



GROUP LIVING ACCOMMODATION REGISTRATION & FUNCTIONAL EQUIVALENCE EXEMPTION APPLICATION

Application-Date: ___/___/___

New Application Update to Original

The City regulates Group Living Accommodations to preserve the health, safety and welfare of the community (see Berkeley Municipal Code section 13.42, attached). GLAs are required to register with the City, including information about the owner, property manager and responsible resident to ensure compliance with performance standards relating to trash, noise, parking, complaint resolution, and events with alcoholic beverages. The residents of certain GLAs are eligible for an exemption from some of the requirements if they provide evidence of functionally equivalent measures that are monitored by a recognized third-party entity.

Note: Updates to original applications should attach the original application, and need to (1) affirm all contact information and (2) only include responses to other fields if there are changes from the original application.

GLA Property Address:	
------------------------------	--

PROPERTY OWNER

Name:	
Mailing Address:	
Phone Number:	
Email Address:	

PROPERTY MANAGER

Name:	
Mailing Address:	
Phone Number:	
Email Address:	

RESPONSIBLE RESIDENT

Responsible Resident Designation Date: ___/___/___

Name:	
Phone Number:	
Email Address:	

MONITORING ORGANIZATION (BMC 13.42.020.E)

Name:	
Mailing Address:	
Phone Number:	
Email Address:	

Note: You are required to notify the City of Berkeley within 30 days of any change to the information listed above. Submit the updated information to codeenforcement@cityofberkeley.info. Failure to provide updates may result in revocation of the Functional Equivalent Exemption and could subject you to enforcement actions.

Project Address: _____

Application Date: ___/___/___

INSTRUCTIONS: Please provide detail regarding how your operating protocols satisfy BMC Chapter 13.42. Please attach separate sheets to this application if necessary to provide complete information.

Chapter 13.42 Requirements	Proposed GLA Operating Protocols
A. Chapter 13.42.030 (Operating Standards-Owners, Property Managers, and Responsible Residents)	
Designated responsible resident(s) shall:	
1. Ensure refuse and recycling are properly managed and collected, and all containers are returned to their appropriate locations after collection	
2. Establish a written regular maintenance schedule of tasks to keep the property in compliance with, free of accumulations of solid or liquid waste, overgrown vegetation, graffiti, and rodent harborage (Chapters 12.32 and 12.34)	
3. Ensure that all vehicles at each site utilize off-street parking in approved spaces	
4. Respond to all complaints within 24 hours; keep a log of complaints and responses, and resolutions; make log available to nearby residents within 10 days of request; retain the log for no less than 24 months	
5. Promptly notify owner and property manager of any notices received from the City for violations regarding Chapters 12.70 (Smoking Pollution Control) or 13.48 (Loud Parties, Gatherings, or Similar Events)	
6. Notify at least one of the residents of each confronting or abutting property no less than 48 hours prior to the event and provide a contact number for events involving 50 or more persons	
B. Section 13.42.036 (Entertainment Events Involving Service or Availability of Alcoholic Beverages)	
1. Prohibits entry onto roof that is not a legally permitted roof deck/balcony	
2. Prohibits service or availability of alcoholic beverages in bedrooms occupied by residents under the age of 21 years	

Project Address: _____

Application Date: ___/___/___

Chapter 13.42 Requirements	Proposed GLA Operating Protocols
3. Prohibits service or availability of alcoholic beverages in common areas that are accessible to persons under the age of 21, unless service or availability of alcoholic beverages is controlled in a manner that does not allow service or availability to persons under 21 years of age	
4. Prohibits service to or availability of alcoholic beverages to persons under the age of 21	
5. Ensures events are kept under 200 persons maximum in total and are not allowed to take place in any part of the public right of way	
6. Ensures events shall end by 10:00 p.m. Sunday through Thursday, and by 1:00 a.m. on Fridays, Saturdays and days preceding national holidays	
7. Implements measures to prevent crimes at the residence including, but not limited to sexual assault	
C. Sections 13.42.035 (Nuisances) and 13.42.040 (Enforcement and Remedies)	
1. Acknowledgement of possible GLA neighborhood nuisance conditions such as: excessive noise, excessive traffic, obstruction of public streets, public intoxication, service to or consumption of alcoholic beverages to minors, fights, disturbance of the peace, litter, or similar conditions that constitute a public nuisance	
2. Define penalties, remedies, process for imposing enforcement of nuisance condition that occur at the property (If more room is needed, attach to this application)	

Please submit this application to codeenforcement@cityofberkeley.info. The application will be reviewed by the City of Berkeley.

