Regular Meeting
Thursday, September 7, 2017
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

Consent Items
4. Approval of the June 1, 2017 Special Meeting Minutes (Attachment 1)
5. Approval of the July 6, 2017 Regular Meeting Minutes (Attachment 2)

Action Items
6. Meeting Process – Marian Wolfe/All (Attachment 3)
7. Discussion and Adoption of a Work Plan – Marian Wolfe, Thomas Lord, All (Attachments 4 and 5)
9. Substantial Amendment to the Annual Action Plan for Program Year 2017 to Shift Community Development Block Grant (CDBG) Indirect Costs – Kristen Lee (Attachment 6)
10. Appointment of Subcommittees: Student Housing, Low Income Housing, Moderate Income Housing, Community Development Block Grant, and Measure U1 – All (Attachment 7)
11. City Council Referral to HAC: Consideration of an Ordinance to Establish a Waiver of Administrative and Permit Fees for Certain Affordable Housing Projects – Luis Amezcuea/Igor Tregub (Attachment 8)
12. UC Berkeley Master Tenancies in Multifamily Housing – Thomas Lord (Attachment 9)
13. Demographic Evidence of Displacement – Thomas Lord (Attachment 10)
15. Update on Council Items – All/Staff
b. Use of U1 Funds for Property Acquisition at 1001, 1007, and 1011 University Way (July 25, 2017) (Attachment 13)

16. Announcements / Information Items
17. Future Items
18. Adjourn

Attachments
1. Draft June 1, 2017 Special Meeting Minutes
2. Draft July 6, 2017 Regular Meeting Minutes
3. Marian Wolfe, Proposal for Meeting Process
4. Marian Wolfe, Summary of June 1, 2017 Work Plan Meeting
5. Thomas Lord, Work Plan Suggestion
6. Kristen Lee, CDBG item
7. HAC Roster of Subcommittee Assignments
8. City Council Report 7/25/2017, Consideration of an Ordinance to Establish a Waiver of Administrative and Permit Fees for Certain Affordable Housing Projects
9. Thomas Lord, UC Berkeley Master Tenancies
10. Thomas Lord, Demographic Evidence of Displacement
11. Thomas Lord, Plans to Raze Peoples Park
13. City Council, Use of U1 Funds for Property Acquisition at 1001, 1007, and 1011 University Way (July 25, 2017)

Information Items and Correspondence
14. Marian Wolfe, Tracking of Measure U1 Funds
15. Igor Tregub, The Triple Bottom Line (White Paper)
16. People’s Park 50th Anniversary Celebration
17. Complaint Regarding Secondhand Smoke

This meeting is being held in a wheelchair accessible location. To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services Specialist at 981-6418 (V) or 981-6347 (TDD) at least three business days before the meeting date. Please refrain from wearing scented products to this meeting.
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/

Communications to Berkeley boards, commissions or committees are public record and will become part of the City’s electronic records, which are accessible through the City’s website. Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission or committee, will become part of the public record. If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the Secretary of the commission. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the Secretary for further information.
MINUTES

1. Roll Call
   Present: Luis Amezcua, Xavier Johnson, Matthew Lewis, Thomas Lord, Jill Martinucci, Kieron Slaughter, Igor Tregub, Gissell Vasquez, and Marian Wolfe.
   Absent: None.
   Commissioners in attendance: 9 of 9
   Staff Present: Amy Davidson
   Members of the public in attendance: 1
   Public Speakers: 0

2. Special Meeting Agenda Approval
3. Public Comment
4. Introduction to Work Plan Process and Mediator’s Role
5. Work Plan Discussion
6. Adjourn

Approved on DATE

______________________________, Amy Davidson, Secretary
MINUTES

1. Roll Call
   Present: Luis Amezcua, Zach Carter (substitute for Gissell Vasquez), Xavier Johnson (7:14pm), Rashi Kesarwani, Matthew Lewis (7:07pm), Thomas Lord, Gregory Magofna (substitute for Kieron Slaughter), Igor Tregub, and Marian Wolfe.
   Absent: Kieron Slaughter (excused) and Gissell Vasquez (excused).
   Commissioners in attendance: 9 of 9
   Staff Present: Paul Buddenhagen, Amy Davidson, and Jenny Wyant
   Members of the public in attendance: 10
   Public Speakers: 5

2. Agenda Approval
   Action: M/S/C (Amezcua/Magofna) to approve the agenda as amended:
   1. Move item 5 to the action calendar, ahead of item 7
   2. Combine items 10 and 11
   3. Move item 9 ahead of item 8

3. Public Comment
   Five members of the public spoke.

Consent Items

4. Approval of June 1, 2017 Meeting Minutes
   Action: M/S/C (Magofna/Wolfe) to approve the minutes.

5. Discussion and Possible Recommendation on a Predevelopment Loan for Bay Area Community Land Trust
   Commissioner Wolfe recused herself, due to her position as a board member for
Resources for Community Development.

**Action:** M/S/C (Magofna/Johnson) to recommend that the City Manager:

4. Approve a Housing Trust Fund (HTF) reservation for Bay Area Community Land Trust’s 1638 Stuart Street in the amount of $50,000.

5. Approve a waiver of HTF Guidelines Section III.A.1. approving Bay Area Community Land Trust as an eligible developer despite its lack of recent experience.


**Action Items**

6. **Discussion and Possible Recommendation to Council to Support AB 74, SB 305, and AB 1157**

   **Action:** M/S/C (Wolfe/Magofna) to recommend that Council endorse the following pending housing legislation: Assembly Bill (AB) 74, Senate Bill (SB) 305, and AB 1157.


7. **Housing Advisory Commission Work Plan**

   **Action:** M/S/C (Lewis/Carter) to focus on strategies for the top five problems identified during the June 1, 2017 work plan discussion, and postpone identifying U1 priorities until a future date.


8. **Discussion and Possible Recommendation to Council on City Funding for the Berkeley Way Development Project**

   Commissioner Wolfe recused herself, due to her position as a board member for Resources for Community Development, and left the room.

   **Public Speakers:** 1

   **Action:** M/S/C (Amezcua/Magofna) to:

   1. Recommend that City Council reserve up to $3,131,651 in Housing Trust Funds for predevelopment for BRIDGE Housing’s Berkeley Way Project.

   2. Recommend that the City Manager defer City permit fees until later in the project.

   3. Endorse in concept a full City funding reservation this fall, currently estimated at $13 million.

9. Appointment of Community Development Block Grant and U1 Subcommittees
   No action was taken.

10. Discussion and Possible Recommendation to Council on Funding for Anti-Displacement Programs
    Action: M/S/C (Amezcua/Tregub) to:
    1. Recommend approving $650,000 per year for FY18 and FY19 in funding for anti-displacement programs, with allocations for the following:
       • $300,000 for Eviction Defense and Housing Counseling
       • $250,000 for the Housing Retention Program
       • $100,000 for Flexible Housing Subsidies Pool
    2. Recommend that the $300,000 for Eviction Defense and Housing Counseling be:
       • Designated for Low and Moderate Income Tenants; and
       • Added to existing contracts with the Eviction Defense Center and East Bay Community Law Center, at $150,000 each.
    3. Recommend exploring alternative schedules for paying back General Funds with U1 tax revenues.

11. Discussion and Possible Recommendation to Council on Response to Companion Report, Allocation of U1 Funds by the City Council, and Measure U1 Allocation Guidelines
    No action was taken.

12. Update on Homelessness Subcommittee

13. Update on Council Items

14. Announcements / Information Items

15. Future Items

16. Adjourn
    Action: M/S/C (Magofna/Lewis) to adjourn the meeting at 10:15 p.m.

Approved on DATE
September 7, 2017

TO: Housing Advisory Commissioners

FROM: Marian Wolfe, Vice-Chair

RE: Meeting Process

I would like our meetings to be conducted so that they do not run late. Since the last two meetings have been quite lengthy, I propose that we establish a Meeting Process that could result in shorter meetings without sacrificing full participation by the public and Commissioners. As a City Commission, we can decide the best ways to conduct our meetings as long as they are consistent with our Commissioner’s Manual. Our Secretary made several suggestions that I believe would help to achieve this goal. I have slightly modified her suggestions and provided them in this memo.

Are there any changes or additions to this list anyone would like to suggest? If there are, I’ll present a revised version at our next meeting. If the Commission is OK with this list of ideas pretty much as they are below, Igor can begin using them as guidelines at our next meeting. Alternatively, we can establish a subcommittee to discuss our meeting process in more detail and bring recommendations back to the HAC.

Ideas to consider adopting for this meeting process and time management are as follows:

- Rely more on subcommittees. In September, we should consider forming the proposed subcommittees to continue the Work Plan Process we started at our June 2017 meeting, including the formation of a U1 Subcommittee.

- In general, we should strive to have agenda items come through the subcommittees and not directly to the commission. For example, with the HTF subcommittee, the full commission rarely identifies an issue that has not already been raised and discussed by the subcommittee, which helps the process. And the Short Term Rental (STR) subcommittee was able to present a complex topic in a manageable way. While this is difficult when the HAC has been acting under time pressure from Council, it could yield better analysis and recommendations.

- Consider adopting a standard end time and requiring votes to extend the meeting. For example, the Homeless Commission’s standard end time is 9:00 PM; they vote to extend in 15-minute increments. At the last meeting, the hour+ long U1 conversation that resulted in no action might have resolved earlier if we had time limits.
• Consider trying to get a motion on the floor early in the discussion. This could help streamline some items with broad support.

• Limit each Commissioner’s comments to two minutes in the way we limit presentations by members of the public.

• Our general approach is to go around the table when a new item is introduced and when we continue discussing an item. At that time, we each have an opportunity to express our viewpoints. An improved approach is as follows:

  When it is your turn to talk, consider whether your viewpoint has already been presented. If it is a similar viewpoint, you can mention this and then let the next person speak. This will also save time.
## Housing Advisory Commission – Work Plan Meeting (July 6, 2017)

### Housing Strategies for Five Problem Areas

<table>
<thead>
<tr>
<th>Prioritized Problems</th>
<th>Strategies</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lack of Affordable Low-Income Housing</td>
<td>Look for sites that can be up-zoned, particularly near BART stations. Streamline permit review process for low-income housing.</td>
</tr>
<tr>
<td>Lack of Affordable Moderate-Income Housing</td>
<td>Work with BUSD to increase teacher housing. Encourage new development in alternative ownership modes, such as co-ops, land trusts, and acquisition/rehab. Properties. Encourage ADU’s.</td>
</tr>
<tr>
<td>Lack of Affordable Housing for Students</td>
<td>Encourage more student co-ops. Treat the half-mile zone around UC Berkeley as if it were a transit corridor area, i.e., relaxing parking requirements and allowing higher densities. Establish a prohibition against the use of rental units near campus as short term rentals. Establish a dialogue between the City and the University regarding the need for student and faculty housing. Encourage co-ops to maintain year-round affordability requirements. Streamline permitting process for new rental development, if there is an MOU between the developer and the City that the housing will be available for students (and faculty)? Educate students about rent control and Costa Hawkins.</td>
</tr>
<tr>
<td>Lack of Funding - Insufficient Local Funding, given proposed Federal budget cuts</td>
<td>Explore other forms of taxation/revenues. Look at acquiring tax-default properties. Increase the commercial linkage fee. Allocate a portion of the short term rental tax. Use of Federal transportation funds.</td>
</tr>
<tr>
<td>Homelessness/Displacement</td>
<td>Update the Demolition Ordinance. Support the Anti-Displacement Program and evaluate program effectiveness after one year.</td>
</tr>
</tbody>
</table>
For low-income, moderate-income, and student housing, form subcommittees. These subcommittees to look to see what should be pulled in from the Mayor’s housing referrals.

Research recommendations provided by Tom:

- Liaison with other to discuss “social housing.” Groups to work with include the Rent Stabilization Board, the public, ASUC, Co-ops, land trusts, and private investors.
- Define affordable housing needs without reference to HUD’s income categories.
- Study housing affordability conditions – how did we get to where we are today?
To: Housing Advisory Commission  
From: Commissioner Thomas Lord  
Subject: work plan suggestion

Introduction

Tonight, most probably, the commission will adopt a workplan.

I have an unfavorable view of the process which brought us to this point.

The chairs of this commission have chosen to unilaterally move a workplan process, a workplan format, and a general outcome of work-planning. At no time have the chairs opened the floor for debate or consideration of alternatives.¹

Since the beginning of this year, the chairs have unilaterally constrained a changing roster of commissioners and substitutes:²

- to refrain from taking action on various proposals for commission activity until the workplan meetings
- to refrain from preparing written items related to the work plan at any time
- to name just three single-sentence “issues” of personal interest
- to propose just three single-sentence “strategies” related in some way to some of those “issue”

¹I acknowledge that the chair, aware of this complaint did hold a vote to proceed at the July meeting. The chair did not allow debate of the motion, moves to amend, substitute motions and so forth. In any event, that motion, while difficult to pin down, seems to have been simply to proceed with Vice Chair Wolfe’s presentation.

²The chairs did not hold themselves to these constraints but instead allocated to themselves additional privileges.
• to omit from discussion the proposed commission activities that were earlier deferred by the chairs to the “work plan process”

The chairs have indicated that we will form subcommittees on the basis of this procedure. Thus, the chairs propose also to - more or less unilaterally - partition the commission among lines of association and exchange.³

It is difficult to read the tea leaves but my personal guess, on the basis of the workplan presentations in June and July, is that we will be encouraged by the chairs to form – or will be somehow assigned to – subcommittees defined by topics such as:

- housing for moderate income households
- housing for lower income households
- student housing
- homelessness
and so forth.⁴

Thus, it sounds to me from the chairs’ activities as if a core set of subcommittees will be formed roughly around income categories that are significant to HUD policies and to other government policies that refer to HUD categories. Additionally, there will be some encouragement of factionalization around questions such as “student housing”.

In other words, the range of policy options which this commission might form in subcommittee is more or less already established – by the two chairs. The commission will be divided and conquered.

To what end? The range of policy options we will contemplate is shaping up to simply reinforce existing flows of funds and confirm historic client relations with outside agencies.

I personally do not consider the process heretofore to be legitimate or productive. I have my doubts about its legality. In any event, I think it is an

³The chairs’ trajectory, incidentally, seems to entail obscuring from most members the simplicity with which ad hoc subcommittees may be formed and dissolved as needed on a month-to-month basis.

⁴These are all fine topics, of course, but it seems particularly artificial to me to separate them for purposes of policy formation. While it is true that granting opportunities often break down along those lines, it is simply regulatory capture to let those grant programs dominate the City’s policy formation.
affront to the very purpose of citizen commissions.

Nevertheless, the process has already consumed hours of commission meeting time and many hours of my personal time. I do not anticipate a change in course tonight. I regard this as a lost cause.

My attention turns to how to do better next year.

Recommendation to HAC

Let’s begin 2018 with the interests of the people in our hearts. Let’s hope we can move with clarity of process and purpose.

On the fourth meeting from tonight this commission will have the opportunity to begin anew, perhaps with new chairs, and to move forward in an egalitarian and enlightened mode.

I ask the commission tonight to spend a few minutes discussing how to plan for that transition. I propose a temporary ad hoc subcommittee to take up the topic of improving work planning next year.

If such a subcommittee can be formed, I would offer this as a starting point: Personally, I think written proposals for commission activity should be encouraged, not discouraged. They are appropriate at any time.

I do not think the commission should aim to fix a set of subcommittees for a year – rather subcommittees should form and dissolve around proposed activities as they arise.

I think that the economic and housing crises we face today demand that we struggle to get out of old institutional ruts, and false understandings of why there is a housing affordability crisis.

Above all, we must be skeptical of old habits which suggest our policies are driven by regulatory capture.

Will any on the commission agree to begin working on improving our process for next year?
To: Housing Advisory Commission  
From: Kristen Lee, HCS Manager  
Date: September 8, 2017  
Subject: Submission of a Substantial Amendment to the PY2017 Annual Action Plan to Shift Community Development Block Grant (CDBG) Indirect Costs  

RECOMMENDATION
Adopt a recommendation that City Council conduct a public hearing on a substantial amendment to the federal Program Year (PY) 2017 Annual Action Plan (AAP) which includes revised allocations of Community Development Block Grant (CDBG) funding and upon conclusion, 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 Annual Action Plan to the U.S. Department of Housing and Urban Development (HUD).

The CDBG revised allocations (see Attachment 1) would shift $144,970 in indirect costs from the Planning & Administration project to four other projects which support City staff: Loan Services, Housing Trust Fund, Senior & Disabled Rehabilitation Program and Community Facility improvements. Indirect Costs are used to pay for services rendered by other City departments, such as the City Attorney’s Office and Human Resources Department, and are attributable to any federal grant, provided the City has a federally authorized Indirect Cost Allocation Plan.

BACKGROUND
Currently, all of the CDBG Indirect Costs captured by the City come from funds for the administration of the CDBG program which supports the Housing and Community Services staff. Staff recommends that Council approve an amendment to the PY2017 Annual Action Plan which shifts these allowable indirect costs to all City projects. Shifting indirect costs out of the administrative activity will free up administrative funds and enable the Housing & Community Services Division (HCS) to hire an additional staff person to administer the CDBG program. As the federal funding climate places programs like CDBG under pressure of defunding, HUD has increased scrutiny over compliance. HCS currently allocates only 20% of a full-time staff person to manage compliance with CDBG requirements. CDBG compliance activities include:

1 PY2017 means the federal fiscal year 2017, funding under which is made available to the City of Berkeley in July 2017, coinciding with the City’s Fiscal Year 2018.
1. coordinating a biennial request for proposal process;
2. reporting regularly on the results of the City’s use of HUD funding;
3. holding public hearings in the fall and spring;
4. coordinating monitoring activities of five staff for over $2 million annually in CDBG funding;
5. ensuring compliance with federal and state laws regarding environmental review;
6. reporting on the City’s efforts to affirmatively further fair housing;
7. ensuring all programs provide services to populations with limited English proficiency;
8. reporting on jobs created for low-income individuals; and
9. monitoring timely expenditures of CDBG funds.

Increasing staffing to one full-time position would help avoid findings which would jeopardize future federal funding. This action would also free up 20% more staff time to support homeless program monitoring and homeless policy initiatives.

