



Planning Commission

# AGENDA

## REGULAR MEETING OF THE PLANNING COMMISSION

Click here to view the entire Agenda Packet

**Wednesday, June 2, 2021**  
**7:00 PM**

**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 Planning Commission (PC) 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 COVID19 virus, there will not be a physical meeting location available.

**To access the meeting remotely:** Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL <https://zoom.us/j/92536303643>. 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 6833** and enter Meeting ID: **925 3630 3643**. If you wish to comment during the public comment portion of the agenda, Press \*9 and wait to be recognized by the Chair.

Please be mindful that the video conference and teleconference will be recorded. All rules of procedure and decorum that apply for in-person Planning Commission meetings apply for Planning Commission meetings conducted by teleconference or videoconference.

See "**MEETING PROCEDURES**" below.

**All written materials identified on this agenda are available on the Planning Commission webpage:** [https://www.cityofberkeley.info/Clerk/Commissions/Commissions\\_Planning\\_Commission\\_Homepage.aspx](https://www.cityofberkeley.info/Clerk/Commissions/Commissions_Planning_Commission_Homepage.aspx)

### **PRELIMINARY MATTERS**

- 1. Roll Call:** **Wiblin, Brad**, appointed by Councilmember Kesarwani, District 1  
**Vincent, Jeff**, appointed by Councilmember Taplin, District 2  
**Schildt, Christine**, appointed by Councilmember Bartlett, District 3  
**Lacey, Mary Kay**, appointed by Councilmember Harrison, District 4  
**Beach, Benjamin**, appointed by Councilmember Hahn, District 5

**Kapla, Robb, Chair**, appointed by Councilmember Wengraf, District 6  
**Krpata, Shane, Vice Chair**, appointed by Councilmember Robinson, District 7  
**Hauser, Savlan**, appointed by Councilmember Droste, District 8  
**Ghosh, Barnali**, appointed by Mayor Arreguin

2. **Order of Agenda:** The Commission may rearrange the agenda or place items on the Consent Calendar.
3. **Public Comment:** Comments on subjects not included on the agenda. Speakers may comment on agenda items when the Commission hears those items. (See “*Public Testimony Guidelines*” below):
4. **Planning Staff Report:** In addition to the items below, additional matters may be reported at the meeting.
5. **Chairperson’s Report:** Report by Planning Commission Chair.
6. **Committee Reports:** Reports by Commission committees or liaisons. In addition to the items below, additional matters may be reported at the meeting.
7. **Approval of Minutes:** Approval of Draft Minutes from the meeting on **May 5, 2021**.
8. **Future Agenda Items and Other Planning-Related Events:**

**AGENDA ITEMS:** All agenda items are for discussion and possible action. Public Hearing items require hearing prior to Commission action.

9. **Action:** **Public Hearing: Draft Subsequent Environmental Impact Report for the Bayer HealthCare LLC Development Agreement Amendment**  
**Recommendation:** Conduct a public hearing on the Draft Subsequent EIR for the Development Agreement Amendment and provide comments to staff on the Draft Subsequent EIR.  
**Written Materials:** Attached  
**Presentation:** N/A
10. **Discussion:** **Business Support Zoning Amendment Referrals – Research and Development**  
**Recommendation:** Discuss proposed amendments, provide feedback, and set a public hearing on the R&D definition at the July Planning Commission meeting.  
**Written Materials:** Attached  
**Presentation:** N/A

**ADDITIONAL AGENDA ITEMS:** In compliance with Brown Act regulations, no action may be taken on these items. However, discussion may occur at this meeting upon Commissioner request.

**Information Items:**

- April 28, 2021 Housing Element Update Memo to City Council

**Communications:**

- May 25 – Kosher Grocery Store, Muir

**Late Communications:** (Received after the packet deadline):

- Supplemental Packet One – received by noon two days before the meeting
- Supplemental Packet Two
- Supplemental Packet Three

**ADJOURNMENT**

**\*\*\*\* MEETING PROCEDURES \*\*\*\***

**Public Testimony Guidelines:**

All persons are welcome to attend the virtual meeting and will be given an opportunity to address the Commission. Speakers are customarily allotted up to three minutes each. The Commission Chair may limit the number of speakers and the length of time allowed to each speaker to ensure adequate time for all items on the Agenda. Customarily, speakers are asked to address agenda items when the items are before the Commission rather than during the general public comment period. Speakers are encouraged to submit comments in writing. See “Procedures for Correspondence to the Commissioners” below.

**Procedures for Correspondence to the Commissioners:**

All persons are welcome to attend the virtual hearing and will be given an opportunity to address the Commission. Comments may be made verbally at the public hearing and/or in writing before the hearing. The Commission may limit the time granted to each speaker.

Written comments must be directed to the Planning Commission Secretary at the Land Use Planning Division (Attn: Planning Commission Secretary), 1947 Center Street, Second Floor, Berkeley CA 94704, or via e-mail to: [apearson@cityofberkeley.info](mailto:apearson@cityofberkeley.info). All materials will be made available via the Planning Commission agenda page online at this address: <https://www.cityofberkeley.info/PC/>.

Correspondence received by **12 noon, nine days** before this public meeting, will be included as a Communication in the agenda packet. Correspondence received after this deadline will be conveyed to the Commission and the public in the following manner:

- Correspondence received by **12 noon two days** before this public meeting, will be included in a Supplemental Packet, which will be posted to the online agenda as a Late Communication and emailed to Commissioners one day before the public meeting.
- Correspondence received after the above deadline and before the meeting will be included in a second and/or third Supplemental Packet, as needed, which will be posted to the online agenda as a Late Communication and emailed to the Commissioners by 5pm on the day of the public meeting.

**Note: It will not be possible to submit written comments at the meeting.**

**Communications are Public Records:** Communications to Berkeley boards, commissions, or committees are public records 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.

**Communication Access:** To request a meeting agenda in large print, Braille, or on audiocassette, or to request a sign language interpreter for the meeting, call (510) 981-7410 (voice), or 981-6903 (TDD). Notice of at least five (5) business days will ensure availability.

**Meeting Access:** To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services Specialist, at 981-6418 (V) or 981-6347 (TDD), at least three (3) business days before the meeting date.

---

I hereby certify that the agenda for this regular meeting of the Planning 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 **May 27, 2021**.

---

Alene Pearson  
Planning Commission Secretary



Planning Commission

1                   **DRAFT MINUTES OF THE REGULAR PLANNING COMMISSION MEETING**  
2   **May 5, 2021**

3 The meeting was called to order at 7:02 p.m.

4 **Location:** Virtual meeting via Zoom

5 **1. ROLL CALL:**

6       **Commissioners Present:** Benjamin Beach, Barnali Ghosh, Savlan Hauser, Robb Kapla,  
7       Shane Krpata, Mary Kay Lacey, Christine Schildt, Jeff Vincent, and Brad Wiblin.

8       **Commissioners Absent:** None.

9       **Staff Present:** Secretary Alene Pearson, Katrina Lapira, Alisa Shen, and Justin Horner.

10 **2. ORDER OF AGENDA:** No changes.

11 **3. PUBLIC COMMENT PERIOD:** 3

12 **4. PLANNING STAFF REPORT:**

- 13
- 14       • New Policy Senior Planner - Grace Wu
- 15       • Potential Special Meetings on July 21, July 28 and August 4
- 16       • Council
  - 17           ○ June – Local ADU Ordinance and PC Work Plan
  - 18           ○ July - Base Line Zoning Ordinance Phase I
- 19       • PC
  - 20           ○ June – Research and Development Discussion, Public Hearing on Bayer Draft
  - 21           SEIR

22 **Information Items:**

- 23       • City Clerk – City Council Rules of Procedure (amended)

24

25 **Communications:**

- 26       • None

27 **Late Communications:** *See agenda for links.*

- 28       • Supplemental Packet One
- 29       • Supplemental Packet Two
- 30       • Supplemental Packet Three

31 **5. CHAIR REPORT:**

- 32 • None.

33  
34 **6. COMMITTEE REPORT:** Reports by Commission committees or liaisons. In addition to the  
35 items below, additional matters may be reported at the meeting.

- 36  
37 • BART Community Advisory Group (CAG) – Held a meeting on April 29 to discuss station  
38 access. Next Office Hours will be held on Thursday May 6. The next community meeting  
39 date is to be determined.
- 40  
41 • Gentrification and Displacement – Workshop may take place in July or later this summer.
- 42  
43 • Workplan – Draft document is being reviewed by city staff and will be shared with City  
44 Council in June.

45 **7. APPROVAL OF MINUTES:**

46 Motion/Second/Carried (Wiblin/Vincent) to approve the Planning Commission Meeting  
47 Minutes from April 7, 2021, with modifications to number of public speakers.

48  
49 Ayes: Ghosh, Hauser, Kapla, Krpata, Schildt, Vincent, and Wiblin. Noes: None. Abstain: Beach  
50 and Lacey. Absent: None. (7-0-2-0)

51  
52 **8. FUTURE AGENDA ITEMS AND OTHER PLANNING:**

- 53 • June 2
- 54 ○ Research and Development Referral
  - 55 ○ Public Hearing: Bayer Draft Supplemental Environmental Impact Report
  - 56 ○ Tentative Tract Map
- 57

58 **AGENDA ITEMS**

59 **9. Discussion: Citywide Affordable Housing Requirements Update**

60 Staff consultant Rick Jacobus of Street Level Advisors provide an overview of existing  
61 affordable housing requirements and how they impact the generation of affordable housing  
62 units and funds. The consultant also shared several policy options to consolidate existing  
63 affordable housing requirements that incorporates inclusionary housing, the affordable  
64 housing mitigation fee, condo conversions, and the live/work provisions.

65 **Public Comments:** 10

66 **10. Action: Public Hearing Regarding the General Plan ReDesignation and Zoning Map**  
67 **Amendment of Parcels Located at 1709 Alcatraz Avenue (APN 052-1533-001- 03), 3404**

68 **King Street (APN 052-1435-001-02), 3244 Ellis Street (APN 052-1533-005-00), 1717**  
69 **Alcatraz Avenue (APN 052-1533-006-00) and 2024 Ashby Avenue (APN 053-1592-022-**  
70 **00)**

71 Staff held a public hearing to re-designate five parcels to the Adeline Corridor Mixed Use  
72 General Plan Classification and be rezoned to Commercial- Adeline Corridor District (C-AC)  
73 and that the boundaries of the Adeline Corridor Specific Plan Area be expanded to include  
74 the five parcels.

75  
76 Motion/Second/Carried (Ghosh/Krpata) to close the public hearing regarding the General Plan  
77 ReDesignation and Zoning Map Amendment of parcels located at 1709 Alcatraz Avenue (APN  
78 052-1533-001- 03), 3404 King Street (APN 052-1435-001-02), 3244 Ellis Street (APN 052-  
79 1533-005-00), 1717 Alcatraz Avenue (APN 052-1533-006-00) and 2024 Ashby Avenue (APN  
80 053-1592-022-00) at 10:27pm.

81  
82 Ayes: Beach, Ghosh, Hauser, Kapla, Krpata, Lacey, Schildt, Vincent, and Wiblin. Noes: None.  
83 Abstain: None. Absent: None. (9-0-0-0)

84  
85 Motion/Second/Carried (Wiblin/Schildt) to accept the General Plan and Zoning findings as  
86 proposed in the draft Resolution and Ordinance.

87  
88 Ayes: Beach, Ghosh, Hauser, Kapla, Krpata, Lacey, Schildt, Vincent, and Wiblin. Noes: None.  
89 Abstain: None. Absent: None. (9-0-0-0)

90

91 **Public Comments: 9**

92 Motion/Second/Carried (Schildt/Ghosh) to adjourn the Planning Commission meeting at  
93 10:32pm.

94  
95 Ayes: Beach, Ghosh, Hauser, Kapla, Krpata, Lacey, Schildt, Vincent, and Wiblin. Noes: None.  
96 Abstain: None. Absent: None. (9-0-0-0)

97

98 **Members in the public in attendance: 33**

99 **Public Speakers: 22 speakers**

100 **Length of the meeting: 3hr 30 minutes**







**Planning and Development Department**  
Land Use Planning Division

## **STAFF REPORT**

**DATE:** June 2, 2021

**TO:** Members of the Planning Commission

**FROM:** Leslie Mendez, Senior Planner

**SUBJECT:** Draft Subsequent Environmental Impact Report for the Bayer HealthCare LLC Development Agreement Amendment

---

### **Summary**

The purpose of this public hearing is to solicit comments from the Planning Commission and the public on the Draft Subsequent Environmental Impact Report (EIR) for the Bayer HealthCare LLC Development Agreement (DA) Amendment (proposed project).

The City of Berkeley Planning and Development Department has prepared a Draft Subsequent EIR, which will update the City of Berkeley Miles Inc./Cutter Biological Long Range Plan EIR ("1991 EIR"). The 1991 EIR was certified in June 1991 and discusses the environmental impacts of Bayer HealthCare LLC's current Development Agreement (existing DA), which was approved by the City of Berkeley in 1992 and covers development within the North Properties. The City approved an amendment to the existing DA along with adoption of an Initial Study and Mitigated Negative Declaration on April 27, 1999. The City also adopted also approved a Use Permit (UP#00-10000008) for a portion of the site and adopted a Mitigated Negative Declaration for the Use Permit on July 21, 2000.

The Draft Subsequent EIR discusses the potential environmental impacts of proposed amendments to the DA, which would revise the existing DA to cover both the North and South Properties, extend its duration an additional 30 years until February 2052, and modify some of the development standards and other terms of the existing DA. The Draft Subsequent EIR analyzes potentially significant impacts related to the following environmental topics in detail: Air Quality; Cultural Resources; Greenhouse Gas Emissions; Hazards and Hazardous Materials; Noise; Transportation; and Utilities and Service Systems. All environmental effects in those areas were found to be less than significant or less than significant with mitigation incorporated.

Bayer HealthCare LLC Development Agreement Amendment Draft Subsequent EIR

A Notice of Availability (NOA) of a Draft Subsequent EIR was published on May 21, 2021 (Attachment 1) and the Draft Subsequent EIR was posted to the City's website on that date (Link 1). The public comment period on the Draft Subsequent EIR ends on July 6, 2021.

### **Background**

The project site, now the Bayer HealthCare campus (generally known as the "Bayer Campus"), is located approximately 2.5 miles west of Downtown Berkeley. The Bayer Campus consists of approximately 46 acres generally bounded by the Union Pacific Railroad to the west, Dwight Way to the north, Seventh Street to the east, and Grayson Street to the south. In addition, the project site includes a surface parking lot on a property between Dwight Way, Seventh Street, Parker Street, and Eighth Street. The project site comprises two primary areas divided by Carleton Street:

- The North Properties at 800 Dwight Way, which includes 31.9 acres north of Carleton Street; and
- The South Properties at 801 Grayson Street, which includes 14.4 acres south of Carleton Street.

The City of Berkeley and Miles, Inc. (now Bayer HealthCare LLC) entered into a 30-year DA in 1992 (existing DA). The existing DA covers only the North Properties; Bayer acquired the South Properties after a major amendment to the DA in 1999, and it is therefore not currently included in the DA project area. The City approved a Use Permit (UP#00-10000008) and adopted a Mitigated Negative Declaration (MND) for the South Property on July 21, 2000. While the North Property and South Property are governed by two separate City entitlements, they are operated as one Bayer Campus.

### **Existing Conditions and Entitlements**

The Bayer Campus currently develops and produces commercial biopharmaceuticals that are distributed globally. The campus has approximately 30 buildings, ranging in height from approximately 14 feet to the 100-foot former Colgate-Palmolive tower. The buildings total approximately 1,087,000 square feet of floor area, including 567,000 square feet on the North Properties and 520,000 square feet on the South Properties. The Bayer campus also has eight surface parking lots with a total of 1,100 parking spaces. The buildings provide space for the following permitted uses: production, laboratories, warehouse, administration, utilities, and maintenance.

### **Project Description**

The proposed project would include the following amendments to the existing DA:

- 1) Extend the DA duration an additional 30 years until February 2052;
- 2) Add the South Properties to be covered by the DA;
- 3) Allow buildout of a conceptual development plan, which proposes to rearrange the campus layout through proposed phased demolition of nine existing buildings; construction of approximately twelve new buildings for production, laboratory, and administrative uses; and replacement of surface parking with two

Bayer HealthCare LLC Development Agreement Amendment Draft Subsequent EIR

- new parking structures and new underground parking facilities;
- 4) Modify terms of the existing DA including use restrictions and levels of project discretion.

**Proposed Revisions and Modifications to Development Standards**

The proposed amended DA would include a conceptual development plan that would allow for rearranging the campus layout through proposed phased demolition of nine existing buildings; construction of approximately twelve new buildings for production, laboratory, and administrative uses; and replacement of surface parking with two new parking structures and new underground parking facilities. Several other buildings providing space for manufacturing, warehouses, and maintenance would be renovated and/or expanded.

Overall, as shown in the Table 1 below, the project would involve a reduction of the maximum allowable square footage entitled under the current DA and South Properties Use Permit by 128,000 square feet. Within the 30-year time frame, Bayer envisions retaining approximately 820,000 square feet of existing square footage, demolishing nine buildings totaling approximately 267,000 square feet, and constructing approximately 918,000 square feet of new facilities. Conceptual 30-year buildout is illustrated in Figure 2 in the Notice of Availability found in Attachment 1 to this report.

**Table 1: Existing, Entitled, and Proposed Buildout by Square Footage**

Existing Built Sq. Ft.	Existing Maximum Permitted Sq. Ft.	Proposed Maximum Permitted Sq. Ft.	Existing Sq. Ft. to be Retained	Proposed Sq. Ft. to be Demolished	Proposed Sq. Ft. to be Constructed	Proposed Change from (E) Permissible Sq. Ft.
1,087,000	1,866,000	1,738,000	820,000	-276,000	918,000	-128,000

Under the existing DA, the North Properties were divided into eight different blocks with defined usage requirements and height maximums for each block. The South Properties are subject to Mixed Manufacturing zoning. The DA amendment would reduce the number and configuration of the blocks, as well as revise the development standards by block, as summarized in Table 2 and illustrated in Figures 1 and 2 below.

**Table 2: Development Standards**

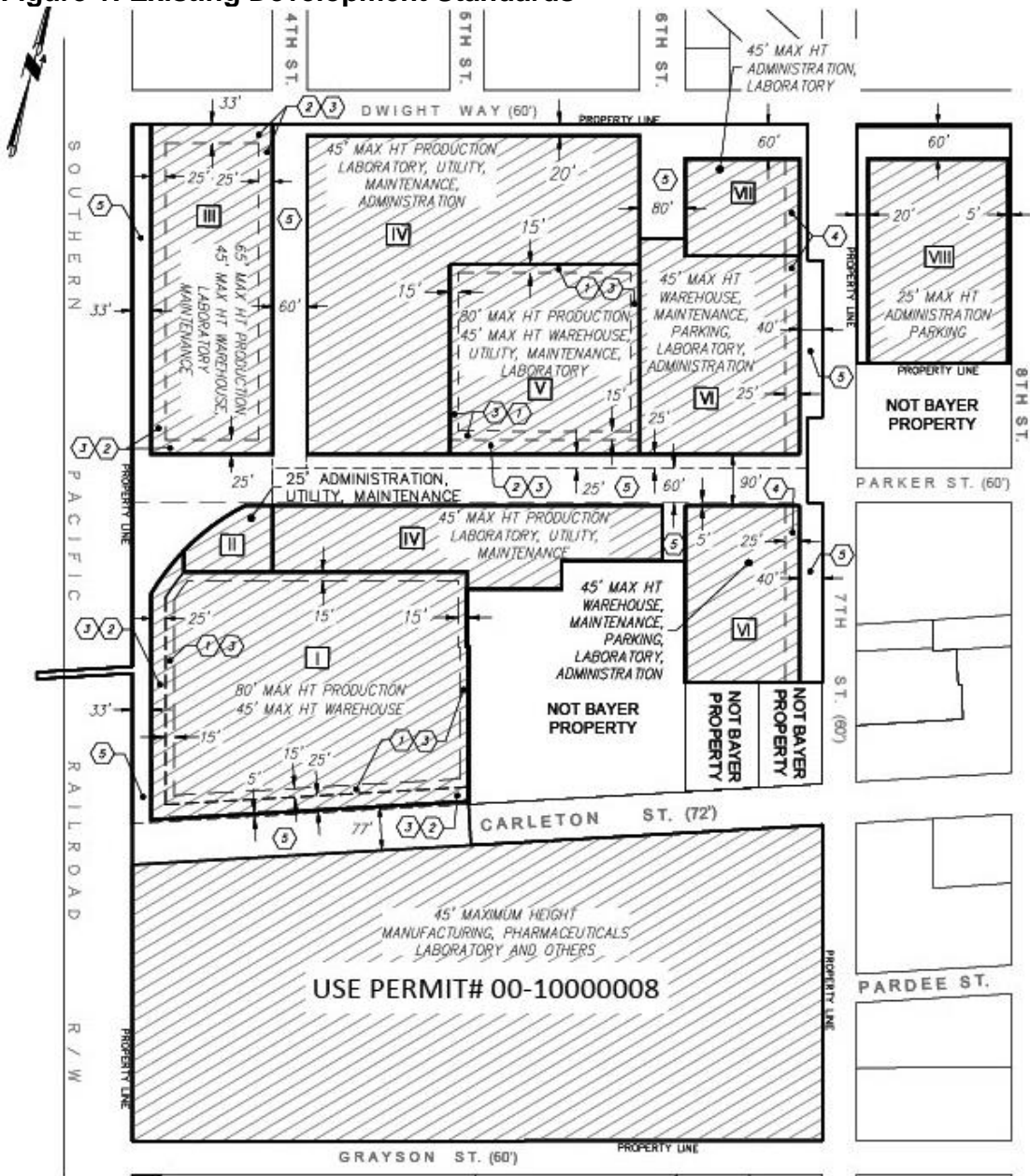
Development Standard	South Campus / MM Zoning BMC 23E.76.070	Existing DA	Proposed DA Amendment
Max. Height (in ft.)	<b>45'</b>	<b>80'</b> for Production <b>45'</b> for Other Uses	<b>80'</b> for Production <b>65'</b> for Other Uses
Max. FAR	<b>2</b>	<b>0.27</b> (Block VIII) to <b>2</b> (Block V)	<b>0.27</b> (Block D) to <b>1.37</b> (Block B)
Setbacks: Zero Height Zones	None	There are four main 0 ft. height zones, which generally follow street alignments on the project site:	Approximately 500,000 sq. ft. of zero ft. for combined north and south properties, providing enhanced buffers along

Bayer HealthCare LLC Development Agreement Amendment Draft Subsequent EIR

Development Standard	South Campus / MM Zoning BMC 23E.76.070	Existing DA	Proposed DA Amendment
		<ul style="list-style-type: none"> <li>• West end of Parker St.</li> <li>• 90' wide corridor on Parker St. from Seventh St. to Fourth St</li> <li>• 60' wide corridor on Fourth St from Parker St. to Dwight Way</li> <li>• 80' wide corridor on Sixth St. from Dwight Way to 200 ft. south</li> </ul>	Seventh Street and other site boundaries. The main zones include: <ul style="list-style-type: none"> <li>• 33' setback on the western boundary, from Dwight Way to Grayson St.</li> <li>• 60' wide corridor on Fourth St. from Dwight Way to Carleton St.</li> <li>• 80' setback on Seventh St., from Dwight Way to Grayson St.</li> <li>• 60' setback on Dwight Way, from the western boundary to Seventh St.</li> <li>• 90' wide corridor on Parker St, from western boundary to Seventh St.</li> <li>• 90' wide corridor on Carleton St. from western to eastern boundary.</li> <li>• 10' setback on Grayson St. from western boundary to Seventh St.</li> </ul>
Automobile Parking: Production / Warehousing	<b>1:1,000</b> sq. ft. (floor area 10K) <b>1:1,500</b> sq. ft. (floor area > 10k)	Production: <b>1:1,000</b> sq. ft. Warehouse: <b>1:5,000</b> sq. ft.	No Change
Automobile Parking: Other Uses	<b>1:500</b> sq. ft.	Laboratory: <b>1.5:1,000</b> sq. ft. Admin: <b>1:500</b> sq. ft.	Laboratory: <b>1:1,000</b> sq. ft. Admin: No Change
Bicycle Parking	<b>1:2,000</b> sq. ft.	none	<b>1:2,000</b> sq. ft.

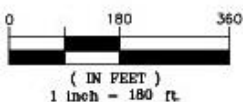
Bayer HealthCare LLC Development Agreement, Utility Amendment Draft Subsequent EIR

Figure 1: Existing Development Standards



**LEGEND**

- BAYER HEALTHCARE PROPERTY
- ADJACENT PROPERTY LINE
- 1992/1999 D.A. BLOCKS
- MAX HT
- MAXIMUM HEIGHT



**NOTE LEGEND**

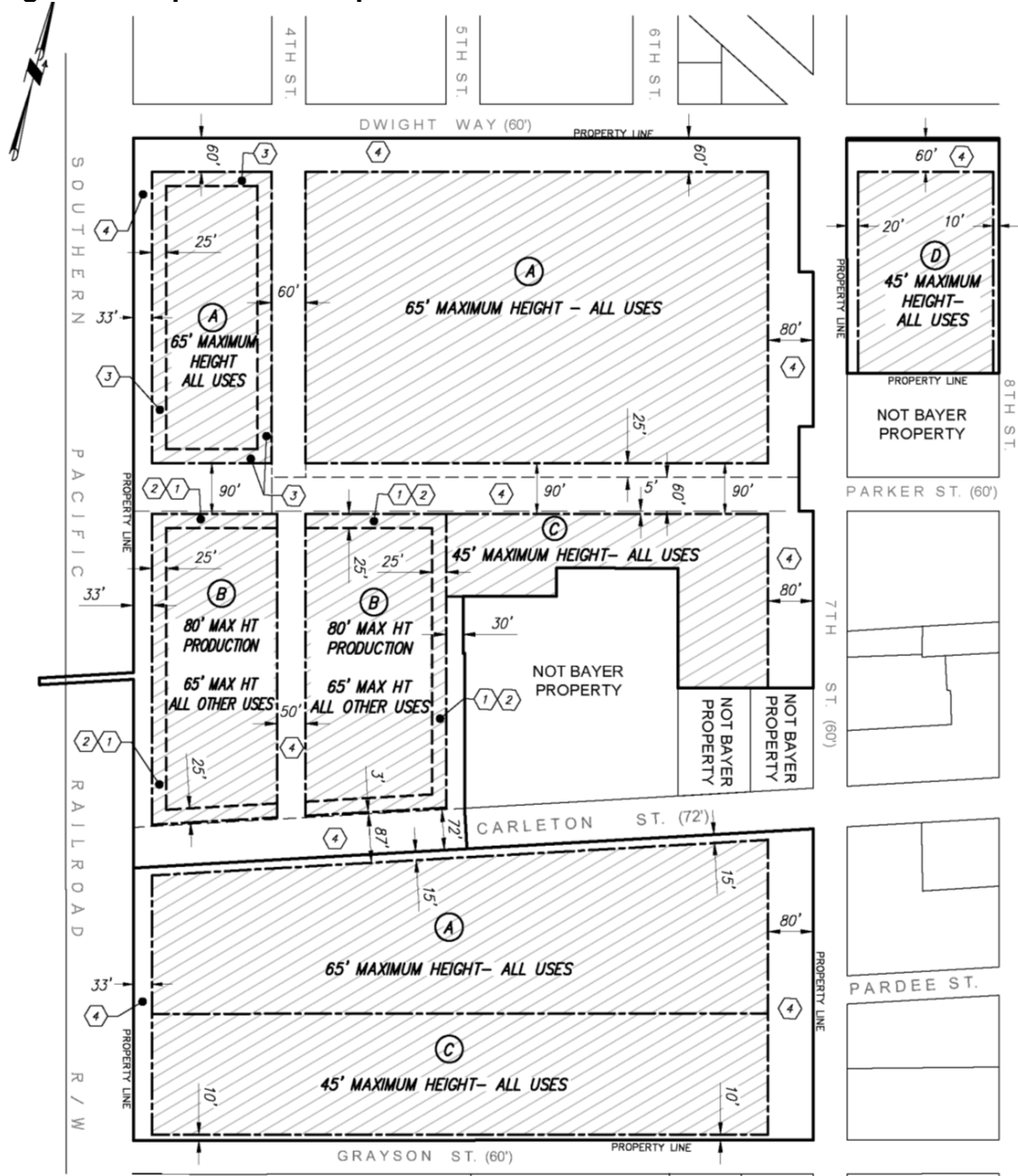
- 65' MAXIMUM HEIGHT FOR PRODUCTION
- 45' MAXIMUM HEIGHT FOR PRODUCTION
- 45' MAXIMUM HEIGHT FOR WAREHOUSE
- 35' MAXIMUM HEIGHT PERMITTED (OR EXISTING BUILDING)
- 0' HEIGHT

**BLOCK LEGEND**

- PERMITTED BUILDING HEIGHT 80 FEET (TOP FLOOR MAY NOT EXCEED 50% OF BUILDING FOOTPRINT AND HAS TO STE BACK -15 FT.)
- PERMITTED BUILDING HEIGHT 65 FEET (TOP FLOOR MAY NOT EXCEED 50% OF BUILDING FOOTPRINT AND HAS TO STE BACK -15 FT.)
- PERMITTED BUILDING HEIGHT 45 FEET (OR EXISTING BUILDING)
- PERMITTED BUILDING HEIGHT 25 FEET (OR EXISTING BUILDING)

Bayer HealthCare LLC Development Agreement Amendment Draft Subsequent EIR

Figure 2: Proposed Development Standards



**LEGEND**

- BAYER HEALTHCARE PROPERTY
- ADJACENT PROPERTY LINE
- - - SITE DEVELOPMENT BOUNDARY
- - - BUILDING HEIGHT STEPDOWN

**NOTE LEGEND**

- (1) 65' MAXIMUM HEIGHT FOR PRODUCTION
- (2) 50' MAXIMUM HEIGHT FOR OTHER USES
- (3) 50' MAXIMUM HEIGHT FOR ALL USES
- (4) 0' HEIGHT

**BLOCK LEGEND**

- (A) 65' ALL USES
- (B) 80' PRODUCTION, 65' OTHER USES
- (C) 45' ALL USES
- (D) 45' ALL USES



( IN FEET )  
 1 inch = 180 ft.

CITY OF BERKELEY

ALAMEDA COUNTY

CALIFORNIA

Bayer HealthCare LLC Development Agreement Amendment Draft Subsequent EIR

## **Environmental Review – Subsequent EIR**

### CEQA Approach

CEQA provides that a lead agency may prepare a subsequent EIR to address changes that have occurred after the certification of a Final EIR. Pursuant to *CEQA Guidelines* Section 15162, no subsequent EIR shall be prepared unless one or more of the following conditions is present:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:
  - a. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
  - b. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
  - c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
  - d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

As discussed above, the proposed project would involve substantial changes to the existing DA, including the addition of the North Properties into the DA; the rearranging of the campus layout through phased demolition of nine existing buildings; construction of approximately twelve new buildings for production, laboratory, and administrative uses; and replacement of surface parking with two new parking structures and new underground parking facilities. Moreover, the 1991 EIR analyzed a DA that will expire in 2022; the project would extend the DA for an additional 30 years. The proposed revisions to the amended DA and extended expiration date require revisions to the 1991 EIR. Therefore, the City has determined that the preparation of a Subsequent EIR is the appropriate approach to CEQA compliance.

Bayer HealthCare LLC Development Agreement Amendment Draft Subsequent EIR

### Scope

In accordance with the CEQA Guidelines, a Notice of Preparation (NOP) of a Draft Subsequent EIR was circulated to potentially interested parties and agencies on October 29, 2020 and ending on December 3, 2020. The City received 19 written responses to the NOP regarding the scope and content of the Subsequent EIR. The City also held two Subsequent EIR scoping meetings as part of the regularly scheduled Zoning Adjustments Board meeting on November 12, 2020 and Planning Commission meeting on November 18, 2020. At the hearings, members of the public, Planning Commissioners, and Zoning Adjustment Board members provided verbal comments on the scope and content of the Subsequent EIR.

The following environmental topics are addressed in detail in the Draft EIR:

- Air Quality;
- Cultural Resources;
- Greenhouse Gas Emissions;
- Hazards and Hazardous Materials;
- Noise;
- Transportation;
- Tribal Cultural Resources; and
- Utilities and Service Systems.

The Draft EIR concludes that impacts in the above environmental topics would be less than significant or less than significant with mitigation incorporated. All other CEQA environmental topics are analyzed in the Initial Study (Appendix A to the Draft Subsequent EIR) and were found to have no impacts, less than significant impacts, or less than significant impacts with mitigation incorporated.

### Summary of Impacts and Mitigation Measures

Below is a summary of the impacts found to be potentially significant and mitigation measures that would reduce impacts to a less than significant level. Table ES-1 in the Executive Summary Section of the Draft Subsequent EIR provides the full impact statements and mitigation measures.

#### *Aesthetics*

The proposed parking structure to the south of Dwight Way could present a large and unvaried façade. Impacts would be reduced to a less than significant level with implementation of mitigation measure:

- Mitigation Measure AES-1: The proposed parking structure south of Dwight Way shall be designed to maximize visual compatibility with the low-rise, low intensity uses to the north and east.

New and renovated buildings on the project site could generate glare if they have reflective windows or exterior surfaces. Impacts would be reduced to a less than significant level with implementation of mitigation measure:



Bayer HealthCare LLC Development Agreement Amendment Draft Subsequent EIR

- Mitigation Measure AES-2: for new and renovated buildings along the western property line, the use of reflective glass or other glazing that would cause glare as the sun sets shall be prohibited.

#### *Air Quality*

Construction activities would result in the temporary generation of criteria air pollutants, which would affect local air quality. Impacts would be reduced to a less than significant level with implementation of mitigation measures:

- Mitigation Measure AQ-1: Demolition, grading and construction activities shall comply with current Bay Area Air Quality Management District's basic control measures for reducing construction emissions.
- Mitigation Measure AQ-2: Demolition, grading and construction activities shall utilize at least 90 percent Tier 4 equipment (or better) through 2032 and all Tier 4 equipment (or better) after 2032.

#### *Biological Resources*

Buildout under the project would involve vegetation removal and impacts to protected nesting birds could occur if active nests are present. In addition, reflective glass on west-facing facades at new and renovated buildings could result in fatal window collisions by birds. Impacts would be reduced to a less than significant level with implementation of mitigation measures:

- Mitigation Measure BIO-1: Construction and tree removal activities shall be conducted outside of the migratory bird nesting season. If construction activities must occur during the migratory bird nesting season, an avian nesting survey of the project site shall be conducted.
- Mitigation Measure BIO-2: The applicant shall implement bird strike avoidance measures, including use of verified bird-safe glazing products at new windows.

#### *Cultural Resources*

The amended DA would involve renovation of Building B83, which is a historical resource under CEQA. Moreover, there is potential for additional properties which are older than 40 years old to be altered and demolished under the terms of the 30-year DA. Impacts would be reduced to a less than significant level with implementation of mitigation measures:

- Mitigation Measure CR-1: Demolition or alteration of a building that is at least 40 years old shall be subject to review by a qualified architectural historian who meets the Secretary of the Interior's Professional Qualifications Standards.
- Mitigation Measure CR-2: For renovations involving Building B83 or historical resources identified through CR-1, project activities shall comply with the *Secretary of the Interior's Standards for the Treatment of Historic Properties*.