If this application is approved, you will receive a signed copy as a notice of an approved GLA Functional Equivalence Exemption. It will be in effect on the date of the approval notice. If you fail to update the application with any new information within 30 days of a substantive change, this approval will lapse and you may be subject to enforcement action.

Project Address: _____

Application Date: ___/___/___

By signing this application, I attesting as follows:

Functional Equivalence Exemption requirements of Berkeley Municipal Code Section 13.42 will be adhered to.

The owner, manager and residents of the Group Living Accommodation (GLA) property will adhere to all operating protocols listed in this application.

All information submitted on this application is true and correct.

The City will be informed of any future changes to the information contained in this application.

This approval may be declared lapsed by the City if the operator has two or more violations in a 12-month period of City of Berkeley Municipal Code Sections 13.42.030 and 13.42.036. .

These protocols may need to be revised if the City determines them to be inadequate to ensure compliance with City of Berkeley Municipal Code Sections 13.42.030 and 13.42.036. The operator will have 30 days to respond to written notice from the City.

All information submitted on this form becomes public information and is viewable by the public on the City of Berkeley’s Website at the [Mini Dorm GLA Map Viewer](#).

<p>RESPONSIBLE RESIDENT:</p> <p>Signature _____ _____</p> <p>Name _____ _____</p> <p>Title _____ _____</p> <p>Organization _____</p> <p>Date ___/___/___</p>	<p>MONITORING ORGANIZATION:</p> <p>Signature _____ _____</p> <p>Name _____ _____</p> <p>Title _____ _____</p> <p>Organization _____</p> <p>Date ___/___/___</p>
<p>PROPERTY OWNER/PROPERTY MANAGER</p> <p>Signature _____ _____</p> <p>Name _____ _____</p> <p>Title _____ _____</p> <p>Organization _____</p> <p>Date ___/___/___</p>	

Project Address: _____

Application Date: ___/___/___

Department Use:	
Received by: _____	Postmark Date: _____
<input type="checkbox"/> Forwarded to Planning Department Date: _____ Sent Inter-Office Mail By: _____	Planning Department Checklist <input type="checkbox"/> Property approved for GLA (Permit #: _____) <input type="checkbox"/> No conflicting use permit <input type="checkbox"/> Attached current permits <input type="checkbox"/> Planning Department Approved <input type="checkbox"/> Planning Department Denied Reason: _____ Signature: _____ Name: _____ Date: _____
<input type="checkbox"/> Exemption Approved Date: _____	City Manager's Signature _____
<input type="checkbox"/> Exemption Denied	Reason: _____
<input type="checkbox"/> Notification of Application Status	Sent Date: _____ Sent By: _____

City of Berkeley Municipal Code Section 13.42.005 -- Applicability

- B. 1. A GLA that has adopted operating protocols that the City determines are functionally equivalent to the requirements set forth in this Chapter shall be exempt from this Chapter except as it applies to owners and/or Property Managers, provided that said protocols are consistently implemented and enforced.
2. Such protocols shall include provisions for monitoring and enforcement by a Monitoring Organization.
 3. An exemption under this subdivision shall lapse upon written notice by the City to a GLA:
 - a. of two violations of Section [13.42.030](#) or [13.42.036](#) on different dates at its location during any twelve-month period from September 1st through August 30th, unless those violations were remedied as provided in the adopted protocols; or
 - b. that the adopted protocols, although followed and enforced, are inadequate to ensure compliance with Sections [13.42.030](#) and [13.42.036](#). In such cases, the GLA shall be given a reasonable opportunity to propose revised protocols for review by the City.
 4. An exemption under this subdivision premised on monitoring and enforcement by a Monitoring Organization shall lapse if the City determines, after written notice to the Monitoring Organization that the required monitoring or enforcement has not occurred or that it has omitted to report noncompliance with the protocols.

