



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

**Monday, June 3, 2024
10:00 AM**

2180 Milvia Street, 6th Floor - Redwood Room

Committee Members:

Councilmembers Susan Wengraf, Cecilia Lunaparra, and Mark Humbert
Alternate: Vacant

This meeting will be conducted in a hybrid model with both in-person attendance and virtual participation. If you are feeling sick, please do not attend the meeting in person.

Remote participation by the public is available through Zoom. To access the meeting remotely using the internet: Join from a PC, Mac, iPad, iPhone, or Android device: Use URL <https://cityofberkeley-info.zoomgov.com/j/1608156546>. To request to speak, use the “raise hand” icon on the screen. To join by phone: Dial **1-669-254-5252** or **1-833-568-8864 (Toll Free)** and Enter Meeting ID: **160 815 6546**. If you wish to comment during the public comment portion of the agenda, press *9 and wait to be recognized by the Chair. Please be mindful that the meeting will be recorded.

To submit a written communication for the Committee’s consideration and inclusion in the public record, email policycommittee@berkeleyca.gov.

Written communications submitted by mail or e-mail to the Land Use, Housing, & Economic Development Committee by 5:00 p.m. the Friday before the Committee meeting will be distributed to the members of the Committee in advance of the meeting and retained as part of the official record.

Pursuant to the City Council Rules of Procedure and State Law, the presiding officer may remove, or cause the removal of, an individual for disrupting the meeting. Prior to removing an individual, the presiding officer shall warn the individual that their behavior is disrupting the meeting and that their failure to cease their behavior may result in their removal. The presiding officer may then remove the individual if they do not promptly cease their disruptive behavior. “Disrupting” means engaging in behavior during a meeting of a legislative body that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting and includes, but is not limited to, a failure to comply with reasonable and lawful regulations adopted by a legislative body, or engaging in behavior that constitutes use of force or a true threat of force.

MINUTES

Roll Call: 10:03 a.m.

Present: Humbert, Wengraf, Lunaparra

Election of Chairperson

Action: M/S/C (Wengraf/Lunaparra) to elect Councilmember Humbert as Chairperson of the Land Use, Housing & Economic Development Committee.

Vote: All Ayes.

Public Comment on Non-Agenda Matters: 3 speakers

Minutes for Approval

Draft minutes for the Committee's consideration and approval.

1. **Minutes - December 4, 2023**

Action: M/S/C (Wengraf/Lunaparra) to approve the December 4, 2023 minutes.

Vote: All Ayes.

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. **Amendments to Berkeley Municipal Code 23C.22: Short Term Rentals**

From: Councilmember Harrison (Author)

Referred: July 28, 2020

Due: June 30, 2024

Recommendation: Amend Berkeley Municipal Code 23C.22: Short Term Rentals to clarify the ordinance and insure adequate host responsibilities, tenant protections and remedies for violating the ordinance.

Financial Implications: See report

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

Action: 6 speakers. M/S/C (Humbert/Wengraf) to refer item to City Council with a qualified negative recommendation with the caveat that the ordinance cannot be passed without consideration and approval by the Planning Commission, and it is likely that elements of the proposal would violate State housing law.

Vote: Ayes – Humbert, Wengraf; Noes – None; Abstain – Lunaparra.

Committee Action Items

3. Just Transition Framework for West Berkeley Plan Amendments *(Item contains revised material)*

From: Councilmember Taplin (Author), Councilmember Bartlett (Co-Sponsor), Councilmember Kesarwani (Co-Sponsor)

Referred Date: October 23, 2023

Due Date: July 4, 2024

Recommendation:

Refer to the Land Use, Housing, and Economic Development (LUHED) Policy Committee; City Manager; Planning Commission; and Environment and Climate Commission to study and recommend amendments to the West Berkeley Plan pursuant to California Government Code Section 65302(h) to advance the city's environmental justice goals under a Just Transition Framework.

At a minimum, consider the following concepts: -Just Transition principles adopted by City Council in Resolution No. 70,171–N.S. “Resolution Committing the City of Berkeley to a Just Transition from Fossil Fuels and the Creation of a West Berkeley and South Berkeley Green New Deal”; -EcoDistricts Protocol and possible EcoDistricts certification incorporated into a Community Engagement Plan; -Climate Resilience Hubs; -Indigenous Land Rematriation; -Transportation Demand Management (TDM) planning to reduce Vehicle Miles Traveled (VMT) per capita by at least 25% by 2030; -Promotion and protection of arts and cultural uses. Consider robust incentives, development standards and/or mitigations in Protected Uses (Berkeley Municipal Code 23.206.050) for Media Production, Theater, Live Entertainment, Art/Craft Studio, and/or other arts and cultural uses. -Continued modernization and preservation protected manufacturing space and incentivised use of the West Berkeley Buildings Acquisition Fund; -Establishment of comprehensive plan for resource management and long-range recreational use at Aquatic Park. - Establishment of new mixed-use / hybrid zones and emerging industrial uses.

Financial Implications: See report

Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120

Action: No discussion. Item continued to the next meeting on July 1, 2024.

