



Housing Advisory Commission

HOUSING ADVISORY COMMISSION

AGENDA

Regular Meeting

Thursday, January 3, 2019
7:00 pm

South Berkeley Senior Center

2939 Ellis Street
Secretary Amy Davidson
HAC@cityofberkeley.info

All agenda items are for discussion and possible action.

Public comment policy: Members of the public may speak on any items on the Agenda and items not on the Agenda during the initial Public Comment period. Members of the public may also comment on any item listed on the agenda as the item is taken up. Members of the public may not speak more than once on any given item. The Chair may limit public comments to 3 minutes or less.

1. Roll Call
2. Agenda Approval
3. Public Comment
4. Approval of the November 1, 2018 Regular Meeting Minutes (Attachment 1)
5. **Receive Presentation and Provide Comments on the 2019 Update to the Local Hazard Mitigation Plan – Jenny McNulty, Planning (Attachment 2)**
6. **Discussion and Possible Referral to City Council to Review Code Enforcement – Thomas Lord (Attachments 3 & 4)**
7. **Public Discussion and Possible Action on 2018 HOME RFP Proposals and Recommendation to Reissue the RFP to Consider Measure O Funds – Jenny Wyant, HHCS (Attachments 5,6,&7)**
Proposals received:
 - 1638 Stuart (Bay Area Community Land Trust)
 - 1900 Alcatraz (Satellite Affordable Housing Associates)
8. **Discussion and Possible Action to Nominate Candidates for February Officer Elections – All/Thomas Lord (Attachments 8 & 9)**
9. **Discussion and Possible Action to Make Recommendations to Council to Create the Measure O Oversight Committee and Measure P Homeless Services Panel of Experts – Xavier Johnson (Attachment 10)**
10. **Discussion and Possible Action to Recommend the City Council Endorses AB 10, SB 18, and SCA 1 – Igor Tregub (Attachment 11)**
11. **Discussion and Possible Action to Make Recommendations to the Joint Subcommittee for the Implementation of State Housing Law (JSISHL) – Thomas Lord, Igor Tregub, Marian Wolfe (Attachments 12 & 13)**

12. Discussion and Possible Recommendation to Council on the Housing Advisory Commission's Communicating and Meeting with Community Stakeholders on Housing Innovations – Thomas Lord (Attachment 14)

13. Discussion and Possible Action to Update Work Plan – Thomas Lord/All (Attachment 15)

14. Update on Council Items (Future Dates Subject to Change) – All/Staff

- a. 2018 Housing Advisory Commission Work Plan Update (11/13/18)
https://www.cityofberkeley.info/Clerk/City_Council/2018/11_Nov/Documents/2018-11-13_Item_27_2018_Housing_Advisory_Commission.aspx
- b. North Berkeley BART Site Recommendations (11/27/18)
https://www.cityofberkeley.info/Clerk/City_Council/2018/11_Nov/Documents/2018-11-27_Item_17_North_Berkeley_BART_Site_Recommendations.aspx
- c. Measure U1 Reporting Information Item (12/11/18)
https://www.cityofberkeley.info/Clerk/City_Council/2018/12_Dec/Documents/2018-12-11_Item_29_Measure_U1_Reporting.aspx
- d. Letter of Support on Behalf of SB 3342 - Housing, Opportunity, Mobility, and Equity Act of 2018 (12/11/18)
https://www.cityofberkeley.info/Clerk/City_Council/2018/12_Dec/Documents/2018-12-11_Item_14_Letter_of_Support_on_Behalf.aspx

15. Announcements/Information Items

- a. 2019 Housing Advisory Commission Meeting Calendar (Attachment 16)
- b. Annual Stipend Declaration (Attachment 17)
- c. Community Agency Funding Request for Proposals (Attachment 18)
- d. Igor Tregub, Urban Habitat and East Bay Community Law Center, Rooted in Home: Community Based Alternatives to the Bay Area Housing Crisis
https://ebclc.org/wp-content/uploads/2018/11/Final-PDF_Rooted-In-Home-Report.pdf

16. Future Items

- a. Officer Elections (February 2019)
- b. Presentation on Metropolitan Transportation Commission Committee to House the Bay Area (CASA) Planning Initiative (February 2019)

17. Adjourn

Attachments

1. Draft November 1, 2018 Regular Meeting Minutes
2. Jenny McNulty, Planning, 2019 Update to the Local Hazard Mitigation Plan
3. Lord, Housing Code Enforcement: Monitoring, Evaluation and Advice
4. Lord, Draft Council Referral Re: Code Enforcement

5. Jenny Wyant, HHCS, 2018 HOME RFP Proposals and Recommendation to Reissue the RFP to Consider Measure O Funds
6. Andy and Becky Donohoe, 1638 Stuart St Project
7. Mahmoud Mohamed, 1638 Stuart St Project
8. Mike Uberti, HHCS, Officer Elections Information
9. Lord, Election Process
10. Johnson, Measure O & P Funding
11. Tregub, Recommendation to Endorse AB 10, SB 18, and SCA 1
12. Lord, JSISHL Update - Against State Housing Interventions
13. Lord, Renewing Democratized Planning in Berkeley
14. Lord, Draft Council Referral on Housing Innovations
15. Lord, Housing Advisory Commission Work Plan Timeline
16. 2019 Housing Advisory Commission Meeting Calendar
17. Annual Stipend Declaration
18. Community Agency Funding Request for Proposals

This meeting is being held in a wheelchair accessible location. To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services Specialist at 981-6418 (V) or 981-6347 (TDD) at least three business days before the meeting date. Please refrain from wearing scented products to this meeting.

Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available for public inspection at the Health, Housing & Community Services Department located at 2180 Milvia Street, 2nd Floor during regular business hours. Agenda packets and minutes are posted online at:
https://www.cityofberkeley.info/Housing_Advisory_Commission/

Communications to Berkeley boards, commissions or committees are public record and will become part of the City's electronic records, which are accessible through the City's website. Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission or committee, will become part of the public record. If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the Secretary of the commission. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the Secretary for further information.



HOUSING ADVISORY COMMISSION
Regular Meeting
Thursday, November 1, 2018

Housing Advisory Commission

Time: 7:06 pm

South Berkeley Senior Center
2939 Ellis Street – Berkeley
Secretary – Amy Davidson, (510) 981-5406

DRAFT MINUTES

1. Roll Call

Present: Xavier Johnson (arrived at 7:25 pm), Matthew Lewis, Thomas Lord, Marian Wolfe, and Amir Wright.

Absent: Luis Amezcua (unexcused), Rashi Kesarwani (excused), Darrell Owens (excused) and Igor Tregub (excused).

Commissioners in attendance: 5 of 6

Staff Present: Amy Davidson, Roger Miller, Mike Uberti

Members of the public in attendance: 20

Public Speakers: 11

2. Agenda Approval

Action: M/S/C (Lord/Wright) to approve the agenda.

Vote: Ayes: Lewis, Lord, Wright and Wolfe. Noes: None. Abstain: None. Absent: Amezcua (unexcused), Johnson (unexcused), Kesarwani (excused), Owens (excused) and Tregub (excused).

3. Public Comment

There were no speakers during public comment.

4. Approval of the October 4, 2018 Regular Meeting Minutes

Action: M/S/C (Lord/Lewis) to approve the minutes.

Vote: Ayes: Lewis, Lord, Wright and Wolfe. Noes: None. Abstain: None. Absent: Amezcua (unexcused), Johnson (unexcused), Kesarwani (excused), Owens (excused) and Tregub (excused).

5. Receive Presentation on Measure T1 Infrastructure Bond Program

6. Public Hearing on 2018 Housing Trust Fund Request for Proposals (RFP) Applications

Public Speakers: 11

Commissioner Wolfe recused herself from this item as she is on the board of Resources for Community Development, an organization that makes funding requests to the City of Berkeley for development projects.

Action: M/S/C (Lewis/Johnson) to elect Commissioner Wright as acting chair.

Vote: Ayes: Johnson, Lewis, Lord, and Wright. Noes: None. Abstain: None. Absent: Amezcua (unexcused), Kesarwani (excused), Owens (excused), Tregub (excused) and Wolfe (recused).

Action: M/S/C (Wright/Lord) to close the public hearing.

Vote: Ayes: Johnson, Lewis, Lord, and Wright. Noes: None. Abstain: None. Absent: Amezcua (unexcused), Kesarwani (excused), Owens (excused), Tregub (excused) and Wolfe (recused).

7. Discussion and Possible Action to Adopt the 2019 Meeting Calendar

Action: M/S/C (Lewis/Johnson) to adopt the proposed 2019 meeting calendar.

Vote: Ayes: Johnson, Lewis, Lord, Wright and Wolfe. Noes: None. Abstain: None. Absent: Amezcua (unexcused), Kesarwani (excused), Owens (excused) and Tregub (excused).

8. Discussion and Possible Action to Update Work Plan

9. Discussion and Possible Action to Establish Process Guidelines for Office Elections

Action: M/S/C (Lord/Johnson) to adopt the following guidelines for the February officer elections:

- The commission will nominate candidates at the regular January meeting;
- The commission will adopt a panel of candidates by motion;
- All commissioners will vote by written ballot, which shall be read publicly by the Secretary; and
- In the event that voting results in a tie, the lowest candidates will be removed from eligibility and the commission will re-vote to select an officer.

Vote: Ayes: Johnson, Lewis, Lord, Wright and Wolfe. Noes: None. Abstain: None. Absent: Amezcua (unexcused), Kesarwani (excused), Owens (excused) and Tregub (excused).

10. Discussion and Possible Action on Housing Code Enforcement Monitoring and Evaluation

Action: M/S/C (Lord/Lewis) to extend the meeting twenty minutes until 9:20 pm.

Vote: Ayes: Johnson, Lewis, Lord, Wright and Wolfe. Noes: None. Abstain: None. Absent: Amezcua (unexcused), Kesarwani (excused), Owens (excused) and Tregub (excused).

11. Discussion and Possible Action on a Democratized Housing Innovations Summit

12. Update on Council Items

13. Announcements/Information Items

14. Future Items

15. Adjourn

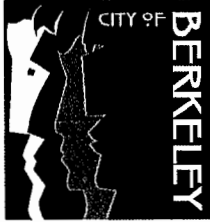
Action: M/S/C (Lord/Johnson) to adjourn the meeting at 9:20 pm.

Vote: Ayes: Johnson, Lewis, Lord, Wright and Wolfe. Noes: None. Abstain: None.

Absent: Amezcua (unexcused), Kesarwani (excused), Owens (excused) and Tregub (excused).


Approved on January 3, 2019

_____, Amy Davidson, Secretary



Office of the City Manager

December 18, 2018

To: Commission Secretaries
From:  Dee Williams-Ridley, City Manager
Subject: 2019 Update to the Local Hazard Mitigation Plan;
Public Comment Process

The First Draft of the City's 2019 Local Hazard Mitigation Plan (LHMP) update has been released on the City's website (www.CityofBerkeley.info/Mitigation) and at City libraries. The document's Executive Summary and Actions are attached to this letter.

As a Commission Secretary, please:

- Include the attached information in your next Commission meeting packet
- Ensure that the Local Hazard Mitigation Plan is agendaized as an Information Item at your January Commission meeting
- If your Commission wishes to provide feedback on the plan, ensure that the Local Hazard Mitigation Plan is agendaized as an Action item for your February meeting.

Plan Content

The LHMP identifies natural hazards in Berkeley and outlines a five-year strategy to further protect Berkeley's people, buildings, infrastructure, and environment from those hazards. The City began updating the LHMP in early 2018. This update effort will allow Berkeley to apply for federal mitigation grant programs and State funding, and is anticipated to be complete at the end of 2019.

Commission Review

All City Commissions are being invited to review the First Draft Plan. Commission feedback will be due to Mitigation@CityofBerkeley.info by February 28, 2019. Staff will review the feedback and incorporate appropriate edits into the Final Draft Plan.

Staff will present the First Draft Plan's proposed mitigation strategy at the Planning Commission's January 16 meeting and the Disaster and Fire Safety Commission's January 23 meeting.

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December 18, 2018

Re: 2019 Update to the Local Hazard Mitigation Plan; Public Comment Process

Community Review

The First Draft Plan has been posted for review and comment at City libraries and on the City website (www.CityofBerkeley.info/Mitigation). Members of the public are invited to provide written feedback on the document until February 28, 2019.

Written feedback can be submitted:

a) Via email to Mitigation@CityofBerkeley.info

b) Via postal mail to:

Fire Department – Office of Emergency Services
Attn: Mitigation Plan
2100 Martin Luther King, Jr. Way, 2nd Floor
Berkeley, CA 94704

c) In-person during business hours to the Fire Department – Office of Emergency Services at the address above.

Following the initial public review process, staff will review community member feedback and will incorporate appropriate edits into the Final Draft Plan. Staff will concurrently develop an outline of edits made based on Commission and community feedback.

The Final Draft Plan will undergo review first by the State of California Office of Emergency Services and Board of Forestry, and then the Federal Emergency Management Agency (FEMA). Staff will make changes to the plan as required by these State and federal bodies.

Adoption

In fall 2019 (est.) staff will post the Final Draft Plan, including any State and federal edits, to the City website. At that time, staff will present the Final Draft Plan to the Disaster and Fire Safety Commission and the Planning Commission, requesting their recommendations to Council on the plan. The Planning Commission meeting, which will also serve as the First Public Hearing for the plan. Staff anticipates bringing the Final Draft Plan to City Council for review and adoption in December 2019.

Commission Secretaries will serve as their Commissions' point of contact for this project. Please contact Sarah Lana, Emergency Services Coordinator (slana@cityofberkeley.info, x5576), with questions.

Attachment: 2019 Local Hazard Mitigation Plan: First Draft
Executive Summary and Actions

cc: Paul Buddenhagen, Interim Deputy City Manager
David Brannigan, Fire Chief
Mark Numainville, City Clerk
Matthai Chakko, Assistant to the City Manager
Jenny Wong, City Auditor



City of Berkeley

2019 Local Hazard Mitigation Plan

First Draft Executive Summary
and Mitigation Actions
December 18, 2018

Executive Summary

Berkeley is a vibrant and unique community. But every aspect of the city – its economic prosperity, social and cultural diversity, and historical character – could be dramatically altered by a disaster. While we cannot predict or protect ourselves against every possible hazard that may strike the community, we can anticipate many impacts and take steps to reduce the harm they will cause. We can make sure that tomorrow's Berkeley continues to reflect our current values.

City government and community members have been working together for years to address certain aspects of the risk – such as strengthening structures, distributing disaster supply caches, and enforcing vegetation management measures to reduce fire risk. The 2004 Disaster Mitigation Plan formalized this process, ensuring that these activities continued to be explored and improved over time. The 2014 Local Hazard Mitigation Plan continued this ongoing process to evaluate the risks that different hazards pose to Berkeley, and to engage the community in dialogue to identify the most important steps that the City and its partners should pursue to reduce these risks. Over many years, this constant focus on disasters has made Berkeley, its residents and businesses, much safer.

The federal Disaster Mitigation Act of 2000 (DMA 2000) calls for all communities to prepare mitigation plans. The City adopted a plan that met the requirements of DMA 2000 on June 22, 2004, and an update on December 16, 2014. This is the 2019 update to that plan, called the 2019 Local Hazard Mitigation Plan (2019 LHMP).

Plan Purpose

The 2019 LHMP serves three functions:

1. The 2019 LHMP documents our current understanding of the hazards present in Berkeley, along with our vulnerabilities to each hazard – the ways that the hazard could impact our buildings, infrastructure, community, and environment.
2. The document presents Berkeley City government's Mitigation Strategy for the coming five years. The Mitigation Strategy reflects a wide variety of both funded and unfunded actions, each of which could reduce the Berkeley's hazard vulnerabilities.
3. By fulfilling requirements of the DMA 2000, the 2019 LHMP ensures that Berkeley will remain eligible to apply for mitigation grants before disasters, and to receive federal mitigation funding and additional State recovery funding after disasters.

Plan Organization

Unlike prior versions of the plan, the 2019 LHMP has been structured to specifically address DMA 2000 requirements. The 2019 LHMP is organized as follows:

Element A: Planning Process

This section of the 2019 LHMP describes the process used to develop the document, including how partners, stakeholders, and the community were engaged. It also addresses the City's approach to maintaining the 2019 LHMP over the five-year planning cycle.

Element B: Hazard Analysis

This section of the 2019 LHMP outlines the different hazards present in Berkeley. Analysis of each hazard includes the areas of Berkeley with exposure to the hazard, the potential impacts of each hazard, and Berkeley's vulnerabilities to each hazard.

Element C: Mitigation Strategy

The Mitigation Strategy section first documents the authorities, policies, programs, and resources that the City brings to bear in implementing mitigation actions. Second, this section outlines a comprehensive range of specific mitigation actions and projects designed to reduce Berkeley's hazard vulnerabilities. This section also describes how the 2019 LHMP is integrated with other City plans.

Element D: Plan Review, Evaluation, and Implementation

This section describes how changes in development have influenced updates to the 2019 LHMP. It also provides a detailed description of Berkeley's progress on the Mitigation Strategy proposed in 2014.

Element E: Plan Adoption

This section will be used to document formal adoption of the Final Draft 2019 LHMP by the Berkeley City Council.

In the pages that follow, this Executive Summary describes highlights from Element B: *Hazard Analysis* and Element C: *Mitigation Strategy*, as well as any key updates that were made to the section since the 2014 version.

Element B: Hazard Analysis

To become disaster resilient, a community must first understand the existing hazards and their potential impacts. Berkeley is exposed to a number of natural and human-caused hazards that vary in their intensity and impacts on the city. This mitigation plan addresses six natural hazards: earthquake, wildland-urban interface (WUI) fire, flood, landslide, and tsunami. Each of these hazards can occur independently or in combination, and can also trigger secondary hazards.

Although this plan is focused on natural hazards, four human-caused hazards of concern are also discussed: hazardous materials release, climate change,ⁱ extreme heat events, and terrorism. They are included because of their likelihood of occurrence and the magnitude of their potential consequences, as outlined in the table below.

Table 1. Summary of Hazard Analysis

Hazard	Likelihood	Severity of Impact
Earthquake	Likely	Catastrophic
Wildland-Urban Interface Fire	Likely	Catastrophic
Rainfall-Triggered Landslide	Likely	Moderate
Floods	Likely	Minor
Tsunami	Possible	Moderate
Climate Change	Likely	Unknown*
Extreme Heat	Likely	Unknown*

**Consequence levels for climate change and extreme heat have not been assigned values, as adequate information to make this determination is not yet available.*

Hazards of Greatest Concern

Earthquake

We do not know when the next major earthquake will strike Berkeley. The United States Geological Survey states that there is a 72% probability of one or more M 6.7 or greater earthquakes from 2014 to 2043 in the San Francisco Bay Region.ⁱⁱ There is a 33% chance that a 6.7 or greater will occur on the Hayward fault system between 2014 and 2043.ⁱⁱⁱ This means that many Berkeley residents are likely to experience a severe earthquake in their lifetime.

A catastrophic earthquake on the Hayward Fault would cause severe and violent shaking and three types of ground failure in Berkeley. Surface fault rupture could occur in the Berkeley hills along the fault, damaging utilities and gas lines that cross the fault. Landslides are expected in the Berkeley hills during the next earthquake, particularly if the earthquake occurs during the rainy winter months. Landslide movement could range from a few inches to tens of feet. Ground surface displacements as small as a few inches are enough to break typical foundations. Liquefaction is very likely in the westernmost parts of the city and could occur in much of the Berkeley flats. Liquefaction can destroy pavements and dislodge foundations.

Shaking and ground failure is likely to create impacts that ignite post-earthquake fires. Firefighting will be simultaneously challenged due to broken water mains and damage to electrical, transportation, and communication infrastructure.

In a 6.9 magnitude earthquake on the Hayward Fault, the City estimates that over 600 buildings in Berkeley will be completely destroyed and over 20,000 more will be damaged. One thousand to 4,000 families may need temporary shelter. Depending on the disaster scenario, one hundred people could be killed in Berkeley alone, and many more would be injured. Commercial buildings, utilities, and public roads will be disabled or destroyed. This plan estimates that building damage in Berkeley alone could exceed \$2 billion, out of a multi-billion dollar regional loss, with losses to business activities and infrastructure adding to this figure.

Low-income housing units are expected to be damaged at a higher rate than other residences. Other types of housing, such as condominiums, may replace them when land owners rebuild. This could lead to profound demographic shifts in Berkeley.

Wildland-Urban Interface Fire

Berkeley is vulnerable to a wind-driven fire starting along the city's eastern border. The fire risk facing the people and properties in the eastern hills is compounded by the area's mountainous topography, limited water supply, minimal access and egress routes, and location, overlaid upon the Hayward Fault. Berkeley's flatlands are also exposed to a fire that spreads west from the hills. The flatlands are densely-covered with old wooden buildings housing low-income and vulnerable populations, including isolated seniors, people with disabilities, and students.

The high risk of wildland-urban interface (WUI) fire in Berkeley was clearly demonstrated in the 1991 Tunnel Fire, which destroyed 62 homes in Berkeley and more than 3,000 in Oakland. In 1923, an even more devastating fire burned through Berkeley. It began in the open lands of

Wildcat Canyon to the northeast and, swept by a hot September wind, penetrated residential north Berkeley and destroyed nearly 600 structures, including homes, apartments, fraternities and sororities, a church, a fire station and a library. The fire burned downhill all the way to Shattuck Avenue in central Berkeley.^{iv}

If a fire occurred today that burned the same area, the loss to structures would be in the billions of dollars.^v Destruction of contents in all of the homes and businesses burned would add hundreds of millions of dollars^{vi} to fire losses. Efforts to stabilize hillsides after the fire to prevent massive landslides would also add costs. Depending on the speed of the fire spread, lives of Berkeley residents could also be lost. Many established small businesses, homes, and multi-family apartment buildings, particularly student housing, would be completely destroyed, changing the character of Berkeley forever.

Natural Hazards of Concern

This plan identified three additional natural hazards of concern: rainfall-triggered landslide, floods, and tsunamis. These hazards could cause significant damage and losses in Berkeley. However, unlike earthquake and WUI fire, their impacts are likely to be smaller, and confined to specific areas.

Rainfall-Triggered Landslide

Berkeley has a number of deep-seated landslides that continuously move, with the rate of movement affected by rainfall and groundwater conditions. Significant localized areas of the Berkeley hills face risk from landslide, and a major slide could endanger lives and impact scores of properties, utilities and infrastructure.

Floods

Floods also could damage property and cause significant losses in Berkeley. Flooding can occur when stormwater exceeds the capacity of a creek channel, or the capacity of the storm drain system. Creek flooding in Berkeley has the potential to affect about 675 structures, mainly in the western, industrial area of the city. It is unlikely that floodwaters will reach higher than three feet, but damages to homes, businesses, and their contents could total over \$160 million. Storm drain overflow creates localized flooding in many known intersections in Berkeley. With few properties covered by flood insurance, these costs would be borne primarily by Berkeley residents and businesses.

Tsunami

Tsunamis, though rare inside the San Francisco Bay, can occur from large offshore subduction style earthquakes around the Pacific Rim. Small, local tsunamis can also result from offshore strike-slip Faults such as parts of the San Andreas Fault of the Peninsula and the Hayward Fault through San Pablo Bay. The March 2011 Japan earthquake generated a devastating tsunami, which reached the Bay Area and caused minor damage to docks and floats in the Berkeley Marina. A larger tsunami could impact much more of Berkeley's western shores. Buildings, infrastructure, and roadways could be damaged, and debris and hazardous materials could cause post-tsunami fires. Deaths are possible if individuals choose not to evacuate hazardous areas, do not understand tsunami warnings, or are unable to evacuate.