ZONING ORDINANCE DEFINITION

Group Living Accommodations. A building or portion of a building designed for or accommodating a residential use by persons not living together as a household. This use includes dormitories, convents and monasteries, and other types of organizational housing, and excludes hospitals, nursing homes and tourist hotels. Group living accommodations typically provide shared living quarters without separate kitchen or bathroom facilities for each room or unit. Residential hotels and senior congregate housing are separately defined types of group living accommodations each with their own permit requirements.

Chapter 13.42

OPERATING STANDARDS FOR MINI-DORMS AND GROUP LIVING ACCOMMODATIONS

Sections:

- 13.42.005 [Applicability.](#)
- 13.42.010 [Findings and purpose.](#)
- 13.42.020 [Definitions.](#)
- 13.42.030 [Operating standards--Owners, Property Managers and responsible residents.](#)
- 13.42.035 [Nuisances.](#)
- 13.42.036 [Entertainment events involving service or availability of alcoholic beverages.](#)
- 13.42.040 [Remedies.](#)
- 13.42.050 [Fee.](#)
- 13.42.060 [Severability.](#)

13.42.005 [Applicability.](#)

A. This Chapter shall not apply to Community Care Facilities or Senior Congregate Housing as defined in Chapter 23F.04.

B.

1. A GLA that has adopted operating protocols that the City determines are functionally equivalent to the requirements set forth in this Chapter shall be exempt from this Chapter except as it applies to owners and/or Property Managers, provided that said protocols are consistently implemented and enforced.
2. Such protocols shall include provisions for monitoring and enforcement by a Monitoring Organization.
3. An exemption under this subdivision shall lapse upon written notice by the City to a GLA:
 - a. of two violations of Section [13.42.030](#) or [13.42.036](#) on different dates at its location during any twelve-month period from September 1st through August 30th, unless those violations were remedied as provided in the adopted protocols; or
 - b. that the adopted protocols, although followed and enforced, are inadequate to ensure compliance with Sections [13.42.030](#) and [13.42.036](#). In such cases, the GLA shall be given a reasonable opportunity to propose revised protocols for review by the City.
4. An exemption under this subdivision premised on monitoring and enforcement by a Monitoring Organization shall lapse if the City determines, after written notice to the Monitoring Organization that the required monitoring or enforcement has not occurred or that it has omitted to report noncompliance with the protocols.

C. This Chapter shall not apply to any apartment house that is subject to and in compliance with Section [19.40.100](#), Chapter 17 of the Berkeley Housing Code, section 1701.

D. This Chapter shall not apply to hotels as defined in Section [7.36.020.A](#).

E. This Chapter shall not apply to owner-occupied buildings.

13.42.010 [Findings and purpose.](#)

A. The heavy demand for student housing in Berkeley, especially in low density areas near the University of California campus, has resulted in numerous existing single family and multifamily residential buildings being significantly modified by the addition of numerous bedrooms.

