



Planning Commission

AGENDA

REGULAR MEETING OF THE PLANNING COMMISSION

This meeting is held in a wheelchair accessible location.

Wednesday, September 5, 2018
7:00 PM

North Berkeley Senior Center
1901 Hearst Ave / MLK Jr. Way

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:** Pinto, Prakash, appointed by Councilmember Maio, 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 William, for Councilmember Wengraf, District 6
Fong, Benjamin, appointed by Councilmember Worthington, District 7
Vincent, Jeff, appointed by Councilmember Droste, District 8
Wrenn, Rob, Vice Chair, 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: October 3, 2018.**
- 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 July 18, 2018.
- 8. Future Agenda Items and Other Planning-Related Events:** None.

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

- 9. Discussion:** **Student Housing in the Southside**
Recommendation: Planning Commission to review Council referrals related to encouraging Student Housing and consider options for moving forward on these referrals.
Written Materials: Attached.
Web Information: N/A.
Continued From: N/A.
- 10. Discussion:** **Referral Response: Amending Moderate Impact Home Occupation Regulations**
Recommendation: Discuss the referral regarding amendments to Moderate Impact Home Occupation regulations with additional amendments identified by staff.
Written Materials: Attached.
Web Information: N/A.
Continued From: N/A.

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.

Information Items: None.

Communications:

- 2018-09-05 Marisa Kendall – Housing Reporter for East Bay Times – Information Request
- 2018-09-05 Rob Wrenn – Planning Commissioner – Memo with attachments for Item 9
- 2018-09-05 Cal Dems – More Student Housing Now Support, Item 9
- 2018-09-05 ASUC – Letter of Support More Student Housing Now Resolution, Item 9

Late Communications: (Received after the packet deadline): None.

Late Communications: (Received and distributed at the meeting): None.

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, 3rd 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.

29 **COMMITTEE REPORT:** None.

30 **7. APPROVAL OF MINUTES:**

31 Motion/Second/Carried (Kapla/Schildt) to approve the Planning Commission Meeting Minutes
32 from June 20, 2018. Ayes: Lacey, Martinot, Schildt, Fong, Kapla, Vincent. Noes: None.
33 Abstain: Schueler. Absent: Beach, Wrenn. (6-0-1-2)

34
35 **8. FUTURE AGENDA ITEMS AND OTHER PLANNING-RELATED EVENTS:** Staff will bring
36 two items to the September 5th meeting: the student housing and moderate impact referrals.

37 **AGENDA ITEMS**

38 **9. Discussion: Adeline Corridor Specific Plan Update and Draft Environmental**
39 **Impact Report (EIR) and EIR Scoping Session**

40 Staff presented on the Adeline Corridor Specific Plan EIR public scoping meeting. The
41 planning process and preparation of the EIR were summarized. The goal of this meeting is to
42 receive public comments about the environmental impacts that should be studied in the EIR.
43 The EIR will analyze environmental impacts of the Project (the Plan); identify “mitigation
44 measures,” which would serve to avoid or minimize an impact; and analyze alternative to the
45 Project that should be analyzed that may be environmentally superior to the proposed Project.

46 The Planning Commission took public comment for the EIR scoping session. Then, the
47 Planning Commission asked Staff questions regarding the process. The Planning
48 Commission discussed the content and analysis that should be included in the EIR, including
49 analysis of displacement in the neighborhood.

50 Public Comments: 16 speakers.

51 **10. Discussion: Analysis and Options Related to Small Business Support**
52 **Recommendations**

53 Motion/Second/Carried (Schildt/Kapla) to nominate Commissioner Fong as temporary Chair
54 because Chair Schildt had to leave meeting early. Ayes: Lacey, Martinot, Schildt, Fong, Kapla,
55 Vincent, Scheuler. Noes: None. Abstain: None. Absent: Beach, Wrenn. (7-0-0-2)

56
57 Staff presented the six recommendations related to the Small Business Package Referral
58 that were presented at the last Planning Commission meeting, with additional analysis and
59 options for moving forward with these recommendations.

60 The six recommendations include:

- 61 1. **Remove parking requirement for a change of use for qualifying projects in C-**
62 **prefixed districts.** Staff provided an option to remove the required incremental change in
63 parking for businesses that move into existing commercial spaces. The Planning
64 Commission agreed with this recommendation.

- 65 2. **Condense food services categories to a single category.** Staff provided two options:
66 1) collapse the three food service categories into one category, 2) collapse restaurant
67 types in C-1, C-N, C-NS, C-SA, C-T and C-SO, maintaining level of discretion associated
68 with commercial space size. The two options also included consideration of parking
69 requirements. The Planning Commission agreed to move forward with Option 1 amended
70 to include specific recommendations for levels of discretion and size thresholds where
71 conflicts arise and on parking requirements. In addition, the Commission requested staff
72 to bring back to the public hearing analysis supporting recommendations on the size
73 threshold determination, as well as, analysis of difference between the parking
74 requirements of 1 space per 300 square feet versus 1 space per 500 square feet.
75
- 76 3. **Standardize square footage thresholds that trigger various permits for “changes of
77 use” across all C-prefixed districts.** Staff provided two options: 1) lower the level of
78 discretion associated with a change of use from UPPH to an AUP in all relevant districts,
79 2) in addition to Option 1, lower the level of discretion associated with a change of use
80 from an AUP to a ZC in all relevant districts. The Planning Commission agreed with
81 Option 1, but asked staff to explain the pros-cons of UPPH versus AUP process in the
82 context of the permit approval process.
83
- 84 4. **Standardize “uses deemed compatible” across C-prefixed districts to the same
85 level of discretionary review.** Staff provided an option to lower the level of discretion for
86 approval of a “use deemed compatible” from UPPH to AUP. The Planning Commission
87 unanimously agreed with this recommendation.
88
- 89 5. **Expand the “commercial recreation” thresholds adopted for the Downtown across
90 other C-prefixed districts.** Staff provided three options for this recommendation: 1)
91 apply C-DMU’s regulations to Commercial Recreation Centers (CRC) in the Avenue
92 Commercial districts (C-1, C-T, C-W), 2) allow CRCs in the Neighborhood Commercial
93 zoning districts with a ZC if facility is under 1,500 sq. ft., and an AUP if facility is between
94 1,500 and 5,000 sq. ft. Add reference to “neighborhood-serving commercial
95 development” in the findings for CRCs in Neighborhood Commercial districts, 3) allow
96 CRCs in the Neighborhood Commercial zoning districts with a ZC if facility is under 1,500
97 sq. ft., and an AUP if facility is between 1,500 and 3,000 sq. ft. Add reference to
98 “neighborhood-serving commercial development” in the findings for CRCs in
99 Neighborhood Commercial districts. The Planning Commission agreed with Option 1 and
100 wanted more analysis and discussion for Options 2a and 2b in order to determine an
101 appropriate threshold size for AUP/UPPH in the Neighborhood Commercial districts.
102
- 103 6. **Allow the incidental service of beer and wine at a food service establishment via a
104 Zoning Certificate (ZC) in C-prefixed districts, and impose performance standards
105 where there would not otherwise be conditions of approval.** Staff provided an option
106 to lower the level of discretion from AUP to ZC for beer and wine service for incidental
107 seated food service. Add standard conditions of approval as performance standards to

108 the Zoning Ordinance for beer and wine service incidental to seated food service. Create
109 a new ZC form (ZC-REST) that lists performance standards. The Planning Commission
110 unanimously agreed with this recommendation.

111

112 Motion/Second/Carried (Vincent/Kapla) to request from staff to prepare a Public Hearing
113 for the October Commission meeting with all six recommendations and include additional
114 analysis for recommendations #2, #3, and #5. Ayes: Lacey, Martinot, Fong, Kapla, Vincent,
115 Scheuler. Noes: None. Abstain: None. Absent: Beach, Wrenn, Schildt (left at 9:30). (6-0-
116 0-3)

117 Public Comments: No speakers.

118 **The meeting was adjourned at 9:48pm**

119 **Commissioners in attendance: 7 of 9**

120 **Members in the public in attendance: 26**

121 **Public Speakers: 16 speakers**

122 **Length of the meeting: 2 hour and 45 minutes**



Planning and Development Department
Land Use Planning Division

STAFF REPORT

DATE: September 5, 2018
TO: Members of the Planning Commission
FROM: Elizabeth Greene, Senior Planner
SUBJECT: Student Housing in the Southside

INTRODUCTION

On January 23, 2018, the City Council (Council) adopted the More Student Housing Now (MSHN) resolution to facilitate both University and private housing investment in the campus area. This resolution requests immediate attention by prioritizing Planning Commission (PC) and Council action to remove impediments, such as requirements for parking or restrictions on residential units in commercial space (see Attachment 1).

Prior to the MSHN resolution, the Council asked the PC to consider multiple options to promote affordable housing in the City. Many of these referrals specifically focused on student housing or affordable housing in the Southside, a neighborhood that includes the campus area referred in the MSHN resolution. In response to the referrals, the PC established a Subcommittee on Affordable Housing and Community Benefits to consider ways to advance affordable housing in Berkeley. In its final report (June 20, 2018), the Subcommittee identified the need for additional student housing as an important issue, and recommended the PC focus on this matter.

This report focuses on developing options to create more opportunities for affordable student housing in Berkeley. It includes analysis of the Council referrals and pending state legislation regarding this topic. It also considers whether future changes could be included in the existing CEQA analysis developed for the Southside Plan. The report concludes with options for a path forward to address ways to promote affordable student housing.

BACKGROUND

State and local laws impact the housing that is built in a city. Below are key state regulations and local actions that have impacted housing availability in Berkeley in general and student housing in particular.

State housing regulations

Affordable housing has always been an important issue throughout California and in the Bay Area in particular. In order to determine how local jurisdictions address existing and future housing needs, the State requires local jurisdictions to submit updated Housing Elements every eight years and provide annual progress reports on housing approval and construction.

In recent years, housing prices have increased substantially while housing availability has dropped, creating a housing affordability crisis for California residents. To address this crisis, the State developed statewide mandates to expedite local housing permitting and reduce local restrictions on housing construction. Among the changes approved to date are the Housing Accountability Act (HAA) and new Accessory Dwelling Unit (ADU) regulations, which limit the ability of local jurisdictions to deny permits for housing, and SB 35, which streamlines multi-family housing approvals if project meets certain criteria, including provision of affordable units.

Additional legislation to remove local barriers to affordable housing is currently being considered by the State legislature. One such proposal, SB 1227, will be described in the Discussion section of this report.

City and UC Berkeley actions related to student housing

As the home of the flagship University of California campus (UC), Berkeley's housing concerns are especially relevant for the thousands of students that move to the city to attend college. In February 2018, the Commission held a one-hour forum in which UC Berkeley students described the difficulties they have experienced finding affordable housing in Berkeley and presented the PC with several ideas for the city to promote student housing.

Most student housing in Berkeley is in the Southside, a 27-block area located immediately south of the UC Berkeley campus, between Bancroft and Dwight, and Fulton and Prospect (see Attachment 2). This area contains most of the University's dormitories, co-ops, fraternities and sororities, and private dormitories. It also has high concentration of private housing which has historically provided housing for students.

According to a statement by Chancellor Carol Christ in January 2018, enrollment at the UC Berkeley campus has increased by 4,700 new students since 2013, a 13% increase.¹ The university currently provides the lowest percentage of beds for its students in the UC system, approximately 8,700 beds for 42,000 undergraduate and graduate students. Chancellor Christ has committed to add 7,500 new student beds over the next 10 years to address this situation.² Potential sites for these units include UC-owned land in the Southside, Albany Village and the Richmond Field Station.³

In 2011, the City Council approved the Southside Plan. This document was created to guide the development of the Southside until at least 2020. The Plan has two major goals:

¹ San Francisco Chronicle, August 21, 2018.

² Berkeley News, August 20, 2018.

³ Draft Housing Master Plan Task Force Report, January 2017.

create additional housing at appropriate locations to help meet the housing demand for students and people employed nearby; and provide a high-density residential and commercial mixed-use edge to the UC campus, transitioning to lower density residential at the east and south edges of the Southside.

Concurrent with the Plan adoption, the Council also approved zoning changes to implement the Plan. This included:

- the creation of two new, high-density residential zoning districts, Residential Southside (R-S) and Residential Southside Mixed Use (R-SMU); and
- the development of a Car-Free Housing overlay district which eliminated parking requirements in the entire Commercial Telegraph (C-T) and R-SMU districts and most of the R-S district.

DISCUSSION

The following section contains the following key information for the Commission to consider when developing options for increasing opportunities for student housing:

- Analysis of the five Council referrals related to affordable housing;
- The City Attorney’s analysis of the possible local density bonus regulations;
- Description of SB 1227 related to creating affordable student housing; and
- Potential CEQA analysis that may be necessary to implement changes.

Council referrals

Since 2016, the City Council has forwarded five referrals to the Planning Commission related to affordable housing in addition to the MSHN. Outlines of these referrals and their possible effect on student housing in Berkeley is included below; see Attachment 3 for the text of these referrals.

Table 1: Description of Council Affordable Housing Referrals

Referral #	Date of Referral	Referral Description
1	7/12/16	Allow increased development potential in the Telegraph Commercial (C-T) district between Dwight Avenue and Bancroft Avenue and refer to the City Manager to develop community benefit requirements, with a focus on labor practices and affordable housing.
2	4/4/17	Create a Use Permit process to allow non-commercial use on the ground floor in appropriate locations, where commercial might otherwise be required. A pilot project is suggested for the C-T district.
3	5/30/17	Develop a pilot Density Bonus program for the C-T district to generate in-lieu fees that could be used to build housing for homeless and extremely low-income residents.
4	10/31/17	Facilitate student housing by increasing the height and Floor Area Ratio (FAR) in the portions of the R-SMU, R-

		S and R-3 districts which are located within the Southside area west of College Avenue.
5	1/28/18	Convert commercial space in the C-T district to residential use, expand the Car-Free Housing overlay in the Southside, allow two high-rises for student housing, and consider micro-units and modular units.
6	5/1/18	Convert commercial space into residential use within all districts in the Southside located west of College Avenue.

Staff evaluated these five referrals to determine how they might interact with each other and the effectiveness of each to promote affordable student housing. Table 2 identifies how each referral would impact housing in general and for students, what districts might be impacted, and any special considerations.

Table 2: Analysis of Housing Referrals

#	Referral topic	Would create additional housing? (if No, see special considerations)	Applies only to student housing?	Specific Zoning Districts?	Special considerations
1	Community benefits	Yes, if the community benefits include affordable housing.	No	C-T	Would only create community benefit requirements for future development. Development standards mentioned in referral were adopted two years ago.
2	Ground floor non-commercial uses	Yes	No	Portion of C-T	Pilot program – eventually to be applied citywide.
3	Pilot Density Bonus Program	No	No	C-T	State law may not permit density bonus benefits if the units are not provided on site.
4	Increase height and FAR	Yes	Yes	R-SMU, R-S, R-3	
5	Convert commercial space to residential, car-free housing, increase height and	Yes	Yes	C-T, R-S, R-3	

	allow alternative residential units				
6	Convert commercial space to residential	Yes	Yes	C-T, R-SMU, R-S, R-3	

Staff analysis of the referrals determined that one of the referrals, Referral 3, would not promote housing.

- Referral 3 would create a density bonus program specific to Berkeley. It would be different from the State’s Density Bonus program in that it would allow developers to obtain additional density, incentives and concessions by paying an in-lieu fee rather than providing affordable units on site. According to the City Attorney’s analysis (Attachment 4), payment of an in-lieu fee is not consistent with State law and should not be adopted.

The five remaining referrals could all add housing in the Southside.

- Referral 1 is linked with development standards that were adopted by the Council two years ago. This referral now focuses on developing community benefits for projects in the majority of the C-T district. A community benefit requirement for affordable housing could increase the number of affordable units in future development projects. Similarly, staff is currently considering an affordable housing community benefit requirement in the Adeline project area.
- Referrals 2, 5 and 6 call for conversion of commercial space to residential units. Referral 2 is limited to conversion of ground floor commercial space to residential space only in the C-T district. Referrals 5 and 6 are broader in scope and would consider conversion of commercial space throughout the Southside and is not limited to the ground floor, though Referral 5 would prohibit conversion of commercial space along Telegraph Avenue.
- Referral 4 would study increased height and FAR standards in the Southside’s residential districts. The R-S and R-SMU districts were designed to be high-density residential districts; buildings in these districts can range from 3-5 stories, depending on their location and the issuance of a Use Permit. The R-3 district was intended to be a buffer between these higher density districts and the surrounding area which have less dense zoning designations.
- Referral 5, in addition to proposing conversion of commercial space to residential, also calls for the Planning Commission to consider expanding the Car-Free Housing overlay within the Southside, allowing at least two high-rise buildings for student housing, and encouraging micro-units and modular units, which may create housing on a faster and less expensive basis.

