



Housing Advisory Commission

<b>Regular Meeting</b> <b>Thursday, April 9, 2026</b> <b>7:00 pm</b>	<b>South Berkeley Senior Center</b> 2939 Ellis Street  Mike Uberti, Secretary HAC@berkeleyca.gov
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**This meeting will be conducted in a hybrid model with both in-person and virtual attendance.** Attend this meeting remotely using Zoom: <https://cityofberkeley-info.zoomgov.com/j/1611379152>. To request to speak, use the “raise hand” function in Zoom. To join by phone: Dial **1-669-254-5252** or **1-833-568-8864 (Toll Free)** and enter **Meeting ID: 161 137 9152**. To provide public comment, Press \*9 and wait to be recognized by the Chair. To submit a written communication for the public record, email [HAC@berkeleyca.gov](mailto:HAC@berkeleyca.gov).

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting, however, if you are feeling sick, please do not attend the meeting in person. Questions regarding this matter may be addressed to [HAC@berkeleyca.gov](mailto:HAC@berkeleyca.gov).

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**Written communications submitted by mail or e-mail to the Housing Advisory Commission by 5:00 p.m. the day before the meeting** will be distributed to the members of the Committee in advance of the meeting and retained as part of the official record.

**All agenda items are for discussion and possible action.**

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

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1. **Roll Call**
2. **Land Acknowledgment** (Attachment 1)
3. **Agenda Approval**
4. **Public Comment**
5. **Approval of March 5, 2026 Regular Meeting Minutes** (Attachment 2)
6. **Discussion and Potential Action to Recommend Inclusionary Housing In-Lieu Fee Update for Single-Family Dwellings – Mike Uberti, HHCS** (Attachment 3-4)

7. **A Unified, Flexible Local Density Bonus Program** – Commissioner Shere (Attachment 4)
8. **Update on Council Items (Future Dates Subject to Change)**
9. **Announcements/Information Items**
  - a. City of Berkeley Notice of Public Hearing and Request for Comments on its Program Year 2026 Annual Action Plan (July 1, 2026 - June 30, 2027) (Attachment 6)
  - b. City of Berkeley Draft Behavioral Health Service Act (BHSA) FY26/27 – 28/29 Integrated Plan Public Review Information (Attachment 7)

## 10. Future Items

## 11. Adjourn

### Attachments

1. Land Acknowledgment
2. Draft March 5, 2026 Regular Meeting Minutes
3. Mike Uberti, HHCS, Inclusionary Housing In-Lieu Fee Single Family Dwelling Analysis and Fee Update
4. Strategic Economics, Analysis of In-lieu Fees for Single Family Homes
5. Commissioner Shere, District 2, A Unified, Flexible Local Density Bonus Program
6. City of Berkeley Notice of Public Hearing and Request for Comments on its Program Year 2026 Annual Action Plan (July 1, 2026 - June 30, 2027)
7. City of Berkeley Draft Behavioral Health Service Act (BHSA) FY26/27 – 28/29 Integrated Plan Public Review Information

### Correspondence

8. Gael Alcock, Inequality, not regulation, is driving the housing affordability crisis
9. [durantsafetyconcern@gmail.com](mailto:durantsafetyconcern@gmail.com), URGENT confirmation: FOR INCLUSION IN APRIL 2, 2026 REGULAR MEETING PACKET - Statement of Information (APN 055-1878-00701)

## Notices

### Notice of Public Record

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 of the relevant board, commission, or committee for further information.

Any writings or documents provided to a majority of the commission regarding any item on this agenda will be made available for public inspection at Health, Housing, and Community Services located at 2180 Milvia Street, Berkeley, CA 94704.



Communication Access Information

This meeting is being held in a wheelchair accessible location. To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at [ada@berkeleyca.gov](mailto:ada@berkeleyca.gov), (510) 981-6418 (V), or (510) 981-6347 (TDD) at least three business days before the meeting date. Attendees at public meetings are reminded that other attendees may be sensitive to various scents, whether natural or manufactured, in products and materials. Please help the City respect these needs.

Certification of Public Posting

I hereby certify that the agenda for this meeting of the Berkeley City Commission 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 April 2, 2026.

A handwritten signature in black ink, appearing to read "Mike Uberti".

Mike Uberti, Secretary

## ATTACHMENT 1

### **Land Acknowledgement Statement**

*The City of Berkeley recognizes that the community we live in was built on the territory of xučyun (Huchiun (Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's residents have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley's incorporation in 1878. As stewards of the laws regulating the City of Berkeley, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today. The City of Berkeley will continue to build relationships with the Lisjan Tribe and to create meaningful actions that uphold the intention of this land acknowledgement.*



Housing Advisory Commission

## HOUSING ADVISORY COMMISSION DRAFT MINUTES

<b>Regular Meeting</b> <b>Thursday, March 5, 2026</b> <b>7:07 pm</b>	<b>South Berkeley Senior Center</b> 2939 Ellis Street  Snow Zhu, Secretary <a href="mailto:HAC@berkeleyca.gov">HAC@berkeleyca.gov</a>
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### 1. **Roll Call**

2. Present: Valeria Chupina (alternate for Alfred Twu), Sarah Bell, Syrak Micael, Rebecca Mirvish, Debbie Potter, David Shere, and Leah Simon-Weisberg.

Absent: Karen Haycox (excused) and Alfred Twu (excused).

Staff Present: Jiro Arase, Kelly DeWolfe, Kathryn Larrowe, and Snow Zhu.

Commissioners in attendance: 7 of 8

Members of the public: 5

Public Speakers: 1

### 3. **Land Acknowledgement**

### 4. **Agenda Approval**

Action: M/S/C (Simon-Weisberg/Shere) to approve the agenda.

Vote: Ayes: Bell, Chupina, Micael, Mirvish, Potter, Shere, and Simon-Weisberg. Noes: None. Abstain: None. Absent: Haycox.

### 5. **Public Comment**

There was one speaker during public comment.

**6. Approval of February 5, 2026 Regular Meeting Minutes.**

Action: M/S/C (Potter/Micael) to approve the February 5, 2026 Regular Meeting minutes with the following amendments to Item 7:

- Correction to the spelling of Commissioner Twu's name.
- Replace the words "add to" with "edit Item 6 on" for the motion "add to the list of legislative priorities: Support rent relief and eviction moratorium and eviction protections during emergencies."
- Replace the words "add to" with "edit Item 2 on" for the motion "add to the list of legislative priorities: Creation of funding for affordable housing projects, including co-ops, land trusts, social housing, public housing, and affordable homeownership."
- Replace the word "add" with "edit Item 7" and the word "to" with "on" for the motion "to add as a high priority item to the list of legislative priorities: Support legislative efforts to reduce the voter threshold for passage of affordable housing bonds to 50% + 1."

Vote: Ayes: Bell, Micael, Mirvish, Potter, Shere, and Simon-Weisberg. Noes: None. Abstain: Chupina. Absent: Haycox.

**7. Receive Presentation and Potential Action to Approve Annual Action Plan (AAP) for Federal Program Year (PY) 2026 (FY 2027)**

Public Speakers: 1

Action: M/S/C (Potter/Mirvish) to recommend City Council approve the Annual Action Plan for Federal Program Year 2026 (FY 2027).

Vote: Ayes: Bell, Chupina, Micael, Mirvish, Potter, Shere, and Simon-Weisberg. Noes: None. Abstain: None. Absent: Haycox.

**8. A Unified, Flexible Local Density Bonus Program**

Public Speakers: 1

**7. Update on Council Items (Future Dates Subject to Change)**

- a. City of Berkeley's 2026 State and Federal Legislative Platform (2/24/2026)

**8. Announcements/Information Items**

**9. Future Items**

**10. Public Comment**

There was one speaker during public comment.

**11. Adjourn**

Action: M/S/C (Shere/Potter) to adjourn at 9:03 pm.