Staff were recently advised by HUD that indirect costs are not required to be allocated out of the funding set aside for planning and administration, which is limited by a cap. As noted above, COB currently captures all Indirect Costs from this funding. Rather, indirect costs can and should be attributed to all City projects, provided the amounts stay under the City’s authorized Indirect Cost Allocation Plan. Approval of this recommendation would set funding for these indirect costs under the approved limit of 25%.

Shifting $144,970 in indirect costs to other City projects requires decreasing CDBG funding available for other non-City CDBG funded projects. Staff recommends, therefore, reducing FY2018 funding for public facility improvement projects, currently authorized at $1,038,303, by this amount. The City typically allocates $250,000 to $300,000 each year for public facility improvements. The amount available in FY2018 is much greater due to recent increases in CDBG program income, primarily from repaid homeowner loans from prior years. Reducing this amount would not seriously impact the City’s projected goals for this program in FY2018 or subsequent years.

HUD regulations require that the City of Berkeley follow a Citizen Participation Process in allocating federal funding, which requires that the city enlist input from the general public when developing the spending plan and when any major changes to the spending plan are proposed. Major changes to the spending require the submission of a “Substantial Amendment” to the Annual Action Plan. These changes must be accompanied by a public hearing.

2 The latest Indirect Cost Allocation Plan can be found here: [https://www.cityofberkeley.info/Finance/Home/Indirect_Cost_Allocation_Plan.aspx](https://www.cityofberkeley.info/Finance/Home/Indirect_Cost_Allocation_Plan.aspx)
3 The Citizen Participation Plan can be found at [http://www.cityofberkeley.info/uploadedFiles/Housing/Level_3_-_General/CitizenParticipationPlan_5_12_2012_FINAL.pdf](http://www.cityofberkeley.info/uploadedFiles/Housing/Level_3_-_General/CitizenParticipationPlan_5_12_2012FINAL.pdf)
RATIONALE FOR RECOMMENDATION
Shifting indirect costs out of the planning and administration project will enable the Health, Housing & Community Services Department to more fully utilize this (capped) funding for activities associated with administering the CDBG funds. These activities include passing CDBG funding through to community agencies, monitoring progress on these contracts, working with other jurisdictions to affirmatively further fair housing, and ensuring compliance with environmental review and other laws; all of these activities ensure that the City of Berkeley will continue to receive millions in federal funding each year, of which the majority supports homeless services and affordable housing. Utilizing more of the CDBG funds for these activities will also free up staff time for homeless policy work.

The City typically allocates $250,000-$300,000 each year for public facility improvements. Over the last five years twenty-one projects were funded. Awards ranged from $10,240 to $247,344 with an average of about $50,000. Reducing the amount of CDBG funds available in FY2018 from $1,038,393 to $893,333 for community facility improvements will not significantly impact the City’s goal as contained in the City’s Consolidated Plan for this activity.

Attachments:
1: Revised PY2017 CDBG Allocations
2: City of Berkeley PY2017 Annual Action Plan Substantial Amendment

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4 The current Consolidated Plan can be found here:
https://www.cityofberkeley.info/uploadedFiles/Housing/Level_3_General/Con%20Plan%20FINAL%20May%202015%20with%20Attachment(1).pdf
Community Development Block Grant (CDBG) PY2017 Allocations

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<th>REVENUES</th>
<th>Received FY17</th>
<th>Allocated FY2018</th>
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<td>CDBG Award</td>
<td>2,476,078</td>
<td>2,438,062</td>
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<tr>
<td>Program Income</td>
<td>787,753</td>
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<td>Earlier Unused Funds</td>
<td>250,000</td>
<td>910,000</td>
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<tr>
<td>SUBTOTAL CDBG</td>
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<tr>
<th>EXPENDITURES - By Category</th>
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<th>Allocated FY2018</th>
<th>REVISED October FY2018</th>
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<tr>
<td>I. Housing Services</td>
<td>1,325,301</td>
<td>1,419,506</td>
<td>1,542,796</td>
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<tr>
<td>II. Public Services (17.83%)</td>
<td>430,476</td>
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<td>III. Public Facility Improvements</td>
<td>1,172,804</td>
<td>1,187,091</td>
<td>1,063,800</td>
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<tr>
<td>IV. Planning &amp; Administration (20%)</td>
<td>502,065</td>
<td>537,612</td>
<td>537,612</td>
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<td>V. Housing Trust Fund</td>
<td>60,281</td>
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<td>Total CDBG Funds Allocated/Requested</td>
<td>3,490,927</td>
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CDBG Project Details

I. CDBG - HOUSING SERVICES PROJECTS

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<td>392,006</td>
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<td>SUBTOTAL Housing Projects -- CDBG</td>
<td>1,325,301</td>
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<th>General Fund</th>
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<tr>
<td>7 Bay Area Community Land Trust (GF)</td>
<td>$4,991</td>
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II. PUBLIC SERVICES PROJECTS

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<td>8</td>
<td>240,093</td>
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<tr>
<td></td>
<td>25,472</td>
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<td>61,885</td>
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<td>Total CDBG Public Services</td>
<td>$430,476</td>
<td>$453,853</td>
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### General Fund

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<td>The Bread Project: Culinary Job Readiness Training</td>
<td>$ 41,165</td>
<td>$ 41,165</td>
<td>$ 41,165</td>
</tr>
<tr>
<td>Center for Independent Living: Employment Services</td>
<td>$ 36,607</td>
<td>$ 36,607</td>
<td>$ 36,607</td>
</tr>
<tr>
<td>Inter-City Services: Employment, Education and Training</td>
<td>$ 95,036</td>
<td>$ 95,036</td>
<td>$ 95,036</td>
</tr>
<tr>
<td>Resources for Community Development: Social Svcs. at Spec</td>
<td>$ 9,828</td>
<td>$ 9,828</td>
<td>$ 9,828</td>
</tr>
<tr>
<td>Rising Sun Energy Center: Green Energy Training Services</td>
<td>$ 25,380</td>
<td>$ 50,852</td>
<td>$ 50,852</td>
</tr>
<tr>
<td><strong>Subtotal GF Public Services:</strong></td>
<td>$ 208,016</td>
<td>$ 233,488</td>
<td>$ 233,488</td>
</tr>
</tbody>
</table>

* These projects are shown here for CDBG budgeting purposes, but are reviewed by other Commissions whose recommended funding level is reflected here.

### III. CDBG - PUBLIC/COMMUNITY FACILITIES IMPROVEMENTS: Allocations or recommended funding is o

<table>
<thead>
<tr>
<th>Project Description</th>
<th>Funded FY17</th>
<th>Applied FY2018</th>
<th>REVISED October FY2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Facilities RFP 2018</td>
<td></td>
<td>1,038,303</td>
<td>893,333</td>
</tr>
<tr>
<td>Berkeley Food and Housing Project: North County Women's B</td>
<td></td>
<td>26,461</td>
<td></td>
</tr>
<tr>
<td>COB HHCSD: Public Facilities Improvements</td>
<td>128,229</td>
<td>$ 124,213</td>
<td>$ 145,892</td>
</tr>
<tr>
<td>Rebuilding Together: Community Facilities</td>
<td>24,575</td>
<td>$ 24,575</td>
<td>$ 24,575</td>
</tr>
<tr>
<td>Options Recovery Services: Veteran's Building Lead based paint removal and repainting</td>
<td></td>
<td>36,195</td>
<td></td>
</tr>
<tr>
<td>COB James Kenney Community Center / BAHIA Siding Repla</td>
<td>247,344</td>
<td></td>
<td></td>
</tr>
<tr>
<td>COB Aging Services: ADA Upgrades and Interior Improvements</td>
<td>500,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>COB Mental Health Division: Interior Improvements</td>
<td>210,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Subtotal Public Facilities Improvements:</strong></td>
<td>$ 1,172,804</td>
<td>$ 1,187,091</td>
<td>$ 1,063,800</td>
</tr>
</tbody>
</table>

**Set-aside. Planning and Administration is a capped category of CDBG funding. The City of Berkeley City Manager and Housing & Community Services Departments will utilize the maximum amount of funding available under this category.

### IV. CDBG - PLANNING AND ADMINISTRATION**

<table>
<thead>
<tr>
<th>Project Description</th>
<th>Funded FY17</th>
<th>Available FY18</th>
<th>REVISED October FY2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>COB HHCSD: CDBG Planning &amp; Administration</td>
<td>$ 366,508</td>
<td>$ 393,078</td>
<td>$ 537,612</td>
</tr>
<tr>
<td>COB City Manager's Office: Support Costs</td>
<td>$ 135,558</td>
<td>$ 144,534</td>
<td>$ 0</td>
</tr>
<tr>
<td><strong>CDBG Planning &amp; Administration TOTAL</strong></td>
<td><strong>502,065</strong></td>
<td><strong>537,612</strong></td>
<td><strong>537,612</strong></td>
</tr>
</tbody>
</table>

**Set-aside. Planning and Administration is a capped category of CDBG funding. The City of Berkeley City Manager and Housing & Community Services Departments will utilize the maximum amount of funding available under this category.

### V. HOUSING TRUST FUND

<table>
<thead>
<tr>
<th>Project Description</th>
<th>Funded FY2017</th>
<th>Funded FY2018</th>
<th>REVISED October FY2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>City of Berkeley Housing Trust Fund</td>
<td>$ 60,281</td>
<td></td>
<td>$ -</td>
</tr>
</tbody>
</table>
CITY OF BERKELEY

-- DRAFT --

SUBSTANTIAL AMENDMENT TO

ANNUAL ACTION PLAN

FOR HOUSING AND COMMUNITY DEVELOPMENT

JULY 1, 2017 – JUNE 30, 2018 (PY 2017)

For the U.S. Department of Housing and Urban Development
San Francisco Field Office of Community Planning and Development

September 7, 2017
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Attachment 2: EveryOne Home Systemwide Outcomes and Efficiency Measures
Attachment 3: Public Notice and Community Participation Summary
Executive Summary

AP-05 Executive Summary - 24 CFR 91.200(c), 91.220(b)

1. Introduction

This Annual Action Plan is the 3rd Annual Action Plan for the current Consolidated Planning period.

2. Summarize the objectives and outcomes identified in the Plan

The City of Berkeley (COB) has ambitious objectives for spending its federal entitlement grant funding. Berkeley allocates these and other state and local funds to maximize assistance for its low and moderate-income households through:

- Housing acquisition, rehabilitation, repair, and accessibility improvements,
- Assisting homeless adults and families including those with disabilities and other special needs, through emergency shelter, transitional housing, and service-enriched affordable, supportive housing; and
- Funding public facilities improvements to protect and sustain the infrastructure critical to community services and economic vitality in Berkeley.

The COB has long placed a high priority on affordable housing and community services because they reflect important community values. The City now invests more General Fund dollars into related programs than it receives in federal funding for these activities. The City is committed to maintaining high-quality programs for those in need but faces challenges due to uncertainty in future federal funds available. At the same time, ESG, HOME, Consolidated Plan, and Annual Action Plan requirements have substantially increased. Uncertain funding and increased administrative burden will impact the City’s ability to address all of the many needs identified.

In PY17, the City will redesign its community facility improvement Request for Proposal (RFP) process. It will shift from an annual RFP to a process that will accept applications on a rolling basis until funds allocated to this category are expended. Additional key changes include adding a minimum threshold of $100,000. The program will continue to focus on CDBG priorities for substantial rehabilitation for health and safety, ADA, and/or energy efficiency improvements. The RFP is scheduled to be released in fall 2017.

Approved Allocations. As summarized in AP-38 and detailed in Attachment 1, the COB plans to allocate $2,438,062 in Community Development Block Grant (CDBG) funds together with $910,000 in prior years’ carryover and $250,000 in estimated CDBG program income to fund.

- $1,542,796,419,506 in housing projects and programs;
- $453,853 in public services;
- $1,187,091 \textit{community and public facilities activities}; and
- $537,612 to administer all facets of the City’s CDBG program.\(^1\)

The COB will utilize its PY2017 ESG allocation of $222,915 to: serve literally homeless people through its new Coordinated Entry System ($199,520), support the County-wide Homeless Management Information System, ($6,676), and support its program planning and administration activities ($16,719).

The COB will utilize its PY2017 HOME allocation of $583,860 and $20,000 in program income for program administration ($60,386), Community Housing Development Organization (CHDO) operations ($28,115) and will allocate the remaining balance to its Housing Trust Fund ($515,359).

3. Evaluation of past performance

The City reviews and evaluates its performance through its annual submission of the Consolidated Annual Performance and Evaluation Report. The City tracks single family and multi-family housing rehabilitation efforts and housing development efforts.

The City's Single Family Rehabilitation (SFR) program comprised of the City's Senior and/or Disabled Home Loan Program (SDRLP), Center for Independent Living, Community Energy Services Corporation and Rebuilding Together is evaluated on an ongoing basis to ensure that the most significant health and safety improvements are prioritized and that sufficient outreach is occurring to increase the number of unduplicated households served overtime.

In PY16, the City evaluated its community facility RFP process. The RFP process was lengthy and not responsive to emergent agency needs. It started with the RFP release in early December with applications due the following January. HCS staff and the Housing Advisory Commission would review the applications in February and March and make recommendations to Council for approval in April with contracts beginning the following fiscal year in July. The application-to-contract process created duplicate work for agencies in obtaining bid proposals. Agencies were required to obtain three bids as an attachment to their application for an accurate estimate of costs. These bids had a limited shelf-life, and if an agency was awarded funding, it had to obtain fresh bids (no older than 90 days) a second time to maintain compliant with HUD regulations. In order to streamline the application process and prioritize more significant health and safety rehabilitation the City shifted its RFP process to a rolling application period with a minimum grant amount of $100,000.

\(^1\) Of these funds, up to $132,911 will go to administrative support costs that cover costs of other departments that consult with or otherwise provide the Health, Housing and Community Services Department with services supporting its administrative activities (including Finance, City Attorney, City Manager, City Auditor, and Human Resources).
Outcomes for all public services community agency programs funded with federal funds are tracked, and prior outcomes are used to inform funding decisions. The City also uses countywide Homeless Count and program outcome data to inform its goals on homelessness.

4. **Summary of Citizen Participation Process and consultation process**

Summary from citizen participation section of plan.

A public hearing on community needs was held on October 19, 2016 before members of the Housing Advisory, Homeless, Human Welfare and Community Action and Children, Youth and Recreation Commissions. The draft plan was posted on the City’s website, and a copy was presented to the Housing Advisory Commission (HAC) at its February 2, 2017 and March 2, 2017 meetings. At its March 2, 2107 meeting, the Housing Advisory Commission approved the Annual Action Plan. A Public Hearing on the Final Draft Plan was held on April 25, 2017 before the Berkeley City Council. Outreach was accomplished via mailings to interested parties, including Alameda County Homeless Continuum of Care, community agencies serving low-income people, and public buildings such as recreation centers, senior centers, libraries and other government buildings.

The draft Substantial Amendment to the PY2017 Annual Action Plan was posted on the City’s website, and a copy was presented to the Housing Advisory Commission (HAC) at its September 7, 2017 meeting. A public hearing on this was held on October 17, 2017 before the Berkeley City Council. Outreach was accomplished via mailings to interested parties, including Alameda County Homeless Continuum of Care, community agencies serving low-income people, and public buildings such as recreation centers, senior centers, libraries and other government buildings.

5. **Summary of public comments**

At the October 19, 2016 public hearing, Berkeley residents provided testimony regarding the need for additional affordable housing, recreational and life skills programs for youth with disabilities, and workforce development services. Additionally, access to computers and training, childcare and assistance with enforcing habitability issues were raised.

There were no public comments at Housing Advisory Commission meetings on February 2, 2017 and March 2, 2017. There was one public comment at the April 25, 2017 City Council Public regarding the need for residential access services to ensure residents lived in their homes independently for as long as possible.

Add details of public hearing here.

6. **Summary of comments or views not accepted and the reasons for not accepting them**

HAC PAGE 22
The majority of needs mentioned during the public hearings are being funded by the City, either with local, state or federal funds.

Add details here.
PR-05 Lead & Responsible Agencies – 91.200(b)

1. **Agency/entity responsible for preparing/administering the Consolidated Plan**

Describe the agency/entity responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source.

<table>
<thead>
<tr>
<th>Agency Role</th>
<th>Name</th>
<th>Department/Agency</th>
</tr>
</thead>
<tbody>
<tr>
<td>CDBG Administrator</td>
<td>BERKELEY</td>
<td>Health, Housing &amp; Community Services Department</td>
</tr>
<tr>
<td>HOME Administrator</td>
<td>BERKELEY</td>
<td>Health, Housing &amp; Community Services Department</td>
</tr>
<tr>
<td>ESG Administrator</td>
<td>BERKELEY</td>
<td>Health, Housing &amp; Community Services Department</td>
</tr>
</tbody>
</table>

**Table 1 – Responsible Agencies**

The City of Berkeley’s Health, Housing & Community Services Department is the lead agency for overseeing the development of the plan. The Department coordinates the City’s funding allocation and monitoring for community based organizations, administration of the Housing Trust Fund, and operation of other housing and community services programs such as the Shelter Plus Care program, and Senior and Disabled Home Rehabilitation Loan Program. The Department also includes the Mental Health, Public Health, and Aging Services divisions, which provide direct services to the community, and it includes the Environmental Health division.

**Consolidated Plan Public Contact Information**

Jennifer Vasquez  
Community Services Specialist III  
2180 Milvia Street, 2nd Floor  
Berkeley, CA 94704  
510-981-5431  
jvasquez@cityofberkeley.info
AP-10 Consultation – 91.100, 91.200(b), 91.215(l)

1. Introduction

During the next year, the City of Berkeley will continue to coordinate the housing and community services activities within the department through regular senior staff meetings, such as a monthly Homeless Team meeting, and will continue to coordinate with other City Departments on specific topics. It will also consult with EveryOne Home, the countywide plan to end homelessness, and its partners at Alameda County Behavioral Health Care Services and Social Services Agency as well as community stakeholders in Berkeley.

Provide a concise summary of the jurisdiction’s activities to enhance coordination between public and assisted housing providers and private and governmental health, mental health and service agencies (91.215(l))

City staff continues to participate in the implementation of Everyone Home. Everyone Home spearheads Alameda County’s Continuum of Care. Staff will continue to participate in the initiative’s Leadership Board, which includes most public funders of housing and homeless services in the county, as well as leadership from key community based organizations, including those which develop affordable housing. Leadership Board membership helps coordinate efforts across the county. In PY17, City will continue to work with EveryOne Home, Alameda County Behavioral Health Care Services and Social Service Agency to continue to implement the Berkeley Coordinated Entry System (CES) for homeless services and will participate in EveryOne Home’s planning and implementation efforts to add multiple CES sites throughout the county. Other recent countywide collaboration efforts include Alameda County’s 2017 Point in Time Homeless Count and report and the ongoing implementation of the Home Stretch registry, an initiative targeting people who are chronically homeless and highly vulnerable.

