

**APPROVED MINUTES OF SPECIAL JOINT MEETING OF THE PLANNING  
COMMISSION, HOUSING ADVISORY COMMISSION,  
AND THE RENT STABILIZATION BOARD  
FEBRUARY 23, 2000**

**Location:** Trinity United Methodist Church, 2362 Bancroft Way (at Dana)  
The meeting began at 7:10pm.

**Planning Commissioners Present:** Boverhuis, Bronstein, Capitelli, Howerton, McCamant, Morris, Poschman, Wengraf, Wrenn

It was noted that there was not a quorum present from the Housing Advisory Commission, or the Rent Stabilization Board.

**Staff Present:** Haney-Owens, Cosin, Thomas, Douglas

**PUBLIC COMMENT**

None.

**ORDER OF AGENDA**

The order of the agenda was unchanged.

**GENERAL PLAN HOUSING WORKSHOP**

Chair Capitelli introduced the workshop. He stressed the importance of remembering who benefits and who suffers from housing policies that will appear in the General Plan. He referred to Housing Workshop Discussion Question set #1:

*Should the City of Berkeley develop additional policies to encourage the creation of more affordable housing units? If so, in what income ranges? Does the current rent control program sufficiently target those in need? Are there more efficient ways to focus limited resources on those most in need? Realistically, what City resources can be committed to affordable housing?*

Ted Edlin asked what factors have created the existing housing shortage.

Barbara Hammer of the Independent Task Force on Homelessness asked why the program that assisted fixed-income families to buy houses ended.

Oscar Sung of the Housing Department replied that qualifying houses are no longer available, and that the City has other housing projects in place.

Teresa Clarke of the Northern California Land Trust Organization (NCLT) stated that renters are being forced out of Berkeley. She stated that unless the City creates permanently affordable housing by taking it off the market, the economic disparity in Berkeley will continue to grow.

Commissioner McCamant asked whether any program exists in which a qualifying fixed-income renter may buy a house at below-market cost, eventually sell the house at market value, and forward the difference to a trust fund to be used to assist in developing more affordable housing. Teresa Clarke said that this is called a shared equity recapture system, and that it is a relatively inefficient means of providing affordable housing because of the transaction costs associated with recycling the funds.

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Patrick Kennedy stated that he has confirmed with the State Department of Finance that Berkeley is the only city in the Bay Area that has reduced its housing stock. Furthermore, he stated that, in California, only Beverly Hills has lost more housing than Berkeley.

Max Anderson of the Rent Stabilization Board (RSB) suggested a housing conference to discuss ways to enhance habitability and reduce evictions.

Randy Silverman, RSB Chair, stated that more than half of the non-student renters in Berkeley pay too much for rent. He suggested restoring vacancy control, preserving housing access and affordability by employing the land trust model, and turning apartments into limited-equity co-operatives.

Robert Cabrera, President of the Berkeley Property Owners Association, stated that vacancy controls are responsible for the decline in the housing stock. He stated that Berkeley had lost 4,710 single-family rental homes during vacancy control.

Commissioner Wrenn asked staff to comment on the number of housing units lost.

Steve Barton, Director of the Housing Department, stated that UC Berkeley has added student beds while the City's housing stock has remained relatively stable. He also stated that there has been a shift from renter to owner occupancy with respect to single-family homes.

Doris Willingham stated that the housing unit numbers provided on the fact is inaccurate.

Tim Stroshane of the Housing Department explained that the City of Berkeley had added 60 housing units/year in the last 10 years, whereas UC Berkeley added 100 beds/year over the last 20 years.

Becky O'Malley stated her dissatisfaction with the quality of the data provided. She stated that it is more important to consider the income, ethnicity, class, and other factors of the occupants than to speak only in terms of housing units.

Selma Spector of the RSB stated that Berkeley offers little housing opportunity for the working poor.

Commissioner Wrenn asked for comments regarding density bonuses, in which developers would be granted allowances such as greater height limits in return for creating a higher percentage of affordable units.

Suzanne Adams stated that there is a need in Berkeley for mixed-income housing development.

Martha Nicoloff stated that she would like to see developers increase the percentage of affordable units they create, without being allowed to build higher buildings.