Manmade Hazards of Concern

While the focus of the 2019 LHMP is on natural hazards as emphasized in the Disaster Mitigation Act of 2000 (DMA 2000),^{vii} the plan provides analysis of four manmade hazards of concern. Climate change is described because its impacts are likely to exacerbate the natural hazards of concern identified in the plan. The 2019 LHMP specifically addresses the hazard of extreme heat events because they are projected to increase exponentially in the next century as climate change continues. Hazardous materials release is addressed in this mitigation plan as a potential impact from a natural hazard. Terrorism is identified as a hazard of concern but is not analyzed in-depth.

Climate Change

Like regions across the globe, the San Francisco Bay Area is already experiencing negative impacts of climate change. These impacts will continue to grow in intensity and will disproportionately affect vulnerable communities such as the elderly, children, people with disabilities, and people with low incomes.

The severity of these impacts will depend on the amount of greenhouse gas emissions produced worldwide over the coming decades. Mitigation of further emissions will reduce Berkeley's exposure to climate change. Berkeley's Climate Action Plan^{viii} identifies the City's plan for emissions reductions, known as climate change mitigation. Simultaneously, we are already experiencing climate change impacts that will intensify over time—including sea level rise, drought, severe storms, and extreme heat – so it is also critical that Berkeley adapt to current and projected impacts in order to protect Berkeley's community, infrastructure, buildings, and economy, known as climate change adaptation.

Climate change will have direct impacts and will also exacerbate the natural hazards of concern outlined in this plan. Rising sea levels have the potential to impact infrastructure and community members in west Berkeley and the Berkeley waterfront. This will increase Berkeley's exposure to tsunami inundation and to flooding of critical infrastructure in these areas, which includes sanitary sewers, state highways, and railroad lines. Increased temperatures, when coupled with prolonged drought events, can increase the intensity of wildfires that may occur, and pose significant health and safety risks to vulnerable communities. By 2100, most of the Bay Area will average six heat waves per year, each an average length of ten day.^{ix} Shorter, more intense wet seasons will make flooding more frequent, and may increase the landslide risk in the Berkeley hills. California may experience greater water and food insecurity, and drought will become a more persistent issue as the effects of climate change deepen.

Extreme Heat Events

Multiple factors contribute to the extreme heat hazard, including very high temperatures, nights that do not cool down, consecutive days of extreme heat, and extreme heat during unexpected times of the year. Extreme heat events impact public health, increase fire risk, damage critical facilities and infrastructure, and worsen air quality.

Social factors play a key role in vulnerability to extreme heat events, meaning that people with disabilities, chronic diseases, the elderly, and children under five are the most at risk to heat-

related illnesses.^x Across California, the highest risk of heat-related illness occurs in the typically cooler regions found in coastal areas like Berkeley.

Projections indicate that the number of extreme heat days, warm nights, and heat waves will increase exponentially: by 2099, the City of Berkeley is expected to average 18 days per year with temperatures over 88.3 degrees F.

Hazardous Materials Release

Over the last 25 years, Berkeley has seen a more than 90 percent reduction in the number of facilities with extremely hazardous materials. The City carefully tracks hazardous materials within its borders, and works closely with companies using large amounts of potentially dangerous materials. The City has identified fifteen facilities in Berkeley with sufficiently large quantities of toxic chemicals to pose a high risk to the community. Hazardous materials also travel through Berkeley by truck and rail. Natural hazards identified in the plan could trigger the release of hazardous materials.

Terrorism

It is not possible to estimate the probability of a terrorist attack. Experts prioritize terrorism readiness efforts by identifying critical sites and assessing these sites' vulnerability to terrorist attacks. City officials are currently working with State and regional groups to prevent and prepare for terrorist attacks.

Summary of Changes to the Hazard Analysis

The 2019 LHMP contains numerous updates to facts, figures, and descriptions. The City has incorporated the newest-available hazard data, including impact maps for particular scenarios. The City and its partners have provided additional descriptions, details and definitions to explain the science of these hazards and their potential impacts. Advances in GIS mapping technology have enabled the City to present maps that help to visualize information.

Institutional community partners have updated information regarding their vulnerabilities to the described hazards, as well as significant mitigation activities that they have completed, are in progress, or planned for the coming five years.

Within the historical section for each hazard, the City has added information about any instances of the hazard affecting Berkeley since 2014. Throughout the plan, the City has updated financial loss estimates for inflation.

Hazards Described in the 2014 Plan

For the first time, the plan identifies extreme heat events as a hazard of concern. Significant changes and updates to the analysis of each hazard are described below:

Earthquake (Section B.5)

- The 2019 LHMP integrates the 2018 HayWired scenario developed by the USGS to help illustrate the potential impacts of a catastrophic earthquake near Berkeley. The plan now includes five maps with data from the scenario.
- Berkeley's liquefaction hazard is now mapped using both overall levels of susceptibility and probability of liquefaction in the 7.0M HayWired scenario.
- The seismic stability of City-owned and leased buildings has been updated to reflect significant retrofit and rebuilding efforts since 2014.
- The City has updated the plan to describe Berkeley's progress on mitigating earthquake vulnerabilities in privately-owned buildings. Detailed analysis along with three new maps have been provided to describe and illustrate the locations of potentially seismically vulnerable buildings, including unreinforced masonry buildings, soft story buildings, non-ductile concrete buildings, and tilt-up or other rigid-wall flexible diaphragm buildings.
- The Earthquake section includes updated descriptions from Key Institutional Partners about mitigation efforts completed or planned. Updated partner profiles include UC Berkeley, Berkeley Lab, Berkeley Unified School District, East Bay Municipal Utility District, AT&T, and Alta Bates Summit Medical Center.
- Earthquake risk and loss estimates have been updated to integrate regional estimates from the 2018 HayWired earthquake scenario.

Wildland-Urban Interface Fire (Section B.6)

The 2019 LHMP integrates hazardous fire zones as defined by the City of Berkeley and the California Department of Forestry onto one map.

The 2019 LHMP presents a new map overviewing the locations of pedestrian pathways in Berkeley. These pathways are key resources for pedestrian evacuation from wildland-urban interface fire.

Rainfall-Triggered Landslide (Section B.7)

This section has been updated to describe hazard occurrences in Berkeley since 2014.

Floods (Section B.8)

The Floods section has been updated to include newly-revised flood exposure maps for Berkeley from the FEMA National Flood Insurance Program.

Tsunami (Section B.9)

The Tsunami section now includes a map of Tsunami Evacuation Playbook zones. These zones, developed by the California Geological Survey, California Governor's Office of Emergency Services, and the National Ocean and Atmospheric Administration (NOAA), reflect more refined and detailed planning, in which forecasted tsunami amplitudes, storm surge, and tidal information can help guide what areas might be inundated.

The Tsunami section also includes new information about infrastructure vulnerabilities of the Berkeley Marina, based on recent tsunami inundation modeling by the California Geological Survey, University of Southern California, California State Lands Commission, and California Governor's Office of Emergency Services.

Climate Change (Section B.10)

The Climate Change section has been updated to use the latest available science and policy guidance on the direct and secondary impacts of climate change. It describes recent events that demonstrate climate change impacts that we are already experiencing.

The section provides new analysis of amounts of sea-level rise anticipated under different projected carbon emissions scenarios, as well as new maps of expected levels of inundation from 2-ft, 4-ft, and 5.5-ft sea level rise scenarios using the Adapting to Rising Tides Bay Shoreline Flood Explorer.

Extreme Heat Events (Section B.11)

Extreme heat events are a newly-introduced hazard of concern for the 2019 LHMP. The extreme heat events section describes factors that contribute to the extreme heat hazard, and describe how the Urban Heat Island Effect can further exacerbate impacts of extreme heat events. The section outlines the secondary hazards created by extreme heat, including public health impacts, fire, damage to critical facilities and infrastructure, and worsened air quality.

The section also describes the predicted average number of extreme heat days in Berkeley through the end of the century.

Hazardous Materials Release (Section B.12)

The Hazardous Materials Release section contains updated figures on the number of sites with hazardous materials in Berkeley. Additionally, the section has been updated since 2014 to reflect Berkeley industrial sites with large quantities of extremely hazardous materials. These sites have been mapped for reference.

Element C: Mitigation Strategy

Authorities, Policies, Programs and Resources

Through many years of diligent effort by City government and the community, Berkeley has developed many innovative initiatives to increase our disaster resilience. The authorities, policies, programs and resources that Berkeley will use to support execution of the 2019 LHMP Mitigation strategy include:

- The City has strengthened its ability to serve the community during and after disasters by seismically upgrading or replacing buildings that house critical City functions. In 2017, work was completed on the James Kenney Recreation Center and the Center Street Garage. Since 2004 the City has strengthened or rebuilt all seven of the City's fire stations, the historic Ratcliff Building (which houses the Public Works Department Operations Center), the Civic Center (which houses many key government functions), the Public Safety Building, a new animal shelter, and all libraries.
- The Berkeley Unified School District, supported by voter-approved bonds, has strengthened all public schools.
- The City of Berkeley has worked diligently to enhance public safety and reduce physical threats from earthquakes by requiring owners of soft story and unreinforced masonry buildings to retrofit their structures.
 - Berkeley was the first city in the nation to inventory the community's soft-story buildings. In 2014 Berkeley mandated retrofit of soft story buildings with five or more dwelling units. Since then, 61 percent of these identified buildings have had retrofits completed.
 - Over 99% of Berkeley's 700 unreinforced masonry buildings have been retrofitted or demolished since a City mandate began in 1991.
- The City offers a comprehensive suite of programs to encourage the community to strengthen buildings to be more hazard-resistant.
 - In early 2017, the Building and Safety Division developed a new Retrofit Grants program with funding from a Hazard Mitigation Grant from the Federal Emergency Management Agency (FEMA) and the California Governor's Office of Emergency Services (Cal OES).
 - Since July 2002, the City has distributed over \$12 million to homeowners through the Transfer Tax Rebate Program, which reduces the real estate transfer tax to building owners who perform seismic safety work.
 - The City participates in the Earthquake Brace + Bolt (EBB) program, a grant program administered by the California Earthquake Authority, providing grants of up to \$3,000 for seismic retrofits of owner-occupied residential buildings with 1-4 dwelling units.
- The City, working together with key partners, is using a comprehensive strategy to aggressively mitigate Berkeley's wildland-urban interface (WUI) fire hazard. These approaches include:

- Prevention through development regulations with strict building and fire code provisions, as well as more restrictive local amendments for new and renovated construction;
- Enforcement programs including annual inspections of over 1,200 high-risk properties annually;
- Natural resource protection through four different vegetation management programs;
- Improvement of access and egress routes;
- Infrastructure maintenance and improvements to support first responders' efforts to reduce fire spread.
- The Disaster Cache Program incentivizes community-building for disaster readiness. To date, the City has awarded caches of disaster response equipment to neighborhoods, congregations, and UC Berkeley Panhellenic groups that have undertaken disaster readiness activities.
- Berkeley's 2009 Climate Action Plan has served as a model for jurisdictions across the nation. The Climate Action Plan also guides the City's new climate adaptation strategy.

These programs, and many others, place Berkeley as a leader in disaster management. Long-term maintenance and improvements to these programs will support execution of the 2019 LHMP Mitigation strategy, and will help to protect the Berkeley community in our next disaster.

Disaster Mitigation Goals and Objectives

Berkeley will focus on three goals to reduce and avoid long-term vulnerabilities to the hazards identified in Element B: *Hazard Analysis*:

1. The City will evaluate and strengthen all City-owned properties and infrastructure, particularly those needed for critical services, to ensure that the community can be served adequately after a disaster.
2. The City will establish and maintain incentive programs and standards to encourage local residents and businesses to upgrade the hazard resistance of their own properties.
3. The City will actively engage other local and regional groups to collaboratively work towards mitigation actions that help maintain Berkeley's way of life and its ability to be fully functional after a disaster event.

Five objectives guide the mitigation strategy:

- A. Reduce the potential for loss of life, injury and economic damage to Berkeley residents and businesses from earthquakes, wildfires, landslides, floods, tsunamis, climate change, extreme heat, and their secondary impacts.
- B. Increase City government's ability to serve the community during and after hazardous events by mitigating risk to key City functions.
- C. Preserve Berkeley's unique character and values from being compromised by hazardous events.
- D. Connect with residents, community-based organizations, institutions, businesses, and essential lifeline systems in order to increase mitigation actions and disaster resilience in

the community.

- E. Protect Berkeley’s historically underserved populations from the impacts of hazardous events by applying an equity focus to mitigation efforts.

Overview of Actions

This plan identifies and analyzes 27 mitigation actions to reduce the impacts from hazards described in Element B: *Hazard Analysis*. This suite of actions addresses every natural hazard posing a threat to Berkeley, with an emphasis on new and existing buildings and infrastructure.

Tables 1, 2, and 3 below summarize all of the actions. The tables group actions by their priority level (see Element C.5.a for details on prioritization of actions), and identify the hazard(s) and each action addresses.

Table 2. High-Priority Actions in mitigation strategy

Name	Action	Hazards
Building Assessment	Continue appropriate seismic and fire safety analysis based on current and future use for all City-owned facilities and structures.	Earthquake Wildland-Urban Interface Fire Landslide Floods Tsunami Climate Change Extreme Heat
Strengthen and Replace City Buildings	Strengthen or replace City buildings in the identified prioritized order as funding is available.	Earthquake Wildland-Urban Interface Fire Landslide Floods Tsunami Climate Change Extreme Heat
Buildings	Reduce hazard vulnerabilities for non-City-owned buildings throughout Berkeley.	Earthquake Wildland-Urban Interface Fire Landslide Floods

Name	Action	Hazards
Retrofit Grants	Implementation of the Retrofit Grants Program which helps Berkeley building owners increase safety and mitigate the risk of damage caused by earthquakes	Earthquake
Soft Story	Continued Implementation of the Soft Story Retrofit Program, which mandates seismic retrofit of soft story buildings with 5+ residential units.	Earthquake
Unreinforced Masonry (URM)	Complete the ongoing program to retrofit all remaining non-complying Unreinforced Masonry (URM) buildings.	Earthquake
Concrete Retrofit Ordinance Research	Monitor passage and implementation of mandatory seismic retrofit ordinances for concrete buildings in other jurisdictions to assess best practices.	Earthquake
Gas Safety	Improve the disaster-resistance of the natural gas delivery system to increase public safety and to minimize damage and service disruption following a disaster.	Earthquake Wildland-Urban Interface Fire Landslide Tsunami
Fire Code	Reduce fire risk in existing development through fire code updates and enforcement.	Wildland-Urban Interface Fire
Vegetation Management	Reduce fire risk in existing development through vegetation management.	Wildland-Urban Interface Fire Climate Change
Hills Pedestrian Evacuation	Manage and promote pedestrian evacuation routes in Fire Zones 2 and 3.	Earthquake Wildland-Urban Interface Fire
Hills Roadways and Parking	Improve responder access and community evacuation in Fire Zones 2 and 3 through roadway maintenance and appropriate parking restrictions.	Earthquake Wildland-Urban Interface Fire
Undergrounding	Coordinate with PG&E for the construction of undergrounding in the Berkeley Hills within approved Underground Utility Districts (UUDs).	Earthquake Wildland-Urban Interface Fire
EBMUD	Work with EBMUD to ensure an adequate water supply during emergencies and disaster recovery.	Earthquake Wildland-Urban Interface Fire

Name	Action	Hazards
Extreme Heat	Reduce Berkeley’s vulnerability to extreme heat events and associated hazards.	Climate Change Extreme Heat
Hazardous Materials	Mitigate hazardous materials release in Berkeley through inspection and enforcement programs.	Earthquake Wildland-Urban Interface Fire Landslide Floods Tsunami
Air Quality	Define clean air standards for buildings during poor air quality events and use those standards to assess facilities for the Berkeley community.	Wildland-Urban Interface Fire Extreme Heat
National Flood Insurance Program (NFIP)	Maintain City participation in the National Flood Insurance Program.	Floods
Hazard Information	Collect, analyze and share information with the Berkeley community about Berkeley hazards and associated risk reduction techniques.	Earthquake Wildland-Urban Interface Fire Landslide Floods Tsunami Climate Change Extreme Heat
Partnerships	Coordinate with and encourage mitigation actions of key City partners.	Earthquake Wildland-Urban Interface Fire Landslide Floods Tsunami Climate Change Extreme Heat

Table 3. Medium-Priority Actions in mitigation strategy

Name	Action	Hazards
Severe Storms	Reduce Berkeley’s vulnerability to severe storms and associated hazards through proactive research and planning, zoning regulations, and improvements to stormwater drainage facilities.	Landslide Floods Climate Change
Energy Assurance	Implement energy assurance strategies at critical City facilities.	Earthquake Wildland-Urban Interface Fire Landslide Floods Tsunami Climate Change Extreme Heat
Climate Change Integration	Mitigate climate change impacts by integrating climate change research and adaptation planning into City operations and services.	Climate Change Extreme Heat
Sea Level Rise	Mitigate the impacts of sea level rise in Berkeley.	Climate Change
Water Security	Collaborate with partners to increase the security of Berkeley’s water supply from climate change impacts.	Climate Change

Table 4. Low-Priority Actions in mitigation strategy

Name	Action	Hazards
Tsunami	Mitigate Berkeley’s tsunami hazard.	Tsunami
Streamline Rebuild	Streamline the zoning permitting process to rebuild residential and commercial structures following disasters.	Earthquake Wildland-Urban Interface Fire Landslide Floods Tsunami

ⁱ Human action directly influences the probability that climate change will occur. Climate change is referenced as a natural hazard here because of its potential to exacerbate natural hazards described in this plan.

ⁱⁱ Detweiler, Shane and Wein, A., 2018, The HayWired Earthquake Scenario – Earthquake Hazards: U.S. Geological Survey Scientific Investigations Report 2017-5013-A-H, p.3.

ⁱⁱⁱ Detweiler, Shane and Wein, A., 2018, The HayWired Earthquake Scenario – Earthquake Hazards: U.S. Geological Survey Scientific Investigations Report 2017-5013-A-H, p.4.

^{iv} City of Berkeley. *Fire Hazard Mitigation Plan*. February 25, 1992.

^v Total square footage of buildings in burn area is 9,386,281 square feet.

^{vi} In 2004, estimate was \$500 million.

^{vii} Public Law 106-390

^{viii} Berkeley Climate Action Plan (City of Berkeley, 2009) www.cityofberkeley.info/climate/

^{ix} San Francisco Bay Area 2017 Risk Profile (ABAG, 2017, p58-59)

http://resilience.abag.ca.gov/wp-content/documents/mitigation_adaptation/RiskProfile_4_26_2017_optimized.pdf

^x San Francisco Bay Area 2017 Risk Profile (ABAG, 2017) http://resilience.abag.ca.gov/wp-content/documents/mitigation_adaptation/RiskProfile_4_26_2017_optimized.pdf

The following pages are extracted from the Mitigation Strategy.

C.5 Details of Actions

The 2019 LHMP Mitigation Strategy is detailed below. First, the document describes the process used to prioritize the actions. Next, the document overviews the constituent parts of each action, including responsibility, potential funding sources, and expected timeframes. Third, each action is presented in detail.

C.5.a Action Prioritization

The City incorporated eight key factors into the prioritization strategy used for 2019 mitigation actions. These criteria are described below and summarized in the table that follows.

Key Factors

1. Support of goals and objectives

Actions that support multiple goals and objectives are prioritized.

2. Cost/benefit relationship

A detailed benefit cost analysis is required for FEMA grant eligibility. A less formal approach is taken here to weigh the relative costs and benefits of various actions. Because some projects may not be implemented for up to 10 years, the associated costs and benefits may change significantly over time. The following parameters were used to establish high, medium and low costs and benefits.

Costs:

- *High:* Existing funding will not cover the cost of the project; implementation would require new revenue through an alternative source (for example, bonds, grants, and fee increases)
- *Medium:* The project could be implemented with existing funding but would require a reapportionment of the budget or a budget amendment, or the cost of the project would have to be spread over multiple years
- *Low:* The project could be funded under the existing budget. The project is part of or can be part of an ongoing existing program.

Benefits:

- *High:* Project will provide an immediate reduction of risk exposure for life of property.
- *Medium:* Project will have a long-term impact on the reduction of risk exposure for life of property, or project will provide an immediate reduction in the risk exposure for property.
- *Low:* Long-term benefits of the project are difficult to quantify in the short term.

Using this approach, projects with positive benefit versus cost ratios (such as high over high, high over medium, medium over low, etc.) are considered cost-beneficial and are prioritized accordingly.

3. Funding availability

Actions with secured funding are prioritized.

4. Hazards addressed

Actions addressing the Plan’s hazards of greatest concern (earthquake and wildland-urban interface fire) are prioritized.

5. Public and political support

Actions with public and political support are prioritized.

6. Adverse environmental impact

Actions with low environmental impact are prioritized.

7. Environmental benefit

Actions that provide an environmental benefit are prioritized.

8. Timeline for completion

Actions that are ongoing, or that can be completed in the short-term, are prioritized.

- Ongoing: Currently being funded and implemented under existing programs
- Short-term: To be completed in 1-5 years
- Long-term: To be completed in more than 5 years

The following table summarizes prioritization criteria. Using these factors, mitigation actions have been divided into high, medium, and low priorities. Some actions may not meet all criteria within their prioritization category. In these cases, the City’s Core Planning Team assigned the most suitable category.

Table 7. 2019 Action Prioritization Structure

Factors	Priority		
	High	Medium	Low
1. Support of goals and objectives	Supports multiple goals and objectives	Supports goals and objectives	Will mitigate the risk of a hazard
2. Cost/benefit relationship²	Benefits exceed cost	Has benefits that exceed costs	Benefits do not exceed the costs or are difficult to quantify
3. Funding availability³	Funding has not been secured, but the action is grant eligible under identified grant programs	Funding has not been secured, but the action is grant eligible under identified grant programs	Funding has not been secured, and a grant funding source has not been identified
4. Hazards addressed	Addresses hazards of greatest concern	May not address hazards of greatest concern	Addresses hazards identified in Hazard Analysis
5. Public and political support	Has public and political support	Has public and political support	May not have public and political support
6. Adverse environmental impact	No environmental impact	Low environmental impact	May not have a low environmental impact
7. Environmental benefit	Environmental benefit	No environmental benefit	No environmental benefit
8. Timeline for completion	Can be completed in the short term (1 to 5 years) or is ongoing	Can be completed in the short-term, once funding is secured	Timeline for completion is long-term (6-10 years)

² Actions that address other hazards, but for which benefits exceed costs, may also be considered high priority.

³ Medium priority projects will become high priority projects once funding is secured.

C.5.b Details of Actions

Mitigation actions identified by the Berkeley community are presented in the following pages. Actions are presented per their high, medium- or low-priority designation.

