

# **Supplemental Communications (2)**

(Received after 12pm on  
May 2 and before 1pm May  
3)

## Communication

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**From:** Covello, Zoe  
**Sent:** Tuesday, May 3, 2022 12:54 PM  
**To:** Alene Pearson (apearson@cityofberkeley.info)  
**Subject:** Information Items - PDF Format  
**Attachments:** ReferralPrioritization\_2022-04-26 Special Meeting Agenda Packet - Council.pdf; AshbyNBerkBartTOD\_2022-04-19 Worksession Agenda Packet - Council.pdf; R&D\_2022-04-12 Agenda Packet - Council.pdf

Dear Commissioners,

The City has a [brand new website](#), which we're thrilled about; however, as a result, some of the links in the agenda for the 5/4 PC meeting no longer work, so I'm sharing those documents with you in PDF format (please see the attachments).

As a reminder, the info items are as follows:

- [April 26](#) – 2022 City Council Referral Prioritization Process Using Re-Weighted Range Voting (RRV)
- [April 19](#) - City Council Worksession Report on Ashby and North Berkeley BART TOD
- [April 12](#) - City Council Second Reading of Amendment to Modify the Research and Development Definition

Thank you,  
Zoe

**Zoe Covello**  
Assistant Planner  
City of Berkeley | Land Use Planning Division  
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Office of the City Manager

ACTION CALENDAR

April 26, 2022

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Mark Numainville, City Clerk

Subject: 2022 City Council Referral Prioritization Process Using Re-Weighted Range Voting (RRV)

RECOMMENDATION

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(RRV) rankings for all outstanding City Council referrals; 2) Approve the removal of referrals that have been marked as rescinded by the sponsoring Councilmember or District; 3) Adopt a Resolution approving the list of prioritized referrals to city staff.

FISCAL IMPACTS OF RECOMMENDATION

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

CURRENT SITUATION AND ITS EFFECTS

Through the March 22, 2022 City Council meeting, there were 46 outstanding long-term referrals to staff. The list does not include referrals that the City Manager has classified as short-term referrals or budget referrals. Status of the short-term referrals is reported to the City Council through a quarterly information report on the council agenda.

The Mayor and Council have assigned a score of 0-5 (0=low priority, 5=high priority) to each referral as shown in the RRV spreadsheet in Attachment 2. Staff has applied the RRV formula to the raw scoring resulting in a prioritized list. These results will be used to guide the City Manager and the Budget and Finance Committee in development of Strategic Plan projects and funding allocations needed for the referrals. Some flexibility in the order in which the referrals are assigned will need to be exercised by the City Manager to ensure that staff in each department has the available capacity to start work on the highly rated referrals and there are adequate funding resources to complete the referrals.

During the scoring process, Councilmembers had the option to identify referrals that should be removed from the prioritization process (Attachment 3). Generally, the sponsor or the district successor to the sponsor mark a referral for removal. However, the system does allow any member of the council to mark an item for removal.

The full Council will have an opportunity to vote to remove or retain the referrals that were marked for removal. The six referrals marked for removal are listed in the table below.

Rank	Demand	Meeting Date	Lead City Department	Sponsor
25	Referral Response: Deferral of Remaining Permit, Inspection, Connection, and Impact Fees for 2009 Addison Street and Referral to the City Manager to Develop a Limited-Term Citywide Fee Deferral Program DMND0003995	2021-03-09	PLANNING	City Manager
32	Referral to the City Manager to consider the videotaping of Planning Commission meetings DMND0002823	2018-10-16	IT	Kriss Worthington, Cheryl Davila
37	Freedom from Domestic Violence as a Human Right ResolutionDMND0002446	2018-01-23	CITY MANAGER	Peace & Justice Commission
40	Referral to City Manager to address the conversion of Not Available To Rent rental units to unregistered short term rentals and unregistered medium term rentals from 15 to 30 days DMND0002831	2018-10-30	PLANNING	Kriss Worthington, Kate Harrison
42	Accessory Dwelling Unit Ordinance Updates DMND0002603	2018-09-13	PLANNING	Sophie Hahn, Susan Wengraf, Kate Harrison
46	Providing our Unhoused Community with Fire ExtinguishersDMND0003938	2021-03-30	FIRE	Cheryl Davila

**BACKGROUND**

In 2016, the City Council adopted a system of Re-weighted Range Voting (RRV) to prioritize City Council referrals to staff. The RRV system enables City Council to provide direction to staff on which referrals are highest priority and should be completed first.

Reweightd Range Voting is a proportional representation voting system designed for a blend of fairness and consensus, meaning that it ensures some representation for minority views as well. It accomplishes this by reducing the influence of Councilmembers in proportion to the points they have awarded to the referrals prioritized thus far.

Under RRV, Each Councilmember rates every referral on a scale of 0-5 (zero being the least support and five being the most support) using a basic scoresheet. There is no limit to repeat scores (i.e. a Councilmember could give every referral a five). When the scores are tallied, the referral with the highest total score becomes the 1st priority. Once the first referral is assigned, the scores for the remaining referrals are reweighted based on how

much influence each Councilmember has had up to that point (based on the score they assigned, 0-5). If a Councilmember assigns high scores to several referrals, they use up the strength of their weighted vote more quickly and exercise diminishing influence when the scores are reweighted for subsequent referrals. This guarantees equal influence throughout the full list. If a Councilmember did not score a referral, the default score was set to zero.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental effects or opportunities, or climate impacts, associated with the subject of this report.

#### RATIONALE FOR RECOMMENDATION

This recommendation carries out the direction of the Council to implement a prioritization process for City Council referrals to staff.

#### ALTERNATIVE ACTIONS CONSIDERED

Council may decide to forgo a prioritization process and continue the referral process with no structured tracking or prioritization of referrals.

#### CONTACT PERSON

Mark Numainville, City Clerk, 981-6900

#### Attachments:

1: Resolution

Exhibit A: RRV Prioritized Referral List

2: Complete scores provided by the Mayor and each Councilmember

3: List of referrals marked by sponsoring Councilmember/District for removal

RESOLUTION NO. ##,###-N.S.

APPROVING THE 2022 LIST OF PRIORITIZED CITY COUNCIL REFERRALS USING  
THE REWEIGHTED RANGE VOTING SYSTEM

WHEREAS, On March 8, 2016 the City Council approved the use of Re-weighted Range Voting (RRV) for the prioritization of City Council referrals to staff; and

WHEREAS, the City Council has rated all the referrals; and

WHEREAS, the Re-Weighted Range Voting formula was applied to the ratings to create a weighted list of prioritization.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the list of prioritized referrals contained in Exhibit A is hereby approved.

BE IT FURTHER RESOLVED that the City Council grants the City Manager the authority to assign referrals to staff in a manner that ensures equitable distribution among departments and does not exceed the capacity of departmental staff to start work on the highly rated referrals even if that results in the referrals being assigned in an order that differs from the approved list.

Exhibits

A: List of Prioritized Referrals

Final Rankings

(Shaded items are Marked for Removal)

Rank	Referral Title	Recommendations	Meeting Date	Lead City Department	Sponsor	Referral by	Referral Commission
1	Referral to the Planning Commission to Establish a Zoning Overlay at the Pacific Steel Casting Property DMND0003942	Refer to the Planning Commission to create a zoning overlay at the Pacific Steel Casting (PSC) property in West Berkeley—currently zoned Manufacturing (M) and redesignate it as Mixed Use - Light Industrial (MULI) due to the unique issues of public concern associated with this property (described below); specifically, include in the PSC zoning overlay allowances to enable all MULI uses and override any existing constraints in the Berkeley Municipal Code for Zoning (Title 23) on such MULI uses for the PSC property.	2021-04-20	PLANNING & DEVELOPMENT	Rashi Kesarwani, Terry Taplin	Councilmembers	
2	Pollinators and Habitat DMND0003807	Adopt three referrals that will deepen Berkeley's commitment to protecting pollinator plants and establishing habitats that will protect pollinators and our environment: 1. Refer to City Manager to establish a City Liaison to the Bee City USA program. 2. Refer to Public Works Commission and Parks and Waterfront Commission consideration of how to incorporate pollinators and habitat into the Adopt-A-Spot initiative referred on April 2, 2019. (COMMISSION REFERRAL) 3. Refer to the City Manager to transition the City's medians to non-turf green infrastructure, including pollinator gardens when appropriate.	2019-09-24	Parks, Recreation & Waterfront	Kate Harrison, Susan Wengraf, Ben Bartlett	Councilmembers	
3	Referral to Implement State Law AB 43 for Reduced Speed Limits on High-Injury Commercial Corridors DMND0004008	Refer to the City Manager to implement state law AB 43 on High-injury commercial corridors as identified in our Vision Zero Annual Report, 2020-2021 in order to allow a reduction in speed limits by 5 miles per hour; - Any other corridors covered by AB 43, as appropriate, in order to implement reduced prima facie speed limits and identify those corridors for future traffic studies where prima facie limits are presently unsafe. Upon completion of this referral, we note that a budget allocation would be needed in the amount of \$25,000 to \$50,000 for new speed limit signage. Funding will be requested later (likely for the FY 2023-24 budget) in order to allow time for staff to determine the applicable streets for additional signage.	2022-03-08	Public Works	Rashi Kesarwani, Terry Taplin, Rigel Robinson, Susan Wengraf	Councilmembers	
4	Health Care Facility Oversight DMND0003993	Refer to the City Manager and the Community Health Commission an assessment of the breadth of regulatory control the City of Berkeley can exert on skilled nursing facilities, and create a process of accountability if complaints are found to be substantiated that threaten, or could potentially escalate to the point of threatening, the wellbeing of patients and/or violate federal, state, or local law; the business license of the offending facility will be suspended until the skilled nursing facility submits a report demonstrating rectification of the situation.	2021-12-14	Health, Housing and Community Services	Ben Bartlett	Councilmembers	

**Final Rankings**

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Rank	Referral Title	Recommendations	Meeting Date	Lead City Department	Sponsor	Referral by	Referral Commission
5	Development of the West Berkeley Service Center, 1900 6th Street, for Senior Housing with Supportive Services. [Parts a and b]DMND0003741	State the intent of the City Council that the West Berkeley Service Center property, 1900 6th Street, will be used for senior housing with on-site services consistent with Age Friendly Berkeley Plan recommendations, maximizing the number of affordable units. The Berkeley Way Project, 2012 Berkeley Way, is the City's top affordable housing priority. The West Berkeley Service Center, as a City-owned property, to be developed for affordable housing falls under the "High Priority" on the list of housing initiatives passed by Council on November 28, 2017. In light of the above, refer to the City Manager to take the following actions to initiate the process of developing senior housing at the West Berkeley Service Center: a. Refer to the City Manager to conduct a basic analysis of the development potential for the West Berkeley Service Center site including build-out scenarios for a three-, four-, five-, six- and seven-story building at the site, using Mixed-Use Residential (MUR), West Berkeley Commercial (C-W), and Multiple-Family Residential (R-3) Development Standards. Each buildout scenario should reflect base project conditions, and conditions if a Density Bonus is granted including waivers and concessions, or if Use Permits are used to modify standards. The scenarios should also incorporate space on the ground floor for resident amenities, supportive social services, and community space. The results of the development scenarios will be presented to the City Council and Planning Commission. b. Refer to the Planning Commission to consider any modifications to the underlying zoning at the West Berkeley Service Center site to maximize the production of senior housing, including consideration of an overlay zone.	2019-05-28	PLANNING & DEVELOPMENT	Jesse Arreguin, Rashi Kesarwani, Susan Wengraf, Ben Bartlett	Councilmembers	
6	Prioritizing Pedestrians at IntersectionsDMND0002584	Refer to the City Manager and the Transportation Commission the development of policies to improve the pedestrian crossing experience and reduce pedestrian wait times at intersections with "beg buttons," potentially by activating pedestrian crossing signaling with every cycle (as opposed to the current situation, which only activates crossing signals when a button is pushed). Consider the development of a pedestrian-driven intersection improvement process to address signaling and timing inadequacies.	2017-05-16	Public Works	Lori Droste, Susan Wengraf, Ben Bartlett	Council member	Transportation Commission



(Shaded items are Marked for Removal)

Rank	Referral Title	Recommendations	Meeting Date	Lead City Department	Sponsor	Referral by	Referral Commission
7	Changes to the Berkeley Municipal Code and City of Berkeley Policies with Respect to Local Emergency Declarations and First Amendment Curfews - Item ADMND0003879	<p>1. Direct the City Manager to return to the City Council for adoption amendments to the Berkeley Municipal Code and/or policies to approve that clarify and codify the following concepts with respect to the declaration of a Local Emergency:</p> <p>a. A Local Emergency can only be declared by the Director of Emergency Services if a regular or special meeting and session of the City Council cannot be called due to physical impossibility of holding a meeting, because a quorum cannot be established, or because the urgency of the Local Emergency is such that waiting 24 hours for the City Council to convene a session and/or Special Meeting would endanger the community;</p> <p>b. Should the Director declare a Local Emergency without action of the City Council (due to one of the reasons stated at (a), above), the City Manager should inform councilmembers immediately and Council ratification of such action should occur at the first possible opportunity, even if it requires calling a Special Meeting and/or session of the Council; and</p> <p>c. The applicable statutory and legal standards (Federal, State and Local) for calling a Local Emergency shall be presented to the City Council when seeking declaration or ratification of a Local Emergency, along with facts to support meeting those standards, so that the City Council, likely acting under rushed and exigent circumstances, is able to make a carefully considered and fact-based determination that declaration of such Local Emergency conforms with the legal standards and is supported by facts.</p> <p>2. Direct the City Manager to return to the City Council for adoption amendments to the Berkeley Municipal Code and/or policies to approve that clarify and codify policies, terms and procedures for the order, scope, terms, duration, and all other elements and conditions of curfews called in response to, or likely to have the effect of limiting or banning, planned, expected or reasonably foreseeable constitutionally protected speech, assembly and other activity,</p>	2020-07-28	CITY MANAGER'S OFFICE	Sophie Hahn, Ben Bartlett, Kate Harrison, Jesse Arreguin	Councilmembers	

(Shaded items are Marked for Removal)