In addition, buried archaeological resources may exist on the project site, and ground disturbance within the project site could impact archaeological resources. Impacts would be reduced to a less than significant level with implementation of mitigation measures:

Bayer HealthCare LLC Development Agreement Amendment Draft Subsequent EIR

- Mitigation Measure CR-3: Prior to construction or underground work, a cultural resources Desktop Analysis shall be conducted.
- Mitigation Measure CR-4: If the desktop analysis described in CR-3 identifies the potential to encounter cultural resources, a Phase I cultural resources study shall be performed by a qualified professional.
- Mitigation Measure CR-5: If recommended by the Desktop Analysis or Phase I Report, the applicant shall retain a qualified archaeologist to conduct an Extended Phase I (XPI) study to determine the presence/absence and extent of archaeological resources on the project site.
- Mitigation Measure CR-6: Any identified archaeological sites shall be avoided by project-related construction activities, where feasible as determined by Bayer and confirmed by the City.
- Mitigation Measure CR-7: If the results of the Phase I Report and/or XPI indicate the presence of archaeological resources that cannot be avoided, the applicant shall retain a qualified archaeologist to conduct a Phase II investigation to determine if intact deposits are present.
- Mitigation Measure CR-8: If the Phase II site evaluation identifies resources and if the resources cannot be avoided, the applicant shall incorporate recommendations for mitigation of archaeological impacts into the final design.
- Mitigation Measure CR-9: Prior to any ground disturbing activities, the applicant shall retain an SOI qualified archaeologist to conduct a Worker's Environmental Awareness Program training.
- Mitigation Measure CR-10: If recommended by the Desktop Analysis, Phase I, XPI, Phase II, or Phase III studies, the applicant shall retain a qualified archaeologist (Monitor) to observe project-related ground-disturbing activities.
- Mitigation Measure CR-11: If archaeological resources are encountered during ground-disturbing activities, work within 60 feet shall be halted until the find has been evaluated by a qualified professional.

*Geology and Soils*

Construction activities could potentially uncover and disturb paleontological resources beneath the surface. Impacts would be reduced to a less than significant level with implementation of mitigation measure:

- Mitigation Measure GEO-1: Prior to ground-disturbing activities, the applicant shall retain a qualified paleontologist to provide on-call services in the event of an unanticipated discovery and to conduct a Paleontological Worker Environmental Awareness Program. All work shall halt in the immediate vicinity of a find and the qualified paleontologist shall evaluate the discovery.

*Greenhouse Gas Emissions*

Project construction and operation would generate temporary and long-term increases in GHG emissions. Impacts would be reduced to a less than significant level with implementation of mitigation measure:

- Mitigation Measure GHG-1: Electricity used at the site shall be sourced from 100 percent renewable energy resources by 2030.

Bayer HealthCare LLC Development Agreement Amendment Draft Subsequent EIR

### *Hazards and Hazardous Materials*

There are known releases of hazardous substances within and adjacent to the project site. Unanticipated hazardous materials and wastes could be disturbed during demolition, grading, and other soil or groundwater disturbance. Impacts would be reduced to a less than significant level with implementation of mitigation measures:

- Mitigation Measure HAZ-1: The applicant shall prepare a site-specific Phase I ESA for each development area / Block.
- Mitigation Measure HAZ-2: The project shall be completed with oversight by the City of Berkeley Toxics Management Division (TMD) and the San Francisco Bay Regional Water Quality Control Board (SFB RWQCB).
- Mitigation Measure HAZ-3: The City of Berkeley TMD and the SFB RWQCB shall continue to provide agency oversight of assessment and remediation of the open Cleanup Program case on the project site.
- Mitigation Measure HAZ-4: The applicant shall implement the recommendations of the Soil and Groundwater Management Plan prepared for the project site.

Project operation would involve use, storage, disposal, or transportation of hazardous materials, including biohazardous and chemical materials. Upset or accident conditions at the project site could involve the release of hazardous materials into the environment. Impacts would be reduced to a less than significant level with implementation of mitigation measure:

- Mitigation Measure HAZ-5: The applicant shall prepare a Hazardous Materials Safety Plan to address potential issues that may be encountered during project operation involving the use, storage, transport, and disposal of biohazardous and chemical materials.

### *Hydrology and Water Quality*

Operation under the amended DA could result in conflicts with applicable water quality permits or waste discharge requirements. Impacts would be reduced to a less than significant level with implementation of mitigation measures:

- Mitigation Measure HWQ-1: The applicant shall prepare documentation of Best Management Practices to minimize the potential for water pollution.
- Mitigation Measure HWQ-2: The applicant shall manage pollutants on the project site such that they are not easily mobilized and discharged into stormwater runoff.
- Mitigation Measure HWQ-3: The applicant shall perform sampling and testing of stormwater runoff from the project site four times per year.
- Mitigation Measure HWQ-4: The applicant shall install systems to remove pollutants before stormwater runoff leaves the project site.
- Mitigation Measure HWQ-5: The applicant shall protect from damage existing wells that monitor potential releases of pollutants from underground tanks and may be required to relocate them if they would be affected by construction.
- Mitigation Measure HWQ-6: The applicant shall contribute to the funding of, or perform periodic groundwater sampling and monitoring where groundwater

Bayer HealthCare LLC Development Agreement Amendment Draft Subsequent EIR

seeps from the embankment along the western edge of the Southern Pacific Railroad

- Mitigation Measure HWQ-7: The applicant shall implement standard safeguards, monitoring, and contingency measures to minimize the potential for future contamination of the local groundwater.

*Noise*

Construction and demolition activities would intermittently generate noise within and adjacent to the project site in excess of established standards. Impacts would be reduced to a less than significant level with implementation of mitigation measure:

- Mitigation Measure N-1: Construction-related noise reduction measures shall be implemented, including neighbor coordination, construction of temporary noise barriers, and routing construction-related traffic along major roadways and away from sensitive receivers.

*Public Services*

Operation under the amended DA would increase risk of on-site crime that requires police protection services. Impacts would be reduced to a less than significant level with implementation of mitigation measure:

- Mitigation Measure PS-1: The applicant shall continue implementing the measures recommended by the Berkeley Police Department, including preparation of a Crime Prevention Evaluation Analysis Report, employment of a highly visible security guard, and provision of adequate exterior lighting.

*Recreation*

It is expected some Bayer employees would use Aquatic Park during operation under the amended DA. Impacts would be reduced to a less than significant level with implementation of mitigation measure:

- Mitigation Measure REC-1: The applicant shall continue to contribute an annual fair-share contribution of \$9,000 plus Consumer Price Index costs toward the cost of the park maintenance in Aquatic Park.

*Transportation*

The proposed project would not conflict with applicable policies addressing transit, bicycle, and pedestrian facilities. Impacts would be reduced to a less than significant level with implementation of mitigation measure:

- Mitigation Measure T-1: The applicant shall continue to implement and update the Transportation Demand Management (TDM) Program to reduce single-occupant automobile trips generated by the project site. The TDM Program shall include continued implementation of the West Berkeley Shuttle.

*Tribal Cultural Resources*

Development under the proposed amended DA could adversely impact tribal cultural resources. Impacts would be reduced to a less than significant level with implementation of mitigation measures:

Bayer HealthCare LLC Development Agreement Amendment Draft Subsequent EIR

- **Mitigation Measure TCR-1:** Prior to ground disturbing activities, the applicant shall retain a locally affiliated tribal member who represents a tribal organization that was contacted as part of Assembly Bill 52 outreach to conduct a Worker's Environmental Awareness Program training.
- **Mitigation Measure TCR-2:** If recommended by the Desktop Analysis, Phase I, Extended Phase I (XPI), Phase II, or Phase III studies required under Mitigation Measures CR-1 through CR-8, the applicant shall retain a qualified local Native American monitor to observe all ground disturbance.
- **Mitigation Measure TCR-3:** The applicant shall set aside an area for a Cultural Resources Open Space Easement for reinterment of sensitive Native American cultural resources and/or human remains and other associated funerary objects that are encountered and are not able to be avoided as required under CR-6.

Project Alternatives

As required by Section 15126.6 of the *CEQA Guidelines*, the Alternatives section of the Draft Subsequent EIR examines a range of reasonable alternatives to the proposed project that would feasibly obtain most of the project objectives and avoid or substantially lessen many of the project's significant environmental impacts. The following alternatives are evaluated in the Subsequent EIR:

- **Alternative 1: No Project/No Construction Alternative.** The No Project/No Construction Alternative assumes that upon the existing DA's expiration in February 2022 the proposed amended DA would not be adopted and there would be no change to the existing configuration of the Bayer Campus. The total floor area of existing buildings is approximately 1,087,000 square feet, including 567,000 square feet on the North Properties and 520,000 square feet on the South Properties. Existing development on the project site accommodates six land uses: production, laboratories, warehouses, administration, utilities, and maintenance. Eight surface parking lots with a total of approximately 1,082 spaces are dispersed around the project site.
- **Alternative 2: No Project/ Zoning Conformance Alternative.** This alternative assumes that the proposed amended DA is not approved, in which case the existing DA would expire in February 2022 while the Use Permit for the South Properties would remain in effect. Upon expiration of the DA, future development on the Bayer Campus would be required to conform to applicable standards in the Berkeley Municipal Code for underlying zoning on the project site. The main body of the project site to the west of Seventh Street would be subject to Mixed Manufacturing (MM) zoning standards, while the remainder of the site to the east of Seventh Street would be subject to Mixed Use-Light Industrial (MU-LI) zoning standards.
- **Alternative 3: Reduced Parking Alternative.** This alternative assumes that the parking structure planned on the property between Dwight Way, Seventh Street, Parker Street, and Eighth Street would not be constructed. This alternative was analyzed in response to public input that the EIR should analyze a scenario of providing less parking on the Bayer Campus. The proposed parking structure east of Seventh Street is expected to accommodate 925 of the 1,825 parking

Bayer HealthCare LLC Development Agreement Amendment Draft Subsequent EIR

spaces contemplated in the proposed project for the whole Bayer Campus. Under this alternative, the property east of Seventh Street would remain a surface parking lot with 250 parking spaces. As a result, 675 fewer parking spaces would be provided in this area.

Other than the No Project/No Construction Alternative, Alternative 3 would be environmentally superior because it would result in fewer vehicle trips, which would incrementally reduce impacts related to air quality, GHG emissions, noise, and transportation. These impacts would remain less than significant with mitigation incorporated under this alternative. Nonetheless, because the proposed project would not have any significant and unavoidable impacts, the alternative would not avoid such impacts. Chapter 6, *Alternatives*, of the Draft Subsequent EIR includes a complete discussion of these alternatives and of alternatives that were rejected for various reasons.

### **Publication and Distribution of the Draft EIR**

The Draft Subsequent EIR was made available for public review on May 21, 2021. The Notice of Availability (NOA) for the Draft Subsequent EIR was distributed to the California State Clearinghouse, Alameda County Clerk, potential responsible agencies, and other interested parties and individuals who have indicated that they would like to review the Subsequent EIR. Responsible agencies are those public agencies, besides the City of Berkeley, that also have a role in approving or carrying out the project. The Draft Subsequent EIR is available for review at the project website: [https://www.cityofberkeley.info/Planning\\_and\\_Development/Zoning\\_Adjustment\\_Board/Bayer\\_Development\\_Agreement.aspx](https://www.cityofberkeley.info/Planning_and_Development/Zoning_Adjustment_Board/Bayer_Development_Agreement.aspx)

The public comment period for the Draft Subsequent EIR will end on July 6, 2021.

The Planning Commission is being asked to provide feedback to Planning staff on the Draft Subsequent EIR for the proposed project. The Planning Commission is also being asked to take public testimony on the Draft Subsequent EIR and provide comments to staff on the Draft Subsequent EIR. Comments on the Draft Subsequent EIR should focus on whether the Draft Subsequent EIR is sufficient in discussing possible impacts to the physical environment, ways in which the potential adverse effects may be avoided or minimized through mitigation measures, and alternatives to the proposed project in light of the Draft Subsequent EIR's purpose to provide useful and accurate information about such factors. Comments received at this Planning Commission meeting will help further shape the preparation of the Final Subsequent EIR.

### **Recommendation**

1. Take public testimony on the Draft Subsequent EIR for the Development Agreement Amendment and provide comments to staff on the Draft Subsequent EIR.
2. Close the public hearing with respect to receipt of oral comments; written comments on the above will be accepted until 5:00pm on or post marked by July 6, 2021.

Bayer HealthCare LLC Development Agreement Amendment Draft Subsequent EIR

**Attachments:**

1. Notice of Availability of the Draft Subsequent EIR
2. Public Hearing Notice

**Links:**

1. Draft Subsequent EIR  
[https://www.cityofberkeley.info/uploadedFiles/Planning\\_and\\_Development/Level\\_3\\_-\\_ZAB/Draft%20Subsequent%20EIR%20\\_%20Bayer%20HeathCare%20DA%20Amendment.pdf](https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_ZAB/Draft%20Subsequent%20EIR%20_%20Bayer%20HeathCare%20DA%20Amendment.pdf)
2. DSEIR Appendices A-J available  
[https://www.cityofberkeley.info/Planning\\_and\\_Development/Zoning\\_Adjustment\\_Board/Bayer\\_Development\\_Agreement.aspx](https://www.cityofberkeley.info/Planning_and_Development/Zoning_Adjustment_Board/Bayer_Development_Agreement.aspx)







Planning and Development Department  
Land Use Planning Division

## **NOTICE OF AVAILABILITY (NOA) OF A DRAFT SUBSEQUENT ENVIRONMENTAL IMPACT REPORT AND NOTICE OF PUBLIC HEARING**

### **Bayer Healthcare LLC Development Agreement Amendment**

---

Notice is hereby given that the City of Berkeley has prepared a Draft Subsequent Environmental Impact Report (Draft SEIR), pursuant to the California Environmental Quality Act (CEQA), for the proposed amendment to Bayer HealthCare LLC's Development Agreement ("proposed project").

**PUBLIC REVIEW TIMELINE:** The public review and comment period for the Draft SEIR begins Friday, May 21, 2021 and ends Tuesday, July 6, 2021. The City must receive all written comments regarding the adequacy of the Draft SEIR within this time period (postmarked on or before July 6 if sent via U.S. Postal Service, time stamped on or before July 6 if sent electronically).

Written comments may be submitted in person, by mail or by e-mail to:

Leslie Mendez, Senior Planner  
City of Berkeley Planning and Development Department  
Land Use Planning Division, 1947 Center Street, 2<sup>nd</sup> Floor  
Berkeley, CA 94704

Comments may also be submitted by e-mail address to [LMendez@cityofberkeley.info](mailto:LMendez@cityofberkeley.info)

**DOCUMENT AVAILABILITY:** The Draft SEIR is available for review at the following webpage:

[https://www.cityofberkeley.info/Planning\\_and\\_Development/Zoning\\_Adjustment\\_Board/Bayer\\_Development\\_Agreement.aspx](https://www.cityofberkeley.info/Planning_and_Development/Zoning_Adjustment_Board/Bayer_Development_Agreement.aspx).

**DRAFT SEIR HEARING:** The City of Berkeley **Planning Commission (PC)** will take comments on the SEIR at a public hearing on **Wednesday, June 2, 2021**. The PC meeting will be virtual and begins at **7:00 PM**. Interested parties should visit the PC Meeting Agenda, linked on the PC webpage to confirm the meeting time, date, and instructions to join the meeting: <https://www.cityofberkeley.info/PC/>.

**PROJECT LOCATION:** The project site is the Bayer HealthCare campus (generally known as the "Bayer Campus") in West Berkeley. The Bayer Campus consists of

approximately 46 acres generally bounded by railroad right-of-way and tracks to the west, Dwight Way to the north, Seventh Street to the east, and Grayson Street to the south. In addition, the project site includes a surface parking lot on a property between Dwight Way, Seventh Street, Parker Street, and Eighth Street. The project site comprises two primary areas divided by Carleton Street: 1) the North Properties at 800 Dwight Way, which includes 31.9 acres north of Carleton Street; and, 2) the South Properties at 801 Grayson Street, which includes 14.4 acres south of Carleton Street. Three contiguous parcels near the corner of Carleton Street and Seventh Street are not owned by Bayer and are outside of the project location. Figure 1 shows the project location.

**EXISTING CONDITIONS:** The Bayer campus currently develops and produces commercial biopharmaceuticals that are distributed globally. The campus has approximately 30 buildings, ranging in height from approximately 14 feet to the 100-foot former Colgate-Palmolive tower. The buildings total approximately 1,087,000 square feet of floor area, including 567,000 square feet on the North Properties and 520,000 square feet on the South Properties. The Bayer campus also has eight surface parking lots with a total of 1,100 parking spaces. The buildings provide space for the following permitted uses:

- 1) Production: pilot plants, processing areas, and fill and finishing areas
- 2) Laboratories: research into production and manufacturing technologies, quality assurance examination and testing of therapeutic pharmaceuticals
- 3) Warehouse: holding space for distribution of products
- 4) Administration: offices, conference rooms, computer rooms, fitness/health facilities, security, training rooms, library, and cafeteria
- 5) Utilities: equipment for water distillation, refrigeration, electrical operations, and steam generation
- 6) Maintenance: workshops and maintenance bays for repair, replacement, and preventative activities

Four former facilities located on the project site are included on the Cortese List under Government Code section 65962.5 due to their inclusion on the State Water Resources Control Board's list of Leaking Underground Storage Tank Sites on the Board's Geo Tracker database. These facilities are located at 800 Dwight Way, 801 Grayson Street, 2560 Seventh Street, and 2700 Seventh Street. All tanks have been removed and have merited closure status by regulatory agencies except for one; a closure report has been submitted to the San Francisco Regional Water Quality Control Board for the remaining tank, and review is pending.

**PROJECT APPLICANT:** Bayer HealthCare LLC

**PROJECT DESCRIPTION and BACKGROUND:** Bayer's existing 30-year Development Agreement (DA) with the City of Berkeley, covering the North Properties, was approved in 1992 and is set to expire in 2022. An EIR analyzed the potential impacts of the development proposed as part of the original DA; the EIR was certified in 1991. The

current DA covers only the North Properties. Because Bayer acquired the South Properties after the 1999 major amendment to the 1992 DA, the South Properties are not included in the original DA's project area. The City approved a Use Permit (UP#00-10000008) for the South Properties and adopted a Mitigated Negative Declaration on July 21, 2000.

The proposed project would:

1. Extend the terms of the DA for another 30 years from its February 2022 expiration date to 2052;
2. Extend the boundaries of the DA to include the South Properties; and
3. Modify various development standards, operational restrictions, and campus layout.

The project, which consists of a conceptual development plan, proposes to rearrange the campus layout through proposed phased demolition of nine existing buildings; construction of approximately twelve new buildings for production, laboratory, and administrative uses; and replacement of surface parking with two new parking structures and new underground parking facilities. Several other buildings providing space for manufacturing, warehouses, and maintenance would be renovated and/or expanded. Maximum permitted building heights would range from 25 feet to 80 feet depending on the use and location of buildings. Building heights would be redistributed over current conditions, however, the project does not propose heights taller than currently permissible, and also includes 15-foot "step backs" buffers, and setbacks from streets, the proposed project is intended to preserve existing view corridors on Dwight Way, Parker Street, and Carleton Street.

Baseline conditions include maximum allowable development under the existing DA at the North Properties (1,346,000 square feet), in addition to existing development at the South Properties (520,000 square feet), for a total of 1,866,000 square feet. Accounting for all land uses on the project site, the projected buildout of 1,738,000 square feet would represent a net decrease of 128,000 square feet from the baseline buildout of 1,866,000 square feet. The projected buildout does not impose a limit on floor area for individual land uses but does place a limit on overall floor area.

The proposed project would continue to authorize the biotech development, quality assurance, and production of pharmaceutical therapies, which includes the use of risk group 1 and 2 biological agents, as defined by the National Institutes of Health (NIH). Group 1 agents are bacterial, fungal, viral, rickettsia, and chlamydial agents that are found in the environment and do not cause disease in healthy humans. Group 2 includes moderate-risk agents that occur in the community and are associated with human disease of varying severity. In addition, the proposed project would allow the use of non-mammalian cells. Bayer would adhere to biosafety measures according to guidelines adopted by the NIH and the Centers for Disease Control and Prevention (CDC). While the existing DA does not assume the use of gamma irradiation devices, the proposed project envisions the installation of up to two fully-protected gamma irradiation devices that comply with all applicable safety regulations.

For more information about the project, please visit the City's website:

[https://www.cityofberkeley.info/Planning\\_and\\_Development/Zoning\\_Adjustment\\_Board/Bayer\\_Development\\_Agreement.aspx](https://www.cityofberkeley.info/Planning_and_Development/Zoning_Adjustment_Board/Bayer_Development_Agreement.aspx)

**ENVIRONMENTAL EFFECTS:** An Initial Study was prepared for the proposed project; it is included as Appendix A of the Draft SEIR. As discussed in the Initial Study, there is no substantial evidence that significant impacts would occur to the following issue areas: Agriculture and Forestry Resources, Energy, Land Use and Planning, Mineral Resources, Noise, Population/Housing, and Wildfire. Impacts related to those issue areas would be less than significant without mitigation. As indicated in the Initial Study, impacts related to Aesthetics, Biological Resources, Geology and Soils, Hydrology and Water Quality, Public Services, and Recreation would be less than significant with mitigation incorporated but further analysis was not required in the SEIR.

The Draft SEIR evaluates the following environmental issues in detail:

- Air Quality;
- Cultural Resources;
- Greenhouse Gas Emissions;
- Hazards and Hazardous Materials;
- Noise;
- Transportation;
- Tribal Cultural Resources; and
- Utilities and Service Systems.

Impacts related to utilities and service systems would be less than significant without mitigation. Impacts related to air quality, cultural resources, greenhouse gas emissions, hazards and hazardous materials, noise, transportation, and tribal cultural resources would be less than significant with mitigation incorporated.

**ALTERNATIVES:** The CEQA Guidelines require analysis of a reasonable range of alternatives to the project, or to the location of the project, which would feasibly attain most of the project's basic objectives and avoid, or substantially lessen, any of the significant effects of the project. The range of alternatives required in an EIR is governed by a "rule of reason" that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice. Because the project's environmental document is an Infill EIR, the CEQA Guidelines do not require analysis of alternate locations, densities, or building intensities. The Draft EIR analyzes the following two alternatives; 1) No Project/No New Construction Alternative, 2) No Project/Zoning Conformance Alternative, and 3) Reduced Parking Alternative. The Reduced Parking Alternative is identified as the environmentally superior alternative.

**QUESTIONS:** If you have any questions about this project, please contact Leslie Mendez at (510) 981-7426 or [LMendez@cityofberkeley.info](mailto:LMendez@cityofberkeley.info)

Notice of Availability of a Draft Subsequent EIR  
**Bayer Healthcare LLC Development Agreement Amendment Project**

May 21, 2021

---



---

Leslie Mendez, Senior Planner  
Date of Distribution: May 21, 2021

Attachment:

Figure 1: Location

Figure 2: Conceptual Development Plan Building Uses at Year-30

Figure 1: Project Location



Fig 2-2 Project Site Location

Figure 2: Conceptual Development Plan Build Out by Use at Year-30 (20252)









Planning and Development Department  
Land Use Planning Division

**PUBLIC HEARING NOTICE AND  
NOTICE OF AVAILABILITY (NOA) OF A  
DRAFT SUBSEQUENT ENVIRONMENTAL IMPACT REPORT  
AND NOTICE OF PUBLIC HEARING**

**Bayer Healthcare LLC Development Agreement Amendment**

---

Notice is hereby given that the City of Berkeley has prepared a Draft Subsequent Environmental Impact Report (Draft SEIR), pursuant to the California Environmental Quality Act (CEQA), for the proposed amendment to Bayer HealthCare LLC's Development Agreement ("proposed project").

**PUBLIC REVIEW TIMELINE:** The public review and comment period for the Draft SEIR begins Friday, May 21, 2021 and ends Tuesday, July 6, 2021. The City must receive all written comments regarding the adequacy of the Draft SEIR within this time period (postmarked on or before July 6 if sent via U.S. Postal Service, time stamped on or before July 6 if sent electronically).

Written comments may be submitted in person, by mail or by e-mail to:

Leslie Mendez, Senior Planner  
City of Berkeley Planning and Development Department  
Land Use Planning Division, 1947 Center Street, 2<sup>nd</sup> Floor  
Berkeley, CA 94704

Comments may also be submitted by e-mail address to [LMendez@cityofberkeley.info](mailto:LMendez@cityofberkeley.info)

**DOCUMENT AVAILABILITY:** The Draft SEIR is available for review at the following webpage:

[https://www.cityofberkeley.info/Planning\\_and\\_Development/Zoning\\_Adjustment\\_Board/Bayer\\_Development\\_Agreement.aspx](https://www.cityofberkeley.info/Planning_and_Development/Zoning_Adjustment_Board/Bayer_Development_Agreement.aspx).

**DRAFT SEIR HEARING:** The City of Berkeley **Planning Commission (PC)** will take comments on the SEIR at a public hearing on **Wednesday, June 2, 2021**. The PC meeting will be virtual and begins at **7:00 PM**. Interested parties should visit the PC Meeting Agenda, linked on the PC webpage to confirm the meeting time, date, and instructions to join the meeting: <https://www.cityofberkeley.info/PC/>.

**PROJECT LOCATION:** The project site is the Bayer HealthCare campus (generally known as the “Bayer Campus”) in West Berkeley. The Bayer Campus consists of approximately 46 acres generally bounded by railroad right-of-way and tracks to the west, Dwight Way to the north, Seventh Street to the east, and Grayson Street to the south. In addition, the project site includes a surface parking lot on a property between Dwight Way, Seventh Street, Parker Street, and Eighth Street. The project site comprises two primary areas divided by Carleton Street: 1) the North Properties at 800 Dwight Way, which includes 31.9 acres north of Carleton Street; and, 2) the South Properties at 801 Grayson Street, which includes 14.4 acres south of Carleton Street. Three contiguous parcels near the corner of Carleton Street and Seventh Street are not owned by Bayer and are outside of the project location. Figure 1 shows the project location.

**PROJECT APPLICANT:** Bayer HealthCare LLC

**PROJECT DESCRIPTION and BACKGROUND:** Bayer’s existing 30-year Development Agreement (DA) with the City of Berkeley, covering the North Properties, was approved in 1992 and is set to expire in 2022. An EIR analyzed the potential impacts of the development proposed as part of the original DA; the EIR was certified in 1991. The current DA covers only the North Properties. Because Bayer acquired the South Properties after the 1999 major amendment to the 1992 DA, the South Properties are not included in the original DA’s project area. The City approved a Use Permit (UP#00-1000008) for the South Properties and adopted a Mitigated Negative Declaration on July 21, 2000.

The proposed project would:

1. Extend the terms of the DA for another 30 years from its February 2022 expiration date to 2052;
2. Extend the boundaries of the DA to include the South Properties; and
3. Modify various development standards, operational restrictions, and campus layout.

The project, which consists of a conceptual development plan, proposes to rearrange the campus layout through proposed phased demolition of nine existing buildings; construction of approximately twelve new buildings for production, laboratory, and administrative uses; and replacement of surface parking with two new parking structures and new underground parking facilities. Several other buildings providing space for manufacturing, warehouses, and maintenance would be renovated and/or expanded. Maximum permitted building heights would range from 25 feet to 80 feet depending on the use and location of buildings. Building heights would be redistributed over current conditions, however, the project does not propose heights taller than currently permissible, and also includes 15-foot “step backs” buffers, and setbacks from streets, the proposed project is intended to preserve existing view corridors on Dwight Way, Parker Street, and Carleton Street.

Baseline conditions include maximum allowable development under the existing DA at the North Properties (1,346,000 square feet), in addition to existing development at the South Properties (520,000 square feet), for a total of 1,866,000 square feet. Accounting for all land uses on the project site, the projected buildout of 1,738,000 square feet would represent a net decrease of 128,000 square feet from the baseline buildout of 1,866,000 square feet. The projected buildout does not impose a limit on floor area for individual land uses but does place a limit on overall floor area.

The proposed project would continue to authorize the biotech development, quality assurance, and production of pharmaceutical therapies, which includes the use of risk group 1 and 2 biological agents, as defined by the National Institutes of Health (NIH). Group 1 agents are bacterial, fungal, viral, rickettsia, and chlamydial agents that are found in the environment and do not cause disease in healthy humans. Group 2 includes moderate-risk agents that occur in the community and are associated with human disease of varying severity. In addition, the proposed project would allow the use of non-mammalian cells. Bayer would adhere to biosafety measures according to guidelines adopted by the NIH and the Centers for Disease Control and Prevention (CDC). While the existing DA does not assume the use of gamma irradiation devices, the proposed project envisions the installation of up to two fully-protected gamma irradiation devices that comply with all applicable safety regulations.

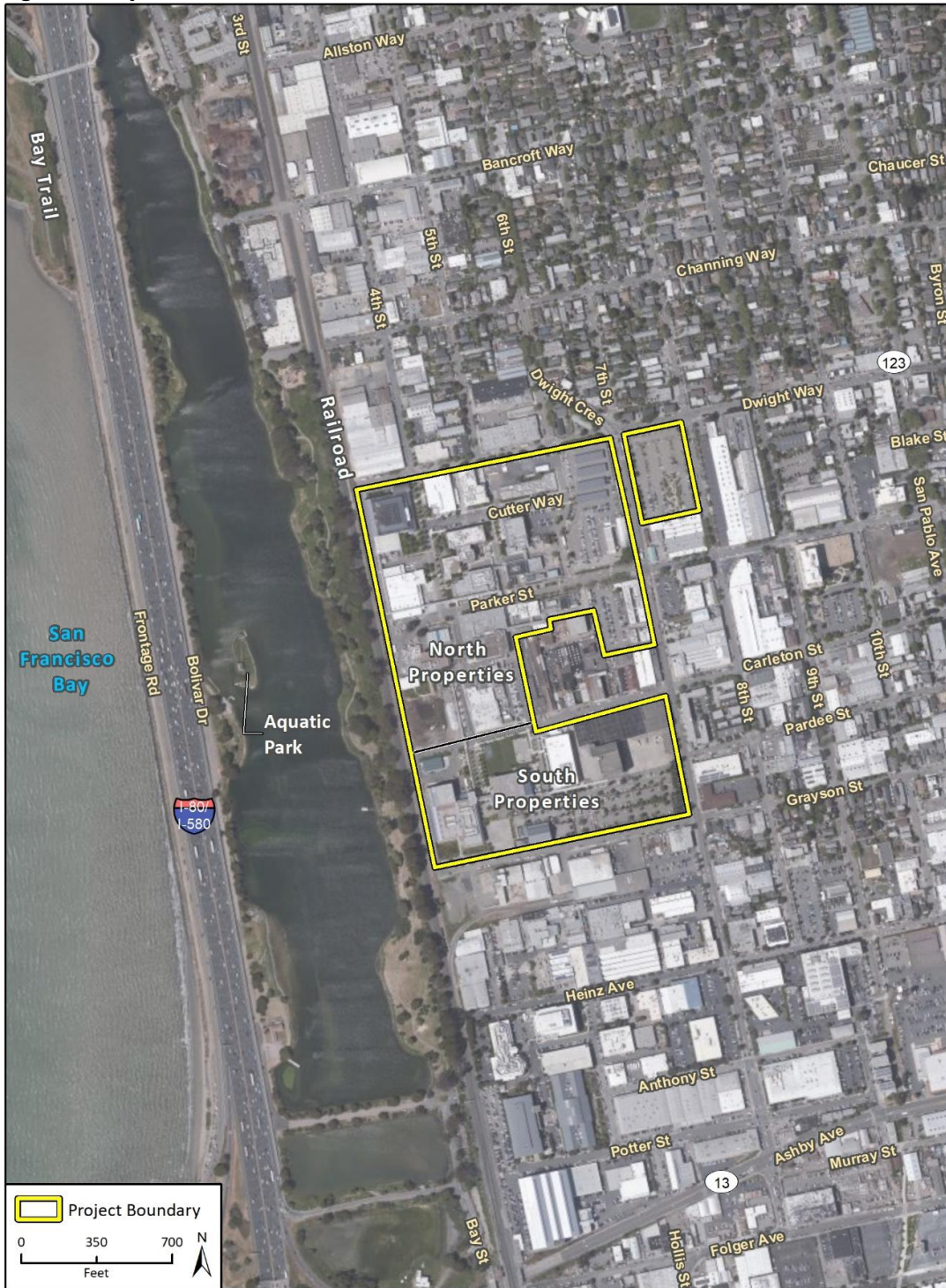
For more information about the project, please visit the City's website:

[https://www.cityofberkeley.info/Planning\\_and\\_Development/Zoning\\_Adjustment\\_Board/Bayer\\_Development\\_Agreement.aspx](https://www.cityofberkeley.info/Planning_and_Development/Zoning_Adjustment_Board/Bayer_Development_Agreement.aspx)

**QUESTIONS:** If you have any questions about this project, please contact Leslie Mendez at (510) 981-7426 or [LMendez@cityofberkeley.info](mailto:LMendez@cityofberkeley.info)

**PUBLIC ADVISORY:** This scoping 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, 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.

Figure 1: Project Location



Imagery provided by Microsoft Bing and its licensors © 2020.

Fig 2-2 Project Site Location



Planning and Development Department  
Land Use Planning Division

## STAFF REPORT

DATE: June 2, 2021

TO: Members of the Planning Commission

FROM: Katrina Lapira, Assistant Planner  
Alene Pearson, Principal Planner

SUBJECT: Business Support Zoning Amendment Referrals – Research and Development

---

### BACKGROUND

On March 10, 2020, the City Council referred to the Planning Commission an update to the definition of “Research and Development” (see Attachments 1 and 2). The referral aimed to remedy a disconnect between how R&D is defined and what types of land use activities R&D businesses need to conduct for operation. The current definition in Berkeley Municipal Code (BMC) Section 23F.04.010 [Definitions] is provided below:

***Research and Development:*** *A Research and Development facility is an establishment comprised of laboratory or other non-office space, which is engaged in one or more of the following activities: industrial, biological or scientific research; product design; development and testing; and limited manufacturing necessary for the production of prototypes.*

The goal of zoning is to regulate land use and the definitions describe allowable activities for businesses that operate under a given land use category. The current definition for Research and Development (R&D) restricts businesses by requiring a laboratory space and not allowing office space. The referral recognizes that R&D businesses have evolved from standard laboratory and fabrication facilities to multi-faceted businesses that engage in research, design, development, prototyping, and testing in advance of large-scale manufacturing and production. The City Council referral suggests language to remedy this issue.

***Research and Development:*** *~~A Research and Development facility is a~~An establishment comprised of laboratory ~~or and~~ and other associated and ancillary space ~~non-office space, which is,~~ engaged in one or more of the following activities: industrial, technological, biological or scientific research; product design; development and testing; and limited fabrication*

*and/or manufacturing necessary for the production and assemblage of prototypes prototypical products.*

A comparison of the current definition to proposed referral definition highlights two primary modifications: 1) allow R&D establishments to include office space and 2) consider technological research to fall under R&D.

Land Use Planning staff approached this referral as it does with all land use policy referrals, by reviewing existing conditions, examining regulations in neighboring jurisdictions for context and comparison, and recommending an approach to the referral. In addition, Planning staff consulted with Berkeley's Office of Economic Development (OED).

Planning Commission previously discussed this item on July 1, 2020 and December 16, 2020. Staff recommended a three phased approach to the referral on December 16, 2020 that included:

- 1) updating the R&D definition;
- 2) resolving undefined terms related to R&D definition; and
- 3) reviewing permitting thresholds and protected uses in the M districts for land uses related to R&D.

