



CONSENT CALENDAR
Nov. 14, 2023

To: Honorable Mayor and Members of the City Council
From: Councilmember Taplin, Vice Mayor Bartlett (co-sponsor), Councilmember Kesarwani (co-sponsor)
Subject: Berkeley Green New Deal: Just Transition Framework for the General Plan's Environmental Justice Element ~~Just Transition Framework for West Berkeley Plan Amendments~~

RECOMMENDATION

Refer ~~consideration of the following concepts~~ to the Land Use, Housing, and Economic Development (LUHED) Policy Committee; City Manager; Planning Commission; and Environment and Climate Commission ~~consideration of the following concepts for inclusion in General Plan amendments to study and recommend a~~ Amendments to the ~~West Berkeley Plan pursuant~~ pursuant to California Government Code Section 65302(h) to advance the city's environmental justice goals under a Just Transition Framework:-

~~At a minimum, consider the following concepts:~~

- Just Transition principles adopted by City Council in Resolution No. 70,171-N.S. "Resolution Committing the City of Berkeley to a Just Transition from Fossil Fuels and the Creation of a West Berkeley and South Berkeley Green New Deal";
- EcoDistricts Protocol and possible EcoDistricts certification incorporated into a Community Engagement Plan;
- Climate Resilience Hubs;
- ~~Indigenous Land Rematriation;~~
- Transportation Demand Management (TDM) planning to reduce Vehicle Miles Traveled (VMT) per capita by at least 25% by 2030;
- The development of a workforce development board to increase equitable access to green jobs and accelerate the fossil-free economy,
- ~~Promotiong and protectionng of arts and cultural uses. Consider robust incentives, development standards and/or mitigations in Protected Uses (Berkeley Municipal Code 23.206.050) for Media Production, Theater, Live Entertainment, Art/Craft Studio, and/or other arts and cultural uses.~~
- ~~Continued modernization and preservation protected manufacturing space and incentivised use of the West Berkeley Buidlings Acquisition Fund~~
- ~~Establishment of comprehensive plan for resource management and long-range recreational use at Aquatic Park,~~

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~~In addition, apply the above concepts for the consideration of a Master Plan, Natural Resources Management Plan, or other comprehensive plan for the protection and maintenance of Aquatic Park.~~

FINANCIAL IMPLICATIONS

Staff time TBD, est. \$125,000 for 1 FTE Senior Planner. Planning staff estimates that capacity for additional Specific Area Plan work to be available in Fiscal Year 2025 at the earliest. Currently, San Pablo Avenue Specific Area Plan work is supported by grant funding from the Metropolitan Transportation Commission’s Priority Development Area (PDA) program. Other grant funding opportunities, such as the Priority Conservation Area (PCA) and Priority Production Area (PPA) programs¹, or the California Strategic Growth Council’s Transformative Climate Communities² program, may also be available in future grant cycles.

CURRENT SITUATION AND ITS EFFECTS

Since the passage of SB 1000 (2016), California Government Code Section 65302(h) requires an Environmental Justice Element and/or related Elements in municipal General Plans to:

(A) Identify objectives and policies to reduce the unique or compounded health risks in disadvantaged communities by means that include, but are not limited to, the reduction of pollution exposure, including the improvement of air quality, and the promotion of public facilities, food access, safe and sanitary homes, and physical activity.

(B) Identify objectives and policies to promote civic engagement in the public decisionmaking process.

(C) Identify objectives and policies that prioritize improvements and programs that address the needs of disadvantaged communities. (See Attachment 6)

The City of Berkeley has incorporated Environmental Justice policies in its plans, most recently in its 2023 Housing Element Update. However, many area plans such as the most recent update to the West Berkeley Plan³, adopted in 2011⁴ (see Attachment 7), predates SB1000 requirements.

This ~~contributes and other factors will contribute~~ to a growing need to update area planning ~~the West Berkeley Plan~~, with recent accomplishments including: a renewed

¹ Metropolitan Transportation Commission: Land Use Programs. <https://mtc.ca.gov/planning/land-use>

² California Strategic Growth Council: Transformative Climate Communities. <https://sqc.ca.gov/programs/tcc/>

³ City of Berkeley. (1993, Dec. 14.) Resolution 57,301-N.S. Adopting the Certification of Environmental Impact Report for the West Berkeley Plan...The West Berkeley Plan as an Area Plan and as an Amendment to the City of Berkeley Master Plan. https://berkeleyca.gov/sites/default/files/2022-03/12_14_1993%3B%20CLK%20-%20Resolution%3B%20City%20Council%3B%2057301%3B%20West%20Berkeley%20Area%20Plan%3B.pdf

⁴ https://berkeleyca.gov/sites/default/files/2022-03/3_22_2011%3B%20CLK%20-%20Resolution%3B%20City%20Council%3B%2065210%3B%20%3B%20West%20Berkeley%20Project%20Amending%20the%20West%20Berkeley%20Plan%20and%2C%20by%20Reference%2C%20the%20General%20Plan.pdf

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Development Agreement with Bayer⁵ (formerly Miles Corp) in 2021, which funded a West Berkeley Fund for community infrastructure and resilience; removal of minimum parking requirements; expansion of Research and Development (R&D)⁶ uses to Manufacturing zones, including development of a Manufacturing - Research & Development (M-RD)⁷ zone; development of a San Pablo Avenue Specific Area Plan.⁸ While no single policy change will be a silver bullet, these and future efforts must inevitably also mitigate the impacts of anthropogenic climate change such as rising groundwater⁹; and the overall increasing risk of flooding, fires, and other natural disasters due to anthropogenic climate change.¹⁰

The increasing local demand for services and environmental mitigations, in tandem with historic investments in green energy and advanced manufacturing through the Inflation Reduction Act and the CHIPS and Science Act, present a major opportunity for the local community to reap the rewards of these challenges through workforce development. These targeted investments are intended to reduce consumer price inflation and eliminate lifecycle carbon emissions by rebuilding the material inputs of goods and services in the economy from lower-cost and renewable energy sources.¹¹ However, advanced manufacturing sectors are also facing acute workforce shortages in strategically significant goods such as semiconductors and lithium-ion batteries, with significant federal initiatives underway to address them.¹²

In partnership with the UC Berkeley College of Environmental Design, UC Chancellor's Office, and McGee Avenue Baptist Church, the District 2 Council Office supported field research and stakeholder outreach in the local community to determine top priorities for

⁵ City of Berkeley. (2021). Bayer Healthcare LLC – Amended and Restated Development Agreement. <https://newspack-berkeleyside-cityside.s3.amazonaws.com/wp-content/uploads/2021/12/2021-11-30-Item-24-Bayer-Healthcare-LLC-%E2%80%93-Amended-and-Restated-Development-Agreement-1.pdf>

⁶ Robinson, R. & Chen, A. (2022). Referral: Keep Innovation in Berkeley. <https://berkeleyca.gov/sites/default/files/documents/2022-09-13%20Item%2030%20Referral%20Keep%20Innovation%20in%20Berkeley.pdf>

⁷ City of Berkeley Planning Commission Presentation (2023, Feb. 1). https://berkeleyca.gov/sites/default/files/legislative-body-meeting-attachments/2023_02_01_Item%2012_Gilman%20Gateway%20Rezone_Presentation.pdf

⁸ City of Berkeley: San Pablo Avenue Specific Plan. <https://berkeleyca.gov/construction-development/land-use-development/general-plan-and-area-plans/san-pablo-avenue-specific>

⁹ kristina hill, Daniella Hirschfeld, Caroline Stanhope Lindquist, et al. Rising coastal groundwater as a result of sea-level rise will influence contaminated coastal sites and underground infrastructure. ESS Open Archive. May 25, 2023. DOI: [10.22541/essoar.168500245.55690018/v1](https://doi.org/10.22541/essoar.168500245.55690018/v1)

¹⁰ City of Berkeley: January 2023 Disaster Preparedness Notice. <https://berkeleyca.gov/community-recreation/news/rains-and-winds-continue-stay-alert-and-safe-while-still-reporting>

¹¹ Glass, A. & Walter, K. (2022). How Biden's American-Style Industrial Policy Will Create Quality Jobs. Center for American Progress. Retrieved 16 May, 2024 from <https://www.americanprogress.org/article/how-bidens-american-style-industrial-policy-will-create-quality-jobs/>

¹² Department of Energy. (2022, March 18). Press Release: <https://www.energy.gov/articles/doe-announces-5-million-launch-lithium-battery-workforce-initiative>

a Just Transition, and echoing President Biden's position on tackling climate change ("jobs, jobs, jobs"), most responses focused on the need for gainful employment and income support. These are related but distinct goals: while cash transfer programs such as a basic income may be necessary to address short-term needs, education and career development also can provide a sense of community belonging and self-actualization independent of monetary compensation. Accordingly, workforce development has been central to the City Council's reparative justice efforts, including support for Career Technical Education in the Bayer Development Agreement (see footnote 4) and a referral to study municipal support for reentry employment.¹³

While the City of Oakland¹⁴ and the City of Richmond¹⁵ both have municipal Workforce Development Boards that allocate federal Workforce Innovation and Opportunity Act (WIOA) grants and offer America's Job Centers of California (AJCC) services, Berkeley residents can only rely on the Alameda County Workforce Development Board for these services. The above Workforce Development Boards, along with the Contra Costa County Workforce Development Board, have jointly adopted a 2021-2024 Regional Plan under East Bay Regional Planning Unit as EastbayWorks.¹⁶ Research in a forthcoming paper from Cuiffo & Sarkodie (2024) finds that this has resulted in a significant gap in workforce development outlays per capita.

Berkeley investing local funds into workforce development to bridge this gap would have significant reparative justice benefits, as the EastbayWorks 2021-2024 Regional Plan identifies low-income communities at risk of displacement concentrated in West Berkeley, and at least 25% of Alameda County's largest employers located in the City of Berkeley.

Research for an Environmental Justice Element would thus naturally overlap with implementation of Just Transition principles vis a vis workforce development.

~~Since 2011, the City of Berkeley has also made major investments in West Berkeley's parks and open spaces, including the Aquatic Park Central Tide Tubes Repair Sediment Removal (\$438,000 from Measure T1, \$375,000 from Parks Tax)¹⁷ and \$385,000 for Aquatic Park maintenance and improvements from the Bayer Development Agreement. The next budget cycle includes major projects under the Fiscal Year 2023-2027 Capital Improvement Program: *Development of a new park at the Santa Fe Right of Way, funded by a \$5M Prop 68 grant, and Construction management and inspection of \$3M*~~

¹³ <https://berkeleyca.gov/sites/default/files/documents/2022-12-06%20Item%2006%20Office%20of%20Racial%20Equity.pdf>

¹⁴ <https://www.oaklandca.gov/topics/2021-24-local-plan>

¹⁵ <https://www.ci.richmond.ca.us/DocumentCenter/View/57308/RWDB-PY-2021-24-Local-Plan-FINAL?bidId=>

¹⁶ <https://www.eastbayworks.com/wp-content/uploads/2021/03/EBRPU-Regional-Plan-03-11-21.pdf>

¹⁷ [City of Berkeley: Measure T1 Update. \(2022\). https://berkeleyca.gov/sites/default/files/2022-03/T1-Brochure.pdf](https://berkeleyca.gov/sites/default/files/2022-03/T1-Brochure.pdf); see also Footnote 5.

~~Aquatic Park improvements negotiated as part of the 600 Addison development (Parks Tax).¹⁸~~

~~However, as of September 2023, the Aquatic Park lagoon has been issued a state water quality Yellow advisory for *Enterococcus* bacteria, an indicator for possible presence of human health risks, for 11 non-consecutive weeks in 2023 so far.¹⁹~~

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~~Moreover, zoning protections in Mixed Manufacturing (MM) and Mixed Use Light Industrial (MULI) under Berkeley Municipal Code 23.206.050 have not been revised since 1993. While the 2011 amendments revised permitted and disallowed uses in M-zones, the Protected Uses and Mitigations have not changed. The BMC includes the following tables illustrating the applicability of Protected Land Uses in Manufacturing Zones, and Permits required for changing uses therein.~~

~~Table 23.206-5. PROTECTED INDUSTRIAL USES~~

Zoning District	Protected Industrial Uses	Applicability of Requirements
MM	Manufacturing, warehousing, wholesale trade	Ground-level protected uses on or after January 1, 1988 [1]
MU-LI	Material recovery enterprise, manufacturing, warehousing, wholesale trade	Buildings with 33% protected use on or after January 1, 1996 [1]

~~Note:~~

~~[1] Includes protected uses that were previously used on or after this date but now vacant.~~

~~Table 23.206-6. PERMITS REQUIRED FOR CHANGES TO PROTECTED LAND USES~~

Zoning District	Change to Protected Use	Permit Required
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¹⁸ ~~City of Berkeley: Adopted FY23-27 Capital Improvement Program. https://berkeleyca.gov/sites/default/files/documents/FY_23-27_Capital_Improvement_Program_0.pdf~~

¹⁹ ~~City of Berkeley: Aquatic Park Enterococcus Sampling Results (2023). https://berkeleyca.gov/sites/default/files/documents/AP_Water_Quality_Results_32.pdf~~

MM	<i>Change any amount of ground-floor protected use to a non-protected use</i>	UP(PH)
MU-LI	<i>Change less than or equal to 20,000 sq. ft. or less than or equal to 25% of protected use to a non-protected use</i>	AUP
	<i>Change over 20,000 sq. ft. or 25% of protected use to a non-protected use</i>	UP(PH)

Since the 1993 Plan adoption, the West Berkeley community has grown increasingly concerned with the protection of performing arts and media production spaces.²⁰ With increasing investment into and possible expansion of Research & Development firms, the resilience of local cultural institutions in the wake of COVID-19 disruptions remains a major vulnerability.

Evidence for the need to update Protected Uses and Mitigations in Manufacturing zones can be further inferred from the relative obscurity of specific subsections. In order to qualify for a Use Permit (UP) to change 25% or more of a protected use in a MU-LI zone in the above table, BMC 23.206.050(A)(3)(b)(ii) requires, in addition to replacement space, the following findings:

(1) As a result of lawful business and building activities, there are exceptional physical circumstances (exclusive of the presence of hazardous materials in the building(s), soil or groundwater) found at the building not generally found in industrial buildings in the MU-LI district which make it financially infeasible to reuse the building for any of protected industrial uses permitted in the district. The analysis of the financial feasibility effects (which shall be verified by the City) of these physical circumstances shall consider those costs necessary to make the building meet current minimum standards for manufacturing, wholesale trade or warehouse buildings.

*(2) Appropriate mitigation has been made for loss of the protected industrial use space in excess of 25 percent of that space through **providing such space elsewhere in the City, payment into the West Berkeley Building Acquisition Fund, or by other appropriate means.** [emphasis added]*

However, City staff have identified only one payment to the Fund in 1993, the full balance of which was issued in a loan to assist Urban Ore in 2012 (see Attachments 10

²⁰ Dinkelspiel, F. (2018). Fantasy Studios, internationally renowned film and music studio, to close its doors. *Berkeleyside*. <https://www.berkeleyside.org/2018/07/29/berkeley-fantasy-studios-an-internationally-renowned-film-and-music-studio-to-close-its-doors>
 Noted in the article: building owners, operators, and the City of Berkeley “all jointly fund the Berkeley Film Foundation, which supports local filmmakers.”

~~and 11). It is thus unclear if the mitigations are intended only to discourage changes to protected uses (in which case these provisions may be effective, albeit indirectly) or to actively mitigate them through a specific, active fund. After three decades, City staff and Commissioners should study more robust protected uses and mitigations with respect to the community's intended outcomes.~~

~~Establishing an Environmental Justice Element in the General Plan pursuant to California Government Code Section 65302(h) is a Strategic Plan Priority Project, advancing our goal to: be a global leader in addressing climate change, advancing environmental justice, and protecting the environment.~~

BACKGROUND

Just Transition Principles

On December 14, 2021, the Berkeley City Council adopted Resolution No. 70,171–N.S. “Resolution Committing the City of Berkeley to a Just Transition from Fossil Fuels and the Creation of a West Berkeley and South Berkeley Green New Deal” as revised (see Attachments 1 and 2). A Just Transition framework for West Berkeley Plan Amendments should be developed such that civil engagement and centering the needs of disadvantaged communities comprise an interrelated process.

The District 2 Council Office has convened several meetings of a West Berkeley Green New Deal Ad Hoc Working Group, whose work is still ongoing. The Ad Hoc Working Group expressed consensus that heavily impacted and disadvantaged communities that should be centered in a Just Transition include, at a minimum: **seniors; unhoused residents; low-income households; disabled or mobility-impaired residents; Black, Indigenous, and People of Color (BIPOC); and LGBTQIA+ residents.**

The transition away from fossil fuels must ensure that the most vulnerable in our society are protected from both the turbulence of restructuring our entire economy and the effects of global warming that the community is already facing. The core premise is: “Transition is inevitable. Justice is not.”²¹ The environmental justice movement calls this approach to the climate crisis a “Just Transition.”

Transition is inevitable. In macroeconomic terms, any government actively working to change the composition of household consumer demand (e.g. rapid industrialization amid World Wars, a green transition, etc) will face significant distributional problems from shocks to energy and raw material costs, which manifest in price levels and/or

²¹ Climate Justice Alliance. (2018). Just Transition Principles. *Climate Justice Alliance*. https://climatejusticealliance.org/wp-content/uploads/2018/06/CJA_JustTransition_Principles_final_hirez.pdf

rationing. We are already confronting such shocks locally and globally. As recent inflationary episodes and supply shocks following the COVID-19 pandemic and the 2022 Russian invasion of Ukraine have demonstrated, reliance on the fossil fuel economy increasingly undermines price stability.²² Just Transition principles are partially intended to proactively mitigate both the threat of wage deflation for households depending on labor income from fossil fuel industries, and the inflationary pressures of unprecedented supply shocks. In a complementary framework, the Green New Deal²³ proposed by Democratic lawmakers²⁴, some aspects of which have been passed in the Inflation Reduction Act of 2022, was designed to increase domestic high-road employment²⁵ and capacity in green energy industries to manage this transition equitably.

A Just Transition is possible. While fossil fuel supply chains must end, other resilient supply chains must replace our community's changing needs. Renewable energy and electricity transmission will have to grow to meet increasing demands for vehicle and building electrification to replace petroleum and natural gas; batteries, solar panels, and wind farms must replace oil rigs and coal mines. Californians will have to shift at least 25% of their automobile trips to other modes of transportation while converting the rest to electric vehicles²⁶, aided by more energy-efficient housing, public transit, and e-bike access. All of this will be made possible in part by Berkeley's growing innovation ecosystem of high-wage STEM employment in green energy technology and life sciences. To illustrate, over one third of employees in Alameda County's growing life sciences sector had no college degree²⁷. The federal government is also increasing public sector fiscal capacity for clean energy development through direct pay provisions for municipal and nonprofit entities in the Inflation Reduction Act of 2022.²⁸

²² Weber, Isabella M.; Jauregui, Jesus Lara; Teixeira, Lucas; and Nassif Pires, Luiza, "Inflation in Times of Overlapping Emergencies: Systemically Significant Prices from an Input-output Perspective" (2022). *Economics Department Working Paper Series*. 340.

<https://doi.org/10.7275/0c5b-6a92>

²³ Carlock, G. & Mangan, E. (2018). A Green New Deal. *Data for Progress*.

https://www.filesforprogress.org/pdfs/Green_New_Deal.pdf

²⁴ House Resolution 109. (2019). <https://www.congress.gov/116/bills/hres/109/BILLS-116hres109ih.pdf>

²⁵ Williams, M., et al. (2022). The Inflation Reduction Act Provides Pathways to High-Quality Jobs. *Center for American Progress*. <https://www.americanprogress.org/article/the-inflation-reduction-act-provides-pathways-to-high-quality-jobs/>

²⁶ https://ww2.arb.ca.gov/sites/default/files/2018-11/Final2018Report_SB150_112618_02_Report.pdf

²⁷ City of Berkeley Staff Report: Business Support Zoning Amendment Referrals – Research and Development. (2021, June 20). pp. 13-56. <https://berkeleyca.gov/sites/default/files/legislative-body-meeting-agendas/2021-10-06%20PC%20Agenda%20Packet.pdf>

²⁸ Lala, C. (2023). Direct pay: an uncapped promise of the Inflation Reduction Act. *Center for Public Enterprise*. Retrieved from <https://static1.squarespace.com/static/622cca56a2f5926affd807c6/t/64257e7047150f31bf02e7cf/1680178800773/Direct+Pay+101+-+Center+for+Public+Enterprise.pdf>

Just Transition policies are already being enacted globally. For example, in Poland, a 75% decline in coal mining jobs was coupled by a mining social package and special privileges for mining communities. Canada's efforts to phase out coal-powered electricity have been accompanied by a national stakeholder task force that has traveled the country to hear from Canadians on how to justly shepherd the transition. Egypt's fuel price increases were paired with minimum wage boosts, food stipends, and progressive taxation.²⁹

The Climate Justice Alliance, a climate organization at the forefront of the fight for a Just Transition, lays out the following Just Transition principles:

A Just Transition moves us toward Buen Vivir

Buen Vivir means that we can live well without living better at the expense of others. Workers, community residents, women and Indigenous Peoples around the world have a fundamental human right to clean, healthy and adequate air, water, land, food, education and shelter. We must have just relationships with each other and with the natural world, of which we are a part. The rights of peoples, communities and nature must supersede the rights of the individual.

