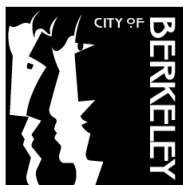


AGENDA



BERKELEY CITY COUNCIL MEETING

**Tuesday, February 9, 2021
6:00 PM**

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI
DISTRICT 2 – TERRY TAPLIN
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – KATE HARRISON

DISTRICT 5 – SOPHIE HAHN
DISTRICT 6 – SUSAN WENGRAF
DISTRICT 7 – RIGEL ROBINSON
DISTRICT 8 – LORI DROSTE

PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED EXCLUSIVELY THROUGH VIDEOCONFERENCE AND TELECONFERENCE

Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, this meeting of the City Council will be conducted exclusively through teleconference and Zoom videoconference. Please be advised that pursuant to the Executive Order and the Shelter-in-Place Order, and to ensure the health and safety of the public by limiting human contact that could spread the COVID-19 virus, there will not be a physical meeting location available.

Live audio is available on KPFB Radio 89.3. Live captioned broadcasts of Council Meetings are available on Cable B-TV (Channel 33) and via internet accessible video stream at <http://www.cityofberkeley.info/CalendarEventWebcastMain.aspx>.

To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL <https://us02web.zoom.us/j/85472979547>. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen.

*To join by phone: Dial 1-669-900-9128 or 1-877-853-5257 (Toll Free) and enter Meeting ID: 854 7297 9547. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.*

To submit an e-mail comment during the meeting to be read aloud during public comment, email clerk@cityofberkeley.info with the Subject Line in this format: "PUBLIC COMMENT ITEM ##." Please observe a 150 word limit. Time limits on public comments will apply. Written comments will be entered into the public record.

Please be mindful that the teleconference will be recorded as any Council meeting is recorded, and all other rules of procedure and decorum will apply for Council meetings conducted by teleconference or videoconference.

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Mark Numainville, City Clerk, (510) 981-6900. The City Council may take action related to any subject listed on the Agenda. Meetings will adjourn at 11:00 p.m. - any items outstanding at that time will be carried over to a date/time to be specified.

Preliminary Matters

Roll Call:

Ceremonial Matters: *In addition to those items listed on the agenda, the Mayor may add additional ceremonial matters.*

City Manager Comments: *The City Manager may make announcements or provide information to the City Council in the form of an oral report. The Council will not take action on such items but may request the City Manager place a report on a future agenda for discussion.*

Public Comment on Non-Agenda Matters: *Persons will be selected to address matters not on the Council agenda. If five or fewer persons wish to speak, each person selected will be allotted two minutes each. If more than five persons wish to speak, up to ten persons will be selected to address matters not on the Council agenda and each person selected will be allotted one minute each. The remainder of the speakers wishing to address the Council on non-agenda items will be heard at the end of the agenda.*

Consent Calendar

The Council will first determine whether to move items on the agenda for "Action" or "Information" to the "Consent Calendar", or move "Consent Calendar" items to "Action." Three members of the City Council must agree to pull an item from the Consent Calendar for it to move to Action. Items that remain on the "Consent Calendar" are voted on in one motion as a group. "Information" items are not discussed or acted upon at the Council meeting unless they are moved to "Action" or "Consent".

No additional items can be moved onto the Consent Calendar once public comment has commenced. At any time during, or immediately after, public comment on Information and Consent items, any Councilmember may move any Information or Consent item to "Action." Following this, the Council will vote on the items remaining on the Consent Calendar in one motion.

For items moved to the Action Calendar from the Consent Calendar or Information Calendar, persons who spoke on the item during the Consent Calendar public comment period may speak again at the time the matter is taken up during the Action Calendar.

Public Comment on Consent Calendar and Information Items Only: *The Council will take public comment on any items that are either on the amended Consent Calendar or the Information Calendar. Speakers will be entitled to two minutes each to speak in opposition to or support of Consent Calendar and Information Items. A speaker may only speak once during the period for public comment on Consent Calendar and Information items.*

Additional information regarding public comment by City of Berkeley employees and interns: Employees and interns of the City of Berkeley, although not required, are encouraged to identify themselves as such, the department in which they work and state whether they are speaking as an individual or in their official capacity when addressing the Council in open session or workshops.

Consent Calendar

1. **Amendment: FY 2021 Annual Appropriations Ordinance**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,748-N.S. amending the FY 2021 Annual Appropriations Ordinance No. 7,724–N.S. for fiscal year 2021 based upon recommended re-appropriation of committed FY 2020 funding and other adjustments authorized since July 1, 2020, in the amount of \$197,890,469 (gross) and \$193,471,132 (net).
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Teresa Berkeley-Simmons, Budget Manager, (510) 981-7000
2. **Amendments to the Berkeley Lobbyist Registration Act; Amending Berkeley Municipal Code Chapter 2.09**
From: Open Government Commission
Recommendation: Adopt second reading of Ordinance No. 7,749-N.S. amending the Berkeley Lobbyist Registration Act (BMC Chapter 2.09) to incorporate the recommendations of the Open Government Commission (OGC).
First Reading Vote: All Ayes.
Financial Implications: None
Contact: Sam Harvey, Commission Secretary, (510) 981-6950
3. **Extending Time for Temporary Parklets and Sidewalk Seating Post-COVID-19; Amending Berkeley Municipal Code Chapter 16.18 and Section 14.48.150**
From: Councilmember Hahn (Author), Councilmember Harrison (Co-Sponsor), Councilmember Bartlett (Co-Sponsor)
Recommendation: Adopt second reading of Ordinance No. 7,750-N.S. revising BMC Chapter 16.18 Right-of-Way Encroachments and Encroachment Permits and BMC Section 14.48.150 Sidewalk Seating, Benches, and Planters to extend the period of time that Parklets and Sidewalk Seating established under the COVID-19 declared City emergency can remain in place to 365 days after the termination of the declared City emergency rather than the current 90 days.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150

Consent Calendar

- 4. Referral Response: Zoning Ordinance Amendments that Reform Residential Off-Street Parking; Amending Berkeley Municipal Code Title 14 and Title 23**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,751-N.S. amending Berkeley Municipal Code (BMC) Title 14 and Title 23 which would:

 1. Modify Minimum Residential Off-street Parking Requirements
 2. Impose Residential Parking Maximums in Transit-rich Areas
 3. Amend the Residential Preferential Parking (RPP) Permit Program
 4. Institute Transportation Demand Management (TDM) Requirements

First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400
- 5. Amend BMC Chapter 14.52 Authorizing goBerkeley Parking Program at All Parking Meters**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,752-N.S. amending Berkeley Municipal Code (BMC) Chapter 14.52 to add all parking meter areas to the goBerkeley parking program, thereby authorizing the use of demand-responsive parking management citywide under the existing goBerkeley fee structure and program guidelines.
First Reading Vote: Ayes – Kesarwani, Taplin, Bartlett, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – None; Absent – Harrison.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
- 6. Resolution Reviewing and Ratifying the Proclamation of Local Emergency Due to the Spread of a Severe Acute Respiratory Illness Caused by a Novel (New) Coronavirus (COVID-19)**
From: City Manager
Recommendation: Adopt a Resolution reviewing the need for continuing the local emergency due to the spread of a severe acute respiratory illness caused by a novel (new) coronavirus (COVID-19) and ratifying the Proclamation of Local Emergency issued by the Director of Emergency Services on March 3, 2020, initially ratified by the City Council on March 10, 2020, and subsequently reviewed and ratified by the Council on April 21, 2020, June 16, 2020, July 28, 2020, September 22, 2020, November 17, 2020 and December 15, 2020.
Financial Implications: To be determined
Contact: Farimah Brown, City Attorney, (510) 981-6950
- 7. Donation to the Animal Shelter from the Stephen and Mary Birch Foundation**
From: City Manager
Recommendation: Adopt a Resolution accepting a donation from the estate of Stephen and Mary Birch in the sum of \$10,000.
Financial Implications: Animal Services Donation Fund - \$10,000 (donation)
Contact: Paul Buddenhagen, City Manager's Office, (510) 981-7000

Consent Calendar

8. **Contract No. 081263-1 Amendment: Claremont Behavioral Services for Employee Assistance Program Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 081263-1 with Claremont Behavioral Services (Claremont) in order to provide continued services for the Employee Assistance Program (EAP) by increasing expenditure authority in an amount not to exceed \$500,000, for a total contract amount of \$1,635,000, through December 31, 2025.
Financial Implications: Payroll Deduction Trust Fund - \$500,000
Contact: LaTanya Bellow, Human Resources, (510) 981-6800

Council Consent Items

9. **Installation of Banners Marking “Kala Bagai Way”: Relinquishment of Council Office Budget Fund to General Fund and Grant of Such Funds**
From: Mayor Arreguin (Author), Councilmember Droste (Author), Councilmember Hahn (Co-Sponsor), Councilmember Robinson (Co-Sponsor)
Recommendation: Adopt a resolution approving the expenditure of an amount not to exceed \$500 per council member, including \$500 from Mayor Arreguin, to the Downtown Berkeley Association with funds relinquished to the City's general fund for this purpose from the discretionary council office budget of Mayor Arreguin and any other council members who would like to contribute.
Financial Implications: Mayor's Discretionary Funds - \$500
Contact: Jesse Arreguin, Mayor, (510) 981-7100
10. **Housing Trust Fund Reservation to rehabilitate low income housing in South Berkeley**
From: Mayor Arreguin (Author), Councilmember Bartlett (Author)
Recommendation: Adopt a resolution reserving \$560,000 from the Housing Trust Fund to the South Berkeley Neighborhood Development Corporation for urgently needed housing rehabilitation at two low income housing complexes: Rosewood Manor and Lorin Station Apartments.
Financial Implications: See report
Contact: Jesse Arreguin, Mayor, (510) 981-7100
11. **Proclaiming February Black History Month and Authorizing City Manager to Fly the Black Lives Matter Flag**
From: Mayor Arreguin (Author), Councilmember Taplin (Author), Councilmember Bartlett (Author), Councilmember Hahn (Co-Sponsor)
Recommendation: Adopt a Resolution Proclaiming February as Black History Month and Authorizing the City Manager to fly the Black Lives Matter Flag every year at the Civic Center throughout the month of February.
Financial Implications: Staff time
Contact: Jesse Arreguin, Mayor, (510) 981-7100

Council Consent Items

12. **Support Affirming the Right to Boycott as a Tactic for Social and Political Change** *(Reviewed by the Agenda & Rules Committee)*

From: Councilmember Davila (Author)

Recommendation: Adopt a Resolution with the following actions: 1. Support Affirming the Right to Boycott as a Tactic for Social and Political Change, and celebrate the People of Berkeley for their commitment to Peace, Justice and Equity; 2. The City of Berkeley affirms the right of all people to participate in boycotts of any entity when they have conscientious concerns with the entity's policies or actions; 3. The City of Berkeley condemns attempts by governments to infringe upon the right to peaceful boycotts by criminalizing that participation, denying participants state contracts, or otherwise impeding the freedom of advocacy for all; 4. The City Council encourages City Commissions to recommend boycott policies to the City Council when appropriate, so that the City Council may be well informed in its oversight of City resources 5. Send a copy of this resolution to Governor Gavin Newsom, Attorney General Xavier Becerra, State Assemblymember Buffy Wicks, State Senator Nancy Skinner, United States Senators Bernie Sanders, Kamala Harris, Dianne Feinstein, and United States Congressional Representatives Barbara Lee, Ro Khanna, Alexandria Ocasio-Cortez, Ilhan Omar, Ayanna Pressley, Rashida Harbi Tlaib, and Pramila Jayapal.

(On January 11, 2021, the Agenda and Rules Committee moved the item to the full Council with a Negative Recommendation and recommend that the Council take no action on the item.)

Financial Implications: None

Contact: Cheryl Davila, Councilmember, District 2, (510) 981-7120

13. **Right to Choose Communications Services Provider**

From: Councilmember Droste (Author), Mayor Arreguin (Author), Councilmember Taplin (Author), Councilmember Robinson (Author)

Recommendation: Refer to the City Manager and City Attorney to explore, and if deemed feasible, draft ordinance language to clarify that property owners of multi-unit properties cannot interfere with tenants' choice of communications services providers.

The City of San Francisco has implemented such an ordinance, which has since been challenged. This recommendation requests the City Attorney to review the San Francisco law and Federal Communications Commission rulings pertaining to this topic to determine if Berkeley could effectively adopt a similar ordinance.

Financial Implications: See report

Contact: Lori Droste, Councilmember, District 8, (510) 981-7180

Action Calendar

The public may comment on each item listed on the agenda for action as the item is taken up. For items moved to the Action Calendar from the Consent Calendar or Information Calendar, persons who spoke on the item during the Consent Calendar public comment period may speak again at the time the matter is taken up during the Action Calendar.

Action Calendar

The Presiding Officer will request that persons wishing to speak use the "raise hand" function to determine the number of persons interested in speaking at that time. Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. The Presiding Officer may, with the consent of persons representing both sides of an issue, allocate a block of time to each side to present their issue.

Action items may be reordered at the discretion of the Chair with the consent of Council.

Action Calendar – Public Hearings

Staff shall introduce the public hearing item and present their comments. This is followed by five-minute presentations each by the appellant and applicant. The Presiding Officer will request that persons wishing to speak use the "raise hand" function to be recognized and to determine the number of persons interested in speaking at that time.

Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. The Presiding Officer may with the consent of persons representing both sides of an issue allocate a block of time to each side to present their issue.

Each member of the City Council shall verbally disclose all ex parte contacts concerning the subject of the hearing. Councilmembers shall also submit a report of such contacts in writing prior to the commencement of the hearing. Written reports shall be available for public review in the office of the City Clerk.

- 14. Second Substantial Amendments to 1) the 2020-2025 Consolidated Plan including the PY20 (FY21) Annual Action Plan in Response to the Addition of Coronavirus Aid, Relief, and Economic Security (CARES) Act Funds, and 2) the PY19 (FY20) Annual Action Plan**
From: City Manager
Recommendation: Conduct a Public Hearing on: 1. The proposed Substantial Amendment to the 2020-2025 Consolidated Plan including the PY20 (FY21) Annual Action Plan in response to the addition of Coronavirus Aid, Relief, and Economic Security (CARES) Act funds; and 2. A proposed substantial amendment to the PY19 (FY20) Annual Action Plan;
And upon conclusion adopt a Resolution authorizing the City Manager, or her designee, to:
- A. Accept CARES Act Community Development Block Grant-CV3 funding totaling \$891,121 and allocate the full amount allowable under the HUD waiver to public services (\$712,897), and up to 20% to Planning and Administration (\$178,224);
 - B. Allocate all CDBG-CV3 public services funding (\$712,897) to support the Berkeley Housing Retention program;
 - C. Reallocate up to \$1.2M of CDBG-CV1 funds previously allocated to COVID-19 Testing to support the Berkeley Housing Retention Program, leaving up to \$200,000 in CDBG-CV1 funding available for COVID-19 testing or vaccinations if needed;
 - D. Execute resultant agreements and amendments with the Eviction Defense Center for the COVID-19 Housing Retention Program, using \$1,801,541 in CDBG-CV1 & 3, plus any unused CDBG-CV1 funds allocated to the Targeted Equity Testing program (up to \$200,000) for a total possible not-to-exceed contract amount of \$2,001,541;
 - E. Allocate up to 25% of the PY20 HOME allocation for program administration, up to 10% of the PY20 HOME funds for Community Housing Development Organization (CHDO) operating funds, and the remaining funds to the Housing Trust Fund;

Action Calendar – Public Hearings

F. Reallocate \$535,633 in PY20 CDBG Housing Services funds, \$1,049,370 PY19 CDBG Community Facility Improvement funds, and \$378,230 in available uncommitted funds to the South Berkeley Neighborhood Development Corporation for housing rehabilitation at Rosewood Manor and Lorin Station Apartments and execute resultant agreements, as contained in Exhibits A and B;

G. Update the PY20 CDBG and HOME entitlement allocations to reflect the revised HUD PY20 entitlement awards; and

H. Submit the approved Second Substantial Amendments to the 2020-2025 Consolidated Plan/PY20 Annual Action Plan and the PY19 Annual Action Plan, including public comments, to the U.S. Department of Housing and Urban Development (HUD), and accept any resulting agreements with HUD.

Financial Implications: See report

Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400

- 15. Referral Response: Amendments to the Home Occupations Ordinance; Amending BMC Sub-Titles 23C, 23D, 23E, and 23F** *(Continued from December 15, 2020. Item contains revised material.)*

From: City Manager

Recommendation: Conduct a public hearing and, upon conclusion, adopt the first reading of an Ordinance amending the Zoning Ordinance to streamline the permitting process for Home Occupations and amending Berkeley Municipal Code Chapter 23C.16 Home Occupations, Chapter 23E.84 MU-R Mixed Use-Residential District Provisions, Chapter 23F.04 Definitions, and Use Tables in Applicable Zoning Districts.

Financial Implications: See report

Contact: Jordan Klein, Planning and Development, (510) 981-7400

Action Calendar – Old Business

- 16. Vote of No Confidence in the Police Chief** *(Continued from November 10, 2020)*
From: Councilmember Davila (Author)
Recommendation: Adopt a resolution taking a Vote of No Confidence in the Police Chief.
Financial Implications: See report
Contact: Cheryl Davila, Councilmember, District 2, (510) 981-7120

Information Reports

- 17. LPO NOD: 1 Orchard Lane/#LMIN2020-0006**
From: City Manager
Contact: Jordan Klein, Planning and Development, (510) 981-7400

Public Comment – Items Not Listed on the Agenda

Adjournment

NOTICE CONCERNING YOUR LEGAL RIGHTS: *If you object to a decision by the City Council to approve or deny a use permit or variance for a project the following requirements and restrictions apply:* 1) No lawsuit challenging a City decision to deny (Code Civ. Proc. §1094.6(b)) or approve (Gov. Code 65009(c)(5)) a use permit or variance may be filed more than 90 days after the date the Notice of Decision of the action of the City Council is mailed. Any lawsuit not filed within that 90-day period will be barred. 2) In any lawsuit that may be filed against a City Council decision to approve or deny a use permit or variance, the issues and evidence will be limited to those raised by you or someone else, orally or in writing, at a public hearing or prior to the close of the last public hearing on the project.

Live captioned broadcasts of Council Meetings are available on Cable B-TV (Channel 33), via internet accessible video stream at <http://www.cityofberkeley.info/CalendarEventWebcastMain.aspx> and KPFB Radio 89.3.

Archived indexed video streams are available at <http://www.cityofberkeley.info/citycouncil>. Channel 33 rebroadcasts the following Wednesday at 9:00 a.m. and Sunday at 9:00 a.m.

Communications to the City Council 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 the City Council, 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 to the City Clerk Department at 2180 Milvia Street. 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 City Clerk Department for further information.

Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be posted on the City's website at <http://www.cityofberkeley.info>.

Agendas and agenda reports may be accessed via the Internet at <http://www.cityofberkeley.info/citycouncil>

COMMUNICATION ACCESS INFORMATION:

To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at (510) 981-6418 (V) or (510) 981-6347 (TDD) at least three business days before the meeting date.



Captioning services are provided at the meeting, on B-TV, and on the Internet.

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***I hereby certify that the agenda for this meeting of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on January 28, 2021.***

A handwritten signature in black ink, appearing to read "Mark Numainville", written in a cursive style.

Mark Numainville, City Clerk

## **Communications**

*Council rules limit action on Communications to referral to the City Manager and/or Boards and Commissions for investigation and/or recommendations. All communications submitted to Council are public record. Copies of individual communications are available for viewing through [Records Online](#).*

### **Reopening Schools**

1. Mati Teiblum
2. Rainbow Rubin

### **Covid-19 and Vaccinations**

3. David Lerman (2)
4. J. Wilkes
5. Donna Mickleson

### **San Pablo Tennis Courts**

6. Brian Mangold

### **2435 San Pablo**

7. Whit Ingram
8. naomipilar@
9. Virginia Warheit

### **Payson House**

10. Bernard Marszalek

### **Childcare Providers**

11. Devvin Purnell

### **Homelessness**

12. Rachel Gorham
13. Thomas Lord (2)

### **People's Park**

14. Ivar Diehl and Siobhan Lettow

### **Threats of Violence**

15. Barbara Fisher

### **Cannabis**

16. Getting It Right From the Start

### **Civic Center Buildings – Arts and Cultural Uses**

17. Jennifer Lovvorn, Chief Cultural Affairs Officer/Civic arts Program

### **Vision 2025**

18. Nilang

**Greta Thunberg, Environmentalist**

19. Thomas Lord

**Police Accountability**

20. Racial and Criminal Justice Reform Group

**LRDP Update Housing Projects #1 and #2**

21. Carrie Olson, on behalf of the Berkeley Architectural Heritage Assoc.

**TOPA**

22. Jenny Johnston

**URL's Only**

23. Russbump (2)

24. Vivian Warkentin (3)

**Supplemental Communications and Reports**

*Items received by the deadlines for submission will be compiled and distributed as follows. If no items are received by the deadline, no supplemental packet will be compiled for said deadline.*

- **Supplemental Communications and Reports 1**  
Available by 5:00 p.m. five days prior to the meeting.
- **Supplemental Communications and Reports 2**  
Available by 5:00 p.m. the day before the meeting.
- **Supplemental Communications and Reports 3**  
Available by 5:00 p.m. two days following the meeting.





## ORDINANCE NO. 7,748-N.S.

AMENDING THE ANNUAL APPROPRIATIONS ORDINANCE NO. 7,724-N.S. FOR  
FISCAL YEAR 2021

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

Section 1. That the Annual Appropriations Ordinance based on the budget for FY 2021 submitted by the City Manager and passed by the City Council be amended as follows and as summarized in Exhibit A:

|                                                |                    |
|------------------------------------------------|--------------------|
| A. General Fund (Funds 001-099)                | 240,570,403        |
| B. Special Funds ( Funds 100-199)              | 142,526,802        |
| C. Grant Funds (Funds 300-399)                 | 49,357,775         |
| D. Capital Projects Funds (Funds 500-550)      | 70,515,607         |
| E. Debt Service Fund (Funds 551-599)           | 9,777,705          |
| F. Enterprise Funds (Funds 600-669)            | 149,166,470        |
| G. Internal Service Funds (Funds 146, 670-699) | 54,657,166         |
| H. Successor Agency (Funds 760-769)            | 57,120             |
| I. Agency Funds (Funds 771-799)                | 8,357,381          |
| J. Other Funds (Funds 800-899)                 | 6,222,560          |
| <u>K. Total</u>                                |                    |
| Total General Fund                             | 240,570,403        |
| Add: Total Other Than General Fund             | 490,638,586        |
| <b>Gross Revenue Appropriated</b>              | <b>731,208,988</b> |
| Less: Dual Appropriations                      | -43,004,902        |
| Less: Revolving/Internal Service Funds         | -54,657,166        |
| <b>Net Revenue Appropriated</b>                | <b>633,546,920</b> |

Section 2. The City Manager is hereby permitted, without further authority from the City Council, to make the following transfers by giving written notice to the Director of Finance:

- a. From the General Fund to the General Fund – Stability Reserve Fund; Catastrophic Reserve Fund; Paramedic Tax Fund; Health State Aid Realignment; Fair Election Fund; Capital Improvement Fund; Phone System Replacement; Equipment Replacement Fund; Public Liability Fund; Catastrophic Loss Fund; Police Employee Retiree Health Assistance Plan; Safety Members Pension Fund; and Sick Leave Entitlement Fund.
- b. To the General Fund from the General Fund – Stability Reserves Fund; Catastrophic Reserves Fund; Community Development Block Grant Fund; Street Lighting Assessment District Fund; Zero Waste Fund; Marina Operations and Maintenance Fund; Sanitary Sewer Operation Fund; Clean Storm Water Fund; Permit Service Center Fund; Parking Meter Fund; Unified Program (CUPA); IT Cost Allocation Fund; and Health State Aid Realignment Fund.
- c. To the First Source Fund from the Parks Tax Fund; Capital Improvement Fund; and the Marina Fund.
- d. From UC Settlement Fund to General Fund and Clean Storm Water Fund.
- e. From Capital Improvement Fund to PERS Savings Fund; Berkeley Repertory Theater Fund; and 2010 COP (Animal Shelter) Fund.
- f. To the Public Art Fund from the Parks Tax Fund; Capital Improvement Fund; and the Marina Fund.
- g. To CFD#1 District Fire Protection Bond (Measure Q) from Special Tax Bonds CFD#1 ML-ROOS.
- h. To Private Sewer Lateral Fund from Sanitary Sewer Operation Fund.
- i. To Catastrophic Loss Fund from Permit Service Center Fund.
- j. To Catastrophic Loss Fund from Unified Program (CUPA) Fund.
- k. To the Building Purchases and Management Fund from General Fund; Health (General) Fund; Rental Housing Safety Program Fund; Measure B Local Streets & Road Fund; Employee Training Fund; Zero Waste Fund; Sanitary Sewer Operation Fund; Clean Storm Water Fund; Permit Service Center Fund; Off Street Parking Fund; Parking Meter Fund; Unified Program (CUPA) Fund; Building Purchases & Management Fund; Building Maintenance Fund; Central Services Fund; and Health State Aide Realignment Trust Fund.
- l. To Equipment Replacement Fund from General Fund; Mental Health Services Act Fund; Health (Short/Doyle) Fund; Vector Control Fund; Paramedic Tax Fund; Playground Camp Fund; State Transportation Tax Fund; Rental Housing Safety Program Fund; Parks Tax Fund; Street Light Assessment District Fund; Zero Waste Fund; Marina Operations/Maintenance Fund; Sanitary Sewer Operation

Fund; Clean Storm Water Fund; Permit Service Center Fund; Parking Meter Fund; Equipment Maintenance Fund; Building Maintenance Fund; and Central Services Fund.

- m. To the Equipment Maintenance Fund from General Fund; Health (General) Fund; Mental Health Services Act Fund; Health (Short/Doyle) Fund; Vector Control Fund; Paramedic Tax Fund; Library - Discretionary Fund; Playground Camp Fund; State Transportation Tax Fund; Rental Housing Safety Program Fund; Rent Stabilization Board Fund; Parks Tax Fund; Street Light Assessment District Fund; FEMA Fund; Zero Waste Fund; Marina Operations/Maintenance Fund; Sanitary Sewer Operation Fund; Clean Storm Water Fund; Permit Service Center Fund; Off Street Parking Fund; Parking Meter Fund; Equipment Maintenance Fund; Building Maintenance Fund; and Central Services Fund.
- n. To the Building Maintenance Fund from the General Fund; Health (General) Fund; Health (Short/Doyle) Fund; Measure B Local Street & Road Fund; Parks Tax Fund; Street Light Assessment District Fund; Zero Waste Fund; Sanitary Sewer Operation Fund; Clean Storm Water Fund; Off Street Parking Fund; Parking Meter Fund; Equipment Maintenance Fund; Building Maintenance Fund; and Mental Health State Aid Realignment Fund.
- o. To the Central Services Fund from the General Fund; First Source Fund; Health (Short/Doyle) Fund; Library-Discretionary Fund; Playground Camp Fund; Rent Stabilization Board Fund; Zero Waste Fund; Marina Operations/Maintenance Fund; Sanitary Sewer Operation; Building Purchases & Management Fund; Building Maintenance Fund; Central Services Fund; and Mental Health State Aid Realignment Fund.
- p. To Information Technology Cost Allocation Plan Fund from General Fund; Target Case Management/Linkages Fund; Health (Short/Doyle); Library Fund; Playground Camp Fund; State Transportation Tax Fund; CDBG Fund; Rental Housing Safety Program; Rent Stabilization Board Fund; Parks Tax Fund; Street Light Assessment District Fund; Zero Waste Fund; Marina Operations/Maintenance Fund; Sanitary Sewer Operation; Clean Storm Water Fund; Permit Service Center Fund; Off Street Parking Fund; Parking Meter Fund; Unified Program (CUPA) Fund; Equipment Maintenance Fund; Building Maintenance Fund; Information Technology Cost Allocation Plan Fund; Health State Aid Realignment Trust Fund; and Mental Health State Aid Realignment Fund.
- q. To the Workers' Compensation Self-Insurance Fund from General Fund; Special Tax for Severely Disabled Measure E Fund; First Source Fund; HUD Fund; ESGP Fund; Health (General) Fund; Target Case Management/Linkages Fund; Mental Health Service Act Fund; Health (Short/Doyle) Fund; EPSDT Expansion Proposal Fund; Senior Nutrition (Title III) Fund; C.F.P. Title X Fund; Fund Raising Activities Fund; Berkeley Unified School District Grant; Vector Control Fund; Paramedic Tax

Fund; Alameda County Grants Fund; Senior Supportive Social Services Fund; Family Care Support Program Fund; Domestic Violence Prevention – Vital Statistics Fund; Affordable Housing Mitigation; Inclusionary Housing Program; Library – Discretionary Fund; Playground Camp Fund; Community Action Program Fund; State Proposition 172 Public Safety Fund; State Transportation Tax Fund; CDBG Fund; Rental Housing Safety Program; Measure B Local State & Road Fund; Measure B Bike & Pedestrian Fund; Measure B – Paratransit Fund; Measure F Alameda County Vehicle Registration Fee Streets & Roads Fund; Measure BB – Paratransit Fund; Fair Election Fund; Measure U1 Fund; One-Time Grant: No Cap Expense Fund; Rent Stabilization Board Fund; Parks Tax Fund; Measure GG – Fire Prep Tax Fund; Street Lighting Assessment District Fund; Employee Training Fund; Private Percent – Art Fund; Measure T1 – Infrastructure & Facilities Fund; FUND\$ Replacement Fund; Capital Improvement Fund; FEMA Fund; CFD #1 District Fire Protect Bond Fund; Special Tax Bonds CFD#1 ML-ROOS Fund; Shelter+Care HUD Fund; Shelter+Care County Fund; Zero Waste Fund; Marina Operations/Maintenance Fund; Sanitary Sewer Operation Fund; Clean Storm Water Fund; Private Sewer Lateral Fund; Permit Service Center Fund; Off-Street Parking Fund; Parking Meter Fund; Unified Program (CUPA) Fund; Building Purchases & Management Fund; Equipment Replacement Fund; Equipment Maintenance Fund; Building Maintenance Fund; Central Services Fund; Workers' Compensation Fund; Public Liability Fund; Information Technology Cost Allocation Plan Fund; Health State Aid Realignment Trust Fund; Tobacco Control Trust Fund; Mental Health State Aid Realignment Fund; Alameda Abandoned Vehicle Abatement Authority; and Bio-Terrorism Grant Fund.

- r. To the Sick Leave and Vacation Leave Accrual Fund from General Fund; Special Tax for Severely Disabled Measure E Fund; First Source Fund; HUD Fund; ESGP Fund; Health (General) Fund; Target Case Management/Linkages Fund; Mental Health Service Act Fund; Health (Short/Doyle) Fund; EPSDT Expansion Proposal Fund; Senior Nutrition (Title III) Fund; C.F.P. Title X Fund; Fund Raising Activities Fund; Berkeley Unified School District Grant; Vector Control Fund; Paramedic Tax Fund; Alameda County Grants Fund; Senior Supportive Social Services Fund; Family Care Support Program Fund; Domestic Violence Prevention – Vital Statistics Fund; Affordable Housing Mitigation; Inclusionary Housing Program; Library – Discretionary Fund; Playground Camp Fund; Community Action Program Fund; State Proposition 172 Public Safety Fund; State Transportation Tax Fund; CDBG Fund; Rental Housing Safety Program; Measure B Local State & Road Fund; Measure B Bike & Pedestrian Fund; Measure B – Paratransit Fund; Measure F Alameda County Vehicle Registration Fee Streets & Roads Fund; Measure BB – Paratransit Fund; Fair Election Fund; Measure U1 Fund; One-Time Grant: No Cap Expense Fund; Rent Stabilization Board Fund; Parks Tax Fund; Measure GG – Fire Prep Tax Fund; Street Lighting Assessment District Fund; Employee Training Fund; Private Percent – Art Fund; Measure T1 – Infrastructure & Facilities Fund; FUND\$ Replacement Fund; Capital Improvement Fund; FEMA Fund; CFD #1 District Fire Protect Bond Fund; Special Tax Bonds CFD#1 ML-ROOS Fund; Shelter+Care HUD Fund; Shelter+Care County Fund; Zero Waste Fund; Marina Operations/Maintenance Fund; Sanitary Sewer Operation Fund; Clean Storm

Water Fund; Private Sewer Lateral Fund; Permit Service Center Fund; Off-Street Parking Fund; Parking Meter Fund; Unified Program (CUPA) Fund; Building Purchases & Management Fund; Equipment Replacement Fund; Equipment Maintenance Fund; Building Maintenance Fund; Central Services Fund; Workers' Compensation Fund; Public Liability Fund; Information Technology Cost Allocation Plan Fund; Health State Aid Realignment Trust Fund; Tobacco Control Trust Fund; Mental Health State Aid Realignment Fund; Alameda Abandoned Vehicle Abatement Authority; and Bio-Terrorism Grant Fund.

- s. To the Payroll Deduction Trust Fund from General Fund; Special Tax for Severely Disabled Measure E Fund; First Source Fund; HUD Fund; ESGP Fund; Health (General) Fund; Target Case Management/Linkages Fund; Mental Health Service Act Fund; Health (Short/Doyle) Fund; EPSDT Expansion Proposal Fund; Senior Nutrition (Title III) Fund; C.F.P. Title X Fund; Fund Raising Activities Fund; Berkeley Unified School District Grant; Vector Control Fund; Paramedic Tax Fund; Alameda County Grants Fund; Senior Supportive Social Services Fund; Family Care Support Program Fund; Domestic Violence Prevention – Vital Statistics Fund; Affordable Housing Mitigation; Inclusionary Housing Program; Library – Discretionary Fund; Playground Camp Fund; Community Action Program Fund; State Proposition 172 Public Safety Fund; State Transportation Tax Fund; CDBG Fund; Rental Housing Safety Program; Measure B Local State & Road Fund; Measure B Bike & Pedestrian Fund; Measure B – Paratransit Fund; Measure F Alameda County Vehicle Registration Fee Streets & Roads Fund; Measure BB – Paratransit Fund; Fair Election Fund; Measure U1 Fund; One-Time Grant: No Cap Expense Fund; Rent Stabilization Board Fund; Parks Tax Fund; Measure GG – Fire Prep Tax Fund; Street Lighting Assessment District Fund; Employee Training Fund; Private Percent – Art Fund; Measure T1 – Infrastructure & Facilities Fund; FUND\$ Replacement Fund; Capital Improvement Fund; FEMA Fund; CFD #1 District Fire Protect Bond Fund; Special Tax Bonds CFD#1 ML-ROOS Fund; Shelter+Care HUD Fund; Shelter+Care County Fund; Zero Waste Fund; Marina Operations/Maintenance Fund; Sanitary Sewer Operation Fund; Clean Storm Water Fund; Private Sewer Lateral Fund; Permit Service Center Fund; Off-Street Parking Fund; Parking Meter Fund; Unified Program (CUPA) Fund; Building Purchases & Management Fund; Equipment Replacement Fund; Equipment Maintenance Fund; Building Maintenance Fund; Central Services Fund; Workers' Compensation Fund; Public Liability Fund; Information Technology Cost Allocation Plan Fund; Health State Aid Realignment Trust Fund; Tobacco Control Trust Fund; Mental Health State Aid Realignment Fund; Alameda Abandoned Vehicle Abatement Authority; and Bio-Terrorism Grant Fund.

Section 3. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of Council Chambers, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

At a regular meeting of the Council of the City of Berkeley held on January 19, 2021, this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: Bartlett, Droste, Hahn, Harrison, Kesarwani, Robinson, Taplin, Wengraf, and Arreguin.

Noes: None.

Absent: None.

**Attachment for Annual Appropriations Ordinance - Fiscal Year 2020****REVOLVING FUNDS/INTERNAL SERVICE FUNDS**

Appropriations are identified with revolving and internal service funds. Such funds derive revenue by virtue of payment from other fund sources as benefits are received by such funds, and the total is reflected in the "Less Revolving Funds and Internal Service Funds" in item I. The funds are:

**Revolving/Internal Service Funds**

|                                           |               |
|-------------------------------------------|---------------|
| Employee Training Fund                    | 1,368,416     |
| Equipment Replacement Fund                | 12,174,125    |
| Equipment Maintenance Fund                | 8,657,942     |
| Building Maintenance Fund                 | 4,438,018     |
| Central Services Fund                     | 388,490       |
| Workers' Compensation Fund                | 6,586,355     |
| Public Liability Fund                     | 3,476,706     |
| Information Technology Fund               | 17,567,113    |
| Subtotal Revolving/Internal Service Funds | \$ 54,657,166 |

**DUAL APPROPRIATIONS - WORKING BUDGET**

Dual appropriations are identified with revenues generated by one fund and transferred to another fund. Both funds are credited with the applicable revenue, and the total is reflected in the "Less Dual Appropriations" in item I. The dual appropriations are:

## Transfers to the General Fund

Indirect Cost Reimbursement

|                                       |              |
|---------------------------------------|--------------|
| CDBG Fund                             | 143,373      |
| Street Light Assessment District Fund | 115,865      |
| Zero Waste Fund                       | 2,326,015    |
| Marina Enterprise Fund                | 415,427      |
| Sanitary Sewer Fund                   | 1,071,882    |
| Clean Storm Water Fund                | 252,015      |
| Permit Service Center Fund            | 1,874,805    |
| Unified Program (CUPA) Fund           | 87,242       |
| Subtotal Transfers to General Fund:   | \$ 6,286,624 |

|                                                                                               |                      |
|-----------------------------------------------------------------------------------------------|----------------------|
| Transfer to Safety Members Pension Fund from General Fund                                     | 551,804              |
| Transfer to Measure U1 Fund from General Fund                                                 | 3,575,390            |
| Transfer to Paramedic Tax Fund from General Fund                                              | 703,103              |
| Transfer to Health State Aid Realignment from General Fund                                    | 1,953,018            |
| Transfer to Fair Election Fund from General Fund                                              | 501,833              |
| Transfer to Capital Improvement Fund (CIP) from General Fund                                  | 3,255,167            |
| Transfer to Phone System Replacement - VOIP from General Fund                                 | 160,000              |
| Transfer to Equipment Replacement Fund from General Fund                                      |                      |
| Transfer to Public Liability Fund from General Fund                                           | 1,695,888            |
| Transfer to Catastrophic Loss Fund from General Fund                                          | 2,295,334            |
| Transfer to IT Cost Allocation Fund from General Fund                                         | 431,802              |
| Transfer to Police Employee Retiree Health Assistance Plan from General Fund                  | 400,136              |
| Transfer to Sick Leave Entitlement Fund from General Fund                                     | 201,501              |
| Transfer to General Fund from General Fund Stabilization Reserves Fund                        | 6,900,000            |
| Transfer to General Fund from General Fund Catastrophic Reserves Fund                         | 4,500,000            |
| Transfer to Measure T1 Fund from Measure BB - Local Streets & Roads Fund                      | 600,000              |
| Transfer to Measure T1 Fund from Parks Tax Fund                                               | 600,000              |
| Transfer to General Fund from UC Settlement Fund                                              | 907,554              |
| Transfer to Clean Storm Water Fund from UC Settlement Fund                                    | 302,519              |
| Transfer to General Fund from Health State Aid Realignment Fund                               | 2,643,280            |
| Transfer from CIP Fund to PERS Savings Fund                                                   | 151,632              |
| Transfer to Berkeley Repertory Theater Debt Service Fund from CIP Fund                        | 499,802              |
| Transfer from CIP Fund to 2010 COP (Animal Shelter) Fund                                      | 402,613              |
| Transfer to Private Sewer Lateral Fund from Sewer Fund                                        | 90,501               |
| Transfer to Catastrophic Loss Fund from Permit Service Center Fund                            | 50,555               |
| Transfer to Catastrophic Loss Fund from Unified Program (CUPA) Fund                           | 5,082                |
| Transfer to General Fund from Parking Meter Fund                                              | 1,742,288            |
| Transfer to General Fund from IT Cost Allocation Fund                                         | 1,037,439            |
| Transfer from Special Tax Bonds CFD#1 ML-ROOS to CFD#1 District Fire Protect Bond (Measure Q) | 452,759              |
| Transfer to First Source Fund from Parks Tax Fund                                             | 14,093               |
| Transfer to First Source Fund from Capital Improvement Fund                                   | 26,943               |
| Transfer to First Source Fund from Marina Fund                                                | 1,875                |
| Transfer to Public Art Fund from Parks Tax Fund                                               | 21,140               |
| Transfer to Public Art Fund from Capital Improvement Fund                                     | 40,414               |
| Transfer to Public Art Fund from Marina Fund                                                  | 2,813                |
| Subtotal Transfers to Other Funds:                                                            | 36,718,278           |
| Sub-Total Dual Appropriations                                                                 | \$ 43,004,902        |
| <b>Grand Total Dual Appropriations</b>                                                        | <b>\$ 97,662,068</b> |



## SUMMARY OF APPROPRIATIONS BY FUND

| ERMA<br>Fund # Fund                         | FY 2021<br>Adopted | 1st AAO                 |                        |                      |                 | FY 2021<br>Revised #1 |
|---------------------------------------------|--------------------|-------------------------|------------------------|----------------------|-----------------|-----------------------|
|                                             |                    | Encumbered<br>Rollovers | Unencum.<br>Carryovers | Other<br>Adjustments | Total<br>Amend. |                       |
| 11 General Fund Discretionary               | 194,718,710        | 7,191,365               | 4,702,740              | 17,489,694           | 29,383,799      | 224,102,509           |
| 16 Measure U1 - Housing                     | 5,067,894          |                         |                        |                      | -               | 5,067,894             |
| 98 General Fund - Stabilization Reserves    | 6,900,000          |                         |                        |                      | -               | 6,900,000             |
| 99 General Fund - Catastrophic Reserves     | 4,500,000          |                         |                        |                      | -               | 4,500,000             |
| 101 Library - Tax                           | 21,567,259         | 2,643,014               |                        |                      | 2,643,014       | 24,210,273            |
| 103 Library - Grants                        | 64,089             |                         |                        |                      | -               | 64,089                |
| 104 Library - Friends & Gift                | 150,000            | 1,926                   |                        |                      | 1,926           | 151,926               |
| 105 Library - Foundation                    | 100,000            | 46                      |                        | 500,000              | 500,046         | 600,046               |
| 106 Asset Forefeiture                       | 201,000            |                         |                        |                      | -               | 201,000               |
| 107 Special Tax Measure E                   | 1,361,402          |                         |                        |                      | -               | 1,361,402             |
| 108 First Source Fund                       | 48,083             |                         |                        |                      | -               | 48,083                |
| 110 Sec 108 Loan Gty Asst.                  | 553,408            |                         |                        |                      | -               | 553,408               |
| 111 Fund Raising Activities                 | 53,557             |                         |                        | 28,000               | 28,000          | 81,557                |
| 113 Sports Field (Vendor Oper)              | 189,807            | 30,813                  |                        |                      | 30,813          | 220,620               |
| 114 Gilman Fields Reserve                   | -                  | 2,694                   | 56,506                 |                      | 59,200          | 59,200                |
| 115 Animal Shelter                          | 52,480             | 5,192                   |                        |                      | 5,192           | 57,672                |
| 116 Paramedic Tax                           | 4,223,699          |                         |                        |                      | -               | 4,223,699             |
| 117 CA Energy Commission                    | -                  | 44,249                  |                        |                      | 44,249          | 44,249                |
| 119 Domestic Violence Prev - Vit Stat       | 26,462             |                         |                        |                      | -               | 26,462                |
| 120 Affordable Housing Mitigation           | 49,690             | 2,657,746               |                        | 100,166              | 2,757,912       | 2,807,602             |
| 121 Affordable Child Care                   | 13,275             |                         |                        |                      | -               | 13,275                |
| 122 Inclusionary Housing Program            | 148,044            |                         |                        | 21,119               | 21,119          | 169,163               |
| 123 Condo Conversion                        | 37,520             | 997,980                 |                        |                      | 997,980         | 1,035,500             |
| 124 Parking In Lieu Fee                     | -                  | 82,010                  |                        |                      | 82,010          | 82,010                |
| 125 Playground Camp                         | 1,982,688          | 11,673,845              | 775,208                | 18,373,385           | 30,822,438      | 32,805,126            |
| 126 State-Prop 172 Pub.Safety               | 929,177            | 781                     |                        |                      | 781             | 929,958               |
| 127 State Transportation Tax                | 6,041,284          | 1,758,208               | 2,253,660              |                      | 4,011,868       | 10,053,152            |
| 128 CDBG                                    | 2,580,144          | 21,781                  |                        | 1,610,805            | 1,632,586       | 4,212,730             |
| 129 Rental Housing Safety Program           | 1,893,929          | 11,582                  |                        |                      | 11,582          | 1,905,511             |
| 130 Measure B - Local St & Road             | 4,112,067          | 631,683                 | 279,790                | 45,000               | 956,473         | 5,068,540             |
| 131 Measure B - Bike and Pedestrian         | 578,279            | 115,378                 |                        |                      | 115,378         | 693,657               |
| 132 Measure B - Paratransit                 | 490,125            | 21,927                  |                        |                      | 21,927          | 512,052               |
| 133 Measure F Alameda County VRF St & Rd    | 799,084            | 17,281                  | 79,800                 | 14,018               | 111,099         | 910,183               |
| 134 Measure BB - Local St & Road            | 4,651,014          | 1,041,539               | 2,077,622              | 670,415              | 3,789,576       | 8,440,590             |
| 135 Measure BB - Bike & Pedestrian          | 493,297            | 213,986                 | 395,139                | 177,475              | 786,600         | 1,279,897             |
| 136 Measure BB - Paratransit                | 387,847            | 40,864                  |                        | 29,500               | 70,364          | 458,211               |
| 137 One Time Funding                        | -                  | 19,080                  |                        |                      | 19,080          | 19,080                |
| 138 Parks Tax                               | 14,311,368         | 2,019,588               | 1,604,463              | 1,142,456            | 4,766,507       | 19,077,875            |
| 139 Streets & Open Space IMPR               | -                  | 656,301                 |                        |                      | 656,301         | 656,301               |
| 140 Measure GG - Fire Prep Tax              | 4,828,024          | 85,635                  |                        | 90,500               | 176,135         | 5,004,159             |
| 141 1st Response Advanced Life Support      | -                  | 2,000                   |                        |                      | 2,000           | 2,000                 |
| 142 Streetlight Assessment District         | 2,684,633          | 298,342                 |                        |                      | 298,342         | 2,982,975             |
| 143 Berkeley Bus Ec Dev                     | 156,387            | 11,550                  |                        |                      | 11,550          | 167,937               |
| 145 Bayer (Miles Lab)                       | 8,500              | 20,000                  | 138,014                |                      | 158,014         | 166,514               |
| 146 Employee Training                       | 774,643            | 127,554                 |                        |                      | 127,554         | 902,197               |
| 147 UC Settlement                           | 1,231,292          | 10,532                  |                        | 126,592              | 137,124         | 1,368,416             |
| 148 Private Percent - Art Fund              | 22,380             |                         | 744,823                | 123,274              | 868,097         | 890,477               |
| 149 Private Party Sidewalks                 | 100,000            |                         | 50,000                 |                      | 50,000          | 150,000               |
| 150 Public Art Fund                         | 64,367             | 26,464                  | 70,709                 |                      | 97,173          | 161,540               |
| 152 Vital & Health Statistics Trust Fund    | 29,893             | 560                     |                        | 45,000               | 45,560          | 75,453                |
| 156 Hlth State Aid Realign Trust            | 4,010,244          |                         |                        |                      | -               | 4,010,244             |
| 157 Tobacco Cont.Trust                      | 334,284            | 15,476                  | 62,400                 |                      | 77,876          | 412,160               |
| 158 Mental Health State Aid Realign         | 2,921,175          | 502,597                 |                        | 198,400              | 700,997         | 3,622,172             |
| 159 Citizens Option Public Safety Trust     | 258,921            | 83,040                  |                        |                      | 83,040          | 341,961               |
| 161 Alameda Cty Abandoned Vehicle Abatement | 99,852             | 1,229                   |                        |                      | 1,229           | 101,081               |
| 165 Fair Elections                          | 501,833            |                         |                        |                      | -               | 501,833               |
| 305 Capital Grants - Federal                | -                  |                         |                        | 976,925              | 976,925         | 976,925               |
| 306 Capital Grants - State                  | -                  | 122,997                 | 60,000                 | 3,486,846            | 3,669,843       | 3,669,843             |
| 307 Shelter Plus Care                       | -                  | 650,830                 |                        |                      | 650,830         | 650,830               |
| 309 OTS DUI Enforcement Education Prg.      | 129,500            |                         |                        |                      | -               | 129,500               |
| 310 HUD/Home                                | 651,399            | 14,057                  |                        | 1,800,972            | 1,815,029       | 2,466,428             |
| 311 ESGP                                    | 568,086            |                         |                        | 808,117              | 808,117         | 1,376,203             |
| 312 Health (General)                        | 2,257,061          | 6,090                   |                        | 10,151               | 16,241          | 2,273,302             |
| 313 Target Case Management Linkages         | 869,706            | 69,621                  |                        | 13,232               | 82,853          | 952,559               |
| 314 Alameda County Tay Tip                  | 35,812             | 8                       |                        |                      | 8               | 35,820                |
| 315 Mental Health Service Act               | 9,018,458          | 970,782                 |                        | 3,289,763            | 4,260,545       | 13,279,003            |
| 316 Health (Short/Doyle)                    | 3,823,059          | 281,959                 |                        |                      | 281,959         | 4,105,018             |
| 317 EPSDT Expansion Proposal                | 386,235            |                         |                        |                      | -               | 386,235               |
| 318 Alcoholic Bev Ctr OTS/UC                | 52,804             |                         |                        |                      | -               | 52,804                |
| 319 Youth Lunch                             | 101,900            | 192,574                 | 90,522                 |                      | 283,096         | 384,996               |
| 320 Sr. Nutrition Title III                 | 104,516            |                         |                        |                      | -               | 104,516               |
| 321 CFP Title X                             | 142,813            | 196                     |                        | 128,187              | 128,383         | 271,196               |
| 324 BUSD Grant                              | 310,992            |                         |                        |                      | -               | 310,992               |
| 325 Vector Control                          | 328,281            | 10,074                  |                        |                      | 10,074          | 338,355               |
| 326 Alameda County Grants                   | 650,225            |                         |                        | 3,354                | 3,354           | 653,579               |
| 327 Senior Supportive Social Services       | 55,720             |                         |                        |                      | -               | 55,720                |

## SUMMARY OF APPROPRIATIONS BY FUND

| ERMA<br>Fund # Fund                           | FY 2021<br>Adopted | 1st AAO                 |                        |                      |                 | FY 2021<br>Revised #1 |
|-----------------------------------------------|--------------------|-------------------------|------------------------|----------------------|-----------------|-----------------------|
|                                               |                    | Encumbered<br>Rollovers | Unencum.<br>Carryovers | Other<br>Adjustments | Total<br>Amend. |                       |
| 328 Family Care Support Program               | 68,254             |                         |                        |                      | -               | 68,254                |
| 329 CA Integrated Waste Management            | 5,244              | 2,760                   |                        | 45,000               | 47,760          | 53,004                |
| 333 CALHOME                                   | 363,100            |                         |                        |                      | -               | 363,100               |
| 334 Community Action                          | 295,338            | 25,890                  | 737,100                | 616,908              | 1,379,898       | 1,675,236             |
| 336 One-Time Grant: No Cap Exp                | 1,554,161          | 575,971                 |                        |                      | 575,971         | 2,130,132             |
| 338 Bay Area Air Quality Management           | 60,000             |                         |                        |                      | -               | 60,000                |
| 339 MTC                                       | 125,000            | 1,106,408               | 34,609                 |                      | 1,141,017       | 1,266,017             |
| 340 FEMA                                      | 1,238,435          | 127,238                 |                        | 557,350              | 684,588         | 1,923,023             |
| 341 Alameda Cty Waste Mgt.                    | 285,000            |                         |                        |                      | -               | 285,000               |
| 343 State Dept Conserv/Recylg                 | 28,000             |                         |                        |                      | -               | 28,000                |
| 344 CALTRANS Grant                            | -                  | 249,729                 | 1,248,678              | 98,617               | 1,597,024       | 1,597,024             |
| 345 Measure WW - Park Bnd Grant               | -                  | 521,414                 | 31,404                 |                      | 552,818         | 552,818               |
| 346 CALTRANS Safe Routes 2 Schools            | -                  | 9,757                   |                        |                      | 9,757           | 9,757                 |
| 347 Shelter+Care HUD                          | 5,478,439          | 5,320                   |                        |                      | 5,320           | 5,483,759             |
| 348 Shelter+Care County                       | 568,219            |                         |                        |                      | -               | 568,219               |
| 349 JAG Grant                                 | 52,500             |                         |                        |                      | -               | 52,500                |
| 350 Bioterrorism Grant                        | 364,386            | 3,201                   |                        | 400,523              | 403,724         | 768,110               |
| 501 Capital Improvement Fund                  | 8,214,694          | 5,728,736               | 3,416,094              | 707,950              | 9,852,780       | 18,067,474            |
| 502 Phone System Replacement                  | 160,000            | 3,508                   |                        |                      | 3,508           | 163,508               |
| 503 FUND\$ Replacement                        | 6,481,658          | 1,677,524               |                        | 50,000               | 1,727,524       | 8,209,182             |
| 504 PEG-Public, Education & Government        | 100,000            |                         |                        |                      | -               | 100,000               |
| 506 Measure M Streets & Watershed IMP         | -                  | 49,247                  | 405,097                | 302,627              | 756,971         | 756,971               |
| 511 Measure T1 - Infra & Facil.               | 2,265,231          | 14,221,513              | 6,820,356              | 1,638,511            | 22,680,380      | 24,945,611            |
| 512 Measure O - Housing                       | -                  | 13,820,423              |                        | 4,452,438            | 18,272,861      | 18,272,861            |
| 552 09 Measure FF Debt Service                | 1,621,745          |                         |                        |                      | -               | 1,621,745             |
| 553 2015 GORBS                                | 2,604,905          |                         |                        |                      | -               | 2,604,905             |
| 554 2012 Lease Revenue Bonds BJPFA            | 502,298            |                         |                        |                      | -               | 502,298               |
| 555 2015 GORBS - 2002 G.O. Refunding Bonds    | 481,211            |                         |                        |                      | -               | 481,211               |
| 556 2015 GORBS (2007, Series A)               | 181,150            |                         |                        |                      | -               | 181,150               |
| 557 2015 GORBS (2008 Measure I)               | 610,791            |                         |                        |                      | -               | 610,791               |
| 558 2010 COP (Animal Shelter)                 | 403,685            |                         |                        |                      | -               | 403,685               |
| 559 Measure M GO Street & Water Imps          | 1,641,863          |                         |                        |                      | -               | 1,641,863             |
| 560 Infrastructure & Facilities Measure T1    | 1,730,057          |                         |                        |                      | -               | 1,730,057             |
| 601 Zero Waste                                | 50,012,836         | 3,604,293               | 48,600                 | 632,223              | 4,285,116       | 54,297,952            |
| 606 Marina - Coastal Conservancy              | -                  | 27,992                  | 16,356                 |                      | 44,348          | 44,348                |
| 607 Marina - Dept. of Boating & Waterways     | -                  | 29,600                  | 32,980                 |                      | 62,580          | 62,580                |
| 608 Marina Operation                          | 6,988,739          | 307,786                 | 38,352                 | 190,464              | 536,602         | 7,525,341             |
| 611 Sewer                                     | 23,850,686         | 11,595,615              | 1,704,389              | 90,000               | 13,390,004      | 37,240,690            |
| 612 Private Sewer Lateral FD                  | 200,568            |                         |                        |                      | -               | 200,568               |
| 616 Clean Storm Water                         | 5,290,391          | 775,459                 |                        |                      | 775,459         | 6,065,850             |
| 621 Permit Service Center                     | 20,855,324         | 1,428,222               |                        |                      | 1,428,222       | 22,283,546            |
| 622 Unified Program (CUPA)                    | 896,131            | 5,504                   |                        |                      | 5,504           | 901,635               |
| 627 Off Street Parking                        | 6,484,575          | 486,732                 |                        |                      | 486,732         | 6,971,307             |
| 631 Parking Meter                             | 9,640,151          | 406,135                 | 162,683                | 117,717              | 686,535         | 10,326,686            |
| 636 Building Purchases and Management         | 3,210,140          | 35,829                  |                        |                      | 35,829          | 3,245,969             |
| 671 Equipment Replacement                     | 5,415,733          | 4,262,506               |                        | 2,495,886            | 6,758,392       | 12,174,125            |
| 672 Equipment Maintenance                     | 7,926,789          | 456,707                 | 90,004                 | 184,442              | 731,153         | 8,657,942             |
| 673 Building Maintenance Fund                 | 4,304,795          | 133,223                 |                        |                      | 133,223         | 4,438,018             |
| 674 Central Services                          | 384,569            | 3,921                   |                        |                      | 3,921           | 388,490               |
| 676 Workers Compensation                      | 6,422,651          | 163,704                 |                        |                      | 163,704         | 6,586,355             |
| 678 Public Liability                          | 1,922,551          | 365,991                 | 469,147                | 719,017              | 1,554,155       | 3,476,706             |
| 680 Information Technology                    | 14,357,042         | 831,634                 | 2,378,437              |                      | 3,210,071       | 17,567,113            |
| 762 Successor Agency - Savo DSF               | 57,120             |                         |                        |                      | -               | 57,120                |
| 774 Sustainable Energy Fin District           | 28,719             |                         |                        |                      | -               | 28,719                |
| 776 Thousand Oaks Underground                 | 98,177             |                         |                        |                      | -               | 98,177                |
| 777 Measure H - School Tax                    | 500,000            | 2                       |                        |                      | 2               | 500,002               |
| 778 Measure Q - CFD#1 Dis. Fire Protect Bond  | 452,792            | 152,124                 |                        | 1,425,000            | 1,577,124       | 2,029,916             |
| 779 Spl Tax Bds. CFD#1 ML-ROOS                | 1,226,320          |                         |                        | 1,425,000            | 1,425,000       | 2,651,320             |
| 781 Berkeley Tourism BID                      | 422,500            |                         |                        | 85,825               | 85,825          | 508,325               |
| 782 Elmwood Business Improvement District     | 30,000             | 1                       |                        | 37,537               | 37,538          | 67,538                |
| 783 Solano Ave BID                            | 25,000             |                         |                        | 9,881                | 9,881           | 34,881                |
| 784 Telegraph Avenue Bus. Imp. District       | 515,637            |                         |                        | 239,714              | 239,714         | 755,351               |
| 785 North Shattuck BID                        | 182,647            |                         |                        | 2,468                | 2,468           | 185,115               |
| 786 Downtown Berkeley Prop & Improv. District | 1,244,686          |                         |                        | 253,352              | 253,352         | 1,498,038             |
| 801 Rent Board                                | 6,096,209          | 126,351                 |                        |                      | 126,351         | 6,222,560             |
| GROSS EXPENDITURE:                            | 533,318,519        | 98,732,991              | 31,075,682             | 68,081,796           | 197,890,469     | 731,208,988           |
| Dual Appropriations                           | (43,650,640)       | -                       | -                      | 645,738              | 645,738         | (43,004,902)          |
| Revolving & Internal Service Funds            | (41,965,422)       | (6,228,219)             | (2,937,588)            | (3,525,937)          | (5,065,075)     | (54,657,166)          |
| NET EXPENDITURE:                              | 447,702,457        | 92,504,772              | 28,138,094             | 65,201,597           | 193,471,132     | 633,546,920           |

## ORDINANCE NO. 7,749-N.S.

AMENDMENTS TO THE BERKELEY LOBBYIST REGISTRATION ACT; AMENDING  
BERKELEY MUNICIPAL CODE CHAPTER 2.09

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

That Chapter 2.09 of the Berkeley Municipal Code (Berkeley Lobbyist Registration Act) is hereby amended to read as follows:

**Chapter 2.09****LOBBYIST REGISTRATION AND REGULATIONS****Article 1. General Provisions****Section 2.09.010 Title.**

This chapter shall be known as the Berkeley Lobbyist Registration Act, hereafter "the Act."

**Section 2.09.020 Findings.**

A. Democracy in our representative form of government requires that the public have an opportunity to know as much as possible what lobbying efforts are taking place that may affect decisions being made by our elected officials, City staff, boards, and commissions.

B. To the extent possible, it is the government's responsibility to balance the responsibility to ensure the health, safety, and general welfare of the public at large in a fiscally and environmentally sustainable manner.

**Section 2.09.030 Purpose.**

Therefore, the purpose of this ordinance is to codify certain existing practices, as well as to adopt new practices, to ensure that the public has an adequate opportunity to be informed of the City's activities and to communicate its concerns to its elected and appointed officials.

**Article 2. Definitions and Interpretation of This Act****Section 2.09.040 Words and phrases.**

Words and phrases used in this Act shall have the same meanings and be interpreted in the same manner as words and phrases used in the Berkeley Election Reform Act (Berkeley Municipal Code Chapter 2.12) and the Political Reform Act of 1974, California Government Code 81000 — 91014, hereafter the Political Reform Act, as amended and the regulations issued pursuant thereto, unless otherwise expressly provided or unless the

context otherwise requires.

### **Section 2.09.050 Definitions.**

For the purposes of this Act, the following definitions shall be applicable:

A. "Administrative enforcement proceeding" means a proceeding in which a City employee, officer, commission, board or other body seeks to enforce law or policy through methods including but not limited to correction of violations, imposition of disciplinary action, abatement of nuisances, or payment of fines or other penalties. "Administrative enforcement proceeding" includes but is not limited to code enforcement proceedings, enforcement proceedings before the Fair Campaign Practices Commission and Open Government Commission, officer misconduct proceedings before the Police Review Commission, and any employee disciplinary proceeding. "Administrative enforcement proceeding" does not include land use approval proceedings or other permitting processes.

B. "Campaign consultant" means any person or entity that receives or is promised economic consideration equaling \$1,000 or more in a calendar year for campaign consulting services. The term "campaign consultant" includes any person or entity that subcontracts with a campaign consultant to provide campaign consulting services, and that receives or is promised economic consideration equaling \$1,000 or more in a calendar year for providing campaign consulting services. The term "campaign consultant" does not include attorneys who provide only legal services, accountants who provide only accounting services, pollsters who provide only polling services, and treasurers who provide only those services which are required of treasurers by the Political Reform Act and the Berkeley Election Reform Act (Berkeley Municipal Code Chapter 2.12).

C. "Campaign consulting services" means participating in campaign management or developing or participating in the development of campaign strategy.

D. "City legislation" means ordinances, resolutions, ballot measures, Charter amendments, regulations or similar items considered by the City Council or any commission, board or other City legislative body.

E. "Client" means the real party in interest for whose benefit the services of a local governmental lobbyist are actually performed. In the case of an in-house local governmental lobbyist, "client" means the lobbyist employer of which the in-house local governmental lobbyist is an employee, officer or director. An individual member of an organization shall not be deemed to be a "client" solely by reason of the fact that such member is individually represented by an employee or agent of the organization as a regular part of such employee's or agent's duties with the organization as long as such member does not pay an amount of money or other consideration in addition to the usual membership fees for such representation.

F. "Committee" shall be defined as set forth in the Berkeley Election Reform Act (Berkeley Municipal Code Chapter 2.12).

G. "Contractor" means any party to an agreement in which the value of the consideration exceeds one thousand dollars (\$1,000), and, (1) The City is a party, or (2) the agreement or its effectiveness is in any way dependent or conditioned upon approval by the City Council or any board or commission, officer or employee of the City.

H. "Contribution" shall have the same meaning as set forth in the Berkeley Election Reform Act (Berkeley Municipal Code Chapter 2.12).

I. "Controlled committee" shall have the same meaning as set forth in the Berkeley Election Reform Act (Berkeley Municipal Code Chapter 2.12), but shall not include any state committees.

J. "Employee" shall have the same meaning as set out in Title 20 of the Code of Federal Regulations § 404.1007(b).

K. "Gift" shall be defined as set forth in the Political Reform Act, and the regulations adopted thereunder.

L. "Gift of travel" shall mean payment, advance, or reimbursement for travel, including transportation, lodging, and food and refreshment connected with the travel.

M. "Governmental action" means any discretionary administrative or legislative action of the City other than an action which is ministerial in nature. An action is ministerial in nature if it does not require the City official or employee who is the subject of the communication or contact to exercise any discretion concerning an outcome or course of action.

N. "Influence" or "influencing" means contacting a City elected or appointed official or employee, either directly or indirectly, for the purpose of promoting, supporting, modifying, opposing, causing the delay or abandonment of conduct, or otherwise intentionally affecting the official actions.

O. "In-house local governmental lobbyist" means a local governmental lobbyist who is an employee, officer or director of a business, firm or organization and who lobbies solely on behalf of that business, firm or organization. "In-house local governmental lobbyist" does not include a local governmental lobbyist who is a partner, owner, officer or employee of a lobbying firm.

P. "Lobbyist employer" means any business, firm, or organization for which an employee, officer or director qualifies as an in-house local governmental lobbyist. "Lobbyist employer" does not include a lobbying firm.

Q. "Lobbying firm" means any business entity which receives or becomes entitled to receive any compensation, other than reimbursement for reasonable travel expenses, for the purpose of influencing any proposed or pending governmental action of the City on behalf of any other person or entity, and any partner, owner, officer, or employee of the business entity is a local governmental lobbyist. "Lobbying firm" does not include a bona fide trade, labor or membership organization which is ongoing in nature and whose membership services are not limited to influencing governmental action of the City.

R. "Local governmental lobbyist" means any individual who: (1) receives or is entitled to receive one thousand dollars (\$1,000) or more in economic consideration in a calendar month, other than reimbursement for reasonable travel expenses, to communicate directly or through agents with any elected or appointed City official or City employee, for the purpose of influencing any proposed or pending governmental action of the City; or (2) whose duties as a paid employee, officer or director of any business, firm, or organization include communication directly or through agents with any elected or appointed City official or City employee, for the purpose of influencing any proposed or pending governmental action of the City. No person is a local governmental lobbyist by reason of activities described in Section 2.09.090. In case of any ambiguity, the

definition of "local governmental lobbyist" shall be interpreted broadly.

S. "Payment" means a payment, distribution transfer, loan advance, deposit, gift or other rendering of money, property, services or anything else of value, whether tangible or intangible.

T. "Person doing business with the City" means any person whose financial interests are materially affected by governmental action as defined by Section 2.09.050(K). It includes persons currently doing business with the City, planning to do business with the City, or having done business with the City within two years. For purposes of this Act a person's financial interests shall not be found to be materially affected by the issuance of any license or permit which does not require the exercise of discretion by City elected or appointed officials or employees.

U. "Public event" shall mean an event or gathering that any member of the public may attend, has been publicly announced and publicized in advance, and for which there is no admission cost or fee.

V. "Public official" means an elected or appointed officer or employee or officially designated representative, whether compensated or not, of the United States or any of its agencies, the State of California, any political subdivision of the state, including cities, counties, districts, or any public corporation, agency or commission.

W. "Registered client" means any client of a local governmental lobbyist listed as part of the requirements of sections 2.09.060 and 2.09.140.

X. "State committee" shall mean a committee that makes contributions or expenditures to support or oppose candidates or measures voted on in state elections, or in more than one county.

### **Article 3. Registration of Lobbyists**

#### **Section 2.09.060 Registration with the Open Government Commission.**

A. No person shall act as local governmental lobbyist before registering as a local governmental lobbyist with the Open Government Commission, through the office of the City Clerk.

B. At the time of registering, the local governmental lobbyist shall file with the City Clerk, in writing:

1. His or her name, business address, e-mail address, and business telephone number.
2. The name, business address, and business telephone number of each client for whom the local governmental lobbyist attempts or receives compensation to influence any proposed or pending governmental action of the City.
3. The name, business address, and business telephone number of the local governmental lobbyist's employer, firm or business affiliation.

C. The local governmental lobbyist shall reregister annually during the month of January and at that time shall resubmit the required information.

D. Local governmental lobbyists shall amend any information submitted to the Open Government Commission through registration and quarterly disclosures within five business days of the changed circumstances that require correction or updating of such information.

E. Within ten business days of initial registration, and each annual registration, each local governmental lobbyist shall pay a non-refundable fee of \$500.

F. Failure to pay the annual fee shall invalidate a local governmental lobbyist's registration with the Open Government Commission. The Open Government Commission is also authorized to establish additional processes for the termination of a local governmental lobbyist's registration.

G. The City Clerk shall waive all registration fees for any employee, officer or director of a tax-exempt organization presenting proof of the organization's tax-exempt status under 26 U.S.C. Sections 501(c)(3), 501(c)(4), or 501(c)(6) so long as they are acting in that capacity. Proof of an organization's tax-exempt status shall include an Internal Revenue Service determination letter or other documentation deemed sufficient by the City Clerk.

H. The City Clerk shall deposit all fees collected pursuant to this Section in the General Fund of the City of Berkeley.

I. A local governmental lobbyist's registration and fee are not transferrable to any other local governmental lobbyist.

#### **Section 2.09.070 Cessation of Lobbying Activities.**

A local governmental lobbyist who has terminated all activities requiring registration shall file a final disclosure report no later than the date required by Section 2.09.140 along with a final registration form indicating that all lobbying activities have terminated, and thereupon shall be relieved of any further obligations under this Act until such time as he or she commences activity requiring registration.

#### **Section 2.09.080 Lobbyist training.**

A. Each local governmental lobbyist must complete a lobbyist training session offered by the Open Government Commission, through the Office of the Clerk, within 30 days of the local governmental lobbyist's initial registration. Thereafter, local governmental lobbyists shall engage in additional training sessions as required by the Open Government Commission, at its discretion.

B. The Open Government Commission shall make local governmental lobbyist training sessions available on its website.

C. On or before the deadline for completing any required local governmental lobbyist training session, a local governmental lobbyist must file a signed declaration with the Open Government Commission stating, under penalty of perjury, that the local governmental lobbyist has completed the required training session.

D. Failure to file the signed declaration required by this section within 30 days of the local governmental lobbyist's initial registration shall constitute a violation of this Act. The Open Government Commission may invalidate a registration for failure to comply with this section.

#### **Section 2.09.090 Exceptions.**

The provisions of this Act shall not apply:

A. To a public official acting in his or her official capacity.

B. To the publication or broadcasting of news items, editorials, or other comments,

or paid advertisements, which directly or indirectly urge governmental action.

C. To a person specifically invited by the City Council or any committee thereof, or by any board or commission, or any committee of a board or commission, or by any officer or employee of the City charged by law with the duty of conducting a hearing or making a decision, for the purpose of giving testimony or information in aid of the body or person extending the invitation.

D. To a person who, without extra compensation and not as part of, or in the ordinary course of, his or her regular employment, presents the position of his or her organization when that organization has one or more of its officers, directors, employees or representatives already registered under the provisions of this Act.

E. To designated representatives of a recognized employee organization whose activities are limited to communicating with elected or appointed City officials or their representatives regarding (1) wages, hours and other terms and conditions of employment pursuant to the procedures set forth in Government Code Sections 3500—3510, or (2) the administration, implementation or interpretation of an existing employment agreement.

F. To persons whose only activity is to (1) submit a bid on a competitively bid contract, (2) respond to a request for proposal or qualifications, or (3) apply for grant funding or (4) negotiate the terms of a written contract or grant if selected pursuant to such bid or request for proposal or qualifications. This exception shall not apply to persons who attempt to influence the award or terms of a contract or grant with any elected or appointed official, unless their attempts are limited to speaking during public comment at a publicly noticed meeting.

G. To any individuals serving in their professional capacity (e.g. attorneys, architects, or engineers), who are employed by a local government lobbyist, and whose attempts to influence governmental action are limited to:

(1) Publicly appearing at a public meeting, public hearing, or other official proceeding open to the public to represent or testify on behalf of a proposed development;

(2) Preparing or submitting documents or writings in connection with the proposed development for use at a public meeting, public hearing, or other official proceeding open to the public; and

(3) Contacting city employees or agents working under the direction of the city manager directly relating to (1) and (2) above, or contacting elected or appointed City officials directly relating to (1) and (2) above.

H. To persons appearing or acting on behalf of a labor union of which they are an employee or member.

I. To an attorney who only communicates with a City official or employee regarding representation of a party or potential party to pending or actual litigation, or to a pending or actual administrative enforcement proceeding, brought by or against the City or City agent, officer or employee.

J. Persons employed by, or a member of, a tax-exempt Section 501(c)(3) or 501(c)(4), or 501(c)(6) organization, unless lobbying for specific City funding of the organization, project controlled by the organization or City legislation.



**Section 2.09.100 Failure to Register.**

If the Open Government Commission determines that a person is subject to registration and he or she fails to register within seven days of that determination, he or she shall be barred from acting as a local governmental lobbyist except when appearing before the City Council or other board or commission at a noticed public meeting. Such debarment shall be in effect for three months from the date of such determination or until registration, whichever is later.

**Section 2.09.110 Availability of information.**

All registration information shall be retained by the City Clerk for a period of five years from the date of filing, shall constitute part of the public records of the City, and shall be open to public inspection.

**Section 2.09.120 Filing under penalty of perjury.**

All information required by this Act shall be filed with the City Clerk on forms prescribed by the Open Government Commission, and accompanied by a declaration by the local governmental lobbyist that the contents thereof are true and correct under penalty of perjury. In the case of an in-house local governmental lobbyist, the lobbyist employer, or agent thereof, may complete and file any declaration required by this section.

**Section 2.09.130 Records.**

A local governmental lobbyist shall retain, for a period of five years, all books, papers and documents necessary to substantiate the registration required to be made under this Chapter.

**Article 4. Disclosure of Lobbying Activities and Audits**

**Section 2.09.140 Quarterly/Annual disclosure.**

For each calendar quarter in which a local governmental lobbyist was required to be registered, he or she shall file a quarterly report with the City Clerk, unless the local governmental lobbyist is a sole proprietorship, is an in-house local governmental lobbyist who lobbies solely on behalf of a lobbyist employer with four or fewer employees, or works for a lobbying firm with four or fewer employees, in which case they shall file annually. The reports shall be due no later than thirty (30) days after the end of the reporting period. The report shall contain the following information:

A. The item(s) of governmental action and the name and address of the client(s) on whose behalf the local governmental lobbyist sought to influence.

B. For each item of governmental action sought to be influenced, the name and title of each City employee, or elected or appointed City official with whom the local governmental lobbyist specifically met or communicated.

C. A brief narrative description (no longer than three sentences) of the position advocated by the local governmental lobbyist on behalf of the identified client.

D. If any local governmental lobbyist, or a registered client at the behest of a local governmental lobbyist, employs or requests, recommends or causes a client of the local governmental lobbyist to employ, and such client does employ, any City employee, or

elected or appointed City official, in any capacity whatsoever, or a member of the immediate family of one of these individuals, the local governmental lobbyist shall disclose (1) the name of the person employed or hired, (2) a description of the services actually performed, and (3) the total payments made to the City employee or elected or appointed City official during the reporting period identified only by the following categories: less than \$250; between \$250 and \$1,000; greater than \$1,000 but less than \$10,000; greater than \$10,000.

E. If any elected City officeholder or candidate for elected City office employs or hires a local governmental lobbyist to provide compensated services to the officeholder or candidate, the local governmental lobbyist shall disclose (1) the name of the person who employed or hired the local governmental lobbyist, (2) a description of the services actually performed, and (3) the total payments made during the reporting period identified only by the following categories: less than \$250; between \$250 and \$1,000; greater than \$1,000 but less than \$10,000; greater than \$10,000.

F. If a local governmental lobbyist solicits any person to make a contribution to an elected City officeholder, candidate for City office or to any committee or campaign fund controlled by such officeholder or candidate, the local governmental lobbyist shall disclose the names of the persons whom the local governmental lobbyist solicited, and the officeholder or candidate for whose benefit each solicitation was made. A solicitation does not include a request for a contribution made:

1. in a mass mailing sent to members of the public;
2. in response to a specific request for a recommendation;
3. to a gathering which members of the public may attend; or
4. in a newspaper, on radio or television, or in any other mass media.

A local governmental lobbyist does not "solicit" solely because his or her name is printed with other names on stationery or a letterhead used to request contributions. If a local governmental lobbyist sources a donation from more than fifty individual members or employees of a corporation, union or other association that is a registered client of the local governmental lobbyist, or if the local governmental lobbyist makes a solicitation to all members or employees of a corporation, union or association that is a registered client of the local governmental lobbyist, the local governmental lobbyist may choose to disclose the name of the registered client instead of the names of the persons whom the lobbyist actually solicited.

#### **Section 2.09.150 Registration and filing of disclosures by organizations.**

A lobbyist employer, or agent thereof, may complete and submit any registration or local governmental lobbyist disclosure on behalf of any in-house local governmental lobbyist it employs. The Open Government Commission is authorized to establish procedures to permit the registration and filing of local governmental lobbyist disclosures by a business, firm, or organization on behalf of the in-house local governmental lobbyists employed by those businesses, firms, or organizations.

**Section 2.09.160 Audits.**

At least once every year, the Open Government Commission shall initiate audits of at least 5% of registered local governmental lobbyists, at minimum one local governmental lobbyist, selected at random. At the request of the Open Government Commission, the City Clerk may assist in conducting these audits. This requirement shall not restrict the authority of the Open Government Commission or the City Clerk to undertake any other audits or investigations of a local governmental lobbyist authorized by law or regulation. Within ten business days of a request by the Open Government Commission or City Clerk, a local governmental lobbyist or anyone required to register as a local governmental lobbyist shall provide the requested documents required to be retained under this Chapter.

**Article 5. Prohibitions**

**Section 2.09.170 No unregistered employment or activity.**

A. A local governmental lobbyist shall not engage in any activity on behalf of a client as a local governmental lobbyist unless such local governmental lobbyist is registered and has listed such client with the City Clerk. A local governmental lobbyist shall submit an amended registration form indicating the addition of a new client before lobbying on behalf of that client.

B. No person shall accept compensation for acting as a local governmental lobbyist except upon condition that he or she forthwith register as required by this Act.

**Section 2.09.180 Personal obligation of City officials prohibited.**

Local governmental lobbyists, or clients shall abstain from carrying out any act with the express purpose and intent of placing any elected or appointed City official or City employee under personal obligation to such local governmental lobbyist, client, contractor or person.

**Section 2.09.190 Deception prohibited.**

No local governmental lobbyist or client shall deceive or attempt to deceive a City employee, or elected or appointed City official as to any material fact pertinent to any pending or proposed governmental action.

**Section 2.09.200 False appearances prohibited.**

No local governmental lobbyist or client shall attempt in any way to create a fictitious appearance of public favor or disfavor of any governmental action or to cause any communication to be sent to a city employee in the name of any fictitious person or in the name of any real person without the real person's consent.

**Section 2.09.210 Prohibited representations.**

No local governmental lobbyist or client shall represent, either directly or indirectly, orally or in writing that such person can control or obtain the vote or action of any City employee, or elected or appointed City official.

**Section 2.09.220 Restrictions on payments and expenses benefiting local public officials.**

A. No local government lobbyist or a registered client shall make any payment or incur any expense, including any gift of travel, that directly benefits an elected city officeholder, candidate for elected city office, a designated employee, or a member of the immediate family of one of these individuals, in which the cumulative value of such payments or expenses exceeds \$240 during any calendar year. This \$240 limit may be adjusted every four years by the OGC to account for inflation. The payments and expenses specified in subsections 2.09.220(A)-(D) include gifts, honoraria and any other form of compensation but do not include:

1. gifts of food or refreshment worth \$25 or less per occasion, if the local governmental lobbyist is a 501 (c)(3) nonprofit organization, the gift of food or refreshment is offered in connection with a public event held by the 501 (c)(3) nonprofit organization, and the same gift of food or refreshment is made available to all attendees of the public event;
2. payments or expenses that, within thirty (30) days after receipt, are returned unused or are reimbursed;
3. gifts of food or beverage worth \$25 or less per occasion, if said gift is provided in the home of an individual local governmental lobbyist or individual local governmental lobbyist's registered client when the individual or member of the individual's family is present;
4. a pass or ticket to a fundraising event for a campaign committee or candidate, or for an organization exempt from taxation under Section 501 (c)(3) of the Internal Revenue Code;
5. informational material;
6. campaign contributions not to exceed the limit imposed by the Berkeley Election Reform Act or state law, as applicable; and
7. salaries, consulting fees or other payments for services rendered or bargained for. No other exception to, or exclusion from, the definition of gift or honoraria contained in the Political Reform Act of 1974 as amended, and the regulations issued pursuant thereto, shall apply to this section.

For purposes of the gift limits imposed by subsections (A)-(C), gifts shall be aggregated set forth in California Code of Regulations, Title 2, Section 18945.1, as it may hereafter be amended.

B. No lobbyist or a lobbyist's registered client shall make any payment to a third-party for the purpose of making any payment or incurring any expense, including any gift of travel, that directly benefits an elected city officeholder, candidate for elected city office, a designated employee, or a member of the immediate family of one of these individuals.

C. No elected city officeholder, candidate for elected city office, or designated employee may accept or solicit any payment or expense, including any gift of travel, from any lobbyist for the individual's personal benefit or for the personal benefit of a member of the immediate family of one of these individuals.

D. No elected city officeholder, candidate for elected city office, or designated employee may accept or solicit any payment or expense, including any gift of travel, from a third-party if the officer knows or has reason to know that the third-party is providing the

payment or expense on behalf of a lobbyist.

**Section 2.09.230 Restriction on campaign consultants lobbying current and former clients.**

A. No campaign consultant, individual who has an ownership interest in the campaign consulting business, or employee of the campaign consultant shall lobby any elected or appointed City official of the city who is a current or former client of the campaign consultant.

B. This prohibition shall not apply to:

1. an employee of a campaign consultant whose sole duties are clerical; or
2. an employee of a campaign consultant who did not personally provide campaign consulting services to the officer of the city with whom the employee seeks to communicate in order to influence local legislative or administrative action.

C. The exceptions in Subsection (B) shall not apply to any person who communicates with an officer of the city in his or her capacity as an employee of the campaign consultant who is prohibited by Subsection (A) from making the communication.

D. Whenever the following words or phrases are used in this Section, they shall be defined as follows:

1. "Current client" shall mean a person for whom the campaign consultant has been contracted to provide campaign consulting services. If such person is a committee as defined by Berkeley Election Reform Act (Berkeley Municipal Code Chapter 2.12), the current client shall be any individual who controls such committee; any candidate that such committee was primarily formed to support; and any proponent or opponent of a ballot measure that the committee is primarily formed to support or oppose.
2. "Employee" shall mean an individual employed by a campaign consultant, but does not include any individual who has an ownership interest in the campaign consultant that employs them.
3. "Former client" shall mean a person for whom the campaign consultant has terminated all campaign consulting services within the past twenty-four (24) months.

**Article 6. Enforcement**

**Section 2.09.240 Rules and regulations.**

The Open Government Commission may adopt, amend, and rescind rules, procedures, and regulations to carry out the purposes of this Chapter, and to govern the Commission's procedures to enforce this Chapter.

**Section 2.09.250 Complaint, investigative procedures, and probable cause.**

A. Any person who believes that a violation of any portion of this chapter has occurred may file a complaint with the Open Government Commission. The Open Government Commission may initiate an investigation of a possible violation of this

chapter based on information brought before the commission, including information presented by staff.

B. After receiving a complaint or information regarding a possible violation of this chapter, the Open Government Commission shall decide whether to (1) refer to the secretary to investigate, to the extent the secretary has not done so; (2) dismiss the complaint; or (3) find probable cause that a violation of this chapter has occurred.

**Section 2.09.260 Notice and hearing on violations.**

After the Open Government Commission determines there is probable cause for believing that a provision of this Chapter has been violated and makes a good faith effort to give reasonable written notice to the person or persons involved in the allegation using the contact information with which they registered, it may hold a hearing to determine if a violation has occurred, and may determine an appropriate remedy if a violation is found. The hearing pursuant to this section shall be conducted in an impartial manner, consistent with the requirements of due process. A record shall be maintained of the proceedings, and a report summarizing the facts, issues, and any remedial actions shall be issued by the commission following the conclusion of the hearing.

The commission shall conduct such hearings and proceedings with respect to determinations of probable cause pursuant to adopted procedures. All interested persons may participate in the hearing.

**Section 2.09.270 Violations – commission action.**

If the Open Government Commission finds a violation of this Act, the Open Government Commission may:

(1) Find mitigating circumstances and take no further action; (2) issue a public statement or reprimand, (3) impose a civil penalty in accordance with this Act, or (4) take other action as specified in 2.06.190(A)(1).

**Section 2.09.280 Civil actions.**

If the commission has reason to believe that a violation of this chapter has occurred or is about to occur, it may also institute action at law or equity to enforce and compel compliance with the provision of this chapter. Any resident of the City who believes that a violation of this chapter has occurred, may institute such action at law or equity for injunctive relief and to compel compliance with the provisions of this chapter.

**Section 2.09.290 Civil penalties.**

A. Except as otherwise specified in this Act, the Open Government Commission may impose penalties of up to one thousand dollars (\$1,000) for each violation or, if the violation was a prohibited payment, expense or gift under section 2.09.220, of up to three times the value of each prohibited payment, expense or gift.

B. If any civil penalty imposed by the Open Government Commission is not timely paid, the Open Government Commission shall refer the debt to the appropriate City agency or department for collection.

C. For local government lobbyists found to have repeatedly over more than one quarter, knowingly, or willfully violated the Act, the Open Government Commission may

impose penalties of up to twenty-five thousand dollars (\$25,000) for any violation, using factors adopted by the Open Government Commission through its rules, regulations, or procedures.

**Section 2.09.300 Criminal violation.**

A. Any person who knowingly or willfully violates the provisions of this Act is guilty of a misdemeanor.

B. The prosecution of any misdemeanor violation of this Act shall commence within four years after the date on which the alleged violation occurred.

C. No person convicted of a misdemeanor violation of this Act may act as a local governmental lobbyist, render consultation or advice to any registered client, or otherwise attempt to influence a governmental action for compensation for one year after such conviction.

**Section 2.09.310 Joint and several liability.**

A. Should two or more persons be responsible for any violation under this Chapter, they may be jointly and severally liable.

B. The client or employer of a local governmental lobbyist shall be jointly and severally liable for all violations of this Chapter committed by the local governmental lobbyist in connection with acts or omissions undertaken on behalf of that client or employer.

C. If a business, firm or organization registers or files local governmental lobbyist disclosures on behalf of its employees pursuant to Section 2.09.150 the business, firm or organization may be held jointly and severally liable for any failure to disclose its employees' lobbying activities.

**Section 2.09.320 Effective date.**

The effective date of this Act shall be January 1, 2020. The Act may be effective at an earlier date if administratively feasible.

**Section 2.09.330 Severability.**

The provisions of this Chapter are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this Chapter, or the invalidity of the application thereof to any person or circumstances, shall not affect the validity of the remainder of this Chapter, or the validity of its application to other persons or circumstances.

At a regular meeting of the Council of the City of Berkeley held on January 19, 2021, this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: Bartlett, Droste, Hahn, Harrison, Kesarwani, Robinson, Taplin, Wengraf, and Arreguin.

Noes: None.

Absent: None.



## ORDINANCE NO. 7,750-N.S.

AMENDING CHAPTER 16.18 RIGHT-OF-WAY ENCROACHMENTS AND ENCROACHMENT PERMITS OF THE BERKELEY MUNICIPAL CODE AND AMENDING SECTION 14.48.150 SIDEWALK SEATING, BENCHES, AND PLANTERS

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

Section 1. That Berkeley Municipal Code Section 16.18.010 is amended to read as follows:

**16.18.010 Definitions.**

A. "Encroach" means constructing or placing permanent structures or improvements over, upon, under, or using any public right-of-way or watercourse in any manner other than its intended use.

B. "Encroachment" shall include any of the following acts:

1. Erecting or maintaining any flag, banner, decoration, post, sign, pole, fence, guard-rail, wall, loading platform, mailbox, pipe, conduit, wire, or other structure on, over, or under a public right-of-way;

2. Constructing, placing, or maintaining, on, over, under, or within the public right-of-way any subsurface drainage structure or facility, any pipe, conduit, wire or cable.

C. "Major encroachment" means any permanent improvement attached to a structure or constructed in place so that it projects into the public right-of-way such as basement vaults, earth retaining structures over three feet above grade, structure connected planter boxes, ramps, or fences over six feet above grade. Improvements identified in chapters 16.04, 16.24 and 17.16, and any items conforming to the Berkeley Building Code, shall not be considered Major encroachments. Projections over any part of the public right-of-way that are not permitted by or which are in excess of the limitations specified in the Berkeley Building Code shall also be classified as major encroachments, including theatre marquees, signs suspended above the sidewalk, oriel windows, balconies, cornices and other architectural projections.

D. "Minor encroachment" means encroachment into the public right-of-way resting on or projecting into the sidewalk area such as: subsurface tiebacks and soil nails; concrete stairs; disabled Access Ramps where more than six feet of sidewalk area is preserved; subsurface foundations extending less than 2 feet from the property line; level landings for garages; landscape features less than two feet in height; conduit for privately owned phone and data lines connecting buildings owned by the permittee; flower pots; permanent planter boxes; clocks; bus shelters; phone booths; bike racks; fences less than six feet above grade; earth retaining structures less than three feet above grade; benches; Parklets, as defined in Section 14.48.190; and curbs around planter areas. Any encroachment which is not a minor encroachment is a major encroachment. During a declared City emergency in response to a disease outbreak, a Parklet shall be considered

a temporary structure not subject to the encroachment permit requirement and shall be permitted with an engineering permit. Upon termination of the declared City emergency, any Parklet present in the public right-of-way shall within 365 days of date of termination either obtain a valid encroachment permit or be removed from the public right-of-way.

E. "Assistant City Manager for Public Works" includes the Assistant City Manager for Public Works and their authorized delegate.

F. "Permittee" means any person(s), firm, company, corporation, association, public agency, public utility, or organization and the permittee's successors-in-interest which has been issued a permit for said encroachment by the Assistant City Manager for Public Works. All obligations, responsibilities, and other requirements of the permittee as herein described, shall be binding on successors-in-interest of the original permittee and subsequent owners of the property benefitted by the encroachment unless otherwise specified in the permit.

Section 2. That Berkeley Municipal Code Section 14.48.150 is amended to read as follows:

**14.48.150 Sidewalk seating, benches and planters.**

A. Notwithstanding anything to the contrary in this Chapter, the City of Berkeley Engineering Division of the Department of Public Works, or its successor, may approve Sidewalk Seating, Benches and/or Planters on sidewalks, parking lanes, street areas, and other public right of way locations as set forth in, and in compliance with, this Section.

1. No permit may be issued under this Section for any sidewalk area in front of a single parcel if there are any current violations of this Chapter in that sidewalk area.

2. A permit for Sidewalk Seating, Benches and/or Planters may not be issued unless the business for which the Sidewalk Seating, Benches and/or Planters is/are proposed is in full compliance with Title 23 and any Permit issued thereunder.

B. For purposes of this Chapter, the following terms shall be defined as follows:

1. "Bench" means a seat designed for two or more persons.

2. "Bus Bench" means a bench installed and maintained under an agreement between the City, A.C. Transit and Lamar Transit Advertising or another public or semi-public transit provider.

3. "Commercial Establishment" means, but is not limited to, a place where Business Activity is established. Business activity is defined as any activity subject to BMC Chapter 9.04 and any economic activity which generates receipts but is exempt from BMC Chapter 9.04 by state or federal law.

4. "District-wide Sidewalk Bench/Planter Area Plan" means a City-approved plan for a specific commercial district as defined in said plan, that establishes area-specific regulations for benches, planters and/or plant material, and establishes general

regulations for the placement of benches and planters in the public right-of-way, for the designated district.

5. "District-wide Sidewalk Seating Area Plan" means a City-approved plan for a specific commercial district as defined in said plan, that establishes area-specific regulations for sidewalk cafe seating, and establishes general regulations for the placement of sidewalk cafe seating in the public right-of-way, for the designated district.

6. "Food Service Establishment" has the same meaning as set forth in BMC Chapter 23F.04.

7. "Furniture" means amenities such as but not limited to tables, chairs, benches, and other equipment that facilitates the stationary use of sidewalk, parking lanes, street area, and other public right of way spaces.

8. "Planter" means a container that is designed or used for growing plants.

9. "Parking Lane" and "Street Area" are considered to be part of the Public right-of-way (PROW), known as, "any public street, public way, public place or rights-of-way, now laid out or dedicated, and the space on, above or below it, and all extensions thereof, and additions thereto, owned, operated and/or controlled by the City or subject to an easement owned by City and any privately-owned area within City's jurisdiction which is not yet, but is designated as a proposed public place on a tentative subdivision map approved by City." as defined in BMC 23F.04.010.

10. "Sidewalk" has the same meaning as set forth in BMC 1.04.010(18).

11. "Sidewalk Seating" means tables and/or chairs (including benches) and umbrellas and other associated furniture with lawfully operating Food Service Establishments or other commercial establishments, in or on the sidewalk. During cases of a declared City emergency in response to a disease outbreak, "Sidewalk Seating" includes seating and associated furniture in the public right-of-way or resting on, or projecting into, the sidewalk, parking lane, or street area, or any combination thereof which are not physically or structurally attached to a building, retaining wall or fence. Such Sidewalk Seating shall be permitted in any area of the public right-of-way for the duration of the declared City emergency if Traffic Engineer makes a finding that the use of the right-of-way for Sidewalk Seating purposes does not create a dangerous condition for customers, pedestrians, or bicycle or motor vehicle traffic. Upon termination of the declared City emergency, any Sidewalk Seating present in the public right-of-way and not on the sidewalk shall within 365 days of date of termination either obtain a valid encroachment permit or be removed from the public right-of-way.

12. "Transit Stop" means an AC Transit bus stop, UC Berkeley bus stop, a paratransit bus stop, Bay Area Rapid Transit station entrance, or another public transit provider.

13. "Window Box Planter" means a box, designed to hold soil for growing plants, attached at or on a windowsill.

C. Sidewalk Seating, Benches and Planters shall fully conform to the following requirements of this subdivision:

1. Any object permitted under this Section shall leave a minimum horizontal clear space of six feet for ADA-compliant path of travel, (or reduce to 5 feet at a single point of contact) or such greater (or smaller) amount of clear space as the Engineering Division finds necessary to protect and enhance pedestrian and vehicle traffic for public use in the sidewalk area, as that space is determined by the City of Berkeley Engineering Division of the Department of Public Works, or its successor.

2. Objects permitted under this Section shall not:

a. Unduly interfere with access by public employees and utility workers to meters, fire hydrants or other objects (street hardware) in the right-of-way;

b. Block or obstruct the view of necessary authorized traffic devices;

c. Unduly interfere with pedestrian traffic in the public ROW/sidewalk, pedestrian safety, access to public or private parking, traffic circulation, and/or vehicular safety;

d. Be closer than 25 feet to any curb return or fire hydrant; except in such cases where the geometry of the roadway has been designed to accommodate, or will accommodate, Sidewalk Seating, as determined by City staff. City staff will be defined as the Traffic Engineer, City Engineer, or Fire Marshal as appropriate;

e. Be affixed to any City or utility company-owned poles or appurtenances;

3. All sidewalk seating shall be subject to the following additional standards and requirements:

a. All Sidewalk Seating configurations shall comply with applicable Americans with Disabilities Act (ADA) accessibility standards.

b. All Sidewalk Seating components shall be stored in a secure location on private property when not in use.

c. The permittee shall regularly inspect and clean the Sidewalk Seating and that portion of the public sidewalk adjacent to the establishment. A waste receptacle shall be provided.

4. All benches and planters shall be subject to the following additional standards and requirements:

a. All proposals shall comply to the greatest extent possible with any design requirements adopted by the City for benches, planters and/or plant material.

D. All permits issued under this Section shall be subject to the following conditions:

1. The permittee shall be responsible for, and exercise reasonable care in the inspection, maintenance, and cleanliness of the area affected by any object(s) permitted

by this Section, including any design requirements hereafter enacted, from the building frontage to the curb, parking lane, or street area.

2. The permittee shall restrict any objects permitted under this Section to the approved location(s) and configuration, and ensure compliance with all applicable laws, and the number of tables and chairs shall not be increased without prior approval of the Public Works or Public Health Department.

3. When any objects permitted under this Section are found to be in conflict with existing or proposed facilities or improvements owned, maintained, or operated by the City, or any existing or proposed City design plans, those objects shall, upon written demand of the City Manager or their designee, be removed or relocated in such a way as to eliminate the conflict. Should the permittee fail to comply with said written demand within a reasonable period of time, the City may cause such relocation of the placement at the expense of the permittee. Any such non-compliance shall also be a violation of this Section.

4. Permits issued under this Section shall be posted in plain view within the commercial establishment for which the permit has been issued along with any other relevant permits that support health and safety of patrons and the general public.

5. By accepting a permit under this Section, the permittee explicitly agrees to hold the City, its officers and employees harmless from any liability, claims, suits or actions for any and all damages alleged to have been suffered by any person or property by reason of the permittee's installation, operation, maintenance or removal of Sidewalk Seating, Furniture, Benches and/or Planters.

6. Prior to permit approval, the permittee shall demonstrate possession of liability insurance in the amount of \$1,000,000 for Benches and Planters, and related Sidewalk Seating furniture. Said insurance shall name the City of Berkeley as additionally insured and shall be in a form acceptable to the City Attorney.

7. The permittee shall monitor and control the use of the Sidewalk Seating so as to prevent disturbance of the surrounding neighborhood.

8. A food service establishment that proposes to serve alcoholic beverages within an outdoor dining area shall comply with the standards established by the State of California Department of Alcoholic Beverage Control. The dining area shall be:

- a. Physically defined and clearly part of the restaurant it serves; and
- b. Supervised by a restaurant employee to ensure compliance with laws regarding the on-site consumption of alcoholic beverages.

E. Permits under this Section are not transferable, and must be renewed annually.

F. Sidewalk Seating, Benches, Furniture, and/or Planters that are not permitted under this Section are prohibited encroachments under Chapter 16.18, and shall constitute public nuisances subject to the remedies in Chapter 1.26.

G. The City Council may by resolution establish or waive fees for the implementation and administration of this Section.

**14.48.160 Removal of obstructions on streets and sidewalks.**

Anything placed or permitted to remain upon any sidewalk or roadway in violation of this Chapter, is declared to constitute a nuisance and the City is authorized and empowered to abate such nuisance by removing the same to the custodian of lost property in the Police Department or the Corporation Yard of the City, or other location designated by the City.

**14.48.170 Use of streets and sidewalks by vendors.**

Any properly licensed vendor may use the public streets of the City in commercial or industrial zones for the sale of goods, wares, merchandise, or food when conducted under the conditions stated in this section.

A. Sidewalk vending is permitted as regulated by Chapter 9.48 of the Berkeley Municipal Code.

B. Other street vending is permitted from vehicles which are lawfully parked upon streets which are not regulated by parking meters or other posted parking time limits.

C. It is unlawful for any person to vend in violation of this section.

**14.48.180 Trap doors in sidewalks.**

A. Trap doors in sidewalks used to cover an opening for an elevator, stairway or chute must be kept in such a condition that they will not endanger persons or property, and it is unlawful for any person owning or being in charge or control of any such doors in sidewalks used for covering entrances to elevators, stairways or chutes, or other openings in the sidewalk leading to the basement, to allow said doors to remain open, except when such elevator, stairway or chute is being used and monitored for pedestrian safety while loading or unloading or transferring of merchandise or material.

B. The requirements of this section shall be in addition to and not in lieu of any other ordinance of the City having to do with doors or other openings in sidewalks.

**14.48.190 Parklets.**

A. Notwithstanding anything to the contrary in this Chapter, the City of Berkeley Engineering Division of the Department of Public Works, or its successor, may approve Parklets, Benches and/or Planters in the public right-of-way (excluding Sidewalks alone, which are subject to and governed by Section 14.48.150) as set forth in, and in compliance with, this Section.

1. No permit may be issued under this Section for any right-of-way area in front of a single parcel if there are any current violations of this Chapter in that right-of-way area.

2. A permit for a Parklet may not be issued unless the parklet Host is in full compliance with all applicable requirements of Title 23 and any Permit issued thereunder.

3. A permit for a Parklet may only be issued adjacent to parcels in the following zoning districts: all Commercial (C-prefixed districts), Mixed-Use Light Industrial (MU-LI), Mixed-Use Residential (MU-R), and Mixed Manufacturing (MM).

B. For purposes of this Chapter, the following terms shall be defined as follows:

1. "Bench" means a seat designed for two or more persons.

2. "Bike Parking" means a location with bike racks intended for the secure parking of bicycles.

3. "Furniture" means amenities such as but not limited to tables, chairs, benches, and other equipment that facilitates the stationary use of public space.

4. "Parklet" means a platform or similar level surface extending into the public right-of-way with amenities such as but not limited to tables and/or chairs (including Benches), Bike Parking, and umbrellas, designated as public space, located in or on the public right-of-way or resting on, or projecting into, the sidewalk and parking area, which are not physically or structurally attached to a building, retaining wall or fence.

5. "Planter" means a container that is designed or used for growing plants.

6. "Sidewalk" has the same meaning as set forth in Section 1.04.010(18).

7. "Sponsoring Business," "Host," "Permit Holder" or "Permittee" means, and is limited to, any establishment engaged in insuring and caring for the Parklet as set forth in the Parklet maintenance agreement.

8. "Transit Stop" means an AC Transit bus stop, UC Berkeley bus stop, a paratransit bus stop, Bay Area Rapid Transit station entrance, or another public transit provider.

C. Parklets, Benches and Planters shall fully conform to the following requirements of this subdivision:

1. Any object permitted under this Section shall leave a minimum of clear space as the Engineering Division finds necessary to protect and enhance pedestrian or vehicle traffic for public use in and around the Parklet area, as that space is determined by the City of Berkeley Engineering Division of the Department of Public Works, or its successor.

2. Parklets shall comply with applicable Americans with Disabilities Act (ADA) accessibility standards.

3. Objects permitted under this Section shall not:

a. Unduly interfere with access by public employees and utility workers to meters, fire hydrants or other objects (street hardware) in the right-of-way;

b. Block or obstruct the view of necessary authorized traffic devices;

- c. Unduly interfere with pedestrian traffic in the right-of-way, including the Sidewalk, pedestrian safety, traffic circulation, and/or vehicular safety;
  - d. Be closer than 25 feet to any curb return or fire hydrant; except in such cases where the geometry of the roadway has been designed to accommodate, or will accommodate, a parklet, as determined by City staff. City staff will be defined as the Traffic Engineer, City Engineer, or Fire Marshal as appropriate;
  - e. Be affixed to any City or utility company-owned poles or appurtenances;
  - f. The width of the Parklet must not extend beyond six feet from the curb line, except in such cases where the geometry of the roadway has been designed to accommodate, or will accommodate, a Parklet, as determined by City staff. City staff will be defined as the Traffic Engineer, City Engineer, or Fire Marshal as appropriate.
4. All Parklets shall be subject to the following additional standards and requirements:
- a. Parklets must remain publicly accessible and must include signage posted on site to this effect;
  - b. Parklet construction materials must be of high quality, durable, and suitable for public use;
  - c. A visible edge to the Parklet is required, which may consist of Planters, railing, or cabling. The edges should be visually permeable;
  - d. The Permittee shall regularly inspect and clean the Parklet and that portion of the public sidewalk adjacent to the Parklet;
  - e. Access panels must be included in order to maintain the gutter and area underneath the Parklet and the design must allow for drainage along the gutter to pass underneath the Parklet;
  - f. Safe hit posts and wheel stops, or approved equivalents, may be required. If Bike Parking is provided, the bike racks can be at street grade.
5. All Benches, Furniture, and Planters within the Parklet shall be subject to the following additional standards and requirements:
- a. All proposals shall comply with any design requirements adopted by the City for Benches, Planters and/or plant material;
  - b. All non-secured Parklet components shall be stored in a secure location on private property when not in use;
  - c. Any unsecured Furniture must be clearly different from the Furniture used by a Parklet Host in order to emphasize that the Parklet is public space, as determined by City staff.
- D. All permits issued under this Section shall be subject to the following conditions:



1. The Permittee shall be responsible for, and exercise reasonable care in the inspection, maintenance, and cleanliness of the area affected by any object(s) permitted by this Section, including any design requirements hereafter enacted, from the building frontage to the right-of-way, including the Parklet area.
2. The Permittee shall restrict any objects permitted under this Section to the approved location(s) and configuration, ensure compliance with all applicable laws, and the number and configuration of Benches, Furniture and Planters and overall square footage of the Parklet shall not be modified without prior approval of the Public Works Department.
3. When any objects permitted under this Section are found to be in conflict with existing or proposed facilities or improvements owned, maintained, or operated by the City, or any existing or proposed City design plans, those objects shall, upon written demand of the City Manager or their designee, be removed or relocated in such a way as to eliminate the conflict, at the sole expense of the Permittee. Should the Permittee fail to comply with said written demand within a reasonable period of time, the City may cause such relocation of the placement at the expense of the Permittee. Any such non-compliance shall also be a violation of this Section.
4. Permits issued under this Section, when under review prior to issuance, shall be posted in plain view within the sponsoring establishment(s) for which the permit has been issued. Public notice, permitting, and appeal for Parklets are set forth in BMC Section 16.18.060 (Permit procedure for minor encroachment) of the Berkeley Municipal Code. Section D(4) is not applicable in cases of declared local emergency due to disease outbreak.
5. By accepting a permit under this Section, the Permittee explicitly agrees to hold the City, its officers and employees harmless from any liability, claims, suits or actions for any and all damages alleged to have been suffered by any person or property by reason of the Permittee's installation, operation, maintenance or removal of the Parklet, Benches and/or Planters.
6. Prior to permit approval, the Permittee shall demonstrate possession of liability insurance, in the amount not less than \$1,000,000, for the Parklet including any associated Benches, Planters and Furniture. Said insurance shall name the City of Berkeley as an additional insured and shall be in a form acceptable to the City Attorney.
7. The City Manager or their designee may require a performance bond to ensure Parklet removal in the event of a permit cancellation.
8. The Permittee shall monitor and control the use of the Parklet to prevent disturbance of the surrounding neighborhood.
9. A Sponsoring Business or other business is not permitted to perform table service at a Parklet or otherwise incorporate a Parklet into its business operations. Section D(9) is not applicable in cases of declared local emergency due to disease outbreak.
10. Commercial signage, smoking, and advertising are prohibited at Parklets.

E. Parklets, Benches and/or Planters that are not permitted under this Section are prohibited encroachments under Chapter 16.18, and shall constitute public nuisances subject to the remedies in Chapter 1.26.

F. The City Council may by resolution establish or waive fees and guidelines for the implementation and administration of this Section.

At a regular meeting of the Council of the City of Berkeley held on January 19, 2021, this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: Bartlett, Droste, Hahn, Harrison, Kesarwani, Robinson, Taplin, Wengraf, and Arreguin.

Noes: None.

Absent: None.

## ORDINANCE NO. 7,751-N.S.

AMENDING TITLE 14 AND TITLE 23 OF THE BERKELEY MUNICIPAL CODE TO MODIFY MINIMUM RESIDENTIAL OFF-STREET PARKING REQUIREMENTS, IMPOSE RESIDENTIAL PARKING MAXIMUMS IN TRANSIT RICH AREAS, INSTITUTE TRANSPORTATION DEMAND MANAGEMENT REQUIREMENTS AND AMEND THE RESIDENTIAL PREFERENTIAL PARKING (RPP) PERMIT PROGRAM

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

Section 1. That Berkeley Municipal Code Section 14.72.080 is amended to read as follows:

**14.72.080 Issuance of permits.**

A. Residential, local business and neighborhood-serving community facility parking permits shall be issued by the Department of Finance in accordance with requirements set forth in this chapter. Each such permit shall be designed to state or reflect thereon the identification of the particular residential, local business or neighborhood-serving community facility permit parking area for which it is issued. No more than one residential or local business parking permit shall be issued to each motor vehicle for which application is made.

B. When issuing local business and neighborhood-serving community facility permits, the Department of Finance in consultation with the traffic engineering division shall issue permits such that they will not unduly be concentrated on a specific block front in any given residential permit parking area.

C. 1. No permits shall be issued to residents in newly constructed residential units. The Current Planning division shall provide a listing of newly-constructed housing units to the Department of Finance.

2. No permits shall be issued to residents of Group Living Accommodations as defined in Chapter 23F.04 that are approved after January 1, 2012, unless the Zoning Adjustments Board specified otherwise when it approved the GLA. The Current Planning division shall provide a listing of addresses subject to this paragraph to the Department of Finance.

3. In the R-2 and R-2A zoning districts, no permits shall be issued to residents of dwelling units with more than 5 bedrooms to which new bedrooms have been added subsequent to January 1, 2012. The Current Planning division shall provide a listing of addresses subject to this paragraph to the Department of Finance.

4. This subdivision shall not prevent issuance of permits to residents of permitted and legal nonconforming sororities, fraternities and student cooperatives who are not otherwise prohibited from obtaining them.

D. The Department of Finance and the traffic engineering division are authorized to issue such rules and regulations necessary to implement this chapter, and are not inconsistent with it.

E. Parking permits shall not be issued for vehicles for which there is any outstanding City of Berkeley notice of violation of parking rules and restrictions that are unpaid for more than 21 calendar days from the issuance of the parking violation.

Section 2. That Berkeley Municipal Code Section 23B.44.010 is amended to read as follows:

**23B.44.010 Variances**

The Board may grant Variances to vary or modify the strict application of any of the regulations or provisions of this Ordinance with reference to the use of property; the height of buildings; the yard setbacks of buildings the percentage of lot coverage; the lot area requirements; or the off-street parking requirements of this Ordinance; provided, however, that a use permit, rather than a variance, may be approved to vary or modify the strict application of any of the regulations or provisions of this Ordinance with reference to the yard setbacks of buildings; the percentage of lot coverage; or the non-residential off-street parking space requirements of this Ordinance when development is proposed on property which is located within thirty feet of an open creek and where varying from or modifying existing regulations is necessary to enable the property owner to comply with BMC Chapter 17.08, Preservation and Restoration of Natural Watercourses.

Section 3. That Berkeley Municipal Code Chapter 23C.18 is hereby added to read as follows:

**Chapter 23C.18: Transportation Demand Management**

**Sections:**

|                   |                                                              |
|-------------------|--------------------------------------------------------------|
| <b>23C.18.010</b> | <b>Purpose</b>                                               |
| <b>23C.18.020</b> | <b>Applicability of Regulations</b>                          |
| <b>23C.18.030</b> | <b>Transportation Demand Management Program Requirements</b> |
| <b>23C.18.040</b> | <b>Monitoring, Reporting and Compliance</b>                  |

**Section 23C.18.010 Purpose**

The purpose of this chapter is to establish a Transportation Demand Management program that supports:

- A. City Transportation Element goals of reducing vehicle trips, encouraging public transit use and promoting bicycle and pedestrian safety, and
- B. City Climate Action Plan goals to reduce private vehicle travel and promote mode shift to more sustainable transportation options.

## **Section 23C.18.020      Applicability of Regulations**

- A. The following types of projects must comply with the requirements of this Chapter:
  - 1. Residential projects, including the residential portion of mixed-use projects that include ten or more Dwelling Units that have not been issued a Building Permit by the effective date of this ordinance.
- B. The following types of projects shall be exempt from the requirements of this Chapter:
  - 1. Residential projects, including the residential portion of mixed-use projects, located in the following locations:
    - a. C-DMU Downtown Mixed Use District
  - 2. Residential projects, including the residential portion of mixed-use projects, with the majority of the units subject to recorded affordability restrictions.
- C. Projects in the Southside Plan Area shall be exempt from the transit benefit requirements in 23C.18.030 (B)

## **23C.18.030      Transportation Demand Management Program Requirements**

Any project subject to this Chapter shall:

- A. Ensure that all parking spaces provided for residents be leased or sold separate from the rental or purchase of dwelling units for the life of the dwelling units, such that potential renters or buyers shall have the option of renting or buying a dwelling unit at a price lower than would be the case if there were a single price for both the dwelling unit and the parking space(s);
- B. Offer at least one of the following transit benefits, at no cost to the resident, for a period of ten years after the issuance of a Certificate of Occupancy. For projects that include 99 dwelling units or fewer, the project shall provide one transit benefit per bedroom, up to a maximum of two benefits per dwelling unit. For projects of 100 dwelling units or more, the project shall provide one transit benefit for every bedroom in each dwelling unit. A notice describing these transportation benefits shall be posted in a location or locations visible to residents.
  - 1. A monthly pass for unlimited local bus transit service; or
  - 2. A functionally equivalent transit benefit in an amount at least equal to the price of a non-discounted unlimited monthly local bus pass. Any benefit proposed as

a functionally equivalent transportation benefit shall be approved by the Zoning Officer in consultation with the Transportation Division Manager; and

- C. Provide publicly-available, real-time transportation information in a common area, such as a lobby or elevator bay, on televisions, computer monitors or other displays readily visible to residents and/or visitors. Provided information shall include, but is not limited to, transit arrivals and departures for nearby transit routes.

## **Section 23C.18.040      Monitoring, Reporting and Compliance**

- A. For projects subject to this Chapter, prior to issuance of a Certificate of Occupancy, the property owner shall facilitate a site inspection by Planning Department staff to confirm that the physical improvements required in 23C.18.030 (C) and 23D.12.065 (A) have been installed. The property owner shall also provide documentation that the programmatic measures required in 23C.18.030 (A) and 23C.18.030 (B) will be implemented.
- B. The property owner shall submit to the Planning Department TDM Compliance Reports in accordance with Administrative Regulations promulgated by the Zoning Officer that may be modified from time to time to effectively implement this Chapter.
- C. Property owners may be required to pay administrative fees associated with compliance with this ordinance as set forth in the City's Land Use Planning Fees schedule.

Section 4. That Berkeley Municipal Code Chapter 23C.19 is hereby added to read as follows:

## **Chapter 23C.19: Off-Street Parking Maximums for Residential Development**

### **Sections:**

|                   |                                     |
|-------------------|-------------------------------------|
| <b>23C.19.010</b> | <b>Purpose</b>                      |
| <b>23C.19.020</b> | <b>Applicability of Regulations</b> |
| <b>23C.19.030</b> | <b>Off-street Parking Maximums</b>  |
| <b>23C.19.040</b> | <b>Excess Off-street Parking</b>    |

### **Section 23C.19.010      Purpose**

The purpose of this chapter is to institute off-street parking maximums for residential development in order to achieve:

- A. City Transportation Element goals of reducing vehicle trips, encouraging public transit use and promoting bicycle and pedestrian safety,

- B. City Climate Action Plan goals of reducing private vehicle travel and promoting mode shift to more sustainable transportation options
- C. Housing Element goals for developing housing at all affordability levels by limiting the amount of on-site vehicle parking allowed,

#### **Section 23C.19.020     Applicability of Regulations**

- A. The provisions of this Chapter shall apply to new residential projects that have been issued a Building Permit by the effective date of this ordinance, including the residential portion of mixed-use projects, that include two or more Dwelling Units located on a parcel, any portion of which is located within 0.25 miles of a major transit stop, as defined by Section 21064.3 of the *California Public Resources Code* or along a transit corridor with service at 15 minute headways during the morning and afternoon peak periods.
- B. The following project types shall be exempt from the provisions of this Chapter:
  - 1. Residential projects, including the residential portion of mixed-use projects, with the majority of the units subject to recorded affordability restrictions.
  - 2. Projects located on a roadway with less than 26 feet in pavement width in the Hillside Overlay.
  - 3. Projects located in the Environmental Safety-Residential District.

#### **Section 23C.19.030     Off-street Parking Maximums**

Any project subject to this Chapter shall not include off-street residential parking at a rate higher than 0.5 parking spaces per Dwelling Unit.

#### **Section 23C.19.040     Excess Off-street Parking**

- A. Any request for off-street residential parking in excess of values specified in Section 23C.19.030 shall require an Administrative Use Permit.
- B. In order to approve any Administrative Use Permit under this Chapter the Zoning Officer or Board shall make one the following Findings:
  - (i) Trips to the use or uses to be served, and the apparent demand for additional parking, cannot be satisfied by the amount of parking permitted by this Chapter, by transit service which exists or is likely to be provided in the foreseeable future, or by more efficient use of existing on-street and off-street parking available in the area; or

(ii) The anticipated residents of the proposed project have special needs or require reasonable accommodation that relate to disability, health or safety that require the provision of additional off-street residential parking.

Section 5. That Berkeley Municipal Code Section 23D.12.010 is amended to read as follows:

**23D.12.010 Purposes**

The purposes of the parking regulations contained in this Chapter are:

- A. To efficiently allocate parking spaces in the City.
- B. To regulate the provision of off-street parking spaces within the City.
- C. To reduce the amount of on-street parking of vehicles, thus increasing the safety and capacity of the City's street system.

Section 6. That Berkeley Municipal Code Section 23D.12.020 is amended to read as follows:

**23D.12.020 Applicability**

- A. The requirements of this Chapter apply to all uses commenced hereafter, to all buildings and structures hereafter constructed or moved onto a lot in an R- District and to any modifications to existing uses and structures which enlarge or increase capacity, including, but not limited to, adding or creating dwelling units, guest rooms, floor area, seats or employees, except to the extent that provisions in the individual R- District provide otherwise.
- B. In addition, no building, structure, alteration, fence, landscaping or other site feature may be constructed, erected, planted or allowed to be established that would impede the access of a vehicle to any off-street parking space required under this Chapter.
- C. No Zoning Certificate or Use Permit may be granted, and no permit other than a Variance from the requirements of this Chapter may be issued or approved, for any use, building or structure, unless all requirements of this Chapter are met.

Section 7. That Berkeley Municipal Code Section 23D.12.050 is amended to read as follows:



**23D.12.050 Number of Parking Spaces Required**

A. Off-street parking spaces for non-residential uses may not be reduced below or, if already less than may not be further reduced below, the requirements of this chapter for similar uses or structures. Off-street parking spaces for new residential uses may be reduced below the requirements of this Chapter with issuance of an AUP.

B. If the expected demand for parking spaces is found to exceed the minimum requirement, additional off-street parking may be required as a condition of approval on a Permit.

C. When the formula for determining the number of required off-street parking spaces results in a requirement of a fractional space, any fraction below one-half shall be disregarded and fractions including and over one-half shall be counted as requiring one parking space.

D. Off-street parking space requirements may be satisfied by tandem off-street parking space(s) with the issuance of an AUP.

