply between Storefront Cannabis Retailers and Retail Nursery Microbusinesses.

**[Additions to Use Tables in C-1, C-E, C-NS, C-SA, C-T, C-SO, C-W, and C-DMU]**

<u>Delivery-Only Retailer</u>	<u>ZC or AUP</u>	<u>ZC/AUP shall only be considered after business is approved through a selection process approved by the City Council per BMC Section 12.22.020.</u>  <u>Subject to restrictions on the ground floor; see Section 23C.25.010.</u>
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**Use Tables in C-1, C-SA, C-T, C-SO, C-DMU**

Uses Incidental to a Permitted Use		
Wholesale Activities  <u>Distributors</u>	AUP  <u>ZC</u>	<u>Allowed only if incidental to a Cannabis Retailer</u>

**Use Tables in C-N, C-E**

Uses Incidental to a Permitted Use		
Wholesale Activities  <u>Distributors</u>	UP  <u>ZC</u>	<u>Allowed only if incidental to a Cannabis Retailer</u>

**Use Table in C-NS**

Uses Incidental to a Permitted Use		
Wholesale Activities  <u>Distributors</u>	Prohibited  <u>ZC</u>	<u>Allowed only if incidental to a Cannabis Retailer</u>

**Use Table in C-W**

Light Manufacturing and Wholesale Trade Uses		
Light Manufacturing and Wholesale Trade Uses		
5,000 or less sq. ft.	AUP	
5,000 sq. ft. or more	UP	
<u>Distributors</u>	<u>ZC</u>	<u>Allowed only if incidental to a Cannabis Retailer</u>

**23F.04 Definitions**

**Microbusiness:** Cannabis use involving more than one State license. See BMC Chapter 12.21 for definition.

**Retail Nursery Microbusiness:** A microbusiness that is restricted to growing and selling cannabis plants and seeds. See BMC Chapter 12.21 for definition.

**Retail Storefront Microbusiness:** A microbusiness that is restricted to a Storefront Retailer with limited manufacturing and distribution activities. See BMC Chapter 12.21 for definition and limitations.

**Warehouse Based Non-Store Retail:** Retail activity that is based on sales without on-site customer visits. Such activity includes, but is not limited to catalog sales, internet web sites, and phone orders. Goods are both stored and distributed from the site. This use includes Delivery-Only Retailers located in M-prefixed districts.



## Chapter 23C.25 CANNABIS USES

### Sections:

23C.25.010 Cannabis Retail Uses

23C.25.020 Commercial Cannabis Cultivation

23C.25.030 Manufacturing, Testing and Distribution

~~23C.25.040 Microbusinesses~~

### Section 23C.25.010 Cannabis Retail Uses

#### A. General Regulations for all Cannabis Retail Uses

- ~~A. 1. Cannabis Retailer, including Storefront Retailer, Delivery-Only Retailer, A-Retailer, and M-Retailer, is defined in Section 12.21.020.~~
- ~~B. Retailers may not be located within 600 feet of another Retailer or a public or private elementary school, middle school or high school.~~
- ~~C. Expansion of an approved Cannabis Retailer shall follow the conversion regulations for the Zoning District in which it is located and shall comply with subdivision (B) of this Section.~~
- D2. An M-Retailer existing and authorized as of January 1, 2010; that does not comply with this Section, may continue at its current medical cannabis dispensing location and shall be considered as a legal nonconforming use. Notwithstanding Section 23C.04.060 or subdivision (B) of this Section, the Zoning Officer may approve an Administrative Use Permit to allow the expansion of a legal nonconforming medical cannabis dispensary use onto any parcel or on two adjacent parcels where a dispensary was located on one of the parcels as of July 1, 2010.
3. Cannabis Retailers in good standing with State and local regulations, including obtaining all necessary licenses and full payment of all fees and with no outstanding violations, may seek approval for a change in location. Applications

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for a change of location shall be evaluated based on the requirements to operate a Cannabis Business effective at the time of the proposed change.

B. Storefront Cannabis Retailers

1. Seven Cannabis Storefront Retailers as defined in Section 12.21.020 shall be permitted in C-prefixed Districts as of right with a Zoning Certificate, either a Use Permit, or a Zoning Certificate if an Equity Candidate, or through the Equity Selection process as set forth in Section 12.22.020 and must maintain in C-prefixed zones if they comply with the parking requirements applicable to the uses they include, and any security requirements promulgated by the Chief of Police Chapters 12.21 and 12.22 and security regulations that may be promulgated by the Chief of Police.
2. Storefront Retailers shall be subject to approval through the selection process as set forth in Section 12.22.020.
3. Up to seven Storefront Retail permits may be issued, one of which is reserved for an Equity Candidate, as defined in Section 12.21.020. No additional Retailers. This limit to the number of Storefront Retailers shall not be reconsidered for a period of three years from the effective date of this ordinance.
4. Expansion of an approved Storefront Retailer must comply with the development standards for the Zoning District in which it is located.
5. A Storefront Retailer may operate as a Retail Storefront Microbusiness as defined in Chapter 12.21 subject to obtaining all required State and local licenses.
6. ALTERNATIVE A: Storefront Cannabis Retailers may not be located within 600 feet of another Storefront Retailer or a public or private elementary school, middle school or high school School.
- 3-6. ALTERNATIVE B: Cannabis Storefront Retailers may not be located within 600 feet of another Storefront Retailer or a public or private elementary school, 1,000 feet of a public or private middle school or high school, or 600 feet of a City-operated community center or skate park.
- 3-6. ALTERNATIVE C: Cannabis Storefront Retailers may not be located within 600 feet of any School, junior college, university, day care center, park, youth center or library another Retailer or a public or private elementary school, middle school or high school.

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C. Delivery-Only Retailers

1. ## Delivery-Only Retailers are permitted citywide.
2. Delivery-Only Retailers are subject to approval through the selection process set forth in Section 12.22.020.

3. ~~ALTERNATIVE A: Delivery-Only Retailers are permitted with a Zoning Certificate in C-prefixed Districts other than the C-N District.~~
3. ~~ALTERNATIVE B: Delivery-Only Retailers are permitted in C-prefixed Districts other than the C-N District subject to approval of an Administrative Use Permit.~~
4. ~~Delivery-Only Retailers are subject to approval through the selection process as set forth in Section 12.22.020.~~
5. ~~Delivery-Only Retailers in M-prefixed Districts shall be evaluated and regulated for Zoning purposes in the same way as Warehouse-Based Non-Store Retailers, and shall be subject to the numeric and buffer requirements set forth in this Section for Delivery-Only Retailers.~~
6. ~~Delivery-Only Retailers may not be located within 300 feet of any School or eCity-operated community center or skate park.~~
7. ~~Delivery-Only Retailers may not be located on the ground floor of a building adjacent to a street frontages in C-prefixed Districts.~~

D. Lounges

1. ~~A Lounge, as defined in Section 12.21.020, may be permitted at an approved Retailer subject to approval of a Use Permit.~~
2. ~~Lounges must comply with the operational standards established by the City's Department of Health, Housing and Community Services.~~

**Section 23C.25.020 Commercial Cannabis Cultivation**

~~A. Commercial Cannabis Cultivation Notwithstanding anything to the contrary in this Chapter, cultivation of cannabis as is defined in Chapters 12.21 and 12.22 and MAUCRSA,~~

~~A.B. Commercial Cannabis Cultivation, as defined in BMC Section 12.21.010), shall be permitted as a matter of right with a Zoning Certificate in the M, MM and MU-LI Districts, subject to the following limitations:~~

1. ~~Commercial Cannabis Such locations Cultivation shall be limited to only occur at licensed Cannabis Businesses.~~
2. ~~Cannabis may not be dispensed, and client, patient or member services or and retail sales are prohibited, at such locations Cannabis Cultivation Facilities.~~

~~7.3. The total citywide canopy area used for cannabis cultivation of Cannabis Cultivation Facilities shall not exceed is limited to 180,000 square feet.~~

~~B.C. No single location used for cultivation and associated uses by a licensee may exceed 22,000 square feet of total canopy area, except that separate spaces used by different licensees may be aggregated on the same location.~~

- ~~1. Up to~~ No more than six Major Cannabis Cultivation Facilities between the size of 10,000 sf and 22,000 sf in total canopy area are permitted.
- ~~2. There is no numeric limit for~~ The total canopy area of all Minor Cannabis Cultivation Facilities under 10,000 sf in total canopy area, up to shall not exceed 48,000 sf plus any area under 22,000 sf not used by a Major Cannabis Cultivation Facility.
- ~~1. Up to six Major Cannabis Cultivation Facilities between the size of 10,000 sf and 22,000 sf in total canopy area are permitted.~~
- ~~3. Separate spaces used by different licensees may be aggregated at the same location.~~
- ~~4. Outdoor Commercial Cannabis Cultivation is prohibited outside of a building.~~

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~~A. The total canopy area used for cannabis cultivation shall not exceed 180,000 square feet.~~

~~G.D. Cannabis nurseries, as defined in Chapter 12.21, are considered Cannabis Cultivation uses and are subject to the same regulations as Cultivators Cannabis Cultivation Facilities.~~

~~E. Such locations Cannabis Cultivation Facilities shall comply with all regulations in Chapter 12.22, security regulations promulgated by the Chief of Police, and the requirements of this Chapter, and shall not be located within 300 feet of a private or public elementary, middle or high school. Such locations may include testing, processing, manufacturing and food preparation only to the extent expressly permitted by MAUCRSA.~~

~~Cannabis Cultivation Facilities may not be located within the distances from sensitive uses listed in the table below shall have the following buffers from sensitive uses at the time of establishment:~~

~~F.~~

<u>District</u>	<u>Sensitive Uses</u>	<u>Buffer</u>
<u>M</u>	<u>Schools or City-operated community centers or skate parks</u>	<u>300 feet</u>
<u>MM</u>	<u>Schools or City-operated community centers or skate parks</u>  <u>R-prefixed district</u>	<u>600 feet</u>  <u>300 feet (may be reduced with a Use Permit)</u>
<u>MU-LI</u>	<u>Schools or City-operated community centers or skate parks</u>  <u>R-prefixed district</u>	<u>600 feet</u>

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		300 feet (may be reduced with a Use Permit)
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~~B.~~

~~D.G.~~ No Major Cannabis Cultivation Facilities ~~uses~~ may be approved ~~under this Section~~ until the City Council adopts a licensing process and standards for such uses. Such standards shall include a requirement that indoor cultivation uses provide for an energy offset through a program specified by the City to offset the net increased energy that is used by the Facility as compared to a regular industrial facility, and may include, but shall not be limited to, whether proposed Facilities will provide a percentage of all usable product cultivated at no cost to very low income patients and will use organic methods in cultivation and processing to the maximum extent reasonable; and whether their form of organization, ownership and practices ensure equity and accountability, low prices and an adequate supply of high quality cannabis to Customers.

~~Notwithstanding Subsection 23C.25.020.DE, Cannabis Cultivators with Cannabis Cultivation Facilities (as defined in Section 12.21.020) that do not exceed 10,000 square feet in total canopy area are permitted as a matter of right with a Zoning Certificate in the M-District, subject to a limitation on total canopy area used for Cannabis Cultivation of 180,000 square feet.~~

**Section 23C.25.030 Cannabis Manufacturing, Testing Labs and Distribution**

~~E.~~ ~~Uses such as, including, but not limited to, testing, processing, and food preparation, that involve cannabis as defined in Chapter 12.21 but do not involve dispensing, client, patient or member services, or cultivation (other than for testing), shall be evaluated and regulated under this Title without regard to the fact that they involve cannabis.~~

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~~F.~~ ~~Manufacturers, Testing Labs, Research and Development and Distribution businesses which are licensed as Cannabis Businesses by the State may not be located within 300 feet of a public or private elementary, middle or high school.~~

~~G.~~ ~~For the purposes of this Chapter, certain the following Cannabis Manufacturers, Testing Labs and Distributors uses shall be evaluated and regulated for Zoning purposes in the same way as the existing comparable non-Cannabis uses, as follows, ~~with the exception of distance buffers from schools~~ Schools:~~

~~A.~~

Cannabis Use	<u>Equivalent</u> Non-Cannabis Use
Manufacturing, processing, food Preparation	Light Manufacturing
Testing labs	Testing <u>L</u> abs
Distribution	Wholesale Uses

~~B.~~ Cannabis Manufacturers, Testing Labs and Distributors may not be located within 300 feet of a School.

**Section 23C.25.040 Microbusinesses**

- A. Microbusinesses are defined in ~~Section~~Chapter 12.21.020
- B. Microbusinesses are subject to the development standards set forth in this Chapter for each activity~~use~~ conducted on the premises, with the following exceptions:

1. In cases where ~~the~~ development standards and permit thresholds apply for different uses conducted on the premises for two activities are different~~differ~~, the more restrictive standards ~~shall~~ apply.

2. Retail Nursery Microbusinesses

- a. For purposes of this Section, "Existing Nursery" means a legally established plant nursery in the City of Berkeley as of the adoption of this ordinance.
- b. ~~A maximum of~~Up to two Existing Nurseries ~~are permitted~~may convert to Retail Nursery Microbusiness, either: 1) ~~by right~~ with a Zoning Certificate in C- and M- prefixed ~~zoning~~dDistricts; if ~~they an Existing Nursery~~ complies with the development standards set forth in the Zoning Ordinance and in this Chapter for each activity~~use~~ conducted on the premises; or 2) subject to a Use Permit ~~as set forth in Chapter 23B.32~~ for the substantial expansion or change in character to non-conforming uses in R-prefixed ~~d~~Districts (~~Section 23C.04.060.B~~). ~~The Zoning Certificates and/or Use Permits shall be approved notwithstanding the number of Retailers and Cultivators in the City. Retail Nursery Microbusinesses are not subject to the numeric or canopy limitations of other Retailers or Cannabis Cultivators.~~
- c. Zoning Certificates and/or Use Permits shall be issued to Existing Nurseries on a first-come, first-served basis. The right to retain one of the allocated Zoning Certificates shall be determined based on the date of issuance of a concurrent Business License and establishing and continuously operating the business or, if a Use Permit is required, on the date the application for the Use Permit is deemed complete so long as the Use Permit is implemented with a Businesses License within 30 days of approval and establishing and continuously operating the business.
- d. The 600-foot ~~retail~~ buffer required between Cannabis Retailers shall not apply between Storefront Cannabis Retailers and Retail Nursery Microbusinesses.

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Office of the Mayor

1 of 2

ACTION CALENDAR  
July 25, 2017

To: Honorable Members of the City Council

From: Mayor Jesse Arreguin

Subject: Commercial Cannabis Regulations and Licensing

RECOMMENDATION:

Refer to the City Manager and Cannabis Commission the proposed local ordinances to establish a licensing process for Commercial Cannabis operations, as permitted under Proposition 64, Adult Use of Marijuana Act.

The Council requests that the City Manager and Cannabis Commission report to the City Council on its recommendations on regulations and licensing for commercial cannabis businesses before the end of 2017.

BACKGROUND:

Existing Berkeley law contains no provisions for any sort of non-medical cannabis business structure. Proposition 64, the Adult Use of Marijuana Act, which passed statewide with 57% of the vote, and in Berkeley with 83.5%, permits local governments to establishing licensing in advance of state regulations for recreational cannabis. The proposed ordinances, based in large part on current Berkeley medical rules, would:

- Provide a structure for the licensure and regulation of Commercial Cannabis Organizations consistent with California Health and Safety Code section 11362.5 (Compassionate Use Act), California Health and Safety Code sections 11362.7-11362.83 (Medical Marijuana Program), the Medical Cannabis Regulation and Safety Act, and the Adult Use of Marijuana Act (Proposition 64, or AUMA) to protect public health, safety, and welfare.
- Empower the City Manager to determine if the Commercial Cannabis Organization is in compliance with Berkeley rules.
- Define all terms as set forth in the Control, Regulate and Tax Adult Use of Marijuana Act ("AUMA") as may be supplemented by rules or regulations issued by the Bureau of Marijuana Control within the Department of Consumer Affairs, the Department of Food and Agriculture or the Department of Health.
- Not reduce the rights of qualified patients and primary caregivers, or individuals over 21 as authorized by AUMA, to access and personal cultivation.
- Require City Council establish procedures for the issuance of a local license in those types similar to the types permitted under State law.
- Permit, if permitted by state law, a dispensary to operate both a Medical and Nonmedical Commercial Cannabis Organization at a single location.

- Require that a Principal of any Commercial Dispensary may not be a Principal for any other Dispensary in Berkeley except that any Principal may be a Principal for any Dispensary that is licensed to operate both a Medical and Nonmedical Commercial Cannabis Organization at a single location.
- Permit medical dispensaries authorized as of January 1, 2017 and in substantial compliance with Chapters 12.26 and 12.27 and Title 23 as reasonably determined by the City Manager to qualify for a Commercial Cannabis Dispensary license.
- Prohibit the City from issuing new dispensary licenses until January 1, 2020, to ascertain demand.
- Require track and trace of cannabis by batch and impose operating standards in compliance with BMC and AUMA.
- Require neighborhood compatibility in a manner similar to existing Berkeley requirements.
- Prohibit smoking on site and within 50 feet of a Dispensary but, to the extent permitted by State law, permit the ingestion, smoking or vaporizing on site if restricted to persons over 21, not visible from any other public place, and so long as alcohol and tobacco sales or consumption are not permitted on site.
- Require signage similar to that required for medical dispensaries.
- Require Product Safety and Quality Assurance measures similar to and no less stringent than as required for medical dispensaries.
- Permit the City Council to establish by resolution fees that shall be charged to implement the Chapter.
- Prohibit the City from responding to a federal law enforcement information request or providing information about a person who has applied for or received a license to engage in commercial cannabis activity pursuant to BMC, MCRSA, and AUMA.

FINANCIAL IMPLICATIONS:

Staff time. Taxes assessed on new commercial cannabis operations will result in additional General Fund revenues to support city services.

CONTACT PERSON:

Mayor Jesse Arreguín

510-981-7100

## Attachments:

1. Proposed Amendments to the Berkeley Municipal Code permitting Commercial Cannabis businesses





# PLANNING COMMISSION

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## NOTICE OF PUBLIC HEARING

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### JULY 17, 2019

### **Zoning Ordinance Amendments to Title 23 of the Berkeley Municipal Code Related to Cannabis Uses in Commercial and Manufacturing Districts throughout Berkeley**

The Planning Commission of the City of Berkeley will hold a public hearing on the above matter, pursuant to Zoning Ordinance Section 23A.20.030, on **Wednesday, July 17, 2019** at the **South Berkeley Senior Center**, 2939 Ellis Street (wheelchair accessible). The meeting starts at 7:00 p.m.

**PROJECT DESCRIPTION:** The City of Berkeley is considering changes to the Zoning Ordinance which will create development standards for new cannabis business types and amend current development standards for existing cannabis businesses. The Planning Commission will make recommendations to the City Council, including:

- Develop the development standards (including locations, numeric limitations, buffers) for Delivery-only Retailers;
- Allow Retail Storefront Microbusinesses and Lounges in conjunction with existing Retailers;
- Consider modifications to the level of discretion and buffers for Retailers;
- Determine locations and buffers for Cannabis Cultivation Facilities;
- Rescind and readopt Chapter 23C.25 to make it more clear;
- Develop new definitions as necessary; and
- Modify the Zoning Ordinance use tables accordingly.

**LOCATION:** Citywide. A map of the City's zoning districts is available online:

[http://www.cityofberkeley.info/uploadedFiles/IT/Level\\_3\\_-\\_General/Zoning%20Map%2036x36%2020050120.pdf](http://www.cityofberkeley.info/uploadedFiles/IT/Level_3_-_General/Zoning%20Map%2036x36%2020050120.pdf)

**ENVIRONMENTAL REVIEW STATUS:** The proposed changes would be exempt from the California Environmental Quality Act pursuant to Guidelines Section 15061(b)(3) because it can be seen with certainty that the proposed amendments to add Lounges and Retail Storefront Microbusinesses in Commercial districts and Delivery-only Retailers in Commercial and Manufacturing districts would not have a significant effect on the environment. Any proposed discretionary project would be subject to CEQA review.

#### **PUBLIC COMMENT & FURTHER INFORMATION**

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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:

Alene Pearson  
Planning Commission Secretary  
City of Berkeley  
Land Use Planning Division  
1947 Center Street, 2<sup>nd</sup> Floor

E-mail: [apearson@CityofBerkeley.info](mailto:apearson@CityofBerkeley.info)  
Telephone: (510) 981-7489

Berkeley, CA 94704

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](http://www.ci.berkeley.ca.us).

**FURTHER INFORMATION**

Questions should be directed to Alene Pearson, at 981-7489, or [apearson@CityofBerkeley.info](mailto:apearson@CityofBerkeley.info).

**Pearson, Alene**

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**From:** Pearson, Alene  
**Sent:** Wednesday, July 03, 2019 12:39 PM  
**To:** Pearson, Alene  
**Subject:** FW: Planning Commission Adeline Corridor Specific Plan (2nd) Subcom June 18, 2019 by Christine Schwartz

Commissioners:  
Please see attached.  
Best,  
Alene

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**From:** C schwartz [mailto:cschwartz29@yahoo.com]  
**Sent:** Tuesday, July 02, 2019 1:23 AM  
**To:** Shen, Alisa <AShen@cityofberkeley.info>  
**Cc:** Pearson, Alene <apearson@cityofberkeley.info>  
**Subject:** Planning Commission Adeline Corridor Specific Plan (2nd) Subcom June 18, 2019 by Christine Schwartz

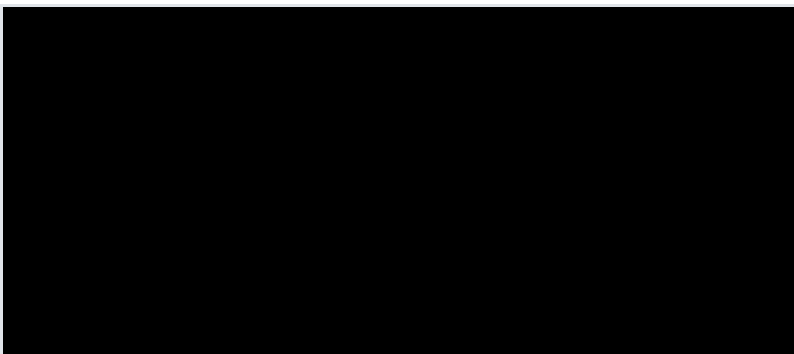
Hello,

Please excuse the great delay (really bad internet issues -- housing issues => internet issues). Please share with the FULL COMMISSION etc...