A Just Transition creates Meaningful Work

A Just Transition centers on the development of human potential, creating opportunities for people to learn, grow, and develop to their full capacities and interests. We are all born leaders, and a regenerative economy supports and nurtures that leadership. In the process, we are transforming ourselves, each other, our communities, and our society as a whole. Meaningful work is life-affirming.

A Just Transition upholds Self Determination

All peoples have the right to participate in decisions that impact their lives. This requires democratic governance in our communities, including our workplaces. Communities must have the power to shape their economies, as producers, as consumers, and in our relationships with each other. Not only do we have the right to self determination, but self determination is one of our greatest tools to realize the world we need. The people who are most affected by the extractive economy — the frontline workers and the fenceline communities — have the resilience and expertise to be in the leadership of crafting solutions.

²⁹ Gass, P. (2019). In Search of Just Transition: Examples From Around the World. *International Institute for Sustainable Development*. <https://www.iisd.org/articles/just-transition-examples>

A Just Transition equitably redistributes Resources and Power

We must work to build new systems that are good for all people, and not just a few. Just Transition must actively work against and transform current and historic social inequities based on race, class, gender, immigrant status and other forms of oppression. Just Transition fights to reclaim capital and resources for the regeneration of geographies and sectors of the economy where these inequities are most pervasive.

A Just Transition requires Regenerative Ecological Economics

Just Transition must advance ecological resilience, reduce resource consumption, restore biodiversity and traditional ways of life, and undermine extractive economies, including capitalism, that erode the ecological basis of our collective well-being. This requires a re-localization and democratization of primary production and consumption by building up local food systems, local clean energy, and smallscale production that are sustainable economically and ecologically. This also means producing to live well without living better at the expense of others.

A Just Transition retains Culture and Tradition

Capitalism has forced many communities to sacrifice culture and tradition for economic survival. It has also defaced and destroyed land held as sacred. Just Transition must create inclusionary spaces for all traditions and cultures, recognizing them as integral to a healthy and vibrant economy. It should also make reparations for land that has been stolen and/or destroyed by capitalism, colonialism, patriarchy, genocide and slavery.

A Just Transition embodies Local, Regional, National and International Solidarity

A Just Transition must be liberatory and transformative. The impacts of the extractive economy knows no borders. We recognize the interconnectedness of our communities as well as our issues. Therefore, our solutions call for local, regional, national and global solidarity that confronts imperialism and militarism.

A Just Transition builds What We Need Now

We must build the world we need now. This may begin at a local small scale, and must expand to begin to displace extractive practices. We must build and flex the muscles needed to meet our communities' needs.³⁰

³⁰ Climate Justice Alliance. (2018). Just Transition Principles. *Climate Justice Alliance*.
https://climatejusticealliance.org/wp-content/uploads/2018/06/CJA_JustTransition_Principles_final_hi-rez.pdf

EcoDistrict Protocol

The EcoDistrict Protocol, certified by the nonprofit Partnership for Southern Equity, offers several best practices for stakeholder engagement and community partnership for staff and the Commission to consider as part of a Just Transition framework [for West Berkeley Plan amendments](#).

Accordingly, a core premise of EcoDistrict Protocol is that “there is a growing appetite for innovation as cities seek a competitive advantage to attract talent and investment, embrace aging and historically disenfranchised populations, restore cultural integrity, enhance prosperity, and respond intelligently to a rapidly changing climate.”³¹ The Protocols emphasize three imperatives that Berkeley can and should follow: *Equity, Resilience, and Climate Protection*. These are subsequently divided into seven priorities: *place, prosperity, health and wellbeing, connectivity, living infrastructure, and resource regeneration*. These principles guide the three implementation phases that can correspond with specific area planning: *formation, road map, and performance [evaluation]*.

3 IMPERATIVES:

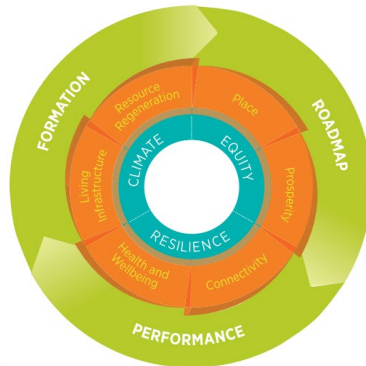
Equity, Resilience, and Climate Protection

6 PRIORITIES:

Place, Prosperity, Health and Wellbeing, Connectivity, Living Infrastructure, and Resource Regeneration

3 IMPLEMENTATION PHASES:

Formation, Roadmap, and Performance



THE PROTOCOL IS DESIGNED TO INSPIRE COMMUNITY DEVELOPMENT THAT:

- Commits to Equity, Resilience, and Climate Protection;
- Supports multi-stakeholder collaboration and governance;
- Creates a comprehensive district-scale Roadmap guided by performance indicators; and
- Reports progress with a commitment to transparency and knowledge sharing.

EcoDistricts Protocol Core Elements³²

The framework provides a model of “collaborative governance” for planning and performance evaluation, i.e. “a district team of key stakeholders representing the district’s major public, private, and civic sector assets.” This process emphasizes

³¹ Partnership for Southern Equity: EcoDistricts Protocol. <https://ecodistricts.org/protocol/>.

³² Partnership for Southern Equity: EcoDistricts Protocol. <https://ecodistricts.org/protocol/>

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organizational capacity-building between sectors for robust goal-setting, evaluation, and improvement.

There have been several EcoDistrict implementations in US cities of varying sizes, balancing urban economic development, natural resource preservation, and environmental remediation of historic manufacturing areas, including Cleveland, Seattle, and Portland.³³ ~~For decades, Portland has also pioneered Natural Resources Management Plans for protecting groundwater, wetlands, and other natural habitats.~~^{34,35}

~~Urban Decarbonization and Indigenous Land Rematriation~~

~~In a 2018 report, the United Nations International Resource Panel (IRP) laid out 5 policy recommendations for urban decarbonization.³⁶ The first two recommendations are:~~

~~**1. Urban metabolisms must shift from ‘linear’ to ‘circular’:** This implies new ways of managing the movement of resources through the city. Businesses and cities will have to focus on offering high value services rather than selling artefacts; providing heat instead of heaters, mobility instead of highways and cars, light instead of light bulbs. Concepts such as ‘urban mining’, ‘resource cascading’ and ‘industrial symbiosis’ and the various manifestations of the ‘re-economy’ (reduce, reuse, recycle) will define the new urbanism.~~

~~**2. Urban metabolisms must be monitored to assist strategic planning at local government level:** Local governments must understand cities’ inputs (e.g. biomaterials) and outputs (e.g. waste and emissions), using these to develop resource efficiency strategies...The negative externalities of various resource uses must be priced in to provide economic incentives for behavioural change.~~

~~Both the UN IRP report and EcoDistricts Protocol call for local economies and ecologies that raise local living standards while shifting consumption from zero-sum extraction of resources to renewable and regenerative systems. The United Nations IRP report urges “active and goal-setting” public governance to meet the scale and severity of these challenges. The City of Berkeley has begun to explore regenerative and resilient local supply chains through the City Council’s 2023 referral “Berkeley Food Utility and Access Resilience Measure (FARM)” and “Health Equity Innovation District” referral from 2018 (see Attachments 8 and 9). With the expansion of Research & Development uses, Berkeley’s manufacturing sector is on the cutting edge of a more sustainable “focus on~~

³³ Partnership for Southern Equity: EcoDistrict Registry. <https://ecodistricts.org/district-registry/>

³⁴ City of Portland: Columbia South Shore Natural Resources Protection Plan. <https://www.portland.gov/bps/environ-planning/documents/columbia-southshore-nrpp-1993-2000/download>

³⁵ City of Portland: Columbia East Neighborhood Natural Resources Management Plan. <https://www.portland.gov/bps/environ-planning/documents/east-columbia-neighborhood-nrmp-1990/download>

³⁶ Swilling, M., et al (2018). The Weight of Cities. *United Nations International Resource Panel (IRP)*. <https://www.resourcepanel.org/reports/weight-cities> (see Attachment 5)

~~offering high value[added] services rather than selling artefacts” or “heat instead of heaters” as the UN IRP describes.~~

~~Another regenerative principle that the City of Berkeley recognizes is repatriation of Indigenous land. As attested in the City Council’s Land Acknowledgement, Berkeley is sited on xučyun, the ancestral and unceded land of the Chochoonyo-speaking Ohlone people, the ancestors and descendants of the sovereign Verona Band of Alameda County. The City of Oakland, the City of Richmond, and the Northern California Land Trust have returned acres of land for parks, gardens, and a traditional village site to the Indigenous community through the Sogorea Te’ Land Trust, which has focused on repatriation via “Indigenous women led work to restore sacred relationships between Indigenous people and our ancestral land, honoring our matrilineal societies, and in opposition of patriarchal violence and dynamics.” Private entities can also support the Land Trust through the voluntary Shuumi Land Tax. Berkeley’s Indigenous community must be central to our collective ecological stewardship, and would be necessarily integral to “collaborative governance” of future area planning following an EcoDistrict model.~~

Reparations and Climate Resilience

Berkeley’s African American community has also endured centuries of systemic land dispossession and displacement, compounding structural inequities that persist to this day.³⁷ West Berkeley’s legacy of redlining, segregation, historic disinvestment, and disproportionate exposure to environmental hazards presents a material imperative for reparative justice that also decarbonizes our economy.

The Berkeley community has endeavored to govern its innovative technology and manufacturing sectors with conscious racial and environmental justice goals. The West Berkeley Plan, first adopted in 1993 and last amended in 2011, codified the City’s conscious efforts to protect high-road job opportunities while fostering new and groundbreaking industries, aligning economic development with the community’s culture and values. For example, the 1993 Background Findings assert that “Manufacturing can provide the best-paying jobs for people without advanced educations,” “West Berkeley has special environmental issues as the result of being adjacent to the Freeway and containing a large number of hazardous materials uses,” and that “West Berkeley is the most ethnically/racially diverse residential community in Berkeley.” The Plan thus proscribed development standards for Manufacturing uses and mitigations for non-conforming uses to carefully balance a diverse local ecosystem of industrial, commercial, and residential zones.

³⁷ Verma, P. et al. (2021). Rising Housing Costs and Re-Segregation in the San Francisco Bay Area. *Urban Displacement Project, UC Berkeley*. https://www.urbandisplacement.org/wp-content/uploads/2021/08/bay_area_re-segregation_rising_housing_costs_report_2019.pdf

However, the inequitable distribution of environmental hazards persists. According to the California Reparations Task Force Report published in 2022, Black Californians are five times more likely to live within a half mile of sites at risk of toxic groundwater flooding by 2050, 40% more likely to be exposed to particulate matter pollution from cars and trucks, and more likely to be exposed to heat waves.³⁸ With the acceleration of climate hazards, the City should also consider climate resilience in addition to pollution remediation as an additional goal for the West Berkeley Area.

The California Reparations Report recommends increasing tree coverage in formerly redlined communities, and creating Climate Resilience Hubs (“community-driven facilities that support residents, facilitate communication, distribute aid, and provide an opportunity for communities to become more self-sustaining during climate emergencies”). Specifically, the Task Force recommends the Legislature utilize the Transformative Climate Communities (TCC) Program to fund climate resilience hubs.” Commissioners and staff may be able to study climate resilience policies along with grant eligibility for state grants to establish such hubs.

~~As described above, several land use reforms that would impact the area under the West Berkeley Plan are already underway.~~ With these frameworks, staff and commissioners can study robust and flexible development standards in [the General Plan Specific Area Planning](#) to better align local neighborhood needs with citywide economic and environmental goals.

Transportation Demand Management

The West Berkeley Plan as originally adopted in 1993 was prescient in calling for a “reduction of single occupant automobile trips.” The Plan envisioned several mitigations for increased traffic congestion, including implementation of Transportation Demand Management (TDM) plans “to encourage carpooling and vanpooling, walking and bicycle use, the use of transit, flexible scheduling of work hours, and other methods to reduce travel demand[.]”

However, the Transportation impact mitigations in the Plan are still codified under Level Of Service (LOS) standards, i.e. delay in vehicle throughput. As of 2020, state law requires transportation impacts to be assessed under a Vehicle Miles Traveled (VMT) standard for environmental review, measuring the total volume of traffic. Reducing VMT is of critical importance for Berkeley and the state of California’s climate goals, as the California Air Resources Board has illustrated in a 2018 report: “Even if the share of

³⁸ AB 3121 Reparations Task Force (2022). The California Reparations Report. *Office of the Attorney General of California*. <https://oag.ca.gov/ab3121/report> (see Ch. 7, Ch. 24)

new car sales that are ZEVs [zero-emission vehicles] grows nearly 10-fold from today, California would still need to reduce VMT per capita 25 percent to achieve the necessary reductions for 2030.³⁹ Any amendments to the West Berkeley Plan's Transportation mitigations would have to incorporate the goal of absolute VMT reduction to be consistent with state environmental standards.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

In 2006, Berkeley voters approved Measure G, committing to reduce the entire community's greenhouse gas emissions by 80% below 2000 levels by 2050. The City Council approved Berkeley's first Climate Action Plan in 2009.⁴⁰

The California Air Resources Board released an updated Scoping Plan⁴¹ in 2022.

Following this plan, the state of California's goals by 2045 are:

- *Cut greenhouse gas emissions by 85% below 1990 levels*
- *71% reduction in smog-forming air pollution*
- *Reduce fossil fuel consumption (liquid petroleum) to less than one-tenth of what we use today – a 94% reduction in demand.*
- *Create 4 million new jobs.*
- *Save Californians \$200 billion in health costs due to pollution in 2045.*

All planning efforts must achieve and exceed these thresholds in order to advance Environmental Justice.

CONTACT PERSON

Councilmember Taplin Council District 2 510-981-7120

Attachments:

- 1: 2021-12-14 Annotated Agenda - Berkeley City Council Meeting
- 2: 2021-12-14 Item 35 Commit the City of Berkeley to a Just Transition (Supp. 2)
- ~~3: [EcoDistrict Protocol Guide](#)~~
- ~~4: [Rematriation Resource Guide – Sogorea Te' Land Trust](#)~~
- 5: Fact Sheet: The Weight of Cities - United Nations International Resources Panel
- 6: Senate Bill 1000 (2016)
- ~~7: [Resolution 65,201 N.S. Amending the West Berkeley Plan and, By Reference, the General Plan. \(2011\)](#)~~

³⁹ California Air Resources Board: 2018 Progress Report. https://ww2.arb.ca.gov/sites/default/files/2018-11/Final2018Report_SB150_112618_02_Report.pdf

⁴⁰ City of Berkeley: Climate Action Plan. <https://berkeleyca.gov/sites/default/files/2022-01/Berkeley-Climate-Action-Plan.pdf>

⁴¹ California Air Resources Board: 2022 Scoping Plan. <https://ww2.arb.ca.gov/news/california-releases-final-2022-climate-scoping-plan-proposal>

~~8: Berkeley Food Utility and Access Resilience Measure (FARM) referral-
Councilmember Bartlett (2023)~~

9: Health Equity & Innovation District - Councilmember Bartlett (2018)

~~10: Loan Amendment: Urban Ore (2012)~~

~~11: City Council Resolution 56,829 (1993)~~

ANNOTATED AGENDA
BERKELEY CITY COUNCIL MEETING
Tuesday, December 14, 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

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

Pursuant to Government Code Section 54953(e) and the state declared emergency, this meeting of the City Council will be conducted exclusively through teleconference and Zoom videoconference. The COVID-19 state of emergency continues to directly impact the ability of the members to meet safely in person and presents imminent risks to the health of attendees. Therefore, no physical meeting location will be available.

Live audio is available on KPFB Radio 89.3. Live captioned broadcasts of Council Meetings are available on Cable B-TV (Channel 33) and via internet accessible video stream at <http://www.cityofberkeley.info/CalendarEventWebcastMain.aspx>.

To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL <https://us02web.zoom.us/j/83481524655>. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen.

*To join by phone: Dial **1-669-900-9128** or **1-877-853-5257 (Toll Free)** and enter Meeting ID: **834 8152 4655**. 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.

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: 6:21 p.m.

Present: Kesarwani, Taplin, Harrison, Hahn, Wengraf, Robinson, Arreguin

Absent: Bartlett, Droste

Councilmember Droste present at 6:22 p.m.

Councilmember Bartlett present at 6:27 p.m.

Ceremonial Matters:

1. Adjourned in Memory of Bob Meola, Peace & Justice Commissioner

City Manager Comments:

The City Manager shared a presentation on the efforts and data reports of the Homeless Response Team.

Public Comment on Non-Agenda Matters: 10 speakers.

Action: M/S/C (Arreguin/Wengraf) to accept supplemental material from Mayor Arreguin on Item 7.

Vote: All Ayes.

Action: M/S/C (Arreguin/Wengraf) to accept supplemental material from Mayor Arreguin on Item 48.

Vote: All Ayes.

Consent Calendar

Public Comment on Consent Calendar and Information Items Only: 20 speakers.

Action: M/S/C (Arreguin/Robinson) to adopt the Consent Calendar in one motion except as indicated.

Vote: All Ayes.

Consent Calendar

- 1. Bayer Healthcare LLC – Amended and Restated Development Agreement**
From: City Manager
Recommendation: Adopt the second reading of Ordinance No. 7,792-N.S. to certify the Final Subsequent Environmental Impact Report, adopt Findings and a Mitigation Monitoring and Reporting Program, and approve the Amended and Restated Development Agreement between the City of Berkeley and Bayer Healthcare LLC.
First Reading Vote: All Ayes
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400
Action: Adopted second reading of Ordinance No. 7,792–N.S.
- 2. Amendments to the Berkeley Election Reform Act**
From: Fair Campaign Practices Commission
Recommendation: Adopt the second reading of Ordinance No. 7,793-N.S amending the Berkeley Election Reform Act (BMC Chapter 2.12) to (1) make public financing available to candidates for the offices of Auditor, School Board Director, and Rent Stabilization Board Commissioner, (2) further clarify the use of Fair Elections funds, (3) clarify the requirements for returning unspent Fair Elections funds, (4) add a new process for requesting return of previously repaid Fair Elections funds, and (5) require the FCPC to make a cost of living adjustment to the contribution limit to candidates in January of each odd-numbered year.
First Reading Vote: All Ayes
Financial Implications: None
Contact: Sam Harvey, Commission Secretary, (510) 981-6950
Action: Adopted second reading of Ordinance No. 7,793–N.S.
- 3. Commission Reorganization: Creating the Parks, Recreation, and Waterfront Commission**
From: City Manager
Recommendation: Adopt the second reading Ordinance No. 7,794-N.S. repealing and re-enacting Berkeley Municipal Code Chapter 3.26 to create the Parks, Recreation, and Waterfront Commission, and repealing Berkeley Municipal Code Chapters 3.27 (Children, Youth, and Recreation Commission) and 3.08 (Berkeley Animal Care Commission).
First Reading Vote: Ayes – Kesarwani, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – Taplin, Bartlett, Harrison
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted second reading of Ordinance No. 7,794–N.S.

