



**BERKELEY CITY COUNCIL AGENDA & RULES COMMITTEE  
SPECIAL MEETING**

**MONDAY, JUNE 28, 2021  
2:30 P.M.**

Committee Members:

Mayor Jesse Arreguin, Councilmembers Sophie Hahn and Susan Wengraf  
Alternate: Councilmember Lori Droste

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

Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, this meeting of the City Council Agenda & Rules Committee will be conducted exclusively through teleconference and Zoom videoconference. Please be advised that pursuant to the Executive 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.

To access the meeting remotely using the internet: Join from a PC, Mac, iPad, iPhone, or Android device: Use URL <https://us02web.zoom.us/j/87071301412>. 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 on the screen.

To join by phone: Dial **1-669-900-9128 or 1-877-853-5257 (Toll Free)** and Enter Meeting ID: **870 7130 1412**. If you wish to comment during the public comment portion of the agenda, press \*9 and wait to be recognized by the Chair.

Written communications submitted by mail or e-mail to the Agenda & Rules Committee by 5:00 p.m. the Friday before the Committee meeting will be distributed to the members of the Committee in advance of the meeting and retained as part of the official record. City offices are currently closed and cannot accept written communications in person.

# AGENDA

**Roll Call**

**Public Comment**

## **Review of Agendas**

1. **Approval of Minutes: June 14, 2021**
2. **Review and Approve Draft Agenda:**
  - a. 7/13/21 – 6:00 p.m. Regular City Council Meeting
3. **Selection of Item for the Berkeley Considers Online Engagement Portal**
4. **Adjournments In Memory**

## **Scheduling**

5. **Council Worksessions Schedule**
6. **Council Referrals to Agenda Committee for Scheduling**
7. **Land Use Calendar**

## **Referred Items for Review**

8. **Discussion Regarding Impact of COVID-19 (novel coronavirus) on Meetings of Legislative Bodies**

## **Unscheduled Items**

9. **Strengthening and Supporting City Commissions: Guidance on the Development of Legislative Proposals**
10. **Preliminary Analysis of Return to In-Person Meetings of City Legislative Bodies**

## **Items for Future Agendas**

- **Discussion of items to be added to future agendas**

**Adjournment – Next Meeting Monday, July 12, 2021**

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**Additional items may be added to the draft agenda per Council Rules of Procedure.**

*Rules of Procedure as adopted by Council resolution, Article III, C3c - Agenda - Submission of Time Critical Items*


*Time Critical Items. A Time Critical item is defined as a matter that is considered urgent by the sponsor and that has a deadline for action that is prior to the next meeting of the Council and for which a report prepared by the City Manager, Auditor, Mayor or council member is received by the City Clerk after established deadlines and is not included on the Agenda Committee’s published agenda.*

*If the Agenda Committee finds the matter to meet the definition of Time Critical, the Agenda Committee may place the matter on the Agenda on either the Consent or Action Calendar.*

*The City Clerk shall not accept any item past the adjournment of the Agenda Committee meeting for which the agenda that the item is requested to appear on has been approved.*


*Written communications addressed to the Agenda Committee and submitted to the City Clerk Department by 5:00 p.m. the Friday before the Committee meeting, will be distributed to the Committee prior to the meeting.*

*This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953 and applicable Executive Orders as issued by the Governor that are currently in effect. Members of the City Council who are not members of the standing committee may attend a standing committee meeting even if it results in a quorum being present, provided that the non-members only act as observers and do not participate in the meeting. If only one member of the Council who is not a member of the committee is present for the meeting, the member may participate in the meeting because less than a quorum of the full Council is present. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Mark Numainville, City Clerk, (510) 981-6900.*

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

\* \* \*

I hereby certify that the agenda for this special meeting of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City’s website, on June 24, 2021.

  
Mark Numainville, City Clerk

**Communications**

*Communications submitted to City Council Policy Committees are on file in the City Clerk Department at 2180 Milvia Street, 1st Floor, Berkeley, CA, and are available upon request by contacting the City Clerk Department at (510) 981-6908 or [policycommittee@cityofberkeley.info](mailto:policycommittee@cityofberkeley.info).*



**BERKELEY CITY COUNCIL AGENDA & RULES COMMITTEE  
SPECIAL MEETING MINUTES**

**MONDAY, JUNE 14, 2021**

**2:30 P.M.**

Committee Members:

Mayor Jesse Arreguin, Councilmembers Sophie Hahn and Susan Wengraf

Alternate: Councilmember Lori Droste

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

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To join by phone: Dial **1-669-900-9128** or **1-877-853-5257 (Toll Free)** and Enter Meeting ID: **879 5404 0397**. If you wish to comment during the public comment portion of the agenda, press \*9 and wait to be recognized by the Chair.

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**Roll Call:** 2:33 p.m. All present.

**Public Comment:** 3 speakers.

## Review of Agendas

**1. Approval of Minutes: June 1, 2021**

**Action:** M/S/C (Hahn/Wengraf) to approve the minutes of 6/1/2021.

**Vote:** All Ayes.

**2. Review and Approve Draft Agenda:**

a. 6/29/21 – 6:00 p.m. Regular City Council Meeting

**Action:** M/S/C (Arreguin/Hahn) to recommend that the Author of Item 20 revise the recommendation to remove “directing” and add “to recommend that.”

**Vote:** All Ayes.

**Action:** M/S/C (Arreguin/Wengraf) to approve the agenda of 6/29/2021 with the changes noted below.

- Item 11 General Plan (City Manager) – Scheduled for July 13, 2021
- Item 17 Renewable 100 Plan (Commission) – Moved to Consent Calendar
- Item 18 Nasrin Sotoudeh (Taplin) – Moved to Consent Calendar
- Item 19 MTC Resolution (Harrison) – Moved to Consent Calendar with recommended revision from Committee
- Item 20 Discriminatory Reports (Harrison) – Referred to the Public Safety Policy Committee on Unscheduled Items pursuant to Appendix D of Council Rules. Councilmember Hahn added as a co-sponsor.

Order of Action Items

Item 14 Budget Adoption

Item 15 AAO

Item 16 Borrowing of Funds

**Vote:** All Ayes.

**3. Selection of Item for the Berkeley Considers Online Engagement Portal**

- None selected

**4. Adjournments In Memory – None**

## Scheduling

**5. Council Worksessions Schedule – received and filed**

**6. Council Referrals to Agenda Committee for Scheduling**

**Action:** M/S/C (Arreguin/Wengraf) to schedule the Objective Standards item for the July 27, 2021 regular meeting.

**Vote:** All Ayes.

**7. Land Use Calendar – received and filed**

## Referred Items for Review

**8. Discussion Regarding Impact of COVID-19 (novel coronavirus) on Meetings of Legislative Bodies**

**Action:** 1 speaker. No action taken.

**9. Preliminary Analysis of Return to In-Person Meetings of City Legislative Bodies**

**Action:** 3 speakers. Update provided by City Manager regarding state executive orders and in-person meetings. Discussion held. Item moved to Unscheduled Items.

## Unscheduled Items

**10. Strengthening and Supporting City Commissions: Guidance on the Development of Legislative Proposals**

## Items for Future Agendas

- None

## Adjournment

**Action:** M/S/C (Arreguin/Hahn) to adjourn the meeting.

**Vote:** All Ayes.

Adjourned at 3:40 p.m.

I hereby certify that the foregoing is a true and correct record of the Agenda & Rules Committee meeting held on June 14, 2021.

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Mark Numainville  
City Clerk

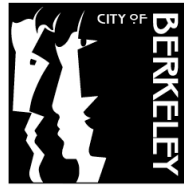
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## DRAFT AGENDA



## BERKELEY CITY COUNCIL MEETING

Tuesday, July 13, 2021  
6:00 PM

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

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*To join by phone: Dial 1-669-900-9128 or 1-877-853-5257 (Toll Free) and enter Meeting ID: <<INSERT MEETING ID HERE>>. 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 teleconference will be recorded as any Council meeting is recorded, and all other rules of procedure and decorum will apply for Council meetings conducted by teleconference or videoconference.*

*To submit a written communication for the City Council's consideration and inclusion in the public record, email [council@cityofberkeley.info](mailto:council@cityofberkeley.info).*

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

## Preliminary Matters

### Roll Call:

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

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

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

## Consent Calendar

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

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

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

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

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

## Consent Calendar

**1. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on July 13, 2021**

**From: City Manager**

**Recommendation:** Approve the request for proposals or invitation for bids (attached to staff report) that will be, or are planned to be, issued upon final approval by the requesting department or division. All contracts over the City Manager's threshold will be returned to Council for final approval.

**Financial Implications:** Various Funds - \$663,976

Contact: Henry Oyekanmi, Finance, (510) 981-7300

**2. Contract: ERA Construction, Inc. for the O&K Docks Electrical Upgrade Project at the Berkeley Marina**

**From: City Manager**

**Recommendation:** Adopt a Resolution: 1. Approving the plans and specifications for the O&K Docks Electrical Upgrade Project (Bid Specification No. 21-11449-C); and 2. Rejecting the bid protest of Edward W. Scott Electric Co. Inc., the second-lowest bidder; and 3. Accepting the bid of ERA Construction, Inc. as the lowest responsive and responsible bidder on the Project; and 4. Authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project in accordance with the approved plans and specifications, with ERA Construction, Inc., for the O&K Docks Electrical Upgrade Project, in an amount not to exceed \$1,200,000, which includes a contract amount of \$1,117,980 and a 7.3% contingency in the amount of \$82,020.

**Financial Implications:** Various Funds - \$1,200,000

Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

**3. Contract No. 32000274 Amendment: Suarez and Munoz Construction, Inc. for San Pablo Park Playground and Tennis Court Renovation Project**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32000274 with Suarez and Munoz Construction, Inc. for the San Pablo Park Playground and Tennis Court Renovation Project, increasing the amount by \$50,000 for an amended total amount not to exceed \$2,144,056.

**Financial Implications:** Parks Tax Fund - \$50,000

Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

## Consent Calendar

**4. Authorize the City Manager to Accept REAP and PDA Planning Grant Applications**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to accept three planning grant awards and to execute documents or amendments associated with each grant. The three applications awarded are: A competitive Regional Early Action Planning (REAP) grant in the amount of \$75,000; a non-competitive REAP grant in the amount of \$83,506; and a Priority Development Area (PDA) Planning Grant for the San Pablo Avenue PDA in the amount of \$750,000.

**Financial Implications:** See report

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

**5. Accept Grant Funding from the California Highway Patrol (CHP) Cannabis Tax Fund Grant Program to Reduce Impaired Driving in the City of Berkeley**

**From: City Manager**

**Recommendation:** Adopt a Resolution to authorize the City Manager, or designee, to accept the "Cannabis Tax Fund Grant Program (CTFGP)" and enter into the resultant grant agreement and any amendments to fund impaired driving detection/investigation training for officers, community educational programs and supplemental impaired driving enforcement. The tentative grant allocation is for \$135,462 for the period of July 1, 2021 through June 30, 2022.

**Financial Implications:** See report

Contact: Jennifer Louis, Police, (510) 981-5900

**6. Approval and Levy of 2018 Clean Stormwater Fee in FY 2022**

**From: City Manager**

**Recommendation:** Adopt a Resolution approving the proposed adjusted fees for the 2018 Clean Stormwater Fee and ordering the levy of the fees in Fiscal Year 2022.

**Financial Implications:** See report

Contact: Liam Garland, Public Works, (510) 981-6300

**7. Contract: Rainbow Waterproofing & Restoration Co., Inc. for the Central Library Stucco Restoration Project**

**From: City Manager**

**Recommendation:** Adopt a Resolution: 1. Approving plans and specifications for Central Library Stucco Restoration Project, Specification No.20-11405-C; 2. Accepting the bid of Rainbow Waterproofing & Restoration Co., Inc. as the lowest responsive and responsible bidder; and 3. Authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project in accordance with the approved plans and specifications, for an amount not to exceed \$702,384, which includes a contingency of \$117,064.

**Financial Implications:** Library Tax Fund - \$702,384

Contact: Liam Garland, Public Works, (510) 981-6300, Tess Mayer, Library, (510) 981-6100

## Consent Calendar

8. **Contract No. 32000092 Amendment: New Image Landscape Company for On-Call Landscaping Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract 32000092 with New Image Landscape Company to increase the spending authority by \$150,000 for a total not to exceed \$200,000 and to extend the contract term an additional two year to November 30, 2023 for on-call landscaping services.  
**Financial Implications:** Various Funds - \$150,000  
Contact: Liam Garland, Public Works, (510) 981-6300

## Council Consent Items

9. **Resolution in Support of Ending Qualified Immunity Act**  
**From: Councilmember Taplin (Author)**  
**Recommendation:** Adopt a Resolution in Support of the Ending Qualified Immunity Act by Rep. Ayanna Pressley (D-Mass.) and Sen. Ed Markey (D-Mass) and send copy of resolution to the office of Rep. Barbara Lee (CA-13).  
**Financial Implications:** None  
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120

## Action Calendar

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

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

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

## Action Calendar – Public Hearings

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

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

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

## Action Calendar – Public Hearings

- 10. Referral Response: General Plan Re-Designation and Zoning Map Amendment of Parcels Located at 1709 Alcatraz Avenue, 3404 King Street, 3244 Ellis Street, 1717 Alcatraz Avenue, and 2024 Ashby Avenue**  
**From: City Manager**  
**Recommendation:** Conduct a public hearing and, upon conclusion:  
1. Adopt first reading of an Ordinance rezoning five parcels located at 1709 Alcatraz Avenue (APN 052-1533-001-03), 3404 King Street (APN 052-1435-001-02), 3244 Ellis Street (APN 052-1533-005-00), 1717 Alcatraz Avenue (APN 052-1533-006-00) and 2024 Ashby Avenue (APN 053-1592-022-00) to Commercial – Adeline Corridor District (C-AC), and  
2. Adopt a Resolution changing the General Plan designation of the five parcels to Adeline Corridor Mixed Use and to revise the boundaries of the Adeline Corridor Specific Plan Area to include the five parcels.  
**Financial Implications:** None  
Contact: Jordan Klein, Planning and Development, (510) 981-7400
- 11. Response to Short Term Referral for Amendments to Accessory Dwelling Unit (ADU) Ordinance to Address Public Safety Concerns; Amending BMC Chapters 23C.24 and 23F.04**  
**From: City Manager**  
**Recommendation:** Conduct a public hearing and, upon conclusion, adopt the first reading of a local Accessory Dwelling Unit (ADU) Ordinance [Berkeley Municipal Code (BMC) Chapter 23C.24] and amendments to relevant Definitions [BMC Chapter 23F.04] in the Zoning Ordinance.  
**Financial Implications:** None  
Contact: Jordan Klein, Planning and Development, (510) 981-7400

## Action Calendar – Old Business

- 12. Adopt a Resolution Updating City of Berkeley Street Maintenance and Rehabilitation Policy** *(Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee) (Continued from the June 1, 2021 meeting) (Item contains Supplemental Material)*  
**From: Councilmember Harrison (Author), Councilmember Bartlett (Co-Sponsor), Councilmember Taplin (Co-Sponsor)**  
**Recommendation:**
1. Adopt a Resolution updating the City’s Street Maintenance and Rehabilitation Policy dated June 1, 2021.
  2. Refer the exploration of potential bonding and funding opportunities for improving the Paving Condition Index (PCI) of streets and creating a Paving Master Plan back to the Facilities, Infrastructure, Transportation, Environment & Sustainability (FITES) Committee for further review.
- Policy Committee Recommendation: To move the Public Works supplemental item “City of Berkeley Street Maintenance and Rehabilitation Policy to Council” with a positive recommendation including amendments made during the meeting today, and ask Council to refer the exploration of potential bonding and funding opportunities for improving the PCI of streets and creating a Paving Master Plan back to the FITES Committee for further review.*
- Financial Implications:** Staff time  
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140

## Action Calendar – New Business

- 13. General Plan and Housing Element Annual Progress Report (APR)**  
**From: City Manager**  
**Recommendation:** Review and accept the 2020 General Plan Annual Progress Report (APR) and 2020 Housing Element APR, which were submitted to the State of California’s Department of Housing and Community Development (HCD) and the Governor’s Office of Planning and Research (OPR) on April 1, 2021.  
**Financial Implications:** None  
Contact: Jordan Klein, Planning and Development, (510) 981-7400

## Action Calendar – Policy Committee Track Items

### 14. Endorse All Home CA Regional Action Plan on Homelessness

**From: Mayor Arreguin (Author)**

**Recommendation:**

1. Receive a presentation from All Home CA, a regional collective impact partnership, on their Regional Action Plan on homelessness.
2. Endorse the All Home CA Regional Action Plan and the 1-2-4 framework to support ending homelessness in the San Francisco Bay Area, with a goal of a 75% reduction by 2024.
3. Refer to the City Manager to utilize the assistance of All Home to analyze the City of Berkeley's current homelessness expenditures and programs and explore recalibrating and prioritizing investments to align with the 1-2-4 RAP framework. The City Manager should return to the City Council and the Homeless Services Panel of Experts with a report on the findings of this analysis.

**Financial Implications:** See report

Contact: Jesse Arreguin, Mayor, (510) 981-7100

### 15. Amending BMC Section 14.56.070 for 3-Ton Commercial Truck Weight Limit on Tenth Street, Ninth Street, Eighth Street, and Seventh Street

**From: Councilmember Taplin (Author)**

**Recommendation:** Adopt first reading of an Ordinance amending Berkeley Municipal Code (BMC) Section 14.56.070 to add 3-ton commercial truck weight limits on Tenth Street between University Avenue and Dwight Way, Ninth Street between University Avenue and Dwight Way, Eighth Street between University Avenue and Dwight Way, and Seventh Street between University Avenue and Dwight Way.

**Financial Implications:** See report

Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120

## Information Reports

### 16. Animal Care Commission 2021/2022 Work Plan

**From: City Manager**

Contact: Paul Buddenhagen, City Manager's Office, (510) 981-7000

### 17. Commission on Disability Fiscal Year 2021-2022 Work Plan

**From: Commission on Disability**

Contact: Dominika Bednarska, Commission Secretary, (510) 981-6300

### 18. Fiscal Year 2022 Sugar-Sweetened Beverage Product Panel of Experts Commission Work Plan

**From: Sugar Sweetened Beverage Product Panel of Experts**

Contact: Dechen Tsering, Commission Secretary, (510) 981-5300

## Public Comment – Items Not Listed on the Agenda

## Adjournment



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

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

Communications to the City Council are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service to the City Clerk Department at 2180 Milvia Street. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk Department for further information.

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

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

**COMMUNICATION ACCESS INFORMATION:**

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Captioning services are provided at the meeting, on B-TV, and on the Internet.  
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CONSENT CALENDAR  
July 13, 2021

To: Honorable Mayor and Members of the City Council  
From: Councilmember Taplin  
Subject: Resolution in Support of Ending Qualified Immunity Act

### RECOMMENDATION

Adopt a Resolution in Support of the Ending Qualified Immunity Act by Rep. Ayanna Pressley (D-Mass.) and Sen. Ed Markey (D-Mass) and send copy of resolution to the office of Rep. Barbara Lee (CA-13).

### FINANCIAL IMPLICATIONS

None.

### CURRENT SITUATION AND ITS EFFECTS

Qualified immunity is a legal doctrine that courts have applied to exempt law enforcement officers from liability in civil rights lawsuits, particularly in cases of police brutality. Federal legislation introduced by Representative Ayanna Pressley and Senator Ed Markey of Massachusetts would amend 42 U.S.C. Section 1983 to clarify that “it shall not be a defense or immunity to any action brought under this section” if the law enforcement officer was acting in good faith or “that the defendant believed, reasonably or otherwise” that their actions were lawful and constitutional.

According to an investigation<sup>1</sup> by Reuters, courts have granted immunity to law enforcement officers in the majority of suits since 2005. One of those cases included a cyclist in Dallas who was killed after being shot 17 times by 5 officers. Since 2009, the Supreme Court has allowed courts to disregard the Fourth Amendment’s prohibition on excessive force, traditionally the first step in determining whether the plaintiff qualifies for immunity. From 2005-2007, 56% of court cases favored the plaintiffs bringing civil rights suits against law enforcement officers; from 2017-2019, 57% of cases favored police.

In one example, the Fifth Circuit Court of Appeals granted qualified immunity to a correctional officer in 2020 who had pepper sprayed a prison inmate in the face without provocation.<sup>2</sup> In *Frasier v. Evans* (2021), the Tenth Circuit Court of appeals granted

<sup>1</sup> Chung, A., et al. (2020, May 8). For cops who kill, special Supreme Court protection. *Reuters*. Retrieved from <https://www.reuters.com/investigates/special-report/usa-police-immunity-scotus/>

<sup>2</sup> Fifth Circuit Upholds Qualified Immunity for Guard Pepper-spraying Prisoner Without Provocation. *Prison Legal News*, Apr. 2, 2020. Retrieved from <https://www.prisonlegalnews.org/news/2020/apr/2/fifth-circuit-upholds-qualified-immunity-guard-pepper-spraying-prisoner-without-provocation/>

qualified immunity to police officers who violated First Amendment rights by confiscating a civilian's video recordings of police use of force.<sup>3</sup> In March of 2021, the US Supreme Court declined to review a case in which qualified immunity was granted to police who used force against a Black man in Cleveland while trying to enter his home.<sup>4</sup>

### BACKGROUND

The doctrine of qualified immunity was first applied by the Supreme Court in 1967 to grant exemptions to law enforcement officers from the private right of action against state and local officials who violate civil rights. This doctrine shielding police officers from liability in cases of abuse, misconduct, and negligence has undermined the substance and intent of the Civil Rights Act of 1871, now codified in 42 U.S.C. Section 1983. Qualified immunity is not codified in any civil statute; this proposed bill would explicitly prohibit it in order to provide greater accountability in cases of police misconduct.

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

None.

### CONTACT PERSON

Councilmember Terry Taplin, Council District 2, 510-981-7120

Attachments:

1: Resolution

2: Ending Qualified Immunity Act (Bill Text)

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<sup>3</sup> <https://www.ca10.uscourts.gov/opinions/19/19-1015.pdf>

<sup>4</sup> Chung, A. (2021, Mar. 8). U.S. Supreme court rejects case over 'qualified immunity' for police. *Reuters*. Retrieved from <https://www.reuters.com/article/us-usa-court-qualifiedimmunity/u-s-supreme-court-rejects-case-over-qualified-immunity-for-police-idUSKBN2B01L6>

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

RESOLUTION IN SUPPORT OF ENDING QUALIFIED IMMUNITY ACT OF 2021

WHEREAS, in the wake of George Floyd's killing and a nationwide reckoning on systemic racism and police violence, the City of Berkeley has commenced a Reimagining Public Safety process; and

WHEREAS, Congress granted individuals the right to sue state and local officials who violate their rights, including police officers, in the Civil Rights Act of 1871, now found under title 42 of the United States Code, Section 1983; and

WHEREAS, since 1967 the Supreme Court has issued several decisions gutting this protection by inventing the qualified immunity doctrine, shielding law enforcement officers from liability for misconduct, negligence, or abuse; and

WHEREAS, in *Harlow v. Fitzgerald* (1982), the U.S. Supreme Court ruled that judges could adequately determine whether an action falls within the scope of qualified immunity based on whether the government official facing litigation knew or should have known that their actions would violate the plaintiff's constitutional rights, under an "objective reasonableness" standard requiring that the rights being violated were "clearly established" at the time; and

WHEREAS, the doctrine of qualified immunity restricts accountability of government officials, prevents genuine justice from being served, and exacerbates violent racial inequities;

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that it hereby registers its support for the Ending Qualified Immunity Act of 2021.