Thank you for your patience!

Respectfully,  
Christine Schwartz

[Planning Commission Adeline Corridor Specific Plan \(2nd\) Subcom June 18, 2019 by Christine Schwartz](#)



**Planning Commission Adeline Corridor Specific Plan  
(2nd) Subcom June 18,...**

Planning Commission Adeline Corridor Specific Plan (2nd)  
Subcommittee, June 18, 2019 "The focus of this meeting ...





Office of the City Manager

SPECIAL MEETING  
ACTION CALENDAR  
June 11, 2019

To: Honorable Mayor and Members of the City Council  
From: Dee Williams-Ridley, City Manager  
Submitted by: Mark Numainville, City Clerk  
Subject: 2019 City Council Referral Prioritization Process Using Re-Weighted Range Voting (RRV)

RECOMMENDATION

1) Review the completed Re-Weighted Range Voting (RRV) rankings for all outstanding City Council referrals; 2) Approve the removal of referrals that have been marked as rescinded by the sponsoring Councilmember or District; 3) Adopt a Resolution approving the list of prioritized referrals to city staff.

FISCAL IMPACTS OF RECOMMENDATION

There are no direct fiscal impacts related to the review and approval of the referral list.

CURRENT SITUATION AND ITS EFFECTS

Through the May 1, 2019 City Council meeting, there were 68 outstanding referrals to staff. The list does not include the following groups of referrals that have been evaluated and advanced through separate processes:

Housing Action Plan: Ten referrals related to housing were removed from the RRV rating process and assigned to the housing action plan on May 30, 2017. One additional referral was added to the Housing Action Plan on June 13, 2017. These referrals are moving ahead on their own schedule independent of RRV.

Fire and Emergency Referrals: Four separate items from Councilmember Bartlett, Councilmember Hahn, the Housing Advisory Commission, and the Disaster and Fire Safety Commission that contain 82 individual referrals were consolidated and referred to the Disaster and Fire Safety Commission and staff to come back and request funding as staff is able to meet the actual task.

Short Term Referrals: Referrals that staff determines will be able to complete in approximately 90 days with existing resources are not on the RRV list. Since May 2018, staff has completed 22 short term referrals and council has adopted 23 new short term referrals, bringing the total to 91. Of that total, 66 have been completed and the remaining 27 are in various stages of progress (see Attachment 6).

Referral Title	Recommendation	Meeting Date	Lead City Department	Referral Member	Sponsors	Rank
Refer to the Planning Commission and Housing Advisory Commission to Research and Recommend Policies to Prevent Displacement and Gentrification of Berkeley Residents of Color and African Americans DMND0003732	Refer to the Planning Commission and Housing Advisory Commission to research and recommend policies to prevent displacement and gentrification of Berkeley residents of color. Recommended policies should include real solutions. The Commission should do the following: - Develop a policy to address the erosion of People of Color (POC), including the African American sector of our Berkeley society. - Develop rules and regulations to halt the loss of People of Color including the African American communities. - Develop a "right to return" for Berkeley's People of Color including the African American communities who have been displaced by these economic and social developments, especially those who continue to be employed in our City, even after having to relocate beyond our boundaries. - Solicit expert and lived experience testimonies regarding displacement and gentrification. - Recommend alternatives to prevent displacement and gentrification of our valued Berkeley citizens of color and African Americans. Hold public workshops on the subject.	2019-04-30	PLANNING & DEVELOPMENT	Cheryl Davila	Cheryl Davila, Ben Bartlett, Kate Harrison	1
Missing Middle Housing Report DMND0003730	Refer to the City Manager to prepare a report to the Council of examining methods, including potential revisions to the zoning code, that may foster a broader range housing types across Berkeley, particularly missing middle housing types (duplexes, triplexes/fourplexes, courtyard apartments, bungalow courts, townhouses, etc.), in areas with access to essential components of livability like parks, schools, employment, transit, and other services. Given the range of requests included in this referral, it is expected that responding to the referral will require a combination of field research, consultation with design professionals and other cities and agencies, and community outreach and engagement. Council requests that staff initiate this work as soon as possible.	2019-04-23	PLANNING & DEVELOPMENT	Lori Droste	Lori Droste, Ben Bartlett, Rigel Robinson, Rashi Kesarwani	2

Referral Title	Recommendation	Meeting Date	Lead City Department	Referral Member	Sponsors	Rank
Non-Criminal Options for Enforcement of Sidewalk Regulations DMND0002821	Refer to the City Manager the development of non-criminal options for the enforcement of Berkeley laws and regulations related to use of public space that: Reduce, delay or, if possible, eliminate criminal penalties; Offer positive alternatives; and Ensure that the City has effective tools for enforcement of laws and regulations. While ensuring effective enforcement, options should delay or avoid pursuing infractions and misdemeanors and provide options to cure violations through positive actions such as mandated and verified community service, education, or participation in social service programs.	2018-10-16	CITY MANAGER'S OFFICE		Jesse Arreguin, Sophie Hahn, Linda Maio, Susan Wengraf	3
Refer to the City Manager and the Housing Advisory Commission to Consider Reforming the Affordable Housing Mitigation Fee DMND0003729	Refer to the City Manager, the Planning Commission, and the Housing Advisory Commission to consider possible reforms to the Affordable Housing Mitigation Fee, including adopting a per-square-foot fee structure, potentially on a geographic basis.	2019-04-23	PLANNING & DEVELOPMENT	Rigel Robinson	Rigel Robinson, Sophie Hahn, Jesse Arreguin, Lori Droste	4
Short-Term Referral to City Manager and Office of Energy and Sustainable Development to Draft Ordinance Amending Berkeley Municipal Code Chapter 7.52, Reducing Tax Imposed for Qualifying Electrification, Energy Efficiency and Water Conservation Retrofits DMND0002891	Short-Term Referral to City Manager and Office of Energy and Sustainable Development to Draft Ordinance Amending Berkeley Municipal Code Chapter 7.52, Reducing Tax Imposed for Qualifying Electrification, Energy Efficiency and Water Conservation Retrofits	2018-11-27	PLANNING & DEVELOPMENT		Kate Harrison, Cheryl Davila	5
Referral to Planning Commission: Guiding Development on San Pablo Avenue DMND0002541	Refer to the Planning Commission the development of a Plan to guide development on San Pablo Avenue.	2015-07-14	PLANNING & DEVELOPMENT	Linda Maio	Linda Maio	6

Referral Title	Recommendation	Meeting Date	Lead City Department	Referral Member	Sponsors	Rank
Paid Family Leave Policy in Berkeley to Supplement California Paid Family Leave Program DMND0003731	That the City Council adopt this policy and refer to the City Manager and City Attorney to amend the proposed ordinance based on the recommendations of the Paid Family Leave (PFL) Subcommittee and to conform to legal and code consistency requirements.	2019-04-23	Human Resources		Ben Bartlett, Sophie Hahn, Kate Harrison, Cheryl Davila	7
Referral to Planning Commission to Provide Ordinance Language for the Creation of Junior ADUsDMND0002539	Refer to the Planning Commission to provide ordinance language for the creation of Junior ADUs and return to City Council for adoption.	2017-05-02	PLANNING & DEVELOPMENT	Susan Wengraf	Susan Wengraf	8
Referral: Report on Public Realm Pedestrianization Opportunities [Transportation Commission]DMND0003734	Refer to the Transportation Commission to generate a report on potential public realm pedestrianization opportunities in Berkeley.	2019-04-30	Public Works	Rigel Robinson	Rigel Robinson, Sophie Hahn	9
Referral to the City Manager and Planning Commission: Update BMC Chapter 22.16 Development Agreement Procedures DMND0002824	Refer to the City Manager and Planning Commission to review and update the Berkeley Municipal Code Chapter 22.16 Development Agreement Procedures to create a streamlined process that maximizes community benefits and conforms to State law.	2018-10-30	PLANNING & DEVELOPMENT		Sophie Hahn, Lori Droste, Kate Harrison	10
Vitality of University AvenueDMND0002499	Refer to the City Manager and Economic Development to analyze storefront vacancies on University Avenue and make recommendations on how to create a more vibrant streetscape on our main boulevard.	2017-07-11	Office of Economic Development		Linda Maio, Cheryl Davila, Kate Harrison	11



Referral Title	Recommendation	Meeting Date	Lead City Department	Referral Member	Sponsors	Rank
Health Equity & Innovation District DMND0002480	Referral to the Planning Commission, the Community Health Commission, the Commission on Aging, and the City Manager to establish a Health Equity & Innovation District (HID). The goal of the HID is to reduce chronic racial health disparities and improve the overall public health strategy of Berkeley by fostering innovations in healthcare delivery, improving resiliency, and strengthening the integration of health services and systems. The HID is intended to draw investment and grant opportunities, as well as to explore the expansion of scope of practice for medical providers.	2018-03-27	HEALTH, HSG & COMMUNITY SVC		Ben Bartlett, Sophie Hahn, Jesse Arreguin	12
Referral to City Manager to look into establishing a Berkeley Fair Chance Ordinance, Banning the Box in Housing and Renting to Mitigate Discrimination Against Formerly Incarcerated People DMND0002944	Referral to the City Manager and 4x4 Committee to look into banning the box for housing and rental units I. Preclude housing providers from taking adverse actions against tenants who were formerly incarcerated. II. Allow a tenant to submit a complaint to the proper City agency if a tenant suspects that their landlord has violated this ordinance. III. Impose appropriate and proportionate penalties on housing providers that violate the ordinance.	2018-10-30	CITY MANAGER'S OFFICE		Kriss Worthington, Cheryl Davila, Ben Bartlett, Jesse Arreguin	13
Solano Avenue Economic Development Study DMND0002500	Refer to the City Manager to undertake a comprehensive study of the Solano Avenue Commercial District, to provide baseline information for future strategic planning and business development and initiatives that will result in increased tax revenues for the City of Berkeley, and to report to the Council on a priority basis, at an upcoming worksession.	2017-04-25	Office of Economic Development	Sophie Hahn	Sophie Hahn	14

Referral Title	Recommendation	Meeting Date	Lead City Department	Referral Member	Sponsors	Rank
Item E - Short-Term Referral to the Planning Commission and Design Review Committee to Research and Draft an Urban Forestry Ordinance Requiring Tree Planting Upon Completion of New Residential Construction and Certain AlterationsDMND0002969	Six-month referral to the Planning Commission to research and draft an Urban Forestry Ordinance requiring tree planting upon completion of new construction, excluding single-family homes and ADUs, as well as construction in High Hazard Fire Zones. The Planning Commission should consider the following: <ul style="list-style-type: none"> <li>• Appropriate tree planting requirements for new construction, with the goal of increasing the tree canopy in Berkeley.</li> <li>• Appropriate species requirements.</li> <li>• Establishing a Tree Planting Fund to support increased tree planting throughout Berkeley.</li> </ul>	2018-12-11	PLANNING & DEVELOPMENT		Cheryl Davila, Kate Harrison	15
Creation and Adoption of a Transit Streets Cooperative Agreement with the Alameda-Contra Costa (AC) Transit DistrictDMND0002592	Refer to the City Manager the Creation and Adoption of a Transit Streets Cooperative Agreement with the Alameda-Contra Costa (AC) Transit District.	2017-04-04	Public Works	Sophie Hahn	Sophie Hahn	16
Prioritizing Pedestrians at IntersectionsDMND0002584	Refer to the City Manager and the Transportation Commission the development of policies to improve the pedestrian crossing experience and reduce pedestrian wait times at intersections with "beg buttons," potentially by activating pedestrian crossing signaling with every cycle (as opposed to the current situation, which only activates crossing signals when a button is pushed). Consider the development of a pedestrian-driven intersection improvement process to address signaling and timing inadequacies.	2017-05-16	Public Works		Lori Droste, Susan Wengraf, Ben Bartlett	17
Consideration of Accessibility in Accessory Dwelling Units DMND0002601	The Commission on Disability is recommending that the Council, by resolution if needed, include input from the disability community, accessibility experts, and other related stakeholders, prior to finalization of the Accessory Dwelling Unit ordinance amendment process. We would like the Council to include special considerations for creating Accessory Dwelling Units that are visitable and accessible when possible, and consider incentives for accessibility. Changes in the Accessory Dwelling Unit ordinance represents an opportunity for increased accessible housing in Berkeley, with potential benefits to homeowners and future residents.	2018-09-13	PLANNING & DEVELOPMENT			18

Referral Title	Recommendation	Meeting Date	Lead City Department	Referral Member	Sponsors	Rank
City Manager Referral: Improving the City's Elevator OrdinanceDMND0002550	Referral to the City Manager and Commission on Disability to improve the City's Elevator Ordinance by addressing the concerns of the disabled community.	2018-03-13	PLANNING & DEVELOPMENT		Kriss Worthington, Linda Maio, Sophie Hahn, Kate Harrison	19
Install 4-Way Stop at Gilman Street and Peralta AvenueDMND0002576	Request to the City Manager to install a 4-way Stop at Gilman Street and Peralta Avenue.	2017-05-16	Public Works	Linda Maio	Linda Maio	20
Referral to City Manager to address the conversion of Not Available To Rent rental units to unregistered short term rentals and unregistered medium term rentals from 15 to 30 days DMND0002831	Referral to City Manager to address the apparent conversion of Not Available To Rent rental units to unregistered Short Term Rentals and unregistered medium term rentals from 15 to 30 days. Refer to Planning Department Permit Service Center, Code Enforcement, Finance Department, Rent Stabilization Board, and Host Compliance, to comprehensively review whether units that are not available for rent (NAR) are compliant with Rent Board Regulations, and short-term rental (STR) regulations.	2018-10-30	CITY MANAGER'S OFFICE		Kriss Worthington, Kate Harrison	21
Street Sweeping Improvement PlanDMND0002583	Refer to the City Manager, Public Works commission, and Zero Waste commission to develop a new strategy to ensure that street sweeping is not obstructed by waste/recycling pick-up. In addition to being unsightly, without proper street sweeping, trash and debris are more likely to go into the stormwater drains. Specifically 1. Staff should provide a map of streets in which sweeping days and waste/recycling pickup coincide to better understand where and when this problem occurs; and 2. Staff and Commissions should return to Council with a proposed solution including, but not limited to, rescheduling street sweeping and waste/recycling pickups to ensure that both services do not occur on the same day.	2018-03-27	Public Works		Lori Droste, Jesse Arreguin	22

Referral Title	Recommendation	Meeting Date	Lead City Department	Referral Member	Sponsors	Rank
Referring to City Manager to Draft an Ordinance Amending Berkeley Municipal Code Chapter 12.92 to Specify the Time Period after which Buildings Containing Vacant Commercial Units Meet a Condition of Unlawful NuisanceDMND0002835	Refer City Manager to draft an ordinance amending Berkeley Municipal Code Chapter 12.92 to specify the time period after which buildings containing vacant commercial units meet a condition of unlawful nuisance.	2018-10-30	Office of Economic Development		Cheryl Davila, Kate Harrison	23
Encouraging Long-Term Tenant StabilityDMND0002887	Facilitate the ability of long-term tenants to purchase their residence by referring to the City Manager to amend BMC 21.28.080 as it pertains to the Affordable Housing Mitigation fee as follows: If the property contains 4 units or fewer, the affordable housing mitigation fee for a unit that is and has been occupied by an owner as his or her principal place of residence for at least 5 consecutive years immediately prior to the date of conversion or sale, including as a tenant in that unit immediately prior to ownership, shall be reduced by 50 percent.	2018-11-27	PLANNING & DEVELOPMENT		Linda Maio, Lori Droste, Kate Harrison, Sophie Hahn	24
Use of Gender Neutral Language in City Documents DMND0003695	Refer to the City Manager to: 1. Develop and return to Council with a procedural and financial plan to modify all appropriate City forms to include an optional field for personal gender pronouns (she/her, he/him, they/them, and space to specify other). 2. Develop and return to Council with a procedural and financial plan to revise the Berkeley Municipal Code to replace all instances of gendered pronouns with the singular "they," and amend Sections 1.04.020, 4.36.110, 4.38.110, 4.39.110, and 11.08.050 regarding grammatical interpretation to indicate that whenever a gender neutral personal pronoun is used, it shall be deemed to include the feminine and masculine also.	2019-03-12	City Manager	Rigel Robinson	Rigel Robinson, Cheryl Davila, Ben Bartlett, Lori Droste	25

Referral Title	Recommendation	Meeting Date	Lead City Department	Referral Member	Sponsors	Rank
Refer to the City Manager to add a condition to Zoning Board Approved permits to bring attention to the Pay Transparency policy to project applicants, and consider these Pay Transparency Ordinance amendments DMND0002910	That the Council refer to the City Manager to add a condition to Zoning Board Approved permits in order to bring attention to the Pay Transparency policy to project applicants, and consideration of amendments to the Pay Transparency Ordinance.	2018-11-27	PLANNING & DEVELOPMENT		Kriss Worthington, Jesse Arreguin	26
Farmers' Markets Investments DMND0002606	Refer to the City Manager to initiate improvements and changes to support the Berkeley Farmers' Markets that would address growing public safety and access concerns while enhancing the shopping experience and benefit the markets.	2018-09-25	Public Works		Linda Maio, Kate Harrison, Sophie Hahn, Jesse Arreguin	27
Referral Response: Gender Pay Equity DMND0002496	3. Develop an equal pay certification program for city contractors.	2017-04-04	Office of Economic Development			28
Referral Response: Gender Pay Equity DMND0002453	1. Direct staff to draft an ordinance related to an equal pay vendor preference for city contractors who demonstrate equal pay for male and female employees (gender based on self-identification)	2017-04-04	Finance			29
Accessory Dwelling Unit Ordinance Updates DMND0002603	Refer to the Planning Commission to consider additional elements for Berkeley's Accessory Dwelling Unit Ordinance (BMC 23C.24), on an expedited basis, and refer to the Disaster and Fire Safety Commission bullet point #5, relating to potential obstruction of emergency vehicles, and request that their recommendations be sent directly to the Planning Commission to inform the Planning Commission's review and recommendations. Amendments: Remove the language regarding view protections; Add new #9 on hillside heights measurements where no previous structure exists; Add "and any other solutions" to #5 regarding parking; Include the referral from Item 15 with this referral.	2018-09-13	PLANNING & DEVELOPMENT		Sophie Hahn, Susan Wengraf, Kate Harrison	30

Referral Title	Recommendation	Meeting Date	Lead City Department	Referral Member	Sponsors	Rank
Referral to the City Manager and the Housing Commission to Consider Creating a Dedicated Revenue Stream from Campus Area Projects to Fund Housing for Homeless and Extremely Low Income Students, and Drafting a Letter Encouraging Exploration of University Funding streams for student housingDMND0002479	Refer to the City Manager and Housing Commission to consider in partnership with the proposed density bonus in the campus area and other policies directed at increasing student housing, creating a dedicated revenue stream to fund housing for homeless and extremely low income students using methods of identifying eligible students based on one or more of the following criteria: EOP, FAFSA, Pell Grant, Work Study qualified, family income or other verifiable status as well as similar categories applicable to graduate students.	2018-01-30	HEALTH, HSG & COMMUNITY SVC		Kriss Worthington, Ben Bartlett	31
Budget Referral: Increasing Safety at San Pablo Park DMND0002960	3. Re-initiate classes for daycare providers who use San Pablo Park out of the Frances Albrier Community Center: Historically, the City provided a variety of classes on safety and recreation for daycare providers who use San Pablo Park. This referral includes re-establishing a series of courses that daycare providers find useful based on gathering their input. One such course requested was sheltering in place in the situation of an active shooter.	2018-11-13	Parks, Recreation & Waterfront		Cheryl Davila	32
Rectify Discrepancy Regarding Inclusionary Units in Live/Work Housing DMND0002602	Refer amendments to the Berkeley Municipal code (Sections 23C.12 and 23E.20.080) to rectify discrepancies over how Live/Work Unit inclusionary requirements are governed, both for rental and owner occupied units, to the Planning Commission.	2018-09-13	PLANNING & DEVELOPMENT		Kate Harrison, Ben Bartlett	33

Referral Title	Recommendation	Meeting Date	Lead City Department	Referral Member	Sponsors	Rank
Adopt a resolution in support of the Good Food Purchasing Program's core values and join San Francisco, Oakland, Los Angeles and Chicago as one of the first five cities nationwide to become a Good Food Purchasing partner, and refer to the City Manager to incorporate over time the vision and standards of the Good Food Purchasing Program (GFPP) into City of Berkeley food purchasing practices. DMND0003733	Adopt a resolution in support of the Good Food Purchasing Program's core values and join 28 public institutions across 14 U.S. cities, including San Francisco, Oakland, Los Angeles, Chicago, and Washington, D.C. to endorse Good Food Purchasing values, and refer to the City Manager to incorporate over time the vision and standards of the Good Food Purchasing Program (GFPP) into City of Berkeley food purchasing practices.	2019-04-30	CITY MANAGER'S OFFICE	Sophie Hahn	Sophie Hahn, Jesse Arreguin, Cheryl Davila, Rigel Robinson	34
Amending BMC Chapter 9.04: Tax Rate for Non-Medical Cannabis Businesses DMND0002454	3) request that staff explore variable or progressive tax rates based on license types; and	2018-02-13	Finance		Jesse Arreguin	35
Companion Report: The SSBPPE Commission's Proposed Policy to Refrain from Procuring, Selling, and Serving Sugar-Sweetened Beverages DMND0002478	Refer both Item 26a and 26b to the City Manager and request that the City Manager draft an ordinance for consideration by the City Council. Original Comm Recommendation: "...adopt an Ordinance amending the Administrative Code to direct the City of Berkeley departments and City food services contractors to refrain from: 1. Procuring sugar-sweetened beverages with City funds; 2. Selling sugar-sweetened beverages on City property, including in vending machines; and 3. Serving sugar-sweetened beverages at City meetings and events on City property."	2018-03-27	HEALTH, HSG & COMMUNITY SVC			36
Revitalization of the Civic Center Park Fountain DMND0002962	Refer to the City Manager to work with the Turtle Island Fountain Project in developing a plan to revitalize the fountain at Martin Luther King Jr. Civic Center Park and consider this referral as part of the Civic Center Park visioning RFP.	2018-12-04	CITY MANAGER'S OFFICE		Jesse Arreguin, Kate Harrison, Sophie Hahn, Ben Bartlett	37

