



Community Environmental Advisory Commission

ACTION CALENDAR

November 18, 2014

To: Honorable Mayor and Members of the City Council  
 From: Community Environmental Advisory Commission  
 Submitted by: Max Gomberg, Chair, Community Environmental Advisory Commission  
 Subject: City Repaving Plan and Green Infrastructure

RECOMMENDATION

Require the Department of Public Works to install an equivalent to one or more green infrastructure elements in every block of street that receives a paving or reconstruction treatment, except for minor repairs and slurry seals, beginning in 2016. Exceptions for streets where green infrastructure installations are infeasible shall require approval of the Public Works Commission as part of its approval of the five year paving plan.

FISCAL IMPACTS OF RECOMMENDATION

The recommendations do not increase City expenditures prior to 2019, but address how current revenues obtained from Measure M bond proceeds can be best utilized.

CURRENT SITUATION AND ITS EFFECTS

On November 6, 2012, Measure M (the Street and Watershed-Related Improvements Bond) passed with 73% of the electorate approving. Measure M directs bond proceeds to be spent as follows:

BE IT FURTHER RESOLVED the People of the City of Berkeley that:

A. Proceeds of bonded indebtedness shall be used to construct the following facilities (“Improvements”):

1. Street repaving and rehabilitation consistent with the 5 year street repaving plan as it is updated annually, and sufficient to significantly accelerate the implementation of that plan.
2. Installation of Green Infrastructure (GI), as it is defined in the Watershed Management Plan as part of the street work described in the preceding paragraph, when appropriate. GI includes, but is not limited to: (a) surface level bio-retention measures (rain gardens, swales, bio-retention cells, permeable paving, etc.) within the parking strip, planter area of sidewalks, red zone curb-extensions, and in street medians as feasible; and (b) large underground storage pipes, which would fill during storm events and then discharge metered flows into the existing storm drain pipelines.

For purposes of this measure, “Improvements” shall also include design, permitting, administrative and overhead costs.

On November 19, 2013, the Council approved the five year paving plan and directed the Public Works Department to begin use of the Measure M funds. The Department developed a 2014-15 street paving plan and has now identified streets for paving in 2016 as well. In total, the Department plans on reconstructing over 9 miles of streets in the 2014-2016 time period. The Department has identified six green infrastructure projects to be completed during this time period. The Department's plan allocates approximately 75% of Measure M funds to paving and the remaining 25% to green infrastructure projects, including the permeable pavement pilot on Allston Way. The non-Measure M paving budget does not include any money for green infrastructure. The table below provides a breakdown of the 2014-2016 funding allocation.

	2014	2015	2016	Total
Paving budget	\$4.4 million	\$9.9 million	8.3 million	\$22.6 million
Measure M Contribution	\$2.5 million	\$6 million	\$6 million	\$14.5 million
Green Infrastructure	\$1.65 million*	\$750,000	\$1.2 million	\$3.6 million

\* Includes \$1 million for the Allston Way permeable pavement pilot

### BACKGROUND

During 2013, representatives from the Public Works, Community Environmental Advisory, Transportation, and Parks and Waterfront Commissions, along with the League of Women Voters and City staff conducted three community workshops to gather community input on how to allocate Measure M revenues. This working group produced the attached report, which was previously submitted to Council. The report recommends the use of a scorecard for selecting streets for paving and green infrastructure and includes criteria for evaluating the effectiveness of Measure M expenditures. Public Works Department staff have stated that they have incorporated the recommendations from the report into their 2014-2016 expenditure plans.

On March 25, 2014, the Public Works Department presented its 2014 Update to the 5-year paving plan to the Public Works Commission's Measure M subcommittee. The Chairs of CEAC and the Parks and Waterfront Commissions were also in attendance. The Public Works staff report indicated that 2014 street paving work would commence by May and that contracts for the four selected green infrastructure projects would be finalized in May 2014. The report anticipates receiving Council approval for 2014-2016 Measure M expenditures in June 2014.

### ENVIRONMENTAL SUSTAINABILITY

Street paving does not enhance environmental sustainability. First, continued street paving only exacerbates the flooding problems in the city, particularly in the Potter watershed. Pavement is impermeable and increases storm flows during a rain event. Green infrastructure provides areas for stormwater to infiltrate porous media and reduces peak flows and flooding. This added flooding protection can serve to increase the city's resiliency to the less frequent but more intense rainstorms expected from

climate change. Second, infiltration of stormwater aids environmental sustainability by reducing the volume of pollutants that enter San Francisco Bay. Third, street improvements that enhance low-carbon transportation use and reduce personal vehicle use, such as bike lanes and use of parking spaces for green infrastructure improve environmental sustainability.

#### RATIONALE FOR RECOMMENDATION

The current 2014-2016 Measure M expenditure plan fulfills neither the letter nor the spirit of Measure M. The bond language specifies that green infrastructure shall be installed as part of the paving work **when appropriate** (emphasis added). As explained in the Watershed Management Plan, the City's stormwater management program is significantly underfunded. Moreover, the Watershed Management Plan provides detailed information about green infrastructure, and includes specific project needs in the Codornices and Potter watersheds. CEAC contends that it is appropriate to install green infrastructure in every street paving project unless there are specific mitigating circumstances that preclude its installation. Green infrastructure installation is appropriate because it provides multiple benefits to a street and the community as a whole. These benefits include: reduced flooding, reduced pollution entering San Francisco Bay, improved street aesthetics, increased property values, and increased groundwater recharge, among others. Public Works' staff has not made any determination that the six green infrastructure installations budgeted for 2014-2016 are the only appropriate green infrastructure projects they were able to identify.

On June 12, 2014, the CEAC voted in favor of requiring green infrastructure in the paving plan after 2019 with the following vote:

M/S/C: Varnhagen, Gomberg. Ayes: Liz Varnhagen, Andrew Torkelson, Max Gomberg, Michael Goldhaber, Luis Amezcua. Noes: Greg Magofña. Abstain: Eric Panzer. Carried.

#### Minority Opinion.

While the minority does support the intent of this recommendation, it does not support its implementation as currently phrased. While it is agreed that Measure M money should be used to fund green infrastructure projects, this recommendation would require new green infrastructure projects in perpetuity for all repaving projects regardless of whether measure M funded or if green infrastructure already exists. This proposal also hasn't analyzed the costs associated with green infrastructure projects or the possible trade off of certain street projects potentially being delayed to fund others. This proposal could also mean that over long periods of time, a certain street, if on its second or third repaving, may be required to add more and more new green infrastructure projects on top of any previous additions.

ALTERNATIVE ACTIONS CONSIDERED

On May 8, 2014 the CEAC considered recommending a dedicated level of Measure M funding for green infrastructure but determined that the proposal presented here provides better flexibility for City staff and is consistent with the Measure M language.

CITY MANAGER

See companion Public Works Commission report for City Manager's position. The City Manager has stated that she concurs with the content and recommendations of the Public Works Commission's report.

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