

RESOLUTION NO. 65,006-N.S.

RESCINDING 1990 DOWNTOWN PLAN AND ADOPTING VARIOUS AMENDMENTS TO THE GENERAL PLAN, CONTINGENT ON PASSAGE OF BALLOT MEASURE IN NOVEMBER 2010 "ADOPTING A GREEN VISION FOR THE DOWNTOWN, DESIGNATING THE DOWNTOWN PLAN AREA, ADOPTING POLICIES, AND PROVIDING GUIDANCE FOR FUTURE COUNCIL DECISION MAKING"

WHEREAS, the City of Berkeley ("City") adopted a Downtown Plan in 1990; and

WHEREAS, the City Council directed initiation of a process to develop a new Downtown Area Plan (DAP) in 2005; and

WHEREAS, the Downtown Area Plan Advisory Committee held numerous meetings and workshops beginning in November 2005, and culminating in a recommendation on November 29, 2007; and

WHEREAS, the Planning Commission discussed the proposed DAP at approximately 20 meetings in 2008 and 2009, held a public hearing on the DAP on April 6, 2009, and adopted a "Revised Final Draft" recommending approval to the City Council on April 15, 2009; and

WHEREAS, the Council rescinded the 1990 Downtown Plan and adopted the DAP and associated General Plan amendments in July, 2009; and

WHEREAS, a referendum petition containing the requisite number of signatures was presented to the Council in August, 2009; and

WHEREAS, on February 23, 2010, the Council rescinded its actions on July, 2009; and

WHEREAS, the Council now wishes to place on the November, 2010 ballot for voter approval a measure "Adopting A Green Vision For The Downtown, Designating The Downtown Plan Area, Adopting Policies, And Providing Guidance For Future Council Decision Making", to provide guidance for future Council decision making regarding the downtown area; and

WHEREAS, the City's General Plan, adopted in 2001 and 2002, contains numerous references to the 1990 Downtown Plan; and

WHEREAS, amendments to the General Plan have been prepared to reflect specific aspects of the proposed ballot measure and ensure consistency between the General Plan and ballot measure; and

WHEREAS, the City has prepared, in conformance with the California Environmental Quality Act, an Environmental Impact Report for the Downtown Area Plan; and

WHEREAS, the City Council has certified the Final EIR and made all required findings pursuant to the California Environmental Quality Act; and

WHEREAS, Government Code Section 65863 states that jurisdictions shall not reduce residential density unless written findings are made supported by substantial evidence that the reduction is consistent with the adopted General Plan including the Housing Element and that remaining sites identified in the Housing Element are adequate to accommodate the jurisdiction's share of the regional housing need pursuant to Section 65584; and

WHEREAS, the 1999-2006 Regional Housing Needs Determination allocated a total of 1,269 units to the City Of Berkeley, and within the planning period of the 2001 Housing Element, the City approved 1,234 units; and

WHEREAS, the 2001 Housing Element's Inventory of Vacant Land, Parking Lots, and Redevelopable Land did not include any area in which potential residential development capacity would be reduced by the proposed ballot measure; and

WHEREAS, numerous sites identified in the 2001 Housing Element's Inventory of Vacant Land, Parking Lots, and Redevelopable Land have not been developed, thus indicating additional residential unit capacity; and

WHEREAS, the draft 2009 Housing Element estimates potential residential capacity for the Housing Element planning period to be roughly 2,500 to 3,000 units, which is adequate to address the 2007-2014 Regional Housing Needs Assessment of 2,431 units; and

WHEREAS, the draft 2009 Housing Element list of opportunity sites does not include sites whose potential residential development capacity would be reduced by the proposed ballot measure; and

WHEREAS, all documents constituting the record of this proceeding are and shall be retained by the City of Berkeley Planning and Development Department, Land Use Planning Division, at 2120 Milvia Street, Second Floor, Berkeley, California.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that Resolution No. 55,663, which adopted the 1990 Downtown Area Plan on November 27, 1990, is hereby rescinded.

BE IT FURTHER RESOLVED by the Council of the City of Berkeley that the General Plan is hereby amended as shown in Exhibit A.