Becky O'Malley stated that the data should indicate the number of persons per unit.

Teresa Clarke stated that rezoning for higher buildings is meaningless because the Zoning Adjustments Board will not allow developers to build what is allowed within the current development envelope.

Susan Lucas asked what proportion of Berkeley's housing stock is affordable and how this compares to other cities. She stated that Berkeley should work with for-profit developers to increase the affordable housing stock.

Jeffery Neil from the Graduate Assembly of UC Berkeley stated his support for linking zoning changes to enhanced affordability.

Doris Maslach stated that affordable housing should not be concentrated in any one community. She mentioned that the Association of Bay Area Governments (ABAG) provides direction regarding regional housing allocations.

Tim Stroshane stated that ABAG's recommendations tend to require less housing from regions that have a high level of job growth.

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Dan Sawislak from Resources for Community Development stated that Berkeley should increase affordable housing by increasing density.

Mike O'Malley stated that Berkeley is already denser than Silicon Valley. He stated that the problem is not that Berkeley has lost housing so much as that it has gained jobs. He stated that there is a need to stop the creation of more jobs in Berkeley.

Richard Register stated that Berkeley has created 20,000 new jobs but not added any new housing. He stated that a 10-12 story, ecological planned unit development could end the housing shortage.

Commissioner Wrenn asked where the building could be located.

Register replied that there is room for several hundred units in the area bounded by Oxford St., Shattuck Ave., Center St., and Addison St.

Ghaouar Camij Toschian stated that policy should mandate the creation of housing to accompany new office space and that the City should have minimum, not maximum, height limits.

Commissioner Capitelli asked if the RSB has considered a program to meet affordable housing needs given vacancy decontrol.

Randy Silverman stated that the RSB has not developed such a program, and that means-tested rent control creates a disincentive to rent to poor people.

Max Anderson stated that lack of infill opportunity and incentives are obstacles to creating affordable housing. He stated that the city should offer increased density bonuses.

Randy Silverman stated that without subsidies, bonuses will not stimulate affordable housing development. He stated that the city should continue to support the land trust model and limited-equity co-operatives.

Susan Lucas stated that the cost of affordable housing should be borne by all of Berkeley in the form of direct rent subsidies.

Gene Turitz of the Housing Advisory Commission (HAC) stated that the City does not have money to support affordable housing and raised the issue of how the City might obtain it. He stated that neighborhood residents protested a housing project that was planned for San Pablo Avenue. He asked what the City could do to encourage neighborhood groups to accept higher density development.

Commissioner Poschman stated that Berkeley provides for a huge "envelope" and there can be detriment from projects within this envelope.

Michael Katz stated that high-density housing is best placed along broad boulevards where transit is most available.

Commissioner Wrenn stated that high-density affordable housing should go downtown where it will not be opposed by neighborhood associations and where it will have access to transit, thus allowing for removing the parking requirement. The latter action would have the benefit of lowering construction costs.

Linda Maio suggested that the City put forward a bond in the next election to fund affordable housing.

Chair Capitelli introduced the second set of Discussion Questions:

*What sources of revenue beyond the Housing Trust Fund might be available?  
(Bonds, business license fees, special assessment dist., etc.) Should the inclusionary  
requirement be adjusted to require more affordability in terms of unit numbers and/or  
income levels?*

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Winston Rhoades stated that Berkeley should increase its density to achieve a better jobs/housing balance.

Tony Falcone from the Associated Students of the University of California External Affairs office stated that Berkeley should encourage no-car housing and offer density bonuses.

Aaron Priven of the Sierra Club stated that Berkeley should tax market-rate housing to fund affordable housing in the downtown area.

Commissioner Morris stated that she lives in a limited-equity co-operative housing unit. She stated that Berkeley neighborhoods have fought to protect their zoning, and that the City should compensate neighborhoods that accept higher density. She suggested a graduated business income tax to fund affordable housing.

Patrick Kennedy stated that the City should build on major commercial corridors as well as in the downtown and in the Southside, and that the term detriment must be redefined.

Teresa Clarke asked what had happened to a transfer tax program that was funding affordable housing.