Describe coordination with the Continuum of Care and efforts to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans, and unaccompanied youth) and persons at risk of homelessness.

In PY17, the City will continue to work with EveryOne Home, Alameda County Behavioral Health Care Services and Social Service Agency to implement the Berkeley Coordinated Entry System (CES) for homeless services and will participate in EveryOne Home’s implementation efforts to add multiple CES sites throughout the county. These efforts will lead to the standardization of screening, intake and assessments protocols across the Continuum of Care to better match people who are homeless with the best fit available housing solution.

Describe consultation with the Continuum(s) of Care that serves the jurisdiction's area in determining how to allocate ESG funds, develop performance standards for and evaluate outcomes of projects and activities assisted by ESG funds, and develop funding, policies and procedures for the operation and administration of HMIS
Consultation with Everyone Home, the Alameda-Countywide Continuum of Care, City of Berkeley, the City of Oakland, and the Alameda County Housing and Community Services Department was initiated in 2012. The discussion focused on how to implement the new ESG requirements in a way that would be consistent countywide and would continue the collaboration launched in 2009 with American Recovery and Reinvestment Act (ARRA) Homelessness Prevention and Rapid Re-housing (HPRP) funds. The group held several meetings in PY2012, resulting in the development of a policies and procedures manual that was used to implement the Priority Home Partnership Program. The most recent version was attached to the 2015 Consolidated Plan.

2. Describe Agencies, groups, organizations and others who participated in the process and describe the jurisdiction’s consultations with housing, social service agencies and other entities.

Table 2 – Agencies, groups, organizations who participated

<table>
<thead>
<tr>
<th>1</th>
<th>Agency/Group/Organization</th>
<th>EveryOne Home</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agency/Group/Organization Type</td>
<td>Services - Housing</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Services-Children</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Services-Persons with Disabilities</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Services-homeless</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Services-Employment</td>
<td></td>
</tr>
<tr>
<td>What section of the Plan was addressed by Consultation?</td>
<td>Homeless Needs - Chronically homeless</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Homeless Needs - Families with children</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Homelessness Needs - Veterans</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Homelessness Strategy</td>
<td></td>
</tr>
<tr>
<td>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</td>
<td>The City of Berkeley adopted Everyone Home's plan to end homelessness in 2006 and the City continues to participate in the implementation of the plan. See above coordination with EveryOne Home, Alameda County Behavioral Health Care Services and SSA.</td>
<td></td>
</tr>
</tbody>
</table>

2 | Agency/Group/Organization | ALAMEDA COUNTY HOUSING & COMMUNITY DEVELOPMENT |
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Agency/Group/Organization Type</td>
<td>Services - Housing</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Services-Children</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Services-Persons with Disabilities</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Services-Employment</td>
<td></td>
</tr>
</tbody>
</table>
What section of the Plan was addressed by Consultation?

| Homeless Needs - Chronically homeless
| Homeless Needs - Families with children
| Homelessness Needs - Veterans
| Homelessness Strategy

Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?

See above coordination with Alameda County.

Identify any Agency Types not consulted and provide rationale for not consulting

Not applicable.

Other local/regional/state/federal planning efforts considered when preparing the Plan

<table>
<thead>
<tr>
<th>Name of Plan</th>
<th>Lead Organization</th>
<th>How do the goals of your Strategic Plan overlap with the goals of each plan?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Continuum of Care</td>
<td>EveryOne Home</td>
<td>The City of Berkeley adopted Everyone Home’s plan to end homelessness in 2006 and the City continues to participate in the implementation of the plan.</td>
</tr>
</tbody>
</table>

Table 3 – Other local / regional / federal planning efforts
AP-12 Participation – 91.105, 91.200(c)

1. Summary of citizen participation process/Efforts made to broaden citizen participation
Summarize citizen participation process and how it impacted goal-setting

The City published a public hearing notice in the Berkeley Voice in accordance with its citizen participation plan for a October 19, 2016 Public Hearing at a joint meeting of the Housing Advisory, Homeless, Human Welfare and Community Agency and Children, Youth and Recreation Commissions. It also sent the notification to residents of public and assisted housing, users of community and senior centers, libraries, and residents being served by 56 community based agencies funded by the City of Berkeley. The City published a public hearing notice in the Berkeley Voice on March 24, 2017 for its April 25, 2017 Public Hearing at the Berkeley City Council meeting.

Citizen Participation Outreach
<table>
<thead>
<tr>
<th>Sort Order</th>
<th>Mode of Outreach</th>
<th>Target of Outreach</th>
<th>Summary of response /attendance</th>
<th>Summary of comments received</th>
<th>Summary of comments not accepted and reasons</th>
<th>URL (If applicable)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Public Hearing</td>
<td>Minorities</td>
<td>Fifteen community members attended the October 19, 2016 Public Hearing and six people provided testimony. In addition, three emails and three phone calls were received.</td>
<td>Berkeley residents provided testimony regarding the need for additional affordable housing, employment services, services for young people with disabilities, access to computers and training, childcare and assistance with enforcing habitability issues.</td>
<td>All comments were accepted. Many of the priorities mentioned are funded by the City through local, state and federal funds.</td>
<td></td>
</tr>
<tr>
<td>Sort Order</td>
<td>Mode of Outreach</td>
<td>Target of Outreach</td>
<td>Summary of response/attendance</td>
<td>Summary of comments received</td>
<td>Summary of comments not accepted and reasons</td>
<td>URL (If applicable)</td>
</tr>
<tr>
<td>------------</td>
<td>------------------</td>
<td>--------------------</td>
<td>-------------------------------</td>
<td>-------------------------------</td>
<td>-----------------------------------------------</td>
<td>---------------------</td>
</tr>
<tr>
<td>2</td>
<td>Public Hearing</td>
<td>Minorities</td>
<td>This Public Hearing was held at the April 25, 2017, City of Berkeley Council Meeting. See Item #41a</td>
<td>There was one public testimony received regarding need to fund residential access services to assist people to live in their homes independently as long as possible.</td>
<td>N/A</td>
<td><a href="http://www.ci.berkeley.ca.us/Clerk/City_Council/City_Council_Agenda_Index.aspx">http://www.ci.berkeley.ca.us/Clerk/City_Council/City_Council_Agenda_Index.aspx</a></td>
</tr>
</tbody>
</table>

Table 4 – Citizen Participation Outreach
Expected Resources

AP-15 Expected Resources – 91.220(c) (1, 2)

Introduction

The City will receive $3,244,837 in federal Housing and Urban Development Department (HUD) funds comprised of $2,438,062 in CDBG, $583,860 in HOME and $222,915 in ESG funds. Additionally, the City will add $250,000 in CDBG Program Income and $910,000 in unused CDBG carry over and $20,000 in HOME Program Income to these amounts.

Priority Table

<table>
<thead>
<tr>
<th>Program</th>
<th>Source of Funds</th>
<th>Uses of Funds</th>
<th>Expected Amount Available Year 1</th>
<th>Expected Amount Available Reminder of ConPlan</th>
<th>Narrative Description</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Annual Allocation: $</td>
<td>Program Income: $</td>
<td></td>
</tr>
<tr>
<td>CDBG</td>
<td>public-federal</td>
<td>Acquisition Admin and Planning Economic Development Housing Public Improvements Public Services</td>
<td>2,438,062</td>
<td>250,000</td>
<td>910,000</td>
</tr>
<tr>
<td>Program</td>
<td>Source of Funds</td>
<td>Uses of Funds</td>
<td>Expected Amount Available Year 1</td>
<td>Expected Amount Available Reminder of ConPlan</td>
<td>Narrative Description</td>
</tr>
<tr>
<td>---------</td>
<td>----------------</td>
<td>--------------</td>
<td>----------------------------------</td>
<td>-----------------------------------------------</td>
<td>-----------------------</td>
</tr>
<tr>
<td><strong>HOME</strong></td>
<td>public - federal</td>
<td>Acquisition Homebuyer assistance Homeowner rehab Multifamily rental new construction Multifamily rental rehab New construction for ownership TBRA</td>
<td>583,860 20,000 0 603,860</td>
<td>1,774,209</td>
<td>The City allocates 10% of the HOME allocation to administration, 5% for CHDO operating costs, and 85% to the City Housing Trust Fund.</td>
</tr>
<tr>
<td><strong>ESG</strong></td>
<td>public - federal</td>
<td>Conversion and rehab for transitional housing Financial Assistance Overnight shelter Rapid re-housing (rental assistance) Rental Assistance Services Transitional housing</td>
<td>222,915 0 0 222,915</td>
<td>661,734</td>
<td>The City of Berkeley uses ESG funds for Rapid Rehousing for literally homeless individuals and families. A small portion of the ESG funds are used to support the County-wide HMIS system. The City allocates 7.5% of the allocation to Planning and Admin.</td>
</tr>
</tbody>
</table>

*Table 5 - Expected Resources – Priority Table*
Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied

Most of the housing and community services programs described in the Consolidated Plan will continue to be delivered by nonprofit community based organizations. The City contracts with a wide range of housing and service providers using CDBG, HOME, ESG, Community Services Block Grant (CSBG), General Fund, and other sources of funding. These organizations leverage significant financial and in-kind support from individual community members, foundations, and private organizations that help meet the needs identified in this plan. In addition to leveraging at the individual agency level, the City has historically matched the investment of CDBG, HOME, and ESG dollars with the investment of General Funds. Typically, over two-thirds of the funding for community agency programs comes from General Funds. The City meets the HOME 25 percent match requirement and has accumulated over $4 million in excess match by investing local funds in HOME eligible affordable housing projects. The City meets the dollar for dollar match requirements for the ESG program by allocating General Funds to various homeless services providers. These programs received a total of over $290,000 in City General Funds each year.

If appropriate, describe publically owned land or property located within the jurisdiction that may be used to address the needs identified in the plan

The City has long-term leases of City-owned property with non-profit organizations that address the needs identified. Programs operating in leased City-owned properties include:

- Berkeley Food and Housing Project’s Men’s Overnight Homeless Shelter;
- BOSS’ Harrison House Shelter for Homeless men, women and families;
- BOSS’ MASC – a homeless daytime Drop-In Center;
- BOSS’ Sankofa House – transitional housing for homeless families; and
- Women’s Daytime Drop-In Center’s Bridget House – transitional housing for homeless families.

The City leased a City-owned property to South Berkeley Community Housing Development Corporation (SBCHDC) in 1989 for the construction of William Byron Rumford, Sr. Plaza, a 43-unit affordable housing development. The City maintains ownership of the land, and SBCHDC owns the improvements. In 2015, the City entered into a $4.7 million loan (including new and refinanced funds) to support renovations to the project, and it extended its long-term ground lease for 55 years in order to be coterminous with the affordability restrictions. This project was completed in June 2017.

In November 2015, the City transferred a City-owned vacant lot, formerly the site of the proposed Prince Hall Arms development, to Harper Crossing LP for its development of the Harper Crossing affordable housing project. The City sold the land, which was valued at $1.95 million, for $500 under a Disposition and Development Agreement. The City also provided a Housing Trust Fund loan of $1.8 million to support the new construction of this 42-unit affordable senior housing development by Satellite Affordable Housing Associates. Construction completion and lease up are projected by mid-2017.
The City is also exploring the use of the City-owned Berkeley Way parking lot as a site for permanent supportive housing, replacement emergency shelter, permanent affordable housing, and public parking. The Berkeley Way parking lot is nearly one acre in size and in a central location in close proximity to the Downtown Berkeley BART station. In mid-2016, the City entered into a Disposition and Development Agreement for BRIDGE Housing to develop the site in partnership with the Berkeley Food and Housing Project. In September 2016, the City committed just over $835,000 in local funds to support predevelopment activities for the site, and BRIDGE Housing is currently working on applying for permit and assembling financing.
## Annual Goals and Objectives

**AP-20 Annual Goals and Objectives - 91.420, 91.220(c)(3)&(e)**

### Goals Summary Information

<table>
<thead>
<tr>
<th>Sort Order</th>
<th>Goal Name</th>
<th>Start Year</th>
<th>End Year</th>
<th>Category</th>
<th>Geographic Area</th>
<th>Needs Addressed</th>
<th>Funding</th>
<th>Goal Outcome Indicator</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Affordable Housing Supply and Quality</td>
<td>2017</td>
<td>2018</td>
<td>Affordable Housing</td>
<td>BERKELEY</td>
<td>Affordable Housing</td>
<td>[CDBG: $1,419,506] [HOME: $603,860]</td>
<td>Rental units constructed: 23 (Grayson) Single Family Rehabilitation Projects: 96</td>
</tr>
</tbody>
</table>
Table 6 – Goals Summary

<table>
<thead>
<tr>
<th>Sort Order</th>
<th>Goal Name</th>
<th>Start Year</th>
<th>End Year</th>
<th>Category</th>
<th>Geographic Area</th>
<th>Needs Addressed</th>
<th>Funding</th>
<th>Goal Outcome Indicator</th>
</tr>
</thead>
</table>

Table 7 – Goal Descriptions

**Goal Descriptions**

<table>
<thead>
<tr>
<th>Goal Name</th>
<th>Goal Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Goal Name</td>
<td>Affordable Housing Supply and Quality</td>
</tr>
<tr>
<td>Goal Description</td>
<td>CDBG and HOME funds are used to support new affordable housing, rehabilitating existing affordable housing, funding single family rehabilitation for seniors and the disabled, and other housing services, such as loan servicing.</td>
</tr>
<tr>
<td>2 Goal Name</td>
<td>Improve Public Facilities and Public Services</td>
</tr>
<tr>
<td>Goal Description</td>
<td>Programs funded under this project serve people who are homeless and people facing housing discrimination. These projects will assist approximately 1100 people who are homeless and 60 low-income households facing housing discrimination. Additionally, funding is allocated to community facility improvements facilitated by Rebuilding Together and other agencies. The City will release a Request for Proposals for community facility improvement projects during the summer of 2017. The City will review community improvement project proposals on a rolling basis until the approved amount of $1,038,303893,333 is committed.</td>
</tr>
<tr>
<td>3 Goal Name</td>
<td>Homeless Prevention and Rapid Re-Housing</td>
</tr>
<tr>
<td>Goal Description</td>
<td>ESG funds will be used for Rapid-Rehousing financial assistance and to support the county-wide Homeless Management Information System (HMIS). Additionally, the COB will utilize the maximum amount for administration activities.</td>
</tr>
</tbody>
</table>

Estimate the number of extremely low-income, low-income, and moderate-income families to whom the jurisdiction will provide affordable housing as defined by HOME 91.215(b):

The City provided affordable housing unit funding in three projects in PY16: Harper Crossing, Grayson Apartments and William Bryon Rumford. The number of estimated units by each income category is: 27 units for extremely low-income households, 62 units for low-income households, and zero units to moderate-income households. The Grayson project is expected to start construction in late 2017. Grayson will include 22 affordable units and one unrestricted manager’s unit. Six of the 22 units will be reserved for households earning up to 60% AMI, four at up to 50% AMI, three at up to 40% AMI, and nine at up to 30% AMI.
AP-35 Projects – 91.220(d)

Introduction

With its CDBG, HOME, and ESG funds, the City of Berkeley will fund eligible projects in the following categories: housing development, rehabilitation and services projects, public services, public/community facility improvement projects, emergency shelter grant programs, program planning and administration, and the Housing Trust Fund.

<table>
<thead>
<tr>
<th>#</th>
<th>Project Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Housing Services</td>
</tr>
<tr>
<td>2</td>
<td>Single Family Rehabilitation Programs</td>
</tr>
<tr>
<td>3</td>
<td>Community Facility Rehabilitation</td>
</tr>
<tr>
<td>4</td>
<td>Public Services</td>
</tr>
<tr>
<td>5</td>
<td>ESG17 – City of Berkeley Rapid Rehousing and HMIS</td>
</tr>
<tr>
<td>6</td>
<td>Housing Trust Fund</td>
</tr>
<tr>
<td>7</td>
<td>City of Berkeley Planning and Administration</td>
</tr>
</tbody>
</table>

Table 8 – Project Information

Describe the reasons for allocation priorities and any obstacles to addressing underserved needs

The City continue to funds activities that have been identified as a need.
## Projects

### AP-38 Projects Summary

#### Project Summary Information

<table>
<thead>
<tr>
<th></th>
<th>Project Name</th>
<th>Target Area</th>
<th>Goals Supported</th>
<th>Needs Addressed</th>
<th>Funding</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Housing Services</td>
<td>BERKELEY</td>
<td>Affordable Housing Supply and Quality</td>
<td>Affordable Housing</td>
<td>CDBG: $56,708,661,174</td>
<td>City staff provide loan services to support single family rehabilitation, housing trust fund projects, and other federally funded housing related activities.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>The project will serve approximately 110 active housing rehabilitation loans.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Various locations within the City of Berkeley.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Services provided under this project will include accounting, processing loan payments and loan payoff demands, deeds of reconveyance, lien releases and loan subordination requests, collections, personal financial analysis, and structuring of temporary repayment agreements.</td>
</tr>
<tr>
<td>2</td>
<td>Single Family Rehabilitation Programs</td>
<td>BERKELEY</td>
<td>Affordable Housing Supply and Quality</td>
<td>Affordable Housing</td>
<td>CDBG: $962,280,011,589</td>
<td>Activities related to single family rehabilitation efforts will be funded under this project. These projects will cover health and safety improvements as well as accessibility improvements such as the installation of ramps/lifts for low income homeowners and renters.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

---

**Target Date**: 6/30/2018

---

*Note: Table rows are numbered for reference.*
| **Estimate the number and type of families that will benefit from the proposed activities** | 150 households |
| **Location Description** | Various locations within the City of Berkeley. |
| **Planned Activities** | Activities include health and safety, accessibility and energy efficiency improvements. |

**3**

| **Project Name** | Community Facility Rehabilitation |
| **Target Area** | BERKELEY |
| **Goals Supported** | Improve Public Facilities |
| **Needs Addressed** | Non-Housing Community Development |
| **Funding** | CDBG: $1,107,886,1063,800 |
| **Description** | Activities that fund the rehabilitation of public facilities are funded under this project. |
| **Target Date** | 6/30/2018 |

**Estimate the number and type of families that will benefit from the proposed activities**

It is projected that improved community facility improvements will benefit at minimum 56,500 people. The number of beneficiaries is expected to increase with the addition of new community facility projects to be identified through the upcoming RFP.

| **Location Description** | Various locations within the City of Berkeley. |
| **Planned Activities** | The City will release a Request for Proposals for community facility improvement projects during the fall of 2017. The City will review community improvement project proposals on a rolling basis until the approved amount is committed. |

**4**

| **Project Name** | Public Services |
| **Target Area** | BERKELEY |
| **Goals Supported** | Provide Public Services |
| **Needs Addressed** | Homelessness and Fair Housing Services |
| **Funding** | CDBG: $453,853 |
| **Description** | Homeless (men's shelter and Coordinated Entry System) and fair housing services. |
| **Target Date** | 6/30/2018 |
### Estimate the number and type of families that will benefit from the proposed activities

1,160 households are expected to be served through these activities.