BE IT FURTHER AND FINALLY RESOLVED that this Resolution shall take effect only if the voters adopt the resolution "Adopting A Green Vision For The Downtown, Designating The Downtown Plan Area, Adopting Policies, And Providing Guidance For

Future Council Decision Making”, which the Council has placed on the November 2010, ballot .

The foregoing Resolution was adopted by the Berkeley City Council on July 13, 2010 by the following vote:

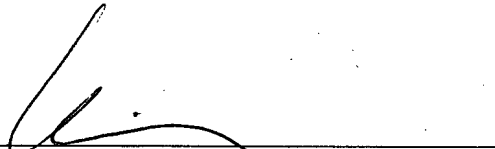
Ayes: Anderson, Capitelli, Maio, Moore, Wengraf, Wozniak and Bates.

Noes: Arreguin and Worthington.

Absent: None.



Tom Bates, Mayor

Attest: 

Deanna Despain, CMC, City Clerk

Exhibit A: General Plan Amendments for November, 2010 Ballot Measure for Downtown

July 6, 2010

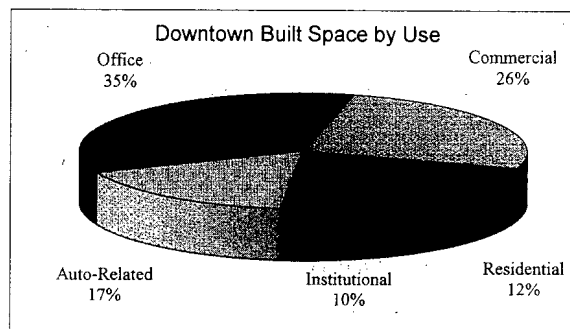
INTRODUCTION

Figure 1, page I-3 to be revised to show boundaries of Downtown Area.

LAND USE ELEMENT

(Page LU-4)

Delete Figure: "Downtown Built Space by Use" (at right)



Downtown and Other Commercial Mixed Use Areas

Pages LU-4 - 6

The third objective of the Land Use Element is to maintain and enhance Berkeley's commercial areas and the Downtown. Commercial activity is primarily distributed between Downtown, West Berkeley, the neighborhood and avenue commercial districts of North Shattuck, Elmwood, Solano, Shattuck/Adeline, and Telegraph Avenue, and the commercial strips along San Pablo and University Avenues.

The Downtown Area is bounded by: Hearst Avenue along its northern edge, Dwight Way to the south, and Martin Luther King, Jr. Way to the west (Figure IN-2: City Context). Oxford-Fulton Streets forms its eastern edge (beyond which lies UC Berkeley's main campus), except for residentially-zoned parcels contained in the Southside Plan area. While most of the Downtown Area falls within mixed-use designations (for commercial, cultural, educational, institutional, and multifamily residential uses), it also contains some residential-only neighborhoods.

Downtown Berkeley, generally bounded by Martin Luther King Jr. Way, University Avenue, Berkeley Way, Oxford Street, and Durant Avenue (see Figure 2), is the city's primary civic, office, and entertainment center, as well as a retail area. Office space accounts for 35 percent of the area's built space, commercial space accounts for 26 percent, residential, including hotels, accounts for 12 percent, auto-related and parking uses account for 17 percent, and institutional space occupies 10 percent. The major open space in the Downtown is the three-acre Martin Luther King Jr. Civic Center Park. Downtown Berkeley has important areas of strength. The Downtown is home to many arts organizations, including offers about 20 movie screens as well as the strongest live theater in the East Bay, the Berkeley Repertory Theatre, the Aurora Theater, the Freight and Salvage Coffee House, the Berkeley Jazz School, and many other music and arts venues. A new building to house the University Art Museum and the Pacific Film Archive is under design and expected to be open by 2012. In addition to the arts and

other businesses, the Downtown includes many restaurants, excellent transit service, and a customer base of residents, students, and office workers all within walking distance. In 1996, the voters of Berkeley passed Measure S, which provided funds for seismic retrofit of the Civic Center Building, seismic retrofit and expansion of the Central Library, and additional public improvements in the Downtown and Civic Center area, including pedestrian lighting, street trees, and sidewalk improvements. These public investments in the arts, the Berkeley Public Library and Downtown infrastructure have helped to re-establish Downtown Berkeley as a vital arts and cultural culture, and retail center. Downtown Berkeley is also home to the Berkeley City College, Berkeley High School, a number of private educational institutions, and is bordered by the campus of the nation's premiere public university, making Downtown an important education and learning center.

