

Housing Advisory Commission

HOUSING ADVISORY COMMISSION

AGENDA

Regular Meeting

Thursday, April 6, 2017
7:00 pm

**NOTE change: North Berkeley Senior Center
1901 Hearst Avenue**

Secretary Amy Davidson, (510) 981-5406

All agenda items are for discussion and possible action.

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

1. Roll Call
2. Agenda Approval
3. Public Comment
4. Approval of the March 2, 2017 Meeting Minutes (*Attachment 1*)
5. **Discussion and Possible Recommendation to Council on the Purchase of Premier Cru Properties and the Use of U1 Funds – All (*Attachment 2*)**
6. **Discussion of Role of the HAC with New Mayor and Council - All (*Attachment 3*)**
7. **Planning for Process to Create Annual Work Plan – Marian Wolfe (*Attachment 4*)**
8. **Update on Councilmember Bartlett’s Community Group Working on Promoting More Accessory Dwelling Units (ADUs) – Kathy Crandall**
9. **Update on Mayor’s Community Groups on Housing – Marian Wolfe**
10. **Low Income Housing and Housing Trust Fund Subcommittee Appointments – All**
11. **Update on Council Items – All/Staff**
 - a. Oregon Park Senior Apartments (February 28) (*Attachment 5*)
 - b. Issue an RFP to Develop a Specific Housing Project (March 28) (*Attachment 6*)
 - c. Addressing Berkeley’s Homeless Crisis: The Pathways Project (April 4)
http://www.ci.berkeley.ca.us/Clerk/City_Council/2017/04_Apr/Documents/2017-04-04_Item_27_Addressing_Berkeley%E2%80%99s_Homeless_Crisis_The_Pathways_Project.aspx
 - d. HAC’s Safe and Affordable Housing report (April 25)
 - e. HAC’s Housing Priorities (April 25)
12. **Announcements / Information Items**
 - a. Rent Board report, Administrative Powers of Zoning Officer (*Attachment 7*)
13. **Future Items – all items and dates are tentative**
 - a. 2017 Work Plan (June)
14. **Adjourn**

ATTACHMENTS

1. Draft March 2, 2017 Meeting Minutes
2. Acquisition of Real Property at 1001 University Avenue, 1007 University Avenue, 1011 University Avenue, and 1925 Ninth Street

3. Thomas Lord, The role of the HAC in recent Council items
4. Clerk's memo, Council item on work plans, sample work plan
5. Excerpt from February 28, 2017 Annotated Council Meeting Agenda
6. 3/28/2017 Council report on issuing an RFP for housing development
7. Rent Stabilization Board report, Administrative Powers of Zoning Officer

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 981-6342 (V) or 981-6345 (TDD) at least three business days before the meeting date. Please refrain from wearing scented products to this meeting.

Written material may be viewed in advance of the meeting at HHCS, 2180 Milvia Street, 2nd Floor, during working hours.

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 relevant board, commission or committee. 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 to the relevant board, commission or committee for further information.



HOUSING ADVISORY COMMISSION
Regular Meeting
Thursday, March 2, 2017

Housing Advisory Commission

Time: 7:02 p.m.

North Berkeley Senior Center
1901 Hearst Avenue – Berkeley
Secretary – Amy Davidson, (510) 981-5406

DRAFT MINUTES

1. Roll Call

Present: Kathleen Crandall, Kate Harrison (7:04 p.m.), Xavier Johnson (7:09 p.m.), Thomas Lord, Jill Martinucci, Kieron Slaughter, Igor Tregub (7:06 p.m.), and Marian Wolfe

Absent: 0

Commissioners in attendance: 8 of 8

Staff Present: Paul Buddenhagen, Amy Davidson, Be Tran, and Jennifer Vasquez

Members of the public in attendance: 3

Public Speakers: 1

2. Agenda Approval

Action: M/S/C (Crandall/Martinucci) to approve agenda.

Vote: Ayes: Crandall, Lord, Martinucci, Slaughter, and Wolfe. Noes: None.

Abstain: None. Absent: Harrison (unexcused), Johnson (unexcused), and Tregub (unexcused).

3. Public Comment

One speaker.

4. Approval of February 2, 2017 Minutes

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

Vote: Ayes: Crandall, Harrison, Johnson, Lord, Martinucci, Slaughter, Tregub, and Wolfe. Noes: None. Abstain: None. Absent: None.

5. Discussion and Possible Recommendation to Council of CDBG Funding Reservations, Discussion of Possible March 9 Special Meeting

Action A: M/S/C (Martinucci/Wolfe) to recommend to Council the CDBG Subcommittee's suggested funding reservations except for the following agencies: Bread Project, Inter-City Services, and Rising Sun Energy Center. Friendly amendment from Chair Tregub to explore revisiting application criteria was accepted.

Vote: Ayes: Crandall, Harrison, Johnson, Lord, Martinucci, Slaughter, Tregub, and Wolfe. Noes: None. Abstain: None. Absent: None.

Action B: M/S/C (Martinucci/Wolfe) to recommend to Council the CDBG Subcommittee's suggested funding reservations for the Bread Project, Inter-City Services, and Rising Sun Energy Center.

Vote: Ayes: Crandall, Harrison, Johnson, Martinucci, Slaughter, Tregub, and Wolfe. Noes: Lord. Abstain: None. Absent: None.

6. Draft Annual Action Plan for Discussion and Possible Recommendation to Council

Action: M/S/C (Wolfe/Martinucci) to recommend approval of the Annual Action Plan to Council.

Vote: Ayes: Crandall, Harrison, Johnson, Lord, Martinucci, Slaughter, Tregub, and Wolfe. Noes: None. Abstain: None. Absent: None.

7. Discussion and Possible Recommendation to Council on Fees to Support Staffing of Inclusionary Housing Ordinance, Affordable Housing Mitigation Fee, Condominium Conversion Ordinance, and Housing Loan Programs

Action: M/S/C (Wolfe/Lord)

- to concur with staff's recommendation that fees be charged for BMR compliance,
- to express concern about the financial feasibility of new construction with a \$10,000 fee for new BMR projects to be imposed regardless of project size,
- to express concern about an annual fee of \$600 per unit per year for BMR monitoring,
- to recommend including hardship waiver language in the loan subordination fee,
- to recommend to staff to review options for streamlining compliance to increase the efficiency of the BMR program,
- to recommend that the Planning Department and Rent Stabilization Board be consulted with regard to Condominium Conversion program fees, and
- to recommend outreach to affected property owners.

Vote: Ayes: Crandall, Harrison, Johnson, Lord, Martinucci, Slaughter, Tregub, and Wolfe. Noes: None. Abstain: None. Absent: None.

8. Low Income Housing, Moderate Income Housing and Housing Trust Fund Subcommittee Appointments

The Moderate Income Housing Subcommittee now consists of the following members: Crandall, Johnson Martinucci, and Wolfe. The Low Income Housing Subcommittee now consists of the following members: Lord and Tregub. Both subcommittees will run until June 2018.