Consent Calendar

- 4. Resolution Making Required Findings Pursuant to the Government Code and Directing City Legislative Bodies to Continue to Meet Via Videoconference and Teleconference**
From: City Manager
Recommendation: Adopt a Resolution making the required findings pursuant to Government Code Section 54953(e)(3) and determining that as a result of the continued threat to public health and safety posed by the spread of COVID-19, City legislative bodies shall continue to meet via videoconference and teleconference, initially ratified by the City Council on September 28, 2021, and subsequently reviewed and ratified on October 26, 2021 and November 16, 2021.
Financial Implications: To be determined
Contact: Farimah Brown, City Attorney, (510) 981-6950
Action: Adopted Resolution No. 70,144–N.S.
- 5. Resolution Reviewing and Ratifying the Proclamation of Local Emergency Due to the Spread of a Severe Acute Respiratory Illness Caused by a Novel (New) Coronavirus (COVID-19)**
From: City Manager
Recommendation: Adopt a Resolution reviewing the need for continuing the local emergency due to the spread of a severe acute respiratory illness caused by a novel (new) coronavirus (COVID-19) and ratifying the Proclamation of Local Emergency issued by the Director of Emergency Services on March 3, 2020, initially ratified by the City Council on March 10, 2020, and subsequently reviewed and ratified by the Council on April 21, 2020, June 16, 2020, July 28, 2020, September 22, 2020, November 17, 2020, December 15, 2020, February 9, 2021, March 30, 2021, May 25, 2021, July 20, 2021, September 14, 2021, and November 9, 2021.
Financial Implications: To be determined
Contact: Farimah Brown, City Attorney, City Attorney’s Office (510) 981-6998
Action: Adopted Resolution No. 70,145–N.S.
- 6. Minutes for Approval**
From: City Manager
Recommendation: Approve the minutes for the council meetings of November 2 (closed), November 4 (special), November 9 (closed and regular), November 16 (closed and regular), November 18 (closed) and November 30 (closed and regular).
Financial Implications: None
Contact: Mark Numainville, City Clerk, (510) 981-6900
Action: Approved minutes as submitted.

Consent Calendar

- 7. City of Berkeley's 2022 State and Federal Legislative Platform**
From: City Manager
Recommendation: Adopt a Resolution approving the City of Berkeley's 2022 State and Federal Legislative Platform.
Financial Implications: See report
Contact: Dee Williams-Ridley, City Manager, (510) 981-7000
Action: Adopted Resolution No. 70,146–N.S. as revised in Supplemental Material from Mayor Arreguin introduced at the meeting.
- 8. Extension of Interim Director of Police Accountability Appointment**
From: City Manager
Recommendation: Adopt a Resolution extending the appointment of Katherine J. Lee as Interim Director of Police Accountability and approving an employment contract to be effective January 1, 2022 at an annual salary of \$182,260.65.
Financial Implications: See report
Contact: Dee Williams-Ridley, City Manager, (510) 981-7000
Action: Adopted Resolution No. 70,147–N.S. and to authorize the City Manager to make clarifying corrections on the term of the agreement.
- 9. Protiviti Government Services: Using General Services Administration (GSA) Vehicle for Professional Services Purchase Orders**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to issue purchase orders with Protiviti Government Services for the purchase of professional services using the General Services Agency's (GSA) purchasing vehicle no. GS-35F-0280X for an amount not to exceed \$70,000 through November 8, 2022.
Financial Implications: General Fund - \$70,000
Contact: Matthai Chakko, City Manager's Office, (510) 981-7000
Action: Adopted Resolution No. 70,148–N.S.
- 10. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on December 14, 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: General Fund - \$960,000
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Approved recommendation.

Consent Calendar

- 11. Contract: RLH & Associates for Providing Temporary Governmental Financial Consulting Services for the Finance Department**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract, with any amendments, with RLH Associates for providing temporary governmental financial consulting as required by the Finance Department for an initial term of two years. The total not to exceed contract amount is \$150,000.
Financial Implications: General Fund - \$150,000
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted Resolution No. 70,149–N.S.
- 12. Contract: Valdes and Moreno for Professional Services for the Microbond Financing Pilot Program**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract, with any amendments, with Valdes and Moreno for professional services needed to establish and administer full-services consulting and other services related to a Microbond Financing Program. The total not to exceed amount is \$150,000.
Financial Implications: General Fund - \$150,000
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted Resolution No. 70,150–N.S.
- 13. Contract: Gainey Scientific for Project Management & Consulting**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Ganey Scientific. (Contractor) to provide project management and consulting services for the Fire Department (Department) from September 13, 2021 to August 31, 2022 in an amount not to exceed \$300,000 with an option to extend for an additional two years, for a total contract amount not to exceed \$900,000.
Financial Implications: See report
Contact: Abe Roman, Fire, (510) 981-3473
Action: Adopted Resolution No. 70,151–N.S.
- 14. Revenue: FY2022 Federal COVID-19 Funding from HHS CARES Act Provider Relief Fund**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to accept payments from the Health and Human Services (HHS) CARES Act Provider Relief Fund and to execute any resultant revenue agreements and amendments to conduct and implement mitigation strategies in response to COVID-19 in the estimated amount of \$80,000 for FY 2022.
Financial Implications: See report
Contact: Abe Roman, Fire, (510) 981-3473
Action: Adopted Resolution No. 70,152–N.S.

Consent Calendar

- 15. Revenue Contract: Funding from an Instructional Service Agreement with Los Positas College to support Fire Department Training**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to enter an Instructional Service Agreement (ISA) with Los Positas Community College (LPC) to provide contract instruction, assessment, and counseling services from July 20, 2021, to July 19, 2024 for an amount not to exceed \$250,000 per fiscal year.
Financial Implications: See report
Contact: Abe Roman, Fire, (510) 981-3473
Action: Adopted Resolution No. 70,153–N.S.
- 16. Contract: Statewide Prevention and Early Intervention Project Participation Agreement - California Mental Health Services Authority**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute a Participation Agreement and any amendments with the California Mental Health Services Authority (CalMHSA) to allocate Mental Health Services Act (MHSA) funds in the amount of \$65,956 to participate in the Statewide Prevention and Early Intervention (PEI) Project, for a total amount not to exceed \$65,956 through June 30, 2022.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 70,154–N.S. as revised by the city Manager in Supplemental Communications Packet #2.
- 17. Contract: 2022 Community Services Block Grant**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to accept the Community Services Block Grant (CSBG) Contract Number 22F-5001 for the amount of \$274,202 to provide services for low-income people for the period January 1, 2022 to May 31, 2023.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 70,155–N.S.

Consent Calendar

- 18. Resolution Authorizing an Amendment to the Miscellaneous CalPERS Contract Pursuant to California Government Code 20516**
From: City Manager
Recommendation: Adopt a Resolution revising Resolution No 70,081 N.S to initiate a process to amend the contract between the Board of Administration, California Public Employees' Retirement System and the City Council for the City of Berkeley pursuant to California Government Code 20516 to effectuate changes to the cost sharing agreement between the City and Unrepresented PEPRA members in the Unrepresented Employees Group.
Financial Implications: See report
Contact: Donald E. Ellison, Human Resources, (510) 981-6800
Action: Adopted Resolution No. 70,156–N.S.
- 19. Contract 32100185 Amendment: Digital Hands for Endpoint Detection and Response (EDR) Monitoring**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend contract number 32100185 with Digital Hands, for Cybersecurity Event Monitoring and Security Information and Event Management (SIEM), increasing the previously authorized contract amount by \$381,137, for a total not to exceed amount of \$996,117 from December 15, 2021 to June 30, 2024.
Financial Implications: IT Cost Allocation Fund - \$381,137
Contact: LaTanya Bellow, City Manager's Office, (510) 981-7000
Action: Adopted Resolution No. 70,157–N.S.
- 20. Contract: Alcor Solutions, Inc. for Managed Services and Upgrade Support of the ServiceNow Application**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Alcor Solutions, Inc. to provide managed support services and upgrade support for the ServiceNow application from July 1, 2022 to June 30, 2024 for an amount not-to-exceed \$300,000.
Financial Implications: IT Cost Allocation Fund - \$300,000
Contact: LaTanya Bellow, City Manager's Office, (510) 981-7000
Action: Adopted Resolution No. 70,158–N.S.
- 21. Contract No. 31900197 Amendment: Accela, Inc. for Software Maintenance**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 31900197 with Accela, Inc., for software maintenance, increasing the amount by \$133,420 for a total not to exceed \$2,192,611 from December 12, 2011 to June 30, 2023.
Financial Implications: Various Funds - \$133,420
Contact: LaTanya Bellow, City Manager's Office, (510) 981-7000
Action: Adopted Resolution No. 70,159–N.S.

Consent Calendar

- 22. Contract No. 114159-1 Amendment: Tyler Technologies, Inc. for Professional Services and Computer Aided Dispatch (CAD) Software**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 114159-1 with Tyler Technologies, Inc. for additional professional services and an extension of the Computer Aided Dispatch (CAD) software, increasing the amount not-to-exceed by \$733,720 for a total contract value not-to-exceed \$2,288,950, and extending the term of the contract through June 30, 2024.
Financial Implications: Various Funds - \$733,720
Contact: LaTanya Bellow, City Manager's Office, (510) 981-7000
Action: Adopted Resolution No. 70,160–N.S.
- 23. Donation: New Fencing for a Dog Park at Aquatic Park**
From: City Manager
Recommendation: Adopt a Resolution accepting a cash donation in the amount of \$26,566 to install fencing for a dog park at Aquatic Park.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 70,161–N.S.
- 24. Contract: Cumming Management Group, Inc. for Project Management Services for the African American Holistic Resource Center**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a not-to-exceed \$900,000 contract with the Cumming Management Group, Inc. for project management services for the African American Holistic Resource Center (AAHRC) for a contract period of January 3, 2021 through June 30, 2025.
Financial Implications: Various Funds - \$900,000
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 70,162–N.S. revised to correct all instances of “January 3, 2021” to “January 3, 2022” in the report and resolution.
- 25. Contract: Get IT Tech – New Electronic Gate System at the Waterfront**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute a contract with Get IT Tech to provide a new electronic gate system at the Waterfront in an amount not-to-exceed of \$100,000, which includes a contract amount of \$91,748.67 and a 9% contingency in the amount of \$8,251.33, rescinding Resolution No. 69,929-N.S.
Financial Implications: Marina Fund - \$100,000
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 70,163–N.S.

Consent Calendar

26. Contract: Best Contracting Services, Inc. for Fire Station No.3 Re-Roofing Project at 2710 Russell Street. Specification No. 20-11408

From: City Manager

Recommendation: Adopt a Resolution:

1. Approving plans and specifications for the Fire Station No.3 Re-roofing Project, Specification No.20-11408;
2. Accepting the bid of Best Contracting Services, 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 \$326,733.

Financial Implications: Capital Improvement Fund - \$326,733

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

Action: Adopted Resolution No. 70,164–N.S.

27. Purchase Order: Arata Equipment Company for one 18-yard Rear Loader

From: City Manager

Recommendation: Adopt a Resolution satisfying requirements of City Charter Article XI Section 67.2 allowing the city to participate in Sourcewell (formerly NJPA) bid procedures and authorize the City Manager to execute a purchase order for one 18-yard rear loader with Arata Equipment Company in an amount not to exceed \$345,000.

Financial Implications: General Fund - \$345,000

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

Action: Adopted Resolution No. 70,165–N.S.

28. Authorization for Additional Public Works Commission Meeting in 2021

From: Public Works Commission

Recommendation: Adopt a Resolution authorizing one additional meeting of the Public Works Commission in 2021.

Financial Implications: None

Contact: Joe Enke, Commission Secretary, (510) 981-6300

Action: Adopted Resolution No. 70,166–N.S.

Council Consent Items

- 29. Allocating Remainder of Berkeley Relief Fund**
From: Mayor Arreguin (Author), Councilmember Robinson (Co-Sponsor), and Councilmember Bartlett (Co-Sponsor)
Recommendation: Adopt a Resolution accepting a \$28,142.38 payment from the East Bay Community Foundation of funds raised by the Berkeley Relief Fund and authorizing the City Manager to allocate these funds to the following:
\$10,000 to the Starry Plough Pub and Music Venue
\$18,142.38 to the Eviction Defense Center for the Housing Retention Program
Financial Implications: Berkeley Relief Fund - \$28,142.38
Contact: Jesse Arreguin, Mayor, (510) 981-7100
Action: Adopted Resolution No. 70,167–N.S.
- 30. Eleventh Annual Martin Luther King Jr. Celebration: City Sponsorship and Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Fund**
From: Mayor Arreguin (Author), Councilmember Taplin (Co-Sponsor), Councilmember Bartlett (Co-Sponsor), and Councilmember Hahn (Co-Sponsor)
Recommendation: 1. Adopt a Resolution co-sponsoring the 11th Annual Martin Luther King Jr. Celebration Breakfast on January 17, 2022.
2. Adopt a Resolution approving the expenditure of an amount not to exceed \$500 per Councilmember including \$500 from Mayor Arreguin, to the Berkeley Rotary Endowment, the fiscal sponsor of the 11th Annual Martin Luther King Jr. celebration, with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Mayor Arreguin and any other Councilmembers who would like to contribute.
Financial Implications: See report
Contact: Jesse Arreguin, Mayor, (510) 981-7100
Action: 1. Adopted Resolution No. 70,168–N.S. (MLK Jr. Breakfast) 2. Adopted Resolution No. 70,169–N.S. (Expenditure) amended to include contributions from the following Councilmembers up to the amounts listed: Councilmember Harrison - \$250; Councilmember Wengraf - \$250; Councilmember Hahn - \$300; Councilmember Kesarwani - \$100; Councilmember Robinson - \$100.
- 31. Resolution in Support of Bay Adapt: Regional Strategy for a Rising Bay**
From: Mayor Arreguin (Author) and Councilmember Hahn (Co-Sponsor)
Recommendation: Adopt a Resolution in support of Bay Adapt: Regional Strategy for a Rising Bay.
Financial Implications: See report
Contact: Jesse Arreguin, Mayor, (510) 981-7100
Action: Councilmembers Harrison and Taplin added as co-sponsors. Adopted Resolution No. 70,170–N.S.

Council Consent Items

32. Referral to the City Manager to Streamline Accessory Dwelling Unit (ADU)

Permit Review and Approval (*Reviewed by the Land Use, Housing and Economic Development Policy Committee*)

From: Councilmember Rashi Kesarwani (Author) and Councilmembers Susan Wengraf, Lori Droste, and Ben Bartlett (Co-Sponsors)

Recommendation: Refer to the City Manager to streamline the Accessory Dwelling Unit (ADU) permitting process in order to reduce staff time spent on review and enhance customer service. Further, assess effectiveness of process improvements specified below by reviewing over time: the number of ADUs permitted, average amount of staff time spent on ADU permit review, and permit fee levels.

Recommend that the City Manager develop for Planning staff use an ADU Universal Checklist and accompanying user-friendly webpage:

ADU Universal Checklist. A clear set of universal guidelines and construction requirements should be developed among staff from Planning (both Land Use and Building and Safety Divisions), Fire, and Public Works Departments that is easy to follow in order to eliminate (or significantly reduce) the need for multiple departments to review ADU permit applications and for multiple rounds of review by the same department. The Universal Checklist should be a single document utilized by (1) all City staff to review ADU permit applications and (2) by customers to understand code requirements and development standards. The Universal Checklist should enable all City staff and customers to have the same clear understanding of all of the requirements that, if adhered to, would expedite the permitting process and lead to lower permit fees over time. *Progress To Date:* Recently, the City of Berkeley's Planning Department has added both a Single-Family ADU/JADU Checklist and a Multi-Family ADU Checklist which clearly delineate development standards as adopted by the State of California, effective January 1, 2020. An ADU Universal Checklist would take these checklists one step farther by including current amendments to Berkeley's local ADU ordinance (once adopted) as well as the full list of fire and safety code requirements.

Accompanying User-Friendly Webpage. As a companion to the ADU Universal Checklist, the City should also create a user-friendly webpage for customers (and prospective customers) with up-to-date information that provides clarity and greater certainty about the process and expected timeline for the creation of an ADU or Junior ADU, which is within a main dwelling unit.

At a minimum, the webpage should include: A list of relevant fees and expected payment amounts for permits, inspections, and other requirements;

Plan requirements, worksheets, and projected timelines for each step of the process; and Consolidated up-to-date state and local regulations that are easy to understand.

Progress To Date: The City now has a dedicated webpage that contains: A Graphic Summary; Table of our local ADU ordinance; An ADU flow-chart detailing allowable development standards; A Single-Family ADU/JADU Checklist; A Multi-Family ADU Checklist; Deed Restrictions Forms; A list of Impact Fees.

Additional information that could prove useful to prospective residents, builders and architects includes: Links to fire safety and emergency access requirements; A list of site conditions that do not warrant easy installation of an ADU; A list of Frequently Asked Questions; Additional frequently requested Planning and Development forms,

Council Consent Items

such as our Tree Protection Instructions and Creek Protection Instructions forms, and our Public Works Engineering forms pertaining to Curbs, Gutters, Sidewalks and Driveway Approaches listed elsewhere on the City of Berkeley website; Information about financing options; and Links to additional resources, such as The Casita Coalition, an organization that disseminates information on policies and programs, best practices, and resources throughout the state.

Recommend that the City Manager consider adoption of the following two best practices: Pre-Approved ADU Design Plans. Consider development of (1) free ADU designs available to download--of varying sizes and styles--that already conform to all City and state requirements and safety codes; and/or (2) a list of vendors with architectural designs, construction drawings, or pre-fabricated units that have already been approved by the City.

ADU Ally. Consider creation of a single point of contact e-mail address dedicated to serving those interested in ADU construction, along the lines of an "ADU Ally." The ADU Ally would be a customer-facing staff person(s) who is an expert on all current state and local ADU regulations and acts as an ally to customers through the planning and building process. Currently, our Planning Department does have a team of planners with an expertise in ADU laws and requirements, although the public lacks an easy and efficient way to access this team.

Policy Committee Recommendation: On November 4, 2021 the Land Use, Housing and Economic Development policy committee took the following action: M/S/C (Droste/Robinson) Qualified positive recommendation with direction for the item to be updated to include progress already made in this area as described by the Planning Director.

Financial Implications: See report

Contact: Rashi Kesarwani, Councilmember, District 1, (510) 981-7110

Action: Approved recommendation.

**33. Budget Referral: Pedestrian Crossing Improvements at Ashby and Acton
From: Councilmember Taplin (Author)**

Recommendation: That the City Council refers to the FY2023 budget process the funding of Rectangular Rapid Flashing Beacons (RRFB) at Ashby Avenue and Acton Street.

Financial Implications: See report

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

Action: Approved recommendation.

Council Consent Items

- 34. Budget Referral: Russell Street Bicycle and Pedestrian Improvements**
From: Councilmember Taplin (Author)
Recommendation: That the City Council refers to the FY2023 budget process the funding of the following bicycle and pedestrian improvements along Russell Street:
Traffic Circle at Russell & King Street
Cycle Track Crossing at Russell & San Pablo Avenue
Pedestrian Hybrid Beacons at Russell & Sacramento Street
Financial Implications: See report
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
Action: Approved recommendation.
- 35. Commit the City of Berkeley to a Just Transition from the Fossil Fuel Economy**
(Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Policy Committee)
From: Councilmember Taplin (Author), Councilmember Bartlett, Councilmember Hahn, and Mayor Arreguin (Co-Sponsors)
Recommendation: Adopt a resolution (1) committing the City of Berkeley to a Just Transition from the fossil fuel economy, that secures a livable future for all Berkeleyans, combats environmental racism, ensures access to good paying jobs, and cultivates economic and social prosperity for Berkeley in the 21st century and beyond and (2) requiring that all Council reports related to climate include a Just Transition section.
Policy Committee Recommendation: On June 2, 2021, the Facilities, Infrastructure, Transportation, Environment & Sustainability Policy Committee took the following action: M/S/C (Harrison/Robinson) to send the item to Council with a positive recommendation as submitted in the supplemental material and further revised to include a recommendation that all Council reports related to climate include a just transition section.
Financial Implications: None
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
Action: Adopted Resolution No. 70,171–N.S. as revised by Councilmember Taplin in Supplemental Communications Packet #2, and further revised at the meeting to be renamed West and South Berkeley Green New Deal.
- 36. Reaffirming the City Council’s Endorsement of a Carbon Fee and Dividend**
From: Councilmember Taplin (Author)
Recommendation: Readopt Resolution No. 67,595–N.S urging the United States Congress to enact a national revenue-neutral carbon tax and send a copy of the resolution to Representative Barbara Lee, Senator Dianne Feinstein and Senator Alex Padilla urging them to take action.
Financial Implications: None
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
Action: Adopted Resolution No. 70,172–N.S.

Council Consent Items

37. Health Care Facility Oversight

From: Councilmember Bartlett (Author)

Recommendation: Refer to the City Manager and the Community Health Commission an assessment of the breadth of regulatory control the City of Berkeley can exert on skilled nursing facilities, and create a process of accountability if complaints are found to be substantiated that threaten, or could potentially escalate to the point of threatening, the wellbeing of patients and/or violate federal, state, or local law; the business license of the offending facility will be suspended until the skilled nursing facility submits a report demonstrating rectification of the situation.

