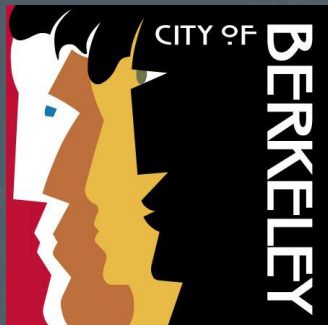


2023-2031 HOUSING ELEMENT

Housing Element Update & Final Environmental Impact Report



City Council

January 18, 2023



Tonight's Housing Element Package

1

Staff Report

Pages 5 to 25

2

Draft 2023-2031 Housing Element Update and Appendices

Pages 26 to 681

3

Draft Resolution

Pages 681 to 688

4

Final EIR and Response to Comments

Pages 689 to 1380

5

HCD Initial Review Comment Letter, dated November 8, 2022

Pages 1381 to 1386

6

Planning Commission Letter

Page 1387



Required Element of the General Plan

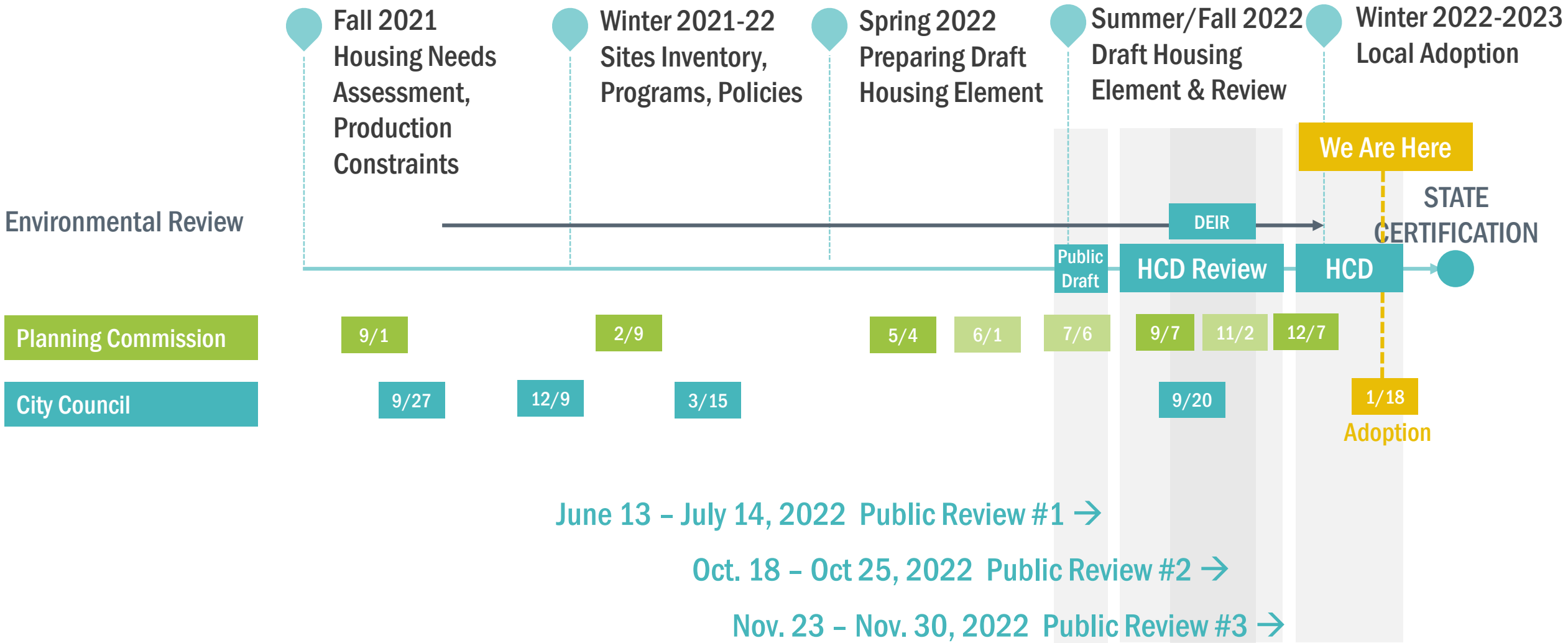
Must be updated every 8 years and certified by HCD