.....  
(Original Signature of Member)

117TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

To amend the Revised Statutes to remove the defense of qualified immunity in the case of any action under section 1979, and for other purposes.

\_\_\_\_\_  
IN THE HOUSE OF REPRESENTATIVES

Ms. PRESSLEY introduced the following bill; which was referred to the Committee on \_\_\_\_\_

\_\_\_\_\_  
**A BILL**

To amend the Revised Statutes to remove the defense of qualified immunity in the case of any action under section 1979, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Ending Qualified Im-  
5 munity Act”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds as follows:

1           (1) In 1871, Congress passed the Ku Klux  
2           Klan Act to enforce the Fourteenth Amendment and  
3           combat rampant violations of civil and constitu-  
4           tionally secured rights across the nation, particularly  
5           those of newly freed slaves and other black Ameri-  
6           cans in the post-Civil War South

7           (2) Included in the act was a provision, now  
8           codified at section 1983 of title 42, United States  
9           Code, which provides a cause of action for persons  
10          to file lawsuits against people acting under color of  
11          state law, including State or local officials, who vio-  
12          late their federal legal and constitutionally secured  
13          rights.

14          (3) Under section 1979 of the Revised Statutes  
15          (42 U.S.C. 1983) a person may be held liable for  
16          acting under color of State or local law, even if they  
17          are not acting in accordance with State law.

18          (4) Section 1979 has never included a defense  
19          or immunity for government officials who act in  
20          good faith when violating rights, nor has it ever had  
21          a defense or immunity based on whether the right  
22          was "clearly established" at the time of the violation.

23          (5) From the law's beginning in 1871, through  
24          the 1960s, government actors were not afforded  
25          qualified immunity for violating rights.

1           (6) In 1967, the Supreme Court in *Pierson v.*  
2           *Ray*, 386 U.S. 547, suddenly found that government  
3           actors had a good faith defense for making arrests  
4           under unconstitutional statutes based on a common  
5           law defense for the tort of false arrest.

6           (7) The Court later extended this beyond false  
7           arrests, turning it into a general good faith defense  
8           for government officials.

9           (8) Finally, in *Harlow v. Fitzgerald*, 457 U.S.  
10          800 (1982), the Court found the subjective search  
11          for good faith in the government actor unnecessary,  
12          and replaced it with an “objective reasonableness”  
13          standard that requires that the right be “clearly es-  
14          tablished” at the time of the violation for the de-  
15          fendant to be liable.

16          (9) This doctrine of qualified immunity has se-  
17          verely limited the ability of many plaintiffs to re-  
18          cover damages under section 1983 when their rights  
19          have been violated by State and local officials. As a  
20          result, the intent of Congress in passing the law has  
21          been frustrated, and Americans’ rights secured by  
22          the Constitution have not been appropriately pro-  
23          tected.



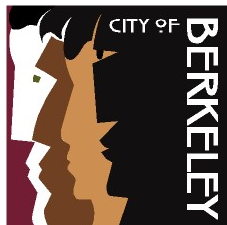
1 **SEC. 3. SENSE OF THE CONGRESS.**

2 It is the sense of the Congress that we must correct  
3 the erroneous interpretation of section 1979 of the Revised  
4 Statutes which provides for qualified immunity, and reit-  
5 erate the standard found on the face of the statute, which  
6 does not limit liability on the basis of the defendant's good  
7 faith beliefs or on the basis that the right was not "clearly  
8 established" at the time of the violation.

9 **SEC. 4. REMOVAL OF QUALIFIED IMMUNITY.**

10 Section 1979 of the Revised Statutes (42 U.S.C.  
11 1983) is amended by adding at the end the following: "In  
12 any suit pending on, or filed after, the effective date of  
13 the Ending Qualified Immunity Act of 2021, it shall not  
14 be a defense or immunity to any action brought under this  
15 section that the defendant was acting in good faith, or  
16 that the defendant believed, reasonably or otherwise, that  
17 his or her conduct was lawful at the time when it was  
18 committed. Nor shall it be a defense or immunity that the  
19 rights, privileges, or immunities secured by the Constitu-  
20 tion or Federal laws were not clearly established at the  
21 time of their deprivation by the defendant, or that the  
22 state of the law was otherwise such that the defendant  
23 could not reasonably have been expected to know whether  
24 his or her conduct was lawful."





Office of the City Manager

## **SUPPLEMENTAL AGENDA MATERIAL for Supplemental Packet 1**

**Meeting Date:** June 1, 2021

**Item Number:** 19

**Item Description:** Adopt a Resolution Updating City of Berkeley Street Maintenance and Rehabilitation Policy

**Submitted by:** Joe Enke, Secretary, Public Works Commission

Supplemental material contains the Public Works Commission's council report entitled, Recommendation for Updates to the City of Berkeley Street Rehabilitation and Repair Policy.



Public Works Commission

May 25, 2021

To: Berkeley City Council

From: Public Works Commission (PWC)

Submitted By: Margo Schueler, Chair

Subject: Recommendation for Updates to the City of Berkeley Street Rehabilitation and Repair Policy

RECOMMENDATION

Review and adopt updates to the Street Rehabilitation and Repair Policy (Policy).

SUMMARY

The City's Street Rehabilitation and Repair Policy Section 5.2 provides that the Policy shall be reviewed annually and updated formally by the City Council, with advice of the Public Works Commission.

The Short-Term Paving Policy Subcommittee of the PWC developed these updates to the Policy which focus on enhancements to equity, and roadway condition performance targets achievable over time that may be tracked during staff's development of the Annual 5 Year Paving Plan.

The Subcommittee worked with City staff and applied their own extensive individual expertise to this work. The PWC reviewed and unanimously accepted these recommended updates to the Policy and forwarded them for discussion to the Facilities, Infrastructure, Transportation, Environment & Sustainability (FITES) Council Subcommittee on two occasions. PWC Director Liam Garland provided separate input and recommendations to the FITES and his staff attended both meetings, with the Council Members engaging in detailed discussion and providing input that was incorporated by PWC staff and returned to the PWC for review.

The updated policy includes changes designed to simplify planning, enhance equity of road condition across the City, identify new funding sources, enhance alignment with the City's broader infrastructure plans and environmental goals, establish roadway condition performance targets, establish a "Dig Once" policy, and leverage demonstration projects and use of new technologies.

The updates initiated by the PWC Short Term Paving Policy Subcommittee demonstrate responsiveness to issues which continue to rise in our nation and community and will

increase Berkeley's competitiveness for upcoming federal infrastructure aid. The work is responsive to analysis and recommendations made by the Auditor's Reports on Paving, are reflective of the City's Climate Change and Complete Streets Policies and reflect the values adopted by Council included in the Mayor's Vision 2050 Initiative.

#### FISCAL IMPACTS OF RECOMMENDATION

The update of this policy will not result in any new costs to the City's Paving Program. The updated Policy provides new guidance on how to prioritize the allocation of resources that are available to City Staff to invest in roadway surfacing. The Policy focuses roadway improvements on roads that are shared by the largest number of the City's residents as well as neighborhoods that have historically received lower levels of investment. To achieve a "good" level of service across the City, additional funding will be needed.

#### CURRENT SITUATION AND ITS EFFECTS

The current Street Repair and Maintenance Policy directs the City of Berkeley to maintain our streets in safe, good condition that protects our environment and to properly maintain the existing investment in City assets.

By clarifying and stating outright in Section 2, Assumptions, underlying assumptions will allow staff to develop priorities and metrics that will enable our Council leaders and the community to assess the success of our Paving Plans. will help inform the goals, objectives, and outcomes of the 5-year plan.

In recognition of the challenges of providing annual Policy update recommendations to the Council, the recommendation is to aim for updates every two years.

The PWC would like to acknowledge the depth and breadth of this policy update bringing input from the community through the service of expert community members appointed by Council to the PWC, the collaboration with City Public Works staff and leadership and the review and discussion during two FITES Subcommittee cycles is bringing forth a well thought out, elegant policy update achieving the balanced approach of our community through the commission process, staff input, consideration, review and augmentation followed by Council Subcommittee discussion and amendment is a remarkable achievement by our community, particularly as it has occurred during one of the longest, deepest crisis the City has managed through.

#### RECOMMENDATION

The attached Update to the Policy reflects the collective efforts of the PWC, Public Works Department, and the members of the FITES to lead the City towards broader improvements in citywide roadway condition. The approach aims to achieve this goal by shifting toward maintaining the roads that serve the greatest number of residents, enhancing coordination of roadway improvements with other plans and infrastructure work, and focusing on enhancing safety and equity of outcomes for the City's residents.

The PWC recommends that Council accept the recommendation to update the 2009 Street Rehabilitation and Repair Policy.



Kate Harrison  
Councilmember District 4

ACTION CALENDAR

July 13, 2021

*(Continued from June 1, 2021)*

To: Honorable Mayor and Members of the City Council

From: Councilmember Harrison, Councilmember Bartlett, and Councilmember Taplin

Subject: Adopt a Resolution Updating City of Berkeley Street Maintenance and Rehabilitation Policy

RECOMMENDATION

1. Adopt a Resolution updating the City's Street Maintenance and Rehabilitation Policy dated June 1, 2021.
2. Refer the exploration of potential bonding and funding opportunities for improving the PCI of streets and creating a Paving Master Plan back to the FITES Committee for further review.

CURRENT SITUATION, EFFECTS, AND RATIONALE FOR RECOMMENDATION

Resolution No. 55,384-N.S. (1990) as subsequently updated by Resolution No. 64,733-N.S. (2009) authorized the Public Works Commission to work with staff to submit an annual update to the Street Repair Policy. However, the Street Paving Plan has been updated every year but the Street Repair Policy has not been updated for many years. The Public Works Department maintains 214 miles of streets in the City of Berkeley, with a replacement value of over \$793 million and Berkeley's current Pavement Condition Index is at 57, which means that the condition of our streets is very much "At-Risk." The new policy included in this item seeks to achieve improvements to PCI while ensuring equity.

It is in the public interest to adopt a new paving policy, which includes best practices and new strategies, as developed by the Public Works Commission, Public Works Department and the Facilities, Infrastructure, Transportation, Environment & Sustainability Policy Committee.

It is also important for the Committee to continue its work on opportunities for improving the PCI of streets and creating a Paving Master Plan back to the FITES Committee for further review.

POLICY COMMITTEE RECOMMENDATION

Action: 1 speaker. M/S/C (Robinson/Harrison) move the Public Works supplemental item “City of Berkeley Street Maintenance and Rehabilitation Policy to Council” with a positive recommendation including amendments made during the meeting today, and ask Council to refer the exploration of potential bonding and funding opportunities for improving the PCI of streets and creating a Paving Master Plan back to the FITES Committee for further review.

Vote: All Ayes

BACKGROUND

A sub quorum of the Public Works Commission and the Public Works Department have been working intensively over the past year to revise the City of Berkeley Street Maintenance and Rehabilitation Policy to conform to best practices in other cities and to enhance equity and outcomes. The initial policy was adopted by the Council in 1990 and was subsequently updated in 2006 (see attached). For example, the current policy includes an outdated conception of equity based on Council districts, lacks PCI targets for major street types and Performance Metrics, and a “Dig Once” policy.

Amidst the backdrop of significantly deteriorating street conditions and the climate emergency, Councilmember Harrison concurrently submitted a referral to the FITES Committee to explore potential bonding and funding opportunities for improving the Paving Condition Index (PCI) of streets during the 2020 5-year paving plan adoption process. FITES spent a number of meetings discussing with Public Works staff and members of strategies to improve PCI and funding options. The Council subsequently agreed to extend the mandate of the Committee and also to expand their role to consider:

- the Public Works Commission Paving Policy, which sets criteria for determining *how* to pave streets;
- a paving master plan, which will set out *long-range financing plan* for doing so; and
- continue working with the Public Works Department and the Commission to explore potential bonding and funding opportunities to make the paving master plan a reality.

These efforts are in addition to a rolling five-year *short term paving plan* adopted by the Council to allow staff to bid out specific street segments for the next year’s work. Therefore, the Council designated the FITES committee with the task of reviewing the final version of the new Paving Policy.

The prior Paving Policy:

- is the basis of the rolling a 5-year Street Rehabilitation Plan;
- aims to maintain a safe surface conveyance system in the public right-of-way for vehicles, bicycles, transit and pedestrians;
- breaks streets into three categories: Arterials; Collectors and Residentials
- provides that federal, state, regional and local transportation funds are to be invested as follows:
  - 10% for Arterials
  - 50% for Collectors
  - 25% for Residentials
  - 15% for Discretionary and Demonstration Projects;
- provides for direction regarding water conveyance systems, other public utilities and trenching practices.

The Public Works Commission and FITES Committee framed their work around the following key principles, including but not limited to:

- The City's climate goals, especially its transportation goals (60% of City emissions are from transport); the importance of shifting away from traditional asphalt approaches to paving in order to reduce emissions and ensure longevity;
- Issues of equity, distribution of paving and addressing that certain commercial uses have a disproportionate impact on road conditions;
- The imperative of maintaining baseline lifecycle street conditions amidst a severe lack of funding for paving maintenance.
- A more comprehensive approach to paving with regard to utility upgrades as we begin to phase out natural gas and build advanced internet communication networks;
- Rapid deployment of pedestrian, bicycle and mobility improvements, i.e., the evolving street;
- Water management best practices (permeable pavers) or landscaping that is visually pleasing, human health supportive, and plant, insect, and animal sustaining.

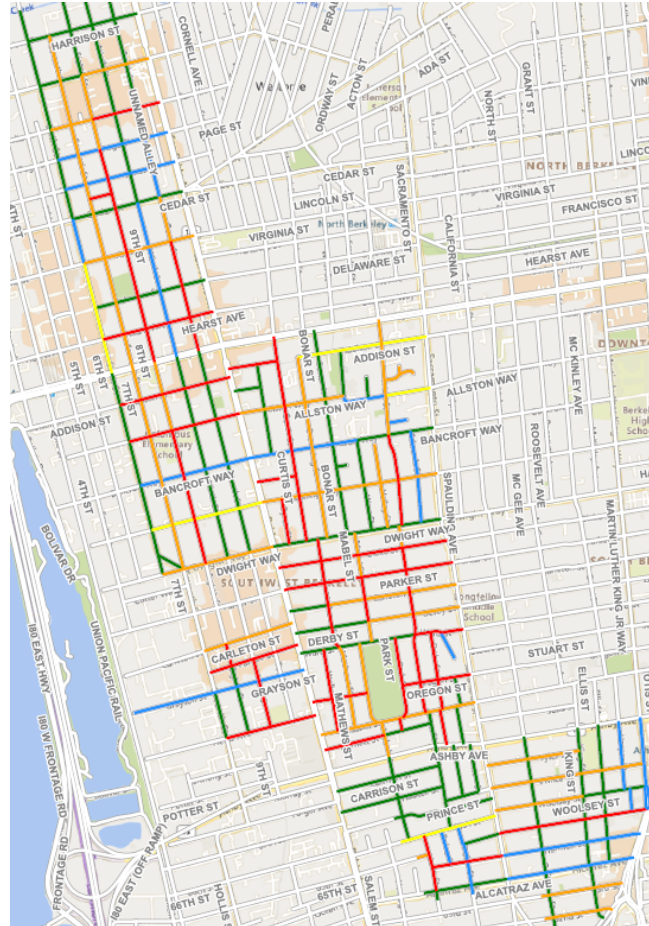
The updated paving policy included in this item incorporates the following assumptions:



- That there is currently not enough paving funding to stabilize PCI across all neighborhoods, especially with regard to residential streets. Rather, the policy attempts to achieve short-term stabilization of citywide arterials, collectors, bus routes, existing and proposed low-stress bikeway network. Concurrently, the Commission, staff and FITES are working on a paving master plan and funding opportunities that will adequately fund residential streets. Therefore, it is expected that the paving policy will be updated again in conjunction with the availability of new funding.
- Adopts an expanded emphasis on climate and sustainability and expanded conformance to the City's Climate Action Plan, Green Infrastructure Plan, Resilience Strategy, Vision Zero Policy and Action Plan, Phase 3 Undergrounding Study, Complete Streets Policy, Vision 2050 framework, Pedestrian Plan, Transit First Policy, Strategic Transportation Plan, public realm and/or other localized transportation plans, and Bicycle Plan;
- Recognizes that poorly maintained streets have a disproportionate impact on certain members of the community, including low-income residents; those with mobility or visual impairments who face greater access and safety challenges; bicyclists and pedestrians, who face greater danger than those driving; and dense, more populous neighborhoods with thoroughfares;
- Emphasizes using life cycle cost analysis to evaluate different road surfacing options;
- Promotes the rehabilitation of contiguous sections of roadway, rather than one block at a time, shall be preferred, when feasible;
- States that bond funds shall strive to be used for long-lasting capital improvements (projects with a useful life that meets or exceeds the duration of the bond repayment schedule) or to accelerate road work that will result in long-term cost savings for ratepayers;
- Asserts that street trees are valuable part of the landscape, as they sequester carbon, soak up stormwater, improve land values, and add greenery;
- Asserts that tree removals shall only be permitted as a last resort consistent with BMC 12.44.020, with the approval of both the Director of Parks and Waterfront and Director of Public Works. If tree removal is necessary, replacement trees shall be planted where and when feasible in accordance with BMC 12.44.010.

In addition, the new policy incorporates the following new policies:

- **Planning**
  - The *5-year Street Rehabilitation Plan* shall be supported by a 30-year road surfacing projection, where roadway improvement projects are forecast over a long-term planning period. The first five years of the projection will become the first draft of the *5-year Plan*.
  
- **Equity**
  - The benefits of good infrastructure shall be distributed equitably throughout the entire community regardless of the income, or demographic characteristics of the residents in each area. Equity means equity of outcomes as opposed to equity of inputs, and that disadvantaged residents with more pressing needs experience benefits sooner than others, as defined by the City within the adopted *5-Year Plan*.
  
  - A new *Equity Zone* shall be established according to Attachment 1. This Zone shall be prioritized to meet an average PCI of 70 sooner than the remainder of the City. This Zone contains historically underserved neighborhoods that have experienced decades of underinvestment, and the residents in this zone experience more pressing needs.



- Over the longer term, road surfacing activities shall be planned within Pavement Analysis Zones. A Pavement Analysis Zone shall consist of a logical set of street segments, excluding the arterials, collectors, bus routes, bicycle boulevards and non-representative demonstration projects.
  - The department may revise the pavement analysis zone boundaries from time to time, consistent with the other goals of this policy. Any changes to pavement analysis units shall be proposed within the biannually updated 5-year *Street Rehabilitation Plan* submitted to City Council.
  - It shall be the goal of the City to seek parity of street condition between pavement analysis zones, except in regards to the *Equity Zone*.

- **Performance Metrics**

- The City will strive to maintain all roads within the primary transportation network at a standard no less than the following PCI targets for any stretch of roadway<sup>1</sup>:
    - i. Arterial - 70,
    - ii. Collector - 70,
    - iii. Bus Routes - 70,
    - iv. Existing and proposed low-stress bikeway network - 70.
      - 1. Bikeways shall be surfaced with a treatment that emphasizes smoothness of the road surface.
    - v. Equity Zone- 70.
  - The biannually updated *5-year plan* shall report on these performance metrics, PCI measurements for each street segment in the City, and percent of overall funding dedicated to each of the following: arterials, collectors, bus routes, existing and proposed low-stress bikeway network, equity zone, and residential streets.
- **Dig Once**
    - Street rehabilitation shall conform with a dig once approach. This includes coordinating with sewer, water, electrical, telecom, undergrounding and other activities to minimize the cost and maintain the quality of the street surface.
    - In order to protect the City's investment on street improvements, the City shall place a moratorium on recently paved streets that prohibits digging through them for up to five years, excluding emergency work.
  - **Demonstration Projects and Use of New Technologies**
    - To the extent practical, the City shall evaluate the use of permeable pavement, concrete pavement, and other street surface technologies using life cycle cost analysis.
    - The use of new technologies that provide enhanced durability, lower cost, and more environmentally beneficial impacts shall be evaluated and reviewed in the biannually adopted *5 Year Street Rehabilitation Plan*.

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<sup>1</sup> PCI of 70 is the lower threshold of what is considered "Good." Streets that fall below a "good" condition require much more expensive repair process.

- **Plan and Policy Development and Update**

- Every two years, in line with the City’s budgeting process, the *5-year Street Rehabilitation Plan* adopted by City Council shall include a funding sufficiency analysis based on the existing deferred maintenance at that point to determine what level of funding is required to maintain our streets in safe, good condition that protects our environment and properly maintains the existing investment in City assets.
- Identify new funding sources such as:
  - Heavy vehicles, which have a disproportionate impact on the degradation of paved assets, and
  - Transportation Network Company (TNC) vehicles.
- At a minimum, this *Street Maintenance and Rehabilitation Policy* shall be reviewed and adopted by the City Council every five years, with advice of the Public Works Commission.

It is the public interest to adopt these updates through the attached Resolution to improve the lives of Berkeleyans, protect the environment and promote equitable outcomes.

FINANCIAL IMPLICATIONS

Staff time will be necessary to implement the new paving policy.

ENVIRONMENTAL SUSTAINABILITY

Supporting low-carbon paving policies will complement and accelerate Berkeley’s ongoing efforts to reduce carbon emissions at an emergency and equitable pace in line with the Climate Action Plan and Climate Emergency Declaration.

CONTACT PERSON

Councilmember Kate Harrison, Council District 4, 510-981-7140

ATTACHMENTS

1. Resolution
2. 2006 Street Maintenance and Rehabilitation Policy

RESOLUTION NO. -N.S.

ADOPTING THE 2021 STREET MAINTENANCE AND REHABILITATION POLICY UPDATE

WHEREAS, Resolution No. 55,384-N.S. (1990) as subsequently updated by Resolution No. 64,733-N.S. (2009) authorized the Public Works Commission to work with staff to submit an annual update to the Street Repair Policy and the annual Street Paving Plan; and

WHEREAS, the Street Paving Plan has been updated every year but the Street Repair Policy has not been updated for many years; and

WHEREAS, the Public Works Department maintains 214 miles of streets in the City of Berkeley, with a replacement value of over \$793 million; and

WHEREAS, Berkeley's current Pavement Condition of Index is 57, which means that the condition of our streets is very much "At-Risk"; and

WHEREAS, the Public Workers Commission and Public Works Department established a working group to consider updates to the paving policy to improve planning outcomes, ensure equity, identify new funding sources, better align with environmental goals, implement performance metrics, establish a "Dig Once" policy, and leverage demonstration projects and use of new technologies; and

WHEREAS, on April 21, 2021 Facilities, Infrastructure, Transportation, Environment & Sustainability Policy Committee moved the updated policy including amendments to the Council; and

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the following Street Repair Policy update dated June 2021 is hereby adopted:

## **City of Berkeley Street Maintenance and Rehabilitation Policy**

### **Section 1. General Policy**

It is the policy of the City of Berkeley to maintain our streets in safe, good condition that protects our environment and to properly maintain the existing investment in City assets. Staff will implement a Citywide road resurfacing plan that will ensure street maintenance and repair in a timely manner, reduce long term-replacement costs, and provide for the safe and efficient use of our streets. The users of the street surface in the public right-of-way include powered vehicles, bicycles, transit, and pedestrians. The right-of-way also provides for storm water conveyance and is the location of many public utilities.