Planning Commission's discussion of this item on December 16, 2020 was substantial and resulted in requests for additional research into existing conditions within Berkeley's manufacturing districts, background on the West Berkeley Plan, and information on R&D businesses and the R&D industry as a whole. There was also a request for additional outreach and a Planning Commission meeting to discuss findings before a public hearing was to be scheduled. This report provides requested information and proposes a revised definition of R&D for Planning Commission's consideration.

### **Defining R&D**

In researching this referral and discussing R&D with stakeholders, staff recognized that the way a business describes the activities it undertakes and how land use planners define R&D for the purposes of land use regulation are not always the same. For example, a business that bakes bread for wholesale distribution may call themselves a "bakery" but a land use planner at the City of Berkeley would call this business a "manufacturer." In the context of R&D, a business that solely works out of an office environment (e.g. in cubicles and on computers) may call themselves an "R&D" company, whereas a planner would classify this business as an "office" for land use regulation.

Examples of companies in Berkeley that are doing R&D include Sensys Networks and Clarity Movement (designing and developing sensors), Bayer or Libby Labs (developing drug and skincare products), Squishy Robotics or Peanut Robotics (designing and building robots), PolyPlus Battery or Form Energy (designing and developing next generation energy storage), and Upside Foods or Perfect Day (creating alternatives to traditional, animal-based meat and dairy). In terms of land use regulations – which

determine how building space is used and the types of allowable on-site activities – these companies may or may not be classified within an “R&D” land use category.

Land use planners review site plans and project descriptions to interpret appropriate land use classification for zoning compliance. This analysis is important, as the Zoning Ordinance allows businesses to locate in different areas of the city based on their activities in order to ensure compatibility within zoning districts and reduce impacts to neighbors.

R&D, as a land use category, includes combined research, experimental development, design, production, prototyping, and testing activities. R&D is conducted by different industries, including, but not limited to, biotechnology (aka life sciences), robotics, renewable energy and electronics. R&D activities take place at various intensities and frequencies and in different forms as a *precursor to* manufacturing and also as a *component of* manufacturing (as businesses research, iterate and improve products).

These ideas are supported by a survey of R&D definitions utilized by Bay Area jurisdictions (see Attachment 3). In general, jurisdictions focused more on naming the continuum of activities as part of the R&D process, rather than the type of facilities in which R&D activities occur. That said, a number of cities, like Benicia, Emeryville, Oakland, and Palo Alto, include examples of typical facilities, like testing facilities, laboratories, and offices in their definitions of R&D. Through this review and comparison of other R&D definitions, staff found the following:

- In Berkeley, R&D is currently defined as an activity that occurs in a laboratory and other non-office space. Other cities focus on the objectives and processes of the sector, rather than the operative location where activities occur. All of the cities surveyed allow accessory office and storage space that supports the primary permitted land use.
- In Berkeley, terms like high-technology electronics are not included in the existing R&D definition. These terms are used in Oakland, Richmond, and San Leandro’s R&D definitions to reflect the growing role of technology in development of prototypes or innovative processes.

This analysis supports the statement in the City Council referral that Berkeley’s definition has not kept up with contemporary R&D activities and is more restrictive than definitions utilized by neighboring jurisdictions.

### **Understanding West Berkeley**

R&D is explicitly stated as an allowable use in two zoning districts in West Berkeley – the Mixed-Use Manufacturing (MM) district and the Mixed-Use Light Industrial (MULI) district. Land use regulations in this area are guided by the West Berkeley Plan (“the Plan”), adopted in 1993. The Plan area encompasses the area between San Pablo Avenue to the east and the Eastshore Freeway to the west, Albany to the north, and Emeryville to the South. West Berkeley includes a number of major, large-floor-plate retailers, a dense cluster of home supplies and construction businesses, and non-retail

commercial businesses including manufacturers, warehouses, biotechnology and R&D companies. The greatest share of R&D activities take place west of San Pablo Avenue between Bancroft Way and Ashby Avenue, in hubs such as the Wareham Development Aquatic Park campus, which includes the QB3 East Bay Innovation Center, and Bonneville Labs.

The West Berkeley Plan seeks to guide the evolution of the area, rather than reshape it, by encouraging a unique mix of industrial, light manufacturing, residential, and retail uses. Although there are several references made throughout the Plan to increase advanced technology services, R&D was not defined as a land use category in the original Plan. It was adopted and added to the zoning code through a West Berkeley Plan amendment in 2011.

The development of Berkeley's R&D land use definition occurred within the context of the West Berkeley Plan, which prioritizes the expansion and protection of job-creating sectors associated with these four land use categories:

- Manufacturing;
- Wholesale trade;
- Warehousing; and
- Material recovery enterprise.

These four protected uses were the industry focus in the early 1990s when the Plan was adopted. The Plan specifically regulated conversion of physical space from protected uses to non-protected uses in the Manufacturing (M), MM and MULI districts. In 2006, the City Council instructed staff to explore options for changing regulations in West Berkeley to ease obstacles for growing businesses and to facilitate the use of underutilized building stock. This referral resulted in a project known as the 2010 West Berkeley Project ("the Project")<sup>1</sup>. Through the planning process, a set of Zoning Ordinance amendments were drafted to accommodate the evolution of industry practices in West Berkeley. These amendments focused on reducing permitting and size thresholds for different uses in the M, MM, MULI, and MUR districts, adding new use designations, clarifying incidental and ancillary uses, creating a Master Use Permit process, extending protections to arts uses, and addressing issues related to the replacement of protected space. See Attachment 4 for a comparison of protected uses adopted in the 1993 West Berkeley Plan and in amendments associated with the West Berkeley Project.

R&D, as a land use, was not included in the 1993 West Berkeley Plan. The definition was introduced as part of the West Berkeley Project and was initially introduced as two land use categories: R&D and R&D Office. R&D Office was proposed to avoid "office only" spaces from locating in the manufacturing districts. Despite discussions to create two use classifications for R&D, the existing singular definition was established. Although not explicitly connected, zoning amendments were adopted during this time to permit ancillary office space in the M, MM, and MULI zoning districts. Ancillary space is defined in the BMC as *"a use that is both dependent on and commonly associated with the principal*

---

<sup>1</sup> The West Berkeley Project resulted in a series of amendments that were adopted between 2010 and 2012.



*permitted use of a lot and/or building and that does not result in different or greater impacts than the principal use.”* In other words, office use would be allowed if needed to support the primary land use, subject to applicable permit thresholds.

In addition to the definition, the regulatory provisions for R&D that exist today were established through the West Berkeley Project. As a land use category, R&D is only allowed in two of the four manufacturing districts in Berkeley: the MM and the MULI districts. R&D is limited intentionally to preserve limited space in the M district for heavier industrial uses and to protect residential uses in the MUR district from displacement, and to preserve space for protected uses. Attachment 5 shows how R&D is regulated compared to other permitted uses in the manufacturing districts.

As referenced earlier, the Project also clarified guidance on how conversions of protected space were regulated and manufacturing, warehousing, and wholesale trade were regulated/protected. The West Berkeley Project modifications intentionally encourage R&D in only the MM and MULI zoning districts. Subject to permit requirements, warehouse and wholesale trade protected space may be converted into R&D. The Project also created land use designations to provide additional support to artisans and craftspeople in order to ensure that this valued sector, primarily located in West Berkeley, was not “pushed out” or burdened by additional land use regulations. Amendments created “art” land uses, such as arts/craft studio and fine arts performance and allowed them to move into and out of protected space, without that space becoming re-designated as protected artist space.

**TABLE 1. Protected Space Conversion to R&D: Permit Requirements**

Zoning	Permit Requirements	
	20,000 SF	>20,000 SF
M and MUR	Prohibited	
MM	AUP <sup>2</sup>	UP(PH) <sup>3</sup>
MULI		

The Project included safeguards that limit the rapid conversion of protected space, as shown in Attachment 6. Some requirements, which expired in 2016, capped the cumulative amount of protected space that could have been converted in the MM and MULI districts at 270,000 square feet. Other requirements mandated that for every 50,000 square feet of space converted, a report was to be provided to Council sharing the status of protected space in the Plan area. A report was never submitted to Council, since, as of today, less than 30,000 square feet of space has been converted. It was anticipated that in 2016 this threshold would be revisited, but since converted space was much less than expected, no modifications have been introduced. In addition, specific findings were adopted requiring that loss of protected space would be offset with either replacement of comparable protected space within Berkeley or payment of mitigation fees as part of permit approval. No fee was ever established.

<sup>2</sup> Administrative Use Permit

<sup>3</sup> Use Permit with a Public Hearing

## **R&D as an Economic Driver**

At the December 16, 2020 Planning Commission meeting, Commissioners had questions pertaining to Berkeley's business environment and R&D industry characteristics. The following report section, researched and prepared by OED, provides findings that address some of these questions and offers a fuller picture of how R&D firms and related industries contribute to the city's economic vitality.

### ***Employment***

At the December 16, 2020 meeting, Planning Commission requested more information about the types of R&D firms that were operating in Berkeley, especially in West Berkeley. In response to that question, OED researched economic data from a variety of sources:

- the State of California Employment Development Department (EDD) data, which uses the North American Industry Classification System (NAICS) for industry categorization and records employment data by month and quarterly payroll (based on Unemployment Insurance);
- Business Licenses filed with the City of Berkeley Finance Department, which asks employers annually to self-report number of employees and their industry for taxation and permitting purposes;
- Research assembled by groups representing local industries --in this case Biocom for life sciences and the Bay Area Urban Manufacturers (BAUM) for manufacturing; and
- Direct meetings with businesses.

While there are minor discrepancies between classifications in these data sources and in the way that businesses classify themselves (based on criteria that don't always match land use classifications), OED used relevant NAICS codes to answer questions Planning Commission had about the R&D industry in Berkeley. OED focused on firms labeled as "Scientific Research and Development Services"<sup>4</sup> and the subset of manufacturing industries that most often have a significant R&D component (sometimes referred to as "advanced manufacturing").<sup>5</sup> OED's analysis refers to these combined NAICS categories as Berkeley's "R&D-intensive industries." These R&D-intensive industries provide roughly 3,000 jobs in the City of Berkeley, or approximately 7-8% of the total number of private sector jobs in Berkeley. Of these jobs, nearly 80% (more than 2,000) can be found in West Berkeley. See Attachment 7 for the full breakdown.

OED's data analysis also provides a glimpse into the job creation potential offered by R&D-intensive industries, using the NAICS codes explained above. As compared to the

---

<sup>4</sup> NAICS codes starting with the 4-digits 5417.

<sup>5</sup> Manufacturing industries with a significant R&D component were determined to be: NAICS 325 (chemicals), NAICS 326 (plastics and rubber products), NAICS 327 (nonmetallic mineral products), NAICS 333 (machinery), NAICS 334 (Computer and Electronic Products), NAICS 335 (Electrical Equipment, Appliance, and Component), and NAICS 336 (Transportation Equipment).

job creation rate of 11 jobs per firm in Berkeley for “traditional manufacturers<sup>6</sup>” in Q4 2019, the rate for R&D-intensive industries overall was 15 (with even more -- an average of 22 jobs per firm -- in companies labeled as “Scientific Research and Development Services” by NAICS).<sup>7</sup>

As Berkeley is one of only a few cities nationally with both a top-ranked research university and a national laboratory (and the only one in the East Bay), it should come as no surprise that R&D activities are generating significant local employment opportunities. Given the high concentration of R&D employers in West Berkeley, it is fair to assume that if more R&D firms were able to locate in West Berkeley, we would see a higher rate of job creation per firm than we have in recent years.

Moreover, Berkeley is particularly strong in one of the R&D-intensive industries that is growing most: life sciences<sup>8</sup>. In their 2020 Economic Impact Report, Biocom shows that companies in the life sciences industry in Alameda County employed nearly 35,000 people (nearly a quarter of Bay Area life science jobs) and calls out the employment opportunities associated with R&D activities within the overall biotech industry:

“There was impressive growth in the Biopharmaceuticals, Medical Devices and Research & Lab Services industry clusters between 2014 and 2019. The Research & Lab Services sector alone added over 17,000 new jobs [in the Bay Area] over the five year period. The largest growth was in Alameda, San Francisco and San Mateo counties.”

The report shows that sixty-one percent of the people employed in life sciences in Alameda County are in “Research & Lab Services” (with an even greater percentage undertaking R&D activities since work in biopharmaceuticals and medical devices is R&D-intensive.)

### **Wages**

OED’s data analysis showed that the average wages found in R&D-intensive industries are higher than in many other industries. As Attachment 8 shows, 11% of *all* private sector payroll in Berkeley in the fourth quarter 2019 was attributed to R&D-intensive industries, and nearly a third (31%) of Q4 2019 West Berkeley quarterly payroll overall came from R&D-intensive industries.

In that quarter, average quarterly payroll per employee translated into more than \$126,000 average annual wages in R&D-intensive industries and nearly \$136,000 specifically for companies labeled as “Scientific Research and Development Services”

---

<sup>6</sup> For the purpose of this analysis, “traditional manufacturers” are the subset of firms classified under NAICS manufacturing codes 31-33 that didn’t fall in the R&D-intensive industries definition described above. Traditional manufacturers are comprised of more than one-third in Food & Beverage manufacturing.

<sup>7</sup> Jobs/firm numbers exclude Bayer as the company’s 1000+ employees skew the analysis.

<sup>8</sup> Biocom’s 2020 Economic Impact report shows the life sciences (aka “biotech”) industry generated \$372 billion in annual economic activity statewide in 2019—and generates over \$90 billion of gross regional product.

(NAICS 5417). (These annual salaries are more than double the \$59,000 average annual wages for traditional manufacturing industries.)

Among *all* types of Berkeley manufacturers, wages in R&D-intensive segments are the highest: \$133,000 annually for chemicals and more than \$82,000 per year for "hard tech" (machinery, computer, electronic products, electrical equipment, etc.) In the life sciences industry countywide, average earnings in 2019 were over \$127,000 per year. See Attachment 9 for a snapshot of countywide wages in the biotechnology industry by sub-sector (from Biocom's 2020 Economic Impact report).

In addition to providing high-wage jobs, R&D-intensive industries can be an engine for economic recovery by attracting investment to the region. According to PitchBook's 2020 university rankings, UC Berkeley ranks first in the nation and second in the world overall for undergraduate programs that produce entrepreneurs who obtain venture funding. Even during the 2020 COVID-19 pandemic-related economic crisis, Berkeley innovation-oriented startups raised more than \$700 million from venture capital, and ten Berkeley companies received nearly \$6 million in federal Small Business Innovation Research (SBIR) and Small Business Technology Transfer (STTR) grants for R&D.

Some estimates show that venture capital funding in life sciences has increased more than four times since 2013.<sup>9</sup> With more than a third of Berkeley innovation companies in the biotechnology and healthcare industries, and a lab on UC Berkeley's campus run by 2020 Nobel-prize winner Jennifer Doudna located a few miles away from West Berkeley, the area is well positioned to accommodate R&D life sciences activities.

### **Challenges Today**

To better understand the challenges that R&D businesses face when either growing in or relocating to Berkeley, OED consulted more than two dozen stakeholders, including R&D company leaders, real estate brokers, property developers, industry advocates, academics, and other cities' economic development department staff. Though not all of the problems relate to the R&D definition itself, OED found:

- Many stakeholders find the City of Berkeley's current definition of R&D to be confusing, i.e. they cannot determine from reading it whether they will get a zoning permit or business license for R&D uses in West Berkeley.
- Neighboring cities are competing for R&D companies and the high-wage jobs they create. Over 70 R&D companies have left Berkeley in the last 3 years to places where they can easily build their teams and find facilities that will accommodate their growth. The most common destinations for expanding R&D firms with Berkeley roots include Emeryville, Oakland, Alameda, and San Leandro.
- Many firms, despite their preference for a Berkeley headquarters or facility, choose to expand elsewhere because: move-in ready sites are available that don't require the tenant to have to wait for an AUP and subsequent custom build, they'll have greater certainty that their proposed R&D use will be accepted, they

---

<sup>9</sup> *Life Sciences Real Estate – State of the Market Q4'20*, Capital Brain, January 18, 2021.  
<https://capitalbrain.co/blog/life-sciences-real-estate-state-of-the-market-q420/>

know they'll be able to expand as they grow (i.e. have adjacent or nearby office, manufacturing, and warehousing space), or the cost is lower.

- Highly visible, large floor-plate properties in West Berkeley that are vacant (or appear vacant) bring other challenges to the neighborhood and don't create *any* jobs.

### ***The Opportunity for Berkeley***

Although companies often wish they could locate closer to UC Berkeley's campus or BART, R&D companies desire a Berkeley address and locate in West Berkeley because:

- They seek facilities in close proximity to talent, resources, and assets (e.g. clean rooms, supercomputers, particle accelerator, etc.) at UC Berkeley, the Berkeley Lab and the broader Bay Area,
- It's one of the only places in the city where R&D is currently spelled out as an approved use in the zoning code (where higher levels of noise, odor or vibrations are permitted),
- Prices per square foot are cheaper (than in Downtown Berkeley, San Francisco or other comparable locations), and
- Historically there have been more large floor plate vacancies than can be found in other parts of the city.

The tremendous demand for West Berkeley real estate by growing R&D companies thus provides the City of Berkeley and its residents with an opportunity to embrace R&D land uses that provide high quality local jobs.

## **DISCUSSION**

Planning Commission is asked to consider the following revised definition. The bullets that follow explain how it accommodates innovation in the R&D business sector and is more consistent with regulatory practices observed in other local jurisdictions.

***Research and Development: A Research and Development facility is a***~~*n establishment comprised of laboratory or other non-office space, which is engaged in one or more of the following activities:*~~

- *Industrial, biological or scientific research; and*
- *product or process design, development, prototyping and testing; and limited manufacturing necessary for the production of prototypes.*

*This may include labs, offices, warehousing, and light manufacturing functions as part of the overall Research and Development use.*

This definition accomplishes the following:

- Clearly states what land use activities are required for R&D.

The existing definition describes R&D as an establishment that is engaged in *one or more* distinct activities. This is problematic, because if a business is engaged in just *one* of these R&D activities (e.g. testing or research), that activity could be regulated under either R&D or under that singular land use category (e.g. Testing Laboratory

or Office). This redundancy creates confusion, especially when regulations differ between land use categories. For the same reason, the proposed definition intentionally uses “and” between activities and bullets instead of “or”.

Reviewing other jurisdiction regulations, like the City of Richmond, Cupertino, and Oakland, R&D establishments are defined to include *all* of the following activities: research, design/development, and light manufacturing. Berkeley’s proposed definition is consistent with these examples. Furthermore, the last sentence of Berkeley’s existing definition “...and limited manufacturing necessary for the production of prototypes” ensures that R&D activities result in development of a prototype or process, not manufacturing of products for sale. The proposed definition removes that last sentence but adds “prototyping” to the second bullet:

- *product or process design, development, prototyping and testing:*

This emphasizes that R&D requires a continuum of activities. The proposed definition ensures that research, development, and prototyping, the process by which a product or process is created for evaluation and testing, is allowed and reflects the interrelated functions of an R&D establishment. Moreover, this modification creates a distinction between R&D establishments and standalone research, development, or light manufacturing activities, all of which exist as separate land use classifications.

- Removes prohibition on office space: The current definition of R&D prohibits office space. This is problematic because modern R&D establishments conduct research in laboratory settings -- that may include clean rooms, hoods, work benches, and machinery -- and in office space that may include desks and small-scale computer equipment. As explained in the background section, the current definition intentionally prohibited office space in order to avoid office land uses from encroaching on limited industrial space in West Berkeley. While this makes sense, the full prohibition of office space is problematic and inconsistent with the allowance of ancillary office space and with the multi-faceted activities required of an R&D firm. The proposed definition allows for office space to be part of an R&D establishment. This is consistent with sectoral practices, R&D regulations in other cities and with the allowance of ancillary uses.
- Addresses concerns about software-development firms: The referral requested the addition of “technological” research to emphasize the need for computer-intensive activities associated with R&D businesses. The proposed definition achieves this goal by allowing industrial, biological or scientific research *and* design, development, prototyping and testing in laboratories and offices. This modification would allow for technological research but directs office-based types of R&D to locate in other commercial districts where lower impact office uses are allowed. This solution reserves limited industrial space for R&D facilities where larger experimental space may be needed for the purposes of research, design, and prototyping or where activities generate noise, odor or vibrations.

- Does not encroach on protected space: During the Planning Commission meeting in December, several concerns were raised regarding the possible encroachment of R&D facilities on space designated for protected uses. Staff's proposed modifications do not remove or modify existing protections for the conversion of protected space. Since the adoption of the protected space conversion provisions noted above, no more than 30,000 square feet of protected space has been converted for the purposes of R&D. Therefore, it is apparent that that the existing regulations for the conversion of protected space are robust. Staff's proposed modifications to this definition will not alter how R&D uses permitted in the MULI and MM districts interact with protected space and will maintain all existing protective regulations developed in the West Berkeley Plan.

The proposed modifications to the definition of R&D seek to reflect existing practices within the sector, regulatory practices in other cities. The definition also provides more flexibility to existing and prospective operations in Berkeley. Overall, the changes in the R&D definition are consistent with the West Berkeley Plan as they do not imbalance the economic mix of the Plan Area and advance the goal of supporting the growth of an evolving industry that is creating local jobs.

### **NEXT STEPS**

Staff recommends that the Planning Commission provide feedback on the proposed R&D definition and set a public hearing at their July meeting. Research and discussions at previous meetings have highlighted the complex planning history that guided development of the existing regulations. Substantive zoning amendments that respond to broader challenges will require a more comprehensive planning process that City Council may refer to the City Manager at a future date.

### **ATTACHMENTS**

1. Planning Commission Staff Report December 16, 2020
2. City Council Referral March 10, 2020
3. City Comparison – R&D Definitions
4. West Berkeley Plan Protected Uses Comparison
5. Regulating Uses in the Manufacturing Districts
6. Protected Space Conversion Protections (R&D)
7. R&D Jobs in Berkeley (Employment Analysis by NAICS)
8. 2020 Biocom Economic Impact Report - East Bay Summary
9. R&D Wages in Berkeley







Planning and Development Department  
Land Use Planning Division

## STAFF REPORT

DATE: December 16, 2020  
TO: Members of the Planning Commission  
FROM: Katrina Lapira, Assistant Planner  
SUBJECT: Business Support Zoning Amendment Referrals – Research and Development

---

### SUMMARY

City Council has referred to the Planning Commission five referrals intended to support Berkeley business development. At the Planning Commission meeting on July 7, 2020, these five referrals were briefly introduced and discussed. Planning Commission requested that staff continue working on the Research and Development Definition Referral (see Attachment 1) in order to develop a response. This report provides background, analysis, and recommendations for Planning Commission's consideration.

### BACKGROUND

The North American Industrial Classification System<sup>1</sup> (NAICS) identifies several types of R&D classifications<sup>2</sup> including, but not limited to, research and experimental development in the fields of:

- Physical, engineering, and life sciences such as agriculture, electronics, environmental, biology, botany, computers, chemistry, food, fisheries, forests, geology, health, mathematics, medicine, oceanography, pharmacy, physics, veterinary and other allied subjects.
- Biotechnology, which involves the study of the use of microorganisms and cellular and biomolecular processes to develop or alter living or non-living materials.
- Nanotechnology, which involves the study of matter at the nanoscale (i.e., a scale of about 1 to 100 nanometers).

---

<sup>1</sup> The North American Industry Classification System (NAICS) is the standard used by Federal statistical agencies in classifying business establishments for the purpose of collecting, analyzing, and publishing statistical data related to the U.S. business economy.

<sup>2</sup> NAICS [classification types](#) for R&D.

Research and Development Referral  
Staff Report

Planning Commission  
December 16, 2020

---

The Berkeley Municipal Code (BMC) currently defines the R&D land use category as follows:

*An establishment comprised of laboratory or other non-office space, which is engaged in one or more of the following activities: industrial, biological or scientific research; product design; development and testing; and limited manufacturing necessary for the production of prototypes.*

The referral is based on the following consideration: “Research and Development has evolved to take on many new forms, such that it can be performed in spaces that may, at first glance, appear to be an office or light industrial environment rather than a traditional ‘laboratory’ with, for example, benches and sinks.”

The referral suggests the Planning Commission consider amending the existing R&D definition as follows:

*An establishment comprised of laboratory ~~or~~ and other associated and ancillary space ~~non-office space, which is~~, engaged in one or more of the following activities: industrial, technological, biological or scientific research; product design; development and testing; and limited fabrication and/or manufacturing necessary for the production and assemblage of prototypes prototypical products.*

As described in the referral, R&D has evolved to take on many new activities that are not captured in the BMC definition. To evaluate the proposed amendment in the context of the referral goals, staff reviewed the existing definition, the proposed definition, definitions from neighboring cities and cities that are included in the East Bay Corridor Partnership, and the NAICS definitions. Planning staff also consulted with Berkeley’s Office of Economic Development (OED) for feedback. Summaries of other local definitions are provided in Table 1.

**Table 1. R&D Definitions in Other Local Cities**

City	R&D Definition
<b>Emeryville</b>	Research of an industrial or scientific nature, including associated office space. Typical uses include indoor laboratories and testing facilities. This use type may include fabrication and small scale-up facilities as part of the research function, but excludes Manufacturing use types.
<b>Oakland</b>	Include scientific research for the design, development, engineering, and testing of high technology electronic, industrial, or scientific products in advance of full-scale manufacturing of final products. The only manufacturing uses in this classification consist of the creation of prototype products, plans, or designs for the primary purpose of research, development, or evaluation, rather than sale. This classification also includes certain activities accessory to the above [office]...This classification includes, but is not limited to, biotechnology firms, "clean-tech"/energy, environmental, electronic research firms, or pharmaceutical research laboratories.
<b>Richmond</b>	Refers to establishments primarily engaged in the research, development, and controlled production of high-technology electronic, industrial or scientific products or commodities for sale, but excludes uses which, in the opinion of the planning commission, may be objectionable by reason of production of offensive odor, dust, noise, bright lights, vibration or the storage of hazardous material or products, or uses which in the opinion of the commission threaten public safety. Typical uses include biotechnology firms. [Ancillary office space is permitted.]
<b>San Leandro</b>	Establishments primarily engaged in the research, development, and controlled production of high-technology electronic, industrial or scientific products or commodities for sale, but excludes uses that may be objectionable as determined by the Zoning Enforcement Official, by reason of production of offensive odor, dust, noise, vibration, or storage of or risk associated with hazardous materials. Uses include biotechnology firms, metallurgy, optical, pharmaceutical and X-ray research, data processing, and non-toxic computer component manufacturers. [Accessory office space is permitted.]

To better understand how land use regulations of R&D compare with other related land uses, staff reviewed zoning regulations for manufacturing uses in Berkeley and in neighboring cities and found the following:

- In Berkeley, R&D is defined as an activity that occurs in a laboratory and other non-office space. Other cities focus on the objectives and processes of the sector, rather than the operative location where activities occur. All of the cities referenced above allow accessory office and storage space that supports the primary permitted land use.
- In Berkeley, terms like high-technology electronics are not included in the existing R&D definition. These terms are used in Oakland, Richmond, and San Leandro's

R&D definitions to reflect the growing role of technology in development of prototypes or innovative processes.

Therefore, it seems that Berkeley's definition has not kept up with contemporary R&D activities and is more restrictive than definitions in neighboring jurisdictions. Staff suggests that it is important that the code be flexible enough to accommodate innovative practices within the overall system of land use categories.

## DISCUSSION

In the following section, staff presents three proposals for Planning Commission's consideration.

### 1. Modify the Existing R&D Definition

Berkeley's existing definition for R&D is not flexible enough to incorporate new processes utilized by the sector. For example, Berkeley's definition does not explicitly permit R&D establishments to maintain accessory office space.

Staff proposes the edits below to accommodate innovation and to be more consistent with regulatory practices observed in other local jurisdictions.

*An establishment ~~comprised of laboratory or other non-office space, which is engaged in one or more of the following activities: industrial, biological or scientific research for ; product design; , development, engineering, and testing; and limited manufacturing leading to the development of a necessary for the production of prototypes or process for the primary purpose of research, development or evaluation rather than sale. This classification includes, but is not limited to, biotechnology, renewable energy, environmental, physical, life sciences, engineering, pharmaceutical, and high technology electronics. This classification also includes ancillary activities and spaces for office and storage.~~*

Rationale is provided below, one sentence at a time:

**Sentence 1:** *An establishment ~~comprised of laboratory or other non-office space, which is engaged in one or more of the following activities: industrial, biological or scientific research for ; product design; , development, engineering, and testing; and limited manufacturing leading to the development of a necessary for the production of prototypes or process for the primary purpose of research, development or evaluation rather than sale.~~*

The existing definition limits R&D activities to laboratory and other non-office space. It separately describes the types of activities allowed. Proposed language focuses on the activities – but does not limit the environment where the activities occur. Today's R&D operations occur in traditional labs as well as office spaces utilizing computer equipment such as 3-D printers and other technologies. The proposed definition removes the limitation on the type of space allowed and focuses on R&D activities.

Berkeley’s existing definition, when compared to that of other jurisdictions, is very broad and does not define the goal of R&D operations – prototype development. Following Oakland’s example, the proposed definition includes language that limits R&D activities to prototype development and production for limited use.

**Sentence 2:** *This classification includes, but is not limited to biotechnology, renewable energy, environmental, **pharmaceutical**, and **high technology electronics**. This classification also includes **ancillary activities and spaces for office and storage**.*

This proposed second sentence of the definition includes three new concepts that are shown in bold. Table 3 outlines the significance of this new language in the R&D definition.

**Table 2. Significance of Proposed New Language**

<b>Proposed New Language</b>	<b>Significance</b>
<u><i>Pharmaceuticals (Research)</i></u>	Pharmaceutical research is a type of R&D activity, whereas pharmaceutical production is a type of manufacturing. Staff proposes to add pharmaceutical to the R&D definition, but then also define the terms in Title 23F (the Definition Section of the Zoning Ordinance) to clarify the distinction between research and production. (The proposed definition will be described in the next section.)
<u><i>High technology electronics</i></u>	Staff proposes to add this phrase to the R&D definition to allow businesses to leverage new technology, such as software development, in their research and development business. High technology electronics will be allowed as an accessory use that compliments traditional research conducted in laboratories. Common uses for such technology include, but are not limited to, managing research operations and data analysis. Such language would still preclude the use of an R&D space as solely technology/ software development firm, a land use categorized as an office use activity.
<u><i>This classification also includes ancillary activities and spaces for office and warehouse.</i></u>	While reviewing R&D definitions adopted by local jurisdictions, staff found that all comparable cities permit office space ancillary to more traditional testing facilities, like laboratories. Some jurisdictions allow ancillary office space in their R&D definitions explicitly. Other cities, like Richmond and San Leandro, include accessory use provisions applicable to all industrial districts that allow for office space and other related activities that support the primary use. Staff proposes to add

	this sentence to allow ancillary use for limited purposes – office space and warehousing of materials.
--	--

## 2. Resolve Undefined Terms: Laboratory and Pharmaceuticals (production and research)

Although regulated in Berkeley’s manufacturing districts and listed in the Uses Permitted tables, there are no definitions for laboratories (testing) and pharmaceuticals in the BMC. As a result, testing laboratories and uses that have pharmaceutical components are often conflated with R&D uses, which have traditionally conducted research in laboratory settings. Planning Commission is asked to consider the following three proposals to help reduce confusion:

### **a. Define Laboratory**

Staff proposes that Laboratories be defined separately to provide clarity amongst similar use categories. According to the NAICS Code, testing laboratories are primarily engaged in performing physical, chemical, and other analytical services. Such testing may involve the evaluation of acoustics, biological organisms, and geotechnical samples, and electronics, among other things. Unlike R&D activities, this type of testing does not result in a new prototype or an improved process.

*An establishment primarily engaged in performing physical, chemical, and other analytical testing services, such as acoustics or vibration testing, assaying, biological testing, calibration testing, electrical and electronic testing, geotechnical testing, mechanical testing, nondestructive testing, or thermal testing.*

### **b. Incorporate Pharmaceutical Activities into Definitions for R&D (for research) and Light Manufacturing (for manufacturing) Definitions.**

Staff proposes to regulate pharmaceutical businesses by incorporating them into both the R&D and Light Manufacturing land uses, depending on the purpose and outcome of the activity. In general, the pharmaceutical industry develops and produces medicinal products for mass consumption. Neighboring cities, like Oakland, Richmond, and San Leandro, regulate pharmaceuticals as two uses, related to the ultimate purpose of the activity: research or manufacturing. The proposed modification would classify pharmaceutical research activities under the R&D land use and pharmaceutical production under the Light Manufacturing land use category.

### **c. Remove Pharmaceuticals from the Manufacturing Districts Use Tables**

Staff proposes to remove Pharmaceuticals as a stand-alone use from the Uses Permitted tables in the manufacturing districts if the proposal above (incorporate pharmaceutical activities into R&D and Light Manufacturing definitions) is accepted.

### 3. Request City Council Referral for Additional Work

Staff identified opportunities to clarify and improve zoning regulations in the manufacturing districts during research into the R&D referral and in discussions with OED staff. These opportunities are summarized below. Because these issues go beyond the scope of the R&D definition referral, staff is not proposing recommendations related to these issues in this referral response. Instead, Planning Commission may request a referral from City Council if this work is desired.

#### a. Review and Modify Permitting Thresholds

As described in the context of pharmaceutical uses, there is overlap between R&D and Light Manufacturing activities, with one important distinction: R&D results in prototypes whereas Light Manufacturing produces goods for sale. Despite a similarity in activities, BMC regulations for these two uses differ by operation size and by district (see Table 2). If desired, Planning Commission may request a referral from City Council to review permitting thresholds in order to bring R&D and Light Manufacturing thresholds and regulations into alignment.

**Table 3. R&D and Light Manufacturing Permit Thresholds<sup>3</sup>**

Zoning District	R&D	Light Manufacturing
<b>M</b>	Prohibited	<20K - ZC
<b>MM</b>	< 20K - ZC 20K - 40K - AUP > 40K - AUP	< 20K - ZC 20K - 40K - ZC > 40K - UP(PH)
<b>MU-LI</b>	< 20K - ZC 20K - 40K - AUP > 40K - AUP	< 20K - ZC 20K - 30K - AUP > 30K - UP(PH)
<b>MU-R</b>	Prohibited	AUP if 5,000 or less; UP(PH) if more than 5,000

#### b. Protected Uses

The West Berkeley Plan’s regulation of “conversions” or “changes of use” from manufacturing and wholesale trade (among others) to other uses is a central element of the Plan’s land use concept. The conversion of this “protected space” is subject to

<sup>3</sup> Zoning Certificate | **AUP** – Administrative Use Permit | **UP(PH)** – Use Permit (Public Hearing)  
 For more information on permit requirements, please refer to the [COB Planning webpage](#).

Research and Development Referral  
Staff Report

Planning Commission  
December 16, 2020

---

a Use Permit, which requires that several findings be made, depending on the zoning district. Such findings were instituted to deter widespread displacement of manufacturing uses, but they may also act as a barrier to the redevelopment of dilapidated legacy sites that were once used as large manufacturing establishments. If desired, Planning Commission may request a referral from City Council to review protected use regulations in the manufacturing districts to evaluate their effectiveness and explore policy alternatives for preserving and promoting spaces for manufacturing firms of various types.