The following information is provided for each action:

- *Action Title*: Short title to identify the action
- *Action*: Proposed action
- *Proposed Activities*: Specific projects or efforts that support the action
- *Related Natural Hazard(s)*: Lists hazards whose impacts would be mitigated by the action
- *Associated LHMP Objective(s)*: Mitigation objectives that the action supports
- *Related Policies from the General Plan or Climate Action Plan*: General Plan or Climate Action Plan policies that the action supports
- *Lead Organization(s) and Staff Lead(s)*: City departments and divisions, along with particular City staff positions, which will be responsible for implementing and administering the action
- *Priority*: High, Medium or Low priority assigned to the action using criteria outlined in Appendix E: *Prioritization Structure*
- *Timeline*: Outlines expected timeframes for completion of the action
- *Additional Resources Required*: Identifies if funding is not yet available to complete the action
- *Potential Funding Sources*: Identifies potential funding sources to complete the action. Includes all sources that could possibly fund any element of the action, including staff time, contracted work, equipment purchase, etc. **Note: Funding allocations are made through the City-wide budget process. Listing a specific potential funding source does not commit resources to the action.**
- *Activity Type(s)*: If the action could be eligible for federal mitigation grant funding, identifies federally-defined activity type for grant purposes

C.5.b.i High-Priority Actions

<p>2019 Building Assessment</p>	<p>Continue appropriate seismic and fire safety analysis based on current and future use for all City-owned facilities and structures.</p>
<p>Proposed Activities</p>	<ul style="list-style-type: none"> a) Continue analysis of structures supporting critical emergency response and recovery functions, and make recommendations for structural and nonstructural improvements. b) Continue to prioritize analysis of remaining structures based on occupancy and structure type, taking historic significance into consideration. Use analysis to make recommendations for structural and nonstructural improvements. c) Continue to integrate unsafe structures into a prioritized program for retrofit or replacement.
<p>Related Natural Hazard(s)</p>	<p>Earthquake Wildland-Urban Interface Fire Landslide Floods Tsunami Climate Change Extreme Heat</p>
<p>Associated LHMP Objective(s)</p>	<ul style="list-style-type: none"> A. Reduce the potential for loss of life, injury and economic damage to Berkeley residents and businesses from earthquakes, wildfires, landslides, floods, tsunamis, climate change, extreme heat, and their secondary impacts. B. Increase City government’s ability to serve the community during and after hazardous events by mitigating risk to key City functions.
<p>Related Policies from the General Plan or Climate Action Plan</p>	<p>General Plan Policy S-10, Action B General Plan Policy S-20, Actions G and H General Plan Policy UD-7, Actions A and B General Plan Policy UD-12, Actions A and C</p>

Lead Organization(s) and Staff Lead(s)	Public Works Department: Facilities Division Staff Lead: Supervising Civil Engineer (for facilities)
Priority	High
Timeline	Ongoing
Additional Resources Required	Resources have been identified to perform some of this work; however, additional resources could allow for more facilities and structures to be analyzed in the coming five years.
Potential Funding Sources	General Fund T1 Bond

2019 Strengthen and Replace City Buildings	Strengthen or replace City buildings in the identified prioritized order as funding is available.
Proposed Activities	<ul style="list-style-type: none"> a) Retrofit North Berkeley Senior Center b) West Berkeley Service Center c) Old City Hall d) Veterans Memorial Building e) Live Oak Community Center f) Seek funding to seismically strengthen or replace additional City buildings in a prioritized order.
Related Natural Hazard(s)	<ul style="list-style-type: none"> Earthquake Wildland-Urban Interface Fire Landslide Floods Tsunami Climate Change Extreme Heat

Associated LHMP Objective(s)	<p>A. Reduce the potential for loss of life, injury and economic damage to Berkeley residents and businesses from earthquakes, wildfires, landslides, floods, tsunamis, climate change, extreme heat, and their secondary impacts.</p> <p>B. Increase City government’s ability to serve the community during and after hazardous events by mitigating risk to key City functions.</p> <p>C. Preserve Berkeley’s unique character and values from being compromised by hazardous events.</p>
Related Policies from the General Plan or Climate Action Plan	<p>General Plan Policy S-20, Action H</p> <p>General Plan Policy UD-12, Actions A and C</p>
Lead Organization(s) and Staff Lead(s)	<p>Public Works Department – Engineering Division Staff Lead: Supervising Civil Engineer (for facilities)</p> <p>Parks, Recreation and Waterfront Department Staff Lead: Department Director</p>
Priority	High
Timeline	<p>North Berkeley Senior Center: Completion in 2010</p> <p>Other projects: Funding-dependent</p> <p>Live Oak Community Center: Start construction in 2019 (funding-dependent)</p> <p>Frances Albrier Community Center: Funding-dependent</p> <p>Seek funding: Ongoing</p>
Additional Resources Required	<p>North Berkeley Senior Center: No additional resources required</p> <p>West Berkeley Service Center: To be determined</p> <p>Old City Hall retrofit: To be determined</p> <p>Veterans Memorial Building retrofit: To be determined</p> <p>Live Oak Community Center: Additional resources required</p> <p>Frances Albrier Community Center: Additional resources required</p> <p>Seek funding: No additional resources required</p>

Potential Funding Sources	Pre-Disaster Mitigation Grant Program (PDM) Hazard Mitigation Grant Program (HMGP) General Fund T1 Bond Other City-Issued Bonds
Activity Type(s) (Federal Mitigation Grant Funding only)	Mitigation: Structural Retrofitting of existing buildings Mitigation: Nonstructural retrofitting of existing buildings and facilities

2019 Buildings	Reduce hazard vulnerabilities for non-City-owned buildings throughout Berkeley.
Proposed Activities	<ul style="list-style-type: none"> a) Periodically update and adopt the California Building Standards Code with local amendments to incorporate the latest knowledge and design standards to protect people and property against known seismic, fire, flood and landslide risks in both structural and non-structural building and site components. b) Explain requirements and provide guidance to owners of potentially hazardous structures to facilitate retrofit, including owners participating in the Earthquake Brace and Bolt program and those applying for Transfer Tax rebates.
Related Natural Hazard(s)	<p>Earthquake</p> <p>Wildland-Urban Interface Fire</p> <p>Landslide</p> <p>Floods</p>
Associated LHMP Objective(s)	<ul style="list-style-type: none"> A. Reduce the potential for loss of life, injury and economic damage to Berkeley residents and businesses from earthquakes, wildfires, landslides, floods, tsunamis, climate change, extreme heat, and their secondary impacts. C. Preserve Berkeley’s unique character and values from being compromised by hazardous events. D. Connect with residents, community-based organizations, institutions, businesses, and essential lifeline systems in order to increase mitigation actions and disaster resilience in the community.

Related Policies from the General Plan or Climate Action Plan	<p>General Plan Policy S-15, Action A</p> <p>General Plan Policy S-20, Actions D and E</p> <p>General Plan Policy UD-7, Actions A and B</p> <p>General Plan Policy UD-12, Actions A and C</p>
Lead Organization and Staff Lead	<p>Planning and Development Department – Building and Safety Division (Building Code and Retrofit Guidance)</p> <p>Staff lead: Building Official</p> <p>Planning and Development Department – Office of Energy and Sustainable Development (Earthquake Brace and Bolt Program)</p> <p>Staff lead: Sustainability Planner</p> <p>Finance Department – Revenue Collection Division (Transfer Tax Rebate Program)</p> <p>Staff lead: Revenue Collection Manager</p>
Priority	High
Timeline	<p>Enactment of 2019 Building Code: January 1, 2020</p> <p>Technical assistance: Ongoing</p>
Additional Resources Required	No additional resources required

2019 Retrofit Grants	Implementation of the Retrofit Grants Program which helps Berkeley building owners increase safety and mitigate the risk of damage caused by earthquakes
Proposed Activities	<p>a) Assist participating property owners with the grant process, including dissemination of program rules and guidelines.</p> <p>b) Project Manager will:</p> <ul style="list-style-type: none"> a. Respond to inquiries from owners, tenants, engineers and contractors about the grant program, including FEMA compliance procedures and requirements b. Environmental and Historic Preservation Reviews (EHP) for specified projects c. Review plan submittals for compliance with City guidelines and FEMA requirements d. If more funding is secured, conduct outreach to

	property owners to offer additional <i>Retrofit Grants</i>
Related Natural Hazard(s)	Earthquake
Associated LHMP Objective(s)	<p>A. Reduce the potential for loss of life, injury and economic damage to Berkeley residents and businesses from earthquakes, wildfires, landslides, floods, tsunamis, climate change, extreme heat, and their secondary impacts.</p> <p>C. Preserve Berkeley’s unique character and values from being compromised by hazardous events.</p> <p>D. Connect with residents, community-based organizations, institutions, businesses, and essential lifeline systems in order to increase mitigation actions and disaster resilience in the community.</p>
Related Policies from the General Plan or Climate Action Plan	<p>General Plan Policy S-20, Actions D</p> <p>General Plan Policy S-15, Action A</p> <p>General Plan Policy-17, Action A</p>
Lead Organization(s) and Staff Lead(s)	<p>Planning and Development Department: Building & Safety Division</p> <p>Staff Lead: Program and Administration Manager</p>
Priority	High
Timeline	<p>April 1, 2019: Building Permit deadline for Retrofit Grants applicants</p> <p>August 1, 2019: Deadline for obtaining building permit or permit with a status “ready for issuance”</p> <p>Complete construction within nine (9) months of receiving notification of FEMA approval</p> <p>If a second grant is secured, an additional three-year timeline will be established for that grant.</p>
Additional Resources Required	The Planning and Development Department is seeking additional Hazard Mitigation Grant funding from Cal OES / FEMA.
Potential Funding Sources	Hazard Mitigation Grant Program (HMGP)

Activity Type(s) (Federal Mitigation Grant Funding only)	Mitigation: Structural Seismic Retrofitting of existing buildings
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2019 Soft Story	Continued Implementation of the Soft Story Retrofit Program, which mandates seismic retrofit of soft story buildings with 5+ residential units.
Proposed Activities	<ul style="list-style-type: none"> a) Continue to inform impacted property owners of the requirement to seismically retrofit their building b) Designated project manager will: <ul style="list-style-type: none"> a. Respond to inquiries from owners, tenants, engineers, contractors and realtors about the mandatory program, compliance procedures and requirements b. Review plan submittals for soft-story seismic retrofits c. Issue permits and perform field inspections d. Remove retrofitted buildings from the Soft-Story Inventory e. Review appeals to accommodate unique circumstances preventing owners from meeting program requirements; consider time extensions, etc. f. Enforce soft story ordinance; issue citations to owners who are out of compliance.
Related Natural Hazard(s)	Earthquake
Associated LHMP Objective(s)	<ul style="list-style-type: none"> A. Reduce the potential for loss of life, injury and economic damage to Berkeley residents and businesses from earthquakes, wildfires, landslides, floods, tsunamis, climate change, extreme heat, and their secondary impacts. C. Preserve Berkeley’s unique character and values from being compromised by hazardous events. D. Connect with residents, community-based organizations, institutions, businesses, and essential lifeline systems in order to increase mitigation actions and disaster resilience in the community. E. Protect Berkeley’s historically underserved populations from the impacts of hazardous events by applying an equity focus to mitigation efforts.

Related Policies from the General Plan or Climate Action Plan	General Plan Policy S-20, Actions B, C, D, E, and F General Plan Policy S-15, Action A
Lead Organization and Staff Lead	Planning and Development Department – Building and Safety Division Staff Lead: Program and Administration Manager
Priority	High
Timeline	January 2017: Deadline for soft-story building owners to submit a permit application for retrofit January 2019 OR two years after permit application: Deadline for soft-story retrofit completion
Additional Resources Required	No additional resources required
Potential Funding Sources	Permit Service Center Enterprise Fund
Activity Type(s) (Federal Mitigation Grant Funding only)	Not eligible for federal mitigation grant funding

2019 URM	Complete the ongoing program to retrofit all remaining non-complying Unreinforced Masonry (URM) buildings.
Proposed Activities	<ul style="list-style-type: none"> a) Work with owners of remaining potentially hazardous URM buildings to obtain structural analyses of their buildings and to undertake corrective mitigation measures to improve seismic resistance or to remove the buildings and replace them with safer buildings. b) Apply available legal remedies, including but not limited to citations, to owners who fail to comply with the URM ordinance.
Related Natural Hazard(s)	Earthquake
Associated LHMP Objective(s)	<ul style="list-style-type: none"> A. Reduce the potential for loss of life, injury and economic damage to Berkeley residents and businesses from earthquakes, wildfires, landslides, floods, tsunamis, climate change, extreme heat, and their secondary impacts. D. Connect with residents, community-based organizations, institutions, businesses, and essential

	lifeline systems in order to increase mitigation actions and disaster resilience in the community.
Related Policies from the General Plan or Climate Action Plan	General Plan Policy S-20, Action A
Lead Organization and Staff Lead	Planning and Development Department - Building and Safety Division Staff Lead: Program and Administration Manager
Priority	High
Timeline	Complete all remaining URM retrofits/demolitions by January 2020
Additional Resources Required	No additional resources required
Potential Funding Sources	Permit Service Center Enterprise Fund Hazard Mitigation Grant Program (HMGP)

2019 Concrete Retrofit Ordinance Research	Monitor passage and implementation of mandatory seismic retrofit ordinances for concrete buildings in other jurisdictions to assess best practices.
Proposed Activities	<ul style="list-style-type: none"> a) Monitor mandatory seismic retrofit ordinances for concrete buildings passed by other municipalities for effectiveness and best practices b) Communicate and collaborate with other cities and Structural Engineers Association of California (SEAOC) regarding implementation challenges and successes
Related Natural Hazard(s)	Earthquake
Associated LHMP Objective(s)	A. Reduce the potential for loss of life, injury and economic damage to Berkeley residents and businesses from earthquakes, wildfires, landslides, floods, tsunamis, climate change, extreme heat, and their secondary impacts.

	<p>C. Preserve Berkeley’s unique character and values from being compromised by hazardous events.</p> <p>D. Connect with residents, community-based organizations, institutions, businesses, and essential lifeline systems in order to increase mitigation actions and disaster resilience in the community.</p>
Related Policies from the General Plan or Climate Action Plan	General Plan Policy S-10, Action C
Lead Organization(s) and Staff Lead(s)	<p>Planning and Development Department: Building & Safety Division</p> <p>Staff Lead: Program and Administration Manager</p>
Priority	High
Timeline	<p>Monitor effectiveness of mandatory seismic retrofit ordinances for concrete buildings: Ongoing</p> <p>Outreach to other municipalities regarding best practices: Ongoing</p>
Additional Resources Required	No additional resources required

2019 Gas Safety	Improve the disaster-resistance of the natural gas delivery system to increase public safety and to minimize damage and service disruption following a disaster.
Proposed Activities	<p>a) Maintain a program to provide free automatic gas shutoff valves to community members who attend disaster readiness training. Provide subsidized permit fee waivers for low-income homeowners.</p> <p>b) Promote electrification of buildings, both existing buildings and new construction, to mitigate hazards associated with natural gas usage and the impacts of damage to infrastructure after a hazard occurs.</p>
Related Natural Hazard(s)	<p>Earthquake</p> <p>Wildland-Urban Interface Fire</p> <p>Landslide</p>

	Tsunami
Associated LHMP Objective(s)	<p>B. Reduce the potential for loss of life, injury and economic damage to Berkeley residents and businesses from earthquakes, wildfires, landslides, floods, tsunamis, climate change, extreme heat, and their secondary impacts.</p> <p>D. Connect with residents, community-based organizations, institutions, businesses, and essential lifeline systems in order to increase mitigation actions and disaster resilience in the community.</p> <p>E. Protect Berkeley’s historically underserved populations from the impacts of hazardous events by applying an equity focus to mitigation efforts.</p>
Related Policies from the General Plan or Climate Action Plan	General Plan Policy S-12, Action C
Lead Organization(s) and Staff Lead(s)	<p>Fire Department – Office of Emergency Services Staff Lead: Emergency Services Coordinator (Shutoff Valve Program)</p> <p>Planning Department – Office of Energy and Sustainable Development (Electrification) Staff Lead: Climate Action Program Coordinator (Electrification)</p>
Priority	High
Timeline	Ongoing
Additional Resources Required	<p>Shutoff Valve Program: No additional resources required</p> <p>Promoting electrification: Additional funding required for implementation</p>
Potential Funding Sources	<p>General Fund</p> <p>Measure GG Special Revenue Fund</p> <p>Ratepayer funds from PG&E or East Bay Community Energy</p> <p>Grants from Energy Foundation, Urban Sustainability Directors Network, California Energy Commission, California Air Resources Board, Bay Area Air Quality</p>

Management District, U.S. Department of Energy

<p>2019 Fire Code</p>	<p>Reduce fire risk in existing development through fire code updates and enforcement.</p>
<p>Proposed Activities</p>	<ul style="list-style-type: none"> a) Periodically update the Berkeley Fire Code and adopt the California Fire Code with local amendments to incorporate the latest knowledge and State regulations to protect people and property against known risks in both structural and non- structural building and site components. b) Evaluate Fire Prevention Division staffing necessary to adequately perform and enforce required inspections for both Annual and HFA inspections. c) Consider expansion of the number of properties to be included in the Hazardous Fire Area inspection program. d) Maintain Fire Department efforts to reduce fire risk through inspections: <ul style="list-style-type: none"> a. Annual building inspections in all Fire Zones b. Hazardous Fire Area inspections c. Multi-unit-residential building inspections in all Fire Zones e) Create a standard for written vegetation management plans for major construction projects in Fire Zones 2 and 3. f) Evaluate inspection procedures and adjust inspection cycle annually based on changing climatic conditions. g) Develop and enforce Fire Code requirement for fire fuel clearance on public roadways.
<p>Related Natural Hazard(s)</p>	<p>Wildland-Urban Interface Fire</p>
<p>Associated LHMP Objective(s)</p>	<ul style="list-style-type: none"> A. Reduce the potential for loss of life, injury and economic damage to Berkeley residents and businesses from earthquakes, wildfires, landslides, floods, tsunamis, climate change, heat waves, and their secondary impacts. C. Preserve Berkeley’s unique character and values from being compromised by hazardous events.
<p>Related Policies</p>	<p>General Plan Policy S-21: Fire Preventative Design</p>

from the General Plan or Climate Action Plan	Standards, Action A General Plan Policy S-23: Property Maintenance, Action B General Plan Policy UD-7, Actions A and B General Plan Policy UD-12, Actions A and C Climate Action Plan – Adaptation, Goal 1D, Action 3
Lead Organization(s) and Staff Lead(s)	Fire Department – Division of Fire Prevention Staff Lead: Fire Marshal
Priority	High
Timeline	Fire Code Adoption: May and November 2019, and November 2022 Staffing evaluation: Ongoing HFA expansion research: February 2019 Inspections: Ongoing/Funding-dependent Vegetation Management Standard: Funding-dependent Inspection system evaluation: Funding-dependent Roadway clearance: Conceptual Plan in 2020, Implement Pilot with Community Education in 2021, Plan Enforcement in 2022
Additional Resources Required	Inspections: Additional staffing required Vegetation Management Standard: Additional staffing required Inspection system evaluation: Additional staffing required Roadway clearance code: Additional staffing required
Potential Funding Sources	Pre-Disaster Mitigation Grant Program (PDM) Hazard Mitigation Grant Program (HMGP) General Fund New City tax
Activity Type(s) (Federal Mitigation Grant Funding only)	Mitigation: Hazardous Fuels Reduction

<p>2019 Vegetation Management</p>	<p>Reduce fire risk in existing development through vegetation management.</p>
<p>Proposed Activities</p>	<ul style="list-style-type: none"> a) Maintain Fire Fuel Chipper Program b) Maintain Fire Fuel Abatement Program on Public Land c) Maintain Fire Fuel Debris Bin Program d) Maintain Weekly Curbside Plant Debris Collection e) Pursue external funding to increase education and awareness of vegetation management standards for fire fuel reduction f) Work with partners and stakeholders to identify fire fuel reduction zones and to promote and facilitate removal of vegetation in those zones to mitigate fire spread. g) Pursue external funding to perform vegetation management on public and private property h) Develop and enforce Fire Code requirement for fire fuel clearance on public roadways (see Fire Code action for details)
<p>Related Natural Hazard(s)</p>	<p>Wildland-Urban Interface Fire Climate Change</p>
<p>Associated LHMP Objective(s)</p>	<ul style="list-style-type: none"> A. Reduce the potential for loss of life, injury and economic damage to Berkeley residents and businesses from earthquakes, wildfires, landslides, floods, tsunamis, climate change, heat waves, and their secondary impacts. D. Connect with residents, community-based organizations, institutions, businesses, and essential lifeline systems in order to increase mitigation actions and disaster resilience in the community.
<p>Related Policies from the General Plan or Climate Action Plan</p>	<p>General Plan Policy S-23, Action A</p>
<p>Lead Organization(s) and Staff Lead(s)</p>	<p>Department of Parks Recreation and Waterfront – Parks Division Fire Fuel Chipper Program Staff Lead: Senior Landscape Gardener (Senior Forestry Supervisor)</p>

	<p>Fire Fuel Abatement Program on Public Land Staff Lead: Senior Landscape Supervisor</p> <p>Fire Fuel Debris Bin Program and Weekly Curbside Plant Debris Collection: Department of Public Works – Zero Waste Division</p> <p>Staff Lead: Solid Waste and Recycling Manager</p> <p>Fire Department</p> <p>Staff Lead: Captain of Professional Standards Division (Pursue funding for education and vegetation management)</p> <p>Fire Chief (Fire Fuel Reduction Zones)</p>
Priority	High
Timeline	Ongoing
Additional Resources Required	<p>Fire Fuel Chipper Program: Additional resources required, amount to be determined</p> <p>Fire Fuel Abatement Program on Public Land: No additional resources required</p> <p>Vegetation management activities on public/private lands: Additional resources required, amount to be determined</p> <p>Fire fuel reduction zones: Additional resources required, amount to be determined</p>
Potential Funding Sources	<p>City General Fund Refuse Fee</p> <p>Pre-Disaster Mitigation Grant Program (PDM)</p> <p>Hazard Mitigation Grant Program (HMGP)</p> <p>Assistance to Firefighters Grant</p> <p>California Climate Investments Fire Prevention Grant Program</p>
Activity Type(s) (Federal Mitigation Grant Funding only)	Mitigation: Hazardous Fuels Reduction

2019 Hills Pedestrian Evacuation	Manage and promote pedestrian evacuation routes in Fire Zones 2 and 3.
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Proposed Activities	<ul style="list-style-type: none"> a) Public Works Staff will maintain paths on an as-needed basis, and will coordinate with the Berkeley Path Wanderers to maintain public pathways to provide safe pedestrian evacuation routes from the hill areas. b) Maintain signage for public pathways to identify safe and accessible pedestrian evacuation routes from the hill areas. c) Update City maps of all emergency access and evacuation routes to include pedestrian pathways. d) Publicize up-to-date maps of all emergency access and evacuation routes.
Related Natural Hazard(s)	<p>Earthquake</p> <p>Wildland-Urban Interface Fire</p>
Associated LHMP Objective(s)	<p>A. Reduce the potential for loss of life, injury and economic damage to Berkeley residents and businesses from earthquakes, wildfires, landslides, floods, tsunamis, climate change, extreme heat, and their secondary impacts.</p>
Related Policies from the General Plan or Climate Action Plan	<p>General Plan Policy S-1 Response Planning, Action B</p> <p>General Plan Policy S-22 Fire Fighting Infrastructure, Action A</p> <p>General Plan Policy T-28 Emergency Access, Actions B and C</p>
Lead Organization(s) and Staff Lead(s)	<p>Department of Public Works (Maintenance)</p> <p>Paths: Engineering Division – Assistant Public Works Engineer</p> <p>Signage: Transportation Division – City Traffic Engineer</p> <p>Department of Information Technology (Mapping)</p> <p>GIS Division GIS Coordinator</p> <p>Fire Department (Outreach)</p> <p>Office of Emergency Services - Emergency Services Coordinator</p>
Priority	High
Timeline	Ongoing

Additional Resources Required	No additional resources required (additional funding could facilitate additional activities)
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2019 Hills Roadways and Parking	Improve responder access and community evacuation in Fire Zones 2 and 3 through roadway maintenance and appropriate parking restrictions.
Proposed Activities	<ul style="list-style-type: none"> a) Maintain and improve roadways in Fire Zones 2 and 3. b) Maintain community-driven process to identify and consider areas for parking restrictions and red curbing. c) Explore options for comprehensive parking restrictions in Fire Zones 2 and 3 during Red Flag and/or Extreme Fire Weather conditions. d) Develop and enforce Fire Code requirement for fire fuel clearance on public roadways (see Fire Code action for details)
Related Natural Hazard(s)	<p>Earthquake</p> <p>Wildland-Urban Interface Fire</p>
Associated LHMP Objective(s)	<ul style="list-style-type: none"> A. Reduce the potential for loss of life, injury and economic damage to Berkeley residents and businesses from earthquakes, wildfires, landslides, floods, tsunamis, climate change, extreme heat, and their secondary impacts. B. Increase City government’s ability to serve the community during and after hazardous events by mitigating risk to key City functions. D. Connect with residents, community-based organizations, institutions, businesses, and essential lifeline systems in order to increase mitigation actions and disaster resilience in the community.
Related Policies from the General Plan or Climate Action Plan	<p>General Plan Policy S-16, Action A</p> <p>General Plan Policy T-25, Action A</p> <p>General Plan Policy T-28, Action D</p> <p>General Plan Policy S-22, Action A</p>
Lead Organization(s) and	<p>Roadway maintenance</p> <p>Public Works Department: Engineering Division</p>

