To: Honorable Mayor and Members of the City Council  
From: Planning Commission  
Submitted By: Dan Marks, Director, Planning and Development  
Subject: New 2010 Downtown Area Plan  

RECOMMENDATION  

Provide direction to staff as to any modifications to the draft of the New 2010 Downtown Area Plan, by working from Planning Commission’s draft DAP recommendations and noting changes desired by the Council. At Council’s request, Planning Commission’s draft DAP focuses only on goals, policies, and key development standards/actions, to provide a more accessible ballot-friendly Plan. In providing direction to staff, the Council should note staff’s preliminary analysis as to the adequacy of the 2009 DAP EIR, specifically that additional CEQA-related analysis and findings will be needed if the DAP is placed on the ballot. Staff will return in July for further Council discussion and possible action.  

SUMMARY  

On February 23, 2010, City Council rescinded the DAP that had been adopted in July 2009 and indicated its desire to define a new DAP and place it on the November, 2010 ballot for consideration by Berkeley voters. At the February meeting, Council gave direction as to how the DAP should be modified and directed that these changes should be drafted and considered by Planning Commission. This report summarizes how Council’s direction was implemented.  

On May 12, 2010, Planning Commission recommended a draft DAP (Attachment 1) that reflects Council’s direction to focus on goals, policies, and development standards. In a few instances, Planning Commission decided that implementing measures that are not development standards were also needed as an essential part of DAP policy statements, and these implementing measures have also been included.  

Planning Commission also reviewed a draft of General Plan amendments that would be needed to maintain consistency between the DAP and General Plan (Attachment 2). In addition, the Planning Commission made recommendations that may be inconsistent
with or go beyond Council’s direction for the draft DAP, and these have been forwarded for Council’s consideration (Attachment 3).

After receiving direction from Council, staff will return with a final draft of the new DAP, General Plan amendments, and CEQA findings for final action by the City Council. If City Council decides to place the new DAP on the November 2010 ballot, it must take action by its meeting on July 13th. In order to meet this deadline, the Council must give its final direction to staff no later than July 6th.

CURRENT SITUATION AND ITS EFFECTS

The existing Downtown Plan was adopted in 1990. A new Downtown Area planning effort was initiated in 2005 as a result of a settlement of a dispute between the University of California and the City of Berkeley regarding the University’s Long Range Development Plan (LRDP). The University’s LRDP called for 800,000 square feet of new development in and adjacent to Downtown. The City and University recognized that the future of Downtown was of mutual concern and that fostering a healthy, sustainable, livable, and vibrant Downtown was in the interests of both the City and the University. The City and University agreed to foster Downtown revitalization by working together to develop a new Downtown Area Plan that would address community goals while shaping the University’s development plans.

To develop a draft DAP for Council consideration, a 42-month process engaged Berkeley community members and commissions. A 21-member Downtown Area Plan Advisory Committee (DAPAC) met over the course of two years, 50 DAPAC meetings and 4 public workshops. The DAP Advisory Committee adopted a draft DAP in November 2007 and presented its recommendations to City Council in January 2008.

Beginning in March 2008, the Planning Commission began developing its recommendations for the Downtown Area Plan. Using the DAPAC Plan as a foundation, and after substantial public comment and a public hearing, the Planning Commission recommended its draft of the DAP to the City Council in May 2009.

Over the course of several meetings, the Council made various modifications to the DAP recommended by Planning Commission -- including incorporating several DAPAC recommendations that were not in the Planning Commission draft. On July 23, 2009, City Council adopted the DAP. By August, 2009, sufficient signatures had been gathered to require that the DAP be referred to the voters as a ballot measure in 2010. On February 23, 2010, City Council chose to rescind the 2009 DAP. At this same meeting, Council provided direction to staff to make significant modifications to the DAP for consideration and recommendation by the Planning Commission. The City Council also indicated its intent to refer the new 2010 DAP to the voters on the November, 2010 ballot. The Planning Commission completed its review and recommendations regarding a revised 2010 DAP on May 12, 2010, and made its recommendation regarding related General Plan amendments on June 9, 2010.

BACKGROUND
In anticipation of the DAP being placed on the November 2010 ballot, Council directed that the new DAP be concise and that it focus on goals, policies, and essential development standards. Starting with a concise draft provided by staff, Planning Commission met four times to consider DAP and General Plan Amendment language. Planning Commission held a noticed public hearing on April 28, 2010, made its DAP recommendations (Attachment 1) on May 12, 2010, and recommended General Plan amendments needed for consistency on June 9, 2010 (Attachment 2).

Planning Commission’s principle focus was to refine draft DAP language to better reflect Council’s direction. Confusing language was also clarified, and unnecessary language was eliminated. Planning Commission recommendations that appeared to be inconsistent or go beyond the direction given by Council in February have been provided in a separate document (Attachment 3), and also summarized in this report.

The New 2010 DAP and Council’s Direction

The following sections describe how and where Council’s February, 2010 direction has been incorporated into the draft DAP.

Requirements for All Development. Council’s direction called for stronger and clearer requirements for development to: be more sustainable, reduce transportation impacts, provide affordable housing, and provide public open space. These requirements appear in “Policy LU-2.1, Contributions Required of All Development.” For clarity, redundant language was eliminated and other policies pertaining to developer contributions follow immediately, including: “Policy LU-2.2: Additional Community Benefits for Buildings Exceeding 75 Feet;” “Policy LU-2.3: Voluntary Green Pathway” (discussed below), and “Policy LU-2.4: Developer Contributions for Open Space.”

Voluntary Green Pathway. Policy LU-2.3 would create a “Voluntary Green Pathway” that includes additional development requirements for affordable housing, fair labor practices, energy efficiency, and open space contributions. In exchange for these benefits to the City, such projects would be subjected to a streamlined development review process that would reduce uncertainty associated with gaining project approval. The voluntary Green Pathway would include a streamlined historic resource review process. To clarify this policy, Planning Commission also added a sentence noting that if an historic resource is found to be a Landmark or Structure of Merit, the Green Pathway would not be available to a development and a time-limited design review process.

Limits to Taller Buildings. Policy LU 1.5, Figure LU-1 and Table LU-1, reduce the generally allowed height in “Core Area” and “Inner Core” areas from 85 feet to 75 feet. Compared with the rescinded 2009 DAP, the draft 2010 DAP also reduces the number of buildings that can exceed the generally allowed height from a total of ten (10) buildings to seven (7). In addition, the height of the tallest buildings would be reduced by about 45 feet so that they would not exceed the height of the tallest existing buildings.

Lower Buildings to Protect Residential Neighborhoods. Policies LU-4.2 & LU-7.2, and Figure LU-1, would require buildings to step down where they abut or are across the
street from residential buildings in residential zones. In addition, development would have to be lower along Martin Luther King Jr. Way and along Shattuck south of Durant.

**Improve Transit.** Policies under Goal AC-4 incorporate the specific requests included in a 2009 letter from AC Transit to reduce travel times, improve reliability and increase pedestrian comfort. Policy 4.4 calls for consideration of a transit center in Downtown.

**Green and “Super-Green” Buildings.** Requirements and incentives for green buildings -- including a requirement that buildings be LEED Gold or equivalent -- appear in Policies under Goals LU-2 and ES-4. In addition, Policy ES-4.3 adds that “Super-Green” projects (i.e. LEED Platinum or “zero net energy”) be allowed to defer building fees.

**Additional Planning Commission Recommendations (Separate from Council Direction)**

Planning Commission recommended (with 7 ayes and 2 nays) that the New 2010 DAP draft of May 5 be modified in ways that may not be consistent with, or go beyond the Council’s February, 2010 direction. For clarity, these recommendations are presented separate from the draft DAP (Attachment 3) and briefly discussed here.

**Voluntary Green Pathway.** Planning Commission recommended that explicit reference to the Zoning Adjustments Board (ZAB) and Design Review Committee (DRC) be removed from Policy LU-2.3. Planning Commission proposed that Policy LU-2.3 would have City Council define an “appropriate procedure for reviewing Green Pathway projects.”

**Encourage Office Development.** Planning Commission also recommended that Council consider incentives for office-commercial -- along with the incentives that have already been drafted for residential-commercial buildings. Commissioners argued that private office and research activity generated by UC Berkeley and Berkeley’s workforce is being lost to other cities, like Emeryville, and that increasing the amount of office space would capture these types of jobs, increase City revenues, place more people near transit, and make Downtown a more dynamic synergistic place.

**Focus Growth Downtown.** Planning Commission recommended that Council add a policy encouraging growth Downtown, rather than diverting development away from Downtown -- and possibly to other Berkeley locations. Discussion leading up to this motion expressed concerns that DAP development requirements may make desirable Downtown development harder – not easier – and that development would become more likely in locations with limited transit access and greater impacts on residential neighborhoods.

**Information Requested by City Council**

**Relating Building Height to Number of Dwelling Units.** To inform its discussions on maximum building heights, the Council asked for the approximate yields from buildings of different heights. These estimates are consistent with the actual yield of recent projects, and factor:
• typical floor-to-floor dimensions;
• typical maximum residential building depths (for sufficient interior air and light);
• dwelling unit sizes that are in line with trends;
• street-facing “stepbacks” above 85 feet; and
• limits on building width at elevations above 120 feet (regardless of lot size).

These estimates do not consider whether projects of certain heights may or may not be feasible. For an analysis that relates building heights to project feasibility, please go to: http://www.ci.berkeley.ca.us/uploadedFiles/Planning_and_Development/Level_3_-_DAP/FeasibilityReport_Final.pdf

<table>
<thead>
<tr>
<th>MAXIMUM HEIGHT</th>
<th>13,000sf LOT</th>
<th>26,000sf LOT</th>
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<tr>
<td>Feet</td>
<td>Total Floors</td>
<td>Resid’l Floors</td>
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<tr>
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<td>5</td>
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<td>140</td>
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<tr>
<td>180</td>
<td>17</td>
<td>16</td>
</tr>
</tbody>
</table>

Guidelines for Taller Buildings. Draft DAP policies call for special standards and design guidelines for taller buildings, should they be permitted. Notes 8 and 9 of Table LU-1 call for upper-story setbacks (aka “stepbacks”) and separations between taller buildings. Policy HD-4.2 would require project proposals over 75 feet be accompanied by an analysis of shadow, wind, and visual impacts, so that impacts can be reduced as part of the design review process. The Downtown Design Guidelines would be amended to address the design of taller buildings, to encourage architectural excellence and respect the traditional character of Downtown. For example, the Design Guidelines might require that new buildings have a classical “tri-partite” expression of “base, middle and top.” At their base, a forecourt could be encouraged and would provide a way to unify the horizontal tripartite elements with vertical features – thereby avoiding a “wedding cake” effect. Guidelines would help assure well-designed “crowns” at the top of buildings and as important additions to Berkeley’s skyline. Design techniques for “green high-rises” would also encourage the efficient use of resources, promote livability, and minimize local impacts.

Labor Conditions Analysis. Percentages noted in the draft new DAP goals and policies reflect State of California standards for apprenticeship programs and prevailing wages. Labor-related requirements would be developed more fully through zoning amendments and other implementing actions.

California Environmental Quality Act (CEQA)
In 2009, the City Council certified the Final Environmental Impact Report for the Downtown Area Plan. It also adopted findings and a mitigation monitoring plan related to potential environmental impacts. Before adopting the proposed 2010 Downtown Area Plan -- or referring it to the ballot -- the Council must make appropriate CEQA findings. The Council must determine whether the previous EIR is still applicable, and if so, certify the EIR for the revised project and make the findings required by CEQA. If the EIR needs supplemental work, then staff must undertake that work prior to final Council action in July. The following preliminary analysis provides background for eventual Council action. Staff’s initial conclusion is that the 2009 DAP EIR is sufficient for Council action on the 2010 DAP as recommended by the Planning Commission. Staff will prepare additional analysis, undertake any additional CEQA process, and prepare appropriate findings for Council action, after we receive direction from Council for the new DAP.

Sufficiency of the DAP EIR. EIRs are intended to provide information on the potential environmental impacts of a project. In establishing development assumptions for the DAP EIR, the Planning Commission asked that the EIR analyze the highest level of development considered during the DAPAC process -- to give themselves and the City Council information on maximum potential environmental impacts, and to provide latitude for decision making. The 2009 DAP eventually allowed for a somewhat lower level of development than evaluated in the EIR.

In evaluating the applicability of the DAP EIR to the new 2010 DAP, the key issues are whether there are any new impacts that were not addressed, or impacts that would be more severe than those considered in the 2009 EIR. While the new DAP retains nearly all of the goals and policies of the previous DAP, it contains some significant modifications. Key 2010 DAP modifications and their relationship to the 2009 DAP EIR are described in the following paragraphs.

The draft DAP includes the following:

1. **Reduction in the number and height of taller buildings relative to the 2009 DAP.** The number of taller buildings included in the 2009 DAP was already below the number evaluated in the EIR. Therefore, the 2010 DAP would have less impact than the project evaluated in the 2009 DAP EIR. The 2010 DAP retains provisions for reducing adverse shadow, view, and wind impacts to streets and public open spaces to acceptable levels. Some impacts from taller buildings may still be significant and unavoidable as was disclosed in the 2009 EIR and addressed by its “Statement of Overriding Considerations.”

2. **Stronger and clearer requirements for development to be more sustainable,** reduce transportation impacts, provide affordable housing, and provide public open space. The EIR for the 2009 DAP found that certain transportation impacts were significant and unavoidable. Although the proposed requirements on new development will not necessarily reduce impacts to a less than significant level, these new requirement are further mitigations of potential impacts, whether significant or not. As drafted, the 2010 DAP would not have increased or different impacts than the impacts considered in the 2009 DAP EIR.
3. **A Voluntary Green Pathway.** This addition to the 2010 DAP would allow buildings 75 feet or less to be built “as of right”, if they met certain standards. An “as of right” project is one that can be built without being subject to any further environmental review, beyond that provided by the DAP EIR. Because the 2009 DAP EIR assumed that virtually all development projects would be subject to some further environmental review as part of a Use Permit process, this is a change in the project description and therefore requires additional analysis.

