



Disaster and Fire Safety Commission

24ACTION CALENDAR

March 22, 2022

To: Honorable Mayor and Members of the City Council

From: Disaster and Fire Safety Commission

Submitted by: Jose Luis Bedolla, Chairperson, Disaster and Fire Safety Commission

Subject: Recommendation to Identify High Risk Safety Areas that are Exempt from State Imposed Housing Increases Due to Public Safety Considerations

RECOMMENDATION

The Disaster and Fire Safety Commission (DFSC) recommends that the City Council define the location of those areas in Berkeley in which residents are at high risk due to public safety considerations and use this information to help guide the Housing Element process so that greater density and development in those areas is avoided to the extent reasonably possible. These areas include:

1. Fire Zones 2 and 3 with narrow (26 feet or less in width), winding streets, or those with “pinch-points” that do not allow emergency vehicle access and safe evacuation routes for residents in the event of a wildfire; and
2. Locations within the Alquist-Priolo (Hayward Fault) Earthquake Zone identified by the California Geological Survey; and
3. Locations within the Liquefaction or Landslide Zones identified by the California Geological Survey and areas associated with creeks, above and underground and subject to the impacts of Sea Level Rise.

A. Establish a Priority: The DFSC requests that the identification process begin with items 1 and 2 listed above. State legislation mandating increased development in these areas is effective January 1, 2022, and the identification of the boundaries of areas where residents are at high risk in Berkeley should be completed prior to that date. Item 3 is also important, but as a practical matter, it may take longer to review. Therefore, completing identification may have to be done in steps over time. An additional consideration in giving priority at this time to areas affected by fire is that we are now in the “traditional” wildfire season with the clear statewide warning that today’s wildfires are both more frequent and intense and are being fueled by the State’s continued severe drought with no relief in the foreseeable future.

B. Establish an Easy-to-Understand Map Format: The DFSC requests that the identification information presented be in an easy-to-understand map format that is available to the public and kept in an up-to-date format as the process progresses. This

format should; within technical capability, clearly identify streets that are boundaries to the public safety areas. The California Geological Survey already maintains property-specific maps that address Items 1 and 2 above. The DFSC requests that the City produce similar maps for the other hazardous areas as they are identified.

C. Need for Timely Action: The Council has recently taken action to indicate their intent to begin a process to complete the State required new Housing Element for the City's General Plan. Establishing high-risk public safety areas is a foundational tool in the work that needs to be done to complete a new Housing Element.

D. Provides an Opportunity to Inform the Public: Defining high-risk public safety zones not only informs residents about the nature of the risks but encourages individuals and groups to be part of the effort to reduce those risks.

FISCAL IMPACTS OF RECOMMENDATION

Exact costs and staff time in changing the scope of work that has already been planned are to be determined.

CURRENT SITUATION AND ITS EFFECTS

There is broad agreement that Berkeley's Wildfire Urban Interface (WUI) areas, the existence of the Hayward Earthquake Fault and landslide areas present serious safety concerns for residents.

Added to these concerns is the emerging information regarding the stability of land subject to Sea Level Rise. These safety risks should be a bedrock consideration that helps guide the Housing Element process so that greater density and development in these areas can be avoided to the extent reasonably possible. In undertaking that process, the boundaries of high-risk public safety areas must be identified.

The CalFIRE map of Berkeley's "Very High Fire Hazard Severity Zone" is reflected in the map shown in Attachment 1. The area to the right of the dotted line drawn through the gray area reflects a portion of Fire Zone 2 and all of Fire Zone 3, the ES-R zoned area known as Panoramic Way.

The portion of the gray area to the left of the dotted line is the rest of Fire Zone 2. The gray area indicates all of Fire Zone 2. See Attachment 2 which shows this without the CalFIRE dividing line drawn through Fire Zone 2 that is shown in Attachment 1.

Around 2008, CalFIRE recommended and published maps for the Very High Fire Hazard Severity ones in what was called Local Responsibility Areas (LRAs). According to Fire Department staff, Berkeley found that while CalFIRE maps approximated the boundaries historically considered to be at risk for wildfire in Berkeley, there were areas that should be included under the LRA provision. This means that Berkeley's High-Fire risk Areas are a combination of Fire Zone 3 and all of Fire Zone 2 as reflected in the Attachment 2 map.

An additional reason to clarify the boundaries of public safety areas is found in a last minute addition to the new State housing legislation that provides that an urban lot split in a single-family zone may be denied if the building official makes a written finding, based upon a preponderance of the evidence that the proposed housing development would have a specific, adverse impact on public health and safety or on the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. Having to consider this provision means that staff will have to have readily available information on a variety of factors. Identifying the boundaries of high-risk safety areas would be an essential part of the information which would be needed.