The impact of these changes on student housing development will depend on the number of buildings that could be subject to the changes. Any changes would need to consider the impact of the changes on the residential and commercial uses in and around the Southside.

Analysis of SB 1227

In addition to local laws, the State legislature is considering a modification to the State Density Bonus law. Under current Density Bonus law, a developer can receive a density bonus and other incentives and concessions for providing a specified percentage of very-low, low or moderate income units in a project. This bill would give developers the same inducements if they agree to build affordable units specifically for students enrolled full-time in college programs. If this bill passes, it is expected to encourage construction of affordable student housing by providing an incentive to developers that does not exist today. See Attachment 5 for an analysis of SB 1227.

CEQA Analysis of Zoning Ordinance changes

Zoning ordinance changes, or other policy decisions or actions undertaken by a public agency, must be studied to determine and mitigate significant effects on the environment. The Southside Plan Environmental Report (EIR), certified in 2011, anticipated substantial growth within the Southside Plan area. Based on an assessment of the 24 sites deemed to have the greatest likelihood for development, the EIR projected that the Southside Plan would add 578 new non-University (i.e. privately developed) residential units to the Southside area by the EIR's horizon date of 2020. New University developed units are assessed by UC's 1990-2005 Long Range Development Plan (LRDP) EIR.

Since the Plan's adoption in 2011, the development standards in the C-T district have been modified twice to allow for greater development potential. These changes were analyzed to determine whether they would generate growth beyond that studied in the Southside Plan EIR. In each change, it was determined that any growth would be within the capacity studied, and that no new environmental analysis was needed. See Attachment 6 for more information on these changes.

Since 2011, 13 applications for private (non-University) projects (projects adding more than five units each) have been received.⁴ Three of these projects have been built and nine have been approved. The remaining project is pending a ZAB decision. During the same time, two housing projects have been built on University-owned property in the Southside. See Table 3 for a summary of the new and proposed units in the Southside.

Table 3: Comparison of Growth Studied in Southside Plan with Proposals submitted as of July 2018

⁴ The Sequoia Apartments project at 2441 Haste Street replaced a 39-unit building that was destroyed by a fire with a 42-unit building. Since this was only a net gain of 3 units, that project is not included in these figures.

	Units anticipated by Southside Plan	Units built to date ⁵	Units in approved projects pending building permits	Units in projects pending zoning approval
New Non-University Residential Units	578	166	226	122
New University Residential Units	0	491	N/A	N/A

Based on these figures, development of non-University residential units in the Southside is likely to exceed the development potential anticipated in the Southside Plan EIR. Future changes to the Zoning Ordinance which could generate growth cannot necessarily rely on the impact analysis of the Southside Plan EIR. A new environmental analysis may be necessary to determine the potential impacts of new units or changes to the Zoning Ordinance which could generate new units.

CONCLUSION

Based on the Council referrals, possible state regulations and environmental analysis requirements described in this report, staff believes the following actions are the most efficient path for the Planning Commission to encourage affordable student housing in Berkeley:

- 1) Consider creating a community benefit that that would require affordable housing in new development projects;
- 2) Evaluate Zoning Ordinance changes that would modify height and FAR standards within the residential zoning districts in the Southside (R-SMU, R-S and R-3);
- 3) Evaluate Zoning Ordinance changes that would allow commercial space to be converted to residential space within zoning districts in the Southside (C-T, R-SMU, R-S and R-3);
- 4) Evaluate changes to parking requirements that would expand the Car-Free Housing overlay and remove parking requirements from more areas within the Southside; and
- 5) Implement any necessary changes to the City’s Density Bonus program should SB 1227 pass.

ATTACHMENTS

1. More Student Housing Now resolution (January 23, 2018)
2. Map of Southside Area

⁵ To determine the number of units in Group Living Accommodations (GLA), two beds are considered one dwelling unit.

3. Text of Council Referrals related to Affordable Housing
4. City Attorney analysis of in-lieu fees in Density Bonus projects (Referral 3)
5. Text of SB 1227
6. Changes to C-T District development standards since 2011



Kriss Worthington

Councilmember, City of Berkeley, District 7
2180 Milvia Street, 5th Floor, Berkeley, CA 94704
PHONE 510-981-7170, FAX 510-981-7177, EMAIL
kworthington@cityofberkeley.info

CONSENT CALENDAR
January 23, 2018

To: Honorable Mayor and Members of the City Council
From: Councilmembers Kriss Worthington & Kate Harrison and Mayor Arreguin

Subject: Adopt a More Student Housing Now Resolution, to facilitate both University and private housing investment in the campus area as soon as possible

RECOMMENDATION:

That the City Council adopt a More Student Housing Now Resolution, to facilitate both University and private housing investment in the campus area as soon as possible, by prioritizing Planning Commission and City Council action to remove impediments.

BACKGROUND:

The student housing shortage is the foremost City issue mentioned by Berkeley students. This problem has emerged into a major crisis affecting many students. In light of the crisis, UC President Napolitano required each UC campus to prepare a housing plan. UC Berkeley Chancellor Christ spearheaded the founding of a comprehensive student housing plan. They both implemented significant steps towards addressing the student housing shortage. Berkeley should praise and recognize their commitment.

Berkeley should also support student requests for prompt City and University short and long term actions. Outdated zoning restrictions in Berkeley severely undermine the potential to deliver thousands of urgently needed student homes in the campus area. Although exempt by state law, the University indicates they want to try to comply with the city's regulations. It is crucial that the City of Berkeley remove impediments to student housing developments to ensure that Berkeley remains the top public destination for the world's brightest minds.

The primarily student residents in the immediate area between Dwight to Bancroft, and from College to Fulton have repeatedly supported more housing in their neighborhood. Increased density close to campus reduces air pollution and traffic congestion, and encourages pedestrian, transit and bicycle travel.

FINANCIAL IMPLICATIONS: Minimal.

ENVIRONMENTAL SUSTAINABILITY:

Multiple Climate Action Plan goals would be achieved if this is implemented.

CONTACT PERSON: Councilmember Kriss Worthington 510-981-7170

ATTACHMENT:

1. Resolution
2. Thank you letter to President Napolitano (03/10/2016)

RESOLUTION NO.####
MORE STUDENT HOUSING NOW RESOLUTION

WHEREAS, The student housing shortage is the foremost city issue mentioned by Berkeley students,

WHEREAS, Increased density close to campus reduces air pollution and traffic congestion, and encourages pedestrian, transit and bicycle travel.

WHEREAS, On March 10th, 2016, the Berkeley City Council voted unanimously to send a thank you letter to President Napolitano, which committed the city to addressing zoning barriers and obstacles preventing creating student housing, and,

WHEREAS, The scarcity of available, accessible, and affordable student housing impacts individuals and families across demographics throughout the City and the lack of production near the UC campus pushes students deeper into the City's scarce and competitive housing market, forcing them to compete with and increasing pressure on the City's lower and middle-income family and aging populations and,

WHEREAS, Most market rate units that are built close to campus are lived in by students. Even though market rate units are not defined as student housing, they provide much needed units primarily for middle class students. These units also contribute to creating affordable units because the inclusionary Ordinance is a major source of affordable housing in Berkeley. It requires 20% of a market rate project to be affordable, or the owner can pay an in-lieu fee of \$37,000 per unit, and

WHEREAS, Public Private Partnerships (PPP's) are a primary alternative to get funding for student housing on university property. The City of Berkeley continue to encourage PPP's provided they include student costs comparable to residence hall rate, labor standards and retaining or expanding UC sustainability standards to ensure greener buildings. Using University land in PPP has been done with success, including the 775-unit Bancroft project currently under construction.

THEREFORE BE IT RESOLVED that the city reaffirm our support for the thank you letter on March 10th, 2016 to President Napolitano.

THEREFORE BE IT RESOLVED that the City Council and the Planning Commission prioritize previous referrals from the City Council including the following:

- Facilitate primarily Student Housing by a Twenty Feet Height Increase and Adjust floor Area Ratio in the R-SMU, R-S and R-3 areas only from Dwight to Bancroft & from College to Fulton (Date: 10/31/2017)
- Create a Pilot Density Bonus Program for the Telegraph Avenue Commercial District (Date: 05/30/2017)
- Create a use permit process to allow non-commercial use on the Ground Floor in C-T

Telegraph Commercial District excluding Telegraph Ave (Date: 07/11/2017. This item is based on an original item submitted by Susan Wengraf on 01/20/2015)

- Develop an Ordinance Requiring New Residential Buildings to include essential wheelchair-accessible modifications, such as Auto-door Openers & Roll-in Shower (Date: 09/15/2015 & 07/11/2017)

THEREFORE BE IT FURTHER RESOLVED that the City and the Planning Commission will consider:

- Allowing conversion of vacant Telegraph area commercial space to housing only from Dwight to Bancroft & from College to Fulton (excluding Telegraph Avenue itself)
- Expanding the Car-Free Housing Overlay area between College and Fulton (including R-S & R-3 parcels between Fulton and Shattuck), Bancroft and Dwight.
- Allowing at least two high-rises for student housing in Southside campus area
- Investigate sites to build micro-units, which may create housing cheaper and faster
- Permitting and encouraging the construction of modular units

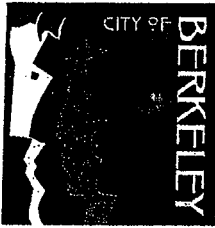
THEREFORE BE IT ALSO RESOLVED that the City strongly support UC President Napolitano and Chancellor Carol Christ in their pursuit of implementation of a comprehensive plan addressing the housing needs of students across all income levels with a specific focus on extremely low income, immigrant, and disabled students. Furthermore, the City encourages a University Short Term Implementation Plan for the approximately 1,500 remaining units already approved in the current LRDP. The City of Berkeley encourages the University to seriously consider potential short term consensus sites including Fulton & Bancroft; University & Oxford, formerly designated for a hotel; Channing Ellsworth tennis courts, and Unit 3 densification if done as modular units built elsewhere during the school year and placed on site during summer. The City supports University high rise development up to 12 stories at three out of four of these sites.

The foregoing Resolution was adopted by the Berkeley City Council on January 23rd, 2018 by the following vote

Ayes
Noes
Absent
Attest

Mark Numainville, City Clerk

Jesse Arreguin, Mayor



City Clerk Department

March 10, 2016

Janet Napolitano
Office of the President
University of California
1111 Franklin Street, 12th Floor
Oakland, CA 94607

RE: Letter to Chancellor Dirks Urging UC Berkeley to Build More Student Housing

At its meeting of March 8, 2016, the Berkeley City Council voted to send the following letter urging UC Berkeley to build more student housing to address the needs of existing students and planned enrollment increases.

President Napolitano,

Thank you for creating the President's Student Housing Initiative. The City of Berkeley greatly appreciates your commitment to accelerating the timetable in completing current student housing developments and also expanding the pool of student housing in the future. We share your concerns in both keeping housing as affordable as possible for UC students and maintaining sufficient amounts of housing to meet an ever-increasing demand. We appreciate your written commitment to meet with undergraduate and graduate student leaders. All of the above-mentioned features of the initiative are exemplary and we commend you for your leadership on this important issue.

In moving forward to implement your housing initiative, we encourage consideration of public-private partnerships (P3), which have the potential to address important concerns and help us meet the need for thousands of additional units of student housing. A model P3 project could meet the needs of all stakeholders, including students, the university, workers, environmentalists, and neighbors.

There are three high-priority criteria for specific features of a P3 that would build strong public support for using this tool to meet the need for student housing. These include:

- 1. Ensuring student costs will be comparable to residence hall rates and can be controlled in agreement with private developers.*

2. Meeting labor standards which include prevailing wage and recognized apprenticeship programs in accordance with the history and tradition of UC's construction projects. Alternatively, a project labor agreement could be considered.
3. Retaining or expanding current UC sustainability standards to ensure green buildings.

We encourage consideration of P3 agreements, provided they include the aforementioned components.

Multiple sections of the Berkeley General Plan support increased housing in downtown Berkeley. Increasing student housing in the downtown would help us implement the vision of transit-oriented development. There are multiple opportunity sites for student housing in downtown Berkeley.

The Telegraph Avenue area from Bancroft to Dwight is ideal for more student housing, given its close proximity to campus and the possibility of students walking or bicycling to class. Telegraph Avenue has been recognized as a Priority Development Area and contains multiple opportunity sites. Already, hundreds of millions of dollars have been invested in the Telegraph area in the recent years. The Telegraph Property Business Improvement District has put forward a powerful plan for community improvements, and the City of Berkeley adopted the South Side Plan, to which the University jointly agreed. Creating housing delivers on the goals of the South Side Plan. This also meets the demands of the area's overwhelming student population, who support additional student housing in their neighborhood.

The City currently has zoning barriers and obstacles which prevent creation of additional housing on or near Telegraph Avenue. Recently, the City Council voted unanimously to refer to the Planning Commission to remove those housing barriers, thus allowing the potential for numerous projects which could add many additional student housing units.

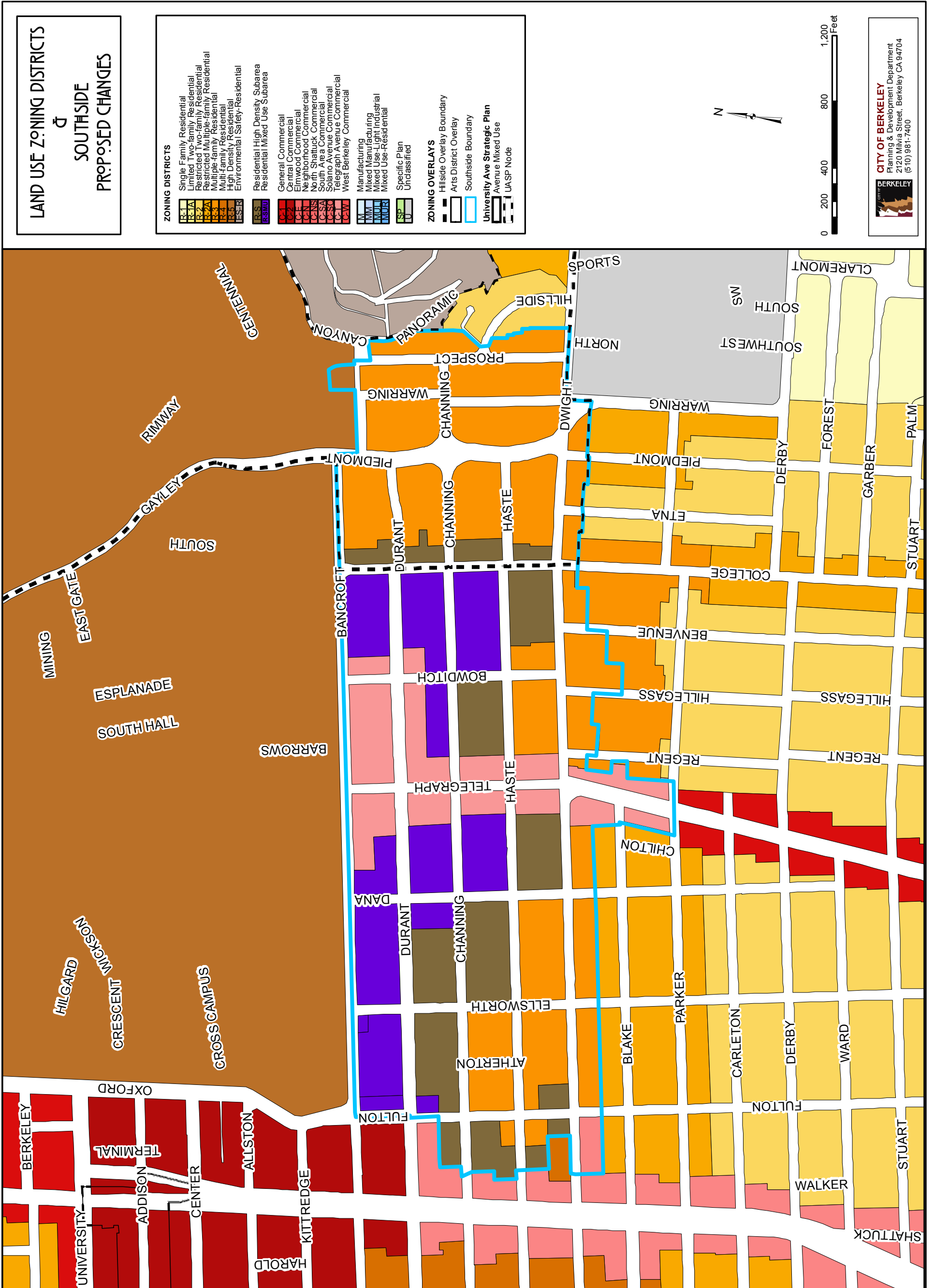
Thank you again for prioritizing the needs of students by creating the President's Student Housing Initiative. The City of Berkeley stands ready to help in any way possible to accomplish these goals.