<table>
<thead>
<tr>
<th>Location Description</th>
<th>Berkeley</th>
</tr>
</thead>
</table>

**Planned Activities**
The Berkeley Food and Housing Project will provide emergency shelter to 100 adult homeless men in downtown Berkeley. They also operate Berkeley's Coordinated Entry System which will screen and conduct intakes with approximately 1000 people. East Bay Community Law Center will provide outreach, training, fair housing counseling services to up to 60 households, investigation of 20 fair housing complaints, tenant/landlord mediation, and at least two fair housing testing/audits with follow-up training for non-compliant property owners.

### Project Name
ESG17 City of Berkeley Rapid Rehousing and HMIS Services

<table>
<thead>
<tr>
<th>Target Area</th>
<th>BERKELEY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Goals Supported</td>
<td>Homeless Prevention and Rapid Re-Housing</td>
</tr>
<tr>
<td>Needs Addressed</td>
<td>Homelessness</td>
</tr>
<tr>
<td>Funding</td>
<td>$206,196</td>
</tr>
<tr>
<td>Description</td>
<td>ESG funds will be used for Rapid Re-Housing and HMIS.</td>
</tr>
<tr>
<td>Target Date</td>
<td>6/30/2018</td>
</tr>
</tbody>
</table>

**Estimate the number and type of families that will benefit from the proposed activities**
25 households will be served with rapid rehousing financial assistance

<table>
<thead>
<tr>
<th>Location Description</th>
<th>Various locations.</th>
</tr>
</thead>
</table>

**Planned Activities**
ESG funds will be used to provide financial assistance and housing relocation and stabilization services to rapidly re-house approximately 25 households.

### Project Name
Housing Trust Fund

<table>
<thead>
<tr>
<th>Target Area</th>
<th>BERKELEY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Goals Supported</td>
<td>Affordable Housing Supply and Quality</td>
</tr>
<tr>
<td>Needs Addressed</td>
<td>Affordable Housing</td>
</tr>
<tr>
<td>Funding</td>
<td>CDBG: $400,518,465,033</td>
</tr>
<tr>
<td>HOME: $543,474</td>
<td></td>
</tr>
<tr>
<td>Description</td>
<td>Activities that provide funding for City staff in support of projects funded with City of Berkeley Housing Trust Fund dollars, includes funding for projects and CHDO operating funds.</td>
</tr>
<tr>
<td>-------------</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Target Date</td>
<td>6/30/2018</td>
</tr>
<tr>
<td>Estimate the number and type of families that will benefit from the proposed activities</td>
<td>Anticipate completion of Harper Crossing (41 units) in IDIS during PY 2018.</td>
</tr>
<tr>
<td>Location Description</td>
<td>Citywide</td>
</tr>
<tr>
<td>Planned Activities</td>
<td>City staff actively facilitate development, rehabilitation and/or preservation of affordable housing through working with developers, other city staff, lenders and other public agencies for the acquisition and rehabilitation of multi-family housing.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>7</th>
<th>Project Name</th>
<th>City of Berkeley Planning and Administration</th>
</tr>
</thead>
<tbody>
<tr>
<td>Target Area</td>
<td>BERKELEY</td>
<td></td>
</tr>
</tbody>
</table>
| Goals Supported | Affordable Housing Supply and Quality  
Improve Public Facilities and Public Services  
Homeless Prevention and Rapid Re-Housing |
| Needs Addressed | Affordable Housing  
Homelessness  
Non-Housing Community Development |
| Funding | CDBG: $537,512  
HOME: $60,386  
ESG: $16,719 |
| Description | The project will fund City staff to plan and administer CDBG and HOME projects. This includes support services provided by various City departments including the City Manager's Office and Finance Department. |
| Target Date | N/A |
| Estimate the number and type of families that will benefit from the proposed activities | N/A |
| Location Description | N/A |
| **Planned Activities** | Information about the planned activities is included in Section AP-38  
|-----------------------|-----------------------------------------------------------------------
|                       | Project Summaries                                                      |
AP-50 Geographic Distribution – 91.220(f)

Description of the geographic areas of the entitlement (including areas of low-income and minority concentration) where assistance will be directed

As discussed in MA-50 the City does not have areas of low-income or minority concentrations and therefore does not allocate federal funds geographically.

Geographic Distribution

<table>
<thead>
<tr>
<th>Target Area</th>
<th>Percentage of Funds</th>
</tr>
</thead>
<tbody>
<tr>
<td>BERKELEY</td>
<td>100</td>
</tr>
</tbody>
</table>

Table 10 - Geographic Distribution

Rationale for the priorities for allocating investments geographically

Not applicable.
Affordable Housing

AP-55 Affordable Housing – 91.220(g)

Introduction

This section includes HOME-funded units only. Unit counts are broken out two ways: by population served and by type of housing provided. The table below includes information for Grayson Street Apartments, which will be funded with HOME funds in PY2017:

<table>
<thead>
<tr>
<th>One Year Goals for the Number of Households to be Supported</th>
</tr>
</thead>
<tbody>
<tr>
<td>Homeless</td>
</tr>
<tr>
<td>Non-Homeless</td>
</tr>
<tr>
<td>Special-Needs</td>
</tr>
<tr>
<td>Total</td>
</tr>
</tbody>
</table>

Table 11 - One Year Goals for Affordable Housing by Support Requirement

<table>
<thead>
<tr>
<th>One Year Goals for the Number of Households Supported Through</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rental Assistance</td>
</tr>
<tr>
<td>The Production of New Units</td>
</tr>
<tr>
<td>Rehab of Existing Units</td>
</tr>
<tr>
<td>Acquisition of Existing Units</td>
</tr>
<tr>
<td>Total</td>
</tr>
</tbody>
</table>

Table 12 - One Year Goals for Affordable Housing by Support Type

Discussion

Harper Crossing’s construction is expected to be completed and leased up by fall 2017. The City anticipates reporting its completion in IDIS in PY 2017. The City anticipates committing HOME funds to Grayson Street Apartments in PY 2017 once all of its financing has been assembled; the City reserved funds for the project in 2016. William Bryon Rumford’s rehabilitation was completed and closed out in IDIS in PY16.
AP-60 Public Housing – 91.220(h)

Introduction

The Berkeley Housing Authority (BHA) is not a department of the City of Berkeley. BHA Board members are appointed by the Mayor and confirmed by the City Council.

Actions planned during the next year to address the needs to public housing

The BHA no longer owns any public housing. The 75 units formerly in their portfolio transitioned to a new ownership entity (Berkeley 75 Housing Partnership, LP) in 2014. The units were rehabilitated and have Project-based Section 8 assistance tied to them.

Actions to encourage public housing residents to become more involved in management and participate in homeownership

Not applicable.

If the PHA is designated as troubled, describe the manner in which financial assistance will be provided or other assistance

Not applicable.
AP-65 Homeless and Other Special Needs Activities – 91.220(i)

Describe the jurisdictions one-year goals and actions for reducing and ending homelessness including reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

The City will continue to operate six Shelter Plus Care (S+C) grants and the locally-funded Square One program, providing rental assistance to a minimum of 235 households annually. This includes the City’s Housing for Older Adults Project (HOAP) S+C program which provides rental subsidies through the City’s Aging Services Division and the COACH grant, which provides rental subsidies and targets people who are chronically homeless. New S+C households continue to be prioritized through Alameda County’s Home Stretch registry, a County-wide centralized system which prioritizes people who are chronically homeless and high need with permanent supportive housing opportunities.

During PY2017, the City will continue to work on the implementation of its Coordinated Entry System (CES). It will also participate in EveryOne Home’s planning and implementation process of expanding the CES countywide. Outreach and assessing individual needs are important components of the CES and will be expanded in PY17.

Addressing the emergency shelter and transitional housing needs of homeless persons

The City will continue to provide funding for shelter and transitional housing. In PY16, the City expanded the number of year-round shelter beds from 118 to 148 year-round by increasing its funding to the YEAH! shelter which serves 18-24 year olds. The year-round beds are accessed through the City of Berkeley’s Coordinated Entry System that operates 9 a.m. - noon and 1-4 p.m. Monday through Friday. A second shelter reservation period occurs from 7-8 p.m. to fill available BOSS and BFHP shelter beds that are unoccupied.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again

The City of Berkeley has encouraged its network of providers of services to the homeless to focus their efforts on rapidly re-housing their clients. The City has centralized its funded case management services at the CES to allow for ongoing case management regardless of the person’s housing status or enrollment at a particular shelter. In addition, the City is funding Housing Specialist positions whose
only role is to identify, cultivate and maintain partnerships with property owners. These case management and housing opportunities will assist all literally homeless clients in Berkeley but will be primarily targeted at individuals and families who are chronically homeless and have multiple barriers.

**Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); or, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs.**

The Coordinated Entry System will provide people who are at imminent risk of becoming homeless (HUD Homeless definition (Category 2) with problem solving support to retain current housing or to locate another housing placement. This will include mediation with family members and friends to keep individuals and families from entering the shelter system. Additionally, the City has allocated $210,000 to assist permanently and temporarily housed Berkeley residents from being evicted.

Alameda County has mental health, foster youth, health care, and corrections discharge policies intended to prevent discharges of individuals from these systems into homelessness, described in detail in the Consolidated Plan. The City will continue to participate in countywide efforts to reduce discharges into homelessness.

**Discussion**

The City of Berkeley’s CES provides a single point of entry for people who are homeless to be screened and assessed for a range of City funded homeless programs, including emergency shelters, transitional housing, permanent supportive housing, and rapid rehousing services. All contracted service providers report outcomes based on the countywide outcome standards developed by Everyone Home, in order to inform future adjustments to the service system.
AP-75 Barriers to affordable housing – 91.220(j)

Actions it planned to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment

In the past, accessory dwelling unit (ADU) requirements were considered a barrier to affordable housing. In July 2015, City Council adopted regulations to make it easier for homeowners to legally create ADUs as-of-right in most circumstances, no longer requiring a lengthy zoning review and approval process and also relaxing the parking requirements in cases when the ADUs are within a half-mile of BART or a major AC Transit bus line. The relaxed ADU requirements are designed to increase the supply and range of housing options in Berkeley.

The permit process in Berkeley may be considered a constraint to housing production, although based on the amount of affordable and market-rate development that has been approved and the density of those projects, it does not appear to have deterred new development and the City met most of the previous California Regional Housing Needs Assessment (RHNA) targets. However, Policy H-34 calls for the City to continue to improve and streamline the development review process and to evaluate regulations to identify and reduce unnecessary impediments to housing development and affordable housing projects.

Additionally, while the zoning ordinance includes five multi-family zoning districts and the City has seen a number multi-family development projects, Housing Policy H-34 encourages the review of infill development regulations in residential districts to identify and change possible constraints.
Introduction

The City of Berkeley uses a range of strategies to address the housing, homeless, and community development goals identified in the Consolidated Plan. This section discusses actions planned to foster and maintain affordable housing, to reduce lead-based paint hazards, to reduce the number of poverty-level families in Berkeley, and to coordinate activities in these areas with other entities.

Actions planned to address obstacles to meeting underserved needs

One of Berkeley’s major obstacles to meeting underserved needs is the limited amount of federal, state, and local resources available given the diversity of needs in the community and high cost of housing in the Bay Area. The City of Berkeley will continue to pursue new State and Federal resources as available to meet underserved needs.

Actions planned to foster and maintain affordable housing -

The City has several programs which foster and maintain affordable housing in Berkeley:

- **Rent Stabilization Program.** In 1980, Berkeley residents passed the Rent Stabilization and Eviction for Good Cause Ordinance. The Ordinance regulates rent levels for approximately 20,000 residential rental units in Berkeley and provides tenants in 26,000 units with increased protection against unwarranted evictions helping to maintain affordable housing and preserve community diversity.

- **Affordable Housing Mitigation Fee (AHMF).** The City requires developers of new market rate rental housing to pay a fee of $34,000 per unit or to provide 20% as many income and rent restricted units—split evenly between those affordable to households earning 50% or less or 80% or less of the area median income—in lieu of the fee. Fee income goes into the City’s Housing Trust Fund to support affordable housing development. In 2016, the City adopted an ordinance requiring that certain units provided under this program are reserved for tenants with Section 8 and Shelter Plus Care.

- **Condominium Conversion Ordinance (CCO).** The CCO governs the conversion of rental apartments and tenancy-in-common buildings to condominiums, and other types of mutual or cooperative housing. It requires owners to pay a mitigation fee. Fee revenue goes into the City’s Housing Trust Fund.

- **Commercial Linkage Fee.** The Affordable Housing Mitigation Program was approved on April 20, 1993. It imposed fees on commercial new construction in which the newly constructed gross floor area is over 7,500 square feet.

- **Housing Trust Fund (HTF).** The City of Berkeley created its HTF in 1990 to help develop and preserve below-market-rate housing. The HTF pools funds for affordable housing construction from a variety of sources with different requirements, makes them available through one single
application process to local developers, then monitors development and operation of the funded housing.

- Inclusionary Housing Ordinance for ownership housing. The ordinance requires developers of market rate ownership housing to include affordable ownership units or pay a fee.
- Mortgage Credit Certificate. MCC is a federal income tax credit that provides qualified low-income homebuyers a tax credit worth up to 15 percent of their annual mortgage interest paid on their home loan. MCC recipients adjust their federal income tax withholding, which increases their take-home pay, making monthly mortgage payments more affordable. The City participates in the Alameda County MCC program.
- Senior and Disabled Loan Rehab Program. HH&CS administers the program as an effort to preserve the City’s housing stock and to assist low- and moderate-income senior and disabled homeowners, funded by CDBG and CalHOME. The applicants receive a zero interest loan, secured by a deed of trust on their home, which is repaid when title to the property changes hands, normally as a result of the sale of the property or inheritance by the owner’s heirs.

**Actions planned to reduce lead-based paint hazards**

The City will continue to comply with the Environmental Protection Agency’s Renovation, Repair, and Painting Program in its Senior and Disabled Rehabilitation Loan Program.

The City of Berkeley Public Health Division and the Alameda County Lead Poisoning Prevention Program will work together to increase awareness and knowledge about lead poisoning prevention in Berkeley including providing lead-safe painting classes, in-home consultations, garden soil lead testing kits, presentations, educational materials, and other services. Rebuilding Together will work with the City of Berkeley and Alameda County Lead Poisoning Prevention Programs to increase awareness of lead issues among their clients and volunteers and to incorporate lead safe work practices into their activities.

The City of Berkeley Childhood Lead Poisoning Prevention Program collaborates with the Berkeley Health, Housing & Community Services Department’s State lead-certified Risk Assessor/Inspector, Project Designer, and Project Monitor. The Alameda County Healthy Homes Department also has a HUD Lead Hazard Control grant to remediate lead hazards in approximately 4 qualifying Berkeley housing units that are vacant, or occupied by a low-income household with either a child under 6, a pregnant woman, or a child under 6 years who regularly visits. Berkeley’s program also provides case management services to families with children who have elevated blood lead levels. Services range from Public Health Nursing case management for children with blood lead levels above 15 µg/dL to health education for children with levels between 5-14 µg/dL.

**Actions planned to reduce the number of poverty-level families**

The City funds a wide variety of social service programs designed to assist households with poverty level incomes. These programs include childcare and a range of services for special needs populations, which
are outlined in other sections of this Consolidated Plan. This section will highlight the City’s strategies to increase livable wage employment opportunities by supporting related community services and working with public and private regional partners. Strategies include:

- Funding and refinement of anti-poverty programs provided by community-based organizations and by the City.
- Community agency contracts are outlined in the Annual Action Plan.
- Collaborate actively with CalWORKS (TANF) and Workforce Investment Act programs.
- Continue implementation of the City of Berkeley’s Living Wage Ordinance. Foster regional coordination on economic development to benefit low income Berkeley residents.
- Linking homelessness and homelessness prevention programs to employment training and placement opportunities.
- Proposed amendments to the Minimum Wage Ordinance to incrementally raise Berkeley’s minimum wage so that it would be $15 an hour by October 1, 2018 for large employers and $15 an hour by October 1, 2020 for small employers and non-profits and the adoption of a Paid Sick leave Ordinance that will provide enhanced paid sick leave entitlements beyond what is required by state law.

The City has contracted with the a number of workforce development programs to provide training, education and job placement for low income, under-employed, and unemployed residents:

- Inter-City Services provides employment, training, and education and continues to serve veterans as funded under the Governor’s 15 percent Discretionary pool of Workforce Investment Act (WIA) funds.
- Biotech Partners operates the Biotech Academy at Berkeley High School, targeting youth from under-represented populations in the fields of science and technology (African American, Latino, South East Asian, female and low-income youth) and who may be at risk of not graduating from high school.
- The Bread Project provides training in culinary arts and bakery production, and includes the formerly incarcerated as their target population. They operate a social enterprise (wholesale bakery) that creates opportunities for trainees to obtain crucial on-the-job experience.
- Rising Sun Energy Center’s Green Energy Training Services (GETS) provides classroom and hands-on training in Building Performance which serves as a pathway for careers in green and clean technologies. Rising Sun also operates the California Youth Energy Services (CYES) program funded by the CA Public Utilities Commission, providing summer jobs conducting residential energy audits.
- The City's anti-poverty strategy continues to be closely tied to the funding of over 50 community agencies to provide services as described above to enable people in poverty to attain self-sufficiency, support at-risk youth to succeed in school and graduate, and protect the health and
safety of low income people.