Rank	Referral Title	Recommendations	Meeting Date	Lead City Department	Sponsor	Referral by	Referral Commission
8	Referral to the City Manager to Streamline Accessory Dwelling Unit (ADU) Permit Review and Approval DMND0003992	<p>Refer to the City Manager to streamline the Accessory Dwelling Unit (ADU) permitting process in order to reduce staff time spent on review and enhance customer service. Further, assess effectiveness of process improvements specified below by reviewing over time: the number of ADUs permitted, average amount of staff time spent on ADU permit review, and permit fee levels.</p> <p>Recommend that the City Manager develop for Planning staff use an ADU Universal Checklist and accompanying user-friendly webpage: ADU Universal Checklist. A clear set of universal guidelines and construction requirements should be developed among staff from Planning (both Land Use and Building and Safety Divisions), Fire, and Public Works Departments that is easy to follow in order to eliminate (or significantly reduce) the need for multiple departments to review ADU permit applications and for multiple rounds of review by the same department. The Universal Checklist should be a single document utilized by (1) all City staff to review ADU permit applications and (2) by customers to understand code requirements and development standards. The Universal Checklist should enable all City staff and customers to have the same clear understanding of all of the requirements that, if adhered to, would expedite the permitting process and lead to lower permit fees over time. Progress To Date: Recently, the City of Berkeley's Planning Department has added both a Single-Family ADU/JADU Checklist and a Multi-Family ADU Checklist which clearly delineate development standards as adopted by the State of California, effective January 1, 2020. An ADU Universal Checklist would take these checklists one step farther by including current amendments to Berkeley's local ADU ordinance (once adopted) as well as the full list of fire and safety code requirements.</p> <p>Accompanying User-Friendly Webpage. As a companion to the ADU Universal Checklist, the City should also create a user-friendly webpage for customers (and prospective customers) with up-to-date</p>	2021-12-14	PLANNING & DEVELOPMENT	Rashi Kesarwani, Susan Wengraf, Lori Droste, Ben Bartlett	Councilmembers	

**Final Rankings**

(Shaded items are Marked for Removal)

Rank	Referral Title	Recommendations	Meeting Date	Lead City Department	Sponsor	Referral by	Referral Commission
9	Refer to the City Manager to Establish a Framework for Parking Benefits Districts in the Gilman and Lorin Commercial DistrictsDMND0003998	<p>Refer to the City Manager to create a basic framework for establishing a Parking Benefits District (PBD) in the Gilman and Lorin Commercial Districts. This framework should include:</p> <ul style="list-style-type: none"> <li>● A map establishing the boundaries of the Gilman District PBD. Suggested borders of the district should include: (1) on the west, the east side of Eastshore Highway from Page Street to the Albany border; (2) on the north, the Albany border from Eastshore Highway to the east side of San Pablo Avenue; (3) on the east, the east side of San Pablo Avenue from the Albany border to Gilman Street, both sides of Gilman Street from San Pablo Avenue to Kains, and the east side of San Pablo Avenue to the north side of Page Street; and (4) on the south, the west side of San Pablo Avenue from Page Street to Camelia Street, the north side of Camelia Street from San Pablo Avenue to Sixth Street; the west side of Sixth Street from Camelia to Page; the north side of Page Street from Sixth Street to Eastshore Highway. See map in Attachment 1.</li> <li>● A map establishing the boundaries of the Lorin District PBD. Suggested borders of the district should include: (1) on the east, both sides of Shattuck Avenue from Carleton southward to Alcatraz Avenue; (2) on the</li> </ul>	2022-01-18	Public Works	Rashi Kesarwani, Ben Bartlett, Jesse Arreguin, Terry Taplin	Councilmembers	

**Final Rankings**

(Shaded items are Marked for Removal)

Rank	Referral Title	Recommendations	Meeting Date	Lead City Department	Sponsor	Referral by	Referral Commission
10	Resolution Recognizing Housing as Human Right; Referring to City Manager Several Measures to Begin Developing Social Housing in the City of BerkeleyDMND0003986	<p>Adopt a Resolution recognizing housing as a human right; refer to the City Manager's office several measures to begin developing social housing in the City of Berkeley. Measures shall include, but not be limited to:</p> <ol style="list-style-type: none"> <li>1. Study and report to council on development potential, including density bonuses, for mixed-income housing development starting with the city-owned parcels at 1011 University Ave, and seek information through an RFI or other process on the potential for cross-subsidized limited-equity leasehold and rental models or other social housing development models;</li> <li>2. Study and return to council a report and, if feasible, a proposal for a Reparative Justice Revolving Loan Fund with affirmative racial justice and anti-displacement goals in coordination with the city's Small Sites Program, including, but not limited to:                             <ol style="list-style-type: none"> <li>a. Providing low-interest loans for tenants, nonprofits, limited-equity co-operatives, and community land trusts to acquire real property; support Low Income Housing Tax Credit (LIHTC) funding; develop and/or maintain mixed-income and permanently affordable housing;</li> <li>b. Funding a Local Operating Subsidies Program to provide permanently affordable housing for Very Low and Extremely Low Income households;</li> <li>c. Leveraging local funds with state and regional partnerships through the Bay Area Housing Finance Agency (BAHFA) with the Association of Bay Area Governments (ABAG), Berkeley Housing Authority, Berkeley Unified School District (BUSD) and BART;</li> <li>d. Consider best practices from other agencies and other partnership opportunities;</li> </ol> </li> <li>3. Refer to the budget process up to \$300,000 for one or more consultants to study potential social housing models for the City of Berkeley;</li> <li>4. Establish a publicly available, user-friendly data dashboard potentially using third-party data visualization tools for monitoring</li> </ol>	2021-11-09	CITY MANAGER'S OFFICE	Terry Taplin, Jesse Arreguin, Kate Harrison, Sophie Hahn	Councilmembers	

(Shaded items are Marked for Removal)

Rank	Referral Title	Recommendations	Meeting Date	Lead City Department	Sponsor	Referral by	Referral Commission
11	Referral to the City Manager to Establish a Marina Master Plan for Parking with a Consideration for Establishing a Waterfront Parking Benefits DistrictDMND0003997	<p>Refer to the City Manager and FY 2022-23 June Budget Process to create a Berkeley Marina Master Plan for Parking with a goal of introducing demand-based paid parking in certain areas of the waterfront as appropriate. Further, refer consideration of a Parking Benefits District (PBD) at the waterfront as a means of reinvesting net parking revenues within this area to provide a dedicated funding source for the troubled Marina Fund.</p> <p>Considerations for a Marina Master Plan for Parking should include:</p> <ul style="list-style-type: none"> <li>● Conducting robust outreach to marina stakeholders in order to gather feedback about parking needs, communicating benefits of establishing a Parking Benefits District to maintaining and upgrading marina infrastructure, and other issues as appropriate;</li> <li>● Preparing a preliminary fiscal analysis for possible implementation, including projected revenues and expenditures;</li> <li>● Determining types of pay stations most appropriate for this area in addition to payment schedules, such as hourly, day passes, and/or frequent user/employee permits; and,</li> <li>● Discussion of efforts to make it easy and safe for visitors to access the marina by foot, bike, micro-mobility device, and/or public transit.</li> </ul>	2022-01-18	Public Works	Rashi Kesarwani, Jesse Arreguin, Terry Taplin, Rigel Robinson	Councilmembers	

(Shaded items are Marked for Removal)

Rank	Referral Title	Recommendations	Meeting Date	Lead City Department	Sponsor	Referral by	Referral Commission
12	Streamlining Toxic Remediation in Manufacturing Districts DMND0004005	Refer to the City Manager the development of a streamlined process that would allow for one application process, rather than separate application processes for the City's Planning Department and the Toxics Division; and refer to the Planning Commission several amendments to the zoning code in order to facilitate toxic remediation in manufacturing districts; in addition, refer to expedite consideration of Councilmembers Wozniak and Moore's 2012 referral to the Planning Commission referenced in Background section, and request it be moved forward as quickly as possible; in addition, refer to the City Manager to consider any and all means to streamline and/or improve the city's processing of remediation of toxic sites. Policy Committee Recommendation: On January 20, 2022, the Land Use, Housing & Economic Development Policy Committee took the following action: M/S/C (Hahn/Robinson) Positive recommendation to refer the item to Council as amended to expand the scope of the referral and specifically request expedited Planning Commission review of the previous 2012 referral.	2022-02-22	PLANNING & DEVELOPMENT	Terry Taplin, Sophie Hahn, Ben Bartlett, Jesse Arreguin	Councilmembers	
13	Referral Response: Amending Chapter 19.34 of the Berkeley Municipal Code to Expand Automatic Gas Shut-Off Valve Requirements in Multifamily, Condominium and Commercial Buildings Undergoing Renovations DMND0003951	The proposed ordinance modifications in the referral dated October 29, 2019, shown in Attachment 2 to the staff report (the Referral), can be briefly summarized as: <ul style="list-style-type: none"> <li>Expand the Gas Shut-Off Valve requirements to remove exceptions for multi-family, condominium, and commercial buildings</li> </ul> The Disaster and Fire Safety Commission (DFSC) recommends that changes of the Berkeley Municipal Code be referred to the City Manager and Planning Department to be modified in accordance with the Referral as part of the 2022 Code adoption cycle, including the following changes: 1. Do not allow excess flow valves to substitute for motion-activated shut-off valves as a way to comply with this ordinance. 2. Clarify requirements for excess flow valves and motion activated (seismic) valves. 3. Include a provision to include gas valves for common areas when required for any individual unit of a building. 4. Do not include any requirements regarding sale or transfer of the building. 5. Remove the dollar limit on the modifications and replace with a requirement to comply any time a plumbing or mechanical permit is issued. In addition, the Commission recommends the inclusion of wording in the Berkeley Emissions Saving Ordinance (BESO) to require that in any transfer of property, that the property be required to equipped with a seismic gas shutoff valve.	2021-06-01	PLANNING & DEVELOPMENT		Commission	Disaster and Fire Safety Commission

Final Rankings

(Shaded items are Marked for Removal)

Rank	Referral Title	Recommendations	Meeting Date	Lead City Department	Sponsor	Referral by	Referral Commission
14	Consideration of Expansion of Paid Parking to Support the Parking Meter Fund and Improved Pedestrian and Bicycle Facilities DMND0003994	1. Refer to the City Manager and the Transportation Commission to consider the extension of paid metered parking to include all days of the week, paralleling the calendar for off-street parking garages. 2. Consider a pilot, phasing-in, and/or exempting certain areas, and conduct broad outreach to merchants, faith-based and other institutions and organizations, neighborhood groups, and others potentially supported or impacted by change. 3. Consider allocation of potential additional revenues to help offset losses to the Parking Meter Fund incurred during COVID. Once the Fund has recovered, consider allocations to support pedestrian and bicycle facilities to help achieve Berkeley's Climate Action and Vision Zero goals on an accelerated basis.	2021-12-14	Public Works	Sophie Hahn, Kate Harrison, Terry Taplin, Rigel Robinson	Councilmembers	
15	Referral Response: Modifications to the Zoning Ordinance to Support Small Businesses (Beer/Wine in M Dist)DMND0002913	Refer to staff and the Planning Commission to consider amendments related to beer and wine sales in the M District.	2018-12-04	PLANNING & DEVELOPMENT		Councilmembers	
16	Prioritizing Berkeley Unified School District Public Works Service Requests DMND0003990	Refer to the City Manager to: 1. Work with the Berkeley Unified School District (BUSD) to create a system to better document, communicate, and prioritize Public Works service requests from BUSD schools and facilities; and 2. Establish protocols with BUSD for school principals to coordinate directly with Public Works staff to address school site-related concerns that fall under the City's jurisdiction.	2021-11-30	Public Works	Sophie Hahn, Kate Harrison, Jesse Arreguin, Susan Wengraf	Councilmembers	
17	Referral Response: Modifications to the Zoning Ordinance to Support Small BusinessesDMND0003813	Refer to the Planning Commission modifications to the Zoning Ordinance that are designed to streamline the zoning review process for new or expanding small businesses in Berkeley.	2019-10-15	PLANNING & DEVELOPMENT		Councilmembers	
18	Referral: South Sailing Basin DredgingDMND0004006	Refer to the City Manager to dredge the Berkeley Marina's South Sailing Basin (SSB), including 1) pursuing and proposing potential funding opportunities for both planning and implementation, and 2) performing the necessary bathymetric, hydrography, technical, permitting, and mitigation studies required to move forward as quickly as possible. Furthermore, refer \$350,000 to the June 2022 budget process for the purposes of South Sailing Basin Dredging planning & evaluation.	2022-02-22	Parks, Recreation & Waterfront	Rigel Robinson, Terry Taplin, Rashi Kesarwani, Jesse Arreguin	Councilmembers	
19	Referral to the City Manager and Planning Commission: Update BMC Chapter 22.16 Development Agreement Procedures DMND0002824	Refer to the City Manager and Planning Commission to review and update the Berkeley Municipal Code Chapter 22.16 Development Agreement Procedures to create a streamlined process that maximizes community benefits and conforms to State law.	2018-10-30	PLANNING & DEVELOPMENT	Sophie Hahn, Lori Droste, Kate Harrison	Council member	

**Final Rankings**

(Shaded items are Marked for Removal)

Rank	Referral Title	Recommendations	Meeting Date	Lead City Department	Sponsor	Referral by	Referral Commission
20	Referral to the Planning Commission to Consider Amendments to the Zoning Ordinance and "Mini-Dorm" Ordinance DMND0003748	Referral to the Planning Commission to: 1. Amend the mini-dorm ordinance to enable the conversion of an accessory structure into an office (which is also considered a bedroom) without the required public hearing process under the mini-dorm regulations, as long as there are no other alterations to the subject property, and 2. Consider amendments to the Zoning Ordinance and "Mini-Dorm" Ordinance to provide more flexibility for accessory buildings on properties that are developed with single-family residences. ADD: Issues raised in supplemental memo.	2018-09-13	PLANNING & DEVELOPMENT	Susan Wengraf	Councilmembers	
21	Right to Choose Communications Services Provider DMND0003929	Refer to the City Manager and City Attorney to explore, and if deemed feasible, draft ordinance language to clarify that property owners of multi-unit properties cannot interfere with tenants' choice of communications services providers. The City of San Francisco has implemented such an ordinance, which has since been challenged. This recommendation requests the City Attorney to review the San Francisco law and Federal Communications Commission rulings pertaining to this topic to determine if Berkeley could effectively adopt a similar ordinance.	2021-02-09	City Attorney	Lori Droste, Jesse Arreguin, Terry Taplin, Rigel Robinson	Councilmembers	
22	Endorse All Home CA Regional Action Plan on Homelessness DMND0003963	1. Receive a presentation from All Home CA, a regional collective impact partnership, on their Regional Action Plan on homelessness. 2. Endorse the All Home CA Regional Action Plan and the 1-2-4 framework to support ending homelessness in the San Francisco Bay Area, with a goal of a 75% reduction by 2024. 3. Refer to the City Manager to utilize the assistance of All Home to analyze the City of Berkeley's current homelessness expenditures and programs and explore recalibrating and prioritizing investments to align with the 1-2-4 RAP framework. The City Manager should return to the City Council and the Homeless Services Panel of Experts with a report on the findings of this analysis.	2021-07-13	CITY MANAGER'S OFFICE	Jesse Arreguin, Sophie Hahn, Susan Wengraf	Councilmembers	



(Shaded items are Marked for Removal)