Vote: Ayes: Bell, Chupina, Micael, Mirvish, Potter, Shere, and Simon-Weisberg. Noes: None. Abstain: None. Absent: Haycox.



Health, Housing, and  
Community Services Department  
**Housing & Community Services Division**

**To:** Housing Advisory Commission  
**From:** Mike Uberti, Senior Community Development Project Coordinator  
**Date:** April 2, 2026  
**Subject:** Inclusionary Housing In-Lieu Fee Single Family Dwelling Analysis and Fee Update

### RECOMMENDATION

Adopt a Resolution amending the Inclusionary Housing in-lieu fee to establish a 2,500 square foot Residential Unit Floor Area deduction for all Single-Family Dwelling projects and maintain the 5,000 square foot RUFA deduction for Multi-Family Dwelling projects.

### SUMMARY

This report recommends amending the Inclusionary Housing in-lieu fee regulations to establish a uniform 2,500 square foot Residential Unit Floor Area (RUFA) deduction for Single-Family Dwelling residential (SFR) projects while maintaining the existing 5,000 square foot deduction for Multi-Family Dwelling residential projects, consistent with the City's goals to support middle housing. Council directed staff to evaluate the feasibility of applying the full in lieu fee to detached homes between 2,500 and 5,000 square feet.

The proposed amendment responds to equity concerns created by the current 5,000 square foot deduction, which unintentionally benefits large SFR projects.

The proposed deduction structure preserves flexibility for modest SFR development, maintains administrative streamlining, and preserves incentives for infill and multi-unit housing. Applying the fee to SFR units above 2,500 sq ft would generate additional revenue for the Housing Trust Fund while aligning fee policy with broader housing, sustainability, and land-use objectives.

### FISCAL IMPACTS OF RECOMMENDATION

The proposed amendment will generate increased Inclusionary Housing in-lieu fee revenue from SFR projects larger than 2,500 sq ft. The current fee rate is calculated at \$62.83 per square foot.

The actual revenue impact will depend on annual SFR production levels, the square footage of proposed projects, and market conditions. All revenue will be deposited in the Housing Trust Fund.

The recommendation would exempt projects at or below 2,500 square feet by default. It also maintains the existing 5,000 sq ft deduction for multi-unit projects and Middle Housing Infill Projects (MHIP), resulting in no new fiscal impacts to these development forms.

### CURRENT SITUATION AND ITS EFFECTS

On February 25, 2025, the City Council adopted modifications to the in-lieu fee structure and directed staff to evaluate applying the in-lieu fee to detached single-unit dwellings sized between 2,500 and 5,000 sq ft. This direction followed a Housing Advisory Commission recommendation to remove the 5,000 sq ft exemption for detached SFR homes to further incentivize attached and multi-unit development.

The current policy establishes a fee of \$62.83 per square foot of RUFA. This was updated on July 1, 2025 from the initial fee of \$56.23, consistent with Council direction to automatically adjust the fee biennially to reflect the California Construction Cost Index.

Strategic Economics analysis for the in-lieu fee study in 2024 determined that Middle Housing projects between two and nineteen units face the greatest financial barriers and were less likely to provide on-site Below Market Rate units.

Considering this finding, the City Council established a provision to allow applicants that opt to pay the full in-lieu fee to deduct 5,000 sq ft of RUFA from the fee calculation. This policy decision is intended to support small-scale, multi-unit middle housing, but also applies equally to SFR construction. The HAC's recommendation recognized this distinction, noting that large SFR construction was not consistent with the City's housing objectives.

Strategic Economics analyzed development trends, cost impacts, market feasibility, and potential revenue effects for applying the fee to SFR development between 2,500-5,000 sq ft. Key findings include:

- 36% of SFR units permitted from 2020–2024 were between 2,500–5,000 sq ft. Only one project above 5,000 sq ft was permitted during this time.
- Thirteen of the 34 homes within the 2,500–5,000 sq ft range were tied to lot splits.
- Retaining the 5,000 sq ft exemption for SFRs above 5,000 sq ft would create significant inequities, inadvertently benefiting larger properties (e.g., a 2,500 sq ft home paying \$157,075 while a 5,500 sq ft home pays \$31,415).
- If the current fee rate of \$62.83 per square foot were applied to detached single family homes with a 2,500 square foot exemption, a 3,500 square foot unit would pay a fee of \$62,830 (up from zero under the current policy) and the 5,500

square foot unit would pay a fee of \$188,490 (up from \$31,415 square feet under the current policy). This is projected to increase development costs between approximately 2-4%, respectively.

The HAC recommendation removes the 5,000 sq ft fee deduction only for detached SFR homes between 2,500 and 5,000 sq ft. Staff's recommendation differs by creating a separate deduction structure for SFR development. This would apply a consistent 2,500 sq ft deduction for all SFR units and maintain the 5,000 sq ft deduction for Multi-Family Dwelling units.

Any policy change should apply to all SFR developments above 2,500 square feet. Projects above 5,000 sq ft are rare (one verified project in the last five years) but maintaining the existing exemption for those larger homes would result in fee inequities.

HAC also recommended applying the fee to multi-unit SFR developments on lot splits to encourage attached, multi-unit development instead of detached development.

Staff appreciate the commission's policy goal to promote attached infill for efficiency and sustainability. However, the recent in-lieu study from April 2024 found that middle housing development requires greater design and financing flexibility to be feasible, including multi-unit detached infill.

On March 10, 2026, the City Council adopted an ordinance to address SB 684 – State law allowing for ministerial approval of lot splits for projects of 10 units or less. This provided local guidelines for administering new MHIP development (2–10 lots/units). Inclusionary requirements for MHIPs are evaluated at the pre-subdivision (parent parcel) level, rather than on newly created lots. This provision treats MHIPs as a single project, even if they result in multiple single-family residences following subdivision.

This would enable both attached and detached multi-unit development to have the MFR fee deduction apply (i.e., 5,000 sq ft). This supports middle housing infill and provides design flexibility.

### BACKGROUND

Berkeley Municipal Code Chapter 23.328 (Inclusionary Housing) requires most new residential projects to contribute to affordable housing by either:

- Providing Below Market Rate units on-site, which become part of the City's Below Market Rate program; or
- Paying the Inclusionary Housing Ordinance Affordable Housing In-Lieu Fee into the City's Housing Trust Fund, which supports the development of 100% affordable housing.

Projects may also choose “mixed compliance” by providing a mix of units and a pro-rated in-lieu fee.

The 5,000 square foot deduction only applies to projects that opt to comply by paying the full in-lieu fee.

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The proposed amendment supports climate and sustainability goals by incentivizing infill development and promoting more efficient land use.

### RATIONALE FOR RECOMMENDATION

The proposed amendment to establish a separate 2,500 deduction for detached SFR development will:

- Promote equity in housing design by eliminating the disproportionate benefit granted to SFR units above 2,500 sq ft under the current 5,000 sq ft deduction;
- Avoid benefits for SFR projects above 5,000 sq ft by not focusing specifically on the 2,500-5,000 sq ft range; and
- Continue to promote flexibility and feasibility for smaller SFR development and middle housing infill development.

### ALTERNATIVE ACTIONS CONSIDERED

Staff considered three alternatives:

1. Maintain the current 5,000 sq ft exemption for all projects, including detached SFR units.
  - This is the simplest administrative approach. Staff do not recommend this approach because it allows large SFR projects to benefit from the policy intended to promote middle housing infill development.
  - The proposed policy revision will continue to allow smaller SFR projects to advance with no or minimal fee while maintaining the administrative streamlining goal established by the uniform 5,000 sq ft deduction.
2. Remove the RUFA deduction for all detached SFR units.
  - This would create full parity across all SFR development. However, this could unintentionally burden smaller, owner-driven SFR construction.
3. Apply HAC’s recommendation: remove the 5,000 sq ft deduction for SFR units between 2,500 and 5,000 sq ft.