Staff Lead(s)	<p>Staff Lead: Supervising Civil Engineer</p> <p>Community-driven parking restrictions</p> <p>Public Works Department: Transportation Division</p> <p>Staff Lead: Supervising Traffic Engineer</p> <p>Fire weather parking restrictions</p> <p>Fire Department: Office of Emergency Services</p> <p>Staff Lead: Assistant Chief</p> <p>Fire Department: Fire Prevention Division</p> <p>Staff Lead: Fire Marshal</p>
Priority	High
Timeline	<p>Roadway maintenance: Ongoing</p> <p>Community-driven parking restrictions: Ongoing</p> <p>Fire weather parking restrictions: Conceptual Plan in 2020, Implement Pilot with Community Education in 2021, Plan Enforcement in 2022</p>
Additional Resources Required	No additional resources required

2019 Undergrounding	Coordinate with PG&E for the construction of undergrounding in the Berkeley Hills within approved Underground Utility Districts (UUDs).
Proposed Activities	<ul style="list-style-type: none"> a) Construction of undergrounding in the Berkeley Hills within UUD No. 48 (portions of Grizzly Peak Blvd., Summit Rd., Avenida Dr., Fairlawn Dr., and Senior Ave.) b) Construction of undergrounding of overhead utility wires within UUD No. 35A (Vistamont Ave., Rochdale Way, and Rosemont Ave from Woodmont Ave. to Vistamont Ave.) c) Construction of undergrounding of overhead utility wires on Bayview Place
Related Natural Hazard(s)	<p>Earthquake</p> <p>Wildland-Urban Interface Fire</p>

Associated LHMP Objective(s)	<p>A. Reduce the potential for loss of life, injury and economic damage to Berkeley residents and businesses from earthquakes, wildfires, landslides, floods, tsunamis, climate change, extreme heat, and their secondary impacts.</p> <p>B. Preserve Berkeley’s unique character and values from being compromised by hazardous events.</p>
Related Policies from the General Plan or Climate Action Plan	<p>General Plan Policy T-28, Action E</p> <p>General Plan Policy S-1, Actions B and C</p> <p>General Plan Policy S-12, Action B</p> <p>General Plan Policy S-22, Action A</p> <p>General Plan Policy UD-8, Action A</p>
Lead Organization(s) and Staff Lead(s)	<p>Public Works Department- Engineering</p> <p>Staff Lead: City Engineer</p>
Priority	High
Timeline	<p>UUD No. 48</p> <p>Hold Community Meeting for Lighting Selection: November 2018</p> <p>Secure Easements for Above Ground Structures: November 2018 - March 2019</p> <p>Advertise for Bids: February 2019</p> <p>Construction Contract Award: Late Spring 2019</p> <p>Construction Start: Summer 2019</p> <p>UUD No. 35A</p> <p>On hold</p> <p>UUD Bayview Place</p> <p>On hold</p>
Additional Resources Required	<p>Funding for UUD No.48:</p> <p>General Fund for staff time, consultant services, lighting, and payment for easements if it is required</p> <p>Assessed fees for lighting</p> <p>Rule 20A Funds for construction</p>

	<p>Funding for UUD 35A: General Fund Remaining Rule 20A Funds</p> <p>Funding for UUD Bayview Place: Property Owner Funds (20B) General Fund for consultant services</p>
Potential Funding Sources	<p>Funding for UUD No.48: General Fund Rule 20A Funds</p> <p>Funding for UUD 35A: General Fund Rule 20A Funds</p> <p>Funding for UUD Bayview Place: Property Owner Funds</p>
Activity Type(s) (Federal Mitigation Grant Funding only)	Federal mitigation grant funding is not anticipated

2019 EBMUD	Work with EBMUD to ensure an adequate water supply during emergencies and disaster recovery.
Proposed Activities	<ul style="list-style-type: none"> a) Coordinate with EBMUD regarding plans to install a new 48-inch aqueduct by 2020 to be able to continue potable and firefighting water supply following a seismic event. b) Explore project approaches with EBMUD to expedite replacement of problem pipelines in Berkeley neighborhoods exposed to wildland-urban interface fire and seismic ground failure. c) Coordinate with EBMUD to ensure that pipeline replacement projects and upgrades are coordinated with the City's five-year street paving program and other City programs.
Related Natural Hazard(s)	<p>Earthquake</p> <p>Wildland-Urban Interface Fire</p>

Associated LHMP Objective(s)	<p>A. Reduce the potential for loss of life, injury and economic damage to Berkeley residents and businesses from earthquakes, wildfires, landslides, floods, tsunamis, climate change, extreme heat, and their secondary impacts.</p> <p>D. Connect with residents, community-based organizations, institutions, businesses, and essential lifeline systems in order to increase mitigation actions and disaster resilience in the community.</p>
Related Policies from the General Plan or Climate Action Plan	General Plan Policy S-12: Utility and Transportation Systems, Action A
Lead Organization(s) and Staff Lead(s)	Department of Public Works – Engineering Division Staff Lead: City Engineer
Priority	High
Timeline	Ongoing
Additional Resources Required	No additional resources required

2019 Extreme Heat	Reduce Berkeley’s vulnerability to extreme heat events and associated hazards.
Proposed Activities	<p>a) Monitor and support regional and State-level efforts to forecast the impact of climate change on temperatures and incidence of extreme heat events in Berkeley and the region, and integrate extreme heat event readiness, focusing on the most vulnerable populations impacted and improving access to resources, into City operations and services.</p> <p>b) Continue to create and maintain shading by maintaining the health of existing trees and sustaining municipal tree planting with a focus on efforts in areas where there are fewer trees.</p> <p>c) Continue to implement energy efficiency ordinances for existing residential and commercial buildings to improve building comfort, including in extreme</p>

	<p>weather conditions, and to reduce energy use.</p> <p>d) Encourage cooling technologies for the built environment through voluntary programs to mitigate the urban heat island effect. This can include strategies like green roofs, cool roofs, and cool pavements, increased vegetation, as well as electric heat pumps and natural ventilation which can provide cooling to buildings in an extreme heat event.</p>
Related Natural Hazard(s)	<p>Climate Change</p> <p>Extreme Heat</p>
Associated LHMP Objective(s)	<p>A. Reduce the potential for loss of life, injury and economic damage to Berkeley residents and businesses from earthquakes, wildfires, landslides, floods, tsunamis, climate change, extreme heat, and their secondary impacts.</p> <p>D. Connect with residents, community-based organizations, institutions, businesses, and essential lifeline systems in order to increase mitigation actions and disaster resilience in the community.</p> <p>E. Protect Berkeley’s historically underserved populations from the impacts of hazardous events by applying an equity focus to mitigation efforts.</p>
Related Policies from the General Plan or Climate Action Plan	<p>Climate Action Plan - Adaptation Goal 1, Policies A and D</p> <p>General Plan Policy EM-29: Street and Park Trees</p>
Lead Organization(s) and Staff Lead(s)	<p>Planning Department – Office of Energy and Sustainable Development (Monitor Impacts, Energy Efficiency Ordinances, Cooling Technologies)</p> <p>Staff Lead: Climate Action Program Coordinator</p> <p>Department of Parks, Recreation and Waterfront – Parks Division (Tree Planting)</p> <p>Staff Lead: Parks Superintendent</p>
Priority	<p>High</p>
Timeline	<p>Ongoing</p>
Additional Resources Required	<p>Scientific monitoring, energy efficiency ordinances, cooling technologies: Additional funding required for implementation</p>

Potential Funding Sources	Tree planting: Dependent on State of California Environmental Enhancement Mitigation Program Grant City General Fund Tree planting grants City Parks Tax Fund 450 Ratepayer funds from PG&E or East Bay Community Energy Grants from Energy Foundation, Urban Sustainability Directors Network, California Energy Commission, California Air Resources Board, Bay Area Air Quality Management District, U.S. Department of Energy
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2019 Hazardous Materials	Mitigate hazardous materials release in Berkeley through inspection and enforcement programs.
Proposed Activities	a) Implement Hazardous Materials Release Response Plans and Inventories (HMRRP) Program b) Implement California Accidental Release Prevention (CalARP) Program c) Implement Underground Storage Tank (UST) Program d) Implement Aboveground Petroleum Storage Act Requirement for Spill Prevention e) Implement Hazardous Waste Generator and Onsite Hazardous Waste Treatment Programs f) Implement Hazardous Materials Management Plans (HMMP) and Hazardous Materials Inventory Statements per California Fire Code g) Enforce California Fire Code for Hazardous Materials Compliance (See Fire Code Action)
Related Natural Hazard(s)	Earthquake Wildland-Urban Interface Fire Landslide Floods Tsunami

Associated LHMP Objective(s)	<p>A. Reduce the potential for loss of life, injury and economic damage to Berkeley residents and businesses from earthquakes, wildfires, landslides, floods, tsunamis, climate change, extreme heat, and their secondary impacts.</p> <p>D. Connect with residents, community-based organizations, institutions, businesses, and essential lifeline systems in order to increase mitigation actions and disaster resilience in the community.</p>
Related Policies from the General Plan or Climate Action Plan	<p>General Plan Policy EM-12, Action A</p> <p>General Plan Policy EM-13, Action A</p> <p>General Plan Policy EM-14, Actions A and B</p>
Lead Organization(s) and Staff Lead(s)	<p>Planning: Toxics Division (all programs except Fire Code enforcement)</p> <p style="padding-left: 40px;">Staff Lead: Hazardous Materials Manager</p> <p>Fire Department: Fire Prevention Division (Fire Code)</p> <p style="padding-left: 40px;">Staff Lead: Fire Marshal</p>
Priority	High
Timeline	Ongoing
Additional Resources Required	No additional resources required

2019 Air Quality	Define clean air standards for buildings during poor air quality events and use those standards to assess facilities for the Berkeley community.
Proposed Activities	<p>a) Participate in regional efforts to define standards and tools to predict buildings' ability to deliver clean air to occupants during poor air quality events.</p> <p>b) Apply standards and tools to assess City facilities' ability to provide clean air to occupants during poor air quality events.</p> <p>c) Coordinate with willing Berkeley partners to apply standards and tools to partner facilities.</p> <p>d) Use findings to develop a list of potential clean air facilities (City-run and partner-run) to the community.</p>

Related Natural Hazard(s)	Wildland-Urban Interface Fire Extreme Heat
Associated LHMP Objective(s)	<p>A. Reduce the potential for loss of life, injury and economic damage to Berkeley residents and businesses from earthquakes, wildfires, landslides, floods, tsunamis, climate change, extreme heat, and their secondary impacts.</p> <p>D. Connect with residents, community-based organizations, institutions, businesses, and essential lifeline systems in order to increase mitigation actions and disaster resilience in the community.</p> <p>E. Protect Berkeley’s historically underserved populations from the impacts of hazardous events by applying an equity focus to mitigation efforts.</p>
Related Policies from the General Plan or Climate Action Plan	General Plan Policy S-20
Lead Organization(s) and Staff Lead(s)	<p>Standards Development: Department of Health, Housing and Community Services: Public Health and Environmental Health Divisions</p> <p>Staff Leads: Health Officer/Environmental Health Division Manager</p> <p>Standards Implementation at City Facilities: Department of Public Works:</p> <p>Staff Lead: Facilities Division – Supervising Civil Engineer</p> <p>Staff Lead: Building Maintenance Supervisor</p> <p>Partner Coordination and Community Outreach: Fire Department: Office of Emergency Services</p> <p>Staff Lead: Chief of Special Operations</p>
Priority	High
Timeline	To be determined
Additional Resources Required	To be determined

2019 NFIP	Maintain City participation in the National Flood Insurance Program.
Proposed Activities	<ul style="list-style-type: none"> a) Continue to use the most current FEMA information defining flood areas. b) Continue to incorporate FEMA guidelines and suggested activities into City plans and procedures for managing flood hazards.
Related Natural Hazard(s)	Floods
Associated LHMP Objective(s)	<ul style="list-style-type: none"> A. Reduce the potential for loss of life, injury and economic damage to Berkeley residents and businesses from earthquakes, wildfires, landslides, floods, tsunamis, climate change, extreme heat, and their secondary impacts. B. Increase City government’s ability to serve the community during and after hazardous events by mitigating risk to key City functions. D. Connect with residents, community-based organizations, institutions, businesses, and essential lifeline systems in order to increase mitigation actions and disaster resilience in the community.
Related Policies from the General Plan or Climate Action Plan	General Plan Policy S-28 Flood Insurance, Actions B and C
Lead Organization(s) and Staff Lead(s)	<p>Public Works Department:</p> <p>Engineering Division (NFIP application to City projects; Program Management)</p> <p>Staff Leads: Manager of Engineering, Director of Public Works</p> <p>Planning Department (application to private projects):</p> <p>Land Use Planning Division (determines if new project is subject to NFIP regulations)</p> <p>Staff Lead: Land Use Manager</p> <p>Building and Safety Division (coordinates to ensure that projects are compliant with Flood Zone Development Ordinance)</p>

Staff Lead: Senior Plan Check Engineer	
Priority	High
Timeline	Ongoing
Additional Resources Required	No additional resources required

2019 Hazard Information	Collect, analyze and share information with the Berkeley community about Berkeley hazards and associated risk reduction techniques.
Proposed Activities	<ul style="list-style-type: none"> a) Track changes in hazard risk using the best-available information and tools. b) Collect and share up-to-date hazard maps identifying areas subject to heightened risk from hazards. c) Publicize financial and technical assistance resources for risk reduction.
Related Natural Hazard(s)	Earthquake Wildland-Urban Interface Fire Landslide Floods Tsunami Climate Change Extreme Heat
Associated LHMP Objective(s)	<ul style="list-style-type: none"> A. Reduce the potential for loss of life, injury and economic damage to Berkeley residents and businesses from earthquakes, wildfires, landslides, floods, tsunamis, climate change, extreme heat, and their secondary impacts. B. Increase City government’s ability to serve the community during and after hazard events by mitigating risk to key City functions. C. Preserve Berkeley’s unique character and values from being compromised by hazard events. D. Connect with residents, community-based organizations, institutions, businesses, and essential lifeline systems in

	<p>order to increase mitigation actions and disaster resilience in the community.</p> <p>E. Protect Berkeley’s historically underserved populations from the impacts of hazardous events by applying an equity focus to mitigation efforts.</p>
Related Policies from the General Plan or Climate Action Plan	<p>General Plan Policy S-13: Hazards Identification, Action A</p> <p>General Plan Policy S-19: Risk Analysis, Action A</p> <p>General Plan Policy UD-12, Actions A and C</p> <p>Climate Action Plan: Adaptation Action A</p>
Lead Organization(s) and Staff Lead(s)	<p>Fire Department – Office of Emergency Services</p> <p>Lead Staff: Emergency Services Coordinator</p> <p>Office of Energy and Sustainable Development (Climate Change Hazards)</p> <p>Lead Staff: Climate Action Program Coordinator</p>
Priority	High
Timeline	Ongoing
Additional Resources Required	No additional resources required
Potential Funding Sources	<p>General Fund</p> <p>Measure GG Special Revenue Fund</p>

2019 Partnerships	Coordinate with and encourage mitigation actions of key City partners.
Proposed Activities	<p>a) Coordinate with and encourage mitigation actions of:</p> <ul style="list-style-type: none"> • Institutions serving the Berkeley community • Berkeley organizations and nonprofits • Other partners whose actions affect the Berkeley community

Related Natural Hazard(s)	<p>Earthquake</p> <p>Wildland-Urban Interface Fire</p> <p>Landslide</p> <p>Floods</p> <p>Tsunami</p> <p>Climate Change</p> <p>Extreme Heat</p>
Associated LHMP Objective(s)	<p>A. Reduce the potential for loss of life, injury and economic damage to Berkeley residents and businesses from earthquakes, wildfires, landslides, floods, tsunamis, climate change, extreme heat, and their secondary impacts.</p> <p>B. Increase City government’s ability to serve the community during and after hazardous events by mitigating risk to key City functions.</p> <p>C. Preserve Berkeley’s unique character and values from being compromised by hazardous events.</p> <p>D. Connect with residents, community-based organizations, institutions, businesses, and essential lifeline systems in order to increase mitigation actions and disaster resilience in the community.</p> <p>E. Protect Berkeley’s historically underserved populations from the impacts of hazardous events by applying an equity focus to mitigation efforts.</p>
Related Policies from the General Plan or Climate Action Plan	<p>General Plan Policy S-5 The City’s Role in Leadership and Coordination, Actions A and B</p> <p>General Plan Policy UD-7, Actions A and B General Plan Policy UD-12, Actions A and C</p> <p>General Plan Policy S-12 Utility and Transportation Systems, Action A</p>
Lead Organization(s) and Staff Lead(s)	<p>Fire Department: Office of Emergency Services</p> <p>Staff Lead: Assistant Chief of Special Operations</p>
Priority	High
Timeline	Ongoing

Additional Resources Required	To be determined
Potential Funding Sources	General Fund Measure GG Special Revenue Fund

C.5.b.ii Medium-Priority Actions

2019	Reduce Berkeley’s vulnerability to severe storms and associated hazards through proactive research and planning, zoning regulations, and improvements to stormwater drainage facilities.
Severe Storms	
Proposed Activities	<ul style="list-style-type: none"> a) Use development standards to ensure that new development does not contribute to an increase in flood potential. b) Complete the Watershed Management Plan to recommend improvements to problem areas in individual watersheds, and develop a Stormwater Master Plan to perform hydraulic analysis and condition assessment, and identify flow capacity and flooding issues as basis for the Watershed Management Plan. c) Design public improvements such as streets, parks and plazas, for retention and infiltration of stormwater by diverting urban runoff to bio-filtration systems.
Related Natural Hazard(s)	<p>Landslide</p> <p>Floods</p> <p>Climate Change</p>
Associated LHMP Objective(s)	A. Reduce the potential for loss of life, injury and economic damage to Berkeley residents and businesses from earthquakes, wildfires, landslides, floods, tsunamis, climate change, extreme heat, and their secondary impacts.
Related Policies from the General Plan or Climate Action Plan	<p>General Plan Policy S-26, Actions B and C</p> <p>General Plan Policy S-27 New Development</p> <p>Climate Action Plan - Adaptation Goal 1, Policy C</p>
Lead Organization and Staff Lead	<p>Planning Department – Land Use Planning Division (Development Standards)</p> <p>Staff Lead: Land Use Manager</p> <p>Public Works Department – Engineering Division</p> <p>Staff Lead: Supervising Civil Engineer (Watershed Management Plan and Public Improvements)</p>
Priority	Medium

Timeline	Ongoing
Additional Resources Required	Development Standards: To be determined Watershed Management Plan/Stormwater Master Plan: To be determined Public Improvements Design: To be determined
Potential Funding Sources	City General Fund Permit Service Center Enterprise Fund Measure M Bond Funds Pre-Disaster Mitigation Grant Program (PDM) Hazard Mitigation Grant Program (HMGP)
Activity Type(s)	Mitigation: Infrastructure Retrofit

2019 Energy Assurance	Implement energy assurance strategies at critical City facilities.
Proposed Activities	<ul style="list-style-type: none"> a) Identify potential actions to mitigate energy assurance vulnerabilities at critical City facilities during planning/conceptual design. b) Provide guidance to help the City consider opportunities to design, finance and implement clean energy assurance strategies (e.g., photovoltaic-supplemented generation, energy efficiency activities, and/or mobile charging stations).
Related Natural Hazard(s)	<p>Earthquake</p> <p>Wildland-Urban Interface Fire</p> <p>Landslide</p> <p>Floods</p> <p>Tsunami</p> <p>Climate Change</p> <p>Extreme Heat</p>

Associated LHMP Objective(s)	<p>A. Reduce the potential for loss of life, injury and economic damage to Berkeley residents and businesses from earthquakes, wildfires, landslides, floods, tsunamis, climate change, extreme heat, and their secondary impacts.</p> <p>B. Increase City government’s ability to serve the community during and after hazardous events by mitigating risk to key City functions.</p>
Related Policies from the General Plan or Climate Action Plan	<p>General Plan - Disaster Preparedness and Safety Element: Objective 1</p> <p>General Plan Policy S-8: Continuity of Operations Climate Action Plan – Chapter 4, Goal 5: Increase Energy Efficiency and Renewable Energy Use in Public Buildings – Policies 5a and 5b</p>
Lead Organization(s) and Staff Lead(s)	<p>Department of Public Works – Facilities Division (Identify actions)</p> <p style="padding-left: 40px;">Staff Lead: Supervising Civil Engineer (for facilities)</p> <p>Planning Department – Office of Energy and Sustainable Development (Clean Energy Opportunities)</p> <p style="padding-left: 40px;">Staff Lead: Climate Action Program Manager</p>
Priority	Medium
Timeline	Ongoing
Additional Resources Required	Additional resources to analyze specific energy assurance options for individual projects.
Potential Funding Sources	<p>General Fund</p> <p>T1 Bond</p> <p>Measure GG Special Revenue Fund</p> <p>Ratepayer funds from PG&E or East Bay Community Energy</p> <p>Grants from Energy Foundation, Urban Sustainability Directors Network, California Energy Commission, California Air Resources Board, Bay Area Air Quality Management District, U.S. Department of Energy</p>

2019 Climate Change Integration	Mitigate climate change impacts by integrating climate change research and adaptation planning into City operations and services.
Proposed Activities	<ol style="list-style-type: none"> a) Determine staffing needs to monitor research and oversee integration of climate change adaptation into City operations and services b) Develop and implement a process to integrate adaptation planning into City operations. Activities include: <ol style="list-style-type: none"> a. Train City staff on the basic science and impacts of climate change and on climate adaptation strategies b. Develop policy and programs to address potential climate impacts in municipal capital and land use planning
Related Natural Hazard(s)	Climate Change Extreme Heat
Associated LHMP Objective(s)	A. Reduce the potential for loss of life, injury and economic damage to Berkeley residents and businesses from earthquakes, wildfires, landslides, floods, tsunamis, climate change, extreme heat, and their secondary impacts.
Related Policies from the General Plan or Climate Action Plan	<ul style="list-style-type: none"> • Climate Action Plan – Adaptation, Goal 1A • Climate Action Plan – Community Outreach and Empowerment, Goal 1A • Climate Action Plan – Implementation, Monitoring and Reporting, Goals 2, 3 and 4
Lead Organization(s) and Staff Lead(s)	Planning Department – Office of Energy and Sustainable Development Staff Lead: Climate Action Program Manager
Priority	Medium
Timeline	Determine staffing needs: 3-4 years Staff Training: Ongoing Address climate impacts in municipal planning processes: 1-2 years
Additional	To be determined

Resources Required	
Potential Funding Sources	General Fund Permit Service Center Enterprise Fund

