



Housing Advisory Commission

HOUSING ADVISORY COMMISSION

AGENDA

Regular Meeting

Thursday, February 7, 2019
7:00 pm

South Berkeley Senior Center

2939 Ellis Street
Secretary Amy Davidson
HAC@cityofberkeley.info

All agenda items are for discussion and possible action.

Public comment policy: Members of the public may speak on any items on the Agenda and items not on the Agenda during the initial Public Comment period. Members of the public may also comment on any item listed on the agenda as the item is taken up. Members of the public may not speak more than once on any given item. The Chair may limit public comments to 3 minutes or less.

1. Roll Call
2. Agenda Approval
3. Public Comment
4. Approval of the January 3, 2019 Regular Meeting Minutes (*Attachment 1*)
5. **Officer Elections** – *All/Staff (Attachment 2)*
6. **Discussion on First Draft Annual Action Plan (AAP) PY 2019** – *Rhianna Babka, HHCS (Attachment 3)*
7. **Discussion and Possible Recommendation to the City Council for the Resources for Community Development 2001 Ashby Predevelopment Loan Application** – *Amy Davidson, HHCS (Attachment 4)*
8. **Discussion and Possible Action to Recommend the City Council Endorses AB 10, SB 18, and SCA 1** – *Igor Tregub (Attachment 5)*
9. **Report and Discussion on Community Development Block Grant (CDBG) Subcommittee** – *Matthew Lewis*
10. **Discussion and Possible Action to Streamline Subcommittee Formation** – *Thomas Lord (Attachment 6)*
11. **Discussion and Possible Action on Smoking Ban in Multifamily Housing** – *Thomas Lord (Attachment 7)*
12. **Discussion and Possible Action to Establish Protocol for the Bi-Annual Housing Policy Report** – *Igor Tregub/Thomas Lord (Attachments 8 & 9)*

13. Discussion and Possible Action to Recommend to the Joint Subcommittee for the Implementation of State Housing Law (JSISHL) Regarding a Student District Density Bonus – Thomas Lord (Attachment 10)

14. Update on Council Items (Future Dates Subject to Change) – All/Staff

- a. Measure O Worksession Report (1/15)

https://www.cityofberkeley.info/Clerk/City_Council/2019/01_Jan/Documents/2019-01-15_Presentations_Worksession_Measure_O_pdf.aspx

15. Announcements/Information Items

- a. Wolfe, Governor Newsom's Proposed Budget to Address Homelessness and Increase the Supply of Affordable Housing (*Attachment 11*)
b. Wolfe, Affordability Restrictions Defined by Local, State and Federal Affordable Housing Funding Programs (*Attachment 12*)
c. Wolfe, Measures O and P Council Study Session (1.15.19) (*Attachment 13*)
d. Lord, Housing Policy Must Prioritize Environment and Equity (*Attachment 14*)

16. Future Items

- a. Presentation on Metropolitan Transportation Commission Committee to House the Bay Area (CASA) Planning Initiative (March 2019)
b. Annual Action Plan (AAP) PY 2019 Recommendations (March 2019)
c. Residential Housing Safety Program and Fees (Resilient Buildings Program Manager) (March 2019)

17. Adjourn

Attachments

1. Draft January 3, 2019 Regular Meeting Minutes
2. Amy Davidson, HHCS, Officer Elections
3. Rhianna Babka, HHCS, First Draft Annual Action Plan (AAP) PY 2019
4. Amy Davidson, HHCS, Resources for Community Development 2001 Ashby Predevelopment Loan Application
5. Tregub, Recommendation to Endorse AB 10, SB 18, and SCA 1
6. Lord, Streamlining Subcommittee Formation
7. Lord, Multi-Family Residential Smoking Ban Progress
8. Tregub, Measure U1 Reporting
9. Lord, Bi-Annual Housing Policy Report Deadline in March
10. Lord, Advising JSISHL about a Student District Density Bonus
11. Wolfe, Governor Newsom's Proposed Budget to Address Homelessness and Increase the Supply of Affordable Housing
12. Wolfe, Affordability Restrictions Defined by Local, State and Federal Affordable Housing Funding Programs
13. Wolfe, Measures O and P Council Study Session (1.15.19)
14. Lord, Housing Policy Must Prioritize Environment and Equity

Correspondence

15. 1638 Stuart Street Apartments Community Meeting
16. Andy and Becky Donohoe, Bay Area Community Land Trust 1638 Stuart Street Project
17. Adele Failes Carpenter, Addressing Vacant Foreclosed Homes
18. City of Berkeley Zero Waste Facility Design Charrette

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Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available for public inspection at the Health, Housing & Community Services Department located at 2180 Milvia Street, 2nd Floor during regular business hours. Agenda packets and minutes are posted online at:

https://www.cityofberkeley.info/Housing_Advisory_Commission/

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HOUSING ADVISORY COMMISSION
Regular Meeting
Thursday, January 3, 2019

Housing Advisory Commission

Time: 7:04 pm

South Berkeley Senior Center
2939 Ellis Street – Berkeley
Secretary – Amy Davidson, (510) 981-5406

DRAFT MINUTES

1. Roll Call

Present: Xavier Johnson (arrived at 7:06 pm), Matthew Lewis, Thomas Lord, Darrell Owens, Maryann Sargent, Igor Tregub and Marian Wolfe.

Absent: Amir Wright (excused).

Commissioners in attendance: 7 of 7

Staff Present: Amy Davidson, Jenny McNulty, Mike Uberti, Jenny Wyant

Members of the public in attendance: 8

Public Speakers: 7

2. Agenda Approval

Action: M/S/C (Wolfe/Lord) to approve the agenda.

Vote: Ayes: Johnson, Lewis, Lord, Owens, Sargent, Tregub and Wolfe. Noes: None. Abstain: None. Absent: Wright (excused).

3. Public Comment

There were four speakers during public comment.

4. Approval of the November 1, 2018 Regular Meeting Minutes

Action: M/S/C (Lord/Lewis) to approve the minutes with an amendment to Item 9 to state that “In the event that no candidate receives the majority of the vote, the lowest candidates will be removed from eligibility and the commission will re-vote to select an officer.”

Vote: Ayes: Johnson, Lewis, Lord, Owens, and Wolfe. Noes: None. Abstain: Sargent and Tregub. Absent: Wright (excused).

5. Receive Presentation and Provide Comments on the 2019 Update to the Local Hazard Mitigation Plan

6. Discussion and Possible Referral to City Council to Review Code Enforcement

Action: M/S/C (Lord/Johnson) to send an information report to City Council regarding the Commission's upcoming meeting with the Resilient Buildings Program Manager to discuss:

- The Commission's code enforcement oversight role;
- The new manager's views on how the Commission can best implement that role;
- The City Council referral to strengthen the Residential Housing Safety Program; and
- The Seismic Retrofit program.

Vote: Ayes: Johnson, Lewis, Lord, Owens, Sargent, Tregub and Wolfe. Noes: None. Abstain: None. Absent: Wright (excused).

7. Discussion and Possible Action on 2018 HOME RFP Proposals and Recommendation to Reissue the RFP to Consider Measure O Funds

Commissioner Wolfe recused herself from this item as she is on the board of Resources for Community Development, an organization that makes funding requests to the City of Berkeley for development projects.

Action: M/S/C (Johnson/Lewis) to extend the meeting one hour to 10:00 pm.