Sincerely,



Mark Numainville
City Clerk

Cc: Jesse Arreguin, Councilmember, District 4
Tom Bates, Mayor
Dee Williams-Ridley, Interim City Manager





Kriss Worthington

Councilmember, City of Berkeley, District 7
2180 Milvia Street, 5th Floor, Berkeley, CA 94704
PHONE 510-981-7170, FAX 510-981-7177, EMAIL
kworthington@ci.berkeley.ca.us

ACTION CALENDAR

July 12, 2016

(Continued from May 24, 2016)

To: Honorable Mayor and Members of the City Council
From: Councilmember Kriss Worthington

Subject: Allow Increased Development Potential in the Telegraph Commercial (C-T) District Between Dwight Avenue and Bancroft Avenue and Refer to the City Manager to Develop Community Benefit Requirements, with a Focus on Labor Practices and Affordable Housing

RECOMMENDATION

That the Council immediately amend the Berkeley Zoning Ordinance to allow increased development potential in the Telegraph Commercial (C-T) District between Dwight Avenue and Bancroft Avenue and refer to the City Manager to develop community benefit requirements, with a focus on labor practices and affordable housing.

BACKGROUND

The City Council sent a referral to the Planning Commission on June 30, 2015, regarding the conflict between the 5.0 FAR adopted by the Council for the C-T District and the other development regulations in the district.

On April 20, 2016, the Planning Commission considered modifying the development standards and community benefits. The Planning Commission voted to recommend the following to the Berkeley City Council:

- a) That the staff proposed Zoning Ordinance development standards for buildings adjacent to Bancroft Way be applied to the entirety of the C-T District north of Dwight Way; and
- b) That the Council develop community benefit requirements, with a focus on labor practices and affordable housing, before implementation of the proposed Zoning Ordinance language.

FINANCIAL IMPLICATIONS:

Minimal.

ENVIRONMENTAL SUSTAINABILITY:

Consistent with Berkeley's Environmental Sustainability Goals and no negative impact.

CONTACT PERSON:

Councilmember Kriss Worthington 510-981-7170

Attachment:

1. April 20, 2016 Planning Commission Staff Report on "Changes to the Zoning Ordinance to Allow Development Potential Increases in the Telegraph Avenue Commercial (C-T) District"



Kriss Worthington

Councilmember, City of Berkeley, District 7
2180 Milvia Street, 5th Floor, Berkeley, CA 94704
PHONE 510-981-7170, FAX 510-981-7177, EMAIL
kworthington@ci.berkeley.ca.us

CONSENT CALENDAR

April 4, 2017

To: Honorable Mayor and Members of the City Council
From: Councilmembers Worthington, Wengraf, and Harrison
Subject: Referral to the Planning Commission to Allow Non-commercial Use on Ground Floor

RECOMMENDATION:

Refer to the Planning Commission an amendment to the Zoning Ordinance to create a use permit process to allow non-commercial use on the ground floor in appropriate locations, where commercial might otherwise be required.

BACKGROUND:

On January 20, 2015 the City Council passed a similar item. This item seeks to indicate that this is a time sensitive issue that needs to be addressed this year.

The purpose and intent of the current ground-floor commercial requirement is to preserve, enhance, and ensure establishment of retail commercial use and to support active pedestrian-oriented uses for the street level of buildings that abut a public street. In certain locations, especially on less commercially important side streets, that are midblock and away from commercial nodes, this requirement may result in vacant space that detracts from the original intent of the requirement. An amendment to the Zoning Ordinance that allows for broader definitions and flexibility of use on the ground floor, as a condition of approval of a Use Permit, would result in better projects and less empty commercial space.

If the City Staff determine that a full adoption would take a substantial amount of time we suggest a pilot program for the C-T Telegraph commercial district not including telegraph itself.

FINANCIAL IMPLICATIONS:

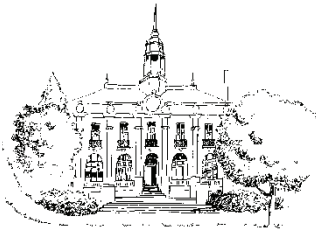
Minimal.

ENVIRONMENTAL SUSTAINABILITY:

Consistent with Berkeley's Environmental Sustainability Goals and no negative impact.

CONTACT PERSON:

Councilmember Kriss Worthington 510-981-7170



Kriss Worthington
Councilmember, City of Berkeley, District 7
2180 Milvia Street, 5th Floor, Berkeley, CA 94704
PHONE 510-981-7170, FAX 510-981-7177, EMAIL
kworthington@ci.berkeley.ca.us

CONSENT CALENDAR
May 30, 2017

To: Honorable Mayor and Members of the City Council
From: Councilmembers Kriss Worthington and Ben Bartlett, and Mayor Arreguin
Subject: Planning Commission Referral for a Pilot Density Bonus Program for the Telegraph Avenue Commercial District to Generate Revenue to House the Homeless and Extremely Low-Income Individuals

RECOMMENDATION

That the Berkeley City Council refer a City Density Bonus policy for the Telegraph Avenue Commercial District to the Planning Commission to generate in-lieu fees that could be used to build housing for homeless and extremely low-income residents.

BACKGROUND

Under current state law, new development projects that get a density bonus, allowing up to 35 percent more density, are required to build inclusionary housing. Inclusionary housing is typically defined as below-market rate housing for people who earn 50 percent or 80 percent of the Area Median Income (AMI).

While it's great that developers are including some affordable housing in their market-rate projects, affordable housing for the homeless and extremely low-income who don't qualify for inclusionary units can be provided if developers instead paid fees into the Housing Trust Fund. This can be achieved through the use of a City Density Bonus for the Telegraph Avenue Commercial District, an area where many residents have expressed support for housing the homeless and the extremely low-income.

The City bonus fee would be equal to the in-lieu affordable housing mitigation fee, currently set at \$34,000 per unit. Fees paid into the fund could be leveraged with other Federal, State and Regional affordable housing sources, resulting in significantly more affordable housing built through the Housing Trust Fund than currently available. The City has important policy proposals to assist the homeless and extremely low-income residents that urgently need funding.

The pilot program of a City Density Bonus in the Telegraph Avenue Commercial District could go a long way toward easing Berkeley's critical housing shortage by increasing incentives for developers to add more housing and give the city greater ability to deliver affordable housing.

FISCAL IMPACTS

This proposal will generate millions in new revenue to the Housing Trust Fund.

ENVIRONMENTAL IMPACTS

The proposed change is consistent with City Climate Action Plan goals supporting increased residential density. Additionally, new residential construction is subject to more stringent green building and energy efficiency standards and will help reduce per capita greenhouse gas emissions.

CONTACT PERSON

Councilmember Kriss Worthington 510-981-7170

REVISED AGENDA MATERIAL

Meeting Date: October 31, 2017

Item Number: 27

Item Description: City Manager and Planning Commission Referral: Facilitate Primarily Student Housing By a Twenty Feet Height Increase and Adjust Floor Area Ratio in the R-SMU, R-S, and R-3 Areas Only From Dwight to Bancroft and From College to Fulton

Submitted by: Councilmembers Kriss Worthington and Kate Harrison, and Mayor Arreguin

Revised the Council Item to include an attachment, which is a map of Berkeley that is annotated to show which areas will be affected by the proposed legislation.



Kriss Worthington

Councilmember, City of Berkeley, District 7
2180 Milvia Street, 5th Floor, Berkeley, CA 94704
PHONE 510-981-7170, FAX 510-981-7177,
EMAIL kworthington@ci.berkeley.ca.us

CONSENT CALENDAR
10/31/2017

To: Honorable Mayor and Members of the City Council
From: Councilmembers Kriss Worthington and Kate Harrison, and Mayor Arreguin
Subject: City Manager and Planning Commission Referral: Facilitate primarily Student Housing by a twenty feet height increase and adjust Floor Area Ratio in the R-SMU, R-S and R-3 areas only from Dwight to Bancroft and from College to Fulton

RECOMMENDATION: Refer to the City Manager and Planning Commission to facilitate primarily Student Housing by amending the Zoning Ordinance to add a twenty feet height increase and adjust the Floor Area Ratio in the R-SMU, R-S and R-3 areas only from Dwight to Bancroft and from College to Fulton.

BACKGROUND:

In the last few years, students have become increasingly active in proposing ways to increase student housing. Housing is urgently needed in close proximity to the UC Berkeley campus as rents increase and the University population steadily rises. Students, recent graduates, employees of the University, and local businesses contribute to the local economy, create jobs for the local community, and greatly enrich the community through their presence. Implementing this action would provide a place to live for many individuals who would otherwise have to reside far from campus. Oftentimes, the quest to find living spaces is emotionally taxing for students and can decrease academic performance or leave students without affordable and safe places to live.

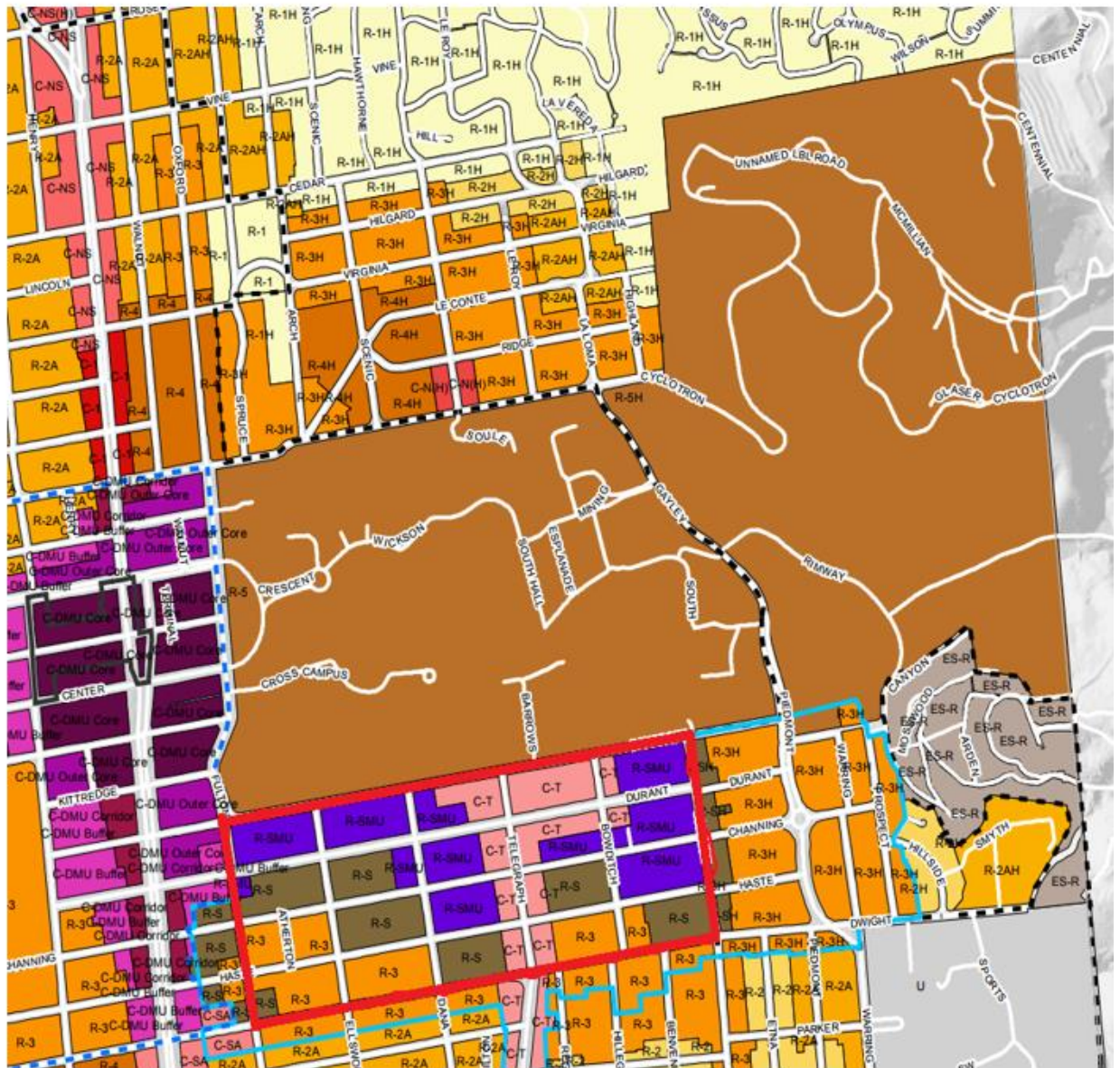
Increasing density in the area surrounding campus proves better for the environment, better for campus area businesses, and better for students. By reducing commute times, students will opt to walk or bike to class, reducing congestion on the road. A shorter commute will also increase student safety and allow students to participate in extracurricular activities that may run into the evening because students will not have to worry about how they will get home. An enhanced sense of safety in the surrounding region is beneficial for all in the community. Finally, higher density benefits campus area businesses because it brings them more customers, which supports the local economy. Previous efforts to increase south-side campus housing improved project viability specifically for the very small area of the C-T zoned blocks. Unfortunately, even blocks on Bancroft directly across from the University still have excessive restrictions.

FINANCIAL IMPLICATIONS: Minimal.

ENVIRONMENTAL SUSTAINABILITY: Consistent with Berkeley's Environmental Sustainability Goals and no negative impact.

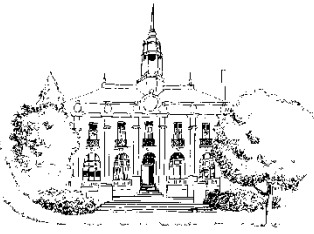
CONTACT PERSON: Councilmember Kriss Worthington 510-981-7170

Attachment:



	R-3 Multiple-family Residential
	R-S Residential High Density Subarea
	R-SMU Residential Mixed Use Subarea
	C-T Telegraph Avenue Commercial

Proposed Area: South-North Boundary ---- Dwight to Bancroft
 East-West Boundary ---- College to Fulton 10007



Kriss Worthington
Councilmember, City of Berkeley, District 7
2180 Milvia Street, 5th Floor, Berkeley, CA 94704
PHONE 510-981-7170, FAX 510-981-7177,
EMAIL kworthington@cityofberkeley.info

ACTION CALENDAR

May 1, 2018

To: Honorable Mayor and Members of the City Council
From: Councilmember Kriss Worthington

Subject: Referral to the Planning Commission to allow 4 temporary zoning amendments to increase student housing in the Southside Area.

RECOMMENDATION:

That the Council refers the Planning Commission to allow 4 zoning amendments to increase student housing in the Southside Area through a Temporary Emergency Pilot Project.

BACKGROUND:

In current Planning Commission work plan indicates student housing zoning changes may take several years. The Planning Commission should explore the creation of a Temporary Emergency Pilot Project that allows 4 zoning amendments to increase student housing in the Southside area between College to Fulton and Bancroft to Dwight.

A Temporary Emergency Pilot Project is the best solution especially with a surge in the undergraduate population. Because this Temporary Emergency Pilot Project will be in place of immediate policy change, this will deliver quick relief to those that need it most--the students.