Referral Title	Recommendation	Meeting Date	Lead City Department	Referral Member	Sponsors	Rank
Freedom from Domestic Violence as a Human Right Resolution DMND0002446	Adopt the Freedom from Domestic Violence as a Human Right Resolution. City Manager shall prepare a report within the next six (6) months on the policy and practice of City departments on domestic violence, including but not limited to, the Berkeley Police Department, the Berkeley Fire Department, and Health, Housing & Community Services, with respect to the status of domestic violence and the City's work to overcome domestic violence and support survivors. BE IT FURTHER RESOLVED that City departments shall work to incorporate this Resolution into their work.	2018-01-23	CITY MANAGER'S OFFICE			38
Refer the City Manager to Improve the Current Tree Ordinance and Seek Funding Opportunities to Plant More Trees in the City DMND0002923	That the Council refer the City Manager to improve the current tree ordinance to protect more trees, develop policy on street tree/hardscape conflicts, encourage more community initiative and participation in the maintenance and care of our street trees and seek potential funding opportunities to plant more trees in Berkeley and funds to maintain new and existing trees on public property.	2018-11-27	Parks, Recreation & Waterfront		Kriss Worthington, Kate Harrison, Cheryl Davila	39
City Manager Referral to Update City's Municipal Code To Increase Competitiveness of Taxi Industry DMND0002437	That the Council refer to the City Manager to update the City's municipal code sections 9.52.020, 9.52.070, 9.04.020, and 9.04.035 to reflect the following items, in order to increase the competitiveness of our local taxi industry: 3. Allow the annual vehicle inspection to be conducted by either a city employee or an ASI-certified mechanic.; 4. Construct a general policy that would allow taxi stands to operate near newly constructed and existing hotels in the city of Berkeley.; 5. Move the Ashby BART Taxi Stand outside of the BART station to neighboring M.L.K. Jr. Way, in order to increase visibility for taxis.; 6. Extend the exemption of the Low Emission Requirements for vans to taxis due to the unavailability of similarly sized hybrid vehicles.; 7. Extend the validity period of taxi driver ID permits to three years, replacing the current policy of yearly renewals. In addition, all existing permits to January 1, 2018 should perform a net renewal on January 1, 2021.; 8. Waive insurance payments for taxi drivers who must take a leave of absence in case of emergency.; 9. Evaluate the Taxi Driver Association's proposal that the city of Berkeley should change the entire renewal process, including renewal of both physical and mechanical inspections, business licenses, and taxi driver IDs, from one year to three years.	2017-10-17	CITY MANAGER'S OFFICE		Kriss Worthington, Kate Harrison	40



Referral Title	Recommendation	Meeting Date	Lead City Department	Referral Member	Sponsors	Rank
Referral to the Community Environmental Advisory Commission: Cigarette Butt Pollution Prevention Program in South BerkeleyDMND0002448	Refer to the Community Environmental Commission (CEAC) AND THE CITY MANAGER to consider developing a Cigarette Butt Pollution Prevention Program for South Berkeley. Explore the following items: a) Location. Work with the local business associations, business owners, as well as other neighborhood and community organizations to identify key locations for cigarette butt receptacles. b) Operation. Work with local businesses to develop a system for cleanup and disposal of the contents of the receptacles. c) Cost. Identify any one-time costs associated with the program, including purchasing and installation of the receptacles. Identify any costs that should be set aside for maintenance. There should not be regular ongoing costs. CEAC should work with the businesses and neighborhoods to develop a community-based system to facilitate daily operations.	2017-07-11	CITY MANAGER'S OFFICE		Ben Bartlett and Kate Harrison	41
Enable Internal Renovation of a Residence That Does Not Increase the Footprint As an AUP if the Building is an Historic Non-Conforming Use in the Percent of Lot CoverageDMND0002537	Refer to the Planning Commission to enable an AUP for the renovation of an existing residence, rather than a Use Permit, in the following circumstances: 1. The renovation does not increase the percentage of lot coverage; 2. The residence is an pre-existing non-conforming use in the percentage of lot coverage; 3. The renovation does not appear to create an intensification of use; 4. No change to the building envelope.	2018-02-27	PLANNING & DEVELOPMENT		Linda Maio, Susan Wengraf, Lori Droste, Kate Harrison	42

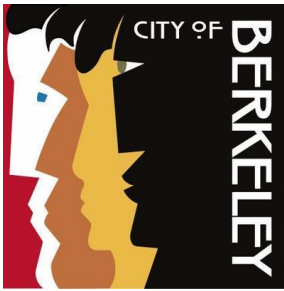
Referral Title	Recommendation	Meeting Date	Lead City Department	Referral Member	Sponsors	Rank
Budget Referral: Youth Listening Campaign & Citywide Master Plan DMND0002444	Amended to include Youth Commission. In support of the 2020 Vision process and as part of the larger commitment of the City of Berkeley to its young people, we are proposing a planning process that centers the voices and needs of young people, their families and the people who support them day-in and day-out. The process would include: 1) A Listening Campaign that would include focus groups, surveys and one-on-one interviews to identify the experiences of, perspectives of, needs of and barriers for young people, ages 13-24, in securing and maintaining safety and well-being, achieving their goals and dreams, and having positive and supportive relationships with adults in their lives, including the schools and programs they participate in; 2) Use the results of the Listening Campaign to organize assemblies of young people, their families and the programs and providers they are connected to in order to collectively reflect on the results and identify potential services, programs, resources and policies that could respond to their needs, reduce barriers and harms and broaden what is available to support young people; and 3) Use the outcomes from the assembly process and Listening Campaign to partner with city staff in creating a Youth Master Plan.	2017-05-30	CITY MANAGER'S OFFICE		Cheryl Davila, Jesse Arreguin	43
Referral to the City Manager to consider the videotaping of Planning Commission meetings DMND0002823	That the City Council refer to the City Manager to consider ways of videotaping the Planning Commission meetings in the same manner as Zoning Adjustment Board meetings.	2018-10-16	Information Technology		Kriss Worthington, Cheryl Davila	44
Construct Additional Taxi Stands and Relocate One Stand Within the City DMND0002954	That the Council refer to the City Manager the construction of seven taxi stands in total and the relocation of one stand in the City to improve accessibility for pedestrians, create visibility, and increase profits for taxi drivers. These taxi stands should be constructed at the following sites: Two stands at Hotel Shattuck; Two stands at the Doubletree Hotel; Two stands at Telegraph & Bancroft or Durant & Telegraph; and One stand at Bancroft Hotel. In addition, the Ashby BART taxi stand shall be relocated closer to the station entrance on MLK Jr. Way.	2018-11-13	CITY MANAGER'S OFFICE		Kriss Worthington, Cheryl Davila, Sophie Hahn	45

Referral Title	Recommendation	Meeting Date	Lead City Department	Referral Member	Sponsors	Rank
Referral Response: Modifications to the Zoning Ordinance to Support Small Businesses (Beer/Wine in M Dist)DMND0002913	Refer to staff and the Planning Commission to consider amendments related to beer and wine sales in the M District.	2018-12-04	PLANNING & DEVELOPMENT			46
City Manager Short-Term Referral: To Change Telegraph Avenue Parking Signs to Allow Parking All Times DMND0002949	That the Council refer to the City Manager to eliminate the no parking signs on Telegraph Avenue between Bancroft and Dwight.	2018-11-13	Public Works		Kriss Worthington	47
Business License Tax Renewal ProcedureDMND0002456	Refer to the City Manager to draft an amendment to the Berkeley Municipal Code Title 9 Chapter 9.04.065 to grant a grace period for enforcement of business license requirements for contractors seeking building permits through March 31 of each year, as long as the contractor had an active business license the previous year.	2015-02-24	Finance	Lori Droste	Lori Droste	48
Mitigating Impacts of Outdoor Air Quality on Indoor Air Quality in BerkeleyDMND0002543	Refer the item to the Planning Commission to consider the analyses presented here, and the draft provided in Appendix II, to create new Standard Conditions of Approval (SCA) for new building construction near major sources of air pollution, to achieve an acceptable level of indoor air quality (IAQ) for sensitive receptors.	2017-07-11	PLANNING & DEVELOPMENT			49
Auto Sales in Commercial South Area (C-SA) ZonesDMND0002596	Refer to the Planning Commission and the Adeline Corridor Planning Process to develop an ordinance that would prohibit new auto uses and auto sales in C-SA zones. Moved to Consent Calendar with the request that the Planning Commission consider grandfathering in the existing auto sales uses in case of rebuilding or repairing after catastrophic damage or disaster (that no new permit would be required), and allow the existing uses to update vehicles, equipment, and buildings with upgrades and that help the City achieve its Climate Action Plan goals.	2018-07-10	PLANNING & DEVELOPMENT		Jesse Arreguin, Ben Bartlett, Sophie Hahn	50

Referral Title	Recommendation	Meeting Date	Lead City Department	Referral Member	Sponsors	Rank
Gender ID - City Records: Adopt definitions and ordinance to use the name, pronoun, and gender marker consistent with individual's gender identity on city documents and public records DMND0002598	In Chapter 13.28.020, adopt definitions of Gender Identity and Gender Expression; and adopt ordinance 13.28.065 requiring City of Berkeley officials, staff, and personnel to record the name, pronoun, and gender marker in accordance with an individual's gender identity - male, female, or nonbinary - on all City of Berkeley documents and records, if distinct from name and sex listed on government identification forms.	2018-07-24	CITY MANAGER'S OFFICE	Kriss Worthington	Kriss Worthington	51
Creating Additional Administrative Powers of Zoning Officer to Grant or Recommend New Permits as Related to Code Enforcement DMND0002545	Refer to the City Manager and Berkeley Planning Commission to explore the creation of a mechanism that would explicitly allow staff new discretionary powers to prevent applicants from being granted new residential permits until they have abated outstanding noncompliance issues or code violations in other buildings they own in Berkeley within a reasonable time frame or taken good faith measures to commence doing so.	2014-09-09	PLANNING & DEVELOPMENT			52
Prohibiting Discrimination on the Basis of Relationship Structure DMND0002425	Refer the proposed language to the City Manager requesting that the City amend Chapter 13.31 as proposed to prohibit discrimination on the basis of relationship structure in regard to Employment, Real Estate Transactions, Business Practices, City Facilities and Services or Education on the Basis of Relationship Structure.	2017-12-19	City Attorney	Linda Maio	Linda Maio	53
Companion Report: Ban on Receipts Made with Bisphenol A (BPA) and Other Phenols DMND0002609	Take no action on the Community Health Commission recommendation to adopt an ordinance to ban the use of thermal paper by 2020 and instead implement a community education effort about methods for reducing exposure to BPA-treated thermal paper. Approved the recommendation with the amendment requesting that staff conduct a survey to determine how many businesses are using receipts with BPA.	2018-09-25	CITY MANAGER'S OFFICE			54
Fuel Station Carbon Dioxide Labels DMND0002426	Adopt items 40.a. and 40.b. directing the City Manager to prepare an ordinance requiring climate change labels at fuel dispensing facilities and submit the draft ordinance to the commissions for review.	2014-11-18	City Attorney			55
Home Share Pilot Program Recommendation DMND0002822	Item 26a moved to the Consent Calendar to refer to the City Manager the possibility of working within existing similar programs such as Safe Home and Ashby Village.	2018-10-16	HEALTH, HSG & COMMUNITY SVC			56

Referral Title	Recommendation	Meeting Date	Lead City Department	Referral Member	Sponsors	Rank
Create and Implement Additional Sensitivity Training Options for Taxi Drivers DMND0002953	That the Council refer to the City Manager the creation and implementation of one of the following two additional options for sensitivity trainings to allow for more accessibility for new and continuous taxi drivers. Firstly, an online sensitivity training course should be created and implemented in the City's current taxi checklist. Secondly, there should be a designated sensitivity training site readily accessible within the City.	2018-11-13	CITY MANAGER'S OFFICE		Kriss Worthington, Cheryl Davila, Kate Harrison	57
Referral to the Civic Arts Commission and City Manager to Identify All Funds Attributed to FestivalsDMND0002492	Refer to the City Manager to provide a report on the funds being attributed to festivals.	2017-09-12	Office of Economic Development		Kate Harrison, Sophie Hahn, Cheryl Davila	58
Refer to the City Manager's Office and Budget Referral: Second Dwelling Unit/Accessory Dwelling Unit Pilot Program to House the HomelessDMND0002536	Refer to the City Manager's office and the HAC to develop a second dwelling unit/accessory dwelling unit Pilot Project as an additional strategy to provide housing for homeless persons and families.	2017-12-05	PLANNING & DEVELOPMENT	Ben Bartlett	Ben Bartlett	59
Campus-City National Night Out. Revised to be a Referral with no specific date - Revised materials (Supp 1) DMND0002599	Adopting a Resolution to refer the campus-city National Night Out event to the City Manager to help reduce crime in the campus area.	2018-07-24	Police	Kriss Worthington	Kriss Worthington	60
Personal Delivery Service Franchise AgreementsDMND0002587	Referral to the City Manager's Office to develop a program that would enable the City to consider franchise applications for personal delivery service companies involving personal delivery devices.	2017-12-19	Public Works	Ben Bartlett	Ben Bartlett	61
Westbrae Traffic PlanDMND0002586	Refer to the Transportation Commission and City Manager the development of a traffic management plan for the Westbrae Area.	2014-10-21	Public Works	Linda Maio	Linda Maio	62
Dog Owner Education, Cesar Chavez ParkDMND0002505	Request the City Manager to look into the development of a dog owner education program at Cesar Chavez Park as to the designated on-leash and off-leash areas using volunteers who would be eligible for a small stipend. Consider partnering with the Berkeley Humane Society.	2017-04-25	Parks, Recreation & Waterfront	Linda Maio	Linda Maio	63

Referral Title	Recommendation	Meeting Date	Lead City Department	Referral Member	Sponsors	Rank
Expediting Consideration of a Potential \$3 million Grant to Build a Magical Bridge Playground and sending a letter of intent (Continued from April 5, 2016)DMND0002501	Request the City Manager to expedite consideration of a potential \$3 million grant to build a Magical Bridge Playground, and send a letter of intent to the Magical Bridge Foundation.	2016-04-26	Parks, Recreation & Waterfront		Kriss Worthington, Jesse Arreguin	64
Resolution referring the Wildfire App to the City Manager DMND0002600	Adopting a Resolution referring the Wildfire App to City Manager in order for the Berkeley Police Department to provide Berkeley residents with real time updates on their community.	2018-07-24	FIRE & EMERGENCY SERVICES	Kriss Worthington	Kriss Worthington	65
City Manager Referral; Expansion of the GoBerkeley Transportation Program by Installing Streetline Hybrid Smart ParkingDMND0002588	City Manager Referral; Expansion of the GoBerkeley Transportation Program to include the installment of Streetline Hybrid Smart Parking on a non-exclusive basis.	2017-04-04	Public Works	Kriss Worthington	Kriss Worthington	66
Request that the City Manager work with Caltrans to upgrade the intersection at San Pablo and CedarDMND0002585	Request the City Manager analyze the subject intersection and work with Caltrans to make improvements to prevent long back-ups at the intersection of San Pablo and Cedar, particularly focused on the need to create a left-turn lane onto San Pablo heading north.	2015-01-27	Public Works	Linda Maio	Linda Maio	67
Referring the NextDoor app - Revised materials (Supp 2)DMND0002597	Adopting a resolution referring the Nextdoor App to City Manager in order for the Berkeley Police Department to provide Berkeley residents with real time updates about their community.	2018-07-24	FIRE & EMERGENCY SERVICES	Kriss Worthington	Kriss Worthington	68



# Councilmember Ben Bartlett

City of Berkeley, District  
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## CONSENT CALENDAR

June 11, 2019

To: Policy Committee: Land Use, Housing & Economic Development Committee, and Honorable Mayor & Members of the City Council  
From: Councilmember Ben Bartlett, Mayor Jesse Arreguin, and Councilmember Kate Harrison  
Subject: Berkeley Opportunity Zone Displacement Mitigation Zoning Overlay

### SUBJECT

Berkeley Opportunity Zone Displacement Mitigation Zoning Overlay

### RECOMMENDATION

Direct the City Manager and refer to the Planning Commission to create one or several zoning overlays, and/or recommend any mechanism, which protects Berkeley residents living in one or all of Berkeley's Federal Opportunity Zones from gentrification and displacement. Overlays and/or recommendations may also confer community benefits, including but not limited to: affordable housing, supportive social services, green features, open space, transportation demand management features, job training, and/or employment opportunities.

### CURRENT SITUATION

The IRS, working with individual states, designated certain low-income Census tracts as Opportunity Zones as part of the Tax Cuts and Jobs Act of 2017. Investors can defer taxes on capital gains by investing those gains in property in these zones. Investments in Opportunity Zones excuse a percentage of those capital gains from taxes, and property appreciation is untaxed if the property is held longer than 10 years. Opportunity Zones offer a powerful investment vehicle for the wealthy. There are no stipulations protecting neighborhoods from gentrification and displacement caused by rapid, top-down investment from members outside their community. Berkeley's residents living in Opportunity Zones, specifically around the Adeline Corridor and West Berkeley, are currently vulnerable to gentrification and displacement caused by unmitigated, top-down speculation.

### BACKGROUND

The Tax Cuts and Jobs Act of 2017 created a vehicle for investors to defer taxes on capital gains while investing in economically-distressed communities. When an individual sells their investment and generates capital gains, that person can invest any portion of those gains into a qualified Opportunity Fund within 180 days. The deferred capital gains will be taxed on the date the investment in the Opportunity Fund is sold, or on December 31, 2026, whichever comes first. Opportunity Funds must invest in property in distressed communities designated as qualified Opportunity Zones by the IRS<sup>1</sup>. Investors can defer taxes on capital gains by investing in an Opportunity Fund until the investment in the Opportunity Fund is sold, or on

<sup>1</sup> <https://www.congress.gov/bill/115th-congress/house-bill/1>

December 31, 2026, whichever occurs first. Investments in qualified Opportunity Funds held longer than 5 years allow taxpayers to exclude 10% of the deferred gain, those held longer than 7 years allow taxpayers to exclude a total of 15% of the deferred gain, and those held longer than 10 years allow the taxpayer to exclude the post-acquisition gain on the investment in the Funds<sup>2</sup>. The above structure incentivizes investors to buy properties in Opportunity Zones and either refurbish or replace them with structures to maximize post-acquisition gain.

Such zones in Berkeley that have been designated by the California Department of Finance as qualified Opportunity Zones include the Alameda County tract numbers 4232, 4235, 4239.01, and 4525. These areas include several blocks surrounding Shattuck Avenue from University Avenue to Ashby Avenue, several streets surrounding Adeline Street until 52nd Street (often referred to as the “Adeline Corridor”), and a rectangular shape of land bordering University Avenue north and San Pablo Avenue to the east and terminating at Dwight Way<sup>3</sup>.

Berkeley’s Opportunity Zones, specifically in the Adeline Corridor and West Berkeley, are in areas vulnerable to, or currently undergoing, gentrification. The National Community Reinvestment Coalition (NCRC) compared Census data from 2010 with 2000 to determine Census tracts vulnerable to gentrification, including those currently gentrifying. Census tract 4240.01, the neighborhood between Sacramento Street, Ashby Avenue, Adeline Street, and Alcatraz Street in South Berkeley was deemed gentrifying. Between 2000 and 2010 the African American population decreased by roughly one third, from 1,821 to 1,264. In Census tract 4232 in West Berkeley, the African American population nearly halved, from 1,025 in 2000 to 687 in 2010. Both Census tracts contain Opportunity Zones. Furthermore, the neighborhoods surrounding these Opportunity Zones share similar demographic shifts. Census tract 4234, north of the Adeline Opportunity Zone, saw its African American population decline almost a third from 2000 to 2010. Census tract 4005, to the East, experienced the same phenomenon over the same period. This pattern applies to almost every neighborhood surrounding West Berkeley’s Opportunity Zone, as well<sup>4</sup>. UC Berkeley Urban Displacement Project has similarly captured these startling trends. It currently lists tracts 4240.01 and 4234, the Adeline Corridor Opportunity Zone and neighborhood to its north, as experiencing “ongoing gentrification/displacement”. It does not have sufficient data for West Berkeley’s Opportunity Zone tract<sup>5</sup>.

Many of the neighborhoods in and around Berkeley’s Opportunity Zones are either vulnerable to gentrification and displacement, or currently experiencing them. With new, powerful investment incentives from Tax Cuts and Jobs Act of 2017, these neighborhoods are perhaps more vulnerable than they have ever been to top-down negligence and gentrification from profit-driven outside investors.

