



Office of the City Manager

ACTION CALENDAR  
July 10, 2018

To: Honorable Mayor and Members of the City Council  
From: Dee Williams-Ridley, City Manager  
Submitted by: Michael Goldhaber, Chairperson, Community Environmental Advisory Commission (CEAC)  
Subject: Referral Response: City-wide Green Development Requirements

RECOMMENDATION

Refer to the Planning Commission development of City-wide Green Building and Transportation Demand Management measures, based on those currently required in the Commercial Downtown Mixed Use District (C-DMU), to apply throughout the City of Berkeley's commercial zoning districts, with the following amendments:

1. Change the Green Building and Transportation Demand measures to apply to all projects of 50 units or more, or 10,000 square feet of commercial area, instead of limiting it to projects of 75 units or more.
2. Require one bicycle parking space per two residential units, in addition to the bicycle parking space requirements of one per 2,000 square feet of commercial space.
3. Change the number of required vehicle sharing spaces to be based on the number of parking spaces constructed, rather than required, to avoid any potential confusion surrounding waived parking requirements (either through legislation or payment of an in-lieu fee).
4. Add in a requirement that all constructed parking areas be EV-ready, such that EV charging stations could be installed and be able to reach and charge any and all parking spaces if needed/desired. Actual EV charging stations should not be required at construction beyond City requirements.
5. Instead of LEED Gold, require projects to achieve LEED Silver, or equivalent as evaluated City staff.
6. Do not require the transportation benefits, with plans to re-consider requiring the transportation benefits after the City or an independent third party evaluates the impact of transit benefit requirements in Downtown.

### FISCAL IMPACTS OF RECOMMENDATION

No fiscal impact from continued efforts toward policy development.

### CURRENT SITUATION AND ITS EFFECTS

This report responds to referral #2017-9 that originally appeared on the agenda of the April 26, 2016 Council meeting and was sponsored by then-Councilmember Arreguin (see Attachment 1). Note that the scope of the original item was expanded in Council's motion (Arreguin/Worthington; all Ayes) to also include the Energy Commission and CEAC.

In reviewing the original item as proposed, and the directive as provided by Council, the Community Environmental Advisory Commission identified six key changes to the existing Green Building and Transportation Demand Management measures required in the C-DMU area that will help it better achieve the City's and Council's goals, when the measures are applied citywide.

Firstly, we recommended changing the triggering unit threshold to 50 units, down from 75, and adding in a new commercial threshold of 10,000 square feet. Very few projects of 75 units or more are proposed outside of the C-DMU or Southside areas, and so broadening the scope of applicable projects helps Berkeley better achieve its environmental goals. Adding in a commercial square footage threshold was requested by Council in the approved motion.

Secondly, we recommended adding in a requirement for residential bicycle parking, supplementing the existing requirement for bicycle parking for commercial spaces. Because many non-Downtown areas are further from transit, biking is more important for these residents; but they simultaneously face less access to bicycle street parking.

Thirdly, we recommended modifying the language around required car-sharing spaces to be clearly based on the number of parking spaces constructed, rather than required. Our hope is that the City will revisit and expand the in-lieu fee for reduced parking requirements, or ultimately approve the Green and Affordable Housing package referred to the City Manager in 2015.

Fourth, we went beyond the scope of the original referral to recommend that all parking spaces that are constructed be built ready to accept EV charging stations. We learned that the cost of making a parking stall EV-charging-ready during construction is small compared to the cost of installing a full charger (roughly one-tenth the cost), so this seems an appropriate step to facilitate the decarbonization of Berkeley's automobiles without imposing steep additional construction costs.

Fifth, we recommended stepping down the LEED requirements from LEED Gold to LEED Silver. Because we reduced the size of project which triggers the standard, and because these requirements would apply to all non-profit affordable housing developers

as well, we wanted to ensure they were able to hold projects to meet a baseline level of sustainability without requiring exceptional levels of effort (and associated cost). We also gave City staff the flexibility to determine if a project had taken sufficient environmental measures to be equivalent to a LEED Silver project, based upon their expertise, in order to further ensure affordable housing developers could meet these standards without necessitating the added time and expense of finding a LEED Accredited Professional to work on the project.