Appointments for the Housing Trust Fund Subcommittee moved to next meeting.

9. Discussion and Possible Recommendation to Council on SB2 and AB71

M/S/C (Wolfe/Johnson) to recommend to Council the endorsement of SB2.

Vote: Ayes: Crandall, Harrison, Johnson, Lord, Martinucci, Slaughter, Tregub, and Wolfe. Noes: None. Abstain: None. Absent: None.

M/S/F (Wolfe/Johnson) to recommend to Council the endorsement of AB71.
Vote: Ayes: Harrison, Johnson, Tregub, and Wolfe. Noes: Crandall, Lord, and Martinucci. Abstain: Slaughter. Absent: None.

10. Discussion of the Mission and Role of Housing Advisory Commission and Possible Formation of a Subcommittee

11. Update on Council Items

12. Announcements / Information Items

13. Future Items

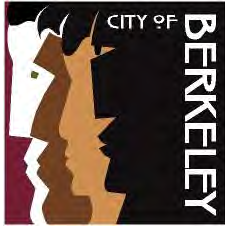
14. Adjourn

Action: M/S/C (Harrison/Crandall) to adjourn meeting at 9:31 p.m.

Vote: Ayes: Crandall, Harrison, Johnson, Lord, Martinucci, Slaughter, Tregub, and Wolfe. Noes: None. Abstain: None. Absent: None.

Approved on **DATE**

_____, Amy Davidson, Secretary



Kathryn Harrison
Councilmember District 4

HAC 4/6/2017
Attachment 2

Council adopted this version of
the item.

SUPPLEMENTAL AGENDA MATERIAL

Meeting Date: March 28, 2017

Item Number: 32

Item Description: Acquisition of Real Property at 1001 University Avenue, 1007 University Avenue, 1011 University Avenue, and 1925 Ninth Street

Submitted by: Councilmember Harrison

Our office has made slight changes to Agenda Item 32 for the 3/28 Council Meeting. We propose the Repayment to the Workers' Compensation Fund after the property acquisition 1001 University Avenue, 1007 University Avenue, 1011 University Avenue, and 1925 Ninth Street be made from the excess Property Transfer Tax for the portion of the building utilized for City Council chambers and not from a combination of the Business License Tax of five or more units (U1).



Office of the City Manager

ACTION CALENDAR
March 28, 2017

To: Honorable Mayor and Members of the City Council

From: *DWR* Dee Williams-Ridley, City Manager

Submitted by: Phillip Harrington, Director, Department of Public Works

Subject: Acquisition of Real Property at 1001 University Avenue, 1007 University Avenue, 1011 University Avenue, and 1925 Ninth Street

RECOMMENDATION

1. Adopt an Urgency Ordinance authorizing the acquisition of 1001, 1007, and 1011 University Avenue, and 1925 Ninth Street (APNs 057-208901401, 057-208901201, and 057-208901500) for \$6,650,000.
2. Adopt first reading of an Ordinance authorizing the acquisition of 1001, 1007, and 1011 University Avenue, and 1925 Ninth Street (APNs 057-208901401, 057-208901201, and 057-208901500) for \$6,650,000.

FISCAL IMPACTS OF RECOMMENDATION

The City intends to fund the entire \$6,650,000 purchase price from Workers' Compensation Fund 875, and repayment to the Workers' Compensation Fund will be made with revenue generated from a combination of the Business License Tax of five or more units (U1) and excess Property Transfer Tax. Details of the repayment timeline, terms, and conditions will be determined by Council directive at a future date. In order to complete this purchase in FY 2017, funds must be appropriated as part of the Second Amendment to the FY 2017 Annual Appropriations Ordinance going to City Council in May 2017.

CURRENT SITUATION AND ITS EFFECTS

The City has expressed interest in purchasing three parcels that include three buildings and a surface parking lot as shown on the attached site plan (Attachment 1) and which parcels are briefly described as follows:

- 1001 University Avenue - warehouse space that formerly served as Premier Cru's wine storage and distribution warehouse.
- 1007 University Avenue - 501(c)3 non-profit culinary school called Bauman College: Holistic Nutrition and Culinary Arts. Bauman has a lease through 2021 with two five-year options to extend. This triple net lease generates approximately \$100,000 in revenue per year.
- 1011 University Avenue - former Premier Cru showroom and administrative offices.

- 1925 Ninth Street - surface parking lot with twelve standard, one handicap space, and a ramped loading dock. Six of the standard parking spaces are allocated for use by Bauman College.

The City's initial interest in the property focused on the site's long-term potential to be redeveloped into substantially below market rate housing. The site's location on the well-established University Avenue transit corridor, and its proximity to multiple neighborhood business districts, medical services and schools make the site ideal for below market rate housing for a diverse population. Tours of the properties' existing buildings revealed the site's potential flexibility to serve several interim uses. These include, but are not limited to, a navigation center for homeless population service and interim City Council Chambers.

BACKGROUND

For some time the City of Berkeley has been unsuccessful in its search for real estate within the City limits to provide much needed below market rate housing and services for homeless residents. The City has also sought a location suitable to serve as a long-term or interim Council Chambers. The availability of land and buildings suitable for these uses is extremely limited within the jurisdiction.

On February 14, 2017, the City Manager and Paul Buddenhagen, Director of Health, Housing and Community Services for the City of Berkeley presented a referral response information item called *Analysis of City-Owned Property for Potential for Housing Development*.¹ The report used a comprehensive list of City-owned property created in 2016 by the Department of Public Works that assessed each site's development potential to accommodate a multifamily rental project and the City's ability to secure funding for affordable housing. Of the 119 properties reviewed, only six met the basic assessment criteria. One property is already the subject of an agreement with BRIDGE Housing for affordable housing development, and the other five all have significant challenges that required additional review, environmental site investigations, and potential policy changes before development or redevelopment could be considered.

Proposed Sites for Purchase

The City became aware that 1001, 1007, and 1011 University Avenue and 1925 Ninth Street were available for purchase when they appeared on Alameda County's list of Tax Defaulted Land to be auctioned March 18, 2017. Each year Alameda County prepares a list of properties that have maintained a tax default status for at least five consecutive years. Prior to offering them for sale in a public auction, the County offers federal, state and municipal entities (in that order) the option of purchasing the properties at a minimum bid price equal to the tax default amount. Even after this list is published, property owners or their representatives have the right to pay the taxes and redeem ownership of the property(ies).

¹ (<http://bit.ly/2m2O54I>)

In January 2017, the City of Berkeley was offered the option to purchase fourteen parcels in its jurisdiction from this year's Tax Defaulted Land list, which includes the parcels proposed for purchase. Soon after, the parcels were removed from the list as a consequence of bankruptcy proceedings related to the demise of Premier Cru and the properties were placed on the open market for sale at \$6.8 million. The City was able to negotiate a total price of \$6,650,000 for these properties. Proceeds from the sale of the properties will benefit those to whom restitution is owed by Premier Cru.