In considering this new project element, the issue under CEQA is whether a proposed “as of right” development would have greater impacts or different potentially significant impacts than those considered in the 2009 DAP EIR. The DAP EIR found that certain potentially significant impacts could not be reduced to a less than significant level but that additional project-specific environmental review could reduce impacts (although not necessarily to a less than significant level):

- **Impacts on view corridors.** The EIR found that view corridors of the Berkeley hills could be compromised by development. The EIR indicates that site-specific environment review is necessary for buildings between Shattuck Avenue and Oxford Street to consider how impacts can be reduced through setbacks. Despite this proposed mitigation, the impacts were still considered significant and unavoidable. Although design guidelines for this area would emphasize the need to step back upper floors to minimize impacts on view corridors, the impacts would still be significant and unavoidable.

- **Shadowing from taller buildings (more than 85 feet) on public open space.** The as-of-right projects would only be those that are less than 85 feet under the proposed green pathway. The EIR found that projects of this height would not have significant shadowing impacts, except for shadow impacts on “The Crescent” on the UC campus which was found to be significant and unavoidable and was addressed in the 2009 “Statement of Overriding Considerations.”

- **Historic resources.** The 2009 DAP EIR found that projects in Downtown could lead to the loss of some historic resources. This was a significant and unavoidable impact. The proposed Green Pathway would establish a revised procedure for evaluating whether an historic resource is present on a proposed development site. That procedure requires an historic evaluation by an independent consultant selected by the City and review by the Landmarks Preservation Commission. If a project is found to have a significant detrimental impact on an historic resource, Planning Commission interpreted Council’s direction to mean that the Green Pathway would no longer be available to the proposed project; i.e. the standard entitlement process would apply, and that the Green Pathway would have historic protections equivalent to those already present under the existing ordinance -- and would therefore have no significant additional
impact on historic resources beyond those already considered in the EIR. Although not found to be a significant impact in regard to historic resources, the EIR also found that design guidelines were necessary to ensure infill development was compatible with historic resources. The 1993 Downtown Design Guidelines address such concerns and projects using the Green Pathway would have to comply with those Guidelines or new ones that are no less protective.

- **Standard conditions.** In addition to impacts that were found to be significant and unavoidable, the EIR found that other potentially significant impacts would be reduced through the imposition of standard conditions at the time a Use Permit is granted. These impacts are related to air quality and noise impacts, short-term construction impacts, and the possible disturbance of archeological resources during excavation. These standard conditions (identified as mitigations in the DAP EIR) are not memorialized in the zoning ordinance, and zoning provisions that establish the as-of-right Green Pathway must therefore be accompanied by explicit requirements to address these potential impacts. On June 9, Planning Commission recommended that the following sentence be added to Green Pathway policy language:

  “Zoning provisions that establish the Voluntary Green Pathway shall be accompanied by requirements to address air quality and noise impacts, short-term construction impacts, and the possible disturbance of archaeological resources.”

Assuming the Council’s actions are generally consistent with the work to date of the Planning Commission, staff believes that an addendum to the EIR (to address minor changes in the EIR and correct some errors) can be prepared and that the Council can then certify that the 2009 DAP EIR with an addendum that addresses the 2010 DAP.

**FISCAL IMPACTS OF RECOMMENDATION**

Implementation of the DAP would increase development fees for streets & open space, parking & alternative transportation, and affordable housing. Using grant funding from MTC/ABAG, financial strategies are being prepared for streets & open space and parking & transportation demand management programs. MTC/ABAG has also funded the preparation of “comprehensive financing plan,” which will coordinate these financing strategies and consider the cumulative impact of multiple fees on development feasibility. Draft recommendations for these financing efforts are expected in late 2010.

**RATIONALE FOR RECOMMENDATION**

The City Council meeting on June 22 is intended to familiarize the Council with Planning Commission’s draft of the 2010 DAP (and associated General Plan Amendments) -- and for Councilmembers to explore issues that may lead to future revisions. The new DAP goals and policies document and CEQA findings are expected to be on the Council agenda for its meetings on July 6 and July 13, 2010. If the City Council decides to place
the new DAP on the November 2010 ballot, it must take action at its final meeting before the summer recess, on July 13th.

ALTERNATIVE ACTIONS CONSIDERED
None.

CITY MANAGER
The City Manager concurs with the content and recommendations of the Commission’s Report.

CONTACT PERSON
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ATTACHMENTS

ENVIRONMENTAL SUSTAINABILITY

GOAL ES-1: INTEGRATE ENVIRONMENTALLY SUSTAINABLE DEVELOPMENT AND PRACTICES IN DOWNTOWN, AND IN EVERY ASPECT OF THE DOWNTOWN AREA PLAN.

Policy ES-1.1: Sustainability as Comprehensive. Consider and develop programs for environmental sustainability in a comprehensive way to: reduce the generation of greenhouse gases, minimize the use of non-renewable resources, minimize impacts on affected ecosystems, improve public health, promote social equity, and communicate Berkeley’s commitment to sustainability.

Policy ES-1.2: Model Best Practices. Improve the environmental performance of Downtown Berkeley, and model best practices applicable to urban centers.

GOAL ES-2: MODEL BEST PRACTICES FOR SUSTAINABILITY, AND PROMOTE DOWNTOWN TO BUSINESSES, INSTITUTIONS, AND RESIDENTS WHO ARE COMMITTED TO ENVIRONMENTAL SUSTAINABILITY.

Policy ES-2.1: Public Awareness & Promoting Downtown as Green. Promote Downtown as a model of sustainability and a place that will attract visitors who want to see how “green” a city can be. Increase public awareness of environmental features and programs Downtown.

Policy ES-2.2: Green Businesses. Encourage new “green businesses” to locate Downtown, and existing businesses to go “green.” Encourage businesses to adopt environmental practices. Seek to attract East Bay Green Corridor Partnership uses to Downtown.

Policy ES-2.3: Local Food & Businesses. Promote strategies that connect Downtown residents, businesses and visitors with local sources of products, services, and healthful foods (see Policies ED-5.3 & ED-5.4). Retain and expand farmers markets in the Downtown Area.

Policy ES-2.4: Downtown Energy & Water Facilities. Consider sustainable infrastructure that can serve several parcels, or several blocks, in Downtown and abutting areas.

Policy ES-2.5: Environmental Leadership. The City of Berkeley should demonstrate leadership in environmental sustainability through its own actions. Specifically, the City-owned Berkeley Way parking lot should become a “super-green” affordable housing project with zero net energy use¹, while simultaneously avoiding a reduction in off-street parking spaces in the area (see Policy ES-4.3).

GOAL ES-3: ENCOURAGE HIGH DENSITY, HIGHLY LIVABLE DEVELOPMENT TO TAKE ADVANTAGE OF DOWNTOWN’S PROXIMITY TO REGIONAL TRANSIT AND TO IMPROVE THE AVAILABILITY OF DIVERSE WALK-TO DESTINATIONS -- SUCH AS RETAIL, SERVICES, CULTURE, AND RECREATION.

Policy ES-3.1: Land Use. Encourage development with high intensities close to transit, and encourage a mix of uses that allows most needs to be met on foot (see policies under Goal LU-1).

Policy ES-3.2: Streets & Open Space. Make major enhancements and additions to sidewalks, parks, plazas, midblock pedestrian walkways, streets, and other open space, and incorporate ecologically beneficial features (see Policy LU-2.3 and policies under Goal OS-1).

¹ Zero net energy projects generate sufficient energy on-site to equal or exceed the on-site energy used for heating, cooling, lighting, and other building operations.
Policy ES-3.3: Urban Design. Encourage exceptional, high-quality new architecture, and minimize noise, wind, glare and other impacts from development (see policies under Goals HD-4 & HC-2).

Policy ES-3.4: Alternative Modes. Enhance and expand transit service, walking and bicycle use, as an alternative to the use and ownership of private vehicles. (See Access goals and policies.)

Policy ES-3.5: Pedestrian Priority. Streets and other public improvements and programs, should give pedestrians priority in Downtown. (See Access goals and policies.)

GOAL ES- 4: PROMOTE “GREEN” BUILDINGS.

Policy ES- 4.1: Energy Efficiency & Generation. Promote highly energy-efficient buildings and on-site energy generation through design and construction techniques. Require energy performance of LEED Gold or equivalent\(^2\) in all new non-UC buildings, substantial additions, and substantial renovations. For buildings exceeding 75 feet in height, significantly exceed State Title 24 energy requirements (see policies under Goal LU-2). Encourage UC to go beyond its LEED Silver standard in its Downtown projects. At the recommendation of the Landmarks Preservation Commission and at the discretion of the Zoning Adjustments Board, requirements may be waived to encourage the adaptive reuse of older buildings (see Policy LU-2.1).

Policy ES-4.2: Comprehensive Performance. Buildings should have exceptional environmental performance across a spectrum of concerns. Require an overall building performance of LEED Gold or equivalent in all new non-UC buildings, substantial additions, and substantial renovations (see policies under Goal LU-2). Encourage UC to go beyond its LEED Silver standard in its Downtown projects. At the recommendation of the Landmarks Preservation Commission and at the discretion of the Zoning Adjustments Board, requirements may be waived to encourage the adaptive reuse of older buildings (see Policy LU-2.1).

Policy ES-4.3: “Super-Green” Projects. Allow projects that are LEED Platinum or zero net energy to defer building permit fees.

Policy ES-4.4: Water Conservation & Reuse. Promote substantial water conservation and water reuse as part of new construction, renovations, site improvements, and landscaping.

Policy ES-4.5: Green Materials. Encourage use of environmentally preferable materials for building construction and maintenance to: maintain healthful indoor air quality; reduce exposure to harmful materials during their production; install and disposal; protect threatened & endangered species; and reduce consumption of natural resources.

Policy ES-4.6: Noise. Evaluate and strengthen noise mitigation measures as appropriate to Downtown’s active mixed-use environments (see Policy HC-2.2).

Policy ES-4.7: Longevity. Promote buildings and features that require less frequent maintenance or replacement.

Policy ES-4.8: Solar & Wind Impacts. Design and locate new buildings to avoid significant adverse solar- or wind-related impacts on important public open spaces (see Policies LU-4.2 & HD-4.2).

Policy ES-4.9: Adaptive Reuse. Encourage adaptive reuse of older buildings by promoting their rehabilitation, and allow intensification, where appropriate (see Policy HD-1.1).

GOAL ES-5: PROMOTE ECOLOGICALLY BENEFICIAL LANDSCAPING AND STORMWATER FEATURES THROUGHOUT THE DOWNTOWN TO: FILTER POLLUTANTS CONTAINED IN URBAN RUNOFF, PROTECT AND RESTORE CONNECTED NATURAL ECOSYSTEMS, REDUCE FLOODING DOWNSTREAM, AND EXPRESS BERKELEY’S COMMITMENT TO SUSTAINABILITY.

\(^2\) LEED is the “Leadership in Energy & Environmental Design” program of the US Green Building Council. Build-It Green’s GreenPoint Rated system might be adapted to be LEED Gold equivalent.
Policy ES-5.1: Stormwater Quality. New development and public infrastructure should provide “best-practices” to protect and improve ecological quality and functions relating to stormwater, by treating urban runoff, retaining stormwater, and attaining no net increase in runoff from Downtown (see Policy LU-2.1).

Policy ES-5.2: Ecological Landscaping. New development and public infrastructure should promote extensive landscaping and “best-practices” for landscaping that benefit and help restore natural systems throughout the Downtown Area (see policies under Goal OS-2).

Policy ES-5.3: Natural Areas on UC Campus. Encourage the University to maintain and enhance natural areas adjacent to Downtown, such as near Strawberry Creek (see Policies LU-6.1 & OS-1.1).

GOAL ES-6: MINIMIZE WASTE GENERATED DOWNTOWN, AND STRIVE TO MAKE DOWNTOWN A “ZERO WASTE ZONE.”

Policy ES-6.1: Recycling & Reuse. Maximize recycling and reuse opportunities for Downtown residents, workers, visitors, businesses, and institutions. All new development shall provide on-site recycling facilities (see Policy LU-2.1).

Policy ES-6.2: Adaptive Reuse. Encourage adaptive reuse of older buildings (see Policy HD-1.3).

Goal ES-7: CONTINUOUSLY IMPROVE CITY STANDARDS AND PROGRAMS PROMOTING SUSTAINABLE PRACTICES.

Policy ES-7.1: Continuous improvement. Regularly evaluate sustainability programs and standards, using environmental, social and economic measures in relation to sustainability practices and progress Downtown.

LAND USE

GOAL LU-1: ENCOURAGE A THRIVING, LIVABLE DOWNTOWN THAT IS A FOCAL POINT FOR THE CITY AND A MAJOR DESTINATION FOR THE REGION, WITH A UNIQUE CONCENTRATION OF HOUSING, JOBS AND CULTURAL DESTINATIONS NEAR TRANSIT, SHOPS AND AMENITIES.

Policy LU-1.1: Downtown Uses. Encourage uses that allow people who live, work and learn in Downtown to meet daily needs on foot. The following uses are allowed in mixed-use areas (i.e. Core Area, Outer Core, and Buffer areas):

- commercial uses (such as retail, restaurants, offices, cinemas, nightclubs, hotels, personal services, professional services, fitness centers);
- multifamily residential uses (such as apartments, condominiums, townhouses, and “live-work” lofts/townhouses);
- cultural & community uses (such as libraries, theaters, museums, art galleries, visitor services, supportive services, childcare, government, health care & health-related facilities);
- educational uses (such as classrooms, student and staff services, recreation facilities, and research facilities); and
- public and private open space.

For use provisions applying to residential designations, refer to Berkeley’s Zoning Ordinance.

Policy LU-1.2: Culture & Entertainment. Encourage unique cultural and entertainment uses that serve the city and region, including museums, live theater, and cinemas (see Policy ED-1.5).

Policy LU-1.3: Complementary & Active Businesses. Cultivate synergy between restaurants, shops and other businesses, combined with Downtown’s focus on cultural and educational uses, to encourage a thriving and diverse retail environment (see policies under Goal ED-1).
Policy LU-1.4: Civic Focus. Focus City government and civic activity in the Civic Center area, and recognize Downtown’s central role in providing community services.

