

BUDGET

Fiscal Year 2022

PLANNING & DEVELOPMENT DEPARTMENT



PLANNING & DEVELOPMENT DEPARTMENT

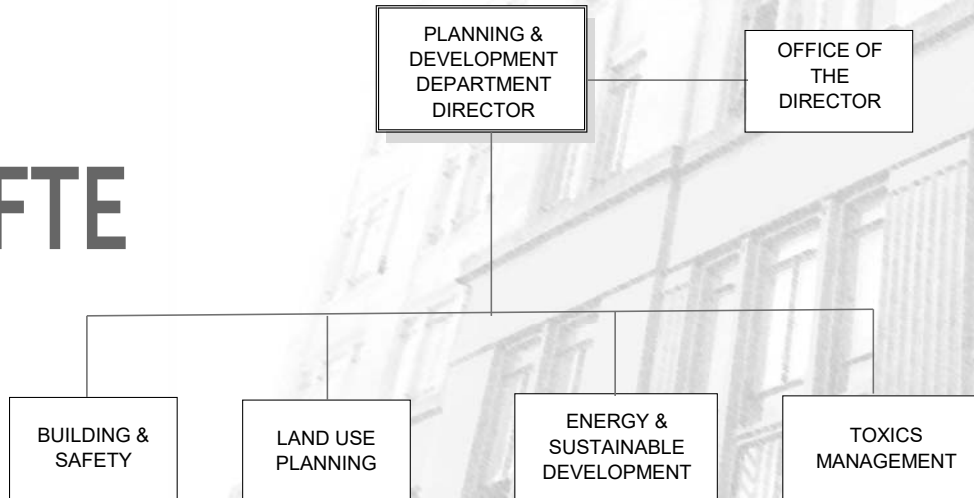
MISSION

The Planning and Development Department's mission is to enhance safety, livability and resilience in the built environment and to work with the community to promote and protect Berkeley's distinctive neighborhoods, vibrant commercial areas, unique character and natural resources for current and future generations.

PLANNING & DEVELOPMENT DEPARTMENT

STAFFING

100 FTE



Vacancy Rate



■ Vacant ■ Filled

PLANNING & DEVELOPMENT DEPARTMENT

VACANCIES

- 12.5 FTE Vacancies (including active recruitments)
- General Fund vacancies: 5 positions, 1.6 FTEs, \$183,510

Division	FTEs	Positions
Office of the Director	3	AOS III, Associate and Assistant Management Analysts
Building & Safety	3.9	Permit Service Center Coordinator, AOSIII, Permit Specialist, Community Services Specialist III
Land Use Planning	4	Planning Technician, Assistant and Associate Planners
OESD	.6	Community Services Specialist I
Toxics Management	1	OSII



PLANNING & DEVELOPMENT DEPARTMENT

CORE FUNCTIONS & BASELINE SERVICES

- Land Use Permits
- Permit Service Center
- Building & Housing Inspections
- Plan Check
- Hazardous Materials Inspections
- Climate Action Plan Implementation
- BESO Administration
- Zoning & Building Code updates
- Building Resilience Programs

PLANNING & DEVELOPMENT DEPARTMENT

STRATEGIC PLAN PROJECTS, FUNDED

Title	Status	Estimated Budget
Southside Zoning Modifications	Continuing	\$192,000 (100% funded)
Seismic safety programs	Continuing	\$4.5M (100% funded)
Objective Development Standards	Continuing	\$125,000 (100% funded)
Comprehensive Update to the City's Affordable Housing Requirements	New	\$90,000 (100% funded)
Racial Equity in Planning services and staffing	New	\$25,000 (100% funded)
Permit Service Center Online Payments	New	\$150,000 (100% funded)
Remote Application Submittal systems for customers	New	\$25,000 (100% funded)

PLANNING & DEVELOPMENT DEPARTMENT

STRATEGIC PLAN PROJECTS, FUNDED

Title	Status	Estimated Budget
Permit Conditions Enforcement Process	Continuing	Staff time
Sign Policy Updates	Continuing	Staff time
Solar + Storage in Municipal Facilities	Continuing	Staff time
Customer Service Survey	Continuing	Staff time
Demolition Ordinance and Affordable Housing	Continuing	Staff time
Expanded and streamlined Rental Housing Safety Program	Continuing	Staff time
Climate Adaptation Planning	Continuing	Staff time
Land Use procedures and policy interpretations	New	Staff time

PLANNING & DEVELOPMENT DEPARTMENT

STRATEGIC PLAN PROJECTS, PARTIALLY FUNDED

Title	Status	Estimated Budget
Municipal Building Energy Policy	Continuing	\$40,000 (\$20,000 funded)
Ashby & North Berkeley BART Stations Area Planning	Continuing	\$1,385,000 (\$435,000 funded)
Zoning Ordinance Revision Project	Continuing	\$315,000 (\$300,000 funded)
Building Emissions Savings Ordinance Mandatory Requirements	New	\$68,000 (\$48,000 funded)
2023-2031 Housing Element Update	New	\$540,000 (\$408,000 funded)



PLANNING & DEVELOPMENT DEPARTMENT

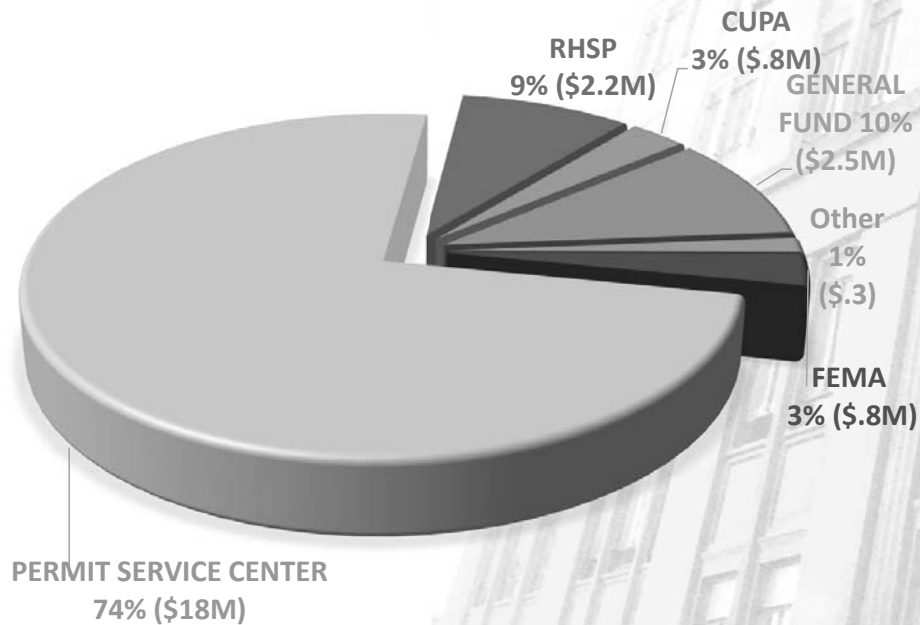
STRATEGIC PLAN PROJECTS, UNFUNDED

Title	Status	Estimated Budget
Resilient Buildings Incentive Program	New	\$1.5M
Comprehensive Fee Analysis and Update	New	\$150,000
Residential EV Charging Pilot Program, Next Generation	New	\$80,000
Transportation Impact Fee Analysis	New	\$100,000