Rank	Referral Title	Recommendations	Meeting Date	Lead City Department	Sponsor	Referral by	Referral Commission
23	Development of the West Berkeley Service Center, 1900 6th Street, for Senior Housing with Supportive Services [Part c]DMND0003742	<p>State the intent of the City Council that the West Berkeley Service Center property, 1900 6th Street, will be used for senior housing with on-site services consistent with Age Friendly Berkeley Plan recommendations, maximizing the number of affordable units. The Berkeley Way Project, 2012 Berkeley Way, is the City's top affordable housing priority. The West Berkeley Service Center, as a City-owned property, to be developed for affordable housing falls under the "High Priority" on the list of housing initiatives passed by Council on November 28, 2017. In light of the above, refer to the City Manager to take the following actions to initiate the process of developing senior housing at the West Berkeley Service Center:</p> <p>c. Based on recommendations from the Health, Housing and Community Services Department, the Housing Advisory Commission, Measure O Bond Oversight Committee, Commission on Aging, and taking into consideration requirements and restrictions associated with potential funding sources, create recommendations to Council regarding levels of affordability, unit sizes, on-site services and other features to be included in a senior housing and social services development, including senior living housing types. These recommendations will be presented to the City Council to inform the issuance of an RFP.</p>	2019-05-28	HEALTH, HSG & COMMUNITY SVC	Jesse Arreguin, Rashi Kesarwani, Susan Wengraf, Ben Bartlett	Councilmembers	
24	Referral: Measures to Address Traffic Enforcement and Bicycle Safety DMND0003829	2. Refer to the City Manager to establish the opportunity for bicyclists to participate in a ticket diversion program that would provide safety education as an alternative to monetary fines related to other infractions, and to ensure integration of Vision Zero principles in implementation of state Office of Traffic Safety grants. Staff should consider either the creation of a City of Berkeley-operated ticket diversion program or cooperation with ticket diversion programs operated by neighboring jurisdictions.	2019-11-12	Police	Rigel Robinson	Councilmembers	
25	Referral Response: Deferral of Remaining Permit, Inspection, Connection, and Impact Fees for 2009 Addison Street and Referral to the City Manager to Develop a Limited-Term Citywide Fee Deferral Program DMND0003995	Consider Adopting a Resolution authorizing the City Manager to defer remaining building permit, inspection, connection, and impact fees estimated at \$676,464 for the Berkeley Repertory Theater's project at 2009 Addison Street for a period of ten years. In addition, city staff is asking City Council to refer to the City Manager the development of a limited-term citywide fee deferral program.	2021-03-09	PLANNING & DEVELOPMENT		Councilmembers	

**Final Rankings**

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Rank	Referral Title	Recommendations	Meeting Date	Lead City Department	Sponsor	Referral by	Referral Commission
26	Referral to Strengthen Public Health and Environmental Impact Mitigation for Industrial Facilities in the Manufacturing Zone DMND0003975	Refer to the City Manager to: Establish a procedure for enhanced review of use permits in the manufacturing zone for industrial facilities—upon initial submission or upon submission of an amended use permit—in order to ensure public health and environmental impacts are appropriately mitigated as a condition of the use permit. Further, if appropriate, consider mitigation that includes the use-permit applicant contracting with a certified third-party to install air quality monitoring device(s) that can enable periodic reporting on pollutants relevant to the particular industrial process proposed in the initial or amended use permit. Explore feasibility of increasing penalty fee schedule as a deterrence for use-permit violations related to public health and environmental impacts, such as air, noise, and water pollution.	2021-09-28	PLANNING & DEVELOPMENT	Rashi Kesarwani, Terry Taplin, Lori Droste, Susan Wengraf	Councilmembers	
27	Referring the Civic Arts Commission's affordable housing for artists in Berkeley Report and other Artist Live, Work and Live-Work opportunities to the Housing Element Update DMND0004003	2. Refer to the City Manager, Planning Commission, and Housing Advisory Commission consideration of the feasibility and impacts of allowing ground floor affordable live, work, and live-work space for artists in certain commercial, manufacturing, and mixed-use buildings/areas, both new-build and existing, and exploration of other opportunities for living, work and live-work space for artists.	2022-01-25	PLANNING & DEVELOPMENT	Sophie Hahn, Terry Taplin, Kate Harrison, Susan Wengraf	Councilmembers	
28	Adopt Resolutions Referring to the City Manager to Establish a Policy of Reducing or Waiving Park Fees for Free, Permitted Outdoor Theater, Arts Events, and Other Events Based on Objective Public Welfare Criteria and Relinquishing Council Funds to Support the San Francisco Mime Troupe's Payment of Park Fees for Its 2022 Free Outdoor Performance Season DMND0004009	Establishing a policy and referring to the City Manager to create a process to reduce or waive City Park Fees for free and permitted outdoor theater, arts events, and other events as appropriate based on objective consideration of their benefits to the public welfare, including but not limited to educational content, non-profit status, and means.	2022-03-08	CITY MANAGER'S OFFICE	Kate Harrison, Ben Bartlett	Councilmembers	
29	100% Sustainable Trips by 2040 DMND0003885	Adopt the attached Resolution, setting a goal of achieving 50% increase in trips taken by sustainable modes by 2030 and 100% by 2040, and refer to the Community Environmental Advisory Commission, the Energy Commission, and the Transportation Commission to develop relevant proposals and recommendations for accomplishing that goal.	2020-09-15	PLANNING & DEVELOPMENT		Commission	Community Environmental Advisory Commission

**Final Rankings**

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Rank	Referral Title	Recommendations	Meeting Date	Lead City Department	Sponsor	Referral by	Referral Commission
30	Accelerating the City of Berkeley's transition to Plant-Based Foods DMND0003965	1) Adopt a resolution establishing a goal to achieve a 50% decrease in animalbased food products served by the City of Berkeley by 2024, and refer to the City Manager to report to the City Council on progress towards reaching this goal by January 31, 2022. 2) Adopt an eventual goal of a 100% shift to plant-based food products served by the City of Berkeley and refer to the City Manager to report to the City Council by June 30, 2022 on potential feasibility and timelines to transition to 100% plant-based foods.	2021-07-27	CITY MANAGER'S OFFICE	Sophie Hahn, Jesse Arreguin	Councilmembers	
31	Enable Internal Renovation of a Residence That Does Not Increase the Footprint As an AUP if the Building is an Historic Non-Conforming Use in the Percent of Lot Coverage DMND0002537	Refer to the Planning Commission to enable an AUP for the renovation of an existing residence, rather than a Use Permit, in the following circumstances: 1. The renovation does not increase the percentage of lot coverage; 2. The residence is an pre-existing non-conforming use in the percentage of lot coverage; 3. The renovation does not appear to create an intensification of use; 4. No change to the building envelope.	2018-02-27	PLANNING & DEVELOPMENT	Linda Maio, Susan Wengraf, Lori Droste, Kate Harrison		
32	Referral to the City Manager to consider the videotaping of Planning Commission meetings DMND0002823	That the City Council refer to the City Manager to consider ways of videotaping the Planning Commission meetings in the same manner as Zoning Adjustment Board meetings.	2018-10-16	Information Technology	Kriss Worthington, Cheryl Davila	Council member	
33	Navigable Cities Framework for Ensuring Access and Freedom-of-Movement for People with Disabilities in Berkeley DMND0003909	1. Refer to the City Manager to incorporate relevant elements of the Navigable Cities Framework for Ensuring Access and Freedom-of-Movement for People with Disabilities in Berkeley, submitted to the City Council by the Commission on Disability, into the Berkeley Pedestrian Master Plan currently being updated, and any other planning processes for which the report would provide relevant information. 2. Refer to the Public Works and Parks and Waterfront Commissions to return to Council reports on ways that elements of the Navigable Cities Framework can be incorporated into the work, projects, contracts, and policies of the Public Works and the Parks, Recreation & Waterfront Departments.	2020-11-17	Parks, Recreation & Waterfront		Commission	Parks and Waterfront Commission

Final Rankings

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Rank	Referral Title	Recommendations	Meeting Date	Lead City Department	Sponsor	Referral by	Referral Commission
34	Referral to the Community Environmental Advisory Commission: Cigarette Butt Pollution Prevention Program in South Berkeley DMND0002448	Refer to the Community Environmental Commission (CEAC) AND THE CITY MANAGER to consider developing a Cigarette Butt Pollution Prevention Program for South Berkeley. Explore the following items: a) Location. Work with the local business associations, business owners, as well as other neighborhood and community organizations to identify key locations for cigarette butt receptacles. b) Operation. Work with local businesses to develop a system for cleanup and disposal of the contents of the receptacles. c) Cost. Identify any one-time costs associated with the program, including purchasing and installation of the receptacles. Identify any costs that should be set aside for maintenance. There should not be regular ongoing costs. CEAC should work with the businesses and neighborhoods to develop a community-based system to facilitate daily operations.	2017-07-11	CITY MANAGER'S OFFICE	Ben Bartlett and Kate Harrison		
35	Adopt a resolution in support of the Good Food Purchasing Program's core values and join San Francisco, Oakland, Los Angeles and Chicago as one of the first five cities nationwide to become a Good Food Purchasing partner, and refer to the City Manager to incorporate over time the vision and standards of the Good Food Purchasing Program (GFPP) into City of Berkeley food purchasing practices. DMND0003733	Adopt a resolution in support of the Good Food Purchasing Program's core values and join 28 public institutions across 14 U.S. cities, including San Francisco, Oakland, Los Angeles, Chicago, and Washington, D.C. to endorse Good Food Purchasing values, and refer to the City Manager to incorporate over time the vision and standards of the Good Food Purchasing Program (GFPP) into City of Berkeley food purchasing practices.	2019-04-30	CITY MANAGER'S OFFICE	Sophie Hahn, Jesse Arreguin, Cheryl Davila, Rigel Robinson	Councilmembers	
36	Refer the Civic Arts Commission's recommended language to the Planning Commission on protecting Live Work spaces from conversion to cannabis uses. DMND0003749	Refer the Civic Arts Commission's recommended language to the Planning Commission on protecting Live Work spaces from conversion to cannabis uses. This action was adopted as part of the Cannabis Ordinance amendments.	2019-04-02	PLANNING & DEVELOPMENT		Commission	Civic Arts Commission
37	Freedom from Domestic Violence as a Human Right Resolution DMND0002446	Adopt the Freedom from Domestic Violence as a Human Right Resolution. City Manager shall prepare a report within the next six (6) months on the policy and practice of City departments on domestic violence, including but not limited to, the Berkeley Police Department, the Berkeley Fire Department, and Health, Housing & Community Services, with respect to the status of domestic violence and the City's work to overcome domestic violence and support survivors. BE IT FURTHER RESOLVED that City departments shall work to incorporate this Resolution into their work.	2018-01-23	CITY MANAGER'S OFFICE		Commission	Peace & Justice Commission

**Final Rankings**

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Rank	Referral Title	Recommendations	Meeting Date	Lead City Department	Sponsor	Referral by	Referral Commission
38	Creation and Adoption of a Transit Streets Cooperative Agreement with the Alameda-Contra Costa (AC) Transit District DMND0002592	Refer to the City Manager the Creation and Adoption of a Transit Streets Cooperative Agreement with the Alameda-Contra Costa (AC) Transit District.	2017-04-04	Public Works	Sophie Hahn	Council member	
39	Mitigating Impacts of Outdoor Air Quality on Indoor Air Quality in Berkeley DMND0002543	Refer the item to the Planning Commission to consider the analyses presented here, and the draft provided in Appendix II, to create new Standard Conditions of Approval (SCA) for new building construction near major sources of air pollution, to achieve an acceptable level of indoor air quality (IAQ) for sensitive receptors.	2017-07-11	PLANNING & DEVELOPMENT		Commission	Community Environmental Advisory Commission
40	Referral to City Manager to address the conversion of Not Available To Rent rental units to unregistered short term rentals and unregistered medium term rentals from 15 to 30 days DMND0002831	Referral to City Manager to address the apparent conversion of Not Available To Rent rental units to unregistered Short Term Rentals and unregistered medium term rentals from 15 to 30 days. Refer to Planning Department Permit Service Center, Code Enforcement, Finance Department, Rent Stabilization Board, and Host Compliance, to comprehensively review whether units that are not available for rent (NAR) are compliant with Rent Board Regulations, and short-term rental (STR) regulations.	2018-10-30	PLANNING & DEVELOPMENT	Kriss Worthington, Kate Harrison	Council member	
41	Creating Additional Administrative Powers of Zoning Officer to Grant or Recommend New Permits as Related to Code Enforcement DMND0002545	Refer to the City Manager and Berkeley Planning Commission to explore the creation of a mechanism that would explicitly allow staff new discretionary powers to prevent applicants from being granted new residential permits until they have abated outstanding noncompliance issues or code violations in other buildings they own in Berkeley within a reasonable time frame or taken good faith measures to commence doing so.	2014-09-09	PLANNING & DEVELOPMENT		Commission	Housing Advisory Commission
42	Accessory Dwelling Unit Ordinance Updates DMND0002603	Refer to the Planning Commission to consider additional elements for Berkeley's Accessory Dwelling Unit Ordinance (BMC 23C.24), on an expedited basis, and refer to the Disaster and Fire Safety Commission bullet point #5, relating to potential obstruction of emergency vehicles, and request that their recommendations be sent directly to the Planning Commission to inform the Planning Commission's review and recommendations. Amendments: Remove the language regarding view protections; Add new #9 on hillside heights measurements where no previous structure exists; Add "and any other solutions" to #5 regarding parking; Include the referral from Item 15 with this referral.	2018-09-13	PLANNING & DEVELOPMENT	Sophie Hahn, Susan Wengraf, Kate Harrison	Council members	Disaster and Fire Safety Commission

**Final Rankings**

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Rank	Referral Title	Recommendations	Meeting Date	Lead City Department	Sponsor	Referral by	Referral Commission
43	Refer to the Planning Commission and Housing Advisory Commission to Research and Recommend Policies to Prevent Displacement and Gentrification of Berkeley Residents of Color and African AmericansDMND0003732	Refer to the Planning Commission and Housing Advisory Commission to research and recommend policies to prevent displacement and gentrification of Berkeley residents of color. Recommended policies should include real solutions. The Commission should do the following: - Develop a policy to address the erosion of People of Color (POC), including the African American sector of our Berkeley society. - Develop rules and regulations to halt the loss of People of Color including the African American communities. - Develop a "right to return" for Berkeley's People of Color including the African American communities who have been displaced by these economic and social developments, especially those who continue to be employed in our City, even after having to relocate beyond our boundaries. - Solicit expert and lived experience testimonies regarding displacement and gentrification. - Recommend alternatives to prevent displacement and gentrification of our valued Berkeley citizens of color and African Americans. Hold public workshops on the subject.	2019-04-30	PLANNING & DEVELOPMENT	Cheryl Davila, Ben Bartlett, Kate Harrison	Councilmembers	
44	Home Share Pilot Program Recommendation DMND0002822	Item 26a moved to the Consent Calendar to refer to the City Manager the possibility of working within existing similar programs such as Safe Home and Ashby Village.	2018-10-16	HEALTH, HSG & COMMUNITY SVC		Commission	Housing Advisory Commission
45	Developing a Mechanism to Facilitate an Improved Homeless Point-In-Time Count DMND0003867	The Homeless Commission recommends to Council that Council refer to staff to assign an intern or seek a volunteer affiliation, through an educational institution, to conduct outreach to, and engage with, community stakeholders including homeless advocates and persons who are experiencing or have experienced homelessness, to identify how homeless persons can be more thoroughly counted during the upcoming 2021 Berkeley Homeless Point-In-Time count.	2020-04-14	HEALTH, HSG & COMMUNITY SVC		Commission	
46	Providing our Unhoused Community with Fire ExtinguishersDMND0003938	Policy Committee Recommendation: Send the item to City Council with a qualified positive recommendation to refer the item to the City Manager and the Disaster and Fire Safety Commission to consider fire extinguishers and other fire prevention tools such as wool blankets.	2021-03-30	FIRE & EMERGENCY SERVICES	Cheryl Davila	Councilmembers	