Vote: Ayes: Johnson, Lewis, Lord, Owens, Sargent and Tregub. Noes: None. Abstain: None. Absent: Wolfe (recused) and Wright (excused).

Action: M/S/C (Johnson/Lewis) to adopt the Housing Trust Fund subcommittee's recommendation to:

- A. Recommend that the Housing Advisory Commission recommend to the City Manager to allow applicants that submitted proposals in response to the 2018 HOME RFP an additional 30 days (from the date a decision is made) to revise their proposals to address the issues identified in the staff report.
- B. If no feasible project is selected, recommend to the Housing Advisory Commission and City Council to release a reissued RFP with consideration for additional local funds.

Vote: Ayes: Johnson, Lewis, Lord, Owens, Sargent and Tregub. Noes: None. Abstain: None. Absent: Wolfe (recused) and Wright (excused).

8. Discussion and Possible Action to Nominate Candidates for February Officer Elections

Action: M/S/C (Lord/Lewis) to establish the following nominees for the February officer elections:

- Chair: Johnson, Lord, Wolfe
- Vice Chair: Johnson, Lewis, Lord, Sargent, Owens, Tregub

Vote: Ayes: Johnson, Lewis, Lord, Owens, Sargent, Tregub and Wolfe. Noes: None. Abstain: None. Absent: Wright (excused).

9. Possible Action to Make Recommendations to Council to Create the Measure O Oversight Committee and Measure P Homeless Services Panel of Experts

Action: M/S/C (Johnson/Lord) to recommend to City Council that the independent oversight committee and Homeless Services Panel of Experts as designated under Measures O & P be created as soon as possible.

Vote: Ayes: Johnson, Lewis, Lord, Owens, Sargent, Tregub and Wolfe. Noes: None. Abstain: None. Absent: Wright (excused).

10. Discussion and Possible Recommendation to Council on the Housing Advisory Commission's Communicating and Meeting with Community Stakeholders on Housing Innovations

Action: M/S/C (Lord/Johnson) to recommend to City Council to authorize the Housing Advisory Commission to:

- Communicate directly, in writing, with various affordable housing organizations for the limited purposes and with the disclaimer described below;
- To receive, and place on the record, written replies and replies spoken to the Commission in session;
- To ask the City Manager and City Attorney to craft the disclaimer we describe below and provide a proper version to the Commission;
- To have the option to schedule (in cooperation with the Commission Secretary) up to one (1) additional meeting of the Housing Advisory Commission prior to June 2020, a Special Meeting to which these organizations may be invited to discuss the issues described below; and
- With none of these authorizations extending beyond June 2020 without further review by City Council.

Vote: Ayes: Johnson, Lewis, Lord, Owens, and Tregub. Noes: Sargent and Wolfe. Abstain: None. Absent: Wright (excused).

11. Discussion and Possible Action to Recommend the City Council Endorses AB 10, SB 18, and SCA 1

12. Discussion and Possible Action to Make Recommendations to the Joint Subcommittee for the Implementation of State Housing Law (JSISHL)

13. Discussion and Possible Action to Update Work Plan

14. Update on Council Items

15. Announcements/Information Items

16. Future Items

17. Adjourn

Action: M/S/C (Lewis/Johnson) to adjourn the meeting at 10:13 pm.

Vote: Ayes: Johnson, Lewis, Lord, Owens, Sargent, Tregub and Wolfe. Noes: None.
Abstain: None. Absent: Wright (excused).

Approved on February 7, 2019

_____, Amy Davidson, Secretary



Health Housing and
Community Services Department
Housing & Community Services Division

MEMORANDUM

To: Housing Advisory Commission

From: Amy Davidson, Senior Community Development Project Coordinator

Date: January 30, 2019

Subject: **February Officer Elections**

Housing Advisory Commission (HAC) officer elections are held each year in February. The offices established in the Commissioner Manual are Chair and Vice Chair. The term for each office is one year. An individual Chair may serve a maximum of two consecutive terms and there are no term limits for the Vice Chair. Igor Tregub was first elected Chair in February 2017, and he is therefore not eligible to run for Chair this year.

The Chair presides over meetings of the HAC, and has numerous responsibilities outside the meeting. These include:

- Drafting all Commission-approved reports and correspondence in accordance with the requirements and in a timely way, or coordinating with other Commissioners to do so;
- Approving the final version of each Commission-approved report and correspondence, signing them and submitting them to staff;
- Representing the HAC at Council meetings for all HAC adopted items sent to Council;
- Completing officer training;
- Meeting with staff to discuss the agenda each month;
- Approving the final agenda for each meeting; and
- Receiving media requests on behalf of the HAC, subject to numerous restrictions explained in the Commissioner Manual.

The Vice Chair participates in agenda setting as well, and fills in for the Chair when the Chair is not available. If you have questions, please consult the Commissioners Manual: [http://www.ci.berkeley.ca.us/Clerk/Commissions/Commissions Commission Manual.aspx](http://www.ci.berkeley.ca.us/Clerk/Commissions/Commissions_Commission_Manual.aspx) and let me know if you have additional questions.

At the November 18, 2018 HAC meeting, the commission took the following action to adopt process guidelines for the February election:

A Vibrant and Healthy Berkeley for All

Action: M/S/C (Lord/Johnson) to adopt the following guidelines for the February officer elections:

- The commission will nominate candidates at the regular January meeting;
- The commission will adopt a panel of candidates by motion;
- All commissioners will vote by written ballot, which shall be read publicly by the Secretary; and
- In the event that no candidate receives the majority of the vote, the lowest candidates will be removed from eligibility and the commission will re-vote to select an officer.

Vote: Ayes: Johnson, Lewis, Lord, Wright and Wolfe. Noes: None. Abstain: None. Absent: Amezcua (unexcused), Kesarwani (excused), Owens (excused) and Tregub (excused).

City staff will provide ballots which shall be read publicly and recorded with each vote. At the January 3, 2019 meeting the following candidates were established for each position:

Action: M/S/C (Lord/Lewis) to establish the following nominees for the February officer elections:

- Chair: Johnson, Lord, Wolfe
- Vice Chair: Johnson, Lewis, Lord, Sargent, Owens, Tregub

Vote: Ayes: Johnson, Lewis, Lord, Owens, Sargent, Tregub and Wolfe. Noes: None. Abstain: None. Absent: Wright (excused).

Commissioners are allowed to nominate themselves or a fellow appointed commissioner. Commissioners not nominated at the January meeting may still opt to include themselves or another commissioner prior to the balloting process for each position at the February meeting.



Health Housing and
Community Services Department
Housing & Community Services Division

MEMORANDUM

To: Housing Advisory Commission (HAC)
From: Rhianna Babka, HHCS, Community Services Specialist III
Date: January 25, 2019
Subject: **First Draft Annual Action Plan (AAP) PY 2019**

Each year, HCS staff prepare an Annual Action Plan (AAP) which is submitted to the federal Department of Housing and Urban Development (HUD) in May. The plan outlines how the City of Berkeley will spend its Community Development Block Grant (CDBG), HOME Investment Partnership Program (HOME) and Emergency Solutions Grant (ESG) funds for the federal program year (PY) 2019 which corresponds to the City's fiscal year (FY) 2020. The budget shown in the AAP is an estimate as we haven't received our final entitlement amount yet. We've estimated a 2% reduction in CDBG funding, which is standard practice to allow for a slight reduction in funding caused by more jurisdictions applying for funding.