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

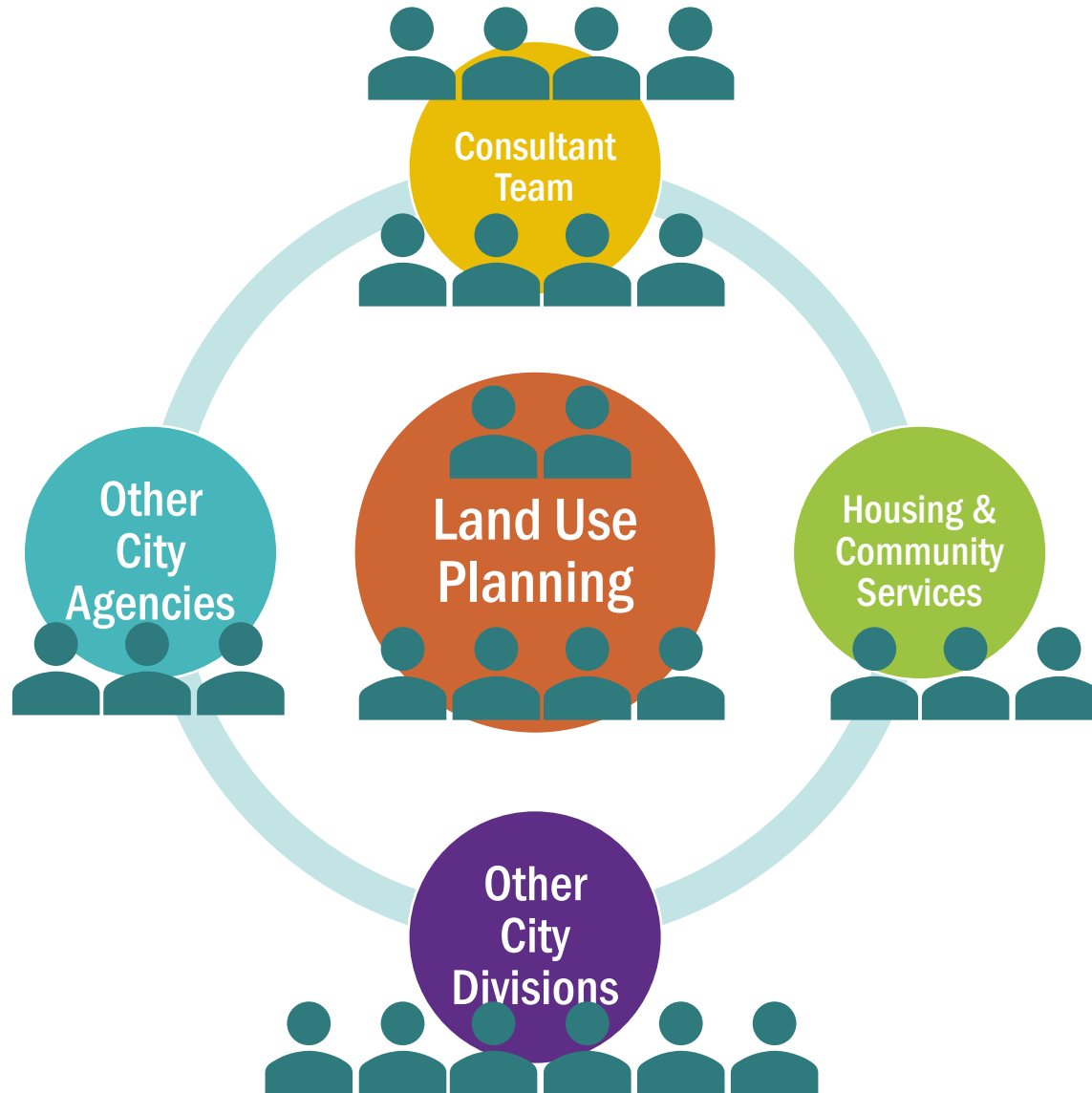
Statutory deadline is January 31, 2023

Bay Area: 441,176 units
Berkeley: 8,934 units

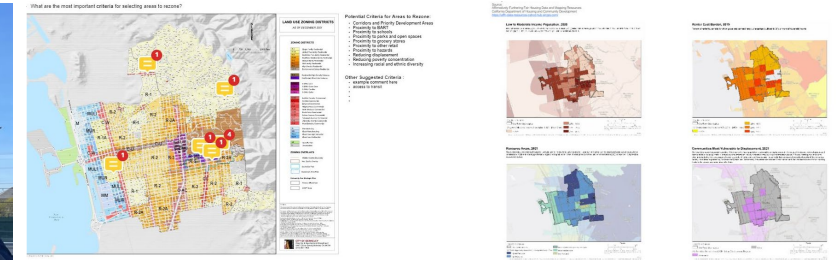
The 6th Housing Element Update Process



Housing Element Team



Outreach & Engagement



12 Boards/Commissions/Committees

25+ Meetings with Stakeholder Interest Groups

3 online public workshops, ~60 participants

6 community outreach events

3 online surveys + 2 walking tours

6 Housing Goals

A Housing Affordability

Access to quality housing at a range of options and prices, with a focus on the lowest income levels.

B Housing Preservation & Improvement

Maintain and improve existing housing, including promoting efficient and resilient housing.

C Housing Production

Provide adequate housing capacity to meet current and future housing needs for all socioeconomic segments.

D Special Needs Housing & Homeless Prevention

Expand the supply of housing for special needs groups, including extremely low income households.

E Affirmatively Furthering Fair Housing (AFFH)

Take meaningful actions to affirmatively further fair housing choices.

F Mitigate Governmental Constraints

Identify and mitigate barriers to the construction and improvement of housing

AGENDA

I. Housing Element

II. Environmental Determination

The Housing Element includes...