ENVIRONMENTAL SUSTAINABILITY

These recommendations have no specific environmental sustainability effects.

RATIONALE FOR RECOMMENDATION

The City does not currently own enough property suitable for the economic development of below market rate housing. Creating a navigation center and finding interim City Council Chambers are priorities for the City Manager and the City Council. Purchase of these properties provides the City with a great deal of flexibility by meeting its criteria for various interim use needs, while increasing its inventory of suitable sites for below market rate housing development.

ALTERNATIVE ACTIONS CONSIDERED

No alternative actions have been identified.

CONTACT PERSON

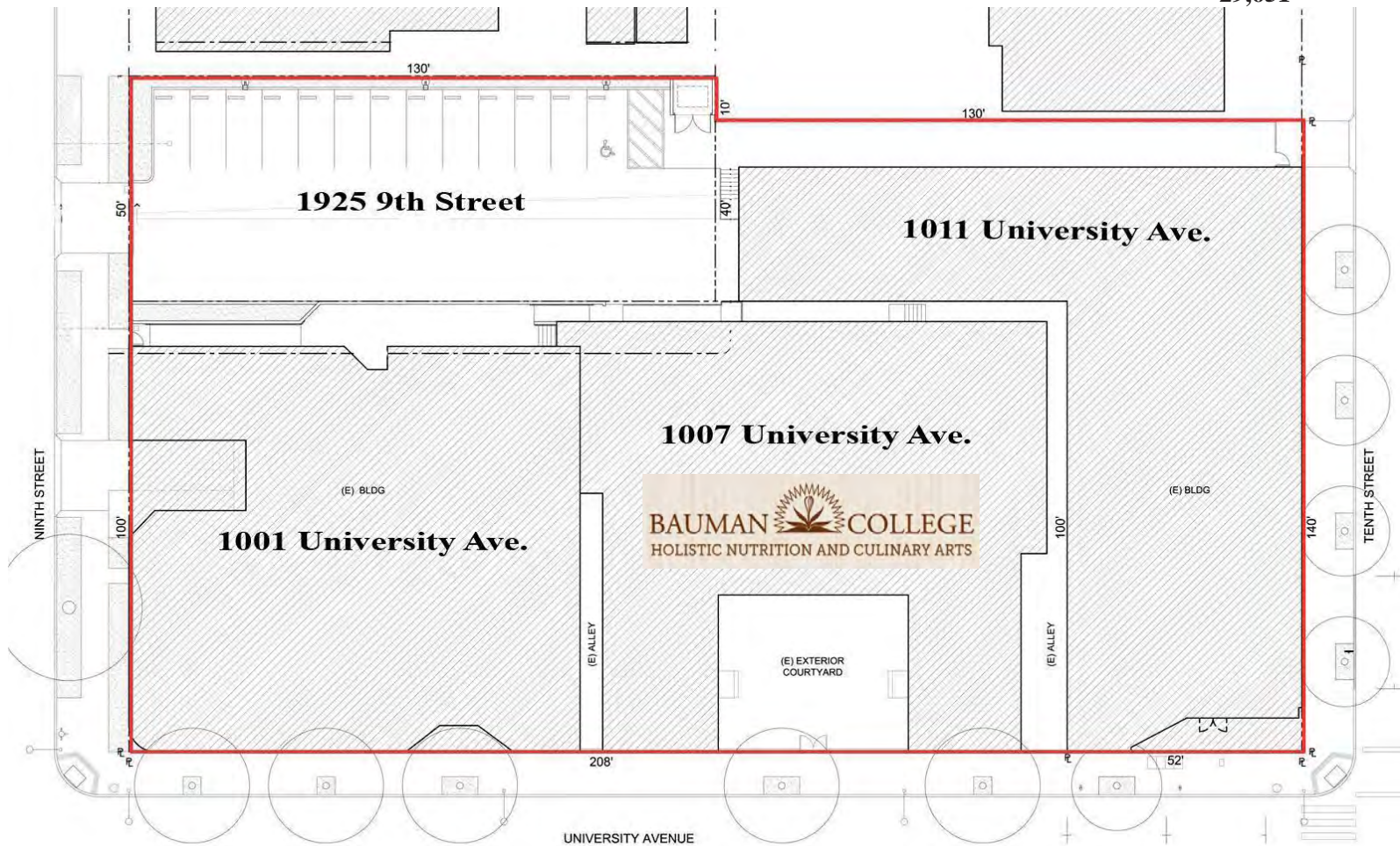
Phillip L. Harrington, Director, Department of Public Works (510) 981-6303
Dionne Early, Community Development Project Coordinator (510) 981-6453

Attachments:

- 1: Site Plan
- 2: Urgency Ordinance
- 3: Ordinance

ATTACHMENT 1: SITE PLAN

Building	Ground	Second/Mezzanine	Total
1011 University Ave. *AVAILABLE Retail & Office	8,632	3,994	12,626
1007 University Ave.	7,400		7,400
1001 University Ave. *AVAILABLE Warehouse	8,864	761	9,625
			29,651



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

URGENCY ORDINANCE AUTHORIZING ACQUISITION OF REAL PROPERTY AT 1001, 1007, AND 1011 UNIVERSITY AVENUE, AND 1925 NINTH STREET FOR \$6,650,000.00

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

Section 1. Purpose and Intent.

The purpose and intent of this Ordinance is to address a current crisis in the provision of housing and services to homeless persons in Berkeley.

Section 2. Findings.

A. The City Council hereby finds and declares that there continues to be a shortage of shelter and services for homeless residents of Berkeley. As a result, several hundred Berkeley residents are without shelter, and in many cases, needed services. This results not only in human suffering – and in some cases death – but also in an increased and unsustainable demand for emergency response from the Police and Fire Departments, extraordinary demands on the Departments of Public Works and Parks Recreation and Waterfront, and avoidable impacts on emergency services at local hospitals and clinics.

B. It is therefore essential for the life, health, and well-being of homeless residents, as well as to reduce unsustainable demands on City services, to provide, as soon as possible, a navigation center or other facility that will provide wraparound services leading to permanent housing. Unfortunately, the City does not currently own any property suitable for this purpose.

C. The real property at 1001, 1007, and 1011 University Avenue, and 1925 Ninth Street constitutes a rare opportunity to acquire property that would work for an interim navigation center or other facility to provide shelter and services to homeless residents. This property has only recently become available at a favorable price, and is already the subject of competing offers. This requires that the City act promptly in order to be able to acquire the property.

Section 3. Exemption from Environmental Review Pursuant to the California Environmental Quality Act ("CEQA"; Public Resources Code §21000 et seq.) and City Council findings that the project described herein is exempt from environmental review pursuant to Title 14. California Code of Regulations, Article 5. *Review for Exemption*, Section 15061 (b)(3) and Article 19. *Categorical Exemptions*, Sections 15301 and/or 15332.

