



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Councilmember Raul Peralez

SUBJECT: Orders of the Day -
Deferral of Item 10.3/10.4

DATE: June 22, 2021

Approved

Date: 06/22/21

RECOMMENDATION

That the City Council defer consideration and action of Items 10.3 and 10.4 to the June 29, 2021 City Council Meeting.

DISCUSSION

I would like to thank City Staff, the applicant and especially Councilmember David Cohen's office for their collaborative work on this land use matter with citywide impacts, affecting hundreds of minority, small business owners who live in our various council districts. In conducting my own due diligence and having participated in the many bilateral discussions with Councilmember Cohen's office as a member of his Brown Act - I have concluded that we need a little more time.

There are still many outstanding questions and concerns that needs to be addressed:

- **Infill Infrastructure Grant (IIG) Concerns:** The City Council has been urged to approve this rezoning at the risk of the applicant losing an opportunity to apply for the State's IIG program for affordable housing. According to the Notice of Funding Availability (NOFA), the application would need to be submitted on July 12, 2021 and notice of award would not be until October. However, in reviewing the NOFA, we need clarification that indeed by not securing land use entitlements¹, the applicant is *not* automatically disqualified and that the applicant may still achieve points towards their application. I do not discount that it is a very competitive grant and agree that an opportunity to build affordable housing in this Transit Oriented location is ideal. Regardless, there is confusion around this issue that has become the crux of this sense of urgency, so further clarity from

¹ <https://www.hcd.ca.gov/grants-funding/active-funding/iig/docs/iig-guidelines.pdf>

our housing staff and experts would be appreciated to ensure there is a broad understanding on this issue.

- **Legal concerns:** In addition to the May 5, 2021 staff supplemental to the Planning Commission, and most recently broad legal statements raised at a large community meeting on June 16, 2021, there is lack of clarity on what are the legal consequences depending on what direction City Council opts for. A closed session meeting with legal counsel would be warranted.
 - **General Plan Questions:** Among those legal concerns, there has been a claim raised by a local land use expert and Urban Planning University Professor that the City has no obligation to approve the current PD Rezoning Application (PDC17-051). While certain members of the Council who have remained close to this project may have a better grasp of this issue, it would be prudent that the entire Council have a thorough understanding among all its members before proceeding.
- **Additional outreach and engagement with the larger vendor community:** Ever since the closing of the EIR comment period in October, I have appealed to various parties within the City to host a community-wide meeting to address the growing concerns during that time. It is unfortunate that the first community meeting where every vendor received notice occurred last Wednesday, less than seven days from the Council action. Even so, there were surmountable gaps in that meeting such as a lack of translation services, and paper handouts. There needs to be more time to follow up with the at-large vendor community on what was discussed and proposed at the June 16th Meeting.
- **Socioeconomic Assessment:** After hearing the request from the Berryessa Flea Market Vendors Association (BFVA) for a \$2 million economic impact study, my office facilitated an initial meeting on Friday June 18 with the Office of Economic Development and BFVA leadership to discuss an alternative, cost-efficient socioeconomic assessment that would achieve similar goals. A second discussion may be needed to expand on this proposed action further as there were questions left unanswered or needed follow up.

Finally, it was announced yesterday that the BFVA would be conducting an indefinite hunger strike. While admiring their convictions, I cannot help but have concerns for their health. A week-long deferral may give us time to appeal for reconsideration of their strike action and attempt to bring all parties back to the table to find further resolution.