The proposed Temporary Emergency Pilot Project will take place over a set time period of 3 years with a limited and clearly outlined number of projects. During this time period, notwithstanding what is outlined in the current Zoning Ordinance, projects will be permitted:

- 1) Allow 4 projects that convert commercial space to residential space;
- 2) Allow 4 new projects to allow ground floors on any street to be converted into residential use except on Telegraph Avenue;
- 3) Allow up to 2 tall buildings up to 12 stories
- 4) Allow 6 projects to include a 20-foot height increase in order to increase the availability of student housing

The Temporary Emergency Pilot Project will help to ameliorate those suffering from the shortage in student housing. It will also make a greener Berkeley by cutting the commute times for students at UCB, BCC, or other schools in the vicinity.

FINANCIAL IMPLICATIONS:

Minimal as this is only a referral.

ENVIRONMENTAL SUSTAINABILITY:

Denser Housing close to campus will dramatically reduce greenhouses gases compare to students commuting by cars.

CONTACT PERSON:

Councilmember Kriss Worthington
Amir Wright
Toby Simmons

510-981-7170
amirwright17@berkeley.edu
robert.simmons@berkeley.edu



Office of the City Attorney

MEMORANDUM

Date: August 30, 2018

To: Timothy Burroughs, Planning Director
Steve Buckley, Land Use Planning Manager
Commissioners and Board Members

From: Farimah Brown, City Attorney

By: Savith Iyengar, Deputy City Attorney;
Jerome Mayer-Cantú, Deputy City Attorney

Re: Allowing Local In-Lieu Fee for State Density Bonus

Question Presented

Can residential development projects qualify for a State density bonus, set forth in California’s Density Bonus Statute, Government Code Section 65915, and Berkeley Municipal Code Section 23C.12.050, if applicants agree to pay an in-lieu fee to the City?

Brief Answer

Nothing in state or local law currently authorizes applicants to pay in-lieu fees as a way of obtaining a density bonus.

Discussion

Government Code Section 65915 requires cities to grant what is known as a “density bonus”—namely, additional density beyond the otherwise maximum allowable gross residential density under local law—if a development project provides affordable housing, senior housing, replacement housing or a land donation. Section 65915 requires cities to “adopt an ordinance that specifies how compliance with this section will be implemented.”

The State legislature has explained that cities must “guide the manner in which these units should be made available; provided, that such local discretion and

Memo to Planning Department
Re: Allowing Local In-Lieu Fee for State Density Bonus
August 30, 2018
Page 2

powers not be exercised in a manner to frustrate the purposes of this act.” Stats. 1979, c. 1207, p. 4739, § 10, eff. Oct. 2, 1979 (emphasis added). This admonition is consistent with preemption doctrine, which precludes cities from enacting laws that conflict with state law or enter a field the state has already fully occupied to the exclusion of municipal regulation. *See Cal. Fed. Sav. & Loan Assn. v. City of Los Angeles* (1991) 54 Cal. 3d 1; *Johnson v. Bradley* (1992) 4 Cal.4th 389.

The California Court of Appeal described the law’s purpose in *Wollmer v. City of Berkeley*:

The purpose of the Density Bonus Law is to encourage and provide incentives to developers to include low and moderate income housing units in their developments. In 1979, the Legislature added several provisions to the Planning and Zoning Law to address the shortage of affordable housing in California. One of these statutes, Section 65915, offers incentives to developers to include low income housing in new construction projects.... [T]he Density Bonus Law ‘reward[s] a developer who agrees to build a certain percentage of low-income housing with the opportunity to build more residences than would otherwise be permitted by the applicable local regulations.’

Wollmer v. City of Berkeley (2009) 179 Cal.App.4th 933, 940-41 (emphasis added and internal citations omitted). At the time it enacted California’s Density Bonus Law, the legislature also explained that “the state must and should rely primarily [] [o]n the private sector to produce and otherwise provide and maintain the necessary increase in both market rate units, and nonmarket rate units.” (Stats. 1979, c. 1207, p. 4739, § 10, eff. Oct. 2, 1979.)

For the most part, Section 65915 affords the State density bonus to cases where a developer builds inclusionary units. But there are other ways to obtain the density bonus: for example, Section 65915 also allows land donations, as long as the developer manages the immediate construction of affordable units on the donated land in conjunction with and in close proximity to the density bonus project. Before the City may approve the application for the density bonus project, the applicant must donate and transfer the land, obtain permits and approvals and identify the source of funding for the affordable units, and show that the donated land is “within the boundary of the proposed development or, if the local agency agrees, *within one-quarter mile of the boundary of the proposed development.*” (Gov’t Code § 65915(g)(2)(G).)

Nothing in the Density Bonus Law specifically authorizes developers to obtain the density bonus in exchange for a fee (this is often referred to an “in-lieu” fee because

Memo to Planning Department
Re: Allowing Local In-Lieu Fee for State Density Bonus
August 30, 2018
Page 3

it is paid in lieu of building housing units). Similarly, nothing in Municipal Code Section 23C.12.050 (which implements the density bonus law) mentions in-lieu fees.

By way of contrast, Berkeley's affordable housing ordinance encourages developers to build affordable housing by providing a choice: developers may either build affordable housing or pay an in-lieu fee to offset the cost of the City's affordable housing needs. *See* BMC 22.20.065. Nothing in state or local law currently spells out the same option in the density bonus context.

Conclusion

California's Density Bonus Law does not contain any provisions allowing in-lieu fees. Moreover, Berkeley's Municipal Code does not currently contain any provisions allowing in-lieu fees. However, local law may be amended to require or allow payment of a fee to satisfy strictly local affordable housing objectives. If the City wishes to allow developers to obtain bonuses and satisfy affordable housing objectives solely by paying a fee, we recommend that a local ordinance be crafted that specifically provides for such a mechanism. Such an ordinance should be drafted in a way that is consistent with state law.

**Item 9 - Attachment 5
Planning Commission
September 5, 2018**

**SB 1227
Page 1**

Date of Hearing: June 27, 2018

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Lorena Gonzalez Fletcher, Chair

SB 1227 (Skinner) – As Amended June 21, 2018

Policy Committee:	Housing and Community Development	Vote:	7 - 0
	Local Government		7 - 0

Urgency: No State Mandated Local Program: Yes Reimbursable: No

SUMMARY:

This bill creates a 35% density bonus for developers that seek and agree to construct a development project that restricts 20% of the units to lower- income college students and meets other specified criteria. The bill specifically requires the development to provide priority for the affordable units to lower-income students experiencing homelessness.

FISCAL EFFECT:

Negligible state cost. Any local costs can be recovered through local fees and, therefore, are not reimbursable by the state.

COMMENTS:

- 1) **Purpose.** This bill seeks to increase the supply of affordable housing for lower-income college students. According to the author:

SB 1227 increases the production of affordable student housing for our college students exclusively enrolled in a Western Association of Schools and Colleges accredited college or university. Existing law does not distinguish between student and non-student housing. These projects are subject to local control, require unnecessary costs that are normally meant for non-student housing, unaffordable to a typical struggling college student and therefore, contributes to California's already existing housing crisis.

- 2) **Background.** The Legislature enacted the original density bonus law in 1979 to help address the affordable housing shortage and to encourage development of more low- and moderate-income housing units. In return for inclusion of affordable units in a development, developers are given an increase in density over a city's zoned density and concessions and incentives. The increase in density and concessions and incentives are intended to financially support the inclusion of the affordable units.

Every city and county is required to adopt an ordinance that provides concessions and incentives to developers that seek a density bonus on top of the city's or county's zoned density in exchange for including extremely low-, very low-, low-, and moderate-income housing. Local governments must grant a density bonus when an applicant for a housing development of five or more units seeks and agrees to construct a project that will contain at least any one of the following:

- a) Ten percent of the total units for lower-income households.

- b) Five percent of the total units for very low-income households.
- c) A senior citizen housing development or mobilehome park.
- d) Ten percent of the units in a common-interest development for moderate-income households.
- e) Ten percent of the total units of a housing development for transitional foster youth, disabled veterans, or homeless persons.

According to research by The Institute for College Access and Success (TICAS), 30% of community college students in California are solely responsible for their housing costs. About one-third of community college students experiencing housing or food insecurity are both working and receiving financial aid, but are not receiving additional support. A survey from Peralta Community College District (PCCD) in the spring of 2017 found that almost half of PCCD students were severely rent burdened—paying 50% or more of their monthly income toward rent. In addition, Los Angeles Community College District found that one in five of its students experienced homelessness while enrolled, and 55% were housing insecure.

Further, median rents have been rising faster than the rate of inflation in many California metropolitan areas, including areas with large CSU campuses, such as Sacramento, Fresno, San Jose, and Long Beach. Median rent in Sacramento grew 7.4% over a one-year period from 2016 to 2017, compared to an annual inflation rate of 1.3% over the same period. As a result, many aid-eligible students have been unable to cover increasing housing costs.

Analysis Prepared by: Jennifer Swenson / APPR. / (916) 319-2081

Changes to Southside Development Standards since 2011

Since the Southside Plan was adopted in 2011, there have been two changes to development standards in the C-T District which could increase the development potential in the Southside. Ordinance 7,333-N.S. (2014) increased the FAR in most of the district, and Ordinance 7,502-N.S. (2016) increased the FAR and height and removed the restriction on the number of stories in much of the district. See the table below for more information:

Changes to development potential in the C-T District since adoption of Southside Plan

	Southside Plan (9/27/11)	Ord 7,333 (5/20/14)	Ord 7,502 (7/19/16)
Maximum Height	50', up to 65 with UP	50', up to 65' with UP	50', up to 65' with UP (on Telegraph) 65', up to 75' with UP (on Bancroft)
Stories	4, up to 5 with UP	4, up to 5 with UP	4, up to 5 with UP (on Telegraph south of Dwight) No story limit in rest of district
FAR	3.0, up to 3.5 with UP	3.0, up to 3.5 with UP (on west side of Telegraph btw Blake and Parker) 4.5, up to 5.0 with UP in rest of district	4.5, up to 5.0 with UP (on Telegraph south of Dwight) 5.0 (on Telegraph north of Dwight) 5.0, up to 6.0 with UP (on Bancroft)



Planning and Development Department
Land Use Planning Division

STAFF REPORT

DATE: September 5, 2018

TO: Members of the Planning Commission

FROM: Sydney Stephenson, Assistant Planner

SUBJECT: Referral Response: Amending Moderate Impact Home Occupation Regulations

INTRODUCTION

On December 6, 2011, City Council (Council) referred to the City Manager a set of amendments that reduce the level of discretion for Moderate Impact Home Occupations (see Attachment 1). In researching this referral, staff identified additional modifications to Berkeley Municipal Code (BMC) Chapter 23C.16 (Home Occupations) that better reflect the current practices and needs of home-businesses operating in Berkeley. Questions regarding potential amendments are presented in the Discussion section for the Planning Commission to consider.

BACKGROUND

Home occupations are small-scale businesses conducted on a residential property as an incidental or secondary land use. Presently, the Zoning Ordinance classifies home occupations (HOs) into three categories:

HO Category	Level of Discretion ¹	Customer Visits	Storage and/or Handling of Goods
Low-Impact	ZC	Not Allowed	Not Allowed
Moderate-Impact	UP(PH)	Allowed	Allowed
Teaching-Related	AUP	Four or fewer students allowed at a time	Not Allowed

Regardless of category, all HOs must:

1. Be conducted entirely within the dwelling unit or group living accommodation room.
2. Occupy less than 20% or 400 square feet of the unit.

¹ ZC = Zoning Certificate; AUP = Administrative Use Permit; UP(PH) = Use Permit with Public Hearing

3. Not generate offensive noise, orders or other nuisances.
4. Not handle or generate hazardous materials.

Referral Summary

The referral in this report intends to introduce more consistent regulations surrounding customer visits to HOs. Currently HOs that do not involve customer visits are classified as low-impact and can be established with a ZC. HOs that involve customer visits are classified as moderate-impact and require a UP(PH), *unless they are teaching-related*. Teaching-related HOs require less discretion – an AUP – and allow four student visitors per lesson. This referral proposes to amend BMC Section 23C.16.030 to allow five or fewer customer visits per day for moderate impact HOs with an AUP; thereby creating a similar discretionary path for teaching-related and moderate impact HOs that have limited customer visits.

Zoning Regulation History

Prior to the Zoning Ordinance update in 1999, moderate-impact HOs that involved non-resident employees, customer visits, or storage of products on premises were allowed with an AUP. Staff and the Planning Commission recommended maintaining this level of discretion; however, the Zoning Adjustments Board proposed requiring a UP(PH) and Council approved this proposal (see Attachment 2). The most recent revision to this chapter was in 2006, when the teaching-related HO regulations were added.

Home Occupation Permit Application History:

Since January of 2018, the City has approved approximately 116 Zoning Certificates for low-impact HOs. Low-impact HOs are mostly for home office businesses, but also include other businesses like dog walking, cottage foods, graphic designing, jewelry-making, and life-coaching. Since 2006, the City has only received six AUPs for teaching-related HOs, two of which were submitted this year. At this time, there have been no UP(PH) applications submitted for moderate-impact HOs. Staff believes that permit activity might inaccurately represent Berkeley's home business inventory and operations.

Review of permit application history for HOs raises the questions of whether Berkeley's HO thresholds are appropriate to allow legal operation of home businesses and whether the City's regulations reflect common home business models seen in the Bay Area and the rest of the state.

Home Occupations in Other Jurisdictions:

Attachment 3 provides a summary of current HO regulations for Santa Monica, Walnut Creek, Palo Alto, Oakland, and Pasadena. As seen in Attachment 3, Berkeley's regulations are less permissive with respect to HO visits, HO location, and storage and handling of goods. For example, the majority of other jurisdictions allow HO customer/client visits by-right, whereas Berkeley requires an AUP or UP(PH). Most other jurisdictions allow HOs to operate out of Accessory Buildings, whereas Berkeley only permits HOs dwelling units and group living accommodations. Finally, most jurisdictions

allow storage and handling of goods indoors, whereas Berkeley's ordinance prohibits the storage and/or handling of goods on-site.

The discussion section of the report identifies the Zoning Ordinance amendments that the 2011 Council referral addresses, as well as, other possible amendments that meet the needs of current home business models and reflects best practices seen in other cities.

DISCUSSION

The 2011 Council referral requested that Moderate-Impact Home Occupations with five or fewer client/customer visits per day be allowed with an AUP. This also means that HOs with more than five visits or storage and handling of goods on-site would continue to require a UP(PH).

Since adoption of the Home Occupation chapter, in 1999, the number of home-based workers increased from 7.0% in 1997 to 9.5% in 2010². The types of home business have also evolved from home offices to include craft-based and cottage food-based businesses. In researching other jurisdictions and current home business practices in Berkeley, staff identified four additional amendments to the Berkeley Home Occupation chapter to better reflect the current practices and needs of home-businesses operating in Berkeley.

Staff-identified amendments include:

- 1) expanding customer/client visits to not only teaching-related HO businesses;
- 2) allow HO businesses in Accessory Buildings and Accessory Dwelling Units;
- 3) allow handling, processing, and storage of goods on-site (except for outdoors); and
- 4) reformatting the ordinance by consolidating information and requirements.

Discussion of each amendment is presented below. Planning Commission is asked to discuss and provide direction:

1. Customer/Client Visits:

Current Situation:

Many Berkeley residents run home businesses, as demonstrated by the 116 low impact HO permits approved in 2018. Based on anecdotes and personal experience, staff believes that many of these HOs receive customer visits and should be classified as moderate-impact. The referral asks the PC to reconsider zoning regulations with respect to level of discretion and allowable number of customer visits.

Existing Zoning Regulations

- Low-impact HOs (permitted with a ZC) do not allow customer visits.
- Teaching-related HOs (permitted with an AUP) allow student visits (four at a time).
- Moderate-impact HOs (permitted with a UP(PH)) allow customer visits.

² <https://www.census.gov/prod/2012pubs/p70-132.pdf>

Policy Questions

1. What is the appropriate level of discretion for moderate-impact HOs with customer/client visits?
2. Should there be a maximum number of customer visits if allowed for low-impact and moderate-impact HOs?

Proposed Changes and Staff Rationale:

Referral Request: Moderate-impact HOs (permitted with an AUP) allow five visits per day. Teaching-related HOs allow for four students at a time, which could amount to many more per day and are allowed with an AUP. This option maintains consistent discretion between different categories of HOs, realistically reflects business needs and operations, and appropriately matches level of discretion to level of impact.

