



Office of the Mayor

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COUNCIL MEETING OF:

JUL 13 2010

OFFICE OF THE CITY CLERK
CITY OF BERKELEY

Date: July 13, 2010

To: Members of Berkeley City Council
From: Mayor Tom Bates

Subject: Amendments Item #50a and #50b - the General Plan Amendments and the New Downtown Area Plan 2010 Ballot Measure.

Recommendation:

That the City Council adopt the following amendments to the General Plan Amendments - Attachment 2, Exhibit A and the 2010 Ballot language for New Downtown Area Plan (Amendments in **bold** print):

1. Proposed Amendment Item #50a - the General Plan Amendments in Attachment 2, Exhibit A: Amend Figure 2 to include the year "1990", which will now read "Figure 2 shows the **1990** Downtown Plan's subareas."
2. Proposed Amendments to Item #50b - New 2010 Downtown Area Plan Ballot Measure:

Section 3. Policies

2. Land Use. Encourage a mix of transit oriented housing development to **encourage a diversity of residents of all income levels and family sizes** and encourage a mix of land uses that allow most daily needs to be met on foot.

3. Historic Preservation. "Preserve historic buildings and provide where appropriate for their **rehabilitation**, adaptive reuse and/or appropriate intensification.

9. Community Services. **Retain and expand effective health-related services, youth, senior and social services in the Downtown for those of all income levels, and work with owner of Herrick site to include community-serving health services as part of any redevelopment of that site.**

11. New Green Standard Development Requirements: Modify existing development standards to require environmentally sustainable building in all cases, **except historic rehabilitations and adaptive reuse of existing buildings.**

12. Green Pathway Development Requirements and Review. Establish a voluntary "Green Pathway" development review process that would provide a streamlined permit process for buildings that move beyond the New Green Standard Development requirements, providing extraordinary public benefits that could not otherwise be obtained. Green Pathway projects shall conform with building height standards described in Section 4, **and zoning shall require mitigation of air quality, noise, and short-term construction impacts, as well as the possible disturbance of archaeological resources.**

Section 4.

Guidance for Council Decision-Making

2. b Buildings up to 75 feet allowed with a use permit on Shattuck Avenue from Hearst Avenue to Haste Street and **along University Avenue from Oxford to Milvia Streets.**

Shall the City of Berkeley adopt policies to revitalize the downtown and make Berkeley one of the greenest cities in the United States by meeting our climate action goals; concentrating housing, jobs and cultural destinations near transit, shops and amenities; preserving historic resources; enhancing open space; promoting green buildings; and allowing 2 residential buildings and 1 hotel no taller than our existing 180 foot buildings and 2 smaller office buildings up to 120 feet?

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

ADOPTING A GREEN VISION FOR THE DOWNTOWN, DESIGNATING THE DOWNTOWN PLAN AREA, ADOPTING POLICIES, AND PROVIDING GUIDANCE FOR FUTURE COUNCIL DECISION-MAKING.

WHEREAS, Berkeley voters overwhelmingly passed a Climate Action Plan that calls for reducing greenhouse gas by 80% by the year 2050, making Berkeley one of the greenest cities in the United States, and

WHEREAS, Downtown should be a destination neighborhood that is safe, oriented to the pedestrian, offering open space, tree-lined streets and shops, services and amenities that make it possible to meet most daily needs near where people live and work; and

WHEREAS, Downtown should build on its successful Arts District and expand the heart of Berkeley where people can experience and enjoy urban life; and

WHEREAS, Downtown should thrive economically, serving Berkeley's residents and visitors with attractive stores, parks and plazas, exceptional restaurants, and provide myriad community amenities with adequate public parking; and

WHEREAS, Downtown should celebrate its cultural, historic assets and its proximity to the University of California, renowned for its academic accomplishments and its physical beauty; and

WHEREAS, the Downtown should be the preferred locale for new, transit oriented housing, providing homes for all income levels and family sizes, thus reducing the heavy volume of commute traffic into the City of Berkeley; and

WHEREAS, Downtown buildings should be constructed to the highest green standards and provide a limited number of new structures that are no higher than what exists now.