#### ACTIONS/ALTERNATIVES CONSIDERED

Councilmember Bartlett is proposing a municipal Opportunity Fund as well. The municipal Opportunity Fund will be a powerful tool to direct investment in a way that protects Berkeley’s residents, instead of expediting the ongoing gentrification. A zoning overlay, multiple overlays, or any other recommendation which protects Berkeley residents, is necessary as an immediate

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<sup>2</sup> <https://fundrise.com/education/blog-posts/what-are-opportunity-zones-and-how-do-they-work>

<sup>3</sup> <https://opzones.ca.gov/oz-map/>

<sup>4</sup> <http://maps.ncrc.org/gentrificationreport/index.html>

<sup>5</sup> <https://www.urbandisplacement.org/map/sf>



protection to Berkeley residents and is meant to work with the Municipal Opportunity Fund to ensure a robust investment mechanism that develops Berkeley while benefiting both existing and new residents.

#### RATIONALE FOR RECOMMENDATION

Berkeley residents living in census tracts designated as Opportunity Zones are vulnerable to possible adverse effects from investment in zoned projects. As the Tax Cuts and Jobs Act of 2017 created powerful incentives for investment into Opportunity Zone census tracts, an influx of wealthy investor funds will flow into projects in Berkeley. Those investments will build structures and property that yield the greatest return for investors, not necessarily Berkeley residents. By creating a zoning overlay or similar mechanism to protect those census tracts, Berkeley residents will be protected from displacement.

#### ENVIRONMENTAL SUSTAINABILITY

No adverse effects. A zoning overlay, or similar recommendations, can specify projects in Opportunity Zones to be more environmentally friendly than current policies require.

#### FISCAL IMPACTS

To be determined. Pending recommendations by the Planning Commission. Depending on the Planning Commission's recommendations, staff time and cost to the City will vary.

#### CONTACT PERSON

Councilmember Ben Bartlett:  
James Chang  
Matthew Napoli

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**ANNOTATED AGENDA  
BERKELEY CITY COUNCIL MEETING  
Tuesday, June 11, 2019  
6:00 PM**

SCHOOL DISTRICT BOARD ROOM - 1231 ADDISON STREET, BERKELEY, CA 94702

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI  
DISTRICT 2 – CHERYL DAVILA  
DISTRICT 3 – BEN BARTLETT  
DISTRICT 4 – KATE HARRISON

DISTRICT 5 – SOPHIE HAHN  
DISTRICT 6 – SUSAN WENGRAF  
DISTRICT 7 – RIGEL ROBINSON  
DISTRICT 8 – LORI DROSTE

**Preliminary Matters**

**Roll Call:** 6:58 p.m.

**Present:** Kesarwani, Bartlett, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin

**Absent:** Davila

Councilmember Davila present at 7:00 p.m.

**Ceremonial Matters:**

1. Recognition of Susan Hodge
2. Recognition of Hannah and Friends Bikeathon
3. Presentation: East Bay Municipal Utility District

**City Manager Comments: None**

**City Auditor Comments:**

The City Auditor presented the findings of Fire Prevention Inspections audit to the City Council.

**Public Comment on Non-Agenda Matters:** 10 speakers.

**Consent Calendar**

**Public Comment on Consent Calendar and Information Items Only:** 24 speakers.

**Action:** M/S/C (Harrison/Hahn) to adopt the Consent Calendar in one motion except as indicated.

**Vote:** All Ayes.

## Council Consent Items

- 36. Budget Referral: Funding for Berkeley Drop-In Center**  
**From: Councilmembers Bartlett and Davila**  
**Recommendation:** Refer \$190,015 annually to the FY 2020 - FY 2021 Budget process to support the Berkeley Drop-In Center, a program of the Alameda County Network of Mental Health Clients.  
**Financial Implications:** \$190,015  
Contact: Ben Bartlett, Councilmember, District 3, 981-7130  
**Action:** Approved recommendation.
- 37. Budget Referral: Funding for Youth Spirit Artworks**  
**From: Councilmembers Bartlett and Davila**  
**Recommendation:** Refer \$198,000 annually to the Budget process to support Youth Spirit Artworks for the BUSD Homeless Student Program: \$55,000 to serve high school aged youth who are in school; the YSA Vocational Arts Program: \$65,000 to serve 130 Berkeley youth with job training services, and for the new YSA Tiny House Village Program: \$78,000 to case manage youth who are in transitional housing services.  
**Financial Implications:** See report  
Contact: Ben Bartlett, Councilmember, District 3, 981-7130  
**Action:** Approved recommendation.
- 38. FY 2020-21 Budget Referral: Funding for Intercity Services**  
**From: Councilmembers Bartlett and Davila**  
**Recommendation:** That the City Council refer \$203,286 annually to the budget process to support the Intercity Services.  
ICS' Workforce Services Proposal requested was for \$203,286; however, the Commission and the City Manager made a Joint Recommendation for \$101,351.  
**Financial Implications:** See report  
Contact: Ben Bartlett, Councilmember, District 3, 981-7130  
**Action:** Approved recommendation.
- 39. Berkeley Opportunity Zone Displacement Mitigation Zoning Overlay**  
**From: Councilmember Bartlett, Mayor Arreguin, and Councilmember Harrison**  
**Recommendation:** Direct the City Manager and refer to the Planning Commission to create one or several zoning overlays, and/or recommend any mechanism, which protects Berkeley residents living in one or all of Berkeley's Federal Opportunity Zones from gentrification and displacement. Overlays and/or recommendations may also confer community benefits, including but not limited to: affordable housing, supportive social services, green features, open space, transportation demand management features, job training, and/or employment opportunities.  
**Financial Implications:** To be determined  
Contact: Ben Bartlett, Councilmember, District 3, 981-7130  
**Action:** Councilmember Hahn added as a co-sponsor. Approved recommendation amended to read, "Refer to the City Manager..."





Office of the City Manager

**0**  
**Worksession**

WORKSESSION  
June 18, 2019

To: Honorable Mayor and Members of the City Council  
From: Dee Williams-Ridley, City Manager  
Submitted by: Melissa McDonough, Senior Management Analyst, City Manager's Office  
Subject: Strategic Plan Proposed Fiscal Year 2020-2021 Projects and Programs, and  
Planning Commission Work Plan

SUMMARY

This report provides City Council with an overview on proposed Strategic Plan projects and programs from all departments, as well as a detailed look at the Planning Department and Planning Commission Work Plan, to inform its review and discussion of the proposed FY 2020-2021 budget. To be proposed, each Strategic Plan project or program (i.e., a group of related projects):

- Advances a Strategic Plan goal;
- Has a clear scope of work and proposed start/end dates;
- Supports but is not already part of "baseline" services; and
- Usually involves multiple departments.

In crafting the attached list of proposed Strategic Plan projects and programs, City staff considered a number of factors including City Council referrals, voter-approved measures and initiatives, legislative mandates, plans previously adopted by City Council (e.g., Climate Action Plan), and items needed to support baseline operations. The majority (76 percent) of these projects are funded, although there are some projects which are only partially funded (13 percent), and a small number where funding is proposed for this budget cycle (8 percent).<sup>1</sup> Additionally there are a handful of unfunded projects (3 percent), where funding has not yet been identified. At the June 18, 2019 City Council work session, City staff will review and seek input from City Council on the attached list of proposed Strategic Plan projects and programs incorporated into the FY 2020-2021 proposed operating budget and capital improvement program. For projects or programs City Council proposes removing or adding, staff will analyze organizational capacity to perform the work (i.e., staff and resources needed), indicate any notable opportunity costs, and return to City Council in

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<sup>1</sup> All numbers are rounded to the nearest whole number.

November with a revised list of projects and programs for approval along with any staffing impacts and budget amendments that are required.

In addition to the Strategic Plan, there are many other sources of projects for departments. As illustration, this report, with an accompanying presentation, provides a more detailed look at one department, Planning, and one of the sources of projects, Council referrals to and other mandates for the Planning Commission.

### CURRENT SITUATION AND ITS EFFECTS

#### *Overview*

Every two years, City Council adopts a biennial operating budget and multi-year capital improvement program. The operating budget and capital improvement program, by funding various activities, indicate the work the City is planning to accomplish. At its foundation, the operating budget focuses on the ongoing daily operations of the City, as well as work which supports and improves those operations: Strategic Plan projects and programs and prioritized referrals resulting from the reweighted ranked voting (RRV) process.

In the FY2018-2019 budget cycle, 116 Strategic Plan projects and programs were adopted.<sup>2</sup> Of the total, 89 percent are underway or complete.

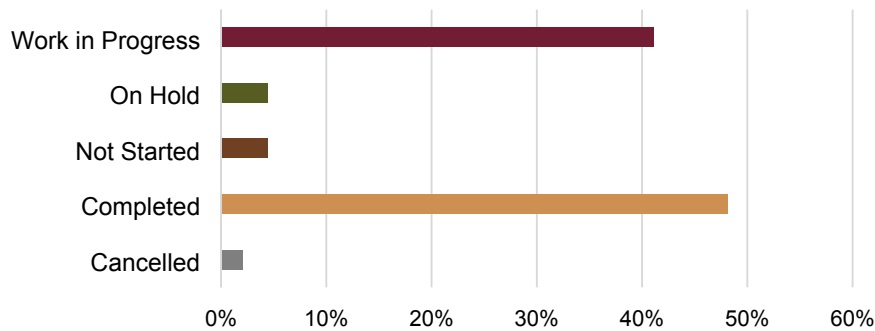


Figure 1 FY18-19 Projects and Programs Status

For the new budget cycle, there are 143 Strategic Plan projects and programs proposed. This represents a 23 percent increase in the number of proposed projects and programs compared to the previous budget cycle. Approximately 62 percent of these projects and programs are new initiatives, in addition to ongoing “carryover” work from the previous budget cycle. Of the proposed FY2020-2021 projects and programs, almost two-thirds were generated by referrals, legislative mandates, voter initiatives,

<sup>2</sup> When all programs are disaggregated to the project level, there are 297 projects for FY2018-2019. For FY2020-2021, programs have not yet been disaggregated.

Council actions, grants, and plans (e.g., Climate Action Plan, Berkeley Resilience Strategy).

Identifying and adopting new Strategic Plan projects and programs as part of the budget cycle, supports all Strategic Plan goals but in particular advances the City's goal to provide an efficient and financially-healthy City government. While the Strategic Plan contains proposed projects and programs from many different departments and divisions and groups within the City, the below section provides a detailed look at one example (i.e., the Planning Department's Policy Group).

#### *Planning Department*

The Policy Group within the Land Use Planning Division of the Planning Department updates the General Plan, Housing Element, and Zoning Ordinance to remain in compliance with state and federal legislation and court decisions and implements City Council referrals. The Group also staffs the Planning Commission (in addition to the Cannabis Commission and the Joint Subcommittee for the Implementation of State Housing Laws).

During the most recent two-year budget cycle (FY 2018-2019), the Planning Commission held 24 meetings, researched and facilitated discussion on 31 separate topics supporting 66 agenda items, and held 24 public hearings. The City Council adopted 17 ordinances over this period which resulted from these efforts. Council referrals that were advanced by the Planning Commission and staff and were adopted by Council included:

- Multiple revisions and refinements to City policies to streamline the permit review process for Accessory Dwelling Units (ADUs);
- New comprehensive regulations for cannabis businesses;
- Expanded and clarified rules for Community Gardens and Urban Agriculture uses;
- Better defined size relationships between primary and secondary units on lots in the R 1-A District (Two-family Residential District); and
- A package of Zoning Ordinance amendments to support small businesses.

In addition to items that were adopted by the Planning Commission and Council in FY 2018-2019, staff and the Commission also set several other items in motion that will be considered by Council in the upcoming FY 2020-2021 budget cycle. The sequencing of the items that staff and the Commission are working on is informed by the City Council's Reweighted Range Voting (RRV) process and the Council-adopted Housing Action Plan.

In order to manage the Land Use Policy Group and Planning Commission work plans, staff developed a matrix to communicate sequencing and anticipated timelines for

adopted City Council referrals. The matrix also identifies staff leads for the work associated with each referral (see Attachment 3). Referrals are grouped by topic area. Multiple referrals that address a similar topic (e.g., student housing, parking reform, etc.) are often advanced together in order to optimize staff and Commission time and resources.

In response to referrals from City Council, the Land Use Policy Group is currently working on:

- Student Housing – The Policy Group’s efforts related to student housing respond to several City Council referrals designed to increase the capacity for student housing south of the UC Berkeley campus through modifications of development standards (e.g., floor area ratio (FAR), maximum height and more flexible uses of ground floor space). Existing efforts include expanding the car-free overlay to additional high density residential areas south of UC Berkeley campus and preparing an EIR that analyzes modifications to development standards in the Southside area.
- Parking Reform – The Planning Commission is considering multiple referrals designed to modify off-street parking requirements citywide. The Commission will hold a public hearing in June to consider unbundled off-street parking (bundled parking is packaged with the cost of rent – unbundled parking is separated and optional), which effectively lowers the cost of housing. The Commission will also consider requiring TDM (transportation demand management) measures to promote alternate modes of travel and support potential reductions in off-street parking.
- Density Bonus and Objective Standards – The Joint Subcommittee for the Implementation of State Housing Law (JSISHL) is considering creation of a local program to incentivize development of and/or funding for affordable housing, and developing objective standards for density, shadows, views, and design, to clarify the Zoning Ordinance and implement State laws.
- Cannabis – The Planning Commission will consider adopting additional amendments to the Comprehensive Cannabis Ordinance and developing a cannabis equity program.
- Adeline Corridor Specific Area Plan – This project encompasses multiple Council referrals that prioritize equitable development and community benefits. Adoption of the Plan and EIR is expected in early 2020.
- Ashby BART – Planning for development of the Ashby BART station has been part of the Adeline Corridor Specific Plan process; Senate Bill 2923 creates specific timelines for establishing zoning regulations and considering development at the Ashby BART station.



- North Berkeley BART – Senate Bill 2923 created specific timelines for the City of Berkeley to establish zoning at the North Berkeley BART station. Per City Council direction, staff is embarking on an MOU process with BART that will guide the process of creating development standards and an RFP for future development at N. Berkeley and Ashby BART stations.
- Zoning Ordinance Revision Project – This project stems from a referral to improve the Land Use Planning permitting process. The Planning Commission and the Zoning Adjustments Board have established subcommittees to provide feedback on this project as it moves forward.
- Various State and regional requirements for funding and designations (e.g. Priority Development Areas, SB-2 funding, Housing Element reporting) – staff must respond to reporting requirements and prepare conforming ordinance amendments, and take advantage of funding opportunities as much as possible to obtain technical assistance and implementation tools.

In the next six to twelve months the Land Use Policy Group and Planning Commission will focus on advancing the current efforts listed above. The above listed efforts all align with Strategic Plan goals. Integrally related to this work are several high-priority referrals focused on accelerating affordable housing and revising affordable housing fees. Staff has started work on both of these groups of referrals (see “F. Affordable Housing” and “G. Fees and Nexus Studies” in attachment 3).

Other items of interest, such as further refinement of policies for ADUs and Zoning Ordinance amendments to support businesses, are sequenced to occur after work on Affordable Housing and Fees and Nexus Studies.

The Planning Commission and Policy Group Work Matrix (Attachment 3) identifies when each of these items is expected to be considered by the Planning Commission and the City Council. The Commission’s Annual Work Plan, update January 2019, is included as Attachment 4.

Much progress has been made on the many policies discussed in this report, despite the limited staff resources relative to the volume of work. The Policy Group has historically comprised five full-time employees (FTEs), but over the last year has operated with three FTEs – two Principal Planners (one fully dedicated to the Adeline Corridor process) and one Senior Planner (primarily focused on cannabis regulations). Recognizing this challenge, the City authorized two additional 2-year positions to help advance the accumulated priorities. As of June 2019, the Policy Group will be staffed with six FTEs, and with an active recruitment for a seventh (see Attachment 5: Policy Group Organizational Chart). Many of the Policy Group’s projects are also dependent on outside consultants who provide expert analysis and support on topics such as

environmental review, housing economics, community outreach and engagement, equity, facilitation, and urban design.

#### BACKGROUND

City Council approved a citywide Strategic Plan on January 31, 2018 to help City Council and staff throughout the organization to prioritize limited time and resources. The Strategic Plan articulates nine long-term goals for the City government, on behalf of the community, and includes numerous short-term projects and programs designed to advance these goals.

Recently, City Council attended a daylong workshop. During this workshop they discussed their vision and priorities for the City. The themes that came up during the priorities discussion were homeless services, affordable housing, street repair, public safety, and fiscal responsibility. Although only an initial discussion, all of these themes align with Strategic Plan goals and proposed FY2020-2021 projects and programs.

#### ENVIRONMENTAL SUSTAINABILITY

City Council's commitment to advancing environmental sustainability, including implementation of existing adopted plans, such as the Climate Action Plan, informed identification of the goals and priorities in the Strategic Plan.

#### POSSIBLE FUTURE ACTION

Adopt a resolution accepting the FY 2020-2021 Budget (including the proposed Strategic Plan projects and programs).

#### FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

The Strategic Plan will continue to help City Council and staff throughout the organization to prioritize limited time and resources. The resources needed to implement the proposed list of Strategic Plan projects and programs are incorporated into the FY2020-2021 proposed operating budget and capital improvement program.

#### CONTACT PERSON

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#### Attachments:

- 1: Strategic Plan Proposed FY2020-2021 Projects and Programs
- 2: Planning Commission and Policy Group Work Plan Matrix
- 3: Planning Commission Annual Work Plan (January 2019)
- 4: Land Use Policy Group Organization Chart

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**Strategic Plan Proposed FY2020-2021 Projects and Programs**

Line No.	Source	Source Comments	Goal	Lead Dept	Support	Title	Description	Funding	Planned Start/End	New/Carryover
1	City Council Action		Be a customer-focused organization that provides excellent, timely, easily-accessible service and information to the community	City Clerk	City Attorney's Office	Lobbyist Registration	Implement the Berkeley Lobbyist Registration and Regulations ordinance to increase transparency and provide information to the public.	Proposed	7/19 – 1/20	New
2	Department Initiated		Provide an efficient and financially-healthy City government	City Clerk	Information Technology	Updating Paperless Agenda Packets	Replacing the iPads currently used by City Councilmembers with new, more modern devices.	Proposed	7/19 – 6/21	New
3	Mandate		Be a customer-focused organization that provides excellent, timely, easily-accessible service and information to the community	City Clerk	Information Technology; All City Departments	City Council Redistricting Process and Citizens' Redistricting Commission   Census 2020 Support	Federal, State, and City Mandated redistricting. Currently working on Census 2020 preparations with IT. Next phases: 1) Form Census 2020 Complete Count Committee and execute outreach effort, 2) prepare and implement the administrative processes to conduct the redistricting process and support the Citizens Redistricting Commission.	Proposed	4/17 - 4/22	Carryover
4	City Council Approved Project		Create a resilient, safe, connected, and prepared city	City Manager's Office	Planning	UC Long-Range Development Plan	Work with UC Berkeley and the community to evaluate and contribute to the update of the UC Berkeley Long-Range Development Plan	Funded	1/19 – 12/21	New
5	Department Initiated		Be a customer-focused organization that provides excellent, timely, easily-accessible service and information to the community	City Manager's Office	Human Resources	Communications Staffing	Introducing new positions of graphic designer and content writer to improve the City's communications	Funded	7/19 - 6/20	New
6	Department Initiated		Be a customer-focused organization that provides excellent, timely, easily-accessible service and information to the community	City Manager's Office	City Attorney	Legislative Platform	Creating a formal structure and process to communicate policy and policy support to and from local, regional, and State legislative bodies.	Funded	7/19 - 6/20	New
7	Department Initiated		Be a customer-focused organization that provides excellent, timely, easily-accessible service and information to the community	City Manager's Office	All City Departments	Annual Survey	Implementing an Annual Survey to better understand the needs of the community.	Proposed	7/20 - 6/21	New
8	Department Initiated		Champion and demonstrate social and racial equity	City Manager's Office	All City Departments	Equity	Institutionalizing equity into the foundation of all City practices and services.	Proposed	7/19 - 6/20	New
9	Department Initiated		Provide an efficient and financially-healthy City government	City Manager's Office	All City Departments	Performance Management	Implementing results-based accountability citywide and provide a dashboard to better communicate results	Proposed	7/19 - 6/20	New
10	Department Initiated		Be a customer-focused organization that provides excellent, timely, easily-accessible service and information to the community	City Manager's Office	All City Departments	New City of Berkeley Website	Create a new design, look & information architecture for the City website so that it is interactive and serves and prioritizes the needs of the community, including a focus on increasing the number and types of transactions and services available online	Funded	6/17 - 7/18	Carryover

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**Strategic Plan Proposed FY2020-2021 Projects and Programs**