Alternate Approach: Low Impact HOs (permitted with ZC) allow four visits per day and Moderate Impact HOs (permitted with AUP) allow five or more visits per day. This option goes further than the referral request, allowing a limited number of customer visits with a ZC. This proposal reflects similar regulations seen in other jurisdictions.

2. HO in Accessory Buildings:

Current Situation

Many Berkeley residents run businesses as HOs on their properties. Based on 2016 data, 10.9% of Berkeley residents work from home³. Based on anecdotes, staff has learned that many of these HOs operate out of detached garages and other accessory buildings.

Existing Zoning Regulations

- HOs must operate entirely within a dwelling unit or group living accommodation room.
- HOs must occupy less than 400 square feet and 20% of the unit.
- HOs are not allowed in in accessory buildings or garages.

Policy Questions:

1. Should HOs be allowed to operate in Accessory Buildings?
2. If yes, should different size thresholds apply to dwelling units and Accessory Buildings?

Proposed Changes and Staff Rationale

In order to align with current best practices in other cities and allow Berkeley HOs to operate legally, staff recommends HOs be allowed in Accessory Buildings. For example, it is common for artists to have their studios in Accessory Buildings (detached from the main dwelling), thus under existing regulations these artists cannot hold art classes within their studios. Staff believes allowing HOs in Accessory Buildings would maintain consistency with the definition of an Accessory Building:

³ <http://www.vitalsigns.mtc.ca.gov/commute-mode-choice#chart-2>

A detached building containing habitable space, which is smaller in size than the main building on the same lot, and the use of which is incidental to the primary use of the lot. Since HO's are considered an Incidental Use, allowing HO's in Accessory Buildings would be consistent with existing definitions.

3. Storage and handling of goods on-site:

Current Situation

Currently, Berkeley's practice is to allow HO's store and handle goods on a case by case basis, even though the Home Occupations chapter precludes the "storage, service, repair, handling or transport of good or products on or at the subject premises." Many home-based businesses involve production and transport of goods, where the quality or size of the product is such that the home occupation will not have significant impact on the surrounding neighborhood. Examples of these HO businesses include: graphic artist/photographer printing from a computer; painter/craftsperson preparing small-scale artwork; accountant/attorney/consultant preparing reports and documents; and preparation of cottage foods. Also note that State law allows "cottage foods" to be made in private homes and sold to the public according to the California Homemade Food Act (AB1616) which became effective in 2013.

Existing Zoning Regulations

- Low-impact and teaching-related HO's may not "involve the storage, service, repair, handling or transport of goods or products on or at the subject premises."
- Moderate-impact HO's that involve products onsite require a UP(PH).

Policy Questions

1. Should HO's be allowed to store and handle goods within the area of the HO?

Proposed Changes and Staff Rationale

The HO Ordinance does not provide guidance on what constitutes a "good or product." The intent of the HO provisions was not to require a Use Permit for any and all "products" at residential locations, but rather to prohibit those which would have the potential for significant neighborhood impact. After researching other jurisdictions' regulations and reviewing approved low-impact home occupations, staff determined that the majority of home businesses operate with "products" do not cause significant detrimental impacts to the neighborhood. Therefore, instead of requiring an interpretation of the HO Ordinance, staff believes that storage and handling of goods and products within the area of the HO should be allowed. Staff also recommends prohibiting outdoor storage of goods and products.

4. Restructuring and Consolidating Ordinance:

Current Situation

Currently, the Home Occupations chapter (BMC 23C.16) is broken into six sections. The first section (010) lists the requirements applicable to all HO's. The second two sections

(020 and 030) discuss the requirements for low-impact HOs and moderate-impact HOs (including teaching-related HOs). The last three sections (040, 050, and 060) include language regarding complaints, rentals, and medical cannabis residential cultivation.

Existing Zoning Regulations

See Attachment 4 of the BMC Home Occupations chapter (BMC 23C.16).

Proposed Changes and Staff Rationale

Staff proposes to take the opportunity to update the format and language of the Home Occupation Ordinance to provide more comprehensible regulations to the public. The reformatting would include consolidating repeated language and restructuring the format of the chapter.

NEXT STEPS

The next steps would be for the Planning Commission to direct staff to develop Zoning Ordinance language that reflects the Commission's discussion of policy questions and proposed changes. Staff will present proposed language to Planning Commission, before holding a Public Hearing.

ATTACHMENTS

1. Council Referral Moderate-Impact Home Occupation Referral – December 6, 2011
2. Council Report on Home Occupations – November 17, 1998
3. Other Jurisdictions Comparison Table
4. Current Home Occupations chapter (BMC 23C.16)



Linda Maio
District 1

CONSENT CALENDAR
December 6, 2011

To: Honorable Mayor and Members of the City Council
From: Councilmember Linda Maio
Subject: Classify Home Occupation Activities Receiving Five or Fewer Visits as Moderate Impact Home Operation

RECOMMENDATION

Refer to the City Manager that the zoning code for Moderate Impact Home Operation (Moderate Impact HO) be amended to include home occupation activities receiving five or fewer visits weekly, requiring an AUP rather than a Use Permit with public hearing.

FISCAL IMPACTS OF RECOMMENDATION

None.

BACKGROUND

Years ago, the City changed the regulations to allow teaching, up to four students at a time, with a Moderate Impact HO, which is an AUP, rather than a Use Permit with public hearing. Zoning Code section 23C.16.030 reads as follows, and is applicable to home occupation activities receiving five or fewer visits weekly:

23C.16.030 Moderate Impact Home Occupations Subject to Use Permit

A. A teaching-related home occupation which meets all of the following conditions shall be allowed subject to issuance of an Administrative Use Permit and subject to payment of gross receipts tax pursuant to the City's business license tax ordinance as set forth in Chapter 9.04.

1. Such Home Occupations must:
 - a. Be conducted entirely within the dwelling unit or group living accommodation room;
 - b. Operate within the hours of 10 a.m. and 10 p.m.; and
 - c. Occupy less than 400 square feet and less than 20% of the dwelling unit or group living accommodation room;

2. Such home occupations may not:

Classify Home Occupation Activities Receiving Five or Fewer Visits
as Moderate Impact Home Operation

CONSENT CALENDAR
December 6, 2011

- a. Involve more than four students at a time;
- b. Involve storage, service, repair, handling or transport of goods or products on or at the subject premises;
- c. Involve hazardous materials, or processes; or
- d. Create offensive or objectionable noise, vibration, odors, heat, dirt or electrical disturbance perceptible by the average person beyond that lot line or party walls of multi-unit buildings, or the subject premises.

B. All other home occupations that involve customer visits, or products on the subject premises, as set forth in Sections [23C.16.020.B.1](#) and [23C.16.020.B.2](#), may be authorized only by a Use Permit and public hearing, and are subject to the payment of gross receipts tax pursuant to the City's business license tax ordinance as set forth in Chapter 9.04.

Given that we permit 4 students at a time, which could amount to many more per day, enabling 5 visits or fewer per day with an HO designation, for other home occupation visitors seems eminently reasonable.

CONTACT PERSON
Linda Maio

District 1

(510) 981-7110



Zoning Ordinance Revision

FOR COUNCIL ACTION
November 17, 1998

BACKGROUND

On June 16, 1998 the Council continued the matter of the revised Zoning Ordinance for three months at the recommendation of the Landmarks Preservation Commission (LPC). This followed the presentation and a public hearing on the Planning Commission's recommendation to adopt the revised Ordinance on May 19, 1998 (see the Planning Commission's and City Manager's Memoranda to the Council of May 19, 1998).

On October 20, 1998 the Council conducted another public hearing on the matter, and continued the matter and the public hearing. The Council directed representatives of the Landmarks Preservation Commission, Planning Commission, and Zoning Adjustments Board to meet with Staff to see if they could resolve their differences. On November 10, 1998 the Council continued this matter to this meeting. As noted in the November 10th report to Council on this matter a meeting among the above parties was held October 30th. At this meeting several of the issues were resolved and are further described as follows:

Demolition Definition Issue: At the October 30th meeting, members of the LPC Subcommittee recommended the definition and regulation of demolition of buildings be reviewed prior to the six month review of the revised zoning ordinance. In addition, LPC members continued to express concerns over the present definition. The other parties acknowledged the merit of reviewing the definition sooner than the six month review. At the November 2nd LPC meeting, the LPC voted to forward the attached comments and also recommended that the Council consider reducing the current threshold removal from 50% of a building's walls and roof, to 30% until such time as a new definition is adopted by the City Council.

On November 4th, the Planning Commission (see separate Commission report) requested that the definition issue be dealt with separately from the ZORS project, and the issue be placed on the Planning Commission's agenda in January 1999. The Commission voted unanimously to recommend that the Council adopt the revised Zoning Ordinance subject to the Council's referral to the Planning Commission of the issue of the definition of demolition.

Staff has set the matter on the Planning Commission's agenda for January 1999. At this time Staff will ensure consultation with the LPC, ZAB as well as soliciting input from the preservation and development communities.

Text Corrections: Staff has incorporated several wording changes to the proposed Ordinance document in response to re-wording suggestions. In addition, the City Attorney has reviewed these changes and concluded that they do not substantively change the Planning Commission's recommendation. Among the changes are:

Zoning Ordinance Revision

FOR COUNCIL ACTION
November 17, 1998

- Adding several references to the Landmarks Preservation Ordinance, Chapter 3.24 of the BMC, to provisions regarding demolitions and removal of portions of buildings.
- Clarifying that, in cases of public hearings before the ZAB, Staff recommends to the ZAB the level of Design Review (staff or Design Review Committee), and a reference to the Section which identifies when the LPC, the ZAB, or Staff is responsible for Design Review.
- Clarify that "moderate impact" Home Occupations may not involve hazardous materials, or create offensive or objectionable noise, vibration, odors, heat, dirt, or electrical disturbances.
- Remove the proposed provision regarding the density calculation method for in R-3, R-4, and R-5 Districts for inclusionary housing and State Density Bonus purposes, and defer it to the six month list for more discussion.
- Reword the provision regarding open space requirements in live work projects.

These latest changes are in addition to the approximately two dozen text changes and corrections suggested in the LPC's August 27, 1998 memo.

The corrections appear on the pages dated November 17, 1998, and are listed in Attachment B. They may be inserted into the Ordinance previously distributed to the Council.

Map Corrections: The proposed Official Zoning Map has undergone an extensive review since October 20th Council hearing. The maps have been revised to correct mistakes and to incorporate suggestions for greater clarity. The revised maps will be delivered at the Council's November 24th meeting.

In addition, in response to concerns over any other possible drafting errors that may have occurred in the process of translating the map into the new GIS format, the City Attorney has drafted language in the Council's adopting Ordinance reiterating that it is the Council's intent to maintain the zoning district boundaries of the existing Official Zoning Map. This language is part of the proposed adopting resolution included as Attachment E.

TEXT ALTERNATIVES

Because the Planning Commission's recommendation differs from those of the Zoning Adjustments Board (ZAB) for yards, hot tubs, and home occupations, the Council must choose which alternative to adopt. Staff prepared text for each alternative (see Attachment F), which are further described in the Council's October 20th memorandum. Staff's recommendation on these items are:

Zoning Ordinance Revision

FOR COUNCIL ACTION
November 17, 1998

Yard Setback Modifications in C- Districts: Staff concurs with the ZAB recommendation to retain the existing Ordinance provision that allows the Board to modify yard setback requirements for commercially-zoned buildings adjacent to residential districts, instead of the Commission's proposal to eliminate this provision.

Hot tubs: Staff can agree with either the ZAB alternative to continue to require an Administrative Use Permit (AUP) for all hot tubs, or the Commission's recommendation to allow hot tubs in residential districts that meet yard setbacks by right.

Home occupations (moderate impact): Staff concurs with the Commission's recommendation to continue the AUP as the permit required for "Moderate Impact" home occupations, instead of the ZAB recommendation that would change the requirement to a Use Permit with public hearing before the ZAB. Moderate impact home occupations are those which involve non-resident employees, customer visits, or storage of products on the premises.

SIX MONTH REVIEW

Staff proposes that the Planning Commission review the revised Ordinance after six months to evaluate the new Ordinance's effectiveness. At that time suggestions from Councilmembers Spring, Maio, and Breland regarding Use Permit and public hearings for check cashing and bail bond stores, notice on changes of non-conforming uses, a minimum two-story height limit for new buildings in Downtown and Telegraph Avenue Districts, and changes to encourage and/or require mixed use development in commercial districts will be included in the six month review. The review will allow the Commission, Staff, and the public to have a forum to address possible problems arising from the new Ordinance, and make necessary corrections. The City Attorney's office has drafted additional changes listed in Attachment D for the Commission to consider as well.

FINANCIAL IMPLICATIONS

None.

Approved: Elizabeth Epstein
Elizabeth Epstein, Interim Planning and Development Director

- Attachments:
- A. Negative Declaration
 - B. Ordinance text - revised to October 20, 1998
 - C. Official Zoning Map
 - D. Six month review list
 - E. Adopting Ordinance
 - F. Alternate text recommended by ZAB
 - G. LPC Memorandum of November 2, 1998

Alternate Text with ZAB Recommendations

Note: New text is shown in *italics*; deleted text is shown in ~~strikeout~~.

Yards: The alternate text would be to add new **Section 23E.04.050.E** which states:

The Board may approve a Use Permit authorizing yards smaller than those required above if it finds that such smaller yard would provide greater privacy or improved amenity to a lot in the residential District.

Hot tubs: The alternate text would be to revise **Section 23D.08.070.B** to state:

No unenclosed accessory structure may be placed on the ground with a required yard setback, including but not limited to, ~~hot tubs, jacuzzis, spas,~~ solar energy equipment, ground or pole-mounted satellite dishes, play structures, skateboard ramps, tree houses and windmills, unless so authorized by an AUP.

1. In the case of a hot tub, jacuzzi, or spa, *whether located within or beyond a required setback, an AUP shall be required and any pump shall be mounted and enclosed so that its sound is not audible over a property line of an adjacent lot.*

And, revise the tables of permit requirements in each R- District (Sections 23D.16.030, 23D.20.030, 23D.24.030, 23D.28.030, 23D.32.030, 23D.36.030, 23D.40.030, and 23D.44.030), to state:

<u>Use</u>	<u>Classification</u>
Hot Tubs, Jacuzzis, Spas <i>also see Section 23D.08.070.B</i>	AUP

~~If not enclosed and not within
a required setback~~ ZC

~~If within a required setback;
see Section 23D.08.070.B~~ AUP

Home occupation (moderate impact): The alternate text would be to revise **Section 23C.16.020** to state:

Section 23C.16.030 Moderate Impact Home Occupations ~~subject to AUP~~

Those home occupations that involve non-resident employees, customer visits, or products on the subject premises, as set forth in Section 23C.16.020.B.1 through 23C.16.020.B.3, may be authorized only by ~~an AUP~~ a *Use Permit and public hearing*, and are subject to the payment of gross receipts tax pursuant to the City's business tax ordinance as set forth in BMC Section 9.04.

And, revise the tables of permit requirements in each R- District (Sections 23D.16.030, 23D.20.030, 23D.24.030, 23D.28.030, 23D.32.030, 23D.36.030, 23D.40.030, and 23D.44.030), to state:

<u>Use</u>	<u>Classification</u>	<u>Special Requirements</u>
Home Occupations		
Moderate Impact	AUP UP(PH)	Subject to the requirements of 23C.16.030

Zoning Ordinance Revision

Public Notice: The City Clerk noticed this meeting [Attachment E] in accordance with State law, including mailings to past speakers on this matter.

Text Revisions: Staff has incorporated the changes as directed by Council into the current draft of the revised Ordinance [Attachment B - Exhibit 1]. The bottom margin of that document contains a footer denoting this latest version as **Revised to: January 19, 1999**. It replaces the October 20, 1998 version, includes those changes made in the replacement pages sent to Council on November 17, 1998, and also incorporates the following changes made by the Council on that date:

Mediation Policy Reference: The Council directed that language be added stating the City's policy to encourage early discussions between applicants and neighbors. The following language is proposed to be added to the general Conflict Resolution and Mediation section: "It is the policy of the City to encourage applicants and neighbors to have early discussions on proposed projects so that differences may be resolved prior to the submission of an application." Staff has included this change in Section 23B.16.010 on page 25.