Inclusionary Housing In-Lieu Fee Single Family Dwelling Analysis and Fee Update  
April 2, 2026

- Staff's recommended 2,500 sq ft deduction is consistent with the commission's policy goals and is better aligned to avoid incentive cliffs. This model would also unintentionally benefit SFR projects above 5,000 sq ft (though they are rare).

CONTACT PERSON

Mike Uberti, Senior Community Development Project Coordinator, HHCS, (510) 981-5114

Attachments:

1: Resolution

2: Strategic Economics, Analysis of In-lieu Fees for Single Family Homes

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

AMENDING REGULATIONS FOR THE AFFORDABLE HOUSING IN-LIEU FEE PURSUANT TO BERKELEY MUNICIPAL CODE CHAPTER 23.328; AND RESCINDING RESOLUTION 71,674-N.S.

WHEREAS, Berkeley Municipal Code (“BMC”) Chapter 23.328 establishes a requirement that 20% of Residential Units (as defined) in market-rate developments be offered at affordable rents or prices, as defined (“Affordable Units”); and

WHEREAS, BMC Chapter 23.328 authorizes developers of market-rate housing to pay a fee in lieu of providing on-site Affordable Units (“In-Lieu Fee”); and

WHEREAS, BMC Chapter 23.328 authorizes the City Council to establish, by resolution, the In-Lieu Fee amount, the method of calculating the fee, and deductions or adjustments that apply to particular types of development; and

WHEREAS, Resolution 71,674-N.S established an In-Lieu Fee of \$56.23 per square foot of Residential Unit Floor Area and this fee was automatically adjusted to \$62.83 on July 1, 2025 based on changes to the California Construction Cost Index; and

WHEREAS, Resolution 71,674-N.S. established all Housing Development Projects providing no on-site Affordable Units were entitled to deduct 5,000 square feet of Residential Unit Floor Area (RUFA) when calculating the In-Lieu Fee to promote financial feasibility for middle housing developments; and

WHEREAS, the City Council directed staff on February 25, 2025 to evaluate modifications to the RUFA deduction structure applicable to detached single-family homes, including options to adjust or remove the 5,000 square foot deduction; and

WHEREAS, Strategic Economics prepared a financial feasibility analysis evaluating the impacts of applying the In-Lieu Fee to detached single-family homes above 2,500 square feet; and

WHEREAS, applying the current 5,000 square foot RUFA deduction to all projects — including detached single-family homes above 2,500 square feet — creates inequities and reduces alignment with middle-housing goals; and

WHEREAS, establishing a uniform 2,500 square foot RUFA deduction for all detached single-family residential (SFR) units maintains policy continuity, avoids fee cliffs, and supports smaller-scale SFR construction while avoiding unintended subsidies for large custom homes; and

WHEREAS, maintaining the 5,000 square foot RUFAs deduction for multi-unit residential developments (two or more units) supports the City's infill and missing-middle housing goals and remains consistent with feasibility findings; and

WHEREAS, the City of Berkeley desires to maintain the existing voucher preferences authorized by BMC Chapter 23.328 requiring that 80% of all Very Low-Income Affordable Units offered for rent be first offered to households receiving assistance through the Section 8 Housing Choice Voucher Program (42 U.S.C. Section 1437f) or the Shelter Plus Care Program, (42 U.S.C. Section 11403 et. seq.), or similar state or federally-funded rent subsidy programs; and

WHEREAS, this Resolution supersedes Resolution No. 71,674-N.S.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley as follows:

1. Affordable Units offered for rent shall continue to follow Council-adopted eligibility preference criteria. Eighty percent (80%) of all Very Low-Income rental Affordable Units must first be offered to households receiving assistance under the Section 8 Housing Choice Voucher Program (40%) or the Shelter Plus Care Program (40%) prior to being marketed to other income-eligible households. The City Manager or their designee reserves the right to adjust these allocations at their discretion.

2. In-Lieu Fee authorized by BMC Chapter 23.328 shall be \$62.83 per square foot of Residential Unit Floor Area. This fee amount shall be automatically adjusted biennially based on changes to the California Construction Cost Index, beginning with the fee schedule adopted by Resolution 71,674-N.S. on July 1, 2025, unless otherwise provided for by BMC Chapter 23.328 or by this Resolution.

3. Housing Development Projects subject to BMC Chapter 23.328 may provide less than the required number of Affordable Units in the Housing Development Project and pay a proportionately reduced In-Lieu Fee, calculated as follows: the fee per square foot multiplied by the total Residential Unit Floor Area of a Housing Development Project, multiplied by the percentage of the applicable requirement remaining after accounting for any on-site Affordable Units provided. Projects that provide no on-site Affordable Units will have an applicable requirement multiplier of one.

4. Housing Development Projects subject to BMC Chapter 23.328 and classified as Multi-Family Dwellings by BMC Chapter 23.502 or Middle Housing Infill Projects by BMC Chapter 21.30 that select to pay the full In-Lieu fee instead of providing Affordable Units shall be entitled to deduct 5,000 square feet from the Residential Unit Floor Area calculation.

5. Housing Development Projects subject to BMC Chapter 23.328 and classified as Single Family Dwellings by BMC Chapter 23.502 that select to pay the full In-Lieu fee instead of providing Affordable Units shall be entitled to deduct 2,500 square feet from the Residential Unit Floor Area when calculating the In-Lieu Fee.

BE IT FURTHER RESOLVED, Resolution No. 71,674-N.S. is hereby rescinded and is of no force or effect on any Housing Development Project that obtains a building permit after the effective date of this resolution , but shall continue to apply to those projects that were approved and subject to its provisions or the provisions of predecessor resolutions and ordinances addressing the same subject matter.



## MEMORANDUM

To: Mike Uberti, City of Berkeley

From: Derek Braun, Principal  
Jake Cummings, Senior Associate

Date: December 19, 2025

Project: Economic Feasibility Analysis of Berkeley Housing Policies

Subject: Analysis of In-lieu Fees for Single Family Homes

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This memorandum describes the results of analyses completed by Strategic Economics that examined application of the City of Berkeley's Inclusionary Housing in-lieu fees to detached single-unit dwellings. The analysis highlights the implications of reducing the square footage exemption in the in-lieu fee policy for these dwelling units.

At its February 25, 2025 hearing, the Berkeley City Council adopted modifications to the in-lieu fees charged to new residential developments as part of the City's inclusionary housing program. The City's adopted in-lieu fee requirements specify that the first 5,000 square feet of a residential development project's "residential unit floor area" (RUFA) are exempt from inclusionary and in-lieu fee requirements. This exemption is provided so long as the project does not seek to meet the requirements via "mixed compliance" by combining fee payment with on-site affordable housing units.

The exemption supports the financial feasibility of smaller "missing middle" housing projects such as fourplexes and small townhome or small-lot single family home projects. The City of Berkeley's previous Inclusionary Housing in-lieu fee policy sought to achieve the same outcome by exempting residential development projects with floor areas totaling less than 5,000 square feet of RUFA. This approach, however, created a substantial increase in fee obligations for projects just over the 5,000 square foot threshold.

The City Council directed City staff to complete an economic and legal analysis of reducing the in-lieu fee exemption for detached single-unit dwellings on single lots. The City Council partly sought the analysis described in this memo in response to a recommendation by the Housing Advisory Commission (HAC) that the City Council did not include in its adopted changes to the in-lieu fee. The HAC recommended that detached home projects do not receive the partial exemption otherwise included in the in-lieu fee policy. The intention of the HAC's recommendation was to incentivize production of attached homes rather than detached homes—and especially detached homes that include fee simple ownership of underlying land via a lot split—based on a perspective that the former housing product type is relatively affordable.

City staff retained Strategic Economics to estimate the likely frequency and financial impact of applying the in-lieu fees to single family detached developments of greater than 2,500 square feet, with an exemption from the in-lieu fee for the first 2,500 square feet of residential unit floor area. The findings below are based on an analysis of recent single family detached development applications in Berkeley of greater than 2,500 square feet. The analysis includes estimates of fee revenues and their impact

on overall development costs for three example single family dwelling sizes: 2,500 square feet, 3,500 square feet, and 5,500 square feet.