## **NEXT STEPS**

Planning Commission is asked to review the three proposals in the Discussion section and provide feedback and direction to staff. Based on the Planning Commission's direction, staff will draft Zoning Ordinance amendments for Planning Commission's consideration. If the Planning Commission would like to request a referral to study levels of discretion and/or the regulation of protected uses, that can be included as part of the recommendation to City Council.

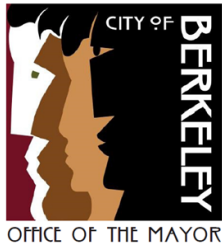
## **ATTACHMENTS**

1. Planning Commission Staff Report (without attachments) - July 1, 2020
2. Planning Commission Meeting Minutes - July 1, 2020

## **LINKS**

1. Referral: Update the definition of Research and Development (Mayor Arreguin and Councilmember Wengraf, 3/10/2020) - [https://www.cityofberkeley.info/uploadedFiles/Planning\\_and\\_Development/Level\\_3\\_-\\_Commissions/Commission\\_for\\_Planning/2020-09-02\\_PC\\_INFO\\_7\\_03-10-20\\_%20Item%2017%20Referral%20Update%20the%20definition.pdf](https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Commissions/Commission_for_Planning/2020-09-02_PC_INFO_7_03-10-20_%20Item%2017%20Referral%20Update%20the%20definition.pdf)
2. West Berkeley Plan [https://www.cityofberkeley.info/Planning\\_and\\_Development/Redevelopment\\_Agency/West\\_Berkeley\\_Plan\\_\(The\).aspx](https://www.cityofberkeley.info/Planning_and_Development/Redevelopment_Agency/West_Berkeley_Plan_(The).aspx)





CONSENT CALENDAR  
March 10, 2020

TO: Honorable Members of the City Council

FROM: Mayor Arreguín and Councilmember Wengraf

SUBJECT: Referral: Update the definition of “Research and Development”

RECOMMENDATION

Refer to the Planning Commission to update the definition of “Research and Development.”

BACKGROUND

In the 21st century, Research and Development has evolved to take on many new forms, such that it can be performed in spaces that may, at first glance, appear to be an office or light industrial environment rather than a traditional “laboratory” with, for example, benches and sinks.

The Planning Commission is encouraged to update the definition of “Research and Development”<sup>1</sup> to reflect evolving business practices and consider language such as:

Research and Development: An establishment comprised of laboratory or other associated and ancillary space, engaged in one or more of the following activities: industrial, technological, biological or scientific research; product design; associated software development; development and testing; and limited fabrication and/or manufacturing necessary for the production and assemblage of prototypical products.”

FINANCIAL IMPLICATIONS

None.

ENVIRONMENTAL SUSTAINABILITY

No environmental impact.

CONTACT

Mayor Jesse Arreguín  
mayor@cityofberkeley.info | 510-981-7100

---

<sup>1</sup> BMC — 23F.04.010 Definitions





CONSENT CALENDAR  
March 10, 2020

TO: Honorable Members of the City Council

FROM: Mayor Arreguín and Councilmember Wengraf

SUBJECT: Referral: Update the definition of “Research and Development”

RECOMMENDATION

Refer to the Planning Commission to update the definition of “Research and Development.”

BACKGROUND

In the 21st century, Research and Development has evolved to take on many new forms, such that it can be performed in spaces that may, at first glance, appear to be an office or light industrial environment rather than a traditional “laboratory” with, for example, benches and sinks.

The Planning Commission is encouraged to update the definition of “Research and Development”<sup>1</sup> to reflect evolving business practices and consider language such as:

Research and Development: An establishment comprised of laboratory or other associated and ancillary space, engaged in one or more of the following activities: industrial, technological, biological or scientific research; product design; associated software development; development and testing; and limited fabrication and/or manufacturing necessary for the production and assemblage of prototypical products.”

FINANCIAL IMPLICATIONS

None.

ENVIRONMENTAL SUSTAINABILITY

No environmental impact.

CONTACT

Mayor Jesse Arreguín  
mayor@cityofberkeley.info | 510-981-7100

---

<sup>1</sup> BMC — 23F.04.010 Definitions



**ATTACHMENT 3. R&D Definitions Compared**

City	R&D Definition
<b>Benicia</b>	Establishments primarily engaged in industrial or scientific research, including limited product testing. This classification includes electronic research firms or pharmaceutical research laboratories, but excludes manufacturing, medical testing and analysis, and activities related to cannabis or cannabis products.
<b>Cupertino</b>	Means a use engaged in study, design, analysis and experimental development of products, processes or services, including incidental manufacturing of products or provisions of services to others.
<b>Emeryville</b>	Research of an industrial or scientific nature, including associated office space. Typical uses include indoor laboratories and testing facilities. This use type may include fabrication and small scale-up facilities as part of the research function, but excludes Manufacturing use types.
<b>Oakland</b>	Include scientific research for the design, development, engineering, and testing of high technology electronic, industrial, or scientific products in advance of full-scale manufacturing of final products. The only manufacturing uses in this classification consist of the creation of prototype products, plans, or designs for the primary purpose of research, development, or evaluation, rather than sale. This classification also includes certain activities accessory to the above [office]... This classification includes, but is not limited to, biotechnology firms, "clean-tech"/energy, environmental, electronic research firms, or pharmaceutical research laboratories.
<b>Palo Alto</b>	Means a use engaged in the study, testing, engineering, product design, analysis and development of devices, products, processes, or services related to current or new technologies. Research and development may include limited manufacturing, fabricating, processing, assembling or storage of prototypes, devices, compounds, products or materials, or similar related activities, where such activities are incidental to research, development or evaluation. Examples of "research and development" uses include, but are not limited to, computer software and hardware firms, computer peripherals and related products, electronic research firms, biotechnical and biomedical firms, instrument analysis, genomics, robotics and pharmaceutical research laboratories, and related educational development. Research and development may include the storage or use of hazardous materials in excess of the exempt quantities listed in Title 15 of the Municipal Code, or etiological (biological) agents up to and including Risk Group 3 or Bio Safety Level 3 classifications as defined by the National Institute of Health (NIH) or the Center for Disease Control (CDC). Higher classification levels of etiological (biological) agents are not allowed without express permission of the City Manager, Fire Chief, and Police Chief.
<b>Richmond</b>	Refers to establishments primarily engaged in the research, development, and controlled production of high-technology electronic, industrial or scientific products or commodities for sale, but excludes uses which, in the opinion of the planning commission, may be objectionable by reason of production of offensive odor, dust, noise, bright lights, vibration or the storage of hazardous material or products, or uses which in the opinion of the commission threaten public safety. Typical uses include biotechnology firms.
<b>San Leandro</b>	Establishments primarily engaged in the research, development, and controlled production of high-technology electronic, industrial or scientific products or commodities for sale, but excludes uses that may be objectionable as determined by the Zoning Enforcement Official, by reason of production of offensive odor, dust, noise, vibration, or storage of or risk associated with hazardous materials. Uses include biotechnology firms, metallurgy, optical, pharmaceutical and X-ray research, data processing, and non-toxic computer component manufacturers.
<b>South San Francisco</b>	A facility for scientific research and the design, development, and testing of electrical, electronic, magnetic, optical, pharmaceutical, chemical, and biotechnology components and products in advance of product manufacturing. Includes assembly of related products from parts produced off-site where the manufacturing activity is secondary to the research and development activities.



**ATTACHMENT 4 . Protected Uses in the Manufacturing Districts Comparison**

Zoning	Protected Uses 1993	Existing Protected Uses 2010
M	<ul style="list-style-type: none"> <li>• Manufacturing</li> <li>• Wholesale trade</li> <li>• Warehousing</li> <li>• Material Recovery Enterprise</li> </ul>	<ul style="list-style-type: none"> <li>• Manufacturing</li> <li>• Wholesale trade</li> <li>• Warehousing</li> <li>• Material Recovery Enterprise</li> </ul>
MM	<ul style="list-style-type: none"> <li>• Manufacturing</li> <li>• Wholesale trade</li> <li>• Warehousing</li> <li>• Material Recovery Enterprise</li> </ul>	<ul style="list-style-type: none"> <li>• Manufacturing</li> <li>• Wholesale trade</li> <li>• Warehousing</li> <li>• Material Recovery Enterprise</li> </ul>
MU-LI	<ul style="list-style-type: none"> <li>• Manufacturing</li> <li>• Wholesale trade</li> <li>• Warehousing</li> <li>• Material Recovery Enterprise</li> </ul>	<ul style="list-style-type: none"> <li>• Manufacturing</li> <li>• Wholesale Trade</li> <li>• Warehousing</li> <li>• Material Recovery Enterprise</li> <li>• <a href="#"><u>Arts/ craft studio</u></a></li> <li>• <a href="#"><u>Art galleries</u></a></li> <li>• <a href="#"><u>Child care facilities</u></a></li> <li>• <a href="#"><u>Family daycare home</u></a></li> <li>• <a href="#"><u>Fine arts performance</u></a></li> <li>• <a href="#"><u>Theaters stage performance</u></a></li> </ul>
MU-R	<ul style="list-style-type: none"> <li>• Manufacturing</li> <li>• Wholesale trade</li> <li>• Warehousing</li> <li>• Material Recovery Enterprise</li> </ul>	<ul style="list-style-type: none"> <li>• Manufacturing</li> <li>• Wholesale Trade</li> <li>• Warehousing</li> <li>• Material Recovery Enterprise</li> <li>• <a href="#"><u>Arts/ craft studio</u></a></li> <li>• <a href="#"><u>Art galleries</u></a></li> <li>• <a href="#"><u>Child care facilities</u></a></li> <li>• <a href="#"><u>Family daycare home</u></a></li> <li>• <a href="#"><u>Fine arts performance</u></a></li> <li>• <a href="#"><u>Theaters stage performance</u></a></li> </ul>





**ATTACHMENT 5. Regulating Uses in the Manufacturing Districts**

Zoning	R&D			Light Manufacturing			Warehouse			Labs			Pharmaceuticals			All Office Uses <sup>1</sup>		
	<20K	20K- 40K	>40K	<20K	20K- 40K	>40K	20K- 40K	>40K	>40K	<20K	20K- 40K	>40K	<20K	20K- 40K	>40K	<20K	20K- 40K	>40K
<b>Manufacturing (M)</b>	Prohibited			ZC	ZC	ZC	AUP	AUP	UP(PH)	UP(PH)			AUP	UP(PH)	UP(PH)	Prohibited		
<b>Mixed Manufacturing MM</b>	ZC	AUP	ZC	ZC	ZC	AUP	UP(PH)	UP(PH)	UP(PH)	AUP	UP	UP(PH)	AUP	UP(PH)	UP(PH)	Prohibited on 1 <sup>st</sup> Floor		
																2 <sup>nd</sup> Floor: ZC	2 <sup>nd</sup> Floor: UP(PH)	
<b>Mixed-Use Light Industrial (MU-LI)</b>	ZC	AUP	AUP	ZC	ZC	AUP	UP(PH)	UP(PH)	UP(PH)	Class 1-2: UP(PH) Class 3: Prohibited <small>*Must be located at least 500 ft. from MUR district.</small>			AUP	UP(PH)	UP(PH)	AUP	UP(PH)	UP(PH)
<b>Mixed Use Residential (MU-R)<sup>2</sup></b>	Prohibited			UP if 5K or less; UP(PH) if greater than 5K			UP(PH)			Prohibited			Prohibited			AUP	UP(PH)	UP(PH)

<sup>1</sup> Does not include Business Support Services, Medical Practitioners, including Holistic Health and Mental Health Practitioners, or other uses ancillary to a permitted use.

<sup>2</sup> Size thresholds for MUR: Under 20K, 20-30K, and more than 30K.



ATTACHMENT 6. Protected Space Conversion Protections (R&D)

	<b>MM (Mixed Manufacturing)</b>	<b>MULI (Mixed Use- Light Industrial)</b>
% of existing space to be maintained as Protected Use	25%	33%
R&D Conversion Limit	No more than 270K gross square feet of protected space may be changed to R&D within the MM and MULI districts.	
R&D Reporting Requirements	Once a cumulative total of 50K square feet of protected Warehousing and/or Wholesale Trade have been converted to Research and Development Use (or at the end of one year, whichever occurs first), with additional reports to be provided in the same increments thereafter. The reports are to include the gross square footage of building space converted and the number and type of jobs expected to be created.	

<b>Zoning</b>	<b>Use Permit Findings (R&amp;D)</b>
M and MUR MM <sup>1</sup> and MULI	N/A
	<p>1) Provide comparable quality replacement manufacturing, wholesale trade and/or warehousing space in Berkeley at a comparable rent and that such replacement space will be available before the demolition or change of use of the space; <b>or</b></p> <p>2) There are exceptional physical circumstances (exclusive of the presence of hazardous materials in the building(s), soil or groundwater) found at the building not generally found in industrial buildings in the District which make it financially infeasible to reuse the building for any of the range of manufacturing, wholesale trade or warehouse uses permitted in the District; <b>and</b></p> <p>3) 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.</p>

<sup>1</sup> [MM Use Permit Findings reference relevant findings in Section 23E.80.090](#)



**Attachment 7: R&D Jobs in Berkeley (Employment Analysis by NAICS)**

	Dataset	
	State of CA Employment Development Department (EDD) Q4 2019, <i>based on Unemployment Insurance</i>	May 2021 City of Berkeley Business Licenses ( <i>self reported</i> )
<b>Citywide</b>		
Firms	5,401	5,511
Jobs	45,230	34,366
Manufacturing Jobs (NAICS 31-33)	3,195	2,640
Manufacturing Firms (NAICS 31-33)	163	173
Jobs/Firm in Manufacturing (NAICS 31-33)	20	15
Traditional Manufacturing* Firms	132	123
Traditional Manufacturing* Jobs	1,434	1,062
Jobs/Firm (Traditional Manufacturing*)	11	9
R&D-Intensive Manufacturing Firms (NAICS 325-27; 333-336)	52	52
R&D-Intensive Manufacturing Jobs (NAICS 325-27; 333-336)	1,761	1,590
Jobs/Firm (R&D-Intensive Manufacturing Industries)	34	31
Jobs/Firm (R&D-Intensive Manufacturing Industries)- <i>w/out Bayer</i>	23	19
R&D Firms (NAICS 5417 only)	88	74
R&D Jobs (NAICS 5417 only)	1,295	1,084
Jobs/Firm in R&D (NAICS 5417)	15	15
R&D-Intensive Firms combined (325-27, 333-336, 5417)	140	121
<b>R&amp;D-Intensive Jobs combined (325-27, 333-336, 5417)</b>	<b>3,056</b>	<b>2,642</b>
Jobs/Firm (R&D-Intensive Industries combined)	22	22
<b>Jobs/Firm (R&amp;D-Intensive Industries combined)- <i>w/out Bayer</i></b>	<b>15</b>	<b>14</b>
all manufacturing (31-33) + R&D (NAICS 5417) jobs	4,490	3,724
all manufacturing (31-33) + R&D (NAICS 5417) firms	251	121

Notes:

- 1- The above analysis, while showing data from two different years (2019 & 2021) *does not show changes over time, but rather differences in the datasets*. State of California Employment Development Department (EDD) data records employment data by month and quarterly payroll based on Unemployment Insurance and is reported to OED with a significant lag (thus the most recent data available at this time was from Q4 2019). Business License data is collected by the City of Berkeley Finance Department, which asks employers to self-report their number of employees and industry at the time of filing both for taxation and zoning certificate purposes. The latter information is updated regularly on the City's open data portal but is not always consistent with the former.
- 2- Both data sets use the North American Industry Classification System (NAICS) for industry categorization. An analysis by OED, which compared the two, showed that firms are often listed with different NAICS codes in each.

	Dataset	
	State of CA Employment Development Department (EDD) Q4 2019, <i>based on Unemployment Insurance</i>	May 2021 City of Berkeley Business Licenses ( <i>self reported</i> )
<b>West Berkeley (WB)</b>		
Jobs in WB	14,250	12,085
Manufacturing Jobs (NAICS 31-33) in WB	2,750	2,303
% Manufacturing jobs in WB	86%	87%
R&D-Intensive Manufacturing Jobs (NAICS 325-27; 333-336) in WB	1,622	1,371
% R&D-Intensive Manufacturing Jobs (325-27; 333-336) in WB	92%	86%
R&D Jobs (NAICS 5417) in WB	707	808
% R&D (NAICS 5417) jobs in WB	55%	75%
<b>R&amp;D-Intensive jobs combined in WB (NAICS 325-27, 333-336, 5417)</b>	<b>2,329</b>	<b>2,182</b>
<b>R&amp;D-Intensive Firms combined in WB (NAICS 325-27, 333-336, 5417)</b>	<b>63</b>	<b>71</b>
<b>% R&amp;D-Intensive jobs in WB</b>	<b>76%</b>	<b>83%</b>



### THE IMPACT OF LIFE SCIENCE IN ALAMEDA COUNTY AND CONTRA COSTA COUNTY

The East Bay includes the two counties of Alameda and Contra Costa. East Bay companies in the Life Science Industry directly employed 40,197 people in 2019 with average annual earnings of \$127,173 per year in Alameda and \$98,688 per year in Contra Costa. The industry supported 98,204 jobs in the region (direct/indirect/induced) in 2019 & generated \$26B in economic activity. The largest sector in the two counties by employment and establishments was Research & Lab Services, more than all the other sectors combined.

#### Annual Economic Impact

	ALAMEDA	CONTRA COSTA
Economic Activity	\$23.4B	\$2.6B
Market Value of Goods & Services	\$13.7B	\$1.4B
Total Jobs (direct/indirect/induced)	87,242	10,962
Labor Income (salaries/wages/benefits paid)	\$7.7B	\$0.8B

#### NIH Funding

California received more than \$4.59B in NIH funding in fiscal year 2019 with \$323.4M flowing to the East Bay. Alameda County garnered close to \$316.9M and Contra Costa County received \$6.5M.

Source: NIH (4/2020)

#### Subsector Employment & Establishments

	Employment in 2019		Establishments	
	ALAMEDA	CONTRA COSTA	ALAMEDA	CONTRA COSTA
<b>BioRenewables</b> Includes biofuels, specialty enzymes and chemicals, algae research, and key elements of agriculture.	247	117	9	10
<b>Biopharmaceutical Manufacturing</b> The production of medicines, botanicals, pharmaceuticals, in-vitro diagnostic substances, and biological products.	3,328	701	49	8
<b>Medical Devices &amp; Diagnostic Equip</b> Laboratory equipment and supplies, optical instruments, electromedical apparatus, surgical and medical instruments, dental equipment and dental product producing laboratories.	8,199	1,277	148	55
<b>Life Science Wholesale</b> Wholesaling and distributing medical equipment and supplies, and the wholesaling of pharmaceuticals and related products.	1,762	475	121	70
<b>Research &amp; Lab Services</b> R&D in biotechnology, related areas of nanotechnology, medical laboratories, and portions of industries representing testing laboratories, other R&D services, and higher education.	21,372	2,719	372	117
<b>TOTAL</b>	<b>34,908</b>	<b>5,289</b>	<b>699</b>	<b>260</b>

\*'Establishment' refers to an individual facility/physical location. Some firms have multiple locations, which would each be counted separately.

For full report visit: [www.biocom.org/eir](http://www.biocom.org/eir)

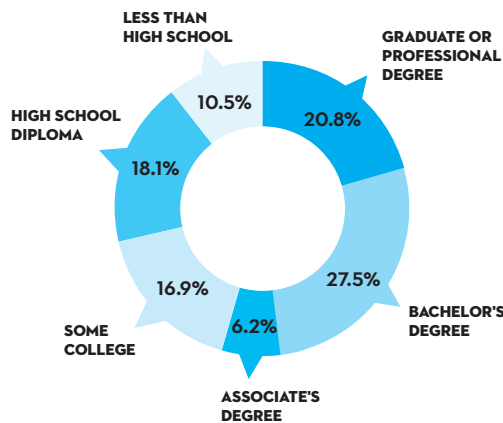
**BIOCOM'S 2020 CALIFORNIA ECONOMIC IMPACT REPORT: EAST BAY**

**Subsector Average Wage (Wages by Sector & County)**

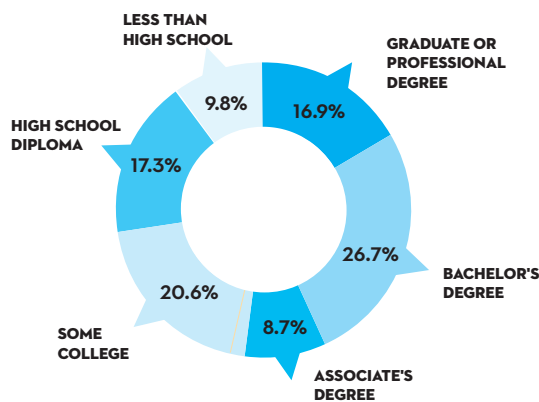
	BIORENEWABLES	BIOPHARMACEUTICAL MANUFACTURING	MEDICAL DEVICES & DIAGNOSTIC EQUIP	LIFE SCIENCE WHOLESALE	RESEARCH & LAB SERVICES	ALL LIFE SCIENCES
Alameda	\$94,936	\$178,266	\$168,290	\$98,985	\$106,139	\$127,173
Contra Costa	\$56,534	\$155,675	\$103,475	\$111,639	\$81,299	\$98,688

**Educational Attainment**

**ALAMEDA**



**CONTRA COSTA**



**East Bay Policy Priorities**

The East Bay is home to the Berkeley/Emeryville life science cluster, which includes many small, early stage companies that spin out of UC Berkeley. These companies can benefit from concierge assistance through city economic development departments as they navigate permitting processes involved in scale-up following incubator graduation. We have heard from members that they share concerns around affordable housing and connected transit systems; challenges that are evident throughout the Bay Area. Finally, physical security concerns in downtown areas and near Caltrans rights-of-way are important for members located in this area.

Alameda County is also home to a large concentration of companies in Hayward, Fremont and Newark - companies that are typically four times the average size of Bay Area life science companies. Mostly engaged in medical device and biopharmaceutical manufacturing, these companies have benefitted from streamlined permitting services available through city departments. We have heard from members in this area that workforce development programs to ensure a steady skilled pool of workers for manufacturing settings is a top concern.

For full report visit: [www.biocom.org/eir](http://www.biocom.org/eir)

**Biocom** is the leader and advocate for California's life science sector. We work on behalf of more than 1,300 members to drive public policy, build an enviable network of industry leaders, create access to capital, introduce cutting-edge STEM education programs, and create robust value-driven purchasing programs.

This is a condensed summary of Biocom's 2020 California Economic Impact Report produced by Biocom and Clower & Associates. For the full report please visit our website: [www.biocom.org/eir](http://www.biocom.org/eir)

The 2020 Databook used the same industry and cluster categories as the 2019 Databook, however, comparisons with data from years before 2019 should be made with caution due to changes in industries definitions, analytical assumptions, and data sources. At the time this data is being prepared, the impact of the global pandemic of COVID-19 is unknown and we must caution readers to consider how current and near-term economic conditions may influence future industry growth.



**Attachment 9: R&D Wages in Berkeley**

<b>Citywide</b>	
Quarterly payroll	\$ 841,207,436
Quarterly payroll manufacturing (NAICS 31-33)	\$ 73,527,570
% Quarterly payroll from manufacturing (31-33)	9%
Traditional Manufacturing* Quarterly payroll	\$ 21,289,956
R&D Quarterly payroll (NAICS 5417)	\$ 44,115,517
R&D-Intensive Quarterly payroll combined (325-27, 333-336, 5417)	\$ 96,353,131
% Quarterly payroll from R&D-Intensive combined (325-27, 333-336, 5417)	11%
all manufacturing (31-33) + R&D (NAICS 5417) quarterly payroll	\$ 117,643,087
% Quarterly payroll from R&D-intensive industries (out of combined manufacturing and R&D industries by NAICS)	82%
avg annual salary (combined R&D-intensive jobs)	\$ 126,117
avg annual salary R&D only (NAICS 5417)	\$ 136,264
avg annual salary (traditional manufacturing)	\$ 59,386
avg annual salary (all manufacturing NAICS)	\$ 92,053
<b>West Berkeley (WB)</b>	
Quarterly payroll	\$ 312,080,753
R&D-Intensive Quarterly payroll combined (325-27, 333-336, 5417)	\$ 76,401,379
% Quarterly payroll (in WB) from combined R&D-intensive industries	24%

Source: State of CA Employment Development Department (EDD), Q4 2019

Notes:

- 1- The above wage data draws on quarterly payroll data collected by the State of California Employment Development Department (EDD) based on Unemployment Insurance. Q4 2019 data is the most recent data available to OED at this time. Annual wages for an industry are determined by dividing quarterly payroll for that sector by the number of people employed in that sector and multiplying by four.
- 2- "R&D only" refers to NAICS codes starting with the 4-digits 5417. "R&D-Intensive industries" include NAICS 5417 and the following R&D-intensive manufacturing sectors: NAICS 325 (Chemicals), NAICS 326 (Plastics and Rubber Products), NAICS 327 (Nonmetallic Mineral Products), NAICS 333 (Machinery), NAICS 334 (Computer and Electronic Products), NAICS 335 (Electrical Equipment, Appliance, and Component), and NAICS 336 (Transportation Equipment).
- 3- For the purpose of this analysis, "traditional manufacturers" are the subset of firms classified under NAICS manufacturing codes 31-33 that didn't fall in the R&D-intensive industries definition described above.





Office of the City Manager

April 28, 2021

To: Honorable Mayor and Members of the City Council

From: *Dee* Dee Williams-Ridley, City Manager

Re: Housing Element Update and Annual Progress Report

## Summary

California State law requires local jurisdictions to update the Housing Element of their General Plan every five to eight years. Berkeley is currently in the 5<sup>th</sup> Housing Element Cycle, which runs from 2015 to 2023, and is actively planning for the 6<sup>th</sup> Housing Element Cycle, which runs from 2023 to 2031. State law also requires jurisdictions to report to the State their annual progress on policies, programs and requirements of the Housing Element and the General Plan. This memorandum provides background on the Regional Housing Needs Allocation (RHNA), a summary of Berkeley's 2020 Annual Progress Report (APR) on the Housing Element, and information related to the 6<sup>th</sup> Cycle Housing Element update and other related planning efforts. A copy of the General Plan APR is also provided with this memorandum.

## Regional Housing Needs Allocation (RHNA)

Since 1969, California has required local governments to adequately plan to meet the housing needs of everyone in their communities. California's local governments meet this requirement by adopting a Housing Element as part of each city's General Plan. A Housing Element must include plans, policies and regulatory systems that provide opportunities for housing development, and remove unnecessary obstacles to such development.

The Regional Housing Need Allocation (RHNA) process determines the amount of housing for which regions and jurisdictions must plan. Through the RHNA process, the California Department of Housing and Community Development (HCD) determines the total number of new households each California region will need to meet their projected housing needs. In the Bay Area, the Association of Bay Area Governments (ABAG) takes that regional total and distributes it among local Bay Area jurisdictions. This is a multi-year process that ultimately results in an allocation of units, categorized by

April 28, 2021  
 Re: Housing Element Update and Annual Progress Report

qualifying income levels (which are based on countywide area median income (AMI) and adjusted for family size). Attachment 1 provides answers to frequently asked questions about the RHNA.

To ensure a fair distribution of the Bay Area’s total number of units among localities, ABAG convened a Housing Methodology Committee during 2019 and 2020, chaired by Mayor Arreguin and made up of elected officials, local housing and planning staff from throughout the region, and stakeholders representing equity, open space, public health, public transit and other perspectives. ABAG also surveyed its member jurisdictions to inform the development of the RHNA methodology for allocation of units. ABAG submitted the Draft RHNA Methodology to HCD for its consideration and review on February 11, 2021. The State has 60 days to review the Draft RHNA Methodology and provide comments, after which the following steps are required before the allocations are finalized:

- **Late Spring 2021:** After receiving and responding to HCD’s feedback, ABAG will adopt a Final RHNA Methodology and release Draft RHNA Allocations.
- **Summer to Fall 2021:** ABAG will accept appeals from HCD and local jurisdictions requesting changes to allocations. ABAG will release detailed guidance on this process in early summer 2021.
- **Late 2021:** the ABAG Executive Board will adopt Final RHNA Allocations at a public hearing, taking into consideration the results of the appeals process.

Table 1 indicates the Draft RHNA Allocations for Berkeley described by ABAG in February 2021 for the 6th Cycle Housing Element, as well as the Final RHNA Allocations from the current 5<sup>th</sup> Cycle Housing Element.

**Table 1. RHNA Allocations for Berkeley, 5<sup>th</sup> & 6<sup>th</sup> Cycles**

	Number of Units				
	Total RHNA	Very Low Income	Low Income	Moderate Income	Above Moderate Income
Current 5 <sup>th</sup> Cycle RHNA (2015-2023)	2,959	532	442	584	1,401
Draft 6 <sup>th</sup> Cycle RHNA (2023-2031)	8,934	2,504	1,441	1,416	3,664
Percent Increase	202%	371%	226%	142%	162%

RHNA allocations are guided by statutory requirements. Allocations must reflect the forecasted development pattern of Plan Bay Area 2050. They must also meet the following five objectives:

April 28, 2021

Re: Housing Element Update and Annual Progress Report

1. Increase housing supply and mix of housing types, tenure and affordability in all cities and counties in an equitable manner;
2. Promote infill development and socioeconomic equity, protect environmental and agricultural resources, encourage efficient development patterns and achieve greenhouse gas emissions reduction targets;
3. Promote improved intraregional jobs-housing relationship, including balance between low-wage jobs and affordable housing;
4. Balance disproportionate household income distributions (more high-income RHNA to lower-income areas and vice-versa); and
5. Affirmatively further fair housing.

RHNA allocations can be appealed by HCD or by local jurisdictions. The appeal period will be announced after the Draft RHNA Allocations are released and then the appeals process will run through the summer and fall of 2021. State Housing Element law allows appeals that request increases or decreases to Draft RHNA allocations. Appeals will only be considered if they meet one of the following criteria:

1. ABAG failed to adequately consider the information submitted as part of the local jurisdiction survey detailed by Government Code Section 65584.04(b).
2. ABAG did not determine the jurisdiction's allocation in accordance with its adopted methodology and in a manner that furthers, and does not undermine, the RHNA objectives as outlined in Government Code Section 65584(d).
3. A significant and unforeseen change in circumstances has occurred in the local jurisdiction or jurisdictions that merits a revision of the information submitted as part of the local jurisdiction survey. Appeals on this basis shall only be made by the jurisdiction or jurisdictions where the change in circumstances has occurred.

Appeals of the 5<sup>th</sup> Cycle RHNA allocation could also be based on other factors including local ordinances, underproduction of units based on the last housing element cycle, and stable population growth. However, new statutory regulations in Government Code Section 65584.04(g) will not allow consideration of these factors in the 6<sup>th</sup> Cycle RHNA allocation.

Overall, the Bay Area must plan for 441,176 new housing units during the 6<sup>th</sup> Cycle to accommodate population projections provided by HCD. Berkeley is responsible for planning for 8,934 units -- approximately 2% of the total.

Berkeley will be required to plan for these units, not build them. This means that the Housing Element update must identify the sites that can accommodate the units (i.e., they are zoned appropriately). In addition, Berkeley must update and/or develop strategies and programs that will bring this development to fruition. This could include, for example, rezoning commercial sites to residential use and modifying development standards to allow more housing units. In past years, jurisdictions were not penalized if they did not meet their RHNA targets. Under new State laws (e.g., SB 35), cities that

April 28, 2021  
 Re: Housing Element Update and Annual Progress Report

don't meet their RHNA targets will lose discretionary review and local control for certain development projects. In order to track progress towards RHNA goals, the State requires annual reporting.

### Housing Element Annual Progress Report

Each jurisdiction must prepare an annual report on the status and progress of implementing its Housing Element. Housing Element Annual Progress Reports (HE APRs) cover the most recent calendar year (CY) and must be submitted to HCD and the Governor's Office of Planning and Research (OPR) by April 1 of the following year. Berkeley's CY 2020 HE APR is provided as Attachment 2. Table 2 summarizes Berkeley's progress reported in the CY 2020 HE APR.

The HE APR has evolved, per State guidance, to provide a comprehensive summary of progress by local jurisdictions to plan, permit and produce housing for residents. Berkeley's HE APR for CY 2020 provides details on projects that have 1) submitted completed land use permit applications; 2) received land use entitlement; 3) been issued building permits; or 4) completed final building inspections or received a certificate of occupancy in calendar year 2020. These same milestones were reported in Berkeley's 2017 and 2019 Housing Pipeline Reports. Each project in the HE APR is listed as a row in a table with detailed information on location (Assessor Parcel Number and street address), affordability level, use of State programming (e.g., Density Bonus, SB-35 streamlining), and milestone dates. The HE APR requires significant staff time to compile, format and review, but it provides a clear and standardized picture of projects in the City's pipeline and eliminates the need for a separate Housing Pipeline Report. Utilizing the State's format will provide consistency from year to year and certainty in terms of timing, since the HE APR is due by April 1 of every year.

**Table 2. 2020 RHNA Allocation Progress**

Income Level <sup>1</sup>	5 <sup>th</sup> Cycle RHNA Allocation	Units Permitted (2020)	Total Units Permitted (2015-2020)	Remaining Units	Percent Progress
Very Low (< 50% AMI)	532	38	172	360	32%
Low (50 – 80% AMI)	442	13	61	382	14%
Moderate (80 – 120% AMI)	584	-	-	584	0%
Above Moderate (> 120% AMI)	1401	539	2476	-	177%
<b>Total RHNA</b>	<b>2959</b>				
<b>Total Units Permitted</b>		<b>590</b>	<b>2709</b>		

<sup>1</sup> Actual figures for 2020 income levels by family size are available at <https://www.acgov.org/cda/hcd/documents/HUD-Limits2020.pdf>

April 28, 2021  
 Re: Housing Element Update and Annual Progress Report

Berkeley’s slow progress towards achieving goals for affordable housing production is not atypical; jurisdictions throughout the region are challenged to meet their below market rate RHNA numbers and often exceed their above market allocations. Table 3 summarizes progress made by Alameda County jurisdictions as of 2019 and shows that Berkeley’s progress is consistent with most neighboring jurisdictions.

**Table 3. Alameda County Jurisdictions’ RHNA Progress (2015-2019)**

	Very Low	Low	Moderate	Above Mod
<b>Alameda</b>	12%	16%	9%	67%
<b>Albany</b>	0%	0%	37%	134%
<b>Berkeley</b>	25%	11%	0%	138%
<b>Dublin</b>	3%	9%	7%	551%
<b>Emeryville</b>	32%	9%	10%	60%
<b>Fremont</b>	18%	34%	2%	235%
<b>Hayward</b>	5%	4%	0%	44%
<b>Livermore</b>	10%	11%	94%	115%
<b>Newark</b>	0%	0%	23%	122%
<b>Oakland</b>	28%	9%	2%	141%
<b>Piedmont</b>	13%	43%	33%	171%
<b>Pleasanton</b>	34%	18%	7%	266%
<b>San Leandro</b>	22%	33%	0%	2%
<b>Union City</b>	0%	0%	14%	113%
<b>Average</b>	4%	14%	19%	150%

Source: SB-35 Determination<sup>2</sup>

### **Auditing Berkeley’s RHNA Numbers**

During the current Housing Element cycle, challenges with permitting software and staff turnover led to inefficiencies and reporting errors in Berkeley’s unit tracking process. In order to understand these issues and correct mistakes, policy staff conducted a thorough audit of entitlement and permit applications for housing units submitted between 2015 and 2019. Through this process, staff identified 508 unaccounted units, as shown in Table 4.