Steve Barton replied that the program had been discontinued due to a change in state legislation. Commissioner Capitelli raised the issue of whether the City should institute a progressive business license tax for rental units.

Steve Barton stated that it would be possible to implement such a tax.

Susan Lucas stated that, in view of the increasing population of California, the Commissioners should "sell" the idea of increased density to the residents of Berkeley.

Kirsten Miller stated her support for Ecocity Builders' planned unit development plan.

Ted Edlin stated that 90% of the Draft Housing Element addresses affordable housing. He stated that the Housing Element should address all of the housing needs of the City.

Chris Kavanaugh of the HAC stated that the housing trust fund budget should be doubled to \$3 million, that the affordable housing requirement should be increased to 35%, and that the vacancy decontrol law should be overturned.

Robert Cabrera stated that the vacancy control program caused the loss of 10,300 units. He stated that means testing leads to wealthy tenants benefiting from rent control. He stated that the City should negotiate with neighborhood groups to increase density.

Commissioner Capitelli asked for the cost to develop a three-bedroom unit.

Teresa Clarke replied that the cost is about \$200,000 per unit.

Mark Amowitz of the RSB stated that the policymakers have not yet determined whether the City should provide housing for all of the citizens of Berkeley or what should be the definition of affordability.

Commissioner Morris stated that the West Berkeley Plan specifically encourages population diversity. She stated that it is important to formulate strategies to provide affordable housing, as 75% of West Berkeley renters pay more than 1/3 of their income for rent.

Commissioner Wrenn stated that only 15% of rent-controlled unit occupants make over \$50,000/year. He stated that new teachers in Berkeley cannot afford to live here.

Stephanie Bernay of the RSB stated that Berkeley should investigate the best practices of other cities in providing affordable housing and indicated her support for a housing bond.

Commissioner Bronstein raised the issue of what UC should contribute to the city's affordable housing stock.

Council member Kriss Worthington stated that UC's 1990 Long Range Development Plan calls for providing 2,500 new beds, but so far UC has only provided 300. He stated that the General Plan must call for accountability on the part of UC to provide housing.

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Mike O'Malley stated that UC should provide housing for every new job it creates. He stated that 60% of UC traffic is non-students. He stated that UC should support housing for staff and faculty, not just students.

Commissioner Bronstein asked staff to investigate the percentage of new jobs in Berkeley created by UC.

Richard Register stated that high-density housing is needed. He stated that 25 of the 1,275 blocks in Berkeley could accommodate Berkeley's current housing shortage.

Martha Nicoloff stated that tall buildings are seismically at risk due to the proximity of the Hayward Fault.

David Jay Brown of the Northern California Land Trust stated that a land trust makes the best use of limited public subsidies.

Richard Register stated that tall buildings can be seismically sound.

David Blake stated that high-density housing requires efficient public transit.

Patrick Kennedy stated that efficient public transit requires high-density housing.

Stephanie Bernay stated that the General Plan should identify specific sites for housing. She stated that UC should limit auto use for faculty and freshman and sophomore students.

Winston Rhoades stated that the General Plan should not cite specific locations for high-density housing. He stated that mixed-use development should be encouraged.

Becky O'Malley stated that high-density is a means to an end, not a goal in itself. She stated that the General Plan should identify potential high-density housing sites. She stated that the City should be careful not to allow for-profit developers to outbid non-profit developers.

Gene Turitz stated that it will be difficult to make generalizations in the General Plan based on the specific comments made in the workshop.

Andrew Thomas stated that the number of UC employees has grown from 5,000 to 11,000 from 1990 to 1999.

Robert Cabrera stated that 9,750 rental units were built between 1950 and 1970, but inclusionary zoning has slowed development.

Commissioner Bronstein asked staff what led to the slowing of the 1950-1970 building boom.

Steve Barton replied that the slowdown was due to a reaction against poor construction.

Richard Register stated that car-free housing costs less and makes the environment cleaner and safer.

Commissioner Capitelli asked whether there are any car-free housing developments in the United States.

Register replied that there are no specifically car-free housing developments yet anywhere in the world.