Since this recommendation pertains to more than wildfire areas, it is recommended that generally such areas should be known as “high-risk public safety areas.”

BACKGROUND

In response to a directive from Governor Newsom, the Association of Bay Area Governments assigned the task of producing 441,176 new housing units to cities and counties in the Bay Area. Berkeley’s share is to provide from 7,730 to 9,025 new Rental Housing Needs Allocation (RHNA) goals over the next eight years. RHNA goals include percentages of groups ranging from very low income to above moderate-income levels which must be met. To accomplish this, Berkeley is currently engaged in an 18-month process to update the Housing Element of our General Plan. The statutory deadline is that the result must be submitted to the California Department of Housing and Community Development by January 31, 2023. The Housing Element must include an inventory of sites where the new units will be located. Overall, the General Plan guides our future growth, and in addition to the Housing Element, it includes such other matters as preparation for disaster, natural and man-made. Goal 6 in the current Plan states that the intent is to make Berkeley a disaster resistant community that can survive, recover from, and thrive after a disaster.

Throughout all of the discussions that have occurred about disasters, it is recognized that certain areas are considered to be high-risk because of wildfires, but without confirmation of the exact boundaries of those areas. There has also been consistent mention of other public safety considerations such as Sea Level Rise, liquefaction and creeks, but no specific consideration regarding the impact of additional growth on public safety in these and other areas has followed. Land has already been identified by the City as being subject to Sea Level Rise and liquefaction. In March 2021, a new study indicated that land along our coast was currently sinking due to the weight of current development on non-engineered landfill.

Clearly the approval of a new Housing Element is a major task that must involve robust citizen participation by Berkeley residents. DFSC believes that we need to start by defining the geologic and other areas that pose a public safety threat. We must act immediately regarding the high-risk fire hazard areas as indicated in Items 1 and 2 on

our list and any inability to develop maps for the hazards listed in Item 3 on a timely basis should not delay identification of other areas as we move through the list.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Reducing Berkeley's contribution to climate change impacts is a large task given the State mandate to produce a new Housing Element that meets the assigned RHNA numbers. Ignoring the identification of high-risk public safety zones is not the answer. Approving multi-family buildings that are accessible to public transportation, but still offer tenant parking and which do not contain affordable housing goals at all levels is not the answer. These are issues along with others which must be sorted out in the Housing Element approval process, but which do not impact the need for boundary identification of high-risk public safety areas.

RATIONALE FOR RECOMMENDATION

DFSCs recommendation is based on the concept that planning future growth is built on a foundation that identifies those areas which contain the elements that place both residents and the future of the City at risk. Increasing population in high-risk public safety zones should not be delayed because of side issues such as street parking, enforcement or past history. We need to look at this issue from a current comprehensive planning perspective that allows growth in a resilient city that can survive and thrive before, during and after a disaster.

ALTERNATIVE ACTIONS CONSIDERED

There is no real alternative to undertaking an identification process that includes all parts of the city.

CITY MANAGER

The City Manager recommends referring this item the budget process.

Staff concurs that public safety considerations are a critical factor in the development and implementation of the City's Housing Element Update. Already in alignment with the Disaster and Fire Safety Commission's recommendation, the City's Disaster Preparedness and Safety Element of the General Plan and Local Hazard Mitigation Plan provide substantial guidance towards hazard identification and public safety considerations. The City's adherence with timelines and requirements for the Housing Element Update ensure that safety of residents is prioritized when identifying housing opportunity sites and affirmatively furthering fair housing. Furthermore, the statutory deadline for Housing Element certification and a requirement for Annual Progress Reports on the Housing Element State ensure timely action for implementation.

The Housing Element Update requires public input and provides the community with a level of understanding about the project process and materials. This outreach includes residents and community members, discussing program and policies that can reduce risks due to natural hazards. The community is engaged in the Housing Element Update and has provided valuable feedback at two City Council Worksessions (9/21/21

and 12/9/21) and two public workshops (10/27/21 and 1/27/22). The next City Council Worksession will be held on 3/15/22, during which time the public will have an opportunity to address Council.

Per State law, the Disaster Preparedness and Safety Element of the General Plan needs to be updated prior to 2024. On January 25, 2022, City Council referred to the City Manager an update of the Disaster Preparedness and Safety Element. Staff will be requesting funding during the FY2022-2024 budget cycle to fund this project which will ensure that public safety considerations are kept up to date as the City continues to reach its goals on housing.

CONTACT PERSON

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Attachments:

- 1: Hillside Conditions Map
- 2: Berkeley Fire Zones Map