<sup>2</sup> HCD’s SB-35 Determination <https://www.hcd.ca.gov/community-development/accountability-enforcement/docs/sb35determinationmethodology10012020.pdf>

April 28, 2021  
 Re: Housing Element Update and Annual Progress Report

**Table 4. Results of 2015-2019 RHNA Progress Audit + 2020 RHNA Progress**

Income Level	RHNA Allocation	2015	2016	2017	2018	2019	2020	TOTAL
<b>CORRECTED RHNA PROGRESS</b>								
Very Low	532	27	21	55	9	22	38	172
Low	442	44	0	3	1	0	13	61
Moderate	584	0	0	0	0	0	0	0
Above Moderate	1401	300	273	531	326	507	539	2476
<b>Total Units</b>	<b>2959</b>	<b>371</b>	<b>294</b>	<b>589</b>	<b>336</b>	<b>529</b>	<b>590</b>	<b>2709</b>
<b>PREVIOUS RHNA PROGRESS</b>								
Very Low	532	59	16	10	1	11	38	135
Low	442	17	0	0	0	0	13	30
Moderate	584	132	0	0	0	0	0	132
Above Moderate	1401	326	212	262	329	233	539	1901
<b>Total Units</b>	<b>2959</b>	<b>534</b>	<b>228</b>	<b>272</b>	<b>330</b>	<b>244</b>	<b>590</b>	<b>2198</b>
<b>UNIT CHANGE</b>								
Very Low	--	-32	+5	+45	+8	+11	--	<b>+37</b>
Low	--	+27	--	--	+1	--	--	<b>+28</b>
Moderate	--	-132	--	--	--	--	--	<b>-132</b>
Above Moderate	--	-26	+61	+269	-3	+274	--	<b>+575</b>
<b>Total Units</b>	<b>--</b>	<b>-163</b>	<b>+66</b>	<b>+314</b>	<b>+6</b>	<b>+285</b>	<b>--</b>	<b>+508</b>

In order to ensure that future unit tracking is efficient and accurate, the Planning Department is updating its systems and procedures for unit tracking across all divisions involved with entitlement and issuance of permits for housing. This will require partnership with the Departments of Information Technology and Health, Housing & Community Services, and will ultimately result in a process that saves time and produces quality data.

**Group Living Accommodations, Accessory Dwelling Units, and Live-Work Units**

The CY 2020 HE APR includes Group Living Accommodations (GLA) units in the reported totals. As defined in the Berkeley Municipal Code, GLAs are a type of residential use where unrelated persons live together but are not considered a household. GLAs may look like a single-family or multi-family dwelling, but they rent by the room or the bed. In past years, the State would not consider GLAs to fulfill the definition of a unit; however, new guidance from HCD grants RHNA credit to GLAs that have individual bathrooms and kitchenettes if they are not associated with the university (dormitories, fraternities and sororities). Staff will continue to work with HCD to ensure that the City receives credit for GLAs not accounted for in previous years, and GLAs associated with the university, to the greatest extent possible. Other atypical residential units, such as accessory dwelling units, junior accessory dwelling units and live-work units, are all counted in the APR and will continue to be counted.



April 28, 2021

Re: Housing Element Update and Annual Progress Report

## **General Plan Annual Progress Report**

In 2020, Government Code Sections 65400 and 65700 were updated, requiring charter cities to submit an annual report on the status of the General Plan and progress towards its implementation to OPR, HCD and their respective legislative bodies. This year, the City of Berkeley submitted its General Plan Annual Progress Report (GP APR) on April 1, 2021 (see Attachment 3). The GP APR will be a useful reference during the 6<sup>th</sup> Cycle Housing Element update to ensure consistency with the General Plan as new policies and programs are introduced. Developing this first GP APR allowed Planning staff to convene an interdepartmental working group for review and discussion.

## **Housing Element Update**

Berkeley's Housing Element serves as a framework for housing goals, policies, and detailed programs for meeting existing and future housing needs and for increasing affordable housing opportunities. The current 5<sup>th</sup> Cycle (2015-2023) Housing Element addresses the planning period of January 31, 2015 to January 31, 2023 as required by the State Housing Element Law. The 6<sup>th</sup> Cycle Housing Element will address the planning period of January 31, 2023 to January 31, 2031.

The content of the Housing Element (HE) is dictated by State law and is typically presented in the following six sections:

1. A Housing Needs Assessment: This chapter of the HE analyzes demographic, employment, and housing data to understand existing conditions, identify trends, and consider future needs of the community. For the 6<sup>th</sup> HE Cycle, technical assistance (TA) provided by ABAG has generated "data packages" for all jurisdictions in the region, allowing cities to focus on analysis instead of data collection and cleaning.
2. Evaluation of Past Performance: The Annual Progress Reports have allowed the City to revisit the HE year by year and track incremental change. This step of the HE Update will give the City the opportunity to review progress more comprehensively and in the context of the results of the Housing Needs Assessment.
3. Housing Site Inventory: The HE requires that cities identify locations for housing development to ensure that there is adequate capacity to accommodate the RHNA allocation. This is often a time consuming and difficult task, but ABAG has provided a tool (the Housing Element Site Selection or HESS Tool) to facilitate this process. Note that cities with adopted density standards based on dwelling units per acre will be able to leverage this tool most effectively.

April 28, 2021

Re: Housing Element Update and Annual Progress Report

4. Community Outreach and Engagement: The HE requires that jurisdictions conduct robust community outreach and engagement. Outreach and engagement programs must focus on groups that are traditionally unrepresented and have low rates of participation. Berkeley will be engaging cultural and equity consultants who are skilled in ensuring that vulnerable populations, including people of color, low-income families, persons with limited or no English, people with disabilities and others are informed and empowered to actively participate in this public process.
5. Constraints Analysis: Cities are required to identify existing and potential governmental and non-governmental barriers to housing production. Working with interdepartmental staff from the Planning, Health, Housing and Community Services, Public Works, and the Rent Board, the HE team will analyze the constraints and recommend remedies to address these issues.
6. Policies and Procedures: Finally, the HE update must establish policies and procedures to fulfill the identified housing needs of the community. Ideas will be gathered from community input, technical assistance, key principals recommended by City Council and Commissions, best practices from other jurisdictions, and various other sources.

More broadly, the HE guides decisions to facilitate the development, rehabilitation, and availability of housing in Berkeley. To ensure housing can be built, the HE will identify adequate parcels via the site inventory process to facilitate the development of housing for various income levels to accommodate Berkeley's share of regional need. As a long-range plan, the HE will establish goals and policies that guide decision-making to address housing needs by establishing or modifying programs that support the homeless, special needs populations and/or low income families. Finally, the HE will describe programs that will implement the City's housing objectives.

### **Penalties for Non-Compliant Housing Elements**

Housing Elements are subject to regulatory oversight by HCD. If a city does not update its Housing Element or produces a Housing Element that does not comply with State law, it can be sued. Local governments may lose the right to deny certain projects and can face significant fines (up to \$100,000 per month).

In addition, many federal, state, and regional affordable housing funding programs consider Housing Element compliance a condition for receipt of funds. In some cases, funding from state/federal housing programs can only be accessed if the city has a compliant Housing Element. In other cases, the city receives extra points on their

April 28, 2021

Re: Housing Element Update and Annual Progress Report

application if there is a compliant Housing Element (thereby increasing their chances in the competitive application process). Failure to comply would impact Berkeley's eligibility and competitiveness for such funding sources.

A noncompliant Housing Element can also expose the City of Berkeley to loss of local control for certain projects and legal challenges. A successful legal challenge could result in court-ordered rezoning and other court orders suspending local control over developments.

### **Berkeley's Approach**

The total anticipated budget for the HE update is \$540,000. Berkeley has secured \$325,000 in Local Early Action Planning (LEAP) grant funds and \$83,506 in Regional Early Action Planning (REAP) grant funds, and is budgeting \$131,494 in Community Planning Fees. The current scope for this project includes:

- A review of policies, programs and goals included in the last Housing Element, including how well Berkeley met its previous housing allocation.
- An analysis of Berkeley's housing needs and housing justice indicators, including compliance with our RHNA allocation. This analysis includes housing needs based on household income, as well as the needs of specific special populations, including the homeless, the elderly, female-headed households, and persons with disabilities.
- An inclusive participatory planning process as outlined in the referral to the City Manager that was adopted by City Council on March 25, 2021.
- An inventory of Berkeley's existing housing stock, as well as an analysis of any housing loss, including conversion of deed-restricted affordable housing to market rate.
- An analysis of the capacity for housing development that is enabled under the City's existing zoning and development standards.
- An assessment of Berkeley's Fair Housing enforcement.
- Evaluation of key principals referred to the City Manager by City Council on March 25, 2021.
- Recommended policies that address Berkeley's housing needs.
- Recommended programs that would help implement those policies.
- Rezoning and associated environmental review if existing zoning cannot accommodate Berkeley's RHNA.

The HE Update will only be successful if developed through a rich dialogue that includes all segments of the population. The HE team is committed to ensuring ongoing, multifaceted, and inclusive outreach and engagement that is guided by the following principles:

April 28, 2021

Re: Housing Element Update and Annual Progress Report

- Ensure an open and transparent process.
- Communicate clearly and visually, simplifying complex concepts into terms people understand.
- Create space for public input where participants can be their authentic selves and provide input in their native language.
- Identify and address barriers to participation.
- Tailor engagement strategies to the local context by employing processes grounded in a deep understanding of particular communities within the city, keeping in mind their needs, and their history of public agency interaction.
- Provide a variety of opportunities for all to share their ideas in ways that are most convenient for them.
- Use both “low-tech and high-touch” and “high-tech and low-touch” activities.
- Honor community input by incorporating it into each project phase.
- Maintain positive discourse and dialogue.

Our outreach and engagement strategy will build on and strengthen communications and relationships between City decision-makers and its diverse communities. That strategy starts with “meeting people where they are”: going to communities, leaders, and organizations and listening to their perspectives and priorities pertaining to housing. We plan for the majority of this project’s community participation to be in-person; however, we will provide “distanced” engagement (e.g., online meetings, webinars, office-hours, walking tours) methods developed during the pandemic as virtual options if required for public health reasons or if desired by members of the community. When engaging stakeholders, the team will be clear about the purpose of their input and participation, ask targeted questions and invite specific feedback, and explain how it will inform the planning process. The team will also help stakeholders who are new to public processes feel prepared and confident to participate.

Given the importance of and level of interest in housing issues in the community, it is critical that policymakers and decision-makers be actively involved at every step of the planning process. Public study sessions with the Planning Commission and City Council will be an important engagement strategy to keep both decision makers and public informed and engaged in a significant and participatory way. The HE team will aim to help policymakers understand a diversity of perspectives of stakeholders.

The current scope of the HE Update does not include updates to other elements of the General Plan. However, staff recognizes that additional work may be required to develop a compliant Housing Element. The General Plan must be “internally consistent”, meaning that any new goals, policies, and objectives proposed in the Housing Element update will need to be reviewed in the context of all other General Plan elements. If conflicts are identified, the Housing Element update will need to expand to resolve these conflicts. If an additional element of the General Plan is amended during the Housing Element update, Berkeley will be required to adopt an

April 28, 2021

Re: Housing Element Update and Annual Progress Report

Environmental Justice element, or integrate Environmental Justice policies, objectives, and goals throughout other elements of the General Plan. This requirement is established by Senate Bill 1000 (The Planning for Healthy Communities Act)<sup>3</sup> adopted in 2016. As this project proceeds, staff will be evaluating whether this requirement is triggered.

### **Projected Timeline**

The HE Update involves a variety of overlapping and complementary efforts that will need to occur in concert in order for the State to certify a compliant HE in January, 2023. The main deliverables are an outreach and engagement plan, a compliant Housing Element, amendments to the Zoning Ordinance and General Plan, and associated environmental review as required by the California Environmental Quality Act (CEQA). The generalized timeline is outlined below:

- May 2021: Initiate work with Consultant
- June 2021: Develop Outreach and Engagement Plan
- Summer 2021: Conduct Housing Needs & Past Housing Element Assessment
- September 2021: Conduct City Council Work Session
- Fall 2021: Conduct Site Inventory and Constraints Analysis
- Winter 2022: Initiate Rezoning, General Plan Updates and CEQA
- Spring 2022: Release Draft Housing Element for Public Review
- Summer 2022: Release Draft Zoning and General Plan Amendments
- Summer 2022: Release Draft Environmental Review
- Fall 2022: Conduct Public Hearings at Planning Commission and City Council
- January 2023: Certification of Housing Element by HCD

### **Related Long-Range and Policy Projects**

The Land Use Planning Division is currently working on a number of long-range and policy projects which will complement the Housing Element update. These projects will advance in parallel to support and strengthen the Housing Element update. The list below provides a summary of these projects and a general schedule. The Housing Element project team will meet regularly with staff assigned to other long-range and policy projects to ensure collaboration, cooperation and open lines of communication.

Zoning Ordinance Revision Project (ZORP): The Zoning Ordinance Revision Project (ZORP) originates from a 2016 City Council Referral that requests structural improvements to the Zoning Ordinance to simplify its technical and procedural elements. Recognizing that the Zoning Ordinance's complexity adds substantial time to the application review and approval process, this project has resulted in a new Baseline Zoning Ordinance (BZO) that is easier to read and understand. This project also

---

<sup>3</sup> Legislation available at [https://leginfo.ca.gov/faces/billTextClient.xhtml?bill\\_id=201520160SB1000](https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=201520160SB1000)

April 28, 2021

Re: Housing Element Update and Annual Progress Report

addresses substantive issues that were identified in the BZO that create bottlenecks and/or discourage applicants from bringing projects forward. This project should be complete by summer 2022.

Southside Zoning Ordinance Update: City Council has referred six items to the City Manager supporting increased housing in the Southside Plan Area, recognizing the need for more student housing near campus to alleviate student housing pressure elsewhere in the City. The purpose of this project is to modify development standards near campus to facilitate and streamline housing development. This project will include preparation of a programmatic Environmental Impact Report (EIR) pursuant to CEQA. The proposed project has the potential add 4,597 new units in the Southside. The Draft EIR is currently being prepared and will guide discussions about zoning modifications. The final EIR and Zoning Ordinance amendments are anticipated to come before City Council in the first quarter of 2022, which aligns with the Housing Element update schedule.

Ashby and North Berkeley BART Zoning Standards: In September 2018, Governor Jerry Brown signed Assembly Bill 2923, State legislation that requires rezoning of the North Berkeley and Ashby BART parking lots to accommodate high-density, transit-oriented development. Berkeley has until July 1, 2022 to rezone BART's property in conformance with the standards established in AB 2923.<sup>4</sup> The Draft EIR for the project is being prepared and will evaluate the impact of up to 1,200 dwelling units at the Ashby BART station and up to 1,200 dwelling units at the North Berkeley BART station. The final EIR and zoning ordinance amendments must be adopted by City Council by the end of the second quarter of 2022, which aligns with the Housing Element schedule.

Objective Standards: Since 2017, Berkeley has been working towards adoption of objective zoning standards for density, design and shadows. Recommendations from the Joint Subcommittee for the Implementation of State Housing Laws are under review by City Council. Staff is preparing to begin the second phase of this project, which will evaluate recommendations and bring feasible options to Planning Commission and then City Council for consideration. Ideally this project will be completed by the end of the second quarter of 2022. Advancing this project is a priority and will benefit the Housing Element update because affordability projections for selected sites are quantified per HCD guidance using objective density standards. Furthermore, as the State legislature considers more legislation for ministerial approval of development projects, objective zoning standards will add more certainty to project outcomes.

Missing Middle / City Council Resolution to Abolish Exclusionary Zoning: City Council has stated via a 2021 Resolution and a 2019 referral its desire to review, research and consider rezoning of lower density residential districts to allow for more dense housing.

---

<sup>4</sup> Legislation available at [https://leginfo.ca.gov/faces/billTextClient.xhtml?bill\\_id=201720180AB2923](https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB2923)

April 28, 2021

Re: Housing Element Update and Annual Progress Report

This resolution and referral align with the goals of the Housing Element and will advance in parallel with the Housing Element update.

Affordable Housing Requirements: The City has engaged Street Level Advisors to analyze and recommend updates to the City's policies pertaining to affordable housing production. Innovative and high-functioning policies that encourage development of more below market rate units will help enable Berkeley to meet its RHNA targets for very-low, low- and moderate-income households. City Council will conduct a worksession on May 18, 2021 to discuss and provide input on draft policy recommendations, and staff anticipates bringing final recommendations to City Council for consideration by the end of 2021.

## **NEXT STEPS**

Staff will officially launch the Housing Element update project in May. In September 2021, City Council will hold a worksession to discuss and provide input on the Housing Element update. In the meantime, staff will continue to advance related long-range and policy projects.

### Attachments:

1. Frequently Asked Questions about RHNA (published by ABAG)
2. City of Berkeley 2020 Annual Progress Report on the Housing Element
3. City of Berkeley 2020 Annual Progress Report on the General Plan

cc: Paul Buddenhagen, Deputy City Manager  
David White, Deputy City Manager  
Farimah Brown, City Attorney  
Jenny Wong, City Auditor  
Mark Numainville, City Clerk  
Matthai Chakko, Assistant to the City Manager  
Jordan Klein, Director, Planning and Development  
Lisa Warhuus, Director, Health, Housing & Community Services  
Savita Chaudhary, Director, Information Technology

## Frequently Asked Questions about RHNA

### Topics:

- Regional Housing Needs Allocation (RHNA) Overview
- Regional Housing Needs Determination (RHND) from HCD
- ABAG Housing Methodology Committee
- RHNA Methodology
- Connections between RHNA and Plan Bay Area 2050
- RHNA Subregions
- RHNA Appeals Process
- RHNA and Local Jurisdictions

## REGIONAL HOUSING NEEDS ALLOCATION (RHNA) OVERVIEW

---

### What is RHNA?

Local housing is enshrined in state law as a matter of “vital statewide importance” and, since 1969, the State of California has required that all local governments (cities, towns and counties, also known as local jurisdictions) adequately plan to meet the housing needs of everyone in our communities. To meet this requirement, each city or county must develop a Housing Element as part of its General Plan (the local government’s long-range blueprint for growth) that shows how it will meet its community’s housing needs. There are many laws that govern this process, and collectively they are known as [Housing Element Law](#).

The Regional Housing Need Allocation (RHNA) process is the part of Housing Element Law used to determine how many new homes, and the affordability of those homes, each local government must plan for in its Housing Element. This process is repeated every eight years, and for this cycle the Bay Area is planning for the period from 2023 to 2031.

### How does RHNA assist in addressing the Bay Area’s housing crisis?

The Bay Area’s housing affordability crisis is decades in the making. State law is designed to match housing supply with demand—particularly for affordable homes. Each new RHNA cycle presents new requirements to address dynamic housing markets, which in recent years have seen demand dramatically outstrip supply across all affordability levels.

RHNA provides a local government with a minimum number of new homes across all income levels for which it must plan in its Housing Element. The Housing Element must include sites zoned for enough capacity to meet the RHNA goals as well as policies and strategies to expand housing choices and increase housing affordability.



## Who is responsible for RHNA?

Responsibility for completing RHNA is shared among state, regional, and local governments:

- The **role of the State** is to identify the total number of homes for which each region in California must plan in order to meet the housing needs of people across the full spectrum of income levels, from housing for very low-income households all the way to market rate housing. This is developed by the [California Department of Housing and Community Development \(HCD\)](#) and is known as the Regional Housing Need Determination (RHND).
- The **role of the region** is to allocate a share of the RHND to each local government in the region. As the Council of Governments (COG) for the nine-county Bay Area, the Association of Bay Area Governments (ABAG) is responsible for developing the methodology for sharing the RHND among all cities, towns, and counties in the region. ABAG does this in conjunction with a committee of elected officials, city and county staff, and stakeholders called [the Housing Methodology Committee \(HMC\)](#).
- The **role of local governments** is to participate in the development of the allocation methodology and to update their Housing Elements and local zoning to show how they will accommodate their share of the RHND, following the adoption of the RHNA methodology.

## What are the steps in the RHNA process?



Conceptually, RHNA starts with the Regional Housing Needs Determination (RHND) provided by HCD, which is the total number of housing units the Bay Area needs over the eight-year period, by income group. The heart of ABAG's work on RHNA is developing the methodology to allocate a portion of housing needs to each city, town, and county in the region. ABAG convened a [Housing Methodology Committee](#) made up of local elected officials and staff and stakeholders, which met for nearly a year before recommending a [proposed RHNA methodology](#). The ABAG Regional Planning Committee (RPC) and Executive Board approved the

proposed methodology in October 2020, which was followed by a [public comment period](#). After considering the public comments received, the RPC and Executive Board approved the draft RHNA methodology in January 2021. See the report entitled [Regional Housing Needs Allocation Draft Methodology: San Francisco Bay Area, 2023-2031](#) for a detailed overview of the Draft RHNA Methodology and how it furthers the RHNA objectives and addresses the methodology factors in Housing Element Law.

Following HCD’s review of the draft RHNA methodology, ABAG will adopt a final methodology in spring 2021 that will be used to develop a draft allocation for every local government in the Bay Area. A local government or HCD can appeal any local government’s draft allocation. After ABAG takes action on the appeals, it will issue the final allocations by the end of 2021. Local governments must update Housing Elements by January 2023, including identifying sites that are zoned with enough capacity to meet the RHNA allocation. ABAG’s role in the RHNA process ends once it has allocated a share of the Regional Housing Needs Determination (RHND) to each local government in the Bay Area; HCD then reviews and approves local Housing Elements.

**What’s the timeline for completing RHNA?**

The RHNA process is currently underway and will be complete by the end of 2021. Local governments will then have until January 2023 to update their Housing Elements. The proposed timing for the key milestones in the RHNA process is shown below:

<b>ABAG 2023-2031 RHNA and Plan Bay Area 2050 Key Milestones</b>	<b>Proposed Deadline</b>
Housing Methodology Committee kick-off	October 2019
Subregions form	February 2020
HCD Regional Housing Needs Determination	June 2020
Proposed RHNA methodology, draft subregion shares	October 2020
Draft RHNA methodology, final subregion shares	January 2021
Draft RHNA methodology to HCD for review	February 2021
Final RHNA methodology, draft allocations	Spring 2021
RHNA appeals	Summer/Fall 2021
Final RHNA allocations	End of 2021
Housing Element due date	January 2023

### **This is the 6th cycle for RHNA. What's different this time?**

Recent legislation resulted in the following key changes for this RHNA cycle:

- There is a higher total regional housing need. HCD's identification of the region's total housing needs has changed to account for unmet existing need, rather than only projected housing need. HCD now must consider overcrowded households, cost burdened households (those paying more than 30% of their income for housing), and a target vacancy rate for a healthy housing market (with a minimum of 5%).
- RHNA and local Housing Elements must affirmatively further fair housing. According to HCD, achieving this objective includes preventing segregation and poverty concentration as well as increasing access to areas of opportunity. HCD has mapped [Opportunity Areas](#) and has developed guidance for jurisdictions about [how to address affirmatively furthering fair housing in Housing Elements](#). As required by Housing Element Law, ABAG has surveyed local governments to understand [fair housing issues, strategies, and actions across the region](#).
- There will be greater HCD oversight of RHNA. ABAG and subregions must now submit the draft allocation methodology to HCD for review and comment. HCD can also appeal a jurisdiction's draft allocation.
- Identifying Housing Element sites for affordable units will be more challenging. There are new limits on the extent to which jurisdictions can reuse sites included in previous Housing Elements and increased scrutiny of small, large, and non-vacant sites when these sites are proposed to accommodate units for very low- and low-income households.

### **How can I be more involved in the RHNA process?**

Public participation is encouraged throughout the RHNA process especially at public meetings and during official public comment periods following the release of discussion documents and board decisions. Visit the ABAG website to:

- View [upcoming meetings](#)
- Sign up for the [RHNA mailing list](#)

### **Is ABAG's prior RHNA available to review?**

Yes, you can find more information about the [2015-2023 RHNA](#) on the ABAG website. You can also view documents from the [2007-2014 RHNA](#) and [1999-2006 RHNA](#).

## **REGIONAL HOUSING NEEDS DETERMINATION (RHND) FROM HCD**

---

### **What is the Regional Housing Needs Determination?**

The California Department of Housing and Community Development (HCD) identifies the total number of homes for which each region in California must plan in order to meet the housing

needs of people at all income levels. The total number of housing units from HCD is separated into four income categories that cover everything from housing for very low-income households all the way to market rate housing. ABAG is responsible for developing a methodology to allocate a portion of this housing need to every local government in the Bay Area.

The four income categories included in the RHND are:

- Very Low Income: 0-50% of Area Median Income
- Low Income: 50-80% of Area Median Income
- Moderate Income: 80-120% of Area Median Income
- Above Moderate Income: 120% or more of Area Median Income

**What is the Bay Area’s RHND for this cycle?**

In a [letter dated June 9, 2020](#), the California Department of Housing and Community Development (HCD) provided ABAG with the Regional Housing Needs Determination (RHND) for use in this cycle of RHNA in the Bay Area:

***Regional Housing Needs Determination from HCD: San Francisco Bay Area***

<b>Income Category</b>	<b>Percent</b>	<b>Housing Unit Need</b>
Very Low	25.9%	114,442
Low	14.9%	65,892
Moderate	16.5%	72,712
Above Moderate	42.6%	188,130
<b>Total</b>	<b>100%</b>	<b>441,176</b>

**How did HCD develop the RHND?**

HCD is responsible for determining the number of housing units for which each region must plan, known as the Regional Housing Needs Determination (RHND). The RHND is based on a population forecast for the region from the California Department of Finance (DOF) and the application of specific adjustments to determine the total amount of housing needs for the region.

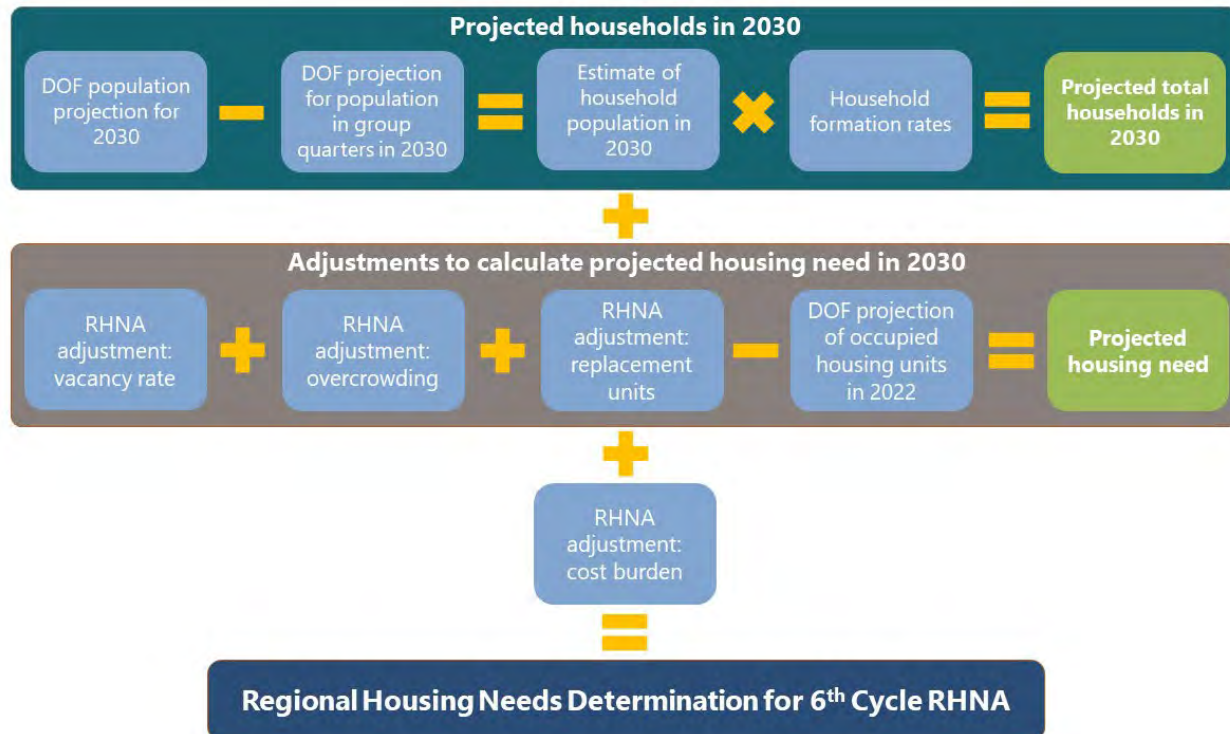
The adjustments are a result of recent legislation that sought to incorporate an estimate of existing housing need by applying factors related to:

- A target vacancy rate for a healthy housing market (defined as no less than 5 percent),
- The rate of overcrowding, which is defined as having more than one person per room in each room in a dwelling.
- The share of cost burdened households, which is defined as households paying more than 30% of household income on housing costs.

The RHNA process only considers the needs of the population in households who are housed in the regular housing market, and excludes the population living in group quarters, which are

non-household dwellings, such as jails, nursing homes, dorms, and military barracks. HCD uses the age cohorts of the forecasted population to understand the rates at which people are expected to form households, which can vary for people at different stages of life. This results in the estimate of the total number of households that will need a housing unit in 2030 (which is the end date of the projection period for the Bay Area’s RHNA cycle).

**HCD Process for Identifying Regional Housing Needs Determination (RHND)**



The total number of projected households is then adjusted using the factors related to vacancy rate, overcrowding, and an estimate of the need for replacement housing for units that were demolished or lost. This results in a forecast of the number of housing units that will be needed to house all households in the region in 2031. The number of existing occupied housing units is subtracted from the total number of housing units needed, which results in the number of additional housing units necessary to meet the housing need. The final step is an adjustment related to cost-burdened households, which results in the RHND for the region.

**ABAG HOUSING METHODOLOGY COMMITTEE**

**What was the Housing Methodology Committee?**

For the past several RHNA cycles, ABAG has convened an ad-hoc [Housing Methodology Committee \(HMC\)](#) to advise ABAG staff on the RHNA allocation methodology. The HMC for the 6<sup>th</sup> Cycle was convened in October 2019 and wrapped up its work in September 2020. The HMC

was comprised of local elected officials and staff from every county in the Bay Area as well as stakeholder representatives selected by ABAG staff from a diverse applicant pool:

- 9 local government elected officials (one from each Bay Area county)
- 12 local government housing or planning staff (at least one from every county)
- 16 regional stakeholders representing diverse perspectives, from equity and open space to public health and public transit
- 1 partner from state government

View the HMC roster at [https://abag.ca.gov/sites/default/files/hmc\\_roster\\_06\\_16\\_2020\\_0.pdf](https://abag.ca.gov/sites/default/files/hmc_roster_06_16_2020_0.pdf). The HMC was dissolved in January 2021 at the conclusion of the methodology development process.

### **Why was the Housing Methodology Committee important?**

ABAG's Housing Methodology Committee approach stands out compared to most other large Councils of Governments, going beyond the legal requirements by convening a forum where local elected officials, local government staff, stakeholder representatives, and the public can talk about the process together to inform the housing methodology.

The Housing Methodology Committee and its large stakeholder network was a key part of ABAG's approach to creating the RHNA allocation methodology. Through the HMC, ABAG staff sought to facilitate dialogue and information-sharing among local government representatives and stakeholders from across the Bay Area with crucial expertise to enable coordinated action to address the Bay Area's housing crisis. As ABAG strives to advance equity and affirmatively further fair housing, the agency sought to ensure that a breadth of voices was included in the methodology process.

## **RHNA METHODOLOGY**

---

### **What is the RHNA methodology?**

At its core, RHNA is about connecting regional housing needs with the local planning process and ensuring local Housing Elements work together to address regional housing challenges. Working with the [Housing Methodology Committee](#), ABAG developed a methodology, or formula, that shares responsibility for accommodating the Bay Area's Regional Housing Needs Determination (RHND) by quantifying the number of housing units, separated into four income categories, that will be assigned to each city, town, and county to incorporate into its Housing Element. See the report entitled [Regional Housing Needs Allocation Draft Methodology: San Francisco Bay Area, 2023-2031](#) for a detailed overview of the Draft RHNA Methodology and how it furthers the RHNA objectives and addresses the methodology factors in Housing Element Law.

*ABAG Frequently Asked Questions about RHNA (February 2021)*

**What are the objectives and factors that must be considered in the RHNA methodology?**

The RHNA objectives provide the guiding framework for how ABAG must develop the methodology. ABAG is required to demonstrate how its methodology furthers each of the objectives. The RHNA factors include a longer list of considerations that must be incorporated into the methodology to the extent that sufficient data is available.

Summary of RHNA objectives [from [Government Code §65584\(d\)](#)]:

1. Increase housing supply and mix of housing types, with the goal of improving housing affordability and equity in all cities and counties within the region.
2. Promote infill development and socioeconomic equity; protect environmental and agricultural resources; encourage efficient development patterns; and achieve greenhouse gas reduction targets.
3. Improve intra-regional jobs-to-housing relationship, including the balance between low-wage jobs and affordable housing units for low-wage workers in each jurisdiction.
4. Balance disproportionate household income distributions (more high-income allocation to lower-income areas, and vice-versa)
5. Affirmatively further fair housing

Summary of RHNA factors [from [Government Code §65584.04\(d\)](#)]:

1. Existing and projected jobs and housing relationship, particularly low-wage jobs and affordable housing
2. Lack of capacity for sewer or water service due to decisions outside a jurisdiction's control
3. The availability of land suitable for urban development
4. Lands protected from urban development under existing federal or state programs
5. County policies to preserve prime agricultural land
6. The distribution of household growth assumed for regional transportation plans and opportunities to maximize use of public transportation and existing transportation infrastructure
7. Agreements between a county and cities in a county to direct growth toward incorporated areas of the county
8. The loss of units in assisted housing developments as a result of expiring affordability contracts.
9. The percentage of existing households paying more than 30 percent and more than 50 percent of their income in rent
10. The rate of overcrowding

11. The housing needs of farmworkers
12. The housing needs generated by the presence of a university within the jurisdiction
13. The housing needs of individuals and families experiencing homelessness
14. The loss of units during a state of emergency that have yet to be rebuilt or replaced at the time of the analysis
15. The region's greenhouse gas emissions targets provided by the State Air Resources Board

### **What does it mean to “affirmatively further fair housing”?**

For the 2023-2031 RHNA, recent legislation added a new objective that requires the RHNA plan to “affirmatively further fair housing.” According to [Government Code Section 65584\(e\)](#), this means:

“Taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics. Specifically, affirmatively furthering fair housing means taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws.”

In addition to this requirement for promoting fair housing as an outcome for RHNA, statutes required ABAG to collect information about [fair housing issues, strategies, and actions](#) in its survey of local jurisdictions about data to inform the development of the RHNA allocation methodology.

Lastly, a local jurisdiction's Housing Element must also affirmatively further fair housing and include a program that establishes goals and actions to do so. HCD has developed guidance for jurisdictions about [how to address affirmatively furthering fair housing in Housing Elements](#).

### **Does RHNA dictate how local governments meet their communities' housing needs or where new housing goes within a given city or town?**

It is important to note the primary role of the RHNA methodology is to encourage a pattern of housing growth for the Bay Area. The final result of the RHNA process is the allocation of housing units by income category to each jurisdiction as a whole. It is in the local Housing Element that local governments will select the specific sites that will be zoned for housing and the policies and strategies for addressing a community's specific housing needs, such as addressing homelessness, meeting the needs of specific populations, affirmatively furthering fair housing, or minimizing displacement.