Open Mike: The Council directed Staff to remove the proposed language regarding public testimony during Council consideration of an appeal of a ZAB action. The language retains the current practice. The revised text eliminates this change, as shown in Section 23B.32.060.D on page 40.

Home Occupations (moderate impact): The Council decided to require a Use Permit and a public hearing before the ZAB for "Moderate Impact" home occupations. Moderate impact home occupations are those which involve customer visits or storage of products on the premises. The previous reference to non-resident employees was also deleted, the definition clarified, and the parking requirement referring to such non-resident employees was eliminated. Staff has included these changes in Sections 23C.16.020 and 23C.16.030 on page 87-88, and in the individual residential or R- district use tables.

Hot tubs: The Council decided to retain the present requirement for an Administrative Use Permit (AUP) for all hot tubs. Staff has included this change in Section 23D.08.070.C on page 99, and in the individual residential or R- district use tables.

Yard Setback Modifications in C- Districts: The Council decided to retain the existing Ordinance provision that allows the ZAB to modify yard setback requirements for commercially-zoned buildings adjacent to residential districts. Staff has included this change in Section 23E.04.050.E on page 168.

**Item 10 - Attachment 3
Planning Commission
September 5, 2018**

City	Operators & Employees	Size of HO	Operation	Customer Visits	Misc.
Berkeley	Low-impact ZC	20% or 400 s.f. maximum (low-impact and moderate impact) Only within dwelling unit	No offensive noise, odors, etc. No storage, or handling of goods No hazardous materials	No customer visits	Use Permit for HO with customer visits or products on site
	Moderate-Impact (teaching) AUP		No offensive noise, odors, etc. No storage, service, repair or handling of goods No hazardous materials	No more than 4 students at a time	
Santa Monica	Operated by occupants only	Conducted only within the dwelling or accessory building except for horticulture or artists activities	Allows sales on site No offensive noise, odors, etc. Other parking and vehicle requirements No signs	6 client visits per day	List of prohibited home occupation uses
Walnut Creek	Operated by occupants only (shall not exceed 2)	20% of total floor area maximum Only in the main building	No signs or advertising No addition or alteration to building in connection with HO Other parking and vehicle requirements	No customer or client visits except for educational services	List of prohibited home occupation uses
Palo Alto	Operated by occupants only	25% or 500 s.f. limit of GFA devoted to HO (including accessory buildings) Does not change the character and appearance of the dwelling unit	No outdoor storage of materials or equipment No offensive noise, odors, etc. Does not increase traffic or parking demand No advertising on site	Allows customer visits (no limit)	
Oakland	Operated by occupants only (except practitioners in the medical arts can employ one assistant that does not live within the unit)	Allowed in dwelling unit or attached garage	No advertising or signs Does not increase traffic or parking demand No offensive noise, odors, etc.	Allows customer visits (with limitations on certain uses)	List of prohibited home occupation uses
Pasadena	Operated by occupants only	Maximum 500 s.f. (including accessory buildings) Does not change the character and appearance of the dwelling unit	Allows sales only products crafted on premises No advertising or signs Other vehicle and parking requirements No offensive noise, odors, etc. No outdoor storage of materials or equipment	Only client/customer visits with appointments (7am-10pm M-F)	

One thing they all have in common, HO uses are incidental and secondary to residential uses.

Chapter 23C.16
HOME OCCUPATIONS

Sections:

- [23C.16.010](#) Home Occupations
- [23C.16.020](#) Low Impact Home Occupations Permitted by Right Subject to Business License
- [23C.16.030](#) Moderate Impact Home Occupations Subject to Use Permit
- [23C.16.040](#) Complaints and Imposition of Conditions
- [23C.16.050](#) Home Occupation in Rental Unit
- [23C.16.060](#) Medical Cannabis Residential Cultivation

23C.16.010 Home Occupations

- A. The establishment of Home Occupation in compliance with this Chapter shall not be considered a Change of Use of a Dwelling Unit, but rather shall be considered a lawful Incidental Use thereof.
- B. No Home Occupation which involves a Firearm/Munitions Business may be allowed.
- C. No Home Occupation which involves customer visits may be allowed in the ES-R District. (Ord. 6478-NS § 4 (part), 1999)

23C.16.020 Low Impact Home Occupations Permitted by Right Subject to Business License

A Home Occupation which meets all of the following conditions shall be allowed by right in any Dwelling Unit or Group Living Accommodation room, subject to the payment of gross receipts tax pursuant to the City's business license tax ordinance as set forth in Chapter 9.04.

- A. Such Home Occupations must:
 - 1. Be conducted entirely within the dwelling unit or group living accommodation room;
 - 2. Occupy less than four hundred (400) square feet and less than twenty percent (20%) of the dwelling unit or group living accommodation room;
- B. Such home occupations may not:
 - 1. Involve customer visits to the subject premises;
 - 2. Involve storage, service, repair, handling or transport of goods or products on or at the subject premises;
 - 3. Involve hazardous materials or processes; or
 - 4. Create offensive or objectionable noise, vibration, odors, heat, dirt or electrical disturbance perceptible by the average person beyond the lot line or party walls of multi-unit building, of the subject premises. (Ord. 6478-NS § 4 (part), 1999)

23C.16.030 Moderate Impact Home Occupations Subject to Use Permit

- A. A teaching-related home occupation which meets all of the following conditions shall be allowed subject to issuance of an Administrative Use Permit and subject to payment of gross receipts tax pursuant to the City's business license tax ordinance as set forth in Chapter 9.04.
 - 1. Such Home Occupations must:
 - a. Be conducted entirely within the dwelling unit or group living accommodation room;

7/11/2018

Municipal Code and Zoning Ordinance - City of Berkeley, CA

- b. Operate within the hours of 10 a.m. and 10 p.m.; and
 - c. Occupy less than 400 square feet and less than 20% of the dwelling unit or group living accommodation room;
2. Such home occupations may not:
- a. Involve more than four students at a time;
 - b. Involve storage, service, repair, handling or transport of goods or products on or at the subject premises;
 - c. Involve hazardous materials, or processes; or
 - d. Create offensive or objectionable noise, vibration, odors, heat, dirt or electrical disturbance perceptible by the average person beyond that lot line or party walls of multi-unit buildings, or the subject premises.
- B. All other home occupations that involve customer visits, or products on the subject premises, as set forth in Sections [23C.16.020.B.1](#) and [23C.16.020.B.2](#), may be authorized only by a Use Permit and public hearing, and are subject to the payment of gross receipts tax pursuant to the City's business license tax ordinance as set forth in Chapter 9.04. (Ord. 6909-NS § 1 (part), 2006; Ord. 6478-NS § 4 (part), 1999)

23C.16.040 Complaints and Imposition of Conditions

- A. Complaints regarding low-impact home occupations may be made to the Zoning Officer for review and enforcement action.
- B. If written complaints that include factual information on detrimental effects to the neighborhood from a Home Occupation are received, the Board may schedule a public hearing to review the Home Occupation. After such hearing the Board may approve a Use Permit to impose conditions upon the Home Occupation as may be necessary to prevent detrimental effects or it may initiate revocation proceedings. (Ord. 6478-NS § 4 (part), 1999)

23C.16.050 Home Occupation in Rental Unit

Any application for a Home Occupation may be filed by a lessee in possession of the property without the consent of the owner of record of the legal title and the application may be accepted without such owner's signature. In the case of a home occupation which requires a Use Permit, the owner shall be given notice of the proposed home occupation, in conformance with Section [23B.32.020.D](#). (Ord. 6478-NS § 4 (part), 1999)

23C.16.060 Medical Cannabis Residential Cultivation

No Use Permit shall be required for qualified patients to cultivate medical cannabis in their residence or on their residential property. (Ord. 7068-NS § 4 (part), 12/08/08)

**Item 10 - Attachment 4
Planning Commission
September 5, 2018**

7/11/2018

Municipal Code and Zoning Ordinance - City of Berkeley, CA

**The Berkeley Municipal Code is current through Ordinance 7599-NS,
passed May 29, 2018.**

Disclaimer: The City Clerk's Office has the official version of the Berkeley Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

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From: Marisa Kendall [<mailto:mkendall@bayareanewsgroup.com>]

Sent: Thursday, August 16, 2018 2:41 PM

To: Pearson, Alene <apearson@cityofberkeley.info>

Subject: Information request for all planning commissioners from the East Bay Times

Hi all,

I'm hoping you can help me with a story I'm working on for the East Bay Times/ The Mercury News. The percentage of renters has climbed in the last decade in the Bay Area, as home prices have risen and ownership has declined. We're writing about the influence renters and home owners have on local policy in the Bay Area - issue concerning development, rent control and transportation.

To do that, we're reaching out to city mayors, council members and planning officials in several cities in the region with this simple, one-question survey:

Do you rent or own your home?

Could you forward this along to the members of the planning commission? It would be great if they could respond to this email with an answer to that one question as soon as they get a chance.

Thanks so much,

--

Marisa Kendall Housing reporter | Editorial

mkendall@bayareanewsgroup.com

408-920-5009 Direct

[@MarisaKendall](#)



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TO: Planning Commission, City of Berkeley

FROM: Rob Wrenn, Planning Commission member

RE: 15% City Density Bonus and Zoning Changes in the Southside

This is a revised version of a memo that I sent to the Planning Commission Subcommittee on Housing and Community Benefits for its March 2018 meeting. In that memo, I proposed that the subcommittee support the 35% Density Bonus as proposed by Councilmember Worthington that would allow developers in the Southside to get the bonus in return for paying a per unit fee without having to building on-site below market affordable units as per the State Density Bonus. It's my understanding that staff have determined that it would not be legal for the City to implement such a local density bonus as it would conflict with State Density Bonus law. This is unfortunate, as I believe paying a fee would be particularly appropriate in the Southside, a heavily student area, because few students would qualify for affordable on-site units. I have dropped that proposal from this memo.

1) Create an Additional 15% Density Bonus in the Southside

As proposed in the February 21, 2018 staff report, page 51 of 142, last paragraph, an additional 15% density bonus in the Southside for providing additional qualifying units or payment of the fee for building off-site below market units, the fee to be determined by a study. "Provide developers the option of receiving an additional 15% Density Bonus (up to 50% total) in exchange for providing additional qualifying units. Qualifying units could be provided either on-site or off-site through payment of the fee described above. Calculation of the additional Density Bonus would follow the formula established in SDBL (see Attachment 5 – Density Bonus Chart)."

I propose that the Planning Commission recommend this change. The chart on page 135 of 142 of the Feb 21 packet shows how this would work if the developer opted to provide the units on site. (see attached) This proposal suggests that it be implemented, for now at least, only in the Southside Plan area. The Southside area, where I propose that this would apply, would be defined as the area north of Dwight Way to Bancroft and would include properties on both sides of Fulton between Dwight and Bancroft, and both side of College between Dwight and Bancroft. (This could be extended to include the west side of Piedmont.)

2) Implement zoning changes to facilitate housing development in the Southside

I would suggest that this be done as part of a package of Southside-related measures that includes an additional 15% density bonus. In response to student concerns expressed at previous commission meetings, I would propose, in addition to an additional 15% density bonus, that the commission recommend the following zoning changes:

- a) **Upzone some or all R-3 parcels in the Southside to R-S.** (See attached development standards which show that R-S allows for greater height, greater lot coverage, while requiring less open space and smaller setbacks compared to R-3.) In the Southside Plan, R-S is defined as high density zoning, while R-3 is called medium density

- zoning. The attached Southside Plan opportunity site map shows that there are some sites considered to be opportunity sites for housing that are located in R-3
- b) **Eliminate parking requirements for housing in R-S.** Currently some of R-S is in the Car-Free Overlay (see attached map) and some is not. Parking is not required for housing in either R-SMU or C-T. The Southside Plan (p. 89) estimated that over 70% of Southside residents did not own cars, and that probably hasn't changed. Requiring parking in an area where car ownership is exceptional, does make much sense. A parking maximum of one space for every two or three units would make more sense. If some areas of the Southside continue to be zoned R-3 or R-3H, create an R-3 car-free overlay to include them.
 - c) For those parts of the C-T zone not on Telegraph, **eliminate the prohibition on exclusive residential uses** (23E.56.070.F) so that there is flexibility to allow for ground floor housing. I hope this also addresses the proposal to allow conversion of commercial space to housing in parts of the C-T not on Telegraph. Would additional zoning changes be necessary to allow conversion of space that is now commercial?
 - d) In addition to the above, I think the Planning Commission should recommend to the City Council that they should encourage UC Berkeley to move forward with plans to develop housing on UC owned land. (see attached Southside Plan map of University owned sites).

Rationale for above proposals

I am proposing that the 15% additional local density bonus, be implemented, for now, only in the Southside. One reason to focus on the Southside is that the increase in student enrollment, with only a very limited accompanying increase in UC provision of student housing, is a major source of the current housing crisis in Berkeley. (see attached UC enrollment data and 2020 Long Range Development Plan projections). The enrollment increase to date is 500% of what was projected in the 2005-2020 UC Berkeley Long Range Development Plan, while the increase in student housing is only 50% of what was projected in the plan if you include a project now under construction. Encouraging housing in the Southside would address the difficult housing situation faced by students directly. An additional density bonus could work well if combined with increasing the size of the area zoned R-S and elimination of parking requirements and greater flexibility of ground floor use. R-S allows four stories, which could go to six stories with a 50% bonus. I have not proposed implementing an across the board 20' height increase as proposed by Councilmember Worthington. First, because R-3 zoning is not limited to the Southside. Rather than substantially increasing height limits in part of R-3, it makes more sense to me to upzone areas of R-3 where greater height is desirable to R-S. Density is not just a function of height. Lot coverage, open space requirements, and setbacks also impact density and R-S works if you want greater density. With respect to adding 20' (which I assume means two stories) to R-S or R-SMU, that would undercut the city density bonus, as developers could build to 60' without requiring a density bonus. If the goal is to generate some funds for affordable housing, it's best to leave R-S and R-SMU alone with respect to height. With the two density bonus changes presented above, developers can achieve 60' in both R-S and R-SMU.

Beyond 60', construction costs per square foot will rise and it's not clear that an 15% additional bonus would have much appeal. The principal of land value capture also suggests that cities shouldn't give density increases that increase the value of land and the projects built on that land without getting something of benefit in return.

I have chosen to focus on what I think are key zoning changes and have not addressed the other items in the City Council's "More Student Housing Now Resolution", which was approved by Council in January and supported by students who attended the February 7 Planning Commission meeting.

