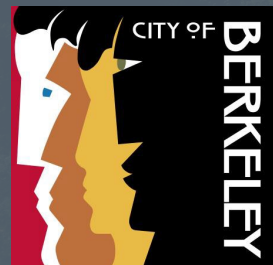


6th Cycle HOUSING ELEMENT

Housing Element Update & Final Environmental Impact Report



Planning Commission

December 7, 2022





Required Element of the General Plan

Must be updated every 8 years and certified by HCD

Currently planning for the 6th cycle (2023-2031)

Statutory deadline is January 31, 2023

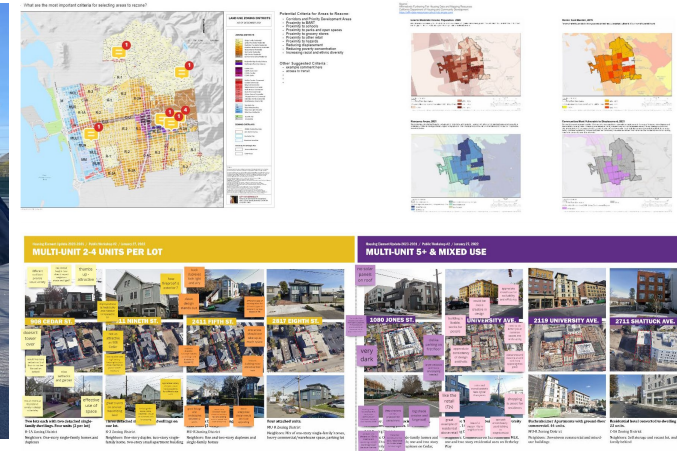
Bay Area: 441,176 units

Berkeley: 8,934 units

The 6th Housing Element Update Process



Outreach & Engagement



12 Boards/Commissions/Committees

25+ Meetings with Stakeholder Interest Groups

3 online public workshops, ~60 participants

6 community outreach events

3 online surveys + 2 walking tours

AGENDA

I. Housing Element

1. Housing Element Components
2. Sites Inventory
3. Housing Programs

II. Environmental Determination

1. CEQA Overview
2. Response to Comments Document
3. Mitigation Monitoring and Reporting Program (MMRP)
4. Findings and Statement of Overriding Considerations

The Housing Element includes...

1 Introduction
Overview of the purpose, scope, and organization

2 Goals and Policies
Outlines the City's commitments to providing and protecting housing opportunities

3 Housing Needs
Demographic trends, housing characteristics, and associated housing needs, including Special Needs populations

4 Housing Constraints
Governmental and non-governmental barriers to housing development

5 Housing Resources
Address existing and projected housing needs through the sites inventory and housing implementation programs