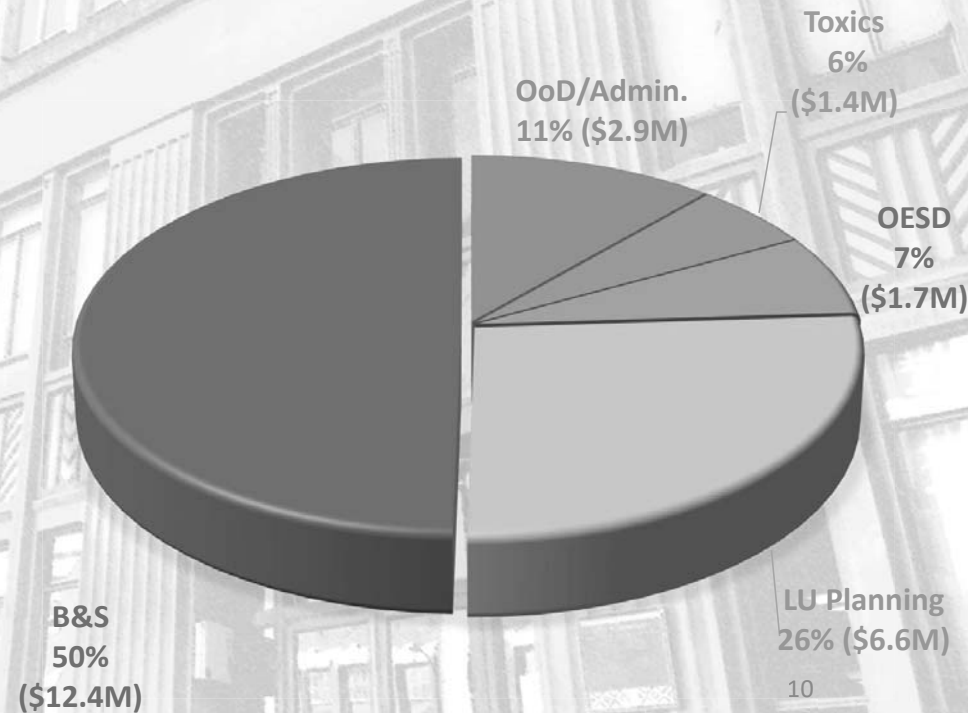
PLANNING & DEVELOPMENT DEPARTMENT

FINANCIALS

EXPENDITURE BY FUND (PROPOSED FY22)



EXPENDITURE BY DIVISION (PROPOSED FY22)





PLANNING & DEVELOPMENT DEPARTMENT

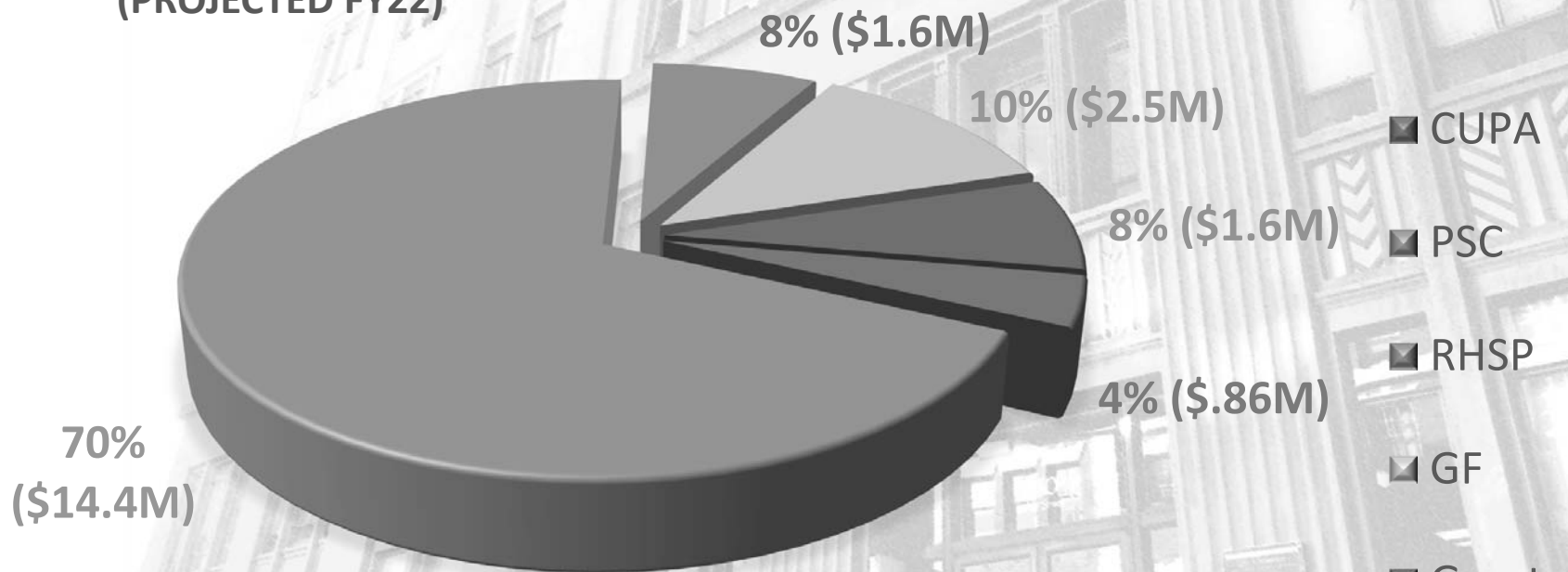
FY22 GF BUDGET DEFERRALS

- Continuation of FY21 GF Deferrals (i.e., Personnel, Travel & Training)
- Costs shift from General Fund to other funds
 - CUPA Fund (portions of Toxics Division FTEs) (\$125k)
 - PSC Fund (\$93k)
- Deferrals
 - Interns (\$36k)
 - Training & Travel (\$5k)
- Total Proposed FY22 GF Deferral: \$260,350