Attachments:

Density Bonus Chart, Planning Commission Packet, Feb 21, 2018 (page 135 of 142)
Excerpt from City's Zoning Map showing current Southside zoning
Southside Plan Subareas with Car-Free Housing overlay from Southside Plan (page 55)
Car-Free Overlay as proposed by students, distributed at Feb 7 PC meeting
R-3 development standards from City's zoning ordinance
R-S development standards from City's zoning ordinance
Southside Opportunity Sites from Southside Plan (pages 171-172)
University Owned Property from Southside Plan (page 34)
UC Berkeley enrollment history, 2003-2017, UC Berkeley Office of Planning and Analysis
printed from <https://pages.github.berkeley.edu/OPA/our-berkeley/enroll-history.html>
Campus Population, projections from UC Berkeley 2020 Long Range Development Plan,
pages 13-14 of 2020 LRDP

August 27, 2018

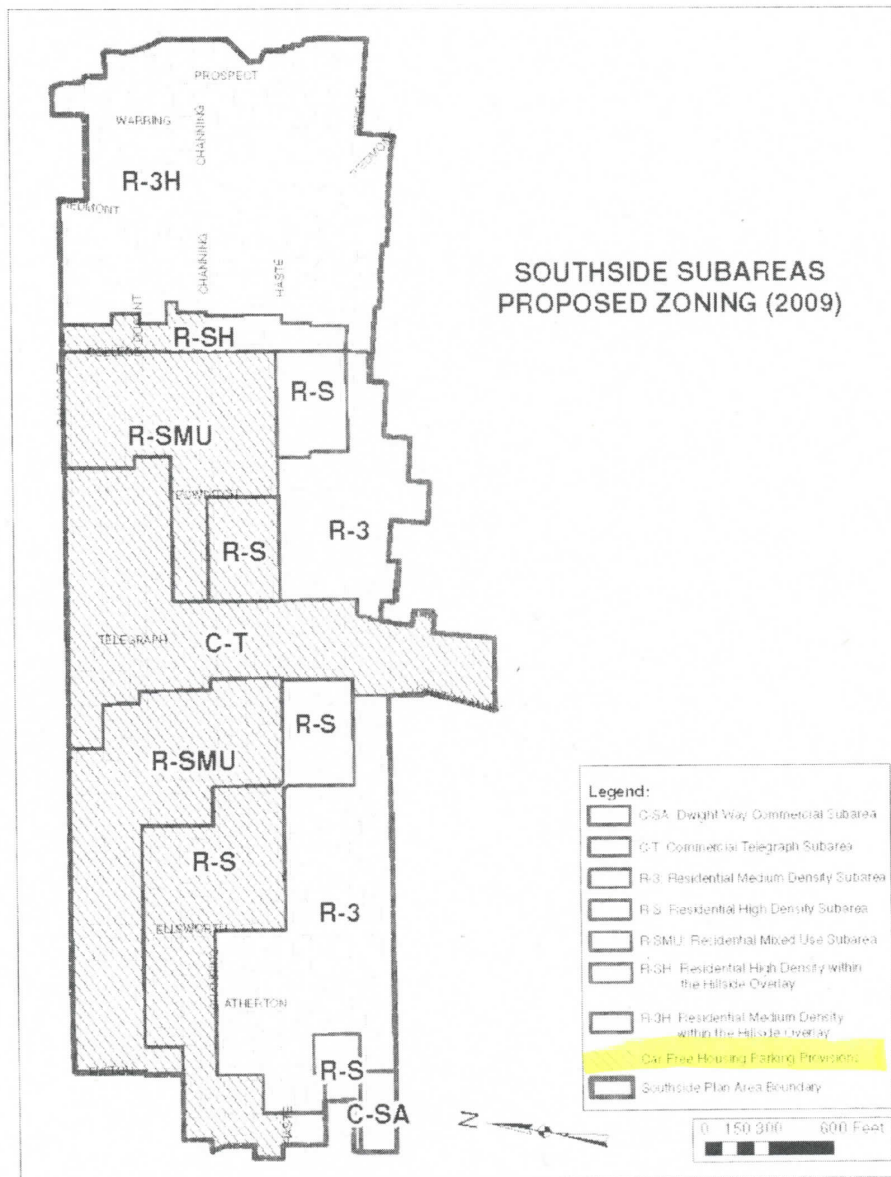
Density Bonus Chart*

Affordable Unit Percentage **	Very Low Income Density Bonus (rental/ownership)	Low Income Density Bonus (rental/ownership)	Moderate Income Density Bonus (ownership only)
5%	20.0%	-	-
6%	22.5%	-	-
7%	25.0%	-	-
8%	27.5%	-	-
9%	30.0%	-	-
10%	32.5%	20.0%	5%
11%	35.0%	21.5%	6%
12%	37.5%	23.0%	7%
13%	40.0%	24.5%	8%
14%	42.5%	26.0%	9%
15%	45.0%	27.5%	10%
16%	47.5%	29.0%	11%
17%	50.0%	30.5%	12%
18%		32.0%	13%
19%		33.5%	14%
20%		35.0%	15%
21%		36.5%	16%
22%		38.0%	17%
23%		39.5%	18%
24%		41.0%	19%
25%		42.5%	20%
26%		44.0%	21%
27%		45.5%	22%
28%		47.0%	23%
29%		48.5%	24%
30%		50.0%	25%
31%			26%
32%			27%
33%			28%
34%			29%
35%			30%
36%			31%
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38%			33%
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43%			38%
44%			39%
45%			40%
46%			41%
47%			42%
48%			43%
49%			44%
50%			45%
51%			46%
52%			47%
53%			48%
54%			49%
55%			50%

* All Density Bonus calculations resulting in fractions are rounded up to the next whole number.

**Affordable unit percentage is calculated excluding units added by Density Bonus.

BOLD denotes Density Bonus in exceedance of State Density Bonus Law.



Map LU-9: Proposed Zoning, 2009

Car – Free Overlay



Car Free Housing Allowed Now

Proposed Expansion

R-3

23D.36.070 Development Standards

- A. No lot of less than 5,000 square feet may be created.
- B. No more than one person who resides in a Group Living Accommodation use shall be allowed for each 350 square feet of lot area. One additional person who resides in a Group Living Accommodation use may also be allowed for any remaining lot area which may be less than 350 square feet, but not less than 200 square feet in area.
- C. Each Main Building shall be limited in height as follows:

	Height limit average (ft.)	Stories limit (number)
Main Building	35	3
All Residential Additions	16*	Not Applicable

* The Zoning Officer may issue an Administrative Use Permit to allow residential additions to exceed 16 feet in average height, up to the district limit.

- D. Each Main Building shall be set back from its respective lot lines, and shall be separated from one another, in accordance with the following limits:

Story	Yard location				Building separation*
	Front	Rear*	Side	Street side	
1st	15	15	4	6	8
2nd	15	15	4	8	12
3rd	15	15	6	10	16

* See Section 23D.36.070.D.1 and 2 for yard and building separation reductions.

- 1. For two or more Main Buildings which contain Dwelling Units, the Rear Yard may be reduced subject to obtaining an Administrative Use Permit.
- 2. For two or more Main Buildings which contain Dwelling Units, the required building separation may be reduced subject to obtaining an Administrative Use Permit.
- E. Maximum lot coverage may not exceed the following coverage percentages:

Main Building Height (stories)	Lot Coverage Area (%)	
	Interior and Through Lots	Corner Lots
1 or 2	45	50
3	40	45

- 1. Lot coverage may be increased for a project in an R-3 District located within the Southside Plan boundaries if an Administrative Use Permit is obtained with one or both of the following findings:
 - a. The increased coverage would enable a new rear dwelling on the lot; or
 - b. It would enable moving a historic building onto the lot.
- F. Each lot shall contain the following minimum Usable Open Space area: for each Dwelling Unit, 200 square feet; for each person who resides in a Group Living Accommodation use, 90 square feet.
- G. Projects located within the Southside Plan boundaries that may create environmental impacts as described in the Southside Plan Final EIR shall be subject to the adopted Mitigation Monitoring Program (MMP). (Ord. 7210-NS § 11, 2011; Ord. 6949-NS § 13 (part), 2006; Ord. 6478-NS § 4 (part), 1999)

R-S

23D.48.070 Development Standards

- A. No lot of less than 5,000 square feet may be created.
- B. No more than one person who resides in a Group Living Accommodation use shall be allowed for each 350 square feet of lot area. One additional person who resides in a Group Living Accommodation use may also be allowed for any remaining lot area which may be less than 350 square feet, but not less than 200 square feet in area.
- C. The height for a Main Building shall satisfy the following requirements:
 - 1. The maximum height shall be three stories and 35 feet, except as otherwise provided in paragraph 2 below.
 - 2. The Board may approve a Use Permit to increase a project's height to a maximum height of four stories and 45 feet if it makes both of the following findings:
 - a. At least 50% of the total building floor area is designated for residential use; and
 - b. The project meets the purposes of the District.
- D. The height for a Residential Addition shall satisfy the following requirements:
 - 1. The maximum height shall be 16 feet, except as otherwise provided in paragraph 2 below.
 - 2. The Zoning Officer may issue an Administrative Use Permit to allow residential additions to exceed 16 feet in average height, up to the district limit.
- E. Each Main Building shall be set back from its respective lot lines, and shall be separated from one another, in accordance with the following limits:

Story	Yard location				Building separation*
	Front	Rear*	Side	Street side	
1st	10	10	4	6	8
2nd	10	10	4	8	12
3rd	10	10	6	10	16
4th	10	17	8	10	20

* See Sections 23D.48.070.E.1, 2 and 3 for yard and building separation reductions.

- 1. For two or more Main Buildings which contain Dwelling Units, the Rear Yard may be reduced subject to obtaining an Administrative Use Permit.
 - 2. For two or more Main Buildings which contain Dwelling Units, the required building separation may be reduced subject to obtaining an Administrative Use Permit.
 - 3. Front setbacks shall be 10 feet but may be reduced to as little as 0 feet through an Administrative Use Permit with a finding that the smaller setback is appropriate given the setbacks and architectural design of surrounding buildings.
- F. Maximum lot coverage may not exceed the following coverage percentages:

Main Building Height (stories)	Lot Coverage Area (%)	
	Interior and Through Lots	Corner Lots
1 or 2	65	70
3	60	65
4	55	60

G. Each lot shall contain the following minimum Usable Open Space area: for each Dwelling Unit, 50 square feet; for each person who resides in a Group Living Accommodation use, 20 square feet.

H. Projects that may create environmental impacts as described in the Southside Plan Final EIR shall be subject to the adopted Mitigation Monitoring Program (MMP). (Ord. 7208-NS § 1 (part), 2011)

Compile Chapter

The Berkeley Municipal Code is current through Ordinance 7588-NS, passed January 23, 2018.

Disclaimer: The City Clerk's Office has the official version of the Berkeley Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

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Faint table with multiple columns and rows, likely a schedule or list of items.

Southside PLAN

APPENDIX A: SOUTHSIDE OPPORTUNITY SITES

The text of the Southside Plan Land Use and Housing Element (page 49) offers the following guidance for identifying possible opportunity sites:

“The following types of properties are considered “opportunity sites” in the Southside:

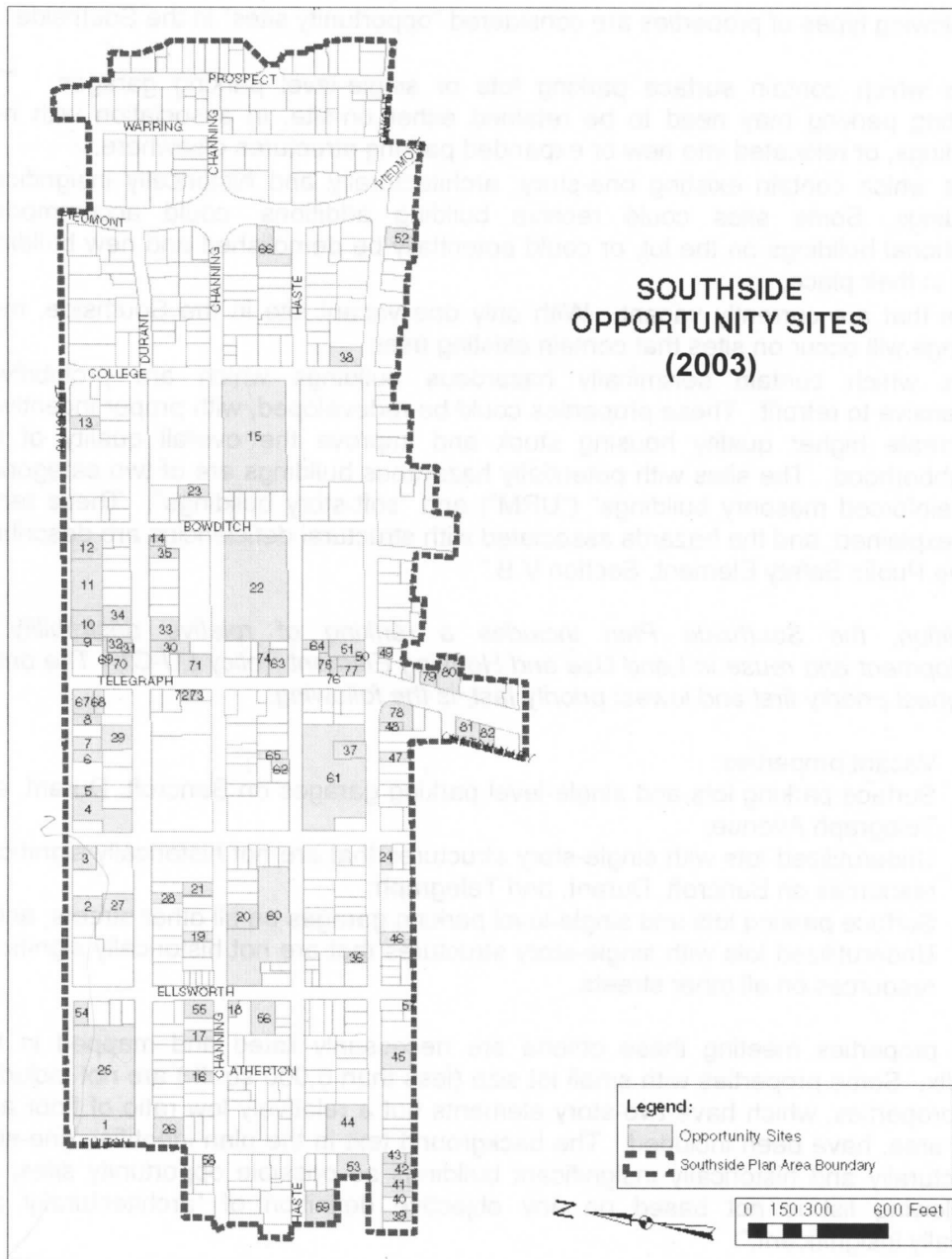
- Sites which contain surface parking lots or single-level parking garages. The existing parking may need to be retained either on-site, in association with new buildings, or relocated into new or expanded parking structures elsewhere.
- Sites which contain existing one-story, architecturally and historically insignificant buildings. Some sites could receive building additions, could accommodate additional buildings on the lot, or could potentially be demolished and new buildings built in their place.
- Sites that are currently vacant. With only one vacant site in the Southside, most change will occur on sites that contain existing uses.
- Sites which contain seismically hazardous buildings which are prohibitively expensive to retrofit. These properties could be redeveloped, with proper incentives, to create higher quality housing stock and improve the overall quality of the neighborhood. The sites with potentially hazardous buildings are of two categories: “unreinforced masonry buildings” (“URM”) and “soft-story buildings”. These terms are explained, and the hazards associated with structural deficiencies are described, in the Public Safety Element, Section V.B.”

In addition, the Southside Plan includes a ranking of relative desirability of redevelopment and reuse in Land Use and Housing Element Policy LU-C1. The order, with highest priority first and lowest priority last, is the following:

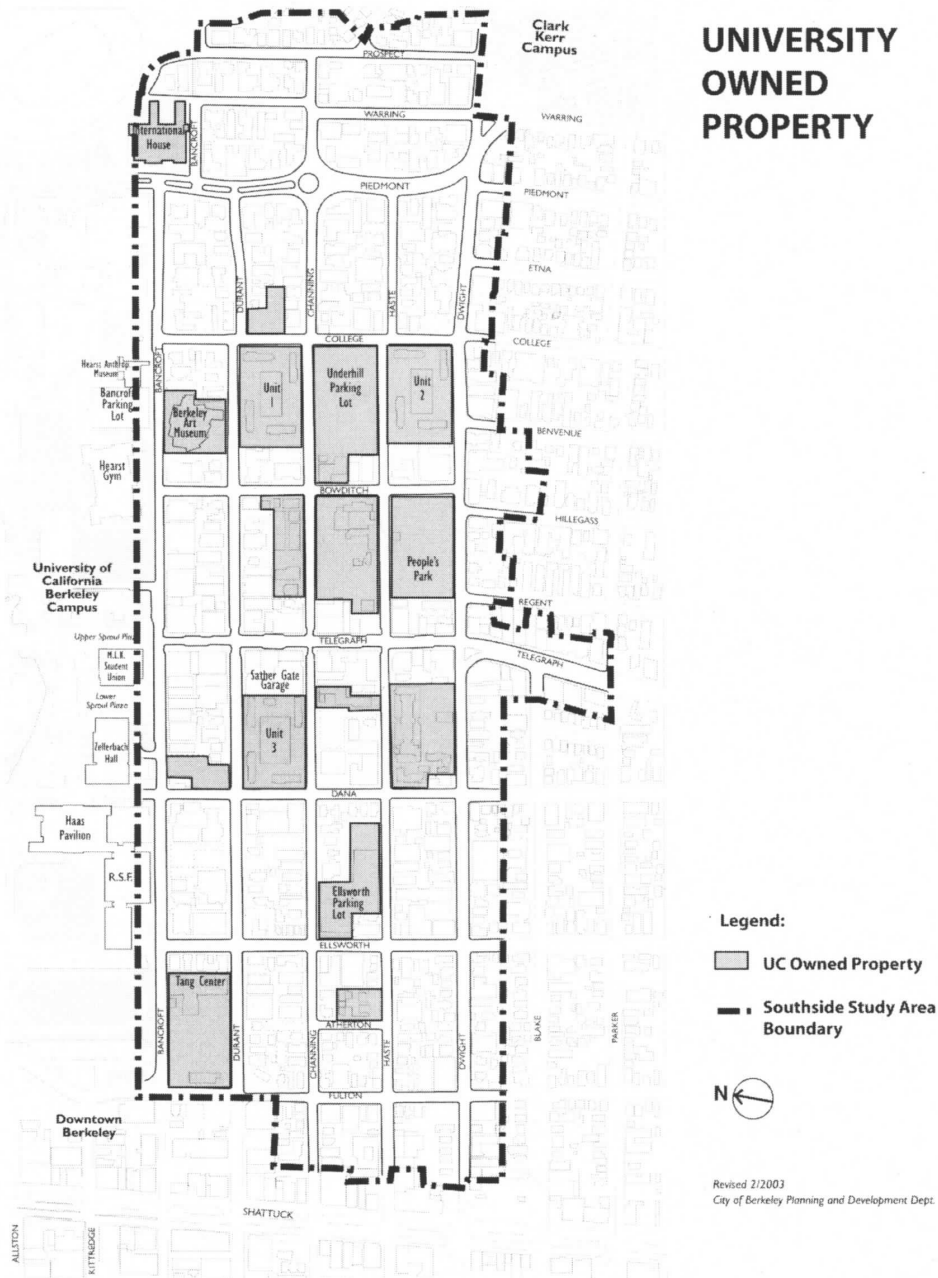
- A. Vacant properties;
- B. Surface parking lots and single-level parking garages on Bancroft, Durant, and Telegraph Avenue;
- C. Underutilized lots with single-story structures that are not historically significant resources on Bancroft, Durant, and Telegraph;
- D. Surface parking lots and single-level parking garages on all other streets; and
- E. Underutilized lots with single-story structures that are not historically significant resources on all other streets.