Both staff and the HAC CDBG subcommittee are currently in the process of reviewing housing services, public services and COB/Partner agency administered community facilities proposals. These recommendations will also include a funding allocation for the public community facilities Notice of Funding Availability that will be released this summer. The AAP does not yet include final funding recommendations for specific activities because our program review and recommendations are still being finalized.

The HAC acts as the Advisory Commission to Council on the allocation of CDBG, HOME and ESG funds. We prepared an initial draft for your review at this time, and will submit a final draft for you to consider at your March 7, 2019 meeting. At your March 7, 2019 meeting the HAC shall consider, discuss and make a final recommendation to Council on the PY19 AAP. The AAP will then be submitted for the April 23, 2019 Council meeting, which is also a Public Hearing on the AAP.

Below is the link to the webpage where the first and final drafts will be available, as well as the final plan upon Council adoption.

Link: <https://www.cityofberkeley.info/ContentDisplay.aspx?id=12160>

A Vibrant and Healthy Berkeley for All



Health Housing and
Community Services Department
Housing & Community Services Division

MEMORANDUM

To: Housing Advisory Commission (HAC)

From: Amy Davidson, Senior Community Development Project Coordinator

Date: **January 28, 2019**

Subject: **Resources for Community Development 2001 Ashby Predevelopment Loan application**

Recommendation

At its December 10, 2018 meeting, the Commission's Housing Trust Fund subcommittee voted to recommend Resources for Community Development's (RCD) predevelopment loan application for \$368,000 for its proposed development at 2001 Ashby, the current site of the Cooperative Center Federal Credit Union (CCFCU). (M/S/C: Tregub/Johnson)

The Housing Trust Fund guidelines allow project sponsors to apply for predevelopment funding at any time, with all recommendations for greater than \$50,000 going to the City Council for consideration. At this time, all the local funding in the Housing Trust Fund has been reserved for the Berkeley Way development so no funds are available. In November, voters passed Measure O, which will provide bond funding for affordable housing. Council has not yet identified priorities for this funding and will be working through its Policy Committee and with the to-be-appointed bond oversight bond to evaluate priorities. If the HAC recommended funding for this project, the Council's options include referring the project to one of those bodies for consideration.

Housing Trust Fund Guidelines

The City's Housing Trust Fund guidelines:

- Allow predevelopment loan applications to be submitted at any time.
- State that predevelopment loans are "generally" the lesser of \$50,000 or \$5,000 per unit, but in practice the City has often exceeded this guideline.
- Limit predevelopment loans to the lesser of \$100,000 or 10% of funds in any year. Exceeding that limit requires Council action, which has been done before. Council reserved \$29.5M in HTF funding in 2018.

A Vibrant and Healthy Berkeley for All

Project Description

CCFCU issued an RFP to select an organization to develop their site at 2001 Ashby and selected Berkeley-based RCD. CCFCU and RCD have entered into a Memorandum of Understanding outlining their plan for RCD to acquire the site and build 85 affordable apartments with ground floor commercial space, including space for Healthy Black Families. Because CCFCU wishes to sell by fall 2019, RCD is working to gain land use entitlements and complete its due diligence before then.

RCD is proposing 85 units, with a mix of studio, one-, two- and three-bedroom apartments affordable to households at or below 30% to 60% of area median income. Some of them would be set-aside for a to-be-determined special needs population, perhaps people who are homeless. RCD is committing \$28,000 of their working capital in addition to their staffing during this period. The predevelopment costs RCD is requesting assistance with include architecture and engineering expenses (45%), related testing, permits and fees, and a purchase deposit to CCFCU. These are all typical predevelopment period costs and are at a reasonable level for a project of this size.

Summary Analysis

The HTF Subcommittee reviewed the staff analysis of developer capacity, feasibility, and community objectives:

- Staff concluded that the proposed team is well qualified to undertake the proposed project. RCD is an experienced, Berkeley-based developer well known to City staff and the community, having developed and owning 56 buildings in the Bay Area. There are no outstanding findings on any RCD projects the City funded in the past.
- In addition to a feasible predevelopment proposal, the proposed project has many key elements of a feasible development: an experienced development team, site control, a flat, infill 0.6 acre site in an excellent location (adjacent to the Ashby BART station) that is zoned for multifamily housing, and proximity to amenities like Berkeley Bowl, in a better funding climate than has existed for years, with new state and local sources. The proposed size of 85 units will probably help make the project both more cost effective and competitive. RCD projects requesting about \$6M from the City for development; this number is likely to change during the predevelopment period as RCD gathers information and other funding.
- This site is in the Adeline Corridor Planning area, and during that planning process, participants have identified a need for more affordable housing in the neighborhood. Participants have also raised alarm with the decreasing African American population in South Berkeley, and this project could help address that issue by providing space for Healthy Black Families.



Housing Advisory Commission

To: Members of the Housing Advisory Commission
From: Chair Igor Tregub
Subject: Recommendation to Endorse AB 10, SB 18, and SCA 1

RECOMMENDATION

The Housing Advisory Commission (HAC) recommends to the Berkeley City Council the endorsements of Assembly Bill (AB) 10, Senate Bill (SB) 18, and State Constitutional Amendment (SCA) 1.

FISCAL IMPACTS OF RECOMMENDATION

None

CURRENT SITUATION AND ITS EFFECTS

The legislation described below have each been recently introduced for the 2019-2020 legislative session.

BACKGROUND

AB 10 – introduced by Assembly Members Chiu, Bonta, Maienschein, Reyes, and Wicks and with multiple coauthors – “for calendar years beginning in 2020, would increase the aggregate [low-income] housing [tax] credit dollar amount that may be allocated among low-income housing projects by an additional [\$500 Million] ... and would allocate to farmworker housing projects [\$25 Million] of that amount.¹ More information can be found at http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB10.

SB 18 (the Keep California Housed Act) – introduced by Senator Skinner and co-authored by Senators Beall and Weiner and Assembly Members Bonta and Wicks – would no later than January 1, 2021, would require the department to develop and publish on its Internet Web site, and to annually update, a guide to all state laws pertaining to landlords and the landlord-tenant relationship. The bill would also require the department to survey each city in this state to determine which cities, if any, provide resources or programs to inform landlords of their legal rights and

¹ http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB10

obligations and to post on its Internet Web site a list of those cities which, in the judgment of the department, have the most robust resources and programs ... This bill would appropriate an unspecified sum from the General Fund to the department, to be used to provide statewide competitive grants for rental assistance under the California Emergency Solutions and Housing Program, as provided. The bill would also establish the Homelessness Prevention and Legal Aid Fund and require moneys in the fund to be used, upon appropriation, to provide legal aid to tenants facing eviction or displacement in the form of competitive grants awarded by the department, as provided.”² More information about this bill is available at http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200SB18.

SCA 1 – introduced by Senators Allen and Wiener and co-authored by Senator Lara – propose that an amendment be placed on a future California State ballot that repeals Article 34 of the California State Constitution. This article presently “prohibits the development, construction, or acquisition of a low-rent housing project ... in any manner by any state public body until a majority of the qualified electors of the city, town, or county in which [such a project] is proposed approve [it] by voting in favor at an election...”³ More information about this bill is available at http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200SCA1&search_keywords=article+34.

ENVIRONMENTAL SUSTAINABILITY

Investment in affordable housing opportunities, when coupled with viable transit options, has been found to contribute to reductions in vehicle miles traveled and greenhouse gas emission reductions.

RATIONALE FOR RECOMMENDATION

The HAC supports various statewide efforts to invest in affordable housing, including at the state level.