Rank	Referral Title	Recommendations	Meeting Date	Lead City Department	Sponsor	Referral by	Referral Commission	Mayor	D1	D2	D3	D4	D5	D6	D7	D8	Mark for Removal
1	Referral to the Planning Commission to Establish a Zoning Overlay at the Pacific Steel Casting Property DMND0003942	Refer to the Planning Commission to create a zoning overlay at the Pacific Steel Casting (PSC) property in West Berkeley—currently zoned Manufacturing (M) and redesignate it as Mixed Use - Light Industrial (MULI) due to the unique issues of public concern associated with this property (described below); specifically, include in the PSC zoning overlay allowances to enable all MULI uses and override any existing constraints in the Berkeley Municipal Code for Zoning (Title 23) on such MULI uses for the PSC property.	2021-04-20	PLANNING & DEVELOPMENT	Rashi Kesarwani, Terry Taplin	Councilmembers		5	5	5	0	4	0	5	4	4	NO
2	Pollinators and Habitat DMND0003807	Adopt three referrals that will deepen Berkeley's commitment to protecting pollinator plants and establishing habitats that will protect pollinators and our environment: 1. Refer to City Manager to establish a City Liaison to the Bee City USA program. 2. Refer to Public Works Commission and Parks and Waterfront Commission consideration of how to incorporate pollinators and habitat into the Adopt-A-Spot initiative referred on April 2, 2019. (COMMISSION REFERRAL) 3. Refer to the City Manager to transition the City's medians to non-turf green infrastructure, including pollinator gardens when appropriate.	2019-09-24	Parks, Recreation & Waterfront	Kate Harrison, Susan Wengraf, Ben Bartlett	Councilmembers		2	0	4	5	5	4	2	4	1	NO
3	Referral to Implement State Law AB 43 for Reduced Speed Limits on High-Injury Commercial CorridorsDMND0004008	Refer to the City Manager to implement state law AB 43 on High-injury commercial corridors as identified in our Vision Zero Annual Report, 2020-2021 in order to allow a reduction in speed limits by 5 miles per hour; - Any other corridors covered by AB 43, as appropriate, in order to implement reduced prima facie speed limits and identify those corridors for future traffic studies where prima facie limits are presently unsafe. Upon completion of this referral, we note that a budget allocation would be needed in the amount of \$25,000 to \$50,000 for new speed limit signage. Funding will be requested later (likely for the FY 2023-24 budget) in order to allow time for staff to determine the applicable streets for additional signage.	2022-03-08	Public Works	Rashi Kesarwani, Terry Taplin, Rigel Robinson, Susan Wengraf	Councilmembers		5	4	5	0	0	0	5	5	4	NO
4	Health Care Facility Oversight DMND0003993	Refer to the City Manager and the Community Health Commission an assessment of the breadth of regulatory control the City of Berkeley can exert on skilled nursing facilities, and create a process of accountability if complaints are found to be substantiated that threaten, or could potentially escalate to the point of threatening, the wellbeing of patients and/or violate federal, state, or local law; the business license of the offending facility will be suspended until the skilled nursing facility submits a report demonstrating rectification of the situation.	2021-12-14	Health, Housing and Community Services	Ben Bartlett	Councilmembers		3	0	3	5	4	5	2	0	1	NO

Rank	Referral Title	Recommendations	Meeting Date	Lead City Department	Sponsor	Referral by	Referral Commission	Mayor	D1	D2	D3	D4	D5	D6	D7	D8	Mark for Removal
5	Development of the West Berkeley Service Center, 1900 6th Street, for Senior Housing with Supportive Services. [Parts a and b]DMND0003741	State the intent of the City Council that the West Berkeley Service Center property, 1900 6th Street, will be used for senior housing with on-site services consistent with Age Friendly Berkeley Plan recommendations, maximizing the number of affordable units. The Berkeley Way Project, 2012 Berkeley Way, is the City's top affordable housing priority. The West Berkeley Service Center, as a City-owned property, to be developed for affordable housing falls under the "High Priority" on the list of housing initiatives passed by Council on November 28, 2017. In light of the above, refer to the City Manager to take the following actions to initiate the process of developing senior housing at the West Berkeley Service Center: a. Refer to the City Manager to conduct a basic analysis of the development potential for the West Berkeley Service Center site including build-out scenarios for a three-, four-, five-, six- and seven-story building at the site, using Mixed-Use Residential (MUR), West Berkeley Commercial (C-W), and Multiple-Family Residential (R-3) Development Standards. Each buildout scenario should reflect base project conditions, and conditions if a Density Bonus is granted including waivers and concessions, or if Use Permits are used to modify standards. The scenarios should also incorporate space on the ground floor for resident amenities, supportive social services, and community space. The results of the development scenarios will be presented to the City Council and Planning Commission. b. Refer to the Planning Commission to consider any modifications to the underlying zoning at the West Berkeley Service Center site to maximize the production of senior housing, including consideration of an overlay zone.	2019-05-28	PLANNING & DEVELOPMENT	Jesse Arreguin, Rashi Kesarwani, Susan Wengraf, Ben Bartlett	Councilmembers		4	3	4	0	5	0	5	5	1	NO
6	Prioritizing Pedestrians at IntersectionsDMND0002584	Refer to the City Manager and the Transportation Commission the development of policies to improve the pedestrian crossing experience and reduce pedestrian wait times at intersections with "beg buttons," potentially by activating pedestrian crossing signaling with every cycle (as opposed to the current situation, which only activates crossing signals when a button is pushed). Consider the development of a pedestrian-driven intersection improvement process to address signaling and timing inadequacies.	2017-05-16	Public Works	Lori Droste, Susan Wengraf, Ben Bartlett	Council member	Transportation Commission	4	0	5	0	3	0	5	5	5	NO



Rank	Referral Title	Recommendations	Meeting Date	Lead City Department	Sponsor	Referral by	Referral Commission	Mayor	D1	D2	D3	D4	D5	D6	D7	D8	Mark for Removal
7	Changes to the Berkeley Municipal Code and City of Berkeley Policies with Respect to Local Emergency Declarations and First Amendment Curfews - Item ADMND0003879	<p>1. Direct the City Manager to return to the City Council for adoption amendments to the Berkeley Municipal Code and/or policies to approve that clarify and codify the following concepts with respect to the declaration of a Local Emergency:</p> <p>a. A Local Emergency can only be declared by the Director of Emergency Services if a regular or special meeting and session of the City Council cannot be called due to physical impossibility of holding a meeting, because a quorum cannot be established, or because the urgency of the Local Emergency is such that waiting 24 hours for the City Council to convene a session and/or Special Meeting would endanger the community;</p> <p>b. Should the Director declare a Local Emergency without action of the City Council (due to one of the reasons stated at (a), above), the City Manager should inform councilmembers immediately and Council ratification of such action should occur at the first possible opportunity, even if it requires calling a Special Meeting and/or session of the Council; and</p> <p>c. The applicable statutory and legal standards (Federal, State and Local) for calling a Local Emergency shall be presented to the City Council when seeking declaration or ratification of a Local Emergency, along with facts to support meeting those standards, so that the City Council, likely acting under rushed and exigent circumstances, is able to make a carefully considered and fact-based determination that declaration of such Local Emergency conforms with the legal standards and is supported by facts.</p> <p>2. Direct the City Manager to return to the City Council for adoption amendments to the Berkeley Municipal Code and/or policies to approve that clarify and codify policies, terms and procedures for the order, scope, terms, duration, and all other elements and conditions of curfews called in response to, or likely to have the effect of limiting or banning, planned, expected or reasonably foreseeable constitutionally protected speech, assembly and other activity,</p>	2020-07-28	CITY MANAGER'S OFFICE	Sophie Hahn, Ben Bartlett, Kate Harrison, Jesse Arreguin	Councilmembers		4	0	0	5	5	5	2	0	0	NO

Rank	Referral Title	Recommendations	Meeting Date	Lead City Department	Sponsor	Referral by	Referral Commission	Mayor	D1	D2	D3	D4	D5	D6	D7	D8	Mark for Removal
8	Referral to the City Manager to Streamline Accessory Dwelling Unit (ADU) Permit Review and Approval DMND0003992	<p>Refer to the City Manager to streamline the Accessory Dwelling Unit (ADU) permitting process in order to reduce staff time spent on review and enhance customer service. Further, assess effectiveness of process improvements specified below by reviewing over time: the number of ADUs permitted, average amount of staff time spent on ADU permit review, and permit fee levels.</p> <p>Recommend that the City Manager develop for Planning staff use an ADU Universal Checklist and accompanying user-friendly webpage: ADU Universal Checklist. A clear set of universal guidelines and construction requirements should be developed among staff from Planning (both Land Use and Building and Safety Divisions), Fire, and Public Works Departments that is easy to follow in order to eliminate (or significantly reduce) the need for multiple departments to review ADU permit applications and for multiple rounds of review by the same department. The Universal Checklist should be a single document utilized by (1) all City staff to review ADU permit applications and (2) by customers to understand code requirements and development standards. The Universal Checklist should enable all City staff and customers to have the same clear understanding of all of the requirements that, if adhered to, would expedite the permitting process and lead to lower permit fees over time. Progress To Date: Recently, the City of Berkeley's Planning Department has added both a Single-Family ADU/JADU Checklist and a Multi-Family ADU Checklist which clearly delineate development standards as adopted by the State of California, effective January 1, 2020. An ADU Universal Checklist would take these checklists one step farther by including current amendments to Berkeley's local ADU ordinance (once adopted) as well as the full list of fire and safety code requirements.</p> <p>Accompanying User-Friendly Webpage. As a companion to the ADU Universal Checklist, the City should also create a user-friendly webpage for customers (and prospective customers) with up-to-date</p>	2021-12-14	PLANNING & DEVELOPMENT	Rashi Kesarwani, Susan Wengraf, Lori Droste, Ben Bartlett	Councilmembers		4	5	0	0	0	0	5	4	5	NO

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9	Refer to the City Manager to Establish a Framework for Parking Benefits Districts in the Gilman and Lorin Commercial Districts DMND0003998	Refer to the City Manager to create a basic framework for establishing a Parking Benefits District (PBD) in the Gilman and Lorin Commercial Districts. This framework should include: <ul style="list-style-type: none"> <li>● A map establishing the boundaries of the Gilman District PBD. Suggested borders of the district should include: (1) on the west, the east side of Eastshore Highway from Page Street to the Albany border; (2) on the north, the Albany border from Eastshore Highway to the east side of San Pablo Avenue; (3) on the east, the east side of San Pablo Avenue from the Albany border to Gilman Street, both sides of Gilman Street from San Pablo Avenue to Kains, and the east side of San Pablo Avenue to the north side of Page Street; and (4) on the south, the west side of San Pablo Avenue from Page Street to Camelia Street, the north side of Camelia Street from San Pablo Avenue to Sixth Street; the west side of Sixth Street from Camelia to Page; the north side of Page Street from Sixth Street to Eastshore Highway. See map in Attachment 1.</li> <li>● A map establishing the boundaries of the Lorin District PBD. Suggested borders of the district should include: (1) on the east, both sides of Shattuck</li> </ul>	2022-01-18	Public Works	Rashi Kesarwani, Ben Bartlett, Jesse Arreguin, Terry Taplin	Councilmembers		2	3	4	0	4	0	3	4	3	NO

Rank	Referral Title	Recommendations	Meeting Date	Lead City Department	Sponsor	Referral by	Referral Commission	Mayor	D1	D2	D3	D4	D5	D6	D7	D8	Mark for Removal
10	Resolution Recognizing Housing as Human Right; Referring to City Manager Several Measures to Begin Developing Social Housing in the City of BerkeleyDMND0003986	<p>Adopt a Resolution recognizing housing as a human right; refer to the City Manager's office several measures to begin developing social housing in the City of Berkeley. Measures shall include, but not be limited to:</p> <ol style="list-style-type: none"> <li>1. Study and report to council on development potential, including density bonuses, for mixed-income housing development starting with the city-owned parcels at 1011 University Ave, and seek information through an RFI or other process on the potential for cross-subsidized limited-equity leasehold and rental models or other social housing development models;</li> <li>2. Study and return to council a report and, if feasible, a proposal for a Reparative Justice Revolving Loan Fund with affirmative racial justice and anti-displacement goals in coordination with the city's Small Sites Program, including, but not limited to:                             <ol style="list-style-type: none"> <li>a. Providing low-interest loans for tenants, nonprofits, limited-equity co-operatives, and community land trusts to acquire real property; support Low Income Housing Tax Credit (LIHTC) funding; develop and/or maintain mixed-income and permanently affordable housing;</li> <li>b. Funding a Local Operating Subsidies Program to provide permanently affordable housing for Very Low and Extremely Low Income households;</li> <li>c. Leveraging local funds with state and regional partnerships through the Bay Area Housing Finance Agency (BAHFA) with the Association of Bay Area Governments (ABAG), Berkeley Housing Authority, Berkeley Unified School District (BUSD) and BART;</li> <li>d. Consider best practices from other agencies and other partnership opportunities;</li> </ol> </li> <li>3. Refer to the budget process up to \$300,000 for one or more consultants to study potential social housing models for the City of Berkeley;</li> <li>4. Establish a publicly available, user-friendly data dashboard potentially using third-party data visualization tools for monitoring</li> </ol>	2021-11-09	CITY MANAGER'S OFFICE	Terry Taplin, Jesse Arreguin, Kate Harrison, Sophie Hahn	Councilmembers		4	1	5	0	4	0	3	5	2	NO

(Shaded Items are Marked for Removal)

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11	Referral to the City Manager to Establish a Marina Master Plan for Parking with a Consideration for Establishing a Waterfront Parking Benefits DistrictDMND0003997	Refer to the City Manager and FY 2022-23 June Budget Process to create a Berkeley Marina Master Plan for Parking with a goal of introducing demand-based paid parking in certain areas of the waterfront as appropriate. Further, refer consideration of a Parking Benefits District (PBD) at the waterfront as a means of reinvesting net parking revenues within this area to provide a dedicated funding source for the troubled Marina Fund. Considerations for a Marina Master Plan for Parking should include: <ul style="list-style-type: none"> <li>• Conducting robust outreach to marina stakeholders in order to: gather feedback about parking needs, communicating benefits of establishing a Parking Benefits District to maintaining and upgrading marina infrastructure, and other issues as appropriate;</li> <li>• Preparing a preliminary fiscal analysis for possible implementation, including projected revenues and expenditures;</li> <li>• Determining types of pay stations most appropriate for this area in addition to payment schedules, such as hourly, day passes, and/or frequent user/employee permits; and,</li> <li>• Discussion of efforts to make it easy and safe for visitors to access the marina by foot, bike, micro-mobility device, and/or public transit.</li> </ul>	2022-01-18	Public Works	Rashi Kesarwani, Jesse Arreguin, Terry Taplin, Rigel Robinson	Councilmembers		2	4	4	0	0	0	4	5	3	NO