PLANNING & DEVELOPMENT DEPARTMENT

FINANCIALS

REVENUE BY FUND
(PROJECTED FY22)



PLANNING & DEVELOPMENT DEPARTMENT

OUTCOMES/RESULTS

2020

2019

Bldg. Permits issued: 1,549

Bldg. Permits issued: 2,163

Residential Permits	Commercial Permits	Mixed Use Permits
1,351	175	23
(\$93M)	(\$87M)	(\$154M)

Residential Permits	Commercial Permits	Mixed Use Permits
1,897	240	26
(\$124M)	(\$78M)	(\$77M)

Use Permits: 43

Use Permits: 72

Zoning Certificates:	Administrative Use Permits:	Design Review:/ Landmarks:
556	109	51

Zoning Certificates:	Administrative Use Permits:	Design Review:/ Landmarks:
454	144	83

CUPA Inspections: 276

CUPA Inspections: 304

PSC FUND (FY16-FY24)

■ Revenue ■ Expenses





PLANNING & DEVELOPMENT DEPARTMENT

BALANCING STRATEGY

- Conduct fee analysis & update fee schedule
- Reduce expenditures to minimize use of reserves
- Reduce contract services for permit review
- Leverage natural attrition as application volume declines to temporarily hold positions vacant
- Ensure fee waivers and long-term deferrals are back-filled by other sources
- Avoid new capital expenditures
- Defer Digital Permitting Software (~\$4M)



PLANNING & DEVELOPMENT DEPARTMENT

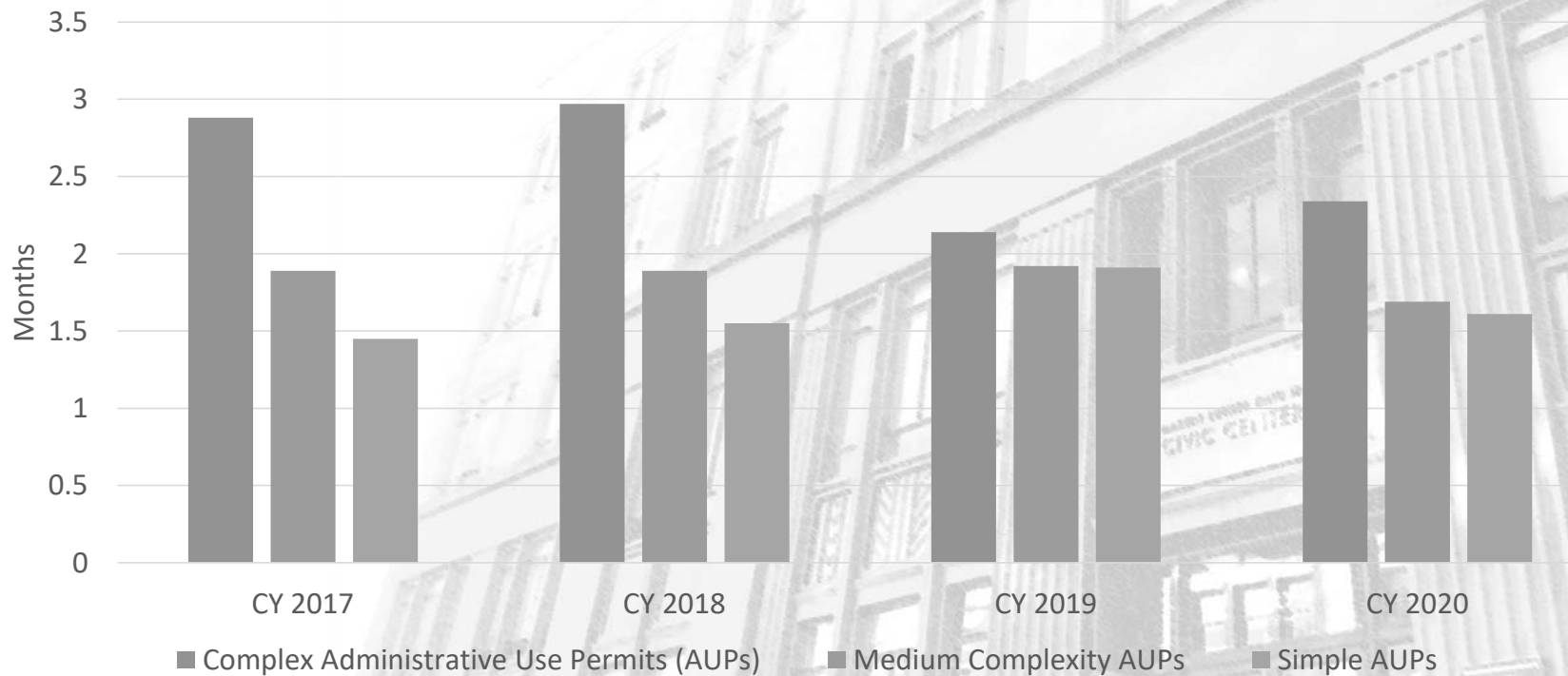
FOLLOW UP: FEBRUARY BUDGET & FINANCE COMMITTEE PRESENTATION

- Why was the PSC Fund separated from the General Fund?
- How often are permit fees waived or deferred?
- What, if any, is the cost savings of remote work?

