

Berkeley Progressive Alliance/Berkeley Citizens Action Candidate Questionnaire--2018 Election

Sunday, April 29th Endorsement Meeting
North Berkeley Senior Center

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Candidate for What Office: Berkeley City Council, District 4

Please return questionnaire to BPA by Thursday, April 19th

2018 Questions for Candidates for Berkeley City Council

I. General

A. Why do you think you'd make a good councilmember?

The accomplishments of my office in the year I have been on Council – in the areas of funding affordable housing, protecting tenants, compassionate approaches to homelessness, protecting civil liberties and civil rights, police reform, government transparency and constituent services -- demonstrate my aptitude as a Councilmember. I've kept the promises of my first campaign.

B. What are the key issues that you think the City Council should address?

The key issues facing Berkeley are the joined crisis of affordable housing and homelessness, absence of a sense of urgency in the face of climate change and insuring government transparency and accountability (including in policing, budgeting and land use planning).

C. Do you support the <https://berkeleyprogressivealliance.org/about-us/>
Berkeley Progressive Alliance's mission statement and progressive agenda?

<https://berkeleyprogressivealliance.org/about-us/> Yes No

1.) Is there anything you would add? Yes No

What would you add? _____

2) Is there anything you would **not support**? Yes No

Which Items would you not support? _____

D. Will you obtain public financing for your campaign? Yes No

I already have.

E. Do you support the candidates for Berkeley Rent Stabilization Board
chosen at the Tenant Convention on April 22? Yes No

I can't answer that because this questionnaire is due before that date but I am almost certain to.

F. Whom do you support for State Assembly AD14.

I have jointly endorsed Jovanka Beckles and Dan Kalb.

II. Housing and Displacement

A. Do you support placing a City of Berkeley **bond measure** on this November's ballot dedicated to funding below market affordable housing construction and acquisition in Berkeley? Yes_x__ No____

The City critically needs to focus on Housing Trust Fund revenue streams other than developer fees, which have been both inadequate to meet the need for extremely low, very low, low and moderate income housing and have rendered the City overly-dependent on this source of funds (see F. below).

B. Would you support a graduated increase in the City of Berkeley **property transfer tax** on homes with the proceeds dedicated to the Housing Trust Fund?

Yes_x__ No____

My office advocated on the Mayor's Affordable Housing Task Force for inclusion of this measure on the 2018 ballot and conducted the financial analysis of likely revenues.

C. Do you support building below-market rate permanently affordable housing on the **North Berkeley BART** parking lot? Yes_x__ No____

Yes, but I will push BART to designate the station as a neighborhood rather than urban station, which under BART's policies will require the housing developed to blend in with its surroundings.

D. What proportion of any housing built there should be below market rate and at what level(s) of affordability?

At least 50% at low income (80% Area Median Income).

Alameda County Income Limits for Income Categories (extremely low, very low, low, etc.): <http://www.dublin.ca.gov/DocumentCenter/View/10539>

E. Do you support **land value capture**? Yes_x__ No____

1) Whenever upzoning occurs, should the City ask for a share in the increase in value that results from upzoning? Yes_x__ No____

F. Berkeley has a rich history of being a community that is economically and racially diverse. What do you think the city could do now to stop the displacement of African Americans and other people of color?

We have been dependent on developer fees for affordable housing for too long, leaving us vulnerable to market displacement as we seek to acquire (woefully insufficient) affordable housing. Without dedicated municipal resources for affordable housing projects, the market will run its course and continue the rapid displacement of our communities of color. In addition to insuring construction of affordable housing rental units, I am advocating for solutions like cooperatively owned properties and accessory dwelling units that are less expensive and use fewer resources to construct, can be placed throughout the city and support multi-generational housing.

I am vigilant about protecting against displacement of current or former tenants at sites being considered for new development. For each project appealed to the Council, one of my primary questions is whether local and State laws for tenant protection, right of return and replacement affordable housing are enforced.

I also helped acquire \$600,000 in the Fiscal Year 2018 budget to expand legal help for tenants facing eviction and harassment and financial assistance for tenants with urgent financial needs. My office has advocated for many Berkeley residents who need the assistance of the East Bay free legal services.

G. What should the City Council do to put some teeth in code enforcement, particularly regarding residential rentals?

Lack of enforcement leads to tenants living in substandard housing and the deterioration and eventual demolition of rent-controlled buildings. On the joint Council and Rent Board committee, we are examining more proactive periodic inspections by the City of buildings for habitability under the annual rental housing safety program (RHSB), rather than allowing property owners to submit a self-certified check list. By consolidating housing code enforcement in the Building Department from Housing, Health and Human Services and providing for joint inspections with other City departments as needed (e.g., with the Health Department to insure compliance with the smoke-free housing ordinance), we can improve compliance and reduce duplicative inspections. This will be better for tenants, property owners and the City.