**All Council Scores**

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12	Streamlining Toxic Remediation in Manufacturing Districts DMND0004005	Refer to the City Manager the development of a streamlined process that would allow for one application process, rather than separate application processes for the City's Planning Department and the Toxics Division; and refer to the Planning Commission several amendments to the zoning code in order to facilitate toxic remediation in manufacturing districts; in addition, refer to expedite consideration of Councilmembers Wozniak and Moore's 2012 referral to the Planning Commission referenced in Background section, and request it be moved forward as quickly as possible; in addition, refer to the City Manager to consider any and all means to streamline and/or improve the city's processing of remediation of toxic sites.  Policy Committee Recommendation: On January 20, 2022, the Land Use, Housing & Economic Development Policy Committee took the following action: M/S/C (Hahn/Robinson) Positive recommendation to refer the item to Council as amended to expand the scope of the referral and specifically request expedited Planning Commission review of the previous 2012 referral.	2022-02-22	PLANNING & DEVELOPMENT	Terry Taplin, Sophie Hahn, Ben Bartlett, Jesse Arreguin	Councilmembers		3	3	5	0	0	0	4	4	2	NO

Rank	Referral Title	Recommendations	Meeting Date	Lead City Department	Sponsor	Referral by	Referral Commission	Mayor	D1	D2	D3	D4	D5	D6	D7	D8	Mark for Removal
13	Referral Response: Amending Chapter 19.34 of the Berkeley Municipal Code to Expand Automatic Gas Shut-Off Valve Requirements in Multifamily, Condominium and Commercial Buildings Undergoing Renovations DMND0003951	<p>The proposed ordinance modifications in the referral dated October 29, 2019, shown in Attachment 2 to the staff report (the Referral), can be briefly summarized as:</p> <ul style="list-style-type: none"> <li>Expand the Gas Shut-Off Valve requirements to remove exceptions for multi-family, condominium, and commercial buildings</li> </ul> <p>The Disaster and Fire Safety Commission (DFSC) recommends that changes of the Berkeley Municipal Code be referred to the City Manager and Planning Department to be modified in accordance with the Referral as part of the 2022 Code adoption cycle, including the following changes:</p> <ol style="list-style-type: none"> <li>Do not allow excess flow valves to substitute for motion-activated shut-off valves as a way to comply with this ordinance.</li> <li>Clarify requirements for excess flow valves and motion activated (seismic) valves.</li> <li>Include a provision to include gas valves for common areas when required for any individual unit of a building.</li> <li>Do not include any requirements regarding sale or transfer of the building.</li> <li>Remove the dollar limit on the modifications and replace with a requirement to comply any time a plumbing or mechanical permit is issued.</li> </ol> <p>In addition, the Commission recommends the inclusion of wording in the Berkeley Emissions Saving Ordinance (BESO) to require that in any transfer of property, that the property be required to equipped with a seismic gas shutoff valve.</p>	2021-06-01	PLANNING & DEVELOPMENT		Commission	Disaster and Fire Safety Commission	2	0	3	0	4	0	5	4	3	NO
14	Consideration of Expansion of Paid Parking to Support the Parking Meter Fund and Improved Pedestrian and Bicycle Facilities DMND0003994	<ol style="list-style-type: none"> <li>Refer to the City Manager and the Transportation Commission to consider the extension of paid metered parking to include all days of the week, paralleling the calendar for off-street parking garages.</li> <li>Consider a pilot, phasing-in, and/or exempting certain areas, and conduct broad outreach to merchants, faith-based and other institutions and organizations, neighborhood groups, and others potentially supported or impacted by change.</li> <li>Consider allocation of potential additional revenues to help offset losses to the Parking Meter Fund incurred during COVID. Once the Fund has recovered, consider allocations to support pedestrian and bicycle facilities to help achieve Berkeley's Climate Action and Vision Zero goals on an accelerated basis.</li> </ol>	2021-12-14	Public Works	Sophie Hahn, Kate Harrison, Terry Taplin, Rigel Robinson	Councilmembers		0	0	4	0	5	0	2	5	4	NO

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15	Referral Response: Modifications to the Zoning Ordinance to Support Small Businesses (Beer/Wine in M Dist)DMND0002913	Refer to staff and the Planning Commission to consider amendments related to beer and wine sales in the M District.	2018-12-04	PLANNING & DEVELOPMENT		Councilmembers		2	3	4	0	0	0	3	4	3	NO
16	Prioritizing Berkeley Unified School District Public Works Service Requests DMND0003990	Refer to the City Manager to: 1. Work with the Berkeley Unified School District (BUSD) to create a system to better document, communicate, and prioritize Public Works service requests from BUSD schools and facilities; and 2. Establish protocols with BUSD for school principals to coordinate directly with Public Works staff to address school site-related concerns that fall under the City's jurisdiction.	2021-11-30	Public Works	Sophie Hahn, Kate Harrison, Jesse Arreguin, Susan Wengraf	Councilmembers		4	0	3	0	0	0	5	5	3	NO
17	Referral Response: Modifications to the Zoning Ordinance to Support Small BusinessesDMND0003813	Refer to the Planning Commission modifications to the Zoning Ordinance that are designed to streamline the zoning review process for new or expanding small businesses in Berkeley.	2019-10-15	PLANNING & DEVELOPMENT		Councilmembers		4	0	5	0	3	0	4	0	3	NO
18	Referral: South Sailing Basin DredgingDMND0004006	Refer to the City Manager to dredge the Berkeley Marina's South Sailing Basin (SSB), including 1) pursuing and proposing potential funding opportunities for both planning and implementation, and 2) performing the necessary bathymetric, hydrography, technical, permitting, and mitigation studies required to move forward as quickly as possible. Furthermore, refer \$350,000 to the June 2022 budget process for the purposes of South Sailing Basin Dredging planning & evaluation.	2022-02-22	Parks, Recreation & Waterfront	Rigel Robinson, Terry Taplin, Rashi Kesarwani, Jesse Arreguin	Councilmembers		4	1	4	0	0	0	2	5	2	NO
19	Referral to the City Manager and Planning Commission: Update BMC Chapter 22.16 Development Agreement Procedures DMND0002824	Refer to the City Manager and Planning Commission to review and update the Berkeley Municipal Code Chapter 22.16 Development Agreement Procedures to create a streamlined process that maximizes community benefits and conforms to State law.	2018-10-30	PLANNING & DEVELOPMENT	Sophie Hahn, Lori Droste, Kate Harrison	Council member		5	0	3	0	4	0	4	0	1	NO
20	Referral to the Planning Commission to Consider Amendments to the Zoning Ordinance and "Mini-Dorm" Ordinance DMND0003748	Referral to the Planning Commission to: 1. Amend the mini-dorm ordinance to enable the conversion of an accessory structure into an office (which is also considered a bedroom) without the required public hearing process under the mini-dorm regulations, as long as there are no other alterations to the subject property, and 2. Consider amendments to the Zoning Ordinance and "Mini-Dorm" Ordinance to provide more flexibility for accessory buildings on properties that are developed with single-family residences. ADD: Issues raised in supplemental memo.	2018-09-13	PLANNING & DEVELOPMENT	Susan Wengraf	Councilmembers		3	0	4	0	0	0	5	4	2	NO



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21	Right to Choose Communications Services Provider DMND0003929	Refer to the City Manager and City Attorney to explore, and if deemed feasible, draft ordinance language to clarify that property owners of multi-unit properties cannot interfere with tenants' choice of communications services providers. The City of San Francisco has implemented such an ordinance, which has since been challenged. This recommendation requests the City Attorney to review the San Francisco law and Federal Communications Commission rulings pertaining to this topic to determine if Berkeley could effectively adopt a similar ordinance.	2021-02-09	City Attorney	Lori Droste, Jesse Arreguin, Terry Taplin, Rigel Robinson	Councilmembers		3	0	3	0	0	0	2	5	4	NO
22	Endorse All Home CA Regional Action Plan on Homelessness DMND0003963	1. Receive a presentation from All Home CA, a regional collective impact partnership, on their Regional Action Plan on homelessness. 2. Endorse the All Home CA Regional Action Plan and the 1-2-4 framework to support ending homelessness in the San Francisco Bay Area, with a goal of a 75% reduction by 2024. 3. Refer to the City Manager to utilize the assistance of All Home to analyze the City of Berkeley's current homelessness expenditures and programs and explore recalibrating and prioritizing investments to align with the 1-2-4 RAP framework. The City Manager should return to the City Council and the Homeless Services Panel of Experts with a report on the findings of this analysis.	2021-07-13	CITY MANAGER'S OFFICE	Jesse Arreguin, Sophie Hahn, Susan Wengraf	Councilmembers		5	0	3	0	0	0	3	4	2	NO

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23	Development of the West Berkeley Service Center, 1900 6th Street, for Senior Housing with Supportive Services [Part c]DMND0003742	State the intent of the City Council that the West Berkeley Service Center property, 1900 6th Street, will be used for senior housing with on-site services consistent with Age Friendly Berkeley Plan recommendations, maximizing the number of affordable units. The Berkeley Way Project, 2012 Berkeley Way, is the City's top affordable housing priority. The West Berkeley Service Center, as a City-owned property, to be developed for affordable housing falls under the "High Priority" on the list of housing initiatives passed by Council on November 28, 2017. In light of the above, refer to the City Manager to take the following actions to initiate the process of developing senior housing at the West Berkeley Service Center:  c. Based on recommendations from the Health, Housing and Community Services Department, the Housing Advisory Commission, Measure O Bond Oversight Committee, Commission on Aging, and taking into consideration requirements and restrictions associated with potential funding sources, create recommendations to Council regarding levels of affordability, unit sizes, on-site services and other features to be included in a senior housing and social services development, including senior living housing types. These recommendations will be presented to the City Council to inform the issuance of an RFP.	2019-05-28	HEALTH, HSG & COMMUNITY SVC	Jesse Arreguin, Rashi Kesarwani, Susan Wengraf, Ben Bartlett	Councilmembers		2	0	5	0	0	0	4	4	1	NO
24	Referral: Measures to Address Traffic Enforcement and Bicycle Safety DMND0003829	2. Refer to the City Manager to establish the opportunity for bicyclists to participate in a ticket diversion program that would provide safety education as an alternative to monetary fines related to other infractions, and to ensure integration of Vision Zero principles in implementation of state Office of Traffic Safety grants. Staff should consider either the creation of a City of Berkeley-operated ticket diversion program or cooperation with ticket diversion programs operated by neighboring jurisdictions.	2019-11-12	Police	Rigel Robinson	Councilmembers		3	0	4	0	0	0	1	5	2	NO
25	Referral Response: Deferral of Remaining Permit, Inspection, Connection, and Impact Fees for 2009 Addison Street and Referral to the City Manager to Develop a Limited-Term Citywide Fee Deferral Program DMND0003995	Consider Adopting a Resolution authorizing the City Manager to defer remaining building permit, inspection, connection, and impact fees estimated at \$676,464 for the Berkeley Repertory Theater's project at 2009 Addison Street for a period of ten years. In addition, city staff is asking City Council to refer to the City Manager the development of a limited-term citywide fee deferral program.	2021-03-09	PLANNING & DEVELOPMENT		Councilmembers		3	2	0	0	0	0	5	0	2	YES

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26	Referral to Strengthen Public Health and Environmental Impact Mitigation for Industrial Facilities in the Manufacturing Zone DMND0003975	Refer to the City Manager to: Establish a procedure for enhanced review of use permits in the manufacturing zone for industrial facilities—upon initial submission or upon submission of an amended use permit—in order to ensure public health and environmental impacts are appropriately mitigated as a condition of the use permit. Further, if appropriate, consider mitigation that includes the use-permit applicant contracting with a certified third-party to install air quality monitoring device(s) that can enable periodic reporting on pollutants relevant to the particular industrial process proposed in the initial or amended use permit. Explore feasibility of increasing penalty fee schedule as a deterrence for use-permit violations related to public health and environmental impacts, such as air, noise, and water pollution.	2021-09-28	PLANNING & DEVELOPMENT	Rashi Kesarwani, Terry Taplin, Lori Droste, Susan Wengraf	Councilmembers		2	0	5	0	0	0	4	0	3	NO
27	Referring the Civic Arts Commission's affordable housing for artists in Berkeley Report and other Artist Live, Work and Live-Work opportunities to the Housing Element Update DMND0004003	2. Refer to the City Manager, Planning Commission, and Housing Advisory Commission consideration of the feasibility and impacts of allowing ground floor affordable live, work, and live-work space for artists in certain commercial, manufacturing, and mixed-use buildings/areas, both new-build and existing, and exploration of other opportunities for living, work and live-work space for artists.	2022-01-25	PLANNING & DEVELOPMENT	Sophie Hahn, Terry Taplin, Kate Harrison, Susan Wengraf	Councilmembers		3	0	4	0	0	0	5	0	2	NO
28	Adopt Resolutions Referring to the City Manager to Establish a Policy of Reducing or Waiving Park Fees for Free, Permitted Outdoor Theater, Arts Events, and Other Events Based on Objective Public Welfare Criteria and Relinquishing Council Funds to Support the San Francisco Mime Troupe's Payment of Park Fees for Its 2022 Free Outdoor Performance Season DMND0004009	Establishing a policy and referring to the City Manager to create a process to reduce or waive City Park Fees for free and permitted outdoor theater, arts events, and other events as appropriate based on objective consideration of their benefits to the public welfare, including but not limited to educational content, non-profit status, and means.	2022-03-08	CITY MANAGER'S OFFICE	Kate Harrison, Ben Bartlett	Councilmembers		3	0	0	0	4	0	2	0	0	NO
29	100% Sustainable Trips by 2040 DMND0003885	Adopt the attached Resolution, setting a goal of achieving 50% increase in trips taken by sustainable modes by 2030 and 100% by 2040, and refer to the Community Environmental Advisory Commission, the Energy Commission, and the Transportation Commission to develop relevant proposals and recommendations for accomplishing that goal.	2020-09-15	PLANNING & DEVELOPMENT		Commission	Community Environmental Advisory Commission	0	0	2	0	0	0	1	5	3	NO