**Actions planned to develop institutional structure**

During the next year, the City of Berkeley will continue to coordinate the housing and community services activities within the department through regular senior staff meetings and coordination on specific topics.

**Actions planned to enhance coordination between public and private housing and social service agencies**

City staff will also continue to participate in the implementation of Everyone Home, the countywide plan to end homelessness. Everyone Home spearheads Alameda County’s Continuum of Care. Staff will continue to participate in the initiative’s Leadership Board, which includes most public funders of housing and homeless services in the county, as well as leadership from key community based organizations. Leadership Board membership helps coordination efforts across the county. Staff also participates in other committees composed of other funders (such as Alameda County Behavioral Health Care Services and the Social Services Agency) as well as many community based organizations.

Recent countywide collaboration efforts include the 2017 Point in Time homeless survey, count and report.

**Discussion**

The majority of Berkeley’s activities furthering the goals of the Annual Action Plan are provided by community agency partners. This will continue to be the case in PY 2017.
Program Specific Requirements

AP-90 Program Specific Requirements – 91.220(l)(1,2,4)

Community Development Block Grant Program (CDBG)
Reference 24 CFR 91.220(l)(1)

Projects planned with all CDBG funds expected to be available during the year are identified in the Projects Table. The following identifies program income that is available for use that is included in projects to be carried out.

1. The total amount of program income that will have been received before the start of the next program year and that has not yet been reprogrammed 250,000
2. The amount of proceeds from section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in the grantee's strategic plan. 0
3. The amount of surplus funds from urban renewal settlements 0
4. The amount of any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan 0
5. The amount of income from float-funded activities 0

Total Program Income: 250,000

Other CDBG Requirements

1. The amount of urgent need activities 0

2. The estimated percentage of CDBG funds that will be used for activities that benefit persons of low and moderate income. Overall Benefit - A consecutive period of one, two or three years may be used to determine that a minimum overall benefit of 70% of CDBG funds is used to benefit persons of low and moderate income. Specify the years covered that include this Annual Action Plan. 98.00%
HOME Investment Partnership Program (HOME)
Reference 24 CFR 91.220(l)(2)

1. A description of other forms of investment being used beyond those identified in Section 92.205 is as follows:

   The City of Berkeley uses no forms of investment other than ones described in §92.205(b), which describes eligible activities for HOME funds.

2. A description of the guidelines that will be used for resale or recapture of HOME funds when used for homebuyer activities as required in 92.254, is as follows:

   No homeownership activities are anticipated for PY 2017.

3. A description of the guidelines for resale or recapture that ensures the affordability of units acquired with HOME funds? See 24 CFR 92.254(a)(4) are as follows:

   No homeownership activities are anticipated for PY 2017.

4. Plans for using HOME funds to refinance existing debt secured by multifamily housing that is rehabilitated with HOME funds along with a description of the refinancing guidelines required that will be used under 24 CFR 92.206(b), are as follows:

   The City’s policy is not to use HOME funds to pay off outstanding debt on single family or multifamily housing development projects. The City may commit HOME funds to projects that include refinancing with other sources of funds.

Emergency Solutions Grant (ESG)
Reference 91.220(l)(4)

1. Include written standards for providing ESG assistance (may include as attachment)

   The City, Everyone Home and Countywide representatives are in the process of updating the ESG manual. The most recent version was attached to the 2015 Consolidated Plan.

2. If the Continuum of Care has established centralized or coordinated assessment system that meets HUD requirements, describe that centralized or coordinated assessment system.

   The Alameda County Continuum of Care has initiated its planning process to establish
its coordinated assessment system. The system is expected to be in place in PY2017.

3. Identify the process for making sub-awards and describe how the ESG allocation available to private nonprofit organizations (including community and faith-based organizations).

The City of Berkeley was allocated $222,915 in ESG funding for PY2017. The City of Berkeley will utilize the maximum amount possible for administration (7.5 percent of the grant) and allocate funds to support the County-wide Homeless Management Information System, known as InHouse. The remaining $199,520 will be allocated to Berkeley Food and Housing Project, the operator of the City of Berkeley’s Coordinated Entry System (CES). The CES staff will screen, assess and prioritize homeless clients for rapid rehousing assistance with supporting housing retention services.

4. If the jurisdiction is unable to meet the homeless participation requirement in 24 CFR 576.405(a), the jurisdiction must specify its plan for reaching out to and consulting with homeless or formerly homeless individuals in considering policies and funding decisions regarding facilities and services funded under ESG.

The policy-making entity for the City of Berkeley which makes decisions regarding the facilities, services, and other programs to receive funding under the Emergency Solutions Grant (ESG) is the Berkeley City Council. The Berkeley City Council is elected by the citizens of Berkeley. The City cannot mandate that a homeless or formerly homeless individual be on the City Council. Therefore, the City must develop and implement a plan to consult with homeless or formerly homeless individuals in making policies and decisions regarding programs that receiving funding under ESG.

City staff are planning, in conjunction with Everyone Home, to host a forum each year for homeless clients, in order to involve them in policy-making and decisions regarding ESG-funded services. The details have yet to be determined. Formerly homeless people also hold seats on various EveryOne Home Committees.

5. Describe performance standards for evaluating ESG.

The performance standards to be applied to ESG activities is attached as an image labeled Outcome Measures. These standards were developed in 2009-2010 through the leadership of Everyone Home (the Continuum of Care) and partially funded by City of Berkeley General Funds. This matrix presents outcome standards for each type of program in the Continuum of Care. Most were established as a percentage of the average outcomes achieved by all County programs (for example, the average permanent housing placement rate of all emergency shelters) and will be adjusted over time to ensure continued improvement.
### Attachment 1

**Substantial Amendment to Annual Action Plan for PY17**

**City of Berkeley CDBG, ESG and HOME Projects for 7/1/2017 - 6/30/2018**

<table>
<thead>
<tr>
<th>Proj. #</th>
<th>Agency</th>
<th>Project Name</th>
<th>PY17 Revised Allocation</th>
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<tbody>
<tr>
<td><strong>CDBG</strong></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>1</td>
<td>Community Energy Services Corp.</td>
<td>Home Safety &amp; Repair Program</td>
<td>$ 282,334</td>
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<tr>
<td>2</td>
<td>Rebuilding Together</td>
<td>Safe Home Project</td>
<td>$ 98,279</td>
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<tr>
<td>3</td>
<td>Center for Independent Living</td>
<td>Residential Access</td>
<td>$ 140,000</td>
</tr>
<tr>
<td>4</td>
<td>HHCSD*</td>
<td>Loan Services</td>
<td>$ 66,174</td>
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<tr>
<td>5</td>
<td>HHCSD</td>
<td>Senior and Disabled Rehab Program</td>
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<tr>
<td>6</td>
<td>HHCSD</td>
<td>Rehab Loans</td>
<td>$ 150,000</td>
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<tr>
<td>7</td>
<td>HHCSD</td>
<td>Housing Development: M/F Rehab</td>
<td>$ 465,033</td>
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<tr>
<td>8</td>
<td>HHCSD</td>
<td>Housing Trust Fund</td>
<td>-</td>
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<tr>
<td></td>
<td><strong>Subtotal Housing Projects</strong></td>
<td></td>
<td>$ 1,542,796</td>
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<tr>
<td>9</td>
<td>Berkeley Food &amp; Hsg. Proj. (BFHP)</td>
<td>Men's Overnight Shelter</td>
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<td>10</td>
<td>East Bay Community Law Center</td>
<td>Fair Housing</td>
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<td>11</td>
<td>Berkeley Food and Housingt Project</td>
<td>Coordinated Entry System</td>
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<td><strong>Subtotal Public Services Projects</strong></td>
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<td>12</td>
<td>Rebuilding Together</td>
<td>Community Facility Improvements</td>
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<td>13</td>
<td>HHCSD</td>
<td>Community Facility Improvements</td>
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<td>14</td>
<td>To Be Determined</td>
<td>Summer 2017 Request for Proposal for Community Facility Improvement Projects</td>
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<td><strong>Subtotal Public Facilities Projects</strong></td>
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<td>HHCSD</td>
<td>CDBG Planning and Administration</td>
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<td><strong>Subtotal Planning &amp; Admin Projects</strong></td>
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<td>$ 537,612</td>
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<td>**<strong>GRAND TOTAL ALL CDBG PROJECTS</strong></td>
<td></td>
<td>$ 3,598,061</td>
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<tr>
<td><strong>ESG</strong></td>
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<td>17</td>
<td>BFHP and HHCSD</td>
<td>Rapid Re-Housing Project</td>
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<td>18</td>
<td>HHCSD</td>
<td>Homeless Management Information System</td>
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<td>HHCSD</td>
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<td><strong>GRAND TOTAL ALL ESG PROJECTS</strong></td>
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<td><strong>HOME</strong></td>
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<td>20</td>
<td>HHCSD</td>
<td>HOME Administration</td>
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<td>CHDO Operating Funds</td>
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<td>22</td>
<td>HHCSD</td>
<td>Housing Trust Fund</td>
<td>$ 515,359</td>
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<td></td>
<td>**<strong>GRAND TOTAL ALL HOME PROJECTS</strong></td>
<td></td>
<td>$ 603,860</td>
</tr>
</tbody>
</table>

**Notes:**
- * HHCSD = City of Berkeley Health, Housing & Community Services Department
- **Assumes $250,000 in Program Income and $910,000 in unused carry over funds.
- ***Assumes $20,000 in Program Income
## HAC Subcommittee Appointments
### September 7, 2017

<table>
<thead>
<tr>
<th>Name</th>
<th>Appointed by</th>
<th>Current Subcommittee Appointments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rashi Kesarwani</td>
<td>Maio/District 1</td>
<td></td>
</tr>
<tr>
<td>Thomas Lord</td>
<td>Davila/District 2</td>
<td>- Low Income Housing</td>
</tr>
</tbody>
</table>
| Igor Tregub*       | Bartlett/District 3 | - Low Income housing  
|                    |               | - HTF                      |
| Luis Amezcua       | Harrison/District 4 | - HTF  
|                    |               | - Low Income Housing                      |
| Xavier Johnson     | Hahn/District 5 | - HTF  
|                    |               | - Moderate Income Housing  
|                    |               | - Homelessness                         |
| Marian Wolfe**     | Wengraf/District 6 | - Low Income Housing  
|                    |               | - Moderate Income Housing  
|                    |               | - Homelessness                         |
| Gissell Vásquez    | Worthington/District 7 |                                                     |
| Kieron Slaughter   | Droste/District 8 |                                                     |
| Matthew Lewis      | Arreguin/Mayor  | - HTF                                         |
Council Consent Items

40. Expediting Elements of Previous Council Referral to Study Possible Scenarios of the Loss of Federal Funds
   From: Councilmember Hahn, Mayor Arreguin, and Councilmembers Davila and Harrison
   Recommendation: Direct the City Manager to expedite the compilation and delivery of a list of federal funds that the City of Berkeley receives and the programs and facilities supported by such funds.
   Financial Implications: Staff time
   Contact: Sophie Hahn, Councilmember, District 5, 981-7150
   Action: Approved recommendation.

41. Referral to the Housing Advisory Commission Consideration of an Ordinance to Establish a Waiver of Administrative and Permit Fees for Certain Affordable Housing Projects
   From: Councilmembers Hahn and Harrison
   Recommendation: Refer to the Housing Advisory Commission and City Manager the creation of an ordinance to establish an automatic waiver of administrative and permit fees for certain affordable housing projects, in particular those projects qualifying for Housing Trust Fund or other Berkeley affordable housing monies. A proposed ordinance is attached for consideration as one possible model.
   Financial Implications: Staff time
   Contact: Sophie Hahn, Councilmember, District 5, 981-7150
   Action: Moved to Action Calendar. M/S/C (Arreguin/Worthington) to hold over Items 41 and 47 to September 12, 2017 including revised materials in Supplemental Reports Packet #2.
   Vote: Ayes – Maio, Hahn, Wengraf, Worthington, Droste, Arreguin; Noes – None; Abstain – None; Absent – Davila, Bartlett, Harrison.

   Councilmember Davila absent 10:35 p.m. – 10:37 p.m.

   Councilmember Bartlett absent 10:35 p.m. – 10:37 p.m.

   Councilmember Harrison absent 10:35 p.m. – 10:37 p.m.

42. Ordinance to Clarify City Policy on Cannabis Nurseries
   From: Councilmember Worthington
   Recommendation: That the Planning Commission and Medical Cannabis Commission create an ordinance to clarify city policy on cannabis and existing nurseries.
   Financial Implications: Minimal
   Contact: Kriss Worthington, Councilmember, District 7, 981-7170
   Action: Approved recommendation with additional background information in Supplemental Reports Packet #2.
REVISED
AGENDA MATERIAL

Meeting Date: July 25, 2017

Item Number: 41

Item Description: Referral to the Housing Advisory Commission Consideration of an Ordinance to Establish a Waiver of Administrative and Permit Fees for Certain Affordable Housing Projects

Submitted by: Councilmember Sophie Hahn

Adding Mayor Arreguín as a co-sponsor. Changes recommendation from referral to HAC to direction to City Manager, adds direction to the City Manager to send a letter to BUSD, further clarifies background section, and removes original attachments.
To: Honorable Mayor and Members of the City Council

From: Councilmembers Sophie Hahn, Kate Harrison and Mayor Jesse Arreguin

Subject: Direct the City Manager to draft an ordinance to waive certain fees for Berkeley Housing Trust Fund projects and send a letter to BUSD Board of Education requesting consideration of a waiver of School Facility Fees for Berkeley Housing Trust Fund Projects.

Referral to the Housing Advisory Commission consideration of an ordinance to establish a waiver of administrative and permit fees for certain affordable housing projects

RECOMMENDATION

1. Direct the City Manager to draft an ordinance establishing automatic waiver of certain administrative, permit, impact and other fees for projects receiving City of Berkeley Housing Trust Fund (HTF) monies and submit a draft within 90 days for Council approval.

   Fee waivers shall apply to all HTF projects that have not yet been issued a building permit, and should include, but not be limited to:

   a. Waiver of internal, staff-time-related permit, inspection, and other fees;
   b. Waiver of mitigation, impact, and in-lieu fees.
   c. Notwithstanding the above, fees to cover City “out of pocket” costs, fees passed-through to other agencies, and fees necessitated by CEQA should not be waived.

2. Direct the City Manager to send a letter to the BUSD Board of Education requesting consideration of an automatic waiver of BUSD School Facility Fees for projects receiving City of Berkeley Housing Trust Funds.

Refer to the Housing Advisory Commission and City Manager the creation of an ordinance to establish an automatic waiver of administrative and permit fees for certain affordable housing projects, in particular those projects qualifying for Housing Trust Fund or other Berkeley affordable housing monies. A proposed ordinance is attached for consideration as one possible model.
FINANCIAL IMPLICATIONS

Staff time to review draft ordinance and policies. In the future, possible optimization of the impact of Berkeley Affordable Housing Trust funds, ensuring they are used to support housing rather than administrative costs, and reduction in development-related administrative fees received by the City for permitting and development of housing. (Note: It is expected that no more than 1-2 projects qualifying for automatic waivers will seek permits in any given 5 year period.)

BACKGROUND

The City of Berkeley has established a Housing Trust Fund (HTF) to support the creation of affordable housing in Berkeley. This fund is a critical tool to increase Berkeley’s affordable housing stock. In addition, other Berkeley affordable housing funds may be available to support affordable housing projects. When City of Berkeley HTF funds are granted to qualifying projects, the City should ensure that the applicant is able to maximize the impact of these public funds for the project itself rather than for payment of the City’s development-related administrative fees.

A variety of fees are levied on development projects. Some cover the City’s own internal processing costs, while others are collected to cover costs for outside consultants or passed on to other agencies. Impact, mitigation, and in-lieu fees are also assessed to compensate for impacts or for deviations from building standards. Fees also can operate as mitigations for environmental impacts and can be implicated in CEQA.

Permit and administrative fee waivers or deferrals are already allowed on a case by case basis for a variety of fees. For example, BMC Chapter 19.62 allows the City Manager to waive permit fees for housing projects in which at least 25% of its units are low and/or moderate income housing. Permit Fees are defined as “any fee charged by the City of Berkeley for any permit in connection with residential construction and any associated demolition” BMC § 19.62.020.G. Fees for permit applications or inspection for seismic retrofit work for eligible structures and buildings are also waived BMC § 19.66.030.

The process for obtaining these waivers is complex. BMC 23B.24.040 requires applicants to “file with the Director of Planning and Development a written request for a fee waiver or deferral which sets forth the reasons why such a waiver or deferral is necessary, prior to the acceptance of an application by the Zoning Officer”. The waiver request is then reviewed by the City Manager, and granted at the City Manager’s discretion. As a final step, the waiver is submitted to Council for review. Yet another section of the code waives affordable housing and childcare fees if a development
meets certain qualifying criteria (BMC § 22.20), but does not waive SOSIP, in-lieu or other fees.

Given this incomplete patchwork of fee waiver provisions, each with its own process, obtaining waivers is a complicated and time-consuming process. Some waivers are granted statutorily, while others can only be granted upon request, and entail multi-tiered review. This item is intended to clarify fee waivers for projects receiving Berkeley HTF monies by granting automatic waivers of administrative, permit, impact and other fees across all City of Berkeley departments, and to collect in a single ordinance the fees that will be automatically waived. Fees to cover “out-of-pocket” costs such as costs for outside consultants, other agency-mandated fees and fees necessitated by CEQA would not be waived.

Berkeley Unified School District (BUSD) also recently implemented the assessment of a School Facility Fee on new residential, commercial and industrial development, which took effect June 8, 2017. This item directs the City Manager to write a letter to the BUSD Board of Education requesting consideration of a waiver of the School Facility Fee for developments receiving Berkeley HTF monies, to match the City’s action and to further reduce costs for the production of affordable housing in Berkeley.

Permit fee waivers or deferrals are already permitted under BMC Chapter 23B.24.040 on a case by case basis, and require a time consuming process. Affordable housing developers putting together financing for their projects do not know from the outset whether or not waivers will be granted, and are unable to reflect the potentially reduced costs in their plans.