1

Introduction

Overview of the purpose, scope, and organization

2

Goals and Policies

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

3

Housing Needs

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

4

Housing Constraints

Governmental and non-governmental barriers to housing development

5

Housing Resources

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

Appendix A Publicly Assisted Housing

Appendix B Development Standards

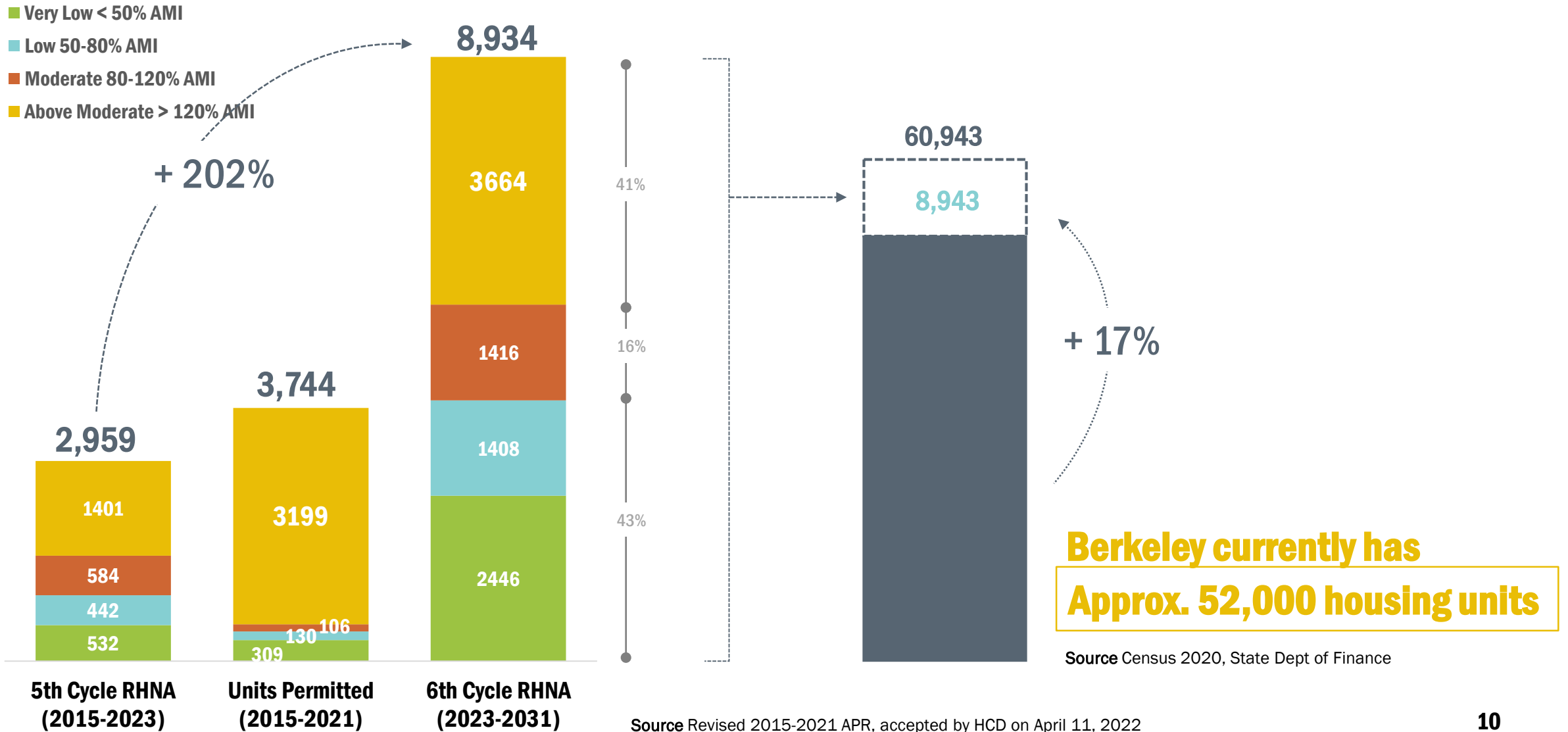
Appendix C Sites Inventory

Appendix D Evaluation of Past Accomplishments

Appendix E Affirmatively Furthering Fair Housing

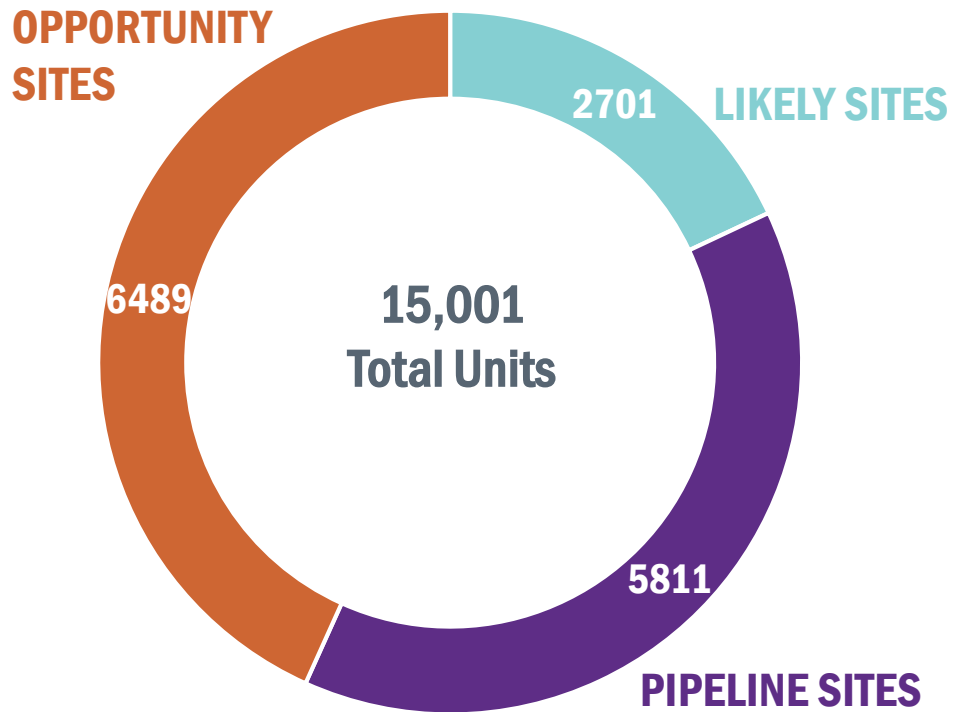
Appendix F Outreach & Engagement

Regional Housing Needs Allocation (RHNA)



Meeting the RHNA

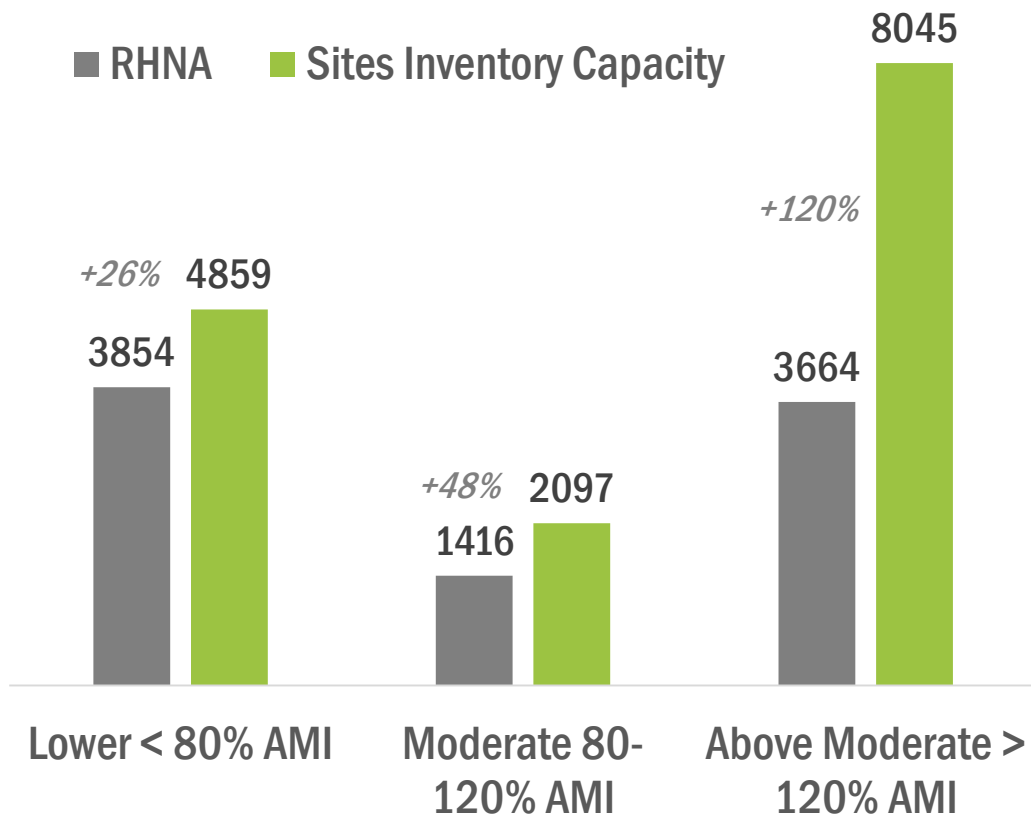
Housing Capacity based on existing zoning