Appendix A Publicly Assisted Housing

Appendix B Development Standards

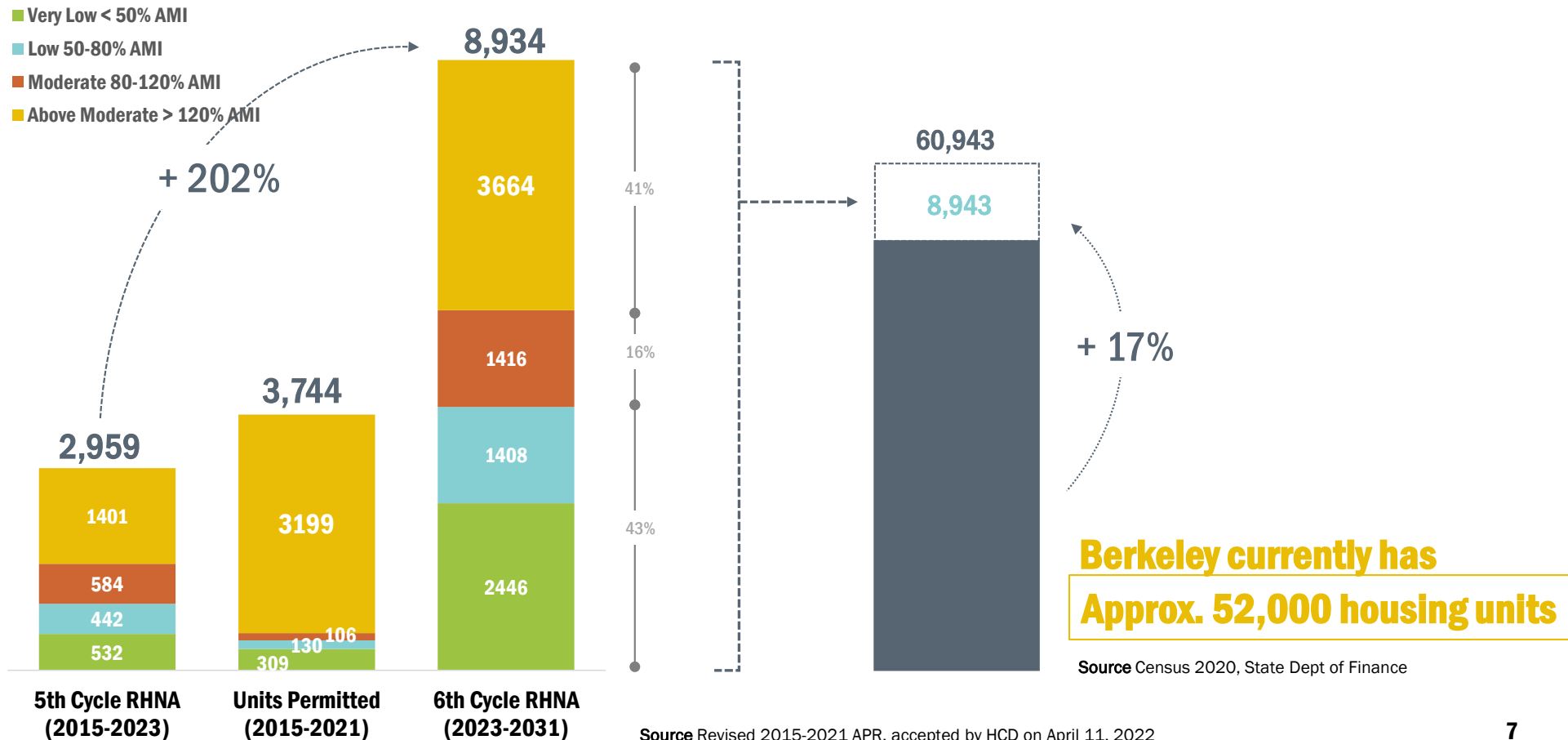
Appendix C Sites Inventory

Appendix D Evaluation of Past Accomplishments

Appendix E Affirmatively Furthering Fair Housing

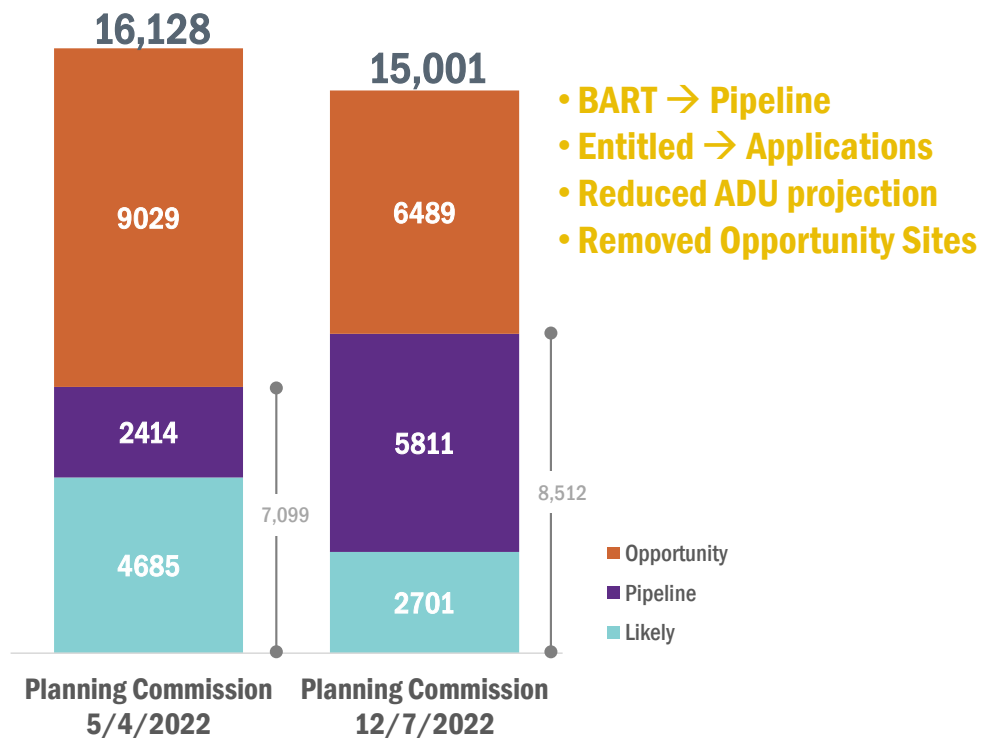
Appendix F Outreach & Engagement

Regional Housing Needs Allocation (RHNA)