2019	Mitigate the impacts of sea level rise in Berkeley.
Sea Level Rise	
Proposed Activities	<ul style="list-style-type: none"> a) Monitor and participate in regional and State-level research on projected sea-level rise in Berkeley and the region. b) Develop guidelines, regulations, and review development standards to ensure new and existing public and private developments and infrastructure are protected from floods due to sea-level rise.
Related Natural Hazard(s)	Climate Change
Associated LHMP Objective(s)	A. Reduce the potential for loss of life, injury and economic damage to Berkeley residents and businesses from earthquakes, wildfires, landslides, floods, tsunamis, climate change, extreme heat, and their secondary impacts.
Related Policies from the General Plan or Climate Action Plan	<p>Climate Action Plan, Adaptation Policies A and C</p> <p>General Plan Goal 6: Make Berkeley a disaster-resistant community that can survive, recover from, and thrive after a disaster – Utilize Disaster-Resistant Land Use Planning</p> <p>General Plan Policy S-27: New Development</p> <p>General Plan Policy S-14: Land Use Regulation, Action E</p>
Lead Organization(s) and Staff Lead(s)	<p>Planning Department – Office of Energy and Sustainable Development (Monitor Research/Integrate Considerations)</p> <p style="padding-left: 40px;">Staff Lead: Climate Action Program Manager</p> <p>Planning Department – Land Use Planning Division (Development Regulations)</p> <p style="padding-left: 40px;">Staff Lead: Division Director</p>
Priority	Medium
Timeline	Research: Ongoing

	Policy Development: 2 years
Additional Resources Required	<p>Research: Additional staff capacity or funding needed for further analysis.</p> <p>Policy Development: Additional staff capacity to develop regulations and standards.</p>
Potential Funding Sources	<p>General Fund</p> <p>Permit Service Center Enterprise Fund</p> <p>Adapting to Rising Tides, San Francisco Bay Conservation & Development Commission, National Oceanic & Atmospheric Administration, Urban Sustainability Director’s Network, or Resource Legacy Fund</p>

2019 Water Security	Collaborate with partners to increase the security of Berkeley’s water supply from climate change impacts.
Proposed Activities	<ul style="list-style-type: none"> a) Partner with East Bay Municipal Utility District (EBMUD) to provide and market incentives for residents, businesses and institutions to conserve water. b) Partner with agencies such as EBMUD and StopWaste to encourage private property owners and public agencies (including the City government) to use sustainable landscaping techniques that require less water and energy to maintain. c) Encourage water efficiency and conservation in existing buildings, such as incorporating water assessments into existing policies or creating a compliance program for SB407.
Related Natural Hazard(s)	Climate Change
Associated LHMP Objective(s)	<ul style="list-style-type: none"> A. Reduce the potential for loss of life, injury and economic damage to Berkeley residents and businesses from earthquakes, wildfires, landslides, floods, tsunamis, climate change, extreme heat, and their secondary impacts. D. Connect with residents, community-based organizations, institutions, businesses, and essential lifeline systems in order to increase mitigation actions and disaster

	resilience in the community.
Related Policies from the General Plan or Climate Action Plan	Climate Action Plan - Adaptation Goal 1, Policy B General Plan Policy EM-25: Groundwater General Plan Policy EM-26: Water Conservation General Plan Policy EM-31: Landscaping
Lead Organization(s) and Staff Lead(s)	Planning Department – Office of Energy and Sustainable Development Staff Lead: Climate Action Program Coordinator (Water Recycling/Incentives) Staff Lead: Sustainability Planner (Landscaping Techniques) Staff Lead: Climate Action Program Coordinator (Water Efficiency and Conservation)
Priority	Medium
Timeline	Encourage water efficiency in existing policies: 2-3 years
Additional Resources Required	Additional staff capacity.
Potential Funding Sources	General Fund Permit Service Center Enterprise Fund

C.5.b.iii Low-Priority Actions

2019	Mitigate Berkeley’s tsunami hazard.
Tsunami	
Proposed Activities	<ul style="list-style-type: none"> a) Fund and replace damaged finger docks. b) Secure funding for replacement of D and E docks; begin the permitting process once funding is secure c) Begin the permitting process for piling replacement. d) Repair University Avenue, Marina Boulevard, and Spinnaker Way in order to mitigate tsunami vulnerabilities. e) Collaborate with the California Office of Emergency Services, the California Geological Survey, and the Federal Emergency Management Agency to document and explore additional tsunami hazard mitigation measures for Berkeley’s maritime communities.
Related Natural Hazard(s)	Tsunami
Associated LHMP Objective(s)	A. Reduce the potential for loss of life, injury and economic damage to Berkeley residents and businesses from earthquakes, wildfires, landslides, floods, tsunamis, climate change, extreme heat, and their secondary impacts.
Related Policies from the General Plan or Climate Action Plan	General Plan Policy S-19: Risk Analysis, Action A
Lead Organization(s) and Staff Lead(s)	<p>All activities: Parks, Recreation and Waterfront Department – Marina Division</p> <p>Staff Lead: Waterfront Manager, Alexandra Endress, and Waterfront Supervisor, Stephen Bogner.</p> <p>Cal OES/CGS/FEMA collaboration: Fire Department – Office of Emergency Services</p> <p>Staff Lead: Emergency Services Coordinator</p>
Priority	Low

Timeline	Activities a) - d): funding-contingent Activity e) To be determined
Additional Resources Required	a) Finger Dock Replacement: estimated \$100k-\$500k b) D and E Dock Replacement: estimated \$4-7 million c) Piling replacement: estimated \$50k for permitting only d) Roadway repair: estimated \$4-6 million e) No additional resources required
Potential Funding Sources	Pre-Disaster Mitigation Grant Program (PDM) Hazard Mitigation Grant Program (HMGP) General Fund City-Issued Bonds
Activity Type(s) (Federal Mitigation Grant Funding only)	Mitigation: Infrastructure Retrofit

2019 Streamline Rebuild	Streamline the zoning permitting process to rebuild residential and commercial structures following disasters.
Proposed Activities	<ul style="list-style-type: none"> a) Explore a Zoning Amendment to BMC 23C.04.100 that streamlines the Zoning permitting process to allow damaged industrial and commercial buildings, and dwelling units to rebuild by right following disasters. b) Consider different treatment for buildings in high-risk areas, such as: <ul style="list-style-type: none"> a. Imposing higher standards of building construction for rebuilding b. Excluding buildings in these areas from the amendment c) Define the standard for documentation of current conditions for residential and commercial property owners to rebuild by right (in conformity with current applicable codes, specifications and standards) following disasters. d) Define the process for the City to accept and file this documentation. e) Outreach to property owners about this documentation process.

Related Natural Hazard(s)	<p>Earthquake</p> <p>Wildland-Urban Interface Fire</p> <p>Landslide</p> <p>Floods</p> <p>Tsunami</p>
Associated LHMP Objective(s)	<p>C. Preserve Berkeley’s unique character and values from being compromised by hazardous events.</p> <p>E. Protect Berkeley’s historically underserved populations from the impacts of hazardous events by applying an equity focus to mitigation efforts.</p>
Related Policies from the General Plan or Climate Action Plan	<p>General Plan Policy LU-26: Neighborhood Commercial Areas</p> <p>General Plan Policy LU-27: Avenue Commercial Areas</p> <p>General Plan S-9: Pre-Event Planning, Action B</p> <p>General Plan policy UD-7, Action C</p>
Lead Organization(s) and Staff Lead(s)	<p>Planning Department – Land Use Planning Division</p> <p>Staff Lead: Division Manager</p>
Priority	Low
Timeline	2 years
Additional Resources Required	Staff with capacity to focus on this effort
Potential Funding Sources	General Fund

Housing Advisory Commission

November 1, 2018 (continued from October 4)

To: Housing Advisory Commission
From: Commissioner Thomas Lord
Subject: **Housing code enforcement: monitoring, evaluation
and advice**

November 1 update

The scope of our oversight duties

The HAC's charge to "monitor code enforcement priorities" appears to be somewhat substantial. It will involve interaction with four divisions or sections plus, probably, the Rent Stabilization Board.

These are tasks of great importance to public health and welfare. It is an opportunity for individual Commissioners and the Commission as a whole to have lasting impact.

The four divisions or sections and the code areas they are responsible for:

- Environmental Health (part of HHCS)
 - residential rodent inspection and control
- Public Health (part of HHCS)
 - Smoke-Free Multi-Unit Housing ordinance
- Housing Inspection Unit (part of Planning)
 - Residential Safety Housing Program
 - seismic retrofit compliance and inspections
- Building Inspection Unit (part of Planning)
 - inspections relating to new construction

Additionally, the Rent Stabilization Board plays an important role in out-reach (letting tenants and landlords know their rights and responsibilities) and referrals.

Current status

At present, the HAC has no established practices in this area. We have the opportunity to establish practices and build relations that will benefit the City, the Commission, and our constituents for years to come.

Also at present: we don't know much about the current status of code enforcement procedures but we have seen:

- evidence that the Smoke-Free Multi-Unit Housing Ordinance is of limited effectiveness
- the Residential Safety Housing Program is in want of significant improvement and a Council referral to this end is proceeding slowly
- the recent creation of a new (currently unfilled) management position that will, in part, be responsible for the Residential Safety Housing Program and seismic retrofit program (the "Housing Inspection and Community Services Manager" in the Planning Department).

Additionally, in my observation, outreach about tenant-facing programs appears highly limited.

Recommendation

Adopt the following initial plan of action:

- Defer consideration of enforcement procedure monitoring of the Smoke-Free Multi-Unit Housing Ordinance until we learn more about current legislative efforts at the Council level, or until April, whichever is sooner.
- Defer consideration of code enforcement for new construction as the lowest priority for now (on the assumption that it is likely well-functioning).
- Defer consideration of rodent inspection and control until after studying existing outreach by the Rent Stabilization Board.
- Identify one or more Commissioners who will volunteer to survey outreach in all areas, and prepare a report for the full Commission. This

might entail, for example, a review of the City’s web site on these topics, including the RSB’s web site, along with a possible examination of recent RSB mailers to tenants. If appropriate, form a short-lived ad-hoc subcommittee for this purpose.

- Identify one or more Commissioners who will return in January with a recommendation to City Council to request that the newly hired Housing Inspection and Community Services Manager attend either a HAC meeting or HAC subcommittee meeting to discuss
 - our oversight role
 - the new manager’s views on how we can be implement this role
 - the City Council referral to strengthen the Residential Safety Housing Program
 - the seismic retrofit program

Such a meeting would ideally occur not later than the new manager’s 3rd month of employment

- Encourage all HAC members to review the reference documents below, pertaining to the Residential Housing Safety Program.

Some useful reference documents

- Council referral “Revising the Rental Housing Safety Program”, December 1, 2018:
https://www.cityofberkeley.info/Clerk/City_Council/2015/12_Dec/Documents/2015-12-01_Item_28_Revising_the_Rental.aspx
- Referral response from Planning & Development, “Referral Response: Creation of a New Classification - Housing Inspection and Community Services Manager”, January 23, 2018:
https://www.cityofberkeley.info/Clerk/City_Council/2018/01_Jan/Documents/2018-01-23_Item_40_Referral_Response_Creation.aspx
- Human Resources recommendation to Council, creating the new position, “Classification and Salary: 1474 Resilient Buildings Program Manager”, September 13, 2018:

https://www.cityofberkeley.info/Clerk/City_Council/2018/09_Sep/Documents/2018-09-13_Item_11_Classification_and_Salary_1474.aspx

Original memo from October 4

It is the duty of this body to weigh in on code enforcement priorities and to monitor code enforcement procedures in relation to City Council's code enforcement priorities. [BMC 19.44.020(B)(6-7)]

In recent years the Commission has made recommendations as to code enforcement priorities but has not, so far as I can tell, made any effort to systematically monitor code enforcement practices and outcomes.

In that same time-span, lives, homes, and possessions have been lost in tragedies that, arguably, could have been prevented by better code enforcement.

This item will be the Commission's first opportunity to discuss the possibility of systematically monitoring code enforcement in coming years.

We will discuss next steps and possibly take action to implement them.

BMC 19.44.020(B)(6-7)

5. *The Commission shall make recommendations to the City Council regarding code enforcement priorities.*
6. *The Commission shall monitor code enforcement procedures ensure adherence to Council policies and shall make recommendations for changes in such procedures to the City Council.*

Questions of possible interest

Two Council priorities appear to be the Residential Safety Housing Program and the Exterior Elevated Elements Inspection Program. Are there other Council priorities? How are they determined? Where are they recorded?

How does code inspection activity fit into the City's org chart?

Is documentation available of existing code enforcement practices? For example, schedules of routine inspections; procedures for prioritizing and responding to requests for inspections; enforcement procedures in case violations are discovered?

What internal code enforcement metrics already exist? Can they be reported to the HAC?

What do staff suggest would be an appropriate schedule for review? Every year? In alternate years?

What external resources might the HAC consult? For example, architect and construction experts?

How can the HAC identify other cities that might provide examples of good or less good examples of inspection practices?

How can the HAC help to proactively identify important areas that may be missed by current code enforcement priorities and practices? Does the City have a systematic approach to the same problem?

Possible Goals for an Action

Consider referring some questions the Secretary, Manager, or Council as appropriate. Consider ways to research some questions on our own.

Housing Advisory Commission

January 3, 2019

To: Housing Advisory Commission
From: Commissioner Thomas Lord
Subject: **DRAFT council referral re code enforcement**

Note: we the HAC can also continue discussion on this topic. I've attached the memo from last month for reference.

Recommendation

The Housing Advisory Commission asks the City Council that the newly hired Housing Inspection and Community Services Manager will attend a Housing Advisory Commission Meeting or Housing Advisory Subcommittee meeting (to be determined) to discuss:

- The Commission's code enforcement oversight role.
- The new manager's views on how the Commission can best implement that role.
- The City Council referral to strengthen the Residential Housing Safety Program
- The Seismic Retrofit program

Such a meeting would ideally occur not later than the new manager's third month of employment. The details of scheduling the meeting can be worked out with the help of the Commission Secretary in consultation with the Commission.

Background

Berkeley Municipal Code 19.44.020(B) items (5) and (6) assign limited oversight duties to the Housing Advisory Commission:

5. *The Commission shall make recommendations to the City Council regarding code enforcement priorities.*
6. *The Commission shall monitor code enforcement procedures to ensure adherence to Council policies and shall make recommendations for changes in such procedures to the City Council.*

The Commission has no currently established practice for performing those duties, and has begun the work of creating such a practice.

“Code enforcement” related to housing extends beyond just the activities that will be overseen by the new Housing Inspection and Community Services Manager, but that manager will oversee some critical activities.

Our hope in meeting with the new manager is to share our perspectives, develop mutual understandings, and to begin to establish an efficient, effective, mechanism by which the Commission can *“monitor code enforcement procedures to ensure adherence to Council policies and shall make recommendations for changes in such procedures to the City Council.”*



Health Housing and
Community Services Department
Housing & Community Services Division

MEMORANDUM

To: Housing Advisory Commission

From: Jenny Wyant, Community Development Project Coordinator

Date: December 19, 2018

Subject: **2018 RFP Proposals and Recommendation to Reissue the RFP**

Staff Recommendation

Staff recommend that the Housing Advisory Commission recommend to Council to reissue the Request for Proposals (RFP) to solicit proposals for projects that can be funded with a combination of HOME and Measure O funds, with a priority for HOME-funded projects by Community Housing Development Organizations (CHDOs) that can complete the projects within the HOME deadlines.

HTF Subcommittee Recommendation

- A. Recommend that the Housing Advisory Commission recommend to the City Manager to allow applicants that submitted proposals in response to the 2018 HOME RFP an additional 30 days (from the date a decision is made) to revise their proposals to address the issues identified in the staff report.
- B. If no feasible project is selected, recommend to the Housing Advisory Commission and City Council to release a reissued RFP with consideration for additional local funds.

M/S/C (Johnson/Tregub). Vote: Ayes: Johnson, Lewis, and Tregub. Noes: None. Abstain: None. Absent: Amezcua (unexcused).

Rationale for Staff Recommendation:

Staff determined that neither of the applications for funding under the 2018 HOME RFP are eligible for HOME funding, as proposed, and would need local funds in addition to HOME funds. Allowing both applicants - Bay Area Community Land Trust (BACL T) and Satellite Affordable Housing Associates (SAHA) - to revise their proposals to incorporate local funds would be unfair to developers who opted not to apply for funding through the HOME RFP due to the type or amount of funds available. The most equitable option is to reissue the RFP with the addition of Measure O or other uncommitted local funds, and allow SAHA and BACL T to submit revised proposals for consideration through the new RFP.

There are limited financing opportunities for properties that are too small to be competitive for tax credits or some of the state funding available to larger developments. Smaller properties with limited cash flow or existing debt may also have difficulty leveraging private funding. Funding exclusively with HOME is not necessarily an option, because HOME imposes rent limits that may reduce cash flow and make the project infeasible. The inclusion of local funds in a reissued RFP would likely increase the pool of eligible projects and enable the City to commit and expend its HOME funding within the federal deadlines listed below. Staff recommend the consideration of Measure O funds because although the Housing Trust Fund currently has a balance of approximately \$3 million, the non-HOME local funds are reserved for Berkeley Way's capitalized operating reserves. The City Council has not yet identified priorities for Measure O funds and could consider this issue.

RFP and Responses

The City received two applications for funding in response to the August 2018 Request for Proposals:

- Stuart Street Apartments, Bay Area Community Land Trust (BACL T)
- Alcatraz Apartments, Satellite Affordable Housing Associates (SAHA)

BACL T submitted its proposal after the application deadline, so at their December 10, 2018 meeting, the HTF Subcommittee voted to consider BACL T's application before discussing and making recommendations for funding.

M/S/C (Tregub/Johnson). Vote: Ayes: Johnson, Lewis, and Tregub. Noes: None. Abstain: None. Absent: Amezcua (unexcused).

The funding available through this RFP is from the City's HOME allocation, and carries certain project requirements and deadlines. HUD made significant revisions to HOME regulations in 2013 to emphasize the importance of each jurisdiction thoroughly reviewing the capacity of funded organizations and the feasibility of their projects in response to defaults throughout the federal HOME portfolio. The major requirements are outlined, below:

- Funds must be committed (contract executed) no later than August 31, 2020
- Construction must start within one year of contract execution
- The project must be completed within four years of contract execution
- At least 15% of the funds (approximately \$120,000) must be awarded to an entity certified as a Community Housing Development Organization (CHDO)
- The scope must address all major systems (i.e. structural, building envelope, mechanical, electrical, and plumbing), and ensure that systems have a useful life of at least 15 years.
- The project must designate a certain number of units as HOME units, generally in proportion to the amount of HOME funding relative to the total project budget, and restrict these units as required by HOME, including rents capped at 50% and 65% AMI.

Though both projects have merit, neither is eligible for HOME funding at this time.

- BACLТ is working to increase its capacity as a developer and recently submitted documentations supporting its CHDO application, but it does not have the financial capacity recommended by HUD for developers managing HOME-funded projects. Because half of the units would be restricted at 80%, higher than the HOME limits, HUD would cap the HOME subsidy to \$639,452, leaving a gap in the project sources. Additionally, BACLТ does not currently have site control of 1638 Stuart, which is a threshold requirement for City funding, though it is in the process of negotiating a 55-year lease.
- SAHA is a CHDO and a qualified developer, but funding the rehab exclusively with HOME funds results in HOME rent limits that restrict its ability to receive Section 8 contract rents, creating a negative cash flow for the project. The City cannot commit HOME funds to a project that cannot break even. SAHA's renovation scope is also insufficient to meet the HOME requirement of addressing all major systems, and the overall scope and budget would likely need to increase to meet the HOME property standards.

Housing staff's analysis of the two proposals follows. Staff used the categories high, medium, and low to rate each scoring segment identified in the RFP.

Bay Area Community Land Trust (BACLT)

BACLT requested \$900,000 for the renovation of Stuart Street Apartments, eight residential units located at 1638 Stuart Street and owned by the neighboring McGee Avenue Baptist Church (MABC). The units have been vacant and unmaintained for more than 20 years, and require extensive renovations to make them habitable. For example, the floors have collapsed in some areas and other areas are being supported by temporary bracing. Total development costs are estimated at \$1.8 million. If the properties are not renovated and continue to deteriorate, BACLT and MABC would likely need to demolish the existing structures, and the R-2 zoning could limit new development to two units.

BACLT is proposing a 100% affordable project, with rents ranging from 30% AMI to 80% AMI. The proposal is for a rental project, but BACLT has expressed interest in exploring some level of resident management, depending on the interest of the future residents.

Developer Capacity (25 points)

Staff Rating: Low

Developer Experience:

BACLT does not meet the HTF Guidelines threshold for developer experience, and would require a waiver of this requirement by City Council. In the past few years, BACLT has undertaken four renovations, though the scopes and budgets are not directly comparable to the project proposed. The most comparable project was one for which BACLT partnered with San Francisco Community Land Trust.

Staffing:

At present, BACLT is thinly staffed, and currently has two employees – the executive director, who works half time and is paid \$18,900 per year, and a newly hired project manager. If the ED were to leave the organization, it would be challenging to find a qualified replacement who could complete the project within the organization's operating budget.

CHDO Status and Experience with Federal Funding:

BACLT is not certified as a CHDO, though staff are reviewing recently submitted CHDO application documents. Regardless, BACLT does not have experience developing projects with federal funding, which carry many regulations and reporting requirements.

HUD issued guidance on HOME funds, and recommended that HOME funds only be awarded to developers that have the financial resources (such as liquid assets and cash) to carry project costs if needed. Stuart Street Apartments may have costs in excess of \$100,000 per month during a projected eight month construction period. BACLT's 2017 operating budget was less than \$30,000 for the entire year. BACLT's financial capacity is not sufficient to manage HOME funds at this time.

Financial Capacity:

BACLT operates on a narrow margin, and both 2017 and 2016 financial statements showed net losses, and the organization has less than \$27,100 in cash. BACLT could be vulnerable if expenses continue to exceed the organization's income. BACLT has proposed securing foundation support to increase its operating budget to around \$120,000 per year.

Property Management:

BACLT has not identified a property manager for Stuart Street Apartments, though BACLT intends to work with the residents to achieve some level of resident management.

Feasibility (30 points)

Staff Rating: Low-Medium

Renovation Scope and Budget:

The project would require extensive renovations; the buildings would essentially be gutted and all major systems would be repaired or replaced to meet the HOME property standards. HHCS's Building Inspector determined that it was feasible to renovate the two buildings, but was concerned that the renovation budget is too low. The buildings have suffered from considerable water intrusion, and there may be additional damage not yet known. In addition, BACLT did not include an allowance for a third-party construction inspector, which is a City requirement for reporting during the renovation period.

Affordability:

Although BACLT is proposing a 100% affordable project, the levels are not consistent with the HTF Guidelines in that half the units would be for households earning up to 80% AMI. Designating four units at 80% AMI could help generate a more consistent cash flow for the project, though it will require Council to waive the applicable HTF Guidelines requirements for affordability. BACLT would need to assess whether the property could operate sustainably with lower rents.

Site Control:

Site control is an HTF Guidelines threshold requirement for funding. BACLT's application did not address how it would achieve this requirement, since MABC owns and plans to maintain ownership of the property. BACLT later indicated that the organization is negotiating with MABC to enter into a 55-year lease, but the parties have not yet executed agreements to this effect. BACLT and MABC would need to agree on site control terms and enter into a contract that complies with the City's requirements prior to closing the proposed loan.

Financing:

Since the four units restricted to 80% of AMI are not eligible for HOME funds, HUD regulations would cap the HOME subsidy at \$639,452 for the project, leaving a gap of \$260,548. In order to fulfill BACLT's funding request, the City would need to identify an

additional source of funds for the \$260,548, or BACLT would need to secure additional outside funding.

If the Housing Advisory Commission recommends funding BACLT at the full \$900,000, staff would also need to make a finding to City Council justifying a City subsidy greater than the 40% cap recommended by the HTF Guidelines.