To complete the analysis, Strategic Economics reviewed and refined a list of permits issued from 2020 through 2024 for single family development projects provided by the City of Berkeley. Strategic Economics also estimated typical development costs based on information collected for the pro forma analysis performed for the in-lieu fee study.<sup>1</sup>

## Findings

- **If the current fee rate of \$62.83 per square foot were applied to detached single family homes with the 2,500 square foot exemption, a 3,500 square foot unit would pay a fee of \$62,830 (up from zero under the current policy) and the 5,500 square foot unit would pay a fee of \$188,490 (up from \$31,415 square feet under the current policy).** Figure 1 shows the applicable fee amounts for single family detached homes under Berkeley's existing in-lieu fee policy and an alternative policy with the reduced exemption amount. The 2,500 square foot unit would continue to pay no fee because all of its square footage would remain exempt.
- **For a typical development, these fees would add approximately two percent to total development costs for a 3,500 square foot unit (representing approximately 1.9 percent of sales value), or 3.8 percent to development costs for a 5,500 square foot unit (representing 3.5 percent of sales value).** As shown in Figure 1, these estimates assumed typical development costs of \$900 per square foot for these housing product types, inclusive of land. The relative cost and value of single family home construction varies widely, however, because many of these homes are custom built for clients. The project sales value assumed an additional developer profit of eight percent return on development cost.
- **Among all development projects consisting of detached single family homes on single lots that the City of Berkeley permitted from 2020 through 2024, approximately one-third of the housing units fell within the 2,500 to 5,000 square foot size range.** Based on data provided by the City of Berkeley, Figure 2 shows a breakdown of detached single family home development projects on single lots permitted by the City of Berkeley from 2020 through 2024. 36 percent of these permitted projects fell within the 2,500 to 5,000 square foot range, while 59 percent were smaller than 2,500 square feet.<sup>2</sup>
- **New detached single family homes larger than 5,000 square feet are relatively rare in Berkeley.** Figure 2 shows that the City of Berkeley only issued one permit for a detached single family home project verified to be larger than 5,000 square feet from 2020 through 2024.
- **Single family homes are developed under a variety of circumstances, making it difficult to definitively state whether the increased application of the in-lieu fee would significantly impact development of these homes.** As noted earlier, imposition of the in-lieu fee on 2,500 to 5,000 square foot homes will clearly increase total development costs for these projects. However, data is not available to indicate how many of the 34 permitted homes within this size range

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<sup>1</sup> Strategic Economics for the City of Berkeley, *Berkeley In-Lieu Fee and Housing Policies Economic Feasibility Analysis*, January 7, 2025.

<sup>2</sup> Square feet are unknown for four housing units in the data, constituting four percent of the total.

were “build to suit” custom homes for their owners versus speculative development projects intended for immediate sale. The unique nature of each single family home project makes it especially difficult to judge the financial impacts of increased development costs.

- **Removing the in-lieu fee exemption from single family homes of 2,500 square feet or larger on a single lot could potentially place an additional financial constraint on projects that create infill housing through lot splits.** Of the 34 single family detached homes between 2,500 and 5,000 square feet that were proposed for development in Berkeley from 2020 to 2024, at least 13 appear to be associated with lot splits. The remainder were built on vacant lots or replaced existing improvements.

FIGURE 1: APPLICABLE IN-LIEU FEE AMOUNT AND SHARE OF DEVELOPMENT COSTS AND PROJECT VALUE, UNDER CURRENT FEE POLICY AND POTENTIAL ADJUSTED FEE POLICY TO INCLUDE 2,500 TO 5,000 SQUARE FOOT SINGLE FAMILY DETACHED HOMES ON A SINGLE LOT

	Units	Current In-Lieu Fee Policy (with 5,000 square feet exemption)			Outcomes if Exemption is Reduced to 2,500 square feet		
		2,500	3,500	5,500	2,500	3,500	5,500
Test Scenario: Size of Detached Single Family Home on Single Lot (a)	Square Feet	2,500	3,500	5,500	2,500	3,500	5,500
Development Cost Before In-Lieu Fee (b)	Per Housing Unit	\$2.25M	\$3.15M	\$4.95M	\$2.25M	\$3.15M	\$4.95M
RUFA to Which the Fee Applies (c)	Square Feet	0	0	500	0	1,000	3,000
Applicable In-lieu Fee Payment @ \$62.83 per square foot (d)	Per Housing Unit	\$0	\$0	\$31,415	\$0	\$62,830	\$188,490
As % of Development Cost Before Fee (e)	% of Cost	0.00%	0.00%	0.63%	0.00%	1.99%	3.81%
As % of Project Value with 8% Developer Return (f)	% of Value	0.00%	0.00%	0.59%	0.00%	1.85%	3.53%

(a) Three hypothetical examples of single family homes with different RUFAs (residential unit floor area)

(b) Total development cost before in-lieu fees, inclusive of land cost; calculated based on a \$900 cost per square foot, similar to the Berkeley In-Lieu Fee and Housing Policies Economic Feasibility Analysis

(c) Applicable RUFA varies based on whether the first 5,000 square feet are exempt (per existing policy) versus the first 2,500 square feet

(d) \$62.83 is the current fee per square foot as of this analysis

(e) Applicable in-lieu fee payment divided by the development cost

(f) Applicable in-lieu fee payment divided by the project value, with project value calculated based on the development cost plus an eight percent developer return on cost

Source: Strategic Economics, 2025.

FIGURE 2: PERMITTED DETACHED SINGLE FAMILY HOME DEVELOPMENT PROJECTS ON SINGLE LOTS IN BERKELEY, BY SIZE RANGE, 2020 TO 2024

Size of Home	Housing Units	% of Total
1 to 2,499 Square Feet	55	59%
2,500 to 5,000 Square Feet	34	36%
5,001+ Square Feet	1	1%
Unknown Square Feet	4	4%
<b>Total</b>	<b>94</b>	<b>100%</b>

Source: City of Berkeley, 2025; Strategic Economics, 2025.

# A Unified Local Density Bonus Program For Berkeley

State Density Bonus Law is a powerful lever for creating desperately needed market rate and affordable housing units to address our housing shortage. While it brings major benefits to the city and state, it is a one-size-fits-all policy that lacks the flexibility to adapt to local needs and conditions.

A city like Berkeley, which has demonstrated more openness to new development than others, can innovate on density bonus law by creating a flexible local alternative that provides comparable benefits to developers while tailoring the social and economic benefits for the city to the specific needs of the city and of individual neighborhoods and communities. An innovative local program could serve as a blueprint for a more flexible and effective State Density Bonus Law.

## Current Policy Processes Regarding Local Density Bonus

As of February 2026, there are at least three distinct local density bonus proposals at various stages of the policy development process.

### Revisiting The Adeline Corridor to Avoid State Pre-Emption

[https://berkeleyca.gov/sites/default/files/2026-01/2026\\_01\\_27%20SR\\_%20C-AC%20Density%20Bonus%20Discussion.pdf](https://berkeleyca.gov/sites/default/files/2026-01/2026_01_27%20SR_%20C-AC%20Density%20Bonus%20Discussion.pdf)

At the February 4, 2026 Regular Meeting of the Planning Commission, staff intended to present the commission with a report on the Adeline Corridor, which has tiered development standards, with more height and density allowed for more affordable units.

The staff report raises the concern that under state law, a development might stack a state density bonus *on top of* the local density benefit, whereas the tiered framework was meant to be used *instead of* state density bonus.

The report proposes revising zoning standards to make the intent of the program more clear, and suggests council refer to staff to develop a proper local density bonus program as allowed under state law.

## SDBL Benefits For Condos With Full In-Lieu Fee

<https://berkeleyca.gov/sites/default/files/legislative-body-meeting-agendas/2026-02-02%20Agenda%20Packet%20-%20Land%20Use.pdf#page=21>

At the January X 2026 meeting of the Agenda and Rules Committee, the committee considered and referred to the Land Use Committee a new proposal from Councilmember Kesarwani to develop a local density bonus program focused on for sale units in multifamily buildings.