4. Adopt Berkeley Municipal Code Chapter 13.89: Community/Tenant Opportunity to Purchase Act *(Item contains revised material)*

From: Councilmember Harrison (Author)

Referred: November 13, 2023

Due: September 10, 2024

Recommendation: Adopt Berkeley Municipal Code Chapter 13.89: The Community/Tenant Opportunity to Purchase Act (COPA/TOPA).

Financial Implications: See report

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

Action: 13 speakers. Item continued to the next meeting on July 1, 2024.

Committee Action Items

5. **Referral to the City Manager: Eminent Domain Feasibility Analysis for 2902 and 2908 Adeline Street Properties and Abandoned House on 1946 Russell Street**
From: Councilmember Bartlett (Author)

Referred: November 27, 2023

Due: September 18, 2024

Recommendation: Refer the City Manager to conduct an analysis and report to the Council on the feasibility of using eminent domain to enable the City to purchase the blighted commercial properties on 2902 and 2908 Adeline Street, as well as the adjacent abandoned house on 1946 Russell Street for the purposes of developing mixed-use affordable housing.

Financial Implications: See report

Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130

Action: Councilmember Bartlett has withdrawn this item.

Committee Action Items

6. Incentives for Equitable and Affordable Middle Housing

From: Councilmember Taplin (Author), Councilmember Bartlett (Author), Councilmember Hahn (Co-Sponsor)

Referred Date: January 29, 2024

Due Date: October 9, 2024

Recommendation:

1. Refer to the City Manager and the Planning Commission to study and return to Council potential amendments to the Berkeley Municipal Code and General Plan to further the City of Berkeley's goals for affirmatively furthering fair housing with additional incentives for affordability and ownership opportunities, including first-time homebuyers and households inheriting properties from relatives, in "Middle Housing" zoning categories. At a minimum, consider: a. A local density bonus for on-site affordable housing for Middle Housing, including additional dwelling units, Floor Area Ratio, lot coverage, reduced or waived fees, and ministerial approval for projects with on-site deed-restricted units affordable to Low- and Moderate-Income households, and incentives for first-time homebuyer opportunities. Consider regulating maximum buildable width and/or depth to disincentivize higher-cost dwelling units. b. A density bonus for additional Accessory Dwelling Units in exchange for the inclusion of deed-restricted ADUs on-site affordable to Low- and Moderate-Income households. To the extent feasible, incorporate scope of study with Council's referral to develop an Efficiency Unit Ordinance. c. A density bonus for Middle Housing residential projects in which an owner-occupier receives a minimum of in-kind compensation for the parcel with on-site ownership unit(s) in the project. Consider standard form agreements and other technical assistance. d. Pre-approved designs for bonus-compliant projects. e. Seek to leverage consistency and compatibility with state and regional resources including the Bay Area Housing Finance Authority (BAHFA), MTC/ABAG, AC Boost, and the CA Dream For All program.

2. Refer to the Fiscal Year 25/26 biennial budget process \$250,000 for technical assistance.

Financial Implications: See report

Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120

Action: No discussion. Item continued to the next meeting on July 1, 2024.

Committee Action Items

7. **Proposed Amendments to the Building Emissions Saving Ordinance (BESO)**

From: City Manager

Referred: February 13, 2024

Deadline: October 9, 2024

Recommendation: Adopt first reading of an Ordinance amending the Building Emissions Saving Ordinance (BESO), Chapter 19.81 of the Berkeley Municipal Code, to establish a flexible resilience standard for small residential buildings containing up to four units.

Financial Implications: See report

Contact: Jordan Klein, Planning and Development, (510) 981-7400

Action: 9 speakers. Presentation from Planning Department. Discussion by Committee. Item continued to the next meeting on July 1, 2024.

8. **Affordable Housing for Artists: AB-812 Implementation and Cultural District Statutory Standardization**

From: Councilmember Taplin (Author)

Referred: May 21, 2024

Due: October 26, 2024

Recommendation: Pursuant to California Government Code Section 65914.8, refer to the City Manager, City Attorney, and Planning Commission:

1. To study and develop an Ordinance and implementation plan for Assembly Bill 812 (2023) to reserve for artists up to 10 percent of Below Market Rate units under Berkeley Municipal Code 23.328 (Inclusionary Housing) within a half-mile of a state-designated cultural district or within any similar locally designated cultural district, with consideration for consistency with existing Affordable Housing Preference Policy;
2. Consider common standards for locally designated cultural districts, including but not limited to Overlay Zones, and implementation of cultural district designation within the boundaries of Area Specific Plans, including but not limited to the Adeline Corridor and San Pablo Corridor Specific Plans;
3. Pursuant to California Government Code Section 8758, consider solicitation of state designation for cultural districts in the City of Berkeley.

Financial Implications: Staff time

Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120

Action: No discussion. Item continued to the next meeting on July 1, 2024.

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

- None

Adjournment

Action: (M/S/C) (Wengraf/Lunaparra) to adjourn the meeting

Vote: All Ayes.

Adjourned at 12:16 p.m.

I hereby certify that the foregoing is a true and correct record of the Land Use, Housing & Economic Development Committee held on June 3, 2024.

Keith Nesbit, 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, and are available upon request by contacting the City Clerk Department at (510) 981-6908 or policycommittee@berkeleyca.gov.