Policy LU-1.5: Downtown Intensities & Building Heights. To advance Downtown as a vibrant city center and encourage car-free options near transit, accommodate urban intensities by using building heights that are appropriate and feasible. Generally allowed maximum heights in the Core Area and Outer Core (see Figure LU-1) should -- with a Use Permit for height -- permit buildings as tall as 75 feet to permit the tallest extent of woodframe construction allowed, and to be just ten feet taller than the Shattuck Hotel. In the Core Area and some parts of the Outer Core, allow a limited number of buildings to exceed the generally allowed maximum (see Table LU-1). At the same time, provide appropriate transitions to Medium-Density Residential areas that surround Downtown’s mixed-use areas, by further limiting building heights (as described in Policies LU-4.2 and LU-7.2).

GOAL LU-2: NEW DEVELOPMENT SHALL CONTRIBUTE ITS FAIR SHARE TOWARD DOWNTOWN IMPROVEMENTS. COORDINATE PUBLIC IMPROVEMENTS, DEVELOPMENT FEES AND OTHER FUNDING OPPORTUNITIES FOR THE ORDERLY AND ATTRACTIVE TRANSFORMATION OF DOWNTOWN.

Policy LU-2.1: Contributions Required of All Development. New buildings, substantial renovations and substantial additions, regardless of height, shall provide the following public benefits:

- Meet LEED Gold or equivalent.
- Provide on-site recycling opportunities.
- Pay into a Public Open Space Fund (see Policy LU-2.3).
- Provide on-site open space for public use & urban run-off, or pay in lieu fee for Downtown open space improvements (see Policy LU-2.3).
- Have no new net stormwater run-off, or pay in lieu fee for Downtown stormwater improvements.
- Pay into a Downtown Transportation Management Demand (TDM) fund.
- Provide on-site parking, or pay an in lieu fee for Downtown parking and TDM improvements.
- Provide carsharing opportunities.
- Have on-site bicycle parking.
- Provide AC Transit passes (i.e. “eco-passes”) and pretax transit commuter benefits to residents and employees;
- Pay an affordable housing mitigation fee and/or provide affordable housing per City policy.
- Pay child care mitigation fee.

In addition, such projects will:

- Rent parking spaces separate from dwelling units or commercial space (unless project financing cannot be otherwise obtained).
- Waive eligibility for City’s Residential Parking Permits.

Specific requirements (including development standards) will be defined in the context of citywide provisions. At the recommendation of the Landmarks Preservation Commission and at the discretion of the Zoning Adjustments Board, requirements may be waived to encourage the adaptive reuse of older buildings. Also consider zoning provisions to define thresholds where substantial renovations and substantial additions to existing buildings may be exempt.

In addition, procedures for verifying and monitoring compliance will be developed, along with penalties for non-compliance. These requirements and procedures will be returned to City Council for approval before new zoning provisions for new building heights are adopted. With the approval of the City Council, specific requirement thresholds may be adjusted after further analysis – so long as significant contributions are maintained.

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3 A “Transportation Demand Management” fee would promote alternatives to the automobile and more efficient use of parking, and is synonymous with a “Transportation Service Fee” (see Goal AC-3).
### TABLE LU-1. ALLOWABLE BUILDING HEIGHTS. (1, 2, 3)

<table>
<thead>
<tr>
<th>Use</th>
<th>Minimum Building Height (4, 5)</th>
<th>Generally Allowed Maximum</th>
<th>With Use Permit for Increased Height (6)</th>
<th>Limited Number of Buildings Allowed to Exceed Generally Allowed Height (7, 8, 9, 10)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Core Area</td>
<td>50'</td>
<td>60'</td>
<td>75'</td>
<td>Core Area Only (11): Maximum of 2 Residential buildings with height comparable to existing tall buildings. Maximum of 1 Hotel with height comparable to existing tall buildings. Core Area and where allowed in Outer Core: Maximum of 2 Office or Residential buildings up to 120 feet (non-UC) Maximum of 2 UC Buildings up to 120 feet Buildings over 75 feet are not allowed in Outer Core areas designated as &quot;75' maximum&quot; (see Figure LU-1)</td>
</tr>
<tr>
<td>Outer Core</td>
<td>40'</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>R-3 (downzone from R-4)</td>
<td>none</td>
<td>See Zoning Ordinance</td>
<td></td>
<td>no exceptions</td>
</tr>
<tr>
<td>R-2A</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(1) All new buildings must provide public benefits and buildings over 75 feet must provide additional benefits, as described in Policies under Goal LU-2.

(2) Maximum building heights shall be lowered to reduce impacts on residential areas and the new linear park on Shattuck (see Policies LU-4.2 and LU-7.2 and Figure LU-1).

(3) Height dimensions are to roof, and do not incl. parapets, mechanical penthouses, appurtenances, & decorative features. The ground floor of mixed-use buildings should have a height of at least 15 feet.

(4) Community, entertainment, and museum buildings are exempt from minimum height requirement, as are projects for the adaptive reuse of existing buildings.

(5) The minimum building height may not be attained by using parapets, roofs, or floor-to-floor heights that exceed typical dimensions for proposed use(s).

(6) Significant contributions toward public benefits and/or affordable housing may result in a Use Permit for increasing heights to those stated in this column. UC projects are not subject to Use Permit provisions. UC buildings may be built to 100 feet and without stepbacks in Core Area and Outer Core, on parcels controlled by the University as of July 2009.

(7) Buildings exceeding 75 feet must contribute significant additional community benefits (see Policy LU-2.3).

(8) Portions of buildings that are over 75 feet above grade shall be stepped back & adjusted to avoid significant adverse solar, visual, or wind impacts on public streets & open spaces.

(9) Where street rights-of-way have a width less than 90 feet, separate buildings at least 120 feet to further reduce aesthetic & shade impacts.

(10) For buildings that exceed 75 feet, limitations on use apply to upper floors only.

(11) For reference, building permit documents show the height of the Great Western building to be 179 feet to the top of its structural system, and show the height of the Wells Fargo building to be 173 feet to the top of its penthouse (and about 165 feet to the roof over its occupied space).

*For Figure LU-1: Land use & Building Heights, see Attachment.*
Policy LU-2.2: Additional Community Benefits for Buildings Exceeding 75 Feet. Developers of buildings in excess of 75 feet must provide significant community benefits beyond what would otherwise be required. These may include: affordable housing, supportive social services, green building, open space, transportation demand management, job training, and/or employment opportunities.

Policy LU-2.3, Voluntary Green Pathway. As an expedited alternative to the standard entitlement process described in Municipal Code Chapter 23, a Voluntary Green Pathway development approval process shall be available to projects that provide exceptional environmental and community benefits. All projects opting for the Voluntary Green Pathway must provide all contributions required of all development (see Policy LU-2.1) plus meet the following requirements.

- Significantly exceed Title 24 energy requirements
- Provide additional on-site open space for public enjoyment, or pay an additional in-lieu fee to Public Open Space Fund.
- Reduce or eliminate on-site parking requirement by making significant additional payments into the Transportation Management Demand (TDM) fund.
- Provide 20% affordable housing on-site or elsewhere within the Downtown Area, or pay an in lieu fee to Berkeley’s Housing Trust Fund.
- Waive any right to State Density Bonus for Affordable Housing.
- Employ approximately 30% of construction workers from Berkeley and, if sufficient workers are not available in Berkeley, from other cities in the East Bay Green Corridor (i.e. Oakland, Richmond and Emeryville).
- For buildings with more than 100 units of housing or office buildings above 75 feet, prevailing wages must be paid for construction workers. In addition, about 16% of the workforce for these projects should be apprentices from state-certified apprenticeship programs.

Before this alternative is implemented, procedures for verifying and monitoring compliance – and penalties for non-compliance -- will be developed and returned to City Council for approval. With the approval of the City Council, specific requirement thresholds may be adjusted after further analysis – so long as significant contributions are maintained. Furthermore, zoning provisions that establish the Voluntary Green Pathway shall be accompanied by requirements to address air quality and noise impacts, short-term construction impacts, and the possible disturbance of archaeological resources.\(^4\)

Developers who choose the Voluntary Green Pathway will be subject to the following expedited entitlement process.

For buildings at or below 75 feet:

- Submit Landmarks application to City staff for City-conducted analysis of historic value.
- When complete, submit this analysis to Landmarks Preservation Commission (LPC) to determine whether building qualifies as a Landmark or Structure of Merit (SOM). LPC shall complete this determination within 90 days, and this determination shall remain in effect while use permits are being actively pursued. LPC action may be appealed to City Council.
- Design Review Committee (DRC) has up to 90 days to determine whether project conforms with Downtown Design Guidelines. DRC action may be appealed directly to City Council. If it is finally determined that the subject building qualifies as a Landmark or Structure of Merit, then the proposed project shall not qualify for the entitlement process of the Voluntary Green Pathway and the standard entitlement process shall apply.
- A Zoning Certificate is issued at the completion of this process. No Zoning Adjustment Board review is required.

For buildings over 75 feet:

- Submit Landmarks application to City staff for City-conducted analysis of historic value.

\(^4\) Addition of this sentence recommended by Planning Commission on June 9, 2010.
• When complete, submit this analysis to Landmarks Preservation Commission (LPC) to determine whether building qualifies as a Landmark or SOM. LPC shall complete this determination within 90 days, and this determination shall remain in effect while use permits are being actively pursued. LPC action may be appealed to City Council.

• The project review process for Design Review Committee (DRC) and Zoning Adjustment Board (ZAB) shall not exceed a combined total of 210 days. If it is finally determined that the subject building qualifies as a Landmark or Structure of Merit, then the proposed project shall not qualify for the entitlement process of the Voluntary Green Pathway and the standard entitlement process shall apply.

• ZAB action may be appealed to City Council.

Policy LU-2.4: Developer Contributions for Open Space. New development shall contribute to a Downtown Public Open Space Fund to help pay for streetscape and public open space improvements and maintenance. In addition, allocate significant portions of new parking revenues and hotel tax (i.e. transient occupancy tax) revenues toward Downtown streetscape and open space improvements, while also addressing other City budget priorities. Public street & open space funding and priorities should be analyzed in a comprehensive way.

In addition, new development shall provide adequate on-site street-level open space for public use and for capturing rainwater & urban run-off, but may make additional payments to a Downtown Public Open Space Fund in lieu of on-site requirements (see Policy OS-3.1). Street-level open space requirements are in addition to private open space requirements for occupants of residential projects (see Policy OS-3.2).

Policy LU-2.5: DAP Evaluation & Updates. The City Council should review the Downtown Area Plan five (5) years after adoption, to evaluate whether the Downtown Area Plan is meeting goals relating to aesthetics, livability, economic vitality, housing growth and affordability, sustainability, and other factors -- and whether negative impacts are acceptable and positive benefits can be increased. City Council may consider adjustments to DAP policies and development regulations to better attain desired benefits and address unacceptable impacts.

GOAL LU-3: CULTIVATE DOWNTOWN AS AN ATTRACTIVE RESIDENTIAL NEIGHBORHOOD WITH A RANGE OF HOUSING OPPORTUNITIES, AND AN EMPHASIS ON AFFORDABLE HOUSING AND FAMILY HOUSING.

Policy LU-3.1: Housing Needs. Accommodate a significant portion of Berkeley’s share of regional housing growth as defined by Regional Housing Needs Assessments (RHNA) within the Core Area, Outer Core, and Buffer areas, as compared with other appropriate subareas within the city.

Policy LU-3.2: Housing Diversity & Affordability. Offer diverse housing opportunities for persons of different ages and incomes, households of varying size and the disabled, and give Downtown a significant role in meeting Berkeley’s continuing need for additional housing, especially affordable housing (see policies under Goals HC-3 & HC-4).

GOAL LU-4: NEW DEVELOPMENT SHOULD ENHANCE DOWNTOWN’S VITALITY, LIVABILITY, SUSTAINABILITY, AND CHARACTER THROUGH APPROPRIATE LAND USE AND DESIGN.

Policy LU-4.1: Transit-Oriented Development. Encourage use of transit and help reduce regional greenhouse gas emissions, by allowing buildings of the highest appropriate intensity and height near BART and along the Shattuck and University Avenue bus corridors (see Policy LU-1.5).

Policy LU-4.2: Development Compatibility. Encourage compatible relationships between new and historic buildings, and reduce localized impacts from new buildings to acceptable levels (see policies ES-4.8 & HD-4.2). The size and placement of new buildings should: reduce street-level shadow, view, and wind impacts to acceptable levels; and maintain compatible relationships with historic resources (such as streetwall continuity in commercial areas). In Outer Core areas along Shattuck Avenue and between Durant and Haste, new buildings should not exceed 75 feet and should be stepped back so as not to exceed 65 feet adjacent to streets.
Policy LU-4.3: Historic Resources. Preserve historic buildings and sites of Downtown, and provide where appropriate for their adaptive reuse and/or intensification (see Policy HD-1.1).

GOAL LU-5: ENHANCE DOWNTOWN AS A CENTER FOR EMPLOYMENT AND INNOVATIVE BUSINESSES.

Policy LU-5.1: Office Space. Encourage new office space to serve the growth needs of existing and start-up businesses, recruit private-sector spin-offs from the University, and provide jobs for Berkeley's workforce (such as professionals and high-tech workers who now commute elsewhere).

GOAL LU-6: ENCOURAGE UNIVERSITY USES IN DOWNTOWN THAT WILL BENEFIT THE GREATER DOWNTOWN AREA.

Policy LU-6.1: University Land Uses. Encourage the University to use its Downtown sites for uses that serve the public or are of general interest, such as creating a new public health campus and relocating the Berkeley Art Museum and Pacific Film Archive to Downtown. To the extent possible, UC buildings should line streets and public open spaces with retail and other public-serving uses that encourage activity and meet the needs of Downtown residents, workers, and visitors (see policies HD-5.1 & HC-7.1).

Policy LU-6.2: UC Housing. Encourage the University to create more housing Downtown, possibly in cooperation with private developers. For the northeast portion of the Golden Bear site, the R-2A height limit of 35 feet should be retained, except for projects with affordable housing or publicly-accessible parking -- but no commercial space -- in which case a maximum height of 65 feet should be allowed.

Policy LU-6.3: Business Synergies. Encourage University uses in Downtown that will enhance it as a center of employment and innovative businesses (see Policies LU-5.1 & ED-8.2), especially research & development uses associated with the East Bay Green Corridor Partnership.