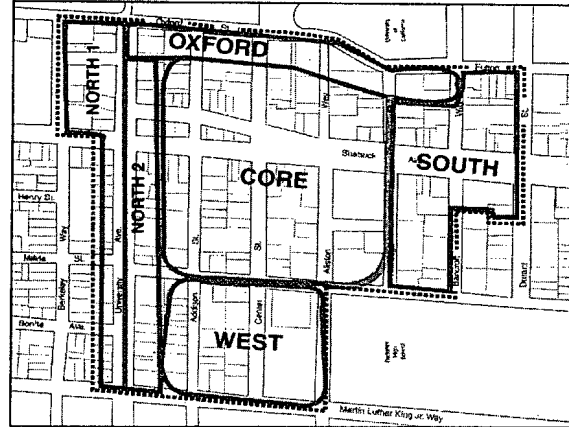
Downtown is Berkeley's most intensely developed commercial district. ~~with an estimated 9,000 employees in a space of 79 acres.~~ Commercial uses extend north and south along Shattuck Avenue and University Avenue beyond the formally defined Downtown. Downtown, at the geographic heart and transportation hub of the city, should serve as the community's dominant retail center, as well as its civic and entertainment center. As a retail district, Downtown Berkeley is faced with strong competition from automobile-oriented retail centers outside of Berkeley and by other commercial centers in Berkeley. ~~West Berkeley, from student-serving Telegraph Avenue, and from upscale North Shattuck.~~

In the 1980s and early 1990s, the Downtown experienced an economic decline that included loss of the UC System wide administration functions, the Educational Testing Service, J. C. Penney, and TRW. However, several efforts initiated during this period helped revitalize the Downtown. The Downtown Business Association, in conjunction with the City supported National Main Street program, is in the forefront of most recent efforts. In 1990, ~~the~~ a Downtown Plan was adopted to address the economic struggle of Berkeley's city center, among other issues. Critical to the 1990 Downtown Plan was maintaining established the Downtown as "a compact, economically vital, historic city center with a defined core area and transition zones buffering residential neighborhoods." At the time the Plan was developed, most citizens agreed that retail revitalization was necessary and that preserving and enhancing the historic character of Downtown, while allowing for some change, was of primary importance and high-rise office towers were inappropriate. Nevertheless, there was considerable debate regarding building height, and future building height limits were eventually adopted at five stories in the Core area, with an additional two stories permitted with special bonuses. Encouraging housing in the Downtown was is a secondary priority of the 1990 Downtown Plan, because of its ~~In addition to increasing housing opportunities in Berkeley, Downtown housing is well located in proximity to regional transit systems and to encourage new retail uses in the area.~~

In November, 2010, the voters of the City of Berkeley adopted the following Vision Statement 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.

Figure 2 shows the 1990 Downtown subareas. In each subarea the Plan established a "base" height limit, could be exceeded through a bonus system to a "maximum" height. The provided a bonus for projects that contain, residential, cultural uses or ground floor retail uses.



Plan's
which
Plan

Figure 2. Downtown Subareas

The table below includes the Downtown Plan's height and floor area ratio limits for each subarea.

