

**PROPOSED REVISIONS TO  
CHAPTER 13.42  
(MINI DORMS AND GROUP  
LIVING ACCOMMODATIONS)**

**January 26, 2016**

## INTRODUCTION

- ▶ In 2012, Council added Chapter 13.42 (“Operating Standards for Mini-Dorms”) to the BMC
- ▶ The operating standards turned out to be inadequate and the ordinance did not cover Group Living Accommodations (GLAs)

# THE CONTINUING PROBLEM

- ▶ Neighborhood complaints, noise, trash, etc.
- ▶ Student deaths and injuries
- ▶ Sexual assaults
- ▶ Significant drain on City resources

# 89 CALLS FOR SERVICE

*(Berkeley Fire Dept. Sept 2015 - Dec 2015)*

## Locations originating from Southside:

- ▶ 56 Residence Halls
- ▶ 12 Fraternity
- ▶ 0 Sorority
- ▶ 2 I-House
- ▶ 0 Co-ops
- ▶ 19 Other

# 62 ALCOHOL RELATED EMERGENCY ROOM (ER) TRANSPORTS

*(Berkeley Fire Dept. Sept 2015 - Dec 2015)*

ER Transports originating  
from Southside:

- ▶ 38 Residence Halls
- ▶ 12 Fraternity
- ▶ 0 Sorority
- ▶ 0 Co-ops
- ▶ 1 I-House
- ▶ 11 Other



# TRENDS IN CALLS FOR SERVICE DATA

- ▶ Majority of calls and transports come from residence halls followed by fraternities with significantly fewer at coops and sororities
- ▶ Averaging 7 CFS per weekend; 4-5 ER transports
- ▶ Halloween riot and recent fraternity death in December



# RECENT HISTORY OF CITY EFFORTS

- ▶ In early 2015 staff began effort to address these problems: enhanced operating standards, application to GLAs, focus on large entertainment events involving alcohol
- ▶ 18 stakeholder groups; 46 meetings (**15 additional meetings since the Sept 29 Council Workshop**)
- ▶ Significantly modified based on stakeholder input, including exemptions for GLAs that have policies and procedures in place that will accomplish the goals of the proposed revisions

# STAKEHOLDERS

- ▶ IFC
- ▶ ASUC
- ▶ Coops
- ▶ UC Athletics
- ▶ Panhellenic
- ▶ Dean of Students
- ▶ UC Title 9 Advocate
- ▶ Alta Bates Hospital
- ▶ Dwight Hillside NA
- ▶ Willard NA
- ▶ Panoramic NA
- ▶ LeConte NA
- ▶ Parker Piedmont NA
- ▶ Berkeley Safe Neighborhood Committee
- ▶ UC Office of Government Community Relations
- ▶ Bay Area Women Against Rape (BAWAR)
- ▶ Berkeley Property Owners Association
- ▶ Coalition for Student-Led Housing



# STAKEHOLDER INPUT SINCE SEPTEMBER

- ▶ Allow GLAs to self-regulate
- ▶ More focus on owners and property managers
- ▶ Reduce potential impacts on Responsible Residents
- ▶ No ending time for large entertainment events
- ▶ Exempt certain events
- ▶ Protect survivors of sexual assault

# KEY PROVISIONS OF CURRENT PROPOSAL

## Functional Equivalent Off-Ramp

- ▶ GLAs may obtain exemption from Chapter 13.42 if they adopt functional equivalent protocols, as Co-ops have done
- ▶ Protocols subject to City review and approval
- ▶ Exemption may be revoked if protocols are not enforced or prove to be ineffective

# KEY PROVISIONS OF CURRENT PROPOSAL

## Property Owners/Managers

- ▶ Owners of GLAs and Mini-dorms must register with City and provide contact information
- ▶ Owners of GLAs and multiple Mini-dorms must retain property manager and provide the City with property manager contact information
- ▶ The residents of each GLA or mini-dorm shall designate a “Responsible Resident”
- ▶ Every September 1<sup>st</sup>, owner or property manager must provide contact information of the Responsible Resident to neighbors abutting and confronting the property, as well as City staff

# KEY PROVISIONS OF CURRENT PROPOSAL

## Responsible Resident

- ▶ Maintain a written schedule for property maintenance (e.g., to prevent trash buildup rodent harborages, graffiti)
- ▶ Notify neighbors 48 hours in advance of entertainment events with 50 or more people where alcohol will be served
- ▶ Acknowledge neighborhood complaints within 24 hours and maintain a log of complaints and how they were resolved
- ▶ Promptly notify the owner or manager of any notices under BMC 12.70 or 13.48

# KEY PROVISIONS OF CURRENT PROPOSAL

## Special Rules for Large Entertainment Events

- ▶ No roof access except as necessary for required legal egress in case of fire
- ▶ Music (not necessarily event) must end by 10:00 p.m. Sunday through Thursday, and 1:00 a.m. on Fridays, Saturdays and days preceding national holidays
- ▶ No alcohol service or availability to minors
- ▶ Gatherings should be kept to a manageable size, generally under 200 persons and should not be allowed to extend to public right of way

# KEY PROVISIONS OF CURRENT PROPOSAL

## Sexual Assault

- ▶ Deleted any reference to UC determinations
- ▶ May be used as basis for nuisance only if
  - ▶ They occur in the area where event is taking place
  - ▶ Upon the written request of survivor
- ▶ Remedies may not adversely affect the housing situation of the survivor

# REMEDIES

- ▶ Standard nuisance abatement procedure under Zoning Ordinance, involving public hearings at ZAB and Council
- ▶ Remedies must be proportionate to the severity of the nuisance finding and limited to addressing nuisance condition

# QUESTIONS?