The policy requires that a *5-year Street Rehabilitation Plan* for the entire City be prepared and adopted biannually in line with the City's budget process. Any changes to the *5-year Plan* made in the interim shall be reported to City Council. Streets and their surfacing treatment shall be prioritized using a multi-criteria adaptive planning framework to achieve sustainable, resilient, and integrated solutions for the City's right-of-way and the downstream environments. The criteria shall consider equity, quality of life, safety, opportunities for leadership, resource allocation, environmental impacts, and climate and resilience.

This section of the policy defines basic assumptions that inform the goals, objectives, and outcomes of the *5-year plan*.

1. This policy defines the priorities for managing the road surface infrastructure from curb to curb. This policy does not provide guidance on how to prioritize sidewalks or other infrastructure associated with complete streets planning.
2. Streets include arterial, collector, residential, and commercial/industrial streets as defined in Berkeley's General Plan.
3. Consistency with the City's General Plan policy of encouraging use of forms of transportation other than automobiles.
4. Conformance with the Regional Water Quality Control Board's stormwater permit requirements.
5. Support of the City's plans and updates thereto, including the City's Climate Action Plan, Green Infrastructure Plan, Resilience Strategy, Vision Zero Policy and Action Plan, Phase 3 Undergrounding Study, Complete Streets Policy, Vision 2050 framework, Pedestrian Plan, Transit First Policy, Strategic Transportation Plan, public realm and/or other localized transportation plans, and Bicycle Plan.
6. Poorly maintained streets have a disproportionate impact on certain members of the community:
  - a) Low-income residents are more seriously impacted by higher vehicle repair costs than higher income residents;
  - b) Those with mobility or visual impairments face greater challenges of unequal access and safety compared to those without such challenges;
  - c) Bicyclists and pedestrians face greater danger than those driving; and
  - d) Poorly maintained streets in dense, more populous neighborhoods are detrimental to more users than poorly maintained streets in less dense neighborhoods.
7. Utility trench and pothole repair work shall be done in accordance with permit conditions, standard details, and/or standard operating procedures adopted by the Public Works Department.
8. To the extent practical, the City shall use life cycle cost analysis to evaluate different road surfacing options.
9. Runoff from roadways carry pollutants that negatively impact public health, creeks and streams, and the Bay.
10. Street trees are valuable part of the landscape, as they sequester carbon, soak up stormwater, improve land values, and add greenery.
11. The Metropolitan Transportation Commission requires the use of a Pavement Management Tool (such as StreetSaver). Pavement Management Tools are used to optimize road surface conditions through the use of a Pavement Condition Index (PCI) performance metric.

### **Section 3. Funding**

The *Five-year Street Rehabilitation Plan* shall identify all available funding and the sources used to deliver the proposed road improvement projects. This shall include Federal, State, County and City funding sources. In the event that the planned projects are not able to achieve the City's desired roadway condition level of service, the *Five-year Plan* should identify the level of funding and activities needed to expand roadway improvements to achieve the stated goals of this policy. Bond funds shall strive to be used for long-lasting capital improvements (projects with a useful life that meets or exceeds the duration of the bond repayment schedule) or to accelerate road work that will result in long-term cost savings for ratepayers.

### **Section 4. Specific Policy**

1. Planning

- a) The *5-year Street Rehabilitation Plan* shall be supported by a 30-year road surfacing projection, where roadway improvement projects are forecast over a long-term planning period. The first five years of the projection will become the first draft of the *5-year Plan*.
- b) To the extent financially practical, implementation of the paving plan shall advance plans identified in section 2.5.
- c) Rehabilitation of contiguous sections of roadway, rather than one block at a time, shall be preferred, when feasible.
- d) Tree removals shall only be permitted as a last resort consistent with BMC 12.44.020, with the approval of both the Director of Parks and Waterfront and Director of Public Works. If tree removal is necessary, replacement trees shall be planted where and when feasible in accordance with BMC 12.44.010.

2. Equity

- a) The benefits of good infrastructure shall be distributed equitably throughout the entire community regardless of the income, or demographic characteristics of the residents in each area. Equity means equity of outcomes as opposed to equity of inputs, and that disadvantaged residents with more pressing needs experience benefits sooner than others, as defined by the City within the adopted *5-Year Plan*
- b) A new *Equity Zone* shall be established according to Attachment 1. This Zone shall be prioritized to meet an average PCI of 70 sooner than the remainder of the City. This Zone contains historically underserved neighborhoods that have experienced decades of underinvestment, and the residents in this zone experience more pressing needs and receive benefits sooner.
- c) Over the longer term, road surfacing activities shall be planned within Pavement Analysis Zones. A Pavement Analysis Zone shall consist of a logical set of street segments, excluding the arterials, collectors, bus routes, bicycle boulevards and non-representative demonstration projects.
  - a. The department may revise the pavement analysis zone boundaries from time to time, consistent with the other goals of this policy. Any changes to pavement analysis units shall be proposed within the biannually updated *5-year Street Rehabilitation Plan* submitted to City Council.
  - b. It shall be the goal of the City to seek parity of street condition between pavement analysis zones, except in regards to the *Equity Zone*.

3. Performance Metrics

- a) The City will strive to maintain all roads within the primary transportation network at a standard no less than the following PCI targets for any stretch of roadway<sup>1</sup>:
  - a. Arterial - 70,
  - b. Collector - 70,
  - c. Bus Routes - 70,
  - d. Existing and proposed low-stress bikeway network - 70.
    - i. Bikeways shall be surfaced with a treatment that emphasizes smoothness of the road surface.
  - e. Equity Zone- 70.
- b) Funding should be prioritized towards maintenance activities to achieve the goals of item 4.2a.
- c) The biannually updated *5-year plan* shall report on these performance metrics, PCI measurements for each street segment in the City, and percent of overall funding dedicated to each of the following: arterials, collectors, bus routes, existing and proposed low-stress bikeway network, equity zone, and residential streets.

4. Dig Once

- a. Street rehabilitation shall conform with a dig once approach. This includes coordinating with sewer, water, electrical, telecom, undergrounding and other activities to minimize the cost and maintain the quality of the street surface.

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<sup>1</sup> PCI of 70 is the lower threshold of what is considered “Good.” Streets that fall below a “good” condition require much more expensive repair process. 40



- b. In order to protect the City's ~~Page 15 of 29~~ street improvements, the City shall place a moratorium on recently paved streets that prohibits digging through them for up to five years, excluding emergency work<sup>2</sup>.

5. Demonstration Projects and Use of New Technologies

- a. To the extent practical, the City shall evaluate the use of permeable pavement, concrete pavement, and other street surface technologies using life cycle cost analysis.
- b. The use of new technologies that provide enhanced durability, lower cost, and more environmentally beneficial impacts shall be evaluated and reviewed in the biannually adopted *5 Year Street Rehabilitation Plan*.

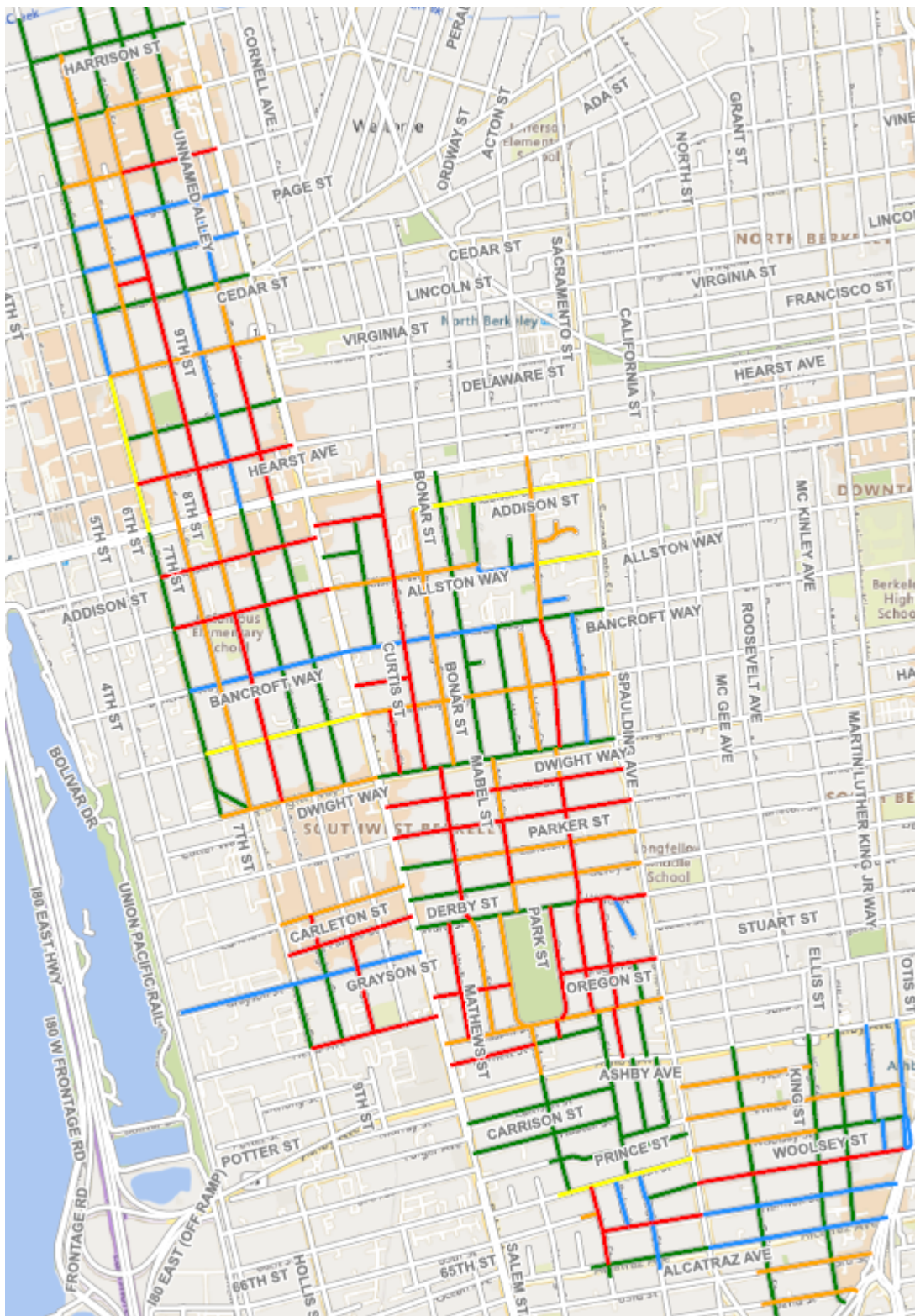
## **Section 5. Plan and Policy Development and Update**


The plan and policy development shall be as follows:

1. Every two years, in line with the City's budgeting process, the *5-year Street Rehabilitation Plan* adopted by City Council shall include a funding sufficiency analysis based on the existing deferred maintenance at that point to determine what level of funding is required to maintain our streets in safe, good condition that protects our environment and properly maintains the existing investment in City assets.
2. Identify new funding sources such as:
  - a. Heavy vehicles, which have a disproportionate impact on the degradation of paved assets, and
  - b. Transportation Network Company (TNC) vehicles.
3. At a minimum, this *Street Maintenance and Rehabilitation Policy* shall be reviewed and adopted by the City Council every five years, with advice of the Public Works Commission.

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<sup>2</sup> As cited in Berkeley Municipal Code 16.12.030 and documented on the City [website](#)




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Services
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## PUBLIC WORKS

Department of Public Works

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### CITY OF BERKELEY STREET REHABILITATION AND REPAIR POLICY

Updated March 2009

#### A. STREET REHABILITATION POLICY

##### Section 1. General Policy

It is the policy of the City of Berkeley that there shall be a 5-year Street Rehabilitation Plan for the entire City to be adopted by the City Council.

The primary purpose of the street rehabilitation program is to maintain a safe surface conveyance system in the public right-of-way for vehicles, bicycles, transit and pedestrians. The right-of-way also provides ancillary functions of a water conveyance system and location of public utilities.

The City shall strive to identify and implement integrated solutions that address the multiple demands on the street infrastructure that are designed for safety, environmentally sustainable and economically efficient over the long run.

The Plan shall make use of all available funding and set priorities for rehabilitation of streets in accordance with their use, as follows:

- Arterials
- Collectors
- Residentials

(Within the collectors and residential street categories, bus and bicycle routes shall be given first consideration.)

To the extent practicable, these priorities shall be consistent with:

- 1) the City's General Plan policy of encouraging use of forms of transportation other than automobiles,
- 2) the Regional Water Quality Control Board (RWQCB) goals regarding water quality, flooding potential and runoff control, and
- 3) the City's Measure G goal of an 80% reduction of greenhouse gas emissions by 2050.

##### Section 2. Assumptions

- 1) Emergency and interim work for trench and pothole repair will be done and funded outside this program.
- 2) Available funds for street rehabilitation include Gas Tax, Measure B Sales Tax, and other federal, state, and local funds appropriated by the City Council for this purpose during the annual budget process.
- 3) Additional sources of funding other than those above will be needed to ensure acceptable levels of effort in street rehabilitation.

##### Section 3. Funding

Federal and State transportation and other similar funds shall be used for repair of arterials. When all

eligible work on arterials has been completed in a certain year, these fund sources may be applied to collectors.

All Berkeley's Measure B Sales Tax funds allocated for local streets and roads, all new gas tax subventions, as much of the current gas tax subventions as available and other similar funds shall be used for street rehabilitation as follows:

- 10% for Arterials
- 50% for Collectors
- 25% for Residentials
- 15% for Discretionary and Demonstration Projects

The fees assessed to mitigate for excessive deterioration on and wear and tear of streets resulting from construction activities, public or private, shall be used for street rehabilitation.

To provide for maximizing the use of the limited funds available, the Program may provide for paving publicly owned unimproved streets in areas other than those zoned S1 (industrial and manufacturing) if at least 75% of the cost is borne by the adjacent property owners.

#### **Section 4. Specific Policy**

The Street Rehabilitation Program shall be based on the following criteria, listed in order of priority:

- 1) Street rehabilitation shall be coordinated with utility, sewer, water contamination runoff issues, and other underground activities to minimize the cost and maximize the effectiveness of rehabilitation and improve the environment.
- 2) Long term cost effectiveness, long term street pavement durability and aesthetics are important for priority setting and repair methodology selection.
- 3) In order to benefit the greatest number of residents, heavy street use (as indicated by traffic counts and bus routes designated in AC Transit's Comprehensive Service Plan) shall be given great consideration.
- 4) Demonstration and test projects for new technologies should be located in high visibility and heavily used areas. See attached document on background and recommendations for the trial permeable paver sites.
- 5) Rehabilitation of an entire street, rather than one block at a time, shall be scheduled as much as possible.
- 6) First hand assessment of streets, as well as computer based analysis, shall be a basis for street rehabilitation program development.

#### **Section 5. Program and Policy Development and Update**

The 5-year Street Rehabilitation Program shall be adopted by the City Council and the 5-year planning process shall be adopted as a City policy as follows:

- 1) Each year, the 5-year program shall be reviewed and updated formally by the City Council, with the advice of the Public Works Commission.
- 2) On an annual basis coinciding with budget preparation, the Street Rehabilitation Policy shall be reviewed and updated formally by the City Council, with advice of the Public Works Commission.
- 3) Both the 5-Year Program and the Street Rehabilitation Policy shall be reviewed and updated annually to ensure that the revolving 5-Year Street Plan is consistent with the policy stated herein and for consistency with General Plan and Area Plan policies.

### **B. UTILITY TRENCH AND POTHOLE REPAIR POLICY**

#### **Section 1. General Policy**

It is the policy of the City of Berkeley that there shall be an annual Utility Trench and Pothole Repair Program for the most heavily used streets and in the priority order, as follows:

1. Arterials
2. Collectors
3. Residentials with bus routes

Additionally, the other residential streets shall be repaired on an area by area basis at least every five (5) years. The program shall be reviewed and updated annually to ensure adherence to the City policy.

#### **Section 2. Assumptions**

- a. Emergency work for trench and pothole repair will be done as a part of this program.
- b. Utility company created trenches will be repaired by the respective utility company, and no City resources will be used for these purposes.

#### **Section 3. Funding**

- a. Gas Tax subventions and General Funds of the City shall be used for pothole repair.
- b. Sanitary sewer funds shall be used for City created sewer trench repair.

#### **Section 4. Specific Policy**

In addition to applicable policy under Street Rehabilitation Policy, the Utility Trench and Pothole Repair Program shall be based on the following criteria:

- a. A trench or a pothole is defined as any pavement surface irregularities with a change of elevation (plus or minus) of more than one (1) inch in twelve (12).
- b. All on-going trench and pothole repair shall use the permanent repair technique, i.e., prepare the trench or pot hole into a rectangular shape, fill with hot asphalt mix, and roll to match the grade adjacent to it.

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[Department of Public Works](#), 2180 Milvia Street, Berkeley, CA 94704

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(510) 981-CITY/2489 or 311 from any landline in Berkeley

TTY: (510) 981-6903





Office of the Mayor

ACTION CALENDAR

July 13, 2021

To: Members of the City Council

From: Mayor Jesse Arreguin

Subject: Endorse All Home CA Regional Action Plan on Homelessness

RECOMMENDATION

- 1) Receive a presentation from All Home CA, a regional collective impact partnership, on their Regional Action Plan on homelessness.
- 2) Endorse the All Home CA Regional Action Plan and the 1-2-4 framework to support ending homelessness in the San Francisco Bay Area, with a goal of a 75% reduction by 2024.
- 3) Refer to the City Manager to utilize the assistance of All Home to analyze the City of Berkeley's current homelessness expenditures and programs and explore recalibrating and prioritizing investments to align with the 1-2-4 RAP framework. The City Manager should return to the City Council and the Homeless Services Panel of Experts with a report on the findings of this analysis.

BACKGROUND

In 2020, All Home<sup>1</sup> a regional collective impact partnership, funded through Tipping Point and the San Francisco Foundation, established the Regional Impact Council (RIC). The RIC is a nine-county effort convened to devise a unified approach to advance system level changes to solve poverty, housing insecurity, racial inequity and homelessness crisis facing our region and state. RIC members believe that homelessness can be rare, brief, and non-recurring for those that experience it. This council is composed of policymakers, affordable housing, social equity and economic mobility stakeholders, housing and homelessness service providers, and business and philanthropic partners. Mayor Arreguin serves on the Regional Impact Council. Since its initial convening, the RIC has worked to develop immediate solutions that lead with racial equity, build solutions to ensure housing stability, develop measures for accountability, and targeted funding and interventions towards the most vulnerable communities.

The result is an ambitious Regional Action Plan (RAP)<sup>2</sup> to reduce the number of people experiencing homelessness in the Bay Area by 75% in three years. In order to house

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<sup>1</sup> <https://www.allhomeca.org/>

<sup>2</sup> <http://www.allhomeca.org/regionalactionplan/>

and stabilize the unhoused, while also initiating preventative measures, the RAP defines eight strategic priorities, some of which are already underway.

A vital component of the RAP is the 1-2-4 Framework. This approach acknowledges that an effective and sustainable plan to transition people out of homelessness requires investment in multiple strategies at once. This includes homelessness prevention, interim or emergency housing, permanent, deeply affordable, or permanent supportive housing, and housing subsidies. It is not enough to simply provide emergency shelter if there are insufficient long-term housing options to provide outflow and insufficient focus on reducing inflow. 1-2-4 is a ratio that illustrates proportionate investment in three strategies simultaneously and requires rethinking how existing resources are allocated and provides a practical framework for future federal and state investments. This will change the current approach of resource distribution and will require a combination of new and existing sources of funding.

#### 1-2-4 framework

##### +1 Unit of Interim Housing

Bring unsheltered people indoors immediately by funding the interim housing that is needed to do so.

##### +2 units of Permanent Housing

Allow families to heal, rebuild, and plan for the future by providing long-term, flexible housing solutions, such as subsidies and supportive housing.

For every one unit of interim housing, we should provide two units of these permanent solutions.

##### +4 units of Homelessness Prevention

Keep at-risk families housed through interventions like financial assistance coupled with housing problem-solving and legal services.

For every one unit of interim housing, we should provide four units of these interventions to keep families housed.

The RAP will work to establish a “system flow” in which unsheltered populations move toward a permanent exit from homelessness through interim housing options. The approach addresses the near-term crisis, creates more permanent housing solutions and a broad array of preventative initiatives to mitigate the unsheltered population inflow. Cities and Counties are encouraged to plan for and invest in a wider range of deeply affordable housing options. This includes a mix of new construction, acquisition/rehab, and rental subsidies applied to immediately available rental units. Successful implementation of this approach will not only reduce the number of people experiencing homelessness, it will also reduce the number of people at imminent risk of becoming homeless.

#### CURRENT SITUATION AND ITS EFFECTS

The Bay Area has the third largest and one of the fastest growing homeless populations in the nation, currently more than 35,000 people live outside. 79% of Bay Area residents believe housing affordability is a big problem – this is larger than any other



area in California. The need to act to address this crisis is made more pressing by the COVID-19 pandemic. It devastated the job market and added to the population of 35,000 Bay Area residents who were already unhoused and, once eviction moratoriums are lifted, even more people will lose their housing without the right interventions. In addition, over 50% of extremely low income (ELI) renters do not receive housing subsidies or rent protections, and 34% have controlled rents that are still unaffordable without assistance.

Homelessness in the Bay Area is enormously costly, in economic as well as moral terms. Many of these costs are visible and many are hidden. In a recent Silicon Valley Leadership survey, 47% of respondents (housed and unhoused) said that they had considered leaving the region as a result of the homelessness situation. Indirect costs of homelessness on healthcare, criminal justice, and social services are nearly \$2 billion annually, based on estimates using real costs from Santa Clara County.

Under the current homeless systems framework, jurisdictions throughout the region apply different strategies to address homelessness based on their community's needs and do not allocate resources that would result in regional strategic impact. All of these components must work together for a systemwide response. Success in addressing the current crisis of our unhoused community, and to ensure that people do not slip into homelessness, will require partnership between cities, the State of California and federal government, county leaders, businesses, and philanthropies through co-funding and coordinated action.

The COVID-19 pandemic has exacerbated the already large chasm in economic equality and mobility in the Bay Area, impacting vulnerable communities that are disproportionately Black, brown, Indigenous and low income. As a region our experience of COVID-19 is unequal. The true impact of historic unemployment, racial injustice, and the continued economic pressure low-income residents have forced us to explore systemic solutions previously deemed too bold. New solutions must be advanced more quickly than what the Bay Area's jurisdictions have tried before.

Response to the COVID-19 outbreak also proved that communities can rapidly and creatively providing interim and permanent housing options for unsheltered households. Meaningful regional action is possible by lifting up what works.

### ***City of Berkeley Policies***

The City of Berkeley has many programs, resources and policies that align with the elements of the 1-2-4 framework. These programs include unrestricted resources from Measure P, restricted funding for housing and supportive services from the Federal and State government that are allocated consistent with Housing First policies through Coordinated Entry, and housing vouchers allocated to the Berkeley Housing Authority. Men, Veterans, Women & BOSS Family Shelters, the STAIR Navigation Center, Dorothy Day Emergency Shelter and the new Horizons shelter are also available for limited and emergency short-term housing. Eviction defense and rental assistance programs, through City of Berkeley community-based organizations, offer prevention services and, during the pandemic, Berkeley Relief Fund resources kept over 700 people from losing their homes.

IMPLEMENTATION

City of Berkeley HHCS staff would work with All Home to ascertain alignment with the 1-2-4 Framework and return to City Council with a report suggesting resource allocation adjustments and the amount of additional funding that would be required under the 1-2-4 Framework/timelines suggested by the RAP to meet the needs of the unhoused population in Berkeley.