Downtown Plan Subarea	Base Height, Stories, and FAR	Maximum Height, Stories, FAR
Core	65', 5 stories, 4:1 FAR	87', 7 stories, 6:1 FAR
Oxford Edge	40', 3 stories, 3:1 FAR	60', 5 stories, 4:1 FAR
South	40', 3 stories, 3:1 FAR	60', 5 stories, 4:1 FAR
West	40', 3 stories, 3:1 FAR	50', 4 stories, 3.5:1 FAR
North 2	40', 3 stories, 3:1 FAR	55', 5 stories, 4:1 FAR
North 1	35', 3 stories, (residential) 3:1 FAR 50', 4 stories, (mixed use) 3:1 FAR	Same as Base Same as Base

By adopting the 2010 Ballot Measure, the voters advised the City Council that greater heights and more intensity is acceptable in the Downtown. The City Council may adopt an amendment to allow increased height and intensity in response to that direction..

In recent years Berkeley experienced a significant increase in housing developed in the area. As shown in the table below, several residential mixed-use buildings including approximately 548 new units have recently been constructed or substantially renovated in or near the Downtown area.¹

¹ This list is a sampling. Please refer to the Appendix for an inventory of inclusionary and subsidized housing developments in Berkeley.

Project Address	Type	Units	Bedrooms
1910 Oxford	Rental	56	108
1801 University	Condo	28	28
1849 Shattuck	Condo	24	24
2116 Allston	Rental	91	146
2136 Center	Rental	68	68
2070 University	Rental	48	48
2161 Allston	Rental	60	74
2101 Milvia	Rental	21	24
2100 Channing	UC Student	132	132
2029 Channing	Condo	20	36

The Land Use Element's policies preserve the height limits and FAR limits set by the 1990 Plan but recognize that economic conditions have changed since 1990 and that changes in the Downtown density bonus system are needed. Therefore the Land Use Element eliminates the retail density bonus, refines and narrows the cultural use density bonus, and refines and narrows the housing density bonus. These changes acknowledge the importance of affordable housing in the Downtown and the continuing importance of the arts in Downtown Berkeley.

University of California

Page LU-9 - 10 (begins at bottom of LU-9, after Table)

University of California, Berkeley's 2020 LRDP provides a framework to shape future decisions on land use, enrollment, housing, parking, academic facilities, architecture, and landscape design. The University of California is preparing to revise its 1990 Long Range Development Plan (LRDP). The University's current planning effort, entitled The New Century Plan, will result in a new plan to address seismic improvement of the existing facilities, and expansion of facilities to address an expanding University student population brought about by the rapid growth of California. Although University expansion is not subject to local land use controls and zoning, the Berkeley General Plan Land Use Element includes policies regarding the University of California presence in Berkeley and future expansion in order to maximize the benefits of the University's presence in Berkeley and minimize the adverse impacts.

In 2005, the City and University agreed to work together to develop a new Downtown Area Plan so that University growth in the Downtown could be planned comprehensively and with community objectives in mind. The Downtown Area Plan was also recognized as a vehicle for being more effective on issues of mutual interest, such as economic revitalization, environmental sustainability, transportation, affordable housing, and community health.

Downtown and Other Commercial Mixed-Use Areas

Page LU-13- 16

Policy LU-16 Downtown Plan

~~Implement the Downtown Plan and take actions to achieve the three goals of the Plan:~~

- ~~1. Express and enhance Berkeley's unique social and cultural character in the Downtown.~~
- ~~2. Create an appealing and safe Downtown environment, with a comfortable pedestrian orientation.~~
- ~~3. Diversify, revitalize, and promote the Downtown economy.~~

~~Policy LU-17 Downtown Development Standards~~

~~Maintain the physical character of the Downtown.~~

~~Actions:~~

- ~~A. Maintain Downtown Plan maximum height limits, maximum number of stories, and maximum floor area ratios for new construction.~~
- ~~B. Amend the Downtown Plan and Zoning Ordinance to eliminate the density bonuses given for retail space and amend the Zoning Ordinance to require ground floor retail uses in mixed-use buildings where deemed appropriate.~~
- ~~C. Consider amending the Zoning Ordinance to establish a four-story minimum building height in the Core area and two or three stories in the other subareas of the Downtown.~~
- ~~D. Encourage mixed-use projects that include both office space and housing above appropriate ground floor uses (retail or arts) to improve the balance between the number of jobs and the number of housing units in the Downtown.~~
- ~~E. Convene a Planning Commission task force to evaluate the need for and appropriateness of a new downtown hotel and conference center /ecological demonstration/mixed use project, taking into consideration:~~
 - ~~1. Market demographics~~
 - ~~2. Traffic and transit conditions~~
 - ~~3. Hiring and employment policies~~
 - ~~4. Public amenities and community accessibility~~
 - ~~5. Urban design~~
 - ~~6. Green building principles~~
 - ~~7. Daylighting Strawberry Creek~~
 - ~~8. Special development standards and mitigations.~~