ALTERNATIVE ACTIONS CONSIDERED

The HAC can recommend for endorsement a portion of this proposed legislation, or add additional proposed legislation to the endorsement request. While other housing bills of interest have been introduced for the 2019-2020 legislative session, their language is likely to change significantly in the coming months. Hence it is recommended that the HAC watches these bills, but takes no action at this time.

² http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200SB18

³

http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200SCA1&search_keywords=article+34

Housing Advisory Commission

February 7, 2019

To: Housing Advisory Commission
From: Commissioner Thomas Lord
Subject: **Streamlining subcommittee formation**

Recommendation

Adopt the following rule:

1. At any meeting, the Commission may take action to form one or more subcommittees to further consider any action item or information item on the agenda.

Subcommittee's formed under this rule shall be called "streamlined subcommittees".

2. The intent of a streamlined subcommittee is for a subset of members to consider the agenda item outside of the full commission meeting, and report back to the full commission at the next meeting or the meeting after that.
3. Streamlined subcommittees shall be automatically dissolved no later than the 2nd full commission meeting after their formation, or upon their making a final report at the first full commission meeting after their formation.

As an exception to this rule, the deadline may be extended if a request for extension has been agendized and voted affirmatively by the whole commission.

Background and rationale:

Berkeley's local rules for commissions such as ours require us to use publicly noticed and open meeting formats for our ad hoc subcommittees.

Experience has shown that it would be useful, in some recurring circumstances, to form short-lived ad hoc subcommittees to further discuss an agenda item before taking action.

Unfortunately, once or twice recently, the spontaneous idea to form a short-lived subcommittee to further consider some agenda item has been stopped by uncertainty about whether we could form such a subcommittee on the spur of the moment.

Adopting this rule will dispel the uncertainty and allow limited-purpose, very short-lived subcommittees to be formed as needed, in response to agenda items and information items.

Hypothetical example:

At the June meeting, the agenda includes a recommendation to allow housing for firefighters to be built over fire stations.

During the meeting, questions are raised about whether similar programs have been tried elsewhere, and what the outcomes are. If so, do such programs in other cities raise Berkeley-specific concerns?

The streamlined subcommittee rule would clearly authorize a spontaneous decision to form a subcommittee that would issue its formal report in July or September, and in any event be dissolved no later than September.

The streamlined subcommittee proposal provides a rule-honoring, formal structure for building cooperation among commission members where needed, and for moving forward on policy questions more efficiently.

Housing Advisory Commission

February 7, 2019

To: Housing Advisory Commission
From: Commissioner Thomas Lord
Subject: **Multi-family residential smoking ban progress**

I will provide an update about recent progress towards revising the ordinance that bans smoking in multi-family residences. It *might* be useful to convene a streamlined ad hoc subcommittee to outline a legislative recommendation to Council (i.e. to try to nail down some specific changes to the law).



Housing Advisory Commission

INFORMATION CALENDAR
December 11, 2018

To: Honorable Mayor and Members of the City Council
 From: Housing Advisory Commission
 Submitted by: Marian Wolfe, Acting Chairperson, Housing Advisory Commission
 Subject: Measure U1 Reporting

INTRODUCTION

Measure U1 passed in November 2016 and included an increase in the Business License Tax charged on properties that consist of five or more residential units. In addition and separately, Measure U1 provided that the Housing Advisory Commission (HAC) will make recommendations on housing policy to the City Council. After the measure passed, it was incorporated into Berkeley's Municipal Code and specified that the recommendations to the Council could be made annually or biennially. This information item is an attempt to meet that obligation of the HAC under Measure U1.

CURRENT SITUATION AND ITS EFFECTS

A total of \$4 million was received from Measure U1 during the FY 2017/2018 and FY 2018/2019.

On October 4, 2018, the HAC voted as follows:

Action: M/S/C (Johnson/Owens) to send Commissioner Wolfe's draft Measure U1 report to City Council with amendments dictated by Commissioner Johnson and including Commissioner Tregub's Record of Recommendations as an attachment.

Vote: Ayes: Johnson, Lewis, Owens, Wolfe, and Wright. Noes: Kesarwani and Lord. Abstain: None. Absent: Amezcua (excused) and Tregub (excused).

BACKGROUND

In November 2016, the City of Berkeley voters approved Measure U1. Since the passage of this measure, new language has been added to BMC 19.44.020(B)(10), assigning the HAC with the following responsibility: "The Housing Advisory Commission shall review and advise the City Council on housing policy, housing programs, and related issues. In particular, the Commission shall make recommendations on how and to what extent the City should establish and fund programs to increase the supply of affordable housing and protect residents of Berkeley from homelessness. These recommendations may be made annually or biannually, as the Commission deems appropriate in light of the City's budget cycle and other relevant funding cycles."

For the purpose of brevity, the HAC will refer to these as “B-10 reports” for short. B-10 reports are the first opportunity for the Commission to report on HAC activities, review existing policies and programs in depth, recommend allocation of U-1 funds, and to develop innovative recommendations of its own. This is a significant new responsibility and opportunity.

At the July 2018 meeting, the Housing Advisory Commission took its first step to implement the B-10 reporting requirement by adopting an April/October biannual reporting schedule. These months were chosen in consideration of the City’s budget cycles.

At this time, the HAC does not have a summary report, but it has adopted the attached record of 2017-2018 Recommendations. In the future, B-10 reports will be briefer, but since it is now October 2018, the HAC concluded that it makes sense to submit this longer record of HAC actions and recommendations.

Vote on U1 Reporting Calendar (July 11, 2018):

Action: M/S/C (Lord/Owens) to establish an April/October publication schedule for the Commission’s B-10 recommendations.

Vote: Ayes: Amezcua, Holman, Johnson, Lewis, Lord, Owens, and Winters. Noes: None. Abstain: None. Absent: Kesarwani (unexcused), Tregub (excused), Wolfe (excused), and Write (excused)

ENVIRONMENTAL SUSTAINABILITY

There are no direct environmental effects associated with the content of this report.

POSSIBLE FUTURE ACTION

Provide a second report in April 2019.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

There are no direct fiscal impacts to this recommendation.

CONTACT PERSON

Amy Davidson, Commission Secretary, HHCS, (510) 981-5406

Attachments:

1: Record of 2017-2018 Recommendations

HAC item: Record of 2017-2018 Recommendations

Introduction and Recommendation

Recommendation: That the Housing Advisory Commission submit the following status report of 2017-2018 recommendations to the Berkeley City Council.

Background

Consistent with BMC 19.44.20(B)(10)] and the custom of commissions providing annual reports to the Berkeley City Council, we summarize below the work that the Housing Advisory Commission (HAC) has conducted thus far.

HAC recommendations from 2017

- *January 5, 2017*

Selecting from a list of options developed by a previous HAC membership, the HAC advised City Council to prioritize these City Council Referrals:

- Permit Service Center improvements
- limited use of eminent domain on vacant and blighted properties
- Create an ordinance to prohibit housing discrimination based on the source of a tenant's income (including Section 8 benefits).
- workforce housing for BUSD / implement Senate Bill 1413

The HAC also recommended that the City Manager be directed to meet with the Rent Stabilization Board to revisit whether the issuance of a new Certificate of Occupancy is required upon conversion of units from unpermitted nonresidential to permitted residential uses.

- *February 2, 2017*

The HAC agreed with staff to recommend a \$691,394 unplanned but urgent reservation of County Measure A1 funds for the Grayson Street Apartments projects in response to a post-election collapse in the amount of money that could be raised through the sale of Low Income Housing Tax Credits.