FINANCIAL IMPLICATIONS

Staff time to meet with All Home CA. Future allocations to fully actualize the 1-2-4 Framework and timelines would be addressed through the City Budget process.

ENVIRONMENTAL SUSTAINABILITY

There are no identifiable environmental impacts associated with this report.

CONTACT PERSON

Mayor Jesse Arreguín                      510-981-7100

Attachments:

1. All Home Regional Action Plan



# **REGIONAL ACTION PLAN**

## **A Call to Action from the Regional Impact Council**

February 2021 | All Home

# TABLE OF CONTENTS

|                                                                |         |
|----------------------------------------------------------------|---------|
| <b>I. Emergency Statement from the Regional Impact Council</b> | Page 3  |
| <b>II. Call to Action</b>                                      | Page 5  |
| <b>III. Lead with Racial Equity</b>                            | Page 7  |
| <b>IV. Operationalizing this Work</b>                          | Page 8  |
| <b>V. Plan Details</b>                                         | Page 9  |
| Comprehensive 1-2-4 Framework                                  | Page 9  |
| Priorities for Implementation                                  | Page 11 |
| Impact Metrics & Tracking                                      | Page 20 |
| <b>VI. Introduction to the Regional Impact Council</b>         | Page 21 |
| <b>VII. End Notes</b>                                          | Page 25 |
| Acknowledgements                                               | Page 25 |
| Glossary                                                       | Page 26 |

# EMERGENCY STATEMENT

## A PROBLEM WE CAN SOLVE

The Bay Area's homelessness crisis is a chronic problem, arguably the region's greatest and most serious challenge. The scale and complexity of this challenge is undeniably daunting. As a region we have fought to solve this crisis for decades, to limited avail. However, the problem can and will be solved. We need a new approach to homelessness, marked by new levels of regional cooperation. The Regional Impact Council (RIC) envisions a Bay Area that is united and coordinated against homelessness: a Bay Area that is organized to seamlessly share best practices, data systems, advocacy efforts, and resources. In the Bay Area we envision homelessness is a rare, brief, and non-recurring situation for those who experience it. In this future vision, we have closed racial and economic disparities and created an equitable, stable, and prosperous region. The path to this future will not be easy. It will require action and commitment from all levels of government and community. The RIC believes that we can and must do the work to make this vision real. The first step is to acknowledge that homelessness is an emergency requiring immediate action.

## A REGION IN CRISIS

The longstanding homelessness crisis in the Bay Area— described by a global expert as “systemic cruelty”<sup>1</sup>— is particularly tragic because the crisis expanded during an economic boom in the wealthiest region in North America. In 2020, the homelessness crisis further deepened as a result of the COVID-19 pandemic: without sizable, coordinated action and investment, it will continue to destabilize our region as time, and the pandemic, goes on.

In our nine-county Bay Area today, **more than 35,000<sup>2</sup> of our neighbors, a population larger than many of the region's suburban cities and towns**, lack housing or even the prospect of securing it – despite many working full-time. Seniors, people with disabilities and many people working demanding jobs live out of their vehicles, in tents, and in other situations not fit for human habitation because they simply cannot afford housing in the region that they call home. For some, this problem continues for generations. Many “essential” workers (e.g., home health aides, grocery store clerks, cleaning staff at medical facilities) are literally homeless, with tens of thousands more of these workers at-risk of becoming homeless. In particular, extremely low income (ELI) renters face significant housing insecurity: 50% receive neither housing subsidies nor rent protection, and another 34% have controlled rents which are still unaffordable without subsidy.

Doing nothing to address the Bay Area homelessness crisis is enormously costly, in economic as well as moral terms. Many of these costs to our society are in plain sight, and many are hidden. Confronted by human suffering on a daily basis, residents and businesses are leaving the region. In a recent Silicon Valley Leadership survey, 47% of respondents said that they had considered leaving the region as a result of the homelessness situation. As a result of the impacts that homelessness has on individuals and the community as a whole, the indirect costs of homelessness on healthcare, criminal justice, and social services are nearly \$2 billion annually, based on estimates using real costs from Santa Clara county. We must think holistically as a region about our response to this crisis, and

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<sup>1</sup> Leilani Farha, United Nations Special Rapporteur, 2018.

<sup>2</sup> Given the lack of PIT count in 2021, we created an estimate of the total unsheltered homelessness in the Bay Area. If we apply the unsheltered homelessness growth rate from 2017-2019 in the Bay Area (~17%) to the unsheltered population in 2019, we estimate unsheltered homelessness to be ~30K. However, given the known impacts of COVID-19 on shelter capacity in the Bay Area and early evidence supporting a growth in homelessness, we estimated that unsheltered homelessness is likely closer to 35K in the Bay Area.

recognize that the investment required to address unsheltered homelessness is small compared to the long-term social and economic costs of our current course.

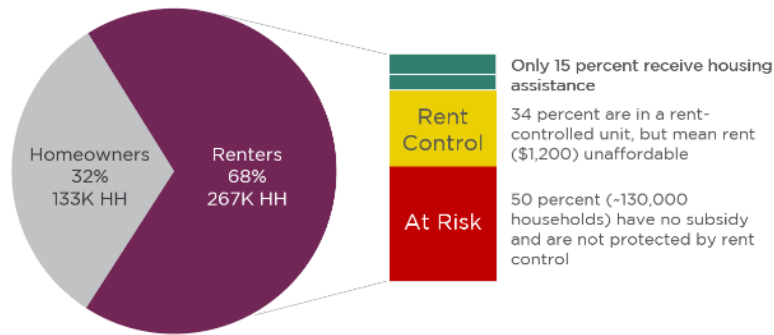


Figure 1: Breakdown of ELI Renter Households; Source: Turner Center for Housing Innovation

COVID-19 has made the region’s limited supply of congregate shelter unusable due to its primarily communal living arrangements, placing our most vulnerable neighbors at heightened risk of exposure. Housing is healthcare, a fact further underscored by the COVID pandemic. A person is unable to “shelter in place” when there is an inadequate supply of shelter and housing. The homelessness and COVID crises disproportionately harm Black, brown and Indigenous people of color (BIPOC). For example, African Americans comprise only 6% of San Francisco’s general population but make up 37% of the city’s homeless population. As these groups are also more vulnerable to becoming seriously ill or dying from COVID-19, the current situation puts our region’s low-income BIPOC population at ‘double jeopardy’ of becoming homeless and gravely ill as COVID cases surge across California and job losses continue to mount, disproportionately for BIPOC communities.

In our region of unparalleled ingenuity, creativity, and affluence for many, a failure to address the **homelessness crisis – a crisis that existed years before the COVID pandemic**, will weaken our communities, drive people and business away from the region, exacerbate existing labor market instabilities, and altogether undermine the prospects for a vibrant, prosperous future for the Bay Area.

Homelessness is no longer a challenge faced by a handful of Bay Area cities, it’s a regional crisis. Similar to our pandemic response, we must act together as a region. We must lift up what works. We’ve witnessed communities rapidly and creatively providing interim and permanent housing options for unsheltered households in response to the COVID-19 outbreak. We know given the will and coordinated action displayed by County Public Health Directors in response to the pandemic, that rapid and meaningful regional action is possible, and we must harness that momentum to fix our systems—systems that are clearly broken and that have failed to stop the tidal wave of people who have had no option but to live on the streets.

**WE, THE UNDERSIGNED MEMBERS OF THE REGIONAL IMPACT COUNCIL (RIC), URGE IMMEDIATE ACTION. THE BAY AREA’S EPIDEMIC OF UNSHELTERED HOMELESSNESS MUST BE ADDRESSED AS AN EMERGENCY.**

**WE CALL UPON THE STATE OF CALIFORNIA, OUR CITIES AND COUNTIES, THE REGION’S BUSINESS AND PHILANTHROPIC COMMUNITIES, AND OUR FEDERAL PARTNERS TO ACT WITH UNPRECEDENTED URGENCY AND COORDINATED ACTION, AS IF LIVES ARE AT STAKE – BECAUSE THEY ARE.**

## CALL TO ACTION: SUMMARY

| RIC Statement of Emergency Signatories                                              |           |
|-------------------------------------------------------------------------------------|-----------|
| Name                                                                                | Signature |
| <b>Andreas Cluver</b> (Secretary-Treasurer, Alameda County Building Trades Council) |           |
| <b>David Chiu</b> (Cal)                                                             |           |
| <b>Diana Reddy</b> (City Co<br>City)                                                |           |
| <b>Erin Connor</b> (Manager, Cisco<br>response)                                     |           |
| <b>Hydra Mendoza</b> (Chief of Strategic Relationships, Salesforce)                 |           |

Signatures in progress

THE UNDERSIGNED MEMBERS OF THE REGIONAL IMPACT COUNCIL CALL FOR THE FOLLOWING EMERGENCY ACTIONS:

## ADDRESS THE UNSHELTERED CRISIS

We must accelerate work to bring 75% of the unsheltered indoors by 2024 by improving existing systems & investing in the 1-2-4 system flow model, described below (see the sidebar on page 9 for details):

- (1) Fund the interim housing needed to bring unsheltered people indoors immediately and ensure that those who were temporarily housed during COVID-19 have a safe permanent housing option
- (2) Fund 2 housing solutions for every interim housing unit added to the homelessness system
- (4) Fund 4 preventative interventions for every interim housing unit added to the homelessness system

To deliver on this ambitious goal, we will need to improve our existing systems and policies and secure more funding. This model is underpinned by our strategic pillars, which will guide our implementation of the 1-2-4 system flow model

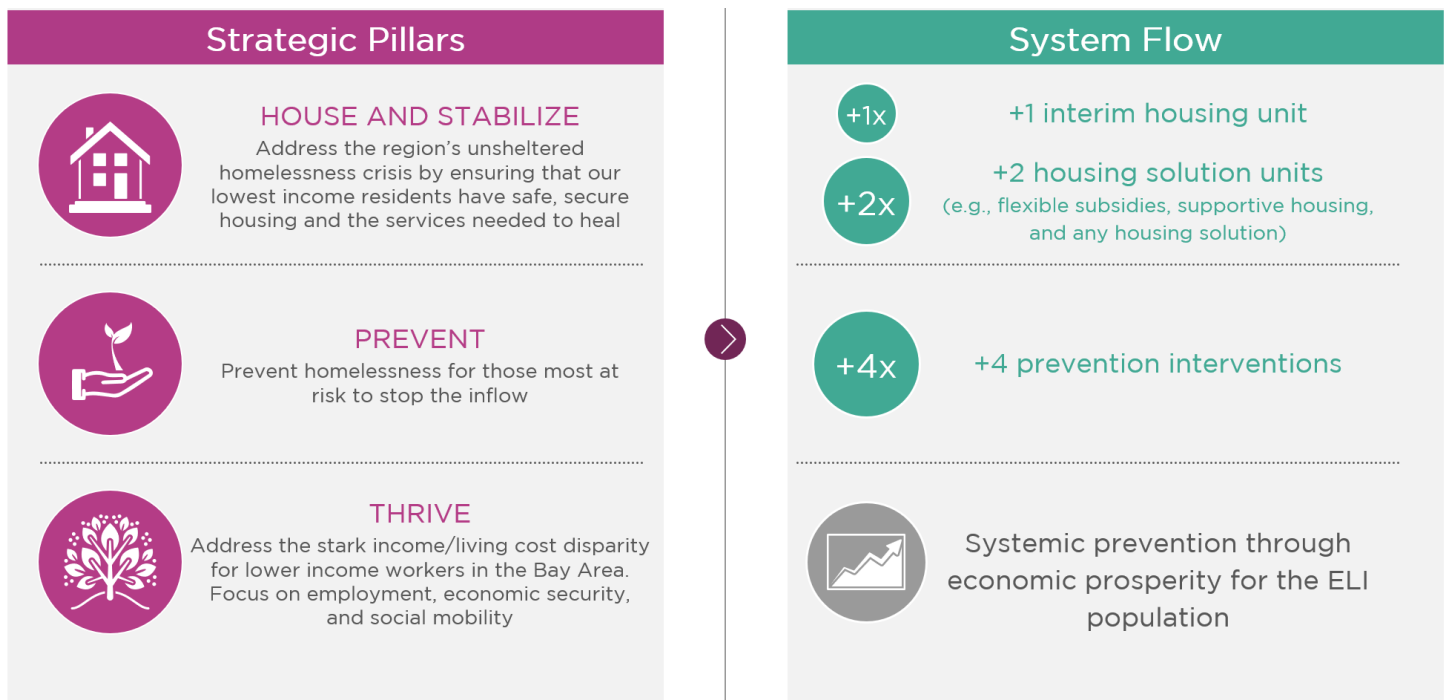


Figure 2: RIC strategic pillars underpins the 1-2-4 system flow model



## LEAD WITH RACIAL EQUITY

This plan and its proposed actions - including the priorities for implementation outlined below - must be grounded in closing racial disparities - currently reflected by the disproportionately high percentage of Black, brown, and Indigenous peoples who are homeless or at-risk of becoming homeless. In particular:

- The **State of California** should establish standards and best practices for measuring current racial equity levels and for demonstrating progress; the **State** should increase accountability for outcomes by tying funding to demonstrated progress toward closing racial disparities.
- **Private and philanthropic partners** should actively prioritize funding interventions targeted to BIPOC experiencing homelessness or at risk of becoming homeless.
- **All Counties** should operationalize equity-based prioritization schemes, service provision, and rental assistance programs in the most vulnerable communities. Geographic targeting based on area deprivation index, high rates of poverty, lack of home ownership, high rates of eviction, rental burden, zip codes or some combination could be considered as possible ways to operationalize prioritized services.

### CALL FOR FEDERAL PARTNERSHIP

These actions will require expanded Federal funding and partnership. The \$1.9 trillion Biden-Harris Administration “American Rescue Act” coronavirus relief package was a positive first step. We call upon Congress to act immediately on the following:

- Pass the Biden-Harris “American Jobs Plan,” an approximately \$2 trillion infrastructure and recovery package that includes \$213 billion “to produce, preserve, and retrofit more than two million affordable and sustainable places to live
- Provide HUD-Housing Choice Vouchers to every eligible household, prioritizing people who are experiencing or are at-risk of homelessness. Currently, only 1 out of 4 eligible households receive a Housing Choice Vouchers
- **Allocate \$44 billion annually** to the Housing Trust Fund to help states and localities, which responded quickly and creatively to move individuals experiencing homelessness into non-congregate settings, to now acquire and convert available properties, including hotels, motels, and other opportunity sites, into permanent housing solutions so that no one is returned to living outdoors
- Invest \$70 billion to repair and rehabilitate existing public housing
- Create innovative new funding strategies that facilitate cross-discipline investment and cross-jurisdictional collaboration
- Expand Medicaid funding to include stable housing as part of holistic treatment plans

In addition to these immediate actions, we call on the Federal government, in close coordination with the State, to provide **new funding needed to ensure all local jurisdictions are able to implement plans to house 75% of our unsheltered population by 2024 by implementing a full range of prevention and housing options.**

**We commit to working with Congress and the Biden-Harris Administration to identify and develop innovative, scalable solutions to homelessness and poverty.** We look forward to quickly turning our attention to “Housing as Infrastructure” and working with our California Congressional delegation to achieve the requisite scale of federal investment in affordable housing to truly make homelessness in the United States an experience that is rare and brief, not one that persists for decades.

## OPERATIONALIZING THIS WORK

The total 5-year cost of sheltering 75% of the Bay Area's unsheltered population, while investing in the comprehensive system flow outlined by the 1-2-4 framework, is estimated at \$6.5 billion, with \$1.6 billion needed in 2021. Existing resources can (and are) being used to fund this approach. New resources may be required in jurisdictions where current plans are not consistent with the 1-2-4 approach; that is, where resources are insufficient to fund prevention, interim housing, and permanent housing solutions simultaneously and at scale.

- **The State of California should condition existing and new funds on implementing the three-pronged 1-2-4 framework**, starting with a pilot project in the Bay Area in 2021
- **The State should provide expanded technical assistance** to local jurisdictions, to enable seamless implementation of the 1-2-4 framework in our region
- **Local jurisdictions will be provided with assistance** from All Home that recognizes the unique local circumstances as they work to activate the 1-2-4 framework. All Home will also provide support for inter-jurisdictional coordination within and between the region's counties
- **If new funds are required**, this coalition will work to raise the necessary resources from the state and federal governments

Our funding estimates reflect the cost of adding intervention capacity in a 1:2:4 ratio across interim housing, permanent housing solutions, and homelessness prevention interventions over time. Based on our high-level analysis, approximately \$6.5 billion in total investment is required over 5 years, split roughly evenly between capital and operating costs. The cost estimates are designed using Bay Area (9-county) averages, and assume limited interim capacity is available to shelter the currently 35,000 unhoused individuals living in the region. We put forward the estimate with an understanding that the number of unsheltered people— and the costs to serve them— will continue to grow until we significantly reduce the inflow of individuals and households to homelessness.

### PRIORITIES FOR IMPLEMENTATION

We have identified eight priorities for focus as we implement this work, expanded on in the Additional Detail section:

#### House & Stabilize

Strategic Priority #1: Secure Shelter-In-Place (SIP) housing locations

Strategic Priority #2: Streamline State funds and applications for housing and homeless services

Strategic Priority #3: Prioritize extremely low income (ELI) households for housing resources

Strategic Priority #4: Extend covenants of affordability to preserve affordable housing supply and fund ELI tenancy

#### Prevent

Strategic Priority #5: Extend eviction moratoriums

Strategic Priority #6: Accelerate cash payments to people impacted by COVID-19

Strategic Priority #7: Provide targeted rental assistance to those impacted by COVID-19, who are most vulnerable to homelessness

Strategic Priority #8: Accelerate targeted, data-informed regional homelessness prevention model

## PLAN DETAILS

### THE COMPREHENSIVE 1-2-4 FRAMEWORK

To ensure we can realize on our ambitions to reduce unsheltered homelessness, we need a model to operationalize across the Bay Area. The model outlined below will enable the region to move expeditiously toward disrupting homelessness and reducing the current level of unsheltered homelessness by 75% before 2024. We call for actions that accelerate progress toward this goal, which includes an interim target of housing 30% of today's unsheltered population in 2021.

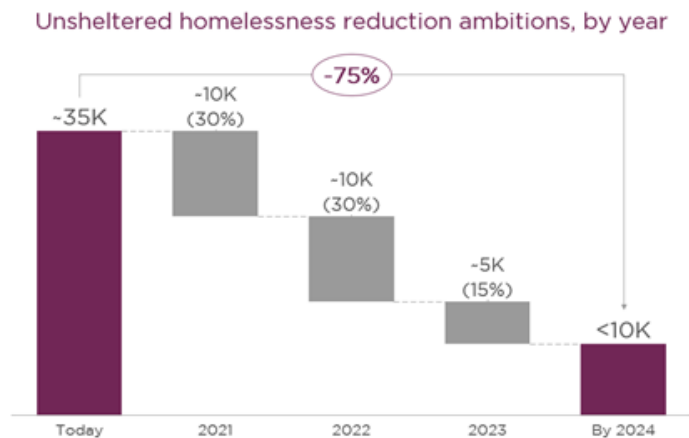


Figure 3: Unsheltered homelessness reduction ambitions by year, '21- '24

Successfully housing the unsheltered population and bringing them to a permanent exit from homelessness requires designing and investing commensurately in an expansion of permanent affordable housing or housing subsidy options to create “system flow,” which is the movement of people off the streets and into stable housing (in particular, housing with requisite, needs-based services attached). A comprehensive “system flow” includes:

- homelessness prevention,
- interim housing options (as needed),
- supportive housing,
- and a broad set of flexible subsidies or deeply affordable housing options for those who do not need permanent supportive housing.

We propose a flow that calls for capacity additions in the following ratio: 1 additional interim housing unit, 2 permanent housing solutions, and 4 prevention interventions. This model will add the capacity necessary to address the crisis in the near term.

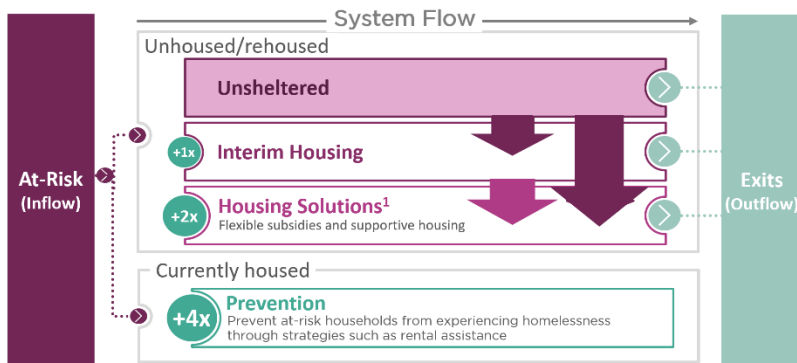
### 1-2-4 FRAMEWORK

Before the current pandemic conditions, several Bay Area counties were already exhibiting dramatic increases in their unsheltered homeless PIT counts from 2017-2019. Continuing on that trajectory is unacceptable. Our communities must do better at providing the dignity of a safe housing option, interim or permanent, for those who are living outdoors. The 1-2-4 Framework is an acknowledgement that an effective and sustainable plan to do better requires investment in multiple strategies at once – homelessness prevention, interim or emergency housing, permanent deeply affordable or permanent supportive housing, and housing subsidies. It is not enough to simply provide emergency shelter if there are (a) insufficient long-term housing options (“exits”) to provide outflow, and (b) insufficient focus on reducing inflow.

We live in a region with a large population of highly rent-burdened low-income households, who lack access to an available supply of more affordable housing. We will never break the cycle of unsheltered homelessness without a significant investment in homelessness prevention (short-term interventions to assist households experiencing a crisis that may cause them to lose housing).

“1-2-4” is not a prescription or a one-size-fits-all solution. It’s a ratio that illustrates proportionate investment in three strategies simultaneously. In order to reduce unsheltered homelessness rapidly, most cities or counties will need to frontload investment into interim housing options, such as leasing or purchasing motels, tiny homes, mobile homes or other temporary housing options.

The RIC workgroups have established a high-level cost assessment of the resources required to meet our goal of sheltering 75% of unsheltered people by 2024. We put forward the estimate with an understanding that the number of unsheltered people will continue to grow until we significantly reduce the inflow and increase the outflow, or exits. The estimate draws on cost and flow assumptions triangulated from various county-level sources and are taken as Bay Area (9-county) averages. These estimates reflect the cost of adding intervention capacity in a 1:2:4 ratio across interim shelter, permanent housing solutions, and homelessness prevention interventions over time. Based on these assumptions and analyses, approximately \$6.5 billion in total investment is required across five years, split roughly evenly between capital and operating costs.