Policy LU-18 Downtown Affordable Housing Incentives Maximize the supply of affordable housing in the Downtown. Amend the Downtown Plan and Zoning Ordinance to provide incentives for affordable housing development in the Downtown Plan area. One additional floor above the Downtown Plan base height limit may be provided for projects that meet the Government Code 65915 *et seq.* (State Density Bonus law) thresholds for a density bonus, and up to two additional floors may be provided for residential projects that significantly exceed the State Density Bonus law affordability standards. *(Specific standards, incentive priorities, and thresholds shall be developed in the Zoning Ordinance Amendment.)*

Policy LU-19 Downtown Arts Density Bonus

~~Increase the supply of suitable space for fine arts and performing arts organizations in the Downtown.~~

~~Action:~~

~~A. Amend the Downtown zoning to specify that:~~

~~— 1. The “cultural facility” density bonus established by the Downtown Plan shall only be available for projects that dedicate space for fine and performing arts facilities. Fine and performing arts facilities shall be limited to theaters for dance, music, film, plays, or other, similar performing art; galleries or museums for the exhibition of paintings, sculpture, crafts, multi-media, or other, similar art form; schools for fine arts, performance arts, or other, similar discipline; offices for fine art or performing art organizations; or a use determined to be similar in character to the uses described above.~~

~~— 2. Except in the Downtown Core area, to qualify for the arts bonus, at least 50% of the project gross floor area must be devoted to residential uses.~~

~~— 3. The tenant of the dedicated arts space must be a non-profit organization.~~

~~— 4. The arts space must be disabled accessible and regularly programmed for public events.~~

~~— 5. Prior to approval, the proposed “arts” tenant shall be reviewed and recommended by the Civic Arts Commission.~~

~~— 6. An arts facility may include ancillary retail or office space.~~

~~(Specific standards and thresholds shall be developed in the Zoning Ordinance amendment.)~~

Policy LU-21 Architectural Design in the Downtown

Require high-quality architectural design for all Downtown projects. (Also see *Urban Design and Preservation Policies UD-16 through UD-35.*)

- A. Ensure that all Downtown area projects conform to the ~~Downtown Plan~~, the Downtown Berkeley Design Guidelines, and the Urban Design and Preservation Element.
- B. New construction should fit into the context of the existing built environment and complement Downtown's historic character.
- C. Encourage infill development that is compatible with existing uses and improves the pedestrian environment and the streetscape.

Policy LU-23 Transit-Oriented Development

Encourage and maintain zoning that allows greater commercial and residential density and reduced residential parking requirements in areas with above-average transit service such as Downtown Berkeley. (Also see *Transportation Policy T-16.*)

Actions:

- A. ~~Consider revisions to the Zoning Ordinance to establish a minimum height limit of two, and where feasible three, stories, and to require or encourage residential development above the ground floor on transit corridors.~~
- B. ~~Consider amending the Zoning Ordinance to establish a four-story minimum building height in the Core area and two or three stories in the other subareas of the Downtown.~~

Policy LU-24 Car-Free Housing in the Downtown

Encourage development of transit-oriented, low-cost housing in the Downtown. (Also see Transportation Policy T-16.)

Actions:

- A. Consider reducing or eliminating the on-site parking requirements for new Downtown housing units.
- B. Designate the City's Oxford parking lot as the site for a pilot mixed-use development that would waive the Downtown Plan parking requirements for housing on the site.
- C. If parking requirements are reduced, require developers to facilitate the mobility of residents through means such as providing residents with free or discounted transit passes, providing access to car-sharing, and providing bicycle storage facilities.
- D. If parking requirements are reduced, require lease provisions that prohibit car ownership; and prohibit residents from buying RPP permits.
- E. Study the relationship between car-free housing and quantitative reduction in automobile use by residents, and study the effectiveness of various restrictions on car ownership by residents of car-free housing.