The following table distinguishes between the narrow scope of RHNA and the broader requirements for jurisdictions' Housing Elements:

RHNA	LOCAL HOUSING ELEMENTS
Determines how many new homes each local jurisdiction must plan for in its Housing Element.	Includes goals, policies, quantified objectives, financial resources, and constraints for the preservation, improvement, and development of housing for all income levels.
Housing allocation is for an entire jurisdiction – housing is not allocated to specific sites or geographies within a jurisdiction.	Identifies sites for housing and provides an inventory of land suitable and available for residential development, including vacant sites and sites having potential for redevelopment.
A jurisdiction's housing allocation is divided across four income groups: very low-, low-, moderate-, and above moderate-income.	Analyzes special housing needs, such as those of the elderly; persons with disabilities, including a developmental disability; large families; farmworkers; families with female heads of households; and families and persons in need of emergency shelter.
Beyond allocation of housing units by income group, does not address housing needs of specific population groups nor include policy recommendations for addressing those needs.	Must demonstrate local efforts to remove governmental and nongovernmental constraints that hinder locality from meeting the need for housing for persons with disabilities, supportive housing, transitional housing, and emergency shelters.
	Analyzes existing affordable units at risk of converting to market-rate due to expiring subsidies or affordability contracts.
	Assesses existing fair housing issues and strategies for affirmatively furthering fair housing.

## CONNECTIONS BETWEEN RHNA AND PLAN BAY AREA 2050

---

### How are RHNA and Plan Bay Area 2050 related?

[Plan Bay Area 2050](#) is the Bay Area's next long-range regional plan for transportation, housing, the economy, and the environment, focused on resilient and equitable strategies for the next 30 years. Anticipated to be adopted in fall 2021, Plan Bay Area 2050 will establish a blueprint for future growth and infrastructure. Plan Bay Area 2050 must meet or exceed a wide range of federal and state requirements, including a per-capita greenhouse gas reduction target of 19 percent by 2035. Upon adoption by MTC and ABAG, it will serve as the Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) for the San Francisco Bay Area.

By law, the RHNA Plan is required to be consistent with the development pattern from Plan Bay Area 2050. These two planning processes seek to address the Bay Area's housing needs over different time horizons: Plan Bay Area 2050 has a planning horizon of 2050, while the 6<sup>th</sup> cycle of RHNA addresses the need to address short-term housing needs, from 2023 to 2031. To achieve the required consistency, both the overall housing growth for the region, as well as housing growth on a more localized level, must be greater in the long-range plan than over the eight-year RHNA cycle.

### How was Plan Bay Area 2050 used as part of the RHNA methodology?

Data from the [Plan Bay Area 2050 Final Blueprint](#), which was adopted as the Preferred Environmental Impact Report Alternative in January 2021 by MTC and ABAG, was incorporated into the draft RHNA methodology as the baseline allocation. The baseline allocation is used to assign each jurisdiction an initial share of the RHND. A jurisdiction's baseline share is then adjusted up or down based on how the jurisdiction scores relative to the rest of the region on the factors included in the draft RHNA methodology.

The baseline allocation is based on each jurisdiction's share of the region's total households in the year 2050 from the Final Blueprint. Using the 2050 Households (Blueprint) baseline takes into consideration the number of households that are currently living in a jurisdiction as well as the number of households expected to be added over the next several decades. For more information, see the report entitled [Regional Housing Needs Allocation Draft Methodology: San Francisco Bay Area, 2023-2031](#).

## RHNA SUBREGIONS

---

### What is a subregion?

Housing Element Law allows two or more jurisdictions to form a "subregion" to conduct a parallel RHNA process to allocate the subregion's housing need among its members. The subregion process allows for greater collaboration among jurisdictions, potentially enabling

RHNA allocations that are more tailored to the local context as well as greater coordination of local housing policy implementation. A subregion is responsible for conducting its own RHNA process that meets all of the statutory requirements related to process and outcomes, including developing its own RHNA methodology, allocating a share of need to each member jurisdiction, and conducting its own appeals process. The subregion’s final allocation must meet the same requirements as the regional allocation: it must further the statutory objectives, have considered the statutory factors, and be consistent with the development pattern of Plan Bay Area 2050.

**What subregions have formed for the 6<sup>th</sup> Cycle of RHNA in the Bay Area?**

There is just one subregion that has formed for this RHNA cycle. The jurisdictions in Solano County have formed a subregion that includes all jurisdictions in the county: City of Benicia, City of Dixon, City of Fairfield, City of Rio Vista, City of Suisun City, City of Vacaville, City of Vallejo, and County of Solano.

**How many housing units will the Solano County subregion have to plan for?**

ABAG must assign each subregion a share of the Bay Area’s RHND, which represents the total number of units, by income category, the subregion must allocate to its member jurisdictions. Each subregion’s portion of the RHND has been removed from the units allocated by ABAG’s process for the rest of the region’s jurisdictions. In January 2021, the ABAG Executive Board approved the following as the final subregional allocation for the Solano County subregion:

<b>Subregion</b>	<b>Very Low-Income Units</b>	<b>Low-Income Units</b>	<b>Moderate-Income Units</b>	<b>Above Moderate-Income Units</b>	<b>Total Units</b>
Solano County	2,803	1,612	1,832	4,745	10,992

**RHNA APPEALS PROCESS**

---

**What is the RHNA appeals process?**

Housing Element Law allows a jurisdiction or HCD to appeal a jurisdiction’s draft RHNA allocation.<sup>1</sup> ABAG expects to conduct the RHNA appeals process in the summer and fall of 2021. More detailed guidelines for how ABAG will conduct the appeals process will be released by early summer.

**Where can I find my jurisdiction’s draft RHNA allocation?**

ABAG has submitted its [draft RHNA methodology](#) to the California Department of Housing and Community Development (HCD) for review. Following HCD’s review, ABAG will adopt a final methodology in spring 2021 that will be used to develop a draft RHNA allocation for every local government in the Bay Area.

---

<sup>1</sup> See [Government Code Section 65584.05](#) for an overview of the appeals process.

### **What is the filing deadline for appeals? When will ABAG review appeals?**

The deadline for filing an appeal is dependent on the date when the draft RHNA allocations are released, which is expected to occur in spring 2021. Thus, the deadline for submitting an appeal has not been set yet. ABAG expects to conduct the appeals process in the summer and fall of 2021.

### **Who can file an appeal?**

Any jurisdiction in the ABAG region, as well as HCD, may file an appeal of any jurisdiction's draft RHNA allocation within the ABAG region. A jurisdiction may file an appeal of its own draft RHNA allocation and/or one or more appeals of the draft allocations of other jurisdictions.

### **Is there a limit to the number of appeals one jurisdiction can file?**

Every jurisdiction may file multiple appeals and there is no limit on the number of appeals filed by each jurisdiction. The filed appeals may request increases or decreases to draft RHNA allocations.

### **What are the reasons a jurisdiction or HCD can submit an appeal?**

State Housing Element law allows an appeal to be filed for the following three reasons:

- ABAG failed to adequately consider the information submitted as part of the local jurisdiction survey.<sup>2</sup>
- ABAG did not determine the jurisdiction's allocation in accordance with its adopted methodology and in a manner that furthers, and does not undermine, the RHNA objectives.<sup>3</sup>
- A significant and unforeseen change in circumstances has occurred in the local jurisdiction or jurisdictions that merits a revision of the information submitted as part of the local jurisdiction survey. Appeals on this basis shall only be made by the jurisdiction or jurisdictions where the change in circumstances has occurred.

Statutory changes enacted since the 5<sup>th</sup> cycle appeals process prohibit the use of local ordinances, underproduction of housing based on the last RHNA cycle, and stable population growth as bases for appeals.<sup>4</sup>

---

<sup>2</sup> See [Government Code Section 65584.04\(b\)](#) for more details about the local jurisdiction survey.

<sup>3</sup> See [Government Code Section 65584\(d\)](#) for the RHNA objectives.

<sup>4</sup> See [Government Code Section 65584.04\(g\)](#)

### **What are the requirements for submitting an appeal?**

According to Housing Element Law, appeals shall:

- Be based on comparable data available for all affected jurisdictions and accepted planning methodology.
- Be supported by adequate documentation.
- Include a statement as to why the revision is necessary to further the RHNA objectives.
- Be consistent with, and not to the detriment of, the development pattern in Plan Bay Area 2050.

### **Will there be an opportunity to challenge an appeal of my jurisdiction's allocation filed by another jurisdiction?**

A jurisdiction that is the subject of an appeal filed by another jurisdiction will have the opportunity to challenge the appeal and present their case at the appeal public hearings, which are anticipated to take place in fall 2021.

## **RHNA AND LOCAL JURISDICTIONS**

---

### **How are local jurisdictions involved in RHNA? Do they help create the housing methodology?**

Elected officials and staff from each county were on the [Housing Methodology Committee \(HMC\)](#) to represent the jurisdictions in that county. The HMC made recommendations about the allocation methodology to the [ABAG Regional Planning Committee \(RPC\)](#), and the RPC made recommendations to the [ABAG Executive Board](#), which has the authority to make final decisions. Local governments could provide feedback on the proposed methodology during the public comment period, and have had the opportunity to provide public comment at meetings throughout the RHNA process. In summer and fall 2021, there will also be an opportunity for local governments to file appeals on the draft allocations that will be issued after the final methodology is adopted in spring 2021.

### **How does RHNA impact local jurisdictions' general plans? What is a Housing Element?**

California's [Housing Element Law](#) states that "designating and maintaining a supply of land and adequate sites suitable, feasible, and available for the development of housing sufficient to meet the locality's housing need for all income levels is essential to achieving the state's housing goals." Once a city, town or county receives its RHNA allocation, it must then update the Housing Element of its general plan and zoning to demonstrate how it will accommodate all of the units assigned for each income category. General plans serve as a local government's blueprint for how the city, town or county will grow and develop. There are seven elements that all jurisdictions are required to include in the General Plan: land use, transportation, conservation, noise, open space, safety, and housing.

**What agency is responsible for the certification of Housing Elements?**

ABAG's role in the RHNA process ends once it has allocated a share of the Regional Housing Needs Determination (RHND) to each local government in the Bay Area. The [California Department of Housing and Community Development](#) (HCD) reviews and approves Housing Elements and is responsible for all other aspects of [enforcing Housing Element Law](#).

**Is there any funding and technical assistance available to assist local jurisdictions in creating their Housing Elements?**

In the 2019-20 Budget Act, Governor Gavin Newsom allocated \$250 million for all regions, cities, and counties to do their part by prioritizing planning activities that accelerate housing production to meet identified needs of every community. With this allocation, HCD established the [Local Early Action Planning Grant Program \(LEAP\)](#) with approximately \$25.6 million expected to come to cities and counties in the Bay Area and the [Regional Early Action Planning Grant Program \(REAP\)](#) with \$23.9 million expected to come to ABAG. ABAG will be suballocating almost \$11M of its REAP funding to cities and counties in the Bay Area. The LEAP program augments HCD's [SB2 Planning Grants](#) which have provided approximately \$24 million in funding to localities in the Bay Area. ABAG is currently designing its REAP program to provide in-depth technical assistance to localities.

**Some individuals in the Bay Area view their jurisdictions as "built out." How might communities with little to no vacant land meet their respective housing allocations?**

Large and small communities throughout the Bay Area have successfully identified under-utilized, infill sites for housing development. In past RHNA cycles, numerous Bay Area communities were able to meet their housing allocation exclusively through the identification of infill sites to provide for future housing needs. Encouraging the development of Accessory Dwelling Units (ADUs) is another strategy many Bay Area communities have used to add more housing choices for residents.

**Will my jurisdiction be penalized if we do not plan for enough housing?**

State [Housing Element Law](#) requires that jurisdictions plan for all types of housing based on the allocations they receive from the RHNA process. The state requires this planning, in the form of having a compliant housing element, and submitting housing element annual progress reports, as a threshold or points-related requirement for certain funding programs (SB 1 Sustainable Community Planning Grants, SB 2 Planning Grants and Permanent Local Housing Allocation, etc.). Late submittal of a housing element can result in a jurisdiction being required to submit a four-year update to their housing element.

HCD [may refer jurisdictions to the Attorney General](#) if they do not have a compliant housing element, fail to comply with their HCD-approved housing element, or violate housing element law, the housing accountability act, density bonus law, no net loss law, or land use discrimination

law. The consequences of those cases brought by the Attorney General are up to the courts, but can include financial penalties.

In addition, as the housing element is one of the required components of the general plan, a jurisdiction without a compliant housing element, may risk legal challenges to their general plan from interested parties outside of HCD.

Local governments must also implement their commitments from the housing element, and the statute has several consequences for the lack of implementation. For example, failure to rezone in a timely manner may impact a local government's land use authority and result in a carryover of RHNA to the next cycle. Failure to implement programs can also influence future housing element updates and requirements, such as program timing. HCD may investigate any action or lack of action in the housing element.

**Will my jurisdiction be penalized if we do not build enough housing?**

For [jurisdictions that did not issue permits for enough housing](#) to keep pace consistent with RHNA building goals, a developer can elect to use a ministerial process to get project approval for residential projects that meet certain conditions. This, in effect, makes it easier to build housing in places that are not on target to meet their building goals.

**GLOSSARY OF ACRONYMS**

---

- ABAG - Association of Bay Area Governments
- AMI – Area Median Income
- DOF - California Department of Finance
- HCD - California Department of Housing and Community Development
- HMC - Housing Methodology Committee
- MTC - Metropolitan Transportation Commission
- RHNA - Regional Housing Need Allocation
- RHND - Regional Housing Need Determination
- RTP/SCS - Regional Transportation Plan/Sustainable Communities Strategy  
*(known as Plan Bay Area 2050 in the San Francisco Bay Area)*
- TCAC - California Tax Credit Allocation Committee

**Please Start Here**

General Information	
Jurisdiction Name	Berkeley
Reporting Calendar Year	2020
Contact Information	
First Name	Katrina
Last Name	Lapira
Title	Assistant Planner
Email	<a href="mailto:klapira@cityofberkeley.info">klapira@cityofberkeley.info</a>
Phone	5109817484
Mailing Address	
Street Address	1947 Center Street
City	Berkeley
Zipcode	94704

**Optional:** Click here to import last year's data. This is best used when the workbook is new and empty. You will be prompted to pick an old workbook to import from. Project and program data will be copied exactly how it was entered in last year's form and must be updated.

v 3\_8\_21



Jurisdiction	Berkeley	
Reporting Year	2020	(Jan. 1 - Dec. 31)

### ANNUAL ELEMENT PROGRESS REPORT Housing Element Implementation

Note: "+" indicates an optional field  
 Cells in grey contain auto-calculation formulas

(CCR Title 25 §6202)

Table A Housing Development Applications Submitted																				
Project Identifier					Unit Types		Date Application Submitted	Proposed Units - Affordability by Household Incomes								Total Approved Units by Project	Total Disapproved Units by Project	Streamlining	Notes	
1					2	3	4	5								6	7	8	9	10
Prior APN*	Current APN	Street Address	Project Name*	Local Jurisdiction Tracking ID*	Unit Category (SFA,SFD,2 to 4,5+,ADU,MH)	Tenure R=Renter O=Owner	Date Application Submitted (see instructions)	Very Low-Income Deed Restricted	Very Low-Income Non Deed Restricted	Low-Income Deed Restricted	Low-Income Non Deed Restricted	Moderate-Income Deed Restricted	Moderate-Income Non Deed Restricted	Above Moderate-Income	Total PROPOSED Units by Project	Total APPROVED Units by project	Total DISAPPROVED Units by Project	Was APPLICATION SUBMITTED Pursuant to GC 65913.4(b)? (SB 35 Streamlining)	Notes*	
Summary Row: Start Data Entry Below								20	0	0	0	0	0	328	348	175	0	0		
	055 181701000	1931 CARLETON			ADU	R	9/2/2020							1	1	1		No		
	059 224801400	1445 EUCLID			ADU	R	1/7/2020							1	1	1		No		
	061 256200700	1132 AMADOR			ADU	R	1/8/2020							1	1	1		No		
	056 197102400	2117 EIGHTH			ADU	R	1/13/2020							1	1	1		No		
	060 241501700	1227 NEILSON			ADU	R	1/23/2020							1	1	1		No		
	052 151504600	1248 HASKELL			ADU	R	2/5/2020							1	1	1		No		
	054 173300700	2748 CALIFORNIA			ADU	R	2/6/2020							1	1	1		No		
	053 169701400	2823 CHERRY			ADU	R	2/11/2020							1	1	1		No		
	055 190302300	2425 GRANT			ADU	R	2/13/2020							1	1	1		No		
	055 186300901	2335 WARRING			ADU	R	2/18/2020							1	1	1		No		
	061 261502300	1712 MARIN			ADU	R	2/21/2020							1	1	1		No		
	054 179702401	1536 DWIGHT			ADU	R	2/27/2020							1	1	1		No		
	060 239801300	1423 STANNAGE			ADU	R	2/27/2020							1	1	1		No		
	057 208100700	1284 HEARST			ADU	R	3/4/2020							1	1	1		No		
	056 199401400	2120 ACTON			ADU	R	3/9/2020							1	1	1		No		
	054 178701600	1204 CARLETON			ADU	R	3/11/2020							1	1	1		No		
	054 173901700	1307 WARD			ADU	R	3/11/2020							1	1	1		No		
	053 167402200	1612 STUART			ADU	R	3/11/2020							1	1	1		No		
	052 156902400	2911 HILLEGASS			ADU	R	3/12/2020							1	1	1		No		
	052 155901200	2417 WOOLSEY			ADU	R	3/12/2020							1	1	1		No		
	060 243300700	1336 MCGEE			ADU	R	3/19/2020							1	1	1		No		
	064 422900300	151 TUNNEL			ADU	R	4/8/2020							1	1	1		No		
	057 209500400	840 DELAWARE			ADU	R	4/9/2020							1	1	1		No		
	059 233202100	1427 TENTH			ADU	R	4/9/2020							1	1	1		No		





Jurisdiction	Berkeley	
Reporting Year	2020	(Jan. 1 - Dec. 31)

**ANNUAL ELEMENT PROGRESS REPORT**  
**Housing Element Implementation**  
 (CCR Title 25 §6202)

This table is auto-populated once you enter your jurisdiction name and current year data. Past year information comes from previous APRs.  
 Please contact HCD if your data is different than the material supplied here

Table B													
Regional Housing Needs Allocation Progress													
Permitted Units Issued by Affordability													
		1	2								3	4	
Income Level		RHNA Allocation by Income Level	2015	2016	2017	2018	2019	2020	2021	2022	2023	Total Units to Date (all years)	Total Remaining RHNA by Income Level
Very Low	Deed Restricted	532	27	21	55	9	22	38				173	359
	Non-Deed Restricted				1								
Low	Deed Restricted	442	44		3			13				60	382
	Non-Deed Restricted												
Moderate	Deed Restricted	584											584
	Non-Deed Restricted												
Above Moderate		1401	300	273	531	326	507	539				2476	
Total RHNA		2959											
Total Units			371	294	589	336	529	590				2709	1325

Note: units serving extremely low-income households are included in the very low-income permitted units totals  
 Cells in grey contain auto-calculation formulas

# ANNUAL ELEMENT PROGRESS REPORT

## Housing Element Implementation

(CCR Title 25 §6202)

<b>Jurisdiction</b>	Berkeley		
<b>Reporting Year</b>	2020	(Jan. 1 - Dec. 31)	
<b>Table D</b>			
<b>Program Implementation Status pursuant to GC Section 65583</b>			
<b>Housing Programs Progress Report</b>			
Describe progress of all programs including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing as identified in the housing element.			
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>
<b>Name of Program</b>	<b>Objective</b>	<b>Timeframe in H.E</b>	<b>Status of Program Implementation</b>
Berkeley Housing Authority	Provided housing assistance for low-income residents	ongoing	The BHA provides housing assistance to residents. BHA provides rental assistance to a total of 1,939 units through the Section 8 and Moderate Rehabilitation Program.
Boards and Commissions	Facilitate citizen input in City decisions	ongoing	The City held over 100 public meetings in 2020 on topics such as HTF, development projects, affordable housing and zoning ordinance amendments.
Condominium Conversion Ordinance	Control the rate of conversion and collect fees to fund affordable housing.	ongoing	In 2020, 8 units were approved for conversion.
Demolition Controls and Unit Replacement Requirement	Maintain the number of housing units in Berkeley.	ongoing	Amendments to the Demolition Ordinance were actively considered by the 4x4 Committee (which includes members of City Council and the Rent Stabilization Board) in 2020 and continue to be worked on in 2021. Changes in State Law (SB 330) and State Case Law have added to the complexity of this project.
Energy Conservation Opportunities and Programs	Promote energy efficiency in new and existing construction.	ongoing	In 2020, 58 Berkeley homes received cash rebates totaling \$66,111 for 208 energy efficient measures through the BayREN Home+ Program. In addition, 165 dwelling units in Berkeley received energy and water upgrades, qualifying for \$123,750 in rebates and saving 43,710 kWh of electricity and 8,375 therms of natural gas, through the Bay Area Multifamily Building Enhancements Program. In 2020, 245 homes had energy assessments during property sales and 135 large buildings completed energy benchmarking to comply with Berkeley's Building Energy Savings Ordinance (BESO). Newly constructed buildings became subject to Berkeley's Natural Gas Prohibition (BMC Chapter 12.80) and reach code (BMC Chapter 19.36) on January 1, 2020.

Fair Housing Assistance, Outreach and Education and programs addressing impediments to Fair Housing	Provide fair housing services and education to mitigate impediments to fair housing.	ongoing	In 2020, 44 clients were served by ECHO. All received fair housing counseling, 25 issues were investigated, 25 issues were investigated, and 10 clients's rights were protected, restored or acquired. Additionally, 10 fair housing tests were conducted and no vilations were found. Two educational workshops for landlords/property managers were conducted and community based organizatoions reaching 10 residents.
Addressing Impediments to Fair Housing	Maintain the diversity of Berkeley's population	2015-2020	In 2020, the City funded programs serving people with disabilities at \$1,560,733 and programs for seniors at \$9,110.
Home Modifications for Accessibility and Safety (Rebuilding Together and CIL)	Provide home modification for accessibility.	ongoing	In 2020, COVID-19 had an impact on small construction sites which resulted in fewer rehabilitation and ADA improved accessibility repair projects being completed. Since these rehabilitation programs primarily serve high-risk populations (e.g. seniors/disabled), the agencies had to develop infection prevention protocols and adhere to the small construction site COVID-19 protocols which caused a delay in fully completing projects. In CY2020, Habitat for Humanity completed two home rehabilitation repairs, Rebuilding Together completed five home rehabilitation repairs, and CIL completed 12 ADA improved accessibility repairs projects. SDRLP completed four home rehabilitation projects.
HHSP: EveryOne Home Plan	Implement the EveryOne Home Plan	ongoing	In 2019, the City continued to participate in the Everyone Home Leadership Board. In 2019, Berkeley became the first jurisdiction in Alameda County to adopt the 2018 Strategic Update to the EveryOne Home Plan.
HHSP: Community Agency Contracting	Provide support services to homeless individuals and families.	ongoing	Community agency contracting for HHSP related programs totaled \$15,889,119 in 2020.
HHSP: Homeless Housing Locations	Provide emergency shelter, transitional housing and permanent supportive housing programs	ongoing	In 2020, The City provided 226 (109)* year-round shelter beds, 28 (19)* seasonal shelter beds, 5 (3)* family transitional housing beds, 15 (9)* individual transitional housing beds, 506 permanent supportive housing units, including 277 permanent supportive housing units through HUD Shelter Plus Care grants, 15 additional Square One (City of Berkeley General Fund) units, 164 site-based units, and 60 HUD Mainstream vouchers for Non-Elderly and Disabled (NED) individuals.  *(Reduced number of beds in 2020 due to COVID-19 pandemic).
HHSP: Centralized bed reservation system	Reduce nightly vacancies in shelters with reservations.	ongoing	Berkeley continues to have a centralized reservation system to fill unfilled shelter beds resulting in a very low nightly vacancy rate.
HHSP: City's Housing Retention Program and ARRA Funding for HPRP	Provide housing retention support to prevent homelessness.	2012 through 2015	The HRP issued 19 household grants totaling \$21,346 in 2015. In January 2016, the funds were shifted to provide rapid rehousing financial assistance for people who were literally homeless.

<b>HHSP: Priority Home Partnership (PHP) Program</b>	<b>Provide a county-wide prevention and rapid rehousing program.</b>	<b>ongoing</b>	<b>The City continues to allocate PHP funds to its Coordinated Entry Homeless Services System.</b>
<b>HHSP: Relocation Services</b>	<b>Provide tenants and owner relocation counseling.</b>	<b>ongoing</b>	<b>In 2020, 41 tenants and 16 landlords received assistance</b>
<b>HHSP: Reverse Mortgagee Counseling</b>	<b>Assist low-income elderly homeowners access home equity</b>	<b>Discontinued</b>	<b>The City no longer contracts with ECHO to provide reverse mortgage counseling.</b>
<b>HHSP: Shelter Plus Care</b>	<b>Provide supportive housing for homeless households.</b>	<b>ongoing</b>	<b>In 2020, the City provided Shelter+Care vouchers to 55 new households to access permanent housing.</b>
<b>Housing code compliance and the Rental Housing Safety Program (RHSP)</b>	<b>Maintain safe housing stock.</b>	<b>ongoing</b>	<b>In 2020, Housing Code Enforcement/the Rental Housing Safety Program opened 184 new reactive (complaint driven) and 174 proactive cases, for a total of 358 new cases.</b>
<b>Housing Mitigation Fees for Non-residential development</b>	<b>Compensate increased demand for housing from new development</b>	<b>ongoing</b>	<b>The City continues to apply this fee to major commercial development projects, of which there are few. Fee is payable in installments over time, so revenue amounts are modest. Roughly \$400K is expected to come due in next 12-24 months.</b>
<b>Housing Trust Fund</b>	<b>Develop and preserve long-term BMR housing.</b>	<b>ongoing</b>	<b>In 2019, the City executed contracts for \$21.5M in development funds for four new construction affordable housing developments.</b>
<b>Inclusionary Housing/State Density Bonus</b>	<b>Increase the supply of housing affordable to lower-income HHs</b>	<b>ongoing</b>	<b>In 2020, the following project milestones were met for Density Bonus projects: 8 entitlements, 3 projects issued building permits, and 1 projects completed.</b>
<b>Mitigating Governmental Constrains</b>	<b>Reduce governmental constraints on production of new housing.</b>	<b>ongoing</b>	<b>The planning department continued public outreach efforts, interdepartmental roundtable, and expedited project reviews in 2020. Possible constraints continue to be reviewed.</b>
<b>Preserving Units at Risk of Conversion to Market Rate</b>	<b>Preserve affordable housing units at risk of converting to market rate.</b>	<b>ongoing</b>	<b>The 2015 Housing Element identified only one project at higher risk of conversion, Rosewood Manor. That development is still owned by a mission-oriented nonprofit organization and managed by an expert nonprofit property manager, with no indication of intent to convert.</b>
<b>Priority Development Area Program</b>	<b>Encourage higher density new development near transit.</b>	<b>ongoing</b>	<b>In December of 2020, the City adopted a new Adeline Corridor Specific Area Plan. In 2020 the City requested the North Berkeley BART Station be classified as a new PDA and has been working with the community on new development standards that comply with AB 2023. The City applied for grant funding to begin work on the San Pablo Avenue PDA. The City continues to work on the Southside Zoning Modifications project that will allow for more density near campus for student housings.</b>
<b>Problem Properties Task Force (Team)</b>	<b>Address safety concerns at vacant/blighted properties.</b>	<b>ongoing</b>	<b>The City continues to activate the PPTF on an as-needed basis for properties with safety concerns.</b>

<b>Project Review Outreach Efforts</b>	<b>Actively solicit input from Berkeley residents on proposed projects.</b>	<b>ongoing</b>	<b>Information about all major projects continued to be provided at projects sites.</b>
<b>Reasonable Accommodation Ordinance</b>	<b>Process reasonable accommodation requests efficiently.</b>	<b>ongoing</b>	<b>Reasonable accommodations continue to be available.</b>
<b>Redevelopment Agency Tax increment Set-Aside Funds for Housing Activity</b>	<b>Fund affordable housing through tax increment set-asides funds.</b>	<b>to 2020</b>	<b>The 2011 Budget Act approved the dissolution of the state RAs. In January of 2012 the City elected to serve as the Successor Agency to the RA with an oversight board.</b>
<b>Rent Stabilization and Tenant Protections</b>	<b>Rent stabilization and good cause for eviction for Berkeley tenants.</b>	<b>ongoing</b>	<b>In 2020, the Rent Board continued educational counseling and support for landlords and tenants.</b>
<b>Second Units</b>	<b>Increase the supply of housing through second dwelling units.</b>	<b>ongoing</b>	<b>In 2019 the State amended ADU State law, making it easier to establish an ADU on a lot with an existing or proposed residential dwelling. In December of 2019 the City adopted an ADU Urgency Ordinance precluding the development of ADUs on lots that front a street with less than 26 feet in width in the Fire 2 and 3 zones and the ES-R zoning district. Since the urgency ordinance expired in December 2020, the City now administers State ADU law.</b>
<b>Accessory Dwelling Units</b>	<b>Increase the supply of housing through accessory dwelling units.</b>	<b>ongoing</b>	<b>In 2019 the State amended ADU State law, making it easier to establish an ADU on a lot with an existing or proposed residential dwelling. In December of 2019 the City adopted an ADU Urgency Ordinance precluding the development of ADUs on lots that front a street with less than 26 feet in width in the Fire 2 and 3 zones and the ES-R zoning district. Since the urgency ordinance expired in December 2020, the City now administers State ADU law. .</b>
<b>Seismic Preparedness Programs</b>	<b>Improve the safety of housing through seismic retrofits.</b>	<b>ongoing</b>	<b>In 2020, for the soft story program, 245 retrofits have been completed and 52 retrofits are still required by our Mandatory Retrofit Ordinance. Through the Retrofit Grants program, nearly \$2 million in grant funding has been provided to Berkeley property owners, including 45 design grants and 42 construction grants. Of 593 URM properties identified, 5 URM buildings remain to be retrofitted. 24 Berkeley homes completed seismic upgrades through the 2020 Earthquake Brace and Bolt program.</b>
<b>Senior and Disabled Home Improvement Loan Program</b>	<b>Assist senior and disabled HHs preserve their housing.</b>	<b>ongoing</b>	<b>In 2020, one loan was issued to rehabilitate and preserve housing via the the City's Senior and Disabled loan program.</b>
<b>Tool Lending Library</b>	<b>Assist Berkeley residents with the preservation of the City's housing stock.</b>	<b>ongoing</b>	<b>The new TTL branch opened in May 2013 with more space for an increased tool inventory.</b>



<b>Jurisdiction</b>	Berkeley	
<b>Reporting Year</b>	2020	(Jan. 1 - Dec. 31)

<b>Building Permits Issued by Affordability Summary</b>		
<b>Income Level</b>		<b>Current Year</b>
Very Low	Deed Restricted	38
	Non-Deed Restricted	0
Low	Deed Restricted	13
	Non-Deed Restricted	0
Moderate	Deed Restricted	0
	Non-Deed Restricted	0
Above Moderate		540
<b>Total Units</b>		<b>591</b>

Note: Units serving extremely low-income households are included in the very low-income permitted units totals

<b>Housing Applications Summary</b>	
Total Housing Applications Submitted:	70
Number of Proposed Units in All Applications Received:	348
Total Housing Units Approved:	175
Total Housing Units Disapproved:	0

<b>Use of SB 35 Streamlining Provisions</b>	
Number of Applications for Streamlining	0
Number of Streamlining Applications Approved	0
Total Developments Approved with Streamlining	0
Total Units Constructed with Streamlining	0

<b>Units Constructed - SB 35 Streamlining Permits</b>			
<b>Income</b>	<b>Rental</b>	<b>Ownership</b>	<b>Total</b>
Very Low	21	0	21
Low	13	0	13
Moderate	0	0	0
Above Moderate	3	0	3
<b>Total</b>	<b>37</b>	<b>0</b>	<b>37</b>

Cells in grey contain auto-calculation formulas

<b>Jurisdiction</b>	Berkeley
<b>Reporting Year</b>	2020 (Jan. 1 - Dec. 31)

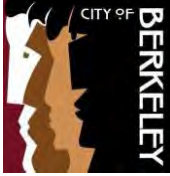
<b>ANNUAL ELEMENT PROGRESS REPORT</b>					
<b>Local Early Action Planning (LEAP) Reporting</b>					
(CCR Title 25 §6202)					
<i>Please update the status of the proposed uses listed in the entity's application for funding and the corresponding impact on housing within the region or jurisdiction, as applicable, categorized based on the eligible uses specified in Section 50515.02 or 50515.03, as applicable.</i>					
<b>Total Award Amount</b>	\$	500,000.00	<i>Total award amount is auto-populated based on amounts entered in rows 15-26.</i>		
Task	\$ Amount Awarded	\$ Cumulative Reimbursement Requested	Task Status	Other Funding	Notes
BART Zoning Standards	\$125,000.00	\$0.00	In progress	Other	SB-2
Housing Element Update (including CEQA review)	\$325,000.00	\$0.00	In progress	Local General Fund	
Feasibility Analysis of Affordable Housing Requirements	\$50,000.00	\$0.00	In Progress	Local General Fund	

*Summary of entitlements, building permits, and certificates of occupancy (auto-populated from Table A2)*

<b>Completed Entitlement Issued by Affordability Summary</b>		
Income Level		Current Year
Very Low	Deed Restricted	42
	Non-Deed Restricted	0
Low	Deed Restricted	0
	Non-Deed Restricted	0
Moderate	Deed Restricted	0
	Non-Deed Restricted	0
Above Moderate		926
<b>Total Units</b>		<b>968</b>

<b>Building Permits Issued by Affordability Summary</b>		
Income Level		Current Year
Very Low	Deed Restricted	38
	Non-Deed Restricted	0
Low	Deed Restricted	13
	Non-Deed Restricted	0
Moderate	Deed Restricted	0
	Non-Deed Restricted	0
Above Moderate		540
<b>Total Units</b>		<b>591</b>

<b>Certificate of Occupancy Issued by Affordability Summary</b>		
Income Level		Current Year
Very Low	Deed Restricted	22
	Non-Deed Restricted	0
Low	Deed Restricted	0
	Non-Deed Restricted	0
Moderate	Deed Restricted	0
	Non-Deed Restricted	0
Above Moderate		377
<b>Total Units</b>		<b>399</b>



# 2020 General Plan Annual Progress Report

## City of Berkeley

Submitted April 1, 2020

## TABLE OF CONTENTS

1. Introduction	3
2. Land Use Element	4
3. Transportation	6
4. Housing	8
5. Disaster Preparation and Safety	10
6. Open Space and Recreation	12
7. Environmental Management	13
8. Economic Development	19
9. Urban Design	21
10. Citizen Participation	22

## **INTRODUCTION**

Government Code Section 65400(a)(2) requires planning agencies to provide an annual report to their legislative body, the Governor’s Office of Planning and Research (OPR) and California Department of Housing and Community Development (HCD) on the status of their General Plan and progress in its implementation. The report must detail the progress in meeting the jurisdiction’s share of the regional housing need and address efforts by the local agency towards removing governmental constraints to the maintenance, improvement, and development of housing.

The purpose for the Annual Progress Report is to: 1) assess how the General Plan is being implemented in accordance with adopted goals, policies and implementation measures; 2) identify any necessary adjustments or modifications to the General Plan as a means to improve local implementation; 3) provide a clear correlation between land use decisions that have been made during the 12-month reporting period and the goals, policies, and implementation measures contained in the General Plan; and 4) provide information regarding local agency progress in meeting its share of the regional housing need.

