



Berkeley City Council
Minutes: Ad-Hoc Subcommittee on Council Item:
“Strengthening Provisions of Significant Community Benefits in the Downtown”

February 13, 2018
9:30 am – 11:00 am
City Council Chambers, 2134 Martin Luther King Jr. Way

Committee Members:

- Mayor: Jesse Arreguin, Subcommittee Chair
- District 4: Kate Harrison
- District 8: Lori Droste
- District 7: Kriss Worthington

Others in Attendance:

- Farimah Brown, City Attorney
- Timothy Burroughs, Planning Director

1. Call to Order

Mayor Arreguin disclosed his submission of a revised version of Councilmember Harrison’s proposed Resolution for the Subcommittee’s consideration. He noted that the revised proposal was based on prior Subcommittee discussion, his review of the original proposal, and subsequent discussion with Councilmember Harrison.

2. Public Comment

The Subcommittee held public comment.

3. Approval of the January 30 Meeting Minutes

Councilmember Harrison moved to approve the minutes and Councilmember Worthington seconded. The motion carried unanimously.

4. Discussion of Mayor Arreguin’s revised proposal: “Strengthening Provisions of Significant Community Benefits in the Downtown” (Attachment A)

Process

Mayor Arreguin recommended that the focus of the meeting should be on discussing the revised proposal, but that action should be tabled until the next meeting in order to provide the public

and councilmembers with due time for review. He also suggested that in addition to recommending an amended Community Benefits Resolution, the Subcommittee should recommend that Council adopt a referral requesting the City Manager and Planning Commission to amend BMC 22.16 for the purpose of establishing a streamlined development agreement process.

Mayor Arreguin provided an overview of his changes and the Subcommittee proceeded to discuss.

Confidential Memo

Councilmember Droste asked the City Attorney if she could provide an analysis of the 2015 Community Benefits Resolution and amendments in a confidential memo addressed to the Subcommittee. The City Attorney agreed to do so.

Section C.

Councilmember Droste suggested that the Subcommittee strike language in Section C. 4. regarding fees because they might require specific city processes and subject the City to legal requirements. In addition, she suggested that that the same section needed to be harmonized with Section C. 2. Mayor Arreguin asked that the Planning Staff and the City Attorney confer before the next meeting to discuss how best to clean up and harmonize this section.

Councilmember Worthington proposed that the 60% amount specified in C. 4. be increased to 2/3. The Subcommittee agreed.

Councilmember Worthington also suggested increasing the project labor agreement credit by 5%. However, Mayor Arreguin and Councilmember Harrison expressed concern that doing so would reduce funds available for other benefit categories.

Section D.

Councilmember Droste expressed the opinion that the evaluation process under D. 1. should not require an additional public hearing, but instead should be combined with another hearing. Councilmembers Harrison and Mayor Arreguin expressed their opinion that having separate hearings would substantially streamline the process.

Separately, Councilmember Worthington expressed concern about the timing of the hearing and the relevance of the hearing to the final project. The City Attorney agreed to provide clarification on these points in her memo.

Section D.

Councilmember Droste raised concern that subsection 2. b. of the Resolution implied that occupants of project are not members of the “broader Berkeley community.” As a potential solution, Mayor Arreguin and Councilmember Harrison proposed striking the phrase “or occupants.”

Councilmember Harrison suggested that in subsection 2. the Subcommittee should add a provision f. stating that the rate of profit should not be less than what would have been realized under the base project.

Section F.

Councilmember Droste expressed an opinion that the section is duplicative of existing City law.

Councilmember Harrison suggested that Section F. provided added transparency to the public, and that it will ultimately help to streamline the approval process.

Mayor Arreguin expressed concerns about including Section F., and that at the next meeting he would move to sever Section F. for purposes of a vote.

Development Agreement

Mayor Arreguin clarified that the revised Development Agreement would be available for future projects. However, Councilmember Harrison proposed that existing projects should be allowed to opt-in voluntarily to the development agreement process.

5. Discussion/Action on Recommendations to City Council

No formal action was taken.

7. Scheduling

Mayor Arreguin stated that he planned to request continuation of Councilmember Harrison's item to the March 13, 2018.

The Subcommittee agreed to meet next on March 5, 2018.

6. Adjournment

Next Meeting:

Monday, March 5 11am-12pm, Room TBD