

HOUSING ADVISORY COMMISSION  
Regular Meeting  
Thursday, January 7, 2016

Housing Advisory Commission

Time: 7:02 p.m.

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

## MINUTES

### PRELIMINARY MATTERS

#### 1. Roll Call

Present: Heidi Abramson, Tor Berg, Kathleen Crandall, Brendan Darrow, Zach Franklin (substitute for Diego Aguilar-Canabal), Jill Martinucci, Alejandro Soto-Vigil, Igor Tregub, and Marian Wolfe (7:06). Absent: Diego Aguilar-Canabal (excused).

Commissioners in attendance: 9 of 9

Staff Present: Davidson, Scott, Wyant

Members of the public in attendance: 10

Public Speakers: 9

#### 2. Agenda Approval

Action: M/S/C (Martinucci/Crandall) to approve agenda as amended (move item 10 ahead of 5, remove item 6).

Vote: Ayes: Abramson, Berg, Crandall, Darrow, Franklin, Martinucci, Soto-Vigil, Tregub, and Wolfe. Noes: None. Abstain: None. Absent: Aguilar-Canabal (excused).

#### 3. Public Comment

1 speaker

#### 4. Approval of December 3, 2015 Minutes

Action: M/S/C (Wolfe/Tregub) to approve minutes.

Vote: Ayes: Abramson, Crandall, Darrow, Franklin, Martinucci, Soto-Vigil, Tregub, and Wolfe. Noes: None. Abstain: Berg. Absent: Aguilar-Canabal (excused).

### UPDATES / ACTION ITEMS

#### 5. Support the Berkeley Housing Authority

Public speakers: 2. Tia Ingram (Executive Director of the BHA) and Carole Norris (Chair of the BHA Board of Commissioners) presented. Soto-Vigil moved that the HAC send the proposed Support for BHA memo. Darrow seconded conditional on friendly amendment to strike the fourth from last paragraph that references the Berkeley Property Owner's Association. Martinucci offered friendly amendments to explicitly state the four goals laid out in the Rationale for Recommendation section.

Action: M/S/C (Soto-Vigil/Darrow) to send the memo to City Council with the following changes:

1. Add the following goals of the recommendation:
  - a. Encourage greater utilization of Section 8 Vouchers
  - b. Maintain the diversity of the community
  - c. Address the urgent situation of the rental market affordability crisis
  - d. Recommend that Council consider these possibilities in all due haste.
2. Strike the fourth from last paragraph.

Vote: Ayes: Abramson, Berg, Crandall, Darrow, Franklin, Martinucci, Soto-Vigil, and Tregub. Noes: Wolfe. Abstain: None. Absent: Aguilar-Canabal (excused).

**6. Grayson Street Apartments: Housing Trust Fund Reservation and Affordable Housing and Sustainable Communities Co-applicant**

Commissioner Wolfe disclosed her membership on Resources for Community Development's board, a conflict of interest, recused herself from participation, and left the room.

Public speakers: 1. Jenny Wyant introduced the recommendation.

Action: M/S/C (Tregub/Soto-Vigil) to recommend that Council adopt a resolution approving a \$1.4M funding reservation for Grayson, and authorizing a joint application with Satellite Affordable Housing Associates for Affordable Housing and Sustainable Communities funds.

Vote: Ayes: Abramson, Berg, Crandall, Darrow, Franklin, Martinucci, Soto-Vigil, and Tregub. Noes: None. Abstain: None. Absent: Aguilar-Canabal (excused). Recused: Wolfe.

**7. Recommendation to the Berkeley City Council to Require Decision Between In-Lieu and Inclusionary Housing and Payment of Fee at Issuance of First Construction Document.**

Public speakers: 1.

Action: M/S/C (Tregub/Martinucci) to support the recommendation to Council. The Housing Advisory Commission (HAC) recommends to the Berkeley City Council to consider as part of its package of possible changes to the inclusionary housing and mitigation fee requirement, the following: That applicants for residential projects who are statutorily required to pay an Affordable Housing Mitigation Fee into the Housing Trust Fund or, alternatively, provide a certain percentage of units as Below Market Rate (inclusionary), make the decision at issuance of the first construction document. Should the applicant decide to pay the fee, the City Council should require payment to be at the issuance of the first construction document, as well.

This recommendation is predicated on a requirement that the percentage of inclusionary Below Market Rate units in qualifying market-rate projects is at least 20%, as recommended by the 2015 Affordable Housing Nexus Study and November 5, 2015 vote of the HAC.

Vote: Ayes: Abramson, Berg, Crandall, Darrow, Franklin, Martinucci, Soto-Vigil, Tregub, and Wolfe. Noes: None. Abstain: None. Absent: Aguilar-Canabal (excused).

