



Office of the Mayor

CONSENT CALENDAR

June 24, 2014

To: Members of the City Council  
From: Mayor Tom Bates and Councilmember Jesse Arreguin  
Subject: Civic Center District Overlay Zone

RECOMMENDATION

Request the City Manager to draft an ordinance establishing a Civic Center District Overlay Zone and to bring it to the Council for a first reading at the Sept. 9, 2014 meeting. The ordinance should be consistent with the Civic Center District Overlay section of the proposed initiative ordinance submitted to the City Clerk on April 8, 2014 and titled "Initiative Ordinance Amending Downtown Zoning Provisions and Creating Civic Center Historic District Overlay Zone." That section is attached to this item.

BACKGROUND:

On April 8, 2014, a Notice of Intent to Circulate Petition was submitted to the Berkeley City Clerk for an initiative ordinance that would amend downtown zoning and create a Civic Center District Overlay. The City Attorney prepared a summary of the proposed ordinance titled "Initiative Ordinance Amending Downtown Zoning Provisions and Creating Civic Center Historic District Overlay Zone."

Upon certification of the required number of voter signatures to place the measure on the ballot, the City Council is required to either adopt the proposed measure or to place it on the Nov. 4, 2014 ballot.

One element of the proposed ordinance would establish a Civic Center District Overlay that seeks to preserve appropriate uses of historic buildings such as the Post Office and open space in the Civic Center area. This element of the proposed ordinance is related to but distinct from other zoning changes contained in the measure, and it enjoys strong community support.

FISCAL IMPLICATIONS OF RECOMMENDATION

The fiscal implications could be significant but are difficult to quantify because they would depend on developments yet to be determined. Implementing the proposed zoning overlay would not have significant fiscal impacts on the City.

ENVIRONMENTAL SUSTAINABILITY

The environmental impacts of the proposed ordinance, like the fiscal impacts, are difficult to assess since they would depend on uses yet to be determined.

CONTACT PERSON

Tom Bates, Mayor, 981-7100

ATTACHMENTS:

1. "Civic Center District Overlay" section of the proposed initiative ordinance

Section 4. That Chapter 23E.98 is hereby added to the Berkeley Municipal Code to read as follows:

Chapter 23E.98

CIVIC CENTER DISTRICT OVERLAY

23E.98.010     Applicability of Regulations  
23E.98.020     Purposes

**23E.98.030 Uses Permitted**  
**23E.98.040 Development Standards**

**23E.98.010 Applicability of Regulations**

The regulations in this Chapter apply to the area coterminous with the Civic Center Historic District designated under Chapter 3.24 and are applicable to the following parcels:

1. APN 057 201701601 (Old City Hall/Courthouse/Public Safety Building)
2. APN 057 202202000 (Veterans Memorial Building)
3. APN 057 202200600 (State Farm Insurance Building/City offices, 1947 Center Street)
4. APN 057 202100200 (Civic Center Park)
5. APN 057 202100100 (Civic Center Building)
6. APN 057 202601500 (Downtown Berkeley YMCA)
7. Portion of APN 057 202000503 which contains the Berkeley Community Theater/Florence Schwimley Little Theater
8. APN 057 202000400 (Berkeley High School)
9. APN 057 202700500 (Berkeley Main Post Office)

**Section 23E.98.020 Purposes**

The general purpose of the overlay district is to implement General Plan Policy LU-22 Civic Center: "Maintain the Civic Center as a cohesively designed, well-maintained, and secure place for community activities, cultural and educational uses, and essential civic functions and facilities", as well as Downtown Area Plan Policy LU-1.4: "Focus City government and civic activity in the Civic Center area, and recognize Downtown's central role in providing community services."

The specific purposes are to:

- A. Preserve and protect the integrity of the City of Berkeley Historic Civic Center through preservation of existing buildings and open space listed in the Civic Center Historic District.
- B. Allow a set of uses, which are civic in nature, and support active community use.
- C. Promote uses, which combined or individually will maintain public access to the historic buildings and resources.
- D. Promote appropriate uses which respect the Civic Center's historic significance in unifying the community and forming a link to Berkeley's past.
- E. Promote the cultural and architectural heritage of the Civic Center.
- F. Preserve the Civic Center District as a place for government functions, community activities, cultural and educational uses, and civic functions and facilities.
- G. Promote uses which could financially support the goal of upgrading and preserving the existing historic buildings and resources.

**Section 23E.98.030 Uses Permitted**

The following table identifies all permitted uses and sets forth the Permit required for each allowed use. Each use and structure shall be subject to either a Zoning Certificate (ZC), an Administrative Use Permit (AUP), a Use Permit approved after a Public Hearing (UP/PH). All properties in the Civic Center District Overlay are restricted to only those uses listed below, regardless of uses permitted in the underlying zoning district.

Use and Required Permits		
Use	Classification	Special Requirements (if any)
Libraries	UP(PH)	

<u>Judicial Courts</u>	<u>AUP</u>	
<u>Museums</u>	<u>UP(PH)</u>	
<u>Parks and Playgrounds</u>	<u>ZC</u>	
<u>Public Safety and Emergency Services</u>	<u>UP(PH)</u>	
<u>Government Agencies and Institutions</u>	<u>AUP</u>	
<u>Public Schools/Educational Facilities</u>	<u>UP(PH)</u>	
<u>Non-Profit Cultural, Arts, Environmental, Community Service and Historical Organizations</u>	<u>UP(PH)</u>	
<u>Live Performance Theatre</u>	<u>UP(PH)</u>	
<u>Public Market</u>	<u>UP (PH)</u>	

**Section 23E.98.040 Development Standards**

- A. All new buildings and additional Gross Floor Area within the Civic Center District Overlay shall be subject to a maximum building height of 50 feet.
- B. All new buildings, additional Gross Floor Area, or changes of use shall be subject to the parking, set back requirements and other development standards of the underlying District, in addition to the other applicable requirements of this Title.

Section 5. That Berkeley Municipal Code Section 23F.04.010 is hereby amended so as to insert therein, in alphabetical order, the following three additional definitions:

**Live Performance Theatre:** An establishment that has a permanent stage for the presentation of live performances and entertainment and which contains an audience viewing hall or room with fixed seats.

**Museum:** A non-profit, permanent institution in the service of society and its development, open to the public, which acquires, conserves, researches, communicates and exhibits the tangible and intangible heritage of humanity and its environment for the purposes of education, study and enjoyment.

**Public Market:** An open air or enclosed marketplace, including a farmer's market, with multiple owner operated and/or independent merchants selling retail food items and handcrafted goods from local and regional producers, so long as 75% or more of retail space is devoted to the sale of General or Specialized food products and no more than 25% of retail space is devoted to one or more of the following Incidental Uses: owner operated and/or independent Carry Out Food and/or Quick Service Restaurants selling food from local and regional producers and sales of Retail Products from local and regional producers.

**Section 6. Exempt from Environmental Review**