Now, therefore, the People of the City of Berkeley hereby resolve as follows:

Section 1. Green Vision for Downtown

The People of the City of Berkeley hereby adopt, as a vision for the City's Downtown Area, a Downtown that meets the City's climate action goals by concentrating housing, jobs and cultural destinations near transit, shops and amenities; preserving historic resources, enhancing open space, promoting green buildings; and allowing for 2 residential buildings and 1 hotel no higher than our existing 180 foot buildings and 2 smaller office buildings up to 120 feet, concentrating housing and jobs, thus helping to make Berkeley one of the greenest cities in the United States.

Section 2. Designation of Downtown Area

The Downtown Area is hereby designated as the area bounded by Hearst Street and Dwight Way and Oxford/Fulton Street and Martin Luther King, Jr. Way, with a **Core** area centered in a one (1) block of the Downtown BART Station.

Section 3. Policies

The People desire an updated Downtown area plan that will establish an environmentally healthy and sustainable downtown, in accordance with the vision adopted herein.

Accordingly, the People adopt the following policies as guidance for the City Council in formulating and adopting a new Downtown Area Plan.

1. Green Businesses: Promote Downtown as a destination for visitors who can witness Berkeley's innovation in green building management and construction. Encourage new green businesses to locate Downtown, and expand the number of existing businesses that go green. Promote strategies that connect Downtown residents, businesses and visitors with local sources of products, services, and healthful foods.
2. Land Use. Encourage a mix of transit oriented housing development to **encourage a diversity of residents of all income levels and family sizes** and encourage a mix of land uses that allow most daily needs to be met on foot.
3. Historic Preservation. Preserve historic buildings and provide where appropriate for their **rehabilitation**, adaptive reuse and/or appropriate intensification.
4. Economic Development. Support existing and encourage a variety of new shops, restaurants, and cultural uses (such as theaters, music venues, museums, and galleries) especially uses that serve Downtown residents and workers. Provide adequate public parking. Promote family-friendly uses, such as childcare and preschools, and cultural, recreational, and educational activities for children. Seek to retain and expand hotels that provide meeting

and conference facilities to improve Berkeley's vitality, and its tax base.

5. Streets and Open Space/Pedestrian Priority. Make major enhancements and additions to sidewalks, parks, plazas, mid-block pedestrian walkways, streets, and other open space, and incorporate ecologically beneficial features and to give pedestrians priority in Downtown.
6. Urban Design. Encourage exceptional, high-quality new architecture, and minimize noise, wind, glare and other impacts from development.
7. Alternative Transportation Modes. Enhance and expand transit opportunities, walking and bicycle use, and other alternatives to the use and ownership of private vehicles.
8. Neighborhood Protections. Reduce pressure for development in residential areas, promote the preservation and rehabilitation of valued older structures, and conserve the scale of our neighborhoods' fabric. Avoid abrupt transitions between residential neighborhoods and new buildings.
9. Community Services. Retain and expand effective health-related services, youth, senior and social services in the Downtown for those of all income levels, and work with owner of Herrick site to include community-serving health services as part of any redevelopment of that site.
10. Environmental Development and Sustainability. Integrate and require environmentally sustainable development and practices in every aspect of the Downtown and in its future planning.
11. New Green Standard Development Requirements: Modify existing development standards to require environmentally sustainable building in all cases, **except historic rehabilitations and adaptive reuse of existing buildings.**
 - a) Meet LEED Gold or equivalent.
 - b) Provide Car sharing opportunities, on site bike parking and Transit passes
 - c) Meet Title-24 energy requirements and the local green standards adopted by Council.
 - d) Provide on-site open space and/or pay into a Public Open Space Fund.
 - e) Parking spaces to be rented separate from dwelling units.
 - f) Residents in new downtown buildings would be ineligible for Residential Permit Parking Permits.
 - g) Provide on-site recycling services and ensure no new net water runoff.
 - h) Parking requirement may be reduced by paying into a Transportation Management Demand Fund to provide enhanced transit services.