<sup>1</sup> Includes Permanent Supportive Housing, rapid re-housing, flexible subsidy pools and shallow subsidies, Section 8, group housing, and any other housing solution

Figure 4: Comprehensive System Flow Model

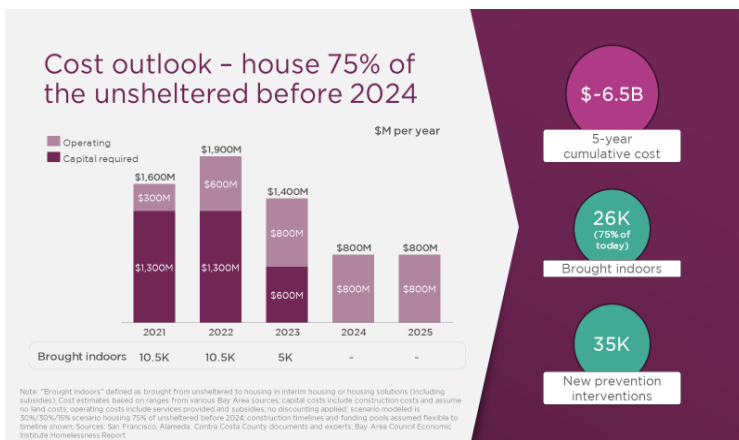


Figure 5: 1-2-4 Framework Cost Outlook (30%/30%/15% scenario shown)

Our recommendation is that for every unit of interim housing that is created (“1”), two permanent housing options (“2”) such as a housing subsidy that can write down the cost of a market rate apartment or a newly acquired or created affordable unit must be planned, so that people don’t linger for extended periods of time in interim housing. It is critical that people move from interim to permanent housing quickly, so that the interim options can be made available to others who still remain unhoused. Simultaneously, we recommend that each unit of interim housing should be matched with sufficient homelessness prevention investment to serve four households (“4”).

Again, while we are rapidly moving people who are unsheltered either directly to permanent housing, perhaps with a subsidy, or first to interim and then as quickly as possible to permanent housing, the prevention investment will slow down the rate at which people are becoming homeless, and over time reach equilibrium once the correct balance of interim and permanent housing options is available in the community.

Some cities or counties, may need very little investment in interim housing, e.g., if their unsheltered population is relatively small or if they have already made marked investment in emergency housing options. Those communities could choose to focus on rental subsidies and permanent housing to house people quickly and homelessness prevention to stop people from becoming homeless. The bottom line is that each community can right-size the ratio to reach equilibrium, but investing in only one option will not be sufficient to reduce homelessness in any community in the short-term given the high cost of rental housing and the time and cost of construction and acquisition of affordable housing in the Bay Area.

## STRATEGIC PILLARS FOR A COMPREHENSIVE RESPONSE

These efforts are grounded in the RIC's strategic pillars: to **House and Stabilize, Prevent**, and enable the region's most vulnerable populations to **Thrive** (see figure 2). COVID-19 has only highlighted the urgency and action needed to address this widening gap. The process of convening the RIC has already yielded results, forging connections and building alliances among our members. We will work to identify, recognize, and scale best practices and successful models across the region, and propose bold regional solutions. These priorities work in concert with the 1-2-4 framework to improve the foundations of a healthy, responsive Bay Area homeless services system—one that will continue to evolve after addressing the urgent crisis of more than 35,000 Bay Area residents living outdoors.

## PRIORITIES FOR IMPLEMENTATION: HOUSE & STABILIZE



### Strategic Priority #1: Secure Shelter-In-Place (SIP) housing locations

Counties across the Bay Area have put in place measures for temporarily housing their at-risk and unhoused populations in Shelter-in-Place (SIP) housing, to provide shelter and safety during the COVID-19 pandemic. There is broad agreement that individuals who found shelter through these programs should remain housed, be entered into Coordinated Entry Systems (CES), and guided first to non-congregate interim and then to permanent housing (in some cases these individuals may go directly from SIP hotels to permanent housing if it is available and situationally appropriate). Some counties have already begun this process, but others lack a plan for these residents to remain housed. In many counties, the lack of interim and permanent housing options will pose a major barrier in achieving this goal, pointing to the need to expand housing voucher availability.

Priority #1 aims to develop a framework for all Bay Area counties that provides a pathway for those who moved indoors during the pandemic to transition from interim housing into a range of suitable permanent housing solutions.

#### Detailed call to action

- The **State of California** and the region's **Cities and Counties**, with **Federal funding and partnership**, should seek to retain as much of the Shelter-in-Place (SIP) housing (established in response to COVID-19) as possible, to be converted post-pandemic into interim housing for unsheltered individuals/households, while assisting people to transition quickly to permanent housing (Immediate, Ongoing).
- The **State** must recognize that for Project Homekey (acquisition and conversion of hotels to house vulnerable populations) to be successful, bond financing for acquisition and rehabilitation projects is essential. Therefore, we call for a \$10 billion state investment in affordable housing through passage of a new bond (SB 5).
- **All Home**, in collaboration with regional partners and local jurisdictions, will identify and advocate for funding for housing vouchers or other housing solutions at all levels of government, ensuring funds meet the demand from each county for interim housing options, flexible rental subsidies, and permanent housing solutions needed to prevent people from returning to the streets.
- **Counties** should identify locations or acquisition sites and make plans to implement interim housing options for individuals who cannot move directly into permanent housing, leveraging recent CEQA exemptions for emergency shelters and navigation centers, albeit non-congregate models.



## Strategic Priority #2: Streamline State funds & applications for housing & homeless services

Four key state agencies contribute to the State's basic housing efforts, but there is not a well-coordinated plan to effectively use their collective financial resources to support affordable housing acquisition and development. Applicants for state funds for housing and homeless services are overburdened by duplicative application processes with varying timelines, eligibility criteria, and application requirements. The State Auditor commented on this complexity in November 2020, calling for the State to simplify its funding pools and award processes.

### Detailed call to action

- The **State of California** should consolidate and streamline all affordable housing funding and application processes, coordinating between the California Debt Limit Allocation Committee (CDLAC), the Tax Credit Allocation Committee (TCAC), the Department of Housing and Community Development (HCD), and the California Housing Finance Authority (CalHFA) to eliminate waste and inefficiencies and to reduce the time needed to access funding (no later than July 2021).
- Existing state programs that fund services for people experiencing homelessness should, where possible, be consolidated into a joint funding pool with a single application process. This process should be jointly administered by California's Departments of Housing and Community Development (HCD) and Social Services (DSS). In cases where consolidation into a single pool is not possible, agencies should align standards and funding processes as much as possible, in coordination with HCD and DSS.
- CDLAC should avoid over-emphasizing cost containment in formulas affecting new construction projects especially through its inclusion in both the tiebreaker and as its own category, as it disadvantages Permanent Supportive Housing (PSH) housing projects, ELI housing projects, and projects located in areas with higher construction costs, such as the Bay Area. While we fully support cost-containment and urge the State to creatively incentivize lower cost construction, this formula disadvantages housing production in parts of the state with some of the highest rates of homelessness.
- The State should revise the opportunity map methodology to ensure that it does not de-prioritize BIPOC communities which tend to be overwhelmingly represented as "low resource" in HCD's opportunity maps, that map high opportunity communities, defined by income, school performance and other factors. While we support the concept of encouraging new development in high opportunity areas, communities that have suffered historic underinvestment should not be left behind as there are longstanding housing needs that must be met.



## Strategic Priority #3: Prioritize ELI for housing resources

In its well-intended efforts to serve all Californians, the state's agencies, with increasing momentum, are targeting higher AMI categories, resulting in less funding for housing that is desperately needed to house ELI households. As a state and a region where all housing has been under-produced for decades, we must stop pitting the needs of one income group against another. What we do know is this – our 9-county Bay Area has produced only 9% of the housing units needed for very low income (VLI) households (below 50% AMI) based upon the current Regional Housing Needs Allocation (RHNA). This coalition calls for a reversal of this trend and a prioritization of ELI households (below 30%

AMI) in funding for housing. We support appropriate market reforms to increase production at other affordability levels including expanding the supply of “missing middle” housing.

### Detailed call to action

- The **State of California** should ensure that a significant portion of all publicly funded affordable housing projects are inclusive of people with extremely low incomes given that they are at the highest risk of becoming homeless, particularly in the San Francisco Bay Area. The State should reverse its trend emphasizing an average of 60% of AMI in projects using State funds and ensure that at least 20% of new units are reserved for 30% of AMI or below and 20% are reserved for 50% of AMI or below. (Ongoing).
- In particular, **CDLAC** should make new housing construction for extremely (ELI) and very-low income (VLI) households a priority. It should adjust its current stated preference of 60% of AMI and instead require that at least 20% of the units are 30% of AMI or below and 20% are at 50% of AMI or below.
- Within the Homeless Set-Aside (provision of allocated units) - **CDLAC** should require that 25% of total units (minimum of 15) meet the homeless definition, not just the tax credit units.



## Strategic Priority #4: Extend covenants of affordability to preserve affordable housing supply and fund ELI tenancy

A significant portion of the Bay Area’s affordable housing units are not permanently affordable. Instead these units have covenants, that if not extended, expire and the housing resets to market rate. This phenomenon displaces lower income tenants and puts them at risk of homelessness. Thousands of once affordable units have been lost in the Bay Area because affordable covenants were not renewed.

In addition to the loss of existing affordable housing units, most affordable housing is not designed to be affordable by Bay Area residents with extremely low incomes (below 30% AMI). Given our region’s exorbitant housing costs, affordable housing developments typically house tenants with household incomes at higher levels (e.g. a development’s tenants have incomes that average 60% AMI). Because their incomes are lower, households at or below 30% of AMI require deeper subsidies. Similarly, formerly homeless individuals or families may have extremely low incomes and may also need supportive services (either short-term or longer-term) to remain housed and successfully thrive after having endured the hardship of being homeless for an extended time.

### Detailed call to action

- The **State of California** should, with **Federal funding and partnership**, provide funding to secure affordable housing properties for which covenants of affordability are expiring and provide funding for existing complexes to more deeply subsidize rents and fund supportive services to serve ELI and formerly homeless individuals and families (no later than July 2021).

## PRIORITIES FOR IMPLEMENTATION: PREVENT



### Strategic Priority #5: Extend eviction protections

In 2020, the COVID-19 crisis devastated the region, with a disproportionate impact on the lowest income individuals and families, particularly BIPOC households. The rent burden – already high – on the low income (< 50% AMI) and extremely low income (<30% AMI) populations was exacerbated by COVID-related job losses and financial hardship this year. To prevent a massive eviction crisis, eviction moratoriums were enacted at the local and state levels, including California’s AB 3088 in September 2020. In late January 2021, the California Legislature passed SB 91 to extend the state-wide eviction protection until June 30, 2021. Keeping people in their existing homes is critical to reducing spread of the coronavirus. Research led by Dr. Kathryn Leifheit of UCLA estimates that **our current statewide emergency eviction protection law has already prevented 186,000 COVID-19 cases and 6,000 deaths**, so we recommend minimally that eviction protections remain in place until at least 60 days after the end of the public health emergency is lifted. However, we also know that higher rates of COVID-19 related income and job loss have disproportionately impacted ELI households, particularly African American and Latinx households. These impacts are likely to linger for some time after the pandemic subsides and the economy begins to stabilize. If history is an example, homelessness began to increase three years after the 2008 Great Recession “ended” as unemployment remained stubbornly high for Blacks and Latinos.

#### Detailed call to action

- **The State extended eviction protections for California’s renters and enacted a framework for its rental assistance program with SB 91.** The State Legislature should monitor COVID-19 infection rates and rates of unemployment for the highest impacted groups. If both remain high that should be taken into account before allowing the current state-wide eviction protection to expire on June 30, 2021. The State should also take action to close loopholes in the current eviction protections and prevent landlords from evicting tenants for lease expirations or minor lease violations until the pandemic health emergency ends.
- **The Biden-Harris Administration** acted by Executive Order to direct the Centers for Disease Control (CDC) to extend the national eviction moratorium, which it did until March 31, 2021. The CDC later extended that eviction protection until June 30, 2021. We call on the CDC to further extend and improve the national eviction moratorium. The moratorium must be extended through the duration of the public health emergency, and it should be improved to address the shortcomings that have prevented some renters from making use of its protections. The moratorium should provide an automatic, universal protection to keep more renters throughout the U.S. in their homes and it should apply to all stages of eviction. Federal agencies must also actively enforce its protections. An extension to the CDC order could prove to be vital to Californians if the CA Legislature fails to extend the state-enacted eviction protections beyond June 30, 2021.
- **All Counties** should enact a universal eviction protections that last until at least 60 days after the County lifts its COVID-19 public health emergency (Immediate). Tenants should not be evicted during the pandemic for any reason, except for the protection of health and safety. Evictions for lease expirations, minor lease violations, move-in or Ellis Act evictions, or anything short of personal safety should not be permitted during the pandemic.
- **Counties and cities** should consider imposing fines or penalties on property owners that continue to send Notices to Pay or Quit or 3-Day eviction notices to tenants for non-payment of rent, if the property owner



is knowingly using notices to intimidate or confuse tenants in an effort to encourage them to move out, despite the fact that non-payment of rent is not currently permissible as a grounds for eviction at this time.



## Strategic Priority #6: Accelerate cash payments to people impacted by COVID-19

While high-wage workers have experienced a 4.3 percent decrease in employment during the pandemic, low-wage workers have suffered a 26.9 percent decrease, a historically unprecedented divide during a recession. With the pandemic wearing on and economic recovery slow, ELI and minority households are being hit hardest, many with insufficient income to cover their basic needs as a result of pandemic-related job loss. Substantial evidence shows that direct cash assistance is the most effective, responsive, and targeted way to support ELI households and prevent them from becoming homeless. Priority #6 advocates for recurring cash payments and enhanced unemployment benefits for ELI households at the federal level. In the absence of further federal intervention, Priority #6 intends to highlight a path for California to expand and enhance refundable tax credits to provide additional income to ELI households. This priority also acknowledges the major intersection between ELI households and the unbanked population (individuals not served by banks due to financial or identity barriers) in California and aspires to address barriers to households claiming their benefits, so they have the resources needed to weather the pandemic.

### Detailed call to action

- RIC Coalition joins income security advocates, in coalition with the Economic Security Project (initiative aimed at bolstering economic security for all Americans), calling for federal recurring cash payments of \$2,000 quarterly through 2021 or until the employment rate stabilizes.
- The State of California should approve the Governor's proposed Golden Gate Stimulus of \$600 for California residents who qualify for the state Earned Income Tax Credit on their 2019 tax returns.
- Federal government should extend emergency unemployment insurance programs through September 2021 while providing a \$600 per week unemployment insurance supplement.
- If the Federal effort described above is unsuccessful, state legislators should pass legislation to extend and expand refundable tax programs to maximize income for ELI households. Refundable tax programs are specifically highlighted because they do not impact household income eligibility for public benefit programs. This may include:
  - Removing the earnings requirement and age parameters for the Child Tax Credit (tax credit for parents with dependent children)
  - Doubling the California Earned Income Tax Credit (refundable cash back credit for qualified low-to-moderate income working Californians) for workers without children
- Address the barriers faced by under- and un-banked populations in accessing benefits by offering no-fee checking accounts or other distribution methods.



## Strategic Priority #7: Provide targeted rental assistance to those impacted by COVID-19, who are most vulnerable to homelessness

Priority #7 aims to prevent the impending wave of evictions that could occur when the moratoriums eventually are lifted. We must ensure that the number of people becoming homeless in the Bay Area does not accelerate due to pandemic-related income loss and the inability to keep up with rent. SB 91 averted an immediate crisis by extending eviction protections until June 30, 2021. California also received \$2.6 billion in federal rental assistance from the in the form of U.S. Treasury Emergency Rental Assistance Program (ERAP) funds. Counties and cities with populations of >200,000 received roughly \$1.1 billion and the State received roughly \$1.5 billion. But still, millions of California renters will be burdened by amassed rental arrearages, small claims court judgments and lingering unemployment that will hobble them financially for an extended period of time.

### Detailed call to action

- The State of California created a block grant program to distribute its \$1.5 billion portion in new COVID-response rental assistance. Although the framework for the State's program is complex, for tenants who have cooperative landlords it offers an opportunity not only to have the program pay the landlord 80% of the rent arrearage, but to have the other 20% forgiven if the landlord wishes to participate. However, for tenants whose landlords refuse to participate, it permits only 25% of their arrearage to be paid. The State has made an effort to prioritize based on equity and to households earning at or below 50% AMI. The recent Biden-Harris "American Rescue Act" package included an additional \$30 billion in ERAP funds. We urge the State to improve upon its current framework for rental assistance (enacted in SB 91) to ensure equal outcomes for all tenants and to implement the targeting strategies outlined below.
- The statutory language that authorized the ERAP allocation allows assistance to be provided to households earning up to 80%AMI, but indicates that households at or below 50% of AMI as well as those which have a household member who has been unemployed for 90 days or more should be prioritized. With hundreds of thousands of Californians behind on rent, there will be a gravitational pull to assist people at the full range of allowable income levels. However, in order to prevent a massive surge in homelessness later in 2021-2022, rental assistance must be targeted to those most at risk of homelessness. Local rental assistance programs should prioritize the following:
  - ELI households (<30% AMI)
  - Households with severe rent burden (>50% of income spent on rent)
  - Households or individuals who have had a previous experience of homelessness
  - Census tracts or zip codes with high rates of housing insecurity or homelessness, high rates of eviction, high rates of COVID-19 infection, high rates of poverty and/or a high area deprivation index
  - Hard to reach communities (e.g., those who have language barriers and people who are in informal living arrangements); and
  - Groups that don't have access to other benefit programs (e.g., undocumented immigrants)
- Any new or expanded rental assistance program should include the following elements:
  - Low-barrier flexible cash assistance, including acceptance of self-certifications regarding income, housing and, employment status. Programs should permit payment directly to the household if the

landlord refuses to accept rental payment from the program or fails to respond within the prescribed time period

- Access to landlord mediation or legal services as needed
- Effective and culturally relevant outreach:
  - Partner with, and build capacity of, BIPOC led community organizations located in and serving impacted communities while expanding the ecosystem of organizations providing program services
  - Co-design outreach processes with CBOs that serve the hardest hit communities and offer access at common intersections with people at-risk of homelessness including food pantries, schools/day care, housing court, community health clinics, institutional discharging or correctional system release. Coordinate with COVID-19 vaccination outreach efforts to maximize efficiency.
  - Work with community groups representing tenants and people who have experienced homelessness, to inform prioritization and policies.
- Tackle racial disparity
  - Collect and publicly report disaggregated data on households served by race, ethnicity, and zip code.
  - Remove barriers that disproportionately impact BIPOC: accept applications by all methods - online, phone, in-person; do not limit assistance to one-time only; be explicit on all materials that information regarding immigration status will not be asked for nor shared at any time during the process.
- Fill gaps caused by ERAP funding constraints with other sources of public (e.g., CDBG-CV or ESG-CV) or private funds to offer more holistic housing stabilization plans to families and individuals.

See [“Local Strategies to Protect Tenants and Prevent Homelessness in Bay Area COVID-19 Emergency Rental Assistance Programs\(ERAPs\)”](#) for more detailed recommendations.



## Strategic Priority #8: Accelerate targeted, data-informed regional prevention model

Prior to the pandemic, the Bay Area had the distinction of having more than 35,000 people who were homeless. With massive job and income loss among low wage workers due to the pandemic, many of whom were severely rent-burdened, we can expect that poverty and homelessness will rise in 2021. In 2019, two to three people were becoming homeless for every one person who was successfully assisted to move from homelessness to housing in the Bay Area. We desperately need a regional homelessness prevention system to slow down the rate at which people are becoming homeless; this starts by coordinating resources and services within the region. Priority #8 aims to build upon prevention efforts and infrastructure that already exist and to create a program for coordinated service delivery. All Home has launched a pilot in three cities - Oakland, Fremont and San Francisco - to facilitate a research and data-informed approach that focuses on using new federal ERAP funding to target those who are most vulnerable to homelessness. The pilot is intended to extend into Contra Costa County later in 2021, in advance of full implementation and coverage of all nine Bay Area counties within three years. Ultimately, the goal is to blend public and private funds and bring about a higher degree of coordination among anti-eviction/displacement, rental subsidy, homelessness prevention, diversion, and rapid-rehousing programs in the region.

## Detailed call to action

- Since September 2021, All Home in partnership with RIC members and others has embarked on a consensus-building design process to launch its homelessness prevention pilot. In order to maximize the opportunity to align federal ERAP funding with homelessness prevention efforts, All Home accelerated its regional homelessness prevention efforts to launch by April 2021. The pilot is a work in progress to build consistency in best practices for risk assessment and service delivery, using a common data platform and evaluation framework. Initially the regional homelessness prevention program model will include the following services:
  - Financial assistance – flexible cash assistance, rental arrears, rental assistance, security deposit, move-in expenses, reunification or relocation expenses, transportation expenses
  - Eviction prevention/legal assistance
  - Utility assistance
  - Housing problem-solving
  - Landlord mediation and connecting residents to advocacy organizations
  - Linkages to other community resources and public benefit programs
- As the program reaches its full implementation, the following services will also be provided:
  - Assistance with housing search, placement, and stabilization, including limited term rental subsidies and case management
  - Financial counseling
  - Income stabilization through workforce development partnerships
- Implement a three-county pilot regional homelessness prevention system that is rolled out with an eye toward regional expansion to all nine Bay Area counties. The pilot offers the following elements:
  - Emphasis on reducing racial and ethnic disparities among households that are experiencing homelessness for the first time through targeted financial assistance and program design:
    - Targeting resources to racial/ethnic groups facing high rates of homelessness (in the Bay Area, Black, Indigenous, Latinx and Pacific Islander communities) and groups that don't have access to other benefit programs.
    - Meeting non-traditional needs, for instance offering interventions that stabilize support networks or kinship networks, as defined by marginalized communities, to include chosen families.
    - Addressing funding/program gaps that exist for undocumented immigrants.
    - Ensure effective and culturally relevant outreach as described above in Strategic Priority #7.
    - Reducing barriers to long-term success by connecting households to economic mobility programs and eliminating limitations on "one-time only" assistance because an ELI household may encounter one or more periods of economic shock on the way to getting back on their feet.
  - Common program elements as discussed above.
  - New, web-based data platform for applicants and service providers which includes:
    - Online financial assistance application portal

- Evidence-based risk assessment tool that promotes effective and efficient targeting of services to those who are at highest risk<sup>3</sup> of homelessness.
- Back-end service provider module for case management, management approvals and fund disbursements.
- Consistency in staff training in housing problem-solving/diversion techniques and learning collaboratives to promote cross- county collaboration and sharing of useful resolution ideas.
- Evaluate program efficacy of the initial three-county level programs and adapt as necessary to expand to the regional scale within three years.
- All Home, in collaboration with regional partners and local jurisdictions, will work to identify and collaborate with a regional entity with the capacity to manage a regional homelessness prevention system for the long-term. In 2020, the Bay Area Housing and Financing Authority (BAHFA) was established by the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC). BAHFA is positioned to provide a powerful new set of financing and policy tools to improve housing affordability and may be well suited to play this role in the future.
- Combine public and private funding streams to maximize the prevention system's function and flexibility At the federal, state and local levels, there are many programs that support homelessness prevention, each having slightly different eligibility and other requirements - Emergency Solutions Grants (ESG and ESG-CV), Community Development Block Grants (CDBG and CDBG-CV), new U.S. Treasury Emergency Rental Assistance Program (ERAP), State Homeless, Housing, Assistance and Prevention (HHAP), CalWorks Homeless Assistance Program, local tax measure funds that are required to be spent on homelessness prevention. These funding streams should be streamlined so that they can be used more flexibly and holistically to keep people housed. Currently, private and philanthropic funds are used to fill gaps and provide the flexibility for the program to meet each household's needs. The goal of a regional homelessness prevention program is to leverage these funds in the creation of a public-private partnership that weaves together a stronger, more viable safety net that is truly available and capable of preventing a household from becoming homeless or quickly assisting with the resources necessary to find alternative housing, regardless of where one lives in the Bay Area.

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<sup>3</sup> Female Head of Household, pregnancy, child younger than two, history of public assistance, eviction threat, high mobility in last year, history of protective services, high conflict in household, disruptions as a child (e.g. foster care, shelter history as youth), shelter history as an adult, recent shelter application, seeking to reintegrate into community from an institution, high number of shelter applications.

