



City of Berkeley 2023-2031 Housing Element Update

FREQUENTLY ASKED QUESTIONS

1. What does it mean for a site to be included in the Housing Element sites inventory?

Each jurisdiction must prepare a Housing Element sites inventory to demonstrate that there is sufficient land suitable for residential development to meet its Regional Housing Needs Allocation (RHNA) within an eight-year planning period. In December 2021, the Association of Bay Area Governments (ABAG) assigned the City of Berkeley a [RHNA](#) of 8,934 units for the 2023-2031 planning period. If a site is included in the Housing Element sites inventory, it is expected to be a location where housing could be developed to help Berkeley meet its RHNA allocation.

Note: The City is not required to build the housing, but it is required to identify and zone sufficient sites to accommodate the RHNA. If actual housing production is less than the RHNA, certain affordable housing projects are subject to a streamlined approvals process ([SB 35](#)).

2. How were the sites in the sites inventory selected?

The City assessed sites in three categories to meet the RHNA:

- **Likely Sites.** Actual residential or mixed-use development proposals that have received their land use entitlement since 2018 but did not receive their certificate of occupancy (or “finalized”) prior to June 30, 2022 are called “Likely Sites” and are included in the site inventory. For these projects, the number and affordability breakdown of units reflects actual project plans, including density bonus units. A projection of a number of Accessory Dwelling Units (ADUs) are also included in the Likely category, based on recent development trends.
- **Pipeline Sites.** Actual residential or mixed-use development proposals that are currently under review or have submitted pre-applications with the City are called “Pipeline Sites.” The number and affordability levels of units in these projects reflect the proposed plans, to the extent they are known. Projected development at the [North Berkeley BART and Ashby BART](#) stations within the planning period (2023-2031) is also included in the Pipeline category.
- **Opportunity Sites.** Properties assessed and considered for re-use, that fit certain criteria (such as larger parcel size, older existing structures, lower floor area ratio, lower improvement-to-land ratio, adjacency to new development, and potential for lot consolidation through common ownership) are called “Opportunity Sites.” **To count towards the RHNA, Opportunity Sites must be in a zoning district that allows for residential use and provides the potential for more residences.** For Opportunity Sites to count towards the lower income categories in the City of Berkeley, must meet a minimum lot size (0.35 acres) and a minimum density trend (30 units/acre).

Importantly, State law requires that the Housing Element (including its programs and sites) [affirmatively further fair housing \(AFFH\)](#) and take meaningful actions that “overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity” for communities of color, persons with disabilities, and others protected by

v. 10/28/2022

California law. In Berkeley, the sites inventory is further evaluated to ensure that the city's RHNA strategy further supports integration and access to opportunities, particularly in [high opportunity areas](#).

3. How are environmental impacts being studied for the Housing Element Update?

In line with the California Environmental Quality Act (CEQA), the City of Berkeley is preparing a programmatic Environmental Impact Report (EIR) to analyze the environmental effects of the Housing Element. In a programmatic EIR, an in-depth citywide assessment is made of the potential environmental effects, measures to reduce or avoid potential impacts are considered, and an analysis of alternatives to the project is included. Subsequent site-specific projects that are required to prepare CEQA documents may reference the appropriate information from the Housing Element EIR.

[A Draft Environmental Impact Report \(DEIR\)](#) was available for public review and comment starting August 30, 2022 through Monday, October 17, 2022. Staff also presented and took public comments on the Draft EIR at the regularly scheduled and noticed [September 7, 2022 Planning Commission meeting](#). A Response to Comments (RTC) document will be posted on the City's Housing Element website and emailed to Housing Element Update [mailing list subscribers](#) when available sometime November 2022.

4. Why does the EIR analyze 19,098 units when the City's Regional Housing Needs Allocation (RHNA) is 8,943 units?

The Housing Element and RHNA. To ensure that the City complies with SB 166 (No Net Loss Law), the State Department of Housing and Community Development (HCD) [recommends a buffer](#) of *at least* 15 to 30 percent more capacity than a city's RHNA allocation when estimating realistic capacity on sites in the sites inventory. The advantage of identifying a larger buffer in the City's sites inventory is to avoid having to continually identify more sites, or rezone, to accommodate any shortfall that might occur should a future development project result in less units (or fewer affordable units) than the assumed potential.

As a result, the draft Housing Element identifies a total of 15,153 units in its sites inventory capacity. This number includes: 800 ADUs based on recent development trends; 1,200 anticipated units at N Berkeley BART and Ashby BART within the planning period; and 6,863 units for actual development proposals that have either submitted for pre-application, are under review, or entitled since 2018. The remaining 41.5 percent of the sites inventory capacity is based on assumptions for opportunity sites (see Question 2 above).

The Housing Element EIR. To ensure a conservative approach in analyzing environmental effects under CEQA, EIRs typically analyze what could be considered a *maximum reasonable development scenario* in order to capture as many significant environmental impacts as could be reasonably expected as a result of the project.

- [Table 2-2 EIR Projected Buildout on page 2-13 of the DEIR](#) summarizes the potential *maximum reasonable impact scenario*, which consists of actual development proposals as of (Likely and Pipeline Sites), as well as Opportunity Sites that are currently vacant and/or underutilized, and implementation programs proposed in the Housing Element that encourage additional housing.