Section 4. Acquisition of Property. The City Manager is hereby authorized to acquire on behalf of the City of Berkeley, the real property located at 1001,1007, and 1011 University Avenue, and 1925 Ninth Street, (APNs 057-208901401, 057-208901201, and 057-208901500), for the price of \$6,650,000, and to execute all contracts and other documents necessary to complete the acquisition. Payment will be made from the Workers' Compensations Fund. Repayment to the Workers' Compensation Fund will be made from the excess Property Transfer Tax for the portion of the building utilized for City Council chambers as long as the function remains there and from other appropriate revenue sources once the final uses of the site are determined and after consultation with HAC. made with revenue generated from a combination of the Business License Tax of 5 or more units (U1) and excess Property Transfer Tax.

Section 5. Vote Required – Immediately Effective. Based on the findings and evidence in Section 2 of this Urgency Ordinance, the City Council determines that this Ordinance is necessary for the immediate preservation of the public health, peace and safety in accordance with Article XIV Section 93 of the Charter of the City of Berkeley and must therefore go into effect immediately. This ordinance shall go into effect immediately upon a seven-ninths vote of the City Council, in satisfaction of the Charter of the City of Berkeley.

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

AUTHORIZING ACQUISITION OF REAL PROPERTY AT 1001, 1007, AND 1011
UNIVERSITY AVENUE, AND 1925 NINTH STREET FOR \$6,650,000.00

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

Section 1. Findings.

A. That Council hereby finds and declares that there continues to be a shortage of shelter and services for homeless residents of Berkeley. As a result, several hundred Berkeley residents are without shelter, and in many cases, needed services. This results not only in human suffering – and in some cases death – but also in an increased and unsustainable demand for emergency response from the Police and Fire Departments, extraordinary demands on the Departments of Public Works and Parks Recreation and Waterfront, and avoidable impacts on emergency services at local hospitals and clinics.

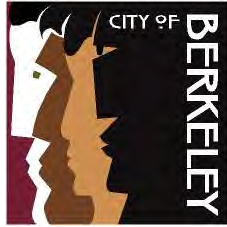
B. It is therefore essential for the life, health, and well-being of homeless residents, as well as to reduce unsustainable demands on City services, to provide, as soon as possible, a navigation center or other facility that will provide wraparound services leading to permanent housing. Unfortunately, the City does not currently own any property suitable for this purpose.

C. The real property at 1001, 1007, and 1011 University Avenue, and 1925 Ninth Street constitutes a rare opportunity to acquire property that can be used for an interim navigation center or other facility to provide shelter and services to homeless residents.

Section 2. Exemption from Environmental Review Pursuant to the California Environmental Quality Act ("CEQA"; Public Resources Code §21000 et seq.) and City Council findings that the project described herein is exempt from environmental review pursuant to Title 14. California Code of Regulations, Article 5. *Review for Exemption*, Section 15061 (b)(3) and Article 19. *Categorical Exemptions*, Sections 15301 and/or 15332.

Section 3. Acquisition of Property. The City Manager is hereby authorized to acquire on behalf of the City of Berkeley, the real property located at 1001, 1007, and 1011 University Avenue, and 1925 Ninth Street (APNs 057-208901401, 057-208901201, and 057-208901500), for the price of \$6,650,000, and to execute all contracts and other documents necessary to complete the acquisition.

Section 4. Posting. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of Old City Hall, 2134 Martin Luther King Jr. Way. Within fifteen 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.



Office of the City Manager

HAC 4/6/2017
Attachment 2a

SUPPLEMENTAL AGENDA MATERIAL

Meeting Date: March 28, 2017

Item Number: 32

Item Description: Acquisition of Real Property at 1001 University Avenue, 1007 University Avenue, 1011 University Avenue, and 1925 Ninth Street

**Submitted by: Jovan Grogan, Deputy City Manager
Phillip Harrington, Director of Public Works**

This supplement to the staff report provides a preliminary repayment schedule of the \$6,650,000 to acquire the subject property. The repayment schedule will be presented to the City's Housing Advisory Commission and finalized by the City Council with the upcoming biennial budget for FY 2017-18 and FY 2018-19.

As noted in the staff report, the City has expressed interest in purchasing three parcels along University Avenue between Ninth and Tenth streets. The City's long-term vision for the property includes redeveloping the majority of the site for below market rate housing. Additionally, there are potential interim uses for portions of the property. Depending on the development program and the availability of funding, staff estimates that interim uses for two of the existing buildings (1001 and 1011 University Avenue) can occur for 5-10 years.

One interim use that the City is currently exploring involves using the ground floor of the building located at 1011 University Avenue for an interim City Council Chamber. This area was a showroom for prior property owner (Premier Cru) and can be converted to an interim Council Chamber with a seating capacity of 150-200 persons. Doing so will allow the City to cease having public meetings in Old City Hall (2134 Martin Luther King Jr. Way), which is in need of seismic upgrades. Meetings of the City Council, the Rent Board, and the Zoning Adjustments Board would utilize the interim Council Chamber.

The staff report states that, "the City intends to fund the entire \$6,650,000 purchase price from Workers' Compensation Fund 875, and repayment to the Workers' Compensation Fund will be made with revenue generated from a combination of the Business License Tax of five or more units (U1) and excess Property Transfer Tax."

In the following repayment schedule, staff proposes a 5-year payback of funds to the Workers' Compensation Fund 875 with interest¹. The proposal utilizes \$2 million (30% of the purchase price) from General Fund excess Property Transfer Tax and \$4.650 million (70% of the purchase price) from Measure U1 revenue (the recent voter-approved increase in business license tax on rental buildings of five or more units).

Proposed Repayment Schedule

Summary of Proposed Funds for Repayment

Total Purchase Price: \$6,650,000

Repayment Source	Principal Repayment Amount	Percent of Purchase Price
General Fund Excess Property Transfer Tax	\$ 2,000,000	30%
Measure U1 Business Tax Revenue	\$ 4,650,000	70%

Annual Repayment Amounts by Source (with interest)

Total Repayment Amount: \$6,765,575

Repayment Source	General Fund Excess Property Transfer Tax*	Measure U1 Business Tax Revenue**
FY 2017-18	406,952	946,163
FY 2018-19	406,952	946,163
FY 2019-20	406,952	946,163
FY 2020-21	406,952	946,163
FY 2021-22	406,952	946,163
Total	\$2,034,760	\$4,730,815

* Total General Fund excess Property Transfer Tax has averaged \$5.8 million over the last two years.