- > Opportunity Site Selection Criteria:
 - > Zoned and available for residential
 - > Parcel size or lot consolidation
 - > Vacant or parking lots
 - > Building Age (30+ years)
 - > Low floor to area ratio
 - > Low improvement to land ratio
 - > Adjacent uses and redevelopment
- > Income Levels based on HCD guidelines:
 - > Size of Site
 - > Density Assumption
 - > Unit Capacity

Meeting the RHNA

Buffer for SB 166 (No Net Loss)



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

Likely + Pipeline + Opportunity

ADU Trends

Entitled Projects since 2018

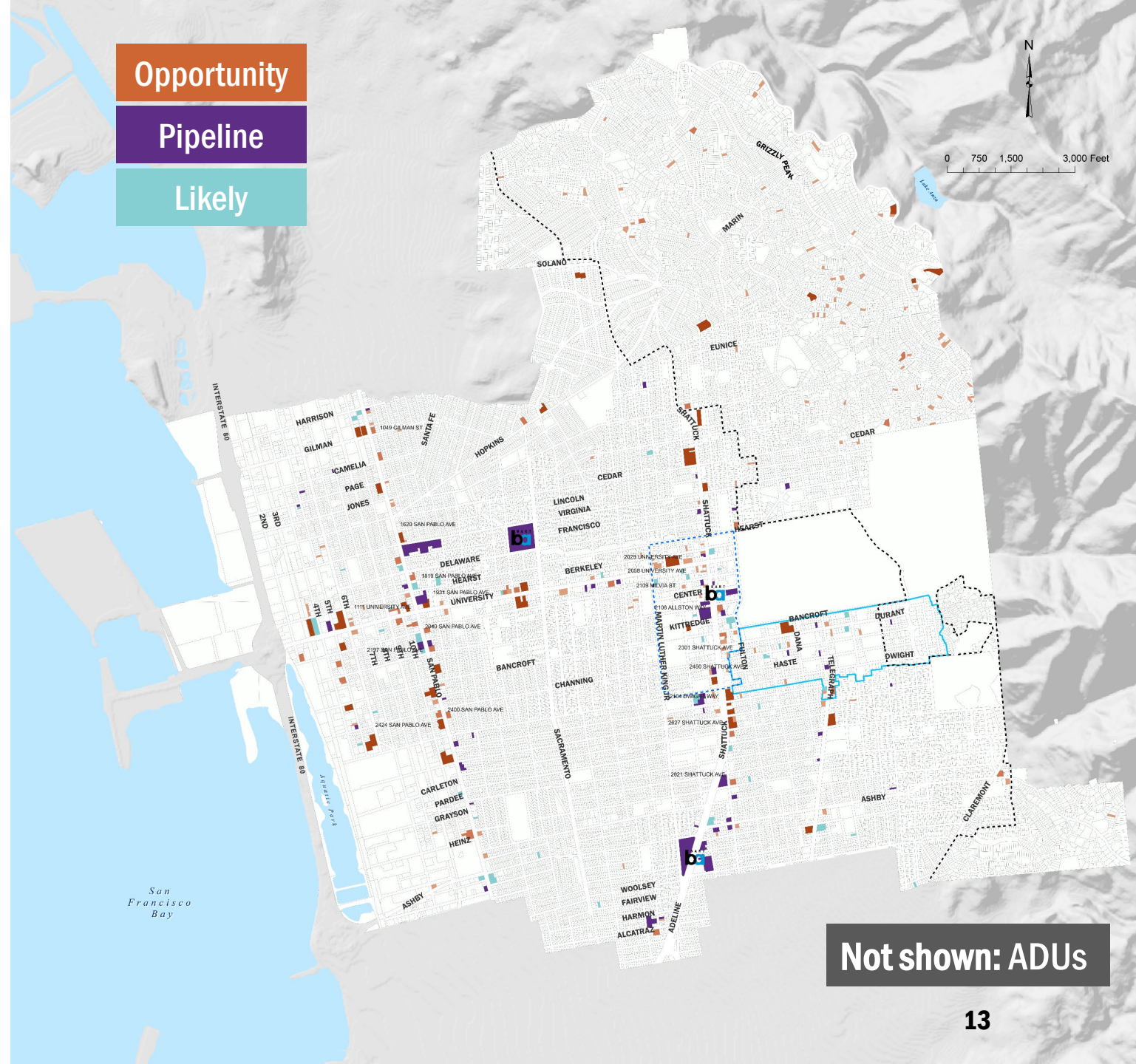
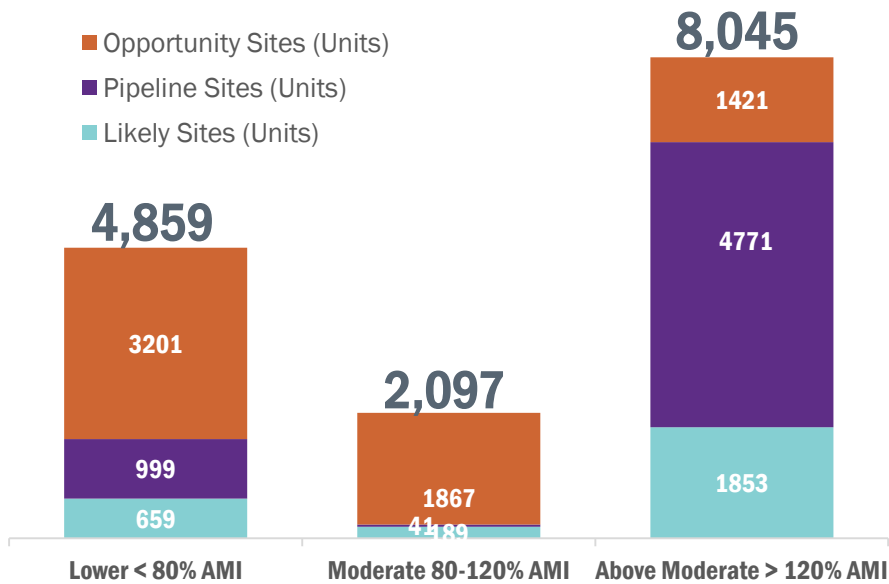
N Berkeley & Ashby BART Sites