H. Do you support **SB 827**? Yes ___ No x ___

SB 827 gives commercial property owners and developers a windfall increase in density without requiring any community benefit in return and without adequate protections against demolition of existing housing. SB 827 would allow construction of 7 story buildings (55' plus a 35% density bonus) on residential streets in much of South, Central and West Berkeley, with even greater height allowed on commercial corridors (85' plus a 35% density bonus). It would have little impact on the hills.

I am opposed to SB 827 (which failed in the Senate committee on April 17). As discussed in an editorial by Carl Anthony, Margaret Gordon, Margareta Lin and myself, SB 827 unnecessarily pits the housing needs of workers in the new tech economy against those of long-time, often lower income, residents. The Bay Area has added almost 600,000 new jobs since 2012, primarily in the tech sector. While jobs are created and filled in a

matter of months, building housing to meet the new demand takes many years. For each relatively high paid job, 4.3 other jobs are created, many at lower levels of pay, including those for school teachers, cooks and retail clerks. All of these new workers, regardless of income, must find housing.

Under the twin banners of smart growth and housing production, SB 827 would remove most local controls or requirements for new market rate housing projects built in neighborhoods with a major transit stop or high-quality transit corridors. Density bonuses that are commonly used by local governments to negotiate affordable housing concessions from market rate development projects would be a developer right under SB 827.

Just more housing does not amount to affordable housing. SB 827 would exacerbate the market force displacement already occurring by raising the rent bar for other housing in those neighborhoods, even in older buildings, as property owners wait for tenants to leave so the building can be turned over or actively work to evict or harass tenants into leaving. In addition, as seen by recent studies, the environmental benefits of TOD development are negated by pushing lower income people into more affordable outer suburbs; the displaced workers then have to commute back to urban job centers.

Conventional politics has operated as if there were a deep and unbridgeable gulf between environmentalism and social justice. I think we can approach both at the same time by building housing that people in neighborhoods with transit can afford combined with stronger requirements for housing, including market rate housing, production near jobs in places like Cupertino and Mountain View that have been reluctant to do their fair share. There are many new State bills to increase affordable housing funding as well as local affordable housing bonds soon to be on the ballot. There are also private efforts, such as the SPARCC Initiative, to finance mixed income transit oriented development projects. California's recent infrastructure financing districts, a form of state redevelopment financing 2.0, could also be an interesting source of new funding for affordable housing in transit rich neighborhoods.

- I. Do you think 7-story buildings should be permitted in areas zoned R-1, R-2, R-2A and R-3?
Yes___ No__x__

Latest version of SB 827 can be found here:

https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180SB827

- J. What should the City do to support limited equity cooperative housing in Berkeley?

The Affordable Housing Action Plan, of which I was a key author, set aside \$1 million in the small sites program for non-profits to buy buildings and keep them affordable. I further sponsored legislation to provide seed money from the landlord tax (U1) to land trusts so that they can effectively identify buildings that might be converted to equity and limited equity cooperative housing (through 2010, the City provided seed funding to non-profit housing developers). We have over 900 rent controlled units in Berkeley that have been vacant for over a year; over 400 of these vacant rent-controlled units are in

buildings that are at least half empty. This presents an opportunity for non-profit developers and land trusts to purchase buildings and keep them affordable.

III. Health Care

A. Do you oppose Sutter Health's plans to close **Alta Bates**? Yes No

B. What would you do to ensure that Berkeley has a full service hospital and emergency room located nearby for the long term?

Our city's only hospital is designated to close in 2030 after years of eliminating services. Sutter continues to move current services to Summit, eviscerating Alta Bates a day at a time. Its closure would endanger lives in individual emergencies and natural disasters by depriving people from Western Contra Costa County (which already lost Doctors' Hospital) through Berkeley of a full-service emergency and acute care hospital. Greater distances also impose unacceptable delays and costs on emergency responders; our firefighters who would lose valuable time travelling to Sutter in Oakland – time we need for them to attend to other Berkeley residents. Non-emergency medical services that cluster around hospitals will also be lost, limiting access to services that keep people out of emergency rooms in the first place. Sutter's proposal for a stand-alone emergency hospital without other medical facilities (e.g., surgery, laboratories) is inadequate and should be rejected. With \$14 billion in assets and opportunities to apply for state financing, Sutter's claim that they cannot afford needed seismic upgrades is not credible.