Financial Implications: See report

Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130

Action: Councilmembers Harrison and Hahn added as co-sponsors. Approved recommendation.

38. Consideration of Expansion of Paid Parking to Support the Parking Meter Fund and Improved Pedestrian and Bicycle Facilities

From: Councilmember Hahn (Author), Councilmember Harrison (Co-Sponsor), Councilmember Taplin (Co-Sponsor), and Councilmember Robinson (Co-Sponsor)

Recommendation: 1. Refer to the City Manager and the Transportation Commission to consider the extension of paid metered parking to include all days of the week, paralleling the calendar for off-street parking garages.

2. Consider a pilot, phasing-in, and/or exempting certain areas, and conduct broad outreach to merchants, faith-based and other institutions and organizations, neighborhood groups, and others potentially supported or impacted by change.

3. Consider allocation of potential additional revenues to help offset losses to the Parking Meter Fund incurred during COVID. Once the Fund has recovered, consider allocations to support pedestrian and bicycle facilities to help achieve Berkeley's Climate Action and Vision Zero goals on an accelerated basis.

Financial Implications: See report

Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150

Action: Approved recommendation.

39. Letter to UC President Michael Drake in Support of Student Researchers United-UAW

From: Councilmember Robinson (Author) and Councilmember Hahn (Co-Sponsor)

Recommendation: Send a letter to UC President Drake and Provost Michael Brown in support of the full recognition of the Student Researchers United-UAW labor union.

Financial Implications: None

Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170

Action: Councilmembers Harrison and Taplin added as co-sponsors. Approved recommendation.

Council Consent Items

40. Support for H.R. 4194: The People's Response Act

From: Councilmember Robinson (Author) and Councilmember Hahn (Co-Sponsor)

Recommendation: Adopt a Resolution supporting H.R. 4194, the People's Response Act, which would create a Division of Community Safety and provide grants to local governments, state governments, and community-based organizations to support non-carceral approaches to public safety. Furthermore, send a letter of support to Representative Cori Bush, Representative Barbara Lee, Senator Alex Padilla, and Senator Dianne Feinstein.

Financial Implications: None

Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170

Action: Adopted Resolution No. 70,173–N.S.

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. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. 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. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. 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

41. **Proposed Ordinance Rescinding Ordinance 7,788-N.S. and Amending Paragraph ‘NN’ of Berkeley Municipal Code Section 19.48.020 (“Amendments to the California Fire Code”) to Restore Language Which Existed Prior to October 26, 2021**

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion, adopt the second reading of an Ordinance No. 7,791-N.S. which rescinds Ordinance 7,788-N.S. and modifies the language of Paragraph ‘NN.’ of Berkeley Municipal Code Section 19.48.020 (“Amendments to the California Fire Code”) by adopting a building standard which is more restrictive than that standard currently contained in the California Fire Code and restores language which existed prior to October 26, 2021.

First Reading Vote: All Ayes

Financial Implications: None

Contact: Abe Roman, Fire, (510) 981-3473

Public Testimony: The Mayor opened the public hearing. 8 speakers.

M/S/C (Arreguin/Robinson) to close the public hearing.

Vote: All Ayes.

Action: M/S/C (Arreguin/Wengraf) to adopt the second reading of Ordinance No. 7,791-N.S.

Vote: All Ayes.

42. **Public Hearing: Implement Residential Preferential Parking (RPP) Program on the 1600 Block of Lincoln Street**

From: City Manager

Recommendation: Conduct a public hearing and upon its conclusion, adopt a Resolution amending Resolution No. 56,508-N.S. Section 25E by adding a subsection to implement Residential Preferential Parking (RPP) on both sides of the 1600 block of Lincoln Street in Area E.

Financial Implications: See report

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

Public Testimony: The Mayor opened the public hearing. 1 speaker.

M/S/C (Arreguin/Robinson) to close the public hearing.

Vote: All Ayes.

Action: M/S/C (Arreguin/Bartlett) to adopt Resolution No. 70,174–N.S.

Vote: All Ayes.

Action Calendar – Public Hearings

43. Fees: Vital Records
From: City Manager

Recommendation: Conduct a public hearing and upon conclusion, adopt a Resolution establishing a new fee schedule for Vital Records effective January 1, 2022 and rescinding Resolution No. 70,116-N.S. This fee adjustment is to become effective January 1, 2022 pursuant to Assembly Bill (AB) 128 (Chapter 21, Statutes of 2021), and Health & Safety (H&S) Codes, § 103627, 100425, 100430, and 100435.

Financial Implications: See report

Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400

Public Testimony: The Mayor opened the public hearing. 0 speakers.
M/S/C (Arreguin/Wengraf) to close the public hearing.

Vote: All Ayes.

Action: M/S/C (Arreguin/Robinson) to adopt Resolution No. 70,175–N.S.

Vote: All Ayes.

Recess 8:10 p.m. – 8:21 p.m.

Action Calendar – New Business

44. FY 2021 Year-End and FY 2022 First Quarter Budget Update

From: City Manager

Recommendation: Discuss and determine the funding allocations for FY 2022 based on the FY 2021 Excess Equity and Excess Property Transfer Tax for the following: 1) the General Fund Reserves 2) City Manager Budget Recommendations and 3) the Council Budget Referrals approved during FY 2022 to be considered in November 2021.

Financial Implications: See report

Contact: Rama Murty, Budget Office, (510) 981-7000

Action: M/S/C (Arreguin/Robinson) to accept supplemental material from the City Manager on Item 45.

Vote: All Ayes.

Action: M/S/C (Arreguin/Robinson) to suspend the rules and extend the meeting to 11:15 p.m. to complete Items 44 and 45; and to continue Items 46 and 47 to January 18, 2022.

Vote: All Ayes.

Action: 23 speakers. M/S/C (Arreguin/Kesarwani) to adopt the budget recommendations for excess equity as contained in the supplemental materials submitted at the meeting with the amendment that funding of the security cameras is conditioned on development and implementation of a Use Policy prior to deployment and Siting of Cameras in District 1, District 2 and District 8 locations as proposed by the Police Department and at 62nd & King (District 3). Policy will be adopted administratively and presented to the City Council as an off-agenda memo; repayment of the Workers Comp fund will be a top priority in the June budget process.

Vote: All Ayes.

Action Calendar – New Business

45. Amendment: FY 2022 Annual Appropriations Ordinance

From: City Manager

Recommendation: Adopt first reading of an Ordinance amending the FY 2022 Annual Appropriations Ordinance No. 7,779–N.S. for fiscal year 2022 based upon recommended re-appropriation of committed FY 2021 funding and other adjustments authorized since July 1, 2021, in the amount of \$177,309,914 (gross) and \$163,076,585 (net).

Financial Implications: See report

Contact: Rama Murty, Budget Office, (510) 981-7000

Action: 2 speakers. M/S/C (Arreguin/Robinson) to adopt first reading of Ordinance No. 7,795–N.S. as presented in the supplemental materials from the City Manager. Second reading scheduled for January 18, 2021.

Vote: Ayes – Kesarwani, Taplin, Bartlett, Hahn, Wengraf, Robinson, Arreguin; Noes – None; Abstain – None; Absent – Harrison, Droste.

Councilmember Harrison absent 11:10 p.m. – 11:13 p.m.

Councilmember Droste absent 11:10 p.m. – 11:13 p.m.

Action Calendar – Public Hearings

46. Response to City Council Action on October 26, 2021 regarding Short Term Referral for Amendments to Accessory Dwelling Unit (ADU) Ordinance

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 23.306] and amendments to relevant Defined Terms [BMC Chapter 23.502.020] in the Zoning Ordinance.

Financial Implications: None

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

Action: Item 46 continued to January 18, 2022 including supplemental material from Councilmember Kesarwani.

47. Response to City Council Action on October 26, 2021 regarding Short Term Referral for Amendments to Accessory Dwelling Unit (ADU) Ordinance to Address Public Safety Concerns

From: City Manager

Recommendation: Conduct a public hearing and, upon conclusion, adopt the first reading of a local Ordinance enacting Chapter 12.99 (Accessory Dwelling Units in Wildfire Hazard Areas) Accessory, and amending (BMC) Chapter 23.306.

Financial Implications: None

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

Action: Item 47 continued to January 18, 2022 including supplemental material from the City Manager.

Action Calendar – New Business

48. Ratification of Police Accountability Board’s Standing Rules

From: Police Accountability Board

Recommendation: Review and approve Standing Rules of the Police Accountability Board.

Financial Implications: None

Contact: Katherine Lee, Interim Director of Police Accountability, (510) 981-4950

Action: Moved to Consent Calendar. Referred the item to the Police Accountability Board with the revisions submitted at the meeting by Mayor Arreguin.

Information Reports

49. City of Berkeley, State Tobacco Prevention Program (STPP) Overview

From: City Manager

Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400

Action: Received and filed.

Public Comment – Items Not Listed on the Agenda - 0 speakers.

Adjournment

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

Vote: Ayes – Kesarwani, Taplin, Bartlett, Hahn, Wengraf, Robinson, Arreguin; Noes – None; Abstain – None; Absent – Harrison, Droste.

Adjourned at 11:13 p.m.

Communications – December 14, 2021

Council rules limit action on Communications to referral to the City Manager and/or Boards and Commissions for investigation and/or recommendations. All communications submitted to Council are public record.

Item #41: Proposed Ordinance Rescinding Ordinance 7,788-N.S. and Amending Paragraph ‘NN’ of Berkeley Municipal Code Section 19.48.020 (“Amendments to the California Fire Code”) to Restore Language Which Existed Prior to October 26, 2021

1. Patricia Hart and Hans Stahlschmidt

Support the Berkeley Plastic Bag Ordinance

2. 30 similarly-worded form letters

Solano-Peralta Park

3. Amber Turley
4. Carol Hirth

5. Alyse Jacobson
6. Holly Smith
7. Csilla Kenny
8. Finn Michaelson
9. Mary Foretich
10. Kim Thompson
11. Janice Murota
12. Cherilyn Parsons
13. Jason Gardner & Maureen Phelan

Tenant Opportunity to Purchase Act (TOPA)

14. 4 similarly-worded form letters

Free Speech

15. Nilang Gor

Alta Bates Hospital

16. Praveen Soo, Chair of the Human Welfare Community Action Commission

Crime Suppression Unit

17. Diana Bohn

Fee Parking at Marina

18. Nancy Bartell

Traffic Safety Enforcement

19. Keith Nickolaus

Hopkins Street Traffic and Placemaking Study

20. Ben, Karen, Chuck, and Liza on behalf of Walk Bike Berkeley
21. Barbara Fritz

Housing & Absentee Investors

22. V. Sommer

Happy Thanksgiving

23. Dirk Neyhart

Leonard Powell

24. Diana Bohn

No masks

25. David Lerman

Elmwood Parking

26. Dona Bretherick

Pilot for Transportation Dept.

27. Sheila Goldmacher

GoBerkeley SmartSpace Parking Pilot

28. Jean H.

Banning Gendered Language

29. Jo Foley

Rapid Rehousing Funding

30. Diana Bohn

November Newsletter

31. Eden I&R

East Bay Community Energy

32. Board of Directors Agenda

Climate Change

33. Thomas Lord

Housing Crisis

34. JE

Supplemental Communications and Reports 1

Item #44: FY 2021 Year-End and FY 2022 First Quarter Budget Update

35. Revised material, submitted by City Manager

36. Elizabeth Dillon

37. Catherine Betts

38. Joshua Miller

39. Leslie Roulias

40. Rachel Gold

41. Norman Gold

42. Mari Vlastos

43. Brick Conway

44. Liz Grubin

45. EJ Holowicki

46. Simona Nass

47. Niccole Blanchet

48. Jessica Jennings

49. Phoebe Tussey

Item #45: Amendment: FY 2022 Annual Appropriations Ordinance

50. Joe Rapoza

51. Julia Goodman
52. Tanya Stiller
53. Michael Rodriguez
54. Susan Black
55. Regina Fletcher
56. 20 similarly-worded form letters

Supplemental Communications and Reports 2

Item #16: Contract: Statewide and Early Intervention Project Participation Agreement – California Mental Health Services Authority

57. Supplemental material, submitted by Health, Housing and Community Services Department

Item #35: Commit the City of Berkeley to a Just Transition from the Fossil Fuel Economy

58. Supplemental material, submitted by Councilmember Taplin

Item #41: Proposed Ordinance Rescinding Ordinance 7,788-N.S. and Amending Paragraph ‘NN’ of Berkeley Municipal Code Section 19.48.020 (“Amendments to the California Fire Code”) to Restore Language Which Existed Prior to October 26, 2021

59. Christina Bucey, Greenfire Law, PC

Item #44: FY 2021 Year-End and FY 2022 First Quarter Budget Update

60. Revised material, submitted by the City Manager’s Office
61. Supplemental material, submitted by the Mayor
62. Angie Garling
63. Sheridan Pauker
64. Alfred Twu
65. Homeless Commission
66. Nathan Tsuizaki
67. Jason Spangenthal
68. Amy Petersen
69. Timothy Burroughs
70. Paku Khan
71. Chizu Hamada
72. Phyllis Stowell
73. Ben Werner
74. Carolyn Werner
75. Shelley Golomb
76. John Sterns
77. Jacalyn Thompson
78. Beth Rhine

Item #45: Amendment: FY 2022 Annual Appropriations Ordinance

- 79. 14 similarly-worded form letters
- 80. Brian LaFranchi
- 81. Frances Haselsteiner
- 82. Lauren Salvo
- 83. Sam Kang

Item #46: Response to City Council Action on October 26, 2021 regarding Short Term Referral for Amendments to Accessory Dwelling Unit (ADU) Ordinance

- 84. Supplemental material, submitted by Councilmember Kesarwani
- 85. Debra Sanderson

Item #47: Response to City Council Action on October 26, 2021 regarding Short Term Referral for Amendments to Accessory Dwelling Unit (ADU) Ordinance to Address Public Safety Concerns

- 86. Revised material, submitted by Planning and Development Department

Supplemental Communications and Reports 3

Item #7: City of Berkeley's 2022 State and Federal Legislative Platform

- 87. Supplemental material, submitted by the Mayor

Item #44: FY 2021 Year-End and FY 2022 First Quarter Budget Update

- 88. Paul Preston
- 89. David Williamson
- 90. Laurie Nardinelli
- 91. Andrea Mullarkey
- 92. Leah Zoller
- 93. Kira Deutch
- 94. Mary Zernicke
- 95. Ira Serkes
- 96. Dennis Weikel
- 97. Pat Hill
- 98. Stephen Jahn
- 99. Yuri Murphy
- 100. Kathryn Murphy
- 101. Frances Haselsteiner
- 102. Jane Scantlebury
- 103. Robbin Henderson
- 104. William Springer
- 105. Allie Pape
- 106. Elisa Mikiten
- 107. Angad Bhalla
- 108. Akiko Minaga
- 109. Jen Antonuccio
- 110. Michael Dillingham

111. Doug Woos
112. Linda Franklin (3)
113. Tonette Vazquez
114. Igor Tregub, on behalf of the Sierra Club
115. Holly Scheider
116. Terri Saul
117. Alfred Twu
118. Mark Misoshnik
119. Zoe Stahl
120. Kasey Harboe
121. Beth Auclair
122. Izzy Meckler
123. Kathy Dervin, on behalf of 350 East Bay
124. Anita Ayers
125. Juli Dickey
126. Tome Luce

Item #45: Amendment: FY 2022 Annual Appropriations Ordinance

127. Revised material, submitted by the City Manager's Office
128. Michelle Schurig
129. Carol Cho
130. Debra and David Summers
131. Greg Martin
132. Arabelle Mailinis
133. hakiah@

Item #47: Response to City Council Action on October 26, 2021 regarding Short Term Referral for Amendments to Accessory Dwelling Unit (ADU) Ordinance to Address Public Safety Concerns

134. Steven Segal
135. Lisa Goodman
136. Robert Sonderegger and Joanna Moss
137. George Porter
138. Robert Sonderegger
139. Catherine Lazio

Item #48: Ratification of Police Accountability Board's Standing Rules

140. Supplemental material, submitted by the Mayor

Miscellaneous

141. Presentation on Homeless Response Team, submitted by the City Manager



BERKELEY CITY COUNCILMEMBER
TERRY TAPLÍN
DISTRICT 2

**SUPPLEMENTAL
AGENDA MATERIAL
For Supplemental Packet 2**

Meeting Date: December 14, 2021

Item Number: 35

Item Description: Resolution Committing the City of Berkeley to a Just Transition from Fossil Fuels and the Creation of a West Berkeley Green New Deal

Submitted by: Councilmember Taplin

Amendment would make the following additions to the referral:

- Change in title
- Addition of recommendations for future Just Transition policies
- Formatting changes



BERKELEY CITY COUNCILMEMBER
TERRY TAPLÍN
DISTRICT 2

CONSENT CALENDAR

December 14, 2021

To: Honorable Mayor and Members of the City Council

From: Councilmember Terry Taplin (Author), Councilmember Ben Bartlett,
Councilmember Sophie Hahn, and Mayor Jesse Arreguín (Co-Sponsors)

Subject: Resolution Committing the City of Berkeley to a Just Transition from Fossil Fuels and the Creation of a West Berkeley Green New Deal
~~Commit the City of Berkeley to a Just Transition from the Fossil Fuel Economy~~

RECOMMENDATION

Adopt a resolution committing the City of Berkeley to a Just Transition from the fossil fuel economy and establishing a West Berkeley Green New Deal; that secures a livable future for all Berkeleyans, combats environmental racism, ensures access to good paying jobs, and cultivates economic and social prosperity for Berkeley in the 21st century and beyond.

POLICY COMMITTEE RECOMMENDATION

On June 2, 2021, the Facilities, Infrastructure, Transportation, Environment & Sustainability Policy Committee took the following action: M/S/C (Harrison/Robinson) to send the item to Council with a positive recommendation as submitted in the supplemental material and further revised to include a recommendation that all Council reports related to climate include a just transition section.

BACKGROUND

Climate Change is Here

At this moment, our atmosphere has a higher concentration of carbon dioxide than ever before in human history. This concentration, and the fossil fuel emissions that have caused it, is rapidly making our planet into a hotter and more volatile place for all of its inhabitants. Estimates of the degree of warming that we can expect over the course of the next century vary and are contingent on how policymakers respond to the growing threat in the next decade. Still, there is enormous consensus that a certain amount of warming is inevitable and that rising sea levels, higher frequency of extreme weather events, declining public health, and economic volatility will certainly follow. With estimates ranging from increases in temperature between 1.4 and 5.8 degrees Celsius

by 2100, global warming will have severe impacts at even the most modest of estimates.¹

Here in the Bay Area, we are already seeing a wide range of impacts including more extreme El Niño seasons some years, dramatic droughts in other years, a decline in coastal fog, 8 inches of sea-level rise, and more intense fire seasons in the rest of the state which have regularly brought smoke and ash to Berkeley.² Just this year, Berkeley's Echo Lake Camp near Lake Tahoe narrowly escaped the ravaging impacts of the Caldor Fire that burned 221,775 acres in the Lake Tahoe area. This year also marked the 30th anniversary of the Oakland firestorm of 1991, which took 25 lives and remains a dark memory for many who have lived in the East Bay their whole lives. Even though the Berkeley hills have avoided cataclysmic events in recent years, the Oakland firestorm reminds us of the real dangers in our backyard. These effects, which are already impossible to ignore, are just the beginning. The future will bring deeper and longer droughts, unreliable precipitation, an overall increase in temperature, and as much as 3 meters of sea-level rise by 2100.³ On top of the weather and climate-related impacts, projections paint a grim picture for national economies under extreme warming scenarios. The reach of global warming will leave no stone unturned, with consequences for agriculture, trade, and industry internationally and at the national and local levels. At the national level, estimates currently project -0.1 to 1.7% GDP loss at 1.5 degrees Celsius of warming, 1.5 to 5.6% loss at 4 degrees, and 6.4 to 15.7% loss at 8 degrees.⁴ All who call Berkeley and the Bay Area home are feeling the early impacts of climate change and will continue to be affected as warming intensifies, but not all effects are felt equally across demographic groups.