## IMPACT METRICS & TRACKING

We have developed a series of impact metrics to track progress against our 8 strategic priorities, while systematically advancing All Home’s vision and informing forthcoming work. These metrics will be reviewed on a regular cadence and progress will be shared back to counties, stakeholders, and RIC members.

- **Overall**- Reduce unsheltered homelessness by 75% by 2024, overall homelessness by 75% by 2030
- **System flow**- % of new episodes, PIT count, eviction rate, # of days between shelter and permanent exits
- **Availability**- # of interim housing units, # of permanent housing solution units, # of prevention interventions by 2024 and 2030, utilization rate over time (match of resources available to interventions needed in each category)
- **Diversity**- Homelessness population segmentation and population comparison by race/gender/age to reduce disparity
- **Employment**- ELI unemployment rate, income levels
- **Data**- Consistency in format and metrics across region, clear indicators of coordinated efforts among Bay Area counties
- **Revenue**- Match of funding available with needs to implement priorities

Furthermore, we will track stakeholder perceptions of progress through an annual survey to RIC members to measure the extent to which they believe goals are being met. We will also convene counties on a quarterly basis, and other stakeholder groups on an ad hoc basis, to review progress and identify barriers to be mitigated. We will also draw on those with lived experience to understand their perceptions of system efficacy (access to resources, employment opportunities, etc.) and provide real-time tracking.

HomeBase research finds that a regional data sharing system would enhance the ability of jurisdictions and care providers to conduct local planning, measure outcomes and investment impacts, and support care and support coordination. Data enrichment options that allow identifiable client-level data sharing across jurisdictions would have an even greater impact by creating opportunities to coordinate across systems of care—ensuring individuals have continuity without having to restart the process of seeking help every time they transition to a new location.

Therefore, it may be helpful to establish a regional data sharing system utilizing existing research and tools developed by Homebase to enhance the ability of jurisdictions and care providers to conduct local planning, measure outcomes and investment impacts, and support care and support coordination across cities and counties.

Cumulatively, advancement across these metrics will enable the broader social change we are committed to enacting: increasing racial equity, inclusivity of all communities, greater economic and social mobility, shifting our paradigm to recognize ELI people’s value, and highlighting regionalism as imperative to driving progress.

# INTRODUCTION TO THE REGIONAL IMPACT COUNCIL

## LETTER FROM THE CO-CHAIRS

The Regional Impact Council (RIC) convened in 2020, when our members – from across the Bay Area – organized around the belief that homelessness can be rare, brief, and non-recurring for those that experience it. We believe a coordinated regional response is needed to advance system level changes to solve poverty, housing insecurity, racial inequity and homelessness crisis facing our region and state.

The COVID-19 pandemic has exacerbated the already large chasm in economic equality and mobility in the Bay Area, impacting vulnerable communities that are disproportionately Black, brown, Indigenous and low income. As a region our experience of COVID-19 is unequal. For affluent professional workers, the recession’s direct economic impact has been minimal. Indeed, the wealth of some in the professional class has gone up since the pandemic. For Black, brown and Indigenous communities and extremely low-income populations, this recession is worse than the Great Financial Crisis of 2008-2010. The true impact of historic unemployment, racial injustice, and the continued economic pressure on small businesses will be an uphill challenge. The magnitude of these changes has forced us to explore systemic solutions previously deemed too bold. We must seek new solutions and advance them more quickly than what the Bay Area’s jurisdictions have tried before.

The RIC complements existing efforts around homelessness and housing by bringing together key stakeholders, and policymakers across a diversity of communities and sectors including representatives from the state legislature, local government, non-profit organizations, the business community and private philanthropy with their collective assets to achieve population-level regional outcomes.

The urgency has never been greater, and we are eager to get to work. We view the Bay Area’s regional response to the COVID-19 pandemic as an example of what our region can accomplish when we join together to address a shared challenge. After the current public health crisis, we will remain committed to our goals: house and stabilize those experiencing or at risk of homelessness, prevent future episodes of homelessness, and create economic prosperity across the region so that ELI individuals and families can thrive in the Bay Area.



**Derecka Mehrens**  
Chief Executive Officer,  
Working Partnerships USA



**Jonathan Fearn**  
Senior Development Director,  
Greystar



**Joshua Simon**  
Chief Executive Officer, East  
Bay Asian Location  
Development Corporation



**Sherilyn Adams**  
Executive Director  
Larkin Street Youth Services

## RIC MEMBERS

### REGIONAL IMPACT COUNCIL MEMBERS

The RIC is a coalition across the nine-county Bay Area. The council includes 85 leaders that work in state and local legislation, direct service provision, affordable housing, labor, economic mobility, racial equity and private sector businesses.

Our collective goal: Share, develop and mobilize against regional solutions to House and Stabilize, Prevent, and enable our most vulnerable populations to Thrive.

#### CO-CHAIRS

**Derecka Mehrens**, Chief Executive Officer, Working Partnerships USA

**Jonathan Fearn**, Senior Development Director, Greystar

**Joshua Simon**, Chief Executive Officer, EBALDC

**Sherilyn Adams**, Executive Director, Larkin Street Youth Services

#### STEERING COMMITTEE

**Amie Fishman**, Executive Director, Non-Profit Housing Association of Northern California

**Andreas Cluver**, Secretary-Treasurer, Alameda County Building Trades Council

**Ariane Hogan**, Associate Director of Local Government Affairs, Genentech

**Belia Ramos**, Supervisor, Napa County 5th District

**Candace Andersen**, Supervisor, Contra Costa County

**Cindy Chavez**, Supervisor, Santa Clara County

**Dave Cortese**, State Senator, California

**David Chiu**, State Assemblymember, California

**Diana Reddy**, City Councilmember, Redwood City

**Diane Burgis**, Chair, Board of Supervisors, Contra Costa County

**Eddy Zheng**, Founder & President, New Breath Foundation

**Erin Connor**, Manager, Cisco Crisis Response

**Hydra Mendoza**, VP, Chief of Strategic Relationships Office of the Chair and CEO, Salesforce

**Jake MacKenzie**, Board Member, Greenbelt Alliance

**Jennifer Loving**, Chief Executive Officer, Destination Home

**Jesse Arreguin**, Mayor, City of Berkeley; President, Association of Bay Area Governments

**Jim Spring**, Supervisor, Solano County

**Jim Green**, Senior Vice President, Government Affairs and Public Policy, Salesforce

**Jim Wunderman**, CEO, Bay Area Council

**Keith Carson**, Supervisor, Alameda County District 5

**Ken Cole**, Director, Human Services Agency, San Mateo County

**Libby Schaaf**, Mayor, City of Oakland

**Liz Ortega-Toro**, Executive Secretary-Treasurer, Alameda Labor Council

**London Breed**, Mayor, City and County of San Francisco

**Matt Franklin**, President, MidPen Housing Corporation

**Melissa Jones**, Executive Director, Bay Area Regional Health Inequities Initiative

**Nicole Taylor**, President & CEO, Silicon Valley Community Foundation

**Robert Powers**, General Manager, BART

**Rosanne Foust**, President & CEO, San Mateo County Economic Development Association (SAMCEDA)

**Sam Liccardo**, Mayor, City of San Jose

**Scott Weiner**, State Senate, California

**Susan Gorin**, Supervisor, Sonoma County

**Therese McMillan**, Executive Director, Association of Bay Area Governments (ABAG)/Metropolitan Transportation Commission (MTC)

**Warren Slocum**, Supervisor, San Mateo County



## WORKGROUP CO-MODERATORS

**Angela Jenkins**, Director of Strategic Initiatives, Kaiser Permanente  
**Lindsay Haddix**, Housing Initiatives Program Manager, Facebook  
**Marc Trotz**, Consultant  
**Margot Kushel**, MD, UCSF Benioff Homelessness and Housing Initiative  
**Ophelia Basgal**, Vice-Chair, San Francisco Foundation Board  
**Tramecia Garner**, Associate Director for Housing and residential Programs, Swords to Plowshares  
**Will Dominie**, Impact Manager, BARHII  
**William Rogers**, CEO, SF-Marin-San Mateo Goodwill

## TECHNICAL COMMITTEE

**Adrian Covert**, Vice President of Public Policy, Bay Area Council  
**Alan Dones**, Managing Partner, Strategic Urban Development Alliance  
**Amy Sawyer**, Policy Advisor on Homelessness, Office of Mayor London Breed  
**Brandy Jenkins-League**, Program Manager, Bay Area Community Services (BACS)  
**Bruce Ives**, CEO, LifeMoves  
**Carolina Reid**, Assistant Professor, Department of City and Regional Planning, UC Berkeley  
**Cynthia Nagendra**, Executive Director, UCSF Benioff Homelessness and Housing Initiative  
**Daniel Saver**, Assistant Director for Housing and Local Planning, MTC/ABAG  
**Darnell Cadette**, Director, Community, Chan Zuckerberg Initiative  
**David Low**, Policy & Communications Director, Destination Home  
**Donna Allen**, Pastor, New Revelation Church  
**Heather Hood**, Vice President and Market Leader -Northern California, Enterprise Community Partners  
**Jackie Downing**, Executive Director, Crankstart  
**Jacky Morales-Ferrand**, Director of Housing, City of San José  
**Jamie Almanza**, Executive Director, Bay Area Community Services  
**Katherine Harasz**, Executive Director, Santa Clara County Housing Authority  
**Kelly Dearman**, Executive Director, SF in Home Supportive Services Public Authority  
**Kerry Abbott**, Director, Homeless Care and Coordination, Alameda County  
**Kris Stadelman**, Director, NOVA Workforce Board  
**Lavonna Martin**, Director, Health, Housing, and Homeless Services, Contra Costa County  
**Louise Rogers**, Chief, San Mateo County Health System  
**Malcolm Yeung**, Executive Director, Chinatown Community Development Center  
**Maryann Leshin**, Deputy Director, Housing and Community Development Department, City of Oakland  
**Michael Gause**, Ending Homelessness Program Manager, Sonoma County  
**Nevada Merriman**, Director of Policy, MidPen Housing Corporation  
**Pedro Galvao**, Policy Director, Non-Profit Housing Association of Northern California (NPH)  
**Peter Radu**, Homeless Policy Director, Office of the Mayor, City of Oakland  
**Randy Tsuda**, President & Chief Executive Officer, Alta Housing  
**Shola Olatoye**, Director, Housing & Community Development, City of Oakland  
**Sparky Harlan**, CEO, Bill Wilson Center  
**Tim Chan**, Group Manager - Station Area Planning, BART  
**Vaughn Villaverde**, Associate Director of Health Policy, Working Partnerships USA  
**Vivian Wan**, Chief Operating Officer, Abode Services  
**William Pickel**, Chief Executive Officer, Brilliant Corners  
**Zak Franet**, Youth Policy & Advisory Committee Member, City and County of San Francisco

**ALL HOME STAFF**

**Tomiquia Moss**, Chief Executive Officer

**Ken Kirkey**, RIC Project Lead, Chief Partnership Officer

**Charlie Sun**, Chief of Staff

**Gail Gilman**, Chief Strategy Officer

**Jay Banfield**, Chief Economic Mobility Officer

**Joanne Karchmer**, Chief Impact Officer

**Terrance Thompson**, Director, Regional Homelessness Prevention System

## ACKNOWLEDGEMENTS

The Co-Chairs wish to acknowledge the invaluable contributions of everyone that has contributed to developing the Regional Action Plan and that continue to support the Regional Impact Council.

## GLOSSARY

### **AB – 15** – COVID-19 relief: Tenancy: Tenant Stabilization Act of 2021

*This bill would extend the definition of “COVID-19 rental debt” as unpaid rent or any other unpaid financial obligation of a tenant that came due between March 1, 2020, and December 31, 2021. The bill would also extend the repeal date of the act to January 1, 2026. The bill would make other conforming changes to align with these extended dates. By extending the repeal date of the act, the bill would expand the crime of perjury and create a state-mandated local program. (CA legislature)*

### **AB – 16** – Tenant, Small Landlord, and Affordable Housing Provider Stabilization Act of 2021

*This bill would state the intent of the Legislature to enact the Tenant, Small Landlord, and Affordable Housing Provider Stabilization Act of 2021 to address the long-term financial impacts of the COVID-19 pandemic on renters, small landlords, and affordable housing providers, ensure ongoing housing stability for tenants at risk of eviction, and stabilize rental properties at risk of foreclosure. This bill would include legislative findings and declarations in support of the intended legislation. (CA legislature)*

### **AB – 3088** – Tenancy: rental payment default: Mortgage forbearance: state of emergency: COVID-19

*This bill, the Tenant, Homeowner, and Small Landlord Relief and Stabilization Act of 2020, would, among other things, until January 1, 2023, additionally apply those protections to a first lien mortgage or deed of trust that is secured by residential real property that is occupied by a tenant, contains no more than four dwelling units, and meets certain criteria, including that a tenant occupying the property is unable to pay rent due to a reduction in income resulting from the novel coronavirus. (CA legislature)*

### **AMI** – Average Monthly Income

*Most federal and State housing assistance programs set maximum incomes for eligibility to live in assisted housing, and maximum rents and housing costs that may be charged to eligible residents, usually based on their incomes. HUD’s limits are based on surveys of local area median income (AMI)*

### **CA BCSHA** – California Business, Consumer Services and Housing Agency

*The Business, Consumer Services and Housing Agency assists and educates consumers regarding the licensing, regulation, and enforcement of professionals and businesses in California.*

### **CalHFA** – California Housing Finance Agency

*Established in 1975, CalHFA was chartered as the state’s affordable housing lender. The Agency’s Multifamily Division finances affordable rental housing through partnerships with jurisdictions, developers and more, while its Single Family Division provides first mortgage loans and down payment assistance to first-time homebuyers.*

### **CEQA** – CEQA – California Env. Quality Act

*CEQA, or the California Environmental Quality Act, is a statute that requires state and local agencies to identify the significant environmental impacts of their actions and to avoid or mitigate those impacts, if feasible.*

*The purpose of CEQA is to: Disclose to the public the significant environmental effects of a proposed discretionary project, through the preparation of an Initial Study (IS), Negative Declaration (ND), or Environmental Impact Report (EIR). (CA Office of Planning and Research)*

**CDBG-CV** – CARES Relief Community Development Block Grants

*Congress provided \$5 billion in the CARES Act for the Community Development Block Grant (CDBG) program to states, metropolitan cities, urban counties, and insular areas. (HUD)*

**CDLAC** – California Debt Limit Allocation Committee

*CDLAC's programs are used to finance affordable housing developments for low-income Californians, build solid waste disposal and waste recycling facilities, and to finance industrial development projects (CA State Treasurer's Office)*

**ESG-CV** – CARES Relief Emergency Solutions Grants

*These special ESG-CV funds are to be used to prevent, prepare for, and respond to the coronavirus pandemic (COVID-19) among individuals and families who are homeless or receiving homeless assistance. The funds will also support additional homeless assistance and homelessness prevention activities to mitigate the impacts of COVID-19. (HUD)*

**HCD** – California Department of Housing and Community Development

*The California Department of Housing and Community Development awards loans and grants to public and private housing developers, nonprofit agencies, cities, counties, state and federal partners. This money supports the construction, acquisition, rehabilitation, and preservation of affordable rental and ownership homes, provides permanent supportive housing options as well as stable, safe shelter for those experiencing homelessness. (HCD)*

**HUD** – US Department of Housing and Urban Development

**LI, VLI, ELI** – Low Income, Very Low Income and Extremely Low Income

*Low-income applicants earn less than 80% of the area median*

*Very low-income applicants earn less than 50% of the area median*

*Extremely low-income earn less than 30% of the area median*

**NGO** – Non-government Organization

**PHA** – Public Housing Authority

*The U.S. Department of Housing and Urban Development (HUD) administers Federal aid to local housing agencies (HAs) that manage the housing for low-income residents at rents they can afford. HUD furnishes technical and professional assistance in planning, developing and managing these developments. (HUD)*

**PSH** – Permanent Supportive Housing

*Permanent Supportive Housing (PSH) is a model that combines low-barrier affordable housing, health care, and supportive services to help individuals and families lead more stable lives. PSH typically targets people who are*

*homeless or otherwise unstably housed, experience multiple barriers to housing, and are unable to maintain housing stability without supportive services. (National Health Care for the Homeless Center)*

**TCAC** – California Tax Credit Allocation Committee

*The California Tax Credit Allocation Committee (CTCAC) administers the federal and state Low-Income Housing Tax Credit Programs. Both programs were created to promote private investment in affordable rental housing for low-income Californians. (CA State Treasurer’s Office)*

**Section 8 / HCV** – Section 8 Housing Vouchers

*The housing choice voucher program is the federal government’s major program for assisting very low-income families, the elderly, and the disabled to afford decent, safe, and sanitary housing in the private market. Since housing assistance is provided on behalf of the family or individual, participants are able to find their own housing, including single-family homes, townhouses and apartments. Expanded rental assistance like the Housing Choice Voucher (HCV) program is a substantial component of any strategy to address the severe housing shortage and instability faced by ELI renters. Seventy-three percent of current HCV recipients are extremely low-income (HUD, 2018).*

CONSENT CALENDAR

July 13, 2021

To: Honorable Mayor and Members of the City Council

From: Councilmember Terry Taplin

Subject: Amending BMC Section 14.56.070 for 3-Ton Commercial Truck Weight Limit on Tenth Street, Ninth Street, Eighth Street, and Seventh Street

RECOMMENDATION

Adopt first reading of an Ordinance amending Berkeley Municipal Code (BMC) Section 14.56.070 to add 3-ton commercial truck weight limits on Tenth Street between University Avenue and Dwight Way, Ninth Street between University Avenue and Dwight Way, Eighth Street between University Avenue and Dwight Way, and Seventh Street between University Avenue and Dwight Way.

CURRENT SITUATION AND ITS EFFECTS

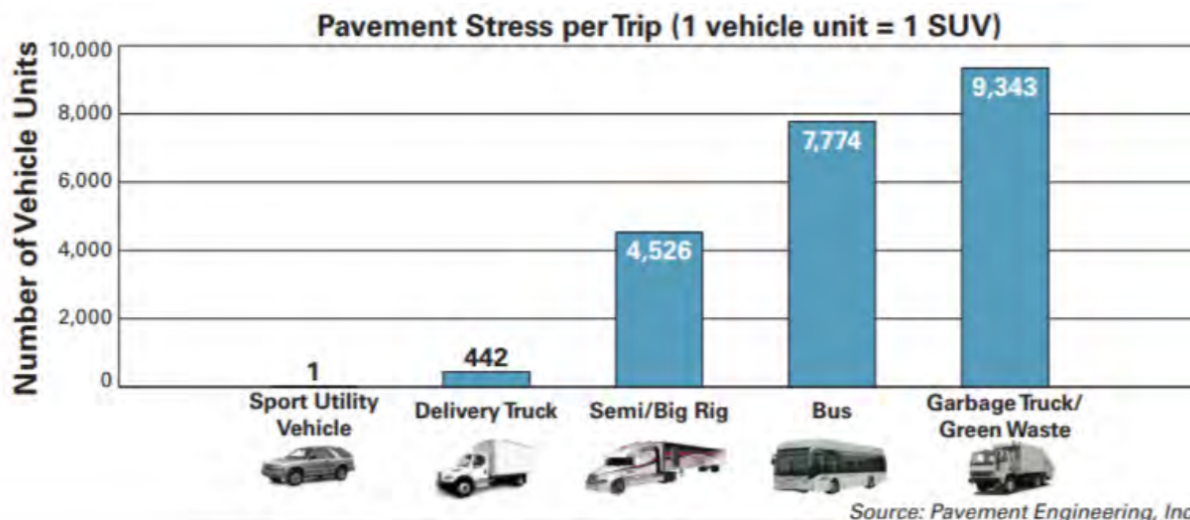
In November 2020, the Berkeley City Auditor released its report, "Rocky Road: Berkeley Streets at Risk and Significantly Underfunded", detailing the derelict condition of Berkeley's street pavement. This report painted a damaging portrait of Berkeley's Pavement Condition Index (PCI), noting that it scored 59 out of 100 in 2018 and was the 15th lowest PCI out of 101 cities in the nine county jurisdiction covered by Metropolitan Transportation Commission in 2017.<sup>1</sup> Following this report, the Berkeley City Council approved an update to its 5-Year Street Rehabilitation Plan for City staff to move forward with rehabilitating Berkeley's streets. The 5-Year Street Rehabilitation Plan is required of the City by way of the Street Rehabilitation and Repair Policy, which was passed in 2009 "to maintain a safe surface conveyance system in the public right-of-way for vehicles, bicycles, transit and pedestrians."<sup>2</sup>

The 2009 Street Rehabilitation and Repair Policy and the 5-Year Street Rehabilitation Plan updated this year are critical City policies for maintaining and repairing the poor conditions of our roads as described in the City Auditor's report. These policies, however, do not address the root causes of the ongoing degradation of our streets. Our roads, no matter what forms of traffic occupy them, will naturally deteriorate over time, but certain types of traffic do more damage over a shorter period of time than others. As

<sup>1</sup> <https://www.berkeleyside.org/wp-content/uploads/2020/11/Berkeley-Streets-Audit-Nov.-2020.pdf>

<sup>2</sup> [https://www.cityofberkeley.info/Public\\_Works/Sidewalks-Streets-Utility/Street\\_Rehabilitation\\_and\\_Repair\\_Policy\\_updated\\_March\\_2009.aspx](https://www.cityofberkeley.info/Public_Works/Sidewalks-Streets-Utility/Street_Rehabilitation_and_Repair_Policy_updated_March_2009.aspx)

the following chart lays out, the stresses on street pavement increases with the size and weight of the vehicles travelling on it.



Minimizing the amount of unnecessary large vehicle traffic on our residential streets is an important supplement to the Street Rehabilitation and Repair Policy and the 5-Year Street Rehabilitation Plan that will work to address the underlying causes of pavement degradation. In 2004, the Berkeley City Council began addressing large vehicle traffic on residential streets with the passage of Ordinance No. 6,799-N.S., which modified BMC Section 14.56.070 to prohibit commercial trucks of over 3 tons from certain sections of residential roads throughout Berkeley. Having been updated on multiple occasions since 2004, BMC Section 14.56.070 now covers 55 sections of road in residential areas.

Beyond the benefits for our streets and pavement, restricting large truck traffic in residential areas is of critical importance for the City’s Vision Zero goals. Due to its proximity to the heavily trafficked commercial streets of University Avenue and San Pablo Avenue, the neighborhood encompassed by the streets within this proposal are regularly trafficked by large trucks cutting through the area. Truck traffic in this neighborhood, which is home to George Florence Park, the West Berkeley YMCA/Head Start facility, and Rosa Parks Elementary School, presents an ongoing danger to the pedestrians, cyclists, and especially children who use these streets on a daily basis. This neighborhood also includes University Avenue and Addison Street, which are identified by the Vision Zero Action Plan as “High-Injury Streets” where the most traffic injuries and fatalities have occurred in the past.<sup>3</sup> Residents and community members share a particular concern for the regular flow of large truck traffic in this area and are not unreasonable in their belief that it is an accident waiting to happen should the City not intervene. Restricting large truck traffic in this neighborhood will mark an important

<sup>3</sup>[https://www.cityofberkeley.info/uploadedFiles/Public\\_Works/Level\\_3\\_-\\_Transportation/Berkeley\\_Vision\\_Zero\\_Action\\_Plan\\_Approved\\_03102020.pdf](https://www.cityofberkeley.info/uploadedFiles/Public_Works/Level_3_-_Transportation/Berkeley_Vision_Zero_Action_Plan_Approved_03102020.pdf)



step towards improving both physical infrastructure and the health and safety of our pedestrians and cyclists.