Under SDBL, a condo development taking advantage of a density bonus would be required to include the necessary affordable for sale units on site, similar to the requirements for affordable rental units. The Kesarwani proposal allows condo units to take advantage of density bonus provisions while paying the full in-lieu fee under the city's inclusionary housing ordinance.

Proponents claim this proposal would unlock developments downtown that are currently frozen, and would create greatly needed for-sale stock in the city. If effective the policy would raise tens of millions of dollars for the city's Housing Trust Fund.

## Objective Standards On San Pablo

[https://berkeleyca.gov/sites/default/files/documents/Att4\\_Public%20Review%20Draft%20of%20San%20Pablo%20Avenue%20Specific%20Plan.pdf](https://berkeleyca.gov/sites/default/files/documents/Att4_Public%20Review%20Draft%20of%20San%20Pablo%20Avenue%20Specific%20Plan.pdf)

As part of the San Pablo Area Specific Plan, currently in development, the city is proposing a density bonus program that is specific to the Plan Area. The proposal is to offer an alternative to state density bonus, where developers can choose to pay the full in-lieu fee rather than build any affordable units on site. In return, developers agree to abide by certain local objective development standards that would otherwise be avoided via waiver or concession under SDBL.

## Council Should Refer A Single Flexible Density Bonus Program

Rather than proceed with three separate density bonus programs - along with however many more council may want to see in the future - council and staff should work to develop a single program that offers the city and developers a menu of options that achieve the city's policy priorities while ensuring that feasible developments are able to proceed.

Council could create a set of options that are available citywide, as well as specific options in specific neighborhoods.

## Some options could include:

### **Rent Stabilization Opt-In**

Developers could be given the benefits of a density bonus if they agree that some percentage of units after some number of years be voluntarily subject to the city's Rent Stabilization Ordinance.

### **Condo Development**

A developer who agrees to build for-sale units and pay the full in-lieu fee could receive the benefits of a density bonus per the Kesarwani proposal.

### **Fewer MI Units, More VLI Units**

Under state law, a development that includes a certain number of moderate income units is eligible for a 50% density bonus. Moderate income units rent for near-market rates and impose an administrative burden on both tenants and property owners. The city could offer that same bonus for a smaller number of VLI units, which serve a far more vulnerable population.

### **Inclusion of Family Units**

A developer could be given the benefits of a density bonus by building more 2 and 3 bedroom units. Under SDBL, the affordable units in a building must be similar to the market rate units in a building. The city could allow developers to swap, for example, a 1 bedroom and a 2 bedroom or 1 bed and two studios for 3 bedroom apartment. This would lead to a lower absolute count of affordable units but would create the kind of units that are rare in the city.

### **Small, Affordable Ground Floor Retail**

A developer could be given the benefit of a density bonus by building smaller retail units on the ground floor and promising - via deed restriction or some other long-term, enforceable mechanism - to rent them out to local businesses at affordable long-term rents.

### **Stackable Density Bonus For HARD HATS / Southside Prevailing Wage Compliance**

Recently several projects that came under Berkeley's HARD HATS and Southside prevailing wage requirements were granted concessions under SDBL to avoid those requirements. When HARD HATS was passed, council suggested additional policies to offset increased costs to developers in order to ensure that the city's labor protections did not render new development infeasible. One possibility is that a developer who is eligible for these concessions and forgoes them could be granted an additional density bonus on top of SDBL.

## Questions for the Commission:

- Should we be prescriptive in a recommendation about the specific options, or more suggestive of possibilities and allow a policy process to play out?
- Should we address the existing proposals?
  - Endorse the condo density bonus

- Express skepticism about the San Pablo proposal
- How can we make a recommendation that avoids delaying programs that are time sensitive?
  - The condo bonus is meant to unblock stalled developments
  - San Pablo proposal is deep in development.

Attachment 1: DENSITY BONUS LAW What Are Incentives/Concessions and Waivers?  
[https://scag.ca.gov/sites/default/files/2024-05/density\\_bonus\\_law\\_-\\_what\\_are\\_incentives\\_concessions\\_and\\_waivers.pdf](https://scag.ca.gov/sites/default/files/2024-05/density_bonus_law_-_what_are_incentives_concessions_and_waivers.pdf)

Attachment 2: Draft San Pablo Plan: San Pablo Avenue Density Bonus Program

Attachment 3: Referral to Establish a Citywide Local Density Bonus Program to Facilitate Lower-Cost Ownership Homes (Condominiums)

Attachment 4: Density Bonus in the Adeline Corridor Commercial (C-AC) Zoning District

**CITY OF BERKELEY  
NOTICE OF PUBLIC HEARING  
and  
REQUEST FOR COMMENTS ON ITS  
PROGRAM YEAR 2026 ANNUAL ACTION PLAN (JULY 1, 2026 - JUNE 30, 2027)**

The Health, Housing, and Community Services Department is requesting public comments on its Program Year (PY) 2026 Annual Action Plan.

Beginning March 27, 2026, the public is invited to review and comment on the City of Berkeley's PY 2026 Annual Action Plan, which covers the period July 1, 2026, through June 30, 2027.

The City of Berkeley, and all jurisdictions receiving certain types of federal funds, are required to submit an Annual Action Plan to the U.S. Department of Housing and Urban Development (HUD). The City of Berkeley's Annual Action Plan is based on the needs and goals contained in the City's five-year Consolidated Plan and presents the City's plan for funding housing and community services. In PY 2026, the Annual Action Plan contemplates funding entitlements of approximately \$2,541,165 in Community Development Block Grant (CDBG) funds, approximately \$227,452 in Emergency Solutions Grant (ESG) funds; and approximately \$566,445.30 in HOME Investment Partnerships Program (HOME) funds. **The period for public comment on this plan closes May 1, 2026, at 5:00 p.m.** The City must complete the plan and submit it to HUD, including City responses to all written public comments, by mid-May.

A **public hearing** will be held on the PY 2026 Annual Action Plan with the proposed CDBG, ESG, and HOME allocations for funding, on **April 28, 2026, 6 p.m. in the School District Board Room, 1231 Addison Street, Berkeley, CA 94702.** **The public may participate in this hearing virtually or in-person.** Starting April 16, 2026, a copy of the agenda material for this public hearing will be posted on the City's Council Agendas web page at <https://berkeleyca.gov/your-government/city-council/city-council-agendas>.

The draft PY 2026 Annual Action Plan will be available for public review and written comment at the Health, Housing, and Community Services Department on the second floor at 2180 Milvia Street and at the Berkeley Public Library Reference Desk at 2090 Kittredge Street, 2<sup>nd</sup> floor, during normal business hours, and on the City's HUD Planning and Performance Reports web page at <https://berkeleyca.gov/community-recreation/community-services/hud-planning-performance-reports> beginning March 27, 2026.

For more information or to submit written comments, contact Jiro Arase (email: [jarase@berkeleyca.gov](mailto:jarase@berkeleyca.gov)) at the Health, Housing and Community Services Department 2180 Milvia Street, 2<sup>nd</sup> Floor, Berkeley, 94704. **Written comments must be received by no later than May 1, 2026, at 5:00pm.**

**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 (510) 981-6418 (V) or (510) 981-6347 (TDD) at least three business days before the meeting date.

**Published:** March 27, 2026

**Public noticing requirements set by the Citizen Participation Plan:**

[https://berkeleyca.gov/sites/default/files/documents/FINAL\\_CitizenParticipationPlan\\_2020.pdf](https://berkeleyca.gov/sites/default/files/documents/FINAL_CitizenParticipationPlan_2020.pdf)

**CONSEJO MUNICIPAL DE BERKELEY  
AVISO DE AUDIENCIA PUBLICA  
Y  
SOLICITUD DE COMENTARIOS SOBRE EL PLAN DE ACCION ANUAL  
AÑO DE SERVICIO 2026 (1 DE JULIO 2026 – 30 DE JUNIO 2027)**

El Departamento de Salud, Vivienda y Servicios Comunitarios solicita al público que presenten sus comentarios sobre el Plan de acción anual, año de servicio 2026 (PY 2026).