Chapter 23B.24.040 states:

“The City Manager may waive or defer the payment of Permit fees, if he or she finds that the project will provide a significant public service or benefit, and that the waiver or deferral is necessary to make the project economically feasible to construct or establish. The City Manager shall also notify the Council of any request for fee waiver. The Council may review and may grant, wholly or in part, or deny such request for a fee waiver.”

The process to obtain permit fee waivers requires applicants to submit a written request to the Director of Planning and Development, which is then sent to the City Manager for consideration. The City Manager must make two determinations about the project:

(1) whether it provides a significant public service or benefit, and
whether the waiver is economically necessary to complete the project.

The City Manager next is required to notify the City Council of any project receiving a waiver of fees, and the Council has the authority to review, grant, modify, or deny the waiver. Finally, the City Manager must send a letter authorizing the waiver to the Planning Department. All of these steps must occur before a development application can be deemed complete. This complex process has the potential to significantly delay a project’s application and creates uncertainty at the project planning stage.

A number of cities offer fee waivers and deferments to affordable housing projects. Austin, TX waives all fees, including impact fees and administrative fees, if the development is safe, mixed-income, accessible, reasonably priced, transit-oriented, and compliant with the City’s Green Building Standards. 

Puyallup, WA offers a waiver of building and construction permit fees if the residential structure is intended for low-income families, the construction of the structure involves some volunteer labor, or the structure is being constructed by an organization classified as a nonprofit organization by the Internal Revenue Service.

It would be optimal to automatically waive permit fees for projects receiving Berkeley affordable housing funds, to expedite the completion of affordable projects and reduce the amount of affordable housing monies spent on the City’s own administrative fees.

Affordable housing built in Berkeley provides a significant public benefit to the community. A permit fee waiver is likely to help with the economic feasibility. Finally, applicants receiving affordable housing funds from the City of Berkeley will be able to make full use of these monies for the intended housing.

ENVIRONMENTAL SUSTAINABILITY
This recommendation is consistent with Berkeley’s environmental sustainability goals.

CONTACT PERSON
Councilmember Sophie Hahn, Council District 5, (510) 981-7150

ATTACHMENTS
1. DRAFT Ordinance amending BMC 23B.24.040

ORDINANCE NO. #,###-N.S.

ESTABLISHING A WAIVER OF PERMIT FEES FOR CERTAIN AFFORDABLE HOUSING PROJECTS, IN PARTICULAR PROJECTS QUALIFYING FOR HOUSING TRUST FUND OR OTHER CITY OF BERKELEY AFFORDABLE HOUSING FUNDS

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That Berkeley Municipal Code Section 23B.24.040 is amended to read as follows:

BMC Section 23B.24.040 Payment, Waiver and Refund of Application Fees

A. Applications for Permits shall be accompanied by the fees as set by resolution of the Council. Payment of the fee is required in order for an application to be complete under the Permit Streamlining Act (PSA), and absent payment of the fee, the application will not be processed unless a fee waiver or deferral is approved as set forth below.

B. No fee shall be required when the applicant is the City, or if it is waived under any other provision of the BMC.

C. In addition to seeking fee waivers under other provisions of the BMC, any applicant may file with the Director of Planning and Development a written request for a fee waiver or deferral which sets forth the reasons why such a waiver or deferral is necessary, prior to the acceptance of an application by the Zoning Officer. The Director of Planning and Development shall forward the request to the City Manager. The City Manager may waive or defer the payment of Permit fees, if he or she finds that the project will provide a significant public service or benefit, and that the waiver or deferral is necessary to make the project economically feasible to construct or establish. The City Manager shall also notify the Council of any request for fee waiver. The Council may review and may grant, wholly or in part, or deny such request for a fee waiver. A letter from the City Manager authorizing the fee waiver or deferral shall be submitted in lieu of a fee before an application will be accepted. Each fee waiver or deferral request shall include a breakdown of all applicable Current Planning Fees, as set forth in the current Fee Resolution.

D. If an application is withdrawn prior to a decision, the applicant may be eligible for a refund of a portion of the fee. The amount of the refund shall be determined by the Zoning Officer based on the level of staff review conducted to date. Refunds of fees shall not be made for applications that have been denied.
Section 2. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of Council Chambers, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.
To: Housing Advisory Commission
From: Commissioner Thomas Lord
Subject: UC Berkeley master tenancies

Introduction

On August 7th, 2017, Berkeleyside published an article called “UC Berkeley partners with private developers to ease student housing crunch” by Janis Mara.¹

The article revealed to the public that the University of California has obtained master tenancies for “the New Sequoia building at Telegraph Avenue and Haste Street, and Garden Village on Dwight Way at Fulton”. Together, these are housing for approximately 340 people.

This confirms a remark by Greg Magoffin at the July HAC meeting:

“I think we should also look at streamlining housing built for students if there is some kind of condition of approval where a developer has an MOU [memorandum of understanding] with the University or something because there are a bunch of new units that are being built by private developers that are being leased in whole to the University and if the University can’t build I think we should look at, with some kind of condition of approval, and some kind of time-span, expediting it. […] I think we encourage it by streamlining the permitting process.” (emphasis added)

Federal law prohibits housing discrimination on the basis of sex and age. With only purely theoretical exceptions, these units have been made exclusively available to people within a certain age range. Reports do not say, but

¹http://www.berkeleyside.com/2017/08/07/
it would also be consistent with student housing practices that Cal segregates units by sex.²

Berkeley law prohibits the establishment of a *group living accommodation* without a use permit for that specific purpose. Such a use permit requires a public hearing. An apartment building reserved exclusively for Cal students, with bedrooms individually allocated to students by the University, would seem to be a quintessential example of a group living accommodation.

Thus, a question arises as to whether the agreement between the University and the owners of these buildings - and the use of the buildings - is lawful.

While the article did not disclose what price the landlords are receiving from the university, students are described as paying from $1,456 each to share a one bedroom apartment to $1,670 each to share a two bedroom apartment. This is, at least, at the high end of what the open market currently bears. Thus, it is difficult to believe that the students are getting a particularly good deal, financially speaking.

**Recommendation to HAC**

At the July HAC meeting, Matthew Lewis expressed a general principle that would seem to lean *against* this kind of expropriation of market rentals for other purposes:

> "In terms of affordability for students I propose looking at making sure that units of housing are not being taken away that would otherwise be rented to students - or anybody; are not being converted into short term rentals because it is more profitable."³

²Disclosure - among my friends and acquaintances are several seniors who rely on the availability of rental housing in these areas. Some of these are people prominent in the history of Berkeley and student life in particular. Some are chroniclers of student life and advocates for better conditions for students. It is painfully ironic to me to see them discriminated against as a class this way, allegedly in the interest of students.

³A group living accommodation is, of course, not the same thing as short-term rental but in this case, the effect is much the same: residential units have been removed from the market and converted to another use.
I request that the HAC briefly discuss this situation and perhaps respond to straw polls on questions such as:

1. Should the HAC express concern about this practice to City Council, urging such action as further investigation in consideration of legal action?

2. Does the HAC have a consensus on whether this practice contributes to or harms a healthy housing market?

3. Should the HAC communicate an inquiry to the UC Chancellor about this practice? If so, what points should be raised?

Depending on the result of the discussion, one or more of us may return in October with further recommendations for HAC action.

Postscript

If memory serves this commissioner, a study performed by the Rent Stabilization Board some years ago suggested that after vacancy de-control took effect in 1996\(^4\), there was a statistically significant shift of rent stabilized units from long-term to very short term tenancies.

In popular understanding, this was landlords discriminating in favor of students in order to maximize the advantage to landlords of vacancy de-control.

If that popular understanding is correct, it would suggest that at least some landlords have been systematically engaged in unlawful age discrimination for more than two decades.

This, too, may merit further inquiry.

\(^4\)referring to the Costa-Hawkins bill
To: Housing Advisory Commission  
From: Commissioner Thomas Lord  
Subject: Demographic evidence of displacement  

Introduction

Attached is a rough and ready analysis of some census data. It shows an interesting shift in household incomes in Berkeley since the year 2000. Berkeley appears to have lost many 1000s of households with incomes under $100,000 per year, while gaining even more households above that income level.

Recommendation for HAC

I ask the HAC tonight to spend a short time discussing two propositions:

a. Exploratory data analysis like this is useful to the HAC insofar as we often speak of the “housing crisis”, but lack any robust definition of what that crisis is.

b. The existing crisis is much deeper and threatens more people than is contemplated by existing housing-related policies. Social housing may provide a more robust alternative.

With some better sense of where the HAC stands on these questions, I can return later with further analysis and/or more actionable items.
Demographic evidence of displacement

Claim: *Most of the people who live in Berkeley* are at risk for displacement. The market prices of housing in Berkeley are affordable only to households with incomes over $100,000. The median household income in Berkeley is much less than that.

In 2015, that median income was only around $66,000. Anyone who must leave their current residence in Berkeley is statistically likely to have difficulty finding an affordable replacement in Berkeley.

Each year – year after year – the number of Berkeley households making less than $100,000 falls by the hundreds. Each year the number making more than $100,000 grows even faster than that. (See the attached graph.)

Berkeley is Gentrification City

Between 2000 and 2015, Berkeley added over 7,000 households with incomes over $100,000.\(^1\) Most of that increase happened just between 2005 - 2015. During that same period, Berkeley lost over 6,000 households where the people had incomes under $100,000.

Some of those changes in household income might be explained by households that had incomes below $100,000 in 2000, but who by 2015 had seen their incomes increase to over $100,000. Still, it is unlikely that explains very much of this overall change.

Each year, on average, many hundreds of very high income households move into Berkeley. And many households with lower incomes wind up leaving.

\(^{1}\)US Census Bureau surveys are used throughout.
Berkeley’s housing is priced for very high income households

Berkeley’s market rate housing, these days, is affordable to households with over $100,000 income, but not to households much below that. For example, one is lucky to find a $2,500 apartment these days - a rent that becomes sustainably affordable only with around $100,000 income.

The median income in Berkeley is well below $100,000 (at least for now). In 2015, the median household income was only around $66,000. This implies that more than half the people in town are at risk for displacement if they lose their current in-town housing.

Students experience this pricing as unaffordable overcrowding

A segregated market of student housing has developed in two forms:

1. There is an informal (e.g. Craigslist) market for sub-leasing bedrooms or half-bedroom in shared apartments. This large market is not strictly exclusive to students but is student-dominated in Berkeley.

2. Some units are removed from the general public market by the University of California, which leases them and acts as a master-tenant who in turn sub-leases bedrooms to Cal students.

It is typical for students in either system to pay much more than $1,000 for a bedroom space.

Thus, this segregated student market remains priced for very high income households. Students are “simply” [sic] carrying a heavy housing cost burden.

“Affordable Housing” programs can not help

Tens of thousands of Berkeley households face displacement pressure in the current market. If their current housing situation is jeopardized, a majority
of the town would find today’s market prices excessive.

While the need is in the 10s of thousands, traditional approaches to “affordable housing”, even if fully funded and optimally regulated, can produce at best a tiny fraction of what is needed – hundreds of units per year.

Berkeley is spending all of its 10s of millions of housing dollars on failed affordable housing strategies.

“Streamlining” development of new market rate housing can not help

Berkeley’s housing is priced for the top 30% of household incomes within the entire, commute-distance region.

In regional terms, only a small minority can really afford to buy or lease in Berkeley – but even that small minority is large in number compared to the size of Berkeley.

Even if Berkeley gained newly built housing at record-breaking levels the, supply would be tiny compared to that top-earning 30% that are dominating housing prices in Berkeley.

It follows from this that the affordability crisis can not be relieved by encouraging faster market rate development.

Policy Direction: Social (de-marketized) housing can help

In the 1970s, Berkeley embarked on a program of price controls for rental housing.

The idea at that time was, in the long run, to de-marketize the supply of housing and treat it as something closer to a publicly controlled utility.
The state fought back strongly, ultimately taking away the right of California cities to control the price of privately owned apartments. (The Costa-Hawkins Act, which took effect in 1996, did the greatest harm.)

To restore price controls – to solve the affordability crisis, in other words – Berkeley must find another path towards public control, and public creation of housing.

Here is a key observation for policy makers:

If the City of Berkeley owns some unit of housing outright, then the City can lease it at any price public policy will support, and allocate the housing by any lawful means.

The same is true (at least to some degree) if the City of Berkeley is the master tenant of unit of housing under favorable terms. If the City is getting a “good deal” on a unit, and can sublease it, then again the City has a large degree of price control over that unit.

If the City outright owns some housing, or leases it on favorable terms, it can create a source of housing “outside” the customary housing market, and not subject to market prices. The City – the public – can allocate housing for practical needs supporting the local economy, local community, and the student population.

Since neither market rate or traditional “affordable housing” policies can make a dent in the problems, perhaps social housing is more plausible than ever.

Social housing has an additional, benefit: the capacity of the community to maintain and improve its own stock of housing using direct action and local labor rather than being dominated by open market prices for building management, maintenance, and improvement services.

Lastly, since social housing can be operated with a net positive income, it can be self funding and has the potential to attract private investment for the acquisition or creation of new social housing.
By the numbers

Income categories below $100,000 are shrinking:

<table>
<thead>
<tr>
<th>income</th>
<th>% households 2000</th>
<th>% households 2015</th>
<th>change</th>
</tr>
</thead>
<tbody>
<tr>
<td>$0 - $9999</td>
<td>15.0</td>
<td>11.1</td>
<td>-3.9</td>
</tr>
<tr>
<td>$10,000 - $14,999</td>
<td>6.2</td>
<td>6.4</td>
<td>+0.2</td>
</tr>
<tr>
<td>$15,000 - $24,999</td>
<td>11.0</td>
<td>7.8</td>
<td>-3.2</td>
</tr>
<tr>
<td>$25,000 - $34,999</td>
<td>9.6</td>
<td>6.0</td>
<td>-3.6</td>
</tr>
<tr>
<td>$35,000 - $49,999</td>
<td>12.0</td>
<td>9.0</td>
<td>-3.0</td>
</tr>
<tr>
<td>$50,000 - $74,999</td>
<td>15.8</td>
<td>13.8</td>
<td>-2.0</td>
</tr>
<tr>
<td>$75,000 - $99,999</td>
<td>9.6</td>
<td>9.6</td>
<td>0</td>
</tr>
<tr>
<td>total</td>
<td>79.2</td>
<td>63.7</td>
<td>-15.5</td>
</tr>
<tr>
<td># of households</td>
<td>~35,646</td>
<td>29,249</td>
<td>-6,397</td>
</tr>
<tr>
<td></td>
<td>of 45,007</td>
<td>of 45,917</td>
<td></td>
</tr>
</tbody>
</table>

Income categories above $100,000 are growing:

<table>
<thead>
<tr>
<th>income</th>
<th>% households 2000</th>
<th>% households 2015</th>
<th>change</th>
</tr>
</thead>
<tbody>
<tr>
<td>$100,000 - $149,999</td>
<td>10.7</td>
<td>15</td>
<td>+4.3</td>
</tr>
<tr>
<td>$150,000 - $199,999</td>
<td>4.8</td>
<td>8.4</td>
<td>+3.6</td>
</tr>
<tr>
<td>$200,000+</td>
<td>5.3</td>
<td>12.9</td>
<td>+7.6</td>
</tr>
<tr>
<td>total</td>
<td>20.8</td>
<td>36.3</td>
<td>+15.5</td>
</tr>
<tr>
<td># of households</td>
<td>~9,361</td>
<td>~16,668</td>
<td>+7,307</td>
</tr>
<tr>
<td></td>
<td>of 45,007</td>
<td>of 45,917</td>
<td></td>
</tr>
</tbody>
</table>
Figure 1:
To: Housing Advisory Commission  
From: Commissioner Thomas Lord  
Subject: Plans to Raze Peoples Park

Introduction

The area which is today called People’s Park was formerly the site of rental housing that, by the time of the Free Speech Movement, was occupied by a politically active community. That community is remembered by many sources as a mix of both hippies and leftists.\(^1\) It is widely understood, and some documentation exists, that the forcible displacement of the neighborhood was politically motivated. In the 1960s, the University activated a decade-old, underfunded plan for development. It seized the property, evicted everyone, and bulldozed the then-existing housing.

Promises of development notwithstanding, the empty space languished as a trash and parking lot for some time. The University’s eminent domain claim, that student housing was imminent, was not truthful. At every level of political and state power in the country, attention was focused on suppressing political and revolutionary elements within Berkeley.\(^2\)

At a certain point, it came into the popular consciousness to take the land back from the University, and build a park. The idea found a very broad base of support, including the support of some Telegraph Ave. businesses.

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\(^1\)There are too many sources for this history to properly list but one worth mentioning is the Reverend Paul Sawyer, now deceased. His writings for the Berkeley Barb are a reliable guide to the politics of the early 1970s. In 2009 he wrote this interesting piece for the Berkeley Daily Planet: “The untold history of People’s Park”. It is as good a starting point for exploration as any: http://www.berkeleydailyplanet.com/issue/2009-04-16/article/32689

\(^2\)I recommend the highly acclaimed “Subversives: The FBI’s War on Student Radicals, and Reagan’s Rise to Power” by Seth Rosenfeld. See https://en.wikipedia.org/wiki/Seth_Rosenfeld.
Initial efforts to build a park were beaten back. To make a long story short, after killing James Rector and gravely injuring numerous others, the state eventually ceased to defend the area, and Peoples Park was finally built.

For decades, the Park has served the community. It has provided respite and spontaneous support for many thousands of people with various needs. It has helped the literal homeless and many in precarious situations. In the years leading up to the formal decriminalization of marijuana, the Park’s benign hand-to-hand trade in such was a financial lifeline to many people enduring poverty. Countless free meals have been served there. It is home to an annual world music festival and is typically used several times per year for other organized events.

In more recent years, while City and UC authorities have seen fit to harass helpful people like Hate Man, those same authorities have declined to cooperate with Park elders and organizers to confront problems like meth dealing.

At last then, the Park has arrived at its present, highly problematic state. It is in this circumstance that, today, Chancellor Christ and Mayor Arreguin propose to raze the Peoples Park, and re-enclose the land as an exclusionary rather than communal property.

Housing supply strategies and homelessness prevention policies are central to the purview of the HAC. Housing supply strategies and homelessness prevention policies are ostensibly the rationale for razing Peoples Park at this time.

**Recommendation to HAC**

Ideally, the City of Berkeley and the University of California, will form housing and homelessness-related policies in harmonized ways. I ask the HAC members, tonight, to hold a brief discussion of the situation of the Park. In particular I ask members to share their current understanding and sentiment.