BACLT is proposing two additional sources of financing for this project: an \$845,382 bank loan, and \$80,000 in Affordable Housing Program (AHP) funding through the Federal Home Loan Bank of San Francisco. Reducing the rent levels would reduce the size of the possible bank loan. BACLT has been in contact with a potential lender, but has not secured a commitment. Staff are concerned about BACLT's ability to leverage a bank loan sufficient to fund the balance of the project, especially given the poor condition of the buildings. BACLT would need to secure the bank loan before the City would close its loan. AHP is a competitive funding source, and BACLT's competitiveness for those funds is unknown.

Operations:

BACLT's proposed operating budget shows a positive cash flow, and the proforma shows sufficient income to pay the projected debt service for the bank loan. BACLT exceeds the tax credit minimum standards for projected operating expenses per unit and replacement reserve deposits. If BACLT houses residents with incomes lower than projected, and is not able to offset the lower rents with tenant-based subsidies, the project may have difficulty covering its operating expenses and capital needs in the long term.

Local Needs and Priorities (20 points)

Staff Rating: High

In renovating Stuart Street Apartments, BACLT would bring vacant rental units back onto the market after more than 20 years, and would increase the stock of restricted affordable homes. This project would help alleviate blight in the neighborhood, in an area well connected to transit and amenities.

The renovations proposed would include converting one apartment into a fully accessible unit, which exceeds the minimum accessibility standards. BACLT is also proposing to provide two units at or below 30% AMI. The project may indirectly help displacement by providing opportunities for affordable housing in a low-income census tract with ongoing gentrification and displacement pressures (as determined by UC Berkeley's Urban Displacement Project).

Readiness to Proceed (25 points)

Staff Rating: Low-Medium

BACLT's proposed schedule fits within the HOME commitment and completion timeframes. BACLT does not anticipate needing to secure a use permit for the

renovation. However, there are a number of obstacles BACLT will need to overcome prior to entering into a contract with the City.

BACLT would need to:

- Demonstrate organizational and financial capacity to manage a HOME-funded project.
- Negotiate with McGee Avenue Baptist Church to secure site control consistent with the City's Housing Trust Fund Guidelines. BACLT is discussing a 55-year ground lease with MABC, but both parties would need to agree to this structure and terms.
- Secure all project financing. BACLT has had preliminary discussions with a bank regarding a loan, but does not have a commitment of funds. BACLT will also pursue Affordable Housing Program funds through the Federal Home Loan Bank of San Francisco in 2019.
- Complete the environmental review and State Historic Preservation Office analysis currently underway.

Satellite Affordable Housing Associates (SAHA)

SAHA requested \$500,000 for the renovation of Alcatraz Apartments, located at 1900 Alcatraz Avenue. The property has eight residential units and one commercial unit. SAHA acquired the property in 1994, with the help of a \$210,800 City loan. The existing loan is due in 2024, though the current affordability restrictions extend through 2049.

SAHA houses residents with incomes up to 30%, 50% and 60% AMI, consistent with the City's existing regulatory agreement. The actual incomes of current tenants is often lower, and cash flow to the project is limited. While SAHA has been able to cover the cost of addressing smaller repairs and health and safety issues that have come up in City monitoring inspections, the project requires a larger investment of funds to address the capital needs that have not been addressed through operations alone.

Developer Capacity (25 points)

Staff Rating: High

Developer Experience:

SAHA has extensive experience developing and renovating affordable housing projects in Berkeley and neighboring communities, and exceeds the HTF Guidelines threshold requirement for developers. In 2016, SAHA completed a renovation of Strawberry Creek Lodge, which included significant seismic work and other upgrades to the 150-unit senior housing development.

Staffing:

SAHA will have two staff assigned to this project, a Senior Project Manager and an Assistant Project Manager. Both will dedicate (on average) one hour per week to Alcatraz Apartments. This may prove to be too low, though SAHA will also hire an outside construction manager to oversee the renovations and work with the general contractor on the scope and budget. The staff assigned to the project have experience on new construction projects, though their renovation experience is unknown.

CHDO Status and Experience with Federal Funds:

SAHA is certified as a CHDO, and has extensive experience managing projects developed or renovated using federal funds. SAHA has sufficient financial resources to carry project costs if needed during renovations.

Financial Capacity:

SAHA is in a strong financial position. The organization has access to a \$1 million line of credit, and has assets in excess of \$24 million. SAHA could continue to operate for a full year with the cash resources it has available.

Property Management:

SAHA has a property management arm that oversees the day to day operations of its occupied developments, though there are no onsite staff. Housing staff monitored the project in late 2017, and determined that SAHA is operating the property efficiently and is in compliance with the City's regulatory agreement and related requirements.

Feasibility (30 points)

Staff Rating: Low

HOME units and subsidy layering:

SAHA's operating proforma shows a negative cash flow when HOME rent limits are imposed, making Alcatraz Apartments infeasible as a HOME project. Since SAHA is not proposing additional sources of funds for the project, all eight residential units would be designated as either High or Low HOME units, with rent limits capped at 65% AMI and 50% AMI, respectively. Currently, two households hold Section 8 vouchers from the Berkeley Housing Authority, and SAHA is able to collect the fair market rent. If those units become HOME units, SAHA will only be eligible to collect a subsidy up to the applicable HOME rent limit. This will decrease the project's rental income, and create an operating deficit through at least 2025, when the existing bank loan is repaid. The City cannot fund a project showing a negative cash flow.

Renovation Scope and Budget:

SAHA's renovation scope and budget is based on the immediate needs and reserve study in a 2017 physical needs assessment. The scope includes dry rot repairs, exterior and interior paint, replacing appliances, repairing exterior stucco, repairing or replacing windows as needed, and updating kitchens and bathrooms. The extent of the seismic needs is unknown, though the budget includes funds for a seismic analysis and has a healthy contingency. The HHCS Building Inspector expressed concern that the overall renovation budget was too low given escalating construction costs and the unknown seismic needs.

There are several other factors that will likely increase the actual costs to renovate Alcatraz Apartments. The property is not accessible to people with physical disabilities. Compliance with federal accessibility standards may add costs to the current renovation estimates. In addition, compliance with federal relocation standards may incur costs in excess of the \$50,000 currently budgeted. SAHA also did not include an allowance for a third-party construction inspector to provide reports to the City during the renovation period, estimated at an additional \$1,000 per month.

Financing:

For the reasons noted above, staff are concerned that the amount requested by SAHA would be insufficient to complete the renovations to the HOME program standards and rehabilitation requirements. If recommended for funding, staff would need to justify a 100% City subsidy, in excess of the HTF Guidelines cap of 40%.

Operations:

SAHA is projecting annual replacement reserve deposits of \$2,400 per unit, which is in excess of the tax credit standard of \$600 per unit per year. In recent years, SAHA's reserve deposits were closer to \$400 per unit. The City's Small Sites Program guidelines require reserve deposits of \$400 per unit per year, but also require a capitalized replacement reserve of at least \$2,000 per unit. A capitalized replacement

reserve is not an eligible HOME cost. Higher reserve deposits would better equip the property to address ongoing capital needs.

SAHA indicated that it intends to repay the existing bank loan when it's due in 2025. The existing City loan matures in 2024, and SAHA has not made a formal request about extending or modifying the terms. A refinance of one or both loans could impact the project's cash flow.

Local Needs and Priorities (20 points)

Staff Rating: Medium

SAHA's proposed renovation of Alcatraz Apartments will help preserve existing affordable housing in the Adeline Corridor, and improve the quality of life for current residents, many of whom are long-term tenants.

Alcatraz Apartments is well-connected to transit and one block away from Adeline Street, a commercial corridor.

The Housing Trust Fund Subcommittee identified the provision of 30% AMI units as a priority in this RFP, and Alcatraz Apartments has three 30% AMI units.

Readiness to Proceed (25 points)

Staff Rating: Low-Medium

There are significant barriers to SAHA's readiness to proceed related to the project's eligibility for HOME funds. Before the City could commit HOME funds to the project, SAHA would need to demonstrate that the proposed scope and budget meet the property standard, accessibility, and relocation requirements for a federally funded housing project. SAHA would also need to demonstrate that the project operations are supportable with the required number of HOME units and HOME rent limits.

If SAHA is able to demonstrate compliance, the Alcatraz Apartments could reasonably be expected to move forward within the HOME deadlines for commitment, construction start, and project completion. City staff have initiated the environmental review process, and SAHA's proposal does not require zoning approvals.

Uberti, Michael

From: bekydonohoe@aol.com
Sent: Tuesday, December 11, 2018 12:09 PM
To: Housing Advisory Commission
Cc: bekydonohoe@aol.com; Health, Housing & Community Services
Subject: 1638 Stuart St project

To the members of the Housing Advisory Committee,

As neighbors of the project at 1638 Stuart St. we are writing to you because we have not been contacted by McGee Avenue Baptist Church (MABC) or Bay Area Community Land Trust (BACLТ) since the November 1st HAC meeting that we attended. In their HTF application it states they intended to hold community outreach activities for the neighbors once their preliminary designs were complete. On Nov. 2nd (HAC was cc'd) we also sent them a follow-up email mentioning we were looking forward to the community meeting with them prior to the January 3rd HAC meeting. To date they have not followed through. Since they haven't met their commitment to meet with neighbors as stated in their application we are directing our concerns and questions to the HAC.

We were surprised at the November 1st HAC meeting the BACLТ said that it was only "the goal" for the housing to be cooperative. We support the cooperative model for housing and assumed this project would be cooperative because MABC partnered with BACLТ. We think that the approval of Housing Trust Funds (HTF) should be contingent on the project following the BACLТ's By-Laws and cooperative housing model. The HTF application includes the BACLТ's By-Laws and under Article II, 2.a their stated purpose is "*to provide opportunities to low and moderate-income people to secure housing that is decent and permanently affordable and that will be controlled by the residents on a long term basis*". This project began with a waiver granted to BACLТ to bypass HTF guidelines for developer experience to obtain a \$50,000 pre-development loan. We want to know why the MABC partnered with BACLТ if it was not going to be cooperative given that the BACLТ did not meet HTF guidelines.

Additionally, this project has the potential to provide home ownership opportunities. Home ownership is simply no longer possible for people with low to moderate incomes in Berkeley. Cooperative projects can address that problem. Other than a good education, responsible home ownership is one of the best ways for people to climb up and out of poverty by allowing equity building even if it's limited. Equity is equity. Home ownership provides a sense of stability and security that renting does not. We hope the HAC will take this into consideration when determining funding for this project.

We have many questions about this project:

- This project initially requested \$500,000 in HTF funds. It's now \$900,000, almost double. Why?

- The application specifies that families are the target population. This seems impractical with one studio and seven 1 bedroom apartments. How will this project serve families?
- Initially this project was proposed to be six 1 bedrooms, a studio and a 2 bedroom. Why was the 2 bedroom eliminated since that could better serve at least one family?
- What is the maximum occupancy per unit that will be allowed? Will it meet the typical guideline of 1 bedroom per 2 pp (+ 1)? What mechanism will be in place to prevent over crowding? We'd like an idea of how many new neighbors we can expect.
- Outreach to the African American community is mentioned in the application to address the current problem of displacement. Will there also be outreach to the disability community to make an effort to have the ADA unit occupied by a person with a mobility disability?
- It's our understanding that the Planning Department/Zoning has been consulted about this project. Have the Building and Safety department, Public Works department, Fire department, and Traffic been consulted? Will the proposed plans be viable in those departments?
- What are / will be the MABC's responsibilities remaining as owner?
- What is BACLT's role?
- What happens if either or both organizations dissolve or go bankrupt?
- Will the site be secured during construction?
- Where will construction workers park?
- Where will the debris dumpster be placed? And for how long? Will it impact street parking?
- There are 7 water meters. Will an 8th be added?
- Who will be point of contact during construction?
- Parking is increasingly an issue in our neighborhood. Where will the new neighbors park?
- Who will be maintaining the property?
- Who will be in charge problem management?
- Who will be in charge occupancy management?
- Where will trash bins be located on property?

We have been looking at this dilapidated building every day for 13 years. We welcome renovation of the property and new neighbors. But we are uneasy about the direction of this project without having had a chance to fully understand it.

Thank you for your consideration.

Andy and Becky Donohoe
1636 Stuart Street

Uberti, Michael

From: mahmoud mohamed <masreyberkeley@gmail.com>
Sent: Saturday, December 15, 2018 3:37 PM
To: Housing Advisory Commission
Subject: hosing advisory commission .1638 stuart st project

to the member of the housing advisory committee, my name is Mahmoud I live on Stuart st Berkeley. I am a neighbor of 1638 st project.

I am writing to you because I OBJECT TO do not want the committee t to approving \$900.000 of taxpayer money to bay area community land trust and McGee ave baptist church for their project at 1638 Stuart st I believe it will be waste and abuse of federal and taxpayer money.

My reasons for the objection ar the following :

I do not believe that bay area land trust has experience in developing the 1638 Stuart st project. the committee on July 2017 approved 50.000 dollars as a pre-development loan to (BACLT) they never informed the neighbors about the meeting or the pre-development loan. the committee also approved a waiver of "recent experience eligible developer requirement". On November 2018 public meeting BACLT came to the meeting without loan plan and requested a \$900.000 loan.

the bay area community land trust(BACLT) has no recent experience as a developer as required by the law, the loan application cited recent experience requirement for the loan, to protect taxpayer money from waste and abuse .i am requesting that the committee consulted with the city attorney before approving the loan, 1638 property is own by the church, their members will be living there. I believe federal money should not be used for religious or race discrimination. the church owns properties in the neighborhood and they can afford to develop the project themselves.

the bay area community land trust frist asked for a\$500.000 loans to develop the project later they asked for \$900.000.

. the project could mushroom to hundreds of thousands of dollars of federal, taxpayer money. what will happen if the(BACLT) comes back and asked for more money? .the committee already removes the experience requirement. without explanation, I am requesting that the committee consulted the city attorney before their vote to protect taxpayer money. there are other porblems with the parking, and the fact that the property can not fit 8units it is a small lot

Mahmoud M Mahmoud



Health Housing and
Community Services Department
Housing & Community Services Division

MEMORANDUM

To: Housing Advisory Commission

From: Amy Davidson, Senior Community Development Project Coordinator

Date: December 20, 2018

Subject: **February Officer Elections**

Housing Advisory Commission (HAC) officer elections are held each year in February. The offices established in the Commissioner Manual are Chair and Vice Chair. The term for each office is one year. An individual Chair may serve a maximum of two consecutive terms and there are no term limits for the Vice Chair. Igor Tregub was first elected Chair in February 2017, and he is therefore not eligible to run for Chair this year.

The Chair presides over meetings of the HAC, and has numerous responsibilities outside the meeting. These include:

- Drafting all Commission-approved reports and correspondence in accordance with the requirements and in a timely way, or coordinating with other Commissioners to do so;
- Approving the final version of each Commission-approved report and correspondence, signing them and submitting them to staff;
- Representing the HAC at Council meetings for all HAC adopted items sent to Council;
- Completing officer training;
- Meeting with staff to discuss the agenda each month;
- Approving the final agenda for each meeting; and
- Receiving media requests on behalf of the HAC, subject to numerous restrictions explained in the Commissioner Manual.

The Vice Chair participates in agenda setting as well, and fills in for the Chair when the Chair is not available. If you have questions, please consult the Commissioners Manual: [http://www.ci.berkeley.ca.us/Clerk/Commissions/Commissions Commission Manual.aspx](http://www.ci.berkeley.ca.us/Clerk/Commissions/Commissions_Commission_Manual.aspx) and let me know if you have additional questions.

At the November 18, 2018 HAC meeting, the commission took the following action to adopt process guidelines for the February election:

A Vibrant and Healthy Berkeley for All

Action: M/S/C (Lord/Johnson) to adopt the following guidelines for the February officer elections:

- The commission will nominate candidates at the regular January meeting;
- The commission will adopt a panel of candidates by motion;
- All commissioners will vote by written ballot, which shall be read publicly by the Secretary; and
- In the event that voting results in a tie, the lowest candidates will be removed from eligibility and the commission will re-vote to select an officer.

Vote: Ayes: Johnson, Lewis, Lord, Wright and Wolfe. Noes: None. Abstain: None. Absent: Amezcua (unexcused), Kesarwani (excused), Owens (excused) and Tregub (excused).

Commissioners are allowed to nominate themselves or a fellow appointed commissioner. Per the adopted action, the January meeting will be used to nominate candidates, but this will not preclude any commissioner from submitting a nomination prior to elections at the February meeting. If you cannot be in attendance at the January meeting and would like to submit a nomination, please contact the Chair.

Housing Advisory Commission

January 3, 2018

To: Housing Advisory Commission
From: Commissioner Thomas Lord
Subject: **Election Process**

Introduction

At our November meeting we agreed to hold elections using the procedure below.

Recommendation

Adopt the following procedure for conducting the election of HAC officers:

Timeline overview

1. In January, nominations for Chair and Vice Chair shall be voted on that order. (Late nominations may be made in February.)
2. In February, votes for Chair and Vice Chair shall be held in that order.

In January

Identifying eligible and willing candidates

1. The Chair shall begin with a list of the full commission.
2. In the case of nominations for Chair, the current Chair shall be removed from the list if that Chair has reached the limit of two consecutive terms. (That is the case with Chair Tregub.)

3. The Chair will ask that Commissioners who do *not* wish to be considered identify themselves. Those commissioners shall be struck from the list.
4. Members who are absent shall be struck from the list *unless* they have communicated in writing to the Commission that they wish to be considered. (But see the process for “late nominations” in February.)

The resulting list is the list of eligible and willing Commissioners.

Approving the nominations

1. Finally, the Chair will move the list of remaining nominees and ask for a second and a roll-call vote. Before the vote, each commissioner may comment on the list of nominees.

In February

Withdrawals and Late Nominations

In February, there will be a last-minute chance to alter the lists of nominees.

1. The Chair will ask if any nominated member wishes to withdraw from either list. Any Commissioner may unilaterally withdraw their name.
2. The Chair will ask if there are late nominations. A motion to make a late nomination may propose to add any eligible, willing member to the nominees for either office. Such a motion requires a second and roll-call vote.

Elections

1. The Chair will begin the election for Chair [Vice Chair] by giving each member the opportunity to comment on the election.
2. When discussion appears to be complete, any member may move to hold the election. This motion requires a second and a roll-call vote.

3. The election shall be by *non-secret* ballot which means that each member shall be given a note-card that identifies them as the voter. On this card, the member shall write their choice for the office.
4. The secretary will be asked to collect and read the votes, announcing who cast each vote received, and who that member voted for. Votes for persons not nominated shall not be counted.
5. In the event of a tie, the candidate receiving the least (non-0) amount of votes will be removed from eligibility and a new vote held with the remaining candidates, except that, in the event of a tie where all candidates receiving votes have the same number, the Chair will ask if any vote-receiving candidate wish to voluntarily withdraw.

In the event of a tie not resolved by these rules, the Commission will discuss and decide by vote how to proceed.

6. The above steps shall be repeated to elect the Vice Chair.

MEMORANDUM

To: Housing Advisory Commission
From: Xavier Johnson, Commissioner, Housing Advisory Commission
Date: December 17, 2018
Subject: **Proposed Allocations and Expenditure Recommendations for Measure O&P Funding**

BACKGROUND

As the City works as quickly as possible to address the housing crisis in the City of Berkeley, it is important to recognize that having more voices at the table is critical to ensuring that everyone has a chance to be heard and included. It was with this idea that Measure O and Measure P were crafted with intention of having “independent oversight committees.”

Measure O’s ballot language specifically provided that “All expenditures will be subject to oversight by an independent oversight committee, composed of individuals appointed by the City Council, to confirm that Bond expenditures are consistent with the intent of this Measure;”

Measure P had similar ballot language, providing that “There shall be established the Homeless Services Panel of Experts to make recommendations on how and to what extent the City should establish and/or fund programs to end or prevent homelessness in Berkeley and provide humane services and support.”

The role of the committees is to make sure that the parts of our community with the most pressing needs and challenges are prioritized. In addition, they will help to ensure that the goals laid out in Measures O and P are achieved. The sooner that these independent bodies are brought together, the sooner that there can be a comprehensive plan for how to allocate the additional resources brought in by Measure O and Measure P. In addition, with a comprehensive plan in place this will give the city the opportunity to more clearly define its objectives and goals, and to receive proposals which better achieve those goals.

Recommendation: Recommend to the Berkeley City Council that the independent oversight committee and Homeless Services Panel of Experts contemplated under Measures O & P be created as soon as possible.

Proposed Allocations and Expenditure Recommendations for Measure O/Measure P Funding



Housing Advisory Commission

To: Members of the Housing Advisory Commission
From: Chair Igor Tregub
Subject: Recommendation to Endorse AB 10, SB 18, and SCA 1

RECOMMENDATION

The Housing Advisory Commission (HAC) recommends to the Berkeley City Council the endorsements of Assembly Bill (AB) 10, Senate Bill (SB) 18, and State Constitutional Amendment (SCA) 1.

FISCAL IMPACTS OF RECOMMENDATION

None

CURRENT SITUATION AND ITS EFFECTS

The legislation described below have each been recently introduced for the 2019-2020 legislative session.

BACKGROUND

AB 10 – introduced by Assembly Members Chiu, Bonta, Maienschein, Reyes, and Wicks and with multiple coauthors – “for calendar years beginning in 2020, would increase the aggregate [low-income] housing [tax] credit dollar amount that may be allocated among low-income housing projects by an additional [\$500 Million] ... and would allocate to farmworker housing projects [\$25 Million] of that amount.¹ More information can be found at http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB10.

SB 18 (the Keep California Housed Act) – introduced by Senator Skinner and co-authored by Senators Beall and Weiner and Assembly Members Bonta and Wicks – would no later than January 1, 2021, would require the department to develop and publish on its Internet Web site, and to annually update, a guide to all state laws pertaining to landlords and the landlord-tenant relationship. The bill would also require the department to survey each city in this state to determine which cities, if any, provide resources or programs to inform landlords of their legal rights and

¹ http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB10

obligations and to post on its Internet Web site a list of those cities which, in the judgment of the department, have the most robust resources and programs ... This bill would appropriate an unspecified sum from the General Fund to the department, to be used to provide statewide competitive grants for rental assistance under the California Emergency Solutions and Housing Program, as provided. The bill would also establish the Homelessness Prevention and Legal Aid Fund and require moneys in the fund to be used, upon appropriation, to provide legal aid to tenants facing eviction or displacement in the form of competitive grants awarded by the department, as provided.”² More information about this bill is available at http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200SB18.

SCA 1 – introduced by Senators Allen and Wiener and co-authored by Senator Lara – propose that an amendment be placed on a future California State ballot that repeals Article 34 of the California State Constitution. This article presently “prohibits the development, construction, or acquisition of a low-rent housing project ... in any manner by any state public body until a majority of the qualified electors of the city, town, or county in which [such a project] is proposed approve [it] by voting in favor at an election...”³ More information about this bill is available at http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200SCA1&search_keywords=article+34.

ENVIRONMENTAL SUSTAINABILITY

Investment in affordable housing opportunities, when coupled with viable transit options, has been found to contribute to reductions in vehicle miles traveled and greenhouse gas emission reductions.

RATIONALE FOR RECOMMENDATION

The HAC supports various statewide efforts to invest in affordable housing, including at the state level.

ALTERNATIVE ACTIONS CONSIDERED

The HAC can recommend for endorsement a portion of this proposed legislation, or add additional proposed legislation to the endorsement request. While other housing bills of interest have been introduced for the 2019-2020 legislative session, their language is likely to change significantly in the coming months. Hence it is recommended that the HAC watches these bills, but takes no action at this time.

² http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200SB18

³

http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200SCA1&search_keywords=article+34

Housing Advisory Commission

January 3, 2019

To: Housing Advisory Commission
From: Commissioner Thomas Lord
Subject: **JSISHL update - against state housing interventions**

Introduction

I have submitted the attached agenda item, *Renewing democratized planning in Berkeley*, to the Joint Subcommittee for the Implementation of State Housing Law (aka JSISHL¹).