- *March 2, 2017*

The HAC recommended (additional) reservations of CDBG funding for the Bread Project, Inter-City Services, and Rising Sun Energy Center.

The HAC also recommended that registration fees be charged for below-market rate units to pay for the regulation of BMR compliance and gave advice regarding the structure and amount of those fees.

- *May 5, 2017*

The HAC recommended against appropriating U1 revenues for the purchase of the properties at 1001, 1007, and 1011 University Avenue and 1925 Ninth St (the "Premier Cru" properties). The HAC also recommended a *temporary* suspension of efforts to appropriate U1 funds.

Finally, the HAC recommended that the Affordable Housing Mitigation fee be updated every two years based on the Construction Cost Index.

- *June 6, 2017*

The HAC recommended a Housing Trust Fund (HTF) reservation of \$285,464 for Satellite Affordable Housing Associates' Harper Crossing Project.

The HAC recommended an exceptional circumstances reservation of \$569,692 from the HTF and a refinancing of outstanding HTF loans and a waiver approving the Northern California Land Trust as an eligible receiver of HTF funds for the NCLT scatter sites project.

The HAC recommended providing HOME CHDO¹ operating funds to Resources for Community Development and Satellite Affordable Housing Associates for Fiscal Year (FY) 2018.

The HAC recommended changes to the Affordable Housing Mitigation Fee (BMC 22.20.065) to adopt a fee of \$37,000 if paid at certificate of occupancy, or \$34,000 if paid at issuance of building permits and to recommend that for developers opting to private units, 20% of the *total* units be below market rate.

The HAC recommended an exemption from the necessity of Council Approval of the use of CDBG funds for construction projects at or below \$200,000, and that the HAC CDBG subcommittee be authorized to make recommendations for such projects.

1 "HOME": The U.S. Department of Housing and Urban Development (HUD) Home Investment Partnership Program; "CHDO": Community Housing Development Organization.

Lastly, the HAC expressed "conceptual support" for allocating up to \$1.07 million, with no source of funding specified, and no specific funding levels for various anti-displacement programs then under consideration by council.

- *July 6, 2017*

The HAC approved an HTF reservation of \$50,000 for a pre-development loan for the Bay Area Community Land Trust's 1638 Stuart Street project and approved a waiver of a "recent experience" eligible developer requirement.

The HAC recommended that City Council reserve up to \$3,131,651 in Housing Trust Funds for pre-development for BRIDGE Housing's Berkeley Way Project and that certain permit fees be deferred.

The HAC recommended several specific general allocations for the following anti-displacement programs: the Housing Retention Program, the Flexible Housing Subsidies Pool, the Eviction Defense Center, and the East Bay Community Law Center.

- *September 7, 2017*

The HAC recommended that City Council conduct a public hearing for a substantial amendment to the federal Program Year (PY) 2017 Annual Action Plan which included revised allocations of CDBG funding and that, upon conclusion of that hearing, that Council adopt a Resolution approving revised CDBG funding recommendations for City of Berkeley projects; and authorizing the City Manager to submit the Substantial Amendment to the PY 2016 AAP to HUD. The substance of these changes was to shift certain indirect internal costs, associated with administering CDBG projects, to project-specific allocations.

- *December 7, 2017*

The HAC agreed to communicate certain recommendations to Council regarding general guidelines for appropriating U1 funds.

The HAC also communicated to the Council a statement of principles that places housing as a priority over parking, including support with respect to the Berkeley Way Project.

- *January 18, 2018*

The HAC referred certain inquiries into the enforcement practices and history of the Smoke-Free Housing Ordinance and requested that the Berkeley Considers facility be used to solicit public comment regarding that ordinance. This action is a first step towards revising the ordinance in response to citizen reports of its ineffectiveness in some situations.

- *February 1, 2018*

The HAC asked the Council to make a number of referrals to commence developing a comprehensive plan for disaster preparedness and post-disaster rebuilding with respect to multi-family housing.

- *March 1, 2018*

The HAC recommended a second substantial change to the PY 2017 Annual Action Plan. The proposed change will reserve approximately \$1.26 of CDBG community facility improvement funds to the rehabilitation of the City's Mental Health Clinic building at 2640 Martin Luther King Jr. Previously, these funds were planned for small community facility improvement projects to be determined as needs arose. The large, single allocation to the Mental Health Clinic was proposed because initial cost projections for the project were significantly too low.

The HAC recommended to the Berkeley City Council consideration of funding a Home Share Pilot Program. The program as envisioned would offer background checks as a City Service provided to qualifying homeowners who wish to offer space in their home to a tenant. Similar programs are operating in some other Bay Area Cities. The UC Berkeley Retirement Center has also started a program.

The HAC also recommended to City Council that as the Small Sites Program is implemented, it be structured so as to allow (though not require) the City itself to purchase eligible small sites. The program would leave open the possibility of implementing non-traditional ownership models for permanently affordable housing.

- *April 4, 2018*

The HAC responded with comments to an earlier referral from City Council regarding an accessory dwelling unit pilot program to house low-income households.

- *May 3, 2018*

The HAC voted to draft a letter to the City Council with recommendations dictated by the Commission for the FY 2020-2021 Community Agency Request for Proposals. Specifically, the HAC noted support for the following elements of the proposal: publishing agency outcomes, increasing the contract threshold to be considered for Request for Proposals (RFP) bids to \$20,000 (while recommending consultation with outside agency partners prior to making this change), enhanced outreach to prospective applicants, and providing a hardship exemption for applicants who miss the deadline to apply. The HAC noted strong opposition to a proposal to extend the current 2-year contract cycle to a 4-year contract cycle and identified a 3-year cycle as a possible alternative.

The HAC also adopted Measure U1 funding recommendations for the FY2017/ 2018 and FY2018/2019 cycles. The recommendations for the remaining \$3.45 million in revenues (after \$550,000 per cycle was already allocated, following the HAC's earlier recommendation, to fund anti-displacement assistance efforts to tenants) were as follows:

Anti-Displacement (already reserved)	\$550,000
Small Sites Program	\$1,000,000
Housing Trust Fund	\$2,000,000
Reserve for housing programs in the pipeline (ADU Pilot program, home share, etc.)	\$400,000
Administrative Costs	\$50,000
Total	\$4,000,000

On June 26, 2018, the City Council voted to take these recommendations under consideration.

The HAC also voted to direct Commissioners to submit ideas for the annual work plan (FY19) and submit for inclusion in the June 2018 agenda. Finally, the HAC discussed, but took no action, on recommendations to revise the Housing Retention Program.

- *June 7, 2018*

The HAC discussed and recommended to the City Council uses for the City of Berkeley's 2018 allocation of federal HOME funds and proposed request for proposals process. Specifically, it recommend that the City Council direct staff to create a rehabilitation RFP for CHDOs with the City's 2018 HOME funds and to start looking into a HOME Tenant-Based Rental Assistance program for future consideration.

The HAC heard a staff presentation on ongoing efforts to develop a Tenant Opportunity to Purchase Ordinance and provided feedback. It also took action on a recommendation to the City Council in response to a referral to the HAC and city staff regarding an Accessory Dwelling Unit Pilot Program. Finally, the HAC continued its discussion of the FY19 Commission work plan.