Project Address: _____

Application Date: ___/___/___

- B. Prior to the enactment of amendments to the Zoning Ordinance that regulated the addition of bedrooms in certain zoning districts such modifications were allowed as a matter of right without triggering discretionary review. As a result, there has been a proliferation of buildings that are occupied by a far larger number of persons than was ever contemplated by the General Plan or Zoning Ordinance in those districts. In addition, there are already numerous pre-existing Group Living Accommodations, including but not limited to fraternities and sororities, in these affected areas.
- C. Because of the number of residents in such buildings and, in many cases, the lack of on-site managers, such buildings tend to impair the quiet enjoyment of the surrounding neighborhoods by creating trash and litter, creating excess parking demand, and being the location of numerous loud and unruly parties.
- D. It is often the case that the loud and unruly parties involve the consumption of large amounts of alcoholic beverages, which often are consumed by individuals under the age of 21 who either reside in such buildings or attend such parties. Consumption of alcohol by minors is harmful to the minors and consumption of large amounts of alcohol by individuals of all ages at these gatherings contributes to the nuisance conditions affecting the surrounding neighborhood.
- E. Police officers frequently have been required to make calls to a location of a party, in order to disperse uncooperative participants, causing a drain of staffing and resources and, in some cases, leaving other areas of the City with inadequate police protection.
- F. The manner in which Group Living Accommodations and Mini-dorms operate, including the behavior of guests, is the collective responsibility of those who own and manage them and those who reside in them, and in particular the sponsors of events that result in large numbers of attendees. In some cases City emergency personnel responding to medical emergencies have been denied access to GLAs to provide treatment and/or transport to medical facilities. Therefore it is appropriate that owners and residents bear the consequences of any nuisances that are allowed to occur.
- G. In areas most affected by the proliferation of such buildings and the resulting density and intensity of use, disturbances that would be considered minor and tolerable in less intensely inhabited areas become much more severe and intolerable because they are no longer occasional, but have become chronic.
- H. The purpose of this Chapter is to remedy these and other associated problems by adopting and providing for the enforcement of operating standards for such buildings, and by defining these disturbances as a public nuisance in areas that are most affected by them.

13.42.020 Definitions.

The definitions set forth in this Section shall govern the application and interpretation of this Chapter.

- A. "Mini-dorm" means any building in an R-1, R-1A, R-2, R-2A, or R-3 Zoning District that contains a dwelling unit that is occupied by six or more persons over the age of eighteen years, but is not a Group Living Accommodation as defined in Chapter 23F.04. Permitted and Legal non-conforming Sororities, Fraternities, and Student Co-ops shall not be considered Mini-Dorms, as long as they have a resident manager.
- B. "Bedroom" means any Habitable Space in a Dwelling Unit or habitable Accessory Structure other than a kitchen or living room that is intended for or capable of being used for sleeping with a door that closes the room off from other common space such as living and kitchen areas that is at least 70 square feet in area, exclusive of closets and other appurtenant space, and meets Building Code standards for egress, light and ventilation. A room identified as a den, library, study, loft, dining room, or other extra room that satisfies this definition will be considered a bedroom for the purposes of applying this requirement.
- C. "Accessory Structure," "Gross Floor Area," "Dwelling Unit" and "Group Living Accommodation" (or "GLA") have the same meanings as set forth in Chapter 23F.04.
- D. "Alcoholic Beverage" shall have the same meaning as Vehicle Code Section [109](#).
- E. "Monitoring Organization" shall mean the University of California, the ASUC, the Intrafraternity Council or any other organization that the City determines is capable of providing quarterly monitoring and reporting sufficient to enable the City to determine continued compliance with practices adopted by a GLA under Section [13.42.005.B](#).
- F. "Responsible Resident" means a person or persons, or committee, designated pursuant to Section [13.42.030.B](#).

Project Address: _____

Application Date: ___/___/___

G. "Property Manager" means a person who is responsible for the day-to-day maintenance, upkeep, and security of the property. The property manager may be the Owner of the property.

13.42.030 Operating standards--Owners, Property Managers and responsible residents.

A.

1. Any person who owns a GLA or Mini-Dorm shall register with the City of Berkeley as such. Registration shall include contact information for both the owner and any Property Manager, including the name and contact information for a natural person who can be contacted in the event of an emergency.
2. The owner of any GLA with more than 15 residents, and the owner of more than one parcel that includes a Mini-dorm, shall hire a Property Manager. The Property Manager need not be a resident of a GLA or Mini-dorm but must be available and authorized to respond to complaints about the GLA or Mini-dorm at all times. The owner or Property Manager shall provide all tenants with a copy of this Chapter and Chapter [13.48](#) at the time they begin their tenancy. For purposes of this subdivision, a person owns a Mini-dorm or GLA if they have a majority or controlling interest in a Mini-dorm or GLA.
3. Owners and Property Managers shall be liable for any violation of this Chapter.

