



SUPPLEMENTAL AGENDA MATERIAL

for Supplemental Packet 2

Meeting Date: November 21, 2023

Item Number: 13

Item Description: Proposed Motion for Adoption of Item 13

Submitted by: Councilmember Robinson and Councilmember Humbert

First — this motion proposes adopting prevailing wage requirements in Southside alongside the Southside zoning changes for projects above 50 units or 50,000 square feet as discussed by the Planning Commission at their September 15th meeting.

Second — this motion revises the staff recommendation's prevailing wage proposal to move the budget referral from FY 2025 to FY 2024 AAO #1 for imminent consideration in the budget process. Additionally, this motion broadens the scope of the referral to ensure that, if funded, the feasibility study would evaluate prevailing wage requirements citywide rather than restricting the study to proposed projects in one district. Staff are encouraged to fold this study into ongoing feasibility analysis in order to ensure that citywide prevailing wage policy options are able to be considered in the near term. When developing policy alternatives for the council, staff should consider the utility of both requirements and incentives, such as possibly granting SB 35 ministerial approval to certain qualifying projects with prevailing wages before otherwise required by the state.

Third — this motion suggests direction responsive to concerns raised in Councilmember Hahn's supplemental item relating to window requirements for habitable spaces in new construction.

Attachments:

- 1) Councilmember Robinson & Humbert's proposed motion
- 2) The policy proposal for prevailing wage requirements that was presented at the September 15 meeting of the Planning Commission

ATTACHMENT 1:

RECOMMENDATION

Conduct a public hearing and upon conclusion:

1. Adopt a first reading of an Ordinance amending Title 23 of the Berkeley Municipal Code to increase residential development potential in the Southside Plan Area, per Program 27— Priority Development Areas, Commercial and Transit Corridors and Program 33—Zoning Code Amendment: Residential of the 2023-2031 Housing Element Update
2. Adopt a Resolution:
 - a. Adopting an Addendum to the 2023-2031 Housing Element Update Environmental Impact Report (EIR); and
 - b. Approving and adopting General Plan map and text amendments to redesignate certain parcels and update certain land use designations to be consistent with the associated Ordinance amendments.
- ~~b.~~3. Include prevailing wage requirements in Southside as an amendment to the BMC as described in Attachment 2 alongside adoption of the Southside zoning amendments. Staff should consider if a new first reading is required to effectuate these changes.
4. Refer to the City Manager to analyze and present recommendations and policy alternatives relating to prevailing wage requirements, as recommended in Planning Commission's letter dated September 15, 2023 citywide in the City of Berkeley; and refer a budget allocation of \$50,000 for this project to the FY2024 AAO#1 ~~FY2025~~ budget process. Staff should seek to conduct this study alongside currently ongoing housing feasibility analysis to the extent possible, insofar as it does not significantly delay other upcoming zoning reforms. Staff should illustrate any tradeoffs associated with such a policy, propose appropriate thresholds for implementation, and indicate if accompanying actions are necessary to offset impacts in the interest of project feasibility. Staff should consider the following policy goals:
 - a. A development project citywide above a certain number of units or a certain cumulative floor area should be subject to prevailing wage requirements.
 - b. Any project, citywide, that meets SB 35 streamlining criteria for projects including 10% of low-income housing on-site and including prevailing wages, should be eligible for ministerial approval per the city's SB 35 streamlining process, before those provisions are imposed by the state (expected in 2027)
- ~~3.~~5. Refer to the City Manager to develop for consideration requirements for new residential construction that all bedrooms contain windows, and consider window requirements for all habitable space, as defined in the zoning code. Staff should engage the Planning Commission in developing recommendations, and should evaluate the impact new requirements would place on the feasibility of new housing projects and flexibility for project floor plans.

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ATTACHMENT 2:

For inclusion in the BMC. Staff should consider if the most appropriate location is Title 13, Title 23, or elsewhere.

A development project having 50 or more units, or having 50,000 square feet or more of floor area, that is located in either the C-T District, R-S District, or R-SMU District, is subject to the following prevailing wage requirements:

1. Contractors shall pay all construction workers employed in the execution of the development at least the general prevailing rate of per diem wages as set forth in Section 1771 of the California Labor Code, except that apprentices registered in programs approved by the California Division of Apprenticeship Standards may be paid at least the applicable apprentice prevailing rate.
2. Contractors shall maintain and verify payroll records pursuant to Section 1776 of the Labor Code and make those records available for inspection and copying as provided in that section.
3. Subsections (1) and (2) above do not apply if all contractors are subject to a project labor agreement (or community workforce agreement or similar labor agreement) with the local Building and Construction Trades Council.