Section 8. That Berkeley Municipal Code Section 23D.12.065 is hereby added to read as follows:

**23D.12.065 Bicycle Parking**

A. For residential projects, including the residential portion of mixed-use projects, of five or more units, in all districts, bicycle parking shall be provided as follows:

| Use                              | Long Term Parking <sup>1</sup><br>Requirement | Short-Term Parking <sup>1</sup><br>Requirement      |
|----------------------------------|-----------------------------------------------|-----------------------------------------------------|
| Dwelling Units (1 to 4 units)    | None required                                 | None required                                       |
| Dwelling Units (5 units or more) | 1 space per 3 bedrooms                        | 2, or 1 space per 40 bedrooms, whichever is greater |
| Group Living Accommodations,     | 2, or 1 space per 2.5 bedrooms, whichever is  | 2, or 1 space per 20 bedrooms, whichever is         |

|                                                                                                                                                                                                                    |         |         |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|---------|
| Dormitories, Fraternity and Sorority Houses, Rooming and Boarding Houses, Transitional Housing)                                                                                                                    | greater | greater |
| <sup>1</sup> Long-Term Parking and Short-Term Parking shall meet the design standards included in Appendix F of the 2017 <i>Berkeley Bicycle Plan</i> , or as subsequently amended by the Transportation Division. |         |         |

Section 9. That Berkeley Municipal Code Section 23D.16.080 is amended to read as follows:

**23D.16.080 Parking -- Number of Spaces**

A. The following parking requirements shall apply to new floor area or conversion of space:

| <b>Table 23D.16.080</b>                                                                                                                                   |                                                                                                                            |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|
| <b>Parking Required</b>                                                                                                                                   |                                                                                                                            |
| <b>Use</b>                                                                                                                                                | <b>Number of spaces</b>                                                                                                    |
| Dwellings                                                                                                                                                 | One per unit if project is located on a roadway less than 26 feet in width in the Hillside Overlay                         |
| Community Care Facilities                                                                                                                                 | One per two non-resident employees *                                                                                       |
| Libraries                                                                                                                                                 | One per 500 sq. ft. of floor area that is publicly accessible                                                              |
| Rental of Rooms                                                                                                                                           | One per each two roomers or boarders if project is located on a roadway less than 26 feet in width in the Hillside Overlay |
| *This requirement does not apply to those Community Care Facilities which under state law must be treated in the same manner as a single family residence |                                                                                                                            |

B. Other Uses requiring Use Permits, including, but not limited to, Child Care Centers, Clubs, Lodges, and Community Centers, shall provide the number of Off-street Parking Spaces determined by the Board, based on the amount of traffic generated by the

particular Use and comparable with specified standards for other Uses.

C. Schools with a total gross floor area exceeding 10,000 square feet shall provide off-street loading spaces at the rates of:

1. One space for the first 10,000 square feet of gross floor area; and
2. One additional space for each additional 40,000 square feet of gross floor area.

Section 10. That Berkeley Municipal Code Section 23D.20.080 is amended to read as follows:

**23D.20.080 Parking -- Number of Spaces**

A. The following parking requirements shall apply to new floor area or conversion of space

| <b>Table 23D.20.080</b>                                                                                                                                   |                                                                                                                            |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|
| <b>Parking Required</b>                                                                                                                                   |                                                                                                                            |
| <b>Use</b>                                                                                                                                                | <b>Number of spaces</b>                                                                                                    |
| Dwellings                                                                                                                                                 | One per unit if project is located on a roadway less than 26 feet in width in the Hillside Overlay                         |
| Community Care Facilities                                                                                                                                 | One per two non-resident employees *                                                                                       |
| Libraries                                                                                                                                                 | One per 500 sq. ft. of floor area that is publicly accessible                                                              |
| Rental of Rooms                                                                                                                                           | One per each two roomers or boarders if project is located on a roadway less than 26 feet in width in the Hillside Overlay |
| *This requirement does not apply to those Community Care Facilities which under state law must be treated in the same manner as a single family residence |                                                                                                                            |

B. Other Uses requiring Use Permits, including, but not limited to, Child Care Centers, Clubs, Lodges, and Community Centers, shall provide the number of Off-street Parking Spaces determined by the Board, based on the amount of traffic generated by the particular Use and comparable with specified standards for other Uses.

C. Schools with a total gross floor area exceeding 10,000 square feet shall provide off-street loading spaces at the rates of:

1. One space for the first 10,000 square feet of gross floor area; and
2. One additional space for each additional 40,000 square feet of gross floor area.

Section 11. That Berkeley Municipal Code Section 23D.28.080 is amended to read as follows:

**23D.28.080 Parking -- Number of Spaces**

The following parking requirements shall apply to new floor area or conversion of space

| <b>Table 23D.28.080</b>                                                                                                                                    |                                                                                                                            |
|------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|
| <b>Parking Required</b>                                                                                                                                    |                                                                                                                            |
| Use                                                                                                                                                        | Number of spaces                                                                                                           |
| Dwellings                                                                                                                                                  | One per unit if project is located on a roadway less than 26 feet in width in the Hillside Overlay                         |
| Community Care Facilities                                                                                                                                  | One per two non-resident employees *                                                                                       |
| Libraries                                                                                                                                                  | One per 500 sq. ft. of floor area that is publicly accessible                                                              |
| Rental of Rooms                                                                                                                                            | One per each two roomers or boarders if project is located on a roadway less than 26 feet in width in the Hillside Overlay |
| *This requirement does not apply to those Community Care Facilities which under state law must be treated in the same manner as a single family residence. |                                                                                                                            |

1. Other Uses requiring Use Permits, including, but not limited to, Child Care Centers, Clubs, Lodges, and Community Centers, shall provide the number of Off-street Parking Spaces as determined by the Board, based on the amount of traffic generated by the particular Use and comparable with specified standards for other uses.

2. Schools with a total gross floor area exceeding 10,000 square feet shall satisfy the following off-street loading requirements:

- a. Off-street loading spaces at the ratio of one space for the first 10,000 square feet of gross floor area.
- b. Off-street loading spaces at the ratio of one space for each additional 40,000 square feet of gross floor area of above the first 10,000 square feet.

Section 12: That Berkeley Municipal Code Section 23D.32.080 is amended to read as follows:

### **23D.32.080 Parking -- Number of Spaces**

A. The following parking requirements shall apply to new floor area or conversion of space

| <b>Table 23D.32.080</b>                                                                   |                                                                                                                                        |
|-------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------|
| <b>Parking Required</b>                                                                   |                                                                                                                                        |
| Use                                                                                       | Number of spaces                                                                                                                       |
| Dwellings                                                                                 | One per unit if project is located on a roadway less than 26 feet in width in the Hillside Overlay                                     |
| <u>Community Care Facilities</u>                                                          | One per two non-resident employees *                                                                                                   |
| Libraries                                                                                 | One per 500 sq. ft. of floor area that is publicly accessible                                                                          |
| Nursing Homes                                                                             | One per each three employees                                                                                                           |
| Rental of Rooms                                                                           | One per each two roomers or boarders if project is located on a roadway less than 26 feet in width in the Hillside Overlay             |
| Senior Congregate Housing                                                                 | One per each five residents plus one for manager if project is located on a roadway less than 26 feet in width in the Hillside Overlay |
| *This requirement does not apply to those Community Care Facilities which under state law |                                                                                                                                        |

**Table 23D.32.080****Parking Required**

| Use                                                             | Number of spaces |
|-----------------------------------------------------------------|------------------|
| must be treated in the same manner as a single family residence |                  |

B. Other uses requiring Use Permits issued by the Board, including, but not limited to, Child Care Centers, Clubs, Lodges and Community Centers, shall provide the number of Off-street Parking Spaces as determined by the Board based on the amount of traffic generated by the particular Use and comparable with specified standards for other Uses.

C. Senior Congregate Housing, Nursing Homes and Schools with a total gross floor area exceeding 10,000 square feet shall satisfy the following requirements:

1. Off-street loading spaces at the ratio of one space for the first 10,000 square feet of gross floor area;
2. Off-street loading spaces at the ratio of one space for each additional 40,000 square feet of gross floor area of above the first 10,000 square feet. (Ord. 7599-NS § 11, 2018; Ord. 7426-NS § 19, 2015; Ord. 6763-NS § 19 (part), 2003; Ord. 6478-NS § 4 (part), 1999)

Section 13: That Berkeley Municipal Code Section 23D.36.080 is amended to read as follows:

**23D.36.080 Parking -- Number of Spaces**

A. The following parking requirements shall apply to new floor area or conversion of space

Table 23D.36.080

| Parking Required                                                                                                                                           |                                                                                                                                                                   |
|------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Use                                                                                                                                                        | Number of spaces                                                                                                                                                  |
| Dormitories; Fraternity and Sorority Houses; Rooming and Boarding Houses; and Senior Congregate Housing                                                    | One per each five residents, plus one for manager if project is located on a roadway less than 26 feet in width in the Hillside Overlay                           |
| Dwellings (fewer than ten)                                                                                                                                 | One per unit if project is located on a roadway less than 26 feet in width in the Hillside Overlay                                                                |
| Dwellings(ten or more)                                                                                                                                     | One per 1,000 sq. ft. of gross floor area (75% less for seniors, see below) if project is located on a roadway less than 26 feet in width in the Hillside Overlay |
|                                                                                                                                                            |                                                                                                                                                                   |
| Community Care Facilities                                                                                                                                  | One per two non-resident employees *                                                                                                                              |
| Hospitals                                                                                                                                                  | One per each four beds, plus one per each three employees                                                                                                         |
| Libraries                                                                                                                                                  | One per 500 sq. ft. of floor area that is publicly accessible                                                                                                     |
| Nursing Homes                                                                                                                                              | One per each three employees                                                                                                                                      |
| *This requirement does not apply to those Community Care Facilities which under state law must be treated in the same manner as a single family residence. |                                                                                                                                                                   |

B. Other uses requiring Use Permits, including, but not limited to, Child Care Centers, Clubs, Lodges, and Community Centers, shall provide the number of Off-street Parking Spaces determined by the Board based on the amount of traffic generated by the particular use and comparable with specified standards for other uses.

C. Senior Congregate Housing, Hospitals, Nursing Homes, and Schools with a total gross floor area exceeding 10,000 square feet shall satisfy the requirements of Chapter 23E.32 and the following requirements:

1. Off-street loading spaces at the ratio of one space for the first 10,000 square feet of gross floor area.
2. Off-street loading spaces at the ratio of one space for each additional 40,000 square feet of gross floor area above the first 10,000 square feet.

Section 14: That Berkeley Municipal Code Section 23D.40.080 is amended to read as follows:

**23D.40.080 Parking -- Number of Spaces**

A. The following parking requirements shall apply to new floor area or conversion of space

A.

| <b>Table 23D.40.080</b>                                                                                 |                                                                                                                                          |
|---------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Parking Required</b>                                                                                 |                                                                                                                                          |
| Use                                                                                                     | Number of spaces                                                                                                                         |
| Dormitories; Fraternity and Sorority Houses; Rooming and Boarding Houses; and Senior Congregate Housing | One per each five residents, plus one for manager if project is located on a roadway less than 26 feet in width in the Hillside Overlay  |
| Dwellings(fewer than ten)                                                                               | One per unit if project is located on a roadway less than 26 feet in width in the Hillside Overlay                                       |
| Dwellings(ten or more)                                                                                  | One per 1,000 sq. ft. of gross floor area required if project is located on a roadway less than 26 feet in width in the Hillside Overlay |
|                                                                                                         |                                                                                                                                          |



**Table 23D.40.080****Parking Required**

| Use                                                                                                                                                        | Number of spaces                                                               |
|------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------|
| Community Care Facilities                                                                                                                                  | One per two non-resident employees for a Community Care Facility*              |
| Hospitals                                                                                                                                                  | One per each four beds, plus one per each three employees                      |
| Hotels                                                                                                                                                     | One per each three guest rooms, plus one per each three employees              |
| Libraries                                                                                                                                                  | One per 500 sq. ft. of floor area that is publicly accessible                  |
| Nursing Homes                                                                                                                                              | One per each three employees                                                   |
| Offices, Medical                                                                                                                                           | One per 300 sq. ft. of gross floor area                                        |
| Offices, Other                                                                                                                                             | One per 400 sq. ft. of gross floor area; (may be reduced, see Section D below) |
| *This requirement does not apply to those Community Care Facilities which under state law must be treated in the same manner as a single family residence. |                                                                                |

B. Other uses requiring Use Permits, including, but not limited to, Child Care Centers, Clubs, Lodges and Community Centers, shall provide the number of Off-street Parking Spaces determined by the Board based on the amount of traffic generated by the particular use and comparable with specified standards for other uses.

C. For offices, other than medical offices, the Board may reduce the parking requirement from one Off-street Parking Space per 400 square feet of gross floor area to a minimum of one parking space per 800 square feet of gross floor area, subject to making the required finding under Section 23D.40.090.C. In addition, any parking supplied jointly with multiple family residential uses shall be subject to the requirements set forth in Section 23D.12.060.B.

D. Senior Congregate Housing, Hotels, Hospitals, Nursing Homes, Offices (including Medical Offices) and Schools with a total gross floor area exceeding 10,000 square feet shall satisfy the requirements of Chapter 23E.32 and the following requirements:

1. Off-street loading spaces at the ratio of one space for the first 10,000 square feet of gross floor area.
2. Off-street loading spaces at the ratio of one space for each additional 40,000 square feet of gross floor area of above the 10,000 square feet.

Section 15: That Berkeley Municipal Code Section 23D.44.080 is amended to read as follows:

**23D.44.080 Parking -- Number of Spaces**

A. The following parking requirements shall apply to new floor area or conversion of space:

| <b>Table 23D.44.080</b>                                                                             |                                                                                                                                         |
|-----------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|
| <b>Parking Required</b>                                                                             |                                                                                                                                         |
| Use                                                                                                 | Number of spaces                                                                                                                        |
| Dormitories, Fraternity and Sorority Houses, Rooming and Boarding Houses, Senior Congregate Housing | One per each five residents, plus one for manager if project is located on a roadway less than 26 feet in width in the Hillside Overlay |
| Dwellings(fewer than ten)                                                                           | One per unit if project is located on a roadway less than 26 feet in width in the Hillside Overlay                                      |
| Dwellings(ten or more)                                                                              | One per 1,200 sq ft of gross floor area if project is located on a roadway less than 26 feet in width in the Hillside Overlay           |

**Table 23D.44.080****Parking Required**

|                                                                                                                                                           |                                                                             |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
|                                                                                                                                                           |                                                                             |
| Community Care Facilities                                                                                                                                 | One per two non-resident employees *                                        |
| Hospitals                                                                                                                                                 | One per each four beds, plus one per each three employees                   |
| Hotels                                                                                                                                                    | One per each three guest rooms, plus one per each three employees           |
| Libraries                                                                                                                                                 | One per 500 sq ft of floor area that is publicly accessible                 |
| Nursing Homes                                                                                                                                             | One per each three employees                                                |
| Offices, Medical                                                                                                                                          | One per 300 sq ft of gross floor area                                       |
| Offices, Other                                                                                                                                            | One per 400 sq ft of gross floor area (may be reduced, see Section D below) |
| *This requirement does not apply to those Community Care Facilities which under state law must be treated in the same manner as a single family residence |                                                                             |

B. Other uses requiring Use Permits, including, but not limited to, Child Care Centers, Clubs, Lodges and Community Centers, shall provide the number of Off-street Parking Spaces as determined by the Board based on the amount of traffic generated by the particular use and comparable with specified standards for other uses.

C. For offices, other than medical offices, the Board may reduce the parking requirement from one Off-street Parking Space per 400 square feet of gross floor area to a minimum of one parking space per 800 square feet of gross floor area, subject to making the required finding under Section 23D.44.090.C. In addition any parking supplied jointly with multiple family residential uses shall be subject to the requirements set forth in Section 23D.12.060.B.

D. Senior Congregate Housing, Hotels, Hospitals, Nursing Homes, Offices (including Medical Offices) and Schools with a total gross floor area exceeding 10,000 square feet shall satisfy the requirements of Chapter 23E.32 and the following requirements:

1. Off-street loading spaces at the ratio of one space for the first 10,000 square feet of gross floor area.
2. Off-street loading spaces at the ratio of one space for each additional 40,000 square feet of gross floor area of above the first 10,000 square feet.

Section 16: That Berkeley Municipal Code Section 23D.48.080 is amended to read as follows:

**23D.48.080 Parking -- Number of Spaces**

A. All parking shall be provided in accordance with the requirements of this section and Chapter 23D.12, except as set forth in this Section.

B. The following provisions shall apply to properties within the R-S District:

1. No Off-street Parking Spaces shall be required for new Dwelling Units, Group Living Accommodations, or Accessory Dwelling Units.
2. Bicycle parking spaces shall be provided at the ratio of one space per 2,000 square feet of gross floor area of commercial space, and in accordance with the requirements of Section 23E.28.070.

C. Occupants of Dwelling Units and Group Living Accommodation rooms constructed without parking after the effective date of this Chapter shall not be entitled to receive parking permits under the Residential Permit Parking Program (RPP), under Section 14.72 of the BMC.

D. Existing parking spaces for Main Buildings may be reduced if approved through a Use Permit with findings that the parking reduction is consistent with the purposes of the District and meets the findings in Section 23E.28.140.

E. Any construction which results in the creation of 10,000 square feet of new or additional non-residential gross floor space shall satisfy the loading space requirements of Chapter 23E.32 as follows:

1. Off-street loading spaces at the ratio of one space for the first 10,000 square feet of gross floor area of non-residential space; and
2. Off-street loading spaces at the ratio of one space for each additional 40,000 square feet of gross floor area of non-residential space above the first 10,000 square feet.

F. All Use Permits under this Chapter shall be subject to a condition of approval requiring payment of a Transportation Services Fee (TSF) if and when adopted.

Section 17: That Berkeley Municipal Code Section 23D.52.080 is amended to read as follows:

**23D.52.080 Parking -- Number of Spaces**

A. All parking shall be provided in accordance with the requirements of Chapter 23D.12 and this Section.

1. No Off-Street Parking Spaces shall be required for new Dwelling Units, Group Living Accommodations, or Accessory Dwelling Units.
2. For non-residential uses and for Main Buildings with no Dwelling Units or Group Living Accommodations, Off-Street Parking Spaces shall be provided in accordance with the following requirements:
  - a. The minimum standard parking requirement for commercial floor area is two spaces per 1,000 square feet of gross floor area of commercial space. Uses listed in Table 23D.52.080 shall meet the requirements listed or the district minimum, whichever is more restrictive, for newly constructed floor area or changes of use.

Table 23D.52.080

| Parking Required                     |                                                                                     |
|--------------------------------------|-------------------------------------------------------------------------------------|
| Use                                  | Number of spaces                                                                    |
| Hotels                               | One per each three guest/sleeping rooms or suites plus one per each three employees |
| Libraries                            | One per 500 sq. ft. of floor area that is publicly accessible                       |
| Medical Practitioner<br>Offices      | One per 300 sq. ft. of gross floor area                                             |
| Quick or Full Service<br>Restaurants | One per 300 sq. ft. of gross floor area                                             |
| Nursing Homes                        | One per each three employees                                                        |

b. Other uses requiring Use Permits, including but not limited to, Child Care Centers, Clubs, Lodges and Community Centers, shall provide the number of Off-Street Parking Spaces determined by the Board based on the amount of traffic generated by the particular use and comparable with specific standards for other uses.

3. For non-residential uses in Main Buildings that include Dwelling Units or Group Living Accommodations, parking requirements may be waived if approved through an Administrative Use Permit with a finding that the parking reduction is consistent with the purposes of the District.

4. Existing parking spaces for Main Buildings may be reduced if approved through a Use Permit with findings that the parking reduction is consistent with the purposes of the District and meets the findings in Section 23E.28.140.

5. Bicycle parking spaces shall be provided at the ratio of one space per 2,000 square feet of gross floor area of new commercial space, and in accordance with the requirements of Section 23E.28.070.

B. Occupants of Dwelling Units and Group Living Accommodations constructed without

parking after the effective date of this Chapter shall not be entitled to receive parking permits under the Residential Permit Parking Program (RPP), under Section 14.72 of the BMC.

C. Any new construction which results in the creation of 10,000 square feet of new or additional non-residential floor space shall satisfy the loading space requirements of Chapter 23E.32 as follows:

1. Off-street loading spaces at the ratio of one space for the first 10,000 square feet of gross floor area of non-residential space; and
2. Off-street loading spaces at the ratio of one space for each additional 40,000 square feet of gross floor area of non-residential space above the first 10,000 square feet.

D. All Use Permits under this Chapter shall be subject to a condition of approval requiring payment of a Transportation Services Fee (TSF) if and when adopted.

Section 18: That Berkeley Municipal Code Section 23E.28.010 is amended to read as follows:

**23E.28.010 Purposes**

The purposes of the parking regulations in this chapter are:

- A. To efficiently allocate parking spaces in the City.
- B. To regulate the provision of off-street parking spaces for traffic-generating uses of land within the City.
- C. To reduce the amount of on-street parking of vehicles, and thus increase the safety and capacity of the City's street system.

Section 19: That Berkeley Municipal Code Section 23E.28.020 is amended to read as follows:

**23E.28.020 Applicability**

A. The requirements of this chapter apply to all uses commenced hereafter, to all buildings and structures hereafter constructed or moved onto a lot in a C-, M- or MU-District and to any modifications to existing uses and structures which enlarge or increase capacity, including, but not limited to, adding or creating dwelling units, guest rooms, floor area, seats or employees, except to the extent that provisions in the individual C-, M- or MU- District provide otherwise.

B. No building, structure, alteration, fence, landscaping or other site feature may be constructed, erected, planted or allowed to be established that would impede access to any required off-street parking space.

Section 20: That Berkeley Municipal Code Section 23E.28.050 is amended to read as follows:

**23E.28.050 Number of Parking Spaces Required**

A. Off-street parking spaces provided in conjunction with a use or structure existing on October 1, 1959, on the same property or on property under the same ownership, may not be reduced below, or if already less than, may not be further reduced below, the requirements of this chapter for similar use or structure. However, required parking spaces may be removed to meet ADA compliance or traffic engineering standards.

B. If the expected demand for parking spaces is found to exceed the minimum requirement, additional off-street parking may be required as a condition of approval on a Permit.

C. When the formula for determining the number of required off-street parking spaces results in a requirement of a fractional space, any fraction below one-half shall be disregarded, and fractions including and over one-half shall be counted as requiring one parking space.

D. Off-street parking space requirements may be satisfied by tandem off-street parking space(s) with the issuance of an AUP.

E. Existing off-street parking spaces shall be counted towards meeting the overall parking requirements where new floor area is added to an existing site or project.



F. When the number of off-street parking spaces required is based on the number of employees, it shall be based upon the shift or employment period during which the greatest number of employees are present.

G. When the number of off-street parking spaces required is based on the floor area for a specified use, the definition of Floor Area, Gross as set forth in Sub-title 23F shall apply. In addition, unenclosed areas of a lot, including, but not limited to, outdoor dining areas, garden/building supply yards and other customer-serving outdoor areas for retail sales, shall also be counted toward the floor area for those commercial uses with specified off-street parking requirements.

Section 21: That Berkeley Municipal Code Section 23E.28.070 is amended to read as follows:

### **23E.28.070 Bicycle Parking**

A. Bicycle parking spaces required by each District's bicycle parking requirements shall be located in either a locker, or in a rack suitable for secure locks, and shall require location approval by the City Traffic Engineer and Zoning Officer. Bicycle parking shall be located in accordance to the design review guidelines.

B. Except in C-E and C-T Districts, Bicycle Parking shall be provided for new floor area or for expansions of existing industrial, commercial, and other non-residential buildings at a ratio of one space per 2,000 square feet of gross floor area.

C. For residential projects, including the residential portion of mixed-use projects, of five or more units, in all districts, bicycle parking shall be provided as follows:

| Use                              | Long Term Parking <sup>1</sup><br>Requirement | Short-Term Parking <sup>1</sup><br>Requirement      |
|----------------------------------|-----------------------------------------------|-----------------------------------------------------|
| Dwelling Units (1 to 4 units)    | None required                                 | None required                                       |
| Dwelling Units (5 units or more) | 1 space per 3 bedrooms                        | 2, or 1 space per 40 bedrooms, whichever is greater |

|                                                                                                                                                                                                                    |                                                      |                                                     |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------|-----------------------------------------------------|
| Group Living Accommodations, Dormitories, Fraternity and Sorority Houses, Rooming and Boarding Houses, Transitional Housing)                                                                                       | 2, or 1 space per 2.5 bedrooms, whichever is greater | 2, or 1 space per 20 bedrooms, whichever is greater |
| <sup>1</sup> Long-Term Parking and Short-Term Parking shall meet the design standards included in Appendix F of the 2017 <i>Berkeley Bicycle Plan</i> , or as subsequently amended by the Transportation Division. |                                                      |                                                     |

D. The Zoning Officer in consultation with the City Traffic Engineer may modify the requirement with an Administrative Use Permit for Tourist Hotels in the C-DMU District.

Section 21: That Berkeley Municipal Code Section 23E.64.080 is amended to read as follows:

### **23E.64.080 Off-Street Parking and Loading Requirements**

A. All parking shall be provided in accordance with the requirements of this section and Chapter 23E.28.

B. The district minimum standard parking requirement for commercial floor area is two spaces per 1,000 square feet of gross floor area. Uses listed in Table 23E.64.080 shall meet the requirements listed, for newly constructed floor area, except as otherwise modified in this subsection, and Subsections F through H below.

| <b>Table 23E.64.080</b>                                                             |                  |
|-------------------------------------------------------------------------------------|------------------|
| <b>Parking Required*</b>                                                            |                  |
| Use                                                                                 | Number of spaces |
| Dormitories, Fraternity and Sorority Houses, Rooming and Boarding Houses and Senior | None required    |

**Table 23E.64.080****Parking Required\***

| Use                                                                                | Number of spaces                                                                                                                                                                                                                                                                                                   |
|------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Congregate Housing                                                                 |                                                                                                                                                                                                                                                                                                                    |
| Dwelling Units                                                                     | None required                                                                                                                                                                                                                                                                                                      |
|                                                                                    |                                                                                                                                                                                                                                                                                                                    |
| Hospitals                                                                          | One per each four beds; plus one per each three employees                                                                                                                                                                                                                                                          |
| Hotels                                                                             | One per each three guest/sleeping rooms or suites; plus one per each three employees                                                                                                                                                                                                                               |
| Libraries                                                                          | One per 500 sq. ft. of floor area that is publicly accessible                                                                                                                                                                                                                                                      |
| Live/Work Units                                                                    | .<br>If any non-resident workers and/or clients are permitted in any work area, there shall be one parking space for the first 1,000 sq. ft. of work area, one additional parking space for each additional 750 sq. ft. subject to any additional requirements for parking pursuant to Section <u>23E.20.040.B</u> |
|                                                                                    |                                                                                                                                                                                                                                                                                                                    |
| Manufacturing uses<br>(assembly, production,<br>storage and testing<br>space only) | One per 1,000 sq. ft. of floor area                                                                                                                                                                                                                                                                                |
| Medical Practitioner<br>Offices                                                    | One per 300 sq. ft. of floor area                                                                                                                                                                                                                                                                                  |
| Motels                                                                             | One per each guest/sleeping room; plus one space for owner or manager**                                                                                                                                                                                                                                            |
| Wholesale Trade                                                                    | One per 1,000 sq. ft. of floor area                                                                                                                                                                                                                                                                                |
| *See Subsection I for substitutions of up to 10% with bicycle/motorcycle parking   |                                                                                                                                                                                                                                                                                                                    |

**Table 23E.64.080****Parking Required\***

| Use                                                                   | Number of spaces |
|-----------------------------------------------------------------------|------------------|
| **Required parking shall be on the same lot as the building it serves |                  |

C. Unless otherwise specified in Subsections F-H, uses designated in this chapter as Other Industrial Uses; Automobile and Other Vehicle Oriented Uses; Outdoor Uses; Residential and Related Uses or as Miscellaneous Uses shall be required to provide the number of off-street parking spaces determined by the Zoning Officer or Board based of the amount of parking demand generated by the particular use and comparable with specified standards for other uses.

D. The number of parking spaces provided for new commercial floor area shall not exceed four spaces per 1,000 square feet of gross floor area of the commercial use, except that up to five spaces per 1,000 square feet of gross floor area of food service uses may be provided.

E. Bicycle parking spaces shall be provided for new construction at the ratio of one space per 2,000 square feet of gross floor area of non-residential space, in accordance with Section 23E.28.070.

F. Any automobile parking required by this section may be leased, provided that the requirements of the general regulations concerning leased parking, Section 23E.28.030, are met and provided that the leased parking spaces are within 500 feet of the property where the parking is required; provided that leased parking a greater distance from the property may be approved by Administrative Use Permit and that if the property is located within a designated node, the leased parking spaces are located within the same designated node as the property.

G. Any mixed use building (residential and commercial) shall satisfy the off-street parking standards and requirements of this District, provided, however, that the Board or

the Zoning Officer may issue a Permit to modify the off-street parking and usable open space requirements where it finds such modification promotes any of the general purposes set forth in 23E.64.020. The Permit required shall be an Administrative Use Permit unless a Use Permit from the Board is required to approve the use or structure, in which case a Use Permit shall be required by the Board.

H. If a public parking facility available for use by all members of the public is within 1,000 feet of a proposed use, the Zoning Officer or Board may approve a Use Permit to allow that use to reduce or eliminate the otherwise required parking.

I. Subject to the finding in Section 23E.64.090.F, an Administrative Use Permit may be issued to designate up to 10% of automobile parking required for a use for bicycle and/or motorcycle parking, unless a Use Permit from the Board is required to approve any part of the application, in which case the Use Permit shall be approved by the Board. Any bicycle parking created by this designation shall be in addition to otherwise required bicycle parking.

J. Notwithstanding the requirements of Section 23E.28.080 (the general regulations concerning screening and landscaping of off-street parking), there shall be no requirement for screening or landscaping of that portion of any parking lot which is adjacent to Third Street (Southern Pacific Railroad).

K. No off-street automobile parking may be provided between the front property line and a main structure within a designated node. Outside of a designated node, no off-street automobile parking may be provided between the front property line and a main structure unless an Administrative Use Permit is obtained; unless a Use Permit is required to approve the use or structure, in which case the Use Permit shall be approved by the Board. In order to approve this Permit, the Zoning Officer or Board shall make the finding under Section 23E.64.090.E.

L. No building or site shall be altered in such a way as to deprive any leasable space which is used or designated to be used by any manufacturing or wholesale trade use of all loading spaces which meet the general regulations concerning Loading Spaces (Chapter 23E.32).

M. Any construction which results in the creation of 10,000 square feet of new or

additional commercial gross floor space shall satisfy the loading space requirements of Chapter 23E.32.

Section 23: That Berkeley Municipal Code Section 23E.68.080 is amended to read as follows:

**23E.68.080 Parking -- Number of Spaces**

A. All parking shall be provided in accordance with the requirements of this Section and Chapter 23E.28, except as set forth in this Section. No change of commercial use within the existing floor area of a building shall be required to meet the off-street parking requirements of this Section or Chapter 23E.28, unless the structure has been expanded to include new floor area.

B. The District minimum standard vehicle parking space requirement for all floor area is one and a half spaces per each 1,000 square feet of gross floor area or as required for the uses listed in the following table.

| Use                                                                                                | Number of Parking Spaces Required                 |
|----------------------------------------------------------------------------------------------------|---------------------------------------------------|
| Dwelling Units                                                                                     | None required                                     |
| Hotels and Motels, Tourist (Including Inns, Bed and Breakfast and Hostels)                         | One per each three guest/sleeping rooms or suites |
| Group Living Accommodations (Including Single Room Occupancy Residential Hotels) and Nursing Homes | None required                                     |

1. Additions up to 1,000 square feet of gross floor area, or up to twenty-five percent (25%) of existing gross floor area, whichever is less, are exempt from the parking requirements for new floor area.

2. Parking spaces shall be provided on site, or off site within 800 feet subject to securing an AUP and in compliance with Section 23E.28.030.

C. Bicycle parking spaces shall be provided for new construction at the ratio of one space per 2,000 square feet of gross floor area of commercial space, and in accordance

with the requirements of Section 23E.28.070.

D. The vehicle parking space requirements of this Section may be reduced or waived through payment of an in-lieu fee to be used to provide enhanced transit services, subject to securing a Use Permit subject to the finding in section 23E.68.090.H or modified with an AUP subject to the findings in 23E.28.140.

E. New construction that results in an on-site total of more than 25 publicly available parking spaces shall install dynamic signage to Transportation Division specifications, including, but not limited to, real-time garage occupancy signs at the entries and exits to the parking facility with vehicle detection capabilities and enabled for future connection to the regional 511 Travel Information System or equivalent, as determined by the Zoning Officer in consultation with the Transportation Division Manager.

F. Occupants of residential units or GLA units constructed, newly constructed or converted from a non-residential use shall not be eligible for Residential Parking Permit (RPP) permits under Chapter 14.72 of the BMC.

G. For any new building with residential units or structures converted to a residential use, parking spaces shall be leased or sold separate from the rental or purchase of dwelling units for the life of the dwelling unit, unless the Board grants a Use Permit to waive this requirement for projects which include financing for affordable housing subject to the finding in section 23E.68.090.I.

H. For new structures or additions over 20,000 square feet, the property owner shall provide at least one of the following transportation benefits at no cost to every employee, residential unit, and/or GLA resident. A notice describing these transportation benefits shall be posted in a location or locations visible to employees and residents.

1. A pass for unlimited local bus transit service; or
2. A functionally equivalent transit benefit in an amount at least equal to the price of a non-discounted unlimited monthly local bus pass. Any benefit proposed as a functionally equivalent transportation benefit shall be approved by the Zoning Officer in consultation with the Transportation Division Manager.

I. For residential projects that provide vehicle parking, vehicle sharing spaces shall be provided in the amounts specified in the following table.

| Number of Parking Spaces Provided | Minimum Number of Vehicle Sharing Spaces   |
|-----------------------------------|--------------------------------------------|
| 0 – 10                            | 0                                          |
| 11 – 30                           | 1                                          |
| 30 – 60                           | 2                                          |
| 61 or more                        | 3, plus one for every additional 60 spaces |

1. The required vehicle sharing spaces shall be offered to vehicle sharing service providers at no cost.

2. The vehicle sharing spaces required by this Section shall remain available to a vehicle sharing service provider as long as providers request the spaces. If no vehicle sharing service provider requests a space, the space may be leased for use by other vehicles. When a vehicle sharing service provider requests such space, the property owner shall make a space available within 90 days.

J. For residential structures constructed or converted from a non-residential use subject to Sections 23E.68.080.G, 23E.68.080.H, and 23E.68.080.I, prior to issuance of a Certificate of Occupancy, the property owner shall submit to the Department of Transportation a completed Parking and Transportation Demand Management (PTDM) compliance report on a form acceptable to the City, which demonstrates that the project is in compliance with the applicable requirements of 23E.68.080.G, 23E.68.080.H, and 23E.68.080.I. Thereafter, the property owner shall submit to the Department of Transportation an updated PTDM compliance report on an annual basis.

K. Any construction which results in the creation of more than 10,000 square feet of new or additional commercial gross floor space shall satisfy the loading space requirements of Chapter 23E.32.

Section 23: That Berkeley Municipal Code Section 23E.80.080 is amended to read as follows:



**23E.80.080 Off-Street Parking and Loading Requirements**

A. For each of the following uses the minimum number of off-street parking spaces shall be provided and in accordance with Chapter 23E.28 except as set forth in Section 23E.80.080.E. Construction of new floor area and changes of use of existing floor area shall satisfy the parking requirements of this section.

| <b>Table 23E.80.080</b>                                                                                             |                                                                                                                                                                        |
|---------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Parking Required*</b>                                                                                            |                                                                                                                                                                        |
| Use                                                                                                                 | Number of spaces                                                                                                                                                       |
| Art/Craft Studio                                                                                                    | One per 1,000 sq. ft. of floor area                                                                                                                                    |
| Laboratories                                                                                                        | One per 650 sq. ft. of floor area                                                                                                                                      |
| Live/Work Units                                                                                                     | . If any non-resident employees and/or customers and clients are permitted in any work area, there shall be one parking space for each 1,000 sq. ft. of such work area |
| Manufacturing uses (assembly, production, storage and testing space only), Storage, Warehousing and Wholesale Trade | One space per 1,000 sq. ft. of floor area for spaces of less than 10,000 sq. ft.; one space per 1,500 sq. ft. of floor area for spaces of 10,000 sq ft or more         |
| Quick or Full Service Restaurants                                                                                   | One per 300 sq. ft. of floor area                                                                                                                                      |
| All other non-residential uses, unless otherwise specified in Subsection B                                          | Two per 1,000 sq. ft. of floor area                                                                                                                                    |
| * See Subsection E for substitutions of up to 10% with bicycle/motorcycle parking                                   |                                                                                                                                                                        |

B. Unless otherwise specified in Subsection A, uses designated in this chapter as Other Industrial Uses; Automobile and Other Vehicle Oriented Uses; Outdoor Uses; Residential and Related Uses or as Miscellaneous Uses shall be required to provide the number of off-street parking spaces determined by the Zoning Officer or Board based of the amount

of off-street parking demand generated by the particular use and comparable with specified standards for other uses.

C. Bicycle parking spaces shall be provided for new construction at the ratio of one space per 2,000 square feet of gross floor area of non-residential space, in accordance with Section 23E.28.070.

D. Off-street parking required by this section may be satisfied by the provision of leased spaces, provided that the requirements of Section 23E.28.030 are met; however, the leased parking spaces may be within 500 feet of the property it serves, provided that leased parking at a distance greater than 500 feet may be approved by an Administrative Use Permit.

E. Subject to the finding in Section 23E.80.090.H, an Administrative Use Permit may be issued to designate up to 10% of automobile parking required for a use for bicycle and/or motorcycle parking, unless a Use Permit from the Board is required to approve any part of the application, in which case the Use Permit shall be approved by the Board. Any bicycle parking created by this designation shall be in addition to otherwise required bicycle parking.

F. Notwithstanding the requirements of Section 23E.28.080 (the general regulations concerning screening and landscaping of off-street parking), there shall be no requirement for screening or landscaping of that portion of any parking lot which is adjacent to Third Street (Southern Pacific Railroad).

G. In buildings with one or more manufacturing, wholesale trade or warehouse use, all uses shall satisfy the loading space requirements of Chapter 23E.32. All uses which have one or more loading spaces shall retain at least one such space.

H. Any construction which results in the creation of 10,000square feet of new or additional commercial or manufacturing gross floor area shall satisfy Chapter 23E.32.

Section 24: That Berkeley Municipal Code Section 23E.84.080 is amended to read as follows:

**23E.84.080 Off-Street Parking and Loading Requirements**

A. Unless otherwise specified in Subsection B , or in Table 23E.84.080, the district

minimum standard parking requirement is two spaces per 1,000 square feet of gross floor area of non-residential space, in accordance with the requirements of Chapter 23E.28.

| <b>Table 23E.84.080</b>                                                          |                                                                                                                                                                                                                                      |
|----------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Parking Required*</b>                                                         |                                                                                                                                                                                                                                      |
| Use                                                                              | Number of spaces                                                                                                                                                                                                                     |
| Art/Craft Studio                                                                 | One per 1,000 sq. ft. of floor area                                                                                                                                                                                                  |
| Community Care Facilities                                                        | One per two non-resident employees                                                                                                                                                                                                   |
| Dwelling Units                                                                   | None required                                                                                                                                                                                                                        |
| Libraries                                                                        | One per 500 sq. ft. of floor area that is publicly accessible                                                                                                                                                                        |
| Live/Work Units                                                                  | If any non-resident employees and/or clients are permitted in any work area there shall be one parking space for the first 1,000 sq. ft. of work area and one additional parking space for each additional 750 sq. ft. of work area. |
| Manufacturing Uses (assembly, production, storage and testing space only)        | One per 1,000 sq. ft. of floor area                                                                                                                                                                                                  |
| Medical Practitioner Offices                                                     | One per 300 sq. ft. of floor area                                                                                                                                                                                                    |
| Nursing Homes                                                                    | One per each three employees                                                                                                                                                                                                         |
| Restaurants and Food Service                                                     | One per 300 sq. ft. of floor area                                                                                                                                                                                                    |
| Storage, Warehousing and Wholesale Trade                                         | One per 1,000 sq. ft. of floor area for spaces of less than 10,000 sq.ft.; one per 1,500 sq. ft. for spaces of 10,000 sq. ft. or more                                                                                                |
| *See Subsection G for substitutions of up to 10% with bicycle/motorcycle parking |                                                                                                                                                                                                                                      |

B. Unless otherwise specified in Subsection G or in Table 23E.84.080, uses designated in this chapter as Automobile and Other Vehicle Oriented Uses; Outdoor Uses; or as Miscellaneous Uses shall be required to provide the number of off-street parking spaces determined by the Zoning Officer or Board based on the amount of parking demand generated by the particular use and comparable with specified standards for other uses.

C. Bicycle parking spaces shall be provided at the ratio of one space per 2,000 square feet of gross floor area of non-residential space, and in accordance with the requirements of Section 23E.28.070.

D. Off-street parking required by this section may be satisfied by the provision of leased spaces, provided that the requirements of Section 23E.28.030 are met; however, the leased parking spaces may be within 500 feet of the property it serves, provided that leased parking at a distance greater than 500 feet may be approved by an Administrative Use Permit.

E. If the Zoning Officer or Board finds that existing evening parking supply is adequate and/or that other mitigating circumstances exist on the property, the requirement for an additional off-street parking space may be waived through a Use Permit when an additional residential unit is added to a property with one or more residential units.

F. No off-street parking space which is required by this Ordinance, including Use Permits issued under this Ordinance, shall be removed; provided, however, any off-street parking spaces which are provided in excess of the number required at the time of application may be removed.

G. Subject to the finding in Section 23E.84.090.J, an Administrative Use Permit may be issued to designate up to 10% of automobile parking required for a use for bicycle and/or motorcycle parking, unless a Use Permit from the Board is required to approve any part of the application, in which case the Use Permit shall be approved by the Board. Any bicycle parking created by this designation shall be in addition to otherwise required bicycle parking.

H. In buildings with manufacturing, wholesale trade or warehouse uses, loading spaces

shall be maintained so as to meet the requirements of Chapter 23E.32.

I. Any construction which results in the creation of 10,000 square feet of new or additional commercial or manufacturing gross floor area shall satisfy Chapter 23E.32.

Section 25. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

At a special meeting of the Council of the City of Berkeley held on January 26, 2021, this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: Bartlett, Droste, Hahn, Harrison, Kesarwani, Robinson, Taplin, Wengraf, and Arreguin.

Noes: None.

Absent: None.



## ORDINANCE NO. 7,752-N.S.

AMENDING BERKELEY MUNICIPAL CODE CHAPTER 14.52 TO ALLOW  
GOBERKELEY PROGRAM IN ALL PARKING METER AREAS

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

Section 1. That Berkeley Municipal Code Section 14.52.010 is repealed and reenacted to read as follows:

**14.52.010 Parking meter zones.**

goBerkeley Program parking meter zones are those streets or portions of streets in the City located within the goBerkeley Areas hereinafter described as zones within which the parking of motor vehicles shall be controlled, regulated and inspected with the aid of parking meters, pay-and-display stations, and/or a City-approved software application that processes pay-by-phone payments from a mobile phone at fees set in 14.52.120:

Acton Street, both sides, from 150 feet north of University Avenue to University Avenue.  
 Addison Street, both sides, from Oxford Street to Martin Luther King Jr. Way.  
 Addison Street, north side, from Martin Luther King Jr. Way to 170 feet west of Martin Luther King Jr. Way.  
 Adeline Street, east side, from Ward Street to Essex Street.  
 Adeline Street, west side, from Russell Street to Ashby Avenue.  
 Alcatraz Avenue, south side, from 75 feet east of College Avenue to College Avenue.  
 Allston Way, both sides, from Oxford Street to Martin Luther King Jr. Way.  
 Ashby Avenue, both sides, from Domingo Avenue to Claremont Avenue.  
 Ashby Avenue, north side, from College Avenue to Benvenue Avenue.  
 Ashby Avenue, south side, from Benvenue Avenue to Elmwood Avenue.  
 Ashby Place, east side, from Ashby Avenue to a point 80 feet north of Ashby Avenue.  
 Bancroft Way, both sides, from Piedmont Avenue to Milvia Street.  
 Benvenue Avenue, west side, from Ashby Avenue to 100 feet south of Ashby Avenue.  
 Berkeley Square, both sides, from Addison Street to Center Street.  
 Berkeley Way, north side, from Oxford Street to Shattuck Avenue.  
 Berkeley Way, south side, from Oxford Street to 385 feet west of Shattuck Avenue.  
 Blake Street, both sides, from Telegraph Avenue to 125 feet west of Telegraph Avenue.  
 Blake Street, south side, from Shattuck Avenue to 80 feet west of Shattuck Avenue.  
 Bonar Street, east side, from University Avenue to 150 feet south of University Avenue.  
 Bonar Street, west side, from University Avenue to Addison Street.  
 Bonita Avenue, east side, from University Avenue to Berkeley Way.  
 Bowditch Street, east side, from Bancroft Way to Dwight Way.  
 California Street, both sides, from 100 feet north of University Avenue to 100 feet south of University Avenue.  
 Camelia Street, north side, from Tenth Street to Ninth Street.  
 Camelia Street, north side, from San Pablo Avenue to 100 feet west of San Pablo Avenue.  
 Center Street, both sides, from Oxford Street to Martin Luther King Jr. Way.  
 Channing Way, north side, from Shattuck Avenue to 250 feet west of Shattuck Avenue.

Channing Way, north side, from College Avenue to Dana Street.  
Claremont Avenue, east side, from Russell Street to Ashby Avenue.  
Claremont Avenue, west side, from Russell Street to Claremont Boulevard.  
Colby Street, west side, from Webster Street to South Hospital Drive.  
College Avenue, east side, from Bancroft Way to 200 feet south of Dwight Way.  
College Avenue, west side, from Bancroft Way to Dwight Way.  
College Avenue, east side, from 75 feet south of Webster Street to 175 feet north of Russell Street.  
College Avenue, west side, from 140 feet north of Russell Street to Webster Street.  
College Avenue, east side, from 150 feet north of Alcatraz Avenue to Berkeley-Oakland city limits south of Alcatraz Avenue.  
College Avenue, west side, from Alcatraz Avenue to Berkeley-Oakland city limit, south of Alcatraz Avenue.  
Colusa Avenue, east side, from Catalina Avenue to 225 feet south of Solano Avenue.  
Colusa Avenue, west side, from Catalina Avenue to 180 feet south of Solano Avenue.  
Curtis Street, both sides, from 100 feet north of University Avenue to University Avenue.  
Dana Street, both sides, from Bancroft Way to Channing Way.  
Dana Street, west side, from Haste Street to 150 feet south of Haste Street.  
Delaware Street, south side, from 60 feet east of Shattuck Avenue to Shattuck Avenue.  
Derby Street, north side, from 150 feet east of Telegraph Avenue to 50 feet west of Telegraph Avenue.  
Derby Street, south side, from 150 feet east of Telegraph Avenue to Telegraph Avenue.  
Derby Street, south side, from 300 feet east of Milvia Street to Milvia Street.  
Domingo Avenue, both sides, from Berkeley-Oakland city limit to Ashby Avenue.  
Durant Avenue, both sides, from Fulton Street to Milvia Street.  
Durant Avenue, both sides, from College Avenue to Ellsworth Street.  
Dwight Way, both sides, from Fulton Street to Milvia Street.  
Dwight Way, north side, from 300 feet east of Telegraph Avenue to 300 feet east of Dana Street.  
Dwight Way, north side, from College Avenue to Bowditch Street.  
Dwight Way, south side, from 125 feet east of Regent Street to 325 feet west of Telegraph Avenue.  
Dwight Way, south side, from Benvenue Avenue to Hillegass Avenue.  
Dwight Way, north side, from 40 feet east of San Pablo Avenue to San Pablo Avenue.  
Eighth Street, west side, from 100 feet north of University Avenue to 200 feet south of University Avenue.  
Ensenada Avenue, east side, from 66 feet north of Solano Avenue to 90 feet south of Solano Avenue.  
Euclid Avenue, east side, from 135 feet north of Ridge Road to Hearst Avenue.  
Euclid Avenue, west side, from 130 feet north of Ridge Road to Hearst Avenue.  
Fifth Street, west side, from Virginia Street to Hearst Avenue.  
Fifth Street, both sides, from Hearst Avenue to Addison Street.  
Fourth Street, east side, from Virginia Street to Addison Street.  
Fourth Street, west side, from Cedar Street to Addison Street.  
Francisco Street, both sides, from Shattuck Avenue to 100 feet west of Shattuck Avenue.  
Fresno Avenue, east side, from Solano Avenue to 69 feet south of Solano Avenue.



Fulton Street, both sides, from Kittredge Street to Bancroft Way.  
Fulton Street, east side, from Bancroft Way to Durant Avenue.  
Fulton Street, west side, beginning at Durant Avenue and extending south for 80 feet.  
Grant Street, both sides, from 100 feet north of University Avenue to 100 feet south of University Avenue.  
Grayson Street, south side, from San Pablo Avenue to 60 feet west of San Pablo Avenue.  
Harold Way, both sides, from Allston Way to Kittredge Street.  
Haste Street, both sides, from 250 feet east of Shattuck Avenue to Milvia Street.  
Haste Street, north side, from College Avenue to Dana Street.  
Haste Street, south side, from 300 feet east of Telegraph Avenue to 350 feet west of Telegraph Avenue.  
Haste Street, south side, from College Avenue to Bowditch Street.  
Hearst Avenue, north side, from LaLoma Avenue to Scenic Avenue.  
Hearst Avenue, south side, from Euclid Avenue to Gayley Road.  
Hearst Avenue, south side, from Oxford Street to Arch Street.  
Hearst Avenue, both sides, from Oxford Street to Shattuck Avenue.  
Hearst Avenue, north side, from Fifth Street to Third Street.  
Hearst Avenue, south side, from Sixth Street to Third Street.  
Kittredge Street, both sides, from Oxford Street to Milvia Street.  
LaLoma Avenue, both sides, from Ridge Road to Hearst Avenue.  
LeRoy Avenue, both sides, from Ridge Road to Hearst Avenue.  
Lincoln Street, south side, from Shattuck Avenue to 150 feet west of Shattuck Avenue.  
Martin Luther King Jr. Way, both sides, from Addison Street to Allston Way.  
Milvia Street, both sides, from Berkeley Way to Center Street.  
Milvia Street, east side, from Center Street to Bancroft Way.  
Milvia Street, east side from Derby Street to Ward Street.  
Modoc Street, east side, from Solano Avenue to 90 feet south of Solano Avenue.  
Modoc Street, west side, from Solano Avenue to 66 feet south of Solano Avenue.  
Ninth Street, east side, from 300 feet north of Gilman Street to Gilman Street.  
Ninth Street, west side, from 75 feet north of University Avenue to 150 feet south of University Avenue.  
Oregon Street, north side, from 75 feet east of Telegraph Avenue to 50 feet west of Telegraph Avenue.  
Oregon Street, south side, from 175 feet east of Telegraph Avenue to Telegraph Avenue.  
Oregon Street, both sides, from Shattuck Avenue to Adeline Street.  
Oxford Street, both sides, from Hearst Avenue to Kittredge Street.  
Page Street, north side, from San Pablo Avenue to Tenth Street.  
Pardee Street, south side, from San Pablo Avenue extending 60 feet west of San Pablo Avenue.  
Parker Street, both sides, from 200 feet west of Regent Street to 100 feet west of Telegraph Avenue.  
Parker Street, both sides, from Shattuck Avenue to 100 feet west of Shattuck Avenue.  
Parker Street, north side, from 100 feet east of Shattuck Avenue to Shattuck Avenue.  
Regent Street, east side, from Ashby Avenue to 125 feet south of Webster Street.  
Regent Street, west side, from Ashby Avenue to South Hospital Drive.  
Ridge Road, north side, from 100 feet east of Euclid Avenue to 250 feet west of Euclid

Avenue.

Ridge Road, south side, from LeRoy Avenue to 250 feet west of Euclid Avenue.

Rose Street, north side, from 100 feet east of Shattuck Avenue to 100 feet west of Henry Street.

Rose Street, south side, from Walnut Street to Shattuck Place.

Russell Street, north side, from 85 feet east of College Avenue to 175 feet west of College Avenue.

Russell Street, south side, from 120 feet east of College Avenue to 200 feet west of College Avenue.

Russell Street, south side, from 75 feet east of Telegraph Avenue to 100 feet west of Telegraph Avenue.

San Pablo Avenue, both sides, from Harrison Street to Carrison Street.

Scenic Avenue, east side, from Hearst Avenue to Ridge Road.

Seventh Street, east side, from University Avenue to 150 feet south of University Avenue.

Shattuck Avenue, both sides, from 100 feet north of Rose Street to University Avenue.

Shattuck Avenue, both sides, of the east roadway, from University Avenue to Addison Street (Shattuck Square).

Shattuck Avenue, both sides, of the west roadway, from University Avenue to Addison Street (Shattuck Square).

Shattuck Avenue, both sides, of the east roadway, from Addison Street to Center Street (Berkeley Square).

Shattuck Avenue, both sides, of the west roadway, from Addison Street to Center Street (Berkeley Square).

Shattuck Avenue, both sides, from Center Street to Ashby Avenue.

Shattuck Place, both sides, from Rose Street to Shattuck Avenue.

Sixth Street, east side, University Avenue to Addison Street.

Solano Avenue, both sides, from Tulare Avenue to The Alameda.

Solano Avenue, north side, from 140 feet to 184 feet east of The Alameda.

South Hospital Drive, south side, from Colby Street to 75 feet west of Colby Street.

Stuart Street, north side, from 70 feet east of Shattuck Avenue to Adeline Street.

Stuart Street, south side, from 50 feet east of Telegraph Avenue to Telegraph Avenue.

Tacoma Avenue, both sides, from 66 feet north of Solano Avenue to Solano Avenue.

Telegraph Avenue, both sides, from Bancroft Way to Dwight Way.

Telegraph Avenue, east side, from Dwight Way to Woolsey Street.

Telegraph Avenue, west side, from Dwight Way to Prince Street.

Tenth Street, west side, from 300 feet north of Gilman Street to Gilman Street.

Tenth Street, both sides, from Gilman Street to Camelia Street.

Tenth Street, east side, from 100 feet north of University Avenue to 100 feet south of University Avenue.

The Alameda, east side, from Solano Avenue to Los Angeles Avenue.

The Alameda, west side, from 90 feet north of Solano Avenue to 220 feet north of Los Angeles Avenue.

Tulare Avenue, east side, from Solano Avenue to 90 feet south of Solano Avenue.

University Avenue, both sides, from Oxford Street to Third Street.

Vine Street, north side, from 75 feet east of Walnut Street to 100 feet east of Henry Street.

Vine Street, south side, from 150 feet east of Walnut Street to 100 feet east of Henry

Street.

Virginia Street, north side, from 150 feet east of Shattuck Avenue to 150 feet west of Shattuck Avenue.

Virginia Street, south side, from Shattuck Avenue to 125 feet west of Shattuck Avenue.

Walnut Street, east side, from 75 feet north of Vine Street to 125 feet south of Vine Street.

Walnut Street, west side, from Rose Street to 200 feet south of Vine Street.

Walnut Street, both sides, from Berkeley Way to University Avenue.

Ward Street, north side, from 300 feet east of Milvia Street to Milvia Street.

Webster Street, both sides, from 125 feet east of College Avenue to 100 feet west of College Avenue.

Webster Street, north side, from Colby Street to 150 feet west of Telegraph Avenue.

Webster Street, south side, from Colby Street to 100 feet west of Telegraph Avenue.

The City Traffic Engineer shall cause parking meters and pay-and-display stations to be installed and maintained in all parking meter zones.

Section 2. That Berkeley Municipal Code Section 14.52.120 is amended to read as follows:

**14.52.120 Parking meter and Pay-and-Display Station fees.**

Single-space meter and Pay-and-Display Station fees for the goBerkeley Program parking meter zones hereinabove set forth in 14.52.010 shall be as follows:

A. For goBerkeley Program parking meter zones set forth in 14.52.010:

1. Pay-and-Display Stations and credit card enabled single-space meters shall accept nickels, dimes, quarters, one dollar coins and credit/debit cards.
2. The minimum transaction amount for cash payment shall be five cents (\$0.05) and shall purchase a segment of time proportional to the prevailing hourly rate, rounded up to the nearest whole minute. The prevailing hourly rate for meter zones specified in 14.52.010 shall be set by section 14.52.120(B).
3. The 12-minute minimum transaction amount for credit/debit card payment shall purchase a segment of time proportional to the prevailing hourly rate, rounded up to the nearest whole minute. The prevailing hourly rate for meter zones specified in 14.52.010 shall be set by section 14.52.120(B).

B. At single-space meters and Pay-and-Display Stations within the goBerkeley Program parking meter zones:

1. The hourly rate may vary between \$0.50 and \$5.00 per hour effective FY 2017, between \$0.50 and \$6.00 per hour effective FY 2018, between \$0.50 and \$7.00 effective FY 2019, and between \$0.50 and \$8.00 effective FY 2020, as set by the City Manager.

2. The parking fee may be either flat rates (same rate for a specified time period e.g. 1 hour, 4 hours, all day), or may be variable rates based on time of day, length of stay, or a combination of those pricing structures, as set by the City Manager.
3. The City Manager may adjust the parking fee by increments no larger than 50 cents (\$0.50) per hour.
4. The City Manager may implement special event pricing at designated times and at designated pay-and-display stations and parking meters,
5. Adjustments to the parking fee must be supported by published data on parking usage statistics with the goal of achieving 65-85% parking occupancy of spaces as calculated in the goBerkeley Program Guidelines.
6. Adjustments to the parking fee at pay-and-display stations and parking meters must be posted to the City's website no later than 30 calendar days prior to the adjustment.
7. Parking rates may be adjusted no more frequently than once per 60 calendar days.

Section 3. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of Council Chambers, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

At a regular meeting of the Council of the City of Berkeley held on January 26, 2021, this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: Bartlett, Droste, Hahn, Kesarwani, Robinson, Taplin, Wengraf, and Arreguin.

Noes: None.

Absent: Harrison.



Office of the City Attorney

CONSENT CALENDAR  
February 9, 2021

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Farimah Faiz Brown, City Attorney

Subject: Resolution Reviewing and Ratifying the Proclamation of Local  
Emergency Due to the Spread of a Severe Acute Respiratory Illness  
Caused by a Novel (New) Coronavirus (COVID-19)

RECOMMENDATION

Adopt a Resolution reviewing the need for continuing the local emergency due to the spread of a severe acute respiratory illness caused by a novel (new) coronavirus (COVID-19) and ratifying the Proclamation of Local Emergency issued by the Director of Emergency Services on March 3, 2020, initially ratified by the City Council on March 10, 2020, and subsequently reviewed and ratified by the Council on April 21, 2020, June 16, 2020, July 28, 2020, September 22, 2020, November 17, 2020 and December 15, 2020.

FISCAL IMPACT OF RECOMMENDATION

To be determined.

CURRENT SITUATION AND ITS EFFECTS

Pursuant to California Government Code section 8630 and Berkeley Municipal Code Chapter 2.88, on March 3, 2020, the City Manager, in her capacity as Director of Emergency Services, proclaimed a local emergency due to conditions of extreme peril to the safety of persons and property within the City as a consequence of the global spread of a severe acute respiratory illness caused by a novel (new) coronavirus (COVID-19), including a confirmed case in the City of Berkeley. As a result of multiple confirmed and presumed cases in Alameda County, the County has declared a local health emergency. The Proclamation of Local Emergency empowers the Director of Emergency Services to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such local emergency. Pursuant to Government Code section 8630(b) and Berkeley Municipal Code section 2.88.040.A.1, on March 10, 2020, the City Council ratified the Proclamation of Local Emergency with the passage of Resolution No. 69-312.

Pursuant to Government Code section 8630(c), the City Council must review the need for continuing the local emergency at least once every sixty (60) days. The Council last reviewed and ratified the Proclamation of Local Emergency on December 15, 2020. The Council therefore must review the continuing need for the local emergency by February 13, 2021.

This item requests that the Council review the continued need for the local emergency and again ratify the Proclamation of Local Emergency issued on March 3, 2020, initially ratified by the Council on March 10, 2020, and subsequently review and ratified by the Council on April 21, 2020, June 16, 2020, July 28, 2020, September 22, 2020, November 17, 2020 and December 15, 2020. If reviewed and ratified on February 9, 2021, the Council will need to again review and ratify the proclamation by April 10, 2021 in order to continue the local emergency.

If at any time the Council determines that the need for continuing the local emergency has ended, state law directs the Council to terminate the local emergency at the earliest possible date that conditions warrant. (Cal. Gov. Code section 8630(d).)

#### BACKGROUND

On March 1, 2020, Alameda County Public Health Department and Solano County Public Health Department reported two presumptive cases of COVID-19, pending confirmatory testing by the Centers for Disease Control (CDC), prompting Alameda County to declare a local health emergency.

On March 3, 2020, the City's Director of Emergency Services proclaimed a local emergency due to the spread of COVID-19, including a confirmed case in the City of Berkeley and multiple confirmed and presumed cases in Alameda County.

On March 10, 2020, the City Council ratified the Proclamation of Local Emergency. Since that date, there have been over 1,800 confirmed cases of COVID-19 and at least nine deaths in the City of Berkeley.

The City Council has subsequently reviewed and ratified the Proclamation of Local Emergency on April 21, 2020, June 16, 2020, July 28, 2020, September 22, 2020, November 17, 2020 and December 15, 2020.

#### ENVIRONMENTAL SUSTAINABILITY

Not applicable.

#### RATIONALE FOR RECOMMENDATION

The Resolution would enable the Director of Emergency Services to continue to efficiently allocate resources due to the ongoing and imminent threat to public safety.

#### ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Dee Williams-Ridley, City Manager, City Manager's Office (510) 981-7000  
Farimah Brown, City Attorney, City Attorney's Office (510) 981-6998

Attachments:

1: Resolution

RESOLUTION NO. –N.S.

RESOLUTION REVIEWING AND RATIFYING THE  
PROCLAMATION OF LOCAL EMERGENCY

WHEREAS, the Emergency Services Act, Government Code sections 8558(c) and 8630 authorize the proclamation of a local emergency when conditions of disaster or extreme peril to the safety of persons and property within the territorial limits of a city exist; and

WHEREAS, pursuant to Government Code section 8630, such an emergency may be proclaimed by the governing body or by an official designated by ordinance adopted by the governing body; and

WHEREAS, Berkeley Municipal Code section 2.88.040 provides that the City Manager, serving as the Director of Emergency Services, may request that the City Council proclaim the existence of a local emergency; and

WHEREAS, under provision of local law, if the City Council cannot be convened and, in the judgment of the Director of Emergency Services, the circumstances warrant it, a proclamation of local emergency may be issued which must be ratified or nullified by the City Council within seven days of issuance; and

WHEREAS, in accordance with authority granted under the above provisions of state and local law, the Director of Emergency Services beginning on March 3, 2020 did proclaim the existence of a local emergency caused by epidemic in the form of the global spread of a severe acute respiratory illness caused by a novel (new) coronavirus ("COVID-19"), including confirmed cases in California and the San Francisco Bay Area, and presumed cases in Alameda County prompting the County to declare a local health emergency; and

WHEREAS, on March 10, 2020, the City Council ratified the Proclamation of Local Emergency with the passage of Resolution No. 69-312; and

WHEREAS, Government Code section 8630(c) requires that the City Council review the need for continuing the local emergency at least once every sixty (60) days; and

WHEREAS, the City Council subsequently reviewed the need for continuing the local emergency and again ratified the Proclamation of Local Emergency on April 21, 2020, June 16, 2020, July 28, 2020, September 22, 2020, November 17, 2020 and December 15, 2020; and

WHEREAS, the City Council does find that the aforesaid conditions of extreme peril continue to exist, and now include over 1,800 confirmed cases of COVID-19 and at least nine deaths in the City of Berkeley, thereby warranting and necessitating the continuation of the local emergency; and



WHEREAS, the City Council will need to again review the need for continuing the local emergency and ratify the Proclamation of Local Emergency by April 10, 2021.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Berkeley that it is hereby proclaimed and ordered that the Proclamation of Local Emergency, issued by the Director of Emergency Services on March 3, 2020, initially ratified by the City Council on March 10, 2020, and subsequently reviewed and ratified by the City Council on April 21, 2020, June 16, 2020, July 28, 2020, September 22, 2020, November 17, 2020 and December 15, 2020, has been reviewed and is hereby again ratified and confirmed; and

BE IT FURTHER RESOLVED that during the existence of this local emergency the powers, functions, and duties of the emergency organization of this City shall be those prescribed by state law, and the Charter, ordinances, resolutions and approved plans of the City of Berkeley.





Office of the City Manager

CONSENT CALENDAR  
February 9, 2021

To: Honorable Mayor and Members of the City Council  
From: Dee Williams-Ridley, City Manager  
Submitted by: Amelia Funghi, Animal Shelter Manager  
Subject: Donation to the Animal Shelter from the Stephen and Mary Birch Foundation

RECOMMENDATION

Adopt a Resolution accepting a donation from the estate of Stephen and Mary Birch in the sum of \$10,000.

FISCAL IMPACTS OF RECOMMENDATION

A donation in the amount of \$10,000 from The Stephen and Mary Birch Foundation to Animal Services will be used for off-site veterinary care and will be deposited in the Animal Services Donation Fund. Animal Services spends approximately \$20,000 for off-site veterinary care and a \$10,000 donation will subsidize 50% of this expense. The donation funds will be appropriated as part of the Second Amendment to the FY 2021 Annual Appropriations Ordinance.

CURRENT SITUATION AND ITS EFFECTS

Berkeley Animal Care Services (BACS) houses and cares for approximately 1,400 stray, surrendered and abandoned animals each year. Many animals arrive needing veterinary care related to injury or advanced disease processes. Animal Services strives to treat all sick and injured animals that have a good chance of recovery and adoption and uses several local veterinary clinics to provide services that cannot be provided at the shelter such as X-rays, ultrasounds and specialized surgeries. Providing this care is critical to maintaining a high live release rate and low euthanasia rate for shelter animals.

BACKGROUND

Each year starting in 2008, the Stephen and Mary Birch Foundation have generously donated money to BACS to be used for the welfare of the shelter animals. This donation has consistently been used for veterinary care of shelter animals.

ENVIRONMENTAL SUSTAINABILITY

There are no identifiable environmental effects or opportunities associated with the subject of this report.

RATIONALE FOR RECOMMENDATION

Animal Services must provide essential veterinary care to shelter animals in order to maintain a high live release rate. A donation in the amount of \$10,000 will subsidize 50% of the amount Animal Services spends on off-site veterinary care annually.

ALTERNATIVE ACTIONS CONSIDERED

If the City were not to accept the \$10,000 donation from the Stephen and Mary Birch Foundation, Animal Services would need to find funds from another source.

CONTACT PERSON

Amelia Funghi, Animal Shelter Manager (510) 981-6603

Attachments:

1: Resolution – Accepting a donation to the animal shelter from the Stephen and Mary Birch Foundation in the sum of \$10,000

RESOLUTION NO. -N.S.

ADOPT A RESOLUTION ACCEPTING A DONATION TO THE ANIMAL SHELTER  
FROM THE STEPHEN AND MARY BIRCH FOUNDATION IN THE SUM OF \$10,000

WHEREAS, The Stephen and Mary Birch Foundation has named Berkley Animal Care Services (BACS) as a recipient of a gift; and

WHEREAS, BACS houses and cares for approximately 1,400 stray, surrendered and abandoned animals each year; and

WHEREAS, the shelter treats sick and injured animals that have a good chance of recovery and adoption, and donations are often used to cover these veterinary bills; and

WHEREAS, the donation in the sum of \$10,000 will be deposited in the Animal Shelter Donation Fund and the donation funds will be appropriated as part of the Second Amendment to the FY 2021 Annual Appropriations Ordinance.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Council accepts a donation to the Animal Shelter from the Stephen and Mary Birch in the sum of \$10,000.





Office of the City Manager

CONSENT CALENDAR  
February 9, 2021

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: LaTanya Bellow, Director of Human Resources

Subject: Contract No. 081263-1 Amendment: Claremont Behavioral Services for Employee Assistance Program Services

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to amend Contract No. 081263-1 with Claremont Behavioral Services (Claremont) in order to provide continued services for the Employee Assistance Program (EAP) by increasing expenditure authority in an amount not to exceed \$500,000, for a total contract amount of \$1,635,000, through December 31, 2025.

FISCAL IMPACTS OF RECOMMENDATION

Health care premiums are quoted on a calendar year based on standard industry practices. The City budgets are on a fiscal year basis so half of the premium cost is known and the remainder is estimated based on Budget procedures and trends in medical premium costs.

Funding for this amendment is available from fringe benefit accounts in departmental budgets and will be paid out of the Payroll Deduction Trust Fund, budget code: 013-99-900-900-0000-000-000-201599.

Funding for the health plan premium increase is included in the Fiscal Year (FY) 2021 adopted budget. Premiums are paid one (1) month in advance; e.g., the January 2021 premium is paid in December 2020.

|                                    |             |
|------------------------------------|-------------|
| Original contract amount           | \$320,000   |
| July 1, 2012 increase              | \$315,000   |
| July 1, 2015 increase              | \$500,000   |
| January 1, 2021 increase           | \$500,000   |
| Total new contracts amount         | \$1,635,000 |
| Budget code:                       |             |
| 013-99-900-900-0000-000-000-201599 | \$320,000   |
| Original amount                    |             |

The Contract Management System number is CMS No. UKMLA.

### CURRENT SITUATION AND ITS EFFECTS

The City has a contract with Claremont through December 31, 2021, for administration of the City's Employee Assistance Program. Under this contract, the City's current cost is \$1.95 Per-Employee Per-Month plus \$92 per clinical visit for Calendar Year 2021. The contract also includes an annual maximum expenditure amount of \$110,000 per fiscal year to avoid a potential unlimited liability. Annual costs for Fiscal Year 2021 are estimated to be \$89,880.

To maintain budgeted costs, staff, with the assistance of Keenan & Associates the City's benefits insurance broker, have negotiated with Claremont to offer a rate pass, \$1.95 Per-Employee Per-Month and \$92 per clinical visit, for each of the five (5) new contract years (Fiscal Year 2021 through Fiscal Year 2025). Claremont has also increased the annual maximum expenditure amount from \$105,000 to \$110,000 per fiscal year. Meaning that even if the City increases the number of benefitted employees, the City's maximum is capped at \$110,000. The increase in the annual maximum will cost approximately \$25,000 in budgeting costs over the next five (5) years.

### BACKGROUND

Since 1986 the City has provided an Employee Assistance Program for all benefitted employees and their eligible dependents. The purpose of the program is to provide confidential professional counseling services for employees and their dependents in the areas of mental health and substance abuse, as well as family, financial and legal related problems. Moreover, the services may include employee and supervisory orientations, management referrals, critical incident debriefings, and specialized workshops on a variety of topics.

The City selected Claremont to administer the EAP through a competitive bid process and has been using Claremont since November 1, 2002. On June 12, 2012, City Council approved Resolution No. 65,767-N.S. that authorized the City Manager to execute and implement a contract with Claremont through June 30, 2015. Claremont has provided outstanding EAP services over the years, including lunch "Brown Bag" seminars and onsite "Critical Incident" debriefings. Employees have responded well to the services provided by Claremont, averaging a 16% utilization rate, compared to a national average utilization rate of 4-6%.

### ENVIRONMENTAL SUSTAINABILITY

There are no identifiable environmental effects or opportunities associated with the subject of this report.

### RATIONALE FOR RECOMMENDATION

This contract amendment will benefit the City in continuing to provide excellent EAP services. The Employee Assistance Program is a mandated employee benefit under the collective bargaining agreements between the City and the employee organizations, and



equally important, we believe utilization of EAP services has a positive impact on employee morale, attendance, and job performance.

ALTERNATIVE ACTIONS CONSIDERED

City staff worked with benefit broker Keenan & Associates to seek out competitive offers for the administration of the Employee Assistance Program. Staff estimates a potential \$25,000 budgeted increase over the next five (5) fiscal years by accepting the rate pass with Claremont Behavioral Services.

CONTACT PERSON

LaTanya Bellow, Director of Human Resources, Human Resources, (510) 981-6807.

Attachments:

1. Resolution

RESOLUTION NO. -N.S.

AUTHORIZING RATE CHANGES FOR THE CLAREMONT BEHAVIORAL SERVICES FOR EMPLOYEE ASSISTANCE PROGRAM ADMINISTRATION EFFECTIVE JANUARY 1, 2021 THROUGH DECEMBER 31, 2025

WHEREAS, on March 9, 2010, by Resolution No. 64,788-N.S., the City Council authorized Contract No. 8287 with Claremont Behavioral Services to administer the City's Employee Assistance Program in an amount not to exceed \$320,000 for the period from July 1, 2008 through June 30, 2012; and

WHEREAS, this contract was previously amended on June 12, 2012, to increase the total contract amount by \$315,000 for a total contract amount of \$635,000 and to extend the expiration date to June 30, 2015; and

WHEREAS, this contract was previously amended on June 30, 2015, to increase the total contract amount by \$500,000 for a total contract amount of \$1,135,000 and to extend the expiration date to June 30, 2020; and

WHEREAS, this contract was previously amended on December 31, 2020 to extend the expiration date to December 31, 2021; and

WHEREAS, the City pays for the full premium for all benefited employees and their dependents eligible to participate in the Employee Assistance Program; and

WHEREAS, funds are available in the current budget in the Payroll Deduction Trust Fund, budget code 013-99-900-900-0000-000-000-201599, and the contract has been entered into the City Contract database and assigned CMS No. UKMLA.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley hereby authorizes the City Manager to execute an amendment to Contract No. 081263-1 with Claremont Behavioral Services to administer the City's Employee Assistance Program from January 1, 2021, to December 31, 2025, by increasing the contract amount \$500,000, for a total contract amount of \$1,635,000.

BE IT FURTHER RESOLVED that the rates are guaranteed through Calendar Year 2025.

BE IT FURTHER RESOLVED that a record signature copy of said contract and any amendments reflecting this rate increase to be on file in the Office of the City Clerk.

CONSENT CALENDAR

February 9, 2021

TO: Honorable Members of the City Council

FROM: Mayor Jesse Arreguín  
Vice Mayor Lori Droste  
Councilmember Hahn  
Councilmember Robinson

SUBJECT: Installation of Banners Marking “Kala Bagai Way”: Relinquishment of Council Office Budget Fund to General Fund and Grant of Such Funds

RECOMMENDATION

Adopt a resolution approving the expenditure of an amount not to exceed \$500.00 per council member, including \$500.00 from Mayor Arreguín, to the Downtown Berkeley Association with funds relinquished to the City’s general fund for this purpose from the discretionary council office budget of Mayor Arreguín and any other council members who would like to contribute.

BACKGROUND

In 2020, the City Council approved the renaming of a two-block portion of Shattuck Avenue ‘East’ from Center Street to University Avenue to “Kala Bagai Way.”

The City’s decision to honor Kala Bagai—an Asian American, a woman, an immigrant, and a survivor of local racism—has attracted significant positive attention. There have been over two dozen media mentions to date, ranging from KQED to the Times of India.

Community members are working with the Office of Economic Development and the Downtown Berkeley Association to install banners to mark this historic moment, honor Kala Bagai, and celebrate the City’s Asian American history. Funds will go towards the printing and installation of banners. We expect the banners to be installed prior to the ribbon cutting for the Shattuck Reconfiguration project.

The placemaking banner was designed pro-bono by the Design Action Collective in Oakland, with input from the Bagai family and community members. One side honors Kala Bagai and features a photo of her, while the other honors Berkeley's Asian American history, and features a group photo of early local South Asian families.

FINANCIAL IMPLICATIONS

\$500.00 from Mayor Arreguín's discretionary council office budget.

CONTACT

Mayor Jesse Arreguín

mayor@cityofberkeley.info | 510-981-7100

RESOLUTION NO. ##,###-N.S.

AUTHORIZE THE EXPENDITURE OF SURPLUS FUNDS FROM THE OFFICE EXPENSE ACCOUNTS OF  
THE MAYOR AND COUNCIL MEMBERS FOR A GRANT TO PROVIDE PUBLIC SERVICES FOR A  
MUNICIPAL PUBLIC PURPOSE

WHEREAS, in 2020, the City Council approved the renaming of a two-block portion of Shattuck Avenue 'East' from Center Street to University Avenue to "Kala Bagai Way"; and

WHEREAS, the City's decision to honor Kala Bagai—an Asian American, a woman, an immigrant, and a survivor of local racism—has attracted significant positive attention; and

WHEREAS, the placemaking banner was designed with input from the Bagai family and community members; and

WHEREAS, one side of the banner honors Kala Bagai and features a photo of her, while the other honors Berkeley's Asian American history, and features a group photo of early local South Asian families; and

WHEREAS, Mayor Arreguín has surplus funds in his office expenditure account; and

WHEREAS, a California non-profit tax-exempt corporation – the Downtown Berkeley Association – will receive funds in the amount of \$500.00; and

WHEREAS, the provision of such services would fulfill the following municipal public purpose: the Downtown Berkeley Association is a 501(c)(6) non-profit program, in the San Francisco Bay Area, working with community members and the City's Office of Economic Development to mark this historic moment, honor Kala Bagai, and celebrate the City's Asian American history.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that funds relinquished by the Mayor and council members from their council office budget of up to \$500.00 per office shall be granted to the Downtown Berkeley Association.



CONSENT CALENDAR  
February 9, 2021

To: Members of the City Council

From: Mayor Jesse Arreguin and Councilmember Ben Bartlett

Subject: Housing Trust Fund Reservation to rehabilitate low income housing in South Berkeley

RECOMMENDATION

Adopt a resolution reserving \$560,000 from the Housing Trust Fund to the South Berkeley Neighborhood Development Corporation for urgently needed housing rehabilitation at two low income housing complexes: Rosewood Manor and Lorin Station Apartments.

FISCAL IMPACTS OF RECOMMENDATION

This item accompanies the Public Hearing to approve the proposed PY19 Annual Action Plan Substantial Amendment #2 recommendation which, if passed, will shift \$1,049,370 in CDBG funding currently allocated to the CDBG Community Facility Improvement program and approximately \$378,230 of CDBG earlier unused funds to a multi-family housing rehabilitation project at Rosewood Manor and Lorin Station Apartments.

Staff estimate that the SBNDC will need up to \$560,000 more than the CDBG funds available to complete the emergency repairs that have been identified. These funds are available in the Housing Trust Fund and if allocated to this project would leave approximately \$8.2M in the HTF.

CURRENT SITUATION AND ITS EFFECTS

In October 2020, the South Berkeley Neighborhood Development Corporation (SBNDC), a California Domestic Corporation located in South Berkeley, submitted a request for City funding to support rehabilitation work at Lorin Station and Rosewood Manor, two affordable housing properties owned and operated by SBNDC. Both properties are over 30 years old and are in need of major and immediate rehabilitation. SBNDC estimates there is at least \$6 million in repairs. The current request is for \$2.3 million to fund emergency roofing and plumbing repairs. City staff have proposed funding the majority of the project through CDBG and CARES funds, but there remains a \$560,000 gap needed to resolve the emergency repairs at the two facilities.

This item accompanies the Public Hearing item on the same council meeting and supplements the CDBG funding, should it be approved, so that the rehabilitation projects are fully funded.

BACKGROUND

Lorin Station is a 14-unit multifamily affordable housing development located at 3253 Adeline Street, funded by the City in 1988-1991 for acquisition and development. The development is subject to a regulatory agreement which requires the units be affordable

to households at 50% Area Median Income. Rosewood Manor is a 35-unit multifamily affordable housing development at 1615 Russell Street, not previously funded by the City, which receives Project-Based Section 8 assistance.

SBNDC intends to complete major rehabilitation of both projects and will work to assemble the scope and budget once these emergency repairs are complete.

#### ENVIRONMENTAL SUSTAINABILITY

There are no environmental sustainability impacts associated with this item.

#### RATIONALE FOR RECOMMENDATION

Approving these recommendations would help 49 low-income households in South Berkeley retain housing through housing rehabilitation, and add 35 units of affordable housing to the City's Housing Trust Fund portfolio.

Staff estimate that the SBNDC will need up to \$560,000 more than the CDBG funds available to complete the emergency repairs that have been identified. While the newly adopted HTF guidelines give projects at risk the ability to apply at any time, the time required to receive an application and have it reviewed in the required channels would take at least a few months. Awarding funds more expeditiously would meet the urgent need now, support low income families, prevent more costly future repairs and help meet CDBG funding deadlines by creating a complete funding package.

These emergency repairs will give SBNDC the time to assemble the comprehensive scope and budget for more significant rehabilitation.

#### ALTERNATIVE ACTIONS CONSIDERED

Failure to authorize receipt of these funds would result in the potential loss of low-income housing for low-income Berkeley households.

#### CONTACT PERSON

Jesse Arreguin, Mayor

510-981-7100

Attachments: 1:

Resolution for allocation of \$560,000 in HTF to SBNDC



RESOLUTION NO. ##,###-N.S.

AUTHORIZING ALLOCATION OF \$560,000 FROM HOUSING TRUST FUND TO  
SOUTH BERKELEY NEIGHBORHOOD DEVELOPMENT CORPORATION FOR  
HOUSING REHABILITATION AT ROSEWOOD MANOR AND LORIN STATION  
APARTMENTS

WHEREAS, emergency housing rehabilitation needs have arisen at Rosewood Manor and Lorin Station Apartments serving a total of 49 primarily low-income households; and

WHEREAS, the without the addition of Housing Trust Funds to support the housing rehabilitation at Rosewood Manor and Lorin Station Apartments the work cannot be completed; and

WHEREAS, without the emergency housing rehabilitation work being done, affordable housing in South Berkeley is threatened for 49 low-income households; and

WHEREAS, Creating and supporting affordable housing and housing support services is a key City of Berkeley Strategic Plan goal; and

WHEREAS, there exists within the City of Berkeley's Housing Trust fund enough revenue to allocate \$560,000 for the purposes of emergency low income housing rehabilitation at Rosewood Manor and Lorin Station Apartments;

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Council approves a funding reservation in the amount of \$560,000 for housing rehabilitation at Rosewood Manor and Lorin Station Apartments.

BE IT FURTHER RESOLVED that loan funds shall be reserved for a period of no more than 24 months from the date of this Resolution, contingent on the borrower's obtaining all required permit approvals and entering into a contract or contracts with the City for the funds within the reservation period.

BE IT FURTHER RESOLVED that all funding reservations are conditioned upon the completion of the environmental review process, except as authorized by 24 CFR, Part 58, and that should HOME and/or CDBG funds constitute a portion of the funding for any project, a final commitment of HOME and/or CDBG funds shall occur only upon the satisfactory completion of the appropriate level of environmental review and also upon the receipt of approval of the request for release of funds and related certification from the U.S. Department of Housing and Urban Development, when applicable. The funding reservation for any of the HOME and/or CDBG funded projects is conditioned upon the City of Berkeley's determination to proceed with, modify, or cancel the project based on

the results of subsequent environmental review under the National Environmental Policy Act.

BE IT FURTHER RESOLVED that the making of each loan shall be contingent on and subject to such other appropriate terms and conditions as the City Manager or her designee may establish.

BE IT FURTHER RESOLVED the City Manager, or her designee, is hereby authorized to execute all original or amended documents or agreements to effectuate this action; a signed copy of said documents, agreements and any amendments will be kept on file in the Office of City Clerk.



Office of the Mayor

CONSENT CALENDAR  
February 9, 2021

To: Members of the City Council

From: Mayor Jesse Arreguín, Councilmembers Terry Taplin, Ben Bartlett, and Sophie Hahn

Subject: Proclaiming February Black History Month and Authorizing City Manager to Fly the Black Lives Matter Flag

RECOMMENDATION:

Adopt a Resolution Proclaiming February as Black History Month and Authorizing the City Manager to fly the Black Lives Matter Flag every year at the Civic Center throughout the month of February.

BACKGROUND

Berkeley has a long history of celebrating Black History and being at the forefront of supporting equity and justice for people within the community. February provides an annual opportunity to highlight the achievements and celebrate contributions of African-Americans in the United States and around the world and to recognize that much work remains in creating a just, equal and anti-racist society.

In the summer of 2020, the murders of George Floyd, Breonna Taylor and Ahmaud Arbery ignited the nation in passionate protest against police brutality and racial injustice. Across the country, community members gathered for weeks and sometimes months to demand change and called out the enduring, systemic racism, white supremacy and accompanying police brutality that have defined the United States for too long. The Berkeley City Council has acted on these calls launching and furthering initiatives across health, transportation, housing and public safety in alignment with the City's strategic goal to champion and demonstrate social and racial equity.

In a symbolic extension of these substantive efforts, Berkeley will fly the Black Lives Matter flag during the month of February, publicly affirming its commitment to address institutionalized racism, advance justice and foster equality and justice. There will be a ceremony on February 10<sup>th</sup> to raise the flag.

FINANCIAL IMPLICATIONS

Staff time to organize and participate in the flag ceremony.

ENVIRONMENTAL SUSTAINABILITY

There are not direct environmental impacts from adopting this resolution.

CONTACT PERSON

Jesse Arreguín, Mayor, (510) 981-7100

Attachments:

1. Resolution

RESOLUTION NO. ##,### N.S.

A RESOLUTION PROCLAIMING THE MONTH OF FEBRUARY AS BLACK HISTORY MONTH IN THE CITY OF BERKELEY AND AUTHORIZING THE CITY MANAGER TO FLY THE BLACK LIVES MATTER FLAG AND TAKE OTHER APPROPRIATE ACTIONS SHE DEEMS NECESSARY EVERY YEAR ON THE MONTH OF FEBRUARY.

**WHEREAS** BLACK LIVES MATTER!; and

WHEREAS, Berkeley has a committed history of being at the forefront of supporting equity and justice for people within this community; and

WHEREAS, the City of Berkeley has celebrated Black History Month for decades, and has including sponsoring the Annual Black History Month Celebration hosted by the Berkeley Junteenth Association; and

WHEREAS, the City of Berkeley condemns the violence that has claimed the lives of so many Black persons in America and joins in mourning the senseless deaths of George Floyd, Breonna Taylor, Ahmaud Arbery, and countless others; expresses our heartfelt sympathy to their families; and commits to redouble our efforts to address institutionalized racism, advance justice, and foster equality and justice.

THEREFORE BE IT RESOLVED, that the City of Berkeley hereby declares the month of February as Black History Month and authorizes the City Manager to fly the Black Lives Matter Flag every year at the Civic Center throughout the month of February, and take any other actions deemed necessary.





Cheryl Davila  
Councilmember  
District 2

CONSENT CALENDAR  
February 9, 2021

To: Honorable Mayor and Members of the City Council

From: Councilmember Cheryl Davila

Subject: Support Affirming the Right to Boycott as a Tactic for Social and Political Change

### RECOMMENDATION

Adopt a Resolution with the following actions:

1. Support Affirming the Right to Boycott as a Tactic for Social and Political Change, and celebrate the People of Berkeley for their commitment to Peace, Justice and Equity;
2. The City of Berkeley affirms the right of all people to participate in boycotts of any entity when they have conscientious concerns with the entity's policies or actions;
3. The City of Berkeley condemns attempts by governments to infringe upon the right to peaceful boycotts by criminalizing that participation, denying participants state contracts, or otherwise impeding the freedom of advocacy for all;
4. The City Council encourages City Commissions to recommend boycott policies to the City Council when appropriate, so that the City Council may be well informed in its oversight of City resources
5. Send a copy of this resolution to Governor Gavin Newsom, Attorney General Xavier Becerra, State Assemblymember Buffy Wicks, State Senator Nancy Skinner, United States Senators Bernie Sanders, Kamala Harris, Dianne Feinstein, and United States Congressional Representatives Barbara Lee, Ro Khanna, Alexandria Ocasio-Cortez, Ilhan Omar, Ayanna Pressley, Rashida Harbi Tlaib, and Pramila Jayapal.

### POLICY COMMITTEE RECOMMENDATION

On January 11, 2021, the Agenda and Rules Committee adopted the following action: M/S/C (Hahn/Wengraf) to move the item to the full Council with a Negative Recommendation and recommend that the Council take no action on the item. Vote: All Ayes.

### BACKGROUND

Berkeley's municipal code defines "Peace and Justice" as "the goal of creating a world community in which the relations between people are based on equality, respect for human rights, and the abhorrence of exploitation and all forms of oppression" and the city has found that "the residents of Berkeley have continually demonstrated their concern for peace and justice based on equality among all peoples"<sup>1</sup>.

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<sup>1</sup> Ord. 5705-NS § 3, 1986

Boycotts have been effectively used in the United States by advocates for equal rights since the Boston Tea Party and include boycotts led by civil rights activists during the 1950s and 1960s in order to advocate for racial equality, such as the Montgomery bus boycott<sup>2</sup>, and promote workers' rights, such as the United Farm Workers-led boycott of table grapes.

Berkeley has a long history of enacting and supporting boycotts on various issues of importance to the People of Berkeley, including boycotts against corporations including Motorola, Kaiser Aluminum, Shell, Honda, IBM, Coca-Cola, Hewlett-Packard, and others, sometimes targeting all companies doing business in a country or area (Burma, Occupied Tibet, Nigeria), or companies supplying weapons technology (a violation of the Nuclear-Free ordinance).

All forms of bigotry, including racism, classism, sexism, Islamophobia, anti-Semitism, homophobia, ableism, and all forms of hatred that target people based on their religion, ethnicity, nationality, disability, gender or sexual orientation, are unacceptable and inconsistent with Berkeley's commitment to equity and justice.

Criticism of the actions of corporations and nations is critical to healthy public discourse and must be protected in a democracy, and criticism of a nation, including by means of a non-violent citizens' boycott, does not constitute bigotry against the citizens of that nation. Rather, boycott is often a strategic and necessary means by which to encourage a government to abandon policies that are inconsistent with the ideals of peace and justice.

Boycotts and their importance are written into the Berkeley Municipal Code, including in the mandate of the Labor commission which reads "...encouraging support for officially sanctioned boycotts".

The right to boycott has repeatedly been reaffirmed as protected free speech by the first amendment of the United States' Constitution<sup>3</sup>, a protection that is of particular pride and importance to the City of Berkeley<sup>4</sup>, as the birthplace of the Free Speech Movement.

Despite its important history in social movements and its constitutional protections, governments and non-governmental organizations alike have sought to criminalize<sup>5</sup>, stigmatize, and delegitimize<sup>6</sup> the use of boycotts in an attempt to stifle constitutionally protected political expression.

## FINANCIAL IMPLICATIONS

None.

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<sup>2</sup> Anne Brice, B., & Brice, A. (2020, February 18). The Montgomery bus boycott and the women who made it possible. Retrieved November 23, 2020, from <https://news.berkeley.edu/2020/02/11/podcast-montgomery-bus-boycott-womens-political-council/>

<sup>3</sup> The Supreme Court, in the 1966 case *Rosenblatt v. Baer*, held that the First Amendment to the Constitution ensures that "criticism of government is at the very center of the constitutionally protected area of free discussion". Then, in 1982, in *NAACP v. Claiborne Hardware* they held that "the right of the States to regulate economic activity could not justify a complete prohibition against a nonviolent, politically motivated boycott".

<sup>4</sup> UC Berkeley Library. (n.d.). Retrieved November 23, 2020, from <https://www.lib.berkeley.edu/libraries/bancroft-library/oral-history-center/projects/fsm>

<sup>5</sup> Greenwald, G., & Grim, R. (2017, July 19). U.S. Lawmakers Seek to Criminally Outlaw Support for Boycott Campaign Against Israel. Retrieved November 23, 2020, from <https://theintercept.com/2017/07/19/u-s-lawmakers-seek-to-criminally-outlaw-support-for-boycott-campaign-against-israel/>

<sup>6</sup> Carol Morello, S. (2020, November 19). Pompeo sets off debate on boycott of Israel, calling it an anti-Semitic 'cancer'. Retrieved November 23, 2020, from [https://www.washingtonpost.com/national-security/pompeo-israel-bds-movement-boycott/2020/11/19/79fe4cba-2a7d-11eb-b847-66c66ace1afb\\_story.html](https://www.washingtonpost.com/national-security/pompeo-israel-bds-movement-boycott/2020/11/19/79fe4cba-2a7d-11eb-b847-66c66ace1afb_story.html)



ENVIRONMENTAL SUSTAINABILITY

Protecting the community's right to boycott as a Tactic for Social and Political Change is an act of environmental sustainability.

CONTACT PERSONS

Cheryl Davila  
Councilmember District 2  
510.981.7120  
[cdavila@cityofberkeley.info](mailto:cdavila@cityofberkeley.info)

ATTACHMENTS:

1. Resolution

RESOLUTION NO. ##,###-N.S.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BERKELEY, CALIFORNIA  
SUPPORT AFFIRMING THE RIGHT TO BOYCOTT AS A TACTIC FOR SOCIAL AND  
POLITICAL CHANGE

WHEREAS, Berkeley's municipal code defines "Peace and Justice" as "the goal of creating a world community in which the relations between people are based on equality, respect for human rights, and the abhorrence of exploitation and all forms of oppression" and the city has found that "the residents of Berkeley have continually demonstrated their concern for peace and justice based on equality among all peoples"<sup>7</sup>; and

WHEREAS, boycotts have been effectively used in the United States by advocates for equal rights since the Boston Tea Party and include boycotts led by civil rights activists during the 1950s and 1960s in order to advocate for racial equality, such as the Montgomery bus boycott<sup>8</sup>, and promote workers' rights, such as the United Farm Workers-led boycott of table grapes; and

WHEREAS, Berkeley has a long history of enacting and supporting boycotts on various issues of importance to the People of Berkeley, including boycotts against corporations including Motorola, Kaiser Aluminum, Shell, Honda, IBM, Coca-Cola, Hewlett-Packard, and others, sometimes targeting all companies doing business in a country or area (Burma, Occupied Tibet, Nigeria), or companies supplying weapons technology (a violation of the Nuclear-Free ordinance); and

WHEREAS, all forms of bigotry, including racism, sexism, Islamophobia, anti-Semitism, homophobia, ableism, and all forms of hatred that target people based on their religion, ethnicity, nationality, disability, gender or sexual orientation, are unacceptable and inconsistent with Berkeley's commitment to equity and justice; and

WHEREAS, criticism of the actions of corporations and nations is critical to healthy public discourse and must be protected in a democracy, and criticism of a nation, including by means of a non-violent citizens' boycott, does not constitute bigotry against the citizens of that nation. Rather, boycott is often a strategic and necessary means by which to encourage a government to abandon policies that are inconsistent with the ideals of peace and justice; and

WHEREAS, boycotts and their importance are written into the Berkeley Municipal Code, including in the mandate of the Labor commission which reads "...encouraging support for officially sanctioned boycotts"; and

WHEREAS, the right to boycott has repeatedly been reaffirmed as protected free speech by the first amendment of the United States' Constitution<sup>9</sup>, a protection that is of particular pride and importance to the City of Berkeley<sup>10</sup>, as the birthplace of the Free Speech Movement; and

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<sup>7</sup> Ord. 5705-NS § 3, 1986

<sup>8</sup> Anne Brice, B., & Brice, A. (2020, February 18). The Montgomery bus boycott and the women who made it possible. Retrieved November 23, 2020, from <https://news.berkeley.edu/2020/02/11/podcast-montgomery-bus-boycott-womens-political-council/>

<sup>9</sup> The Supreme Court, in the 1966 case *Rosenblatt v. Baer*, held that the First Amendment to the Constitution ensures that "criticism of government is at the very center of the constitutionally protected area of free discussion". Then, in 1982, in *NAACP v. Claiborne Hardware* they held that "the right of the States to regulate economic activity could not justify a complete prohibition against a nonviolent, politically motivated boycott".

<sup>10</sup> UC Berkeley Library. (n.d.). Retrieved November 23, 2020, from <https://www.lib.berkeley.edu/libraries/bancroft-library/oral-history-center/projects/fsm>

WHEREAS, despite its important history in social movements and its constitutional protections, governments and non-governmental organizations alike have sought to criminalize<sup>11</sup>, stigmatize, and delegitimize<sup>12</sup> the use of boycotts in an attempt to stifle constitutionally protected political expression.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Berkeley hereby support Affirming the Right to Boycott as a Tactic for Social and Political Change, and celebrate the People of Berkeley for their commitment to Peace, Justice and Equity; and

BE IT FURTHER RESOLVED, The City of Berkeley affirms the right of all people to participate in boycotts of any entity when they have conscientious concerns with the entity's policies or actions;

BE IT FURTHER RESOLVED, The City of Berkeley condemns attempts by governments to infringe upon the right to peaceful boycotts by criminalizing that participation, denying participants state contracts, or otherwise impeding the freedom of advocacy for all;

BE IT FURTHER RESOLVED, The City Council encourages City Commissions to recommend boycott policies to the City Council when appropriate, so that the City Council may be well informed in its oversight of City resources

BE IT FURTHER RESOLVED, Send a copy of this resolution to Governor Gavin Newsom, Attorney General Xavier Becerra, State Assemblymember Buffy Wicks, State Senator Nancy Skinner, United States Senators Bernie Sanders, Kamala Harris, Dianne Feinstein, and United States Congressional Representatives Barbara Lee, Ro Khanna, Alexandria Ocasio-Cortez, Ilhan Omar, Ayanna Pressley, Rashida Harbi Tlaib, and Pramila Jayapal.

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<sup>11</sup> Greenwald, G., & Grim, R. (2017, July 19). U.S. Lawmakers Seek to Criminally Outlaw Support for Boycott Campaign Against Israel. Retrieved November 23, 2020, from <https://theintercept.com/2017/07/19/u-s-lawmakers-seek-to-criminally-outlaw-support-for-boycott-campaign-against-israel/>

<sup>12</sup> Carol Morello, S. (2020, November 19). Pompeo sets off debate on boycott of Israel, calling it an anti-Semitic 'cancer'. Retrieved November 23, 2020, from [https://www.washingtonpost.com/national-security/pompeo-israel-bds-movement-boycott/2020/11/19/79fe4cba-2a7d-11eb-b847-66c66ace1afb\\_story.html](https://www.washingtonpost.com/national-security/pompeo-israel-bds-movement-boycott/2020/11/19/79fe4cba-2a7d-11eb-b847-66c66ace1afb_story.html)





Lori Droste  
Vice Mayor District 8

Consent Calendar  
February 9, 2021

To: Honorable Mayor and Members of the City Council  
From: Vice Mayor Lori Droste, Mayor Jesse Arreguín, Councilmember Terry Taplin,  
Councilmember Rigel Robinson  
Subject: Right to Choose Communications Services Provider

**Recommendation:** Refer to the City Manager and City Attorney to explore, and if deemed feasible, draft ordinance language to clarify that property owners of multi-unit properties cannot interfere with tenants' choice of communications services providers.

The City of San Francisco has implemented such an ordinance, which has since been challenged. This recommendation requests the City Attorney to review the San Francisco law and Federal Communications Commission rulings pertaining to this topic to determine if Berkeley could effectively adopt a similar ordinance.

**Background:**

*Problem Statement*

At a time when many more people are working remotely because of COVID-19, tenants are unable to access the communications provider of their choice no matter where they live. Some property owners only allow specific communications services providers, or just one provider, to install necessary equipment and provide services, leaving tenants with no ability to choose a provider of their choice.

*Consultation and Outreach to Stakeholders*

This came to our attention through a local resident who is unable to access the wireless technology they need to work remotely.

**Alternative Actions Considered:**

*Current situation*

If no action is taken, some tenants will have limited access to communications services. Given the current COVID-19 pandemic, more people are working from home and are reliant on various telecommunications.

### *Alternatives Considered*

In 2016, the City of San Francisco passed an [ordinance](#), [Article 52](#) or the “Occupant’s Right to Choose a Communications Services Provider,” to ensure tenants in multi-unit buildings can choose their preferred utility provider. The ordinance mandated that property owners must allow tenants, if they so choose, to utilize any utility company of their choice.

Specifically, property owners cannot:

- enforce exclusivity agreements
- prevent a communications services provider from entering the property (under tenants request for service)
- Prevent a communications services provider from installing necessary equipment to serve tenant or use existing equipment to provide essential services

Two years after San Francisco’s law passed, small internet providers indicated that they were able to gain access to buildings to which they were previously denied access. The CEO of Sonic, the internet service provider, also indicated having greater ability to provide its services.<sup>1</sup>

Despite the success of the law, it was challenged by trade groups. In 2019, the Federal Communications Commission adopted a [Notice of Proposed Rulemaking and Declaratory Ruling](#) pertaining to the San Francisco law to which Mayor Breed [responded](#). Interpretation of that ruling is still unclear.

### **Criteria Considered**

#### *Effectiveness*

Pursuing an ordinance similar to that of San Francisco’s maximizes public interest by providing tenants with more choices for communications services providers and allowing them to select the one that best suits their needs.

#### *Environmental Impacts*

None

#### *Fiscal Impacts and Operational Considerations*

Staff time. Since this is a new concept, there is no current budget allocation for developing ordinance language. This ordinance is unlikely to generate funds or savings for the City.

#### *Strategic Plan Alignment (?)*

This referral will further the City’s Strategic Plan goal to provide state-of-the-art, well-maintained infrastructure, amenities, and facilities. It will expand residents’ ability to utilize the most up to date telecommunications that meet their needs.

#### *Equity*

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<sup>1</sup> <https://www.bloomberg.com/news/articles/2019-07-11/fcc-s-san-francisco-decision-causes-confusion>

This referral seeks to ensure that regardless of living situation, residents can obtain the communications services provider of their choice. Since this is particularly focused on protecting tenants in multi-unit buildings, it will be most beneficial to those who rent units (students, low-income residents, etc.).

**Rationale for Recommendation**

Tenants should be able to choose their preferred communication services provider. Though this may be a legally complicated task (as demonstrated by San Francisco's experience), there are few other alternatives that can assist tenants in accessing providers of their choice if their landlord refuses entry or does not allow installation from other providers.

**Contact info**

Councilmember Lori Droste [ldroste@cityofberkeley.info](mailto:ldroste@cityofberkeley.info)

Attachment 1: [San Francisco Article 52](#)

## ARTICLE 52:

# OCCUPANT'S RIGHT TO CHOOSE A COMMUNICATIONS SERVICES PROVIDER

|            |                                                                 |
|------------|-----------------------------------------------------------------|
| Sec. 5200. | Definitions.                                                    |
| Sec. 5201. | No Interference by Property Owner.                              |
| Sec. 5202. | No Discrimination by Property Owner Against Occupant.           |
| Sec. 5203. | Applicability.                                                  |
| Sec. 5204. | Request to Inspect a Multiple Occupancy Building.               |
| Sec. 5205. | Notice of Intent to Provide Service.                            |
| Sec. 5206. | Permitted Refusal of Access.                                    |
| Sec. 5207. | Permitted Limitations on Access.                                |
| Sec. 5208. | Just and Reasonable Compensation.                               |
| Sec. 5209. | Notice of Violation.                                            |
| Sec. 5210. | Enforcement by the City Attorney.                               |
| Sec. 5211. | Enforcement by Communications Services Providers and Occupants. |
| Sec. 5212. | Attorneys' Fees and Costs.                                      |
| Sec. 5213. | Civil Penalties.                                                |
| Sec. 5214. | Statute of Limitations.                                         |
| Sec. 5215. | Extensions of Time.                                             |
| Sec. 5216. | Undertaking for General Welfare.                                |
| Sec. 5217. | Severability.                                                   |
| Sec. 5218. | No Conflict with Federal or State Law.                          |

**\*Editor's Note:**

*Ord. 250-16, which added Sections 5200 through 5218, set forth this Article heading but did not mark it as an addition to the Code. The heading was subsequently added by Ord. [250-18](#), File No. 180002, approved 11/2/2018, effective 12/3/2018.*

## SEC. 5200. DEFINITIONS.

For purposes of this Article 52:

“City” means the City and County of San Francisco.

“Communications services” means: (a) video service as that term is defined in California Public Utilities Code § 5830(s); (b) telecommunications services certificated by the California Public Utilities Commission under California Public Utilities Code § 1001; or (c) services provided by a telephone corporation as that term is defined in California Public Utilities Code § 234. Nothing in this definition is intended to limit the types of services that a communications services provider accessing a multiple occupancy building pursuant to this Article 52 may provide to occupants.

“Communications services provider” means a person that: (a) has obtained a franchise to provide video service from the California Public Utilities Commission under California Public Utilities Code § 5840; (b) has obtained a certificate of public convenience and necessity from the California Public Utilities Commission under California Public Utilities Code § 1001 to provide telecommunications services; or (c) is a telephone corporation as that term is defined in California Public Utilities Code § 234. In addition, a communications services provider must have obtained a Utility Conditions Permit from the City under Administrative Code Section 11.9.

“Existing wiring” means both home run wiring and cable home wiring, as those terms are defined by the Federal Communications Commission in 47 C.F.R. § 76.800(d) and 47 C.F.R. § 76.5(l) respectively, except that those terms as used herein shall apply only to the home run wiring or cable home wiring owned by a property owner.

“Just and reasonable compensation” means the “fair market value” of the impact on the multiple occupancy building as that term is defined in California Code of Civil Procedure § 1263.320.

“Multiple occupancy building” means: (a) an apartment building, apartment complex, or any other group of residential units located upon a single premises or lot, provided that such multiple dwelling unit contains at least four separate units; and (b) a multi-tenant building used for business purposes that has separate units occupied by at least four different persons. Hotels, guesthouses, and motels, consisting primarily of guest rooms and/or transient accommodations, are not multiple occupancy buildings. Multiple occupancy buildings include properties that are rented to tenants, owned and occupied by individual owners, or occupied by shareholders/tenants of a cooperative.



“Occupant” means a person occupying a unit in a multiple occupancy building.

“Person” means any natural person or an entity including but not limited to a corporation or partnership.

“Property owner” means a person that owns a multiple occupancy building or controls or manages a multiple occupancy building on behalf of other persons.

“Request for service” means an expression of interest from an occupant received by a communications service provider either by mail, telephone or electronic mail. A contact between an occupant and a communications services provider through a sign-up list contained on the provider’s website will be deemed a request for service once the communications services provider confirms the request either by telephone or electronic mail.

■ (Added by Ord. [250-16](#), File No. 161110, App. 12/22/2016, Eff. 1/21/2017)

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## **SEC. 5201. NO INTERFERENCE BY PROPERTY OWNER.**

(a) No property owner shall interfere with the right of an occupant to obtain communications services from the communications services provider of the occupant’s choice.

(b) A property owner interferes with the occupant’s choice of communications services provider by, among other things, refusing to allow a communications services provider to install the facilities and equipment necessary to provide communications services or use any existing wiring to provide communications services as required by this Article 52.

■ (Added by Ord. [250-16](#), File No. 161110, App. 12/22/2016, Eff. 1/21/2017)

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## **SEC. 5202. NO DISCRIMINATION BY PROPERTY OWNER AGAINST OCCUPANT.**

No property owner shall discriminate in any manner against an occupant on account of the occupant’s requesting or obtaining communications services from the communications services provider of the occupant’s choice.

■ (Added by Ord. [250-16](#), File No. 161110, App. 12/22/2016, Eff. 1/21/2017)

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## **SEC. 5203. APPLICABILITY.**

All property owners as defined in Section 5200 are covered by this Article 52. A property owner that, as of the effective date of this Article, has an agreement with a communication services provider that purports to grant the communications services provider exclusive access to a multiple occupancy building and/or the existing wiring to provide services is not exempt from the requirements of this Article.

■ (Added by Ord. [250-16](#), File No. 161110, App. 12/22/2016, Eff. 1/21/2017)

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## **SEC. 5204. REQUEST TO INSPECT A MULTIPLE OCCUPANCY BUILDING.**

(a) Prior to issuing a notice of intent to provide service under Section 5205 of this Article 52, a communications services provider shall inspect a multiple occupancy building to determine the feasibility of providing services to one or more occupants.

(b) A communications services provider shall request in writing that the property owner allow it to inspect the property for the purpose of providing service. Such request shall be sent to the property owner by registered mail at least 14 days before the proposed date for the inspection. The request may be sent by electronic mail instead, but the 14-day period shall not commence until the communications services provider is able to confirm that the property owner actually received the electronic mail communication.

(c) A request for an inspection shall include, but need not be limited to, the following:

(1) A statement that the communications services provider: (A) is authorized to provide communications services in the City; (B) has received a request for service from one or more occupants; (C) when inspecting the property, will conform to such reasonable conditions as the property owner deems necessary to protect the safety, functioning, and appearance of the property and the convenience and well-being of the occupants; and (D) will indemnify, defend, and hold harmless the property owner for any damage caused by the inspection.

(2) A description of: (A) the communications services to be offered to occupants; (B) the facilities and equipment the communications services provider anticipates installing on the property; (C) the square footage generally required for the provider’s facilities and equipment; and (D) the estimated electrical demand of the provider’s facilities and equipment.

(3) The date and time the communications services provider proposes to inspect the property.

(4) A statement that the property owner has until three days before the proposed inspection date to notify the communications services provider in writing either that:

(A) The property owner will not allow the communications services provider to provide services on the property. In this case, the property owner shall set forth the reasons for its refusal and whether any of those reasons are permitted by Section 5206 of this Article 52; or

(B) The property owner will allow the communications services provider to inspect the property. In this case, the property owner shall identify any reasonable conditions that the communications services provider must follow during the inspection in order to protect the safety, functioning, and appearance of the property and the convenience and well-being of the occupants.

(5) A reference to and a copy of this Article 52.

■ (Added by Ord. [250-16](#), File No. 161110, App. 12/22/2016, Eff. 1/21/2017)

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## **SEC. 5205. NOTICE OF INTENT TO PROVIDE SERVICE.**

(a) A communications services provider that intends to provide communications services to one or more occupants shall send a notice of intent to the property owner at least 30 days before the proposed installation date. The notice of intent shall be sent by registered mail or electronic mail. If the notice of intent is sent by electronic mail, the 30-day period shall not commence until the communications service provider is able to confirm that the property owner actually received the electronic mail communication.

(b) A notice of intent to provide communications services shall include, but need not be limited to, the following information:

(1) A statement that the communications services provider: (A) is authorized to provide communications services in the City; (B) has received a request for service from one or more occupants, including the unit number of each such occupant; (C) when installing, operating, maintaining or removing its facilities and equipment from the property, will conform to such reasonable conditions as the property owner deems necessary to protect the safety, functioning, and appearance of the property and the convenience and well-being of the occupants; (D) will pay the property owner just and reasonable compensation for its use of the property, and the proposed amount of such just and reasonable compensation to be paid as required by Article 52 of the Police Code; and (E) will indemnify, defend, and hold harmless the property owner for any damage caused by the installation, operation, maintenance, or removal of its facilities from the property.

(2) (A) A description of the communications services to be offered to occupants; and (B) a full set of the communications services provider's detailed plans and specifications for any work to be performed and facilities and equipment to be installed in or on the property, including any required utility connections and the electrical demand of any facilities and equipment to be installed.

(3) The dates and times the communications services provider proposes to start and complete the installation.

(4) A statement that the property owner has until five days before the proposed installation start date to notify the communications services provider in writing either that:

(A) The property owner will not allow the communications services provider to provide services on the property. In this case, the property owner shall set forth the reasons for its refusal and whether any of those reasons are permitted by Section 5206 of this Article 52; or

(B) The property owner will allow the communications services provider to provide services on the property, but disagrees with the amount of the just and reasonable compensation the communications services provider has proposed. In this case, the property owner shall state the amount of just and reasonable compensation the property owner will require; and, in either the case of (A) or (B), the property owner shall state:

(C) Such reasonable conditions the communications services provider must follow during the installation to protect the safety, functioning, and appearance of the property and the convenience and well-being of the occupants.

(5) A reference to and a copy of this Article 52.

■ (Added by Ord. [250-16](#), File No. 161110, App. 12/22/2016, Eff. 1/21/2017)

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## **SEC. 5206. PERMITTED REFUSAL OF ACCESS.**

(a) Nothing in this Article 52 shall be construed to require a property owner to allow a communications services provider to access its property to inspect the property where the communications services provider has failed or refused to agree to the property owner's request that the provider comply with any conditions on accessing the property contained in a notice pursuant to Section 5207 of this Article.

(b) Nothing in this Article 52 shall be construed to require a property owner to allow a communications services provider to access its property to install the facilities and equipment that are necessary to offer services to occupants where:

(1) The communications services provider is not authorized to provide communications services in the City;

(2) The communications services provider cannot verify that one or more occupants of the multiple occupancy building have made a request for services;

(3) The property owner can show that physical limitations at the property prohibit the communications services provider from installing the facilities and equipment in existing space that are necessary to provide communications services and/or from using existing wiring to provide such services;

(4) The communications services provider has not agreed to the property owner's request that the provider comply with any conditions on accessing the property contained in a notice from the property owner issued pursuant to Section 5207 of this Article 52;

(5) The communications services provider's proposed installation of facilities and equipment in or on the property would: (A) have a significant, adverse effect on any historically or architecturally significant elements of the property; (B) disturb any existing asbestos or lead-paint in or on the property; (C) have a significant, adverse effect on the continued ability of existing communications services providers to provide services on the property; (D) cause undue damage to the property; or (E) impair the use of the property for the continued provision of any existing essential services; or

(6) The property owner and communications services provider have not reached an agreement concerning any just and reasonable compensation to the property owner for allowing the communications services provider to install, operate, and maintain facilities and equipment on its property as required by Section 5208 of this Article 52.

■ (Added by Ord. [250-16](#), File No. 161110, App. 12/22/2016, Eff. 1/21/2017)

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## **SEC. 5207. PERMITTED LIMITATIONS ON ACCESS.**

(a) A property owner that grants a communications services provider access to its property to inspect the property may require the communications services provider to conform to such reasonable conditions as the property owner deems necessary to protect the safety, functioning, and appearance of the property and the convenience and well-being of the occupants during the inspection.

(b) A property owner that grants a communications services provider access to its property to install facilities and equipment on the property to be used to offer communications services to occupants may require the communications services provider, when installing, operating, maintaining, or removing its facilities and equipment from the property to:

(1) Conform to such reasonable conditions as the property owner deems necessary to protect the safety, functioning, and appearance of the property and the convenience and well-being of the occupants;

(2) Provide a certificate of insurance evidencing coverages generally required by the property owner for contractors performing comparable work at the property;

(3) Demonstrate that any contractors installing facilities and equipment on the property are licensed;

(4) Obtain any permits that might be required to install facilities and equipment on the property;

(5) Accept responsibility for the cost: (A) to install any electrical facilities needed to serve the facilities and equipment installed by the provider; and (B) of any electricity to be used by those facilities and equipment;

(6) Allow the property owner to inspect the communication services provider's installation and construction of any facilities and equipment for compliance with the San Francisco Building Code and generally acceptable construction standards; and

(7) Remove its facilities and equipment and restore any area of the property occupied by the communications services provider to its prior condition when: (A) those facilities and equipment are no longer being used to provide communications services to any occupant; or (B) any access agreement between the property owner and the communication services provider has expired or been terminated.

(c) A property owner that has received an inspection request under Section 5204(a) of this Article 52 or an installation notice under Section 5205(b) of this Article shall notify the communications services provider in writing at least five days before the inspection or installation of any conditions authorized under subsections (a) or (b) that the communications services provider must comply with while inspecting the property or installing facilities or equipment on the property.

■ (Added by Ord. [250-16](#), File No. 161110, App. 12/22/2016, Eff. 1/21/2017)

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## **SEC. 5208. JUST AND REASONABLE COMPENSATION.**

A property owner is entitled to just and reasonable compensation from a communications services provider that obtains access to a multiple occupancy building from a property owner pursuant to this Article 52 to provide communications services to occupants.

■ (Added by Ord. [250-16](#), File No. 161110, App. 12/22/2016, Eff. 1/21/2017)

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## **SEC. 5209. NOTICE OF VIOLATION.**

(a) A communications services provider or occupant that believes that a property owner has failed to comply with the requirements of this Article 52 shall notify the property owner in writing that: (1) the property owner is in violation of this Article; and (2) unless the property owner agrees to come into compliance with this Article within 10 days the communications services provider or occupant may take action against the property owner pursuant to Section 5211 of this Article.

(b) The notice required by subsection (a) shall: (1) describe the manner in which the property owner is in violation of this Article 52; and (2) identify any actions the property owner is required to take to come into compliance with this Article.

(c) No communications services provider or occupant may enforce the requirements of this Article 52, as permitted under Section 5211, unless and until the communications services provider or occupant has complied with subsection (a).

■ (Added by Ord. [250-16](#), File No. 161110, App. 12/22/2016, Eff. 1/21/2017)

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## **SEC. 5210. ENFORCEMENT BY THE CITY ATTORNEY.**

The City Attorney may institute a civil proceeding in the San Francisco Superior Court on behalf of the City for injunctive and monetary relief, including civil penalties as specified more fully in Section 5213 of this Article 52, to enforce this Article against a property owner that has violated this Article.

■ (Added by Ord. [250-16](#), File No. 161110, App. 12/22/2016, Eff. 1/21/2017)

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## **SEC. 5211. ENFORCEMENT BY COMMUNICATIONS SERVICES PROVIDERS AND OCCUPANTS.**

(a) A communications services provider or occupant of a multiple occupancy building where the property owner has refused to allow the communications services provider to provide service may institute a civil proceeding to enforce this Article 52 in San Francisco Superior Court against such property owner for injunctive and monetary relief.

(b) Prior to filing a civil proceeding in accordance with subsection (a), the communications services provider or occupant shall: (1) comply with the notice requirements contained in Section 5209 of this Article 52, and (2) notify the City Attorney in writing of its intent to proceed against a property owner.

(c) Subject to subsection (d), a communications services provider or occupant that has complied with subsection (b) may commence such a proceeding 30 days after notice was sent to the City Attorney.

(d) If the City Attorney institutes a civil proceeding against the property owner before or during the 30-day notice period, then no communications services provider or occupant may file a proceeding under subsection (a). If the City Attorney institutes a civil proceeding after the 30-day notice period has elapsed, any communications services provider or occupant that provides the notice required under subsection (b) may file a separate civil proceeding.

(e) The City Attorney shall notify any person submitting a notice under subsection (b) that the City Attorney has instituted a civil proceeding or decided not to institute a civil proceeding.

■ (Added by Ord. [250-16](#), File No. 161110, App. 12/22/2016, Eff. 1/21/2017)

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## **SEC. 5212. ATTORNEYS' FEES AND COSTS.**

(a) A court may award reasonable attorneys' fees and costs to the City if it obtains injunctive relief under Section 5210 of this Article 52 or to any person who obtains injunctive and monetary relief under Section 5211 of this Article.

(b) If a court finds that any action brought under this Article 52 is frivolous, the court may award the property owner reasonable attorneys' fees and costs.

(c) If a proceeding brought against a property owner under this Article 52 concerns a multiple occupancy building that contains fewer than 25,000 square feet of space available for occupants to rent or own, the attorneys' fees and costs recoverable against the property owner pursuant to subsection (a), or recoverable against a person commencing the action pursuant to subsection (b), shall be limited to \$5,000.

■ (Added by Ord. [250-16](#), File No. 161110, App. 12/22/2016, Eff. 1/21/2017)

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## **SEC. 5213. CIVIL PENALTIES.**

(a) Any property owner that violates this Article 52 may be liable for a civil penalty not to exceed \$500 for each day such violation is committed or continues. Such penalty shall be assessed and recovered in a civil action brought in the name of the people of the City by the City Attorney.