Unequal Impacts: Environmental Racism and Economic Dangers

Poor Americans and people of color have always had a relationship with their environments characterized by poor health and unique exposures to environmental hazards and extreme weather conditions, often in ways designed and perpetuated by government policies that seek to segregate and discriminate against people of color. As the effects of climate change intensify in the coming decades, this relationship will only be exacerbated as extreme weather, declining public health, and economic devastation disproportionately harm poor Americans and drag more and more into poverty. As the economy takes on damage, the unemployment rate will rise and bring the poverty rate

¹ <https://www.nature.com/articles/nature04188>

² https://www.energy.ca.gov/sites/default/files/2019-11/Reg_Report-SUM-CCCA4-2018-005_SanFranciscoBayArea_ADA.pdf

³ https://www.energy.ca.gov/sites/default/files/2019-11/Reg_Report-SUM-CCCA4-2018-005_SanFranciscoBayArea_ADA.pdf

⁴ <https://science.sciencemag.org/content/356/6345/1362>

up with it.⁵ Economic damage at the scale of climate change will subject millions more to the poor health, extreme weather vulnerabilities, and general ruin that is all but guaranteed for those who enter the coming decades already in impoverished conditions.

Climate justice is inextricably linked to racial justice and housing justice. To illustrate just one facet of this, Hoffman et al (2020) find that “94% of 108 urban regions in the United States display consistent city-scale patterns of elevated land surface temperatures in formerly redlined areas relative to their non-redlined neighbors by as much as 7 degrees Celsius...Nationally, land surface temperatures in redlined areas are approximately 2.6 degrees Celsius warmer than in non-redlined areas.”⁶ As heat waves intensify, low income neighborhoods and communities of color subjected to legacies of racial segregation will bear the worst impacts due to well-documented disparities of urban heat island effects. Surveying neighborhoods in Baltimore, Dallas, and Kansas City, Wilson (2020) also finds: “Areas of these cities that were targeted for systematic disinvestment in the past have higher mean land surface temperatures than those that received more favorable ratings. Poor and minority residents are also overrepresented in formerly redlined areas in each of the three study cities.”⁷

The disparate impacts of extreme weather between racial and economic groups have been repeatedly demonstrated in recent history, with dire warnings for Berkeley’s approach to climate resilience. In the summer of 1995, a year when global temperatures had already increased by nearly half a degree Celsius above pre-industrial levels, Chicago, Illinois was hit by a record-breaking heat wave.⁸ “Temperatures reached 106 degrees; the heat index, or experienced heat, climbed to 120 degrees; uncommonly ‘high lows’ (daily low temperatures that were themselves dangerously high), sparse cloud cover, and a dearth of cooling winds kept the city broiling, without relief, for a full week”⁹. After a week of intense heat, “medical examiners confirmed that over five-hundred Chicagoans had died directly from the heat, public health workers reported over seven-hundred deaths in excess of the weekly average, and hospitals registered thousands of visits for weather-related problems”¹⁰. The entire Chicago area felt the 1995 heat wave, but the effects of this extreme weather event were not leveled evenly across the entire area of the event. It was reported very quickly during and after the event that the victims of the heat wave were mostly elderly, poor, and Black¹¹. The more

⁵ <https://www.aeaweb.org/articles?id=10.1257/089533006776526102>

⁶ Hoffman, J. S., Shandas, V., & Pendleton, N. (2020). The effects of historical housing policies on resident exposure to intra-urban heat: a study of 108 US urban areas. *Climate*, 8(1), 12.

⁷ Wilson, B. (2020). Urban heat management and the legacy of redlining. *Journal of the American Planning Association*, 86(4), 443-457.

⁸ <https://link.springer.com/article/10.1023/A:1006995507723>

⁹ <https://link.springer.com/article/10.1023/A:1006995507723>

¹⁰ <https://link.springer.com/article/10.1023/A:1006995507723>

¹¹ <https://journals.sagepub.com/doi/abs/10.1177/000312240607100407?>

fragile health of the elderly makes the raised vulnerability of older residents of Chicago less of a surprise, but the disproportionately poor and Black victimhood during this disaster further demonstrates the incredible exposure these groups have during extreme weather events.

The unequal effects of the 1995 heat wave in Chicago were neither wholly natural nor apolitical despite occurring in the early years of global climate change. The disproportionate victimhood of poor people of color in this case occurred as a result of political decisions. On top of the financial conditions that limit healthcare access and quality air-conditioning in the homes of the groups that ended up most vulnerable to the heat wave, the Chicago and Illinois government also acted in ways that led to an excess of deaths among elderly, poor, and Black residents during the heat crisis. The Chicago Police Department's own senior assistance unit was neglected to be activated at all and the Department of Human Services failed to contact isolated seniors or transport them to any of the few public cooling centers that the city erected.¹² State and local governments have demonstrated both a lack of preparedness for extreme weather events and a bias against poor people and people of color in the few preparation policies they do have. Governments can learn from their mistakes, but they must do so in a way that moves faster than escalating global warming. The impacts of environmental racism and the unique relationship between poverty and ecological hazards has continued to this day and will continue under more and more extreme climate change. Chicago's 1995 heat wave is just one example among many demonstrating the ways in which climate change has already begun to exacerbate poverty and racism in the United States.

Beyond the unique vulnerability of people of color and the poor to climate change, the deeply embedded nature of fossil fuels in our economy means that the jobs of many in Berkeley are dependent on carbon-emitting industries. While Berkeley may not be home to any coal mines, oil refineries, or other industries widely associated with climate change, Berkeley's economy is no less reliant on fossil fuel extraction and combustion. Transitioning off of fossil fuels will inevitably mean existing jobs and businesses will have to radically change or cease to exist at all. Berkeley's transition must take into account the economic consequences of all of its climate initiatives, not to stifle what the City must do to curb climate change, but to ensure that the workers most proximate to those economic consequences are supported as we rework our economy for a carbon neutral world. The transition off of fossil fuels can ignore the economic realities of the dramatic changes that are necessary to fight warming no more than it can ignore the unequal threat that climate change poses to the poor and people of color.

¹² <https://link.springer.com/article/10.1023/A:1006995507723>

On a broader scale, studies indicate that a national transition to a 100%-renewable energy sector would likely result in the loss of around 3.9 million jobs while creating 5.9 million jobs.¹³ Exact job loss and gain forecasts in Berkeley are unknown, but it stands to reason that the job impacts will be comparable to the national figures if the transition is done proactively. The net gain in employment opportunities from the fossil fuel transition provides an optimistic vision for the transition, but does not mean that the road to net-zero will be easy. Not every lost job will be immediately accompanied by the creation of a new job, nor is it guaranteed that those who lose their job will automatically be offered employment in newly created industries or that those new jobs will offer the same wages and benefits as the jobs that are lost. Governments, including the City of Berkeley, must play an active role in ensuring that their transitions provide a net-gain in quality, good-paying jobs and that those who lose their job to the transition are prioritized for newly created jobs. Job losses are not a reason not to transition off of fossil fuels. To secure a prosperous future and save millions of lives, the transition must continue at an aggressive pace. Reckoning with future job losses, however, will help ensure that those losses are overshadowed by the benefits of the transition and that an ample supply of new jobs are available for all.

Governments have a small window that they can and should take advantage of to justly transition their economies, industries, and infrastructures to net-zero carbon emissions. This is the bare minimum, and will only stop the most extreme levels of climate change towards the end of this century. A properly planned and justly executed transition should stand to be an economic opportunity for Berkeley rather than an economic downturn. Berkeley must recognize what is coming, and the unique vulnerabilities of people of color and the poor, and enact policies to mitigate damages to these communities from warming and the transition to carbon neutrality.

The Green New Deal

Congresswoman Alexandria Ocasio-Cortez's House Resolution recognizing the duty of the federal government to create a Green New Deal calls for a fair and just transition for all communities and workers to achieve net-zero greenhouse gas emissions and the creation of millions of high-wage union jobs to ensure prosperity and economic opportunity.¹⁴ It also calls for investments in infrastructure and 21st century industry to secure resilience for generations to come, the spurring of massive growth in clean manufacturing, and the remediation of hazardous and abandoned sites to ensure economic development and sustainability on said sites.

¹³ <http://web.stanford.edu/group/efmh/jacobson/Articles/I/USStatesVWS.pdf>

¹⁴ <https://www.congress.gov/bill/116th-congress/house-resolution/109/text>

The success of the Green New Deal hinges on the Just Transition and close partnership and consultation with front line and vulnerable communities, indigenous peoples, labor unions, worker cooperatives, business leaders, academia, civil society groups, and climate justice activists to prevent further harm to vulnerable and frontline communities, curtail the reliance of persons in our communities on the benefits of fossil fuel jobs, and mobilize the Green New Deal at the Local Level.

Here in Berkeley we are well positioned to model a Just Transition towards a regenerative green economy. The West Berkeley Plan has been the foundation for the City's industrial land use and economic development policies. West Berkeley has long been a major center for jobs and remains an economic driver in the region. However, due to the history of redlining and environmental racism, adverse health impacts of proximity to I-80 and polluting industries have disproportionately impacted the low income and families of color who have called this part of the city home. Sites such as Pacific Steel have shut down, taking their jobs with them and leaving behind acres of contaminated soil and health disparities in their wake.

When the West Berkeley Plan was created, numerous stakeholders including the faith community, environmentalists, labor leaders, neighborhood organizations, business leaders and more came together to articulate a collective vision to guide the future of growth. The time has come for us to return to this work under the guiding principles of equity, sustainability, and climate justice in the pursuit of a Green New Deal for West Berkeley.

What is a Just Transition?

At varying levels, the consumption of fossil fuels is immersed in every aspect of daily life in modern society. Shifting our entire way of life towards carbon-neutrality will require significantly more than changing our energy sources to renewables. The truly comprehensive embeddedness of fossil fuels in our lives means that achieving net-zero fossil fuel emissions within just a few decades will be difficult, but not necessarily equally difficult for everyone.

Due to historic discrimination, impoverishment, and proximity to environmental hazards, people of color and poor people are disproportionately vulnerable to the impacts of climate change. In rebuilding our economy, policymakers at every level must be intentional in ensuring that the fossil-free economy of the future does not reproduce the same inequities and societal harms of today. There are wrong ways to fight the climate crisis. Governments can achieve net-zero emissions in such a way that enriches those who profited off of fossil fuel extraction and consumption and protects the already well-

off from warming while abandoning the historically disadvantaged to the ravages of extreme weather and economic chaos. The transition away from fossil fuels must ensure that the vulnerable in our society are protected from both the turbulence of restructuring our entire economy and the effects of global warming that are already set in stone. “After centuries of global plunder, the profit-driven industrial economy rooted in patriarchy and white supremacy is severely undermining the life support systems of the planet. Transition is inevitable. Justice is not.”¹⁵ The environmental justice movement calls this approach to the climate crisis a “Just Transition.”

The Climate Justice Alliance, a climate organization at the forefront of the fight for a Just Transition, lays out the following Just Transition principles:

A Just Transition moves us toward Buen Vivir

Buen Vivir means that we can live well without living better at the expense of others. Workers, community residents, women and Indigenous Peoples around the world have a fundamental human right to clean, healthy and adequate air, water, land, food, education and shelter. We must have just relationships with each other and with the natural world, of which we are a part. The rights of peoples, communities and nature must supersede the rights of the individual.

A Just Transition creates Meaningful Work

A Just Transition centers on the development of human potential, creating opportunities for people to learn, grow, and develop to their full capacities and interests. We are all born leaders, and a regenerative economy supports and nurtures that leadership. In the process, we are transforming ourselves, each other, our communities, and our society as a whole. Meaningful work is life-affirming.

A Just Transition upholds Self Determination

All peoples have the right to participate in decisions that impact their lives. This requires democratic governance in our communities, including our workplaces. Communities must have the power to shape their economies, as producers, as consumers, and in our relationships with each other. Not only do we have the right to self determination, but self determination is one of our greatest tools to realize the world we need. The people who are most affected by the extractive economy — the frontline workers and the frontline communities — have the resilience and expertise to be in the leadership of crafting solutions.

A Just Transition equitably redistributes Resources and Power

We must work to build new systems that are good for all people, and not just a few. Just Transition must actively work against and transform current and historic social inequities based on race, class, gender, immigrant status and other forms of oppression. Just Transition fights to reclaim capital and resources for the regeneration of geographies and sectors of the economy where these inequities are most pervasive.

¹⁵ https://climatejusticealliance.org/wp-content/uploads/2018/06/CJA_JustTransition_Principles_final_hi-rez.pdf

A Just Transition requires Regenerative Ecological Economics

Just Transition must advance ecological resilience, reduce resource consumption, restore biodiversity and traditional ways of life, and undermine extractive economies, including capitalism, that erode the ecological basis of our collective well-being. This requires a re-localization and democratization of primary production and consumption by building up local food systems, local clean energy, and smallscale production that are sustainable economically and ecologically. This also means producing to live well without living better at the expense of others.

A Just Transition retains Culture and Tradition

Capitalism has forced many communities to sacrifice culture and tradition for economic survival. It has also defaced and destroyed land held as sacred. Just Transition must create inclusionary spaces for all traditions and cultures, recognizing them as integral to a healthy and vibrant economy. It should also make reparations for land that has been stolen and/or destroyed by capitalism, colonialism, patriarchy, genocide and slavery.

A Just Transition embodies Local, Regional, National and International Solidarity

A Just Transition must be liberatory and transformative. The impacts of the extractive economy knows no borders. We recognize the interconnectedness of our communities as well as our issues. Therefore, our solutions call for local, regional, national and global solidarity that confronts imperialism and militarism.

A Just Transition builds What We Need Now

We must build the world we need now. This may begin at a local small scale, and must expand to begin to displace extractive practices. We must build and flex the muscles needed to meet our communities' needs.¹⁶

Embarking on a Just Transition would make Berkeley a leader on climate action done right, but existing Just Transition examples from around the world can provide much guidance. In Poland, a 75% decline in coal mining jobs was coupled by a mining social package and special privileges for mining communes. Canada's efforts to phase out coal-powered electricity have been accompanied by a national stakeholder task force that has travelled the country to hear from Canadians on how to justly shepherd the transition. Egypt's fuel price increases were paired with minimum wage boosts, food stipends, and progressive taxation.¹⁷

Climate Action Plan and Policies to Date

In 2006, Berkeley voters issued a call to action on the climate change challenge by overwhelmingly endorsing ballot Measure G: Reduce our entire community's greenhouse gas emissions by 80% below 2000 levels by 2050. The Berkeley Climate Action Plan was written through a community-wide process and was adopted by City Council on June 2, 2009.

¹⁶ https://climatejusticealliance.org/wp-content/uploads/2018/06/CJA_JustTransition_Principles_final_hi-rez.pdf

¹⁷ <https://www.iisd.org/articles/just-transition-examples>

On June 12, 2018, City Council adopted a resolution¹⁸ establishing the goal of becoming a Fossil Fuel-Free city. On June 12, 2018, City Council adopted a Climate Emergency Declaration.¹⁹ On May 11, 2021, City Council adopted a resolution to commit to the C40 Race to Zero Campaign, including a commitment to reaching net-zero emissions in 2045 or sooner.

CALeVIP

East Bay Community Energy (EBCE) is making electric vehicle charging more accessible in Alameda County through a partnership with the California Electric Vehicle Infrastructure Project (CALeVIP). Funded by the California Energy Commission and implemented by the Center for Sustainable Energy (CSE), the project promotes access to electric vehicle (EV) charging infrastructure by providing rebates for Level 2 (L2) and DC Fast Chargers (DCFC) for businesses and property owners, with additional rebates available for disadvantaged and low-income communities.²⁰

West Berkeley Plan

Adopted in 1993, the West Berkeley Plan establishes land use patterns and aspirational policy goals for Berkeley's industrial job center and surrounding residential areas. Given its concentration of manufacturing and Research & Development, updating this plan will be central to meeting Berkeley's climate action goals.

Using granular data from the 1980 census, the West Berkeley Plan reported that employees in this area were 30% more likely to drive alone to work than in other parts of the city. Reducing single-occupancy automobile trips, encouraging workforce housing closer to jobs and promoting more public transit use has been central to the Plan's goals for decades, but several policies outlined in the Plan were either not adopted or are anachronistic given current policies.

The Plan correctly notes that the larger share of workers who do not live in the community will result in increased traffic congestion. Pursuant to SB 743, the state now mandates that California jurisdictions can no longer use automobile delay – commonly measured by Level of Service (LOS) – in transportation analysis under the California Environmental Quality Act (CEQA). The State has issued guidelines calling for the use

¹⁸ https://www.cityofberkeley.info/Clerk/City_Council/2018/06_June/Documents/06-12_Annotated_Agenda.aspx

¹⁹ chrome-extension://efaidnbnmnibpcjpcglclefindmkaj/viewer.html?pdfurl=https%3A%2F%2Fwww.cityofberkeley.info%2FuploadedFiles%2FCouncil_2%2FLevel_3_-_General%2FClimate%2520Emergency%2520Declaration%2520-%2520Adopted%252012%2520June%25202018%2520-%2520BCC.pdf&clen=424348

²⁰ <https://ebce.org/drive-electric-business/>

of a broader measure called Vehicle Miles Traveled (VMT), which measures the total amount of driving over a given area. These changes became mandatory on July 1, 2020.

The West Berkeley Plan's transportation section²¹ is outdated in its use of LOS, but it does caution that "LOS is a moving target" because "drivers are continually seeking uncongested routes."

Indeed, the Plan was prescient in calling for a VMT reduction in its policy goals. Policy 1.1 of the transportation section states: "Seek trip reduction--reduction of single occupant automobile trips--through a variety of education and regulatory efforts including implementation of a City of Berkeley Trip Reduction Ordinance, cooperation with the Air Quality Management District's transportation control measures, conditions on development and other mechanisms." While a Trip Reduction Ordinance does not exist, SB 743 now makes VMT reduction one of the default "conditions on development" for certification of Environmental Impact Reports.

The City Council has recently adopted policies that are consistent with the West Berkeley Plan's policy goals. Policy 5.1 states: "Adopt and implement a revised Truck Route Ordinance." On October 12, 2021, the City Council adopted an Ordinance "Amending BMC Section 14.56.070 for 3-Ton Commercial Truck Weight Limit on Berkeley's Bicycle Boulevards and on At-Risk West Berkeley Residential Streets."²²

By committing to a Green New Deal framework, the City can establish climate justice and equity parameters for future revisions of the West Berkeley Plan.

Potential policy directives for a Just Transition

Policies aimed at resource redistribution and infrastructure investment to eliminate carbon emissions should be calibrated to maximize carbon reduction for funds allocated to support a Just Transition.

Reducing car use

According to the Climate Action Plan 2020 Update staff report, Berkeley has made significant progress in reducing greenhouse gas emissions since 2000, but more progress is needed: "The residential sector decreased electricity usage by 20% and natural gas usage by 26%, and the commercial and industrial sectors decreased electricity usage by 32% and natural gas usage by 2%...Transportation accounts for

²¹ https://www.cityofberkeley.info/Planning_and_Development/Home/West_Berkeley_-_Transportation.aspx

²² https://www.cityofberkeley.info/Clerk/City_Council/2021/10_Oct/Documents/2021-10-12_Item_02_Amending_BMC_Section_14_56_070.aspx

59% of Berkeley's total 2018 GHG inventory. This is the largest sector of GHG emissions and the most challenging to tackle."²³

Electrifying the car and truck fleet is critical to reducing emissions, but even with aggressive vehicle electrification, we will not come close to meeting the 2045 net-zero goal. Changing out our entire vehicle fleet will take decades. Auto manufacturers are not even planning on having full electric lines until 2035²⁴ and the most aggressive state and federal plans are on similar timetables²⁵. The vast majority of the vehicles on the road will be gas powered far beyond 2030.²⁶ Additionally, electric cars and trucks continue to produce particulate emissions, deteriorate our already vulnerable roads, lead to congestion, and critically, injure and kill Berkeley residents just as frequently as gas powered vehicles do. Only by reducing car use, regardless of fuel source, can Berkeley meet its many goals of becoming a safer and healthier city.

Berkeley can help its residents reduce their dependence on car trips through a three pronged approach of

- a) building infill housing to reduce distances that residents need to travel to meet their needs,
- b) building a network of pedestrian and micromobility infrastructure throughout the city with safe bike lanes and crossings and secure storage in neighborhoods and destinations and
- c) affordable access to e-bikes and other microbilty technology options.