B. The residents of each Mini-dorm or GLA shall designate a Responsible Resident, who shall be responsible for:

1. ensuring that all refuse and materials to be recycled are properly managed and collected, and that all refuse and recycling containers are returned to their appropriate locations after collection;
2. ensuring that all vehicles at each Mini-dorm or GLA are utilizing off-street parking in approved spaces in compliance with Section 23D.12.080; and
3. responding to all complaints regarding the Mini-dorm or GLA within 24 hours; keeping a log of all complaints, the response to the complaint and the resolution of the complaint; and retaining the complaint log for no less than 24 months. The Responsible Resident shall be responsible for these requirements unless a Property Manager is residing on site, in which case the Property Manager shall be responsible for these requirements. The complaint log shall be made available to City staff on request. The logs shall be made available to Berkeley residents residing within 300 feet of a mini-dorm or GLA within 10 days of a request. Any Berkeley residents residing within 300 feet of a mini-dorm or GLA may submit to the City a written request for a copy of the Responsible Resident's or Property Manager's log and City staff shall within 10 days of receipt of such request ask for a copy of the Responsible Resident's or Property Manager's log on behalf of the requesting resident; and
4. promptly notifying the owner and Property Manager (if any) of any notices under Chapters [12.70](#) or [13.48](#).

The Responsible Resident shall not be responsible for any of the foregoing tasks that are the sole responsibility of the owner or Property Manager.

C. The owner or Property Manager shall provide notice to all residents within 300 feet of:

1. the existence and location of the Mini-dorm or GLA;
2. the contact information for the Responsible Resident (or Property Manager, if they reside on-site), which shall include at least a telephone number or numbers, or e-mail address or addresses at which the Responsible Resident or Property Manager can be reached at any time; and
3. the name and contact information for the Property Manager (if any) and the owner and the phone numbers at which they can be reached at any time.

Such notice shall be provided at least annually by September 1st, and whenever the identity or contact information for the Responsible Resident, Property Manager or owner changes.

D. For any event subject to Section [13.42.036](#), the Responsible Resident shall notify at least one of the residents of each confronting or abutting property no less than 48 hours prior to the event and provide a contact number at which a Responsible Resident can be reached during the entire course of the event. Such notification may be in any form reasonably calculated to provide actual notice.

13.42.035 Nuisances.

A. Any occurrence at a Mini-dorm or GLA that constitutes a substantial disturbance of the quiet enjoyment of private or public property in a significant segment of a neighborhood, such as excessive noise under Section

Project Address: _____

Application Date: ___/___/___

[13.40.030](#) or traffic, obstruction of public streets by crowds or vehicles, public intoxication, the service to or consumption of alcohol by minors, fights, disturbances of the peace, litter or other similar conditions, constitutes a public nuisance.

B. It shall be a public nuisance for any resident of a GLA or Mini-dorm where an event is taking place to refuse access to, or interfere with access by, Fire Department personnel responding to an emergency call or investigating a situation.

C. Notwithstanding any provision of Chapter [13.48](#) to the contrary, a public nuisance as defined in this Section shall be subject to the remedies set forth in Section [13.42.040](#).

13.42.036 Entertainment events involving service or availability of alcoholic beverages.

This Section applies to entertainment events that are open to the public as defined in Section [13.46.030.A & B](#) that: (1) draw, or can reasonably be expected to draw over 50 attendees; (2) involve the service or availability of Alcoholic Beverages at any Mini-dorm or GLA; and (3) are not limited to the residents of that GLA or Mini-dorm.

A. The following actions during events subject to this Section may be deemed a public nuisance:

1. use of or entry upon the roof except for purposes of escaping a fire when entry upon the roof is required for legal egress. For purposes of this paragraph, "roof" does not include decks or balconies, wherever located, that were legally constructed and are in compliance with all applicable safety requirements;
2. service or availability of Alcoholic Beverages in Bedrooms occupied by residents under the age of 21 years;
3. service or availability of Alcoholic Beverages in common areas where they are accessible to persons under the age of 21, unless service or availability is controlled in a manner that does not allow service or availability to persons under 21 years of age;
4. service to or availability of Alcoholic Beverages to persons under the age of 21.