Applications Under Review

Anticipated Projects (Pre-application)

Opportunity Sites

- Opportunity Sites (Units)
- Pipeline Sites (Units)
- Likely Sites (Units)

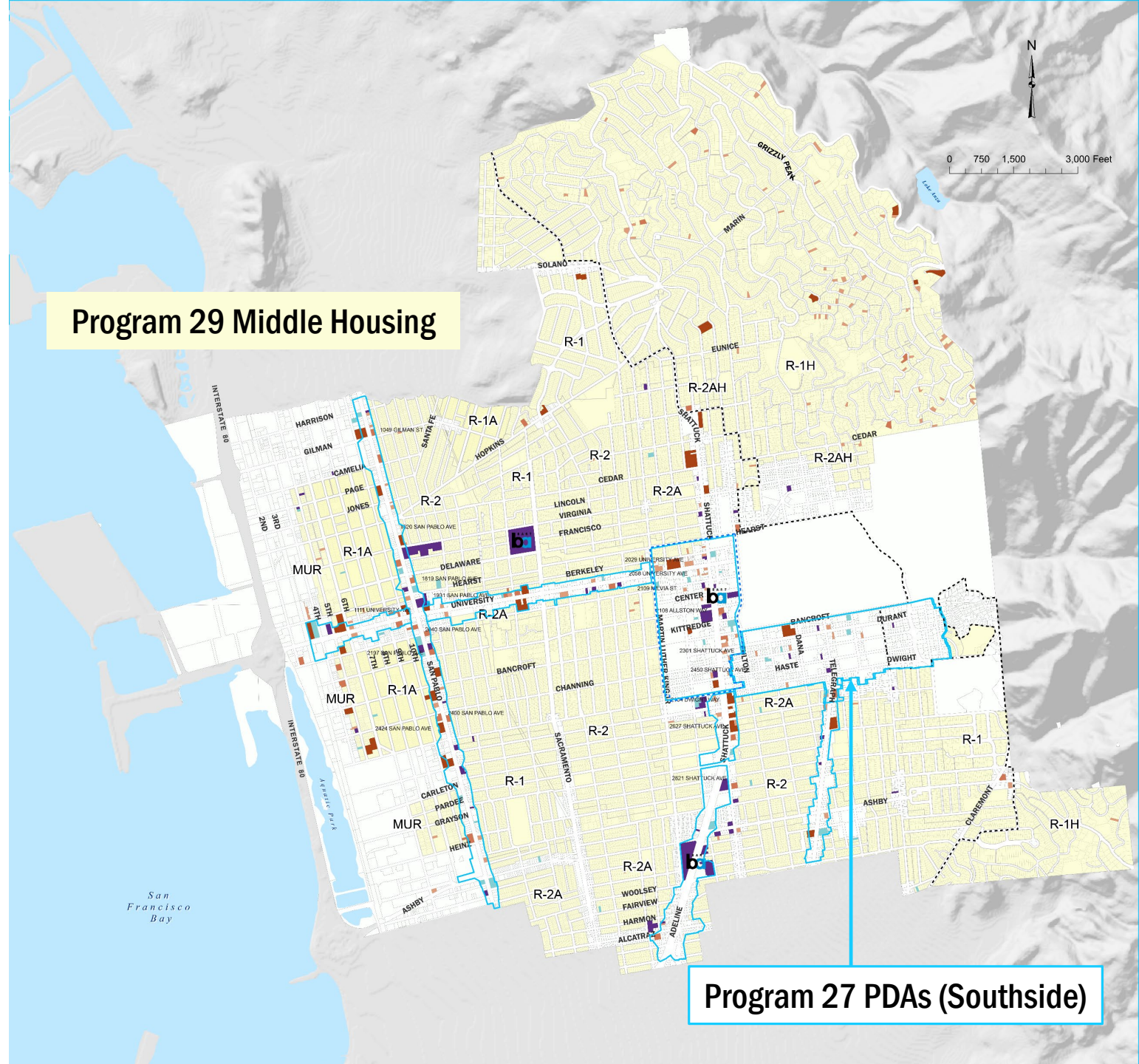


37 Housing Programs

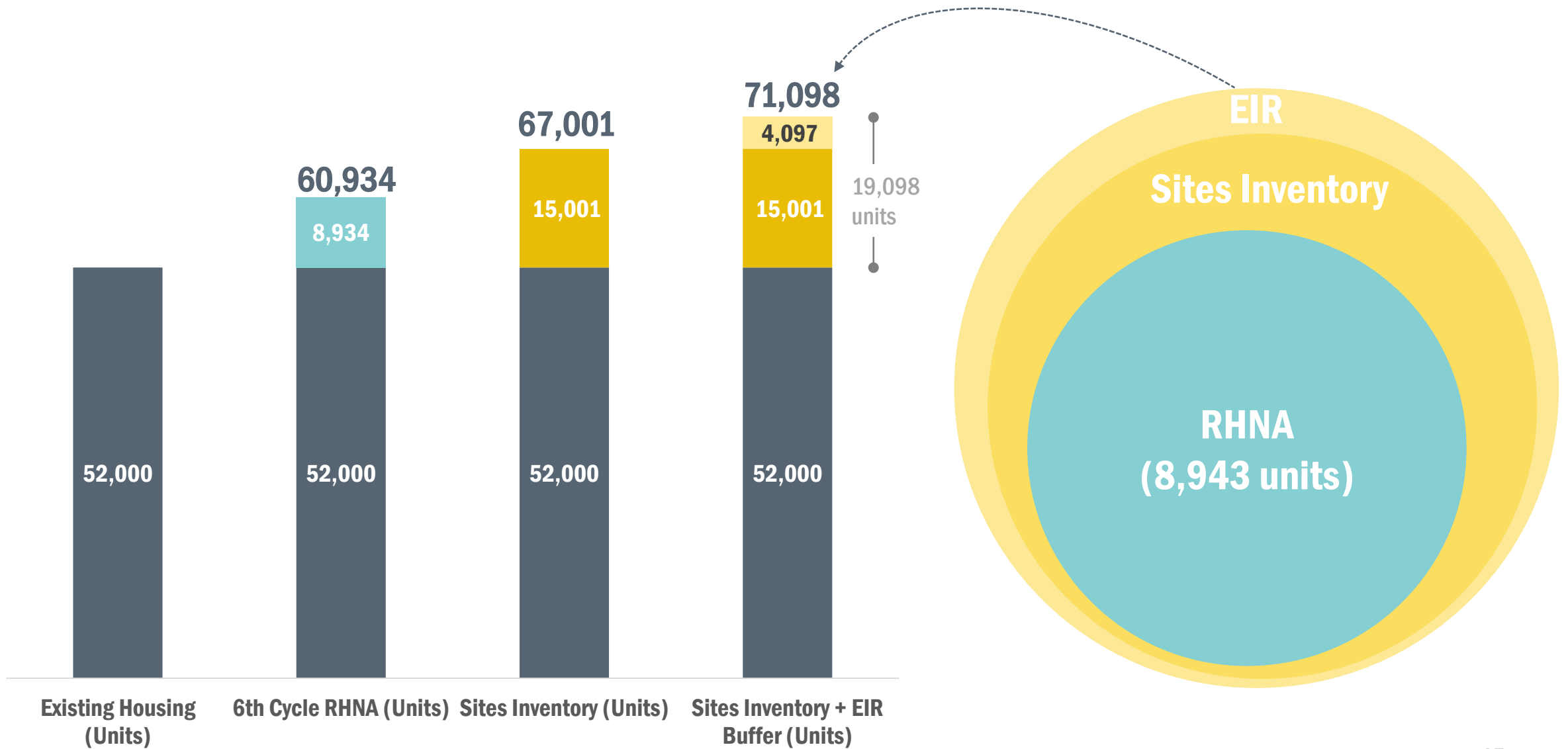
1. Affordable Housing Berkeley
2. Housing Choice Vouchers
3. Citywide Affordable Housing Requirements
4. Housing Trust Fund
5. Preservation of At-Risk Housing
6. Fair Housing Outreach and Enforcement
7. Rent Stabilization and Tenant Protection