Infill housing: Because urban core areas such as Berkeley present major opportunities for households to meet their needs with fewer Vehicle Miles Traveled (VMT), Wheeler et al (2018) find that infill housing is the most effective policy tool our local government has to reduce emissions: "Low carbon footprint cities that make housing available at all income levels help share the burden of meeting housing demand, while lessening the impact on the climate across the population...Mixed income urban core cities (e.g., Berkeley) hold the most potential for urban infill, with statewide GHG benefits."²⁷

²³ https://www.cityofberkeley.info/Clerk/City_Council/2020/07_Jul/Documents/2020-07-21_Special_Item_05_Climate_Action_Plan_pdf.aspx

²⁴ For example, General Motors Sets All-Electric Target For Vehicles By 2035, NPR, February 1, 2021 <https://www.npr.org/2021/02/01/962946561/general-motors-sets-all-electric-target-for-vehicles-by-2035>

²⁵ California to phase out sales of new gas-powered cars by 2035, Washington Post, Sept 23, 2020 <https://www.washingtonpost.com/climate-environment/2020/09/23/california-electric-cars/>

²⁶ Even if we do succeed in stopping selling all gas powered cars by 2035, our transportation sector will not reach zero emissions until at least 2050. Electric Cars Are Coming. How Long Until They Rule the Road? New York Times, March 10, 2021 <https://www.nytimes.com/interactive/2021/03/10/climate/electric-vehicle-fleet-turnover.html>

²⁷ Wheeler, S. M., Jones, C. M., & Kammen, D. M. (2018). Carbon footprint planning: quantifying local and state mitigation opportunities for 700 California cities. *Urban Planning*, 3(2), 35-51.

The California Air Resources Board (CARB) has reported: “Even if the share of new car sales that are ZEVs grows nearly 10-fold from today, California would still need to reduce VMT per capita 25 percent to achieve the necessary reductions for 2030”²⁸ to meet state emissions targets pursuant to Senate Bill 375.

Reducing VMT per capita even beyond the minimum that CARB recommends will require a holistic policy approach to reduce the marginal cost of modal shifts from single-occupancy vehicles to cycling, walking, and public transit.

A network of safe active transportation infrastructure: The potential benefits of Berkeley’s urban core area and additional infill housing for reduced VMT can not be realized if people do not feel they can safely get to their destinations outside of a car. The vast majority of Berkeley residents (71%) are interested in using bicycles but are concerned that the infrastructure does not currently feel safe enough²⁹. Secure storage is also needed in neighborhoods and at destinations for bikes, e-bikes and other micromobility devices. Creating walking, bicycling, and other micromobility infrastructure that both feels safe and easily links all residential areas with schools, retail, and workplaces, and accompanying these efforts with secure storage throughout the city, can facilitate major shifts in VMT.

Affordable micromobility: E-bikes - and to some extent other micromobility modes - overcome many of the challenges people have with traditional bicycles. E-bikes are great at climbing hills, beating headwinds, hauling kids & loads and tackling long commutes all with no sweat (unless you want it). Plus e-bike riders feel safer navigating traffic with the extra acceleration power. They do all this at significant savings over electric cars. E-bikes get 1000 to 4000 MPGe and are 20 times more efficient than electric cars - meaning they can go twenty times farther than an electric car for the same charging electricity carbon emissions.³⁰ The manufacture of an e-bike takes at least an order of magnitude less embodied energy and carbon. With all that they offer, e-bikes are a bargain compared to cars, with prices ranging from \$1,000 to \$5,000 for a good cargo e-bike. Nevertheless, this investment remains out of reach for many low and some middle income residents. Targeted subsidies can unlock this potential while helping make up for historical lack of mobility access.

Support home electrification retrofits

²⁸ https://ww2.arb.ca.gov/sites/default/files/2018-11/Final2018Report_SB150_112618_02_Report.pdf

²⁹ Page 11: https://www.cityofberkeley.info/uploadedFiles/Public_Works/Level_3_-_Transportation/Berkeley-Bicycle-Plan-2017-Executive%20Summary.pdf

³⁰ E-Bike 1000 MPG Study-Results, <https://sites.google.com/view/ebikestudy/results>, E-Bike 1000 MPG Project

On November 3, 2021 the Budget & Finance Policy Committee passed a qualified positive recommendation to the full council for a Budget Referral and Resolution Establishing a Pilot Existing Building Electrification Installation Incentives and Just Transition Program with Pre-Qualified Contractors Meeting Minimum Labor Standards to Assist New Property Owners, Renters and Existing Property Owners with Transition to Zero-Carbon Buildings.³¹

In the realm of mitigating climate change, the retrofitting of residential buildings for electrification and enhanced energy efficiency is a necessary – and expensive – component of any transition towards a sustainable Berkeley. Estimates suggest that all-electric single-family homes can “reduce annual GHG emissions by 33 - 56% in 2020 and by 76 – 88% in 2050 compared to a natural gas-fueled home.”³² Residential emissions can also be reduced through the densification of our community and a long-term shift away from single-family homes as a primary form of living, but Berkeley’s existing stock of single-family homes isn’t just going to go away.³³ Retrofitting and electrifying our existing housing stock is important, but is too expensive a lift for the City to expect or require all homeowners to go about alone.³⁴ A Just Transition in building electrification would involve the City dedicating its own resources as well as engaging the state and federal governments to fund retrofits and support residential homeowners through the process of electrifying their homes, particularly low- and middle-income households.

Advance equitable mobility access

Berkeley’s Electric Mobility Roadmap appropriately identifies improved infrastructure safety and connectivity and support for access to e-bikes and other micromobility as key to addressing Berkeley’s transportation emissions. From recreational bike paths to electric car and truck subsidies, this country’s efforts to reduce transportation emissions have too often focused on supporting wealthier communities and consumers. Berkeley can both improve cost effectiveness and address historical inequities by prioritizing safe connectivity and secure bike parking for under-resourced communities as it accelerates implementation and expansion of its pedestrian and bicycle plans and by targeting its efforts to subsidize access to e-bikes and other micromobility on low income residents.

Strengthen worker protections

While Berkeley has been at the forefront of guaranteeing a generous minimum wage, any Just Transition must ensure that all workers in Berkeley earn a living wage into the future as the global economy is shaken by the impacts of climate change. On top of the direct economic impacts of climate change, the ongoing shift in employment

³¹ https://www.cityofberkeley.info/Clerk/City_Council/2021/11_Nov/Documents/2021-11-30_Item_21_Budget_Referral_and_Resolution_Establishing_a_Pilot_Existing_Building.aspx

³² https://www.ethree.com/wp-content/uploads/2019/04/E3_Residential_Building_Electrification_in_California_April_2019.pdf

³³ <https://www.pnas.org/content/117/32/19122>

³⁴ https://www.nahb.org/-/media/NAHB/nahb-community/docs/committees/construction-codes-and-standards-committee/home-innovation-electrification-report-2021.pdf?_ga=2.114118479.990433442.1620163394-283412800.1620163394

opportunities toward gig-based and contractor work that does not always guarantee a living wage and good benefits presents a threat to the livelihoods of workers in Berkeley and elsewhere. On a warming planet with rapidly intensifying weather conditions, access to food, shelter, and quality healthcare will be more important – and more precarious – than ever before. Local and state policies, such as ensuring that minimum wage laws apply to app-based contract work³⁵, will go a long way in a warming-afflicted future towards shoring up the health and economic stability of workers. Additionally, Berkeley’s Living Wage Ordinance, which ensures “that businesses in a contractual relationship with the City pay their employees a wage that can support a family at, or above, the poverty level”³⁶, is an important labor policy that can be upheld and even strengthened as economic stresses require more support for employees on the part of employers. Beyond the active role that Berkeley’s City government must play in ensuring a Just Transition, workers themselves need to be empowered to ensure that the sweeping economic changes of the transition to a sustainable economy does not leave them behind. Berkeley must, at every turn, protect the rights of workers to organize and bargain collectively and support the efforts of workers in the private-sector to assert their rights in every instance possible.

Develop just and climate sensitive smart growth policies

There is a wealth of potential policies in academic literature and real-world examples that the City Council can draw upon in enacting a Just Transition for Berkeley. “Smart growth” strategies offer effective and just climate mitigation and adaptation policies that Berkeley can draw upon to effectively manage its transition off of fossil fuels and foster economic opportunities for the City. These include planning for a denser city, preserving green spaces, discouraging new construction in areas at risk of extreme weather conditions such as wildfires, upgrading stormwater systems, and generally encouraging energy efficient land use patterns.³⁷

Areas of the city that are zoned for lower densities and single-family residential contribute disproportionately to carbon emissions from automobile travel. The City’s upcoming Housing Element will have to align with its Climate Action Plan and pursue decarbonization of transportation by permitting density in formerly single-family neighborhoods such that increased transit access, micromobility, and pedestrian safety infrastructure can reduce Vehicle Miles Traveled. Moreover, the City will need to reallocate subsidies for private automobile travel, such as free or underpriced parking and road space, and dedicate these resources to housing and infrastructure that enables VMT reduction.

Identifying new local revenue streams for zero-carbon transport

Most carbon pollution in Berkeley comes from cars, both those driven by city residents and by the commuters who come to the city for work or school. In many cases, the city

³⁵ <https://cities-today.com/seattle-passes-minimum-wage-for-rideshare-drivers/>

³⁶ https://www.cityofberkeley.info/Finance/Home/Vendors_Living_Wage_Ordinance.aspx#:~:text=Effective%20July%201%2C%202021%2C%20the,of%20not%20less%20than%20%2419.67.

³⁷ <https://www.epa.gov/smartgrowth/smart-growth-and-climate-change#:~:text=Smart%20growth%20policies%20contribute%20to,effects%20of%20a%20changing%20climate.>

incentivizes driving by subsidizing its cost. Free or below-cost parking in retail/commercial and residential zones, streets that omit higher-throughput bus and bike lanes, and mandates for parking in new developments are all a form of subsidy for driving. Both the California Department of Transportation (Caltrans)³⁸ and California Air Resources Board (CARB) have found that parking pricing strategies have the potential to reduce VMT and encourage a modal shift that reduces greenhouse gas emissions.³⁹

According to UCLA parking scholar Donald Shoup, motorists searching for underpriced or free parking rather than paying demand-based parking prices in a parking garage can increase the average VMT of a local trip by as much as 0.5 miles per trip⁴⁰, or 5 additional miles per day per curb space.⁴¹ Collecting parking fees based on fair market value can reduce the overcrowding of parking spaces, increase parking availability, and increase funding for public services.⁴² According to the US Department of Transportation⁴³, over 59% of automobile trips were six miles or less, and three-fourths of trips by any mode were less than ten miles, suggesting a major potential for emissions reductions by shifting transportation modes for short trips away from private automobiles. Shoup's research has also found that market-priced curb parking can yield 5-8% of a city's total land rent.⁴⁴

Berkeley can equitably address these subsidies by enacting fees, phased in over time, that charge the cost to the city and its residents of building and maintaining car infrastructure, including the "hidden" costs of pollution, public health impacts, and traffic-related violence. Since lower-income households will have less ability to pay these fees, the city could determine a methodology to phase-in fees by household income and car registration, and use the revenues to provide lower-cost mobility subsidies to lower-income households.

These fees must be coupled with transportation policy reforms that prioritize bus lanes, bike lanes, and "safe routes to school" on streets owned and maintained by the city. By re-allocating public rights-of-way to zero-carbon forms of mobility, and phasing out city subsidies for driving, the city can chart a path to zeroing out its emissions from transportation. ~~Identifying new local revenue streams for zero-carbon transport~~

³⁸<https://dot.ca.gov/-/media/dot-media/programs/research-innovation-system-information/documents/preliminary-investigations/final-pricing-parking-management-to-reduce-vehicles-miles-traveled-pi-a11y.pdf>

³⁹https://ww2.arb.ca.gov/sites/default/files/2020-06/Impacts_of_Parking_Pricing_Based_on_a_Review_of_the_Empirical_Literature_Policy_Brief.pdf

⁴⁰ Newton, D. (2008). Professor Donald Shoup: How About Congestion Parking? Streetsblog LA. Retrieved from <https://la.streetsblog.org/2008/01/12/professor-donald-shoup-how-about-congestion-parking/>

⁴¹ Shoup, D. C. (2006). Cruising for parking. *Transport policy*, 13(6), 479-486.

⁴² Shoup, D., Yuan, Q., & Jiang, X. (2017). Charging for parking to finance public services. *Journal of Planning Education and Research*, 37(2), 136-149.

⁴³ <https://www.energy.gov/eere/vehicles/articles/fotw-1042-august-13-2018-2017-nearly-60-all-vehicle-trips-were-less-six-miles>

⁴⁴ Shoup, D. C. (2004). The ideal source of local public revenue. *Regional Science and Urban Economics*, 34(6), 753-784.

Most carbon pollution in Berkeley comes from cars, both those driven by city residents and by the commuters who come to the city for work or school. In many cases, the city incentivizes driving by subsidizing its cost. Free or below-cost parking in retail/commercial and residential zones, streets that omit higher-throughput bus and bike lanes, and mandates for parking in new developments are all a form of subsidy for driving. Both the California Department of Transportation (Caltrans)⁴⁵ and California Air Resources Board (CARB) have found that parking pricing strategies have the potential to reduce VMT and encourage a modal shift that reduces greenhouse gas emissions.⁴⁶

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⁵¹Shoup, D. C. (2004). The ideal source of local public revenue. *Regional Science and Urban Economics*, 34(6), 753-784.

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~~Whether branded as a Just Transition or not, Berkeley can draw plenty of inspiration from around the world in its efforts to ensure that workers, people of color, and the poor are elevated and protected in our fight against climate change, rather than left behind.~~

RATIONALE FOR RECOMMENDATION

In 2006, Berkeley residents voted in favor of Measure G, which committed the City of Berkeley to reduce its emissions by 80% below 2000 levels by 2050. The City Council, staff, and the community subsequently worked in tandem to develop the Berkeley Climate Action Plan, which lays out the City's path to achieving the stated goal on Measure G.⁵² In 2018, the City Council voted to declare a Climate Emergency citing an "existential Climate Emergency that threatens our city, state, nation, civilization, humanity, and the natural world."⁵³ Both the establishment of the Berkeley Climate Action Plan and the declaration of a Climate Emergency put the City leagues ahead of other cities, states, and even the country on initiating climate action, but we're still nowhere near enough.

At the state level, California's environmental efforts place it well ahead of most other states. Even California's efforts, however, are insufficient at best and ineffective at reducing emissions at worst.⁵⁴ The City of Berkeley must lead the state and the country both in aggressive and ambitious climate legislation that gets us to net-zero carbon emissions as soon as possible as well as climate mitigation and adaptation efforts that overcome and reverse historic environmental racism and lessen the economic turbulence that will accompany reshaping our economy in the coming decades so that all working Berkeleyans have the right to a good job and secure future. Past and future efforts to eliminate ~~reach net-zero~~ fossil fuel emissions must be examined in an active pursuit of a Just Transition for Berkeley.

ENVIRONMENTAL IMPACTS

This proposal advances and enhances Berkeley's climate goals.

FISCAL IMPACTS

None.

CONTACT

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ATTACHMENTS

⁵² <https://www.cityofberkeley.info/climate/>

⁵³ https://www.cityofberkeley.info/uploadedFiles/Council_2/Level_3_-_General/Climate%20Emergency%20Declaration%20-%20Adopted%2012%20June%202018%20-%20BCC.pdf

⁵⁴ <https://www.kqed.org/science/1972957/state-auditor-says-california-air-regulator-overstated-emission-reductions>

1. Resolution
2. California's Fourth Climate Change Assessment: San Francisco Bay Area Region Report
3. Climate Justice Alliance: Just Transition Principles

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

COMMIT THE CITY OF BERKELEY TO A JUST TRANSITION FROM THE FOSSIL FUEL ECONOMY

WHEREAS, a national Green New Deal calls for a fair and just transition for all communities and workers to achieve net-zero greenhouse gas emissions and the creation of millions of high-wage union jobs to ensure prosperity and economic opportunity; and

WHEREAS, in Berkeley, fossil fuel-driven global warming has already caused sea level rise, droughts, extreme weather conditions, and longer and more intense fire seasons; and

WHEREAS, business-as-usual fossil fuel emissions will lead to major increases in temperature, more dramatic droughts, more frequent extreme weather, and up to 3 meters of sea level rise; and

WHEREAS, historic inequities and environmental racism leave people of color and the poor in a uniquely vulnerable position when faced with dramatic warming, economic turbulence, and extreme weather; and

WHEREAS, the transition off of fossil fuels will have inevitable economic consequences including the loss of jobs and industries that are reliant on fossil fuel extraction and consumption; and

WHEREAS, the COVID-19 pandemic has demonstrated the vulnerability of the global economy to sudden natural events and the need for proactive preparation for economic shocks; and

~~WHEREAS, the COVID-19 pandemic has demonstrated the vulnerability of the global economy to sudden natural events and the need for proactive preparation for economic shocks; and~~

~~WHEREAS, a proactively planned and equitably executed transition away from the fossil fuel economy can be an opportunity to correct historic wrongs and boost Berkeley's economy; and~~

WHEREAS, Berkeley voters approved Measure G in 2006, calling for the City to "reduce our entire community's greenhouse gas emissions by 80% below 2000 levels by 2050," and the Berkeley Climate Action Plan was adopted by City Council on

June 2, 2009, and the City will need to eliminate its emissions at an even more ambitious scale; and

WHEREAS, the City of Berkeley was among the founding member-jurisdictions of East Bay Community Energy (EBCE), the community choice electricity provider serving Alameda County, all of its eligible cities, and the City of Tracy in San Joaquin County; and

WHEREAS, the City of Berkeley can lead by example to equitably reduce community-wide greenhouse gas emissions by utilizing the local programs and electric service options provided by EBCE. These include, but are not limited to 1) partnering with EBCE to make its 100% renewable energy option the City-wide default for most residential and commercial electric accounts; 2) electrifying the City's buildings and municipal fleets; and 3) advancing the deployment of publicly available electric vehicle (EV) charging infrastructure; and

WHEREAS, the City of Berkeley has been a regional leader in building electrification by prohibiting natural gas lines in new residential construction and exploring building electrification subsidies for middle- and lower-income households, and

WHEREAS, transportation accounts for 59% of Berkeley's total 2018 greenhouse gas inventory and Berkeley's Electric Mobility Roadmap recognizes that active transportation - walking and bicycling, including e-bikes and other micromobility technologies - is key to reducing those emissions; and

WHEREAS, the California Air Resources Board (CARB) has reported that even with a tenfold increase in market share of new electric vehicles, "California would still need to reduce Vehicle Miles Traveled (VMT per capita) by 25 percent to achieve the necessary reductions for 2030" to meet emissions reduction targets pursuant to Senate Bill 375; and

WHEREAS, both government agencies and leading academic researchers have found that parking pricing strategies have the potential to reduce VMT per capita; and

WHEREAS, the City will need to reallocate subsidies for private automobile travel toward active transportation infrastructure and infill housing in order to achieve VMT per capita reductions needed to eliminate transportation emissions; and

WHEREAS, the City adopted the West Berkeley Plan in 1993, which calls for a "reduction of single occupant automobile trips", and

WHEREAS, a proactively planned and equitably executed transition away from the fossil fuel economy can be an opportunity to correct historic wrongs and boost Berkeley's economy; and

WHEREAS, the principles of a Just Transition offer Berkeley a path towards eliminating fossil fuel emissions that minimizes economic shock, leaves no one behind, and plants the seeds of a resilient Berkeley;

NOW THEREFORE, BE IT RESOLVED, that the City Council commits the City of Berkeley to a Just Transition to ~~net~~-zero carbon emissions that secures a livable future for all Berkeleyans, pursues a Green New Deal for West Berkeley, combats environmental racism and the unique vulnerabilities of people of color, and ensures that all Berkeleyans have access to good paying jobs and equitable living standards free from the fossil fuel economy;7

BE IT FURTHER RESOLVED, that all City Council reports with a section on Climate and Environmental Impacts include a Just Transition analysis wherein maximum potential for reducing greenhouse gas emissions while advancing equity is evaluated.



International
Resource
Panel

THE WEIGHT OF CITIES: RESOURCE REQUIREMENTS OF FUTURE URBANIZATION

1

1. CHALLENGES OF THE FUTURE

- ▶ The proportion of the global population living in cities and towns is expected to rise from 54 percent in 2015 to 66 percent by 2050. Most of this transition will take place in the Global South, especially in Asia and Africa, and will require a **significant expansion of existing cities, as well as the construction of new cities.**
- ▶ Business as usual could result in the annual resource requirements of urban areas growing from 40 billion tonnes in 2010 to nearly 90 billion tonnes by 2050. The high demand for such raw materials will far exceed what the planet can sustainably provide. **Resources should now become a central policy concern**, in addition to concerns over CO₂, which are now well recognized.
- ▶ In addition, the long-term historic **sprawl of cities by 2 percent per year** threatens to increase global urban land use from just below 1 million km² to over 2.5 million km² by 2050, **putting agricultural land and food supplies at risk** (see IRP report on *Food Systems and Natural Resources*, 2015).
- ▶ Cities that become more resource-efficient in transport, commercial buildings, and building heating/cooling could achieve **reductions of between 36 to**

54 percent in energy use, GHG emissions, metals, land and water use.