Lastly, we were unable to find sufficient (any) evidence that the transportation benefits required in Downtown Berkeley were providing meaningful benefits to renters, that landlords were able to get a discounted rate on bulk purchases of passes, or that landlords were not simply raising rents by an amount necessary to cover the added cost of a pass, regardless of whether a tenant found them of value. Given that these new regulations would be applied citywide, including many neighborhoods with less than adequate transit, we recommended that the requirement for transit passes in these projects be suspended indefinitely, until such a time as the City is able to conduct a study (or hire a third party to do so) to evaluate the impact of the passes in Downtown, at which point the requirement should be re-evaluated.

At the CEAC meeting of April 12, 2018, the Commission voted to adopt the above recommendation and request that the Planning Commission bring said action to City Council for adoption, by a unanimous vote (Yes: Gould, Jhunnuwala, Varnhagen, Ticconi, Hetzel, Williams; Absent: Goldhaber, Lim).

#### BACKGROUND

On April 26, 2016, City Council referred item #51, "City-wide Green Development Requirements," to the Planning Commission, Energy Commission, and the Community Environmental Advisory Commission. The item directed the Commissions and City Manager to draft an ordinance requiring the same Green Building and Transportation Demand Management (TDM) measures required in the Commercial Downtown Mixed-Use District (C-DMU) for projects of 75 units or more, throughout the City of Berkeley's commercial zoning districts. The motion, unanimously supported by Council, also directed the Commissions "to consider the standards as outlined in the report which would apply to larger projects city-wide and pertain to: bicycle parking spaces, vehicle sharing spaces, Residential Parking Permits, required parking spaces, LEED rating, Stop waste Small Commercial Checklist standards, and transportation benefits. In addition, the commissions are to also consider:

1. That transit passes would only be required for projects within a quarter of a mile of a bus stop;
2. A square-footage threshold, in addition to the unit threshold, for projects to which the requirements would apply,
3. The validity of the LEED certification; and

4. The impact on the financial feasibility of proposed requirements on the development of housing and affordable housing in particular.

ENVIRONMENTAL SUSTAINABILITY

Steps to encourage development using green building techniques and approaches, including incentivizing transit via methods other than personal automobiles, has the potential to significantly reduce Berkeley's greenhouse gas emissions and make other advancements towards the City's goals under its Climate Action Plan.

RATIONALE FOR RECOMMENDATION

These recommendations have been developed with the aim of finding an appropriate balance between ensuring new affordable housing meets high environmental standards, while simultaneously recognizing the reality of limited funding means choosing between environmental benefits and homes for low-income people. As a result, the recommendations aim to implement the highest-impact policies from the C-DMU zone while keeping the overall increase in the price tag low.

ALTERNATIVE ACTIONS CONSIDERED

None

CITY MANAGER

The City Manager concurs with the recommendation to refer the content of this report to the Planning Commission where it could be further analyzed and considered.

CONTACT PERSON

Viviana Garcia, Commission Secretary, 510-981-7467

Attachments:

- 1: Original Referral Report from April 26, 2016.



Jesse Arreguín  
City Councilmember, District 4

ACTION CALENDAR  
April 26, 2016

To: Honorable Mayor and Members of the City Council  
From: Councilmember Jesse Arreguín  
Subject: Referral to Planning Commission: City-Wide Green Development Requirements

RECOMMENDATION

Refer to the Planning Commission to draft an ordinance requiring the same Green Building and Transportation Demand Management (TDM) measures required in the Commercial Downtown Mixed Use District (C-DMU) for projects of 75 units or more throughout the City of Berkeley’s commercial zoning districts.

The following standards would apply to larger projects city-wide:

1. Bicycle parking spaces shall be provided for new construction at the ratio of one space per 2,000 square feet of gross floor area of commercial space, and in accordance with the requirements of Section 23E.28.070.