(b) In assessing the amount of a civil penalty, a court may consider any of the relevant circumstances, including, but not limited to, the following:

- (1) The number of occupants affected by the violation;
- (2) The number of communications services providers affected by the violation;
- (3) Whether the property owner has violated this Article 52 at other properties;
- (4) The amount of revenues the property owner receives from any existing communications services providers serving the property;
- (5) Whether the property owner has a legitimate reason for refusing access to its property by the communications services provider; and
- (6) The net assets and liabilities of the property owner, whether corporate or individual.

(c) Any civil penalty under subsection (a) will start to accrue following the completion of the notice required by Section 5209 of this Article 52.

■ (Added by Ord. [250-16](#), File No. 161110, App. 12/22/2016, Eff. 1/21/2017)

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## **SEC. 5214. STATUTE OF LIMITATIONS.**

(a) Any court proceeding by a communications services provider or occupant to enforce this Article 52 against a property owner must be brought within 180 days of the communications services provider or occupant completing the notice requirements contained in Sections 5209 and 5211 of this Article.

(b) The City Attorney may institute a court proceeding to enforce this Article 52 within 180 days of the City Attorney receiving written notice that a property owner has violated this Article.

■ (Added by Ord. [250-16](#), File No. 161110, App. 12/22/2016, Eff. 1/21/2017)

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## **SEC. 5215. EXTENSIONS OF TIME.**

Any of the deadlines set forth in Sections 5204, 5205, 5207, or 5209 of this Article 52 may be extended by agreement between a communications services provider or occupant and property owner, as applicable.

■ (Added by Ord. [250-16](#), File No. 161110, App. 12/22/2016, Eff. 1/21/2017)

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## **SEC. 5216. UNDERTAKING FOR GENERAL WELFARE.**

In enacting or implementing this Article 52, the City is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.

■ (Added by Ord. [250-16](#), File No. 161110, App. 12/22/2016, Eff. 1/21/2017)

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## **SEC. 5217. SEVERABILITY.**

If any section, subsection, sentence, clause, phrase, or word of this Article 52, or any application thereof to any person or circumstance, is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions or applications of the ordinance. The Board of Supervisors hereby declares that it would have passed this Article, and each and every section, subsection, sentence, clause, phrase, and word not declared invalid or unconstitutional, without regard to whether any other portion of this Article or application thereof would be subsequently declared invalid or unconstitutional.

■ (Added by Ord. [250-16](#), File No. 161110, App. 12/22/2016, Eff. 1/21/2017)

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## **SEC. 5218. NO CONFLICT WITH FEDERAL OR STATE LAW.**

Nothing in this Article 52 shall be interpreted or applied so as to create any requirement, power, or duty in conflict with any federal or state law.

(Added by Ord. [250-16](#), File No. 161110, App. 12/22/2016, Eff. 1/21/2017)





Office of the City Manager

PUBLIC HEARING  
February 9, 2021

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Lisa Warhuus, Director of Health, Housing and Community Services

Subject: Second Substantial Amendments to 1) the 2020-2025 Consolidated Plan including the PY20 (FY21) Annual Action Plan in Response to the Addition of Coronavirus Aid, Relief, and Economic Security (CARES) Act Funds, and 2) the PY19 (FY20) Annual Action Plan

RECOMMENDATION

Conduct a Public Hearing on:

1. The proposed Substantial Amendment to the 2020-2025 Consolidated Plan including the PY20 (FY21) Annual Action Plan in response to the addition of Coronavirus Aid, Relief, and Economic Security (CARES) Act funds; and
2. A proposed substantial amendment to the PY19 (FY20) Annual Action Plan;

And upon conclusion adopt a Resolution authorizing the City Manager, or her designee, to:

- A. Accept CARES Act Community Development Block Grant-CV3 funding totaling \$891,121 and allocate the full amount allowable under the HUD waiver to public services (\$712,897), and up to 20% to Planning and Administration (\$178,224);
- B. Allocate all CDBG-CV3 public services funding (\$712,897) to support the Berkeley Housing Retention program;
- C. Reallocate up to \$1.2M of CDBG-CV1 funds previously allocated to COVID-19 Testing to support the Berkeley Housing Retention Program, leaving up to \$200,000 in CDBG-CV1 funding available for COVID-19 testing or vaccinations if needed;
- D. Execute resultant agreements and amendments with the Eviction Defense Center for the COVID-19 Housing Retention Program, using \$1,801,541 in CDBG-CV1 & 3, plus any unused CDBG-CV1 funds allocated to the Targeted Equity Testing program (up to \$200,000) for a total possible not-to-exceed contract amount of \$2,001,541;

- E. Allocate up to 25% of the PY20 HOME allocation for program administration, up to 10% of the PY20 HOME funds for Community Housing Development Organization (CHDO) operating funds, and the remaining funds to the Housing Trust Fund;
- F. Reallocate \$535,633 in PY20 CDBG Housing Services funds, \$1,049,370 PY19 CDBG Community Facility Improvement funds, and \$378,230 in available uncommitted funds to the South Berkeley Neighborhood Development Corporation for housing rehabilitation at Rosewood Manor and Lorin Station Apartments and execute resultant agreements, as contained in Exhibits A and B;
- G. Update the PY20 CDBG and HOME entitlement allocations to reflect the revised HUD PY20 entitlement awards; and
- H. Submit the approved Second Substantial Amendments to the 2020-2025 Consolidated Plan/PY20 Annual Action Plan and the PY19 Annual Action Plan, including public comments, to the U.S. Department of Housing and Urban Development (HUD), and accept any resulting agreements with HUD.

#### SUMMARY

This report outlines the proposed second substantial amendments to the City of Berkeley's 2020-2025 Consolidated Plan (including the PY20 Annual Action Plan for Community Development Block Grant coronavirus (CDBG-CV) funds), and the PY19 (FY20) Annual Action Plan. The major changes to the Plans include:

- Accepting new CDBG-CV3 funds and allocating them to the Berkeley Housing Retention fund;
- Reallocating most of the \$1.2M of CDBG-CV1 funds previously allocated to COVID-19 Testing to the Berkeley Housing Retention fund;
- Updating the Available Resources section of the Consolidated Plan to account for newly awarded CDBG-CV3 funds and slight changes to CDBG and HOME entitlement awards;
- Utilizing a waiver provided by HUD that allows the City to increase the amount of HOME funds that can be allocated to administration (up to 25% for PY20); and finally
- Reallocating \$535,633 in PY20 CDBG funds previously allocated to a hotel purchase, and available PY19 CDBG funding previously allocated to community facility improvements plus other uncommitted funds for housing rehabilitation at Rosewood Manor and Lorin Station Apartments.

These substantial amendments require a public hearing and City Council approval before they can be submitted to the federal Department of Housing and Urban Development (HUD) for approval.



### FISCAL IMPACTS OF RECOMMENDATION

Approving the proposed Substantial Amendment to the 2020-2025 Consolidated Plan will add \$891,121 in CDBG-CV3 funds to the City's FY21 budget. These funds are available through September 30, 2022 and can be used for covid-related expenditures incurred beginning July 1, 2020.

HUD also recently adjusted the original PY20 (FY21) entitlement allocations for both CDBG and HOME. The corrected PY20 (FY21) allocations are:

- Community Development Block Grant (CDBG) \$2,737,801 (a reduction of \$457)
- HOME Investment Partnerships (HOME) \$778,203 (a reduction of \$180)

The additional CDBG-CV3 funds will be appropriated in the Second Amendment to the FY21 Annual Appropriations Ordinance (AAO#2). Adjustments to both CDBG and HOME allocations are reflected in Exhibit A to the resolution. Prior allocations of CDBG and ESG Cares Act funds were previously approved by Council on September 15, 2020.

Approving the proposed PY19 Annual Action Plan Substantial Amendment #2 recommendation will shift \$1,049,370 in CDBG funding currently allocated to the CDBG Community Facility Improvement program and approximately \$378,230 of CDBG earlier unused funds to a multi-family housing rehabilitation project at Rosewood Manor and Lorin Station Apartments. The earlier unused CDBG funds will also be added to the City's budget in the AAO#2.

### CURRENT SITUATION AND ITS EFFECTS

The March 27, 2020 passage of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Public Law 116-136, provides \$5 billion in Community Development Block Grant-CV funds and \$4 billion in Emergency Solutions Grant-CV to be used to prevent, prepare for, and respond to the Coronavirus (COVID-19).

HUD allocated CARES Act funds to the City of Berkeley, adding \$2,501,926 in CDBG-CV1 & 3 and \$6,648,603 in ESG-CV1 & 2 to help prevent, prepare for, and respond to the impacts of the coronavirus pandemic. In order to receive the updated allocation of CARES Act funding, the City of Berkeley's 2020-2025 Consolidated Plan (Plan), including the PY20 (FY21) Annual Action Plan (AAP), needs to be amended.<sup>1</sup>

The City is amending both the Consolidated Plan to include the CDBG-CV3 funds and reallocate previously programmed CDBG-CV1 and PY20 CDBG entitlement funds and the PY19 Annual Action Plan in response to current needs.<sup>2</sup>

<sup>1</sup> The City of Berkeley 2020-2025 Consolidated Plan, including the PY20 (FY21) Annual Action Plan can be found at <https://www.cityofberkeley.info/ContentDisplay.aspx?id=12160>

<sup>2</sup> Should the City need to reallocate ESG-CV funds within eligible ESG activities, future changes to these allocations do not require a substantial amendment to the Annual Action or Consolidate Plan and will be

The City reserves some flexibility in how the CDBG-CV funds are allocated with a plan to use up to \$200,000 for the COVID-19 testing or vaccination program and the remainder to be used for the Housing Retention Program. Should the testing/vaccination program not use the full \$200,000, the remaining funds will also be allocated to the Housing Retention Program.

**Detailed Proposed Uses of CARES Act and Entitlement Funds**

The Consolidated Plan was previously updated to include emergency response to COVID-19 as a priority goal, and the proposed funding distribution and performance measures for associated activities. The City proposes to allocate the new and adjusted CARES Act, PY20 and PY19 CDBG Entitlement funds as follows:

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simply noticed on the City of Berkeley website. Under current ESG CARES Act flexibilities ESG funds are not subject to the consultation and citizen participation requirements that otherwise apply to the ESG funds, however, the City of Berkeley is required to publish (at minimum on the City's website) how its ESG allocation has and will be used. There are no proposed changes to ESG or ESG-CV at this time.

1. Focused Equity Testing and/or Vaccination Strategy – CDBG-CV1, up to \$200,000

Berkeley now has two testing locations for residents and is working in partnership with Alameda County to utilize a mobile testing resource available at no charge through the State. These opportunities have reduced the amount of targeted testing that is needed. Therefore staff recommend reducing the targeted testing amount to \$200,000. In addition, Berkeley has recently begun to implement COVID-19 vaccinations. In the event that testing becomes less of a focus, and vaccinations a greater focus, we would deploy these funds to implement a Focussed Equity Vaccination Strategy. Up to this amount would be allocated to this program to amplify, and standardize our testing and/or vaccination program for people in Berkeley less likely to get tested/vaccinated through existing systems. This includes, but it not limited to, seniors, unhoused people, non-English speaking people, and shelter workers. This will result in a more equitable and supportive provision of tests and/or vaccines for individuals at highest risk of severe complications from COVID-19 infection being tested and supported through our public health system. Any remaining or unused testing/vaccine funds will be reallocated to the Housing Retention Program below.

2. Housing Retention Program – CDBG-CV1 & 3, \$1.8M

In March of 2020 City Council acted swiftly to expand the City's Housing Retention Program (HRP) in response to the budding COVID-19 pandemic and to the fact that many Berkeley households had already lost, or were going to lose, income necessary to pay their rent. The City initially funded the program for \$1M and then added an additional \$900,000 to the COVID-19 HRP based on a high level of need. As of writing this Council report, the program has served over 420 households, the majority of whom are below 30% area median income (AMI), with over 35% of households living at the poverty level (\$39,150 for a family of four). The current rental assistance averages less than \$5,700, and has supported a preponderance of older adult households and households with minor children in the home. The program's funds have been exhausted and the program is currently maintaining an active waitlist with ongoing inquiries and requests for funding. The current waitlist exceeds \$266,705 in requested rental assistance.

Given the current waitlist and persistent economic impacts of COVID-19 the City anticipates that low-income Berkeley residents will continue to benefit from financial supports to maintain their housing. Therefore, \$1.8M of CDBG-CV1 & 3 is allocated to the COVID-19 Berkeley Housing Retention fund (plus an unused Testing/Vaccine program allocation of NTE \$200,000 of CDBG-CV1), operated by the Eviction Defense Center, to support households who have fallen behind in rent due to COVID-19.

3. Housing Rehabilitation – CDBG PY20, PY19 & uncommitted CDBG funds – \$2M

The City proposes reallocating \$535,633 in PY20 CDBG funds plus \$1,049,370 in PY19 CDBG funds and \$378,230 in other uncommitted CDBG funds (earlier unused funds and program income) for a total of \$1,963,233 for a housing rehabilitation project at Rosewood Manor and Lorin Station Apartments, which are owned and operated by South Berkeley Neighborhood Development Corporation (SBNDC). PY20 CDBG funds were previously allocated for the purchase and renovation of a hotel if matching funds were received through the State of CA program Project HomeKey. These funds were not awarded to the City. PY19 and earlier funds will be reallocated from the City's Community Facility Improvements program. Staff released an RFP for these funds in November of 2019. To date, no applications have been received. CDBG funds not spent by May 2021 may be in danger of recapture. It is therefore recommended that these funds, and some other earlier years' unallocated funds be used for this renovation project.

4. Administrative Funds – CDBG-CV and ESG-CV

CDBG administrative funds available through the CDBG CV3 allocation in the amount of \$178,224 will be added to other CARES Act administrative funding to create two new positions, and reassign one existing staff person to administer CARES Act funded programs. Total CARES Act funding is shown in the table below.

|                                                                |                     |
|----------------------------------------------------------------|---------------------|
| <b>New Total Funds for Administration (CDBG-CV and ESG-CV)</b> | <b>\$ 1,165,246</b> |
| Senior Management Analyst (2 years) <i>new</i>                 | \$ 384,948          |
| Community Services Specialist III (2 years) <i>existing</i>    | \$ 404,934          |
| Community Services Specialist II (2 years) <i>new</i>          | \$ 352,044          |
| Indirect Costs                                                 | \$ 23,320           |

A summary of all proposed uses of revenues and expenditures is shown below:

| <b>REVENUES</b>             | <b>CDBG-CV1</b>    | <b>CDBG-CV3</b>  | <b>CDBG PY20<br/>(FY21)</b> | <b>CDBG PY19<br/>(FY20)<br/>Amended</b> |  |
|-----------------------------|--------------------|------------------|-----------------------------|-----------------------------------------|--|
| Allocated for Program Costs | \$1,288,644        | \$712,897        | \$535,663                   | \$1,427,600                             |  |
| Allocated to Administration | \$322,161          | \$178,224        | \$ -                        | \$ -                                    |  |
| <b>Total Revenues</b>       | <b>\$1,610,805</b> | <b>\$891,121</b> | <b>\$535,663</b>            | <b>\$1,427,600</b>                      |  |
|                             |                    |                  |                             |                                         |  |

| <b>PROPOSED<br/>EXPENDITURES</b>                | <b>CDBG-CV1<br/>Amended</b> | <b>CDBG-CV3</b>  | <b>CDBG PY20<br/>(FY21)<br/>Amended</b> | <b>CDBG PY19<br/>(FY20)<br/>Amended</b> | <b>Total by<br/>Program</b> |
|-------------------------------------------------|-----------------------------|------------------|-----------------------------------------|-----------------------------------------|-----------------------------|
| CV-Targeted Equity Testing/Vaccination Strategy | \$200,000                   | \$ -             | \$ -                                    | \$ -                                    | \$200,000                   |
| CV-Housing Retention Program                    | \$1,088,644                 | \$712,897        | \$ -                                    | \$ -                                    | \$1,801,541                 |
| SBNDC Housing Rehab                             | \$-                         | \$-              | \$535,633                               | \$1,427,600                             | \$1,963,233                 |
| Administration                                  | \$322,161                   | \$178,224        | \$ -                                    | \$ -                                    | \$500,385                   |
| <b>Total Expenditures</b>                       | <b>\$1,610,805</b>          | <b>\$891,121</b> | <b>\$535,633</b>                        | <b>\$1,427,600</b>                      | <b>\$4,465,159</b>          |

### **CARES Act Waivers**

The CARES Act also authorized the HUD Secretary to grant several waivers and alternative requirements related to the use of CDBG-CV, ESG-CV, and HOME funds. These were addressed in detail in the September 15, 2020 Council item. The City is now choosing to access the HUD granted waivers for the HOME program related to 24 CFR 92.207 to allow for increased administration and planning of up to 25% of allocation plus program income.

For the full detail to the 2020-2025 Consolidated Plan Substantial Amendment #2, including the PY20 (FY21) AAP see Attachment #2.

### **BACKGROUND**

The City of Berkeley is an entitlement jurisdiction which receives HUD funds according to a formula. CDBG is a long standing federal program supporting community development for low-income persons. The ESG program focuses on addressing the needs of unhoused persons. The HOME program allows for a variety of housing activities, according to local housing needs. The CARES Act included funding for both CDBG and ESG which are identified as CDBG-CV and ESG-CV respectively.

HUD regulations require that the City of Berkeley follow a Citizen Participation Process in allocating federal funding, which requires that the city enlist input from the general public when developing the spending plan and when any major changes to the spending plan are proposed. Major changes to the spending plan require the submission of a "Substantial Amendment" to the Annual Action Plan. These changes must be accompanied by a public hearing.

The original Consolidated Plan/PY20 Annual Action Plan, Substantial Amendment #1 and the PY19 Annual Action Plans were all passed by Council after public hearings. All documents can be found here:

<https://www.cityofberkeley.info/ContentDisplay.aspx?id=12160>.

## ENVIRONMENTAL SUSTAINABILITY

Projects funded with CDBG, ESG, and HOME are required to follow state and local regulations, including those related to green building and energy.

## RATIONALE FOR RECOMMENDATION

### **COVID-19 Related Expenditures**

On April 27, 2020, a FY21 budget update report was presented to the City of Berkeley's Budget and Finance Policy Committee from the City Manager. In this report, it stated that the City has and will continue to incur substantial costs and loss of revenue due to COVID-19. Additionally, the federal government recognizes that local governments are in need of economic relief and have, therefore, enacted the CARES Act to support much needed relief efforts. Staff recommends that Council approve the CARES Act HUD allocations for CDBG-CV, to provide a second amendment the 2020-2025 Consolidated Plan, including the PY20 (FY21) Annual Action Plan, and to allow the City to enter into contract with HUD.

COVID-19 has significantly impacted, either directly or indirectly, the Berkeley community. Countless individuals and families have had a reduction in household income making paying rent extremely challenging if not impossible. The Eviction Defense Center has taken the lead on the City's expanded Housing Retention Program for those with a COVID-19 related loss of income. Since March of 2020, this program has provided rental assistance for over 420 households. Unfortunately, the pandemic has endured and many additional households are not able to pay their rent. The COVID-19 Housing Retention Program no longer has funds to support the Berkeley Community, but the need continues and a waitlist is being maintained by the Eviction Defense Center should additional funds become available.

### **Housing Program Expenditures**

Each year the City of Berkeley allocates some portion of CDBG funds for the Public Facility Improvement Program (rehabilitation for community facilities). Staff held a workshop for these funds at the end of 2019 where several community agencies representatives attended and staff subsequently fielded many inquiries from community agencies. However, to date, no completed applications have been submitted to the City, possibly due to agencies overburdened from pandemic program response. In the meantime, the City needs to commit and expend these funds as soon as possible, or HUD may recapture uncommitted/unspent CDBG funds.

In October 2020, the South Berkeley Neighborhood Development Corporation (SBNDP), a California Domestic Corporation located in South Berkeley, submitted a request for City funding to support rehabilitation work at Lorin Station and Rosewood Manor, two affordable housing properties owned and operated by SBNDP. Both properties are over 30 years old and are in need of major rehabilitation. SBNDP estimates there is at least \$6 million in repairs. The current request is for \$2.3 million to fund emergency roofing and plumbing repairs.

Lorin Station is a 14-unit multifamily affordable housing development, funded by the City in 1988-1991 for acquisition and development. The development is subject to a regulatory agreement which requires the units be affordable to households at 50% Area Median Income. Rosewood Manor is a 35-unit multifamily affordable housing development, not previously funded by the City, which receives Project-Based Section 8 assistance.

Approving these recommendations would support low-income households in 1) access to COVID-19 testing and 2) retain their rental housing through rental assistance in Berkeley through the COVID-19 pandemic, and 3) retaining affordable rental housing for 49 low-income households in South Berkeley through housing rehabilitation. The programs are designed to prevent, prepare for, and respond to the coronavirus through CDBG-CV funding.

#### ALTERNATIVE ACTIONS CONSIDERED

Failure to authorize receipt of these funds would result in loss of potential funds for the City in response to the COVID-19 pandemic, and potential loss of low-income housing for low-income Berkeley households

#### CONTACT PERSON

Rhianna Babka, Community Service Specialist III, HHCS, (510) 981-5410.

#### Attachments:

##### 1: Resolution

Exhibit A: Revised PY20 HUD Allocations to include CARES Act funds

Exhibit B: Revised PY19 Community Development Block Grant (CDBG)  
Allocations

##### 2: 2020-2025 Consolidated Plan Substantial Amendment #2 including the PY20 (FY21) Annual Action Plan

##### 3. PY19 (FY20) Annual Action Plan Substantial Amendment #2

##### 4: Public Hearing Notice

RESOLUTION NO. ##,###-N.S.

SECOND SUBSTANTIAL AMENDMENTS TO THE 2020-2025 CONSOLIDATED PLAN INCLUDING THE PY20 ANNUAL ACTION PLAN IN RESPONSE TO THE CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY (CARES) ACT FUNDING & THE PY19 ANNUAL ACTION PLAN

WHEREAS, the City of Berkeley is an entitlement jurisdiction which receives annual allocations of CDBG, ESG and HOME Investment Partnership Program (HOME) funds from the US Department of Housing and Urban Development (HUD); and

WHEREAS, on March 27, 2020 the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), became Public Law 116-136, and it provides \$5 billion in Community Development Block Grant (CDBG)-CV funds to be used to prevent, prepare for and respond to the Coronavirus (COVID-19); and

WHEREAS, the City of Berkeley has an existing 2020-2025 Consolidated Plan, including the Program Year 20 (FY21) Annual Action Plan, that articulates how the City plans to spend HUD CARES Act and regular allocations; and

WHEREAS, the City of Berkeley amended the 2020-2025 Consolidated Plan on September 15, 2020 to add \$1,610,805 in CDBG-CV1 funding and \$6.4 million in ESG CV1 & 2 funding; and

WHEREAS, the City of Berkeley was awarded additional \$891,121 in CDBG-CV3 funds that requires a Second Substantial Amendment to the existing Consolidated and Annual Action Plans; and

WHEREAS, HUD issued a waiver to raise the HOME Planning and Administration cap to 25%; and

WHEREAS, the City's COVID-19 Housing Retention Program has exhausted all available funds and maintains a waitlist for Berkeley households currently unable to pay rent due to a COVID-19 related loss of income; and

WHEREAS, emergency housing rehabilitation needs have arisen at Rosewood Manor and Lorin Station Apartments serving a total of 49 primarily low-income households; and

WHEREAS, the City of Berkeley has an existing PY19 (FY20) Annual Action Plan that identified \$1,049,370 for a public facility improvement notice of funding availability (NOFA), and no qualifying applications for funds have been submitted to date; and

WHEREAS, the City of Berkeley has \$378,230 in uncommitted CDBG funds available to allocate to a housing project; and



February 9, 2021

WHEREAS, HUD reissued the PY20 CDBG and HOME formula entitlement allocations to account for a formula error; and

WHEREAS, the City's Citizen Participation Plan requires that the City conduct a public hearing when major changes constituting a Substantial Amendment to the spending plan are proposed; and

WHEREAS, the City has and will continue to incur substantial costs and loss of revenue due to COVID-19; and

WHEREAS, the City has established the following ERMA budget codes CDBG: 128 – various, and HOME: 310 - various; and

WHEREAS, failure to authorize receipt of these funds would result in loss of potential funds for the City in response to the COVID-19 pandemic.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager, or her designee, is authorized to:

1. Accept CARES Act Community Development Block Grant-CV3 funding totaling \$891,121 and allocate the full amount allowable under the HUD waiver to public services (\$712,897), and up to 20% to Planning and Administration (\$178,224);
2. Allocate all CDBG-CV3 public services funding (\$712,897) to support the Berkeley Housing Retention program;
3. Reallocate up to \$1.2M of CDBG-CV1 funds previously allocated to COVID-19 Testing to support the Berkeley Housing Retention Program, leaving up to \$200,000 in CDBG-CV1 funding available for COVID-19 testing if needed;
4. Execute resultant agreements and amendments with the Eviction Defense Center for the COVID-19 Housing Retention Program, using \$1,801,541 in CDBG-CV1 & 3, plus any unused CDBG-CV1 funds allocated to the Targeted Equity Testing program (up to \$200,000) for a total possible not-to-exceed contract amount of \$2,001,541;
5. Allocate up to 25% of the PY20 HOME allocation for program administration, up to 10% of the PY20 HOME funds for Community Housing Development Organization (CHDO) operating funds, and the remaining funds to the Housing Trust Fund;
6. Reallocate \$535,633 in PY20 CDBG Housing Services funds, \$1,049,370 PY19 CDBG Community Facility Improvement funds, and \$378,230 in available uncommitted funds to the South Berkeley Neighborhood Development Corporation for housing rehabilitation at Rosewood Manor and Lorin Station Apartments and execute resultant agreements, as contained in Exhibits A and B;

February 9, 2021

7. Update the PY20 CDBG and HOME entitlement allocations to reflect the revised HUD PY20 entitlement awards; and
8. Submit the approved Second Substantial Amendments to the 2020-2025 Consolidated Plan/PY20 Annual Action Plan and the PY19 Annual Action Plan, including public comments, to the U.S. Department of Housing and Urban Development (HUD), and accept any resulting agreements with HUD.

A record signature copy of said agreements and any amendments shall be on file in the office of the City Clerk.

Exhibit:

- A: Revised PY20 (FY21) HUD Allocations to include CARES Act funds
- B: Revised PY19 Community Development Block Grant (CDBG) Allocations

## PY20 (FY21) CDBG, HOME, ESG Allocations - AMENDMENT #2

## Community Development Block Grant (CDBG) Allocations

| REVENUES                                    | Awarded FY20        | Awarded FY21        | HUD Adjusted<br>Award FY21 | Updated CARES<br>Act:<br>CDBG-CV1&3 |
|---------------------------------------------|---------------------|---------------------|----------------------------|-------------------------------------|
| CDBG Award                                  | \$ 2,667,120        | \$ 2,738,258        | 2,737,801                  | \$ 2,501,926                        |
| Program Income                              | \$ 250,531          | \$ 255,925          | 255,925                    | \$ -                                |
| Earlier Unused Funds                        | \$ 788,029          | \$ 222,352          | 222,352                    | \$ -                                |
| <b>SUBTOTAL CDBG</b>                        | <b>\$ 3,705,680</b> | <b>\$ 3,216,536</b> | <b>3,216,079</b>           | <b>\$ 2,501,926</b>                 |
| <b>GF Funding Available</b>                 | <b>\$ 232,229</b>   | <b>\$ 232,229</b>   | <b>232,229</b>             | <b>\$ -</b>                         |
| EXPENDITURES - By Category                  | Allocated FY20      | Allocated FY21      | Amended<br>Allocation FY21 | Updated CARES<br>Act:<br>CDBG-CV1&3 |
| I. Housing Services                         | \$ 1,476,057        | \$ 1,476,057        | \$ 2,011,690               | \$ -                                |
| II. Public Services (17.83%)                | \$ 453,921          | \$ 453,921          | \$ 453,921                 | \$ 2,001,541                        |
| III. Public Facility Improvements           | \$ 1,202,278        | \$ 688,906          | \$ 152,908                 | \$ -                                |
| IV. Planning & Administration (20%)         | \$ 573,424          | \$ 597,652          | \$ 597,560                 | \$ 500,385                          |
| <b>Total CDBG Funds Allocated/Requested</b> | <b>\$ 3,705,680</b> | <b>\$ 3,216,536</b> | <b>\$ 3,216,079</b>        | <b>\$ 2,501,926</b>                 |

## CDBG Project Details

| I. CDBG - HOUSING SERVICES PROJECTS                                      | Allocated FY20      | Allocated FY21      | Amended<br>Allocation FY21 | Updated CARES<br>Act:<br>CDBG-CV1&3 |
|--------------------------------------------------------------------------|---------------------|---------------------|----------------------------|-------------------------------------|
| <b>CDBG</b>                                                              |                     |                     |                            |                                     |
| 1 Center for Independent Living: Residential Access Project for Disabled | \$ 159,660          | \$ 159,660          | \$ 159,660                 |                                     |
| 2 Habitat for Humanity East Bay - Housing Rehabilitation Grant Program   | \$ 250,000          | \$ 250,000          | \$ 250,000                 |                                     |
| 3 COB HHCS: Loan Services                                                | \$ 70,008           | \$ 70,008           | \$ 70,008                  |                                     |
| 4 COB HHCS: Senior and Disabled Rehab Program                            | \$ 358,048          | \$ 358,048          | \$ 358,048                 |                                     |
| Rehab Loans                                                              | \$ 150,000          | \$ 150,000          | \$ 150,000                 |                                     |
| 5 COB HHCS: Affordable Housing Development and Rehab                     | \$ 488,341          | \$ 488,341          | \$ 488,341                 |                                     |
| 6 Multi-Family Housing Rehab                                             | N/A                 | N/A                 | \$ 535,633                 |                                     |
| <b>SUBTOTAL Housing Projects -- CDBG</b>                                 | <b>\$ 1,476,057</b> | <b>\$ 1,476,057</b> | <b>\$ 2,011,690</b>        | <b>\$ -</b>                         |
| <b>General Fund</b>                                                      |                     |                     |                            |                                     |
| 7 Bay Area Community Land Trust (GF)                                     | \$ 5,200            | \$ 5,200            |                            |                                     |
| II. PUBLIC SERVICES PROJECTS                                             | Allocated FY20      | Allocated FY21      | Amended<br>Allocation FY21 | Updated CARES<br>Act:<br>CDBG-CV1&3 |
| <b>CDBG</b>                                                              |                     |                     |                            |                                     |
| 8 Homeless Services (Berkeley Food & Housing Project)*                   | \$ 170,502          | \$ 170,502          | \$ 170,502                 |                                     |
| 9 Homeless Services (Bay Area Community Services)*                       | \$ 248,419          | \$ 248,419          | \$ 248,419                 |                                     |
| 10 EDEN Housing: Fair Housing Services                                   | \$ 35,000           | \$ 35,000           | \$ 35,000                  |                                     |
| 11 CV - Targeted Equity Testing/Vaccine Strategy**                       | N/A                 |                     | \$ -                       | \$ 200,000                          |
| 12 CV - Housing Retention Program**                                      |                     |                     |                            | \$ 1,801,541                        |
| <b>Total CDBG Public Services</b>                                        | <b>\$ 453,921</b>   | <b>\$ 453,921</b>   | <b>\$ 453,921</b>          | <b>\$ 2,001,541</b>                 |
| <b>CDBG Public Services Cap</b>                                          | <b>\$ 520,217</b>   | <b>N/A</b>          | <b>N/A</b>                 | <b>N/A</b>                          |

\* These projects are for CDBG budgeting, but are reviewed by other Commissions whose funding recommendation is reflected here.

\*\*Any unused Targeted Equity Testing Strategy funds will be allocated to the Housing Retention Program

**General Fund**

|                                     |                                                          |    |         |    |         |
|-------------------------------------|----------------------------------------------------------|----|---------|----|---------|
| 13                                  | The Bread Project: Culinary Job Readiness Training       | \$ | 57,850  | \$ | 57,850  |
| 14                                  | Inter-City Services: Employment, Education and Training  | \$ | 101,351 | \$ | 101,351 |
| 15                                  | Rising Sun Energy Center: Green Energy Training Services | \$ | 67,828  | \$ | 67,828  |
| <b>Subtotal GF Public Services:</b> |                                                          | \$ | 227,029 | \$ | 227,029 |

**III. CDBG - PUBLIC/COMMUNITY FACILITIES IMPROVEMENTS: Allocations or recommended funding is one-time only.**

|                                                 | Allocated FY20      | Allocated FY21    | Amended<br>Allocation FY21 | CARES Act:<br>CDBG-CV |
|-------------------------------------------------|---------------------|-------------------|----------------------------|-----------------------|
| 16 Public Facilities FY2020                     | \$ 1,049,370        | \$ 535,998        | \$ -                       | \$ -                  |
| 17 COB HHCS: Public Facilities Improvements     | \$ 152,908          | \$ 152,908        | \$ 152,908                 | \$ -                  |
| <b>Subtotal Public Facilities Improvements:</b> | <b>\$ 1,202,278</b> | <b>\$ 688,906</b> | <b>\$ 152,908</b>          | <b>\$ -</b>           |

**IV. CDBG - PLANNING AND ADMINISTRATION\*\*\***

|                                                 | Allocated FY20    | Allocated FY21    | Amended<br>Allocation FY21 | CARES Act:<br>CDBG-CV |
|-------------------------------------------------|-------------------|-------------------|----------------------------|-----------------------|
| 18 COB HHCS: CDBG Planning & Administration     | \$ 573,424        | \$ 597,652        | \$ 597,560                 | \$ 500,385            |
| <b>CDBG Planning &amp; Administration TOTAL</b> | <b>\$ 573,424</b> | <b>\$ 597,652</b> | <b>\$ 597,560</b>          | <b>\$ 500,385</b>     |

\*\*\*Set-aside. Planning and Administration is a capped category of CDBG funding. The City of Berkeley City Manager and Housing & Community Services Departments will utilize the maximum amount of funding available under this category.

## HOME Investment Partnership Program (HOME) Allocations

| REVENUES                             | HUD Adjusted      |                   |                   |
|--------------------------------------|-------------------|-------------------|-------------------|
|                                      | Awarded FY20      | Awarded FY21      | Award FY21        |
| HOME Award                           | \$ 737,273        | \$ 778,383        | \$ 778,203        |
| Program Income (projected)           | \$ 20,000         | \$ 20,000         | \$ 20,000         |
| <b>SUBTOTAL HOME Funds Available</b> | <b>\$ 757,273</b> | <b>\$ 798,383</b> | <b>\$ 798,203</b> |

| EXPENDITURES               | Amended and Adjusted |                   |                   |
|----------------------------|----------------------|-------------------|-------------------|
|                            | Allocated FY20       | Allocated FY21    | Allocation FY21   |
| Administration (10%)       | \$ 75,727            | \$ 79,838         | \$ 199,551        |
| CHDO Operating Funds (5%)  | \$ 28,115            | \$ 28,115         | \$ 70,000         |
| Available for HTF Projects | \$ 653,431           | \$ 690,430        | \$ 528,652        |
| <b>Total</b>               | <b>\$ 757,273</b>    | <b>\$ 798,383</b> | <b>\$ 798,203</b> |

## Emergency Solutions Grant (ESG) Allocations

| REVENUES  | CARES Act:   |              |              |
|-----------|--------------|--------------|--------------|
|           | Awarded FY20 | Awarded FY21 | ESG-CV       |
| ESG Award | \$ 227,398   | \$ 234,354   | \$ 6,648,603 |

| EXPENDITURES                           | CARES Act:              |                   |                     |
|----------------------------------------|-------------------------|-------------------|---------------------|
|                                        | Amended Allocation FY20 | Allocated FY21    | ESG-CV              |
| Rapid Rehousing*                       | \$ 67,228               | \$ 69,489         | \$ 2,591,095        |
| Emergency Shelter and Street Outreach* | \$ 136,439              | \$ 140,612        | \$ 3,380,648        |
| Homeless Management Information System | \$ 6,676                | \$ 6,676          | \$ 12,000           |
| Administration (7.5%)                  | \$ 17,055               | \$ 17,577         | \$ 664,860          |
| <b>Total</b>                           | <b>\$ 227,398</b>       | <b>\$ 234,354</b> | <b>\$ 6,648,603</b> |

\* Funding will be allocated to the Coordinated Entry System to carry out the program.

**PY19 (FY20) CDBG, HOME, ESG Allocations - AMENDMENT #2****Community Development Block Grant (CDBG) PY2019 Allocations**

| REVENUES                    | Allocated FY19      | Awarded FY20        | REVISED FY20        |
|-----------------------------|---------------------|---------------------|---------------------|
| CDBG Award                  | \$ 2,679,928        | \$ 2,667,120        | \$ 2,667,120        |
| Program Income              | \$ 381,150          | \$ 250,531          | \$ 250,531          |
| Earlier Unused Funds        | \$ 474,010          | \$ 788,029          | \$ 1,166,259        |
| <b>SUBTOTAL CDBG</b>        | <b>\$ 3,535,088</b> | <b>\$ 3,705,680</b> | <b>\$ 4,083,910</b> |
| <b>GF Funding Available</b> | <b>\$ 238,479</b>   | <b>\$ 232,229</b>   | <b>\$ 232,229</b>   |

| EXPENDITURES - By Category                  | Allocated FY19      | Adopted FY20        | Proposed FY20 Amendment |
|---------------------------------------------|---------------------|---------------------|-------------------------|
| I. Housing Services                         | \$ 1,542,796        | \$ 1,476,057        | \$ 2,903,658            |
| II. Public Services (17.83%)                | \$ 453,853          | \$ 453,921          | \$ 453,921              |
| III. Public Facility Improvements           | \$ 765,303          | \$ 1,202,278        | \$ 152,908              |
| IV. Planning & Administration (20%)         | \$ 571,986          | \$ 573,424          | \$ 573,424              |
| V. Housing Trust Fund                       | \$ -                | \$ -                | \$ -                    |
| <b>Total CDBG Funds Allocated/Requested</b> | <b>\$ 3,333,938</b> | <b>\$ 3,705,680</b> | <b>\$ 4,083,911</b>     |

**CDBG Project Details**

| I. CDBG - HOUSING SERVICES PROJECTS                                      | Allocated FY19      | Adopted FY20        | Proposed FY20 Amendment |
|--------------------------------------------------------------------------|---------------------|---------------------|-------------------------|
| <b>CDBG</b>                                                              |                     |                     |                         |
| 1 Center for Independent Living: Residential Access Project for Disabled | \$ 140,000          | \$ 159,660          | \$ 159,660              |
| 2 Community Energy Services Corp.: Home Safety & Repair Program          | \$ 282,334          | \$ -                | \$ -                    |
| 3 Rebuilding Together Safe Homes Project                                 | \$ 98,279           | \$ -                | \$ -                    |
| 4 Habitat for Humanity East Bay - Housing Rehabilitation Grant Program   | \$ -                | \$ 250,000          | \$ 250,000              |
| 5 COB HHCS: Loan Services                                                | \$ 66,174           | \$ 70,008           | \$ 70,008               |
| 6 COB HHCS: Senior and Disabled Rehab Program                            | \$ 340,976          | \$ 358,048          | \$ 358,048              |
| Rehab Loans                                                              | \$ 150,000          | \$ 150,000          | \$ 150,000              |
| 7 COB HHCS: Affordable Housing Development and Rehab                     | \$ 465,033          | \$ 488,341          | \$ 488,342              |
| 8 SBND: Multi-Family Housing Rehab                                       | \$ -                | \$ -                | \$ 1,427,600            |
| <b>SUBTOTAL Housing Projects -- CDBG</b>                                 | <b>\$ 1,542,796</b> | <b>\$ 1,476,057</b> | <b>\$ 2,903,658</b>     |

**General Fund**

|                                      |          |          |          |
|--------------------------------------|----------|----------|----------|
| 9 Bay Area Community Land Trust (GF) | \$ 4,991 | \$ 5,200 | \$ 5,200 |
|--------------------------------------|----------|----------|----------|

| II. PUBLIC SERVICES PROJECTS                            | Allocated FY19    | Adopted FY20      | Proposed FY20 Amendment |
|---------------------------------------------------------|-------------------|-------------------|-------------------------|
| <b>CDBG</b>                                             |                   |                   |                         |
| 10 Homeless Services (Berkeley Food & Housing Project)* | \$ 418,921        | \$ 170,502        | \$ 170,502              |
| 11 Homeless Services (Bay Area Community Services)*     |                   | \$ 248,419        | \$ 248,419              |
| 12 EBCLC: Fair Housing Counseling                       | \$ 34,932         | \$ -              | \$ -                    |
| 13 EDEN Housing: Fair Housing Services                  |                   | \$ 35,000         | \$ 35,000               |
| <b>Total CDBG Public Services</b>                       | <b>\$ 453,853</b> | <b>\$ 453,921</b> | <b>\$ 453,921</b>       |
| <b>CDBG Public Services Cap</b>                         | <b>\$ 545,790</b> | <b>\$ 520,217</b> | <b>\$ 520,217</b>       |

\* These projects are for CDBG budgeting, but are reviewed by other Commissions whose funding recommendation is reflected here.

#### General Fund

|                                     |                                                                            |    |         |    |         |    |         |
|-------------------------------------|----------------------------------------------------------------------------|----|---------|----|---------|----|---------|
| 14                                  | The Bread Project: Culinary Job Readiness Training                         | \$ | 56,165  | \$ | 57,850  | \$ | 57,850  |
| 15                                  | Inter-City Services: Employment, Education and Training                    | \$ | 101,643 | \$ | 101,351 | \$ | 101,351 |
| 16                                  | Resources for Community Development: Social Svcs. at Special Needs Housing | \$ | 9,828   | \$ | -       | \$ | -       |
| 17                                  | Rising Sun Energy Center: Green Energy Training Services                   | \$ | 65,852  | \$ | 67,828  | \$ | 67,828  |
| <b>Subtotal GF Public Services:</b> |                                                                            | \$ | 233,488 | \$ | 227,029 | \$ | 227,029 |

### III. CDBG - PUBLIC/COMMUNITY FACILITIES IMPROVEMENTS: Allocations or recommended funding is one-time only.

|                                                 |                                               | Allocated FY19    | Adopted FY20        | Proposed FY20<br>Amendment |
|-------------------------------------------------|-----------------------------------------------|-------------------|---------------------|----------------------------|
| 18                                              | Public Facilities 2018 - Mental Health Clinic | \$ 594,836        | \$ -                | \$ -                       |
| 19                                              | Public Facilities FY2020                      |                   | \$ 1,049,370        | \$ -                       |
| 20                                              | COB HHCSO: Public Facilities Improvements     | \$ 145,892        | \$ 152,908          | \$ 152,908                 |
| 21                                              | Rebuilding Together: Community Facilities     | \$ 24,575         |                     |                            |
| <b>Subtotal Public Facilities Improvements:</b> |                                               | <b>\$ 765,303</b> | <b>\$ 1,202,278</b> | <b>\$ 152,908</b>          |

| IV. CDBG - PLANNING AND ADMINISTRATION**        | Allocated FY19    | Adopted FY20      | Proposed FY20<br>Amendment |
|-------------------------------------------------|-------------------|-------------------|----------------------------|
| 22 COB HHCSO: CDBG Planning & Administration    | \$ 571,986        | \$ 573,424        | \$ 573,424                 |
| <b>CDBG Planning &amp; Administration TOTAL</b> | <b>\$ 571,986</b> | <b>\$ 573,424</b> | <b>\$ 573,424</b>          |

\*\*Set-aside. Planning and Administration is a capped category of CDBG funding. The City of Berkeley City Manager and Housing & Community Services Departments will utilize the maximum amount of funding available under this category.

| V. HOUSING TRUST FUND                  | Allocated FY19 | Adopted FY20 |
|----------------------------------------|----------------|--------------|
| 23 City of Berkeley Housing Trust Fund | \$ -           | \$ -         |

**HOME Investment Partnership Program (HOME) Allocations**

| REVENUES |                                      | Awarded FY19      | Awarded FY20      |
|----------|--------------------------------------|-------------------|-------------------|
|          | HOME Award                           | \$ 793,509        | \$ 737,273        |
|          | Program Income (projected)           | \$ 20,000         | \$ 20,000         |
|          | <b>SUBTOTAL HOME Funds Available</b> | <b>\$ 813,509</b> | <b>\$ 757,273</b> |

| EXPENDITURES |                            | Allocated FY19    | Actual FY20       |
|--------------|----------------------------|-------------------|-------------------|
|              | Administration (10%)       | \$ 81,351         | \$ 75,727         |
|              | CHDO Operating Funds (5%)  | \$ 28,115         | \$ 28,115         |
|              | Available for HTF Projects | \$ 684,043        | \$ 633,431        |
|              | <b>Total</b>               | <b>\$ 793,509</b> | <b>\$ 737,273</b> |

**Emergency Solutions Grant (ESG) Allocation SUMMARY**

| REVENUES |           | Awarded FY19 | Awarded FY20 |
|----------|-----------|--------------|--------------|
|          | ESG Award | \$ 219,480   | \$ 227,398   |

| EXPENDITURES |                                        | Amended<br>Allocation FY19 | Amended and<br>Adopted FY20<br>Allocation |
|--------------|----------------------------------------|----------------------------|-------------------------------------------|
|              | Rapid Rehousing*                       | \$ 64,655                  | \$ 67,228                                 |
|              | Emergency Shelter and Street Outreach* | \$ 131,688                 | \$ 136,439                                |
|              | Homeless Management Information System | \$ 6,676                   | \$ 6,676                                  |
|              | Administration (7.5%)                  | \$ 16,461                  | \$ 17,055                                 |
|              | <b>Total</b>                           | <b>\$ 219,480</b>          | <b>\$ 227,398</b>                         |

\* Funding will be allocated to the Coordinated Entry System to carry out the program.



**CITY OF BERKELEY**

**CONSOLIDATED PLAN  
FOR HOUSING  
AND COMMUNITY DEVELOPMENT  
2020-2025**

**and Annual Action Plan for Program Year 2020**

**AMENDMENT #2**

**for the U.S. Department of  
Housing and Urban Development  
San Francisco Field Office of  
Community Planning and Development**

**FEBRUARY 2021**

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DRAFT

## Executive Summary

### ES-05 Executive Summary - 24 CFR 91.200(c), 91.220(b)

#### 1. Introduction

Eligible state and local governments receive annual block grants for community development and affordable housing from the U.S. Department of Housing and Urban Development (HUD). These grants include the Community Development Block Grant (CDBG), the HOME Investment Partnerships Program (HOME), and the Emergency Solutions Grant (ESG). For each program, HUD regulations allow for a broad range of eligible activities. The state or local governments determine which of the eligible activities will best serve the needs of their community. In order to determine the most pressing needs and develop effective, place-based market-driven strategies to meet those needs, HUD requires grantees to develop a Consolidated Plan (Plan).

This Plan by the City of Berkeley lays out the City's overall investment strategies for the City's use of federal entitlement grant funds for affordable housing, homelessness, addressing poverty, and community development from July 1, 2020, through June 30, 2025. For each year of the Consolidated Plan, the City must also produce an Annual Action Plan. The First- Year Annual Action Plan for the period July 1, 2020 through June 30, 2021 is attached to this Consolidated Plan. Please note that throughout the Consolidated Plan and Annual Action Plan, the terms "fiscal year" and "program year" are both used. The period from July 1, 2020 through June 30, 2021 is the City's fiscal year (FY) 2021 and HUD's program year (PY) 2020.

This Plan has been amended to include CARES Act funds. The City of Berkeley has received a CARES Act allocation from HUD in the amounts of \$1,610,805,250,926 in CDBG-CV1&3 and \$6,648,603 in ESG-CV1&2 to help prevent, prepare for, and respond to the impacts of the coronavirus.

The Plan was prepared in accordance with HUD's Office of Community and Planning Development (CPD) eCon Planning Suite which was introduced in 2012. Since that time, HUD requires grantees submit their Consolidated Plan and First-Year Annual Action Plan using the Consolidated Plan template through the Integrated Disbursement and Information System (IDIS), their nationwide database. Most of the data tables in the Plan are populated with default data from the U.S. Census Bureau, specifically 2011-2015 American Community Survey (ACS) and Comprehensive Housing Affordability Strategy (CHAS) data. Other sources of data are noted throughout the Plan.

The Plan is divided into six sections:

- Executive Summary
- The Process
- Needs Assessment
- Market Analysis

- Strategic Plan
- First-Year Action Plan

## 2. Summary of the objectives and outcomes identified in the Plan Needs Assessment Overview

The City of Berkeley has set an ambitious array of goals for the use of its federal entitlement grant resources. The priority needs of the City are affordable housing, non-housing community development, and homelessness. The City has three goals to address those priority needs:

- Increase affordable housing supply and quality;
- Improve public facilities and public services; and
- Provide homeless services including prevention, emergency shelter, outreach and rapid re-housing.

The City of Berkeley has long placed a high priority on affordable housing and community services because they reflect important community values. The City is committed to maintaining high-quality programs for those in need but faces challenges due to insufficient resources to meet those needs. The City of Berkeley has been able to backfill some of the ongoing reductions in federal funding for affordable housing and critical community services. Local investments, however, do not begin to meet the dire need for more affordable housing and a more robust social safety net to prevent and end homelessness. At the same time, the ESG, HOME, and CDBG programs come with considerable administrative requirements, all of which impact the City's ability to address all the many needs identified.

In response to COVID-19 and CARES Act funding, the City ~~has added~~ a fourth goal during to the Substantial Amendment #1:

- Prevent, prepare for, and respond to COVID-19

## 3. Evaluation of past performance

The City tracks single family and multi-family housing rehabilitation and development efforts. Outcomes for all federally funded community agency programs are also tracked and prior outcomes are used to inform funding decisions. The City also uses countywide Homeless Count and program outcome data to inform its goals on homelessness.

## 4. Summary of citizen participation process and consultation process

A public hearing in front of the Housing Advisory Commission was held on November 7, 2019 on the Draft *Regional Analysis of Impediments*. This public hearing was noticed in the *Berkeley Voice* on October 25, 2019.

Specific outreach regarding the Draft *Regional Analysis of Impediments* public hearing was accomplished via mailings to interested parties, which include individuals, the Alameda County Homeless Continuum of Care, community agencies serving low income people, and postings at public buildings such as recreation centers, senior centers, libraries and other government buildings. The draft report was also posted on the City's website and made available at the Department office and the Main Library.

An additional public hearing on community needs was held on November 7, 2019 in front of the Housing Advisory Commission specifically to inform the Consolidated Plan. The November 7, 2019 public hearing on community needs was noticed in the *Berkeley Voice* on November 1, 2019.

Draft copies of the Plan were presented to the Housing Advisory Commission on January 9, and February 6, 2020. A public comment period was opened on March 27, 2020 and concluded on May 1<sup>st</sup>, 2020 after the public hearing. A public hearing on the Plan was held on April 28, 2020 before the Berkeley City Council. An announcement regarding the public hearing and public comment period were published in the *Berkeley Voice* on March 27, 2020. The announcement stated where to locate the publically available Plan, the dates of the public comment period, and a summary of key elements of the Plan. The announcement also included information in Spanish and Chinese languages regarding how to obtain information about the Plan. The announcement was republished on April 24, 2020 to notify the public how to participate virtually in the public hearing during the COVID-19 Shelter in Place order and also included all the above mentioned information.

Additional outreach was accomplished via mailings to interested parties, which include individuals, the Alameda County Homeless Continuum of Care, community agencies serving low income people. Due to the COVID-19 Shelter in Place order many of the usual public buildings where the public hearing notice is posted were closed. Those included recreation centers, senior centers, libraries and other government buildings. The draft Plan was also posted on the City's website.

Amendment #1 Public Participation processes for the COVID-19 response were as follows:

- A draft of the Substantial Amendment was made available on the City's webpage; and
- Outreach and noticing to interested parties was conducted in accordance with the City's Citizen Participation Plan; and
- A public hearing on the Substantial Amendment was held in front of Berkeley City Council on September 15, 2020. This public hearing was noticed in the *Berkeley Voice* on August 28, 2020.
- A revised public notice of the Substantial Amendment that included the HUD SFCDP email address was posted in the *Berkeley Voice* on October 23, 2020 for an additional 5-day public comment period.

Amendment #2 Public Participation processes for the COVID-19 response were as follows:

- A draft of the Substantial Amendment was made available on the City's webpage; and

- Outreach and noticing to interested parties was conducted in accordance with the City's Citizen Participation Plan; and
- A public hearing on the Substantial Amendment was held in front of Berkeley City Council on February 9, 2021. This public hearing and comment period was noticed in the *Berkeley Voice* on January 8, 2021.

## 5. Summary of public comments

Two public hearings were held on November 7, 2019 before the Housing Advisory Commission. One to review the Draft *Regional Analysis of Impediments*, and the second on the PY18 CAPER and hear from the community on community needs. An additional public hearing on the Plan was held on April 28, 2020 before the Berkeley City Council. Additional outreach for the three public hearings was sent via the distribution lists and noticing methods mentioned above.

Three members of the public were present, and one spoke, at the November 7, 2019 public hearing on the Draft Analysis of Impediments. Comments from the public and commissioners included dedicating additional City staff resources to monitor and enforce Berkeley's ordinance regarding source of income discrimination and to administer the City's fair housing efforts, consider supporting countywide or state efforts to develop and implement just cause eviction regulations, vacancy rates for new housing developments, and community input on development plans in Berkeley's R/ECAPs. During the Draft *Regional Analysis of Impediments* public comment period of October 28, 2019 through December 12, 2019 no written comments were received by the City of Berkeley.

Four members of the public were present, and none spoke, at the November 7, 2019 public hearing on community needs. Comments from the commissioners included dedicating additional City staff resources to monitor and enforce Berkeley's ordinance regarding source of income discrimination and to administer the City's fair housing efforts.

During the Housing Advisory Commission meetings on January 9, and February 6, 2020 no members of the public commented on the Plan. Comments from commissioners during these two meetings included the chosen paper of publication for the public hearings, possible Council considerations for ordinances that may impact affordable housing units, protections should be put into place, homeless being expensive and additional non-HUD funded strategies may have more success locally, current affordable housing fees and requirements do not support the demand for affordable housing, ensure outreach to the South West Berkeley community.

No members of the public spoke at the April 28, 2020 public hearing. This hearing was held virtually due to COVID-19. During the Plan's public comment period of March 27, 2020 through May 1, 2020, no written comments were received.

Four members of the public spoke at the September 15, 2020 public hearing on **Substantial Amendment #1 to the 2020 Con. Plan to include CARES Act fund** in front of the City Council. Comments included



support for draft allocation of funds especially for 1) vulnerable populations, specifically homeless and seniors, and 2) hotel and other housing acquisition. City Council had a robust discussion on that focused on support for this and other opportunities to create housing for the homeless (individuals and families) and homeless prevention especially in coordination with Alameda County.

No written comments were received on the Substantial Amendment #1 from either the August or October public noticing.

TBD members of the public spoke at the February 9, 2021 public hearing on **Substantial Amendment #2 to the 2020 Con. Plan to include CARES Act fund** in front of the City Council. Comments included TBD.  
TBD written comments were received on the Substantial Amendment #2 from the public noticing.

#### **6. Summary of comments or views not accepted and the reasons for not accepting them**

All comments were accepted. Additional resources could enhance City-administered programs as noted in the summary of public comments above. It would take additional federal or location funding, however, which are currently not available.

#### **7. Summary**

N/A.

## The Process

### PR-05 Lead & Responsible Agencies 24 CFR 91.200(b)

#### 1. Describe agency/entity responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source

The following are the agencies/entities responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source.

| Agency Role        | Name     | Department/Agency                                 |
|--------------------|----------|---------------------------------------------------|
| CDBG Administrator | BERKELEY | Health, Housing and Community Services Department |
| HOME Administrator | BERKELEY | Health, Housing and Community Services Department |
| ESG Administrator  | BERKELEY | Health, Housing and Community Services Department |

Table 1 – Responsible Agencies

#### Narrative

The Health, Housing and Community Services (HHCS) Department is the lead agency for overseeing the development of the plan. The Housing and Community Services Division coordinates the City's funding allocation process and monitoring for community based organizations, administration of the Housing Trust Fund, and operation of other housing and community services programs such as the Shelter Plus Care Program, and Senior and Disabled Home Rehabilitation Loan Program. The Department also includes the Environmental Health, Mental Health, Public Health, and Aging Services divisions, all of which provide direct services to the community.

#### Consolidated Plan Public Contact Information

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## **PR-10 Consultation - 91.100, 91.200(b), 91.215(l)**

### **1. Introduction**

The consolidated planning process requires jurisdictions to reach out to and consult with other public and private agencies when developing the plan. The Plan includes a summary of the consultation process and information on agencies that participated in the process.

COVID-19 specific consultation included consultation with surrounding jurisdictions, County-wide coordination, and local needs based on on-going stakeholder input during the City's budgeting and COVID response period.

**Provide a concise summary of the jurisdiction's activities to enhance coordination between public and assisted housing providers and private and governmental health, mental health and service agencies (91.215(l)).**

The City of Berkeley coordinates housing and community services activities provided by the HHCS department through regular senior staff meetings and other specific coordination meetings. City staff also participates in the implementation of EveryOne Home, the countywide plan to end homelessness. EveryOne Home, which is also the name of the agency – a private non-profit entity, coordinates Alameda County's Continuum of Care. City of Berkeley staff will continue to participate in the EveryOne Home's Leadership Board, which includes most public funders of housing and homeless services in the county, as well as leadership from key community based organizations. Leadership Board membership helps to coordinate efforts across the county. Staff also participates in other committees composed of other funders (such as Alameda County Behavioral Health Care Services and the Social Services Agency) as well as many community based organizations. Recent countywide collaboration efforts include the implementation of Alameda County's Coordinated Entry System and Whole Person Care Project, the adoption of countywide homeless program outcomes that align with HUD's System Performance Measures, the 2019 homeless survey and count, and the ongoing implementation of Home Stretch, the centralized process that matches prioritized chronically homeless individuals to permanent supportive housing opportunities.

**Describe coordination with the Continuum of Care and efforts to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans, and unaccompanied youth) and persons at risk of homelessness**

The City of Berkeley, in coordination with the City of Oakland, Alameda County Housing and Community Services Department, and EveryOne Home, participates in Alameda Countywide Continuum of Care OC efforts. City of Berkeley staff participate in many COC subcommittees, including the Continuum of Care Committee and Systems Coordination Committee. These Committees meet monthly and are responsible for the ongoing design and implementation of Alameda County's Coordinated Entry System,

including the establishment of regional Housing Resource Centers (HRCs), a standardized assessment tool, the Alameda County Housing Crisis Response System Manual, and the permanent supportive housing (PSH) matching process called HomeStretch. The HRCs utilize the standardized assessment tool to determine which resources to offer unhoused residents including housing navigation services, rapid rehousing financial assistance, shelter and transitional housing, and, for the chronically homeless, permanent supportive housing.

**Describe consultation with the Continuum(s) of Care that serves the jurisdiction's area in determining how to allocate ESG funds, develop performance standards and evaluate outcomes, and develop funding, policies and procedures for the administration of HMIS**

City staff will continue to participate in the implementation of EveryOne Home, the countywide plan to end homelessness. EveryOne Home, the agency, spearheads Alameda County's Continuum of Care. Staff will continue to participate in the initiative's Leadership Board, which includes most public funders of housing and homeless services in the county, as well as leadership from key community based organizations. Leadership Board membership helps coordinate efforts across the county. Specific activities will include:

- Membership in the Leadership Board, which guides the organization's activities;
- Continued participation in reviewing county-wide outcomes; and
- Involvement in the committee charged with oversight of research, evaluation, and compliance with HUD requirements for the Continuum of Care.

City of Berkeley staff also participate in the HMIS Oversight and Result Based Accounting Committees. These committees established new system performance measures (SPM) based on HUD priorities. These SPMs have been incorporated in City of Berkeley contracts that govern Berkeley funding homeless services.

**2. Describe Agencies, groups, organizations and others who participated in the process and describe the jurisdictions consultations with housing, social service agencies and other entities**

|   |                                                                                                                                                      |                                                                                                                                                                                                                                                                                             |
|---|------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | <b>Agency/Group/Organization</b>                                                                                                                     | City of Berkeley Housing Advisory Commission                                                                                                                                                                                                                                                |
|   | <b>Agency/Group/Organization Type</b>                                                                                                                | Other government - Local                                                                                                                                                                                                                                                                    |
|   | <b>What section of the Plan was addressed by Consultation?</b>                                                                                       | Housing Need Assessment<br>Homelessness Strategy<br>Homeless Needs - Chronically homeless<br>Homeless Needs - Families with children<br>Homelessness Needs - Veterans<br>Homelessness Needs - Unaccompanied youth<br>Non-Homeless Special Needs<br>Market Analysis<br>Anti-poverty Strategy |
|   | <b>How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?</b> | Draft copies of the plan were presented to the Housing Advisory Commission (HAC) at their January and February 2020 meetings for comments.                                                                                                                                                  |
| 3 | <b>Agency/Group/Organization</b>                                                                                                                     | Homeless Commission                                                                                                                                                                                                                                                                         |
|   | <b>Agency/Group/Organization Type</b>                                                                                                                | Other government - Local                                                                                                                                                                                                                                                                    |
|   | <b>What section of the Plan was addressed by Consultation?</b>                                                                                       | Homelessness Strategy<br>Homeless Needs - Chronically homeless<br>Homeless Needs - Families with children<br>Homelessness Needs - Veterans<br>Homelessness Needs - Unaccompanied youth                                                                                                      |
|   | <b>How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?</b> | The Homeless Commission provides their expertise and recommendations for funding for community agencies including the portion of CDBG public services funding that supports the homeless population.                                                                                        |

Table 2 – Agencies, groups, organizations who participated

**Identify any Agency Types not consulted and provide rationale for not consulting**

No Agency Types were knowingly excluded.

## Other local/regional/state/federal planning efforts considered when preparing the Plan

| Name of Plan                 | Lead Organization                                               | How do the goals of your Strategic Plan overlap with the goals of each plan?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|------------------------------|-----------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| EveryOne Home Plan           | EveryOne Home (Alameda County's Continuum of Care)              | The <a href="#">EveryOne Home Strategic Update Report</a> , the countywide plan to end homelessness, was adopted by the City in 2019. Berkeley's activities to end homelessness, including those supported by federal monies as articulated in this plan, align with the EveryOne Home Plan.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Housing Element 2015-2023    | City of Berkeley                                                | The <a href="#">Housing Element</a> addresses housing production and preservation in the City of Berkeley and includes issues related to affordable housing that overlap with this report's goal to increase affordable housing supply and quality.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Health Status Report of 2018 | Health, Housing, and Community Services; Public Health Division | The goal of the <a href="#">Health Status Report</a> is to provide a picture of the health status of people living in Berkeley. The report helps define goals and objectives for improving Berkeley's healthy by reducing and eliminating health inequities in Berkeley, which includes assessing and addressing the social determinants of health. The Health Status Report highlights overlapping health and housing needs for low-income individuals that are addressed in the Consolidated Plan.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 2020 Vision                  | Collaboration between various local agencies                    | <a href="#">Berkeley's 2020 Vision</a> : Equity in Education is a collective impact initiative that strives to eliminate racial disparities in academic achievement in Berkeley's public schools. This citywide partnerships seeks to close Berkeley's educational "opportunity gap" through a shared community commitment to this goal: that <u>all</u> young people in Berkeley grow up with equitable opportunities to achieve high outcomes and realize their full potential. Four core institutional partners oversee Berkeley's 2020 Vision: the <a href="#">City of Berkeley</a> , <a href="#">BUSD</a> , <a href="#">Berkeley City College (BCC)</a> , and the <a href="#">University of California at Berkeley (UC Berkeley)</a> . Public agency, education, nonprofit, and other partners lend content expertise, shape the direction of this initiative, and represent the students and families they serve. This is consistent with goals of reducing inequities and increasing economic opportunities for Berkeley residents. The Consolidated Plan works toward these shared goals by supporting housing and public services for low-income residents. |

| Name of Plan                      | Lead Organization                                       | How do the goals of your Strategic Plan overlap with the goals of each plan?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|-----------------------------------|---------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Age-Friendly Berkeley Action Plan | Health, Housing, and Community Services; Aging Division | This report focuses on the aging population in Berkeley and the fact that the vast majority of older adults want to age in their homes and local Berkeley community. The <a href="#">Age-Friendly Berkeley</a> initiative helps prepare Berkeley for its rapidly aging population by gathering input from the community and pulling together public and private leaders, resources, ideas, and strategies to address the issues raised. Age-Friendly Berkeley is a collective effort whose goal is to ensure that all Berkeley residents are connected, healthy, and engaged in their environments. The Consolidated Plan speaks directly to affordable housing goals that support low-income persons, specifically including seniors and persons with disabilities. |

Table 3 – Other local / regional / federal planning efforts

**Describe cooperation and coordination with other public entities, including the State and any adjacent units of general local government, in the implementation of the Consolidated Plan (91.215(l))**

EveryOne Home, described above under the Continuum of Care question, is an important venue for coordination with other units of local government in Alameda County on the issue of homelessness. Most affordable housing developments in Berkeley receive other public funding, most typically Low Income Housing Tax Credits, but also other County and State programs, such as No Place Like Home funding for affordable housing for mentally disabled residents. The Housing & Community Services Division works with both the City's Mental Health Division and the Alameda County Health Care Services Agency to take advantage of No Place Like Home funding to support the creation of additional permanently affordable units for unhoused residents on the Home Stretch list.

**Narrative (optional):**

N/A.

## PR-15 Citizen Participation

### 1. Summary of citizen participation process/Efforts made to broaden citizen participation Summarize citizen participation process and how it impacted goal-setting

This plan was developed with citizen participation consistent with the City's adopted [Citizen Participation Plan](https://www.cityofberkeley.info/uploadedFiles/Housing/Level_3_-_General/CitizenParticipationPlan_5_12_2012_FINAL.pdf) (available at: [https://www.cityofberkeley.info/uploadedFiles/Housing/Level\\_3 - General/CitizenParticipationPlan\\_5\\_12\\_2012\\_FINAL.pdf](https://www.cityofberkeley.info/uploadedFiles/Housing/Level_3_-_General/CitizenParticipationPlan_5_12_2012_FINAL.pdf)).

Two public hearings were held on November 7, 2019 before the Housing Advisory Commission to receive input from Berkeley residents on 1) the Draft *Regional Analysis of Impediments* to Fair Housing Choice, and 2) Berkeley's housing and community development needs.

The public hearing on the *Regional Analysis of Impediments* to Fair Housing Choice began with a presentation summarizing the draft report. Three members of the public were present, and one spoke, at the November 7, 2019 public hearing on the Draft Analysis of Impediments. Comments from the public and commissioners included dedicating additional City staff resources to monitor and enforce Berkeley's ordinance regarding source of income discrimination and to administer the City's fair housing efforts, consider supporting countywide or state efforts to develop and implement just cause eviction regulations, vacancy rates for new housing developments, and community input on development plans in Berkeley's R/ECAPs. During the Draft *Regional Analysis of Impediments* public comment period of October 28, 2019 through December 12, 2019 no written comments were received by the City of Berkeley.

The community needs hearing began with a presentation summarizing the use of federal funds in PY18. Four members of the public were present, and none spoke, at the November 7, 2019 public hearing on community needs. There were no comments from the public but a commission comment addressed additional in-house City-supported enforcement of both Fair Housing and source of income discrimination.

The draft Consolidated Plan was shared with the Housing Advisory Commission on January 9, and February 6, 2020. Comments during these two meetings included the chosen paper of publication for the public hearings, possible Council considerations for ordinances that may impact affordable housing units, protections should be put into place, homeless being expensive and additional non-HUD funded strategies may have more success locally, current affordable housing fees and requirements do not support the demand for affordable housing, ensure outreach to the South West Berkeley community.

A public comment period was opened on March 27, 2020 and concluded on May 1<sup>st</sup>, 2020 after the public hearing at the April 28, 2020 Berkeley City Council meeting. An announcement regarding the public hearing and public comment period were published in the Berkeley Voice on March



27, 2020. The announcement stated where to locate the publically available Plan, the dates of the public comment period, and a summary of key elements of the Plan. The announcement also included information in Spanish and Chinese languages regarding how to obtain information about the Plan. The announcement was republished on April 24, 2020 to notify the public how to participate virtually in the public hearing during the COVID-19 Shelter in Place order and also included all the above mentioned information.

Additional outreach for the draft Plan comment period and public hearing was accomplished via mailings to interested parties on the Health, Housing and Community Services Department outreach lists, which include interested individuals, a mailing to Berkeley Housing Authority consumers, community agencies serving low-income people. Due to the COVID-19 Shelter in Place order many of the usual public buildings where the public hearing notice is posted were closed. Those included recreation centers, senior centers, libraries and other government buildings. The draft Plan was also posted on the City's website. The final plan, once adopted and accepted by HUD, will be posted on the City's website.

No members of the public spoke at the April 28, 2020 public hearing. This hearing was held virtually due to COVID-19. During the Plan's public comment period of March 27, 2020 through May 1, 2020, no written comments were received.

Substantial Amendment #1 Public Participation processes for the COVID-19 response were as follows:

- A draft of the Substantial Amendment was made available on the City's webpage; and
- Outreach and noticing to interested parties was conducted in accordance with the City's Citizen Participation Plan; and
- A public hearing on the Substantial Amendment was held in front of Berkeley City Council on September 15, 2020. This public hearing was noticed in the *Berkeley Voice* on August 28, 2020.
- Four members of the public spoke at the September 15, 2020 public hearing on **Substantial Amendment #1 to the 2020 Con. Plan to include CARES Act fund** in front of the City Council. Comments included support for draft allocation of funds especially for 1) vulnerable populations, specifically homeless and seniors, and 2) hotel and other housing acquisition. City Council had a robust discussion on that focused on support for this and other opportunities to create housing for the homeless (individuals and families) and homeless prevention especially in coordination with Alameda County.
- No written comments were received on the Substantial Amendment #1 from either the August or October public noticing.

Substantial Amendment #2 Public Participation processes for the COVID-19 response were as follows:

- A draft of the Substantial Amendment was made available on the City's webpage; and
- Outreach and noticing to interested parties was conducted in accordance with the City's Citizen Participation Plan; and
- A public hearing on the Substantial Amendment was held in front of Berkeley City Council on February 9, 2021. This public hearing was noticed in the *Berkeley Voice* on January 8, 2021.
- **TBD** members of the public spoke at the February 9, 2021 public hearing on **Substantial Amendment #2 to the 2020 Con. Plan to include CARES Act fund** in front of the City Council. Comments included **TBD**.
- **TBD** written comments were received on the Substantial Amendment #2 from the public noticing.

### Citizen Participation Outreach

| Sort Order | Mode of Outreach | Target of Outreach           | Summary of response/attendance                                                                                                               | Summary of comments received                              | Summary of comments not accepted and reasons                                                                                                                                                                                                  | URL (If applicable)                                                                                                                     |
|------------|------------------|------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|
| 1          | Public Hearing   | Non-targeted/broad community | One member of the public spoke at the November 7, 2019 public hearing on <b>community needs</b> in front of the Housing Advisory Commission. | City-supported enforcement of source of income is needed. | All comments were accepted. Additional resources could enhance City-administered programs as noted in the summary of public comments above. It would take additional federal or location funding, however, which are currently not available. | <a href="https://www.cityofberkeley.info/Housing_Advisory_Commission/">https://www.cityofberkeley.info/Housing_Advisory_Commission/</a> |

| Sort Order | Mode of Outreach | Target of Outreach           | Summary of response/attendance                                                                                                                                          | Summary of comments received                                                                                                                                                                                                                                                                | Summary of comments not accepted and reasons                                                                                                                                                                                                  | URL (If applicable)                                                                                                                     |
|------------|------------------|------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|
| 2          | Public Hearing   | Non-targeted/broad community | No members of the public spoke at the November 7, 2019 public hearing on the <b>Draft Regional Analysis of Impediments</b> in front of the Housing Advisory Commission. | Comments and discussion from the commissioners focused on additional enforcement needs for Fair Housing and source of income discrimination, concerns about vacancy rate of new developments in Berkeley, and alignment with development plans and community input within the R/ECAP areas. | All comments were accepted. Additional resources could enhance City-administered programs as noted in the summary of public comments above. It would take additional federal or location funding, however, which are currently not available. | <a href="https://www.cityofberkeley.info/Housing_Advisory_Commission/">https://www.cityofberkeley.info/Housing_Advisory_Commission/</a> |

| Sort Order | Mode of Outreach | Target of Outreach           | Summary of response/attendance                                                                                                                           | Summary of comments received                                | Summary of comments not accepted and reasons                                                                       | URL (If applicable)                                                                                                                     |
|------------|------------------|------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|
| 3          | Public Meeting   | Non-targeted/broad community | No members of the public spoke on the paper of publication. <b>Consolidated Plan</b> at the January 9, 2020 in front of the Housing Advisory Commission. | One question was raised regarding the paper of publication. | Berkeley Voice, the paper of publication for notices is the newspaper of general circulation for the jurisdiction. | <a href="https://www.cityofberkeley.info/Housing_Advisory_Commission/">https://www.cityofberkeley.info/Housing_Advisory_Commission/</a> |

| Sort Order | Mode of Outreach | Target of Outreach           | Summary of response/attendance                                                                                               | Summary of comments received                                                                                                                                                                                                                                                                                                                                                                                                | Summary of comments not accepted and reasons | URL (If applicable)                                                                                                                     |
|------------|------------------|------------------------------|------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|
| 4          | Public Meeting   | Non-targeted/broad community | No members of the public spoke on the Consolidated Plan at the February 6, 2020 in front of the Housing Advisory Commission. | Discussion from the commissioners included possible Council considerations for ordinances that may impact affordable housing units, protections should be put into place, homeless is expensive and other non-HUD funded strategies may have more success locally, current affordable housing fees and requirements do not support the demand for affordable housing, ensure outreach to the South West Berkeley community. | All comments were accepted.                  | <a href="https://www.cityofberkeley.info/Housing_Advisory_Commission/">https://www.cityofberkeley.info/Housing_Advisory_Commission/</a> |

| Sort Order | Mode of Outreach                   | Target of Outreach           | Summary of response/attendance                                                                                     | Summary of comments received                                         | Summary of comments not accepted and reasons | URL (If applicable)                                                                                                                                                               |
|------------|------------------------------------|------------------------------|--------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|----------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 5          | Public Hearing<br><u>(Virtual)</u> | Non-targeted/broad community | No members of the public spoke at the April 28, 2020 virtual public hearing in front of the Berkeley City Council. | No comments on the content were received from the public or Council. | N/A                                          | <a href="https://www.cityofberkeley.info/Clerk/City_Council/City_Council_Agenda_Index.aspx">https://www.cityofberkeley.info/Clerk/City_Council/City_Council_Agenda_Index.aspx</a> |

|   |                             |                              |                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |     |                                                                                                                                                                                   |
|---|-----------------------------|------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 6 | Public Hearing<br>(Virtual) | Non-targeted/broad community | The September 15, 2020 virtual public hearing had over 100 persons in attendance and four members of the public commented in front of Berkeley City Council. | <p>No written comments received.</p> <p>Comments included support for draft allocation of funds especially for 1) vulnerable populations, specifically homeless and seniors, and 2) hotel and other housing acquisition.</p> <p>City Council had a robust discussion on that focused on support for this and other opportunities to create housing for the homeless (individuals and families) and homeless prevention especially in coordination with Alameda County.</p> | N/A | <a href="https://www.cityofberkeley.info/Clerk/City_Council/City_Council_Agenda_Index.aspx">https://www.cityofberkeley.info/Clerk/City_Council/City_Council_Agenda_Index.aspx</a> |
|---|-----------------------------|------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

| Sort Order | Mode of Outreach            | Target of Outreach           | Summary of response/attendance                                                                                                                       | Summary of comments received                                | Summary of comments not accepted and reasons | URL (If applicable)                                                                                                                                                               |
|------------|-----------------------------|------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|----------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 7.         | Public Hearing<br>(Virtual) | Non-targeted/broad community | The February 9, 2021 virtual public hearing had TBD persons in attendance and TBD members of the public commented in front of Berkeley City Council. | TBD written comments received.<br><br>Comments included TBD | TBD                                          | <a href="https://www.cityofberkeley.info/Clerk/City_Council/City_Council_Agenda_Index.aspx">https://www.cityofberkeley.info/Clerk/City_Council/City_Council_Agenda_Index.aspx</a> |

Table 4 – Citizen Participation Outreach



## Needs Assessment

### NA-05 Overview

#### Needs Assessment Overview

The Needs Assessment of the Consolidated Plan, in conjunction with information gathered through consultations and the citizen participation process, provides a clear picture of the jurisdiction's needs related to affordable housing, special needs housing, community development, and homelessness. The Needs Assessment includes the following sections:

- Housing Needs Assessment
- Disproportionately Greater Need
- Public Housing
- Homeless Needs Assessment
- Non-Homeless Special Needs Assessment
- Non-Housing Community Development Needs

The Needs Assessment identifies those needs with the highest priorities which form the basis for the Strategic Plan section and the programs and projects to be administered throughout the Plan period. Most of the data tables in this section are populated with default data from the Comprehensive Housing Affordability Strategy (CHAS) developed by the Census Bureau for HUD based on 2011-2015 American Community Survey (ACS) Census. Other sources are noted throughout the Plan.

The City of Berkeley has and will continue to incur substantial costs and loss of revenue due to COVID-19. Additionally, the federal government recognizes that local governments are in need of economic relief and have, therefore, enacted the CARES Act to support much needed relief efforts. The City of Berkeley has received a CARES Act allocation from HUD in the amounts of ~~\$1,610,805~~ \$2,501,926 in CDBG-CV1&3 and \$6,648,603 in ESG-CV1&2 to help prevent, prepare for, and respond to the impacts of the coronavirus.

## NA-10 Housing Needs Assessment - 24 CFR 91.205 (a,b,c)

### Summary of Housing Needs

As defined by HUD, housing problems include:

- Units lacking a complete kitchen or plumbing facilities;
- Housing cost burden of more than 30 percent of the household income (for renters, housing costs include rent paid by the tenant plus utilities and for owners, housing costs include mortgage payments, taxes, insurance, and utilities);
- Severe housing cost burden of more than 50 percent of gross income; and
- Overcrowding which is defined as more than one person per room, not including bathrooms, porches, foyers, halls, or half-rooms.

The following income categories are used throughout the Plan:

- Extremely low: households with income less than 30 percent of area median income (AMI)
- Very low: households with income between 30 and 50 percent of AMI
- Low: households with income between 51 and 80 percent of AMI
- Moderate: households with income between 81 and 120 percent of AMI
- Above moderate: households with income above 120 percent of AMI

Based on the data presented in tables below from CHAS, there are 117,385 people residing in the City of Berkeley comprising 45,915 households. Of these households, 20,175 households (or 43.9 percent) are considered “low income” per HUD definitions (under 80 percent of Area Median Income). According to the 2013-2017 American Community Survey (ACS) 5-year Estimates, which counts 45,515 households and a population of 120,179, 42.9 percent of occupied housing units are owner-occupied and 57.1 percent are renter-occupied. The CHAS data below shows that approximately 13,984 renter-households and 3,520 owner-households have some type of housing problem. That is equivalent to 38.1 percent of the households in the City of Berkeley. The vast majority of households in Berkeley with a housing problem have a housing affordability problem. According to the ACS, of the occupied units paying rent, 56.1 percent are paying 30 percent or more of their income in gross rent. Overcrowding and substandard units are far less common, according to Census data.

| Demographics  | Base Year: 2009 | Most Recent Year: 2015 | % Change |
|---------------|-----------------|------------------------|----------|
| Population    | 112,580         | 117,385                | 4%       |
| Households    | 40,079          | 45,915                 | 15%      |
| Median Income | \$59,097.00     | \$66,237.00            | 12%      |

**Table 5 - Housing Needs Assessment Demographics**

**Data Source:** 2005-2009 ACS (Base Year), 2011-2015 ACS (Most Recent Year)

**Number of Households Table – HUD Area Median Family Income (HAMFI)**

|                                                             | <b>0-30%<br/>HAMFI</b> | <b>&gt;30-50%<br/>HAMFI</b> | <b>&gt;50-80%<br/>HAMFI</b> | <b>&gt;80-100%<br/>HAMFI</b> | <b>&gt;100%<br/>HAMFI</b> |
|-------------------------------------------------------------|------------------------|-----------------------------|-----------------------------|------------------------------|---------------------------|
| Total Households                                            | 10,865                 | 4,575                       | 4,735                       | 4,015                        | 21,730                    |
| Small Family Households*                                    | 1,490                  | 980                         | 1,165                       | 980                          | 9,500                     |
| Large Family Households**                                   | 95                     | 140                         | 65                          | 145                          | 720                       |
| Household contains at least one person 62-74 years of age   | 1,790                  | 905                         | 785                         | 550                          | 5,605                     |
| Household contains at least one person age 75 or older      | 1,134                  | 565                         | 520                         | 400                          | 2,025                     |
| Households with one or more children 6 years old or younger | 430                    | 205                         | 184                         | 329                          | 2,440                     |

**Table 6 - Total Households Table****Data Source:** 2011-2015 CHAS

\*4 persons or less

\*\*5 persons or more

Source: "Chas Table Summary" Page 2

<https://www.huduser.gov/portal/datasets/cp/CHAS/2007Data/CHAS%20table%20summary.doc>

## Housing Needs Summary Tables

### 1. Housing Problems (Households with one of the listed needs)

|                                                                                       | Renter       |                    |                    |                     |       | Owner        |                    |                    |                     |       |
|---------------------------------------------------------------------------------------|--------------|--------------------|--------------------|---------------------|-------|--------------|--------------------|--------------------|---------------------|-------|
|                                                                                       | 0-30%<br>AMI | >30-<br>50%<br>AMI | >50-<br>80%<br>AMI | >80-<br>100%<br>AMI | Total | 0-30%<br>AMI | >30-<br>50%<br>AMI | >50-<br>80%<br>AMI | >80-<br>100%<br>AMI | Total |
| NUMBER OF HOUSEHOLDS                                                                  |              |                    |                    |                     |       |              |                    |                    |                     |       |
| Substandard Housing - Lacking complete plumbing or kitchen facilities                 | 185          | 75                 | 75                 | 15                  | 350   | 20           | 0                  | 0                  | 0                   | 20    |
| Severely Overcrowded - With >1.51 people per room (and complete kitchen and plumbing) | 245          | 55                 | 45                 | 35                  | 380   | 0            | 0                  | 10                 | 0                   | 10    |
| Overcrowded - With 1.01-1.5 people per room (and none of the above problems)          | 275          | 120                | 55                 | 10                  | 460   | 0            | 10                 | 15                 | 20                  | 45    |
| Housing cost burden greater than 50% of income (and none of the above problems)       | 5,785        | 1,320              | 480                | 60                  | 7,645 | 860          | 615                | 455                | 340                 | 2,270 |

|                                                                                 | Renter    |             |             |              |       | Owner     |             |             |              |       |
|---------------------------------------------------------------------------------|-----------|-------------|-------------|--------------|-------|-----------|-------------|-------------|--------------|-------|
|                                                                                 | 0-30% AMI | >30-50% AMI | >50-80% AMI | >80-100% AMI | Total | 0-30% AMI | >30-50% AMI | >50-80% AMI | >80-100% AMI | Total |
| Housing cost burden greater than 30% of income (and none of the above problems) | 865       | 1,135       | 1,400       | 680          | 4,080 | 175       | 210         | 325         | 350          | 1,060 |
| Zero/negative Income (and none of the above problems)                           | 1,050     | 0           | 0           | 0            | 1,050 | 115       | 0           | 0           | 0            | 115   |

Table 7 – Housing Problems Table

Data Source: 2011-2015 CHAS

2. Housing Problems 2 (Households with one or more Severe Housing Problems: Lacks kitchen or complete plumbing, severe overcrowding, severe cost burden)

|                                                                       | Renter    |             |             |              |       | Owner     |             |             |              |       |
|-----------------------------------------------------------------------|-----------|-------------|-------------|--------------|-------|-----------|-------------|-------------|--------------|-------|
|                                                                       | 0-30% AMI | >30-50% AMI | >50-80% AMI | >80-100% AMI | Total | 0-30% AMI | >30-50% AMI | >50-80% AMI | >80-100% AMI | Total |
| NUMBER OF HOUSEHOLDS                                                  |           |             |             |              |       |           |             |             |              |       |
| Having 1 or more of four housing problems                             | 6,485     | 1,570       | 655         | 120          | 8,830 | 875       | 625         | 475         | 360          | 2,335 |
| Having none of four housing problems                                  | 2,045     | 1,830       | 2,535       | 2,435        | 8,845 | 290       | 545         | 1,070       | 1,100        | 3,005 |
| Household has negative income, but none of the other housing problems | 1,050     | 0           | 0           | 0            | 1,050 | 115       | 0           | 0           | 0            | 115   |

Table 8 – Housing Problems 2

Data Source: 2011-2015 CHAS

## 3. Cost Burden &gt; 30%

|                      | Renter    |             |             |        | Owner     |             |             |       |
|----------------------|-----------|-------------|-------------|--------|-----------|-------------|-------------|-------|
|                      | 0-30% AMI | >30-50% AMI | >50-80% AMI | Total  | 0-30% AMI | >30-50% AMI | >50-80% AMI | Total |
| NUMBER OF HOUSEHOLDS |           |             |             |        |           |             |             |       |
| Small Related        | 1,040     | 630         | 365         | 2,035  | 190       | 195         | 300         | 685   |
| Large Related        | 75        | 105         | 10          | 190    | 0         | 10          | 15          | 25    |
| Elderly              | 1,375     | 269         | 165         | 1,809  | 610       | 485         | 350         | 1,445 |
| Other                | 4,705     | 1,625       | 1,435       | 7,765  | 235       | 130         | 120         | 485   |
| Total need by income | 7,195     | 2,629       | 1,975       | 11,799 | 1,035     | 820         | 785         | 2,640 |

Table 9 – Cost Burden &gt; 30%

Data Source: 2011-2015 CHAS

## 4. Cost Burden &gt; 50%

|                      | Renter    |             |             |       | Owner     |             |             |       |
|----------------------|-----------|-------------|-------------|-------|-----------|-------------|-------------|-------|
|                      | 0-30% AMI | >30-50% AMI | >50-80% AMI | Total | 0-30% AMI | >30-50% AMI | >50-80% AMI | Total |
| NUMBER OF HOUSEHOLDS |           |             |             |       |           |             |             |       |
| Small Related        | 860       | 300         | 60          | 1,220 | 180       | 165         | 190         | 535   |
| Large Related        | 50        | 30          | 10          | 90    | 0         | 10          | 0           | 10    |
| Elderly              | 950       | 95          | 45          | 1,090 | 465       | 320         | 190         | 975   |
| Other                | 4,350     | 950         | 375         | 5,675 | 215       | 120         | 75          | 410   |
| Total need by income | 6,210     | 1,375       | 490         | 8,075 | 860       | 615         | 455         | 1,930 |

Table 10 – Cost Burden &gt; 50%

Data Source: 2011-2015 CHAS

## 5. Crowding (More than one person per room)

|                                       | Renter    |             |             |              |       | Owner     |             |             |              |       |
|---------------------------------------|-----------|-------------|-------------|--------------|-------|-----------|-------------|-------------|--------------|-------|
|                                       | 0-30% AMI | >30-50% AMI | >50-80% AMI | >80-100% AMI | Total | 0-30% AMI | >30-50% AMI | >50-80% AMI | >80-100% AMI | Total |
| NUMBER OF HOUSEHOLDS                  |           |             |             |              |       |           |             |             |              |       |
| Single family households              | 175       | 125         | 60          | 45           | 405   | 0         | 10          | 20          | 20           | 50    |
| Multiple, unrelated family households | 0         | 0           | 0           | 0            | 0     | 0         | 0           | 4           | 0            | 4     |

|                              | Renter    |             |             |              |       | Owner     |             |             |              |       |
|------------------------------|-----------|-------------|-------------|--------------|-------|-----------|-------------|-------------|--------------|-------|
|                              | 0-30% AMI | >30-50% AMI | >50-80% AMI | >80-100% AMI | Total | 0-30% AMI | >30-50% AMI | >50-80% AMI | >80-100% AMI | Total |
| Other, non-family households | 380       | 50          | 50          | 0            | 480   | 0         | 0           | 0           | 0            | 0     |
| Total need by income         | 555       | 175         | 110         | 45           | 885   | 0         | 10          | 24          | 20           | 54    |

Table 11 – Crowding Information – 1/2

Data Source: 2011-2015 CHAS

|                                  | Renter        |               |               |               | Owner         |               |               |               |
|----------------------------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|
|                                  | 0-30% AMI     | >30-50% AMI   | >50-80% AMI   | Total         | 0-30% AMI     | >30-50% AMI   | >50-80% AMI   | Total         |
| Households with Children Present | Not Available | Not Available | Not Available | Not Available | Not Available | Not Available | Not Available | Not Available |

Table 12 – Crowding Information – 2/2

Data Source Comments: No data available.

### Describe the number and type of single person households in need of housing assistance.

The 2013-2017 ACS showed that of 45,515 households, 34.2 percent (or 15,571 households) are single-person households. Among all households over 65 years old, 45.6 percent are living alone. Among all renters, householders living alone make up 41.7 percent, with single householders 65 years and older making up nearly nine percent (8.8%) of renters. Within owner occupied housing units, 24.2 percent are single person households with single householders 65 years and older making up 13.5 percent of owner occupied housing units.

Compared to the average household (in Berkeley it is 2.5 people), a single-person household will likely pay a larger portion of their income on housing. This is not surprising given the high cost of housing in Berkeley and in the Bay Area generally. According to the January 2019 *Homeless Count and Survey* conducted by Applied Survey Research on behalf of the City, as a part of Alameda County's EveryOne Home effort ([http://everyonehome.org/wp-content/uploads/2019/09/2019HIRDReport\\_Berkeley\\_2019-Final.pdf](http://everyonehome.org/wp-content/uploads/2019/09/2019HIRDReport_Berkeley_2019-Final.pdf)), there were 1,057 individuals who were single households and experiencing homelessness out of the total count of 1,108 individuals.

### Estimate the number and type of families in need of housing assistance who are disabled or victims of domestic violence, dating violence, sexual assault and stalking.

The Berkeley Housing Authority (BHA) currently has 1,495 Housing Choice Vouchers with a HAP contract and according to the BHA, 60 percent of the vouchers are utilized by families with disabilities (see NA-35

below). When the waiting list for the Housing Choice Voucher program was opened in 2010, approximately 37,000 people applied. Twenty percent of applicants, or 7,400 people, indicated on their application that they had a disability. The percentage of current voucher holders with disabilities and the number of applicants with disabilities underscore the large demand of affordable housing for families with disabilities. Annually, approximately 2-4 victims of domestic violence, dating violence, sexual assault or stalking victims are assisted by BHA staff, by implementation of the VAWA Plan.

According to the previously referenced Berkeley *Homeless Count and Survey*, a history of domestic violence and partner abuse can be the primary cause of homelessness. Victims of domestic violence have a great risk of becoming homeless and experiencing poverty. According to the Family and Youth Services Bureau (<https://www.acf.hhs.gov/fysb/resource/dv-homelessness-stats-2016>), this is likely tied to a high need for services, including housing and financial support, and the lack of commensurate housing and financial resources available. The lack of affordable housing in the City likely makes it difficult for victims of domestic violence to leave their violent homes, so it is plausible that they are more likely to move to an overcrowded unit or into a homeless shelter than those not experiencing domestic violence. Five percent of the 2019 *Homeless Count and Survey* respondents in Berkeley reported currently experiencing domestic violence or abuse, compared to six percent of respondents in Alameda County. Twenty-five percent of the 2019 *Homeless Count and Survey* respondents in Berkeley reported a history of experiencing physical, emotional or sexual abuse by a relative or by a person with whom they have lived. The City has seen an increase in domestic violence-related calls for assistance to the Berkeley Police Department. From 2009-2016, there was an average of 169 domestic violence-related calls per year while the most recent data (2017-2018) shows an average of 224 domestic violence-related calls per year (State of California Department of Justice, <http://oag.ca.gov/crime/cjsc/stats/domestic-violence>). The recent increase likely means more families will require housing assistance in order to safely relocate.

### **What are the most common housing problems?**

The most common housing problems are cost burdens for both renters and homeowners. According to the data above, a housing cost burden of greater than 50 percent of income affects 5,785 of renter households in the lowest income range (0-30 percent AMI). In total, housing cost burden greater than 50 percent of income affects 10,005 households (8,075 rental and 1,930 homeowner).

### **Are any populations/household types more affected than others by these problems?**

Renters, in most income categories, are more affected by housing cost burdens than homeowners and thus, have the greatest needs. The 2013-2017 ACS data shows that 56.8 percent of renters are paying 30 percent or more of household income on housing compared to 35.1 percent of homeowners. The largest renter group experiencing housing cost burdens are unrelated and non-elderly households while the owner group most burdened by housing costs are elderly households.



**Describe the characteristics and needs of Low-income individuals and families with children (especially extremely low-income) who are currently housed but are at imminent risk of either residing in shelters or becoming unsheltered 91.205(c)/91.305(c)). Also discuss the needs of formerly homeless families and individuals who are receiving rapid re-housing assistance and are nearing the termination of that assistance**

According to the CHAS data, there are 430 households with one or more children 6 years or younger in the extremely low income category, 205 households in the very low income category, and 184 households in the low income category. These numbers represent declines in those populations from the last Consolidated Plan, with 83 fewer in the extremely low income category, 119 fewer in the very low income category, and 196 fewer in the low income category. These households, while in decline, are at higher risks of homelessness, especially the extremely low income group, due to their limited income and the City's high housing cost burden. Low income families with children need affordable homes that are large enough to accommodate them. The City funds a variety of social services for low income families, such as health care, child care, and programs serving children and youth. In addition, in 2014, the City adopted its own Minimum Wage Ordinance. Starting in July of 2019 the Berkeley minimum wage was raised to \$15.59 and will continue to increase annually with the Consumer Price Index (CPI) for the San Francisco-Oakland-San Jose metropolitan statistical area. Raising the minimum wage helps low income individuals and families. The National Low Income Housing Coalition publishes an annual report, called *Out of Reach* (<https://reports.nlihc.org/oor/zip?code=94704&=Go>), to show how much a household must earn to afford a decent rental home at HUD-estimated Fair Market Rent (FMR) while spending no more than 30 percent of their income on housing costs. Unfortunately, according to the 2019 *Out of Reach* report and available data, a person would need to make over \$30.00 per hour even to be able to afford a one bedroom unit anywhere in Berkeley.

The City of Berkeley targets City homeless financial resources to households who will be most successful with the intervention offered, whether it be one-time flex funds or longer term rapid rehousing. The City provides rapid rehousing financial assistance to households that are literally homeless who can sustain their rent overtime, and who are expected to "graduate" from the rental assistance within the 24 month period ESG requirement.

Between PY14 – PY18 (July 1, 2015 through June 30, 2019), the City of Berkeley's Priority Home Partnership (PHP) Rapid Re-Housing Program served 106 people in 80 households. Fifteen percent of the rapid re-housing households were families with varying forms of employment or other incomes. Fifty-five percent of the people housed through PHP were chronically homeless individuals or families who eventually received a permanent supportive housing or Section 8 voucher to remain housed. Twenty-six percent of the people maintained their housing by assuming the full rent. The remaining households left the program to temporary destinations.

To help alleviate the lack of permanent housing subsidy, Berkeley has experimented with prioritizing rapid rehousing for its highest-needs individuals as determined through the City's Coordinated Entry System. However, the City has found that rapid rehousing can be used as a bridge to permanent housing

subsidies, but, used alone, cannot prevent some of the highest needs people from returning to homelessness. Overreliance on rapid rehousing with high needs individuals in a tight housing market is a strategy that is tenuous in the long-run.

**If a jurisdiction provides estimates of the at-risk population(s), it should also include a description of the operational definition of the at-risk group and the methodology used to generate the estimates:**

N/A

**Specify particular housing characteristics that have been linked with instability and an increased risk of homelessness**

In the City of Berkeley, the high cost burden is a housing characteristic strongly linked with instability and an increased risk of homelessness. According to the 2019 *Out of Reach* report, the hourly wage needed to afford a two-bedroom at FMR (\$2,790) in downtown Berkeley is \$53.65. According to the report, the same downtown zip code (94704) also has a poverty rate of 51.4 percent with a median household income of \$26,758 and an unemployment rate of just over nine percent (9.1%). The urbanized downtown area of Berkeley sits in stark contrast with the more suburban neighboring zip code (94705), which has an unemployment rate of just over five percent (5.3%), a 10.1 percent poverty rate, an \$116,250 median household income and where the hourly wage needed to afford a two-bedroom at FMR (\$2,370) is \$45.58. Proximity to social services and regional job centers via public transit makes Berkeley's urban downtown appealing, but its higher housing prices make it difficult for low income, transit dependent residents (without cars) to retain housing.

While the lower income households within the downtown core of Berkeley is of particular note, the numbers also reflect the impact of the University of California at Berkeley's (UC Berkeley) student population many of whom have little or no income. Students compete with nonstudent residents for housing, creating elevated pricing conditions for existing low income households, especially in those geographic areas surrounding the UC Berkeley campus.

## Discussion

Housing affordability persists as a critical housing issue in Berkeley as well as the whole San Francisco Bay Area. Low-income renters and homeless persons are exceptionally impacted by limited affordable housing in Berkeley. The City continues to fund a variety of programs to support homeless persons and low income renters and homeowners with federal and local funds. The housing shortage and rapid rent increases in Berkeley are exacerbated by the growing student population associated with the University of California's Berkeley campus. As reported by the news publication, [Berkeleyside](https://www.berkeleyside.com/2019/06/17/city-sues-uc-berkeley-for-not-studying-impacts-of-34-student-enrollment-increase) on June 17, 2019 (<https://www.berkeleyside.com/2019/06/17/city-sues-uc-berkeley-for-not-studying-impacts-of-34-student-enrollment-increase>), the City filed a lawsuit against UC Berkeley on June 14, 2019, contending that the university did not analyze the impacts of a more than 30 percent enrollment increase on City

services. The City contends that UC Berkeley should complete an environmental review of their projected student increase (from 33,450 to 44,735 students by 2022-2023). At the time of this document's drafting, supplemental funds had not been allocated to directly address the impact on the city of the estimated 11,000 student increase. Low income students experiencing homelessness remain a concern.

DRAFT

## NA-15 Disproportionately Greater Need: Housing Problems – 91.205 (b)(2)

Assess the need of any racial or ethnic group that has disproportionately greater need in comparison to the needs of that category of need as a whole.

### Introduction

A disproportionately greater need exists when the members of racial or ethnic group at a given income level experience housing problems at a greater rate (10 percentage points or more) than the income level of the jurisdiction as a whole. The four housing problems are: 1) the lack of complete kitchen facilities, 2) the lack of complete plumbing facilities, 3) more than one person per room, and 4) a cost burden greater than 30 percent.

### 0%-30% of Area Median Income

| Housing Problems*              | Has one or more of four housing problems | Has none of the four housing problems | Household has no/negative income, but none of the other housing problems |
|--------------------------------|------------------------------------------|---------------------------------------|--------------------------------------------------------------------------|
| Jurisdiction as a whole        | 8,400                                    | 1,295                                 | 1,165                                                                    |
| White                          | 3,945                                    | 600                                   | 345                                                                      |
| Black / African American       | 1,325                                    | 370                                   | 85                                                                       |
| Asian                          | 1,855                                    | 245                                   | 574                                                                      |
| American Indian, Alaska Native | 95                                       | 0                                     | 0                                                                        |
| Pacific Islander               | 55                                       | 0                                     | 0                                                                        |
| Hispanic                       | 750                                      | 40                                    | 100                                                                      |

**Table 13 - Disproportionally Greater Need 0 - 30% AMI**

Data Source:

2011-2015 CHAS

\*The four housing problems are:

1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than one person per room, 4. Cost burden greater than 30 percent

**30%-50% of Area Median Income**

| <b>Housing Problems*</b>       | <b>Has one or more of four housing problems</b> | <b>Has none of the four housing problems</b> | <b>Household has no/negative income, but none of the other housing problems</b> |
|--------------------------------|-------------------------------------------------|----------------------------------------------|---------------------------------------------------------------------------------|
| Jurisdiction as a whole        | 3,540                                           | 1,035                                        | 0                                                                               |
| White                          | 2,015                                           | 525                                          | 0                                                                               |
| Black / African American       | 390                                             | 235                                          | 0                                                                               |
| Asian                          | 585                                             | 170                                          | 0                                                                               |
| American Indian, Alaska Native | 15                                              | 0                                            | 0                                                                               |
| Pacific Islander               | 0                                               | 0                                            | 0                                                                               |
| Hispanic                       | 430                                             | 64                                           | 0                                                                               |

**Table 14 - Disproportionally Greater Need 30 - 50% AMI****Data Source:** 2011-2015 CHAS

\*The four housing problems are:

1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than one person per room, 4. Cost burden greater than 30 percent

**50%-80% of Area Median Income**

| <b>Housing Problems*</b>       | <b>Has one or more of four housing problems</b> | <b>Has none of the four housing problems</b> | <b>Household has no/negative income, but none of the other housing problems</b> |
|--------------------------------|-------------------------------------------------|----------------------------------------------|---------------------------------------------------------------------------------|
| Jurisdiction as a whole        | 2,855                                           | 1,880                                        | 0                                                                               |
| White                          | 1,695                                           | 1,140                                        | 0                                                                               |
| Black / African American       | 275                                             | 175                                          | 0                                                                               |
| Asian                          | 425                                             | 245                                          | 0                                                                               |
| American Indian, Alaska Native | 20                                              | 4                                            | 0                                                                               |
| Pacific Islander               | 40                                              | 10                                           | 0                                                                               |
| Hispanic                       | 260                                             | 195                                          | 0                                                                               |

**Table 15 - Disproportionally Greater Need 50 - 80% AMI****Data Source:** 2011-2015 CHAS

\*The four housing problems are:

1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than one person per room, 4. Cost burden greater than 30 percent

**80%-100% of Area Median Income**

| <b>Housing Problems*</b>       | <b>Has one or more of four housing problems</b> | <b>Has none of the four housing problems</b> | <b>Household has no/negative income, but none of the other housing problems</b> |
|--------------------------------|-------------------------------------------------|----------------------------------------------|---------------------------------------------------------------------------------|
| Jurisdiction as a whole        | 1,510                                           | 2,505                                        | 0                                                                               |
| White                          | 890                                             | 1,310                                        | 0                                                                               |
| Black / African American       | 100                                             | 305                                          | 0                                                                               |
| Asian                          | 300                                             | 490                                          | 0                                                                               |
| American Indian, Alaska Native | 4                                               | 0                                            | 0                                                                               |
| Pacific Islander               | 0                                               | 0                                            | 0                                                                               |
| Hispanic                       | 180                                             | 250                                          | 0                                                                               |

**Table 16 - Disproportionally Greater Need 80 - 100% AMI****Data Source:**

2011-2015 CHAS

\*The four housing problems are:

1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than one person per room, 4. Cost burden greater than 30 percent

**Discussion**

Generally speaking, those in lower income categories in Berkeley have higher rates of housing problems. For example, 77.3 percent of people in the 0-30 percent of Area Median Income have one of the four housing problems, as do to 77.3 percent of the 30-50 percent of Area Median Income category, while 60.2 percent of the 50-80 percent of Area Median Income category, and 37.6 percent of the 80-100 percent of Area Median Income category have one of the four housing problems (in the 0-30 percent, there are an additional 1,165 households which have no or negative income as their sole housing problem). As income drops, chances of having housing problems increase.

The following groups have disproportionately greater needs (10 percent higher than the percentage experiencing one of four housing problems of the jurisdiction's income level as a whole), as demonstrated by the modified tables below (originally tables 13-16, now labeled as "Edited" and located in this discussion section) that include expanded data to reflect the percent experiencing one of four housing problems:

- American Indians/Alaska Natives in the 0-30 percent of Area Median Income category are at 100 percent of 95 households experiencing one or more of four housing problems. In the 30-50 percent of Area Median Income category, 100 percent of the 15 households have one or more of four housing problems. In the 50-80 percent of Area Median Income category, 83.3 percent of the 24 households have one or more of four housing problems. In the 80-100 percent of Area Median Income category, 100 percent of the 4 households have one or more of four housing problems.

- Pacific Islanders in the 0-30 percent of Area Median Income category, have 100 percent of 55 households with one or more of four housing problems. In the 50-80 percent of Area Median Income category, 80 percent of the 50 households have one or more of four housing problems.
- Hispanics in the 30-50 percent of Area Median Income category experience one or more of four housing problems, at 87 percent.

According to the 2020 Alameda County *Regional Analysis of Impediments to Fair Housing Choice* (<https://www.cityofberkeley.info/ContentDisplay.aspx?id=36278>), across the county, minority households, especially black and Hispanic households, have the highest rate of disproportionate housing needs.

**0%-30% of Area Median Income (Edited - including percent with one or more of four housing problems)**

| Housing Problems*              | Has one or more of four housing problems | Has none of the four housing problems | Household has no/negative income, but none of the other housing problems | TOTAL  | Percent with one or more of four housing problems |
|--------------------------------|------------------------------------------|---------------------------------------|--------------------------------------------------------------------------|--------|---------------------------------------------------|
| Jurisdiction as a whole        | 8,400                                    | 1,295                                 | 1,165                                                                    | 10,860 | 77.3                                              |
| White                          | 3,945                                    | 600                                   | 345                                                                      | 4,890  | 80.6                                              |
| Black / African American       | 1,325                                    | 370                                   | 85                                                                       | 1,780  | 74.4                                              |
| Asian                          | 1,855                                    | 245                                   | 574                                                                      | 2,674  | 69.3                                              |
| American Indian, Alaska Native | 95                                       | 0                                     | 0                                                                        | 95     | 100                                               |
| Pacific Islander               | 55                                       | 0                                     | 0                                                                        | 55     | 100                                               |
| Hispanic                       | 750                                      | 40                                    | 100                                                                      | 890    | 84.2                                              |

**Edited Table 17 - Disproportionally Greater Need 0 - 30% AMI**

Data Source: 2011-2015 CHAS

\*The four housing problems are:

1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than one person per room, 4. Cost burden greater than 30 percent

**30%-50% of Area Median Income (Edited - including percent with one or more of four housing problems)**

| Housing Problems*              | Has one or more of four housing problems | Has none of the four housing problems | Household has no/negative income, but none of the other housing problems | TOTAL | Percent with one or more of four housing problems |
|--------------------------------|------------------------------------------|---------------------------------------|--------------------------------------------------------------------------|-------|---------------------------------------------------|
| Jurisdiction as a whole        | 3,540                                    | 1,035                                 | 0                                                                        | 4,575 | 77.3                                              |
| White                          | 2,015                                    | 525                                   | 0                                                                        | 2,540 | 79.3                                              |
| Black / African American       | 390                                      | 235                                   | 0                                                                        | 625   | 62.4                                              |
| Asian                          | 585                                      | 170                                   | 0                                                                        | 755   | 77.4                                              |
| American Indian, Alaska Native | 15                                       | 0                                     | 0                                                                        | 15    | 100                                               |
| Pacific Islander               | 0                                        | 0                                     | 0                                                                        | 0     | 0                                                 |
| Hispanic                       | 430                                      | 64                                    | 0                                                                        | 494   | 87                                                |

**Edited Table 18 - Disproportionally Greater Need 30 - 50% AMI**

Data Source: 2011-2015 CHAS

\*The four housing problems are:

1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than one person per room, 4. Cost burden greater than 30 percent

**50%-80% of Area Median Income (Edited - including percent with one or more of four housing problems)**

| Housing Problems*              | Has one or more of four housing problems | Has none of the four housing problems | Household has no/negative income, but none of the other housing problems | TOTAL | Percent with one or more of four housing problems |
|--------------------------------|------------------------------------------|---------------------------------------|--------------------------------------------------------------------------|-------|---------------------------------------------------|
| Jurisdiction as a whole        | 2,855                                    | 1,880                                 | 0                                                                        | 4,735 | 60.2                                              |
| White                          | 1,695                                    | 1,140                                 | 0                                                                        | 2,835 | 59.7                                              |
| Black / African American       | 275                                      | 175                                   | 0                                                                        | 450   | 61.1                                              |
| Asian                          | 425                                      | 245                                   | 0                                                                        | 670   | 63.4                                              |
| American Indian, Alaska Native | 20                                       | 4                                     | 0                                                                        | 24    | 83.3                                              |
| Pacific Islander               | 40                                       | 10                                    | 0                                                                        | 50    | 80                                                |
| Hispanic                       | 260                                      | 195                                   | 0                                                                        | 455   | 57.1                                              |

**Edited Table 19 - Disproportionally Greater Need 50 - 80% AMI**

Data Source: 2011-2015 CHAS

\*The four housing problems are:

1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than one person per room, 4. Cost burden greater than 30 percent



**80%-100% of Area Median Income (Edited - including percent with one or more of four housing problems)**

| Housing Problems*              | Has one or more of four housing problems | Has none of the four housing problems | Household has no/negative income, but none of the other housing problems | TOTAL | Percent with one or more of four housing problems |
|--------------------------------|------------------------------------------|---------------------------------------|--------------------------------------------------------------------------|-------|---------------------------------------------------|
| Jurisdiction as a whole        | 1,510                                    | 2,505                                 | 0                                                                        | 4,015 | 37.6                                              |
| White                          | 890                                      | 1,310                                 | 0                                                                        | 2,200 | 40.4                                              |
| Black / African American       | 100                                      | 305                                   | 0                                                                        | 405   | 24.6                                              |
| Asian                          | 300                                      | 490                                   | 0                                                                        | 790   | 37.9                                              |
| American Indian, Alaska Native | 4                                        | 0                                     | 0                                                                        | 4     | 100                                               |
| Pacific Islander               | 0                                        | 0                                     | 0                                                                        | 0     | 0                                                 |
| Hispanic                       | 180                                      | 250                                   | 0                                                                        | 430   | 41.8                                              |

**(Edited) Table 20 - Disproportionally Greater Need 80 - 100% AMI**

**Data Source:**

2011-2015 CHAS

\*The four housing problems are:

1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than one person per room, 4. Cost burden greater than 30 percent

## NA-20 Disproportionately Greater Need: Severe Housing Problems – 91.205 (b)(2)

Assess the need of any racial or ethnic group that has disproportionately greater need in comparison to the needs of that category of need as a whole.

### Introduction

The four severe housing problems are: 1) the lack of complete kitchen facilities, 2) the lack of complete plumbing facilities, 3) more than 1.5 persons per room, and 4) a cost burden greater than 50 percent.

### 0%-30% of Area Median Income

| Severe Housing Problems*       | Has one or more of four housing problems | Has none of the four housing problems | Household has no/negative income, but none of the other housing problems |
|--------------------------------|------------------------------------------|---------------------------------------|--------------------------------------------------------------------------|
| Jurisdiction as a whole        | 7,360                                    | 2,335                                 | 1,165                                                                    |
| White                          | 3,585                                    | 960                                   | 345                                                                      |
| Black / African American       | 1,025                                    | 670                                   | 85                                                                       |
| Asian                          | 1,740                                    | 355                                   | 574                                                                      |
| American Indian, Alaska Native | 60                                       | 35                                    | 0                                                                        |
| Pacific Islander               | 55                                       | 0                                     | 0                                                                        |
| Hispanic                       | 575                                      | 215                                   | 100                                                                      |

**Table 21 – Severe Housing Problems 0 - 30% AMI**

Data Source: 2011-2015 CHAS

\*The four severe housing problems are:

1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than 1.5 persons per room, 4. Cost burden over 50 percent

### 30%-50% of Area Median Income

| Severe Housing Problems*       | Has one or more of four housing problems | Has none of the four housing problems | Household has no/negative income, but none of the other housing problems |
|--------------------------------|------------------------------------------|---------------------------------------|--------------------------------------------------------------------------|
| Jurisdiction as a whole        | 2,195                                    | 2,375                                 | 0                                                                        |
| White                          | 1,225                                    | 1,315                                 | 0                                                                        |
| Black / African American       | 225                                      | 410                                   | 0                                                                        |
| Asian                          | 340                                      | 415                                   | 0                                                                        |
| American Indian, Alaska Native | 15                                       | 0                                     | 0                                                                        |
| Pacific Islander               | 0                                        | 0                                     | 0                                                                        |
| Hispanic                       | 310                                      | 190                                   | 0                                                                        |

**Table 22 – Severe Housing Problems 30 - 50% AMI**

**Data Source:** 2011-2015 CHAS

\*The four severe housing problems are:

1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than 1.5 persons per room, 4. Cost burden over 50 percent

### 50%-80% of Area Median Income

| Severe Housing Problems*       | Has one or more of four housing problems | Has none of the four housing problems | Household has no/negative income, but none of the other housing problems |
|--------------------------------|------------------------------------------|---------------------------------------|--------------------------------------------------------------------------|
| Jurisdiction as a whole        | 1,130                                    | 3,605                                 | 0                                                                        |
| White                          | 775                                      | 2,060                                 | 0                                                                        |
| Black / African American       | 120                                      | 330                                   | 0                                                                        |
| Asian                          | 190                                      | 475                                   | 0                                                                        |
| American Indian, Alaska Native | 4                                        | 15                                    | 0                                                                        |
| Pacific Islander               | 0                                        | 50                                    | 0                                                                        |
| Hispanic                       | 24                                       | 425                                   | 0                                                                        |

**Table 23 – Severe Housing Problems 50 - 80% AMI**

**Data Source:** 2011-2015 CHAS

\*The four severe housing problems are:

1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than 1.5 persons per room, 4. Cost burden over 50 percent

### 80%-100% of Area Median Income

| Severe Housing Problems*       | Has one or more of four housing problems | Has none of the four housing problems | Household has no/negative income, but none of the other housing problems |
|--------------------------------|------------------------------------------|---------------------------------------|--------------------------------------------------------------------------|
| Jurisdiction as a whole        | 480                                      | 3,535                                 | 0                                                                        |
| White                          | 295                                      | 1,905                                 | 0                                                                        |
| Black / African American       | 60                                       | 350                                   | 0                                                                        |
| Asian                          | 40                                       | 750                                   | 0                                                                        |
| American Indian, Alaska Native | 0                                        | 4                                     | 0                                                                        |
| Pacific Islander               | 0                                        | 0                                     | 0                                                                        |
| Hispanic                       | 85                                       | 340                                   | 0                                                                        |

**Table 24 – Severe Housing Problems 80 - 100% AMI**

**Data Source:** 2011-2015 CHAS

\*The four severe housing problems are:

1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than 1.5 persons per room, 4. Cost burden over 50 percent

## Discussion

There are two problems that distinguish “severe housing problems” from “housing problems”:

- Overcrowded households with more than 1.5 persons per room instead of 1 person per room, not including bathrooms, porches foyers, halls, or half-rooms.
- Households with cost burdens of more than 50 percent of income instead of 30 percent.

The following groups have disproportionately greater needs (10 percent higher than the percentage experiencing one of four severe housing problems of the jurisdiction’s income level as a whole), as demonstrated by the modified tables below (originally tables 17-20, marked “Edited”), which include the percent experiencing one of four severe housing problems:

- In the 0-30 percent of Area Median Income category 67.7 percent overall have one or more severe housing problem. Pacific Islanders had disproportionately greater need in comparison to the needs of that category of need as a whole, with 100 percent of 55 households experiencing have one or more of four severe housing problems.
- In the 30-50 percent of Area Median Income category 48 percent overall have one or more of four severe housing problems. American Indian, Alaska Natives had disproportionately greater need in comparison to the needs of that category of need as a whole, with 100 percent of 15 households experiencing one or more of four severe housing problems.

When applicable to fair housing law, Berkeley is working to address disproportionately severe housing problems when they can be addressed by landlords through continuing to fund fair housing outreach, education, investigation, and enforcement. Alameda County’s Draft 2020 *Regional Analysis of Impediments* catalogues Berkeley’s efforts with limited resources. In FY17, a city funded community agency provided fair housing services and a majority of tenants served had housing-related issues related to their disabled status; however, gender, family status, national origin, race, and age discrimination were also reported.