Line No.	Source	Source Comments	Goal	Lead Dept	Support	Title	Description	Funding	Planned Start/End	New/Carryover
11	Department Initiated		Champion and demonstrate social and racial equity	City Manager's Office	All City Departments	Racial Equity Action Plan	Enhance racial equity and improve city services and outcomes	Funded	8/18 - 6/21	Carryover
12	Department Initiated		Provide an efficient and financially-healthy City government	City Manager's Office	All City Departments	New Processes for Creating the City's Biennial Budget	Hire a consultant to work with Council and Staff on developing and improving the City's current biennial budget process	Funded	1/18 - 6/20	Carryover
13	Department Initiated	These initiatives are also in support of the Climate Action Plan, the EV Roadmap, CEAC referral to CM regarding EV for passenger vehicles	Be a global leader in addressing climate change, advancing environmental justice, and protecting the environment	City Manager's Office	Planning, Police, Public Works	Fleet-Related Initiatives	A series of initiatives to: <ul style="list-style-type: none"> <li>• increase alternative fuel vehicles,</li> <li>• standardize fleet,</li> <li>• reduce backlog,</li> <li>• implement fleet/system upgrades, and</li> <li>• conduct a City Vehicle Fleet Assessment.</li> </ul>	Funded	7/19 - 7/21	New
14	Grant		Provide an efficient and financially-healthy City government	City Manager's Office	City Clerk	City Council Policy Subcommittee Process	Implement new Policy Subcommittee Process.	Funded	7/19 - 6/20	New
15	Mandate		Provide an efficient and financially-healthy City government	City Manager's Office	City Clerk	Census 2020 Community Outreach	Be Counted Berkeley!	Proposed	7/19 - 06/2020	New
16	Other (Specify)	Auditor	Attract and retain a talented and diverse City government workforce	City Manager's Office	All City Departments	Ethics Program	Establish an ethics program for city employees.	Funded	7/19 - 6/20	New
17	Other (Specify)	Prompted by Bayer's request to modify their existing Development Agreement	Foster a dynamic, sustainable, and locally-based economy	City Manager's Office	OED, Planning, City Attorney, Public Works	Bayer HealthCare, Inc Development Agreement	Engage with Bayer HealthCare, Inc re: the modification of their existing development agreement.	Funded	7/19-6/21	New
18	City Council Referral		Champion and demonstrate social and racial equity	Finance	City Attorney, Health Housing & Community Services	Equal Pay Vendor Preference	Champion and demonstrate social and racial equality.	Funded	9/19 - 3/20	New
19	Digital Strategic Plan		Provide an efficient and financially-healthy City government	Finance	Information Technology	Property Tax Assessment (ERP)	Provide an efficient and financially-healthy City government. Replace the existing 30-year old tax assessment system.	Unfunded	9/20 - 6/21	Carryover
20	Digital Strategic Plan		Provide an efficient and financially-healthy City government	Finance	Information Technology	Business License (ERP)	Provide an efficient and financially-healthy City government. Replace or enhance the existing business license software.	Unfunded	5/21 - 6/22	Carryover

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 Strategic Plan Proposed FY2020-2021 Projects and Programs

Line No.	Source	Source Comments	Goal	Lead Dept	Support	Title	Description	Funding	Planned Start/End	New/Carryover
21	City Council Referral	Partially in response to FP Audit report (new Wildfire DFM) and partially in response to increased perceived need to address wildfire risks in COB.	Create a resilient, safe, connected, and prepared city	Fire	Human Resources	Wildfire Safety Program	Multiple projects to improve wildfire safety, including adding a New FTE Deputy Fire Marshal, creating a Seasonal Fire Crew, developing a Wildfire Fuel Mitigation Plan, and initiating Safe Passages and Evacuation Zone Outreach to enhance survival rates.	Partially funded	7/19 - 6/22	New
22	Department Initiated	Ongoing fleet replacement from accrued accounts with fleet expansion to address evolving firefighting	Create a resilient, safe, connected, and prepared city	Fire	Public Works	Apparatus Replacement and Upgrade Program	Multiple acquisition projects to include New Reserve Fire Truck, a Mobile High Rise Air Supply vehicle, and Utility Support vehicles.	Partially funded	7/19 - 6/21	New
23	Mandate	Psychiatric patient transport project triggered (mandated) by Alameda County's decision to no longer transport	Create a resilient, safe, connected, and prepared city	Fire	Human Resources	EMS Division Development Program	Multiple projects including splitting EMS off from Division of Training under new FTE EMS Assistant Chief, new Psychiatric Emergency Transport Contract, Paramedic Supervisor Training and Transition to Single Resource, Prioritized Dispatching, and EMS Service Expansion.	Partially funded	7/19 - 6/21	New
24	Other (Specify)	Multiple projects under program to respond to City Auditor's report. City Auditor's work undertaken at the request of Fire Department.	Create a resilient, safe, connected, and prepared city	Fire	Human Resources, Information Technology	Fire Prevention Audit Response Program	Multiple projects to address results of latest audit, to include New FTE Sworn Fire Inspector, Sourcing new Fire Records Management System software, and implementing new Staff and Organization Alignment.	Funded	7/19 - 6/21	New

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 Strategic Plan Proposed FY2020-2021 Projects and Programs

Line No.	Source	Source Comments	Goal	Lead Dept	Support	Title	Description	Funding	Planned Start/End	New/Carryover
25	Voter Approved Tax	Continue responding effectively to the mandates of the Measure Q tax fund by enhancing logistics staffing for the Above-Ground Emergency Water System and updating support equipment to help ensure response capabilities.	Create a resilient, safe, connected, and prepared city	Fire	Human Resources	Measure Q Implementation Program	Implement Measure Q mandates through introduction of new FTE Logistics Fire Captain to assume responsibility for disaster water supply system, warehouse, and related equipment, including added Water Tender and Forklift.	Funded	7/19 - 7/21	New
26	Age Friendly Plan	Age Friendly Plan	Champion and demonstrate social and racial equity	HHCS	Public Works, Parks Recreation & Waterfront	Age Friendly Plan Implementation	Establish infrastructure for implementation of Aging-Friendly Plan	Unfunded	1/19 - 12/19	New
27	City Council Approved Program		Foster a dynamic, sustainable, and locally-based economy	HHCS	City Manager's Office, City Attorney	Home-cook Food Industry	Develop, propose and implement responsive education and enforcement strategies.	Unfunded	1/19 - 12/19	New
28	City Council Approved Project		Create affordable housing and support services for our most vulnerable community members	HHCS	Finance	Berkeley Way Project	Assemble, with developer, financing needed to enable construction.	Partially funded	7/19-6/20	Carryover
29	City Council Approved Project		Be a customer-focused organization that provides excellent, timely, easily-accessible service and information to the	HHCS	Finance	Community Agency Funding Information	Develop and publish comprehensive report on outcomes of community agencies funded by City of Berkeley.	Funded	7/19 - 6/20	New
30	Department Initiated		Be a customer-focused organization that provides excellent, timely, easily-accessible service and information to the community	HHCS	Public Works	Mental Health Wellness Center	Launch, in conjunction with Alameda County Behavioral Health Care Services, a mental health wellness center for the residents of the cities of Berkeley and Albany	Funded	7/10-6/20	New
31	Department Initiated		Provide an efficient and financially-healthy City government	HHCS	Information Technology	Results-Based Accountability Framework for Health, Housing and Community Services Programs	Develop and publish outcome data resulting from implementation of RBA in 21 HHCS Programs	Funded	7/19 - 6/20	Carryover

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**Strategic Plan Proposed FY2020-2021 Projects and Programs**

Line No.	Source	Source Comments	Goal	Lead Dept	Support	Title	Description	Funding	Planned Start/End	New/Carryover
32	Grant		Be a customer-focused organization that provides excellent, timely, easily-accessible service and information to the community	HHCS	Finance	Mental Health Triage Grant	Establish a crisis triage line where community members can reach a clinician in the mental health division when someone is in a mental health crisis, for consultation, help, and possible referral to BPD and Mobile Crisis Team.	Funded	12/18-11/21	New
33	Grant		Create affordable housing and support services for our most vulnerable community members	HHCS	City Manager's Office	Shelter Plus Care Expansion	Expand Shelter Plus Care through addition of 53 new housing vouchers	Funded	7/19-6/20	New
34	Other (Specify)	Commission Recommendation	Champion and demonstrate social and racial equity	HHCS	City Attorney	Sugar Sweetened Beverage Policy Development	Develop a City of Berkeley healthy beverage policy	Funded	7/19 - 6/20	New
35	Other (Specify)	Response to Regulation	Create a resilient, safe, connected, and prepared city	HHCS	City Manager's Office, City Attorney	Cannabis Dispensary/ Production	Develop, propose and implement responsive education and enforcement strategies	Funded	7/19-6/20	New
36	Other (Specify)	Commission Recommendation	Create affordable housing and support services for our most vulnerable community members	HHCS	City Attorney, Information Technology, Planning & Development	Implement Highest Priority Housing Action Plan Goals	1. Propose affordable housing preference policy for ½ mile location and Ellis Act evictions/displacement 2. Identify city owned property for development of affordable housing options, including modular micro-unit buildings. 3. Develop incentive program for landlord participation in Section 8/Shelter + Care. 4. Develop pilot programs to House the Homeless in Accessory Dwelling Units	Partially funded	7/19 - 6/20	Carryover
37	Public Health Strategic Plan	Public Health Strategic Plan	Provide an efficient and financially-healthy City government	HHCS	Information Technology	Public Health Strategic Plan Implementation	Implement a tracking and reporting system for Division program performance measures	Funded	7/19 - 6/20	New
38	Voter Approved Tax		Create affordable housing and support services for our most vulnerable community members	HHCS	Planning and Development	Increase Affordable Housing: Measure O Implementation	Implement plan to expand affordable housing options with Measure O funding as defined by Council.	Funded	1/19 - 6/20	New
39	Voter Approved Tax		Create affordable housing and support services for our most vulnerable community members	HHCS	City Manager's Office	Homeless Services Expansion	Implement plan to expand homeless services with Measure P funding as defined by Council.	Funded	7/19 - 6/20	New
40	City Council Approved Project		Attract and retain a talented and diverse City government workforce	HR	City Manager's Office, City Attorney	Revision of Personnel Rules and Regulations and Employer-Employee Relations Resolution	Update the Rules to be consistent and comply with current operations and applicable laws	Funded	6/19 - 12/19	Carryover

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**Strategic Plan Proposed FY2020-2021 Projects and Programs**

Line No.	Source	Source Comments	Goal	Lead Dept	Support	Title	Description	Funding	Planned Start/End	New/Carryover
41	City Council Approved Project		Champion and demonstrate social and racial equity	HR	City Manager's Office	Gender Pay Equity Audit for City of Berkeley Staff		Funded	12/18 - 7/20	Carryover
42	City Council Approved Project		Attract and retain a talented and diverse City government workforce	HR	Information Technology	Implement the New recruitment-onboarding software	Conduct a RFP and evaluate potential vendors to support the Human Resources onboarding process. Once a vendor is selected create a implementation workplan to transfer data for a new software to maintain records, training, forms, policies, processes and new hire information.	Funded	7/19 - 6/21	New
43	City Council Approved Project		Attract and retain a talented and diverse City government workforce	HR	All City Departments	Citywide Safety Needs Assessment	Safety assessment for staff in the field working	Proposed	7/19 - 12/19	New
44	Department Initiated		Attract and retain a talented and diverse City government workforce	HR	All City Departments	Complete Citywide Training Needs Assessment	Identify training needs for client departments to customize training as needed to meet needs	Funded	7/19 - 6/20	New
45	Department Initiated		Create a resilient, safe, connected, and prepared city	HR	City Manager's Office, City Attorney	Develop Labor Relations Strategy Plan	In preparation for contract negotiations in 2020. Prepare a plan	Proposed	10/19 - 10/20	New
46	Department Initiated		Attract and retain a talented and diverse City government workforce	HR	All City Departments	Succession Planning	Complete an analysis of the city's current workforce demographics to identify opportunity to create a written plan for succession planning. The intention of the plan will be to create a pool of talent to support the city as it experiences the wave of retirements.	Proposed	6-/20 - 6/22	Carryover
47	Department Initiated		Attract and retain a talented and diverse City government workforce	HR	City Manager's Office	Leadership Development Program	Form a 2020/2021 LDP cohort and provide continuous development for cohort cycles 2017 and 2019. This will ensure the city has a qualified pool of talent leaders for key positions.	Funded	7/20 - 6/21	Carryover
48	Department Initiated		Create a resilient, safe, connected, and prepared city	HR	All City Departments	Complete City's Illness, Injury Prevention Program Plan for all departments	Ensure every department has an injury illness prevention plan for their department for emergency preparedness and response	Funded	7/19 - 12/19	Carryover
49	Digital Strategic Plan		Attract and retain a talented and diverse City government workforce	HR	Information Technology	Implement New case management software	Conduct an RFP and evaluate potential vendors to support the Human Resources Employee Relations and EEO division to maintain records and provide a reporting methodology that includes timelines and tracking.	Funded	7/19 - 6/21	New
50	Mandate		Attract and retain a talented and diverse City government workforce	HR	City Attorney	Sexual Harassment Training for All City employees in compliance with new SB1343	In compliance with SB 1343 which become effective January 1, 2019. Training. This month be completed by January 1, 2020. Document retention.	Proposed	5/19 - 5/20	New



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**Strategic Plan Proposed FY2020-2021 Projects and Programs**

Line No.	Source	Source Comments	Goal	Lead Dept	Support	Title	Description	Funding	Planned Start/End	New/Carryover
51	Department Initiated		Provide an efficient and financially-healthy City government	IT	City Attorney, City Clerk, City Manager's Office, Finance, Fire & Emergency Services, Health Housing & Community Services, Human Resources, Information Technology, Parks Recreation & Waterfront, Planning & Development, Police, Public Works	Master Address Database	Address management system to replace FUND\$ land management module	Partially funded	2/20-2/22	New
52	Department Initiated		Provide an efficient and financially-healthy City government	IT	Finance	FUND\$ Replacement: eProcurement	Implement an electronic procurement system	Funded	7/19-7/20	New
53	Department Initiated		Provide an efficient and financially-healthy City government	IT	All City Departments	Analytics Now	Implement a analytics tool for reporting	Funded	7/19-7/21	New
54	Department Initiated		Provide an efficient and financially-healthy City government	IT	All City Departments	KnowBe4	Provide cyber security training to staff	Funded	7/19-7/21	New

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**Strategic Plan Proposed FY2020-2021 Projects and Programs**

Line No.	Source	Source Comments	Goal	Lead Dept	Support	Title	Description	Funding	Planned Start/End	New/Carryover
55	Department Initiated		Provide state-of-the-art, well-maintained infrastructure, amenities, and facilities	IT	City Attorney, City Clerk, City Manager's Office, Finance, Fire & Emergency Services, Health Housing & Community Services, Human Resources, Information Technology, Parks Recreation & Waterfront, Planning & Development, Police, Public Works	Backup System	To replace our current enterprise backup product (Barracuda) with a more stable and expandable backup solution. The need is for a software solution that has the ability to expand when needed and can provide very quick restores.	Partially funded	7/19-7/20	New
56	Department Initiated		Provide state-of-the-art, well-maintained infrastructure, amenities, and facilities	IT	All City Departments	Data Center Infrastructure Upgrade, Disaster Recovery Installation and Implementation	To replace our current server and storage infrastructure in both the City Hall and Public Safety Building Data Centers with a dependable, fault tolerant, restorable and DR (disaster recovery) failover solution. With a hyper-converged solution we can have a single solution for managing the 250 virtual servers in the City of Berkeley. This includes combining the CPU, RAM, and storage within the same fully supported infrastructure.	Funded	07/19-6/20	New
57	Department Initiated		Provide state-of-the-art, well-maintained infrastructure, amenities, and facilities	IT	All City Departments	Load Balancers	To implement a load balancing to meet common expectations of the end user for all applications – performance, experience, quality of service – no matter whether are hosted internally, externally, or in the cloud through consistent, dynamic, and application-centric delivery of network and application traffic.	Funded	07/19-6/20	New
58	Department Initiated		Be a customer-focused organization that provides excellent, timely, easily-accessible service and information to the community	IT	City Manager's Office, City Attorney, Finance, Fire, Planning, Public Works	Digital Permitting System	Conduct a needs assessment, issue an RFP, and procure a new permitting software	Funded	7/19 - 6/20	New
59	Digital Strategic Plan		Provide an efficient and financially-healthy City government	IT	Parks Recreation & Waterfront, Public Works	FUND\$ Replacement: Fleet Management System	To implement the fleet management system, customer requests and work orders, preventive maintenance, resources, and inventory, best practices and regulatory compliance	Partially funded	7/19-7/21	New

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**Strategic Plan Proposed FY2020-2021 Projects and Programs**

Line No.	Source	Source Comments	Goal	Lead Dept	Support	Title	Description	Funding	Planned Start/End	New/Carryover
60	Digital Strategic Plan		Provide an efficient and financially-healthy City government	IT	City Attorney, City Clerk, City Manager's Office, Finance, Fire & Emergency Services, Health Housing & Community Services, Human Resources, Information Technology, Parks Recreation & Waterfront, Planning & Development, Police, Public Works	GIS Master Plan	Year 2 of GIS Master Plan: Multiple projects, both new and carryover, including GreenCity GIS (interactive map application integrated with GIS asset management for Parks), Here Data (resource for base map data and routing for Public Safety and other departments), Panoramic – Imagery (360 degree panoramic imagery for rights-of-way)	Funded	07/19-6/20	New
61	Digital Strategic Plan		Provide an efficient and financially-healthy City government	IT	City Attorney, City Clerk, City Manager's Office, Finance, Fire & Emergency Services, Health Housing & Community Services, Human Resources, Information Technology, Parks Recreation & Waterfront, Planning & Development, Police, Public Works	Digital Strategic Plan & Roadmap	Phase II: 91 projects, both new and carryover	Funded	Various	Both
62	City Council Approved Project		Be a customer-focused organization that provides excellent, timely, easily-accessible service and information to the community	OED	Public Works, Finance, Information Technology	Interactive Digital Kiosks	Facilitate the installation of interactive digital kiosks to share information about civic resources; market local businesses, arts organizations, and commercial districts; and generate revenue for the City of Berkeley	Funded	7/19 -6/21	New

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 Strategic Plan Proposed FY2020-2021 Projects and Programs

Line No.	Source	Source Comments	Goal	Lead Dept	Support	Title	Description	Funding	Planned Start/End	New/Carryover
63	City Council Approved Project	T1 Funded	Provide state-of-the-art, well-maintained infrastructure, amenities, and facilities	OED	Public Works, Parks Recreation & Waterfront, Planning & Development	Civic Center Project	Conduct a transparent and inclusive community process to create a community vision, conceptual designs and implementation plan for the Veteran's Memorial Building, Old City Hall, and Civic Center Park.	Funded	7/19 -12/20	New
64	City Council Approved Project	T1 Funded	Provide state-of-the-art, well-maintained infrastructure, amenities, and facilities	OED	City Clerk, Public Works, Health Housing and Community Services, Parks Recreation & Waterfront	Measure T1 Public Art Projects	Implement new public art commissions associated with T1 Bond Projects at North Berkeley Senior Center and San Pablo Park, which will be integrated into the planned improvements in order to beautify these spaces and enhance their unique character	Funded	7/19 - 6/21	New
65	City Council Referral		Foster a dynamic, sustainable, and locally-based economy	OED	Planning & Development, Finance	Small Business Support and Retention	Provide support to prevent the displacement or closure of Berkeley small businesses that provide economic opportunities, goods and services to our community, and to facilitate business establishment and expansion	Funded	9/17 -6/21	Carryover
66	City Council Referral		Foster a dynamic, sustainable, and locally-based economy	OED	Planning & Development	Expand and Modify the Downtown Arts District Overlay	Examine and develop recommendations for expanding the boundaries of the current Downtown Arts District Overlay as well as the allowable active ground-floor uses	Funded	9/19 -12/20	New
67	Department Initiated		Foster a dynamic, sustainable, and locally-based economy	OED		Berkeley Tech, Berkeley Values	Develop and implement a <i>Berkeley Tech, Berkeley Values</i> campaign to enable Berkeley's tech sector to grow in a way that reflects the community values of diversity, equity, and inclusion.	Proposed	7/19-6/21	New
68	Berkeley Resilience Strategy		Be a global leader in addressing climate change, advancing environmental justice, and protecting the environment	Planning	City Manager's Office, Information Technology, Public Works	Solar + Storage Project	Latest strategy from previous Microgrid pilot program to co-locate solar and storage capacity, especially for emergency backup uses	Funded	7/19 - 6/20	New
69	Berkeley Resilience Strategy		Create a resilient, safe, connected, and prepared city	Planning	City Manager's Office, Fire	Planning DOC	Planning Departmental Operations Center (DOC) and Emergency Operations Plan (EOP)	Funded	7/19 - 6/20	New
70	City Council Approved Project		Be a customer-focused organization that provides excellent, timely, easily-accessible service and	Planning	City Attorney	Zoning Ordinance Revision Project (ZORP)	On-going restructuring, streamlining and clarifying of zoning ordinance regulations and procedures	Funded	7/17 - 6/20	Carryover
71	City Council Approved Project		Be a global leader in addressing climate change, advancing environmental justice, and protecting the environment	Planning	Information Technology	Energy efficiency in existing buildings/BESO evaluation	Implement and monitor program to improve energy efficiency in buildings. Next milestone includes ongoing measurement of improvements to Home Energy scores	Funded	7/15 - 6/21	Carryover
72	City Council Approved Project		Create a resilient, safe, connected, and prepared city	Planning	Information Technology	Seismic safety programs	Implement and expand programs to bolster safety of vulnerable buildings through FEMA Hazard Mitigation grants. Next milestone Phase III grant app deadline, June 2019	Funded	9/15 - 12/20	Carryover

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**Strategic Plan Proposed FY2020-2021 Projects and Programs**

Line No.	Source	Source Comments	Goal	Lead Dept	Support	Title	Description	Funding	Planned Start/End	New/Carryover
73	City Council Approved Project		Provide state-of-the-art, well-maintained infrastructure, amenities, and facilities	Planning	City Manager's Office, City Attorney, Health Housing & Community Services, Information Technology, Parks Recreation & Waterfront, Public Works	Adeline Corridor Plan	Create a community-based long-range plan for development of area. Next milestones will be Draft Plan and Draft EIR, early 2019.	Funded	1/15 - 12/19	Carryover
74	City Council Referral		Be a global leader in addressing climate change, advancing environmental justice, and protecting the environment	Planning	Information Technology, Public Works	Increased EV infrastructure	Expand infrastructure for Electric Vehicle charging throughout City to reduce barriers to EV usage. Contract for EV Strategic Plan awarded at Council 9/25/2018; next milestone plan delivery ~7/31/2019	Funded	6/17 - 6/21	Carryover
75	City Council Referral		Be a global leader in addressing climate change, advancing environmental justice, and protecting the environment	Planning		Clean energy (i.e., Fuel switching) and Energy Efficiency / Electrification Transfer Tax Rebate	Seeking incentives to promote residential and commercial switchovers to electricity from natural gas. Next milestone forum promoting electrification switchover Jan 2019. Develop draft ordinance granting transfer tax rebates to persons making qualifying energy efficiency upgrades	Partially funded	11/16 - 6/21	Carryover
76	City Council Referral		Create affordable housing and support services for our most vulnerable community members	Planning	City Attorney	Increased Student Housing	Zoning revisions and other steps to increase student housing capacity. Includes consultant work with community and commissions to describe, define and revise density standards in corridors. Working groups underway, next milestone Planning Commission, Public Hearing, Jun 2019.	Funded	1/17 - 12/20	Carryover