PLANNING & DEVELOPMENT DEPARTMENT

PERFORMANCE MEASURES

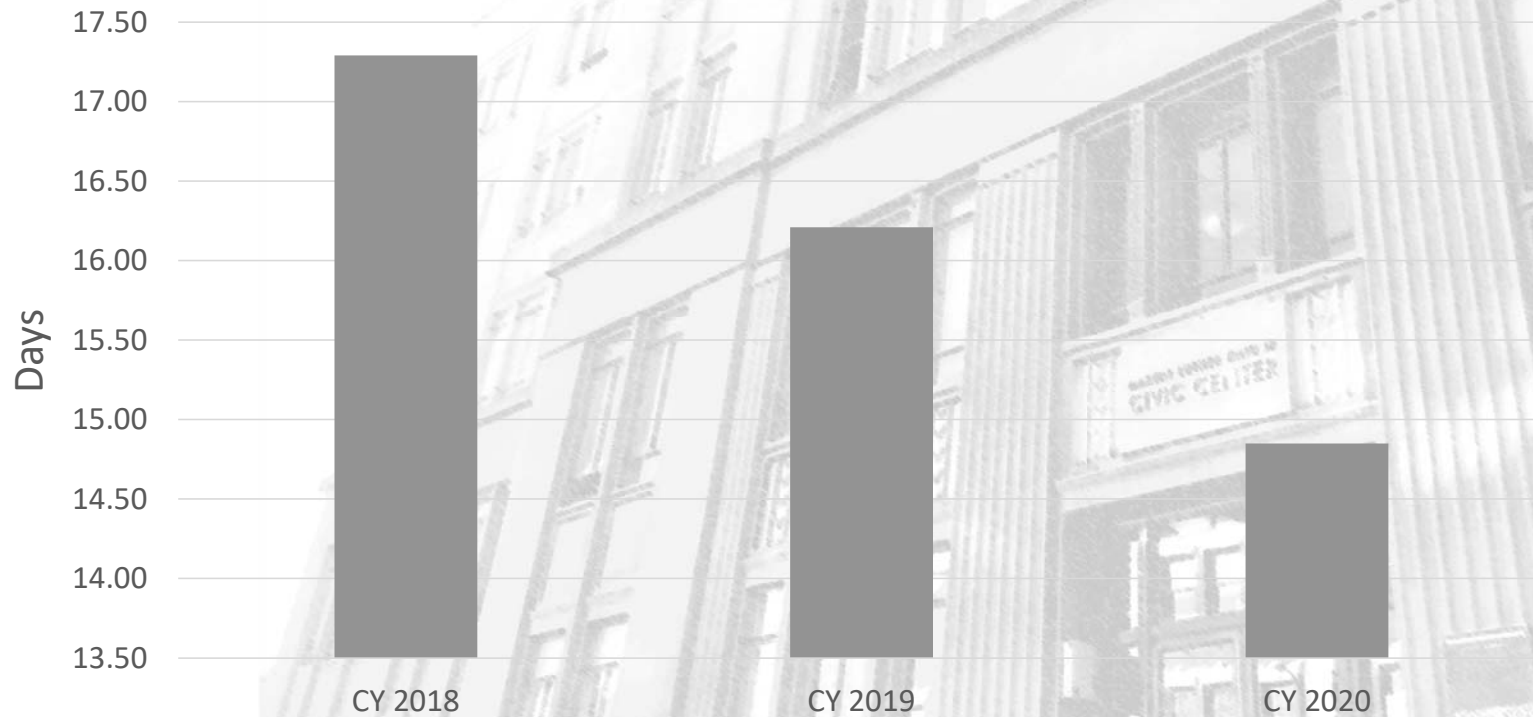
STAFF TURNAROUND TIME | ADMINISTRATIVE USE PERMITS



PLANNING & DEVELOPMENT DEPARTMENT

PERFORMANCE MEASURES

AVERAGE TURNAROUND TIME | BUILDING PLAN CHECK



PLANNING & DEVELOPMENT DEPARTMENT

PERFORMANCE MEASURES



Customer Satisfaction

- Survey in 2019; reported to CC on 4/14/20
- 43% of surveyed customers felt the website adequately prepared them for their submittal
- 63% felt they received professional and courteous service from staff



PLANNING & DEVELOPMENT DEPARTMENT

TECHNOLOGICAL NEEDS

- Digital Permitting Software
- Online Payment Expansion (contract amendments for vendors)
- Variety of software and hardware needs to support:
 - Virtual business operations
 - Permit Service Center (i.e., cell phones, laptops)
 - Inspections/Plan Check (i.e., Blitz, BOX, BlueBeam, etc.)
 - Increase in workplace efficiencies (i.e., iPads for field staff)

PLANNING & DEVELOPMENT DEPARTMENT

NEW MANDATES

STATE LAWS



State Mandates

- **AB 2345** – Density Bonus Law
- **AB 1851** – Parking Lot of Religious Institutions
- **AB 168** – Tribal Resources
- **AB 725** – Housing Element Location Designation Requirements
- **AB 68** -- Encourage construction of ADUs
- **SB 330** – Housing Crisis Act of 2019



Council Referrals

- Housing Element Modifications
- Advance community engagement around equitable climate change solutions
- Local ADU Ordinance
- Short-term Rental Ordinance Modifications
- Create an Electric Mobility Working Group
- Companion Resilient Homes Equity Pilot Program
- Streamline review processes for small businesses
- Clarify Zoning Ordinance – Zoning Ordinance Revision Project (ZORP)
- Research & Development Definition

PLANNING & DEVELOPMENT DEPARTMENT

ACCOMPLISHMENTS

- COVID Response
- Supported housing production and protection
 - ❖ Issued over 1500 building permits, 750 land use permits, 250 Fire permits, 1,500 PW permits, 250 utilities permits
 - ❖ Thousands of building inspections, housing inspections, HazMat inspections
- Secured significant grant funding
- Advanced “Green Building” initiatives and standards
- Mitigated seismic risks and improved housing safety





PLANNING & DEVELOPMENT DEPARTMENT

CHALLENGES

- COVID Response / Customer Service Impacts
- Juggling Remote & In-Person Services
- Inadequate Permitting Software
- High Volume of Major Policy Projects
- Insufficient resources to pursue Climate Action Goals
- Revenue Uncertainty



PLANNING & DEVELOPMENT DEPARTMENT

PERSONNEL REQUESTS

- Deputy Director position (\$80,000/yr.)
 - ❖ Reallocate existing Assistant Management Analyst, currently vacant
- Land Use Planning, Policy: Senior Planner & Associate Planner (\$338,520, Temporary 2-year, 50%GF 50%PSC)
- Land Use Planning, Current Projects: Planning Technician (\$114,412, existing Temp to permanent, 50%GF 50%PSC)

PURSUING CLIMATE ACTION GOALS

- BESO Expansion (\$20,000)
- Municipal Building Energy Policy (\$20,000)
- Electric Mobility & EV Charging Infrastructure (\$80,000)
- Resilient Buildings Incentive Program (\$1.5M)



PLANNING & DEVELOPMENT DEPARTMENT

RESOURCE MANAGEMENT & FINANCIAL SUSTAINABILITY

- Fee analysis & schedule update (\$150,000)
- Transportation Impact Fee analysis (\$100,000)
- Berkeley Rep Permit Waiver (\$560,000)



PLANNING & DEVELOPMENT DEPARTMENT

NEXT STEPS/ACTION

May 2021

- **Housing Element Update launch**
- **Affordable Housing Policy Update Work Session**
- **Online Payments Expansion rollout**
- **Building Electrification Strategy public draft review**

And Beyond...