Meeting the RHNA

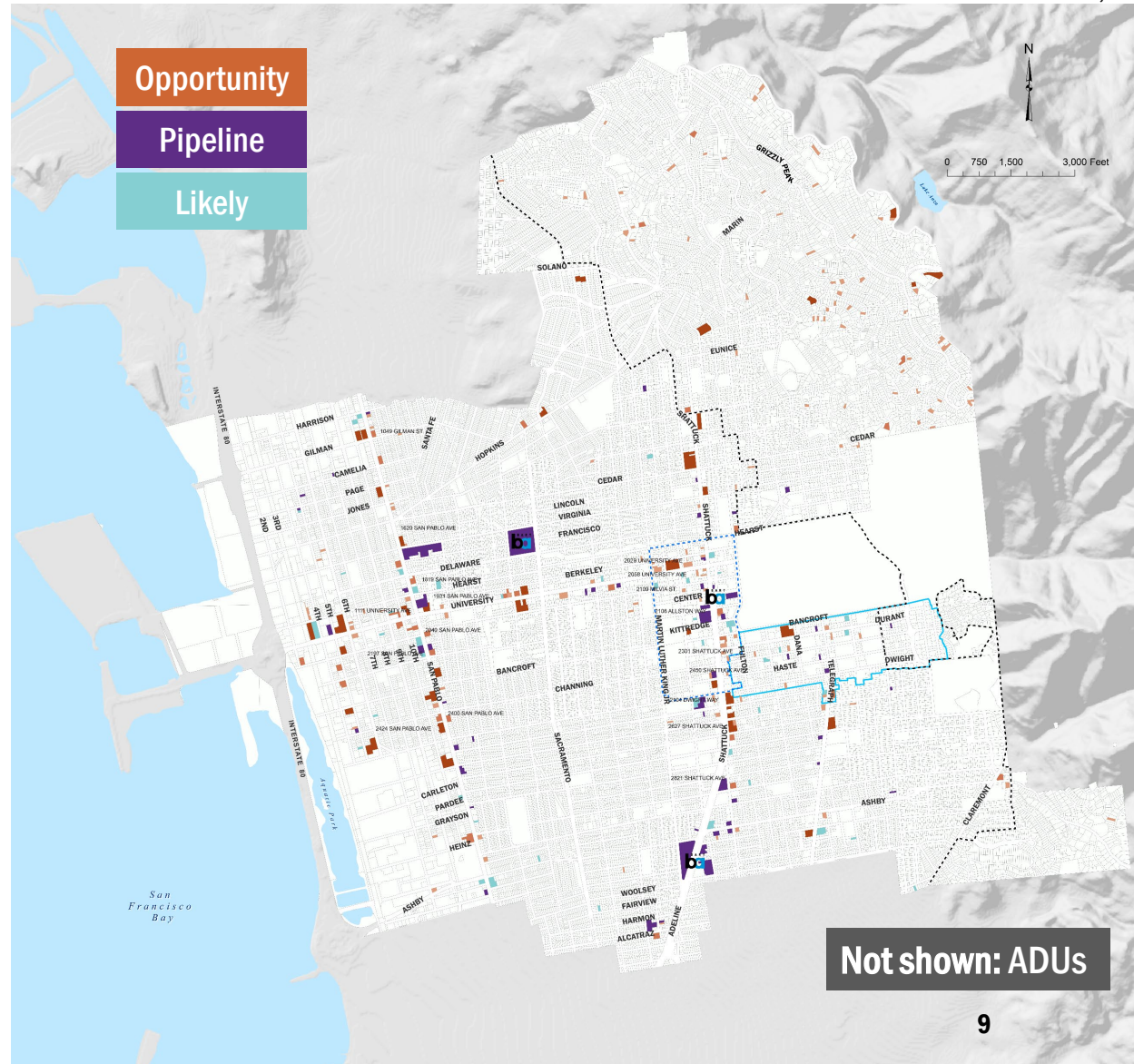
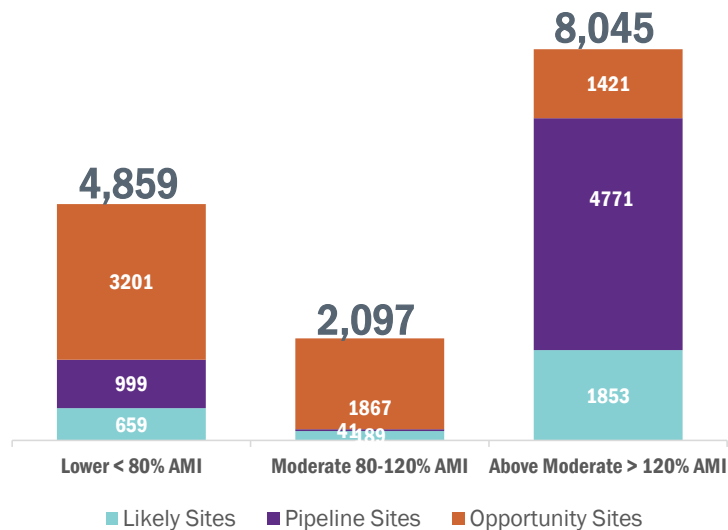
Changes since May 4, 2022 Planning Commission



- > Meet HCD's criteria (physical characteristics, density, unit capacity)
- > Capacity to provide units, by income level, required by RHNA
- > Zoned appropriately and available for residential use