8. Rental Housing Safety
9. Tenant Survey
10. Housing Preference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

Program 29 Middle Housing

Program 27 PDAs (Southside)



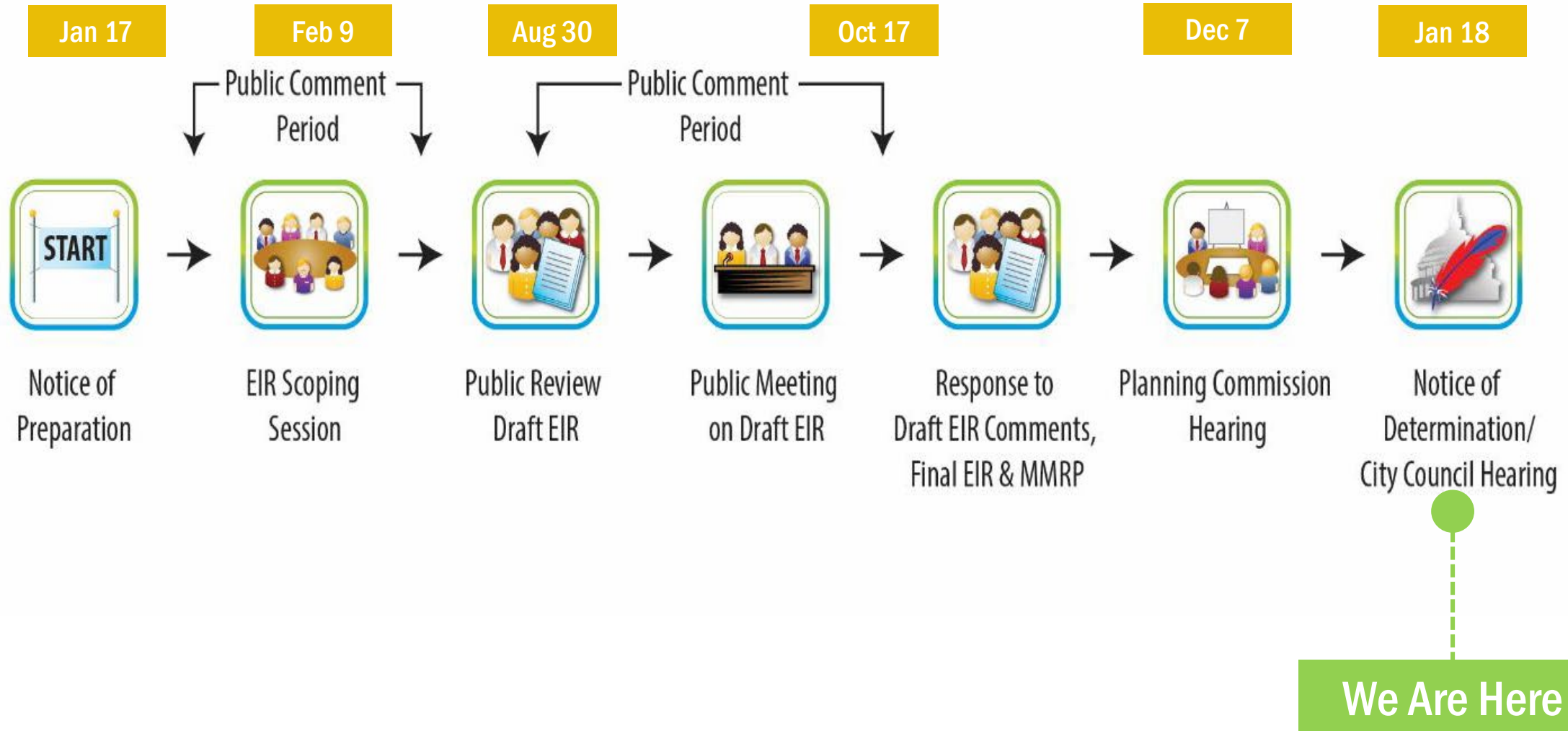
Sites Inventory + Programs



ENVIRONMENTAL DETERMINATION

1. CEQA Overview
2. Projected Buildout
3. Impacts
4. Final EIR, Response to Comments (RTC), Mitigation Monitoring and Reporting Program (MMRP), Findings and Statement of Overriding Considerations