#### FISCAL IMPACTS

The anticipated cost for sign installation, including materials and labor, is \$10,000.

#### ENVIRONMENTAL IMPACTS

The City estimates that transportation-related emissions accounts for approximately 60% of our community's total annual greenhouse gas emissions.<sup>4</sup> Restricting large truck traffic will make this residential area safer for pedestrian and cyclist transportation, thus encouraging zero-emission forms of transportation and standing to lower the emissions from our community's dominant source of carbon emissions.

#### CONTACT

Terry Taplin, Councilmember, District 2, (510) 981-7120

#### ATTACHMENTS

1. Ordinance

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<sup>4</sup>[https://www.cityofberkeley.info/Clerk/City\\_Council/2018/12\\_Dec/Documents/2018-12-06\\_WS\\_Item\\_01\\_Climate\\_Action\\_Plan\\_Update\\_pdf.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2018/12_Dec/Documents/2018-12-06_WS_Item_01_Climate_Action_Plan_Update_pdf.aspx)

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

AMENDING BERKELEY MUNICIPAL CODE SECTION 14.56.070 TO ADD NEW SECTIONS OF ROAD IN THE LIST OF LOCATIONS PROHIBITING THE USE OF CERTAIN STREETS BY COMMERCIAL VEHICLES EXCEEDING 3 TONS GROSS VEHICLE WEIGHT

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

Section 1. That Section 14.56.070 of the Berkeley Municipal Code is amended to read as follows:

**14.56.070 Prohibiting the use of certain streets by commercial trucks exceeding three tons gross vehicle weight.**

- A. It is unlawful for any person to operate any commercial vehicle exceeding three tons gross vehicle weight on the following portions of streets, hereafter referred to as "restricted streets":
1. Hearst Avenue between 6th Street and San Pablo Avenue;
  2. Hearst Avenue between San Pablo Avenue and Sacramento Street;
  3. 7th Street between University Avenue and Cedar Street;
  4. 8th Street between University Avenue and Cedar Street;
  5. 9th Street between University Avenue and Cedar Street;
  6. 10th Street between University Avenue and Cedar Street;
  7. Delaware Street between San Pablo Avenue and 6th Street;
  8. Delaware Street between San Pablo Avenue and Sacramento Street;
  9. Virginia Street between San Pablo Avenue and 6th Street;
  10. Virginia Street between San Pablo Avenue and Sacramento Street;
  11. Francisco Street between San Pablo Avenue and Sacramento Street;
  12. Hopkins Street west of Gilman Street;
  13. Blake Street between Shattuck Avenue and Telegraph Avenue;
  14. Blake Street between San Pablo Avenue and Sacramento Street;
  15. Parker Street between Shattuck Avenue and Telegraph Avenue;
  16. Carleton Street between Shattuck Avenue and Telegraph Avenue;
  17. Carleton Street between San Pablo Avenue and Sacramento Street;
  18. Channing Way between San Pablo Avenue and Sacramento Street;
  19. Derby Street between Shattuck Avenue and Telegraph Avenue;
  20. Ward Street between Shattuck Avenue and Telegraph Avenue;
  21. Stuart Street between Shattuck Avenue and Telegraph Avenue;
  22. Oregon Street between Shattuck Avenue and Telegraph Avenue;
  23. Parker Street between San Pablo Avenue and Sacramento Street;
  24. Russell Street between Shattuck Avenue and Telegraph Avenue;
  25. Howe Street between Ellsworth Street and Telegraph Avenue;
  26. Fulton Street between Ashby Avenue and Dwight Way;
  27. Ellsworth Street between Ashby Avenue and Dwight Way;
  28. Dana Street between Ward Street and Dwight Way;

29. Spaulding Avenue between Dwight Way and Addison Street;
30. California Street between Dwight Way and University Avenue;
31. Jefferson Avenue between Dwight Way and University Avenue;
32. McGee Avenue between Dwight Way and University Avenue;
33. Roosevelt Avenue between Dwight Way and Addison Street;
34. McKinley Avenue between Dwight Way and Addison Street;
35. Addison Street between Sacramento Street and Martin Luther King Jr. Way;
36. Allston Way between Sacramento Street and Martin Luther King Jr. Way;
37. Bancroft Way between Sacramento Street and Martin Luther King Jr. Way;
38. Channing Way between Sacramento Street and Martin Luther King Jr. Way;
39. Grant Street between Dwight Way and University Avenue;
40. Cedar Street east of 6th Street;
41. Dwight Way between San Pablo Avenue and Martin Luther King Jr. Way;
42. Claremont Avenue between Ashby Avenue and Belrose Avenue;
43. Belrose Avenue between Claremont Avenue and Derby Street;
44. Derby Street between Belrose Avenue and Warring Street;
45. Warring Street between Derby Street and Dwight Way;
46. Piedmont Avenue between Dwight Way and Bancroft Way;
47. Milvia Street between Dwight Way and Hopkins Street;
48. The Uplands between Claremont Avenue and Tunnel Road;
49. Panoramic Way between Canyon Road and Berkeley/Oakland city limits.;
50. Kains Avenue between Virginia Street and Harrison Street;
51. Virginia Street between Shattuck Avenue and Martin Luther King Jr. Way,
52. Francisco Street between Shattuck Avenue and Martin Luther King Jr. Way,
53. Delaware Street between Shattuck Avenue and Martin Luther King Jr. Way,
54. Hearst Avenue between Shattuck Avenue and Martin Luther King Jr. Way,
55. Berkeley Way between Shattuck Avenue and Martin Luther King Jr. Way;
56. Tenth Street between University Avenue and Dwight Way;
57. Ninth Street between University Avenue and Dwight Way;
58. Eighth Street between University Avenue and Dwight Way;
- 55-59. Seventh Street between University Avenue and Dwight Way

B. All inter-city buses and tourist buses will be prohibited on these streets. School buses, emergency vehicles, and buses converted for use by disabled people will be allowed to use three-ton commercial truck weight limit routes.

C. The provisions of this section shall not apply to subsections 14.56.050 B and C.

Section 2. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.





Commission on Disability

INFORMATION CALENDAR

July 13, 2021

To: Honorable Mayor and Members of the City Council

From: Commission on Disability

Submitted by: Shira Leeder Chairperson, Commission on Disability

Subject: Commission on Disability Fiscal Year 2021-2022 Work Plan

INTRODUCTION

Below is the workplan for fiscal year 2021-2022 for the Commission on Disability.

CURRENT SITUATION AND ITS EFFECTS**Commission on Disability - Fiscal Year 2021 Annual Workplan****1. COVID Management and Recovery**

Track developments and impacts from the Covid-19 pandemic, including but not limited to: disproportionate health impacts for people disabilities; consequences for health care providers; disruptions in disability supports (e.g. reduction in small businesses providing necessary products and services); increase in Berkeley residents with long-term disabilities due to post-Covid complications; and reduction in city budgets for services and infrastructure improvements (e.g. sidewalk repair efforts). Engage relevant city departments, request presentations and gather community feedback. Ensure equitable and accessible opportunities to participate in city efforts, programs, meetings and initiatives.

**2. Improved Transportation and Mobility**

Continue efforts related to the “navigable cities” framework for safe, accessible pedestrian pathways and other transportation infrastructure, including appropriate street layouts in redesigned transportation corridors. Also ensure universal accessibility of relevant applications, kiosks, ride-sharing services, Transportation Network Companies (TNCs), bikes and scooters (including shared mobility), and “emerging technology” such as automated vehicles (ATVs). Address public transportation concerns and safety, including budgets and onboard safety related to the Covid-19 pandemic. Ensure equitable and accessible opportunities to participate in city efforts, programs, meetings and initiatives.

**3. Public Input and Public Outreach for COD**

Implement communication channels with other city Commissions; pursue “cross-membership” with other commissions, where COD members request to be appointed to other commissions with vacancies; prioritize commissions whose coverage affects

people with disabilities (e.g. peace & justice, zero waste, planning, homelessness, etc.). Raise awareness of COD within the disability community and relevant stakeholders (e.g. neighborhood and business associations) and invite community members and stakeholders to attend COD meetings. Outreach should include opportunities for community members to request accessibility modifications, including for remote meetings (e.g. captioning on Zoom). Develop a consistent process and timeframe for community engagement. Ensure equitable and accessible opportunities to participate in city efforts, programs, meetings and initiatives.

#### **4. Engagement and Advisory Role for City Processes**

Increase outreach and requests for timely presentations and information from City of Berkeley staff and other relevant officials (e.g. at the county or regional levels). Utilize the Commission on Disability as a public forum and oversight body, especially in the face of unprecedented challenges during the continuing Covid-19 pandemic and recovery therefrom. Utilize COD as an advisory & monitoring body to increase accessibility & accountability in city efforts and other areas of influence. Partner with other commissions; advocate for new sub-committees and cross-membership for relevant goals. Commissioners commit to actively and regularly engage with appointing Council members. Ensure that COD review city policies to avoid direct decisions by Council, City Manager, and other city entities without disability input. Ensure equitable and accessible opportunities to participate in city efforts, programs, meetings and initiatives.

#### **5. Accessible and Affordable Housing**

Explore the expansion and improved availability of accessible housing for people with disabilities, including going beyond baseline ADA access requirements in new construction (e.g. adding automatic door openers, units with roll-in showers and other universal access features, etc.). Recognize a likely slowdown in new construction and increase efforts at encouraging accessibility retrofits of existing buildings, whether single-family homes or multi-unit apartments/condominiums. Address affordability as a key factor for housing, especially given the disconnect between affordability and accessibility (given newer buildings are more accessible but also tend to have higher rents). Partner with senior community and advocates for mutual areas of interest. Ensure equitable and accessible opportunities to participate in city efforts, programs, meetings and initiatives.

#### **6. Homeless people with Disabilities**

Support Berkeley's population of homeless residents with disabilities. Collaborate with local service providers to address disability-related needs, such as access to healthcare or repairs of medical equipment (wheelchairs, scooters, walkers, etc.). Address timely issues, such as pandemic safety, extreme heat events and air quality (including wildfire smoke). Access to electricity and energy resources. Advocate for permanent accessible housing, including creative solutions (e.g. tiny homes). Ensure equitable and accessible opportunities to participate in city efforts, programs, meetings and initiatives.

**7. Emergency/Disaster Preparedness**

Receive information and ongoing updates, participate and make recommendations as appropriate about Berkeley's BEACON and CERT programs. Address increasing frequency of Red Flag Warning events, wildfire danger, Public Safety Power Shutoffs, poor air quality days, and extreme heat vents. Maintain oversight and efforts around earthquake safety. Increase training opportunities for disability awareness & management, including FAST trainings. Advertise disaster resources for PWDs (e.g. information, backup supplies, organizations and designated accessible shelters), including lists of trained staff and volunteers. Ensure equitable and accessible opportunities to participate in city efforts, programs, meetings and initiatives.

**8. Student Life and Disability Awareness**

Improve communication and collaboration with Berkeley's many students with disabilities, providing community engagement and leadership opportunities and supports for independent living. Address all populations including students with disabilities in elementary through high school, Berkeley City College, UC Berkeley, and private entities. Advocate for city-supported services and resources for youth, young adults and other students w/ disabilities. Increase affordability of and access to education, training, recreation and life resources (e.g. housing and transportation) for students. Ensure equitable and accessible opportunities to participate in city efforts, programs, meetings and initiatives.

**9. Accessibility in City Events, Meetings, Communications & Information Technology**

Work with city staff, commissions, and other relevant partners to guarantee inclusion and accessibility of events, meetings and communications. Guarantee access to multiple media, taking into account a diversity of disabilities and the overall digital divide (i.e. disproportionate access to Information Technology and related services); this can include printed (paper) communications and information items, as well as those items in accessible (e.g. Braille or large-print) format. Ensure that all meetings and events are accessible through the Internet for those who cannot attend; this is especially important considering health and wellness in light of the Covid-19 pandemic and its ongoing effects. Emphasize plain language and multiple media in city resources and initiatives to reach the widest audience possible. Utilize free media (i.e. city websites, newspapers, PSAs, Berkeley TV, social media, etc.) and partnerships (e.g. with nonprofits, community organizations, and faith-based organizations) to engage as many people as possible. Ensure equitable and accessible opportunities to participate in city efforts, programs, meetings and initiatives.

The Commission on Disability Fiscal Year 2021-2022 Work Plan supports the Strategic Plan goal to champion and demonstrate social and racial equity.

BACKGROUND

The Work Plan was approved by the Commission on February 25, 2021 Motion: Leeder, Second: Freeman Ghenis: Aye, Singer: Absent, Walsh: Aye.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

POSSIBLE FUTURE ACTION

Unknown.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

Unknown.

CONTACT PERSON

Dominika Bednarska, Disability Services Specialist, 510 981 6418





Sugar-Sweetened Beverage  
Product Panel of Experts Commission

INFORMATION CALENDAR  
July 13, 2021

To: Honorable Mayor and Members of the City Council  
From: Sugar-Sweetened Beverage Product Panel of Experts Commission  
Submitted by: Holly Scheider, Chairperson, SSBPPE Commission  
Subject: FY2022 SSBPPE Commission Work Plan

INTRODUCTION

The SSBPPE Commission discussed the updated Work Plan in early 2021. The following vote was taken at the January 21, 2021 meeting to finalize the Work Plan:

**Adopt a Work Plan for FY2022 (July 1 2021 – June 30, 2022)**

Action: M/S/C (Scheider/Namkung) 1. Moved to approve the proposed SSBPPE FY22 Work Plan with edits including deleting #2 and #3 in the Policy Subcommittee's draft work plan.

Vote: Ayes: Browne, Crawford, Gallegos-Castillo, Moore, Morales, Rose, and Scheider  
Noes: None. Abstain: None. Absent: None.

CURRENT SITUATION AND ITS EFFECTS

The SSBPPE Commission received Work Plan suggestions from the Policy Subcommittee. Attachment 1 (attached) - Work Plan for July 1, 2021 through June 30, 2022 - was approved at the January 21, 2021 meeting.

BACKGROUND

This year's work plan reflects the Commission's engagement with policy recommendations regarding SSB procurements and accessibility, collaboration to promote water, and ongoing responsibilities of the Commission.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no direct environmental effects associated with the content of this report.

POSSIBLE FUTURE ACTION

The SSBPPE Commission will continue to work on this Work Plan in order to refine potential outputs, outcomes, activities, and required resources. The SSBPPE Commission will complete its Work Plan for FY22 by June 30, 2022.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

Adoption of the Work Plan in itself does not create fiscal impacts.

CONTACT PERSON

Dechen Tsering, Commission Secretary, Public Health, HHCS (510) 981-5394

Attachment:

1: Approved SSBPPE Commission Work Plan July 1, 2021 through June 30, 2022

**INFORMATION REPORT TO CITY OF BERKELEY COUNCIL  
Sugar-Sweetened Beverage Product Panel of Experts (SSBPPE) Commission  
FY22 (July 1, 2021 through June 30, 2022 WORK PLAN & TIMELINE**

*Approved by SSBPPE Commission on 1/21/21*

| Activity                                                                                                                                                                                                          | Responsible Contact          | July 2021 | Aug NO | Sept 2021 | Oct. 2021 | Nov 2021 | Dec NO Mtg. | Jan 2022 | Feb 2022 | Mar 2022 | Apr 2022 | May 2022 | Jun 2022 |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-----------|--------|-----------|-----------|----------|-------------|----------|----------|----------|----------|----------|----------|
|                                                                                                                                                                                                                   |                              |           |        |           |           |          |             |          |          |          |          |          |          |
| 1. Meet monthly per approved schedule                                                                                                                                                                             | Full SSBPPE                  |           |        | X         | X         | X        |             | X        | X        | X        | X        | X        | X        |
| 2. Liaise with Community Health Commission regarding SSB Policy                                                                                                                                                   | Policy Sub-Com - Full SSBPPE | X         | X      | X         | X         | X        |             | X        | X        | X        | X        | X        | X        |
| 3. Track and support City of Berkeley Procurement policy until it is adopted; support implementation.                                                                                                             | Policy Sub-Com - Full SSBPPE | X         |        | X         | X         | X        |             | X        | X        | X        | X        | X        | X        |
| 4. Support implementation of Healthy Checkout Policy                                                                                                                                                              | Policy Sub-Com - Full SSBPPE | X         |        | X         | X         | X        |             | X        | X        | X        | X        | X        | X        |
| 5. Present policy evaluations and research relevant to the work of the SSBPPE                                                                                                                                     | Policy Sub-Com - Full SSBPPE |           |        |           |           |          |             |          | X        | X        | X        |          |          |
| 6. Research legal strategies to remedy and mitigate harm caused by SSB marketing and consumption including expanding the City of Berkeley Default Beverage ordinance to apply to all meal packages and promotions | Policy Sub-Com - Full SSBPPE |           |        |           |           | X        |             | X        | X        | X        | X        |          |          |
| 7. Explore strategies with UC to coordinate efforts to reduce SSB consumption such as Pepsi contract and serving sizes.                                                                                           | Policy Sub-Com - Full SSBPPE |           |        |           |           |          |             | X        | X        | X        |          |          |          |
|                                                                                                                                                                                                                   |                              |           |        |           |           |          |             |          |          |          |          |          |          |

**INFORMATION REPORT TO CITY OF BERKELEY COUNCIL  
Sugar-Sweetened Beverage Product Panel of Experts (SSBPPE) Commission  
FY22 (July 1, 2021 through June 30, 2022 WORK PLAN & TIMELINE**

*Approved by SSBPPE Commission on 1/21/21*

| Activity                                                                                                                                                                          | Responsible Contact                                            | July 2021 | Aug NO Mtg. | Sept 2021 | Oct. 2021 | Nov 2021 | Dec NO Mtg. | Jan 2022 | Feb 2022 | Mar 2022 | Apr 2022 | May 2022 | Jun 2022 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------|-----------|-------------|-----------|-----------|----------|-------------|----------|----------|----------|----------|----------|----------|
|                                                                                                                                                                                   |                                                                |           |             |           |           |          |             |          |          |          |          |          |          |
| 8. Planning for PSE and Community Organizing interactive workshop                                                                                                                 | Policy Sub-Com - Full SSBPPE                                   |           |             |           |           |          |             |          | X        | X        | X        | X        | X        |
| 9. Periodic meetings as needed.                                                                                                                                                   | Prevention, Strategies & Outcomes - PS&O Sub-Com - Full SSBPPE | X         | X           |           |           |          |             |          |          |          |          |          |          |
| 10. Submit Work Plan to Commission Secretary for FY 23                                                                                                                            | PS&O Sub-Com - Full SSBPPE                                     |           |             |           | X         | X        |             |          |          |          |          |          |          |
| 11. Plan for experts to speak at an SSBPPE Commission meeting to share updates on research and potential strategies for investment.                                               | PS&O Sub-Com - Full SSBPPE                                     |           |             |           |           |          |             | X        |          |          |          |          | X        |
| 12. Plan for grantees to present at a SSBPPE on successes and challenges to date.                                                                                                 | PS&O Sub-Com - Full SSBPPE                                     |           |             |           | X         | X        |             | X        | X        | X        | X        |          |          |
| 13. Request report from the COB Public Health Staff regarding activities supported by additional funding for FY 2020 and 2021, including the media and hydration station projects | PS&O Sub-Com - Full SSBPPE                                     |           |             |           |           |          |             |          |          |          |          | X        |          |
| 15. Request report from City of Berkeley staff about the epidemiology research and community and BUSD evaluations, including the YRBS                                             | PS&O Sub Committee- Full Committee                             |           |             |           |           | X        |             |          |          |          |          | X        |          |

|                                                                               |                                                                                                                                                                                                         |
|-------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Upcoming Worksessions – <i>start time is 6:00 p.m. unless otherwise noted</i> |                                                                                                                                                                                                         |
| Scheduled Dates                                                               |                                                                                                                                                                                                         |
| July 20                                                                       | <ol style="list-style-type: none"> <li>1. Bayer Development Agreement</li> <li>2. Measure FF and Fire Prevention</li> </ol>                                                                             |
| Sept. 21                                                                      | <ol style="list-style-type: none"> <li>1. Housing Element</li> </ol>                                                                                                                                    |
| Oct. 19                                                                       | <ol style="list-style-type: none"> <li>1. Update: Zero Waste Rates &amp; Priorities</li> <li>2. Berkeley Police Department Hiring Practices</li> <li>3. Crime Report</li> </ol>                         |
| Dec. 7                                                                        | <ol style="list-style-type: none"> <li>1. Review and Update on City’s COVID-19 Response</li> <li>2. WETA / Ferry Service at the Marina</li> <li>3. Presentation by Bay Restoration Authority</li> </ol> |

|                                                                                                                  |
|------------------------------------------------------------------------------------------------------------------|
| <p>Unscheduled Workshops</p> <ol style="list-style-type: none"> <li>1. Cannabis Health Considerations</li> </ol> |
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|                                                                                                                                                                 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Unscheduled Presentations (City Manager)</p> <ol style="list-style-type: none"> <li>1. Civic Arts Grantmaking Process &amp; Capital Grant Program</li> </ol> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|

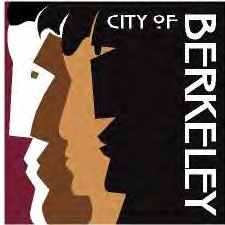
|    | <b>City Council Referrals to the Agenda &amp; Rules Committee and Unfinished Business for Scheduling</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. | <p><b>47. Amending Chapter 19.32 of the Berkeley Municipal Code to Require Kitchen Exhaust Hood Ventilation in Residential and Condominium Units Prior to Execution of a Contract for Sale or Close of Escrow</b> <i>(Reviewed by Facilities, Infrastructure, Transportation, Environment, and Sustainability Committee) (Referred from the January 21, 2020 agenda)</i><br/> <b>From: Councilmember Harrison</b><br/> <b>Recommendation:</b><br/> 1. Adopt an ordinance amending Berkeley Municipal Code (BMC) 19.32 to require kitchen exhaust ventilation in residential and condominium units prior to execution of a contract for sale or close of escrow.<br/> 2. Refer to the City Manager to develop a process for informing owners and tenants of the proper use of exhaust hoods.<br/> <b>Financial Implications:</b> See report<br/> Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140<br/> <i>Note: Referred to Agenda &amp; Rules for future scheduling.</i></p> |
| 2. | <p><b>25. Surveillance Technology Report, Surveillance Acquisition Report, and Surveillance Use Policy for Automatic License Plate Readers</b> <i>(Continued from February 25, 2020. Item contains revised and supplemental materials) (Referred from the May 12, 2020 agenda.)</i><br/> <b>From: City Manager</b><br/> <b>Recommendation:</b> Adopt a Resolution accepting the Surveillance Technology Report, Surveillance Acquisition Report, and Surveillance Use Policy for Automatic License Plate Readers submitted pursuant to Chapter 2.99 of the Berkeley Municipal Code.<br/> <b>Financial Implications:</b> None<br/> Contact: Andrew Greenwood, Police, (510) 981-5900; Dave White, City Manager's Office, (510) 981-7000<br/> <i>Note: Referred to Agenda &amp; Rules for future scheduling.</i></p>                                                                                                                                                                            |
| 3. | <p><b>17. Objective Standards Recommendations for Density, Design and Shadows</b> <i>(Item contains supplemental material.) (Referred from the March 23, 2021 agenda.)</i><br/> <b>From: Joint Subcommittee for the Implementation of State Housing Laws</b><br/> <b>Recommendation:</b> Refer to the Planning Commission and Design Review Committee to review the recommendations from the Joint Subcommittee for the Implementation of State Housing Laws (JSISHL) for objective standards for density, design and shadows and draft Zoning Ordinance amendments for City Council consideration.<br/> <b>Financial Implications:</b> See report<br/> Contact: Alene Pearson, Commission Secretary, (510) 981-7400<br/> <i>Note: Referred to Agenda &amp; Rules for future scheduling. Scheduled for the July 27, 2021 regular City Council meeting at the June 14, 2021 Agenda &amp; Rules Committee meeting.</i></p>                                                                      |

| CITY CLERK DEPARTMENT                                                       |                      |                       |                   |
|-----------------------------------------------------------------------------|----------------------|-----------------------|-------------------|
| WORKING CALENDAR FOR SCHEDULING LAND USE MATTERS<br>BEFORE THE CITY COUNCIL |                      |                       |                   |
| Address                                                                     | Board/<br>Commission | Appeal Period<br>Ends | Public<br>Hearing |
| <b>NOD – Notices of Decision</b>                                            |                      |                       |                   |
| 1634 & 1640 San Pablo Ave (Acme Bread Company)                              | ZAB                  | 6/29/2021             |                   |
|                                                                             |                      |                       |                   |
|                                                                             |                      |                       |                   |
|                                                                             |                      |                       |                   |
| <b>Public Hearings Scheduled</b>                                            |                      |                       |                   |
| 770 Page Street (demolish existing unit and construct four detached)        | ZAB                  |                       | 7/27/2021         |
| 2943 Pine Street (construct second story on existing one story)             | ZAB                  |                       | 9/28/2021         |
| 1205 Peralta Avenue (conversion of an existing garage)                      | ZAB                  |                       | 10/12/2021        |
|                                                                             |                      |                       |                   |
|                                                                             |                      |                       |                   |
| <b>Remanded to ZAB or LPC</b>                                               |                      |                       |                   |
|                                                                             |                      |                       |                   |
|                                                                             |                      |                       |                   |
|                                                                             |                      |                       |                   |
|                                                                             |                      |                       |                   |
| <b>Notes</b>                                                                |                      |                       |                   |
|                                                                             |                      |                       |                   |
|                                                                             |                      |                       |                   |
|                                                                             |                      |                       |                   |

6/24/2021







Office of the City Manager

## **SUPPLEMENTAL AGENDA MATERIAL for Supplemental Packet 2**

**Meeting Date:** November 10, 2020

**Item Number:** 20

**Item Description:** Annual Commission Attendance and Meeting Frequency Report

**Submitted by:** Mark Numainville, City Clerk

The attached memo responds to issues and questions raised at the October 26 Agenda & Rules Committee Meeting and the October 27 City Council Meeting regarding the ability of city boards and commissions to resume regular meeting schedules.