Number of Parking Spaces Required	Minimum Number of Vehicle Sharing Spaces
0-10	0
11-30	1
30-60	2
61 or more	3, plus one for every additional 60 spaces

- For residential structures constructed or converted from a non-residential use that require vehicle parking under Section 23E.68.080.B, required parking spaces shall be designated as vehicle sharing spaces in the amounts specified in the adjacent table. If no parking spaces are provided pursuant to Section 23E.68.080.D, no vehicle sharing spaces shall be required.

- The required vehicle sharing spaces shall be offered to vehicle sharing service providers at no cost.

2. The vehicle sharing spaces required by this section shall remain available to a vehicle sharing service provider as long as providers request the spaces. If no vehicle sharing service provider requests a space, the space may be leased for use by other vehicles. When a vehicle sharing service provider requests such space, the property owner shall make the space available within 90 days.

3. Occupants of residential units or GLA units constructed, newly constructed or converted from a non-residential use shall not be eligible for Residential Parking Permit (RPP) permits under Chapter 14.72 of the BMC.
4. For any new building with residential units or structures converted to a residential use, required parking spaces shall be leased or sold separate from the rental or purchase of dwelling units for the life of the dwelling unit, unless the Board grants a Use Permit to waive this requirement for projects which include financing for affordable housing subject to the finding in section 23E.68.090.I.
5. Construction of new developments of at least 75 units shall attain a LEED Gold rating or higher as defined by the U.S. Green Building Council (USGBC), or shall attain building performance equivalent to this rating, as determined by the Zoning Officer.
6. New developments of at least 75 units shall be required to meet all applicable standards of the Stopwaste Small Commercial Checklist, or equivalent, as determined by the Zoning Officer. The rating shall be appropriate to the use type of the proposed construction.
7. New developments of at least 75 units, the property owner shall provide at least one of the following transportation benefits at no cost to every employee, residential unit, and/or GLA resident. A notice describing these transportation benefits shall be posted in a location or locations visible to employees and residents.
  - A pass for unlimited local bus transit service; or
  - A functionally equivalent transit benefit in an amount at least equal to the price of a non-discounted unlimited monthly local bus pass. Any benefit proposed as a functionally equivalent transportation benefit shall be approved by the Zoning Officer in consultation with the Transportation Division Manager.

**BACKGROUND:**

One of the main goals of the 2012 Downtown Area Plan (DAP) is promoting sustainability in the Downtown by *“Integrat[ing] environmentally sustainable development and practices in the Downtown, and in every aspect of the Downtown Area Plan”* and to *“Model best practices for sustainability”*.<sup>1</sup>

The DAP and its implementing zoning includes a number of green building and sustainable transportation requirements for new projects throughout the Downtown. These green measures are resulting in sustainable projects with bike and car share parking, and meeting LEED Gold standards. These forward thinking policies go a long way in helping Berkeley meet its climate action goals, but they only apply to projects in the Downtown area. Large projects throughout the city should be held to the same standard. This will result in further reducing greenhouse gases from transportation and building energy use.

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<sup>1</sup> 2012 Downtown Area Plan, page IN-18

An update on the Climate Action Plan (CAP) presented to the City Council in November 2015 showed that the City is not on track to achieve the goals set by the Plan. While Berkeley has achieved more reductions compared to the rest of the State, despite population increases, it is clear that more must be done if we are to reach the targets set forward in the CAP. By holding large developments to the same standards as those in Downtown, we can achieve the goals of sustainability by reducing greenhouse gases.

FINANCIAL IMPLICATIONS:

Staff time to prepare zoning amendments for Planning Commission consideration.

ENVIRONMENTAL SUSTAINABILITY

Applying the same standards to large developments citywide can significantly improve the City's ability to meet the goals of the Climate Action Plan.

CONTACT PERSON

Jesse Arreguin, City Councilmember, District 4

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