** Total Measure U1 Business Tax revenue is estimated at \$3 million annually.

It is important to note that the sources of repayment and the amounts from each funding source are subject to change. Staff will submit the above repayment plan to the Housing Advisory Commission, as that Commission is charged with making funding recommendations to increase affordable housing and protect Berkeley residents from homelessness. Subsequently, on or before June 30, 2017, the City Council will be asked to adopt a final repayment schedule that will be included in the biennial budget for FY 2017-18 and FY 2018-19.

¹ Staff uses the State of California Local Agency Investment Fund (LAIF) rate for the loan repayment. Current LAIF rates are 0.68%.

Housing Advisory Commission

April 4, 2018

To: Housing Advisory Commission
From: Commissioner Thomas Lord
Subject: **the role of the HAC in recent Council items**

The new City Council has tried to be very active in establishing new housing policies for Berkeley, particularly as pertains to to very low income, transitional, and supportive housing. So far we have seen, at least:

- the micro-pads proposal
- the Pathways proposal
- the small sites proposal
- the potential purchase of the former Premier Cru site.

In these cases, Council has acted to move swiftly, with minimal public input, and with little or no consultation with citizen commissions.

In each case, anticipated revenues from measure U-1 has been mentioned as a potential source of funding.

Is the HAC accepting of its so-far passive role in this processes?

If so or if not, should the HAC communicate our consensus stance to Council?



City Clerk Department

March 3, 2017

To: Commission Secretaries
From: Mark Numainville, City Clerk
Subject: Commission Work Plans – Council Item from 2016

This is a reminder regarding the requirement for annual commission work plans.

In 2016 the City Council approved an item that directs Berkeley Commissions, with the exception of the Board of Library Trustees, the Zoning Adjustments Board, and the Design Review Committee, to submit a workplan to the City Council at the beginning of each fiscal year.

Some commissions currently produce a workplan on a regular or semi-regular basis. This is a best practice that aligns with the direction given in the Commissioners' Manual. For more information, please see the attached agenda item and the relevant excerpt from Chapter V. Section A. of the Manual.

Please agendize this topic for discussion by the commission and inform the members that they must take all steps needed to meet this direction. As stated in the Commissioners' Manual, it is the responsibility of the commission members, not staff, to draft the content of reports to Council. This responsibility includes drafting the content of the work plan. This task cannot be delegated to the commission secretary or other city staff.

Please contact me directly if you have any questions.

Enc.

cc: Department Heads

CHAPTER V. COMMISSION PROCEDURES

A. WORK PROGRAM

1) Development of a Work Program

Many commissions find it effective to establish a yearly work program or statement of goals. A work program is a planning document that specifies how and when the objectives (outcomes) which the commission expects to accomplish during the fiscal year will be achieved. Goal statements explain the nature and scope of the work to be performed and the time needed to accomplish the goal. The nature of the duties of specific commissions may determine which method is most suitable.

Designing yearly work programs or goal statements may be done in conjunction with the development of the relevant departmental work plan so that the department and commission's work will complement each other throughout the year.

When developing a workplan Commissions should take special care to ensure that they remain within their subject area purview and the constraints of their enabling legislation.

B. MEETING PROCEDURES

1) Establishment of Meeting Rules

Each commission may establish additional rules and limit debate. It is the responsibility of the chairperson to control the debate among commissioners so that everyone has a chance to speak before others speak for a second time, and to expedite the business at hand. To this end, commissions may establish rules to limit debate.

2) Processing of Motions

When a motion is made and seconded, it should be stated by the maker of the motion and read by the Chair prior to debate. If the motion is adopted, the maker's written version of the motion, if any, should be given to the secretary for reference in preparation of Council reports and/or the minutes. A motion may not be withdrawn by the mover without the consent of the member seconding it. After discussion has ended and immediately prior to the vote, the secretary clearly states the full motion (with any amendments). If a roll call vote is used, the secretary then calls the roll (always calling the names in the same order). After all commissioners have voted, the secretary announces the vote totals and whether or not the motion passes.



Lori Droste, District 8
Susan Wengraf, District 6

CONSENT CALENDAR
July 19, 2016

TO: Honorable Mayor and City Council

FROM: Councilmembers Lori Droste, Susan Wengraf,
Linda Maio, and Kriss Worthington

SUBJECT: Commission Work Plans

RECOMMENDATION

Commissions—with the exception of the Board of Library Trustees, Design Review Committee, and the Zoning Adjustments Board—will submit a work plan detailing its goals and objectives for the year. Plans will be submitted at the start of the fiscal year, annually.

FINANCIAL IMPLICATIONS

Although additional staff time will be needed to assist commissions in drafting work plans, staff time will be reduced overall if misaligned commission referrals are reduced. In addition, if boards and commissions do not direct city staff to perform research, gather information, or otherwise engage in activities involving projects or matters that are not aligned with the City's Strategic Plan, staff will be able to make more efficient use of their time.

BACKGROUND

The City of Berkeley is in the process of introducing its first strategic plan. To ensure that Berkeley's commissions are in alignment with the overall mission of the City, commissions should submit annual work plans. Each work plan should contain the following information:

1. Commission mission statement
2. What are the commission's goals? In order to achieve these objectives, please specify:
 - a. Resources
 - i. What specific resources are needed and available to achieve desired change? (i.e. staff time, \$, time, materials, equipment)
 - b. Program activities
 - i. What will the commission do with its resources?
 - ii. Processes, tools, events, technology, actions that are employed to bring about the intended objectives.

- c. Output(s)
 - i. What will be the direct results of commission activities?
 - ii. How much will be done? (i.e. Number of forums/meetings held, # of participants reached, etc.)
- d. Outcomes
 - i. The specific changes desired/achieved in the short-term (1-3 years) and long-term (4-6 years)

Outcomes should be measurable, action-oriented, and realistic (W. K Kellogg Foundation, 2004).