Office of the City Manager

November 9, 2020

To: Mayor and Council  
From: Dee Williams-Ridley, City Manager  
Subject: Commission Meetings Under COVID-19 Emergency (Item 20)

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This memo provides supplemental information for the discussion on Item 20 on the November 10, 2020 Council agenda. Below is a summary and update of the status of meetings of Berkeley Boards and Commissions during the COVID-19 emergency declaration and the data collected by the City Manager on the ability of commissions to resume meetings in 2021.

On March 10, 2020 the City Council ratified the proclamation of the Director of Emergency Services for a state of local emergency related to the COVID-19 pandemic. The emergency proclamation has been renewed twice by the Council and remains in effect.

On March 17, 2020 the City Council adopted Resolution No. 69,331-N.S. which placed limitations of the meetings of City legislative bodies, including all boards and commissions. The resolution allows for commissions to meet to conduct time-sensitive, legally mandated business with the authorization of the City Manager. Since that time, several commissions have obtained this approval and held meetings; many other commissions have not met at all since March.

The City Manager has periodically reviewed the status of commission meetings with the City Council Agenda & Rules Committee. Recently, at the October 12, 2020 Agenda & Rules Committee meeting, the City Manager presented a proposal to allow all commissions to meet under limited circumstances. The Committee voted to endorse the City Manager's recommendation.

Effective October 12, 2020, all City boards and commissions may meet once to develop and finalize their work plan for 2021 and to complete any Council referrals directly related to the COVID-19 pandemic response. A second meeting may be held to

complete this work with specific authorization by the City Manager. It is recommended that the meeting(s) occur by the end of February 2021.

Commissions that have been granted permission to meet under Resolution No. 69,331-N.S. may continue to meet pursuant to their existing authorization, and may also meet to develop their 2021 work plan.

Commissions that have not requested meetings pursuant to the Resolution No. 69,331-N.S. may meet pursuant to the limitations listed above.

In response to questions from the Agenda & Rules Committee and the Council, the City Manager polled all departments that support commissions to obtain information on their capacity to support the resumption of regular commission meetings. The information in Attachment 1 shows the information received from the departments and notes each commission's ability to resume a regular, or semi-regular, meeting schedule in 2021.

In summary, there are 24 commissions that have staff resources available to support a regular meeting schedule in 2021. Seven of these 24 commissions have been meeting regularly during the pandemic. There are five commissions that have staff resources available to support a limited meeting schedule in 2021. There are seven commissions that currently do not have staff resources available to start meeting regularly at the beginning of 2021. Some of these seven commissions will have staff resources available later in 2021 to support regular meetings. Please see Attachment 1 for the full list of commissions and their status.

With regards to commission subcommittees, there has been significant discussion regarding the ability of staff to support these meetings in a virtual environment. Under normal circumstances, the secretary's responsibilities regarding subcommittees is limited to posting the agenda and reserving the meeting space (if in a city building). With the necessity to hold the meetings in a virtual environment and be open to the public, it is likely that subcommittee meetings will require significantly more staff resources to schedule, train, manage, and support the work of subcommittees on Zoom or a similar platform. This additional demand on staff resources to support commission subcommittees is not feasible for any commission at this time.

One possible option for subcommittees is to temporarily suspend the requirement for ad hoc subcommittees of city commissions to notice their meetings and require public participation. Ad hoc subcommittees are not legislative bodies under the Brown Act and are not required to post agendas or allow for public participation. These requirements are specific to Berkeley and are adopted by resolution in the Commissioners' Manual. If it is the will of the Council, staff could introduce an item to temporarily suspend these

requirements which will allow subcommittees of all commissions to meet as needed to develop recommendations that will be presented to the full commission.

The limitations on the meetings of certain commissions are due to the need to direct staff resources and the resources of city legislative bodies to the pandemic response. Some of the staff assigned as commission secretaries are engaged in work with the City Emergency Operations Center or have been assigned new duties specifically related to the impacts of the pandemic.

Meeting frequency for boards and commissions will continue to be evaluated on a regular basis by the City Manager and the Health Officer in consultation with Department Heads and the City Council.

Attachments:

1. List of Commissions with Meeting Status
2. Resolution 69,331-N.S.

**November 10, 2020 - Item 20  
Supplemental Information**

| <b><u>Boards and Commissions</u></b>              | <b><u>Meetings Held Under COVID March - Oct</u></b> | <b><u>Regular Mtg. Date</u></b> | <b><u>Secretary</u></b> | <b><u>Dept.</u></b> | <b><u>Resume Regular Schedule in January 2021?</u></b> | <b><u>Note</u></b>                                |
|---------------------------------------------------|-----------------------------------------------------|---------------------------------|-------------------------|---------------------|--------------------------------------------------------|---------------------------------------------------|
| Fair Campaign Practices Commission                | 9                                                   | 3rd Thur.                       | Sam Harvey              | CA                  | YES                                                    | Have been meeting regularly under COVID Emergency |
| Open Government Commission                        | 6                                                   | 3rd Thur.                       | Sam Harvey              | CA                  | YES                                                    | Have been meeting regularly under COVID Emergency |
| Animal Care Commission                            | 0                                                   | 3rd Wed.                        | Amelia Funghi           | CM                  | YES                                                    |                                                   |
| Police Review Commission                          | 10                                                  | 2nd & 4th Wed.                  | Katherine Lee           | CM                  | YES                                                    | Have been meeting regularly under COVID Emergency |
| Disaster and Fire Safety Commission               | 4                                                   | 4th Wed.                        | Keith May               | FES                 | YES                                                    |                                                   |
| Community Health Commission                       | 0                                                   | 4th Thur.                       | Roberto Terrones        | HHCS                | YES                                                    |                                                   |
| Homeless Commission                               | 0                                                   | 2nd Wed.                        | Josh Jacobs             | HHCS                | YES                                                    |                                                   |
| Homeless Services Panel of Experts                | 5                                                   | 1st Wed                         | Josh Jacobs             | HHCS                | YES                                                    |                                                   |
| Human Welfare & Community Action Commission       | 0                                                   | 3rd Wed.                        | Mary-Claire Katz        | HHCS                | YES                                                    |                                                   |
| Mental Health Commission                          | 1                                                   | 4th Thur.                       | Jamie Works-Wright      | HHCS                | YES                                                    |                                                   |
| Sugar-Sweetened Beverage Product Panel of Experts | 0                                                   | 3rd Thur.                       | Dechen Tsering          | HHCS                | YES                                                    |                                                   |
| Civic Arts Commission                             | 2                                                   | 4th Wed.                        | Jennifer Lovvorn        | OED                 | YES                                                    |                                                   |
| Elmwood BID Advisory Board                        | 1                                                   | Contact Secretary               | Kieron Slaughter        | OED                 | YES                                                    |                                                   |
| Loan Administration Board                         | 0                                                   | Contact Secretary               | Kieron Slaughter        | OED                 | YES                                                    |                                                   |
| Solano Avenue BID Advisory Board                  | 2                                                   | Contact Secretary               | Eleanor Hollander       | OED                 | YES                                                    |                                                   |
| Design Review Committee                           | 6                                                   | 3rd Thur.                       | Anne Burns              | PLD                 | YES                                                    | Have been meeting regularly under COVID Emergency |
| Energy Commission                                 | 0                                                   | 4th Wed.                        | Billi Romain            | PLD                 | YES                                                    |                                                   |
| Landmarks Preservation Commission                 | 6                                                   | 1st Thur.                       | Fatema Crane            | PLD                 | YES                                                    | Have been meeting regularly under COVID Emergency |
| Planning Commission                               | 3                                                   | 1st Wed.                        | Alene Pearson           | PLD                 | YES                                                    | Have been meeting regularly under COVID Emergency |
| Zoning Adjustments Board                          | 11                                                  | 2nd & 4th Thur.                 | Shannon Allen           | PLD                 | YES                                                    | Have been meeting regularly under COVID Emergency |
| Parks and Waterfront Commission                   | 4                                                   | 2nd Wed.                        | Roger Miller            | PRW                 | YES                                                    |                                                   |
| Commission on Disability                          | 0                                                   | 1st Wed.                        | Dominika Bednarska      | PW                  | YES                                                    |                                                   |
| Public Works Commission                           | 4                                                   | 1st Thur.                       | Joe Enke                | PW                  | YES                                                    |                                                   |
| Zero Waste Commission                             | 0                                                   | 4th Mon.                        | Heidi Obermeit          | PW                  | YES                                                    |                                                   |
| Commission on the Status of Women                 | 0                                                   | 4th Wed.                        | Shallon Allen           | CM                  | YES - LIMITED                                          | Secretary has intermittent COVID assignments      |

November 10, 2020 - Item 20  
Supplemental Information

| <u>Boards and Commissions</u>               | <u>Meetings Held Under COVID March - Oct</u> | <u>Regular Mtg. Date</u> | <u>Secretary</u>   | <u>Dept.</u> | <u>Resume Regular Schedule in January 2021?</u> | <u>Note</u>                                            |
|---------------------------------------------|----------------------------------------------|--------------------------|--------------------|--------------|-------------------------------------------------|--------------------------------------------------------|
| Commission on Aging                         | 0                                            | 3rd Wed.                 | Richard Castrillon | HHCS         | REDUCED FREQUENCY                               | Significant Dept. resources assigned to COVID response |
| Housing Advisory Commission                 | 0                                            | 1st Thur.                | Mike Uberti        | HHCS         | REDUCED FREQUENCY                               | Significant Dept. resources assigned to COVID response |
| Measure O Bond Oversight Committee          | 0                                            | 3rd Monday               | Amy Davidson       | HHCS         | REDUCED FREQUENCY                               | Significant Dept. resources assigned to COVID response |
| Transportation Commission                   | 2                                            | 3rd Thur.                | Farid Javandel     | PW           | REDUCED FREQUENCY                               | Staff assigned to COVID response                       |
| Children, Youth, and Recreation Commission  | 0                                            | 4th Monday               | Stephanie Chu      | PRW          | NO - SEPT 2021                                  | Staff assigned to COVID response                       |
| Youth Commission                            | 0                                            | 2nd Mon.                 | Ginsi Bryant       | PRW          | NO - SEPT 2021                                  | Staff assigned to COVID response                       |
| Community Environmental Advisory Commission | 0                                            | 2nd Thur.                | Viviana Garcia     | PLD          | NO - JUNE 2021                                  | Staff assigned to COVID response                       |
| Cannabis Commission                         | 0                                            | 1st Thur.                | VACANT             | PLD          | NO - JAN. 2022                                  | Staff vacancy                                          |
| Peace and Justice Commission                | 0                                            | 1st Mon.                 | VACANT             | CM           | NO                                              | Staff vacancy                                          |
| Commission on Labor                         | 0                                            | 3rd Wed., alternate mon  | Kristen Lee        | HHCS         | NO                                              | Staff assigned to COVID response                       |
| Personnel Board                             | 1                                            | 1st Mon.                 | La Tanya Bellow    | HR           | NO                                              | Staff assigned to COVID response                       |

## RESOLUTION NO. 69,331-N.S.

RATIFYING THE RECOMMENDATIONS ISSUED BY THE DIRECTOR OF EMERGENCY SERVICES AND THE PUBLIC HEALTH OFFICER REGARDING MEETINGS OF BERKELEY LEGISLATIVE BODIES IN RESPONSE TO THE COVID-19 (NOVEL CORONAVIRUS) PANDEMIC

WHEREAS, on March 3, 2020, pursuant to Berkeley Municipal Code section 2.88.040, the City Manager, serving as the Director of Emergency Services, proclaimed the existence of a local emergency; and

WHEREAS, the proclamation was warranted by virtue of the extreme peril to the safety of persons and property in the City caused by pandemic in the form of the global spread of a severe acute respiratory illness caused by a novel (new) coronavirus ("COVID-19"), including confirmed cases in California and the San Francisco Bay Area, and presumed cases in Alameda County prompting the County to declare a local health emergency; and

WHEREAS, the proclamation of the Director of Emergency Services was ratified by the City Council on March 10, 2020; and

WHEREAS, the continued spread of COVID-19 and increase in community transmission cases in surrounding counties warrant further measures be taken by the City to protect the community; and

WHEREAS, the Public Health Officer has issued guidelines for limiting mass gatherings; and

WHEREAS, certain limitations on the meetings of legislative bodies in the City of Berkeley is warranted; and

WHEREAS, the continued essential functions of the City and certain legislative bodies must continue for time-sensitive, legally mandated actions; and

WHEREAS, the Director of Emergency Services presented recommendations to the Agenda & Rules Committee on March 12, 2020 regarding the meetings of legislative bodies; and

WHEREAS, the Agenda & Rules Committee recommended that said recommendations be forwarded to the City Council for acknowledgement and ratification.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the following recommendations issued by the Director of Emergency Services and the Public Health Officer regarding limitations and practices for legislative bodies of the City of Berkeley are hereby acknowledged and ratified:

## Section 1. Boards and Commissions

Commissions listed below may continue to meet only if they have time-sensitive, legally mandated business to complete, as determined by the Director of Emergency Services. The City may consider teleconferencing for these commissions, if feasible.

Design Review Committee  
Fair Campaign Practices Commission  
Housing Advisory Commission (limited to quasi-judicial activities)  
Joint Subcommittee on the Implementation of State Housing Laws  
Landmarks Preservation Commission  
Open Government Commission  
Personnel Board  
Planning Commission  
Police Review Commission  
Zoning Adjustments Board

Commissions in Category B shall not meet for a period of 60 days. This will be re-evaluated at the Agenda & Rules Committee meeting on April 13, 2020. A Commission in Category B may convene a meeting if it has time-sensitive, legally-mandated business to complete, as determined by the Director of Emergency Services.

### Category B

Animal Care Commission  
Cannabis Commission  
Civic Arts Commission  
Children, Youth, and Recreation Commission  
Commission on Aging  
Commission on Disability  
Commission on Labor  
Commission on the Status of Women  
Community Environmental Advisory Commission  
Community Health Commission  
Disaster and Fire Safety Commission  
Elmwood Business Improvement District Advisory Board  
Energy Commission  
Homeless Commission  
Homeless Services Panel of Experts  
Housing Advisory Commission  
Human Welfare and Community Action Commission  
Measure O Bond Oversight Committee  
Mental Health Commission  
Parks and Waterfront Commission  
Peace and Justice Commission  
Public Works Commission  
Solano Avenue Business Improvement District Advisory Board  
Sugar-Sweetened Beverage Product Panel of Experts



Transportation Commission  
Youth Commission  
Zero Waste Commission  
Loan Administration Board

Section 2. City Council Policy Committees

The Agenda & Rules Committee and the Budget & Finance Committee may continue to meet to fulfill their legislative and advisory responsibilities. All other Policy Committees (Facilities, Infrastructure, Transportation, Environment & Sustainability, Public Safety, Land Use, Housing & Economic Development, and Health, Life Enrichment Equity & Community) are suspended indefinitely. The 120-day deadline to consider an item will be tolled during the suspension of business.

Section 3. City Council


For City Council meetings, the City will continue to advise and implement social distancing by limiting the capacity of the Council Chambers, providing an overflow room, attempting to limit the duration of the meeting, only conducting essential business, and limiting or suspending ceremonial items. The City will adhere to and implement the provisions of the Governor's Executive Order #N-25-20 related to the Brown Act and the utilization of technology to facilitate participation.

The foregoing Resolution was adopted by the Berkeley City Council on March 17, 2020 by the following vote:

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

Noes: None.

Absent: None.

  
\_\_\_\_\_  
Jesse Arreguin, Mayor

Attest:   
\_\_\_\_\_  
Mark Numalville, City Clerk



Office of the City Manager

October 22, 2020

To: Berkeley Boards and Commissions

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

Subject: Commission Meetings During COVID-19 Emergency

This memo serves to provide a summary and update of the status of meetings of Berkeley Boards and Commissions during the COVID-19 emergency declaration.

On March 10, 2020, the City Council ratified the proclamation of the Director of Emergency Services for a state of local emergency related to the COVID-19 pandemic. The emergency proclamation has been renewed twice by the Council and remains in effect.

On March 17, 2020, the City Council adopted Resolution No. 69,331-N.S. which placed limitations of the meetings of City legislative bodies, including all boards and commissions. The resolution allows for commissions to meet to conduct time-sensitive, legally mandated business with the authorization of the City Manager. Since that time, several commissions have obtained this approval and held meetings; many other commissions have not met at all since March.

The City Manager has periodically reviewed the status of commission meetings with the City Council Agenda & Rules Committee. Recently, at the October 12, 2020, Agenda & Rules Committee meeting, the City Manager presented a proposal to allow all commissions to meet under limited circumstances. The Committee voted to endorse the City Manager's recommendation.

Effective October 12, 2020, all City boards and commissions may meet once to develop and finalize their work plan for 2021 and to complete any Council referrals directly related to the COVID-19 pandemic response. A second meeting may be held to complete this work with specific authorization by the City Manager. It is recommended that the meeting(s) occur by the end of February 2021.

Commissions that have been granted permission to meet under Resolution No. 69,331-N.S. may continue to meet pursuant to their existing authorization, and may also meet to develop their 2021 work plan.

Commissions that have not requested meetings pursuant to the Resolution No. 69,331-N.S. may meet pursuant to the limitations listed above.

To assist commissions with the development of their work plan and to provide the City Council with a consistent framework to review the work plans, the City Manager has developed the following items to consider in developing the work plan that is submitted to the City Council agenda.

Prompts for Commissions to use in work plan:

- What commission items for 2021 have a direct nexus with the COVID-19 response or are the result of a City Council referral pertaining to COVID-19?
- What commission items for 2021 are required for statutory reasons?
- What commission items for 2021 are required for budgetary or fund allocation reasons?
- What commission items for 2021 support council-adopted or voter-adopted mission critical projects or programs?
- What are the anticipated staff demands (above and beyond baseline) for analysis, data, etc., to support commission work in 2021 (baseline duties = posting agendas, creating packets, attend meetings, minutes, etc.)?

The limitations on commission meetings are due to the need to direct staff resources and the resources of city legislative bodies to the pandemic response. Many of the staff assigned as commission secretaries are engaged in work with the City Emergency Operations Center or have been assigned new specific duties related to the impacts of the pandemic.

Meeting frequency for boards and commissions will continue to be evaluated on a regular basis by the City Manager in consultation with Department Heads and the City Council. More frequent meetings by commissions will be permitted as the conditions under COVID-19 dictate.

Thank you for your service on our boards and commissions. The City values the work of our commissions and we appreciate your partnership and understanding as we address this pandemic as a resilient and vibrant community.

Attachments:

1. Resolution 69,331-N.S.
2. List of Commissions with Meeting Data

cc: Mayor and City Councilmembers  
Senior Leadership Team

RESOLUTION NO. 69,331-N.S.

RATIFYING THE RECOMMENDATIONS ISSUED BY THE DIRECTOR OF EMERGENCY SERVICES AND THE PUBLIC HEALTH OFFICER REGARDING MEETINGS OF BERKELEY LEGISLATIVE BODIES IN RESPONSE TO THE COVID-19 (NOVEL CORONAVIRUS) PANDEMIC

WHEREAS, on March 3, 2020, pursuant to Berkeley Municipal Code section 2.88.040, the City Manager, serving as the Director of Emergency Services, proclaimed the existence of a local emergency; and

WHEREAS, the proclamation was warranted by virtue of the extreme peril to the safety of persons and property in the City caused by pandemic in the form of the global spread of a severe acute respiratory illness caused by a novel (new) coronavirus ("COVID-19"), including confirmed cases in California and the San Francisco Bay Area, and presumed cases in Alameda County prompting the County to declare a local health emergency; and

WHEREAS, the proclamation of the Director of Emergency Services was ratified by the City Council on March 10, 2020; and

WHEREAS, the continued spread of COVID-19 and increase in community transmission cases in surrounding counties warrant further measures be taken by the City to protect the community; and

WHEREAS, the Public Health Officer has issued guidelines for limiting mass gatherings; and

WHEREAS, certain limitations on the meetings of legislative bodies in the City of Berkeley is warranted; and

WHEREAS, the continued essential functions of the City and certain legislative bodies must continue for time-sensitive, legally mandated actions; and

WHEREAS, the Director of Emergency Services presented recommendations to the Agenda & Rules Committee on March 12, 2020 regarding the meetings of legislative bodies; and

WHEREAS, the Agenda & Rules Committee recommended that said recommendations be forwarded to the City Council for acknowledgement and ratification.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the following recommendations issued by the Director of Emergency Services and the Public Health Officer regarding limitations and practices for legislative bodies of the City of Berkeley are hereby acknowledged and ratified:

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

Noes: None.

Absent: None.

  
\_\_\_\_\_  
Jesse Arreguin, Mayor

Attest:   
\_\_\_\_\_  
Mark Numalville, City Clerk