12. Green Pathway Development Requirements and Review. Establish a voluntary "Green Pathway" development review process that would provide a streamlined permit process for buildings that move beyond the New Green Standard Development requirements, providing extraordinary public benefits that could not otherwise be obtained. Green Pathway projects shall conform with building height standards described in Section 4, **and zoning shall require mitigation of air quality, noise, and short-term construction impacts, as well as the possible disturbance of archaeological resources.**

Concessions from **Green Pathway** projects with buildings at or below 75 feet would include:

- a) Provide 20% affordable rental housing onsite or in a building located in the Downtown Area, or paying a fee to the Housing Trust Fund.
- b) Waiving the right to the State Density bonus.
- c) Employing approximately 30% of a project's construction workers from Berkeley, and if qualified persons are not available in Berkeley, from cities in the East Bay Green Corridor. A contractor may gain credit for a locally hired worker who may be employed on another project.

Green Pathway streamlined entitlement process for buildings at or below 75 feet would include:

- a) Submit Landmarks application to planning staff including funds for City-conducted analysis of historical value.
- b) Submit analysis to Landmarks Preservations Commission (LPC) for determination. When deemed complete, the LPC shall make its determination within 90 days. A negative LPC determination shall be in effect while in an active pursuit of the use permit. If LPC designates a Landmark, the project reverts to standard zoning review process. LPC action appealable to City Council.
- c) Design Review Committee has up to 90 days to assess whether the project conforms to Downtown design guidelines, subject to appeal directly to City Council.
- d) Zoning Certificate is issued upon completion of this process. No Zoning Adjustment Board review required.
- e) Public Benefit and labor compliance will be monitored and verified. Violations subject to penalty.

Green Pathway projects with buildings over 75 feet would have the following additional requirements and limitations:

- a) Buildings with more than 100 units of housing or office buildings above 75' will pay prevailing wages for construction workers and employ approximately 16% apprentices from State Certified Apprenticeships with a record of graduating apprentices.
- b) Hotels above 75 feet will pay prevailing wages for hotel employees.
- c) Green Pathway Project applications will receive priority status to meet approval deadlines.

- d) Submit Landmarks application to planning staff including funds for City-conducted analysis of historical value.
- e) Submit analysis to Landmarks Preservations Commission (LPC) for determination. When deemed complete, the LPC shall make its determination within 90 days. A negative LPC determination shall be in effect while in an active pursuit of the use permit. If LPC designates a Landmark, the project reverts to standard zoning review process. LPC action appealable to City Council.
- f) Design Review Commission and Zoning Adjustment Board (ZAB) process not to exceed a combined total of 210 days; ZAB action appealable to City Council.
- g) Public Benefit and labor compliance will be monitored and verified. Violations subject to penalty.

Section 4. Guidance for Council Decision-Making

- A. In order to advance Berkeley's green future, and foster needed economic development and revitalization, the People of the City of Berkeley hereby advise the City Council that planning efforts for the Downtown should include consideration of a limited number of new buildings, as follows:
 - 1. A maximum height in the Downtown Area of 5 stories (60 feet).
 - 2. Exceptions to maximum height of 60' include:
 - a) A total of 5 new buildings in the Downtown Area as follows:
 - 2) 2 -residential buildings in the **Core**, with commercial on the ground floor, no taller than existing 180 foot buildings;
 - 3) 1 hotel with conference facilities in the **Core** not to exceed 180 feet; and
 - 4) 2 buildings not to exceed 120 feet, which may be mixed-use (residential/commercial ground floor) or office buildings.
 - b) Buildings up to 75 feet allowed with a use permit on Shattuck Avenue from Hearst Avenue to Haste Street and **along University Avenue from Oxford to Milvia Streets.**
 - 3. On Martin Luther King Jr. Way, limit height of new buildings adjacent to or confronting existing residential buildings to 45' at the sidewalk, and 55' with a 10' set-back on the 5th floor.
- B. The City Council shall regularly evaluate any Plan adopted as a result of this measure for its impacts on environmental goals, aesthetics, livability, economic vitality, housing growth and affordability, sustainability, and other factors, and shall consider adjustments to the Plan's policies and development regulations to better attain desirable outcomes and address unacceptable negative impacts.