2. RETHINKING URBANIZATION: RECOMMENDATIONS FOR POLICYMAKERS

A transition towards low-carbon, resource-efficient and socially just cities is crucial to advance towards the Sustainability Development Goals and the New Urban Agenda. The concept of **'urban metabolism' (the flow of resources through a city)** can be used to frame thinking about how cities can improve citizens' access to essential services (a focus on well-being for all) while managing their resources wisely and producing minimal waste. This transition could be achieved through the following approaches:

- 1. Urban metabolisms must shift from 'linear' to 'circular':** This implies new ways of managing the movement of resources through the city. Businesses and cities will have to focus on offering high value services rather than selling artefacts; providing heat instead of heaters, mobility instead of highways and cars, light instead of light bulbs. Concepts such as 'urban mining', 'resource cascading' and 'industrial symbiosis' and the various manifestations of the 're-economy' (reduce, reuse, recycle) will define the new urbanism.



2. Urban metabolisms must be monitored to assist strategic planning at local government level:

Local governments must understand cities' inputs (e.g. biomaterials) and outputs (e.g. waste and emissions), using these to develop resource efficiency strategies.¹ In addition, the relationship between gross domestic product (GDP)² and material flows, global land use and GHG emissions must be measured, and targets must be set. The negative externalities of various resource uses must be priced in to provide economic incentives for behavioural change.

3. City planning 'defaults' must be changed:

Cityscapes need to be designed for people rather than cars, and must allow the poor, in particular, to access the opportunities on offer in the city and prevent uncontrolled sprawl:

- ▶ **Create compact urban growth:** a network of high-density nodes of people, jobs and amenities (approximately 15,000 people per km²) that are connected by efficient and affordable mass transit systems (e.g. light rail, rail, bus rapid transit) and are surrounded by medium-density areas (7,500 to 10,000 people per km²). Transit-oriented development (TOD) and area development should be approached as integrated portfolios.
- ▶ **Human-scale sustainable design** that creates conditions for liveable functionally and socially mixed-use neighbourhoods, with options for soft mobility (e.g. walking, cycling) and 'passive' heating, cooling and lighting at the building level.
- ▶ **Resource-efficient urban components**, such as vehicle sharing, electric vehicles and charging point networks, efficient energy, waste and water systems, smart grids, cycle paths, energy-efficient buildings, new heating, cooling and lighting technology, etc.

- ▶ **Urban infrastructure planning for cross-sector efficiency**, such as using waste heat in district energy systems and waste materials in construction, such as fly-ash bricks.
- ▶ **Promotion of sustainable behaviours**, such as reducing and/or separating waste at source for recycling, using public transport, walking or cycling, enjoying public spaces, etc.

4. A new governance model and politics of new imaginative business propositions and experimentation can provide hope for a better future:

An 'entrepreneurial urban governance' is proposed, which envisages an active and goal-setting role for the State, but in ways that allows broader coalitions of urban 'agents of change' to emerge. This would foster new imaginative business propositions to guide strategic planning for vibrant, green and socially inclusive cities and promote experimentation. It would also connect to global city networks and 'twin town' or 'sister city' initiatives to foster systemic learning between cities. Concepts such as 'living labs', city deals, innovation hubs and special zones indicate that cities are now thinking much more in terms of 'learning by doing'. Experimentation needs to result in a contextually appropriate balance between economic, social, technological and sustainable development.

5. Higher levels of government must support city-level innovation for resource efficiency:

Collaboration with higher levels of government is essential if cities are to overcome regulatory barriers and access funding for innovation. It is crucial that existing infrastructure budgets are channelled in new directions. A low-carbon scenario would require adding only 5 percent to infrastructure spending (Global Commission on the Economy and Climate, 2014).

¹ Resource efficiency strategies use fewer resources to achieve the same level of output or use the same amount of resources to achieve a greater output.
² There is a need to move beyond GDP as the only measurement of progress, and to shift to a system that assesses well-being.



For more information please contact the Secretariat of the International Resource Panel at:
resourcepanel@unep.org
 The full report and Summary for Policymakers can be downloaded at:
<http://www.resourcepanel.org/reports/weight-cities>

Senate Bill No. 1000

CHAPTER 587

An act to amend Section 65302 of the Government Code, relating to land use.

[Approved by Governor September 24, 2016. Filed with Secretary of State September 24, 2016.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1000, Leyva. Land use: general plans: safety and environmental justice.

(1) The Planning and Zoning Law requires the legislative body of each county and city to adopt a comprehensive, long-term general plan for the physical development of the county or city and of any land outside its boundaries that bears relation to its planning. That law requires this general plan to include several elements, including, among others, a safety element for the protection of the community from unreasonable risks associated with the effects of various geologic hazards, flooding, wildland and urban fires, and climate adaptation and resilience strategies. That law requires that the safety element be reviewed and updated, in the case of flooding and fire hazards, upon the next revision of the housing element after specified dates or, in the case of climate adaptation and resilience strategies, upon either the next revision of a local hazard mitigation plan after a specified date or on or before January 1, 2022, as applicable. That law also requires, after the initial revision of the safety element to address flooding, fires, and climate adaptation and resilience strategies, that for each subsequent revision the planning agency review and, if necessary, revise the safety element to identify new information that was not available during the previous revision of the safety element.

This bill would instead require a planning agency to review and revise the safety element to identify new information, as described above, only to address flooding and fires.

This bill would, in addition, add to the required elements of the general plan an environmental justice element, or related goals, policies, and objectives integrated in other elements, that identifies disadvantaged communities, as defined, within the area covered by the general plan of the city, county, or city and county, if the city, county, or city and county has a disadvantaged community. The bill would also require the environmental justice element, or related environmental justice goals, policies, and objectives integrated in other elements, to identify objectives and policies to reduce the unique or compounded health risks in disadvantaged communities, as specified, identify objectives and policies to promote civil engagement in the public decisionmaking process, and identify objectives

and policies that prioritize improvements and programs that address the needs of disadvantaged communities. The bill would require the environmental justice element, or the environmental justice goals, policies, and objectives in other elements, to be adopted or reviewed upon the adoption or next revision of 2 or more elements concurrently on or after January 1, 2018. By adding to the duties of county and city officials, this bill would impose a state-mandated local program.

(2) This bill would incorporate additional changes to Section 65302 of the Government Code, proposed by AB 2651 that would become operative only if this bill and AB 2651 are enacted and become effective on or before January 1, 2017, and this bill is chaptered last.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. Section 65302 of the Government Code is amended to read:

65302. The general plan shall consist of a statement of development policies and shall include a diagram or diagrams and text setting forth objectives, principles, standards, and plan proposals. The plan shall include the following elements:

(a) A land use element that designates the proposed general distribution and general location and extent of the uses of the land for housing, business, industry, open space, including agriculture, natural resources, recreation, and enjoyment of scenic beauty, education, public buildings and grounds, solid and liquid waste disposal facilities, and other categories of public and private uses of land. The location and designation of the extent of the uses of the land for public and private uses shall consider the identification of land and natural resources pursuant to paragraph (3) of subdivision (d). The land use element shall include a statement of the standards of population density and building intensity recommended for the various districts and other territory covered by the plan. The land use element shall identify and annually review those areas covered by the plan that are subject to flooding identified by flood plain mapping prepared by the Federal Emergency Management Agency (FEMA) or the Department of Water Resources. The land use element shall also do both of the following:

(1) Designate in a land use category that provides for timber production those parcels of real property zoned for timberland production pursuant to the California Timberland Productivity Act of 1982 (Chapter 6.7 (commencing with Section 51100) of Part 1 of Division 1 of Title 5).

(2) Consider the impact of new growth on military readiness activities carried out on military bases, installations, and operating and training areas,

when proposing zoning ordinances or designating land uses covered by the general plan for land, or other territory adjacent to military facilities, or underlying designated military aviation routes and airspace.

(A) In determining the impact of new growth on military readiness activities, information provided by military facilities shall be considered. Cities and counties shall address military impacts based on information from the military and other sources.

(B) The following definitions govern this paragraph:

(i) “Military readiness activities” mean all of the following:

(I) Training, support, and operations that prepare the men and women of the military for combat.

(II) Operation, maintenance, and security of any military installation.

(III) Testing of military equipment, vehicles, weapons, and sensors for proper operation or suitability for combat use.

(ii) “Military installation” means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the United States Department of Defense as defined in paragraph (1) of subsection (g) of Section 2687 of Title 10 of the United States Code.

(b) (1) A circulation element consisting of the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, any military airports and ports, and other local public utilities and facilities, all correlated with the land use element of the plan.

(2) (A) Commencing January 1, 2011, upon any substantive revision of the circulation element, the legislative body shall modify the circulation element to plan for a balanced, multimodal transportation network that meets the needs of all users of streets, roads, and highways for safe and convenient travel in a manner that is suitable to the rural, suburban, or urban context of the general plan.

(B) For purposes of this paragraph, “users of streets, roads, and highways” mean bicyclists, children, persons with disabilities, motorists, movers of commercial goods, pedestrians, users of public transportation, and seniors.

(c) A housing element as provided in Article 10.6 (commencing with Section 65580).

(d) (1) A conservation element for the conservation, development, and utilization of natural resources including water and its hydraulic force, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources. The conservation element shall consider the effect of development within the jurisdiction, as described in the land use element, on natural resources located on public lands, including military installations. That portion of the conservation element including waters shall be developed in coordination with any countywide water agency and with all district and city agencies, including flood management, water conservation, or groundwater agencies that have developed, served, controlled, managed, or conserved water of any type for any purpose in the county or city for which the plan is prepared. Coordination shall include the discussion and evaluation of any water supply and demand information

described in Section 65352.5, if that information has been submitted by the water agency to the city or county.

(2) The conservation element may also cover all of the following:

- (A) The reclamation of land and waters.
- (B) Prevention and control of the pollution of streams and other waters.
- (C) Regulation of the use of land in stream channels and other areas required for the accomplishment of the conservation plan.
- (D) Prevention, control, and correction of the erosion of soils, beaches, and shores.
- (E) Protection of watersheds.
- (F) The location, quantity and quality of the rock, sand, and gravel resources.

(3) Upon the next revision of the housing element on or after January 1, 2009, the conservation element shall identify rivers, creeks, streams, flood corridors, riparian habitats, and land that may accommodate floodwater for purposes of groundwater recharge and stormwater management.

(e) An open-space element as provided in Article 10.5 (commencing with Section 65560).

(f) (1) A noise element that shall identify and appraise noise problems in the community. The noise element shall analyze and quantify, to the extent practicable, as determined by the legislative body, current and projected noise levels for all of the following sources:

- (A) Highways and freeways.
- (B) Primary arterials and major local streets.
- (C) Passenger and freight online railroad operations and ground rapid transit systems.
- (D) Commercial, general aviation, heliport, helistop, and military airport operations, aircraft overflights, jet engine test stands, and all other ground facilities and maintenance functions related to airport operation.
- (E) Local industrial plants, including, but not limited to, railroad classification yards.
- (F) Other ground stationary noise sources, including, but not limited to, military installations, identified by local agencies as contributing to the community noise environment.

(2) Noise contours shall be shown for all of these sources and stated in terms of community noise equivalent level (CNEL) or day-night average sound level (L_{dn}). The noise contours shall be prepared on the basis of noise monitoring or following generally accepted noise modeling techniques for the various sources identified in paragraphs (1) to (6), inclusive.

(3) The noise contours shall be used as a guide for establishing a pattern of land uses in the land use element that minimizes the exposure of community residents to excessive noise.

(4) The noise element shall include implementation measures and possible solutions that address existing and foreseeable noise problems, if any. The adopted noise element shall serve as a guideline for compliance with the state's noise insulation standards.

(g) (1) A safety element for the protection of the community from any unreasonable risks associated with the effects of seismically induced surface rupture, ground shaking, ground failure, tsunami, seiche, and dam failure; slope instability leading to mudslides and landslides; subsidence; liquefaction; and other seismic hazards identified pursuant to Chapter 7.8 (commencing with Section 2690) of Division 2 of the Public Resources Code, and other geologic hazards known to the legislative body; flooding; and wildland and urban fires. The safety element shall include mapping of known seismic and other geologic hazards. It shall also address evacuation routes, military installations, peakload water supply requirements, and minimum road widths and clearances around structures, as those items relate to identified fire and geologic hazards.

(2) The safety element, upon the next revision of the housing element on or after January 1, 2009, shall also do the following:

(A) Identify information regarding flood hazards, including, but not limited to, the following:

(i) Flood hazard zones. As used in this subdivision, “flood hazard zone” means an area subject to flooding that is delineated as either a special hazard area or an area of moderate or minimal hazard on an official flood insurance rate map issued by the Federal Emergency Management Agency (FEMA). The identification of a flood hazard zone does not imply that areas outside the flood hazard zones or uses permitted within flood hazard zones will be free from flooding or flood damage.

(ii) National Flood Insurance Program maps published by FEMA.

(iii) Information about flood hazards that is available from the United States Army Corps of Engineers.

(iv) Designated floodway maps that are available from the Central Valley Flood Protection Board.

(v) Dam failure inundation maps prepared pursuant to Section 8589.5 that are available from the Office of Emergency Services.

(vi) Awareness Floodplain Mapping Program maps and 200-year flood plain maps that are or may be available from, or accepted by, the Department of Water Resources.

(vii) Maps of levee protection zones.

(viii) Areas subject to inundation in the event of the failure of project or nonproject levees or floodwalls.

(ix) Historical data on flooding, including locally prepared maps of areas that are subject to flooding, areas that are vulnerable to flooding after wildfires, and sites that have been repeatedly damaged by flooding.

(x) Existing and planned development in flood hazard zones, including structures, roads, utilities, and essential public facilities.

(xi) Local, state, and federal agencies with responsibility for flood protection, including special districts and local offices of emergency services.

(B) Establish a set of comprehensive goals, policies, and objectives based on the information identified pursuant to subparagraph (A), for the protection of the community from the unreasonable risks of flooding, including, but not limited to:

- (i) Avoiding or minimizing the risks of flooding to new development.
 - (ii) Evaluating whether new development should be located in flood hazard zones, and identifying construction methods or other methods to minimize damage if new development is located in flood hazard zones.
 - (iii) Maintaining the structural and operational integrity of essential public facilities during flooding.
 - (iv) Locating, when feasible, new essential public facilities outside of flood hazard zones, including hospitals and health care facilities, emergency shelters, fire stations, emergency command centers, and emergency communications facilities or identifying construction methods or other methods to minimize damage if these facilities are located in flood hazard zones.
 - (v) Establishing cooperative working relationships among public agencies with responsibility for flood protection.
- (C) Establish a set of feasible implementation measures designed to carry out the goals, policies, and objectives established pursuant to subparagraph (B).
- (3) Upon the next revision of the housing element on or after January 1, 2014, the safety element shall be reviewed and updated as necessary to address the risk of fire for land classified as state responsibility areas, as defined in Section 4102 of the Public Resources Code, and land classified as very high fire hazard severity zones, as defined in Section 51177. This review shall consider the advice included in the Office of Planning and Research's most recent publication of "Fire Hazard Planning, General Plan Technical Advice Series" and shall also include all of the following:
- (A) Information regarding fire hazards, including, but not limited to, all of the following:
 - (i) Fire hazard severity zone maps available from the Department of Forestry and Fire Protection.
 - (ii) Any historical data on wildfires available from local agencies or a reference to where the data can be found.
 - (iii) Information about wildfire hazard areas that may be available from the United States Geological Survey.
 - (iv) General location and distribution of existing and planned uses of land in very high fire hazard severity zones and in state responsibility areas, including structures, roads, utilities, and essential public facilities. The location and distribution of planned uses of land shall not require defensible space compliance measures required by state law or local ordinance to occur on publicly owned lands or open-space designations of homeowner associations.
 - (v) Local, state, and federal agencies with responsibility for fire protection, including special districts and local offices of emergency services.
 - (B) A set of goals, policies, and objectives based on the information identified pursuant to subparagraph (A) for the protection of the community from the unreasonable risk of wildfire.

(C) A set of feasible implementation measures designed to carry out the goals, policies, and objectives based on the information identified pursuant to subparagraph (B) including, but not limited to, all of the following:

(i) Avoiding or minimizing the wildfire hazards associated with new uses of land.

(ii) Locating, when feasible, new essential public facilities outside of high fire risk areas, including, but not limited to, hospitals and health care facilities, emergency shelters, emergency command centers, and emergency communications facilities, or identifying construction methods or other methods to minimize damage if these facilities are located in a state responsibility area or very high fire hazard severity zone.

(iii) Designing adequate infrastructure if a new development is located in a state responsibility area or in a very high fire hazard severity zone, including safe access for emergency response vehicles, visible street signs, and water supplies for structural fire suppression.

(iv) Working cooperatively with public agencies with responsibility for fire protection.

(D) If a city or county has adopted a fire safety plan or document separate from the general plan, an attachment of, or reference to, a city or county's adopted fire safety plan or document that fulfills commensurate goals and objectives and contains information required pursuant to this paragraph.

(4) Upon the next revision of a local hazard mitigation plan, adopted in accordance with the federal Disaster Mitigation Act of 2000 (Public Law 106-390), on or after January 1, 2017, or, if a local jurisdiction has not adopted a local hazard mitigation plan, beginning on or before January 1, 2022, the safety element shall be reviewed and updated as necessary to address climate adaptation and resiliency strategies applicable to the city or county. This review shall consider advice provided in the Office of Planning and Research's General Plan Guidelines and shall include all of the following:

(A) (i) A vulnerability assessment that identifies the risks that climate change poses to the local jurisdiction and the geographic areas at risk from climate change impacts, including, but not limited to, an assessment of how climate change may affect the risks addressed pursuant to paragraphs (2) and (3).

(ii) Information that may be available from federal, state, regional, and local agencies that will assist in developing the vulnerability assessment and the adaptation policies and strategies required pursuant to subparagraph (B), including, but not limited to, all of the following:

(I) Information from the Internet-based Cal-Adapt tool.

(II) Information from the most recent version of the California Adaptation Planning Guide.

(III) Information from local agencies on the types of assets, resources, and populations that will be sensitive to various climate change exposures.

(IV) Information from local agencies on their current ability to deal with the impacts of climate change.

(V) Historical data on natural events and hazards, including locally prepared maps of areas subject to previous risk, areas that are vulnerable, and sites that have been repeatedly damaged.

(VI) Existing and planned development in identified at-risk areas, including structures, roads, utilities, and essential public facilities.

(VII) Federal, state, regional, and local agencies with responsibility for the protection of public health and safety and the environment, including special districts and local offices of emergency services.

(B) A set of adaptation and resilience goals, policies, and objectives based on the information specified in subparagraph (A) for the protection of the community.

(C) A set of feasible implementation measures designed to carry out the goals, policies, and objectives identified pursuant to subparagraph (B) including, but not limited to, all of the following:

(i) Feasible methods to avoid or minimize climate change impacts associated with new uses of land.

(ii) The location, when feasible, of new essential public facilities outside of at-risk areas, including, but not limited to, hospitals and health care facilities, emergency shelters, emergency command centers, and emergency communications facilities, or identifying construction methods or other methods to minimize damage if these facilities are located in at-risk areas.

(iii) The designation of adequate and feasible infrastructure located in an at-risk area.

(iv) Guidelines for working cooperatively with relevant local, regional, state, and federal agencies.

(v) The identification of natural infrastructure that may be used in adaptation projects, where feasible. Where feasible, the plan shall use existing natural features and ecosystem processes, or the restoration of natural features and ecosystem processes, when developing alternatives for consideration. For the purposes of this clause, “natural infrastructure” means the preservation or restoration of ecological systems, or utilization of engineered systems that use ecological processes, to increase resiliency to climate change, manage other environmental hazards, or both. This may include, but is not limited to, floodplain and wetlands restoration or preservation, combining levees with restored natural systems to reduce flood risk, and urban tree planting to mitigate high heat days.

(D) (i) If a city or county has adopted the local hazard mitigation plan, or other climate adaptation plan or document that fulfills commensurate goals and objectives and contains the information required pursuant to this paragraph, separate from the general plan, an attachment of, or reference to, the local hazard mitigation plan or other climate adaptation plan or document.

(ii) Cities or counties that have an adopted hazard mitigation plan, or other climate adaptation plan or document that substantially complies with this section, or have substantially equivalent provisions to this subdivision in their general plans, may use that information in the safety element to comply with this subdivision, and shall summarize and incorporate by

reference into the safety element the other general plan provisions, climate adaptation plan or document, specifically showing how each requirement of this subdivision has been met.