ENVIRONMENTAL SUSTAINABILITY

Not applicable

CONTACT PERSON

Lori Droste, City Councilmember District 8, 510-981-7180

Susan Wengraf, City Councilmember District 6, 510-981-7160

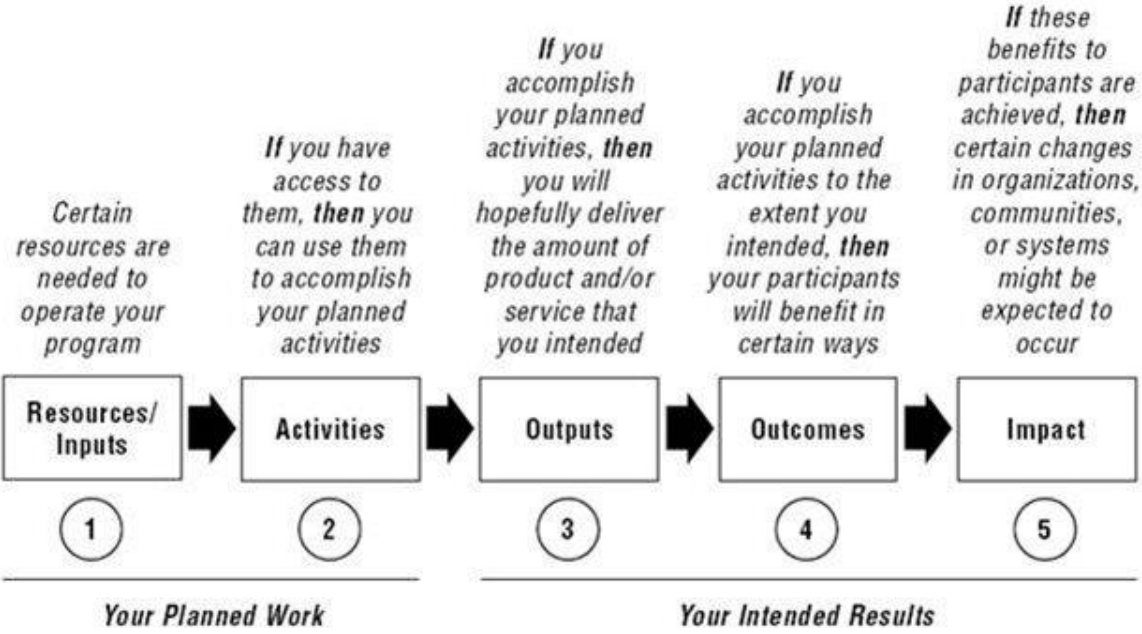
Attachments:

1: Logic Model Summary (W.K. Kellogg Foundation)

Logic Model Summary

A logic model brings program concepts and dreams to life. It lets stakeholders try an idea on for size and apply theories to a model or picture of how the program would function.

The program logic model is defined as a picture of how your organization does its work – the theory and assumptions underlying the program. A program logic model links outcomes (both short- and long-term) with program activities/processes and the theoretical assumptions/principles of the program.



The Basic Logic Model components shown above are defined below. These components illustrate the connection between your planned work and your intended results.

They are depicted numerically by steps 1 through 5.

YOUR PLANNED WORK describes what resources you think you need to implement your program and what you intend to do.

1. Resources include the human, financial, organizational, and community resources a program has available to direct toward doing the work. Sometimes this component is referred to as Inputs.

2. Program Activities are what the program does with the resources. Activities are the processes, tools, events, technology, and actions that are an intentional part of the program implementation. These interventions are used to bring about the intended program changes or results.

YOUR INTENDED RESULTS include all of the program's desired results (outputs, outcomes, and impact).

3. Outputs are the direct products of program activities and may include types, levels and targets of services to be delivered by the program.

4. Outcomes are the specific changes in program participants' behavior, knowledge, skills, status and level of functioning. Short-term outcomes should be attainable within 1 to 3 years, while longer-term outcomes should be achievable within a 4 to 6 year timeframe. The logical progression from short-term to long-term outcomes should be reflected in impact occurring within about 7 to 10 years.

5. Impact is the fundamental intended or unintended change occurring in organizations, communities or systems as a result of program activities within 7 to 10 years. In the current model of WKKF (W.K. Kellogg Foundation) grantmaking and evaluation, impact often occurs after the conclusion of project funding.

Compiled from:
W.K. Kellogg Foundation. "Logic Model Development Guide." (2004)



Berkeley Energy Commission

HAC 4/6/2017
Attachment 4a

This is an example of another
Commission's work plan.

Item 5.B
February 22, 2017

Revised February 15, 2017
Prioritization Key

Short Term – 6 Months

Mid Term – 12 Months

Long Term – Unspecified Deadline

Energy Commission 2017 Work Plan

1. Energy Efficiency Upgrades:

- **Energy Efficiency in Disadvantaged Communities**

Lead Commissioner Ryan Bell

On-going tracking, consultation and recommendations to Council as needed.

Deliverable: Report on services provided in Berkeley.

Timing: 2017 midyear update

- **Building Energy Saving Ordinance**

Lead Commissioner Cate Leger

- a. Provide beta user testing for on-line compliance system
- b. Track integration with energy efficiency programs and conversions from energy assessments to upgrades
- c. Review preliminary data for evaluation and make recommendations for program improvement - including financing and incentive programs - in preparation of evaluation for council in 2018

Deliverable: Feedback on assessments, conversions. Review and comment on evaluation and recommendations to staff and council

Timing: January 2017 – June 2018

2. Community Choice Energy

Lead Commissioner Michelle Myers, Kelly Jiang

On-going tracking business model and program launch looking at rates and integration with Berkeley energy policies, climate action plan, and recommendations from the Berkeley Solar Plan. These programs include BESO, community solar, and others.

Deliverable: Comments and recommendations to Council and Berkeley's representative to the JPA, including comments on incentive programs, limits on RECs and shifting to electrification. Report on progress toward the 50% Solar Plan.

Timing: The Business Plan will be developed after the JPA is seated in February, the final plan is due 6 months after the seating of the JPA.

3. Mandatory building requirements, reach codes and incentives for existing buildings

- **Council Referral on Mandatory Rooftop Solar (9/13/16)**

Office of Energy and Sustainable Development, 1947 Center Street, Berkeley, CA 94704

Tel: (510) 981-7465 • TDD: (510) 981-6903

E-mail: manager@CityofBerkeley.info Website: <http://www.CityofBerkeley.info/Manager>

Prioritization Key
Short Term – 6 Months
Mid Term – 12 Months
Long Term – Unspecified Deadline

Lead Commissioner Josiah Johnston

Deliverable: On-going consultation and recommendations as needed regarding implementation of the Berkeley Solar Plan in context of CCE renewable energy standards. Report on progress toward 50% Solar Plan.

Timing: On-going 2017

- **Scoping and cost benefit analysis of Deep Green Initiative and Zero Net Emissions (ZNE) policy**

Lead Commissioner Cate Leger

Deliverable: Presentation to the commission on the Berkeley Deep Green Building initiative, its program components, how it ties in to current state and local initiatives including ZNE proposals, BESO, the Berkeley Climate Action Plan and initiatives to transition from natural gas to 100% electrification.

Timing: Spring 2017

4. Transition from Natural Gas to Electrification

- **Phasing Out Natural Gas referral**

Lead Commissioners Johnston, Schlachter and Leger

Respond to Council referral for the Community Environmental Advisory Coalition (CEAC) and EC to develop and evaluate proposal for requiring installation of new cooking and heating technologies that do not use natural gas.

Deliverable: Recommendation to Council

Timing: 2017

- **Removing barriers replacing gas heaters with electric heat pumps**

Lead Commissioners Johnston and Leger

Deliverable: Comments on permit guide for electric heat pumps, outreach and education workshops on electric heat pump water heaters

Timing: Summer 2017, and ongoing

- **USDN methane emission tracking study**

Lead Commissioners Myers and Johnston

Deliverable: Presentation of final report from study from Oakland/San Francisco and on-going consultation and policy development.