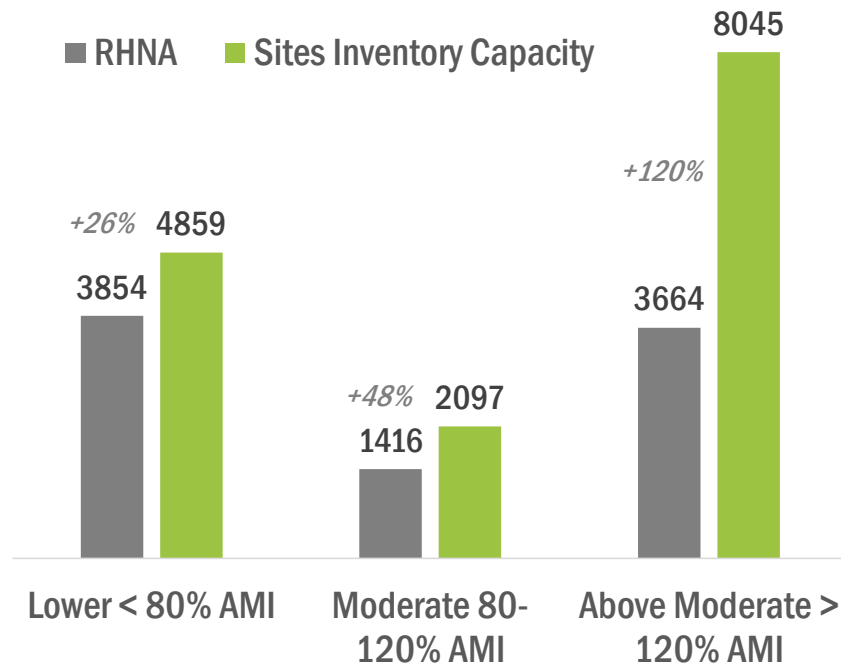
Likely + Pipeline + Opportunity

- ADU Trends
- Entitled Projects since 2018
- N Berkeley & Ashby BART Sites
- Applications Under Review
- Anticipated Projects (Pre-application)
- Opportunity Sites



Meeting the RHNA

Buffer for SB 166 (No Net Loss)



- > HCD recommends at least a 15-30% Buffer
- > City is not required to build or finance the housing
- > No obligation by property owner to take action
- > Reliant on the development industry (market rate/affordable) to construct

37 Housing Programs

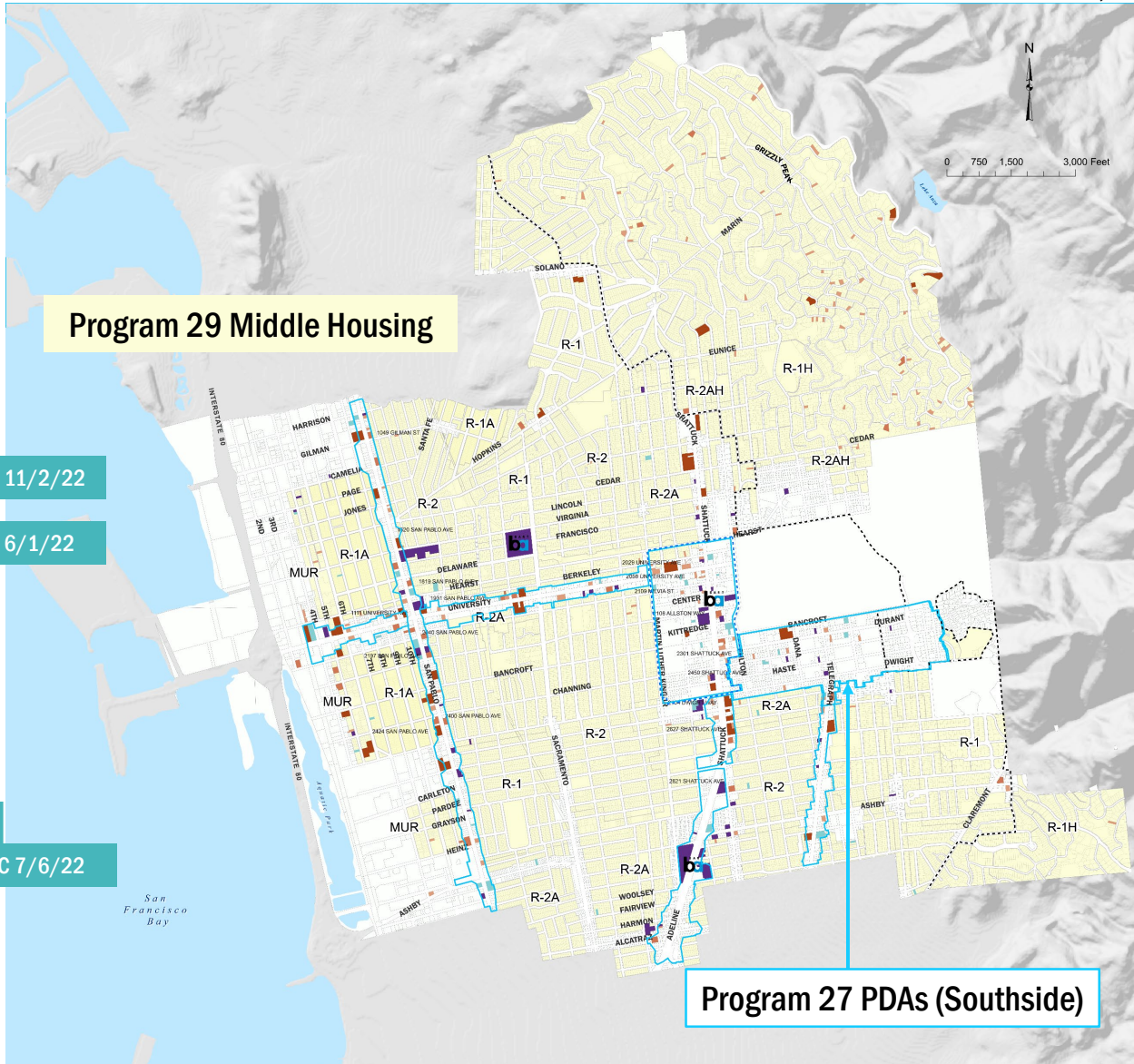
- | | |
|--|---|
| 1. Affordable Housing Berkeley | 22. Seismic Safety and Preparedness Programs |
| 2. Housing Choice Vouchers | 23. Berkeley Pilot Climate Equity Fund |
| 3. Citywide Affordable Housing Requirements | 24. Berkeley Existing Buildings Electrification (BEBE) Strategy |
| 4. Housing Trust Fund | 25. Building Emissions Saving Ordinance (BESO) |
| 5. Preservation of At-Risk Housing | 26. BayREN Single-Family Homes and Multi-Family Homes Program |
| 6. Fair Housing Outreach and Enforcement | 27. Priority Development Areas (PDAs), Commercial and Transit Corridors |
| 7. Rent Stabilization and Tenant Protection | 28. BART Station Area Planning |
| 8. Rental Housing Safety | 29. Middle Housing |
| 9. Tenant Survey | 30. Accessory Dwelling Units |
| 10. Housing Preference Policies | 31. Zoning Code Amendments: Special Needs Housing |
| 11. Rental Assistance | 32. By-Right Approval on Reused Sites for Affordable Housing |
| 12. Workforce Housing | 33. Zoning Code Amendment: Residential |
| 13. Homeless Services | 34. Permit Processing |
| 14. Housing for Homeless Persons with Disabilities | 35. Affordable Housing Overlay and Southside Local Density Bonus |
| 15. Shelter Plus Care | 36. Adequate Sites for RHNA and Monitoring |
| 16. Home Modification for Accessibility and Safety | 37. Replacement Housing/Demolition Ordinance |
| 17. Accessible Housing | |
| 18. Senior / Disabled Home Improvement Loan | |
| 19. Housing Condition Standards | |
| 20. Livable Neighborhoods | |
| 21. Lead-Poisoning Prevention | |