**0%-30% of Area Median Income (Edited - including percent with one or more of four housing problems)**

| Severe Housing Problems*       | Has one or more of four housing problems | Has none of the four housing problems | Household has no/negative income, but none of the other housing problems | TOTAL  | Percent with one or more of four housing problems |
|--------------------------------|------------------------------------------|---------------------------------------|--------------------------------------------------------------------------|--------|---------------------------------------------------|
| Jurisdiction as a whole        | 7,360                                    | 2,335                                 | 1,165                                                                    | 10,860 | 67.7                                              |
| White                          | 3,585                                    | 960                                   | 345                                                                      | 4,890  | 73.3                                              |
| Black / African American       | 1,025                                    | 670                                   | 85                                                                       | 1,780  | 57.5                                              |
| Asian                          | 1,740                                    | 355                                   | 574                                                                      | 2,669  | 65.1                                              |
| American Indian, Alaska Native | 60                                       | 35                                    | 0                                                                        | 95     | 63.1                                              |
| Pacific Islander               | 55                                       | 0                                     | 0                                                                        | 55     | 100                                               |
| Hispanic                       | 575                                      | 215                                   | 100                                                                      | 890    | 64.6                                              |

**Edited Table 25 – Severe Housing Problems 0 - 30% AMI**

Data Source: 2011-2015 CHAS

\*The four severe housing problems are:

1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than 1.5 persons per room, 4. Cost burden over 50 percent

**30%-50% of Area Median Income (Edited - including percent with one or more of four housing problems)**

| Severe Housing Problems*       | Has one or more of four housing problems | Has none of the four housing problems | Household has no/negative income, but none of the other housing problems | TOTAL | Percent with one or more of four housing problems |
|--------------------------------|------------------------------------------|---------------------------------------|--------------------------------------------------------------------------|-------|---------------------------------------------------|
| Jurisdiction as a whole        | 2,195                                    | 2,375                                 | 0                                                                        | 4,570 | 48                                                |
| White                          | 1,225                                    | 1,315                                 | 0                                                                        | 2,540 | 48.2                                              |
| Black / African American       | 225                                      | 410                                   | 0                                                                        | 635   | 35.4                                              |
| Asian                          | 340                                      | 415                                   | 0                                                                        | 755   | 45                                                |
| American Indian, Alaska Native | 15                                       | 0                                     | 0                                                                        | 15    | 100                                               |
| Pacific Islander               | 0                                        | 0                                     | 0                                                                        | 0     | 0                                                 |
| Hispanic                       | 310                                      | 190                                   | 0                                                                        | 500   | 62                                                |

**Edited Table 26 – Severe Housing Problems 30 - 50% AMI**

**Data Source:** 2011-2015 CHAS

\*The four severe housing problems are:

1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than 1.5 persons per room, 4. Cost burden over 50 percent

**50%-80% of Area Median Income (Edited - including percent with one or more of four housing problems)**

| Severe Housing Problems*       | Has one or more of four housing problems | Has none of the four housing problems | Household has no/negative income, but none of the other housing problems | TOTAL | Percent with one or more of four housing problems |
|--------------------------------|------------------------------------------|---------------------------------------|--------------------------------------------------------------------------|-------|---------------------------------------------------|
| Jurisdiction as a whole        | 1,130                                    | 3,605                                 | 0                                                                        | 4,735 | 23.8                                              |
| White                          | 775                                      | 2,060                                 | 0                                                                        | 2,835 | 2                                                 |
| Black / African American       | 120                                      | 330                                   | 0                                                                        | 450   | 26.6                                              |
| Asian                          | 190                                      | 475                                   | 0                                                                        | 665   | 28.5                                              |
| American Indian, Alaska Native | 4                                        | 15                                    | 0                                                                        | 19    | 21                                                |
| Pacific Islander               | 0                                        | 50                                    | 0                                                                        | 50    | 0                                                 |
| Hispanic                       | 24                                       | 425                                   | 0                                                                        | 449   | 5                                                 |

**Edited Table 27 – Severe Housing Problems 50 - 80% AMI**

**Data Source:** 2011-2015 CHAS

\*The four severe housing problems are:

1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than 1.5 persons per room, 4. Cost burden over 50 percent

**80%-100% of Area Median Income (Edited - including percent with one or more of four housing problems)**

| Severe Housing Problems*       | Has one or more of four housing problems | Has none of the four housing problems | Household has no/negative income, but none of the other housing problems | TOTAL | Percent with one or more of four housing problems |
|--------------------------------|------------------------------------------|---------------------------------------|--------------------------------------------------------------------------|-------|---------------------------------------------------|
| Jurisdiction as a whole        | 480                                      | 3,535                                 | 0                                                                        | 4,015 | 11.9                                              |
| White                          | 295                                      | 1,905                                 | 0                                                                        | 2,200 | 13.4                                              |
| Black / African American       | 60                                       | 350                                   | 0                                                                        | 410   | 14.6                                              |
| Asian                          | 40                                       | 750                                   | 0                                                                        | 790   | 5                                                 |
| American Indian, Alaska Native | 0                                        | 4                                     | 0                                                                        | 4     | 0                                                 |
| Pacific Islander               | 0                                        | 0                                     | 0                                                                        | 0     | 0                                                 |
| Hispanic                       | 85                                       | 340                                   | 0                                                                        | 425   | 20                                                |

**Edited Table 28 – Severe Housing Problems 80 - 100% AMI**

**Data Source:** 2011-2015 CHAS

\*The four severe housing problems are:

1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than 1.5 persons per room, 4. Cost burden over 50 percent

## NA-25 Disproportionately Greater Need: Housing Cost Burdens – 91.205 (b)(2)

Assess the need of any racial or ethnic group that has disproportionately greater need in comparison to the needs of that category of need as a whole.

### Introduction:

The following table displays cost burden information for the jurisdiction and each racial and ethnic group, including no cost burden (less than or equal to 30 percent), cost burden (greater than 30 to 50 percent), severe cost burden (more than 50 percent), and no/negative income.

### Housing Cost Burden

| Housing Cost Burden            | <=30%  | >30-50% | >50%   | No / negative income (not computed) |
|--------------------------------|--------|---------|--------|-------------------------------------|
| Jurisdiction as a whole        | 25,875 | 8,065   | 10,705 | 1,265                               |
| White                          | 18,100 | 4,750   | 5,890  | 360                                 |
| Black / African American       | 1,825  | 775     | 1,340  | 85                                  |
| Asian                          | 3,415  | 1,180   | 2,140  | 644                                 |
| American Indian, Alaska Native | 35     | 55      | 70     | 4                                   |
| Pacific Islander               | 10     | 40      | 55     | 0                                   |
| Hispanic                       | 1,650  | 935     | 840    | 105                                 |

**Table 29 – Greater Need: Housing Cost Burdens AMI**

Data Source: 2011-2015 CHAS

### Discussion:

When individuals of all incomes are combined by race or ethnicity, based on a housing cost burden of 30-50 percent or >50 percent of Area Median Income, the disproportionately greater needs compared to the needs of the jurisdiction as a whole are evident and described below (as demonstrated in the table below based on Table 21):

- For Black/African Americans: A cost burden of 50 percent or more of their income impacts 33.5 percent of Black / African Americans, compared to 23.3 percent of the City as a whole.
- For American Indian, Alaska Native: A cost burden of 30 percent up to 50 percent impacts 33.5 percent of American Indian, Alaska Native, compared to 17.5 percent of the City as a whole. A cost burden of 50 percent or more of their income impacts 42.6 percent of American Indian, Alaska Native, compared to 23.3 percent of the City as a whole.
- For Pacific Islanders: A cost burden of 30-50 percent impacts 38 percent Pacific Islanders, compared to 17.5 percent of the City as a whole. A cost burden of 50 percent or more of their



income impacts 52.3 percent of Pacific Islanders, compared to 23.3 percent of the City as a whole.

### Housing Cost Burden (Edited- including percent of total group within each burden category)

| Housing Cost Burden            | <=30%  | Percent of total with <=30% | 30-50% | Percent of total with 30-50% | >50%   | Percent of total with >50% | No / negative income (not computed) | TOTAL  |
|--------------------------------|--------|-----------------------------|--------|------------------------------|--------|----------------------------|-------------------------------------|--------|
| Jurisdiction as a whole        | 25,875 | 56.3                        | 8,065  | 17.5                         | 10,705 | 23.3                       | 1,265                               | 45,910 |
| White                          | 18,100 | 62.1                        | 4,750  | 16.3                         | 5,890  | 20.2                       | 360                                 | 29,100 |
| Black / African American       | 1,825  | 45.3                        | 775    | 19.2                         | 1,340  | 33.2                       | 85                                  | 4,025  |
| Asian                          | 3,415  | 46.2                        | 1,180  | 15.9                         | 2,140  | 29                         | 644                                 | 7,379  |
| American Indian, Alaska Native | 35     | 21.3                        | 55     | 33.5                         | 70     | 42.6                       | 4                                   | 164    |
| Pacific Islander               | 10     | 9                           | 40     | 38                           | 55     | 52.3                       | 0                                   | 105    |
| Hispanic                       | 1,650  | 46.7                        | 935    | 26.4                         | 840    | 23.7                       | 105                                 | 3,530  |

**Edited Table 30 – Greater Need: Housing Cost Burdens AMI**

Data Source: 2011-2015 CHAS

As previously mentioned in NA-20, Berkeley, in partnership with a community based agency, works to address fair housing with a partner community based agency. Efforts include housing and income discrimination through housing outreach, education, investigation, and enforcement. Alameda County's 2020 *Regional Analysis of Impediments* catalogues Berkeley's efforts with limited resources.

## **NA-30 Disproportionately Greater Need: Discussion – 91.205(b)(2)**

### **Are there any income categories in which a racial or ethnic group has disproportionately greater need than the needs of that income category as a whole?**

At the 0-30 percent of Area Median Income category, among those with one or more of four severe housing problems, Pacific Islanders have a disproportionately greater need than the needs of the income category as a whole. At the 0-30 percent of Area Median Income category, among those with one or more of four housing problems, American Indian, Alaska Natives and Pacific Islanders have disproportionately greater needs than the needs of the income category as a whole.

In the 30-50 percent of Area Median Income range, among those with one or more of four severe housing problems, American Indian, Alaska Natives and Hispanics are experiencing a disproportionate need. At the 30-50 percent of Area Median Income category, among those with one or more of four housing problems, American Indian, Alaska Natives and Hispanics also face a disproportionate need.

At the 50-80 percent of Area Median Income category, among those with one or more of four severe housing problems, no one group has a significant need above the percent impacted within the jurisdiction as a whole. At the 50-80 percent of Area Median Income category, among those with one or more of four housing problems, American Indian, Alaska Natives and Pacific Islanders have disproportionately greater needs than the needs of the income category as a whole.

At the 80-100 percent of Area Median Income category, among those with one or more of four severe housing problems, no one group has a significant need above the percent impacted within the jurisdiction as a whole. At the 80-100 percent of Area Median Income category, among those with one or more of four housing problems, only American Indian, Alaska Natives had a significant need at 100 percent, however that was with only four households as a total in that category.

Across all income categories, among those with one or more of four housing problems, American Indian, Alaska Natives consistently have disproportionately greater needs than their income categories as a whole.

### **If they have needs not identified above, what are those needs?**

No additional needs have been identified.

### **Are any of those racial or ethnic groups located in specific areas or neighborhoods in your community?**

The 2010 Census data shows that most of the Hispanic populations are located in the census tracts in the central, southern and western parts of the City along with the area around the University. The strongest concentration occurred in the western quadrant of the City. The American Indian and Alaskan

Native populations are scattered throughout the City, but the number of American Indian and Alaskan Native households are too small to determine whether they're concentrated in a specific area.

According to Alameda County's 2020 *Regional Analysis of Impediments*, segregation between white and non-white residents has increased for every jurisdiction since 1990 except for Oakland, Berkeley, and Union City. Segregation between black and white residents has increased for every jurisdiction except for Alameda and Oakland. Segregation between white and Hispanic residents has increased for every jurisdiction. Segregation for white and Asian or Pacific Islander residents has increased for every jurisdiction except Fremont and Union City. In general, participating jurisdictions, except for the County, Berkeley, and Oakland, have low levels of segregation.

A Racially or Ethnically Concentrated Area of Poverty (R/ECAP) is a neighborhood (census tract) with a poverty rate of 40 percent or more and a racial or ethnic concentration (50 percent or more of the tract is minority). The *Regional Analysis of Impediments* identifies the Berkeley's R/ECAPs. In Berkeley, 40 percent of R/ECAP residents are white, 39 percent are Asian, and 11 percent are Hispanic. By comparison, in Oakland, 37 percent of R/ECAP residents are Hispanic, 37 percent are black, and 15 percent are Asian or Pacific Islander.

## NA-35 Public Housing – 91.205(b)

### Introduction

The Berkeley Housing Authority (BHA) no longer owns public housing units, as they were transitioned to Project-based Section 8 via a disposition process in 2014. The BHA Board is appointed by the Mayor of the City of Berkeley and confirmed by the City Council. BHA updated the following data for inclusion in this Plan from PIC (PIH Information Center) since the populated data from HUD was outdated.

### Totals in Use

|                            | Program Type |           |                |          |                 |                |                                     |                            |            |
|----------------------------|--------------|-----------|----------------|----------|-----------------|----------------|-------------------------------------|----------------------------|------------|
|                            | Certificate  | Mod-Rehab | Public Housing | Vouchers |                 |                | Special Purpose Voucher             |                            |            |
|                            |              |           |                | Total    | Project - based | Tenant - based | Veterans Affairs Supportive Housing | Family Unification Program | Disabled * |
| # of units vouchers in use | 0            | 93        | 0              | 1,495    | 300             | 1,195          | 20                                  | 0                          | 20         |

**Table 31 - Public Housing by Program Type**

\*includes Non-Elderly Disabled, Mainstream One-Year, Mainstream Five-year, and Nursing Home Transition

**Data Source:** PIC (PIH Information Center)

**Note:** There is no Consolidated Plan generated Table 23 for Berkeley.

### Characteristics of Residents

|                                                 | Program Type |           |                |          |                 |                |                                     |                            |
|-------------------------------------------------|--------------|-----------|----------------|----------|-----------------|----------------|-------------------------------------|----------------------------|
|                                                 | Certificate  | Mod-Rehab | Public Housing | Vouchers |                 |                | Special Purpose Voucher             |                            |
|                                                 |              |           |                | Total    | Project - based | Tenant - based | Veterans Affairs Supportive Housing | Family Unification Program |
| Average Annual Income                           | 0            | \$8,843   | 0              | \$16,981 | \$17,991        | \$15,971       | \$20,943                            | N/A                        |
| Average length of stay                          | 0            | 11        | 0              | 7.5      | 7               | 8              | 7                                   | N/A                        |
| Average Household size                          | 0            | 1         | 0              | 1.5      | 1.5             | 1.5            | 1.5                                 | N/A                        |
| # Homeless at admission                         | 0            | All       | 0              | 33       | 6               | 27             | 20                                  | N/A                        |
| # of Elderly Program Participants (>62)         | 0            | 45        | 0              | 691      | 138             | 553            | 0                                   | N/A                        |
| # of Disabled Families                          | 0            | 98        | 0              | 900      | 180             | 720            | 20                                  | N/A                        |
| # of Families requesting accessibility features | N/A          | N/A       | N/A            | N/A      | N/A             | N/A            | N/A                                 | N/A                        |
| # of HIV/AIDS program participants              | 0            | 0         | 0              | 15       | 15              | 0              | 0                                   | 0                          |
| # of DV victims                                 | 0            | 0         | 0              | 3        | 1               | 2              | 0                                   | 0                          |

**Table 32 – Characteristics of Public Housing Residents by Program Type**

**Data Source:** PIC (PIH Information Center)

## Race of Residents

| Race                                                                                                   | Certificate | Mod-Rehab | Public Housing | Program Type |                 |               |                                     |                            |            |
|--------------------------------------------------------------------------------------------------------|-------------|-----------|----------------|--------------|-----------------|---------------|-------------------------------------|----------------------------|------------|
|                                                                                                        |             |           |                | Vouchers     |                 |               | Special Purpose Voucher             |                            |            |
|                                                                                                        |             |           |                | Total        | Project - based | Tenant -based | Veterans Affairs Supportive Housing | Family Unification Program | Disabled * |
| White                                                                                                  | 0           | 26        | 0              | 404          | 81              | 323           | 8                                   | 0                          | 14         |
| Black/African American                                                                                 | 0           | 64        | 0              | 978          | 196             | 781           | 8                                   | 0                          | 10         |
| Asian                                                                                                  | 0           | 4         | 0              | 76           | 15              | 60            | 0                                   | 0                          | 0          |
| American Indian/Alaska Native                                                                          | 0           | 1         | 0              | 16           | 3               | 12            | 1                                   | 0                          | 1          |
| Pacific Islander                                                                                       | 0           | 1         | 0              | 21           | 4               | 16            | 0                                   | 0                          | 2          |
| Other                                                                                                  | 0           | 0         | 0              | 0            | 0               | 0             | 0                                   | 0                          | 0          |
| *includes Non-Elderly Disabled, Mainstream One-Year, Mainstream Five-year, and Nursing Home Transition |             |           |                |              |                 |               |                                     |                            |            |

Table 33 – Race of Public Housing Residents by Program Type

Data Source: PIC (PIH Information Center)

## Ethnicity of Residents

| Ethnicity                                                                                              | Certificate | Mod-Rehab | Public Housing | Program Type |                 |               |                                     |                            |            |
|--------------------------------------------------------------------------------------------------------|-------------|-----------|----------------|--------------|-----------------|---------------|-------------------------------------|----------------------------|------------|
|                                                                                                        |             |           |                | Vouchers     |                 |               | Special Purpose Voucher             |                            |            |
|                                                                                                        |             |           |                | Total        | Project - based | Tenant -based | Veterans Affairs Supportive Housing | Family Unification Program | Disabled * |
| Hispanic                                                                                               | 0           | 19        | 0              | 136          | 58              | 78            | 2                                   | 0                          | 4          |
| Not Hispanic                                                                                           | 0           | 79        | 0              | 1,359        | 242             | 1,118         | 15                                  | 0                          | 23         |
| *includes Non-Elderly Disabled, Mainstream One-Year, Mainstream Five-year, and Nursing Home Transition |             |           |                |              |                 |               |                                     |                            |            |

Table 34 – Ethnicity of Public Housing Residents by Program Type

Data Source: PIC (PIH Information Center)

### **Section 504 Needs Assessment: Describe the needs of public housing tenants and applicants on the waiting list for accessible units:**

Berkeley Housing Authority (BHA) disposed of its 61 units of low income public housing and is now a voucher-only Housing Authority. Related California acquired all of the public housing units and now operates them as affordable housing. Most of these units currently receive Project-based vouchers. In the Section 8 Program, the waitlist last opened in 2010, with over 37,000 applicants (1,500 were selected randomly for the Tenant-based waitlist; 1,500 were selected randomly for the Project-based waitlist). Twenty percent of applicants indicated on their application that they were disabled. There is a lack of affordable fully accessible units, specifically with roll in showers for wheelchair-reliant individuals and others with significant mobility impairments. The Center for Independent Living, located in Berkeley and funded by the City of Berkeley, has limited funds to offer minor remodeling of current homes including rentals (ramps, grab bars, hearing and visual impaired door bells and alarms), but the demand outweighs the supply.

### **Most immediate needs of residents of Public Housing and Housing Choice voucher holders**

The most immediate need of voucher holders is an adequate supply of affordable rental housing units for the demand of low income households that wish to participate in the Housing Choice Voucher Program in Berkeley. Even with a Payment Standard at the maximum allowable of 110 percent of the Fair Market Rent (FMR), there are still challenges with attracting landlords willing to rent to extremely low income households. For tenants needing accessible units, it is even more difficult. Finding those accessible units in the limited pool of affordable units limits options even further. BHA would like to implement a landlord retention program to attract new landlords and encourage currently participating landlords to work with BHA again. One option is piloting a damage claim program to provide funding to landlords to make repairs upon a vacancy. This would necessitate obtaining funding from outside sources, such as the City of Berkeley.

### **How do these needs compare to the housing needs of the population at large**

There is a significant shortage of accessible housing units for households of all income ranges. Professionals earning high salaries are better able to pay higher market rents, and this drives the rental market higher in Berkeley. Data from Zumper.com shows San Francisco has the most expensive rents in the country, averaging \$4,670 for a 2-bedroom unit (<https://www.zumper.com/>). BHA's Payment Standard for a 2-bedroom unit is \$2,336 (the 4-bedroom Payment Standard is \$3,945).

### **Discussion**

The extremely high cost rental market in Berkeley and the rest of the Bay Area poses challenges for all but the highest income households. Unfortunately, even having a Housing Choice Voucher no longer guarantees finding housing in Berkeley will be possible.

## NA-40 Homeless Needs Assessment – 91.205(c)

### Introduction:

The City of Berkeley adopted the EveryOne Home *Plan to End Homelessness: 2018 Strategic Update* (<http://everyonehome.org/about/the-plan/>) in 2019 with a goal of broadening the City's approach to services and housing to allow for better outcomes among people with long-term homeless histories and severe disabling conditions. As required by HUD, Alameda County conducts a countywide homeless count every other year but a city-level count occurs when resources permit. The most recent comprehensive data available on Berkeley's homeless population comes from the 2019 homeless count.

In 2019 the survey found that Berkeley has 1,108 literally homeless people on any given night. HUD defines literally homeless people as those who are residing on the streets, in places not meant for human habitation, in shelters or in transitional housing programs.

The data show:

- Berkeley's total homeless population in 2019 represents 14 percent of the County's homeless population, while Berkeley has seven percent of the County's overall population (2018).
- Berkeley's homeless are mostly adults in households with no children (95 percent), while adults with no children make up 93 percent of the homeless population countywide.
- 35 percent (387 people) of homeless people in Berkeley met HUD's definition of chronically homeless—a single adult with a disability, homeless for one year consecutively or 4 or more times in 3 years. In Berkeley chronically homeless adults make up a greater portion of the homeless population (35%) than chronically homeless adults do in Alameda County as a whole (28%).
- 42percent of Berkeley's homeless have a have psychiatric/emotional conditions, compared to 39 percent countywide.
- 32 percent of Berkeley's homeless have reported alcohol and drug use compared to 30 percent of Alameda County's homeless population.
- Seven percent of Berkeley's homeless population are veterans, compared to eight percent countywide.



## Homeless Needs Assessment

| Population                                         | Estimate the # of persons experiencing homelessness on a given night |             | Estimate the # experiencing homelessness each year | Estimate the # becoming homeless each year | Estimate the # exiting homelessness each year | Estimate the # of days persons experience homelessness |
|----------------------------------------------------|----------------------------------------------------------------------|-------------|----------------------------------------------------|--------------------------------------------|-----------------------------------------------|--------------------------------------------------------|
|                                                    | Sheltered                                                            | Unsheltered |                                                    |                                            |                                               |                                                        |
| Persons in Households with Adult(s) and Child(ren) | 51                                                                   |             | 104                                                | 47                                         | 20                                            | Not Available                                          |
| Persons in Households with Only Children           | 1                                                                    |             | 20                                                 | 1                                          | 10                                            | Not Available                                          |
| Persons in Households with Only Adults             | 243                                                                  | 813         | 2,154                                              | 896                                        | 376                                           | Not Available                                          |
| Chronically Homeless Individuals                   | 159                                                                  | 228         | 750                                                | 313                                        | 131                                           | Not Available                                          |
| Chronically Homeless Families                      | 0                                                                    | 0           | 0                                                  | 0                                          | 0                                             | Not Available                                          |
| Veterans                                           | 21                                                                   | 60          | 165                                                | 66                                         | 28                                            | Not Available                                          |
| Unaccompanied Child                                | 0                                                                    | 0           | 0                                                  | 0                                          | 0                                             | Not Available                                          |
| Persons with HIV                                   | 49                                                                   | 17          | 136                                                | 57                                         | 24                                            | Not Available                                          |

Table 35 - Homeless Needs Assessment

**Data Source Comments:** Alameda County 2019 *Homeless Count and Survey* and [City of Berkeley 1,000 Person Plan](#).

Indicate if the homeless population is rural:

Not Applicable. Jurisdiction has no rural homeless

If data is not available for the categories "number of persons becoming and exiting homelessness each year," and "number of days that persons experience homelessness," describe these categories for each homeless population type (including chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth):

Berkeley's total homeless population represents 14 percent of the County's homeless population, while Berkeley has seven percent of the County's overall population (2018). Berkeley has a greater share of chronically homeless adults (35 percent). Berkeley's homeless are mostly adults in households with no children (95 percent), while adults with no children make up only 93 percent of the homeless population countywide. Thirty-five percent (387 people) of homeless people in Berkeley met HUD's definition of chronically homeless—a single adult with a disability, homeless for one year consecutively or 4 or more times in 3 years. Forty-two percent of Berkeley's homeless have a psychiatric/emotional conditions, compared to 39 percent countywide. Thirty-two percent of Berkeley's homeless report alcohol and drug use, compared to 30 percent of Alameda County's homeless population. Seven percent of Berkeley's homeless population are veterans, compared to nine percent countywide.

#### Nature and Extent of Homelessness: (Optional)

| Race:                            | Sheltered: | Unsheltered (optional) |
|----------------------------------|------------|------------------------|
| White                            | 104        | Not Available          |
| Black or African American        | 269        | Not Available          |
| Asian                            | 9          | Not Available          |
| American Indian or Alaska Native | 5          | Not Available          |
| Pacific Islander                 | 5          | Not Available          |
| Ethnicity:                       | Sheltered: | Unsheltered (optional) |
| Hispanic                         | 63         | Not Available          |
| Not Hispanic                     | 372        | Not Available          |

Figure 1 – Nature and Extent of Homelessness

Data Source Comments: Homeless Management Information System (HMIS) Shelter and Emergency Shelter Demographic Report for PY 2018

#### Estimate the number and type of families in need of housing assistance for families with children and the families of veterans.

According to the 2019 count, there were 51 people in 19 households. Two-thirds of the families reported living with a health condition.

**Describe the Nature and Extent of Homelessness by Racial and Ethnic Group.**

Fifty-seven percent of the homeless service users during the 2019 *Homeless Count and Survey* were African-American even though they only make up nine percent of Berkeley's general population. Twenty-nine percent were white, even though they made up 60 percent of the population

Berkeley had a much smaller percentage of Hispanic/Latino service users (12 percent) than the county as a whole (17 percent).

**Describe the Nature and Extent of Unsheltered and Sheltered Homelessness.**

The 2019 count found a total of 1,108 people homeless in Berkeley. This includes 813 people who were living on the streets, in abandoned buildings, storage structures, vehicles, encampments, or any other place unfit for human habitation and 295 who were living in a shelter or transitional housing.

Of the 1,108 literally homeless people, 813 or 73 percent, were living in unsheltered situations. The vast majority of unsheltered homeless are men. Seventy-three percent of the homeless population is between the ages of 25-59. Forty-nine percent of the unsheltered population had been homeless for more than a year. For more information see [https://everyonehome.org/wp-content/uploads/2019/09/2019HIRDReport\\_Berkeley\\_2019-Final.pdf](https://everyonehome.org/wp-content/uploads/2019/09/2019HIRDReport_Berkeley_2019-Final.pdf).

**Discussion:**

N/A

## NA-45 Non-Homeless Special Needs Assessment - 91.205 (b,d)

### Introduction:

The special needs population consists of persons who are not homeless but requires supportive housing and services for various reasons. This population includes (but is not limited to) persons with mental, physical, and/or developmental disabilities; the elderly and frail elderly; persons with alcohol or other drug addiction; persons with HIV/AIDS and their families; victims of domestic violence, dating violence, sexual assault, and stalking; and transitional age youth.

### Describe the characteristics of special needs populations in your community:

#### *Persons with Mental, Physical, and/or Development Disabilities*

People with disabilities often have special housing requirements due to the need for accessibility, frequently fixed low incomes, and higher health care costs associated with a disability. According to the 2018 ACS population estimate, just over nine percent (9.1%) of the total Berkeley population had one or more disabilities, compared to just less than nine percent (8.6%) in Alameda County. The ACS identifies disability as having difficulty with one or more of four basic areas of functioning—hearing, vision, cognition, and ambulation—and/or difficulty performing everyday tasks such as, bathing, dressing and/or running errands.

#### *Elderly and Frail Elderly*

The 2013-17 ACS data reports that 13.5 percent of Berkeley's population is over 65, and that 23.7 percent of all Berkeley households are led by a senior householder. This is equivalent to 10,782 senior-headed households, 73.5 percent of which are owners 45.6 percent of seniors live alone and 22.2 percent of Berkeley households have one or more people over the age of 65 living in the home.

One of the main housing issues facing seniors is housing cost. From 2013-2017, more than 19 percent of senior-headed households had income levels below the federal poverty guidelines. Seniors often have fixed incomes so they have difficulty with increased rental and utility costs or housing maintenance costs. 27.4 percent of seniors in Berkeley received supplemental security income (SSI) and/or cash public assistance. According to the *Age-Friendly Berkeley* report and plan estimates from 2014 indicate that 23 percent of Berkeley residents 60 years of age and older were living under 200 percent of the federal poverty level (<https://www.agefriendlyberkeley.org/>).

According to the 2013-2017 ACS estimate, 73.5 percent of senior households owned homes, and 26.5 percent were renters. In terms of housing cost burden, 27.7 percent of senior homeowner households and 55.6 percent of senior renter households were overpaying for housing, which is defined as paying more than 30 percent of their income on housing costs. The *Age-Friendly Berkeley* plan, identifies housing as a specific area of importance with three of the top 10 concerns for Berkeley adults 60 years of age and older being 1) affordable housing, 2) being able to maintain their home, and 3) being able to stay in their home.

Also according to the ACS 2013-2017 data, seniors also have a higher rate of disability that increases as people age, with 16.7 percent of persons 65 to 74 years of age and 42.4 percent of persons 75 years and over having a disability, compared to the total population at nearly nine percent (8.6%). Ambulatory and independent living difficulties are most common within the senior population. Between 2013 and 2017, 15.5 percent of all elderly households had ambulatory difficulty and 13.2 percent had an independent living difficulty or limitation.

Among the goals that Berkeley identified in the Alameda County *Regional Analysis of Impediments to Fair Housing Choice* is to “support shared housing opportunities for seniors and other special needs populations.” To accomplish this, the City of Berkeley will consider programs to match seniors with underutilized living space with appropriate homeseekers on a voluntary basis. The *Age-Friendly Berkeley* webpage already notes that programs such as this are currently under consideration with UC Berkeley students and can serve a dual purpose of 1) providing seniors with minor non-medical assistance and supplemental income and 2) providing homeseekers with an affordable shared housing unit. In addition, shared rental housing can be an appropriate way to increase housing affordability for seniors and non-senior low-income single individuals or small households. Shared housing programs could be administered directly by the City of Berkeley or by contract with local fair housing service providers. While there are not currently resources available, this is an identified priority.

#### *Persons with Alcohol or Other Drug Addictions*

Comprehensive local data on the number of people with alcohol and other drug addiction is not available. However, the 2016 *National Survey on Drug Use and Health* (<https://nsduhweb.rti.org/respweb/homepage.cfm>) estimated that seven and a half percent of the American population ages 12 or older have substance use disorder. If this statistic is accurate for Berkeley, approximately 8,804 people (based on ACS 2015 population data) have substance use disorder. The survey also estimated that 47.8 percent of current alcohol drinkers participated in binge drinking of alcohol at least once in the 30 days prior to the survey and 24.9 percent of those binge alcohol users were heavy drinkers. Estimates of self-reported alcohol and other drug addictions among the homeless population are mentioned above.

#### *Victims of Domestic Violence, dating violence, sexual assault, and stalking*

The City has seen an increase in domestic violence-related calls for assistance to the Berkeley Police Department. From 2009-2016, there was an average of 169 domestic violence-related calls per year while the most recent data (2017-2018) shows an average of 224 domestic violence-related calls per year (State of California Department of Justice, <http://oag.ca.gov/crime/cjsc/stats/domestic-violence>). The increase likely means that more individuals and families will require housing assistance in order to safely relocate.

From the last comprehensive City of Berkeley *Homeless Count and Survey* from 2019, families were asked about their experience with domestic violence. Among homeless adults with minor children in

Berkeley, 40 percent reported family/domestic violence, compared to five percent of all survey respondents. Additionally, 25 percent of respondents in the city of Berkeley reported a history of ever experiencing physical, emotional, or sexual abuse by a relative or by a person with whom they have lived, such as a spouse, partner, sibling, parent, or roommate, compared to 26 percent of respondents countywide.

### **What are the housing and supportive service needs of these populations and how are these needs determined?**

The primary need for Non-Homeless Special Needs populations is for housing that is subsidized deeply enough to be affordable at extremely low income levels. Many seniors and people with disabilities have some form of income from the Social Services Administration, which, as described in the Housing Market Analysis, is simply not sufficient to pay for market-rate or much of the affordable housing in Berkeley. Despite Social Security Income increasing over one percent (1.6%) in January 2020 from 2019 levels (<https://www.ssa.gov/oact/cola/SSI.html>), the cost of living adjustment is not enough to match Berkeley's region. According to the Bureau of Labor Statistics ([https://www.bls.gov/regions/west/news-release/consumerpriceindex\\_sanfrancisco.htm](https://www.bls.gov/regions/west/news-release/consumerpriceindex_sanfrancisco.htm)), the consumer price index for the San Francisco-Oakland-Hayward area in October 2019 increased by three percent from 2018 and is anticipated to follow this trend in 2020. Even those who do not require supportive housing (meaning affordable housing with connected supportive services) need affordable housing.

Other needs include:

- Home rehabilitation for health and safety needs and accessibility;
- Supportive services that include enough flexibility in type, intensity, and duration to support people to stay stably housed;
- Services that help people who are eligible to access entitlements such as SSI and Medi-Cal, to increase their housing and service options; and
- Education and employment programs which help people increase their income.

These needs are evidenced by applications for funding from local non-profit agencies providing services to the special needs populations listed above. The City's last major planning initiative for homeless and special needs housing was the adoption of the update to the EveryOne Home Plan and an analysis of homeless needs presented to City Council in April 2019.

### **Discuss the size and characteristics of the population with HIV/AIDS and their families within the Eligible Metropolitan Statistical Area:**

Human Immunodeficiency Virus (HIV) is an infection that causes Acquired Immunodeficiency Syndrome (AIDS). According to the Center for Disease Control (<https://www.cdc.gov/hiv/statistics/overview/atag glance.html>) more than 1.1 million people in the United States over the age of 13 are currently living with HIV/AIDS. In general, HIV/AIDS is continuing to

increase in minorities, especially African Americans and Latino populations. Disproportionate rates of HIV in these minority groups leads to an even more disproportionate rate of AIDS for these same groups. HIV/AIDS primarily affects men who engage in male-to-male sexual contact and women who engage in heterosexual sex, and intravenous/injection drug use.

In Berkeley HIV/AIDS infections and death are decreasing. The rate of new AIDS cases occurring annually in Berkeley has fallen steadily over the last decade. The Berkeley *2018 Health Status Report* ([https://www.cityofberkeley.info/uploadedFiles/City\\_Manager/Press\\_Releases/2018/2018-health-status-report-berkeley.pdf](https://www.cityofberkeley.info/uploadedFiles/City_Manager/Press_Releases/2018/2018-health-status-report-berkeley.pdf)) indicates that Berkeley's rate of new cases continues to meet the Healthy People 2020 goal of fewer than 13 new cases per 100,000 population annually. Berkeley's 2018 Health Status Report states due to better treatment, people with HIV are living longer, and the overall number of people living with HIV is increasing. Berkeley has a higher rate of persons living with HIV than Alameda County and California. Antiretroviral drugs account for the reduction in number of HIV cases that progress to AIDS and for the decline in deaths attributable to AIDS.

### **Discussion:**

Alameda County Housing and Community Development administers the allocation of Housing Opportunities for Persons with AIDS (HOPWA) funds on behalf of the City of Oakland for the metropolitan area which includes Berkeley. Over the years, Berkeley has provided Housing Trust Fund funding to projects which include HOPWA units targeted to people living with HIV/AIDS, including to the University Neighborhood Apartments, Oxford Plaza, UA Homes, and Grayson Street Apartments projects.

## NA-50 Non-Housing Community Development Needs – 91.215 (f)

### Describe the jurisdiction's need for Public Facilities:

The City of Berkeley's General Plan adopted several policies and actions which addressed the City's need for public facilities. Some of these policies and actions include the following:

- Ensure neighborhoods are well served by community services and facilities such as parks, schools, child-care facilities, and religious institutions;
- Establish a network of community centers including school sites, neighborhood resource centers, and City facilities that offer community services such as child care, health care, and recreational programs;
- Create new open space and recreational resources throughout Berkeley and preserve, maintain, and repair the City's existing open space and recreational resources and facilities; and
- Provide properly staffed and equipped fire stations and engine companies.

### How were these needs determined?

The City's General Plan was developed through many community meetings, public workshops, and the efforts of City Council, Planning Commission, and City staff. During the drafting of the Consolidated Plan, there were several community meetings in which the need for public facilities and their maintenance were discussed. For instance, the City's three senior centers were built in 1977, 1979, and 1980 and had not been renovated after 30 years of intensive use until recently using, in part, CDBG funding. These public facilities are critical infrastructure for the delivery of public services, and emergency shelter, and are therefore a high priority. Although the City prioritizes its CDBG resources to support public services, it has allocated funds for system upgrades at the senior centers along with the rehabilitation of community centers and the public health clinic.

### Describe the jurisdiction's need for Public Improvements:

The City's need for public improvements is described in the City's *Capital Improvement Program*, available online at <http://www.cityofberkeley.info/CIP/>. Capital improvements include streets, transportation, storm drains, sidewalks, sanitary sewer, parks and marina, information technology, City facilities, equipment, fleet and other infrastructure.

### How were these needs determined?

These needs were determined by the City Manager and adopted by City Council during the biennial budget process. The biennial budget cycle begins with the development of the Budget Development instructions, including policy directives. The City Manager reviews and evaluates the baseline budgets and supplemental requests to determine whether they fulfill City Council goals and objectives, improve management effectiveness and service delivery, or increase productivity.



The City Manager then develops a balanced budget proposal for submission to the Mayor and City Council. Copies of the proposed budget are distributed to all Boards, Commissions, City Departments, and made available to the general public. City Council then holds public meetings to discuss the proposed budget, including at least two formal public hearings.

### **Describe the jurisdiction's need for Public Services:**

The City has historically funded a wide variety of public services for Berkeley's diverse population. Supporting public services will continue to be a high priority for the City. These services could include, but are not limited to, the following:

- Homeless services
- Senior services
- Disabled services
- Legal/advocacy services
- Youth services
- Transportation services
- Substance abuse services
- Services for battered/abused spouses
- Employment training
- Childcare services
- Health services
- Mental health services
- Fair housing related services

### **How were these needs determined?**

The City has historically funded a wide array of public services based on community input. The vast majority of public services are funded with local sources, including General Fund, instead of federal funds. For public services funded with local sources, the needs are determined by the same process outlined above for public improvements. For public services funded with federal funding, the needs are determined by public hearings, commission review, consultation with local non-profit agencies providing the services, and client-level surveys.

## Housing Market Analysis

### MA-05 Overview

#### Housing Market Analysis Overview:

The purpose of the Market Analysis is to provide a clear picture of the environment in which the City will administer its CDBG, HOME, and ESG programs over the course of this Consolidated Plan. In conjunction with the Needs Assessment, this chapter will provide the basis for the Strategic Plan and the programs and projects to be administered. Most of the data tables in this section are populated with default data developed by the Census Bureau for HUD based on 2011 – 2015 American Community Survey (ACS) Census. Other sources are noted throughout the Plan.

The Market Analysis includes the following sections:

- Number of Housing Units
- Cost of Housing
- Condition of Housing
- Public and Assisted Housing
- Homeless Facilities and Services
- Special Needs Facilities and Services
- Barriers to Affordable Housing
- Non-Housing Community Development Assets
- Needs and Market Analysis Discussion

**Note:** There is no Consolidated Plan generated Table 28 – 30 for Berkeley.

## MA-10 Number of Housing Units – 91.210(a)&(b)(2)

### Introduction

Based on the 2013-2017 American Community Survey (ACS) data, there are 45,515 occupied households in the City with a total of 49,137 housing units. Single-units, both detached and attached structures, comprise 46.2 percent of the City's housing units. Multi-unit structures of two to four units make up 20 percent of total households, while structures with five to 19 units comprise 18 percent, and structures of 20 or more make up 15.5 percent. At the time of the ACS data collection, less than half of one percent (0.3%) of households were mobile homes, however the City estimates that this number may have grown as a result of increasing housing instability. The 2019 *Homeless Count and Survey* conducted by Applied Survey Research on behalf of the City, as a part of Alameda County's EveryOne Home effort, estimated that 20 percent of the unsheltered population is living in RVs (161 individuals).

According to Berkeley's Planning Department annual reports to California's Department of Finance, Berkeley's new housing units completed since 2014 include the following:

| YEAR | SFH              | 2-4 units | 5+  | number of affordable units |
|------|------------------|-----------|-----|----------------------------|
| 2018 | 60 (53 are ADUs) | 10        | 161 | 13                         |
| 2017 | 45               | 11        | 502 | 167                        |
| 2016 | 17               | 4         | 226 | 14                         |
| 2015 | 5                | 2         | 138 | NA                         |
| 2014 | 20               | 4         | 139 | NA                         |

**Figure 2 - Projects with Building Permits Finaled in Reporting Year**

Source: CA Dept of Finance Annual Reports (2018)

Notes: Accessory Dwelling Units (ADUs) tracked in 2018, but not in previous years. Affordable Housing not tracked before 2016.

The recent increase in the construction of Accessory Dwelling Units (ADUs), which Berkeley first clearly tracked in 2018, may reflect state and local legislation that went into effect in 2017 to ease land use restrictions and encourage ADU development. Berkeley City Council is considering additional programmatic investment to encourage ADU construction, as well as an amnesty program to incentivize the legalization of existing but unpermitted ADUs to increase the supply of overall units.

Most of Berkeley's buildings were constructed between 1875 and 1940. Densities are greatest in the areas close to the University campus and Downtown, where there are multi-unit apartment buildings and large single-family homes converted to rooming houses or apartments. Density can also be found along the main arterials of the city in both older and new apartment buildings. The majority of the city is characterized by small lots with one to four units.

According to the 2015-2023 Housing Element (<https://www.cityofberkeley.info/housingelement/>), the City of Berkeley has capacity for approximately 5,328 new units on underutilized parcels throughout the City. The City identified four main areas with the greatest potential for new units and a track record of units being built. These are the downtown area, the southside area, the commercial corridors, and vacant lots in the residential districts. For the period 2014-2022, the City estimates that the capacity for 997 units can be built in the downtown, 430 units in the Southside, 1,794 units in the commercial corridors, and 237 units in the residential districts.

### All residential properties by number of units

| Property Type                   | Number        | %           |
|---------------------------------|---------------|-------------|
| 1-unit detached structure       | 21,585        | 43%         |
| 1-unit, attached structure      | 1,880         | 4%          |
| 2-4 units                       | 9,495         | 19%         |
| 5-19 units                      | 8,820         | 18%         |
| 20 or more units                | 7,765         | 16%         |
| Mobile Home, boat, RV, van, etc | 130           | 0%          |
| <b>Total</b>                    | <b>49,675</b> | <b>100%</b> |

**Table 36 – Residential Properties by Unit Number**

Data Source: 2011-2015 ACS

### Unit Size by Tenure

|                    | Owners        |             | Renters       |             |
|--------------------|---------------|-------------|---------------|-------------|
|                    | Number        | %           | Number        | %           |
| No bedroom         | 135           | <1%         | 3,455         | 13%         |
| 1 bedroom          | 1,290         | 7%          | 10,485        | 40%         |
| 2 bedrooms         | 5,510         | 28%         | 8,440         | 32%         |
| 3 or more bedrooms | 12,640        | 65%         | 3,960         | 15%         |
| <b>Total</b>       | <b>19,575</b> | <b>100%</b> | <b>26,340</b> | <b>100%</b> |

**Table 37 – Unit Size by Tenure**

Data Source: 2011-2015 ACS

### Describe the number and targeting (income level/type of family served) of units assisted with federal, state, and local programs.

Under the City of Berkeley's Housing Trust Fund (HTF), the City of Berkeley has assisted the development of 54 properties consisting of 1,331 rental housing units and 107 homeownership units. Of the 1,331 rental housing units, 68 percent of the units serve extremely low and low income families and individuals; 35 percent are designated specifically for extremely low and low-income seniors; and 20 percent serve a targeted special needs population, including formerly homeless, people with physical and/or development disabilities, people with AIDS and Transition-Aged Youth. Of the 107

HTF-funded homeownership units, 71 must be occupied by low- to moderate-income families and individuals. Each homeownership unit is subject to a regulatory agreement which requires long-term affordability and restricts resale of the affordable unit to another low income first-time homebuyer during the affordability period.

Since the inception of the HTF in 1990, the City has invested over \$50 million, including the City's allocation of federal HOME and CDBG funds, former redevelopment funds, City general funds and other local sources of funding. The City's investment has enabled local nonprofit project sponsors to secure over \$208 million in other financing, including low income housing tax credits, state Multifamily Housing Program funds, and in a few projects, federal New Markets Tax Credits. The majority of the City-assisted housing projects is 100 percent affordable and meets the deepest affordability levels per the City's Housing Trust Fund guidelines. Under the City's guidelines, project sponsors are required to set aside at least 60 percent of all the units for extremely low and very low income households, including a 20 percent set-aside for families and individuals who are extremely low-income.

Berkeley has made significant strides in expanding local funds to address the needs of displaced residents and the region's increasingly unaffordable housing prices. Since the previous submission of the City's Consolidated Plan, Berkeley voters approved three new sources of revenue to focus on affordable housing and programs addressing homelessness. Alameda County also created new affordable housing funding programs through which Berkeley has access to additional funding.

Berkeley's Measure U1 was passed in 2016 as a business license tax ordinance to permanently increase the gross receipts tax on owners of five or more residential units from just over one percent (1.081%) to nearly three percent (2.880%). While tax proceeds are deposited in the City's general funds, the City is required to consider the Housing Advisory Commission's recommendations for the use of funds to increase affordable housing and protect Berkeley residents from homelessness. Since its passage, Measure U1 has resulted in nearly \$11 million in additional tax revenue. The City has committed funds to anti-displacement programs at community based organizations, the new Small Sites loan program, affordable housing predevelopment loans, and a housing planning grant for the Berkeley Unified School District.

With \$1 million set aside from Measure U1 funds collected in 2017, 2018 witnessed the start of Berkeley's Small Sites Program, focused on the acquisition and renovation of small, multifamily rental properties with up to 25 units. In 2019 the City awarded \$950,000 in Small Sites Program funds to the Bay Area Community Land Trust for the renovation of the eight unit Stuart Street Apartments, targeted for Berkeley Residents making up to 80 percent of Area Median Income.

In November 2018, Berkeley voters approved Measure O and Measure P. Measure O authorizes the issuance of \$135 million of general obligation bonds to finance the acquisition and improvement of real property for the purpose of constructing, rehabilitating, or preserving affordable housing for low-, very low-, median-, and middle- income individuals and working families, including teachers, seniors, veterans, homeless students, people of with disabilities, and other vulnerable populations. Measure P increases the tax on the transfer of real property from one and a half percent to two and a half percent

for property sales and transfers over \$1.5 million to fund general city purposes and the establishment of a homeless services panel. Measure P will likely yield \$6 to \$8 million per year and has stated goals that include funding the rehousing of homeless individuals, as well as mental health needs and other wrap around services.

The City is planning on an initial issuance of Measure O bonds totaling \$30 million in early 2020. The City Council decided to make those funds available through the Housing Trust Fund program guidelines. Measure O and other available funds, including the City's balance of HOME funds, will go to two affordable housing projects with existing fund reservations—2012 Berkeley Way and 1601 Oxford Street—and additional projects selected in a 2019 Request for Proposals process. When completed, 1601 Oxford Street will be a 37-unit rental housing facility primarily for low income seniors and homeless households and 2012 Berkeley Way will include 142 permanent affordable housing units, for very low-income and formerly homeless families and individuals, as well as 32 men's shelter beds and 12 beds for homeless veterans.

In the 2016 election Alameda County passed Measure A1, a \$580 million bond to expand and preserve affordable housing options for renters and homeowners. The bond allows expenditures for down payment assistance, housing preservation loans, homeowner development programs, and the development of new affordable housing. The City received an allocation of about \$15 million in A1 funds, which it awarded to Grayson Apartments (22 affordable units) and 2012 Berkeley Way (described above). Berkeley projects were also able to compete for funds in a North County pool, and the Berkeley Way and 1601 Oxford projects also received A1 funds.

**Provide an assessment of units expected to be lost from the affordable housing inventory for any reason, such as expiration of Section 8 contracts.**

No units are expected to be lost. As required by the State in its Housing Element, the City identified five developments containing 297 restricted units as being at risk since they are in annual renewals of their Section 8 contracts and have no other restrictions on their affordability. However, most of these properties are owned by mission-oriented non-profit organizations and the City does not have any evidence that the owners of any of these properties have any intention of converting to market rate. Of course, all of these properties would be at risk in the event of federal policy changes that reduced or eliminated Section 8 subsidies for these properties. The City informally monitors the status of these developments:

- Bonita House – 2 restricted units;
- Lawrence Moor Manor – 46 restricted units;
- Stuart Pratt Manor – 44 restricted units;
- Redwood Gardens – 169 restricted units; and
- Rosewood Manor – 36 restricted units.

## Does the availability of housing units meet the needs of the population?

Despite the City's commitment to investing in affordable housing, and the many projects and programs that the City has supported, there is not enough affordable housing to meet the needs of the population in Berkeley, throughout the Bay Area and in coastal California. In the November 2018 Measure O ballot language, the City set a goal of achieving 10 percent reserved affordable housing by 2030. The combined funds of Measures U1, O, P and the existing Housing Trust Fund seek to meet this new goal by leveraging county, state and federal funds.

The Bay Area, including Berkeley, has some of the highest housing costs in the country. Real estate website Zillow.com, using data from September 30, 2019, estimates the median rent price in Berkeley to be \$3,775, which is higher than the San Francisco-Oakland-Hayward Metro Median of \$3,400. Using additional data from that time period, Zillow.com lists Berkeley's median listing price for single family homes is at \$998,000, and the median purchase price is actually \$1,256,000. These prices do not reflect a market that includes homes easily within reach for those working minimum wage jobs or extremely low, very low, and low income households. The jump in price from the listing price to the purchase price reflects multiple bids and a competitive market.

Part of the challenge contributing to the high cost and housing demand is that the regional housing supply has not grown to meet the regional job economy. According to the San Francisco Planning Urban Research Association (SPUR), as of early 2016, the Bay Area economy had added 480,000 private-sector jobs over the previous five years, but only 50,000 housing units.

In addition to the ongoing needs for housing for extremely low, very low, and low income households, there is evidence that housing is becoming unaffordable for even households above low income levels. As one example of the local affordability issues, it is very difficult to find housing units for rent at HUD's Fair Market Rents (FMR) in Berkeley, impacting the City's Shelter Plus Care program and the Berkeley Housing Authority's (BHA) Housing Choice Voucher program. BHA reports a 49 percent success rate in leasing up. This means that only 49 percent of vouchers issued in the past 12 months were able to find a unit in Berkeley. The City has also heard from the BHA and social services providers that there are not enough accessible units which are affordable, even for Housing Choice Voucher holders.

New housing developments along the traditional downtown retail corridors are providing market rate housing for higher income residents. Several multi-unit housing projects have recently been entitled or begun construction, including the 12-story apartments at 1951 Shattuck Avenue with 156 units, the Logan Park Apartments at 2352 Shattuck Avenue (204 units), the 2067 University Avenue project with 99 units, and the Aquatic Shattuck at 2628 Shattuck Avenue with 78 units and 2,000 square feet of retail. Each of these projects are anticipated to lease up quickly, with strong demand driven by regional economic growth as well as the increasing student population at UC Berkeley. As of September 2019, there are 2,458 additional housing units (in 36 distinct projects) in the development pipeline (currently under construction, or seeking approval of building permits or land use permits). This represents an

eight percent increase from the number of units that were entitled or under construction as of December 2018 (2,268).

**Describe the need for specific types of housing:**

The 2013-2017 ACS data shows that 42.3 percent of all occupied households (of 45,515 households) in the City are paying too much for their housing costs. A closer look at the data shows the burden is greater for renters (56.1 percent) than owners with mortgages (35.1 percent). This shows the City has a large need for affordable rental units.

As mentioned above, affordable and accessible units have been identified as a need by the BHA. The vast majority of units housing current Section 8 program participant households are 1- and 2-BR units (approximately 80 percent). The remaining 20 percent of the housing stock utilized by our participating households are Studios (nine percent); 3-BRs (10 percent); and 4 BR units (two percent). This aligns with the City's current rental housing stock with about 53 percent of it consisting of studios and one-bedrooms, although many of them do not have rents affordable at HUD's FMR and thus not available to Housing Choice Voucher holders.

**Discussion**

Affordable housing units of all types are needed to meet local housing needs.



## MA-15 Housing Market Analysis: Cost of Housing - 91.210(a)

### Introduction

The very high cost of housing is Berkeley's most critical housing issue and creates the most pressing housing need. Data in this section below show that the median home value increased two percent from 2009 to 2015, and the median contract rent rose 23 percent during this same time period. While this data reflects valuations for those years, it does not reflect the current housing market, where market resale prices have far exceeded older home tax valuations. According to Zillow.com, the median sales price percent change from December 2013 to September 2019 actually demonstrated a 42 percent increase. Similarly, Zillow.com's December 2013 to September 2019 median rental data demonstrates an 18.1 percent increase in rent. These increases far outpace the cost of living.

While incomes have increased, they have not kept pace with housing costs. According to the National Housing Conference's 2018 *Paycheck to Paycheck* report ([https://www.nhc.org/wp-content/uploads/2019/04/P2P2018\\_Final.pdf](https://www.nhc.org/wp-content/uploads/2019/04/P2P2018_Final.pdf)) within Metro rankings, the San Francisco-Oakland-Hayward metropolitan area (which includes Berkeley) is now the most expensive rental market in the nation, and the most expensive ownership market. A 2019 study by the San Francisco Bay Area Planning and Urban Research Association (SPUR) with the Concord Group (<https://www.spur.org/news/2019-02-21/how-much-housing-should-bay-area-have-built-avoid-current-housing-crisis>) found that since 2000, the Bay Area should have added 1.05 million housing units. Instead, only 380,000 units were built during this time — 316,000 market rate and 42,000 subsidized affordable units. This means the region fell short by 700,000 housing units. The study additionally found that since the 1990s, the Bay Area's median income has grown rapidly from close to \$60,000 per year to close to \$90,000 (unadjusted for inflation in 2018). While the region became 50 percent wealthier, with the majority of those with higher incomes arrived from outside the region and wealthier new residents outcompeted existing residents in the constrained housing market. This fast paced competition has led to the conditions demonstrated in the Needs Assessment section of this document, particularly in regards to Housing Cost Burdens.

### Cost of Housing

|                      | Base Year: 2009 | Most Recent Year: 2015 | % Change |
|----------------------|-----------------|------------------------|----------|
| Median Home Value    | 724,100         | 741,900                | 2%       |
| Median Contract Rent | 1,058           | 1,303                  | 23%      |

**Table 38 – Cost of Housing**

**Data Source:** 2005-2009 ACS (Base Year), 2011-2015 ACS (Most Recent Year)

| Rent Paid       | Number        | %             |
|-----------------|---------------|---------------|
| Less than \$500 | 2,705         | 10.3%         |
| \$500-999       | 5,825         | 22.1%         |
| \$1,000-1,499   | 8,245         | 31.3%         |
| \$1,500-1,999   | 5,265         | 20.0%         |
| \$2,000 or more | 4,290         | 16.3%         |
| <b>Total</b>    | <b>26,330</b> | <b>100.0%</b> |

Table 39 - Rent Paid

Data Source: 2011-2015 ACS

### Housing Affordability

| % Units affordable to Households earning | Renter        | Owner        |
|------------------------------------------|---------------|--------------|
| 30% HAMFI                                | 2,340         | No Data      |
| 50% HAMFI                                | 5,590         | 225          |
| 80% HAMFI                                | 11,430        | 445          |
| 100% HAMFI                               | No Data       | 834          |
| <b>Total</b>                             | <b>19,360</b> | <b>1,504</b> |

Table 40 – Housing Affordability

Data Source: 2011-2015 CHAS

### Monthly Rent

| Monthly Rent (\$) | Efficiency (no bedroom) | 1 Bedroom | 2 Bedroom | 3 Bedroom | 4 Bedroom |
|-------------------|-------------------------|-----------|-----------|-----------|-----------|
| Fair Market Rent  | 1,540                   | 1,855     | 2,329     | 3,219     | 3,946     |
| High HOME Rent    | 1,369                   | 1,468     | 1,763     | 2,028     | 2,243     |
| Low HOME Rent     | 1,017                   | 1,090     | 1,307     | 1,510     | 1,685     |

Table 41 – Monthly Rent

Data Source: HUD FMR and HOME Rents

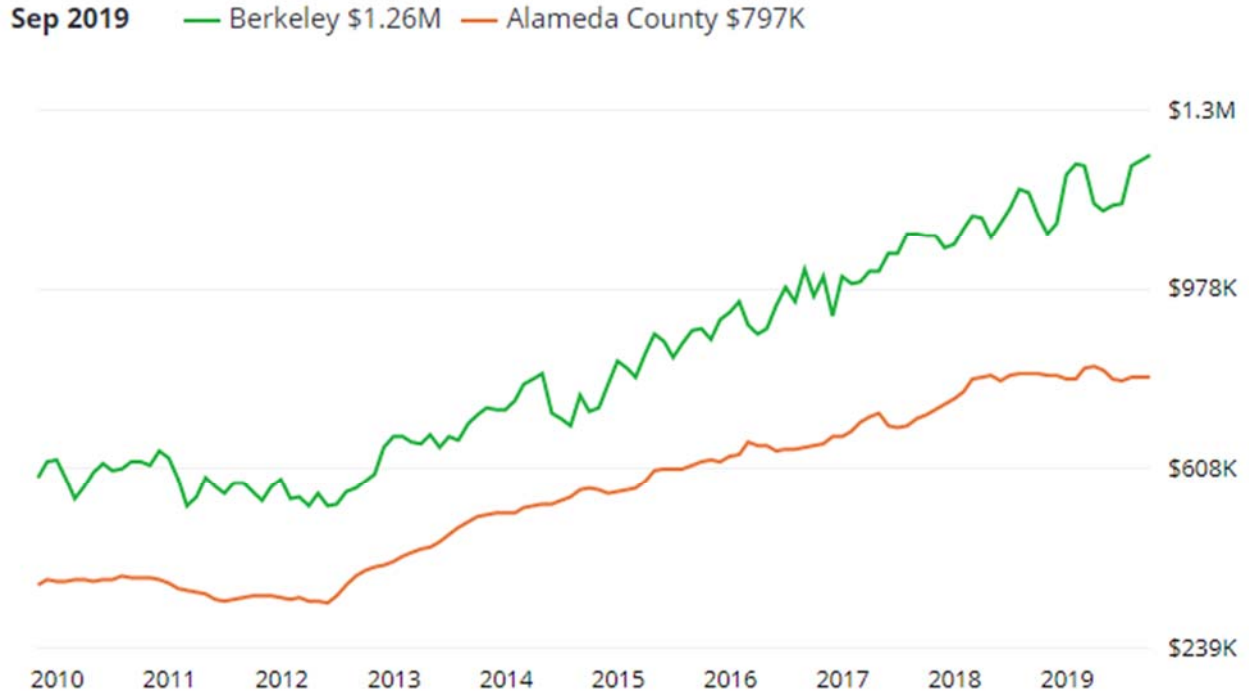


**Figure 3 - Median Home Sales Price (all for sale home types), Berkeley and Alameda County, 2010-2019**

Source: <https://www.zillow.com/berkeley-ca/home-values/>

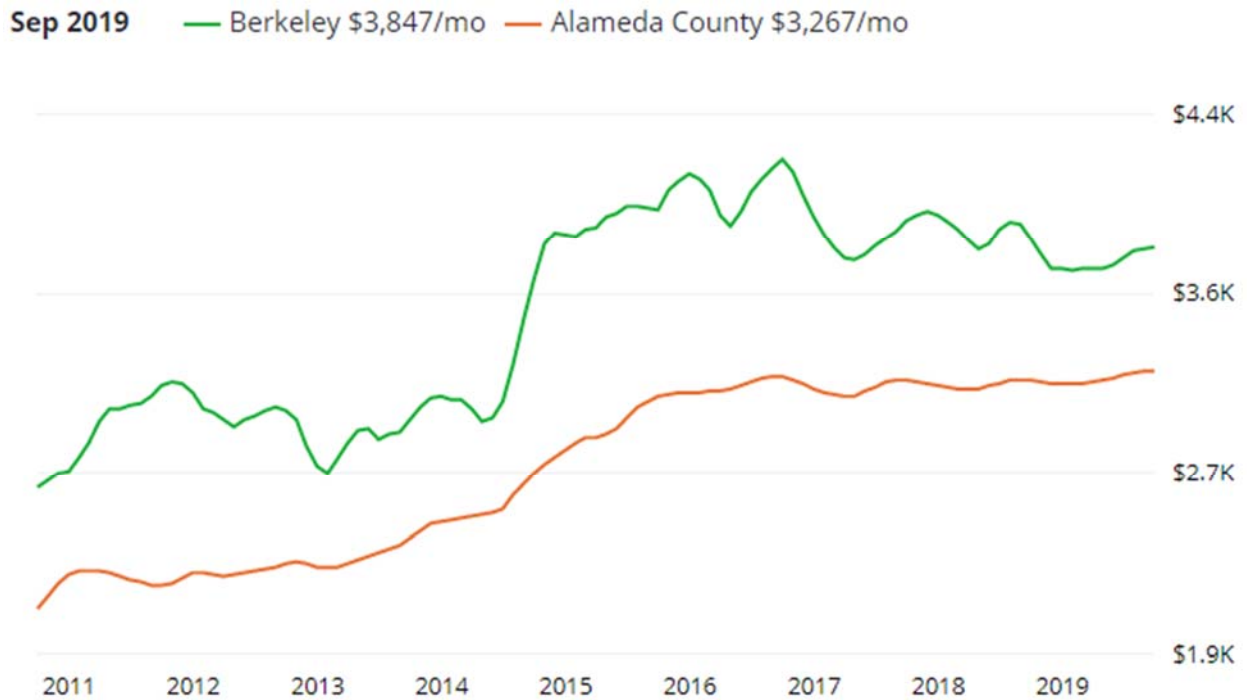


**Figure 4 - Median Rental Prices (all unit types), Berkeley and Alameda County, 2010-2019**

Source: <https://www.zillow.com/berkeley-ca/home-values/>

### **Is there sufficient housing for households at all income levels?**

There is probably not sufficient housing for households at all income levels, evidenced by Berkeley being situated within the metro area with the nation's highest rents and home prices combined with a historically low vacancy rate.

### **How is affordability of housing likely to change considering changes to home values and/or rents?**

Given recent trends in the Bay Area, it is likely that home values and rents will continue to increase. Berkeley's homeownership market remains particularly stable and attractive. Despite Zillow.com's 2019 predictions that foreclosures will be a factor impacting home values in the next several years, in Berkeley 0.0 homes are foreclosed per 10,000, which is lower than the San Francisco-Oakland-Hayward Metro value of 0.1 and lower than the national value of 1.2 (<https://www.zillow.com/berkeley-ca/home-values/>). Mortgage delinquency, a frequent indicator of potential foreclosure is a fraction of one percent (0.2%) in Berkeley, compared to the national value of just over one percent (1.1%). Nationally, as a result of the recession, home values fell by more than 20 percent from their peak in 2007 until their trough in late 2011, with many homeowners now underwater on their mortgages. Dips in home values adjusted relatively quickly after the recession in Berkeley and remain high. The percent of Berkeley homeowners underwater on their mortgage is less than one percent (0.9%), which is lower than San Francisco-Oakland-Hayward Metro at almost three percent (2.7%). This homeowner resiliency is a byproduct of high wage earners currently holding the recently sold market rate homes within Berkeley, with the continually increasing prices discussed in the prior section (\$1.26 million median sales price in September 2019).

Rental stock in Berkeley, both market rate and affordable, will significantly increase if currently entitled projects are occupied in the next two years, but the demand will remain high. As mentioned in the Needs Assessment, the University of California at Berkeley increased student enrollment by 11,000 students from original projections of enrollment from 2005-2020. The influx of students from 2005-2020, which is far greater in number than newly constructed university housing units, will continue to impact competition for rental units within the City.

Trends in regional job growth additionally point to sustained or increasing housing costs. According to the Center for the Continuing Study of the California Economy (<http://www.bayareaeconomy.org/bay-area-job-watch-33/>), a program of the Bay Area Council Economic Institute, 2018 Bay Area labor force participation rates were at record levels as residents who had previously dropped out of the workforce found eager employers. Job growth is continuing despite the lack of affordable housing, and the region has seen a notable increase in out migration (a result of the high housing costs) and an increase in high wage foreign migration.

## How do HOME rents / Fair Market Rent compare to Area Median Rent? How might this impact your strategy to produce or preserve affordable housing?

Berkeley's Area Median Rents are higher than the HOME rents and Fair Market Rents. Services providers have difficulty identifying units for Shelter Plus Care certificate holders within Berkeley. In addition, Area Median Rents are continuing to rise.

The annual Average Market Rents table produced by the City's Berkeley Rent Stabilization Board shows the average market rents for new tenancies in units subject to rent stabilization from 1998 to 2018. The table showing median rents for new tenancies for 2018 is below

([General/INFO Market%20Medians%20Report%20for%20Q3%20and%20Q4%20of%202018.pdf](#)). The City's affordable housing strategy has and continues to emphasize producing and preserving affordable housing.

| 2018 (new tenancies) |                        |        |                        |        |                        |        |                        |        |                   |        |
|----------------------|------------------------|--------|------------------------|--------|------------------------|--------|------------------------|--------|-------------------|--------|
| #BR                  | 1 <sup>st</sup> Q 2018 |        | 2 <sup>nd</sup> Q 2018 |        | 3 <sup>rd</sup> Q 2018 |        | 4 <sup>th</sup> Q 2018 |        | 12/31/2018 (Year) |        |
|                      | Rent                   | #Units | Rent                   | #Units | Rent                   | #Units | Rent                   | #Units | Rent              | #Units |
| Studio               | \$1,600                | 135    | \$1,800                | 328    | \$1,895                | 344    | \$1,798                | 102    | \$1,800           | 999    |
| 1 BR                 | \$1,950                | 223    | \$2,295                | 592    | \$2,195                | 590    | \$2,150                | 171    | \$2,195           | 1,646  |
| 2 BR                 | \$2,504                | 116    | \$3,150                | 574    | \$2,900                | 401    | \$2,800                | 116    | \$2,990           | 1,287  |
| 3 BR                 | \$3,150                | 20     | \$4,066                | 113    | \$3,900                | 75     | \$3,438                | 16     | \$3,900           | 241    |

Figure 5 – 2018 New Tenancies

Source: Market Medians: January 1999 through December 2018, Berkeley Rent Stabilization Board Report, March 21, 2019

## Discussion

In addition to rising housing costs, Berkeley has experienced rising costs for producing affordable housing. According to the *2019 International Construction Market Survey* by Turner and Townsend (<http://www.turnerandtownsend.com/en/perspectives/international-construction-market-survey-2019/#>), the Bay Area currently has the most expensive constructions costs in the nation, with the average construction cost per square foot at \$416. The next most expensive city is New York, at an average of \$368 per square foot. Especially given the limited amount of HOME funding the City now receives, these high development costs require developers to pursue multiple, highly competitive sources of funding which can take years to assemble. New State of California housing programs, new County funds, and new local funds have dramatically improved the affordable housing funding climate in the past few years, but high costs and assembling multiple sources still remain challenging for local affordable housing developers. Prior to the waiver of HOME commitment deadlines, using HOME was very challenging for the City. The City does not receive enough HOME funds to fund new construction at the needed levels, and smaller rehabilitation projects are often not feasible due to HOME rehab scope and affordability requirements. Federal waiver of commitment deadlines and having local bond funds

available for a pipeline of projects have helped greatly. When the deadlines are reinstated, the City may need to explore using HOME funds for Tenant Based Rental Assistance to avoid the risk of recapture.

## MA-20 Housing Market Analysis: Condition of Housing – 91.210(a)

### Introduction

As previously mentioned, most of Berkeley's buildings were constructed between 1875 and 1940 with almost half of all Berkeley's housing stock consisting of single-family units. Of the multi-family units, 7,765 units (or 16 percent) are in buildings with 20 or more units. The age of the housing stock in Berkeley is much older when compared to other areas. Ninety-four percent of Berkeley's housing stock was built before 1979, compared to 81.1 percent in neighboring Oakland

(<http://www.acphd.org/media/500604/health,%20housing%20in%20oakland.pdf>). Despite the prevalence of older units in Berkeley, the City's housing stock is in very good condition. This is likely due to the amount of owner-occupied units, single-family units, and high property values.

Over time the City has implemented a variety of programs to upgrade the quality of housing units in the City, including home rehabilitation loan programs and the Rental Housing Safety Program. Based on the experience with these programs, the rapid increase in property values in Berkeley over the last decade coupled with the availability of home equity loans for home rehabilitation, the City believes a very small number of housing units in Berkeley have significant rehabilitation needs.

### Definitions

The City of Berkeley uses HUD's Housing Quality Standards (HQS) to define "standard condition" for units in the rental assistance programs. HQS consists of the following thirteen performance requirements: sanitary facilities; food preparation and refuse disposal; space and security; thermal environmental; structure and materials; interior air quality; water supply; lead-based paint; access; site and neighborhood; sanitary condition; and smoke detectors. For example, the dwelling unit must have suitable space and equipment to store, prepare, and serve food in a sanitary manner in order to satisfy the performance requirement for food preparation and refuse disposal.

This table displays the number of housing units, by tenure, based on the number of "conditions" the units has. Selected conditions are similar to housing problems in the Needs Assessment and are 1) lacks complete plumbing facilities, 2) lacks complete kitchen facilities, 3) more than one person per room, and 4) cost burden greater than 30 percent. The table also calculates the percentage of total units that the category represents.

### Condition of Units

| Condition of Units             | Owner-Occupied |            | Renter-Occupied |            |
|--------------------------------|----------------|------------|-----------------|------------|
|                                | Number         | %          | Number          | %          |
| With one selected Condition    | 5,720          | 29%        | 12,985          | 49%        |
| With two selected Conditions   | 75             | 0%         | 765             | 3%         |
| With three selected Conditions | 0              | 0%         | 120             | 0%         |
| With four selected Conditions  | 0              | 0%         | 0               | 0%         |
| No selected Conditions         | 13,790         | 70%        | 12,465          | 47%        |
| <b>Total</b>                   | <b>19,585</b>  | <b>99%</b> | <b>26,335</b>   | <b>99%</b> |

Table 42 - Condition of Units

Data Source: 2011-2015 ACS

### Year Unit Built

| Year Unit Built | Owner-Occupied |             | Renter-Occupied |             |
|-----------------|----------------|-------------|-----------------|-------------|
|                 | Number         | %           | Number          | %           |
| 2000 or later   | 325            | 2%          | 2,210           | 8%          |
| 1980-1999       | 895            | 5%          | 2,505           | 10%         |
| 1950-1979       | 2,905          | 15%         | 10,570          | 40%         |
| Before 1950     | 15,465         | 79%         | 11,055          | 42%         |
| <b>Total</b>    | <b>19,590</b>  | <b>101%</b> | <b>26,340</b>   | <b>100%</b> |

Table 43 – Year Unit Built

Data Source: 2011-2015 CHAS

### Risk of Lead-Based Paint Hazard

| Risk of Lead-Based Paint Hazard                       | Owner-Occupied |     | Renter-Occupied |     |
|-------------------------------------------------------|----------------|-----|-----------------|-----|
|                                                       | Number         | %   | Number          | %   |
| Total Number of Units Built Before 1980               | 18,370         | 94% | 21,625          | 82% |
| Housing Units build before 1980 with children present | 473            | 2%  | 159             | 1%  |

Table 44 – Risk of Lead-Based Paint

Data Source: 2011-2015 ACS (Total Units) 2011-2015 CHAS (Units with Children present)

### Vacant Units

|                          | Suitable for Rehabilitation | Not Suitable for Rehabilitation | Total         |
|--------------------------|-----------------------------|---------------------------------|---------------|
| Vacant Units             | Not Available               | Not Available                   | Not Available |
| Abandoned Vacant Units   | Not Available               | Not Available                   | Not Available |
| REO Properties           | Not Available               | Not Available                   | Not Available |
| Abandoned REO Properties | Not Available               | Not Available                   | Not Available |

Table 45 - Vacant Units

Data Source Comments: Data not available.



## Vacancy Rates

The original Vacant Units Table above generated by HUD using CHAS data does not include any information on vacancy rates. Information from the 2015 Housing Element including available data is represented below.

Because of the high cost of and high demand for housing in Berkeley, vacant and abandoned units have not been a common problem. The City does not track which units are suitable for rehabilitation and which are not. The Planning & Development Department reports anecdotally that virtually any property in Berkeley can be rehabilitated because of the demand and high market prices for housing. Vacancy rates in Berkeley were relatively level at around four percent from 1970-2000 and increased to seven percent in 2010 according to the decennial census.

Since the Bay Area's rapid recovery from the recession, vacancy rates have dropped throughout the region. According to the 2013-2017 ACS 5-year estimates, Berkeley has a homeowner vacancy rate of 0.3 percent and a rental vacancy rate of 2.8 percent. Another data source, The *Comprehensive Housing Market Analysis for Oakland-Hayward-Berkeley* by HUD, based on the end of 2016 (<https://www.huduser.gov/portal/publications/pdf/OaklandCA-comp-17.pdf>), estimated the rental vacancy rate to be at nearly three percent (2.7%) and the sales housing market with an overall estimated vacancy rate of just over half a percent (0.6%).

In many urban areas, a "normal" vacancy rate is about two percent for owner-occupied housing, six to seven percent for rental housing, and about five percent overall. Although it is difficult to pinpoint what an acceptable vacancy rate is, an internet search of "normal vacancy rate" finds numerous references in real estate reports, housing studies, academic research, and other documents to a "normal" vacancy rate for a housing market in balance as being about five percent overall, two percent for ownership housing, and six or seven percent for rental housing. Many ordinances use a five percent long-term vacancy rate as the measure of a healthy rental market.

| <b>Occupied Housing Units and Vacancy Rates, 1970 to 2010</b> |             |             |             |             |             |
|---------------------------------------------------------------|-------------|-------------|-------------|-------------|-------------|
|                                                               | <b>1970</b> | <b>1980</b> | <b>1990</b> | <b>2000</b> | <b>2010</b> |
| Number of Housing Units                                       | 46,160      | 46,334      | 45,735      | 46,875      | 49,454      |
| Occupied Housing Units or Households                          | 44,494      | 44,704      | 43,453      | 44,955      | 46,029      |
| Vacant Housing Units                                          | 1,666       | 1,630       | 2,282       | 1,920       | 3,425       |
| Vacancy Rate                                                  | 3.6%        | 3.5%        | 5.0%        | 4.1%        | 6.9%        |

**Figure 6 – Occupied Housing Units and Vacancy Rates**

Source: City of Berkeley 2015 Housing Element

## Need for Owner and Rental Rehabilitation

As shown by the data above, more than half of Berkeley's housing stock does not have any of the selected quality conditions. Among the housing units that do have any of the reported conditions, high cost compared to the resident's income (cost burden) is by far the most common problem. At the same time, the vast majority of Berkeley's housing stock is more than 30 years old. Due to the age of the housing stock, rehabilitation is often needed to bring the housing up to current standards, particularly in regard to accessibility features for people with disabilities. Because many Berkeley residents are housing cost-burdened, there is also a need for affordable rehabilitation opportunities.

The City supports the rehabilitation of ownership and rental units through a variety of efforts. For ownership units, the City administers the Senior and Disabled Rehabilitation Loan Program. This program provides a zero interest deferred loan to low- and moderate-income senior and disabled homeowners to improve their homes. The City also provides funding to several local non-profit agencies for minor rehabilitation of units owned or rented by low-income households. For rental housing in the Housing Choice Voucher and Shelter Plus Care programs, the units are routinely inspected to ensure they meet HUD's Housing Quality Standard requirements. All rental units in the City participate in the Rental Housing Safety Program. Part of the program is reactive/complaint-based where state-mandated housing code inspections are conducted in response to complaints. Another part of the program is proactive where inspections are performed on randomly selected residential rental properties. The program also has a Safety Certification Checklist which requires owners of rentals to annually inspect their units and certify that specific housing safety standards are being met.

Low income Berkeley residents can also take advantage of Alameda County's Lead Hazard Repair grants. Grants are available for owners of pre-1978 rental and owner-occupied residential properties throughout Alameda County. Income, occupancy and other eligibility requirements apply. Pre-1960 housing units are a priority. Service includes free lead testing, up to \$10,000 per unit for lead hazard repairs, and project assistance to help make your home or property lead-safe.

## Estimated Number of Housing Units Occupied by Low or Moderate Income Families with LBP Hazards

From the Number of Households Table (see Needs Assessment), there are 3,635 small family households at or below 80 percent HUD Area Median Family Income (HAMFI) income category and there are 300 large family households in the same income category. Therefore, approximately eight and a half percent of housing units are occupied by low income families. Applying that percentage to the total number of units built before 1980, an estimated 3,400 housing units occupied by low income families may contain Lead-Based Paint (LBP) hazards.

The table above (Table 39) indicates that three percent of housing units built before 1980 contains children in the household. However, the 2013-17 ACS shows there are approximately 8,478 households

with children in the City, or 18.6 percent of households. Therefore, the figures above appear to be too low and are likely incorrect.

The Alameda County Healthy Homes Department (ACHHD) administers HUD-funded lead hazard control grants in Alameda County and since July 1, 2015, has completed lead evaluations at 52 pre-1978 low-income housing units and has made 49 housing units lead-safe at 21 properties. Among the evaluated pre-1978 low-income housing it was found that 51 out of 52 units (98 percent) tested in Berkeley between 2015 and 2019 had lead hazards.

The ACHHD was recently awarded a new 42-month lead hazard control grant which is expected to begin January 1, 2020. The ACHHD will market to and expects to enroll eligible Berkeley properties into the program which will complete 144 units County-wide over the grant period.

### **Discussion**

Generally, Berkeley's housing stock is in very good condition. Needs for rehabilitation are for low income homeowners, rental housing affordable to people with low incomes, and in accessibility improvements.

## MA-25 Public and Assisted Housing – 91.210(b)

### Introduction

N/A

### Totals Number of Units

|                                                                                                        | Certificate | Mod-Rehab | Public Housing | Program Type |                 |                |                                     |                            |            |
|--------------------------------------------------------------------------------------------------------|-------------|-----------|----------------|--------------|-----------------|----------------|-------------------------------------|----------------------------|------------|
|                                                                                                        |             |           |                | Vouchers     |                 |                |                                     |                            |            |
|                                                                                                        |             |           |                | Total        | Project - based | Tenant - based | Special Purpose Voucher             |                            |            |
|                                                                                                        |             |           |                |              |                 |                | Veterans Affairs Supportive Housing | Family Unification Program | Disabled * |
| # of units vouchers available                                                                          | 0           | 98        | 0              | 1995         | 300             | 1695           | 20                                  | 0                          | 40         |
| # of accessible units                                                                                  |             |           |                |              |                 |                |                                     |                            |            |
| *includes Non-Elderly Disabled, Mainstream One-Year, Mainstream Five-year, and Nursing Home Transition |             |           |                |              |                 |                |                                     |                            |            |

**Table 46 – Total Number of Units by Program Type**

Data Source: PIC (PIH Information Center)

### Describe the supply of public housing developments:

### Describe the number and physical condition of public housing units in the jurisdiction, including those that are participating in an approved Public Housing Agency Plan:

Not applicable. BHA no longer owns the 61 units of former public housing. Via the disposition process, the units were sold to a private developer (Related California) that rehabilitated and will operate the units as permanently affordable housing under the Project-based Vouchers program.

### Public Housing Condition

| Public Housing Development | Average Inspection Score |
|----------------------------|--------------------------|
| Not Applicable             | Not Applicable           |

**Table 47 - Public Housing Condition**

### Describe the restoration and revitalization needs of public housing units in the jurisdiction:

N/A

### Describe the public housing agency's strategy for improving the living environment of low- and moderate-income families residing in public housing:

N/A

**Discussion:**

The Berkeley Housing Authority administers a voucher program only.

## MA-30 Homeless Facilities and Services – 91.210(c)

### Introduction

The City funds a wide range of homeless programs including 298 year round shelter beds and 30 seasonal shelter beds. After working hours, unfilled beds are filled through an evening Centralized Shelter Reservation Hotline. BOSS Harrison House shelter has 10 beds reserved for Alameda County Behavioral Health Care Services Agency (BHCS). The remaining beds are available to literally homeless individuals and families who have been assessed by the North County Housing Resource Center or the Family Front Door, the Housing Resource Center for literally homeless families.

The City funds 27 transitional housing beds in two programs, and three other programs operate without City funding.

The City funds six programs which provide support services in permanent housing. Four are associated with specific sites, while the others serve tenants renting private apartments using rental subsidies.

### Facilities and Housing Targeted to Homeless Households

|                                         | Emergency Shelter Beds          |                                    | Transitional Housing Beds | Permanent Supportive Housing Beds |                   |
|-----------------------------------------|---------------------------------|------------------------------------|---------------------------|-----------------------------------|-------------------|
|                                         | Year Round Beds (Current & New) | Voucher / Seasonal / Overflow Beds | Current & New             | Current & New                     | Under Development |
| Households with Adult(s) and Child(ren) | 56                              |                                    | 15 beds (5 units)         | 35                                | 2                 |
| Households with Only Adults             | 242                             | 30                                 | 49                        | 224                               | 53                |
| Chronically Homeless Households         |                                 | 0                                  | 0                         | 206                               | 53                |
| Veterans                                | 0                               | 0                                  | 22                        | 10                                | 0                 |
| Unaccompanied Youth                     | 0                               |                                    | 12                        | 10                                | 0                 |

**Table 48 - Facilities and Housing Targeted to Homeless Households**

Data Source Comments: City of Berkeley

**Note:** There is no Consolidated Plan generated Table 44 for Berkeley.

| Provider Name                               | Address                        | Program Name               | Population                                 | Family Beds      | Individual Beds | Year Round | Seasonal Only |
|---------------------------------------------|--------------------------------|----------------------------|--------------------------------------------|------------------|-----------------|------------|---------------|
| Berkeley Food and Housing Project           | 2140 Dwight Way                | Men's Housing Program      | Single Males                               |                  | 32              | 32         | 0             |
| Berkeley Food and Housing Project           | 2140 Dwight Way                | Women's Housing Program    | Single Females                             |                  | 32              | 32         | 0             |
| Building Opportunities for Self Sufficiency | 711 Harrison House             | Harrison House             | Single Males and Females and Families      | 56 (18 families) | 50              | 106        | 0             |
| Dorothy Day House                           | 1931 Center Street             | Veteran's Building Shelter | Single Males and Females                   |                  | 53              | 53         | 0             |
| Dorothy Day House                           | 2134 Martin Luther King Jr Way | Emergency Storm Shelter    | Single Males and Females                   |                  | 30              | 0          | 30            |
| Covenant House                              | 1744 University                | YEAH!                      | Single Males and Females (18-25 year olds) |                  | 30              | 30         | 0             |
| Bay Area Community Services                 | 2nd and Cedar                  | Pathways Stair Center      | Single Males and Females                   |                  | 45              | 45         |               |
|                                             |                                |                            |                                            | 56               | 272             | 298        | 30            |

**Figure 7 – Current Inventory: Emergency Shelters**

Source: City of Berkeley, Housing and Community Services Division

| Provider Name                       | Address            | Program Name      | Population               | Family Beds       | Individual Beds | Year Round |
|-------------------------------------|--------------------|-------------------|--------------------------|-------------------|-----------------|------------|
| Berkeley Food and Housing Project   | 2140 Dwight Way    | Veteran's Program | Single Males             |                   | 12              | 12         |
| Bonita House                        | 1410 Bonita Street | Bonita House      | Single Males and Females |                   | 15              | 15         |
| Fred Finch Youth Center             | 3404 King Street   | Turning Point     | Single Males and Females |                   | 12              | 12         |
| Resources for Community Development | 1621 Ashby         | Ashby House       | Single Veterans          |                   | 10              | 10         |
| Women's Daytime Drop-in Center      | 2218 Acton Street  | Bridget House     | Families                 | 15 beds (5 units) |                 | 12         |
|                                     |                    |                   |                          | 15                | 49              | 61         |

Figure 8 – Current Inventory: Transitional Housing

Source: City of Berkeley, Housing and Community Services Division



| Provider Name                            | Address                              | Project Name                   | Population                            | Units | Beds/Rooms |
|------------------------------------------|--------------------------------------|--------------------------------|---------------------------------------|-------|------------|
| Satellite Affordable Housing Associates  | Berkeley                             | Peter Babcock House            | Single Males and Females              |       | 5          |
| Satellite Affordable Housing Associates  | Berkeley                             | Harmon Gardens                 | Single Males and Females              | 15    |            |
| Berkeley Food and Housing Project        | Berkeley                             | Russell Street Residence       | Single Males and Females              |       | 17         |
| Berkeley Food and Housing Project        | Berkeley                             | Russell Street Residence Annex | Single Males and Females              |       | 4          |
| Bonita House                             | Berkeley                             | Channing Way Apts              | Single Males and Females              |       | 4          |
| Bonita House                             | Berkeley                             | Pathways                       | Single Males and Females              |       | 7          |
| Bonita House                             | Oakland                              | Pathways                       | Single Males and Females              | 4     | 4          |
| Bonita House                             | Berkeley                             | SIL Hearst Apartments          | Single Males and Females              |       | 12         |
| City of Berkeley                         | Tenant Based Rental Assistance       | Square One                     | Single Males and Females              | 6     |            |
| City of Berkeley                         | Tenant Based Rental Assistance(TBRA) | Shelter Plus Care - TBRA       | Single Males and Females and Families | 150   |            |
| City of Berkeley                         | Tenant Based Rental Assistance(TBRA) | COACH Project                  | Single Males and Females              | 86    |            |
| City of Berkeley                         | Berkeley                             | McKinley House                 | Single Males and Females              | 7     |            |
| City of Berkeley - Berkeley Housing Auth | Tenant Based Rental Assistance       | Non-elderly Disabled (NED)     | Single Males and Females and Families | 30    |            |
| Northern California Land Trust           | Berkeley                             | Haste House                    | Single Males and Females              |       | 7          |
| Resources for Community Development      | Berkeley                             | Supportive Housing Network     | Single Males and Females              |       | 14         |
| Resources for Community Development      | Berkeley                             | Erna P. Harris Court           | Single Males and Females              | 35    |            |
| Resources for Community Development      | Berkeley                             | Oxford Plaza                   | Single Males and Females              | 4     |            |
| Resources for Community Development      | Berkeley                             | U.A. Homes                     | Single Males and Females              | 0     | 74         |
|                                          |                                      |                                | Total                                 | 337   | 148        |

Notes: Affordable rental housing is listed by the number of units. Developments providing congregate (shared kitchens, baths) housing are listed by the number of beds/rooms. There are other permanent housing developments in Berkeley that may be affordable to people who are homeless and offer some level of social services to residents which are not listed here. This table lists only developments/projects specifically targeted toward people who are homeless at entry. \*Shelter Plus Care households are 86% adults and 14% families as of PY19.

**Figure 9 – Current Inventory: Permanent Supportive Housing**

Source: City of Berkeley, Housing and Community Services Division

**Describe mainstream services, such as health, mental health, and employment services to the extent those services are used to complement services targeted to homeless persons**

All homeless agencies rely in part on mainstream services to meet the needs of their clients. Berkeley has its own Mental Health Division that accepts referrals from homeless providers and outreaches to homeless people living on the streets. Berkeley is also home to Lifelong Medical Care and provides funding for Lifelong to serve low-income residents, including those who are homeless. In addition, the City funds Lifelong to provide services to formerly homeless people living in permanent housing in Berkeley. The City also funds both benefits advocacy services. It also funds employment training and placement services that can be accessed by people who are homeless. More information about the mainstream services accessed by homeless services providers is provided in Section SP-60.

**List and describe services and facilities that meet the needs of homeless persons, particularly chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth. If the services and facilities are listed on screen SP-40 Institutional Delivery Structure or screen MA-35 Special Needs Facilities and Services, describe how these facilities and services specifically address the needs of these populations.**

All homeless housing and service programs in Berkeley may be serving people who are chronically homeless. In PY18, 56% of the people served by shelters and transitional housing programs were chronically homeless individuals. The 2019 homeless count (the last count from which Berkeley-specific data is available) found that chronically homeless people were 34 percent of the City's homeless population and most agencies have experience serving people who are chronically homeless.

Berkeley has five City-operated programs serving primarily people who are chronically homeless:

- The Shelter Plus Care Collaborative Opportunity to Address Chronic Homelessness (COACH) grant, provides tenant-based rental assistance to a minimum of 87 chronically homeless single adults who are frequent users of emergency services, or have repeated contacts with law enforcement.
- The Shelter Plus Care Housing Opportunity for Older Adults (HOAP) Project also specifically targets chronically homeless single adults. This grant provides a minimum of 14 tenant-based subsidies for chronically homeless adult aged 55 and older who receive services through the City's Aging Services Division. In FY19, the City received approval to consolidate its HOAP grant with the below Tenant Based Rental Assistance grant described below.
- The Shelter Plus Care Tenant-Based Rental Assistance provides rental assistance to a minimum of 129 households, either families or single adults, and prioritizes households that meet the HUD criteria for being chronically homeless, but the grant allows some flexibility to serve households who are homeless and disabled who may not meet the strict criteria for being chronically homeless. All newly referred participants must meet HUD's chronic homeless definition.

- The Shelter Plus Care Alameda County Collaborative grant is a tenant-based rental assistance grant in partnership with Alameda County that serves a minimum of 15 households with a disabling condition related to HIV/AIDS, and prioritizes people who are chronically homeless.
- The Shelter Plus Care Supportive Housing Network is a sponsor-based grant with Resources for Community Development as the project sponsor. The grant primarily serves 15 chronically homeless single adults who reside at one of two sites owned and managed by RCD.
- The Square One program, which combines a locally funded housing subsidy with services provided by Berkeley service providers. The City of Berkeley invests more than \$407,000 each year in services for transition age youth. The City has 30 year-round shelter beds for homeless TAY (YEAH! Shelter), 12 transitional housing beds (Fred Finch Youth Center) and 10 permanent supportive housing units (Harmon Gardens).

Through the Mental Health Division, the City has contracted with Youth Engagement, Advocacy, Housing (YEAH!) for \$101,978, to provide services, supports, and/or referrals to Transition Age Youth (TAY) with serious mental illness who are homeless or marginally housed and not currently receiving services in its TAY Support Services. This program is part of the City's Mental Health Services Act (MHSA) implementation.

The Berkeley Food and Housing Project has 12 transitional housing beds for single homeless male veterans and provides case management services during the day and shelter at night. In addition, Ashby House, owned by Resources for Community Development and operated by Operation Dignity provides 7 units of transitional housing for homeless veterans.

## MA-35 Special Needs Facilities and Services – 91.210(d)

### Introduction

As previously discussed in the Needs Assessment, the special needs population consists of persons who are not homeless but require supportive housing and services for various reasons. This population includes (but is not limited to) persons with mental, physical, and/or developmental disabilities; the elderly and frail elderly; persons with alcohol or other drug addiction; persons with HIV/AIDS and their families; victims of domestic violence, dating violence, sexual assault, and stalking; and transitional age youth.

**Including the elderly, frail elderly, persons with disabilities (mental, physical, developmental), persons with alcohol or other drug addictions, persons with HIV/AIDS and their families, public housing residents and any other categories the jurisdiction may specify, and describe their supportive housing needs**

The City of Berkeley's Aging Services Division, part of the Health, Housing & Community Services (HHCS) Department, operates two senior centers and offers a variety of computer classes, seminars, and social events for adults 55 years of age and older. The Aging Services Division offers lunch at the two senior centers, delivers meals to homebound seniors through their Meals on Wheels Program, and provides consultation/referral services via the Social Services Unit. The City also funds the following programs:

- Japanese American Services of the East Bay, Senior Services
- Easy Does It Emergency Services, Senior Paratransit Services

The City of Berkeley's Mental Health Division (also part of HHCS) provides mental health prevention and intervention services with a focus on high-risk adult, youth, and families. Working closely with other City departments and community partners, the City's Mental Health Services Division provides programs for people in crisis, people with serious mental illnesses and disabilities, people in need of mental health or related social services, and children, teens, and families experiencing emotional difficulties. The division is also one of a number of agencies providing services for participants in Berkeley's Shelter Plus Care Program. Their assistance allows seriously mentally ill adults who are homeless, frequently chronically homeless, to become permanently housed with ongoing support.

In addition to the work of the Mental Health Division, the City has funded the following programs for people with disabilities using a combination of federal and local funds. These programs serve primarily non-homeless people but do not prohibit participation by people who are homeless. Programs include:

- Bay Area Outreach and Recreation Program: Recreational Services for Persons with Disabilities;
- Berkeley Place: Deaf Services;
- Bonita House: Creative Wellness Center;
- Center for Independent Living: Residential Access Project for Disabled;
- Easy Does It: Emergency Services for Severely Disabled Transportation Program; and

- Through the Looking Glass: Parenting and Education Programs.

The City funds the following programs for people with alcohol and drug addiction:

- Bonita House: Case Management Tied to Permanent Housing;
- Lifelong Medical Care: Acupuncture Detox Clinic; and
- Options Recovery Services: Transitional Housing.

The City funds the following program for victims of domestic violence:

- Family Violence Law Center: Family Violence and Homelessness Prevention

The City of Berkeley's Public Health Division provides HIV/AIDS services. The services at the public health clinic include HIV education, counseling, "opt-out" testing (conventional and Rapid HIV testing) and referral services to minimize the spread of HIV infection. For all newly positive HIV clients and for HIV + clients who have fallen out of medical care we provide a warm hand off to one of the HIV Care Clinics in the East Bay. The Public Health Division also conducts AIDS/HIV case surveillance.

### **Describe programs for ensuring that persons returning from mental and physical health institutions receive appropriate supportive housing**

The Alameda County-wide Continuum of Care (CoC) provides several programs to ensure persons returning from mental and physical health institutions receive appropriate supportive housing.

Persons are not routinely discharged from health care facilities into homelessness, and the CoC worked with a variety of health care institutions to reduce discharges into literal homelessness. California recently enacted Senate Bill (SB) 1152 that outlines requirements of hospitals and emergency departments related to the care and discharge of homeless patients. The Alameda County Health Care Services Agency (HCSA), a member of the HUD CoC, convened several work group sessions on the new legislation in partnership with the Northern California Hospital Council and its members. The sessions focused on improving collaboration and coordination among the CoC and community-based agencies including training and information sharing on coordinated entry processes. The County and hospitals have established several medical respite/recuperative care programs for homeless patients exiting emergency departments and hospitals with a large project in the planning phases on formal federal land. The County also established a locally funded housing subsidy pool to provide permanent housing subsidies for high priority homeless patients in Skilled Nursing Facilities and hospitals. Finally, Alameda County actively participates in a Medicaid waiver program focused on expanding resources and collaboration among health and housing providers to address homelessness.

The CoC works with Housing Services Office of Behavioral Health Care Services (BHCS) to improve discharge planning from mental health facilities. To that end, the Housing Services Office, with coordination by the CoC created a homelessness prevention/rapid re-housing fund, modeled after and

delivered in partnership with the Homeless Prevention and Rapid Re-Housing Program. The fund has been used to help hospitalized persons continue to pay rent so units are not lost, or to obtain units upon exit from the facility. The CoC worked with permanent supportive housing providers to develop protocols allowing tenants hospitalized for more than 30 days to retain their units. The CoC and the Housing Services Office trained staff on how to assess patients' housing needs and assist in resolving them as part of discharge planning, utilizing the Office's centralized housing resource database and webpage. BHCS also contracts for dedicated emergency hotel beds for use while ACT teams work on locating permanent housing. BHCS also pays subsidies for licensed residential care facilities to which people routinely exit and expanded this program over the past year. BHCS is also working on a new crisis and transitional residential program for homeless individuals with a serious mental illness.

**Specify the activities that the jurisdiction plans to undertake during the next year to address the housing and supportive services needs identified in accordance with 91.215(e) with respect to persons who are not homeless but have other special needs. Link to one-year goals. 91.315(e)**

The City of Berkeley will continue to fund public services, housing rehabilitation, public facility renovations and other housing services with federal funds in PY20. See the Strategic Plan and Annual Action Plan for more detail.

**For entitlement/consortia grantees: Specify the activities that the jurisdiction plans to undertake during the next year to address the housing and supportive services needs identified in accordance with 91.215(e) with respect to persons who are not homeless but have other special needs. Link to one-year goals. (91.220(2))**

N/A

## **MA-40 Barriers to Affordable Housing – 91.210(e)**

### **Negative Effects of Public Policies on Affordable Housing and Residential Investment**

To identify potential constraints to housing production, City staff analyzed the specific constraint categories as described in state law and discussed the City's regulations with local developers. Planning and zoning regulations establish rules for how land may be used, thereby limiting the amount of development in a city. Although local ordinances and policies are typically adopted to protect the health, safety, and welfare of residents, they may have the consequence of creating constraints to the development of housing. This consequence may be intentional (as is the case with growth control ordinances) or unintentional (such as with certain zoning requirements).

As described in detail below, most constraints have been addressed by existing City programs. The development record and densities of approved projects are the best evidence that there are not significant constraints to housing production. However, housing policies have been designed to minimize potential constraints including: identification and consideration of options to revise the zoning regulations in lower and medium-density areas for infill developments, consideration of revisions to the accessory dwelling unit regulations, and continued improvement to the development review process.

### **Density and Development Standards**

Density is a key factor in identifying potential constraints to development of housing. The more cities limit density, the fewer units are constructed and, in general, the more expensive they are on a per-unit basis. Most lots in Berkeley are developed and most zoning districts allow residential uses. Thus, housing is allowed in most of the City, except portions of West Berkeley that are developed with and planned for manufacturing uses.

For most zoning districts, residential development standards, such as lot size, setbacks, lot coverage, etc. are similar to standards in other nearby cities. There are not many vacant lots and construction of new single-family dwellings has been limited. Single-family development tends to provide above-moderate income housing, so to the extent that this is a constraint, it is not on the development of affordable units.

Berkeley has numerous medium and high density residential zoning districts. This type of infill development (adding units to developed lots) occurs throughout the City.

As previously indicated, residential growth has concentrated on commercial corridors, with recent development densities ranging from 69 to 202 dwelling units per acre. Since 2014 the state has increased development potential in the Telegraph Commercial district. The Planning Department is actively engaged in the Adeline Corridor Planning Process which is proposing new zoning incentives for on-site affordable housing. The plan and updated zoning are anticipated to be adopted in the first half of 2020. Additionally California Assembly Bill 2923, passed in 2019, requires adopting updated zoning on all BART properties. This will affect both Ashby BART station and North Berkeley BART Station.

While the flexibility of Berkeley's zoning ordinance and the lack of specific density standards may be seen as providing less certainty than more traditional zoning, it is clear from the record of development that specific density standards are not needed to produce housing of sufficient density to be financially feasible and attractive to developers. However, while the zoning ordinance includes five multi-family zoning districts and the City has seen numerous medium density multi-family development projects, Housing Policy H-34 of the City's *Housing Element* encourages the review the regulation of medium density infill development and to identify and change possible constraints.

## **Parking**

The City's residential parking requirements are generally low and are not a constraint to development. The zoning regulations for mixed-use projects also provide flexibility to the parking standards. For example, the City allows deep parking reductions for projects located Downtown and along major transit corridors. Many mixed-use projects have been built with less than one parking space per dwelling unit. Some have been approved with no parking for the residential component and several Downtown projects that were allowed a parking reduction have discovered that there is less tenant demand than expected.

In addition, Berkeley was one of the first cities in the country to allow double and triple stacks lifts to satisfy the City's residential parking requirements. This can eliminate the need for expensive below-grade parking and/or leave more leasable ground floor area by minimizing the space needed for parking.

In January 2020, new California state legislation, Assembly Bill 881, takes effect, and as noted below, removes parking requirements when near public transportation or when physically replacing an existing garage, car port or covered parking structure. This may continue to ease building restrictions.

## **Second Residential Units**

Provision of small, accessory dwelling units (ADUs) in low density areas can be a good way to add housing units outside of the commercial corridors and higher density residential districts, while also meeting personal or financial needs of property owners. For example, a second unit on a single-family property can provide an opportunity for an older owner to remain at home, either with a caretaker in the second unit or by renting the house to a family and the owner moving into the smaller unit. A 2012 study by UC Berkeley's Center for Community Innovation, *Yes in My Backyard: Mobilizing the Market for Secondary Units* (<http://www.bayareaeconomy.org/files/pdf/AlamedaHousing.pdf>) estimated that 3,628 single family housing units in Berkeley would be eligible for ADUs under existing zoning and that with recommended land use changes 6,040 units would be possible. Due to updates in Berkeley's code we estimate that the number may now be closer to 6,040.

While the City adopted new ADU rules which took effect June 29, 2018, the state of California also recently passed legislation in 2018 and 2019 to ease restrictions to further streamline the building and permitting process. Key changes brought about by the new 2019 state laws, which will be fully



implemented by 2020, include prohibiting parking requirements (when half a mile from transit stops) and impact fees on units smaller than 750 square feet and limiting the permit fees that can be charged to larger ADUs, removing owner-occupancy requirements and allowing for two ADUs on the same property. Berkeley's City Council is currently considering an ADU amnesty program that would assist owners in bringing existing ADUs to code, hoping to encourage new, updated units to come to market.

### **Demolition Controls**

The City regulates demolition of dwelling units to protect the affordable housing supply and existing tenants. In general, the Zoning Adjustments Board (ZAB) may approve a use permit to demolish dwelling units only if the units are replaced by new construction or if the structure is hazardous, unusable or infeasible to repair. However, if elimination of a rent-controlled unit is proposed, the requirements are more stringent.

In 2016 there was an amendment to the municipal code regulating the demolition and elimination of Dwelling Units. The ZAB may allow demolition of a building constructed prior to June 1980 (essentially a controlled rental unit) on a property containing two or more dwelling units if it makes the following findings: 1) the building containing the units is hazardous or unusable and is infeasible to repair; or 2) the building containing the units will be moved to a different location within the City of Berkeley with no net loss of units and no change in the affordability levels of the units; or 3) the demolition is necessary to permit construction of special housing needs facilities such as, but not limited to, childcare centers and affordable housing developments that serve the greater good of the entire community; or 4) the demolition is necessary to permit construction approved.

If this demolition allowance is made by the ZAB, applicants must pay a fee, but the City Council, as of 2019, has not yet determined the amount of that fee. In lieu of a fee, the applicant may provide a unit in the new project at below market rate to a qualifying household in perpetuity. The rate would be set by City Council and would be governed by a regulatory agreement with the City.

The issue is complicated by interpretation of other ordinances, including the Rent Stabilization and Eviction for Good Cause Ordinance, the Relocation Ordinance, and the Ellis Act. Due to the restrictive nature of these exceptions and their interaction with other City ordinances, the controls on demolition of rent-controlled units can be a constraint to development. The afore mentioned update to the code includes a provision to require that if a building is removed from the rental market under the Ellis Act, there must be a 5 year waiting period prior to demolition and the property cannot have verified cases of harassment or illegal eviction in the preceding 3 years. If those conditions are not met, hearing may be heard by the rent Board Hearing Examiner and the Zoning Adjustment Board.

Regarding occupied units under consideration for demolition, the following requirements apply: 1) the applicant provides all sitting tenants notice of the application to demolish the building no later than the date it is submitted to the City; 2) The applicant shall provide assistance with moving expenses 3); the

applicant shall subsidize the rent differential (in a manner approved by the City) for a comparable replacement unit, in the same neighborhood if feasible, until new units are ready for occupancy.

If a demolition applicant proposes to construct a 100 percent affordable housing project, applicants shall provide relocation benefits that conform to state laws. Sitting tenants who are displaced as a result of demolition shall be provided the right of refusal to move into the new building; and tenants of units that are demolished shall have the right of first refusal to rent new below market rate units designated to replace the units that were demolished, at the rent that would have applied if they had remained in place, as long as their tenancy continues. Income restrictions shall not apply to displaced tenants. First right of refusal would also apply to 100 percent affordable units that were not designated to replace displaced tenants' demolished units, but income and other restrictions would apply when the units were ready for occupancy. Demolition regulations regarding Accessory Dwelling Units may be reviewed by City staff in 2020 to ensure compliance with new state legislation.

Berkeley's demolition regulations are not a constraint to housing development, as demolition of units is permissible upon replacement of at least the same number of dwelling units as the demolished structure.

### **Affordable Housing Incentive Programs**

Inclusionary housing was originally adopted as City policy as part of the Neighborhood Preservation Ordinance in 1973 and it was codified in the zoning ordinance in 1987. In 2009, the *Palmer/Sixth Street Properties vs. City of Los Angeles* court ruling found that inclusionary housing requirements on rental developments violate the Costa-Hawkins Rental Act of 1995, thereby invalidating the City's inclusionary requirements for rental housing. In order to continue to provide income-restricted units in Berkeley, Council adopted an affordable housing mitigation fee (AHMF) on new market-rate rental units (Ordinance 7,192-N.S.) on June 28, 2011. The fee was established by an impact fee nexus study, which quantified the need for affordable housing created by the development of new market rate rental housing.

On October 16, 2012, the City Council adopted Resolution 65,920-N.S. setting the fee at \$28,000 and establishing criteria for applying the fee. On February 19, 2013, City Council adopted Resolution 66,015-N.S. which reduced the fee for projects meeting certain benchmarks within the first two years of the program. On October 7, 2014, Council adopted Resolution No. 66,809-N.S. amending Resolution No. 66,015-N.S. to extend the affordable housing mitigation fee discount of \$8,000 for six months to April 16, 2015, requiring projects receiving the discount to obtain needed approval of the Zoning Adjustments Board by April 16, 2017, and directing staff to work with the Planning Commission and the Housing Advisory Commission to complete the new nexus study for possible revisions to the fee.

An updated nexus study for the AHMF which was completed March 25, 2015, found a nexus supporting maximum possible fee of \$84,400 per market rate unit. On July 12, 2016, Council raised the fee to 34,000 per new unit of rental housing. June 27, 2017, Council increased the fee to 37,000 per new unit

of rental housing with a 3,000 discount if paid in full before issuance of building permit. Effective July 1, 2018, the AHMF is \$37,962 per new unit of rental housing, payable at the issuance of Certificate of Occupancy. If the AHMF is paid in its entirety no later than issuance of the building permit, the fee is \$34,884 per new unit of rental housing.

The inclusionary housing ordinance includes both rental and ownership housing, but there has not been an ownership project since 2007. The City is exploring the ownership project with a developer that may be interested in an ownership project.

The AHMF is deposited in the City's Housing Trust Fund. The AHMF applies to new rental housing projects of 5 or more dwelling units (certain types of projects are exempt). An applicant for a development project that is subject to the AHMF may elect to avoid the fee completely by providing 20 percent of the units in the development to qualified households at rental rates affordable to Low-Income and Very Low-Income households

(<https://www.cityofberkeley.info/ContentDisplay.aspx?id=74682>). Half of the affordable units must be provided to households with rents and incomes no greater than Low Income (80 percent of Area Median for the household and unit size) and half at Very Low-Income (50 percent of Area Median). If an odd number of affordable units are provided, the majority must be Very Low-Income. In addition, of the total Very Low-Income units, 40 percent of the units must be reserved for holders of Berkeley Housing Authority Section 8 vouchers and 40 percent must be reserved for holders of City of Berkeley Shelter + Care certificates. For projects designating fewer than 20 percent of their total units as affordable, the AHMF will be reduced proportionally.

Between 2015 and 2018, the City's policy led to the construction of a total of 194 below market rate units, including 86 Very Low Income and 17 Low Income units. As mentioned in previous sections, the Housing Trust Fund has recently expanded as a result of voter approved measures, expanding the City's ability to leverage funds to create additional below market rate units.

As demonstrated by development activity in Berkeley, the zoning standards, including density, parking and affordable housing requirements, have not constrained approval of housing projects or development of affordable units. According to a Berkeleyside news publication on March 26, 2019 (<https://www.berkeleyside.com/2019/03/26/the-2019-berkeley-housing-pipeline-map-a-berkeleyside-special-report/>), nearly 1,300 units have been built since about 2012, about 90 of which were below-market-rate units; 1,047 are under construction (including 81 below market rate units); 1,444 units have been approved (with about 84 below market rate units); and another 1,252 (with 102 below market rate units) have been submitted. In 2019, an additional 519 units have been approved, are under construction or have been built for seniors, artists, persons with special needs, those who have been homeless and other specialized categories. The residential zoning standards are appropriate for residential areas and flexibility is provided for high density projects on commercial corridors. The affordable housing mitigation fee (AHMF), or provision of on-site units available to Very Low Income Households, has not deterred new residential development as can be seen with the number of applications the City has received and the continued interest in new multi-family construction.

## MA-45 Non-Housing Community Development Assets – 91.215 (f)

### Introduction

This section covers the economic development needs of the City and provides data regarding the local economic condition.

### Economic Development Market Analysis

#### Business Activity

| Business by Sector                            | Number of Workers | Number of Jobs | Share of Workers % | Share of Jobs % | Jobs less workers % |
|-----------------------------------------------|-------------------|----------------|--------------------|-----------------|---------------------|
| Agriculture, Mining, Oil & Gas Extraction     | 348               | 41             | 1                  | 0               | -1                  |
| Arts, Entertainment, Accommodations           | 5,166             | 8,264          | 14                 | 18              | 4                   |
| Construction                                  | 1,147             | 1,432          | 3                  | 3               | 0                   |
| Education and Health Care Services            | 7,147             | 11,341         | 20                 | 24              | 5                   |
| Finance, Insurance, and Real Estate           | 2,413             | 1,717          | 7                  | 4               | -3                  |
| Information                                   | 2,092             | 1,566          | 6                  | 3               | -2                  |
| Manufacturing                                 | 1,776             | 4,043          | 5                  | 9               | 4                   |
| Other Services                                | 1,877             | 3,251          | 5                  | 7               | 2                   |
| Professional, Scientific, Management Services | 6,965             | 6,037          | 19                 | 13              | -6                  |
| Public Administration                         | 0                 | 0              | 0                  | 0               | 0                   |
| Retail Trade                                  | 3,169             | 6,163          | 9                  | 13              | 5                   |
| Transportation and Warehousing                | 635               | 185            | 2                  | 0               | -1                  |
| Wholesale Trade                               | 1,035             | 1,259          | 3                  | 3               | 0                   |
| Total                                         | 33,770            | 45,299         | --                 | --              | --                  |

**Table 49 - Business Activity**

**Data Source:** 2011-2015 ACS (Workers), 2015 Longitudinal Employer-Household Dynamics (Jobs)

**Labor Force**

|                                                |        |
|------------------------------------------------|--------|
| Total Population in the Civilian Labor Force   | 64,085 |
| Civilian Employed Population 16 years and over | 58,830 |
| Unemployment Rate                              | 8.19   |
| Unemployment Rate for Ages 16-24               | 15.25  |
| Unemployment Rate for Ages 25-65               | 5.71   |

**Table 50 - Labor Force**

Data Source: 2011-2015 ACS

| Employer                                         | Number of Employees | Rank | Percentage of Total City Employment |
|--------------------------------------------------|---------------------|------|-------------------------------------|
| University of California Berkeley                | 13,396              | 1    | 20.14                               |
| Lawrence Berkeley National Laboratory            | 3,350               | 2    | 5.04                                |
| Sutter East Bay Medical Foundation/Hospitals     | 2,344               | 3    | 3.52                                |
| Berkeley Unified School District                 | 1,642               | 4    | 2.47                                |
| Bayer Corporation                                | 1,576               | 5    | 2.37                                |
| City of Berkeley                                 | 1,572               | 6    | 2.36                                |
| Siemens Corporation/Healthcare Diagnostics, Inc. | 877                 | 7    | 1.32                                |
| Kaiser Permanente Medical Group                  | 800                 | 8    | 1.20                                |
| Berkeley Bowl Produce                            | 616                 | 9    | 0.93                                |
| Whole Foods Market California Inc.               | 383                 | 10   | 0.58                                |
| <b>Total</b>                                     | <b>26,556</b>       |      | <b>39.92</b>                        |

**Figure 10 – Principal Employers in Berkeley, FY 2018**

Data Source: City of Berkeley's FY 2018 Comprehensive Annual Financial Report (CAFR), available at:  
<https://www.cityofberkeley.info/uploadedFiles/Finance/Home/Reports/BerkeleyCAFRReport2018.pdf>

**Top 10 Berkeley Employers, 4th Quarter, 2013**

| Occupations by Sector                            | Number of People |
|--------------------------------------------------|------------------|
| Management, business and financial               | 25,475           |
| Farming, fisheries and forestry occupations      | 1,990            |
| Service                                          | 3,860            |
| Sales and office                                 | 9,875            |
| Construction, extraction, maintenance and repair | 1,320            |
| Production, transportation and material moving   | 805              |

**Table 51 – Occupations by Sector**

Data Source: 2011-2015 ACS

## Travel Time

| Travel Time        | Number        | Percentage  |
|--------------------|---------------|-------------|
| < 30 Minutes       | 29,830        | 58%         |
| 30-59 Minutes      | 15,540        | 30%         |
| 60 or More Minutes | 5,720         | 11%         |
| <b>Total</b>       | <b>51,090</b> | <b>100%</b> |

Table 52 - Travel Time

Data Source: 2011-2015 ACS

## Education:

### Educational Attainment by Employment Status (Population 16 and Older)

| Educational Attainment                      | In Labor Force    |            | Not in Labor Force |
|---------------------------------------------|-------------------|------------|--------------------|
|                                             | Civilian Employed | Unemployed |                    |
| Less than high school graduate              | 1,195             | 260        | 955                |
| High school graduate (includes equivalency) | 2,470             | 205        | 1,090              |
| Some college or Associate's degree          | 6,360             | 895        | 2,485              |
| Bachelor's degree or higher                 | 33,155            | 1,890      | 5,965              |

Table 53 - Educational Attainment by Employment Status

Data Source: 2011-2015 ACS

### Educational Attainment by Age

|                                           | Age       |           |           |           |         |
|-------------------------------------------|-----------|-----------|-----------|-----------|---------|
|                                           | 18-24 yrs | 25-34 yrs | 35-44 yrs | 45-65 yrs | 65+ yrs |
| Less than 9th grade                       | 14        | 315       | 355       | 580       | 395     |
| 9th to 12th grade, no diploma             | 505       | 230       | 380       | 550       | 350     |
| High school graduate, GED, or alternative | 4,675     | 1,175     | 600       | 2,000     | 1,590   |
| Some college, no degree                   | 18,055    | 2,470     | 1,465     | 3,365     | 2,215   |
| Associate's degree                        | 675       | 780       | 585       | 1,130     | 700     |
| Bachelor's degree                         | 5,545     | 8,700     | 4,310     | 7,260     | 3,720   |
| Graduate or professional degree           | 300       | 6,405     | 5,330     | 9,025     | 7,040   |

Table 54 - Educational Attainment by Age

Data Source: 2011-2015 ACS

## Educational Attainment – Median Earnings in the Past 12 Months

| <b>Educational Attainment</b>               | <b>Median Earnings in the Past 12 Months</b> |
|---------------------------------------------|----------------------------------------------|
| Less than high school graduate              | 21,442                                       |
| High school graduate (includes equivalency) | 28,484                                       |
| Some college or Associate's degree          | 30,316                                       |
| Bachelor's degree                           | 45,112                                       |
| Graduate or professional degree             | 62,483                                       |

**Table 55 – Median Earnings in the Past 12 Months**

Data Source: 2011-2015 ACS

**Based on the Business Activity table above, what are the major employment sectors within your jurisdiction?**

According to the data above, the top employment sectors in the City of Berkeley are education and health care services with 24 percent share of the jobs. The arts, entertainment, and accommodations sector follow with 18 percent share.

**Describe the workforce and infrastructure needs of the business community:**

The workforce and infrastructure needs of the business community are broad. As in most Bay Area cities, Berkeley's businesses require an educated and skilled workforce, a robust transportation system, public safety and health, a business-friendly policy climate and workforce housing.

According to the City's Office of Economic Development, some of Berkeley's emerging growth sectors include biotech/life sciences, information technology, health care, food production, food services, and small-scale manufacturing. Specific needs include:

- Workers with Science, Technology, Engineering and Mathematics (STEM) education;
- Transportation infrastructure, particularly linking to Berkeley's west side;
- More connections/access to training, job and career opportunities for people from low income or limited English-speaking households;
- And workforce housing near transit centers.

In FY 2019, federal, state and private sources have provided nearly 1.8 billion dollars in new funding for research at UC Berkeley and Lawrence Berkeley National Laboratory in areas that are national priorities such as biofuels, energy conservation, advanced telecommunications, and biomedical engineering. Berkeley is working closely with the tech transfer staff of both UC Berkeley and the Berkeley Lab to retain local startups that are commercializing new technology as well as attract national companies to set up research centers in Berkeley. This collaboration is productive; the companies benefit from the City's entrepreneurial climate and from interaction with UC faculty and graduate

students. For this and other reasons—including the overall quality of life in Berkeley, access to a highly educated workforce, the central and accessible location within the Bay Area, and access to investment opportunities—many early-stage founders want to locate their businesses in Berkeley. As companies get established and grow, however, they often seek larger spaces than are available. The Berkeley Startup Cluster is attempting to address these real estate shortages by increasing founders' awareness of their options for securing suitable office space in Berkeley. This also includes encouraging property owners to upgrade their existing buildings to create more high-quality office space in Berkeley, and working with property owners and community partners to explore the entitlement of a new office tower in Downtown Berkeley.

**Describe any major changes that may have an economic impact, such as planned local or regional public or private sector investments or initiatives that have affected or may affect job and business growth opportunities during the planning period. Describe any needs for workforce development, business support or infrastructure these changes may create.**

Some specific developments that will likely have a notable economic impact in Berkeley include:

- Increased investment and real estate activity from University of California (UC), Berkeley. UC Berkeley has been active in Downtown area development, opening a new student center in late 2015, and opening an office/education building on Berkeley Way. The 320,000 square foot Berkeley Way West project adjacent to the Energy Biosciences Building is now housing the Graduate School of Education, the School of Public Health, and the Department of Psychology. The project includes more than 7,000 square feet of retail space on the ground floor, and classrooms, offices, open workstations, on the seven floors above. The Legends Aquatic Center on Bancroft Way was completed in late 2016, and a 783 bed-dorm project (Blackwell Residence Hall) at Bancroft and Dana (Stiles Hall) was completed and occupied by students in August of 2018. UC is currently undertaking planning work on a new student transfer center at 1990 Oxford Street, and a housing project at 2556 Haste Street. According to a Berkeleyside article published on February 21, 2019 (<https://www.berkeleyside.com/2019/02/21/uc-berkeleys-student-enrollment-projected-to-reach-44735-in-next-3-years>), UC Berkeley has increased their student population, with 44,735 students expected on campus by 2022-23, a 33.7 percent increase over original projections. In 2019 there are 41,000 students on campus. The number of employees on campus is decreasing. UC Berkeley had projected there would be 15,810 employees on campus by 2020. The number projected for 2022-23 is now 15,355, according to a report by the publication, Berkeleyside. Currently, there are 14,682 employees on campus, including faculty and staff. The City of Berkeley must plan to support the ancillary companies and economic activities that may result from shifts in the UC Berkeley employee and student populations.
- Recent and pending land use planning activities (the Downtown Plan, the Adeline Corridor Specific Plan) spur new mixed-use development in key corridors. The City must attract and support neighborhood serving businesses to fill spaces.



- The pending construction of a new highway interchange at Route 80 and Gilman Street could spur economic growth on the west side. This project is currently in its preliminary engineering and environmental review phase.
- Berkeley benefits from a very high concentration of incubators and co-working spaces that facilitate new business starts. It is anticipated that demand for co-working spaces, wet labs, and other high quality office space near in Downtown Berkeley will continue in the future, based on 2019 feedback from individual founders, accelerator leaders, and real estate brokers serving Berkeley's innovation sector.
- Recent major investments in the art are focused on the Downtown Berkeley BART Plaza, currently showcasing contemporary sound pieces (Sam Whiting, San Francisco Chronicle, [Strange Sounds Mix with Street Noise at Berkeley BART Art Installation](https://datebook.sfchronicle.com/art-exhibits/strange-sounds-mix-with-street-noise-at-berkeley-bart-art-installation), October 25, 2018, available at <https://datebook.sfchronicle.com/art-exhibits/strange-sounds-mix-with-street-noise-at-berkeley-bart-art-installation>) and outdoor performances; a rotating sculpture installation; and ongoing arts and cultural event programming. The \$7.6 million transportation improvement project, funded by a grant from the Metropolitan Transportation Commission, is bolstered by an additional \$400,000 of investment in infrastructure and programming for the arts in FY2019. Investments in the arts at the most prominent public plaza by the City and its partners will continue annually.
- In FY 2019, the Office of Economic Development (OED) launched new economic development initiatives to better support small, independently-owned businesses. These include: improving OED's outreach & communications with small businesses, increasing support for businesses navigating the permitting process, modifying the zoning ordinance to support small local businesses, piloting new small business assistance and retention programs, and increasing marketing, technical assistance, and networking opportunities for locally-owned retail and services businesses. OED will continue its support of these and other initiatives in FY 2020 and beyond.