GOAL LU-7: MAINTAIN THE EXISTING SCALE AND CHARACTER OF RESIDENTIAL-ONLY AREAS.

Policy LU-7.1: Neighborhood Protections. Seek to reduce development pressures in residential-only areas, to promote the preservation and rehabilitation of older structures -- and to conserve the scale of their historic fabric. Maintain the R-2A zoning designation and downzone R-4 areas to R-3 (as shown on the Land Use Map), except for the north side of Dwight Way east of Shattuck Avenue. Along the north side of Dwight east of Shattuck, zoning should remain zoned R-4, and affordable housing projects should be allowed to have street-facing community services and retail. Development on parcels that remain residentially zoned shall be controlled by applicable residential zoning provisions. Private development should not be subject to DAP private development requirements or procedures unless explicitly called for in the DAP or in residential zoning provisions.

Policy LU-7.2: Transitions. Avoid abrupt transitions between residential-only neighborhoods and projects built in Outer Core and Buffer areas. Along Martin Luther King Jr. Way, new buildings should not exceed 55 feet. For projects that abut or confront an existing residential building on a residentially designated property, the new building should not exceed 45 feet at the sidewalk or 55 feet where a 10-foot setback is provided. No project should exceed 65 feet within 40 feet of any residentially designated property (see Figure LU-1).

GOAL LU-8: MAINTAIN AND EXPAND COMMUNITY HEALTH CARE FACILITIES AND SOCIAL SERVICES IN THE DOWNTOWN AREA.

Policy LU-8.1: Herrick Site. Encourage the retention of community-serving health services on the Herrick Hospital site. Work with Alta Bates Summit Medical Center to retain all or a portion of the Herrick site for health services to the extent feasible. The City should redesignate the Herrick site as "Buffer," if the proposed project incorporates health care for the community on the Herrick site or in its
Policy LU-8.2: UC Health Services. Encourage UC to move health services and programs that serve the general public into the Downtown Area, such as a new public health campus on Shattuck at Berkeley Way.

Policy LU-8.3: Other Care Providers. Support public, non-profit and for-profit agencies in Downtown that provide health-related and social services (see Policies HC-5.4 & HC-7.1).

ACCESS

GOAL AC-1: IMPROVE OPTIONS THAT INCREASE ACCESS TO DOWNTOWN ON FOOT, BY BICYCLE, AND VIA TRANSIT. MAKE LIVING, WORKING, AND VISITING DOWNTOWN AS CAR-FREE AS POSSIBLE.

Policy AC-1.1: Street Modifications. Modify Downtown's streets and street network to better serve the needs of pedestrians, bicyclists, and transit (see policies under Goal OS-1). While recognizing that automobiles will be an important transportation mode for the foreseeable future, reduce and avoid negative impacts from the private automobile upon pedestrians, transit, and bicycles (see policies under Goals AC-2, AC-4 & AC-5). Development projects that are adjacent to designed street improvements should finance a fair-share of these improvements as part of their project.

Policy AC-1.2: Single-Occupant Vehicles. Discourage the use of single-occupant vehicles (SOVs) by commuters to Downtown and encourage commuting with transit, ridesharing, bicycles, and on foot. Require larger development projects to provide ridesharing parking and support on-going ridesharing operations. Strengthen parking policies that discourage all-day SOV parking while encouraging alternative modes (see Policy AC-3.1).

Policy AC-1.3: Alternative Modes & Transportation Demand Management (TDM). New development shall support alternative travel modes, consolidated publicly-accessible parking facilities, and Transportation Demand Management (TDM) programs (see requirements under Policies LU-2.1 & LU-2.5). A Downtown Transportation Management Demand (TDM) fund should be established to support alternative modes and other Transportation Demand Management programs. A significant portion of new transportation- and parking-related revenues from the Downtown Area should be used to reduce Downtown car use, while simultaneously supporting the parking needs of local merchants and cultural/entertainment uses. Encourage all Downtown businesses to reward customers and employees who arrive by transit, by bicycle, or on foot, or who use off-street garages instead of on-street parking (see Policy AC-4.2).

GOAL AC-2: GIVE PEDESTRIANS PRIORITY IN DOWNTOWN, AND MAKE WALKING DOWNTOWN SAFE, ATTRACTIVE, EASY AND CONVENIENT FOR PEOPLE OF ALL AGES AND ABILITIES.

Policy AC-2.1: Pedestrian Safety and Convenience. Improve the safety, attractiveness and convenience of pedestrian routes within Downtown -- and to and from surrounding areas. Design and implement pedestrian enhancements through the development of a Streets & Open Space Improvements Plan (see policies under Goal OS-1).

Policy AC-2.2: Pedestrian Amenities. Encourage a wide range of conveniences and destinations within the Downtown Area to meet the needs and interests of those who live and work in and near Downtown (see Policy LU-1).

Policy AC-2.3: Universal Access. Provide safe access to all Downtown streets and pathways for people of all abilities, per citywide standards.

GOAL AC-3: PROVIDE PARKING TO MEET THE NEEDS OF DOWNTOWN, WHILE DISCOURAGING COMMUTER PARKING AND ENCOURAGING MOTORISTS TO PARK THEIR
CARS AND EXPERIENCE DOWNTOWN AS A PEDESTRIAN.

Policy AC-3.1: Effective Parking. Manage parking more effectively to promote Downtown economic vitality and minimize the amount of all-day parking. Promote efficient use of parking by using technologies that: communicate the location of available parking, and use pricing strategies that increase the availability of on-street and short-term parking for retail and cultural uses -- while simultaneously discouraging all-day parking by commuters.

Policy AC-3.2: New Parking. Provide sufficient parking for expected growth by evaluating future parking needs, funding parking facilities, and promoting alternatives to the car. In addition, replace on-street parking lost to street and other improvements within off-street garages. Consolidate parking in shared facilities to the extent possible.

Policy AC-3.3: Pedestrian Impacts. Locate and design new parking in ways that minimize negative impacts upon the pedestrian quality of Downtown (see Policies HD-4.1 & ED-1.2). With new development, discourage parking on-site to increase the space available for street-level retail and activity. Minimize driveway curb cuts to make Downtown more safe and attractive for pedestrians.

Policy AC-3.4: University Cooperation. Encourage the University to review existing parking programs, and work with the University in developing comprehensive parking strategies for planning parking facilities, managing parking more effectively, and making more UC parking available to the public (see Policies AC-1.3, AC-3.1 & AC-3.2).

Policy AC-3.5: Equitable Access. Mitigate impacts of transportation measures that may make access to Downtown difficult for low-income Berkeleys.

Policy AC-3.6: Residential Parking. In neighborhoods near Downtown where parking demand by non-residents is high, offer residents options for managing the supply of on-street parking and lessening the impacts of parking by non-residents.

GOAL AC-4: PROMOTE TRANSIT AS AN EFFICIENT AND ATTRACTIONAL CHOICE -- AND AS A PRIMARY MODE OF MOTOR-VEHICLE TRAVEL.

Policy AC-4.1: Commute Priority. Promote transit as the primary mode for commuting to and from Downtown.

Policy AC-4.2: Promote Transit. The City strongly supports improved local and regional transit service to and from Downtown. Require that new development provides AC Transit bus passes (i.e. "eco-passes") and promotes use of alternative modes (see Policies LU-2.1 & LU-2.4). Require that businesses provide pre-tax commute-by-transit vouchers and free bus passes to employees. Encourage retail, restaurant, theater, cinema, and cultural uses to promote transit and/or provide transit vouchers.

Policy AC-4.3: Attractive Transit. Improve transit options and give transit priority over personal vehicles. Address daytime and nighttime conditions that may discourage transit use. Make transit an efficient and attractive choice by improving speed, reliability and pedestrian comfort. Give consideration to transit-supportive street and facility improvements in the Downtown Area, in collaboration with AC Transit, other transit providers and community stakeholders. Beneficial improvements might include: transit signal priority, queue jump lanes, left turn phasing, bus curb extensions, bus stop amenities, pre-pay fare vending machines, superior bus stop locations, concrete bus pads, and raised platforms. Implement “complete streets” concepts that enhance pedestrian and bicycle routes to transit.

Policy AC-4.4: Multimodal Transit Center. Improve access to BART and enhance the Downtown BART Station as a transportation hub for other transit providers. Explore alternatives for creating a Downtown Transit Center to link AC Transit to other modes, including UC shuttles, bicycles and bike rentals, arrival by car, and walking. Consider how bus turn-around, bus layover, and visitor information facilities might be incorporated.
Policy AC-4.5: Local Connections. Improve transit connections between Downtown, University destinations, and Berkeley neighborhoods, especially connections to: neighborhood commercial areas, facilities for transit-dependent residents, concentrations of potential but poorly-served riders, and concentrations of single-occupancy vehicle (SOV) trips. Collaborate with AC Transit to obtain funds to improve service to poorly-served areas. Consider the possibility of a transit fare-free zone in Downtown or within a larger area.

Policy AC-4.6: Shuttle Service. Consider ways to provide frequent and low-cost local shuttle services that connect multiple destinations within Downtown, the University, and Berkeley neighborhoods.

Policy AC-4.7: Bus Stops. Maintain safe, attractive and weather-protected bus stops.

Policy AC-4.8: Paratransit. Accommodate taxi service and on-demand transport service providers.

Policy AC-4.9: Transit and Bikes. Encourage bicycle access to Downtown for local and regional transit trips.

Policy AC-4.10: Transit-Supportive Uses. Concentrate housing, jobs, and cultural destinations in Downtown to be near transit, shops and amenities (see Policies LU-1.5 & LU-4.1).

Policy AC-4.11: Events. Give priority to transit during major events to reduce traffic congestion that from Cal football games, Berkeley High School morning drop-off, arts and theater events, etc.

GOAL AC-5: MAINTAIN AND ENHANCE SAFE, ATTRACTIVE AND CONVENIENT BICYCLE CIRCULATION WITHIN DOWNTOWN, AND TO AND FROM SURROUNDING AREAS, FOR PEOPLE OF ALL AGES AND ABILITIES. PROMOTE BICYCLING DOWNTOWN.

Policy AC-5.1: Bikeways & Bike Lanes. Give bicycles priority over personal vehicles on many streets Downtown, by providing bikeways on low-speed low-traffic streets, and bike lanes where appropriate.

Policy AC-5.2: Bicycle Parking. Increase the supply of convenient, secure and attractive short-term and long-term bicycle parking throughout the mixed-use portions of the Downtown Area.

Policy AC-5.3: Bike Sharing. Encourage the creation of "bike sharing" (i.e., convenient bike rental) programs Downtown, and their use by employees, residents, and visitors, especially near BART.

Policy AC-5.4: Business/Institutional Support. Make it easier for Downtown employees to use bicycles, especially employees of the City, University, and BUSD.

HISTORIC PRESERVATION & URBAN DESIGN

GOAL HD-1: CONSERVE DOWNTOWN’S HISTORIC RESOURCES AND UNIQUE CHARACTER AND SENSE OF PLACE.

Policy HD-1.1: Historic Buildings & Sites. Preserve historic buildings and sites of Downtown, and provide where appropriate for their adaptive reuse and/or intensification.\(^5\) Retain Landmarks and Structures of Merit, and designate, where appropriate, additional properties as Landmarks or

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\(^5\) Additional analysis will be needed to determine with certainty the merit of resources that were noted as "Contributing" (and in some cases noted as "Significant") in the 1990 Plan but that have not been designated as Landmarks or Structures of Merit, or documented as historic resources. Ongoing efforts and analysis may elevate some of these to be designated Landmarks or Structures of Merit. Other undesigned properties that were noted as "Contributing" or "Significant" in the 1990 Plan may be deemed to be not historic after evaluation required under CEQA and vetting through local procedures.
Structures of Merit. In addition to applying the Landmarks Preservation Ordinance, proposed
additions or modifications shall be evaluated for conformance with the Secretary of the Interiors
Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating,
Restoring, and Reconstructing Historic Buildings. Where applicable, the Secretary of the Interiors
Standards for the Treatment of Historic Properties with Guidelines for the Treatment of Cultural
Landscapes," shall also be applied.

Policy HD-1.2: Evaluation of Potential Resources. Encourage historic resource surveys that
evaluate potential resources that may qualify as a Landmark or Structure of Merit -- especially those
potential resources called out in previous plans or surveys and on underutilized parcels suitable for
future development.

Policy HD-1.3: Repairs & Alterations. When substantial repairs or alterations are proposed for
buildings over 40 years old, the City will encourage the restoration and repair of any lost or damaged
historic features when feasible and appropriate. Allow flexibility in parking, open space, and other
standards, when historic resources are substantially and appropriately preserved or restored as part
of new development.

Policy HD-1.4: Public Awareness. Enhance citizen awareness of Downtown’s architectural heritage
and of its unique historic circumstances.

Policy HD-1.5: Residential Character. Conserve the scale of residential-only neighborhoods within
the Downtown Area, and reduce development pressures that lead to the loss of older buildings that
contribute to the overall character of these neighborhoods (see policies under Goal LU-7).

GOAL HD-2: ENHANCE AREAS OF SPECIAL CHARACTER IN DOWNTOWN, SUCH AS
CLUSTERS OF HISTORIC RESOURCES.

Policy HD-2.1: Special Subareas. Identify areas with special character that might be highlighted
with streetscape improvements and other public and private design features.

Policy HD-2.2: Historic Subareas. Protect and reinforce the character of discrete subareas where
historic resources are concentrated, while also recognizing that sensitive change may occur within
such subareas. Make sure that within subareas where historic resources are concentrated, building
alterations, new construction and public improvements are designed with particular concern for
compatibility with their surroundings. The Landmarks Preservation Commission may designate one
or more historic subareas as Historic Districts to protect historic resources and promote compatible
new development -- while also acknowledging the importance of continued growth, increased building
densities, and design creativity.

GOAL HD-3: PROVIDE CONTINUITY AND HARMONY BETWEEN THE OLD AND THE NEW IN
THE BUILT ENVIRONMENT.

Policy HD-3.1: Contextual Design. To promote continuity between old and new, new construction
and building alterations should meet streets and public spaces in contextual ways that line streets
with building streetwalls and support a pedestrian-oriented public realm. Review and, if needed,
strengthen the Downtown Design Guidelines to further encourage continuity and harmony between
old and new construction.