A partir del 27 de marzo de 2026 la ciudadanía esta invitada a revisar y dar comentarios sobre el Plan de acción anual de la Ciudad de Berkeley, el cual cubre el periodo de trabajo a partir del 1 de julio de 2026 hasta el 30 de junio de 2027.

La Ciudad de Berkeley y todas las jurisdicciones que reciben ciertos tipos de fondos federales tienen como requisito presentar un Plan de acción anual al Departamento de Vivienda y Desarrollo Urbano de los EE. UU. (HUD por sus siglas en inglés). El Plan de acción anual de la Ciudad de Berkeley se basa en las necesidades y metas enumeradas en el Plan consolidado (2025-2030) y presenta el plan de la Ciudad para financiar servicios comunitarios y de vivienda. En el año de programa (PY) 2026 el Plan de acción anual contempla asignaciones de fondos de aproximadamente \$2,541,165 en fondos de la Beca de Desarrollo del Bloque Comunitario (CDBG por sus siglas en inglés). Aproximadamente \$227,452 de la Beca de Soluciones de Emergencias (ESG por sus siglas en inglés) y aproximadamente \$566,445.30 en fondos para la beca HOME. **El período para comentarios públicos sobre este plan cierra el 1 de mayo de 2026 a las 5:00 p.m.** La Ciudad debe completar el plan y enviarlo al HUD, incluyendo las respuestas de la Ciudad a todos los comentarios públicos escritos, a mediados de mayo.

Se llevará a cabo una **audiencia pública** sobre el Plan de acción anual PY 2026 con las asignaciones propuestas de fondos CDBG, ESG y HOME, el **28 de abril de 2026 a las 6 p.m. en el School District Board Room, 1231 Addison Street, Berkeley, CA 94702**. El público puede participar en esta audiencia virtualmente o en persona. A partir del 16 de abril de 2026 una copia de la agenda para esta audiencia pública estará disponible en sitio web de la Ciudad <https://berkeleyca.gov/your-government/city-council/city-council-agendas>

A partir del 27 marzo de 2026 el borrador del Plan de acción anual estará disponible para revisión pública y comentarios por escrito en el Departamento de Servicios de Salud,

Vivienda y Servicios Comunitarios, ubicado en el segundo piso de 2180 Milvia Street, y en el mostrador de referencia de la Biblioteca Pública de Berkeley en 2090 Kittredge Street, segundo piso, durante el horario normal de atención, y en la página electrónica de la Ciudad de los informes de planificación y rendimiento de HUD <https://berkeleyca.gov/community-recreation/community-services/hud-planning-performance-reports>

Para obtener más información o para presentar comentarios escritos, comuníquese con Jiro Arase (correo electrónico: [jarase@berkeleyca.gov](mailto:jarase@berkeleyca.gov)) en el Departamento de Salud, Vivienda y Servicios Comunitarios, 2180 Milvia Street, 2.º piso, Berkeley, 94704. **Los comentarios por escrito deben recibirse a más tardar el 1 de mayo de 2026 a las 5:00 pm.**

**Se ofrecen adaptaciones especiales bajo Pedido.** Para solicitar una adaptación relacionada con alguna discapacidad y poder participar en la audiencia, incluyendo servicios o instrumentos auxiliares de asistencia por favor comuníquese con el Especialista en Servicios para Discapacitados al 510.981-6418 (Voz) o 510.981-6347 (TDD). Por favor hacer su pedido por lo menos tres días hábiles antes de la audiencia.

**Publicado:** 27 de marzo de 2026

**Requisitos de notificación pública establecidos por el Plan de Participación Ciudadana:**

[https://berkeleyca.gov/sites/default/files/documents/FINAL\\_CitizenParticipationPlan\\_2020.pdf](https://berkeleyca.gov/sites/default/files/documents/FINAL_CitizenParticipationPlan_2020.pdf)

## 柏克萊市

### 關於2026計劃年年度(2026年7月1日至2027年6月30日)行動計劃的 公開聽證會和徵求意見公告

衛生、住房和社區服務部就其2026計劃年(PY)年度行動計劃徵求公眾意見。

從2026年3月27日開始，邀請公眾對涵蓋2026年7月1日至2027年6月30日的柏克萊市2026計劃年年度行動計劃進行審查和評論。

柏克萊市，以及接受某些類型聯邦撥款的所有司法管轄區都必須向美國住房和城市發展部(HUD)提交一個年度行動計劃。柏克萊市年度行動計劃以該市五年綜合計劃中包含的需求和目標為基礎，並提出了該市為住房和社區服務提供資金的計劃。在2026計劃年，年度行動計劃預計可從政府津貼計劃資金中的社區發展整筆撥款(CDBG)獲得約\$2,541,165，在緊急解決方案撥款(ESG)中獲得約\$227,452；以及在HOME投資合作夥伴計劃(HOME)中獲得約\$566,445.30的資助。此計劃的公眾意見徵詢截止日期為2026年5月1日下午5時。市政府必須在5月中旬之前完成計劃並提交給HUD，包括市政府對所有公眾的書面意見的回應。

將於**2026年4月28日下午6時**在校區董事會會議室，**1231 Addison Street, Berkeley, CA 94702**就2026計劃年年度行動計劃舉行**公開聽證會**，其中包括2026計劃年年度行動計劃以及擬議的CDBG、ESG和HOME資金分配。公眾可以透過遠端視訊或親自到場的方式參加本次聽證會。這次公開聽證會的議程資料副本將於市府網站 <https://berkeleyca.gov/your-government/city-council/city-council-agendas> 發佈。

2026年3月27日開始，2026計劃年年度行動計劃草案將於正常辦公時間內在位於Milvia街2180號二樓的衛生、住房和社區服務部以及位於Kittredge街2090號2樓的柏克萊公共圖書館諮詢台以及網站<https://berkeleyca.gov/community-recreation/community-services/hud-planning-performance-reports>上供公眾查閱和書面評論。

欲了解更多資訊或提交書面意見，請聯絡衛生、住房和社區服務部的Jiro Arase（電子郵件：[jarase@berkeleyca.gov](mailto:jarase@berkeleyca.gov)），地址：2180 Milvia Street, 2nd Floor, Berkeley, 94704。書面意見必須在**2026年5月1日下午5時前**收到。

**根據要求提供方便的協助。**如需申請為殘障人士提供方便參加會議的協助，包括輔助設備或服務，請在會議日期前至少三個工作天致電 (510) 981-6418（語音）或 (510) 981-6347 (TDD) 聯繫殘障服務專家。

發佈日期：2026年3月27日

公民參與計劃規定的公眾注意要求：

[https://berkeleyca.gov/sites/default/files/documents/FINAL\\_CitizenParticipationPlan\\_2020.pdf](https://berkeleyca.gov/sites/default/files/documents/FINAL_CitizenParticipationPlan_2020.pdf)

**City of Berkeley**  
**Draft Behavioral Health Service Act (BHSA) FY26/27 – 28/29 Integrated Plan**  
**Public Review Information**

Outlined below is information to assist in the public review of the City of Berkeley Draft Behavioral Health Services Act (BHSA) Three Year Integrated Plan (IP).