We need to keep the community pressure on Sutter, as with the successful "Save Alta Bates" community forum organized by my office, door-to-door organizing with the California Nurses' Association, and ongoing lobbying by all cities in the I-80 corridor. I support the Mayor's Office in developing an assessment of the community health impacts if the hospital were to close; local zoning and eminent domain approaches to threatened closure; and state legal and legislative action such as examining Sutter's not-for-profit status (which exempts it from property taxes and city and county fees in exchange for community benefits such as providing services to the uninsured) and Senator Skinner's recent bill giving the Attorney General authority to consider loss of services as well as outright closure in actions against non-profit hospitals. Berkeley officials recently met with California Attorney General Becerra in Sacramento; the Attorney General has filed an anti-trust lawsuit against Sutter.

C. Do you support enacting single-payer healthcare in California? Yes No

IV. Addressing Climate Change

Background: Berkeley's Climate Action Plan found that natural gas and electricity used by buildings accounted for 53% of greenhouse gas emissions in Berkeley, while gasoline and diesel burning vehicles accounted for 47%.

A. Do you support the California Energy Efficiency Strategic Plan goal that “All new residential construction will be zero net energy (ZNE) by 2020”? Yes No
(see <https://www.capath2zne.org>)

B. Should Berkeley require ZNE in new residential construction beginning in 2020? Yes No

State zero net energy standards will be a reality in 2020. Berkeley should be ahead of the curve and begin to require this now where economically feasible. In addition, project approvals should depend on buildings being as environmentally conscious as possible even where zero net energy is not yet feasible. DeepGreen standards at the individual facility and community level, including embodied energy in building materials, sustainably sourced materials and water conservation are needed. Rooftop gardens, green roofs, water reclamation or solar should be required on all new multi-unit buildings and city facilities. For example, the rebuild of the Civic Center Garage, while improved by the Zoning Adjustments Board, could have been more environmentally friendly by requiring that the upper story include more of these elements.

C. What should the City Council do to encourage use of alternative modes of transportation?

While we all need to travel by car sometimes, it is time to reduce our dependence on gasoline-powered cars through multi-modal forms of travel including biking, walking and public transit; charging parking meter and garage fees that reflect times of heaviest use; and expanding electric vehicle charging stations. 30% of our City’s land is covered in asphalt, mainly due to our dependence on automobiles – this is a danger to the health of the planet and ourselves.

Continuing investments in safe pedestrian and bicycle travel is critical. My office worked to change the City’s stop sign criteria as it centered on automobile volume and not toward protecting children and seniors and riders in bike lanes. Rapid bus features including signal synchronization and right of way engineering improvements could help reduce transit delays.

I strongly believe in housing for moderate and low-income individuals near major transit hubs to encourage the increased use of our existing public transit by those who need it most. Given the effect of new development on public transportation, Berkeley should adopt a Transportation Impact Fee. Funding from any Transportation Impact Fee could be used to fund transit passes, shuttle bus service, or other Transportation Demand Management (TDM) programs. It should also be standard practice for new development to require GreenTrip certification, which seeks to identify trip reduction measures such as limiting parking, providing transit passes to residents, or other measures.

Any parking that is built needs to be done so in a way to allow conversion to other uses such as housing when car sharing, autonomous cars and better transit significantly reduce need for parking in the very near future. Parking meter and garage fees that reflect times of heaviest use should be expanded. More signage about where parking

available is needed to reduce emissions from idling and circling the block. Garage parking should be incentivized by charging less; however, for this to be effective, garages need to be made to be and feel safe. Reserved parking should be provided at the top, not the bottom level of garages to encourage quicker in and out and electric-charging stations need to be expanded.

Our office has advocated for more aggressively implementing electric-vehicle charging infrastructure. We should also monitor attempts by the State PUC to change and reduce off-peak energy use times to make sure they do not hinder use of electric vehicles.

D. Should the City establish a system of shuttles connecting different neighborhoods and commercial areas? Yes No

The first priority should be to use passage of the 2016 C1 parcel tax to demand expanded AC Transit service, particularly in West Berkeley. The 72 line is wholly inadequate. We should also work with AC Transit and neighboring cities for a model loosely patterned on Emery Go Round, provided by AC Transit itself but funded by private entities. These alternatives are far preferable to privately funded shuttles which continue a trend of privatizing what should be public services for the benefit of a few and largely lack labor and benefit package for drivers.

1) If so, how could this be funded?

Through the Transportation Impact Fee discussed above and/or community benefit payments from developers.

E. Should the City replace its fossil-fuel powered vehicles with electric vehicles? Yes No

The City currently only has a couple of all-electric vehicles; this is a missed opportunity. These vehicles are not only environmentally-friendly but experience significantly lower energy and maintenance costs. As range has increased to nearly 200 miles in even less expensive models, these vehicles are ideally suited for much of our 711 vehicle fleet, especially for work done within the city of Berkeley. The City is exploring purchasing use of plug-in hybrids and more electric-charging at City facilities. We will need to retain some gas-powered vehicles for those few functions that entail travelling longer distances (e.g., park workers who must travel to our recreational camps in the Sierras) or for specialized vehicles (e.g., fire trucks) that are not available in electric models.

