

## **Title and Summary for Initiative Measure**

### **Initiative Ordinance Amending Downtown Zoning Provisions and Creating Civic Center Historic District Overlay Zone**

The proposed initiative measure would amend various provisions of the Zoning Ordinance applicable in the Downtown Area.

It would amend the "Green Pathway" provisions of Chapter 23B.34 of the Zoning Ordinance to:

- eliminate mandatory pre-application review of Green Pathway projects by the Landmarks Preservation Commission;
- eliminate any "as of right" approvals for buildings 75 feet or less under the Green Pathway;
- reduce the affordable housing requirement for Green Pathway projects that are 60 feet in height or less (50 feet or less in the C-DMU "buffer" subarea) that contain residential units;
- require all buildings over specified height limits to provide certain benefits;
- increase the percentage of construction workers who must be Berkeley residents from 30% to 50%;
- require all buildings over 60 feet in height (50 feet in the C-DMU "buffer" subarea) to meet various additional requirements, including LEED Platinum rating, public restrooms, an additional streets and open space impact fee and additional affordable units in projects containing residential units.
- These requirements would require modification of applications pending as of November 4, 2014.

It would amend the "C-DMU (Downtown Mixed Use District)" provisions of Chapter 23E.68 of the Zoning Ordinance to:

- modify certain permitted uses;
- allow commercial uses to operate from 6:00 a.m. to 2:00 a.m. seven days per week, but require uses with alcohol sales or service to close by midnight Sunday through Thursday, and allow them to operate past 2:00 a.m. Fridays and Saturdays;
- reduce the maximum height limit from 75 feet to 60 feet (50 feet in the C-DMU "buffer" subarea), except for specified taller buildings;
- eliminate flexibility with respect to setbacks;
- establish an open space in-lieu fee in addition to the existing streets and open space impact fee;
- increase (up to triple) parking requirements in the C-DMU "buffer" subarea, require one bike parking space per unit, limit parking waivers to 70% of parking if an in-lieu fee is paid, require additional handicap, electric vehicle and car sharing spaces;
- require new buildings to attain a LEED Gold rating and increased energy efficiency;
- prohibit any new project from creating runoff;
- require on-site composting and recycling facilities;
- require new projects to contribute 50 cents per square foot to a loan fund for businesses who seek to retain or create jobs in Berkeley.

It would create an overlay district in the Civic Center Historic District designated by the Landmarks Preservation Commission, that would limit heights to 50 feet, limit permissible uses in the commercial parts of the new overlay to libraries, other governmental uses, museums, parks and playgrounds, public schools, public markets, live performance theaters, and non-profit cultural, arts, community service and historical organizations; and would permit those new uses in the residential part of the new district (along Martin Luther King, Jr. Way), subject to underlying parking, setback and other lot development standards.