(5) After the initial revision of the safety element pursuant to paragraphs (2) and (3) upon each revision of the housing element, the planning agency shall review and, if necessary, revise the safety element to identify new information relating to flood and fire hazards that was not available during the previous revision of the safety element.

(6) Cities and counties that have flood plain management ordinances that have been approved by FEMA that substantially comply with this section, or have substantially equivalent provisions to this subdivision in their general plans, may use that information in the safety element to comply with this subdivision, and shall summarize and incorporate by reference into the safety element the other general plan provisions or the flood plain ordinance, specifically showing how each requirement of this subdivision has been met.

(7) Prior to the periodic review of its general plan and prior to preparing or revising its safety element, each city and county shall consult the California Geological Survey of the Department of Conservation, the Central Valley Flood Protection Board, if the city or county is located within the boundaries of the Sacramento and San Joaquin Drainage District, as set forth in Section 8501 of the Water Code, and the Office of Emergency Services for the purpose of including information known by and available to the department, the agency, and the board required by this subdivision.

(8) To the extent that a county's safety element is sufficiently detailed and contains appropriate policies and programs for adoption by a city, a city may adopt that portion of the county's safety element that pertains to the city's planning area in satisfaction of the requirement imposed by this subdivision.

(h) (1) An environmental justice element, or related goals, policies, and objectives integrated in other elements, that identifies disadvantaged communities within the area covered by the general plan of the city, county, or city and county, if the city, county, or city and county has a disadvantaged community. The environmental justice element, or related environmental justice goals, policies, and objectives integrated in other elements, shall do all of the following:

(A) Identify objectives and policies to reduce the unique or compounded health risks in disadvantaged communities by means that include, but are not limited to, the reduction of pollution exposure, including the improvement of air quality, and the promotion of public facilities, food access, safe and sanitary homes, and physical activity.

(B) Identify objectives and policies to promote civil engagement in the public decisionmaking process.

(C) Identify objectives and policies that prioritize improvements and programs that address the needs of disadvantaged communities.

(2) A city, county, or city and county subject to this subdivision shall adopt or review the environmental justice element, or the environmental

justice goals, policies, and objectives in other elements, upon the adoption or next revision of two or more elements concurrently on or after January 1, 2018.

(3) By adding this subdivision, the Legislature does not intend to require a city, county, or city and county to take any action prohibited by the United States Constitution or the California Constitution.

(4) For purposes of this subdivision, the following terms shall apply:

(A) “Disadvantaged communities” means an area identified by the California Environmental Protection Agency pursuant to Section 39711 of the Health and Safety Code or an area that is a low-income area that is disproportionately affected by environmental pollution and other hazards that can lead to negative health effects, exposure, or environmental degradation.

(B) “Public facilities” includes public improvements, public services, and community amenities, as defined in subdivision (d) of Section 66000.

(C) “Low-income area” means an area with household incomes at or below 80 percent of the statewide median income or with household incomes at or below the threshold designated as low income by the Department of Housing and Community Development’s list of state income limits adopted pursuant to Section 50093.

SEC. 1.5. Section 65302 of the Government Code is amended to read:

65302. The general plan shall consist of a statement of development policies and shall include a diagram or diagrams and text setting forth objectives, principles, standards, and plan proposals. The plan shall include the following elements:

(a) A land use element that designates the proposed general distribution and general location and extent of the uses of the land for housing, business, industry, open space, including agriculture, natural resources, recreation, and enjoyment of scenic beauty, education, public buildings and grounds, solid and liquid waste disposal facilities, greenways, as defined in Section 816.52 of the Civil Code, and other categories of public and private uses of land. The location and designation of the extent of the uses of the land for public and private uses shall consider the identification of land and natural resources pursuant to paragraph (3) of subdivision (d). The land use element shall include a statement of the standards of population density and building intensity recommended for the various districts and other territory covered by the plan. The land use element shall identify and annually review those areas covered by the plan that are subject to flooding identified by flood plain mapping prepared by the Federal Emergency Management Agency (FEMA) or the Department of Water Resources. The land use element shall also do both of the following:

(1) Designate in a land use category that provides for timber production those parcels of real property zoned for timberland production pursuant to the California Timberland Productivity Act of 1982 (Chapter 6.7 (commencing with Section 51100) of Part 1 of Division 1 of Title 5).

(2) Consider the impact of new growth on military readiness activities carried out on military bases, installations, and operating and training areas,

when proposing zoning ordinances or designating land uses covered by the general plan for land, or other territory adjacent to military facilities, or underlying designated military aviation routes and airspace.

(A) In determining the impact of new growth on military readiness activities, information provided by military facilities shall be considered. Cities and counties shall address military impacts based on information from the military and other sources.

(B) The following definitions govern this paragraph:

(i) “Military readiness activities” mean all of the following:

(I) Training, support, and operations that prepare the men and women of the military for combat.

(II) Operation, maintenance, and security of any military installation.

(III) Testing of military equipment, vehicles, weapons, and sensors for proper operation or suitability for combat use.

(ii) “Military installation” means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the United States Department of Defense as defined in paragraph (1) of subsection (g) of Section 2687 of Title 10 of the United States Code.

(b) (1) A circulation element consisting of the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, any military airports and ports, and other local public utilities and facilities, all correlated with the land use element of the plan.

(2) (A) Commencing January 1, 2011, upon any substantive revision of the circulation element, the legislative body shall modify the circulation element to plan for a balanced, multimodal transportation network that meets the needs of all users of streets, roads, and highways for safe and convenient travel in a manner that is suitable to the rural, suburban, or urban context of the general plan.

(B) For purposes of this paragraph, “users of streets, roads, and highways” mean bicyclists, children, persons with disabilities, motorists, movers of commercial goods, pedestrians, users of public transportation, and seniors.

(c) A housing element as provided in Article 10.6 (commencing with Section 65580).

(d) (1) A conservation element for the conservation, development, and utilization of natural resources including water and its hydraulic force, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources. The conservation element shall consider the effect of development within the jurisdiction, as described in the land use element, on natural resources located on public lands, including military installations. That portion of the conservation element including waters shall be developed in coordination with any countywide water agency and with all district and city agencies, including flood management, water conservation, or groundwater agencies that have developed, served, controlled, managed, or conserved water of any type for any purpose in the county or city for which the plan is prepared. Coordination shall include the discussion and evaluation of any water supply and demand information

described in Section 65352.5, if that information has been submitted by the water agency to the city or county.

(2) The conservation element may also cover all of the following:

- (A) The reclamation of land and waters.
- (B) Prevention and control of the pollution of streams and other waters.
- (C) Regulation of the use of land in stream channels and other areas required for the accomplishment of the conservation plan.
- (D) Prevention, control, and correction of the erosion of soils, beaches, and shores.
- (E) Protection of watersheds.
- (F) The location, quantity, and quality of the rock, sand, and gravel resources.

(3) Upon the next revision of the housing element on or after January 1, 2009, the conservation element shall identify rivers, creeks, streams, flood corridors, riparian habitats, and land that may accommodate floodwater for purposes of groundwater recharge and stormwater management.

(e) An open-space element as provided in Article 10.5 (commencing with Section 65560).

(f) (1) A noise element that shall identify and appraise noise problems in the community. The noise element shall analyze and quantify, to the extent practicable, as determined by the legislative body, current and projected noise levels for all of the following sources:

- (A) Highways and freeways.
- (B) Primary arterials and major local streets.
- (C) Passenger and freight online railroad operations and ground rapid transit systems.
- (D) Commercial, general aviation, heliport, helistop, and military airport operations, aircraft overflights, jet engine test stands, and all other ground facilities and maintenance functions related to airport operation.
- (E) Local industrial plants, including, but not limited to, railroad classification yards.
- (F) Other ground stationary noise sources, including, but not limited to, military installations, identified by local agencies as contributing to the community noise environment.

(2) Noise contours shall be shown for all of these sources and stated in terms of community noise equivalent level (CNEL) or day-night average sound level (L_{dn}). The noise contours shall be prepared on the basis of noise monitoring or following generally accepted noise modeling techniques for the various sources identified in paragraphs (1) to (6), inclusive.

(3) The noise contours shall be used as a guide for establishing a pattern of land uses in the land use element that minimizes the exposure of community residents to excessive noise.

(4) The noise element shall include implementation measures and possible solutions that address existing and foreseeable noise problems, if any. The adopted noise element shall serve as a guideline for compliance with the state's noise insulation standards.

(g) (1) A safety element for the protection of the community from any unreasonable risks associated with the effects of seismically induced surface rupture, ground shaking, ground failure, tsunami, seiche, and dam failure; slope instability leading to mudslides and landslides; subsidence; liquefaction; and other seismic hazards identified pursuant to Chapter 7.8 (commencing with Section 2690) of Division 2 of the Public Resources Code, and other geologic hazards known to the legislative body; flooding; and wildland and urban fires. The safety element shall include mapping of known seismic and other geologic hazards. It shall also address evacuation routes, military installations, peakload water supply requirements, and minimum road widths and clearances around structures, as those items relate to identified fire and geologic hazards.

(2) The safety element, upon the next revision of the housing element on or after January 1, 2009, shall also do the following:

(A) Identify information regarding flood hazards, including, but not limited to, the following:

(i) Flood hazard zones. As used in this subdivision, “flood hazard zone” means an area subject to flooding that is delineated as either a special hazard area or an area of moderate or minimal hazard on an official flood insurance rate map issued by the Federal Emergency Management Agency (FEMA). The identification of a flood hazard zone does not imply that areas outside the flood hazard zones or uses permitted within flood hazard zones will be free from flooding or flood damage.

(ii) National Flood Insurance Program maps published by FEMA.

(iii) Information about flood hazards that is available from the United States Army Corps of Engineers.

(iv) Designated floodway maps that are available from the Central Valley Flood Protection Board.

(v) Dam failure inundation maps prepared pursuant to Section 8589.5 that are available from the Office of Emergency Services.

(vi) Awareness Floodplain Mapping Program maps and 200-year flood plain maps that are or may be available from, or accepted by, the Department of Water Resources.

(vii) Maps of levee protection zones.

(viii) Areas subject to inundation in the event of the failure of project or nonproject levees or floodwalls.

(ix) Historical data on flooding, including locally prepared maps of areas that are subject to flooding, areas that are vulnerable to flooding after wildfires, and sites that have been repeatedly damaged by flooding.

(x) Existing and planned development in flood hazard zones, including structures, roads, utilities, and essential public facilities.

(xi) Local, state, and federal agencies with responsibility for flood protection, including special districts and local offices of emergency services.

(B) Establish a set of comprehensive goals, policies, and objectives based on the information identified pursuant to subparagraph (A), for the protection of the community from the unreasonable risks of flooding, including, but not limited to:

- (i) Avoiding or minimizing the risks of flooding to new development.
 - (ii) Evaluating whether new development should be located in flood hazard zones, and identifying construction methods or other methods to minimize damage if new development is located in flood hazard zones.
 - (iii) Maintaining the structural and operational integrity of essential public facilities during flooding.
 - (iv) Locating, when feasible, new essential public facilities outside of flood hazard zones, including hospitals and health care facilities, emergency shelters, fire stations, emergency command centers, and emergency communications facilities or identifying construction methods or other methods to minimize damage if these facilities are located in flood hazard zones.
 - (v) Establishing cooperative working relationships among public agencies with responsibility for flood protection.
- (C) Establish a set of feasible implementation measures designed to carry out the goals, policies, and objectives established pursuant to subparagraph (B).
- (3) Upon the next revision of the housing element on or after January 1, 2014, the safety element shall be reviewed and updated as necessary to address the risk of fire for land classified as state responsibility areas, as defined in Section 4102 of the Public Resources Code, and land classified as very high fire hazard severity zones, as defined in Section 51177. This review shall consider the advice included in the Office of Planning and Research's most recent publication of "Fire Hazard Planning, General Plan Technical Advice Series" and shall also include all of the following:
- (A) Information regarding fire hazards, including, but not limited to, all of the following:
 - (i) Fire hazard severity zone maps available from the Department of Forestry and Fire Protection.
 - (ii) Any historical data on wildfires available from local agencies or a reference to where the data can be found.
 - (iii) Information about wildfire hazard areas that may be available from the United States Geological Survey.
 - (iv) General location and distribution of existing and planned uses of land in very high fire hazard severity zones and in state responsibility areas, including structures, roads, utilities, and essential public facilities. The location and distribution of planned uses of land shall not require defensible space compliance measures required by state law or local ordinance to occur on publicly owned lands or open space designations of homeowner associations.
 - (v) Local, state, and federal agencies with responsibility for fire protection, including special districts and local offices of emergency services.
 - (B) A set of goals, policies, and objectives based on the information identified pursuant to subparagraph (A) for the protection of the community from the unreasonable risk of wildfire.

(C) A set of feasible implementation measures designed to carry out the goals, policies, and objectives based on the information identified pursuant to subparagraph (B) including, but not limited to, all of the following:

(i) Avoiding or minimizing the wildfire hazards associated with new uses of land.

(ii) Locating, when feasible, new essential public facilities outside of high fire risk areas, including, but not limited to, hospitals and health care facilities, emergency shelters, emergency command centers, and emergency communications facilities, or identifying construction methods or other methods to minimize damage if these facilities are located in a state responsibility area or very high fire hazard severity zone.

(iii) Designing adequate infrastructure if a new development is located in a state responsibility area or in a very high fire hazard severity zone, including safe access for emergency response vehicles, visible street signs, and water supplies for structural fire suppression.

(iv) Working cooperatively with public agencies with responsibility for fire protection.

(D) If a city or county has adopted a fire safety plan or document separate from the general plan, an attachment of, or reference to, a city or county's adopted fire safety plan or document that fulfills commensurate goals and objectives and contains information required pursuant to this paragraph.

(4) Upon the next revision of a local hazard mitigation plan, adopted in accordance with the federal Disaster Mitigation Act of 2000 (Public Law 106-390), on or after January 1, 2017, or, if a local jurisdiction has not adopted a local hazard mitigation plan, beginning on or before January 1, 2022, the safety element shall be reviewed and updated as necessary to address climate adaptation and resiliency strategies applicable to the city or county. This review shall consider advice provided in the Office of Planning and Research's General Plan Guidelines and shall include all of the following:

(A) (i) A vulnerability assessment that identifies the risks that climate change poses to the local jurisdiction and the geographic areas at risk from climate change impacts, including, but not limited to, an assessment of how climate change may affect the risks addressed pursuant to paragraphs (2) and (3).

(ii) Information that may be available from federal, state, regional, and local agencies that will assist in developing the vulnerability assessment and the adaptation policies and strategies required pursuant to subparagraph (B), including, but not limited to, all of the following:

(I) Information from the Internet-based Cal-Adapt tool.

(II) Information from the most recent version of the California Adaptation Planning Guide.

(III) Information from local agencies on the types of assets, resources, and populations that will be sensitive to various climate change exposures.

(IV) Information from local agencies on their current ability to deal with the impacts of climate change.

(V) Historical data on natural events and hazards, including locally prepared maps of areas subject to previous risk, areas that are vulnerable, and sites that have been repeatedly damaged.

(VI) Existing and planned development in identified at-risk areas, including structures, roads, utilities, and essential public facilities.

(VII) Federal, state, regional, and local agencies with responsibility for the protection of public health and safety and the environment, including special districts and local offices of emergency services.

(B) A set of adaptation and resilience goals, policies, and objectives based on the information specified in subparagraph (A) for the protection of the community.

(C) A set of feasible implementation measures designed to carry out the goals, policies, and objectives identified pursuant to subparagraph (B) including, but not limited to, all of the following:

(i) Feasible methods to avoid or minimize climate change impacts associated with new uses of land.

(ii) The location, when feasible, of new essential public facilities outside of at-risk areas, including, but not limited to, hospitals and health care facilities, emergency shelters, emergency command centers, and emergency communications facilities, or identifying construction methods or other methods to minimize damage if these facilities are located in at-risk areas.

(iii) The designation of adequate and feasible infrastructure located in an at-risk area.

(iv) Guidelines for working cooperatively with relevant local, regional, state, and federal agencies.

(v) The identification of natural infrastructure that may be used in adaptation projects, where feasible. Where feasible, the plan shall use existing natural features and ecosystem processes, or the restoration of natural features and ecosystem processes, when developing alternatives for consideration. For the purposes of this clause, “natural infrastructure” means the preservation or restoration of ecological systems, or utilization of engineered systems that use ecological processes, to increase resiliency to climate change, manage other environmental hazards, or both. This may include, but is not limited to, floodplain and wetlands restoration or preservation, combining levees with restored natural systems to reduce flood risk, and urban tree planting to mitigate high heat days.

(D) (i) If a city or county has adopted the local hazard mitigation plan, or other climate adaptation plan or document that fulfills commensurate goals and objectives and contains the information required pursuant to this paragraph, separate from the general plan, an attachment of, or reference to, the local hazard mitigation plan or other climate adaptation plan or document.

(ii) Cities or counties that have an adopted hazard mitigation plan, or other climate adaptation plan or document that substantially complies with this section, or have substantially equivalent provisions to this subdivision in their general plans, may use that information in the safety element to comply with this subdivision, and shall summarize and incorporate by

reference into the safety element the other general plan provisions, climate adaptation plan or document, specifically showing how each requirement of this subdivision has been met.

(5) After the initial revision of the safety element pursuant to paragraphs (2) and (3) upon each revision of the housing element, the planning agency shall review and, if necessary, revise the safety element to identify new information relating to flood and fire hazards that was not available during the previous revision of the safety element.

(6) Cities and counties that have flood plain management ordinances that have been approved by FEMA that substantially comply with this section, or have substantially equivalent provisions to this subdivision in their general plans, may use that information in the safety element to comply with this subdivision, and shall summarize and incorporate by reference into the safety element the other general plan provisions or the flood plain ordinance, specifically showing how each requirement of this subdivision has been met.

(7) Prior to the periodic review of its general plan and prior to preparing or revising its safety element, each city and county shall consult the California Geological Survey of the Department of Conservation, the Central Valley Flood Protection Board, if the city or county is located within the boundaries of the Sacramento and San Joaquin Drainage District, as set forth in Section 8501 of the Water Code, and the Office of Emergency Services for the purpose of including information known by and available to the department, the agency, and the board required by this subdivision.

(8) To the extent that a county's safety element is sufficiently detailed and contains appropriate policies and programs for adoption by a city, a city may adopt that portion of the county's safety element that pertains to the city's planning area in satisfaction of the requirement imposed by this subdivision.

(h) (1) An environmental justice element, or related goals, policies, and objectives integrated in other elements, that identifies disadvantaged communities within the area covered by the general plan of the city, county, or city and county, if the city, county, or city and county has a disadvantaged community. The environmental justice element, or related environmental justice goals, policies, and objectives integrated in other elements, shall do all of the following:

(A) Identify objectives and policies to reduce the unique or compounded health risks in disadvantaged communities by means that include, but are not limited to, the reduction of pollution exposure, including the improvement of air quality, and the promotion of public facilities, food access, safe and sanitary homes, and physical activity.

(B) Identify objectives and policies to promote civil engagement in the public decisionmaking process.

(C) Identify objectives and policies that prioritize improvements and programs that address the needs of disadvantaged communities.

(2) A city, county, or city and county subject to this subdivision shall adopt or review the environmental justice element, or the environmental

justice goals, policies, and objectives in other elements, upon the adoption or next revision of two or more elements concurrently on or after January 1, 2018.

(3) By adding this subdivision, the Legislature does not intend to require a city, county, or city and county to take any action prohibited by the United States Constitution or the California Constitution.

(4) For purposes of this subdivision, the following terms shall apply:

(A) “Disadvantaged communities” means an area identified by the California Environmental Protection Agency pursuant to Section 39711 of the Health and Safety Code or an area that is a low-income area that is disproportionately affected by environmental pollution and other hazards that can lead to negative health effects, exposure, or environmental degradation.

(B) “Public facilities” includes public improvements, public services, and community amenities, as defined in subdivision (d) of Section 66000.

(C) “Low-income area” means an area with household incomes at or below 80 percent of the statewide median income or with household incomes at or below the threshold designated as low income by the Department of Housing and Community Development’s list of state income limits adopted pursuant to Section 50093.

SEC. 2. Section 1.5 of this bill incorporates amendments to Section 65302 of the Government Code proposed by this bill and Assembly Bill 2651. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2017, (2) each bill amends Section 65302 of the Government Code, and (3) this bill is enacted after Assembly Bill 2651, in which case Section 65302 of the Government Code, as amended by Assembly Bill 2651, shall remain operative only until the operative date of this bill, at which time Section 1.5 of this bill shall become operative, and Section 1 of this bill shall not become operative.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.