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**Strategic Plan Proposed FY2020-2021 Projects and Programs**

Line No.	Source	Source Comments	Goal	Lead Dept	Support	Title	Description	Funding	Planned Start/End	New/Carryover
77	City Council Referral		Create affordable housing and support services for our most vulnerable community members	Planning	City Attorney	Development Fee feasibility analysis	Assess impact of all fees--Land Use, Building, mitigations, BUSD, etc--on development feasibility. Consultant work underway; completion milestone report to Council, summer 2019	Funded	7/17 - 3/19	Carryover
78	City Council Referral		Create affordable housing and support services for our most vulnerable community members	Planning	City Attorney	Local density bonus policy	Pilot a local density bonus program with in-lieu fees leveraged for affordable housing. Next milestone Joint Sub-committee for Implementation for State Housing Law (JSISHL) meeting, Mar 2019	Funded	7/15 - 9/19	Carryover
79	City Council Referral		Create affordable housing and support services for our most vulnerable community members	Planning	City Attorney	Expanded and streamlined rental housing safety program	Enable proactive inspection program to ensure safety of City rental housing stock. New manager classification created; next milestone staffing position and program, Mar 2019	Funded	1/16 - 12/19	Carryover
80	City Council Referral		Create affordable housing and support services for our most vulnerable community members	Planning	City Attorney, Information Technology	Accessory Dwelling Units	Enable increased development by streamlining approval process. Next milestone is Ordinance revisions per latest Council referral, mid-2019	Funded	1/15 - 7/19	Carryover
81	City Council Referral		Be a customer-focused organization that provides excellent, timely, easily-accessible service and information to the community	Planning	City Attorney, Health Housing & Community Services	Cannabis Policy Development	Develop administrative and regulatory policies and procedures in response to emerging cannabis legislation and public health needs	Funded	7/19 - 6/20	New
82	City Council Referral		Be a global leader in addressing climate change, advancing environmental justice, and protecting the environment	Planning	Public Works	New Municipal Building Energy Policy	Develop options for a new Municipal Building Energy Policy	Funded	7/19 - 6/20	New
83	City Council Referral		Create affordable housing and support services for our most vulnerable community members	Planning	City Attorney, Health Housing & Community Services	Demolition Ordinance and Affordable Housing	Study issues pertaining to demolition and replacement of existing rent controlled and affordable housing. Depending on outcomes of study, may result in a revised fee and/or ordinance	Partially funded	7/19 - 6/20	New
84	City Council Referral		Create affordable housing and support services for our most vulnerable community members	Planning	City Attorney	Development/Density Standards Project	Study options and proposed comprehensive density standards	Funded	7/19 - 6/20	New

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**Strategic Plan Proposed FY2020-2021 Projects and Programs**

Line No.	Source	Source Comments	Goal	Lead Dept	Support	Title	Description	Funding	Planned Start/End	New/Carryover
85	City Council Referral		Create affordable housing and support services for our most vulnerable community members	Planning	City Attorney	Development Standards	Consultant work with community and commissions to describe, define and revise density standards in corridors	Funded	7/19 - 6/20	New
86	City Council Referral		Create affordable housing and support services for our most vulnerable community members	Planning	City Attorney	BART Station Area Plan	State-mandated zoning study and updates at the North Berkeley and Ashby BART Stations	Partially funded	7/19 - 6/20	New
87	City Council Referral		Create affordable housing and support services for our most vulnerable community members	Planning	Public Works	Parking Reform	Strategies to unbundle parking requirements from development requirements to facilitate housing production and car-free modes of transit.	Funded	1/19-6/20	New
88	Climate Action Plan		Be a global leader in addressing climate change, advancing environmental justice, and protecting the environment	Planning		Climate Adaptation Work	New climate adaptation work	Funded	7/19 - 6/21	New
89	Department Initiated		Be a customer-focused organization that provides excellent, timely, easily-accessible service and information to the community	Planning	Fire, Public Works	Coffee with Inspectors Event	Informal meet-and-greet to allow clients to ask questions and learn what inspectors are looking for	Funded	7/19 - 6/20	New
90	Department Initiated		Be a customer-focused organization that provides excellent, timely, easily-accessible service and information to the community	Planning	City Attorney	Sign Policy	Evaluate and update design review processes/policies and Sign Ordinance	Funded	7/19 - 6/20	New
91	Department Initiated		Be a customer-focused organization that provides excellent, timely, easily-accessible service and information to the community	Planning	City Manager's Office	Permit Service Center and Land Use Planning Survey	Develop and administer a customer service survey relating to permitting services and land use planning processes	Funded	7/19 - 6/20	New
92	Department Initiated		Create a resilient, safe, connected, and prepared city	Planning	City Manager's Office, City Attorney	Permit Conditions Enforcement Process	Review process/approach to monitoring and enforcing agreed-to conditions on Land Use permits	Funded	1/19 - 6/20	New
93	Mandate		Create a resilient, safe, connected, and prepared city	Planning	City Manager's Office	2019 Cal. Building Standards Code and local amendments	Triennial mandatory adoption of 2019 Cal Building Standards Code. Propose and adopt any local amendments, implement all requirements including Energy and Green "Reach" Codes, enforce new requirements. Purchase new code books for staff FYE20, possible added program manager position FYE20	Funded	1/19 - 6/20	New

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 Strategic Plan Proposed FY2020-2021 Projects and Programs

Line No.	Source	Source Comments	Goal	Lead Dept	Support	Title	Description	Funding	Planned Start/End	New/Carryover
94	Berkeley Resilience Strategy		Champion and demonstrate social and racial equity	Police	City Manager's Office	BPD Community Engagement Strategy	Develop strategies to engage and inform community members. Work with stakeholders, including community members, the Police Review Commission, community organizations and experts to strengthen relationships and trust, share and consider data collected by BPD, and address real or perceived racial disparities in policing, with an overall goal to reduce disparities and increase community trust and dialogue. Engage the community to understand the community's perceptions around what makes their community feel safer, and what their expectations are of police, and what actions the police can take to increase and enhance neighborhood safety.	Partially funded	7/19 - 6/21	Carryover
95	Berkeley Resilience Strategy		Attract and retain a talented and diverse City government workforce	Police	Human Resources, Information Technology	Expand and enhance targeted recruitment efforts	BPD's Recruitment & Retention Team will work with a marketing firm to drive strategic online advertising, create a video- and content-rich hiring website, bringing consistent branding and design across all materials, including social media accounts, to serve on-going recruitment goals.	Partially funded	9/18 - 6/21	New
96	Berkeley Resilience Strategy		Attract and retain a talented and diverse City government workforce	Police		Develop resources and programs for employee resiliency	Expand Police employee wellness and resiliency programs, including mental health, fitness, and nutrition resources.	Partially funded	7/19 - 6/21	New
97	City Council Approved Project	ber	Create a resilient, safe, connected, and prepared city	Police		Develop a Bike-trained patrol resource	Create a bike-trained cadre of officers, who can deploy on bikes to protect and facilitate free speech and first amendment expression, and who can use bikes while working other assigned duties, such as special events, focused patrols, and community engagement efforts.	Unfunded	7/19 - 6/20	New
98	Department Initiated		Create a resilient, safe, connected, and prepared city	Police	City Manager's Office	Reducing deaths and injuries resulting from traffic collisions	Increase and enhance Traffic enforcement, with a focus on reducing deaths and injuries, through education and enforcement. Apply for annual California Office of Traffic Safety Grants for enhanced enforcement in addition to implementation of Vision Zero efforts with City resources to increase public safety and awareness.	Partially funded	7/19 - 6/21	Carryover
99	Department Initiated		Champion and demonstrate social and racial equity	Police	Information Technology	Capture stop data through the implementation of software, which will comply with the Racial Identity and Profiling Act.	Implement a software solution for the gathering of stop data. The solution will take into account currently required data, as well as data collection to be required in the coming years by Assembly Bill 953, the Racial Identity and Profiling Act (RIPA). Goals for this solution will be to capture data which is easier to work with than current data collection, continue to publicly post data on the City's Open Data Portal, and to develop our reporting capacity ahead of SB 953 mandates.	Partially funded	7/19 - 6/20	New
100	Mandate		Create a resilient, safe, connected, and prepared city	Police	City Manager's Office, Information Technology	Revise use-of-force policy and implement software	Implement software enhancements used to report and review department commendations and uses of force, in conjunction with a revised use of force policy. This will enable the BPD ability to report aggregate information internally and externally.	Funded	4/19 - 12/19	New



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**Strategic Plan Proposed FY2020-2021 Projects and Programs**

Line No.	Source	Source Comments	Goal	Lead Dept	Support	Title	Description	Funding	Planned Start/End	New/Carryover
101	Vision 0		Attract and retain a talented and diverse City government workforce	Police	Human Resources	Hire, Train, and Retain excellent employees	Hire, train, and retain excellent police personnel by expediently filling vacancies. Staffing remains a top priority for the BPD in order to maintain excellent service to the community	Partially funded	7/19 - 6/21	Carryover
102	City Council Approved Program		Foster a dynamic, sustainable, and locally-based economy	PRW	City Manager, City Attorney, Information Technology, Planning, Police	Berkeley Marina Area Specific Plan [BMASP] (Conceptual Plan for the Berkeley Waterfront )	A master planning process to develop a Specific Plan for an economically and environmentally sustainable Waterfront.	Funded	7/19 - 6/22	Carryover
103	City Council Approved Program		Provide state-of-the-art, well-maintained infrastructure, amenities, and facilities	PRW	City Manager, City Attorney, Information Technology, Planning	Berkeley Tuolumne Camp Rebuild Project (Cazadero Camp Landslide Fix and Dormitory Replacement)	Complete the construction documents and permits for bidding purposes.	Funded	1/18 - 6/22	Carryover
104	City Council Approved Program		Provide state-of-the-art, well-maintained infrastructure, amenities, and facilities	PRW	City Manager, City Attorney	WETA MOU and Ferry Feasibility Study	Develop an MOU with WETA and conduct an engineering feasibility study for potential WETA ferry service and recreation at the existing or a new Berkeley Pier.	Funded	7/19 - 6/21	New
105	City Council Referral	Also a department initiative	Provide state-of-the-art, well-maintained infrastructure, amenities, and facilities	PRW	Public Works	Tree Planting Project in South and West Berkeley	Plant 500 trees in South and West Berkeley.	Funded	7/19 - 6/21	New
106	Department Initiated		Attract and retain a talented and diverse City government workforce	PRW	City Attorney	Sports Coaches and Officials Training and Certification (Training and Certification for Sports Coaches and Officials)	Training and Certification for Sports Coaches and Officials for City programs.	Funded	7/19 - 6/21	Carryover
107	Department Initiated		Foster a dynamic, sustainable, and locally-based economy	PRW	City Manager, City Attorney	Doubletree Hotel Lease Agreement	Develop a new lease agreement with the Doubletree Hotel.	Funded	7/19 - 6/21	New

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**Strategic Plan Proposed FY2020-2021 Projects and Programs**

Line No.	Source	Source Comments	Goal	Lead Dept	Support	Title	Description	Funding	Planned Start/End	New/Carryover
108	Department Initiated		Provide state-of-the-art, well-maintained infrastructure, amenities, and facilities	PRW	City Manager, City Attorney, Public Works	South Waterfront Area Parking Plan	Develop rules and procedures to improve the availability of parking for multiple uses in the South Waterfront Area.	Funded	7/19 - 6/21	New
109	Department Initiated		Provide state-of-the-art, well-maintained infrastructure, amenities, and facilities	PRW	City Manager, City Attorney	Cazadero Music Camp Lease Agreement	Develop a new lease agreement with the operator of Cazadero Performing Arts Music Camp.	Funded	7/19 - 6/21	New
110	Mandate		Provide state-of-the-art, well-maintained infrastructure, amenities, and facilities	PRW	City Attorney, Planning, Public Works	Cazadero Camp Dormitory Rebuild Project	Rebuild the Jensen Dorm that was damaged by the landslide.	Funded	7/19 - 12/20	Carryover
111	Voter-Approved General Obligation Bond		Provide state-of-the-art, well-maintained infrastructure, amenities, and facilities	PRW	Public Works	Tom Bates (Gilman) Fields Fieldhouse Conceptual Plan	Develop conceptual plans and conduct public process for a new fieldhouse/ restroom at the Tom Bates (Gilman) Fields.	Funded	7/19 - 6/20	New
112	Voter-Approved General Obligation Bond		Provide state-of-the-art, well-maintained infrastructure, amenities, and facilities	PRW	Public Works	Aquatic Park Tide Tubes Renovation Project	Design, permitting, and environmental documents.	Funded	7/19 - 6/21	New
113	Voter-Approved General Obligation Bond		Provide state-of-the-art, well-maintained infrastructure, amenities, and facilities	PRW	City Attorney, Public Works	Waterfront Roadway Improvement Project (University Ave, Marina Blvd, and Spinnaker Way)	Renovate the major roadway system at the Berkeley Waterfront (University Avenue Extension, Marina Blvd., and Spinnaker Way).	Funded	7/18 - 6/21	Carryover
114	Voter-Approved General Obligation Bond		Provide state-of-the-art, well-maintained infrastructure, amenities, and facilities	PRW	City Attorney, Public Works	Berkeley Municipal Pier Feasibility Study	Conduct an engineering feasibility study on options to re-build the existing or install a new pier for recreation and potential ferry service.	Funded	7/19 - 6/20	Carryover
115	Voter-Approved General Obligation Bond		Provide state-of-the-art, well-maintained infrastructure, amenities, and facilities	PRW	City Attorney, Public Works	George Florence Mini Park Play Equipment Renovation Project	Renovate the existing play equipment.	Funded	7/19 - 6/20	Carryover
116	Voter-Approved General Obligation Bond		Provide state-of-the-art, well-maintained infrastructure, amenities, and facilities	PRW	City Attorney, Public Works	San Pablo Park Play Equipment Renovation Project (San Pablo Park Tennis Courts and Play Equipment Upgrade)	Renovate the play equipment.	Funded	7/19 - 6/20	Carryover
117	Voter-Approved General Obligation Bond		Provide state-of-the-art, well-maintained infrastructure, amenities, and facilities	PRW	City Attorney, Public Works	San Pablo Park Tennis Courts Renovation Project (San Pablo Park Tennis Courts and Play Equipment Upgrade)	Renovate the tennis Courts.	Funded	7/19 - 6/20	Carryover

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 Strategic Plan Proposed FY2020-2021 Projects and Programs

Line No.	Source	Source Comments	Goal	Lead Dept	Support	Title	Description	Funding	Planned Start/End	New/Carryover
118	Voter-Approved General Obligation Bond		Provide state-of-the-art, well-maintained infrastructure, amenities, and facilities	PRW	City Attorney, Public Works	Strawberry Creek Park Restroom Replacement Project	Replace existing restroom.	Funded	7/19 - 6/20	Carryover
119	Voter-Approved General Obligation Bond		Provide state-of-the-art, well-maintained infrastructure, amenities, and facilities	PRW	City Attorney, Public Works	Berkeley Rose Garden Pathways, Tennis Courts, and Pergola Renovation Project	Renovate existing pathways, tennis courts, and build out the pergola.	Funded	7/19 - 12/20	Carryover
120	Voter-Approved General Obligation Bond		Provide state-of-the-art, well-maintained infrastructure, amenities, and facilities	PRW	City Attorney, Public Works	Willard Clubhouse Renovation Planning Project	Develop conceptual plans for the renovation of the Willard Clubhouse.	Funded	7/19 - 6/20	Carryover
121	Voter-Approved General Obligation Bond		Provide state-of-the-art, well-maintained infrastructure, amenities, and facilities	PRW	City Attorney, Public Works	Live Oak Community Center Seismic Upgrade and Renovation Project	Construct seismic upgrades and other renovations at the Live Oak Community Center.	Funded	6/19 - 6/20	Carryover
122	Voter-Approved General Obligation Bond		Provide state-of-the-art, well-maintained infrastructure, amenities, and facilities	PRW	City Attorney, City Manager's Office, Finance, Health Housing & Community Services, Human Resource, Information Technology, Planning, Public Works	Citywide Restroom Assessment	Conduct an assessment of existing and potential public restrooms throughout the City.	Funded	2/19 - 6/20	Carryover
123	Department Initiated		Provide an efficient and financially-healthy City government	PW	Parks Recreation & Waterfront, Public Works	Substation relocation project	Relocation of the BPD Traffic Substation to a City of Berkeley-owned facility.	Funded	7/19 - 6/21	New
124	City Council Action		Create a resilient, safe, connected, and prepared city	PW		Vision Zero	Vision Zero policy development to eliminate all traffic-related fatalities and severe injuries in Berkeley through a safe systems approach, which prioritizes roadway design and policy strategies, complimented by proven education and enforcement strategies.	Funded	11/18 - 7/20	New
125	City Council Approved Program		Be a global leader in addressing climate change, advancing environmental justice, and protecting the environment	PW	OED	Compostable or Recyclable Foodware	Implementation: Phase 2 - All foodware certified compostable & vendor charges \$0.25 per disposal cup Phase 3 - Only onsite foodware provided by vendor.	Funded	6/19-7/21	New

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**Strategic Plan Proposed FY2020-2021 Projects and Programs**

Line No.	Source	Source Comments	Goal	Lead Dept	Support	Title	Description	Funding	Planned Start/End	New/Carryover
126	City Council Approved Program		Provide state-of-the-art, well-maintained infrastructure, amenities, and facilities	PW	Health, Housing & Community Services	North Berkeley Senior Center (NBSC) Seismic Upgrades and Renovations	NBSC has been in operation for over 40 years and is in need of comprehensive upgrades. The work will include seismic upgrades, a new fire sprinkler system, a front patio remodel for better access and community space, and deferred maintenance upgrades such as roof replacement; mechanical, electrical, and plumbing improvements; foundation upgrades; accessibility improvements; and other miscellaneous interior and exterior improvements.	Funded	6/19-6/20	Carryover
127	City Council Approved Program		Provide state-of-the-art, well-maintained infrastructure, amenities, and facilities	PW		50/50 Sidewalk Program	Reduce 50/50 sidewalk backlog	Funded	7/19 - 7/20	New
128	Mandate		Provide state-of-the-art, well-maintained infrastructure, amenities, and facilities	PW	Police, Fire, Health Housing & Community Services, Parks Recreation & Waterfront	Bicycle Plan	Construct bikeway projects and implement encouragement, education, enforcement, and evaluation programs to make Berkeley a model bicycle-friendly city where bicycling is a safe, comfortable, and convenient form of transportation and recreation for people of all ages and abilities	Funded	1/21-6/22	New
129	City Council Approved Project		Provide an efficient and financially-healthy City government	PW	City Manager's Office, Finance, Human Resources, Information Technology, Police	Residential Preferential Parking (RPP) Program	Assess the potential for and interest in expansion of RPP in additional commercial districts.	Funded	4/14 -7/21	Carryover
130	City Council Approved Project		Provide state-of-the-art, well-maintained infrastructure, amenities, and facilities	PW	City Attorney, City Manager's Office	Gilman Street Interchange Project	Improve the mobility and safety of the Gilman Street Corridor by reconstructing the Gilman Street Interchange and creating a new gateway into North Berkeley. In FY 2018-2019, complete the environmental documents and begin final design for the I-80 Gilman Interchange and pedestrian overcrossing projects.	Funded	10/15 -7/20	Carryover
131	City Council Approved Project		Provide state-of-the-art, well-maintained infrastructure, amenities, and facilities	PW	City Manager's Office, Information Technology, Parks Recreation & Waterfront, Planning & Development	Major Improvements to Downtown Berkeley Infrastructure and Amenities (Shattuck Reconfiguration)	Improve pedestrian safety by changing traffic flow and turning patterns at the Shattuck/University intersection. Put all through traffic in both directions on the newly two-way west leg of Shattuck between Center and University. Improve parking capacity and shorten pedestrian crossings on the east leg of Shattuck. Provide enhanced transit plaza on the east side of Shattuck between Alston and Center. Contract award by Council is scheduled for October 2018 and Construction is scheduled to commence January 2019.	Funded	7/18 - 7/20	Carryover

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**Strategic Plan Proposed FY2020-2021 Projects and Programs**