Environmental Impact Report (EIR) Process



EIR: Projected Buildout

EIR Sites Inventory

Likely Sites	4,685 units
Pipeline Sites	2,415 units
Opportunity Sites	8,053 units

Implementation Programs

Middle Housing Rezoning	1,745 units
Southside Zoning Modification	1,000 units
Ashby and North Berkeley BART	1,200 units

Overall EIR Growth Assumption **19,098 units**



City of Berkeley 2023-2031
Housing Element Update

Responses to Comments on the
Draft Environmental Impact Report
SCH# 2022010331

prepared by

City of Berkeley
Land Use Planning Division
1947 Center Street, 2nd Floor
Berkeley, California 94704
Contact: Grace Wu, Principal Planner

prepared with the assistance of

Rincon Consultants, Inc.
449 15th Street, Suite 303
Oakland, California 94612

December 2022



Final EIR: Why Analyze 19,000 units?

1 **RHNA + Additional Programs Directed by Council**

EIR includes Middle Housing, Southside Zoning, Ashby and North Berkeley BART.

2 **Maximize Buildout Assumptions**

The Housing Element cannot assume maximum buildout for RHNA, but CEQA requires an assumption of maximum buildout to analyze environmental effects.

3 **Density Bonus**

A larger projection allows us to analyze effects of density bonus and other incentive programs that may result in projects larger than existing zoning.

4 **CEQA: Be Conservative**

It is good CEQA practice to reasonably maximize projections so as not to miss or underestimate environmental effects.

EIR: Important Caveats

1

An EIR does not approve any projects

An EIR only analyzes and discloses environmental effects, and provides feasible mitigations.

2

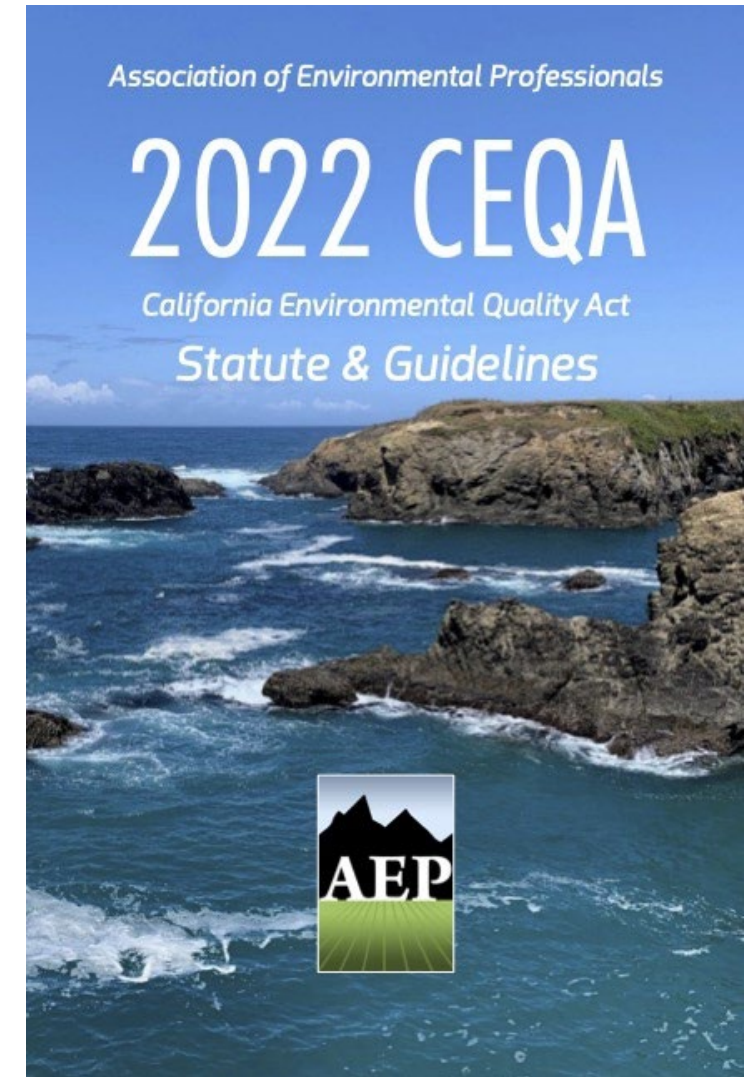
Projects will still require CEQA

Unless otherwise exempt, projects must be analyzed to determine if they result in any new, or more severe, environmental effects than those disclosed in the EIR.

3

Future zoning changes will still require CEQA

Future zoning changes, such as along San Pablo Avenue, must be analyzed to determine if they result in any new, or more severe, environmental effects than those disclosed in the EIR



EIR: Less than Significant Impacts Without Mitigation

Aesthetics	Hazards and Hazardous Materials
Agriculture and Forestry Resources	Hydrology and Water Quality
Biological Resources	Mineral Resources
Cultural Resources: <ul style="list-style-type: none">• Archeological Resources• Human Remains	Noise: <ul style="list-style-type: none">• Operational• Vibration
Energy	Population and Housing
Geology and Soils	Public Services and Recreation
Greenhouse Gas Emissions	Transportation

EIR: Less than Significant Impacts With Mitigation

Resource Area	Conditions of Approval/Mitigations
Air Quality	AQ-1: Construction Emissions Reduction Measures AQ-2: Construction Health Risk Assessment AQ-3: TAC Exposure Reduction Building Measures
Geology and Soils (Paleontology)	GEO-1: Protection of Paleontological Resources
Tribal Cultural Resources	TCR-1: Tribal Cultural Monitoring

EIR: Significant and Unavoidable Impacts

Cultural Resources

- Potential for unidentified historic-period resources
- EIR Mitigation Measures:
 - CUL-1: Historic Contact Statement, Cultural Resources Survey and Designations
 - CUL-2: Historical Resources Discretionary Review

Noise (Construction-Related)