V. Police and Community

A. Do you support the Berkeley Community United for Police Oversight charter amendment to create a new Police Commission Yes No

Why or Why Not?

The will of the voters in 1973 to create a strong, independent Police Review Commission

has been thwarted by the City's inaction in making necessary Charter changes. The Berkeley Community United for Police Oversight charter amendment has become the driving force for needed reform. Without this effort, and the proponents' outreach into the community, the discussion of needed Charter reforms would not be taking place. I was deeply disappointed that the Council voted to table discussion of the Police Oversight Charter amendment; we do the community a disservice by not taking the time to discuss and debate this pressing issue.

I support the goal of the Charter amendment to create an independent review commission with real teeth. At present, there is insufficient separation between daily management and investigations and policy setting when what is needed is a bright line between the two to insure independent oversight. To that end, I believe a Charter amendment should provide more nuanced distinctions between management of the department and oversight of investigations and policy development. The minimum requirements for effective reform which should be effectuated through a Charter reform include:

- 1) Irrefutable PRC subpoena powers for documents (including files of officers showing all past disciplinary proceedings)
- 2) Right to demand appearance of officers
- 3) Change in standard of proof for disciplining officers to one closer to that used in employment cases generally; the current standard is closer to the standard used in civil court cases
- 4) Creation of a disciplinary matrix for officers to be followed except in exigent circumstances
- 5) A budget set separately by the City Council
- 6) Independent selection and management of PRC staff
- 7) Authority to recommend firing the Chief, but not independent power to do so
- 8) A strong Inspector General role that examines patterns of police conduct and the underlying policies and training that reinforce those patterns. The commission should be more explicitly authorized to recommend changes in policy to tackle those patterns, with Council approval.

Text of proposed charter amendment, item 27 on the March 27 Council agenda, can be found here: https://www.cityofberkeley.info/Clerk/City_Council/2018/03_Mar/City_Council_03-27-2018_-_Regular_Meeting_Agenda.aspx

B. Do you support the recommendations in the Police Review Commission Report **To Achieve Fairness and Impartiality**, including those related to data collection and analysis, racial disparities and body cameras?

Yes, I have been focused on this issue since I was sworn into office. My office fought for release of the study from UCLA documenting racial disparities in police stops, citations, searches and arrests and use of force and drafted the resolution in November, 2017 requiring the City Manager to track police interactions by race, develop training programs to address any disparities found, and implement policy and practice reforms

that reflect cooperation between the Berkeley Police Department, the PRC and the broader Berkeley community. I have authored a further resolution to be heard on April 24, 2018 to support the PRC's recommendations that the City create a policy requiring officers to identify themselves by their full name, rank and command in writing (e.g., via a business card) to individuals they have stopped, as in Oakland, New York, Providence, and San Jose; change the BPD's practice of randomly inquiring about community members' probation or parole status; enhance search consent policies; enhance transparency by improving reporting about on the public data portal; and, in the longer term, develop a data dashboard from which BPD leadership can view real-time data about racial disparities and other policing data, as well as provide accessible graphs and charts reflecting relevant data analysis.

I also sponsored legislation requiring that the Department revise its use of force policy to identify all uses of force (rather than just those resulting in an injury or use of weapon or arising out of a complaint) and develop plans to use the minimum force necessary.

Text of Report, item 26 on the Council agenda, can be found here:

https://www.cityofberkeley.info/Clerk/City_Council/2018/03_Mar/City_Council_03-13-2018_-_Regular_Meeting_Agenda.aspx

VI. Homelessness

- A. Would you support a \$5M parcel tax for homeless services including shelters, navigation center and rapid rehousing? Yes No
- B. How should the City Council respond to encampments of homeless people?

The City should be providing proactive outreach and service connections to those living in encampments rather than alternately ignoring them and then reacting with enforcement. The City itself should reallocate resources to fund more up-front mental health services and demand that the County release funds it has been holding on to for mental health services and drug treatment for those coming out of our prisons. Given the size of the crisis on our streets, I support sanctioned encampments on City-selected sites with minimum health and safety standards and size limitations. In early Spring, 2018 I was able to convince a majority of my Council colleagues to ask the Homeless Commission to consider a sanctioned encampment policy; prior to that time, only two councilmembers (Councilmember Davila and I) were willing to publically support even discussing sanctioned encampments. Concerns over liability can be managed by passing alternative minimum health and safety standards which, because Berkeley has declared a shelter emergency, the City may (and is required to) do under State law.