



Office of the City Manager

CONSENT CALENDAR
September 28, 2021

To: Honorable Mayor and Members of the City Council
 From: Dee Williams-Ridley, City Manager
 Submitted by: Jordan Klein, Director, Department of Planning and Development
 Subject: Contract No. 10508 Amendment: Ben Noble, City and Regional Planning for the Zoning Ordinance Revision Project (ZORP)

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 10508 with Ben Noble, City and Regional Planning, to develop objective standards in the Zoning Ordinance as ZORP Phase 2, increasing the contract amount by \$125,000 to a new total not-to-exceed contract amount of \$425,000, and extending the contract period to December 31, 2023.

FISCAL IMPACTS OF RECOMMENDATION

Sufficient funding was appropriated in FY 2021 and will be carried over to FY 2022 and recommended for appropriation through the First Amendment to the FY 2022 Annual Appropriations Ordinance in the General Fund (account code 011-53-584-622-0000-000-441-612990-).

CURRENT SITUATION AND ITS EFFECTS

ZORP Phase 1 (adoption of a Baseline Zoning Ordinance) is approaching completion and the Planning Department is shifting focus to ZORP Phase 2 (substantive changes to the Zoning Ordinance). ZORP Phase 2 will focus on changes to Berkeley's Zoning Ordinance that clarify land use regulations citywide and that are necessary for compliance with State laws.

Over the past several years, the State of California has passed annual housing legislation intended to increase housing supply. Many of these new laws -- including, but not limited to Housing Element Law, Senate Bill (SB) 35 and 330, State Density Bonus Law and the Housing Accountability Act (HAA) -- mandate streamlined permitting processes by reducing local discretion and relying on locally adopted objective development standards. Jurisdictions without such standards have more limited local control. Housing Element law in particular has been amended to impose many more research, analysis and code amendment requirements on local jurisdictions, and established penalties for non-compliance.

Berkeley has previously recognized the importance of adopting objective development standards. City Council convened the Joint Subcommittee for the Implementation of State Housing Laws (JSISHL) to research and recommend an approach to developing objective standards. Their recommendation is being considered by City Council this month. City Council set aside \$125,000 in Fiscal Year 2021-2022 to support preparation of objective development standards. Furthermore, Berkeley's Housing Element Update will require a dwelling-units-per-acre density standard in order to accurately estimate the city's capacity to accommodate below market rate Regional Housing Needs Allocation (RHNA) units. These efforts will clarify regulations, simplify the permitting process, and facilitate housing development, while providing predictable outcomes for all interested parties -- goals shared by multiple on-going City Council referrals and land use policy project.

The City's consultant team that prepared ZORP Phase I is uniquely poised to advance objective development standards efficiently, as they have in-depth knowledge of Berkeley's Zoning Ordinance and have the technical expertise needed to complete this project. By merging previously-allocated funding for objective standards with ZORP Phase 2, objective development standards can be developed within the timeframe needed for adoption of the Housing Element Update.

BACKGROUND

ZORP originates from a 2016 City Council Referral focused on customer service improvements that directs staff to simplify complex technical standards and update procedural elements of the Zoning Ordinance in order to create regulations that are easy to understand and administer. Based on discussions with Planning Commission and the Zoning Adjustments Board on project goals, ZORP was split into two phases.

- **Phase 1** will revise the existing Zoning Ordinance and establish an updated Baseline Zoning Ordinance (BZO) – a document with improved organization, document format, and writing style. Phase 1 does not result in any major substantive changes to existing requirements, standards, or procedures. City Council began its consideration of the BZO on September 14, 2021.
- **Phase 2** will address substantive changes to the Zoning Ordinance. Potential Phase 2 issues have been identified during Phase 1 and will focus on opportunities for improved development outcomes, consistency with State and federal law, and compliance with the City's Strategic Plan, General Plan and Climate Action Plan policies.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Berkeley is an employment and education hub and the ideal location for infill housing. Preparation of objective standards as part of ZORP and the Housing Element Update will help streamline housing entitlement processes and increase housing supply in a

bike- and transit-rich city, thereby advancing climate action and sustainability goals for the City and the region.

RATIONALE FOR RECOMMENDATION

The preparation of objective standards was identified as an element of ZORP Phase 2 and was initially researched by JSISHL. The ZORP consultant team has an in-depth understanding of Berkeley's Zoning Ordinance and technical expertise developing objective development standards. The city is satisfied with the work delivered by Ben Noble, City and Regional Planning, to date under this contract, and believes that the proposed amendment will provide the consultant with the necessary capacity to prepare objective development standards that further the work of JSISHL and is needed for adoption of Berkeley's Housing Element.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSONS

Jordan Klein, Director, Planning and Development Department, 510-981-7437
Alene Pearson, Principal Planner, Land Use Division, 510-981-7489

Attachments:

1: Resolution

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

CONTRACT NO. 10508 AMENDMENT: BEN NOBLE, CITY AND REGIONAL
PLANNING FOR ZONING ORDINANCE REVISION PROJECT (ZORP)

WHEREAS the Planning Department issued a Request for Proposals (Spec. #16-11068-C) on July 21, 2016, seeking a vendor to provide technical assistance on a targeted Zoning Ordinance update, later named the Zoning Ordinance Revision Project (ZORP); and

WHEREAS based on written proposals received and staff panel interviews, Ben Noble, City and Regional Planning was selected as the best qualified and most responsive firm to perform the work; and

WHEREAS a contract was entered into on February 14, 2017 (ERMA# 113997-1/CMS #XMW3W/Contract No.10508) in the amount of \$300,000 for Ben Noble, City and Regional Planning to provide these services; and

WHEREAS a contract amendment was entered into on October 24, 2017 to clarify the scope of work for ZORP Phase 1; and

WHEREAS, the work by Ben Noble, City and Regional Planning on ZORP Phase 1 has produced a Baseline Zoning Ordinance and will allow for work on Phase 2 to commence; and

WHEREAS, the need to develop objective development standards was identified as a key issue for ZORP Phase 2 and is also necessary for the Housing Element Update; and

WHEREAS, the scope and budget for development of objective development standards for all zoning districts will require work from Ben Noble, City and Regional Planning; and

WHEREAS, the scope and budget for development of objective standards exceeds the project budget allocated for ZORP Phase 2 and the current contract funding; and

WHEREAS, a portion of the cost of the developing objective development standards is allocated in FY 2021 in budget code 011-53-584-622-0000-000-441-612990-; and

WHEREAS, Ben Noble, City and Regional Planning can complete the project scope if the ZORP contract is amended to include funding allocated for development of objective standards;

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute an amendment to Contract No. 10508 with Ben Noble, City and Regional Planning to continue working on ZORP Phase 2, focusing on

objective development standards, with additional funding of \$125,000, to a new total contact not-to-exceed amount of \$425,000, for the period extending through December 31, 2023.

BE IT FURTHER RESOLVED that a record signature copy of said contract and any amendments will be on file in the Office of the City Clerk.