PC 5/5/21

PC 11/2/22

PC 6/1/22

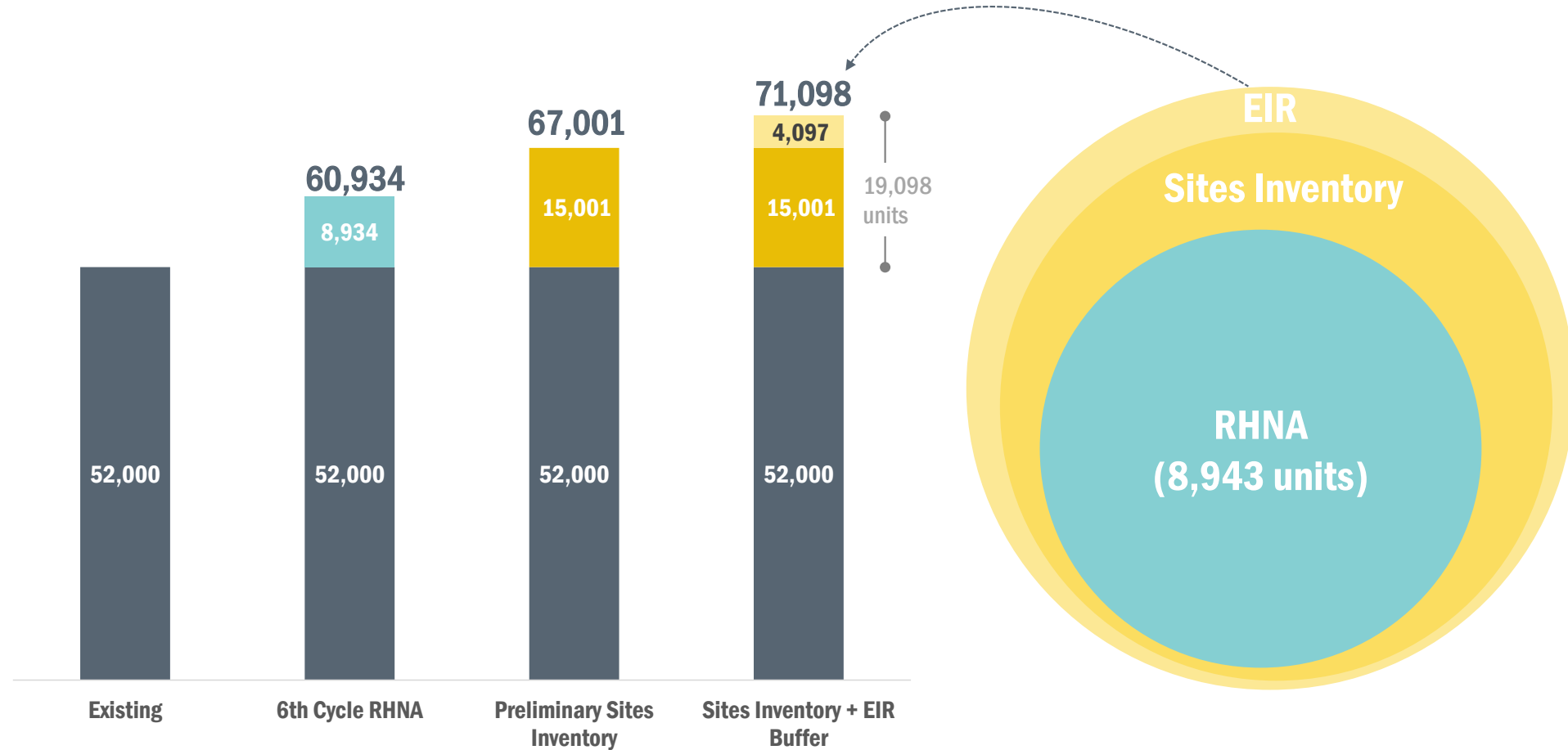
PC 7/6/22



Program 29 Middle Housing

Program 27 PDAs (Southside)