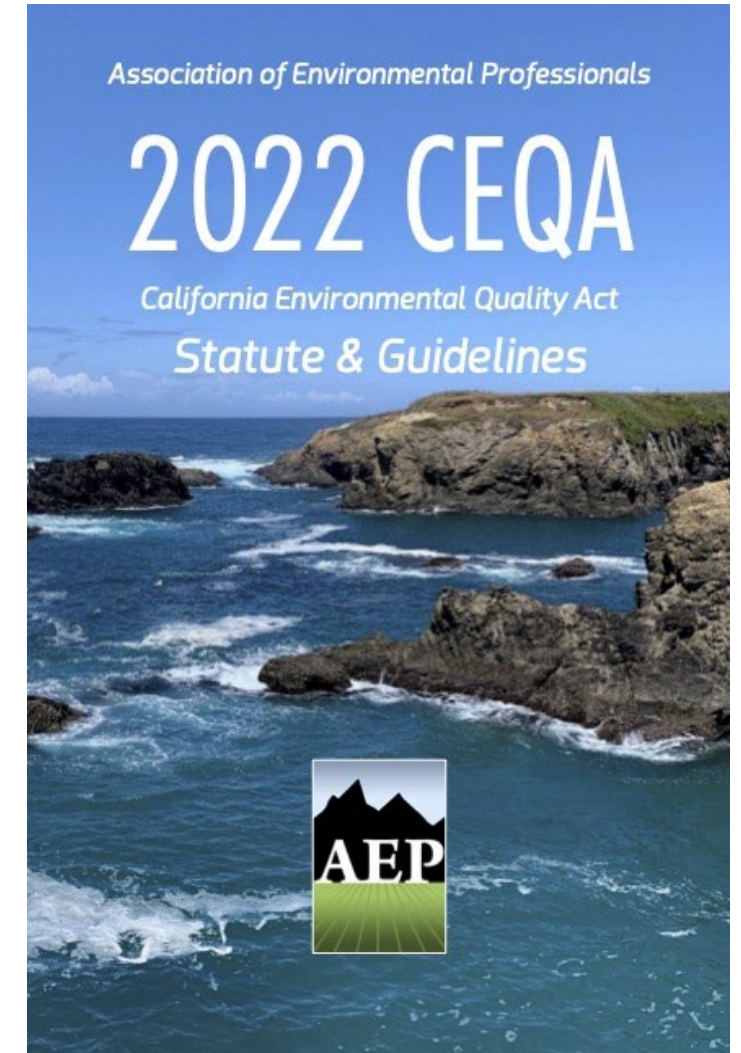
- City Conditions of Approval may not reduce noise levels below thresholds for every project.

Wildfire

- City conditions and mitigations may not mitigate in all locations
- DEIR Mitigation Measure:
 - W-1 Underground of Power Drops in the VHFHSZ

EIR: Alternatives

- CEQA requires a range of conceptual alternatives and a comparison of environmental impacts
- Alternatives should reduce or eliminate environmental impacts, while also meeting project objectives
- DEIR includes three Alternatives
 - 1 No Project Alternative
 - 2 No Rezoning in the Hills Overlay Alternative
 - 3 No Middle Housing Rezoning Alternative



EIR: Comparison of Alternatives

	Buildout (Units)	Environmental Effects Summary
Proposed Project	18,946	
Alternative 1 No Project	12,450 (-6,496)	Reduced effects when compared to the proposed project.
Alternative 2 No Rezoning in Hills Overlay	18,946	Similar to the proposed project
Alternative 3 No Middle Housing Rezoning	17,971 (-975)	Reduced effects when compared to the proposed project.

**No Alternative eliminates the Significant and Unavoidable
Noise, Cultural Resource or Wildfire impacts**

CEQA Documents Considered Tonight

1) Final Environmental Impact Report

- Draft EIR
- Response to Comments (RTC)
- Mitigation Monitoring and Reporting Program (MMRP)

2) CEQA Findings and Statement of Overriding Consideration



City of Berkeley 2023-2031 Housing Element Update

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December 2022



HCD Initial Review & Response

<p>Suitability of Nonvacant Sites</p> <p><i>Appendix C, Table C-10 Opportunity Sites-No Rezone Required</i></p>	<p>Accessory Dwelling Units</p> <p><i>Section 5.1.2 Projected ADUs</i></p>	<p>Environmental Constraints</p> <p><i>Section 4.2.2 Environmental Constraints</i></p>	<p>Emergency Shelters</p> <p><i>Section 4.1.4 (Emergency Shelters) & Program 31- Special Needs Housing</i></p>
<p>BART Station Area Planning Milestones & Actions</p> <p><i>Program 28-BART Station Area Planning & Program 36-Adequate Sites for RHNA and Monitoring</i></p>	<p>Land Use Controls</p> <p><i>Section 4.1.2 Zoning Ordinance (Developing at Assumed Densities)</i></p>	<p>Local Processing and Permit Procedures</p> <p><i>Section 4.1.3 Permit Processing Procedures</i></p>	<p>Permit Streamlining Act</p> <p><i>Section 4.1.3 Permit Processing Procedures</i></p>
<p>Constraints on Housing for Persons with Disabilities</p> <p><i>Section 4.1.5 Housing for Persons with Disabilities (Definition of Family)</i></p>	<p>Requests for Lesser Densities</p> <p><i>Section 4.2.3 Market Constraints (Density)</i></p>	<p>Beneficial Impact during the Planning Period</p> <p><i>Programs 4 (HTF), 12 (Workforce Hsg), 17 (Accessible Hsg), 28 (BART), 30 (ADUs), 33 (Res Zoning), 34 (Permit Processing)</i></p>	<p>Specific Neighborhoods for AFFH</p> <p><i>Programs 6 (Fair Housing Outreach), 8 (Rental Hsg Safety), 11 (Rental Assistance)</i></p>

Current Status

HCD 60-day Subsequent Review **(December 1, 2022 – January 30, 2023)**

City Council Adoption

--Any necessary revisions to achieve state certification--

HCD Certification

Consequences of a non-compliant Housing Element

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

Recommendation

Adopt a Resolution to:

- (A) Certify the Environmental Impact Report and adopt related California Environmental Quality Act findings, a statement of overriding considerations, mitigation measures, and a mitigation monitoring and reporting program; and
- (B) Approve and adopt a General Plan Amendment to update the Housing Element for the period of 2023-2031

THANK YOU



HousingElement@cityofberkeley.info



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