

**BERKELEY CITY COUNCIL LAND USE, HOUSING, & ECONOMIC
DEVELOPMENT COMMITTEE
REGULAR MEETING MINUTES**

**Thursday, February 6, 2020
10:30 AM**

2180 Milvia Street, 6th Floor – Redwood Room

Committee Members:
Councilmembers Ben Bartlett, Kate Harrison, and Lori Droste
Alternate: Mayor Jesse Arreguin

Roll Call: 10:31 a.m. Councilmembers Bartlett and Harrison present. Mayor Arreguin absent.

Mayor Arreguin present at 10:37 a.m.

Public Comment on Non-Agenda Matters – 1 speaker.

Minutes for Approval

Draft minutes for the Committee's consideration and approval.

1. Minutes - November 21, 2019

Action: M/S/C (Bartlett/Harrison) to continue approval of the minutes to the next meeting.

Vote: Ayes – Bartlett, Harrison; Noes – None; Abstain – None; Absent – Arreguin.

Committee Action Items

The public may comment on each item listed on the agenda for action as the item is taken up. The Chair will determine the number of persons interested in speaking on each item. Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Chair may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes.

Following review and discussion of the items listed below, the Committee may continue an item to a future committee meeting, or refer the item to the City Council.

2. Election of Chairperson

Action: M/S/C (Harrison/Bartlett) to elect Councilmember Bartlett as Chair of the Land Use, Housing, & Economic Development Committee.

Vote: Ayes – Bartlett, Harrison; Noes – None; Abstain – None; Absent – Arreguin.

Committee Action Items

3. **Inclusionary Units in Qualified Opportunity Zones** (*Item contains revised material*)

From: Councilmembers Harrison, Bartlett, Davila, and Hahn

Referred: October 15, 2019

Due: March 24, 2020

Recommendation:

1. Adopt an ordinance amending Berkeley Municipal Code chapter 23C.12.035 requiring onsite inclusionary units in owner-occupied developments in Qualified Opportunity Zones (QOZs).
2. Adopt a resolution establishing a similar practice for rental housing projects.
3. Refer to the Adeline Corridor Subcommittee of the Planning Commission to incorporate such a requirement into the Adeline Corridor Plan.

Financial Implications: See report

Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140

Councilmember Bartlett exited the meeting for the consideration of Item 3 due to Brown Act participation rules.

Action: 2 speakers. Discussion held. Amended materials submitted by Councilmember Harrison. The Committee requested current information from the Planning Department regarding projects in QOZs, a copy of the report prepared by Street Level Advisors, and the number of project applications in QOZs up to December 31, 2019, and requested information on why Census Tract 4239.01 was included in a QOZ. Item continued to the next committee meeting.

Councilmember Bartlett rejoined the meeting.

Committee Action Items

4. **Proposed Formula Retail (Chain Store) Regulations** *(Item contains revised materials)*
From: Councilmembers Hahn and Harrison
Referred: October 29, 2019
Due: April 7, 2020
Recommendation:
1. Refer to the City Manager and Planning Commission to finalize and return to the City Council for adoption an Ordinance and related amendments to the Berkeley Municipal Code, if any, based on the Draft Formula Retail Ordinance attached hereto, to establish Formula Retail regulations for Commercial and Manufacturing Districts in the City of Berkeley.
 2. Refer to the City Manager and Planning Commission to: (a) Recommend establishment of Business District boundaries and names, as provided for in Section 23E.18.030(B) of the proposed Formula Retail Ordinance, and (b) Through a process that includes public notice and input, as described in the proposed Formula Retail Ordinance, recommend for each Business District whether to allow unlimited Formula Retail, limited Formula Retail (some or all use categories allowed with a Use Permit, Neighborhood Notice, Design Review and findings) or to prohibit Formula Retail.
- Financial Implications:** See report
Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150
- Action:** 1 speaker. Discussion held. Item withdrawn from consideration by author Councilmember Hahn noting the intention to revise the item and resubmit it for future consideration.
5. **Discussion regarding scheduling future Small Business Listening Sessions**
- Action:** 2 speakers. Discussion held. The Committee requested that staff provide proposed listening session dates in 2020.
M/S/C (Bartlett/Harrison) to hold Small Business Listening Sessions with experts and panels four times per year on various topics in locations around the City; and to include the Office of Economic Development and the Berkeley Business District Network in the discussions.
Vote: All Ayes.
6. **Amending B.M.C. Chapter 13.78 to Prohibit Additional Fees for Roommate Replacements and Lease Renewals and Terminations**
From: Mayor Arreguin and Councilmembers Harrison, Hahn, and Robinson
Referred: January 27, 2020
Due: June 15, 2020
Recommendation: Adopt first reading of an Ordinance to amend Berkeley Municipal Code (B.M.C.) Chapter 13.78 (Tenant Screening Fees Ordinance) to prohibit property owners from assessing additional fees on roommate replacements, lease renewals and terminations.
Financial Implications: None
Contact: Jesse Arreguin, Mayor, (510) 981-7100

Committee Action Items

Councilmember Harrison exited the meeting for the consideration of Item 6 due to Brown Act participation rules.

Action: 2 speakers. Discussion held.

M/S/C (Arreguin/Bartlett) to move the item with a positive recommendation as written.

Vote: Ayes – Bartlett, Arreguin; Noes – None; Abstain – None; Absent – None.

Unscheduled Items

These items are not scheduled for discussion or action at this meeting. The Committee may schedule these items to the Action Calendar of a future Committee meeting.

- **None**

Items for Future Agendas

- **Discussion of items to be added to future agendas**

Adjournment

Action: M/S/C (Bartlett/Arreguin) to adjourn the meeting.

Vote: Ayes – Bartlett, Arreguin; Noes – None; Abstain – None; Absent – Harrison.

Adjourned at 12:49 p.m.

I hereby certify that this is a true and correct record of the Land Use, Housing, & Economic Development Committee meeting held on February 6, 2020.

Sarah K. Bunting, Assistant City Clerk

Communications

Communications submitted to City Council Policy Committees are on file in the City Clerk Department at 2180 Milvia Street, 1st Floor, Berkeley, CA.