- **Ashby & North Berkeley BART Stations Zoning**
- **Permit Service Center planning for reopening**
- **Next wave of customer service improvements**
- **Expansion of Rental Housing Safety Program**



PLANNING & DEVELOPMENT DEPARTMENT

Q & A



BUDGET

Fiscal Year 2022

CITY ATTORNEY

Farimah Faiz Brown

Chris Jensen

Michael Woo

May 6, 2021

CITY ATTORNEY

INTRODUCTION

- In November 2020, Berkeley voters approved Measure KK, updating the role and duties of the City Attorney.
- The City Attorney is the Chief Legal Counsel of the City of Berkeley and Prescribes the Office's Responsibilities.
- Our Mission Statement is to provide the City with the highest caliber legal services and advice and to protect and defend the interests of this dynamic city by all legal and ethical means.
- The Berkeley Charter Section 113 States: "Upon presentation of a proposed budget by the City Attorney, the Council shall provide funds sufficient to carry out the responsibilities of the office of City Attorney and for the City Attorney's department (subject to available resources), which shall be under the administrative control of the City Attorney."

CITY ATTORNEY

OVERVIEW

The City Attorney's Office provides legal advice and support to all City departments, the City Council, the City Manager, and City boards and commissions, as well as the Library Board.



LEGISLATION



LITIGATION



RISK
MANAGEMENT



LEGAL REVIEW



COMMISSION
WORK



INFORMATION

CITY ATTORNEY

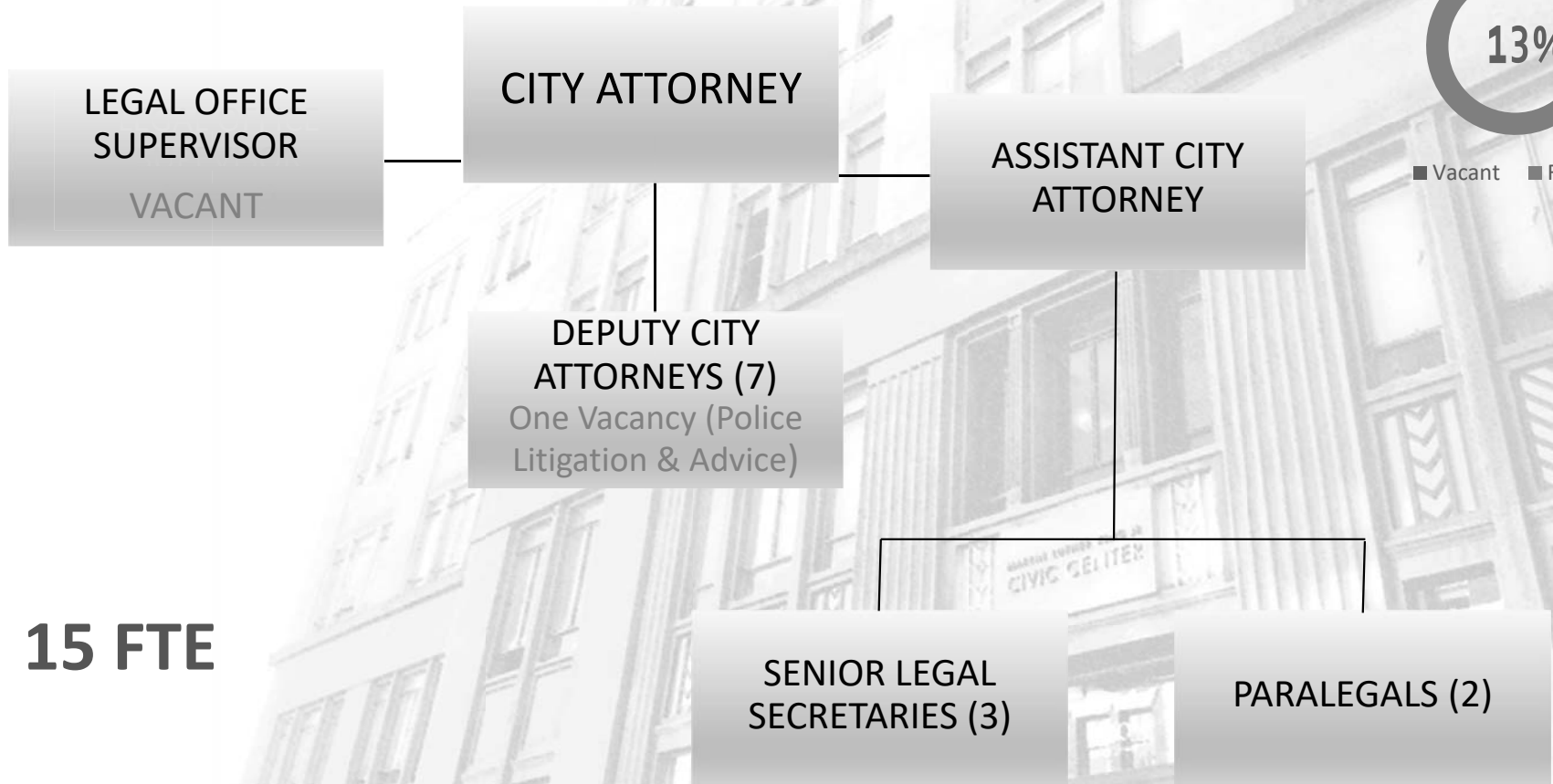


ATTORNEYS

PARALEGALS & LEGAL SECRETARIES



CITY ATTORNEY



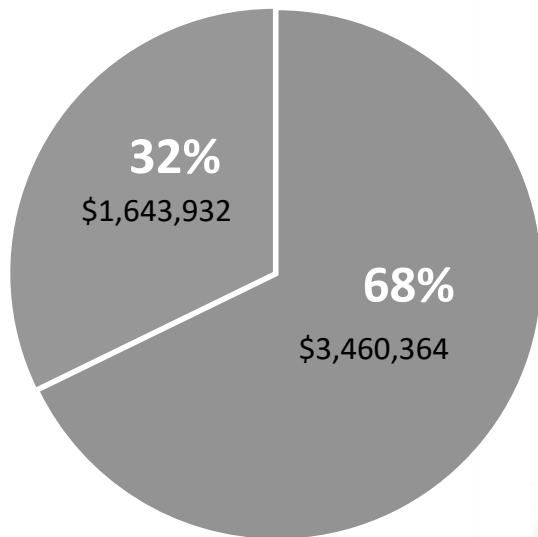
15 FTE

CITY ATTORNEY

FINANCIALS

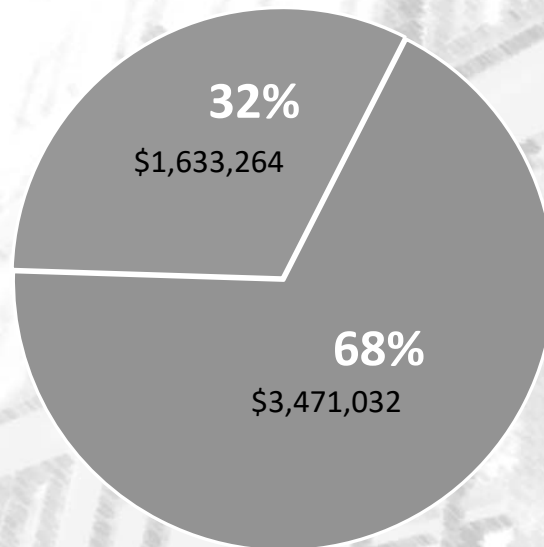
FY 2022 Budget: \$5,104,296

Per Fund



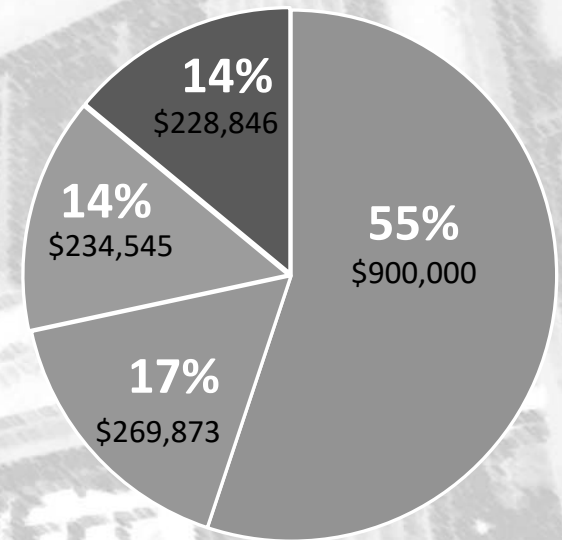
- General Fund
- Public Liability Fund

Per Expense



- Personnel
- Non-Personnel

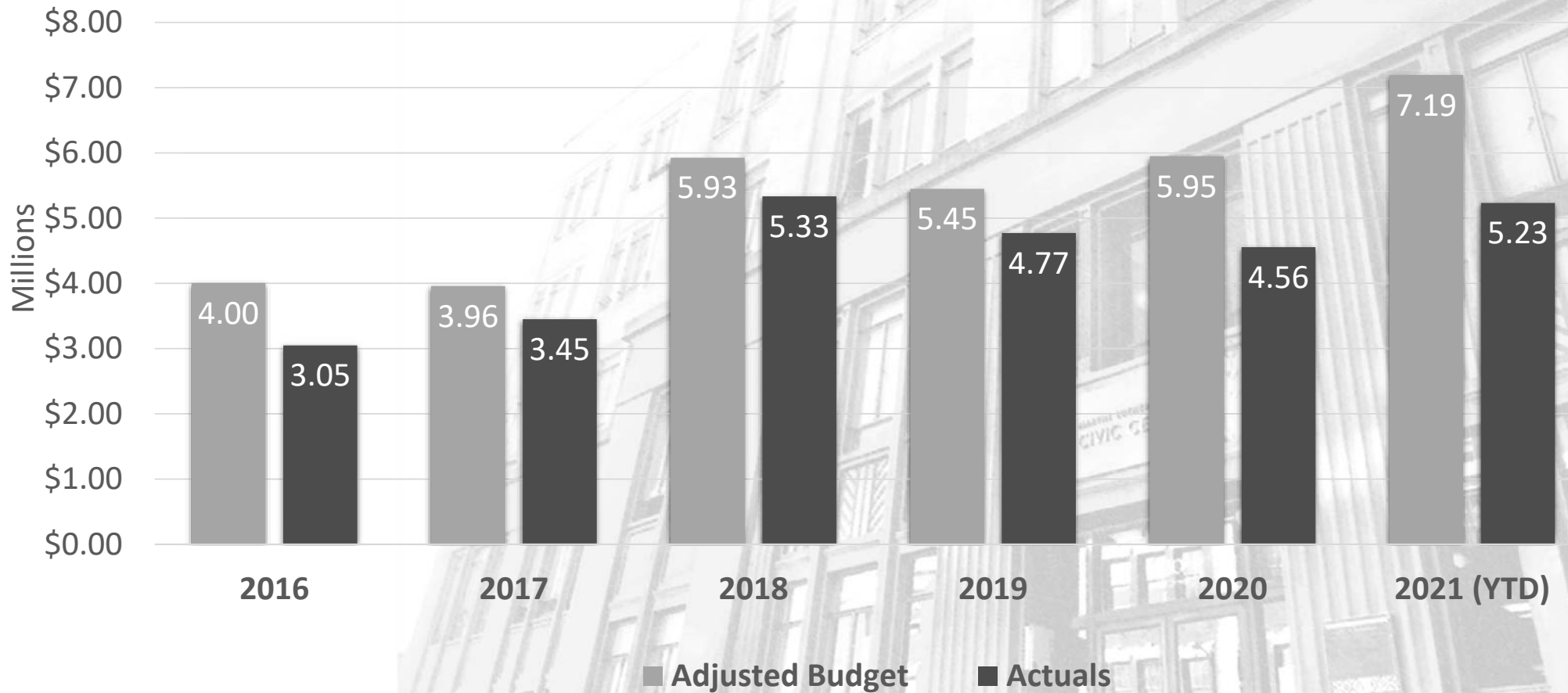
Non-Personnel Expense



- Judgments & Claims
- Internal Services
- Professional Services
- Other Expenses

CITY ATTORNEY

BUDGET V. ACTUALS



CITY ATTORNEY

FY 2021 BUDGET DEFERRALS

Deferral	Savings
Legal Office Manager (Need to Fill)	\$144,998
Deputy City Attorney III (full) (Need to Fill)	\$234,260
Deputy City Attorney III (partial) (Filled)	\$117,130
Books, Supplies & Subscriptions*	\$26,200
TOTAL PROJECTED FY 2021 SAVINGS	\$522,588