Housing Advisory Commission

February 7, 2019

To: Housing Advisory Commission
From: Commissioner Thomas Lord
Subject: **bi-annual housing policy report deadline in March**

Recommendation

Adopt an agreement to assemble, in March, a draft for our April biannual housing police advice to council, and to make final revisions and approve the report in April.

Background

We are in the midst of implementing the duties newly assigned to this commission in 2016, in particular, Berkeley Municipal Code 19.44.020(B)(10) - the now familiar, somewhat enigmatic text:

The Housing Advisory Commission shall review and advise the City Council on housing policy, housing programs, and related issues. In particular, the Commission shall make recommendations on how and to what extent the City should establish and fund programs to increase the supply of affordable housing and protect residents of Berkeley from homelessness. These recommendations may be made annually or biannually, as the Commission deems appropriate in light of the City's budget cycle and other relevant funding cycles. The Commission's recommendations shall be promptly published on the City's web site and transmitted to the City Council. The City Council shall consider, but need not follow, the Commission's recommendations, and shall annually inform the Commission as to the extent to which it has implemented the recommendations.

Specific proposal

This will be our first opportunity to go beyond just telling council what we did last year (which they already know) – and to instead begin to implement the spirit of (B)(10) by giving housing policy advice.

In the long run, these reports will hopefully include quite specific proposals for City housing programs and funding. In the short run, because this is still a new area of work for us, we aren't quite there yet. This is, however, no obstacle to progress.

I think that in April we can offer council some *general advice* that begins to surface in writing the principles, ideals, directions, tentative thoughts, etc. of what we are thinking. These can express both future aspirations and responses to current policy directions.

I propose that willing members individually or cooperatively prepare short statements of advice for the March meeting, each 1 to 3 pages. I have put an information item on tonight's agenda of my own offering for the April report, to serve as an example.

Should members do the work and prepare more than just my lone item, then in March we can, perhaps, agree to assemble them all in a report, recording which are minority and which are majority opinions. In April, then, we can make final additions and adjustments to our modest but hopefully good report.

Housing Advisory Commission

February 7, 2019

To: Housing Advisory Commission
From: Commissioner Thomas Lord
Subject: **Advising JSISHL about a student district density bonus**

Recommendation

Consider, refine, and endorse the following statement, addressed to the Joint Subcommittee for the Implementation of State Housing Law, on the matter of a proposed local density bonus applicable to southside “R-S” zoning district:

The Housing Advisory Commission finds as follows:

1. Among student housing options at the University of California Berkeley, the Coop system provides the lowest rents by far, compared to the dormitory system and market rate housing. In spite of the low rents, the Coop system also provides housing of decent and enriching quality to its residents.
2. In contrast, market rate housing has currently produced crowded living conditions and even literal homelessness for students. The university has no plans which would expand dormitory capacity sufficiently to reverse this condition. There is no clear reason to believe that a slight regulatory relaxation will change this characteristic of student-oriented market-rate housing.
3. The proposal for a local R-S district density bonus is intended to expand the for-profit, market-rate system of student housing in exchange for inadequate and problematic allocation of “affordable inclusionary” housing units or beds (or in-lieu payments rather than units).

This proposal, if successful, would make *even more difficult* the already hard problem of expanding equitable and affordable housing systems such as the Coop.

4. Development and implementation of a local R-S density bonus is therefore a poor use of City resources compared efforts to expand and support more successful models of non-profit housing such as but not limited to the student coop system.
5. The HAC strongly applauds the *intention* to improve housing equity and conditions for students, but does not, at this time, in these circumstances, support a local density bonus for the R-S district. The HAC instead calls upon the City to support alternative housing models.

Background

At its January meeting, the Joint Subcommittee emphatically declined to prioritize issues of environment and equity with regards to local implementation of state housing policies. (I was a minority of one on that issue.)

The Joint Subcommittee did prioritize implementation of a local density bonus, not mentioning the R-S district specifically. Nevertheless, the Planning Division staff and Planning Commission have been discussing the issue for a while and the most recent efforts that are recorded aim at a density bonus for the R-S district.

Here is Planning Commissioner (and Joint Subcommittee member) Rob Wrenn's proposal for R-S (beginning on pdf page 3):

https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Commissions/Commission_for_Planning/2018-09-05_Communications-Combined.pdf

February 7, 2018

TO: HAC

FROM: Marian Wolfe, Vice Chair

RE: Governor Newsom's Proposed Budget to Address Homelessness and Increase the Supply of Affordable Housing

Proposed state funding for various housing programs is important for the HAC and the City of Berkeley since it helps us understand how our local funds can be used to increase leveraging for specific purposes. There is good information on-line that describes the amount of funding to be allocated for different housing related purposes, including homelessness, as outlined in Governor Newsom's proposed budget.

Here are websites that provide information on proposed expenditures for affordable housing and for homelessness.

<http://www.ebudget.ca.gov/2019-20/pdf/BudgetSummary/HousingandLocalGovernment.pdf>

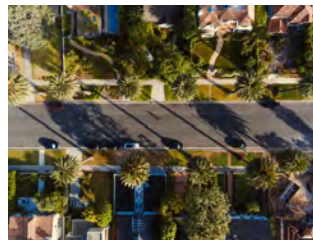
<http://www.ebudget.ca.gov/2019-20/pdf/BudgetSummary/Homelessness.pdf>

Remember that the budget has not yet been adopted.

At first, I thought I would summarize the proposed budgets I have provided links to, but then I received the attached document which provides a summarized version which could be a good first step. The URL for this document is as follows:

[http://scanph.memberlodge.org/resources/Documents/2019%20budget%20overview%20\(2\).pdf](http://scanph.memberlodge.org/resources/Documents/2019%20budget%20overview%20(2).pdf)

HOUSING FINDS A HOME IN NEW STATE BUDGET?



HIGHLIGHTS

- \$7.7 billion: Total investment in housing and homelessness across multiple departments and programs
- \$1.5 billion: Proposed in **NEW** General Fund appropriations for housing
- 53% Increase in funds for housing compared to current 2018-19 fiscal year

KEY FOCUS #1: INCREASE HOUSING PRODUCTION

- **Short-Term Planning and Production Grants**
 - \$750 million General Fund: one-time funding boost for local jurisdictions to receive technical assistance and general purposes funding
 - \$250 million for TA to reach higher short-term goals, such as rezoning for greater density
 - \$500 million for general purposes for jurisdictions that have met milestones for short-term goals
- **Long Term Statewide Housing Production Strategy**
 - Revamp current RHNA process
 - More active enforcement role for HCD in housing element reviews (with local input).
 - Encourage localities to reformulate housing plans in the short-term to meet production targets
 - Transportation funds will be linked to housing production for localities
- **Moderate-Income Housing Production**
 - \$500M General Fund one-time for production of moderate-income households
 - CalHFA will expand Mixed-Income Loan Program to include additional housing
- **Expanded State Housing Tax Credit Program:** \$500M, and up to \$500M annually thereafter
- **Excess State Property:** Affordable housing developers, selected through a competitive process, will be eligible to receive low-cost, long-term ground leases of excess state property.
- **Economic Development Tools Made More Attractive,** i.e. EIFD enhancements

KEY FOCUS #2: RESPONDING TO HOMELESSNESS

- **Regional Planning** - \$300 million (\$100m will go toward the 11 most populous cities in the state)
- **Meeting Milestones** - \$200 million: Jurisdictions showing progress will be eligible to receive additional funds for general purposes.
- **Streamlining California Environmental Quality Act (CEQA):** Newly proposed legislation will streamline the CEQA process to accelerate the construction of housing for the homeless.
- **Airspace:** The administration will develop legislation to use the Department of Transportation's airspace for emergency shelters. Airspace is land located within the state's highways right-of-way limits used for non-transportation purposes.
- **Supplemental Security Income (SSI) Advocacy:** A proposal for an annual appropriation of \$25 million for the General Fund to continue the Housing and Disability Advocacy Program (HDAP)
- **Whole Person Care Pilot Programs:** \$100 million to the General Fund for Whole Person Care Pilot Program. This funding will match county investments in health and housing services.