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30	Accelerating the City of Berkeley's transition to Plant-Based Foods DMND0003965	1) Adopt a resolution establishing a goal to achieve a 50% decrease in animalbased food products served by the City of Berkeley by 2024, and refer to the City Manager to report to the City Council on progress towards reaching this goal by January 31, 2022. 2) Adopt an eventual goal of a 100% shift to plant-based food products served by the City of Berkeley and refer to the City Manager to report to the City Council by June 30, 2022 on potential feasibility and timelines to transition to 100% plant-based foods.	2021-07-27	CITY MANAGER'S OFFICE	Sophie Hahn, Jesse Arreguin	Councilmembers		3	0	0	0	4	0	2	0	0	NO
31	Enable Internal Renovation of a Residence That Does Not Increase the Footprint As an AUP if the Building is an Historic Non-Conforming Use in the Percent of Lot Coverage DMND0002537	Refer to the Planning Commission to enable an AUP for the renovation of an existing residence, rather than a Use Permit, in the following circumstances: 1. The renovation does not increase the percentage of lot coverage; 2. The residence is an pre-existing non-conforming use in the percentage of lot coverage; 3. The renovation does not appear to create an intensification of use; 4. No change to the building envelope.	2018-02-27	PLANNING & DEVELOPMENT	Linda Maio, Susan Wengraf, Lori Droste, Kate Harrison			0	0	0	0	0	0	4	4	3	NO
32	Referral to the City Manager to consider the videotaping of Planning Commission meetings DMND0002823	That the City Council refer to the City Manager to consider ways of videotaping the Planning Commission meetings in the same manner as Zoning Adjustment Board meetings.	2018-10-16	Information Technology	Kriss Worthington, Cheryl Davila	Council member		0	0	0	0	3	0	1	4	0	YES
33	Navigable Cities Framework for Ensuring Access and Freedom-of-Movement for People with Disabilities in Berkeley DMND0003909	1. Refer to the City Manager to incorporate relevant elements of the Navigable Cities Framework for Ensuring Access and Freedom-of-Movement for People with Disabilities in Berkeley, submitted to the City Council by the Commission on Disability, into the Berkeley Pedestrian Master Plan currently being updated, and any other planning processes for which the report would provide relevant information. 2. Refer to the Public Works and Parks and Waterfront Commissions to return to Council reports on ways that elements of the Navigable Cities Framework can be incorporated into the work, projects, contracts, and policies of the Public Works and the Parks, Recreation & Waterfront Departments.	2020-11-17	Parks, Recreation & Waterfront		Commission	Parks and Waterfront Commission	2	0	0	0	0	0	3	0	3	NO

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34	Referral to the Community Environmental Advisory Commission: Cigarette Butt Pollution Prevention Program in South BerkeleyDMND0002448	Refer to the Community Environmental Commission (CEAC) AND THE CITY MANAGER to consider developing a Cigarette Butt Pollution Prevention Program for South Berkeley. Explore the following items: a) Location. Work with the local business associations, business owners, as well as other neighborhood and community organizations to identify key locations for cigarette butt receptacles. b) Operation. Work with local businesses to develop a system for cleanup and disposal of the contents of the receptacles. c) Cost. Identify any one-time costs associated with the program, including purchasing and installation of the receptacles. Identify any costs that should be set aside for maintenance. There should not be regular ongoing costs. CEAC should work with the businesses and neighborhoods to develop a community-based system to facilitate daily operations.	2017-07-11	CITY MANAGER'S OFFICE	Ben Bartlett and Kate Harrison			0	0	2	0	3	0	0	0	1	NO
35	Adopt a resolution in support of the Good Food Purchasing Program's core values and join San Francisco, Oakland, Los Angeles and Chicago as one of the first five cities nationwide to become a Good Food Purchasing partner, and refer to the City Manager to incorporate over time the vision and standards of the Good Food Purchasing Program (GFPP) into City of Berkeley food purchasing practices. DMND0003733	Adopt a resolution in support of the Good Food Purchasing Program's core values and join 28 public institutions across 14 U.S. cities, including San Francisco, Oakland, Los Angeles, Chicago, and Washington, D.C. to endorse Good Food Purchasing values, and refer to the City Manager to incorporate over time the vision and standards of the Good Food Purchasing Program (GFPP) into City of Berkeley food purchasing practices.	2019-04-30	CITY MANAGER'S OFFICE	Sophie Hahn, Jesse Arreguin, Cheryl Davila, Rigel Robinson	Councilmembers		0	0	1	0	3	0	1	0	0	NO
36	Refer the Civic Arts Commission's recommended language to the Planning Commission on protecting Live Work spaces from conversion to cannabis uses.DMND0003749	Refer the Civic Arts Commission's recommended language to the Planning Commission on protecting Live Work spaces from conversion to cannabis uses. This action was adopted as part of the Cannabis Ordinance amendments.	2019-04-02	PLANNING & DEVELOPMENT		Commission	Civic Arts Commission	0	0	0	0	0	0	4	0	2	NO
37	Freedom from Domestic Violence as a Human Right ResolutionDMND0002446	Adopt the Freedom from Domestic Violence as a Human Right Resolution. City Manager shall prepare a report within the next six (6) months on the policy and practice of City departments on domestic violence, including but not limited to, the Berkeley Police Department, the Berkeley Fire Department, and Health, Housing & Community Services, with respect to the status of domestic violence and the City's work to overcome domestic violence and support survivors. BE IT FURTHER RESOLVED that City departments shall work to incorporate this Resolution into their work.	2018-01-23	CITY MANAGER'S OFFICE		Commission	Peace & Justice Commission	3	0	0	0	0	0	1	0	1	YES

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38	Creation and Adoption of a Transit Streets Cooperative Agreement with the Alameda-Contra Costa (AC) Transit District DMND0002592	Refer to the City Manager the Creation and Adoption of a Transit Streets Cooperative Agreement with the Alameda-Contra Costa (AC) Transit District.	2017-04-04	Public Works	Sophie Hahn	Council member		2	0	3	0	0	0	0	0	0	NO
39	Mitigating Impacts of Outdoor Air Quality on Indoor Air Quality in Berkeley DMND0002543	Refer the item to the Planning Commission to consider the analyses presented here, and the draft provided in Appendix II, to create new Standard Conditions of Approval (SCA) for new building construction near major sources of air pollution, to achieve an acceptable level of indoor air quality (IAQ) for sensitive receptors.	2017-07-11	PLANNING & DEVELOPMENT		Commission	Community Environmental Advisory Commission	2	0	0	0	0	0	3	0	0	NO
40	Referral to City Manager to address the conversion of Not Available To Rent rental units to unregistered short term rentals and unregistered medium term rentals from 15 to 30 days DMND0002831	Referral to City Manager to address the apparent conversion of Not Available To Rent rental units to unregistered Short Term Rentals and unregistered medium term rentals from 15 to 30 days. Refer to Planning Department Permit Service Center, Code Enforcement, Finance Department, Rent Stabilization Board, and Host Compliance, to comprehensively review whether units that are not available for rent (NAR) are compliant with Rent Board Regulations, and short-term rental (STR) regulations.	2018-10-30	PLANNING & DEVELOPMENT	Kriss Worthington, Kate Harrison	Council member		3	0	1	0	0	0	0	0	0	YES
41	Creating Additional Administrative Powers of Zoning Officer to Grant or Recommend New Permits as Related to Code Enforcement DMND0002545	Refer to the City Manager and Berkeley Planning Commission to explore the creation of a mechanism that would explicitly allow staff new discretionary powers to prevent applicants from being granted new residential permits until they have abated outstanding noncompliance issues or code violations in other buildings they own in Berkeley within a reasonable time frame or taken good faith measures to commence doing so.	2014-09-09	PLANNING & DEVELOPMENT		Commission	Housing Advisory Commission	0	0	0	0	0	0	0	0	3	NO
42	Accessory Dwelling Unit Ordinance Updates DMND0002603	Refer to the Planning Commission to consider additional elements for Berkeley's Accessory Dwelling Unit Ordinance (BMC 23C.24), on an expedited basis, and refer to the Disaster and Fire Safety Commission bullet point #5, relating to potential obstruction of emergency vehicles, and request that their recommendations be sent directly to the Planning Commission to inform the Planning Commission's review and recommendations. Amendments: Remove the language regarding view protections; Add new #9 on hillside heights measurements where no previous structure exists; Add "and any other solutions" to #5 regarding parking; Include the referral from Item 15 with this referral.	2018-09-13	PLANNING & DEVELOPMENT	Sophie Hahn, Susan Wengraf, Kate Harrison	Councilmembers	Disaster and Fire Safety Commission	0	0	0	0	0	0	4	0	0	YES

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43	Refer to the Planning Commission and Housing Advisory Commission to Research and Recommend Policies to Prevent Displacement and Gentrification of Berkeley Residents of Color and African AmericansDMND0003732	Refer to the Planning Commission and Housing Advisory Commission to research and recommend policies to prevent displacement and gentrification of Berkeley residents of color. Recommended policies should include real solutions. The Commission should do the following: - Develop a policy to address the erosion of People of Color (POC), including the African American sector of our Berkeley society. - Develop rules and regulations to halt the loss of People of Color including the African American communities. - Develop a "right to return" for Berkeley's People of Color including the African American communities who have been displaced by these economic and social developments, especially those who continue to be employed in our City, even after having to relocate beyond our boundaries. - Solicit expert and lived experience testimonies regarding displacement and gentrification. - Recommend alternatives to prevent displacement and gentrification of our valued Berkeley citizens of color and African Americans. Hold public workshops on the subject.	2019-04-30	PLANNING & DEVELOPMENT	Cheryl Davila, Ben Bartlett, Kate Harrison	Councilmembers		2	0	0	0	0	0	0	0	0	NO
44	Home Share Pilot Program Recommendation DMND0002822	Item 26a moved to the Consent Calendar to refer to the City Manager the possibility of working within existing similar programs such as Safe Home and Ashby Village.	2018-10-16	HEALTH, HSG & COMMUNITY SVC		Commission	Housing Advisory Commission	0	0	0	0	0	0	0	0	1	NO
45	Developing a Mechanism to Facilitate an Improved Homeless Point-In-Time Count DMND0003867	The Homeless Commission recommends to Council that Council refer to staff to assign an intern or seek a volunteer affiliation, through an educational institution, to conduct outreach to, and engage with, community stakeholders including homeless advocates and persons who are experiencing or have experienced homelessness, to identify how homeless persons can be more thoroughly counted during the upcoming 2021 Berkeley Homeless Point-In-Time count.	2020-04-14	HEALTH, HSG & COMMUNITY SVC		Commission		0	0	0	0	0	0	1	0	0	NO
46	Providing our Unhoused Community with Fire ExtinguishersDMND0003938	Policy Committee Recommendation: Send the item to City Council with a qualified positive recommendation to refer the item to the City Manager and the Disaster and Fire Safety Commission to consider fire extinguishers and other fire prevention tools such as wool blankets.	2021-03-30	FIRE & EMERGENCY SERVICES	Cheryl Davila	Councilmembers		0	0	0	0	0	0	0	0	0	YES

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25	Referral Response: Deferral of Remaining Permit, Inspection, Connection, and Impact Fees for 2009 Addison Street and Referral to the City Manager to Develop a Limited-Term Citywide Fee Deferral Program DMND0003995	Consider Adopting a Resolution authorizing the City Manager to defer remaining building permit, inspection, connection, and impact fees estimated at \$676,464 for the Berkeley Repertory Theater's project at 2009 Addison Street for a period of ten years. In addition, city staff is asking City Council to refer to the City Manager the development of a limited-term citywide fee deferral program.	2021-03-09	PLANNING & DEVELOPMENT	City Manager	TRUE
32	Referral to the City Manager to consider the videotaping of Planning Commission meetings DMND0002823	That the City Council refer to the City Manager to consider ways of videotaping the Planning Commission meetings in the same manner as Zoning Adjustment Board meetings.	2018-10-16	Information Technology	Kriss Worthington, Cheryl Davila	TRUE
37	Freedom from Domestic Violence as a Human Right Resolution DMND0002446	Adopt the Freedom from Domestic Violence as a Human Right Resolution. City Manager shall prepare a report within the next six (6) months on the policy and practice of City departments on domestic violence, including but not limited to, the Berkeley Police Department, the Berkeley Fire Department, and Health, Housing & Community Services, with respect to the status of domestic violence and the City's work to overcome domestic violence and support survivors. BE IT FURTHER RESOLVED that City departments shall work to incorporate this Resolution into their work.	2018-01-23	CITY MANAGER'S OFFICE	Peace & Justice Commission	TRUE



Rank	Demand	Recommendations	Meeting Date	Lead City Department	Sponsor	Mark for Removal
40	Referral to City Manager to address the conversion of Not Available To Rent rental units to unregistered short term rentals and unregistered medium term rentals from 15 to 30 days DMND0002831	Referral to City Manager to address the apparent conversion of Not Available To Rent rental units to unregistered Short Term Rentals and unregistered medium term rentals from 15 to 30 days. Refer to Planning Department Permit Service Center, Code Enforcement, Finance Department, Rent Stabilization Board, and Host Compliance, to comprehensively review whether units that are not available for rent (NAR) are compliant with Rent Board Regulations, and short-term rental (STR) regulations.	2018-10-30	PLANNING & DEVELOPMENT	Kriss Worthington, Kate Harrison	TRUE
42	Accessory Dwelling Unit Ordinance Updates DMND0002603	Refer to the Planning Commission to consider additional elements for Berkeley's Accessory Dwelling Unit Ordinance (BMC 23C.24), on an expedited basis, and refer to the Disaster and Fire Safety Commission bullet point #5, relating to potential obstruction of emergency vehicles, and request that their recommendations be sent directly to the Planning Commission to inform the Planning Commission's review and recommendations. Amendments: Remove the language regarding view protections; Add new #9 on hillside heights measurements where no previous structure exists; Add "and any other solutions" to #5 regarding parking; Include the referral from Item 15 with this referral.	2018-09-13	PLANNING & DEVELOPMENT	Sophie Hahn, Susan Wengraf, Kate Harrison	TRUE

Rank	Demand	Recommendations	Meeting Date	Lead City Department	Sponsor	Mark for Removal
46	Providing our Unhoused Community with Fire ExtinguishersDMND0003938	Policy Committee Recommendation: Send the item to City Council with a qualified positive recommendation to refer the item to the City Manager and the Disaster and Fire Safety Commission to consider fire extinguishers and other fire prevention tools such as wool blankets.	2021-03-30	FIRE & EMERGENCY SERVICES	Cheryl Davila	TRUE



Office of the City Manager

WORKSESSION

April 19, 2022

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Paul Buddenhagen, Deputy City Manager

Subject: Ashby and North Berkeley BART Transit-Oriented Development

SUMMARY

The development of the Ashby and the North Berkeley BART station sites is a complex, multi-year, multi-phase process, including ongoing community engagement. Over the next several months, staff will advance policy decisions and potential actions to City Council that relate to compliance with AB 2923 and outstanding issues that require resolution in order to facilitate issuance of Requests for Qualifications to solicit developer teams for the two BART sites. This report provides an overview of the key milestones required to enable equitable transit-oriented development (TOD) at these two BART sites, including future decisions for consideration by the City Council and the BART Board of Directors, and how these milestones relate to the overall planning process.

CURRENT SITUATION AND ITS EFFECTS

Advancing transit-oriented development at the Ashby and North Berkeley BART station areas is a Strategic Plan Priority Project, advancing our goals to:

- Create affordable housing and housing support service for our most vulnerable community members.
- Champion and demonstrate social and racial equity.
- Be a global leader in addressing climate change, advancing environmental justice, and protecting the environment.