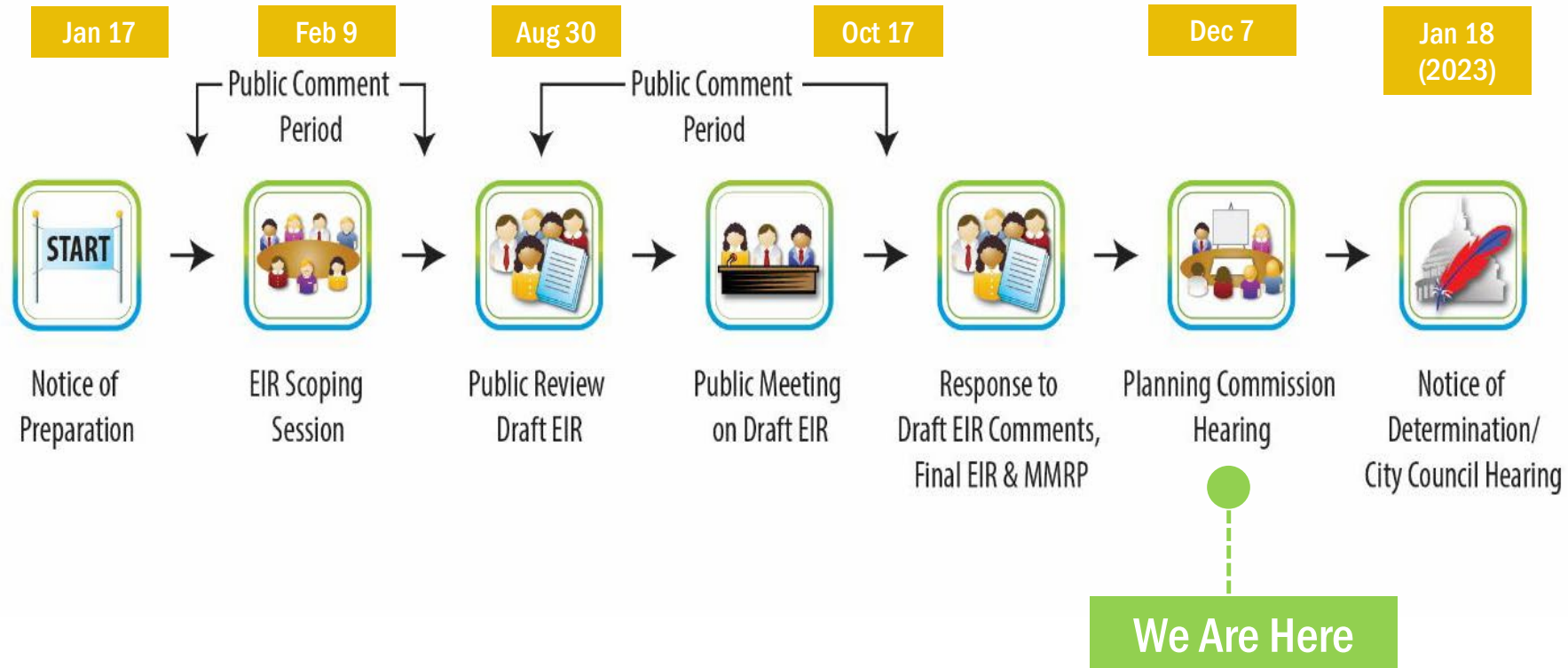
Sites Inventory + Programs



ENVIRONMENTAL DETERMINATION

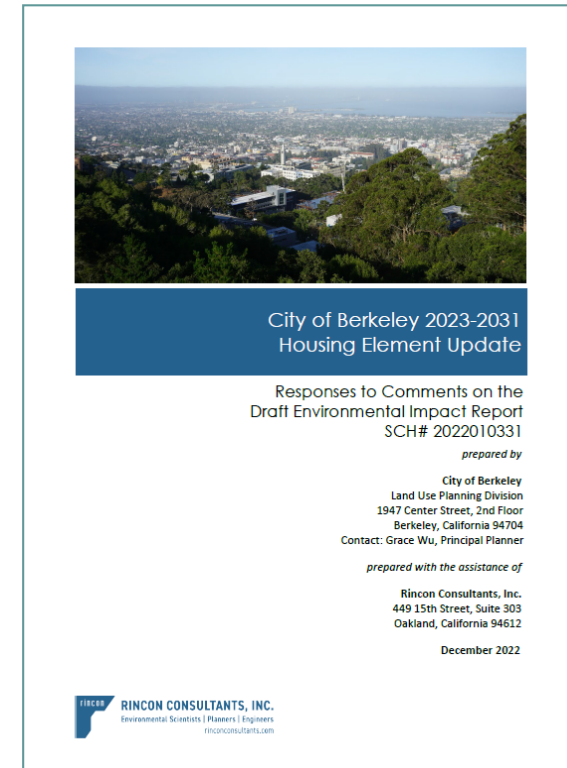
1. CEQA Overview
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4. Findings and Statement of Overriding Considerations

Environmental Impact Report (EIR) Process



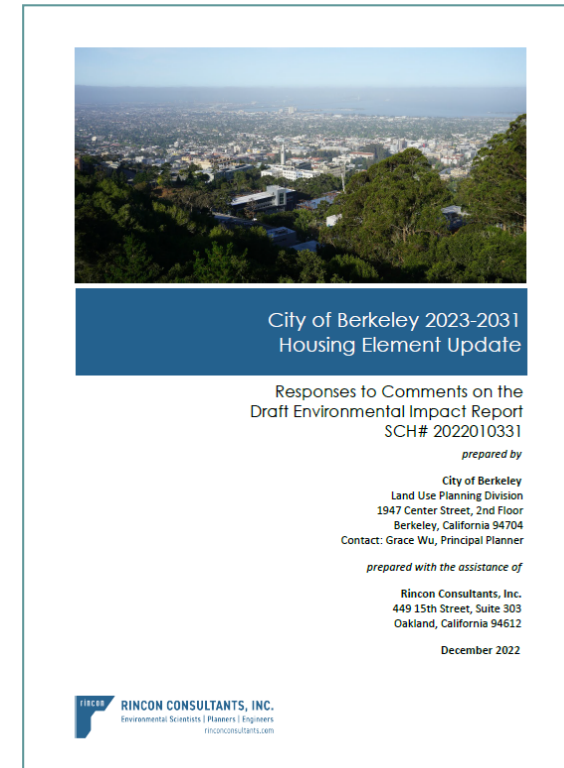
CEQA and Environmental Review

- Response to Comments (RTC) document
- Mitigation, Monitoring, and Reporting Program (MMRP)
- Final Environmental Impact Report (FEIR)
(Draft EIR + RTC + MMRP)



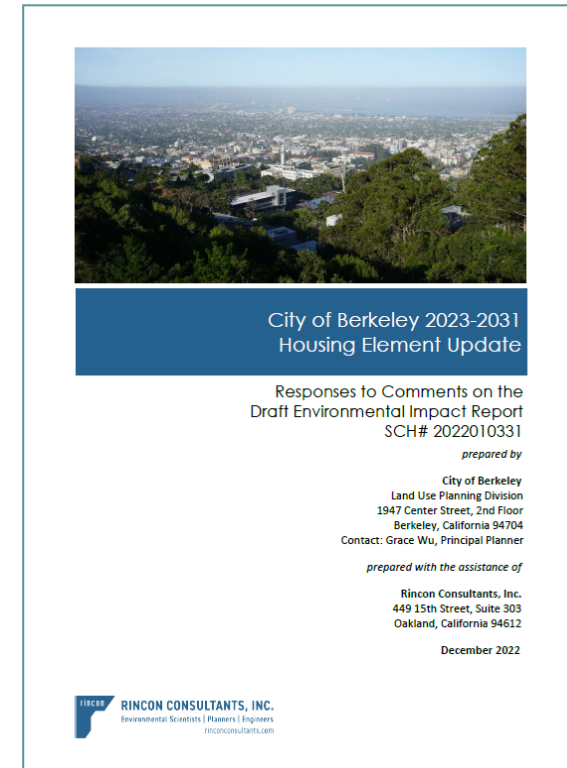
Response to Comments (RTC) Document

- Responses to all **CEQA-related** public comments on the DEIR received before the end of the comment period (Oct 17, 2022).
- Revisions/clarifications to the DEIR made in response to comments.
- No new environmental impacts were found; no new mitigation measures were required.



Mitigation Monitoring and Reporting Program (MMRP)

- Lists all mitigation measures that may be included in any zoning or conditions of approval.
- Provides details on **who** is responsible for each mitigation, **when** each mitigation must begin, **when** and **how** a mitigation is considered complete and **who** will determine if a mitigation is complete.
- Includes 8 specific mitigations in 5 resource areas; many are standard requirements for any development in Berkeley.

