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6 CITY OF BERKELEY

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8 SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

9 RENE C. DAVIDSON COUNTY COURTHOUSE

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11 SAN FRANCISCO BAY AREA RENTERS
FEDERATION, CALIFORNIA RENTERS
12 LEGAL ADVOCACY AND EDUCATION
FUND, SONIA TRAUSS, and DIEGO
13 AGUILAR-CANABAL,

14 Petitioners,

15 v.

16 BERKELEY CITY COUNCIL, CITY OF
BERKELEY and DOES 1-25.

17 Respondents.

18

19 BARAN STUDIO ARCHITECTURE and CS
DEVELOPMENT & CONSTRUCTION INC.,

20 Real Parties in Interest.

NO. RG16 834448

ASSIGNED FOR ALL PURPOSES TO
HON. KIMBERLY E. COLWELL
DEPT. 511

**DECLARATION OF STEVEN
BUCKLEY IN OPPOSITION TO
MOTION TO ENFORCE
SETTLEMENT AGREEMENT /
STIPULATED ORDER**

Date: June 20, 2017

Time: 9:00 a.m.

Dept: 511

Reserv.# 1857327

21 I, Steven Buckley, declare:

22 1. I am the Land Use Planning Manager for the City of Berkeley. I supervise both
23 the advance planning (i.e., general planning and zoning) and current planning (i.e., permit
24 review) divisions of the Berkeley Planning and Development Department.

25 **Berkeley's Housing Needs and Production**

26 2. Table 1 attached hereto lists projects with at least five units that were approved,
27 built and/or occupied in the City of Berkeley during the past five years. These projects are listed
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1 by address, project status, unit count for various affordability levels, density bonus status, and
2 total / net housing units.

3 3. During the past five years, as the country has recovered from the great recession,
4 Berkeley has seen 649 new housing units complete and occupied. An additional 304 units are
5 under construction, building permits have been submitted for 694 units, and 597 units are under
6 review. In all, over 2,200 units are expected to be added to the local housing stock by these 31
7 projects.

8 4. Over 200 units, or about ten percent, of these units are affordable housing units.
9 “Affordable” refers to units that are deed-restricted to be available to lower income households.
10 While these units are an important component of the projects, contributing toward accomplishing
11 a public policy of providing housing for all economic segments of the population, they are
12 insufficient to meet all of the need.

13 5. Every jurisdiction in California is periodically assigned a “regional housing needs
14 allocation” (RHNA) by the regional council of governments. RHNA numbers are used by local
15 agencies in periodically updating the Housing Elements of their general plans.

16 6. In Berkeley’s case, the regional council of governments is the Association of Bay
17 Area Governments (ABAG). The most recent RHNA for Berkeley was for the nine-year period
18 of 2015-2023, inclusive. The total allocations for this nine year period, by income category, are
19 shown in the following table:

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INCOME CATEGORY	HOUSING UNITS
Very low income	532
Low income	442
Moderate income	584
Above moderate income	1,401
TOTAL ALLOCATION	2,959

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1 7. During the first year of this Housing Element / RHNA cycle (2015), Berkeley
2 permitted 675 new housing units, of which 20 (3%) were reserved for low to moderate income
3 households. (See Table 2.) During the second year of its RHNA period (2016), Berkeley
4 permitted an additional 512 new housing units, of which all but 7 percent were above-moderate
5 income units.

6 8. In sum, Berkeley has approved 1,148 above-moderate income units in two years,
7 out of its nine-year RHNA of 1,401, which accomplishes 82% of its allocation of market-rate
8 units.

9 9. In contrast, Berkeley has approved 57 deed-restricted affordable units in the past
10 two years, out of its nine-year RHNA of 1,558, which accomplishes less than 4% of its allocation
11 of affordable units.

12 10. In only one case were existing units demolished to provide a development site for
13 these new units.

14 11. As demonstrated above, virtually without exception, due to regional and local
15 housing supply and demand, new units that are not explicitly deed-restricted to be available for
16 very low, or low or moderate income households, have been sold or rented at above-moderate
17 income prices.

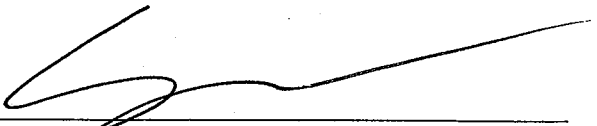
18 12. The project at 1310 Haskell Street is not subject to any deed restrictions relating
19 to rental or sales price.

20 **Berkeley Historic Preservation Program**

21 13. The City of Berkeley is a Certified Local Government (CLG). CLG status is
22 conferred upon jurisdictions that elect to provide historic preservation programs, staffing, and
23 other resources under the guidance of the State Office of Historic Preservation (SHPO).

24 14. The City of Berkeley retains local authority over historic properties under its
25 Landmarks Preservation Ordinance, which is managed by a Landmarks Preservation
26 Commission (LPC) and professional staff. The LPC provides design review advice to staff and
27 applicants, designates properties for preservation, and provides policy advice to the City Council.
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1 I declare under penalty of perjury that the foregoing is true and correct. Executed in
2 Berkeley, California on June 6, 2017.

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5 STEVEN BUCKLEY

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