Taken together, these projects may make Berkeley a more attractive location for business, catalyze more development activity, and ultimately generate new business activity and employment opportunity in the growing economic sectors mentioned above.

### **How do the skills and education of the current workforce correspond to employment opportunities in the jurisdiction?**

The City of Berkeley features a population that is exceptionally well-educated. Seventy-two percent of Berkeley's population (age 25 and up) has a bachelor's degree or more education, compared to just 32.5 percent for California overall (2013-2017 ACS). That said, there are certainly unmet needs among the City's unemployed, underemployed and low income populations. There is still a strong need to provide relevant job skills training and employment opportunities for these populations.

**Describe any current workforce training initiatives, including those supported by Workforce Investment Boards, community colleges and other organizations. Describe how these efforts will support the jurisdiction's Consolidated Plan.**

The City has contracted with workforce development programs to provide training, education and job placement for low income, under-employed, and unemployed residents in addition to administering local hire policies and a youth employment program:

- Inter-City Services provides employment, training, and education and continues to serve veterans as funded under the Governor's 15 percent Discretionary pool of Workforce Investment Act (WIOA) funds.
- Biotech Partners operates the Biotech Academy at Berkeley High School, targeting youth from under-represented populations in the fields of science and technology (African American, Latino, South East Asian, female and low income youth) and who may be at risk of not graduating from high school.
- The Bread Project provides training in culinary arts and bakery production, and includes the formerly incarcerated as their target population. They operate a social enterprise (wholesale bakery) that creates opportunities for trainees to obtain crucial on-the-job experience.
- Rising Sun Center for Opportunity (formerly known as Rising Sun Energy Center) Green Energy Training Services (GETS) provides pre-apprenticeship classroom and hands-on training in the Building and Construction trades which serves as a pathway for careers in construction including green and clean technologies. Rising Sun also operates the California Youth Energy Services (CYES) program funded by the CA Public Utilities Commission, providing summer jobs for youth conducting residential energy audits.
- Berkeley Youth Alternatives (BYA) receives WIOA funding through Alameda County Workforce Development Board (ACWDB) to provide workforce development services to in-school and out-of-school youth. The area of workforce development is a focus area for increased coordination, including establishing methods to maximize and leverage resources. BYA, utilizing city funds, provides training to disadvantaged youth in all aspects of park and landscape maintenance in addition to summer and after-school programs for children and youth.
- UC Theatre Concert Careers Pathways (UCCCP) is a nine-month program for young people ages 17-25, providing workshops and paid internships for participants to learn all aspects of live music venue production.
- Continuing the City's Local Hire policies which include the Community Workforce Agreement (CWA) between the City of Berkeley and the Building trades (created in 2011) which applies to publicly funded construction projects estimated at \$500,000 or above, and, the First Source local hiring policy which applies to both public infrastructure projects estimated between \$100,000 - \$499,999 and private development over 7,500 square feet. develop the
- The YouthWorks employment program continued its partnerships with City and nonprofit agencies. YouthWorks targets low income, at-risk youth and provides all youth with workplace

skills training. City of Berkeley departments and local community agencies serve as worksites providing valuable work experience to Berkeley youth 14-25 years old.

- The City's Recreation Division of the Park, Recreation & Waterfront Department partners with the Berkeley Unified School District and YouthWorks on the Achievers Program, which provides leadership development, career exploration and peer-led tutoring. This program is also used as a stepping stone for entry into the City's YouthWorks program.
- Funded through the City's Public Works Department, the Downtown Streets Team, a non-profit organization, homeless and low-income persons volunteer to beautify commercial districts while engaging in case management and employment services.

**Does your jurisdiction participate in a Comprehensive Economic Development Strategy (CEDS)?**

No

**If so, what economic development initiatives are you undertaking that may be coordinated with the Consolidated Plan? If not, describe other local/regional plans or initiatives that impact economic growth.**

The City participates in a number of regional economic development initiatives and strategies:

- East Bay Economic Development Alliance is a next-generation, cross-sector membership organization dedicated to growing the economy from the inside out. Working with the world-class companies, leading research institutions, passionate community organizations, small business leaders, and forward thinking local government agencies that constitute the membership, East Bay EDA represents the collective identity of the East Bay and the special power of a fully functional regional partnership. The organization conducts research, advocacy, and marketing to attract business investment to the region.
- Berkeley-Emeryville Bio is a collaboration of Berkeley and Emeryville to support and grow the cities' biotechnology and medical research business cluster. The efforts have paid off: Berkeley is experiencing substantial development of new programs and buildings that support the local bioscience industry. In addition to the QB3 Garage and EBI<sup>2</sup> incubators on UC Berkeley's campus (as well as the planned QB3 Bakar BioEnginuity hub, at Woo Hon Fai Hall, 2625 Durant Avenue), West Berkeley, near Emeryville, is becoming a second nexus of biotech innovation. The result of a unique public-private sector partnership between UC Berkeley, UCSF, Lawrence Berkeley National Laboratory, Wareham Development, and the cities of Berkeley and Emeryville, the QB3 East Bay Innovation Center (EBIC) offers top-quality wet-laboratories, along with office space for support functions, a common lunch and break area, and a formal conference room. Nearby, the nearby Bonneville Labs offers co-working facilities for life sciences entrepreneurs and others who require lab space for R&D. Both see continuous demand for their facilities and rarely have space available.

**Discussion**

N/A

## MA-50 Needs and Market Analysis Discussion

**Are there areas where households with multiple housing problems are concentrated? (include a definition of "concentration")**

The City of Berkeley does not currently allocate funds on a geographic basis and does not have a HUD approved Neighborhood Revitalization Strategy Area. Funds are allocated to organizations that provide services to low income households and the homeless population.

**Are there any areas in the jurisdiction where racial or ethnic minorities or low-income families are concentrated? (include a definition of "concentration")**

HUD regulations stipulate that the City should not allocate funds to an area of minority concentration unless certain conditions are met. Minority concentration is defined as when “the percentage of households in a particular racial or ethnic minority group is at least 20 percentage points higher than the percentage of that minority group for the housing market area, i.e. the Metropolitan Statistical Area (MSA) in which the proposed housing is to be located.”

The City of Berkeley is divided into the following neighborhoods: Central, Greater Downtown, North East, South, South East, and West (see “Berkeley Neighborhoods” map). Each neighborhood consists of several census tracts which is more reflective of the City’s areas for market purposes. When the neighborhoods are compared to the City as a whole, none meets the “concentrated” standard for Asian, African American, or Latino residents. Based on the 2010 Census data, the areas closest to concentrated are African Americans in South Berkeley and Latinos in West Berkeley but they do not meet the definition of “concentration.”

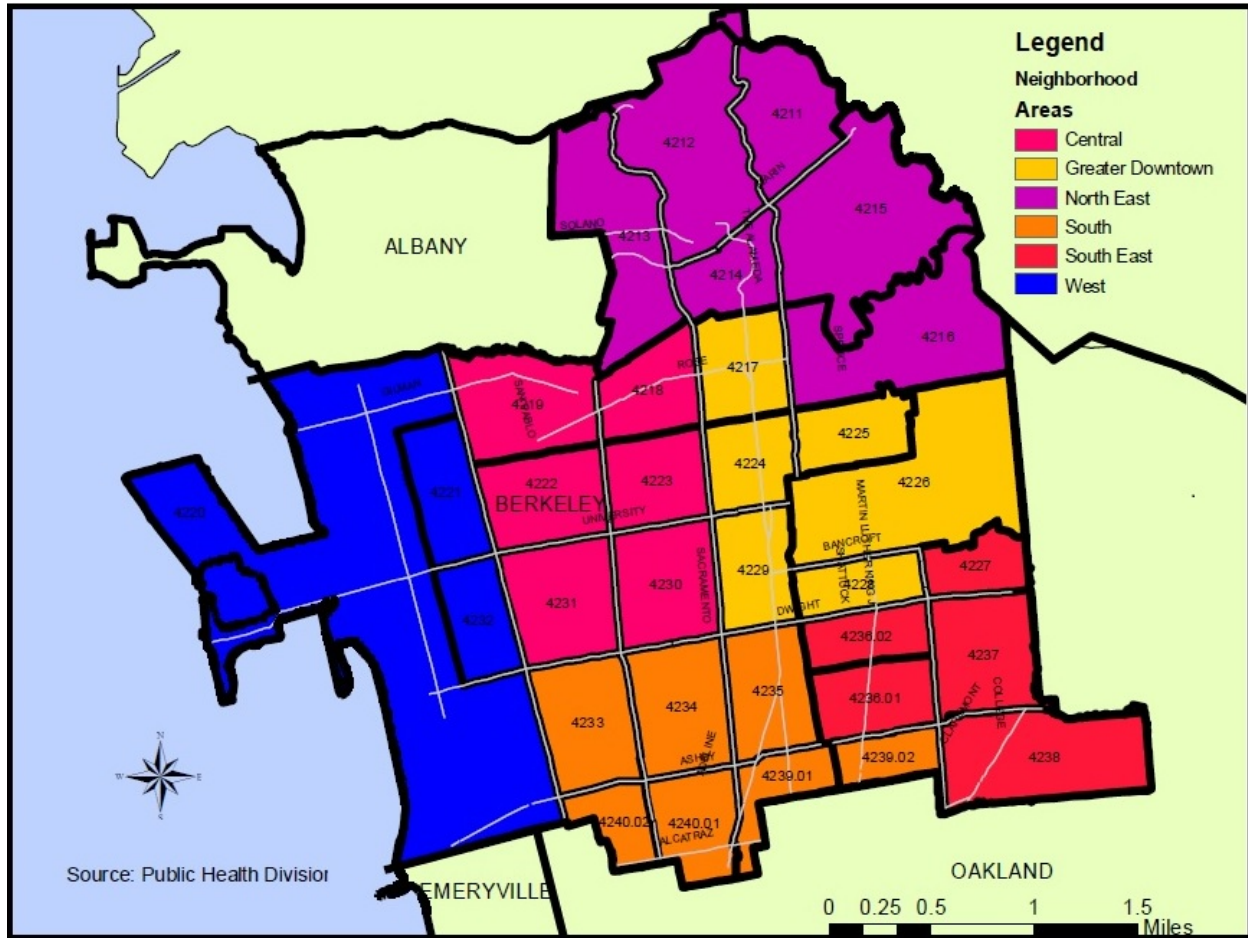


Figure 11 – Berkeley Neighborhoods

**What are the characteristics of the market in these areas/neighborhoods?**

N/A

**Are there any community assets in these areas/neighborhoods?**

N/A

**Are there other strategic opportunities in any of these areas?**

N/A

## Strategic Plan

### SP-05 Overview

#### Strategic Plan Overview

The purpose of the Strategic Plan is to identify the priority needs of the City and describe strategies that the City will undertake to serve the priority needs. The Strategic Plan includes the following sections:

- Geographic Priorities
- Priority Needs
- Influence of Market Conditions
- Anticipated Resources
- Institutional Delivery Structure
- Goals
- Public Housing Accessibility and Involvement
- Barriers to Affordable Housing
- Homelessness Strategy
- Lead-based Paint Hazards
- Anti-Poverty Strategy
- Monitoring

In addition to the above, the Strategic Plan section has been amended to include Coronavirus Aid, Relief, and Economic Security Act (CARES) funding that was signed into law on March 27, 2020 by the President of the United States. The CARES Act allocated to the City of Berkeley the following funding:

~~\$1,610,805~~ \$2,501,926 of CDBG-CV1&3

\$6,648,603 of ESG-CV1&2

**SP-10 Geographic Priorities – 91.215 (a)(1)****Geographic Area**

|          |                                                                                                                             |          |
|----------|-----------------------------------------------------------------------------------------------------------------------------|----------|
| <b>1</b> | <b>Area Name:</b>                                                                                                           | BERKELEY |
|          | <b>Area Type:</b>                                                                                                           | N/A      |
|          | <b>Other Target Area Description:</b>                                                                                       | N/A      |
|          | <b>HUD Approval Date:</b>                                                                                                   | N/A      |
|          | <b>% of Low/ Mod:</b>                                                                                                       | N/A      |
|          | <b>Revital Type:</b>                                                                                                        | N/A      |
|          | <b>Other Revital Description:</b>                                                                                           | N/A      |
|          | <b>Identify the neighborhood boundaries for this target area.</b>                                                           | N/A      |
|          | <b>Include specific housing and commercial characteristics of this target area.</b>                                         | N/A      |
|          | <b>How did your consultation and citizen participation process help you to identify this neighborhood as a target area?</b> | N/A      |
|          | <b>Identify the needs in this target area.</b>                                                                              | N/A      |
|          | <b>What are the opportunities for improvement in this target area?</b>                                                      | N/A      |
|          | <b>Are there barriers to improvement in this target area?</b>                                                               | N/A      |

**Table 56 - Geographic Priority Areas****General Allocation Priorities**

**Describe the basis for allocating investments geographically within the jurisdiction (or within the EMSA for HOPWA)**

The City of Berkeley is divided into the following neighborhoods: Central, Greater Downtown, North East, South, South East, and West (see "Berkeley Neighborhoods" map in section MA-50). However, the City does not allocate federal funds based on geography. It funds a variety of services targeting low income and homeless people that are located in all parts of the jurisdiction.



## SP-25 Priority Needs - 91.215(a)(2)

## Priority Needs

|   |                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|---|----------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | <b>Priority Need Name</b>        | Affordable Housing                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|   | <b>Priority Level</b>            | High                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|   | <b>Population</b>                | Extremely Low Income<br>Low Income<br>Moderate Income<br>Large Families<br>Families with Children<br>Elderly<br>Chronic Homelessness<br>Individuals<br>Families with Children<br>Mentally Ill<br>Chronic Substance Abuse<br>Veterans<br>Persons with HIV/AIDS<br>Victims of Domestic Violence<br>Unaccompanied Youth<br>Elderly<br>Frail Elderly<br>Persons with Mental Disabilities<br>Persons with Physical Disabilities<br>Persons with Developmental Disabilities<br>Persons with Alcohol or Other Addictions<br>Persons with HIV/AIDS and their Families<br>Victims of Domestic Violence |
|   | <b>Geographic Areas Affected</b> | BERKELEY                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|   | <b>Associated Goals</b>          | Increase Affordable Housing Supply and Quality                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|   | <b>Description</b>               | Approximately 90 percent of the HOME funds and 54 percent of CDBG funding will be utilized for the affordable housing development and rehabilitation. This includes affordable multi-family housing funded through the City's Housing Trust Fund and single family rehabilitation programs funded with CDBG.                                                                                                                                                                                                                                                                                  |

|   |                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|---|------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|   | <b>Basis for Relative Priority</b> | <p>As mentioned in the Needs Assessment Section, 43.9 percent of Berkeley households are considered "low income" per HUD definitions and 23.3 percent of the City as a whole has a severe cost burden of 50 percent or more of their income for housing.</p> <p>There is a strong need for more affordable housing options in the City. It is expected that federal funding will be allocated to these activities during the period covered by the consolidated plan.</p> |
| 2 | <b>Priority Need Name</b>          | Homelessness                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|   | <b>Priority Level</b>              | High                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|   | <b>Population</b>                  | <p>Extremely Low Income</p> <p>Low Income</p> <p>Families with Children</p> <p>Elderly</p> <p>Chronic Homelessness</p> <p>Individuals</p> <p>Families with Children</p> <p>Mentally Ill</p> <p>Chronic Substance Abuse</p> <p>Veterans</p> <p>Persons with HIV/AIDS</p> <p>Victims of Domestic Violence</p> <p>Unaccompanied Youth</p>                                                                                                                                    |
|   | <b>Geographic Areas Affected</b>   | BERKELEY                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|   | <b>Associated Goals</b>            | Provide Homeless Prevention, Emergency Shelter, Outreach and Rapid Re-Housing services                                                                                                                                                                                                                                                                                                                                                                                    |
|   | <b>Description</b>                 | Approximately 90 percent of the ESG funds will be used for Rapid Re-Housing, Emergency Shelter, Outreach and Homeless Prevention activities. The remainder will be used to fund the Homeless Management Information System and for the administration of the program.                                                                                                                                                                                                     |
|   | <b>Basis for Relative Priority</b> | ESG funds are expected to be allocated to these activities during the period of the consolidated plan.                                                                                                                                                                                                                                                                                                                                                                    |
|   | <b>3</b>                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|   | <b>Priority Need Name</b>          | Non-Housing Community Development                                                                                                                                                                                                                                                                                                                                                                                                                                         |

|  |                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|--|------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | <b>Priority Level</b>              | High                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|  | <b>Population</b>                  | Extremely Low Income<br>Low Income<br>Large Families<br>Families with Children<br>Elderly<br>Chronic Homelessness<br>Individuals<br>Mentally Ill<br>Chronic Substance Abuse<br>Veterans<br>Elderly<br>Frail Elderly<br>Persons with Mental Disabilities<br>Persons with Physical Disabilities<br>Persons with Developmental Disabilities<br>Persons with Alcohol or Other Addictions<br>Persons with HIV/AIDS and their Families<br>Victims of Domestic Violence<br>Non-housing Community Development |
|  | <b>Geographic Areas Affected</b>   | BERKELEY                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|  | <b>Associated Goals</b>            | Improve Public Facilities and Public Services                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|  | <b>Description</b>                 | CDBG funds will be used for public facility improvements and public services. Approximately 42 percent of CDBG funding available each year will be used for 1) renovations to facilities operated by non-profits for homeless and other low-income populations and 2) public services such as homeless and fair housing services for low-income populations.                                                                                                                                          |
|  | <b>Basis for Relative Priority</b> | Federal funds are expected to be allocated to these resources during the period of the consolidated plan.                                                                                                                                                                                                                                                                                                                                                                                             |
|  | <b>4 Priority Need Name</b>        | Prevent, prepare for and respond to COVID-19                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|  | <b>Priority Level</b>              | High                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

|  |                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|--|------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | <b>Population</b>                  | Extremely Low Income<br>Low Income<br>Moderate Income<br>Large Families<br>Families with Children<br>Elderly<br>Chronic Homelessness<br>Individuals<br>Families with Children<br>Mentally Ill<br>Chronic Substance Abuse<br>Veterans<br>Persons with HIV/AIDS<br>Victims of Domestic Violence<br>Unaccompanied Youth<br>Elderly<br>Frail Elderly<br>Persons with Mental Disabilities<br>Persons with Physical Disabilities<br>Persons with Developmental Disabilities<br>Persons with Alcohol or Other Addictions<br>Persons with HIV/AIDS and their Families<br>Victims of Domestic Violence |
|  | <b>Geographic Areas Affected</b>   | BERKELEY                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|  | <b>Associated Goals</b>            | Prevent, prepare for and respond to COVID-19                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|  | <b>Description</b>                 | The City will support the low-moderate community aiding directly with activities related to preventing, preparing for, and responding to COVID-19. Planned programming includes supporting vulnerable populations in non-congregate shelter, housing vulnerable populations with rapid rehousing, <a href="#">housing retention program</a> , and COVID testing/ <a href="#">vaccines</a> and supports for vulnerable populations.                                                                                                                                                            |
|  | <b>Basis for Relative Priority</b> | CARES Act funds are expected to be allocated during the period of the consolidated plan in response to the coronavirus (COVID-19).                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

Table 57 – Priority Needs Summary

### **Narrative (Optional)**

The Consolidated Plan Section NA-05 through NA-50 provides detail on the priority needs in Berkeley.

**SP-30 Influence of Market Conditions – 91.215 (b)****Influence of Market Conditions**

| <b>Affordable Housing Type</b>        | <b>Market Characteristics that will influence the use of funds available for housing type</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|---------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Tenant Based Rental Assistance (TBRA) | The City currently does not use HOME funds for TBRA but the City may consider it as an increasing number of Berkeley residents face a housing cost burden. As previously discussed, in total, a housing cost burden greater than 50 percent of income affects 10,005 households, with the majority of those comprised of rental households (8,075 rental and 1,930 homeowner).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| TBRA for Non-Homeless Special Needs   | The City does not currently use HOME funds for TBRA.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| New Unit Production                   | The characteristics of Berkeley's market that would substantiate the need for funding new affordable unit production include the cost of land, pre-development costs, cost of construction, and economic conditions including income/employment levels. HOME funds can be used in the development of new unit production for projects offering affordable housing at various levels.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Rehabilitation                        | The City contains an old housing stock with more than 90 percent of all housing constructed before 1980. As the housing stock continues to age, the need for rehabilitation will increase. Other factors influencing the use of funds include economic conditions since it would affect whether property owners have the funds for repair. The expense of construction is also continuing to increase. Labor shortages continue, as documented annually by the National Association of Homebuilders, and recently increasing prices for imported materials make the Bay Area an expensive place to renovate. The region has many older homes and much demand for contractor services. According to the June of 2019 San Jose Mercury News report, "Planning to Renovate in the Bay Area? Be Prepared to Wait," year long waiting lists for contractor services are not uncommon for those seeking renovations ( <a href="https://www.mercurynews.com/2019/06/19/planning-to-remodel-in-the-bay-area-be-prepared-to-wait/">https://www.mercurynews.com/2019/06/19/planning-to-remodel-in-the-bay-area-be-prepared-to-wait/</a> ). |
| Acquisition, including preservation   | As economic conditions change and housing cost burdens increase, HOME and CDBG funds continue to be a possible source of gap financing for acquisition and preservation projects. Increasingly, the City is unable to use federal funds for these projects because affordable housing developers cannot take the time required to complete a NEPA prior to site acquisition due to intense market competition for sites. Three of the four sites proposed in the 2019 Housing Trust Fund Request for Proposal had been acquired prior to City funding application or would be acquired prior to fund award. The local HUD office has advised that HOME funds cannot be used for any of these projects.                                                                                                                                                                                                                                                                                                                                                                                                                           |

**Table 58 – Influence of Market Conditions**

**Note:** There is no Consolidated Plan generated Table 55 Berkeley. Tables 56, 57 and 58 show up after Table 59.

## SP-35 Anticipated Resources – 91.215(a)(4), 91.220(c)(1,2)

### Introduction

### Anticipated Resources

| Program | Source of Funds | Uses of Funds                                                                                                                                                       | Expected Amount Available Year 1 |                    |                          |                 | Expected Amount Available Remainder of ConPlan \$ | Narrative Description |
|---------|-----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|--------------------|--------------------------|-----------------|---------------------------------------------------|-----------------------|
|         |                 |                                                                                                                                                                     | Annual Allocation: \$            | Program Income: \$ | Prior Year Resources: \$ | Total: \$       |                                                   |                       |
| CDBG    | public federal  | Acquisition<br>Admin and Planning<br>Economic Development<br>Housing<br>Public Improvements<br>Public Services                                                      | 2, <u>737,801</u>                | 255,925            | 222,352                  | 3,216,536       | 16,08 <u>0,393</u>                                | See below             |
| HOME    | public federal  | Acquisition<br>Homebuyer assistance<br>Homeowner rehab<br>Multifamily rental new construction<br>Multifamily rental rehab<br>New construction for ownership<br>TBRA | 778, <u>203</u>                  | 20,000             | 0                        | 798, <u>203</u> | 3, <u>891,015</u>                                 | See below             |

| Program          | Source of Funds  | Uses of Funds                                                                                                                                                                               | Expected Amount Available Year 1 |                    |                          |           | Expected Amount Available Remainder of ConPlan \$ | Narrative Description |
|------------------|------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|--------------------|--------------------------|-----------|---------------------------------------------------|-----------------------|
|                  |                  |                                                                                                                                                                                             | Annual Allocation: \$            | Program Income: \$ | Prior Year Resources: \$ | Total: \$ |                                                   |                       |
| ESG              | public federal   | Conversion and rehab for transitional housing<br>Financial Assistance<br>Overnight shelter<br>Rapid re-housing (rental assistance)<br>Rental Assistance<br>Services<br>Transitional housing | 234,354                          | 0                  | 0                        | 234,354   | 1,171,770                                         | See below             |
| Other: CARES Act | public – federal | Prevent, prepare for, and respond to coronavirus.                                                                                                                                           | CDBG-CV1&3:<br><br>\$2,501,926   | \$0                | \$0                      |           | \$0                                               | CARES Act allocation  |
| Other: CARES Act | public – federal | Prevent, prepare for, and respond to coronavirus.                                                                                                                                           | ESG-CV1&2:<br>\$6,648,603        | \$0                | \$0                      |           | \$0                                               | CARES Act allocation  |

Table 59 – Anticipated Resources

**Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied**

Many of the housing and community services programs described in the Consolidated Plan will continue to be delivered by nonprofit community based organizations. The City contracts with a wide range of housing and service providers using CDBG, HOME, ESG, Community Services Block



Grant (CSBG), General Fund, and other sources of funding. These organizations leverage significant financial and in-kind support from individual community members, foundations, and private organizations that help meet the needs identified in this plan.

In addition to leveraging at the individual agency level, the City has historically matched the investment of CDBG, HOME, and ESG dollars with the investment of General Funds. In PY18 over three quarters of the funding for community agency programs came from General Funds. The City anticipates using all of its HOME funds for multifamily residential new construction and rehabilitation. These types of projects virtually always require multiple sources of federal, state and other funding, which project sponsors are able to leverage with a commitment of local funds, including HOME. The City will use local funds, such as those from the City's Measure O housing bond and mitigation fee revenue in the Housing Trust Fund, to ensure continued compliance with the HOME match requirements.

The City meets the dollar for dollar match requirements for the ESG program by allocating General Funds to various homeless services providers. Shelter programs alone receive over \$348,489 in City General Funds each year.

**If appropriate, describe publically owned land or property located within the jurisdiction that may be used to address the needs identified in the plan**

The City has long-term leases of City-owned property with non-profit organizations that address the needs identified. Programs operating in leased City-owned properties include:

- Dorothy Day House –Year-round and Emergency Winter Shelters and Community Resource Center;
- BOSS' Harrison House Shelter for Homeless men, women and families;
- BOSS' Sankofa House – emergency shelter for homeless families;
- Women's Daytime Drop-In Center's Bridget House – transitional housing for homeless families; and
- Bay Area Community Services Pathways Stair Center.

The City also has long-term leases for affordable permanent housing at:

- Ocean View Gardens;
- UA Cooperative Housing; and
- William Byron Rumford Senior Plaza.

The City has committed more than \$27 million in local funding for the development of the City-owned Berkeley Way parking lot to address the needs identified in the plan. On September 9, 2014, after a Request for Qualifications process, the City Council approved the selection of a development team consisting of Bridge Housing, the Berkeley Food and Housing Project, and Leddy Maytum Stacy Architects (LMSA) as the preferred development team for the site. Since then the City has been working closely with the project team on a three-part project including homeless services and meal space, emergency shelter, permanent supportive housing, and affordable apartments. The project sponsors have secured all required funding and construction will begin in spring 2020.

The City is currently exploring the possible use of the City-owned Ashby BART station area as well as the West Berkeley Services Center as possible future housing sites.

## Discussion

N/A

### SP-40 Institutional Delivery Structure – 91.215(k)

Explain the institutional structure through which the jurisdiction will carry out its consolidated plan including private industry, non-profit organizations, and public institutions.

| Responsible Entity                           | Responsible Entity Type             | Role                                                                                                                           | Geographic Area Served |
|----------------------------------------------|-------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|------------------------|
| Resources for Community Development          | Non-profit organization (HOME CHDO) | Affordable rental housing development and management                                                                           | Region                 |
| Berkeley Housing Authority                   | PHA                                 | Public Housing                                                                                                                 | Jurisdiction           |
| Berkeley Food & Housing Project              | Non-profit organizations            | Homelessness                                                                                                                   | Region                 |
| Center for Independent Living                | Non-profit organizations            | Affordable Housing <ul style="list-style-type: none"> <li>• Ownership</li> <li>• Rental</li> </ul>                             | Jurisdiction           |
| Eden Council for Hope and Opportunity (ECHO) | Non-profit organizations            | Non-homeless special needs <ul style="list-style-type: none"> <li>• Public Services</li> </ul>                                 | Region                 |
| Habitat for Humanity                         | Non-profit organizations            | Affordable Housing <ul style="list-style-type: none"> <li>• Ownership</li> </ul>                                               | Jurisdiction           |
| Satellite Affordable Housing Associates      | Non-profit organization (HOME CHDO) | Affordable rental housing development and management                                                                           | Region                 |
| City of Berkeley                             | Government                          | Non-homeless special needs <ul style="list-style-type: none"> <li>• Economic Development</li> <li>• Public Services</li> </ul> | Jurisdiction           |
| Bay Area Community Services                  | Non-profit organizations            | Homelessness                                                                                                                   | Region                 |

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| Responsible Entity                        | Responsible Entity Type         | Role                                                        | Geographic Area Served |
|-------------------------------------------|---------------------------------|-------------------------------------------------------------|------------------------|
| Dorothy Day House                         | Non-profit organizations        | Homelessness                                                | Region                 |
| Building Opportunity for Self-Sufficiency | Non-profit organizations        | Homelessness                                                | Region                 |
| Covenant House                            | Non-profit organizations        | Homelessness                                                | Region                 |
| <u>Eviction Defense Center</u>            | <u>Non-profit organizations</u> | <u>Non-homeless special needs</u><br><u>Public Services</u> | <u>Jurisdiction</u>    |

Table 60 – Institutional Delivery Structure

### Assess of Strengths and Gaps in the Institutional Delivery System

Due to past and ongoing efforts, the City of Berkeley has strong working relationships with other jurisdictions and public agencies in the delivery system. Examples of coordination and collaboration include:

- Membership in the EveryOne Home Leadership board by City of Berkeley staff, Berkeley community agencies, and public agencies across the county;
- Countywide coordinated planning and implementation of the Coordinated Entry System;
- Monthly coordination meeting between Housing and Community Services Department and Planning Department staff; and
- Joint development of outcomes to use in homeless program contracts by the Cities of Berkeley and Oakland, and several Alameda County agencies, starting in 2019.

Although there are needs for additional services and housing, no specific gaps in the delivery system have been identified. Many of the housing and community services programs described in the Consolidated Plan are delivered by nonprofit community based organizations. The City contracts with a wide range of housing and service providers using CDBG, HOME, ESG, CSBG, General Fund, and other sources of funding. These organizations leverage significant financial and in-kind support from individual community members, foundations, and private organizations that help meet the needs identified in this plan.

**Availability of services targeted to homeless persons and persons with HIV and mainstream services**

| <b>Homelessness Prevention Services</b> | <b>Available in the Community</b> | <b>Targeted to Homeless</b> | <b>Targeted to People with HIV</b> |
|-----------------------------------------|-----------------------------------|-----------------------------|------------------------------------|
| <b>Homelessness Prevention Services</b> |                                   |                             |                                    |
| Counseling/Advocacy                     | X                                 | X                           |                                    |
| Legal Assistance                        | X                                 |                             |                                    |
| Mortgage Assistance                     | X                                 |                             |                                    |
| Rental Assistance                       | X                                 | X                           |                                    |
| Utilities Assistance                    | X                                 |                             |                                    |
| <b>Street Outreach Services</b>         |                                   |                             |                                    |
| Law Enforcement                         | X                                 | X                           |                                    |
| Mobile Clinics                          | X                                 | X                           |                                    |
| Other Street Outreach Services          | X                                 | X                           |                                    |
| <b>Supportive Services</b>              |                                   |                             |                                    |
| Alcohol & Drug Abuse                    | X                                 | X                           |                                    |
| Child Care                              | X                                 |                             |                                    |
| Education                               | X                                 |                             |                                    |
| Employment and Employment Training      | X                                 | X                           |                                    |
| Healthcare                              | X                                 |                             |                                    |

|                          |   |   |  |
|--------------------------|---|---|--|
| HIV/AIDS                 | X |   |  |
| Life Skills              | X | X |  |
| Mental Health Counseling | X | X |  |
| Transportation           | X | X |  |
| Other                    |   |   |  |
|                          |   |   |  |

Table 61 – Homeless Prevention Services Summary

**Describe how the service delivery system including, but not limited to, the services listed above meet the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth)**

Alameda County's Continuum of Care (CoC) is comprised of three Consolidated Plan jurisdictions: the Cities of Berkeley and Oakland, and the Alameda County HOME Consortium. The CoC held community-wide meetings and several focus groups to determine how best to prioritize the use of Emergency Shelter Grant (ESG) funds. All three jurisdictions' Consolidated Plans include the goals of the EveryOne Home Plan (the CoC Strategic Plan). The goals are:

- Prevent homelessness and other housing crises;
- Increase permanent housing opportunities for homeless and high risk households;
- Provide wrap-around services to ensure housing stability and quality of life—no wrong door to help;
- Measure success and report outcomes; and

Develop long-term leadership and political will, which includes inter jurisdictional cooperation and participation in the CoC.

**Describe the strengths and gaps of the service delivery system for special needs population and persons experiencing homelessness, including, but not limited to, the services listed above**

The North County Coordinated Entry System Housing Resource Center (HRC) is located in Berkeley and serves people who are literally homeless in Berkeley, Albany and Emeryville. The HRC, operated by Bay Area Community Services (BACS), conducts assessments using the standardized

assessment tool and matches homeless eligible people to available services and resources including shelters and transitional housing, , as well as a range of services listed in Table 57 to support people both before and after they are housed. City staff and BACS facilitate bimonthly case conferences with homeless service agency partners to discuss individual cases and coordinate care based on needs and available resources.

The City invests approximately \$3.5 million annually in homeless services through community agency contracts funded by City General Fund and federal funds. Starting in PY19, the City will allocate additional local funds collected pursuant to Measure P, a tax passed by voters in November 2018 funds. Funding for coordinated entry accounts for 37 percent of the City's investment in homeless services while 29 percent goes to support drop in centers and emergency shelters. Supportive housing and case management account for 17 percent, transitional housing eight percent and rapid rehousing, rep payee and other services account for seven percent of the City's homeless funding. City dollars are overwhelmingly invested in emergency services that focus on addressing basic needs. With the implementation of the CES, HRCs prioritize serving people with the highest needs with the goal of placing people in permanent housing as quickly as possible but many more resources, particularly, permanent housing subsidies, are needed.

The North County HRC has assessed more than 1,200 people in the past two years, of which 53 percent are presumed to be chronically homeless based on self-report. The City of Berkeley administers approximately 260 Shelter Plus Care vouchers. However, only 25-30 vouchers turn over annually, meaning the vast majority of chronically homeless people will not have access to PSH vouchers when they need them. The City recently received approval to expand one of its Shelter Plus Care project to add 53 more vouchers for a total of 313. This expansion will allow for more permanent housing placements in PY19. However, in many cases the cost of rent exceeds HUD's rent ceilings making it challenging for people with vouchers to find eligible housing units

**Provide a summary of the strategy for overcoming gaps in the institutional structure and service delivery system for carrying out a strategy to address priority needs**

In November of 2018, Berkeley voters passed Measure P, which raises transfer taxes on high-value real estate transactions by an estimated \$6-8M annually. As of June 30, 2019, approximately \$3.4 million in proceeds had been realized from this tax. Berkeley City Council has allocated funds to expanding shelter, adding employment and health care services for homeless people, funding an RV parking program, and additional permanent subsidies for homeless families. Berkeley voters also passed a bond measure in November 2018 to raise \$135 million for affordable housing.

## SP-45 Goals Summary – 91.215(a)(4)

## Goals Summary Information

| Sort Order | Goal Name                                      | Start Year | End Year | Category           | Geographic Area | Needs Addressed    | Funding                                                    | Goal Outcome Indicator                                                                                                                                                                                       |
|------------|------------------------------------------------|------------|----------|--------------------|-----------------|--------------------|------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1          | Increase Affordable Housing Supply and Quality | 2020       | 2024     | Affordable Housing | BERKELEY        | Affordable Housing | CDBG: \$7, <u>915,918</u><br><br>HOME: \$3, <u>410,264</u> | Rental units constructed:17 Household Housing Unit<br><br>Rental units rehabilitated: <u>129</u><br><del>80</del> Household Housing Units<br><br>Homeowner Housing Rehabilitated: 165 Household Housing Unit |



| Sort Order | Goal Name                                                                     | Start Year | End Year | Category                          | Geographic Area | Needs Addressed                   | Funding           | Goal Outcome Indicator                                                                                                                                                                                                        |
|------------|-------------------------------------------------------------------------------|------------|----------|-----------------------------------|-----------------|-----------------------------------|-------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2          | Improve Public Facilities and Public Services                                 | 2020       | 2024     | Non-Housing Community Development | BERKELEY        | Non-Housing Community Development | CDBG: \$5,178,137 | Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 2,000 Persons Assisted<br><br>Public service activities other than Low/Moderate Income Housing Benefit: 5,525 Persons Assisted.  |
| 3          | Provide Homeless Prevention, Emergency Shelter, Outreach and Rapid Re-Housing | 2020       | 2024     | Homeless                          | BERKELEY        | Homelessness                      | ESG: \$1,171,770  | Tenant-based rental assistance / Rapid Rehousing: 50 Households Assisted<br><br>Emergency Shelter: TBD Households Assisted<br><br>Outreach: <del>500</del> 450 Households Assisted<br><br>Prevention: TBD Households Assisted |

|   |                                              |      |      |                                                                             |          |                                                                                                                                 |                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|---|----------------------------------------------|------|------|-----------------------------------------------------------------------------|----------|---------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 4 | Prevent, prepare for and respond to COVID-19 | 2020 | 2024 | Affordable Housing<br><br>Homeless<br><br>Non-Housing Community Development | BERKELEY | Affordable Housing, Homelessness, Community Development, Non-Housing Community Development, and responding to needs of COVID-19 | <p>CDBG(PY20): \$535,998</p> <p>CDBG-CV1&amp;3: \$<br/><del>1,610,805</del>2,501,926</p> <p>ESG-CV1&amp;2: \$6,648,603</p> | <p>CDBG (PY20) &amp; CDBG-CV supported:</p> <p>Rental units acquired and/or rehabilitated: 29</p> <p>Public service activities other than Low/Moderate Income Housing Benefit: <del>up to 3,265</del> <u>up to 3,000</u> Persons Assisted (<u>up to 3,000 for testing/vaccines &amp; over 265 for housing retention</u>)</p> <p>ESG-CV supported:</p> <p>Tenant-based rental assistance / Rapid Rehousing: <del>10060</del> Households Assisted</p> <p>Emergency Shelter: <del>147</del> <u>258</u> Households Assisted</p> |
|---|----------------------------------------------|------|------|-----------------------------------------------------------------------------|----------|---------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

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| Sort Order | Goal Name | Start Year | End Year | Category | Geographic Area | Needs Addressed | Funding | Goal Outcome Indicator |
|------------|-----------|------------|----------|----------|-----------------|-----------------|---------|------------------------|
|            |           |            |          |          |                 |                 |         |                        |

Table 62 – Goals Summary

### Goal Descriptions

|   |                  |                                                                                                                                    |
|---|------------------|------------------------------------------------------------------------------------------------------------------------------------|
| 1 | Goal Name        | Increase Affordable Housing Supply and Quality                                                                                     |
|   | Goal Description | CDBG and HOME funds will be used for affordable housing acquisition and rehabilitation, and single family rehabilitation programs. |
| 2 | Goal Name        | Improve Public Facilities and Public Services                                                                                      |
|   | Goal Description | CDBG funds will be used to rehabilitate public facilities and homeless and fair housing public services.                           |

|   |                  |                                                                                                                                  |
|---|------------------|----------------------------------------------------------------------------------------------------------------------------------|
| 3 | Goal Name        | Provide Homeless Prevention, Emergency Shelter, Outreach and Rapid Re-Housing services                                           |
|   | Goal Description | ESG funds will be used to provide outreach services, emergency shelter and/or rapid re-Housing to literally homeless households. |
| 4 | Goal Name        | Prevent, prepare for, and respond to COVID-19                                                                                    |
|   | Goal Description | CDBG (PY20), CDBG-CV1&3 and ESG-CV1&2 (CARES Act) funds will be used to prevent, prepare for and respond to COVID-19             |

**Estimate the number of extremely low-income, low-income, and moderate-income families to whom the jurisdiction will provide affordable housing as defined by HOME 91.315(b)(2)**

The number of new affordable housing units created during the Consolidated Plan period will depend on the amount of HOME and CDBG funds available to the City, the availability of other sources of affordable housing development funding, and the cost of rehabilitating and constructing affordable housing in Berkeley. Generally, the City has experienced declining allocations of federal funding combined with rising costs of housing development and operation. Assuming an average of \$500,000 in HOME funds per year, a 5 year Consolidated Plan period, and the maximum allowable HOME subsidy per unit of \$185,136 per two bedroom unit, the City will provide funding for at least 4 extremely low income units and 10 low income units in the Consolidated Plan period. This does not include the hundreds of previously created HOME and CDBG units which the City continues to monitor for compliance.

**SP-50 Public Housing Accessibility and Involvement – 91.215(c)**

**Need to Increase the Number of Accessible Units (if Required by a Section 504 Voluntary Compliance Agreement)**

N/A

**Activities to Increase Resident Involvements**

N/A

**Is the public housing agency designated as troubled under 24 CFR part 902?**

No

**Plan to remove the ‘troubled’ designation**

N/A

## SP-55 Barriers to affordable housing – 91.215(h)

### Barriers to Affordable Housing

The City adopted its *Housing Element* (HE) for the 5<sup>th</sup> RHNA cycle on April 28, 2015. The HE serves as the C'ty's framework for housing goals and policies, detailing programs needed for meeting existing and future housing needs and for increasing affordable housing opportunities. The 5<sup>th</sup> Cycle HE addresses the planning period of January 31, 2015 to January 31, 2023 and the 6<sup>th</sup> cycle will address the next eight years. The 2015 HE contains an evaluation of potential constraints to housing production. The following narrative is adapted from the report.

*To identify potential constraints to housing production, City staff analyzed the specific constraint categories as described in state law and discussed the City's regulations with local developers. Planning and zoning regulations establish rules for how land may be used, thereby limiting the amount of development in a city. Although local ordinances and policies are typically adopted to protect the health, safety, and welfare of residents, they may have the consequence of creating constraints to the development of housing. This consequence may be intentional (as is the case with growth control ordinances) or unintentional (such as with certain zoning requirements).*

Additionally, a 2018 study by Bay Area Council's Economic Institute entitled, "Policy Choices and the Affordability Crisis in Alameda County," notes that Alameda County added 125,000 jobs since 2012, but only permitted 27,505 housing units over the same period (<http://www.bayareaeconomy.org/files/pdf/AlamedaHousing.pdf>). This competitive market for housing encourages pricing to climb for both for sale homes and rental properties across all market segments. That same study identified Berkeley's progressive ADU policies as a model for cities to expand affordability and build additional units on existing parcels. As previously stated in MA-40, Berkeley is working to address constraints that have been identified and improve existing successful initiatives, like the ADU program. Expanding the Housing Trust Fund through ballot approved bond and fee structures additionally addresses the issue of high costs facing affordable housing development.

As described in MA-40 and NA-10 the major constraints facing Berkeley are housing costs and an ongoing need for policy changes, which are being addressed by existing City programs and/or by State directives. The development record and densities of approved projects are the best evidence that there are not significant constraints to housing production imposed by the city of Berkeley. However, housing policies must continually be revisited to minimize potential constraints. Some areas of potential change identified in 2015 included: identification and consideration of options to revise the zoning regulations in lower and medium-density areas for infill developments, consideration of revisions to the accessory dwelling unit regulations, and continued improvement to the development review process.

## Strategy to Remove or Ameliorate the Barriers to Affordable Housing

As stated in MA-40, the following are considered potential constraints in Berkeley: accessory dwelling unit (ADU) requirements, infill development regulations and permit review process. Outlined below are strides the City has made, either through local initiative or by State direction, to lessen these constraints:

**ADUs:** The city of Berkeley has revised its ADU ordinance three times since 2015 and is about to undergo another round of changes. The current ordinance was less restrictive than State regulations in terms of allowable size (e.g. there was no limiting relationship between the size of the primary and the accessory dwelling unit), parking (ADUs were not required to provide off-street parking) and setbacks (the state required 5 feet, Berkeley only required 4 feet). After new State ADU law comes into effect on January 1, 2020, existing constraints will be removed, as outlined in Berkeley's 2015 Housing Element.

**Infill Development:** Additionally, while the zoning ordinance includes five multi-family zoning districts and the City has seen a number multi-family development projects, Housing Policy H-34 of the 2015 Housing Element encourages the review of infill development regulations in residential districts to identify and change possible constraints. Since adoption of the 2015 Housing Element, the City of Berkeley has increased density in the Telegraph Avenue Commercial District and is currently engaged in active planning processes for the Adeline Corridor and Southside Priority Development Areas. Furthermore, Assembly Bill 2923, signed by the Governor in 2019, requires the City of Berkeley to adopt Transit Oriented Development at Ashby and North Berkeley BART stations within the next two years. These projects help to lessen the constraints on infill development.

**Permitting Process:** The permit process in Berkeley may be considered a constraint to housing production, although based on the amount of affordable and market-rate development that has been approved and the density of those projects, it does not appear to have deterred new development and the City met most of the previous California Regional Housing Needs Assessment (RHNA) targets. However, Policy H-34 of the 2015 Housing Element calls for the City to continue to improve and streamline the development review process and to evaluate regulations to identify and reduce unnecessary impediments to housing development and affordable housing projects. Since the 2015 Housing Element was adopted, the City has begun a process to develop objective standards for zoning, which will help streamline the permitting process. In addition, State housing law packages adopted in 2017, 2018 and 2019 have created new pathways for streamlining projects with a majority of affordable units (e.g. SB-35). In addition to State Law, the City is examining its regulations, with the intent of simplifying and clarifying regulations, through its Zoning Ordinance Revision Project. Although this won't streamline the permitting process, it will provide the public with a document that is easy to read and easy to understand.

## **SP-60 Homelessness Strategy – 91.215(d)**

### **Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs**

The North County HRC is focused on single adults who are literally homeless in Berkeley, Emeryville and Albany. The staff at the North County HRC work in close partnership with Berkeley homeless service partners who provide a range of services including shelter, transitional housing, SSI advocacy, primary care, mental health and alcohol and other drug services, and drop-in services.

HRC staff conduct assessments through 211 referrals, during HRC drop-in hours, and at regularly scheduled service partner locations. Additionally, assessments are conducted on the streets, in parks and at encampments throughout Berkeley with the goal of identifying individual needs and matching them to appropriate and available resources including physical and mental health services, housing navigation services, shelter, transitional housing programs, addiction services and SSI advocacy. Services providers are focused on removing barriers and quickly moving people into permanent housing. Housing navigators support participants in a variety of ways from housing problem solving to, assisting with identification documents to housing search activities. The HRC outreach team partners with the City's Homeless Outreach and Treatment Team (HOTT) and University of California Berkeley's Outreach staff.

### **Addressing the emergency and transitional housing needs of homeless persons**

The HRC assesses people to determine needs and appropriate and available resources. Initial conversations are geared towards housing problem solving with the goal of reconnecting people with housed friends or family. In some cases, these conversations are supported with one-time limited financial assistance. The HRC is the access point into emergency shelter, transitional housing, rapid rehousing financial assistance, and will provide housing search assistance and other housing supports. On a daily basis, HRC staff identify the number of shelter and transitional housing beds available and reach out to people who have been assessed and have expressed interest in shelter to fill the beds. Additionally, depending on the need and availability of shelter beds, the HRC will support medically fragile people who are working with housing navigators or partnering agency case managers with short-term motel stays when a more permanent housing placement is imminent. HRC will also make referrals through this front door to other existing services in the community, such as medical services, alcohol and other drug treatment programs, and SSI advocacy.

### **Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals**



**and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again.**

The intake and assessment process assists HRC staff in understanding an individual's level of need and the level of assistance needed.

The goal of this process is to ensure people are matched as quickly as possible to the appropriate amount of assistance needed to end their homelessness (typically rapid re-housing) and reserve the most costly interventions (permanent supportive and transitional housing) for those with the highest needs and greatest barriers.

Additionally, staff has access to small amounts of one-time flexible funds to support people's successful transition to these opportunities. Staff utilizes rapid rehousing funds to quickly move people into housing. This typically includes paying the security deposit and approximately six months of rental assistance; the monthly subsidy decreases over the six month period. Due to the exorbitant rental prices rents in the bay area, HRC staff have incorporated larger units in their portfolio. This has allowed people with limited income and a willingness to share housing more opportunities to be permanently housed.

**Help low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families who are likely to become homeless after being discharged from a publicly funded institution or system of care, or who are receiving assistance from public and private agencies that address housing, health, social services, employment, education or youth needs**

Low income households in Berkeley at risk of homelessness and being discharged from institutions will benefit from the groundwork laid by the Alameda County-wide Homeless Continuum of Care (CoC). The CoC's discharge planning efforts are summarized below.

Health Care: Persons are not routinely discharged from health care facilities into homelessness, and the CoC worked with a variety of health care institutions to reduce discharges into literal homelessness. California recently enacted Senate Bill (SB) 1152 that outlines requirements of hospitals and emergency departments related to the care and discharge of homeless patients. The Alameda County Health Care Services Agency (HCSA), a member of the HUD CoC, convened several work group sessions on the new legislation in partnership with the Northern California Hospital Council and its members. The sessions focused on improving collaboration and coordination among the CoC and community-based agencies including training and information sharing on coordinated entry processes. The County and hospitals have established several medical respite/recuperative care programs for homeless patients exiting emergency departments and hospitals with a large project in the planning phases on formal federal land. The County also established a locally funded housing subsidy pool to provide permanent housing subsidies for high priority homeless patients in Skilled Nursing Facilities and hospitals. Finally, Alameda County actively participates in a Medicaid waiver program

focused on expanding resources and collaboration among health and housing providers to address homelessness.

Mental Health: The CoC works with Housing Services Office of Behavioral Health Care Services (BHCS) to improve discharge planning from mental health facilities. To that end, the Housing Services Office, with coordination by the CoC created a homelessness prevention/rapid re-housing fund, modeled after and delivered in partnership with the Homeless Prevention and Rapid Re-Housing Program. The fund has been used to help hospitalized persons continue to pay rent so units are not lost, or to obtain units upon exit from the facility. The CoC worked with permanent supportive housing providers to develop protocols allowing tenants hospitalized for more than 30 days to retain their units. The CoC and the Housing Services Office trained staff on how to assess patients' housing needs and assist in resolving them as part of discharge planning, utilizing the Office's centralized housing resource database and webpage. BHCS also contracts for dedicated emergency hotel beds for use while ACT teams work on locating permanent housing. BHCS also pays subsidies for licensed residential care facilities to which people routinely exit and expanded this program over the past year. BHCS is also working on a new crisis and transitional residential program for homeless individuals with a serious mental illness.

## SP-65 Lead based paint Hazards – 91.215(i)

### Actions to address LBP hazards and increase access to housing without LBP hazards

While lead-based paint was banned in 1978 by the U.S. Consumer Product Safety Commission (CPSC), it is still a significant problem in cities where the housing stock is relatively old and built before the ban. In Berkeley, over 90 percent of the housing stock was built before 1979.

The City of Berkeley Childhood Lead Poisoning Prevention Program collaborates with the Berkeley Health, Housing & Community Services Department's State lead-certified Risk Assessor/Inspector, Project Designer, and Project Monitor. Berkeley's program also provides case management services to families with children who have elevated blood lead levels. Services range from Public Health Nursing case management for children with blood lead levels above 15  $\mu\text{g}/\text{dL}$  to health education for children with levels between 5-14  $\mu\text{g}/\text{dL}$ .

The Alameda County Healthy Homes Department (ACHHD) also has a HUD Lead Hazard Control grant to remediate lead hazards in qualifying Berkeley housing units that are vacant, or occupied by a low income household with either a child under 6, a pregnant woman, or a child under 6 years who visits twice a week for at least three hours each time. Since July 1, 2015, ACHHD has completed lead evaluations at 52 pre-1978 low-income housing units and has made 49 housing units lead-safe at 21 properties. The ACHHD was recently awarded a new 42-month lead hazard control grant which is expected to begin January 1<sup>st</sup>, 2020. The ACHHD will market to and expects to enroll eligible Berkeley properties into the program which will complete 144 units County-wide over the grant period.

ACHHD provides lead safety and healthy housing training. Since July 1, 2015, the ACHHD has provided lead safety training to 23 individuals with the City of Berkeley, associated with Berkeley-based non-profits, or with residential properties or housing-related businesses in Berkeley including Community Energy Services Corp, Berkeley Mission Homes, and the Northern California Land Trust. In addition, broader healthy housing training, which included lead safety, was provided to 6 City of Berkeley staff. The ACHHD plans to continue to make lead safety training opportunities available for City of Berkeley staff, organizations, and property owners.

The ACHHD's outreach and education activities promote lead safety, regulatory compliance, and participation in ACHHD lead hazard control grant programs to property owners, property managers. The ACHHD coordinates lead poisoning prevention outreach activities with the City of Berkeley Public Health. Outreach partners and locations for property owner presentations, staff trainings, and literature distribution have included the Berkeley Rent Stabilization Board and Permit Office, the Berkeley Housing Authority, Tool Lending Library, North Berkeley Senior Center, YMCA, Berkeley Apartment Owners Association, the East Bay Rental Housing Association which is in Oakland but serves Berkeley property owners, the Ecology Center, and local paint and hardware stores. The ACHHD participates in local collaborations and with partners including the Berkeley Tobacco Prevention Coalition, Bay Area Lead Programs, Berkeley Black Infant Health, Kerry's Kids, Rebuilding Together East Bay North, Habitot, and the Safe Kids Coalition.

**How are the actions listed above related to the extent of lead poisoning and hazards?**

The City's old housing stock increases the risk of lead-based paint hazard. Approximately 87 percent of renter-occupied units are built before 1980. For owner-occupied units, the figure is 94 percent. There have been years of education and assistance to the public but the City does not know the extent of lead poisoning and hazards. The City will continue to take action as necessary to reduce lead-based paint hazards as required by HUD regulations.

**How are the actions listed above integrated into housing policies and procedures?**

All participants of the City's Housing Choice Voucher Program and prospective tenants of a pre-1978 residential building are required to receive a copy of the EPA booklet entitled "Protect Your Family From Lead in Your Home." Landlords must also provide a disclosure form for the tenants to sign that informs them either of any known lead-based paint the property or that no testing has been done. The Alameda County Lead Poisoning Prevention Program also provides information to property owners, realtors, and contractors. The actions above will also assist the City in meeting its policy of encouraging housing types that are environmentally and chemically safe, a policy of the City of Berkeley Housing Element.

## SP-70 Anti-Poverty Strategy – 91.215(j)

### Jurisdiction Goals, Programs and Policies for reducing the number of Poverty-Level Families

The City funds a wide variety of social service programs designed to assist households with poverty level incomes. These programs include childcare and a range of services for special needs populations, which are outlined in other sections of this Consolidated Plan. This section will highlight the City's strategies to increase livable wage employment opportunities by supporting related community services and working with public and private regional partners. Strategies include:

- Funding and refinement of anti-poverty programs provided by community-based organizations and by the City. Federally funded community agency contracts are outlined in the Annual Action Plan.
- Continue implementation of the City of Berkeley's Living Wage Ordinance.
- Foster regional coordination on economic development to benefit low income Berkeley residents.
- Linking homelessness and homelessness prevention programs, such as the coordinated entry system, to employment training and placement opportunities.

The City has contracted with workforce development programs to provide training, education and job placement for low income, under-employed, and unemployed residents in addition to administering local hire policies and a youth employment program:

- Inter-City Services provides employment, training, and education and continues to serve veterans as funded under the Governor's 15 percent Discretionary pool of Workforce Investment Act (WIOA) funds.
- Biotech Partners operates the Biotech Academy at Berkeley High School, targeting youth from under-represented populations in the fields of science and technology (African American, Latino, South East Asian, female and low income youth) and who may be at risk of not graduating from high school.
- The Bread Project provides training in culinary arts and bakery production, and includes the formerly incarcerated as their target population. They operate a social enterprise (wholesale bakery) that creates opportunities for trainees to obtain crucial on-the-job experience.
- Rising Sun Center for Opportunity (formerly known as Rising Sun Energy Center) Green Energy Training Services (GETS) provides pre-apprenticeship classroom and hands-on training in the Building and Construction trades which serves as a pathway for careers in construction including green and clean technologies. Rising Sun also operates the California Youth Energy Services (CYES) program funded by the CA Public Utilities Commission, providing summer jobs for youth conducting residential energy audits.
- Berkeley Youth Alternatives (BYA) receives WIOA funding through Alameda County Workforce Development Board (ACWDB) to provide workforce development services to in-school and out-of-school youth. The area of workforce development is a focus area for increased coordination,

including establishing methods to maximize and leverage resources. BYA, utilizing city funds, provides training to disadvantaged youth in all aspects of park and landscape maintenance in addition to summer and after-school programs for children and youth.

- UC Theatre Concert Careers Pathways (UCCCP) is a nine-month program for young people ages 17-25, providing workshops and paid internships for participants to learn all aspects of live music venue production.

The C'ty's anti-poverty strategy continues to be closely tied to the funding of approximately 50 community agencies to provide services as described above to enable people in poverty to attain self-sufficiency, support at-risk youth to succeed in school and graduate, and protect the health and safety of low income people. The City also funds anti-poverty programs with general funds for job training and creation/job placement agencies.

### **How are the Jurisdiction poverty reducing goals, programs, and policies coordinated with this affordable housing plan**

The City will undertake the following additional actions to reduce poverty which are coordinated with this Consolidated Plan:

- Continuing the City's Local Hire policies which include the Community Workforce Agreement (CWA) between the City of Berkeley and the Building trades (created in 2011) which applies to publicly funded construction projects estimated at \$500,000 or above, and, the First Source local hiring policy which applies to both public infrastructure projects estimated between \$100,000 - \$499,999 and private development over 7,500 square feet. These policies work towards creating a pathway into building and construction trades jobs for Berkeley residents.
- The YouthWorks employment program will continue its partnerships with the YMCA Teen Center, Public Health Division, Berkeley Public Library, Public Works Department and Parks, Recreation and Waterfront Department. YouthWorks targets low income, at-risk youth from and provides all youth with training regarding important workplace skills. City of Berkeley departments and organizations serve as worksites providing valuable work experience to Berkeley youth. YouthWorks provides positive and meaningful youth-focused activities, which address youth unemployment, crime and poverty, teach fundamental life and workplace skills and help them to explore, prepare for, transition, and ultimately succeed in the world of work. YouthWorks will continue to develop and coordinate new opportunities for Berkeley youth in the public service jobs.

## SP-80 Monitoring – 91.230

**Describe the standards and procedures that the jurisdiction will use to monitor activities carried out in furtherance of the plan and will use to ensure long-term compliance with requirements of the programs involved, including minority business outreach and the comprehensive planning requirements**

Monitoring Completed Developments: The Housing Services Division of the Health, Housing and Community Services Department (HHCS) is responsible for monitoring affordable housing developments funded with Housing Trust Fund (HTF) money to ensure ongoing compliance with federal regulations under the HOME and CDBG programs and other local requirements. The HTF Program pools funds from various sources to achieve the City's General Plan and Consolidated Plan goals of developing and preserving long-term affordable housing. To achieve this purpose, the City provides loan and grants to qualified developers to undertake activities which create, preserve and expand the City's affordable housing stock. The federal and local requirements are incorporated in the development loan agreements and regulatory agreements associated with each project. Currently, there are a total of 54 HTF properties subject to a regulatory agreement. Of the 54 HTF properties, 46 are rental properties of which 17 have HOME-assisted units. The monitoring procedures are documented in the *City of Berkeley Monitoring Procedures for the HTF Program*.

Monitoring During Construction: Consistent with federal requirements and good lending practices, the City is very involved in monitoring funded developments during construction. Individual projects may require a varying degree of City staff involvement depending upon the project size, complexity of the construction activity, type of sponsor, and subrecipient's development expertise/process.

Community Agency Services Contract Monitoring: HHCS staff both prepare and monitor more than 50 community agency contracts for services annually. The City requires outcome reporting for all community agency contracts, and has drawn on outcome reporting information in the RFP process since November 2003.

Community Facilities Improvements Monitoring: The CDBG Coordinator reviews the contract between the non-profit and the general contractor to ensure that all local and federal requirements are passed on. The CDBG Coordinator is responsible for submitting the Semi-Annual Labor Enforcement Report (HUD 4710) and the Annual Contractor and Subcontractor Activity Report (HUD 2516). These reports include both information from the community facility improvement projects and information from any other construction activity undertaken by the HHCS.

Senior and Disabled Home Rehabilitation Loans Monitoring: The City's contracts include insurance and permitting requirements, payment instructions, the construction drawings and the scope of work detailing the work to be executed. The payment schedules and change orders document the procedure employed to implement payments, changes to the scope of work and time schedules. All pre 1978

properties must employ lead-safe work practice and are tested when the work is completed to ensure there has not been contamination during the construction process.

The program administrative staff processes the progress payments for work completed. The progress payments are based on 95 percent of the cost associated in the line item breakdown for the work completed. The progress payment includes the pay request, payment tabulation, lien waivers and approved permit signatures. All payments require the owner(s), Contractor, and the City's Project Manager/Inspector to approve the payment. The final five percent retainage payment is held for 31 days after the Notice of Completion has been recorded and any documentation that may be required to close out the contract. In order to refine the program, improve services, and ensure the program is meeting current needs, staff incorporate both participant feedback and improvements identified through routine program review into program procedures and Council approved guidelines.



## Expected Resources

### AP-15 Expected Resources – 91.220(c)(1,2)

#### Introduction

#### Anticipated Resources

| Program | Source of Funds  | Uses of Funds                                                                                                                                                       | Expected Amount Available Year 1 |                    |                          |           | Expected Amount Available Remainder of ConPlan \$ | Narrative Description |
|---------|------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|--------------------|--------------------------|-----------|---------------------------------------------------|-----------------------|
|         |                  |                                                                                                                                                                     | Annual Allocation: \$            | Program Income: \$ | Prior Year Resources: \$ | Total: \$ |                                                   |                       |
| CDBG    | public - federal | Acquisition<br>Admin and Planning<br>Economic Development<br>Housing<br>Public Improvements<br>Public Services                                                      | 2,737,801                        | 255,925            | 222,352                  | 3,216,079 | 16,080,393                                        | See below             |
| HOME    | public - federal | Acquisition<br>Homebuyer assistance<br>Homeowner rehab<br>Multifamily rental new construction<br>Multifamily rental rehab<br>New construction for ownership<br>TBRA | 778,203                          | 20,000             | 0                        | 798,203   | 3,991,915                                         | See below             |

| Program          | Source of Funds  | Uses of Funds                                                                                                                                                                               | Expected Amount Available Year 1 |                    |                          |           | Expected Amount Available Remainder of ConPlan \$ | Narrative Description |
|------------------|------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|--------------------|--------------------------|-----------|---------------------------------------------------|-----------------------|
|                  |                  |                                                                                                                                                                                             | Annual Allocation: \$            | Program Income: \$ | Prior Year Resources: \$ | Total: \$ |                                                   |                       |
| ESG              | public - federal | Conversion and rehab for transitional housing<br>Financial Assistance<br>Overnight shelter<br>Rapid re-housing (rental assistance)<br>Rental Assistance<br>Services<br>Transitional housing | 234,480                          | 0                  | 0                        | 234,480   | 1,171,770                                         | See below             |
| Other: CARES Act | public - federal | Prevent, prepare for, and respond to coronavirus.                                                                                                                                           | CDBG-CV1&3:<br><br>\$2,501,926   | \$0                | \$0                      |           | \$0                                               | CARES Act allocation  |
| Other: CARES Act | public - federal | Prevent, prepare for, and respond to coronavirus.                                                                                                                                           | ESG-CV1&2:<br><br>\$6,648,603    | \$0                | \$0                      |           | \$0                                               | CARES Act allocation  |

AP Table 63 - Expected Resources – Priority Table

**Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied**

Many of the housing and community services programs described in the Consolidated Plan will continue to be delivered by nonprofit community based organizations. The City contracts with a wide range of housing and service providers using CDBG, HOME, ESG, Community Services Block

Grant (CSBG), General Fund, and other sources of funding. These organizations leverage significant financial and in-kind support from individual community members, foundations, and private organizations that help meet the needs identified in this plan.

In addition to leveraging at the individual agency level, the City has historically matched the investment of CDBG, HOME, and ESG dollars with the investment of General Funds. In PY18 over three quarters of the funding for community agency programs came from General Funds. The City meets the HOME 25 percent match requirement. The City meets the dollar for dollar match requirements for the ESG program by allocating General Funds to various homeless services providers. Shelter programs alone receive over \$348,489 in City General Funds each year.

**If appropriate, describe publically owned land or property located within the jurisdiction that may be used to address the needs identified in the plan**

The City has long-term leases of City-owned property with non-profit organizations that address the needs identified. Programs operating in leased City-owned properties include:

- Dorothy Day House –Year-round and Emergency Winter Shelters and Community Resource Center
- BOSS’ Harrison House Shelter for Homeless men, women and families;
- BOSS’ Sankofa House – emergency shelter for homeless families;
- Women’s Daytime Drop-In Center’s Bridget House – transitional housing for homeless families; and
- Bay Area Community Services Pathways Stair Center.

The City also has long-term leases for affordable permanent housing at:

- Ocean View Gardens;
- UA Cooperative Housing; and
- William Byron Rumford Senior Plaza.

The City has committed more than \$27 million in local funding for the development of the City-owned Berkeley Way parking lot to address the needs identified in the plan. On September 9, 2014, after a Request for Qualifications process, the City Council approved the selection of a development team consisting of Bridge Housing, the Berkeley Food and Housing Project, and Leddy Maytum Stacy Architects (LMSA) as the preferred development team for the site. Since then the City has been working closely with the project team on a three-part project including homeless services and meal space, emergency shelter, permanent supportive housing, and affordable apartments. The project sponsors have secured all required funding and construction will begin in spring 2020.

The City is currently exploring the possible use of the City-owned Ashby BART station area as well as the West Berkeley Services Center as possible future housing sites.

**Discussion**

N/A

## Annual Goals and Objectives

### AP-20 Annual Goals and Objectives

#### Goals Summary Information

| Sort Order | Goal Name                                      | Start Year | End Year | Category                          | Geographic Area | Needs Addressed                   | Funding                                                | Goal Outcome Indicator                                                                                                                                                                                                             |
|------------|------------------------------------------------|------------|----------|-----------------------------------|-----------------|-----------------------------------|--------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1          | Increase affordable Housing Supply and Quality | 2020       | 2024     | Affordable Housing                | BERKELEY        | Affordable Housing                | CDBG: <u>\$2,011,690</u><br><br>HOME: <u>\$528,652</u> | Rental units constructed: 3 to 4 Household Housing Unit<br><br>Rental units rehabilitated: <u>5516</u> Household Housing Units<br><br>Homeowner Housing Rehabilitated: 33 Household Housing Unit                                   |
| 2          | Improve Public Facilities and Public Services  | 2020       | 2024     | Non-Housing Community Development | BERKELEY        | Non-Housing Community Development | CDBG: \$606,829                                        | Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: <u>3400</u> Persons Assisted<br><br>Public service activities other than Low/Moderate Income Housing Benefit: 1,105 Persons Assisted. |

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| Sort Order | Goal Name                                                                     | Start Year | End Year | Category | Geographic Area | Needs Addressed | Funding        | Goal Outcome Indicator                                                                                                                                                                                                |
|------------|-------------------------------------------------------------------------------|------------|----------|----------|-----------------|-----------------|----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 3          | Provide Homeless Prevention, Emergency Shelter, Outreach and Rapid Re-Housing | 2020       | 2024     | Homeless | BERKELEY        | Homelessness    | ESG: \$234,354 | <p>Tenant-based rental assistance / Rapid Rehousing: 10 Households Assisted</p> <p>Emergency Shelter: TBD Households Assisted</p> <p>Outreach: 100 Households Assisted</p> <p>Prevention: TBD Households Assisted</p> |

| Sort Order | Goal Name                                    | Start Year | End Year | Category                                                                    | Geographic Area | Needs Addressed                                                                                                                 | Funding                                                                                     | Goal Outcome Indicator                                                                                                                                                                                                                                                                                                                                                         |
|------------|----------------------------------------------|------------|----------|-----------------------------------------------------------------------------|-----------------|---------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 4          | Prevent, prepare for and respond to COVID-19 | 2020       | 2024     | Affordable Housing<br><br>Homeless<br><br>Non-Housing Community Development | BERKELEY        | Affordable Housing, Homelessness, Community Development, Non-Housing Community Development, and responding to needs of COVID-19 | CDBG (PY20): \$535,998<br><br>CDBG-CV1&3: \$ <u>2,501,926</u><br><br>ESG-CV1&2: \$6,648,603 | CDBG (P20) & CDBG-CV supported:<br><br>Rental units acquired and/or rehabilitated: <u>0-29</u><br><br>Public service activities other than Low/Moderate Income Housing Benefit: up to <u>3,265</u> Persons Assisted<br><br>ESG-CV supported:<br><br>Tenant-based rental assistance / Rapid Rehousing: 64 Households Assisted<br><br>Emergency Shelter: 147 Households Assisted |

Table 64 – Goals Summary

## Goal Descriptions

|   |                  |                                                                                                                                    |
|---|------------------|------------------------------------------------------------------------------------------------------------------------------------|
| 1 | Goal Name        | Increase Affordable Housing Supply and Quality                                                                                     |
|   | Goal Description | CDBG and HOME funds will be used for affordable housing acquisition and rehabilitation, and single family rehabilitation programs. |

|   |                         |                                                                                                                                  |
|---|-------------------------|----------------------------------------------------------------------------------------------------------------------------------|
| 2 | <b>Goal Name</b>        | Improve Public Facilities and Public Services                                                                                    |
|   | <b>Goal Description</b> | CDBG funds will be used to rehabilitate public facilities and homeless and fair housing public services.                         |
| 3 | <b>Goal Name</b>        | Provide Homeless Prevention, Emergency Shelter, Outreach and Rapid Re-Housing                                                    |
|   | <b>Goal Description</b> | ESG funds will be used to provide outreach, services emergency shelter and/or rapid re-Housing to literally homeless households. |
| 4 | <b>Goal Name</b>        | Prevent, prepare for and respond to COVID-19                                                                                     |
|   | <b>Goal Description</b> | CDBG (PY20), CDBG-CV and ESG-CV (CARES Act) funds will be used to prevent, prepare for and respond to COVID-19                   |



## Projects

### AP-35 Projects – 91.220(d)

#### Introduction

With its CDBG, HOME, and ESG funds, the City of Berkeley will fund eligible projects in the following categories: housing development, rehabilitation and services projects, public services, public/community facility improvement projects, emergency shelter grant programs, program planning and administration, and the Housing Trust Fund.

#### Projects

| #  | Project Name                                                                       |
|----|------------------------------------------------------------------------------------|
| 1  | City of Berkeley Planning and Administration                                       |
| 2  | Housing Services                                                                   |
| 3  | Single Family Rehabilitation Programs                                              |
| 4  | Housing Trust Fund                                                                 |
| 5  | Public Services                                                                    |
| 6  | Community Facility Rehabilitation                                                  |
| 7  | ESG20 - Berkeley- Emergency Shelter, Outreach, Rapid Rehousing and HMIS Activities |
| 8  | CV- City of Berkeley Planning and Administration                                   |
| 9  | CV- Public Services                                                                |
| 10 | <del>CV- Housing to prevent, prepare for, and respond to COVID-19</del>            |

Table 65 – Project Information

#### Describe the reasons for allocation priorities and any obstacles to addressing underserved needs

See sections NA and MA of the Consolidated Plan.

## AP-38 Project Summary

## Project Summary Information

|   |                                                                                                |                                                                                                                                                                                                                                                    |
|---|------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | <b>Project Name</b>                                                                            | City of Berkeley Planning and Administration                                                                                                                                                                                                       |
|   | <b>Target Area</b>                                                                             | BERKELEY                                                                                                                                                                                                                                           |
|   | <b>Goals Supported</b>                                                                         | Increase Affordable Housing Supply and Quality, Improve Public Facilities and Public Services, & Provide Homeless Prevention, Emergency Shelter, Outreach and Rapid Re-Housing services                                                            |
|   | <b>Needs Addressed</b>                                                                         | Affordable Housing, Homeless, & Non-Housing Community Development                                                                                                                                                                                  |
|   | <b>Funding</b>                                                                                 | CDBG: \$597,560 HOME: <u>up to \$199,551 (25% under HOME COVID-19 waiver plus the estimated \$20,000 in program income)</u>                                                                                                                        |
|   | <b>Description</b>                                                                             | The project will fund City staff to plan and administer CDBG and HOME projects.<br><br>HOME Admin based on <u>projected</u> entitlement <u>with the 25% HOME COVID-19 waiver plus \$20,000 in anticipated program income</u> is <u>\$199,551</u> . |
|   | <b>Target Date</b>                                                                             | 6/30/2021                                                                                                                                                                                                                                          |
|   | <b>Estimate the number and type of families that will benefit from the proposed activities</b> | N/A                                                                                                                                                                                                                                                |
|   | <b>Location Description</b>                                                                    | Citywide.                                                                                                                                                                                                                                          |
|   | <b>Planned Activities</b>                                                                      | Information about the planned activities is included in Section AP-38 Project Summaries.                                                                                                                                                           |
| 2 | <b>Project Name</b>                                                                            | Housing Loan Services                                                                                                                                                                                                                              |
|   | <b>Target Area</b>                                                                             | BERKELEY                                                                                                                                                                                                                                           |
|   | <b>Goals Supported</b>                                                                         | Increase Affordable Housing Supply and Quality                                                                                                                                                                                                     |
|   | <b>Needs Addressed</b>                                                                         | Affordable Housing                                                                                                                                                                                                                                 |
|   | <b>Funding</b>                                                                                 | CDBG: \$70,008                                                                                                                                                                                                                                     |
|   | <b>Description</b>                                                                             | City staff provide loan services to support single family rehabilitation, housing trust fund projects, and other federally funded housing related activities.                                                                                      |
|   | <b>Target Date</b>                                                                             | 6/30/2021                                                                                                                                                                                                                                          |

|          |                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|----------|------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|          | <b>Estimate the number and type of families that will benefit from the proposed activities</b> | The project will serve approximately 106 active housing rehabilitation loans.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|          | <b>Location Description</b>                                                                    | Various locations within the City of Berkeley.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|          | <b>Planned Activities</b>                                                                      | Services provided under this project will include accounting, processing loan payments and loan payoff demands, deeds of reconveyance, lien releases and loan subordination requests, collections, personal financial analysis, and structuring of temporary repayment agreements.                                                                                                                                                                                                                                                                                                                                          |
| <b>3</b> | <b>Project Name</b>                                                                            | Single Family Rehabilitation Programs                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|          | <b>Target Area</b>                                                                             | BERKELEY                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|          | <b>Goals Supported</b>                                                                         | Increase Affordable Housing Supply and Quality                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|          | <b>Needs Addressed</b>                                                                         | Affordable Housing                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|          | <b>Funding</b>                                                                                 | CDBG: \$917, 708                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|          | <b>Description</b>                                                                             | Activities related to single family rehabilitation efforts will be funded under this project. These projects will cover health and safety improvements as well as accessibility improvements such as the installation of ramps/lifts for low income homeowners and renters.                                                                                                                                                                                                                                                                                                                                                 |
|          | <b>Target Date</b>                                                                             | 6/30/2021                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|          | <b>Estimate the number and type of families that will benefit from the proposed activities</b> | The project will benefit an estimated 44 low-income households annually.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|          | <b>Location Description</b>                                                                    | Various locations within the City of Berkeley.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|          | <b>Planned Activities</b>                                                                      | Activities include health and safety, accessibility, and energy efficiency improvements. CIL's program removes barriers to housing for 21 low-income, disabled residents by installing ramps, lifts and making other interior and exterior modifications to ensure accessibility of their homes. Habitat for Humanity provides home repairs, access modifications, and safety upgrades 18 low-income households focusing on essential health and safety of the home. City staff work with senior and/or disabled homeowners, providing loans of up to \$100,000 for the Senior & Disabled Home Rehabilitation Loan Program. |

|   |                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|---|------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 4 | <b>Project Name</b>                                                                            | Housing Trust Fund                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|   | <b>Target Area</b>                                                                             | BERKELEY                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|   | <b>Goals Supported</b>                                                                         | Increase Affordable Housing Supply and Quality                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|   | <b>Needs Addressed</b>                                                                         | Affordable Housing                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|   | <b>Funding</b>                                                                                 | CDBG: \$ <del>488,341</del> <u>1,023,974</u><br>HOME: \$ <u>598,652</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|   | <b>Description</b>                                                                             | Activities that provide funding for City staff in support of projects funded with City of Berkeley Housing Trust Fund dollars, includes funding for projects and CHDO operating funds.                                                                                                                                                                                                                                                                                                                                              |
|   | <b>Target Date</b>                                                                             | 6/30/2021                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|   | <b>Estimate the number and type of families that will benefit from the proposed activities</b> | 17 units (households) will be directly supported with federal funding during the five-year Consolidated Plan period for an average of 3-4 per year. During the same time period staff will also support the development of an additional 371 affordable units with local funds. These totals will include 34 senior units and 81 special needs (homeless and/or disabled units).<br><br><u>An additional 49 low-income housing units will be rehabilitated at Rosewood Manor (35 units) and Lorin Street Apartments (14 units).</u> |
|   | <b>Location Description</b>                                                                    | Citywide                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

|  |                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|--|---------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | <b>Planned Activities</b> | <p>City staff actively facilitate development, rehabilitation and/or preservation of affordable housing through working with developers, other city staff, lenders and other public agencies for the acquisition and rehabilitation of multi-family housing. \$28,115 plus an additional \$41,885 for a total of \$70,000 will be dedicated to CHDO operating. The CHDO operating is increased under the HOME COVID-19 waiver.</p> <p>This is the City of Berkeley's Housing Trust Fund, and the funds support Housing Development staff. 570.201 (k) "provides that CDBG funds may be used to pay costs in support of activities eligible for funding under the HOME program. This includes services such as housing counseling in connection with tenant-based rental assistance and affordable housing projects, energy auditing, preparation of work specifications, loan processing, inspections, tenant selection, management of tenant-based rental assistance, and other services related to assisting owners, tenants, contractors, and other entities participating or seeking to participate in the HOME program."</p> <p><u>HOME funded Housing Trust funds have been proportionately adjusted after exercising the City's administration under the HOME COVID-19 waiver allowing up to 25% of the entitlement to be used for administration.</u></p> <p>Funded activities include working with funded projects throughout predevelopment, supporting public participation in project selection and development, preparing and executing loan agreements, and conducting federally required environmental review. Staff are currently working with 8 affordable housing developments in varying stages of predevelopment with reservations totaling nearly \$60M in City funds, including HOME funds. Staff are currently focusing on Jordan Court, at 1601 Oxford, which will close its City financing, including HOME funds, by August 2020. In addition, this funding supports the City's implementation of CHDO operating funding. Staff recently completed a competitive process for operating funds, and will take recommendations for funding awards to Council.</p> <p><u>PY20 and earlier year's CDBG funds will be used for rehabilitation work at Lorin Station (14 units) and Rosewood Manor (35 units), two affordable housing properties owned and operated by South Berkeley Neighborhood Development Corporation (SBNDP). Both housing properties have immediate rehabilitation needs related to plumbing issues and roof repairs.</u></p> |
|--|---------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|   |                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|---|------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 5 | <b>Project Name</b>                                                                            | Public Services                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|   | <b>Target Area</b>                                                                             | BERKELEY                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|   | <b>Goals Supported</b>                                                                         | Improve Public Facilities and Public Services                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|   | <b>Needs Addressed</b>                                                                         | Homelessness<br>Non-Housing Community Development                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|   | <b>Funding</b>                                                                                 | CDBG: \$453,921                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|   | <b>Description</b>                                                                             | Services including homeless programs (daytime respite, men's shelter and Coordinated Entry System), and fair housing services are funded under this project.                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|   | <b>Target Date</b>                                                                             | 6/30/2021                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|   | <b>Estimate the number and type of families that will benefit from the proposed activities</b> | 1,105 low-income and homeless households are expected to be served through these activities.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|   | <b>Location Description</b>                                                                    | Citywide                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 6 | <b>Planned Activities</b>                                                                      | Bay Area Community Services operates Berkeley's Coordinated Entry System which will screen, conduct intakes, and provide housing navigation services to approximately 920 people. Berkeley Food and Housing Program will provide emergency shelter to approximately 115 adult homeless men. Eden Council for Hope and Opportunity will provide outreach, training, fair housing counseling services to up to 70 households, investigation of an estimated 25 fair housing complaints, 10 tenant/landlord mediations, and 10 fair housing testing/audits with follow-up training for non-compliant property owners. |
|   | <b>Project Name</b>                                                                            | Community Facility Rehabilitation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|   | <b>Target Area</b>                                                                             | BERKELEY                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|   | <b>Goals Supported</b>                                                                         | Improve Public Facilities and Public Services                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|   | <b>Needs Addressed</b>                                                                         | Non-Housing Community Development                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|   | <b>Funding</b>                                                                                 | CDBG: \$152,908                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|   | <b>Description</b>                                                                             | Activities that fund the rehabilitation of public facilities are funded under this project.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|   | <b>Target Date</b>                                                                             | 6/30/2021                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |

|   |                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|---|------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|   | <b>Estimate the number and type of families that will benefit from the proposed activities</b> | It is projected that improved community facility improvements provided by the City of Berkeley administered program will benefit a minimum of <del>300400</del> people. <del>The number of beneficiaries may increase as new community facility projects are identified through the upcoming NOFA.</del>                                                                                                                                                                     |
|   | <b>Location Description</b>                                                                    | Various locations within the City of Berkeley.                                                                                                                                                                                                                                                                                                                                                                                                                               |
|   | <b>Planned Activities</b>                                                                      | Activities include improving community facilities by funding substantial rehabilitation to applicants of the City administered Community Facility Improvement Program. Additionally, the City of Berkeley's Adult Mental Health Clinic and the City's Public Health Clinic will both be planned to be completed, serving some of the City's lowest income and most vulnerable populations.                                                                                   |
| 7 | <b>Project Name</b>                                                                            | ESG20-Berkeley - Emergency Shelter, Outreach, Rapid Rehousing and HMIS Activities                                                                                                                                                                                                                                                                                                                                                                                            |
|   | <b>Target Area</b>                                                                             | BERKELEY                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|   | <b>Goals Supported</b>                                                                         | Provide Homeless Prevention, Emergency Shelter, Outreach and Rapid Re-Housing services                                                                                                                                                                                                                                                                                                                                                                                       |
|   | <b>Needs Addressed</b>                                                                         | Homelessness                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|   | <b>Funding</b>                                                                                 | ESG: \$234,354<br>ESG-CV1&2: \$6,648,603                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|   | <b>Description</b>                                                                             | ESG funds will be used for Emergency Shelter, Outreach, Rapid Re-Housing and HMIS costs.<br><br>ESG-CV1&2 will be used for Emergency Shelter, Outreach, Rapid Re-Housing, <u>HMIS</u> and Administration.                                                                                                                                                                                                                                                                    |
|   | <b>Target Date</b>                                                                             | 6/30/2021                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|   | <b>Estimate the number and type of families that will benefit from the proposed activities</b> | ESG:<br><del>740</del> households will be served with Rapid Rehousing financial assistance.<br><br><del>50100</del> persons will be assisted with Street Outreach.<br><br>No persons will be assisted with Emergency Shelter or Homeless Prevention activities during this year's plan.<br><br>ESG-CV1&2:<br><del>10060</del> households will be served with Rapid Rehousing financial assistance.<br><br><del>258147</del> persons will be assisted with Emergency Shelter. |

|   |                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|---|------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|   | <b>Location Description</b>                                                                    | Various locations.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|   | <b>Planned Activities</b>                                                                      | <p>ESG funds will be used to provide financial assistance and housing relocation and stabilization services to rapidly re-house approximately <del>710</del> households, and support approximately <del>50100</del> people through street outreach and engagement activities.</p> <p>ESG-CV funds will be used to provide:</p> <ol style="list-style-type: none"> <li>1) Emergency shelter related to COVID – 19 including increased shelter costs (<del>95-236</del> beneficiaries), the Berkeley Respite Program (22 beneficiaries), <del>conversation of the STAIR center to non-congregate (30 beneficiaries)</del> for a total of <del>258147</del> shelter beneficiaries.</li> <li>2) Rapid Rehousing under the County-coordinated Safer Ground program (<del>10060</del> beneficiaries).</li> <li>3) City administration of the funds.</li> </ol> |
| 8 | <b>Project Name</b>                                                                            | CV- City of Berkeley Planning and Administration                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|   | <b>Target Area</b>                                                                             | BERKELEY                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|   | <b>Goals Supported</b>                                                                         | Prevent, prepare for, and respond to COVID-19                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|   | <b>Needs Addressed</b>                                                                         | <p>Affordable Housing</p> <p>Homelessness</p> <p>Non-Housing Community Development</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|   | <b>Funding</b>                                                                                 | CDBG-CV1 <del>&amp;3:</del> <del>\$322,161</del> <u>500,385</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|   | <b>Description</b>                                                                             | The project will fund City staff to plan and administer CDBG-CV projects and activities.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|   | <b>Target Date</b>                                                                             | 6/30/2021                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|   | <b>Estimate the number and type of families that will benefit from the proposed activities</b> | N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|   | <b>Location Description</b>                                                                    | Citywide                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|   | <b>Planned Activities</b>                                                                      | Information about the planned activities is included in Section AP-38 CV- Project Summaries.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 9 | <b>Project Name</b>                                                                            | CV- Public Services                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|   | <b>Target Area</b>                                                                             | BERKELEY                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |



|           |                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|-----------|------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|           | <b>Goals Supported</b>                                                                         | Prevent, prepare for, and respond to COVID-19                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|           | <b>Needs Addressed</b>                                                                         | Affordable Housing<br>Homelessness<br>Non-Housing Community Development                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|           | <b>Funding</b>                                                                                 | CDBG-CV1&3: \$ <del>1,250,000</del> <u>2,001,541</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|           | <b>Description</b>                                                                             | Mobile coronavirus testing/ <u>vaccine</u> program for highest priority populations in Berkeley including seniors, unhoused people and shelter workers and residents.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|           | <b>Target Date</b>                                                                             | 6/30/2021                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|           | <b>Estimate the number and type of families that will benefit from the proposed activities</b> | <u>Up to \$200,000 for up to 10,000</u> <del>3,000</del> low-income persons tested/ <u>vaccinated and \$1,801,561 for over 265 provided with housing retention support.-</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|           | <b>Location Description</b>                                                                    | Various locations within the City of Berkeley.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|           | <b>Planned Activities</b>                                                                      | Mobile coronavirus testing/ <u>vaccine</u> program for highest priority populations in Berkeley including seniors, unhoused people and shelter workers and residents. This will result in over <del>12,000</del> <u>3,000</u> tests administered to <del>3,000 individuals for our</del> <u>from our</u> highest <u>needs</u> population. <del>with up to 10,000 individuals being tested.</del><br><br><u>The Berkeley COVID-19 response Housing Retention Program (HRP) provides rental assistance to low-income households who are unable to pay rent due to COVID-19. The program anticipates serving over 265 households. Any remaining or unused testing/vaccine funds will go towards the HRP.</u> |
| <b>10</b> | <b>Project Name</b>                                                                            | <del>CV—Housing to prevent, prepare for, and respond to COVID-19</del>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|           | <b>Target Area</b>                                                                             | <del>BERKELEY</del>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|           | <b>Goals Supported</b>                                                                         | <del>Prevent, prepare for, and respond to COVID-19</del>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|           | <b>Needs Addressed</b>                                                                         | <del>Affordable Housing<br/>Homelessness</del>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|           | <b>Funding</b>                                                                                 | <del>CDBG (PY20): \$535,998<br/>CDBG-CV1: \$38,644</del>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|           | <b>Description</b>                                                                             | <del>Acquire and/or rehabilitate housing for low-income and homeless populations.-</del>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

|  |                                                                                                |                                                                                                                                                                                     |
|--|------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | <b>Target Date</b>                                                                             | <del>6/30/2021</del>                                                                                                                                                                |
|  | <b>Estimate the number and type of families that will benefit from the proposed activities</b> | <del>Up to 29 families will benefit from the proposed housing for the homeless.</del>                                                                                               |
|  | <b>Location Description</b>                                                                    | <del>Various locations within the City of Berkeley.</del>                                                                                                                           |
|  | <b>Planned Activities</b>                                                                      | <del>In partnership with Alameda County the City will purchase and renovate a hotel or other housing options for use as future permanent supportive housing for the homeless.</del> |

**AP-50 Geographic Distribution – 91.220(f)**

**Description of the geographic areas of the entitlement (including areas of low-income and minority concentration) where assistance will be directed**

As discussed in MA-50, the City does not have areas of low income or minority concentration and therefore does not allocate federal funds geographically.

**Geographic Distribution**

| Target Area | Percentage of Funds |
|-------------|---------------------|
| BERKELEY    | 100                 |

**Table 66 - Geographic Distribution**

**Rationale for the priorities for allocating investments geographically**

N/A

**Discussion**

N/A

## Affordable Housing

### AP-55 Affordable Housing – 91.220(g)

#### Introduction

This section includes HOME-funded units only. The City does not anticipate that any new construction will be completed in the year July 1, 2020 – June 30, 2021. As of this writing in November 2019, the City is working with six proposed development projects with a total of 386 permanent housing units and more than \$71 million in City funding, including \$1.8 million (three percent) in HOME funds. At least two developments will start construction in spring 2019, and are expected to be completed in the following program year (2021-2022), adding 177 units to the City's Housing Trust Fund portfolio, including a portion of HOME units.

| One Year Goals for the Number of Households to be Supported |   |
|-------------------------------------------------------------|---|
| Homeless                                                    | 0 |
| Non-Homeless                                                | 0 |
| Special-Needs                                               | 0 |
| Total                                                       | 0 |

**Table 67 - One Year Goals for Affordable Housing by Support Requirement**

| One Year Goals for the Number of Households Supported Through |   |
|---------------------------------------------------------------|---|
| The Production of New Units                                   | 0 |
| Total                                                         | 0 |

**Table 68 - One Year Goals for Affordable Housing by Support Type**

#### Discussion

N/A

## **AP-60 Public Housing – 91.220(h)**

### **Introduction**

The Berkeley Housing Authority (BHA) is not a department of the City of Berkeley. BHA Board members are appointed by the Mayor and confirmed by the City Council.

### **Actions planned during the next year to address the needs to public housing**

N/A. The BHA no longer owns any public housing.

### **Actions to encourage public housing residents to become more involved in management and participate in homeownership**

N/A

### **If the PHA is designated as troubled, describe the manner in which financial assistance will be provided or other assistance**

N/A

### **Discussion**

N/A

## **AP-65 Homeless and Other Special Needs Activities – 91.220(i)**

### **Introduction**

The City uses a variety of approaches to support homeless and other vulnerable populations.

### **Describe the jurisdictions one-year goals and actions for reducing and ending homelessness including**

#### **Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs**

HRC staff will continue to conduct assessments through 211 referrals, during HRC drop-in hours, and at regularly scheduled service partner locations, and at street based locations throughout Berkeley. Street based outreach staff will continue to engage people and provide basic necessities, such as water and hygiene kits.

Eligible people will be matched to appropriate and available resources including physical and mental health services, housing navigation services, shelter, transitional housing programs, addiction services and SSI advocacy.

The HRC will provide housing navigation services tied to rapid-rehousing and flexible financial assistance to support additional people in moving to permanent housing. Housing navigators support participants in a variety of ways from housing problem solving to, assisting with identification documents to housing search activities.

#### **Addressing the emergency shelter and transitional housing needs of homeless persons**

The City will continue to provide funding for shelter and transitional housing as described in section MA-30.

The City funds multiple agencies to provide 298 year round shelter beds, 30 seasonal shelter beds and 27 transitional housing beds. After working hours, unfilled beds are filled through an evening Shelter Reservation Hotline. The Shelter Bed Hotline opens after 7:00 pm and makes available shelter beds operated by BFHP that were not filled after the daytime shelter bed reservation process. Sometimes people have a bed reserved but do not come in to the shelter in the evening. Before this program was implemented in 2009, these beds stayed vacant all night.

As part of the City's COVID-19 response, the City will provide additional resources to existing shelters to mitigate the spread of the virus, modify one congregate shelter to provide individual living spaces to residents, provide rapid re-housing resources to people living in hotels as part of Project Roomkey, provide additional outreach to people living in encampments, and bring additional testing/vaccine resources to encampment sites. ...

#### **Helping homeless persons (especially chronically homeless individuals and families, families**

**with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again**

Housing Navigators focus on the highest need people, which are prioritized using the standardized assessment tool. They assist with collecting identification documentation needed to apply for housing opportunities, housing searches and linking participants to services that will help to retain housing. The City's Shelter Plus Care COACH Project will be expanded by 53 vouchers this year. These vouchers will be matched to the highest need people in North County through the county's HomeStretch process. The City's Aging Services Division will support enrolled participants with housing search and retention services, regardless of the age of the participant.

The North County HRC has flexible and rapid rehousing funds, which assist in reducing people's length of homelessness. The City allocates ESG, and City and County General Funds to support these efforts. While funding is available, providers report that the lack of available units with rents within HUD's Fair Market Rent (FMR) makes it difficult to rapidly re-house participants within the County. Often, participants are being housed in neighboring counties making it challenging to provide ongoing housing retention services. This has resulted in some delays in spending City of Berkeley ESG funds for rapid rehousing. Starting in PY19, the City of Berkeley has shifted a portion of its ESG allocation to fund the Pathway Stair Center and HRC outreach. Also, the HRC has incorporated more shared housing opportunities through the use of larger units. This has provided people with limited income and a willingness to share housing more opportunities to be permanently housed.

**Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); or, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs**

The City uses General Funds to fund services that prevent people who are not literally homeless but are at imminent risk of homelessness per the HUD Homeless definition (Category 2) from becoming homeless. Prevention assistance may include support to a household to retain its current housing or to move to other housing without having to become literally homeless. While the ESG regulations allow for federal funds to be provided to those categorized as "at-risk" but not necessarily at "imminent risk", Berkeley uses its ESG funds for rapidly rehousing people who are literally homeless.

Berkeley funds prevention assistance for people who meet "immediate risk" criteria defined as:

“An individual or family who will imminently lose their primary nighttime residence, provided that:

- the primary nighttime residences will be lost within 14 days of the day of application for homeless assistance;
- No subsequent residence has been identified; and,
- the individual or family lacks the resources of support networks, e.g., family, friends, faith-based or other social networks, needed to obtain other permanent housing.”

Alameda County has mental health, foster youth, health care, and corrections discharge policies intended to prevent discharges of individuals from these systems into homelessness, described in detail in the Consolidated Plan.

The City is working with local hospitals to share information about the North County HRC and available homeless services in Berkeley to reduce discharges to local daytime drop-in centers and shelters that can’t support the needs of medically fragile people with severe disabling conditions. The City will continue to participate in countywide and regional efforts to reduce discharges into homelessness.

## Discussion

The City of Berkeley supports a wide range of homeless programs, including emergency/crisis drop in centers and shelters, transitional housing, permanent supportive housing, prevention and rapid rehousing services. All contracted service providers report outcomes based on the countywide outcome standards developed by EveryOne Home, in order to inform future adjustments to the service system.



**AP-75 Barriers to affordable housing – 91.220(j)****Introduction:**

N/A

**Actions it planned to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment**

As stated in section MA-40, the following are considered potential constraints in Berkeley: accessory dwelling unit (ADU) requirements, infill development regulations and permit review process. While the City's accessory dwelling unit requirements meet state law, they may be a constraint to development of additional units; therefore, the 2015 *Housing Element* includes a housing program to evaluate the regulations and consider changes to development standards for ADUs, a process that is currently underway. Additionally, while the zoning ordinance includes five multi-family zoning districts and the City has seen a number multi-family development projects, Housing Policy H-34 of the 2015 *Housing Element* encourages the review of infill development regulations in residential districts to identify and change possible constraints.

The permit process in Berkeley may be considered a constraint to housing production, although based on the amount of affordable and market-rate development that has been approved and the density of those projects, it does not appear to have deterred new development. However, Policy H-34 calls for the City to continue to improve and streamline the development review process and to evaluate regulations to identify and reduce unnecessary impediments to housing development and affordable housing projects.

With the passage of California Senate Bill 35 Berkeley, like all California cities, has an expedited path to planning and environmental approvals for affordable housing developments meeting certain State-established criteria. In 2018, the City approved land use entitlements for three City-funded projects under the SB35 rules: 2012 Berkeley Way, 1601 Oxford and 2001 Ashby.

**Discussion:**

N/A

## AP-85 Other Actions – 91.220(k)

### Introduction:

The City of Berkeley uses a range of strategies to address the housing, homeless, and community development goals identified in the Consolidated Plan. This section discusses actions planned to foster and maintain affordable housing, to reduce lead-based paint hazards, to reduce the number of poverty-level families in Berkeley, and to coordinate activities in these areas with other entities.

### Actions planned to address obstacles to meeting underserved needs

One of Berkeley's major obstacles to meeting underserved needs is the limited amount of federal, state, and local resources available given the diversity of needs in the community and high cost of housing in the Bay Area. The City of Berkeley will continue to pursue new State and Federal resources as available to meet underserved needs.

### Actions planned to foster and maintain affordable housing

The City has several on-going programs which foster and maintain affordable housing in Berkeley:

- Rent Stabilization Program. In 1980, Berkeley residents passed the Rent Stabilization and Eviction for Good Cause Ordinance. The Ordinance regulates most residential rents in Berkeley, provides tenants with increased protection against unwarranted evictions and is intended to maintain affordable housing and preserve community diversity.
- Affordable Housing Mitigation Fee (AHMF). This fee requires developers of new market rate rental housing to pay a fee into the Housing Trust Fund or to provide affordable apartments instead. Resulting units are affordable both to people with incomes less than 50 percent of Area Median and less than 80 percent. The Council adopted a formula for increasing the rate over time.
- Condominium Conversion Ordinance (CCO). The CCO governs the conversion of rental apartments and tenancy-in-common buildings to condominiums, and other types of mutual or cooperative housing. A mitigation fee for production of permanently affordable housing will be collected.
- Commercial Linkage Fee. The Affordable Housing Mitigation Program was approved on April 20, 1993. It imposed fees on commercial new construction in which the newly constructed gross floor area is over 7,500 square feet.
- Housing Trust Fund (HTF). The City of Berkeley created its HTF in 1990 to help develop and preserve below-market-rate housing. The HTF program pools funds for affordable housing construction from a variety of sources with different requirements, makes them available through one single application process to local developers, then monitors development and operation of the funded housing.
- Inclusionary Housing Ordinance for ownership housing. The ordinance requires developers of

market rate ownership housing to include affordable ownership units or pay a fee. On November 19, 2013, City Council approved completing a nexus study to determine the appropriate fee applicable to new for-sale housing.

- **Mortgage Credit Certificate.** MCC is a federal income tax credit that provides qualified low income homebuyers a tax credit worth up to 15 percent of their annual mortgage interest paid on their home loan. MCC recipients adjust their federal income tax withholding, which increases their take-home pay, making monthly mortgage payments more affordable. The City participates in the Alameda County MCC program.
- **Senior and Disabled Loan Rehab Program.** HHCS administers the program as an effort to preserve the City's housing stock and to assist low- and moderate-income senior and disabled homeowners, funded by CDBG and CalHOME. The applicants receive a zero interest loan, secured by a deed of trust on their home, which is repaid when title to the property changes hands, normally as a result of the sale of the property or inheritance by the owner's heirs.

### **Actions planned to reduce lead-based paint hazards**

The City will continue to comply with the Environmental Protection Agency's Renovation, Repair, and Painting Program in its Senior and Disabled Rehabilitation Loan Program. Similarly, organizations working with the City of Berkeley on single family rehabilitation will work with the City and Alameda County Lead Poisoning Prevention Programs to increase awareness of lead issues among their clients and incorporate lead safe work practices into their activities.

The City of Berkeley Public Health Division and the Alameda County Lead Poisoning Prevention Program will work together to increase awareness and knowledge about lead poisoning prevention in Berkeley including providing lead-safe painting classes, in-home consultations, garden soil lead testing kits, presentations, educational materials, and other services.

The City of Berkeley Childhood Lead Poisoning Prevention Program collaborates with the Berkeley Health, Housing & Community Services Department's State lead-certified Risk Assessor/Inspector, Project Designer, and Project Monitor. Berkeley's program also provides case management services to families with children who have elevated blood lead levels. Services range from Public Health Nursing case management for children with blood lead levels above 15  $\mu\text{g}/\text{dL}$  to health education for children with levels between 5-14  $\mu\text{g}/\text{dL}$ .

The Alameda County Healthy Homes Department (ACHHD) also has a HUD Lead Hazard Control grant to remediate lead hazards in qualifying Berkeley housing units that are vacant, or occupied by a low income household with either a child under 6, a pregnant woman, or a child under 6 years who visits twice a week for at least three hours each time. Since July 1, 2015, ACHHD has completed lead evaluations at 52 pre-1978 low-income housing units and has made 49 housing units lead-safe at 21 properties. The ACHHD was recently awarded a new 42-month lead hazard control grant which is expected to begin January 1<sup>st</sup>, 2020. The ACHHD will market to and expects to enroll eligible Berkeley properties into the program which will complete 144 units County-wide over the grant period.

ACHHD provides lead safety and healthy housing training. Since July 1, 2015, the ACHHD has provided lead safety training to 23 individuals with the City of Berkeley, associated with Berkeley-based non-profits, or with residential properties or housing-related businesses in Berkeley including Community Energy Services Corp, Berkeley Mission Homes, and the Northern California Land Trust. In addition, broader healthy housing training, which included lead safety, was provided to 6 City of Berkeley staff. The ACHHD plans to continue to make lead safety training opportunities available for City of Berkeley staff, organizations, and property owners.

The ACHHD's outreach and education activities promote lead safety, regulatory compliance, and participation in ACHHD lead hazard control grant programs to property owners, property managers. The ACHHD coordinates lead poisoning prevention outreach activities with the City of Berkeley Public Health. Outreach partners and locations for property owner presentations, staff trainings, and literature distribution have included the Berkeley Rent Stabilization Board and Permit Office, the Berkeley Housing Authority, Tool Lending Library, North Berkeley Senior Center, YMCA, Berkeley Apartment Owners Association, the East Bay Rental Housing Association which is in Oakland but serves Berkeley property owners, the Ecology Center, and local paint and hardware stores. The ACHHD participates in local collaborations and with partners including the Berkeley Tobacco Prevention Coalition, Bay Area Lead Programs, Berkeley Black Infant Health, Kerry's Kids, Rebuilding Together East Bay North, Habitot, and the Safe Kids Coalition.

### **Actions planned to reduce the number of poverty-level families**

The City funds a wide variety of social service programs designed to assist households with poverty level incomes. These programs include childcare and a range of services for special needs populations, which are outlined in other sections of this Consolidated Plan. This section will highlight the City's strategies to increase livable wage employment opportunities by supporting related community services and working with public and private regional partners. Strategies include:

- Funding and refinement of anti-poverty programs provided by community-based organizations and by the City. Federally funded community agency contracts are outlined in the Annual Action Plan.
- Continue implementation of the City of Berkeley's Living Wage Ordinance.
- Foster regional coordination on economic development to benefit low income Berkeley residents.
- Linking homelessness and homelessness prevention programs, such as the coordinated entry system, to employment training and placement opportunities.

The City has contracted with the a number of workforce development programs to provide training,

education and job placement for low income, under-employed, and unemployed residents:

- Inter-City Services provides employment, training, and education and continues to serve veterans as funded under the Governor's 15% Discretionary pool of Workforce Investment Act (WIOA) funds.
- Biotech Partners operates the Biotech Academy at Berkeley High School, targeting youth from under-represented populations in the fields of science and technology (African American, Latino, South East Asian, female and low income youth) and who may be at risk of not graduating from high school.
- The Bread Project provides training in culinary arts and bakery production, and includes the formerly incarcerated as their target population. They operate a social enterprise (wholesale bakery) that creates opportunities for trainees to obtain crucial on-the-job experience.
- Rising Sun Center for Opportunity (formerly known as Rising Sun Energy Center) Green Energy Training Services (GETS) provides pre-apprenticeship classroom and hands-on training in the Building and Construction trades which serves as a pathway for careers in construction including green and clean technologies. Rising Sun also operates the California Youth Energy Services (CYES) program funded by the CA Public Utilities Commission, providing summer jobs for youth conducting residential energy audits.
- Berkeley Youth Alternatives (BYA) receives WIOA funding through Alameda County Workforce Development Board (ACWDB) to provide workforce development services to in-school and out-of-school youth. The area of workforce development is a focus area for increased coordination, including establishing methods to maximize and leverage resources. BYA, utilizing city funds, provides training to disadvantaged youth in all aspects of park and landscape maintenance in addition to summer and after-school programs for children and youth.
- UC Theatre Concert Careers Pathways (UCCCP) is a nine-month program for young people ages 17-25, providing workshops and paid internships for participants to learn all aspects of live music venue production.
- Continuing the City's Local Hire policies which include the Community Workforce Agreement (CWA) between the City of Berkeley and the Building trades (created in 2011) which applies to publicly funded construction projects estimated at \$500,000 or above, and, the First Source local hiring policy which applies to both public infrastructure projects estimated between \$100,00 - \$499,999 and private development over 7,500 square feet. develop the
- The YouthWorks employment program continued its partnerships with City and nonprofit agencies. YouthWorks targets low income, at-risk youth and provides all youth with workplace skills training. City of Berkeley departments and local community agencies serve as worksites providing valuable work experience to Berkeley youth 14-25 years old.
- The City's Recreation Division of the Park, Recreation & Waterfront Department partners with the Berkeley Unified School District and YouthWorks on the Achievers Program, which provides leadership development, career exploration and peer-led tutoring. This program is also used as a stepping stone for entry into the City's YouthWorks program.

- Funded through the City's Public Works Department, the Downtown Streets Team, a non-profit organization, homeless and low-income persons volunteer to beautify commercial districts while engaging in case management and employment services.

The City's anti-poverty strategy continues to be closely tied to the funding of approximately 50 community agencies to provide services as described above to enable people in poverty to attain self-sufficiency, support at-risk youth to succeed in school and graduate, and protect the health and safety of low income people. The City also funds anti-poverty programs with general funds for job training and creation/job placement agencies.

### **Actions planned to develop institutional structure**

During the next year, the City of Berkeley will continue to coordinate the housing and community services activities within the department through regular senior staff meetings and coordination on specific topics. The City's Health & Human Services and its Housing Departments merged in PY12. Since that time, senior leadership of all Divisions meets weekly to share information on Division activities which promotes closer coordination. For example, in PY2019, the Housing & Community Services Division and the Aging Services Division collaborated to hire two new staff who will provide supportive services to house homeless residents who are assisted through Continuum of Care Rental Assistance administered by the Housing & Community Services Division. The Division leadership will continue to seek opportunities to increase coordination during PY20.

### **Actions planned to enhance coordination between public and private housing and social service agencies**

City staff will also continue to participate in the implementation of EveryOne Home, the countywide plan to end homelessness. EveryOne Home spearheads Alameda County's Continuum of Care. Staff will continue to participate in the initiative's Leadership Board, which includes most public funders of housing and homeless services in the county, as well as leadership from key community based organizations. Leadership Board membership helps coordination efforts across the county. Staff also participates in other committees composed of other funders (such as Alameda County Behavioral Health Care Services and the Social Services Agency) as well as many community based organizations.

Recent countywide collaboration efforts include the implementation and ongoing refinement of the Coordinated Entry System, issuance of an updated countywide strategic report by EveryOne Home, coordination and approval of countywide performance measures aligned with HUD priorities; and implementation of the countywide Whole Person Care funds to support the development and operations of regional housing resource centers.

City staff continue to collaborate with service agencies, from legal advocacy assistance, to disability rights organizations for unit modifications, the VA for VASH vouchers, and the Berkeley Housing Authority (BHA) for Mainstream Voucher allocations. Additionally with Project-based voucher

allocations and through work with owners of Below Market Rate units, BHA has partnered with both non-profit and for-profit developers of housing in Berkeley, to house those participating in our programs.

**Discussion:**

The majority of Berkeley's activities furthering the goals of the Consolidated Plan are provided by community agency partners. This will continue to be the case in PY20.

## Program Specific Requirements

### AP-90 Program Specific Requirements – 91.220(I)(1,2,4)

#### Introduction:

#### Community Development Block Grant Program (CDBG)

##### Reference 24 CFR 91.220(I)(1)

Projects planned with all CDBG funds expected to be available during the year are identified in the Projects Table. The following identifies program income that is available for use that is included in projects to be carried out.

|                                                                                                                                                                                                |                  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| 1. The total amount of program income that will have been received before the start of the next program year and that has not yet been reprogrammed                                            | \$255,925        |
| 2. The amount of proceeds from section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in the grantee's strategic plan. | 0                |
| 3. The amount of surplus funds from urban renewal settlements                                                                                                                                  | 0                |
| 4. The amount of any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan                                                   | 0                |
| 5. The amount of income from float-funded activities                                                                                                                                           | 0                |
| <b>Total Program Income:</b>                                                                                                                                                                   | <b>\$255,925</b> |

#### Other CDBG Requirements

|                                                                                                                                                                                                                                                                                                                                                                                                          |        |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|
| 1. The amount of urgent need activities                                                                                                                                                                                                                                                                                                                                                                  | 0      |
| 2. The estimated percentage of CDBG funds that will be used for activities that benefit persons of low and moderate income. Overall Benefit - A consecutive period of one, two or three years may be used to determine that a minimum overall benefit of 70 percent of CDBG funds is used to benefit persons of low and moderate income. Specify the years covered that include this Annual Action Plan. | 87.00% |

#### HOME Investment Partnership Program (HOME)

##### Reference 24 CFR 91.220(I)(2)

1. A description of other forms of investment being used beyond those identified in Section 92.205 is as follows:

The City of Berkeley uses no forms of investment other than ones described in §92.205(b)



(Refinancing Costs).

2. A description of the guidelines that will be used for resale or recapture of HOME funds when used for homebuyer activities as required in 92.254, is as follows:

No homeownership or tenant-based rental assistance activities are anticipated for PY20.

3. A description of the guidelines for resale or recapture that ensures the affordability of units acquired with HOME funds? See 24 CFR 92.254(a)(4) are as follows:

No homeownership activities are anticipated for PY20.

4. Plans for using HOME funds to refinance existing debt secured by multifamily housing that is rehabilitated with HOME funds along with a description of the refinancing guidelines required that will be used under 24 CFR 92.206(b), are as follows:

The City of Berkeley's HTF Guidelines apply to any project using HOME funds to refinance existing debt. Per the Guidelines, Project owners submit funding requests to the City, or reply to the City's Requests for Proposals for funding, with the following information, among other things:

a) As a condition precedent to funding, Owners must demonstrate an extension of affordability term. For new HOME funds invested in the Project, the minimum affordability term is the term required by 24 CFR 92 et seq., but, typically, the required extension of affordability is 55 years.

b) As a condition precedent to funding, Owners must demonstrate that the refinancing preserves the affordable Project through rehabilitation.

1. Minimum rehab costs/unit must correspond to at least the value identified in a current physical needs assessment to ensure that the long-term needs of the Project can be met.
2. Typical rehab/unit costs are no less than \$10,000/unit, the minimum rehab value required by the California Debt Limit Allocation Committee Regulations.

c) Owners indicate if their refinancing request includes new construction that adds net new units to the Project

d) Owners provide extensive Project data, including audited financial statements, cash flows, rent rolls, services plans, PNAs, and rehabilitation proformas to demonstrate that:

1. The project is sound financially and disinvestment has not occurred
2. The long-term needs of the Project and residents will be met by the rehab

3. The proposed rehab is financially feasible, includes no barriers to refinancing existing mortgage loans, does not include the refinancing of any existing federal or federally-insured loans, and leverages other non-federal funds to the greatest extent possible

**Emergency Solutions Grant (ESG)  
Reference 91.220(l)(4)**

1. Include written standards for providing ESG assistance (may include as attachment)

The City's standards for providing ESG assistance are attached as Attachment 5: City of Berkeley ESG Manual.

2. If the Continuum of Care has established centralized or coordinated assessment system that meets HUD requirements, describe that centralized or coordinated assessment system.

The Alameda County Continuum of Care has established its coordinated entry system (CES). The CES has regional Housing Resource Centers that provide a range of services and resources. Each HRC conducts assessments using a standardized tool that prioritizes individuals and families based on need. The people with the highest needs are matched to appropriate and available services and resources including housing navigation, emergency shelter, transitional housing, rapid rehousing and permanent supportive housing.

3. Identify the process for making sub-awards and describe how the ESG allocation available to private nonprofit organizations (including community and faith-based organizations).

The City of Berkeley was allocated \$227,398 in ESG funding for PY19. Funds will be used primarily for rapid rehousing and street outreach. Funds may be used, however, for shelter activities depending on community needs. The City of Berkeley will utilize the maximum amount possible for administration (Seven and a half percent of the grant) and allocate funds to support the County-wide Homeless Management Information System, known as InHouse.

ESG funds were allocated to the North County HRC through the FY20-24 Community Agency Request for Proposals (RFP) allocation process. Bay Area Community Services successfully competed to operate the HRC and will therefore be awarded the ESG funding.

4. If the jurisdiction is unable to meet the homeless participation requirement in 24 CFR 576.405(a), the jurisdiction must specify its plan for reaching out to and consulting with homeless or formerly homeless individuals in considering policies and funding decisions regarding facilities and services funded under ESG.

The policy-making entity for the City of Berkeley which makes decisions regarding the facilities, services, and other programs to receive funding under the Emergency Solutions Grant (ESG) is the

Berkeley City Council. The Berkeley City Council is elected by the citizens of Berkeley. The City cannot mandate that a homeless or formerly homeless individual be on the City Council. Therefore, the City must develop and implement a plan to consult with homeless or formerly homeless individuals in making policies and decisions regarding programs that receiving funding under ESG.

5. Describe performance standards for evaluating ESG.

The performance standards to be applied to ESG activities is attached as an image labeled Outcome Measures. These standards were developed in 2009-2010 through the leadership of EveryOne Home (the Continuum of Care) and partially funded by City of Berkeley General Funds. This matrix presents outcome standards for each type of program in the Continuum of Care. Most were established as a percentage of the average outcomes achieved by all County programs (for example, the average permanent housing placement rate of all emergency shelters) and will be adjusted over time to ensure continued improvement.

**Systemwide Performance Targets for Rapid Re-Housing Services**

| Rapid Re-Housing  |                                                                                                                                                       | Target                 |
|-------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|
| How Much?         | Service Population: Unduplicated count of individuals served (HUD Element, APR Q5a)                                                                   | observe                |
|                   | Service Population: Proportion of chronically homeless individuals served (HUD Element, APR Q5a)                                                      | observe                |
|                   | Service Population: Unduplicated count of households served (HUD Element, Annual Performance Report/APR Q8a)                                          | observe                |
|                   | Service Population: Proportion of chronically homeless households served (HUD Element, APR Q26a)                                                      | observe                |
| How Well?         | Data Quality: Data entry within 3 days (HUD Element, APR Q6e)                                                                                         | 100%                   |
|                   | Data Quality: Completion. Adult participants with income info. recorded in HUD Element at entry and annual or exit assessments (HUD Element, APR Q18) | 90%                    |
|                   | Average length of time from enrollment to move in (HUD Element, Apr Q22c)                                                                             | 60%<br>within 2 months |
| With What Impact? | Are participants growing their income? (HUD Element, APR Q19a3)                                                                                       | 50%                    |

|  |                                                                                                             |     |
|--|-------------------------------------------------------------------------------------------------------------|-----|
|  | Are participants accessing mainstream benefits?<br>(HUD Element, APR Q20b)                                  | 85% |
|  | Are participants enrolled in health insurance?(HUD<br>Element, APR Q21)                                     | 85% |
|  | Are we successfully moving people into permanent<br>housing? (HUD Element, APR Q23a&b)                      | 80% |
|  | Exits to Homelessness: What proportion of people<br>exit to homeless destinations? (HUD Element APR Q23a&b) | <5% |

Together Priority Home Partnership and the Housing Retention program make up the housing retention and rapid rehousing segment of the City's continuum of services. The City will continue to work with EveryOne Home and community agencies to ensure that prevention and rapid rehousing funds are fully utilized and play an important role in ending homelessness in Berkeley.

## Appendix - Alternate/Local Data Sources

|          |                                                                                                                                                 |
|----------|-------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>1</b> | <b>Data Source Name</b><br>Berkeley Housing Authority                                                                                           |
|          | <b>List the name of the organization or individual who originated the data set.</b><br>Berkeley Housing Authority                               |
|          | <b>Provide a brief summary of the data set.</b><br>The table was updated with the most current data available from PIC (PIH Information Center) |
|          | <b>What was the purpose for developing this data set?</b>                                                                                       |
|          | <b>Provide the year (and optionally month, or month and day) for when the data was collected.</b><br>December 2019                              |
|          | <b>Briefly describe the methodology for the data collection.</b>                                                                                |
|          | <b>Describe the total population from which the sample was taken.</b>                                                                           |
|          | <b>Describe the demographics of the respondents or characteristics of the unit of measure, and the number of respondents or units surveyed.</b> |
|          |                                                                                                                                                 |

# CITY OF BERKELEY

## SUBSTANTIAL AMENDMENT #2

### ANNUAL ACTION PLAN FOR HOUSING AND COMMUNITY DEVELOPMENT

JULY 1, 2019 – JUNE 30, 2020 (PY 2019)

For the U.S. Department of Housing and Urban  
Development

San Francisco Field Office of Community  
Planning and Development

FEBRUARY, 2021

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**Attachment 1:** City of Berkeley CDBG, ESG, and HOME Projects

**Attachment 2:** Systemwide Performance Targets for *Rapid Re-Housing Services*

**Attachment 3:** Public Notice and Community Participation Summary

## Executive Summary

### AP-05 Executive Summary - 24 CFR 91.200(c), 91.220(b)

#### 1. Introduction

This Annual Action Plan is the 5th Annual Action Plan for the current Consolidated Planning period.

#### 2. Summarize the objectives and outcomes identified in the Plan

The City of Berkeley (COB) has ambitious objectives for spending its federal entitlement grant funding. Berkeley allocates these and other state and local funds to maximize assistance for its low and moderate-income households through:

- Housing acquisition, rehabilitation, repair, and accessibility improvements,
- Assisting homeless adults and families including those with disabilities and other special needs, through emergency shelter, transitional housing, and service-enriched affordable, supportive housing; and
- Funding public facilities improvements to protect and sustain the infrastructure critical to community services and economic vitality in Berkeley.

The COB has long placed a high priority on affordable housing and community services because they reflect important community values. The City now invests more General Fund dollars into related programs than it receives in federal funding for these activities. The City is committed to maintaining high-quality programs for those in need but faces challenges due to uncertainty in future federal funds available. At the same time, ESG, HOME, Consolidated Plan, and Annual Action Plan requirements have substantially increased. Uncertain funding and increased administrative burden will impact the City's ability to address all of the many needs identified.