The development of the Ashby and the North Berkeley BART station sites is a multi-year, multi-phase process, including ongoing community engagement. The projects must incorporate transit stations and related infrastructure, are adjacent to major arterial streets, and are anticipated to incorporate high levels of affordable housing and other community amenities, making them much more complex than typical development projects. The purpose of this worksession is to identify the milestones that will involve decisions and approvals by the City Council and the BART Board of Directors and how

these milestones relate to the context of the overall planning process for equitable TOD at these two BART sites.

The Berkeley City Council and BART Board of Directors approved a Memorandum of Understanding (MOU) to plan for TOD at the stations in December 2019 and January 2020, respectively. Over the past two years, staff from the City Manager's Office, Planning and Development, City Attorney's Office, Health Housing and Community Services and Public Works have focused on the milestones outlined in the MOU, including the development of zoning for the sites, reservation of City affordable housing funding to support a minimum of 35% affordable housing at each site, defining the developer solicitation process, and studying station access issues.

Planning for development at the two BART sites will evolve and become more fine-grained as new information, analysis and resources become available—some of which will come from and be funded by selected developer teams. Over the next several months, staff will advance proposed policy decisions and actions to City Council that relate to compliance with AB 2923 and the City's adopted TOD zoning, as well as other outstanding issues that require resolution in order to facilitate issuance of Requests for Qualifications to solicit developer teams. These include:

- A. Adopt City and BART Joint Vision and Priorities (JVP) for TOD at the Ashby and North Berkeley BART Station Areas.
- B. Adopt zoning consistent with AB 2923 and associated General Plan amendments, after certification of the EIR.
- C. Identify preferred options for Adeline Street roadway reconfiguration and locating the Berkeley Flea Market while accommodating Ashby BART Station site constraints.
- D. Enhance station access while mitigating potential neighborhood impacts.
- E. Amend and update the agreement with BART to plan for station area development.

**A. Adopt City and BART Joint Vision and Priorities (JVP) for TOD at the Ashby and North Berkeley BART Station Areas.**

The MOU between BART and the City of Berkeley calls for the City and BART, with input from the City's Council-appointed Community Advisory Group (CAG), to establish a "Joint Vision and Priorities" document (JVP) for the Ashby and North Berkeley BART station areas. The goal of this document is to provide a concise statement of the City and BART's shared, high-level expectations for future development of both the Ashby and North Berkeley BART properties. Pursuant to the MOU, the JVP will be incorporated into future Request(s) for Qualifications (RFQs) for development of both the Ashby and North Berkeley Station areas. The JVP will help guide the process from developer selection through project construction.

The JVP was developed through an extensive public process that began in June 2020 and included eight public meetings of the CAG and three community workshops. On April 6, 2022, the Planning Commission took action to recommend that the City Council:

- Certify the EIR;<sup>1</sup>
- Consider a set of companion recommendations for incorporation into the zoning, JVP, (future) Objective Design Standards, or other agreement between the City and BART, as appropriate;<sup>2</sup>
- Adopt EIR “Alternative 3: Increased Height” as the preferred alternative and revise the zoning and General Plan amendments to conform to Alternative 3.<sup>3,4</sup>

Staff anticipates bringing the JVP to City Council for consideration and adoption on May 31, 2022.

The JVP builds on the framework provided by the City and BART’s adopted plans, policies and regulations, and the additional land use, site planning and financial feasibility studies undertaken as part of this planning process. The JVP is organized around five key topics: Affordable Housing, Public and Civic Space, Land Use, Building Form, and Station Access. Each topic includes an overall vision statement, followed by “shared priorities” for both station areas, and additional priorities specific to each station, if applicable. The five topic areas are:

- **Affordable Housing.** The JVP establishes baseline requirements as well as some aspirational goals for housing development, including the total number of housing units, affordability levels, 10-year time horizon to deliver units, sequencing of affordable housing units, unit-type, and type of developers desired. This section was informed by financial feasibility analyses that estimated the City subsidy required to

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<sup>1</sup> Planning Commission motion passes unanimously (Gould/Kapla - 9 yes votes).

<sup>2</sup> Planning Commission motion passes unanimously (Gould/Kapla - 9 yes votes). The companion recommendations included: 1) Establish a commitment by developer to abide to the results of the negotiation; 2) As part of request for public subsidy, require disclosure of the amount of public subsidy and the amount and type of affordable units and third party certification of that request for subsidy; 3) Requirement for achievement of adequate sidewalk space for the anticipated users; 4) Study strategies for honoring the cultural and historic resources of the Ashby and North Berkeley neighborhoods (e.g. public art, programming of public space, trees and plants) that come from working with the community; 5) Drop-off zone for deliveries and separate passenger pick-up and drop-off zone on site. Staff will return to Council on May 31<sup>st</sup> with a recommendation regarding how these items should be incorporated in the various documents Council will be considering for approval.

<sup>3</sup> Planning Commission motion passes (Gould/Kapla - 5 yes votes; 4 no votes).

<sup>4</sup> See Draft EIR, p.6-17 for a description of Alternative 3: Increased Height that would include a maximum height standard of 12 stories and maximum Floor Area Ratio of 5.5:  
[https://www.cityofberkeley.info/uploadedFiles/Planning\\_and\\_Development/Level\\_3\\_-\\_Land\\_Use\\_Division/Ashby%20and%20North%20Berkeley%20BART%20Stations%20Zoning%20Project%20DEIR%20October%202021.pdf](https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Land_Use_Division/Ashby%20and%20North%20Berkeley%20BART%20Stations%20Zoning%20Project%20DEIR%20October%202021.pdf)

achieve varying levels of affordable housing.<sup>5</sup> The Ashby-specific priorities include the Adeline Corridor Specific Plan goal of striving for 100% affordable housing, development that prioritizes inclusion of residents with disabilities, and a preference for those who live or have been displaced from South Berkeley.

- **Public and Civic Space.** The shared priorities consist of designing new public and civic space to minimize maintenance costs, supporting new public and civic space and station access goals while maximizing space for affordable housing.
  - For Ashby: Priorities include design and programming for public and civic space to reinforce South Berkeley's role as the historic hub for African American/Black life in the Bay Area; providing a permanent and improved space for the Berkeley Flea Market in a prominent location (on Adeline Street and/or the Ashby site); and the specific need to increase parks and usable green spaces.
  - For North Berkeley: Creating a connection to the Ohlone Greenway is identified as a priority.
- **Land Use.** The shared priorities emphasize that uses at the two BART sites should serve community needs and be predominantly transit-oriented housing, complemented by public space and non-residential uses that encourage community interaction, customized to meet the unique needs of each station and neighborhood.
  - For Ashby: Priorities for non-residential uses include those that reinforce the area's historic role as a center of neighborhood commerce, social connection, economic empowerment and Black identity and culture. Non-residential uses should support adjacent uses such as the Flea Market, the Ed Roberts Campus and existing theaters and other businesses, and not negatively impact businesses south of the Ashby BART station along Adeline Street.
  - For North Berkeley: Uses in future development at North Berkeley should be focused on meeting neighborhood needs and complementing nearby University Avenue businesses, and existing parks. Non-residential uses should be oriented towards the station entrance and/or Sacramento Street.
- **Building Form.** The shared priorities provide high-level guidance about overall site and building design such as: building height, location and orientation, scale, architectural variety, ground-floor non-residential frontages. The station-specific priorities provide additional guidance about building massing and their relationship to existing surrounding development.
- **Station Access.** The shared priorities emphasize utilizing space, financial and other resources to prioritize affordable housing and other desired community benefits, transportation demand management, wayfinding and signage and curbside management in order to secure safe and equitable access.
  - For Ashby: Station-specific priorities relate to pedestrian and bicycle connections to and through the site, and to reconfiguring Adeline Street to create safer space for all modes of transportation.

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<sup>5</sup> See [4/27/21 City Council Meeting Staff Report](#) (Item 31) and Attachment 1 – Estimate of City Subsidy Needed for MOU-Required Minimum of 35% Affordable Housing (or more) at Ashby and North Berkeley BART Station Areas (Memorandum prepared by Street Level Advisors).

- o For North Berkeley: Station-specific priorities relate to considering the role of adjacent streets in multi-modal access planning for the station and to prioritize any parking for commuters over parking for residential and/or potential community or non-profit retail uses.

## **B. Adopt zoning consistent with AB 2923 and associated General Plan amendments, and certify the associated EIR.**

Zoning for the Ashby and North Berkeley BART station areas must be amended to be consistent with AB2923.<sup>6</sup> The proposed zoning amendments will create a new Residential - BART Mixed Use (R-BMU) zoning district and amend the Zoning Map to apply the new R-BMU zoning district to the Ashby and North Berkeley BART sites. General Plan amendments are needed to ensure consistency between the Zoning Ordinance and the General Plan. The General Plan changes will add a new land use classification (the Ashby/North Berkeley BART Transit Oriented Development) and the General Plan map will be updated to apply a new land use classification to the Ashby and North Berkeley BART sites.

The proposed zoning standards governing development and allowed uses for the Ashby and North Berkeley BART stations consist primarily of the new Residential – BART Mixed Use District, Chapter 23.202.150, as well as additional conforming amendments to other sections of the Municipal Code in order to ensure that the provisions are comprehensively and consistently incorporated into the Berkeley Zoning Ordinance.<sup>7</sup> The key features of the proposed zoning for the BART sites include:

- **Basic Development Standards and Definitions.** The R-BMU zoning sets forth regulations for development standards and related definitions (if different from those already included in the Berkeley Municipal Code or because they do not exist).
- **Allowed Uses.** Following the format of the Baseline Zoning Ordinance, allowed and prohibited uses are specified in Section 23.202.020 of the Berkeley

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<sup>6</sup> AB 2923 requires BART to develop transit-oriented development (TOD) zoning standards for eligible BART-owned properties within Alameda, San Francisco and Contra Costa counties, establishing minimum local zoning requirements for height, density, parking, and floor area ratio. Cities and counties have until July 1, 2022 to rezone BART's property to align with or exceed the AB 2923 baseline zoning standards. Otherwise, BART's Transit-Oriented Development standards become the baseline zoning standards for BART's property governed by AB2923.

<sup>7</sup> See 4/6 Planning Commission Agenda which includes links to Item 9 and Supplemental Packet 1.A. for proposed zoning and General Plan amendments, City and BART Joint Vision and Priorities document and links to associated CEQA documents:

[https://www.cityofberkeley.info/uploadedFiles/Planning\\_and\\_Development/Level\\_3\\_-\\_Commissions/Commission\\_for\\_Planning/2022-04-06%20PC%20Agenda\\_linked\(1\).pdf](https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Commissions/Commission_for_Planning/2022-04-06%20PC%20Agenda_linked(1).pdf)

Municipal Code and also in Table 23.202.150-1, related to Street-Facing Ground Floor Uses.

- **Other Development Standards.** The proposed zoning also includes some limited requirements relating to shaping the volume and massing of future development. Greater detail related to building form will be addressed during a subsequent planning process to prepare objective design standards for each station area. The process as currently envisioned would include review by appropriate Boards and Commissions and City Council adoption of these standards.
- **Approval Process and Public Review.** The proposed zoning establishes an approval process governed by a “Master Development Permit” (MDP) that includes two types of submittals: a Preliminary Development Plan (PDP) and a Final Development Plan (FDP). PDPs and FDPs shall be reviewed by the Zoning Adjustments Board, the decisions of which are appealable to the City Council.

AB 2923 and the State Density Bonus constrain what the City can adopt regarding zoning development standards and the development approval process. AB 2923 expressly states that “eligible TOD projects” that meet the streamlining criteria in AB 2923 remain eligible for the streamlined approval process after the addition of a density bonus.<sup>8</sup> The BART sites will likely achieve high levels of affordability; therefore, it is likely that the BART sites will be eligible for this streamlined approval process. This means that they could be exempt from some elements of the development permit review process in the proposed zoning for the BART sites (including the PDP and FDP). However, the City retains separate discretionary authority related to its roles as an affordable housing funder and as a property owner through its option to purchase the air rights over the western parcel at the Ashby BART station.

The Planning Commission held a public hearing on the proposed zoning and General Plan amendments and Final EIR at its April 6, 2022 meeting and recommended that the Council should: 1) certify the EIR; 2) consider a set of companion recommendations for incorporation into the zoning, JVP, (future) Objective Design Standards or other agreement between the City and BART, as appropriate, and; 3) Adopt EIR “Alternative 3: Increased Height” as the preferred alternative and revise the zoning and General Plan amendments to conform to the description of Alternative 3.<sup>9</sup> Staff anticipates bringing these documents to City Council for review and approval on May 31, 2022.

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<sup>8</sup> Pub. Util. Code, § 29010.7(c).

<sup>9</sup> See footnote 2 on p.3 of this report.



**C. Identify preferred options for Adeline Street roadway reconfiguration and locating the Berkeley Flea Market while accommodating Ashby BART Station site constraints.**

Three interrelated studies funded through BART's Federal Transit Administration (FTA) grant are currently underway that impact the potential roadway configuration of Adeline and the determination of a feasible location for the Berkeley Flea Market at the Ashby BART station area:

- Flea Market Options Feasibility Study. The Berkeley Flea Market is an important community asset and resource that is currently held in the west parking lot at the Ashby BART station on weekends. As emphasized in the Adeline Corridor Specific Plan and in the JVP, a priority for the Ashby BART site is to “provide a permanent viable home for the Berkeley Flea Market, offering supportive amenities such as public restrooms, limited office/storage space, electrical and water access and weather protection” in a prominent location on the site and/or in a nearby location. In order to maximize the housing goals articulated in the JVP while accommodating the Berkeley Flea Market, BART and the City are working with design consultants to study alternative sites for a permanent home for the Berkeley Flea Market in a potential linear plaza along Adeline Street. BART and the City are regularly engaging members of the Berkeley Flea Market Board, whose input is helping shape these alternatives that are informed by the two studies described below.
- Adeline Corridor Roadway Reconfiguration Feasibility Study (Adeline Reconfiguration Study). The Ashby, Adeline, and Martin Luther King Jr. Way roadway pattern presents challenges for people traveling on foot or by bike. The Adeline Corridor Specific Plan recognized this by adopting design objectives that include increasing pedestrian comfort and safety and providing low-stress bicycle facilities, within the context of the overall Transportation Goal to “provide safe and equitable transportation options that meet the mobility needs of all residents, regardless of age, means, and abilities, and that further the attainment of the City’s greenhouse gas reduction goals.” A priority for Ashby TOD in the Draft JVP is to “provide high-quality, safe pedestrian and bicycle connections to and through the site”. In recognition of the challenges on Adeline, in February 2020 City Council referred an analysis of a potential reduction of Adeline to two lanes (a “road diet”) in order “to increase safety for pedestrians, cyclists, and people living with disabilities, while also meeting the needs of public transit and emergency vehicles”.<sup>10</sup> In response to this referral, the Adeline Reconfiguration Study is evaluating whether a road diet on Adeline would be feasible and could be used to provide a plaza for the Flea Market within the existing street right of way.

