Downtown Berkeley from Shattuck Avenue and Center Street, May 2014. Photo: Emilie Raguso

Berkeleyside guide to the downtown initiative

The initiative would change a number of things (partial list):

- Buildings 60 feet or taller must follow the Green Pathway.
- The height allowed in the "corridor" sections of downtown would drop from 75 to 60 feet.
- The height in the downtown "buffer zones" would drop from 60 to 50 feet.
- The height in the proposed Civic Center Historic District would drop to 50 feet; it currently has a range of 35 to 120 feet.
- Buildings over 75 feet must be LEED Platinum; current law requires buildings over 60 feet to be LEED Gold.
- Buildings 75 feet or taller must offer two or three bedrooms in 20% of their units

to accommodate families.

- Buildings over 75 feet must have public bathrooms, for lease to the city for $1.

Changes to the approvals process

- Current provisions that allow developers to get an expedited ruling by the Landmarks Preservation Commission on whether a structure is considered historic will be struck.
- The city Zoning Adjustments Board could no longer grant a use permit to allow heights or setbacks that deviate from city zoning laws. Deviations from code will require a variance, which is much more difficult to get.
- Developers who want to build higher than 60 feet could no longer apply for a state density bonus, which often translates into an extra floor in exchange for more affordable housing units.
- Buildings under 75 feet would no longer be eligible for "by right" approval — with no notice or hearings — under the Green Pathway, which currently exists.
- The Planning Department could process just one building over 75 feet tall per year. Arreguín said this would not impede the progress of the three tall buildings in the pipeline, although developers would have to resubmit all plans in line with the Green Pathway. These buildings would be entitled to final action within 210 days of re-submittal.

Affordable housing

- Buildings over 75 feet must make 30% of their units affordable, with at least 20% of those built on site. (Currently, buildings must make 10% of their units affordable and can pay an in-lieu fee to the city — $28,000 per unit — rather than build on-site. The Green Pathway would allow developers to pay an in-lieu fee for 20% of the units, with at least 10% more on-site.)
- Buildings from 60-75 feet must make 20% of the units affordable, with at least 10% built on site. (Currently, buildings this size are only required to make 10% of the units affordable, unless the developer chooses the Green Pathway, in which case 30% of the units must be affordable. So this part of the initiative would reduce the number of affordable units required under the Green Pathway.)

Transportation-related requirements

- Increase bicycle parking spaces; in some cases, the public must have access to them.
- Increase the number of disabled parking spaces.
- Increase the electric vehicle charging spaces in buildings with more than 10 units.
- If a host of parking requirements is met, the developer could add on a 4,500-square-foot penthouse, bringing the maximum building height to 190 feet.
- In the downtown buffer area, the rules would change from one spot per three units — which can be reduced or waived if a substantial fee is paid to the city — to one space for every 1,000 square feet of floor area.

Labor for Green Pathway projects (over 60 feet)

- All construction workers must be paid prevailing wages on projects over 60 feet. Current law requires this for Green Pathway projects (over 75 feet), or those with more than 100 units.
- Half of the construction workers on a project must be from Berkeley. Current law is 30%.
- Maintenance and security workers, as well as employees of hotels, must be paid prevailing wages. Current law requires developers with Green Pathway buildings over 75 feet to pay hotel employees prevailing wages.

Operating hours and uses

- New downtown bars and restaurants that sell alcohol must close by midnight Sunday through Thursday; they may seek a use permit to remain open later. To get that permit, a zoning officer or the zoning board must find that later hours "will not generate excessive noises, traffic or parking problems affecting the well-being of the residents of the district." Bars and restaurants could automatically stay open until 2 a.m. on Friday and Saturday nights. Currently some restaurants can apply for an administrative use permit to stay open until 6 a.m.
- New bars and restaurants in an expanded buffer zone outside the downtown

core would have to close at midnight, and could not apply to stay open later.

- Adult-oriented businesses, such as nude dancing and escort services, would be prohibited. Current law allows them with a use permit, which involves a public hearing.

- A funeral facility for those who are cremated — called a columbarium — would be prohibited. A facility with 400 niches is now allowed with an administrative use permit.

New fees

- In addition to current streets and open space improvement fees ($2.23 per square foot for residential; $1.68 for commercial; and $1.12 for institutional), developers of the five "tall buildings" would pay an additional $1 per square foot for those projects.

- Currently, developers can elect to pay a fee if they include less open space on site than a project requires. That fee has not yet been set by council; the initiative sets it at $30 per square foot, to be adjusted annually for inflation.

- Under the initiative, council would add on a new transportation services fee to support alternative modes of transport, in addition to the existing transit pass requirement (an unlimited monthly bus pass or its equivalent to each resident in perpetuity) and an increase in the bicycle parking and electric vehicle charging requirements, as well as potential increases in the number of car share spaces required on site.

- Developers must pay a fee of 50 cents per square foot of new or additional floor area into a loan fund available to small businesses and run by the city.