Policy HD-3.2: Continued Variety. Recognizing building height, massing and scale, allow for
continued variety that respects Downtown’s context.

GOAL HD-4: IMPROVE THE VISUAL AND ENVIRONMENTAL QUALITY OF DOWNTOWN, WITH
AN EMPHASIS ON PEDESTRIAN ENVIRONMENTS THAT ARE ACTIVE, SAFE AND VISUALLY
ENGAGING. ENCOURAGE APPROPRIATE NEW DEVELOPMENT DOWNTOWN.

Policy HD-4.1: Pedestrian-Oriented Design. Improve the pedestrian experience and the aesthetic
quality of Downtown’s environments through appropriate design. New construction and building
alterations should promote active, interesting, and pleasing streetscapes, open space, and street-level commercial spaces. Encourage street-level entrances and facades that contribute to the pedestrian environment. In commercial areas, buildings should generally maintain the urban tradition of no street-level setbacks from the street.

**Policy HD-4.2: Solar, Visual & Wind Impacts.** Design and locate new buildings to avoid significant adverse solar-, visual- or wind-related impacts on important public open spaces. Strengthen zoning and the Downtown Design Guidelines to better address solar access and wind impacts. For buildings exceeding 75 feet, use of solar, visual and wind simulations to evaluate and refine design alternatives. Also provide for adequate natural light in residential units through appropriate building form (see Policy HC-2.1).

**Policy HD-4.3: Urban Open Spaces.** Create, enhance and maintain streets, plazas, midblock open spaces, and other urban open spaces to enhance the pedestrian environment and increase the number of people who will use Downtown. The design of streets and open spaces should complement the character of Downtown as a whole and the character of nearby architecture — especially in subareas where historic resources are concentrated (see Policies LU-2.3, HD-2.1, HD-2.2, OS-1.1, OS-1.2 & OS-1.2).

**Policy HD-4.4: Design Creativity & Excellence.** Continue Berkeley’s tradition of architectural excellence. Support design creativity during the development approval process and in the resulting construction. All new construction and building alterations should be of the highest quality and promote sustainability (see Policies ES-4.1 & ES-4.2).

**GOAL HD-8: ENHANCE AND IMPROVE THE PHYSICAL CONNECTION BETWEEN DOWNTOWN AND THE UNIVERSITY OF CALIFORNIA.**

**Policy HD-5.1: Appropriate Buildings.** Encourage the University to use the Downtown Design Guidelines and Downtown Area Plan to guide the character and scale of its future development. Strongly encourage the University to design buildings that are appropriate to Downtown, and make all streets abutting University property pedestrian-friendly, such as would be required of any Downtown developer. Along street frontages of University buildings within Downtown, the ground floor should be pedestrian-friendly, have windows and entrances, and avoid blank walls. Encourage active street-level uses. Provide retail uses along Shattuck Avenue and the north side of University Avenue (see Policies LU-1.1 & LU-5.1).

**Policy HD-5.2: Public Improvements.** Encourage the University to help enhance streets and public open spaces in Downtown (see Policies OS-1.1 & OS-1.2). Urge the University to make substantial and fair contributions for street improvements adjacent to their properties, and engage the University on how to fund other Downtown improvements.

**Policy HD-5.3: Historic Buildings.** Encourage the University to respect historically important buildings, and strive to integrate them within its development. When proposed UC development includes or adjoins historic resources, consistent with provisions of the UC Berkeley 2020 Long Range Development Plan, the City expects that the University will consult with appropriate City entities early in the design process and will use the Secretary of the Interior’s Standards.

**STREETSCAPES & OPEN SPACES**

**GOAL OS-1: ENHANCE PUBLIC OPEN SPACES AND STREETS TO BENEFIT PEDESTRIANS, IMPROVE DOWNTOWN’S LIVABILITY, AND FOSTER AN EXCEPTIONAL SENSE OF PLACE. IN PARTICULAR, CREATE NEW PUBLIC GATHERING PLACES THAT SUPPORT NEARBY USES AND DOWNTOWN AS A DESTINATION.**

**Policy OS-1.1: Street & Open Space Improvements.** Make significant additions and improvements to Downtown’s parks, plazas, and streets to be aesthetically pleasing, and support pedestrians and abutting uses. Use consistent features to help make Downtown distinctive. Special subareas and
conditions may call for unique treatments. Emphasize the creation and enhancement of public
gathering places. Develop and adopt a Streets & Open Space Improvements Plan (SOSIP) to guide
the comprehensive design of significant positive alterations and additions to Downtown's parks,
plazas, and streetscapes.

Policy OS-1.2: Street & Open Space Opportunities. Develop appropriate design options for the
following street segments, and existing and potential open spaces (see Policy AC-1.1).

a) Center Street Plaza. Close Center between Shattuck and Oxford to create a pedestrian plaza
with public gathering, and sustainable features referencing Strawberry Creek.

b) Center Street Greenway and Civic Center Park. Create a continuous green corridor and
pedestrian connection between Civic Center Park, BART and Center Street Plaza.

c) Oxford-Fulton & UC Open Spaces. Create a “green boulevard” that complements Downtown,
enhances abutting open spaces, and improves connections between the Campus and Downtown.

d) Kittredge Green. Support University plans to create a publicly-accessible open space
between Edwards Field and Fulton Street -- at the end of Kittredge Street.

e) University Avenue Gateway. Establish a “Gateway” at the east end of University Avenue by
widening sidewalks, increasing landscaping, and encouraging visitors information facilities.

f) Shattuck Avenue. Make Shattuck a world-class tree-lined “boulevard” that is exceptionally
attractive, emphasizes pedestrians and cyclists, and models sustainability.

g) Ohlone Greenway Extension. Extend the Ohlone Greenway from where it ends to the UC
Campus by adding bicycle facilities, new street trees and greenery.

h) Allston Way as a Special Civic Street. Celebrate Allston Way and abutting community uses by
installing decorative special features and making it more pedestrian- and bicycle-friendly.

i) Harold Way. As a connection between the Library and the YMCA and because hotel facilities
might one day face onto it, consider making Harold Way a slow-street or pedestrian plaza.

j) Terminal Place. Consider improving Terminal Place (a public alley off of Addison near
Shattuck) to become an active and attractive public open space.

Policy OS-1.3: Residential Area Improvements. Enhance the residential character and livability of
Downtown's residential areas -- and surrounding residential areas -- through street and open space
improvements. Work with residents to understand and address their recreational needs.

Policy OS-1.4: Maintenance. Maintain clean, safe and attractive streets, parks, and plazas (see
Policy LU-2.4).

Policy OS-1.5: Open Space Improvements. Developers should provide open space on-site and/or
pay an in-lieu fee for public open space improvements. Street and open space improvements,
maintenance and cleaning should be adequately funded. (See Policies LU-2.1 through LU-2.4 to see
developer contributions set forth by the DAP.)

GOAL OS-2: PROMOTE ECOLOGICALLY BENEFICIAL LANDSCAPING AND OTHER
FEATURES. INCORPORATE NATURAL FEATURES THROUGHOUT DOWNTOWN TO
IMPROVE ITS VISUAL QUALITY, HELP RESTORE NATURAL PROCESSES, AND REINFORCE
BERKELEY’S COMMITMENT TO ENVIRONMENTAL SUSTAINABILITY.

Policy OS-2.1: Ecological Features and Nature in the City. Promote ecologically beneficial
features within the design of public open spaces, streets and on private property (see policies under
Goal ES-5). Highlight “nature in the city” and its benefits. Maximize greenery, such as trees, shrubs,
landscaping, and “micro-habitats” that support bees and birds.

Policy OS-2.2: Street Trees. New street trees should be planned and planted in ways that will
encourage their healthy maturation. When planning, anticipate future streetscape improvements that
could affect street tree placement and retention.
Policy OS-2.3: Existing Trees. Maintain mature trees growing on public land, wherever possible. Permit the elimination of mature trees only in instances of transmissible disease, public safety, or overriding public benefits. Establish standards and guidelines for the retention of trees -- and the replacement trees for instances when tree removal is unavoidable. Permit the elimination of trees only after findings have been made according to established criteria and after opportunities for public comment, except in cases when unsafe conditions or property damage may result.


GOAL OS-3: REQUIRE THAT NEW DEVELOPMENT CONTRIBUTE TO GREENERY AND OPEN SPACE.

Policy OS-3.1: Private Contributions to Beneficial Open Space. Private development should expand and enhance open spaces that serve the public, both on-site and as part of public improvements. Public serving open spaces that can be provided on-site include: plazas, courtyards, landscaped setbacks, rainwater retention and urban-runoff features, and mid-block walkways and open spaces. See policies under LU-2 for specific development requirements and funding provisions.

Policy OS-3.2: Open Space for Residents. Housing projects should serve residents’ needs by providing adequate on-site open space, such as by providing courtyards, roof gardens, community gardens, etc.

GOAL OS-4: ENSURE THAT PARKS, PLAZAS, STREETS, WALKWAYS, AND OTHER PUBLICLY ACCESSIBLE OPEN SPACES ARE SAFE, COMFORTABLE, AND INVITING.

Policy OS-4.1: Safe Environments. Encourage safe environments by addressing unsafe conditions and inappropriate behavior. Provide adequate pedestrian-scaled lighting in parks, plazas, streets, midblock walkways, and other publicly accessible open spaces. Promote safety in publicly-accessible open space through design by encouraging activity -- and deterring unwanted behavior -- through appropriate programming and design, and by maintaining a high level of visual and physical connections from public streets into open spaces. Monitor locations and conditions where aggressive, abusive and unsanitary behavior occurs frequently; and engage merchants, the Police Department, mental health and social service providers, and homeless advocates in defining critical issues and actions.

Policy OS-4.2: Cleaning & Maintenance. Maintain clean and well-maintained streets, parks and plazas, as well as attractive street furnishings and other amenities (see Policy LU-2.3).

Policy OS-4.3: Public Conveniences. Establish new and enhance existing publicly accessible convenience facilities such as 24-hour restrooms, drinking fountains, and other amenities throughout Downtown.

Policy OS-4.4: Activity & Safety. Encourage safe environments by addressing unsafe conditions and inappropriate behavior (see policies under Goal HC-6). To promote activity and safety in public open spaces, encourage outdoor dining, street fairs, outdoor merchandising, and other private uses, as appropriate.

HOUSING & COMMUNITY HEALTH SERVICES

GOAL HC-1: ENCOURAGE DOWNTOWN AS A THRIVING, LIVABLE, DIVERSE RESIDENTIAL NEIGHBORHOOD WITH A MIX OF SUPPORTIVE USES.

Policy HC-1.1: Neighborhood-Serving Uses. Encourage neighborhood-serving uses that allow Downtown residents to meet daily needs on foot (see Policy LU-1.1).
Policy HC-1.2: Sufficient Open Space. Provide sufficient usable open space for residents within Downtown and as part of new residential projects (see Policies LU-2.1, LU-2.3, OS-3.1 & OS-3.2).

GOAL HC-2: MAINTAIN A GOOD QUALITY OF LIFE FOR RESIDENTS OF ALL AGES DURING THE DAY AND AT NIGHT -- IN DOWNTOWN AND IN SURROUNDING RESIDENTIAL AREAS.

Policy HC-2.1: Residential Daylight. Provide adequate natural light in residential units (see Policy HD-4.2).

Policy HC-2.2: Noise Mitigation. Evaluate and strengthen noise mitigation measures as appropriate to Downtown’s active mixed-use environments. Recognize that Downtown’s mixed-use areas are different from residential neighborhoods in that Downtown has: a higher intensity of overall activity, nighttime activity (such as restaurants and music venues), and residential and commercial uses placed in close proximity. Encourage use of best available technologies by improving standards for sound insulation and mechanical noise.

Policy HC-2.3: Construction Noise. Minimize and mitigate noise and other disruptions attributable to construction activities.

GOAL HC-3: OFFER DIVERSE HOUSING OPPORTUNITIES FOR PERSONS OF DIFFERENT AGES AND INCOMES, HOUSEHOLDS OF VARYING SIZE, AND PERSONS OF VARYING ABILITIES. GIVE DOWNTOWN A SIGNIFICANT ROLE IN MEETING BERKELEY’S CONTINUING NEED FOR ADDITIONAL HOUSING.

Policy HC-3.1: Growth with Preservation. Allow for significant housing development in the Downtown Area while simultaneously preserving the scale of existing residential areas.

Policy HC-3.2: Affordable Housing & Supportive Services. Encourage the creation of new affordable housing projects for low- and very-low-income housing, and the creation of associated supportive services (see Policy HC-4.2). New development should pay a Housing Impact Fee consistent with citywide policy and State legal requirements. In addition, development projects opting for the Voluntary Green Pathway should provide 20% affordable housing on-site or elsewhere in the Downtown Area, or pay an in lieu fee to Berkeley’s Housing Trust Fund (see Policy LU-2.4).

Policy HC-3.3: Larger Residential Units. Encourage larger residential units in the Downtown Area.

Policy HC-3.4: Home Ownership. Encourage market-rate ownership housing (such as condominiums) to generate substantial new fees for the Housing Trust Fund. (The Housing Trust Fund finances deeply affordable units for homeless individuals/families and other low income households.) Also encourage home ownership opportunities to encourage long-term residents in the Downtown -- especially low- and moderate-income households.

Policy HC-3.5: Senior & Disabled Housing. Encourage the creation of affordable housing for seniors and persons with disabilities, especially housing with supportive services.

Policy HC-3.6: UC Housing. Encourage the creation of faculty, staff, and student housing on properties presently owned by the University of California (see policies under Goal LU-6).

GOAL HC-4: PRESERVE EXISTING AFFORDABLE HOUSING DOWNTOWN, AND EXPAND THE SUPPLY OF AFFORDABLE HOUSING FOR LOW-INCOME, VERY LOW-INCOME AND WORKING-CLASS HOUSEHOLDS.

Policy HC-4.1: Prevent Displacement. Prevent displacement of existing affordable housing in the Downtown Area, except where replaced by an equivalent number of permanent similarly affordable dwelling units. Mitigate the negative effects of relocation on tenants. Maintain and enhance incentives for creating affordable housing by rehabbing existing buildings.
Policy HC-4.2: Affordable Housing & Supportive Services. Promote the creation of permanent affordable housing with supportive services in the Downtown Area, especially for homeless individuals and families. Encourage the provision of appropriate supportive services for tenants at all functional levels.