* Proposed FY 2022 deferral

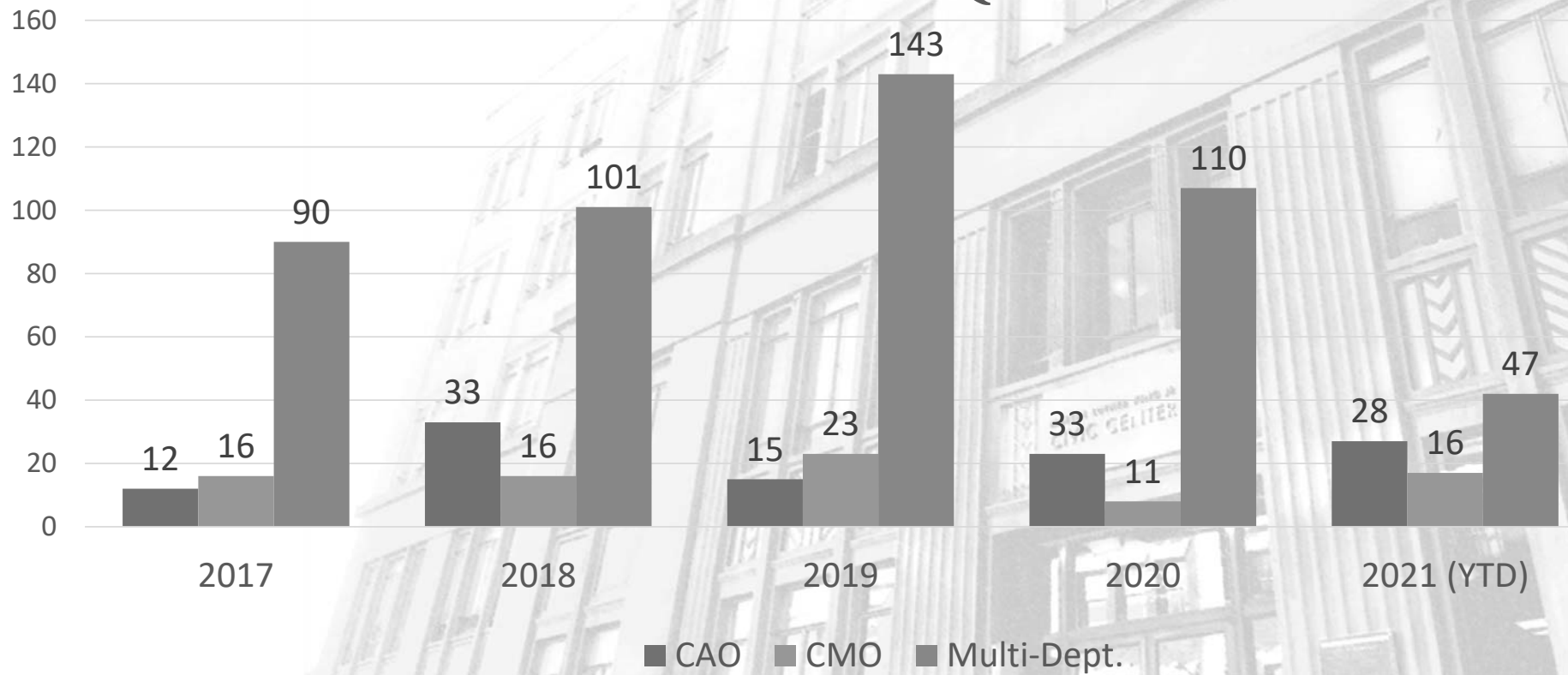
CITY ATTORNEY

PERFORMANCE MEASURES

Measure	Number of Items
Number of active lawsuits	58
City Council & Policy Committee meetings (2020)	159
Number of claims resolved (2020)	179
Public Records Act responses (2020)	154

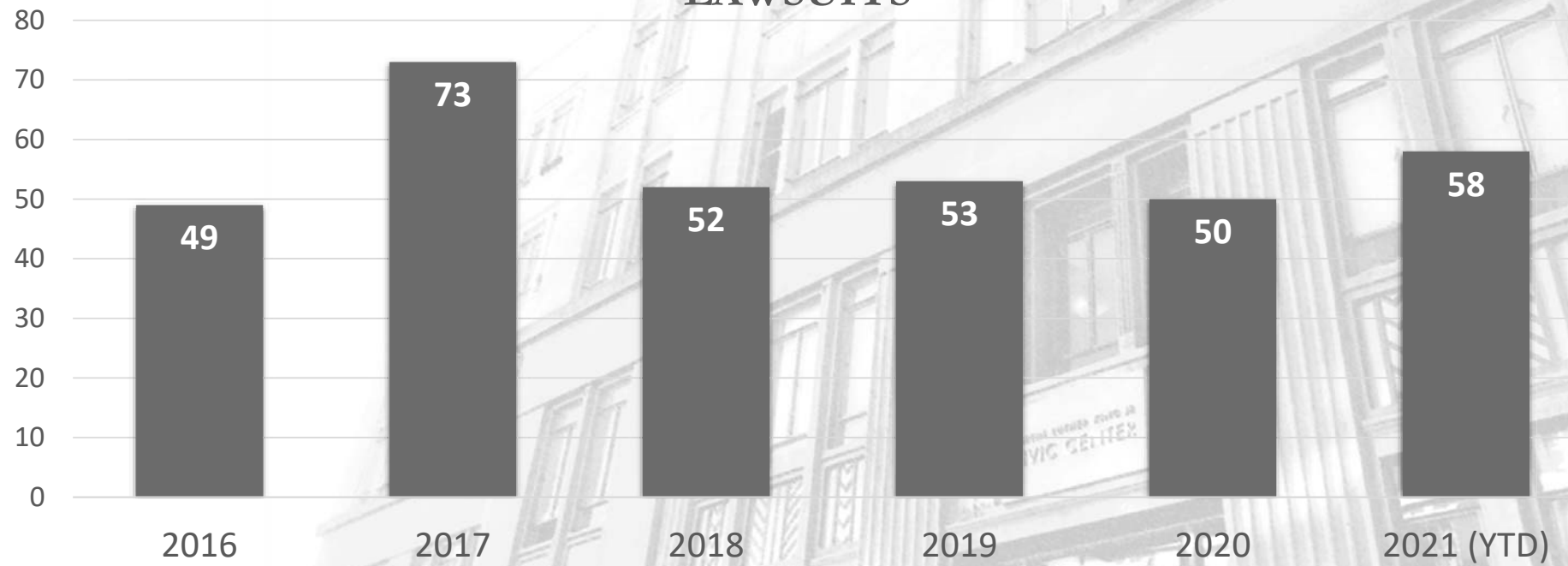
CITY ATTORNEY

PUBLIC RECORDS REQUESTS



CITY ATTORNEY

LAWSUITS



CITY ATTORNEY

ACCOMPLISHMENTS

MEASURE	Votes For	% For	Vot Agai
FF ** Fire, Emergency Services and Wildfire Prevention Tax	43,756	74.19%	15,2
GG ** Tax on Transportation Network Company Trips	34,001	58.78%	23,8
HH Utility Users Tax	27,175	47.02%	30,6
IJ ** Police Accountability Charter Amendment	50,244	84.65%	9,1
JJ ** Charter Amendment: Mayor and Council Compensation	35,742	64.62%	19,5
KK ** Charter Amendment: Administrative Provisions and City Attorney	41,762	75.05%	13,8
LL ** GANN Limit Spending Authority	44,947	81.38%	10,2
MM ** Rent Stabilization Ordinance	32,033	56.84%	24,3