Recommendation

I will provide an update on JSISHL's lack of progress in the first year. There have been some significant problems.

The Housing Advisory Commission should also discuss, if there is interest, my recommendations to JSISHL. I would be glad to hear suggestions from HAC members.

Background

As Housing Advisory Commission members know, the state has been increasing its interventions in local land-use powers. The subcommittee was formed to advise council on how to *implement* these laws - in other words, to recommend legislative action in reaction to these state laws.

¹pronounced *j-sizzle*

In the attached memo I argue that: the state housing interventions are racially and economically unjust by design; that they will worsen, not better housing affordability; and that they are ecologically ruinous.

On this basis, I propose some local, partial remediation's. The remediations themselves may have merit for other reasons – people may like them even if they don't agree with my critique of state law.

Briefly, I propose that:

- The City adopt *strict* City-wide objective standards to protect light, air circulation, views, privacy, and other traditionally discretionary planning concerns. Such zoning changes can help to protect the quality of the built environment, but they likely can not be so strong as to render unfeasible a project that otherwise conforms to the Housing Element and other zoning code.
- That the City create and assist a process by which residents of a local area may develop, with help from the City, area-specific overlays. These area specific overlays, if adopted, can both make it *easier* for projects to be built (by softening some City-wide) while at the same time *strengthening* the protections that are most valuable to that area. For example, one overlay might fine tune the shadowing and view protection standards along San Pablo Ave while another overlay might specialize shadowing and view concerns for the steep terrains in the hills. (This system would be similar to a process in New York City known as “197-a” plans.)
- In a terrible anachronism, state housing interventions are still grounded in the logic of forcing displacement from concentrated areas of low-income households in order to prevent political organizing and urban rebellions. I propose that JSISHL should spend time seeking ways to counter the “slum-clearance” dinosaur and even consider taking legal action against it.
- For the same reason, the City should seek ways to live up to its General Plan by encouraging economic development that *directly* benefits lower income households.
- State interventions are overtly aimed at ubiquitous gentrification, which will worsen affordability and simply reproduce the problem of

displacement anew. I propose that JSISHL examine social housing as a more viable approach to community stability and development than traditional affordable housing projects and “inclusionary units”.

- Lastly, I think that JSISHL should advise the City that it is foolish to premise all planning on the assumption that economic growth will be perpetual and ought to be encouraged with great priority. For ecological reasons, *degrowth* appears to be both urgently necessary and imminent. Our resiliency planning should be an element of our land use planning and it should take degrowth scenarios very seriously.

JSISHL

December 14, 2018

To: JSISHL
From: Commissioner Thomas Lord (Housing Advisory)
Subject: **Renewing democratized planning in Berkeley**

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1 Executive Summary

State interventions in residential land use policy are highly problematic. This memo proposes ways forward:

- **State project entitlement rules, in many cases, simply moot long-standing parts of Berkeley’s zoning code that promote open space, light, privacy, diversity, aesthetic quality, democratized planning, flexibility and democracy in planning negotiations.**

While Berkeley is making an effort to “objectify” discretionary portions of the code, we should be going farther and considering procedural changes to the entitlement process in order to encourage developers to engage and negotiate with the community rather than (or prior to) reaching for state “by-right” overrides.

- **Housing Need Allocations originated as racially and economically oppressive “slum clearance” policies and retain this character.**

Berkeley should be working harder to preserve our diversity and promote community stability.

- **State policies promote housing “affordability” only in the sense that they aim for a continuous displacement of the lowest income households from the region, and a sharp restriction of housing options for lower income households that manage to live in the region.**

Berkeley should be leading the push for innovative alternatives that enhance household and community stability.

- **Above all, state and regional policies aim for economic growth first and foremost, in spite of the disastrous implications for ecological sustainability.**

Berkeley should be planning for economic degrowth, including the massive disruptions it will bring to the prevailing relations of production. Degrowth is both ecologically necessary and inevitable – and this should be particularly worrisome given the poor state of so much of our urban

infrastructure.

2 Introduction

What is this document?

In the first instance it is a member's memo to the City of Berkeley's Joint Subcommittee for the Implementation of State Housing Law (JSISHL)¹. The joint subcommittee was formed for a two year process and, in its first year, accomplished very little. This memo suggests, in its concluding sections, concrete steps it can take in the second year to improve the commission's record.

Beyond that, however, this document is meant to be a provocation: a frank and unforgiving look at state housing law, including its local realization in Berkeley and at the nine county regional level. It is my contention that state-driven housing law in California expresses racist, economically discriminatory, and environmentally disastrous policies that, as they unfold, promise to destroy the geographically defined communities and social relations that might otherwise resist this mess. The bulk of the body of the memo makes an extended argument for these points. The table of contents, above, may serve as an outline of and guide to that argument.

In the concluding part of the memo, I suggest how we might spend our second and possibly final year. The proposed agenda is responsive to the harsh critique of state housing law yet is quite practical and aimed to appeal even to audiences who do not accept the critique per se.

Readers who are skeptical are encouraged to skip the end and read the forward-looking proposal first – to see that I am not proposing a reprise of the Paris Commune or something – and *then* examine the argument from which those proposals arise.

Lastly, on the one hand I feel this memo is hopelessly short – that it is itself an outline that could be developed more convincingly into something the

¹For more information, see:

https://www.cityofberkeley.info/Clerk/Commissions/Joint_Subcommittee_for_the_Implementation_of_State_Housing_Laws_Homepage.aspx

length of a book. On the other hand, the document is much too long for a typical memo and I wish I had been able to make it shorter. As they say in the policy world: “Let not the perfect be the enemy of the good.”²

3 How a loss of discretionary review hollows out Berkeley’s code

Recent changes to state law, and growing interest in the Housing Accountability Act, have upset paradigms of land use planning and regulation which had operated in Berkeley for decades.^{3,4}

The ostensible aim of these state laws, generally speaking, is to encourage and accelerate housing production, and to reserve certain minimum quantities of new housing for lower income households.

The primary mechanism of action of these state laws, again generally speaking, is to override local land use regulatory powers through a mix of compulsory “upzoning”, mandatory project approvals, and entitlement process streamlining. One key legislative theme is state-level overrides that are predicated on whether actual production in a jurisdiction meets its RHNA quotas⁵.

²I propose we update this to say: Don’t the perfect be the enemy of the good. But neither mistake the terrible for the “good enough”.

³Throughout, references to Berkeley’s historic planning regime refer to the period beginning with the passage in 1972 of the Neighborhood Preservation Ordinance. That citizen initiative was the first, local, strong assertion of discretionary review for project entitlement in residential areas.

⁴Overviews of the laws and their specific relation to Berkeley law can be found in the “Materials” distributed for the April 17, and May 17, 2018 meetings of JSISHL. See the City of Berkeley JSISHL web page:

https://www.cityofberkeley.info/Clerk/Commissions/Joint_Subcommittee_for_the_Implementation_of_State_Housing_Laws_Homepage.aspx

⁵RHNA: The **R**egional **H**ousing **N**eeds **A**ssessment. Often pronounced as “reena”.

“The Regional Housing Need Allocation (RHNA) is the state-mandated process to identify the total number of housing units (by affordability level) that each jurisdiction must accommodate in its Housing Element.”

In the Bay Area, these quotas are developed by the Association of Bay Area Governments. See:

<https://abag.ca.gov/planning/housingneeds/>

Another theme is state-level overrides that nullify those local zoning requirements deemed “discretionary” rather than “objective”.

Berkeley’s long-standing zoning ordinance and project approval processes never anticipated these kinds of state-level overrides. Such overrides make key parts of Berkeley’s zoning ordinance moot, at best. That is because, in contrast to new state law, Berkeley’s land-use law is premised upon democratic, public participation. Flexible guidelines in the zoning code establish a discretionary project review and entitlement process.

Having a discretionary review system has meant deferring certain planning decisions to be considered only in response to particular proposals, on a site-specific, and project-specific basis. The zoning code was purposely vague on key questions so that public hearings on a specific proposed project were where the details could be worked out.

From the historical standpoint of Berkeleyans, the discretionary system encouraged developer and community cooperation, even if sometimes begrudgingly given. By bringing local knowledge and input to the entitlement process, Berkeley’s system implemented several components of the Housing, Land Use, and Community Participation elements of Berkeley’s General Plan.

In contrast, from the standpoint of proponents of the state overrides, discretionary review systems such as Berkeley’s impose too great a burden on new development. Regardless of whether the accusation is justified, and ideological differences aside, the state overrides *objectively* undermine Berkeley policies that were aimed at harmonizing new development with existing development, valuing light, views, and open space, promoting community diversity and stability, and democratizing planning.

Additionally, Berkeley’s zoning ordinance reflects its historically discretionary approach in zoning code that requires low density in many residential areas. That requirement does not absolutely preclude denser development in those areas, but it does require public hearings and City Council to grant zoning reclassifications for significantly denser development.⁶ Recent and foreseeable state legislation chips away at this strategy by unilaterally overriding certain local height restrictions, residential density restrictions, and other planning

⁶In Berkeley, zoning reclassification petitions are extremely rare and I found no examples, in the past 18 years, of any submissions with the aim of higher density development within a residential zone.

elements related to residential density.

In short: where state law eliminates discretionary review and/or overrides Berkeley's zoning map, Berkeley's zoning code is not merely reduced to some supposed "objective" core that expresses the essence of community will. Community will was expressed in a *purposefully discretionary* system that was open ended. Planning was never "finished" but was instead an ongoing process in which residents could actively and meaningfully participate as project proposals posed new questions. The recent state laws do not simplify or streamline that, they negate it altogether.

4 Restoring fully discretionary review is not an option

One question might be: Can Berkeley reclaim the discretionary powers it once had? Another question: *Should* Berkeley seek to reclaim those former powers?

Berkeley lacks the legal power to unilaterally override state law, of course. If democratized planning is to be restored, it won't be by a return to the status quo ante.

Even if it were possible to restore fully discretionary review, it would probably not be desirable. Discretionary review is reactive: it "kicks in" only after a project has been formally proposed. Discretionary review is also labor intensive because of the overhead of holding public hearings and hearing appeals.

These shortcomings of discretionary review may not be much of a problem when project proposals are few and far between, but when there is a massive wave of new investment in development and area real estate, the reactive, labor-intensive discretionary review process struggles (at best) to keep up.

As we have seen, in a confrontation between anachronistic review procedures and an onrush of capital, capital will tend to find ways to undermine review.

This memo takes the position that democratic planning should be re-established in Berkeley, but that we must find *new* approaches to planning.

5 Are state overrides harmful or beneficial?

Another question worth asking: Is concern about local, democratized planning in Berkeley merely nostalgic, perhaps even reactionary? The state-driven, abrupt, and large change in land use regulation may be jarring and unfamiliar, but is it undesirable?

This memo argues that Berkeley *must* attempt to re-democratize local land use planning. In this section, I present three supporting arguments at some length:

- a. State level overrides paint with so broad a brush as to divorce planning from place and peoples.
- b. State level planning aims at (and is producing) socially and environmentally disastrous outcomes.
- c. Restoring local, democratic planning requires new planning processes rooted in the concept of ongoing, dynamic adaptation to external economic and legal developments.

5.1 State overrides divorce planning from place and peoples

There is a noteworthy contrast between locally produced planning documents and laws, and those produced at the regional or state level: these two centers of planning use extraordinarily different vocabularies and grammars.

For its part, local planning tends to be extremely site specific and historically reflective. Local plans discuss a variety of units of geography including the whole city, specific economic districts (downtown, Telegraph, Solano), specific geographic features (e.g. the Berkeley hills), even neighborhood or block-level areas. Documents such as general plans and arguments submitted during discretionary review frequently situate themselves in a socially local, historic context. They are apt to speak of cohesive, community-forming sub-populations in their geographic, economic, and temporal specificity, and in their historic trajectories. At this level, for example, one can encounter contemplation of the relation between town and gown; recognition of historic

injustices such as redlining as they are reflected in current reality; contemplation of community needs such as a close at hand hospital, and housing affordable to teachers.

By way of contrast, regional and state planning is necessarily more abstract. A greater geography and population is to be legislated by a smaller group of direct participants. Only the crudest geographic and institutional features can be mentioned at this level of abstraction (for example, the proximity to a shoreline or a transit stop). Discussion and law, at the state level, tend more to speak in a broad language of simplistic demographics - racial taxonomies, breakdowns by household income, and so forth (consider for example the RHNA quota, or recent proposals for SB827 2.0 from the CASA Technical Committee).

There have been decades of the (meta-)study of planning per se – planning understood as a historically contingent social activity within political economy. From this standpoint, planning appears as a form of power/knowledge meaning this: Planning brings forward and imposes systems of interrogation, measurement, and techniques of intervention on land use. For example, state level planning tends to see the “truth” of a geographic area in terms of its census-based demographic and economic characteristics. Its interventions (e.g. mandatory upzoning) are predicated on the results of those abstract, generic ways of viewing the place. (The truths of local planning, by contrast, include more detailed knowledge of local social history and current reality.)

I place the word “truth” in scare quotes here not to question the accuracy of these various measurements, but to highlight that they are arbitrary (countless different kinds of measurement are also possible). While arbitrary, a choice of measurements nevertheless shapes how state level planning power will reproduce itself over time.⁷ A different choice of planning measurements will produce different results.

In other words, planning is not merely observant of a pre-existing, external truth that is out there waiting to be taken up by planning – planning is also productive of the very social truths it seeks to regulate.

⁷There is a large literature that takes a critical, contingent, power-focused view of planning. One short read that may be a good place to start is: “Power and Contingency in Planning” by Kristof Van Assche, Martijn Duinveld, and Raoul Beunen. *Environment and Planning A*, 46(10):2385-2400.

To give a concrete example: in predicting the results of planning in some future Berkeley, will it matter more that Berkeley is the home of Cal, and that Berkeley not long ago had a thriving Black business district? Or will it matter more that a majority of residentially zoned parcels are within a half mile of a bus stop that is served every 20 minutes during peak commute hours?

Because state-level planning's demographically-based perceptions are so "broad brush", it follows that to the extent that state-level planning successfully becomes the dominant, ongoing form of planning, it will also undermine geographic place as a site of unique and quasi-stable community, with specific social history and function. Imagine a world in which, if asked to describe how Los Angeles, Stockton, Oakland, and Sacramento differed – one spoke almost exclusively of population sizes, racial compositions, and household incomes relative to regional, state, and national averages. It would be absurd to form detailed development plans for these places based only on those characteristics. Nevertheless, it is only a slight exaggeration to say that this is the world as viewed by regional and state planners. It is foreseeable that such exercise of power will tend to produce the reality it perceives - tending to erase history and to erase social distinctions not counted in those demographic tallies.

While Berkeley can not hope to drive back change and restore its tradition of discretionary review, neither can it accept the erasure of its history and people under the broad brush of state policy. Local democratic planning must *somehow* reassert itself under these state laws.

5.2 State level planning's social and environmental disasters

If in theory, state-level planning causes social harm by erasing place and peoples, what does this harm look like in practice? This is an expansive topic but to narrow focus I'll concentrate on three claims that are commonly made for state land-use overrides:

1. Do state housing overrides promote racial and economic justice?
2. Do state housing overrides promote housing affordability?

3. Do state housing overrides - and densification plans generally - promote sustainability?

I will argue that in all three cases the answer is not only that no, state policies don't advance those aims – but in fact the state's urban land-use policies work against those aims.

5.2.1 Racial and economic justice vs. state interventions

A cornerstone of state land-use policy is the *Regional Housing Needs Assessment (RHNA)*. On the surface, the RHNA concept is simple:

- Regional councils of government (such as ABAG⁸), in cooperation with the state division of Housing and Community Development (HCD) forecast future population growth and economic growth in the region. They estimate future distributions of income among households, relative to future regional medians. On this basis, the state and councils of government agree upon a need for so many market rate housing units, so many moderate income, so many low, and so many very low income housing needs.⁹
- The councils of government, in cooperation with regional localities, develops a locality-by-locality assignment of those housing needs. For example, each City is told how many new units it needs for lower income households, how many market rate units, and so forth. This is called *Fair Share* allocation.
- Each locality is obligated by state law to update its General Plan Housing Element and zoning, as needed, to accommodate such growth.
- Some state land-use overrides - particularly SB-35 and the Housing Accountability Act - penalize cities where the assigned quota is not met.

At first glance, what could be more equitable? And yet the truth is quite to the contrary.

⁸The *Association of Bay Area Governments*.

⁹To say that HCD and ABAG *forecast* future population growth and future household income distributions is perhaps misleading. As we shall see, the the policies are designed to *produce* a certain outcome.

5.2.1.1 Policy meets urban troubles and concentrations of poverty

The first common misconception is that RHNA assignments are intended to provide greater housing security for incumbent communities. In fact, the Fair Share concept arose in reaction to urban rebellions¹⁰ in the 1960s. The Fair Share concept was to encourage displacement from geographic concentrations of urban poverty – mainly Black areas – and to prevent those displaced persons from reforming geographically compact communities elsewhere. Its origins can be traced to the 1968 *Report of the National Commission on Urban Problems*¹¹ who wrote (for example):

“The crisis [of urban rebellions] is rooted in conditions that will not disappear but threaten to grow and spread rapidly unless major shifts occur in recent demographic trends (especially that which has concentrated so many disadvantaged people within the central cities and other poverty pockets of metropolitan areas), or unless significant changes are made in traditional patterns of governmental structure, responsibilities, and financing.”

No significant changes to “traditional patterns of governmental structure, responsibilities, and financing” were forthcoming. Instead, federal and state policy embarked on policies of displacement and scattering - the path of “major shifts in recent demographic trends”.

5.2.1.2 RHNA: the modern manifestation of “slum clearance”

¹⁰At the time and in many sources, to this day, they were called “riots” but “rebellions” is a more accurate description because it conveys the non-random, purposeful, organized reaction against an oppressive society. By the mid-1960s, these events were explicitly anti-capitalistic and revolutionary in aim. The establishment was to some degree aware of this, hence the 1968 HUD act, the Kerner Commission, and the Commission on Urban Problems.

¹¹*Building the American city: Report of the National Commission on Urban Problems to the Congress and to the President of the United States*, available at:

https://archive.org/details/buildingamerican00unit_0

The Urban Problems commission was convened to advise on federal housing and land-use policy options in light of the urban rebellions and the Kerner Commission report which recommended breaking up the “ghettos” and scattering their inhabitants. They were to elaborate the goals of the 1968 Housing and Urban Development Act, the law which is still foundational to today’s HUD and to local low-income housing policies nationwide.

Roughly 50 years later, in connection to RHNA planning, ABAG is clear about this. They explain part of the methodology for assigning quotas to cities this way:

“The income allocation method gives jurisdictions that have a relatively higher proportion of households in a certain income category a smaller allocation of housing units in that same category. For example, jurisdictions that already supply a large amount of affordable housing receive lower affordable housing allocations. This promotes the state objective for reducing concentrations of poverty and increasing the mix of housing types among cities and counties equitably.”¹²

Aside from its intention to not give needed support to poor communities where they live, the ABAG RHNA methodology makes no mention of incumbent communities. This is simply “slum clearance” warmed over.

Even once scattered within the regional planning geography, poor people – isolated from one another – still will not enjoy housing security in conditions of ongoing economic growth and wage-gap expansion. This is because the state’s notions of “Fair Share” are defined in terms of *ratios* between household incomes and the regional median. The RHNA system (by design) encourages poorer areas to disproportionately add higher income households, raising the area median income. Further, it prices housing for “lower income” households *relative to that shifting median*. Since lower income households generally do not increase their income as fast as the area median income increases in gentrifying regions, the Fair Share system is a system of *perpetual* displacement for all but the very rich.¹³

5.2.1.3 Racialized outcomes

Aside from the directly *economic* discrimination of encouraging the displacement of poor households, there is evidence the ABAG process is specifically racially discriminatory. In particular, the allocation methodologies have had

¹²Explanation of methodology retrieved from the ABAG web site, December 6, 2018.
<https://abag.ca.gov/planning/housingneeds/methodology.html>

¹³I wrote a slightly longer version of this argument in “Why ABAG housing quotas lead to displacement”, Thomas Lord; 48hills, May 19, 2017:
<https://48hills.org/2017/05/why-housing-quotas-lead-to-displacement/>

the effect of *minimizing* the low income housing requirements of wealthier, predominately white communities according to research done at Berkeley's own Haas Institute.¹⁴

Constructs such as Priority Development Areas and the policies of Transit Oriented Design further worsen the racial disparities of these policies because of (for example) the historic placement of BART in particular in historically poor, Black areas. In another example, mandatory "transit-oriented" upzoning will impact most of East Palo Alto where, quelle surprise, ownership of the majority of rental housing was consolidated under a single owner in 2007, using (and losing) \$100 million dollar investment from a public pension fund. In that case, the investment-losing purchaser openly promised gentrification as their long term strategy¹⁵, a business model which state overrides will streamline and accelerate. (The portfolio remains intact through a foreclosure and multiple sales and is now held by Sand Hill Properties, the firm known for its invocation of SB-35 in a play to redevelop Valco Mall in Cupertino.¹⁶)

By way of outcomes, the massive displacement of low income, particularly non-white people under this regime is well documented. Further documentation of it would be beyond the scope of this memo.

Since it is the official policy of the City of Berkeley to place a high value on economic and racial diversity, and on community strength and resilience, it is the standpoint of this memo that state land-use overrides must be countered in defense of the people.¹⁷

¹⁴*Unfair shares: Racial disparities and the Regional Housing Needs Allocation process in the Bay Area*, Heather Bromfield, Eli Moore; retrieved December 6, 2018 from http://haasinstitute.berkeley.edu/sites/default/files/haasinstitute_unfairshares_rhnabayarea_publish.pdf

¹⁵*Page Mill investors sue firm over millions*, Gennady Scheyner; Palo Alto Online, April 1 2010

<https://www.paloaltoonline.com/news/2010/04/01/page-mill-investors-sue-firm-over-millions>

¹⁶*Exclusive: Sand Hill buys Mountain View property for \$52.5M"; Silicon Valley Business Journal, November 27, 2017.

<https://www.bizjournals.com/sanjose/news/2017/11/27/sand-hill-properties-mountain-view-purchase.html>

¹⁷The Black Panther Party housing demand in its 10 point program may be worth quoting at this juncture:

"4. We Want Decent Housing Fit for The Shelter of Human Beings

5.2.2 Housing affordability vs. state interventions

In spite of traditional rules of thumb (“25% or 30% of income”), housing affordability is a slippery concept. Consider, for example, two competing claims:

- poverty causes housing insecurity
- high housing prices cause poverty

References to both of those ideas are common in planning and housing policy discussions and yet *at most* one of them can be true.

Clearly, the truth must be that housing insecurity and poverty go hand-in-hand because they are co-determined by *something*, but *what*?

State housing interventions, aimed substantially at stimulating new production are often marketed with the story that they will produce greater urban density and *therefore* greater “affordability”. Given the slipperiness of this term, it is worth asking “affordability for whom, exactly?”

A possible answer arises from empirical evidence which consistently suggests that “housing is more expensive in a compact [dense] city” (Elizabeth Burton¹⁸). Yet at the same time, “when intervening variables are taken into account, compactness is not the most important determinant of affordability. The proportion of more-affluent residents is far more significant”.¹⁹

Given these empirical facts about *density*, what can we infer about the process of *densification*? In particular, do policies that result in transformation to greater density help or harm lower-income households (whether incumbent or who aspire to in-migrate)?

“We believe that if the White Landlords will not give decent housing to our Black community, then the housing and the land should be made into cooperatives so that our community, with government aid, can build and make decent housing for its people.”

All power to the people.

¹⁸*The compact city, just or just compact?: A preliminary analysis*, Elizabeth Burton; Urban Studies Vol 37, No 11, 1969-2001; 2000; page 1986

(Burton’s widely cited findings are hardly unique.)