GOAL HC-5: DELIVER IN DOWNTOWN EFFECTIVE AND COMPASSIONATE SERVICES FOR SENIORS, PARENTS AND YOUTH, AND PERSONS WITH SPECIAL NEEDS, INCLUDING INDIVIDUALS WHO ARE HOMELESS, HAVE PHYSICAL AND/OR MENTAL DISABILITIES, AND/OR SUFFER FROM SUBSTANCE ABUSE.

Policy HC-5.1: Youth Services. Serve youth in Downtown, and encourage their health, safety and welfare. Expand recreation and other uses that serve youth. Support internships for teens and young adults. Encourage developers to hire local youth who are enrolled in State-approved construction apprenticeships programs with a proven record of success.

Policy HC-5.2: Training & Skill Building. Encourage life skills, job training, job referral and job placement through programs and facilities that focus on Downtown (see policies under Goal ED-8).

Policy HC-5.3: Senior Services. Serve seniors in Downtown, and encourage their health, safety and welfare.

Policy HC-5.4: Social Services. Maintain and enhance Downtown’s 24-hour social services. Evaluate existing and future social service needs, and consider how they might be accommodated Downtown.

Policy HC-5.5: Communication Services. Ensure that all persons have access to communication services, particularly during emergencies.

GOAL HC-6: PROVIDE A SAFE, CLEAN AND ATTRACTIVE DOWNTOWN, IN PARTNERSHIP WITH THE COMMUNITY.

See Policy LU-2.3 and policies under Goal OS-4.

GOAL HC-7: MAINTAIN AND EXPAND INTEGRATED HEALTH SERVICES AVAILABLE IN DOWNTOWN TO ADDRESS HEALTH INEQUITIES.

Policy HC-7.1. Health Services. Encourage the retention and expansion of effective health care and health-related services in Downtown, especially to address the needs of those who would be most negatively affected by lack of accessible, centrally located health services. The City should encourage the owner of the Herrick site to include health services for the community as part of any redevelopment of the site (see Policy LU-8.1). Encourage UC to move health services and programs that serve the general public into the Downtown Area (see Policy LU-8.2).

ECONOMIC DEVELOPMENT

GOAL ED-1: SERVE THE NEEDS OF THE NEIGHBORHOOD AND THE CITY, AND MAKE DOWNTOWN A MORE ATTRACTIVE REGIONAL DESTINATION, BY BUILDING ON DOWNTOWN’S UNIQUE BLEND OF CULTURAL, HISTORIC, ENTERTAINMENT, ART, EDUCATIONAL, AND COMMUNITY INSTITUTIONS -- AND BY PROMOTING SUCCESSFUL RETAIL BUSINESSES AND OTHER ATTRACTIONS WITH DAYTIME AND NIGHTTIME POPULATIONS TO SUPPORT THEM.

Policy ED-1.1: Shop Downtown. Encourage shopping Downtown, especially by Berkeley residents and UC faculty, staff, and students.

Policy ED-1.2: Parking. Address parking availability problems associated with retail, restaurant, cultural, educational, entertainment, and hotel uses (see policies under Goal AC-3).
Policy ED-1.3: Retail, Restaurants & Cultural Uses. Support existing and encourage highly functional and viable new retail, restaurant, and cultural uses (such as theaters, music, museums, and galleries).

Policy ED-1.4: Rehabs & Reuse. Encourage the rehabilitation and reuse of existing buildings. Alter administrative review procedures and consider other zoning modifications to expedite approval of appropriate exterior modifications to existing buildings (not including designated historic resources), when consistent with the Downtown Design Guidelines (see policies under Goals HD-1 & HD-4).

Policy ED-1.5: Local Businesses. Encourage the retention and creation of small businesses and locally owned businesses.

Policy ED-1.6: Larger Retail Spaces. To attract larger retailers currently missing in Downtown, promote the creation and retention of larger retail spaces of about 10,000 square feet or larger. Identify larger retail types that may do well in Downtown (such as for electronics, computers, appliances, and apparel).

Policy ED-1.7: Entertainment & Culture. Strengthen Downtown as a prime regional destination for alternative and mainstream cinema, and live theater and music. Evaluate and enhance the theater- and cinema-going experience in subareas where they are concentrated.

Policy ED-1.8: Families. Promote family-friendly uses, such as childcare and preschool, and cultural, recreational, and educational activities for children, such as Habitot and the YMCA.

Policy ED-1.9: Educational Uses. Promote educational uses, and enhance Downtown as a center of learning. Work with educational institutions to retain and expand lectures, instruction, and public events in the Downtown Area.

Policy ED-1.10: Conference Facilities. Seek to retain and expand meeting and conference facilities.

Policy ED-1.11: Hotels. Encourage hotels in the Core Area.

Policy ED-1.12: Attractive Signage. Improve public signage to make it more attractive and reduce “visual clutter,” such as by eliminating unnecessary signs or avoiding unnecessary variety in style.

Policy ED-1.13: Visitor Signage. Enhance and expand signage and other features to help visitors navigate Downtown, such as to find transit, public parking, or major destinations.

GOAL ED-2: MAINTAIN SAFE AND INVITING STREETS, PARKS & PLAZAS THAT CONTRIBUTE TO THE SUCCESS OF BUSINESSES AND THE WELL-BEING OF RESIDENTS.

See Policy LU-2.4 and policies under Goal OS-4.

GOAL ED-3: TO MAKE DOWNTOWN MORE ATTRACTIVE AND ECONOMICALLY SUCCESSFUL, ENCOURAGE PLACE-MAKING THROUGH THE PRESERVATION OF HISTORIC BUILDINGS, STREET AND OPEN SPACE IMPROVEMENTS, AND HIGH-QUALITY NEW CONSTRUCTION.

See goals and policies in “Historic Preservation & Urban Design” and “Streetscapes & Open Space.”

GOAL ED-4: ENSURE THAT UC BERKELEY IS A PARTNER IN PROMOTING A HEALTHY AND VITAL DOWNTOWN.

Policy ED-4.1: Guiding & Cooperating with UC Berkeley. Provide guidance to the University regarding actions that they can take regarding the Downtown Area Plan, and cooperate with the University in carrying out the Plan.
Policy ED-4.2: Community Uses & Economic Activity. Encourage the University to locate academic and related programs that have a strong community component and can encourage economic activity in Downtown (see policies under Goals LU-5 & LU-6).

Policy ED-4.3: Downtown Retail. Encourage the University to use its development to strengthen Downtown retail (see policies under Goal LU-6).

Policy ED-4.4: Fair Compensation. UC Berkeley should fairly compensate the City for taxes lost when the University leases, buys, or occupies space that was previously occupied by private tenants.

GOAL ED-5: INCORPORATE SUSTAINABLE PRACTICES AS AN ESSENTIAL COMPONENT OF ECONOMIC DEVELOPMENT, AND ESTABLISH DOWNTOWN AS A RECOGNIZED CENTER FOR BUSINESSES AND INSTITUTIONS THAT ARE COMMITTED TO ENVIRONMENTAL SUSTAINABILITY.

See policies under Goals ES-2 and ED-9.

GOAL ED-6: INVEST IN CIVIC IMPROVEMENTS (SUCH AS STREETS, OPEN SPACES, AND COMMUNITY FACILITIES) TO ENHANCE DOWNTOWN AS A PLACE TO LIVE, WORK, AND VISIT.

See goals and policies in “Historic Preservation & Urban Design” and “Streetscapes & Open Space.”

GOAL ED-7: PROMOTE DOWNTOWN AS A REGIONAL CULTURAL CENTER AND VISITOR DESTINATION.

Policy ED-7.1: Culture & the Arts. Promote the arts and cultural events, programs, and activities, especially those that embrace diverse traditions and are accessible to persons of all economic means.

Policy ED-7.2: Tourism & Visitors. Promote Downtown as a tourist and visitor destination.

GOAL ED-8: INCREASE THE NUMBER OF DOWNTOWN JOBS THAT GO TO BERKELEY RESIDENTS, AND SUPPORT THE DEVELOPMENT OF JOB SKILLS FOR BERKELEY RESIDENTS -- ESPECIALLY BERKELEY’S YOUTH.

Policy ED-8.1: Job Development. Connect Downtown businesses with the employment needs of Berkeley residents, and address existing chronic unemployment and under-employment among local populations (see Policy LU-2.4 for developer requirements). A special emphasis should be placed on providing Berkeley youth with job skills and entry-level job opportunities (see Policy HC-5.1).

Policy ED-8.2: Business Opportunities. Serve the growth needs of existing Downtown businesses, and support start-up businesses Downtown, especially ones that capitalize on the proximity of UC Berkeley. Take advantage of Berkeley’s existing workforce and its ethnic and cultural diversity (see Policy LU-6.3).

GOAL ED-9: ENCOURAGE LOCAL BUSINESSES THAT REPRESENT THE CITY’S DIVERSE ETHNIC, CULTURAL AND INCOME GROUPS.

Policy ED-9.1: Local Businesses. Encourage the retention and creation of small businesses and locally owned businesses.

GOAL ED-10: SERVE THE HOUSING NEEDS OF ALL INCOME GROUPS AND PROVIDE A GROWING BASE OF RESIDENTS WHO SUPPORT A BROAD RANGE OF DOWNTOWN RETAIL AND OTHER BUSINESSES.

See goals and policies in “Housing and Community Health & Services.”
GOAL ED-11: PROVIDE ACCESS TO DOWNTOWN, WHICH SUPPORTS RETAIL, RESTAURANTS, ENTERTAINMENT, HOTELS AND CULTURAL USES.

See goals and policies in “Access.”

GOAL ED-12: PROVIDE INCREASED REVENUE TO SUPPORT CITY GOALS, AND RETAIN A PORTION OF THAT REVENUE IN DOWNTOWN TO IMPROVE AND MAINTAIN A HIGH QUALITY OF ENVIRONMENT.

Policy ED-12.1: Revenues for Downtown. Retain a significant portion of any increased revenues from Downtown to provide public benefits and implement priorities of the Downtown Area Plan, when and to the extent compatible with other City budget priorities (see policies under LU-2). To do this, develop and coordinate financing strategies for parking & transportation, streets & open space, and other public needs, so as to identify sources of funding, estimate potential revenues, and prioritize potential improvements and programs.
FIGURE LU-1: Land Use & Building Heights

Core Area (Exception Allowed)  Buffer (65' Maximum)
Outer Core (Exception Allowed)  R-3 & R-2A (Residential Zoning)
Outer Core (75' Maximum)  UC Properties
Special Transitions (For Height Limits see Policies LU-4.2 & LU-7.2)
Transition Abutting or Confronting Residential (For Height Limits see Policy LU-7.2)
For Height Standards See Table LU-1

Prepared: April 20, 2010
General Plan Amendments for New 2010 Downtown Area Plan
Draft prepared on April 7, 2010

INTRODUCTION

Figure 1, page I-3 to be revised to show boundaries of Downtown Area

LAND USE ELEMENT

(Page LU-4) Delete Figure: “Downtown Built Space by Use”

Downtown and Other Commercial Mixed Use Areas

Pages LU-4 - 6

The third objective of the Land Use Element is to maintain and enhance Berkeley’s commercial areas and the Downtown. Commercial activity is primarily distributed between Downtown, West Berkeley, the neighborhood and avenue commercial districts of North Shattuck, Elmwood, Solano, Shattuck/Adeline, and Telegraph Avenue, and the commercial strips along San Pablo and University Avenues.

A Downtown Area Plan (DAP) was adopted in 2010. The Downtown Area is bounded by: Hearst Avenue along its northern edge, Dwight Way to the south, and Martin Luther King, Jr. Way to the west (Figure IN-2: City Context). Oxford-Fulton Streets forms its eastern edge (beyond which lies UC Berkeley’s main campus), except for residentially-zoned parcels contained in the Southside Plan area.

Downtown Berkeley, generally bounded by Martin Luther King Jr. Way, University Avenue, Berkeley Way, Oxford Street, and Durant Avenue (see Figure 2), is the city’s primary civic, office, and entertainment center, as well as a retail area. Office space accounts for 35 percent of the area’s built space, commercial space accounts for 26 percent, residential, including hotels, accounts for 12 percent, auto-related and parking uses account for 17 percent, and institutional space occupies 10 percent. The major open space in the Downtown is the three-acre Martin Luther King Jr. Civic Center Park. Downtown Berkeley has important areas of strength. The Downtown is home to many arts organizations, including
offers about 20 movie screens as well as the strongest live theater in the East Bay, the Berkeley Repertory Theatre, the Aurora Theater, the Freight and Salvage Coffee House (opening, 2009), the Berkeley Jazz School, and many other music and arts venues. A new building to house the University Art Museum and the Pacific Film Archive is under design and expected to be open by 2012, and the Magnes Jewish Museum purchased an historic building in Downtown to be its new home. In addition to the arts and other businesses, the Downtown includes many restaurants, excellent transit service, and a customer base of residents, students, and office workers all within walking distance. In 1996, the voters of Berkeley passed Measure S, which provided funds for seismic retrofit of the Civic Center Building, seismic retrofit and expansion of the Central Library, and additional public improvements in the Downtown and Civic Center area, including pedestrian lighting, street trees, and sidewalk improvements. These public investments in the arts, the Berkeley Public Library and Downtown infrastructure have helped to re-establish Downtown Berkeley as a vital arts and cultural center, and retail center. Downtown Berkeley is also home to a recently completed Berkeley City College, Berkeley High School, a number of private educational institutions and, is bordered by the campus of the nation’s premiere public university, making Downtown an important education and learning center.

Downtown is Berkeley’s most intensely developed commercial district, with an estimated 9,000 employees in a space of 79 acres. Commercial uses extend north and south along Shattuck Avenue and University Avenue beyond the formally-defined Downtown. Downtown, at the geographic heart and transportation hub of the city, should serve as the community’s dominant retail center, as well as its civic and entertainment center. As a retail district, Downtown Berkeley is faced with strong competition from automobile-oriented retail centers outside of Berkeley and by other commercial centers in Berkeley, West Berkeley, from student-serving Telegraph Avenue, and from upscale North Shattuck.