**Approved Allocations.** As summarized in **AP-38** and detailed in **Attachment 1**, the COB plans to allocate \$2,667,120 in Community Development Block Grant (CDBG) funds together with \$1,166,259 in prior years' carryover and \$250,531 in CDBG program income to fund:

- \$2,903,658 in housing projects and programs;
- \$453,921 in public services;
- \$152,908 for community and public facilities activities; and
- \$573,424 to administer all facets of the City's CDBG program.

The COB will utilize its PY19 ESG allocation of \$227,398 to: serve literally homeless people through the Coordinated Entry System (\$203,667), support the County-wide Homeless



Management Information System, (\$6,676), and support its program planning and administration activities (\$17,055).

The COB will utilize its PY19 HOME allocation of \$737,273 and \$20,000 (projected) in program income for program administration (\$75,727), Community Housing Development Organization (CHDO) operations (\$28,115) and will allocate the remaining balance to its Housing Trust Fund (\$633,431).

### **3. Evaluation of past performance**

The City reviews and evaluates its performance through its annual submission of the Consolidated Annual Performance and Evaluation Report. The City tracks single family and multi-family housing rehabilitation efforts and housing development efforts.

The City's Single Family Rehabilitation (SFR) program comprised of the City's Senior and/or Disabled Rehab Home Loan Program (SDRLP), Center for Independent Living, Community Energy Services Corporation and Rebuilding Together is evaluated on an ongoing basis to ensure that the most significant health and safety improvements are prioritized and that sufficient outreach is occurring to increase the number of unduplicated households served overtime.

In PY17, the City restructured its community facility RFP process to be more responsive to emergent agency needs. The City shifted its RFP process to a rolling application period with a minimum grant amount of \$100,000. The program will continue to focus on CDBG priorities for substantial rehabilitation for health and safety, ADA, and/or energy efficiency improvements. CDBG funds were allocated for renovations to the City's Adult Mental Health Clinic in PY2017 and PY2018.

Outcomes for all public services community agency programs funded with federal funds are tracked, and prior outcomes are used to inform funding decisions. The City also uses countywide Homeless Count and program outcome data to inform its goals on homelessness.

### **4. Summary of Citizen Participation Process and consultation process**

A public hearing on community needs was held on October 17, 2018 before members of the Human Welfare and Community Action Commission (HWCAC), and the Children Youth and Recreation Commission (CYRC). Members from the Housing Advisory Commission (HAC) and the Homeless Commission were unable to attend the Public Hearing. The draft plan was posted on the City's website, and a copy was presented to the HAC at its February 7, 2019 and March 7, 2019 meetings. At its March 7, 2019 meeting, the HAC approved the Annual Action Plan. A Public Hearing on the Final Draft Plan was held on April 23, 2019 before the Berkeley City Council. Outreach was accomplished via mailings to interested parties, including Alameda County Homeless Continuum of Care, community agencies serving low-income people, and

public buildings such as recreation centers, senior centers, libraries and other government buildings.

## 5. Summary of public comments

At the October 17, 2018 public hearing, twenty Berkeley residents were present and provided testimony related to improving the homeless services website, strategies and solutions for vehicular dwellers, Section 8 (Berkeley Housing Authority) customer services and assistance with landlord communications, partnerships with health and housing providers, welcoming ex-offenders back into the community, pedestrian safety and fair housing/housing discrimination education. There was an additional written comment submitted suggesting that services for affordable housing should include help or assistance for property taxes for low-income people, especially for older, single homeowners without enough space to rent rooms or part of their houses.

There were seventeen public comments at Housing Advisory Commission meetings on February 7<sup>th</sup> and March 7<sup>th</sup> and 13<sup>th</sup>, 2019. Public comments addressed concerns related to recommendations to fund organizations located in south Berkeley, particularly Inter-City Services and Rebuilding Together East Bay North. These two organizations provide workforce development and housing rehabilitation services, respectively.

Public comment at the April 23, 2019 City Council Public Hearing included testimony from twenty seven individuals concerned about services for low-income persons including: housing rehabilitation for homeowners, deaf and disability related services especially for homeless persons, health care and supportive services for formerly homeless persons, general homeless services, legal services for survivors of domestic violence, programming for youth graduating from Berkeley High School, and more transparency around monitoring agencies and the City's budget process.

### Amendment #2 Public Participation response were as follows:

- A draft of the Substantial Amendment was made available on the City's webpage; and
- Outreach and noticing to interested parties was conducted in accordance with the City's Citizen Participation Plan; and
- A public hearing on the Substantial Amendment was held in front of Berkeley City Council on February 9, 2021. This public hearing and comment period was noticed in the Berkeley Voice on January 8, 2021.
- TBD members of the public spoke at the February 9, 2021 public hearing on PY19 Annual Action Plan Substantial Amendment #2 in front of the City Council. Comments included TBD. TBD written comments were received on the Substantial Amendment #2 from the public noticing.

**6. Summary of comments or views not accepted and the reasons for not accepting them**

All comments were accepted.

## PR-05 Lead & Responsible Agencies – 91.200(b)

### 1. Agency/entity responsible for preparing/administering the Consolidated Plan

Describe the agency/entity responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source.

| Agency Role        | Name     | Department/Agency                               |
|--------------------|----------|-------------------------------------------------|
| CDBG Administrator | BERKELEY | Health, Housing & Community Services Department |
| HOME Administrator | BERKELEY | Health, Housing & Community Services Department |
| ESG Administrator  | BERKELEY | Health, Housing & Community Services Department |

**Table 1 – Responsible Agencies**

### Narrative (optional)

The City of Berkeley's Health, Housing & Community Services Department (HHCS) is the lead agency for overseeing the development of the plan. The Department coordinates the City's funding allocation and monitoring for community based organizations, administration of the Housing Trust Fund, and operation of other housing and community services programs such as the Shelter Plus Care program, and Senior and Disabled Home Rehabilitation Loan Program. The Department also includes the Mental Health, Public Health, and Aging Services divisions, which provide direct services to the community, and it includes the Environmental Health division.

### Consolidated Plan Public Contact Information

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## **AP-10 Consultation – 91.100, 91.200(b), 91.215(I)**

### **1. Introduction**

During the next year, the City of Berkeley will continue to coordinate the housing and community services activities within the department through regular senior staff meetings, such as a monthly Homeless Team meeting, and will continue to coordinate with other City Departments on specific topics. It will also consult with EveryOne Home, the countywide coordinating body and plan to end homelessness, and its partners at Alameda County Behavioral Health Care Services and Social Services Agency as well as community stakeholders in Berkeley.

### **Provide a concise summary of the jurisdiction's activities to enhance coordination between public and assisted housing providers and private and governmental health, mental health and service agencies (91.215(I))**

City staff continue to participate in the implementation of EveryOne Home. EveryOne Home spearheads Alameda County's Homeless Continuum of Care. Staff will continue to participate in the initiative's various committees and/or Leadership Board, which includes most public funders of housing and homeless services in the county, as well as leadership from key community based organizations, including those which develop affordable housing. Leadership Board membership helps coordinate efforts across the county. In PY19, City will continue to work with EveryOne Home, Alameda County Behavioral Health Care Services and Social Service Agency to continue to implement the Countywide Coordinated Entry System (CES) for homeless services and will participate in EveryOne Home's ongoing implementation of multiple CES sites throughout the county. Other recent countywide collaboration efforts include Alameda County's 2019 Point in Time Homeless Count and report and the ongoing implementation of the Home Stretch registry, an initiative targeting people who are chronically homeless and highly vulnerable.

### **Describe coordination with the Continuum of Care and efforts to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans, and unaccompanied youth) and persons at risk of homelessness**

In PY19, the City will continue to work with EveryOne Home, Alameda County Behavioral Health Care Services and Social Service Agency to implement the Berkeley Coordinated Entry System (CES) for homeless services and will participate in EveryOne Home's ongoing implementation of its he Coordinated Entry System throughout the county. These efforts have led to the standardization of screening, intake and assessments protocols across the Continuum of Care to better match people who are homeless with the best fit available housing solution.

**Describe consultation with the Continuum(s) of Care that serves the jurisdiction's area in determining how to allocate ESG funds, develop performance standards for and evaluate outcomes of projects and activities assisted by ESG funds, and develop funding, policies and procedures for the operation and administration of HMIS**

Consultation with EveryOne Home, the Alameda-Countywide Continuum of Care, City of Berkeley, the City of Oakland, and the Alameda County Housing and Community Services Department was initiated in 2012. The discussion focused on how to implement the new ESG requirements in a way that would be consistent countywide and would continue the collaboration launched in 2009 with American Recovery and Reinvestment Act (ARRA) Homelessness Prevention and Rapid Re-housing (HPRP) funds. The group held several meetings in PY12, resulting in the development of a policies and procedures manual that was used to implement the Priority Home Partnership Program. The most recent version was attached to the 2015 Consolidated Plan.

**2. Describe Agencies, groups, organizations and others who participated in the process and describe the jurisdiction's consultations with housing, social service agencies and other entities**

|   |                                                                                                                                                                    |                                                                                                                                                                                                                                                           |
|---|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | <b>Agency/Group/Organization</b>                                                                                                                                   | EveryOne Home                                                                                                                                                                                                                                             |
|   | <b>Agency/Group/Organization Type</b>                                                                                                                              | Services - Housing<br>Services - Children<br>Services - Persons with Disabilities<br>Services - Homeless<br>Services - Employment                                                                                                                         |
|   | <b>What section of the Plan was addressed by Consultation?</b>                                                                                                     | Homeless Needs - Chronically homeless<br>Homeless Needs - Families with children<br>Homelessness Needs - Veterans<br>Homelessness Strategy                                                                                                                |
|   | <b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b> | The City of Berkeley adopted EveryOne Home's plan to end homelessness in 2006 and the City continues to participate in the implementation of the plan. See above coordination with EveryOne Home, Alameda County Behavioral Health Care Services and SSA. |

|   |                                                                                                                                                                    |                                                                                                                                            |
|---|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|
| 2 | <b>Agency/Group/Organization</b>                                                                                                                                   | ALAMEDA COUNTY HOUSING & COMMUNITY DEVELOPMENT                                                                                             |
|   | <b>Agency/Group/Organization Type</b>                                                                                                                              | Services - Housing<br>Services - Children<br>Services - Persons with Disabilities<br>Services - Employment                                 |
|   | <b>What section of the Plan was addressed by Consultation?</b>                                                                                                     | Homeless Needs - Chronically homeless<br>Homeless Needs - Families with children<br>Homelessness Needs - Veterans<br>Homelessness Strategy |
|   | <b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b> | See above coordination with Alameda County.                                                                                                |

Table 2 – Agencies, groups, organizations who participated

**Identify any Agency Types not consulted and provide rationale for not consulting**

Not applicable.

**Other local/regional/state/federal planning efforts considered when preparing the Plan**

| <b>Name of Plan</b> | <b>Lead Organization</b> | <b>How do the goals of your Strategic Plan overlap with the goals of each plan?</b>                                                                    |
|---------------------|--------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|
| Continuum of Care   | EveryOne Home            | The City of Berkeley adopted EveryOne Home's plan to end homelessness in 2006 and the City continues to participate in the implementation of the plan. |

Table 3 – Other local / regional / federal planning efforts

**Narrative (optional)**

Not applicable.

## AP-12 Participation – 91.105, 91.200(c)

### 1. Summary of citizen participation process/Efforts made to broaden citizen participation

#### Summarize citizen participation process and how it impacted goal-setting

The City published a public hearing notice on September 28, 2018 in the Berkeley Voice in accordance with its citizen participation plan for a October 17, 2018 Public Hearing at a joint meeting of the Human Welfare and Community Agency and Children (HWCAC), Youth and Recreation Commission (CYRC), Housing Advisory Commission (HAC) and the Homeless Commission. It also sent the notification to residents of public and assisted housing, users of community and senior centers, libraries, and residents being served by over 50 community based agencies funded by the City of Berkeley. The City published a public hearing notice in the Berkeley Voice on March 22, 2019 for its April 23, 2019 Public Hearing at the Berkeley City Council meeting. This notification was also sent to residents of public and assisted housing, users of community and senior centers, libraries, and residents being served by over 50 community based agencies funded by the City of Berkeley.

The City published a public hearing notice in the Berkeley Voice in accordance with its citizen participation plan for a July 23, 2019 Public Hearing at the City's Council Meeting. It also sent the notification users of community and senior centers, libraries, and persons being served by over 50 community based agencies funded by the City of Berkeley. The City published a public hearing notice in the Berkeley Voice on June 28, 2019 for its July 23, 2019 Public Hearing at the Berkeley City Council meeting.

#### Substantial Amendment #2 Public Participation response were as follows:

- A draft of the Substantial Amendment was made available on the City's webpage; and
- Outreach and noticing to interested parties was conducted in accordance with the City's Citizen Participation Plan; and
- A public hearing on the Substantial Amendment was held in front of Berkeley City Council on February 9, 2021. This public hearing was noticed in the *Berkeley Voice* on January 8, 2021.
- TBD members of the public spoke at the February 9, 2021 public hearing on PY19 Annual Action Plan Substantial Amendment #2 in front of the City Council. Comments included TBD. TBD written comments were received on the Substantial Amendment #2 from the public noticing.



## Citizen Participation Outreach

| Sort Order | Mode of Outreach | Target of Outreach                                                                                                                                                                                      | Summary of response/attendance                                                                                                                          | Summary of comments received                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Summary of comments not accepted and reasons                                                                                                                                                                                                                                 | URL (If applicable)                                                                                                                                                                                                                              |
|------------|------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1          | Public Hearing   | <p>Minorities</p> <p>Non-English Speaking - Specify other language: Spanish and Mandarin</p> <p>Persons with disabilities</p> <p>Residents of Public and Assisted Housing</p> <p>Berkeley Residents</p> | <p>20 community members attended the October 17, 2018 Public Hearing and 14 people provided testimony. In addition, 1 written comment was received.</p> | <p>Berkeley residents provided testimony regarding the need for improving the homeless services website, strategies and solutions for vehicular dwellers, Section 8 (Berkeley Housing Authority) customer services and assistance with landlord communications, partnerships with health and housing providers, welcoming ex-offenders back into the community, pedestrian safety fair housing/housing discrimination education and services for property taxes assistance for low-income people especially for older, single homeowners.</p> | <p>All comments were accepted. Many of the priorities mentioned are underway and/or are already funded by the City through local, state and federal funds. The City website is currently being redesigned and Section 8 comments were referred to the Housing Authority.</p> | <p><a href="https://www.cityofberkeley.info/Clerk/Commissions/Archive/Pages/Housing_Advisory_Commission_Archive_Page.aspx">https://www.cityofberkeley.info/Clerk/Commissions/Archive/Pages/Housing_Advisory_Commission_Archive_Page.aspx</a></p> |

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| Sort Order | Mode of Outreach | Target of Outreach                                | Summary of response/ attendance                                    | Summary of comments received                                                                                                                                                                                                                                                                                                                                                                                                                    | Summary of comments not accepted and reasons | URL (If applicable)                                                                                                                     |
|------------|------------------|---------------------------------------------------|--------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|
| 2          | Public Meeting   | Housing Advisory Commission (HAC) representatives | February 7, members of the HAC discussed the Annual Action Plan.   | HAC members reviewed and discussed the AAP at its February 7, 2019 meeting. No comments were received.                                                                                                                                                                                                                                                                                                                                          | N/A                                          | <a href="https://www.cityofberkeley.info/Housing_Advisory_Commission/">https://www.cityofberkeley.info/Housing_Advisory_Commission/</a> |
| 3          | Public Meeting   | Housing Advisory Commission (HAC) representatives | March 7 & 13, members of the HAC discussed the Annual Action Plan. | HAC members reviewed and discussed the AAP at its March 7, 2019 meeting. Comments and questions pertaining to the AAP focused on the process and understanding draft recommendations. At the subsequent special meeting seventeen members of the public spoke. Community concerns included funding organizations located in south Berkeley, particularly two organizations providing workforce development and housing rehabilitation services. | N/A.                                         | <a href="https://www.cityofberkeley.info/Housing_Advisory_Commission/">https://www.cityofberkeley.info/Housing_Advisory_Commission/</a> |

| Sort Order | Mode of Outreach | Target of Outreach                                                                                                                                                                                                 | Summary of response/ attendance                                                               | Summary of comments received                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Summary of comments not accepted and reasons | URL (If applicable)                                                                                                                                                               |
|------------|------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 4          | Public Hearing   | <p>Minorities</p> <p>Non-English Speaking - Specify other language: Spanish and Mandarin</p> <p>Persons with disabilities</p> <p>Residents of Public and Assisted Housing</p> <p>Low income Berkeley Residents</p> | This Public Hearing was held at the April 23, 2019, City of Berkeley Council Special Meeting. | Public comment included testimony from twenty seven individuals concerned about services for low-income persons including: housing rehabilitation for homeowners, deaf and disability related services especially for homeless persons, health care and supportive services for formerly homeless persons, general homeless services, legal services for survivors of domestic violence, programming for youth graduating from Berkeley High School, and more transparency around monitoring agencies and the City's budget process. | N/A.                                         | <a href="https://www.cityofberkeley.info/Clerk/City_Council/City_Council_Agenda_Index.aspx">https://www.cityofberkeley.info/Clerk/City_Council/City_Council_Agenda_Index.aspx</a> |

| Sort Order | Mode of Outreach | Target of Outreach                                                                                                                                                                                      | Summary of response/ attendance                                                   | Summary of comments received                                                                           | Summary of comments not accepted and reasons | URL (If applicable)                                                                                                                                                               |
|------------|------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------|----------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 5.         | Public Meeting   | Housing Advisory Commission (HAC) representatives                                                                                                                                                       | July 11, members of the HAC discussed the Amendment to the Annual Action Plan.    | Comments included encouraging homeless persons were included in the outreach about the public hearing. | N/A                                          | <a href="https://www.cityofberkeley.info/Housing_Advisory_Commission/">https://www.cityofberkeley.info/Housing_Advisory_Commission/</a>                                           |
| 6.         | Public Hearing   | <p>Minorities</p> <p>Non-English Speaking - Specify other language: Spanish and Mandarin</p> <p>Persons with disabilities</p> <p>Residents of Public and Assisted Housing</p> <p>Berkeley Residents</p> | July 23 Council Public Hearing to discuss the Amendment to the Annual Action Plan | None.                                                                                                  | N/A                                          | <a href="https://www.cityofberkeley.info/Clerk/City_Council/City_Council_Agenda_Index.aspx">https://www.cityofberkeley.info/Clerk/City_Council/City_Council_Agenda_Index.aspx</a> |

| Sort Order | Mode of Outreach                          | Target of Outreach                  | Summary of response/attendance                                                                                                                              | Summary of comments received                                              | Summary of comments not accepted and reasons | URL (if applicable)                                                                                                                                                                      |
|------------|-------------------------------------------|-------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------|----------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>7.</u>  | <u>Public Hearing</u><br><u>(Virtual)</u> | <u>Non-targeted/broad community</u> | <u>The February 9, 2021 virtual public hearing had TBD persons in attendance and TBD members of the public commented in front of Berkeley City Council.</u> | <u>TBD written comments received.</u><br><br><u>Comments included TBD</u> | <u>TBD</u>                                   | <u><a href="https://www.cityofberkeley.info/Clerk/City_Council/City_Council_Agenda_Index.aspx">https://www.cityofberkeley.info/Clerk/City_Council/City_Council_Agenda_Index.aspx</a></u> |

Table 4 – Citizen Participation Outreach

## Expected Resources

### AP-15 Expected Resources – 91.220(c)(1,2)

#### Introduction

The City will receive \$3,631,791 in federal Housing and Urban Development Department (HUD) funds comprised of \$2,667,120 in CDBG, \$737,273 in HOME and \$227,398 in ESG funds. Additionally, the City will add \$250,531 in CDBG Program Income and \$788,029 in unused CDBG carry over and \$20,000 (projected) in HOME Program Income to these amounts.

#### Anticipated Resources

| Program | Source of Funds  | Uses of Funds                                                                                            | Expected Amount Available Year 1 |                    |                          |                    | Expected Amount Available Remainder of ConPlan \$ | Narrative Description                                                                                                                                                                                |
|---------|------------------|----------------------------------------------------------------------------------------------------------|----------------------------------|--------------------|--------------------------|--------------------|---------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|         |                  |                                                                                                          | Annual Allocation: \$            | Program Income: \$ | Prior Year Resources: \$ | Total: \$          |                                                   |                                                                                                                                                                                                      |
| CDBG    | public - federal | Acquisition Admin and Planning<br>Economic Development<br>Housing Public Improvements<br>Public Services | \$2,667,120                      | \$250,531          | <u>\$1,166,259</u>       | <u>\$4,083,910</u> | <u>\$4,083,910</u>                                | CDBG funds are allocated to public services, housing services and rehabilitation, and public facility improvements. The City of Berkeley does not currently use CDBG funds for economic development. |

| Program | Source of Funds  | Uses of Funds                                                                                                                                                       | Expected Amount Available Year 1 |                         |                          |           | Expected Amount Available Remainder of ConPlan \$ | Narrative Description                                                                                                                       |
|---------|------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|-------------------------|--------------------------|-----------|---------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|
|         |                  |                                                                                                                                                                     | Annual Allocation: \$            | Program Income: \$      | Prior Year Resources: \$ | Total: \$ |                                                   |                                                                                                                                             |
| HOME    | public - federal | Acquisition<br>Homebuyer assistance<br>Homeowner rehab<br>Multifamily rental new construction<br>Multifamily rental rehab<br>New construction for ownership<br>TBRA | \$737,273                        | \$20,000<br>(projected) | \$0                      | \$757,273 | \$757,273                                         | The City allocates 10% of the HOME allocation to administration, up to 5% for CHDO operating costs, and 85% to the City Housing Trust Fund. |



| Program | Source of Funds  | Uses of Funds                                                                                                                                                                                                                         | Expected Amount Available Year 1 |                    |                          |           | Expected Amount Available Remainder of ConPlan \$ | Narrative Description                                                                                                                                                                                                                                                                              |
|---------|------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|--------------------|--------------------------|-----------|---------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|         |                  |                                                                                                                                                                                                                                       | Annual Allocation: \$            | Program Income: \$ | Prior Year Resources: \$ | Total: \$ |                                                   |                                                                                                                                                                                                                                                                                                    |
| ESG     | public - federal | Conversion and rehab for transitional housing<br>Financial Assistance<br>Overnight shelter<br>Rapid re-housing (rental assistance)<br>Rental Assistance Services<br>Transitional housing<br><br>Emergency Shelter and Street Outreach | 227,398                          | 0                  | 0                        | 227,398   | 227,398                                           | The City of Berkeley uses ESG funds for Rapid Rehousing, Emergency Shelter and Street Outreach for literally homeless individuals and families. A small portion of the ESG funds are used to support the County-wide HMIS system. The City allocates 7.5% of the allocation to Planning and Admin. |

Table 5 - Expected Resources – Priority Table

**Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied**

Most of the housing and community services programs described in the Consolidated Plan will continue to be delivered by nonprofit community based organizations. The City contracts with a wide range of housing and service providers using CDBG, HOME, ESG, Community Services

Block Grant (CSBG), General Fund, and other sources of funding. These organizations leverage significant financial and in-kind support from individual community members, foundations, and private organizations that help meet the needs identified in this plan. In addition to leveraging at the individual agency level, the City has historically matched the investment of CDBG, HOME, and ESG dollars with the investment of General Funds. Typically, over two-thirds of the funding for community agency programs comes from General Funds. The City meets the HOME 25 percent match requirement and has accumulated over \$4 million in excess match by investing local funds in HOME eligible affordable housing projects. The City meets the dollar for dollar match requirements for the ESG program by allocating General Funds to various homeless services providers. In PY17 and PY18 two shelter programs received a total of approximately \$600,000 in City General Funds.

**If appropriate, describe publically owned land or property located within the jurisdiction that may be used to address the needs identified in the plan**

The City has long-term leases of City-owned property with non-profit organizations that address the needs identified. Programs currently operating in leased City-owned properties include:

- Dorothy Day House Homeless Shelter;
- BOSS' Harrison House Shelter for Homeless men, women and families;
- BOSS' MASC – a homeless daytime Drop-In Center;
- BOSS' Sankofa House – transitional housing for homeless families; and
- Women's Daytime Drop-In Center– Drop-in services for homeless families.

The City has entered into a Disposition and Development Agreement with the BRIDGE Housing Corporation for the development of City-owned Berkeley Way parking lot as a site for permanent supportive housing, replacement emergency shelter, and permanent affordable housing. BRIDGE is working in collaboration with the Berkeley Food and Housing Project, a local homeless serving organization. The Berkeley Way parking lot is nearly one acre in size and in a central location near the Downtown Berkeley BART station and many nearby amenities. The City has provided \$3.9M in predevelopment funding and has reserved an additional \$23.5M for the project's development. In 2017, the project received its land use entitlements for 89 units of affordable housing, 53 units of permanent supportive housing, and 44 shelter/transitional beds. The City continues to work closely with the development team to secure full financing for this project.

**Discussion**

Not applicable.

## Annual Goals and Objectives

### AP-20 Annual Goals and Objectives

#### Goals Summary Information

| Sort Order | Goal Name                             | Start Year | End Year | Category           | Geographic Area | Needs Addressed    | Funding                                         | Goal Outcome Indicator                                                                                                                        |
|------------|---------------------------------------|------------|----------|--------------------|-----------------|--------------------|-------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|
| 1          | Affordable Housing Supply and Quality | 2015       | 2019     | Affordable Housing | BERKELEY        | Affordable Housing | CDBG: <u>\$2,903,658</u><br><br>HOME: \$633,431 | Rental units constructed: 23<br><br><u>Rental Housing Rehabilitated: 49</u><br><br>Household Housing Unit Homeowner Housing Rehabilitated: 45 |

| Sort Order | Goal Name                                     | Start Year | End Year | Category                          | Geographic Area | Needs Addressed                                  | Funding         | Goal Outcome Indicator                                                                                                                                                                                                                                                                                        |
|------------|-----------------------------------------------|------------|----------|-----------------------------------|-----------------|--------------------------------------------------|-----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2          | Improve Public Facilities and Public Services | 2015       | 2019     | Non-Housing Community Development | BERKELEY        | Non-Housing Community Development & Homelessness | CDBG: \$606,829 | Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: <u>300</u><br><br><b>Persons Assisted</b><br><br>Public service activities other than Low/Moderate Income Housing Benefit: 1,042 Persons Assisted<br><br>Homeless Person Overnight Shelter: 115 Persons Assisted |
| 3          | Homeless Prevention and Rapid Re-Housing      | 2015       | 2019     | Homeless                          | BERKELEY        | Homelessness                                     | ESG: \$227,398  | Tenant-based rental assistance / Rapid Rehousing: 10 Households Assisted<br><br>Emergency Shelter and Street Outreach: 972 Persons Assisted                                                                                                                                                                   |

Table 6 – Goals Summary

## Goal Descriptions

|   |                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|---|-------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | <b>Goal Name</b>        | Affordable Housing Supply and Quality                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|   | <b>Goal Description</b> | CDBG and HOME funds are used to support new affordable housing, rehabilitating existing affordable housing, funding single family rehabilitation for seniors and the disabled, and other housing services, such as loan servicing.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 2 | <b>Goal Name</b>        | Improve Public Facilities and Public Services                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|   | <b>Goal Description</b> | Programs funded under this project serve people who are homeless and people facing housing discrimination. These projects will assist approximately 1,575 people who are homeless and 70 low-income households facing housing discrimination. Additionally, funding is <u>typically</u> allocated to community facility improvements facilitated the City of Berkeley. <del>The City will allocate \$1,049,370 to the Community Facility NOFA and expects to receive a minimum of 2-6 applications ranging from \$100,000 – \$250,000 in funding requests.</del> The City will continue supporting renovations to the Berkeley Adult Mental Health Clinic <del>and the Berkeley Public Health Clinic</del> in PY19, but <del>no PY19 have been allocated to these facility projects</del> <u>public facility and earlier unused funds will be shifted to a housing rehabilitation project.</u> |
| 3 | <b>Goal Name</b>        | Homeless Prevention and Rapid Re-Housing                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|   | <b>Goal Description</b> | ESG funds will be used for Rapid-Rehousing financial assistance, Emergency Shelter, Street Outreach and to support the county-wide Homeless Management Information System (HMIS). Additionally, the COB will utilize the maximum amount for administration activities.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

**Table 7 – Goal Descriptions**

### **Estimate the number of extremely low-income, low-income, and moderate-income families to whom the jurisdiction will provide affordable housing as defined by HOME 91.215(b):**

During PY19, Satellite Affordable Housing Associates will have the Grayson project in construction. Occupancy is expected by July 2019. Grayson will include 22 affordable units and one unrestricted manager's unit. Six of the 22 units will be reserved for households earning up to 60% AMI (low), four at up to 50% AMI (very low), three at up to 40% AMI (very low), and nine at up to 30% AMI (extremely low). Of the total, 9 are supported by the HOME funds.

Depending the outcome of funding applications during the winter and spring of 2019, BRIDGE Housing Corporation and the Berkeley Food and Housing Project's Berkeley Way project (53 extremely low income and 89 low income units) and Satellite Affordable Housing Associate's

Oxford Senior Apartments (7 extremely low income and 27 low income units) may go into construction as soon as December 2019.

Proposed rehabilitation work includes two affordable housing properties: Rosewood Manor (35 units) and Lorin Station (14 units). Both Lorin Station and Rosewood Manor are owned and operated by the South Berkeley Neighborhood Development Corporation (SBNDC). Both properties are over 30 years old and are in need of major rehabilitation. CDBG funds will be used for emergency plumbing and roofing repairs.

## Projects

### AP-35 Projects – 91.220(d)

#### Introduction

With its CDBG, HOME, and ESG funds, the City of Berkeley will fund eligible projects in the following categories: housing development, rehabilitation and services projects, public services, public/community facility improvement projects, emergency shelter grant programs, program planning and administration, and the Housing Trust Fund.

#### Projects

| # | Project Name                                                                           |
|---|----------------------------------------------------------------------------------------|
| 1 | City of Berkeley Planning and Administration                                           |
| 2 | Single Family Rehabilitation Programs                                                  |
| 3 | Public Services                                                                        |
| 4 | Housing Services                                                                       |
| 5 | Community Facility Rehabilitation                                                      |
| 6 | Housing Trust Fund                                                                     |
| 7 | ESG19 - City of Berkeley Rapid Rehousing , Emergency Shelter, Street Outreach and HMIS |

**Table 8 - Project Information**

#### Describe the reasons for allocation priorities and any obstacles to addressing underserved needs

The City continues to fund activities that have been identified as a need.

## AP-38 Project Summary

### Project Summary Information

|   |                                                                                                |                                                                                                                                                                                                                                                                             |
|---|------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | <b>Project Name</b>                                                                            | City of Berkeley Planning and Administration                                                                                                                                                                                                                                |
|   | <b>Target Area</b>                                                                             | BERKELEY                                                                                                                                                                                                                                                                    |
|   | <b>Goals Supported</b>                                                                         | Affordable Housing Supply and Quality<br>Improve Public Facilities and Public Services<br>Homeless Prevention and Rapid Re-Housing                                                                                                                                          |
|   | <b>Needs Addressed</b>                                                                         | Affordable Housing<br>Homelessness<br>Non-Housing Community Development                                                                                                                                                                                                     |
|   | <b>Funding</b>                                                                                 | CDBG: \$573,424<br>HOME: \$75,727                                                                                                                                                                                                                                           |
|   | <b>Description</b>                                                                             | The project will fund City staff to plan and administer CDBG and HOME projects.                                                                                                                                                                                             |
|   | <b>Target Date</b>                                                                             | N/A                                                                                                                                                                                                                                                                         |
|   | <b>Estimate the number and type of families that will benefit from the proposed activities</b> | N/A                                                                                                                                                                                                                                                                         |
|   | <b>Location Description</b>                                                                    | N/A                                                                                                                                                                                                                                                                         |
|   | <b>Planned Activities</b>                                                                      | Information about the planned activities is included in Section AP-38 Project Summaries.                                                                                                                                                                                    |
| 2 | <b>Project Name</b>                                                                            | Single Family Rehabilitation Programs                                                                                                                                                                                                                                       |
|   | <b>Target Area</b>                                                                             | BERKELEY                                                                                                                                                                                                                                                                    |
|   | <b>Goals Supported</b>                                                                         | Affordable Housing Supply and Quality                                                                                                                                                                                                                                       |
|   | <b>Needs Addressed</b>                                                                         | Affordable Housing                                                                                                                                                                                                                                                          |
|   | <b>Funding</b>                                                                                 | CDBG: \$767,708                                                                                                                                                                                                                                                             |
|   | <b>Description</b>                                                                             | Activities related to single family rehabilitation efforts will be funded under this project. These projects will cover health and safety improvements as well as accessibility improvements such as the installation of ramps/lifts for low income homeowners and renters. |



|   |                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|---|------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|   | <b>Target Date</b>                                                                             | 6/30/2020                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|   | <b>Estimate the number and type of families that will benefit from the proposed activities</b> | 45 Households.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|   | <b>Location Description</b>                                                                    | Various locations within the City of Berkeley.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|   | <b>Planned Activities</b>                                                                      | Activities include health and safety, accessibility, and energy efficiency improvements.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 3 | <b>Project Name</b>                                                                            | Public Services                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|   | <b>Target Area</b>                                                                             | BERKELEY                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|   | <b>Goals Supported</b>                                                                         | Homeless Prevention and Rapid Re-Housing                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|   | <b>Needs Addressed</b>                                                                         | Homelessness                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|   | <b>Funding</b>                                                                                 | CDBG: \$453,921                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|   | <b>Description</b>                                                                             | Funds will be used to provide 1) housing navigation services to chronically homeless individuals through Berkeley's Coordinated Entry system, 2) emergency shelter, and 3) fair housing services.                                                                                                                                                                                                                                                                                                                                                                                                                      |
|   | <b>Target Date</b>                                                                             | 6/30/2020                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|   | <b>Estimate the number and type of families that will benefit from the proposed activities</b> | 1,157 households are expected to be served through these activities.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|   | <b>Location Description</b>                                                                    | Berkeley                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|   | <b>Planned Activities</b>                                                                      | Bay Area Community Services will operate Berkeley's Coordinated Entry System which will screen, conduct intakes, and provide housing navigation services to approximately 972 people. Berkeley Food and Housing Program will provide emergency shelter to approximately 115 adult homeless men. Eden Council for Hope and Opportunity will provide outreach, training, fair housing counseling services to up to 70 households, investigation of an estimated 25 fair housing complaints, 10 tenant/landlord mediations, and 10 fair housing testing/audits with follow-up training for non-compliant property owners. |
|   | <b>Project Name</b>                                                                            | Housing Services                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |

|   |                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|---|------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 4 | <b>Target Area</b>                                                                             | BERKELEY                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|   | <b>Goals Supported</b>                                                                         | Affordable Housing Supply and Quality                                                                                                                                                                                                                                                                                                                                                                                                             |
|   | <b>Needs Addressed</b>                                                                         | Affordable Housing                                                                                                                                                                                                                                                                                                                                                                                                                                |
|   | <b>Funding</b>                                                                                 | CDBG: \$70,008                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|   | <b>Description</b>                                                                             | City staff provide loan services to support single family rehabilitation, housing trust fund projects, and other federally funded housing related activities.                                                                                                                                                                                                                                                                                     |
|   | <b>Target Date</b>                                                                             | 6/30/2020                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|   | <b>Estimate the number and type of families that will benefit from the proposed activities</b> | The project will serve approximately 106 active housing rehabilitation loans.                                                                                                                                                                                                                                                                                                                                                                     |
|   | <b>Location Description</b>                                                                    | Various locations within the City of Berkeley.                                                                                                                                                                                                                                                                                                                                                                                                    |
|   | <b>Planned Activities</b>                                                                      | Services provided under this project will include accounting, processing loan payments and loan payoff demands, deeds of reconveyance, lien releases and loan subordination requests, collections, personal financial analysis and structuring of temporary repayment agreements.                                                                                                                                                                 |
| 5 | <b>Project Name</b>                                                                            | Community Facility Rehabilitation                                                                                                                                                                                                                                                                                                                                                                                                                 |
|   | <b>Target Area</b>                                                                             | BERKELEY                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|   | <b>Goals Supported</b>                                                                         | Improve Public Facilities and Public Services                                                                                                                                                                                                                                                                                                                                                                                                     |
|   | <b>Needs Addressed</b>                                                                         | Non-Housing Community Development                                                                                                                                                                                                                                                                                                                                                                                                                 |
|   | <b>Funding</b>                                                                                 | CDBG: \$ <del>152,908</del>                                                                                                                                                                                                                                                                                                                                                                                                                       |
|   | <b>Description</b>                                                                             | Activities that fund the rehabilitation of public facilities are funded under this project.                                                                                                                                                                                                                                                                                                                                                       |
|   | <b>Target Date</b>                                                                             | 6/30/2020                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|   | <b>Estimate the number and type of families that will benefit from the proposed activities</b> | It is projected that improved community facility improvements provided by the City of Berkeley administered program will benefit a minimum of <del>11,613</del> <u>300</u> people <u>at the</u> <del>The number of beneficiaries is expected to increase with the completion of both the City of Berkeley Mental and Public Health Clinic_s and the addition of new community facility projects to be identified through the upcoming NOFA.</del> |
|   | <b>Location Description</b>                                                                    | Various locations within the City of Berkeley.                                                                                                                                                                                                                                                                                                                                                                                                    |

|   |                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|---|------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|   | <b>Planned Activities</b>                                                                      | Activities include improving community facilities by funding substantial rehabilitation to applicants of the City administered Community Facility Improvement Program. <del>Additionally, the</del> <u>The</u> City of Berkeley's Adult Mental Health Clinic <del>and the City's Public Health Clinic is currently under construction and</del> will come to completion <u>in PY20 and</u> <del>to</del> serves some of the City's lowest income and most vulnerable populations. |
| 6 | <b>Project Name</b>                                                                            | Housing Trust Fund                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|   | <b>Target Area</b>                                                                             | BERKELEY                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|   | <b>Goals Supported</b>                                                                         | Affordable Housing Supply and Quality                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|   | <b>Needs Addressed</b>                                                                         | Affordable Housing                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|   | <b>Funding</b>                                                                                 | CDBG: <u>\$1,915,942</u><br>HOME: \$681,546                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|   | <b>Description</b>                                                                             | Activities that provide funding for City staff in support of projects funded with City of Berkeley Housing Trust Fund dollars, includes funding for projects and CHDO operating funds.                                                                                                                                                                                                                                                                                            |
|   | <b>Target Date</b>                                                                             | 6/30/2020                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|   | <b>Estimate the number and type of families that will benefit from the proposed activities</b> | During PY19, Grayson Street Apartments (23 units, 9 of which are supported by HOME funds) will be under construction. This project will likely be completed in PY19.<br><br><u>Funding is amended to support substantial rehabilitation of the 35-unit Rosewood Manor and 14-unit Lorin Station Apartments.</u>                                                                                                                                                                   |
|   | <b>Location Description</b>                                                                    | Citywide                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|   | <b>Planned Activities</b>                                                                      | City staff actively facilitate development, rehabilitation and/or preservation of affordable housing through working with developers, other city staff, lenders and other public agencies for the acquisition and rehabilitation of multi-family housing.                                                                                                                                                                                                                         |
| 7 | <b>Project Name</b>                                                                            | ESG19 - City of Berkeley Rapid Rehousing, Emergency Shelter, Street Outreach and HMIS                                                                                                                                                                                                                                                                                                                                                                                             |
|   | <b>Target Area</b>                                                                             | BERKELEY                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|   | <b>Goals Supported</b>                                                                         | Homeless Prevention and Rapid Re-Housing                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|   | <b>Needs Addressed</b>                                                                         | Homelessness                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|   | <b>Funding</b>                                                                                 | ESG: \$227,398                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |

|                                                                                                |                                                                                                                                                                                                                               |
|------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Description</b>                                                                             | ESG funds will be used for Rapid Re-Housing, Emergency Shelter, Street Outreach, HMIS and City staff to plan and administer the program.                                                                                      |
| <b>Target Date</b>                                                                             | 6/30/2020                                                                                                                                                                                                                     |
| <b>Estimate the number and type of families that will benefit from the proposed activities</b> | 10 households will be served with rapid rehousing financial assistance.<br>972 persons will be assisted with Emergency Shelter/Street Outreach.                                                                               |
| <b>Location Description</b>                                                                    | Various locations.                                                                                                                                                                                                            |
| <b>Planned Activities</b>                                                                      | ESG funds will be used to provide financial assistance and housing relocation and stabilization services to rapidly re-house approximately 10 households, support 972 people in Emergency Shelter/Street Outreach activities. |

Table 8.1 – Project Summary Information

## AP-50 Geographic Distribution – 91.220(f)

**Description of the geographic areas of the entitlement (including areas of low-income and minority concentration) where assistance will be directed**

As discussed in section MA-50 of the City's current Consolidated Plan the City does not have areas of low-income or minority concentrations and therefore does not allocate federal funds geographically.

### Geographic Distribution

| Target Area | Percentage of Funds |
|-------------|---------------------|
| BERKELEY    | 100                 |

**Table 9 - Geographic Distribution**

### Rationale for the priorities for allocating investments geographically

Not applicable.

### Discussion

Not applicable.

## Affordable Housing

### AP-55 Affordable Housing – 91.220(g)

#### Introduction

This section includes HOME-funded units only. Unit counts are broken out two ways: by population served and by type of housing provided. The table below includes information for Grayson Street Apartments, which will be funded with HOME funds in PY19. The City's contract containing HOME funds was executed in November 2017 and construction completion is expected in 2019. The total number of units will equal 23.

| One Year Goals for the Number of Households to be Supported |   |
|-------------------------------------------------------------|---|
| Homeless                                                    | 0 |
| Non-Homeless                                                | 0 |
| Special-Needs                                               | 9 |
| Total                                                       | 9 |

Table 10 - One Year Goals for Affordable Housing by Support Requirement

| One Year Goals for the Number of Households Supported Through |   |
|---------------------------------------------------------------|---|
| Rental Assistance                                             | 0 |
| The Production of New Units                                   | 9 |
| Rehab of Existing Units                                       | 0 |
| Acquisition of Existing Units                                 | 0 |
| Total                                                         | 9 |

Table 11 - One Year Goals for Affordable Housing by Support Type

#### Discussion

Not applicable.

## **AP-60 Public Housing – 91.220(h)**

### **Introduction**

The Berkeley Housing Authority (BHA) is not a department of the City of Berkeley. BHA Board members are appointed by the Mayor and confirmed by the City Council. The Berkeley Housing Authority does not have any public housing.

### **Actions planned during the next year to address the needs to public housing**

Not applicable.

### **Actions to encourage public housing residents to become more involved in management and participate in homeownership**

Not applicable.

### **If the PHA is designated as troubled, describe the manner in which financial assistance will be provided or other assistance**

Not applicable.

### **Discussion**

Not applicable.

## **AP-65 Homeless and Other Special Needs Activities – 91.220(i)**

### **Introduction**

**Describe the jurisdictions one-year goals and actions for reducing and ending homelessness including reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs**

The City will continue to operate six Shelter Plus Care (S+C) grants and the locally-funded Square One program, providing rental assistance to a minimum of 235 households annually. This includes the City's Housing for Older Adults Project (HOAP) S+C program which provides rental subsidies through the City's Aging Services Division and the COACH grant, which provides rental subsidies and targets people who are chronically homeless. The COACH grant will be expanded in PY19 to serve an additional 53 households. New S+C households continue to be prioritized through Alameda County's Home Stretch registry, a County-wide centralized system which prioritizes people who are chronically homeless and high need with permanent supportive housing opportunities.

During PY19, the City will continue to implement its Coordinated Entry System (CES). It will also participate in EveryOne Home's implementation process of expanding the CES countywide. Outreach and assessing individual needs are important components of the CES and will be expanded in PY19.

In PY17, the City was awarded a three year grant from the County of Alameda to increase services to literally homeless people. The City subcontracted the housing navigation and placement services to Berkeley Food and Housing Project, the CES operator for the northern part of Alameda County. The City also partnered with the cities of Albany and Emeryville. The project is expected to screen and assess over 1,000 people and serve with intensive housing navigation and support a minimum of 170 people.

### **Addressing the emergency shelter and transitional housing needs of homeless persons**

The City will continue to provide funding for shelter and transitional housing. In PY17, the City expanded the number of year-round shelter beds from 118 to 148 year-round by increasing its funding to the YEAH! shelter which serves 18-24 year olds. The year-round beds are accessed through the City of Berkeley's Coordinated Entry System that operates 9 a.m. - noon and 1-4 p.m. Monday through Friday. A second shelter reservation period occurs from 7-8 p.m. to fill available BOSS and BFHP shelter beds that are unoccupied.

In addition to the year-round shelter beds, the City funds a winter shelter program. In the past, the winter shelter was activated when inclement weather was forecast (temperature expected to reach 40 or below or rain). The past two seasons, the City has funded a nightly shelter from December to mid-April adding approximately 75-90 beds. In PY18, the expanded winter shelter



continued its operations as a nightly shelter serving 56 each night. Depending on funding it may continue to operate as a year round shelter to expand the number of year-round shelter beds to more than 200.

**Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again**

The City of Berkeley has encouraged its network of providers of services to the homeless to focus their efforts on rapidly re-housing their clients. The City has centralized its funded case management services at the CES to allow for ongoing case management regardless of the person's housing status or enrollment at a particular shelter.

In addition, the City is funding Housing Specialist positions whose only role is to identify, cultivate and maintain partnerships with property owners. These case management and housing opportunities will assist all literally homeless clients in Berkeley but will be primarily targeted at individuals and families who are chronically homeless and have multiple barriers.

In PY17, to better serve its homeless families, the City partnered with the City of Oakland and Oakland homeless service providers to expand its Family Front Door, to include homeless families from Berkeley, Albany and Emeryville. Because families often have different service and housing needs than homeless people who are single, this partnership with family focused providers has improved access to resources for families including shelter and transitional housing opportunities.

**Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); or, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs.**

The Coordinated Entry System will provide people who are at imminent risk of becoming homeless (HUD Homeless definition (Category 2) with problem solving support to retain current housing or to locate another housing placement. This will include mediation with family members and friends to keep individuals and families from entering the shelter system. Additionally, in PY17 and PY18 the City allocated \$832,500 to assist permanently and

temporarily housed Berkeley residents from being evicted, which includes rental assistance and eviction defense.

Alameda County has mental health, foster youth, health care, and corrections discharge policies intended to prevent discharges of individuals from these systems into homelessness, described in detail in the Consolidated Plan. The City will continue to participate in countywide efforts to reduce discharges into homelessness.

## Discussion

The City of Berkeley's CES provides a single point of entry for people who are homeless to be screened and assessed for a range of City funded homeless programs, including emergency shelters, transitional housing, permanent supportive housing, and rapid rehousing services. All contracted service providers report outcomes based on the countywide outcome standards developed by Everyone Home, in order to inform future adjustments to the service system.

## AP-75 Barriers to affordable housing – 91.220(j)

### Introduction:

**Actions it planned to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment**

In November 2018, Berkeley voters passed a \$135M bond measure (Measure O) to support affordable housing. The measure as written allows flexibility in identifying priorities. The City is working to determine how this new source of local funds will be used, which will be a major activity during PY19.

The City of Berkeley continues to work on implementation of numerous facets of the Council-adopted Housing Action Plan, which contains a set of actions targeted at preserving existing affordable housing, eliminating barriers, and increasing affordable housing production. For example, the Plan requires staff to “examine and eliminate barriers to developing student housing and senior housing” and “create specific per acre density standards, including standards for projects include density bonus units”.

During the last year, the City made progress in reducing barriers to building Accessory Dwelling Units (ADUs), so-called “granny flats” designed to fit into back yards of parcels with existing single-family homes, to increase housing density. Specifically, Berkeley:

- Updated its ordinance to conform to state law easing ADU development restrictions.
- Went beyond minimum state requirements by removing off-street parking requirements
- Removed restrictions around the relationship of the size between existing primary dwelling units and proposed new ADUs
- Removed development standards which limited the allowed locations for ADU entrances
- Allowed average height calculations for ADUs in the Hillside Overlay district
- Increase allowed height limits for ADUs with flat roofs from 10 feet to 14 feet

Another change to promote affordable housing production removed barriers in the R1-A multifamily housing district, to provide certainty on the size of a second “primary” unit proposed for a parcel with an existing unit.

Beyond the above, the City continues to progress in its Zoning Ordinance Revision Project, which will create new baseline zoning which is easier to understand and administer. A large part of this project involves eliminating code inconsistencies which currently present added challenges to proposed new development. The City also initiated modifications to the Density Bonus section of the Zoning ordinance, which are proposed for City Council adoption in January 2019. These changes will bring the City’s density bonus regulations into conformity with state

law meant to ease development restrictions, and to clarify City requirements in order to provide developers greater certainty, with resulting time/cost savings for development proposals.

### **Discussion**

Not applicable.

## AP-85 Other Actions – 91.220(k)

### Introduction:

The City of Berkeley uses a range of strategies to address the housing, homeless, and community development goals identified in the Consolidated Plan. This section discusses actions planned to foster and maintain affordable housing, to reduce lead-based paint hazards, to reduce the number of poverty-level families in Berkeley, and to coordinate activities in these areas with other entities.

### Actions planned to address obstacles to meeting underserved needs

One of Berkeley's major obstacles to meeting underserved needs is the limited amount of federal, state, and local resources available given the diversity of needs in the community and high cost of housing in the Bay Area. The City of Berkeley will continue to pursue new State and Federal resources as available to meet underserved needs.

### Actions planned to foster and maintain affordable housing

The City has several programs which foster and maintain affordable housing in Berkeley:

- **Rent Stabilization Program.** In 1980, Berkeley residents passed the Rent Stabilization and Eviction for Good Cause Ordinance. The Ordinance regulates rent levels for approximately 21,000 residential rental units in Berkeley and provides tenants, in more than 26,000 units, protection against unwarranted evictions helping to maintain affordable housing and preserve community diversity.
- **Affordable Housing Mitigation Fee (AHMF).** The City requires developers of new market rate rental housing to pay a fee per unit or to provide 20% as many income and rent restricted units—split evenly between those affordable to households earning 50% or less or 80% or less of the area median income—in lieu of the fee. Fee income goes into the City's Housing Trust Fund to support affordable housing development. In 2016, the City adopted an ordinance requiring that certain units provided under this program are reserved for tenants with Section 8 and Shelter Plus Care.
- **Condominium Conversion Ordinance (CCO).** The CCO governs the conversion of rental apartments and tenancy-in-common buildings to condominiums, and other types of mutual or cooperative housing. It requires owners to pay a mitigation fee. Fee revenue goes into the City's Housing Trust Fund.
- **Commercial Linkage Fee.** The Affordable Housing Mitigation Program was approved on April 20, 1993. It imposed fees on commercial new construction in which the newly constructed gross floor area is over 7,500 square feet.
- **Housing Trust Fund (HTF).** The City of Berkeley created its HTF in 1990 to help develop and preserve below-market-rate housing. The HTF pools funds for affordable housing construction from a variety of sources with different requirements, makes them available

through one single application process to local developers, then monitors development and operation of the funded housing.

- Inclusionary Housing Ordinance for ownership housing. The ordinance requires developers of market rate ownership housing to include affordable ownership units or pay a fee.
- Mortgage Credit Certificate. MCC is a federal income tax credit that provides qualified low-income homebuyers a tax credit worth up to 15 percent of their annual mortgage interest paid on their home loan. MCC recipients adjust their federal income tax withholding, which increases their take-home pay, making monthly mortgage payments more affordable. The City participates in the Alameda County MCC program.
- Senior and Disabled Loan Rehab Program. HHCS administers the program as an effort to preserve the City's housing stock and to assist low- and moderate-income senior and disabled homeowners, funded by CDBG and CalHOME. The applicants receive a zero interest loan, secured by a deed of trust on their home, which is repaid when title to the property changes hands, normally as a result of the sale of the property or inheritance by the owner's heirs.

### **Actions planned to reduce lead-based paint hazards**

The City will continue to comply with the Environmental Protection Agency's Renovation, Repair, and Painting Program in its Senior and Disabled Rehabilitation Loan Program.

The City of Berkeley Public Health Division and the Alameda County Lead Poisoning Prevention Program will work together to increase awareness and knowledge about lead poisoning prevention in Berkeley including providing lead-safe painting classes, in-home consultations, presentations, educational materials, and other services. Rebuilding Together will work with the City of Berkeley and Alameda County Lead Poisoning Prevention Programs to increase awareness of lead issues among their clients and volunteers and to incorporate lead safe work practices into their activities.

The City of Berkeley Childhood Lead Poisoning Prevention Program collaborates with the Berkeley Health, Housing & Community Services Department's State lead-certified Risk Assessor/Inspector, Project Designer, and Project Monitor. The Alameda County Healthy Homes Department also has a HUD Lead Hazard Control grant to remediate lead hazards in approximately 4 qualifying Berkeley housing units that are vacant, or occupied by a low-income household with either a child under 6, a pregnant woman, or a child under 6 years who regularly visits. Berkeley's program also provides case management services to families with children who have elevated blood lead levels. Services range from Public Health Nursing case management for children with blood lead levels above 15  $\mu\text{g}/\text{dL}$  to health education for children

with levels between 5-14  $\mu\text{g/dL}$ .

### **Actions planned to reduce the number of poverty-level families**

The City funds a wide variety of social service programs designed to assist households with poverty level incomes. These programs include childcare and a range of services for special needs populations, which are outlined in other sections of this Consolidated Plan. This section will highlight the City's strategies to increase livable wage employment opportunities by supporting related community services and working with public and private regional partners. Strategies include:

- Funding and refinement of anti-poverty programs provided by community-based organizations and by the City.
- Community agency contracts are outlined in the Annual Action Plan.
- Collaborate actively with CalWORKS (TANF) and Workforce Investment Act programs.
- Continue implementation of the City of Berkeley's Living Wage Ordinance. Foster regional coordination on economic development to benefit low income Berkeley residents.
- Linking homelessness and homelessness prevention programs to employment training and placement opportunities.
- Minimum Wage in Berkeley is currently \$15 and will increase incrementally based on Consumer Price Index (CPI) for the San Francisco Bay Area every July 1. The City's Paid Sick Leave Ordinance was adopted in 2016 and went into effect October 1, 2017 to provide enhanced paid sick leave entitlements beyond what is required by state law.

The City will contract with local workforce development programs to provide training, education and job placement for low income, under-employed, and unemployed residents:

- Inter-City Services provides employment, training, and education and continues to serve veterans as funded under the Governor's 15 percent Discretionary pool of Workforce Investment Opportunity Act (WIOA) funds.
- Biotech Partners operates the Biotech Academy at Berkeley High School, targeting youth from under-represented populations in the fields of science and biotechnology (African American, Latino, South East Asian, female and low-income youth) and who may be at risk of not graduating from high school.
- The Bread Project provides training in culinary arts and bakery production, and includes the formerly incarcerated and refugees as their target population. They operate a social enterprise (wholesale bakery) that creates opportunities for trainees to obtain crucial on-the-job experience.
- Rising Sun Energy Center's Green Energy Training Services (GETS) provides pre-apprenticeship training for the building and construction trades and careers in green and clean technologies, including solar installation, through classroom and hands-on

training. Their training calendar includes women-only cohorts in order to increase the number of women in the building and construction trades. Rising Sun also operates the California Youth Energy Services (CYES) program funded by the CA Public Utilities Commission, providing summer jobs for young people conducting residential energy audits.

- The City's anti-poverty strategy continues to be closely tied to the funding of over 50 community agencies to provide services as described above to enable people in poverty to attain self-sufficiency, support at-risk youth to succeed in school and graduate, and protect the health and safety of low income people.

### **Actions planned to develop institutional structure**

During the next year, the City of Berkeley will continue to coordinate the housing and community services activities within the department through regular senior staff meetings and coordination on specific topics.

### **Actions planned to enhance coordination between public and private housing and social service agencies**

City staff will also continue to participate in the implementation of Everyone Home, the countywide plan to end homelessness. Everyone Home spearheads Alameda County's Continuum of Care. Staff will continue to participate in the initiative's Leadership Board, which includes most public funders of housing and homeless services in the county, as well as leadership from key community based organizations. Leadership Board membership helps coordination efforts across the county. Staff also participates in other committees composed of other funders (such as Alameda County Behavioral Health Care Services and the Social Services Agency) as well as many community based organizations.

Recent countywide collaboration efforts include the 2019 Point in Time homeless survey, count and report and the countywide implementation of CES.

### **Discussion:**

The majority of Berkeley's activities furthering the goals of the Annual Action Plan are provided by community agency partners. This will continue to be the case in PY19.



## Program Specific Requirements

### AP-90 Program Specific Requirements – 91.220(I)(1,2,4)

#### Introduction:

#### Community Development Block Grant Program (CDBG) Reference 24 CFR 91.220(I)(1)

Projects planned with all CDBG funds expected to be available during the year are identified in the Projects Table. The following identifies program income that is available for use that is included in projects to be carried out.

|                                                                                                                                                                                                |                  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| 1. The total amount of program income that will have been received before the start of the next program year and that has not yet been reprogrammed                                            | \$250,531        |
| 2. The amount of proceeds from section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in the grantee's strategic plan. | 0                |
| 3. The amount of surplus funds from urban renewal settlements                                                                                                                                  | 0                |
| 4. The amount of any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan                                                   | 0                |
| 5. The amount of income from float-funded activities                                                                                                                                           | 0                |
| <b>Total Program Income:</b>                                                                                                                                                                   | <b>\$250,531</b> |

#### Other CDBG Requirements

|                                                                                                                                                                                                                                                                                                                                                                                                   |        |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|
| 1. The amount of urgent need activities                                                                                                                                                                                                                                                                                                                                                           | 0      |
| 2. The estimated percentage of CDBG funds that will be used for activities that benefit persons of low and moderate income. Overall Benefit - A consecutive period of one, two or three years may be used to determine that a minimum overall benefit of 70% of CDBG funds is used to benefit persons of low and moderate income. Specify the years covered that include this Annual Action Plan. | 98.00% |

**HOME Investment Partnership Program (HOME)  
Reference 24 CFR 91.220(I)(2)**

1. A description of other forms of investment being used beyond those identified in Section 92.205 is as follows:

The City of Berkeley uses no forms of investment other than ones described in §92.205(b), which describes eligible activities for HOME funds.

2. A description of the guidelines that will be used for resale or recapture of HOME funds when used for homebuyer activities as required in 92.254, is as follows:

No homeownership activities are anticipated for PY19.

3. A description of the guidelines for resale or recapture that ensures the affordability of units acquired with HOME funds? See 24 CFR 92.254(a)(4) are as follows:

No homeownership activities are anticipated for PY19.

4. Plans for using HOME funds to refinance existing debt secured by multifamily housing that is rehabilitated with HOME funds along with a description of the refinancing guidelines required that will be used under 24 CFR 92.206(b), are as follows:

The City's policy is not to use HOME funds to pay off outstanding debt on single family or multifamily housing development projects. The City may commit HOME funds to projects that include refinancing with other sources of funds.

### Emergency Solutions Grant (ESG) Reference 91.220(l)(4)

1. Include written standards for providing ESG assistance (may include as attachment)

The City, Everyone Home and Countywide representatives are in the process of updating the ESG manual. The most recent version was attached to the 2015 Consolidated Plan.

2. If the Continuum of Care has established centralized or coordinated assessment system that meets HUD requirements, describe that centralized or coordinated assessment system.

The Alameda County Continuum of Care has initiated its planning process to establish its coordinated assessment system. The countywide system is now being implemented through five regional Housing Resource Centers.

3. Identify the process for making sub-awards and describe how the ESG allocation available to private nonprofit organizations (including community and faith-based organizations).

The City of Berkeley was allocated \$227,398 in ESG funding for PY19. The City of Berkeley will utilize the maximum amount possible for administration (7.5 percent of the grant) and allocate funds to support the County-wide Homeless Management Information System. The remaining \$203,667 will be allocated to Bay Area Community Services, the operator of the City of Berkeley's Coordinated Entry System (CES). The CES staff will screen, assess and prioritize homeless clients for rapid rehousing assistance with supporting housing retention services. ESG funds will also support Emergency Shelter and Street Outreach through the CES.

4. If the jurisdiction is unable to meet the homeless participation requirement in 24 CFR 576.405(a), the jurisdiction must specify its plan for reaching out to and consulting with homeless or formerly homeless individuals in considering policies and funding decisions regarding facilities and services funded under ESG.

The policy-making entity for the City of Berkeley which makes decisions regarding the facilities, services, and other programs to receive funding under the Emergency Solutions Grant (ESG) is the Berkeley City Council. The Berkeley City Council is elected by the citizens of Berkeley. The City cannot mandate that a homeless or formerly homeless individual be on the City Council. Therefore, the City must develop and implement a plan to consult with homeless or formerly homeless individuals in making policies and decisions regarding programs that receiving funding under ESG.

City staff are planning, in conjunction with Everyone Home, to host a forum each year for homeless clients, in order to involve them in policy-making and decisions regarding ESG-funded services. The details have yet to be determined. Formerly homeless people also hold seats on various EveryOne Home Committees.

5. Describe performance standards for evaluating ESG.

The performance standards to be applied to ESG activities is attached as an image labeled Outcome Measures. These standards were developed in 2018-19 through the leadership of Everyone Home (the Continuum of Care)'s Results Based Accountability (RBA) Committee comprised of various representatives: Everyone Home, City of Berkeley, Alameda County Health Care Services Agency and homeless service providers in Alameda County. The matrix provides targets for HUD's System Performance Outcomes and will be reviewed and adjusted overtime to ensure continued improvement.

## Attachments

| Attachment 1                                                                            |                                       |                                               |                         |
|-----------------------------------------------------------------------------------------|---------------------------------------|-----------------------------------------------|-------------------------|
| Substantial Amendment #1 - Annual Action Plan for PY19                                  |                                       |                                               |                         |
| City of Berkeley CDBG, ESG and HOME Projects for 7/1/2019 - 6/30/2020                   |                                       |                                               |                         |
| Proj. #                                                                                 | Agency                                | Project Name                                  | PY19 Amended Allocation |
| <b>CDBG</b>                                                                             |                                       |                                               |                         |
| 3                                                                                       | Center for Independent Living         | Residential Access                            | \$ 159,660              |
|                                                                                         | Habitat for Humanity                  | Housing Rehabilitation Grant Program          | \$ 250,000              |
| 4                                                                                       | HHCS*                                 | Loan Services                                 | \$ 70,008               |
| 5                                                                                       | HHCS                                  | Senior and Disabled Rehab Program             | \$ 358,048              |
| 6                                                                                       | HHCS                                  | Rehab Loans                                   | \$ 150,000              |
| 7                                                                                       | HHCS                                  | Housing Development: M/F Rehab                | \$ 488,341              |
| 8                                                                                       | HHCS                                  | Housing Trust Fund                            | \$ -                    |
|                                                                                         |                                       | <b>Subtotal Housing Projects</b>              | <b>\$ 1,476,057</b>     |
| 9                                                                                       | Bay Area Community Services           | Coordinated Entry System                      | \$ 248,419              |
| 10                                                                                      | Berkeley Food and Housing Project     | Men's Overnight Shelter                       | \$ 170,502              |
| 11                                                                                      | Eden Housing for Hope and Opportunity | Fair Housing                                  | \$ 35,000               |
|                                                                                         |                                       | <b>Subtotal Public Services Projects</b>      | <b>\$ 453,921</b>       |
| 13                                                                                      | HHCS                                  | Community Facility Improvements               | \$ 152,908              |
| 14                                                                                      | HHCS                                  | 2019 Community Facility Improvement Project   | \$ 1,049,370            |
|                                                                                         |                                       | <b>Subtotal Public Facilities Projects</b>    | <b>\$ 1,202,278</b>     |
| 15                                                                                      | HHCS                                  | CDBG Planning and Administration              | \$ 573,424              |
|                                                                                         |                                       | <b>Subtotal Planning &amp; Admin Projects</b> | <b>\$ 573,424</b>       |
|                                                                                         |                                       | <b>**GRAND TOTAL ALL CDBG PROJECTS</b>        | <b>\$ 3,705,680</b>     |
| <b>ESG</b>                                                                              |                                       |                                               |                         |
| 16                                                                                      | Berkeley CES Provider - BACS          | Rapid Re-Housing Project                      | \$ 67,228               |
| 17                                                                                      | Berkeley CES Provider - BACS          | Emergency Shelter and Street Outreach         | \$ 136,439              |
| 18                                                                                      | HHCS                                  | Homeless Management Information System        | \$ 6,676                |
| 19                                                                                      | HHCS                                  | Program Planning and Administration           | \$ 17,055               |
|                                                                                         |                                       | <b>GRAND TOTAL ALL ESG PROJECTS</b>           | <b>\$ 227,398</b>       |
| <b>HOME</b>                                                                             |                                       |                                               |                         |
| 20                                                                                      | HHCS                                  | HOME Administration                           | \$ 75,727               |
| 21                                                                                      | CHDO Operating Funds                  | CHDO Operating Funds                          | \$ 28,115               |
| 22                                                                                      | HHCS                                  | Housing Trust Fund                            | \$ 653,431              |
|                                                                                         |                                       | <b>***GRAND TOTAL ALL HOME PROJECTS</b>       | <b>\$ 757,273</b>       |
| <b>Notes:</b> * HHCS = City of Berkeley Health, Housing & Community Services Department |                                       |                                               |                         |
| **Assumes \$250,531 in Program Income and \$788,029 in unused carry over funds.         |                                       |                                               |                         |
| ***Assumes \$20,000 in Program Income                                                   |                                       |                                               |                         |

## Attachment 2

## Systemwide Performance Targets for Rapid Re-Housing Services

| Rapid Re-Housing  |                                                                                                                                                       | Target              |
|-------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|
| How Much?         | Service Population: Unduplicated count of individuals served (HUD Element, APR Q5a)                                                                   | observe             |
|                   | Service Population: Proportion of chronically homeless individuals served (HUD Element, APR Q5a)                                                      | observe             |
|                   | Service Population: Unduplicated count of households served (HUD Element, Annual Performance Report/APR Q8a)                                          | observe             |
|                   | Service Population: Proportion of chronically homeless households served (HUD Element, APR Q26a)                                                      | observe             |
| How Well?         | Data Quality: Data entry within 3 days (HUD Element, APR Q6e)                                                                                         | 100%                |
|                   | Data Quality: Completion. Adult participants with income info. recorded in HUD Element at entry and annual or exit assessments (HUD Element, APR Q18) | 90%                 |
|                   | Average length of time from enrollment to move in (HUD Element, Apr Q22c)                                                                             | 60% within 2 months |
| With What Impact? | Are participants growing their income? (HUD Element, APR Q19a3)                                                                                       | 50%                 |
|                   | Are participants accessing mainstream benefits? (HUD Element, APR Q20b)                                                                               | 85%                 |
|                   | Are participants enrolled in health insurance? (HUD Element, APR Q21)                                                                                 | 85%                 |
|                   | Are we successfully moving people into permanent housing? (HUD Element, APR Q23a&b)                                                                   | 80%                 |
|                   | Exits to Homelessness: What proportion of people exit to homeless destinations? (HUD Element APR Q23a&b)                                              | <5%                 |

## Attachment 3

## NOTICE OF PUBLIC HEARING

## BERKELEY CITY COUNCIL

The Health, Housing & Community Services Department is proposing a Public Hearing addressing proposed **Substantial Amendments to the Annual Action Plans for Program Years (PY) 2018** (7/01/18-6/30/19) and **2019** (7/01/19-6/30/20) which includes recommended allocations of Emergency Solutions Grant (ESG).

The hearing will be held on **Tuesday, July 23, 2019, at 6:00 P.M.**, in the Berkeley Unified School District Board Room, 1231 Addison Street, Berkeley, CA 94702.

The proposed **Substantial Amendments to the PY2018 and PY2019 Annual Action Plans** are required by the U.S. Department of Housing and Urban Development. The Substantial Amendments to the Plans includes shifting an allowable **60% of each year's Emergency Solutions Grant (ESG) funds from the Rapid Rehousing to Emergency Shelter and Street Outreach programming**. The PY2018 ESG allocation is \$219,490 and the PY2019 allocation is \$227,398.

A copy of the agenda material for this hearing will be available on the City's website at [www.CityofBerkeley.info](http://www.CityofBerkeley.info) as of June 28, 2019.

**PUBLIC COMMENT PERIOD:** The public also has from June 28, 2019 to July 29, 2019 to submit written comments on the **Substantial Amendments to the PY2018 and PY2019 Annual Action Plans**. **A draft of each of the Substantial Amendments is available for public review** at the reference desk of the Berkeley Public Library at 2090 Kittredge Street, and at the Front Desk of the Health, Housing and Community Services Department at 2180 Milvia Street, 2<sup>nd</sup> Floor between the hours of 9 a.m. and 5 p.m. The Plans are also available on the City's website at <http://www.cityofberkeley.info/ContentDisplay.aspx?id=12160>. For more information or to provide written comments on any of these plans or funding allocations, contact Rhianna Babka at [rbabka@ci.berkeley.ca.us](mailto:rbabka@ci.berkeley.ca.us) or 981-5410.



**This meeting is being held in a wheelchair accessible location.**

**Accommodations Provided Upon Request.** To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6342 (V) or 981-6345 (TDD) at least three business days before the meeting date. Providing at least three working days' notice will help to ensure availability at the meeting.

El Departamento de Servicios de Salud, Vivienda y Comunidad propone una audiencia pública frente a la propuesta de Modificación Sustancial al Plan Anual de Acción para los Años de Servicios **PY2018** (07/01/17 – 06/30/18) y para el año **2019** (07/01/18 - 06/30/19), los cuales incluyen las asignaciones recomendadas de la Beca de Soluciones de Emergencia (Emergency Solutions Grant – ESG).

La audiencia se llevará a cabo el **martes, 23 de julio del 2019 a las 6:00 P.M.** en la sala de audiencias del Distrito Escolar de Berkeley ubicada en la Calle Addison 1231, Berkeley, CA 94702. +

La propuesta de **Modificación Sustancial al Plan de Acción Anual PY2018 y PY2019** es un requisito del Departamento de Vivienda y Desarrollo Urbano de E.E. U.U. (HUD siglas en inglés). La Modificación Sustancial a los Planes es para permitir una reasignación del 60% del presupuesto asignado al Programa de Relocalización Rápida de Vivienda y asignar estos fondos a los programas Albergue de Emergencia y el programa de Divulgación Ambulante.

La copia del material que será tratado en esta audiencia estará disponible en la página electrónica de la Ciudad a partir del 28 de junio de 2019. [www.CityofBerkeley.info](http://www.CityofBerkeley.info)

**PERIODO DE COMENTARIO PÚBLICO:** A partir del 28 de junio del 2019 y hasta el 29 de julio del 2019, el público podrá presentar comentarios por escrito sobre la Modificación Sustancial al Plan de Acción Anual de los años PY 2018 y PY 2019. Un borrador de cada **Plan están disponibles al público** en los escritorios de referencia en la Biblioteca Pública de Berkeley localizada en Calle Kittredge 2090, y en el escritorio de recepción del Departamento de Salud, Vivienda y Servicios Comunitarios de la ciudad de Berkeley localizado en la Calle Milvia 2180, 2do Piso, entre las 9 am hasta las 5 pm. Los planes también están disponibles en la página electrónica <http://www.cityofberkeley.info/ContentDisplay.aspx?id=12160>. Si necesitan más información o si desean presentar comentarios por escrito, favor comunicarse con Roxana Andrade-Lizarzaburu al 510.981.5402 o por correo electrónico a [randrade@cityofberkeley.info](mailto:randrade@cityofberkeley.info).

### 通告

柏克萊市議會將舉行公聽會，討論聯邦經費分配，計劃建議書，及市民參與計劃。

時間：二零一九年，七月二十三日，星期二，下午六時

地點：柏克萊校區議事廳，1231 Addison Street, Berkeley, CA 94702

經費包括：社區發展經費(CDBG)，緊急庇護經費(ESG)，及房屋建設經費(HOME)，並討論計劃建議書（二零一九年六月二十八日至二零一九年七月二十九日）。

詳情請致電：（510）981 4928 鄭女士查詢

Published: June 28, 2019



**PY19 City of Berkeley Annual Action Plan – Citizen Participation Outreach**

| <b>Mode of Outreach</b>      | <b>Target of Outreach</b>                                 | <b>Summary of Response/ Attendance</b>        | <b>Summary of Comments Received</b>                                                                                                                                                                                                                                                                                 | <b>Summary of Comments Not Accepted and Reasons</b> |
|------------------------------|-----------------------------------------------------------|-----------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|
| Email                        | EveryOne Home – Alameda County Homeless Continuum of Care | N/A                                           | N/A                                                                                                                                                                                                                                                                                                                 | N/A                                                 |
| Email                        | Local Businesses                                          | N/A                                           | N/A                                                                                                                                                                                                                                                                                                                 | N/A                                                 |
| Email                        | Local Affordable Housing Developers                       | N/A                                           | N/A                                                                                                                                                                                                                                                                                                                 | N/A                                                 |
| Email                        | Faith-based Organizations                                 | N/A                                           | N/A                                                                                                                                                                                                                                                                                                                 | N/A                                                 |
| City of Berkeley News Page   | Email to list serve                                       | One email received.                           | One:<br>Services for affordable housing should include help or assistance for property taxes for low-income people, especially for older, single homeowners without enough space to rent rooms or part of their houses.<br>Their also should be more info available for people who might need assistance with that. |                                                     |
| Mailer to BHA residents      | Public Housing Residents                                  | Fall 2018:<br><br>20 persons in attendance at | Attendees at the public hearing suggested improvements in the following areas: improving the homeless services website, strategies and solutions for vehicular dwellers, Section 8 (Berkeley Housing Authority) customer services and assistance with                                                               | N/A                                                 |
| Flyers at Recreation Centers | South & West Berkeley (NSA)                               |                                               |                                                                                                                                                                                                                                                                                                                     |                                                     |

|                                                                             |                                                                        |                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |  |
|-----------------------------------------------------------------------------|------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| Flyers at Affordable Housing Development                                    | Residents of Affordable Housing                                        | 10/17/2018 Commission Hosted Public Hearing.                                                                                                                           | landlord communications, partnerships with health and housing providers, welcoming ex-offenders back into the community, pedestrian safety and fair housing/housing discrimination education.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |  |
| Flyers distributed to over 50 non-profit agencies serving low-income people | Low-income Population, including seniors and persons with disabilities |                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |  |
| Flyers at two Berkeley Senior Centers                                       | Seniors                                                                | <p>Spring 2019:</p> <p>One phone call.</p> <p>Seven emails received.</p> <p>Large attendance at 4/23/19 City Council Public Hearing, including 27 public comments.</p> | <p>Regarding coordination with Housing and Mental health services.</p> <p>Emails in support of two specific programs, one for support services for formerly homeless persons living in subsidized housing, and the second for services for the deaf and disability community.</p> <p>Included testimony from twenty seven individuals concerned about services for low-income persons including: housing rehabilitation for homeowners, deaf and disability related services especially for homeless persons, health care and supportive services for formerly homeless persons, general homeless services, legal services for survivors of domestic violence, programming for youth graduating from Berkeley High School, and more transparency around monitoring agencies and the City's budget process.</p> |  |

**NOTICE OF PUBLIC HEARING  
CITY OF BERKELEY**

**REQUEST FOR COMMENTS ON ITS  
CONSOLIDATED PLAN (2020-2025) AMENDMENT #2 – CARES ACT &  
PY19 (FY20) ANNUAL ACTION PLAN AMENDMENT #2**

Starting on Friday January 8, 2021, the City has opened a 30-day comment period during which the public is invited to review and comment on the City of Berkeley's **1)** Consolidated Plan Substantial Amendment #2 for Housing and Community Development that covers the period July 1, 2020 through June 30, 2025 including the City of Berkeley's FY 2021 Annual Action Plan, which covers the period July 1, 2020 through June 30, 2021, and **2)** the PY19 Annual Action Plan Substantial Amendment #2 covering funds from the period of July 1, 2019 through June 30, 2020. The comment period will conclude at the February 9, 2021 Public Hearing in front of City Council.

The Consolidated Plan amendment is to allow the City of Berkeley to receive and administer an additional \$891,121 in Community Development Block Grant coronavirus (CDBG-CV) funding from the US Department of Housing and Urban Development (HUD) made available through the Coronavirus Aid, Relief, and Economic Security Act (CARES Act).

The PY19 Annual Action Plan amendment is to shift Community Development Block Grant (CDBG) funds from public facilities rehabilitation to housing rehabilitation.

The City of Berkeley, and all jurisdictions receiving certain types of federal funds, are required to submit a Consolidated Plan, Annual Action Plans, and any amendments thereto to HUD. The Consolidated Plan outlines the City's needs and goals in the areas of Housing, Homelessness, Community Development, and Non-Homeless Special Needs, to act as a framework for the use of federal funds in these areas. The City of Berkeley's Annual Action Plan presents the City's plan for funding housing and community services.

The CARES Act funds are available for "eligible activities" meeting the national objective of the CDBG and ESG funding and to be used to prevent, prepare for, and respond to the coronavirus (COVID-19). Eligible CDBG-CV activities include, but are not limited to, public services and public facility improvements that support eligible low-income households in response to COVID-19.

The draft Consolidated Plan Substantial Amendment #2 and PY19 Annual Action Plan Amendment #2 are available for public review on the web at <http://www.cityofberkeley.info/ContentDisplay.aspx?id=12160>.

**All written comments must be sent to both [rbabka@cityofberkeley.info](mailto:rbabka@cityofberkeley.info) AND [CPD\\_COVID-19WaiverSFO@hud.gov](mailto:CPD_COVID-19WaiverSFO@hud.gov) no later than February 9, 2021, at 5:00 p.m.**

For more information only, contact Rhianna Babka (email: [rbabka@cityofberkeley.info](mailto:rbabka@cityofberkeley.info)) at the Health, Housing and Community Services Department 2180 Milvia Street, 2<sup>nd</sup> Floor, Berkeley, 94704.

The hearing will be held on February 9, 2021 at 6:00 pm via videoconference pursuant to Governor's Executive Order N-29-20.

A copy of the agenda material for this hearing will be available on the City Council agenda webpage at

[https://www.cityofberkeley.info/Clerk/City\\_Council/City\\_Council\\_Agenda\\_Index.aspx](https://www.cityofberkeley.info/Clerk/City_Council/City_Council_Agenda_Index.aspx) in advance of the meeting. **Once posted, the agenda for this meeting will include a link for public participation using Zoom video technology.**

**Published:** January 8, 2021 in the Berkeley Voice

### Notice in Spanish:

A partir del viernes, 8 de enero de 2021 y por 30 días la ciudadanía está invitada a revisar y dar comentarios a la 1) Enmienda Substancial # 2 del Plan Consolidado para Vivienda y Desarrollo Comunitario. Este Plan cubre el periodo de trabajo a partir del 1 de julio de 2020 hasta el 30 de junio de 2025 y también incluye el Plan de Acción Anual de la Ciudad de Berkeley que cubre el período a partir del 1 de julio de 2020 hasta el 30 de junio de 2021, y 2) el Plan de Acción Anual Enmienda Substancial #2 que cubre el periodo de trabajo del 1 de julio 2019 hasta el 30 de junio 2020. El periodo para presentar comentarios públicos concluirá el 9 de febrero de 2020 durante la Audiencia Pública ante el Concejo Municipal.

El Plan Consolidado permitirá a la Ciudad de Berkeley recibir y administrar fondos adicionales de la beca de desarrollo comunitario de coronavirus (CDBG-CV) del Departamento de Vivienda y Desarrollo Urbano de los Estados Unidos en la cantidad de \$891,121, estos fondos están disponibles por medio del Acta de Ayuda, Mitigación y Seguridad Económica (CARES Act siglas en inglés).

La Enmienda del Plan de Acción Anual es para mover fondos de Vivienda y Desarrollo Comunitario de rehabilitación de instalaciones públicas a rehabilitación de viviendas.

La Ciudad de Berkeley y todas las jurisdicciones que reciben ciertos tipos de fondos federales tienen como requisito presentar un Plan Consolidado y Planes de Acción Anual y enmiendas del mismo al departamento de Vivienda y Desarrollo Urbano (HUD). El Plan Consolidado enumera las necesidades y metas en las áreas de vivienda, indigencia, desarrollo comunitario y necesidades especiales que sirve como referencia para el uso de fondos federales en estas áreas. El Plan de Acción Anual de la Ciudad de Berkeley presenta la propuesta para financiar servicios comunitarios y de vivienda.

El borrador del Plan Consolidado, enmienda No. 2, y el Plan de Acción Anual Enmienda #2 estarán disponibles en la página electrónica

<http://www.cityofberkeley.info/ContentDisplay.aspx?id=12160>.

**Todos los comentarios escritos deben ser enviados a los correos electrónicos de la representante de la Ciudad [rbabka@cityofberkeley.info](mailto:rbabka@cityofberkeley.info) Y a la oficina del CPD [COVID-19WaiverSFO@hud.gov](mailto:COVID-19WaiverSFO@hud.gov). Los comentarios serán recibidos hasta el 9 de febrero del 2021 a las 5:00 pm.**

Para más información sobre este plan y su enmienda favor contactar a Rhianna Babka, (correo electrónico: [rbabka@cityofberkeley.info](mailto:rbabka@cityofberkeley.info)) en el Departamento de Salud, Vivienda y Servicios Comunitarios localizado en la dirección 2180 Calle Milvia, 2do piso, Berkeley, CA 94704.

La audiencia pública se llevará a cabo el 9 de febrero del 2021 a las 6:00 pm virtualmente conforme a la Orden Ejecutiva N-29-20 emitida por el Gobernador Newsom. Copia de la agenda y los materiales que serán discutidos durante la audiencia estarán disponibles en la página electrónica de la ciudad [https://www.cityofberkeley.info/Clerk/City\\_Council/City\\_Council\\_Agenda\\_Index.aspx](https://www.cityofberkeley.info/Clerk/City_Council/City_Council_Agenda_Index.aspx)., una vez que la agenda sea publicada, incluirá un enlace para conectarse a la videoconferencia usando la tecnología Zoom.

伯克萊市  
公眾視訊聽證會通知  
及  
計劃評論徵求

關於市政府的年度行動之綜合計劃書 ( 2020-2025年 ) 第二輪修正案 – 《CARES法案》  
及2019日曆年 ( 2020財政年度 ) 年度行動計劃第二輪修正案

由星期五, 2021年1月8日開始, 在30天期間, 伯克萊市政府將邀請公眾人士對以下的第二輪修正案加以檢討及評論:

- 1) 伯克萊市政府的年度行動之綜合計劃書的第二輪修正案。本綜合計劃書之修正案蓋括五個財政年度 (由2020年7月1日至2025年6月30日)。此外, 本计划还包括 市政府2021財政年度 (由2020年7月1日至2021年6月30日) 制定的經費運用計劃。
- 2) 2019日曆年 ( 2020財政年度 ) 年度行動計劃第二輪修正案涵蓋2019年7月1日至2020年6月30日期間的資金。

評論期將於2021年2月9日在市議會前舉行的公開聽證會結束。

以上的第一個專案將允許伯克萊市接收和管理附加社區發展經費之新冠病毒項目（CDBG-CV）-約八十九萬一千美元（\$891,121.00）。以上資金來自美國聯邦政府住房和城市發展部門（HUD）冠狀病毒援助救濟和經濟安全法《CARES法案》。

以上的第二個專案將允許伯克萊市於2019日曆年年度行動計劃修正案是將社區發展區塊贈款（CDBG）資金從公共設施修復轉向住房重建。

伯克利市,以及任何其他接受此類型聯邦資金的所有司法管轄區,均需提交年度行動之綜合計劃書于HUD。本綜合計劃概述了伯克萊市在住房,无家可归,社区发展和非无家可归的特殊需求领域的需求和目标,以作为在这些领域使用联邦资金的框架。与此同时伯克利市年度行动计划也介绍了该市为住房和社区服务提供资金的计划。

CARES法案資金可在”符合”CDBG和ESG全國性目標條件的前題下使用於預防,準備和應對冠狀病毒(COVID-19)之災情。合格的CDBG-CV活動包括,但不限於,公共服務和公共設施改善,以支持符合條件的低收入家庭應對COVID-19。

上述兩個項目的計劃草案可在互聯網上通過

<http://www.cityofberkeley.info/ContentDisplay.aspx?id=12160>進行公開審查。

所有書面意見請通過電子郵件同時郵寄於 [rbabka@cityofberkeley.info](mailto:rbabka@cityofberkeley.info) 和 [CPD\\_COVID-19WaiverSFO@hud.gov](mailto:CPD_COVID-19WaiverSFO@hud.gov)。所有書面評論必須在2020年2月9日下午五時之前收到。

市民如有意諮詢,請聯絡房屋及社區服務部 Rhianna Babka 小姐,電郵地址:  
[rbabka@cityofberkeley.info](mailto:rbabka@cityofberkeley.info)。伯克萊市房屋及社區服務部,地址:2180 Milvia St.,  
2<sup>nd</sup> Floor, Berkeley, CA 94704。

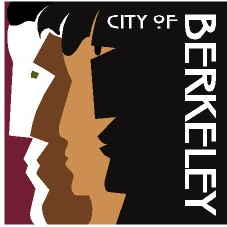
根据加州州長紐森(Gavin Newsom)于二零二零年三月十七日发布的N-29-20行政命令第三條章程,本次市議會聽證會將仅通过视频會議將在2021年2月9日下午6:00舉行。

在會議之前,該聽證會議程材料的副本可在市議會議程網頁上找到:

[https://www.cityofberkeley.info/Clerk/City\\_Council/City\\_Council\\_Agenda\\_Index.aspx](https://www.cityofberkeley.info/Clerk/City_Council/City_Council_Agenda_Index.aspx)。

議程材料的副本發布後,本次會議的議程將包括一個使用Zoom video技術的公眾參與鏈接。

發佈時間:2021年1月8日,伯克利之聲



Office of the City Manager

## **REVISED AGENDA MATERIAL**

**Meeting Date:** February 9, 2021

**Item Description:** Referral Response: Amendments to the Home Occupations Ordinance

**Submitted by:** Jordan Klein, Interim Director, Planning & Development Department

Staff are submitting revised agenda material for this item, previously published for the Council meeting of December 15, 2020, to:

1. Introduce Section 23 to clarify Home Occupations with no customer visits and no non-resident on-site employees can operate in the ES-R District by right. Proposed amendments are consistent with proposed amendments to Chapter 23C.16 [Home Occupations] and resolve an internal conflict in the existing Berkeley Municipal Code.
2. Provide an updated version of Attachment 3 (final approved minutes from the September 16, 2020 Planning Commission meeting). The original Attachment 3 provided the draft minutes.

ORDINANCE NO. -N.S.

AMENDING BERKELEY MUNICIPAL CODE CHAPTER 23C.16 AND AMENDING BERKELEY MUNICIPAL CODE SECTIONS 23E.84.090, 23D.16.030, 23D.20.030, 23D.28.030, 23D.32.030, 23D.36.030, 23D.40.030, 23D.44.030, 23D.48.030, 23D.52.030, 23E.64.030, 23E.84.030, AND 23F.04.10 TO MODIFY THE HOME OCCUPATIONS ORDINANCE.

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

Section 1. That Berkeley Municipal Code Chapter 23C.16 [Home Occupations] is amended as follows:

### Chapter 23C.16: Home Occupations

Sections:

- 23C.16.010 ~~General Requirements Home Occupations~~
- 23C.16.020 ~~Permit Requirements Home Occupations Classifications Low Impact Home Occupations Permitted by Right Subject to Business License~~
- 23C.16.030 ~~Findings Moderate Impact Home Occupations Subject to Use Permit~~
- 23C.16.040 Complaints and Imposition of Conditions
- 23C.16.050 ~~Home Occupation in Rental Unit~~
- 23C.16.060 ~~Medical Cannabis Residential Cultivation~~

### 23C.16.010 General Requirements ~~Home Occupations~~

- A. The establishment of a Home Occupation in compliance with this Chapter shall not be considered a Change of Use of a ~~Dwelling Unit primary residence~~, but rather shall be considered a lawful Incidental Use thereof.

- B. ~~Home Occupations are subject to the following requirements:~~

~~No Home Occupation which involves a Firearm/Munitions Business may be allowed.~~

1. A Home Occupation is allowed as an incidental use within a Dwelling Unit, Accessory Dwelling Unit, Accessory Building, or Group Living Accommodation room.
2. No Firearm/Munitions Business may operate as a Home Occupation.
3. Customer visits are not allowed in the ES-R District.
4. A Home Occupation may occupy no more than the greater of: 400 square feet or 20 percent of the gross floor area of the Dwelling Unit, Accessory Dwelling Unit, Accessory Building, or Group Living Accommodation room from which it operates.



5. Only residents of the subject Dwelling Unit, Accessory Dwelling Unit or Group Living Accommodation room may operate a Home Occupation business.
6. Customer visits may occur only between the hours of 10 a.m. and 8 p.m.
7. Storage, services, or repairs may not be conducted outdoors.
8. A Home Occupation shall not involve hazardous materials or waste as defined by Section 15.08.060.
9. A Home Occupation shall not create offensive or objectionable noise, vibration, odors, smoke, heat, dirt or electrical disturbance perceptible by the average person beyond the lot line, or party walls of multi-unit building, of the subject premises.
10. No on-site signs identifying or advertising the Home Occupation are allowed.
11. The operator of a Home Occupation shall pay gross receipts taxes pursuant to the City's business license tax ordinance as set forth in Chapter 9.04.
- 4.12. A lessee in possession of a property may apply for a Permit without the property owner's signature; however Home Occupations are not exempt from conditions in rental and lease agreements.

~~C. No Home Occupation which involves customer visits may be allowed in the ES-R District.~~

**23C.16.020 Permit Requirements** ~~Low Impact Home Occupations Permitted by Right~~  
**Subject to Business License** ~~(See 23F.04 for Home Occupation definitions.)~~

- A. A Class I Home Occupation is allowed subject to a Zoning Certificate.
- B. A Class II Home Occupation is allowed subject to issuance of an Administrative Use Permit.
- C. A Class III Home Occupation is allowed subject to issuance of a Use Permit (Public Hearing).

~~A Home Occupation which meets all of the following conditions shall be allowed by right in any Dwelling Unit or Group Living Accommodation room, subject to the payment of gross receipts tax pursuant to the City's business license tax ordinance as set forth in Chapter 9.04.~~

~~A. —Such Home Occupations must:~~

- ~~1.—Be conducted entirely within the dwelling unit or group living accommodation room;~~
- ~~2.—Occupy less than four hundred (400) square feet and less than twenty percent (20%) of the dwelling unit or group living accommodation room;~~

~~B.—Such home occupations may not:~~

- ~~1.—Involve customer visits to the subject premises;~~
- ~~2.—Involve storage, service, repair, handling or transport of goods or products on or at the subject premises;~~
- ~~3.—Involve hazardous materials or processes; or~~
- ~~4.—Create offensive or objectionable noise, vibration, odors, heat, dirt or electrical disturbance perceptible by the average person beyond the lot line or party walls of multi-unit building, of the subject premises.~~

#### **23C.16.030 Findings- Moderate Impact Home Occupations Subject to Use Permit**

In addition to the findings set forth in Section 23B.28.050 and Section 23B.32.040, in order to approve an Administrative Use Permit for a Class II Home Occupation or a Use Permit (Public Hearing) for a Class III Home Occupation, the Zoning Officer or Board must find, based on the circumstances of the specific use and property:

1. The degree of customer visits will not cause a significant detrimental impact on the availability of parking spaces in the immediate vicinity of the Home Occupation; and
2. The degree of shipping from the subject residence will not cause a significant detrimental impact on pedestrian and bicyclist safety or the availability of parking spaces in the immediate vicinity of the Home Occupation; and
3. If the proposed Home Occupation will require a loading space on a regular basis, such loading space will be available on the subject property or the use of an on-street loading space will not cause a significant detrimental impact on pedestrian and bicyclist safety or the availability of parking spaces in the immediate vicinity of the Home Occupation.

~~A.— A teaching-related home occupation which meets all of the following conditions shall be allowed subject to issuance of an Administrative Use Permit and subject to payment of gross receipts tax pursuant to the City's business license tax ordinance as set forth in Chapter 9.04.~~

~~1.— Such Home Occupations must:~~

- ~~a.— Be conducted entirely within the dwelling unit or group living accommodation room;~~
- ~~b.— Operate within the hours of 10 a.m. and 10 p.m.; and~~
- ~~c.— Occupy less than 400 square feet and less than 20% of the dwelling unit or group living accommodation room;~~

~~2.— Such home occupations may not:~~

- ~~a.— Involve more than four students at a time;~~
- ~~b.— Involve storage, service, repair, handling or transport of goods or products on or at the subject premises;~~
- ~~c.— Involve hazardous materials, or processes; or~~
- ~~d.— Create offensive or objectionable noise, vibration, odors, heat, dirt or electrical disturbance perceptible by the average person beyond that lot line or party walls of multi-unit buildings, or the subject premises.~~

~~B.— All other home occupations that involve customer visits, or products on the subject premises, as set forth in Sections 23C.16.020.B.1 and 23C.16.020.B.2, may be authorized only by a Use Permit and public hearing, and are subject to the payment of gross receipts tax pursuant to the City's business license tax ordinance as set forth in Chapter 9.04.~~

### **23C.16.040 Complaints and Imposition of Conditions**

~~A.— Complaints regarding low-impact Hhome Ooccupations are subject to review, the imposition of conditions, or revocation may be made to the Zoning Officer for review and enforcement action.~~

~~B. If written complaints that include factual information on detrimental effects to the neighborhood~~

~~A. Violations may be addressed by issuing an administrative citation pursuant to Chapter 1.28.~~

~~B. The Zoning Officer shall review documented complaints, business operations, and other factors when reviewing from a Home Occupation are received, the Board may schedule a public hearing to review the Home Occupation. After such hearing the Board may approve a Use Permit to impose conditions upon Class I and II the Home Occupations, and may impose conditions as may be necessary to prevent detrimental effects or may initiate revocation proceedings, or may revoke the permit in the event adequate conditions of approval are not available.~~

~~The Zoning Adjustments Board shall review documented complaints, business operations, and other factors when reviewing Class III Home Occupations and may impose conditions as may be necessary to prevent detrimental effects, or may revoke the permit in the event adequate conditions of approval are not available.~~

~~Furthermore, the City may address violations by sending an administrative citation issued pursuant to Chapter 1.28.~~

#### 23C.16.050 Home Occupation in Rental Unit

~~Any application for a Home Occupation may be filed by a lessee in possession of the property without the consent of the owner of record of the legal title and the application may be accepted without such owner's signature. In the case of a home occupation which requires a Use Permit, the owner shall be given notice of the proposed home occupation, in conformance with Section 23B.32.020.D.~~

#### 23C.16.060 Medical Cannabis Residential Cultivation

~~No Use Permit shall be required for qualified patients to cultivate medical cannabis in their residence or on their residential property.~~

Section 2. That Berkeley Municipal Code Section 23E.84.090 [Findings] is amended as follows:

#### **23E.84.090 Findings**

A. In order to approve any Use Permit under this chapter the Zoning Officer or Board must make the finding required by Section 23B.32.040. The Zoning Officer or Board must also make the findings required by the following paragraphs of this section to the extent applicable:

B. A proposed use or structure must:

1. Be consistent with the purposes of the District;
2. Be consistent with the normal use and operation of surrounding uses and buildings, including residential and industrial buildings;
3. Be consistent with the adopted West Berkeley Plan;
4. Not be likely, under reasonably foreseeable circumstances, to either induce or contribute to a cumulative change of use in buildings away from residential; live/work; light industrial, or arts and crafts uses;
5. Be designed in such a manner to be supportive of the character and purposes of the District; and
6. Be able to meet any applicable performance standards as described in Section 23E.84.070.H.

C. In order to approve a Use Permit under Section 23E.84.040, the Zoning Officer or Board must find that the space formerly occupied by the protected use has been replaced with a comparable space in the West Berkeley Plan area, which is reserved for use by any protected use in the same category:

1. For purposes of this section, such replacement space shall not qualify for exemption under Section 23E.84.040.I or by reason of having been established after July 6, 1989;
2. In considering whether a project will be detrimental, consideration shall be limited to the potential detriment associated with the new use, and dislocation of any specific previous occupant or use shall not be a basis for finding detriment.

D. In order to approve a Use Permit for the establishment or expansion of Live/Work Units in this District, the Zoning Officer or Board must make all applicable findings for approval of Live/Work Units required by Section 23E.20.090 and must also make the following findings:

1. Establishment of Live/Work Unit will not interfere with the lawful operation of manufacturers and other industries existing in or adjacent to the District, and will not impede the lawful future establishment of manufacturers and other industries permitted under the West Berkeley Plan;
2. The applicant has recorded with the County Recorder a statement acknowledging that the Live/Work Unit is being established in a District where manufacturers and other industries operate lawfully and that they will not seek to impede their lawful operation. In addition, the applicant will require any tenants to sign such a statement, and require all persons purchasing Live/Work Units to sign and record such a statement;
3. If the applicant is proposing to change one or more dwelling units to Live/Work Units, that the elimination of dwelling unit(s) and the change of use would not be materially detrimental to the housing needs and public interest of the affected neighborhood and the City.

E. In order to approve a Use Permit for a change of use from manufacturing, wholesale trade, or warehouse space to another use, the Zoning Officer or Board must make both of the following findings:

1. The change of use of the space will not have a materially detrimental impact on the character of the MU-R District as a light industrial district, with particular reference to the character of the blocks and parts of blocks in the part of the District that is contiguous with the site;
2. Appropriate mitigation pursuant to a payment schedule adopted by resolution has been made for loss of the manufacturing space through providing such space elsewhere in Berkeley, through payment into the West Berkeley Building Acquisition Fund, or by other appropriate means as determined by the Zoning Officer or the Board. However, no mitigation shall be required for manufacturing, warehousing, or wholesale trade space which is less than or equal to 25% of the floor area currently or most recently used for manufacturing, warehousing or wholesale trade.

F. In order to approve a Permit for the establishment or expansion of a food service use, the Zoning Officer or Board must find that the establishment of the food service use, given its size, location, physical appearance and other relevant characteristics, will not have a significant detrimental impact on the industrial or residential character of the area. In order to approve an Administrative Use Permit for a Food Service Establishment less than 5,000 square feet, the Zoning Officer must find that a substantial portion of the food consists of goods manufactured on site.

G. In order to approve an Administrative Use Permit or Use Permit for ~~the establishment or expansion of a~~ Hhome Occupation with customer visits and/or shipping and handling of goods, the Zoning Officer or Board must must find:

~~1.—The degree of customer visits and/or handling of goods, taken as a whole, will not cause a significant detrimental impact on the availability of parking spaces in the location the home occupation is being established;~~

~~2.—If the proposed home occupation will require loading space on a regular basis, such loading space will be available on the subject property, or that the use of on-street loading space will not cause a significant detrimental impact on the availability of parking spaces or on traffic flow in the location the home occupation is being established.~~make the findings set forth in Section 23C.16.030.

H. In order to approve a Use Permit for the establishment or expansion of a school, child care center, or recreational or educational facility to be used by children, the Zoning Officer or Board must make all of the following findings:

1. Development of the school, child care center, or recreational facility to be used by children is not, in the particular circumstances of the project, incompatible with adjacent and nearby uses;

2. An appropriate risk analysis or risk assessment, as defined by the City, has been made and has shown that there is not significant risk to children in the use from other activities near the site;

3. The applicants have made adequate provisions to ensure that all parents of students or children in the school, child care center, or recreational facility to be used by children will

be notified in writing (on a form approved by the City) that the school is in the West Berkeley Plan MU-R District, and that light manufacturing is a permitted activity in the District and that Primary Production Manufacturing or Construction Products Manufacturing may be permitted uses in adjacent districts, including a requirement that each parent will indicate that they have read and understood this information by means of a written statement returned to the school or child care center and available for review.

I. In order to approve a Use Permit for the establishment or expansion of a mixed use containing a residential use the Zoning Officer or Board must find that the specific combination of residential and non-residential use proposed by the applicant will not be hazardous or detrimental, either to persons living and/or working on the site, or to persons living or working in its vicinity.

J. In order to approve a Use Permit for the substitution of bicycle and/or motorcycle parking under Section 23E.84.080.F, the Zoning Officer or Board must find that the substitution will not lead to an undue shortage of automobile parking spaces and that it can be reasonably expected that there will be demand for the bicycle and/or motorcycle parking spaces.

K. In order to approve a Use Permit for the establishment or expansion of a manufacturing use abutting one or more dwelling units located in the MU-R District, the Zoning Officer or Board must find:

1. The manufacturer is capable of meeting all applicable performance standards; and
2. Conditions of the Use Permit will specify all reasonable steps to minimize noise, odors, dust, vibration, glare and any other potential impacts on the abutting dwelling units.

L. 1. To deny a Use Permit to establish one or more dwelling units the Board must find that the proposed residential use would unreasonably interfere with existing or reasonably foreseeable adjacent land uses in the M and/or MM District, or that the existing or reasonably foreseeable adjacent land uses in the M and/or MM District would have a material adverse effect on the proposed residential use. The owner(s) of record of the residential property shall also record an acknowledgement that existing or reasonably foreseeable adjacent land uses in the M and/or MM District may create noise, dust, odors, light/glare, and other impacts that shall not be considered a nuisance if they are developed and conducted pursuant to the standards of the District.



2. To deny an Administrative Use Permit for a major residential addition, the Zoning Officer must find that the proposed addition would unreasonably interfere with existing or reasonably foreseeable adjacent land uses in the M and/or MM District, or that the existing or reasonably foreseeable adjacent land uses in the M and/or MM District would have a material adverse effect on the use of the proposed addition. The owner(s) of record of the residential property shall also record an acknowledgement that existing or reasonably foreseeable adjacent land uses in the M and/or MM District may create noise, dust, odors, light/glare, and other impacts that shall not be considered a nuisance if they are developed and conducted pursuant to the standards of the District. (Ord. 7358-NS § 9, 2014; Ord. 7323-NS § 9, 2014; Ord. 7167-NS §§ 25 – 27, 2011; Ord. 6478-NS § 4 (part), 1999)

Section 3. That Berkeley Municipal Code Section 23F.04.010 is amended to revise the definitions of “Home Occupation” and “Home Occupation, Teaching-Related” as follows:

#### **23F.04.010 Definitions**

**Home Occupation:** A business use conducted on ~~residential~~ property developed with Residential use, which is incidental and secondary to the Residential use, does not change the residential character thereof, is limited so as not to substantially reduce the Residential use of the legally established dwelling, Accessory Dwelling Unit, Accessory Building, or Group Living Accommodation room and is operated only by the ~~residents~~ inhabitants of the subject residence. There are three classification of Home Occupations. For the purposes of this section, a “customer” is considered a single paying customer, but may include more than one person receiving the services at the same time:

1. **Class I Home Occupation** - Involves no more than five visits per day, with no more than one customer at a time. This class does not allow shipping of finished goods from the subject residence.
2. **Class II Home Occupation** - Involves no more than ten visits per day, with no more than four customers at a time and no more than one non-resident engaging in business-related activities on-site. This class does not allow shipping of finished goods from the subject residence.

3. **Class III Home Occupation** - Involves more than ten visits per day, with no more than four customers at a time and no more than one non-resident engaging in business-related activities on-site and/or involves shipping of finished goods from the subject residence.