- **This is how the City arrived at 19,098 units as a maximum reasonable impact scenario**, which includes: 15,153 units in the sites inventory capacity; an additional 1,745 units resulting from proposed Middle Housing rezoning program; an additional 1,000 units resulting from proposed Southside rezoning program; and an additional 1,200 units at the Ashby and North Berkeley BART stations to match the *Ashby and North Berkeley BART Stations Zoning Standards Project EIR*.

5. Why are there sites in the Sites Inventory that appear in the City’s prior Annual Progress Reports (APRs)? Is that considered double-counting?

The 6th cycle Housing Element for the ABAG region covers an eight-year planning period from January 31, 2023 through January 31, 2031. However, the RHNA uses June 30, 2022 as the baseline for projection. Specifically, the RHNA projection covers from June 30, 2022 through December 15, 2030, an 8.5-year period.

For the purpose of assessing adequate sites for RHNA, state law allows jurisdictions to credit units approved, entitled, permitted, and under construction, that are not expected to become available (“finalized”) until after June 30, 2022 (see [HCD Sites Inventory Guidebook](#)). For the purpose of reporting accomplishments in the Housing Element APR, only permitted units are credited as RHNA accomplishments.

6. Will the City meet the State’s January 31, 2023 statutory deadline?

The City is making every effort to stay within the project timeline and meet the State’s statutory deadline, while taking the time to consider and incorporate the community feedback received and respond thoroughly to comments from HCD.

7. What public outreach has been done for the Housing Element?

Below is a summary of workshops, meetings, surveys, community events, and other engagement efforts as part of the City’s Housing Element Update process. Staff also continue to monitor and respond to questions and comments through HousingElement@cityofberkeley.info.

Meeting	Date(s)	Description
Public Workshop	10/27/2021 1/27/2022 6/29/2022	Online presentations and interactive breakout groups to provide an update on the planning process and gather input at key stages of the Housing Element project: Overview, Sites Inventory, and Public Draft document.
City Council	9/21/2021 12/9/2021 3/15/2022 8/26/2022 9/20/2022	Reports, Presentations, public comment, and decision-maker feedback at four worksessions, which yielded policy direction for identifying suitable sites, housing programs, and zoning efforts.
Planning Commission	9/1/2021 2/9/2022 5/4/2022 6/1/2022	Presentation and accompanying memorandum to City boards and commissions took place throughout the Fall and Winter of 2021-2022 to introduce the Housing Element, seek input on key stakeholders for outreach, and identify a liaison to participate in ongoing Housing

v. 10/28/2022

	9/7/2022	Element outreach efforts; Reports and presentations pertaining to the CEQA EIR Scoping Session and public comment on the Draft EIR
Homeless Services Panel of Experts	9/1/2021	
Commission on Disability	9/1/2021	
Landmarks Preservation Commission	9/2/2021	
Zoning Adjustments Board	9/9/2021	
Commission on Aging	9/15/2021	
Energy Commission	9/22/2021	
Children, Youth, and Recreation Commission	9/27/2021	
Housing Advisory Commission	9/30/2021	
Rent Stabilization Board	11/18/2021	
Civic Arts Commission	1/19/2022	
City/UC/Student Relations Committee	1/28/2022 10/14/2022	
Residential Walking Tours and Online Survey	11/23/2021-1/31/2022	Two walking tours, one for Downtown Berkeley and another for West Berkeley, were created as an opportunity for community members to provide input on the development of housing options in Berkeley.
Citywide Housing Element Online Survey	10/28/2021-11/14/2021	A total of 747 individuals submitted survey responses.
Renter Survey	4/21/2022-5/8/2022	Online survey requesting input on tenant programs and strategies that will help protect tenants, prevent displacement, and facilitate the construction of affordable housing. The first 100 respondents received a \$10 gift card to Berkeley Bowl, a local grocer.
Black/African-American Interest Group	10/12/2021	Stakeholder Interviews and Small-Format Meetings with key business and advocacy organizations, business and property owners, housing developers, community leaders, UC Berkeley student housing commission and campus planning, and racial and ethnic interest groups.
Market-Rate Developers	10/12/2021 11/23/2021	
Senior Center	10/12/2021	
Associated Students of the University of California (ASUC) – Housing Commission	10/19/2021 10/4/2022	
Real Estate Professionals	10/19/2021	
Property Management and Business Owners	10/25/2021	
Homeless Interest Group	10/25/2021	
Housing Advocates	11/5/2021	
People with Disabilities Interest Group	12/3/2021	
Hispanic/Latinx Interest Group	12/17/2021	

v. 10/28/2022

Berkeley Unified School District	12/22/2021 1/24/2022	
UC Berkeley Campus Planning	12/20/2021 9/26/2022	
West Berkeley Community/Business Stakeholders	2/4/2022 2/11/2022	
Arts and Cultural Centers	3/8/2022 4/22/2022	
Building Trades Representatives	3/17/2022	
Community-Based Organizations	4/25/2022	
Black Ecumenical Ministerial Alliance	5/9/2022	
All-Income Renter Stakeholder Meeting	5/25/2022	
East Bay for Everyone	9/14/2022	
Berkeley Design Advocates	10/5/2022	
Southside Neighborhood Consortium	10/5/2022	
Downtown Farmer's Market	2/26/2022	Tabling outreach at community gathering locations, including local businesses, farmer's market, and recreation events.
Renters Outreach at Berkeley Bowl East Grocery Store	4/25/2022	
Mother's Day Recreation Event	5/14/2022	
All Ages Skating Recreation Event	5/19/2022	
Cedar Park Harvest Fest Tabling	10/15/2022	
UC Berkeley Sproul Plaza Tabling	10/18/2022	