

BNC Meeting Notes

Saturday – August 14, 2021

10:00 am – 12:00 Noon

This month's meeting was held via Zoom

18 attendees

Agenda

10:10-10:30 Update on Lehigh Hanson Asphalt Plant Pollution – Clean Air Berkeley, Mike Perlmutter

Over 200 complaints have been filed with BAAQMD. 5 violations (from BAAQMD and COB) and 2 Admin citations from COB have been issued including a Feb 10 citation with a Feb 25 deadline that was not met. After delays, the plant was found to be in compliance. Jim Frank wrote the compliance report. So far, no penalties have been issued.

There also appears to be a conflict of interest as City of Berkeley is purchasing its asphalt from Lehigh Hanson.

The threat of a \$100/day fine for a national corporation is merely a minor annoyance and not enough to get them to take the complaints seriously.

Clean Air Berkeley is asking for:

- Strengthened enforcement
- community meeting with City and BAAQMD to update community
- resolution to above ground tank concerns
- Ongoing air quality monitoring
- 3rd party inspections

Everyone is asked:

- to write letter to city officials
- Report pollution events to air district
- Sign up for updates. Go to website: www.iwantcleanair.com

Need City Council to approve any action. Councilmember Rashi Kesarwani and Planning Director, Jordan Klein have not been very effective at making progress.

City Pathways Navigation Center is nearby and residents could be affected by the ongoing pollution. CAB has reached out but ultimately the City has responsibility over the Navigation Center.

So far, BAAQMD has not been willing to hold a public meeting

Recommended that revoking the Use Permit be explored. The Board of Adjustments might be the place to start such a challenge. Mike will contact Shirley.

Possibly invite Mayor and Jordan Klein to Sept. meeting with BAAQMD. Recommended to invite Lisa Warhuus, Director of Housing and Community Services.

10:30-10:50 Update on the City's settlement in the lawsuit against UC – Dean

Settlement removes City from lawsuits against UC on specific housing issues including Upper Hearst. City will receive 2.8M/yr with restrictions per the agreement. The letter from Dean and David Wilson explains that the City will be effectively subsidizing \$380M of costs over the life of the agreement. Neighbors won CEQA lawsuit over future student expansion. However there is no enforceable provisions on key issues including: building adequate student housing, protections for tenants displaced by university projects, limiting of greenhouse gas emissions.

The lawsuit over expansion of volleyball facility at Clark Kerr is ongoing.

Another lawsuit is being prepared from Make UC a Good Neighbor and People's Park Historic District. Tom Lippe is the attorney (he also won Upper Hearst lawsuit). Fundraising is needed for attorney fees. Contact Harvey Smith at PPHD or Leslie Emmington at MUC a Good Neighbor.

10:50-11:10 Equity and Displacement – meetings with Jordan Klein, Planning Director – Willie Phillips

Recent Census report points to the continuing decrease in the African American population in Berkeley. See Berkeleyside article.

Friends of Adeline has been challenging the City to address the issue of displacement particularly in the Adeline Corridor. Initially this resulted in referrals to the Planning Commission and Housing Commission. But recently the issue has disappeared and is not being addressed.

Through FOA, the community has organized the Equity Summit. 4 meetings have been held. Next meeting will be held on Land Use (13th Sept?)

Met with Jordan Klein, last Mon., and as in prior meetings, nothing was accomplished. Jordan was asked how he defined gentrification. He had no answer. When asked about programs or policies to prevent displacement, he was surprised that no programs existed.

Harriet Tubman Terrace senior affordable apartments is in need of a building inspection. There is a question about structural integrity of the building. The property has recently changed hands and is under new ownership. FOA arranged a meeting at the site with Councilmember Ben Bartlett and Jordan Klein. The Mayor is aware of the problem.

Need a formal request to ask for a structural engineering inspection. FOA has asked for a meeting with City Manager but has received no response. It was suggested that the matter be brought to Council's attention.

11:10-11:45 Results of the poll on SB 9 and update on votes in Sacramento – BNC Leadership and Berkeley Together

The initial survey was sent to approximately 600 BNC members. Wording of the bill was changed to apply to single-family residential districts. Modified poll was sent to 14,000 Berkeley resident voters aged 40 and older. Nearly 800 responses. Results were overwhelmingly against SB9 with over 75% opposed. Every district opposed by more than 2/3.

The results were sent to Council and State Legislators. Press release sent out. No responses from Council or State legislators.

David Binder Research did a statewide survey on SB9 and SB10 commissioned by Housing Is A Human Right. The results for SB9 were nearly identical to the BNC SB9 survey.

Link to Statewide Town Hall on SB9/SB10: <https://youtu.be/P1ZL9D0DDQo> (United Neighbors presentation starts at 25:50)

Carla Woodworth, Berkeley Together, mentioned Shirley's commentary opposed to SB 9 and 10 in the Daily Planet which pointed out specific negative impacts on the city of Berkeley and the David Binder poll which showed that voters do care about homelessness, housing affordability, and issues around equity.

The State Legislature is back in session on Monday, the 16th and it is expected they will resume the SB9 actions in the coming month. Everyone is urged to contact Buffy Wicks and highlight the results of the BNC poll and the Binder poll.

Carla is drafting a letter to Assembly Appropriations Committee, who is meeting on Wed. or Thurs. of this coming week. Contact Carla with suggestions or input.

Berkeley Together now has a mailing list of 1500 people.

11:45-12:00 Announcements

Redistricting Committee is reaching out to identify Communities of Interest.

Next meeting, Wed. 6pm

Adjourn

NEXT MEETING: September 11, 2021