**General Overview** - The City of Berkeley Draft BHSA IP, is a community and stakeholder informed plan that outlines the uses of State of California BHSA funds for programs and services over the 7/1/27-6/30/29 three-year timeframe. In alignment with community input received, the Draft BHSA IP proposes to:

- Keep each of the BHSA components at the state allotted funding amounts of 30% for Housing Interventions, 35% for Full Service Partnership programs, and 35% for Behavioral Health Services and Supports.
- Maintain crucial services for individuals who experience significant mental health needs.
- Increase supports for Transition Age Youth in the Full Services Partnership program.
- Ensure a greater proportion of programs include some level of services for Children Youth and/or Transition Age Youth.
- Implement Early Intervention services to support Children, Youth, Transition Age Youth, Adults and Older Adults and individuals in underserved cultural and ethnic populations.
- Increase Peer Supports and maintain wellness services.
- Expand Substance Use Disorder services.
- Increase housing interventions and supports for individuals experiencing Behavioral Health needs.

For information on proposed programs to be implemented, access the Behavioral Health Services & Supports, Full Service Partnership, and the Housing Interventions sections of the BHSA IP. For information on community input received, access the Community Program Planning section and Attachment A, of the BHSA IP.

**BHSA IP Format** - The Department of Health Care Services (DHCS) provided a template that all mental health jurisdictions used to create the Draft BHSA Integrated Plan (IP). The template required the specific information and format that make up the City of Berkeley Draft BHSA IP. To facilitate an understanding and review of each section, incorporated throughout the Draft BHSA IP are clickable hyperlinks in blue that link to related policy information within the DHCS BHSA Policy Manual.

**Definition of “County”** – For the purposes of the BHSA Fund and the BHSA IP, DHCS considers the City of Berkeley as a “small County”. As such, the term “County” in the Draft BHSA IP, refers to Berkeley as the County, instead of Alameda County. Within the Draft BHSA IP, there are places where this distinction can be confusing including where it indicates that “***cities*** submitting their plan independently from their Counties, do not have to fill out this section”. Again, per the DHCS BHSA definition of Berkeley as a small county, and except where otherwise noted, Berkeley is the “County” in the City of

Berkeley Draft BHSA IP.

**BHSA IP Data** – While most of the information and data throughout the Draft BHSA IP, is specific to the City of Berkeley, there are some sections where per DHCS, Berkeley was required to use Alameda County’s data as follows:

- **Statewide Behavioral Health Goals**: Berkeley was required to use Alameda County’s data in this section, as the publicly available population-level measures that the state compiled, did not include City level data. Berkeley specific data can be found in the Disparities Analysis, Cross Measures Questions, and Categories of Funding sections of each Behavioral Health goal.
- **Full Service Partnership Program**: DHCS provided each County with projected numbers of eligible Full Service Partnership and Evidence-Based Practice populations to use in their BHSA IP. These numbers did not include City level projections. Therefore, in this section, except where “County Actuals” is indicated, Berkeley was required to use the projected numbers that the state provided on Alameda County.

**Requests** – Per DHCS for this first BHSA IP, small counties, such as Berkeley, are exempt from having to implement specific evidence-based practices within their Full Service Partnership programs. Although small counties are exempt, DHCS required requests to be submitted in the Draft BHSA IP that outline the need for these exemptions.

For any further questions, or to provide public input through April 23<sup>rd</sup>, please contact Karen Klatt, (510) 981-7644, [KKlatt@berkeleyca.gov](mailto:KKlatt@berkeleyca.gov)

**From:** [Gael Alcock](#)  
**To:** [Housing Advisory Commission](#)  
**Cc:** [Taplin, Terry](#)  
**Subject:** Fwd: Inequality, not regulation, is driving the housing affordability crisis  
**Date:** Wednesday, March 11, 2026 1:19:06 PM

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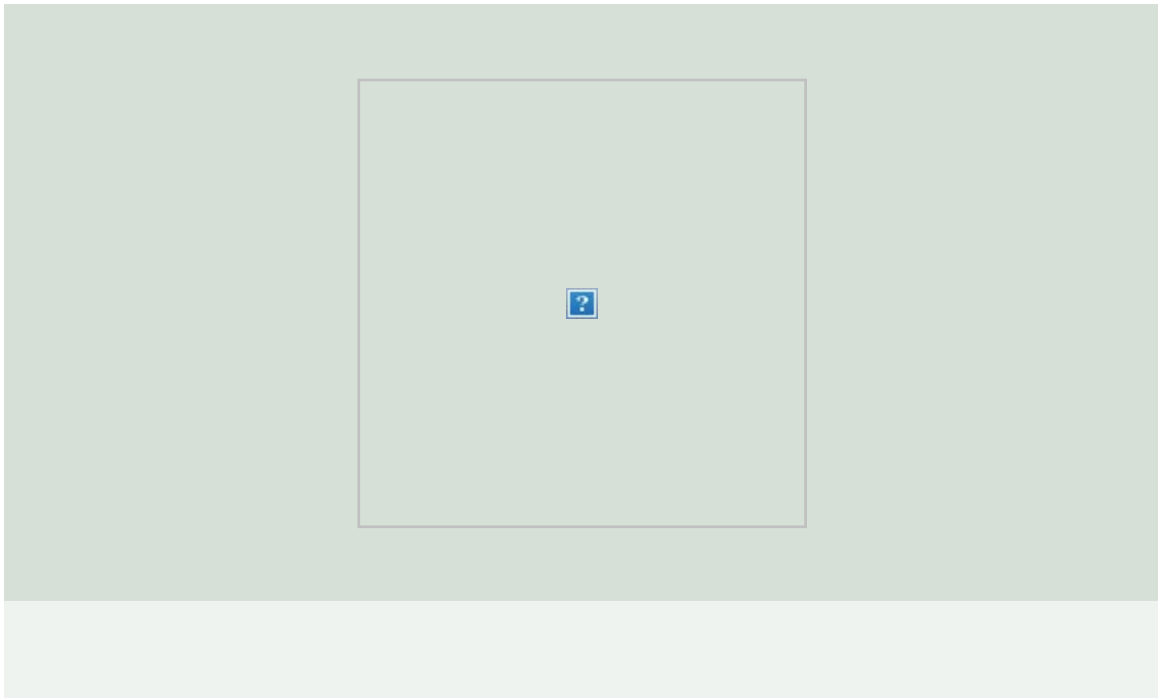
**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Secretary Zhu,

I was present at recent meeting where the local density bonus was discussed, and commissioners decided they needed more information. Please forward this page to the commissioners. The study by Max Buchholtz is clearly summarized in the article. He will present at a noon zoom meeting Wed , 3/25.

"Median income may be increasing more slowly than average income, but it is still increasing faster than what low-income families can afford, especially in hot economic markets with growing numbers of high-paying jobs. Actual affordability requires deeper operating subsidy and stronger rent caps within deed-restricted properties and, ultimately, transitioning to a rent structure based on a household's actual income (such as with vouchers and public housing), rather than area median income. "

Sincerely,  
Gael Alcock  
D2 resident





--  
Summer  
These days conversations about housing are too often focused on zoning rules. But recent studies show the lack of affordability has more to do with income inequality than inadequate supply. As wealth concentrates at the top, housing prices follow, making housing more unaffordable for the rest of us.