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<sup>10</sup> [https://www.cityofberkeley.info/Clerk/City\\_Council/2020/02\\_Feb/Documents/2020-02-11\\_Item\\_21\\_2-Lane\\_Option\\_on\\_Adeline\\_St.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2020/02_Feb/Documents/2020-02-11_Item_21_2-Lane_Option_on_Adeline_St.aspx)

Options under study include various scenarios that convert the existing four general purpose lanes (two in each direction) to two lanes (one in each direction), as well as scenarios that keep a total of four lanes but include dedicated transit lanes. This option would have one general purpose lane and one transit lane in each direction, with lanes narrower than their existing widths and the inclusion of an off-street cycle track.

BART and City staff, with the assistance of consulting engineers and designers, are continuing to study the different scenarios in order to develop a recommendation on how the Adeline roadway should be reconfigured. Staff is also exploring the possibility of applying for One Bay Area Grant 3 (OBAG3) funding for transportation and public improvements in support of Ashby BART TOD. The above-described scenarios are being evaluated with respect to the evaluation criteria being applied to the OBAG3 grant applications.

- Ashby Station Assessment. BART has engaged a consultant firm to conduct a station assessment that provides a summary of site constraints that are necessary for BART's operations, a site and circulation assessment, and an opportunity assessment that identifies potential improvements for the passenger experience as well as developable land for the TOD. Results of this study are expected to inform the assessment of the feasibility of options for the Berkeley Flea Market, circulation requirements and connections directly from Adeline Street to the future development.

Staff intends return to Council with more information and planning level cost estimates for options for the Adeline Street right-of-way and the Berkeley Flea Market.

#### **D. Enhance Station Access While Mitigating Potential Neighborhood Impacts.**

Most of the options to improve access to BART go well beyond the station areas. BART received funding from Caltrans and the FTA to develop the Berkeley-EI Cerrito Corridor Access Plan (BECCAP) in recognition that improving the transportation network across multiple cities at a larger scale would be more feasible and effective than improving the area around one station alone.<sup>11</sup> The BECCAP is a collaborative effort of BART and the cities of Berkeley and EI Cerrito as well as multiple regional agencies to identify options for riders to get to and from BART before transit-oriented development occurs at Ashby, North Berkeley and EI Cerrito Plaza stations' surface parking lots.

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<sup>11</sup> BART will be leading another Online Open House and survey in April and May 2022 to get more input on walking, biking, transit, and parking strategies to be included in the Corridor Access Plan. For more information about upcoming public engagement and general information about the BECCAP planning effort, go to: [www.bart.gov/beccap](http://www.bart.gov/beccap).

The goal of the BECCAP is to develop new strategies that equitably distribute investments in walking, rolling, biking, riding transit, driving, and parking, as well as explore how to make the most of existing transit service, bikeways, walkways, and parking, and add new and innovative technologies to enhance access to BART. The BECCAP effort is different from future station-specific access plans that will be funded by selected developer team(s). Future station-specific access plans will identify circulation and infrastructure needs in the immediate station area and on public streets nearby based on the eventual proposed project concepts for each station site (e.g. building location, entrances, orientation). The BECCAP is being done in advance of these station-specific access plans to identify a toolkit of corridor-wide strategies. Some BECCAP strategies would then be incorporated into each station access plan. The BECCAP is anticipated to be completed in fall 2022 while the access plans for each station will be completed later, during the design process prior to entitlements.

At the March 9, 2022 BECCAP Advisory Committee/Community meeting, BART staff presented preliminary access strategies that will be studied further for comment and discussion.<sup>12</sup> These strategies focused on improvements to:

- Safety and security (e.g. improved lighting, traffic calming and other roadway improvements for all users of all ages, abilities and transportation modes);
- Walking, biking and “rolling” (e.g. improving facilities for pedestrians, cyclists, the disabled community and other micro-mobility users);
- Local bus service, other mobility options and overall customer experience (e.g. car share, car pool);
- Parking Management (e.g. BART rider parking, on-street parking, existing Downtown and other parking garages/lots; best-practices for parking pricing and shared parking).

At the March 9, 2022 BECCAP Advisory Committee/Community meeting, BART staff also presented recommendations for on-site BART rider parking maximums for each station:

- Ashby station: 85 spaces.
- North Berkeley station: 120 spaces. The roughly 80 parking spaces in the existing auxiliary lots will not be developed and will still be dedicated to BART rider parking, resulting in a total maximum of 200 parking spaces.<sup>13</sup>

The ultimate decision on BART rider replacement parking is under BART purview. The parking maximums will be included in the Requests for Qualifications for developers after they have been approved by the BART Board in mid-2022. The final number of

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<sup>12</sup> March 9, 2022 2022 BECCAP Advisory Committee/Community Meeting presentation:

[https://www.bart.gov/sites/default/files/docs/2022Mar09\\_Presentation\\_BECCAP\\_Advisory-CommMtg\\_0.pdf](https://www.bart.gov/sites/default/files/docs/2022Mar09_Presentation_BECCAP_Advisory-CommMtg_0.pdf)

<sup>13</sup> There are currently 646 parking spaces at the North Berkeley main station site (which will be reduced to 622 spaces after completion of BART’s bicycle and pedestrian access improvements project) and 79 BART rider parking spots that are located on auxiliary lots northwest of the station. There are currently 532 vehicle parking spaces at the Ashby BART station available to BART riders.

parking spaces up to the approved maximum for each station will be approved by the BART Board once the development team for each station advances design together with the community. It will be based on a better understanding of funding opportunities for access improvements, design considerations, and community benefits and tradeoffs at each station.

City staff are working with BART and consultants to study options to improve management of on-street parking around the stations, such as expansions of the City's Residential Preferential Parking (RPP) permit program with increased enforcement, and other strategies to address potential impacts of "spillover" parking by BART commuters on adjacent neighborhoods.<sup>14,15</sup> The BECCAP is anticipated to be completed in fall 2022.

### **E. Amend and Update the Agreement with BART to Plan for Station Area Development**

The collaboration between the City and BART to facilitate development at the two station sites is approaching the conclusion of the preliminary planning phase covered in the existing MOU between the two agencies. The City and BART have been working on updates to the agreement to cover subsequent phases of the projects including developer selection, project design, and entitlement. The City's goals in these negotiations include facilitating development that is equitable, expeditious, feasible, that maximizes community benefits, and that is aligned with the goals and priorities outlined in the JVP; ensuring meaningful City participation in the developer(s) selection process; and guaranteeing a process for the preparation and enforcement of objective design standards for both sites. The specific issues that are anticipated to be covered in the updated agreement include:

- Project phasing and timelines.
- Establishment and enforcement of objective design standards.
- Developer selection, application and entitlement processes.
- Minimum project requirements required to ensure the City's commitment of affordable housing funding and its option to purchase development rights at a portion of the Ashby Station area.

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<sup>14</sup> See July 23, 2019 City Council Meeting: Residential Preferential Parking Permit Program: Summer 2019 Update (Item 30) for background about Council discussion and action about staffing the enforcement of existing RPP areas and options for expansion of RPP program citywide:

[https://www.cityofberkeley.info/Clerk/City\\_Council/2019/07\\_Jul/Documents/2019-07-23\\_Item\\_30\\_Residential\\_Preferential\\_Parking\\_\(RPP\).aspx](https://www.cityofberkeley.info/Clerk/City_Council/2019/07_Jul/Documents/2019-07-23_Item_30_Residential_Preferential_Parking_(RPP).aspx)

<sup>15</sup> See November 9, 2021 City Council Meeting: Budget Referral: West Berkeley Residential Preferential Parking (RPP), Item 12 for background about Council discussion and actions regarding RPP and budget request for expansion of RPP for West Berkeley:

[https://www.cityofberkeley.info/Clerk/City\\_Council/2021/11\\_Nov/Documents/2021-11-09\\_Item\\_12\\_Budget\\_Referral\\_West\\_Berkeley\\_Residential\\_Preferential\\_Parking\\_\(RPP\).aspx](https://www.cityofberkeley.info/Clerk/City_Council/2021/11_Nov/Documents/2021-11-09_Item_12_Budget_Referral_West_Berkeley_Residential_Preferential_Parking_(RPP).aspx)

- Affordable housing goals and funding sources.
- Infrastructure and maintenance costs.

City staff anticipate returning to City Council by June 14, 2022 with a draft agreement for consideration.

## BACKGROUND

The current planning and development activities build upon community planning efforts, the most recent of which date back to 2018, to establish a vision and goals for future development of the Ashby and North Berkeley BART stations. This includes the Adeline Corridor Specific Plan (adopted by Council in December 2020) and a community process to develop North Berkeley BART Development Goals and Objectives (approved by Council in May 2019).<sup>16</sup>

BART, the City and other public agencies have different roles and responsibilities related to the Ashby and North Berkeley BART stations:

- BART is a transit operator and the property owner. Consistent with state, regional and city policies, BART undertakes TOD to increase ridership and reinvest in BART operations create affordable housing to address the regional housing crisis, and contribute to neighborhood vitality, among other goals. BART's approach is to enter into long-term ground-leases with developers selected competitively via Requests for Qualifications (RFQs) or Proposals (RFPs).
- The City has land use authority to adopt zoning regulations that set development standards and the approval process for proposed development projects. State laws, such as AB 2923 and the State Density Bonus Law, substantially limit municipalities' discretionary authority regarding development standards and the project approval process for projects that meet specified development standards and affordability levels.<sup>17</sup> However, the City plays a separate role as a funder for affordable housing projects, and retains an option to purchase the air rights over the western parcel at Ashby BART. This may restore some of the discretion limited by State laws.
- Other public agencies (e.g., Alameda County Transportation Commission, Caltrans, AC Transit) have varying degrees of regulatory authority related to circulation and access around the station areas.

<sup>16</sup> See March 29, 2022 Off Agenda Memos to Mayor and City Council

([https://www.cityofberkeley.info/uploadedFiles/Clerk/Level\\_3\\_-\\_General/Transit-Oriented%20Development%20\(TOD\)%20BART%20Stations%20032922.pdf](https://www.cityofberkeley.info/uploadedFiles/Clerk/Level_3_-_General/Transit-Oriented%20Development%20(TOD)%20BART%20Stations%20032922.pdf)) for an overview about public engagement related to the Ashby and North Berkeley BART Station areas, and [www.cityofberkeley.info/bartplanning](http://www.cityofberkeley.info/bartplanning) for meeting materials for specific meetings.

<sup>17</sup> See 9/1/21 Planning Commission Staff Report, Item 9, Section II. Regulatory Framework, C. State Laws Related to Housing and the Development Approval Process, p.6-7 for more detailed description of AB 2923 and State Density Bonus: [https://www.cityofberkeley.info/uploadedFiles/Planning\\_and\\_Development/Level\\_3\\_-\\_Commissions/Commission\\_for\\_Planning/2021-09-01\\_PC\\_Item\\_9\\_with%20attachments.pdf](https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Commissions/Commission_for_Planning/2021-09-01_PC_Item_9_with%20attachments.pdf)

The Berkeley City Council and BART Board of Directors approved a Memorandum of Understanding (MOU) to plan for TOD at the stations in December 2019 and January 2020, respectively. The MOU was executed in March 2020 and established a process for community engagement, development of zoning, station access, affordable housing decisions, and other relevant topics. In 2020, BART secured major grants from Caltrans and the Federal Transit Administration to support planning for TOD, providing approximately \$1,700,000 for work specifically targeting Berkeley BART station area TOD projects, including affordable housing finance and economic analysis, station access planning, and community engagement.

Over the past two years, City and BART staff have utilized the goals and process established in the MOU to advance towards development projects, including meeting with a Council-appointed Community Advisory Group (CAG), community meetings and public meetings of the Planning Commission to develop the draft City and BART Joint Vision and Priorities for the two BART sites and the proposed zoning consistent with AB 2923 and associated General Plan amendments. In April 2021, City Council approved a reservation of \$53 million in City affordable housing funds to support at least 35% of the housing units proposed at each of the stations being deed-restricted low, very-low and/or extremely low-income affordable housing.<sup>18</sup>

The City team engaging with BART on this multifaceted effort include staff from Planning and Development, Health Housing and Community Services, Public Works, the Offices of the City Manager and the City Attorney, and Mayor Arreguin and staff from the Mayor's Office. This team has regularly updated Councilmembers Bartlett and Kesarwani given their representation of BART station districts. Many of the important details of the future BART station projects—such as project-specific station access and parking management, site and building design, affordable housing unit count, affordability levels and populations served—cannot be determined until after developer teams have been selected and actual projects have been designed.

## ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Creating equitable, transit-oriented mixed-use development that includes affordable housing and housing support services for Berkeley's most vulnerable community members is a City Strategic Plan goal, which also helps advance the environmental goals of being a global leader in addressing climate change, advancing environmental justice, and protecting the environment.

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<sup>18</sup> For more information about how the City subsidy estimate was derived, see Council Meeting 4/27/21 Item 31, Attachment 2: [https://www.cityofberkeley.info/Clerk/City\\_Council/2021/04\\_Apr/Documents/2021-04-27\\_Item\\_31\\_City\\_Affordable\\_Housing\\_Funds\\_Ashby\\_and\\_North\\_Berkeley\\_BART\\_Station\\_Areas\\_and\\_Future\\_Housing\\_Funding\\_Notices\\_of\\_Funding\\_Availabilit\\_.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2021/04_Apr/Documents/2021-04-27_Item_31_City_Affordable_Housing_Funds_Ashby_and_North_Berkeley_BART_Station_Areas_and_Future_Housing_Funding_Notices_of_Funding_Availabilit_.aspx)

POSSIBLE FUTURE ACTION

In May/June 2022, staff will ask the Council to consider and approve/certify the following: Final Environmental Impact Report, draft zoning and General Plan amendments, City-BART Joint Vision and Priorities, and amended MOU and/or other agreement(s) between City and BART.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

There are a variety of potential fiscal impacts to the City related to Ashby and North Berkeley BART TOD, including the allocation of affordable housing funding, capital expenditures related to Adeline Street roadway reconfiguration, and operational costs related to on-street parking management adjacent to the stations. Staff will provide more detail about these potential fiscal impacts in advance of possible future actions.

CONTACT PERSON

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ORDINANCE NO. 7,805-N.S.

AMENDING BERKELEY MUNICIPAL CODE CHAPTER 23.502 TO MODIFY THE RESEARCH AND DEVELOPMENT LAND USE DEFINITION

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

Section 1. That Berkeley Municipal Code 23.502.020 R.8 is amended to read as follows:

**23.502.020 R.8**

8. **Research and Development:** An establishment engaged in the following activities: 1) industrial, biological or scientific research; and/or 2) product or process design, development, prototyping, or testing. This may include labs, offices, warehousing, and light manufacturing functions as part of the overall Research and Development use.

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

At a regular meeting of the Council of the City of Berkeley held on March 22, 2022, this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: Bartlett, Harrison, Kesarwani, Robinson, Taplin, Wengraf, and Arreguin.

Noes: None.

Absent: Hahn and Droste.