Page LU-25

Downtown

This area of Berkeley is identified as the Downtown Area, in the Downtown Plan and is characterized by high density commercial, office, arts, culture, and entertainment and residential development. The Downtown classification is intended to encourage, promote, and enhance development that will increase the residential population in the Downtown, provide new high density, transit-oriented housing opportunities, and support a vital city center. Uses appropriate for this area include: medium and high-density housing, regional and local serving arts, entertainment, retail, office, cultural, open space, civic uses, and institutional uses and facilities. It is General Plan policy to increase the residential population in the Downtown. Building intensity will generally range from a Floor Area Ratio (FAR) of less than 1 to an FAR of 6. Population density will generally range from 88 to 220 persons per net acre.

For information purposes, the compatible Zoning Districts for this classification are: Central Commercial (C-2) and General Commercial (C-1). By approving the 2010 Ballot Measure "Adopting a Green Vision for Downtown," the voters advised the City Council that greater heights and more intensity is acceptable in the Downtown. The City Council may adopt an amendment to allow increased height and intensity in response to that direction. See pages LU-5 and LU-6 of the Land Use Element above for a description of development standards in the Downtown area.

The Downtown Area also contains residential neighborhoods which may be designated low-medium (Zoning: R-2A), medium (R-3) or high density (R-4) residential, depending on the characteristics of the neighborhood.

NOTE: Figure 4, General Plan Land Use Diagram (no page number) to be modified to show Downtown Area

TRANSPORTATION ELEMENT

Page T-4

Parking

With the growth of the economy, both locally and regionally, and the increase in traffic volumes, parking continues to be an issue in Berkeley. ~~In the Downtown area, some parking garages are filled to capacity at times during weekday hours, due to the large number of all-day monthly parkers and institutional users of Downtown parking. In 1999, the City raised all-day parking fees in the City's Downtown garages and lots to further discourage all-day parking. The effect of rising long-term parking fees was immediate. Private garages followed the City's lead and instituted comparable daily rate increases. As a result, Downtown garages are no longer filled to capacity on a daily basis. Future efforts to increase the cost of monthly parking passes closer to the cost of daily parking would further decrease the use of public parking by long-term parkers and increase the supply for shoppers and visitors. Long term City policy has discouraged commuter parking in Downtown, generally by encouraging high costs for all day parking. However, as parking rates have climbed, "meter feeding" on-street parking has become a tempting option for people who park all day. Downtown is also perceived as lacking sufficient parking, partially because there is a lack of signage directing people to available parking. Effective parking requires a comprehensive approach that distinguishes between the needs of retail patrons versus commuters and looks to the price of parking and information technologies as a means to manage the parking supply more effectively.~~

T-35 Public Parking Supply in the Downtown and Southside

~~Prioritize implementation of improved parking conditions in the Downtown and Southside through better utilization of existing parking and through implementation of policies to reduce demand for parking. Allow enough time for these improvements to be in place to demonstrate their effectiveness before considering public expenditures on construction of additional City-owned public parking spaces in the area,~~

Actions:

~~G Develop a consolidated parking strategy to determine locations and priorities for new shared parking to serve Downtown's growth. If it is determined in the future that additional parking is needed in the Downtown area, the Center Street garage will be considered an appropriate location for expansion. Parking expansion shall be prohibited at the Civic Center Park.~~

Policy T-37 University of California and Large Employer Parking

~~Encourage large employers, such as the University of California and Berkeley Unified School District, to allocate existing employee parking on the basis of a) need for a vehicle on the job, b) number of passengers carried, c) disability, and d) lack of alternative public transportation. (Also see Land Use Policy LU-39.)~~

Action:

- A. Encourage the University of California to cap its parking supply at current levels, to postpone any plans to expand its existing (year 2009) parking supply, and instead to encourage transit use and alternative modes of transportation, and better manage and utilize existing parking.