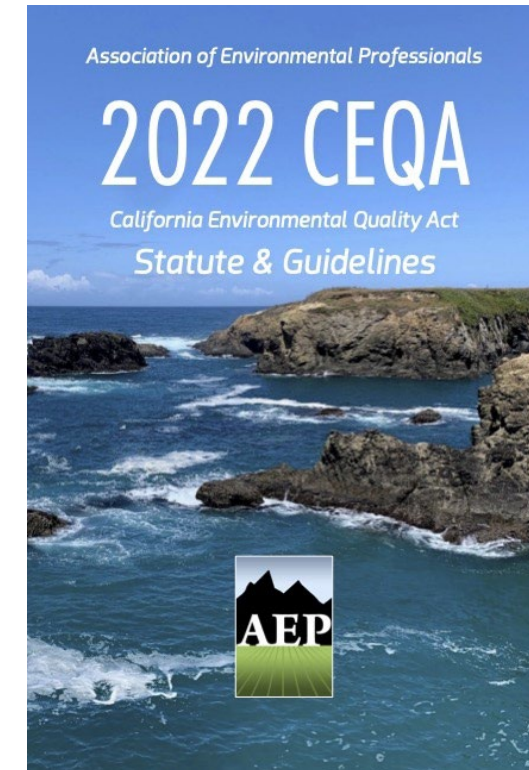


CEQA Findings & Statement of Overriding Considerations

A finding is required for each significant impact identified in the EIR. Either

- 1) A change or mitigation has been incorporated in the project to lessen the impact;
- 2) Changes or mitigations to lessen the impact are the responsibility of another agency; or
- 3) Specific economic, legal, social, technological or other considerations make mitigation of the impact infeasible.

For each finding #3, an *additional* finding must be made that the benefits of the project outweigh the significant impacts on the environment (Statement of Overriding Consideration).

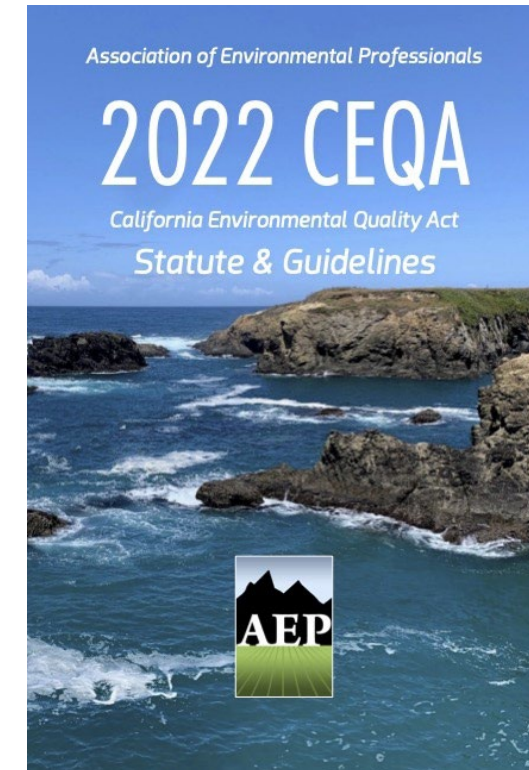


Statement of Overriding Considerations

After mitigation, there remain significant and unavoidable impacts related to **Construction Noise**, **Cultural Resources** and **Wildfire**

Overriding Considerations include:

- The need to meet RHNA and other State-mandated requirements;
- Facilitating affordable housing development;
- Encouraging a variety of types of housing for a range of income levels;
- Encouraging housing in areas close to transit, jobs, and community benefits (high-resource neighborhoods);
- Affirmatively furthering fair housing.



Next Steps

HCD 60-day Subsequent Review

(December 1, 2022 – January 30, 2023)

City Council Public Hearing and Consideration for Adoption

(January 18, 2023)

--Any necessary revisions to achieve state certification--

HCD Certification

Consequences of a non-compliant Housing Element

- > Loss of eligibility for state grants, loans, and incentives
- > Enforcement and penalties by the Attorney General
- > Housing Accountability Act (HAA) “Builder’s Remedy”
- > Consistency rezoning required within a year

Recommendation

Recommend that the City Council:

- 1) Certify the Environmental Impact Report (EIR) and related California Environmental Quality Act (CEQA) findings, and
- 2) Adopt the proposed 2023-2031 Housing Element and related General Plan amendment to incorporate the updated Housing Element with any necessary changes made in response to comments from the Department of Housing and Community Development (HCD),
- 3) Authorize the City Manager to make non-substantive changes to the 2023-2031 Housing Element in response to comments from HCD to achieve state certification.

THANK YOU



HousingElement@cityofberkeley.info



<https://berkeleyca.gov/construction-development/land-use-development/general-plan-and-area-plans/housing-element-update>



UC Berkeley students!
By Sunday, December 18th -
Southside Area
Student Housing Survey