



Councilmember Cheryl Davila
District 2

CONSENT CALENDAR
April 25, 2017

To: Honorable Mayor and Members of the City Council
From: Councilmembers Davila, Hahn, Bartlett, and Harrison
Subject: Budget Referral: Equitable Planning & Development Proposal

RECOMMENDATION

Accelerate the implementation of five recommendations as part of the COB Planning Department's process to update zoning regulations toward greater equity: 1) Analyzing the fee structures toward establishing a fee reduction program; 2) Establishing a fund for fee waivers or scholarships through a surcharge on building permits; 3) Funding an Ombudsman within the Planning Department or Neighbor Services Office that can support community members in navigating the planning and permitting process, particularly with more complicated cases and/or when people need extra support; and, 4) Develop a needs-based payment plan, process and protocol for those who cannot afford to pay for permits in-full and upfront.

FISCAL IMPACTS OF RECOMMENDATION

The salary and benefits for an Ombudsman should be paid 100% from City of Berkeley Planning Dept., the City Manager's Neighbor Services office, or the General Fund.

ENVIRONMENTAL SUSTAINABILITY

No ecological impact.

BACKGROUND

The City of Berkeley planning process is designed to ensure the commitment of City staff and elected officials to preserve the character of Berkeley and meet the regulations that the Mayor and City Council, as representatives of the people of Berkeley, have agreed will guide planning decisions and that are in compliance with State and Federal laws. Councilmember Davila would like to partner with the Planning Department, City of Berkeley, fellow City Councilmembers and the Mayor to ensure that zoning and planning regulations, protocols and processes also reflect a commitment to affordability,

particularly for our most vulnerable residents, and racial and economic equity. For the purposes of this document, we call this principle “equity”.

Zoning laws must be “reasonable” and not “arbitrary,” and guided by a concern for the public health, safety and general welfare. Toward this goal, the City of Berkeley has established multiple Commissions of residents, mechanisms of discretionary permitting, and checks and balances. While these are designed to uphold the guiding principles, they often create an unintentional barrier to lower-income, even moderate-income residents, wishing to renovate their homes and to small business owners. There are often significant permitting fees and if assessment is required costs can rise by tens of thousands of dollars. Delays in the planning process can create expenses such as temporary housing expenses, resources lost in rental income necessary for affordability and other unforeseen expenses.

The complexity of the planning process creates barriers and extreme frustration for people without experienced staff to manage them (such as staff for large development companies, contractors and architects), with multiple jobs and other commitments, and/or disabilities. As such, a streamlined planning process and support from an Ombudsman could provide support for complex cases and/or people who need assistance in navigating the process.

In collaboration with the Planning Department we are proposing the fast tracking of the suggestions above to reduce barriers to planning and increase equity while the longer-term work of revising zoning regulations, planning processes and protocol are underway.

CONTACT PERSON

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ATTACHMENTS/RESOURCES:

- American Planning Association’s PAS Memo, March/April 2017, *Planning for Equitable Development: Social Equity by Design*.