



4x4 Committee on Housing
City Council and Rent Board

COMMUNICATION ACCESS INFORMATION:

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Approved

**4 X 4 JOINT COMMITTEE ON HOUSING
AD HOC COMMITTEE ON SAFETY, OCCUPANCY, AND AFFORDABILITY OF
CONVERTED ARTIST WAREHOUSES AND WORKSPACES**

**Friday, January 13, 2017 – 9:30 a.m.
2001 Center Street, Second Floor – Rent Board Law Library**

1. **Roll Call.** Meeting started at 9:30 a.m.
Present: Mayor Arreguin, RB Chairperson Townley. CM Maio absent.

Staff Present:
Planning and Development Department: Director Carol Johnson.
Rent Board: Brendan Darrow, Matthew Siegel, and RB Executive Director Jay Kelekian.
2. **Public Comment.** None.
3. **Discussion on how the Rent Ordinance, Relocation Ordinance, and Good Cause for Eviction Ordinance impact existing live/work spaces.** RB Chair Townley summarized RB legal staff analysis of live-work units, which may or may not be protected by Rent Stabilization and/or Good Cause for Eviction, depending upon the date of construction, among other factors. Mayor Arreguin highlighted Oakland CM Rebecca Kaplan's proposals as ideas to be considered. The potential value of adding an explicit provision to the Relocation Ordinance to ensure that it is always applicable to live-work situations was discussed as well.
4. **Discussion of current City of Berkeley fire and building code inspection procedures and consideration of possible improvements to the inspection and notification process.** Planning and Development Director Carol Johnson gave a brief overview of these procedures at the end of the meeting – Fire Department visits every single commercial unit once per year. Discussion to continue at January 27, 2017 meeting.
5. **Discussion of Planning Department policies and procedures related to the issuance of new certificate of occupancies and how they may impact existing live/work tenancies.** Although the Rent Stabilization and Good Cause for Eviction Ordinance does not distinguish between zoning status or permitted status, the Zoning Code and the Building Code do impose important distinctions. The Building Code treats live/work space as a residential use and applies additional life/safety

requirements to the entire space. The Zoning Code treats live/work as a commercial use. Applicants for legal live/work spaces often characterize bathrooms and common areas as residential for purposes of the Building Code and commercial for purposes of the Zoning Code. Change of zoning use from commercial to residential requires issuance of new certificate of occupancy per state law. All staff agree that state law prohibits rent control after issuance of new certificate of occupancy.

Committee members request that staff explore possibility of discretionary determination that prior residential use negates the need for a new certificate of occupancy, or if an alternative document could be issued using the same standard of review.

6. **Review and discussion of the Oakland Warehouse Coalition recommendations for an Emergency Tenant Protection Ordinance.** Tabled for January 27, 2017 meeting.
7. **Discussion of possible future agenda items and setting a regular meeting schedule.** Next meeting scheduled for January 27, 2017 from 1:00 p.m. to 2:30 p.m.
8. **Adjournment.** M/S/C (Arreguin/Townley 2-0-0-0) Meeting adjourned at 11:00 a.m.

COMMITTEE MEMBERS:

Mayor Jesse Arreguin
City Council Member Linda Maio

Rent Board Commissioner Jesse Townley

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