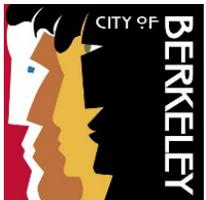


# Amendments to BMC 22.16 Development Agreement Procedures



# Agenda

**I. Background**

**II. Amendments**

**III. Recommendation**

**IV. Questions & Discussion**

# What is a Development Agreement?

- **A Contract Between Public Agency & Sponsor**
- **Allows Site-Specific Standards**
- **Provides Mutual Benefits**
- **Reduces Risk**
- **Entirely Voluntary**



# History of DA's in Berkeley

## Cal Gov Code § 65864 – 65869.5 and BMC 22.16

- **Bayer:** Berkeley's long-term DA with Bayer Pharmaceuticals
- **BMC 22.16:** “Development Agreement Procedures” adopted in 1991
- **Not Used:** No new DAs since 1991



*Credit: John Metcalfe for Berkeleyside*

Municipal Code → Title 22, Planning and Development Procedures →

### Chapter 22.16 DEVELOPMENT AGREEMENT PROCEDURES

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Sections:

- 22.16.010 Intent and purpose.
- 22.16.020 Definitions.
- 22.16.030 Applications.
- 22.16.040 Contents of development agreements.
- 22.16.050 Consideration of proposed development agreements.
- 22.16.060 Recordation.
- 22.16.070 Annual review.
- 22.16.080 Amendment or cancellation.
- 22.16.090 Miscellaneous provisions.

# Timeline

**2011**

**City Council  
Referral**

(Attachment 2)

**2018**

**City Council  
Referral**

(Attachment 2)

**2024**

**Planning  
Commission  
Public Hearing**

(Attachment 4)

# Amendment 1: Initial Review

EXISTING

- 1. City Manager presents rationale in writing for DA to Planning Commission**
- 2. Planning Commission, and then City Council hold public hearings to determine if DA is appropriate**

PROPOSED

**City Manager determines if DA is appropriate.**

**City Council ultimately approves DA**

# Amendment 2: Preliminary Workshop

**EXISTING**

**Before DA negotiations start, Planning Commission holds at least one preliminary community workshop**

**PROPOSED**

**Removes the requirement to hold preliminary community workshop;  
Planning Commission and City Council would still hold public hearings**

# Amendment 3: Boards & Commissions

**EXISTING**

**ZAB, DRC, LPC can call their own separate public hearings.**

**PROPOSED**

**ZAB, DRC, LPC provide input to the Planning Commission, but cannot call own hearings**

# Other Amendments

## **Copy Edits/ Non-Substantive:**

- Clarifications
- Addition of Titles
- Expansion of Titles

# DA's in Neighboring Cities

- **Cities Analyzed:** Oakland, Emeryville, Richmond, Alameda
- **Key Points:**
  - Initial review of application does not require PC & CC approval
  - Public hearing only by PC and CC

# Recommendation

Adopt first reading of ordinance amending **BMC Chapter 22.16**



# IV. Questions & Discussion

E-mail questions to - Uttara Ramakrishnan  
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[uramakrishnan@berkeleyca.gov](mailto:uramakrishnan@berkeleyca.gov)

# Thank you!

E-mail questions to - Uttara Ramakrishnan, Associate Planner  
[uramakrishnan@berkeleyca.gov](mailto:uramakrishnan@berkeleyca.gov)