The City of Berkeley General Plan was adopted on **April 23, 2002**. The General Plan contains the seven State-required elements which are Land Use, Circulation, Housing, Conservation, Open Space, Noise and Safety. The State allows the combining of elements or the addition of new elements as long as the required seven elements are present in some fashion. The Berkeley General Plan contains the following 9 elements:

- Land Use
- Transportation
- Housing
- Disaster Preparedness & Safety
- Open Space & Recreation
- Environmental Management
- Economic Development & Employment
- Urban Design & Preservation
- Citizen Participation

Local governments are required to keep their General Plans current and internally consistent. There is no specific requirement that a local government update its General Plan on any particular timeline, with the exception of the Housing Element, which is required to be updated as prescribed by State law. The Berkeley Housing Element was last updated and certified by HCD on January 21, 2015, for the 2015-2023 planning period.

The City of Berkeley continues to actively implement the policies of the General Plan including the goals, policies and programs of the Housing Element. The following represents the progress the City has made towards implementing the General Plan and Housing Element during the **Calendar Year (CY) 2020** reporting period. The information to follow is organized to correspond with the elements of the Berkeley General Plan.

## LAND USE ELEMENT

### AMENDMENTS

State Law limits the number of times each mandatory element of the General Plan, such as the Land Use Element, can be amended to a maximum of four times per calendar year.

The Land Use Element of the Berkeley General Plan was amended twice during CY 2020.

- July 28, 2020 – Re-designate Assessor Parcel Numbers (APNS) 054-1716-002-00, 054-1716-003-00, and 054-1716-031-00 [Rose Garden Inn] from Low Medium Density Residential to Avenue Commercial.
- December 17, 2020 – Amend the Berkeley Municipal Code to Create the C-Adeline Corridor District Commercial Zone Regulations and Making Conforming Changes to other Code Sections; Adding Berkeley Municipal Code Chapter 23E.70

### PROGRESS TOWARDS MEETING THE GOALS AND GUIDING POLICIES OF THE LAND USE ELEMENT

- **Adeline Corridor Specific Plan Specific Plan**  
The Adeline Corridor Specific Plan, General Plan and zoning amendments, and environmental review documents were adopted by the City Council on December 8, 2020. The Adeline Corridor Specific Plan articulates a community vision and planning framework that will serve as a guide for the City and other public agency decision-makers, community members and other stakeholders over the next 20 years. The Adeline Corridor Specific Plan Area (“Plan Area”) is located in the southern portion of the City of Berkeley and extends approximately 1.3 miles north from the Berkeley/Oakland border along Adeline Street and a portion of Shattuck Avenue. It serves as an important gateway to Berkeley’s Downtown (to the north) and to Oakland (to the south).
- **Zoning Ordinance Reorganization Project (ZORP)**  
In CY 2020 the City of Berkeley made significant progress on Phase I of ZORP. Phase I resulted in the development of a new Baseline Zoning Ordinance (BZO) that improved the existing Zoning Ordinance’s organization, format, and writing style. Planning Commission held a public hearing on the BZO and recommended adoption to City Council. City Council will consider adoption of the BZO in CY 2021. Phase I does not include any substantive policy changes, zoning changes, or changes in existing development standards. Phase I is solely a reorganization and reformatting to make land use regulations easier to understand and zoning information easier to find.
- **Density Bonus Projects**  
In CY 2020, the majority of projects greater than 5 units were approved using State Density Bonus provisions. The following Density Bonus projects were either approved, under construction, or completed this past year.
  - 2023 Shattuck  
Construct a 24,178 square-foot, seven-story, 73’5” tall, mixed-use building with 48 dwelling

units (including 4 units available to very-low-income households) and 1,250 square feet of ground floor commercial space

- 1367 University  
New four-story, 39 unit residential building
- 2099 Martin Luther King Jr.  
Construction of a new, seven-story, mixed-use building with a total of 72 dwelling units
- 3000 San Pablo  
Demolish the existing commercial building at 3000 San Pablo Avenue, and demolish part of the building at 1042 Ashby that encroaches onto 3000 San Pablo Avenue, to build a new 6-story mixed-use building, with 78 apartments (7 Below Market Rate), 1,248 sq. ft. of commercial space
- 1200 San Pablo  
Demolish three existing commercial building, and construct a new, 99,000 SF, 6-story, mixed-use building with 104 units, 3000 SF ground floor retail.
- 2720 San Pablo  
Demolition of the former automobile service station and construct a 6 story, 60' high mixed-use building, with 25 dwellings (including 2 dwellings available to very low income households) with a total of 97 bedrooms, and 963 square feet of ground floor retail space.
- 2000 Dwight  
Demolition of six non-residential buildings and the construction of a six-story residential building with 113 dwelling units for senior housing.
- 1500 San Pablo  
Demolish an existing 24,000 square feet two-story commercial building; and (2) to construct a 197,800 square feet, 5-story, 60'-6' tall, mixed use building with 170 residential units, 10,900 square feet of commercial floor area.
- 2352 Shattuck  
Demolish two existing commercial buildings; 2) split the lot into two; and 3) construct two, eight-story, mixed-use buildings with 204 units (including 14 Very Low Income units), 12,154 square feet of commercial space.
- 2590 Bancroft  
Demolish an existing two-story commercial building; and 2) construct an eight-story, mixed-use building with 87 dwelling units (including five Very Low-Income units), 4,345 square feet of commercial space.

- **Accessory Dwelling Units**

During the CY 2020 reporting period, the City issued building permits for 120 accessory dwelling units. Of these projects, 73 were finalized.

- **Major Non-Residential Projects**

- Bayer HealthCare LLC Development Agreement Amendment Project

The project location is the Bayer campus in West Berkeley, which has a primary street address of 800 Dwight Way. Bayer's existing 30-year Development Agreement (DA) with the City of Berkeley, covering the North Properties, was approved in 1992 and is set to expire in 2022. The proposed project would amend the existing DA to cover both the North and South Properties, while extending its duration an additional 30 years until February 2052. In November 2020, both the Zoning Administration Board (ZAB) and the Planning Commission (PC) held scoping sessions for the scope of the Draft Environmental Impact Report and received public comment.

- 3100 San Pablo Avenue – Foundry 31

Establish approximately 17,700 square feet of an oncology testing laboratory and medical office and 69,800 square feet of research and development (R&D) space in an existing 402,742 square foot building.

## TRANSPORTATION

### AMENDMENTS

The Transportation Element once during CY 2020.

- November 17, 2020 - Replace Level of Service (LOS) with Vehicle Miles Traveled (VMT) as the metric to analyze transportation-related environmental impacts under CEQA.

### PROGRESS TOWARDS MEETING THE GOALS AND GUIDING POLICIES OF THE TRANSPORTATION ELEMENT

- **Berkeley Vision Zero Action Plan**

Adopted by the Berkeley City Council on March 10, 2020, this Plan recommends 33 actions to achieve the City of Berkeley's Vision Zero policy goal of zero traffic deaths and severe injuries on Berkeley Streets by 2028. The 33 recommendations are further prioritized into 11 near-term actions which are the focus of the ongoing Vision Zero Program. The Vision Zero Action Plan was created through a collaborative effort of agency staff from the City, other public agencies, and an Advisory Committee composed of members of the Berkeley community representing public schools, seniors, business organizations, and walking and biking advocates.

- **Pedestrian Plan**

The Berkeley Pedestrian Plan was submitted to City Council in late 2020 and approved by Council on January 26, 2021. Other completed milestones in 2020 include a public open house for review of Plan recommendations held in February and release of the Draft Plan to the public in September. The Plan prioritizes safety and equity in establishing a clear path forward for pedestrian infrastructure improvements. The Plan also includes a set of goals for improving pedestrian



transportation in Berkeley, performance measures for evaluating and prioritizing streets for future pedestrian infrastructure improvements, maps showing recommended pedestrian infrastructure projects on ten priority streets, recommendations for new citywide programs and policies, and cost estimates for the projects on the aforementioned ten priority streets. The recommendations in the Plan were devised after a multi-year, robust community engagement process.

- **Sidewalk Program**

The City of Berkeley implemented sweeping changes to sidewalk repair initiatives, most notably, the inclusion of sidewalk repairs as a part of a “Complete Streets” approach to Street Rehabilitation/Repaving Capital Improvement Projects. This greatly increased the number of sidewalks the City has been able to repair in comparison to years past. In addition to the repaired sidewalks, the City implemented a concrete shaving program that was effectively able to shave uplifted and hazardous sidewalks down to a flat and compliant state. In 2020 alone, the sidewalk shaving program abated over 10,000 sidewalk hazards.

- **Street Rehabilitation Program**

The City continues to utilize this program to achieve goals beyond simply improving the asphalt quality for automobiles. In 2020, under a “Complete Streets” approach, the City rehabilitated 11.4 lane miles of roadway, installed green infrastructure elements such as bioswale planters for storm water catchment and placemaking, implemented ADA improvements such as updating curb ramps and repairing sidewalks, constructed bicycle and pedestrian improvements such as refuge islands at historically challenging crossings, installed buffered and parking-protected bike lanes, painted bulb-outs, constructed speed tables, and installed high-visibility crosswalks and bus boarding islands.

- **One-Way Vehicle Share Program**

In 2020, a company named Revel acquired parking permits from the City in order to launch a shared electric moped service in Berkeley. This service provides an additional mobility option for residents and visitors to access destinations in Berkeley. The neighboring cities of Oakland and Emeryville also permit Revel mopeds, helping link the service regionally. These electric vehicles offer a mobility alternative to the automobile, thus reducing greenhouse gas emissions and helping meet the City’s Climate Action goals.

- **Citywide Demand-Responsive Parking Meter Pricing and goBerkeley Parking Program**

Approximately half of the City’s parking meters are managed under the goBerkeley program, which uses demand-responsive pricing and longer time limits to create more parking options and availability. The most recent goBerkeley price adjustment occurred on February 1, 2020. Starting June 1, 2020 under the COVID-19 pandemic, the City has been managing all parking meters citywide using demand-responsive pricing, with prices at the end of 2020 ranging from \$0.50/hour to \$2.00/hour depending on level of demand.

- **Shattuck Reconfiguration Project**

In 2020, the City of Berkeley reached some key milestones for this major intersection undergoing construction in the heart of Berkeley’s Downtown. A few of these construction milestones completed in 2020 include: installation of a raised concrete (tabletop) intersection at Center and

Shattuck East (renamed Kala Bagai Way), fresh repaving within the project limits, and new traffic signals and street lighting improving vehicular and pedestrian safety. Construction of the project began in January 2019 and was recently completed in January of 2021.

- **Adeline Street Project**

This project on Adeline Street from Ashby Avenue to Shattuck Avenue included improvements such as: roadway rehabilitation, application of high-visibility crosswalks, updated ADA compliance for curb-ramps and sidewalks, and the installation of parking-protected bikeways as well as bus boarding islands. The project construction was completed in 2020.

- **Hearst Avenue Project**

This project, located between Milvia Street and Shattuck Avenue, included roadway rehabilitation and upgrading the existing Class II bike lanes to parking-protected bikeways. The project construction was completed in 2020.

- **Electric Mobility Roadmap:** Berkeley's first Electric Mobility Roadmap (Roadmap) was adopted in July 2020. The Roadmap supports clean transportation, including walking, biking, public transportation, and a wide range of electric vehicles, with a focus on equitable and affordable access. The Roadmap identifies strategies and actions to achieve these four goals:

- Ensure Equity in Access to Electric Mobility  
*Maximize electric mobility benefits in underserved communities*
- Improve Alternatives to Driving  
*Shift trips to walking, cycling, and shared electric modes*
- Achieve Zero Net Carbon Emissions  
*Eliminate emissions from private vehicles*
- Demonstrate City Leadership  
*Lead by example and guide the electric mobility transition*

- **EV Fleet Assessment:** In 2020, City staff worked with EBCE to conduct a municipal fleet electrification assessment. This assessment presents an EV deployment and associated charging infrastructure plan through 2030 including distributed energy resource (solar and battery storage) charging options. If investments can be made to transition the light duty municipal fleet to EVs over the next 10 years, it will reduce the associated lifecycle (well-to-wheels) GHG emissions of these vehicles from 56.6 to 2.1 metric tons, a 96% reduction by 2030.

## HOUSING

### **AMENDMENTS**

The Berkeley Housing Element was last updated and certified by HCD on January 21, 2015, for the 2015-2023 planning period. The Housing Element was not amended during CY 2020.

### **PROGRESS TOWARD MEETING THE GOALS AND GUIDING POLICIES OF THE HOUSING ELEMENT**

Pursuant to Government Code Section 65400, the City Council is required to prepare an annual report on the status and progress in implementing the City’s Housing Element using forms and definitions adopted by HCD. The completed forms for CY 2020 are attached as **Exhibit A** to this report.

As shown in Table 1, the City of Berkeley’s RHNA for the current planning period is 2,959 residential units, broken down by income category. HCD regulations require that excess units in one income category cannot be used to reduce the unaccommodated need from the other categories.

**Table 1: Regional Housing Needs Allocation 2014- 2023**

<b>2014-2023</b>	<b>Income Category</b>
532	Very Low Income
442	Low Income
584	Moderate Income
1401	Above Moderate Income
<b>2959</b>	<b>Total</b>

In 2020, the City issued building permits for 590 dwelling units, including 539 above moderate income units, 13 low-income deed restricted units, and 38 very low income deed-restricted units. There is currently an unmet remaining need of 1,563 units, as shown in Table 2 below.

**Table 2: Berkeley’s Progress in Meeting Regional Housing Needs**

<b>Income Category</b>	<b>Total RHNA (2014- 2023)</b>	<b>Net Units Created (2015- 2020)</b>	<b>Balance Remaining</b>	<b>Percent of RHNA Achieved</b>
Very Low Income	532	173	359	32.5%
Low Income	442	60	382	13.6%
Moderate Income	584	0	584	0%
Above Moderate Income	1,401	2,476	0	176.7%
<b>Total</b>	<b>2,959</b>	<b>2,709</b>	<b>1,325</b>	<b>55.2%</b>

As required by state law, the City must zone land to accommodate the RHNA and develop programs and policies that promote an environment where housing construction is encouraged at all income levels.

Additionally, in 2020, the City implemented the following notable goals and guiding principles from the Housing Element:

- **Rapid Rehousing Rental Assistance:** Provided assistance to 62 households.
- **Rental Rehabilitation Loan:** Issued 1 loan.
- **Eviction Prevention Rental Assistance:** Provided assistance to 440 households.
- **Shelter and Care Housing Vouchers:** Provided 55 vouchers.

For a list of Housing Element Implementation, please refer to Table D of the APR, which is attached as **Exhibit A** to this report.

## **DISASTER PREPAREDNESS & SAFETY**

### **AMENDMENTS**

The Disaster Preparedness + Safety Element was not amended during CY 2020.

### **PROGRESS TOWARDS MEETING THE GOALS AND GUIDING POLICIES OF THE DISASTER PREPAREDNESS AND SAFETY ELEMENT**

- **COVID-19 Response**

Since the beginning of calendar year 2020, the City has been working to respond to the COVID-19 pandemic. These efforts ramped up significantly in March 2020, when the City issued its first Shelter-In-Place Order to address the community spread of COVID-19 and fully activated its Emergency Operations Center. Since the beginning of the pandemic, the City has mobilized over 550 employees from every department including the City Auditor's Office, the Library, and the Rent Board. Some employees were working in capacities that they were familiar with and accustomed to, however, many others were asked to perform new responsibilities and work under leadership and collaborate with individuals that they may have never met.

At the beginning of the Shelter-In-Place, the days were long and there was tremendous pressure placed on employees to be flexible and balance the needs of protecting the community with the challenges of protecting themselves and managing their families and households. This unprecedented mobilization of City staff united around a focused mission to mitigate the spread of COVID-19 and protect the health and safety of the community and employees. Collectively, employees mobilized and implemented a multi-faceted response that included:

- Disease containment;
  - Keeping the community well-informed;
  - Creating public health and safety protocols and practices that did not previously exist;
  - Providing ample testing that is accessible and available in an equitable manner;
  - Distributing vaccine in an equitable manner;
  - Providing outreach and support to the business community;
  - Supporting vulnerable populations, including the elderly and people who are unhoused; and
  - Implementing new laws and regulations.
- **Additional EOC Activations**

In addition to the ongoing EOC Activation for COVID-19 response described above, the City activated additional Emergency Operations Center structures twice in 2020 to provide coordination and support for separate situations:

    - October: Public Safety Power Shutoff and Extreme Fire Weather
    - November: 2020 Election (readiness for Civil Unrest)
  - **Wildfire Readiness**
    - Safe Passages Program

- Completed evaluation and recommendations for increased parking restrictions and vegetation removal for three pilot street segments.
- Implemented parking restrictions on one of the three pilot street segments.
- Drills and Exercises
  - Wildfire Evacuation Drills: Over 500 Berkeley residents from within Fire Zone 2 participated in the August 2019 Wildfire Evacuation Drills, which included the testing of emergency notification systems, household evacuation, practice of evacuation routes, and gathering at evacuation sites.
  - Tabletop Exercise with surrounding jurisdictions (Kensington/El Cerrito, East Bay Regional Parks District, Moraga-Orinda Fire Protection District)
- Vegetation Management
  - Parks Division Vegetation Management (Parks Division FY 2019 budget includes \$406,891 for fire fuel management. The funded work includes regular maintenance of understory and ladder fuels plus tree maintenance)
  - Ongoing: 2020 Hazardous Fire Area Inspection Program
  - Ongoing: 2020 Fire Fuel Chipper Program
- Community Outreach
  - Fire Safety Town Hall Meeting May 2020 (topics included Wildfire Season, Wildfire Evacuation Plan, Zonehaven, Community Efforts)
  - Shifted wildfire readiness presentations to Zoom/online interface to continue outreach during COVID-19 Pandemic
  - Initiated FireWise Community process to Berkeley Neighborhood Group (will continue when Shelter-in-Place Orders are lifted)
- Coordinated Planning Efforts
  - Ongoing collaboration with Disaster and Fire Safety Commission on Outdoor Warning System project
  - Ongoing collaboration with PG&E on establishing sites for PG&E Alert wildfire Cameras in Alameda County
  - Ongoing participation in Alameda's Countywide Evacuation Task Force
    - Entered into contract with Zonehaven to provide Evacuation Mapping Software and Protocols for Alameda County
  - Ongoing participation in Hills Emergency Forum (monthly meetings which allows the City to work with neighboring jurisdictions on the regional goal of a healthy, fire resistive wildland urban interface across the East Bay. The collaborative work of Berkeley, UC Berkeley, East Bay Regional Parks, the City of Oakland, and other agencies is focused through this group)

## OPEN SPACE & RECREATION

### AMENDMENTS

The Parks and Open Space Element was not amended during CY 2020.

### PROGRESS TOWARDS MEETING THE GOALS AND GUIDING POLICIES OF THE OPEN SPACE & RECREATION ELEMENT

- **Berkeley Marina Specific Plan**

The Berkeley Marina Area Specific Plan (BMASP) Project is a two plus year planning project to provide a path for achieving a financially self-sustainable, publicly owned marina that preserves and enhances infrastructure to support current and future community needs, while adapting to climate change and promoting environmental stewardship. The public process for this project will involve a series of small focus group meetings and large public community meetings to gather public feedback. To-date, four small focus group meetings were held in October 2020.

- **Funding**

Parks, Recreation and Waterfront (PRW) capital funding is made up of Recurring Capital<sup>1</sup> from the Parks Tax, General Fund, Marina Fund and the Camps Fund<sup>2</sup>. Below are descriptions of these some of these funding sources.

- Park Tax/ Measure F: The Parks Tax increase approved by Berkeley voters in 2014 has increased parks tax yearly capital by \$750,000, from \$250,000 to \$1,000,000, since FY2016. Additionally, Measure F provides a yearly \$450,000 for minor maintenance projects.
- Measure T1: In 2016 voters approved a \$100 million dollar bond measure to repair and improve existing city facilities and infrastructure. The city is currently implementing Phase I of the bond program which includes \$41 million in city wide improvements. Approximately half of which are going towards city parks.
- Measure WW: is a local grant program for the acquisition and development of countywide and regional parks and recreation facilities. It is funded by a bond measure approved by Alameda County and Contra Costa County voters in November 2008. The City of Berkeley's allocation was \$4.876 million and has funded projects through 2019.

- **Recently Completed Capital Improvements Park Projects (last 18 months)**

- Parks – Becky Temko – 2-5 Play Area Renovations and ADA upgrades (WW/Parks Tax)
- Parks – City Wide Irrigation Software Establishment and Controller Replacement (T1)
- Parks – Glendale – La Loma Basketball Court Reconstruction (Parks Tax)
- Parks – Harrison Park – Turf Renovation (Parks Tax)
- Parks – Conceptual Design of Gillman Fieldhouse/Restroom (T1)
- Parks – San Pablo Park – Restroom Building Renovation (Parks Tax)
- Parks – Strawberry Creek Park – Courts Replacement and ADA upgrades (WW/Parks Tax)
- Camps – Berkeley Tuolumne Camp (BTC) Administrative Draft Environmental Assessment and Initial Study / Mitigated Negative Declaration (Camps Fund)

- Camps – BTC - Removal of 2000 Hazardous Trees (Camps Fund)
- Camps – BTC - Repairs to Remaining Facilities (Camps Fund)
- Camps – BTC - Removal of Facilities from Archaeological Area (Camps Fund)
- Camps – Echo Lake Camp - Reconstruction of 36 Snow Damaged Cabins (Camps Fund/General Fund)
- Waterfront – Finger Dock Replacement Phase 1 (Marina Fund)
- Waterfront – Rip Rap Replacement at Eastern Side of Cesar Chavez Park (Zero Waste Fund)

- **Berkeley Volunteer Programs**

In 2020 amount of volunteers participated in volunteering events organized by the City. The City of Berkeley has a combination of year-round, monthly or even daily opportunities to volunteer within our department. Below is a brief description of a handful of different opportunities available to Berkeley residents.

- BayIT – Nature Education Training – October 2019 thru March 2020  
The Bay Interpretive Training Program was developed to train volunteers in nature education techniques to assist Nature Center staff in teaching Bay ecology to local school groups. The BayIT program involves hands-on training sessions covering such topics as the history of the Bay, marine habitats, and bay shore flora and fauna, with special emphasis on how to teach and use artifacts and live animals.
- Compost Day - Last Saturday of the month February thru October (3rd Sat in July) @ 7:30am; we work to distribute compost to Berkeley residents at the Meadow Lot along Marina Blvd south of the Doubletree Hotel.
- Volunteer Sports Coaches for Youth Hoops League –November 13, 2019-Feb 2020  
Volunteers support our programs by creating a positive learning environment where youth can learn skills and character values. Come volunteer and strengthening the community through youth development, healthy living, and social responsibility.

## ENVIRONMENTAL MANAGEMENT

### AMENDMENTS

The Conservation Element was not amended during CY 2020.

### PROGRESS TOWARD MEETING THE GOALS AND GUIDING POLICIES OF THE ENVIRONMENTAL MANAGEMENT ELEMENT

- **Regional Networks**

The City participates, often taking leadership roles, in several local and regional environmental management groups including:

- Urban Sustainability Directors Network (USDN)
- Resilient Cities Network (RCN)

- Green Cities California (GCC)
  - California Building Decarbonization Coalition
  - Local Government Sustainable Energy Coalition (LGSEC)
  - Bay Area Regional Energy Network (BayREN)
  - Bay Area Climate Adaptation Network (BayCAN)
  - StopWaste Technical Advisory Group (TAG) and Technical Advisory Committee (TAC)
  - Bay Area Electric Vehicle Coordinating Council and Steering Committee
  - Drive Clean Bay Area (DCBA)
  - The Berkeley Lab Community Advisory Group (CAG)
- **Grants/In-Kind Services**
    - eLab Accelerator on Strategic Electrification and Retirement of Gas Assets: In 2020, the City of [Berkeley participated in the Rocky Mountain Institute's eLab Accelerator Program](#) on strategic electrification and gas distribution system retirement. This project brought together staff from Pacific Gas and Electric (PG&E), the CA Public Utilities Commission (CPUC), the Natural Resources Defense Council (NRDC), and other experts. Work continues to develop a proposal for a pilot project for specific location(s) that helps existing buildings switch from natural gas to electric for heating/cooling needs, and to also decommission natural gas infrastructure distribution pipelines. The project seeks to identify regulatory and financial barriers and safe and equitable solutions, though no implementation funding has yet been identified.
    - Building Electrification Institute (BEI): The City is receiving free technical assistance from BEI, to pilot strategies to scale up the electrification of building heating and cooling systems. In 2020 BEI helped conduct a market segmentation analysis of Berkeley's existing building stock to inform the Existing Building Electrification Strategy, and supported Berkeley's eLab Accelerator project to pilot natural gas decommissioning on the neighborhood scale. BEI is supported by the Urban Sustainability Directors Network and the Carbon Neutral Cities Alliance.
    - Existing Building Electrification Strategy: The City received \$25,000 of in-kind services from the Rocky Mountain Institute to develop a strategy on how to equitably electrify all its existing buildings.
    - Urban Sustainability Directors Network (USDN):
      - The City received a grant from the USDN to partner with the [Ecology Center](#) and engage [Green the Church \(GTC\)](#), a sustainability initiative led by the Black-run [Church by the Side of the Road \(CBSOR\)](#) in Berkeley, to identify the priorities of frontline communities around the health, safety, resilience, and equitable electrification of buildings. Over the grant period, the Ecology Center built on outreach efforts and deepened relationships with GTC/CBSOR by engaging with church leadership and congregants. This grant allowed Berkeley and the Ecology Center to meet the challenges of COVID-19 by pivoting from traditional in-person outreach to a community-friendly virtual engagement



method, based on a train-the-trainer model that taps the importance of close social knit networks.

- The City was also selected to participate in a USDN Equitable Mobility Workshop series in Nov-Dec 2020 with a community partner, TransForm, to build capacity for our common interest in creating a safe, clean, affordable and accessible transportation system that prioritizes the mobility needs of BIPOC along with low income residents, people with disabilities, immigrants and refugees, and other oppressed communities. Our work focused on safe, reliable public transit both during and post-pandemic.
- East Bay Energy Watch (EBEW) Partnership: EBEW granted the City \$20,000 to support a utility bill and data management software analysis to improve access to energy and water usage data and streamline the accounts payable process for utility bills for municipal properties.
- East Bay Community Energy (EBCE): EBCE provided free technical assistance to mid-rise multifamily development projects in Berkeley to support all-electric construction. In addition, the City received a \$10,000 grant in Dec 2020 for bringing a reach code, a local amendment to the 2019 California Energy Code, to Berkeley City Council for consideration. Berkeley went beyond the grant threshold with adoption of the reach code, its filing with the California Building Commission, and its approval by the California Energy Commission on February 20, 2020.
- California Resilience Challenge (CRC): Communities along the San Francisco Bay shoreline are preparing for rising sea levels along their respective waterfronts. However, rising sea levels also threaten to cause flooding from below by lifting groundwater tables. The City supported the proposal of, and is participating in the Project Management Team for, the CRC grant with Aquatic Science Center to support research that will help Bay Area communities better understand and plan for the effect of sea level rise on groundwater tables and critical infrastructure.
- **Green Business Program**  
The City supports sustainable business practices and partners with the Alameda County Green Business Program to offer support to local businesses that want to improve their environmental practices. The program offers free assistance to businesses to help them reduce greenhouse gas emissions, improve energy efficiency, conserve water, and divert solid waste from the landfill.
- **Sustainability Outreach**
  - Berkeley Climate Action Coalition (BCAC): The City and local non-profit the Ecology Center co-convene the Berkeley Climate Action Coalition (BCAC), a network of local organizations and community members joining together to help implement the City of Berkeley's Climate Action Plan

- Outreach on clean energy and resilience: The City highlights renewable energy, energy efficiency and electrification strategies in outreach efforts. The City continually promotes access to clean energy by educating the community about East Bay Community Energy (EBCE), and the option to opt up to EBCE's Renewable 100 (100% solar and wind) electricity service. The City, in conjunction with StopWaste, promoted workshops about induction cooking, and the BayREN Home+ and BAMBE programs to help homeowners and multifamily property owners access resources and incentives for energy and water saving upgrades to increase savings and resilience, improve indoor air quality and comfort, and decarbonize buildings. The City has increased access to rooftop solar and back-up batteries by streamlining permitting and inspection (nationally recognized with a SolSmart Gold designation in 2018), and by participating in group purchasing bulk discount programs through the seasonal Bay Area SunShares and the new EBCE Resilient Home programs. Both SunShares and EBCE Resilient Home provides time-limited group discounts, vetted providers, community workshops, and a streamlined process to remove barriers to solar adoption.
  - Outreach on clean transportation: Staff conducts outreach on the climate, health and financial benefits of electric transportation, focusing on incentives and special programs for income-qualified drivers. During the pandemic, the City partnered with other non-profits and municipalities through the Drive Clean Bay Area collaborative to host multiple online electric vehicle 101 workshops and virtual electric car and bike showcases, as well as promote financial incentive workshops.
  - Conference/Workshop presentations: In addition to community-facing outreach, the staff from Berkeley's Office of Energy and Sustainable Development spoke at multiple virtual conferences/workshops to share our activities with State regulators and other local governments in 2020. These speaking engagements included a Forth webinar on Right of Way EV Charging, the Zero Carbon Retreat, an Air & Waste Management Association Panel on Building Decarbonization, a Statewide Energy Efficiency Collaborative (SEEC) webinar on local decarbonization, and a presentation to the California Public Utilities Commission, among others.
- **Vision 2050**

Mayor Arreguin launched [Vision 2050](#), an initiative to encourage long-term planning to meet the serious challenges to our infrastructure, including climate change, inequality, population increases, and obsolescence. The Vision 2050 Task Force was formed in Spring 2018 and included over 40 Berkeley community members with technical expertise and in-depth knowledge. The Task Force released its final report in May 2020 and have convened a Steering Committee that includes City staff as well as community members to lead implementation.

- **Greenhouse Gas Inventory**  
In 2020, the City reported<sup>1</sup> to City Council that based on the best currently available data from 2018, the community has reduced overall GHG emissions by 26% since 2000, despite population increasing by 18% and an expanding economy.
- **“A List” City**  
The City of Berkeley was celebrated as an [“A List” City by the Carbon Disclosure Project \(CDP\)](#) in 2020 for environmental leadership and action.
- **Covenant of Mayors**  
The City of Berkeley in 2020 maintained compliance in the Global Covenant of Mayors.
- **Solar + Storage at Critical Municipal Facilities**  
The City is working with EBCE, which received a grant from the Bay Area Air Quality Management District to assess the potential for resilient solar + storage systems at critical municipal facilities throughout Alameda County. The City of Berkeley submitted a list of potential critical facilities to the EBCE project portfolio, which totals 300 buildings across Alameda County. EBCE and partners have conducted initial analysis of location and sizing potential for the sites and will launch a territory-wide procurement process that will reduce the cost and complexity of potential system deployment. EBCE plans to release a full Request for Proposals for vendors to bid on the various projects in Summer/Fall 2021. The City will have the opportunity to participate in the procurement and eventual implementation of solar + storage. This project will improve resilience by providing clean renewable back up power when the grid is down and will reduce reliance on polluting diesel generators.
- **Water Consumption**  
Water consumption in Berkeley declined by 26% between 2000-2018, as reported in 2020.
- **Water Efficient Landscape Ordinance (WELO)**  
The City of Berkeley continued to enforce the California Water Efficient Landscape Ordinance (WELO), regulating the water use of new (500 sq ft or more) or rehabilitated (2,500 sq ft or more) landscapes in projects applying for zoning or buildings permits. In 2020, 16 projects, with a total of 46,165 sq ft of landscaping, were subject to WELO.
- **Urban Greening**  
The City of Berkeley received a Prop 84 Urban Greening grant for the [“Trees Build Communities: A Berkeley Urban Forest Expansion Project”](#) in the amount of \$725,878 to focus on expanding the City’s urban forest into the Disadvantaged Communities (DAC) and Low-Income Communities (LIC) of West and South Berkeley. The project goal is to plant 500 trees.

---

<sup>1</sup> Report can be found here: [https://www.cityofberkeley.info/Clerk/City\\_Council/2020/07\\_Jul/Documents/2020-07-21\\_Special\\_Item\\_05\\_Climate\\_Action\\_Plan\\_pdf.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2020/07_Jul/Documents/2020-07-21_Special_Item_05_Climate_Action_Plan_pdf.aspx) and presentation can be found here: [https://www.cityofberkeley.info/Clerk/City\\_Council/2020/07\\_Jul/Documents/2020-07-21\\_Presentations\\_Item\\_5\\_\(6pm\)\\_Pres\\_CMO\\_pdf.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2020/07_Jul/Documents/2020-07-21_Presentations_Item_5_(6pm)_Pres_CMO_pdf.aspx)

- **Farmer's Markets**

The Ecology Center Farmers' Markets are open-air marketplaces where California farmers bring fresh, locally-grown produce and farm-processed foods to sell directly to consumers. Our markets feature fruits, vegetables, nuts, baked goods, jams and preserves, juices, olive oils, meat, cheese, prepared foods, nursery plants, and flowers. The markets are committed to supporting small-scale farmers who practice sustainable agriculture, and always accept WIC and EBT.

- **Produce Boxes Pilot:** Produce boxes are now available for preorder and curbside pickup weekly at the Downtown Berkeley Farmers' Market. Boxes will have a variety of local, seasonal fruit, vegetables and salad greens from our vendors. Purchases support local farmers as well as youth employment opportunities.
- **Energy Usage Reductions:** As reported in 2020, the Berkeley community's energy usage has declined between 2000 and 2018. The residential sector decreased electricity usage by 20% and natural gas usage by 26%, and the commercial and industrial sectors decreased electricity usage by 32% and natural gas usage by 2%.
- **Municipal Building Retrofits:** Several municipal buildings were undergoing energy efficiency and electrification retrofits in 2020 including:
  - Mental Health Clinic – All electric, zero net energy
  - North Berkeley Senior Center - Electric water heaters and space heating/cooling, induction cooking range, solar PV-ready
  - Live Oak Recreation Center – Solar PV installation, electric heat pump water heaters, energy storage battery-ready
  - Public Safety Building - LED lighting, automated demand response (ADR)
  - James Kenney Recreation Center - Automated demand response
- **Building Emissions Saving Ordinance:** The City of Berkeley initially adopted the Building Energy Savings Ordinance (BESO) in 2015 to accelerate energy savings in Berkeley's existing buildings. Since its 2015 adoption over 1,600 BESO assessments were completed, more than 1,400 residential units completed an energy upgrade program, and more than 100 large buildings have been regularly tracking and reporting their energy use. However, BESO has relied on voluntary uptake of the assessment recommendations and to achieve Berkeley's climate action goals.

On December 15th, 2020, Berkeley City Council approved amendments to BESO. The name was changed to the Berkeley Emissions Saving Ordinance and several updates were made to align BESO with building electrification goals, leverage upcoming rebates and incentives, improve transparency in real estate sales process, and develop mandatory energy requirements which will be phased in following development, review, and Council approval.