With that information, I hope to return with a more actionable item at a later meeting.
Council Consent Items

32. **Amending City of Refuge Policy Regarding Procedures during ICE Interaction**
    From: Mayor Arreguin and Councilmembers Hahn, Davila, and Harrison
    **Recommendation:** Adopt a Resolution amending the City of Refuge policy (Resolution 63,711-N.S.) specifying procedures regarding staff interaction with U.S. Immigration and Customs Enforcement related to enforcement of federal immigration law.
    **Financial Implications:** Staff time
    Contact: Jesse Arreguin, Mayor, 981-7100
    **Action:** Adopted Resolution No. 68,131–N.S.

33. **Authorizing Transfer of Funds to Rent Board for Eviction Defense Contracts**
    From: Mayor Arreguin and Councilmembers Hahn, Davila, and Harrison
    **Recommendation:** Adopt a Resolution authorizing the transfer of $300,000 for Fiscal Years 2018 and 2019 to the Rent Stabilization Board to amend its contracts with the Eviction Defense Center and East Bay Community Law Center to provide eviction defense services to low and moderate-income Berkeley residents.
    **Financial Implications:** General Fund - $300,000 (Annually)
    Contact: Jesse Arreguin, Mayor, 981-7100
    **Action:** Moved to Action Calendar. 17 speakers. M/S/C (Arreguin/Harrison) to adopt Resolution No. 68,132–N.S. as revised in Supplemental Reports Packet #2 to make minor edits, including the addition of “extremely low and very low” to the second resolved clause, and to add a requirement for a semi-annual report from the Rent Board on the number of Berkeley residents served and the outcomes.
    **Vote:** Ayes – Maio, Davila, Bartlett, Hahn, Harrison, Worthington, Droste, Arreguin; Noes – None; Abstain – Wengraf.

Recess 10:30 p.m. – 10:35 p.m.
REVISED
AGENDA MATERIAL

Meeting Date: July 25, 2017

Item Number: 33

Item Description: Authorizing Transfer of Funds to Rent Board for Eviction Defense Contracts

Submitted by: Councilmember Harrison

These revisions clarify that eviction defense services will be provided to extremely low-income, very low-income, low-income, and moderate-income Berkeley residents and that the EDC and EBCLC shall continue to report to the Rent Board regarding outcomes and objectives regarding the work done.
To: Honorable Mayor and Members of the City Council  
From: Mayor Arreguin and Councilmembers Hahn, Davila, and Harrison  
Subject: Authorizing Transfer of Funds to Rent Board for Eviction Defense Contracts

RECOMMENDATION
Adopt a Resolution authorizing the transfer of $300,000 for Fiscal Years 2018 and 2019 to the Rent Stabilization Board to amend its contracts with the Eviction Defense Center and East Bay Community Law Center to provide eviction defense services to extremely low, very low, low and moderate-income Berkeley residents.

BACKGROUND
The unprecedented rental housing crisis has resulted in increased displacement and eviction of low-income residents in Berkeley. One of the priorities of the Rent Stabilization Board is to provide services to low-income households to prevent displacement.

At the June 27, 2017 Council Meeting, the FY 2018-19 Biennial Budget was approved, allocating $650,000 each year for anti-displacement programs. Of this, $300,000 will be used for eviction defense and housing counseling. Council wishes to expand the scope of services provided by Eviction Defense Center (EDC) and East Bay Community Law Center (EBCLC) under their existing Rent Board Contracts to provide counseling and advocacy to tenants seeking to avoid displacement by exercise of rights afforded by local law other than the Rent Ordinance. The funding provided by the Rent Board is not adequate to achieve the Council’s objective of fully preventing displacement during the current housing emergency, when low and middle-income tenants are particularly vulnerable to displacement if not provided with sufficient and competent legal defense. There is also a need for additional funding to provide counseling and representation to tenants relating to city ordinances such as the Tenant Protection Ordinance and Tenant Buyout Ordinance.

Both EDC and EBCLC have requested an additional $150,000 to cover this expanded scope of work to serve the broadest number of Berkeley tenants.

On June 19, 2017, by Resolution Nos. 17-10 and 17-11 the Rent Board authorized the Board’s Executive Director to amend existing contracts with the EDC and the EBCLC through June 30, 2018. These contracts provide eviction defense services for very-low income Berkeley tenants in furtherance of the Board’s mission of preserving diversity and prevent displacement of vulnerable tenants. The Rent Board has agreed to amend
its existing contracts with the EDC and EBCLC to incorporate Council’s additional scope of work and additional funding.

FINANCIAL IMPLICATIONS
$300,000 annually from the General Fund appropriation for eviction defense approved on June 27, 2017. Funding will come from Measure U1 tax receipts.

ENVIRONMENTAL SUSTAINABILITY
No adverse effects to the environment.

CONTACT PERSON
Mayor Jesse Arreguín 510-981-7100

Attachments:
1: Resolution
RESOLUTION NO. ##,###-N.S.

CONTRACT NOS. 10381 AND 10518 AMENDMENTS: EVICTION DEFENSE CENTER AND EAST BAY COMMUNITY LAW CENTER; SUPPLEMENTAL FUNDING TO RENT BOARD

WHEREAS, the Costa-Hawkins Rental Housing Act passed by the State Legislature in 1995 (and implemented in 1996) gave Berkeley landlords the ability to impose market rate rent increases for the overwhelming majority of new tenancies and an incentive to pursue pretextual evictions of tenants with below market rents; and

WHEREAS, due to market conditions Berkeley tenants have experienced unprecedented rent increases in recent years; and

WHEREAS, due to these substantial rent increases, many Berkeley tenants are unable to relocate in Berkeley or the central Bay Area if they are displaced by eviction; and

WHEREAS, effective administration of Berkeley’s Rent Stabilization and Eviction for Good Cause Ordinance and advocacy surrounding the eviction protections listed therein have proven the most effective way to preserve affordable housing and prevent displacement that often leads to homelessness; and

WHEREAS, since the passage of Costa-Hawkins the Berkeley Rent Board has funded eviction defense services for extremely low-income tenants; and

WHEREAS, Measure U1 provides annual General Fund revenues which can be used to create affordable housing and prevent homelessness; and

WHEREAS, Council has determined it a priority to preserve affordable housing, so that more residents are not displaced from the city; and

WHEREAS, Council has heard testimony regarding the increasing vulnerability of low and moderate-income tenants (such as teachers, restaurant workers, and tradespeople) in today’s unbalanced housing market; and

WHEREAS, Council has passed several Ordinances in recent years (including the Tenant Buy-Out Ordinance and Tenant Protection Ordinance [B.M.C. Chapter 13.79], and the Short-Term Rental Ordinance [B.M.C Chapter 23C.22]) to help preserve affordable housing and attempt to secure more universal tenant protections in addition to those already provided in the Rent Ordinance; and

WHEREAS, on June 27, 2017, Council set aside $300,000 for eviction defense funding for Fiscal Year 2018 and Fiscal Year 2019; and

WHEREAS, on June 19, 2017, by Resolution Nos. 17-10 and 17-11 the Rent Board authorized the Board’s Executive Director to amend existing contracts with Collective Legal Services, dba the Eviction Defense Center (EDC) and the East Bay Community Law Center; supplemental funding to Rent Board.
Law Center (EBCLC) through June 30, 2018, in an amount not to exceed $140,000 for EDC and $142,500 for EBCLC for services provided in the 2017/2018 Fiscal Year; and

WHEREAS, these contracts provide eviction defense services for very-low income Berkeley tenants in furtherance of the Board’s mission of preserving diversity and prevent displacement of vulnerable tenants; and

WHEREAS, the Rent Board is unable to fund the EDC and EBCLC for work not directly related to eviction defense as defined by the eviction protections enumerated in the Rent Ordinance; and

WHEREAS, the funding provided by the Rent Board is not adequate to achieve the Council’s objective of fully preventing displacement during the current housing emergency, when low and middle-income tenants are particularly vulnerable to displacement if not provided with sufficient and competent legal defense; and

WHEREAS, Council is informed that the Board and citizens of Berkeley have been extremely pleased with the excellent services provided by the EDC and EBCLC; and

WHEREAS, the emergent nature of the affordability crisis demands an immediate response and supplementing the Rent Board’s contracts with these agencies is the fastest way to prevent further displacement; and

WHEREAS, Council wishes to expand the scope of services provided by EDC and EBCLC under their existing Rent Board Contracts to provide counseling and advocacy to tenants seeking to avoid displacement by exercise of rights afforded by local law other than the Rent Ordinance; and

WHEREAS, Council seeks to fund these additional services in an amount not to exceed $150,000 per agency for Fiscal Years 2018 and 2019, and not to exceed the amount necessary to provide these services to Berkeley tenants; and

WHEREAS, the Rent Board has agreed to amend its existing contracts with the EDC and EBCLC to incorporate Council’s additional scope of work and additional funding as detailed above; and

WHEREAS, it will be more efficient to have the EDC and EBCLC report to the Rent Board under the existing format of the current contracts.

NOW THEREFORE, BE IT RESOLVED that the Berkeley City Council authorizes transfer of $300,000 for Fiscal Years 2018 and 2019, as appropriated in the Fiscal Years 2018 & 2019 Biennial Budget, to the Berkeley Rent Board to amend its existing contracts with EDC and EBCLC to provide the eviction defense services detailed above.

BE IT FURTHER RESOLVED that Council specifically authorizes the use of these funds to provide eviction defense services for low or moderate-income Berkeley tenants and to help provide counseling and advocacy to tenants seeking to avoid displacement.
BE IT FURTHER RESOLVED that the City Manager is authorized to work with the Rent Board to articulate a scope of services being provided from each source of funding.

BE IT FURTHER RESOLVED that EDC and EBCLC shall continue to report to the Rent Board regarding outcomes and objectives under the existing contracts and shall provide Council with periodic updates regarding the work done and the expanded scope of services upon request.
Action Calendar – Old Business

47. Expedited Review for Affordable Housing Projects (Continued from July 11, 2017. Item contains revised materials.)
From: Councilmembers Hahn, Davila, Bartlett, and Harrison
Recommendation: 1. Refer to the City Manager the creation of an expedited review process for housing projects in which Affordable Housing units make up more than 20% of the proposed on-site units; and
2. Direct the City Manager to immediately confer priority status and offer expedited review to 100% Affordable projects, pending adoption of a more formal and widely applicable expedited review process.
Financial Implications: Staff time
Contact: Sophie Hahn, Councilmember, District 5, 981-7150
Action: Item held over to September 12, 2017 with revised materials in Supplemental Reports Packet #2.

48a. Use of U1 Funds for Property Acquisition at 1001, 1007, and 1011 University Avenue and 1925 Ninth Street, Berkeley (Continued from July 11, 2017)
From: Housing Advisory Commission
Recommendation: That the City Council not use U1 funds to backfill the Workers’ Compensation Fund for the acquisition of the properties located at 1001, 1007, and 1011 University Avenue, and 1925 Ninth Street, City of Berkeley.
Financial Implications: See report
Contact: Amy Davidson, Commission Secretary, 981-5400

48b. Companion Report: Use of U1 Funds for Property Acquisition at 1001, 1007, and 1011 University Avenue and 1925 Ninth Street, Berkeley (Continued from July 11, 2017)
From: City Manager
 Recommendation: Accept staff’s recommendation to use $4,730,815 of Measure U1 revenue over a 5 year period ($946,163 annually) to repay the Workers’ Compensation Fund for the acquisition of the properties located at 1001, 1007, and 1011 University Avenue and 1925 Ninth Street, Berkeley.
Financial Implications: See report
Contact: Jovan Grogan, City Manager's Office, 981-7000
ACTION CALENDAR
July 11, 2017
(Continued from June 27, 2017)

To: Honorable Mayor and Members of the City Council

From: Housing Advisory Commission

Submitted by: Marian Wolfe, Chairperson, Housing Advisory Commission

Subject: Use of U1 Funds for Property Acquisition at 1001, 1007, and 1011 University Avenue and 1925 Ninth Street, Berkeley

RECOMMENDATION
The Housing Advisory Commission recommends that the City Council not use U1 funds to backfill the Workers' Compensation Fund for the acquisition of the properties located at 1001, 1007, and 1011 University Avenue, and 1925 Ninth Street, City of Berkeley.

FISCAL IMPACTS OF RECOMMENDATION
The City of Berkeley will still need to “backfill” the loan from the Workers’ Compensation Fund.

CURRENT SITUATION AND ITS EFFECTS
Although there are no legal restraints on how Council allocates Measure U1 revenue, voters were advised to vote for U1 on the grounds that its revenue would be used to increase the supply of affordable housing in Berkeley and protect Berkeley residents from homelessness.

The use of the properties identified above will not in the immediate future prevent homelessness or increase the affordable housing supply. Instead, one building (1007 University Avenue) will continue to be rented out to a Culinary School, possibly through the year 2031, if all lease options are exercised. The second building at 1011 University Avenue will serve as the temporary location in which the City Council will hold meetings until which time that the City replaces the current chambers which are not seismically safe. This will take a minimum of five years and possibly longer. The third building (1001 University Avenue) could be used as a navigation center for homeless individuals and families and also be used as a daytime shelter. These services are provided to those who are already homeless. The fourth parcel at 1925 is a parking lot serving these properties.

At the HAC's May 4, 2017 meeting, the HAC discussed the possible use of U1 funds to purchase the Premier Cru properties. The following vote was taken to send this recommendation to the City Council:
Action: M/S/C (Martinucci/Amezgua) to recommend to City Council not to use U1 resources for property acquisition of the properties located at 1001, 1007, and 1011 University Avenue, and 1925 Ninth Street, City of Berkeley.


BACKGROUND
The HAC acknowledges that a possible use of this property will be to build affordable housing at this location. However, in the interim, staff have indicated that these properties will serve several needs in the City, including providing space for interim uses (temporary City Council Chambers and a navigation center for the homeless). In addition, this property also has investment value.

ENVIRONMENTAL SUSTAINABILITY
The more limited use of U1 funds for this purchase does not impact the environment directly.

RATIONALE FOR RECOMMENDATION
The HAC believes Measure U1 revenue should be used to increase the supply of affordable housing and protect residents of Berkeley from homelessness.

ALTERNATIVE ACTIONS CONSIDERED
The HAC was not informed about alternative actions to identify funds for the property purchase.

CITY MANAGER
See companion report.

CONTACT PERSON
Amy Davidson, Senior Community Development Project Coordinator, HHCS, (510) 981-5406
ACTION CALENDAR
July 11, 2017
(Continued from June 27, 2017)

To: Honorable Mayor and Members of the City Council

From: Housing Advisory Commission

Submitted by: Marian Wolfe, Chairperson, Housing Advisory Commission

Subject: Use of U1 Funds for Property Acquisition at 1001, 1007, and 1011 University Avenue and 1925 Ninth Street, Berkeley

RECOMMENDATION
The Housing Advisory Commission recommends that the City Council not use U1 funds to backfill the Workers' Compensation Fund for the acquisition of the properties located at 1001, 1007, and 1011 University Avenue, and 1925 Ninth Street, City of Berkeley.

FISCAL IMPACTS OF RECOMMENDATION
The City of Berkeley will still need to "backfill" the loan from the Workers' Compensation Fund.

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ENVIRONMENTAL SUSTAINABILITY
The more limited use of U1 funds for this purchase does not impact the environment directly.

RATIONALE FOR RECOMMENDATION
The HAC believes Measure U1 revenue should be used to increase the supply of affordable housing and protect residents of Berkeley from homelessness.

ALTERNATIVE ACTIONS CONSIDERED
The HAC was not informed about alternative actions to identify funds for the property purchase.

CITY MANAGER
See companion report.

CONTACT PERSON
Amy Davidson, Senior Community Development Project Coordinator, HHCS, (510) 981-5406
September 7, 2017

TO: Housing Advisory Commissioners

FROM: Marian Wolfe, Vice-Chair

RE: Tracking of U1 Funds

At our last meeting, there was some discussion of whether the City would be establishing a separate fund for Measure U1 revenues. This brief memo from July 11, 2017 is essentially a “cutting and pasting” of email exchanges between me and former City Attorney, Zach Cowan, on this topic.

According to Zach:

U1 was intentionally drafted as a general tax so that it would pass with 50%+1 of the votes cast, rather than as a special tax, which requires 2/3. That was a political decision, just as the decision to propose Measure D (the Sugar Sweetened Beverage Tax) as a general tax instead of a special tax was a political decision. Thus, while your statement that “… the revenue from this tax increase is to be used to expand the supply of affordable housing and to protect Berkeley residents from homelessness)…” may be an accurate characterization of the politics around Measure U1, it is legally incorrect. Legally, additional revenues generated by U1 must be deposited in the general fund and must be available for any purpose.

In consideration of its being a general tax, Measure U1 was intentionally drafted – like Measure D – to require a recommendation from an advisory commission (in this case the HAC) as to how much the City should spend on affordable housing and protecting Berkeley residents from homelessness, and how that amount should be spent. In this, the HAC is not constrained by the amount of general fund revenues generated by U1 – it can recommend much more than that if it wishes.

Segregating “U1 revenues” from other revenues would be seen as a violation of the 2/3 voter approval requirement of Propositions 13 and Proposition 218, both because it would make it look like a special tax and because of the strong temptation to actually spend all “U1 revenues” on affordable housing and homelessness prevention.

Nonetheless, as a practical matter, it is undeniable that the amount generated by U1 is quite relevant to the HAC’s recommendations (as it is for the Measure D tax). Since the City won’t even start collecting additional revenues from Measure U1 until 2018, we all have some time to figure out how to get that information to the HAC, and I’ve copied Finance folks on this e-mail to loop them in. However this informational goal can and should be accomplished without creating a segregated fund that makes U1 look like a special tax. And of course, nothing prevents the HAC from obtaining this information or from ensuring that its recommendations for additional expenditures are in the ballpark of the additional revenues raised by U1.
Regarding tracking deposits and expenditures from this revenue source

I would think that there should be a way to know how much U1 raises, at least roughly. That’s a question for Finance. I should say that it is complicated, since it is based on a different universe of units than the existing tax, so it is not as simple as just taking what we get now and multiplying.

I presume that the HAC will be informed, at least approximately, of new revenues from U1, and will then make recommendations for new expenditures that are somewhere around this amount (higher or lower).