Commissioner Boverhuis asked what is required to build housing at a lower cost.

Steve Barton replied that this is primarily accomplished with subsidies.

Becky O'Malley asked staff to quantify information with diagrams.

Council member Polly Armstrong stated that the Southside cannot absorb another 4,000 students given current housing density in the area, and that the General Plan should support the development of family housing.

Chair Capitelli stated that the Planning Commission would issue a revised draft of the Housing Element in the summer of 2000.

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**ELECTION OF CHAIR AND VICE-CHAIR**

Commissioner Howerton nominated Rob Wrenn for Chairperson.  
(M/S/C) to appoint Rob Wrenn as Chairperson of the Planning Commission  
(Howerton/Bronstein). The motion carried. Ayes: Bronstein, Capitelli, Howerton, Morris,  
Poschman, and Wrenn. Noes: Boverhuis, McCamant, Wengraf. Abstain: None. Absent:  
None.

Commissioner Poschman nominated Henk Boverhuis for Vice-Chairperson.  
Commissioner Boverhuis declined the nomination.

Commissioner Poschman nominated Zelda Bronstein for Vice-Chairperson.  
(M/S/C) to appoint Zelda Bronstein as Vice-Chairperson of the Planning Commission  
(Poschman/Wrenn). The motion carried. Ayes: Bronstein, Capitelli, Howerton, Morris,  
Poschman, and Wrenn. Noes: Boverhuis, McCamant, Wengraf. Abstain: None. Absent:  
None.

**CHAIRPERSON'S REPORT**

None.

**COUNCIL ACTIONS**

None.

**FUTURE AGENDAS**

Planning Director Cosin stated that a special joint meeting of the Planning Commission,  
Transportation Commission, and Design Review Committee would be held at 2118 Milvia on  
March 2, 2000 at 7pm to discuss the Draft Environmental Impact Report (EIR) for UC  
Berkeley's Seismic Replacement Building 1.

Commissioner Morris asked whether the Draft EIR contains particularly controversial issues.  
Staff Cosin replied that the City Council has gone on record opposing the project.  
Commissioner Wrenn asked whether a quorum would be available.

Commissioner Capitelli stated that Planning Commission representatives who attend the March  
2nd meeting could report to the Planning Commission at its March 8th meeting.

Staff Cosin stated that the City Council discussion of the Mayor Dean recommendation  
regarding the Planning Commission workload has been scheduled for March 14<sup>th</sup>.

Commissioner Capitelli stated that the General Plan subcommittee should go to the March 14<sup>th</sup>  
meeting.

Commissioner Wrenn stated that the General Plan and the Southside Plan should be completed in  
tandem, and that the City's response to UC Berkeley's New Century Plan will be expressed in  
the former two plans. He recommended that the Planning Commission's workload issues with  
respect to the General Plan and Southside Plan be discussed at the March 22<sup>nd</sup> Planning  
Commission meeting after the Southside Plan working group presentation.

Staff Cosin stated that she would request that the Mayor's item be moved from the March 14<sup>th</sup>  
City Council agenda to a Council agenda following the Planning Commission's March 22<sup>nd</sup>  
discussion of the item.

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Commissioner Bronstein stated that the Mayor and the City Council should expedite the formation of the University Relations Commission.

Commissioner Morris volunteered to join the Southside Plan Subcommittee.

Commissioner Bronstein stated that the Planning Commission Draft General Plan will be available in October according to the current schedule.

(M/S/C) to approve the revised schedule of future agendas (Poschman/Bronstein). The motion carried. Ayes: Boverhuis, Bronstein, Capitelli, Howerton, McCamant, Morris, Poschman, Wengraf and Wrenn. Noes: None. Abstain: None. Absent: None.

**APPROVAL OF FEBRUARY 9, 2000 MINUTES**

(M/S/C) to approve the 2/9/00 minutes (Poschman/Wengraf). The motion carried. Ayes: Boverhuis, Bronstein, Capitelli, Howerton, McCamant, Morris, Poschman, Wengraf and Wrenn. Noes: None. Abstain: None. Absent: None.

**COMMITTEE REPORTS**

None.

Adjournment at 10:50 p.m.