- **East Bay Community Energy:** The City participates on the Joint Powers Agency Board of Directors for the community choice aggregation (CCA) program in Alameda County called the

East Bay Community Energy Authority (EBCE). EBCE began providing electrical account holders with electricity services beginning in June 2018 for commercial, industrial, and municipal customers and to residential customers in November 2018. In April 2018, the City opted up its municipal accounts to receive 100% carbon-free electricity, reducing municipal greenhouse gas emissions by more than 50%. Starting in March 2021, the City's electrical power for municipal buildings will be generated from 100% renewable sources. Authorized by California law in 2002, CCA enables cities and county governments to pool the electricity demand within their jurisdictions in order to procure or generate electrical power supplies on behalf of the residents and businesses in their communities.

- **Natural Gas Prohibition**

In July 2019, the City Council adopted the first ordinance in the nation to prohibit the use of natural gas in newly constructed buildings. The Natural Gas Prohibition became effective on January 1, 2020, and applies to new building applications for land use permits or zoning certificates. New buildings subject to the prohibition use highly efficient heat pumps, for water heating and for heat and air conditioning, and electrical appliances such as induction ranges. This policy supports State and City efforts to decarbonize buildings, removing not only the GHGs produced by the combustion of natural gas (methane) within buildings, but new methane pipeline connections as well, and the leakage associated with this potent, and persistent, GHG.

- **2019 Electric-Favored Energy Reach Code**

In December 2019, Berkeley City Council adopted local amendments to the California Energy Code. This electric-favored "reach code," approved by the California Energy Commission in February 2020, requires newly constructed buildings to include solar PV systems and feature either all-electric systems or mixed-fuel construction that exceeds the efficiency requirements of the Energy Code and includes electric-readiness. The reach code and prohibition work in tandem to support building electrification and its health, safety, and climate benefits.

## **ECONOMIC DEVELOPMENT & EMPLOYMENT**

The Economic Development and Employment Element was not amended during CY 2020.

### **PROGRESS TOWARDS MEETING THE GOALS AND GUIDING POLICIES OF THE ECONOMIC DEVELOPMENT AND EMPLOYMENT ELEMENT**

- **Kalag Bagai Way in Downtown Berkeley – Street Renaming**

The City initiated a project renaming two blocks of Shattuck Avenue, Shattuck Square and Berkeley Square in Downtown Berkeley to Kala Bagai Way. This project involved extensive community and business engagement, and satisfies the goals of improving wayfinding and signage in the Downtown Berkeley Streets & Open Space Improvement Plan (SOSIP).

- **Revolving Loan Fund (RLF)**

The City of Berkeley's Revolving Loan Fund (RLF) is federally funded by the Economic Development Administration (EDA) and provides access to capital for businesses that don't qualify for traditional commercial loans. All current RLF recipients (8 active loans) were offered a six month pause in monthly payments due to the pandemic.

- **COVID-19 Resiliency Loan Program**

Recognizing the enormous negative impact of COVID-19 on businesses' finances, OED applied for a federal CARES Act grant to provide additional funding to existing businesses. The City was awarded the grant and launched the COVID-19 Resiliency Loan Program (RLP) for Berkeley businesses that are at least two years old and have less than 50 employees. This program streamlines the approval of 0%-1% interest loans for businesses in need of working capital, to provide additional assistance and support for Berkeley's entrepreneurs.

- **Business and Arts Continuity Grant Program and Berkeley Relief Fund**

The Business and Arts Organization Continuity Grant Programs were funded through a \$2M allocation of the City's catastrophic reserve fund on March 17, 2020 to provide assistance to small businesses and arts organizations significantly impacted by the COVID-19 pandemic.. \$1 million was allocated to create the Business Continuity Grant Program and \$1 million was allocated to create the Arts Organization Continuity Grant Program, in addition, community leaders launched the Berkeley Relief Fund, a campaign to raise private donations to match the City's contribution. Within six weeks, \$2.6M in grants were awarded and disbursed to 763 recipients in Berkeley's business and arts community.

- **Business Outreach and Technical Assistance**

In calendar year 2020, the Office of Economic Development (OED) conducted the following outreach and technical assistance activities:

- Established an Emergency Business Outreach Team (April 2020) which conducted 5,000 business surveys and approximately 800 phone calls to assess preliminary COVID-19 impacts on Berkeley's business community.
- Fielded thousands of direct business inquires by phone & email
- Hosted 40+ recovery listening sessions for key industry sectors and arts organizations
- Issued 24 OED newsletters (viewed 33,000+ times) with relevant information and opportunities for businesses
- Partnered with the Berkeley Chamber to organize 13 digital Berkeley Business Forums for the business community at large to gain information, ask questions and share resources
- Conducted field surveys in Berkeley's commercial districts to document business closures, pivots and vacancies
- Published COVID-19 resources for businesses & arts organizations on the City of Berkeley and partner (i.e. Berkeley Chamber, Visit Berkeley) websites
- Published a coordinated a webpage and guide to assist businesses with outdoor commerce installations and worked with local architects and designers to provide accessible design templates and pro-bono assistance.

- **Outdoor Commerce**

Berkeley's City Council authorized an urgency ordinance in June 2020 to permit outdoor dining and commerce, which the Office of Economic Development was instrumental in coordinating. OED also provided technical assistance to outdoor commerce applicants, including field visits and consultation with permit staff. Over **40** installations of both public and private outdoor commerce were established in Berkeley in 2020.

- **#BerkeleyHolidays Gift Guide and Marketing Campaign – Local Shopping**

A partnership between OED, the Berkeley Chamber, Visit Berkeley and business districts citywide, the #BerkeleyHolidays Gift Guide and marketing campaign promoted safe local shopping during the holiday season. The Gift Guide featured **155** Berkeley businesses, including 86 Woman-owned and 36 Minority-owned businesses

- **Discovered in Berkeley – Local Marketing**

The City seeks to encourage shopping opportunities close to residential neighborhoods, which reduces the need to drive for short trips. Efforts are underway to support expansion of district-based niche marketing campaigns that recognize local strengths and “district identity.” This year, the City continued its marketing initiatives to highlight businesses in several districts. The ‘Discovered in Berkeley’ local marketing campaign featured a thoughtful roster of unique local-serving storefront businesses and the business districts in which they reside, by highlighting Berkeley businesses that fall into the categories of “Food Forward,” “The Upcycle,” and “Dare to Share.”

- **Business Improvement Districts**

The City facilitates five business improvement districts (BIDs) in the Downtown, Telegraph, Elmwood, North Shattuck, and Solano commercial districts that generate funds through a self-assessment to help promote and maintain their districts. There is also a city-wide Tourism BID which is funded by the self-assessment of Berkeley's hotels and motels and directly supports Visit Berkeley, the City's Convention and Visitor's Bureau. Over the past year, the City has continued to provide technical assistance to each of the BIDs, with particular focus on bolstering the wider Berkeley Business District Network (BBDN) (an organization which all commercial districts participate in), increasing the frequency of meetings to allow for improved communication and sharing across district networks

## **URBAN DESIGN AND PRESERVATION**

### **AMENDMENTS**

The Urban Design and Preservation Element was not amended during CY 2020.

### **PROGRESS TOWARDS MEETING THE GOALS AND GUIDING POLICIES OF THE URBAN DESIGN & PRESERVATION ELEMENT**

The City continues to review projects on a case-by-case basis for conformance with the principles, policies and implementation measures of the Urban Design and Preservation Element to ensure that they are

designed to enhance the livability of Berkeley and encourage a high level of quality design while encouraging well designed sustainability measures.

## **Preservation**

- Four properties were designated as City Landmarks and added to the local register:
  - 2328 Channing Way
  - 1 Orchard Lane
  - 2136-54 San Pablo Avenue
  - 2043 Lincoln Street
- The City maintained its CLG status in 2020 and continues to maintain a formal partnership with SHPO. Other organizations, such as BAHA, communicated regularly with the City in 2020 through correspondence and presentations to LPC.
- In 2020, a seismic retrofit program continued to provide incentives for the owners of “soft-story” properties, including several historically significant properties, to complete seismic upgrades.
- The City received and reviewed two requests for Mills Act contracts in 2020; final approval and execute are pending in 2021.
- In 2020, at least one project involving the rehabilitation of a historically significant building at 2580 Bancroft Way requested and receive expedited building permit review.
- In 2020, the LPC received a presentation by UC staff on the preservation aspects of its pending Long Range Development Plan.
- In 2020, the City completed a Civic Center Rehabilitation Envisioning community outreach effort; a rehabilitation program will be planned in the coming years.
- New development is encouraged throughout the City where infill proves viable. These areas may contain historic resources, and the City’s ongoing practice encourages retention of resources and treatments consistent with the Secretary of the Interior’s Standards. An example in 2020 includes the pending application for new construction at 2328 Channing Way.
- In 2020, the City maintained its membership in the California Preservation Foundation, which gives and encourages public recognition of preservation work.

## **Urban Design**

- The Joint Subcommittee for Implementation of State Housing Laws (JSHHL) made a favorable motion in July 2020 to refer Staff’s work to City Council with a request for further review and development by the Design Review Committee and Planning Commission.



There have been no new changes to the citizen input in the design review process or the membership requirements of the Design Review Committee (DRC) this year.

## **CITIZEN PARTICIPATION**

### **AMENDMENTS**

The Citizen Participation Element was not amended during CY 2020.

### **PROGRESS TOWARDS MEETING THE GOALS AND GUIDING POLICIES OF THE CITIZEN PARTICIPATION**

#### **Land Use Planning Commissions and Bodies**

Citizen participation takes place in the arena of policy-making and advisory citizen bodies, such as the Berkeley City Council, the Planning Commission, and the Zoning Adjustments Board. In accordance with the [Health Officer's Stay at Home Order](#) the majority of public meetings were held remotely through video hosting platforms in 2020.

Despite challenges presented by the pandemic, the following commissions held over 50 public meetings where projects and land use policies were discussed:

- Zoning Adjustments Board
- Planning Commission
- Landmarks Preservation Commission
- Design Review Committee
- Adeline Corridor Plan Subcommittee
- Zoning Ordinance Revision Project (ZORP)

**Exhibit A**

<b>ANNUAL ELEMENT PROGRESS REPORT</b>			
<b>Housing Element Implementation</b>			
(CCR Title 25 §6202)			
Jurisdiction	Berkeley		
Reporting Year	2020	(Jan. 1 - Dec. 31)	
<b>Table D</b>			
<b>Program Implementation Status pursuant to GC Section 65583</b>			
<b>Housing Programs Progress Report</b>			
Describe progress of all programs including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing as identified in the housing element.			
1	2	3	4
Name of Program	Objective	Timeframe in H.E	Status of Program Implementation
Berkeley Housing Authority	Provided housing assistance for low-income residents	ongoing	The BHA provides housing assistance to residents. BHA provides rental assistance to a total of 1,939 units through the Section 8 and Moderate Rehabilitation Program.
Boards and Commissions	Facilitate citizen input in City decisions	ongoing	The City held over 100 public meetings in 2020 on topics such as HTF, development projects, affordable housing and zoning ordinance amendments.
Condominium Conversion Ordinance	Control the rate of conversion and collect fees to fund affordable housing.	ongoing	In 2020, 8 units were approved for conversion.
Demolition Controls and Unit Replacement Requirement	Maintain the number of housing units in Berkeley.	ongoing	Amendments to the Demolition Ordinance were actively considered by the 4x4 Committee (which includes members of City Council and the Rent Stabilization Board) in 2020 and continue to be worked on in 2021. Changes in State Law (SB 330) and State Case Law have added to the complexity of this project.
Energy Conservation Opportunities and Programs	Promote energy efficiency in new and existing construction.	ongoing	In 2020, 58 Berkeley homes received cash rebates totaling \$66,111 for 208 energy efficient measures through the BayREN Home+ Program. In addition, 165 dwelling units in Berkeley received energy and water upgrades, qualifying for \$123,750 in rebates and saving 43,710 kWh of electricity and 8,375 therms of natural gas, through the Bay Area Multifamily Building Enhancements Program. In 2020, 245 homes had energy assessments during property sales and 135 large buildings completed energy benchmarking to comply with Berkeley's Building Energy Savings Ordinance (BESO). Newly constructed buildings became subject to Berkeley's Natural Gas Prohibition (BMC Chapter 12.80) and reach code (BMC Chapter 19.36) on January 1, 2020.
Fair Housing Assistance, Outreach and Education and programs addressing impediments to Fair Housing	Provide fair housing services and education to mitigate impediments to fair housing.	ongoing	In 2020, 44 clients were served by ECHO. All received fair housing counseling, 25 issues were investigated, 25 issues were investigated, and 10 clients's rights were protected, restored or acquired. Additionally, 10 fair housing tests were conducted and no violations were found. Two educational workshops for landlords/property managers were conducted and community based organizations reaching 10 residents.
Addressing Impediments to Fair Housing	Maintain the diversity of Berkeley's population	2015-2020	In 2020, the City funded programs serving people with disabilities at \$1,560,733 and programs for seniors at \$9,110.
Home Modifications for Accessibility and Safety (Rebuilding Together and CIL)	Provide home modification for accessibility.	ongoing	In 2020, COVID-19 had an impact on small construction sites which resulted in fewer rehabilitation and ADA improved accessibility repair projects being completed. Since these rehabilitation programs primarily serve high-risk populations (e.g. seniors/disabled), the agencies had to develop infection prevention protocols and adhere to the small construction site COVID-19 protocols which caused a delay in fully completing projects. In CY2020, Habitat for Humanity completed two home rehabilitation repairs, Rebuilding Together completed five home rehabilitation repairs, and CIL completed 12 ADA improved accessibility repairs projects. SDRLP completed four home rehabilitation projects.
Homeless Housing Services and Programs (HHSP)			
HHSP: EveryOne Home Plan	Implement the EveryOne Home Plan	ongoing	In 2019, the City continued to participate in the Everyone Home Leadership Board. In 2019, Berkeley became the first jurisdiction in Alameda County to adopt the 2018 Strategic Update to the EveryOne Home Plan.
HHSP: Community Agency Contracting	Provide support services to homeless individuals and families.	ongoing	Community agency contracting for HHSP related programs totaled \$15,889,119 in 2020.
HHSP: Homeless Housing Locations	Provide emergency shelter, transitional housing and permanent supportive housing programs	ongoing	In 2020, The City provided 226 (109)* year-round shelter beds, 28 (19)* seasonal shelter beds, 5 (3)* family transitional housing beds, 15 (9)* individual transitional housing beds, 506 permanent supportive housing units, including 277 permanent supportive housing units through HUD Shelter Plus Care grants, 15 additional Square One (City of Berkeley General Fund) units, 164 site-based units, and 60 HUD Mainstream vouchers for Non-Elderly and Disabled (NED) individuals.  *(Reduced number of beds in 2020 due to COVID-19 pandemic).
HHSP: Centralized bed reservation system	Reduce nightly vacancies in shelters with reservations.	ongoing	Berkeley continues to have a centralized reservation system to fill unfilled shelter beds resulting in a very low nightly vacancy rate.
HHSP: City's Housing Retention Program and ARRA Funding for HPRP	Provide housing retention support to prevent homelessness.	2012 through 2015	The HRP issued 19 household grants totaling \$21,346 in 2015. In January 2016, the funds were shifted to provide rapid rehousing financial assistance for people who were literally homeless.
HHSP: Priority Home Partnership (PHP) Program	Provide a county-wide prevention and rapid rehousing program.	ongoing	The City continues to allocate PHP funds to its Coordinated Entry Homeless Services System.
HHSP: Relocation Services	Provide tenants and owner relocation counseling.	ongoing	In 2020, 41 tenants and 16 landlords received assistance
HHSP: Reverse Mortgage Counseling	Assist low-income elderly homeowners access home equity	Discontinued	The City no longer contracts with ECHO to provide reverse mortgage counseling.
HHSP: Shelter Plus Care	Provide supportive housing for homeless households.	ongoing	In 2020, the City provided Shelter+Care vouchers to 55 new households to access permanent housing.
Housing code compliance and the Rental Housing Safety Program (RHSP)	Maintain safe housing stock.	ongoing	In 2020, Housing Code Enforcement/the Rental Housing Safety Program opened 184 new reactive (complaint driven) and 174 proactive cases, for a total of 358 new cases.
Housing Mitigation Fees for Non-residential development	Compensate increased demand for housing from new development	ongoing	The City continues to apply this fee to major commercial development projects, of which there are few. Fee is payable in installments over time, so revenue amounts are modest. Roughly \$400K is expected to come due in next 12-24 months.
Housing Trust Fund	Develop and preserve long-term BMR housing.	ongoing	In 2019, the City executed contracts for \$21.5M in development funds for four new construction affordable housing developments.
Inclusionary Housing/State Density Bonus	Increase the supply of housing affordable to lower-income HHs	ongoing	In 2020, the following project milestones were met for Density Bonus projects: 8 entitlements, 3 projects issued building permits, and 1 projects completed.
Mitigating Governmental Constrains	Reduce governmental constraints on production of new housing.	ongoing	The planning department continued public outreach efforts, interdepartmental roundtable, and expedited project reviews in 2020. Possible constraints continue to be reviewed.
Preserving Units at Risk of Conversion to Market Rate	Preserve affordable housing units at risk of converting to market rate.	ongoing	The 2015 Housing Element identified only one project at higher risk of conversion, Rosewood Manor. That development is still owned by a mission-oriented nonprofit organization and managed by an expert nonprofit property manager, with no indication of intent to convert.
Priority Development Area Program	Encourage higher density new development near transit.	ongoing	In December of 2020, the City adopted a new Adeline Corridor Specific Area Plan. In 2020 the City requested the North Berkeley BART Station be classified as a new PDA and has been working with the community on new development standards that comply with AB 2023. The City applied for grant funding to begin work on the San Pablo Avenue PDA. The City continues to work on the Southside Zoning Modifications project that will allow for more density near

2020 General Plan APR  
 City of Berkeley

Exhibit A

Housing Trust Fund	Develop and preserve long-term BMR housing.	ongoing	In 2019, the City executed contracts for \$21.5M in development funds for four new construction affordable housing developments.
Inclusionary Housing/State Density Bonus	Increase the supply of housing affordable to lower-income HHs	ongoing	In 2020, the following project milestones were met for Density Bonus projects: 8 entitlements, 3 projects issued building permits, and 1 projects completed.
Mitigating Governmental Constrains	Reduce governmental constraints on production of new housing.	ongoing	The planning department continued public outreach efforts, interdepartmental roundtable, and expedited project reviews in 2020. Possible constraints continue to be reviewed.
Preserving Units at Risk of Conversion to Market Rate	Preserve affordable housing units at risk of converting to market rate.	ongoing	The 2015 Housing Element identified only one project at higher risk of conversion, Rosewood Manor. That development is still owned by a mission-oriented nonprofit organization and managed by an expert nonprofit property manager, with no indication of intent to convert.
Priority Development Area Program	Encourage higher density new development near transit.	ongoing	In December of 2020, the City adopted a new Adeline Corridor Specific Area Plan. In 2020 the City requested the North Berkeley BART Station be classified as a new PDA and has been working with the community on new development standards that comply with AB 2023. The City applied for grant funding to begin work on the San Pablo Avenue PDA. The City continues to work on the Southside Zoning Modifications project that will allow for more density near campus for student housings.
Problem Properties Task Force (Team)	Address safety concerns at vacant/blighted properties.	ongoing	The City continues to activate the PPTF on an as-needed basis for properties with safety concerns.
Project Review Outreach Efforts	Actively solicit input from Berkeley residents on proposed projects.	ongoing	Information about all major projects continued to be provided at projects sites.
Reasonable Accommodation Ordinance	Process reasonable accommodation requests efficiently.	ongoing	Reasonable accommodations continue to be available.
Redevelopment Agency Tax increment Set-Aside Funds for Housing Activity	Fund affordable housing through tax increment set-asides funds.	to 2020	The 2011 Budget Act approved the dissolution of the state RAs. In January of 2012 the City elected to serve as the Successor Agency to the RA with an oversight board.
Rent Stabilization and Tenant Protections	Rent stabilization and good cause for eviction for Berkeley tenants.	ongoing	In 2020, the Rent Board continued educational counseling and support for landlords and tenants.
Second Units	Increase the supply of housing through second dwelling units.	ongoing	In 2019 the State amended ADU State law, making it easier to establish an ADU on a lot with an existing or proposed residential dwelling. In December of 2019 the City adopted an ADU Urgency Ordinance precluding the development of ADUs on lots that front a street with less than 26 feet in width in the Fire 2 and 3 zones and the ES-R zoning district. Since the urgency ordinance expired in December 2020, the City now administers State ADU law.
Accessory Dwelling Units	Increase the supply of housing through accessory dwelling units.	ongoing	In 2019 the State amended ADU State law, making it easier to establish an ADU on a lot with an existing or proposed residential dwelling. In December of 2019 the City adopted an ADU Urgency Ordinance precluding the development of ADUs on lots that front a street with less than 26 feet in width in the Fire 2 and 3 zones and the ES-R zoning district. Since the urgency ordinance expired in December 2020, the City now administers State ADU law. .
Seismic Preparedness Programs	Improve the safety of housing through seismic retrofits.	ongoing	In 2020, for the soft story program, 245 retrofits have been completed and 52 retrofits are still required by our Mandatory Retrofit Ordinance. Through the Retrofit Grants program, nearly \$2 million in grant funding has been provided to Berkeley property owners, including 45 design grants and 42 construction grants. Of 593 URM properties identified, 5 URM buildings remain to be retrofitted. 24 Berkeley homes completed seismic upgrades through the 2020 Earthquake Brace and Bolt program.
Senior and Disabled Home Improvement Loan Program	Assist senior and disabled HHs preserve their housing.	ongoing	In 2020, one loan was issued to rehabilitate and preserve housing via the the City's Senior and Disabled loan program.
Tool Lending Library	Assist Berkeley residents with the preservation of the City's housing stock.	ongoing	The new TTL branch opened in May 2013 with more space for an increased tool inventory.





p<sup>2</sup>

## 'Your Kosher Supermarket' Outline Cont.

Idea: Supermarket located in Central Berkeley, CA. Sale, Certified, blessed by Rabbi, Kosher food grown in CA, Israeli, Africa, USA on designated small Kosher farms; administrated work w/ assigned realtor; contractor; Architect, Lawyers, etc. in Berkeley, CAA/EBB; major meetings held in Berkeley & New York; 'Specialty Areas' in market; Can purchases from Israel; New York location for Data (Information) Center.

Everything: All food Kosher fed/produced: Dairy (milk, cheese), eggs, veggies, fruits, nuts, Lamb, duck, geese, turkey, Chicken, Angus beef, grains, Bakery

Small Farms: Enriched soil (dark, rich); herbicide mixed w/ vaccine + vitamins & minerals (naturally) grass grown naturally, rich in minerals, vitamins, etc.; Plant, if have to - for trees

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72  
73  
74  
75  
76  
77  
78  
79  
80  
81  
82  
83  
84  
85  
86  
87  
88  
89  
90  
91  
92  
93  
94  
95  
96  
97  
98  
99  
100  
101  
102  
103  
104  
105  
106  
107  
108  
109  
110  
111  
112  
113  
114  
115  
116  
117  
118  
119  
120  
121  
122  
123  
124  
125  
126  
127  
128  
129  
130  
131  
132  
133  
134  
135  
136  
137  
138  
139  
140  
141  
142  
143  
144  
145  
146  
147  
148  
149  
150  
151  
152  
153  
154  
155  
156  
157  
158  
159  
160  
161  
162  
163  
164  
165  
166  
167  
168  
169  
170  
171  
172  
173  
174  
175  
176  
177  
178  
179  
180  
181  
182  
183  
184  
185  
186  
187  
188  
189  
190  
191  
192  
193  
194  
195  
196  
197  
198  
199  
200

P3

'Your Kosher Supermarket' Outline Cont'd

Rich w/nuts, varied fruits; grow veggies (varied) in rich soil (seasonal); Large area / Land / located on small Kosher farms - / Choice location, proper location - weatherwise - hearty location, Sun, soil (enriched), Certified by Rabbi's (for kosher only), want best in soil, water, air, environment, climate - Go to Israel as a second location for small farms 'Kosher grown produce' & can goods - All farms in USA (2 of each), Israel, Africa = primary nuts (farms); go to NY, mostly for meetings & DT (Information Center).

Kosher Supermarkets: Creative, provide jobs; Somewhat outlandish/expensive; Small farms formation/transaction, financial rewarded/variety locations:

# 15	Small Kosher farms
# 15	Supervisor farm workers
# 4	States CA, GA, WI, NY
# 6	Counties 3 1 1 1
# 6	Cities 6 1 1 1
# 3	Countries Israel, ...





p4

# 'Your Kosher Supermarket' Outline Cont

## # Workers in Countries

346 USA

75 Israel

64 Africa

Administration: <sup>✱</sup> Berkeley / Israel / Africa /  
<sup>✱</sup> Midwest / Georgia / New York

Major Bldg

Income Range: <sup>✱</sup> 75,000 - <sup>✱</sup> 2M

Total Cost of Project: <sup>✱</sup> 10M - 1B

Theory: 'Everyone paid well = very good  
services = if not standards met =  
within 2yrs, underpaid is  
fired'

Kosher veggies, etc = Organic grown as 2re  
See special organic  
grown



# 'Your Kosher Supermarket' Center

p15

Idea Cont:

## BUILDINGS:

- (a) Building One (1) Large floor w/ everything located for customers' food preparation; demonstrations, plus, labeled w/ names / location grown, etc... / w/ ingredients / Israel's / Africa's products (Kosher) / everything grown on Kosher farms in California (or abroad) - near location / Berkeley (closed on Saturdays)  
(Future / Everything placed on 'Stock exchange market')

Beautifully decorated w/ Jewish tone, designs, pictures, paintings, atmosphere, odor in air - Spicely / kitchen located on 1<sup>st</sup> floor for 'Claire's Bubbe Corner', plus additional demonstrations, - food prepared + tasted + sold (there).

- (b) Administration: Large, one (1) floor, spread-out; Administration building located near / adjoined to Supermarket / Small (2) two story building / everything needed located in building / Berkeley / Saturdays (closed) = Sabbath.

- (c) TRUCKS: Large trucks / for delivery to Supermarkets, storage, factory, field workers (2 extra), Sanitation regular equipment, (2) in Israel / 2 in Africa / 4 in



## ↳ Your Kosher Supermarket

p6

Central Valley / 4 in Southeast region / 2 in Berkeley /  
delivery of produce to homes, shops, stores, offices  
(+14) / some w/ labels / shipping-hauling / package  
& merchandise / workers  
27 (cars) trucks / 4 SUV<sup>s</sup>

(d) Storage: Large building for storage of foods /  
3 story - (1) frozen, (1) other foods / separate category  
of seasons / solar energy / Central located in (Albany) -  
Berkeley / 3 key locations w/in USA / 1 location  
in Israel & 1 location in Africa (2 farms) (2 cars)

(e) 2<sup>nd</sup> Location(s):

Israel: (1 car)

Go to Holy Land = select location /  
establish small farms / cultivate  
soil - rich, dark, made  
ready for planting / rich  
green grass for animals  
(or growth) / check for rich soil -  
growth of plants, etc. (fruit -  
veggies, etc.) / Dairy (4)  
include cows, goats, sheep, >  
make milk, cheese,  
yogurt, cottage cheese,  
etc... on premise.

All animals (for eating),



## 'Your Kosher Supermarket'

p7

Kosher / blessed by Certified Rabbi / sealed - stamped  
by registered (Certified) authority -  
shipped quickest effective way to USA (Berkeley) /  
overnight by plane (airport) Do 4 times (X)  
a week (Sunday → Friday), Saturday is Sabbath /  
no work in USA + Holy Land / seek nuts  
(4 TRUCKS)

Africa (3<sup>rd</sup> Location): Select location / establish  
2/1 (Trucks/cars) small location / farms / seek  
nuts + wild game / establish  
small farms / store or dry  
in sun / load in truck / haul  
to storage / store in bins





'your Kosher ~~Supermarket~~ Center

MAKES - A - Friend LLC

MARY Louise PARKS

OWNER / President

2M/yr / make schedules/duties for dept's/  
HD/Adm/Berkeley / Receive monthly reports  
from each dept + meetings / Review materials/  
comment / discuss monthly reports  
w/ Adm Head / Direct Biz / Goal setting /  
Order Adm credit CARD / Review  
monthly company account / balance /  
Write transactions & biz letters to  
new or interesting personnel /  
Board of Directors Rep



New SDS Information of Statement

New Objectives of Make - A - ' Friend LLC/  
new set-up:

Employment / new company subsets  
Foundations / financials, education,  
media, sponsorships,  
Data Technology, ethnic  
Supermarkets

Wealth Management  
Directories (varied)

Seminars

Rabbi Schools / certifications

Specializations / small farming (hoeing,  
Crops, planting, re-treiving/  
Collecting; kosher farming

Ethnic Languages / Hebrew, African and  
Black American, native  
American nations

Selective Programs / exceptional intelligent children  
receive scholarships to  
specialize in chase education

Pharmaceutical Programs / Research in herbicides

Advertisement / write Ad(s) in different languages

Spray Airplanes

Special Educational Relationships / Hebrew Univer-  
sity of Jerusalem, Tuska, Greece



p2

## Sos Informating Statement Con't

Institute, AISES/NATIVE

AMERICAN ENGINEERING

Elder Law/ Employment; Aging and Workplaces

Preventive Abuse, Brain/mind

Selective Options/ selective by staff,

90 of classes paid by MAFLS,

Free classes (Hebrew), Kosher

farming, Climate control,

Technology

Estate Planning/probate, wills,

Donation/match donation, gifts

Investment/ annuity, stock, Personal finance

Life Insurance/dental, vision, hearing, mental

Retirement/ IRA, 501(c), 401K

Investor Types/ annuity, stock portfolios,

Classes in investments,

Certain institutions

Transportation/ Buy Ford/KIA cars for company/

fee 90 reduction, optional models

selection

Credit Cards/ macy's, American Express,

Banking, optional for

employees

Marketing

Jobs Openings/ Seasonal (farming), Travelling

for new food selection



p3

Sas Information & statement con't

Membership Cards / Barnes & Noble's, Macys, ~~Costco~~  
Real Estate / Housing selection, purchases,  
Domes, Tuff sheds for field  
workers, Eco system, energy  
selection (Solar), Installation  
(material).

Human Resources / Employment Benefits  
Employment / work station @ home  
Information Centre





April 2021

# Make'-a'-Friend

A Corporation  
1521 Shattuck Avenue  
Unit 9545  
Berkeley, CA 94709-0545  
Mary Parks Muir  
President/Founder

TO: Berkeley Marina Project Regulators  
Army Corp of Engineers  
Bay Conservation Development Commission  
CA State Land Commission  
CA State Regional Water Control Board  
CA State Dept. of Fish & Wildlife  
City of Berkeley  
Office of Mayor Jesse Arreguin  
Planning Commission  
Vice Mayor Lou Drastl  
Department of Economic Development  
Scott Ferris  
News media for Ad's  
Local/Community News media  
Investments  
Producers

From: Mary Parks Muir  
(510) 414-8171

Subject: Info ('make'-a'-Friend's A Corporation  
'your Koster Supermarket')

over →

- 2 -

Enclosed are several letters. Please read and decide whether you want to be part of this business adventure or not. We are not accepting outside notifications or notifications. Please, no third party notifications.

Regulators, please forward information about the City of Berkeley marina/ferry pier project. Recently I have gotten some materials. Those who have not forwarded materials, please send.

I have spoken for/written to each of you. Please accept this communication / notification and professional business interest on behalf of the corporation. I will contact everyone several times this year, plus several times next and for the Grand Opening next year, sooner I hope!!!!

Sincerely,  
Mary Jo [Signature]  
President

cc: file

P.S. If letters not enclosed - sent in additional mail/postage.

SALES

April 2021

## Make'-a'-Friend

A Corporation  
1521 Shattuck Avenue  
Unit 9545  
Berkeley, CA 94709-0545  
Mary Parks Muir  
President/Founder

TO: City of Berkeley Marina Park Project Regulators  
varied news media (USA)  
local / Community news media

From: Mary Parks Muir  
(510) 414-8171

Subject: Demos, display, and sales

Enclosed are several letters. Hope you enjoy! ' your Kosher Supermarket' Centre will comprise of Kosher (A-Z), Kosher food, demo's (Kosher & other ethnic's), varied display (cultural), and all of these things for sale, as well as regular merchandise. The market will have international favor, also. (3/4 Kosher, & 1/4 other ethnic / culture).

Combine the enclosed information w. this letter and get a favor of excitement! Come and join us for the adventure of the year! Enjoy a world of pleasure!! And excitement, culture!!!

Enjoy  
Mary Parks Muir  
President



*Ad*

*April 20 21*

# Make-a-Friend

A Corporation  
1521 Shattuck Avenue  
Unit 9545  
Berkeley, CA 94709-0545  
Mary Parks Muir  
President/Founder

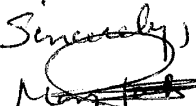
*To: City of Berkeley Marina Pier Project Regulators  
varied news media (USA)  
local/community news media*

*From: Mary ~~Park~~ Muir  
President, (510) 414-8171*

*Subject: In For Grand Opening of your Kosher Super-  
market centre*

*Enclosed is a letter addressed CA State Govt newscom.  
we desire to share this future industrial/commercial  
plans associated with various commercial formats.*

*If you support us by running and advertising/communicating  
please respond ASAP! We will arrange financial  
assistance through one of our attorney agencies.*

*Sincerely,  
  
Mary ~~Park~~ Muir  
President*

cc: File



## Make-a-Friend

A Corporation  
1521 Shattuck Avenue  
Unit 9545  
Berkeley, CA 94709-0545  
Mary Parks Muir  
President/Founder

To: Office of the Governor Gavin Newsom  
1303 10<sup>th</sup> Street  
Suite 1173  
Sacramento, CA 95814  
(916) 445-2841

From: Mary Parks Muir  
414-8171 (510)

Subject: Lifting gathering restrictions w/ event in mind

Idea's Ceremony 9am - 2pm 4 Sept 2021

Ribbon Cutting Ceremony for 'Your Kosher Supermarket'  
located on City & Berkeley Marina / pier  
Serve foods: Hebrew Nation Hotdogs / Beans  
(Home recipe baked)  
Seltzer H<sub>2</sub>O  
Popcorn / real butter  
Ice Cream - chocolate & French Vanilla  
Chocolate / Vanilla cookies (2)

Speakers  
Observations

① Supermarket model exhibit & graphic  
(hang-up)

- brochures & maps (ESM)

② Supermarkets  
③ Parks in air wellness / spa  
Farm Centre (Marin County)

Landscape contest: winners announced  
1<sup>st</sup> prize - \$100,000, award contract  
over →

Certificate  
2nd prize - \$ 50,000, award, Certificate  
3rd prize - \$ 10,000, Certificate

2pm clean up crew - sanitation (City & Berkeley)

2pm - 5pm (or later if decided so) Community Involvement  
Opportunity for surrounding businesses to get involved?  
The late Colbert show network  
hotels, hostesses, etc., ....  
Sanitation City & Berkeley?

9am - 5pm  
state of CA: Put up medium size vaccination site for 10000  
more people  
Priority: devise waiting list not to go over  
established list  
Subjects: Schools  
Recreation centers, etc.  
Gyms & Centers  
ETC. ....

This. ASAP!!!!

Sincerely,  
Mary ~~Paul~~ Muir  
President

P.S., Employment for Guards  
Employment for business owners & employees  
Employment for chefs (ethnic)  
Crisis observers

Your Honor Supreme Court! Court opening in 2022

cc: City & Berkeley various Regulators  
various newspapers USA  
various news magazines (USA)  
various news media (USA) TV, Radio, medium  
City & Berkeley Mayor and staff