**8. Modify Housing Trust Fund Guidelines Regarding Predevelopment Loans and Labor**

**8.a. Predevelopment Loans**

Action: M/S/C (Soto-Vigil/Tregub) to support the recommendation to Council to prioritize Housing Trust Fund allocations for predevelopment applications and temporarily suspend the \$100,000 or 10% limitation on predevelopment allocations to June 30, 2017.

Vote: Ayes: Berg, Crandall, Darrow, Franklin, Martinucci, Soto-Vigil, and Tregub. Noes: None. Abstain: Abramson and Wolfe. Absent: Aguilar-Canabal (excused).

**8.b. Labor**

Public Speakers: 2.

Action: M/S/C (Tregub/Abramson) to recommend to Council the following changes to the Housing Trust Fund Guidelines:

VI. D. Threshold Criteria and Other Conditions (pp. 18 - 19), add:

**6. Prevailing Wages**

For any Development Project involving eight (8) or more dwelling units, the Applicant shall ensure that the Project construction contract requires payment of the General Prevailing Rate of Per Diem Wages, as defined in Title 8 of the California Code of Regulations, (Division 1, Chapter 8, Subchapter 3, "Payment of Prevailing Wages Upon Public Works") section 16000, to all workers who perform work that is covered by a State-published prevailing wage determination. The Applicant shall ensure that contract documents and any call for proposals or bids shall specify that all contractors and subcontractors are subject to the provisions of 1771.1 and 1771.4 of the Labor Code with respect to the project. The construction contract shall require the contractor to maintain labor records as required by law, and to make these records available to any enforcement agency in the format prescribed by the California Labor Commissioner or other enforcement agency. Prior to the close of the Program loan, the Sponsor shall provide to the Department a certification that project contractors and subcontractors were currently registered and qualified to perform public work pursuant to Labor Code Section 1725.5, that prevailing wages have been paid or will be paid, and that payroll records are available, consistent with the requirements of Chapter 1 of Part 7 of Division 2 of the Labor Code.

VI. C. 1.e. Project Consideration / Funding Criteria: Community Objectives: Impact on the Community (p. 17), add:

- x. Contribute to employment that sustains construction worker households at or above area median income levels through utilization of registered apprentices from training programs that regularly enroll and graduate residents of Berkeley and the East Bay Green Corridor.

VI. C. 3. Project Consideration / Funding Criteria: Applicant Qualifications and Experience, including... (p. 17), changes as follow:

- e. ~~construction management track record~~ track record of successful construction management, including:
- (i) The Applicant's past projects are not encumbered by unexpired mechanics liens that were filed by or on behalf of workers with claims of unpaid wages or fringe benefits;
  - (ii) The Applicant's past projects are not related to unsatisfied final judgments from the California Labor Commissioner.
- j. Evidence that the Development Team's construction contractor(s) - with respect to projects completed within the past two years that required the payment of state prevailing wages - have utilized construction trades apprentices who are registered with the state of California at ratios of journeymen to apprentices that are consistent with California Labor Code section 1777.5.

Vote: Ayes: Abramson, Berg, Crandall, Darrow, Franklin, Martinucci, Soto-Vigil, Tregub, and Wolfe. Noes: None. Abstain: None. Absent: Aguilar-Canabal (excused).

**9. Support for Referral to City Manager on the Establishment of an Affordable Housing Small Sites Fund**

Public Speakers: 2.

Action: M/S/C (Soto-Vigil/Berg) to submit a letter to Council supporting the referral, and recommending that it be ranked highly on Council's housing priority list.

Vote: Ayes: Abramson, Berg, Crandall, Darrow, Franklin, Martinucci, Soto-Vigil, Tregub, and Wolfe. Noes: None. Abstain: None. Absent: Aguilar-Canabal (excused).

**10. Update on Council Items**

- a. January 12 special Council meeting
- b. February 16 Council worksession on housing

**11. Future Items**

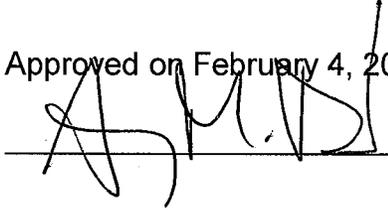
**12. Announcements**

**13. Adjourn**

Action: M/S/C (Abramson/Tregub) to adjourn the meeting at 9:39 p.m.

Votes: Ayes: Abramson, Berg, Crandall, Darrow, Franklin, Martinucci, Soto-Vigil, Tregub, and Wolfe. Noes: None. Abstain: None. Absent: Aguilar-Canabal (excused).

Approved on February 4, 2016

A handwritten signature in black ink, appearing to read 'Amy Davidson', written over a horizontal line.

Amy Davidson, Secretary