Not all properties meeting these criteria are necessarily listed and mapped in this appendix. Some properties with small lot size (less than 6,000 sq. ft.) are not included. Some properties, which have two-story elements but a relatively low ratio of floor area to land area, have been included. The background text in the plan identifies one-story architecturally and historically insignificant buildings as possible opportunity sites, but the following list is not based on any objective definition of “architecturally and historically insignificant.”

Of the sites listed, 24 were identified as having the greatest potential for development and reuse. These sites, called Tier 1 Opportunity Sites, were used to estimate the development potential used in the Southside Plan Draft Environmental Impact Report (DEIR), and are highlighted on the list.



SOUTHSIDE PLAN



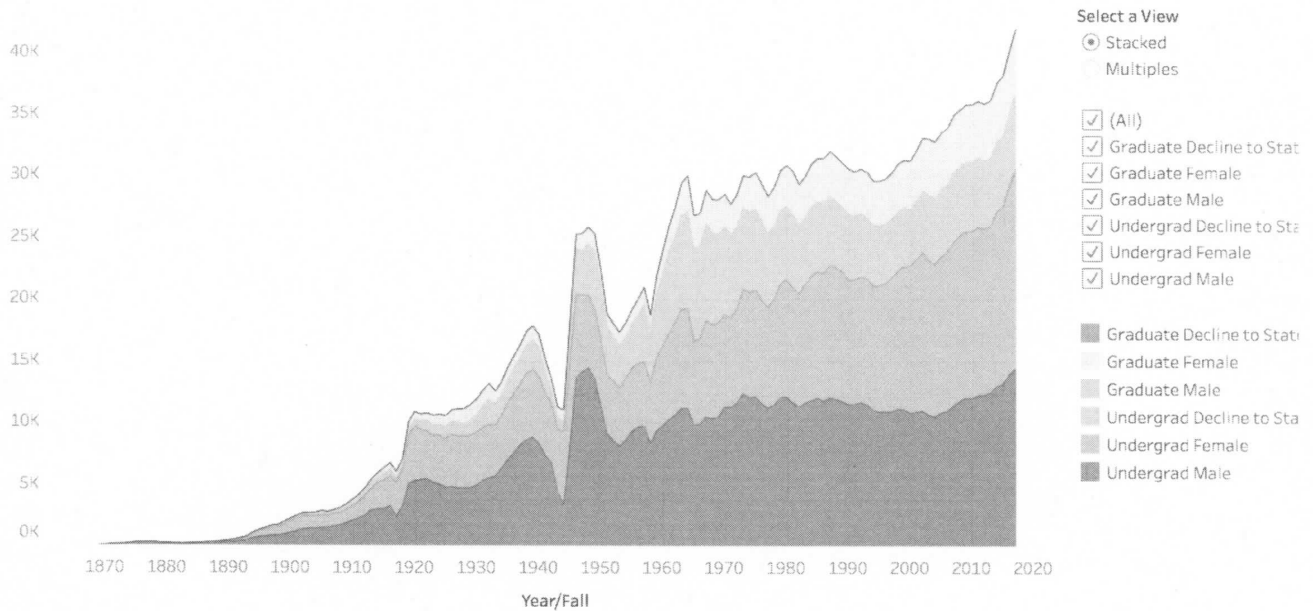
Map LU-2: Property owned by the University of California, 2003

Enrollment History Since 1869

This chart and table show total enrollment at the University of California, Berkeley, by student level and gender, since the university's first entering class in 1869. The periods during and immediately after both world wars saw significant fluctuations in enrollment. A general upward trend followed adoption of the California Master Plan for Higher Education in the early 1960s, with recent years seeing an even steeper increase in enrollment.

Help

In Fall 2017, for the first time in its history, UC Berkeley surpassed 30,000 undergraduates, with a total student population of almost 42,000.



Year/Fall	Graduate			Undergrad			Grand Total		
	Decline to State	Female	Male	Total	Decline to State	Female		Male	
2017	16	5,234	6,086	11,336	250	15,966	14,358	30,574	41,910
2016	4	4,980	5,879	10,863	264	15,146	13,900	29,310	40,173
2015	0	4,923	5,785	10,708	7	14,313	13,176	27,496	38,204
2014	0	4,728	5,727	10,455	0	14,135	12,991	27,126	37,581
2013	0	4,645	5,608	10,253	0	13,461	12,490	25,951	36,204
2012	0	4,605	5,520	10,125	0	13,492	12,282	25,774	35,899
2011	0	4,585	5,672	10,257	0	13,660	12,225	25,885	36,142
2010	0	4,614	5,684	10,298	0	13,514	12,026	25,540	35,838
2009	0	4,643	5,670	10,313	0	13,509	12,021	25,530	35,843
2008	0	4,604	5,654	10,258	0	13,385	11,766	25,151	35,409
2007	0	4,642	5,675	10,317	0	13,242	11,394	24,636	34,953
2006	0	4,604	5,466	10,070	0	12,883	10,980	23,863	33,933
2005	0	4,642	5,434	10,076	0	12,639	10,843	23,482	33,558
2004	0	4,548	5,386	9,934	0	12,346	10,534	22,880	32,814
2003	0	4,579	5,291	9,870	0	12,540	10,666	23,206	33,076

tableau



LRDP

2020 LONG RANGE DEVELOPMENT PLAN

U C BERKELEY

5 CAMPUS POPULATION

STABILIZE ENROLLMENT AT A LEVEL COMMENSURATE WITH OUR ACADEMIC STANDARDS
 AND OUR LAND AND CAPITAL RESOURCES.

The University of California has a clear role in the California Master Plan for Higher Education, which articulates complementary roles for Community Colleges, California State University, and UC. The Master Plan designates UC as the state's primary research institution: UC selects from among the top 12.5% of California high school graduates, as well as the top 4% of graduates of each California high school. Due to the projected growth in the number of college age Californians, by 2010 UC as a whole must increase its enrollment by 63,000 students over the base year 1998 to continue to meet its Master Plan mandate.

As part of this strategy, UC Berkeley has been requested to evaluate the ability to grow by 4,000 full time equivalent students over base year 1998 by 2010. This represents an increase in enrollment of roughly 13%: a significant increase for any campus, but particularly for a mature, urban campus with aging facilities and limited capacity to expand. However, once our current target is reached, at an estimated two-semester average of 33,450 students, enrollment at UC Berkeley should stabilize.

Not only do few undeveloped sites remain on and around the campus, but our capital resources are also very limited. What capital funds the campus does receive from the state are consumed largely by seismic upgrades to existing buildings, and this need will continue for the near future. Moreover, to the extent university land and capital are utilized to accommodate further enrollment growth, they can no longer be utilized for campus renewal. Yet, the renewal of our buildings and infrastructure is crucial to our ability to recruit and retain exceptional individuals, to pursue new paths of inquiry and discovery, and to maintain our historic standard of excellence.

As a result of growth in both education and research, by 2020 we estimate total campus headcount during the regular academic year may increase by up to 12% over what it was in 2001-2002, as shown in table 1. The estimates for academic and nonacademic staff reflect the impacts of both enrollment growth and growth in external research funds through 2020. Research funds are projected to grow at 3.6% per year: the average rate of growth minus inflation during the last decade of the 20th century.

While UC Berkeley can accommodate some of our new students through growth in summer programs and education abroad, to meet our 4,000 student target also requires an increase in on-campus enrollment during the regular academic year. The enrollment figures in table 1 are presented in terms of student headcount: the estimates for the regular academic year represent the two-semester average, while the summer estimates represent the number of individual students enrolled in one or more summer courses.

The actual rate at which campus headcount grows in the future depends on a variety of factors, including future demographic trends, state and university policy, and available resources. In the near term, funds may not be available to support further growth in enrollment. However, the projections in the 2020 LRDP are based on underlying demographic needs through the year 2020, rather than on near-term funding considerations.

U C BERKELEY

2020 LONG RANGE DEVELOPMENT PLAN

TABLE 1 PROJECTED CAMPUS HEADCOUNT

	Actual Headcount 2001-2002	Net Addl Headcount 2020 LRDP	Est Total Headcount 2020
Students			
Regular Terms*	31,800	1,650	33,450
Summer	11,400	5,700	17,100
Employees			
Faculty**	1,760	220	1,980
Academic Staff & Visitors**	3,040	1,840	4,880
Nonacademic Staff**	8,140	810	8,950
Other Visitors & Vendors	1,200	800	2,000
Estimated Regular Terms Headcount	45,940	5,320	51,260
Estimated On-Campus Headcount***	44,834		

* Campus population today is counted in two ways: by actual headcounts and by full time equivalents, or FTE. While budgets are calculated in terms of FTE, for the purpose of environmental analysis actual headcount is the better measure, since FTE tends to under-represent peak impacts. For example, two students taking six units each are likely to have a greater impact than one student taking 12 units. The 2020 LRDP therefore uses two-semester average headcount as the measure of campus population.

** All non-student categories exclude student workers to avoid double counting.

*** Excludes off campus programs and other exclusions per April 2002 Population Report to City of Berkeley.

TABLE 2 PROJECTED SPACE DEMAND

	Actual + Approved UC Berkeley Space	Net Addl Space 2020 LRDP	Est Total 2020
Academic & Support (GSF)			
Actual 2001-2002*	11,637,900		
Net Addl Complete Mar 2004	116,600		
Net Addl Underway Mar 2004	352,600		
	12,107,100	2,200,000	14,307,100
Housing (bed spaces)			
Actual UC Owned 2001-2002	6,960		
City Environs**	6,004		
University Village Albany**	956		
Net Addl Complete Mar 2004	120		
Net Addl Underway Mar 2004	1,110		
	8,190	2,600 °	10,790
Parking (spaces): phase 1			
		7,690	9,490
phase 2			
		500 °°	9,990
Actual 2001-2002	6,900		
Net Addl Complete Mar 2004	100		
Net Addl CEQA Reviewed	690		

* 2001-2002 A&S space includes all buildings except those primarily housing or parking.

** City Environs includes 74 student family units at Smyth Fernwald and 27 faculty units, counted as one bed space per unit, as well as 585 bed spaces at International House, for consistency with 1990-2005 LRDP. University Village Albany includes 956 student family units counted as one bed space per unit.

° Includes up to 100 family-suitable units for faculty, staff, or visiting scholars within 2020 LRDP scope. Does not include new housing proposed for University Village Albany, which is outside the scope of the 2020 LRDP and the subject of a separate CEQA review.

°° Phase 2 parking would be deferred until after 2020 if the AC Transit Bus Rapid Transit/Telegraph route is approved and the system is under construction by January 2010, as described in Campus Access



**Communications
Planning Commission
September 5, 2018**

August 28, 2018

Members of the Planning Commission

North Berkeley Senior Center

1901 Hearst Avenue

Berkeley, CA 94709

Re: More Student Housing Now

Dear Members of the Planning Commission:

On behalf of the Cal Berkeley Democrats, we are writing to express strong support for the More Student Housing Now Resolution.

Students are in dire need of affordable and accessible housing. Time and time again, students have condemned the severity of the student housing crisis in Berkeley and demanded results from city and university leadership. Time and time again, however, even proposed solutions have been bogged down in the bureaucratic process. We look forward to seeing the Planning Commission recognize the urgency that this moment requires and prioritize the various referrals from the council that they have received that would result in more student housing being developed as soon as possible.

We commend President Napolitano and Chancellor Christ for their commitments to expanding housing availability in Berkeley and across the UC and for their support of **long-term housing development** and **immediate emergency housing solutions**. Yet, there is much **housing development** that can still be accomplished in the **short-term** that we have not taken sufficient steps towards realizing, particularly given the approximately 1,500 units already approved in the current LRDP. The proposals referred to in this Resolution are an important series of steps in the right direction.

Thank you for your consideration of these comments. We urge you to support and expedite the approval of More Student Housing Now.

Sincerely,

Varsha Sarveshwar, President

Sarah Abdeshahian, Finance Director

Flora ElmColone, Smart Ass Editor-in-Chief

Selena Gomez, Political Director

Timothy Etter, Outreach Director



August 28, 2018

Members of the Planning Commission

North Berkeley Senior Center
1901 Hearst Avenue
Berkeley, CA 94709

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Thank you for your consideration of these comments. We urge you to support and expedite the approval of More Student Housing Now.

Sincerely,

Alexander Wilfert, ASUC President
Nuha Khalfay, ASUC External Affairs Vice President & Berkeley Community Health Commission Chair
Sophie Bhandarkar, ASUC Student Advocate
Hung Huynh, ASUC Executive Vice President
Melany Amarikwa, ASUC Academic Affairs Vice President
Kylie Murdock, ASUC EAVP Chief-of-Staff
Sarah Abdeshahian, ASUC Campus Organizing Director
Angie Chen, ASUC EAVP Local Affairs Director & Berkeley Peace and Justice Commissioner
Amir Wright, ASUC Senator & Berkeley Housing Advisory Commissioner
Amma Sarkodee-Adoo, ASUC Senator & Former Berkeley Human Welfare and Community Action Commissioner
Anna Whitney, ASUC Senator & Zero Waste Commissioner
Zach Carter, ASUC Senator & Former Berkeley Landmarks Preservation Commissioner

**Communications
Planning Commission
September 5, 2018**

Andy Theocharous, ASUC Senator
Imran Khan, ASUC Senator
Isabella Chow, ASUC Senator
Teddy Lake, ASUC Senator
Nikhil Harish, ASUC Senator
Aaron Bryce Lee, ASUC Senator
Saakshi Goel, ASUC Senator
Regina Kim, ASUC Senator
William Wang, ASUC Senator
Justin Greenwald, ASUC Senator
James Li, ASUC Senator
Anne Zepecki, ASUC Senator
Stephen Boyle, ASUC Senator
Idalys Perez, ASUC Senator
Nick Araujo, ASUC Senator
Karina Sun, ASUC Senator
Zaynab AbdulQadir-Morris, Former ASUC President
Helen Yuan, Former ASUC Executive Vice President
Rigel Robinson, Former ASUC External Affairs Vice President & Alternate Commissioner
Andrew-Ian Bullitt, Former ASUC Academic Affairs Vice President
Jillian Free, Former ASUC Student Advocate