Line No.	Source	Source Comments	Goal	Lead Dept	Support	Title	Description	Funding	Planned Start/End	New/Carryover
132	City Council Referral		Provide state-of-the-art, well-maintained infrastructure, amenities, and facilities	PW	City Manager's Office	Street Sweeping Improvement Plan	Referral to the City Manager, Public Works commission, and Zero Waste commission to develop a new strategy to ensure that street sweeping is not obstructed by waste/recycling pick-up. In addition to being unsightly, without proper street sweeping, trash and debris are more likely to go into the stormwater drains. Specifically 1. Staff should provide a map of streets in which sweeping days and waste/recycling pickup coincide to better understand where and when this problem occurs; and 2. Staff and Commissions should return to Council with a proposed solution including, but not limited to, rescheduling street sweeping and waste/recycling pickups to ensure that both services do not occur on the same day.	Funded	11/18 - 1/19	New
133	Climate Action Plan		Be a global leader in addressing climate change, advancing environmental justice, and protecting the environment	PW		Long-Term Waste Operations Strategy	Develop a long term Zero Waste Strategic Plan	Funded	3/18 - 6/20	Carryover
134	Department Initiated		Provide state-of-the-art, well-maintained infrastructure, amenities, and facilities	PW		Transfer Station Master Plan/Redesign Process	Re-construct the nearly 8-acre West Berkeley site where waste materials are sorted. The eventual goal of a new site is simple: if we recover more of what can be re-used or recycled, we slash what Berkeley trucks to the mountains of garbage that fill landfills.	Funded	4/18 - 5/20	Carryover
135	Department Initiated		Be a global leader in addressing climate change, advancing environmental justice, and protecting the environment	PW	Planning & Development	Update Watershed Management and Storm Drain Master Plans	Undertaking a necessary update to citywide watershed management and storm drain master plans	Funded	7/19 - 7/21	New
136	Department Initiated		Provide an efficient and financially-healthy City government	PW	Finance	Zero Waste Rate Evaluation	Developing a study that provides for a new five year rate structure that sets rates through the Proposition 218 process.	Funded	7/19 - 7/20	New
137	Department Initiated		Provide state-of-the-art, well-maintained infrastructure, amenities, and facilities	PW	City Manager's Office, Finance	Undergrounding Utility Wires	Finalize design and begin construction of Underground Utility District #48 (Grizzly Peak). The City is responsible for installation of decorative solar street lighting in support of this Undergrounding District.	Funded	7/20- 7/22	New
138	Department Initiated		Provide state-of-the-art, well-maintained infrastructure, amenities, and facilities	PW		LED Streetlight Replacement	Resolve LED streetlight issue.	Funded	7/19 - 7/22	New
139	Department Initiated		Provide state-of-the-art, well-maintained infrastructure, amenities, and facilities	PW		Sewer Master Plan	The plan will provide flow monitoring, hydraulic modeling and capacity assessment, and condition assessment of the sewer system. These services will allow for identification of areas of high inflow and infiltration and capacity deficiency in the sewer system. In addition, they will provide prioritization of capital sewer improvements and a sanitary sewer rate study	Funded	7/19 - 12/20	New

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**Strategic Plan Proposed FY2020-2021 Projects and Programs**

Line No.	Source	Source Comments	Goal	Lead Dept	Support	Title	Description	Funding	Planned Start/End	New/Carryover
140	Mandate		Champion and demonstrate social and racial equity	PW	All City Departments	American Disabilities Act Transition Plan Survey	The ADA survey will provide a path forward to achieve a uniform level of physical access to the City's buildings, streets, parks and facilities, and consistent program access for the public and people with disabilities. The survey along with public input will be used to develop an ADA Transition Plan.	Funded	6/18 - 3/21	Carryover
141	Mandate		Provide state-of-the-art, well-maintained infrastructure, amenities, and facilities	PW	City Manager's Office, Information Technology, Parks Recreation & Waterfront, Planning & Development	Green Infrastructure Plan	The Green Infrastructure Plan is an implementation guide and reporting tool to set goals for reducing the adverse water quality impacts of urban runoff on receiving waters. The Countywide Cleanwater program has prepared a template as guidance for the City to use in developing our Green Infrastructure Plan. The City is currently using that template to develop our Plan.	Funded	9/17 -7/21	Carryover
142	Mandate		Provide state-of-the-art, well-maintained infrastructure, amenities, and facilities	PW	Health, Housing & Community Services, Fire, Police	Pedestrian Plan Update	Update the 2010 Pedestrian Master Plan to guide City efforts to make walking in Berkeley safe, attractive, easy, and convenient for people of all ages and abilities.	Funded	4/18-12/19	Carryover
143	City Council Approved Program		Provide state-of-the-art, well-maintained infrastructure, amenities, and facilities	PW	Health, Housing & Community Services, Fire, Police	Bicycle and Pedestrian Infrastructure Improvements: Implement Protected Bicycle Lanes on Milvia Street	Plan, design, and construct a bikeway that is physically protected from motor traffic through downtown along Milvia Street between Hearst Avenue and Blake Street	Partially funded	7/18-6/21	Carryover









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Planning Commission

INFORMATION CALENDAR

January 29, 2019

To: Honorable Mayor and Members of the City Council  
From: Planning Commission  
Submitted by: Chris Schildt, Chairperson, Planning Commission and Jeff Vincent,  
Chairperson of the Workplan Subcommittee  
Subject: Planning Commission Workplan 2018-2019

**INTRODUCTION**

The City of Berkeley Planning Commission (PC) hereby submits its work plan for Fiscal Year 2018, pursuant to the Berkeley City Council's request.

**CURRENT SITUATION AND ITS EFFECTS**

Unlike other city commissions, the PC's workload is almost exclusively dictated by referrals from the City Council. Each year, the Council goes through an extensive referral ranking process, which shapes the prioritization of work for the PC. Thus, by design, the PC has far less latitude than other city commissions in setting its agenda. As of October 2018, the PC has a workload of more than 40 referrals from the City Council.

The PC's workplan organizes the referrals around three strategic areas of PC interest/outcome, as described below. Across these strategic outcome areas, the PC aims to **demonstrate state-wide leadership in promoting social equity, affordability, and climate resilience issues**. In some cases this requires action to comply with new state laws, and in some cases this may involve going "beyond" state laws to recommend local land use policies that the PC feels will achieve more equitable results than state requirements.

***Strategic Outcome Areas:***

1. **Increase affordable housing.** This includes retaining and expanding the stock of affordable housing available throughout the city. The commission has identified three mechanisms by which we can advance this strategic outcome:
  1. Modify development standards to create more affordable housing;
  2. Revise administrative procedures and levels of discretion to streamline affordable housing;
  3. Develop community benefits and other value capture mechanisms in order to maximize affordability in new development.

2. **Promote healthy, livable communities.** This includes ensuring Berkeley residents live in safe, healthy, and accessible communities with parks, schools, local businesses, and cultural institutions, and promoting healthy mobility options for all residents.
3. **Support community economic development and commercial vitality.** This includes preserving and enhancing Berkeley's thriving neighborhood commercial areas and ensuring a vibrant downtown.

**Resources:** Significant staff time is required to conduct the research, write reports, and draft zoning language. In some cases, consultants are brought on board to assist staff.

**Activities:** For each referral, the PC's action requires staff time for substantive reports on each topic within each referral as well as developing draft zoning language changes. Often the draft zoning language goes through multiple revisions across multiple PC meetings.

**Outputs:** On nearly all referrals, the PC output consists of recommendations to the City Council.

### **BACKGROUND**

City Council has requested that each commission provide a workplan that explains the mission and goals of each appointed body. The mission of the Planning Commission, as outlined in the City Charter, reads:

*"The Commission recommends modifications to the City of Berkeley General Plan and related policy documents. All Zoning Ordinance amendments are developed through this Commission and recommended to the City Council. Other purviews include subdivision map consideration and review and comments on substantial projects from surrounding jurisdictions."*

Members of the PC have discussed their goals and prioritized three strategic outcomes to guide their 2018-2019 work as described above: 1) Increase affordable housing; 2) Promote healthy, livable communities; and 3) Support community economic development and commercial vitality.

At its meeting of November 7, 2018, the Planning Commission voted to adopt this workplan with Commissioner Vincent's edits and send it to City Council. [Vote: 8-0-0-1; Ayes: Martinot, Kapla, Schildt, Vincent, Fong, Pinto, Beach, Lacey. Noes: None. Abstain: None. Absent: Wrenn. Motion/Second: Kapla/Schildt]

The attached Planning Commission Workplan Table 2018-2019 (see Attachment 1) shows prioritized referrals, referrals awaiting action from other commission(s), referrals ranked by City Council that are slated for PC action to begin after the current work planning period (ending June 2019) based on resources and capacity, and referrals not

ranked by City Council for 2018-2019 work plan but which will be added to PC work schedule in priority order once ranked by Council.

#### **ENVIRONMENTAL SUSTAINABILITY**

The PC's workplan aids in advancing the city's goals around sustainability and greenhouse gas reduction.

#### **POSSIBLE FUTURE ACTION**

The PC's pace in working through City Council referrals is determinant on staff support. Currently, the Long Range Policy Group has two FTE staff planners (with plans to hire a 3<sup>rd</sup> and 4<sup>th</sup> soon) that support the growing workload of the PC. The PC is understaffed relative to its workload, as created by the City Council and relative to other Commissions. The PC's ability to move more quickly through City Council referrals could be greatly improved by increasing staff support to the PC.

The PC also makes additions or changes to the workplan as expedited referrals and other timely requests which arise from the City Council.

**Resources Needed:** Given the urgency of the housing situation in the City of Berkeley, additional staff support for the PC seems to be a prudent priority for city leaders to address.

#### **FISCAL IMPACTS OF POSSIBLE FUTURE ACTION**

Increasing staff support to the PC will likely incur expense to the City of Berkeley Planning Department.

#### **CONTACT PERSON**

Alene Pearson, Commission Secretary, Land Use Planning Division, 510-981-7489

Attachments:

1: PC Workplan Table 2018-2019

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 Planning Commission Workplan Table 2018-2019

REFERRALS to Planning Commission by the City Council	RANKING* - RRV & HAP	STRATEGIC OUTCOME AREAS			Waiting on other Commission ?
		1. Increase Affordable Housing	2. Promote Healthy, Livable Communities	3. Support Economic Development and Commercial Vitality	
A. Referrals Prioritized by PC for 2018-2019 Workplan					
Small Business Package	started			x	
Moderate Impact Home Occupations	started			x	
Comprehensive Cannabis Ordinance	3 started referrals		x	x	
Density Bonus Package	56, 16, and 2 started referrals	x			JSISHL
Student Housing Package	16, 56, and two started referrals	x			JSISHL
Adeline Community Benefits/Land Value Capture	10	x	x		
Streamline Permitting for Affordable Housing	started	x			JSISHL
Zoning Ordinance Revision Project Phase 1 & 2	started		x		
Green Affordable Housing	started	x			
Flexible Ground Floor Uses	25 and one started referral	x			
Housing Linkage Fees	started (short-term)	x			
B. Referrals Awaiting Action by Other Commission(s)					
Reclassify 1050 Paker from MU-LI to C-W	57			x	ZAB approval

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 Planning Commission Workplan Table 2018-2019

REFERRALS to Planning Commission by the City Council	RANKING* - RRV & HAP	STRATEGIC OUTCOME AREAS
Green Stormwater Requirements from CEAC		x CEAC
Air Pollution Performance Standards from CEAC		x CEAC
Denial of Permits to Violators		x HAC

C. Referrals ranked by City Council, work to begin after end of this work planning period (June 2019) TBD, based on resources and capacity		3. Support Economic Development and Commercial Vitality			Waiting on other Commission ?
		1. Increase Affordable Housing	2. Promote Healthy, Livable Communities		
Toxic Remediation Regulations	started		x		
Green Development Standards from CEAC	started (by CEAC)		x		
Lower discretion for internal remodeling	14		x		
Expand boundaries of Downtown Arts District	17			x	
Junior ADUs	20				
San Pablo Ave Specific Area Plan	23		x		
ADUs in very high fire zones	43		x		
Health Equity and Innovation District	49		x		
Research Tiny Homes, YSA Tiny Homes	63	x			
Commercial Square Footage in C-E	59			x	

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 Planning Commission Workplan Table 2018-2019

REFERRALS to Planning Commission by the City Council	RANKING* - RRV & HAP	STRATEGIC OUTCOME AREAS			Waiting on other Commission ?
		1. Increase Affordable Housing	2. Promote Healthy, Livable Communities	3. Support Economic Development and Commercial Vitality	
D. Referrals not ranked by City Council for 2018-2019 work plan; will be added to work schedule once ranked based on ranking.					
Demolition Ordinance		x			
ADUs for Homeless		x			
Fee Waivers for Housing Trust Fund Projects		x			
Auto Uses in C-SA				x	
ADA Improvements in ADUs			x		
Inclusionary Requirement for Live/Work		x			
Mini Dorms (student housing)		x			
ADU Mods			x		

\* "started" is a referral on which substantive work began before last Council RRV, thus not subject to re-ranking. If blank, the referral has not yet been ranked by the City Council

NOTE: Many of these referrals touch on all 3 strategic outcome areas.

REFERRALS to Planning Commission by the City Council	RANKING* - RRV & HAP	STRATEGIC OUTCOME AREAS				Waiting on other Commission ?
		1. Increase Affordable Housing	2. Promote Healthy, Livable Communities	3. Support Economic Development and Commercial Vitality	4. Comply with or Exceed State Law	
Referrals Prioritized by PC for 2018-2019 Workplan						
Small Business Package	started	x				
Moderate Impact Home Occupations	started		x			
Comprehensive Cannabis Ordinance	3 started referrals		x		x	
Density Bonus Package						
Develop Community Benefits with C-T development standards (see Student Housing Package)	started					
Create pilot program for in-lieu fees for City Density Bonus (see Student Housing Package)	56	x				
Revise General Plan & Zoning Ord. to add written standards including density standards for parcels	started					
Amend Zoning Ord. to increase max height by 20' and adjust FAR in area bounded by Bancroft, College, and Fulton (see Student Housing Package)	16					
Student Housing Package	16, 56, and two started referrals	x				
Adeline Community Benefits/Land Value Capture	10	x	x			
Streamline Permitting for Affordable Housing	started	x				JSISHL
Zoning Ordinance Revision Project Phase 1 & 2	started		x			
Green Affordable Housing	started	x				
Flexible Ground Floor Uses	25 and one started referral	x				
Housing Linkage Fees	started (short-term)	x				
Referrals Awaiting Action by Other Commission(s)						
Reclassify 1050 Paker from MU-L1 to C-W						Waiting on other Commission ?
Green Stormwater Requirements from CEAC	57		x			CEAC
Green Development Standards from CEAC			x			CEAC
Air Pollution Performance Standards from CEAC			x			CEAC
Denial of Permits to Violators			x			HAC
Referrals ranked by City Council, work to begin after end of this work planning period (June 2019) TBD, based on resources and capacity						
						Waiting on other Commission ?

RESOURCES	ACTIVITIES	OUTPUTS
LUP & OED staff time to write staff reports and Staff time to write staff reports		
Cannabis Commission Staff time to write Zoning reports	Commission will review language and provide feedback	Commission makes recommendations to Council
Staff time to write staff reports		
Staff time to write staff reports		
Consultant Staff time		
Staff time to write staff reports		
Staff time to write staff reports		
Adeline consultant Staff time		
JSISHL Subcommittee Staff time to write staff reports	JSISHL will review state housing laws, provide	JSISHL will make recommendations to the Council
Consultant ZORP Subcommittee		
Staff time to write staff reports and zoning		
Staff time to write staff reports		
Consultant Staff time		

Staff time and ZAB		





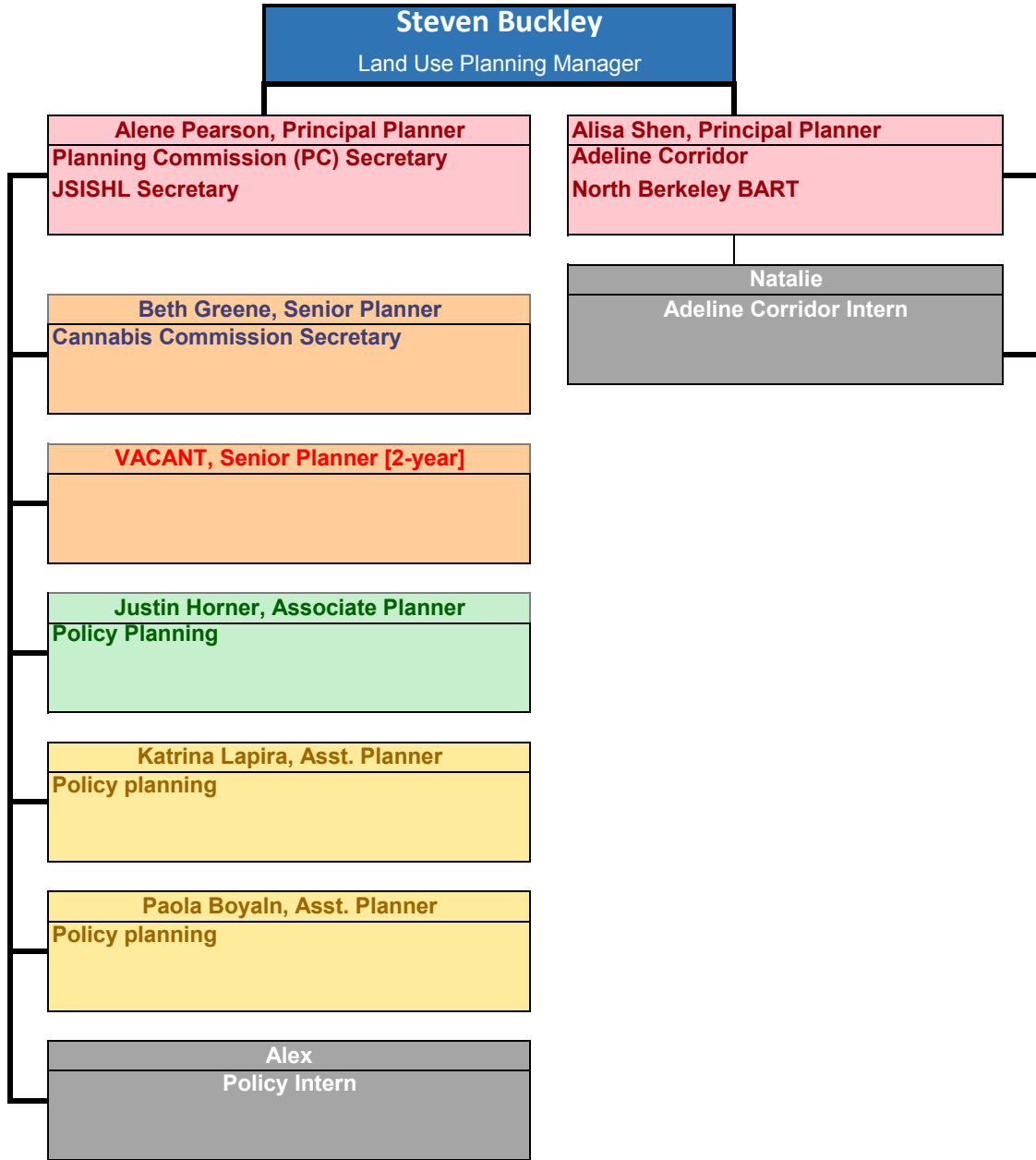

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Mini Dorms (student housing)									
ADU Meds									

\* "started" is a referral on which substantive work began before last Council RRV. If not subject to re-ranking. If blank, the referral has not yet been ranked by the City Council



### Policy Group Organizational Chart (June 2019)







Lori Droste  
Councilmember, District 8

CONSENT CALENDAR

June 25, 2019

To: Honorable Mayor and Members of the City Council

From: Councilmember Droste, Mayor Arreguin, Councilmember Harrison, and Councilmember Wengraf

Item Description: Zoning Ordinance Modification for Elmwood Commercial District

RECOMMENDATION

Refer to the Planning Commission to amend Chapter 23E.44, C-E Elmwood Commercial District Provisions to allow for amusement device arcades with a Tier 2 Administrative Use Permit (for spaces >3,000 Sq. Ft.) and a Zoning Certificate (for spaces < 3,000 Sq. Ft.). Proposed ordinance language for changes to Table 23E.44.030 are attached.

FISCAL IMPACTS OF THE RECOMMENDATION

Potential tax revenue from newly permitted commercial uses.

CURRENT SITUATION AND ITS EFFECTS

This zoning modification is a Strategic Plan Priority Project, advancing our goal to foster a dynamic, sustainable, and locally-based economy. Currently, amusement device arcades” are prohibited uses in the Elmwood Commercial District.

BACKGROUND

Under current City codes, no amusement device arcades are permitted in the Elmwood Commercial Corridor. As the nature of retail and commercial uses changes and adapts to present day consumer habits and environments, so too should City code. Given recent commercial vacancies in the Elmwood Commercial District, now is an opportune time to re-examine commercial uses.

Recently, an established, local, family-owned business has expressed interest in opening a ‘vintage’ inspired arcade in the Elmwood. Upon review of our zoning code, the interested party saw that such use is currently prohibited. The proposed changes would allow for inventive businesses such as this one to open. The proposed changes take the size of the business storefront into consideration - arcades operating under 3,000 square feet would be allowed a

zoning certificate. Occupants of larger spaces (over 3,000 square feet) would need a Tier 2 Administrative Use Permit, which allows for public notice and feedback.

*This ordinance change would only apply to the Elmwood Commercial District. C-1 and CDMU commercial districts, per Table 23E.36.030 and Table 23E.68.030 require a UP (PH) for an amusement device arcade (unless they are within 600 ft. of a primary or secondary school, in which case they are prohibited). For all other Commercial Districts, the use is, and will remain, prohibited.*

ENVIRONMENTAL SUSTAINABILITY

RATIONALE FOR RECOMMENDATION

ALTERNATIVE ACTIONS CONSIDERED

CONTACT PERSON

Councilmember Lori Droste 510-981-7180

**Chapter 23E.44****C-E Elmwood Commercial District Provisions**

## Sections:

<a href="#">23E.44.010</a>	Applicability of Regulations
<a href="#">23E.44.020</a>	Purposes
<a href="#">23E.44.030</a>	Uses Permitted
<a href="#">23E.44.040</a>	Special Provisions -- Numerical Limitations
<a href="#">23E.44.050</a>	Construction of New Floor Area, Conversions of Existing Buildings -- Requirements for Use Permits
<a href="#">23E.44.060</a>	Use Limitations*
<a href="#">23E.44.070</a>	Development Standards
<a href="#">23E.44.080</a>	Parking -- Number of Spaces
<a href="#">23E.44.090</a>	Findings

**23E.44.010 Applicability of Regulations**

The regulations in this chapter shall apply in all C-E Districts. In addition, general provisions in Sub-title [23C](#) shall apply. (Ord. 6478-NS § 4 (part), 1999)

**23E.44.020 Purposes**

The purposes of the Elmwood Commercial (C-E) Districts are to:

- A. Implement the Master Plan's designation for a community commercial district in this area.
- B. To maintain a scale and balance of retail goods and services in the district to compatibly serve the everyday needs of surrounding neighborhoods by:
  1. Providing locations for retail goods and service establishments to serve surrounding neighborhoods;
  2. Preventing development which exceeds the amount and intensity of use that is compatible with adjacent residential neighborhoods;
  3. Limiting the space occupied by businesses that generate high traffic and/or parking demands;

- 4. Controlling the proliferation of establishments which, if not limited, might expand to displace establishments needed to serve surrounding neighborhoods; and
- 5. Permitting other uses which serve this objective.