B. Events subject to this Section should be kept to a manageable size, generally under 200 persons total, and should not be allowed to take place in any part of the public right-of-way.

C. Events subject to this Section must comply with the standards set forth in the Community Noise Ordinance, Chapter [13.40](#).

D. The presence of a minor who is under the influence of alcohol at an event subject to this Section shall create a rebuttable presumption that the event is not being conducted in compliance with the provisions of this Section relating to service and availability of Alcoholic Beverages.

E. This Section does not apply to regularly scheduled meetings and/or meals involving non-residents if such meetings or meals involve only members or alumni of the entity that owns or operates the Mini-dorm or GLA and their parents or guardians, even if such meetings or meals include the service or availability of Alcoholic Beverages, as long as such service or availability is limited to persons of 21 years of age or more.

F. Notwithstanding any provision of Chapter [13.48](#) to the contrary, a public nuisance as defined in this Section shall be subject to the remedies set forth in Section [13.42.040](#).

13.42.040 Remedies.

A. This Chapter may be enforced as set forth in Chapters [1.20](#) and [1.28](#).

B. Violation of any provision of this Chapter is hereby declared to be a public nuisance subject to abatement under Chapters [1.24](#), [1.26](#) and 23B.64.

C. In any enforcement action, the prevailing party shall be entitled to recover reasonable attorneys' fees and costs; provided that, pursuant to Government Code Section [38773.5](#), attorneys' fees shall only be available in an action or proceeding in which the City has elected, at the commencement of such action or proceeding, to seek recovery of its own attorneys' fees. In no action or proceeding shall an award of attorneys' fees to a prevailing party exceed the amount of reasonable attorneys' fees incurred by the City in the action or proceeding.

D. Nothing in this section shall preclude the City from setting priorities in the use of its resources by enforcing this chapter against events that are the most disruptive or against properties at which disruptive events are held most often or on the basis of other similar legitimate factors.

Project Address: _____

Application Date: ___/___/___

E.

1. In determining the appropriate remedy, if any, for a public nuisance under this Chapter, the City shall consider factors such as the severity and impact of the nuisance, whether it was an isolated event that is not likely to recur and whether it was preventable. Remedies for public nuisance should be reasonably designed to address the nuisance that the City determines occurred.

2. Nuisance determinations, and remedies for nuisances, applicable to Mini-dorms shall apply only to the unit or units involved in or causing the nuisance, and remedies shall be designed to affect residents of other units as little as feasible. No remedy based on the occurrence of a sexual assault may adversely affect the housing situation of a survivor of sexual assault.

3. No remedy may be imposed on a GLA or Mini-dorm for actions or failure to take actions exclusively within the authority of the landlord or property manager.

F. Determinations of public nuisance may result in further administrative citations, which may escalate based on the number of violations, and repeated violations at the subject property.

G. Nothing in this Chapter is intended to create a monetary remedy against any Responsible Resident.

H. Any resident of the City may bring a private action for injunctive relief to prevent or remedy a public nuisance as defined in this Chapter. No action may be brought under this subdivision unless and until the prospective plaintiff has given the City and the prospective defendant(s) at least 30 days' written notice of the alleged public nuisance and the City has failed to initiate proceedings within that period, or after initiation, has failed to diligently prosecute. Notwithstanding subdivision (G), in any action prosecuted under this Section a prevailing plaintiff may recover reasonable attorneys' fees.

13.42.050 Fee.

The City Council may by resolution adopt fees for the administration and enforcement of this Chapter.

13.42.060 Severability.

If any provision of this Chapter or its application to any situation is held to be invalid, the invalidity shall not affect other provisions or applications of this Chapter which can be given effect without the invalid provision or application, and to this end the provisions of this Chapter are declared to be severable.