February 7, 2018

TO: HAC

FROM: Marian Wolfe, Vice Chair

RE: Affordability Restrictions Defined by Local, State and Federal
Affordable Housing Funding Programs

This memo provides a brief introduction to various affordable housing funding programs used by nonprofit developers in Berkeley, and the term of their affordability restrictions. It is very important to remember that, if one program has a longer restriction than another and both programs provide financing for new construction or for acquisition/rehabilitation for the same project, then the longest affordability restrictions are what apply. For example, even though the federal low income housing tax credit requirements (independent from State restrictions) are for a 30-year term of restricted rents, if Measure A funds are also used, then the term of affordability restrictions is 55 years.

Alameda County Programs:

Measure A

<https://www.acgov.org/cda/hcd/documents/FINALRentalDevelopmentPolicies.pdf>

55 years

State and Federal Programs:

State MHP Program

55 years

State and Federal Tax Credits

<https://www.treasurer.ca.gov/ctcac/program.pdf>

Long Term Affordability - Under federal law, tax credit projects must remain affordable for at least 30 years. However, California generally requires a 55-year extended use period for 9% tax credit projects. Also, 4% state tax credit program applicants receive significant boosts to their basis limits by agreeing to 55-year extended use restrictions.¹

State of California Tax Exempt Bonds

<https://www.treasurer.ca.gov/cdlac/procedures/rulemaking/2018/approved-regulations20180921.pdf>

¹ See <https://www.treasurer.ca.gov/ctcac/2017/threshold.pdf> to learn more about what this basis means.

The Bond Regulatory Agreement shall terminate in an Open Application process 55 years, and in a Competitive Application Process 30 years, from the date 50% occupancy is achieved or the commencement of the CDLAC Qualified project period, whichever date is earlier. In other words, the restrictions ranges between 30 and 55 years.

Federal Section 202 (Senior Housing)

https://www.hud.gov/program_offices/housing/mfh/progdesc/eld202

HUD provides interest-free capital advances to nonprofit sponsors to finance the development of supportive housing for the elderly. The capital advance does not have to be repaid as long as the project serves very low-income elderly persons for 40 years.

Federal Section 811 (Housing for the Disabled)

https://www.hud.gov/program_offices/housing/mfh/progdesc/disab811

HUD has traditionally provided interest-free capital advances to nonprofit sponsors to help them finance the development of rental housing such as independent living projects, condominium units and small group homes with the availability of supportive services for persons with disabilities. The capital advance can finance the construction, rehabilitation, or acquisition of supportive housing. The advance does not have to be repaid as long as the housing remains available for very low-income persons with disabilities for at least 40 years.

HOME and CDBG (Federal Funds administered by the City of Berkeley)

According to Jenny, Wyant, Community Development Project Coordinator, the City's standard affordability term is 55 years, irrespective of the source(s) of funding. That said, HOME funds have a separate HUD-defined affordability term during which the project is required to adhere to HOME program standards. That term can range from 5 to 20 years depending on the project type – rehab vs. new construction - and the amount of HOME funds per unit. A HOME-funded project would have both the City's affordability term and the HOME term defined in the regulatory agreement. CDBG does not have a separate affordability period.

February 7, 2018

TO: HAC

FROM: Marian Wolfe, Vice Chair

RE: Measures O and P Council Study Session (1.15.19)

Realistic Uses for O and P funds Mentioned by Members of the Public

Uses for Funds:

- Middle Income Housing
- Low-Income Housing
- Staff and teachers at BUSD (Collaborative ways for School Board and City to work together)
- Work Force Housing
- ADU's
- Housing Affordable to the Cultural Sector (possibly live/work)
- Tiny House Village
- Student housing

Process:

- Generate the largest number of units for the amount of money available.
- Try not to pay high land costs.
- Be transparent about the process – Create a dedicated website for Measures O and P.
- Show accountability in how funds are spent.

Paul Buddenhagen's Presentation

Since this is available from the agenda packet, I did not take detailed notes.

Responses from Elected Officials

(Note: If there was overlap among elected officials, I did not always note the overlapping comments.)

Mayor's Ideas

- Establish the oversight committees by end of February.
- Use the HTF process to award funds to projects.
- Metrics are important to establish accountability in expending funds.

- Try to sell bonds by this summer and by December be sure that funds are awarded by the end of the year.
- Dive more deeply into funding sources that are available from other sources as well (including new state funds).

Kate Harrison

- Issue more bonds now, given low interest rates.
- Produce quarterly report of all housing funds available, not just Berkeley funds.
- Set goals for affordable housing units to be built – these are not the same as RHNA goals.
- Try to use new housing funds to expand housing supply and not use to rehabilitate existing affordable housing (deed restricted affordable units).
- Use funds to develop legal ADU's for owners at 80% AMI and below.
- Staffing issues are an issue in managing programs.

Rashi Kesarwani

- We need a policy committee to select the oversight committee.
- A small sites program is more expensive than expanding the number of ADU's.
- Regarding the Pathways program – she would like to see outcomes.

Ben Bartlett

- Can funds be used at the Ashby BART Station?

Susan Wengraf

- Also stressed accountability and transparency.
- Can we use funds for affordable artists' housing?

Other Councilmembers:

- Co-ops (Rigel Robinson)
- How is the Pathways project doing? (Cheryl Davila)

Housing Advisory Commission

February 7, 2019

To: Housing Advisory Commission
From: Commissioner Thomas Lord
Subject: **Housing policy must prioritize environment and equity**

Advice: *The City of Berkeley should dedicate resources to conduct an independent survey and assessment of current knowledge about climate change, paying particular attention to the speed at which absolute reductions in our ecological footprint must take place. Recent reports from the IPCC indicate that our current climate action plans are tragically inadequate to match the urgency of the need to end greenhouse gas emissions entirely, quickly.*

*The City should further examine whether the level of climate remediation needed in the next 10 years is consistent with the economic growth plans inherent in regional and state level land use mandates. Leading research has shown both theoretically and with empirical measurements that economic **degrowth** is, very likely an immediate necessity if we hope to preserve our civilization over the next few decades. Yet, prolonged degrowth in our economic system amounts to economic collapse. There is no politics, and little theory to guide us as the necessity of that collapse arrives.*

Environmentalism and equity of have been cornerstones of Berkeley's housing policy efforts and general plan since the 1970s. In the nearly 50 years since, policy has often been sold by referencing these principles - advertised as promoting them - but such policy has always treated economic growth has the highest priority, the primary goal around which all other social needs must orbit.

Today we live in a world where the pressures of extinction demand an immediate and drastic reduction in the ecological footprint - particularly but not only emissions - of relatively affluent and highly developed societies such as ours. To put it simply and without exaggeration or irony, our entire ways of life must change, now, and forever. In the words of climate activist Greta Thunberg, speaking to the World Economic Forum: "I want you to panic as if the house is on fire, because it is."

