



Office of the City Manager

51c

ACTION CALENDAR

June 24, 2014

To: Honorable Mayor and Members of the City Council

From:  Christine Daniel, City Manager

Submitted by: Eric Angstadt, Director, Planning and Development

Subject: Section 9212 Report: Downtown Initiative

RECOMMENDATION

Consider a staff report under Elections Code Section 9212 on the impacts of the “Initiative Ordinance Amending Downtown Zoning Provisions and Creating Civic Center Historic District Overlay Zone”.

FISCAL IMPACTS OF RECOMMENDATION

None.

CURRENT SITUATION AND ITS EFFECTS

The City Council is considering whether to place the “Initiative Ordinance Amending Downtown Zoning Provisions and Creating Civic Center Historic District Overlay Zone” (Downtown Initiative) on the November 4, 2014 general election ballot. Staff has prepared a report to provide the City Council with information on the potential impacts of the Downtown Initiative.

BACKGROUND

On April 8, 2014, a Notice of Intent to Circulate Petition was submitted to the City with proposed changes to the Zoning Ordinance. The changes were proposed by a ballot Initiative entitled, “Initiative Ordinance Amending Downtown Zoning Provisions and Creating Civic Center Historic District Overlay Zone” (Downtown Initiative). Subsequently, on June 3, 2014, two items on the City Council Agenda (i.e. items 33a. and 33b.) requested a 9212 analysis of the Downtown Initiative. Under Section 9212 of the California Elections Code, local legislative bodies are authorized to request an impact report prior to deciding whether to adopt an initiative ordinance or place it on a ballot. The Elections Code lists the following as potential areas of analysis:

- (1) *Its fiscal impact.*
- (2) *Its effect on the internal consistency of the city’s general and specific plans, including the housing element, the consistency between planning and zoning , and the limitations on city actions under Section 65008 of the Government Code*

and Chapters 4.2 (commencing with Section 65913) and 4.3 (commencing with Section 65915) of Division 1 of Title 7 of the Government Code.

- (3) Its effect on the use of land, the impact on the availability and location of housing and the ability of the city to meet its regional housing needs.*
- (4) Its impact on funding for infrastructure of all types, including, but not limited to, transportation, schools, parks, and open space. The report may also discuss whether the measure would be likely to result in increased infrastructure costs or savings, including the costs of infrastructure maintenance, to current residents and businesses.*
- (5) Its impact on the community's ability to attract and retain business and employment.*
- (6) Its impact on the uses of vacant parcels of land.*
- (7) Its impact on agricultural lands, open space, traffic congestion, existing business districts, and developed areas designated for revitalization.*
- (8) Any other matters the legislative body request to be in the report.*

In response to the June 3 referral, the City Manager directed staff to prepare a 9212 report on the Downtown Initiative. At this time, staff is analyzing the Downtown Initiative to determine its fiscal, regulatory consistency, infrastructure funding, business attraction and retention, open space, and traffic congestion impacts, as well as its impacts on the availability and location of housing. Source documents informing staff analysis are included in the attachment to this report. Additional information will be provided with the Supplemental 1 packet and the full analysis will be prepared for the evening of the June 24, 2014 City Council meeting.

ENVIRONMENTAL SUSTAINABILITY

There are no identifiable environmental effects or opportunities associated with the subject of this report.

RATIONALE FOR RECOMMENDATION

Considering this report prior to deciding whether to place the Downtown Initiative on the ballot will ensure an informed City Council decision and vote.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

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Attachments:

1: Source Documents

Source Documents for 9212 Report on Initiative Ordinance Amending Downtown Zoning Provisions and Creating Civic Center Historic District Overlay Zone

	9212 ANALYSIS TOPICS							
	Fiscal	Regulatory Consistency	Housing	Infrastructure Funding	Business Attraction & Retention	Use of Vacant Parcels	Open Space	Traffic Congestion
DOCUMENTS								
Affordable Childcare and Housing Fees Staff Report	✓	✓	✓					
Affordable Childcare Impact Fee Resolution	✓							
Affordable Housing Ordinance	✓	✓	✓					
Affordable Housing Impact Fee Resolution	✓							
Capital Improvement Program Adopted Biennial Budget	✓			✓				
Climate Action Plan		✓						
Climate Action Plan Update Staff Report		✓						
Density Bonus Law								
Downtown Area Plan		✓						
Downtown Area Plan Draft Environmental Impact Report			✓	✓	✓			✓
Downtown Area Plan Feasibility Study	✓			✓	✓		✓	
Downtown Area Plan Feasibility Study Peer Review	✓			✓	✓		✓	
Downtown Area Plan Model	✓	✓	✓	✓	✓		✓	
Downtown Berkeley Design Guidelines		✓						
Downtown Berkeley Design Guidelines Approval		✓						
Downtown Berkeley Association Contract Approval					✓			
Downtown Streets and Open Space Improvement Plan (SOSIP)		✓		✓			✓	
Downtown Streets and Open Space Improvement Plan (SOSIP) Impact Fee Staff Report	✓			✓	✓		✓	
Downtown Streets and Open Space Improvement Plan (SOSIP) Project Cost & Financing Plan Report	✓			✓	✓		✓	
Downtown Streets and Open Space Improvement Plan (SOSIP) Peer Review	✓			✓	✓		✓	
General Plan		✓						
goBerkeley Worksession								✓
goBerkeley Update								✓
Housing Element		✓	✓					
Municipal Code		✓						

Regional Housing Needs Allocation			✓					
Parking In-Lieu Fee Staff Report	✓							
Planning Fee Ordinance	✓							
Priority Development Areas Resolution		✓						
Priority Development Areas Staff Report		✓						
Trip Generation Analysis 2107 Dwight								✓

All of the above documents are available for download at:

[http://cityofberkeley.info/Planning_and_Development/9212_Report_Downtown Initiative.aspx](http://cityofberkeley.info/Planning_and_Development/9212_Report_Downtown_Initiative.aspx)