1. ~~**Home Occupation, Teaching-Related:** A home-based business as defined under the Home Occupation definition that provides academic and/or artistic tutoring or lessons, excluding schools, studios and conservatories.~~

Section 4. That the "Accessory Uses and Structures" section of Table 23D.16.030 in Chapter 23D.16 Section 23D.16.030 of the Berkeley Municipal Code is amended to read as follows:

#### 23D.16.030 Uses Permitted

| <b>Table 23D.16.030</b>                                                                        |                       |                                                                                                              |
|------------------------------------------------------------------------------------------------|-----------------------|--------------------------------------------------------------------------------------------------------------|
| <b>Use and Required Permits</b>                                                                |                       |                                                                                                              |
| <b>Use</b>                                                                                     | <b>Classification</b> | <b>Special Requirements (if any)</b>                                                                         |
| <b>Accessory Uses and Structures</b>                                                           |                       |                                                                                                              |
| Accessory Buildings or Structures                                                              | ZC                    | Must satisfy the requirements of Chapter <u>23D.08</u>                                                       |
| If has either habitable space and/or exceeds the requirements under Chapter <u>23D.08</u>      | AUP                   |                                                                                                              |
| When located on a vacant lot without a Main Building                                           | AUP                   |                                                                                                              |
| With Urban Agriculture                                                                         | ZC                    | Subject to <u>23C.26</u> , <u>23D.08.010</u> , <u>23D.08.020</u> , <u>23D.08.050</u> , and <u>23D.08.060</u> |
| Accessory Dwelling Units in compliance with Section <u>23C.24.050</u>                          | ZC                    |                                                                                                              |
| Accessory Dwelling Unit that does not comply with requirements under Section <u>23C.24.050</u> | AUP                   | Subject to making applicable findings in Section <u>23C.24.070</u>                                           |
| Short-Term Rental                                                                              | ZC                    | Subject to requirements of Chapter <u>23C.22</u>                                                             |

| <b>Table 23D.16.030</b>                               |                       |                                                                |
|-------------------------------------------------------|-----------------------|----------------------------------------------------------------|
| <b>Use and Required Permits</b>                       |                       |                                                                |
| <b>Use</b>                                            | <b>Classification</b> | <b>Special Requirements (if any)</b>                           |
| Child Care; Family Daycare Home (Small or Large)      | ZC                    |                                                                |
| Fences                                                |                       |                                                                |
| If six ft. or less in height                          | ZC                    |                                                                |
| Exceed six ft. in height                              | AUP                   | In required setbacks                                           |
| Home Occupations                                      |                       | <u>Subject to the requirements of Chapter 23C.16</u>           |
| <del>Low Impact Class I</del>                         | ZC                    | <del>If the requirements of Section 23C.16.020 are met</del>   |
| <del>Moderate Impact, teaching-related Class II</del> | AUP                   | <del>Subject to the requirements of Section 23C.16.030.A</del> |
| <del>Moderate Impact Class III</del>                  | UP(PH)                | <del>Subject to the requirements of Section 23C.16.030.B</del> |
| Hot Tubs, Jacuzzis, Spas                              | AUP                   | See Section <u>23D.08.060.C</u>                                |
| Stables for Horses                                    | AUP                   |                                                                |

Section 5. That the “Accessory Uses and Structures” section of Table 23D.20.030 in Chapter 23D.20 Section 23D.20.030 of the Berkeley Municipal Code is amended to read as follows:

#### **23D.20.030 Uses Permitted**

| <b>Table 23D.20.030</b>           |                       |                                                        |
|-----------------------------------|-----------------------|--------------------------------------------------------|
| <b>Use and Required Permits</b>   |                       |                                                        |
| <b>Use</b>                        | <b>Classification</b> | <b>Special Requirements (if any)</b>                   |
| Accessory Uses and Structures     |                       |                                                        |
| Accessory Buildings or Structures | ZC                    | Must satisfy the requirements of Chapter <u>23D.08</u> |

| <b>Table 23D.20.030</b>                                                                        |                       |                                                                                                              |
|------------------------------------------------------------------------------------------------|-----------------------|--------------------------------------------------------------------------------------------------------------|
| <b>Use and Required Permits</b>                                                                |                       |                                                                                                              |
| <b>Use</b>                                                                                     | <b>Classification</b> | <b>Special Requirements (if any)</b>                                                                         |
| If has either habitable space and/or exceeds the requirements under Chapter <u>23D.08</u>      | AUP                   |                                                                                                              |
| When located on a vacant lot without a Main Building                                           | AUP                   |                                                                                                              |
| With Urban Agriculture                                                                         | ZC                    | Subject to <u>23C.26</u> , <u>23D.08.010</u> , <u>23D.08.020</u> , <u>23D.08.050</u> , and <u>23D.08.060</u> |
| Accessory Dwelling Units in compliance with Section <u>23C.24.050</u>                          | ZC                    |                                                                                                              |
| Accessory Dwelling Unit that does not comply with requirements under Section <u>23C.24.050</u> | AUP                   | Subject to making applicable findings in Section <u>23C.24.070</u>                                           |
| Short-Term Rental                                                                              | ZC                    | Subject to requirements of Chapter <u>23C.22</u>                                                             |
| Child Care; Family Daycare Home (Small or Large)                                               | ZC                    |                                                                                                              |
| Fences                                                                                         |                       |                                                                                                              |
| If six ft. or less in height                                                                   | ZC                    |                                                                                                              |
| Exceeding six ft. in height                                                                    | AUP                   | In required yards                                                                                            |
| Home Occupations                                                                               |                       | <u>Subject to the requirements of Chapter 23C.16</u>                                                         |
| <del>Low Impact</del> <u>Class I</u>                                                           | ZC                    | <del>If the requirements of Section 23C.16-020 are met</del>                                                 |
| <del>Moderate Impact, teaching-related</del> <u>Class II</u>                                   | AUP                   | <del>Subject to the requirements of Section 23C.16.030-A</del>                                               |

| <b>Table 23D.20.030</b>                     |                       |                                                                |
|---------------------------------------------|-----------------------|----------------------------------------------------------------|
| <b>Use and Required Permits</b>             |                       |                                                                |
| <b>Use</b>                                  | <b>Classification</b> | <b>Special Requirements (if any)</b>                           |
| <del>Moderate Impact</del> <u>Class III</u> | UP(PH)                | <del>Subject to the requirements of Section 23C.16.030.B</del> |
| Hot Tubs, Jacuzzis, Spas                    | AUP                   | See Section <u>23D.08.060.C</u>                                |
| Stables for Horses                          | AUP                   |                                                                |

Section 6. That the “Accessory Uses and Structures” section of Table 23D.28.030 in Chapter 23D.28 Section 23D.28.030 of the Berkeley Municipal Code is amended to read as follows:

#### **23D.28.030 Uses Permitted**

| <b>Table 23D.28.030</b>                                                                   |                       |                                                                                                              |
|-------------------------------------------------------------------------------------------|-----------------------|--------------------------------------------------------------------------------------------------------------|
| <b>Use and Required Permits</b>                                                           |                       |                                                                                                              |
| <b>Use</b>                                                                                | <b>Classification</b> | <b>Special Requirements (if any)</b>                                                                         |
| <b>Accessory Uses and Structures</b>                                                      |                       |                                                                                                              |
| Accessory Buildings or Structures                                                         | ZC                    | Must satisfy the requirements of Chapter <u>23D.08</u>                                                       |
| If has either habitable space and/or exceeds the requirements under Chapter <u>23D.08</u> | AUP                   |                                                                                                              |
| When located on a vacant lot without a Main Building                                      | AUP                   |                                                                                                              |
| With Urban Agriculture                                                                    | ZC                    | Subject to <u>23C.26</u> , <u>23D.08.010</u> , <u>23D.08.020</u> , <u>23D.08.050</u> , and <u>23D.08.060</u> |
| Accessory Dwelling Units in compliance with Section <u>23C.24.050</u>                     | ZC                    |                                                                                                              |

| Table 23D.28.030                                                                               |                |                                                                    |
|------------------------------------------------------------------------------------------------|----------------|--------------------------------------------------------------------|
| Use and Required Permits                                                                       |                |                                                                    |
| Use                                                                                            | Classification | Special Requirements (if any)                                      |
| Accessory Dwelling Unit that does not comply with requirements under Section <u>23C.24.050</u> | AUP            | Subject to making applicable findings in Section <u>23C.24.070</u> |
| Short-Term Rental                                                                              | ZC             | Subject to requirements of Chapter <u>23C.22</u>                   |
| Child Care; Family Daycare Home (Small or Large)                                               | ZC             |                                                                    |
| Fences                                                                                         |                |                                                                    |
| If six ft. or less in height                                                                   | ZC             |                                                                    |
| Exceeding six ft. in height                                                                    | AUP            | In required setbacks                                               |
| Home Occupations                                                                               |                | <u>Subject to the requirements of Chapter 23C.16</u>               |
| <del>Low Impact</del> <u>Class I</u>                                                           | ZC             | <del>If the requirements of Section 23C.16.020 are met</del>       |
| <del>Moderate Impact, teaching-related</del> <u>Class II</u>                                   | AUP            | <del>Subject to the requirements of Section 23C.16.030.A</del>     |
| <del>Moderate Impact</del> <u>Class III</u>                                                    | UP(PH)         | <del>Subject to the requirements of Section 23C.16.030.B</del>     |
| Hot Tubs, Jacuzzis, Spas                                                                       | AUP            | See Section <u>23D.08.060.C</u>                                    |
| Stables for Horses                                                                             | AUP            |                                                                    |

Section 7. That the “Accessory Uses and Structures” section of Table 23D.32.030 in Chapter 23D.32 Section 23D.32.030 of the Berkeley Municipal Code is amended to read as follows:

#### **23D.32.030 Uses Permitted**

| Table 23D.32.030                                                                               |                |                                                                                                              |
|------------------------------------------------------------------------------------------------|----------------|--------------------------------------------------------------------------------------------------------------|
| Use and Required Permits                                                                       |                |                                                                                                              |
| Use                                                                                            | Classification | Special Requirements (if any)                                                                                |
| Accessory Uses and Structures                                                                  |                |                                                                                                              |
| Accessory Buildings or Structures                                                              | ZC             | Must satisfy the requirements of Chapter <u>23D.08</u>                                                       |
| If has either habitable space and/or exceeds the requirements under Chapter <u>23D.08</u>      | AUP            |                                                                                                              |
| When located on a vacant lot without a Main Building                                           | AUP            |                                                                                                              |
| With Urban Agriculture                                                                         | ZC             | Subject to <u>23C.26</u> , <u>23D.08.010</u> , <u>23D.08.020</u> , <u>23D.08.050</u> , and <u>23D.08.060</u> |
| Accessory Dwelling Units in compliance with Section <u>23C.24.050</u>                          | ZC             |                                                                                                              |
| Accessory Dwelling Unit that does not comply with requirements under Section <u>23C.24.050</u> | AUP            | Subject to making applicable findings in Section <u>23C.24.070</u>                                           |
| Short-Term Rental                                                                              | ZC             | Subject to requirements of Chapter <u>23C.22</u>                                                             |
| Child Care; Family Daycare Home (Small or Large)                                               | ZC             |                                                                                                              |
| Fences                                                                                         |                |                                                                                                              |
| If six ft. or less in height                                                                   | ZC             |                                                                                                              |
| Exceeding six ft. in height                                                                    | AUP            | In required setbacks                                                                                         |

| Table 23D.32.030                                             |                |                                                                |
|--------------------------------------------------------------|----------------|----------------------------------------------------------------|
| Use and Required Permits                                     |                |                                                                |
| Use                                                          | Classification | Special Requirements (if any)                                  |
| Home Occupations                                             |                | <u>Subject to the requirements of Chapter 23C.16</u>           |
| <del>Low Impact</del> <u>Class I</u>                         | ZC             | <del>If the requirements of Section 23C.16.020 are met</del>   |
| <del>Moderate Impact, teaching-related</del> <u>Class II</u> | AUP            | <del>Subject to the requirements of Section 23C.16.030.A</del> |
| <del>Moderate Impact</del> <u>Class III</u>                  | UP(PH)         | <del>Subject to the requirements of Section 23C.16.030.B</del> |
| Hot Tubs, Jacuzzis, Spas                                     | AUP            | See Section <u>23D.08.060.C</u>                                |
| Stables for Horses                                           | AUP            |                                                                |

Section 8. That the “Accessory Uses and Structures” section of Table 23D.36.030 in Chapter 23D.36 Section 23D.36.030 of the Berkeley Municipal Code is amended to read as follows:

### 23D.36.030 Uses Permitted

| Table 23D.36.030                                                                          |                |                                                        |
|-------------------------------------------------------------------------------------------|----------------|--------------------------------------------------------|
| Use and Required Permits                                                                  |                |                                                        |
| Use                                                                                       | Classification | Special Requirements (if any)                          |
| Accessory Uses and Structures                                                             |                |                                                        |
| Accessory Buildings or Structures                                                         | ZC             | Must satisfy the requirements of Chapter <u>23D.08</u> |
| If has either habitable space and/or exceeds the requirements under Chapter <u>23D.08</u> | AUP            |                                                        |



| Table 23D.36.030                                                                               |                |                                                                                                              |
|------------------------------------------------------------------------------------------------|----------------|--------------------------------------------------------------------------------------------------------------|
| Use and Required Permits                                                                       |                |                                                                                                              |
| Use                                                                                            | Classification | Special Requirements (if any)                                                                                |
| When located on a vacant lot without a Main Building                                           | AUP            |                                                                                                              |
| With Urban Agriculture                                                                         | ZC             | Subject to <u>23C.26</u> , <u>23D.08.010</u> , <u>23D.08.020</u> , <u>23D.08.050</u> , and <u>23D.08.060</u> |
| Accessory Dwelling Units in compliance with Section <u>23C.24.050</u>                          | ZC             |                                                                                                              |
| Accessory Dwelling Unit that does not comply with requirements under Section <u>23C.24.050</u> | AUP            | Subject to making applicable findings in Section <u>23C.24.070</u>                                           |
| Short-Term Rental                                                                              | ZC             | Subject to requirements of Chapter <u>23C.22</u>                                                             |
| Child Care; Family Daycare Home (Small or Large)                                               | ZC             |                                                                                                              |
| Fences                                                                                         |                |                                                                                                              |
| If six ft. or less in height                                                                   | ZC             |                                                                                                              |
| Exceeding six ft. in height                                                                    | AUP            | In required setbacks                                                                                         |
| Home Occupations                                                                               |                | <u>Subject to the requirements of Chapter 23C.16</u>                                                         |
| <del>Low Impact Class I</del>                                                                  | ZC             | <del>If the requirements of Section 23C.16.020 are met</del>                                                 |
| <del>Moderate Impact, teaching-related Class II</del>                                          | AUP            | <del>Subject to the requirements of Section <u>23C.16.030.A</u></del>                                        |

| Table 23D.36.030                            |                |                                                                |
|---------------------------------------------|----------------|----------------------------------------------------------------|
| Use and Required Permits                    |                |                                                                |
| Use                                         | Classification | Special Requirements (if any)                                  |
| <del>Moderate Impact</del> <u>Class III</u> | UP(PH)         | <del>Subject to the requirements of Section 23C.16.030.B</del> |
| Hot Tubs, Jacuzzis, Spas                    | AUP            | See Section <u>23D.08.060.C</u>                                |
| Stables for Horses                          | AUP            |                                                                |

Section 9. That the “Accessory Uses and Structures” section of Table 23D.40.030 in Chapter 23D.40 Section 23D.40.030 of the Berkeley Municipal Code is amended to read as follows:

#### 23D.40.030 Uses Permitted

| Table 23D.40.030                                                                          |                |                                                                                                                |
|-------------------------------------------------------------------------------------------|----------------|----------------------------------------------------------------------------------------------------------------|
| Use and Required Permits                                                                  |                |                                                                                                                |
| Use                                                                                       | Classification | Special Requirements (if any)                                                                                  |
| Accessory Uses and Structures                                                             |                |                                                                                                                |
| Accessory Buildings or Structures                                                         | ZC             | Must satisfy the requirements of Chapter <u>23D.08</u>                                                         |
| If has either habitable space and/or exceeds the requirements under Chapter <u>23D.08</u> | AUP            |                                                                                                                |
| When located on a vacant lot without a Main Building                                      | AUP            |                                                                                                                |
| With Urban Agriculture                                                                    | ZC             | Subject to <u>23C.26</u> , <u>23D.08.010</u> , <u>23D.08.020</u> , <u>23D.08.050</u> , and <u>23D.08.060</u> . |

| Table 23D.40.030                                                                               |                |                                                                                 |
|------------------------------------------------------------------------------------------------|----------------|---------------------------------------------------------------------------------|
| Use and Required Permits                                                                       |                |                                                                                 |
| Use                                                                                            | Classification | Special Requirements (if any)                                                   |
| Accessory Dwelling Units in compliance with Section <u>23C.24.050</u>                          | ZC             |                                                                                 |
| Accessory Dwelling Unit that does not comply with requirements under Section <u>23C.24.050</u> | AUP            | Subject to making of applicable findings set forth in Section <u>23C.24.070</u> |
| Short-Term Rental                                                                              | ZC             | Subject to requirements of Chapter <u>23C.22</u>                                |
| Child Care; Family Daycare Home (Small or Large)                                               | ZC             |                                                                                 |
| Fences                                                                                         |                |                                                                                 |
| Six ft. or less in height                                                                      | ZC             |                                                                                 |
| Exceeding six ft. in height                                                                    | AUP            | In required setbacks                                                            |
| Home Occupations                                                                               |                | <u>Subject to the requirements of Chapter 23C.16</u>                            |
| <del>Low Impact</del> <u>Class I</u>                                                           | ZC             | <del>If the requirements of Section 23C.16.020 are met</del>                    |
| <del>Moderate Impact, teaching-related</del> <u>Class II</u>                                   | AUP            | <del>Subject to the requirements of Section 23C.16.030.A</del>                  |
| <del>Moderate Impact</del> <u>Class III</u>                                                    | UP(PH)         | <del>Subject to the requirements of Section 23C.16.030.B</del>                  |
| Hot Tubs, Jacuzzis, Spas                                                                       | AUP            | See Section <u>23D.08.060.C</u>                                                 |
| Stables for Horses                                                                             | AUP            |                                                                                 |
| Stores and Shops (Incidental to another Use)                                                   | UP(PH)         | Contained within a building with no street access and no displays               |

| Table 23D.40.030         |                |                                        |
|--------------------------|----------------|----------------------------------------|
| Use and Required Permits |                |                                        |
| Use                      | Classification | Special Requirements (if any)          |
|                          |                | or merchandise visible from the street |

Section 10. That the “Accessory Uses and Structures” section of Table 23D.44.030 in Chapter 23D.44 Section 23D.44.030 of the Berkeley Municipal Code is amended to read as follows:

#### 23D.44.030 Uses Permitted

| Table 23D.44.030                                                                          |                |                                                                                                              |
|-------------------------------------------------------------------------------------------|----------------|--------------------------------------------------------------------------------------------------------------|
| Use and Required Permits                                                                  |                |                                                                                                              |
| Use                                                                                       | Classification | Special Requirements (if any)                                                                                |
| Accessory Uses and Structures                                                             |                |                                                                                                              |
| Accessory Buildings or Structures                                                         | ZC             | Must satisfy the requirements of Chapter <u>23D.08</u>                                                       |
| If has either habitable space and/or exceeds the requirements under Chapter <u>23D.08</u> | AUP            |                                                                                                              |
| When located on a vacant lot without a Main Building                                      | AUP            |                                                                                                              |
| With Urban Agriculture                                                                    | ZC             | Subject to <u>23C.26</u> , <u>23D.08.010</u> , <u>23D.08.020</u> , <u>23D.08.050</u> , and <u>23D.08.060</u> |
| Accessory Dwelling Units in compliance with Section <u>23C.24.050</u>                     | ZC             |                                                                                                              |

| Table 23D.44.030                                                                               |                |                                                                                                          |
|------------------------------------------------------------------------------------------------|----------------|----------------------------------------------------------------------------------------------------------|
| Use and Required Permits                                                                       |                |                                                                                                          |
| Use                                                                                            | Classification | Special Requirements (if any)                                                                            |
| Accessory Dwelling Unit that does not comply with requirements under Section <u>23C.24.050</u> | AUP            | Subject to making applicable findings set forth in Section <u>23C.24.070</u>                             |
| Short-Term Rental                                                                              | ZC             | Subject to requirements of Chapter <u>23C.22</u>                                                         |
| Child Care; Family Daycare Home (Small or Large)                                               | ZC             |                                                                                                          |
| Fences                                                                                         |                |                                                                                                          |
| Six ft. or less in height                                                                      | ZC             |                                                                                                          |
| Exceeding six ft. in height                                                                    | AUP            | In required setbacks                                                                                     |
| Home Occupations                                                                               |                | <u>Subject to the requirements of Chapter 23C.16</u>                                                     |
| <del>Low Impact</del> <u>Class I</u>                                                           | ZC             | <del>If the requirements of Section 23C.16.020 are met</del>                                             |
| <del>Moderate Impact, teaching-related</del> <u>Class II</u>                                   | AUP            | <del>Subject to the requirements of Section 23C.16.030.A</del>                                           |
| <del>Moderate Impact</del> <u>Class III</u>                                                    | UP(PH)         | <del>Subject to the requirements of Section 23C.16.030.B</del>                                           |
| Hot Tubs, Jacuzzis, Spas                                                                       | AUP            | See Section <u>23D.08.060.C</u>                                                                          |
| Stables for Horses                                                                             | AUP            |                                                                                                          |
| Stores and Shops (Incidental to another Use)                                                   | UP(PH)         | Contained within a building with no street access and no displays or merchandise visible from the street |

Section 11. That the “Accessory Uses and Structures” section of Table 23D.48.030 in Chapter 23D.48 Section 23D.48.030 of the Berkeley Municipal Code is amended to read as follows:

### 23D.48.030 Uses Permitted

| Table 23D.48.030                                                                               |                |                                                                                                              |
|------------------------------------------------------------------------------------------------|----------------|--------------------------------------------------------------------------------------------------------------|
| Use and Required Permits                                                                       |                |                                                                                                              |
| Use                                                                                            | Classification | Special Requirements (if any)                                                                                |
| Accessory Uses and Structures                                                                  |                |                                                                                                              |
| Accessory Buildings or Structures                                                              | ZC             | Must satisfy the requirements of Chapter <u>23D.08</u>                                                       |
| If has either habitable space and/or exceeds the requirements under Chapter <u>23D.08</u>      | AUP            |                                                                                                              |
| When located on a vacant lot without a Main Building                                           | AUP            |                                                                                                              |
| With Urban Agriculture                                                                         | ZC             | Subject to <u>23C.26</u> , <u>23D.08.010</u> , <u>23D.08.020</u> , <u>23D.08.050</u> , and <u>23D.08.060</u> |
| Accessory Dwelling Units in compliance with Section <u>23C.24.050</u>                          | ZC             |                                                                                                              |
| Accessory Dwelling Unit that does not comply with requirements under Section <u>23C.24.050</u> | AUP            | Subject to making applicable findings set forth in Section <u>23C.24.070</u>                                 |
| Short-Term Rental                                                                              | ZC             | Subject to requirements of Chapter <u>23C.22</u>                                                             |
| Child Care; Family Daycare Home (Small or Large)                                               | ZC             |                                                                                                              |

| Table 23D.48.030                                             |                |                                                                                                          |
|--------------------------------------------------------------|----------------|----------------------------------------------------------------------------------------------------------|
| Use and Required Permits                                     |                |                                                                                                          |
| Use                                                          | Classification | Special Requirements (if any)                                                                            |
| Fences                                                       |                |                                                                                                          |
| Six ft. or less in height                                    | ZC             |                                                                                                          |
| Exceeding six ft. in height                                  | AUP            | In required setbacks                                                                                     |
| Home Occupations                                             |                | <u>Subject to the requirements of Chapter 23C.16</u>                                                     |
| <del>Low Impact</del> <u>Class I</u>                         | ZC             | <del>If the requirements of Section 23C.16.020 are met</del>                                             |
| <del>Moderate Impact, teaching-related</del> <u>Class II</u> | AUP            | <del>Subject to the requirements of Section <u>23C.16.030.A</u></del>                                    |
| <del>Moderate Impact</del> <u>Class III</u>                  | UP(PH)         | <del>Subject to the requirements of Section <u>23C.16.030.B</u></del>                                    |
| Hot Tubs, Jacuzzis, Spas                                     | AUP            | See Section <u>23D.08.060.C</u>                                                                          |
| Stables for Horses                                           | Prohibited     |                                                                                                          |
| Stores and Shops (Incidental to another Use)                 | UP(PH)         | Contained within a building with no street access and no displays or merchandise visible from the street |

Section 12. That the “Accessory Uses and Structures” section of Table 23D.52.030 in Chapter 23D.52 Section 23D.52.030 of the Berkeley Municipal Code is amended to read as follows:

#### **23D.52.030 Uses Permitted**

| Table 23D.52.030                                                                               |                |                                                                                                              |
|------------------------------------------------------------------------------------------------|----------------|--------------------------------------------------------------------------------------------------------------|
| Use and Required Permits                                                                       |                |                                                                                                              |
| Use                                                                                            | Classification | Special Requirements (if any)                                                                                |
| Accessory Uses and Structures                                                                  |                |                                                                                                              |
| Accessory Buildings or Structures                                                              | ZC             | Must satisfy the requirements of Chapter <u>23D.08</u>                                                       |
| If has either habitable space and/or exceeds the requirements under Chapter <u>23D.08</u>      | AUP            |                                                                                                              |
| When located on a vacant lot without a Main Building                                           | AUP            |                                                                                                              |
| With Urban Agriculture                                                                         | ZC             | Subject to <u>23C.26</u> , <u>23D.08.010</u> , <u>23D.08.020</u> , <u>23D.08.050</u> , and <u>23D.08.060</u> |
| Accessory Dwelling Units in compliance with Section <u>23C.24.050</u>                          | ZC             |                                                                                                              |
| Accessory Dwelling Unit that does not comply with requirements under Section <u>23C.24.050</u> | AUP            | Subject to making applicable findings set forth in Section <u>23C.24.070</u>                                 |
| Short-Term Rental                                                                              | ZC             | Subject to requirements of Chapter <u>23C.22</u>                                                             |
| Child Care; Family Daycare Home (Small or Large)                                               | ZC             |                                                                                                              |
| Fences                                                                                         |                |                                                                                                              |
| Six ft. or less in height                                                                      | ZC             |                                                                                                              |
| Exceeding six ft. in height                                                                    | AUP            | In required setbacks                                                                                         |



| Table 23D.52.030                                             |                |                                                                                                          |
|--------------------------------------------------------------|----------------|----------------------------------------------------------------------------------------------------------|
| Use and Required Permits                                     |                |                                                                                                          |
| Use                                                          | Classification | Special Requirements (if any)                                                                            |
| Home Occupations                                             |                | <u>Subject to the requirements of Chapter 23C.16</u>                                                     |
| <del>Low Impact</del> <u>Class I</u>                         | ZC             | <del>If the requirements of Section 23C.16.020 are met</del>                                             |
| <del>Moderate Impact, teaching-related</del> <u>Class II</u> | AUP            | <del>Subject to the requirements of Section 23C.16.030.A</del>                                           |
| <del>Moderate Impact</del> <u>Class III</u>                  | UP(PH)         | <del>Subject to the requirements of Section 23C.16.030.B</del>                                           |
| Hot Tubs, Jacuzzis, Spas                                     | AUP            | See Section <u>23D.08.060.C</u>                                                                          |
| Stables for Horses                                           | Prohibited     |                                                                                                          |
| Stores and Shops (Incidental to another Use)                 | UP(PH)         | Contained within a building with no street access and no displays or merchandise visible from the street |

Section 13. That the “Uses Permitted in Residential Districts” section of Table 23E.36.030 in Chapter 23E.36 Section 23E.36.030 of the Berkeley Municipal Code is amended to read as follows:

#### 23E.36.030 Uses Permitted

| Table 23E.36.030                        |                |                               |
|-----------------------------------------|----------------|-------------------------------|
| Use and Required Permits                |                |                               |
| Use                                     | Classification | Special Requirements (if any) |
| Uses Permitted in Residential Districts |                |                               |

| Table 23E.36.030                                                                                        |                  |                                                                                                                                                                                                                                 |
|---------------------------------------------------------------------------------------------------------|------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Use and Required Permits                                                                                |                  |                                                                                                                                                                                                                                 |
| Use                                                                                                     | Classification   | Special Requirements (if any)                                                                                                                                                                                                   |
| Accessory Dwelling Unit in compliance with Section <a href="#">23C.24.050</a>                           | ZC               |                                                                                                                                                                                                                                 |
| Accessory Dwelling Unit that does not comply with requirements under Section <a href="#">23C.24.050</a> | AUP              | Subject to making applicable findings in Section <a href="#">23C.24.070</a>                                                                                                                                                     |
| Accessory Uses and Structures                                                                           | Per R-3 District | See Table <a href="#">23D.36.030</a>                                                                                                                                                                                            |
| Accessory Buildings and Structures with Urban Agriculture                                               | ZC               | <a href="#">23C.26</a> , <a href="#">23D.08.010</a> , <a href="#">23D.08.020</a> , <a href="#">23D.08.050</a> , and <a href="#">23D.08.060</a>                                                                                  |
| Short-Term Rental                                                                                       | ZC               | Subject to requirements of Chapter <a href="#">23C.22</a>                                                                                                                                                                       |
| Child Care Centers                                                                                      | UP(PH)           |                                                                                                                                                                                                                                 |
| Child Care; Family Daycare Home (Small or Large)                                                        | ZC               |                                                                                                                                                                                                                                 |
| Clubs, Lodges                                                                                           | UP(PH)           |                                                                                                                                                                                                                                 |
| Community Centers                                                                                       | UP(PH)           |                                                                                                                                                                                                                                 |
| Dwelling Units, subject to R-3 Standards                                                                | UP(PH)           | Standards may be modified under Section <a href="#">23E.36.070</a> .E. Residential-only projects are prohibited within the University Avenue Node Overlay areas, and permitted within University Avenue Overlay Mixed Use areas |
| Group Living Accommodations subject to R-3 Standards                                                    | UP(PH)           | Standards may be modified under Section <a href="#">23E.36.070</a> .E                                                                                                                                                           |
| <a href="#">Home Occupations</a>                                                                        |                  | <a href="#">Subject to the requirements of Chapter 23C.16</a>                                                                                                                                                                   |

| Table 23E.36.030                                                  |                |                                                                         |
|-------------------------------------------------------------------|----------------|-------------------------------------------------------------------------|
| Use and Required Permits                                          |                |                                                                         |
| Use                                                               | Classification | Special Requirements (if any)                                           |
| <u>Class I</u>                                                    | <u>ZC</u>      |                                                                         |
| <u>Class II</u>                                                   | <u>AUP</u>     |                                                                         |
| <u>Class III</u>                                                  | <u>UP(PH)</u>  |                                                                         |
| Hospitals                                                         | UP(PH)         | Subject to parking requirements; see Section <a href="#">23E.36.080</a> |
| Hotels, Residential, including Single Room Occupancy (SRO) Hotels | UP(PH)         |                                                                         |
| Libraries                                                         | UP(PH)         | Subject to parking requirements; see Section <a href="#">23E.36.080</a> |
| Nursing Homes                                                     | UP(PH)         | Subject to parking requirements; see Section <a href="#">23E.36.080</a> |
| Parks and Playgrounds                                             | ZC             |                                                                         |
| Public Safety and Emergency Services                              | UP(PH)         |                                                                         |
| Religious Assembly Uses                                           | UP(PH)         |                                                                         |
| Schools, Public or Private                                        | UP(PH)         |                                                                         |
| Senior Congregate Housing                                         |                | Changes of use from an existing dwelling unit                           |
| Six or fewer people                                               | ZC             |                                                                         |
| Seven or more persons                                             | AUP            |                                                                         |
| New Construction                                                  | UP(PH)         |                                                                         |

Section 14. That the “Uses Permitted in Residential Districts” section of Table 23E.40.030 in Chapter 23E.40 Section 23E.40.030 of the Berkeley Municipal Code is amended to read as follows:

#### **23E.40.030 Uses Permitted**

| Table 23E.40.030                                                                                        |                  |                                                                                                                                                |
|---------------------------------------------------------------------------------------------------------|------------------|------------------------------------------------------------------------------------------------------------------------------------------------|
| Use and Required Permits                                                                                |                  |                                                                                                                                                |
| Use                                                                                                     | Classification   | Special Requirements (if any)                                                                                                                  |
| Uses Permitted in Residential Districts                                                                 |                  |                                                                                                                                                |
| Accessory Dwelling Unit in compliance with Section <a href="#">23C.24.050</a>                           | ZC               |                                                                                                                                                |
| Accessory Dwelling Unit that does not comply with requirements under Section <a href="#">23C.24.050</a> | AUP              | Subject to making applicable findings in Section <a href="#">23C.24.070</a>                                                                    |
| Accessory Uses and Structures                                                                           | Per R-3 District | See Table <a href="#">23D.36.030</a>                                                                                                           |
| Accessory Buildings and Structures with Urban Agricultures                                              | ZC               | <a href="#">23C.26</a> , <a href="#">23D.08.010</a> , <a href="#">23D.08.020</a> , <a href="#">23D.08.050</a> , and <a href="#">23D.08.060</a> |
| Child Care Centers                                                                                      | UP(PH)           |                                                                                                                                                |
| Child Care; Family Daycare Home (Small or Large)                                                        | ZC               |                                                                                                                                                |
| Clubs, Lodges                                                                                           | UP(PH)           |                                                                                                                                                |
| Community Centers                                                                                       | UP(PH)           |                                                                                                                                                |
| Dwelling Units, subject to R-3 Standards                                                                | UP(PH)           | Standards may be modified under Section <a href="#">23E.40.070.E</a>                                                                           |
| Group Living Accommodations subject to R-3 Standards                                                    | UP(PH)           | Standards may be modified under Section <a href="#">23E.40.070.E</a>                                                                           |
| <u>Home Occupations</u>                                                                                 |                  | <u>Subject to the requirements of Chapter 23C.16</u>                                                                                           |
| <u>Class I</u>                                                                                          | <u>ZC</u>        |                                                                                                                                                |

| Table 23E.40.030                                                        |                |                                                                              |
|-------------------------------------------------------------------------|----------------|------------------------------------------------------------------------------|
| Use and Required Permits                                                |                |                                                                              |
| Use                                                                     | Classification | Special Requirements (if any)                                                |
| <u>Class II</u>                                                         | <u>AUP</u>     |                                                                              |
| <u>Class III</u>                                                        | <u>UP(PH)</u>  |                                                                              |
| Hospitals                                                               | Prohibited     |                                                                              |
| Hotels, Residential, including<br>Single Room Occupancy (SRO)<br>Hotels | UP(PH)         |                                                                              |
| Libraries                                                               | UP(PH)         | Subject to parking requirements; see<br>Section <a href="#">23E.40.080.B</a> |
| Nursing Homes                                                           | UP(PH)         | Subject to parking requirements; see<br>Section <a href="#">23E.40.080.B</a> |
| Parks and Playgrounds                                                   | ZC             |                                                                              |
| Public Safety and Emergency<br>Services                                 | UP(PH)         |                                                                              |
| Religious Assembly Uses                                                 | UP(PH)         |                                                                              |
| Schools, Public or Private                                              | UP(PH)         |                                                                              |
| Senior Congregate Housing                                               |                | Changes of use from an existing dwelling unit                                |
| Six or fewer persons                                                    | ZC             |                                                                              |
| Seven or more persons                                                   | AUP            |                                                                              |
| New Construction                                                        | UP(PH)         |                                                                              |

Section 15. That the “Uses Permitted in Residential Districts” section of Table 23E.44.030 in Chapter 23E.44 Section 23E.44.030 of the Berkeley Municipal Code is amended to read as follows:

#### 23E.44.030 Uses Permitted

| Table 23E.44.030                                                                                        |                     |                                                                                                                                                |
|---------------------------------------------------------------------------------------------------------|---------------------|------------------------------------------------------------------------------------------------------------------------------------------------|
| Use and Required Permits                                                                                |                     |                                                                                                                                                |
| Use                                                                                                     | Classification      | Special Requirements (if any)                                                                                                                  |
| Uses Permitted in Residential Districts                                                                 |                     |                                                                                                                                                |
| Accessory Dwelling Unit in compliance with Section <a href="#">23C.24.050</a>                           | ZC                  |                                                                                                                                                |
| Accessory Dwelling Unit that does not comply with requirements under Section <a href="#">23C.24.050</a> | AUP                 | Subject to making applicable findings in Section <a href="#">23C.24.070</a>                                                                    |
| Accessory Uses and Structures                                                                           | Per R-3 District    | See Table <a href="#">23D.36.030</a>                                                                                                           |
| Accessory Buildings and Structures with Urban Agriculture                                               | ZC                  | <a href="#">23C.26</a> , <a href="#">23D.08.010</a> , <a href="#">23D.08.020</a> , <a href="#">23D.08.050</a> , and <a href="#">23D.08.060</a> |
| Child Care Centers                                                                                      | UP(PH)              |                                                                                                                                                |
| Child Care; Family Daycare Home (Small or Large)                                                        | ZC                  |                                                                                                                                                |
| Clubs, Lodges                                                                                           | UP(PH)              |                                                                                                                                                |
| Community Centers                                                                                       | UP(PH)              |                                                                                                                                                |
| Dwelling Units, subject to R-3 Standards                                                                | UP(PH)              | Standards may be modified under Section <a href="#">23E.44.070.F</a>                                                                           |
| Group Living Accommodations, subject to R-3 Standards                                                   | UP(PH)              | Standards may be modified under Section <a href="#">23E.44.070.F</a>                                                                           |
| <a href="#">Home Occupations</a>                                                                        |                     | <a href="#">Subject to the requirements of Chapter 23C.16</a>                                                                                  |
| <a href="#">Class I</a>                                                                                 | <a href="#">ZC</a>  |                                                                                                                                                |
| <a href="#">Class II</a>                                                                                | <a href="#">AUP</a> |                                                                                                                                                |

| Table 23E.44.030                                                        |                |                                                                             |
|-------------------------------------------------------------------------|----------------|-----------------------------------------------------------------------------|
| Use and Required Permits                                                |                |                                                                             |
| Use                                                                     | Classification | Special Requirements (if any)                                               |
| <u>Class III</u>                                                        | <u>UP(PH)</u>  |                                                                             |
| Hospitals                                                               | Prohibited     |                                                                             |
| Hotels, Residential, including<br>Single Room Occupancy (SRO)<br>Hotels | UP(PH)         |                                                                             |
| Libraries                                                               | UP(PH)         | Subject to parking requirements under<br>Section <a href="#">23E.44.080</a> |
| Nursing Homes                                                           | UP(PH)         | Subject to parking requirements under<br>Section <a href="#">23E.44.080</a> |
| Parks and Playgrounds                                                   | ZC             |                                                                             |
| Public Safety and Emergency<br>Services                                 | UP(PH)         |                                                                             |
| Religious Assembly Uses                                                 | UP(PH)         |                                                                             |
| Schools, Public or Private                                              | UP(PH)         |                                                                             |
| Senior Congregate Housing                                               |                | Changes of use from an existing dwelling unit                               |
| Six or fewer persons                                                    | ZC             |                                                                             |
| Seven or more persons                                                   | AUP            |                                                                             |
| New Construction                                                        | UP(PH)         |                                                                             |

Section 16. That the “Uses Permitted in Residential Districts” section of Table 23E.48.030 in Chapter 23E.48 Section 23E.48.030 of the Berkeley Municipal Code is amended to read as follows:

#### **23E.48.030 Uses Permitted**

| Table 23E.48.030                                                                                        |                  |                                                                                                                                                |
|---------------------------------------------------------------------------------------------------------|------------------|------------------------------------------------------------------------------------------------------------------------------------------------|
| Use and Required Permits                                                                                |                  |                                                                                                                                                |
| Use                                                                                                     | Classification   | Special Requirements (if any)                                                                                                                  |
| Uses Permitted in Residential Districts                                                                 |                  |                                                                                                                                                |
| Accessory Dwelling Unit in compliance with Section <a href="#">23C.24.050</a>                           | ZC               |                                                                                                                                                |
| Accessory Dwelling Unit that does not comply with requirements under Section <a href="#">23C.24.050</a> | AUP              | Subject to making applicable findings in Section <a href="#">23C.24.070</a>                                                                    |
| Accessory Uses and Structures                                                                           | Per R-3 District | See Table <a href="#">23D.36.030</a>                                                                                                           |
| Accessory Buildings and Structures with Urban Agriculture                                               | ZC               | <a href="#">23C.26</a> , <a href="#">23D.08.010</a> , <a href="#">23D.08.020</a> , <a href="#">23D.08.050</a> , and <a href="#">23D.08.060</a> |
| Short-Term Rental                                                                                       | ZC               | Subject to requirements of Chapter <a href="#">23C.22</a>                                                                                      |
| Child Care Centers                                                                                      | UP(PH)           |                                                                                                                                                |
| Child Care; Family Daycare Home (Small or Large)                                                        | ZC               |                                                                                                                                                |
| Clubs, Lodges                                                                                           | Prohibited       |                                                                                                                                                |
| Community Centers                                                                                       | UP(PH)           |                                                                                                                                                |
| Dwelling Units, subject to R-3 Standards                                                                | UP(PH)           | Subject to the standards under Section <a href="#">23E.48.070.F</a>                                                                            |
| Group Living Accommodations, subject to R-3 Standards                                                   | UP(PH)           | Subject to the standards under Section <a href="#">23E.48.070.F</a>                                                                            |
| <u>Home Occupations</u>                                                                                 |                  | <u>Subject to the requirements of Chapter 23C.16</u>                                                                                           |
| <u>Class I</u>                                                                                          | <u>ZC</u>        |                                                                                                                                                |



| Table 23E.48.030                                                        |                |                                                                            |
|-------------------------------------------------------------------------|----------------|----------------------------------------------------------------------------|
| Use and Required Permits                                                |                |                                                                            |
| Use                                                                     | Classification | Special Requirements (if any)                                              |
| <u>Class II</u>                                                         | <u>AUP</u>     |                                                                            |
| <u>Class III</u>                                                        | <u>UP(PH)</u>  |                                                                            |
| Hospitals                                                               | Prohibited     |                                                                            |
| Hotels, Residential, including<br>Single Room Occupancy (SRO)<br>Hotels | UP(PH)         |                                                                            |
| Libraries                                                               | UP(PH)         | Subject to parking requirements; see<br>Section <a href="#">23E.48.080</a> |
| Nursing Homes                                                           | UP(PH)         | Subject to parking requirements; see<br>Section <a href="#">23E.48.080</a> |
| Parks and Playgrounds                                                   | ZC             |                                                                            |
| Public Safety and Emergency<br>Services                                 | UP(PH)         |                                                                            |
| Religious Assembly Uses                                                 | UP(PH)         |                                                                            |
| Schools, Public or Private                                              | UP(PH)         |                                                                            |
| Senior Congregate Housing                                               |                | Change of use from an existing dwelling unit                               |
| Six or fewer persons                                                    | ZC             |                                                                            |
| Seven or more persons                                                   | AUP            |                                                                            |
| New Construction                                                        | UP(PH)         |                                                                            |

Section 17. That the “Uses Permitted in Residential Districts” section of Table 23E.52.030 in Chapter 23E.52 Section 23E.52.030 of the Berkeley Municipal Code is amended to read as follows:

#### **23E.52.030 Uses Permitted**

| Table 23E.52.030                                                                                        |                  |                                                                                                                                                |
|---------------------------------------------------------------------------------------------------------|------------------|------------------------------------------------------------------------------------------------------------------------------------------------|
| Use and Required Permits                                                                                |                  |                                                                                                                                                |
| Use                                                                                                     | Classification   | Special Requirements (if any)                                                                                                                  |
| Uses Permitted in Residential Districts                                                                 |                  |                                                                                                                                                |
| Accessory Dwelling Unit in compliance with Section <a href="#">23C.24.050</a>                           | ZC               |                                                                                                                                                |
| Accessory Dwelling Unit that does not comply with requirements under Section <a href="#">23C.24.050</a> | AUP              | Subject to making applicable findings in Section <a href="#">23C.24.070</a>                                                                    |
| Accessory Uses and Structures                                                                           | Per R-3 District | See Table <a href="#">23D.36.030</a>                                                                                                           |
| Accessory Buildings and Structures with Urban Agriculture                                               | ZC               | <a href="#">23C.26</a> , <a href="#">23D.08.010</a> , <a href="#">23D.08.020</a> , <a href="#">23D.08.050</a> , and <a href="#">23D.08.060</a> |
| Short-Term Rental                                                                                       | ZC               | Subject to requirements of Chapter <a href="#">23C.22</a>                                                                                      |
| Child Care Centers                                                                                      | UP(PH)           |                                                                                                                                                |
| Child Care; Family Daycare Home (Small or Large)                                                        | ZC               |                                                                                                                                                |
| Clubs, Lodges                                                                                           | UP(PH)           |                                                                                                                                                |
| Community Centers                                                                                       | UP(PH)           |                                                                                                                                                |
| Dwelling Units, subject to R-3 Standards                                                                | UP(PH)           | Subject to the standards under Section <a href="#">23E.52.070.E</a>                                                                            |
| Group Living Accommodations subject to R-3 Standards                                                    | UP(PH)           | Subject to the standards under Section <a href="#">23E.52.070.E</a>                                                                            |
| <u>Home Occupations</u>                                                                                 |                  | <u>Subject to the requirements of Chapter 23C.16</u>                                                                                           |
| <u>Class I</u>                                                                                          | <u>ZC</u>        |                                                                                                                                                |

| Table 23E.52.030                                                        |                |                                                                            |
|-------------------------------------------------------------------------|----------------|----------------------------------------------------------------------------|
| Use and Required Permits                                                |                |                                                                            |
| Use                                                                     | Classification | Special Requirements (if any)                                              |
| <u>Class II</u>                                                         | <u>AUP</u>     |                                                                            |
| <u>Class III</u>                                                        | <u>UP(PH)</u>  |                                                                            |
| Hospitals                                                               | Prohibited     |                                                                            |
| Hotels, Residential, including<br>Single Room Occupancy (SRO)<br>Hotels | UP(PH)         |                                                                            |
| Libraries                                                               | UP(PH)         | Subject to parking requirements; see<br>Section <a href="#">23E.52.080</a> |
| Nursing Homes                                                           | UP(PH)         | Subject to parking requirements; see<br>Section <a href="#">23E.52.080</a> |
| Parks and Playgrounds                                                   | ZC             |                                                                            |
| Public Safety and Emergency<br>Services                                 | UP(PH)         |                                                                            |
| Religious Assembly Uses                                                 | UP(PH)         |                                                                            |
| Schools, Public or Private                                              | UP(PH)         |                                                                            |
| Senior Congregate Housing                                               |                | Change of use from an existing dwelling unit                               |
| Six or fewer people                                                     | ZC             |                                                                            |
| Seven or more people                                                    | AUP            |                                                                            |
| New construction                                                        | UP(PH)         |                                                                            |

Section 18. That the “Uses Permitted in Residential Districts” section of Table 23E.56.030 in Chapter 23E.56 Section 23E.56.030 of the Berkeley Municipal Code is amended to read as follows:

#### **23E.56.030 Uses Permitted**

| Table 23E.56.030                                                                                        |                  |                                                                                                                                                |
|---------------------------------------------------------------------------------------------------------|------------------|------------------------------------------------------------------------------------------------------------------------------------------------|
| Use and Required Permits                                                                                |                  |                                                                                                                                                |
| Use                                                                                                     | Classification   | Special Requirements (if any)                                                                                                                  |
| Uses Permitted in Residential Districts                                                                 |                  |                                                                                                                                                |
| Accessory Dwelling Unit in compliance with Section <a href="#">23C.24.050</a>                           | ZC               |                                                                                                                                                |
| Accessory Dwelling Unit that does not comply with requirements under Section <a href="#">23C.24.050</a> | AUP              | Subject to making applicable findings in Section <a href="#">23C.24.070</a>                                                                    |
| Accessory Uses and Structures                                                                           | Per R-3 District | See Table <a href="#">23D.36.030</a>                                                                                                           |
| Accessory Buildings and Structures with Urban Agriculture                                               | ZC               | <a href="#">23C.26</a> , <a href="#">23D.08.010</a> , <a href="#">23D.08.020</a> , <a href="#">23D.08.050</a> , and <a href="#">23D.08.060</a> |
| Short-Term Rental                                                                                       | ZC               | Subject to requirements of Chapter <a href="#">23C.22</a>                                                                                      |
| Child Care Centers                                                                                      | UP(PH)           |                                                                                                                                                |
| Child Care; Family Daycare Home (Small or Large)                                                        | ZC               |                                                                                                                                                |
| Clubs, Lodges                                                                                           | UP(PH)           |                                                                                                                                                |
| Community Centers                                                                                       | UP(PH)           |                                                                                                                                                |
| Dwelling Units, subject to R-3 Standards                                                                | UP(PH)           | Subject to the standards under Section <a href="#">23E.56.070.E</a>                                                                            |
| Group Living Accommodations subject to R-3 Standards                                                    | UP(PH)           | Subject to the standards under Section <a href="#">23E.56.070.E</a>                                                                            |
| <u>Home Occupations</u>                                                                                 |                  | <u>Subject to the requirements of Chapter 23C.16</u>                                                                                           |
| <u>Class I</u>                                                                                          | <u>ZC</u>        |                                                                                                                                                |

| Table 23E.56.030                                                        |                |                                              |
|-------------------------------------------------------------------------|----------------|----------------------------------------------|
| Use and Required Permits                                                |                |                                              |
| Use                                                                     | Classification | Special Requirements (if any)                |
| <u>Class II</u>                                                         | <u>AUP</u>     |                                              |
| <u>Class III</u>                                                        | <u>UP(PH)</u>  |                                              |
| Hospitals                                                               | Prohibited     |                                              |
| Hotels, Residential, including<br>Single Room Occupancy (SRO)<br>Hotels | UP(PH)         |                                              |
| Libraries                                                               | UP(PH)         |                                              |
| Nursing Homes                                                           | UP(PH)         |                                              |
| Parks and Playgrounds                                                   | ZC             |                                              |
| Public Safety and Emergency<br>Services                                 | UP(PH)         |                                              |
| Religious Assembly Uses                                                 | UP(PH)         |                                              |
| Schools, Public or Private                                              | UP(PH)         |                                              |
| Senior Congregate Housing                                               |                | Change of use from an existing dwelling unit |
| Six or fewer people                                                     | ZC             |                                              |
| Seven or more persons                                                   | AUP            |                                              |
| New Construction                                                        | UP(PH)         |                                              |

Section 19. That the “Uses Permitted in Residential Districts” section of Table 23E.60.030 in Chapter 23E.60 Section 23E.60.030 of the Berkeley Municipal Code is amended to read as follows:

#### **23E.60.030 Uses Permitted**

| Table 23E.60.030                                                                                        |                  |                                                                                                                                                |
|---------------------------------------------------------------------------------------------------------|------------------|------------------------------------------------------------------------------------------------------------------------------------------------|
| Use and Required Permits                                                                                |                  |                                                                                                                                                |
| Use                                                                                                     | Classification   | Special Requirements (if any)                                                                                                                  |
| Uses Permitted in Residential Districts                                                                 |                  |                                                                                                                                                |
| Accessory Dwelling Unit in compliance with Section <a href="#">23C.24.050</a>                           | ZC               |                                                                                                                                                |
| Accessory Dwelling Unit that does not comply with requirements under Section <a href="#">23C.24.050</a> | AUP              | Subject to making applicable findings in Section <a href="#">23C.24.070</a>                                                                    |
| Accessory Uses and Structures                                                                           | Per R-3 District | See Table <a href="#">23D.36.030</a>                                                                                                           |
| Accessory Buildings and Structures with Urban Agriculture                                               | ZC               | <a href="#">23C.26</a> , <a href="#">23D.08.010</a> , <a href="#">23D.08.020</a> , <a href="#">23D.08.050</a> , and <a href="#">23D.08.060</a> |
| Child Care Centers                                                                                      | UP(PH)           |                                                                                                                                                |
| Child Care; Family Daycare Home (Small or Large)                                                        | ZC               |                                                                                                                                                |
| Clubs, Lodges                                                                                           | Prohibited       |                                                                                                                                                |
| Community Centers                                                                                       | UP(PH)           |                                                                                                                                                |
| Dwelling Units, subject to R-3 Standards                                                                | UP(PH)           | Standards may be modified under Section <a href="#">23E.60.070.F</a>                                                                           |
| Group Living Accommodations, subject to R-3 Standards                                                   | UP(PH)           | Standards may be modified under Section <a href="#">23E.60.070.F</a>                                                                           |
| <u>Home Occupations</u>                                                                                 |                  | <u>Subject to the requirements of Chapter 23C.16</u>                                                                                           |
| <u>Class I</u>                                                                                          | <u>ZC</u>        |                                                                                                                                                |
| <u>Class II</u>                                                                                         | <u>AUP</u>       |                                                                                                                                                |

| Table 23E.60.030                                                        |                |                                                                            |
|-------------------------------------------------------------------------|----------------|----------------------------------------------------------------------------|
| Use and Required Permits                                                |                |                                                                            |
| Use                                                                     | Classification | Special Requirements (if any)                                              |
| <u>Class III</u>                                                        | <u>UP(PH)</u>  |                                                                            |
| Hospitals                                                               | Prohibited     |                                                                            |
| Hotels, Residential, including<br>Single Room Occupancy (SRO)<br>Hotels | UP(PH)         |                                                                            |
| Libraries                                                               | UP(PH)         | Subject to parking requirements; see<br>Section <a href="#">23E.60.080</a> |
| Nursing Homes                                                           | UP(PH)         | Subject to parking requirements; see<br>Section <a href="#">23E.60.080</a> |
| Parks and Playgrounds                                                   | ZC             |                                                                            |
| Public Safety and Emergency<br>Services                                 | UP(PH)         |                                                                            |
| Religious Assembly Uses                                                 | UP(PH)         |                                                                            |
| Schools, Public or Private                                              | UP(PH)         |                                                                            |
| Senior Congregate Housing                                               |                | Change of use from an existing dwelling unit                               |
| Six or fewer persons                                                    | ZC             |                                                                            |
| Seven or more persons                                                   | AUP            |                                                                            |
| New Construction                                                        | UP(PH)         |                                                                            |

Section 20. That the “Residential and Related Uses” section of Table 23E.64.030 in Chapter 23E.64 Section 23E.64.030 of the Berkeley Municipal Code is amended to read as follows:

### **23E.64.030 Uses Permitted**

| Table 23E.64.030                                                                               |                                                               |                                                                                                        |
|------------------------------------------------------------------------------------------------|---------------------------------------------------------------|--------------------------------------------------------------------------------------------------------|
| Use and Required Permits                                                                       |                                                               |                                                                                                        |
| Use                                                                                            | Permits Required to Establish, Expand or Change Use (sq. ft.) | Special Requirements (if any)                                                                          |
| Residential and Related Uses                                                                   |                                                               |                                                                                                        |
| Accessory Dwelling Unit in compliance with Section <u>23C.24.050</u>                           | ZC                                                            |                                                                                                        |
| Accessory Dwelling Unit that does not comply with requirements under Section <u>23C.24.050</u> | AUP                                                           | Subject to making applicable findings in Section <u>23C.24.070</u>                                     |
| Additions, Major Residential                                                                   | AUP                                                           | See definition in Sub-title <u>23F</u> . Subject to required finding under Section <u>23E.64.090.G</u> |
| Short-Term Rental                                                                              | ZC                                                            | Subject to requirements of Chapter <u>23C.22</u>                                                       |
| Child Care; Family Daycare Home (Small or Large)                                               | ZC                                                            |                                                                                                        |
| Child Care Centers                                                                             | UP(PH)                                                        |                                                                                                        |
| Clubs, Lodges                                                                                  | UP(PH)                                                        |                                                                                                        |
| Community Care Facilities/Homes                                                                | ZC                                                            |                                                                                                        |
| Community Centers                                                                              | UP(PH)                                                        |                                                                                                        |
| Dwelling Units                                                                                 | UP(PH)                                                        | Subject to Development Standards under Section <u>23E.64.070</u>                                       |



| Table 23E.64.030                                                                                                                                               |                                                               |                                                                                                                                                                                                                                                                              |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Use and Required Permits                                                                                                                                       |                                                               |                                                                                                                                                                                                                                                                              |
| Use                                                                                                                                                            | Permits Required to Establish, Expand or Change Use (sq. ft.) | Special Requirements (if any)                                                                                                                                                                                                                                                |
| Group Living Accommodations                                                                                                                                    | UP(PH)                                                        | Subject to Development Standards under Section <u>23E.64.070</u>                                                                                                                                                                                                             |
| Home Occupations<br><br><del>Low Impact Class I</del><br><br><del>Moderate Impact, teaching-related Class II</del><br><br><del>Moderate Impact Class III</del> | <br><br>ZC<br><br>AUP<br><br>UP(PH)                           | <br><br><u>Subject to the requirements of Chapter 23C.16</u><br><br><del>If the requirements of Section 23C.16.020 are met</del><br><br><del>Subject to the requirements of Section 23C.16.030.A</del><br><br><del>Subject to the requirements of Section 23C.16.030.B</del> |
| Hospitals                                                                                                                                                      | UP(PH)                                                        | Subject to parking requirements; see Section <u>23E.64.080.F</u>                                                                                                                                                                                                             |
| Hot Tubs, Jacuzzis, Spas                                                                                                                                       | AUP                                                           | See Section <u>23D.08.070.C</u>                                                                                                                                                                                                                                              |
| Hotels, Residential, including Single Room Occupancy (SRO)                                                                                                     | UP(PH)                                                        |                                                                                                                                                                                                                                                                              |
| Libraries                                                                                                                                                      | UP(PH)                                                        | Subject to parking requirements; see Section <u>23E.64.080.F</u>                                                                                                                                                                                                             |
| Nursing Homes                                                                                                                                                  | UP(PH)                                                        |                                                                                                                                                                                                                                                                              |
| Parks and Playgrounds                                                                                                                                          | AUP                                                           |                                                                                                                                                                                                                                                                              |

| Table 23E.64.030                                                                               |                                                               |                                                                                                   |
|------------------------------------------------------------------------------------------------|---------------------------------------------------------------|---------------------------------------------------------------------------------------------------|
| Use and Required Permits                                                                       |                                                               |                                                                                                   |
| Use                                                                                            | Permits Required to Establish, Expand or Change Use (sq. ft.) | Special Requirements (if any)                                                                     |
| Public Safety and Emergency Services                                                           | UP(PH)                                                        |                                                                                                   |
| Religious Assembly Uses                                                                        | AUP                                                           |                                                                                                   |
| Schools, Public or Private                                                                     | UP(PH)                                                        |                                                                                                   |
| Senior Congregate Housing<br>Six or fewer persons<br>Seven or more persons<br>New Construction | ZC<br>AUP<br>UP(PH)                                           | Changes of use from an existing dwelling unit                                                     |
| All other Residential Accessory Structures and Uses not listed                                 | Per R-3 District                                              | See Table <u>23D.36.030</u>                                                                       |
| Accessory Buildings and Structures with Urban Agriculture                                      | ZC                                                            | <u>23C.26</u> , <u>23D.08.010</u> , <u>23D.08.020</u> , <u>23D.08.050</u> , and <u>23D.08.060</u> |

Section 21. That the “Residential and Related Uses” section of Table 23E.68.030 in Chapter 23E.68 Section 23E.68.030 of the Berkeley Municipal Code is amended to read as follows:

#### 23E.68.030 Uses Permitted

| Table 23E.68.030                        |                |                      |
|-----------------------------------------|----------------|----------------------|
| Use and Required Permits                |                |                      |
| Use                                     | Classification | Special Requirements |
| Uses Permitted in Residential Districts |                |                      |

| Table 23E.68.030                                                                                        |                     |                                                                                                                                                |
|---------------------------------------------------------------------------------------------------------|---------------------|------------------------------------------------------------------------------------------------------------------------------------------------|
| Use and Required Permits                                                                                |                     |                                                                                                                                                |
| Use                                                                                                     | Classification      | Special Requirements                                                                                                                           |
| Accessory Dwelling Unit in compliance with Section <a href="#">23C.24.050</a>                           | ZC                  |                                                                                                                                                |
| Accessory Dwelling Unit that does not comply with requirements under Section <a href="#">23C.24.050</a> | AUP                 | Subject to making applicable findings in Section <a href="#">23C.24.070</a>                                                                    |
| Accessory Uses and Structures                                                                           | As per R-5 District | See Table <a href="#">23D.44.030</a>                                                                                                           |
| Accessory Buildings and Structures with Urban Agriculture                                               | ZC                  | <a href="#">23C.26</a> , <a href="#">23D.08.010</a> , <a href="#">23D.08.020</a> , <a href="#">23D.08.050</a> , and <a href="#">23D.08.060</a> |
| Short-Term Rental                                                                                       | ZC                  | Subject to requirements of Chapter <a href="#">23C.22</a>                                                                                      |
| Child Care Centers                                                                                      | AUP                 |                                                                                                                                                |
| Child Care; Family Daycare Home (Small or Large)                                                        | ZC                  |                                                                                                                                                |
| Clubs, Lodges                                                                                           | UP(PH)              |                                                                                                                                                |
| Community Centers                                                                                       | UP(PH)              |                                                                                                                                                |
| Dwelling Units, including multifamily developments                                                      | UP(PH)              | Subject to the standards under Section <a href="#">23E.68.060.F</a>                                                                            |
| Group Living Accommodations subject to R-3 Standards                                                    | UP(PH)              | Subject to the standards under Section <a href="#">23E.68.060.F</a>                                                                            |
| <u>Home Occupations</u><br><br><u>Class I</u>                                                           | <u>ZC</u>           | <u>Subject to the requirements of Chapter 23C.16</u>                                                                                           |

| Table 23E.68.030                                                        |                |                                                 |
|-------------------------------------------------------------------------|----------------|-------------------------------------------------|
| Use and Required Permits                                                |                |                                                 |
| Use                                                                     | Classification | Special Requirements                            |
| <u>Class II</u>                                                         | <u>AUP</u>     |                                                 |
| <u>Class III</u>                                                        | <u>UP(PH)</u>  |                                                 |
| Hospitals                                                               | UP(PH)         |                                                 |
| Hotels, Residential, including<br>Single Room Occupancy (SRO)<br>Hotels | UP(PH)         | Subject to Section <a href="#">23E.68.060.F</a> |
| Libraries                                                               | UP(PH)         |                                                 |
| Nursing Homes                                                           | UP(PH)         |                                                 |
| Parks and Playgrounds                                                   | ZC             |                                                 |
| Public Safety and Emergency<br>Services                                 | UP(PH)         |                                                 |
| Religious Assembly Uses                                                 | UP(PH)         |                                                 |
| Schools, Public or Private                                              | UP(PH)         |                                                 |
| Senior Congregate Housing                                               |                | Change of use of an existing dwelling unit      |
| Six or fewer people                                                     | ZC             |                                                 |
| Seven or more persons                                                   | AUP            |                                                 |
| New Construction                                                        | UP(PH)         | Subject to Section <a href="#">23E.68.070</a>   |

Section 22. That the “Residential and Related Uses” section of Table 23E.84.030 in Chapter 23E.84 Section 23E.84.030 of the Berkeley Municipal Code is amended to read as follows:

#### **23E.84.030 Uses Permitted**

| Table 23E.84.030                                                                               |                                                              |                                                                                                                                                             |
|------------------------------------------------------------------------------------------------|--------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Use and Required Permits                                                                       |                                                              |                                                                                                                                                             |
| Uses                                                                                           | Permit Required to Establish, Expand or Change Use (sq. ft.) | Special Requirements (if any)                                                                                                                               |
| Residential and Related Uses                                                                   |                                                              |                                                                                                                                                             |
| Accessory Dwelling Unit in compliance with Section <u>23C.24.050</u>                           | ZC                                                           |                                                                                                                                                             |
| Accessory Dwelling Unit that does not comply with requirements under Section <u>23C.24.050</u> | AUP                                                          | Subject to making applicable findings in Section <u>23C.24.070</u>                                                                                          |
| Additions, Major Residential                                                                   | AUP                                                          | See Definition in Sub-title <u>23F</u> . Subject to finding required under <u>23E.84.090.L</u> ; see limitations on location in Section <u>23E.84.060.G</u> |
| Short-Term Rental                                                                              | ZC                                                           | Subject to requirements of Chapter <u>23C.22</u>                                                                                                            |
| Child Care Centers                                                                             | UP(PH)                                                       | Subject to the findings in Section <u>23E.84.090.H</u>                                                                                                      |
| Child Care; Family Daycare Home (Small or Large)                                               | ZC                                                           |                                                                                                                                                             |
| Clubs, Lodges                                                                                  | UP(PH)                                                       |                                                                                                                                                             |
| Community Care Facilities/Homes (Changes of Use)                                               | ZC                                                           | Subject to parking requirements; see Section <u>23E.84.080.B</u>                                                                                            |
| Community Centers                                                                              | UP(PH)                                                       |                                                                                                                                                             |
| Dwelling Units                                                                                 |                                                              | See limitation on location in Section <u>23E.84.060.G</u> . Subject to development                                                                          |

| Table 23E.84.030                                                                                                                                               |                                                              |                                                                                                                                                                                                                                                                                  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Use and Required Permits                                                                                                                                       |                                                              |                                                                                                                                                                                                                                                                                  |
| Uses                                                                                                                                                           | Permit Required to Establish, Expand or Change Use (sq. ft.) | Special Requirements (if any)                                                                                                                                                                                                                                                    |
|                                                                                                                                                                |                                                              | standards of Section <u>23E.84.070</u> and parking requirements in Section <u>23E.84.080.B</u>                                                                                                                                                                                   |
| 1 – 4 Units                                                                                                                                                    | AUP                                                          |                                                                                                                                                                                                                                                                                  |
| 5+ Units                                                                                                                                                       | UP(PH)                                                       |                                                                                                                                                                                                                                                                                  |
| Group Living Accommodations, subject to R-3 District Standards                                                                                                 | UP(PH)                                                       | See limitations on location in Section <u>23E.84.060.G</u>                                                                                                                                                                                                                       |
| Home Occupations<br><br><del>Low Impact Class I</del><br><br><del>Moderate Impact, teaching-related Class II</del><br><br><del>Moderate Impact Class III</del> | <br><br>ZC<br><br>AUP<br><br>UP(PH)                          | <br><br><del>Subject to the requirements of Chapter 23C.16</del><br><br><del>If the requirements of Section 23C.16.020 are met</del><br><br><del>Subject to the requirements of Section 23C.16.030.A</del><br><br><del>Subject to the requirements of Section 23C.16.030.B</del> |
| Hospitals                                                                                                                                                      | Prohibited                                                   |                                                                                                                                                                                                                                                                                  |
| Hotels, Residential                                                                                                                                            | Prohibited                                                   |                                                                                                                                                                                                                                                                                  |
| Hot Tubs, Jacuzzis, Spas                                                                                                                                       | AUP                                                          | See Section <u>23D.08.060.C</u>                                                                                                                                                                                                                                                  |
| Libraries                                                                                                                                                      | UP(PH)                                                       | Subject to additional parking requirements; see Section <u>23E.84.080.B</u>                                                                                                                                                                                                      |
| Nursing Homes                                                                                                                                                  | UP(PH)                                                       | Subject to additional parking requirements; see Section <u>23E.84.080.B</u>                                                                                                                                                                                                      |

| Table 23E.84.030                                                                               |                                                              |                                                                                                                                            |
|------------------------------------------------------------------------------------------------|--------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|
| Use and Required Permits                                                                       |                                                              |                                                                                                                                            |
| Uses                                                                                           | Permit Required to Establish, Expand or Change Use (sq. ft.) | Special Requirements (if any)                                                                                                              |
| Parks, Playgrounds, and outdoor recreation facilities                                          | UP(PH)                                                       | If the park, playground, or outdoor recreation facility is likely to be used by children, subject to the finding under <u>23E.84.090.H</u> |
| Public Safety and Emergency Services                                                           | UP(PH)                                                       |                                                                                                                                            |
| Public Utilities Substations, Buildings, Tanks                                                 | UP(PH)                                                       |                                                                                                                                            |
| Religious Assembly Uses                                                                        | UP(PH)                                                       |                                                                                                                                            |
| Schools, Public or Private and Other Educational Institutions                                  | UP(PH)                                                       | Subject to the findings in Section <u>23E.84.090.H</u>                                                                                     |
| Senior Congregate Housing<br>Six or fewer persons<br>Seven or more persons<br>New Construction | ZC<br>AUP<br>UP(PH)                                          | Changes of use from an existing dwelling unit                                                                                              |
| Accessory Buildings and Structures with Urban Agriculture                                      | ZC                                                           | Subject to <u>23C.26</u> , <u>23D.08.010</u> , <u>23D.08.020</u> , <u>23D.08.050</u> , and <u>23D.08.060</u>                               |

Section 23. That the “Accessory Uses and Structures” section of Table 23D.24.030 in Chapter 23D.24 Section 23D.24.030 of the Berkeley Municipal Code is amended to read as follows:

| Table 23D.24.030                                  |                |                                                                                                 |
|---------------------------------------------------|----------------|-------------------------------------------------------------------------------------------------|
| Use and Required Permits                          |                |                                                                                                 |
| Use                                               | Classification | Special Requirements (if any)                                                                   |
| Accessory Uses and Structures                     |                |                                                                                                 |
| Accessory Buildings or Structures                 |                |                                                                                                 |
| Under 100 sq. ft.                                 | ZC             | Must satisfy the requirements of Chapter <a href="#">23D.08</a>                                 |
| 100 or more sq. ft.                               | UP(PH)         | If has either habitable space and/or exceeds the requirements of Chapter <a href="#">23D.08</a> |
| Located on a vacant lot without a Main Building   | UP(PH)         |                                                                                                 |
| Accessory Dwelling Units                          | Prohibited     |                                                                                                 |
| Child Care: Family Daycare Homes (Small or Large) | ZC             |                                                                                                 |
| Fences                                            |                |                                                                                                 |
| Four ft. or less in height                        | ZC             |                                                                                                 |
| Exceeding four ft. in height                      | AUP            | Subject to Fire Department review and comment                                                   |
| Home Occupations                                  |                |                                                                                                 |
| <u>Class I</u>                                    | <u>ZC</u>      | <u>Subject to the requirements of Chapter 23C.16</u>                                            |
| <u>Low Impact</u>                                 | <u>AUP</u>     | <u>If the requirements of Section 23C.16.020 are met</u>                                        |
| <u>Moderate Impact</u>                            | <u>UP(PH)</u>  | <u>Subject to the requirements of Section 23C.16.030, except that no</u>                        |



| Table 23D.24.030                           |                |                                                                                                                                                   |
|--------------------------------------------|----------------|---------------------------------------------------------------------------------------------------------------------------------------------------|
| Use and Required Permits                   |                |                                                                                                                                                   |
| Use                                        | Classification | Special Requirements (if any)                                                                                                                     |
|                                            |                | <del>non-resident employees or customer visits are allowed in ES-R District</del>                                                                 |
| Hot Tubs, Jacuzzis, Spas or Swimming Pools | UP(PH)         | See Section <a href="#">23D.08.060.C</a>                                                                                                          |
| Rental of Rooms                            | UP(PH)         | Not to exceed four persons.<br>Occupancy of a single dwelling unit by a single household as defined in Sub-title <a href="#">23F</a> is permitted |
| Stables for Horses                         | AUP            |                                                                                                                                                   |

Section 24. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.



Planning Commission

**FINAL MINUTES OF THE SPECIAL PLANNING COMMISSION MEETING  
September 16, 2020**

The meeting was called to order at 7:03 p.m.

**Location:** Virtual meeting via Zoom

**1. ROLL CALL:**

**Commissioners Present:** Benjamin Beach, Robb Kapla, Shane Krpata, Mary Kay Lacey, Steve Martinot, Christine Schildt, Jeff Vincent (arrived at 7:20), Brad Wiblin, and Rob Wrenn.

**Commissioners Absent:** None.

**Staff Present:** Secretary Alene Pearson, Katrina Lapira, Paola Boylan, Alisa Shen, and Jordan Klein.

**2. ORDER OF AGENDA:** No changes.

**3. PUBLIC COMMENT PERIOD:** 0

**4. PLANNING STAFF REPORT:**

- September 23 – Special Planning Commission Meeting cancelled
- September 30 – Special Planning Commission Meeting to continue public hearing on the Draft Adeline Corridor Plan, if necessary

**Information Items:**

- None

**Communications:**

- September 3 – Staff, Meeting Updates
- September 3 – Carr, Southside Plan

**Late Communications:** *See agenda for links.*

- Supplemental Packet One
- Supplemental Packet Two
- Supplemental Packet Three (Read aloud at the meeting)

**5. CHAIR REPORT:**

- Mention of the climate change/ acknowledging the impacts of climate change especially on communities of color

**6. COMMITTEE REPORT:** Reports by Commission committees or liaisons. In addition to the items below, additional matters may be reported at the meeting.

- None

**7. APPROVAL OF MINUTES:**

Motion/Second/Carried (Wiblin/Martinot) to approve the Planning Commission Meeting Minutes from September 2, 2020.

Ayes: Beach, Kapla, Krpata, Lacey, Martinot, Schildt, Vincent, Wrenn, and Wiblin. Noes: None. Abstain: None. Absent: None. (9-0-0-0)

**FUTURE AGENDA ITEMS AND OTHER PLANNING-RELATED EVENTS:**

- None

**AGENDA ITEMS**

**9. Action:** *Public Hearing: Home Occupations*

Staff discussed the proposed amendments to the Home Occupations ordinance, which focus on modifications to enforcement protocols and updating definitions and findings, customer visits, and shipping and receiving. The Planning Commission discussed levels of discretionary permits related third- party shipping and receiving practices with regard to the potential impact to residential neighborhood circulation.

**Public Comments: 2**

Motion/Second/Carried (Schildt/Krpata) to adopt staff's recommendation with amendments to lines 272 (removal of "receiving") and lines 72 / 73 (addition of language that protects bicycle access within the vicinity of the home occupation).

Ayes: Beach, Kapla, Krpata, Lacey, Martinot, Schildt, Vincent, Wrenn, and Wiblin. Noes: None. Abstain: None. Absent: None. (9-0-0-0)

Motion/Second/Carried (Kapla/Wrenn) to close the public hearing at 7:59pm.

Ayes: Beach, Kapla, Krpata, Lacey, Martinot, Schildt, Vincent, Wrenn, and Wiblin. Noes: None. Abstain: None. Absent: None. (9-0-0-0)

**10. Action:** ***Public Hearing: DRAFT Adeline Corridor Plan***

Related to the draft plan, staff provided background information on the planning process, an overview of the different chapters within the plan, noting stated goals and policies, and reviewed related documents under review. After staff's presentation, the Planning Commission received public comment.

**Public Comments: 32**

Motion/Second/Carried (Wrenn/Martinot) to continue the public hearing of the Draft Adeline Corridor Plan to a Special Planning Commission meeting on September 30, 2020 and to include language in the agenda that notes the guidelines for receiving public comment.

Ayes: Beach, Kapla, Krpata, Lacey, Martinot, Schildt, Vincent, Wrenn, and Wiblin. Noes: None. Abstain: None. Absent: None. (9-0-0-0)

**Members in the public in attendance: 70**

**Public Speakers: 37 speakers**

**Length of the meeting: 4 hours and 29 minutes**



Office of the City Manager

PUBLIC HEARING

February 9, 2021

*(Continued from December 15, 2020)*

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Jordan Klein, Interim Director, Planning and Development Department

Subject: Referral Response: Amendments to the Home Occupations Ordinance;  
Amending BMC Sub-Titles 23C, 23D, 23E, and 23F

RECOMMENDATION

Conduct a public hearing and, upon conclusion, adopt the first reading of an Ordinance amending the Zoning Ordinance to streamline the permitting process for Home Occupations and amending Berkeley Municipal Code Chapter 23C.16 Home Occupations, Chapter 23E.84 MU-R Mixed Use-Residential District Provisions, Chapter 23F.04 Definitions, and Use Tables in Applicable Zoning Districts.

SUMMARY

Home Occupations (HOs) are small-scale businesses conducted on residential property as an incidental or secondary land use. They are regulated by BMC Chapter 23C.16 [Home Occupations], which accommodates persons wishing to conduct small, neighborhood compatible businesses from home. Planning Commission's recommended amendments focus on meeting the needs of HOs, while ensuring neighborhood compatibility. Zoning Ordinance amendments presented in this report reclassify HO to reflect levels of activity in relations to customer visits, and set clear guidance on allowance of non-resident employees, hours of operation, advertising signs, and handling of goods. Amendments also restructure and organize the ordinance, as well as update the HO definition for consistency with the BMC, expand flexibility on where HOs can locate within a residence, and allow HO wherever residential uses are permitted. City Council is asked to consider these amendments for adoption.

FISCAL IMPACTS OF RECOMMENDATION

Recommended Zoning Ordinance amendments will have minimal financial impacts on the City. Permit fees compensate the City for review expenses. In addition, zoning

changes are expected to reduce barriers and costs to those interested in operating Home Occupations, which could have an economic benefit to the City.

### **CURRENT SITUATION AND ITS EFFECTS**

Current regulations place the following minimum standards on all HOs:

1. HOs must be conducted entirely within a Dwelling Unit or Group Living Accommodation room.
2. HOs must occupy less than 20% or 400 square feet of the unit, whichever is less.
3. HOs must not generate offensive noise, orders or other nuisances.
4. HOs must not handle or generate hazardous materials.
5. HOs must not have employees from outside of the household.

HOs are classified into three categories, requiring different permits, based on the number of customer visits received, as presented in Table 1.

**Table 1: Summary of Existing Home Occupation Categories**

| <b>HO Category</b>      | <b>Customer Visits</b>                   | <b>Permit<sup>1</sup></b> |
|-------------------------|------------------------------------------|---------------------------|
| <b>Low-Impact</b>       | Not Allowed                              | ZC                        |
| <b>Teaching-Related</b> | Four or fewer students allowed at a time | AUP                       |
| <b>Moderate-Impact</b>  | Allowed                                  | UP(PH)                    |

On December 6, 2011 the City Council adopted a referral to the City Manager, sponsored by then-Councilmember Maio, to align permit requirements for Moderate-Impact HOs and Teaching-Related HOs and to streamline the permitting process for all HOs (see Attachment 2). The Zoning Ordinance amendments recommended in this report also address administrative issues, such as consistency in language and improvements to ordinance organization and structure.

### **Planning Commission Recommendations**

On September 16, 2020 the Planning Commission held a public hearing and unanimously recommended a set of Zoning Ordinance amendments. See Attachment 3 for meeting minutes and Links 1 and 2 (at the end of this report) for Planning Commission staff reports and attachments.

Since the City Council referral was made, a surge in Accessory Dwelling Units and a shift to home businesses have warranted additional considerations. The Planning Commission met four times to discuss options that would meet the operational needs of Berkeley's small home businesses. Its recommendation reflects a simple permitting scheme that is protective of neighborhoods yet accessible to business owners.

<sup>1</sup> ZC = Zoning Certificate; AUP = Administrative Use Permit; UP(PH) = Use Permit with Public Hearing

A summary of Planning Commission's recommendations are provided in **Table 2 and Table 3** and described below.

**Table 2: Summary of Recommended HO Categories**

| HO Category | Permit | Customer <sup>2</sup> Visits                                            | Non-resident Employee | Shipping from the Subject Residence |
|-------------|--------|-------------------------------------------------------------------------|-----------------------|-------------------------------------|
| Class I     | ZC     | Up to five visits per day, with no more than one customer at a time     | Not Allowed           | Not Allowed                         |
| Class II    | AUP    | Up to ten visits per day, with no more than four customers at a time    | One Allowed           | Not Allowed                         |
| Class III   | UP(PH) | More than 10 visits per day, with no more than four customers at a time | One Allowed           | Allowed                             |

**Table 3: Summary of Recommended General Requirements**

| Regulation                                                                         | Current                         | Proposed                                |
|------------------------------------------------------------------------------------|---------------------------------|-----------------------------------------|
| Storage, services and repair of goods                                              | Not Allowed                     | Allowed Indoors                         |
| Operation of a HO in an Accessory Building or Accessory Dwelling Unit              | Not Allowed                     | Allowed                                 |
| Advertising Signs                                                                  | Not Allowed                     | Not Allowed                             |
| Visiting Hours                                                                     |                                 |                                         |
| ZC                                                                                 | Not Allowed                     |                                         |
| AUP                                                                                | Allowed<br>(10:00 am – 10:00pm) | Allowed for all<br>(10:00 am – 8:00 pm) |
| UP(PH)                                                                             | Allowed                         |                                         |
| Findings – HO customer visits and shipping must not cause a significant impact to: |                                 |                                         |
| Parking availability                                                               | Addressed                       | Addressed                               |
| Pedestrian and bicyclist safety                                                    | Not Addressed                   | Addressed                               |

## 1. Customer Visits

- Reclassify Low and Moderate–Impact HOs to Class I and Class II HOs.

<sup>2</sup> A “customer” includes, for example, a parent and child attending a lesson, or more than one person simultaneously receiving services at the HO but paying as a single customer.

- Allow Class I HOs to have no more than five visits per day -- with no more than one customer at a time -- with a Zoning Certificate (ZC).
- Allow Class II HOs to have a maximum of ten visits per day -- with no more than four customers at a time -- with an Administrative Use Permit (AUP) subject to specific findings that address impacts on pedestrian and bicyclist safety, as well as parking availability.
- Create a Class III HO category to allow more than ten visits per day – with no more than four customers at a time – with a Use Permit / Public Hearing (UP(PH)) subject to specific findings that address shipping as well as impacts on pedestrian and bicyclist safety and parking availability.

Recommendations reclassify HO categories to numerical classes (i.e. Class I, II or III) for consistency with conventions currently used in the BMC and to reflect levels of activity. Proposed amendments cap the number of visits allowed with a Class I (formerly Low-Impact) or Class II (formerly Moderate-Impact) HO permit, and introduce a Class III HO category to consider HOs that require more than 10 visits per day. With these changes, the Teaching-Related HO category can be eliminated because this use can be classified as either Class I, II, or III depending on the number and type of customer visits.

## **2. Non-Resident Employees**

- Limit operation/ownership of all HOs to residents of the subject property.
- Allow one non-resident employee to work on-site for Class II and Class III HOs.

Current regulations do not allow for non-resident employees. The recommended amendments provide flexibility to Class II and III HOs by allowing for one on-site, non-resident employee. Proposed language clarifies that a resident must operate and own the HO.

## **3. Goods and Products, Materials, and Shipping**

- Allow business-related activities, including storage, services, and repairs on-site. Do not allow these activities outdoors.
- Allow shipping and handling by a third-party from the HO for Class III.
- Clarify how hazardous material are defined by the City of Berkeley.

Current regulations prohibit “storage, service, repair, handling or transport of goods or products” at the subject premises. However, these activities, when conducted indoors, are integral to the operation of some HOs. The recommended amendments broaden allowable home business-related activities, clarify restrictions on outdoor activities and define hazardous materials. In addition, shipping and handling by a third-party is allowed from the subject residence with a Class III HO permit, subject to specific findings that address impacts on pedestrian and bicyclist safety, as well as parking availability. Class I and II HOs must visit a third-party facility for shipping services to limit potential neighborhood impacts.



**4. Accessory Buildings & Accessory Dwelling Units (ADU)**

- Allow HOs in Accessory Buildings and ADUs.
- Apply the square footage limitation for HOs (total area and percentage of the dwelling) to Accessory Buildings and ADUs.

Current regulations limit HO operations to a Dwelling Unit or Group Living Accommodation room. The recommended amendments provide flexibility on the location of a HO while maintaining the expectation that they are incidental to the main residential use.

**5. Advertising Signs & Visiting Hours**

- Add language to prohibit onsite signs advertising the HO.
- Establish hours of operation from 10am - 8pm for customer visits for all HOs.

Currently, the ordinance contains no specifications for advertising signs and lists customer visiting hours for Teaching-Related HOs only. The recommended amendments reduce impacts to neighbors by prohibiting onsite signage and mirroring the noise ordinance for hours of operation across all HO categories.

**6. Enforcement Protocol & Findings**

- Modify “Complaints and Imposition of Conditions” to clarify the process for submitting and addressing grievances for all HO categories.
- Amend “Findings” to provide guidance on identifying potential impacts of shipping from the HO.

Currently, HO compliance is in many ways voluntary and often enforced based on complaints. Recommended amendments clarify protocols and process for all categories to both prevent and address potential grievances.

**7. Home Occupation Definition**

- Amend the definition of “Home Occupation” to specify that HOs can operate in Accessory Buildings and Accessory Dwelling Units, and to include distinctions between Class I, II, and III HOs.
- Remove the definition of “Home Occupation, Teaching-Related.”

The recommended amendments clearly define and distinguish the three HO classes.

**8. Restructure and Reformat Chapter**

- Consolidate repetitive language.
- Remove sections “Home Occupations in Rental Unit” and “Medical Cannabis Residential Cultivation.”
- Consolidate all “Findings” for HOs to the Home Occupations chapter.
- Rename Section 23C.16.010 as “General Requirements,” Section 23C.16.020 as “Permit Requirements,” and Section 23C.16.030 as “Findings.”

The recommended amendments improve the clarity and readability of the Chapter.

## **9. Uses Permitted Tables**

- Modify Uses Permitted tables for all Residential districts, the C-W, and MU-R to remove the Teaching-Related HO category, revise the level of discretion for Class II (formerly Moderate-Impact) HOs from UP(PH) to AUP, add a category to allow Class III with a UP(PH), and merge Teaching-Related HOs into the other classifications.
- Modify Uses Permitted Tables in zones C-1, C-N, C-E, C-NS, C-SA, C-T, C-SO, and C-DMU to include Class I, Class II and Class III Home Occupations.

Currently Home Occupations are not permitted in commercial district with the exception of the C-W. Updates allow HOs wherever residential uses are permitted.

*For more detail on the specific changes related to each category presented above, see the website link to the 2018 and 2020 Planning Commission staff reports (at the end of this report).*

## **BACKGROUND**

On December 6, 2011, City Council referred to the City Manager a set of zoning ordinance amendments to consider reducing the level of discretion for Moderate-Impact HOs and streamline the permitting process for all HOs. Planning Commission considered this referral, held two public hearings and recommended amendments to City Council, reflecting current practices and needs of home-based businesses operating in Berkeley.

## **Zoning Regulation History**

Prior to the Zoning Ordinance update in 1999, Moderate-Impact HOs that involved non-resident employees, customer visits, or storage of products on premises were allowed with an AUP. Staff and the Planning Commission recommended maintaining this level of discretion; however, the Zoning Adjustments Board proposed and Council adopted a UP(PH) for Moderate Impact HOs at that time. In 2006, the Ordinance was amended to include Teaching Related HOs with issuance of an AUP.

## **Home Occupation Permit Application History**

Low-Impact HOs are often thought of as home office businesses; however, they also include businesses such as dog walking, cottage food production, graphic designing, jewelry-making, and life-coaching. From January to September 2018, the City approved approximately 116 ZCs for Low-Impact HOs (e.g. home offices, dog walking, jewelry-making, and floral arrangement). In comparison, from 2006 to 2018, the City only approved six AUPs for Teaching-Related HOs and did not receive any UP(PH) applications for Moderate-Impact HOs. Based on public input, inquiries to the Planning Department and personal anecdotes, there is reason to believe that permit activity for HOs in Berkeley may inaccurately represent existing business inventory and operations, since some businesses do not register with the City.

ENVIRONMENTAL SUSTAINABILITY

The proposed zoning amendments will enable more individuals to establish legal businesses and work from home, and to serve customers close to their own place of work or residence. Working from home reduces commute time, contributes to quality of life, and may allow for more sustainable transportation choices (e.g. walking, biking) when obtaining neighborhood-based products and services.

RATIONALE FOR RECOMMENDATION

Since the 2011 Council referral, technology and business models have evolved to demand a more flexible set of regulations that meet the long-standing needs of existing and of emerging HOs. The proposed Zoning Ordinance amendments would update the BMC to follow best practices for home businesses, set thresholds, and establish regulations to address potential impacts to neighbors and abutting properties. Amendments address levels of discretion and reformat the HO chapter for clarity.

ALTERNATIVE ACTIONS CONSIDERED

Council could take no action, in which case the Zoning Ordinance would retain existing regulations for HOs.

CONTACT PERSON

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Attachments:

1. Zoning Ordinance Amendments to Modify Chapter 23C.16 Home Occupations, Chapter 23E.84 MU-R Mixed Use-Residential District Provisions Chapter 23F.04 Definitions, and Use Tables in Applicable Zoning Districts
2. Council Referral Moderate-Impact Home Occupation Referral – December 6, 2011
3. Planning Commission Meeting Minutes – September 16, 2020
4. Public Hearing Notice

Links:

1. Planning Commission Staff Report – September 16, 2020  
([https://www.cityofberkeley.info/uploadedFiles/Planning\\_and\\_Development/Level\\_3\\_-\\_Commissions/Commission\\_for\\_Planning/2020-09-16\\_Item%209\\_with%20Attachments.pdf](https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Commissions/Commission_for_Planning/2020-09-16_Item%209_with%20Attachments.pdf))
2. Planning Commission Staff Report – November 7, 2018  
([https://www.cityofberkeley.info/uploadedFiles/Planning\\_and\\_Development/Level\\_3\\_-\\_Commissions/Commission\\_for\\_Planning/2018-11-07\\_Item%2010.pdf](https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Commissions/Commission_for_Planning/2018-11-07_Item%2010.pdf))

ORDINANCE NO. -N.S.

AMENDING BERKELEY MUNICIPAL CODE CHAPTER 23C.16 AND AMENDING BERKELEY MUNICIPAL CODE SECTIONS 23E.84.090, 23D.16.030, 23D.20.030, 23D.28.030, 23D.32.030, 23D.36.030, 23D.40.030, 23D.44.030, 23D.48.030, 23D.52.030, 23E.64.030, 23E.84.030, AND 23F.04.10 TO MODIFY THE HOME OCCUPATIONS ORDINANCE

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

Section 1. That Berkeley Municipal Code Chapter 23C.16 [Home Occupations] is amended to read as follows:

### Chapter 23C.16: Home Occupations

Sections:

- 23C.16.010 ~~General Requirements Home Occupations~~
- 23C.16.020 ~~Permit Requirements Home Occupations Classifications Low Impact Home Occupations Permitted by Right Subject to Business License~~
- 23C.16.030 ~~Findings Moderate Impact Home Occupations Subject to Use Permit~~
- 23C.16.040 Complaints and Imposition of Conditions
- 23C.16.050 ~~Home Occupation in Rental Unit~~
- 23C.16.060 ~~Medical Cannabis Residential Cultivation~~

### 23C.16.010 General Requirements ~~Home Occupations~~

A. The establishment of a Home Occupation in compliance with this Chapter shall not be considered a Change of Use of a ~~Dwelling Unit primary residence~~, but rather shall be considered a lawful Incidental Use thereof.

B. ~~Home Occupations are subject~~ allowed pursuant to Chapter 23C.16.020 and the following requirements:

~~No Home Occupation which involves a Firearm/Munitions Business may be allowed.~~

1. A Home Occupation is allowed as an incidental use within a Dwelling Unit, Accessory Dwelling Unit, Accessory Building, or Group Living Accommodation room.
2. No Firearm/Munitions Business may operate as a Home Occupation.
3. Customer visits are not allowed in the ES-R District.

4. A Home Occupation may occupy no more than the greater of: 400 square feet or 20 percent of the gross floor area of the Dwelling Unit, Accessory Dwelling Unit, Accessory Building, or Group Living Accommodation room from which it operates.
5. Only residents of the subject Dwelling Unit, Accessory Dwelling Unit or Group Living Accommodation room may operate a Home Occupation business.
6. Customer visits may occur only between the hours of 10 a.m. and 8 p.m.
7. Storage, services, or repairs may not be conducted outdoors.
8. A Home Occupation shall not involve hazardous materials or waste as defined by Section 15.08.060.
9. A Home Occupation shall not create offensive or objectionable noise, vibration, odors, smoke, heat, dirt or electrical disturbance perceptible by the average person beyond the lot line, or party walls of multi-unit building, of the subject premises.
10. No on-site signs identifying or advertising the Home Occupation are allowed.
11. The operator of a Home Occupation shall pay gross receipts taxes pursuant to the City's business license tax ordinance as set forth in Chapter 9.04.
- 4.12. A lessee in possession of a property may apply for a Permit without the property owner's signature; however Home Occupations are not exempt from conditions in rental and lease agreements.

~~C. No Home Occupation which involves customer visits may be allowed in the ES-R District.~~

**23C.16.020 Permit Requirements Low Impact Home Occupations Permitted by Right**

**Subject to Business License**(See 23F.04 for Home Occupation definitions.)

- A. A Class I Home Occupation is allowed subject to a Zoning Certificate.
- B. A Class II Home Occupation is allowed subject to issuance of an Administrative Use Permit.
- C. A Class III Home Occupation is allowed subject to issuance of a Use Permit (Public Hearing).

~~A Home Occupation which meets all of the following conditions shall be allowed by right in any Dwelling Unit or Group Living Accommodation room, subject to the payment of gross receipts tax pursuant to the City's business license tax ordinance as set forth in Chapter 9.04.~~

~~A.—Such Home Occupations must:~~

- ~~1.—Be conducted entirely within the dwelling unit or group living accommodation room;~~
- ~~2.—Occupy less than four hundred (400) square feet and less than twenty percent (20%) of the dwelling unit or group living accommodation room;~~

~~B.—Such home occupations may not:~~

- ~~1.—Involve customer visits to the subject premises;~~
- ~~2.—Involve storage, service, repair, handling or transport of goods or products on or at the subject premises;~~
- ~~3.—Involve hazardous materials or processes; or~~
- ~~4.—Create offensive or objectionable noise, vibration, odors, heat, dirt or electrical disturbance perceptible by the average person beyond the lot line or party walls of multi-unit building, of the subject premises.~~

### **23C.16.030 Findings- Moderate Impact Home Occupations Subject to Use Permit**

In addition to the findings set forth in Section 23B.28.050 and Section 23B.32.040, in order to approve an Administrative Use Permit for a Class II Home Occupation or a Use Permit (Public Hearing) for a Class III Home Occupation, the Zoning Officer or Board must find, based on the circumstances of the specific use and property:

1. The degree of customer visits will not cause a significant detrimental impact on the availability of parking spaces in the immediate vicinity of the Home Occupation; and
2. The degree of shipping from the subject residence will not cause a significant detrimental impact on pedestrian and bicyclist safety or the availability of parking spaces in the immediate vicinity of the Home Occupation; and

3. If the proposed Home Occupation will require a loading space on a regular basis, such loading space will be available on the subject property or the use of an on-street loading space will not cause a significant detrimental impact on pedestrian and bicyclist safety or the availability of parking spaces in the immediate vicinity of the Home Occupation.

~~A.—A teaching-related home occupation which meets all of the following conditions shall be allowed subject to issuance of an Administrative Use Permit and subject to payment of gross receipts tax pursuant to the City's business license tax ordinance as set forth in Chapter 9.04.~~

~~1.—Such Home Occupations must:~~

~~a.—Be conducted entirely within the dwelling unit or group living accommodation room;~~

~~b.—Operate within the hours of 10 a.m. and 10 p.m.; and~~

~~c.—Occupy less than 400 square feet and less than 20% of the dwelling unit or group living accommodation room;~~

~~2.—Such home occupations may not:~~

~~a.—Involve more than four students at a time;~~

~~b.—Involve storage, service, repair, handling or transport of goods or products on or at the subject premises;~~

~~c.—Involve hazardous materials, or processes; or~~

~~d.—Create offensive or objectionable noise, vibration, odors, heat, dirt or electrical disturbance perceptible by the average person beyond that lot line or party walls of multi-unit buildings, or the subject premises.~~

~~B.—All other home occupations that involve customer visits, or products on the subject premises, as set forth in Sections 23C.16.020.B.1 and 23C.16.020.B.2, may be authorized only by a Use Permit and public hearing, and are subject to the payment of gross receipts tax pursuant to the City's business license tax ordinance as set forth in Chapter 9.04.~~

### 23C.16.040 Complaints and Imposition of Conditions

~~A.—Complaints regarding low-impact Hhome Ooccupations are subject to review, the imposition of conditions, or revocation may be made to the Zoning Officer for review and enforcement action.~~

~~B.—If written complaints that include factual information on detrimental effects to the neighborhood~~

~~A. Violations may be addressed by issuing an administrative citation pursuant to Chapter 1.28.~~

~~B. The Zoning Officer shall review documented complaints, business operations, and other factors when reviewing from a Home Occupation are received, the Board may schedule a public hearing to review the Home Occupation. After such hearing the Board may approve a Use Permit to impose conditions upon Class I and II the Home Occupations, and may impose conditions as may be necessary to prevent detrimental effects or may initiate revocation proceedings, or may revoke the permit in the event adequate conditions of approval are not available.~~

~~The Zoning Adjustments Board shall review documented complaints, business operations, and other factors when reviewing Class III Home Occupations and may impose conditions as may be necessary to prevent detrimental effects, or may revoke the permit in the event adequate conditions of approval are not available.~~

~~Furthermore, the City may address violations by sending an administrative citation issued pursuant to Chapter 1.28.~~

### 23C.16.050 Home Occupation in Rental Unit

~~Any application for a Home Occupation may be filed by a lessee in possession of the property without the consent of the owner of record of the legal title and the application may be accepted without such owner's signature. In the case of a home occupation which requires a Use Permit, the owner shall be given notice of the proposed home occupation, in conformance with Section 23B.32.020.D.~~

### 23C.16.060 Medical Cannabis Residential Cultivation



~~No Use Permit shall be required for qualified patients to cultivate medical cannabis in their residence or on their residential property.~~

Section 2. That Berkeley Municipal Code Section 23E.84.090 [Findings] is amended as follows:

**23E.84.090 Findings**

A. In order to approve any Use Permit under this chapter the Zoning Officer or Board must make the finding required by Section 23B.32.040. The Zoning Officer or Board must also make the findings required by the following paragraphs of this section to the extent applicable:

B. A proposed use or structure must:

1. Be consistent with the purposes of the District;
2. Be consistent with the normal use and operation of surrounding uses and buildings, including residential and industrial buildings;
3. Be consistent with the adopted West Berkeley Plan;
4. Not be likely, under reasonably foreseeable circumstances, to either induce or contribute to a cumulative change of use in buildings away from residential; live/work; light industrial, or arts and crafts uses;
5. Be designed in such a manner to be supportive of the character and purposes of the District; and
6. Be able to meet any applicable performance standards as described in Section 23E.84.070.H.

C. In order to approve a Use Permit under Section 23E.84.040, the Zoning Officer or Board must find that the space formerly occupied by the protected use has been replaced with a comparable space in the West Berkeley Plan area, which is reserved for use by any protected use in the same category:

1. For purposes of this section, such replacement space shall not qualify for exemption under Section 23E.84.040.I or by reason of having been established after July 6, 1989;

2. In considering whether a project will be detrimental, consideration shall be limited to the potential detriment associated with the new use, and dislocation of any specific previous occupant or use shall not be a basis for finding detriment.

D. In order to approve a Use Permit for the establishment or expansion of Live/Work Units in this District, the Zoning Officer or Board must make all applicable findings for approval of Live/Work Units required by Section 23E.20.090 and must also make the following findings:

1. Establishment of Live/Work Unit will not interfere with the lawful operation of manufacturers and other industries existing in or adjacent to the District, and will not impede the lawful future establishment of manufacturers and other industries permitted under the West Berkeley Plan;

2. The applicant has recorded with the County Recorder a statement acknowledging that the Live/Work Unit is being established in a District where manufacturers and other industries operate lawfully and that they will not seek to impede their lawful operation. In addition, the applicant will require any tenants to sign such a statement, and require all persons purchasing Live/Work Units to sign and record such a statement;

3. If the applicant is proposing to change one or more dwelling units to Live/Work Units, that the elimination of dwelling unit(s) and the change of use would not be materially detrimental to the housing needs and public interest of the affected neighborhood and the City.

E. In order to approve a Use Permit for a change of use from manufacturing, wholesale trade, or warehouse space to another use, the Zoning Officer or Board must make both of the following findings:

1. The change of use of the space will not have a materially detrimental impact on the character of the MU-R District as a light industrial district, with particular reference to the character of the blocks and parts of blocks in the part of the District that is contiguous with the site;

2. Appropriate mitigation pursuant to a payment schedule adopted by resolution has been made for loss of the manufacturing space through providing such space elsewhere in Berkeley, through payment into the West Berkeley Building Acquisition Fund, or by other

appropriate means as determined by the Zoning Officer or the Board. However, no mitigation shall be required for manufacturing, warehousing, or wholesale trade space which is less than or equal to 25% of the floor area currently or most recently used for manufacturing, warehousing or wholesale trade.

F. In order to approve a Permit for the establishment or expansion of a food service use, the Zoning Officer or Board must find that the establishment of the food service use, given its size, location, physical appearance and other relevant characteristics, will not have a significant detrimental impact on the industrial or residential character of the area. In order to approve an Administrative Use Permit for a Food Service Establishment less than 5,000 square feet, the Zoning Officer must find that a substantial portion of the food consists of goods manufactured on site.

G. In order to approve an Administrative Use Permit or Use Permit for ~~the establishment or expansion of a~~ Hhome Occupation with customer visits and/or shipping and handling of goods, the Zoning Officer or Board must must find:

~~1. The degree of customer visits and/or handling of goods, taken as a whole, will not cause a significant detrimental impact on the availability of parking spaces in the location the home occupation is being established;~~

~~2. If the proposed home occupation will require loading space on a regular basis, such loading space will be available on the subject property, or that the use of on-street loading space will not cause a significant detrimental impact on the availability of parking spaces or on traffic flow in the location the home occupation is being established, make the findings set forth in Section 23C.16.030.~~

H. In order to approve a Use Permit for the establishment or expansion of a school, child care center, or recreational or educational facility to be used by children, the Zoning Officer or Board must make all of the following findings:

1. Development of the school, child care center, or recreational facility to be used by children is not, in the particular circumstances of the project, incompatible with adjacent and nearby uses;

2. An appropriate risk analysis or risk assessment, as defined by the City, has been made and has shown that there is not significant risk to children in the use from other activities near the site;

3. The applicants have made adequate provisions to ensure that all parents of students or children in the school, child care center, or recreational facility to be used by children will be notified in writing (on a form approved by the City) that the school is in the West Berkeley Plan MU-R District, and that light manufacturing is a permitted activity in the District and that Primary Production Manufacturing or Construction Products Manufacturing may be permitted uses in adjacent districts, including a requirement that each parent will indicate that they have read and understood this information by means of a written statement returned to the school or child care center and available for review.

I. In order to approve a Use Permit for the establishment or expansion of a mixed use containing a residential use the Zoning Officer or Board must find that the specific combination of residential and non-residential use proposed by the applicant will not be hazardous or detrimental, either to persons living and/or working on the site, or to persons living or working in its vicinity.

J. In order to approve a Use Permit for the substitution of bicycle and/or motorcycle parking under Section 23E.84.080.F, the Zoning Officer or Board must find that the substitution will not lead to an undue shortage of automobile parking spaces and that it can be reasonably expected that there will be demand for the bicycle and/or motorcycle parking spaces.

K. In order to approve a Use Permit for the establishment or expansion of a manufacturing use abutting one or more dwelling units located in the MU-R District, the Zoning Officer or Board must find:

1. The manufacturer is capable of meeting all applicable performance standards; and
2. Conditions of the Use Permit will specify all reasonable steps to minimize noise, odors, dust, vibration, glare and any other potential impacts on the abutting dwelling units.

L. 1. To deny a Use Permit to establish one or more dwelling units the Board must find that the proposed residential use would unreasonably interfere with existing or reasonably foreseeable adjacent land uses in the M and/or MM District, or that the existing or reasonably foreseeable adjacent land uses in the M and/or MM District would have a material adverse effect on the

proposed residential use. The owner(s) of record of the residential property shall also record an acknowledgement that existing or reasonably foreseeable adjacent land uses in the M and/or MM District may create noise, dust, odors, light/glare, and other impacts that shall not be considered a nuisance if they are developed and conducted pursuant to the standards of the District.

2. To deny an Administrative Use Permit for a major residential addition, the Zoning Officer must find that the proposed addition would unreasonably interfere with existing or reasonably foreseeable adjacent land uses in the M and/or MM District, or that the existing or reasonably foreseeable adjacent land uses in the M and/or MM District would have a material adverse effect on the use of the proposed addition. The owner(s) of record of the residential property shall also record an acknowledgement that existing or reasonably foreseeable adjacent land uses in the M and/or MM District may create noise, dust, odors, light/glare, and other impacts that shall not be considered a nuisance if they are developed and conducted pursuant to the standards of the District. (Ord. 7358-NS § 9, 2014; Ord. 7323-NS § 9, 2014; Ord. 7167-NS §§ 25 – 27, 2011; Ord. 6478-NS § 4 (part), 1999)

Section 3. That Berkeley Municipal Code Section 23F.04.010 is amended to revise the definitions of “Home Occupation” and “Home Occupation, Teaching-Related” as follows:

### **23F.04.010 Definitions**

**Home Occupation:** A business use conducted on ~~residential~~ property developed with Residential use, which is incidental and secondary to the Residential use, does not change the residential character thereof, is limited so as not to substantially reduce the Residential use of the legally established dwelling, Accessory Dwelling Unit, Accessory Building, or Group Living Accommodation room and is operated only by the residents ~~inhabitants~~ of the subject residence. There are three classification of Home Occupations. For the purposes of this section, a “customer” is considered a single paying customer, but may include more than one person receiving the services at the same time:

1. **Class I Home Occupation** - Involves no more than five visits per day, with no more than one customer at a time. This class does not allow shipping of finished goods from the subject residence.
2. **Class II Home Occupation** - Involves no more than ten visits per day, with no more than four customers at a time and no more than one non-resident engaging in business-related

activities on-site. This class does not allow shipping of finished goods from the subject residence.

3. **Class III Home Occupation** - Involves more than ten visits per day, with no more than four customers at a time and no more than one non-resident engaging in business-related activities on-site and/or involves shipping of finished goods from the subject residence.

1. ~~**Home Occupation, Teaching-Related:** A home-based business as defined under the Home Occupation definition that provides academic and/or artistic tutoring or lessons, excluding schools, studios and conservatories.~~

Section 4. That the "Accessory Uses and Structures" section of Table 23D.16.030 in Chapter 23D.16 Section 23D.16.030 of the Berkeley Municipal Code is amended to read as follows:

#### 23D.16.030 Uses Permitted

| <b>Table 23D.16.030</b>                                                                   |                       |                                                                                                              |
|-------------------------------------------------------------------------------------------|-----------------------|--------------------------------------------------------------------------------------------------------------|
| <b>Use and Required Permits</b>                                                           |                       |                                                                                                              |
| <b>Use</b>                                                                                | <b>Classification</b> | <b>Special Requirements (if any)</b>                                                                         |
| <b>Accessory Uses and Structures</b>                                                      |                       |                                                                                                              |
| Accessory Buildings or Structures                                                         | ZC                    | Must satisfy the requirements of Chapter <u>23D.08</u>                                                       |
| If has either habitable space and/or exceeds the requirements under Chapter <u>23D.08</u> | AUP                   |                                                                                                              |
| When located on a vacant lot without a Main Building                                      | AUP                   |                                                                                                              |
| With Urban Agriculture                                                                    | ZC                    | Subject to <u>23C.26</u> , <u>23D.08.010</u> , <u>23D.08.020</u> , <u>23D.08.050</u> , and <u>23D.08.060</u> |
| Accessory Dwelling Units in compliance with Section <u>23C.24.050</u>                     | ZC                    |                                                                                                              |

| <b>Table 23D.16.030</b>                                                                        |                       |                                                                       |
|------------------------------------------------------------------------------------------------|-----------------------|-----------------------------------------------------------------------|
| <b>Use and Required Permits</b>                                                                |                       |                                                                       |
| <b>Use</b>                                                                                     | <b>Classification</b> | <b>Special Requirements (if any)</b>                                  |
| Accessory Dwelling Unit that does not comply with requirements under Section <u>23C.24.050</u> | AUP                   | Subject to making applicable findings in Section <u>23C.24.070</u>    |
| Short-Term Rental                                                                              | ZC                    | Subject to requirements of Chapter <u>23C.22</u>                      |
| Child Care; Family Daycare Home (Small or Large)                                               | ZC                    |                                                                       |
| Fences                                                                                         |                       |                                                                       |
| If six ft. or less in height                                                                   | ZC                    |                                                                       |
| Exceed six ft. in height                                                                       | AUP                   | In required setbacks                                                  |
| Home Occupations                                                                               |                       | <u>Subject to the requirements of Chapter 23C.16</u>                  |
| <del>Low Impact Class I</del>                                                                  | ZC                    | <del>If the requirements of Section 23C.16.020 are met</del>          |
| <del>Moderate Impact, teaching-related Class II</del>                                          | AUP                   | <del>Subject to the requirements of Section <u>23C.16.030.A</u></del> |
| <del>Moderate Impact Class III</del>                                                           | UP(PH)                | <del>Subject to the requirements of Section <u>23C.16.030.B</u></del> |
| Hot Tubs, Jacuzzis, Spas                                                                       | AUP                   | See Section <u>23D.08.060.C</u>                                       |
| Stables for Horses                                                                             | AUP                   |                                                                       |

Section 5. That the “Accessory Uses and Structures” section of Table 23D.20.030 in Chapter 23D.20 Section 23D.20.030 of the Berkeley Municipal Code is amended to read as follows:

**23D.20.030 Uses Permitted**

| <b>Table 23D.20.030</b>                                                                        |                       |                                                                                                              |
|------------------------------------------------------------------------------------------------|-----------------------|--------------------------------------------------------------------------------------------------------------|
| <b>Use and Required Permits</b>                                                                |                       |                                                                                                              |
| <b>Use</b>                                                                                     | <b>Classification</b> | <b>Special Requirements (if any)</b>                                                                         |
| <b>Accessory Uses and Structures</b>                                                           |                       |                                                                                                              |
| Accessory Buildings or Structures                                                              | ZC                    | Must satisfy the requirements of Chapter <u>23D.08</u>                                                       |
| If has either habitable space and/or exceeds the requirements under Chapter <u>23D.08</u>      | AUP                   |                                                                                                              |
| When located on a vacant lot without a Main Building                                           | AUP                   |                                                                                                              |
| With Urban Agriculture                                                                         | ZC                    | Subject to <u>23C.26</u> , <u>23D.08.010</u> , <u>23D.08.020</u> , <u>23D.08.050</u> , and <u>23D.08.060</u> |
| Accessory Dwelling Units in compliance with Section <u>23C.24.050</u>                          | ZC                    |                                                                                                              |
| Accessory Dwelling Unit that does not comply with requirements under Section <u>23C.24.050</u> | AUP                   | Subject to making applicable findings in Section <u>23C.24.070</u>                                           |
| Short-Term Rental                                                                              | ZC                    | Subject to requirements of Chapter <u>23C.22</u>                                                             |
| Child Care; Family Daycare Home (Small or Large)                                               | ZC                    |                                                                                                              |
| Fences                                                                                         |                       |                                                                                                              |
| If six ft. or less in height                                                                   | ZC                    |                                                                                                              |
| Exceeding six ft. in height                                                                    | AUP                   | In required yards                                                                                            |
| Home Occupations                                                                               |                       | <u>Subject to the requirements of Chapter 23C.16</u>                                                         |



| <b>Table 23D.20.030</b>                                      |                       |                                                                |
|--------------------------------------------------------------|-----------------------|----------------------------------------------------------------|
| <b>Use and Required Permits</b>                              |                       |                                                                |
| <b>Use</b>                                                   | <b>Classification</b> | <b>Special Requirements (if any)</b>                           |
| <del>Low Impact</del> <u>Class I</u>                         | ZC                    | <del>If the requirements of Section 23C.16.020 are met</del>   |
| <del>Moderate Impact, teaching-related</del> <u>Class II</u> | AUP                   | <del>Subject to the requirements of Section 23C.16.030.A</del> |
| <del>Moderate Impact</del> <u>Class III</u>                  | UP(PH)                | <del>Subject to the requirements of Section 23C.16.030.B</del> |
| Hot Tubs, Jacuzzis, Spas                                     | AUP                   | See Section <u>23D.08.060.C</u>                                |
| Stables for Horses                                           | AUP                   |                                                                |

Section 6. That the “Accessory Uses and Structures” section of Table 23D.28.030 in Chapter 23D.28 Section 23D.28.030 of the Berkeley Municipal Code is amended to read as follows:

#### **23D.28.030 Uses Permitted**

| <b>Table 23D.28.030</b>                                                                   |                       |                                                        |
|-------------------------------------------------------------------------------------------|-----------------------|--------------------------------------------------------|
| <b>Use and Required Permits</b>                                                           |                       |                                                        |
| <b>Use</b>                                                                                | <b>Classification</b> | <b>Special Requirements (if any)</b>                   |
| <b>Accessory Uses and Structures</b>                                                      |                       |                                                        |
| Accessory Buildings or Structures                                                         | ZC                    | Must satisfy the requirements of Chapter <u>23D.08</u> |
| If has either habitable space and/or exceeds the requirements under Chapter <u>23D.08</u> | AUP                   |                                                        |
| When located on a vacant lot without a Main Building                                      | AUP                   |                                                        |

| Table 23D.28.030                                                                               |                |                                                                                                              |
|------------------------------------------------------------------------------------------------|----------------|--------------------------------------------------------------------------------------------------------------|
| Use and Required Permits                                                                       |                |                                                                                                              |
| Use                                                                                            | Classification | Special Requirements (if any)                                                                                |
| With Urban Agriculture                                                                         | ZC             | Subject to <u>23C.26</u> , <u>23D.08.010</u> , <u>23D.08.020</u> , <u>23D.08.050</u> , and <u>23D.08.060</u> |
| Accessory Dwelling Units in compliance with Section <u>23C.24.050</u>                          | ZC             |                                                                                                              |
| Accessory Dwelling Unit that does not comply with requirements under Section <u>23C.24.050</u> | AUP            | Subject to making applicable findings in Section <u>23C.24.070</u>                                           |
| Short-Term Rental                                                                              | ZC             | Subject to requirements of Chapter <u>23C.22</u>                                                             |
| Child Care; Family Daycare Home (Small or Large)                                               | ZC             |                                                                                                              |
| Fences                                                                                         |                |                                                                                                              |
| If six ft. or less in height                                                                   | ZC             |                                                                                                              |
| Exceeding six ft. in height                                                                    | AUP            | In required setbacks                                                                                         |
| Home Occupations                                                                               |                | <u>Subject to the requirements of Chapter 23C.16</u>                                                         |
| <del>Low Impact</del> <u>Class I</u>                                                           | ZC             | <del>If the requirements of Section 23C.16.020 are met</del>                                                 |
| <del>Moderate Impact, teaching-related</del> <u>Class II</u>                                   | AUP            | <del>Subject to the requirements of Section 23C.16.030.A</del>                                               |
| <del>Moderate Impact</del> <u>Class III</u>                                                    | UP(PH)         | <del>Subject to the requirements of Section 23C.16.030.B</del>                                               |
| Hot Tubs, Jacuzzis, Spas                                                                       | AUP            | See Section <u>23D.08.060.C</u>                                                                              |

| Table 23D.28.030         |                |                               |
|--------------------------|----------------|-------------------------------|
| Use and Required Permits |                |                               |
| Use                      | Classification | Special Requirements (if any) |
| Stables for Horses       | AUP            |                               |

Section 7. That the “Accessory Uses and Structures” section of Table 23D.32.030 in Chapter 23D.32 Section 23D.32.030 of the Berkeley Municipal Code is amended to read as follows:

### 23D.32.030 Uses Permitted

| Table 23D.32.030                                                                               |                |                                                                                                              |
|------------------------------------------------------------------------------------------------|----------------|--------------------------------------------------------------------------------------------------------------|
| Use and Required Permits                                                                       |                |                                                                                                              |
| Use                                                                                            | Classification | Special Requirements (if any)                                                                                |
| Accessory Uses and Structures                                                                  |                |                                                                                                              |
| Accessory Buildings or Structures                                                              | ZC             | Must satisfy the requirements of Chapter <u>23D.08</u>                                                       |
| If has either habitable space and/or exceeds the requirements under Chapter <u>23D.08</u>      | AUP            |                                                                                                              |
| When located on a vacant lot without a Main Building                                           | AUP            |                                                                                                              |
| With Urban Agriculture                                                                         | ZC             | Subject to <u>23C.26</u> , <u>23D.08.010</u> , <u>23D.08.020</u> , <u>23D.08.050</u> , and <u>23D.08.060</u> |
| Accessory Dwelling Units in compliance with Section <u>23C.24.050</u>                          | ZC             |                                                                                                              |
| Accessory Dwelling Unit that does not comply with requirements under Section <u>23C.24.050</u> | AUP            | Subject to making applicable findings in Section <u>23C.24.070</u>                                           |

| Table 23D.32.030                                             |                |                                                                       |
|--------------------------------------------------------------|----------------|-----------------------------------------------------------------------|
| Use and Required Permits                                     |                |                                                                       |
| Use                                                          | Classification | Special Requirements (if any)                                         |
| Short-Term Rental                                            | ZC             | Subject to requirements of Chapter <u>23C.22</u>                      |
| Child Care; Family Daycare Home (Small or Large)             | ZC             |                                                                       |
| Fences                                                       |                |                                                                       |
| If six ft. or less in height                                 | ZC             |                                                                       |
| Exceeding six ft. in height                                  | AUP            | In required setbacks                                                  |
| Home Occupations                                             |                | <u>Subject to the requirements of Chapter 23C.16</u>                  |
| <del>Low Impact</del> <u>Class I</u>                         | ZC             | <del>If the requirements of Section 23C.16.020 are met</del>          |
| <del>Moderate Impact, teaching-related</del> <u>Class II</u> | AUP            | <del>Subject to the requirements of Section <u>23C.16.030.A</u></del> |
| <del>Moderate Impact</del> <u>Class III</u>                  | UP(PH)         | <del>Subject to the requirements of Section <u>23C.16.030.B</u></del> |
| Hot Tubs, Jacuzzis, Spas                                     | AUP            | See Section <u>23D.08.060.C</u>                                       |
| Stables for Horses                                           | AUP            |                                                                       |

Section 8. That the "Accessory Uses and Structures" section of Table 23D.36.030 in Chapter 23D.36 Section 23D.36.030 of the Berkeley Municipal Code is amended to read as follows:

### 23D.36.030 Uses Permitted

| Table 23D.36.030                                                                               |                |                                                                                                              |
|------------------------------------------------------------------------------------------------|----------------|--------------------------------------------------------------------------------------------------------------|
| Use and Required Permits                                                                       |                |                                                                                                              |
| Use                                                                                            | Classification | Special Requirements (if any)                                                                                |
| Accessory Uses and Structures                                                                  |                |                                                                                                              |
| Accessory Buildings or Structures                                                              | ZC             | Must satisfy the requirements of Chapter <u>23D.08</u>                                                       |
| If has either habitable space and/or exceeds the requirements under Chapter <u>23D.08</u>      | AUP            |                                                                                                              |
| When located on a vacant lot without a Main Building                                           | AUP            |                                                                                                              |
| With Urban Agriculture                                                                         | ZC             | Subject to <u>23C.26</u> , <u>23D.08.010</u> , <u>23D.08.020</u> , <u>23D.08.050</u> , and <u>23D.08.060</u> |
| Accessory Dwelling Units in compliance with Section <u>23C.24.050</u>                          | ZC             |                                                                                                              |
| Accessory Dwelling Unit that does not comply with requirements under Section <u>23C.24.050</u> | AUP            | Subject to making applicable findings in Section <u>23C.24.070</u>                                           |
| Short-Term Rental                                                                              | ZC             | Subject to requirements of Chapter <u>23C.22</u>                                                             |
| Child Care; Family Daycare Home (Small or Large)                                               | ZC             |                                                                                                              |
| Fences                                                                                         |                |                                                                                                              |
| If six ft. or less in height                                                                   | ZC             | In required setbacks                                                                                         |
| Exceeding six ft. in height                                                                    | AUP            |                                                                                                              |

| Table 23D.36.030                                             |                |                                                                |
|--------------------------------------------------------------|----------------|----------------------------------------------------------------|
| Use and Required Permits                                     |                |                                                                |
| Use                                                          | Classification | Special Requirements (if any)                                  |
| Home Occupations                                             |                | <u>Subject to the requirements of Chapter 23C.16</u>           |
| <del>Low Impact</del> <u>Class I</u>                         | ZC             | <del>If the requirements of Section 23C.16.020 are met</del>   |
| <del>Moderate Impact, teaching-related</del> <u>Class II</u> | AUP            | <del>Subject to the requirements of Section 23C.16.030.A</del> |
| <del>Moderate Impact</del> <u>Class III</u>                  | UP(PH)         | <del>Subject to the requirements of Section 23C.16.030.B</del> |
| Hot Tubs, Jacuzzis, Spas                                     | AUP            | See Section <u>23D.08.060.C</u>                                |
| Stables for Horses                                           | AUP            |                                                                |

Section 9. That the “Accessory Uses and Structures” section of Table 23D.40.030 in Chapter 23D.40 Section 23D.40.030 of the Berkeley Municipal Code is amended to read as follows:

#### 23D.40.030 Uses Permitted

| Table 23D.40.030                                                                          |                |                                                        |
|-------------------------------------------------------------------------------------------|----------------|--------------------------------------------------------|
| Use and Required Permits                                                                  |                |                                                        |
| Use                                                                                       | Classification | Special Requirements (if any)                          |
| Accessory Uses and Structures                                                             |                |                                                        |
| Accessory Buildings or Structures                                                         | ZC             | Must satisfy the requirements of Chapter <u>23D.08</u> |
| If has either habitable space and/or exceeds the requirements under Chapter <u>23D.08</u> | AUP            |                                                        |

| Table 23D.40.030                                                                               |                |                                                                                                                |
|------------------------------------------------------------------------------------------------|----------------|----------------------------------------------------------------------------------------------------------------|
| Use and Required Permits                                                                       |                |                                                                                                                |
| Use                                                                                            | Classification | Special Requirements (if any)                                                                                  |
| When located on a vacant lot without a Main Building                                           | AUP            |                                                                                                                |
| With Urban Agriculture                                                                         | ZC             | Subject to <u>23C.26</u> , <u>23D.08.010</u> , <u>23D.08.020</u> , <u>23D.08.050</u> , and <u>23D.08.060</u> . |
| Accessory Dwelling Units in compliance with Section <u>23C.24.050</u>                          | ZC             |                                                                                                                |
| Accessory Dwelling Unit that does not comply with requirements under Section <u>23C.24.050</u> | AUP            | Subject to making of applicable findings set forth in Section <u>23C.24.070</u>                                |
| Short-Term Rental                                                                              | ZC             | Subject to requirements of Chapter <u>23C.22</u>                                                               |
| Child Care; Family Daycare Home (Small or Large)                                               | ZC             |                                                                                                                |
| Fences                                                                                         |                |                                                                                                                |
| Six ft. or less in height                                                                      | ZC             |                                                                                                                |
| Exceeding six ft. in height                                                                    | AUP            | In required setbacks                                                                                           |
| Home Occupations                                                                               |                | <u>Subject to the requirements of Chapter 23C.16</u>                                                           |
| <del>Low Impact</del> <u>Class I</u>                                                           | ZC             | <del>If the requirements of Section 23C.16.020 are met</del>                                                   |
| <del>Moderate Impact, teaching-related</del> <u>Class II</u>                                   | AUP            | <del>Subject to the requirements of Section 23C.16.030.A</del>                                                 |

| Table 23D.40.030                             |                |                                                                                                          |
|----------------------------------------------|----------------|----------------------------------------------------------------------------------------------------------|
| Use and Required Permits                     |                |                                                                                                          |
| Use                                          | Classification | Special Requirements (if any)                                                                            |
| <del>Moderate Impact</del> <u>Class III</u>  | UP(PH)         | <del>Subject to the requirements of Section 23C.16.030.B</del>                                           |
| Hot Tubs, Jacuzzis, Spas                     | AUP            | See Section <u>23D.08.060.C</u>                                                                          |
| Stables for Horses                           | AUP            |                                                                                                          |
| Stores and Shops (Incidental to another Use) | UP(PH)         | Contained within a building with no street access and no displays or merchandise visible from the street |

Section 10. That the “Accessory Uses and Structures” section of Table 23D.44.030 in Chapter 23D.44 Section 23D.44.030 of the Berkeley Municipal Code is amended to read as follows:

#### 23D.44.030 Uses Permitted

| Table 23D.44.030                                                                          |                |                                                        |
|-------------------------------------------------------------------------------------------|----------------|--------------------------------------------------------|
| Use and Required Permits                                                                  |                |                                                        |
| Use                                                                                       | Classification | Special Requirements (if any)                          |
| Accessory Uses and Structures                                                             |                |                                                        |
| Accessory Buildings or Structures                                                         | ZC             | Must satisfy the requirements of Chapter <u>23D.08</u> |
| If has either habitable space and/or exceeds the requirements under Chapter <u>23D.08</u> | AUP            |                                                        |
| When located on a vacant lot without a Main Building                                      | AUP            |                                                        |



| Table 23D.44.030                                                                               |                |                                                                                                              |
|------------------------------------------------------------------------------------------------|----------------|--------------------------------------------------------------------------------------------------------------|
| Use and Required Permits                                                                       |                |                                                                                                              |
| Use                                                                                            | Classification | Special Requirements (if any)                                                                                |
| With Urban Agriculture                                                                         | ZC             | Subject to <u>23C.26</u> , <u>23D.08.010</u> , <u>23D.08.020</u> , <u>23D.08.050</u> , and <u>23D.08.060</u> |
| Accessory Dwelling Units in compliance with Section <u>23C.24.050</u>                          | ZC             |                                                                                                              |
| Accessory Dwelling Unit that does not comply with requirements under Section <u>23C.24.050</u> | AUP            | Subject to making applicable findings set forth in Section <u>23C.24.070</u>                                 |
| Short-Term Rental                                                                              | ZC             | Subject to requirements of Chapter <u>23C.22</u>                                                             |
| Child Care; Family Daycare Home (Small or Large)                                               | ZC             |                                                                                                              |
| Fences                                                                                         |                |                                                                                                              |
| Six ft. or less in height                                                                      | ZC             |                                                                                                              |
| Exceeding six ft. in height                                                                    | AUP            | In required setbacks                                                                                         |
| Home Occupations                                                                               |                | <u>Subject to the requirements of Chapter 23C.16</u>                                                         |
| <del>Low Impact</del> <u>Class I</u>                                                           | ZC             | <del>If the requirements of Section 23C.16.020 are met</del>                                                 |
| <del>Moderate Impact, teaching-related</del> <u>Class II</u>                                   | AUP            | <del>Subject to the requirements of Section 23C.16.030.A</del>                                               |
| <del>Moderate Impact</del> <u>Class III</u>                                                    | UP(PH)         | <del>Subject to the requirements of Section 23C.16.030.B</del>                                               |
| Hot Tubs, Jacuzzis, Spas                                                                       | AUP            | See Section <u>23D.08.060.C</u>                                                                              |

| Table 23D.44.030                             |                |                                                                                                          |
|----------------------------------------------|----------------|----------------------------------------------------------------------------------------------------------|
| Use and Required Permits                     |                |                                                                                                          |
| Use                                          | Classification | Special Requirements (if any)                                                                            |
| Stables for Horses                           | AUP            |                                                                                                          |
| Stores and Shops (Incidental to another Use) | UP(PH)         | Contained within a building with no street access and no displays or merchandise visible from the street |

Section 11. That the “Accessory Uses and Structures” section of Table 23D.48.030 in Chapter 23D.48 Section 23D.48.030 of the Berkeley Municipal Code is amended to read as follows:

#### 23D.48.030 Uses Permitted

| Table 23D.48.030                                                                          |                |                                                                                                              |
|-------------------------------------------------------------------------------------------|----------------|--------------------------------------------------------------------------------------------------------------|
| Use and Required Permits                                                                  |                |                                                                                                              |
| Use                                                                                       | Classification | Special Requirements (if any)                                                                                |
| Accessory Uses and Structures                                                             |                |                                                                                                              |
| Accessory Buildings or Structures                                                         | ZC             | Must satisfy the requirements of Chapter <u>23D.08</u>                                                       |
| If has either habitable space and/or exceeds the requirements under Chapter <u>23D.08</u> | AUP            |                                                                                                              |
| When located on a vacant lot without a Main Building                                      | AUP            |                                                                                                              |
| With Urban Agriculture                                                                    | ZC             | Subject to <u>23C.26</u> , <u>23D.08.010</u> , <u>23D.08.020</u> , <u>23D.08.050</u> , and <u>23D.08.060</u> |

| Table 23D.48.030                                                                               |                |                                                                              |
|------------------------------------------------------------------------------------------------|----------------|------------------------------------------------------------------------------|
| Use and Required Permits                                                                       |                |                                                                              |
| Use                                                                                            | Classification | Special Requirements (if any)                                                |
| Accessory Dwelling Units in compliance with Section <u>23C.24.050</u>                          | ZC             |                                                                              |
| Accessory Dwelling Unit that does not comply with requirements under Section <u>23C.24.050</u> | AUP            | Subject to making applicable findings set forth in Section <u>23C.24.070</u> |
| Short-Term Rental                                                                              | ZC             | Subject to requirements of Chapter <u>23C.22</u>                             |
| Child Care; Family Daycare Home (Small or Large)                                               | ZC             |                                                                              |
| Fences                                                                                         |                |                                                                              |
| Six ft. or less in height                                                                      | ZC             |                                                                              |
| Exceeding six ft. in height                                                                    | AUP            | In required setbacks                                                         |
| Home Occupations                                                                               |                | <u>Subject to the requirements of Chapter 23C.16</u>                         |
| <del>Low Impact</del> <u>Class I</u>                                                           | ZC             | <del>If the requirements of Section 23C.16.020 are met</del>                 |
| <del>Moderate Impact, teaching-related</del> <u>Class II</u>                                   | AUP            | <del>Subject to the requirements of Section <u>23C.16.030.A</u></del>        |
| <del>Moderate Impact</del> <u>Class III</u>                                                    | UP(PH)         | <del>Subject to the requirements of Section <u>23C.16.030.B</u></del>        |
| Hot Tubs, Jacuzzis, Spas                                                                       | AUP            | See Section <u>23D.08.060.C</u>                                              |
| Stables for Horses                                                                             | Prohibited     |                                                                              |

| Table 23D.48.030                             |                |                                                                                                          |
|----------------------------------------------|----------------|----------------------------------------------------------------------------------------------------------|
| Use and Required Permits                     |                |                                                                                                          |
| Use                                          | Classification | Special Requirements (if any)                                                                            |
| Stores and Shops (Incidental to another Use) | UP(PH)         | Contained within a building with no street access and no displays or merchandise visible from the street |

Section 12. That the “Accessory Uses and Structures” section of Table 23D.52.030 in Chapter 23D.52 Section 23D.52.030 of the Berkeley Municipal Code is amended to read as follows:

### 23D.52.030 Uses Permitted

| Table 23D.52.030                                                                          |                |                                                                                                              |
|-------------------------------------------------------------------------------------------|----------------|--------------------------------------------------------------------------------------------------------------|
| Use and Required Permits                                                                  |                |                                                                                                              |
| Use                                                                                       | Classification | Special Requirements (if any)                                                                                |
| Accessory Uses and Structures                                                             |                |                                                                                                              |
| Accessory Buildings or Structures                                                         | ZC             | Must satisfy the requirements of Chapter <u>23D.08</u>                                                       |
| If has either habitable space and/or exceeds the requirements under Chapter <u>23D.08</u> | AUP            |                                                                                                              |
| When located on a vacant lot without a Main Building                                      | AUP            |                                                                                                              |
| With Urban Agriculture                                                                    | ZC             | Subject to <u>23C.26</u> , <u>23D.08.010</u> , <u>23D.08.020</u> , <u>23D.08.050</u> , and <u>23D.08.060</u> |
| Accessory Dwelling Units in compliance with Section <u>23C.24.050</u>                     | ZC             |                                                                                                              |

| Table 23D.52.030                                                                               |                |                                                                                                          |
|------------------------------------------------------------------------------------------------|----------------|----------------------------------------------------------------------------------------------------------|
| Use and Required Permits                                                                       |                |                                                                                                          |
| Use                                                                                            | Classification | Special Requirements (if any)                                                                            |
| Accessory Dwelling Unit that does not comply with requirements under Section <u>23C.24.050</u> | AUP            | Subject to making applicable findings set forth in Section <u>23C.24.070</u>                             |
| Short-Term Rental                                                                              | ZC             | Subject to requirements of Chapter <u>23C.22</u>                                                         |
| Child Care; Family Daycare Home (Small or Large)                                               | ZC             |                                                                                                          |
| Fences                                                                                         |                |                                                                                                          |
| Six ft. or less in height                                                                      | ZC             |                                                                                                          |
| Exceeding six ft. in height                                                                    | AUP            | In required setbacks                                                                                     |
| Home Occupations                                                                               |                | <u>Subject to the requirements of Chapter 23C.16</u>                                                     |
| <del>Low Impact</del> <u>Class I</u>                                                           | ZC             | <del>If the requirements of Section 23C.16.020 are met</del>                                             |
| <del>Moderate Impact, teaching-related</del> <u>Class II</u>                                   | AUP            | <del>Subject to the requirements of Section 23C.16.030.A</del>                                           |
| <del>Moderate Impact</del> <u>Class III</u>                                                    | UP(PH)         | <del>Subject to the requirements of Section 23C.16.030.B</del>                                           |
| Hot Tubs, Jacuzzis, Spas                                                                       | AUP            | See Section <u>23D.08.060.C</u>                                                                          |
| Stables for Horses                                                                             | Prohibited     |                                                                                                          |
| Stores and Shops (Incidental to another Use)                                                   | UP(PH)         | Contained within a building with no street access and no displays or merchandise visible from the street |

Section 13. That the “Uses Permitted in Residential Districts” section of Table 23E.36.030 in Chapter 23E.36 Section 23E.36.030 of the Berkeley Municipal Code is amended to read as follows:

### 23E.36.030 Uses Permitted

| Table 23E.36.030                                                                                        |                  |                                                                                                                                                                                |
|---------------------------------------------------------------------------------------------------------|------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Use and Required Permits                                                                                |                  |                                                                                                                                                                                |
| Use                                                                                                     | Classification   | Special Requirements (if any)                                                                                                                                                  |
| Uses Permitted in Residential Districts                                                                 |                  |                                                                                                                                                                                |
| Accessory Dwelling Unit in compliance with Section <a href="#">23C.24.050</a>                           | ZC               |                                                                                                                                                                                |
| Accessory Dwelling Unit that does not comply with requirements under Section <a href="#">23C.24.050</a> | AUP              | Subject to making applicable findings in Section <a href="#">23C.24.070</a>                                                                                                    |
| Accessory Uses and Structures                                                                           | Per R-3 District | See Table <a href="#">23D.36.030</a>                                                                                                                                           |
| Accessory Buildings and Structures with Urban Agriculture                                               | ZC               | <a href="#">23C.26</a> , <a href="#">23D.08.010</a> , <a href="#">23D.08.020</a> , <a href="#">23D.08.050</a> , and <a href="#">23D.08.060</a>                                 |
| Short-Term Rental                                                                                       | ZC               | Subject to requirements of Chapter <a href="#">23C.22</a>                                                                                                                      |
| Child Care Centers                                                                                      | UP(PH)           |                                                                                                                                                                                |
| Child Care; Family Daycare Home (Small or Large)                                                        | ZC               |                                                                                                                                                                                |
| Clubs, Lodges                                                                                           | UP(PH)           |                                                                                                                                                                                |
| Community Centers                                                                                       | UP(PH)           |                                                                                                                                                                                |
| Dwelling Units, subject to R-3 Standards                                                                | UP(PH)           | Standards may be modified under Section <a href="#">23E.36.070</a> .E. Residential-only projects are prohibited within the University Avenue Node Overlay areas, and permitted |

| Table 23E.36.030                                                                             |                                                  |                                                                            |
|----------------------------------------------------------------------------------------------|--------------------------------------------------|----------------------------------------------------------------------------|
| Use and Required Permits                                                                     |                                                  |                                                                            |
| Use                                                                                          | Classification                                   | Special Requirements (if any)                                              |
|                                                                                              |                                                  | within University Avenue Overlay Mixed Use areas                           |
| Group Living Accommodations<br>subject to R-3 Standards                                      | UP(PH)                                           | Standards may be modified under<br>Section <a href="#">23E.36.070.E</a>    |
| <u>Home Occupations</u><br><br><u>Class I</u><br><br><u>Class II</u><br><br><u>Class III</u> | <u>ZC</u><br><br><u>AUP</u><br><br><u>UP(PH)</u> | <u>Subject to the requirements of Chapter 23C.16</u>                       |
| Hospitals                                                                                    | UP(PH)                                           | Subject to parking requirements; see<br>Section <a href="#">23E.36.080</a> |
| Hotels, Residential, including Single<br>Room Occupancy (SRO) Hotels                         | UP(PH)                                           |                                                                            |
| Libraries                                                                                    | UP(PH)                                           | Subject to parking requirements; see<br>Section <a href="#">23E.36.080</a> |
| Nursing Homes                                                                                | UP(PH)                                           | Subject to parking requirements; see<br>Section <a href="#">23E.36.080</a> |
| Parks and Playgrounds                                                                        | ZC                                               |                                                                            |
| Public Safety and Emergency<br>Services                                                      | UP(PH)                                           |                                                                            |
| Religious Assembly Uses                                                                      | UP(PH)                                           |                                                                            |
| Schools, Public or Private                                                                   | UP(PH)                                           |                                                                            |
| Senior Congregate Housing<br><br>Six or fewer people                                         | <br><br>ZC                                       | Changes of use from an existing dwelling unit                              |

| Table 23E.36.030         |                |                               |
|--------------------------|----------------|-------------------------------|
| Use and Required Permits |                |                               |
| Use                      | Classification | Special Requirements (if any) |
| Seven or more persons    | AUP            |                               |
| New Construction         | UP(PH)         |                               |

Section 14. That the “Uses Permitted in Residential Districts” section of Table 23E.40.030 in Chapter 23E.40 Section 23E.40.030 of the Berkeley Municipal Code is amended to read as follows:

#### 23E.40.030 Uses Permitted

| Table 23E.40.030                                                                                        |                  |                                                                                                                                                |
|---------------------------------------------------------------------------------------------------------|------------------|------------------------------------------------------------------------------------------------------------------------------------------------|
| Use and Required Permits                                                                                |                  |                                                                                                                                                |
| Use                                                                                                     | Classification   | Special Requirements (if any)                                                                                                                  |
| Uses Permitted in Residential Districts                                                                 |                  |                                                                                                                                                |
| Accessory Dwelling Unit in compliance with Section <a href="#">23C.24.050</a>                           | ZC               |                                                                                                                                                |
| Accessory Dwelling Unit that does not comply with requirements under Section <a href="#">23C.24.050</a> | AUP              | Subject to making applicable findings in Section <a href="#">23C.24.070</a>                                                                    |
| Accessory Uses and Structures                                                                           | Per R-3 District | See Table <a href="#">23D.36.030</a>                                                                                                           |
| Accessory Buildings and Structures with Urban Agricultures                                              | ZC               | <a href="#">23C.26</a> , <a href="#">23D.08.010</a> , <a href="#">23D.08.020</a> , <a href="#">23D.08.050</a> , and <a href="#">23D.08.060</a> |
| Child Care Centers                                                                                      | UP(PH)           |                                                                                                                                                |



| Table 23E.40.030                                                                             |                                                  |                                                                           |
|----------------------------------------------------------------------------------------------|--------------------------------------------------|---------------------------------------------------------------------------|
| Use and Required Permits                                                                     |                                                  |                                                                           |
| Use                                                                                          | Classification                                   | Special Requirements (if any)                                             |
| Child Care; Family Daycare Home (Small or Large)                                             | ZC                                               |                                                                           |
| Clubs, Lodges                                                                                | UP(PH)                                           |                                                                           |
| Community Centers                                                                            | UP(PH)                                           |                                                                           |
| Dwelling Units, subject to R-3 Standards                                                     | UP(PH)                                           | Standards may be modified under Section <a href="#">23E.40.070.E</a>      |
| Group Living Accommodations subject to R-3 Standards                                         | UP(PH)                                           | Standards may be modified under Section <a href="#">23E.40.070.E</a>      |
| <u>Home Occupations</u><br><br><u>Class I</u><br><br><u>Class II</u><br><br><u>Class III</u> | <u>ZC</u><br><br><u>AUP</u><br><br><u>UP(PH)</u> | <u>Subject to the requirements of Chapter 23C.16</u>                      |
| Hospitals                                                                                    | Prohibited                                       |                                                                           |
| Hotels, Residential, including Single Room Occupancy (SRO) Hotels                            | UP(PH)                                           |                                                                           |
| Libraries                                                                                    | UP(PH)                                           | Subject to parking requirements; see Section <a href="#">23E.40.080.B</a> |
| Nursing Homes                                                                                | UP(PH)                                           | Subject to parking requirements; see Section <a href="#">23E.40.080.B</a> |
| Parks and Playgrounds                                                                        | ZC                                               |                                                                           |
| Public Safety and Emergency Services                                                         | UP(PH)                                           |                                                                           |

| Table 23E.40.030           |                |                                               |
|----------------------------|----------------|-----------------------------------------------|
| Use and Required Permits   |                |                                               |
| Use                        | Classification | Special Requirements (if any)                 |
| Religious Assembly Uses    | UP(PH)         |                                               |
| Schools, Public or Private | UP(PH)         |                                               |
| Senior Congregate Housing  |                | Changes of use from an existing dwelling unit |
| Six or fewer persons       | ZC             |                                               |
| Seven or more persons      | AUP            |                                               |
| New Construction           | UP(PH)         |                                               |

Section 15. That the “Uses Permitted in Residential Districts” section of Table 23E.44.030 in Chapter 23E.44 Section 23E.44.030 of the Berkeley Municipal Code is amended to read as follows:

#### 23E.44.030 Uses Permitted

| Table 23E.44.030                                                                                        |                  |                                                                             |
|---------------------------------------------------------------------------------------------------------|------------------|-----------------------------------------------------------------------------|
| Use and Required Permits                                                                                |                  |                                                                             |
| Use                                                                                                     | Classification   | Special Requirements (if any)                                               |
| Uses Permitted in Residential Districts                                                                 |                  |                                                                             |
| Accessory Dwelling Unit in compliance with Section <a href="#">23C.24.050</a>                           | ZC               |                                                                             |
| Accessory Dwelling Unit that does not comply with requirements under Section <a href="#">23C.24.050</a> | AUP              | Subject to making applicable findings in Section <a href="#">23C.24.070</a> |
| Accessory Uses and Structures                                                                           | Per R-3 District | See Table <a href="#">23D.36.030</a>                                        |

| Table 23E.44.030                                                                             |                                                  |                                                                                                                                                |
|----------------------------------------------------------------------------------------------|--------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|
| Use and Required Permits                                                                     |                                                  |                                                                                                                                                |
| Use                                                                                          | Classification                                   | Special Requirements (if any)                                                                                                                  |
| Accessory Buildings and Structures with Urban Agriculture                                    | ZC                                               | <a href="#">23C.26</a> , <a href="#">23D.08.010</a> , <a href="#">23D.08.020</a> , <a href="#">23D.08.050</a> , and <a href="#">23D.08.060</a> |
| Child Care Centers                                                                           | UP(PH)                                           |                                                                                                                                                |
| Child Care; Family Daycare Home (Small or Large)                                             | ZC                                               |                                                                                                                                                |
| Clubs, Lodges                                                                                | UP(PH)                                           |                                                                                                                                                |
| Community Centers                                                                            | UP(PH)                                           |                                                                                                                                                |
| Dwelling Units, subject to R-3 Standards                                                     | UP(PH)                                           | Standards may be modified under Section <a href="#">23E.44.070.F</a>                                                                           |
| Group Living Accommodations, subject to R-3 Standards                                        | UP(PH)                                           | Standards may be modified under Section <a href="#">23E.44.070.F</a>                                                                           |
| <u>Home Occupations</u><br><br><u>Class I</u><br><br><u>Class II</u><br><br><u>Class III</u> | <u>ZC</u><br><br><u>AUP</u><br><br><u>UP(PH)</u> | <u>Subject to the requirements of Chapter 23C.16</u>                                                                                           |
| Hospitals                                                                                    | Prohibited                                       |                                                                                                                                                |
| Hotels, Residential, including Single Room Occupancy (SRO) Hotels                            | UP(PH)                                           |                                                                                                                                                |
| Libraries                                                                                    | UP(PH)                                           | Subject to parking requirements under Section <a href="#">23E.44.080</a>                                                                       |
| Nursing Homes                                                                                | UP(PH)                                           | Subject to parking requirements under Section <a href="#">23E.44.080</a>                                                                       |

| Table 23E.44.030                     |                |                                               |
|--------------------------------------|----------------|-----------------------------------------------|
| Use and Required Permits             |                |                                               |
| Use                                  | Classification | Special Requirements (if any)                 |
| Parks and Playgrounds                | ZC             |                                               |
| Public Safety and Emergency Services | UP(PH)         |                                               |
| Religious Assembly Uses              | UP(PH)         |                                               |
| Schools, Public or Private           | UP(PH)         |                                               |
| Senior Congregate Housing            |                | Changes of use from an existing dwelling unit |
| Six or fewer persons                 | ZC             |                                               |
| Seven or more persons                | AUP            |                                               |
| New Construction                     | UP(PH)         |                                               |

Section 16. That the “Uses Permitted in Residential Districts” section of Table 23E.48.030 in Chapter 23E.48 Section 23E.48.030 of the Berkeley Municipal Code is amended to read as follows:

#### 23E.48.030 Uses Permitted

| Table 23E.48.030                                                              |                |                                                                             |
|-------------------------------------------------------------------------------|----------------|-----------------------------------------------------------------------------|
| Use and Required Permits                                                      |                |                                                                             |
| Use                                                                           | Classification | Special Requirements (if any)                                               |
| Uses Permitted in Residential Districts                                       |                |                                                                             |
| Accessory Dwelling Unit in compliance with Section <a href="#">23C.24.050</a> | ZC             |                                                                             |
| Accessory Dwelling Unit that does not comply with                             | AUP            | Subject to making applicable findings in Section <a href="#">23C.24.070</a> |

| Table 23E.48.030                                                                             |                                                  |                                                                                                                                                |
|----------------------------------------------------------------------------------------------|--------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|
| Use and Required Permits                                                                     |                                                  |                                                                                                                                                |
| Use                                                                                          | Classification                                   | Special Requirements (if any)                                                                                                                  |
| requirements under Section <a href="#">23C.24.050</a>                                        |                                                  |                                                                                                                                                |
| Accessory Uses and Structures                                                                | Per R-3 District                                 | See Table <a href="#">23D.36.030</a>                                                                                                           |
| Accessory Buildings and Structures with Urban Agriculture                                    | ZC                                               | <a href="#">23C.26</a> , <a href="#">23D.08.010</a> , <a href="#">23D.08.020</a> , <a href="#">23D.08.050</a> , and <a href="#">23D.08.060</a> |
| Short-Term Rental                                                                            | ZC                                               | Subject to requirements of Chapter <a href="#">23C.22</a>                                                                                      |
| Child Care Centers                                                                           | UP(PH)                                           |                                                                                                                                                |
| Child Care; Family Daycare Home (Small or Large)                                             | ZC                                               |                                                                                                                                                |
| Clubs, Lodges                                                                                | Prohibited                                       |                                                                                                                                                |
| Community Centers                                                                            | UP(PH)                                           |                                                                                                                                                |
| Dwelling Units, subject to R-3 Standards                                                     | UP(PH)                                           | Subject to the standards under Section <a href="#">23E.48.070.F</a>                                                                            |
| Group Living Accommodations, subject to R-3 Standards                                        | UP(PH)                                           | Subject to the standards under Section <a href="#">23E.48.070.F</a>                                                                            |
| <u>Home Occupations</u><br><br><u>Class I</u><br><br><u>Class II</u><br><br><u>Class III</u> | <u>ZC</u><br><br><u>AUP</u><br><br><u>UP(PH)</u> | <u>Subject to the requirements of Chapter 23C.16</u>                                                                                           |
| Hospitals                                                                                    | Prohibited                                       |                                                                                                                                                |

| Table 23E.48.030                                                        |                |                                                                            |
|-------------------------------------------------------------------------|----------------|----------------------------------------------------------------------------|
| Use and Required Permits                                                |                |                                                                            |
| Use                                                                     | Classification | Special Requirements (if any)                                              |
| Hotels, Residential, including<br>Single Room Occupancy (SRO)<br>Hotels | UP(PH)         |                                                                            |
| Libraries                                                               | UP(PH)         | Subject to parking requirements; see<br>Section <a href="#">23E.48.080</a> |
| Nursing Homes                                                           | UP(PH)         | Subject to parking requirements; see<br>Section <a href="#">23E.48.080</a> |
| Parks and Playgrounds                                                   | ZC             |                                                                            |
| Public Safety and Emergency<br>Services                                 | UP(PH)         |                                                                            |
| Religious Assembly Uses                                                 | UP(PH)         |                                                                            |
| Schools, Public or Private                                              | UP(PH)         |                                                                            |
| Senior Congregate Housing                                               |                | Change of use from an existing dwelling unit                               |
| Six or fewer persons                                                    | ZC             |                                                                            |
| Seven or more persons                                                   | AUP            |                                                                            |
| New Construction                                                        | UP(PH)         |                                                                            |

Section 17. That the “Uses Permitted in Residential Districts” section of Table 23E.52.030 in Chapter 23E.52 Section 23E.52.030 of the Berkeley Municipal Code is amended to read as follows:

#### **23E.52.030 Uses Permitted**

| Table 23E.52.030                                                                                        |                  |                                                                                                                                                |
|---------------------------------------------------------------------------------------------------------|------------------|------------------------------------------------------------------------------------------------------------------------------------------------|
| Use and Required Permits                                                                                |                  |                                                                                                                                                |
| Use                                                                                                     | Classification   | Special Requirements (if any)                                                                                                                  |
| Uses Permitted in Residential Districts                                                                 |                  |                                                                                                                                                |
| Accessory Dwelling Unit in compliance with Section <a href="#">23C.24.050</a>                           | ZC               |                                                                                                                                                |
| Accessory Dwelling Unit that does not comply with requirements under Section <a href="#">23C.24.050</a> | AUP              | Subject to making applicable findings in Section <a href="#">23C.24.070</a>                                                                    |
| Accessory Uses and Structures                                                                           | Per R-3 District | See Table <a href="#">23D.36.030</a>                                                                                                           |
| Accessory Buildings and Structures with Urban Agriculture                                               | ZC               | <a href="#">23C.26</a> , <a href="#">23D.08.010</a> , <a href="#">23D.08.020</a> , <a href="#">23D.08.050</a> , and <a href="#">23D.08.060</a> |
| Short-Term Rental                                                                                       | ZC               | Subject to requirements of Chapter <a href="#">23C.22</a>                                                                                      |
| Child Care Centers                                                                                      | UP(PH)           |                                                                                                                                                |
| Child Care; Family Daycare Home (Small or Large)                                                        | ZC               |                                                                                                                                                |
| Clubs, Lodges                                                                                           | UP(PH)           |                                                                                                                                                |
| Community Centers                                                                                       | UP(PH)           |                                                                                                                                                |
| Dwelling Units, subject to R-3 Standards                                                                | UP(PH)           | Subject to the standards under Section <a href="#">23E.52.070.E</a>                                                                            |
| Group Living Accommodations subject to R-3 Standards                                                    | UP(PH)           | Subject to the standards under Section <a href="#">23E.52.070.E</a>                                                                            |
| <u>Home Occupations</u>                                                                                 |                  | <u>Subject to the requirements of Chapter 23C.16</u>                                                                                           |
| <u>Class I</u>                                                                                          | <u>ZC</u>        |                                                                                                                                                |

| Table 23E.52.030                                                        |                |                                                                            |
|-------------------------------------------------------------------------|----------------|----------------------------------------------------------------------------|
| Use and Required Permits                                                |                |                                                                            |
| Use                                                                     | Classification | Special Requirements (if any)                                              |
| <u>Class II</u>                                                         | <u>AUP</u>     |                                                                            |
| <u>Class III</u>                                                        | <u>UP(PH)</u>  |                                                                            |
| Hospitals                                                               | Prohibited     |                                                                            |
| Hotels, Residential, including<br>Single Room Occupancy (SRO)<br>Hotels | UP(PH)         |                                                                            |
| Libraries                                                               | UP(PH)         | Subject to parking requirements; see<br>Section <a href="#">23E.52.080</a> |
| Nursing Homes                                                           | UP(PH)         | Subject to parking requirements; see<br>Section <a href="#">23E.52.080</a> |
| Parks and Playgrounds                                                   | ZC             |                                                                            |
| Public Safety and Emergency<br>Services                                 | UP(PH)         |                                                                            |
| Religious Assembly Uses                                                 | UP(PH)         |                                                                            |
| Schools, Public or Private                                              | UP(PH)         |                                                                            |
| Senior Congregate Housing                                               |                | Change of use from an existing dwelling unit                               |
| Six or fewer people                                                     | ZC             |                                                                            |
| Seven or more people                                                    | AUP            |                                                                            |
| New construction                                                        | UP(PH)         |                                                                            |

Section 18. That the “Uses Permitted in Residential Districts” section of Table 23E.56.030 in Chapter 23E.56 Section 23E.56.030 of the Berkeley Municipal Code is amended to read as follows:

#### 23E.56.030 Uses Permitted



| Table 23E.56.030                                                                                        |                  |                                                                                                                                                |
|---------------------------------------------------------------------------------------------------------|------------------|------------------------------------------------------------------------------------------------------------------------------------------------|
| Use and Required Permits                                                                                |                  |                                                                                                                                                |
| Use                                                                                                     | Classification   | Special Requirements (if any)                                                                                                                  |
| Uses Permitted in Residential Districts                                                                 |                  |                                                                                                                                                |
| Accessory Dwelling Unit in compliance with Section <a href="#">23C.24.050</a>                           | ZC               |                                                                                                                                                |
| Accessory Dwelling Unit that does not comply with requirements under Section <a href="#">23C.24.050</a> | AUP              | Subject to making applicable findings in Section <a href="#">23C.24.070</a>                                                                    |
| Accessory Uses and Structures                                                                           | Per R-3 District | See Table <a href="#">23D.36.030</a>                                                                                                           |
| Accessory Buildings and Structures with Urban Agriculture                                               | ZC               | <a href="#">23C.26</a> , <a href="#">23D.08.010</a> , <a href="#">23D.08.020</a> , <a href="#">23D.08.050</a> , and <a href="#">23D.08.060</a> |
| Short-Term Rental                                                                                       | ZC               | Subject to requirements of Chapter <a href="#">23C.22</a>                                                                                      |
| Child Care Centers                                                                                      | UP(PH)           |                                                                                                                                                |
| Child Care; Family Daycare Home (Small or Large)                                                        | ZC               |                                                                                                                                                |
| Clubs, Lodges                                                                                           | UP(PH)           |                                                                                                                                                |
| Community Centers                                                                                       | UP(PH)           |                                                                                                                                                |
| Dwelling Units, subject to R-3 Standards                                                                | UP(PH)           | Subject to the standards under Section <a href="#">23E.56.070.E</a>                                                                            |
| Group Living Accommodations subject to R-3 Standards                                                    | UP(PH)           | Subject to the standards under Section <a href="#">23E.56.070.E</a>                                                                            |
| <u>Home Occupations</u>                                                                                 |                  | <u>Subject to the requirements of Chapter 23C.16</u>                                                                                           |
| <u>Class I</u>                                                                                          | <u>ZC</u>        |                                                                                                                                                |

| Table 23E.56.030                                                        |                |                                              |
|-------------------------------------------------------------------------|----------------|----------------------------------------------|
| Use and Required Permits                                                |                |                                              |
| Use                                                                     | Classification | Special Requirements (if any)                |
| <u>Class II</u>                                                         | <u>AUP</u>     |                                              |
| <u>Class III</u>                                                        | <u>UP(PH)</u>  |                                              |
| Hospitals                                                               | Prohibited     |                                              |
| Hotels, Residential, including<br>Single Room Occupancy (SRO)<br>Hotels | UP(PH)         |                                              |
| Libraries                                                               | UP(PH)         |                                              |
| Nursing Homes                                                           | UP(PH)         |                                              |
| Parks and Playgrounds                                                   | ZC             |                                              |
| Public Safety and Emergency<br>Services                                 | UP(PH)         |                                              |
| Religious Assembly Uses                                                 | UP(PH)         |                                              |
| Schools, Public or Private                                              | UP(PH)         |                                              |
| Senior Congregate Housing                                               |                | Change of use from an existing dwelling unit |
| Six or fewer people                                                     | ZC             |                                              |
| Seven or more persons                                                   | AUP            |                                              |
| New Construction                                                        | UP(PH)         |                                              |

Section 19. That the “Uses Permitted in Residential Districts” section of Table 23E.60.030 in Chapter 23E.60 Section 23E.60.030 of the Berkeley Municipal Code is amended to read as follows:

### **23E.60.030 Uses Permitted**

| Table 23E.60.030                                                                                        |                     |                                                                                                                                                |
|---------------------------------------------------------------------------------------------------------|---------------------|------------------------------------------------------------------------------------------------------------------------------------------------|
| Use and Required Permits                                                                                |                     |                                                                                                                                                |
| Use                                                                                                     | Classification      | Special Requirements (if any)                                                                                                                  |
| Uses Permitted in Residential Districts                                                                 |                     |                                                                                                                                                |
| Accessory Dwelling Unit in compliance with Section <a href="#">23C.24.050</a>                           | ZC                  |                                                                                                                                                |
| Accessory Dwelling Unit that does not comply with requirements under Section <a href="#">23C.24.050</a> | AUP                 | Subject to making applicable findings in Section <a href="#">23C.24.070</a>                                                                    |
| Accessory Uses and Structures                                                                           | Per R-3 District    | See Table <a href="#">23D.36.030</a>                                                                                                           |
| Accessory Buildings and Structures with Urban Agriculture                                               | ZC                  | <a href="#">23C.26</a> , <a href="#">23D.08.010</a> , <a href="#">23D.08.020</a> , <a href="#">23D.08.050</a> , and <a href="#">23D.08.060</a> |
| Child Care Centers                                                                                      | UP(PH)              |                                                                                                                                                |
| Child Care; Family Daycare Home (Small or Large)                                                        | ZC                  |                                                                                                                                                |
| Clubs, Lodges                                                                                           | Prohibited          |                                                                                                                                                |
| Community Centers                                                                                       | UP(PH)              |                                                                                                                                                |
| Dwelling Units, subject to R-3 Standards                                                                | UP(PH)              | Standards may be modified under Section <a href="#">23E.60.070.F</a>                                                                           |
| Group Living Accommodations, subject to R-3 Standards                                                   | UP(PH)              | Standards may be modified under Section <a href="#">23E.60.070.F</a>                                                                           |
| <a href="#">Home Occupations</a>                                                                        |                     | <a href="#">Subject to the requirements of Chapter 23C.16</a>                                                                                  |
| <a href="#">Class I</a>                                                                                 | <a href="#">ZC</a>  |                                                                                                                                                |
| <a href="#">Class II</a>                                                                                | <a href="#">AUP</a> |                                                                                                                                                |

| Table 23E.60.030                                                        |                |                                                                            |
|-------------------------------------------------------------------------|----------------|----------------------------------------------------------------------------|
| Use and Required Permits                                                |                |                                                                            |
| Use                                                                     | Classification | Special Requirements (if any)                                              |
| <u>Class III</u>                                                        | <u>UP(PH)</u>  |                                                                            |
| Hospitals                                                               | Prohibited     |                                                                            |
| Hotels, Residential, including<br>Single Room Occupancy (SRO)<br>Hotels | UP(PH)         |                                                                            |
| Libraries                                                               | UP(PH)         | Subject to parking requirements; see<br>Section <a href="#">23E.60.080</a> |
| Nursing Homes                                                           | UP(PH)         | Subject to parking requirements; see<br>Section <a href="#">23E.60.080</a> |
| Parks and Playgrounds                                                   | ZC             |                                                                            |
| Public Safety and Emergency<br>Services                                 | UP(PH)         |                                                                            |
| Religious Assembly Uses                                                 | UP(PH)         |                                                                            |
| Schools, Public or Private                                              | UP(PH)         |                                                                            |
| Senior Congregate Housing                                               |                | Change of use from an existing dwelling unit                               |
| Six or fewer persons                                                    | ZC             |                                                                            |
| Seven or more persons                                                   | AUP            |                                                                            |
| New Construction                                                        | UP(PH)         |                                                                            |

Section 20. That the “Residential and Related Uses” section of Table 23E.64.030 in Chapter 23E.64 Section 23E.64.030 of the Berkeley Municipal Code is amended to read as follows:

### **23E.64.030 Uses Permitted**

| Table 23E.64.030                                                                               |                                                               |                                                                                                        |
|------------------------------------------------------------------------------------------------|---------------------------------------------------------------|--------------------------------------------------------------------------------------------------------|
| Use and Required Permits                                                                       |                                                               |                                                                                                        |
| Use                                                                                            | Permits Required to Establish, Expand or Change Use (sq. ft.) | Special Requirements (if any)                                                                          |
| Residential and Related Uses                                                                   |                                                               |                                                                                                        |
| Accessory Dwelling Unit in compliance with Section <u>23C.24.050</u>                           | ZC                                                            |                                                                                                        |
| Accessory Dwelling Unit that does not comply with requirements under Section <u>23C.24.050</u> | AUP                                                           | Subject to making applicable findings in Section <u>23C.24.070</u>                                     |
| Additions, Major Residential                                                                   | AUP                                                           | See definition in Sub-title <u>23F</u> . Subject to required finding under Section <u>23E.64.090.G</u> |
| Short-Term Rental                                                                              | ZC                                                            | Subject to requirements of Chapter <u>23C.22</u>                                                       |
| Child Care; Family Daycare Home (Small or Large)                                               | ZC                                                            |                                                                                                        |
| Child Care Centers                                                                             | UP(PH)                                                        |                                                                                                        |
| Clubs, Lodges                                                                                  | UP(PH)                                                        |                                                                                                        |
| Community Care Facilities/Homes                                                                | ZC                                                            |                                                                                                        |
| Community Centers                                                                              | UP(PH)                                                        |                                                                                                        |
| Dwelling Units                                                                                 | UP(PH)                                                        | Subject to Development Standards under Section <u>23E.64.070</u>                                       |

| Table 23E.64.030                                                                                                                                               |                                                               |                                                                                                                                                                                                                                                                      |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Use and Required Permits                                                                                                                                       |                                                               |                                                                                                                                                                                                                                                                      |
| Use                                                                                                                                                            | Permits Required to Establish, Expand or Change Use (sq. ft.) | Special Requirements (if any)                                                                                                                                                                                                                                        |
| Group Living Accommodations                                                                                                                                    | UP(PH)                                                        | Subject to Development Standards under Section <u>23E.64.070</u>                                                                                                                                                                                                     |
| Home Occupations<br><br><del>Low Impact Class I</del><br><br><del>Moderate Impact, teaching-related Class II</del><br><br><del>Moderate Impact Class III</del> | ZC<br><br>AUP<br><br>UP(PH)                                   | <u>Subject to the requirements of Chapter 23C.16</u><br><br><del>If the requirements of Section 23C.16.020 are met</del><br><br><del>Subject to the requirements of Section 23C.16.030.A</del><br><br><del>Subject to the requirements of Section 23C.16.030.B</del> |
| Hospitals                                                                                                                                                      | UP(PH)                                                        | Subject to parking requirements; see Section <u>23E.64.080.F</u>                                                                                                                                                                                                     |
| Hot Tubs, Jacuzzis, Spas                                                                                                                                       | AUP                                                           | See Section <u>23D.08.070.C</u>                                                                                                                                                                                                                                      |
| Hotels, Residential, including Single Room Occupancy (SRO)                                                                                                     | UP(PH)                                                        |                                                                                                                                                                                                                                                                      |
| Libraries                                                                                                                                                      | UP(PH)                                                        | Subject to parking requirements; see Section <u>23E.64.080.F</u>                                                                                                                                                                                                     |
| Nursing Homes                                                                                                                                                  | UP(PH)                                                        |                                                                                                                                                                                                                                                                      |
| Parks and Playgrounds                                                                                                                                          | AUP                                                           |                                                                                                                                                                                                                                                                      |

| Table 23E.64.030                                                                               |                                                               |                                                                                                   |
|------------------------------------------------------------------------------------------------|---------------------------------------------------------------|---------------------------------------------------------------------------------------------------|
| Use and Required Permits                                                                       |                                                               |                                                                                                   |
| Use                                                                                            | Permits Required to Establish, Expand or Change Use (sq. ft.) | Special Requirements (if any)                                                                     |
| Public Safety and Emergency Services                                                           | UP(PH)                                                        |                                                                                                   |
| Religious Assembly Uses                                                                        | AUP                                                           |                                                                                                   |
| Schools, Public or Private                                                                     | UP(PH)                                                        |                                                                                                   |
| Senior Congregate Housing<br>Six or fewer persons<br>Seven or more persons<br>New Construction | ZC<br>AUP<br>UP(PH)                                           | Changes of use from an existing dwelling unit                                                     |
| All other Residential Accessory Structures and Uses not listed                                 | Per R-3 District                                              | See Table <u>23D.36.030</u>                                                                       |
| Accessory Buildings and Structures with Urban Agriculture                                      | ZC                                                            | <u>23C.26</u> , <u>23D.08.010</u> , <u>23D.08.020</u> , <u>23D.08.050</u> , and <u>23D.08.060</u> |

Section 21. That the “Residential and Related Uses” section of Table 23E.68.030 in Chapter 23E.68 Section 23E.68.030 of the Berkeley Municipal Code is amended to read as follows:

#### 23E.68.030 Uses Permitted

| Table 23E.68.030                        |                |                      |
|-----------------------------------------|----------------|----------------------|
| Use and Required Permits                |                |                      |
| Use                                     | Classification | Special Requirements |
| Uses Permitted in Residential Districts |                |                      |

| Table 23E.68.030                                                                                        |                     |                                                                                                                                                |
|---------------------------------------------------------------------------------------------------------|---------------------|------------------------------------------------------------------------------------------------------------------------------------------------|
| Use and Required Permits                                                                                |                     |                                                                                                                                                |
| Use                                                                                                     | Classification      | Special Requirements                                                                                                                           |
| Accessory Dwelling Unit in compliance with Section <a href="#">23C.24.050</a>                           | ZC                  |                                                                                                                                                |
| Accessory Dwelling Unit that does not comply with requirements under Section <a href="#">23C.24.050</a> | AUP                 | Subject to making applicable findings in Section <a href="#">23C.24.070</a>                                                                    |
| Accessory Uses and Structures                                                                           | As per R-5 District | See Table <a href="#">23D.44.030</a>                                                                                                           |
| Accessory Buildings and Structures with Urban Agriculture                                               | ZC                  | <a href="#">23C.26</a> , <a href="#">23D.08.010</a> , <a href="#">23D.08.020</a> , <a href="#">23D.08.050</a> , and <a href="#">23D.08.060</a> |
| Short-Term Rental                                                                                       | ZC                  | Subject to requirements of Chapter <a href="#">23C.22</a>                                                                                      |
| Child Care Centers                                                                                      | AUP                 |                                                                                                                                                |
| Child Care; Family Daycare Home (Small or Large)                                                        | ZC                  |                                                                                                                                                |
| Clubs, Lodges                                                                                           | UP(PH)              |                                                                                                                                                |
| Community Centers                                                                                       | UP(PH)              |                                                                                                                                                |
| Dwelling Units, including multifamily developments                                                      | UP(PH)              | Subject to the standards under Section <a href="#">23E.68.060.F</a>                                                                            |
| Group Living Accommodations subject to R-3 Standards                                                    | UP(PH)              | Subject to the standards under Section <a href="#">23E.68.060.F</a>                                                                            |
| <a href="#">Home Occupations</a><br><br><a href="#">Class I</a>                                         | <a href="#">ZC</a>  | <a href="#">Subject to the requirements of Chapter 23C.16</a>                                                                                  |



| Table 23E.68.030                                                        |                |                                                 |
|-------------------------------------------------------------------------|----------------|-------------------------------------------------|
| Use and Required Permits                                                |                |                                                 |
| Use                                                                     | Classification | Special Requirements                            |
| <u>Class II</u>                                                         | <u>AUP</u>     |                                                 |
| <u>Class III</u>                                                        | <u>UP(PH)</u>  |                                                 |
| Hospitals                                                               | UP(PH)         |                                                 |
| Hotels, Residential, including<br>Single Room Occupancy (SRO)<br>Hotels | UP(PH)         | Subject to Section <a href="#">23E.68.060.F</a> |
| Libraries                                                               | UP(PH)         |                                                 |
| Nursing Homes                                                           | UP(PH)         |                                                 |
| Parks and Playgrounds                                                   | ZC             |                                                 |
| Public Safety and Emergency<br>Services                                 | UP(PH)         |                                                 |
| Religious Assembly Uses                                                 | UP(PH)         |                                                 |
| Schools, Public or Private                                              | UP(PH)         |                                                 |
| Senior Congregate Housing                                               |                | Change of use of an existing dwelling unit      |
| Six or fewer people                                                     | ZC             |                                                 |
| Seven or more persons                                                   | AUP            |                                                 |
| New Construction                                                        | UP(PH)         | Subject to Section <a href="#">23E.68.070</a>   |

Section 22. That the “Residential and Related Uses” section of Table 23E.84.030 in Chapter 23E.84 Section 23E.84.030 of the Berkeley Municipal Code is amended to read as follows:

### **23E.84.030 Uses Permitted**

| Table 23E.84.030                                                                               |                                                              |                                                                                                                                                             |
|------------------------------------------------------------------------------------------------|--------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Use and Required Permits                                                                       |                                                              |                                                                                                                                                             |
| Uses                                                                                           | Permit Required to Establish, Expand or Change Use (sq. ft.) | Special Requirements (if any)                                                                                                                               |
| Residential and Related Uses                                                                   |                                                              |                                                                                                                                                             |
| Accessory Dwelling Unit in compliance with Section <u>23C.24.050</u>                           | ZC                                                           |                                                                                                                                                             |
| Accessory Dwelling Unit that does not comply with requirements under Section <u>23C.24.050</u> | AUP                                                          | Subject to making applicable findings in Section <u>23C.24.070</u>                                                                                          |
| Additions, Major Residential                                                                   | AUP                                                          | See Definition in Sub-title <u>23F</u> . Subject to finding required under <u>23E.84.090.L</u> ; see limitations on location in Section <u>23E.84.060.G</u> |
| Short-Term Rental                                                                              | ZC                                                           | Subject to requirements of Chapter <u>23C.22</u>                                                                                                            |
| Child Care Centers                                                                             | UP(PH)                                                       | Subject to the findings in Section <u>23E.84.090.H</u>                                                                                                      |
| Child Care; Family Daycare Home (Small or Large)                                               | ZC                                                           |                                                                                                                                                             |
| Clubs, Lodges                                                                                  | UP(PH)                                                       |                                                                                                                                                             |
| Community Care Facilities/Homes (Changes of Use)                                               | ZC                                                           | Subject to parking requirements; see Section <u>23E.84.080.B</u>                                                                                            |
| Community Centers                                                                              | UP(PH)                                                       |                                                                                                                                                             |
| Dwelling Units                                                                                 |                                                              | See limitation on location in Section <u>23E.84.060.G</u> . Subject to development                                                                          |

| Table 23E.84.030                                                                                                                                               |                                                              |                                                                                                                                                                                                                                                                              |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Use and Required Permits                                                                                                                                       |                                                              |                                                                                                                                                                                                                                                                              |
| Uses                                                                                                                                                           | Permit Required to Establish, Expand or Change Use (sq. ft.) | Special Requirements (if any)                                                                                                                                                                                                                                                |
|                                                                                                                                                                |                                                              | standards of Section <u>23E.84.070</u> and parking requirements in Section <u>23E.84.080.B</u>                                                                                                                                                                               |
| 1 – 4 Units                                                                                                                                                    | AUP                                                          |                                                                                                                                                                                                                                                                              |
| 5+ Units                                                                                                                                                       | UP(PH)                                                       |                                                                                                                                                                                                                                                                              |
| Group Living Accommodations, subject to R-3 District Standards                                                                                                 | UP(PH)                                                       | See limitations on location in Section <u>23E.84.060.G</u>                                                                                                                                                                                                                   |
| Home Occupations<br><br><del>Low Impact Class I</del><br><br><del>Moderate Impact, teaching-related Class II</del><br><br><del>Moderate Impact Class III</del> | <br><br>ZC<br><br>AUP<br><br>UP(PH)                          | <br><br><u>Subject to the requirements of Chapter 23C.16</u><br><br><del>If the requirements of Section 23C.16.020 are met</del><br><br><del>Subject to the requirements of Section 23C.16.030.A</del><br><br><del>Subject to the requirements of Section 23C.16.030.B</del> |
| Hospitals                                                                                                                                                      | Prohibited                                                   |                                                                                                                                                                                                                                                                              |
| Hotels, Residential                                                                                                                                            | Prohibited                                                   |                                                                                                                                                                                                                                                                              |
| Hot Tubs, Jacuzzis, Spas                                                                                                                                       | AUP                                                          | See Section <u>23D.08.060.C</u>                                                                                                                                                                                                                                              |
| Libraries                                                                                                                                                      | UP(PH)                                                       | Subject to additional parking requirements; see Section <u>23E.84.080.B</u>                                                                                                                                                                                                  |
| Nursing Homes                                                                                                                                                  | UP(PH)                                                       | Subject to additional parking requirements; see Section <u>23E.84.080.B</u>                                                                                                                                                                                                  |

| Table 23E.84.030                                                                               |                                                              |                                                                                                                                            |
|------------------------------------------------------------------------------------------------|--------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|
| Use and Required Permits                                                                       |                                                              |                                                                                                                                            |
| Uses                                                                                           | Permit Required to Establish, Expand or Change Use (sq. ft.) | Special Requirements (if any)                                                                                                              |
| Parks, Playgrounds, and outdoor recreation facilities                                          | UP(PH)                                                       | If the park, playground, or outdoor recreation facility is likely to be used by children, subject to the finding under <u>23E.84.090.H</u> |
| Public Safety and Emergency Services                                                           | UP(PH)                                                       |                                                                                                                                            |
| Public Utilities Substations, Buildings, Tanks                                                 | UP(PH)                                                       |                                                                                                                                            |
| Religious Assembly Uses                                                                        | UP(PH)                                                       |                                                                                                                                            |
| Schools, Public or Private and Other Educational Institutions                                  | UP(PH)                                                       | Subject to the findings in Section <u>23E.84.090.H</u>                                                                                     |
| Senior Congregate Housing<br>Six or fewer persons<br>Seven or more persons<br>New Construction | ZC<br>AUP<br>UP(PH)                                          | Changes of use from an existing dwelling unit                                                                                              |
| Accessory Buildings and Structures with Urban Agriculture                                      | ZC                                                           | Subject to <u>23C.26</u> , <u>23D.08.010</u> , <u>23D.08.020</u> , <u>23D.08.050</u> , and <u>23D.08.060</u>                               |

Section 23. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.



Linda Maio  
District 1

CONSENT CALENDAR  
December 6, 2011

To: Honorable Mayor and Members of the City Council  
From: Councilmember Linda Maio  
Subject: Classify Home Occupation Activities Receiving Five or Fewer Visits as  
Moderate Impact Home Operation

RECOMMENDATION

Refer to the City Manager that the zoning code for Moderate Impact Home Operation (Moderate Impact HO) be amended to include home occupation activities receiving five or fewer visits weekly, requiring an AUP rather than a Use Permit with public hearing.

FISCAL IMPACTS OF RECOMMENDATION

None.

BACKGROUND

Years ago, the City changed the regulations to allow teaching, up to four students at a time, with a Moderate Impact HO, which is an AUP, rather than a Use Permit with public hearing. Zoning Code section 23C.16.030 reads as follows, and is applicable to home occupation activities receiving five or fewer visits weekly:

**23C.16.030 Moderate Impact Home Occupations Subject to Use Permit**

A. A teaching-related home occupation which meets all of the following conditions shall be allowed subject to issuance of an Administrative Use Permit and subject to payment of gross receipts tax pursuant to the City's business license tax ordinance as set forth in Chapter 9.04.

1. Such Home Occupations must:
  - a. Be conducted entirely within the dwelling unit or group living accommodation room;
  - b. Operate within the hours of 10 a.m. and 10 p.m.; and
  - c. Occupy less than 400 square feet and less than 20% of the dwelling unit or group living accommodation room;
2. Such home occupations may not:

- a. Involve more than four students at a time;
- b. Involve storage, service, repair, handling or transport of goods or products on or at the subject premises;
- c. Involve hazardous materials, or processes; or
- d. Create offensive or objectionable noise, vibration, odors, heat, dirt or electrical disturbance perceptible by the average person beyond that lot line or party walls of multi-unit buildings, or the subject premises.

**B. All other home occupations that involve customer visits, or products on the subject premises, as set forth in Sections [23C.16.020.B.1](#) and [23C.16.020.B.2](#), may be authorized only by a Use Permit and public hearing**, and are subject to the payment of gross receipts tax pursuant to the City's business license tax ordinance as set forth in Chapter 9.04.

Given that we permit 4 students at a time, which could amount to many more per day, enabling 5 visits or fewer per day with an HO designation, for other home occupation visitors seems eminently reasonable.

CONTACT PERSON

Linda Maio

District 1

(510) 981-7110



Planning Commission

**DRAFT MINUTES OF THE SPECIAL PLANNING COMMISSION MEETING**

**September 16, 2020**

The meeting was called to order at 7:03 p.m.

**Location:** Virtual meeting via Zoom

**1. ROLL CALL:**

**Commissioners Present:** Benjamin Beach, Robb Kapla, Shane Krpata, Mary Kay Lacey, Steve Martinot, Christine Schildt, Jeff Vincent (arrived at 7:20), Brad Wiblin, and Rob Wrenn.

**Commissioners Absent:** None.

**Staff Present:** Secretary Alene Pearson, Katrina Lapira, Paola Boylan, Alisa Shen, and Jordan Klein.

**2. ORDER OF AGENDA:** No changes.

**3. PUBLIC COMMENT PERIOD:** 0

**4. PLANNING STAFF REPORT:**

- September 23 – Special Planning Commission Meeting cancelled
- September 30 – Special Planning Commission Meeting to continue public hearing on the Draft Adeline Corridor Plan, if necessary

**Information Items:**

- None

**Communications:**

- September 3 – Staff, Meeting Updates
- September 3 – Carr, Southside Plan

**Late Communications:** See agenda for links.

- Supplemental Packet One
- Supplemental Packet Two
- Supplemental Packet Three (Read aloud at the meeting)

**5. CHAIR REPORT:**

- Mention of the climate change/ acknowledging the impacts of climate change especially on communities of color

**6. COMMITTEE REPORT:** Reports by Commission committees or liaisons. In addition to the items below, additional matters may be reported at the meeting.

- None

## **7. APPROVAL OF MINUTES:**

Motion/Second/Carried (Wiblin/Martinot) to approve the Planning Commission Meeting Minutes from September 2, 2020.

Ayes: Beach, Kapla, Krpata, Lacey, Martinot, Schildt, Vincent, Wrenn, and Wiblin. Noes: None. Abstain: None. Absent: None. (9-0-0-0)

## **FUTURE AGENDA ITEMS AND OTHER PLANNING-RELATED EVENTS:**

- None

## **AGENDA ITEMS**

### **9. Action: *Public Hearing: Home Occupations***

Staff discussed the proposed amendments to the Home Occupations ordinance, which focus on modifications to enforcement protocols and updating definitions and findings, customer visits, and shipping and receiving. The Planning Commission discussed levels of discretionary permits related third- party shipping and receiving practices with regard to the potential impact to residential neighborhood circulation.

#### **Public Comments: 2**

Motion/Second/Carried (Schildt/Krpata) to adopt staff's recommendation with amendments to lines 272 (removal of "receiving") and lines 72 / 73 (addition of language that protects bicycle access within the vicinity of the home occupation).

Ayes: Beach, Kapla, Krpata, Lacey, Martinot, Schildt, Vincent, Wrenn, and Wiblin. Noes: None. Abstain: None. Absent: None. (9-0-0-0)

Motion/Second/Carried (Kapla/Wrenn) to close the public hearing at 7:59pm.

Ayes: Beach, Kapla, Krpata, Lacey, Martinot, Schildt, Vincent, Wrenn, and Wiblin. Noes: None. Abstain: None. Absent: None. (9-0-0-0)



67

68 **10. Action: *Public Hearing: DRAFT Adeline Corridor Plan***

69 Related to the draft plan, staff provided background information on the planning process, an  
70 overview of the different chapters within the plan, noting stated goals and policies, and reviewed  
71 related documents under review. After staff's presentation, the Planning Commission received  
72 public comment.

73 **Public Comments: 32**

74 Motion/Second/Carried (Wrenn/Martinot) to continue the public hearing of the Draft Adeline  
75 Corridor Plan to a Special Planning Commission meeting on September 30, 2020 and to  
76 include language in the agenda that notes the guidelines for receiving public comment.

77

78 Ayes: Beach, Kapla, Krpata, Lacey, Martinot, Schildt, Vincent, Wrenn, and Wiblin. Noes:  
79 None. Abstain: None. Absent: None. (9-0-0-0)

80

81 **Members in the public in attendance: 70**82 **Public Speakers: 37 speakers**83 **Length of the meeting: 4 hours and 29 minutes**



**NOTICE OF PUBLIC HEARING  
BERKELEY CITY COUNCIL  
PUBLIC PARTICIPATION BY REMOTE VIDEO ONLY**

**Amendments to the Home Occupations Ordinance**

The Department of Planning and Development is proposing to amend the Home Occupations Ordinance to reduce levels of discretion for Moderate Impact Home Occupations and streamline the permitting process for all Home Occupations.

The recommended Zoning Ordinance amendments affect the following Berkeley Municipal Code (BMC) Chapters: 23C.16, 23D.16, 23D.20, 23D.24, 23D.28, 23D.32, 23D.36, 23D.40, 23D.44, 23D.48, 23D.52, 23E.36, 23E.40, 23E.44, 23E.48, 23E.52, 23E.56, 23E.60, 23E.64, 23E.68, 23E.84, and 23F.04

The hearing will be held on, FEBRUARY 9, 2021 at 6:00 p.m. A copy of the agenda material for this hearing will be available on the City's website at [www.CityofBerkeley.info](http://www.CityofBerkeley.info) as of **January 28, 2021. Once posted, the agenda for this meeting will include a link for public participation using Zoom video technology.**

For further information, please contact Paola Boylan, Assistant Planner, Department of Planning and Development at [pboylan@cityofberkeley.info](mailto:pboylan@cityofberkeley.info).

Written comments should be mailed to the City Clerk, 2180 Milvia Street, Berkeley, CA 94704, or emailed to [council@cityofberkeley.info](mailto:council@cityofberkeley.info) in order to ensure delivery to all Councilmembers and inclusion in the agenda packet.

Communications to the Berkeley City Council 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 the City Council, 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 City Clerk. 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 City Clerk at 981-6900 or [clerk@cityofberkeley.info](mailto:clerk@cityofberkeley.info) for further information.

**Published:** January 29, 2021 – The Berkeley Voice  
BMC Section 22.04.020 (Amendment — Procedures required — Planning Commission and City Council Authority) states “the council shall set a public hearing on the proposed amendment.”)

~~~~~  
I hereby certify that the Notice for this Public Hearing of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on January 28, 2021.

Mark Numainville, City Clerk



Cheryl Davila
Councilmember
District 2

ACTION CALENDAR

February 9, 2021

(Continued from November 10, 2020)

To: Honorable Mayor and Members of the City Council

From: Councilmember Cheryl Davila

Subject: Vote of No Confidence in the Police Chief

RECOMMENDATION

Adopt a resolution taking a Vote of No Confidence in the Police Chief.

BACKGROUND

On June 9, 2020, Berkeley Police Chief Andrew Greenwood made comments to the Berkeley City Council advocating for shooting protestors of police violence, saying, “We can shoot people”, when asked about an alternative to tear gas.

During this time of national recognition of the reckoning of police violence and racial justice, the Chief’s comments were not merely a gaffe but an inexcusable declaration of police violence and the violation of the most basic rights guaranteed in the United States Constitution, which he is sworn to protect.

Berkeley is considered one of the most progressive cities in the country and should be leading the nation in police transformation. We must be working to find ways to respond to harms in our communities that do not put marginalized groups in constant danger. Chief Greenwood’s comments directly contradict this objective.

A Center for Policing Equity report in 2018 demonstrated the disparate treatment to African American and people of color. Unfortunately, during the pandemic, disparities have only increased. Analysis of the Berkeley Police Department’s Open Data Portal shows that disparities between the number of Black and White civilians the department stops *doubled during the COVID-19 pandemic*.

According to the police department’s data conducted by independent analysis report “Racial Disparities in Berkeley Policing Update on Pandemic Period, March 15 to June 2020” released on June 19, 2020, the following conclusions can be drawn from the data representing the first 13 weeks of the pandemic shutdown, from March 15 through June 12:

1. Predictably, the number of police stops for all racial groups is down due to the stay-home order. The total number of stops, 608, is about a fourth of an average 13-week quarter in 2008.
2. *The disparity between stops of African American and White civilians has skyrocketed*, as is evident from the raw numbers: African American stops are exactly 50% of total 608 stops at **304**, with White stops at **143** for 23.52% of all stops. This compares to percentages of 3,083 and 2,706, or 28% and 32% respectively in the year 2018.
3. Taking into account the *low number of African Americans* residing in Berkeley, the *disparities come into sharp relief*. African American stops are about 42.7 per 1,000 of their population, where White stops are about 2.9 per 1,000, a disparity of **14.5 to 1**. This compares to a disparity of 7.6 to 1 in 2018, meaning that **the racial disparity in stops has almost doubled** between 2018 and the pandemic period.

The citations per stop are down by about two-thirds compared to that of 2018. While that might sound like good news, that is not necessarily the case. A reduced rate of writing citations likely means that civilians of all races are being stopped without the required reasonable suspicion of criminal activity. What's more, **the citation rate for African American civilian stops is 7.57% and for Whites, 15.38%, a disparity of over two to one**. That disparity indicates that only half as many African American stops as White stops are conducted with valid suspicion of a criminal act. The citation rate of 7.5% for African Americans raises questions about why the other 92.5% were stopped.

The BPD did not report the stop data for a period of August 2019 through early June 2020 with the excuse that "For a period we had someone who was part of the processing of the data, and that position was eliminated due to staffing shortages." Competent leadership should ensure a prioritized process should always have repeatability, and an automation built into it. That means the system will not fall due to the departure of an individual.

BPD continues to demonstrate disparate treatment of people of color, Chief Greenwood's comments and actions are cause for a Vote of No Confidence. The community is demanding change. For example, at the July 14, 2020 City Council meeting with over three hundred attendees, the majority stating they had no confidence in the Chief of Police as well as demanding defunding the police. Now is the time to step up and listen to the demands of our beloved community.

FINANCIAL IMPLICATIONS

To be determined, there could be cost savings and efficiencies in policies, procedures, processes, by eliminating the disparate treatment of African Americans and People of Color in our community.

ENVIRONMENTAL SUSTAINABILITY

Protecting our communities during this climate and health crisis is an act of environmental sustainability.

CONTACT PERSONS

Cheryl Davila
Councilmember District 2
510.981.7120
cdavila@cityofberkeley.info

ATTACHMENTS:

1. Resolution
2. Racial Disparities in Berkeley Policing Update on Pandemic Period, March 15 to June 2020

REFERENCES:

Article: Marchers in Berkeley demand resignation of police chief
<https://www.berkeleyside.com/2020/06/13/marchers-in-berkeley-demand-resignation-of-police-chief>

Center for Policing Equity Report on the Berkeley Police Department (05/09/18)
https://www.cityofberkeley.info/uploadedFiles/Police_Review_Commission/Commissions/2018/Berkeley%20Report%20-%20May%202018.pdf

City Auditor's Office Dispatcher Audit (04/25/19): <http://bit.ly/2DvbCpv>
https://www.cityofberkeley.info/uploadedFiles/Auditor/Level_3_-_General/Dispatch%20Workload_Fiscal%20Year%202018.pdf

RESOLUTION NO. ##,###-N.S.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BERKELEY, CALIFORNIA,
TAKING A VOTE OF NO CONFIDENCE IN THE POLICE CHIEF

WHEREAS, On June 9, 2020, Berkeley Police Chief Andrew Greenwood made comments to the Berkeley City Council advocating for shooting protestors of police violence, saying, “We can shoot people”, when asked about an alternative to tear gas; and

WHEREAS, During this time of national recognition of the reckoning of police violence and racial justice, the Chief’s comments were not merely a gaffe but an inexcusable declaration of police violence and the violation of the most basic rights guaranteed in the United States Constitution, which he is sworn to protect; and

WHEREAS, Berkeley is considered one of the most progressive cities in the country and should be leading the nation in police transformation. We must be working to find ways to respond to harms in our communities that do not put marginalized groups in constant danger. Chief Greenwood’s comments directly contradict this objective; and

WHEREAS, A Center for Policing Equity report in 2018 demonstrated the disparate treatment to African American and people of color. Unfortunately, during the pandemic, disparities have only increased. Analysis of the Berkeley Police Department’s Open Data Portal shows that disparities between the number of Black and White civilians the department stops *doubled during the COVID-19 pandemic; and*

WHEREAS, According to the police department’s data conducted by independent analysis titled “Racial Disparities in Berkeley Policing Update on Pandemic Period, March 15 to June 2020” released on June 19, 2020, the following conclusions can be drawn from the data representing the first 13 weeks of the pandemic shutdown, from March 15 through June 12:

4. Predictably, the number of police stops for all racial groups is down due to the stay-home order. The total number of stops, 608, is about a fourth of an average 13-week quarter in 2008.
5. *The disparity between stops of African American and White civilians has skyrocketed*, as is evident from the raw numbers: African American stops are exactly 50% of total 608 stops at **304**, with White stops at **143** for 23.52% of all stops. This compares to percentages of 3,083 and 2,706, or 28% and 32% respectively in the year 2018.
6. Taking into account the *low number of African Americans* residing in Berkeley, the *disparities come into sharp relief*. African American stops are about 42.7 per 1,000 of their population, where White stops are about 2.9 per 1,000, a disparity of **14.5 to 1**. This compares to a disparity of 7.6 to 1 in 2018, meaning that **the racial disparity in stops has almost doubled** between 2018 and the pandemic period.

WHEREAS, The citations per stop are down by about two-thirds compared to that of 2018. While that might sound like good news, that is not necessarily the case. A reduced rate of

writing citations likely means that civilians of all races are being stopped without the required reasonable suspicion of criminal activity. What's more, **the citation rate for African American civilian stops is 7.57% and for Whites, 15.38%, a disparity of over two to one.** That disparity indicates that only half as many African American stops as White stops are conducted with valid suspicion of a criminal act. The citation rate of 7.5% for African Americans raises questions about why the other 92.5% were stopped; and

WHEREAS, The BPD did not report the stop data for a period of August 2019 through early June 2020 with the excuse that "For a period we had someone who was part of the processing of the data, and that position was eliminated due to staffing shortages." Competent leadership should ensure a prioritized process should always have repeatability, and an automation built into it. That means the system will not fall due to the departure of an individual; and

WHEREAS, BPD continues to demonstrate disparate treatment of people of color, Chief Greenwood's comments and actions are cause for a Vote of No Confidence. The community is demanding change. For example, at the July 14, 2020 City Council meeting with over three hundred attendees, the majority stating they had no confidence in the Chief of Police as well as demanding defunding the police. Now is the time to step up and listen to the demands of our beloved community.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Berkeley hereby take a Vote of No Confidence in the Police Chief.

Racial Disparities in Berkeley Policing
Update on Pandemic Period, March 15 to June 12, 2020
George Lippman
June 19, 2020

As of June 12, the BPD resumed publication of demographic stop data to the online open portal, after a break since July 31, 2019. See:
<https://data.cityofberkeley.info/Public-Safety/Berkeley-PD-Stop-Data-NEW-/4tbf-3yt8>

The following conclusions can be drawn from the data representing the first 13 weeks of the pandemic shutdown, from March 15 through June 12.

1. Predictably, the number of police stops for all racial groups is down due to the stay-home order. The total number of stops, 608, is about a fourth of an average 13-week quarter in 2008.
2. *The disparity between stops of African American and White civilians has skyrocketed*, as is evident from the raw numbers: African American stops are exactly 50% of total 608 stops at **304**, with White stops at **143** for 23.52% of all stops. This compares to percentages of 3,083 and 2,706, or 28% and 32% respectively in the year 2018.
3. Taking into account the *low number of African Americans* residing in Berkeley, the *disparities come into sharp relief*. African American stops are about 42.7 per 1,000 of their population, where White stops are about 2.9 per 1,000, a disparity of **14.5 to 1**. This compares to a disparity of 7.6 to 1 in 2018, meaning that **the racial disparity in stops has almost doubled** between 2018 and the pandemic period.
4. The citations per stop are down by about two-thirds compared to that of 2018. While that might sound like good news, that is not necessarily the case. A reduced rate of writing citations likely means that civilians of all races are being stopped without the required reasonable suspicion of criminal activity. What's more, **the citation rate for African American civilian stops is 7.57% and for Whites, 15.38%, a disparity of over two to one**. That disparity indicates that only half as many African American stops as White stops are conducted with valid suspicion of a criminal act. The citation rate of 7.5% for African Americans raises questions about why the other 92.5% were stopped.

An overall risk in this pandemic is that the social and legal emergency undermines democratic norms such as transparency, civilian oversight, and adherence to constitutional principle and established process. The doubling of the already high disparity of Black and White stop rates is an indicator that equal treatment under the law (Fourteenth Amendment) has been shelved in practice.

Suspension of oversight bodies such as the PRC and the Fair and Impartial Policing Working Group--and proposals to permanently defund city commissions--and the failure to publish the required stop data, all while residents are not allowed to freely travel outdoors in the city, are also troubling; they bar the community from utilizing the "disinfectant effects of sunshine."

In the attached spreadsheet, see the first tab, or sheet ("BPD Raw Data-_3-16 to 6-12-20") for the full listing of police encounters in that period. At the bottom of this tab please find a chart summarizing the calculations on numbers and percentages of stops, and numbers, percentages, and racial disparities in enforcement outcomes (citations and arrests). Contact me directly for calculations used to quantify disparities in stops based on the population by race in Berkeley.

Ethnicity	Stopped	% of total	Cited	% of stops resulting in citation	Arrest	% of stops resulting in arrest
Asian	29	4.77%	6	20.69%	0	0.00%
Black	304	50.00%	23	7.57%	8	2.63%
Hispanic/Latino	88	14.47%	9	10.23%	4	4.55%
White	143	23.52%	22	15.38%	7	4.90%
Bad data	1	0.16%	0	0.00%	0	0.00%
Other	43	7.07%	11	25.58%	0	0.00%
TOTALS:	608	100.00%	71	11.68%	19	3.13%

George Lippman
geolippman.pjc@earthlink.net

For context on the citation rate disparities, I refer to my presentation to the Mayor's Fair and Impartial Policing Working Group from January 2020, "Key things to understand about the BPD stop data." That presentation refers to data from the year 2012-2018.

The citation rate discrepancies are stable over the years studied. They are critical because they show the chances of civilians of different ethnic groups to be stopped by police in Berkeley with no ensuing need for enforcement action. The citation rate metric removes the need for consideration of residency. It also removes any need for consideration of the demographics of crime. Those who argue for allowing police officers to put more weight on a civilian's race in their decision to stop them, contend that people of color commit crime at higher rates than White people. But this disparity in post-stop enforcement shows that Black people are twice more likely than Whites to be stopped where there either was no reasonable suspicion, or that suspicion was unfounded.

These numbers are not the end of the discussion, but the beginning. Particularly the stop and the citation rate disparities require us to delve deeper. The City government should investigate how the decision to make a stop is made. Are the disparate stops being made by a subset of the street officers or across the board? Do stops that are officer-initiated versus dispatched result in different levels of disparity? Are there certain officers who make proportionately more stops of African Americans and Latinos than other officers do? How can those outlier officers be identified?

Answers to these questions will give the Working Group and the department the tools to ensure that policing is conducted fairly and impartially.

*

In conclusion, the data described above compel the Working Group to develop an action plan that will achieve the following goals:

- Identify officers that are outliers in their practice of stopping, searching, and citation-writing, and appropriately train and manage them.
- We cannot make poorly performing officers take the entire responsibility for the disparities. We have to also look at who their commanders are, what direction the officers are getting from those commanders, and what action these commanders are taking to address the performance of these officers.
- Adopt programs such as precision-based policing and intelligence-led stops to heavily reduce stops, particularly of African Americans and Latinos.
- Reduce racial disparities in citation rates as defined in this paper as close to zero as possible.
- Ensure that all use of force is reported.



Office of the City Manager

INFORMATION CALENDAR

February 9, 2021

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Jordan Klein, Interim Director, Planning and Development Department

Subject: LPO NOD: 1 Orchard Lane/#LMIN2020-0006

INTRODUCTION

The attached Notice of Decision for the approval of a City Landmark or Structure of Merit designation request is submitted to the Mayor and City Council pursuant to Berkeley Municipal Code (BMC) Section 3.24.160, which states that “a copy of the Notice of Decision shall be filed with the City Clerk and the City Clerk shall present said copy to the City Council at its next regular meeting.”

CURRENT SITUATION AND ITS EFFECTS

The Landmark Preservation Commission (LPC/Commission) has approved City Landmark and Structure of Merit status to the property at 1 Orchard Lane. This action is subject to a 15-day appeal period, which began on January 26, 2021.

BACKGROUND

BMC/LPO Section 3.24.190 allows City Council to review any action of the Landmarks Preservation Commission in granting or denying Landmark, Structure of Merit or Historic District status. In order for Council to review the decision on its merits, Council must appeal the Notice of Decision. To do so, a Council member must move this Information Item to Action and then move to set the matter for hearing on its own. Such action must be taken within 15 days of the mailing of the Notice of Decision, or by February 9, 2021. Such certification to Council shall stay all proceedings in the same manner as the filing of an appeal.

If the Council chooses to appeal the action of the Commission, then a public hearing will be set. The Council must rule on the application within 30 days of closing the hearing, otherwise the decision of the Commission is automatically deemed affirmed.

Unless the Council wishes to review the determination of the Commission and make its own decision, the attached NOD is deemed received and filed.

ENVIRONMENTAL SUSTAINABILITY

Landmark designation provides opportunities for the adaptive re-use and rehabilitation of historic resources within the City. The rehabilitation of these resources, rather than their removal, achieves construction and demolition waste diversion, and promotes investment in existing urban centers.

POSSIBLE FUTURE ACTION

The Council may choose to appeal the decision, in which case it would conduct a public hearing at a future date.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

There are no known fiscal impacts associated with this action.

CONTACT PERSON

Fatema Crane, Landmarks Preservation Commission Secretary, Planning and Development, 510-981-7410

Attachments:

1: Notice of Decision – #LMIN2020-0006 at 1 Orchard Lane



LANDMARKS PRESERVATION COMMISSION

NOTICE OF DECISION

DATE OF BOARD DECISION: December 3, 2020

DATE NOTICE MAILED: January 26, 2021

APPEAL PERIOD EXPIRATION: February 9, 2021

EFFECTIVE DATE OF PERMIT (Barring Appeal or Certification): February 10, 2021¹

1 Orchard Lane The Steilberg House and Cottages

Landmark application (#LMIN2020-0006) for consideration of City Landmark or Structure of Merit designation status for a residential property [APN 055-1862-009-00] in the Panoramic Hill District, listed on the National Register of Historic Places.

The Landmarks Preservation Commission of the City of Berkeley, after conducting a public hearing, **APPROVED** the following permit:

- City Landmark or Structure of Merit designation status, pursuant to Berkeley Municipal Code Section 3.24.110.A-B

INITIATOR: Landmarks Preservation Commission

ZONING DISTRICT: E-SR, Environmental Safety-Residential District

ENVIRONMENTAL REVIEW STATUS: Categorical Exemption under Section 15061 of the Public Resources Code, Guidelines for implementation of the California Environmental Quality Act (CEQA) – Review for Exemption.

¹ Pursuant to BMC Section 23B.32.090, the City Council may “certify” any decision of the LPC for review, which has the same effect as an appeal. In most cases, the Council must certify the LPC decision during the 14-day appeal period. However, pursuant to BMC Section 1.04.070, if any portion of the appeal period falls within a Council recess, the deadline for Council certification is suspended until the first Council meeting after the recess, plus the number of days of the appeal period that occurred during the recess, minus one day. If there is no appeal or certification, the Use Permit becomes effective the day after the certification deadline has passed.

LANDMARKS PRESERVATION COMMISSION
NOTICE OF DECISION
City Landmark designation status - #LMIN2020-0006
1 Orchard Lane – The Steilberg House and Cottages
January 26, 2021
Page 2 of 4

The application materials for this project are available online at:
<http://www.cityofberkeley.info/zoningapplications>

FINDINGS, CONDITIONS AND APPROVED PLANS ARE ATTACHED TO THIS NOTICE

COMMISSION VOTE: 8-0-0-1

YES: ABRANCHES DA SILVA, ADAMS, ALLEN, CRANDALL, ENCHILL, FINACOM,
JOHNSON, MONTGOMERY

NO: None

ABSTAIN: None

ABSENT: SCHWARTZ

Note New Methods for Submitting Appeals during Shelter-In-Place Order

TO APPEAL THIS DECISION (see Section 3.24.300 of the Berkeley Municipal Code):

To appeal a decision of the Landmarks Preservation Commission to the City Council during the 2020 City Council Shelter-In-Place Order, you must:

1. Mail a letter clearly and concisely setting forth the grounds for the appeal with a check or money order for required fees to the City Clerk, located at 2180 Milvia Street, 1st Floor, Berkeley, 94704. The City Clerk's telephone number is (510) 981-6900.

OR

Alternatively, you may email your complete appeal and all attachments to the Planning Department at planning@cityofberkeley.info and include a telephone number where you can be reached during the day. Planning Department staff will call you within three business days to obtain payment information for the required fees by credit card *only*.

- a. Pursuant to BMC Section 3.24.300.A, an appeal may be taken to the City Council by the application of the owners of the property or their authorized agents, or by the application of at least fifty residents of the City aggrieved or affected by any determination of the commission made under the provisions of Chapter 3.24.
2. Submit the required fee (checks and money orders must be payable to 'City of Berkeley'):
 - a. The basic fee for persons other than the applicant is \$500. This fee may be reduced to \$100 if the appeal is signed by persons who lease or own at least 50 percent of the parcels or dwelling units within 300 feet of the project site, or at least 25 such

LANDMARKS PRESERVATION COMMISSION

NOTICE OF DECISION

City Landmark designation status - #LMIN2020-0006

1 Orchard Lane – The Steilberg House and Cottages

January 26, 2021

Page 3 of 4

persons (not including dependent children), whichever is less. Signatures collected per the filing requirement in BMC Section 3.24.300.A may be counted towards qualifying for the reduced fee, so long as the signers are qualified. The individual filing the appeal must clearly denote which signatures are to be counted towards qualifying for the reduced fee.

- b. The fee for appeals of affordable housing projects (defined as projects which provide 50 percent or more affordable units for households earning 80% or less of Area Median Income) is \$500, which may not be reduced.
- c. The fee for all appeals by Applicants is \$2500.
3. The appeal must be received prior to 5:00 p.m. on the "APPEAL PERIOD EXPIRATION" date shown above (if the close of the appeal period falls on a weekend or holiday, then the appeal period expires the following business day).

If no appeal is received, the landmark designation will be final on the first business day following expiration of the appeal period.

NOTICE CONCERNING YOUR LEGAL RIGHTS:

If you object to this decision, the following requirements and restrictions apply:

1. If you challenge this decision in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Landmarks Preservation Commission at, or prior to, the public hearing.
2. You must appeal to the City Council within fifteen (15) days after the Notice of Decision of the action of the Landmarks Preservation Commission is mailed. It is your obligation to notify the Land Use Planning Division in writing of your desire to receive a Notice of Decision when it is completed.
3. Pursuant to Code of Civil Procedure Section 1094.6(b) and Government Code Section 65009(c)(1), no lawsuit challenging a City Council decision, as defined by Code of Civil Procedure Section 1094.6(e), regarding a use permit, variance or other permit may be filed more than ninety (90) days after the date the decision becomes final, as defined in Code of Civil Procedure Section 1094.6(b). Any lawsuit not filed within that ninety (90) day period will be barred.
4. Pursuant to Government Code Section 66020(d)(1), notice is hereby given to the applicant that the 90-day protest period for any fees, dedications, reservations, or other exactions included in any permit approval begins upon final action by the City, and that any challenge must be filed within this 90-day period.
5. If you believe that this decision or any condition attached to it denies you any reasonable economic use of the subject property, was not sufficiently related to a legitimate public purpose, was not sufficiently proportional to any impact of the project, or for any other reason constitutes a "taking" of property for public use without just compensation under the California or United States Constitutions, your appeal of this decision must include the

LANDMARKS PRESERVATION COMMISSION
NOTICE OF DECISION
City Landmark designation status - #LMIN2020-0006
1 Orchard Lane – The Steilberg House and Cottages
January 26, 2021
Page 4 of 4

following information:

- A. That this belief is a basis of your appeal.
- B. Why you believe that the decision or condition constitutes a "taking" of property as set forth above.
- C. All evidence and argument in support of your belief that the decision or condition constitutes a "taking" as set forth above.

If you do not do so, you will waive any legal right to claim that your property has been taken, both before the City Council and in court.

PUBLIC COMMENT:

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 relevant board, commission or committee. 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 to the relevant board, commission or committee for further information.

FURTHER INFORMATION:

Questions about the project should be directed to the project planner, Fatema Crane, at (510) 981-7410 or fcrane@cityofberkeley.info or lpc@cityofberkeley.info

ATTACHMENTS:

- 1. Findings for Approval
- 2. Landmark application



ATTEST: _____
Fatema Crane, Secretary
Landmarks Preservation Commission

Cc: City Clerk
Gregory LaBlanc, property owner

ATTACHMENT 1 , PART 2

FINDINGS

DECEMBER 3, 2020

1 Orchard Lane – The Steilberg House and Cottages

Landmark application #LMIN2020-0006 for the consideration of City Landmark or Structure of Merit designation status for a residential property [APN 055-1862-009-00] in the Panoramic Hill District, listed on the National Register of Historic Places.

PROJECT DESCRIPTION

Landmark Designation of the property at 1 Orchard Lane, the Steilberg House and Cottages.

CEQA FINDINGS

1. The project is found to be exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code §21000, et seq.) pursuant to Section 15061.b.3 of the CEQA Guidelines (activities that can be seen with certainty to have no significant effect on the environment).

LANDMARK PRESERVATION ORDINANCE FINDINGS

1. Pursuant to Berkeley Municipal Code/Landmarks Preservation Ordinance Section 3.24.110.A.5, the Landmarks Preservation Commission finds that the subject property meets the *National Register* criterion for City Landmark designation status; this property includes: the main building at 1 Orchard Lane, constructed in 1922, the cottage and garage combination and the pergola, playhouse and garage combination referred to as 1 Panoramic Way, constructed in 1921 (garage constructed in 1931), and the cottage referred to as 4 Mosswood Lane, constructed in 1930, all designed by architect Walter Steilberg. Owing to its 2005 listing on the National Register of Historic Places (Designation #05000424), as a contributor to the Panoramic Hill Historic District, this District is historically significant in the area of architecture as a neighborhood that represents the Bay Area Tradition, period of significance 1901-1950.

FEATURES TO BE PRESERVED, OR RESTORED WHERE POSSIBLE

1. This designation shall apply to the subject property and the following distinguishing features shall be preserved or, if irreparably damaged, replaced in a manner that provides for the same external appearance as the original.

Features of the Site:

1. Board-formed concrete retaining walls, curved with regular circular drain or pressure relief holes (at south entry walk to rear lower entrance of house)
2. Brick terrace and stairs with wrought iron railings (at front, west)
3. Built-in concrete paved patio w/ concrete benches (at rear, northeast)
4. Brick entry posts, steps and walk, herringbone field, entering property from Orchard Lane
5. Decorative railings
6. Decorative brick and tile patterned paving of lower west terrace between garage apartment and playhouse
7. Use of native Berkeley rhyolite stone in garden, staircases, and pathway walls, "grotto" under west porch, and planter beds and other features; some use of grey salvaged cobblestones in planter bed edging and walls. If built landscape features are deteriorated and must be repaired or altered, stones of these types should be salvaged and reused on site in landscape features
8. Use of concrete "beams" in two landscape retaining walls, which may represent a Steilberg experimentation in constructing concrete crib walls; if these walls must be altered, beams should be salvaged and reused on site
9. An overall informal and rustic landscape character of buildings in an informal compound, set in a landscape of pathways, staircases, outdoor terraces and planting areas, generally conforming to the natural hillside topography, with informally placed trees, shrubs, and plantings, including native California live oaks, and Lombardy poplars
10. Unpainted concrete retaining walls along lower (Panoramic Way) edge of site, with brick coping
11. Garden perimeter on east and south adjoining public staircases and paths edged with informal tree and shrubbery plantings that permit views of the house. If fencing is required at any point in the future it should be visually permeable and integrated with landscape, not a high wall
12. Original unpainted wooden fencing with vertical planks with decorative cutouts and wooden caps
13. Redwood pergola along terrace between garage cottage and playhouse* (pergola was removed by previous owners.)

Features of 1 Orchard Lane - Main Building:

14. All extant, exterior building features characteristic of the First Bay Tradition
15. Overall building form and massing
16. Large three-story octagonal tower/cupola which dominates the western façade, with windows oriented to view towards San Francisco Bay and Berkeley campus to the west and northwest

*Feature to be restored where possible

17. Third story balustrade of tower formed by Steilberg's trademark glazed green Oriental perforated tiles
18. Stucco-faced chimneys (2)
19. Unpainted redwood shingles (if irreparably deteriorated, may be replaced with other wood and finish to match original)
20. Rose colored, dash-finished stucco
21. Green painted window trim to match the original surrounding almond trees
22. Underside of the eaves painted sky blue*
23. Mullions of amber glass and obscure glass with textured surface and a faint purple / gray tint. (if glass is broken and exacting matching glass is not available, match in most closely similar style available)
24. Elaborate and Expansive Fenestration
25. Custom-designed lighting fixtures and door handles
26. Wood entry door, true-divided (3/4)
27. Wood French doors: plain; true-divided (2/4); with transoms, true-divided (4/1)
28. Leaded glass (at tower)
29. Wood doors: True-divided (2/4), w/ transoms, true-divided (2/1), leaded glass (2, at front)
30. Wood picture windows with ornamental grille (2 at first floor tower)
31. Wood picture window w/ ornamental upper lites, 5-lite transom with leaded glass (at front)
32. Wood window, arched, leaded glass (at entry)
33. Wood casement windows: plain; true-divided (2/3) with transoms (1/2) or with decorative upper lites, amber glass or leaded glass transoms
34. Wood windows, pair, with single upper lite, fixed wood panel between (1 at front and 1 at rear)
35. Redwood trim boards: belt course; window/door casings, sills; roof eaves
36. Redwood gutters (have been previously replaced. If replaced, gutters should visually match original appearance, but need not be wood)
37. Wrought iron balcony rail
38. Wood crawl space door, arched (at front, west), with ornamental metal grill
39. Glazed ceramic vent tiles
40. Arched, open, "grotto" with interior of rough Berkeley rhyolite in west facing stucco wall below west terrace / porch (may have contained a water feature)

Features of 1 Panoramic Way – Cottage & Garage combination:

41. All extant, exterior building features characteristic of the First Bay Tradition architectural design
42. Overall building form and massing
43. Small-scale, one story, unpainted wood cottage atop two-car garage
44. Redwood garage doors with three sets of four-paned wood windows and decorative cut-outs that are hinged and roll along a metal track inside the garage
45. Separate single vehicle roofed concrete walled parking bay inserted into hillside below terrace, immediately south of cottage
46. Wood Bay window with green-painted sashes and decorative mullions on the western façade of the cottage

*Feature to be restored where possible

- 47. Steilberg's trademark glazed green Oriental perforated tiles
- 48. Set of wood Dutch doors painted green, with two nine-paned windows set within, at the south elevation of the cottage
- 49. One six-paned wood window with green-painted sash on south façade
- 50. One double-paned wood window with green-painted sash on south façade
- 51. Four, four-paned wood windows with amber glass and green-painted sashes on east façade
- 52. Four double-hung wood windows with green-painted sashes on east façade
One double-paned wood dormer window with green-painted sash on east facade
- 53. One six-paned wood window with green-painted sash on north façade
- 54. One wood entry door painted green, with one nine-paned window set within, on north façade
- 55. Two, six-paned wood windows with green-painted sashes on north façade
- 56. Glazed ceramic vent tiles

Features of 1 Panoramic Way – Pergola, Playhouse & Garage combination:

- 57. All extant, exterior building features characteristic of the First Bay Tradition architectural design
- 58. Overall building form and massing
- 59. Low-pitch gable roof
- 60. Redwood eaves
- 61. Redwood shingle siding
- 62. Unpainted redwood doors on north façade
- 63. 18 lite picture window with amber glass and green-painted sash, with a centered decorative medallion on west façade
- 64. 15 lite window with amber glass and green painted sash on south façade
- 65. Amber glass in windows
- 66. Wide brick walkway/terrace that extends from north edge of the cottage and runs parallel along Panoramic Way and included decorative tile inserts
- 67. Pergola to resemble original Steilberg plans and any extant photographs*

Features of 4 Mosswood Lane - Cottage:

- 68. All extant, exterior building features characteristic of the Mediterranean style
- 69. One and one half story massing
- 70. Shallow gable roof of terracotta tiles, colored black or grey on top surface
- 71. Ornamental unglazed terra cotta end piece to tile ridge line coping of roof
- 72. Open air rooftop terrace accessed by curving, cast concrete staircase
- 73. Fabricrete building material on exterior, integral color, unpainted
- 74. Open air entry staircase from Panoramic Way adjoining building on north side
- 75. One nine-paned fixed window with green-painted sash on east façade
- 76. One two-paned casement window with amber glass, green-painted sash and tile sill, on east façade
- 77. One ten-paned fixed window with green-painted sash on north façade
- 78. One three-paned fixed window with green-painted sash and tile sill on north façade
- 79. Two fixed windows with leaded designs in colored glass and tile sills on north façade

*Feature to be restored where possible

80. One large nine-paned fixed picture window with green-painted sashes and tile sills, flanked by two, three-paned casement windows with green-painted sashes and tile sills on the western façade
81. One multi-lite window with green-painted sash on west façade
82. Set of three-paned casement windows, with green-painted sashes and tile sill on west façade
83. One three-paned fixed window with green-painted sash and tile sill on west façade
84. One four-paned casement window with green-painted sash on west façade
85. One three-paned fixed window with green-painted sash and tile sill on south façade
86. Set of three-paned casement windows, with green-painted sashes and tile sill on south façade
87. One multi-lite window with green-painted sash on south façade
88. Roof top terrace
89. Curving stairway that breaks the roofline on the front facing, eastern elevation
90. Steilberg's trademark glazed green Oriental perforated tiles, and one brown tile in same pattern
91. Custom-designed lighting fixtures*
92. Front doorway with leaded designs in colored glass (damaged portions of glass replaced in kind in recent years to match original)
93. Two small wooden doors on either side of entrance alcove, concealing utility connections
94. Street address hand painted vertically on wall by door in almond green
95. Wood trellis with fabricrete cylindrical support column on the western façade

*Feature to be restored where possible



PLANNING & DEVELOPMENT

Land Use Planning 2120 Milvia Street, Berkeley, CA 94704

Tel: 510.981.7410 TDD: 510.981.6903 Fax: 510.981.7420 Email: planning@cityofberkeley.info

LANDMARK PRESERVATION COMMISSION

Landmark, Structure of Merit or Historic District Designation Form

Street Address: 1 Orchard Lane		ZIP: 94704																
Original owner's or business's name:		Present common name: 1 Orchard Lane																
Original owner: Walter Steilberg		Present owner's name & address: Gregory LaBlanc																
Original use: Residence		Present use: Residence																
Is property on any survey? National Register ☒ California Register ☐ State Historic Resources Inventory ☐ Neighborhood: Urban Conservation Survey Plan ☐ BAHA Tours, Neighborhood or Area Plan ☐																		
Application for landmark includes: Building(s) ☒ Garden(s) ☐ Historic Site ☐ District ☐ Parcel ☒ Landscape or Open Space ☐ Other: _____																		
Is the property endangered? Yes ☐ No ☒ If yes, please explain:																		
Date of construction: 1922 Factual ☒ Approximate ☐ Source of information:																		
Architect: Walter Steilberg		Style: First Bay Tradition																
Historic Value: National ☐ State ☐ County ☐ City ☐ Neighborhood ☐																		
Architectural Value: National ☒ State ☒ County ☐ ? City ☒ Neighborhood ☒																		
Present Condition of Property: <table border="0"><tr><td>Exterior:</td><td>Excellent ☐</td><td>Good ☒</td><td>Fair ☐</td><td>Poor ☐</td></tr><tr><td>Interior:</td><td>Excellent ☐</td><td>Good ☐</td><td>Fair ☐</td><td>Poor ☐ Not known</td></tr><tr><td>Grounds:</td><td>Excellent ☐</td><td>Good ☒</td><td>Fair ☐</td><td>Poor ☐</td></tr></table>				Exterior:	Excellent ☐	Good ☒	Fair ☐	Poor ☐	Interior:	Excellent ☐	Good ☐	Fair ☐	Poor ☐ Not known	Grounds:	Excellent ☐	Good ☒	Fair ☐	Poor ☐
Exterior:	Excellent ☐	Good ☒	Fair ☐	Poor ☐														
Interior:	Excellent ☐	Good ☐	Fair ☐	Poor ☐ Not known														
Grounds:	Excellent ☐	Good ☒	Fair ☐	Poor ☐														
Survey prepared by: Janice Thomas & Fredrica Droles for the Nat'l Register (NR)		Signature: see NR form Date: 2005																
Address: LPC - City of Berkeley		Phone: 510-981-7410	E-mail: lpc@cityofberkeley.info															

For Staff Use Only

Date: Sept. 3/2020 **LPC Application #:** LMIN2020-0006 **Intake Planner:** Crane **Receipt #:**

Landmarks Preservation Commission Fees - Required for all Designation Proposals:	Fee Amount	Amount Due:
Landmark or Structure of Merit Initiation:	\$50.00	
Historic District	\$50.00	
Records Management Fee	\$50.00	
Total fees:		No fee

If you have any questions, please contact the Land Use Planning Division at: 2120 Milvia Street, Berkeley CA 94704, (510) 981-7410, Fax (510) 981-7420, e-mail: planning@cityofberkeley.info

Please submit exterior photographs of all sides and of any significant features, a site plan and floor plans.

See photographs and Sanborn Map provided with staff reports Oct. 1 and Nov. 5 2020

The application must include the following features, pursuant to BMC 3.24.100.A. Use the attached sample as a guide for completing the application.

Description:

See NR Forms, completed March 2025 and attached for reference.

History:

See NR Forms, completed March 2005 and attached for reference.

Significance:

The significance of 1 Orchard Lane is evident in its exemplary architectural design and listing on the National Register. Pursuant to Berkeley Municipal Code 3.24.110.A.5, the Commission shall use listing on the NR as a criterion for City Landmark designation.

Bibliography:

- 1) National Register Designation #05000424 for the Panoramic Hill District, dated March 2005.

United States Department of the Interior
National Park Service

National Register of Historic Places
Registration Form

7

This form is for use in nominating or requesting determinations for individual properties and districts. See instructions in *How to Complete the National Register of Historic Places Registration Form* (National Register Bulletin 16A). Complete each item by marking "x" in the appropriate box or by entering the information requested. If any item does not apply to the property being documented, enter "N/A" for "not applicable." For functions, architectural classification, materials, and areas of significance, enter only categories and subcategories from the instructions. Place additional entries and narrative items on continuation sheets (NPS Form 10-900a). Use a typewriter, word processor, or computer, to complete all items.

1. Name of Property

historic name Panoramic Hill

other names/site number University Terrace, University Hill

2. Location

street & number Panoramic Wy, Canyon Rd, Mosswood, Orchard Ln, Arden Rd. ☐ not for publication

city or town Berkeley ☐ vicinity

state California code CA county Alameda code 001 zip code 94704

3. State/Federal Agency Certification

As the designated authority under the National Historic Preservation Act of 1986, as amended, I hereby certify that this ☒ nomination
☐ request for determination of eligibility meets the documentation standards for registering properties in the National Register of
Historic Places and meets the procedural and professional requirements set forth in 36 CFR Part 60. In my opinion, the property
☒ meets ☐ does not meet the National Register Criteria. I recommend that this property be considered significant ☐ nationally
☐ statewide ☒ locally. (☐ See continuation sheet for additional comments.)

William Wayne Dugan
Signature of certifying official/Title

28 MARCH 2005
Date

California Office of Historic Preservation
State or Federal agency and bureau

In my opinion, the property ☐ meets ☐ does not meet the National Register criteria. (☐ See continuation sheet for additional
comments.)

Signature of commenting or other official

Date

State or Federal agency and bureau

4. National Park Service Certification

I hereby certify that this property is:

- ☒ entered in the National Register
☐ See continuation sheet.
☐ determined eligible for the
National Register
☐ See continuation sheet.
☐ determined not eligible for the
National Register
☐ removed from the National
Register
☐ other (explain): _____

Signature of the Keeper

Date of Action

[Signature]

10/21/05

5. Classification

Ownership of Property
(Check as many boxes as apply)

- ☒ private
☒ public-local
☐ public-State
☐ public-Federal

Category of Property
(Check only one box)

- ☐ building(s)
☒ district
☐ site
☐ structure
☐ object

Number of Resources within Property
(Do not include previously listed resources in the count.)

Contributing	Noncontributing	
61	18	buildings
		sites
14 (roads, paths, walls)	1 (wall)	structures
1 (fountain)		objects
76	19	Total

Name of related multiple property listing
(Enter "N/A" if property is not part of a multiple property listing.)

N/A

Number of contributing resources previously listed in the National Register

6. Function or Use

Historic Functions
(Enter categories from instructions)

Domestic – single and multiple dwellings

Current Functions
(Enter categories from instructions)

Domestic – single and multiple dwellings

7. Description

Architectural Classification
(Enter categories from instructions)

Shingle; Bungalow/Craftsman; Mission/Spanish

Colonial Revival; Beaux-Arts

Materials
(Enter categories from instructions)

foundation Earth, concrete

roof Shingle; Terra Cotta; Concrete

walls Shingle; Brick; Granite; Stucco; Concrete; Fabricrete

other Brick; Iron; Copper; Ceramic Tile; Glass; Concrete;

Fabricrete

Narrative Description
(Describe the historic and current condition of the property on one or more continuation sheets.)

See Continuation Sheets

8. Statement of Significance

Applicable National Register Criteria

(Mark "x" in one or more boxes for the criteria qualifying the property for National Register listing)

- ☐ A Property is associated with events that have made a significant contribution to the broad patterns of our history.
- ☐ B Property is associated with the lives of persons significant in our past.
- ☒ C Property embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction.
- ☐ D Property has yielded, or is likely to yield information important in prehistory or history.

Criteria Considerations

(Mark "X" in all the boxes that apply.)

Property is:

- ☐ A owned by a religious institution or used for religious purposes.
- ☐ B removed from its original location.
- ☐ C a birthplace or a grave.
- ☐ D a cemetery.
- ☐ E a reconstructed building, object, or structure.
- ☐ F a commemorative property.
- ☐ G less than 50 years of age or achieved significance within the past 50 years.

Narrative Statement of Significance

(Explain the significance of the property on one or more continuation sheets.)

9. Major Bibliographical References

(Cite the books, articles, and other sources used in preparing this form on one or more continuation sheets.)

Previous documentation on file (NPS):

- ☐ preliminary determination of individual listing (36 CFR 67) has been requested.
- ☐ previously listed in the National Register
- ☐ previously determined eligible by the National Register
- ☐ designated a National Historic Landmark
- ☐ recorded by Historic American Buildings Survey # _____
- ☐ recorded by Historic American Engineering Record # _____

Areas of Significance

(Enter categories from instructions)

Architecture

Period of Significance

1901-1950

Significant Dates

Significant Person

(Complete if Criterion B is marked above)

Cultural Affiliation

Architect/Builder

Bernard, Maybeck; Coxhead, Ernest; Morgan, Julia;
Steilberg, Walter; Ratcliff, Walter H., Jr.; Thomas, John
Hudson; Wright, Frank Lloyd; Atkins, Henry; Paine, Robert;
Ratcliff, Robert; Wurster, William.

Primary Location of Additional Data

- ☐ State Historic Preservation Office
- ☐ Other State agency
- ☐ Federal agency
- ☒ Local government
- ☒ University
- ☒ Other

Name of repository:

See Continuation Sheet

10. Geographical Data

Acreage of Property: 12.3 acres

UTM References

(Place additional UTM references on a continuation sheet)

	Zone	Easting	Northing		Zone	Easting	Northing
1	10	666060	4191480	3	10	666360	4191360
2	10	660250	4191600	4	10	666170	4191210
				5	10	666100	4191300

Verbal Boundary Description

(Describe the boundaries of the property on a continuation sheet.)

Boundary Justification

(Explain why the boundaries were selected on a continuation sheet.)

11. Form Prepared By

name/title Janice Thomas & Fredrica Drotos

organization Berkeley Architectural Heritage Association date November 8, 2004

street & number 37 Mosswood Road telephone (510) 549-1171

city or town Berkeley state CA zip code 94704

Additional Documentation

Submit the following items with the completed form:

Continuation Sheets

Maps

A **USGS map** (7.5 or 15 minute series) indicating the property's location.

A **Sketch map** for historic districts and properties having large acreage or numerous resources.

Photographs

Representative **black and white photographs** of the property.

Additional items

(Check with the SHPO or FPO for any additional items)

Property Owner

(Complete this item at the request of the SHPO or FPO.)

name _____

street & number _____ telephone _____

city or town _____ state _____ zip code _____

Paperwork Reduction Act Statement: This information is being collected for applications to the National Register of Historic Places to nominate properties for listing or determine eligibility for listing, to list properties, and to amend existing listings. Response to this request is required to obtain a benefit in accordance with the National Historic Preservation Act, as amended (16 U.S.C. 470 *et seq.*).

Estimated Burden Statement: Public reporting burden for this form is estimated to average 18.1 hours per response including the time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. Direct comments regarding this burden estimate or any aspect of this form to the Chief, Administrative Services Division, National Park Service, P.O. Box 37127, Washington, DC 20013-7127; and the Office of Management and Budget, Paperwork Reductions Project (1024-0018), Washington, DC. 20503.

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National Register of Historic Places Continuation Sheet

Panoramic Hill, Alameda County, CA

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woodlands next door. From the street, the brick stairway and retaining wall gracefully curves to follow the contours of the hillside and forms a built-in brick bench as it reaches the front entryway. The original plans show a trellis at the entrance, but that was before the oak trees were mature on this north facing lot. Some windows have been added to the side and back on the eastern and southern corner of the main floor, but otherwise the exterior is unaltered.

The University land next door was not then known as the Ecological Study Area. However, it was a preserve where "no shooting is allowed at any season..."^{xvii} and the grounds of 37 Mosswood were part of that larger landscape. As described by Mrs. Amelia Sanborn Allen, "Our house is in the middle of a dense grove of young live-oak trees, on the southern wall of the canyon opposite the University dairy, and to the south and west of the swimming pool."^{xviii} The landscape of 37 Mosswood Road and the adjacent University land remains much the same today.

50. 38 Mosswood Road – ONE CONTRIBUTING: house

Year built: 1915

Owner/designer: Parker, Carleton

This three story roughly square structure is sided with natural wood barn shakes under a flat roof with overhanging eaves. The dwelling steps steeply down the hillside from Arden Road although its address is Mosswood Road, and its entrance is off the Arden Steps. The second story entrance is from a side porch with a balcony above. Fenestration consists of single lite casement windows and two picture windows on the western exposure claiming views of the Golden Gate from the second story living room. Cantilevered porches on the northern exposure of the first and second stories overlook Strawberry Canyon. The third story back of the house is at street level with access from the cul-de-sac at Arden Road adjacent to the massive clinker brick retaining wall for 100 Arden Road. After a fire in the 1940's the original steeply pitched gable roof was replaced with the current flat roof and broad eaves. In 1982, a deck was added to the first story on the northern (canyon) side of the house of house. The alterations do not substantially detract from the integrity of the dwelling.

51. 1 Orchard Lane - ONE CONTRIBUTING: house

Year built: 1922

Architect: Steilberg, Walter

Original owner: Steilberg, Walter

This three-story, 12-room single family house was the principal residence (and one of three related structures) for Walter Steilberg and his family (rf. 1 Panoramic Way and 4 Mosswood Lane). The exterior is finished in unpainted/unstained redwood shingles and rose-colored stucco. Green painted window trim matches the green of the surrounding almond trees, whereas the underside of the eaves was once sky blue. An octagonal tower dominates the western façade; the third story of which has a balustrade formed by his trademark glazed green Oriental perforated tiles. Exemplifying the relationship of the building and its site, "the house climbs a slope with each story opening onto

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terraces or decks, with glass doors echoing the fenestration.” "...glass dining room with mirror doors on east wall reflecting the bay view. This room is duplicated on the third story but here a bank of glazed perforated Chinese tiles forms a balustrade. Architectural features include mullions of amber glass, elaborate and expansive fenestration, custom-designed lighting fixtures, door handles, and paint custom-ordered to match outdoor colors. The south wing was built as bedrooms and the top-floor (east) porch was enclosed in 1927. Expansion of the top floor, south-facing study in 1945-46 involved changing the small peaked-roof space to a 10'x12' flat-roofed space suitable for use as a bedroom. At about the same time, an outside door (glass-paned) was added to a corner of the north, second-floor bedroom, in order to ease access to that room which was being converted to Steilberg's office. The original wood shingle roof has been replaced with composition shingle.

52. 3 Orchard Lane – TWO CONTRIBUTING: house;
retaining wall (a)

Year built: 1915
Architect: Bangs, E. Geoffrey
Original owner: unknown

This rectangular two story wooden structure with wood shingle siding stained a dark brown has a gently gabled roof. The house conforms to the hillside, and its second story roofline is on grade with the switchback where Panoramic Way intersects Mosswood Road. The fenestration consists primarily of large picture windows, commanding expansive views of the Golden Gate. Some wooden windows have been replaced by aluminum but size and locations remain as originally built. A second story portico is reached by a pair of large French doors and is shielded from the western exposure by a generous pergola. The property is accessible by foot in three ways - from the west via Mosswood Lane, from the south via a classical entrance marked by a delicately painted #3 on a pillar mid-way up Orchard Lane, or from the south east by way of the topmost landing of Orchard Lane as it meets Panoramic Way at the Mosswood intersection. Built five years after the completion of Orchard Lane, the main entrance was then from Orchard Lane and designed in the beaux-arts style. The design is carried through to two terraces that wrap around the back of the house mimicking the pattern of the classical balustrades.^{xx} The retaining wall to this terrace can be seen from Mosswood Lane below. The main entrance to the 3 Orchard Lane is from Orchard Lane and the design of the private staircase is in the beaux-arts style in keeping with the vernacular of the public staircase. The terrace is likewise designed in the Beaux-arts style and is graced with concrete balustrades supported by two massive curved retaining walls one of which can be seen from Mosswood Lane below. The similarity of design between the Beaux-arts staircase at 3 Orchard Lane and Orchard Lane itself makes the private entrance appear to be a branch of Orchard Lane.^{xx}

53. 19 Orchard Lane – ONE CONTRIBUTING: cottage

Year built: 1950.
Builder: Jevans, J.H.
Original owner: Bush, Philip

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Panoramic Hill, Alameda County, CA

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This single family house rises three and a half stories from the street on the uphill side of Canyon Road; the bulk and mass is striking. The wood shingled structure has a double steeply pitched side gabled roof with overhanging eaves. The front gable has been altered by the addition of two large skylights facing north. The main entrance is on the west side by way of a concrete and brick stairway, made complex by many turns and levels. The west facing entry portal is defined by a Tudor-arched door way, a built-in bench on one side, board and batten siding, and a single-paneled wooden door. A one story western wing off the main house has a side-gable roof. A second story open face balcony on the north side is supported by massive wooden brackets that, although sympathetic, are not original. Balcony railing was replaced with compatible modifications in 2003. Built on a sub-standard cul-de-sac with very shallow street setback and facing Strawberry Canyon, the house is bordered by a forest of coastal live oaks and bay trees in the undeveloped land known as the University of California at Berkeley's Ecological Study Area. The physical location at the base of the hill and at the geographic interface between the neighborhood and the University makes this house a socio-geographic landmark. A five foot high concrete retaining wall following the contours of Canyon Road has been recently retrofitted but maintains the original brick steps to the expansive entry. While the public side of the home is austere, the back side opens onto a lush terrace garden providing a private outdoor living area for the residents. Windows are mostly plain double hung sash. A window has been added to the street-side of the house on the floor below the main entrance. The overall structure retains its integrity. A one-car garage is built into a concrete retaining wall of the hillside is unaltered.

38. 4 Mosswood Lane - ONE CONTRIBUTING: cottage

Year built: 1930

Architect: Steilberg, Walter

Original owner: Steilberg, Walter

This one and one half story Mediterranean style cottage is built of Fabricrete with a shallow gable roof of terracotta tiles and was Steilberg's response to the devastating Berkeley Hills fire in 1923. This was meant to be a low cost home impermeable to fires and other disasters. The windows have steel sashes, the sills are tile. The only wood in the structure are the kitchen cabinets, the doors and bookshelves built-in beside the fireplace and the table in the breakfast nook. The cottage is accessible only by foot off Mosswood Lane and from the rear of the Steilberg family compound at 1 Orchard Lane and 1 Panoramic Way; the cottage is a hidden gem. A roof top terrace, accessed by a graceful curving substandard stairway, breaks the roofline on the front eastern elevation. Metal frame multi-lite windows are plentiful. A large picture window on the western façade allows an expansive bay view from the living room. An oversize fireplace in the living room provides heat throughout the house due to the foot thick concrete walls which have pigment rubbed in while still wet so that the interior never requires painting, which was another cost saving feature. Even the lighting fixtures were designed by Steilberg. Using capiz shells for the built in shades, a technique adapted from antique Chinese domestic paning, he felt they would be a low cost solution to lighting. The front door is similar to the one Steilberg designed for 6 Mosswood Road, that is, an arched doorway with leaded designs in colored glass. Venting is cleverly concealed behind Steilberg's trademark glazed green Oriental

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perforated tiles. The half story on the western elevation consists of a small bedroom or study accessed by a steep, gently curving interior stairway.

39. 6 Mosswood Road – ONE CONTRIBUTING: cottage and garage combination

Year built: 1924
Architect: Steilberg, Walter
Original owner: Mel, Charles

This two story Mediterranean style Fabricrete cottage with terra-cotta tile shed roof sits atop a foundation of five large archways forming five garage spaces with entry off of Mosswood Road on a sub-standard lot. A flat projecting bay window flanked by two four lite casements rests above two north west facing arches. An iron and glass balcony is buttressed by Fabricrete piers and centered above the fourth archway on the western façade accessed by multiple lite French doors. A side entry is tucked away, not visible from the street, and accessed by a concrete stairway shared by 8 and 10 Mosswood. The entry door is arched with leaded glass panes. In 2004, the two most southern garages were altered with the addition of side hinged custom built wooden barn doors, which are compatible with and do not detract from the whole, and replace original (but deteriorated) hanging curtains.

40. 8 Mosswood Road - ONE CONTRIBUTING: house

Year built: 1919
Architect: Allen, Harris
Original owner: Mel, Charles

This two and one half story home sits on the uphill side of Mosswood Road and behind 6 Mosswood Road and shares the entry stairs for 6 and 10 Mosswood Road. The exterior is finished in ship-lap siding on the first story and jazz stucco on the upper one and one half stories with a low gabled roof and overhanging eaves. The side entry is on the north under a gabled portico through an arched doorway.

41. 10 Mosswood Road – ONE NON CONTRIBUTING: house – significantly altered

42. 11 Mosswood Road - TWO CONTRIBUTING: house;
cottage and garage combination (a)

Year garage-apartment built: 1925
Year house built: 1929
Architect: Morgan, Julia
Original owner: Jepson, Willis

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PRIVATE DEVELOPMENT

1. 1 Panoramic Way – TWO CONTRIBUTING: cottage and garage - combination;
playhouse pergola and garage combination (a)

Year built: 1921; 1931
Architect: Steilberg, Walter
Original owner: Steilberg, Walter

This small three-room brown shingle cottage sits above a two car concrete garage at the base of Walter Steilberg's family home. The redwood garage doors with decorative cut-outs are hinged and roll along a metal track inside the garage. A bay window with decorative mullions on the western elevation once opened to panoramic views of the bay. Exterior decorative details include Chinese perforated tiles that also serve as vents. Indoor and outdoor relationships strengthened with a Dutch door at the south elevation which opens onto a wide brick walkway and pergola that runs parallel to Panoramic Way until it meets a brown shingle playhouse with amber glass in windows at the end. The playhouse has a low-pitch gable roof with an 18 lite picture window with centered decorative medallion. Supporting the walkway and pergola is a concrete retaining wall with a built-in garage constructed in 1931.

2. 5, 7, 9, 11 Panoramic Way - ONE CONTRIBUTING: apartment building

Year built: 1912
Architect: Morgan, Julia
Original owner: Price, Clifton

"This two-story and basement apartment building is designed around an interior court on a hillside where the views, and hence the fenestration, are of major importance. Upstairs, a large bay over the arched entrance is flanked by groups of 4 windows together, then another bay at each end. On the first floor the large banks of windows at the corners have balustrades that repeat the design of the front of the central arch, and suggest balconies without breaking up the masses. Brick steps lead up to a small terrace from an entrance at one side. There is a suggestion of half-timbering, not used in a medieval sense as much as for design element to emphasize the windows. The central lower façade is indented, with the plain supports creating pattern interest."^{vv} The half-timbering has been painted off-white, the color of the stucco, and is not original. Part of the front lawn, the hedge, and retaining wall were removed in 1995 to make way for a parking pad for residents and guests' vehicles. A trellis covers. The change does not negatively impact the integrity of the structure.



Figure 1: 1 Panoramic Way - one-story cottage atop two-car garage, primary (west) facade



Figure 2: 1 Panoramic Way - one-story cottage, Dutch door on south facade

Photographs taken by City staff – October 16, 2020



Figure 3: 1 Panoramic Way - one-story cottage, southern portion of east façade



Figure 4: 1 Panoramic Way - one-story cottage, northern portion of east facade

Photographs taken by City staff – October 16, 2020

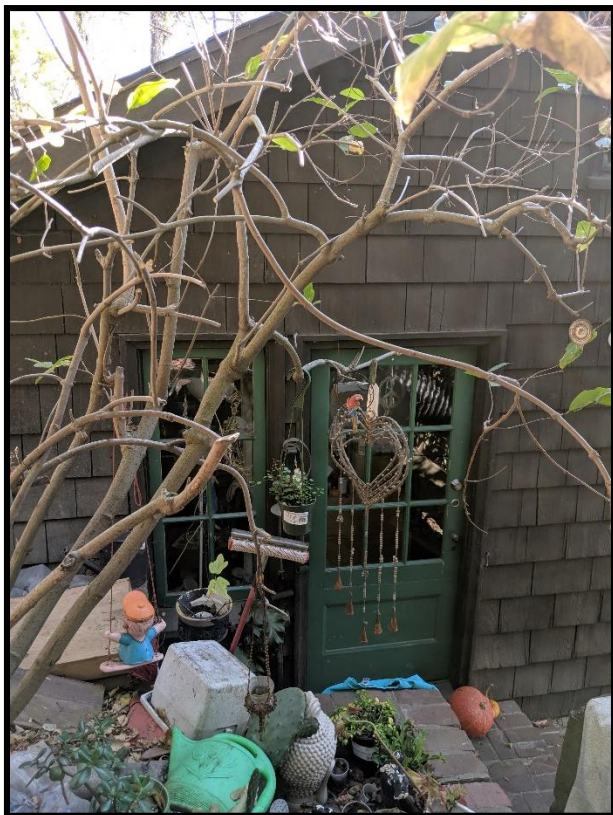


Figure 5: 1 Panoramic Way - one-story cottage, eastern portion of north facade

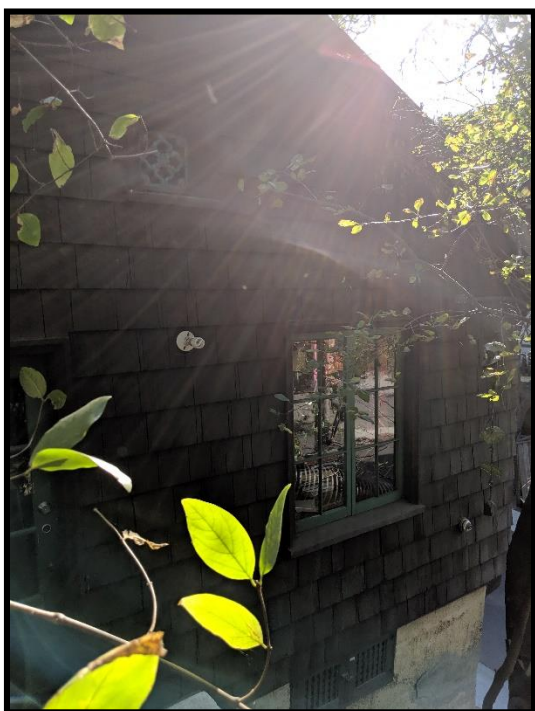


Figure 6: 1 Panoramic Way - one-story cottage, western portion of north facade

Photographs taken by City staff – October 16, 2020



Figure 7: 1 Panoramic Way - carport with wood railing above



Figure 8: 1 Panoramic Way - brick pathway and wood railing, parallel to Panoramic Way

Photographs taken by City staff – October 16, 2020



Figure 9: 1 Panoramic Way - accessory structure (playhouse), west façade



Figure 10: 1 Panoramic Way - accessory structure (playhouse), north façade

Photographs taken by City staff – October 16, 2020



Figure 11: 1 Panoramic Way - accessory structure (playhouse), east façade



Figure 12: 1 Panoramic Way - accessory structure (playhouse), south façade

Photographs taken by City staff – October 16, 2020



Figure 13: 4 Mosswood Lane - primary (east) façade, facing north



Figure 14: 4 Mosswood Lane - primary (east) facade, facing south

Photographs taken by City staff – October 16, 2020

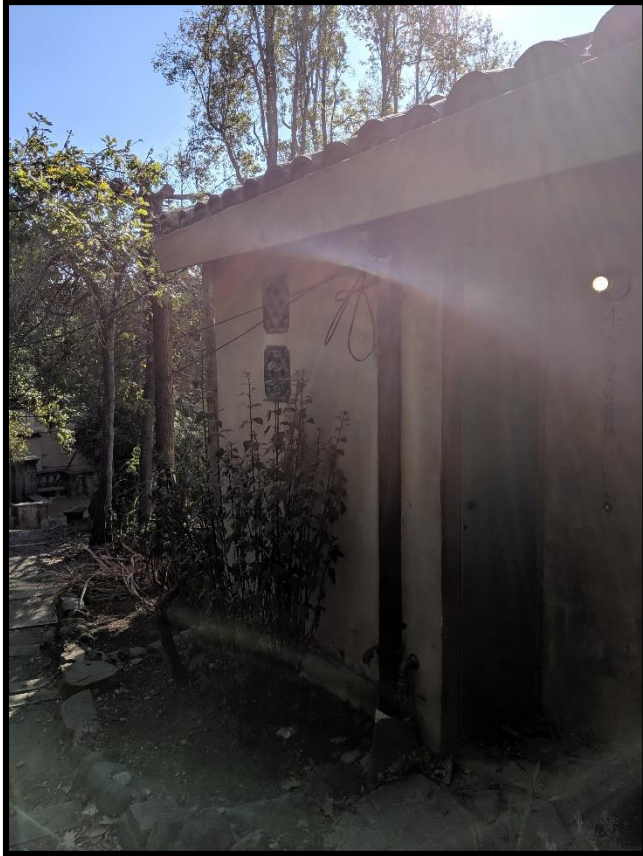


Figure 15: 4 Mosswood Lane - south portion of east facade



Figure 16: 4 Mosswood Lane - front doorway with leaded designs in colored glass

Photographs taken by City staff – October 16, 2020

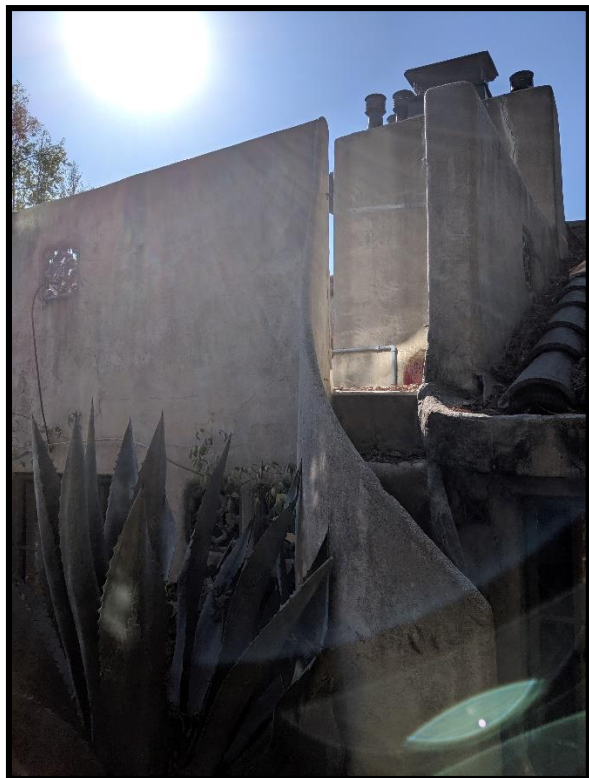


Figure 17: 4 Mosswood Lane - curving stairway on front (east) facade, facing west



Figure 18: 4 Mosswood Lane - curving stairway on front (east) facade, facing south

Photographs taken by City staff – October 16, 2020



Figure 19: 4 Mosswood Lane - roof top terrace and terracotta tiles, facing southwest



Figure 20: 4 Mosswood Lane - metal frame multi-lite window on east facade



Figure 21: 4 Mosswood Lane - metal frame multi-lite window, north facade



Figure 22: 4 Mosswood Lane - steel sash window with tile sill on north facade

Photographs taken by City staff – October 16, 2020



Figure 23: 4 Mosswood Lane - upper portion of north facade, facing west



Figure 24:: 4 Mosswood Lane - windows on north facade with leaded design in colored glass



Figure 25: 4 Mosswood Lane – upper (east) portion of south facade



Figure 26: 4 Mosswood Lane - lower (west) portion of south facade

Photographs taken by City staff – October 16, 2020



Figure 27: 4 Mosswood Lane - rear (west) facade

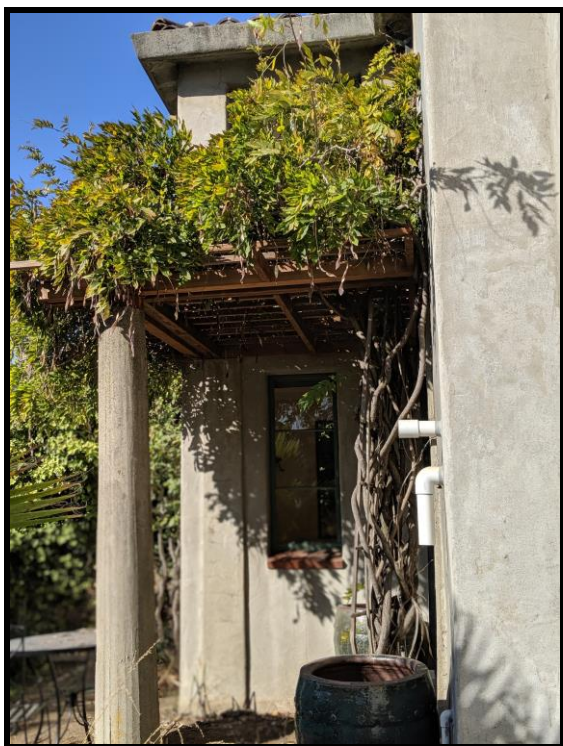
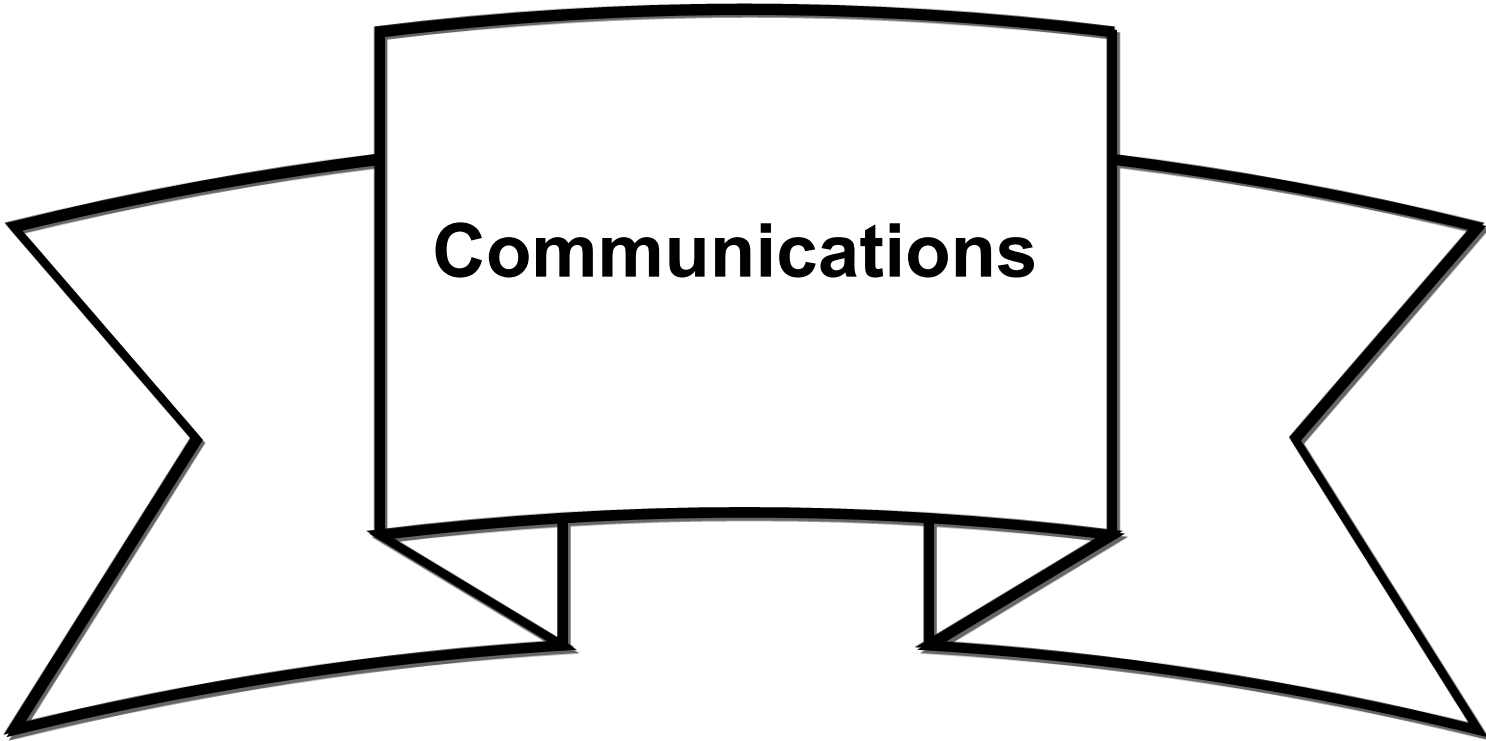


Figure 28: 4 Mosswood Lane - wood trellis with fabricrete support column, facing north

Photographs taken by City staff – October 16, 2020



Figure 29: 4 Mosswood Lane - multi-lite window on west façade



Communications

All communications submitted to the City Council are public record. Communications are not published directly to the City's website. Copies of individual communications are available for viewing at the City Clerk Department and through Records Online.

City Clerk Department

2180 Milvia Street
Berkeley, CA 94704
(510) 981-6900

Records Online

<http://www.cityofberkeley.info/recordsonline>

To search for communications associated with a particular City Council meeting using Records Online:

1. Select Search Type = “Public – Communication Query (Keywords)”
2. From Date: Enter the date of the Council meeting
3. To Date: Enter the date of the Council meeting (this may match the From Date field)
4. Click the “Search” button
5. Communication packets matching the entered criteria will be returned
6. Click the desired file in the Results column to view the document as a PDF