



Kate Harrison  
Councilmember District 4

## **SUPPLEMENTAL AGENDA MATERIAL for Supplemental Packet 2**

**Meeting Date:** March 30, 2019

**Item Number:** 28

**Item Description:** Zoning Ordinance Amendments That Apply Inclusionary Housing Regulations to Contiguous Lots under Common Control or Ownership

**Submitted by:** Councilmembers Harrison and Robinson

The attached revisions clarify and simplify the proposed changes to section 23C.12.020 in line with the intent of the original referral.

ORDINANCE NO. -N.S.

MODIFYING INCLUSIONARY HOUSING REQUIREMENTS (BMC SECTION 23C.12.020: APPLICABILITY OF REGULATIONS) TO APPLY TO NEW RESIDENTIAL DEVELOPMENT PROJECTS ON CONTIGUOUS LOTS UNDER COMMON OWNERSHIP OR CONTROL

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That Berkeley Municipal Code Section 23C.12.020 is amended to read as follows:

**Section 23C.12.020 Applicability of Regulations**

A. The following types of projects must comply with the inclusionary housing requirements of this chapter:

1. Residential ~~H~~housing ~~P~~projects for the construction of five or more Dwelling Units;
2. Residential ~~H~~housing ~~P~~projects ~~proposed on any part of a single lot or on a grouping of contiguous lots under common ownership and/or control, design, marketing, or financing, whose collective size, including the area of any surface easements and zoning designation is such to allow~~ for the construction of one to four new Dwelling Units, when such Units are added to an existing one to four unit property, which has been developed after August 14, 1986, and the resulting number of units totals five or more. All Units in such a property are subject to the requirements of this chapter;
3. Residential ~~H~~housing ~~P~~projects proposed on ~~lots~~any part of a single lot or on a grouping of contiguous lots under common ownership and/or control, design, marketing, or financing whose collective size, including the area of any surface easement, and zoning designation is such to allow construction of five or more Dwelling Units, ~~regardless of whether those units are all built simultaneously.~~

~~B. For the purposes of this Section, "common ownership and/or control" shall be interpreted broadly.~~may include separately owned lots which are being collectively used for the final purposed of a single development, as evidenced by the project's or projects' shared design, marketing, or financing.

~~B.C.~~ For purposes of this Section, "Residential Housing Project" means a project involving the construction of at least one Dwelling Unit. This chapter does not apply to Dormitories, Fraternity and Sorority Houses, Boarding Houses, Residential Hotels or Live/Work Units, which are not considered Dwelling Units, provided however that. Live/Work Units are subject to low income inclusionary provisions set forth in Section 23E.20.080.

~~C.D.~~ This chapter sets forth specific inclusionary housing requirements for the Avenues Plan Area, which prevails over any inconsistent requirements set forth elsewhere in this chapter.

Section 2. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be

filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.