C. To ensure that new buildings, alterations and additions to existing buildings harmonize with their surroundings. (Ord. 6478-NS § 4 (part), 1999)

**23E.44.030 Uses Permitted**

A. The following table sets forth the permits required for each listed item. Each use or 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)) or is prohibited.

<b>Table 23E.44.030</b>		
<b>Use and Required Permits</b>		
<b>Use</b>	<b>Classification</b>	<b>Special Requirements (if any)</b>
<b>Retail Sales</b>		
All Retail Sales Uses, except those listed below	ZC*	As defined in Sub-title F, except otherwise listed (does not include Video Rental Stores).
Alcoholic Beverage Retail Sales, including liquor stores and wine shops	UP(PH)	Includes sale for off-site consumption at restaurants
Department Stores  Over 3,000 s.f.	ZC*  Prohibited	



Drugstores	ZC*	A new or expanded Drugstore is prohibited if it is over 5000 square feet in Gross Floor Area, and within 1000 feet of any property containing an existing Drugstore, as measured by a straight line from the nearest point of the property line of the parcel on which the Drugstore is proposed to the nearest point of the property line of the parcel on which the nearest Drugstore is located.
Firearm/Munitions Businesses	UP(PH)	Prohibited on any property devoted to residential use
Pawn Shops, including Auction Houses	Prohibited	
Pet Stores, including Sales and Grooming of Animals	UP(PH)	Does not include boarding of animals
Smoke Shops	UP(PH)	Prohibited if within 1,400 feet of a school or public park
Personal and Household Services		
All Personal/Household Services, except those listed below	ZC*	As defined in Sub-title F, except those otherwise listed (does not include Massage).
Laundromats	UP(PH)	
Veterinary Clinics, including Pet Hospitals	UP(PH)	
Video Tape/Disk Rental Stores	AUP	
Offices		

Financial Services, Retail (Banks)	UP(PH)	
Insurance Agents, Title Companies, Real Estate Agents, Travel Agents	ZC*	When located on the ground floor adjacent to a street frontage, storefront windows required to include a window display or to be transparent and provide pedestrian viewing a minimum of 10 feet into the storefront area
Medical Practitioners	Prohibited	Including Holistic Health and Mental Health Practitioners
Non-Chartered Financial Institutions	Prohibited	
Other Professionals and Government, Institutions, Utilities	AUP	When located on the ground floor adjacent to a street frontage, storefront windows required to include a window display or to be transparent and provide pedestrian viewing a minimum of 10 feet into the storefront area
Food and Alcohol Service, Lodging, Entertainment and Assembly Uses		
Adult-oriented Businesses	Prohibited	
Alcoholic Beverage Service	UP(PH)	Service of alcoholic beverages allowed only as incidental to food service in Food Service Establishments
Alcoholic Beverage Service of beer and wine incidental to seated food service	ZC	For on-site consumption only
Amusement Device Arcades	Prohibited <u>ZC</u> <u>AUP - tier</u> <u>2</u>	
	<u>Under 3,000 s.f.</u>	
	<u>Over 3,000 s.f.</u>	

Commercial Recreation Center		Outdoor use requires UP(PH)
Under 3,000 s.f.	AUP	
Over 3,000 s.f.	UP(PH)	
Dance, Exercise, Martial Arts and Music Studios	AUP	
Entertainment Establishments, including Nightclubs	Prohibited	
Food Service Establishments	AUP	Food Service Establishments must provide public notification of decision (NOD) within a 300-foot radius of the subject property.
Group Class Instruction for Business, Vocational or Other Purposes	AUP	
Gyms and Health Clubs	AUP	
Hotels, Tourist, including Inns, Bed and Breakfasts and Hostels	UP(PH)	
Motels, Tourist	Prohibited	
Theaters	UP(PH)	Including Motion Pictures and Stage Performance
<b>Automobile and Other Vehicle Oriented Uses</b>		
Automobile Parts Stores	ZC*	Excluding service of auto parts
Automobile Repair and Service, including Parts Service	Prohibited	

Automobile Sales and Rentals	Prohibited	
Automobile Washes, Mechanical or Self-Service	Prohibited	
Automobile Wrecking Establishments	Prohibited	
Gasoline/Automobile Fuel Stations	Prohibited	
Motorcycle Stores, including Sales and/or Service	Prohibited	
Recreational Vehicle and Trailers Sales and Rental, including Boats	Prohibited	
Tire Sales/Service Stores	Prohibited	
Parking, Outdoor and Exterior Service Window Uses		
Activities or Storage Outside of a building  Not abutting R-District  When abutting R-District	AUP  UP(PH)	
Automatic Teller Machines (exterior and when part of a Retail Financial Service)	UP(PH)	
Drive-in Uses	Prohibited	Providing service to customers in their cars. See definition in Sub-title F
Parking Lots	UP(PH)	
Recycling Redemption Centers	AUP	

Outdoor Cafe Seating		
When seating not abutting R-District	ZC	
When seating abutting R-District	AUP	
Combination Commercial/Residential Uses		
Live/Work Units		
Not requiring a UP under Chapter <a href="#">23E.20</a>	ZC	
Requiring a UP under Chapter <a href="#">23E.20</a>	UP(PH)	
Mixed Use Developments (Residential/Commercial)	UP(PH)	Subject to the standards under Section <a href="#">23E.44.070.E</a>
Uses Incidental to a Permitted Use		
Amusement Devices (up to three)	UP(PH)	
Food or Beverage for Immediate Consumption	UP(PH)	Treated as Food Service Establishment and subject to numerical limitations in Table <a href="#">23E.44.040</a> . Incidental Food and Beverage for Immediate Consumption off the premises is permitted as an Accessory Use of a Food Product Store.
Live Entertainment		
Unamplified	ZC	
Amplified	Prohibited	
Manufacturing Uses	UP(PH)	

Storage of Goods (over 25% of gross floor area)	AUP	
Wholesale Activities	UP(PH)	
Six or fewer persons	ZC	
Seven or more persons	AUP	
New Construction	UP(PH)	
<b>Uses Permitted in Residential Districts</b>		
Accessory Dwelling Unit in compliance with Section <a href="#">23C.24.050</a>	ZC	
Accessory Dwelling Unit that does not comply with requirements under Section <a href="#">23C.24.050</a>	AUP	Subject to making applicable findings in Section <a href="#">23C.24.070</a>
Accessory Uses and Structures	Per R-3 District	See Table <a href="#">23D.36.030</a>
Accessory Buildings and Structures with Urban Agriculture	ZC	<a href="#">23C.26</a> , <a href="#">23D.08.010</a> , <a href="#">23D.08.020</a> , <a href="#">23D.08.050</a> , and <a href="#">23D.08.060</a>
Child Care Centers	UP(PH)	
Clubs, Lodges	UP(PH)	
Community Centers	UP(PH)	
Dwelling Units, subject to R-3 Standards	UP(PH)	Standards may be modified under Section <a href="#">23E.44.070.F</a>
Group Living Accommodations, subject to R-3 Standards	UP(PH)	Standards may be modified under Section <a href="#">23E.44.070.F</a>

Hospitals	Prohibited	
Hotels, Residential, including Single Room Occupancy (SRO) Hotels	UP(PH)	
Libraries	UP(PH)	Subject to parking requirements under Section <a href="#">23E.44.080</a>
Nursing Homes	UP(PH)	Subject to parking requirements under Section <a href="#">23E.44.080</a>
Parks and Playgrounds	ZC	
Public Safety and Emergency Services	UP(PH)	
Religious Assembly Uses	UP(PH)	
Schools, Public or Private	UP(PH)	
Senior Congregate Housing		Changes of use from an existing dwelling unit
Six or fewer persons	ZC	
Seven or more persons	AUP	
New Construction	UP(PH)	
Miscellaneous Uses		
Automatic Teller Machines	Prohibited	When not a part of a Retail Financial Service
Cafeteria, Employee or Residential	UP(PH)	
Cemeteries, Crematories, Mausoleums	Prohibited	

Columbaria	AUP	Allowed with a ZC if incidental to a Community and Institutional Use, limited to 400 niches, no more than 5% of the subject property area, and located within the main building
Circus or Carnival	UP(PH)	
Commercial Excavation	UP(PH)	Including earth, gravel, minerals, or other building materials including drilling for, or removal of, oil or natural gas
Dry Cleaning and Laundry Plants	Prohibited	
Emergency Shelter  Up to 25 beds  More than 25 beds	ZC  UP(PH)	See Chapter <a href="#">23C.10</a> .
Kennels or Pet Boarding	Prohibited	
Laboratories, Testing	Prohibited	
Mortuaries	Prohibited	
Public Utility Substations, Tanks	UP(PH)	
Radio, Television or Audio/Sound Recording and/or Broadcast Studios	UP(PH)	
Warehouses or Storage including Mini-storage Warehouses	Prohibited	
Wireless Telecommunications Facilities		



Microcell Facilities, Modifications to Existing Sites, and Additions to Existing Sites When the Site Is Not Adjacent to a Residential District	AUP	Subject to the requirements and findings of Section <a href="#">23C.17.100</a>
All Other Telecommunication Facilities	UP(PH)	Subject to the requirements and findings of Section <a href="#">23C.17.100</a>
Urban Agriculture		<a href="#">23C.26</a>
Low-Impact Urban Agriculture (LIUA)	ZC	
High-Impact Urban Agriculture (HIUA)	AUP	
Legend:		
ZC – Zoning Certificate AUP – Administrative Use Permit UP(PH) – Use Permit, public hearing required Prohibited – Use not permitted	*Change of Use of floor area over 2,000 sq. ft. shall require an AUP.	

B. Any Use not listed that is compatible with the purposes of the C-E District shall be permitted subject to securing an Administrative Use Permit. Any Use that is not compatible with the purposes of the C-E District shall be prohibited.

C. The initial establishment, or change, of use of floor area of an existing non-residential building, or portion of building, shall be subject to the following permit requirements as listed in the legend of Table [23E.44.030](#). (Ord. 7635-NS § 7, 2019; Ord. 7620-NS § 13, 2018; Ord. 7599-NS § 22, 2018; Ord. 7513-NS § 1, 2016; Ord. 7425-NS § 8, 2015; Ord. 7354-NS § 4, 2014; Ord. 7322-NS § 7, 2013; Ord. 7204-NS § 5, 2011; Ord. 7191-NS § 5, 2011; Ord. 7155-NS § 11, 2010; Ord. 7129-NS § 11, 2010; Ord. 6671-NS § 7, 2002; Ord. 6669-NS § 1, 2001; Ord. 6644-NS § 2, 2001; Ord. 6478-NS § 4 (part), 1999)

**23E.44.040 Special Provisions -- Numerical Limitations**

A. Uses subject to numerical limitations as set forth in Table [23E.44.040](#) shall also be subject to the requirements of Section [23E.44.030](#). No such limitation may be exceeded unless the Board issues an Administrative Use Permit and makes the findings under Section [23E.44.090.C](#).

Table 23E.44.040			
Numerical Limitations			
Use	Number Limit	Size (sq. ft.)	Type of Permit
Art/Craft Shops, Gift/Novelty Shops, Jewelry/Watch Shops	No limit	1,500	Zoning Certificate
Bookstores, Periodical Stands	No limit	2,000	Zoning Certificate
Food Service Establishments:	25		
Photocopy Stores, Printing, Fax, Magnetic Disk Reproduction Services	No limit	1,000	Zoning Certificate

(Ord. 7635-NS § 8, 2019; Ord. 7513-NS § 2, 2016; Ord. 7191-NS § 6, 2011; Ord. 6478-NS § 4 (part), 1999)

**23E.44.050 Construction of New Floor Area, Conversions of Existing Buildings --**

**Requirements for Use Permits**

A. No new gross floor area shall be created unless a Use Permit is obtained. Creation of new floor area includes construction of new buildings or Accessory Buildings; additions to existing buildings; or the installation of new floor or Mezzanine levels within or onto existing buildings.

B. Existing buildings used for commercial activities shall not be converted, unless an Administrative Use Permit is obtained. (Ord. 6478-NS § 4 (part), 1999)

**23E.44.060 Use Limitations\***

A. No Commercial Use shall operate except between the hours of 7:00 a.m. and 11:00 p.m., unless a Use Permit is obtained and is in accordance with Section [23E.16.010](#).

B. Any Use which is incidental to the primary use of a building or property shall be subject to the permit requirements identified in the Uses Incidental to a Permitted Use heading, in Table [23E.44.030](#), except as below:

1. Any food service use shall be subject to the limitations in Table [23E.44.040](#) and shall not be considered as an Incidental Use for this District except when an accessory use to a Food Product Store.

C. Any activity or Use which occurs outside of a building shall be subject to the permit requirements identified in the Parking, Outdoor and Exterior Window Uses heading in Table [23E.44.030](#).

D. Adult-oriented Businesses, Amusement Device Arcades, and Non-Chartered Financial Institutions are not permitted in this District. Alcoholic Beverage Sales or Service Uses and Live/Work Uses shall be subject to the requirements of Chapters [23E.16](#) and [23E.20](#), in addition to the requirements of this District and below:

1. On-premises service or consumption of alcoholic beverages shall be permitted only as incidental consumption with meals in food service establishments. (Ord. 7513-NS § 3, 2016; Ord. 7425-NS § 9, 2015; Ord. 7191-NS § 7, 2011; Ord. 6478-NS § 4 (part), 1999)

\*Specific text which previously amended this section on September 26, 2006 was repealed November 2006 as stated in the sunset provision (§ 22) of Ordinance 6,948-N.S.

**23E.44.070 Development Standards**

A. The FAR shall not exceed eight-tenths (.8) for an Interior or Through Lot and the FAR shall not exceed one for a Corner Lot.

B. The height for a Main Building shall not exceed the following limits and shall satisfy the following requirements:

Use Type	Height (ft.)	Stories (number)
All	28	2*

\*Except that basement level devoted exclusively to parking shall not be counted as a story

C. No yards for Main Buildings, Accessory Buildings, or Accessory Structures shall be required, except as set forth below:

1. Subject to obtaining a revocable encroachment permit from the City Council, bay windows and balconies 11 feet or more above the sidewalk grade may extend three feet into a street right-of-way, provided, that, not more than 60% of the length of a building elevation shall extend beyond the property line.

D. When the subject lot is adjacent to an abutting or confronting lot in a residential zone, the requirements of Section [23E.04.050](#) and [23E.04.060](#) shall apply, for additional yard and building feature requirements, respectively and as below:

1. No food service establishment shall have any openings other than fixed windows and required fire exits within 50 feet of a residential zone. In addition, no food service establishments shall have any live entertainment other than unamplified background music.

E. Any Mixed Use building (residential and commercial) shall satisfy all of the standards and requirements of this District, except that the off-street parking and Usable Open Space requirements for the Residential Use portion shall be as set forth in the R-3 District requirements; provided, however, that the Board in its discretion may issue a Use Permit to modify the off-street parking and Usable Open Space requirements where it finds such modification promotes any of the general purposes set forth in Section [23E.44.090.B](#).

F. Exclusive Residential Uses shall be subject to the building site area, yard, coverage and parking requirements of the R-3 District standards and the height limit set forth in Section [23D.36.070.B](#). Other requirements are set forth below:

1. Each Dwelling Unit shall have Usable Open Space of at least 40 square feet with no dimension less than six feet;
2. No Residential Use shall be located on the ground floor within 20 feet of a property line along College or Ashby Avenue. (Ord. 6478-NS § 4 (part), 1999)

### **23E.44.080 Parking -- Number of Spaces**

A. All parking shall be provided in accordance with the requirements of this section and Chapter [23E.28](#), except as set forth in this section.

B. The district minimum standard parking requirement for commercial floor area is two spaces per 1,000 square feet of gross floor area. This standard shall not apply to spaces less than 6,000 square feet, where no parking standard exists.

C. Construction which results in the creation of 6,000 or more square feet of commercial gross floor space shall be required to provide Off-street Parking Spaces at the minimum ratio of two spaces per 1,000 square feet of gross floor area of commercial space and in accordance with the requirements of Chapter [23E.28](#).

D. Any construction which results in the creation of 10,000 square feet of new or additional commercial gross floor space shall satisfy the loading space requirements of Chapter [23E.32](#). (Ord. 6856-NS § 13 (part), 2005: Ord. 6478-NS § 4 (part), 1999)

### **23E.44.090 Findings**

A. In order to approve any Use Permit under this chapter, the Zoning Officer or Board must make the finding required by Section [23B.32.040](#). The Zoning Officer or Board must also make the findings required by the following paragraphs of this section to the extent applicable:

B. A proposed use or structure must do all of the following:

1. Encourage and maintain the present street frontage and pedestrian orientation of the District;
2. Be compatible in design and character with the commercial District and the adjacent residential neighborhoods;
3. Be compatible with the purposes set forth in Section [23E.44.020](#) and the existing character of the District.

In addition, a finding also shall be made that such action and its effects will not:

4. Interfere with the continuity of retail or compatible service facilities at the ground level;
5. Interrupt a continuous wall of building facades;
6. Generate traffic and parking demand beyond the capacity of the commercial District or significantly increase impacts on adjacent residential neighborhoods;
7. Result in domination of this District by one type of use;
8. Generate objectionable odors nor excessive levels of noise.

C. In order for a Use Permit under Section [23E.44.040](#).A, for an exception to exceed a numerical limitation for a use, to be granted the following finding must be made: The exception shall result in the positive enhancement

of the purposes of the District, as evidenced by neighborhood resident and merchant support and marketing surveys or other information indicating probable substantial patronage by surrounding residents. (Ord. 6478-NS § 4 (part), 1999)

**ANNOTATED AGENDA  
BERKELEY CITY COUNCIL MEETING  
Tuesday, June 25, 2019  
6:00 PM**

SCHOOL DISTRICT BOARD ROOM - 1231 ADDISON STREET, BERKELEY, CA 94702

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI  
DISTRICT 2 – CHERYL DAVILA  
DISTRICT 3 – BEN BARTLETT  
DISTRICT 4 – KATE HARRISON

DISTRICT 5 – SOPHIE HAHN  
DISTRICT 6 – SUSAN WENGRAF  
DISTRICT 7 – RIGEL ROBINSON  
DISTRICT 8 – LORI DROSTE

## **Preliminary Matters**

**Roll Call:** 6:12 p.m.

**Present:** Davila, Bartlett, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin

**Absent:** Kesarwani

Councilmember Kesarwani present at 6:21 p.m.

### **Report from Closed Session:**

The City Council met in closed session and authorized the settlement of the matter of Berkeleyside et al. v. City of Berkeley, Alameda Superior Court Case No. RG 19004749, for \$19,287.50.

### **Ceremonial Matters:**

1. Recognition of Elder Abuse Awareness Month
2. Recognition of Alpha Kappa Alpha 90<sup>th</sup> Anniversary
3. Adjourned the meeting in memory of Francisco Silva, Local Construction Foreman
4. Adjourned the meeting in memory of Peter Selz, Founding Director of the Berkeley Art Museum
5. Adam Duhan, Local Physician

### **City Manager Comments:**

1. Community Picnic at Grove Park, June 27
2. Movie in the Park, Cordonices Park, June 28

### **City Auditor Comments:**

The City Auditor noted Item 44 regarding the Code Enforcement Audit and clarified the purpose of the audit to highlight operational needs. Two recommendations have been completed and one remaining recommendation is the inclusion of operational costs and tradeoffs in Council reports.

## Council Consent Items

- 36. An Action Plan for Greening the City of Berkeley Fleet of Vehicles**  
**From: Councilmembers Wengraf, Harrison, Robinson and Mayor Arreguin**  
**Recommendation:** Request the City Manager and Department of Public Works collaborate to create an Action Plan (“plan”), by June 2020, to aggressively accelerate the implementation of the electrification of the City’s municipal fleet and phase out fossil fuel use in municipal vehicles by 2030 with consideration of an earlier transition for light-duty passenger vehicles. The Plan should include an evaluation of the City’s current fleet and an analysis of opportunities for transitioning to a fleet of fossil fuel free vehicles, as soon as the technology can safely meet operational needs. An update on our progress should be reported to City Council as an information item every six months.  
In the interim, the City Manager is asked to explain criteria used to purchase fossil fuel vehicles in all future staff items related to vehicle purchases with Council.  
**Financial Implications:** See report  
Contact: Susan Wengraf, Councilmember, District 6, 981-7160  
**Action:** Approved recommendation.
- 37. Zoning Ordinance Modification for Elmwood Commercial District**  
**From: Councilmember Droste, Mayor Arreguin, and Councilmembers Harrison, and Wengraf**  
**Recommendation:** Refer to the Planning Commission to amend Chapter 23E.44, C-E Elmwood Commercial District Provisions to allow for amusement device arcades with a Tier 2 Administrative Use Permit (for spaces >3,000 Sq. Ft.) and a Zoning Certificate (for spaces < 3,000 Sq. Ft.). Proposed ordinance language for changes to Table 23E.44.030 are attached to the report.  
**Financial Implications:** See report  
Contact: Lori Droste, Councilmember, District 8, 981-7180  
**Action:** Approved recommendation.