Delete Graphic.
In the 1980s and early 1990s, the Downtown experienced an economic decline that included loss of the UC-System-wide administration functions, the Educational Testing Service, J. C. Penney, and TRW. However, several efforts initiated during this period helped revitalize the Downtown. The Downtown Business Association, in conjunction with the City-supported National Main Street program, is in the forefront of most recent efforts. In 1990, the Downtown Plan was adopted to address the economic struggle of Berkeley’s city center, among other issues. Critical to the 1990 Downtown Plan was maintaining the Downtown as “a compact, economically vital, historic city center with a defined core area and transition zones buffering residential neighborhoods.” At the time the Plan was developed, most citizens agreed that retail revitalization was necessary and that preserving and enhancing the historic character of Downtown, while allowing for some change, was of primary importance. And although high-rise office towers were inappropriate. Nevertheless, there was considerable debate regarding building height, and future building height limits were eventually adopted at five stories in the Core area, with an additional two stories permitted with special bonuses. Encouraging housing in the Downtown was a secondary priority of the 1990 Downtown Plan, because of its impact on increasing housing opportunities in Berkeley. Downtown housing is well located in proximity to regional transit systems and encourages new retail uses in the area.

The Downtown Area Plan (adopted in 2000) addresses some of the same concerns raised in the 1990 plan, and others. The DAP reflects the community’s commitment toward environmental sustainability, economic revitalization, affordable housing, community services, and making Downtown a more attractive place. The DAP is an Element of the General Plan and is the guiding document for Goals, Policies and Actions (implementation measures) related to the Downtown Area as shown in Figure 1.

Substitute Revised Figure 2 showing boundaries of DAP Designations. CONSISTENT WITH DAP FIGURE LU-1.

Figure 2 shows the Downtown Plan’s subareas. In each subarea the Plan established a “base” height limit, which could be exceeded through a bonus system to a “maximum” height. The Plan provided a bonus for projects that contain residential, cultural uses or ground floor retail uses.

Figure 2. Downtown Subareas

The table below includes the Downtown Plan’s height and floor area ratio limits for each subarea:

<table>
<thead>
<tr>
<th>Downtown Plan Subarea</th>
<th>Base Height, Stories, and FAR</th>
<th>Maximum Height, Stories, FAR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Core</td>
<td>65’, 5 stories, 4:1 FAR</td>
<td>87’, 7 stories, 6:1 FAR</td>
</tr>
<tr>
<td>Oxford-Edge</td>
<td>40’, 3 stories, 3:1 FAR</td>
<td>60’, 5 stories, 4:1 FAR</td>
</tr>
<tr>
<td>South</td>
<td>40’, 3 stories, 3:1 FAR</td>
<td>60’, 5 stories, 4:1 FAR</td>
</tr>
<tr>
<td>West</td>
<td>40', 3-stories, 3:1 FAR</td>
<td>50', 4-stories, 3.5:1 FAR</td>
</tr>
<tr>
<td>------------</td>
<td>------------------------</td>
<td>--------------------------</td>
</tr>
<tr>
<td>North-2</td>
<td>40', 3-stories, 3:1 FAR</td>
<td>55', 5-stories, 4:1 FAR</td>
</tr>
<tr>
<td>North-1</td>
<td>35', 3-stories,</td>
<td>Same as Base</td>
</tr>
<tr>
<td></td>
<td>(residential) 3:1 FAR</td>
<td>Same as Base</td>
</tr>
<tr>
<td></td>
<td>50', 4-stories,</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(mixed use) 3:1 FAR</td>
<td></td>
</tr>
</tbody>
</table>

In recent years Berkeley experienced a significant increase in housing developed in the area. As shown in the table below, several residential mixed-use buildings including approximately 548 new units have recently been constructed or substantially renovated in or near the Downtown area.†

<table>
<thead>
<tr>
<th>Project Address</th>
<th>Type</th>
<th>Units</th>
<th>Bedrooms</th>
</tr>
</thead>
<tbody>
<tr>
<td>1910-Oxford</td>
<td>Rental</td>
<td>56</td>
<td>108</td>
</tr>
<tr>
<td>1801-University</td>
<td>Condo</td>
<td>28</td>
<td>28</td>
</tr>
<tr>
<td>1849-Shattuck</td>
<td>Condo</td>
<td>24</td>
<td>24</td>
</tr>
<tr>
<td>2116-Allston</td>
<td>Rental</td>
<td>91</td>
<td>146</td>
</tr>
<tr>
<td>2136-Center</td>
<td>Rental</td>
<td>68</td>
<td>68</td>
</tr>
<tr>
<td>2070-University</td>
<td>Rental</td>
<td>48</td>
<td>48</td>
</tr>
<tr>
<td>2161-Allston</td>
<td>Rental</td>
<td>60</td>
<td>74</td>
</tr>
<tr>
<td>2101-Milvia</td>
<td>Rental</td>
<td>21</td>
<td>24</td>
</tr>
<tr>
<td>2100-Channing</td>
<td>UC-Student</td>
<td>132</td>
<td>132</td>
</tr>
<tr>
<td>2029-Channing</td>
<td>Condo</td>
<td>20</td>
<td>36</td>
</tr>
</tbody>
</table>

The Land Use Element’s policies preserve the height limits and FAR limits set by the 1990 Plan but recognize that economic conditions have changed since 1990 and that changes in the Downtown density bonus system are needed. Therefore the Land Use Element eliminates the retail density bonus, refines and narrows the cultural use density bonus, and refines and narrows the housing density bonus. These changes acknowledge the importance of affordable housing in the Downtown and the continuing importance of the arts in Downtown Berkeley.

University of California
Page LU-9 - 10 (begins at bottom of LU-9, after Table)

† This list is a sampling. Please refer to the Appendix for an inventory of housing developments in Berkeley.
University of California, Berkeley’s 2020 LRDP provides a framework to shape future decisions on land use, enrollment, housing, parking, academic facilities, architecture, and landscape design. The University of California is preparing to revise its 1990 Long Range Development Plan (LRDP). The University’s current planning effort, entitled The New Century Plan, will result in a new plan to address seismic improvement of the existing facilities, and expansion of facilities to address an expanding University student population brought about by the rapid growth of California. Although University expansion is not subject to local land use controls and zoning, the Berkeley General Plan Land Use Element includes policies regarding the University of California presence in Berkeley and future expansion in order to maximize the benefits of the University’s presence in Berkeley and minimize the adverse impacts.

In 2005, the University and City and University agreed to work together to develop a new Downtown Area Plan so that University growth in the Downtown could be planned comprehensively and with community objectives in mind. The Downtown Area Plan was also recognized as a vehicle for being more effective on issues of mutual interest, such as economic revitalization, environmental sustainability, transportation, affordable housing, and community health.

Downtown and Other Commercial Mixed-Use Areas

Page LU-13-16

Policy LU-16 Downtown Area Plan

Implement the Downtown Plan and take actions to achieve the three goals and policies and implementation measures of the Downtown Area Plan, incorporated as an Element in the General Plan.

1. Express and enhance Berkeley’s unique social and cultural character in the Downtown;
2. Create an appealing and safe Downtown environment, with a comfortable pedestrian orientation;
3. Diversify, revitalize, and promote the Downtown economy.

Policy LU-17 Downtown Development Standards

Maintain the physical character of the Downtown.
See the Downtown Area Plan

Actions:

A. Maintain Downtown Plan maximum height limits, maximum number of stories, and maximum floor area ratios for new construction:
Amend the Downtown Plan and Zoning Ordinance to eliminate the density bonuses given for retail space and amend the Zoning Ordinance to require ground-floor retail uses in mixed-use buildings where deemed appropriate.

Consider amending the Zoning Ordinance to establish a four-story minimum building height in the Core area and two or three stories in the other subareas of the Downtown.

Encourage mixed-use projects that include both office space and housing above appropriate ground-floor uses (retail or arts) to improve the balance between the number of jobs and the number of housing units in the Downtown.

Convene a Planning Commission task force to evaluate the need for and appropriateness of a new downtown hotel and conference center/eco-demonstration/mixed-use project, taking into consideration:

1. Market demographics
2. Traffic and transit conditions
3. Hiring and employment policies
4. Public amenities and community accessibility
5. Urban design
6. Green-building principles
7. Daylighting-Strawberry Creek
8. Special development standards and mitigations.

Policy LU-18 Downtown Affordable Housing Incentives
Maximize the supply of affordable housing in the Downtown.
See the Downtown Area Plan.
Action:

Amend the Downtown Plan and Zoning Ordinance to provide incentives for affordable housing development in the Downtown Plan area. One additional floor above the Downtown Plan base height limit may be provided for projects that meet the Government Code §5915 et seq. (State Density Bonus law) thresholds for a density bonus, and up to two additional floors may be provided for residential projects that significantly exceed the State Density Bonus law affordability standards. (Specific standards, incentive priorities, and thresholds shall be developed in the Zoning Ordinance Amendment.)

Policy LU-19 Downtown Arts Density Bonus
Increase the supply of suitable space for fine arts and performing arts organizations in the Downtown.
Action:

A. Amend the Downtown zoning to specify that:
The “cultural facility” density bonus established by the Downtown Plan shall only be available for projects that dedicate space for fine and performing arts facilities. Fine and performing arts facilities shall be limited to theaters for dance, music, film, plays, or other, similar performing arts; galleries or museums for the exhibition of paintings, sculpture, crafts, multi-media, or other, similar art form; schools for fine arts, performance arts, or other, similar discipline; offices for fine art or performing art organizations; or a use determined to be similar in character to the uses described above.

Except in the Downtown Core area, to qualify for the arts bonus, at least 50% of the project gross floor area must be devoted to residential uses.

The tenant of the dedicated arts space must be a non-profit organization.

The arts space must be disabled-accessible and regularly programmed for public events.

Prior to approval, the proposed “arts” tenant shall be reviewed and recommended by the Civic Arts Commission.

An arts facility may include ancillary retail or office space.

(Specific standards and thresholds shall be developed in the Zoning-Ordinance amendment.)

Policy LU-20 Downtown Pedestrian and Transit Orientation

Reinforce the pedestrian orientation of the Downtown. (see the Downtown Area Plan)

Actions:

A. Continue to explore options for the partial or complete closure of Center Street, Addison Street, or Allston Way to automobiles to promote the pedestrian and commercial vitality and enhance Civic Center Park use and appearance. When exploring options, carefully consider the experiences of other cities where closures have proven to be successful and where closures have proven to be unsuccessful or detrimental.

B. Continue to explore costs and plans for the daylighting of Strawberry Creek. (Also see Environmental Management Policy EM-27.)

C. Implement capital improvement projects that reinforce the pedestrian, transit, commercial, arts, and entertainment orientation of the Downtown and improve the quality of life for visitors and residents of the area.

D. Reconstruct the Downtown BART Station and Plaza to be more pedestrian-friendly and visually attractive.

E. Encourage development of public spaces, plazas, and restoration of natural areas in the Downtown and other areas of the city where appropriate to enhance the pedestrian environment.
Policy LU-21 Architectural Design in the Downtown
Require high-quality architectural design for all Downtown projects. (Also
See Downtown Area Plan and Downtown Design Guidelines and Urban
Design and Preservation Policies UD-16 through UD-35.)

Actions:
A. Ensure that all Downtown area projects conform to the Downtown Plan, the
Downtown-Berkeley Design Guidelines, and the Urban Design and
Preservation Element.
B. New construction should fit into the context of the existing built environment
and complement Downtown's historic character.
C. Encourage infill development that is compatible with existing uses and
improves the pedestrian environment and the streetscape.

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. (See the DAP and Also see Urban Design and
Preservation Policy UD-38 Action A.)

Actions:
A. Old City Hall, the Berkeley Community Theater, Post Office, Civic Center
Building, Veterans Memorial Building, and Civic Center Park are listed on the
National Register of Historic Places and changes to these buildings, spaces,
and nearby buildings, must be reviewed by the Landmarks Preservation
Commission.

Policy LU-23 Transit-Oriented Development
Encourage and maintain zoning that allows greater commercial and residential
density and reduced residential parking requirements in areas with above-
average transit service such as Downtown Berkeley. (See Downtown Area Plan
and Also see Transportation Policy T-16.)

Actions:
A. Consider revisions to the Zoning Ordinance to establish a minimum height limit
of two, and where feasible three, stories, and to require or encourage
residential development above the ground floor on transit corridors.
B. Consider amending the Zoning Ordinance to establish a four-story minimum
building height in the Core area and two or three stories in the other subareas
of the Downtown.
Policy LU-24 Car-Free Housing in the Downtown
Encourage development of transit-oriented, low-cost housing in the Downtown. *(Also see Downtown Area Plan and Transportation Policy T-16.)*

Actions:

A. Consider reducing or eliminating the on-site parking requirements for new Downtown housing units.

B. Designate the City’s Oxford parking lot as the site for a pilot mixed-use development that would waive the Downtown Plan parking requirements for housing on the site.

C. If parking requirements are reduced, require developers to facilitate the mobility of residents through means such as providing residents with free or discounted transit passes, providing access to car-sharing, and providing bicycle storage facilities.

D. If parking requirements are reduced, require lease provisions that prohibit car ownership, and prohibit residents from buying RPP permits.

E. Study the relationship between car-free housing and quantitative reduction in automobile use by residents, and study the effectiveness of various restrictions on car ownership by residents of car-free housing.

Policy LU-25 Affordable Housing Development
Encourage development of affordable housing in the Downtown Plan area, the Southside Plan area, and other transit-oriented locations. *(See Downtown Area Plan and Also see Housing Policy H-16.)*

Actions:

A. Consider revisions to the Zoning Ordinance to require and/or encourage inclusion of a greater percentage of affordable housing units and a greater percentage of units restricted to households with low or very low income in multi-family housing projects, than currently required under the Inclusionary Housing Ordinance.

B. Revise the Zoning Ordinance to clarify and improve administration of the state density bonus for affordable housing for multi-family housing projects that will encourage development of affordable housing and minimize potential impacts of new multi-family housing projects on adjacent residents.
Policy LU-36 University Impacts and Costs
Minimize the negative impacts of the size of the University population and University expansion on adjacent neighborhoods and the city as a whole. (See Downtown Area Plan. Also see Downtown Area Plan and Urban Design and Preservation Policy UD-10.)