State, regional, and local political actors contentedly and with self-congratulations, today, promote housing and infrastructure plans aimed squarely at slow-paced reductions in the rate of emissions growth. Even their modest goals are not met. Consequently, we have the enormous planning apparatus of government hard at work plotting out schemes for a 30 or 50 year future which can not possibly exist. Attempts to implement such plans amount to rushing towards extinction.

We must change direction.

[Citations will be added for the March draft]

A quote:

Nor does hardly anyone ever speak about the aspect of equity or climate justice, clearly stated everywhere in the Paris agreement, which is absolutely necessary to make it work on a global scale. That means that rich countries need to get down to zero emissions within 6 to 12 years with today's emission speed. And that is so that people in poorer countries can have a chance to heighten their standard of living by building some of the infrastructures that we have already built, such as roads, schools, hospitals, clean drinking water, electricity, and so on. Because, how can we expect countries like India or Nigeria to care about the climate crisis if we, who already have everything, don't care even a second about it or our actual commitments to the Paris agreement?

[...]

Today we use 100 million barrels of oil every single day. There are no politics to change that. There are no rules to keep that oil in the ground. So, we can't save the world by playing by the rules, because the rules have to be changed.

Greta Thunberg (TEDx Stockholm, November 24, 2018)

McGee Avenue Baptist Church

&

Bay Area Community Land Trust

Invite you to a

Community Meeting

on the

1638 Stuart Street Apartments

- Architect will present plans for renovation of this 8-unit apartment
- We will answer your questions about the future use of the apartments

Where: McGee Avenue Baptist Church

Wilson Memorial Social Hall

1640 Stuart Street, Berkeley

When: Saturday, January 12, 2019

1:00 PM to 3:00 PM

Email: info@bayareactl.org Phone: 510-545-3258

Uberti, Michael

From: beckydonohoe@aol.com
Sent: Monday, January 14, 2019 1:05 PM
To: Housing Advisory Commission
Cc: Health, Housing & Community Services; info@bayareactl.org
Subject: Bay Area Community Land Trust 1638 Stuart Street project

To the Housing Advisory Committee,

We are the next door neighbors of the Stuart Street Apartment project under consideration for HTF funding.

We attended the community meeting held at McGee Avenue Baptist Church (MABC) on January 12, 2019 regarding the development of the blighted property owned by MABC at 1638 Stuart St. We also attended the Housing Advisory Committee meetings on November 1, 2018 and January 3, 2019.

Rick with The Bay Area Community Land Trust (BACLТ) directly answered most of our questions and concerns we expressed in earlier emails and we appreciate that. Ms. Jee, the architect, did a nice job on the design and we'll be glad to see this blight in our neighborhood transform into what looks to be a very nice place to live. It was unfortunate that there was no city representation at the meeting.

We wanted to learn at this meeting why the church is not transferring ownership of the property to the BACLТ which is the typical course of action when a community land trust is involved. We were quickly told that was not part of the discussion, the church has no interest in giving up the ownership of the property. Had this discussion been allowed, we wanted to know if in the event that MABC dissolved would the BACLТ be given the property? If MABC remains owner and is indebted upon dissolution would that put the property in jeopardy? Our primary concern is that property always be protected as affordable housing.

MABC will be entering into a lease agreement with BACLТ and seeking a lease fee. Public funds will be used in part to fully renovate the property. BACLТ is assuming all financial and managerial responsibilities of the property. This project is intended to provide affordable housing. It should not be used to provide revenue for MABC.

Thank you

Andy and Becky Donohoe
1636 Stuart St

Uberti, Michael

From: Adele Failes-Carpenter <yesyesready@gmail.com>
Sent: Sunday, January 06, 2019 3:13 PM
To: Davidson, Amy; Housing Advisory Commission
Subject: Addressing vacant foreclosed homes

Hello,

Happy new year. I live next door to 1646 Ashby, which had been the home of a family for three generations until it was foreclosed on two years ago. It has been vacant and consistently vandalized and squatted since that time. I am writing to you about ideas for how to incentivize the use of vacant properties in the neighborhood amidst our housing crisis.

While another African American family with school age children has been displaced from South Berkeley, the bank that owns this property has no plans to make this property available as housing and is letting it fall into total disrepair. We need to do something to incentivize banks to turn properties like this into housing, and better yet, to negotiate with home owners to find solutions instead of foreclosure and displacement. This family could have paid their mortgage after the elder mother died, but the bank was unwilling to negotiate with them. No doubt, the bank is betting on the property value going up after the Adeline revitalization.

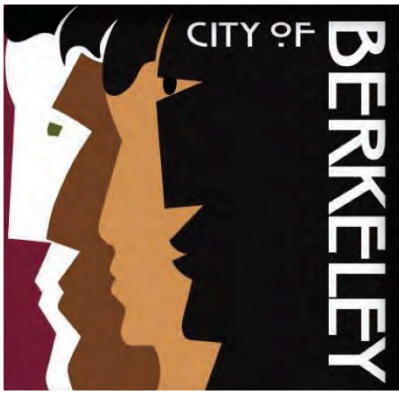
I feel a vacancy tax would be an effective mechanism for achieving this end. Can the committee recommend the feasibility of such an ordinance be immediately researched or otherwise take up this issue? As an interim option, can there be some kind of mechanism for fining negligent property owners of vacant properties? This property has squatters, rat problems, and has sat with broken street-facing garage doors and picture windows. It is a blight and a hazard. I've tried to locate and contact the owner to no avail. Every time I've complained to the city about this, I'm told to call the Sheriff on the squatters. I disagree with this approach. I believe the bank that criminally locked the elder family member into a reverse mortgage and then displaced her family members after her death (or whatever negligent entity they then sold this property to) should be responsible for the problems at this property, not houseless people trying to get out of the rain. There must be more the City can do to compel houses to be used for housing.

As a parent and next door neighbor to this property, I'd be remiss to not mention I'm concerned also about the blight issues with this property, which only get worse with time. That said, my primary concern is a family that was maintaining this property was kicked out and it's now sat empty for two years.

Thank you in advance for your leadership on these issues.

All best,

Adele Failes Carpenter
503-860-5168



Help us re-imagine the Solid Waste & Recycling Transfer Station into a state-of-the-art Zero Waste Facility

The City of Berkeley welcomes your input to re-imagine the City's Solid Waste and Recycling Transfer Station to meet Berkeley's Zero Waste goal.

During the initial listening sessions held in November and December, community members shared their ideas for a new Zero Waste Facility. Now, we're looking for you to come help translate those ideas onto paper.

Please join us at the upcoming scheduled public workshops. All workshops will be held at the James Kenney Community Center at 1720 8th Street.

Session 1: Ideas to paper
January 16th (Wednesday): 6:00 p.m. – 8:00 p.m.

Session 2: Analyze first night's outcomes
January 17th (Thursday): 6:00 p.m. – 8:00 p.m.

Session 3: Recap
January 18th (Friday): 10:00 a.m. – 12:00 p.m.

The goal for these three sessions will be to fully flesh out at least two options for the City's Solid Waste & Recycling Transfer Station with potential facility and equipment layouts. We'll come back with more detailed designs in a few months.

Light refreshments will be served. This is a Zero Waste event – please bring your own reusable beverage container.

For more information, or to submit written input, please contact Greg Apa, Solid Waste & Recycling Manager, (510) 981-6359 or gapa@cityofberkeley.info.

Help lead us – and all of Berkeley – toward a future with Zero Waste.