Timing: April 2017 and ongoing

5. Transit infrastructure improvements and policies as they relate to the goals of the Climate Action Plan:

- **Electric vehicle infrastructure and alternative fuel technologies**

Lead Commissioners Fred Schlachter and Alex Luce

Deliverable: Comments on annual report to council including charging station inventory. Convene a discussion with Tim Lipmann regarding technologies.

Prioritization Key
Short Term – 6 Months
Mid Term – 12 Months
Long Term – Unspecified Deadline

Timing: On-going 2017

- **Evaluating parking requirements and encouraging upgrades to bike-ped infrastructure active transit**
Lead Commissioner Ryan Bell

Deliverable: On-going tracking and letter to recommendations to council as needed.

Timing: Oct 2016 – Spring 2017

6. **Municipal building upgrades and renewable energy installation**

- **Recommendations for Measure T1 Infrastructure Bond**
Lead Commissioners Bell, Jiang and Luce

Deliverable: Tracking at the Public Works Commission. Make recommendations for energy efficiency, energy security and greenhouse gas reduction to the Parks and Waterfront Commission.

Timing: June 2017

- **Municipal Energy Efficiency and Renewable Plan**
Lead Commissioner Anthony Bernhardt

Deliverable: On going consultation and recommendation regarding planning and progress.

Timing: November 2017

- **Micro-grid Berkeley Energy Assurance Transformation (BEAT) Project**
Lead Commissioners Bernhardt and Jiang

Deliverable: Provide input and guidance on project. Comments to staff on draft Deliverable for CEC. Report on progress toward 50% Solar Plan.

Timing: May – July 2017

- 31a. Support for Oregon Park Senior Apartments** *(Continued from February 28, 2017)*
From: Housing Advisory Commission
Recommendation: Direct staff to work with Oregon Park Senior Apartments to undertake a physical needs assessment and to consider assistance with financing to address any issues identified in the physical needs assessment, and to hold the fines in abeyance in the interim.
Financial Implications: None
Contact: Amy Davidson, Commission Secretary, 981-5400

- 31b. Companion Report: Support for Oregon Park Senior Apartments** *(Continued from February 28, 2017)*
From: City Manager
Recommendation: Refer the Housing Advisory Commission’s recommendation that staff work with Oregon Park Senior Apartments (OPSA) to the Council prioritization process so that the Council can evaluate this recommendation in the context of other recommendations for the use of Housing & Community Services staffing resources.
Financial Implications: See report
Contact: Paul Buddenhagen, Housing and Community Services, 981-5400

Action: Moved Item 31b to the Consent Calendar revised to add the following conditions:

1. Oregon Street Park Apartments will conduct a financial audit.
2. Oregon Street Park Apartments will conduct a full assessment of the structure of the building and the facility needs.
3. Oregon Street Park Apartments will hire a property manager to oversee the financials and the property.
4. The City will commit to holding the fines in abeyance until such time that conditions 1-3 are completed.



CITY COUNCIL

CONSENT CALENDAR
March 28, 2017

TO: Honorable Mayor and Members of the City Council

FROM: City Council Ad Hoc Committee on Homelessness
Mayor Jesse Arreguin and Councilmembers Linda Maio, Cheryl Davila,
and Sophie Hahn

SUBJECT: Issue an RFP to Develop a Specific Housing Project with Units and
Facilities Appropriate for Formerly Homeless and Other Very Low Income
Residents

RECOMMENDATION:

Issue an RFP for the small City-owned lot in the 1200 block of University Avenue (aka 1920 West Street) to create small residential units, with appropriate on-site common spaces and services, affordable to very, very low income persons, with incomes below 30% of AMI.

[NOTE: Berkeley has the lowest AMI of any Bay Area city:
<http://citylab.news21.com/data/types/19/>]

CALIFORNIA FY 2016

HOUSEHOLD SIZE	1	2	3	4	5	6	7	8
30% OF MEDIAN	\$1470 0	\$1680 0	\$1890 0	\$2100 0	\$2270 0	\$2435 0	\$2605 0	\$2770 0
VERY LOW (50% AMI)	\$2450 0	\$2800 0	\$3150 0	\$3500 0	\$3780 0	\$4060 0	\$4340 0	\$4620 0
LOW-INCOME (80% AMI)	\$3920 0	\$4480 0	\$5040 0	\$5600 0	\$6050 0	\$6495 0	\$6945 0	\$7390 0

Source: <https://www.huduser.gov/portal/datasets/il/il16/State-Incomelimits-Report-FY16.pdf>

DISCUSSION:

Very few City-owned properties are available and suitable to develop very, very low income housing, for individuals with incomes at or below 30% of Area Median Income (AMI). The subject lot is a promising candidate to pilot a small number of units. It is not large but it is on University Avenue and therefore appropriate for a dense project. Building on the site would also correct the current situation of it being an attractive nuisance, and breaking the pedestrian experience.

The RFP should be flexible and open to all approaches to finance, build and operate units and supportive services to meet the needs of an identified segment of Berkeley's homeless and/or very very low income population. The RFP will include Staff's recommendations, derived in consultation with homeless housing and services providers, for the target population(s) to be served, desired living unit features and necessary onsite facilities and services. The RFP would be issued broadly to invite proposals from non-profit housing organizations, for profit developers and cooperative or other groups with the desire and ability to deliver a project to meet the needs of Berkeley's very very low income residents. Land would be provided at no cost by the City, and other subsidies may be offered by Staff as part of the RFP. Other costs would be borne by the developer. The units would be permanently affordable and design would include space for services.

Full transparency regarding costs of construction is assumed. Ownership and operation of the units, once built, would likely be assumed by a non-profit agency

The RFP should note the need to limit impacts on the small park directly to the north.

Several issues pertain:

- The Kenney cottage was moved to and stored on the subject lot approximately 15 years ago at the request of the Berkeley Architectural Heritage Association (BAHA) in anticipation that BAHA would work to restore and relocate the structure. The cottage is one of the oldest existing examples of a prefab structure of its kind in the country. BAHA was asked by Councilmember Maio about their plans for the structure several years ago but so far there has been no movement. Hence, the building continues to deteriorate on the lot. It would be appropriate for BAHA to be approached once again with a request for final resolution.
- The lot is an attractive nuisance as a regular dumping ground for mattresses and the like on the sidewalk on University Avenue, the gateway to the City. A pilot very very low income project would be an asset to the streetscape.
- The zoning as R2-A is an anomaly. The official address is noted as 1920 West Street but the lot fronts on University Avenue. The zoning issue will have to be addressed either through a variance, via our declared status as being in a crisis of homeless, or through another avenue.

ENVIRONMENTAL SUSTAINABILITY:

No environmental sustainability impact.

FINANCIAL IMPLICATIONS:

Staff time.

