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
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 1st, 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
REMEDIIES

- 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?