¹⁹*ibid.*

In the Bay Area, new construction is principally for upper income households. The fundamental costs of new construction in the Bay Area area (even *excluding* city-specific fees) are, famously, so high that market mechanisms produce new housing almost exclusively for upper-income households. If such high-priced production occurs at a rate fast enough to achieve the state goal of densification, then high income employment is on the rise – and an income gap is widening.

Thus, *densification* in the Bay Area adds to the housing for high income households while, simultaneously, housing for lower income households contracts. It pushes the region towards the greater affluence that is at least associated with worse affordability for low-income households. The proximate causal mechanism - a growing regional wage gap - intensifies a housing crisis through simple market mechanisms. New construction does not and can not resolve the affordability crisis that accompanies a growing wage gap. On the contrary, new construction expands the problem.

As Michael Covarrubias, CEO of TMG Partners and co-chair of both the CASA²⁰ steering and technical committees put it ²¹:

“Let me actually frame the developer plight, which no-one really cares about but, what it is is that the pension funds - CalPERS, CalSTRS - all the pension funds are our partners. They invest in projects with [Bay Area] every developer you know and they won’t accept a return of 3% or 4% So, when we’re solving for math, we’re trying to get them the return they need to pay the pension requirement. Think about it in those contexts. Everybody in the room [of the CASA meeting] who has a pension in the system, that we’re arguing we have to be able to satisfy that beast. So, it is within that context. It’s not the developer who manages to hit it out of the park and make a big fortune. It’s really the threshold. So when we talk about being able to control rent increases and make enough rent increase anyways, it’s always for our partners and [any other developer] around the room can say the same thing, so just keep that in mind. I think the amount

²⁰The CASA web pages:

<https://mtc.ca.gov/our-work/plans-projects/casa-committee-house-bay-area>

²¹*CASA Technical Committee meeting*; November 14, 2018.

<https://www.youtube.com/watch?v=VWX-2lWEH6A>

of affordable is an issue we need to try to grapple with.”

Covarrubias makes a fine point. Producers of housing for market, whether produced through new construction or through the attrition of residents of existing housing, are generally constrained to seek a competitive rate of return on their capital. In a geographically constrained, built-out region, where population and a substantial wage gap are rapidly expanding, simple market mechanisms sharply restrict the available housing for all but higher income households. So-called geographic “skill-sorting” in urban areas - the continual expulsion of lower income households and addition of higher income households - is simply a built-in feature of a system that treats residential land and housing as capital. As Engels put it:²²

“In reality the bourgeoisie has only one method of solving the housing question after its fashion-that is to say, of solving it in such a way that the solution continually reproduces the question anew. This method is called ‘Hausmann.’”

“By the term ‘Hausmann’ I do not mean merely the specifically Bonapartist manner of the Parisian Hausmann – breaking long, straight and broad streets through the closely-built workers’ quarters and erecting big luxurious buildings on both sides of them, the intention thereby, apart from the strategic aim of making barricade fighting more difficult, being also to develop a specifically Bonapartist building trades’ proletariat dependent on the government and to turn the city into a pure luxury city. By ‘Hausmann’ I mean the practice which has now become general of making breaches in the working class quarters of our big towns, and particularly in those which are centrally situated, quite apart from whether this is done from considerations of public health and for beautifying the town, or owing to the demand for big centrally situated business premises, or owing to traffic requirements, such as the laying down of railways, streets, etc. No matter how different the reasons may be, the result is everywhere the same: the scandalous alleys and lanes disappear to the accompaniment of lavish self-praise from the bourgeoisie on account of this tremen-

²²*The Housing Question* (in Part II, *How the bourgeoisie solve the housing problem*, section III); Frederick Engels, 1872
<https://www.marxists.org/archive/marx/works/1872/housing-question/>

dous success, but they appear again immediately somewhere else and often in the immediate neighborhood.”

For the City of Berkeley – with our goals of economic and racial diversity, community strength and resilience – it follows that (contra state housing interventions) we should seek policies that promote both economic development favorable to diverse communities, and the decommodification of housing as a primary anti-displacement policy.

5.2.3 Environmental disaster

Perhaps, one might argue, the displacement treadmill of further densification is, in spite of the social disruption, nevertheless an ecological good – a path to sustainability in the context of climate change and unmitigated greenhouse gas emissions. Perhaps the potential material and energy savings achievable with denser urban forms are a suitable primary justification for California’s state housing interventions.

Is it true though? Are the state housing and land use policies that aim for more intense urbanization an ecological good? I propose on the basis of the best evidence I can find that the opposite is true. Even the high minded ideals of “transit oriented design” and “green building” are false promises. Urban growth of this kind is worsening our ecological footprint.

To understand why this is the case, it is necessary to look beyond the state legislature’s proposed built environment of the future, and to look at the premises on which such a build-out will allegedly take place. In particular, in banal, conventionally liberal fashion, state law centers and aims for - above all else - economic growth. The Bay Area, in this narrative, must densify for such purposes as expanding access to “good jobs”.

This orientation towards economic growth is not merely rhetorical, either. One can examine, for example, one crucible of regional and state policy formation - the Bay Area CASA committee, dominated by Silicon Valley tech capitalists, major regional developers, trade unions, and a business coalition focused on regional “competitiveness”. As we saw from the earlier cited quotation from co-chair Covarrubias, one of the central concerns in these policy formation discussions is insuring a suitably high return to capital. Satisfaction of community housing *needs* is subordinated to *economic growth*.

I do not point out this “growth oriented” aspect of state housing interventions to assert an *ideological* claim against capitalism. The more immediate problem is much more material and scientific: economic growth is unsustainable. Moreover, the most urgent planning task for the region is bracing for the social disruption that will accompany degrowth.

A brief list of some of the relevant literature. I selected these because they provide good introductions:

- **Economic Growth and Carbon Emissions: The Road to ‘Hot-house Earth’ is Paved with Good Intentions**, Enno Schröder, Servaas Storm; Institute for New Economic Thinking, Working Paper No. 84; November 2018

<https://www.ineteconomics.org/research/research-papers/economic-growth-and-carbon-emissions>

Schröder and Storm, in time for the COP24 climate summit, make an argument grounded in economics that GDP growth (both as measured and as modeled) is incompatible with sustainability.

- **Unhinged GDP Growth Could Actually Destroy the Economy, Economists Find**, Kate Aronoff; The Intercept, December 5, 2018.

<https://theintercept.com/2018/12/05/climate-change-economics/>

This article reports on Schröder and Storm for a general audience.

- **Is Decoupling GDP Growth from Environmental Impact Possible?**, James D. Ward, Paul C. Sutton, Adrian D. Werner, Robert Costanza, Steve H. Mohr, and Craig T. Simmons; Daniel E. Naya, Editor; PLoS ONE 11(10), October 14, 2016

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5065220/>

Ward et al. offer a compelling physical model of economic growth as it relates to GDP, show that it is in good accord with empirical data, and point out that under that model, GDP growth and sustainability are incompatible.

- **Capitalism and Degrowth, an Impossibility Theorem**, John Bellamy Foster; Monthly Review, January 1, 2011

<https://monthlyreview.org/2011/01/01/capitalism-and-degrowth-an-impossibility-theorem/>

From the perspective of critical theory, Bellamy Foster shows that popular suggestions for “degrowth capitalism” are based on deep misunderstandings of what capital itself is.

While the implications for Berkeley of necessary economic degrowth are well beyond the scope of this paper, perhaps we can draw a few conclusions specific to state interventions in land-use planning:

- Perhaps state housing law can be correctly challenged (in law and/or public opinion) on both its general premise of *economic* growth, and its specific implications for sustainable infrastructure here in Berkeley;
- Medium and long-term metropolitan planning for expanded work commutes, no matter the modality of transportation, take us in exactly the wrong economic direction.
- Slow-growth preferences of the past may have been a wiser course.
- “Green” building standards, to the extent that they are economically stimulative, need to be re-evaluated in light of the difficulty or impossibility of decoupling GDP growth from increasing ecological footprint.

6 What is to be done? What can JSISHL do? Some suggestions.

The preceding analysis gives us a kind of outline of ways in which the state housing interventions are socially malign and ecologically unsustainable.

My first suggestion is that JSISHL regard that outline as the list of problems to take under consideration, and to bring to the attention of the larger public so that they may participate in grappling with these problems. Here is the outline:

- (3) Loss of discretionary review hollows out Berkeley’s code
- (4) Restoring fully discretionary review is not an option
- (5) State overrides are more harmful than beneficial
 - (5.1) State overrides divorce planning from place and peoples

- (5.2) State level planning is an social and environmental disaster
 - * (5.2.1) Racial and economic injustice
 - (5.2.1.1) So-called “urban troubles” and concentrations of poverty
 - (5.2.1.2) RHNA: the modern manifestation of “slum clearance”
 - (5.2.1.3) Racialized outcomes
 - (5.2.2) State interventions worsen housing affordability
 - (5.2.3) Environmental disaster

And here are my personal suggestions:

- **(3) Loss of discretionary review hollows out Berkeley’s code**
- **(and 4) Restoring fully discretionary review is not an option**

JSISHL should consider recommendations that proceed on two tracks: First, aiming for very strict objective standards regarding formerly discretionary areas of public interest. Second, offering an opt-in pre-application phase that includes public input and mediated discussions. Such a pre-application phase, unlike current practices, should allow an option in which - as a reward for reaching consensus with neighbors and other participating residents - projects can get a locally granted approval streamlining.

- **(5) State overrides are more harmful than beneficial**
 - **(5.1) State overrides divorce planning from place and peoples**

JSISHL should consider this proposition (and possibly make recommendations: A City-wide “objectification” project - replacing discretionary zoning elements with fixed rules on a city-wide basis - is inadequate. The opportunity should exist for residents, organized by more compact geographic areas, to weigh in - perhaps to propose very local overrides. As one example, one overlay might particularly address privacy and view concerns that arise in the steep terrain of the Hills. Another overlay might speak to concerns

of shadowing and view from the San Pablo Park area flat-lands. Each overlay could be initiated by and principally informed by people who have the experience of living in these respective areas.

A possible mechanism might combine:

- * proactive outreach from the city to encourage residents to convene and make overlay recommendations*
- * relatively strict city-wide objective rules*
- * a rule that if residents of an area opt to design an overlay, there will be a limited time (6 month) moratorium on new entitlements – but the moratorium will not apply to projects that make a valid by-right claim under state law*

– **(5.2) State level planning is an social and environmental disaster**

- * (5.2.1) Racial and economic injustice**
- * (and 5.2.1.1) So-called “urban troubles” and concentrations of poverty**
- * (and 5.2.1.2) RHNA: the modern manifestation of “slum clearance”**
- * (and 5.2.1.3) Racialized outcomes**

JSISHL should seek to identify ways in which “concentrations of poverty” may be made less poor without using policies designed to displace and scatter lower income communities.

JSISHL should consider a recommendation that the City of Berkeley take legal action against unjust “slum-clearance” policies.

– **(5.2.2) State interventions worsen housing affordability**

JSISHL should consider a recommendation that the City of Berkeley make a more intensive effort to institute a system of “social housing” – meaning publicly owned, cooperatively managed, cross subsidizing housing for all income levels. Grassroots and organizational interest in such a system is growing in the region. Social

housing has a variety of advantages over traditional affordable housing development and “inclusionary units” including the capacities to generate a net positive income for the City even while detaching rent prices and allowable increases to rent from median AMI.

– **(5.2.3) Environmental disaster**

JSISHL undoubtedly lacks the resources to fully evaluate emerging evidence that ecological degrowth is both necessary and imminent. The subcommittee should consider recommending that City investigate the issue further. JSISHL should discuss and possibly make recommendations about making our planning practices less focused on optimistic growth projections, and more seriously concerned with the real possibility of degrowth and significant social disruption.

Housing Advisory Commission

January 3, 2019

To: Housing Advisory Commission
From: Commissioner Thomas Lord
Subject: **DRAFT council referral on housing innovations**

Recommendation

The Housing Advisory Commission asks that City Council authorize the Commission to:

- Communicate directly, in writing, with various affordable housing organizations for the limited purposes and with the disclaimer described below.
- To receive, and place on the record, written replies and replies spoken to the Commission in session.
- To ask the City Manager and City Attorney to craft the disclaimer we describe below and provide a proper version to the Commission.
- To have the *option* to schedule (in cooperation with the Commission Secretary) up to one (1) additional meeting of the Housing Advisory Commission prior to June 2020, a Special Meeting to which these organizations may be invited to discuss the issues described below.
- and with none of these authorizations extending beyond June 2020 without further review by City Council.

Background

Small sites

The City of Berkeley has created a pilot “small sites acquisition” program, aimed at helping non-profit organizations and the City itself to acquire, re-

habilitate, preserve, or create affordable housing. Berkeley's program places an emphasis on land-trust and cooperatively managed housing.

City staff have researched similar programs in other jurisdictions and have informed the Housing Advisory Commission of some of the practical limitations encountered by similar programs in San Francisco and Washington D.C.

The Housing Advisory Commission is interested in exploring innovative ways to reduce or avoid those limitations.

Tenants Right to Purchase

At Council's direction, the City is working towards implementing a Tenants Right to Purchase Ordinance which would give tenants a first option to purchase an apartment building they occupy. Such an option might also be transferable to the City itself. Here again, practical limitations have been encountered in other cities. Here again, the Housing Advisory Commission is interested in innovative ways to reduce or avoid those limitations.

The three P's

The Metropolitan Transportation Commission and Association of Bay Area Governments have generated considerable interest and policy momentum around the concepts they call the "three Ps":

- Protecting tenants
- Preserving affordable housing
- Producing housing, including affordable housing

The Housing Advisory Commission sees these broadly defined goals as wholly compatible with Small Sites and Tenants Right to Purchase policies. We believe there may be an opportunity to advance housing affordability and housing justice consistently with these emerging regional planning concepts.

Example areas for the Commission to explore with outside organizations

- One problem encountered in Small Sites and Tenants Right to Purchase programs is the need to act quickly: to lock in a purchase faster than an outside agency or the tenants of a building may be prepared to act.
 - *The Commission has explored and would like to further explore the possibility of direct purchases by the City or a City franchise, when fast-tracking a purchase is necessary.*
 - *This raises a critical question of property management. In the case of a quick City purchase, who will initially manage the property?*
- Another area of concern is that land-trust and coop models may be difficult to finance. Acquisitions of this sort often do not qualify for the same kinds of financing assistance available to conventional non-profit developers.
 - *How can City of Berkeley housing policies help gain access to alternative forms of financing, beyond City provided loans and grants?*
- The land-trust and coop model can suffer limitations of scale. When each property is its own legal entity, opportunities for cross-subsidy and achieving economies of scale are lost.
 - *Is it sensible to try to consolidate ownership of small sites and sites purchased via a tenants option?*
 - *How can a larger portfolio of such housing be cooperatively managed?*
 - *Are there alternatives to customary AMI-tied deed restrictions for preserving affordability while being able to dynamically adjust to needs and operate on self-financing basis?*

The Purposes of communications with other agencies

In short, we would like to invite various stakeholders to contribute to the Commission's understanding and brainstorming around questions like those

above.

In part we hope to learn from these organizations. Perhaps we might even help them to organize and cooperate to advance an innovative program here in Berkeley.

A tentative list of agencies

We ask the right to add to this list but we have identified stakeholders with relevant interests:

- BACLT
- BUSD
- BUSD teacher's union
- East Bay Permanent Real Estate Cooperative
- NCLT
- POCSHN (People of Color Sustainable Housing Network)
- RCD
- SAHA
- Sustainable Economies Law Center (SELC)
- UC Berkeley Coop
- UC Berkeley Grad Student Union

Disclaimer

The Commission suspects but does not know for certain that any communication we make directly should clearly state that:

- We speak only for the Commission
- We are not announcing any City Program or soliciting bids or proposals
- We are only seeking voluntarily given advice and consultation

We believe the City Attorney is the appropriate official to provide us with suitable language for this disclaimer

Housing Advisory Commission Workplan Timeline

	7/18	8/18	9/18	10/18	11/18	12/18	1/19	2/19	3/19	4/19	5/19	6/19
A01. Providing digital file storage for the homeless ⁵												
A02. Linking employment growth to housing development ⁵												
A03. Supportive mental health services ⁵												
B01. Expansion of Berkeley Student Coop ⁹												
B02. Group equity and zero equity coops ⁹												
B03. Coordination with UCB for student housing ⁹												
B04. Support more density, less parking in student areas ⁹												
B05. Pressure UCB to engage w/ students ⁹												
C01. Code enforcement review ²			*								*	
D01. Delayed moderate-income subcommittee report ²	*											
E01. Democratized housing innovations summit ²	*			*	*							
F01. JSISHL updates and engagement ^{2,6,8}	*		*	*			*					
G01. Smokefree housing ordinance ^{2,5,9}	*											
H01. U1 reporting ²	*				*					*		
I01. Work plan updates ²	*		*	*	*		*	*	*	*	*	*
J01. Affordable housing continuity following disaster ³												
J02. Non-traditional low-/moderate-income strategies ³												
J03. Revising the demolition and relocation ordinances ³												
J04. Small sites program ³												
K01. Continuity of effort (prior work-plan followups) ^{4,6}												
L01. Ensure affordable housing growth in all districts ⁸												
M01. Affordable housing at North Berkeley BART ⁸												
N01. Homeshare and ADU pilot program implementation ⁶												
O01. TOPA ³												
P01. Housing action plan ^{3,7}												
Q01. UC Long range development plan ⁹												
Elections					*		*	*				

(green) indicates a completed work plan item

* indicates a deadline or anticipated HAC agenda item

¹ Ms. Rashmi Kesarwani (D1)
² Mr. Thomas Lord (D2)
³ Mr. Igor Tregub (D3)
⁴ Mr. Luis Amezcua (D4)
⁵ Mr. Xavier Johnson (D5)

⁶ Ms. Marian Wolfe (D6)
⁷ Mr. Amir Wright (D7)
⁸ Mr. Darrell Ben-Lee Owens (D8)
⁹ Mr. Matthew Lewis (M)



Health Housing and
Community Services Department
Housing & Community Services Division

MEMORANDUM

To: Housing Advisory Commission
From: Mike Uberti, Community Development Project Coordinator
Date: December 20, 2018
Subject: **2019 Housing Advisory Commission Adopted Schedule**

All meetings below are scheduled at the South Berkeley Senior Center (2939 Ellis St).

Month	Meeting Day and Date	Time
January 2019	Thursday, 01/03/19	7:00 pm
February 2019	Thursday, 02/07/19	7:00 pm
March 2019	Thursday, 03/07/19	7:00 pm
April 2019	Thursday, 04/04/19	7:00 pm
May 2019	Thursday, 05/02/19	7:00 pm
June 2019	Thursday, 06/06/19	7:00 pm
July 2019	Thursday, 07/11/19	7:00 pm
August 2019	No Meeting	
September 2019	Thursday, 09/05/19	7:00 pm
October 2019	Thursday, 10/03/19	7:00 pm
November 2019	Thursday, 11/07/19	7:00 pm
December 2019	No Meeting	



Department of Health, Housing
& Community Services
Housing & Community Services

MEMORANDUM

To: Housing Advisory Commission

From: Amy Davidson, Senior Community Development Project Coordinator

Date: December 20, 2018

Subject: **Annual Stipend Declaration**

In order to remove economic hardship barriers from public participation, the City Council authorizes payment in lieu of certain expenses to commissioners of all Council-appointed commissions who meet certain household income criteria. Subcommittees of commissions designated by the advisory body and not by Council appointment are not eligible for reimbursement expenses.

Commissioners must file with the secretary an Annual Declaration form (Appendix G in the Commissioner's Manual) annually prior to May 31 in order to establish or maintain eligibility. The form is attached for your reference.

Eligibility criteria for stipend and reimbursement:

- Persons eligible to receive reimbursement in lieu of expenses are those commission members whose annual family income reported individually or as filed jointly for federal income tax purposes is below \$20,000 per year.
- File the Annual Declaration form with secretary prior to May 31 of each year.

An eligible commissioner is authorized to receive:

- \$40 for each official meeting attended, not to exceed four meetings each month.
- Reimbursement for actual childcare expenses incurred while he or she attends meetings.
- Reimbursement for actual expenses paid to an attendant to provide care for a dependent elderly person while the commissioner attends meetings.
- Reimbursement for actual expenses incurred for disabled support services necessary to participate fully in commission meetings.

More information on stipends can be found in the Commissioner's Manual. Please contact staff at HAC@cityofberkeley.info or (510) 981-5114 if you have questions or would like to apply for a stipend.

A Vibrant and Healthy Berkeley for All

**ANNUAL DECLARATION FORM RESPECTING ELIGIBILITY FOR
REIMBURSEMENT OF EXPENSES AS A MEMBER OF THE**

(Board/Commission/Committee)

Inasmuch as it is in the public interest to remove barriers, particularly those creating economic hardships for citizens participating on boards, commissions and committees, the City Council has determined that it is in the public interest to alleviate this hardship by authorizing payments in lieu of expenses for certain meetings and under certain conditions as indicated in Stipend Resolution No. 64,831-N.S.

I, _____ certify to the following:

- 1) That my annual family income reported individually, or as part of a joint Federal Income Tax Return, was less than \$20,000 for the Year _____;
- 2) I will file this declaration form every year no later than May 31st with the Secretary who will forward copies to the Finance Department; and
- 3) I will notify the Secretary as soon as I am aware that my family's current year income exceeds \$20,000 and request that my eligibility be canceled:

Signature Date

Signature of Parent or Legal Guardian if Member is a Minor Date

Signature of Secretary Date

* * *

SUPPORT SERVICES STATEMENT

I, _____, certify I am disabled and require the following support services in order to participate fully in commission meetings:

Signature Date

Uberti, Michael

From: Babka, Rhianna
Sent: Monday, November 19, 2018 10:40 AM
To: Babka, Rhianna
Subject: FY20-FY23 City of Berkeley Request for Proposals (RFP) - Released

City of Berkeley Request for Proposals (RFP)

Today, the City of Berkeley released its Request for Proposals (RFP) for Community Agency funding. This RFP covers four-year funding (July 1, 2019 through June 30, 2023) for programs and services that support low-income people in Berkeley.

For more information go to the City's website at: <https://www.cityofberkeley.info/CommunityAgencyRFPfy2020.aspx>

The Community Agency awards will provide funding to agencies that foster the City's priorities to work with low-income people in areas such as housing and social services. The City of Berkeley has combined a variety of funding sources into a coordinated allocation process and is soliciting proposals for funding under the program and service areas listed below:

- Berkeley's 2020 Vision: Children and Youth Services
- Disability
- Fair Housing
- Health Care
- Homeless
- Housing
- Legal / Advocacy / Mediation
- Senior
- Single Family Housing Rehabilitation
- Workforce Development
- Other

Interested applicants should attend the below informational Workshop to find out more about eligibility, the application itself and the application process.

Monday, November 26, 2018
1:00 p.m. to 3:00 p.m.
Berkeley Main Library
2090 Kittredge Street
Community Meeting Room, 3rd Floor

Applications for FY 2020-2023 under this RFP will be due by 5 p.m., Friday, January 4, 2019 via a web-based application process.

FOR FURTHER INFORMATION and to RSVP for the Workshop
Contact Rhianna Babka,
Housing & Community Services Division,
Health, Housing & Community Services Department,
rbabka@cityofberkeley.info

Thank you,

Rhianna Babka

City of Berkeley
Housing and Community Services
2180 Milvia Street, 2nd Floor
Berkeley, CA 94704
(510) 981-5410 (tel)
(510) 981-5450 (fax)
rbabka@ci.berkeley.ca.us

Please note: As a cost saving measure the City of Berkeley is closed the 2nd Friday of every month. Additional closures may occur. For the latest City Closures and Holidays please check the City of Berkeley Homepage at www.ci.berkeley.ca.us.

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