These recommendations would presumably be included in the annual budget process and it could be determined which recommendations were adopted by the Council and which were not. If you are talking about tracking specific expenditures after a budget is approved, I can’t really respond. My practical knowledge of the City’s accounting system is just not up to answering that question. So, the next step would be to contact the Finance Department. I have copied the department on this message.

According to a City Staff member in the Finance Department (Henry Oyekanmi), the Finance Department will try to have information regarding U1 deposits and expenditures available. U1 as passed is very difficult to implement and Finance is in the process of program implementation.
The Triple Bottom Line: The Policies and Practices of Achieving Environmental Sustainability, Affordable Housing, and Exceptional Labor Standards

Igor A. Tregub
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Chair, Berkeley Housing Advisory Commission*
NLC – Oakland

July 15, 2017

*Titles are for identification purposes and do not necessarily represent the views of these commissions.
According to the Environmental Protection Agency’s *Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990–2014*, transportation-related emissions presently account for just over a quarter of the nation’s greenhouse gas (GHG) emissions. Reducing GHG emissions in the transportation sector must be a significant part of the solution as a growing coalition of scientists, nonprofit advocates, and the more enlightened of government and private sector industry leaders attempt to contain a growing rise in average atmospheric temperature before it is too late. Certainly research into and the growing use of alternative fuels that are less CO₂ intensive than the venerable internal combustion engine is an important part of the solution. However, shifting the entire system of thinking about land use from a more suburban – and sprawling – way of life made popular in the second half of the twentieth century to one that embraces more compact, typically urban, growth coupled with a car-free or car-less sustainable communities strategy is also necessary.

This, of course, is easier said than done, particularly in those of our nation’s cities that are already relatively dense and built out and are reeling from an ever-higher cost of living. I should know; I reside in the San Francisco Metropolitan Area, an area with a white-hot housing market from which increasing numbers of residents have already been displaced and many more are at risk of being priced out. As a four-year member and current chair of the Berkeley Zoning Adjustments Board, I recall approving nearly 1500 new units, only to continue witnessing a stubborn rise in median rents quarter after quarter and merely a sluggish increase in the affordable housing that was being added to the rolls. My personal experience is backed up by copious research. A newly released report from the Greenbelt Alliance is just the latest in a long line of work confirming that the Bay Area (and cities in numerous other pricey metropolitan areas) is in a housing crisis. It includes with the following cautionary note: “If affordable homes are not available close to jobs, people ‘drive ‘til they qualify’ to find a less expensive home farther away, and commute long distances—mostly in cars. The resulting costs affect all the region’s residents: worse traffic, polluted air, more carbon changing our climate, and a lower quality of life.”

A commonly proposed solution to the housing crisis is to aggressively enhance the supply of housing until it catches with demand. In 2015, Paul Krugman succinctly encapsulated this strategy in an editorial, concluding with the following: “The good news is that this is an issue over which local governments have a lot of influence. New York City can’t do much if anything about soaring inequality of incomes, but it could do a lot to increase the supply of housing, and thereby ensure that the inward migration of the elite doesn’t drive out everyone else.” Again, easier said than done. First, in built-out urban area with little infill development potential, local zoning requirements would need to be completely upended to allow single-family housing and lower-density multi-family apartments to be replaced overnight. And upended they would have to be in order for cities to accommodate the brunt of the growth that is needed just to keep housing prices stable – let alone allow them to moderate over time – at a time when the

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California Legislative Analyst’s Office estimates that between 70,000 and 110,000 additional units per year must be built statewide for this to happen (in addition to the 140,000 new units already in the pipeline). And this is assuming that the zoning revisions can be done with broad community support, the housing applications approved by-right – both truly optimistic assumptions.

But neither do we have an excuse to bury our heads in the sand and do nothing. The survey of best practices below can be used as a roadmap to solving the housing crisis in the parts of our nation where it is rampant, and therefore radically reduce GHG emissions.

**Element 1: Dense Housing, Compact Growth, and Sustainable Communities**

This element is not new; it was built upon a compilation of ten ingredients that were developed by the Smart Growth Network two decades ago. According to the Environmental Protection Agency, they include: (1) a mix of land uses; (2) compact building design; (3) a range of housing opportunities and choices; (4) walkable neighborhoods; (5) distinctive, attractive communities with a strong sense of place; (6) preserving open space, farmland, natural beauty, and critical environmental areas; (7) strengthening and directing development toward existing communities; (8) a variety of transportation choices; (9) predictable, fair, and cost effective development decisions; and (10) community and stakeholder collaboration in development decisions. Some of the elements described later build upon a few of these ingredients. The compact growth approach must, above all, facilitate density – which in a built-out city may require building up rather than horizontally. It must balance appropriately sized accommodations for various household sizes through a variety of bedroom counts and floor plans with the need to build efficiently and in a manner that reduces urban sprawl. Higher density should be concentrated along major transit corridors, with step-backs possible along to harmonize the building with adjacent lower-density residential buildings.

But it is easy to lose sight of a key aim of smart growth, which, according to the Maryland Department of Planning, is “providing people with more choices in housing, shopping, communities, and transportation.” Thus, a holistic integration of land use and transportation, enhancing the availability of high-quality, high-reliability transit service; “complete streets” which provide connectivity between pedestrian, bike, transit, and road facility traffic; and other elements of a multi-modal approach are a must.

Social equity goals undergird a needed focus on ensuring that the economically disadvantaged have the same opportunities to get around their living environs as those with greater economic advantages. An Institute for Community Economics states that “[t]here are many obvious ways in which the [regional] implementation of good, smart growth strategies will improve the lives of low-income people and reduce the disparities between the quality of life of lower-income people and those of people with more resources. It can offer more transportation choices for people.

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7 Ibid.
8 Ibid.
who often cannot afford to own cars, reducing isolation and opening up new job possibilities. It can reduce the number of vehicle miles traveled per person and hence reduce air pollution and related public health problems like asthma, which often disproportionately affect low-income people. It can create more parks and open spaces in neighborhoods, thus improving the quality of life for all people in those neighborhoods. It can refocus public and private investment toward existing communities, bringing new capital, amenities, housing, and jobs to areas with long histories of disinvestment.9 But the key that is integral to the achievement of these goals from a social equity lens is to involve in a meaningful way in the planning process the communities who have the most to gain from the goals’ being achieved.10

Element 2: Affordable Housing, Anti-Displacement Strategies, and Land Value Recapture

Neither sustainable communities nor transit-oriented developments are able to achieve their goals of reductions in greenhouse gases and vehicle miles traveled unless they benefit residents at a mix of incomes, including those whose household incomes are significantly below the poverty line. Much has been written about affordable housing and anti-displacement strategies, and particularly in cities with the highest cost of living not a day seemingly goes by that these issues are not hotly debated.11 A major portion of the debate can be summed up as whether the production of market-rate housing – which are generally unaffordable to those earning below-median household incomes – is a net positive or net negative, particularly in high-rent metropolitan areas such as New York, Washington, D.C., and San Francisco and its immediate surroundings. Does the production of new market-rate housing drive down rents in the aggregate due to heightened supply, or does this development in the short term create its own displacement (as longtime renters earning below-median income, in the absence of rent control, are gradually unable to afford rent that dramatically rises in tune with increasing property values)? The result is murky. For instance research conducted by UC Berkeley’s Anti-Displacement Project “shows that while market-rate housing produced in the 1990s can lower median rents in 2013, it was also related to higher levels of housing cost burden for low income households. In terms of … displacement measures, production seems to be related to a reduction in displacement, but the effect from production in the 1990s disappears when you add production in the 2000s. How could this be? [I]t could mean that … really market-rate housing is not relieving displacement pressures in and of itself.”12

Land-value recapture is a contemporary way to deal with this problem. Five core principles of the land-value recapture model that are being proposed or, to varying extents, utilized in Berkeley, California are as follows:

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1) A city should accommodate its “Regional Fair Share”\textsuperscript{13} of housing;
2) To maintain the existing quality of life in the city, development should pay for all the
impacts it generates whenever feasible (including those of any potential of displacement
created by the production of new market-rate development);
3) It is landowners who benefit from the general growth of the region and the city – and
especially from plan or rezoning changes that increase the value of their properties;
4) It is only fair that the city recapture a portion of those increases in land value for
community benefits; and
5) It should be the city’s goal to seek the highest possible level of community benefits
without making the proposed development financially infeasible.\textsuperscript{14}

Some of the best practices involved in optimizing the efficiency of land-value recapture are as
follows:

1. **Market expectations and land values.** The value of the land potentially underlying the
market-rate development generally increases based on the expectation that a local plan
that would improve development potential of the land will pass through a city council or
by voter ballot measure. Thus, to lower the land value increases and increase land value
recapture, landowners and developers should be warned by cities that land value
recapture will be in effect once a plan is implemented.\textsuperscript{15}

2. **Economic cycles and impact fee levels.** As a Berkeley white paper on land value
recapture states, “The real estate market, following the up and downs of the economy, is
of a cyclical nature. Fees adopted at a particular point of the real estate cycle might
become too burdensome during a recession and inadequate during a boom.”\textsuperscript{16} Tying all
fees to an economic index (such as the Construction Cost Index or the retrospective price
index for private fixed investment in new structures that is issued by the U.S.
Department of Commerce’s Bureau of Economic Analysis) will ensure for posterity that
the fee level at any given time is a sound economic decision and not a political one.

3. **Inclusionary housing, plan changes, and land value recapture.** Inclusionary housing
refers to housing that is included “on site” as part of the market rate development.
Usually, this is required by a city ordinance (as it is economically disadvantageous for
market-rate developers to voluntarily rent out a unit at less than the market will bear,
which, in high-cost areas, can be quite a bit). In 2017, recognizing that lower-income
housing was not keeping pace with its Rental Housing Needs Assessment goals, the City
of Berkeley increased its inclusionary housing requirement to 20% of the total units on

\textsuperscript{13} “Regional fair share” refers to these are numbers proposed by regional agencies such as the Association of Bay
Area Governments. Not all municipal or regional entities will have similar voluntary or required targets. Final
http://abag.ca.gov/planning/housingneeds/.

\textsuperscript{14} Calavita, Nico, Rob Wrenn, Neal Mayer, Marian Wolfe, and Tim Frank. Current and Potential Impact Fees -

\textsuperscript{15} Calavita, Nico, Rob Wrenn, Neal Mayer, Marian Wolfe, and Tim Frank. Current and Potential Impact Fees -

\textsuperscript{16} Calavita, Nico, Rob Wrenn, Neal Mayer, Marian Wolfe, and Tim Frank. Current and Potential Impact Fees -
site in market-rate developments of 5 units or more (although a 2009 California Superior Court decision has also been interpreted to require that municipalities can give developers the option to pay an affordable housing mitigation fee in lieu of building the inclusionary units).

Ideally, in order to promote equity and “socioeconomic mixing,” the creation of new inclusionary housing units should be provided with a mix of different income levels. The maximum amount of on-site affordable units should be provided as what is allowable by a nexus study (which most cities have either completed or are in the process of conducting now). These units should be at a mix of various levels of affordability, including extremely low income (30% of Area Median Income (AMI) or below), very low income (50% AMI or below), low income (51%-80% AMI), and moderate income, or “workforce housing” (81-120% AMI). The affordable units should be interspersed throughout the building, including some on the upper floors.

When a municipality up-zones a property or zones a parcel for greater height or density, the associated land value increases. The land value recapture white paper argues that part of that value can be recaptured for affordable housing or other community benefits either through negotiation on a project-by-project basis or a holistic planning area approach. The latter is approach is recommended as it ensures certainty for both the developer and the community, reduces staff time, and can remove possible vitriol from a public process.

4. Development Fees for Other Community Benefits and Public Infrastructure. Many California cities have adopted Development Impact Fees (DIFs) that compensate for some or all of the costs of growth. According to the aforementioned white paper, “the City of San Diego adopted DIFs in 1979. In the “urbanizing” areas developers pay for all costs of growth - including freeway interchanges - based on the plan for a specific community. These cost are based on Planning Standards (number of acres of parkland for 1000 new residents, for example)...” The white paper goes on to suggest this as a best practice in Berkeley, which does not currently have one, positing that “More development without concurrent building of infrastructure and public facilities can only lead to a lowering of the quality of life in [the city].”

In addition to these principles of land value recapture, anti-displacement tools such as rent stabilization, just cause eviction protections, tenant protection ordinances, and regulations on short-term rental platforms such as Airbnb have been found to have various degrees of

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effectiveness in keeping the rents in high-cost areas from skyrocketing even more than they have.22 For brevity, they are not discussed further in this paper.

Element 3: Project Labor Agreements Coupled with Local Hire

For years, the concerns of labor, which wish to be employed in construction jobs that pay a decent, middle-class wage, hire from union halls, and have a local hire provision, were considered separate from those of affordable housing advocates and developers, who wish to maximize the production of lower-income units in a manner that controls the costs to the developer (particularly if it is an affordable housing developer not motivated by profit). In the last few years, however, their concerns have been merged together in several jurisdictions (including my own). There is a broadening recognition that a promotion of project labor agreements (PLAs) with skilled craft unions such as the Building Trades, when coupled with a local hire provision, is and of itself a highly effective way to prevent displacement and promote the ability of skilled labor to earn a middle-class income that allows them to afford rent or homeownership in areas near where they work. Hence, such an arrangement also supports the greenhouse gas and vehicle miles traveled reduction goals discussed at the beginning of this paper.

Different models are in place to achieve this end result. One possibility, which is based on a concession in wages to guarantee the production of affordable housing and enhanced local hire standards, can be found in Philadelphia. There, the Philadelphia Housing Authority negotiated a PLA with the local building trades that provided for “affordable housing rates” that resulted in a 20% reduction in construction wages and benefits. In return, the agreement requires 25% of the employees on the project to be PHA residents (who tend to be lower-income), a further 20% of employees to be women, and another 20% to be minorities.23

A Community Workforce Agreement between the Seattle Housing Authority and local building trades offers another model. On construction projects valued at more than $500,000, the agreement provides for a goal of 21% of work performed by minorities, 20% by women, 4.5% by minority women, and 15% by apprentices, in order to provide them with valuable on-the-job experience. In addition, as part of the agreement, 14% of work performed on the project is to be done by women- and minority-owned businesses, with another 10% done by Section 3 businesses (owned or predominantly staffed by people with low incomes).24

Conclusion

The threat of a climate change catastrophe globally, an equally existential threat of displacement of low-income and even middle-income families in many locales of the United States, and a seeming race to the bottom as middle-class and blue-collar construction jobs – once sufficient to afford a family to live comfortably – seem to be evaporating in favor of low-wage,

nonunionized, out-of-town labor: these are today’s realities which reinforce the need for us to support the efforts to combat these environmental, housing, and job crises head-on.

If it is politically infeasible to enact all of the above elements, a recommended start is with land value recapture which, in turn, can accelerate the production of new affordable housing within communities that are sustainable and attractive to lower-income residents. But the strategies provided above are most successful if launched concurrently. At all times, they should be assessed and, once implemented, continuously monitored to ensure that they harmoniously interface with (or, as in the current era, compensate for) federal and state laws and funding rules governing housing affordability.

As localities are often incentivized to maintain exclusionary zoning policies that discourage the production of affordable housing,25 these strategies are also most successful when they are adopted on a regional – not a city-by-city – basis.26 We can no longer afford to fight the same battle separately. As we join hands in the worthy effort of environmental, housing, and workforce equity, the quote from Sierra Club’s founder John Muir rings even truer today than it was then: “When we try to pick out anything by itself, we find it hitched to everything else in the universe.”

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August 29, 2017

Re: People's Park 50th Anniversary Celebration

Dear Commissioners,

We are respectfully requesting that your commission issue a statement of support for a community-wide, inclusive celebration of the 50th anniversary of People's Park coming up in 2019, and join us in planning creative ways to honor its landmarked cultural significance. We are glad to come and speak on the issue at a meeting, and would welcome any simple statement of support so that our 50th Anniversary material can reflect your group's inclusion.

We are similarly hoping you can recommend that the University of California use any of the eight other university-owned sites it has outlined as available for building housing illustrated in its report of January, 2017 to address the housing crisis in Berkeley rather than build on the park itself. We have suffered a lot of upheaval as a liberal, university town, and hope the placement of any future UC housing will honor our parks, our history, our community process, our landmarks, and the peaceful enjoyment of our vibrant, creative community.

Thank you for your consideration,

Michael Delacour
Carol Denney, 510-548-1512
Charles Gary, 510-390-0830
Margy Wilkinson

Contact:
Carol Denney
1970 San Pablo Ave. #4
Berkeley, CA 94702
510-548-1512, cdenney@igc.org
August 31, 2017
To: The Berkeley City Council
Berkeley City Hall, 2180 Milvia
Berkeley, CA 94702

Dear City Councilmembers and Commissioners,

I deeply respect the work already done to create secondhand smoke protections for people who live in multi-unit housing, but the complaint process, which was convoluted to begin with, has gotten more and more difficult to use.

The new complaint form requires the complainant to identify the property landlord and the landlord's address. This information, easily available to those of you at City Hall, is not so easy for tenants to discern. Rent checks are sometimes written to management companies, or to intermediaries, and even asking who owns the property is an intimidating, sometimes lengthy project. Properties often change hands or are cloaked for legal reasons in confounding ways.

In addition, there is apparently no complaint system at all anymore for those of us who live in limited equity co-ops; we're informed that our complaints are simply set aside, requests to return them go unanswered, and there is no box we can check or explanation we can offer for our convoluted legal status which will keep us in the complaint pipeline.

Complaint forms must be printed out and mailed in, which is just silly in the age of the app. The new state law finally includes marijuana smoke, listed by California's Proposition 65 as a known carcinogen, and unless the City of Berkeley takes some initiative to inform renters and people with shared walls that they are now entitled to protection from tobacco and marijuana smoke, few of them will know their rights.

Please, could we take another look at our forms and our process? We need to be more user-friendly so that our efforts to protect people's health are more successful.1

Thank you for your good work,

Carol Denney
1970 San Pablo Avenue #4
Berkeley, CA 94702, 510-548-1512

cc: Commission on Public Health, Commission on Aging, CEAC, Commission on Disability, Housing Advisory Commission, Peace and Justice Commission, Commission on the Status of Women

1 In my building, after years of filing complaints, the smokers continue to smoke both in their units and in the common corridors without consequence; we have children, pregnant women, and people with disabilities in our building.