Page LU-21

Policy LU-40 Public Use of University Facilities and Grounds
Continue to support maximum opportunities for citizen use of University libraries and recreational facilities, the maintenance of the hill lands as open space, and the adoption of campus development standards and policies to conserve and enhance present open space resources. Encourage the University to put museum, facilities and services for use by the general public in the Downtown Area (see Downtown Area Plan.)

Page LU-25

Downtown Area
The Downtown Area Plan establishes several land use districts subject to different intensities and types of use. Within the Downtown Area, “Core Area,” “Downtown District,” and “Gerrider-Buffer” land use designations allow and encourage diverse uses and the highest building intensity in the City in order to promote a vibrant city-center by increasing housing, supporting retail and cultural uses, and capitalizing on exceptional access to transit is area of Berkeley is identified as the Downtown in the Downtown Plan and is characterized by high density commercial, office, arts, culture, and entertainment and residential development. The Downtown classification is intended to encourage, promote, and enhance development that will increase the residential population in the Downtown, provide new high density, transit-oriented housing opportunities, and support a vital city center. Uses appropriate for this area include: medium- and high-density housing, regional- and local-serving arts, entertainment, retail, office, cultural, open space, civic uses, and institutional uses and facilities. It is General Plan policy to increase the residential population in the Downtown. Building intensity will generally range from a Floor Area Ratio (FAR) of less than 1 to an FAR of 6. Population density will generally range from 88 to 220 persons per net acre. Uses appropriate for “Core Area,” “Downtown District,” and “Gerrider-Buffer” designated areas include:
- commercial uses (such as retail, restaurants, offices, cinemas, nightclubs, hotels, personal services, professional services, fitness centers);
- multifamily residential uses (such as apartments, condominiums, townhouses, and “live-work” lofts/townhouses);
- cultural & community uses (such as libraries, theaters, museums, art galleries, visitor services, supportive services, childcare, government uses, health care and health-related facilities);
educational uses (such as classrooms, student and staff services, recreation facilities, and research facilities); and

public and private open space.

For information purposes, the compatible Zoning Districts for this classification are: Central Commercial (C-2) and General Commercial (C-1). See pages LU-5 and LU-6 of the Land Use Element above for a description of development standards in the Downtown area.

The Downtown Area also contains residential neighborhoods which may be designated low-medium (Zoning: R-2A), medium (R-3) or high density (R-4) residential, depending on the characteristics of the neighborhood, as shown in the Downtown Area Plan.

Based on height and bulk provisions in the Downtown Area Plan, projects may have residential densities exceeding the average density of the Downtown Area, and greater than site-specific densities for many projects that predate the DAP. Building intensity will generally range from a Floor Area Ratio (FAR) or less than 1 to an FAR of 6. However, buildings of exceptional height allowed by the DAP may have FARs as high as 12.

See the Downtown Area Plan for locations of each district and more information on the land uses and building standards (heights, etc) permitted in each district.

**Figure 4, General Plan Land Use Diagram (no page number) to be modified to show Downtown Area Plan**

**TRANSPORTATION ELEMENT**

*Page T-1 (middle of page)*

The following plans and studies inform the Transportation Element:

- Downtown Area Plan, West Berkeley Plan, South Berkeley Plan, South Shattuck Strategic Plan, and University Avenue Strategic Plan.

*Page T-4*

**Parking**

With the growth of the economy, both locally and regionally, and the increase in traffic volumes, parking continues to be an issue in Berkeley. In the Downtown area, some parking garages are filled to capacity at times during weekday hours, due to the large number of all-day monthly parkers and institutional users of Downtown parking. In 1990, the City raised all-day parking fees in the City’s Downtown garages and lots to further discourage all-day parking. The effect of rising long-term parking fees was immediate. Private garages followed the City’s lead and instituted comparable daily-rate increases. As a result, Downtown garages are no longer filled to capacity on a daily basis. Future efforts to increase the cost of monthly parking passes closer to the cost of daily parking
would further decrease the use of public parking by long-term parkers and increase the supply for shoppers and visitors. Long-term City policy has discouraged commuter parking in Downtown, generally by encouraging high costs for all day parking. However, as parking rates have climbed, “meter feeding” on-street parking has become a tempting option for people who park all day. One study showed that all-day meter feeders occupy 25 percent of on-street spaces -- depriving retailers of the parking that patrons find most convenient (Deakin, 2003). Downtown is also perceived as lacking sufficient parking, partially because there is a lack of signage directing people to available parking. As provided in the Downtown Area Plan, effective parking requires a comprehensive approach that distinguishes between the needs of retail patrons versus commuters and looks to the price of parking and information technologies as a means to manage the parking supply more effectively.

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Streets and Sidewalks

Northeast and Southeast Berkeley have unique networks of pedestrian pathways. These pathways provide pedestrian access in the hill areas between streets, quiet resting places, panoramic viewpoints, and a critical evacuation alternative to the often narrow and winding streets in the hills. There are approximately 135 paths. Figure 6 shows the approximate location and general extent of the city’s pathway networks. The Department of Public Works maintains a detailed database of public pathways and publicly dedicated rights-of-way.

Finally, the Downtown Area Plan views quality and safety of the pedestrian environment as a cornerstone for its success. Downtown will have a hard time competing with other retail and entertainment destinations unless it offers an attractive sense-of-place. In the Downtown Area, transportation design and operation decisions should give priority to pedestrians.

Page T-22 - 24

Policy T-34 Downtown and Southside Parking Management

Manage the supply of Downtown and Southside public parking to discourage long-term all-day parking and increase the availability and visibility of short-term parking for local businesses. (Also see Downtown Area Plan, Economic Development and Employment Policy ED-6.)

Actions:

A. Offer reduced rate or free parking for carpools and van pools at City garages and selected street locations.

B. Improve signage and access to existing public parking, including UC lots open to the public, in the Downtown and in the Southside.
C. Increase all-day parking rates, maintain lower parking rates for short-term parking, eliminate monthly parking passes, provide “cash-out” programs, and extend hours of operation in City garages.

D. Improve lighting and security in Downtown garages to encourage better utilization during off-peak hours.

E. Require all City employees and officials to pay the fair market rate for parking.

F. Limit employee parking based on need for a vehicle on the job, number of passengers carried, disability, and/or lack of alternative public transportation.

G. Identify locations to increase short-term, on-street parking capacity through re-striping and angled parking in commercial areas, and consider pricing strategies to maintain adequate availability of on-street parking.

H. Enforce existing short-term parking laws in commercial districts (e.g., meter parking) to alleviate abuse.

I. Provide information on transit alternatives, commuter checks, and obtaining transit passes at City parking garages and on City parking tickets. Give this information to everyone who applies for a long-term parking permit in any City-owned parking lot or garage.

J. Encourage visitors attending sporting events, entertainment events, theatrical performances and special events in the Downtown and Southside areas to use transit so that some existing parking remains available for other visitors.

K. Increase the availability of short-term parking by encouraging better utilization of existing parking as recommended by the Southside/Downtown Transportation Demand Management Study, including making parking that is currently not available to the public, available for short-term parkers.

L. Work with the business and arts community and owners of existing parking lots and garages, including the University, to cooperatively manage parking demand and parking resources, coordinate parking policies, parking rates and parking information programs, and widely disseminate parking maps and parking information.

T-35 Public Parking Supply in the Downtown and Southside
Prioritize implementation of improved parking conditions in the Downtown and Southside through better utilization of existing parking and through implementation of policies to reduce demand for parking. Develop a consolidated strategy for the construction of parking (public and private) in the Downtown Area, which promotes efficiency (such as sharing among uses) and leverages...
public benefits (such as encouraging people to park once and enjoy Downtown on foot). (See Downtown Area Plan.) Allow enough time for these improvements to be in place to demonstrate their effectiveness before considering public expenditures on construction of additional City-owned public parking spaces in the area.

Actions:

A. Reduce demand for parking by implementing specific actions in the Southside/Downtown Transportation Demand Management Study (see Tier One, Tier Two, and Tier Three programs and actions in the TDM Study) particularly taking actions to improve transit services and implementing an Eco-Pass program (see Policy T-3), and implementing commuter, shopper, and visitor shuttles (see Policy T-2).

B. Increase availability of existing parking, including UC parking, to shoppers, visitors, and other short-term users (see also Policy T-34).

C. Establish baseline parking supply and utilization data and monitor parking conditions on an ongoing basis in all City and UC parking lots and garages available to commuters, shoppers, and other visitors to determine effectiveness of implementation of Actions A and B.

D. Conduct a visitor access survey to improve understanding of visitor use of and demand for parking (including bicycle parking) and transit at different times and locations in the Downtown and Southside and to help inform implementation of Actions A and B. If visitor access survey indicates substantial visitor/customer demand for short-term parking, determine how the City’s parking policies and administration can be strengthened to discourage all-day commuter parking and make more visitor/customer parking available.

E. Create a prioritized implementation plan for Actions A and B, including a schedule, so that the community can track the progress of implementation.

F. Working cooperatively with the Downtown Berkeley Association and other stakeholders, develop approaches (incentives and disincentives) that would discourage employees from parking at meters, preventing those spaces from being used by short-term visitors and customers.

G. Develop a consolidated parking strategy to determine locations and priorities for new shared parking to serve Downtown’s growth (see Downtown Area Plan). If it is determined in the future that additional parking is needed in the Downtown area, the Center Street garage will be considered an appropriate location for expansion. Parking expansion shall be prohibited at the Civic Center Park.
Policy T-37 University of California and Large Employer Parking
Encourage large employers, such as the University of California and Berkeley Unified School District, to allocate existing employee parking on the basis of a) need for a vehicle on the job, b) number of passengers carried, c) disability, and d) lack of alternative public transportation. (Also see Land Use Policy LU-39.)

Action:
A. Encourage the University of California to cap its parking supply at current levels, to postpone any plans to expand its existing (year 2000) parking supply, and instead to encourage transit use and alternative modes of transportation, and better manage and utilize existing parking.

Policy T-40 Parking Impacts
When considering parking impacts under the California Environmental Quality Act for residential projects with more than two units located in the Avenue Commercial, Downtown, or High Density Residential land use classifications, any significant parking impacts identified that result from the project should be mitigated by improving alternatives to automobile travel and thereby reducing the need for parking. Examples include improvements to public transportation, pedestrian access, car sharing programs, and bicycle facility improvements. Parking impacts for these projects should not be mitigated through the provision of additional parking on the site. For the Downtown Area, a comprehensive parking strategy should be developed as described in the Downtown Area Plan. The City finds that:

HOUSING ELEMENT

Policy H-16 Transit-Oriented New Construction
Encourage construction of new medium and high density housing on major transit corridors and in the Downtown consistent with zoning and compatible with the scale and character of these areas. (Also see Land Use Policies LU-18, LU-23, and LU-25, and Transportation Policy T-16 and the Downtown Area Plan)

Policy H-18 City-Owned Sites
When appropriate and feasible, use City-owned or -controlled sites for affordable housing and/or mixed-use residential projects with a substantial portion of affordable units. (Also see Land Use Policy LU-32.)

Action:
A. Require development on the City-owned Oxford Street parking lot Downtown and the Ashby BART air rights (west of Adeline Street) to be residential mixed-use developments. If feasible, 50 percent or more of the housing units on these sites should be affordable for households with low or very low incomes. For the City-owned Oxford Street parking lot, see the Downtown Area Plan.

ECONOMIC DEVELOPMENT AND EMPLOYMENT ELEMENT

Page ED-4

The City's Role in the Local Economy

During the 1990s the City has pursued a successful strategy to encourage the development of the arts and entertainment as a Downtown revitalization strategy. With adoption of the 1990 Downtown Plan and the awarding of Main Street status to the Downtown in the same year, the City began to take steps to improve the Downtown as a prime location for arts and entertainment. For example, the Downtown Plan established a cultural density bonus (see the Land Use Element) that provided additional development opportunities to projects in the Downtown that dedicated space to arts and cultural uses. In 1995, the City adopted the Downtown Berkeley Public Improvements Plan, which seeks to integrated needed capital improvements with a strategy for the ongoing economic development of Downtown Berkeley. The Public Improvements Plan was followed in 1996 by the passage of Measure S, which provided much needed funding for a variety of Downtown streetscape public improvements and $300,000 for public art. Since passage of Measure S, the City has improved Addison Street, the central spine of the Arts District, with new sidewalks, streetlights, public art, and built-in electrical and sound systems to create an outdoor performance space on the street. The City also updated and expanded the Civic Arts Grant Program, which provides grants to non-profit arts organizations, and established the Public Art Program, which provides a 1.5 percent contribution from all public capital projects to an annual citywide public art grant program. Finally, the City's arts revitalization strategy has resulted in expansion of the Berkeley Repertory Theatre, the opening of the and plans for the eventual relocation of a number of new arts and cultural uses to the Downtown arts district including: the Freight and Salvage Coffee House (2009), the Jazz School and the Aurora Theater. Under design are the University Art Museum/Pacific Film Archive and, the Shotgun Players Theatre Company, possibly the Magnes a Museum of Jewish Culture and History, and the Aurora Theatre.
Figure 1: Berkeley Area Plans

(Note: Southside boundaries subject to revision)
Fig. 4: GENERAL PLAN LAND USE DIAGRAM

Draft of May 5, 2010

Map produced by the Planning and Development Department

This map is for illustrative purposes only - Last Updated: May 5, 2010
Planning Commission Recommendations
in addition to draft DAP language reflecting City Council’s direction
May 12, 2010

At its meeting on May 12, 2010, Planning Commission recommended that City Council give consideration to the following issues that were not considered in the rescinded DAP or in Council’s direction.

1. In Policy LU-2.3, Voluntary Green Pathway, lines 274 and 285 refer to DRC and ZAB as part of the entitlement process. Planning Commission recommends, instead, that the most appropriate procedure for reviewing Green Pathway projects be defined by the City Council, and might or might not include the ZAB and DRC, with the objective being to expedite the process.

2. Planning Commission recommends that Council consider incentives for office-commercial [i.e. mixed-use], along with the incentives that have already been drafted for residential-commercial buildings.

3. Planning Commission recommends that Council add a policy that states: Development should be encouraged Downtown, rather than diverting development away from Downtown -- and possibly to other Berkeley locations.