Check out my recent article in *Shelterforce*, where I break down the latest research on inequality and housing costs, and what it means for housing justice:

[READ THE ARTICLE](#)

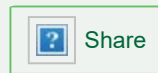
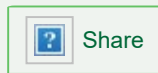
Plus, join us and the [California Center for Movement Legal Services](#) for an online lunchtime talk on **Wednesday, March 25, 2025, 12noon - 1pm.**

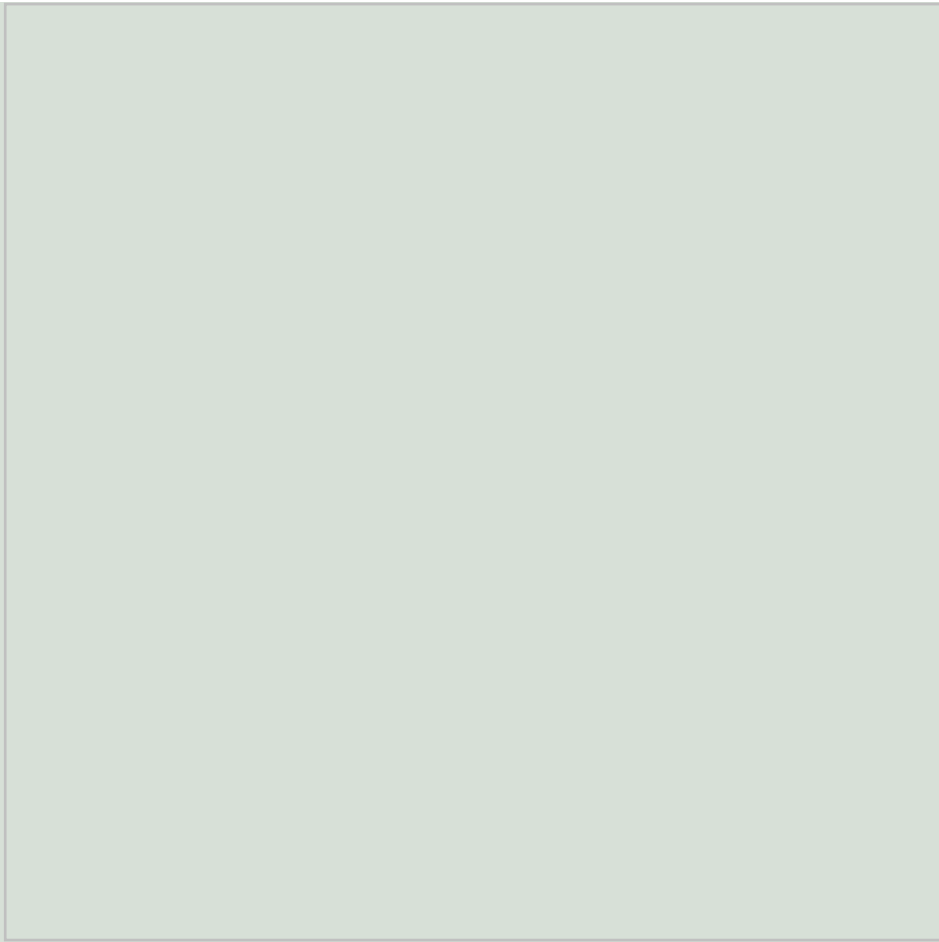
We'll be hosting Max Buchholz, Assistant Professor of City & Regional Planning at UC Berkeley and co-author of the paper *"Inequality, not regulation, drives America's housing affordability crisis"* for a lively conversation about how these new findings tie into an alternative framework for the affordability crisis, rooted in inequality.

**RSVP FOR THE TALK**

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**From:** [Housing Advisory Commission](#)  
**To:** [Cash, Anna](#)  
**Subject:** Fw: FOR INCLUSION IN APRIL 2, 2026 REGULAR MEETING PACKET - Statement of Information (APN 055-1878-00701)  
**Date:** Thursday, April 2, 2026 9:48:54 AM

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**From:** DurantSafetyConcern <durantsafetyconcern@gmail.com>  
**Sent:** Thursday, March 26, 2026 12:19 AM  
**To:** Housing Advisory Commission <HAC@berkeleyca.gov>  
**Subject:** FOR INCLUSION IN APRIL 2, 2026 REGULAR MEETING PACKET - Statement of Information (APN 055-1878-00701)

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

**Dear Housing Advisory Commission Secretary Snow,**

Please include the following **Statement of Information and Formal Request for Administrative Oversight** in the regular agenda packet for the **April 2, 2026** Housing Advisory Commission meeting.

This communication is submitted to the Commission to establish a formal record regarding the mandatory application of **25 CCR § 42** and the incurable jurisdictional defects of **ZP#2024-0162**. We request distribution to all Commissioners in advance of the meeting.

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**Statement of Information & Formal Request for Administrative Oversight**

**TO:** Housing Advisory Commission (HAC)

**FOR INCLUSION IN:** April 2, 2026 Regular Meeting Packet

**FROM:** Durant Safety Conse

**RE: Formal Disclosure of Jurisdictional Defects, Safety Vacuums, and Systemic Enforcement Failures (APN 055-1878-00701)**

**I. MANDATORY APPLICATION & CLARITY OF 25 CCR § 42 (COX V. OAKLAND)**

A primary purpose of this disclosure is to correct the Building Official's misinterpretation of the 16-unit threshold. The Department has claimed "inapplicability" by piecemealing three structures on a single lot. However, recent judicial precedent provides absolute clarity:

**Judicial Precedent (*Cox v. City of Oakland (2025) 17 Cal.5th 362*):** The California Supreme Court has established a "bright-line" rule: multiple structures on a single contiguous parcel under unified ownership constitute a **single legal entity** for regulatory enforcement.

**Administrative Reality:** The City already acknowledges this aggregation to grant the developer a **100% High-Density Bonus**. It is a gross violation of administrative logic and State Law to recognize 19 units for a developer's profit while denying that same count to evade the **25 CCR § 42** onsite manager mandate.

**The Safety Vacuum:** By failing to apply the clear mandate of Cox, HCE has created a "Safety Vacuum" where no "Responsible Person" is available for emergency utility shut-offs or fire response, as required by **CFC § 907.6.4** and **HSC § 17920**.

## **II. JURISDICTIONAL DEFECTS: VOID AB INITIO STATUS OF ZP#2024-0162**

Use Permit ZP#2024-0162 is **void ab initio** (invalid from its inception). The City Council's February 23, 2026, vote to uphold this permit was legally unauthorized due to incurable jurisdictional defects:

**Incurable Conflict of Interest (Gov. Code § 1090):** The Architect of Record for ZP#2024-0162 is a sitting member of the Zoning Adjustments Board (ZAB). Under the "Strict Rule" of § 1090 and **Thomson v. Call (1985)**, his personal recusal **does not cure the conflict**. If a member has a financial interest, the *entire body* is prohibited from "making" the entitlement.

**Constitutional Due Process Violation:** Under **Haas v. County of San Bernardino (2002)**, the participation of an adjudicator with a financial interest creates a "constitutionally intolerable" risk of bias. This violates the 14th Amendment, rendering the entire administrative record a legal nullity. A structural Due Process defect **cannot be "cured"** by a subsequent Council vote.

**No Vested Rights Nor Equitable Estoppel:** Per **Avco Community Developers (1976)** and **Attard v. Contra Costa County (2017)**, the doctrine of vested rights **cannot protect a permit holder** where the permit was unlawful at its inception. No amount of expenditure by the developer can validate a permit born of a § 1090 violation.

**Criminal Felony Liability:** A willful violation of **Gov. Code § 1097** is a felony. By "looking the other way," City officials are facilitating a criminalized act that exposes the City to an **\$8.45 Million statutory fine** under the Housing Accountability Act and mandatory disgorgement of all public benefits.

## **III. SYSTEMIC RHSP FAILURE & PROCEDURAL BIAS**

HCE has knowingly accepted "Self-Certifications" for this parcel despite notice of near-fatal gas leaks and missing fire protection. Continued reliance on inspection staff (specifically Inspector Fidler) with a documented pattern of non-enforcement (2019–2024) at this parcel violates the tenants' right to an impartial administrative process.

## **IV. REQUESTED OVERSIGHT ACTIONS**

We request the HAC formally recommend:

**An Administrative Stay** of ZP#2024-0162 pending a legal audit of the § 1090 conflict and unit-count fraud.

**A Reconciliation Audit** to ensure the 19-unit count used for Zoning is applied to **25 CCR § 42** safety standards.

**Void the 2019–2025 Self-Certifications** and order a unit-by-unit physical audit.

**Independent Supervisory Review:** Order the Chief Building Official to personally review and sign off on all future HCE reports for this parcel.

**Many thanks,**

## **Durant Safety Concerns**

### **CONFIDENTIALITY, PRIVACY & CPRA NOTICE:**

I formally request that the City maintain the strict confidentiality of my identity and **redact** all personally identifying information and health-related details prior to any disclosure under a California Public Records Act (CPRA) request