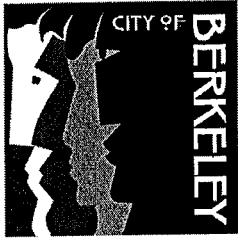
CONTACT:

Mayor Jesse Arreguin, 510-981-7100

Councilmember Linda Maio, District 1, 510-981-7110

Councilmember Cheryl Davila, District 2, 510-981-7120

Councilmember Sophie Hahn, District 5, 510-981-7150



Rent Stabilization Board

March 3, 2017

To: Honorable Mayor and Members of the Berkeley City Council

From: John Selawsky, Chair, Berkeley Rent Stabilization Board

A handwritten signature in black ink, appearing to read "John Selawsky".

Subject: **Creating Additional Administrative Powers for Zoning Officer to Deny or Hold in Abeyance New Permit Applications Until Outstanding Code Enforcement Issues are Resolved**

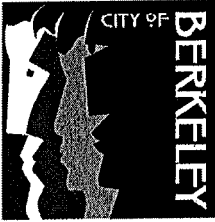
At its January 19, 2017 meeting, the Rent Board recommended that the City Council direct the City Manager to prioritize a referral from the Housing Advisory Commission (HAC) that passed at its May 1, 2014 meeting, and was subsequently unanimously approved at the September 9, 2014 City Council meeting. The recommendation reads as follows:

“Refer to the City Manager and Berkeley Planning Commission to explore the creation of a mechanism that would explicitly allow staff new discretionary powers to prevent applicants from being granted new residential permits until they have abated outstanding noncompliance issues or code violations in other buildings they own in Berkeley within a reasonable time frame or taken good faith measures to commence doing so.”

In the wake of the recent Ghost Ship tragedy, there has been a renewed concern about the powers available to the planning and code enforcement staff in various cities to ensure compliance with life safety codes. Furthermore, the Rent Board has counseled many tenants who have alleged serious habitability code violations (some of which may be related to life safety) in their units and that have gone unabated for longer than is reasonable or acceptable. Therefore, the Rent Board believes that the 2014 referral – as well as the City Manager’s comments in the report for the September 9, 2014 meeting (attached hereto) – should be considered by Berkeley’s Planning Department and Planning Commission as soon as reasonably possible.

Name and Telephone Number of Contact Person:

Jay Kelekian, Executive Director (510) 981-4949



Housing Advisory Commission

CONSENT CALENDAR
September 9, 2014

To: Honorable Mayor and Members of the City Council
 From: Housing Advisory Commission
 Submitted by: Marian Wolfe, Chairperson, Housing Advisory Commission
 Subject: Creating Additional Administrative Powers of Zoning Officer to Grant or Recommend New Permits as Related to Code Enforcement

RECOMMENDATION

Refer to the City Manager and Berkeley Planning Commission to explore the creation of a mechanism that would explicitly allow staff new discretionary powers to prevent applicants from being granted new residential permits until they have abated outstanding noncompliance issues or code violations in other buildings they own in Berkeley within a reasonable time frame or taken good faith measures to commence doing so.

FISCAL IMPACTS OF RECOMMENDATION

Staff time and potential reductions in immediate revenue from permitting fees

CURRENT SITUATION AND ITS EFFECTS

The City of Berkeley Zoning Officer currently does not have explicit authority to delay or disapprove granting new permits to property owners with other properties in Berkeley that are out of compliance with any codes or who also own other property that has been declared a nuisance.

Under the proposed change, the permitting of several residential as well as nonresidential properties that was granted in the past year could have been deferred or denied. A proposed change would explicitly grant city staff from the Planning Department this authority and provide a common set of expectations for applicants.

At its May 1, 2014 meeting, the Housing Advisory Commission voted to recommend that City Council direct staff and the Planning Commission to explore the creation of a mechanism that would explicitly allow staff new discretionary powers to prevent applicants from being granted new residential permits until they have abated outstanding noncompliance issues or code violations in other buildings they own in Berkeley within a reasonable time frame or taken good faith measures to commence doing so (M/S/C: Soto-Vigil/Tregub Ayes: Darrow, Soto-Vigil, Tregub, Wolfe; Noes: None; Abstain: Droste, Judd; Absent: Skjerping. Excused Absences: Drake, Magofna).

While the scope of the HAC is limited to residential property, this language could be expanded to include all types of property owned by the applicant in Berkeley, such as commercial, industrial, and mixed-use.

BACKGROUND

During the research phase for this item, several municipalities, including Oakland, San Jose and Redwood City, were contacted. It appears that the planning staff of several California municipalities currently exercise discretion in granting permits to new projects when existing projects owned by an applicant are out of code compliance or are deemed a nuisance. This practice, however, does not appear to be codified; in the municipalities that utilize this principle, it appears to exist as "institutional knowledge."

The following language is suggested as a starting point, to be reviewed and amended by the City Council, City Manager, and Planning Commission:

"Staff or a quasi-judicial body such as the Zoning Adjustments Board or City Council shall have the administrative power to deny or defer the granting of an administrative use permit or use permit for a proposal to build a new structure or modify an existing structure due to the existence of any outstanding code violations, documented noncompliance with existing laws, and/or nuisance declarations on the subject property or other property or properties in Berkeley in which the applicant or applicants have at least a 50% ownership interest. Such permits may be granted to the applicant once it has been documented by staff that these non-compliances or violations have been appropriately abated and other criteria for the granting of the permit have been met. Notwithstanding this provision, all permits shall be subject to compliance with the Berkeley Zoning Code."

The forum in which this language ought to appear is open to discussion. An amendment to the Berkeley Municipal Code that the Zoning Adjustment Board may consider a bad history and current violations as evidence that a proposed project would be detrimental could be a starting point. It could appear as a policy statement governing the ability of Planning and Land Use Staff to conduct administrative review on permit applications. The language could alternatively be inserted into the Zoning Code.

ENVIRONMENTAL SUSTAINABILITY

There are no identifiable environmental effects or opportunities associated with the subject of this report.

RATIONALE FOR RECOMMENDATION

Creating a mechanism that would explicitly allow staff new discretionary powers to prevent approval of applicants of new residential permits until owners have abated outstanding noncompliance issues or code violations in other buildings they own in Berkeley would provide incentive to property owners to abate any code violations or nuisance conditions on their other properties prior to applying for new use permits.

ALTERNATIVE ACTIONS CONSIDERED

None

CITY MANAGER

The City Manager concurs that creating additional administrative powers of the Zoning Office would require more study. The study should consider:

1. How the City could "defer" processing a complete application without violating the Permit Streamlining Act and due process;
2. Specifically, what criteria would be used to deny an application; and
3. Whether the Planning Commission should consider an amendment to 23B.32.040 and 23B.28.040 to clarify what type of code violations are substantial enough to cause detriment to a neighborhood in Berkeley in order to be the basis for denial of a permit application.

CONTACT PERSON

Kristen Lee, Secretary, Housing Advisory Commission, 510-981-5427
Igor Tregub, Vice Chair, Housing Advisory Commission, 510-295-8798