Page T-25

Policy T-40 Parking Impacts

When considering parking impacts under the California Environmental Quality Act for residential projects with more than two units located in the Avenue Commercial, ~~Downtown~~, or High Density Residential land use classifications, any significant parking impacts identified that result from the project should be mitigated by improving alternatives to automobile travel and thereby reducing the need for parking. Examples include improvements to public transportation, pedestrian access, car sharing programs, and bicycle facility improvements. Parking impacts for these projects should not be mitigated through the provision of additional parking on the site. For the Downtown Area, a comprehensive parking strategy should be developed.

HOUSING ELEMENT

Page H-13

Policy H-18 City-Owned Sites

When appropriate and feasible, use City-owned or -controlled sites for affordable housing and/or mixed-use residential projects with a substantial portion of affordable units. *(Also see Land Use Policy LU-32.)*

Action:

- A. Require development on the City-owned ~~Oxford Street parking lot Downtown and the Ashby BART air rights (west of Adeline Street)~~ to be residential mixed-use developments. If feasible, 50 percent or more of the housing units on these sites should be affordable for households with low or very low incomes.

ECONOMIC DEVELOPMENT AND EMPLOYMENT ELEMENT

***Page ED-4* The City's Role in the Local Economy**

~~During~~ Since the 1990s the City has pursued a successful strategy to encourage the development of the arts and entertainment as a Downtown revitalization strategy. With adoption of the 1990 Downtown Plan and the awarding of Main Street status to the Downtown in the same year, the City began to take steps to improve the Downtown as a prime location for arts and entertainment. ~~For example, the Downtown Plan established a cultural density bonus (see the Land Use Element) that provided additional development opportunities to projects in the Downtown that dedicated space to arts and cultural uses.~~ In 1995, the City adopted the **Downtown Berkeley Public Improvements Plan**, which ~~seeks to integrated~~ needed capital improvements with a strategy for the ongoing economic development of Downtown Berkeley. The Public

Improvements Plan was followed in 1996 by the passage of Measure S, which provided much needed funding for a variety of Downtown streetscape public improvements and \$300,000 for public art. Since passage of Measure S, the City has improved Addison Street, the central spine of the Arts District, with new sidewalks, streetlights, public art, and built-in electrical and sound systems to create an outdoor performance space on the street. The City also updated and expanded the Civic Arts Grant Program, which provides grants to non-profit arts organizations, and established the Public Art Program, which provides a 1.5 percent contribution from all public capital projects to an annual citywide public art grant program. Finally, the City's arts revitalization strategy has resulted in expansion of the Berkeley Repertory Theatre, the opening of the ~~and plans for the eventual relocation of a number of new arts and cultural uses to the Downtown arts district including: the Freight and Salvage Coffee House (2009) the Jazz School and the Aurora Theater. Under design are the University Art Museum/Pacific Film Archive and, the Shotgun Players Theatre Company, possibly and the Magnes a~~ Museum of Jewish eCulture and hHistory and the Aurora Theatre.

URBAN DESIGN ELEMENT

Policy UD-21 Directing Development

Use City incentives and zoning provisions ~~to direct new development toward locations where so that~~ significant historic structures or structures contributing to the character of the area will not need to be removed.

[Note: the following modification to the General Plan was inadvertently not specifically considered by the Planning Commission, as staff failed to identify it in regard to the proposed amendments. The Planning Commission clearly indicated its support for the Green Pathway that allows as-of-right projects in certain limited instances, in exchange for substantial benefits to the City and with certain procedural and substantive safeguards in regard to design compatibility and environmental impacts. The following General Plan Action would not be consistent with establishing an as-of-right Green Pathway.]

Policy UD-22 Regulating New Construction and Alterations

Actions:

A. Except in the downtown area and consistent with the Green Pathway approved by the voters November 2010, continue to require full Use Permits (with public hearings) for all substantial projects, thereby enabling both the imposition of area sensitive conditions of approval and a ready means for citizen input.