** Passed

- Supported the City's COVID-19 response
- Supported the development of ballot measures including Charter amendments
- Supported the City's efforts to re-imagine public safety
- Supported new City Council policy initiatives
- Updated telecommunications ordinance and guidelines



CITY ATTORNEY

CHALLENGES & OPPORTUNITIES

Increasing need to support new and novel policy initiatives

Increasing number of complex litigation matters

Addressing increased workload during hiring freeze

Managing electronic records and case information



TECHNOLOGICAL NEEDS



Modernizing office technology to improve efficiency of our work



Immediate needs include:

- Project and document management software
- Calendaring software
- E-discovery platform



ADDITIONAL FUNDING REQUESTS


General Fund Requests

Fund modern document management and e-discovery software		\$26,000.00
Fund projected settlements and judgments		\$800,000.00
Fund projected outside counsel costs		\$1,400,000.00

CITY ATTORNEY

QUESTIONS?





BUDGET

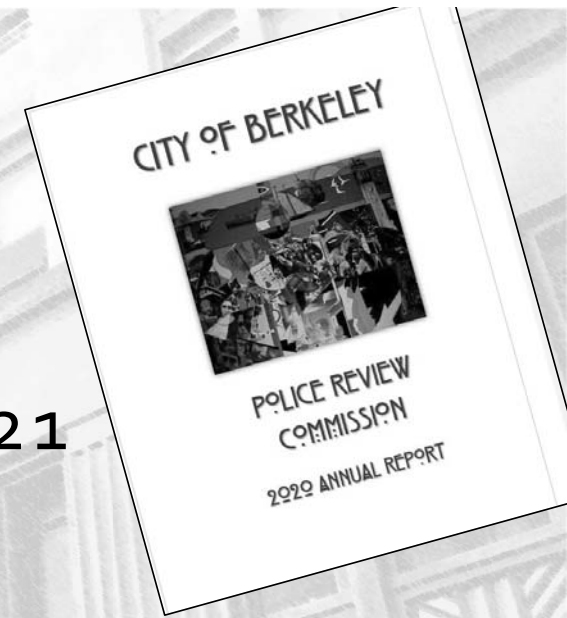
Fiscal Year 2022

OFFICE OF THE DIRECTOR OF
POLICE ACCOUNTABILITY

OFFICE OF THE DIRECTOR OF POLICE ACCOUNTABILITY

ACCOMPLISHMENTS – POLICE REVIEW COMMISSION FY2021

- Use of Force Policy
- Controlled Equipment Ordinance
- 3 Commissioners on Mayor's Working Group on Fair & Impartial Policing
- PRC representative to Reimagining Public Safety Task Force



OFFICE OF THE DIRECTOR OF POLICE ACCOUNTABILITY

OVERVIEW

- Results from Measure II (adopted November 2020)
- Promotes public trust through independent, objective civilian oversight of the Police Department
- Independent of the City Manager
- Operational on or about July 1, 2021

CHARTER AMENDMENT TO ESTABLISH A POLICE ACCOUNTABILITY BOARD AND DIRECTOR OF POLICE ACCOUNTABILITY

The People of the City of Berkeley hereby amend the Charter of the City of Berkeley to read as follows:

Section 1. The Charter of the City of Berkeley is amended to add Article XVIII, to read as follows:

Article XVIII. POLICE ACCOUNTABILITY BOARD AND DIRECTOR OF POLICE ACCOUNTABILITY

Section 1. Establishment and purpose.

A Police Accountability Board is hereby established in the City of Berkeley. The purpose of the Police Accountability Board is to promote public trust through independent, objective, civilian oversight of the Berkeley Police Department, provide community participation in setting and reviewing Police Department policies, practices, and procedures, and to provide a means for prompt, impartial and fair investigation of complaints brought by members of the public against sworn employees of the Berkeley Police Department.

The Office of the Director of Police Accountability is hereby established. The purpose of the Director of Police Accountability is to investigate complaints filed against sworn employees of the Berkeley Police Department, to reach an independent finding as to the facts and recommend corrective action where warranted. The Director of Police Accountability may also serve as the Secretary to the Police Accountability Board and assist the Board in carrying out the duties prescribed herein.

Section 2. Definitions.

The following definitions apply to this Article:

(a) "Commissioners' Manual" refers to the most current manual adopted by the City Council that consists of the policies and procedures regarding the service of board members and commissioners, board and commission procedures, and conduct of meetings.

(b) "Complainant" shall refer to a member of the public that files a complaint with either the Director of Police Accountability, Police Accountability Board, or the Police Department.

(c) "Director of Police Accountability" or "DPA" refers to an individual fulfilling the police oversight role established pursuant to section 1 of this Article.

OFFICE OF THE DIRECTOR OF
POLICE ACCOUNTABILITY

TRANSITION

- City staff team effort
 - New Board member application process
 - Recruitment for Director
 - New relationship with Police Department
- PRC webinar about applying to Board
- Community involvement



OFFICE OF THE DIRECTOR OF
POLICE ACCOUNTABILITY

STAFFING

4 FTE

Vacancy Rate



Director of
Police
Accountability

Investigator

Police
Accountability
Officer

Administrative
Support

OFFICE OF THE DIRECTOR OF
POLICE ACCOUNTABILITY

STRATEGIC PLAN

4 New Projects, including:

Title	New/ Continuing	Estimated Budget
Fair & Impartial Policing Recommendations – help implement and monitor	New	Staff time
Police Accountability Board Member Training	New	Staff time
Police Accountability Board Policy and Regulation Development	New	Staff time
Outreach	New	Approx. \$1,500, plus staff time

OFFICE OF THE DIRECTOR OF
POLICE ACCOUNTABILITY

FINANCIALS

- 100% General Fund.
- FY2022 proposed budget is **\$1.113 million.**



OFFICE OF THE DIRECTOR OF
POLICE ACCOUNTABILITY

NEW MANDATES



- Establishing Police Accountability Board policies, procedures, and regulations
- Developing and implementing training
- Performing community outreach
- Establishing relationships with the Police Department and the Berkeley Police Association



OFFICE OF THE DIRECTOR OF
POLICE ACCOUNTABILITY

CHALLENGES

- Participating in current city initiatives while implementing a new oversight model
- Redefining duties and responsibilities of the current Police Review Officer position

OFFICE OF THE DIRECTOR OF
POLICE ACCOUNTABILITY

QUESTIONS?

